

Unconfirmed copy of Minutes of  
Meeting held on 24 June 2016 subject  
to confirmation at meeting to be held  
on 22 July 2016



## **EAST PILBARA SHIRE COUNCIL**

# **MINUTES**

## **ORDINARY COUNCIL MEETING**

**NOTICE IS HEREBY GIVEN** that an  
ORDINARY Meeting of the Council was held,  
in Council Chambers, Nullagine,  
10.00 AM, FRIDAY, 24 JUNE, 2016.

**Allen Cooper**  
**CHIEF EXECUTIVE OFFICER**



## **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of East Pilbara for any act, omission or statement or intimation occurring during Council or Committee Meetings. The Shire of East Pilbara disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee Meeting does so at that person's or legal entity's own risk.

In particular and without derogating any planning application or application of a licence, any statement or intimation of approval made by any member or Officer of the Shire of East Pilbara during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of East Pilbara.

The Shire of East Pilbara warns that anyone who has any application lodged with the Shire of East Pilbara must obtain and should only rely on

## **WRITTEN CONFIRMATION**

of the outcome of the application and any conditions attaching to the decision made by the Shire of East Pilbara in respect of the application.

Signed: \_\_\_\_\_  
Allen Cooper  
Chief Executive Officer

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## 1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 10:15AM and welcomed the visitors in the public gallery.

## 2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

### 2.1 ATTENDANCES

#### Councillors

Cr Lynne Craigie  
Cr Lang Coppin OAM  
Cr Gerry Parsons  
Cr Craig Hoyer  
Cr Shane Carter  
Cr Dean Hatwell  
Cr Michael Kitchin

Shire President  
Deputy Shire President

#### Officers

Mr Allen Cooper  
Ms Sian Appleton  
Mr Rick Miller  
  
Mrs Kylie Bergmann

Chief Executive Officer  
Deputy Chief Executive Officer  
Director Technical & Development  
Services  
Coordinator Executive Services

#### Public Gallery

Mr Billy Landy  
Mr Philip Vinci

### 2.2 APOLOGIES

#### Councillor Apologies

Cr Anita Grace  
Cr John Jakobson  
Cr Bidy Schill

#### Officer Apologies

### 2.3 LEAVE OF ABSENCE

Cr Jay Ahmedi

## 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

## 4 PUBLIC QUESTION TIME

Nil

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## **5 PETITIONS/DEPUTATIONS/PRESENTATIONS**

### **5.1 BILLY LANDY – IRRUNGADJI COMMUNITY**

Mr Billy Landy asked the Council about the possibility of creating a new road from the community to the town as a shortcut.

Mr Allen Cooper made a commitment to have someone from the Shire speak within 2 months about this proposal.

*Mr Allen Cooper and Mr Billy Landy left the meeting at 10:25AM*

*Mr Allen Cooper returned to the meeting at 10:26AM*

### **5.2 PHILIP VINCI – CONGLOMERATE HOTEL**

Mr Philip Vinci spoke to the Council about the possibility of organising an annual event for Nullagine to draw tourists to the town.

Mr Allen Cooper made a commitment to Mr Vinci to organise a meeting with the Manager Community Wellbeing to discuss this matter.

*Mr Allen Cooper and Mr Philip Vinci left the meeting at 10:50AM*

*Mr Allen Cooper returned to the meeting at 10:51AM*

## **6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**

**7.1 CONFIRMATION OF MINUTES**

[Minutes May 27 2016 Council.DOCX](#)

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/235**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Gerry Parsons**

**THAT the minutes of the Ordinary Meeting of Council held on 27 May 2016, be confirmed as a true and correct record of proceedings, subject to the following amendments:**

**Item 9.2.5 – For Council to consider naming the area in Marble Bar where the Rec Shed, Skate Park and Multi-Use sports courts are located - as follows:**

**‘delete the words ‘McLeod Close’ and replace with ‘Station Street.’**

**Item 9.3.2 – Impact on the 28 day stay restriction on the operations of the Cape Keraudren Nature Based Reserve – as follows:**

**Under the heading ‘Background’, delete ‘2016’ and insert ‘2015.’**

**CARRIED  
RECORD OF VOTE: 7 - 0**

***To be actioned by Mr Allen Cooper, Chief Executive Officer.***



## **8 MEMBERS REPORT**

### **8.1 ITEMS FOR RECOMMENDATION**

Nil.

### **8.2 ITEMS FOR INFORMATION**

Cr Craig Hoyer attended:

- LEMC Meeting
- Bush Fire Advisory Committee Meeting
- Dinner with PRC

Cr Gerry Parsons attended:

- PRC Meeting
- Regional Road Group Meeting
- PDC Meeting
- Councillor Meet & Greet at Newman Boulevard Shopping Centre
- Newman Chamber of Commerce Meeting
- Philippino Night

Cr Dean Hatwell attended:

- Tourist Association Meeting
- Interagency meeting with CRC

Cr Bidy Schill attended:

- Inaugural Historical Society Nullagine Meeting 30/5
- Nullagine Market Day 12/6
- LEMC Meeting 15/6
- CRC Meeting 20/6

## 9 OFFICER'S REPORTS

### 9.1 CHIEF EXECUTIVE OFFICER

#### 9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - MAY 2016

**File Ref:** CLR-4-5  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

To inform of the action taken in relation to Council decisions.

#### BACKGROUND

Council requested to be informed of the progress and completion of previous decisions.

#### COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995*

*Section 2.7*

*The role of council*

- (1) *The council –*
  - (a) *directs and controls the local government's affairs; and*
  - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to –*
  - (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies.*

#### POLICY IMPLICATIONS

Nil.

## STRATEGIC COMMUNITY PLAN

### Goal 1 – Civic Leadership – Planned Actions

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community engagement – leading to the effective allocation of the Shire’s resources – that deliver optimum benefits to the community.

- 1.1 Efficient and effective local government
  - 1.1.1 Ethical, accountable and transparent decision-making  
Responsible officer: DCEO  
Timing: As appropriate

### FINANCIAL IMPLICATIONS

No financial resource impact.

### VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/236**

**MOVED: Cr Michael Kitchin**

**SECONDED: Cr Shane Carter**

**THAT the “Status of Council Decisions” – Chief Executive Officer for May 2016 be received.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

*To be actioned by Mr Allen Cooper, Chief Executive Officer*

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>RESPONSIBLE OFFICER</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
29 January 2016	9.1.2	WA LOCAL GOVERNMENT association (WALGA) TRADE EXHIBITION AND CONVENTION 2016	CEO	Accommodation Booked	In Progress
27 <sup>th</sup> May 2016		NEWMAN HOSPITAL: Invite WACS to come and do a presentation. Can we have a Council rep on the Advisory Board? Need community engagement.	CEO	Letter Sent 13.06.2016 Awaiting response.	In Progress
27 <sup>th</sup> May 2016		ORTHODONTIST SERVICE IN NEWMAN Cr Gerry Parsons asked if there is anything we can do about orthodontist service in Newman as current dentist is leaving? Mr Allen Cooper to follow up.	CEO	Letter sent 13.06.2016 Awaiting response.	In Progress

### 9.1.2 EAST X WEST FORUM - SHENZHEN, CHINA

<b>Responsible Officer:</b>	<b>Mr Allen Cooper</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Mrs Kylie Bergmann</b> <b>Coordinator Executive Services</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

To review Councillor's reports on attendance at the forum.

### BACKGROUND

Council resolved at the 11<sup>th</sup> December 2015 meeting, Item 9.1.5, the following:

*"THAT Council:*

- *Support attendance at the EASTxWEST Forum in China, between the 11<sup>th</sup> and 13<sup>th</sup> April 2016;*
- *Attendance by all Councillor/s and Executive staff who wish to attend.*
- *Attendees be required to submit a report on their attendance including benefits to the individual, the Shire, the Pilbara and the State within one (1) month of returning from the conference."*

### COMMENTS/OPTIONS/DISCUSSIONS

Seven Councillors attended the forum and have submitted their reports. A full copy of the reports are included with the Agenda paper.

A summary of pertinent and consistent parts are listed below:

- Investment and trade opportunities particularly around food and tourism.
- The interest surrounding the artist in residence – Jacinta Lane.
- Chinese investors appear to have done significant research into Western Australia, particularly the Pilbara and the Kimberley regions.
- Investors keen to visit the region.
- The sponsored dinner showcased a lot of Western Australia foods to numerous Chinese investors.
- Importance of relationship building and embracing cultural differences by understanding such differences.
- The need to reduce bureaucracy red tape to support investment.
- Shenzhen and the speed of development.
- Growth of Pardoo Beef Corporation.

Overall, the trip was well organised and run by the Pilbara Regional Council. A lot was put into a very short period of time and many hours were spent travelling to and from the event.

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Presentation can be accessed at [www.eastxwest.com.au/downloads](http://www.eastxwest.com.au/downloads)

And photo's can be accessed at [www.eastxwest.com.au/gallery](http://www.eastxwest.com.au/gallery)

The event was sponsored by the Commonwealth Bank, Curtin University, RSM along with Civic Legal, Finbar and Pardoo Beef Corporation.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

### **POLICY IMPLICATIONS**

Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Goal 1 – Civic Leadership – Planned Actions**

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community engagement – leading to the effective allocation of the Shire's resources – that deliver optimum benefits to the community.

- 1.1 Efficient and effective local government
  - 1.1.1 Ethical, accountable and transparent decision-making  
Responsible officer: DCEO  
Timing: As appropriate
  - 1.1.2 Continued strong financial management  
Responsible officer: DCEO  
Timing: 1 year
  - 1.1.3 Effective business management  
Responsible officer: DCEO  
Timing: 1-3 years

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/237

MOVED: Cr Gerry Parsons

SECONDED: Cr Michael Kitchin

THAT Council receive the Councillor's reports and information on the EAST X WEST Forum.

CARRIED  
RECORD OF VOTE: 7 - 0

*To be actioned by Mr Allen Cooper, Chief Executive Officer*

**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS  
- MAY 2016**

**File Ref:** CLR-4-5  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To inform of the action taken in relation to Council decisions.

**BACKGROUND**

Council requested to be informed of the progress and completion of previous decisions.

**COMMENTS/OPTIONS/DISCUSSIONS**

The status list of Council decisions is included.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

*Local Government Act 1995*

*Section 2.7*

*The role of council*

- (1) *The council –*
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- (2) *Without limiting subsection (1), the council is to –*
  - (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies.*

**POLICY IMPLICATIONS**

Nil.



## STRATEGIC COMMUNITY PLAN

### Goal 1 – Civic Leadership – Planned Actions

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community engagement – leading to the effective allocation of the Shire’s resources – that deliver optimum benefits to the community.

- 1.1 Efficient and effective local government
  - 1.1.1 Ethical, accountable and transparent decision-making  
Responsible officer: DCEO  
Timing: As appropriate

### FINANCIAL IMPLICATIONS

No financial resource impact.

### VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/238**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Lang Coppin**

**THAT the “Status of Council Decisions” – Deputy Chief Executive Officer for May 2016 be received.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

*To be actioned by Ms Sian Appleton, Deputy Chief Executive Officer*

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
11 December 2015	12.12	MARBLE BAR AQUATIC CENTRE CCTV Cr Michael Kitchin asked if the Marble Bar Aquatic Centre could get CCTV especially for the toddler's pool, so when the staff member is serving at the kiosk they can still easily monitor the area. Deputy Chief Executive Officer to follow up	DCEO	Currently with Assets and Procurement undergoing procurement process	In Progress
27 <sup>th</sup> May 2016		MUSIC FESTIVAL GRANT MONEY Karratha received \$100,000 grant for a music festival. Cr Anita Grace asked if we can get some money for a festival here? Need to find out where money came from? Ms Sian Appleton will look into it. Ms Sian Appleton also replied that we received funding for the Fusion Festival.	DCEO	A funding application to Tourism WA for funding to develop the Outback Fusion Festival was successful (\$15,000) The 2016 Festival is planned for 23-25 September. A further funding application to PDC is pending.	In Progress
27 <sup>th</sup> May 2016		NULLAGINE GYM Cr Bidy Schill commented that she received a complaint re. Nullagine Gym – no fitballs/balance balls, 4 x treadmills but only 1 of them is working, only 1 bike working, no maintenance being undertaken, 4 or 5 air conditioners but only 1.5 working. Ms Sian Appleton to follow up.	DCEO	A number of items at Nullagine gym were out of order and after inspection, not considered economic worth to repair. Shire procedure for disposal of assets was followed with no response to advertisements for tender of goods (April 2016). The goods were subsequently disposed on 8 June 2016. These included 2 Treadmills, 1 stationary	Completed.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
				bicycle, 1 stationary stepper and a weight bench. Preventative maintenance was undertaken on the airconditioners at the Nullagine gym in early May. The report sheet that came back from TRACS indicated all was working with no faults and no additional work was required. Two fitballs delivered on 31/05/16	
27 <sup>th</sup> May 2016		MARBLE BAR CIVIC CENTRE Cr Dean Hatwell commented that they have no crockery & cutlery. Ms Sian Appleton replied that we do not have this in Newman either. We hire from Mainstreet. But nowhere to hire from in Marble Bar? Ms Sian Appleton to follow up.	DCEO	DCEO requested advise from Marble Bar staff on options for hire of equipment	In Progress
27 <sup>th</sup> May 2016		LIGHTING IN GALLOP HALL Cr Bidy Schill commented that there is little lighting in Gallop Hall. Ms Sian Appleton to follow up.	DCEO	Currently with Assets and Procurement undergoing procurement process	In Progress

**9.2.2 AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY -  
CUSTOMER FIRST CONTRACTING CONTRACT**

**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer

**Author:** Ms Dawn Brown  
Asset & Procurement Administration Officer

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To advise Council that the Common Seal has been affixed under delegated authority to the Contract between the Shire of East Pilbara and Customer First Contracting Pty Ltd for the Supply and Installation of Upgraded Lighting to the Marble Bar Skate Park and Tennis Courts for the price of \$94,488.20 gst exclusive.

**BACKGROUND**

Several suppliers were invited to submit a quotation for this project. This process was used instead of a Tender process as the tender threshold has been increased from \$100,000 to \$150,000, and it was not envisaged that the project would exceed the minimum Tender threshold amount.

The quotation received from Customer First Contracting Pty Ltd was considered the most beneficial to the Shire.

The Shire has engaged Customer First Contracting Pty Ltd to undertake the scope of works and as such the Contract has been drawn up.

**COMMENTS/OPTIONS/DISCUSSIONS**

The works will be completed by no later than 5pm, 24<sup>th</sup> June, 2016.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

4.5 EXECUTION OF DOCUMENTS

**Minute No:** Item 9.1.3

**Date:** 27<sup>th</sup> June 2013

**Objective**

To allow for the proper execution of documents.

**Policy**

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All documents validly executed will have the common seal affixed and the Shire President and the Chief Executive Officer's attestations affixing the seal. Use of the common seal is to be recorded in the common seal register and must have the Council resolution number included and the date that the seal was applied.

**Delegation From:** Council  
**Delegation To:** Chief Executive Officer  
**Council File Reference:** ADM-14-9  
**Legislative Authority for Delegation:** S5.42 Local Government Act 1995

**Power/Duty/Authorisation Delegated:**

Authority to prepare the necessary documentation to execute documents taking into account any specific or policy requirements of council where:  
The Council has authorised entering into a formal contract or a formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council or a formal contract is authorised under a delegated authority from the Council.

**Authority for exercise of Power/Duty/Authorisation**

**Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law

**Date of Delegation** \_\_\_\_\_

**Delegator (Shire President)** \_\_\_\_\_

**STRATEGIC COMMUNITY PLAN**

**Goal 3 – Economic – Planned Actions**

The Shire of East Pilbara seeks to support the economic development of its communities through the establishment of partnerships with industry, local businesses, government agencies and the tourism sector.

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/239**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Dean Hatwell**

THAT Council note that the Common Seal has been affixed under delegated authority to the Contract between the Shire of East Pilbara and Customer First Contracting Pty Ltd for the Supply and Installation of Upgraded Lighting to the Marble Bar Skate Park and Tennis Courts for the price of \$94,488.20 GST exclusive.

CARRIED  
RECORD OF VOTE: 7 - 0

*To be actioned by Ms Dawn Brown, Asset & Procurement Administration Officer*

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**9.2.3 TENDER RFT 08-2015/16 CONSTRUCTION OF ADDITIONAL SEALED  
CAR PARK AREAS AT THE EAST PILBARA ARTS CENTRE AND SHIRE  
OF EAST PILBARA ADMINISTRATION BUILDING**

**File Ref:** LEG-13-5-8  
**Attachments:** Confidential  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mr Michael Zion  
Coordinator Asset Management  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

The purpose of this report is to consider the submission of tenders for the Construction of Additional Sealed Car Park Areas at the East Pilbara Arts Centre and Shire of East Pilbara Administration Building, and to seek approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the contract for the successful tenderer.

**BACKGROUND**

The tender submission documents are included in a confidential attachment as information submitted are commercial in confidence.

The tender document contained a price schedule. Respondents were also required to provide detailed information about how (method, equipment, techniques and Gantt chart) they proposed to undertake the works.

The request for tenders was advertised in the West Australian Newspaper on Saturday 7 May 2016 and uploaded to Tenderlink Portal and advertised on the Shire website to ensure maximum coverage.

Tenders closed at 10.00am on 30 May 2016. At the closing of Tenders, there were seven (7) tenders received from five (5) tenderers on the Tenderlink portal which have been shown in the table below in no particular order. An additional tender was received by email, which was deemed ineligible as tenders were only accepted if lodged through the Tenderlink portal.

The tenders were assessed by the evaluation panel which included the Manager Assets and Procurements, Project Manager (Consultant) and Coordinator Asset Management.

Tenderers Name	ABN	Address
Red Dust Holdings	82428834120	Utakarra 6530 WA

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(Conforming)		
Red Dust Holdings (Alternative Offer)	82428834120	Utakarra 6530 WA
DM Civil	24003982675	Gosnells 6110 WA
DM Civil (with discount for Landcorp Works)	24003982675	Gosnells 6110 WA
Degrey Civil Pty Ltd	23141935364	Wedgefield 6721 WA
BGC Contracting	88008766407	Port Hedland 6721 WA
All Earth	63100087287	Wedgefield 6721 WA
J&K Civil	N/A	N/A

### **COMMENTS/OPTIONS/DISCUSSIONS**

The evaluation panel highlighted two leading contractors that were suitable to undertake the proposed works; however some items in their tenders required clarification.

The subsequent discussions are included in the confidential attachment. It is therefore recommended that a tender be awarded to and a contract be agreed with Degrey Civil Pty Ltd on the terms of the Tender and subsequent discussions.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

### **POLICY IMPLICATIONS**

#### **10.9 REGIONAL PRICE PREFERENCE POLICY**

**Responsible Directorate**                      Technical and Development Services  
**Responsible Officer**                         Director Technical and Development Services  
**File Number**

#### **Objective**

To maximize the use of competitive locally based businesses in the provision of goods or services purchased or contracted by the Shire of East Pilbara.

#### **Policy**

For the purposes of this policy, a regionally based business is to be located within the district of the Shire of East Pilbara.

Where no tender or price is received from a Shire of East Pilbara based business, submissions from businesses based within the Shires of Roebourne and Ashburton and the Town of Port Hedland will be deemed to be regionally based for the purposes of this policy.

A price preference will apply to all tenders invited by the Shire of East Pilbara for the supply of goods and services and construction (building) services, unless Council resolves that this policy will not apply to a particular tender.

The following levels of preference will be applied under this policy:

1. Goods and Services – 10%, or to a maximum price reduction of \$50,000



- 2. Construction (building) Services – 5%, or to a maximum price reduction of \$50,000
- 3. Goods and Services, including Construction (building) Services – 10%, or to a maximum price reduction of \$500,000, if the Council is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the Council.

The application of the preference levels listed in 1.2 above will only be in consideration of the value of those goods and services identified by the supplier as being from regional sources.

In considering any tender or submission, price is only one of the factors to be assessed when Council is to decide which of the suppliers it thinks would be the most advantageous to it.

**Example of the Application of the Regional Price Preference Policy**

**Example 1**

Consider a scenario when the following 2 tenders to supply goods and services are received by a local government that has chosen a 10% rate of preference.

- 1. Tender 1 is from a regional tenderer (as defined by Council in this policy).
- 2. Tender 2 is from a metropolitan based firm.

<b>Tenders Received</b>	<b>Price of Tender</b>	<b>Price Reduction at 10%rate of preference</b>	<b>Adjusted price used for evaluation purposes</b>
Tender 1	\$100,000	\$10,000 (10% of \$100,000)	\$90,000 (100,000 less \$10,000)
Tender 2	\$95,000	No preference applicable	\$95,000

As can be seen from the table above, in terms of price, the tender from the regional tenderer (Tender 1) is the most advantageous once the preference has been applied.

However, it is important to emphasise that price is only one of the criteria used to determine a successful tenderer. Nonetheless, when the tenders are assessed against all the tender criteria, the adjusted price is the one to be used. That is, the price following the application of any preference.

**Example 2**

This example highlights how the maximum price reduction affects the assessment of tenders. The following scenario where tenders are called to supply construction (building) services by a local government that has chosen a 5% rate of preference.

- 1. Tender 1 is from a regional tenderer.
- 2. Tender 2 is from a metropolitan based firm.

<b>Tenders Received</b>	<b>Price of Tender</b>	<b>Price Reduction at 5%rate of preference</b>	<b>Adjusted price used for evaluation purposes</b>
Tender 1	\$1,200,000	\$50,000 (5% of \$1,000,000)	\$1,150,000 (1,200,000 less \$50,000)
Tender 2	\$1,145,000	No preference applicable	\$1,145,000

In this case, in terms of price alone, Tender 2 is the most advantageous.

### Annual Review

This policy will be reviewed on an annual basis to assess the financial impact on Council resources and the level of local purchasing. The Council may revise the percentage preference rates as a result of each review, in accordance with the *Local Government (Functions and General) Regulations 1996*.

### 10.12 PURCHASING AND TENDER PROCEDURES

<b>Responsible Directorate</b>	Technical and Development Services
<b>Responsible Officer</b>	Chief Executive Officer Deputy Chief Executive Officer Director Technical and Development Services
<b>File Number</b>	TCH 1-7

### Objective

1. To provide compliance with the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* (as amended).
2. To set guidelines which must be followed when inviting tenders for works and services within the Shire.
3. To ensure consistency that purchasing activities integrate within all Shire of East Pilbara operational areas.

### Purchase Procedures

#### **NOTE: All Figures in this policy are exclusive of GST**

The following procedures will be adhered to when purchasing items and other goods and services as per the adopted budget. All purchase orders are to be completed as set out below.

\$0 - \$50	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$51 - \$5,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$5,001 - \$39,999	Under direction from the authorised supervisor, a purchase or other order will be utilised and three verbal or written quotes shall be obtained.
\$40,000 - \$149,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$150,000 & greater	Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council.

### Capital Expenditure

All capital purchase orders will be signed by the Chief Executive Officer, Deputy Chief Executive Officer or the Director Technical & Development Services with the exception of road construction and plant fleet which can be signed by Manager Technical Services – Rural.

Definition of a Capital Item for the purpose of the Shire of East Pilbara:

1. Any item budgeted as a capital item in the adopted budget;
2. Any item to be purchased, which involves the replacement of an existing asset through the sale, trade-in, write-off or disposal of an item on the fixed asset register.

Refer to the Accounting Policy in the Council's Policy Manual for the further treatment of non-current assets.

No item of a capital nature may be purchased unless included in the adopted budget, or if unbudgeted, has been approved by "absolute majority" of Council prior to the purchase of the item. (Council has no retrospective right of approval of purchase of non-budgeted items of capital).

In order to preserve the cash flow of the Shire, major items of budgeted capital expenditure should be deferred, where possible, until the second or third quarter of the financial year. However all capital orders must be raised by the 30 April to allow adequate time for payment by June 30 of each year. In all cases, the timing of the expenditure on major items of capital should be discussed and agreed with the Deputy Chief Executive Officer.

### **Orders for Goods & Services**

Purchase orders must be made out and signed by authorised persons for all goods and services ordered for the Shire at the time that the order is placed. **Orders should never be raised retrospectively.**

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to the maximum value of \$150,000. If the purchase is in excess of \$150,000 a requisition is to be authorised by the Chief Executive Officer prior to the order being issued:

1. Deputy Chief Executive Officer
2. Director Technical & Development Services
3. Manager Technical Services – Rural (road construction and plant only)

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to the maximum value of \$30,000. If the purchase is in excess of \$30,000 a requisition is to be authorised by their supervisor prior to the order being issued;

1. Managers
2. Coordinator Property Services

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to the maximum value of \$10,000.

1. Coordinators
2. Works Supervisor (Newman and Marble Bar)

If the purchase is in excess of \$10,000 a requisition is to be authorised by their supervisor prior to the order being issued.

Other officer's in line with relevant procedures will have authority to authorise purchases to the value of \$2,000.

### **Light Vehicle Purchases**

The designated Fleet Officer is authorized to purchase light vehicles under \$150,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Council's Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

### **Consultants Services**

Services separately identified in the adopted budget to be at officer's discretion up to \$20,000. Between \$20,001 and \$150,000 a Request For Quote procedure shall be utilised, in compliance with purchase thresholds.

A request for services, which it is envisaged, will exceed \$150,000 shall undergo the full tender process.

### **Light Vehicle Disposals**

The preference for the disposal of light vehicles (less than \$150,000) is by public auction.

The reserve sale price is to be determined by the Manager Technical Services – Rural in conjunction with the Chief Executive Officer and/or the Director Technical and Development Services.

The following information sources will be utilised in determining the reserve sale price:

1. Valuation by the auction house.
2. Valuation from a recognised source ie: red book.
3. Internet research.
4. Past sales by auction house.

Disposals are to be completed within the same financial year, or within 3 months of receipt of a new vehicle, whichever is the sooner to maximise sales return

### **Regulatory Compliance**

In the following instances public tenders or quotation procedures are exempt (regardless of the value of expenditure):

7. An emergency situation as defined by the Local Government Act 1995;
8. The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
9. The purchase is under auction which has been authorised by Council;
10. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
11. Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply;
12. The purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc GST.
13. The goods or services are obtained through a person registered on the Aboriginal Business Directory WA for contracts worth \$250,000 or less.
14. The goods or services are obtained through an Australian Disability Enterprise.

## STRATEGIC COMMUNITY PLAN

### Goal 3 – Economic – Planned Actions

The Shire of East Pilbara seeks to support the economic development of its communities through the establishment of partnerships with industry, local businesses, government agencies and the tourism sector.

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure  
Responsible officer: MBA  
Timing: 1-5 years

3.3.3 Provide infrastructure to support economic development  
Responsible officer: DCEO  
Timing: 1-5 years

## FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

## VOTING REQUIREMENTS

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/240**

**MOVED: Cr Michael Kitchin**

**SECONDED: Cr Shane Carter**

**THAT Council:**

- 1. Award Tender 08-2015/16 for the Construction of Additional Sealed Car Park Areas at the East Pilbara Arts Centre and Shire of East Pilbara Administration Building, Newman to Degrey Civil Pty Ltd at the Tender price of \$474,995.10 ex GST.**
- 2. Approve the Chief Executive Officer applying the common seal of the Shire of East Pilbara to the Contract between the Shire and Degrey Civil Pty Ltd with respect to this Tender.**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 7 - 0**

*To be actioned by Mr Michael Zion, Coordinator Asset Management.*

#### 9.2.4 ANNUAL REVIEW OF POLICY MANUAL

<b>Attachments:</b>	<a href="#">Policy Manual 2016 2017 pdf</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Mrs Batsi Masaka</b> <b>Coordinator Governance</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

For Council to adopt the 2016-2017 Policy Manual including five significant policy changes.

#### BACKGROUND

Council last reviewed the Policy Manual on 26 June 2015. Since the last review, up to and including the Council meeting held on 27 May 2016, the following changes occurred. Council resolved to amend the Purchasing and Tender Procedures Policy twice, deleted the Council Supported / Recognised Events of Community Interest policy. A number of staff policies were deleted from the 'Policy Manual and moved to the new Staff Policy Manual. A new Generic Human Resources Policy was adopted.

#### COMMENTS/OPTIONS/DISCUSSIONS

1. The aim of the Policy Manual is to ensure consistency in responses when dealing with residents, councillors, staff, ratepayers, contractors, visitors or any other individual or organisation that has a relationship with the Council.
  2. Policies relate to issues of an on-going nature; policy decisions on single issues are not to be recorded in the Manual.
  3. The objectives of the Council's Policy Manual are:
    - a) To provide Council with a formal written record of all policy decisions.
    - b) To provide staff with precise guidelines in which to act in accordance with Council wishes;
    - c) To enable staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
    - d) To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
    - e) To enable Councillors to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
    - f) To enable residents and ratepayers to obtain immediate advise on matters of Council Policy.
  4. Changes to council Policy shall be made only on:
    - a) Notice of motion; or
-

- b) An agenda item clearly setting out details of the amended policy; or
- c) At the annual review of Council's Policy Manual, subject to verification from the Chief Executive Officer.

The following policies were adopted by Council in the 2015/2016 financial year and included in the Policy Manual:

<b>AGENDA ITEM</b>	<b>RESOLUTION</b>	<b>NOTE</b>
<b>28 August 2015</b>		
9.2.6	201516/27	Deletion of the Council Supported / Recognised Events of Community Interest Policy in line with recommendations from the endorsed Events Strategy
<b>25 September 2015</b>		
9.2.4	201516/48	Purchasing and Tender Procedures Policy Update
<b>23 October 2015</b>		
10.2.6	201516/74	Amendment to the Purchasing and Tender Procedures Policy Update
<b>11 December 2015</b>		
9.1.6	201516/106	Deletion of HR Policies
9.1.17	201516/107	New Policy-Human Resources Policy

The following policies have been updated with minor changes as part of the Annual Review of the Policy Manual:

<b>AGENDA ITEM</b>	<b>COMMENT</b>	<b>NOTE</b>
<b>24 June 2016</b>		
Annual Review Policy Manual	Policy 1.3: Council Meetings - Dates and Times	References: changed Section to read Regulation.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Part 2 - Constitution of local government (Division 2 - Local governments and councils of local governments) 2.7. Role of council (pg. 15)  
2.7.(2)(b): the Council is to determine the local government's policies.

### **POLICY IMPLICATIONS**

To be reviewed, updated and adopted annually.

### **STRATEGIC COMMUNITY PLAN**

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community engagement – leading to the effective allocation of the Shire's resources– that deliver optimum benefits to the community.

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/241**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Craig Hoyer**

**THAT Council adopt the 2016-2017 Policy Manual as presented.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

*To be actioned by Mrs Batsi Masaka, Coordinator Governance.*



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### 9.2.5 AUTHORISATIONS AND DELEGATIONS MANUAL ANNUAL REVIEW

<b>Attachments:</b>	<a href="#">Authorisations and Delegations Manual 2016 2017 pdf</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Mrs Batsi Masaka Coordinator Governance</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

For Council to adopt the 2016-2017 Authorisations and Delegations Manual including two significant changes

#### BACKGROUND

Council last reviewed the Authorisations and Delegations Manual on 26 June 2015. Since the last review, up to and including the Council meeting held on 27 May 2016, significant changes were implemented.

#### COMMENTS/OPTIONS/DISCUSSIONS

AGENDA ITEM	RESOLUTION	NOTE
<b>29 January 2016</b>		
9.3.4	201516/145	The following Delegations were deleted 4 .34- Development Applications 4 .35- Extension of Time 4 41- Setback Variations. and replaced by : 4.34A- Administration of Town Planning Scheme No 4.
<b>27 May 2016</b>		
9.3.4	201516/226	Council endorsed and approved the amendment to the delegation of all powers and functions to the Dog Act 1976 to the Chief Executive Officer. The amended delegation has incorporated Section 10AA of the Dog Act 1976 (as amended).

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 4 – Local government employees) 5.46. Register of, and records relevant to, delegations to CEO and employees (pg. 155)

## **POLICY IMPLICATIONS**

Any delegation to the Chief Executive Officer or other staff member must also be exercised in conjunction with Council's current policies.

## **STRATEGIC COMMUNITY PLAN**

### **Goal 1 – Civic Leadership – Planned Actions**

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community engagement – leading to the effective allocation of the Shire's resources – that deliver optimum benefits to the community.

- 1.1 Efficient and effective local government
  - 1.1.1 Ethical, accountable and transparent decision-making  
Responsible officer: DCEO  
Timing: As appropriate

## **FINANCIAL IMPLICATIONS**

No financial resource impact.

## **VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/242**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Michael Kitchin**

**THAT Council adopts the 2016-2017 Authorisations and Delegations Manual as presented.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

*To be actioned by Mrs Batsi Masaka, Coordinator Governance.*

### 9.2.6 CODE OF CONDUCT ANNUAL REVIEW

**Attachments:** [Code of Conduct 2016 2017 pdf](#)  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mrs Batsi Masaka  
Coordinator Governance  
**Location/Address:**  
**Name of Applicant:**  
**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

For Council to review and adopt the 2016-2017 Code of Conduct

### BACKGROUND

The Code of Conduct is a requirement of the Local Government Act 1995, section 5.103. The legislative requirement to conduct an annual review of the Code of Conduct, as per the Local Government Act 1995, section 5.103(2), has since been repealed. However, keeping in line with Council's policy to review policies and procedures annually, the decision to review the Code of Conduct will remain.

### COMMENTS/OPTIONS/DISCUSSIONS

Council conducted an annual review of the Code of Conduct on 23 October 2015. Since the last review there have been significant changes regarding the disclosure of gifts and disclosure of a contribution to travel. Following the publication of the Governance Bulletin - Issue 11 - March 2016 the Local Government Act 1995 was amended with regard to the disclosure of gifts and the 2016-2017 Code of Conduct has been updated to reflect the changes. The following items were added on page 12:

- Amendment to disclosure of gifts
- Disclosure of a contribution to travel:
- CEO's Record Keeping for the disclosed items

### STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration (Division 9 - Conduct of certain officials) 5.103. Codes of conduct (pg. 195)

*Local Government (Rules of Conduct) Regulations 2007*

*Local Government (Administration) Regulations 1996*  
Regulation 34B and 34C

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## **POLICY IMPLICATIONS**

### 12.1 CODE OF CONDUCT

#### **STRATEGIC COMMUNITY PLAN**

##### **Goal 1 – Civic Leadership – Planned Actions**

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community engagement – leading to the effective allocation of the Shire's resources – that deliver optimum benefits to the community.

##### 1.1 Efficient and effective local government

- 1.1.1 Ethical, accountable and transparent decision-making  
Responsible officer: DCEO  
Timing: As appropriate

#### **FINANCIAL IMPLICATIONS**

No financial resource impact.

#### **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/243**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Gerry Parsons**

**THAT Council adopts the 2016-2017 Code of Conduct as presented.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

***To be actioned by Mrs Batsi Masaka, Coordinator Governance.***

**9.2.7 MEMORANDUM OF UNDERSTANDING WITH NEWMAN CHAMBER OF  
COMMERCE AND INDUSTRY**

<b>Attachments:</b>	<a href="#">MOU - Newman Chamber of Commerce for Newman House.doc</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Mr Pip Parsonson Manager Community Wellbeing</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

To seek Council approval to extend the terms and conditions of the existing Memorandum of Understanding, (MOU) between the Shire of East Pilbara and the Newman Chamber of Commerce and Industry, (NCCI) relating to the operation of Newman House.

**BACKGROUND**

In February 2015 a MOU was signed between the Shire and the NCCI that set out the terms and conditions for the operation of Newman House by the NCCI on behalf of the Shire of East Pilbara.

The term of the MOU was only for five months and ceases to be in force on 30 June 2016.

Under the terms of the agreement the NCCI is to:

- a) Operate the Newman House at 46 Iron Ore Parade, Newman for the 12 hours per week
- b) Provide a high quality and professional customer service and information to visitors and tenants of the Newman House
- c) Maintain the bookings for the meeting rooms at Newman House; this includes sundries such as tea and coffee facilities.
- d) Explore opportunities for income generation for the Newman House.
- e) Provide reports in line with the reporting schedule.
- f) Supply an asset inventory and conduct a half yearly asset review
- d) Report any building maintenance issues to Coordinator Building Services, or the Shire of East Pilbara Asset Department.

**Under the terms of this agreement The Shire of East Pilbara will:**

- a) Provide funding of \$1,500 per month to the Newman Chamber of Commerce.

## **COMMENTS/OPTIONS/DISCUSSIONS**

On 30 June the existing MOU ceases to be in force.

The Shire has been in consultation with the NCCI in relation to renewing the MOU over the past two months. This consultation resulted in an agreement to gather data on the use of Newman House and the day-to-day operational demands of managing it. This data is important and will be referenced as part of the consultations that need to be completed to finalise up-dated terms and conditions of a new MOU.

Regrettably changes of staffing at the NCCI and a delay in replacing the previous NCCI Business Office Manager has resulted in further delays in completing consultations. The current NCCI staff, who are undertaking the duties of the Business Office Manager are new to Newman House and are only employed on a limited casual basis. They recently requested a postponement of a consultative meeting with the Shire as they were seeking further advice from the NCCI Board of Directors on their roles and the operations of Newman House.

As the consultations cannot be finalised and a new MOU drawn up before 30 June 2016 it is recommended that the terms and conditions of the current MOU continue to operate for a period of six months or until the NCCI and the Shire of East Pilbara come to an agreement on the terms and conditions of a new MOU.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil.

## **POLICY IMPLICATIONS**

4.5 Execution of Documents

## **STRATEGIC COMMUNITY PLAN**

### **Goal 1 – Civic Leadership – Planned Actions**

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community engagement – leading to the effective allocation of the Shire's resources – that deliver optimum benefits to the community.

- 1.1 Efficient and effective local government
  - 1.1.1 Ethical, accountable and transparent decision-making  
Responsible officer: DCEO  
Timing: As appropriate
  - 1.1.3 Effective business management  
Responsible officer: DCEO  
Timing: 1-3 years

## **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/244**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Michael Kitchin**

**THAT Council endorses the extension of the existing Memorandum of Understanding between the Shire of East Pilbara and the Newman Chamber of Commerce and Industry for the running of Newman House for a further six months until the 31<sup>st</sup> December 2016, to allow time to renegotiate a new Memorandum of Understanding.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

***To be actioned by Mr Pip Parsonson, Manager Community Wellbeing.***

**9.2.8 AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY - OLANIYI RASHEED AKINDIYA**

<b>Attachments:</b>	<a href="#">Agreement For Art at the Heart Artist Residency clean version.pdf</a> <a href="#">Art at the Heart - Artist Brief 2016.pdf</a>
<b>Responsible Officer:</b>	<b>Ms Sian Appleton</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Mr Pip Parsonson</b> <b>Manager Community Wellbeing</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

To advise Council that the Common Seal has been affixed under delegated authority to the Contract between the Shire of East Pilbara and Olaniyi Rasheed Akindiya for artistic services to fulfil the requirements of the 2016 Art in the Heart artist in residency program for the price of \$15,000 artist prize and access to a maximum of \$40,000 to create a body of work and run workshops.

**BACKGROUND**

Art at the Heart is a unique artist in residency program that focuses on the creative interaction between the artist, the environment and local community. While exploring our magnificent region the artist will engage the local communities of Newman, Nullagine and Marble Bar in creative activities related to the artist's practice and the body of work developed throughout the residency.

Over a six week period the selected artist will have the opportunity to develop a body of work around the 2016 theme of *'light'*. This development is supported by a \$15,000 artist prize. As part of the residency it is expected that the artist showcases their body of work and create an artwork to be gifted to the Shire as a legacy of the residency.

During the residency the selected artist will be expected to facilitate a series of community engagement opportunities for local artists and the broader community. In a detailed plan the artist will need to demonstrate how this engagement and creative exchange will take place. A \$40,000 budget is made available to cover costs associated with the delivery of the community engagement and costs related to the creation of the artist body of work.

In its third year of a four year program, the 2016 Art at the Heart - Artist in residence program aims to:

- Develop the capacity of local artists and the wider community via community engagement and creative exchange
  - Explore and showcase the local region through the exploration of the 2016 theme 'light'
-



- Contribute to and creatively enrich the Shire of East Pilbara through a legacy artwork
- Enable an artist to develop a body of work and further their creative practice
- Promote and create an awareness of the region, residency and artist (both nationally and internationally).

In 2016 a total of 69 applications were received, (up from 32 in 2015). Approximately half of these were from Australian artists and the balance from artists from the USA, South America, South East Asia and Europe.

An initial shortlist of 19 was created after the Manager – Community Wellbeing culled 50 applications on the basis of relative compliance with the selection criteria, sustainability of the legacy, plausibility of the capacity of the applicant's budget to fulfil their artistic concept and their understanding of working in a remote location.

A judging panel comprising Perth based arts industry notables, Janet Holmes á Court, Pilar Kasat and Lockie Macdonald along with Shire Councillors, Gerry Parsons and Michael Kitchin created a second short list after a further 10 artists were eliminated.

The judging panel met in person in Newman in early April to further discuss the final selection. After an exhaustive day of deliberations the panel came to a unanimous decision to offer Olaniyi Rasheed Akindiya, (Brush name Akirash), the 2016 Art in the Heart residency

### **COMMENTS/OPTIONS/DISCUSSIONS**

This is the first year that shire staff have facilitated the promotion and organisation of the residency program. In the first two years Art at the Heart was organised by external consultants. Accordingly this is the first occasion of the residency program where the Shire has entered into a formal contract with the winning artist.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

### **POLICY IMPLICATIONS**

#### **4.5 EXECUTION OF DOCUMENTS**

**Minute No: Item 9.1.3**

**Date: 27<sup>th</sup> June 2013**

#### **Objective**

To allow for the proper execution of documents.

#### **Policy**

All documents validly executed will have the common seal affixed and the Shire President and the Chief Executive Officer's attestations affixing the seal. Use of the common seal is to be recorded in the common seal register and must have the Council resolution number included and the date that the seal was applied.

**Delegation From:** Council  
**Delegation To:** Chief Executive Officer  
**Council File Reference:** ADM-14-9  
**Legislative Authority for Delegation:** S5.42 Local Government Act 1995

**Power/Duty/Authorisation Delegated:**

Authority to prepare the necessary documentation to execute documents taking into account any specific or policy requirements of council where:  
The Council has authorised entering into a formal contract or a formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council or a formal contract is authorised under a delegated authority from the Council.

**Authority for exercise of Power/Duty/Authorisation**

**Conditions attached to Delegation**

Also refer to Council's Standing Orders Local Law

**Date of Delegation** \_\_\_\_\_

**Delegator (Shire President)** \_\_\_\_\_

**STRATEGIC COMMUNITY PLAN**

**Goal 2 – Social – Planned Actions**

The Shire of East Pilbara seeks to foster harmonious communities that acknowledge a shared heritage; develop strong community connections, and have access to relevant and affordable community services and well-managed community infrastructure.

2.3 Art, culture and youth

2.3.1 Develop and implement community pride projects

Responsible officer: MCW

Timing: 1 year

2.3.3 Foster artistic and creative expression

Responsible officer: DCEO

Timing: 1-3 years

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/245**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Michael Kitchin**

**THAT Council note that the Common Seal has been affixed under delegated authority to the Contract between the Shire of East Pilbara and Olaniyi Rasheed Akindiya for artistic services to fulfil the requirements of the 2016 Art in the Heart artist in residency program for the price of \$15,000 artist prize and access to a maximum of \$40,000 to create a body of work and run workshops.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

***To be actioned by Mr Pip Parsonson, Manager Community Wellbeing.***

**9.2.9 FEES AND CHARGES FOR GROUP ACCOMMODATION AT NEWMAN  
YOUTH CENTRE**

**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer

**Author:** Ms Eliza Rebeiro  
Community Wellbeing Administration Officer

**Location/Address:** N/A

**Name of Applicant:**

**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

To seek Council review of the fees and charges for group accommodation by regular hirers at the Newman Youth Centre.

**BACKGROUND**

Newman Youth Centre has a list of regular hirers who pay an annual Building Service Fee. These regular hirers may also apply to hold sleepovers at the Youth Centre.

There is no guideline in either the Fees and Charges schedule or the Conditions of Usage for Regular Hire Agreement as to whether both Group Accommodation and Building Service Fee charges should apply concurrently to a regular building hirer when requesting the use of the same building for a sleepover activity. Therefore the cost of Group Accommodation remains subject to interpretation by both staff and users, causing confusion and at times frustration, by both parties.

Due to the contradiction in the Fees and Charges Schedule Regular hirers have not been subject to Sleepover fees throughout the 2015/16 financial year, as they have an agreement for any usage of the building in a yearly fee structure (Fees and Charges 15/16 – Function 11 - Building Service Fee Jnr sporting/community - Annual 52 weeks \$1081.50). Within the Fees and Charges Schedule (Group Accommodation - Function 11) the fee is outlined to be \$22 per person per night (minimum 10 people). A bond of \$250.00 is also applicable (for group accommodation events under fifty people).

It is noted that Regular Hirers use the Sleepovers to enhance the educational and engagement activities of their organization and do not seek to use the building as a cheap accommodation alternative. Any guidelines developed for the assessment of sleepovers should take this into consideration.

## COMMENTS/OPTIONS/DISCUSSIONS

The Council has two options available:

1. Regular hirers be granted permission from the Chief Executive Officer (CEO) to conduct the sleepovers as itemized above with no charge for usage.
2. Implement changes to the Fees and Charges Schedule for the 16/17 financial year, outlining whether a Regular Hirer should be subject to additional fees to use a building for a group accommodation activity. Suggested Fees and Charges include:
  - Implement a charge for group accommodation at the Newman Youth Centre where a user has an 'Conditions of Usage for Regular Hire Agreement' for hire to cover the cost of utilities and cleaning: Proposed Charge \$10 per person per event (\$10 per person per event, with a minimum charge of \$100)
  - Group Accommodation Bond – consider waiving the bond for organisations with a current 'Conditions of Usage for Regular Hire Agreement' in place.

## STATUTORY IMPLICATIONS/REQUIREMENTS

### SUBDIVISION2—FEES AND CHARGES

#### 6.16. Imposition of fees and charges

- (1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

*\* Absolute majority required.*

- (2) A fee or charge may be imposed for the following—
  - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
  - (b) supplying a service or carrying out work at the request of a person;
  - (c) subject to section 5.94, providing information from local government records;
  - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
  - (e) supplying goods;
  - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be—
  - (a) imposed\* during a financial year; and

- (b) amended\* from time to time during a financial year.

*\* Absolute majority required.*

**6.17. Setting the level of fees and charges**

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors—
  - (a) the cost to the local government of providing the service or goods;
  - (b) the importance of the service or goods to the community; and
  - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service—
  - (a) under section 5.96;
  - (b) under section 6.16(2)(d); or
  - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may—
  - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
  - (b) limit the amount of a fee or charge in prescribed circumstances.

**6.19. Local government to give notice of fees and charges**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of—

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

**POLICY IMPLICATIONS**

**6.3 Youth – Planning Community Facilities and Youth Recreation Programs**

**STRATEGIC COMMUNITY PLAN**

**Goal 2 – Social – Planned Actions**

**2.1.3 Encourage high rates of participation in community activities and events**

Timing 1 Years

**Goal 3 – Economic – Planned Actions**

3.3.1 Ensure well managed and equitable provision of community infrastructure

Timing 1-5 Years

**FINANCIAL IMPLICATIONS**

Option 1 represents a waiving of Fees and Charges and therefore may impact proposed income. However, the full cost of hiring the Youth Centre as a regular hirer is prohibitive.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION**

**THAT Council:**

- Adopts the following amended fees and charges for the Newman Youth Centre:**

Group Accommodation	Need to add GST?	Fee/Charge inclusive of GST	Description
Minimum 1 nights stay. Minimum 10 people	Yes	22.00	Per Person/Per Night For users who are NOT regular hirers.
Cleaning & utilities charge. Minimum 10 people.	Yes	10.00	Per Person/Per Night. For users who have a 'Conditions of Usage for Regular Hire Agreement'
Accommodation Bond (sleep overs) of up to 50 people	No	250.00	Up to 50 people *To be waived for users who have a 'Conditions of Usage for Regular Hire Agreement'.
Accommodation Bond (sleep overs) 50 or more people)	No	500.00	50 or more people *To be waived for users who have a 'Conditions of Usage for Regular Hire Agreement'.

- Waives the Group Accommodation Bond for organisations with a current 'Conditions of Usage for Regular Hire Agreement' in place.**
- Impose the amended fees effective from 1 August 2016.**
- Provide notice of the adopted fees as advertised, pursuant to section 6.19 of the *Local Government Act 1995*.**

**COUNCIL RESOLUTION: 201617/246**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Gerry Parsons**

**THAT Council:**

- Adopts the following amended fees and charges for the Newman Youth Centre:**

<b>Group Accommodation</b>	<b>Need to add GST?</b>	<b>Fee/Charge inclusive of GST</b>	<b>Description</b>
Minimum 1 nights stay. Minimum 10 people	Yes	22.00	Per Person/Per Night For users who are NOT regular hirers.
<b>Utilities charge.</b>	Yes	50.00	Per Night. For users who have a 'Conditions of Usage for Regular Hire Agreement' * Users must do their own cleaning – no cleaning fee will be charged.
Accommodation Bond (sleep overs) of up to 50 people	No	250.00	Up to 50 people *To be waived for users who have a 'Conditions of Usage for Regular Hire Agreement'.
Accommodation Bond (sleep overs) 50 or more people)	No	500.00	50 or more people *To be waived for users who have a 'Conditions of Usage for Regular Hire Agreement'.

- Waives the Group Accommodation Bond for organisations with a current 'Conditions of Usage for Regular Hire Agreement' in place.**
- Impose the amended fees effective from 1 August 2016.**
- Provide notice of the adopted fees as advertised, pursuant to section 6.19 of the *Local Government Act 1995*.**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 7 - 0**

*To be actioned by Ms Eliza Rebeiro, Community Wellbeing Administration Officer.*

**Reason for Non Acceptance of Officer's Recommendation:**

***Council felt that a set fee for utilities charge was more appropriate than a per-individual fee.***



### 9.2.10 FINANCIAL REPORTING AND MATERIALITY THRESHOLD

**File Ref:** FIN-23-5  
**Responsible Officer:** Ms Sian Appleton  
Deputy Chief Executive Officer  
**Author:** Mr Andries Gertenbach  
Manager Corporate Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

For Council to consider and approve the level of materiality required under the Local Government (Financial Management) Regulations 1996, Regulation 34(5), for financial reporting in respect of variances to the original adopted budget.

#### BACKGROUND

Local Government (Financial Management) Regulations 1996, Regulation 34(5) requires that each financial year, a Local Government is to adopt a percentage or value, calculated in accordance with Australian Accounting Standards Board (AASB) 1031, to be used in the statement of financial activity for reporting material variances. Council need to take into account the level of materiality which it is to adopt, as explanations for each material variance is required as per the Local Government (Financial Management) Regulations 1996, Regulation 34(2).

#### COMMENTS/OPTIONS/DISCUSSIONS

Under Local Government (Financial Management) Regulations 1996, Regulation 34(5), each financial year a Local Government is to adopt a percentage or value, calculated in accordance with AASB 1031 (formerly AAS 5), to be used in the statement of financial activity for reporting material variances.

Local Government (Financial Management) Regulations 1996, Regulation 34(2) requires an explanation for each material variance in the Statement of Financial Activity against the original adopted budget.

As per AASB 1031.9, information is material if its omission, misstatement or non-disclosure has the potential to adversely affect decisions about the allocation of scarce resources made by users. It also can affect the discharge of accountability by the management or governing body of the entity.

As local governments are not for profit entities that are primarily concerned with the achievements of objectives rather than the generation of profit, the material variance needs to be assessed carefully.

The Shire of East Pilbara Financial Management Reports use a materiality threshold to measure, monitor and report on the financial performance and position of the

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Shire. Currently the materiality threshold used is variances greater or lower than 10% of the original adopted budget, and greater than \$10,000 in value.

Under AASB 1031.15, quantitative thresholds are used as guidance for determining the materiality of the amount of an item or an aggregate of items. It is therefore recommended that in the Financial Management Reports this materiality be applied to a sub function level.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

*Local Government Act 1996 (Part 4) – Section 6.4*  
*Local Government (Financial Management) Regulations 1996*

Part 4—Financial reports—s.6.4

34. Financial activity statement required each month (LGA s.6.4)

(1A) .....

- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

AASB 1031 – Materiality – July 2004

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC COMMUNITY PLAN**

#### **Goal 1 – Civic Leadership – Planned Actions**

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community engagement – leading to the effective allocation of the Shire’s resources – that deliver optimum benefits to the community.

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making  
Responsible officer: DCEO  
Timing: As appropriate

1.1.2 Continued strong financial management  
Responsible officer: DCEO  
Timing: 1 year

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/247**

**MOVED: Cr Michael Kitchin**

**SECONDED: Cr Craig Hoyer**

**THAT Council adopt a material variance of plus or minus 10% of the original budget and a value greater than \$10,000, to be applied per sub-function level, for the financial year 2016/2017.**

**CARRIED BY ABSOLUTE MAJORITY  
RECORD OF VOTE: 7 - 0**

***To be actioned by Mr Andries Gertenbach, Manager Corporate Services.***

### 9.2.11 MONTHLY FINANCIAL REPORT - MAY 2016

<b>Attachments:</b>	<a href="#">May 2016 Financial Report.pdf</a> <a href="#">May 2016 Variance Report.doc</a>
<b>Responsible Officer:</b>	<b>Mr Andries Gertenbach</b> <b>Manager Corporate Services</b>
<b>Author:</b>	<b>Mrs Candice Porro</b> <b>Senior Finance Officer</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

To provide Councillors with a monthly financial statement on the operations of Council.

### BACKGROUND

The attached 13-page report details the financial activities of the Council for the period 1 May 2016 to 31 May 2016 of the 2015/2016 financial year –

There are 4 sections of the monthly report:

1. An operating statement comparing income and expenditure to the adopted budget for each function of Council.
2. A more detailed schedule which breaks the operating statement down into the various operational sections and departments of Council.
3. A schedule detailing all expenditure for the year to date for individual capital items.
4. A statement of cash flows.

### COMMENTS/OPTIONS/DISCUSSIONS

The Deputy Chief Executive Officer will provide an overview and explanation as required of how to interpret the financial statement at the meeting.

Reportable variations in accordance with accounting policies are as follows:

### STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995  
Part 6 Financial Management  
Division 4 General financial provisions  
Section 6.4(2)

*“The financial report is to –*

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- (a) *be prepared and presented in the manner and form prescribed; and*
- (b) *contain the prescribed information."*

Local Government (Financial Management) Regulations 1996  
Part 4 Financial reports  
Reg 34(1) -

*"A Local Government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –*

- (a) *annual budget estimates ...*
- (b) *budget estimates to the end of the month to which the statement relates;*
- (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) *the net current assets at the end of the month to which the statement relates."*

## **POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT**

### POLICY

Complies with Council's Accounting Policies as per the current Policy Manual.

### PLAN FOR FUTURE OF THE DISTRICT

Nil.

## **FINANCIAL IMPLICATIONS**

This report discloses financial activities for the period under review.

## **VOTING REQUIREMENTS**

Simple.

## **OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/248**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Gerry Parsons**

**That the monthly financial statements for the period 1 May 2016 to 31 May 2016 of the 2015/2016 financial year as presented be received.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

*To be actioned by Mrs Candice Porro, Senior Finance Officer.*

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### 9.2.12 CREDITORS FOR PAYMENT

**File Ref:** FIN10-2

**Attachments:** [Schedule of Accounts Chq.pdf](#)  
[Schedule of Accounts EFT.pdf](#)  
[Schedule of Accounts Manual Cheque pdf](#)

**Responsible Officer:** Mr Andries Gertenbach  
Manager Corporate Services

**Author:** Mrs Jeanette Bessell  
Finance Officer

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

Council endorsement of payment to creditors.

### BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 27th May 2016.

### COMMENTS/OPTIONS/DISCUSSIONS

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT#33328 to EFT#33691	\$2,514,324.45
	<b>Total</b>	<b>\$2,514,324.45</b>
Cheque Payments	CHQ#24036 to CHQ#24064	\$20,282.46
Manual Cheque Payments	CHQ#266 to CHQ#270	\$30,683.53
	<b>Total</b>	<b>\$50,965.99</b>
	<b>GRAND TOTAL</b>	<b><u>\$2,565,290.44</u></b>

*Please note the computer system allows for only a limited field for the description of goods/services purchased, therefore the description shown on the attached Schedule of Accounts may not show the entire description entered for the goods/services purchased.*

### CANCELLED AND UNUSED CHEQUES:

#### UNUSED CHEQUES

Manual CHQ# 269

#### CANCELLED CHEQUES & EFTS

CHQ#'s 24053, #24054, #24055, #24056, #24057 and #24058

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EFT#s 33589 and #33596

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Local Government (Financial Management) Regulations 1996  
Part 2 – General financial management  
Reg 11

- (1) *A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of –*
- (a) *cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and*
  - (b) *petty cash systems.*

Local Government (Financial Management) Regulations 1996  
Part 2 – General financial management  
Reg 12

- (1) *A payment may only be made from the municipal fund or the trust fund –*
- (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds – by the CEO; or*
  - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

### **POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT**

#### POLICY IMPLICATIONS

Nil.

#### PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

### **FINANCIAL IMPLICATIONS**

Total expenses of \$ 2,565,290.44

### **VOTING REQUIREMENTS**

Simple.

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**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/249**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Shane Carter**

**THAT Council endorse the payments:**

<b>FUND</b>	<b>VOUCHER</b>	<b>AMOUNT</b>
EFT Payments	EFT#24053 to EFT#24058	\$2,514,324.45
	<b>Total</b>	<b>\$2,514,324.45</b>
Cheque Payments	CHQ#24036 to CHQ#24064	\$20,282.46
Manual Cheque Payments	CHQ#266 to CHQ#270	\$30,683.53
	<b>Total</b>	<b>\$50,965.99</b>
	<b>GRAND TOTAL</b>	<b><u>\$2,565,290.44</u></b>

**CARRIED**  
**RECORD OF VOTE: 7 - 0**

*To be actioned by Mrs Jeanette Bessell, Finance Officer.*



### 9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

#### 9.3.1 DIRECTOR TECHNICAL & DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - MAY 2016

**File Ref:** CLR-4-5  
**Responsible Officer:** Mr Allen Cooper  
Chief Executive Officer  
**Author:** Mrs Kylie Bergmann  
Coordinator Executive Services  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

11:40AM Mr Allen Cooper and Cr Lang Coppin left Chambers.  
11:41AM Cr Lang Coppin returned to the Chambers  
11:45AM Mr Allen Cooper returned to the Chambers

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#### REPORT PURPOSE

To inform of the action taken in relation to Council decisions.

#### BACKGROUND

Council requested to be informed of the progress and completion of previous decisions.

#### COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995*

*Section 2.7*

*The role of council*

- (1) *The council –*
  - (a) *directs and controls the local government's affairs; and*
  - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to –*
  - (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies.*

#### POLICY IMPLICATIONS

Nil.

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## STRATEGIC COMMUNITY PLAN

### Goal 1 – Civic Leadership – Planned Actions

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community engagement – leading to the effective allocation of the Shire’s resources – that deliver optimum benefits to the community.

- 1.1 Efficient and effective local government
  - 1.1.1 Ethical, accountable and transparent decision-making  
Responsible officer: DCEO  
Timing: As appropriate

### FINANCIAL IMPLICATIONS

No financial resource impact.

### VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/250**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Dean Hatwell**

**THAT the “Status of Council Decisions” – Director Technical & Development Services for May 2016 be received.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

*To be actioned by Mr Rick Miller, Director Technical & Development Services.*

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MDS-P	Refer to Information Bulletin	In Progress
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – newman - Cr Shane Carter asked if the road will be going ahead for heavy traffic into the Light Industrial Area from Gunn Club Road.	MDS-P	Refer to Information Bulletin	In Progress
28 August 2015	13.8	CARAWINE GORGE Cr Lang Coppin asked if the Shire of East Pilbara could investigate the possibility of Carawine Gorge becoming an A Class Reserve.  Mr Allen Cooper, Chief Executive Officer to follow up.	MDS-P	Station owner contacted and happy to discuss options. Site meeting to be arranged in June 2016.	On Going
11 December 2015	9.3.2	CONTROLLED PARKING - RESIDENT CONCESSION CARDS	MDA	Documentation being prepared and rollout plan being developed	June 2016
11 December 2015	12.8	CARAVAN & TRUCK PARKING NEWMAN Cr Jay Ahmedi commented on the space next to the Boomerang Oval being a good place for trucks and	DTDS	Signage being finalised and will be ordered before end of June.	June 2016

**SHIRE OF EAST PILBARA  
ORDINARY COUNCIL MEETING MINUTES**

**24 JUNE, 2016**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
		travellers with caravans to park.  Mr Rick Miller, commented that this is an area is currently under investigation.			
11 March 2016	13.1	<b>PARKING SIGNS FOR CARPARK NEXT TO POST OFFICE NEWMAN</b> Cr Jay Ahmedi asked if parking signs could be put up at the carpark next to the Post Office to indicate limited time parking.	DTDS	Sometime limiting signage will be purchased and installed. Signage being finalised and will be ordered before end of June	June 2016
11 March 2016	13.8	<b>COUNCILLORS WESTERN DESERT TOUR</b> Cr John Jakobson asked when the Councillors Western Desert Tour will be happening as at the same time the Councillors can have a look at the signs for the desert tourist trail. CEO & Director Technical and Development Services to follow up.	DTDS & CEO	Desert Road inspections had been organised and completed. Council to confirm interest first, as there is a reasonable cost and logistics to organise as it is a roughly 3000km round trip	Officers will await Council Direction
11 March 2016	13.9	<b>NEWMAN TOWN CENTRE</b> Cr John Jakobson asked if there were any maps for where the signs will be erected around the Town Centre as many tourists are confused on e.g.: parking for caravans and entry. Cr Jay Ahmedi, commented on the space next to the Boomerang Oval being a good place for trucks and travellers with	DTDS	Signage being finalised and will be ordered before end of June	June 2016

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
		caravans to park.			
29 April 2016	13.3	Street Lighting – Nicholls Street Marble Bar Cr Dean Hatwell commented that there is no street lighting on Nicholls Street towards the Marble Bar Depot. He asked if Council could look at the cost of installing street lighting on this street.	MTS-R	No funding has been allocated or requested for consideration in 2016/17 Budget. Solar would cost about \$6k per light or quotes could be sought by Horizon Power. Officers will design and cost for future budget consideration	June 2016 COMPLETE
27 <sup>th</sup> May 2016		FIFO CONTRACTORS Comment from Cr Lynne Craigie – are we employing FIFO Rangers and painter? Rick to give outline at next meeting – where do we use contractors (desert stuff) and own staff?	MTS-R DTDS	Rangers are permanent resident employees.  Information is supplied each month in the information bulletin which details works and locations that are carried out by contractors and shire teams.  Generally the shire carries out most maintenance works with graders etc and teams are set up for this function. Contractors undertake the more major works and are set up for remote works as such. The specific works in question were the Limestone Marble Bar Road shoulder reconstruction. Camp was setup 3 or 4 km out of town and this is not a common occurrence. Operational requirements and a set deadline meant shire resources	June 2016 COMPLETE

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
				could not be assembled to do these works as cost effective or efficiently as engaging the contractor to do the works. The contractors as do many enterprises, buy their food and fuel in bulk as they have a cook and camp. The contract to be most advantageous to Council does not direct contractors on where to buy their fuel and supplies.	
27 <sup>th</sup> May 2016		CAPE KERAUDREN Cr Lang Coppin commented that he has a book that lists Cape Keraudren as free camping. Also on a App.	DTDS TSAO	Cr Coppin to forward details for staff to follow up. Staff will search web and any books/app that show free camping will be advised to alter or delete.	June 2106 COMPLETE
27 <sup>th</sup> May 2016		CAPE KERAUDREN Cr Shane Carter commented that the corrugations on the road out to the boat ramp are really bad. Also, the sign on the highway says 120km from Port Hedland – more like 150km.	MTS-R TSAO	Cape Access Road and surrounds is scheduled for grading in June 2016. For safety reasons the grader is not walked along the GNH for those type of distances(speed differential). The Pardoo Access is on the Goldsworthy Rd circuit and the Cape Access is on the Shay Gap Rd circuit where the grader just has to cross the road. MRWA will be contacted about the distance sign	June 2016 COMPLETE
27 <sup>th</sup> May 2016		TREE WATERING IN MARBLE BAR Cr Dean Hatwell asked if we can get the trees watered in	MTS-R	Trees are monitored by staff for watering at suitable times. Generally	June 2016 COMPLETE

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		Marble Bar? Mr Rick Miller to follow up.		1/fortnight in summer and 1/month in winter. Some trees have died due to termites. Water tanker is on a skid mount and used in multiple areas. Placed on town 3t tipper truck when doing town watering. Staff have never had a dedicated water truck.	
27 <sup>th</sup> May 2016		STREET SWEEPING IN MARBLE BAR Cr Dean Hatwell asked if we can do street sweeping in Marble Bar?	MTS -R	The sweeper is currently not in operation and we are waiting on parts. Vehicle should be operational before end of June and streets will be swept.	June 2016 COMPLETE
27 <sup>th</sup> May 2016		LIGHTS OUT ON WELSH DRIVE, NEWMAN Cr Craig Hoyer commented that he had received a complaint that the solar lights are out on the Welsh Drive footpath network.	DTDS	This was a timer issue which is now fixed and lights come on earlier.	June 2016 COMPLETE
27 <sup>th</sup> May 2016		ALLEY WAY BETWEEN KEEDI AND MINDARRA Cr Lynne Craigie commented that the alley way between Keedi Road and Mindarra Drive is very dark at night – there is only 1 light. Can we have more lighting installed?	DTDS	Staff investigated and found existing lights are BHP assets and one was not working. A request and notification has been sent to BHP Power.	June 2016 COMPLETE
27 <sup>th</sup> May 2016		NULLAGINE PARK TOILETS Cr Bidy Schill commented that the toilets in the park opposite the Nullagine Hotel are not cleaned very well.	MTS-R	This is an ongoing issue due to high usage by locals. Staff do clean but do have other duties to fulfil. Will review operational practices.	July 2016 COMPLETE

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
27 <sup>th</sup> May 2016		BBQ AT NULLAGINE LOOKOUT Cr Bidy Schill commented that the BBQ at the Nullagine lookout is not working.	MTS-R TSAO	BBQ is working but due to pilot light gas is drained off very quickly. CFC advised to turn off. Staff will erect sign at site to advise of who to contact to turn on.	June 2016 COMPLETE
27 May 2016		BANNERS AT NULLAGINE Cr Bidy Schill commented that no banners are up and that none were erected for ANZAC day.	MTS-R	The supplier of general banners supplied wrong banners and new ones for Nullagine have been ordered. Once received they will be erected. Just to confirm that my records and advice from staff is that ANZAC day banners were definitely erected then removed after ANZAC day.	June 2016 COMPLETE
27 May 2016		MOSQUITOS BAD IN NULLAGINE Cr Bidy Schill commented	MDS-H	Monthly treatment for mosquitoes in Nullagine occurs at identified breeding sites. The challenge though is the vast expanse of breeding sites surrounding the town and the disused septic tanks in the Aboriginal town community where we do not have any jurisdiction. The best method to manage mosquitoes in small locations of this nature is fogging but currently we do not have the equipment and manpower to undertake this. Promotional materials have been distributed for people to take measures to avoid being bitten	June 2016 COMPLETE



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COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		WATER STANDPIPE PRESSURE IS TOO LOW Cr Bidy Schill commented that pressure is too low to be useful to travellers.	MTS-R TSAO	Pressure was reduced due to locals complaining that people were using it to wash cars and mining companies using all night to fill up water tanks. We will review and look at installing signage on usage restrictions.	June 2016 COMPLETE

### 9.3.2 AUSTRALIAN AIRPORTS ASSOCIATION ANNUAL CONFERENCE

**Attachments:** [AAA National Conference 2016 webversion.pdf](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Salomon Kloppers  
Manager Development Airports  
**Author Disclosure of Interest:** Nil

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#### REPORT PURPOSE

To consider Council and shire representatives to attend the Australian Airports Association's Annual National Conference, Technical Workshops and all related events for 2016. This conference is to be held by the Australian Airports Association in Canberra from 21 to 25 November 2016 with the last two days being technical workshops.

#### BACKGROUND

The Shire of East Pilbara is a member of the Australian Airports Association. This conference is an annual event that provides the opportunity for Council and shire representatives to meet with other airport, airline and regulatory figures that share common issues and interests we experience with the operation of shire owned and operated airports.

As a significant asset for the Shire, it is important for the Airport to stay abreast of the latest regulatory and commercial developments. Previous conferences presented Shire representatives with many opportunities, and have contributed greatly to the development of Newman Airport.

The 2016 AAA Conference will host more than 70 exhibitors of plant, equipment, tools and services Newman Airport regularly use. As Newman Airport is separated by some distance from the major centres, attending the Conference is a cost effective way to discuss issues of concern and ideas with these providers.

The 80+ experts that will present on the latest regulatory changes, industry trends and learnings from recent projects, in addition to the Airport Commercial Forum that will be hosted again will discuss many important issues that are topical for the Airport at present.

As an example, relationships built with our car parking infrastructure and service providers during AAA Conferences has contributed greatly to the improved operation of the car park at present. It also presents the opportunity to discuss matters directly with regulators that the airport not normally has access to.

Other benefits of attending this valuable event include:

- Network with your peers

- Discuss the latest trends
- Build professional bridges
- Get the latest information on emerging issues
- Put professional challenges in perspective
- Learn the best of ideas and innovations
- Gain continuing education specific to the aviation industry
- Learn about the latest technological advances
- Network with aviation and related industry professionals
- Visit the comprehensive exhibition of new products and services
- Meet consultants and private sector representatives from all areas of the aviation industry

Airport officers are investigating the awards criteria in order to nominate projects for an industry award.

### **COMMENTS/OPTIONS/DISCUSSIONS**

This year's conference is to be held over five days in Canberra across a number of venues.

5 Day Snapshot (Full Event Program is attached).

#### Pre conference

Welcome and Networking

#### Day 1

Women in Airports Breakfast  
Industry Exhibition  
National Conference Sessions  
Networking Event, National Museum of Australia

#### Day 2

Industry Exhibition  
National Conference Sessions  
Regional Airport Sessions  
The AAA Annual General Meeting  
The AAA National Industry Awards and Gala Dinner, Parliament House

#### Day 3

Industry Exhibition  
Technical Program  
Commercial Forum  
Closing Drinks in the Exhibition  
Networking Event, The Australian War Memorial

#### Day 4

Networking Breakfast  
Technical Program

The AAA reports that in addition to early bird discounts, the accommodation options for "late booking" parties will be limited.

In accordance with the submitted budget, it is proposed that 4 bookings be made, covering the Conference, Technical workshops and all related events including accommodation. Names of attendees can be confirmed closer to the event.

Group discounts are available. It is proposed that staff attend the full duration of the Conference. Because the last two days of the Conference focus on technical issues, non-staff members could depart at the end of day three. Depending on the options chosen, the following cost estimates could apply.

From the attached Event Brochure the most cost effective choice will be to make an early bird booking of at least 4 people for all 4 days. Cost estimates at Early Bird rates are:

- 4 x Registrations: \$ 9,980.00
- 4 x Accommodation (6 nights) \$ 5,760.00
- 4 x Return flights \$ 6,000.00
- \$21,740.00**

\*Amounts will vary depending on the number of delegates.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing draft FY 2016/7 Function 12 Airports budgetary allocation to attend the full program with funds sourced from GL121139.

### **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/251**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Shane Carter**

1. **THAT Council authorises the Chief Executive Officer to nominate up to two Shire staff to attend the full program (including technical workshops) of the 2016 AAA Conference, over the period 21 to 25 November 2016.**
2. **THAT Council nominates and authorises Cr Craig Hoyer, Cr Gerry Parsons and Cr Lang Coppin to attend the conference program only of the 2016 AAA Conference.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

***To be actioned by Mr Salomon Kloppers, Manager Development Airports.***

**9.3.3 USE OF SHIRE LAND FOR PILBARA HINTERLAND AGRICULTURAL  
DEVELOPMENT INITIATIVE TRIAL SITE**

**File Ref:** PLN-1  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Roy Winslow  
Manager Development Services - Planning  
**Location/Address:** Newman  
**Name of Applicant:** Pilbara Development Commission and  
Department of Agriculture and Food  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to consider giving in principle support to the use of Shire land for a 1-2 year agricultural trial as part of the Pilbara Hinterland Agricultural Development Initiative (PHADI).

**BACKGROUND**

There have been previous and ongoing trials of a range of crops in other parts of the Shire as part of PHADI. Attention has now focussed on identifying the suitability of the Newman area for a range of crops. In order to prove up the suitability of a range of crops, a trial site of 1-2ha in area using drip irrigation (instead of centre pivot irrigation as used elsewhere) is planned for Newman.

Site investigations are ongoing. However, due to the need to start the trial as soon as possible and its limited life of 1-2 years, the reserved land managed by the Shire is preferred. To allow site selection to be finalised, Council's in principle support to the concept of the trial taking place on Shire land is being sought.

**COMMENTS/OPTIONS/DISCUSSIONS**

Several Shire-managed sites are being considered by the PHADI proponents. In order to be suitable, a site needs to be vacant land at least 2ha in area and with access to water and power.

By providing in principle support, Council will be giving a clear direction for Shire officers to continue to work with the PHADI proponents to make a site available for the trial.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

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## STRATEGIC COMMUNITY PLAN

### Goal 3 – Economic – Planned Actions

- 3.4.2 Plan well for the future development of the Shire  
Responsible officer: CEO  
Timing: 1-5 years

### Goal 4 – Environmental – Planned Actions

The Shire of East Pilbara seeks to effectively manage and maintain its iconic Pilbara environmental assets by reducing ecological footprints and developing clean, green towns.

- 4.2 Promote a sustainable environment
- 4.2.2 Promote improved water management  
Responsible officer: DTDS  
Timing: 1-3 years
- 3.3.3 Provide infrastructure to support economic development  
Responsible officer: DCEO  
Timing: 1-5 years

The Shire of East Pilbara seeks to support the economic development of its communities through the establishment of partnerships with industry, local businesses, government agencies and the tourism sector.

- 3.1 Business diversification and promotion
- 3.1.2 Build a thriving and diverse economy  
Responsible officer: DCEO  
Timing: 1-5 years

## FINANCIAL IMPLICATIONS

No financial resource impact.

## VOTING REQUIREMENTS

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/252**

**MOVED: Cr Dean Hatwell**

**SECONDED: Cr Craig Hoyer**

**THAT Council advise the Pilbara Development Commission and Department of Agriculture and Food that it supports in principle the use of Shire-managed land for an agricultural trial as part of the Pilbara Hinterland Agricultural Development Initiative; subject to formalisation of a use agreement should an appropriate site be identified.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

***To be actioned by Mr Roy Winslow, Manager Development Services – Planning.***



**9.3.4 CONSIDERATION OF SUBMISSIONS ON DRAFT LOCAL PLANNING  
POLICY NO 10 HOME BASED BUSINESSES**

<b>File Ref:</b>	<b>PLN-2-7</b>
<b>Attachments:</b>	<a href="#">Submission Received</a> <a href="#">Officer Report of 11 March 2016</a> <a href="#">Proposed Local Planning Policy No 10</a>
<b>Responsible Officer:</b>	<b>Mr Rick Miller</b> <b>Director Technical and Development Services</b>
<b>Author:</b>	<b>Mr Roy Winslow</b> <b>Manager Development Services - Planning</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

For Council to consider the public submission received on proposed Local Planning Policy No.10 *Home-based Businesses*.

**BACKGROUND**

Proposed Local Planning Policy No. 10 *Home-based Businesses* is intended to replace Council Policy 9.11 *Home Occupations* made in 2003. The rationale for replacement if the current policy is outlined in the attached report to Council on preparation of the proposed policy (attached).

Council resolved at its Ordinary Meeting on 11 March 2016 to advertise the proposed Policy for public comment in accordance with the requirements of clause 4 of the Deemed Provisions for Local Planning Schemes (Deemed Provisions). This required publication of a notice in the *North West Telegraph*, and providing a minimum 21-day comment period. The notice was published on 30 March 2016, with the comment period ending on 22 April 2016.

At the closure of the comment period, one submission had been received. A copy of this submission is attached.

**COMMENTS/OPTIONS/DISCUSSIONS**

Consideration of Submission

The submission received was provided by a home-based business operator located in Newman. The submission identifies that the proposed Policy is punitive in nature and makes a number of suggestions on how the Shire could encourage and promote home-based business.

The suggestions made include:

- i. Subsidising the cost of the NCCI membership, the Shire could contribute some of the registration funds to providing small business owners this valuable membership;
- ii. Using the home-based business register as an “approved vendor” list, using that list as a first choice for any goods or services required by the Shire.
- iii. Offering subsidised rent of Shire property to encourage at-home businesses to use these facilities to expand and maybe ultimately move from their home into a permanent shop front.
- iv. Advertising registered home-based businesses on the Shire website or Shire documentation to encourage awareness of the expansive and diverse range of businesses offered in Newman.

Each of the above suggestions has merit as economic development measures rather than implemented through the regulatory mechanism of a local planning policy. The primary focus of the Policy is on ensuring home-based businesses operate within the community’s expectations for residential amenity. Effectively, the Policy is the “stick”, while the measures suggested above are the “carrot”.

It is noted that the business incubator proposed for the Town Square is intended to provide a cost-effective model for home-based businesses to expand the operation and test the market prior to committing to a permanent shop front. It is envisaged that this facility will be available to operators in early 2017.

The publication of a home-based business register that can be referred to by Shire staff involved in procurement and by the general public will be considered against the regulatory framework within which the Shire operates. This may also be an effective way to encourage registration of home-based business and reduce the likelihood of businesses operating without the necessary approvals.

Shire officers recommend Council notes the comments made and thanks the submitter for taking an interest in the matter. Whilst the submission does not impact on the Policy itself, there are a number of suggestion made that will be taken into account by Shire officers as part of the economic development portfolio.

#### Options

Clause 4(3) of the Deemed Provisions requires Council to review the proposed policy in the light of any submission made and resolve to proceed with or without modifications or to not proceed with the policy.

In the event of proceeding with the policy, it will be effective from the date of publication of a notice in the *North West Telegraph*.

The comments made in the submission received do not require the proposed Policy to be modified. As discussed above, the suggestions made relate to how the Shire can encourage small business as part of its economic development portfolio rather than through the planning mechanisms that the policy is made under.

Shire officers recommend Council proceeds with the policy without modification and notes that the suggested measures for encouragement of small business development in the Shire will be addressed as a separate matter.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

### Local Planning Policy Process

The parameters of a local planning policy and the process for making it is outlined in Part 2 Division 2 of the *Deemed Provisions for Local Planning Schemes* (the Deemed Provisions), made under section 257B of the *Planning and Development Act 2005*.

Clause 3 of the Deemed Provisions requires a local planning policy to be based on sound town planning principles. A policy may relate to either strategic or operational matters. Once made, a local planning policy must be given due regard by the local government when determining applications to which the policy relates.

Clause 4 of the Deemed Provisions outlines the process for making a local planning policy. The process is as follows:

- A local government resolves to prepare the local planning policy (this is the purpose of this report);
- The proposed policy is advertised for public comment by publication of a notice in a newspaper circulating in the Scheme area. The notice is to include details of the subject and nature of the proposed policy, the policy objectives and where it can be viewed;
- A submission period is required of at least 21 days commencing from the date of publication of the newspaper notice;
- Once the submission period ends, the local government reviews the proposed policy in the light of the submissions made and resolves to proceed with the policy with or without modification, or to not proceed with the policy;
- If the local government resolves to proceed with the policy, it has effect from the date of publication in a newspaper of a notice informing of the adoption of the policy.

The preparation and adoption of a local planning policy requires it to be considered by Council twice – once to allow public consultation and secondly to consider submissions and proceed with the policy.

## **POLICY IMPLICATIONS**

The proposed Policy will replace the current Home Occupation Policy prepared in 2003. A revocation clause has been included in the proposed Policy to automatically revoke the 2003 policy upon the new policy taking effect.

## **STRATEGIC COMMUNITY PLAN**

### **Goal 3 – Economic – Planned Actions**

- 3.1.1 Provide support for established and emerging business bodies and local businesses  
Responsible officer: DCEO  
Timing: 1-5 years

- 3.1.2 Build a thriving and diverse economy  
Responsible officer: DCEO  
Timing: 1-5 years

The Shire of East Pilbara seeks to support the economic development of its communities through the establishment of partnerships with industry, local businesses, government agencies and the tourism sector.

- 3.4 Land use and development control

- 3.4.2 Plan well for the future development of the Shire  
Responsible officer: CEO  
Timing: 1-5 years

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

### **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/253**

**MOVED: Cr Lang Coppin**

**SECONDED: Cr Michael Kitchin**

**THAT Council, in accordance with clause 4(3)(b)(i) of the *Deemed Provisions for Local Planning Schemes*, proceed with Local Planning Policy No. 10 *Home-based Businesses* as detailed below.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

***To be actioned by Mr Roy Winslow, Manager Development Services – Planning.***

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## Local Planning Policy No.10 – Home-Based Businesses

<b>Responsible Directorate</b>	Technical and Development Services
<b>Responsible Officer</b>	Director Technical and Development Services
<b>File Number</b>	PLN-2-7

### 1. Citation

This Local Planning Policy (the Policy) is made pursuant to Part 2 Division 2 of the *Deemed Provisions for Local Planning Schemes*, as outlined in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (as amended).

Council Policy 9.11 Home Occupations adopted on 27 June 2003 is hereby revoked.

### 2. Policy Purpose

The purpose of this Policy is to provide guidance on the effect and operation of the planning controls in place for home-based businesses (i.e. home occupation and home business), to landowners, occupiers and the local government.

### 3. Policy Objectives

The objectives of this Policy are to:

- i. Support home-based business within the Shire;
- ii. Ensure home-based businesses are able to operate within the Shire in a manner that balances the economic and social benefits against ensuring residential amenity is protected; and
- iii. Streamline planning processes in a manner that promotes the establishment and continued operation of home-based businesses where there is no impact on residential amenity.

### 4. Application of Policy

This Policy applies to all uses defined by the Shire as a home occupation or home business.

The Policy is to be read in conjunction with the Scheme and any other relevant Local Planning Policy.

If a provision of the Policy is inconsistent with the Scheme, the Scheme prevails.

### 5. Policy Exclusions

Home office uses as defined by the Scheme are exempt from the need to obtain planning approval and are therefore excluded from this Policy.

## 6. Policy Definitions

For the purposes of this Policy, the following definitions apply:

**Deemed Provisions** means the *Deemed Provisions for Local Planning Schemes* as outlined in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as amended from time-to-time.

**Home-Based Business** means use of a dwelling and any ancillary outbuildings and land for a home occupation or home business use as these uses are defined by the Scheme.

**Scheme** means *Shire of East Pilbara Town Planning Scheme No.4*.

All other uses referred to in this Policy are defined at Schedule 1 of the Scheme.

## 7. Policy Statements

### 7.1 Protection of Residential Amenity

The local government will only support home-based businesses where it is satisfied that the proposal can be operated in a manner that does not negatively impact on residential amenity caused by matters such as, but limited to, noise, traffic, odour, dust, vibration or risk to residents.

### 7.2 Consideration of Commercial Factors

The local government will not consider commercial factors, such as financial impact on other similar businesses, when determining applications for home-based businesses.

### 7.3 Vehicle Parking

Car parking sufficient to accommodate employee and client / customer parking is to be provided on-site unless, in the opinion of the local government, appropriate street parking is available immediately surrounding the premises.

Car parking is to be located in a position that will not affect the access to or the amenity of neighbouring properties and is to be clearly identifiable to visitors.

The parking of commercial vehicles associated with an approved home-based business in the Residential Zone will be subject to the provisions of clause 5.13 of the Scheme.

### 7.4 Client Visitation

Where permitted by the local government, client visitation is to be limited to normal business hours (i.e. 7am-6pm Monday to Saturday, excluding Public Holidays).

The local government may permit client visitation outside of the days and times stipulated above, subject to neighbouring properties being informed by the local government of the variation and invited to comment upon it. The local government is to take into account the content of any submissions on the variation in its determination.

### **7.5 Use of Machinery**

Any use of machinery, including the use of power tools, lighting and specialised electrical equipment is to be detailed in the application, and will form part of the consultation with neighbouring properties prior to the local government determining the application.

The local government will take into account the zoning of the property, proximity to surrounding residences and general impact on the amenity of the locality when considering a home-based business that seeks to use machinery.

Home-based businesses will be subject to compliance with the *Environmental Protection (Noise) Regulations 1997*. The use of machinery, where part of an approval, will be subject to any noise mitigation considered necessary by the local government to ensure the objectives of the Scheme and Policy are addressed.

### **7.6 Storage of Materials and/or Equipment**

Storage of materials and/or equipment associated with the home-based business are to be located in an area screened from public view.

The amount of materials and/or equipment associated with a home-related business is not to exceed that normally considered appropriate in a residential area, unless specific approval has been granted by the local government for additional storage after having due regard to any written submission made on the proposal.

### **7.7 Neighbour Consultation – Home Occupations**

Applications for home occupation (as this use is defined by the Scheme) will not require consultation with neighbours prior to determination of the application, where the use is considered by the local government to conform with the Scheme definition and this Policy.

Once approved, the owners and occupiers of neighbouring properties are to be advised by the local government of the approval and any conditions placed on the operation. Owners and occupiers of neighbouring properties are also to be advised to contact the local government at any time should they believe the operation is having an adverse impact on their residential amenity.

### **7.8 Neighbour Consultation – Home Businesses**

Applications for home business (as this use is defined by the Scheme) will require advertising in accordance with clause 64 of the Deemed Provisions prior to determination.

For the purposes of clause 64(3) of the Deemed Provisions, the following advertising will be undertaken:

- Letters posted by regular mail to the owners and occupiers of neighbouring properties providing details on the proposed home-based business and inviting written comment within a 17-day period from the date of posting; and
- Publication on the local government website of details of the proposal, including a statement that submissions may be made to the local government within the time period provided for written notifications.

The local government is to have due regard to any written submission made on an application.

The local government will endeavour to resolve any objection made against a proposed home-based business by either the placement of appropriate conditions on any approval or by dialogue with the aggrieved party. Refusal of an application is to be used only where the local government is satisfied that the proposed home-based business cannot reasonably operate in accordance with the objectives of the Scheme or Policy.

The local government will not take into account objections based upon commercial or competition interests, or the potential of financial impact upon other businesses.

In the event that a home business is approved, all neighbouring property owners and occupiers are to be advised by the local government of the approval and any conditions placed on the operation, regardless of whether the party made a submission or not. Owners and occupiers of neighbouring properties are also to be advised to contact the local government at any time should they believe the operation is having an adverse impact on their residential amenity.

#### **7.9 Annual Renewal of Approval**

Home-based business approvals will be granted subject to annual renewal on 30 June each year.

Notwithstanding the above, any initial approval granted between 1 January and 30 June each year will be valid until 30 June the following year to allow sufficient time for the home-based business to become sufficiently established for the local government to measure the operation's performance against the Scheme and Policy.

#### **7.10 Response to Complaints**

In the event that the local government identifies an operational concern or receives a written complaint from a neighbouring property regarding the operation of a home-based business, the matter is to be immediately investigated instead of waiting for any annual approval to expire.

Where a complaint is considered sufficiently significant for the approval to be reassessed by the local government, the holder of the approval is to be provided a 17 day period in which to make a written submission to the local government on the matter.

The local government may consult with other neighbouring properties when undertaking an investigation or considering a complaint to ascertain whether other properties are adversely impacted upon by the continued operation of the home-based business.



### **7.11 Number of Home-Based Businesses Per Property**

The local government shall only permit one (1) home-based business approval per property at any one time.

### **7.12 Food-Handling Home-Based Business**

A home-based business that includes the handling of food will only be granted approval under the Scheme and this Policy where the operation qualifies for approval, or is exempt from approval, under the *Food Act 2008* or subsequent legislation.

Where approval under the *Food Act 2008* or subsequent legislation is required, this will be made a condition of the development approval for the purposes of ensuring the applicant is aware of their obligations to obtain additional approvals prior to commencing operations.

### **7.13 Home-Based Business Providing Services of a Personal Nature**

A home-based business that provides a service of a personal nature, such as hairdressing or beauty therapy services, will only be granted approval under the Scheme and this Policy where the operation qualifies for approval, or is exempt from approval, under the *Health Act 1911* or subsequent legislation.

Where approval under the *Health Act 1911* or subsequent legislation is required, this will be made a condition of the development approval for the purposes of ensuring the applicant is aware of their obligations to obtain additional approvals prior to commencing operations.

### **7.14 Scope of Approval**

In accordance with clause 5.14 of the Scheme, an approval for a home-based business shall be personal to the applicant and shall not be transferred or assigned to any other person. Whilst the approval will not run with the land, any relocation of the home-based business to another premises will require the approval of the local government in accordance with the requirements of this Policy.

## **8. Policy Administration**

### **8.1 Form of Application**

Applications for home-based businesses require completion of the *Application for Development Approval* form as outlined at clause 86(1) of the Deemed Provisions, as well as completion of the *Additional Information for Home-Based Business Applications* as outlined at Schedule 1 of this Policy.

### **8.2 Form of Approval**

Approval of a home-based business will comprise the *Notice of Determination on Application for Development Approval* as outlined at clause 86(4) of the Deemed Provisions, accompanied by a *Certificate of Approved Home-Based Business* as outlined at Schedule 2 of this Policy.

**8.3 Renewal Process**

The local government will notify each permit holder in writing a minimum of 30 days prior to the expiry date inviting renewal of the approval for a further 12 months.

Permit holders are to complete the *Renewal of Home-based Business* form as outlined at Schedule 3 of this Policy and return it to the local government prior to the expiry date.

The local government will consider renewal of the home-based business in the light of the information provided by the permit holder and any concerns raised by neighbours or identified by the local government during the previous approval period.

Should a request for renewal not have been received by the expiry date, the local government will inform the permit holder that the approval has expired and the operation is to cease immediately. The permit holder is to be provided 30 days from the date of expiry to renew the approval. After this time, the approval will have no further effect and any resumption of the operation will require a new application to be lodged and assessed.

In the event of renewal, a *Certificate of Approved Home-Based Business* for a further 12-month period is to be issued by the local government.

**8.4 Unapproved Home-Based Business**

Any home-based business found to be operating without a valid approval will be provided 30 days from the date of notification to lodge an application or cease to operate. The penalty fee for determining an application where the use has commenced as provided by the Planning and Development Regulations 2009 will be payable prior to the application being considered.

In the event that an application is not lodged within the 30 day period or the use has not ceased, the local government will commence action under section 214 of the *Planning and Development Act 2005*.

An unapproved home-based business will be permitted to continue to operate while an application is being assessed by the local government.

References	Shire of East Pilbara Town Planning Scheme No.4 Planning and Development (Local Planning Schemes) Regulations 2015		
Related Procedures	Nil		
Date Adopted by Council	TBC	Item No	
Review/Amendment Date		Item No	
Next Review			

### 9.3.5 CONSULTATION STRATEGY FOR LOCAL PLANNING STRATEGY

<b>File Ref:</b>	<b>PLN-3-1-3</b>
<b>Attachments:</b>	<a href="#">Consultation Strategy</a>
<b>Responsible Officer:</b>	<b>Mr Rick Miller</b> <b>Director Technical and Development Services</b>
<b>Author:</b>	<b>Mr Roy Winslow</b> <b>Manager Development Services - Planning</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

For Council to consider adoption of the Consultation Strategy for the Local Planning Strategy.

#### BACKGROUND

Council resolved to prepare a revised Local Planning Strategy at its Ordinary Meeting held on 29 April 2016. The Strategy has subsequently been forwarded to the Western Australian Planning Commission (WAPC) for certification prior to public consultation occurring. Certification is anticipated to occur on 28 June 2016.

In order to guide consultation of the Strategy, a Consultation Strategy has been prepared and is attached. The purpose of the Consultation Strategy is to set out the measures the Shire will take to inform the community, key stakeholders and government agencies of the Strategy and its key outcomes. Whilst the Planning and Development Regulations provide for a 21-day minimum consultation period, a 42-day period is recommended to ensure there is sufficient time to provide meaningful information and receive feedback.

#### COMMENTS/OPTIONS/DISCUSSIONS

Shire staff recommend Council adopt a multi-platform approach to informing the community of the Strategy and inviting feedback in the form of submissions. Key elements of this approach are:

- 6-week consultation phase commencing 13 July and continuing to 24 August (subject to WAPC certification).
- Development of a webpage on the Shire website devoted to providing information in an easy-to-understand form.
- Online submission form.
- Use of social media and media releases to ensure the community is aware of the Strategy and their ability to provide feedback.
- Development of a display that visually and effectively communicates the key elements of the Strategy.

- Community information sessions, utilising the regular Newman Meet and Greet at the Boulevard Shopping Centre and smaller coffee and chat sessions in Nullagine and Marble Bar.
- Conventional written requests for comment to relevant government agencies and key stakeholders (including mining companies and business bodies). Meetings with these parties if required.
- Conventional public notice published in a newspaper circulating within the area to which the Strategy relates (i.e. the *North West Telegraph*).

The timings for the consultation are contingent upon the WAPC granting certification in late June. In the event that this is delayed, the milestone dates will be modified accordingly, whilst continuing with the six week consultation phase.

Once consultation is concluded, it is anticipated that Council will consider the submissions received at its Ordinary Meeting held on 23 September 2016. At this point in time, it is hoped that the Strategy will be finalised and endorsed by the WAPC by the end of 2016. This will allow preparation of a new Local Planning Scheme No. 5 to begin in earnest to replace Town Planning Scheme No. 4 in 2017 or 2018.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Regulation 13 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the minimum requirements for advertising and notifying of a local planning strategy. The consultation strategy has been developed to meet and expand on these basic requirements.

### **POLICY IMPLICATIONS**

Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Goal 1 – Civic Leadership – Planned Actions**

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community engagement – leading to the effective allocation of the Shire’s resources – that deliver optimum benefits to the community.

#### 1.3 Engaged community

1.3.1 Increase community awareness  
Responsible officer: MCW  
Timing: 1 year

1.3.2 Excellence in customer service  
Responsible officer: MFA  
Timing: 1-3 years

1.3.3 Implement civic engagement projects  
Responsible officer: MCW  
Timing: 1-3 years

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/254**

**MOVED: Cr Shane Carter**

**SECONDED: Cr Craig Hoyer**

**THAT Council adopts the Consultation Strategy for the Local Planning Strategy as attached.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

***To be actioned by Mr Roy Winslow, Manager Development Services – Planning.***

**9.3.6 DISCONTINUANCE OF TOWN PLANNING SCHEME NO 4 AMENDMENTS  
20 AND 21**

<b>File Ref:</b>	<b>PLN-3-2-20 AND PLN-3-2-21</b>
<b>Attachments:</b>	<a href="#">Request for discontinuance</a> <a href="#">Proposed Residential Development Areas to be Discontinued</a>
<b>Responsible Officer:</b>	<b>Mr Rick Miller</b> <b>Director Technical and Development Services</b>
<b>Author:</b>	<b>Mr Roy Winslow</b> <b>Manager Development Services - Planning</b>
<b>Location/Address:</b>	<b>Newman Townsite</b>
<b>Name of Applicant:</b>	<b>Urbis on behalf of Landcorp</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**REPORT PURPOSE**

For Council to consider a request for discontinuance of Amendments 20 and 21 to Shire of East Pilbara Town Planning Scheme No.4.

**BACKGROUND**

Amendments 20 and 21 were initiated by Council at its Ordinary Meeting held on 15 March 2013. Amendment 20 sought to rezone land on Giles Avenue, Kurra Street and Cowra Drive to *Residential Development*. Amendment 21 sought to rezone a large area of land to the north and west of Kurra Estate to *Residential Development* and an area south of the existing industrial area to *Industrial*. A plan showing the proposed residential development areas is attached.

Amendment 20 was advertised for public comment during 2013 at which time it became apparent mining proposals near Newman would prevent the development of additional land to the north and west of the existing urban area. Amendment 21 did not proceed to advertising due to this 'fatal flaw'.

Since 2014, both amendments have been held in abeyance. Consultants Urbis on behalf of Landcorp are currently preparing replacement amendments that will identify land suitable for residential and industrial development to the south of the existing urban area.

As Amendments 20 and 21 are no longer required, Council is being asked to resolve to discontinue both.

**COMMENTS/OPTIONS/DISCUSSIONS**

Discontinuance of the amendments is an administrative measure only given there has been no progress on both amendments since 2014. As the Minister for Planning is required to either approve or refuse amendments rather than decide not to continue with an amendment, an "administrative refusal" is being sought by Landcorp

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as the Proponent. In order for this to occur, a formal resolution of Council to recommending refusal of the amendments is required.

A future amendment to rezone land to the south of the Newman industrial area to *Industrial Development* is anticipated within the new 2 months. This will replace the industrial rezoning portion of Amendment 21.

At some point in the next 12 months another amendment that seeks to rezone land south of Kalgan Drive to *Residential Development* is anticipated. This will replace Amendment 20 and the residential elements of Amendment 21.

Shire officers support the discontinuance on the grounds that both amendments are no longer necessary for the orderly and proper planning of Newman.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Section 87(2) of the *Planning and Development Act 2005* requires the Minister for Planning to either approve, require modifications or refuse an amendment. In this case, a refusal for administrative reasons is being sought.

### **POLICY IMPLICATIONS**

Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Goal 3 – Economic – Planned Actions**

The Shire of East Pilbara seeks to support the economic development of its communities through the establishment of partnerships with industry, local businesses, government agencies and the tourism sector.

#### 3.4 Land use and development control

##### 3.4.1 Encourage the release of adequate amounts of housing, industrial and commercial land

Responsible officer: CEO

Timing: 1-5 years

##### 3.4.2 Plan well for the future development of the Shire

Responsible officer: CEO

Timing: 1-5 years

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/255**

**MOVED: Cr Michael Kitchin**

**SECONDED: Cr Craig Hoyer**

**THAT Council in pursuance of section 87 of the *Planning and Development Act 2005* recommends that the Minister for Planning REFUSE to approve Amendments 20 and 21 to Shire of East Pilbara Town Planning Scheme No.4, initiated on 15 March 2015 on the following grounds:**

- a) Discontinuance of both amendments is being sought by the Proponent;**
- b) Amendments 20 and 21 proposed the zoning of land for development that would lead to conflict with current and proposed iron ore mining activities;**
- c) The introduction of the Deemed Provisions for Local Planning Schemes has made portions of the amendments superfluous; and**
- d) Replacement amendments that reflect the changed strategic planning direction of the town of Newman are being prepared in accordance with the 2015 Regulations.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

***To be actioned by Mr Roy Winslow, Manager Development Services – Planning.***



**9.3.7 FINALISATION OF PROPOSED LOCAL PLANNING POLICY NO 11 -  
ADVERTISING SIGNAGE**

**File Ref:** PLN-2-7  
**Attachments:** [Minutes of 11 March 2016 Meeting](#)  
[Proposed Local Planning Policy No 11](#)  
**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services  
**Author:** Mr Roy Winslow  
Manager Development Services - Planning  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

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**REPORT PURPOSE**

For Council to consider proceeding with proposed Local Planning Policy No. 11 *Advertising Signage*.

**BACKGROUND**

Proposed Local Planning Policy No. 11 *Advertising Signage* is intended to provide guidance on the in assessing applications for signage made under Shire of East Pilbara Town Planning Scheme No.4 (the Scheme). The rationale for preparing the proposed policy is outlined in the attached report to Council considered on 11 March 2016.

Council resolved at its Ordinary Meeting on 11 March 2016 to advertise the proposed Policy for public comment in accordance with the requirements of clause 4 of the Deemed Provisions for Local Planning Schemes (Deemed Provisions). This required publication of a notice in the *North West Telegraph*, and providing a minimum 21-day comment period. The notice was published on 30 March 2016, with the comment period ending on 22 April 2016.

At the closure of the comment period, no submissions had been received. Given the lack of submissions, Council may now proceed with the policy as advertised.

**COMMENTS/OPTIONS/DISCUSSIONS**

Options

Clause 4(3) of the Deemed Provisions requires Council to review the proposed policy in the light of any submission made and resolve to proceed with or without modifications or to not proceed with the policy.

In the event of proceeding with the policy, it will be effective from the date of publication of a notice in the *North West Telegraph*.

Shire officers recommend Council proceeds with the policy without modification.

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## STATUTORY IMPLICATIONS/REQUIREMENTS

### Local Planning Policy Process

The parameters of a local planning policy and the process for making it is outlined in Part 2 Division 2 of the *Deemed Provisions for Local Planning Schemes* (the Deemed Provisions), made under section 257B of the *Planning and Development Act 2005*.

Clause 3 of the Deemed Provisions requires a local planning policy to be based on sound town planning principles. A policy may relate to either strategic or operational matters. Once made, a local planning policy must be given due regard by the local government when determining applications to which the policy relates.

Clause 4 of the Deemed Provisions outlines the process for making a local planning policy. The process is as follows:

- A local government resolves to prepare the local planning policy (this is the purpose of this report);
- The proposed policy is advertised for public comment by publication of a notice in a newspaper circulating in the Scheme area. The notice is to include details of the subject and nature of the proposed policy, the policy objectives and where it can be viewed;
- A submission period is required of at least 21 days commencing from the date of publication of the newspaper notice;
- Once the submission period ends, the local government reviews the proposed policy in the light of the submissions made and resolves to proceed with the policy with or without modification, or to not proceed with the policy;
- If the local government resolves to proceed with the policy, it has effect from the date of publication in a newspaper of a notice informing of the adoption of the policy.

The preparation and adoption of a local planning policy requires it to be considered by Council twice – once to allow public consultation and secondly to consider submissions and proceed with the policy.

## POLICY IMPLICATIONS

The proposed Policy is designed to complement rather than duplicate current Council Policy 10.11 *Road Verge Direction Signs*. All directional signage attached to road signs, known as 'finger boards' will continue to be controlled by Policy 10.11. Any non-standard directional sign that includes a corporate logo or image will be considered advertising signage and controlled by the proposed Policy (notwithstanding it may be 'directional' in nature).

## STRATEGIC COMMUNITY PLAN

### Goal 3 – Economic – Planned Actions

- 3.4.2 Plan well for the future development of the Shire  
Responsible officer: CEO  
Timing: 1-5 years

The Shire of East Pilbara seeks to support the economic development of its communities through the establishment of partnerships with industry, local businesses, government agencies and the tourism sector.

- 3.1 Business diversification and promotion
- 3.1.1 Provide support for established and emerging business bodies and local businesses  
Responsible officer: DCEO  
Timing: 1-5 years
- 3.1.2 Build a thriving and diverse economy  
Responsible officer: DCEO  
Timing: 1-5 years
- 3.1.3 Encourage tourism  
Responsible officer: DCEO  
Timing: 1-5 years

### FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

### VOTING REQUIREMENTS

Simple.

### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201516/256

**MOVED:** Cr Dean Hatwell

**SECONDED:** Cr Craig Hoyer

**THAT Council in accordance with clause 4(3)(b)(i) of the *Deemed Provisions for Local Planning Schemes*, proceed with Local Planning Policy No. 11 *Advertising Signage* as detailed below.**

**CARRIED**  
**RECORD OF VOTE: 7 - 0**

***To be actioned by Mr Roy Winslow, Manager Development Services – Planning.***

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## Local Planning Policy No.11 - Advertising Signage

<b>Responsible Directorate</b>	Technical and Development Services
<b>Responsible Officer</b>	Director Technical and Development Services
<b>File Number</b>	PLN-2-7

### 1. CITATION

This Local Planning Policy (the Policy) is made pursuant to Part 2 Division 2 of the *Deemed Provisions for Local Planning Schemes*, as outlined in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (as amended).

### 2. POLICY PURPOSE

The purpose of this Policy is to provide controls surrounding the proliferation of advertising signage within the Shire of East Pilbara.

### 3. POLICY OBJECTIVES

The objectives of this Policy are to:

- i. Provide a consistent approach to signage within the Shire of East Pilbara.
- ii. Ensure the type and size of signs is appropriate for the location.
- iii. Manage the proliferation of advertisements.
- iv. Ensure advertisements do not adversely impact on traffic circulation and management, or pedestrian safety.
- v. Ensure advertisements are generally erected on land where the advertised business or sale of goods or service is being carried out.
- vi. Ensure signs are constructed and maintained to the essential standards of public safety.

### 4. APPLICATION OF POLICY

#### 4.1. Application to Private Land

This Policy applies to all signage or advertising devices on private property located within the Shire of East Pilbara that can be viewed from a public place, thoroughfare or adjoining property, with the exception of:

- a) Signs which are explicitly provided for in the Property Local Law;
- b) Existing approved signage in the Shire of East Pilbara; and
- c) Signage located wholly within the interior of a building (i.e. shopping malls and arcades), subject to this signage not being visible from a public place, thoroughfare or adjoining property.

#### 4.2. Application to Public Land

This Policy applies to all signage or advertising devices on land owned by, or under the care and control of, the local government or state instrumentality.

#### 4.3. Application to Exempted Advertisements

Notwithstanding an advertisement may be exempt from the need to obtain development approval by inclusion in Schedule 5 of the Scheme, the provisions of this Policy as they relate to the particular advertisement must be complied with at all times.

#### 4.4. Relationship to Scheme and Other Policies

This Policy is to be read in conjunction with the Scheme and any other relevant Local Planning Policy or Council Policy. If a provision of the Policy is inconsistent with the Scheme, the Scheme prevails.

### 5. POLICY EXCLUSIONS

This Policy does not apply to the following:

- a) Directional signage on local government verges as this type of signage is controlled by Council Policy 10.11 *Road Verge Directional Signs*;
- b) Signage subject to the Road Traffic Act 1974 or Main Roads Act 1933; and
- c) Signage associated with an election, referendum or other poll conducted under the *Commonwealth Electoral Act 1918* (Commonwealth), the *Electoral Act 1907* or the *Local Government Act 1995*.

### 6. POLICY DEFINITIONS

#### 6.1. General Definitions

For the purposes of this Policy, the following definitions apply:

**Advertisement** is as defined by clause 1 of the Deemed Provisions.

**Amenity** means all those factors which combine to form the character of an area and include the present and likely future amenity.

**Deemed Provisions** means the *Deemed Provisions for Local Planning Schemes* as outlined in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as amended from time-to-time.

**Local Government** means the Shire of East Pilbara.

**Property Local Law** means the Shire of East Pilbara Public Places and Local Government Property Local Law 2011.

**Scheme** means Shire of East Pilbara Local Planning Scheme No 6.

**Sign** has the same meaning as **advertisement**.

**Sign Infill** means a panel which can be fitted into a pylon sign framework

**Verandah** for the purposes of this Policy includes cantilever verandahs and balconies whether over thoroughfares or over private land

All other uses referred to in this Policy are defined at Schedule 1 of the Scheme and clause 1 of the Deemed Provisions.

## 6.2. Sign Types

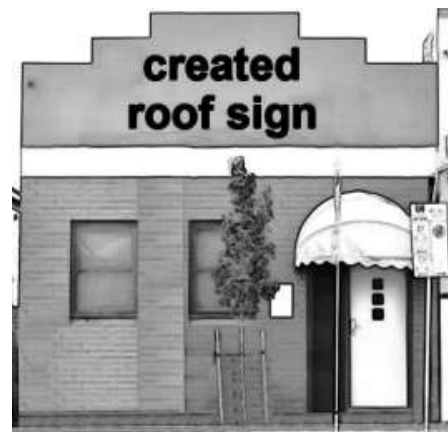
**Above roof sign** means a sign which is affixed to a building and protrudes above the eaves or parapet of the building with little or no relation to the architectural design of the building.



**Bill** means the sticking of a bill or painting, stenciling or affixing any advertisement on a building, structure, fence, wall, signpost, pole, blind or awning, so as to be visible to any person in a street, public place, reserve or other land.

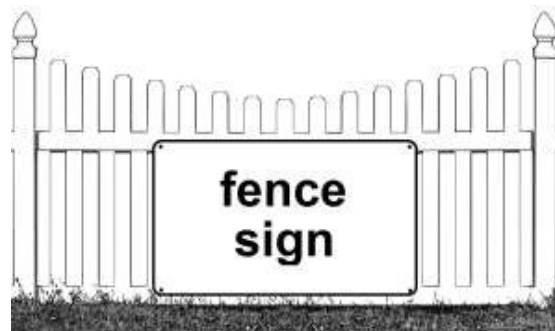
**Billboard** has the same meaning as **Hoarding**, with the difference being that the goods and services displayed is periodically replaced.

**Created Roof Sign** means a sign which is affixed to the fascia or roof of the building and compliments the architectural design of the building but does not include an above roof sign.



**Digital or Dynamic Sign** means a sign, either fixed or mobile, that incorporates a digital display of numbers, words, animation, or similar.

**Fence Sign** means a sign attached to a fence.



**Fly Posting** means advertising by means of placing posters on fences, walls, trees, buildings and like structures.

**Hoarding** means a large, freestanding or detachable structure that is erected for the sole purpose of displaying a sign or signs, and which has an overall height less than the sign's horizontal dimension, and includes a poster panel, a wall panel and an illuminated panel, but does not include a pylon sign.



**Monolith Sign** means a freestanding sign where the overall height is greater than the horizontal dimension of the sign, and portions of the sign face are less than 1.2m above ground level; and may include a number of modules or sections.



**Portable Sign** means a freestanding sign that is not permanently installed in its location and can be moved.

**Projecting Sign** means a sign which is attached to and protrudes more than 200mm perpendicular from a building or structure below the eaves or parapet of the building, but does not include a fence sign.



**Pylon Sign** means a freestanding sign supported by one or more piers where the overall height (including piers) is greater than the horizontal dimension of the sign, and all portions of the sign face are more than 1.2m above ground level; and includes a detached sign framework supported by one or more piers to which sign infills may be added.



**Remote Sign** means a sign located on private property but not directly related to the business being carried out on that property.

**Tethered Sign** means a sign which is suspended from or tethered to any structure, pole or tree (with or without supporting framework) and made of paper, fabric, plastic or similar materials. The term includes inflatables, bunting, banners, flags and similar.

**Under Verandah Sign** means a sign which is located under a verandah or awning and placed perpendicular to the façade of the building.





**Verandah Sign** means a sign fixed to the face or underside of a verandah or awning, but does not include an under verandah sign.



**Wall Sign** means a sign attached to or painted directly onto an external wall or fascia of a building, and does not project more than 200mm from the wall or fascia to which it is attached and no part of which is above the lowest point of the eaves of the building.



**Window Sign** means a sign attached to or painted directly on to the internal or external surface of a window, or located within 0.5m of a window inside the building for the purpose of advertising to the street.

## 7. POLICY STATEMENTS

### 7.1. General Requirements

7.1.1. *No person shall display an advertisement within the Shire of East Pilbara without first obtaining written approval of the local government subject to the restrictions within this Policy, except where the advertisement is exempt from requiring development approval by Schedule 5 of the Scheme.*

7.1.2. *Signs that are exempt from the need for development approval by Schedule 5 of the Scheme are still required to comply with the provisions of this Policy.*

7.1.3. *All advertisements shall:*

- i. not be erected or displayed in a position so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods;
- ii. not pose a threat to public health and safety;
- iii. be securely fixed to any structure which supports it;
- iv. be maintained in good order and clean condition;

- v. have no movable parts, reflective surfaces, flashing lights, or other design features that the local government considers to be a distraction to road users, pedestrians or neighbouring properties;
- vi. not contain any offensive material; and
- vii. be compatible with the scale and architecture of the building and the character of the street.

## 7.2. Design Requirements

7.2.1. *A sign shall be designed to be compatible with the proposed surroundings, including buildings, landscapes and other signs.*

7.2.2. *Every sign attached to buildings shall be incorporated into the architectural features of the building in placement, style, proportions, materials and finish and shall be designed, constructed, finished, installed and professionally maintained.*

7.2.3. *Signs may only contain any or all of the following information:*

- a) The name of the occupier;
- b) The business carried out on the property;
- c) The occupier's contact details;
- d) Hours of operation of the business;
- e) The logo of the business;
- f) A description of the goods sold or offered for sale on the property to which the sign is affixed, or to which it relates;
- g) Any other information specific to the business or use undertaken specifically approved by the local government; and
- h) In the case of a remote sign, information related to a tourism business or goods and services for the travelling public.

## 7.3. Signage Strategies

7.3.1. *The local government may request as a condition of development approval that a signage strategy be prepared for any site where development of signage requires a coordinated approach or special consideration to the objectives of the Scheme. Such situations may include, but are not limited to, multi-tenancy commercial or industrial developments, heritage precincts or sporting complexes.*

7.3.2. *All proposals for remote signs shall be consistent with an approved signage strategy for the whole site.*

7.3.3. *Where an approved signage strategy is in place, the local government will not generally approve applications for signage that is not consistent with the approved signage strategy.*

## 7.4. Advertisements in Residential Zones

7.4.1. *Where signage is proposed on a non-residential property in a predominantly residential area, it is not to detract from the amenity of the area or the streetscape, or cause a nuisance to residential properties.*

7.4.2. *The following sign types will generally not be permitted on land zoned residential or surrounded by land predominantly zoned residential:*

- a) Above roof;
- b) Hoarding;
- c) Pylon; and
- d) Monolith.

7.4.3. *Signage for home occupations and home businesses shall:*

- i. be limited to a maximum of one sign per street frontage of the dwelling;
- ii. be either a fence sign or a wall sign affixed to the ground floor walls of the dwelling;
- iii. not exceed 0.2m<sup>2</sup> in area; and
- iv. not be illuminated.

7.5. Advertisements within Road Reserves and other Public Land

7.5.1. *Where an advertisement is proposed to be located in a road reserve or other public place managed by the local government, the local government has the discretion not to allow the application to be lodged as the body responsible for the land.*

7.5.2. *The local government will only exercise its discretion to allow an application to be considered where:*

- i. *the placement of the advertisement on the road reserve or other public place is the most appropriate location for the advertisement; and*
- ii. *the advertisement will not adversely affect the provision of services or road / user safety.*

7.5.3. *Allowance by the local government of the application to be considered under 7.5.2 does not automatically construe approval of the application. The local government reserves the right to refuse the application or require modifications to the proposal should it not be satisfied that the proposal meets the objectives and/or signage standards of this Policy or the objectives of the Scheme.*

7.5.4. *Where an advertisement is to be located on land reserved or managed by a state instrumentality, the authority of that body will be required to be obtained by the advertiser prior to lodgement of the application with the local government.*

7.6. Franchise Signs

7.6.1. *In assessing an application for non-compliant signage for franchises the local government will consider it based on its merits, providing the application can justify the signage and has attempted to meet the requirements of this Policy.*

7.6.2. *In considering franchise signage, the local government will have due regard to the fact that the franchisee has little control over the implementation of the signage.*

7.7. Temporary and Event Signage

7.7.1. *Where advertisements are associated with a public event approved by the local government and will be removed immediately upon conclusion of the event, development approval will not be required.*

7.7.2. *An advertisement will be considered to be temporary if it is not displayed for a period of more than 30 days prior to the date of the event and is removed within 5 days of the event's conclusion.*

7.7.3. *Notwithstanding 7.7.1, where the advertisement is to be located on land owned or managed by the local government, its authority to display the advertisement is required.*

7.7.4. *The provisions of this section may be applied by the local government to non-event advertising, where it is satisfied that the advertising is for a community purpose or to the benefit of the community.*

## **8. STANDARDS FOR SPECIFIC SIGN TYPES**

### **8.1. Non-Specified Sign Types**

8.1.1. *Any proposed signage that is not listed or defined in this Policy, or cannot be reasonably be determined as falling with a definition, shall be assessed on its merits and with regard to the objectives of the Scheme and Policy.*

### **8.2. Above Roof Signs**

8.2.1. *Above roof signs may be considered where the sign compliments design of the building and does not adversely affect the character or amenity of the area.*

8.2.2. *A maximum of one above roof sign per building may be permitted. Where a building houses multiple tenancies or businesses, additional above roof signs may only be considered when in accordance with an approved signage strategy.*

8.2.3. *Above roof signs shall not project:*

- i. more than 2.0m above the top of the eaves or parapet of the building; and
- ii. laterally beyond the walls of the building.

### **8.3. Bill / Fly Posting**

8.3.1. *A person shall not post a bill or paint, stencil, place or affix an advertisement on a street or on a building, structure, fence, wall, footpath, sign post, blind or awning with the exception of an advertisement affixed to or painted on a commercial building window by the occupier of the building.*

8.3.2. *No person shall fly post at any place or location within the Shire.*

8.3.3. *Notwithstanding 8.3.1 and 8.3.2, the temporary placement of bills for a community purpose may be permitted in public areas with the prior approval of the local government.*

### **8.4. Created Roof Signs**

8.4.1. *A created roof sign shall:*

- i. *be affixed parallel to the fascia or portion of the building to which it is attached;*
- ii. *not be within 0.5m of either end of the fascia, roof or parapet of the building to which it is attached; and*
- iii. *be no more than 3m<sup>2</sup> in area.*

### **8.5. Digital or Dynamic Signs**

8.5.1. *Where a sign incorporates an element of digital or dynamic animation, it is to be considered against the provisions of this section, in addition to the provisions pertaining to the sign type (i.e. pylon, hoarding, wall, etc.).*

8.5.2. *A digital or dynamic sign shall:*

- i. not be a distraction to road users, pedestrians or neighbouring properties to the satisfaction of the local government;*
- ii. not incorporate additional flashing or alternating lighting over and above the digital display; and*
- iii. contain only messages relating to the hours, contact details or goods and services offered by the business to which the sign relates.*

8.5.3. *The use of a movable digital or dynamic sign for the advertising of a commercial business for more than 7 days in any calendar year will require the local government to grant a development approval,*

8.5.4. *The use of a movable digital or dynamic sign for the display of event information or for a community purpose will be subject to section 7.7 of this Policy.*

## 8.6. Fence Signs

8.6.1. *A Fence sign shall:*

- i. be limited to a maximum of one fence sign per frontage on each lot;*
- ii. not exceed 3m<sup>2</sup> in the Community and Cultural Purposes, Mixed Business, Nullagine Townsite, Rural and Town Centre zones;*
- iii. not exceed 5m<sup>2</sup> in the Industry zone and in local scheme reserves;*
- iv. not exceed the height or length of the fence; and*
- v. not project beyond the fence.*

## 8.7. Hoardings and Billboards

8.7.1. *A hoarding or billboard may be considered in the Industrial, Mixed Business, Rural and Town Centre zones and in local scheme reserves.*

8.7.2. *Hoardings and billboards shall not exceed:*

- i. 6m in height, taken from natural ground level to the top edge of the sign; and*
- ii. 20m<sup>2</sup> in area.*

8.7.3. *Construction site hoardings may be considered in the industrial, mixed business and town centre zones and in local scheme reserves, provided that:*

- i. It is demonstrated that there is no undue safety risk for pedestrians or conflict with vehicles accessing the site; and*
- ii. The hoarding is to be erected for no longer than 12 months at a time, and will be removed in its entirety upon completion of construction.*

8.7.4. *Hoardings and billboards that are intended to display goods and services not associated with the property on which it is located are to be considered remote signs and subject to section viii of this Policy.*

## 8.8. Monolith Signs

8.8.1. *A monolith sign may be considered on land located in the:*

- i. Mixed Business and Town Centre zones, where the lot area exceeds 2,000m<sup>2</sup> or where there is multiple tenancies or businesses operated on the same lot;*
  - ii. Industry zone; or*
  - iii. Nullagine Townsite or Special Use zones, where the sign is associated with an approved commercial or industrial use.*
- 8.8.2. With the exception of the Industry zone, monolith signs shall be restricted to one sign only for each frontage of the lot. Where the property has multiple tenancies or a series of businesses, the local government may require that any proposed sign be designed so as to incorporate one infill, module or section, or sufficient framework to accommodate one infill, for each tenancy or business on the lot.*
- 8.8.3. In the Industry zone, multiple monolith and pylon signs may be permitted where the local government is satisfied that the nature of the business operating on the lot requires additional signs. Where multiple signs are to be considered, a minimum setback of 10.0m between monolith and/or pylon signs will be applied.*
- 8.8.4. A monolith sign shall have:*
  - i. a maximum clearance to the underside of the sign of 1.2m from natural ground level (if greater clearance is required, the provisions for a pylon sign are to be applied);*
  - ii. no part of the sign face more than 8.0m above the natural ground level immediately below the sign;*
  - iii. a maximum width of 2.0m, measured horizontally across the extremities of the sign structure;*
  - iv. a sign face no greater than 8.0m<sup>2</sup> in area;*
  - v. a minimum setback of 2.0m to the side boundaries of the lot on which it is located; and*
  - vi. as a condition of development approval, a building permit issued prior to installation (where required by the Building Act 2011).*
- 8.9. Portable Signs**
  - 8.9.1. A portable sign is not permitted to be displayed within a road reserve or other public place unless development approval has been granted by the local government.*
  - 8.9.2. The granting of development approval for the display of a portable sign or signs within road reserves and public places constitutes the issuance of a licence under Part 12 of the Property Local Law.*
  - 8.9.3. Portable signs are permitted without approval where wholly located within the private property of the business to which the sign relates.*
  - 8.9.4. Portable signs are not to indicate or display any matter other than the business name of the premises to which it relates, the products and services relevant to the nature of the business carried out therein, indications of a "sale" and/or business logos of the related premises.*

8.9.5. *A portable sign in a road reserve or other public place is required to meet the following criteria in order to be approved by the local government:*

- a) Maximum of two (2) portable signs per business;*
- b) Has a maximum dimension of 0.9m wide and 1.5m tall, including the frame;*
- c) Located immediately adjacent to the business to which the portable sign relates or in an alternative position that is approved by the local government;*
- d) Located so that pedestrian access is not impeded (i.e. a minimum of 1.5m footpath width remaining);*
- e) Is located away from traffic lanes to the satisfaction of the local government;*
- f) Does not impede sight lines for vehicles and pedestrians or reduce road safety in any manner;*
- g) Is not located on a road reserve dedicated under the Main Roads Act 1933;*
- h) Has a weight and design sufficient to prevent the portable sign from falling in normal weather conditions or is otherwise tethered as approved by the local government;*
- i) Is displayed only during the hours that the business is open, or as otherwise permitted by the local government; and*
- j) Displays the authorisation of the local government.*

8.9.6. *Unframed lightweight signs, such as folded 'core-flute' signs are not permitted within road reserves or other public places, with the exception of temporary signs that are in place for less than 48 hours, such as signs associated with 'home opens' or garage sales.*

8.9.7. *Notwithstanding 8.9.5 a), additional portable signs may be permitted by the local government where it is satisfied that the display is required to provide information on the location and operating hours of a business providing goods and services to the travelling public.*

#### 8.10. Projecting Signs

8.10.1. *A projecting sign shall:*

- i. be limited to a maximum of one projecting sign per lot;*
- ii. not project more than 1.0m outward from the wall to which it is attached;*
- iii. not project beyond the boundaries of the lot or past the edge of any adjacent awning or verandah;*
- iv. not protrude above the top of the wall to which it is attached;*
- v. not exceed 2m<sup>2</sup> in area; and*
- vi. have a minimum clearance from ground level to the underside of the sign of 2.4m.*

8.11. Pylon Signs

8.11.1. *A pylon sign may be considered on land located in the:*

- i. Mixed Business and Town Centre zones, where the lot area exceeds 2,000m<sup>2</sup> or where there is multiple tenancies or businesses operated on the same lot;*
- ii. Industry zone; or*
- iii. Nullagine Townsite or Special Use zones, where the sign is associated with an approved commercial or industrial use.*

8.11.2. *With the exception of the Industry zone, pylon signs shall be restricted to one sign only for each frontage of the lot. Where the property has multiple tenancies or a series of businesses, the local government may require that any proposed sign be designed so as to incorporate one infill, module or section, or sufficient framework to accommodate one infill, for each tenancy or business on the lot.*

8.11.3. *In the Industry zone, multiple pylon and monolith signs may be permitted where the local government is satisfied that the nature of the business operating on the lot requires additional signs. Where multiple signs are to be considered, a minimum setback of 10.0m between pylon and/or monolith signs will be applied.*

8.11.4. *A pylon sign shall:*

- i. have a minimum clearance to the underside of the sign of 2.4m from natural ground level (if lesser clearance is required, the provisions for a monolith sign are to be applied);*
- ii. have no part of the sign face more than 6.0m above the natural ground level immediately below the sign;*
- iii. have a maximum width of 2.0m, measured horizontally across the extremities of the sign structure;*
- iv. have a sign face no greater than 6.0m<sup>2</sup> in area;*
- v. have a minimum setback of 2.0m to the side boundaries of the lot on which it is located;*
- vi. not project over a lot boundary;*
- vii. not have any subsidiary signage attached to the supports that reduces the minimum clearance required by 8.11.4 i.;*
- viii. have as a condition of development approval, a building permit issued prior to installation (where required by the Building Act 2011).*



#### 8.12. Remote Signs

8.12.1. *Remote signs are not permitted unless the local government has granted development approval.*

8.12.2. *Where the remote sign is to be located adjacent to a State Road, the approval or support of Main Roads WA is required to be obtained by the advertiser prior to submission of an application to the local government. Any conditions of approval required by Main Roads WA are to be incorporated into the local government development approval.*

8.12.3. *The local government may require that any proposed remote sign be designed so as to incorporate multiple infills, modules or sections for the promotion of multiple businesses and services.*

8.12.4. *Remote signs shall:*

- i. be associated with a tourist related business or a business that provides goods and services to the travelling public that is located within the Shire of East Pilbara;*
- ii. not adversely affect the character or amenity of the area;*
- iii. be located not less than 500m from any other remote sign;*
- iv. be oriented in the direction of passing traffic and may be double-sided;*
- v. not be located within a gazetted town site;*
- vi. have maximum height of 4.0m to the top of the sign from natural ground level; and*
- vii. have maximum total sign width of 8.0m.*

8.12.5. *Notwithstanding 8.12.4 vi., the maximum dimensions of a billboard will be in accordance with section 8.7 of this Policy.*

#### 8.13. Tethered Signs

8.13.1. *A tethered sign shall:*

- i. be wholly located within the boundaries of the lot;*
- ii. not be located so as to distract the attention of motorists;*
- iii. have no part of the sign face more than 6.0m above the natural ground level immediately below the sign;*
- iv. have a maximum vertical dimension of 2.0m and a maximum area of 2.0m<sup>2</sup>; and*
- v. not be within 10.0m of a monolith or pylon sign.*

8.13.2. *Notwithstanding 8.13.1, tethered signs that consist of balloon-type or inflatable objects shall:*

- i. be limited to the Industry, Mixed Business, and Town Centre Zones;*
- ii. not exceed 6.0m in diameter or 6.0m in height above natural ground level;*
- iii. be accompanied by a certificate from a practising structural engineer certifying that the connection of the tethered sign to the building or lot is of a sound design; and*

- iv. not be displayed for more than 30 days, unless otherwise approved by the local government.*

#### 8.14. Under Verandah Signs

8.14.1. *A sign attached to the underside of a verandah or awning shall:*

- i. be limited to a maximum of one sign per tenancy;*
- ii. have a minimum clearance from the ground level immediately under the sign to the underside of the sign of 2.4m;*
- iii. not project beyond the outer frame or surround of the verandah; and*
- iv. not exceed 2.5m in length or 0.6m in height.*

#### 8.15. Verandah Signs

8.15.1. *A sign affixed to the fascia of a verandah or awning shall not:*

- i. exceed the height or length of the fascia; and*
- ii. project beyond the fascia.*

#### 8.16. Wall Signs

8.16.1. *A wall sign shall not:*

- i. extend beyond either end of a wall, or above the top of the wall or eaves, unless the local government is satisfied that allowing the projection is consistent with the requirements of 7.1 and 7.2 of this Policy; and*
- ii. have an aggregate area greater than 30% of the total area of each frontage, up to a maximum of 10.0m<sup>2</sup> per tenancy.*

#### 8.17. Window Signs

8.17.1. *Window signs:*

- i. may cover up to 100% of the total area of any window, unless a lesser proportion is provided for in design guidelines, signage strategy or condition of development approval applicable to the building on which the window sign is to be located; and*
- ii. shall not have an aggregate area greater than 10m<sup>2</sup> for each frontage.*

8.17.2. *Notwithstanding 8.17.1, passive surveillance between the premises and public areas is to be maintained at all times the business is operating in order to ensure the frontage of a premises remains activated in accordance with Crime Prevention Through Environmental Design (CPTED) principles.*

8.17.3. *This section of the Policy does not apply to licensed real estate agencies.*

## 9. POLICY ADMINISTRATION

### 9.1. Exempted Advertisements

9.1.1. *Where a form of advertisement is exempt from the need to obtain development approval, the local government reserves the right to ensure ongoing compliance with the provisions of this Policy and the parameters of the exemption class.*

9.1.2. *Should the local government identify that an advertisement has been placed in a manner that exceeds the exemption class, the advertiser will be provided the opportunity to lodge an application for development approval and have this considered against the provisions of this Policy.*

9.1.3. *Should an advertiser not lodge an application under 10.1.2 within 30 days or longer period specified by the local government, it will issue a notice under clause 11.17.7 of the Scheme to remove the advertisement or to take such action so as to make the advertisement comply with the relevant exemption class or the provisions of this Policy.*

### 9.2. Non-Exempt Advertisements

9.2.1. *Where an application for development approval is required, the local government may determine this under the delegated authority provided by Part 10 Division 2 of the Deemed Provisions.*

### 9.3. Advertising of Applications

9.3.1. *Where in the opinion of the local government, an application is consistent with the relevant provisions of this Policy, it may be granted development approval without advertising of the application for public comment.*

9.3.2. *Where the local government identifies that an application requires one or more requirements of the Policy to be varied, it may undertake consultation, in accordance with clause 64 of the Deemed Provisions, with any party it considers likely to be affected by the variation proposed.*

9.3.3. *Notwithstanding 9.3.2, the local government may waive a requirement to advertise an application if it is satisfied that the variation proposed is of a minor nature or where it is satisfied that no other party would be affected by the variation being approved.*

References	Shire of East Pilbara Town Planning Scheme No.4 Planning and Development (Local Planning Schemes) Regulations 2015		
Related Procedures			
Date Adopted by Council	TBA	Item No	
Review/Amendment Date		Item No	
Next Review			

**9.3.8 REQUEST FOR COMMENT ON SHIRE OF MEEKATHARRA LOCAL  
PLANNING STRATEGY AND SCHEME NO.4**

**File Ref:** PLN-1

**Attachments:** [Draft Meekatharra Local Planning Strategy](#)  
[Proposed Zoning of Capricorn Roadhouse](#)

**Responsible Officer:** Mr Rick Miller  
Director Technical and Development Services

**Author:** Mr Roy Winslow  
Manager Development Services - Planning

**Location/Address:** Shire of Meekatharra

**Name of Applicant:** Shire of Meekatharra

**Author Disclosure of Interest:** Nil

12PM Cr Lang Coppin left Chambers.  
12:01PM Cr Lang Coppin returned to the Chambers

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**REPORT PURPOSE**

For Council to consider making comment on the Shire of Meekatharra's proposed Local Planning Strategy and Local Planning Scheme No.4.

**BACKGROUND**

The Shire of Meekatharra has prepared a draft Local Planning Strategy and associated new local planning scheme and is inviting comment. The Shire of East Pilbara has been invited to make comment as an adjoining local government authority.

Currently, the Shire of Meekatharra does not have a Shire-wide local planning scheme, with Town Planning Scheme No.3 effective only over the Meekatharra Townsite. The proposed Strategy and Scheme No.4 will cover the entire Shire area.

Of particular interest to the Shire of East Pilbara is the introduction of zoning controls over the Capricorn Roadhouse. Located 15km south of Newman, any future development of Capricorn Roadhouse may have a significant impact on the growth and development of Newman.

A full copy of the draft Local Planning Strategy is attached. A copy of the proposed Scheme Map showing the Capricorn Roadhouse locality is also attached.

**COMMENTS/OPTIONS/DISCUSSIONS**

As an adjoining local government authority, Council may make a comment on any aspect of the proposed Strategy and/or Scheme. Given the relatively large size of the Shire of Meekatharra and the lack of major development within much of the Shire area, this comment is likely to be focussed on the future development of the Capricorn Roadhouse.

The draft Strategy primarily focusses on the growth and development of the Meekatharra Townsite as the main centre within the Shire. Due to the distance

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between Newman and Meekatharra exceeding 400km, there is negligible competition between the two centres for industrial or commercial development. However, the draft Strategy suggests at page 14 that Capricorn Roadhouse has developed a range of 'substantial infrastructure' due to a lack of industrial land in Newman. The draft states that "there is little to no industrial land designated in Newman". Shire officers contend that this is not the case, as there is currently adequate supply of serviced and zoned land to cater for short-medium term industrial demand.

It appears that the statement regarding the lack of industrial land in Newman may be being used to argue for the development of Capricorn for a range of uses over time. This assumption is supported by the proposed zoning of the site in draft Local Planning Scheme No.4 as *Special Use – Roadhouse and associated services*, with the zone to be much larger than the existing footprint of development. The current development area is approximately 12ha whilst the draft Scheme proposes the zone to be approximately 60ha. Shire officers question the need for the special use zone to be any larger than the boundaries of the existing development in the absence of any justification in the draft Strategy for an enlarged "roadhouse" development.

Whilst located in the Shire of Meekatharra, the location of Capricorn means that any development of the site has a greater impact on Newman than it does on Meekatharra. The impacts include a competitive "pull" of uses normally located within a town area, such as mechanical workshops. Further, any increase in development of Capricorn may lead to a greater strain on Shire of East Pilbara resources, such as governance (rangers, environmental health, etc.).

It is recommended that Council make advises the Shire of Meekatharra that:

1. There is an adequate supply of serviced and zoned industrial land within Newman and the Shire of East Pilbara requests the statement on page 14 of the Strategy be modified to reflect this;
2. The proposed zoning of the existing approximately 12ha development footprint of the Capricorn Roadhouse as *Special Use – Roadhouse and associated services* is supported; and
3. The proposed *Special Use* zoning of approximately 48ha of land to the east and south of the existing Capricorn Roadhouse is not supported due to there being no apparent demand for the expansion identified in the draft Strategy, and the continued development of Capricorn as a *de facto* service commercial area being contrary to the orderly and proper planning of Newman.

#### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015.

#### **POLICY IMPLICATIONS**

Nil

#### **STRATEGIC COMMUNITY PLAN**

Not Applicable

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION**

**MOVED:** Cr Michael Kitchin

**SECONDED:** Cr Shane Carter

**THAT Council provide the Shire of Meekatharra the following comments on its draft Local Planning Strategy and Scheme:**

1. There is an adequate supply of serviced and zoned industrial land within Newman. The Shire of East Pilbara requests the statement on page 14 of the draft Shire of Meekatharra Local Planning Strategy be modified to reflect this;
2. The proposed zoning of the existing approximately 12ha development footprint of the Capricorn Roadhouse as *Special Use – Roadhouse and associated services* is supported; and
3. The proposed Special Use zoning of approximately 48ha of land to the east and south of the existing Capricorn Roadhouse is not supported due to there being no apparent demand for the expansion identified in the draft Strategy, and the continued development of Capricorn as a *de facto* service commercial area being contrary to the orderly and proper planning of Newman.

**LOST  
RECORD OF VOTE: 3 - 4**

**COUNCIL RESOLUTION: 201617/257**

**MOVED: Cr Gerry Parsons**

**SECONDED: Cr Craig Hoyer**

**THAT Council support the Shire of Meekatharra draft Local Planning Strategy and Scheme.**

**CARRIED  
RECORD OF VOTE: 7 - 0**

*To be actioned by Mr Roy Winslow, Manager Development Services – Planning.*

**Reason for Non Acceptance of Officer's Recommendation:**

*Council thought that any development would be beneficial to the Shire.*

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL**

Nil

**12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**

Nil

**13 GENERAL BUSINESS**

**13.1 UPGRADED ROADS AROUND NEWMAN**

Cr Craig Hoyer commented that there is some loose stones on some of the roads that have been re-sealed around the Newman townsite.

Mr Rick Miller commented that once the roads are sealed, we usually wait around 4 weeks before we sweep the roads.

**13.2 SCHOOL ZONES – ROAD COLOURING**

Cr Lynne Craigie asked about the possibility of colouring the road surface in school zones? E.g. red.

Mr Rick Miller commented that yes this is possible – we could colour the asphalt a different colour. However, it does cost significantly more. This could be considered in the budget process.

**13.3 KURRA VILLAGE**

Cr Gerry Parsons asked whether they were still using the mess at Kurra Village? She had heard that the FIFO workers were being given food vouchers to use in town?

Cr Lynne Craigie commented that she thought this was happening but that we would have to confirm with BHPBIO.

**13.4 THE RECREATION COMPLEX**

Cr Dean Hatwell asked who approves the design of 'The Recreation Complex'?

Ms Sian Appleton replied that the design is approved by a team of people – the Contractor, the Shire's Assets & Procurement Department, the Shire's Executive team and the community.



**13.5 MARBLE BAR SKATE PARK**

Cr Dean Hatwell commented that there is rocks on the surface of the Marble Bar Skate Park. Also, that there is excess piles of rocks near the park.

Mr Rick Miller replied that he had already organised to have the excess piles of rocks removed. Also, that it is an individual users responsibility to remove any rocks that may be on the skate park itself.

**13.6 TENDERS FOR AUCTION**

Cr Dean Hatwell commented that he had looked on the Shire website and did not see the tender advert for the disposal of gym equipment in Nullagine.

Ms Sian Appleton, Deputy Chief Executive Officer, to follow up where it is put on the website.

**13.7 TENNIS COURTS IN MARBLE BAR**

Cr Michael Kitchin commented that it appears that the tennis courts are not to regulation size.

Ms Sian Appleton, Deputy Chief Executive Officer, to follow up.

**13.8 COMMENTS FROM TOURISTS**

Cr Lang Coppin commented that he had received some good comments from tourists that Marble Bar and Nullagine are looking good.

**13.9 SIGNANGE**

Cr Lang Coppin commented that he had received comments from some tourists that the signage around and into the towns of Marble Bar and Nullagine was poor.

Mr Rick Miller, Director Technical & Development Services, to follow up.

**13.10 MOSQUITO PROBLEM**

Cr Lang Coppin commented that the mosquitos in Marble Bar are still really bad. Is there anything more that can be done?

Mr Rick Miller commented that our Manager Development Services – Health, Edmore Masaka, is aware of the issue and is currently servicing trap doors on septic tanks to alleviate the problem.

**13.11 CYCLONE GEORGE**

Cr Lang Coppin asked whether the cyclone George matter has finished for the Shire now?

Mr Allen Cooper advised that no it has not finished.

**13.12 MARBLE BAR NURSING POST**

Cr Lang Coppin commented that the Marble Bar Nursing Post has received several upgrades and is looking really good now.

Could a letter be sent to WA Country Health Service congratulating them on the work.

Mr Allen Cooper, Chief Executive Officer, to follow up.

**13.13 MARBLE BAR ROAD UPGRADE**

Cr Lang Coppin commented that he felt that the need to spend \$53 million on works at Coongan Gorge on the Marble Bar to Port Hedland road seemed excessive. He said the money could be better spent upgrading other sections of the road.

Mr Allen Cooper replied saying that he has already spoken to the Regional Manager of Main Roads regarding this. He will also follow up with a letter.

**14 DATE OF NEXT MEETING**

22 July 2016, Newman

**15 CLOSURE**

12:20PM.