

Unconfirmed copy of Minutes of
Meeting held on 26 October 2012
subject to confirmation at meeting to be
held on 7 December 2012



EAST PILBARA SHIRE COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
ORDINARY Meeting of the Council was held,
in Council Chambers, Newman,
10.00 AM, FRIDAY, 26 OCTOBER, 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



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 10:05 AM and welcomed the Visitors in the public gallery.

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 RESIGNATION CR SUE OWEN

Chief Executive Officer advised Council that Councillor Sue Owen had resigned effective from 15th October 2012 due to health reasons.

2.2 ATTENDANCES

Councillors

Cr Lynne Craigie
Cr Lang Coppin
Cr Shane Carter
Cr Craig Hoyer
Cr Doug Stead
Cr Gerry Parsons
Cr Darren Bennetts
Cr Kevin Danks
Cr Stephen Kiernan

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

Mrs Sheryl Pobrica

Chief Executive Officer
Deputy Chief Executive Officer
Director Technical and Development
Services.
Executive Services Administration Officer

Public Gallery

Mr Chad Scott
Ms Debbie Becker
Mr Matt Pickford
Ms Virginia Simms

Ms Tricia Hudgell

Mr Matt Boardmann

Ms Lisa Parker

Mrs Rene Bailey

Ms Renae McLaughlin
Mr Jeff Burroughs

Director Megara
Consultant Megara
Megara
Manager, Department of Mines and
Petroleum.
Administration Officer, Department of
Mines and Petroleum.
Environmental Officer, Department of
Mines and Petroleum.
President, Newman Amateur Swimming
Club (NASC)
Newman Amateur Swimming Club
(NASC)
Transpacific
Transpacific

2.3 APOLOGIES

Councillor Apologies

Nil

Officer Apologies

Nil

2.4 LEAVE OF ABSENCE

Nil

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 PILBARA SWIMMING CHAMPIONSHIPS 2012

Ms Lisa Parker, President of Newman Amateur Swimming Club (NASC) and Mrs Rene Bailey, Meet Director, Pilbara Swimming Championships 2012, provided an update regarding the upcoming swimming championships 2012 going to be held in Newman, starting Friday night 23-25 November 2012.

The Chairman Cr Lynne Craigie thanked Ms Parker and Mrs Bailey for the presentation.

10:16AM Ms Lisa Parker and Mrs Rene Bailey left Chambers.

5.2 MEGARA PROJECT

Mr Chad Scott, Director and Ms Debbie Becker, Consultant, from Megara provided a presentation on the Megara Project and the extension to the workers camp on Kurra Street, Newman.

The Chairman Cr Lynne Craigie thanked Mr Scott and Ms Becker for the presentation.

10:37AM Mr Chad Scott, Ms Debbie Becker and Mr Matt Pickford from Megara left Chambers.

10:37AM Mr Allen Cooper left Chambers.

10:37AM Cr Lynne Craigie left Chambers

10:37AM Mr Cr Darren Bennetts left Chambers.

5.3 CLEARING PERMIT PROCESS IN THE SHIRE OF EAST PILBARA

10:39AM Cr Darren Bennetts returned to the Chambers

10:40AM Mr Allen Cooper returned to the Chambers

10:40AM Cr Lynne Craigie returned to the Chambers

Ms Virginia Simms, Manager and Mr Matt Boardman, Environmental Officer, from the Department of Mines and Petroleum provided a presentation on the Clearing Permit Process in the Shire of East Pilbara.

11AM *Cr Gerry Parsons left Chambers.*

The Chairman Cr Lynne Craigie thanked Ms Simms and Mr Boardman for the presentation.

11:02AM *Cr Gerry Parsons returned to the Chambers*

11:10AM *Ms Virginia Simms, Ms Patricia Hudgell and Mr Matt Boardman left Chambers.*

11:10AM *Cr Doug Stead left Chambers.*

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

11:12AM *Cr Doug Stead returned to the Chambers*

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes September 28 2012 Council.docx](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/188

MOVED: Cr Shane Carter

SECONDED: Cr Darren Bennetts

THAT the minutes of the Ordinary Meeting of Council held on 28 September 2012, be confirmed as a true and correct record of proceedings.

**CARRIED
RECORD OF VOTE: 9 - 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 Police Legacy Memorial Service.
- Attended Martumili Funding Announcement by Hon Brendon Grylls.
- Attended Meeting with the Hon Brendon Grylls.

- Attended Official Opening of the Junior Sports Pavilion and Sporting Precinct Lighting upgrade.
- Attended Bloodyslow Cup.

Cr Stephen Kiernan

- Attended Marble Bar Community Resource Centre AGM.
- Attended Nullagine Community Resource Centre AGM.
- Attended Marble Bar Community Resource Centre Committee Meeting.
- Attended Nullagine Community Resource Centre Committee Meeting.

Cr Kevin Danks

- Attended Marble Bar Race Committee Meeting.

Cr Shane Carter

- Attended Pilbara Development Commission Meeting – Port Hedland.

Cr Gerry Parsons

- Attended Councillors at Newman Shopping Centre Meet and Greet.
- Attended Police Legacy Memorial Service.
- Attended Official Opening of the Junior Sports Pavilion and Sporting Precinct Lighting upgrade.
- Attended Civic Centre Workshop.
- Attended Bloodyslow Cup.

Cr Doug Stead

- Attended Police Legacy Memorial Service.
- Attended Official Opening of the Junior Sports Pavilion and Sporting Precinct Lighting upgrade.
- Attended Civic Centre Workshop.
- Attended SOEP Audit Committee Meeting.
- Attended EPIS Board Meeting.
- Attended EPIS AGM.
- Attended Martumili Funding by Hon Brendon Grylls.
- Attended meeting with the Hon Brendon Grylls.
- Attended meeting with Jon Ford and Kelly Howlett.

Cr Lynne Craigie

- Attended PRC Meetings with PRC Administration and CEO.
- Attended Official Opening of the Junior Sports Pavilion and Sporting Precinct Lighting upgrade.
- Attended Martumili Funding by Hon Brendon Grylls.
- Attended ABC radio interview regarding Martumili Funding Announcement.
- Attended Newman Women's Shelter AGM meeting.

- Attended Newman Visitors Centre Committee meeting.
- Attended EPIS Board Meeting.
- Attended EPIS AGM.
- Attended meeting with Chris Cottier and Alex Seed, BHPIO.
- Attended meeting with Hon Brendon Grylls.
- Attended Bloodyslow Cup.
- Attended Horizon Power meeting.
- Attended meeting with Mr Colin McKinnan-Dodd.
- Attended Councillors at Newman Shopping Centre Meet and Greet.
- Attended ABC Interview regarding vandalism and reward.
- Attended meeting with Kelly Howlett, labor candidate.

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - SEPTEMBER 2012

File Ref: CLR 4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil
11:21AM Cr Lang Coppin left Chambers.

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

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

3.2.1 *Encourage community participation in the decision making processes undertaken by the Shire*

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/189

MOVED: Cr Gerry Parsons

SECONDED: Cr Stephen Kiernan

THAT the "Status of Council Decisions" – Chief Executive Officer report for September 2012 be received.

CARRIED

RECORD OF VOTE: 8 - 0

To be actioned by Mrs Sheryl Pobrica, Executive Services Administration Officer.

11:25AM *Mr Jeff Burroughs and Ms Renae McLaughlin from Transpacific left Chambers.*

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

26 OCTOBER, 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
24 August 2012	9.1.5	SHIRE OF EAST PILBARA DRAFT PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2012	CES	Advertised – Submissions close 7 November 2012	December 2012
24 August 2012	13.10	LANEWAY BETWEEN PRIMARY SCHOOL AND HIGH SCHOOL Cr Gerry Parsons asked who is responsible for the laneway between the South Newman Primary School and Newman High School. The laneway needs to be cleaned up and/or closed. Mr Allen Cooper responded saying that the High School is responsible for the laneway. Mr Allen Cooper will write to the High School asking that the laneway be cleaned up and/or closed.	CEO	Letter sent 21/09/2012 still waiting on response	October 2012
28 September 2012	9.1.4	PETITION – USE OF GALLOP HALL, NULLAGINE	CEO	Liaising with EPIS regarding concerns on petition	On Going
28 September 2012	9.1.5	REQUEST TO INTERN ASHES – MARBLE BAR PIONEER CEMETERY – LOIS KATHLEEN ROSE GEAR	CES	Forms emailed to Applicant on 02/10/2012	
28 September 2012	9.1.10	WAIVER OF LANDING FEES NEWMAN AIRPORT - BLOODY SLOW CUP	CES	Leon to organise transfer of fees from acc#41034 to airport income account.	
28 September 2012	11.2.1	CHANGE THE PURPOSE OF THE MANAGEMENT ORDER FOR LOT 1419 - NEWMAN VISITORS CENTRE	CPS	Letter sent to RDL for Change of Purpose	
28 September 2012	13.5	INDEPENDENT DUST MONITORING Cr Doug Stead asked if the Shire can explore the option of getting an independent dust reading due to the increase level of dust in Newman.	CEO	To be followed up	

**9.1.2 COUNCILLORS MONTHLY MEET AND GREET AT THE NEWMAN
BOULEVARDE SHOPPING CENTRE**

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

11:28AM Cr Lang Coppin returned to the Chambers

REPORT PURPOSE

To set the dates of the monthly meet and greet at the Newman Boulevarde Shopping Centre for December 2012 to October 2013.

BACKGROUND

The Councillors requested they meet monthly at the Newman Boulevarde Shopping Centre on a Saturday from 10-12pm to meet the members of the community and to take notes or answer of any issues/queries the community wish to bring up.

This is an opportunity for the Councillors to introduce themselves to the community and advise on any projects the Shire is undertaking.

COMMENTS/OPTIONS/DISCUSSIONS

Table, chairs and pin board are to be set up for the Councillors and any maps, notices requested by the Councillors.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

**1.6 DRESS CODE FOR COUNCILLORS REPRESENTING COUNCIL ON
EXTERNAL BUSINESS AND EVENTS**

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.1 Representation

**3.1.2. Actively participate with the Pilbara Regional Council for the benefit of the East
Pilbara and the wider Pilbara Region.**

- 3.1.3 Establish a range of Partnerships that add value to our services and supports the needs of the community.
Lobbying and advocacy role
How funded – Municipal Funds and funding opportunities
Responsible Directorate - Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/190

MOVED: Cr Gerry Parsons

SECONDED: Cr Doug Stead

THAT Council set the dates of the monthly meet and greet at the Newman Boulevard Shopping Centre as below.

CARRIED

RECORD OF VOTE: 9 - 0

To be actioned by Mrs Sheryl Pobrica, Executive Services Administration Officer

DAY	TIME	DATE
Saturday	10am – 12pm	1st December 2012
Saturday	10am – 12pm	2nd February 2013
Saturday	10am – 12pm	9th March 2013
Saturday	10am – 12pm	6th April 2013
Saturday	10am – 12pm	4th May 2013
Saturday	10am – 12pm	8th June 2013
Saturday	10am – 12pm	6th July 2013
Saturday	10am – 12pm	3rd August 2013
Saturday	10am – 12pm	7th September 2013
Saturday	10am – 12pm	12th October 2013

9.1.3 PROPOSED COUNCIL MEETING DATES 2012/2013

File Ref: CLR 1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To set the Council meeting dates, times and venues for the next twelve months. Council is required under the *Local Government Act 1995*, s5.25(g), to set and advertise meeting dates, times and venues for the next twelve months.

COMMENTS/OPTIONS/DISCUSSIONS

Traditionally Council meets on the fourth Friday in the month. In some instances this date is not appropriate. The dates have been set to fit in with public holidays and allow the closing date for agenda items to be realistic for staff to compile the agenda for distribution to Councillors.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 - Administration (Division 2 - Meetings) (Subdivision 3 - Matters affecting meetings) 5.25. Regulations about council and committee meetings and committees (pg 141)

(1) Without limiting the generality of section 9.59, regulations may make provision in relation to –

(g) the giving of public notice of the date and agenda for council or committee meetings;

Local Government (Administration) Regulations 1996

12. Public notice of council or committee meetings – s5.25(1)(g)

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

POLICY IMPLICATIONS

Policy Manual 2012

1.3 Council Meetings - Dates and Times

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To establish what dates and times that Council Meetings will normally be held.

Policy

Council meetings will normally be held on the fourth Friday of each month commencing at 10:00 am, with the exception of November and January. Times and dates shall be subject to alteration in accordance with the Local Government (Administration) Regulations 1996. A dress standard applies to all persons attending a Council Meeting.

Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual.

Legislation

Section 12 *Local Government (Administration) Regulations 1996*

1.7 Dress Standard for Council Chambers

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To establish acceptable dress standards for persons visiting the Council Chambers.

Policy

This code shall apply in respect to all persons visiting the Council Chambers at both the Newman and Marble Bar offices.

All persons shall include Councillors, staff, other attendees and persons invited to join Council for any reason whether it be for full Council meetings, Committee or staff meetings, question time, social functions or any other formal or social occasions held in the Council Chambers.

Council has resolved that all persons, whether elected members, staff or otherwise should be dressed to a standard which reflects the importance of the Council Chambers in the decision making process of the Shire of East Pilbara.

All persons entering the Council Chambers should meet the following minimum dress standards:

Male: Clean, neat appearance, e.g. open necked shirt and slacks or dress shorts or equivalent Open or covered footwear (not including thongs).

Female: Clean, neat appearance, e.g. blouse and slacks, skirt or dress shorts or equivalent. Open or covered footwear (not including thongs).

1.9 Location of Council Meetings

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To establish where Council meetings will normally be held.

Policy

The venue for Council meetings shall be determined by Council usually in October of each year for the upcoming year but normally meetings will be held alternatively at Marble Bar and Newman, with one meeting being held annually in Nullagine.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.3 Support for Staff and Councillors

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/191

MOVED: Cr Gerry Parsons

SECONDED: Cr Stephen Kiernan

THAT the dates, time and place for Ordinary Council Meetings for the next twelve months 2012-2013, as listed below, be adopted and advertised in accordance with the Local Government (Administration) Regulations 1996 s12(1)(a).

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Mrs Sheryl Pobrica, Executive Services Administration Officer.

MEETING DATE	VENUE	COMMENCEMENT TIME
Friday 7 th December 2012	Newman	10:00am
Friday 8 th February 2013	Newman	10:00am
Friday 15 th March 2013	Marble Bar	10:00am
Friday 19 th April 2013	Newman	10:00am
Friday 24 th May 2013	Newman	10:00am
Friday 28 th June 2013	Nullagine	10:00am
Friday 26 th July 2013	Newman	10:00am
Friday 23 rd August 2013	Newman	10:00am
Friday 27 th September 2013	Marble Bar	10:00am
Friday 25 th October 2013	Newman	10:00am

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS
- SEPTEMBER 2012**

File Ref: CLR 4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

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

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

3.2.1 Encourage community participation in the decision making processes undertaken by the Shire

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/192

MOVED: Cr Gerry Parsons

SECONDED: Cr Darren Bennetts

THAT the "Status of Council Decisions" – Deputy Chief Executive Officer report for September 2012 be received.

**CARRIED
RECORD OF VOTE: 9 - 0**

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

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Manager Building Assets to follow up.	MBA	Review being undertaken by PRC	
25 May 2012	9.2.6	OFFICIAL OPENING FOR ROYALTIES FOR REGIONS PROJECTS	DCEO	20 th October 2012	October 2012
24 August 2012	9.2.2	HAULPAK PROPOSAL	DCEO	Being project managed by RDS	On Going
28 September 2012	9.2.5	APPROVAL OF A SUB LEASE FOR A DRIVE THROUGH COFFEE SHOP - LOT 1419 FORTESCUE DRIVE, NEWMAN – NEWMAN VISITORS CENTRE	CPS	Muzz Buzz withdrew application	Completed
28 September 2012	9.2.6	DRAFT COMMUNITY WELLBEING STRATEGY	MCW	Being Advertised	December 2012
28 September 2012	9.2.7	DRAFT NEWMAN TOMORROW DOCUMENT	DCEO	Being Advertised	December 2012
28 September 2012	9.2.10	RATES MINING ASSESSMENTS	RRFO	Being Researched	
28 September 2012	11.2.1	CHANGE THE PURPOSE OF THE MANAGEMENT ORDER FOR LOT 1419 - NEWMAN VISITORS CENTRE	CPS		On Going

9.2.2 FIVE YEAR FORWARD CAPITAL WORKS PLAN

File Ref: STR-1-1
Attachments: Five Year Forward Capital
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the five Year Capital Works Plan.

BACKGROUND

As a requirement to receive funding under the Country Local Government Fund (CLGF), Councils must produce a Five Year Capital Works Plan. The previous plan was completed by Cardno (WA) Limited with the help of funding from the CLGF. The current updated plan has been completed internally and will also be used as a base for the 10 year financial plan required under the Local Government Reform.

COMMENTS/OPTIONS/DISCUSSIONS

The five year capital works plan was developed from the incorporation of the following documents - Newman Tomorrow, Marble Bar ProspectUs, Nullagine ProspectUs, the draft Community Strategic Plan and various informing strategies. The plan must be submitted to the Department of Regional Development and Lands by the 31 December 2012 if we wish to access the CLGF monies.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.2 Asset Management

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/193

MOVED: Cr Shane Carter

SECONDED: Cr Craig Hoyer

THAT Council resolve to endorse the Five Year forward Capital Works Plan as presented, for the 2012/2013 to 2016/2017 period.

**CARRIED
RECORD OF VOTE: 9 - 0**

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

**9.2.3 AFFIX COMMON SEAL TO LEASE AGREEMENT FOR NEWMAN
VISITORS CENTRE - LOT 1419 FORTESCUE AVENUE, NEWMAN**

File Ref: A402221
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Visitors Centre Inc
Name of Applicant: Newman Visitors Centre Inc
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to enter into a lease agreement and apply the common seal to the lease agreement between the Shire of East Pilbara and the Newman Visitors Centre Inc, located at Lot 1419, Reserve 42127 Fortescue Drive, Newman

BACKGROUND

The Council meeting on 24th August 2012 resolved:

THAT Council Approve the proposed Drive Through Coffee Shop at Lot 1419 (Reserve 42127) Fortescue Avenue, Newman subject to the following conditions:

- 1. Development shall be in accordance with the approved plans unless conditioned otherwise;***
- 2. Prior to the issue of a Building Permit, lease arrangements are to be entered into and agreed to subject to final approval from the Minister of Lands;***
- 3. Prior to the issue of a Building Permit, a Traffic Management Plan shall be prepared, submitted and approved by the Director Technical and Development Services. The plan shall include (but not limited to):***
 - a. Access to and from the site;***
 - b. Traffic Flows; and***
 - c. Impact on Parking.***
- 4. Suitable arrangements being made for the connection of the proposed development to nearby/existing Water, Power and Sewer services to the satisfaction of the responsible service providers and to the satisfaction of the Manager Development Services – Planning;***
- 5. Details of any proposed signage not forming part of this application shall be submitted to Council on the required forms as prescribed under Town Planning Scheme No. 4 and shall be subject to approval from the Manager Development services – Planning.***

CARRIED
RECORD OF VOTE: 7 - 0

To be actioned by Mr Adam Majid, Manager Development Services - Planning

The proposal to sublet a portion of the Newman Visitors Centre land for the proposed Drive Through Coffee Shop lease area is subject to the terms and conditions of the Newman Visitors Centre lease. The Newman Visitors Centre lease is due to expire on the 1st July 2013, therefore they could only enter into an agreement for the proposed coffee shop until 1st July 2013.

COMMENTS/OPTIONS/DISCUSSIONS

The Newman Visitors Centre and the Shire of East Pilbara are currently working on the lease conditions for the new lease agreement, conditions as follows:

Term	10 years with a 10 year option
Conditions	The lessee will be responsible for all outgoing charges, including utilities, maintenance and insurances.
Lease	There will be no cost to Council for the preparation and registration of the lease agreement.
Rent	Peppercorn
Utilities	The lessee is responsible for all insurances, contents and public Liability.

Annual Service Fee As per fees and charges

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 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) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

All documents validly executed will have the common seal affixed and the 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.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

All documents validly executed will have the common seal affixed and the 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.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/194

MOVED: Cr Lang Coppin

SECONDED: Cr Kevin Danks

THAT Council approves the lease between the Shire of East Pilbara and the Newman Visitors Centre Inc for Lot 1419, Reserve 40221, Fortescue Drive Newman.

- 1. The lease period being for 10 years, with a 10 year option.**
 - a. The lessee will be responsible for all outgoing charges, including utilises, maintenance and insurances.**
 - b. There being no cost to Council for the preparation and registration of this lease agreement.**
 - c. Annual Service Fee applies – As per fees and charges**
 - d. Annually provide Council with current copies of insurance policies and committee details.**
 - e. Approved by the Minister**
- 2. Approve the common seal to be affixed to the lease agreement for Lot 1419 (Reserve 40221) between the Shire of East Pilbara and the Newman Visitors Centre Inc.**

**CARRIED
RECORD OF VOTE: 9 - 0**

To be actioned by Mrs Marisa Wolfenden, Coordinator Property Services.

9.2.4 AFFIXING THE COMMON SEAL TO MINT AVIATION AND HELIKOPTER SERVICES BANKWEST RIGHT OF ENTRY AGREEMENT IN REGARDS TO LEASE AREA 10, NEWMAN AIRPORT

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mrs Marisa Wolfenden
Coordinator Property Services

Location/Address: Newman Airport – Area 10, Lot 37

Name of Applicant: Mint Aviation and Helikopter Services

Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Deputy Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Bankwest Right of Entry (Business and Goods) document for Mint Aviation Pty Ltd and Helikopter Services Pty Ltd for Lease Area 10, located at Newman Airport – Lot 37.

BACKGROUND

A Deed of Transfer of Lease on Lease Area 10 (hangar block) between Developments 2000 and Mint Aviation Pty Ltd and Helikopter Services Pty Ltd (Heliwest) was approved by the Shire of East Pilbara and registered with State Lands. This transfer included only the block of land, and not the improvements on this block. The improvements include an aircraft hangar and attached office donger.

Mint Aviation has financed the transfer of ownership of the improvements through Bankwest. As such Bankwest wishes to register Right of Entry (Business and Goods) in order to protect their interests. This action is very much standard practice in such events and will in no way negatively affect the rights of the shire as landlord.

COMMENTS/OPTIONS/DISCUSSIONS

The agenda item and minutes from the 11th March 2011 meeting, did not include seeking approval to use the common seal of the Shire of East Pilbara to be applied to legal documents.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 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) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

All documents validly executed will have the common seal affixed and the 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.

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

All documents validly executed will have the common seal affixed and the 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.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/195

MOVED: Cr Kevin Danks

SECONDED: Cr Craig Hoyer

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to Bankwest - Right of Entry (Business and Goods) document for Mint Aviation Pty Ltd and Helikopter Services Pty Ltd for Lease Area 10, located at Newman Airport – Lot 37.

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Mrs Marisa Wolfenden. Coordinator Property Services.

9.2.5 PROPOSED DRIVE THROUGH COFFEE SHOP AT LOT 1419 – NEWMAN VISITORS CENTRE, EXTENSION TO TERM OF LEASE AGREEMENT.

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Marisa Wolfenden
Coordinator Property Services

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to allow the Newman Visitors Centre to enter into a sub-lease for the proposed Drive Through Coffee Shop, for portion of this site located at Lot 1419, Reserve 42127 Fortescue Drive, Newman.

BACKGROUND

An agenda item was put forward to Council on the 28th September 2012 and the resolution is as follows:

Item 9.2.5

THAT Council in addition to the matter listed in its resolution on 24th August 2012 with respect to entering into a lease between the Newman Visitors Centre for a Drive Through Coffee Shop at Lot 1419, (Reserve 40221) add the following requirements:

- ***The lease is subject to the prior approval of the Minister of Lands.***
- ***The lease allow for the lessee with the approval of the Shire of East Pilbara (and the Minister for Lands) to sublet or otherwise allow the proposed Drive through coffee shop to use portion of the lease area for the purpose of a commercial take away coffee shop.***
- ***Term of the lease not to exceed 5 years.***
- ***No cost to Council or the Newman Visitor's Centre for the preparation registration and documentation of the lease document.***
- ***The sub lessee must comply with all planning, building and health Regulations and Acts. Conditions as per Resolution at 24th August 2012 Council meeting.***
- ***The Shire of East Pilbara give public notice of the intention to dispose of portion of Lot 1419, Fortescue Drive, Newman (Newman Visitors Centre) as required under section 3.58 of the Local Government Act 1995.***

COMMENTS/OPTIONS/DISCUSSIONS

The Shire of East Pilbara has been contacted by the General Executive of Muzz Buzz, Drive Through Coffee Shop and requested the term of the lease be extended from 5 years with an option term of 5 years.

For the Corporation of Muzz Buzz, Drive Through Coffee Shop to invest in Newman the sub lease term needs to be a minimum of 10 years to ensure the initial investment is feasible and sustainable.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.7 Opportunities For Tourism

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/196

MOVED: Cr Shane Carter

SECONDED: Cr Kevin Danks

THAT Council resolve to amend the resolution from the Shire of East Pilbara, Council Minutes held in Marble Bar on 28th September 2012, Item 9.2.5 to the following;

- **The term of the sub lease being for the proposed Drive Through Coffee Shop at Lot 1419, Reserve 42127, known as Newman Visitors Centre to be amended to 5 years with a 5 year option.**
- **Subject to the continuance of the Newman Visitors Centre lease agreement.**

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0**

To be actioned by Mrs Marisa Wolfenden, Coordinator Property Services.

9.2.6 REQUEST FOR FEE REDUCTION/WAIVER - PUNTUKURNU ABORIGINAL MEDICAL SERVICE

File Ref: A408521
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Mindarra Drive, Newman (old tennis court site)
Name of Applicant: Puntukurnu Aboriginal Medical Service
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request received for the purposes of reducing/waiving the prescribed fees in relation to a planning application received for a new medical centre.

BACKGROUND

Council is in receipt of an application for planning approval for the development of the Puntukurnu Aboriginal medical centre which will supply an essential medical service/facility for the indigenous community within the region. As with all development applications and in accordance with Council's adopted fees and charges (which are in line with the Planning and Development Regulations 2009), the application is subject to fees being paid at the time of lodging such application.

The applicant has been issued with an invoice for a total payable fee of \$11890.00 as required by the adopted fees and charges in Council's 2012/13 Budget. The applicant has now submitted a request to have such fee waived and/or reduced in any way possible citing reasons being that they are a "not for profit" organisation.

COMMENTS/OPTIONS/DISCUSSIONS

In accordance with the Planning and Development Regulations 2009 (the Regulations), in particular, Part 7 Regulation 47, a local government can impose fees for those types of developments/applications listed in Schedule 2 of the Regulations. Schedule 2 identifies the maximum fee a local government may impose which Council has done so through the preparation and adoption of the Fees and Charges which form part of the 2012/13 Annual Budget. In accordance with the fees and charges, the applicant has been issued with the prescribed payable fees which under Regulation 47(3), must be paid by the applicant when applying for certain service/application type.

Notwithstanding the above provided information, Regulation 52 of the Regulations provides that a local government may waive or refund, in whole or in part, payment of a fee for a planning service. However, there is no Council policy in place to deal with any decision(s) to waive the required fees in relation to the Planning and

Development Regulations 2009 and therefore it is up to Council to decide the request made by the applicant.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

N/A

FINANCIAL IMPLICATIONS

Loss of Fee

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

For Council's consideration.

COUNCIL RESOLUTION: 201213/197

MOVED: Cr Shane Carter

SECONDED: Cr Kevin Danks

THAT Council not support the request by Puntukurnu Aboriginal Medical Service to reduce or waive the prescribed fees in relation to the planning application for the proposed medical centre.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0**

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

Sian Appleton

From: Allen Cooper
Sent: Thursday, 11 October 2012 9:00 AM
To: Adam Majid; Rick Miller
Cc: Sian Appleton
Subject: Fwd: PLANNING APPLICATION FOR MEDICAL CENTRE IN NEWMAN

For you to discuss

Allen Cooper | Chief Executive Officer | Shire of East Pilbara
Cnr Kalgan/Newman Drive | PMB 22 Newman WA 6753
P: 08 91 758 000 | M: 0427 986 420 | F: 08 91 751 522
E: CEO@eastpilbara.wa.gov.au
W: eastpilbara.wa.gov.au

Begin forwarded message:

From: "Chris Renshaw" <pams.ceo@puntuturnu.com>
Date: October 9, 2012 9:19:46 AM GMT+07:00
To: "Allen Cooper" <ceo@eastpilbara.wa.gov.au>
Cc: "Tropo" <perth@tropoarchitects.com.au>
Subject: FW: PLANNING APPLICATION FOR MEDICAL CENTRE IN NEWMAN

Hi Allen

Given the nature of our development, and the fact we are a Not For Profit, is there any way we can secure an exemption or at least a reduced rate?

Cheers

Chris Renshaw

Chief Executive Officer
Puntuturnu Aboriginal Medical Service Inc.
Tel: 08 91778307 Fax: 08 91750990
Mob: 0417817860
www.puntuturnu.com



From: Tropo [<mailto:perth@tropoarchitects.com.au>]
Sent: Tuesday, 9 October 2012 9:39 AM
To: Chris Renshaw
Subject: FW: PLANNING APPLICATION FOR MEDICAL CENTRE IN NEWMAN

Chris,

Shire of East Pilbara

ABN: 47 854 324 350

Kalgan Drive, Newman 6753
Telephone: (08) 9175 8000
Facsimile: (08) 9175 2668
Office Hours: Mon - Fri 8.30am - 4.30pm
Email: efo@eastpilbara.wa.gov.au
Website: www.eastpilbara.wa.gov.au



PROFORMA INVOICE

DATE: 5-10-12 .

INVOICE NO: 0460

PUNTUKURNU ABORIGINAL
MEDICAL SERVICE
C/- TROPPO ARCHITECTS
6 STACK ST, FREMANTLE 6160

DESCRIPTION	AMOUNT
PLANNING/BUILDING REFERENCE NO: <u>MEDICAL CENTRE</u>	
DEVELOPMENT COST	
\$ 5,000,000.00 = FEE	\$ 11,890.00
(includes GST where applicable)	
TOTAL PAYABLE	\$ 11,890.00

REMITTANCE ADVICE





Shire of East Pilbara

Name: PUNTUKURNU ABORIGINAL
MEDICAL CENTRE

Reference No: 0460

Balance Due: \$11,890.00.

Invoice No: 0460

	In Person	At the Council Offices, Kalgan Drive, Newman Between the hours of 8.30am and 4.30pm Monday to Friday
	By Mail	Make cheque payable to Shire of East Pilbara Mail to: PMB 22, Newman WA 6753
	By Telephone	Credit Card Payments by phone Dial (08) 9175 8000 Visa or MasterCard accepted
	By EFT	Account Name: Shire of East Pilbara - Municipal Fund BSB: 306-101 Account Number: 4187006 Please ensure remittance advice is forwarded to this office

In all payments please quote application number and invoice number

9.2.7 GOODABINYA RUBBISH BIN PICKUP

File Ref: A100009
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to endorse the waive of rubbish rates for the Goodabinya Community until the end of the financial year 30 June 2013.

BACKGROUND

Goodabinya is an aboriginal community situated approximately six kilometres out of the town of Marble Bar. The community is situated on Aboriginal Trust Land and therefore is exempt from rates. Previously to 2010 Goodabinya received a bin pick up and were invoiced for this service. These accounts were never paid and it was stated by Goodabinya that they had not requested the pick up. The pick up is not automatic as it is outside the Council's prescribed area for pick up.

COMMENTS/OPTIONS/DISCUSSIONS

We have recently received a letter from Pilbara Meta Maya Regional Aboriginal Corporation requesting that "owing to the present disadvantaged state of the community", that Council consider recommencing a weekly rubbish-bin collection service, at no cost to the community.

Currently a tenant from one of the houses empties the wheelie bins each week from the houses.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

- 3.2.3 Optimise opportunities to publicise and promote the Council in a positive way.
Continuing role
How funded – Municipal Funds
Responsible Directorate – All

FINANCIAL IMPLICATIONS

A total cost for the six current occupied houses on a pro rata basis until the end of the financial year would be approximately \$920.00.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council resolve to re-instate the collection of six bins at the Goodabinya Community free of charge until the end of the financial year 30th June 2013, when it will be reassessed.

COUNCIL RESOLUTION: 201213/198

MOVED: Cr Gerry Parsons

SECONDED: Cr Doug Stead

THAT Council decline the application. However, if the community pays an amount equivalent to the rubbish rates for a rubbish collection then a rubbish collection would be undertaken.

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0**

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

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9.2.8 RFP 01/2012-13 LEASE OF NULLAGINE CARAVAN PARK

File Ref: A300163
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mr Gary Grapes
Manager Building Assets
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To advise Council that the Request for Proposal, 01/2012-13, Lease of the Nullagine Caravan Park closed on Tuesday, 25 September 2012.

BACKGROUND

Previous discussions at Council about the leasing of the Nullagine Caravan Park it was recommended that the Shire test the market by seeking to enter into a lease arrangement with a suitable Contractor to undertake all management services of the Nullagine Caravan Park

The Shire of East Pilbara engaged the WALGA Procurement Consultancy Service to undertake the Request for Proposal 01/2012-13 Lease of Nullagine Caravan Park.

The lease agreement will require management of the park, which includes bookings collection of fees and charges, receipting of all monies, cleaning and general maintenance and upkeep of the parks facilities.

COMMENTS/OPTIONS/DISCUSSIONS

WALGA Procurement Services issued 7 download requests of documentation for the Nullagine Caravan Park

The RFP 01/2012-13 closed on Tuesday, 25th September 2012 and no submissions were received by close of tender.

Please see confidential recommendations from WALGA Procurement Service's.

Discussion for the future of Nullagine Caravan Park

1. Council to review the staff options for the Nullagine Caravan Park.
2. Investigate the possibility of relocation of the Nullagine Caravan Park to another site, eg Skull Springs Road - due to the flood zone and growth. Pending of the site selected, this may take considerable time eg, due to Native Titles in the region.
3. What direction does Council want to pursue with the Nullagine Caravan Park.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.2 Asset Management

1.2.2 Develop and apply asset management principles to support the maintenance and management of Councils assets.

June 2010

How funded – Municipal Funds

Responsible Directorate – Corporate Services

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/199

MOVED: Cr Stephen Kiernan

SECONDED: Cr Darren Bennetts

THAT:

1. Council to be informed that RFP 01/2012-13, Lease for Nullagine Caravan Park received no submissions.
2. No further action to be taken at this time.

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Mr Gary Grapes, Manager Building Assets.

9.2.9 MONTHLY FINANCIAL STATEMENT AUGUST 2012

File Ref: FIN-23-5
Attachments: [Councillors August 2012.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Angela McDonald
Manager Finance and Administration Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

The attached -page report details the financial activities of the Council for the period of the 2012/2013 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 –

- (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: 201213/200

MOVED: Cr Gerry Parsons

SECONDED: Cr Darren Bennetts

THAT the monthly financial statements for the period August 2012 of the 2012/2013 financial year as presented be received.

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Ms Angela McDonald, Manager Finance and Administration.

9.2.10 CREDITORS FOR PAYMENT

File Ref: FIN 10-2

Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Candice Porro
Expenditure Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

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 28th September 2012.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments		1,594,847.51
	Total	\$1,594,847.51
Cheque Payments		210,938.36
Written Cheque Payments		43,702.97
	Total	\$254,641.33
	GRAND TOTAL	<u>\$1,849,488.84</u>

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

CANCELLED CHEQUES & EFTS

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 \$1,849,488.84

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/201

MOVED: Cr Shane Carter

SECONDED: Cr Stephen Kiernan

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments		1,594,847.51
	Total	\$1,594,847.51
Cheque Payments		210,938.36
Written Cheque Payments		43,702.97
	Total	\$254,641.33
	GRAND TOTAL	<u>\$1,849,488.84</u>

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Mrs Candice Porro, Expenditure Finance Officer.

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - SEPTEMBER 2012

File Ref: CLR 4-5
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

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

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the 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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

3.2.1 Encourage community participation in the decision making processes undertaken by the Shire

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/202

MOVED: Cr Craig Hoyer

SECONDED: Cr Gerry Parsons

THAT the "Status of Council Decisions" – Director Technical and Development Services report for September 2012 be received.

CARRIED

RECORD OF VOTE: 9 - 0

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

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school.	MTS-R DTDS	MRWA have completed initial assessment. They advised that they will need to complete a more detailed assessment due to complexity of traffic mix. Extra path and ramps being constructed at Mia Mia to provide alternative crossing point for school kids.	December 2012
16 December 2011	13.5	SIGNS – RECONGITION 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 eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MTS-R DTDS	Staff to investigate funding opportunities. Cr Coppin offered to show staff possible locations for signs/plaques. Some signage has been installed. Oliver to arrange joint inspection	In Progress
27 April 2012	11.3.1	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN	DTDS	Technical Services to review requirement of tender & length of contract before re-tendering	Pending
25 May 2012	9.3.4	TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES, NEWMAN			
27 April 2012	13.10	TREE PLANTING FOR MAIN ENTRANCE - NULLAGINE Cr Darren Bennetts asked if trees can be planted at the main entrance into Nullagine. Technical Services to follow up.	MTS-R	This area is within the Main Roads Reserve and as such will require approval from Main Roads. Approval and or comment have been requested from Main Roads to plant trees within the road reserve	In Progress
25 May 2012	13.3	WELSH DRIVE Cr Shane Carter said from Mia Mia to Klondyke Place the road has double white	MTS-R	Bus Stop location will be further investigated	November 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		lines, as BHP have the bus stop and when the bus stops people go over the white line and going into the path of oncoming traffic.			
22 June 2012	13.5	MARBLE BAR ROADS GRADING Cr Lang Coppin gave a letter to Mr Rick Miller, Director Technical and Development Services from the Marble Bar Tourist Association regarding the grading of roads and putting up various directional signage. Mr Rick Miller, Director Technical and Development Services to follow up.	MTS-R	Technical Services to assess signage request and action as required. Locations and roads to be investigated to determine responsibility and ownership Oliver to arrange joint inspection. Some signage has been installed.	December 2012
24 August 2012	13.1	CHILDREN'S CROSSING SIGNS IN MARBLE BAR Cr Stephen Kiernan asked if the children's crossing signs near the RSL Park on Francis Street. Marble Bar could be replaced – the pole is still there however, the sign has been removed. Director Technical and Development Services to follow up.	MTS-R	A children's crossing sign is in place. The missing sign was a direction sign pointing to the toilet. It was removed due to ongoing vandalism.	October 2012
24 August 2012	13.2	MARBLE BAR JASPER DEPOSIT – RESERVE 41179 Cr Kevin Danks requested Council to make available Jasper from reserve 41179 for collection by tourists. Director Technical and Development Services to follow up	MTS-R	Works Supervisor inspected with Cr Danks. Stock pile for tourists will be arranged before Christmas	December 2012
28 September 2012		MARBLE BAR – SPORTING COMPLEX WATERING SYSTEM – Watering system is inefficient post-race event water/toilet issues.	DTDS	A Joint inspection to be arranged on site between staff and interested Councillors	On Going
28 September 2012	9.3.3	PROPOSED AMENDMENT TO LOCAL PLANNING POLICY NO. 1 - EAST NEWMAN MASTER PLAN	MDS-P	Advertised commencing 10/10/2012 then to November meeting	November 2012
28 September 2012	9.3.4	PROPOSED LOCAL PLANNING POLICY NO. 9 - NEWMAN TOWN CENTRE STYLE GUIDE AND DESIGN	MDS-P	Advertised commencing 10/10/2012 then to November meeting	November 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		GUIDELINES			
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.	DTDS	Tenure of land and alignments to be investigated and feasibility assessed	February 2013

9.3.2 THREE (3) DOG APPLICATION FOR MR COLIN ROBBINS, 94 DANIELS DRIVE, EAST NEWMAN

File Ref: RNG-1-3
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Stuart Hopwood
Shire Ranger
Location/Address: 94 Daniels Drive, East Newman
Name of Applicant: Mr Colin Robbins
Author Disclosure of Interest: nil

12:00PM Cr Lang Coppin left Chambers.

12:02PM Cr Lang Coppin returned to the Chambers

REPORT PURPOSE

To consider an application to keep more than two (2) dogs at 94 Daniels Drive East Newman 6753

BACKGROUND

Mr Colin Robbins has made an application to Council under Section 26 of the Dog Act 1976 to keep three dogs on the premises at 94 Daniels Drive East Newman 6753.

In the application two of the dogs are registered to Ms.Carrie Johnston of the same address namely "Tilly" a female Poodle Registration Y2473 and Bentley a male Poodle Registration Y2554. The third dog forming part of this application is a black and white male Border Collie.

COMMENTS/OPTIONS/DISCUSSIONS

Reasons for keeping more than two Dogs:

In his application Mr Robbins states "*they had just moved from NSW but have been given the third dog due to the ill health of their Mother and her inability to look after the dog*".

As part of the application process the surrounding residents were consulted on this matter and a positive outcome achieved with all residents surveyed supporting the application.

Dog History:

The two Poodles have some offences recorded and are as follows:

01-04-2011 Both Dogs Wandering at large, Owner on Nightshift Dogs Returned to Owner New Registration tags issued Caution Notice Issued.

26-07-2011 the poodle Bentley Wandering at large Impounded and Dog Returned to Owner

No further offences recorded

Complaints: Nil

Property Inspection:

A full inspection was carried out by Council Rangers on the premises on 3rd August 2012. The fencing and gating of the premises was found to be satisfactory. The dogs were inspected and found to be in good health and compliant with the Dog Act 1976.

STATUTORY IMPLICATIONS/REQUIREMENTS

Dog Act 1976 (as amended) Section 26(3)

Shire of East Pilbara Dogs Local Law (2011) clause 3.2 (1) (b)

The Dog Act allows the Shire to control the number of dogs by gazetting Local Laws.

The Shire of East Pilbara Dogs Local Law allows for 2 dogs over the age of three months and the young of those dogs on premises in a townsite.

Section 26(3) of the Dog Act 1976 states:

Where by a Local Law under this Act a local Government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption –

(a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;

(b) shall not operate to authorise the keeping of more than 6 dogs on those premises ;and

(c) may be revoked or varied at any time.

Section 26(5) of the Dog Act 1976 allows for an aggrieved applicant to appeal to the Minister of Local Government if the application is unsuccessful or to vary the conditions set by the Local Government.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/203

MOVED: Cr Kevin Danks

SECONDED: Cr Darren Bennetts

THAT Council approve the keeping of three (3) dogs at 94 Daniels Drive East Newman subject to the following conditions:

- 1. All dogs are to be registered with the Shire of East Pilbara at all times.**
- 2. Only the dogs specified in the application to be kept at the nominated address.**
- 3. Fencing must be maintained such that all dogs are confined within the with the provisions for the Dog Act 1976 (As Amended)**
- 4. Any contravention of the Dog Act 1976 (As Amended) is reason for immediate, "on the spot", revocation of this permission.**
- 5. Any complaints about the behaviour or treatment of the dogs may lead to the cancellation of this permission.**

CARRIED

RECORD OF VOTE: 9 - 0

To be actioned by Mr Andrew Norris, Coordinator Ranger and Emergency Services.

**9.3.3 THREE (3) DOG APPLICATION FOR MR SHELMADEAN MEYER, OF 12
BARTON WAY, NEWMAN**

File Ref: RNG-1-3
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Stuart Hopwood
Shire Ranger
Location/Address: 12 Barton Way Newman
Name of Applicant: Mr Shelmadean Meyer
Author Disclosure of Interest: Nil

REPORT PURPOSE

Applicant wishes to keep three dogs as have been part of family since emigrating from South Africa

BACKGROUND

Applicant lodged written application to Council to keep more than two dogs at his premises. Subsequent Survey done by Council Rangers with the surrounding residents returned a positive reply in that no-one objected to Mr Meyer keeping three dogs at his premises. Mr Meyer has undergone considerable expense and effort to ensure that he could bring the dogs into Australia including the customs import and Quarantine process.

COMMENTS/OPTIONS/DISCUSSIONS

As per the points brought to Council's attention previously the report author has no objection to this application being approved.

An inspection was made by Council Rangers of the fencing and gating of this property and this was found to be satisfactory. Also the dogs were fit and healthy. No history is attached to the animals identified in the application and no offences or infringements are apparent in Shire of East Pilbara databases.

As a result of the application a survey of surrounding properties was undertaken by Council Rangers as per standard procedures. The survey returned a positive response in that no objections to Mr Meyer keeping three dogs at his premises were received. Two survey forms were left at both 7 Euro Place and 9 Euro Place but no replies were received by Council from these residents.

The three dogs of the Application are as follows:

1. Jack Russell Terrier	Male White and Tan	Reg. Number Y2343
2. Jack Russell Terrier	Female White and Tan	Reg. Number Y2344
3. Miniature Pincher	Female Black and Tan	

STATUTORY IMPLICATIONS/REQUIREMENTS

Dog Act 1976 Section 26(3)

Shire of East Pilbara Dog Local Law (2011) 3.2 (1) (b)

The Dog Act 1976 allows the shire to control the number of dogs by gazetting Local Laws .The Shire of East Pilbara Dogs Local Law allows for 2 dogs over the age of three months and the young of those dogs on premises in a townsite.

Section 26(3) of the Dog Act 1976 states:

Where by a Local Law under this Act a Local Government has placed a limit on the keeping of dogs in a specified area but the Local Government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the Local Government may grant an exemption in respect of those premises but any such exemption-

(a) may not be made subject to conditions ,including a condition that it applies only to the dogs specified therein;

(b) shall not operate to authorise the keeping of more than 6 dogs on those premises ; and

(c) may be revoked or varied at any time.

Section 26(5) of the Dog Act 1976 allows for an aggrieved applicant to appeal to the Minister of Local Government if the application is unsuccessful or to vary the conditions set by the Local Government.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/204

MOVED: Cr Kevin Danks

SECONDED: Cr Darren Bennetts

THAT Council approve the keeping of three (3) dogs at 12 Barton Way Newman subject to the following conditions:

- 1. All dogs are to be registered with the Shire of East Pilbara at all times.**
- 2. Only the dogs specified in the application to be kept at the nominated address.**
- 3. Fencing to be maintained such that all dogs are confined within the premises, unless in the company of a responsible person and in compliance with the provisions fo the Dog Act 1976 (As Amended)**
- 4. Any contravention of the Dog Act 1976 (As Amended) is reason for immediate, "on the spot", revocation of this permission.**
- 5. Any complaints about the behaviour or treatment of the dogs may lead to the cancellation of this permission.**

**CARRIED
RECORD OF VOTE: 9 - 0**

To be actioned by Mr Andrew Norris, Coordinator Ranger and Emergency Services.

9.3.4 AIRPORT FEES AND CHARGES – VARIATIONS TO EXISTING FEES AND CHARGES

File Ref: FIN-23-10
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Leon Burger
Manager Airport Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for a variation and addition to the approved Fees and Charges structure at the Newman Airport.

BACKGROUND

Aircraft Operating F&C: Landing fees at Newman Airport is managed on behalf of the shire through AvData. Such landing fees are based on Maximum Take-off Weight (MTOW) per aircraft as per the approved F&C structure. A special set landing fee applies to scheduled flights; \$382.04 + GST per landing – irrespective of the MTOW. AvData are informed of the flight numbers of such schedules and they apply this special rate to those flights only.

In addition to the set landing fee, scheduled services utilising the RPT Terminal or any of its services are charged a Terminal Co-user fee of \$30 + GST. This is invoiced separately by the shire based on the number of schedules per carrier in a given month. This in turn is derived from the weekly schedule, but does call for some complicated interpretations and deductions. It furthermore places an additional workload on the shire's accounts department.

Key Deposit Boxes: Northwest Aviation Services (NWAS) has for some time provided a service to patrons through which they could drop off vehicle keys when some of their staff departs from Newman, to be collected again by another incoming staff member. They have discontinued this service as from 14 August 2012. The result is that Newman Airport management have been inundated with requests from companies to install small keypad operated safes at the airport for the purpose of leaving and collecting vehicle keys.

COMMENTS/OPTIONS/DISCUSSIONS

Aircraft Operating F&C: Whereas the weekly flight schedule into Newman has been fairly stable until August 2012, most carriers servicing Newman have increased their schedules. Between September and October 2012 the number of scheduled flight have increased by 35% - from 40 to 54. New carriers such as Skywest and Skippers have also introduced flights, with indications of more to come. The administration

involved in accurately accounting for and invoice carriers for the Co-user Fee is increasing the workload considerably.

In combining the abovementioned two fees, both only applicable to scheduled services, a considerable amount of administrations is eliminated. The combined Scheduled Landing Fee of \$412.04 + GST will then be collected on our behalf through AvData. They currently collect the special landing fees and all that is required is for the shire to inform them of the new fee and the schedules to which it applies.

Key Deposit Boxes: The airport has acquired a number of these key safes with the intension of mounting them in a suitable framework within the arrivals area. These can then be rented by companies for the safeguarding of vehicle keys. They are essentially battery operated through an electronic key pad, and include a manual key override to replace batteries when they fail. They client is issued with the access code and a key, while a spare key is kept in the airport Safety and Security Office. This is essential as it regularly happens that the internal batteries are flat and the Reporting Officer Safety and Security has to manually open the safe for the clients to replace the batteries, as their keys are usually kept at their company offices and the vehicle drivers do not have them available.

The acquisition cost per safe is \$39.00. It is envisaged to mount ±30 safes for use by clients, with a modest number in reserve to replace safes that may, and probably will, become unserviceable over time. In order to recover the acquisition, installation and operating cost involved, and the man hours spent in customer service to manage it, it is suggested that an annual rental fee of \$350.00 + GST = \$385.00 be charged as standard rental fee per safe. This fee is to be subjected to a 1% per annum rental increase as per Council's adopted rate increase for all Lease and License Agreements.

The introduction and rental of these key safe boxes are for the use by private individuals and companies, and not car hire companies. Car hire companies who do not have offices at the airport and wish to have key drop-off boxes available enter into a separate license agreement as per the already approved F&C structure.

Currently 11 enquiries for key boxes have been received. This will recover the costs of acquisition and installation within the first year of introduction.

POLICY IMPLICATIONS

3.4 BUDGET AMENDMENTS

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.2 Asset Management

FINANCIAL IMPLICATIONS

The initial acquisition and installation cost of \$3,000 is accommodated within the Terminal Maintenance budget allocation, while a modest but sustainable revenue stream is generated.

VOTING REQUIREMENTS

absolute

COUNCIL RESOLUTION: 201213/205

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

THAT Council resolve to:

- 1. Adopt a variation on the approved fees and charges structure applicable to scheduled services Landing and Terminal Co-user Fees of \$ 382.04 and \$30.00 +GST respectively, by combining these two fees into a single Scheduled Services Landing Fee of \$412.04 + GST.**
- 2. Approve an annual rental fee of \$350.00 + GST (\$385.00 inc GST) per allocated Company drop off key safe box with an annual rental increase in accordance with the lease agreement.**
- 3. Impose the fees effective from 26th October 2012.**
- 4. 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: 9 - 0**

To be actioned by Mr Leon Burger, Manager Airport Services.

**9.3.5 PROPOSED CLOSURE OF PORTION OF MOONDOOROW STREET ROAD
RESERVE ADJOINING LOTS 1326 & 1322, NEWMAN**

File Ref: A408940
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Moondoorow Street, Newman
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required for the proposed closure of a portion of the Moondoorow Street road reserve adjoining Lots 1326 & 1322, Newman.

BACKGROUND

Council, at its meeting held on 22 June 2012, resolved the following:

THAT Council resolves to:

- 1. Initiate the closure of the portion of the Moondoorow Street road reserve adjoining lots 1322 and 1326 Moondoorow Street, Newman in accordance with Section 58 of the Land Administration Act 1997;*
- 2. Cause the proposed closure to be advertised in a newspaper circulating within the district inviting public comment for a designated period of time being not less than 35 days in accordance with Section 58 of the Land Administration Act 1997; and*
- 3. Notify service authorities and/or their agents of the proposed closure and invite comments from such authorities/agents accordingly.*

The proposed closure is required to facilitate the development of Community Housing by amalgamating the subject portion of road reserve into the proposed realigned boundaries of Lots 1326 and 1322. A request to amalgamate the subject land is currently being considered by the Department of Regional Development and Lands.

COMMENTS/OPTIONS/DISCUSSIONS

In accordance with Section 58 of the Land Administration Act 1997, the proposed closure was advertised in the North West Telegraph on 22 August 2012 inviting submissions for a period of 35 days. Additionally, letters were sent to service providers being Telstra, Water Corporation and BHPB Power services requesting comments (if any).

One submission was received from the Water Corporation advising the location of water and sewer services which will require modification/relocation of such services such that the proposed amalgamation and future development does not affect adjoining property services. This will be required to be undertaken as part of

headwork's relating to any future development of the subject land and should not affect the road closure directly.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

- 1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land.
Ongoing – Lobbying/Advocacy role
How funded – Municipal Funds
Responsible Directorate – Executive and Development and Regulatory Services

- 1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product
Ongoing – Lobbying/Advocacy role
Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/206

MOVED: Cr Lang Coppin

SECONDED: Cr Shane Carter

THAT Council resolves to request the Minister for Lands to formally close the portion of Road Reserve adjoining Lots 1326 & 1322 Moondoorow Street, Newman in accordance with Section 58(2) of the Land Administration Act 1997 and forwards such supporting documentation in accordance with Regulation 9 of the Land Administration Regulations 1998.

**CARRIED
RECORD OF VOTE: 9 - 0**

To be actioned by Mr Adam Majid, Manager Development Services-Planning.



**9.3.6 PROPOSED CLOSURE OF UNCONSTRUCTED ROAD RESERVE
BETWEEN LOTS 4 & 5 COOKE STREET, NULLAGINE**

File Ref: A300120
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Cooke Street, Nullagine
Name of Applicant: URP Town Planning and Design
Author Disclosure of Interest: Nil

An Interest was declared by Cr Darren Bennetts for Item No. 9.3.6

Nature of Interest: Financial

Extent of Interest: Direct - Director of a company that has an interest in the said lots

12:04PM Cr Darren Bennetts left Chambers.

REPORT PURPOSE

Council's consideration is required for the proposed permanent closure of the unconstructed road reserve between Lots 4 & 5 Cooke Street, Nullagine.

BACKGROUND

Council, at its meeting held on 27 April 2012, resolved the following:

THAT Council resolves to:

- 1. Initiate the closure of the unconstructed Road Reserve between Lots 4 and 5 Cooke Street, Nullagine in accordance with Section 58 of the Land Administration Act 1997;*
- 2. Cause the proposed closure to be advertised in a newspaper circulating within the district inviting public comment for a designated period of time being not less than 35 days in accordance with Section 58 of the Land Administration Act 1997; and*
- 3. Notify service authorities and/or their agents of the proposed closure and invite comments from such authorities/agent accordingly.*

The property owner has approval to develop warehouse and residential developments which covers Lots 4, 5 and 6 Cooke Street, Nullagine. However, due to the unconstructed road reserve existing between the boundaries of subject Lots 4 and 5, development cannot proceed until such time that the road is closed and eventually amalgamated into the subject land. The area of the subject road reserve is 91m².

COMMENTS/OPTIONS/DISCUSSIONS

In accordance with Section 58 of the Land Administration Act 1997, the proposed closure was advertised in the North West Telegraph on 22 August 2012 inviting submissions for a period of 35 days. Additionally, letters were sent to service providers being Telstra, Water Corporation and Horizon Power requesting comments (if any).

Both Water Corporation and Horizon Power provided feedback stating that they each have no objections to the proposed closure. It is therefore deemed appropriate for Council to further pursue the proposed closure.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product
Ongoing – Lobbying/Advocacy role
Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/207

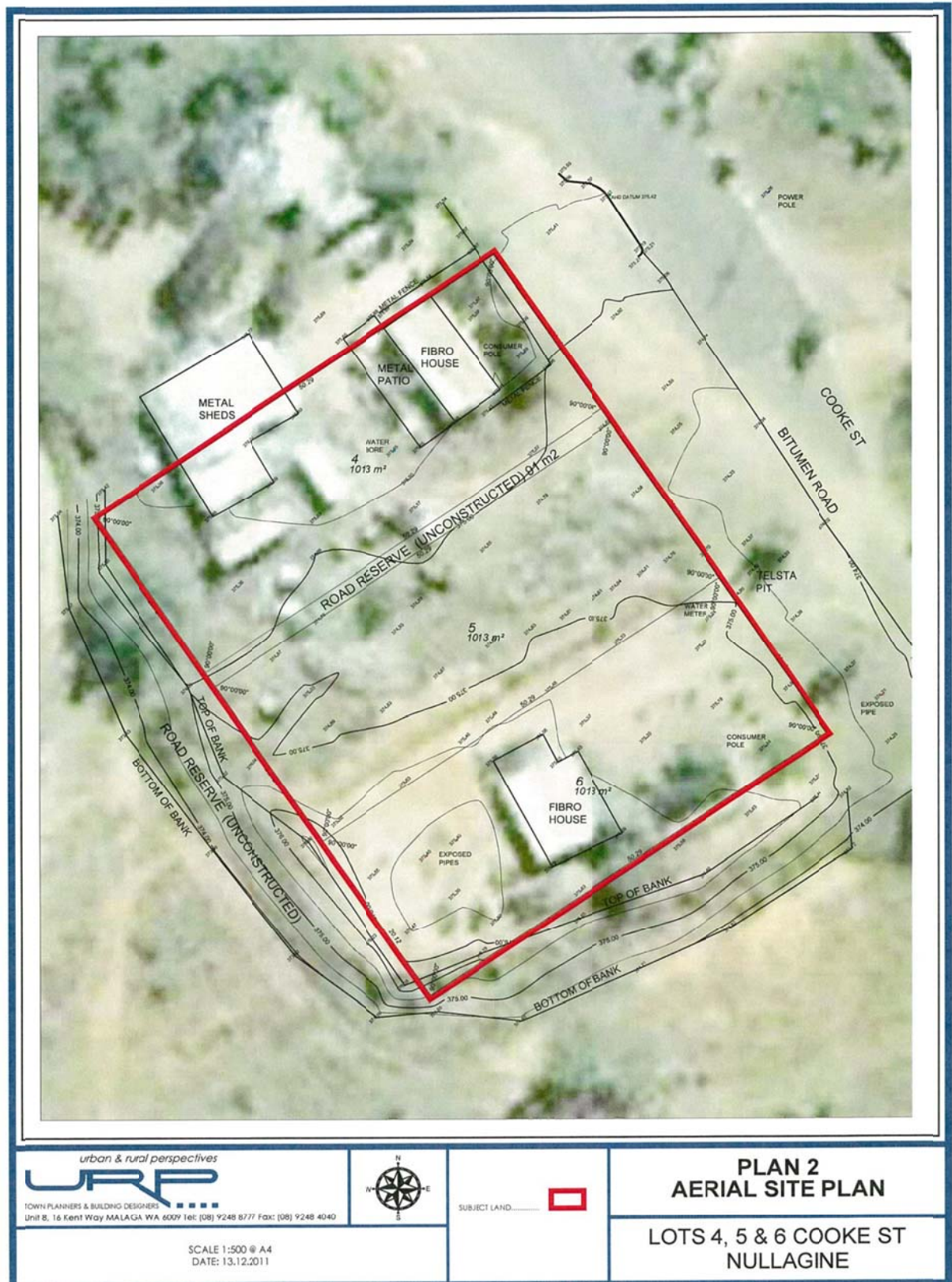
MOVED: Cr Kevin Danks

SECONDED: Cr Stephen Kiernan

THAT Council resolves to request the Minister for Lands to formally close the unconstructed Road Reserve between Lots 4 and 5 Cooke Street, Nullagine in accordance with Section 58(2) of the Land Administration Act 1997 and forwards such supporting documentation in accordance with Regulation 9 of the Land Administration Regulations 1998.

**CARRIED
RECORD OF VOTE: 8 - 0**

To be actioned by Mr Adam Majid, Manager Development Services-Planning.



**9.3.7 PROPOSED AMENDMENT TO TEMPORARY WORKERS AND
CONSTRUCTION CAMP - LOTS 500 & 501 KURRA STREET, NEWMAN**

File Ref: P001/12 & P002/12
Attachments: [NicheQ Camp Amendment.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Les Tutt Drive, Newman
Name of Applicant: NicheQ
Author Disclosure of Interest: Nil

12:05PM Cr Darren Bennetts returned to the Chambers
12:05PM Cr Gerry Parsons left Chambers.

REPORT PURPOSE

Council's consideration is required for a proposed amendment to the previously approved workers construction camp located at the Kurra at Newman housing development.

BACKGROUND

Council at its meeting held on 23 March 2012 approved a temporary workers and construction camp for sixteen (16) persons subject to the following conditions:

THAT Council approves the proposed Temporary Workers Accommodation and Storage Yard at Lots 500 and 501 Les Tutt Drive, Newman subject to the following conditions:

- 1. The arrangement of such camps be amended where by the Temporary Accommodation shall be located on Lot 501 and the Storage Yard on Lot 500;*
- 2. Approval is for a period of not more than nine (9) months from the date on which the buildings are fit for habitation and use. At the end of such period all buildings are to be removed and the site repaired to its former state;*
- 3. The applicant is to advise Shire Building, Health and Planning staff once the buildings are deemed habitable by the applicant for inspection prior to the occupation of such buildings;*
- 4. The proposed Accommodation and Storage Yard shall be appropriately fenced and screened from view from all public spaces and nearby residents;*
- 5. The applicant shall prepare, submit and implement a Management Plan to the Satisfaction of the Manager Development Services – Planning prior to the occupation of the proposed buildings and such plan shall include but not be limited to:*
 - a. Management;*
 - b. Education – occupants advised of the sensitive nature of such camp;*
 - c. Noise;*
 - d. Rubbish;*

- e. *Visitors;*
- f. *Vehicles; and*
- g. *Dealing with complaints.*
- 6. *Accommodation is limited to a maximum of sixteen (16) persons at any one time;*
- 7. *The accommodation is for the exclusive use of workers within the construction workforce as appointed by the applicant. No other occupants will be permitted; and*
- 8. *All building works shall comply with all legislative requirements.*

Since the above approval was issued, NicheQ have entered into numerous building contracts with numerous individual clients which has resulted in a required increase to the number of construction personnel needed to complete the building contracts. The applicant now advises that it is necessary to provide accommodation for an additional 24 persons therefore resulting in a proposed total of 40 persons on site at any one time in order to deliver their built product. The amendment proposes to amend condition 6 only.

COMMENTS/OPTIONS/DISCUSSIONS

The application was originally advertised to adjoining/nearby residents of which three (3) submissions were returned. Generally, the submissions were not supportive of the proposed development however it was deemed that the concerns raised could be dealt with by imposing conditions on the development which are reflected through the approval by Council. Given that the applicant is complying with the imposed conditions, it is deemed that a proposed increase in numbers can still be managed by the conditions imposed; therefore, the amendment has not been readvertised.

Furthermore, since the application was originally dealt with by Council, the nearby workers camp initiative by Council has been implemented albeit with the finer lease arrangements to be finalised with State Land Services. Nevertheless, an approval has been granted to Megara Developments for a camp opposite the subject NicheQ camp. Additionally, NicheQ has also applied to develop a camp on the reserved land once issues regarding servicing can be resolved. However, in the short term, the already approved camp is required as construction of those dwellings already approved by both planning and building officers are expected to commence construction in November 2012. It is therefore deemed that an amendment to the approved numbers is consistent with the immediate area provided that compliance with the conditions of approval is enforced.

STATUTORY IMPLICATIONS/REQUIREMENTS

Clause 8.3 of Town Planning Scheme No. 4 allows Council and/or its appointed delegate the power to amend planning approvals.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

- 1.6 Planning for Land
- 1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land.
 - Ongoing – Lobbying/Advocacy role
 - How funded – Municipal Funds
 - Responsible Directorate – Executive and Development and Regulatory Services
- 1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product
 - Ongoing – Lobbying/Advocacy role
 - Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/208

MOVED: Cr Lang Coppin

SECONDED: Cr Darren Bennetts

THAT Council;

- 1. Amend Condition 6 of resolution 201112/216 of its Ordinary Meeting held on 23 March 2012 by removing the reference of “sixteen (16) persons” and replacing it with “forty (40) persons”;**
- 2. Advises the applicant accordingly.**

**CARRIED
RECORD OF VOTE: 8 - 0**

To be actioned by Mr Adam Majid, Manager Development Services-Planning.



**9.3.8 PROPOSED TOWN CONSTRUCTION FLY CAMP - PORTION OF FORMER
RESERVE 41654 BEING LOT 600 LES TUTT DRIVE, NEWMAN**

File Ref: A441654
Attachments: [NicheQ FLY Camp.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Les Tutt Drive, Newman
Name of Applicant: NicheQ
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required for a proposed Town Building Construction Fly camp to located on a portion of former Reserve 41654.

BACKGROUND

Council at its ordinary meeting held on 25 May 2012 considered the excision of a portion of land out of the subject Reserve for the purposes of allowing construction companies with building projects in the Newman townsite the ability to house their construction staff for a period of time while construction was undertaken. Council's resolution was as follows:

THAT Council:

- 1. Proceed with the excision of a portion of Reserve 41654 being Lot 511 Newman Drive, Newman and enter into a lease for such portion for the purposes of a "Town Building Construction Fly Camp" and advises State Land Services accordingly of such request and the specific portion to be excised;*
- 2. Accepts the proposed rental as being 25% of the current 'unimproved' market rental rate as determined by the Valuer General's Office;*
- 3. Upon acceptance of Council's resolution by State Land Services and the preparation of the necessary lease documents, Council undertakes any necessary requirements of it with regards to the Local Government Act 1995 or other legislation.*

Since the above resolution, Council has granted the permission for the development of the Megara Developments camp, which is now nearly complete. Feedback received is generally along the lines that the accommodation allows building works to occur faster and more efficiently.

Additionally and further to the above resolution, Shire staff have worked with State Land Services to effect the changes and have the portion of Reserve excised for the purposes of the camp(s). An update was recently requested to which the advice was that State Land Services are still awaiting on the Valuer Generals Office to provide a value for the land but that it was expected to be received in the near future. Once the

value is received, State Land Services can then provide the lease documents to the Shire for action which will then enable the sub-leasing arrangements to be made.

As Council is aware, NicheQ currently have approval for a maximum nine (9) month period to have a camp on privately owned Kurra at Newman land for the purposes of housing construction staff building dwellings at the Kurra at Newman development. As the approval is restricted in time frame, NicheQ see it as advantageous to secure approval to locate the camp (at the expiry of the existing approval) at the designated Reserve for such purposes.

COMMENTS/OPTIONS/DISCUSSIONS

NicheQ are applying for a 36 person camp adjacent to the existing approved Megara Developments camp. The development consists of the following:

- Nine (9) four (4) person accommodation buildings each room with own ensuite bathroom;
- Two (2) storage sheds;
- Site office;
- Laundry;
- Kitchen and dining building;
- Lunch Room; and
- 10 tandem car parking bays.

In dealing with the previous application made by Megara, the application was advertised however no submissions were received. Given that the proposed development is adjacent to the Megara camp and opposite to the existing approved site at Lots 501 and 502, it was deemed unnecessary to advertise the subject application as it is generally consistent with the existing uses and is an approved use as approved by State Land Services.

With regards to the proposed camp layout, it is consistent with the directions imposed by Shire staff and therefore considered consistent with the expected development standards.

As per previous reports to Council concerning the subject land, it is identified as being appropriate to only approve applications (where councils supports such applications) for a period of twelve (12) months at a time in order to more easily control the site and monitor any issues arising from the use of such land.

Where Council supports the subject application, the applicant will be responsible for making arrangements for the connection to power, water and sewer services and as such would be enforced by way of condition.

In considering the critical shortage of available land, and the support shown by the Shire thus far with regards to making arrangements for the ability of construction companies to have a dedicated area to camp, it is recommended that Council support such proposal with a series of conditions.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

- 1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product
Ongoing – Lobbying/Advocacy role
Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/209

MOVED: Cr Lang Coppin

SECONDED: Cr Kevin Danks

THAT Council;

- 1. Approve the development of a temporary Town Building Construction Fly Camp on Lot 600 (Formerly portion of reserve 41654) Les Tutt Drive, Newman subject to the following conditions:**
 - a. Development shall be in accordance with the approved plans and/or any such variation as approved by the Manager Development Services – Planning;**
 - b. Approval is valid for a period of twelve (12) months from the date on which the buildings are fit for habitation and use. Should the applicant wish to reapply for a further twelve (12) months, such application shall be submitted at least two (2) months prior to the expiry of the initial twelve (12) month period;**
 - c. The applicant is to advise Shire Building, Health and Planning staff once the buildings are deemed habitable by the applicant for inspection prior to occupation of such buildings;**
 - d. The applicant shall be responsible for the connection of the proposed camp to Water, Power and Sewer services and where such services cannot be connected, alternate arrangements being made to the satisfaction of the Shire of East Pilbara.**
 - e. The proposed camp development shall be reasonably screened from view where such development fronts Les Tutt Drive;**
 - f. The applicant shall implement a Management Plan to the satisfaction of the Manager Development Services – Planning prior**

to the occupation of the proposed buildings and such plan shall include but not be limited to:

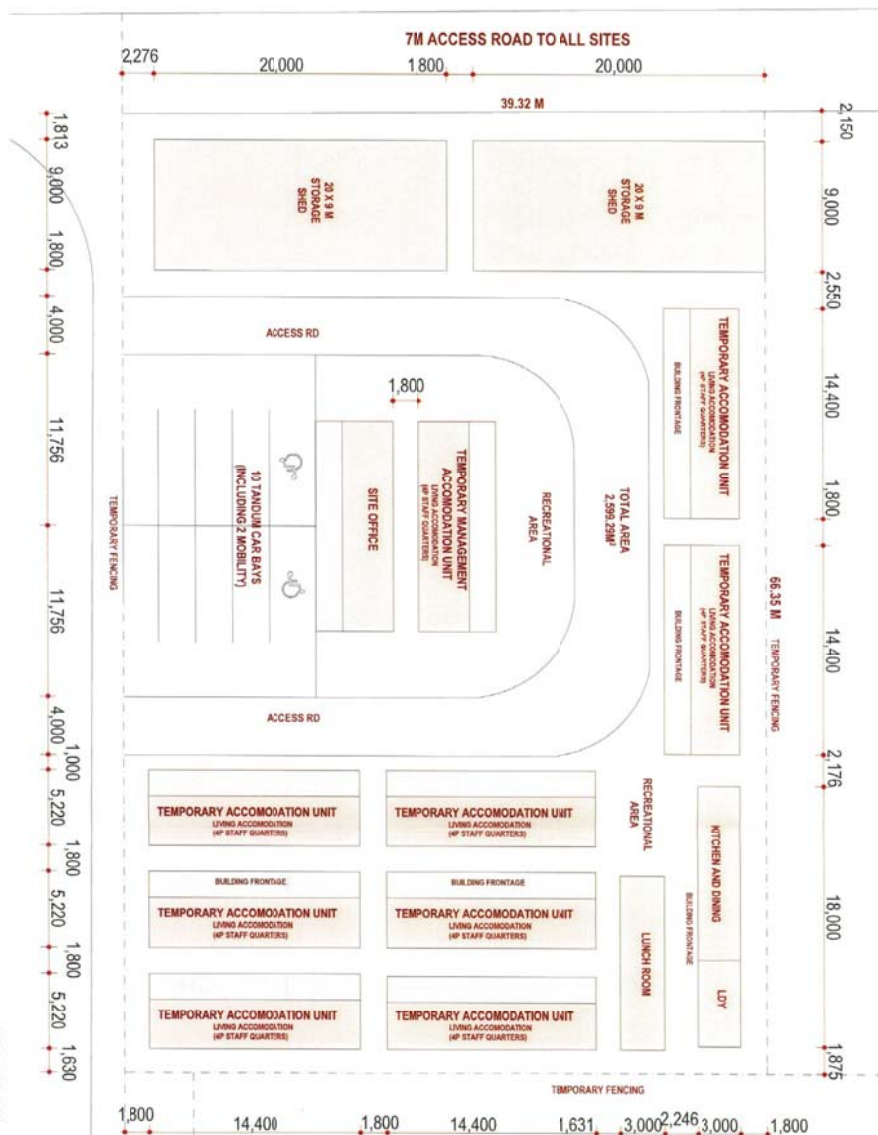
- i. Management;
 - ii. Education;
 - iii. Noise;
 - iv. Rubbish;
 - v. Visitors;
 - vi. Vehicles; and
 - vii. Dealing with complaints.
- g. All waste generated from the operation of such camp shall be appropriately contained on site and arrangements being made for the removal of such waste at least once per week of operation;
 - h. The proposed camp development is limited to a maximum of 36 persons at any one time as outlined in the applicants submission;
 - i. The proposed camp is for the exclusive use of those workers employed and/or contracted to Projex Management and Construction Pty Ltd (trading as Niche Living) for the purposes of constructing housing projects within the Newman Townsite;
 - j. All building works shall comply with all legislative requirements and the applicant is responsible to ensure that the necessary Building approvals are in place prior to construction and occupancy.
2. Upon completion of the lease arrangements required by State Land Services and the Shire of East Pilbara, the applicant shall enter into a lease for the subject area upon which the camp is located. Where the applicant fails to enter into such lease and/or is found to be in breach of such lease, the development approval shall become invalid.

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Mr Adam Majid, Manager Development Services-Planning.

PROPOSED CAMP ACCOMMODATION NEWMAN		 PROJECT MANAGEMENT CONSTRUCTION PTY, LTD 175 KITCHEN 110 Newcastle Street, PO BOX 9483 GARDNER WA 6730 TEL: 08 9438 0388 FAX: 08 9483 0399 WWW.NICHELPT.COM.AU	
SITE PLAN		COMMENTS:	
REVISION:		SERVICE LOCATIONS ARE MARKED AS PER PLANS PROVIDED BY AREL OFER	
NO. DATE		DESCRIPTION	
A 31/08/12		ISSUED FOR CA	
DESIGNED	CHECKED	APPROVED	DATE
			10/09/12

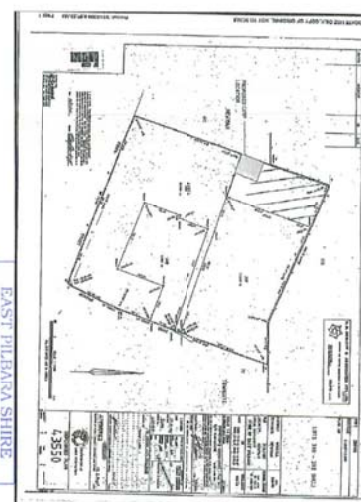
SITE PLAN
1:200



LOCATION AERIAL PLAN



EAST PILBARA SHIRE
NEWMAN OFFICE
RECEIVED
10 SEP 2011



9.3.9 FINAL ADOPTION OF LOCAL PLANNING POLICY NO: 8 - RESIDENTIAL DEVELOPMENT POLICY

File Ref: PLN-2-1
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Newman Townsite
Name of Applicant: N/A
Author Disclosure of Interest: Nil

An Interest was declared by Cr Lynne Craigie for Item No. 9.3.9

Nature of Interest: Financial

Extent of Interest: Direct - Real Estate Agent housing property for sale in this area

Cr Lynne Craigie vacated the Chair

12:06PM Cr Lynne Craigie left Chambers.

Cr Lang Coppin assumed the Chair

REPORT PURPOSE

Council's consideration is required for the final adoption of Local Planning Policy No. 8 – Residential Development Policy.

BACKGROUND

Council, at its ordinary meeting held on 24 August 2012, resolved the following:

THAT Council in accordance with Clause 2.4.1 of Town Planning Scheme No. 4 resolves to prepare Local Planning Policy No. 8 – Residential Development Policy as prescribed by Clause 5.7.1 of Town Planning Scheme No. 4 and undertake the following procedures:

- 1. Publish a notice of the proposed Policy in a newspaper circulating within the district inviting comments to be made on the proposed Policy and such comment period shall be open for not less than 21 days;*
- 2. Upon completion of the public advertisement period, consider any such submissions received and review the policy where necessary and further resolve to proceed with the adoption of such policy with or without modification and/or resolve not to proceed with such policy.*

The review of the policy is required to address the high levels of housing shortage and to ultimately reduce the stress on the local housing market. It is also a practical approach to formalising Council decisions which have approved developments of higher density contrary to the provisions of previous versions of the policy.

COMMENTS/OPTIONS/DISCUSSIONS

In accordance with Council's resolution, the proposed Policy was advertised by way of notice in the North West Telegraph over two (2) consecutive weeks inviting comments within a twenty-one (21) day submission period. At the end of the

submission period only one submission was received which was from the Department of Planning Northern Regions directorate based in Perth. The submission does not support the proposed amendments and comments are as follows:

Department of Planning Comment	Shire Response
The policy is changing the presumption in favour of low density to a presumption in favour of medium density.	Noted. However, due to a severe shortage of housing the intent of the Policy is to allow Council to act upon the already existing R15/40 zoning in order to meet housing demands as predicted by the Newman Revitalisation Plan.
It applies to an extensive area of about two-thirds of the townsite	The policy applies only to areas which are already dual R15/40 coded under Town Planning Scheme No. 4 and Council has the power under Clause 5.7.1 to prepare a policy which guides Council's application of such coding. Furthermore, all developments are required to comply with the R-Codes which require streetscape and amenity to be addressed. The policy does not automatically assume approval.
Assumption is made that lots can be subdivided to an average of 220m	A local planning policy cannot provide assumption over a state government function. Council is only a referral agency with regards to subdivision. The policy only guides Council's responses to the Department of Planning.
There are no planning controls included which will ensure that potential subdivisions are located where there is access to essential services and high urban amenity.	Planning controls are embedded within the R-Codes of which all developments are required to comply and where necessary, varied at the discretion of Council. Compliance is required in order to gain approval.
Department supports infill in a strategic approach.	Noted – however the department appears to be favouring the notion to control planning and subdivisions on a local level by way of Structure Planning of which structure plans have to be approved by the Department of Planning.

The comments received by the Department of Planning appear mainly to be concerned with subdivision rather than dealing with the Residential Design Codes which deals only with the development of housing generally. However, the lot sizes are directly linked between the two processes. Nevertheless, subdivision is a state function and it should be noted that the Department of Planning has no influence on Council's use of discretion in relation to the R-Codes and the development approval process. On the other hand, the Department of Planning is looking at the policy as a document which assumes Council's support of the subdivision of lots. While this may reflect Council's opinion, it must be noted that Council is only a referral agency offering its local opinion based on local knowledge. It is the department's duty to assess and approve subdivision based on merits and statutory documents.

Ultimately, if subdivision occurs, it means more land is available therefore reducing the stress on the local housing market which is inevitably a positive outcome for the Newman townsite as it currently has little or no land available for housing. Should the Department of Planning not support the future potential subdivision of lots redeveloped into grouped dwellings, then that shall remain the prerogative of the Department. However, in light of the concern raised by the Department of Planning, it may be considered appropriate to amend the "Policy Statement" slightly by deleting any reference to the "consideration of WAPC subdivision referrals" such that it refers only to development approvals.

Overall, the policy aims to resolve the issue of land and housing supply by encouraging the development of new housing stock consistent with recent approvals issued by Council. It is also helping to implement the need to house a population of 15,000 people as required by the Newman Revitalisation Plan which is a state endorsed strategic document guiding the development of Newman. Without such policy, it will be difficult to manage and encourage new housing stock within the townsite.

It is therefore recommended that Council adopt the proposed policy with the minor modification referred to previously.

STATUTORY IMPLICATIONS/REQUIREMENTS

Under Clause 5.7.1 Council is required to have a Residential Development Policy to guide the use of the ducal coded R15/40 residential zones. The policy fulfils Council requires in regards to the Town Planning Scheme generally.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

1.6.1 Develop land use planning strategies for all three towns.

July 2011

How funded – Municipal Funds

Responsible Directorate – Development and Regulatory Services

1.6.2 Work with State Government Agencies and potential developers to ensure availability, diversity and affordability of land.

Ongoing – Lobbying/Advocacy role

How funded – Municipal Funds

Responsible Directorate – Executive and Development and Regulatory Services

1.6.3 Work with State Government Agencies and potential developers to ensure diversity and affordability in built product

Ongoing – Lobbying/Advocacy role

Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/210

MOVED: Cr Darren Bennetts

SECONDED: Cr Shane Carter

THAT Council;

1. Adopt Local Planning Policy No. 8 – Residential Development Policy with the following modification:
 - a. Amend the “Policy Statement” such that any reference to subdivision referrals is removed and the resulting statement reads as follows:
 - i. “In considering development applications on dual coded sites, the following shall apply:”
2. Cause the adoption to be published in a newspaper circulating within the Scheme area advising of Council’s adoption and such Policy shall come into effect on the date of publish of such notice.

CARRIED
RECORD OF VOTE: 7 - 0

To be actioned by Mr Adam Majid, Manager Development Services-Planning.

**SHIRE OF EAST PILBARA
Town Planning Scheme No 4**

**LOCAL PLANNING POLICY NO. 8 -
RESIDENTIAL DEVELOPMENT POLICY**

Minute No:

Date:

Background

A large proportion of the 'Residential' zoned land within the Newman townsite has a dual density code of R15/40. This zoning was introduced into Town Planning Scheme No. 4 with the intent of creating greater flexibility in housing provision within the Newman townsite and to enable a quicker response to the changes in housing needs associated with major resource development.

Town Planning Scheme No. 4 makes reference to a Residential Development Policy to guide the application of the higher density code. This provision was included to provide a framework for Council to determine the use of the higher density coding.

This policy will provide guidance for Council in considering proposals involving the use of the higher density code so as to avoid ad hoc development at the higher density while promoting Newman as a destination with housing types that will cater to the demands of all household types.

Application

This policy applies to all land zoned 'Residential' R15/40 within the Newman townsite under Council's Town Planning Scheme No 4 and as prescribed by Clause 5.7.1.

Policy Objectives

To identify suitable locations for the development of Multiple Dwelling sites;

To guide Council in its use of discretion in relation to the dual coded areas within the Newman townsite;

To provide built form requirements for sites which are approved for densities above the base density code of R15;

To encourage the redevelopment of existing housing within the Newman townsite to provide a variety of dwelling types for a range of household types;

To promote residential development that will support the Newman Revitalisation Plan as adopted by both the State government and Council;

Policy Statement

In considering development applications on dual coded sites, the following shall apply:

1. Residential Density

- a. The base density code of R15 shall be applied unless otherwise specifically approved by Council;
- b. Applications for Multiple Dwellings with a density of up to R40 will only be considered in the following areas:
 - i. Land immediately surrounding the Newman Town Centre; and
 - ii. East Newman development site where such lots are identified on the East Newman Masterplan as "Group Dwelling Sites" as prepared by Landcorp and adopted by Council as Local Planning Policy No. 1;
as shown on the attached plan.
- c. Areas located outside of the identified areas (as shown on the above mentioned plan) may be developed as Grouped Dwelling(s) sites only with a density of up to R40.
- d. Applications with respect to the higher density code for lots both within and outside the identified areas will be subject to the Shire's discretion, based on merit of the site and meeting the design requirements.

2. Design Requirements

- a. All applications involving residential density above R15 will need to demonstrate a positive contribution to the amenity of the street, in terms of the following:
 - i. Enhancement of the existing streetscape;
 - ii. A high quality of built form;
 - iii. Passive surveillance of the public realm (both streets and open space); and
 - iv. Integration of development at the higher density code with adjoining development at the base density code.

Policy Review

This policy shall be reviewed following development of a comprehensive Housing Strategy.

NEWMAN TOWNSITE

Residential Development Policy



12:08PM Cr Lynne Craigie returned to the Chambers
12:08PM Cr Gerry Parsons returned to the Chambers
Cr Lang Coppin vacated the Chair
Cr Lynne Craigie assumed the Chair

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12:10PM Meeting adjourned for the opening of the new road, Iron Ore Parade by the Councillors and Lunch.
12:58PM Meeting resumed, All Councillors and staff returned to Chambers.

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

11.1 THREE (3) DOG APPLICATION FOR MR DAVE GARLAND, 22 NYABALEE ROAD, NEWMAN 6753 BE ACCEPTED AS AGENDA ITEM 11.1.1

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/211

MOVED: Cr Darren Bennetts

SECONDED: Cr Lang Coppin

THAT the three (3) dog application for Mr Dave Garland, 22 Nyabalee Road, Newman, 6753 be accepted as agenda item 11.1.1.

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0

11.1.1 THREE (3) DOG APPLICATION FOR MR DAVE GARLAND, 22 NYABALEE ROAD, NEWMAN. 6753

File Ref:	RNG-1-3
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Geoff Smith Shire Ranger
Location/Address:	22 Nyabalee Road, Newman
Name of Applicant:	Mr Dave Garland
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To consider an application to keep more than two (2) dogs at 22 Nyabalee Rd Newman 6753

BACKGROUND

Mr Dave Garland has made an application to Council under Section 26 of the Dog Act 1976 to keep three dogs on the premises at 22 Nyabalee Rd Newman 6753

In the application two dogs are registered to Mr Dave Garland at the above address namely "Diesel" a male Bull Mastiff Registration Y2105 and "Tinkerbelle" a female Maltese/Lhasa Apso, Registration Y2106. The third dog forming part of this application is a female Maltese/Lhasa Apso.

COMMENTS/OPTIONS/DISCUSSIONS

Reasons for keeping more than two Dogs:

In his application Mr Garland states *"Our female Maltese/Lhasa Apso had puppies and my 6yo daughter refused to sell one"*

As part of the application process five surrounding residents were consulted on this matter and a notice placed on the Public Notice Board", a positive outcome achieved with all residents surveyed supporting the application and no reports from the Public Notice Board.

Dog History:

There are no offences on our records.

Complaints: Nil

Property Inspection:

A full inspection was carried out by Council Rangers on the premises on 18th October 2012. The fencing and gating of the premises was found to be satisfactory. The dogs were inspected and found to be in good health and compliant with the Dog Act 1976.

STATUTORY IMPLICATIONS/REQUIREMENTS

Dog Act 1976 (as amended) Section 26(3)

Shire of East Pilbara Dogs Local Law (2000) clause 3.2 (1) (b)

The Dog Act allows the Shire to control the number of dogs by gazetting Local Laws.

The Shire of East Pilbara Dogs Local Law allows for 2 dogs over the age of three months and the young of those dogs on premises in a town site.

Section 26(3) of the Dog Act 1976 states:

Where by a Local Law under this Act a local Government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption –

(a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;

(b) shall not operate to authorise the keeping of more than 6 dogs on those premises ;and

(c) may be revoked or varied at any time.

Section 26(5) of the Dog Act 1976 allows for an aggrieved applicant to appeal to the Minister of Local Government if the application is unsuccessful or to vary the conditions set by the Local Government.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/212

MOVED: Cr Craig Hoyer

SECONDED: Cr Gerry Parsons

THAT Council approve the keeping of three (3) dogs at 22 Nyabalee Road, Newman subject to the following conditions:

- 1. All dogs are to be registered with the Shire of East Pilbara at all times.**
- 2. Only the dogs specified in the application to be kept at the nominated address.**
- 3. Fencing must be maintained such that all dogs are confined within the with the provisions for the Dog Act 1976 (As Amended)**
- 4. Any contravention of the Dog Act 1976 (As Amended) is reason for immediate, "on the spot", revocation of this permission.**
- 5. Any complaints about the behaviour or treatment of the dogs may lead to the cancellation of this permission.**

CARRIED

RECORD OF VOTE: 9 - 0

To be actioned by Mr Andrew Norris, Coordinator Ranger and Emergency Services.

12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

12.1.1 TENDER 13-2011/12 NEWMAN LANDFILL FACILITY MAINTENANCE AND RECYCLING SERVICES

File Ref: LEG-13.1
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Rick Miller
Director Technical and Development Services

PURPOSE

To consider the submission of tenders for the maintenance and recycling services at the Newman Landfill Facility for the period of 5 years with a 3 year option.

The main item will be issued separately as a late item at least 72 hours prior to the Council meeting.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/213

MOVED: Cr Doug Stead

SECONDED: Cr Darren Bennetts

THAT in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

- (e) a matter that if disclosed would reveal –**
 - (i) trade secrets;**
 - (ii) information of commercial value to a person; or**
 - (iii) information about the business, professional, commercial or financial affairs of a person.**

Where the trade secret or information is held by, or is about, a person other than the local government;

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/214

MOVED: Cr Lang Coppin

SECONDED: Cr Shane Carter

THAT Council resolve to:

1. Provide Delegated Authority to the Chief Executive Officer to negotiate to form a contract with East Pilbara Recycling for tender 13-2011/12 Newman Landfill Facility Maintenance and Recycling Services – Part 'A' Landfill Only, subject to negotiations and;
2. To reject all tender submissions for Part 'B' – Materials Recovery Facility.

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 8 - 1

Cr Craig Hoyer requested to be recorded against the motion.

To be actioned by Mr Rick Miller, Director Technical and Development Services

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201213/215

MOVED: Cr Shane Carter

SECONDED: Cr Darren Bennetts

THAT in accordance with Section 5.23 (1) of the Local Government Act 1995 the meeting is open to members of the public.

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0

13 GENERAL BUSINESS

13.1 STEEL AND GRASS NEXT TO NEWMAN RADIO STATION

Cr Doug Stead asked if the grass next to the radio station in between the driveway entrance to the Newman Aquatic Centre could be cut and steel removed as it is becoming a hazard.

Director Technical and Development Services to follow up.

13.2 NEWMAN TOWN CENTRE PARK

Cr Doug Stead said a tree has been pulled out and needs to be replaced at the Newman Town Centre Park.

Director Technical and Development Services will discuss this with BHPIO.

13.3 NULLAGINE – GALLOP HALL

Cr Darren Bennetts asked if the bookings/entrance of the Gallop Hall could be revisited with E.P.I.S.

Deputy Chief Executive Officer to follow up.

13.4 MARBLE BAR ROAD

Cr Darren Bennetts asked if there has been update regarding the sealing of Marble Bar Road and for Council to keep lobbying the Government.

Chief Executive Officer said there has been no update but the Council will keep lobbying the Government to get the Marble Bar Road sealed/upgraded.

13.5 BUS SERVICE

Cr Stephen Kiernan asked why the hours have been changed as this does not allow enough time for people to do shopping etc.

Deputy Chief Executive said the hours have been changed due to Occupational Health and Safety concerns for the driver.

13.6 NULLAGINE COMMUNITY BUS

Cr Stephen Kiernan advised that he had been told that users of the bus were not complying with the guidelines.

The Chief Executive Officer replied that he had permitted the use of the bus for the recent school holidays. However, if the bus was not used in the intended manner then persons could be banned from utilising the bus.

Manager Community Wellbeing to follow up.

13.7 POT HOLES – MARBLE BAR ROADHOUSE

Cr Stephen Kiernan asked when the pot holes in the road caused by the sprinklers will be repaired.

Director Technical and Development Services said works will be happening very shortly as it is next on the list to be completed.

14 DATE OF NEXT MEETING

7th December 2012, Newman

15 CLOSURE

1.45PM