

Unconfirmed copy of Minutes of
Meeting held on 27 April 2012 subject
to confirmation at meeting to be held
on 25 May 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, 27 APRIL 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 ATTENDANCES

Councillors

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

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mrs Sheryl Pobrica

Chief Executive Officer
Deputy Chief Executive Officer
Executive Administration Officer

Public Gallery

Mr Richard Green
Mr Sasha Lennon
Ms Natalia De Faveri

Kurra@Newman
SGS Economics & Planning
SGS Economics & Planning

2.2 APOLOGIES

Councillor Apologies

Cr Sue Owen

Officer Apologies

Nil

2.3 LEAVE OF ABSENCE

Nil

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

10:10 AM Cr Lang Coppin entered Chambers

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 UPDATE KURRA@NEWMAN

Mr Richard Green from Kurra@Newman provided an update to Council on the progress of Kurra@Newman Project.

10:15 AM Cr Darren Bennetts left Chambers.

5.2 COMMUNITY WELLBEING STRATEGY BY SGS ECONOMICS & PLANNING

Mr Sasha Lennon (Principal Consultant) and Ms Natalia De Faveri (Consultant) from SGS Economics and Planning provided Council a presentation on the Community Wellbeing Strategy.

10:30 AM Cr Doug Stead left Chambers.

10:30 AM Cr Anita Grace left Chambers

10:34 AM Cr Doug Stead returned to the Chambers

10:36 AM Cr Anita Grace returned to the Chambers

10:55 AM Mr Richard Green, Mr Sasha Lennon and Ms Natalia DeFaveri left Chambers.

10:55 AM Cr Lang Coppin left Chambers

10:58 AM Cr Lang Coppin return to the Chambers

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes March 23 2012 Council.DOC](#)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/241

MOVED: Cr Kevin Danks

SECONDED: Cr Craig Hoyer

THAT the minutes of the Ordinary Meeting of Council held on 23 March 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

7.2 PILBARA REGIONAL COUNCIL MINUTES 2ND MARCH 2012

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/242

MOVED: Cr Anita Grace

SECONDED: Cr Doug Stead

THAT the minutes of the Ordinary Meeting of the Pilbara Regional Council held on 2nd March 2012, be received.

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

11:15 AM Cr Darren Bennetts returned to the Chambers

Cr Craig Hoyer

- Attended Community Grants Programme
- Attended Pilbara / Kimberley Forum - Perth
- Attended Planning Workshop with Neil Noelker

Cr Doug Stead

- Attended East Pilbara Independent Services (EPIS) meeting
- Attended ANZAC Day Ceremony
- Attended Planning Workshop

Cr Stephen Kiernan

- Attended Marble Bar Community Resource Centre meeting
- Attended Marble Bar ANZAC Day Ceremony
- Attended Planning Workshop with Neil Noelker

Cr Kevin Danks

- Attended Marble Bar Tourism Association
- Attended Marble Bar Race Course meeting
- Attended Planning Workshop with Neil Noelker

Cr Lang Coppin

- Attended Landcare meeting
- Attended Planning Workshop with Neil Noelker

Cr Darren Bennetts

- Attended Nullagine ANZAC Day Ceremony

Cr Shane Carter

- Attended Planning Workshop with Neil Noelker
- Attended 2 x Pilbara Development Commission (PDC) meetings

Cr Gerry Parsons

- Attended Health Forum meeting
- Attended Pilbara / Kimberley Forum - Perth
- Attended Planning Workshop with Neil Noelker
- Attended Health Advisory Group

- Attended Councillors visit Newman Shopping Centre
- Attended Newman Mainstreet Meeting
- Attended Recreation Centre Management Committee Meeting
- Meeting with Nicole Livingone at Swim Club with Kids

Cr Anita Grace

- Attended Pilbara / Kimberley Forum - Perth
- Attended Planning Workshop with Neil Noelker
- Attended Newman Women's Shelter meeting

Cr Lynne Craigie

- Attended meeting with Neil Noelker
- Attended meeting with Mr Alex Seed, (BHP Billiton) – NewmanTomorrow
- Attended Newman ANZAC Ceremony
- Attended Pilbara / Kimberley Forum
- Attended Planning Workshop with Neil Noelker
- Attended meeting with Mr Heath Sanderson (FMG)
- Attended Teleconference WALGA selection panel.
- Attended Newman Health Advisory Group (HAG) meeting
- Attended Newman Women's Shelter meeting
- Attended meeting with Department of Local Government (DLG)
- Attended East Pilbara Independent Services (EPIS) meeting
- Attended Building Management Committee (BMC) with Sian and Cath
- Attended Community meeting with BHP Billiton for Newman quarterly.
- Attended Pilbara Development Commission (PDC) meeting
- Attended Presidents Advisory Group meeting
- Attended Pilbara / Kimberley Forum - Perth
- Attended Pilbara Regional Council (PRC) workshop
- Attended meeting with Ian Fletcher and Jennifer Matthews
- Attended Presentation to Senate Committee on FIFO – Port Hedland
- Attended meeting with EPIS re: Building Management Committee (BMC)
- Attended Pilbara Development Commission (PDC) teleconference link up. (SDG)
- Attended Horizon Power meeting
- Attended meeting with consultants re: Women's Shelter

- Attended Dialogue with the Pilbara Conference
- Attended x 3 meetings with potential investors looking at progress within the Shire of East Pilbara
- Attended x 2 Strategic Directors meetings
- Attended PDC Sundowner
- Interview with ABC re: Rio Tinto 5000 employees

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 EXECUTIVE SERVICES - STATUS OF COUNCIL DECISIONS MARCH 2012

File No: 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

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: 201112/243

MOVED: Cr Shane Carter

SECONDED: Cr Stephen Kiernan

THAT the "Status of Council Decisions" – Executive Services report for March 2012 be received.

CARRIED

RECORD OF VOTE: 10 - 0

To be actioned by Mr Allen Cooper, Chief Executive Officer

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.1.11	PROPOSED TOWN PLANNING SCHEME NO 4 – ADMENDMENT NO 14	MDS-P	With WAPC for Final Approval	
22 July 2011	11.1.1	TENDER 10/2010-2011 DESIGN, SUPPLY AND DELIVERY OF MODULAR TYPE HOUSING	MBA	On Site	May 2012
16 December 2011	9.1.9	PLANNING APPLICATION FOR PROPOSED CLOSURE OF A PORTION OF ROAD RESERVE BOUNDED BY LOTS 1 & 2 AND 1315 NEWMAN DRIVE AND LOT 1316 MACKAY STREET	MDS-P	Forwarded to DRDL for approval – applicant advised	July 2012
3 February 2012	9.1.4	QUEEN'S BIRTHDAY HOLIDAY 2012 – REQUEST FOR ALTERNATIVE DATES.	ESAO	Will need to be advertised when approved by the WA Governor	
3 February 2012	9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	CPS		On Going
3 February 2012	11.1.1	RESIDENTIAL INFILL PROGRAM (LAZY LANDS), NEWMAN – PREPARED BY THE DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS	CEO	Draft Tender documents prepared	On Going
23 March 2012	9.1.10	PROPOSED ROAD CLOSURE OF ROAD BOUND BY LOTS 1, 2 & 1315 NEWMAN DRIVE AND LOT 1346 MACKAY STREET, NEWMAN	MDS-P	Forward to DRDL for approval – applicant advised	July 2012
23 March 2012	9.1.12	PROPOSED CLOSURE OF UNCONSTRUCTED ROAD RESERVE - LOTS 4 & 5 COOKE STREET, NULLAGINE	MDS-P	Deferred to April Council Meeting	
23 March 2012	9.1.13	REQUEST TO CLOSE RIGHT OF WAY - REAR OF LOTS 11 & 12 COOKE STREET, NULLAGINE	MDS-P	Deferred to April Council Meeting	
23 March 2012	13.11	MARBLE BAR TOWN SPLIT WHEN FLOODING Cr Stephen Kiernan said when there is a significant	CRES		

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

27 APRIL 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		amount of rain, the town of Marble Bar splits into two because the creek cuts the town. This causes a problem with LEMC and how to get the residents to shelters. Coordinator Ranger and Emergency Services to follow up.			
23 March 2012	13.11	CAPE KER Cr Stephen Kiernan said when there is a significant amount of rain, the town of Marble Bar splits into two because the creek cuts the town. This causes a problem with LEMC and how to get the residents to shelters. Coordinator Ranger and Emergency Services to follow up.	CRES		

**9.1.2 AFFIX COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER
BUILDING ASSETS**

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr David Kular
Manager Human Resources
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek approval to affix the common seal of the Shire of East Pilbara to the employment of the Manager Building Assets.

BACKGROUND

The employment contract of Mr Gary Grapes has been extended by a further two year term contract to 19 August 2014.

COMMENTS/OPTIONS/DISCUSSIONS

Nil.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Policy:
Council's Policy Manual

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

Nil.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/244

MOVED: Cr Anita Grace

SECONDED: Cr Doug Stead

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mr Gary Grapes, Manager Building Assets for a term of two years, expiring on 19th August 2014.

CARRIED

RECORD OF VOTE: 10 - 0

To be actioned by Mr David Kular, Manager Human Resources

**9.1.3 AFFIX COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER
FINANCE AND ADMINISTRATION**

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr David Kular
Manager Human Resources
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek approval to affix the common seal of the Shire of East Pilbara to the employment contract of the Manager Finance and Administration.

BACKGROUND

The Council has recently employed Mrs Angela McDonald to the position of Manager Finance and Administration at Newman. Mrs McDonald has signed a standard employment document commensurate to the position.

COMMENTS/OPTIONS/DISCUSSIONS

Nil.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Policy:
Council's Policy Manual

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

Nil.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/245

MOVED: Cr Anita Grace

SECONDED: Cr Kevin Danks

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Mrs Angela McDonald, Manager Finance and Administration for a term of two years, expiring on 14 May 2014.

CARRIED

RECORD OF VOTE: 10 - 0

To be actioned by Mr David Kular, Manager Human Resources

**9.1.4 AFFIX COMMON SEAL TO THE EMPLOYMENT CONTRACT DEPUTY
CHIEF EXECUTIVE OFFICER**

File No: ADM 1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr David Kular
Manager Human Resources
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek approval to affix the common seal of the Shire of East Pilbara to the employment of the Deputy Chief Executive Officer.

BACKGROUND

The employment contract of Ms Sian Appleton has been extended by a further three year term contract expiring on 30th September 2014.

COMMENTS/OPTIONS/DISCUSSIONS

Nil.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Policy:
Council's Policy Manual

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

Nil.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/246

MOVED: Cr Doug Stead

SECONDED: Cr Kevin Danks

THAT the common seal of the Shire of East Pilbara be affixed to the employment contract between the Shire of East Pilbara and Ms Sian Appleton, Director Chief Executive Officer for a term of three years, expiring on 30th September 2014.

CARRIED

RECORD OF VOTE: 10 - 0

To be actioned by Mr David Kular, Manager Human Resources

**9.1.5 APPOINTMENT OF CHAIRPERSON – LOCAL EMERGENCY
MANAGEMENT COMMITTEE (LEMC)**

File No: ORG 23-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Andrew Norris
Coordinator Ranger and Emergency Services
Location/Address: Newman LEMC
Name of Applicant: Andrew Norris
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council required appointing a Chairperson for the Local Emergency Management committee. (LEMC) - (Emergency Management Act 2005)

BACKGROUND

Under current Legislation Council is required to appoint a chairperson to the Newman Local Emergency Management Committee.

COMMENTS/OPTIONS/DISCUSSIONS

It has been proposed that Sergeant Michael Sears be appointed to this position. (Snr Sergeant Shane Sadler remains the local Emergency Coordinator).

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 38 (3) Emergency Management Act 2005

(3)A local emergency management committee consists of —

- (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
 - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

POLICY IMPLICATIONS

Nil, no policy exists.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

- 3.4.1 Ensure compliance with relevant Statutes and statutory authorities
A greater than 90% compliance achievement in the annual compliance audit
How funded – Municipal Funds
Responsible Directorate – Whole of Organisation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/247

MOVED: Cr Anita Grace

SECONDED: Cr Doug Stead

THAT Council approves the appointment of Sergeant Mick Sears to the position of Chairperson of the Newman Local Emergency Management Committee (LEMC).

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mr David Kular, Manager Human Resources

9.1.6 STALLHOLDER AND STREET TRADING POLICY

File No: LEG 5-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Edmore Masaka
Manager Development Services - Health
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider the adoption of a policy to facilitate trading in public places within the Shire of East Pilbara

BACKGROUND

Council adopted the "Activities on Thoroughfares and Trading in Thoroughfares and Public Places local Law" in 2000. Since the adoption of these local laws a number of issues have arisen from time to time that are considered best addressed by a policy statement rather than an amendment to the Local Law. These Local Laws apply to the whole of the Shire of East Pilbara.

COMMENTS/OPTIONS/DISCUSSIONS

The Local Laws do not designate sites where traders can carry out an activity. The existing application process can be varied to enable a more coordinated application by an event organiser rather than the individual stallholder.

Problems have occurred when applications are submitted immediately prior to the applicant wanting to trade. This suggested policy contains time-frames within which applications should be submitted.

Since the adoption of the Local law, the Food Act 2008 was promulgated which has caused some confusion when a trader is selling a food commodity and needs to comply with the Food Act 2008 as well as the Local law and subsequently two fees apply, one being under the Food Act 2008 and the other one under the Local law.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

"Activities on Thoroughfares and Trading in Thoroughfares and Public Places local Law".

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

3.2.2 Improve community awareness of Council's directions, facilities and services
Continuing role
How funded – Municipal Funds
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/248

MOVED: Cr Stephen Kiernan

SECONDED: Cr Doug Stead

THAT Council adopt the Stallholders and Street Trading Policy

STALLHOLDER AND STREET TRADING

Minute No:

Date:

OBJECTIVES:

- To provide for the orderly operation of temporary trading activities within the Shire of East Pilbara and compliance with the requirements of Council's Local Laws;
- To ensure that temporary trading activities are carried out in a manner so as not to detract and or cause harm to the amenity of public places and safety of pedestrians and residents;
- To provide a service or commodity to the community without undue disruption to traffic or pedestrians;
- To provide clarity and guidance with regards to the preparation and assessment of Stallholder and Trader's Permits.

APPLICATION:

- This policy is to be read in conjunction with Council's Local Law relating to "Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law";
- Where there is a discrepancy between this Policy and the Local Law, the Local Law shall prevail for the extent of such discrepancy;
- Shire employees shall have due regard to both Local Law and this Policy when assessing such application(s) made under the Local Law.

APPLICATION TO CONDUCT A STALL OR TRADE IN A PUBLIC PLACE:

All applications to conduct a Stall or Trade in a public place should be lodged with the Shire at **least 10 days prior to the first day of intended trading** with the exception of those applications to cater at Public Events which must be lodged **at least 4 weeks before the event**. (Late fees may apply to late applications)

All applications must be made on the prescribed form as prepared by the Shire's Environmental Health section and shall include all details as stated on the form including:

- The appropriate application fees as periodically adopted in the Shire of East Pilbara's Fees and Charges Schedule and/or any applicable legislative provision.
- Full Name and address of the applicant/s;
- Specify location(s) in and/or on which the applicant wishes to conduct their business activity and is to include a site plan;
- Full details of the goods or services to be traded;
- Proposed days and hours of operation;
- Evidence of appropriate levels of public liability insurance;
- Construction details of the proposed stall and other items such as furniture, lighting provision of power that is proposed to be used in conjunction with such stall. The stall must comply with the attached pictorial presentation of a stall attached to the end of this policy.
- Where a fixed stall is proposed, the applicant must detail by way of a plan the position of such stall in relation to property boundaries, roads, footpaths, buildings and any other such structure;
- Where the stall is a vehicle, trailer or similar, details of such vehicle, trailer or similar in addition to a current copy of the Third Party Motor Vehicle Insurance;
- Where it is proposed to operate a stall or trade on land which is privately owned but considered a public place (e.g. Shopping Centre), the applicant must include a letter signed by the owner and/or occupier of such land granting the applicant to conduct such stall or trade from such premises.;
- Where it is proposed to operate a stall or trade on land which is a public place though owned by the State (not including the Local Government), the applicant must also include a letter signed by the relevant State department/agency in control of such land granting the applicant to conduct such stall or trade from such land.

ADDITIONAL REQUIREMENTS FOR THOSE HANDLING (SUPPLY AND SALE) OF FOOD PRODUCTS:

- A copy of a valid Food Business Notification/Registration certificate issued in accordance with the requirements of the Food Act 2008 (the Act) by the Shire of East Pilbara or any other Enforcement Agency as described in Section 8 of the Act.
- Documentary evidence of the completion of an approved Food Safety Course by each food handler/s intending to handle food during the event/s. A free online Food Safety Course **"I'M ALERT"** can be accessed on the Shire's website. *'NB. Approved means approved by the Shire's Environmental Health Officer'*
- Once granted, the trading Permit must be conspicuously displayed in/at the stall at all times during trading.

ADDITIONAL REQUIREMENTS FOR APPLICANTS INTENDING TO GIVE AWAY FOOD AT COMMUNITY AND PUBLIC EVENTS

- Any applicant intending to handle and give away food at community and public events are required by this Policy to inform the Shire **at least four (4) days before the event**, clearly stating the food products they intend to handle as well as arrangements made for the safe handling of the food so as to enable the Shire Environmental Health Officer to make an assessment of the food risk involved and advise of appropriate food handling requirements. This is a precautionary measure and is in the interest of all concerned. It is not intended to inhibit activity.
- Any food stall used for the handling of food is required by this policy to comply with the minimum standards of a food stall as presented in the Shire of East Pilbara Temporary Food Stall Trading Conditions. Standards may vary according to the "Risk" level of the food.

LOCATIONS FROM WHICH A STALL OR TRADING MAY BE PERMITTED:

The following locations within the Newman town site are the preferred locations from which stalls and traders may conduct business:

1. The open parking area at the Capricorn Oval entrance west of the water storage tanks;
2. The Newman Visitors Centre Parking area; - subject to approval from the Manager of the Visitors Centre.
3. Boomerang Oval Parking area (Paved area scheduled to be completed by July 2012)

Where an applicant seeks permission to conduct a stall or trade other than at the designated sites within Newman listed above, the applicant shall provide written justification and reasons for such request.

APPLICATIONS IN RESPECT TO THE TOWNSITES OF MARBLE BAR AND NULLAGINE

Any applications for Trading Approvals for the above town sites will be at the discretion of the Shire's Health and Planning staff and are subject to the applicant providing the relevant details as required as part of the normal application process.

CONDUCTING A STALL OR TRADING AT A PUBLIC EVENT:

Stalls and/or trading at a public event will only be approved where the applicant has received written permission from the event organiser and such permission is supplied with the application. For the purposes of an event organised by the Shire, approval is to be sought from the Shire's Community Wellbeing Department.

For large community events such as the Fortescue Festival and annual Race Days, it is preferable that all applications shall be coordinated, collated and submitted to the

Shire by the event organiser at least **four (4) weeks prior to the event**. The event organiser may also choose to cover such stalls and traders under their public liability insurance as required for the entire event. Additionally, all event organisers are still expected to meet their Duty of Care obligations in ensuring the food safety of people attending the event.

GROUND(S) ON WHICH APPLICATIONS MAY BE REFUSED:

- The applicant is deemed not a fit or proper person to hold a permit. An applicant will be deemed not a fit and proper person where they have committed a breach of the Shire's Local Law or any other legislation considered pertinent to conduct their proposed business;
- The applicant proposes to conduct a stall in an area where stalls and trading is not permitted;
- The proposed stall or trading business may result in compromised traffic and pedestrian safety;
- The nature and/or conduct of a proposed stall or trader is not in keeping with the amenity or not conducive to proper and orderly planning;
- Any other ground(s) that the Shire of East Pilbara deems relevant.

ADVISORY NOTES

Applicants must consider access for the disabled

Applicants must not inhibit the usual flow of traffic or pedestrian movement.

Any applications involving animals will need approval from the Shires Rangers Department.

The use of flashing lights is discouraged.

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mr Edmore Masaka, Manager Development Services - Health

9.1.7 POWER TO LEASE - RESERVE 44274 & 40409

File No: A444274 & 400084
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Yates Road & Newman Drive
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required to request the Minister to grant to Council the power to lease any portion of the subject reserves which have been vested with the Shire.

BACKGROUND

Reserve 44274, being Lot 129 in the Windell District, is vested with the Shire for the purposes of a Refuse Site. Council's waste consultant is currently in discussions with a prospective scrap metal salvage agent who is looking to lease a portion of the refuse site to sort and then remove from site scrap metals as opposed to having to bulk store at the refuse site.

Reserve 40409, being Lot 1913 on Newman Drive is the current site of the Martumilli administration and gallery. The purpose of the Reserve was recently changed from Parks and Recreation to Community and Cultural purposes. Power to lease will be requested for this reserve should there be a need to lease further portions for use by the Martumilli group and/or other potential community groups.

COMMENTS/OPTIONS/DISCUSSIONS

When leasing portions of Reserves, Council is to ensure that the proposed uses are consistent with the purpose of such Reserves.

STATUTORY IMPLICATIONS/REQUIREMENTS

Council's request to the Minister is a requirement as prescribed by the Land Administration Act 1997.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/249

MOVED: Cr Shane Carter

SECONDED: Cr Anita Grace

THAT Council requests the Minister to grant to Council the Power to Lease over Reserves 44274 and 40409 in accordance with Section 46(3)(a) of the Land Administration Act 1997.

**CARRIED
RECORD OF VOTE: 10 - 0**

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

9.1.8 PROPOSED GROUPED DWELLING - 15 BARTON WAY, NEWMAN

File No: A400320
Attachments: [15 Barton Way.pdf](#)
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Lot 1444 (15) Barton Way, Newman
Name of Applicant: Auzcorp Pty Ltd
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required for a proposed grouped dwelling development which is located outside of the Interim Residential Development Policy area(s).

BACKGROUND

The subject site currently has on it a transportable dwelling which is proposed to be retained. However, in order to allow room for an additional dwelling, the existing dwelling is proposed to be reorientated and appropriately reconfigured in order to comply with the Residential Design Codes (R-Codes). The existing dwelling is a four (4) bedroom one (1) bathroom dwelling and the applicant is proposing to install a five (5) bedroom five (5) bathroom transportable dwelling.

COMMENTS/OPTIONS/DISCUSSIONS

After assessment of the proposal in accordance with the R-Codes, there are some issues which are required to be noted and addressed. Firstly, the setback of the dwellings from the internal grouped dwelling boundary is required to be a minimum of 1.5m for each dwelling therefore creating a separation of 3m. The proposal proposes a reduced setback for each dwelling of 1.1m resulting in only a 2.2m separation. On review of the plans, it is noted that this will not be an issue due to the layout of the proposed dwelling(s).

As required by the R-Codes, all grouped dwellings are to be provided with a Store. The proposal does not indicate a store for each dwelling, however, if Council supports the proposal this can be enforced through a condition being imposed.

The R-Codes only permit an aggregate width of vehicular crossover(s) within the road reserve of up to 9m. The proposal is for each dwelling to have a crossover of 6m wide resulting in an aggregate of 12m. This would need to be reduced to 9m through conditions should Council choose to support the application.

Due to the proposed new dwelling being a five (5) bedroom and five (5) bathroom dwelling, it is deemed that the dwelling is a Residential Building and not a single dwelling. A Residential Building is defined by Town Planning Scheme No. 4 as:

means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

*temporarily by two or more persons, or
permanently by seven or more persons,*

who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.

As per the definition, it is deemed that the building has been designed for the purposes of a Residential Building which is also supported through previous communications with the applicant and their representatives.

Furthermore, as it is deemed that the proposed new dwelling is a Residential Building, the proposal will need to comply with Local Planning Policy No. 4 – Vehicle Parking Standards. The policy requires that for each bed, there is to be one (1) car parking space provided. Therefore, the applicant will need to supply five (5) parking spaces for the proposed new second dwelling.

The existing dwelling is not considered as being of a satisfactory external appearance. A common condition for all grouped dwelling developments is to have the colours and textures of the building approved prior to construction. It is considered that a reasonable condition, should approval be granted, is to enforce the external appearance of the existing dwelling to be brought up to a standard similar to that of the proposed new dwelling.

Apart from those issues already discussed, the proposal generally complies with the R-Codes. However, the proposal is for the development at the higher R40 density on a property which is outside of the Interim Residential Development Policy Area. However, Council has previously chosen to allow development to occur outside the policy area provided that it complies with the policy provisions which are as follows:

- Enhancement of the existing streetscape;
- A high quality of built form;
- Passive surveillance of the public realm (both streets and open space); and
- Integration of development at the higher density code with adjoining development at the base density code.

It is perceived that the proposal could meet the policy provisions once certain conditions of development had been met.

STATUTORY IMPLICATIONS/REQUIREMENTS

Town Planning Scheme No. 4;
Residential Design Codes.

POLICY IMPLICATIONS

Local Planning Policy No. 4 – Vehicle Parking Standards.

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/250

MOVED: Cr Lang Coppin

SECONDED: Cr Anita Grace

THAT Council approves the proposed grouped dwelling development, with the proposed dwelling on Lot 1 being defined as a Residential Building, at Lot 1444 (15) Barton Way, Newman subject to the following conditions:

- 1. Each dwelling being supplied with a Store in accordance with the Residential Design Codes;**
- 2. The crossovers proposed within the road reserve being reduced in width to an aggregate of not more than nine (9) metres;**
- 3. The proposed Residential Building on Lot 1 as indicated on the supplied plans shall be provided with five (5) car parking spaces in accordance with Local Planning Policy No. 4 – Vehicle Parking Standards to the satisfaction of the Manager Development Services – Planning;**
- 4. The applicant shall submit prior to or in conjunction with the Building Permit application a Landscaping Plan for the internal areas of the subject property in addition to the road verge in accordance with Council's policy relating to "Development of Road Verges in Residential Areas", and such plan being approved by the Manager Development Services – Planning. The landscaping for both the internal and verge areas proposed in such Landscaping Plan shall be fully installed and completed prior to occupancy and satisfactorily maintained thereafter;**
- 5. Prior to the commencement of the development, details of the proposed colours and textures of the dwelling(s) shall be submitted and approved by the Manager Development Services – Planning;**
- 6. The dwelling to be retained on site shall be brought up to an acceptable external appearance and standard similar to the proposed new Residential Building and/or to the satisfaction of the Manager Development Services – Planning;**
- 7. All crossovers being constructed in accordance with the specifications of Council's crossover policy and to the satisfaction of the Shire of East Pilbara;**
- 8. All building works to comply with the legislative requirements.**

CARRIED
RECORD OF VOTE: 10 - 0

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

**9.1.9 PROPOSED CLOSURE OF UNCONSTRUCTED ROAD RESERVE - LOTS 4
& 5 COOKE STREET, NULLAGINE**

File No: A300120
Attachments: [Lots 4-6 Cooke Street Nullagine - Proposed Road Closure.pdf](#)
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Lots 4 and 5 Cooke Street, Nullagine
Name of Applicant: Urban & Rural Perspectives - Steve Pandevski
Author Disclosure of Interest: Nil

*An Interest was declared by Cr Darren Bennetts for Item No. 9.1.9
Nature of Interest: Direct Interest
Extent of Interest: Director of Company that has a direct interest
11:36 AM Cr Darren Bennetts left Chambers.*

REPORT PURPOSE

Council's consideration is required to initiate the closure of an unconstructed road reserve which runs between Lots 4 and 5 Cooke Street, Nullagine.

BACKGROUND

The applicant has submitted a development application which covers Lots 4, 5 and 6 Cooke Street, Nullagine. The proposal is for the development of three (3) two story buildings for use as warehouse/office space and/or other forms of commercial purposes. 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. For this to happen, the Shire is required to carry out the requirements as required by Section 58 of the Land Administration Act 1997.

The area of the subject road reserve is 91m².

COMMENTS/OPTIONS/DISCUSSIONS

On review of the subject road reserve, from a planning perspective, it serves no purpose to the subject lots and any other lot(s) surrounding. Additionally, there is a road reserve that runs at the rear of those lots fronting Cooke Street which still allows for all of the subject lots to have rear access to a road reserve if in the event it is required. However, this is not anticipated as being the case. Additionally, the subject road reserve is not a suitable size (width) to ever be formed as a road.

If Council is to support the initiation of the closure, then the proposal will be required to be advertised for a period of not less than 35 days in a newspaper circulating

within the district, in addition to notices being sent to relevant service agencies to gauge if such proposal will affect any services within the vicinity.

Closure of the road will facilitate the development of new premises from which local business could operate and/or introduce new business to the Nullagine locality.

STATUTORY IMPLICATIONS/REQUIREMENTS

Land Administration Act 1997 – Section 58.

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/251

MOVED: Cr Lang Coppin

SECONDED: Cr Shane Carter

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.

CARRIED
RECORD OF VOTE: 9 - 0

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

9.1.10 REQUEST TO CLOSE RIGHT OF WAY - REAR OF LOTS 11 & 12 COOKE STREET, NULLAGINE

File No: A300140/A475120
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Lots 11 & 12 Cooke Street, Nullagine
Name of Applicant: Ms Kerry Edwards
Author Disclosure of Interest: Nil

An Interest was declared by Cr Darren Bennetts for Item No. 9.1.10

Nature of Interest: In-Direct Interest

Extent of Interest: Director of Company that owns blocks of land adjacent to these blocks of land.

REPORT PURPOSE

For Council to consider initiating a request for the closure of a Right of Way (R.O.W) at the rear of Lots 11 and 12 Cooke Street, Nullagine.

BACKGROUND

The applicant has made a request to have a portion of the R.O.W at the rear of Lots 11 and 12 Cooke Street closed in order to facilitate a proposed expansion of their accommodation development. Part of the applicants plan is to purchase from the Crown an area of Unallocated Crown Land known as Lot 249 (refer to attachment) and have this land amalgamated, including the portion of the R.O.W into a single lot in order to facilitate further development.

The applicant has advised that an offer has been made to the Department of Regional Development and Lands for the purchase of the subject lands. However, these purchases cannot proceed until such time that the local government has supported such closure and advertised it accordingly.

COMMENTS/OPTIONS/DISCUSSIONS

The local government is required to advertise all requests for the closure of a R.O.W in order to ascertain whether or not it will affect other uses of such R.O.W and if there are any services located within such R.O.W. On preliminary investigation, it would appear that a closure of the subject portion of the R.O.W would not affect any other lots along Cooke Street as there is a connection into the same R.O.W from Walters street. However, it is uncertain as to whether or not there are any services within the subject portion.

If Council resolves to initiate a closure of portion of the R.O.W it will be advertised for a period of not less than 30 days in accordance with the Department of Regional Development and Lands requirements.

STATUTORY IMPLICATIONS/REQUIREMENTS

Land Administration Act 1997.

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/252

MOVED: Cr Doug Stead

SECONDED: Cr Stephen Kiernan

THAT Council:

1. Receives the request from the applicant to close a portion of the Right of Way at the rear of Lots 11 and 12 Cooke Street and resolves to initiate such closure of the requested portion;
2. Advertises the proposed closure of a portion of the Right of Way for a period not less than 30 days to adjoining/nearby land owners and service/utility providers; and
3. Advises the applicant that all costs related to the advertising of such closure shall be paid for by the applicant.

CARRIED
RECORD OF VOTE: 9 - 0

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

W & K EDWARDS

25/01/12

PO BOX 8

NULLAGINE 6758

Phone 91762099 ABN 91 430 619 437

Dear Sir/Madam,

Myself and my husband would like the Shire of East Pilbara to close the R.O.W. lane at the back of Lots 11 and 12 Cooke Street in Nullagine. The lane serves no purpose to the community and no-one uses it as a laneway. There is a block of unallocated crown land on the other side of this laneway that hasn't been taken up.

We have an application in to the Dept of Regional Lands and Development to purchase this 6 metre stretch of laneway and were advised to have the Shire close the lanes prior to purchase.

We currently have an accomodation camp development underway on Lots 11 and 12 and would like to use this portion of land at the back of our blocks to create a landscaped garden area to complement our development.

Yours sincerely

Kerry and William Edwards
NULLAGINE



9.1.11 RESOLUTION OF MISCONDUCT COMPLAINTS AT THE LOCAL LEVEL

File No: LEG-1-12
Attachments: "Resolution of Misconduct complaints at the Local Level"
Responsible Officer: Allen Cooper
Chief Executive Officer
Author: Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:38 AM Cr Darren Bennetts returned to the Chambers

REPORT PURPOSE

For Council to determine a response to the State Government's consultation paper entitled "*Resolution of Misconduct complaints at the local level*".

BACKGROUND

The attached paper has been released outlining proposals for dealing with low level misconduct at the local level, in support of the existing Rules of Conduct Regulations.

The Official Conduct Act 2007 led to changes to Part 5 of the Local Government Act and introduction of the Rules of Conduct Regulations. These provisions came into operation in October 2007. The new Act introduced mechanisms for dealing with allegations of serious, recurrent and minor breaches. A review of the operation of the Local Government Standard panel, charged with the task of assessing minor breach allegations under the Rules of conduct Regulations, commenced in 2010. The recommendations to the Standards Panel Review Committee informed the development of the Consultation paper.

COMMENTS/OPTIONS/DISCUSSIONS

WALGA is seeking a comment from Council's regarding the release of this paper.

Consultation Paper Proposals

Uniform Code of conduct for Elected Members

An area of improvement identified in the Review is in the nature of low level misconduct. It is proposed a Uniform code of conduct for Elected members be introduced and that any allegations of breaches of this code be dealt with at the local level by the Major or President.

It is anticipated the Uniform code of conduct will reflect the existing general principles to guide the behaviour of Elected Members, defined in regulation 3(1) of the Rules of Conduct Regulations:

- | |
|--|
| <ul style="list-style-type: none">(1) General principles to guide the behaviour of council members include that a person in his or her capacity as a council member should –<ul style="list-style-type: none">(a) act with reasonable care and diligence; and(b) act with honesty and integrity; and(c) act lawfully; and(d) avoid damage to the reputation of the local government; and(e) be open and accountable to the public; and(f) base decisions on relevant and factually correct information; and(g) treat others with respect and fairness; and(h) not be impaired by mind affecting substances. |
|--|

Referral of Low Level complaints to the Mayor or President

The Standards Panel Review Committee recommended the Mayor or President be empowered to assess allegations of a breach of the Uniform Code of Conduct. If the allegation complaint is upheld, the mayor or President will have access to a range of actions including mediation, training, a ruling the allegation is frivolous or vexatious or referral to a Peer Review panel. The Mayor or President will not be involved if they are a party to an allegation, and the complaint will then be dealt with by the Deputy mayor or Deputy President; should they too be a party, another Elected member will be appointed by the Council to assess the complaint.

Peer Review Panel

The second element of the Consultation Paper is the proposal to form a Peer Review panel. This Panel can be formed on an as-needs basis if the Mayor or President is not satisfactory resolution to a complaint can be reached by the parties, or if the complainant/respondent is similarly dissatisfied with the outcome of the process undertaken by the Mayor or President. The Peer Review Panel will be formed from an approved pool of eminent persons with experience in Local Government. It is proposed the sitting fees for a Peer Review Panel will be met by the Local Government.

Handling Vexatious Complaints

The Standards panel Review also identified that some people make vexatious or frivolous complaints for reasons other than a genuine pursuit of resolution. In some circumstances, individuals have repeatedly lodged complaints which lack substance.

It is proposed the Standards Panel and the Mayor or President will be empowered to dismiss any complaint deemed to be vexatious or frivolous. It is further proposed that there will be no right of review by the State Administrative Tribunal or the Peer Review panel of any complaint deemed to be vexatious or frivolous by the Standards panel or the Mayor or President.

Timeline for Comment

Considering the review of the Standards Panels operation was commenced by the State Government in 2010, it is difficult to understand why such a short timeline has been provided for consultation on this important legislative change proposal which has arisen from the review. In this light, it will be recommended that council express its disappointment in the short timeline provided for the consultation and provide feedback via our WALGA Zone (Pilbara Regional Council) or direct to the Minister for Local Government.

STATUTORY IMPLICATIONS/REQUIREMENTS

Division 9 of Part 5 of the Local Government Act 1995 and the Local Government (Rules of Conduct) Regulations.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/253

MOVED: Cr Shane Carter

SECONDED: Cr Doug Stead

That Council in response to the State government's consultation paper entitled "Resolution of Misconduct Complaints at the Local Level":

1. Support the development of a uniform code of conduct in principle, subject to effective consultation on the content of the uniform code.
2. Not support the proposal to refer low level complaints to the Mayor or President.
3. Support the establishment of a Peer Panel to assess all low level allegations.
4. Not support the proposal that sitting fees for members of the Peer Panel be paid for by individual local governments using the Panel.
5. Support the concept that the Standards Panel be given the power to refer low level breaches of the uniform code to a Peer Panel.
6. Support the proposal that the Standards Panel, and any Peer panel established, have the ability to dismiss complaints deemed vexatious or frivolous.

CARRIED

RECORD OF VOTE: 10 - 0

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

**9.1.12 NEW FEES & CHARGES - APPLICATION FOR BUILDING AND
OCCUPANCY APPROVALS**

File No: FIN-24-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Proposed Meeting Date: 27-Apr-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to establish a fee structure for all classification of buildings 1 to 10 inclusive for applications for building and occupancy approvals

BACKGROUND

The Government has undertaken a Building Regulation Reform package that is planned to deliver the most significant transformation to Western Australian building legislation in over 50 years. The existing building approvals process was established by the Local Government Act of 1960, and reflects the way buildings were designed in the 1950's, relying on builders registered under the *Builders' Registration Act 1939*.

The Building Act, which has the most significant impact for Local Government was passed on 23 June 2011 and came into operation from 2nd April 2012.

The stated objective of these reforms is intended to be a more responsive and modern building regulatory system that meets the changing needs and aspirations of all building industry participants and consumers.

COMMENTS/OPTIONS/DISCUSSIONS

This has caused the Building approval process in Western Australia to undergo significant change.

One of the key factors of the new Building Act for Local Governments is that it enables privatisation of the building certification (to the Building Codes of Australia) function that was previously provided by Local Government. It is now open to competition from the private sector. It is therefore necessary for Council to establish a new fee structure for all classification of building 1 to 10 inclusive, for applications for building and occupancy approvals. The recommended fee structure is set out below:

Item	Description of Service Provided	Fee (\$) – Note Estimated construction value in the GST inclusive value
1	Request for Certificate of Design compliance for Class 1 and 10 Buildings (unless included in a Building Permit Application)	0.13 % of the estimated construction value or \$90 minimum
2	Request for a Certificate of Design Compliance for classes 2 to 9 within the district of the Shire of East Pilbara	0.09% of the estimated construction value or \$180 minimum plus GST
3	Application to Amend a Building Permit (Uncertified Application)	0.32% of the estimated construction value of \$90 minimum
4	Request to provide a Certificate of Construction Compliance. Includes one on-site inspection	\$180 minimum plus GST Additional inspections \$120 plus GST (each)
5	Request to provide a Certificate of Building Compliance	\$180 minimum plus GST Additional inspections \$120 plus GST (each)
6	Building Information Copies of Permits, Building Approval Certificates (s129 Building Act 2011) Copies of Building Records to an interested person (s131 Building Act 2011)	\$80 minimum plus GST \$80 minimum plus GST
7	Professional Advice Request from a Qualified Building surveyor, or request seeking confirmation for Environmental health, Planning or Technical Services	\$120 per hour plus GST

STATUTORY IMPLICATIONS/REQUIREMENTS

SUBDIVISION 2 — FEES AND CHARGES

6.16. Imposition of fees and charges

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

** Absolute majority required.*

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

- (a) imposed* during a financial year; and
- (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting the level of fees and charges

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

6.19. Local government to give notice of fees and charges

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

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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 Cultural

2.5.1 Entice and enhance cultural and social events throughout the shire

Ongoing role

How funded – Municipal Funds and funding opportunities

Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

Unknown at this stage.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/254

MOVED: Cr Anita Grace

SECONDED: Cr Shane Carter

THAT Council

- 1. Adopt the new fee structure for all classification of building 1 to 10 inclusive, for applications for building and occupancy approvals as set out below:**

Item	Description of Service Provided	Fee (\$) – Note Estimated construction value in the GST inclusive value
1	Request for Certificate of Design compliance for Class 1 and 10 Buildings (unless included in a Building Permit Application)	0.13 % of the estimated construction value or \$90 minimum
2	Request for a Certificate of Design Compliance for classes 2 to 9 within the district of the Shire of East Pilbara	0.09% of the estimated construction value or \$180 minimum plus GST
3	Application to Amend a Building Permit (Uncertified Application)	0.32% of the estimated construction value of \$90 minimum
4	Request to provide a Certificate of Construction Compliance. Includes one on-site inspection	\$180 minimum plus GST Additional inspections \$120 plus GST (each)
5	Request to provide a Certificate of Building Compliance	\$180 minimum plus GST Additional inspections \$120 plus GST (each)
6	Building Information Copies of Permits, Building Approval Certificates (s129 Building Act 2011) Copies of Building Records to an interested person (s131 Building Act 2011)	\$80 minimum plus GST \$80 minimum plus GST
7	Professional Advice Request from a Qualified Building surveyor, or request seeking confirmation for Environmental health, Planning or Technical Services	\$120 per hour plus GST

- 2. Advertised by local public notice the adopted fees and charges pursuant to Section 6.19 Local Government Act**
- 3. The adopted fees to have effect as from 30th April 2012.**

**CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 10 - 0**

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

**9.1.13 AFFORDABLE HOUSING FOR ESSENTIAL WORKERS - PILBARA
REGIONAL COUNCIL (PRC)**

File No: ORG 6-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider endorsing the National Australian Banks business case to provide affordable housing in the Pilbara.

BACKGROUND

The Pilbara Regional Council (PRC) on behalf of its member Councils has over the last 18 months been liaising with the National Australia Bank (NAB) to prepare a business case (copy attached) to provide affordable housing across the Pilbara

COMMENTS/OPTIONS/DISCUSSIONS

As Council is aware a significant limiting factor to the development of the Pilbara is the availability of affordable housing. This is particularly evident in the service industry sector which cannot compete with the resource sector in the housing rental market.

This lack of affordable housing results in a much lower than the state average number of small businesses in the Pilbara and therefore a lack of services found in "normal" communities.

To date, no solution has been available.

This proposal is to build 210 affordable beds in Shire of East Pilbara, sites to be determined.

Land is to be made available at no cost to the developer, and a 30 year concession is to be provided.

This land may be serviced or un-serviced and will likely come from the "lazy lands" project being undertaken with the Department of Regional Development and Lands or from land held under lease by Council.

Disposal of property requirements of the Local Government Act will need to be observed.

The housing will be constructed, managed and maintained by the developer, and on completion of the concession period, will be returned to the Council either as a cleared site or with housing intact. Rents will be set at a maximum of 30% of the income of the tenant, subject to final model.

The affordable housing project is a large project in terms of the number of residential dwellings that will be constructed, and in terms of the impact of allocating these houses to essential workers will have on the community.

One of Australia's largest banks, the National Australia Bank, has been secured as the financier, and a consortium have agreed to underwrite the project. The particular features of the business case are:

- No upfront cost to Councils (except approvals)
- No requirement to provide serviced land if it is not available
- Almost all other risk is transferred to the private sector
- Councils retain control over rents to ensure affordability for essential workers
- Councils retain ownership of the land under a concession arrangement

The investment consortium has assembled a broad array of financiers, underwriters, developers, facilities managers and others to present this business case. Each of these faces their own commercial pressures in an uncertain global economic environment. Each of these is continuously evaluating their cost and allocation of capital. This situation will not be able to be sustained for a lengthy period. If the business case is not endorsed, then there will not necessarily be an opportunity to revisit it at a later date.

The PRC have presented a similar business case to each of the other member Councils (with individualised budgets/beds) for consideration.

Councils that endorse the business case will be introduced to the National Australia Bank consortium team and the project will commence with a full Information Memorandum and capital raising proposal.

The responsibility for final development and building approvals remains with Council; no construction can proceed without these approvals being in place.

The proposal is risk free to Council and provides an opportunity to establish housing stock for the service sector and lower income earners in the Shire of East Pilbara.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995 Section 3.58

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact at this time apart from staff time to assist in the collection of information.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council:

1. Endorses the business case proposed by the National Australia Bank for construction of affordable housing in the Shire of East Pilbara.
2. Directs the CEO to negotiate minor changes to the business case if required.
3. Directs the CEO to negotiate the provision of land or acquisition of land with relevant government agencies if required.

COUNCIL RESOLUTION: 201112/255

MOVED: Cr Doug Stead

SECONDED: Cr Lang Coppin

THAT Council provide in principle support of the National Australia Bank proceeding to the Detailed Investment Business Case stage of the Business Case: Affordable Housing for Essential Workers in the Shire of East Pilbara subject to:

- a) The Business Case, including but not limited to, procurement and land disposal issues, being deemed compliant with the Local Government Act 1995 and any other relevant statutes or regulations;
- b) National Australia Bank undertaking the Detailed Business Case at its own expense and risk;
- c) Serviceable land being able to be sourced by the Shire of East Pilbara; and
- d) The National Australia Bank providing the Shire of East Pilbara with the required resourcing to support engagement activities associated with the conduct of the associated detailed project feasibility analysis.

**CARRIED
RECORD OF VOTE: 10 - 0**

To be actioned by Mr Allen Cooper, Chief Executive Officer

Reason for Non Acceptance of Officer's Recommendation: As per information received from the CEO.

**9.1.14 ROYALTIES FOR REGIONS COUNTRY LOCAL GOVERNMENT FUND
REVIEW**

File No: FIN 4-3
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

11:50 AM Cr Anita Grace left Chambers.

REPORT PURPOSE

To endorse a submission on the review of the Country Local Government.

BACKGROUND

The Minister for Regional Development and Lands, the Hon Brendan Grylls MLA, has released for public comment the Government of Western Australia Western Australian Regional Development Trust (the Trust) review of the Royalties for Regions Country Local Government Fund (CLGF).

The submissions on the review are to be lodged by the 11th May 2012. The CLGF has provided the Shire of East Pilbara and all country local governments with funds that would otherwise not be available to be used for maintaining and creating infrastructure.

Funding has enabled the Shire to meet objectives for infrastructure renewal by bringing forward projects as defined within the Capital Works Plan.

The Trust review includes 26 recommendations, recorded below; a copy of the recommendations is included in the agenda.

A full copy of the 332 page review document dated January 2012 can be viewed at www.rdl.wa.gov.au under news and events or upon request to the Chief Executive Officer.

As an introduction to the recommended responses shown below, it should be noted that the Trust report makes reference to the 2006 WA Local Government Association Systemic Sustainability Study (SSS). The SSS identified that a large number (83) of local governments were financially unsustainable if they were to rely only on own resource funding; i.e. they could not survive without external grants (p33 of the report).

Of significance is that the SSS report identified a significant backlog in the maintenance and renewal of infrastructure, the evidence and research gathered by

the Trust has confirmed that the infrastructure backlog may be greater than the SSS report identified.

Further, the Minister for Local Government in his submission to the Trust review stated that CLGF should not be made available to local governments that have not adopted a positive approach to structural reform and amalgamation (p66, p80 and p83). The Minister refers to the continuing declining population in many wheatbelt towns and their diminishing capacity to provide local sustainable services, withholding CLGF would provide an incentive for reform.

The Trust has supported the continuation of 50% of the funding being made available to individual local governments instead of 100% going to regional groups in 2013/14.

In addition the Trust does support the regional allocation going toward regional projects that may include infrastructure that is a state responsibility on the basis that the infrastructure is required to improve the economic sustainability, employment opportunities and the lifestyle of people within the region.

The recommendations are shown in italics with the recommended Council response immediately following each recommendation in bold.

Recommendation 1

The Trust recommends that RDL provide both the Minister and the Trust with a detailed report of progress made with respect to the recommendations of the CLGF Review by 31 December 2012, and with a further update by 1 July 2013.

(Note: RDL = Regional Development & Lands, CLGF = Country Local Government Fund)

Council Response: Support.

Recommendation 2

Section 12.2: What is the purpose of the CLGF?

The Trust recommends that the Minister accept that:

- 1. The purpose of the CLGF is to satisfy the intent of sections 4 and 9(1)(a) of the Act, principally by addressing the infrastructure requirements of country local government either through individual CLGs or contiguous groups of CLGs;*
- 2. That being said, CLGF spending on infrastructure that addresses other section 9(1) requirements by providing services, or that develops and broadens the economic base, or that creates jobs or improves career opportunities, is to be preferred over infrastructure spending that does not; and*
- 3. To enable the purpose of the CLGF to be realised it is necessary to also invest in CLG capacity building, both physical capacity and human capacity, and CLG capability, provided that investment will assist in producing optimal future CLG*

infrastructure investment decisions, and help improve the overall financial viability of CLGs, particularly through improved asset management.

(Note: CLG's = Country Local Governments)

Council Response: Support.

Recommendation 3

The Trust recommends that the Minister:

1. *Continue the CLGF at least at the current level of budget allocation;*
2. *Build into his considerations that while it is vital to focus on strategic outcomes, there is still a need to continue to address relevant smaller local infrastructure requirements that are valued by CLG communities;*
3. *Taking into account the evidence to the Review and the Trust's findings, consider increasing the CLGF budget allocation; and*
4. *Appropriate CLGF funds for allocation to categories of individual CLGs and groups of CLGs selected and appropriated against defined criteria.*

Council Response:

Support parts 1, 2 and 3; not support part 4 as explained further in this report.

Part 4 implies that local governments with declining populations are high risk and should not receive any funds.

Recommendation 4

The Trust recommends that no material change in CLGF allocation systems (unless generally welcomed by the sector) occur earlier than 1 July 2013, to allow present CLG budgets plans and projects to be realised.

Council Response: Support.

Recommendation 5

The Trust recommends that by no later than 31 December 2012 in order to be operational by 1 July 2013, in consultation with the CLG sector and taking into account evidence to this Review and the findings of the Trust, RDL settle revised guidelines for both individual CLGs and groups of CLGs, making clear the purpose and priorities of the CLGF, what will be funded, the outcomes that are sought and the conditions that apply.

Council Response: Support.

Recommendation 6

The Trust recommends that, by no later than 31 December 2012 in order to be operational by 1 July 2013, and taking into account evidence to this Review and the findings of the Trust, RDL after consultation with DLG and WALGA, review the basis on which CLGF funding will be provided for the amalgamation of selected CLGs, to improve the likelihood of amalgamation occurring.

Council Response:

Support with reservation as the recommendation implies that there may be financial incentives for local governments to agree to amalgamation. This is supported on condition that this is a voluntary process and providing that the funding incentive does not reduce the funding pool allocation to other individual local governments that intend using the funds for infrastructure renewal and creation.

Recommendation 7

Section 12.4: How much money is needed?

The Trust recommends that:

- 1. RDL analyse all FCWPs by 31 December 2012 in order to be operational by 1 July 2013, to ascertain the actual infrastructure status, needs and priorities of each CLG on an asset class basis to help determine CLGF desired outcomes by categories of CLGs; and*
- 2. That RDL develop and publish improved data on the infrastructure backlog in the CLG sector.*

(Note: FCWPs = Forward Capital Works Plan)

Council Response: Supported.

Recommendation 8

The Trust recommends that RDL in conjunction with RDCo the RDCs and the CLG sector, develop methods for improving CLG leveraging ability.

(Note: RDCo = Regional Development Council, RDCs Regional Development Commission)

Council Response: Supported.

Recommendation 9

Section 12.5: Who should be funded?

The Trust recommends:

1. *That the CLGF continue to have an individual CLG component and a Group CLG sub-regional and regional component; and,*
2. *Recommends against the current intention of moving the CLGF to 100% Group CLG funding in 2013-14.*

Council Response:

Support 50% of the allocation being retained by individual local governments, however, the Trust also advocates the assessment of local governments to identify high risk CLGs as referred in Recommendation 12 and 15, that is, CLG will be assessed to qualify for funding, if they are deemed high risk then they will not be receiving grants. Essentially Recommendation 9 is contradicted by Recommendations 12 and 15.

Recommendation 10

The Trust recommends:

1. *That in the interests of regional development the CLGF support targeted capability and capacity-building funding for the CLG sector, with the intention of improving the financial sustainability and operating capacity of those targeted;*
2. *That such assistance should include supporting the amalgamation of weakly resourced and structured local governments, particularly those rated after assessment as financially unsustainable; and,*
3. *That RDL in consultation with DLG should report annually on progress and outcomes.*

Council response: Part. 1. Supported

Part 2. Supported on condition that amalgamation is voluntary.

Part 3. Supported.

Recommendation 11

The Trust recommends that the Minister, noting the ongoing Commonwealth–State negotiations on the matter of adequate funding for the provision of local government services in remote Aboriginal communities and CLG concerns thereto, request advice from the State’s Aboriginal Affairs Coordination Committee on consequential infrastructure capability and capacity matters affecting CLGs, that might need to be taken into account in future CLGF policy.

Council Response: Supported.

Recommendation 12

Section 12.6: How should they be funded?

The Trust recommends:

- 1. That by 31 December 2012 in order to be operational by 1 July 2013, the CLGF be distributed through two funding pools, one of which is allocated to qualifying grantees who will be rated prior to allocation as entitled to receive funding; and one of which is a contestable grants pool to which applications may be made by potential grantees rated as eligible;*
- 2. That the CLGF funding quantum determined by the Minister and Cabinet be informed by the evidence to the Review and the findings of the Trust, and in particular by the sum of the recommendations in the Review;*
- 3. That by 31 December 2012 in order to be operational by 1 July 2013, that all CLGs should be able to be rated on prospects, capability, capacity and risk, which rating shall identify those qualifying or not qualifying for the various categories of the two CLGF funding pools; and, that rating should be done on a publicly defensible professional basis; and*
- 4. That taking into account evidence to the Review and the findings of the Trust, the required CLG rating systems are to be agreed by a committee which shall take professional input and advice as required; and, the committee should be chaired by RDCo and include but not necessarily be limited to representatives of RDL, DLG, WAPC/DoP and WALGA.*

Reporting Officer Note:

The intent of the Royalties for Regions Act is outlined at page 184 of their review is as follows:-

Section 4 of the Act states that:

The object of this Act is to promote and facilitate economic, business and social development in regional Western Australia through the operation of the Fund. Section 9(1) of the Act states that the application of the Fund will be:

... for the following purposes -

- (a) to provide infrastructure and services in regional Western Australia;*
- (b) to develop and broaden the economic base of regional Western Australia;*
- (c) to maximise job creation and improve career opportunities in regional Western Australia.*

And at page 190:

“The Trust will recommend that the CLGF continue.

Once that threshold question has been answered, the next overall question is whether the CLGF program as it has operated to date has fulfilled the purpose and met the prescriptions and intent of the Act.

The Trust’s answer to that question is yes, but further improvements to the CLGF program can and should be made.

At present the CLGF’s overall aims are to:

- address infrastructure needs and support capacity building;*
- improve the financial sustainability of country local governments in Western Australia through improved asset management;*
- provide financial assistance to country local governments which choose to amalgamate voluntarily; and*
- assist groups of country local governments to fund regionally significant infrastructure projects.*

This is confusing. All these cannot rank equally as aims. A clearer restatement could be as follows:

The purpose of the CLGF is to satisfy the intent of sections 4 and 9(1)(a) of the Act, principally by addressing the infrastructure requirements of CLG either through individual CLGs or contiguous Groups;

That being said, CLGF spending on infrastructure that addresses other s9(1) requirements by providing services, or that develops and broadens the economic base, or that creates jobs or improves career opportunities is to be preferred over infrastructure spending that does not; and to enable the purpose of the CLGF to be realised it is necessary to also invest in CLG capacity building, both physical capacity and human capacity, and CLG capability, provided that investment will assist in producing optimal future CLG infrastructure investment decisions, and help improve the overall financial viability of CLGs, particularly through improved asset management.

The discussion above draws the Trust to these conclusions on the purpose of the CLGF.

Because the Fund and therefore the CLGF is governed by the Object of the Act (s4) the CLGF must contribute to regional economic business and social development.

The consequence of this conclusion is that to be funded in future, CLGs have to have development prospects and projects with any or all of economic business and social development outcomes.

At the commencement of the CLGF, it would have been difficult to conceive of CLGs that had no infrastructure needs, and since 2008 there has been CLGF infrastructure expenditure in every CLG.

For the future, it is possible to conceive of individual CLGs whose infrastructure proposals may not promote and facilitate economic, business or social development sufficiently, or that may not develop and broaden the economic base of their area meaningfully. These CLGs would need to show why they should get CLGF funding.”

(Note: WAPC/DOP = Western Australian Planning Commission / Department of Planning. WALGA = Western Australia Local Government Association)

Council Response:

Not supported for the following reasons:

- 1. Recommendation 12 appears to contradict recommendation 9, that advocates the retention of 50% of the allocation to each individual country local government (CLG).**

Recommendation 12 requires an analysis of each CLG, in the Trust report (p206) the Trust states that “the CLGF allocation should be neither an entitlement nor an equity-based program; the Trust believes the CLGF has to be outcome-based, determined by the intent of the Act”, at page 207 “..the assumption that funds will be distributed amongst all the CLGs does not need to remain the case.”

- 2. The Trust in advocating that the formula for allocation of the CLGF be based on an analysis that defines how a CLG qualifies or does not qualify for funding is sending a message to the less populated local governments, and those with declining populations, that they will be unlikely to receive CLGFs as they will not be able to justify the CLGF investment as they will not be able to show a positive outcome that will turn their local economy around, build their capacity or increase their population. This approach is seen as supporting the Minister for Local Government’s structural reform agenda.**

3. It is also unclear how a revised formula will be advantageous to a CLG that is experiencing growth in population if that local government cannot demonstrate how their capacity to develop and maintain infrastructure and influence economic growth as a result of receiving CLGF grants.
4. CLGs may need to invest resources in independent analysis of their Capital Works Programs to demonstrate the potential economic benefit of the fund to meet the Trust's recommendation 12 part 3 that states "should be able to be rated on prospects, capability, capacity and risk, which rating shall identify those qualifying or not qualifying for the various categories of the two CLGF funding pools; and, that rating should be done on a publicly defensible professional basis." The cost of the independent analysis ought to be funded by the CLGF.
5. CLG should oppose the involvement of the WAPC and the DoP in assessing local governments. Both agencies have their own views on how the state ought to be developed, these views do not necessarily align with those held by local governments.

Recommendation 13

The Trust recommends:

1. *That RDL investigate the feasibility of CLGF funding from 1 July 2013 not being on a budget year basis but on a project-time basis, so that such issues as the northern wet season affecting project delivery, or trying to force longer time-scale projects into a financial year framework, fall away; and*
2. *That, subject to the feasibility study being positive and the Minister agreeing to RDL's proposals, that the CLGF operate on this funding system from 1 July 2013.*

Council Response:

Support. This change will assist with larger projects and projects that may overlap financial years.

Recommendation 14

Section 12.7: Who makes decisions on what basis?

The Trust recommends that RDL and RDCo assess the relevant evidence and findings of this Review, and determine for the Minister's approval by no later than 31 December 2012 in order to be operational by 1 July 2013, the manner in which the RDCs role in the CLGF can be adjusted to facilitate and maximise CLGF outcomes.

Council Response:

Support only on the following basis:

The role Regional Development Commissions are to play in the allocation of the CLGF be subject to a period of consultation with CLGs, with CLGs support by the majority being required before the process is taken out of CLG hands.

Recommendation 15

The Trust recommends that by no later than 31 December 2012 in order to be operational by no later than 1 July 2013, RDL introduce a CLG risk rating system for its CLGF grantees, so that:

- 1. Higher risk grantees might be assessed and thereafter a judgement made as to whether they should be excluded from the CLGF, so helping protect the integrity of the Fund; and*
- 2. Reduced governance requirements and compliance costs for both RDL and the grantees can thereafter be applied for those rated lower risk.*

Council Response:

Not supported for the following reasons:

- i. The recommendation does not define the criteria for the risk assessment. The implication is that the smaller CLGs with declining populations will not survive without CLGF help. If this is the aim of the Cabinet then such a policy needs to be made clear to those affected.**
- ii. The idea is a political decision and should be left to the government to consult with the implicated communities about this philosophy, the guidelines of the CLGF will need to be amended to stop funding going to high risk CLGs.**
- iii. Protecting the integrity of the fund is admirable; however, is the aim to protect the Minister of the day that is responsible for the fund from publicly being criticized for funds being invested in communities that have no long term future?**

Recommendation 16

The Trust recommends that by no later than 31 December 2012 in order to be operational by no later than 1 July 2013, RDL take into account the CLG prospects-assessment for its CLGF grantees, in order that the quantum and destination of CLGF grants can be better directed for optimal regional development outcomes.

Council Response:

The Trust has not defined how the assessment is to be measured. In 2009 the Minister for Local Government instructed the Department of Local Government to have each local government undertake a study on their sustainability. A check list with twelve guiding principles was developed that each local government was to respond to.

The check list was scored and each local government was allocated to one of the following 3 categories:

- **Category One (1):** evidence indicates that there is existing organisational and financial capacity to meet current and future community needs. Local Governments should still consider reform opportunities which enhance service provision to local and regional communities.
- **Category Two (2):** structural reform including amalgamation/boundary adjustments and formalisation of regional groupings should be considered to enhance organisational and financial capacity to meet current and future community needs.
- **Category Three (3):** significant structural reform including amalgamation and formalisation of regional groupings is required to ensure long term community and organisational benefit in order that the needs of the current and future generations are met.

The Shire of East Pilbara was awarded a category Three.

Simply put, the Trust review is aligning the use of the CLGF as an instrument to support the Minister for Local Government's local government reform agenda.

It is recommended that the Trust recommendation 16 not be supported unless there is an opportunity for all country local governments to participate in the development of the guidelines for such an assessment.

Recommendation 17

Section 12.8: What will deliver the best outcomes?

The Trust recommends that taking into account the evidence and findings of the Review, that RDL reassess the outcomes sought, and the resourcing, administrative structure, and operational systems of the CLGF, including greater engagement with CLGs by administrators and decision-makers on the ground; and report its recommendations to the Minister for approval by no later than 30 June 2012.

Council response: Supported.

Recommendation 18

The Trust recommends:

- 1. That to facilitate CLGF investment that is strategic and prioritised, and to fulfil the purposes of the Act, from not later than 31 December 2012 in order to be operational by 1 July 2013, CLGF spending should be outcomes-based;*
- 2. That taking into account the findings of the EAC, evidence to the Review, and the findings of the Trust, RDL must establish the principles methodology and operational systems for making CLGF projects and programs outcomes-based; and,*
- 3. That from no later than 1 July 2013, the Minister require as a condition of grant that CLGF grantees comply with relevant outcomes required by the Act, expanded where applicable by specific outcomes expressed in the CLGF guidelines, and where applicable specific outcomes by program or project or in the FAA; and that wherever practicable and relevant the outcomes achieved shall be measured and reported.*

(note: EAC = Economic Audit Committee. FAA = Financial Assistance Agreement.)

Council Response:

Supported, on condition that all CLGs are consulted and have the opportunity to make a contribution to the guidelines, the principle methodology and proposed operational systems.

Recommendation 19

The Trust recommends that by no later than 31 December 2012 in order to be operational by 1 July 2013, RDL in consultation with DLG and the CLG sector and taking into account evidence to this Review and the findings of the Trust, develop a practical means for collecting and reporting the necessary data while minimising compliance costs, so that benchmarks for CLGF infrastructure and capacity-building can be set, against which the results of CLGF investment can be measured.

Council Response: Supported

Recommendation 20

The Trust recommends that RDL, taking into account evidence to the Review and the Trust's findings, further consult with local government to identify opportunities to refine streamline and simplify current CLGF reporting processes on a preferred 'report once' basis wherever possible, but which ensures relevant information can still be captured and reported, and that necessary accountability is not compromised.

Council Response: Supported

Recommendation 21

The Trust recommends that in the context of evidence to the CLGF Review and the Trust's findings, RDL review the outcomes sought and the resources needed for a better information flow to and from the CLGF with respect to three issues: communication by RDL to stakeholders; a response protocol or system to issues raised by stakeholders; and an automatic web-based information system.

Council Response: Supported

Recommendation 22

The Trust recommends that RDL, taking into account evidence to the Review and the Trust's findings, assess the Commonwealth Roads to Recovery website and administrative system with a view to using desirable features of that system to improve the CLGF, but without compromising the administrative outcomes required for the CLGF.

Council Response: Supported

Recommendation 23

Section 12.9: Capacity-building

The Trust recommends that the Minister, in the interests of CLG capacity-building:

- 1. Require RDL to have discussions with DLG and WALGA and whomever else thought appropriate, on the matter of standardising accounting systems for local government, with a view to determining if such a project should proceed, with what timelines, and on what basis; and*
- 2. If a decision to proceed is made, to agree on the funding and methodology for a scoping and consultation exercise, including consideration of the suitability of the Local Government Accounting Manual, software, hardware, network connectivity and workforce up skilling; and subsequently, if standardisation is found feasible and desirable, for the implementation of a standard system for the local government sector.*

Council Response: Supported.

Recommendation 24

The Trust recommends that the Minister, in the interests of CLG capacity-building:

1. *Taking into account evidence to the Review and the Trust's findings, examine whether additional CLGF investment in housing and amenity for particular CLG permanent staff is warranted, particularly in locations remote from regional or metropolitan centres; and,*
2. *Task the RforR Directors General Reference Group, taking into account evidence to this Review and the Trust's findings, to explore options for staff attraction and retention across the CLG sector, particularly as they relate to the more remote areas of the State, including but not limited to housing, amenity, family and social requirements, professional development, special allowances and incentives.*

Council Response: Supported

Recommendation 25

The Trust recommends that the Minister require RDL to engage with DLG and WALGA to ensure that CLG asset management, depreciation systems, and forward capital works plans are integrated or harmonised as systems in the most practical efficient and useable manner.

Council Response:

Supported, progress is being made by the industry in this area due to the legislation requiring integrated planning.

Recommendation 26

The Trust recommends:

1. *That the Minister for Local Government review the Local Government Act 1995 to determine whether the provisions governing the auditing of local government could or should be enhanced; and*
2. *That until the DLG review of the audit provisions of the Local Government Act 1995 is completed, RDL work with DLG to examine options for and a process for increasing the consistency and general alignment of local government audit practices and grantee audit requirements with the existing audit provisions of the Local Government Act 1995.*

Council Response:

Supported, however staff have the view that Audit practices that are in place are correctly aligned. The issue is that the RDL do not accept the existing Audit practice to meet the CLGF acquittal requirements.

COMMENTS/OPTIONS/DISCUSSIONS

To support or otherwise change the suggested responses to the 26 recommendations.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Local Government Act 1995

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

The implications of the CLGF to the Shire budget have and will be significant. The current guidelines of the fund project that 100% of the allocation will go to regional projects in 2013/14. If this is to occur the financial advantage within the Shire budget of \$1,036,663 will be lost. The Trust review recommends that 50% of the pool remain with individual local governments, however, as the report states there is a recommendation that some high risk local governments should not receive any of the fund.

Budget – Whole of Life Cost

The Shire has received the following grants since the introduction of the program:

YEAR	AMOUNT
2008/09	\$1,870,713
2009/10	\$ 35,000
2010/11	\$1,179,298
2011/12	\$1,036,663
TOTAL	\$4,121,674

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/256

MOVED: Cr Kevin Danks

SECONDED: Cr Doug Stead

THAT Council endorse a submission to the Western Australian Regional Development Trust – review of the Royalties for Regions Country Local Government Fund of January 2012, based on the information contained in the report.

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Mr Allen Cooper, Chief Executive Officer

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

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

File No: 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: 201112/257

MOVED: Cr Stephen Kiernan

SECONDED: Cr Gerry Parsons

THAT the “Status of Council Decisions” – Deputy Chief Executive Officer report for March 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
11 March 2011	13.2	<p>PIPUNYA PROPERTY Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property?</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.	Department of Commerce had a meeting 13 th March 2012 in Marble Bar still waiting for outcome
24 June 2011	9.2.4	REVIEW OF LOCAL LAWS – VARIOUS	SAO	Still to be forwarded to the joint standing committee	On Going
22 July 2011	9.2.6	APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS	SAO		
28 October 2011	15.1	<p>MARBLE BAR TENNIS COURTS Cr Sue Owen said the tennis courts are unplayable due to the surface cracked. Ms Sharon Walsh, Manager Community Wellbeing to follow up.</p>	MCW	Tiger Turf confirmed in late December of a January 2012 – site visit. Scheduled for them to assess courts in Nullagine and Marble Bar. Trip postponed due to weather. Trip to be rescheduled by Tiger Turf at a later date.	Estimates being presented for 2012/2013 budget

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
23 March 2012	13.4	<p>PIRI-SMITH RETIREMENT UNITS MARBLE BAR</p> <p>Cr Sue Owen said that Prim Dorrington a long term resident of Marble Bar who lived in the Piri Smith retirement units passed away last week.</p> <p>Due to the vacancies of the units at the Piri Smith Retirement Units is it possible for Council to review the policy to better utilise the units.</p> <p>Deputy Chief Executive Officer to follow up.</p>	DCEO	Review of policy took place 24 th June 2011. Council did not wish to change policies	

9.2.2 AFFIXING COMMON SEAL – FINANCIAL ASSISTANCE AGREEMENT

File No: FIN-4-3
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Sian Appleton
Deputy Chief Executive Officer
Location/Address: Nil
Name of Applicant: Nil
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Acting Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Financial Assistance Agreement – 2011-12 Country Local Government Fund.

BACKGROUND

As part of the Royalties for Regions program regional local governments can receive money under the Country Local Government Fund.

A submission was made to the Department of Regional Development and Lands for the Shire allocation of \$1,036,633 for the development of the Moodoorow site for community housing.

The application was successful.

COMMENTS/OPTIONS/DISCUSSIONS

The funding agreement was required to be forwarded prior to the April Council Meeting. The policy states:

“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.”

Given the circumstances that have occurred, there is a requirement for Council’s resolution number to be recorded in the common seal registers in accordance with the Policy, hence the need for council to resolve to approve the application of the common seal to the Financial Assistance Agreement.

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/258

MOVED: Cr Lang Coppin

SECONDED: Cr Doug Stead

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Financial Assistance Agreement – 2011-2012 Country Local Government Fund.

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

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

9.2.3 SHIRE OF EAST PILBARA – ADOPT AND IMPLEMENT THE ECONOMIC DEVELOPMENT AND TOURISM STRATEGY

File No: ADM-8-6
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mr Neil Noelker
Noelker Consulting
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

12:10 PM Cr Doug Stead left Chambers.

REPORT PURPOSE

For Council to adopt and implement the Economic Development and Tourism Strategy.

BACKGROUND

The Shire of East Pilbara is a focal point within the Pilbara region for extensive and sustained growth from the mineral and resources sector. The growth within the Shire of East Pilbara community is rapidly changing the Shire community due to impacts such as:

- Newman has 1610 dwellings in 2010 but requires 2790 dwellings by 2015 and 3350 dwellings by 2020 (The Pilbara Planning and Infrastructure Framework February 2011)
- Newman is proposed for sub regional status with a population of 15,000 (The Pilbara Planning and Infrastructure Framework February 2011).

The Economic Development & Tourism Strategy:

- Identifies the strategies that are considered to be the most important
- Guides Council actions in economic sustainability and growth
- Provides for future liveability standards to encourage families and retention of the population within the Shire.

This strategy is the first such strategy and offers the Council an opportunity to be more focussed on the key issues associated with the economic development of the Shire of East Pilbara.

COMMENTS/OPTIONS/DISCUSSIONS

The following summarises the Economic Development & Tourism Strategy and its importance to the Shire of East Pilbara and its community.

Purpose for the Strategy

The Economic Development & Tourism Strategy 2012 outlines 14 key strategic directions, 51 actions to be undertaken or commenced over the next four to five years.

The number of actions is not exclusive of other actions or necessary initiatives that might have been included as circumstances change and must be undertaken in due course. However, the recommended actions is the considered opinion that these are the key actions that are going to contribute most to economic growth and the liveability of residents in the Shire of East Pilbara.

The Economic Development & Tourism Strategy 2012 takes into consideration a range of regional strategies and state initiatives so Shire of East Pilbara strategy aligns with these strategies.

Assured Growth

The Shire of East Pilbara is identified as a sub- regional centre in the Pilbara Planning and Infrastructure Framework 2011. In addition, continued massive investments in the mineral and resources sector where billions of dollars are being invested and new mines being opened give an indication that the growth rates will continue long into the future. These growth rates are extraordinary and impact on every part of Council's economic growth and community liveability and quality of life.

The provision of economic infrastructure and support for economic growth together with the support of social and community infrastructure is therefore a continuing headache for Council without there being significant support from Government.

The Economic Development and Tourism Strategy provides a key strategic directions plan for the next four years. Obvious it is not possible for Council to do everything and over the next four years new issues will emerge that will need Council's attention.

Each of the strategic directions contributes to the economic development of the Shire of East Pilbara and the actions tabled in the appendix are the necessary steps to commence economic development issues within the Shire of East Pilbara.

The following are the strategic directions and key actions:

1. The Shire of East Pilbara to undertake effective advocacy, leadership and good governance to administer the Economic Development and Tourism Strategy

Key Actions:

- 1.1 Form an Economic Development and Tourism Advisory Group
- 1.2 Conduct Annual Economic Development and Tourism Forum in Newman
- 1.3 Shire of East Pilbara to provide advocacy and leadership
- 1.4 Provide resources and leadership to achieve the Economic Development and Tourism Strategy
- 1.5 Engagement of economic development and tourism expertise
- 1.6 Develop a promotion and marketing strategy
- 1.7 Shire of East Pilbara to ensure community provided with information

- 1.8 Ensure Shire of East Pilbara is involved with regional bodies

2. Develop the Newman Airport and associated land as an enterprise zone

Key Actions:

- 2.1 Gain approval for Shire to take ownership of the airport land
- 2.2 Develop a concept plan based on a staged development
- 2.3 Undertake feasibility planning to maximise future revenue for the Shire of East Pilbara from the development

3. Participate in and develop long term and short term accommodation options

Key Actions:

- 3.1 Council to undertake the role of a land developer to encourage residential housing.
- 3.2 Encourage innovation in housing development.
- 3.3 Facilitate the development of a hotel in the town centre in Newman

4. Support development of health infrastructure and services in Newman

Key Actions:

- 4.1 Council to undertake being the developer and landlord of the health/allied health facilities and other professional suites on the former tennis courts site in Newman
- 4.2 Council to advocate for the immediate upgrading of the total proposed for the Newman hospital

5. Promote Newman as a transport and logistics centre

Key Actions:

- 5.1 Advocate for the road upgrade from Newman to Marble Bar
- 5.2 Develop a transport and logistics plan for Newman to act as a centre for road freight into the Pilbara

6. Undertake tourism activities in the Shire of East Pilbara

Key Actions:

- 6.1 Develop tourism within the Shire of East Pilbara in line with Appendix E
- 6.2 Establish a short term caravan park in Newman
- 6.3 Support Nullagine caravan park development
- 6.4 Consider feasibility for future management of Cape Keraudren

7. Develop small business capacity and resilience

Key Actions:

- 7.1 Develop the commercial land on Newman Way (Council to be the developer)
- 7.2 Develop an incubator
- 7.3 Ensure a strong local business network through the support of a full time business development officer (linking local business with resources and business training for the local economic environment)
- 7.4 Assist with advice for small business relating to accommodation for employees
- 7.5 Provide advice on human resource management and employment issues

8. Support retail/office space development and public/community facilities within the central business area

Key Actions:

- 8.1 Support the continuation of improvements to the central business area
- 8.2 Undertake a feasibility for the future of the swimming pool in the central business area
- 8.3 Development of public hall/conference/arts facilities in central business area

9. Undertake initiatives to improve liveability through public infrastructure and services that improve community spaces in a range of arts, social and cultural activities

Key Actions:

- 9.1 Develop an annual major arts event in Newman
- 9.2 Construct a sound shell for outdoor entertainment in Newman
- 9.3 Develop a range of infrastructure and services to support family and children's development in Newman
- 9.4 Develop youth space in the central business area
- 9.5 Implement the Newman Sport, Recreation and Open Space Report (Final Draft 2012)

10. Undertake initiatives to improve small towns social and business capacity

Key Actions:

Marble Bar

- 10.1 The increased coordination in a tourism plan with the Shire of East Pilbara to include the natural attractions of Marble Bar.
- 10.2 That planning commence immediately in relation to future developments in the mining and resources sector that will enable Marble Bar to be a centre

to support, supply and provide services to this sector. This area to include the issue of accommodation to be provided in the Marble bar community.

- 10.3 The development of short-term accommodation.

Nullagine

- 10.4 Improvements to telecommunications.
- 10.5 Investigate the feasibility to relocate the Caravan Park from the floodplain.
- 10.6 Identify the role and development of the mining and resources industry in the development of Nullagine and that there be a combined working group with the Shire of East Pilbara, mining and resources firms and local community to develop this relationship and explore opportunities to supply, service and provide accommodation within the Nullagine community.
- 10.7 Improve the public transport links to include Nullagine.
- 10.8 Investigate the possibility of establishing an iconic annual event for Nullagine (i.e.Dirt and Dust Festival)

11.Build and develop relationships with the Aboriginal community with the aim to stimulate economic development

Key Actions:

- 11.1 Establish the appropriate role for the Shire of East Pilbara

12.Stimulate economic activity through improving information technology and innovation

Key Actions:

- 12.1 **Advocate for NBN infrastructure in the Shire of East Pilbara**

13.Formulate local solutions to reduce the negative impacts of labour mobility in the Shire of East Pilbara

Key Actions:

- 13.1 Develop practices to address labour mobility impacts on small business

14.Advocate for and facilitate improvements to education and training within the Shire of East Pilbara

Key Actions:

- 14.1 Advocate for improved post-secondary education and training opportunities
- 14.2 Request education and training institutions to focus on local business competitive advantages, innovation and business owners / senior employees
- 14.3 Request education and training institutions to focus on five basic goals
- 14.4 Provide future locations for primary and secondary schools

Many of the above actions are considered to be critical and will require substantial effort from Council to implement.

It is an essential premise of the Economic Development & Tourism Strategy 2012 to ensure that as part of economic growth, provisions for improving liveability for residents must be considered to encourage longer term growth and sustainability.

Major Issues in summary

The Council already accepts its role of leadership and facilitation. The Shire of East Pilbara is critical to the overall growth of the shire and its leadership role to engage project partners and provide direction is important. One of the actions is to develop an opportunity to discuss with regional and local business leaders, government agencies and other critical persons the key issues that are emerging in the forthcoming twelve months so that Council remains on top of all issues from other sectors. An annual discussion with these leaders, with Councillors being present, is considered a most important information exchange.

The second most important issue is to form an advisory group for economic development in order to obtain business and community input into the projects being developed and the emerging issues identified in the Shire of East Pilbara.

A further initiative is the development of promotional material for the shire to help attract new business, families and growth.

Newman Airport

As mining and resources sector continues to grow at a rapid rate, so will there be an increase with air freight and future freight distribution.

The Newman Airport is ideally located with large tracks of land to be able to provide for an enterprise zone to cope with rapid business growth of all types. Obtaining title to the land for the order the concept to be implemented is one of the highest priorities.

The major beneficiary of the enterprise zone being developed at the airport is that will enable existing business restricted to the existing Newman industry estate to be able to easily relocate to the airport site where they can expand on larger tracts of land.

Industrial and Business Growth

The identification of the airport land as a major enterprise growth area fits into a long term planning initiative that would enable significant local business growth within the Shire of East Pilbara, particularly Newman.

The land that is currently industrial land within Newman will most likely be taken up with smaller business more suited to be associated with the Newman population base and may even include some commercial activity due to the availability of the land within the central area of Newman. One the basis that the enterprise zone would be established at the airport, will also mean that heavy traffic will be reduced, moving through residential zones going to the existing industrial estate, something will be causing some concern within the Newman community.

A further strategic direction is the consideration of Newman as a freight centre. Newman is ideally located to be a central transport hub for the Pilbara with its direct road transport route to Perth and the local public airport within the Pilbara.

Major Capital Works within Newman

With Newman identified to be a sub-regional centre with a population of 15,000 people and the number of houses to be developed more than doubling within the next 10 years, long term planning in major infrastructure must be considered and identified at this time.

The Pilbara Planning and Infrastructure Plan 2011 already identifies that redevelopment of the hospital and the upgrading of the Newman / Marble Bar Road but little else has been indicated in terms of what will Newman needs as it grows rapidly.

The Economic Development and Tourism Strategy identify “liveability” issues as a key component for long term growth and sustainability. Public infrastructure is a key issue when economic growth is considered both from a business and residential perspective. It is important that major infrastructure issues are identified for those infrastructure developments that require planning and timetabling, and where appropriate, land space set aside for certain infrastructure.

The recreation report prepared by Noelker Consulting also indicated that there was a need for long term recreation planning and necessities to set aside for new secondary college and possibly a new primary school.

The strategy identified the need for a short term caravan park and consideration upgrading education facilities for post secondary learning as critical issues. In addition, consideration of other recreation facilities such as a new swimming pool in Newman and the town centre passive recreation area (or a village green) which includes facilities such as an outdoor entertainment area are critical for liveability.

The rapid growth has also required further consideration for upgrades at the Newman Airport. Subsequent to the development of airport site for an enterprise zone, there will obviously the need for activates around the growth of airport including a new runway, new freight facilities and extended passenger facilities.

There is a need for a broad concept plan for all of the major infrastructure needs for the next 10 years, to be placed in one overall plan that includes the provisions of all of the above mentioned facilities together with future needs estimated for water, sewerage and power.

The liveability issues associated with families, youth and children are all in need of assessment and development as the town continues to grow and Council’s effort to attract families to Newman are encourage.

In order to achieve all of these growth issues, we need to also consider the government administration projects and other facilities that will encourage Newman to be a truly sub-regional centre.

Tourism

The development of tourism within the Shire of East Pilbara is a high priority that must be developed in partnership with a regional tourism initiative currently being considered by the Pilbara Cities.

Tourism offers one of the most obvious opportunities for business growth with significant benefits to the shire community as a result of improving community facilities which benefits both residents and visitors to the shire.

The Shire of East Pilbara needs a major injection of resources to build tourism initiatives to increase on the primary effort of the Shire of East Pilbara being around the visitor information centre in Newman. Much more needs to be done and new initiatives need to be urgently identified within a context of a broad regional approach.

Conceptually, the developing of tourism offers an outstanding to development business, community facilities and community benefits, and employment opportunities that reach every part of the Shire's community.

One of the first initiatives must be temporary accommodation in Newman with the development of a caravan park.

Small Towns

The two towns of Marble Bar and Nullagine also require some urgent consideration in the next four years, particularly in relation to the growth of the mining and resources sector within the respective districts. Each community has an opportunity to benefit and there is a need to provide an ongoing and consistence approach within these communities.

Based on the reports recently completed within each town, the economic development within the communities should be used the commencement to focus efforts and work closely with local business to ensure that opportunities that exist in Marble Bar and Nullagine can be achieved.

Accommodation and Residential Development

The issue of accommodation and residential development remains one of the key economic impediments to long term growth within the Shire of East Pilbara, in particular Newman.

Council must accept a role of a facilitator, even as a developer, to ensure that insufficient accommodation is not an impediment to business, especially small business.

It is important that Council take the initiative to become the facilitator to initiate addressing native title issues so that large tracts of land can be released as quickly as possible so as to encourage the development of accommodation within the Newman community.

In the case of Newman, it is worth considering the provision of larger sizes (up to 5 hectares) and to have a mix of lot sizes in executive areas or multi-living areas to add to the residential stock currently being developed in Newman.

The larger multi-living allotments also have an economic benefit since they may encourage small business to purchase these allotments because it will allow space and encourage small business to address its owns issues in relation to

accommodation / business premises. These larger allotments may also allow such mixed usage as kennels, nursery, locations for tradespeople and the like.

If there is a separate area with larger allotments that could be classed as 'executive sub-division' then all of the mixed use would be prohibited in those areas allowing more choice for residents and businesses within the Newman area.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.9 *Tourism – Objectives and Guidelines*

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire:

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

- 1.7.1 Develop a plan/guideline/policy on Councils commitment to tourism within the East Pilbara
July 2010
How funded – Municipal Funds
Responsible Directorate – Community Engagement1.7 Opportunities For Tourism

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.
Any future funding requirements will be subject to budget allocations.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/259

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

THAT Council adopt the Economic Development and Tourism Strategy 2012.

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

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

9.2.4 TO FORMALLY ENDORSE PARK NAME OF KIRIPIRNA PARK

File No: A400076
Attachments: [Kiripirna Park.pdf](#)
[Vesting Order - Kiripirna Park.pdf](#)
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil
12:13 PM Cr Doug Stead returned to the Chambers

REPORT PURPOSE

To formally endorse the name of the park on Reserve 38511 next to the Newman Aquatic Centre to Kiripirna Park.

BACKGROUND

In 2004 Council received an application from BHP Billiton Iron Ore Aboriginal Affairs Department to reinstate an Aboriginal ethnographic site of significance located on Reserve 38511.

The project involved replacing two rocks which originally formed the physical aspect of the site and erecting interpretative signage. This project was not progressed until recently. Councillors were presented with concept drawings of the project at the February corporate discussion.

The site is a mythological and ceremonial site and is referred to as Kiripirna Thalu and is significant to the Nyiyaparli people.

COMMENTS/OPTIONS/DISCUSSIONS

Work has recently commenced on the reinstatement of the Aboriginal ethnographic site and is expected to be completed within six weeks. It now seems appropriate to consider the formal endorsement of the park name to Kiripirna Park.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.6 Social

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/260

MOVED: Cr Gerry Parsons

SECONDED: Cr Darren Bennetts

That Council endorse the park name of Kiripirna Park to Reserve 38511.

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

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

9.2.5 SIGNIFICANT BUDGET IMPACTS FOR 2012/13 YEAR

File No: FIN-23-10
Responsible Officer: Sian Appleton
Deputy Chief Executive Officer
Author: Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

12:22 PM Cr Lang Coppin left Chambers.

REPORT PURPOSE

To inform Council of items that may significantly impact the 2012/13 financial year

BACKGROUND

There have been significant changes to legislation over the past year that will significantly impact Council's budget for the 2012/2013 year.

COMMENTS/OPTIONS/DISCUSSIONS

The significant items include:

1. WA Local Government Grants Commission

Council has been informed by the Department of Local Government that the WA Local Government Grants commission has completed its review of the General Purpose Grants methodology.

We have been informed that for the 2012/13 year, the Commission projects that the Shire of East Pilbara will suffer an approximate reduction of 11% from the grant received in 2011/12 year. This will mean a monetary loss of approximately \$400,000.

The reduction of 11% is the maximum reduction amount allowed per year by the commission. We are unaware at this stage if there will be a further reduction next year.

2. Planning Application Fees

To date collection of planning application fees is approximately \$850,000. Legislation has been introduced that causes any planning application over \$7,000,000 to be heard by the Development Assessment Panels (DAPs). Although this in itself has not caused a major reduction in revenue to date the process may in the future. Already an appeal has been lodged against a DAPS decision. One of the significant comments within the appeal refers to the actual need for planning approval at all for mines. If the appeal is upheld this may mean a revenue reduction for the Council of up to \$700,000 and could affect the income

of all local governments with significant mining interests. If this occurred it is hopeful that some of this loss may be offset by non-mine site planning applications.

3. Building Application Fees

Collection of building licence fees to date this year is over \$1,000,000. Implementation of the new Building Act and Regulations means that Building Licence reviews can now be undertaken externally. This may mean a loss of revenue of up to of \$800,000.

This may mean a loss of revenue for the 2012/2013 year of nearly \$2,000,000.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact at this stage.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/261

MOVED: Cr Doug Stead

SECONDED: Cr Craig Hoyer

That Council acknowledge the possible significant budget impacts for the 2012/13 year.

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

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



Government of Western Australia
Department of Local Government

Our Ref: 200-08

Mr Allen Cooper
Chief Executive Officer
Shire of East Pilbara
PMB 22
NEWMAN WA 6753

Slan

EAST PILBARA SHIRE NEWMAN OFFICE	
RECEIVED	
21 MAR 2012	
Officer #1 <u>CEO</u>	Officer #2 _____
File #1 _____	File #2 _____
Record # _____	

DCG

Dear Mr Cooper

WA LOCAL GOVERNMENT GRANTS COMMISSION – NEW METHODOLOGY

The WA Local Government Grants Commission has completed its review of the General Purpose Grants methodology. As part of the review process, the Commission has been consulting with those local governments that will have their grants reduced under the new methodology.

The Commission conducted a presentation on the new methodology to the Pilbara local governments on 2 March 2012 at the meeting of the Pilbara Regional Council. The Commission assumed that the Chief Executive Officers of all four Pilbara local governments would be present. As you were not in attendance the Commission decided to write to you to explain the impact of the new methodology on the Shire of East Pilbara's General Purpose Grant.

The new methodology has produced a less favourable outcome to the former methodology, whereby the Shire is now assessed at a lower equalisation requirement. Given this outcome, the Shire will trend towards the new equalisation in the future, however the Commission has resolved to phase in the new methodology over a number of years to minimise the impact of the new methodology on local governments.

For 2012/13, the Commission projects that the Shire of East Pilbara will suffer an approximate reduction of 11% from the grant received in 2011/12. The major reason behind the reduction is that the Pilbara region greatly benefitted under the previous methodology, such that this became an aberration which needed to be rectified in the new methodology. It is important to add however, that the Shire of East Pilbara will still be in receipt of one of the highest grants in the State regardless of any reduction suffered.

If you have any queries, please contact Mr James Harmer on (08) 6552 1588 or james.harmer@dlg.wa.gov.au.

Yours sincerely

Linton Reynolds
CHAIRMAN
WA LOCAL GOVERNMENT GRANTS COMMISSION

14 March 2012

Gordon Stephenson House
140 William Street Perth WA 6000
GPO Box R1250 Perth WA 6844
Tel: (08) 6552 1500 Fax: (08) 6552 1555 Freecall: 1800 620 511 (Country only)
E-mail: info@dlg.wa.gov.au Website: www.dlg.wa.gov.au
wa.gov.au

9.2.6 ADOPTION OF PROPOSED FEES AND CHARGES 2011/2012

File No: FIN 12-1
Attachments: [Proposed Fees and Charges 2012-13.pdf](#)
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
12:23 PM Cr Lang Coppin returned to the Chambers
12:23 PM Mr Allen Cooper left Chambers

REPORT PURPOSE

To seek Council endorsement of the proposed fees and charges to apply for the budget year 2012/2013 as per copy attached.

BACKGROUND

Section 6.16 of the Local Government Act, 1995, enables Council to charge for any service that it provides. The schedule, as tabled, of proposed fees and charges is submitted for in-principle adoption only at this stage and will assist in the preparation of the 2012/2013 budget. Formal adoption of next year's fees and charges will be included as part of the budget adoption process.

COMMENTS/OPTIONS/DISCUSSIONS

The Schedule of Fees and Charges is under a separate cover.

The Schedule is in two sections as follows:

1. Rates and Sanitation Fees and Charges, which will be advised for the budget adoption meeting.
2. Proposed Fees and Charges for adoption with the annual budget.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

To be advised in the 2012/2013 budget.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/262

MOVED: Cr Kevin Danks

SECONDED: Cr Shane Carter

THAT

1. Approval in principle be given to the proposed Schedule of Fees and Charges;
2. Such fees and charges be included in Council's draft 2012/2013 budget.

CARRIED
RECORD OF VOTE: 9 - 0

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

9.2.7 PUBLIC NOTICE OF DIFFERENTIAL RATING

File No: FIN-22-7
Responsible Officer: Ms Sian Appleton
Director Corporate Services
Author: Ms Sian Appleton
Director Corporate Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

12:25 PM Mr Allen Cooper returned to the Chambers

REPORT PURPOSE

For Council to consider the continued implementation of our current differential rating categories and to authorise the giving of public notice of its intention to impose differential rate categories with the adoption of the 2012/2013 budget.

BACKGROUND

Council has adopted a process of differential rating since the 2006/2007 budget. Part of the process is that the intention to differentially rate must be advertised by public notice and that was done last year. In order to again consider differential rates for the 2012/2013 budget advertising must again be undertaken.

The current rating categories are as follows, assuming a 5% increase in rates. Minimum rates have changed to meet statutory requirements under s6.35(5):

Rate in \$ Minimum			
Gross Rental Value	Industrial	3.9223	\$650
Gross Rental Value	Nullagine Town Site	9.2224	\$400
Gross Rental Value	Marble Bar Town Site	8.9690	\$400
Gross Rental Value	Town Centre	6.6808	\$650
Gross Rental Value	Transient Work Force		
	Accommodation	7.3676	\$650
Gross Rental Value	Other	4.1435	\$650
Unimproved Value	Pastoral /Special Leases	4.2125	\$200
Unimproved Value	Exploration Leases	14.5399	\$200
Unimproved Value	Prospecting Leases	14.5399	\$200
Unimproved Value	General Leases	16.5225	\$200
Unimproved Value	Petroleum Leases	16.5225	\$200
Unimproved Value	Mining Leases	16.5225	\$200
Unimproved Value	AML Leases	16.5225	\$200

Differential rating allows Local Governments to categorise properties according to certain characteristics. The concept provides flexibility to impose higher or lower rates on properties within the same valuation area, based on the provision of a

particular services or range of services, or to overcome the large range of property valuations.

Section 6.33 provides that a local government may impose differential general rates according to any, or a combination, of the following characteristics -

- (a) the purpose for which the land is zoned under a town planning scheme in force under the Town Planning and Development Act 2005;
- (b) the predominant purpose for which the land is held or used as determined by the local government;
- (c) whether or not the land is vacant land;
- (d) any other characteristic or combination of characteristics prescribed.

COMMENTS/OPTIONS/DISCUSSIONS

Whether Council does, or does not, proceed with differential rating for the 2012/2013 budget the authorisation to advertise (the possibility) needs to be given now so that statutory time frames can be met in order for the budget to be adopted as scheduled. Under the Local Government Act, 21 days notice must be given for public submissions to be received by Council before adopting differentials.

Differential rates may be imposed on properties in a council district according to any, or a combination, of the following characteristics:

- . The zoning of the land under Council's Town Planning Scheme
- . The predominant purpose for which the land is used as determined by Council
- . Whether or not the land is vacant, or
- . Any other characteristic or combination of characteristics prescribed.

Given that the budget process is in the early stages at the time of this agenda preparation it is not possible to give detailed financial scenarios based on the characteristics mentioned above. As we are currently still waiting for GRV values on several properties that would fall into the new transient work force category it is impossible, at this stage, to estimate possible rates collected with this rate code.

The advertising calling for submissions states that a document describing the objects of, and reasons for the differential rate must be available and that it must disclose the estimated budget deficiency to which the rates are to be applied. This will be prepared after the June meeting.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act - Section 6.36. - Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) –

- (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
 - (b) is to contain –
 - (i) details of each rate or minimum payment the local government intends to impose;
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;
- And
- (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
 - (5) Where a local government –
 - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),It is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.1 Financial Stability

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/263

MOVED: Cr Shane Carter

SECONDED: Cr Doug Stead

THAT Council

1. Support in principle the following differential rates, subject to the finalisation of the 2012/2013 draft budget and the establishment of the funding shortfall required from imposition of rates on GRV and UV rated properties:

Rate in \$ Minimum			
Gross Rental Value	Industrial	3.9223	\$650
Gross Rental Value	Nullagine Town Site	9.2224	\$400
Gross Rental Value	Marble Bar Town Site	8.9690	\$400
Gross Rental Value	Town Centre	6.6808	\$650
Gross Rental Value	Transient Work Force		
	Accommodation	7.3676	\$650
Gross Rental Value	Other	4.1435	\$650
Unimproved Value	Pastoral /Special Leases	4.2125	\$200
Unimproved Value	Exploration Leases	14.5399	\$200
Unimproved Value	Prospecting Leases	14.5399	\$200
Unimproved Value	General Leases	16.5225	\$200
Unimproved Value	Petroleum Leases	16.5225	\$200
Unimproved Value	Mining Leases	16.5225	\$200
Unimproved Value	AML Leases	16.5225	\$200

2. Give local public notice of its intention to implement differential rating in 2012/2013.
3. Apply to the Minister for Local Government for approval to impose differential rates that exceed the statutory two times limit in both the GRV and UV areas for the 2012/2013 financial year

CARRIED
RECORD OF VOTE: 9 - 0

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

9.2.8 MONTHLY FINANCIAL STATEMENTS - FEBRUARY 2012

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Ms Lisa Moss
Senior Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

12:30 PM Meeting adjourned for lunch.

1:21 PM Meeting resumed, All Councillors and staff returned to Chambers
except Cr Lynne Craigie

1:21 PM Cr Lang Coppin assumed the Chair

REPORT PURPOSE

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

BACKGROUND

The attached 10-page report details the financial activities of the Council for the period July 2011 to February 2012 of the 2011/2012 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:

Please refer to Page 3 and 4 of the report – Operating Revenue and Expenditure

Please refer to Page 7 of the report – Acquisition & Construction of Assets

Variance Report – February	
Note	Comment
1	Interest in Muni Funds Higher then budgeted
2	Non budgeted money received from DLG for the development of the Year 10 Year financial plan and Sundry Income Refund higher then budgeted due to LGIA Workcare rebate as unable to budget on this money.
3	FESA Grant – SES Building – Budget for but income not yet received – matched by expenditure
4	Infringements and Dog Registrations higher then budgeted
5	Fees – Septic Tank Applications & Food Premises Licenses higher then budgeted
6	Newman Tip Fees and Liquid Waste both up on budget
7	Planning Applications higher then budgeted
8	Martumili Income above budget – matched by expenditure
9	Flood Damage Reimbursement higher then budgeted will be matched by expenditure and Energy Grant Reimbursement higher then budgeted.
10	Non budgeted money received from Department of Transport – Toilet and Fish Cleaning
11	Building Licenses higher then budgeted.
12	Private Works income higher then budgeted due to Roy Hill Road Grading – matched by expenditure
13	Rates Operating Expenditure down on budget – allowed for in budget review
14	SES Operating Grant Expenditure down as income not yet received
15	Expenditure down on budget – allowed for in budget review
16	Expenditure down on budget – allowed for in budget review
17	Expenditure down on budget – allowed for in budget review

18	Youth Centre Expenditure down on budget – allowed for in budget review
19	Depreciation Down on land and building due to new housing complex still being built
20	Expenditure down for Community Hall – Newman and Civic Centre – Marble Bar, timing only
21	Expenditure down on budget – allowed for in budget review
22	Expenditure down on budget – allowed for in budget review
23	Expenditure down on budget – allowed for in budget review
24	Expenditure down due to vacancies – allowed for in budget review
25	Private Works higher then budgeted due to Pilbara Iron – Maintenance Grading Roy Hill Rd, will be matched by income
26	Works and Services under allocated – overheads increased to compensate.
27	Workers Compensation higher then budgeted, will be matched by income
28	Storm Damage expenses up – Should be matched by insurance claim

Note	Comments
1	Chief Executive Officer
2	Deputy Chief Executive Officer
3	Director Technical Service

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: 201112/264

MOVED: Cr Kevin Danks

SECONDED: Cr Stephen Kiernan

That the monthly financial statements for the period 1 July 2011 to 29 February 2012 of the 2011/2012 financial year as presented be received.

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

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

9.2.9 CREDITORS FOR PAYMENT

File No: 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: Ms Candice Giblett
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 16th March 2012.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT14476-EFT14903	5,244,043.68
	Total	\$5,244,043.68
Cheque Payments	15992-21240	496,578.75
Written Cheque Payments	562930-562933	36,152.53
	Total	\$532,731.28
	GRAND TOTAL	<u>\$5,776,774.96</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
21777

CANCELLED CHEQUES & EFTS

21088, 21092, 21117, 21776

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 \$5,776,774.96

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/265

MOVED: Cr Darren Bennetts

SECONDED: Cr Craig Hoyer

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT14476-EFT14903	5,244,043.68
	Total	\$5,244,043.68
Cheque Payments	15992-21240	496,578.75
Written Cheque Payments	562930-562933	36,152.53
	Total	\$532,731.28
	GRAND TOTAL	\$5,776,774.96

CARRIED
RECORD OF VOTE: 8 - 0

To be actioned by Ms Candice Giblett, Expenditure Finance Officer

9.3 DIRECTOR TECHNICAL SERVICES

9.3.1 TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS MARCH 2012

File No: 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
1:30 PM Cr Lynne Craigie returned to the Chambers
1:30 PM Cr Lang Coppin vacated the Chair
1:30 PM Cr Lynne Craigie assumed the Chair

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: 201112/266

MOVED: Cr Stephen Kiernan

SECONDED: Cr Doug Stead

THAT the “Status of Council Decisions” – Technical Services report for March 2012 be received.

CARRIED

RECORD OF VOTE: 9 - 0

To be actioned by Mr Allen Cooper, Chief Executive Officer

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
17 December 2010	13.3	CAPE KERAUDREN WATER SUPPLY Cr Lang Coppin asked if funding could be sourced to drill for water supply at Cape Keraudren. Mr Allen Cooper, Chief Executive Officer indicated that consideration of such a project will take place in the next budget review.	MBA		
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office Forwarded to Legal Council for Action	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS		
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 e.g.: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school. Technical Services Administration Officer to follow up.	TSAO	MRWA as speed zones are a regulatory item – awaiting on response	March 2012
16 December 2011	13.4	MAIN ROADS Cr Lang Coppin asked if a letter could be written to Main Roads to fill in the water hole, which has developed near the Coongan River and the river crossing on the road to Port Hedland as animals accessing the water are being slaughtered by vehicles and causing damage to vehicles. Technical Services to follow up.	TSAO	Letter sent to MRWA No response as yet	March 2012
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit	TSAO	TSAO to liaise with MTS-R and CEO	On Going

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

27 APRIL 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads. Technical Services to follow up.			
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. E.g.: baby octopus, fish, crabs and shell fish limit. Executive services to follow up.	MBA	To be in the 2012/2013 budget Note* How much fencing is at Cape Keraudren	
23 March 2012	9.3.2	DOMESTIC REFUSE COLLECTION NEWMAN, CHANGE OF SERVICE PROVIDER	TASO	Deed still to be signed	
23 March 2012	9.3.5	TENDER 1/2011-12 NEWMAN AIRPORT RPT TEMINAL DEPARTURES LOUNGE AND AMENITIES EXTENSION	MAS	Deferred to April Council Meeting	

**9.3.2 AFFIX COMMON SEAL TO COMMERCIAL LEASE - NEWMAN AIRPORT
LEASE AREA 2 - SHIRE OF EAST PILBARA AND S V HAoust PTY LTD**

File No: A701476
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: S V Haoust Pty Ltd
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the new lease agreement for S.V.Haoust Pty Ltd located at Newman Airport – Lot 37, Lease Area 2

BACKGROUND

At Council meeting held on the 11th March 2011 an agenda item to Council was submitted for the restructuring of license and lease agreements at Newman Airport, the resolution is as follows:

1. *THAT Council authorises the Manager Airport Services to restructure the license and lease agreements for the different categories of tenant occupation at Newman Airport.*

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

Nil

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/267

MOVED: Cr Stephen Kiernan

SECONDED: Cr Craig Hoyer

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed by the lease agreement between the Shire of East Pilbara and S.V.Haoust Pty Ltd located at Newman Airport – Lease Area 2.

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Mrs Marisa Wolfenden, Coordinator Property Services

9.3.3 GENERAL BUSINESS - NEW FLIGHT ROUTE INCENTIVE

File No: FAC 1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Leon Burger
Manager Airport Services
Location/Address: Newman Airport
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider an incentive to airline operators who wish to use Newman Airport as a hub for new direct inter-state and intra-state flight routes.

BACKGROUND

Over the past number of years considerable capital has been invested in a variety of facilities to improve the Newman Airport as public asset, thereby increasing its aircraft and passenger handling capacity. These investments include, but are not limited to, the following:

- Increasing the apron size to include a dedicated RPT (Regular Public Transport) apron and aircraft parking bays.
- Strengthening the runways, introducing a second taxiway and widening both taxiways, and sealing runway and taxiway shoulders.
- Building the new RPT terminal, refurbishing the GA Terminal, and extending the car parking facilities.

In addition to the abovementioned objectives, the capital investments were further aimed at attracting airlines into introducing direct flights to and from Newman to east coast destinations.

The most important factor to date contributing towards the airport's capacity to accommodate large aircraft or direct east coast flights is the strengthening of the runway from a PCN (Pavement Classification Number) of 35 to 46. This makes it suitable in strength for unrestricted operations of aircraft up to and including Boeing B737-800 and Airbus A320 in size (category 4C). The current runway length does not allow for maximum capacity operations on such long flights during all seasons of the year, as this is mainly restricted by our local high summer temperatures. However, reduced but still cost effective payloads throughout most of the year are possible.

Since the re-classification of our runways in November 2009, all existing regular operators (Qantaslink and Virginblue) have been approached with the aim of introducing direct east coast flights.

COMMENTS/OPTIONS/DISCUSSIONS

WA Iron Ore (WAIO) – BHP Billiton Iron Ore (BHPBIO) has indicated that they cannot change their adopted business plan and rostering schedules to optimise the use of the Newman Airport facilities and services over the full usable time spectrum. Tuesday, Wednesday and Thursday mornings are the flight session during which the majority of FIFO traffic is processed through Newman. With Perth as hub, and no more departure slots available out of that airport during the peak sessions, Qantas is introducing additional B738 aircraft as replacements for the B717 in existing slots with effect from May/June 2012. As of this date, during the Wednesday morning peak window of 90 minutes, Newman Airport facilities will have to accommodate and process 3 x B738 and 1 x E190 with a combined passenger capacity of 610. This is well above the design capacity of the apron and terminal facilities, and no additional flights can be accommodated during this time.

The indicated intention is to introduce additional flights on Tuesday and Thursday mornings. A strong case was made to the airlines to move flights outside of this very busy session timeframe, with an alternative being inter-state flights not using Perth as hub. Scheduled landing at Newman will thus be outside the existing peak sessions due to:

- Departures curfews in force at capital airports restrict inter-state departures before 0600 local time.
- Typical direct east-west flight times are in the order of 5 hours and 15 minutes.
- Even with an average time zone difference of two and a half hours such flights will arrive at Newman after 0900 local time, and thus outside the peak periods.

Qantas has recently announced the introduction of such a weekly flight between Sydney and Newman, with the first flight scheduled for 15 May 2012. With departure at 0615 Eastern Standard Time it is scheduled to arrive at Newman at 0930 Western Standard Time. This clearly demonstrates the ability and positive effect of maintaining passenger growth through alternative routes, without further overloading the Newman Airport service delivery and facilities.

When Virginblue started operations between Perth and Newman they made a proposal to Council for some financial risk sharing. However, this was an established route with an existing surplus demand in the wake of the withdrawal of Skywest. As such no financial risk sharing was committed to by Council other than a waiver of utilisation footprint costs within the terminal itself for the first few months of operations.

In contrast to committing airline resources into an existing and proven route, introducing a service into an unproven route carries a considerably higher financial risk. Although market research indicates very strong business and public support for such a route, short term shortfalls in revenue versus operating costs is to be expected. Council and Newman Airport has a vested public interest and commitment

to attract and encourage any airline operator who has the dynamics to explore and exploit the opportunities offered by opening new routes, be it at high risk.

Another significant risk associated with inert-state flight out of Newman is the passenger load capacity during summer when prevailing ambient temperatures often exceed 45°C. Aircraft performance is heavily dependent on Weight, Altitude and Temperature (WAT), runway length and other atmospheric conditions. Assuming typical mid-summer day conditions at Newman of the following:

- Elevation 1724 ft.
- Temperature 45°C
- Pressure 1013hPa
- Dewpoint 10°C

Although the actual elevation at Newman is 1,724 ft., due to atmospheric conditions the Density Altitude will be 5,696 ft. This is the actual performance altitude of any aircraft under these conditions, and limits the usable load it can carry. Aircraft inbound from eastern coastal airports will not be effected to such a large extent as:

- They will be taking off at a much earlier time of day and therefore a much lower temperature.
- In all likelihood they will be departing from sea level; lower elevation and thus altitude.
- Most major and capital airports have runways much longer than the 2,072 meters available at Newman.

The effect on passenger load capacity on inter-state flights with Newman as destination is that such flights will not be able to carry the same number of passengers outbound as compared to what can be carried inbound. This is demonstrated by the fact that Qantas has stated their seat availability as:

- Sydney – Newman: 160
- Newman – Sydney: 90

This significant limitation on passenger load, and thus potential economic viability of such a route, is considered to be the single highest risk associated with direct inter-state flights.

Although it is acknowledged that Council should not support new commercial enterprises through direct financial contributions, there are some avenues available through which airlines can be encouraged to implement new routes into Newman. The introduction of any new service has an inherent income potential for this airport. This consists of:

- Standard RPT landing fees at \$382.04 per landing.
- Terminal co-user fee of \$30.00 per flight.
- Passenger Service Charges (PSC) of \$19.11 per inbound and outbound passenger above the age of 12 years.

Whereas the landing and co-user fees are fixed income based on the flight schedule, the PSC is a variable income based on seat availability and ticket sales. No firm value on this revenue stream can therefore be predicted until such time as a new service has proven itself over time.

It can therefore be considered to assist airline in establishing new routes by offering an incentive in the form of a concession to the Fees and Charges applicable to Newman. The following example is based on the proposed Qantas Sydney to Newman schedule of once a week over a period of three months at their stated seat capacity numbers. The F&C options stated are for comparison.

F&C Options	Pax In	Pax Out	Total Pax	Number of Flights	PSC	Landing Fees	Co-user Fee	Total Potential Income	Potential Lost Income
Standard	160	90	250	14	\$19.11	\$382.04	\$30.00	\$72,653.56	\$0.00
No PSC	160	90	250	14	\$0.00	\$382.04	\$30.00	\$5,768.56	\$66,885.00
No Landing & Co-user Fees	160	90	250	14	\$19.11	\$0.00	\$0.00	\$66,885.00	\$5,768.56
Reduced PSC Only	160	90	250	14	\$10.00	\$382.04	\$30.00	\$40,768.56	\$31,885.00

The last option of continuing to charge landing and co-user fees, but allowing a concession on the PSC for a finite period only, presents an opportunity of risk sharing by both the airline and the airport operator, while maintaining a somewhat reduce revenue stream by the operator. This model does not involve any direct financial assistance, while a win-win solution is offered as incentive to airlines to explore and exploit such new routes.

Such a new route incentive should furthermore be based upon the following conditions:

- It must be a **new** inter-state or intra-state route.
- It must be an **RPT** flight.
- It must be a permanently scheduled flight.
- The concession is valid for three calendar months only.
- If such a new route is cancelled within the three month concession period the airline involved will be liable for the full F&C and will be invoiced accordingly.

In the interest of administrative expediency authority to apply such a concession should be delegated to the CEO of the Shire of East Pilbara.

STATUTORY IMPLICATIONS/REQUIREMENTS

Under the Local Government Act 1995 - 6.12 Council has power to defer, grant discounts, waive or write off debts

6.12. Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may —*
 - (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*
 - (b) *wave or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money, which is owed to the local government.*

** Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

Under the Local Government Act 1995 – 5.43 there are limits on delegation to the CEO from Council

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

Financial implications are limited to a potential loss of a variable income stream for a limited time period only.

Attracting new routes, services and possibly airlines to Newman as an inter-state hub with the potential increase in all revenue streams.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/268

MOVED: Cr Shane Carter

SECONDED: Cr Stephen Kiernan

THAT Council delegate the authority to apply this concession under the stated conditions to the CEO of the Shire of East Pilbara as set out below: -

Grant Concessions

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: FIN-23-8

Legislative Authority for Delegation:
s5.43 Local Government Act 1995

Delegation

Authority to grant concessions to airlines introducing new inter-state and intra-state scheduled flights into Newman Airport.

Authority for exercise of Delegation

ss6.12(1)(b) and 6.12(3) Local Government Act 1995

Conditions attached to Delegation

- That it is a new inter-state or intra-state route

- That it is an RPT flight
- That it is a permanently scheduled flight
- That the concession is valid for three calendar months only
- That, should such a new route be cancelled within the three month concession period, the airline involved will be liable for the full cost and invoiced accordingly.

And that this Concession is limited to:

- Full payment of landing and co-user fees as per the approved Fees and Charges.
- \$10.00 per inbound and outbound passengers above the age of 12 years.

Date of Delegation _____

Delegator (Shire President) _____

Chief Executive Officer _____

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0

To be actioned by Mr Leon Burger, Manager Airport Services

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

**11.1 TENDER 1/2011-12 NEWMAN AIRPORT RPT TERMINAL DEPARTURE
LOUNGE AND AMENITIES EXTENSION, BE ACCEPTED AS AGENDA
ITEM 11.1.1**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/269

MOVED: Cr Kevin Danks

SECONDED: Cr Shane Carter

**THAT the Tender 1/2011-12 Newman Airport RPT Terminal Departure
Lounge and Amenities Extension be accepted as agenda item 11.1.1**

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

**11.1.1 TENDER 1/2011-12 NEWMAN AIRPORT RPT TERMINAL DEPARTURE
LOUNGE AND AMENITIES EXTENSION**

File No:	FAC 1-5
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mr Leon Burger Manager Airport Services
Proposed Meeting Date:	27-Apr-2012
Location/Address:	Newman Airport
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To seek Council's approval for the acceptance of tenders for the construction of an extension to the Newman Airport RPT Terminal Departures Lounge and Boarding Gates.

BACKGROUND

Pursuant to the Local Government Act, it is a requirement of Council to call for tenders for all contracts that exceed \$100,000.

The tender for the expansion of the RPT Terminal departures lounge and amenities at Newman Airport reflects the increase in capacity required in this facility to accommodate the rapid increase in passenger numbers during peaks periods.

On the 21st of January 2012 the tender for the above works was advertised in The Western Australian, Local Government Tender section in accordance with requirements.

The Tender closed on 22 February 2012 at 4.00pm.

The following contractors submitted tenders and deemed compliant with criteria:

- Wideglide Constructions
- Ahrens Group Pty Ltd
- CPD Group Pty Ltd
- Robinson Buildtech
- Pindan Contracting

The Newman Airport RPT Terminal has been designed and operates on the principle of fast processing passengers through check-in, screening and ready for departure. This concept was based on an average passenger load of 100 per flight, and flight schedule separation of 35-40 minutes. With a full seating capacity of 200 in the departures lounge it follows that two aircraft loads can be accommodate at any one time.

The amenities within that lounge were based on the same assumptions and currently consist of one male and one female disabled toilet only.

The threshold to increase the departures lounge capacity and amenities was accepted to be 240,000 passengers per annum. However, this factor alone is not the sole deciding factor and must be seen in conjunction with the other factors involved. The annual passenger growth rate of FY09/10 of only 2.7% suggested that passenger numbers would reach this threshold by FY13/14. This was disproved early in FY10/11 when the “boom” in the resources sector manifested itself in passenger numbers increasing by 24%. This in turn suggested that the threshold of 240,000 passengers could be reached by FY11/12.

The combined increase of aircraft loads when the B737 was introduced on $\pm 45\%$ of the scheduled flights, and the simultaneous increase in load factors, has further increased congestion in the departures facilities. Where previously two aircraft had a combined passenger load of around 200-230, the norm is now 250-280 passengers. This is often experienced during morning peak times and Wednesday evenings, when two scheduled flights arrive/depart 5 minutes apart.

With the cost of simultaneously extending the departures lounge and amenities expected to be very high, it was decided that the priority is to extend the amenities during FY11/12 and the lounge floor space during FY12/13. The FY11/12 proposed budget will reflect that resources were allocated to extending the amenities.

VDM Consultants (original designers of the terminal) was commissioned to design and submit engineering drawings for tender purposes for the amenities extension. This necessitated a redesign of the current search room and office space to include:

- Separate male and female toilet and vanity areas.
- A single unisex disabled toilet with baby change facilities.
- A smaller search room.
- A cleaner's store room.
- Screening office on a mezzanine level.
- Relocation of the departures lounge entrance.

However, based on the latest passenger number trends, and following an internal review, it was decided that it would be prudent to design and cost the full extension project. The original commissioning was therefore extended to include an extension to the lounge itself. This extension will comprise of:

- Extending the airside wall towards the apron by 6 meters.
- Thus increasing floor space by 64% and effective seating capacity by 94%.

The tender documentation was comprehensive in detail and included the request for tender, specifications, scope of works, conditions of contract and the tenderers offer.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders:

- Relevant experience 20%
- Key personal skills & experience 10%
- Financial position 5%
- Demonstrated Understanding 10%
- Tendered price 55%

A full assessment of the tender submissions is attached under a separate confidential cover.

The following table summarises the weightings that were given by the assessment panel to the companies who submitted a tender for the works:

Description	Weighting	Wideglide	Ahrens (MAM)	CPD Group	Robinson Buildtech	Pindan
Relevant Experience	20%	11.43	17.14	14.29	17.14	20.00
Financial Position	5%	1.88	3.75	3.75	3.75	5.00
Key Personal Skills & Experience	10%	6.00	10.00	10.00	10.00	10.00
Demonstrated Understanding	10%	5.56	8.33	6.67	5.56	8.89
Tender Price (ex GST)	55%	43.49	55.00	46.93	49.71	44.13
TOTAL	100%	68.3	94.2	81.6	86.2	88.0

NOTE: Shire of East Pilbara Local Purchase Policy has been applied.

The results of the tender assessment indicate that Ahrens (MAM) is the most advantageous tender to council based on its overall highest uncorrected weighted scoring even before application of Local Purchase Policy factor. They were furthermore the only tenderer who submitted a tender price based on the two components of the intended works as requested in the RFT.

COMMENTS/OPTIONS/DISCUSSIONS

The Newman Airport RPT Terminal has been designed and operates on the principle of fast processing passengers through check-in, screening and ready for departure. This concept was based on an average passenger load of 100 per flight, and flight schedule separation of 35-40 minutes. With a full seating capacity of 200 in the departures lounge it follows that two aircraft loads can be accommodate at any one time.

The amenities within that lounge were based on the same assumptions and currently consist of one male and one female disabled toilet only.

The threshold to increase the departures lounge capacity and amenities was accepted to be 240,000 passengers per annum. However, this factor alone is not the sole deciding factor and must be seen in conjunction with the other factors involved. The annual passenger growth rate of FY09/10 of only 2.7% suggested that passenger numbers would reach this threshold by FY13/14. This was disproved early in FY10/11 when the “boom” in the resources sector manifested itself in passenger numbers increasing by 24%. This in turn suggested that the threshold of 240,000 passengers could be reached by FY11/12.

The combined increase of aircraft loads when the B737 was introduced on $\pm 30\%$ of the scheduled flights, and the simultaneous increase in load factors, has further increased congestion in the departures facilities. Where previously two aircraft had a combined passenger load of around 200-230, the norm is now 250-280 passengers. This is often experienced during morning peak times and Wednesday evenings, when two scheduled flights arrive/depart 5 minutes apart.

With the cost of simultaneously extending the departures lounge and amenities expected to be very high, it was decided that the priority is to extend the amenities during FY11/12 and the lounge floor space during FY12/13. The FY11/12 proposed budget will reflect that resources were allocated to extending the amenities.

VDM Consultants (original designers of the terminal) have been commissioned to design and submit engineering drawings for tender purposes for the amenities extension. This necessitated a redesign of the current search room and office space to include:

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- A cleaner's store room.
- Screening office on a mezzanine level.
- Relocation of the departures lounge entrance.

However, based on the latest passenger number trends, and following an internal review, it was decided that it would be prudent to design and cost the full extension project. The original commissioning was therefore extended to include an extension to the lounge itself. This extension will comprise of:

- Extending the airside wall towards the apron by 6 meters.
- Thus increasing floor space by 64% and effective seating capacity by 94%.

The tender documentation was comprehensive in detail and included the request for tender, specifications, scope of works, conditions of contract and the tenderers offer.

The documentation outlined the selection criteria with the associated weightings for the evaluation of the tenders:

- Relevant experience 20%
- Key personal skills & experience 10%
- Financial position 5%
- Demonstrated Understanding 10%
- Tendered price 55%

A full assessment of the tender submissions is attached under a separate confidential cover.

The following table summarises the weightings that were given by the assessment panel to the companies who submitted a tender for the works:

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Financial Position	5%	1.88	3.75	3.75	3.75	5.00
Key Personal Skills & Experience	10%	6.00	10.00	10.00	10.00	10.00
Demonstrated Understanding	10%	5.56	8.33	6.67	5.56	8.89
Tender Price (ex GST)	55%	43.49	55.00	46.93	49.71	44.13
TOTAL	100%	68.3	94.2	81.6	86.2	88.0

NOTE: Shire of East Pilbara Local Purchase Policy has been applied.

The results of the tender assessment indicate that Ahrens (MAM) is the most advantageous tender to council based on its overall highest uncorrected weighted scoring even before application of Local Purchase Policy factor.

FURTHER OPTIONS/CONSIDERATIONS

The expansion of the departures lounges and amenities project is limited by the existing infrastructure. As such it will increase the existing capacity to only accommodate around 300-350 passengers.

Subsequent to Council's resolution 9.3.5 of 22 July 2011 to invite tenders for the above project, BHPIO presented a report forecasting the expected FIFO growth trends for the WAIO workforce. This indicated expected passengers numbers to increase dramatically over the next two years, to peak between 2013 and 2015. A subsequent appreciation done by MAS on the infrastructure and service delivery requirements to meet the expected growth figures in the short and medium terms indicates that the airport facilities should be expanded to accommodate up to 850 departing and arriving passengers and a total of 1,000 patron during peak periods.

In partnership with BHPIO Woodhead was engaged to prepare concept designs to meet the specified requirements, in conjunction with Rider Levett Bucknall who provided project costs analysis. Woodhead has submitted a number of concepts and a final most suitable design has been identified.

The most suitable concept design suggests significant changes to the RPT Terminal Building. This includes further changes to the airside glass frontage and the amenities to increase capacity to accommodate the forecast passenger numbers. This major upgrade project is aimed for completion by the end of 2013 to coincide with the peak in passenger growth. The end result is that some of the work planned for in the expansion project under RFT 1/2011-12 will have to be demolished. However, the final concept designs suggest that, although the amenities will in all likelihood be relocated, the extension to the lounge will be an integral part of the new concept.

Another consideration is the fact that the lowest tender for this current project exceeds the FY2011/12 capital budgeted amount of \$610,000 by some \$383,000, or 62.8%. The budget amount was determined following a recommendation in May 2012 by the design engineers VDM.

The proposed preferred tenderer has provided a differentiation in the tender for the expansion of the lounge and amenities respectively:

- Departure Lounge Extension and Boarding Gates: \$575,000
- Amenities and Security Gate: \$418,000

The limitation of floor space in the departures lounge is considered to be the most critical shortfall at this point in time. If this phase of the project can be completed it will greatly relieve the congestion in this lounge during peak periods

STATUTORY IMPLICATIONS/REQUIREMENTS

The requirements of the Local Government Act 1995 and the Local Government (Functions and General Regulations) 1996.

POLICY IMPLICATIONS

TENDER PROCEDURES

The Shire of East Pilbara "Tender Procedures" policy

Tender Procedures

Minute No: Item 9.

Date: 27th June 2003

5th May 2006

Objective

To set guidelines which must be followed when inviting tenders for works and services within the Shire.

Policy

This policy is to be read in conjunction with the Local Government (Functions and General) Regulations.

In relation to the inviting of any tenders, the following policy procedures are to apply:

1. A lockable tender box is to be provided and kept at the Council's Office, management of which is to be the responsibility of the Chief Executive Officer.
2. Advertisements or specifications are to contain the words "no tender necessarily accepted" and "canvassing of Councillors will disqualify."

3. A tender document form is to be prepared and circulated to prospective tenderers for their compulsory use in tendering to Council. The use of such form is optional in the case of procurements worth less than \$50,000.00 plus GST.
4. For each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements and shall be quoted in all references to the particular tender, i.e. on the Council correspondence, files, Council Minutes, Minutes, etc.
5. Tender notices shall insist that all tenders be either clearly marked, and in a sealed envelope, facsimiled with a correctly title cover sheet or emailed with a correctly titled 'subject line'.
6. Tenders submitted by the medium of a facsimile machine or email shall immediately on receipt be placed in a sealed envelope with the tender number clearly marked on the outside of the envelope and placed in the tender box. Tenderers must advise the nominated officer of the intended use of this method of delivery. The facsimile telephone number shall be that located nearest the Chief Executive Officer's office (08 9175 1522), and emails shall be sent to the address tenders@eastpilbara.wa.gov.au.
7. Notices inviting tenders for any item/s, works, etc which are provided for in the Council's budget or works program may be placed prior to approval by Council.
8. Tenders shall be opened in the presence of at least two officers, including at least one senior employee. They should be opened as soon as possible after the closing date.
9. No member, employee or agent of Council shall barter or negotiate with tenderers, except where Council has so resolved to nominate a preferred tenderer for that purpose.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

- 1.1 Financial Stability
- 1.5 Airport Development
 - 1.5.1 *Complete and implement the Newman Airport Master Plan
October 2009
How funded – Municipal Funds – Airport Operations
Responsible Directorate – Technical Services*

FINANCIAL IMPLICATIONS

Budgetary allowance of \$610,000 (GST Excluding) has been made within the FY11/12 capital budget which will allow completion of the most critical part of this project.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/270

MOVED: Cr Shane Carter

SECONDED: Cr Darren Bennetts

1. **THAT Council nominates Ahrens for Tender 1/2011-12 as preferred tenderer for the construction of the expansion to the Newman Airport RPT Terminal departures lounge and boarding gates only for the tendered price of \$632,500 inclusive of GST.**

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

To be actioned by Mr Leon Burger, Manager Airport Services

**11.2 BUILDING ACT 2011- NEW DELEGATIONS, BE ACCEPTED AS AGENDA
ITEM 11.2.1**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/271

MOVED: Cr Kevin Danks

SECONDED: Cr Shane Carter

**THAT the Building Act 2011 – New Delegations be accepted as agenda item
11.2.1.**

CARRIED BY ABSOLUTE MAJORITY

RECORD OF VOTE: 9 - 0

11.2.1 BUILDING ACT 2011 - NEW DELEGATIONS

Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mr Adam Majid Manager Development Services - Planning
Proposed Meeting Date:	27-Apr-2012
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

Council endorsement is required for new delegations required to be implemented as a result of new Building legislation.

BACKGROUND

On April 2 of this year, the new Building Act 2011 and Building Regulations 2012 came into operation which changed the way applications relating to building are handled by both the private and public sectors. As a result of such new legislation, the legislative powers to carry out functions as prescribed by such new Act and Regulations need to be revisited and new delegations approved that conform to the requirements of the new legislation.

Prior to the new legislation, building control was handled by the Local Government (Miscellaneous Provisions) Act 1960 and the delegations were made under the Local Government Act 1995. The new Building Act 2011 has its own delegations written into it therefore requiring the new delegations to be assigned. It is important to note that the delegations applied under the Building Act 2011 are directly to the Local Government as a Permit Issuing Authority under s127 of such Act. The way the delegation is written requires that Council directly delegate to nominated persons who are employed by the Local Government in accordance with s5.36 of the Local Government Act 1995. There is also no provision for sub-delegations.

COMMENTS/OPTIONS/DISCUSSIONS

As Council is aware, advertising is currently being undertaken to employ a new Building Surveyor to the position of Manager Development Services – Building to carry out Building Control. However, in the absence of such a person, these services have been outsourced to a private consulting firm to undertake the issuing of Building Permits. It is important to understand that where a Certified application is received, the Permit needs to be issued within ten (10) working days otherwise the application is deemed refused and needs to be refunded and will result in potential State Administrative Tribunal proceedings. To avoid this occurring, it is proposed to nominate officer's with relevant experience and understanding of the Building System to be authorised to undertake functions of the Building Act 2011 in the current absence of a Shire Building Surveyor. By doing this, it is ensuring that the Shire operates within the requirements of the legislative timeframes and to avoid delays that may be experienced as a result of outsourcing such functions.

In organising such Delegations, the Shire's Manager Development Services – Planning has consulted with its solicitor in ensuring that all delegations comply with the written laws, and that there will be no negative impacts as a result of the nominated persons undertaking the functions required to be undertaken by the Local Government as a Permit Issuing Authority. It should be noted that where an uncertified applications is received, this will still need to be outsourced as only a Registered Building Practitioner is allowed to issue a Certificate of Design Compliance. Uncertified applications need to be approved and or refused within 25 working days of receiving such application. It is perceived that the continued outsourcing will not result in applications taking longer than such specified period.

STATUTORY IMPLICATIONS/REQUIREMENTS

Delegations are required in accordance with s127 of the Building Act 2011.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Not applicable.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/272

MOVED: Cr Shane Carter

SECONDED: Cr Kevin Danks

THAT Council approve the Delegation(s) to the nominated officer's in accordance with Section 127 of the Building Act 2011 as provided for in the following Delegation(s):

Building and Demolition Permits

Delegation From: Council

Delegation To: Chief Executive Officer
Director Technical & Development Services
Manager Development Services – Building
Manager Development Services - Planning

Council File Reference: Property Assessment Number

Legislative Authority for Delegation:
Building Act 2011 s.127

Delegation

- 1 Refer an uncertified application to a building surveyor [in circumstances set out in s.17(1)].
- 2 Require the applicant to provide any document or information that it requires to determine the application and to verify the information by statutory declaration [s.18(1)].
- 3 Refuse to consider an application [s.18(2)].
- 4 Grant a building permit [ss.20 and 23].
- 5 Refuse to grant a building permit [ss.20 and 23, including in the circumstances in ss.22(1) and (2)].
- 6 Grant a demolition permit [ss.21 and 23].
- 7 Refuse to grant a demolition permit [ss.21 and 23 including in the circumstances in ss.22(1) and (2)].
- 8 Refund the fee that accompanied an application to the applicant if no decision is made within the time mentioned in ss. 23(1) and (2) [s.23 (4)].
- 9 Record the grounds on which a decision to refuse to grant a building permit or demolition permit is based on and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right of review [s.24].
- 10 Impose conditions on the grant of a permit in addition to any provided for in the Regulations, including specifying the way in which an outward facing side of a particular close wall must be finished [ss.27(1) and 88(3)].
- 11 Add, vary or revoke conditions imposed on a permit before the building work or demolition work is completed [s.27(3)].
- 12 Refuse to accept an application to extend the time during which a permit has effect made after the expiry day for the permit [r.23(3)].
- 13 Extend the time during which a permit has effect and impose conditions on the extended permits [s.32, rr.24(1) and (2)].
- 14 Refuse to extend the time during which a permit has effect [r.24(1)].
- 15 Approve a new person to be named as the builder on the building permit and amend the details set out in the permit accordingly [r.26(3) and (4)].
- 16 Approve a new person to be named as the demolition contractor on the demolition permit and amend the details set out in the permit accordingly [r.26(3) and (4)].

Authority for exercise of Delegation/Statutory Power Being Delegated

Building Act 2011 ss. 18, 20,21, 27.
Building Regulations 2012 rr.23, 24, 26.

Conditions attached to Delegation

Authority to delegate is limited by s.127.
Records of determinations made under delegation to be kept on appropriate file or register.

Date of Delegation _____

Delegator (CEO) _____

Delegatee _____

Occupancy Permits and Building Approval Certificates

Delegation From: Council

Delegation To: Chief Executive Officer
Director Technical & Development Services
Manager Development Services – Building
Manager Development Services - Planning

Council File Reference: Property Assessment Number

Legislative Authority for Delegation:
Building Act 2011 s.127

Delegation

- 1 Require the applicant of an occupancy permit or building approval certificate to provide any document or information that it requires to determine the application and to verify the information by statutory declaration [s.55(1)].
- 2 Refuse to consider an application [s.55(2)].
- 3 Grant or modify the occupancy permit or grant the building approval certificate [ss.58(1) and 59].
- 4 Refuse to grant or modify the occupancy permit or grant the building approval certificate [including in the circumstances set out in ss.58(2) and (3)].
- 5 Record the grounds on which a decision to refuse to grant or modify an occupancy permit or grant a building approval certificate is based, and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right to review [s.60].
- 6 Impose conditions on the occupancy permit or modification or building approval certificate in addition to any provided for in the Regulations [s.62(1)].
- 7 Add, vary or revoke conditions while the occupancy permit or building approval certificate has effect [s.62(3)].
- 8 Give written notice of the addition, variation or revocation of a condition and ensure that the notice informs the person of the person's right of review [s.62(4) and (5)].
- 9 Extend the period in which the occupancy permit or modification or the building approval certificate has effect [s.65(4)].
- 10 Refuse to extend the time during which an occupancy permit or a building approval certificate has effect or extend the permit or certificate for shorter period than requested by the applicant and, if so, record the grounds on which a decision is based and the reasons for the decision, and give written notice of the decision together with those grounds and reasons, and the person's right of review [s.65, r.40(5)].
- 11 Refuse to accept an application to extend the time during which an occupancy permit or a building approval certificate has effect [r.40(2)].

Authority for exercise of Delegation/Statutory Power Being Delegated

Building Act 2011 ss.55, 58, 62, 65
Building Regulations 2012 r.40

Conditions attached to Delegation

Authority to delegate is limited by s.127.
Records of determinations made under delegation to be kept on appropriate file or register.

Date of Delegation _____

Delegator (CEO) _____

Delegatee _____

Enforcement – Authorised Persons

Delegation From: Council

Delegation To: Chief Executive Officer
Director Technical & Development Services
Manager Development Services – Building
Manager Development Services - Planning

Council File Reference: Property Assessment Number

Legislative Authority for Delegation:
Building Act 2011 s.127

Delegation

- 1 Designate a person employed by the local government under s.5.36 of the *Local Government Act 1995* as an authorised person for the purposes of this Act in relation to buildings and incidental structures located or proposed to be located in the district of the local government [s.96(3)].
- 2 Revoke a designation at any time [s.96(6)].
- 3 Limit the powers of an authorised person by imposing conditions on a person's instrument of designation or by written notice and at any time revoke or vary such condition or notice [s.99(2)(3)].
- 4 Give an identity card to each person designated by it as an authorised person [s.97].
- 5 Cause an authorised person to -
 - (a) take any action specified in the order; or
 - (b) to commence or complete any work specified in the order; or
 - (c) if any specified action was required by the order to cease, to take such steps as are reasonable in the circumstances to cause the action to cease [s.118(2)].
- 6 Recover as a debt from a person who has been served with a copy of a building order the reasonable costs and expenses incurred in doing anything under s.118(2) [s.118(3)].

Authority for exercise of Delegation/Statutory Power Being Delegated

Building Act 2011 ss.96, 99

Conditions attached to Delegation

Authority to delegate is limited by s.127.

Records of determinations made under delegation to be kept on appropriate file or register.

Date of Delegation

Delegator (CEO)

Delegatee

Building Orders

Delegation From: Council

Delegation To: Chief Executive Officer
Director Technical & Development Services
Manager Development Services – Building
Manager Development Services - Planning

Council File Reference: Property Assessment Number

Legislative Authority for Delegation:
Building Act 2011 s.127

Delegation

- 1 Make an order in respect of one or more of the following -
 - (a) particular building work;
 - (b) particular demolition work;
 - (c) a particular building or incidental structure, whether completed before or after commencement day [s.110(1)].
- 2 Specify the way in which an outward facing side of a particular close wall must be finished [s.88(3)].
- 3 Before making a building order, give each person to whom the order is proposed to be directed written notice of the terms of the proposed order and reasons for it and advise each person of time in which they may make submissions and consider each submission received [s.111(1)].
- 4 Serve a copy of the order on each person to whom the order is directed in accordance with s.76 of the *Interpretation Act 1994* [s.114(1)].
- 5 Revoke a building order at any time [s.117(1)].
- 6 Decide whether the building order has been fully complied with and either revoke the building order or inform each person to whom the order is directed that the building order remains in effect, within 28 days of receiving a notification under s.112(3)(c) [s.117(2)].
- 7 Cause an authorised person to -
 - (a) take any action specified in the order; or
 - (b) to commence or complete any work specified in the order; or
 - (c) if any specified action was required by the order to cease, to take such steps as are reasonable in the circumstances to cause the action to cease [s.118(2)].
- 8 Recover as a debt from a person who has been served with a copy of a building order the reasonable costs and expenses incurred in doing anything under s.118(2) [s.118(3)].

Authority for exercise of Delegation/Statutory Power Being Delegated

Building Act 2011 ss.110, 117, 118

Conditions attached to Delegation

Authority to delegate is limited by s.127.

Records of determinations made under delegation to be kept on appropriate file or register.

Date of Delegation _____

Delegator (CEO) _____

Delegatee _____

Building Information

Delegation From: Council

Delegation To: Chief Executive Officer
Director Technical & Development Services
Manager Development Services – Building
Manager Development Services – Planning
Development Services Administration Officer

Council File Reference: BLD-6-3, Property Assessment Number

Legislative Authority for Delegation:
Building Act 2011 s.127

Delegation

- 1 Keep a register of all building permits, demolition permits, occupancy permits and building approval certificates granted by it, and all building orders made by it, in an approved manner and form [s.128(1), (2)].
- 2 Amend the register to reflect the variation or revocation of a condition of, or any other change reflecting to that effect of, a building permit, a demolition permit, an occupancy permit, a building approval certificate or a building order resulting from a decision of the permit authority or information given to the permit authority [s.128(3)].
- 3 Make the register available for inspection by members of the public during normal office hours [s.129(1)].
- 4 On application by any person and on payment of the prescribed fee, if any, provide to the person a copy of a building permit, a demolition permit, an occupancy permit, a building approval certificate or a building order that is kept in the register [s.129(2)].
- 5 Keep in the manner and for the prescribed period such of the prescribed documents that comprise, accompany, are provided for in, are issued as a result of, or otherwise relate to the building or incidental structure that is the subject of -
 - (a) an application for a building permit or demolition permit; or
 - (b) an application of a kind mentioned in Part 4 Division 2; or
 - (c) an inspection of a prescribed kind [s.130].
- 6 Allow an interested person to inspect a building record and provide to the interested person a copy of the building record [s.131(2)].
- 7 Give the Building Commissioner prescribed information for inclusion in the annual report submitted under the *Financial Management Act 2006* Part 5 by the accountable authority [s.132(1)] and provide a record or information requested by the Building Commissioner [s.132(3), r.14].

Authority for exercise of Delegation/Statutory Power Being Delegated

Building Act 2011 ss.110, 117, 118

Conditions attached to Delegation

Authority to delegate is limited by s.127.

Records of determinations made under delegation to be kept on appropriate file or register.

Date of Delegation

Delegator (CEO)

Delegatee

Private Swimming Pools

Delegation From: Council
Delegation To: Chief Executive Officer
Director Technical & Development Services
Manager Development Services – Building
Council File Reference: Property Assessment Number

Legislative Authority for Delegation:
Building Act 2011 s.127

Delegation

- 1 Approve alternative requirements to r. 50(4)(b) if satisfied that the alternative requirements will restrict access by young children to the swimming pool as effectively as if there were compliance with Australian Standard AS 1926.1 [r.51(2)]
- 2 Approve a door for the purposes of r.50(4)(c)(ii) if the door is in accordance with the requirements of Australian Standard AS 1926.1 and the conditions in r.51(3) are satisfied [r.51(3)]
- 3 Arrange for an authorised person to inspect the enclosures of private swimming pools in the district at intervals of no more than 4 years for the purpose of monitoring whether the provisions in rr.50 and 52 the Regulations are complied with [rr.50, 52 and 53(1)].

Authority for exercise of Delegation/Statutory Power Being Delegated

Building Regulations 2012 rr.51 and 53

Conditions attached to Delegation

Authority to delegate is limited by s.127.

Records of determinations made under delegation to be kept on appropriate file or register.

Date of Delegation _____

Delegator (CEO) _____

Delegatee _____

Smoke Alarms

Delegation From: Council
Delegation To: Chief Executive Officer
Director Technical & Development Services
Manager Development Services – Building
Council File Reference: Property Assessment Number

Legislative Authority for Delegation:
Building Act 2011 s.127

Delegation

Approve of the use, in a dwelling or in part of the dwelling, of a battery powered smoke alarm and to give approval in relation to an alarm that was installed before the approval is to be given [r.60(1) and (2)].

Authority for exercise of Delegation/Statutory Power Being Delegated

Building Regulations 2012 r.60

Conditions attached to Delegation

Authority to delegate is limited by s.127.
Records of determinations made under delegation to be kept on appropriate file or register.

Date of Delegation _____

Delegator (CEO) _____

Delegatee _____

Transitional Provisions Relating to Local Government

Delegation From: Council

Delegation To: Chief Executive Officer
Director Technical & Development Services
Manager Development Services – Building
Manager Development Services - Planning

Council File Reference: Property Assessment Number

Legislative Authority for Delegation:
Building Act 2011 s.127

Delegation

- 1 Grant a licence for the deposition of materials on streets, subject to such conditions as reasonably required [r. 64(3)].
- 2 Charge a licence fee [r.64(4)].
- 3 Require the applicant of a licence to deposit a sum sufficient to cover the cost of repairing damage caused by the licensee to the street, footpath or kerb [r.64(5)].
- 4 Undertake repair work and deduct the cost from the deposit if the repair work or, if the deposit is insufficient to meet the cost, apply the deposit in part payment of the cost, and recover the balance in a court of competent jurisdiction [r.64(6)].
- 5 Fill in an excavation on land abutting or adjoining a street, way or other public place unless the excavation is securely fenced off [r.65(e)].
- 6 Pull down hoarding, fence, scaffold or enclosure erected otherwise than as permitted by a licence [r.65(f)].
- 7 Remove materials comprising a hoarding, fence, scaffold or enclosure or any stone, bricks, mortar, lime, or other building materials contained within the enclosure or deposited in or on the street, way or other public place other than as permitted by a licence and deposit the materials in such place as the local government thinks fit [r. 65(g)].
- 8 Serve a written notice on a person to pay the expenses incurred under r.65(e)-(g) and recover the expenses in a court of competent jurisdiction [r.65(h)].
- 9 Cause repairs and reinstatements to be done to a footpath, roadway, kerb, water-table or drain damaged under r.66(1) [r.66(2)(a)].
- 10 Serve a written notice on a person to pay to the local government the expenses incurred under r.66(2)(a) and recover the expenses, costs and charges in a court of competent jurisdiction [r.66(2)(b)].
- 11 Serve a written notice requiring a person to cover a footpath to prevent inconvenience to the public or danger from falling materials during periods set out in r.67 [r.67(1)].

Authority for exercise of Delegation/Statutory Power Being Delegated

Building Regulations 2012 rr.64, 65, 66 and 67

Conditions attached to Delegation

Authority to delegate is limited by s.127.

Records of determinations made under delegation to be kept on appropriate file or register.

Delegations expire on the day that is one year after the day the *Building Act 2011* comes into operation [r. 68].

Date of Delegation

Delegator (CEO)

Delegatee

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

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

**11.3 TENDER 09-2011/12 PROVISIONS OF ROAD SWEEPING SERVICES,
NEWMAN, BE ACCEPTED AS AGENDA ITEM 11.3.1**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/273

MOVED: Cr Kevin Danks

SECONDED: Cr Shane Carter

**THAT the Tender 9/2011/12 Provisions of Road Sweeping Services, Newman
be accepted as agenda item 11.3.1**

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

**11.3.1 TENDER 09_2011/12 PROVISIONS OF ROAD SWEEPING SERVICES,
NEWMAN**

File No:	LEG – 13-2
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Ms Racquel Langoulant Technical Services Administration Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To consider the submission of Tenders for the supply of road sweeping services within the Newman town site for a contract period of four years.

BACKGROUND

Council currently contract out the road sweeping service to Transpacific Cleanaway. Transpacific Cleanaway have been the sole provider for the past 4 years. The current contract expires on 30 June 2012.

The tendering process was managed through the WALGA procurement services department. WALGA produced the tender documents, organised the advertising and assessed the tender evaluations.

The Tender was advertised as follows;

- a) The West Australian on, Wednesday, 28 March 2012
- b) The North West Telegraph on, Wednesday 28 March 2012 and
- c) WALGA Tenderlink e-Tendering Portal on, Wednesday 28 March 2012

The closing date for the Tender was 3pm April 17th 2012.

One tender submission was received from Transpacific Cleanaway.

COMMENTS/OPTIONS/DISCUSSIONS

Transpacific Cleanaway submitted a costing of \$268,507.33 per annum for road sweeping services for Newman town site. This is an increase to the previous contract which is approximately \$178,000 annually, an increase of approximately \$100,000.

This is due to an increase in sweeping requirements to the town site and the increase in hours to the weekly schedule. Transpacific Cleanaway have a depot in Newman and the personnel to adequately manage this contract.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

TENDER PROCEDURES

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

3.2.2 Improve community awareness of Council's directions, facilities and services
Continuing role
How funded – Municipal Funds
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

THAT Council awards Tender 09-2011/12 Provision of Road Sweeping Services, Newman to Transpacific Cleanaway for the annual cost of \$268,507.33.

COUNCIL RESOLUTION: 201112/274

MOVED: Cr Shane Carter

SECONDED: Cr Doug Stead

THAT Council defer Tender 09-2011/12 Provision of Road Sweeping Services Newman until next Council meeting in May 2012.

CARRIED BY ABSOLUTE MAJORITY

RECORD OF VOTE: 9 - 0

To be actioned by Ms Racquel Langoulant, Technical Services Administration Officer.

Reason for Non-Acceptance of Officer's Recommendation: Seek further information

**11.4 RESPONSIBILITY AND MANAGEMENT OF PROPOSED NYIMINJARRA
ROAD WITHIN KARLAMILYI NATIONAL PARK, BE ACCEPTED AS
AGENDA ITEM 11.4.1**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/275

MOVED: Cr Kevin Danks

SECONDED: Cr Shane Carter

**THAT the Responsibility and Management of Proposed Nyiminjarra Road
within Karlamilyi National Park be accepted as agenda item 11.4.1**

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

**11.4.1 RESPONSIBILITY AND MANAGEMENT OF PROPOSED NYIMINJARRA
ROAD WITHIN KARLAMILYI NATIONAL PARK**

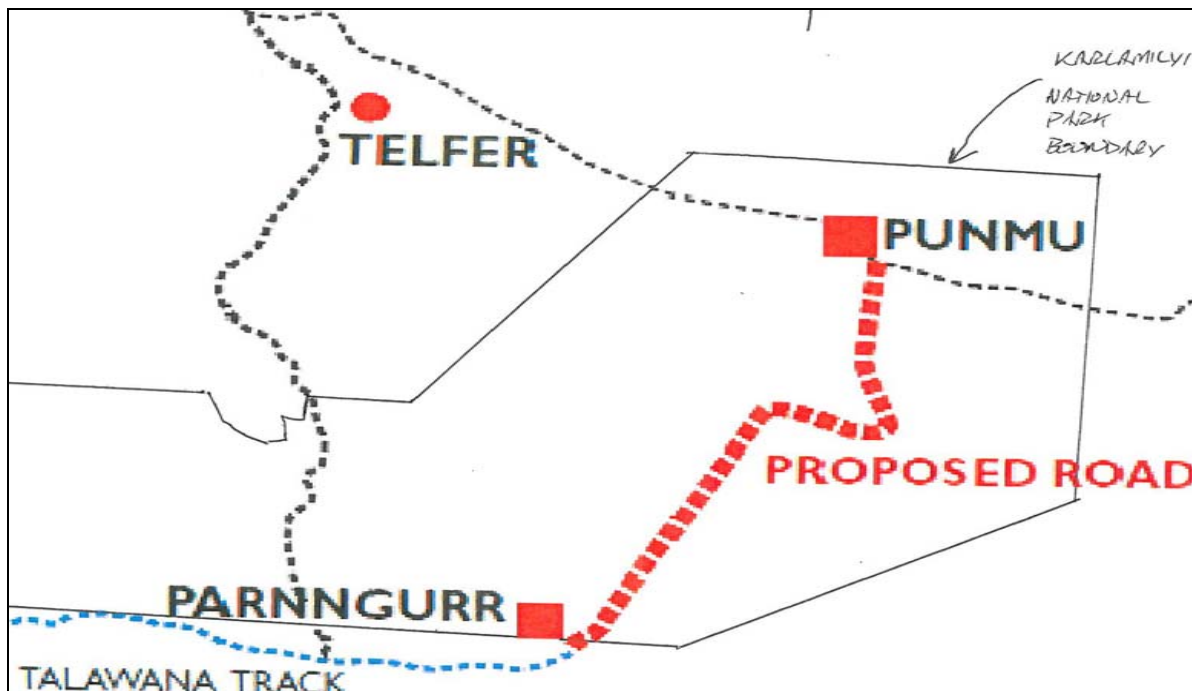
File No: TCH4-9
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Oliver Schaer
Manager Technical Services - Rural
Proposed Meeting Date: 27-Apr-2012
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider a request from the Department of Environment and Conservation (DEC) to clarify Council's position with regard to future maintenance and management of a proposed road linking the Communities of Parngurr and Punmu within the Karlamilyi National Park.

BACKGROUND

The DEC has written to Council requesting Council's view and position with regard to the proposed Niminjarra Road.



The purpose of this road is to link the Communities of Parnngurr and Punmu. From what can be ascertained the benefit would be a presumed shorter travelling time between the two Communities and also to divert this traffic away from the existing track extending between the Talawana Track and the Telfer Road thus reducing vehicular traffic heading through or past active mining tenements. Funding levels for the proposed construction is unknown but from information received is believed to come from Newcrest Mining either in part or wholly, and is believed to involve the training of local Martu people in road construction and the use of earthmoving machinery. It was the understanding that this road was to be a private road jointly managed by the Martu people and the DEC.

To date Councils involvement has been limited as the proposed road is to be contained within the National Park Boundaries. Back in 2005 the Director Technical Services was involved in a proposed road alignment survey which involved travelling by 4WD vehicle between the two Communities in order to determine the most advantageous alignment. However, a much more detailed survey was conducted in September 2011 involving the DEC, Martu People, Newcrest, Consultants etc in which Council had no involvement.

On the 23 February 2007 a teleconference took place between the DEC, Newcrest Mining and the Director Technical Services in which it was agreed that:

DTS File note reads:

"The agreed action was that the road should be created under the necessary operations provision and that joint management would be undertaken by the Martu people and the DEC.

When constructed, maintenance grading would most likely be undertaken by the SOEP under a private works arrangement when equipment was in the area."

The current letter from the DEC dated 8 March 2012 states:

"It is the view of DEC that the future of the project depends on the ability and willingness of the Shire of East Pilbara to accept a level of responsibility for the maintenance and management of the proposed public road"

From what can be ascertained Council staff have always maintained that the proposed road would be a private road and any maintenance by Council's workforce would have to be undertaken in a private works agreement. Communication and correspondence to date has been at officer level however, DEC is now seeking a formal response from Council with regard to Council support and future ownership/management of this road.

COMMENTS/OPTIONS/DISCUSSIONS

In order to seek further clarification from the DEC the following questions/clarifications have been sought from the DEC. Both questions and responses are as detailed below:

What sort of funding is the DEC able to commit to per annum towards maintaining this road?

Depending on annual application for capital funds, and recurrent funds, perhaps \$30-50k only at this stage. DEC's long-standing MRWA road funding was removed this current FY but DEC has put in a \$16m budget submission for road capital and maintenance for the state but this will be subject to state budgetary processes. The outcome is unknown at this stage. A future native title resolution over the park may result in a compensation liability to the state, which may allow DEC to argue for greater state funds to apply to items such as this road but that is some time off and there is much uncertainty about it. DEC would look to the shire to own and maintain the road if there appears to be no clear position for DEC in terms of road construction and longer term maintenance funds.

Have the mining companies involved committed to ongoing funding for the maintenance of this road?

No. Cameco has indicated it will continue in-kind and limited financial support for the park generally, and at this stage related mostly to road maintenance of the existing track between Telfer and Talawana. DEC anticipates Newcrest to heavily fund construction stages of the road (but I'm not sure to what extent), but maintenance funds would be fairly limited I'd imagine; again, possibly restricted to in-kind support. The Martu Trust and other Martu funds might come into play for annual maintenance. I think we'd definitely have to rally support from a number of stakeholders to get an annual agreement in place. This hasn't been explored fully and needs clarification.

What is the intent with regard to ownership of this road i.e. will there be a dedicated road reserve and if so how wide?

DEC would certainly prefer to dedicate the road and have the Shire take responsibility for it. The road stands to benefit the Martu communities primarily with only a limited range of benefits to DEC and park management (in fact the department

views some negative impacts of this road on its land management activities but supports the road from a community benefit perspective). The proposed road is approx. 130 km in length, crossing 135 sand dunes, would probably be single lane unsealed, 80kph standard between dunes with dual width over sand dunes, and with drains etc. so overall probably a 50m road reserve encompassing running surface, drains, etc.

Is the DEC looking for Council to take ownership of this road i.e. control, management and responsibility?

Yes, preferably (unless DEC has more certainty over annual funds for maintenance and management, in which case a MoU or similar with the Shire would be pursued)

What is the time frame for completion of this road?

With biological surveys, gravel and hydro surveys yet to be funded and take place etc I would say approval stages will continue for the next 12-24 months. Subject to all clearances, and subject to further funds being secured for construction via Newcrest and other state/commonwealth sources, construction would probably not be completed until 2015 at the earliest.

Is the DEC prepared to retain ownership, management etc of this road? (Council may be in a position to offer assistance with maintenance etc)

DEC is prepared to take ownership and management of the road only if adequate funds and support are available and guaranteed for its construction and maintenance. DEC owns a number of roads with Karijini and Millstream that are managed under the MoU with SoA. DEC retains legal responsibilities for these roads, but achieves maintenance and improvements with Shire support.

Based on the information provided by the DEC and information currently known and available to Council staff it is impossible and unreasonable for Council to make an informed decision based on the many unknowns and uncertainties with regard to all aspects of this proposed road.

Some of the issues to be considered are:

As detailed previously in this report, the proposed road would be 130km in length, crossing 135 sand dunes, numerous water courses and would most likely be a single lane unsealed road with double width over the sand dunes. Based on the proposed construction standards this road will require a very high maintenance commitment as single lane width would be severely damaged during heavy rainfall with scouring/water runoff causing severe damage to the formation thus making the road impassable. Council's standards are a full 8m running surface where possible to allow for damage to the batters and shoulders thus still allowing traffic to drive on the centreline of the road.

It is expected that a full heavy formation maintenance grade of the 130km would cost approximately \$75,000.

If the road remains a private road Council is able to assist in the form of a Private Works arrangement where the owner/managing authority of the road engages Council to carry out works. This would depend on the availability of Council staff and equipment.

If Council were to take ownership of the road (road/road reserve vested with the SOEP) Council would be responsible for the maintenance and upgrade of this road. This road would not qualify for funding under the Aboriginal Access Road grants. Adding another 130km of gravel road to Council's road network would increase Council's annual road grants by \$69,714. Funds for Capital upgrades and resheeting works would have to be allocated from other sources thus reducing service delivery to other roads.

On face value the proposition of Council taking on this road certainly does not appear to be viable however, based on future forward planning and needs requirements, there may be some benefits to Council to having control and management of this road. This argument is based on the imminent requirement for Local Governments to provide municipal services to aboriginal communities. Council will be required to provide municipal services to the Jigalong and Punmu Communities in the first instance expected to be implemented by the 1 July 2013. Whilst the Parnngurr Community has not been included at this stage the proposed road would provide a shorter and better link between the Jigalong and Punmu Communities. The process and methodology for the provision of this service to the Communities is not yet known however it would be beneficial to Council to keep this option open with regard to road access in the event that the movement of equipment and staff becomes necessary as part of the provision of this service.

Finally, this road will have some economic benefits to the Communities as tourists would use this road as a link and access to the park and purchase fuel and supplies from the Communities.

In summary, Council has various options available in terms of support for this project. Committing to taking ownership of the road at this early stage is not recommended as there are too many yet unknown variables such as tenure, funding, construction costs and design standards to name a few.

It is recommended that Council supports the construction of this road in principle based on Community wishes however, makes no commitment to taking ownership of this road at this stage and under the condition that this road will be constructed at no cost to Council. Once the road has been constructed a report to Council be prepared to allow Council to reconsider its position.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 of the Land Administration Act 1997 (LAA) provides the current primary legislative basis for the creation/dedication of roads and closure of roads and private roads in Western Australia.

By virtue of section 55(2) of the LAA, section 3.53 of the Local Government Act 1995 and section 168(2) of the PDA the care, control and management of public roads or thoroughfares passes to the relevant local government authority.

POLICY IMPLICATIONS

10.1 Aboriginal Communities – Road and Airstrip Designation and Maintenance.

The Shire commits to provide: -

- a) a once per annum full maintenance grade of the designated access road funded by the Shire of East Pilbara's own resources;*
- b) assistance in the opening up of the designated access road following flooding associated with cyclonic activity, where equipment is available,*
- c) annual gravel sheeting, re-sheeting and drainage improvement roadworks funded by the State and Federal government grants.*

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

There are no current resources allocated, will need to be considered as part of future budgetary process depending on Councils resolution.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/276

MOVED: Cr Stephen Kiernan

SECONDED: Cr Shane Carter

THAT Council advises the Department of Environment and Conservation of the following:

- a) Council supports the construction of the proposed Nyiminjarra Road in principle.**
- b) All costs associated with the construction and ongoing maintenance of the Nyiminjarra Road will be carried out at no cost to Council.**
- c) Council maintains its original position in that the Nyiminjarra Road is to be a private road at this stage. Council is able to assist in the form of a Private Works arrangement where the owner/managing authority of the road engages Council to carry out works. This would depend on the availability of Council staff and equipment.**
- d) Once the construction of the Nyiminjarra Road has been completed and further funding opportunities have been explored Council may reconsider its position.**
- e) If the Nyiminjarra Road is to be considered in the future to become a Public Road the design standards have to meet current Austroads design standards.**

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

To be actioned by Mr Oliver Schaer, Manager Technical Services - Rural

12 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

12.1.1 ANNUAL PERFORMANCE REVIEW APPRAISAL- CHIEF EXECUTIVE OFFICER

File No: ADM-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mr Allen Cooper
Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Author Incumbent

Council deferred this item 12.1.1 to be discussed after item 12.1.2

2:15 PM *Meeting adjourned.*

2:15 PM *Mr Allen Cooper, Ms Sian Appleton and Mrs Sheryl Pobrica left Chambers.*

2:20 PM *Meeting resumed, All Councillors only returned to Chambers to discuss item 12.1.1.*

REPORT PURPOSE

For Council to consider the outcome of the Performance Review of the Chief Executive Officer.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/279

MOVED: Cr Kevin Danks

SECONDED: Cr Shane Carter

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:

(a) A matter affecting an employee or employees.

CARRIED
RECORD OF VOTE: 9 - 0

BACKGROUND

At the Ordinary Council Meeting held on 3 February 2012, Item No: 9.1.2

COUNCIL RESOLUTION: 201112/174

MOVED: Cr Kevin Danks
THAT Council:

SECONDED: Cr Gerry Parsons

1. *Establish a review panel comprising the Shire President, Cr Craigie and the Deputy Shire President, Lang Coppin to undertake the Annual Performance Review of the Chief Executive Officer.*
2. *The panel is to prepare a report to Council for the Council's consideration in accordance with the Local Government Act.*

CARRIED
RECORD OF VOTE: 8 - 0

The report from the panel will be presented to Council at the meeting

COMMENTS/OPTIONS/DISCUSSIONS

The Local Government (Administration) Regulations require that the review be accepted with or without modifications.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 – Administration

Division 4 - Local Government Employees

5.38. Annual Review of certain employee's performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (1a) *Despite subsection (1) —*
 - (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
 - (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
- (2) *A contract under this section —*
 - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
 - (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless —*
 - (a) *the expiry date is specified in the contract;*
 - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*

- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.*

Local Government (Administration) Regulations 1996

18D Local Government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

POLICY

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/280

MOVED: Cr Shane Carter

SECONDED: Cr Gerry Parsons

THAT the performance review of the Chief Executive Officer be accepted without modification.

CARRIED
RECORD OF VOTE: 9 - 0

To be actioned by Mr Allen Cooper, Chief Executive Officer

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/281

MOVED: Cr Kevin Danks

SECONDED: Cr Shane Carter

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

CARRIED BY ABSOLUTE MAJORITY
RECORD OF VOTE: 9 - 0

12.1.2 NEWMAN HOUSE

File No: A417550
Responsible Officer: Lynne Craigie
President
Author: Sian Appleton
Deputy Chief Executive Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider the operations of Newman House.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/277

MOVED: Cr Kevin Danks

SECONDED: Cr Shane Carter

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:

- (c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION: 201112/278

MOVED: Cr Gerry Parsons

SECONDED: Cr Stephen Kiernan

That Council endorse further investigation into Council administering the operations of Newman House.

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

Council returned to item 12.1.1 to be discussed.

13 GENERAL BUSINESS

13.1 RSL PARK – MARBLE BAR

Cr Stephen Kiernan said there is broken glass after the weekend at the RSL Park, can this please be cleaned up.

Technical Services to follow up.

13.2 ANZAC – MARBLE BAR

Cr Kevin Danks said the ANZAC Ceremony in Marble Bar was fantastic and would like a letter sent to the cadets and if an article can be put in the Marble Bar Mirage.

Manager Community Wellbeing to complete.

13.3 SHIRE STAFF

Cr Lynne Craigie would like to acknowledge with a compliment Wendy Hagan, Coordinator Recreation Services, Keesha Booth, Coordinator Community Services and Eric Schmollengruber, Supervisor Works, Parks and Gardens for the works at the local parks which are looking great.

13.4 SAIL SHADES

Cr Doug Stead asked if the sail shades that were pulled down from shopping centre can they be modified and replaced elsewhere.

Manager Community Wellbeing to investigate.

13.5 PARKING WELSH DRIVE

Cr Doug Stead asked if it is possible to get proper car parking across from the Tyre Shop on Welsh Drive as the verge is becoming congested with people parking.

Technical Services to review.

13.6 ANZAC - NEWMAN

Cr Doug Stead commented that there were a lot of people who attended the ANZAC ceremony in Newman, which was great to see.

13.7 ANZAC - NULLAGINE

Cr Darren Bennetts would like to acknowledge the ANZAC ceremony for Nullagine and would like special thanks go out to the Nullagine Police and School.

13.8 INDIGENOUS COMMUNITIES AFL COMP

Cr Darren Bennetts said the Indigenous Communities Footy Comp was held in Nullagine this year, Darren said it went well with the overall competition, but would like to say the oval wasn't up to scratch as it has a lot of rocks on the

oval, there were no club rooms to get changed, and no toilet facilities at the oval.

13.9 WATERPARK NULLAGINE

Cr Darren Bennetts said the Nullagine Community expressed their interest in getting a water park, which could be considered in the 2012/2013 draft budget.

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.

2:50 PM Mr Allen Cooper, Ms Sian Appleton and Mrs Sheryl Pobrica returned to the Chambers.

14 DATE OF NEXT MEETING

25th May 2012, Newman

15 CLOSURE

2:50 PM