



## **EAST PILBARA SHIRE COUNCIL**

# **AGENDA**

## **ORDINARY COUNCIL MEETING**

**NOTICE IS HEREBY GIVEN** that an  
ORDINARY Meeting of the Council will be held,  
in Council Chambers, Newman,  
10.00 AM, FRIDAY, 27 APRIL 2012.

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



# DISCLAIMER

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

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

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

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

## WRITTEN CONFIRMATION

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

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

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE .....	1
2.1	ATTENDANCES .....	1
2.2	APOLOGIES .....	1
2.3	LEAVE OF ABSENCE .....	2
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE .....	2
4	PUBLIC QUESTION TIME .....	2
5	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
5.1	UPDATE KURRA@NEWMAN .....	2
5.2	COMMUNITY WELLBEING STRATEGY BY SGS ECONOMICS & PLANNING .....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE .....	2
7	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	2
7.1	CONFIRMATION OF MINUTES.....	2
7.2	PILBARA REGIONAL COUNCIL MINUTES 2 <sup>ND</sup> MARCH 2012 .....	2
8	MEMBERS REPORT .....	4
8.1	ITEMS FOR RECOMMENDATION .....	4
8.2	ITEMS FOR INFORMATION .....	4
9	OFFICER'S REPORTS .....	5
9.1	CHIEF EXECUTIVE OFFICER.....	5
9.1.1	EXECUTIVE SERVICES - STATUS OF COUNCIL DECISIONS MARCH 2012.....	5
9.1.2	AFFIX COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER BUILDING ASSETS .....	9

---

9.1.3	AFFIX COMMON SEAL TO EMPLOYMENT CONTRACT - MANAGER FINANCE AND ADMINISTRATION.....	11
9.1.4	AFFIX COMMON SEAL TO THE EMPLOYMENT CONTRACT DEPUTY CHIEF EXECUTIVE OFFICER .....	13
9.1.5	APPOINTMENT OF CHAIRPERSON – LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) .....	15
9.1.6	STALLHOLDER AND STREET TRADING POLICY .....	17
9.1.7	POWER TO LEASE - RESERVE 44274 & 40409 .....	22
9.1.8	PROPOSED GROUPED DWELLING - 15 BARTON WAY, NEWMAN .....	24
9.1.9	PROPOSED CLOSURE OF UNCONSTRUCTED ROAD RESERVE - LOTS 4 & 5 COOKE STREET, NULLAGINE .....	28
9.1.10	REQUEST TO CLOSE RIGHT OF WAY - REAR OF LOTS 11 & 12 COOKE STREET, NULLAGINE .....	31
9.1.11	RESOLUTION OF MISCONDUCT COMPLAINTS AT THE LOCAL LEVEL.....	35
9.1.12	NEW FEES & CHARGES - APPLICATION FOR BUILDING AND OCCUPANCY APPROVALS .....	38
9.1.13	AFFORDABLE HOUSING FOR ESSENTIAL WORKERS - PILBARA REGIONAL COUNCIL (PRC) .....	43
9.1.14	ROYALTIES FOR REGIONS COUNTRY LOCAL GOVERNMENT FUND REVIEW.....	47
<b>9.2</b>	<b>DEPUTY CHIEF EXECUTIVE OFFICER .....</b>	<b>63</b>
9.2.1	DEPUTY CHIEF EXECUTIVE OFFICER - STATUS OF COUNCIL DECISIONS MARCH 2012.....	63
9.2.2	AFFIXING COMMON SEAL – FINANCIAL ASSISTANCE AGREEMENT .....	67
9.2.3	SHIRE OF EAST PILBARA – ADOPT AND IMPLEMENT THE ECONOMIC DEVELOPMENT AND TOURISM STRATEGY.....	70
9.2.4	TO FORMALLY ENDORSE PARK NAME OF KIRIPIRNA PARK.....	79
9.2.5	SIGNIFICANT BUDGET IMPACTS FOR 2012/13 YEAR.....	82
9.2.6	ADOPTION OF PROPOSED FEES AND CHARGES 2011/2012.....	85

---

---

9.2.7	PUBLIC NOTICE OF DIFFERENTIAL RATING .....	88
9.2.8	MONTHLY FINANCIAL STATEMENTS - FEBRUARY 2012.....	92
9.2.9	CREDITORS FOR PAYMENT.....	97
<b>9.3</b>	<b>DIRECTOR TECHNICAL SERVICES .....</b>	<b>101</b>
9.3.1	TECHNICAL SERVICES - STATUS OF COUNCIL DECISIONS MARCH 2012.....	101
9.3.2	AFFIX COMMON SEAL TO COMMERCIAL LEASE - NEWMAN AIRPORT LEASE AREA 2 - SHIRE OF EAST PILBARA AND S V HAoust PTY LTD .....	105
9.3.3	GENERAL BUSINESS - NEW FLIGHT ROUTE INCENTIVE...	108
<b>10</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>115</b>
<b>11</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL .....</b>	<b>115</b>
<b>12</b>	<b>CONFIDENTIAL MATTERS BEHIND CLOSED DOORS.....</b>	<b>115</b>
12.1.1	ANNUAL PERFORMANCE REVIEW APPRAISAL- CHIEF EXECUTIVE OFFICER.....	115
12.1.2	NEWMAN HOUSE .....	118
<b>13</b>	<b>GENERAL BUSINESS.....</b>	<b>118</b>
<b>14</b>	<b>DATE OF NEXT MEETING .....</b>	<b>118</b>
<b>15</b>	<b>CLOSURE .....</b>	<b>118</b>

**1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

**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**

**3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

**4 PUBLIC QUESTION TIME**

**5 PETITIONS/DEPUTATIONS/PRESENTATIONS**

**5.1 UPDATE KURRA@NEWMAN**

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

**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 will be providing Council a presentation on the Community Wellbeing Strategy.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

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

**7.1 CONFIRMATION OF MINUTES**

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

**OFFICER'S RECOMMENDATION**

**THAT** the minutes of the Ordinary Meeting of Council held on 23 March 2012, be confirmed as a true and correct record of proceedings.

**7.2 PILBARA REGIONAL COUNCIL MINUTES 2<sup>ND</sup> MARCH 2012**

**OFFICER'S RECOMMENDATION**

**THAT** the minutes of the Ordinary Meeting of the Pilbara Regional Council held on 2<sup>nd</sup> March 2012, be received.

**This page is intentionally left blank**



**8 MEMBERS REPORT**

**8.1 ITEMS FOR RECOMMENDATION**

**8.2 ITEMS FOR INFORMATION**

## **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**

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

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
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 amount of rain, the town of Marble Bar splits into two because the creek cuts the town. This causes a problem with LEMC	CRES		

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

**27 APRIL 2012**

---

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
		and how to get the residents to shelters. Coordinator Ranger and Emergency Services to follow up.			

**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 27<sup>th</sup> 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**

**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 19<sup>th</sup> August 2014.**

**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 27<sup>th</sup> 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**

**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.**

**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 27<sup>th</sup> 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**

**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 30<sup>th</sup> September 2014.**

**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 to appoint 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**

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

**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**

**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.

**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**

**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.**

**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**

**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.**

**This page is intentionally left blank**



**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

---

**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 91m<sup>2</sup>.

**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**

**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.**

**This page is intentionally left blank**

**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

---

**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 can not 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**

**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.**

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

---

#### 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"><li>(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"><li>(a) act with reasonable care and diligence; and</li><li>(b) act with honesty and integrity; and</li><li>(c) act lawfully; and</li><li>(d) avoid damage to the reputation of the local government; and</li><li>(e) be open and accountable to the public; and</li><li>(f) base decisions on relevant and factually correct information; and</li><li>(g) treat others with respect and fairness; and</li><li>(h) not be impaired by mind affecting substances.</li></ul></li></ul> |
|--|

### **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**

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.

---

**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**

**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:**

<b>Item</b>	<b>Description of Service Provided</b>	<b>Fee (\$) – Note Estimated construction value in the GST inclusive value</b>
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 30<sup>th</sup> April 2012.**

**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.**

**This page is intentionally left blank**

**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

---

**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 11<sup>th</sup> 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](http://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
<b>TOTAL</b>	<b>\$4,121,674</b>

### VOTING REQUIREMENTS

Simple

### OFFICER'S RECOMMENDATION

**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.**

**This page is intentionally left blank**

**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**

**THAT the “Status of Council Decisions” – Deputy Chief Executive Officer report for March 2012 be received.**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
11 March 2011	13.2	<p><b>PIPUNYA PROPERTY</b> 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 <sup>th</sup> March 2012 in Marble Bar still waiting for outcome
24 June 2011	9.2.4	<b>REVIEW OF LOCAL LAWS – VARIOUS</b>	SAO	Still to be forwarded to the joint standing committee	On Going
22 July 2011	9.2.6	<b>APPROVAL FOR THE RELEASE OF VARIOUS DRAFT LOCAL LAWS</b>	SAO		
28 October 2011	15.1	<p><b>MARBLE BAR TENNIS COURTS</b> 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

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

**27 APRIL 2012**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
23 March 2012	13.4	<p><b>PIRI-SMITH RETIREMENT UNITS MARBLE BAR</b></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 <sup>th</sup> 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**

**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.**

**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

---

**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: 27<sup>th</sup> 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**

**THAT Council adopt the Economic Development and Tourism Strategy 2012.**

---

#### 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

---

#### 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**

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

**This page is intentionally left blank**

### 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

---

### 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**

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





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 <i>CEO</i>	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](mailto: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](mailto:info@dlg.wa.gov.au) Website: [www.dlg.wa.gov.au](http://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

---

**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**

**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.**

**This page is intentionally left blank**

### 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

#### 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**

**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



**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

---

**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**

<b>Variance Report – February</b>	
<b>Note</b>	<b>Comment</b>
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**

**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.**

**This page is intentionally left blank**

### 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 16<sup>th</sup> March 2012.

### COMMENTS/OPTIONS/DISCUSSIONS

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

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

### CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES  
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**

**THAT Council endorse the payments:**

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



**This page is intentionally left blank**

### 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

---

#### 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**

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

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND	MAS	Forwarded to Legal Council for Action	
16 December 2011	13.2	<p>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.</p> <p>Technical Services Administration Officer to follow up.</p>	TSAO	MRWA as speed zones are a regulatory item – awaiting on response	March 2012
16 December 2011	13.4	<p>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.</p> <p>Technical Services to follow up.</p>	TSAO	Letter sent to MRWA No response as yet	March 2012
16 December 2011	13.5	<p>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 proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.</p> <p>Technical Services to follow up.</p>	TSAO	TSAO to liaise with MTS-R and CEO	On Going
16 December 2011	13.3	<p>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</p>	MBA	To be proposed in the 2012/2013 budget	

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

**27 APRIL 2012**

<b>COUNCIL MEETING DATE</b>	<b>ITEM NO</b>	<b>COUNCIL RESOLUTION</b>	<b>DIRECTORATE</b>	<b>ACTION TAKEN/ STATUS</b>	<b>ESTIMATED COMPLETION DATE</b>
		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.			
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 11<sup>th</sup> 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 11<sup>th</sup> 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**

**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.**



### 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.

<b>F&amp;C Options</b>	<b>Pax In</b>	<b>Pax Out</b>	<b>Total Pax</b>	<b>Number of Flights</b>	<b>PSC</b>	<b>Landing Fees</b>	<b>Co-user Fee</b>	<b>Total Potential Income</b>	<b>Potential Lost Income</b>
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) waive 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**

**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** \_\_\_\_\_

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

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

**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

---

**REPORT PURPOSE**

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

**OFFICER'S RECOMMENDATION**

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.

**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**

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

### 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

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.

### OFFICER'S RECOMMENDATION

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

## 13 GENERAL BUSINESS

## 14 DATE OF NEXT MEETING

25th May 2012, Newman

## 15 CLOSURE