



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 MAY, 2016.

Allen Cooper
CHIEF EXECUTIVE OFFICER



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Lynne Craigie
Lang Coppin OAM
Anita Grace
John Jakobson
Craig Hoyer
Gerry Parsons
Biddy Schill
Dean Hatwell
Michael Kitchin
Shane Carter

Shire President
Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

Mrs Kylie Bergmann

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

Public Gallery

2.2 APOLOGIES

Councillor Apologies

Nil

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 FORTESCUE METALS GROUP (FMG)

Mr Heath Nelson, Manager Community Development will be providing a presentation on the update of FMG.

6 APPLICATIONS FOR LEAVE OF ABSENCE

6.1 COUNCILLOR JAY AHMEDI

Councillor Jay Ahmedi would like leave of absence for May, June and July 2016 Council Meetings due to the birth of first child.

OFFICER'S RECOMMENDATION

THAT Councillor Jay Ahmedi be granted leave of absence for May, June and July 2016 Council Meetings.

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes April 29 2016 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 29 April 2016, be confirmed as a true and correct record of proceedings.

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 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - APRIL 2016

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

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*
- (b) determine the local government's policies.*

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the "Status of Council Decisions" – Chief Executive Officer for April 2016 be received.

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

27 MAY, 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	RESPONSIBLE OFFICER	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 August 2015	13.7	ADSL MARBLE BAR Cr Stephen Kiernan asked again for the Shire to follow up on the possibility of having ADSL installed in Marble Bar. Mr Allen Cooper, Chief Executive Officer explained the situation on ADSL and requests to the Pilbara Development Commission to investigate	MDS-P CEO	To Discuss options with PDC request for information to PDC sent again 08/09/2015 Will investigate NBN options/timing as well discuss with Telstra and PDC	On Going
29 January 2016	9.1.2	WA LOCAL GOVERNMENT ASSOCIATION (WALGA) TRADE EXHIBITION AND CONVENTION 2016	CEO	Accommodation Booked	In Progress
29 April 2016	13.6	CAPE KERAUDREN – Maximum Stay Cr Shane Carter asked why campers are only allowed to stay at Cape Keraudren for a maximum of 28 days. Chief Executive Officer, Mr Allen Cooper, commented that the Caravan Parks and Camping Grounds Act 1995, has recently changed so that travellers cannot stay longer than 28 days in a 3 month period in a recognised area. Cr Shane Carter asked if there was something Council could do to change this law? Chief Executive Officer, Mr Allen Cooper, said that he would put up an Agenda item next month for Councillor's consideration.	CEO	May 2016 Agenda	In Progress

**9.1.2 AFFIXING COMMON SEAL EMPLOYMENT CONTRACT - DIRECTOR
TECHNICAL AND DEVELOPMENT SERVICES**

File Ref: 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 Director Technical & Development Services.

BACKGROUND

The employment contract of Mr Rick Miller, Director Technical & Development Services, has been extended by a 3 year term from 13th May 2016 to 12th May 2019.

COMMENTS/OPTIONS/DISCUSSIONS

Nil.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

4.5 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.

STRATEGIC COMMUNITY PLAN

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 Rick Miller, Director Technical & Development Services, for a term of three years, from 13th May 2016 to 12th May 2019.

9.1.3 ANNUAL PID GUIDELINES REVIEW

File Ref:	LEG-1-10
Attachments:	Public Interest Disclosure Guidelines 2016 updating in progress docx
Responsible Officer:	Mr Allen Cooper Chief Executive Officer
Author:	Mrs Kylie Bergmann Coordinator Executive Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to adopt the 2016 Public Interest Disclosure (**PID**) Guidelines.

BACKGROUND

Council adopted the PID Guidelines in 2014. No review of these guidelines has taken place yet.

* NOTE: the Guidelines have been amended to include a requirement to review the PID Guidelines annually.

COMMENTS/OPTIONS/DISCUSSIONS

The purpose of the PID Guidelines is to provide an internal procedure for the manner in which the Shire of East Pilbara (**SoEP**) will comply with its obligations under the PID Act.

The PID Guidelines have been amended to include a requirement to review the PID Guidelines annually. This is to ensure compliance with the relevant legislation.

The nominated PID officers have also been amended (due to new staff starting). The newly appointed PID Officers will be:

- Coordinator Executive Services – Kylie Bergmann
- Coordinator Governance – Rubatsiro Masaka
- Manager Development Services – Building – David Everett
- Manager Community Safety – Clint Swadling

STATUTORY IMPLICATIONS/REQUIREMENTS

Public Interest Disclosure Act 2003 – Part 5 – Section 23

23. Principal executive officer of public authority, duties of

- (1) The principal executive officer of a public authority must —
-

- (a) designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information; and
 - (b) provide protection from detrimental action or the threat of detrimental action for any employee of the public authority who makes an appropriate disclosure of public interest information; and
 - (c) ensure that his or her public authority complies with this Act; and
 - (d) ensure that his or her public authority complies with the code established by the Commissioner under section 20; and
 - (e) prepare and publish internal procedures relating to the authority's obligations under this Act; and
 - (f) provide information annually to the Commissioner on —
 - (i) the number of public interest disclosures received by a responsible officer of the authority over the report period; and
 - (ii) the results of any investigations conducted as a result of the disclosures and the action, if any, taken as a result of each investigation; and
 - (iii) such other matters as are prescribed.
- (2) Internal procedures prepared under subsection (1)(e) must be consistent with guidelines prepared by the Commissioner under section 21.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.3 Effective business management
Responsible officer: DCEO
Timing: 1-3 years

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Endorse the following officers to be Public Interest Disclosure Officers:**
Coordinator Executive Services – Kylie Bergmann
Coordinator Governance- Rubatsiro Masaka
Manager Development Services – Building – David Evrett
Manager Community Safety – Clint Swadling
- 2. Adopt the changes to the Public Interest Disclosure Guidelines, as required to reflect changes.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

**9.2.1 DEPUTY CHIEF EXECUTIVE OFFICE STATUS OF COUNCIL DECISION -
APRIL 2016**

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to -

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community

engagement – leading to the effective allocation of the Shire's resources – that deliver optimum benefits to the community.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the "Status of Council Decisions" – Deputy Chief Executive Officer for April 2016 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
30 January 2015	13.7	MARBLE BAR AQUATIC CENTRE CONTRACT BETWEEN DEPARTMENT OF EDUCATION AND SHIRE OF EAST PILBARA Cr Dean Hatwell commented the contract between the Department of Education and the Shire of East Pilbara for the Marble Bar Aquatic Centre is due to expire this year and what is happening. Ms Sian Appleton replied yes the contract is due to expire December 2015, and staff will be discussing the agreement with the Department of Education.	DCEO	With State Solicitors	In May 2016 Agenda
11 December 2015	12.12	MARBLE BAR AQUATIC CENTRE CCTV Cr Michael Kitchin asked if the Marble Bar Aquatic Centre could get CCTV especially for the toddler's pool, so when the staff member is serving at the kiosk they can still easily monitor the area. Deputy Chief Executive Officer to follow up	DCEO	Currently requesting progress	In Progress

**9.2.2 AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY - MURRAY
RIVER NORTH PTY LTD (WEIGHBRIDGE OFFICE)**

File Ref: LEG-18-5-06
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Dawn Brown
Asset & Procurement Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To advise Council that the Common Seal has been affixed under delegated authority to the Contract between the Shire of East Pilbara and Murray River North Pty Ltd for the Design, Construction and Installation of a Weighbridge Office for the price of \$105,030.00 gst exclusive.

BACKGROUND

The Shire recently undertook a Private RFQ process (RFQ 06-2015/16) through the Tenderlink portal. Several preferred suppliers were invited to submit a quotation for this project. The RFQ process was used instead of a Tender process as the tender threshold has been increased from \$100,000 to \$150,000, and it was not envisaged that the project would exceed the minimum threshold amount.

The Shire received one submission, from Murray River North Pty Ltd. The submission was evaluated by an Evaluation Panel consisting of three staff and was assessed as being compliant and of benefit to the Shire.

The Shire has engaged Murray River North Pty Ltd to undertake the design, construction and installation of the Weighbridge Office and as such the Contract has been drawn up.

COMMENTS/OPTIONS/DISCUSSIONS

The Shire recently awarded a Contract for the design, construction and commissioning of a 20m weighbridge and associated infrastructure (RFT 06-2015/16) – **Resolution 201516/177 Item 9.3.9 11th March, 2016.**

To complement the Weighbridge structure and to enable the Shire to operate the Weighbridge on a 24/7 automated ticketing system and a manned day operation ticketing system, there is the need to provide a suitable office environment adjacent to the Weighbridge.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.5 EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2013

Objective

To allow for the proper execution of documents.

Policy

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

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM-14-9

Legislative Authority for Delegation: S5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

Authority to prepare the necessary documentation to execute documents taking into account any specific or policy requirements of council where:

The Council has authorised entering into a formal contract or a formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council or a formal contract is authorised under a delegated authority from the Council.

Authority for exercise of Power/Duty/Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law

Date of Delegation _____

Delegator (Shire President) _____

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.
The total cost of the Weighbridge Office is \$105,030.00 gst exclusive.

GL – 109017 (Capital) – budget \$380,000
Committed expenditure of \$230,000 for the 20m Weighbridge

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council note that the Common Seal has been affixed under delegated authority to the Contract between the Shire of East Pilbara and Murray River North Pty Ltd for the Design, Construction and Installation of a Weighbridge Office for the price of \$105,030.00 gst exclusive.

9.2.3 DELEGATION AUTHORITY FOR TENDER

File Ref: LEG-13-5-10
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 request Council to delegate authority to the CEO to award the tender for the Schematic Drawings for the Youth and Children Hub. This is to ensure the further information requested by the Pilbara Development Commission (PDC) with respect to a grant submission can be delivered in a timely manner.

BACKGROUND

Shire Officers have made a grant application to the Pilbara Development Commission for the part funding of the Youth and Children Hub. The submission was heard by the PDC recently and they have requested further information regarding the submission. This additional information includes the production of schematic photos and detailed lifecycle costing.

COMMENTS/OPTIONS/DISCUSSIONS

The tender for the Schematic Drawings of the Youth and Children Hub will be advised shortly and will be open for approximately two weeks. It is therefore hoped that the engagement of the successful tenderer will be completed by early June. The next Council meeting is the 24th June 2016. By allowing the CEO to use his delegated authority to approve the tender Officers will gain three weeks in the development of this work.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.57. Tenders for providing goods or services (pg 70)

Part 5 - Administration (Division 4 – Local government employees) 5.42. Delegation of some powers and duties to CEO (pg 153)

- (1) A local government may delegate (absolute majority required) to the CEO the exercise of any of its powers or the discharge of any of its duties under-
 - (a) this act other than those referred to in section 5.43; or
- (2) A delegation under this section is to be in writing and may be general or otherwise provided in the instrument of delegation.

Part 5 - Administration (Division 4 – Local government employees) 5.43. Limits on delegations to CEO (pg 153)

A local government cannot delegate to a CEO any of the following powers or duties –
(b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.

POLICY IMPLICATIONS

10.12 Purchasing and Tender Procedures

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

Objective

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

Purchase Procedures

NOTE: All Figures in this policy are exclusive of GST

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

\$0 - \$50	Under direction from the authorised supervisor, petty cash may be utilised for purchases in this range.
\$51 - \$5,000	Under direction from the authorised supervisor, a purchase order book will be utilised without quotes necessarily being obtained.
\$5,001 - \$39,999	Under direction from the authorised supervisor, a purchase or other order will be utilised and three verbal or written quotes shall be obtained.
\$40,000 - \$99,999	Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable.
\$100,000 & greater	Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council.

Capital Expenditure

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

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

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

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

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

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

Orders for Goods & Services

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

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to the maximum value of \$100,000. If the purchase is in excess of \$100,000 a requisition is to be authorised by the Chief Executive Officer prior to the order being issued:

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

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

1. Managers
2. Coordinator Property Services

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

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

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

The following staff may raise a purchase order in accordance with value procedures as previously set out in this clause to a maximum value of \$2,000:

1. Duty Officers – Newman Aquatic Centre
2. Team Leader – Works Crew (Newman)
3. Field Officer and client Services – Martumili
4. Technical Services Administration Officer
5. RPT Bus Driver
6. Executive Services Administration Officer (restricted to staff and councillor training/conference expenses)
7. Asset and Procurement Officer

Light Vehicle Purchases

The designated Fleet Officer is authorized to purchase light vehicles under \$100,000 utilising the WA State Purchasing Agreement and adhering to Council's budget decisions and Council's Light Vehicle Policy. Any vehicle incurring the luxury car tax will have to be approved by the Chief Executive Officer or the Deputy Chief Executive Officer.

Consultants Services

Services separately identified in the adopted budget to be at officer's discretion up to \$20,000.

Between \$20,001 and \$100,000 a Request For Quote procedure shall be utilised, in compliance with purchase thresholds.

A request for services, which it is envisaged, will exceed \$100,000 shall undergo the full tender process.

Light Vehicle Disposals

The preference for the disposal of light vehicles (less than \$100,000) is by public auction.

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

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

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

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

Regulatory Compliance

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

1. An emergency situation as defined by the Local Government Act 1995;
2. The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
3. The purchase is under auction which has been authorised by Council;
4. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
5. Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply;
6. The purchase is under the Shire of East Pilbara Supplier Panel and is under \$30,000 exc GST.

4.5 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.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.3 Effective business management

Responsible officer: DCEO

Timing: 1-3 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Delegate authority to the CEO (or in the absence of the CEO the Acting CEO) under s.5.42(1) and (2) and s.5.43(b) of the Local Government Act, to accept the tender for the Youth and Children Hub Schematic Drawings up to the value of \$300,000;**
- 2. Approve the Chief Executive Officer to affix the common seal of the Shire of East Pilbara to the contracts between the Shire of East Pilbara and the successful tenderer.**

**9.2.4 ENTER INTO NEW LEASE AGREEMENT WITH NEWMAN BJJ INC FOR
PORTION OF LAND AT NORTH NEWMAN RESERVE - LOT 702**

File Ref:	A700753
Attachments:	<u>Expression of Interest - Buffaloes Shed.pdf</u> <u>Newman BJJ Inc - Letter accepting lease conditions.pdf</u>
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mrs Marisa Wolfenden Coordinator Property Services
Location/Address:	Lot 702 - North Newman Reserve - Previously leased to Royal Antediluvian Order of Buffaloes
Name of Applicant:	Newman BJJ INC and Newman Congregation of Jehovah's Witness
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To seek Council approval to enter into a lease agreement between the Shire of East Pilbara and the Newman BJJ Inc and to apply the Shire of East Pilbara common seal to the lease documentation.

BACKGROUND

The Royal Antediluvian Order of Buffaloes advised the Shire of East Pilbara in 2014 they were having difficulties continuing with the lease agreement at North Newman Reserve due to the decline in members.

During the term of the lease agreement the Buffaloes allowed the Newman Congregation of Jehovah's Witness to utilise a portion of the building for meetings.

In 2015 the Royal Order of Buffaloes completed the Surrender of Lease documents with the Shire of East Pilbara, and the Newman Congregation of Jehovah's was advised they could continue to use the facility until 31st December 2015, but where required to pay for all outgoings to the facility and maintain the premises.

The Shire of East Pilbara was looking at entering into a Deed of Assignment for the remaining lease agreement from the Buffaloes, but as the Newman Congregation of Jehovah's Witness was not incorporated we were not able to enter into a Deed of Assignment.

The Newman BJJ approached the Shire of East Pilbara seeking a facility to lease for their organisation for the purpose of a clubroom and where advised of the Buffaloes Shed.

Shire staff conducted a site meeting with the Newman BJJ Inc earlier this year to determine if the facility was suitable for the purpose the club. Upon inspection the

Newman BJJ Inc was keen to proceed with entering into a head lease for the building and site at North Newman Reserve.

The organisation has provided a Business Package to the Shire of East Pilbara which provided the following details;

- Financial Details
- Committee Members
- Certificate of Incorporation
- Insurance documentation
- Constitution

The Shire of East Pilbara requested a meeting with Mr John Wolak from the Newman Congregation of Jehovah's Witness to discuss the Expression of Interest received from the Newman BJJ Inc. The response from the John was positive and willingness to work with another organisation in using the facility, so both groups can benefit.

COMMENTS/OPTIONS/DISCUSSIONS

On the 16th March 2016, the Shire of East Pilbara had a meeting with the president of Newman BJJ Inc and Mr Wolak from Newman Congregation of Jehovah's Witness.

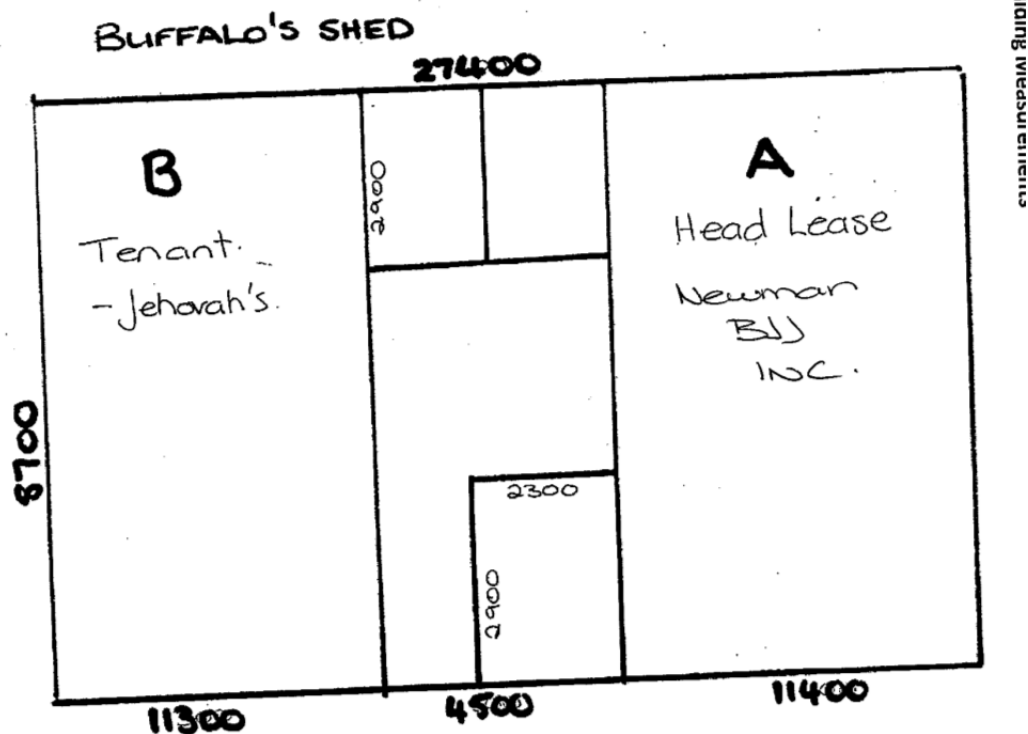
The meeting discussed the following items

Lease documentation	Peppercorn No cost to Council for the preparation, documentation and registration of the lease agreement. Lease Fees • Newman BJJ INC 75% • Newman Congregation of Jehovah's Witness 25% No subletting of the property without written approval from the Shire of East Pilbara.
Term of Agreement	5 years with 5 year option term
Commencement Date	1 st July 2016
Tenure	Newman Congregation of Jehovah's Witness Monthly Contribution • Monthly fee of \$150.00 - o Inclusive of Power and water consumption ▪ This may be reviewed by the SoEP if usage has increased. • Annual 3% rental increase, effective 1st July annually • Termination – must provide Newman BJJ INC and Shire of East Pilbara 30 day's notification.

	• If the hirer acquires their own new facilities, this agreement will cease. • Responsible for minor maintenance.
Building	Each group will have exclusive use of portion of the building – <i>Shown on map</i> . Special Bookings - 14 Days notification for special bookings outside general operational times. The building is not permitted for accommodation.
Documents	the Lessee and Hirer are responsible to provide the Shire of East Pilbara with current copies of their committee details, Certificate of Currency (Public Liability) and other insurance documents.
Insurance	Both organisations are to provide copies of Public Liability to the SOEP Building Insurance premium will be on charged to head lease annually
Annual Service Fee	The Shire of East Pilbara charges \$550.00 per year for leasing; this is part of the Shire of East Pilbara Fees and Charges and is reviewed annually.
General Maintenance	both organisations will be responsible for the general maintenance of the exclusive rooms.
Cleaning, Waste and Gardening	This to be worked out between both parties. Both parties responsible for the removal of waste.
Outgoing	Lessee is responsible for all outgoing, including water and power consumption, ESL, insurances, communication services etc
Power	• Hirer to pay the Lessee monthly. The lessee need to transfer the power consumption account to
Minister Approval	Approval of the Minister for Lands is required under the Management Order, prior to any lease agreement being entered into.



Building Measurements – Allocated areas of use



STATUTORY IMPLICATIONS/REQUIREMENTS

An inspection of the facility revealed it was built more than 20 years ago, and that there are some compliance works that need to be undertaken prior to entering into a new lease agreement. These include;

- Plumbing issues
- Electrical compliance works, including emergency evacuations
- Carpentry
- Tree lopping
- The quote for the works was approximately \$15,000.00.

Following negotiations the Newman BJJ Inc is willing to contribute \$5000.00 to assist with the compliance requirements of the facility.

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

Strategic Community Plan

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

2.1.1 Promote safe and healthy communities

Responsible officer: MCW

Timing: 1-3 years

2.1.2 Encourage active lifestyles

Responsible officer: MCW

Timing: 1-3 years

2.1.3 Encourage high rates of participation in community activities and events

Responsible officer: MCW

Timing: 1 year

Goal 3 – Economic – Planned Actions

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

3.4 Land use and development control

FINANCIAL IMPLICATIONS

No financial resources impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Approval entering into a lease agreement with Newman BJJ Inc for the building and portion of land located at North Newman Reserve, Lot 702.**
 - a) The agreement includes the tenure of the Newman Congregation of Jehovah's Witness for the duration of the lease term and option term of the agreement, as located on the floor plan, Area B.**
- 2. Approve the Chief Executive Officer to apply the common seal to the agreement between the Shire of East Pilbara and the Newman BJJ Inc for lease agreement at Lot 702, North Newman Reserve.**

**9.2.5 FOR COUNCIL TO CONSIDER NAMING THE AREA IN MARBLE BAR
WHERE THE REC SHED, SKATE-PARK AND MULTI-USE SPORTS
COURTS ARE LOCATED**

Attachments: [RE Name of Rec Shed Area in MB.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mr Pip Parsonson
Manager Community Wellbeing
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council's consideration of name suggestions for the area in McLeod Close, Marble Bar where the Rec Shed, skate-park and multi-use sports courts are located.

BACKGROUND

In recent years the Shire has invested considerable resources in developing and maintaining recreational facilities in Marble Bar. There is a particular concentration of these facilities located in McLeod Close. Clustered there is the Rec Shed, skate-park, gymnasium and multi-purpose sports courts.

The Shire has for some time been investing in branding and signage consistency across its portfolio of building and recreational assets. The area in McLeod Close where these facilities are located currently has no signage.

Marble Bar locals and indeed Shire officers broadly refer to the area as the 'Rec Shed'. This term is often seen as a misnomer as the term 'shed' would not normally be used to describe an area that contains facilities outside of the shed such as a skate-park or courts. The term is also problematic as there are two sheds in the same locality, the actual rec shed and the gymnasium. Rec Shed describes part but certainly not all of the assets located within the area.

Accordingly, some effort has been made to consult with the Marble Bar community to determine if there are any preferences for how they would like the area named. Attached to this agenda item is an email prepared by the Coordinator Community Development – Rural, (dated 13 May 2016), reporting on a consultative effort.

As can be seen from the suggestions documented from this meeting there seems to be little seriousness or will focused on the need for the naming or the suggestions of names.

As an alternative, members of the Community Wellbeing section conducted a short brainstorming session which incorporated some references to Marble Bar history as found in Google search. The following suggestions came out of that process.

1. Dhu-Lockyer Recreation Complex (Prominent local Aboriginal families)
2. Potter Park (Prominent family in town)
3. Coppin's Sport and Rec Complex (Coppin is a name synonymous with Marble Bar, both past and present)
4. Kevin Danks Memorial Park (In memory of the late Shire Councillor, Kevin Danks)
5. Mcleod Recreation Hub (Name of street where facilities are located plus noted for involvement in the famous 1946 pastoralist's strike).
6. The Dooley Bin Bin Community Hub (Dooley Bin Bin is famous as an Aboriginal leader of the 1946 Miners Strike. However his association with Marble Bar is not known beyond his association with Don McLeod)
7. Marble Bar Youth and Recreation Hub
8. Jasper Rec Zone
9. The Prospectors Precinct

COMMENTS/OPTIONS/DISCUSSIONS

Any of the nine suggestions above, or indeed those in the attached consultation report, can be altered with a number of interchangeable descriptive words. For example 'Recreation' could be swapped with 'Rec' or 'Sports and Recreation' and 'Hub' could be 'Park' or 'Complex' or 'Space' or 'Facilities' or 'Zone' or 'Precinct' or 'Space'.

Councillors may feel on the weight of the feedback received from the Marble Bar community that a name for the area is unnecessary and that no investment is made.

It should be noted however that creating an identity for the area through naming and branding will assist.

- direction giving/finding, particularly for tourists and new residents, and
- promoting the Shire
- Generating consistency in Shire branding across all buildings and assets

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

4.9 TOURISM – OBJECTIVES AND GUIDELINES

6.3 YOUTH – PLANNING COMMUNITY FACILITIES AND YOUTH RECREATION PROGRAMS

10.14 NAMING OF PARKS, RESERVES AND BUILDINGS

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.3 Engaged community

1.3.1 Increase community awareness

Responsible officer: MCW

Timing: 1 year

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

2.1.3 Encourage high rates of participation in community activities and events

Responsible officer: MCW

Timing: 1 year

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.3 Provide infrastructure to support economic development

Responsible officer: DCEO

Timing: 1-5 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorses the name, _____ as the name to be given to the area in McLeod Close, Marble Bar where the rec shed, skate-park, gymnasium and multi-purpose courts are located.

**9.2.6 MARBLE BAR AQUATIC CENTRE - LICENCE AGREEMENT WITH THE
MINISTER FOR EDUCATION**

File Ref: A703186
Attachments: [Marble Bar Licence \(645071R3\).doc](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Reserve 12431 - Marble Bar Primary School
Name of Applicant: Minister for Education
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to enter into a new licence agreement with the Minister for Education for the Marble Bar Aquatic Centre located on Reserve 12431, Marble Bar Primary School.

BACKGROUND

The Shire of East Pilbara had a licence agreement with the Minister for Education which expired on the 30th December 2015, following a term of 21 years.

COMMENTS/OPTIONS/DISCUSSIONS

The new licence agreement is to commence on 1st January 2016 and expiring on the 31st December 2025, with an Option Term of 10 years, which expires on the 31st December 2035.

The conditions of the licence remain the same with the exception of the following;

- Operating Hours
 - o The Shire shall be entitled to use of the Facilities;
 - Between the hours of 4pm and 7pm on school days
 - Between the hours of 2pm and 8pm on Saturdays, Sundays and any day that is not a School Day.
 - Such times are approved by the Principal in accordance with Clause 5.15,
 - Such other times as are first agreed to by the Parties in writing

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

Strategic Community Plan

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

2.1.1 Promote safe and healthy communities

Responsible officer: MCW

Timing: 1-3 years

2.1.2 Encourage active lifestyles

Responsible officer: MCW

Timing: 1-3 years

2.1.3 Encourage high rates of participation in community activities and events

Responsible officer: MCW

Timing: 1 year

- 2.1.4 Support individual and community health
Responsible officer: MCW
Timing: 1-5 years

Goal 3 – Economic – Planned Actions

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

- 3.3 Provide adequate community infrastructure

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Approve entering into a new licence agreement with the Minister for Education for the Marble Bar Aquatic Centre located at Marble Bar Primary School.**
 - a) Licence Term – 10 years, expiring 31st December 2025**
 - b) Licence Option Term – 10 years, expiring 31st December 2035**
- 2. Approve the Chief Executive Officer to apply the common seal to the licence agreement between the Minister for Education and Shire of East Pilbara.**

9.2.7 NEWMAN HOUSE - APPROVAL TO ENTER INTO NEW LEASE AGREEMENTS

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Marisa Wolfenden
Coordinator Property Services

Location/Address: 46 Iron Ore Parade, Newman

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to enter into new lease agreement at Newman House for office accommodation for existing and new tenants.

BACKGROUND

Council at its ordinary meeting held on the 11th March 2016 resolved, to apply the Shire of East Pilbara common seal to the Deed of Surrender of Lease and Assignment of Subleases document for Newman House, thus resulting in the Shire of East Pilbara now being responsible for the facility and the operations, including all leases.

The existing tenant lease agreements are due to expire on the 30th June 2016 and some tenants have indicated they wish to enter new agreements.

COMMENTS/OPTIONS/DISCUSSIONS

The Shire of East Pilbara has received notification from the following tenants to enter into new lease agreements as from the 1st July 2016

- **World Vision**
- **Newman Chamber of Commerce**
- **Pilbara Community Legal Services**
- **Disability Services Commission**
- **Ethnic Disability Services**

There are two new tenants commencing from the 1st July 2016

- Ethnic Disability Services
- Department of Housing – date to be confirmed

The following tenant will be vacating

- East Pilbara Independence Support – will continue on a short term periodic lease until they relocated to their new premises a North Newman Reserve.
 - The Puntukurna Aboriginal Medical Services (PAMS) have not responded in writing to date if their organisation wishes to enter into a new lease agreement or vacating as from the 30th June 2016, will pursue with further communication.
-

There have been expressions of interest from some Government Department whom are keen to commence a tenancy from the 1st July 2016, subject to sorting approval from their Departments.

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.

Strategic Community Plan

Goal 1 – Civic Leadership – Planned Actions

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

1.3 Engaged community

Goal 2 – Social – Planned Actions

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

2.4 Diverse and inclusive communities

2.4.2 Build strong community groups, networks and governance

Responsible officer: MCW

Timing: 1-5 years

2.4.3 Provide relevant and affordable community services

Responsible officer: MCW

Timing: 1-5 years

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

3.3.3 Provide infrastructure to support economic development

Responsible officer: DCEO

Timing: 1-5 years

FINANCIAL IMPLICATIONS

The proposed 2016/17 Budget has been based on the operational cost of 80% occupancy. It should be noted that there will be a financial impact should the occupancy drop below 80%.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Approval entering into lease agreements with the following organisations as from the 1st July 2016**
 - a) World Vision**
 - b) Newman Chamber of Commerce**
 - c) Pilbara Community Legal Services**
 - d) Disability Services Commission**
 - e) Ethnic Disability Services**
- 2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the lease agreement between the above organisations and the Shire of East Pilbara for tenants at Newman House, located Iron Ore Parade, Newman.**

**9.2.8 NEWMAN NATIONAL FOOTBALL LEAGUE - LEASE AGREEMENT FOR
ELECTRONIC SCOREBOARD**

File Ref: A409370
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Lot 995 Thulluna Street, Newman
Name of Applicant: Newman National Football League
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to enter into a lease agreement between the Shire of East Pilbara and the Newman National Football League for an electronic scoreboard to be located on Capricorn Oval, at Capricorn Sporting Complex, Newman

BACKGROUND

The Newman National Football League acquired funding to purchase and install an electronic scoreboard at Capricorn Oval for use by the NNFL during the football season.

The NNFL wishes to use the scoreboard with other local clubs and association to promote events, sporting results, registration and even public notices

COMMENTS/OPTIONS/DISCUSSIONS

The recommendation put forward to the NNFL was to enter into a lease agreement to allow the structure to be located on Capricorn Oval.

The structure will require power as the Newman National Football League will need to source power from existing power sources at the Capricorn Sporting Complex.

The following recommendations have been put forward;

- Shire of East Pilbara enters into a licence agreement for the structure on Capricorn Oval.
- Term
 - o 10 years with a 10 year Option Term
- The Newman National Football League is responsible for all associated cost in connecting power supply to the new scoreboard including the installation of a CT Metre.
- The Newman National Football League will be on charged for consumption of power for the scoreboard.

- The Shire of East Pilbara will record the asset on the Shire of East Pilbara insurance and will on charge the premium to the NNFL annually.
- The NNFL will be responsible for all maintenance to the scoreboard including vandalism and graffiti;
- The scoreboard and structure are located in a public reserve and must be kept in good working order and damage free.
- Once the scoreboard and/or structure are no longer operational it is the responsibility of the NNFL to dispose of the structure in accordance with Shire of East Pilbara – Development Services, conditions for demolition.



STATUTORY IMPLICATIONS/REQUIREMENTS

The NNFL submitted a Building Application which was assessed and approved and a Building Licence for the structure was issued.

As the lease is on land vested to Council, approval from the Minister is required prior to execution of the lease.

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.

Goal 3 – Economic – Planned Actions

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

3.4 Land use and development control

STRATEGIC COMMUNITY PLAN

Strategic Community Plan

Goal 2 – Social – Planned Actions

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

2.1 Health and recreation

2.1.1 Promote safe and healthy communities

Responsible officer: MCW

Timing: 1-3 years

2.1.2 Encourage active lifestyles

Responsible officer: MCW

Timing: 1-3 years

- 2.1.3 Encourage high rates of participation in community activities and events
Responsible officer: MCW
Timing: 1 year

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Approve entering into a lease agreement with Newman National Football League for an electronic Scoreboard on Capricorn Oval, Capricorn Sporting Complex, Lot 995 Thulluna Street, Newman, subject to approval from the Minister.**
- 2. Approve Chief Executive Officer to apply the Shire of East Pilbara common seal to the agreement between the Shire of East Pilbara and the Newman National Football League for the licence agreement for the electronic scoreboard a Capricorn Sporing Complex.**

9.2.9 NEWMAN HOUSE - FEES AND CHARGES

File Ref: A407550
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman House
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek approval to amend the Fees and charges for Newman House.

BACKGROUND

Council at its ordinary meeting held on 11th March 2016, resolved to set Fees and Charges which was based on the existing fee structure set by the Building Management Committee.

COMMENTS/OPTIONS/DISCUSSIONS

Since the Shire of East Pilbara has taken over the operational running of Newman House, it was discovered that there was a reduced rate for tenants to use the facility within the building. Unfortunately this was not identified prior to the fees and charges being set by Council.

The proposed amendments are;

Newman House - Conference Room Hire			
Small Room	Yes	40.00	Per Hour
Commercial Hirer	Yes	144.00	Per Half Day - 4 hours. 10%dis
Commercial Hirer	Yes	288.00	Per Full Day - 8 hours. 10% dis
Not for Profit - Hour	Yes	24.00	Per Hour
Not for Profit - Half Day	Yes	86.40	Per Half Day - 4 hours
Not for Profit - Daily	Yes	172.80	Per Full Day - 8 hours
Large Room	Yes	55.00	Per Hour
Commercial Hirer	Yes	198.00	Per Half Day - 4 hours. 10%dis
Commercial Hirer	Yes	396.00	Per Full Day - 8 hours. 10% dis
Not for Profit - Hour	Yes	33.00	Per Hour
Not for Profit - Half Day	Yes	118.80	Per Half Day - 4 hours
Not for Profit - Daily	Yes	237.60	Per Full Day - 8 hours
Both Rooms	Yes	75.00	Per Hour
Commercial Hirer	Yes	270.00	Per Half Day - 4 hours. 10%dis
Commercial Hirer	Yes	540.00	Per Full Day - 8 hours. 10% dis
Not for Profit - Hour	Yes	45.00	Per Hour
Not for Profit - Half Day	Yes	162.00	Per Half Day - 4 hours
Not for Profit - Daily	Yes	324.00	Per Full Day - 8 hours

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

3.2 ASSET MANAGEMENT

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

FINANCIAL IMPLICATIONS

The proposed fee structure has been taken into consideration for the 2016 / 2017 financial year.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. adopts the following amended fees and charges;**

Newman House - Conference Room Hire			
Small Room	Yes	40.00	Per Hour
Commercial Hirer	Yes	144.00	Per Half Day - 4 hours. 10%dis
Commercial Hirer	Yes	288.00	Per Full Day - 8 hours. 10% dis
Not for Profit - Hour	Yes	24.00	Per Hour
Not for Profit - Half Day	Yes	86.40	Per Half Day - 4 hours
Not for Profit - Daily	Yes	172.80	Per Full Day - 8 hours
Large Room	Yes	55.00	Per Hour
Commercial Hirer	Yes	198.00	Per Half Day - 4 hours. 10%dis
Commercial Hirer	Yes	396.00	Per Full Day - 8 hours. 10% dis
Not for Profit - Hour	Yes	33.00	Per Hour
Not for Profit - Half Day	Yes	118.80	Per Half Day - 4 hours
Not for Profit - Daily	Yes	237.60	Per Full Day - 8 hours
Both Rooms	Yes	75.00	Per Hour
Commercial Hirer	Yes	270.00	Per Half Day - 4 hours. 10%dis
Commercial Hirer	Yes	540.00	Per Full Day - 8 hours. 10% dis
Not for Profit - Hour	Yes	45.00	Per Hour
Not for Profit - Half Day	Yes	162.00	Per Half Day - 4 hours
Not for Profit - Daily	Yes	324.00	Per Full Day - 8 hours

2. Impose the amended fees effective from 1 June 2016.
3. Provide notice of the adopted Fees as advertised, pursuant to Section 6.19 of the Local Government Act 1995

9.2.10 REVIEW OF MEMBERS MEETING ATTENDANCE FEES

Attachments:	Local Government CEO and EM Determination 12 04 2016 pdf
File Ref:	CLR-4-2
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Mr Andries Gertenbach Manager Corporate Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To determine the amount to be provided in the 2016/2017 budget for meeting attendance fees for Members and reimbursement of allowable expenses.

BACKGROUND

The Local Government Act provides for the payment to Members of fees for attending Council Meetings on either per meeting, or annual basis and these are set annually by the Salaries and Allowances Tribunal (SAT). The Act also allows for the reimbursement of, or an allowance to, cover certain expenses incurred by council members.

The value of attendance fees and allowances are stipulated by the SAT and from 1 July 2016 are as follows:

	For a council member other than the President			For a council member who holds the office of President		
Council meeting attendance fees per meeting – local governments	\$369	to	\$576	\$369	to	\$772
Committee meeting and prescribed meeting attendance fees – per meeting (including President)	\$184	to	\$288	\$184	to	\$288
Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees	\$14,718	to	\$23,000	\$14,718	to	\$30,841
Annual allowance for a President				\$15,225	to	62,727
Annual allowance for a Deputy President	The percentage determined for the purposes of section 5.98A(1) of the LG Act is 25 per cent.					

In addition to the fees above, Council also endorsed a Telecommunications Allowance of \$1,000 be paid to all Councillors and \$2,000 be paid to the Shire President per annum, paid quarterly in arrears.

COMMENTS/OPTIONS/DISCUSSIONS

When considering the fees payable and allowances which may be reimbursed to Councillors the unique circumstances applicable to the Shire of East Pilbara need to be considered. Given the sheer size of the Shire and the isolation of the location the commitment by Councillors in both time, predominantly for travel, and expenses incurred would exceed those of other smaller local governments and those closer to, or based in, the metropolitan area.

Council currently, 2015/2016, provides for the payment of Meeting Fees quarterly in arrears of \$15,000 each annually for Councillors and \$29,000 annually for the President. In addition, an allowance of \$33,000 is paid (quarterly in arrears) to the Shire President, and \$8,250 to the Deputy President to recognise any out of pocket expenses which have been incurred in representing the Council.

The current Council meeting and Allowance fees are currently within the Salaries and Allowances Tribunal parameters.

Council does have the option to raise Councillor meeting fees more than this.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act

Section 5.98 Fees etc for Council members

5.98A Allowance for Deputy President

5.99 Annual Fee for Attending Meetings

5.99A Allowances in Lieu of Reimbursements

Administration Regulations

Regulation 30 Meeting Attendance Fees

31 Expenses that are to be reimbursed

32 Expenses that may be reimbursed

33 Annual Allowance for President

33A Annual Allowance for Deputy President

34 Annual Attendance Fees

34A Allowances in Lieu of Reimbursements of Telecommunications Expenses

Salaries and Allowances Tribunal – Local Government Elected Members

Review April 2016

POLICY IMPLICATIONS

1.11 SHIRE PRESIDENT & COUNCILLORS – ATTENDANCE FEES, EXPENSES & ALLOWANCES

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

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

1.1.3 Effective business management
Responsible officer: DCEO
Timing: 1-3 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the 2016-17 budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Endorse the following annual allowances and meeting attendance fees for inclusion in the 2016/17 budget to be paid quarterly in arrears**
 - (a) Councillor's Meeting Fees \$150,000 (An Annual Fee of \$15,000 per Councillor)**
 - (b) President's Meeting Fees \$29,000**
- 2. A Telecommunications Allowance per annum to be paid quarterly in arrears of \$1,000 to all councillors and \$2,000 to the Shire President.**
- 3. A Presidential Allowance of \$33,000 per annum be paid quarterly in arrears**
- 4. A Deputy Presidential Allowance of \$8,250 per annum be paid quarterly in arrears**

9.2.11 SUNDRY DEBTORS WRITE OFF

File Ref: FIN-10-2
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Isabella Kloppers
Revenue Finance Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to write off uncollectible debt to the value of \$1,704.50.

BACKGROUND

A table has been compiled to show details.

COMMENTS/OPTIONS/DISCUSSIONS

Please see the summary of outstanding invoices below:

Debtor	Invoice	Amount	Description
BHP Exploration	61841	\$264.00	Dec 13 tip fees charged in Feb 14, no purchase orders, could not succeed getting this paid. Numerous emails, phone calls and copies of tip sheets sent. Invoices now uploaded on BHP Website for payment, no invoices raised without purchase orders.
Landscaping WA	66554	\$461.00	Newman tip fees, company placed under administration.
Savannah Engineers	Various	\$347.00	Newman tip fees, company placed under administration.
Fortescue Metals Group	64051	\$632.50	Martumili artist visit to Cloudbreak Mine, verbal agreement between Martumili and Mr H O'Loughlin, no purchase order. Numerous attempts made by finance and Martumili to get the invoice paid have failed.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial management
Division 4 General financial provisions

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.*

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Reduction in Sundry Debtors totalling \$1704.50. A budget for bad/doubtful debts was set at \$20,000 account 41177. This account, however, has gone over budget due to the approval of Lyons & Peirce write off in October 2015 totalling \$239,776.37, of which company had been liquidated.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT the Sundry Debtors listed below be written off:

Debtor	Invoice	Amount	Description
BHP Exploration	61841	\$264.00	Dec 13 tip fees charged in Feb 14, no purchase orders, could not succeed getting this paid. Numerous emails, phone calls and copies of tip sheets sent. Invoices now uploaded on BHP Website for payment, no invoices raised without purchase orders.
Landscaping WA	66554	\$461.00	Newman tip fees, company placed under administration.
Savannah Engineers	Various	\$347.00	Newman tip fees, company placed under administration.
Fortescue Metals Group	64051	\$632.50	Martumili artist visit to Cloudbreak Mine, verbal agreement between Martumili and Mr H O'Loughlin, no purchase order. Numerous attempts made by finance and Martumili to get the invoice paid have failed.

9.2.12 MONTHLY FINANCIAL STATEMENTS - APRIL 2016

Attachments:	April 2016 Financial Report.pdf April 2016 Variance Report.doc
Responsible Officer:	Mr Andries Gertenbach Manager Corporate Services
Author:	Mrs Candice Porro 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 13-page report details the financial activities of the Council for the period 1 April 2016 to 30 April 2016 of the 2015/2016 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are included in the variance report.

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 April 2016 to 30 April 2016 of the 2015/2016 financial year as presented be received.

9.2.13 CREDITORS FOR PAYMENT

File Ref: FIN10-2

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

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Jeanette Bessell
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 29th April 2016.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	#32962 to #33327	\$2,566,447.38
	Total	\$2,566,447.38
Cheque Payments	#24019 to #24035	\$35,808.29
Manual Cheque payments	#264 to # 265	\$20,541.94
	Total	\$56,350.23
	GRAND TOTAL	<u>\$2,622,797.61</u>

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

CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES
NIL

CANCELLED CHEQUES & EFTS

EFT#32986 only

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$2,622,797.61

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments		\$2,566,447.38
	Total	\$2,566,447.38
Cheque Payments	#24019 to #24035	\$35,808.29
Manual Cheque payments	#264 to # 265	\$20,541.94
	Total	\$56,350.23
	GRAND TOTAL	<u>\$2,622,797.61</u>

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES STATUS OF COUNCIL DECISIONS - APRIL 2016

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

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) The council –

(a) directs and controls the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to -

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community

engagement – leading to the effective allocation of the Shire's resources – that deliver optimum benefits to the community.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the "Status of Council Decisions" – Director Technical and Development Services for April 2016 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.5	SIGNS – RECOGNITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads e.g.: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MDS-P	Refer to Information Bulletin	In Progress
28 September 2012	13.4	NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – newman - Cr Shane Carter asked if the road will be going ahead for heavy traffic into the Light Industrial Area from Gunn Club Road.	MDS-P	Refer to Information Bulletin	In Progress
28 August 2015	13.8	CARAWINE GORGE Cr Lang Coppin asked if the Shire of East Pilbara could investigate the possibility of Carawine Gorge becoming an A Class Reserve. Mr Allen Cooper, Chief Executive Officer to follow up.	MDS-P	Station owner contacted and a site meeting to be arranged in June to discuss options.	June 2016
23 October 2015	14.3	DUST MONITORING NEWMAN Cr Craig Hoyer asked is there difference in licence for dust monitoring in Newman from Port Hedland as lately the dust levels in Newman have raised. Mr Allen Cooper, replied letters have been written to the Department of Environmental regarding the dust levels and increase in new mine site around the township, still waiting for a reply. Mr Allen Cooper, Chief	MDS-H	MDS-H met with BHP Billiton over the location of the dust monitor. BHP Billiton data presented showed levels to be below DER approved emission levels. Modelling caters for the new expansions,	Complete

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

27 MAY, 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		Executive Officer to follow up.		new system installed. Refer Info Bulletin for report and website.	
11 December 2015	9.3.2	CONTROLLED PARKING - RESIDENT CONCESSION CARDS	COOA	Documentation being prepared and rollout plan being developed	June 2016
11 December 2015	12.8	CARAVAN & TRUCK PARKING NEWMAN Cr Jay Ahmedi commented on the space next to the Boomerang Oval being a good place for trucks and travellers with caravans to park.	DTDS	Some interim signs to be put up until total town centre street signage review is complete	June 2016
11 March 2016	13.1	PARKING SIGNS FOR CARPARK NEXT TO POST OFFICE NEWMAN Cr Jay Ahmedi asked if parking signs could be put up at the carpark next to the Post Office to indicate limited time parking.	DTDS	Some time limiting signage will be purchased and installed.	June 2016
11 March 2016	13.2	WA MAIN ROADS Cr Michael Kitchin to provide the location for his question he asked at the 29 January 2016 Council meeting as below so a letter can be sent to WA Main Roads. 13.1 MAIN ROADS WA – ROAD WORKS Cr Michael Kitchin asked if Shire could contact Main Roads as there is alot of leftover blue metal on road works which is causing cracked window screens due to being flicked up by vehicles passing. Director Technical and Development Services to follow up with WA Main Roads	DTDS	Cr Kitchin advised he will forward specific locations to Shire officers who can then pass to MRWA	Pending
11 March 2016	13.8	COUNCILLORS WESTERN DESERT TOUR Cr John Jakobson asked when the Councillors Western Desert Tour will be happening as at the same time the Councillors can have a look at the signs for the desert tourist trail. CEO & Director Technical and Development Services to follow up.	DTDS & CEO	Desert Road inspections had been organised and completed. Council to confirm interest first, as there is a reasonable cost and logistics to organise as it is a roughly 3000km round	Officers will await Council Directions

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

27 MAY, 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
				trip	
11 March 2016	13.9	NEWMAN TOWN CENTRE Cr John Jakobson asked if there were any maps for where the signs will be erected around the Town Centre as many tourists are confused on e.g.: parking for caravans and entry. Director Technical & Development Services to follow up.	DTDS	Cr Jay Ahmedi, commented on the space next to the Boomerang Oval being a good place for trucks and travellers with caravans to park. Mr Rick Miller, commented that this is an area is currently under investigation.	June 2016
29 April 2016	13.1	DRYNESS OF OVALS Cr Craig Hoyer commented that the Capricorn ovals, in particular Goanna oval, seemed particularly dry. He asked if there was a problem with the watering system?	DTDS	The controller was playing up over a 2 week period and turning off water. This combined with issues at WWTP that prevented supply. Issues at WWTP fixed. A new controller chip has fixed problem at oval and a change in checking procedures will pick up problem quicker.	Complete
29 April 2016	13.3	STREET LIGHTING – NICHOLLS STREET MARBLE BAR Cr Dean Hatwell commented that there is no street lighting on Nicholls Street towards the Marble Bar Depot. He asked if Council could look at the cost of installing street lighting on this street.	MTSR	Works Requested raised and Manager to investigate	June 2016
29 April 2016	13.7	CATTLE IN NULLAGINE Cr Biddy Schill commented that again cattle are getting into resident's yards in Nullagine. She asked if there was something Council could do to get Station owners to take action.	MTSR MCS	Works Requested raised and Managers to investigate	June 2016

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

27 MAY, 2016

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
29 April 2016	13.8	EAST PILBRA SHIRE SIGNS – MARBLE BAR ROAD Cr Biddy Schill commented that the boundary for the Shire needs to be reviewed? To be considered by staff.	MDSP	Boundary Roadside signage is currently under review with a report detailing options, and costings to be presented to Council.	July 2016

**9.3.2 IMPACT OF THE 28 DAY STAY RESTRICTION ON THE OPERATIONS OF
THE CAPE KERAUDREN NATURE BASED RESERVE**

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

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 provide information on the impact of the 28 day stay restriction under the gazetted amendment to the *Caravan Parks and Camping Grounds Regulations 1997-Schedule 7 Section 5A (WA)*

BACKGROUND

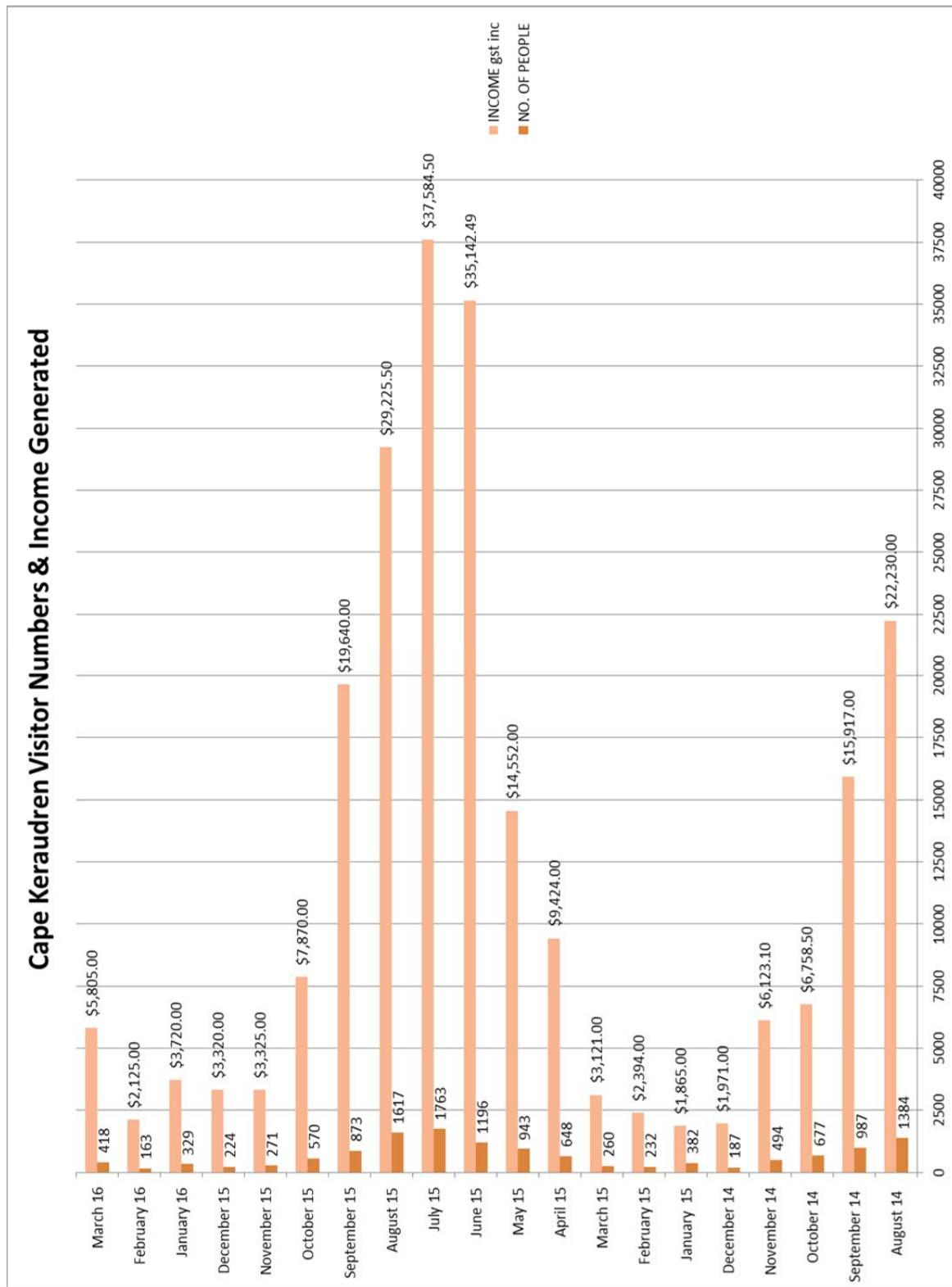
Following the recent amendments to the *Caravan Parks and Camping Ground Regulations 1997-Section 5A (WA)* which came into effect on the 1st of January 2016, Cape Keraudren is now categorised as a nature based park in accordance with the definition given in Section 5A of the *Caravan Parks and Camping Grounds Amendment Regulations (No. 2) 2014 (WA)*. This gazetted amendment imposes a maximum 28 day stay restriction within a 3 months period and has got the potential to significantly affect the financial and operational viability of the nature based reserve

COMMENTS/OPTIONS/DISCUSSIONS

Cape Keraudren is an attractive coastal reserve popular with Pilbara locals and visitors from all around Australia. The area is well known for its diverse scenery, fishing and its informal laid back atmosphere. These characteristics have always resulted in visitors, tourists and fishing enthusiasts camping at the site for periods in excess of the 28 days now legally approved within a 3 months period.

The nature based reserve is located approximately 120km east of Port Hedland and almost 480km South West of Broome making frequent trips to replenish needed supplies a challenge in terms of costs and time, hence extended stays for long term campers and fishing enthusiasts became a sustainable option.

The Shire's currently employs a person (caretaker) to oversee the facility and offer guidance and support to visitors this, coupled with the need to invest and maintain basic infrastructure expected of such a tourist attraction comes with significant costs. It currently costs the Shire more to run the facility (about \$176k per year) than the income realised (about \$107k per year.). Most of the income realised is from camping fees, with the peak tourist season realising the greater amount as shown in the graph below:



An internal analysis of the visitor data has revealed that the major contributors to the tourist season income are interstate tourists who come and camp for periods exceeding 28 days. It is quite evident that the enforcement of the 28 day maximum stay period within a 3 months period is going to have a significant negative financial impact on the operations of this nature based reserve, seriously threatening its viability unless an alternative funding source is made available.

In view of the impact that the recent amendment of the regulations will have to the operational viability of Cape Keraudren, it is suggested that an application be made to the Minister for an exemption as provided by Section 31 of the *Caravan Parks and Camping Grounds Act 1995* (WA) to comply with the 28 day stay restriction.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 3 - Functions of local governments (Division 3 - Executive functions of local governments) (Subdivision 6 - Various executive functions) 3.54. Reserves under control of a local government (pg 70) and Section 31 of the *Caravan Parks and Camping Grounds Act 1995* (WA) to comply with the 28 day stay restriction.

CARAVAN PARKS AND CAMPING GROUNDS ACT 1995 - SECT 31

31 . *Minister may vary, modify or grant exemptions from subsidiary legislation*

- (1) *The holder of a licence to operate a facility may apply to the Minister in the prescribed manner for an exemption from, or a modification or variation of, any regulation or local law made under this Act as it applies to that facility.*
- (2) *If the Minister is satisfied that in the particular circumstances the regulation or local law is inappropriate or might reasonably be modified or varied without detriment to the public interest, the Minister may grant the exemption or determine that the regulation or local law is to apply with such modifications or variations as the Minister thinks fit.*
- (3) *Subject to subsections (4) and (5), an exemption, modification or variation remains in force for the period specified in the notice granting the exemption, modification or variation.*
- (4) *On application from the licence holder in the prescribed manner the Minister may extend the period referred to in subsection (3).*
- (5) *If the Minister is notified by the local government that, in the opinion of the local government, an exemption, modification or variation which is granted with respect to a facility should no longer apply to the facility because the facility has been substantially extended or redeveloped, and the Minister agrees, the Minister must notify the licence holder and the local government in writing that the exemption, modification or variation ceases to apply.*

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

3.3 Provide adequate community infrastructure

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

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

In line with the provisions of Section 31 of the *Caravan Parks and Camping Grounds Act 1995* (WA), submit a written application to the Minister for Local Government; Community Services; Seniors and Volunteering and Youth for the exemption of the Cape Keraudren nature based reserve from complying with the 28 day stay restriction under the gazetted amendment to the *Caravan Parks and Camping Grounds Regulations 1997-Schedule 7 Section 5A* (WA)

9.3.3 AMMENDMENT TO AVIATION FEES AND CHARGES

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

REPORT PURPOSE

To seek Council's approval for the amendment of specific Apron Parking Aviation Fees and Charges (AFC) for FY2016/17 for implementation from 1 September 2016.

BACKGROUND

In March 2016 Council approved the revised Screening Fees for Newman Airport for FY2016/17 effective 1 July 2016. This accommodated the 90-day notice period required by airlines to adjust ticket pricing accordingly.

In April 2016 Council adopted the new remaining AFC Fees & Charges as part of the shire's F&C for FY2016/17. These F&C are generally scheduled to become effective 1 July 2016 but, to allow for the 90-days' notice period for airlines, these remaining airport fees need to be implemented as of the 1 September 2016.

When further investigating specific AFC for the FY2016/17 budget, the effect of the amended Apron Parking Fees became apparent and it is recommended that the new fee be deleted and the 2 categories reinstated with these further adjusted to give a more balanced charge.

COMMENTS/OPTIONS/DISCUSSIONS

Parking Fees: Parking fees are raised against aircraft overnighting on both the GA and RPT aprons, and against any aircraft which is not on a turn-around for a return or onward flight. Currently this consists mainly of light aircraft on the GA Apron, of which the vast majority are owned by resident operators.

Unlike Landing Fees which are based on MTOW, Parking Fees consider both MTOW and aircraft dimensions, i.e. wingspan. Whereas weight is associated with pavement stress, wingspan has to be considered when fitting in aircraft for parking with safe clearances.

Generally the increase in aircraft wingspan from a nominal 12.6 metres to the next higher of 16.5 metres is at the MTOW change-over at around 5,000 kgs. This is why the categories for Parking Fees have only the 0 - 5,000 kgs and above 5,000 kgs groups.

The changes in Parking Fees contained in the overall F&C structure as was approved by Council in April 2016 looked at reducing the fee rates to a single rate but

when further investigation was done on the impact of this change, it was considered to unfairly impact on some operators with excessive overall increases.

Adopted April 2016

Apron Parking Fees		15/16	16/17	
All Aircraft	Yes	NEW	9.46	All aircraft, per ton MTOW or part thereof
All aircraft up to 5,000kg MTOW	Yes	9.16	-	Per date or part thereof
All aircraft > 5,000kg MTOW	Yes	2.61	-	Per 1,000 kg Pro-Rata, Per Date or part thereof

The net effect on operators, but particularly resident and schedule operators, is significant. In the following comparison only aircraft types operated by resident and scheduled operators are used.

The following table demonstrates the fee increase, with all the smaller aircraft <5,000 kgs now again grouped at a flat rate of \$9.44 per day or part thereof. Aircraft above 5,000kgs are charged at a rate of \$2.51 per 1,000 kg per day or part thereof; essentially the CPI increase and decrease in discount to 25%.

AIRCRAFT		WEIGHT	2015/16	Resident Discount	2016/17	Resident Discount	FEE INCREASE
			Flat Rate	35%		25%	
R22	Robbie	<5,000 kgs	\$9.16	\$5.95	\$9.44	\$7.08	\$1.13
R44	Robbie	<5,000 kgs	\$9.16	\$5.95	\$9.44	\$7.08	\$1.13
C 404	Titan	<5,000 kgs	\$9.16	\$5.95	\$9.44	\$7.08	\$1.13
AS 350	Eurocopter	<5,000 kgs	\$9.16	\$5.95	\$9.44	\$7.08	\$1.13
C 208	Caravan	<5,000 kgs	\$9.16	\$5.95	\$9.44	\$7.08	\$1.13
B55	Baron	<5,000 kgs	\$9.16	\$5.95	\$9.44	\$7.08	\$1.13
		2.61/t			2.68/t		
B 738	Boeing	78,200	\$203.58	\$132.33	\$209.04	\$156.78	\$24.45
F100	Fokker	44,000	\$114.84	\$74.65	\$117.92	\$88.44	\$13.79

Implementation Date:

Notice to airlines regarding the overall AFC structure and rates can only be given once the shire's F&C are promulgated. In order to avoid three different notifications to airlines, it will be prudent to issue a notice to airlines that the Aviation Fees as amended (Screening Fees excluded) will be effective 1 September 2016.

CONCLUSION

The following is the summary of the amended Parking Fees with the flat rate deleted and replaced by the two tiered rates.

Schedule of Fees & Charges 2016/2017	Need To Add	Old Charge INC	Fee/ Charge EX	GST	Fee/ Charge INC GST \$	Comments
	GST	GST	GST			
Function 12 - Transport Apron Parking Fees						
All aircraft	Yes	NEW	NEW	NEW	9.46	All Aircraft, /t MTOW or part thereof DELETE
All aircraft up to 5,000kg MTOW	Yes	9.16	8.58	0.86	9.44	Per day or part thereof
All aircraft > 5,000kg MTOW	Yes	2.44	2.28	0.23	2.51	Per 1,000 kg Pro-Rata, Per Day or part thereof

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

3.4 BUDGET AMENDMENTS

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.2 Asset Management

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That Council Approves:

- The amendments to Newman Airport Apron Parking Fees for FY2016/17.

Function 12 – Transport FY2016-17	GST Incl	
Aerodromes - Apron Parking Fees		
All aircraft	9.46	All Aircraft, /t MTOW or part thereof-DELETE
All aircraft up to 5,000kg MTOW	9.44	Per day or part thereof
All aircraft > 5,000kg MTOW	2.68	Per 1,000 kg Pro-Rata, Per day or part thereof

- That notice of the adopted fees be advertised pursuant to section 6.19 Local Government Act 1995 to be effective 1 September 2016.
- That such fees and charges be included in Council's FY2016/17 budget.

9.3.4 NEW DELEGATION - DOG ACT 1976 (AS AMENDED)

Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Andrew Norris Coordinator Ranger and Emergency Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

To delegate the Chief Executive Officer the authority to exercise all powers and duties of a local government, and to administer and enforce the provisions of the *Dog Act 1976 (as amended)* and provide for sub-delegation as required for the administration of the *Dog Act 1976*.

BACKGROUND

Changes to the *Dog Act 1976* in 2013/2014 required a new delegation to the Chief Executive Officer. This appears to have been overlooked and was omitted from the most recent version of the delegations register.

COMMENTS/OPTIONS/DISCUSSIONS

In July 2014 an amendment to the *Dog Act 1976 (as amended)* came into force requiring a new delegation of authority. Section 10AA of the *Dog Act 1976 (as amended)* now provides for the power to delegate any or all powers and duties of the *Dog Act 1976*. This allows for sub-delegation and authorisation of persons to administer and enforce the requirements of the Act and is in line with the *Local Government Act 1995*, Section 1.4 relating to delegated authority.

The following is the Excerpt from *Dog Act 1976 (as amended)* relating to the delegation:

Section 10AA. Delegation of local government powers and duties

- (1) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, delegate to its chief executive officer any power or duty of the local government under another provision of this Act.
- (2) The delegation must be in writing.
- (3) The delegation may expressly authorise the delegate to further delegate the power or duty.
- (4) A local government's chief executive officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.

(5) Nothing in this section limits the ability of a local government's chief executive officer to perform a function through an officer or agent.

STATUTORY IMPLICATIONS/REQUIREMENTS

Dog Act 1976 Section 10AA - Delegation of local government powers and duties (pg 15).

Local Government Act 1995, Part 5 - Administration (Division 4 – Local government employees) 5.41. Functions of CEO (pg 152)

Local Government Act 1995, Part 5 - Administration (Division 4 – Local government employees) 5.42. Delegation of some powers and duties to CEO (pg 153)

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 *Efficient and effective local government*

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

1.1.3 Effective business management
Responsible officer: DCEO
Timing: 1-3 years

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute. - *Dog Act 1976, Section 10AA*

OFFICER'S RECOMMENDATION

THAT Council

Endorse and approve the delegation of all powers and functions of the *Dog Act 1976* to the Chief Executive Officer, including the power to sub-delegate.

9.3.5 CREATION OF SEPARATE CROWN RESERVES FOR MARBLE BAR AND NULLAGINE LANDFILL SITES

File Ref: A302804 A22906
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Roy Winslow
Manager Development Services - Planning
Location/Address: Reserve 2906 Marble Bar and Reserve 2804
Nullagine
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider requesting the Minister for Lands excise the Marble Bar and Nullagine landfill sites from the respective Common Reserves and separately reserve each site for the purposes of "Landfill and Waste Station".

BACKGROUND

Council has previously resolved to request the Minister for Lands change the vested purposes of the Marble Bar and Nullagine Common Reserves (Reserves 2906 and 2804 respectively) from "Common" to "Common, Landfill and Waste Station". This request reflected Department of Lands advice received in late 2015. However, the Department has reconsidered the matter and is no longer prepared to accept inclusion of the purposes of "Landfill" and "Waste Station" over the entirety of Reserves 2804 and 2906. Consequently, excise of the landfill sites from the common reserves is now necessary.

At its Ordinary Meeting held on 29 January 2016, Council resolved as follows in relation to the Marble Bar site (Resolution 201516/143):

THAT Council advises the Department of Lands that it consents to the purpose of Reserve 2906, Marble Bar, being changed from 'Common' to 'Common, Landfill and Waste Station'.

At its Ordinary Meeting held on 11 March 2016, Council resolved as follows in relation to the Nullagine site (Resolution 201516/175):

THAT Council request the Department of Lands change the purpose of Reserve 2804, Nullagine, from 'Common' to 'Common, Landfill and Waste Station'.

COMMENTS/OPTIONS/DISCUSSIONS

Excision of the landfill sites from the reserves requires Council to resolve to request the Minister for Lands excise the land and create a new reserve.

The process for excise includes the following steps:

1. Council resolution to request the excise.

2. Identification of the proposed boundaries by licensed surveyor.
3. Approval by the Minister for Lands.
4. Creation of the new reserve with consequent modification of the existing Common reserve.
5. Provision of new Management Orders for both the existing and new reserves.

Shire officers are currently identifying the most appropriate boundaries for the proposed landfill reserves, taking into account existing use, future expansion potential and access.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 51 of the Land Administration Act 1997 allows the Minister for Lands to cancel, change the purpose or amend the boundaries of a reserve.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.3 Provide adequate community infrastructure

3.3.1 Ensure well managed and equitable provision of community infrastructure

Responsible officer: MBA

Timing: 1-5 years

FINANCIAL IMPLICATIONS

There are no current resources allocated, will need to be considered as part of next budgetary process.

Costs for this process will be incurred for the survey of the new boundaries by licensed surveyor. These costs will need to be accommodated in the 2016-17 Budget.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council requests the Minister for Lands excises the Marble Bar and Nullagine landfill sites from Reserves 2906 and 2804 respectively, and creates new Crown Reserves for both sites for the purposes of "Landfill and Waste Station", with Management Orders issued to the Shire of East Pilbara for care, control and management of the new reserves.

**9.3.6 FINALISATION OF ROAD CLOSURE ACTIONS AT NULLAGINE AND
NEWMAN WASTE WATER TREATMENT PLANT**

File Ref: A300010 A400017

Attachments: [Officer Report and Council Resolution of 11 March 2016](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Roy Winslow
Manager Development Services - Planning

Location/Address: Rear laneway abutting Lots 13-16 Cooke Street,
Nullagine and Portion of Great Northern
Highway abutting Reserve 45776 (Newman
Waste Water Treatment Plant)

Name of Applicant: Vinci and Son Pty Ltd (Nullagine)
Shire of East Pilbara (Newman)

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider formally requesting the closure of road reserves in Nullagine and Newman as initiated on 11 March 2016.

BACKGROUND

Council initiated road closure proceedings under section 58 of the Land Administration Act 1997 on 11 March 2016. A copy of the Officer's Report as considered in March is attached.

The subsequent public advertising of the proposal resulted in no submissions being received. Council is now requested to formally request the Minister for Lands closes the roads as proposed.

COMMENTS/OPTIONS/DISCUSSIONS

Officers have conducted due diligence into the presence of services within the road reserves to be closed. Although no services are present, Officers will obtain written support from Telstra, Water Corporation and Horizon Power prior to forwarding Council's request for closure to the Department of Lands.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 58 of the Land Administration Act 1997 allows closure of the road an amalgamation of the land into the abutting land parcels.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 3 – Economic – Planned Actions

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

3.4 Land use and development control

3.4.2 Plan well for the future development of the Shire

Responsible officer: CEO

Timing: 1-5 years

FINANCIAL IMPLICATIONS

In the event Council resolves to commence the road closure actions, costs associated with advertising will be borne by the applicant (Nullagine) and the Shire (Newman).

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council in accordance with section 58 of the *Land Administration Act 1997* (as amended) request the Minister for Lands permanently close the following portions of road reserve:

- 1. Laneway abutting Lots 13-16 Cooke Street, 147 Walters Street and 148 and 235 Walker Street, Nullagine (Nullagine Hotel and General Store); and**
- 2. Portion of Great Northern Highway, Newman adjoining Reserve 45776 (Newman Waste Water Treatment Plant).**

**9.3.7 PROPOSED CHANGE OF USE FROM SHOP TO MOTOR VEHICLE
REPAIR AT UNIT 16, 26 HILDITCH AVENUE, NEWMAN**

File Ref: A404790 P006/16

Attachments: [Location Plan](#)
[Applicant s Proposal](#)
[Submissions](#)
[Extract of 2014 Car Parking Strategy](#)
[Car Parking Local Planning Policy](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Roy Winslow
Manager Development Services - Planning

Location/Address: Unit 16, 26 Hilditch Avenue, Newman

Name of Applicant: J Adams

Author Disclosure of Interest: For the purposes of transparency, the author of this report first met one of the owners of the furniture shop subject of this proposal in 2003, where both individuals sat on the executive committee of the Brookton-Pingelly Football Club.

REPORT PURPOSE

For Council to consider an application for Development Approval to change the approved use of a 455m² portion of Unit 16, 26 Hilditch Avenue, Newman from 'shop' to 'motor vehicle repair'.

BACKGROUND

The subject site was the original supermarket for the town and is currently used as a furniture retailer (i.e. 'shop' use.). The subject site comprises a total floor area of 728m². The land is zoned *Town Centre* by Shire of East Pilbara Town Planning Scheme No.4 (the Scheme), which has been in place since 2005.

An application to change the use from 'shop' to 'service station' of a portion of the building has been received. The proposal, as outlined in the attached Applicant's Proposal incorporates the following elements:

- 455m² motor vehicle servicing workshop; and
- 273m² retail sales (automotive parts, office and ablutions).

Shire officers have determined that the proposed use is more appropriately defined as 'motor vehicle repair' in lieu of 'service station' and have assessed the application accordingly. The change of use application relates to the workshop portion of the development only. The automotive shop portion of the proposal is defined as 'shop', which the building is already approved as. The Applicant intends to operate the two elements as a single operation, with shared office and ablution facilities.

As the use 'motor vehicle repair' is listed in the Zoning Table as 'A', public advertising is required and was undertaken in accordance with clause 64 of the *Deemed Provisions for Local Planning Schemes* (Deemed Provisions). The minimum 14-day advertising period commenced on Wednesday 10 February 2016 and closed on Friday 26 February 2016. Advertising undertaken included the following:

- Letters to the occupiers of the shopping complex within which the subject site is situated;
- Letters to the owner and occupier of the neighbouring commercial lot;
- Letter to the Newman Primary School, which neighbours the subject site;
- Sign placed on the premises (from Friday 12 February); and
- A copy of the application being published on the Shire's website (from Friday 12 February).

Each of the letters sent provided details of the proposal and invited comment. At the close of submissions, a total of 7 objections had been received. An eighth submission from the Applicant was received that seeks to address some of the common areas of concern raised in the submissions and by Shire officers. Two additional submissions were received after the closing of the submission period and have been included as these relate to the owners and occupiers of an adjacent strata lot.

Each of the submissions received is attached and summarised in Table 1.

Table 1 – Summary of Submissions

No.	Submitter	Comments/Concerns	Officer Comment
1	P Foster	• Objection • Danger to students walking past workshop as busy times coincide. • Noise pollution will disturb classes. • Mechanical workshops should be in the light industrial area.	• Refer to Table 2, section (t) for discussion on the traffic impact of the proposal. • Noise from any use is controlled by the Environmental Protection (Noise) Regulations 1997. This is discussed in further detail under the Statutory Implications, Section 2 of this report. • The Scheme entertains the location of motor vehicle repair uses in the town centre zone. Council must exercise its discretion and grant development approval in order for it the use to operate. However, it is not sufficient to refuse any development application on the grounds that the use is better located on another parcel of land or in another zone.
2	D Weldon	• Objection • This large shop should be used for furniture or bulky goods. • There are lots available in the light industrial area that are much better suited. There are alternatives to having the use in the middle of the town.	• The Shire is not able to take commercial considerations into account when assessing a planning proposal. Any refusal of the application will need to be on planning grounds and cannot include impact on other businesses or loss of retail floor space. • The Scheme entertains the location of motor vehicle repair uses in the town centre zone. Council must exercise its discretion and grant development approval in order for it

No.	Submitter	Comments/Concerns	Officer Comment
		- Questions the number of hoists and how traffic will flow in and out of the building. - Has a waste management plan been required by the Shire? - There are already limited retail options in town, approving this would limit them further.	the use to operate. However, it is not sufficient to refuse any development application on the grounds that the use is better located on another parcel of land or in another zone. - Should Council grant approval, it would be recommended that detailed plans be submitted to the Shire to ensure there is sufficient manoeuvring space both into and within the workshop. - A waste management plan could be a condition of any approval granted by Council. - See first dot point of this objection.
3	Newman Primary School	- Objection - Noise from industrial machinery will impact on the learning environment. - Increase in traffic level around the School during operational hours. - Student safety as many leave the school in a southerly direction, where there are no traffic wardens. - Environmental impact from chemical spills and other wastes entering the school site. - Industrial activity next door would reflect negatively on the school's reputation, which may impact on future enrolments.	- Noise from any use is controlled by the Environmental Protection (Noise) Regulations 1997. This is discussed in further detail at Section 2 of the Statutory Implications section of this report. In the event of approval, it is recommended that noise monitoring from within the nearest classroom to the subject site be undertaken to ensure compliance with the Regulations. - Refer to Table 2, section (t) for discussion on the traffic impact of the proposal. - Refer to Table 2, section (t) for discussion on the traffic impact of the proposal. - Handling of oils, chemicals and waste products is regulated by the Environmental Protection Act and Health Act. There are a range of measures and additional approvals that will be required should Council grant development approval. These measures and approvals - The school is located in a town centre zone that is intended to accommodate a wide range of uses. The proposed use is a permissible use in the Zone in the scheme. Any use of the subject site as proposed would require controls to ensure the types of work undertaken do not extend past the intended light vehicle repair and maintenance and sale of automotive parts.
4	L Lewis	- Objection - Car servicing should be in a light industrial area.	The Scheme entertains the location of motor vehicle repair uses in the town centre zone. Council must exercise its discretion and grant development approval in order for it the use to operate. However, it is not sufficient to refuse any development application on the grounds that the use is better located on another parcel of land or in another zone.

No.	Submitter	Comments/Concerns	Officer Comment
		- The use will increase traffic around the school during school drop off. Student and parent safety concerns. - Chemicals and fluids use can emit strong odours which could affect students in near by classrooms.	- Refer to Table 2, Section (t) for discussion on the traffic impact of the proposal. - The use is proposing light servicing of vehicles and will not include heavy overhaul, spray painting or bulk use of solvents/chemicals. However, any approval can include conditions that would address noise, or any other emission that may be detrimental to the operation of surrounding uses or the public at large.
5	Pilbara Fleet Maintenance	- Objection - Inappropriate location close to a school. Noise and fumes from stored waste oils, chemicals and solvents. - Site has not been designed to accommodate oil/chemical spills. - Questions applicant's current operation. - Impact on shared parking areas of long term storage of vehicles. - Sufficient number of service shops in Newman with more proposed. Questions survival of proposed business or existing ones. - Vacant shops in the town that can accommodate the automotive parts portion of the proposal. - Risk from contaminated water from wash down bay. - Workshop should be in the light industrial area. Shire should encourage this.	- The use is proposing light servicing of vehicles and will not include heavy overhaul, spray painting or bulk use of solvents/chemicals. However, any approval can include conditions that would address noise, or any other emission that may be detrimental to the operation of surrounding uses or the public at large. - Measures would be required to meet regulatory requirements in the event of Council granting development approval. - This is not a matter than Council can consider in making a determination on the application before it. A local government must look at the merits of the proposal and not take into account the personnel involved. - Any approval granted by Council can include a condition requiring all vehicles to be parked inside the workshop at night to prevent long-term parking in shared parking areas. It should be noted that this is a private car park. - The Shire is not able to take commercial considerations into account when assessing a planning proposal. Any refusal of the application will need to be on planning grounds and cannot include impact on other businesses or loss of retail floor space. - Council needs to consider the proposal before it and cannot take into account whether the site is currently used or is vacant. - Any future wash down bay would be subject to approvals by the Shire, Water Corp and Health Dep with measures to ensure compliance with environmental protection and health requirements. - The Scheme entertains the location of motor vehicle repair uses in the town centre zone. Council must exercise its discretion and grant development approval in order for it the use to operate. However, it is not sufficient to refuse any development application on the grounds that the

No.	Submitter	Comments/Concerns	Officer Comment
			use is better located on another parcel of land or in another zone.
6	Ulti-Mech (Applicant)	- Additional Applicant Information - Workshop traffic volume will be 5-10 vehicles per day with a maximum of 20 at busy periods. Vehicles will spend an average of 1-2 hours inside the premises. - Parking – allocated designated bays inside the building in addition to the current car parking. Expects 3-5 vehicles staying overnight per day. - Noise – Has a silent air compressor and low noise pneumatic rattle guns which are the two loudest items found in an automotive workshop. There will be very little grinding or metal works that will be conducted on the premises. - Oils will be stored in bunding of 100% of full capacity of the container to eliminate the chance of overflow. Hydrocarbons will be removed by contractor. All openings to the workshop will be bunded. Any internal drains will have plate separators fitted to eliminate contamination. Oil clean up kits will be located in the building. - Traffic – workshop will have less movements than that of a shop.	The additional information has been noted as appropriate in the Officer assessment.
7	Pilbara Motor Group	- Objection - Applicant would get an unfair advantage by providing a service in the town centre instead of the light industrial areas. - Change of zoning would set a precedent for other similar businesses to relocate. - Substantial difference between a shop and a service station that constitutes a quantum leap in these circumstances.	- The Shire is not able to take commercial considerations into account when assessing a planning proposal. Any refusal of the application will need to be on planning grounds and cannot include impact on other businesses or loss of retail floor space. - This proposal does not require a change of zone to be considered. The uses proposed are permissible in the existing town centre zone and can be entertained without the need for a scheme amendment. - The Scheme allows Council to entertain such a change of use. This proposal is not for a service station but a vehicle repair centre plus retail.
8	Ashburton Aboriginal Corporation	- Objection - Noise would affect operation of the office occupied by the Corporation in the complex. - Increased traffic could lead to an accident. - Access to solvents is a concern given many of the Corporation's clients have substance misuse issues. The location of an automotive parts shop	- Noise from any use is controlled by the Environmental Protection (Noise) Regulations 1997. This is discussed in further detail at Section 2 of the Statutory Implications section of this report. - Refer to Table 2 Section (t) for discussion on the traffic impact of the proposal. - This concern is noted. There are regulatory requirements in place that limit access to solvents, particularly to minors. What products are to be

No.	Submitter	Comments/Concerns	Officer Comment
		next to Centrelink is particularly concerning as it increases the opportunities to access volatile substances. The business is better located in the light industrial area. While service centres in places like K-Mart exist, these are not near schools or offices, so this is not a strong counter-argument. More suitable locations exist in Newman.	stocked in the proposed automotive parts shop and to whom these are made available to will be subject to both regulatory controls and the business owner's discretion. The Shire is unable to require additional controls over and above regulatory requirements The Scheme entertains the location of motor vehicle repair uses in the town centre zone. Council may exercise its discretion and grant development approval in order for it the use to operate. However, it is not sufficient to refuse any development application on the grounds that the use is better located on another parcel of land or in another zone.
LS1	Shovelanna Pty Ltd	- Objection. - Owners of Strata Lot 18 in the same complex (Centrelink Building). - Light industrial use is inconsistent with surrounding retail and office businesses. - Noise and traffic congestion caused by the proposed workshop will be distressing and inconvenient to Centrelink clients and staff. - Proposed internal parking arrangement will be unlikely to function in practice, given the number of large SUVs and 4WDs in Newman. - Vehicles will be parked in the external car parking spaces, increasing congestion. - At least two parking spaces would be required to be removed to allow for entry into the building. This would decrease the number of bays available to Centrelink other retail customers of the shopping centre. - The use is better located in the light industrial area.	- The potential for land use conflict between the proposed use and surrounding office and retail uses is a valid planning consideration. - Noise from any use is controlled by the Environmental Protection (Noise) Regulations 1997. This is discussed in further detail at Section 2 of the Statutory Implications section of this report. Refer to Table 2 Section (t) for discussion on the traffic impact of the proposal. - Noted. - Car parking impacts are discussed in the Policy Implications section of this report. - Noted. - The Scheme entertains the location of motor vehicle repair uses in the town centre zone. Council may exercise its discretion and grant development approval in order for it the use to operate. However, it is not sufficient to refuse any development application on the grounds that the use is better located on another parcel of land or in another zone.
LS2	Cushman and Wakefield Real Estate Services (ACT) Pty Ltd	- Objection - Acts on behalf of the Department of Human Services (Centrelink). - Unacceptable increase in noise levels compared to the current use of the property.	Noise from any use is controlled by the Environmental Protection (Noise) Regulations 1997. This is discussed in further detail at Section 2 of the

No.	Submitter	Comments/Concerns	Officer Comment
		- Accessibility to the Centrelink building would be disrupted, potentially permanently. - Increase in smell and fume levels given the nature of the proposed change of use. - Increase in traffic levels given the 'in and out' nature of the proposed change of use. - Car parking issues between the two properties and the storage of vehicles pre- and post-service/repair, etc. - The existing thoroughfare between the two properties would be increased dramatically in use and potentially size. - The change of use would be detrimental to the Centrelink tenancy and an unfair imposition on staff and customers.	Statutory Implications section of this report. - It is presumed by Shire staff that the objector is concerned that the level of accessibility to the Centrelink Building may be affected by vehicles associated with the motor vehicle repair use parked in the shared car parking area. - Noted. - Refer to Table 2 Section (t) for discussion on the traffic impact of the proposal. - See above dot point. - See above dot point. - The potential for land use conflict between the proposed use and nearby office and retail uses is a valid planning consideration.

COMMENTS/OPTIONS/DISCUSSIONS

All relevant matters relating to the assessment of this application are discussed as appropriate in the statutory and policy implications sections below.

STATUTORY IMPLICATIONS/REQUIREMENTS

1. Matters to be Considered by Local Government

Clause 67 of the Deemed Provisions states:

In considering an application for development approval, the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application.

For the purposes of this assessment, each of the 27 matters to be considered are listed and discussed in Table 2 below.

Table 2 – Matters to be Considered by Local Government

	Matter to be considered	Officer Comment
(a)	The aims and provisions of the Scheme.	The land is zoned <i>Town Centre</i> by the Scheme. The objective of the Town Centre Zone as stated at clause 4.2 is as follows: <i>The objective of the zone is to provide for retail shopping, office and commercial development, and social, recreational and community activities serving the town as a whole.</i> To determine whether a proposed use is consistent with the objective of the zone, reference is made to the Zoning Table at clauses 4.3. and 4.4 of the Scheme. Whereas the Applicant has sought to define the use as 'service station', Shire officers have determined the use is best defined by the Scheme as 'motor vehicle repair', given no fuel will be dispensed from the site in the widely-understood manner for a service station. With the use class identified, its level of permissibility is determined by cross-referencing the use against the zone. In the case of a motor vehicle repair use in the Town Centre Zone, the permissibility is 'A', which is defined by the Scheme as: <i>means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause [64 of the Deemed Provisions];</i> As the use is listed as permissible in the Zoning Table, it is considered to be consistent with the objective of the Town Centre Zone. Therefore, there is no planning justification to refuse the use on the grounds of it being inconsistent with the zoning of the property. However, the Scheme does provide Council discretion to either approve or refuse the application based on the merits of the proposal and in the light of material planning matters raised in the submissions received.
(b)	Any advertised amendment to the Scheme or proposed planning instrument.	There are no current proposed amendments or instruments that affect this application.
(c)	Any approved State Planning Policy.	These policies relate to matters of state or regional significance. None are relevant to this application.
(d)	Any environmental protection policy approved under section 31(d) of the Environmental Protection Act.	These policies are specific to a limited range of noxious industrial areas/uses or deal with environmental matters of state-significance, such as wetland protection. None are relevant to this application. There are a range of other health and environmental protection regulations that will apply to matters including noise, wash down water, waste storage, etc.
(e)	Any Western Australian Planning Commission policy.	WAPC development control policies relate primarily to subdivision and urban design rather than local-level planning. None are relevant to this application.
(f)	Any State policy.	Whilst not a policy, reference has been made to the EPA Guidance for the Assessment of Environmental Factors No.3 <i>Separation Distances between Industrial and Sensitive Land Uses</i>. No direct reference is made to 'motor vehicle repair' or a similar definition in the Guidelines. However, there are guidelines for a 'service station' that includes the washing of vehicles and the sale of automotive parts and foodstuffs that operates Monday-Saturday 7am-7pm. This provides for a generic 50m separation between the use and any sensitive use, such as a dwelling or school. Where this distance cannot be achieved, then specific conditions to mitigate the potential impacts (i.e. gas, noise, odour and risk) may be required. The subject site is located approximately 25m to the nearest classrooms at the adjoining Newman Primary School. The nearest dwelling is approximately 100m away. The issues relating to potential noise and risk to students attending the school have been raised in several submissions objecting to the proposal. This matter is discussed in further detail in this report.
(g)	Any local planning policy.	Refer to the Policy Implications section of this report for discussion on Local Planning Policies relating to Car Parking and the Newman Revitalisation Strategy.
(h)	Any structure plan, activity centre plan, or local	None are relevant to this application.

	Matter to be considered	Officer Comment
	development plan that relates to the development.	
(i)	Any report of a review of the local planning scheme.	No such report exists.
(j)	If the land is reserved, the objectives for the reserve.	The land is not reserved.
(k)	The built heritage conservation of any place that is of cultural significance.	The subject site is not heritage listed.
(l)	The effect of the proposal on the cultural heritage significance of the area in which the proposal is located.	The adjoining Newman Primary School is identified as being of heritage significance in the Shire's 1999 Municipal Heritage Inventory (MHI). The reason for inclusion in the MHI is that the school was the first established in Newman. No built heritage considerations are stated in the listing. The MHI does not have any statutory heritage protection effect. The proposed change of use will not affect the heritage significance of the school.
(m)	The compatibility of the proposal with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of height bulk, scale, orientation and appearance of the development.	The proposed change of use would use the existing building with modifications limited to internal fit out and the provision of external roller doors to the northern end of the eastern elevation of the building. The applicant intends to renovate the façade of the building to improve its visual appearance. However, no detailed information has been provided at this time. Any approval of the change of use by Council can include a requirement for additional Shire approval of any façade modifications. The compatibility of the motor vehicle repair use in its setting is discussed in greater detail under part (n) of this Table.
(n)	The amenity of the locality including environmental impacts, the character of the locality and social impacts of the development.	Several of the submissions have raised concerns with the close proximity of the proposal to the Newman Primary School. Three submissions also raised concerns with compatibility with existing office uses within the complex of which the subject site is part of. Areas of concern raised include noise, fumes and traffic. Other concerns raised include comment on whether a motor vehicle repair is an appropriate use in a town centre area compared to a light industrial area. The Scheme allows Council to entertain the proposal by making the use permissible in the Town Centre Zone. In effect, the Scheme has determined that the use can be considered in the town centre zone. However, it provides Council discretion to consider the merits of the proposal on a case-by-case basis rather than automatically permit it. Should Council consider the proposal adequately addresses each of the 'matters to be considered' outlined in the table above, it may grant approval with any necessary conditions to ensure the use operates in a manner that does not impact on the amenity of surrounding uses in particular and the locality in general. The potential impacts on amenity identified by Shire officers are traffic, car parking, noise, fumes and waste management. These matters are discussed in detail as appropriate in this report. In terms of visual impact, it is noted that the subject site is located in a position behind another building (Centrelink), when viewed from Iron Ore Parade / Rogers Way. The automotive parts retail portion of the building will be more visible from the corner of Iron Ore Parade and Rogers Way, which is considered the main point of interest in close proximity to the subject site. On balance, if a non-retail use was to be located within the Town Centre, the site could be considered appropriate given it is screened behind other development from most viewpoints.
(o)	The likely effect of the proposal on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.	There are a range of standard environmental requirements relating to the storage, handling and disposal of oils, solid waste and liquid waste that are relevant to the operation of a motor vehicle repair business. Should Council grant approval, additional environmental approvals are required to the operation to commence. These include local government and Water Corporation approval for any wash down bay, and the preparation and approval of a waste management plan. Any development approval granted by Council does not necessarily need to

	Matter to be considered	Officer Comment
		include conditions requiring these measures to be taken as they are already required by other legislation. However, it may be prudent in the event of approval to include advice notes informing the applicant of the need for these matters to be addressed.
(p)	Whether adequate provision has been made for landscaping of the land.	This is not relevant to this application as the building currently exists.
(q)	The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk.	This is not relevant to the application given the land is already developed.
(r)	The suitability of the land for the development taking into account the possible risk to human health and safety.	The use proposed is a common use in urban areas. Matters such as noise and waste disposal will need to be considered in accordance with relevant environmental legislation in the event Council grants approval. However, it is highly likely that a use such as that proposed can be appropriately managed through the application of standard environmental and health approaches. Therefore there is unlikely to be an inappropriate level of risk to human health and safety that would give cause to refusal of the application.
(s)	The adequacy of the proposed means of access to and egress from the site and arrangements for the loading, unloading, manoeuvring and parking of vehicles.	Car parking is addressed in the Policy Implications section of this report.
(t)	The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.	Council can consider the likely impact on the school and surrounding uses caused by the proposal compared to the existing use or its permitted use for retail, such as a supermarket or shops. Many of the submissions received raised the potential impact of the development on school traffic and the risk to the safety of students entering and leaving the school. The applicant has provided additional information that indicates workshop traffic of 5-10 vehicles per day, with peaks of up to 20 vehicles per day. Many of these vehicle movements may coincide with the school drop off and pick up times. However, the total number of additional vehicle movements when taken in the context of the traffic generated by the town centre as a whole is unlikely to increase the risk. A 2014 car parking and traffic study, extracts of which are attached, identified Rogers Way between the site and the School as carrying 721 vehicles per weekday in 2010. The portion of Rogers Way between ANZ and Home Hardware has 2010 and 2014 counts of 726 and 637 respectively. The primary concern raised is likely to be the morning school drop off time given this will coincide with the opening time of the proposed workshop. It should be noted that a network of existing pathways give safe passage for pedestrians. Given the one-way road layout between the School and the subject site, vehicles entering the premises will most likely enter to the south of Centrelink and exit later in the day past the School. This direction of travel reduces the number of vehicles entering the premises directly in front of the school during the critical morning drop off. The traffic generated by the retail component may be greater than that of the workshop. However, it is likely to be spread more evenly over the day. It is also likely that many visits to the premises will be by vehicles that are visiting other businesses in the town centre. This phenomenon reduces the overall number of additional vehicles entering and existing the town centre due to the new development. Overall, when comparing the possible increase in vehicles numbers to existing traffic, it represents a small percentage increase over the existing volumes experienced and is well within the traffic tolerance

	Matter to be considered	Officer Comment
		expected for the town centre area as it grows.
(u)	The availability and adequacy for the development of the public transport services; public utility services; storage, management and collection of waste; access for pedestrians and cyclists; and access by older people and people with disability.	There are no public transport services in Newman. The proposed use will utilise existing connections to power, water, sewerage and telecommunications. Should any of these require upgrading, this would be at the cost of the application. Waste storage, management and collection is an area that is of particular relevance to this proposal. However, given the presence of similar operations in Newman, there are existing processes in place, such as waste collection that can be utilised for the use in the event Council grants approval. Access for pedestrians and cyclists will be similar to that provided by the existing use. Any internal fit out will be required to cater for people with limited mobility in accordance with the Building Code of Australia. None of the matters to be considered in this sub-clause are considered to present significant hurdles to the carrying out of the change of use should Council grant approval.
(v)	The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses.	Several submissions have alluded to potential impacts on other businesses in Newman. Council is unable to consider any impact that may be caused by economic competition.
(w)	The history of the site where the development is to be located.	The site was first developed in the early 1970's as the first shopping centre in Newman. The building subject to this application was originally a supermarket. In recent years, it has been used as a furniture store. Council may give weight to the historical use and its potential to revert to a higher traffic-generating retail use without development approval when considering the impacts of the current proposal.
(x)	The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.	There have been 9 submissions objecting to the proposal in a total of 10 received. Council may consider whether these are reflective of the general community's views, taking into account the merits of the arguments raised,
(y)	Any submissions received on the application.	Each of the submissions received has been attached. The issues raised have been commented against the planning and the subject application.
(za)	The comments or submissions received from any authority consulted.	No agency comments were sought on this application as it relates to a local matter only.
(zb)	Any other planning consideration the local government considered appropriate.	No other matters over and above those discussed in this report relate to this proposal.

2. Noise

Concerns have been raised in several submissions regarding the potential for noise. Any use of the land is subject to the *Environment Protection (Noise) Regulations 1997*. The proposal outlines the intention to use a silent air compressor and low noise pneumatic rattle guns. Should the application be approved, any noise concerns raised by the adjoining school and commercial units can be monitored against the limits placed by the Noise Regulations. Importantly, this requirement is in place for any use and development surrounding a sensitive land use, such as the school.

The Shire has access to noise monitoring equipment provided by the Department of Environment Regulation and can respond to any registered noise complaint. This process is available to any property that considers the noise emitted by the proposed motor vehicle repair workshop is having a detrimental impact.

Given the strength of the environmental legislation surrounding noise emissions, there is little benefit in Council requiring specific noise management measures as part of any development approval granted. Should there be a breach of the prescribed noise emissions, the Regulations provide for measures for the noise to be abated, or the emitter infringed and/or prosecuted.

Whilst not necessarily forming part of any development approval granted by Council, proactive monitoring of noise from the premises if approved may allow all parties to be satisfied that the Noise Regulations are being met. The Shire could arrange for noise monitoring equipment to be placed in the classroom closest to the subject site, or in any nearby shop or office once the workshop is operational).

3. Waste Management and Disposal

Shire officers are satisfied that conventional waste management processes can be used to mitigate any risk associated with waste, such as oils, chemicals and wash down water. These elements would be subject to separate approvals under environmental health legislation. However, it is recommended that a condition requiring a waste management plan be included if Council grants approval, in order to ensure the amenity of the locality is adequately protected.

4. Additional Approval of Details

Clause 74 of the Deemed Provisions provides for the additional approval of details associated with an approved development. In this case, there has been limited information provided on the internal fit out and the external façade modifications proposed. Should Council grant approval for the change of use, it would be recommended that it requires detailed plans to be provided to the Shire and approved by staff under delegated authority prior to works taking place.

5. Options Available to Council and Staff Recommendation

Clause 68(2) of the Deemed Provisions gives Council 3 options when determining an application for development approval:

1. Approve the application without conditions;
2. Approve the application with conditions; and
3. Refuse the application.

When refusing an application, it is prudent for Council to give reasons for why refusal has been deemed necessary. In the event of the decision being referred to the State Administrative Tribunal (SAT) for review, these grounds will form the basis of the Shire's defence of the decision. If an applicant is aggrieved of a refusal or the conditions of an approval, the applicant will have 28 days from being informed in writing of the decision in which to lodge an application for review.

The application has been considered against all 27 of the 'matters to be considered'. It is the Shire officer's assessment that the proposal adequately addresses, or could be made to adequately address the majority of these 'matters'. However, Officers remain particularly concerned regarding the potential for land use conflict between the proposed use and how it may be operated and surrounding retail, office and educational uses. Given that there is a lack of confidence on the ability for the use to

be operated in a manner that does not impact on the amenity of surrounding uses, Officers will recommend refusal of the application.

POLICY IMPLICATIONS

9.4 VEHICLE PARKING STANDARDS – LOCAL PLANNING POLICY NO. 4

This Policy (attached) provides guidance on the provisions of car parking for new developments. In order to determine the impact on car parking by a change of use proposal, Shire officers first identify the provisions required for the existing use of 'shop' and then compare this to the new use of 'motor vehicle repair'.

Existing Use Requirements

In order to remain as accurate as possible, Shire officers have considered the current nature of the retail premises operating from the subject site. Whilst the approved use of the site is 'shop', the practical use is better described as 'showroom'. The car parking requirement for a showroom is 4 spaces for every 100m² of GLA for display area and 2 per 100m² for storage areas that are divided from the display area by a permanent wall or divider. The current furniture shop has a display/storage area of approximately 700m², with no permanent division between the two areas. Based on this floor area, the Policy requirement for the current use is 28 spaces.

Shire officers have adopted 28 spaces as the 'baseline' for calculating if the proposed use will require fewer or greater car parking than the current use. It is noted that there is a pre-existing car parking deficiency on the site given that the entire complex provides 48 on-site spaces. However, a usage survey was conducted in 2014 that included all car parking areas within the town centre area, including the complex. This survey identified that the maximum weekday occupancy of the 35 spaces that are located close to the subject site was 54%, with 26% on a Saturday. This compares to overall town centre car parking occupancy rates of 30% and 23% for Fridays and Saturdays respectively.

The existence of a car parking study provides Council a greater level of confidence when considering the practical level of car parking needed for a town centre development when compared to Policy requirements. There appears to be sufficient capacity currently in the proximity of the proposal to allow for moderate increases in car parking demand without additional spaces being provided.

Proposed Use Requirements

The Policy requires car parking for a motor vehicle repair to be 4 spaces per working bay, plus 1 space per employee. Shire officers have adopted 4 working bays, plus 4 employees for the proposed motor vehicle repair portion of the site. This requires 20 car parking spaces.

The 273m² retail portion of the proposed use requires car parking provision at 6 spaces for every 100m² of GLA. This requires 16 spaces to meet Policy requirements.

The total number of car parking spaces required in order for the proposed development to meet Policy requirements is 36, an increase of 8 spaces over and above the existing use.

Proposed Car Parking Arrangement

The proposal includes provision for the parking of 7 vehicles within the workshop area in addition to the 4 working bays. It is proposed by the Applicant that up to 20 vehicles can be stored inside the building at night to provide secure parking.

Should Council grant approval, a condition requiring the marking of the 7 proposed internal spaces can be included. This will reduce the car parking deficiency to 1 space when compared to the current use. Council has the following options available to it in addressing the 1 space deficiency:

1. Allow a variation to the Policy requirements and approve the car parking arrangements as proposed;
2. Require 1 additional marked space to be provided through modification of the proposal; or
3. Require payment of a cash-in-lieu of car parking in accordance with section 3.11 of the Policy. The amount to be paid will be the equivalent of the land value (as established by Landgate) and construction cost of 1 paved car parking space.

Should Council wish to approve the change of use, Shire officers recommend a condition requiring a minimum of 8 marked car parking spaces being provided within the workshop area or immediately outside of the building (Option 2). Whilst requesting a cash-in-lieu payment is available (Option 3), the amount of money collected is unlikely to be sufficient to allow for the provision of one additional car parking space elsewhere.

Truck Parking and Loading Bay

Shire officers understand that the intention of the workshop is to provide servicing and repairs to light vehicles. Heavy vehicle servicing (i.e. trucks) are not intended. Notwithstanding, this may be the intention of the Applicant, there are several compelling arguments against allowing heavy vehicle servicing at the premises, namely:

1. There is insufficient parking and manoeuvring space to accommodate large vehicles being parked and serviced at the premises;
2. Any trucks parked at the premises will reduce considerably the availability of parking in the vicinity; and
3. Larger vehicles are likely to require heavier servicing with a resultant increase in the volume of waste oils and noise generated by the operation. This is not considered appropriate in the context of the location of the site within the town centre and adjacent to the school and offices.

Should Council grant approval, it is recommended that a condition limiting the workshop to the servicing of light and commercial vehicles up to a tare weight of 3.5 tonnes.

The automotive shop that forms part of the proposal will require access to a loading bay to allow for the delivery of goods. The current loading dock in the building will be removed to allow for access to the proposed workshop. Given this, it is

recommended that Council require an alternative loading bay to be provided should it grant approval.

9.6 NEWMAN REVITALISATION STRATEGY – LOCAL PLANNING POLICY NO. 5

The subject site is located within the Retail Precinct of the Town Centre Master Plan, which was adopted by Council as a Local Planning Policy in December 2010. The Master Plan provides a broad strategic overview of the future growth of the Town Centre rather than focus on the detailed land use planning mechanisms required to implement the goals and objectives of the Master Plan. Importantly, clause 3 of the Deemed Provisions for Local Planning Schemes requires a decision-maker to have due regard to a Policy to the extent that it is consistent with the Scheme under which it is made. In this case, whilst the Policy provides for the subject site to be part of a retail precinct, the Scheme provides for a range of non-retail uses, including the proposed motor vehicle repair use. Consequently, it is insufficient to refuse the application on the grounds that the proposal is inconsistent with the Policy (and by reference the Master Plan strategic direction) as the use is permissible by the Scheme at this point in time.

Given the need for many of the strategic goals and objectives of the Master Plan to be supported by the Scheme's land use controls, the Policy is in effect a guiding document only, rather than a land use control mechanism in its own right. In order to implement areas of the Master Plan that are inconsistent with the Scheme, formal amendment of the latter will be required to be approved by the Minister for Planning.

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

Goal 3 – Economic – Planned Actions

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

- 3.1 Business diversification and promotion
 - 3.1.2 Build a thriving and diverse economy
Responsible officer: DCEO
Timing: 1-5 years
 - 3.2.1 Promote a variety of choice in local employment
Responsible officer: DCEO
Timing: 1-5 years
- 3.4 Land use and development control

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council in accordance with clause 68(2)(c) of the Deemed Provisions for Local Planning Schemes REFUSES development approval for the change of use from 'shop' to 'motor vehicle repair' for a 455m² portion of Unit 16, 26 Hilditch Avenue, Newman (Application P006/16) due to the following reasons:

- a) The proposed motor vehicle repair use is considered incompatible with surrounding retail, office and educational uses;**
- b) The proposed motor vehicle repair use is inconsistent with the local government's intentions for the locality to be developed as a retail and office commercial precinct as outlined in the Newman Town Centre Master Plan, adopted as a Local Planning Policy under Town Planning Scheme No.4;**
- c) It is considered that the proposed motor vehicle repair use will have a detrimental impact on the amenity of surrounding uses, including the Newman Primary School and adjoining office uses, by way of noise emissions, traffic congestion and potential harm from odour, dust and fume emissions;**
- d) The proposed motor vehicle repair use will have an undesirable impact on the character of the locality, which is predominantly commercial and educational of a low-impact nature;**
- e) The social impacts of the proposed motor vehicle repair use on the community are considered to be detrimental, in particular to the operation of the adjoining Newman Primary School;**
- f) It is considered that the car parking arrangements proposed will be insufficient to meet demand generated by the parking of vehicles associated with the motor vehicle repair use, given on-site car parking is shared with the remainder of the shopping complex; and**
- g) The proposed change of use establishes an undesirable precedent for similar developments in the town centre that would affect the ability to provide sufficient retail and commercial land into the future.**

ADVICE TO APPLICANT

- i) This decision does not prevent the premises being used for retail purposes, such as for motor vehicle parts retail, as this is a permitted use in the zone.**

- 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**
- 13 GENERAL BUSINESS**
- 14 DATE OF NEXT MEETING**

24 June 2016, Nullagine
- 15 CLOSURE**