



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, 28 OCTOBER, 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

| | |
|--------------------|------------------------|
| Cr Lynne Craigie | Shire President |
| Cr Lang Coppin | Deputy Shire President |
| Cr Anita Grace | Councillor |
| Cr John Jakobson | Councillor |
| Cr Bidy Schill | Councillor |
| Cr Craig Hoyer | Councillor |
| Cr Shane Carter | Councillor |
| Cr Gerry Parsons | Councillor |
| Cr Jeton Ahmedi | Councillor |
| Cr Dean Hatwell | Councillor |
| Cr Michael Kitchen | Councillor |

Officers

| | |
|--------------------|---|
| Mr Allen Cooper | Chief Executive Officer |
| Ms Sian Appleton | Deputy Chief Executive Officer |
| Mr Rick Miller | Director Technical and Development Services |
| Mrs Sheryl Pobrica | Executive Services Administration Officer |

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 MAIN ROADS WA – PILBARA REGION

Mr Andrew Pyke, Regional Manager, Pilbara Region will be providing Council with a presentation regarding Coongan Cut.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes September 23 2016 Council.DOCX](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 23 September 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 PROPOSED COUNCIL MEETING DATES 2016-2017

| | |
|--------------------------------|---|
| File Ref: | CLR-1-1 |
| Responsible Officer: | Mr Allen Cooper Chief Executive Officer |
| Author: | Mrs Sheryl Pobrica Executive Services Administration Officer |
| Proposed Meeting Date: | 28 October 2016 |
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| Author Disclosure of Interest: | Nil |

REPORT PURPOSE

To set Council meeting dates, times and venues for the next twelve months for 2016-2017.

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

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

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Part 5 – Administration (Division 2 – Meetings) (Subdivision 3 – Matters affecting meetings)

5.25 *Regulations about council and committee meetings*

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to –*
- (g) *the giving of public notice of the date and agenda for council or committee meetings.*

Local Government (Administration) Regulations 1996

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

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

- (a) *the ordinary council meetings; and*
(b) *the committee meetings;*
That are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

POLICY IMPLICATIONS

1.3 Council Meetings - Dates and Times

| | |
|--------------------------------|-------------------------|
| Responsible Directorate | Executive Services |
| Responsible Officer | Chief Executive Officer |
| File Number | CLR 1-1 |

Objective

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

Policy

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

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

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

RISK MANAGEMENT CONSIDERATIONS

It is a requirement of the Local Government (Administration) Regulations 1996 that Council adopts Council meeting dates and times for the next twelve months to be advertised.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the dates, times and place for Ordinary Council meetings for the next twelve months for 2016-17, as listed below, be adopted and advertised in accordance with the *Local Government (Administration) Regulations 1996* s12(1)(a).

| MEETING DATE | VENUE | COMMENCEMENT TIME |
|---------------------------------|--------------|--------------------------|
| 9 th December 2016 | Newman | 10:00am |
| 3 rd February 2017 | Newman | 10:00am |
| 17 th March 2017 | Marble Bar | 10:00am |
| 21 st April 2017 | Newman | 10:00am |
| 2 nd June 2017 | Newman | 10:00am |
| 30 th June 2017 | Nullagine | 10:00am |
| 28 th July 2017 | Newman | 10:00am |
| 25 th August 2017 | Newman | 10:00am |
| 22 nd September 2017 | Marble Bar | 10:00am |
| 27 th October 2017 | Newman | 10:00am |

9.1.2 PROPOSED COUNCIL WORKSHOP DATES 2017

File Ref: CLR-1-1
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 28 October 2016
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To set quarterly Council workshop dates for 2017.

BACKGROUND

At the workshop held on the 23rd October 2014, the Councillors present agreed to consider setting dates for quarterly workshops. Workshops provide Councillors with an opportunity to review and discuss various items not listed on Council agendas but need significant time to discuss. Alternatively it could be a time for training or consideration/presentation on strategic direction.

The general consensus was to set quarterly meetings which would allow the dates to be pre-determined and locked in.

COMMENTS/OPTIONS/DISCUSSIONS

Workshops are to be held prior to a Council meeting day for logistics purposes. Topics for discussion to be determined prior to workshop dates.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

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

1.1 Efficient and effective local government

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the following dates be set aside for workshops in 2017;

- **Thursday 20th April 2017.**
- **Thursday 27th July 2017.**
- **Thursday 26th October 2017.**

**9.1.3 COUNCILLORS MEET AND GREET AT NEWMAN BOULEVARD
SHOPPING CENTRE FOR 2016-2017 DATES**

File Ref: CLR 4-5
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 28 October 2016
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To set the dates for the Councillors monthly meet and greet at the Newman Boulevard Shopping Centre for 2016-2017 year.

BACKGROUND

Generally, mostly, South Ward Councillors hold a meet and greet with the community, once a month at the Newman Boulevard Shopping Centre. This gives community members and the public an opportunity to ask questions, raise concerns and to seek updates on Shire of East Pilbara projects.

It is a great opportunity for the Councillors to interact with the community and keep them updated and also listen to any concerns.

COMMENTS/OPTIONS/DISCUSSIONS

Every month the Councillors meet at the Newman Boulevard Shopping Centre. The dates are to be set at the October meeting of Council annually.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS



1.6 Dress Code for Councillors Representing Council on External Business and Events

| | |
|--------------------------------|-------------------------|
| Responsible Directorate | Executive Services |
| Responsible Officer | Chief Executive Officer |
| File Number | CLR 4-6 |

Objective

In addition to the dress standard for Council Chambers (Item No: 9.1.13 Dated 27th June 2003) as described in the Councillors handbook, it is also appropriate to establish an acceptable dress standard for all Councillors attending or representing Council business at external functions and events.

The manner in which Councillors are dressed on official business can have a profound effect on the image of the Shire of East Pilbara. A good quality uniform will assist in building a professional image of the Shire and assist external sources to identify Shire Councillors.

Policy

1. Councillors will be issued a pair of shirts with the inclusion of the Shire logo on all uniform pieces.
2. All uniforms provided by and financed by the Shire of East Pilbara will be regarded as the Councillor Corporate Wardrobe. This will be subsidised by the Shire or processed through the Shire's financial and distribution system.
3. All Councillors provided with Corporate Uniforms must wear the uniform at all Councils functions and events (internal or external business and meetings) on a regular basis.
4. Councillors are not to wear Corporate Uniforms for personal use.
5. Councillors are able to purchase additional clothing other than that supplied by the Council. They will be responsible for the full costs of these additional uniforms.
6. Each Councillor is responsible for repairs, alterations and cleaning of supplied uniforms.
7. All items provided must be cleaned as per instructions on the label.

| | | | |
|--------------------------------|-------------|----------------|-------|
| References | | | |
| Related Procedures | Nil | | |
| Date Adopted by Council | 28 May 2010 | Item No | 9.1.2 |
| Review/Amendment Date | | Item No | |
| Next Review | | | |

STRATEGIC COMMUNITY PLAN

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

1.3 Engaged community

1.3.1 Increase community awareness

RISK MANAGEMENT CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the time and dates listed below for the Councillors monthly meet and greet at the Newman Boulevard Shopping Centre, as listed below, and advertise in the local newspaper, notice boards, Shire website and face book.

| DAY | TIME | DATE |
|----------|-------------|--------------------------------|
| Saturday | 10am – 12pm | 26 th November 2016 |
| Saturday | 10am – 12pm | 11 th February 2017 |
| Saturday | 10am – 12pm | 11 th March 2017 |
| Saturday | 10am – 12pm | 8 th April 2017 |
| Saturday | 10am – 12pm | 13 th May 2017 |
| Saturday | 10am – 12pm | 10 th June 2017 |
| Saturday | 10am – 12pm | 8 th July 2017 |
| Saturday | 10am – 12pm | 12 th August 2019 |
| Saturday | 10am – 12pm | 9 th September 2016 |
| Saturday | 10am – 12pm | 7 th October 2016 |

**9.1.4 WA STATE ELECTION MARCH 2017 - ADVOCACY PAPERS - PILBARA
REGIONAL COUNCIL**

| | |
|---------------------------------------|--|
| File Ref: | STR-9-1 |
| Attachments: | PRC Advocacy Papers.pdf Pilbara Food Bowl Summary Paper.pdf SOEP Marble Bar Road.pdf |
| Responsible Officer: | Mr Allen Cooper Chief Executive Officer |
| Author: | Mr Allen Cooper Chief Executive Officer |
| Proposed Meeting Date: | 28 October 2016 |
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| Author Disclosure of Interest: | Nil |

REPORT PURPOSE

To receive the Pilbara Regional Council (PRC) Advocacy Papers.

BACKGROUND

The Pilbara Regional Council has produced a number of advocacy papers in the lead up to the WA State election to be held in March 2017.

The titles of the papers are as follows:

- Pastoral Water and Diversification Permits;
- Regional Roads;
- Regional Flights;
- Developing Northern Australia in the West;
- Release of Strategic Industrial Land;
- Karrijini Deconstraint; and
- Port Hedland Spoilbank Waterfront Development.

The first two listed papers directly support Councils advocacy documents being:

1. The Pilbara Food Bowl and;
2. Marble Bar Road.

The Pilbara Regional Council papers have a predominant focus on the whole of the Pilbara region where as Councils papers are specific to the Shire of East Pilbara.

COMMENTS/OPTIONS/DISCUSSIONS

The receiving of these papers allow the Shire of East Pilbara the opportunity to actively utilise and promote the papers in the lead up to the State Election.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

- 1.1 Efficient and effective local government
 - 1.1.1 Ethical, accountable and transparent decision-making
 - 1.1.2 Continued strong financial management
 - 1.1.3 Effective business management

RISK MANAGEMENT CONSIDERATIONS

Medium – This documents support Councils Advocacy papers from a Regional perspective.

FINANCIAL IMPLICATIONS

Resource requirement are in accordance with existing budgetary allocations.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Pilbara Regional Council’s Advocacy Papers be received and be utilised as deemed appropriate.

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

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

File Ref: CLR-4-5
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 28 October 2016

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included as an attachment to the agenda.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 2 Constitution of local government
Division 2 Local governments and councils of local governments
Section 2.7

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

RISK MANAGEMENT CONSIDERATIONS

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Deputy Chief Executive Officer “Status of Council Decisions” Report for the month of September 2016 be received.

| COUNCIL MEETING DATE | ITEM NO | COUNCIL RESOLUTION | DIRECTORATE | ACTION TAKEN/ STATUS | ESTIMATED COMPLETION DATE |
|-----------------------------|----------------|---|--------------------|-------------------------------|----------------------------------|
| 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 | Job Awarded & near completion | In Progress |

9.2.2 CREDITORS FOR PAYMENT

File Ref: FIN10-2

Attachments: [Schedule of Accounts Chq 1.pdf](#)
[Schedule of Accounts EFT 1.pdf](#)
[Schedule of Accounts Manual Cheque 1.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Jeanette Bessell
Finance Officer

Proposed Meeting Date: 28 October 2016

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 23/09/16.

COMMENTS/OPTIONS/DISCUSSIONS

| FUND | VOUCHER | AMOUNT |
|------------------------|--------------------|------------------------------|
| EFT Payments | #34910 to #35392 | \$2,713,083.88 |
| | Total | \$2,713,083.88 |
| Cheque Payments | #24140 to #24175 | \$33,252.43 |
| Manual Cheque Payments | #278 to #280 | \$37,202.26 |
| | Total | \$70,454.69 |
| | GRAND TOTAL | <u>\$2,783,538.57</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

#24165

CANCELLED CHEQUES & EFTS

#'s 34924, 34966, 35084, 35127, 35203,

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

STRATEGIC COMMUNITY PLAN

Nil.

RISK MANAGEMENT CONSIDERATIONS

FINANCIAL IMPLICATIONS

Total expenses of \$2,783,538.57

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

| FUND | VOUCHER | AMOUNT |
|------------------------|--------------------|------------------------------|
| EFT Payments | #34910 to #35392 | \$2,713,083.88 |
| | Total | \$2,713,083.88 |
| Cheque Payments | #24140 to #24175 | \$33,252.43 |
| Manual Cheque Payments | #278 to #280 | \$37,202.26 |
| | Total | \$70,454.69 |
| | GRAND TOTAL | <u>\$2,783,538.57</u> |

9.2.3 MONTHLY FINANCIAL REPORT - SEPTEMBER 2016

| | |
|---------------------------------------|---|
| Attachments: | September 2016 Financial Report.pdf September 2016 Variance Report.doc September 2016 Asset Variance Report.doc |
| Responsible Officer: | Mr Andries Gertenbach Manager Corporate Services |
| Author: | Mrs Candice Porro Senior Finance Officer |
| Proposed Meeting Date: | 28 October 2016 |
| 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 September 2016 to 30 September 2016 of the 2016/2017 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS

3.1 ACCOUNTING POLICIES

STRATEGIC COMMUNITY PLAN

Nil

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

RISK MANAGEMENT CONSIDERATIONS

This report is part of ensuring that risk matters are reviewed periodically.

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 September 2016 to 30 September 2016 of the 2016/2017 financial year as presented be received.

9.2.4 SUNDRY DEBTORS WRITE OFF

File Ref: FIN-10-2
Attachments: [65969.pdf](#)
[67426.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Isabella Kloppers
Revenue Finance Officer
Proposed Meeting Date: 28 October 2016
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to partially write off debt relating to a water bill dispute between East Pilbara Independence Support (EPIS) and the Shire of East Pilbara in the amount of \$6,004.49.

BACKGROUND

On the 23rd March 2015, EPIS had been invoiced (invoice 65969) for a total of \$3,811.55, which included the water usage during the period 14 November 2014 to 3 March 2015.

Further, on the 25th August 2015, EPIS received another invoice (invoice 67426) for a total of \$3,202.94 which included the water usage during 3 March 2015 to 5 May 2015.

EPIS have disputed both of the above mentioned invoices with the Coordinator Property Services.

COMMENTS/OPTIONS/DISCUSSIONS

The Manager Assets and Procurement conducted a meeting with the CEO of EPIS to resolve the matter. The outcome being that EPIS being charged average water cost post disputed period.

| Name | Invoice | Amount | Details | Write off |
|------|---------|-------------|------------------------|------------|
| EPIS | 65969 | \$ 3,811.55 | To be charged \$505.00 | \$3,306.55 |
| EPIS | 67426 | \$ 3,202.94 | To be charged \$505.00 | \$2,697.94 |

A new invoice to be raised for \$650.00 to cover contractors costs.

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

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Reduction in the Sundry Debtors totalling \$6,004.49. An amount of \$20,000 account 41177 has been allowed in the budget for Bad/Doubtful Debts.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT the Sundry Debtors listed below be written off:

| Debtor | Invoice | Amount |
|--------|---------|-------------|
| EPIS | 65969 | \$ 3,306.55 |
| EPIS | 67426 | \$ 2,697.94 |

9.2.5 NEW DELEGATIONS: 4.56 GRAFFITI VANDALISM ACT 2016

| | |
|---------------------------------------|--|
| File Ref: | RNG-12 |
| Attachments: | Graffiti Vandalism Act 2016 Delegations .pdf |
| Responsible Officer: | Ms Sian Appleton Deputy Chief Executive Officer |
| Author: | Mrs Batsi Masaka Coordinator Governance |
| Proposed Meeting Date: | 28 October 2016 |
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| Author Disclosure of Interest: | Nil |

REPORT PURPOSE

For Council to adopt the new delegations 4.56 Graffiti Vandalism Act 2016

BACKGROUND

1. According to Circular No 18-2016 the Graffiti Vandalism Act 2016 (GV Act) became effective on 7 October 2016.
3. Council need to delegate authority to the Chief Executive Officer to deal with graffiti offences and to appoint authorised officers that issue notices to offenders instructing them to remove graffiti.

COMMENTS/OPTIONS/DISCUSSIONS

1. The Shire of East Pilbara is committed to ensure that it is legislatively compliant.
2. According to the *Graffiti Vandalism Act 2016*
s16 (1) The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Part.
s17 (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Part other than this power of delegation.
Local Government Act 1995:
s9.10 (1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

STATUTORY IMPLICATIONS/REQUIREMENTS

Graffiti Vandalism Act 2016
s16 (1) The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Part.
s17 (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Part other than this power of delegation.

POLICY IMPLICATIONS

4.11 LEGISLATIVE COMPLIANCE

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.

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

RISK MANAGEMENT CONSIDERATIONS

In order to avoid the risk of legislative non-compliance such as statutory breaches, Council is mandated to authorise the stipulated legislative requirements. This ensures lawful, proper and consistent decision making processes.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council adopts the new delegations 4.56 Graffiti Vandalism Act 2016



4.56 Graffiti Vandalism Act 2016- Delegations

| | |
|--------------------------------------|---|
| Delegation From | Council |
| Delegation To | Chief Executive Officer |
| Sub-Delegation To | Deputy Chief Executive Officer Director Technical & Development Services Manager Community Safety Coordinator Ranger and Emergency Services Rangers |
| File Number | RNG-12 |
| Legislative Authority for Delegation | ss16(1), 17 (1) <i>Graffiti Vandalism Act 2016</i> |

Delegation

The Chief Executive Officer is delegated the authority of the local government to deal with graffiti offences.

The Chief Executive Officer is delegated authority to appoint authorised officers that issue notices to offenders instructing them to remove graffiti. Local government officers are also authorised to enter properties under warrant to remove graffiti themselves. Authority to appoint authorised officers is in accordance with the Local Government Act 1995 s 9.10.

Legislative Power: *Graffiti Vandalism Act 2016*

16 (1) The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Part.

17 (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Part other than this power of delegation.

Local Government Act 1995:

9.10 (1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.



Authorised persons to issue infringement notices:

s18 (2) A local government may give a notice in writing to a person who is the owner of property or the occupier of a place on which graffiti described in subsection (1) is applied, requiring the person to ensure that the graffiti is obliterated in a manner acceptable to the local government within a time set out in the notice.

The following are authorised officers to issue infringement notices excluding the withdrawal of infringement notices.

- Manager Community Safety
- Coordinator Ranger and Emergency Services
- Rangers

Authorised persons to withdraw infringement notices:

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

Conditions attached to delegation: *Local Government Act 1995*

9.10(2) The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.

| | | |
|--------------------|-----------|--|
| Date of Delegation | | |
| Delegator | Name | |
| | Signature | |
| Delegatee | Name | |
| | Signature | |

**9.2.6 CAPRICORN OVAL JUNIOR STORAGE FACILITIES - LICENCE
AGREEMENT OPTION TERMS**

| | |
|---------------------------------------|---|
| Responsible Officer: | Ms Sian Appleton Deputy Chief Executive Officer |
| Author: | Mrs Marisa Wolfenden Coordinator Property Services |
| Proposed Meeting Date: | 28 October 2016 |
| Location/Address: | Lot 995, known as Capricorn Oval Complex |
| Name of Applicant: | Nil |
| Author Disclosure of Interest: | Nil |

REPORT PURPOSE

For Council to authorise entering into the option term licence arrangement for the Capricorn Oval Complex storage facilities with the existing junior sporting groups.

BACKGROUND

The existing Capricorn Oval junior storage facilities licence agreements are due to expire on the 16th November 2016. The licence agreements have an option term of 5 years for the following junior organisations:

- Newman Junior Cricket Association,
- Newman Junior Soccer Association,
- Newman Junior Football Council,
- Newman T Ball Association.

The Shire of East Pilbara constructed storage facilities for the above junior sporting organisation in 2011. Each organisation entered into a licence agreement for the term of 5 year with a 5 year option term.

COMMENTS/OPTIONS/DISCUSSIONS

In July 2016 correspondence was presented to each organisation requesting a reply in writing if they wish to apply for the option term of the licence agreement, alternatively they would have to vacate the facilities as per the licence agreement would expire on the 16th November 2016.

To date the following organisations have requested to enter into the 5 year option term:

- Newman Junior Cricket Association
- Newman Junior Soccer Association
- Newman Junior Football

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

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

Partnering With: NGO's, State Government

Responsible officer: MCW

Timing: 1-3 years

2.1.2 Encourage active lifestyles

Partnering With: State Government, Industry

Responsible officer: MCW

Timing: 1-3 years

2.1.3 Encourage high rates of participation in community activities and events

Partnering With: Industry

Responsible officer: MCW

Timing: 1 year

RISK MANAGEMENT CONSIDERATIONS

The junior sporting organisation would have no storage facility for the sporting equipment and contents.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council approved entering into the 5 year Option Term for the Capricorn Oval Complex storage facilities with the following organisations:

- **Newman Junior Cricket Association**
- **Newman Junior Soccer Association**
- **Newman Junior Football Council**
- **Newman T Ball Association (Subject to a formal request being received)**

9.2.7 AFFIXING OF THE COMMON SEAL TO THE MEMORANDUM OF UNDERSTANDING - NEWMAN COMMUNITY RADIO INC & SHIRE OF EAST PILBARA

File Ref: A702591
Attachments: [Memorandum of Understanding 29 09 2016 pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Proposed Meeting Date: 28 October 2016
Location/Address: Lot 2312, Newman
Name of Applicant: Newman Community Radio INC
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to enter into a Memorandum of Understanding with the Newman Community Radio for the serving of communication to Newman (Triple J Network).

Approval to affix the common seal of the Shire of East Pilbara to the MOU between the Newman Community Radio and the Shire of East Pilbara.

BACKGROUND

On the 23rd October 2015 an agenda item was presented to Council to approve entering into a Memorandum of Understanding with the Newman Community Radio Station, unfortunately this agreement could not be executed by the Newman Community Radio Station at the time, due to the lack of committee members and not being able to meet its constitutional requirements.

In 2016, a new committee had been elected and it was found the Newman Community Radio Station was in substantial debt. The committee submit a new request to the Chief Executive Office for additional funds.

The Newman Community Radio has been struggling to attract financial sponsorships and donations to maintain and provide services to the community.

COMMENTS/OPTIONS/DISCUSSIONS

The approved MOU between the Shire of East Pilbara and the Newman Community Radio is for the Shire of East Pilbara to donate annually for the service of the Triple J radio network and advertising with the following conditions;

- The donation will commence at \$5000.00 per year
- The term of the donation will be 4 x 1 year terms, commencing 1st July 2016.
- Option Term being 2 years from 1st July 2019 to 30th June 2021.

- The Shire of East Pilbara will allocate the donation into a General Ledger held by the Shire of East Pilbara, which should cover the cost of the power consumption, building insurance and annual leasing fees.
- Any surplus funds will be forwarded to the Newman Community Radio at the end of each financial year; any debts over the \$5000.00 will be invoiced to Newman Community Radio.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

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.

2.4 Diverse and inclusive communities

2.4.2 Build strong community groups, networks and governance

RISK MANAGEMENT CONSIDERATIONS

Without donations this organisation would not be able to provide the community with local radio services, additionally they would not be able to assist Council with the maintenance of the Triple J service to the community.

FINANCIAL IMPLICATIONS

The funds to be transferred from General Ledger 111305

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

- 1. Approve entering into the Memorandum of Understanding with Newman Community Radio in Newman commencing on the 1st July 2016.**
- 2. Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Memorandum of Understanding between the Newman Community Radio and the Shire of East Pilbara.**

**9.2.8 AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY -
CLEANING CONTRACT EXTENSION**

File Ref: LEG-13-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Dawn Brown
Contract and Procurement Officer
Proposed Meeting Date: 28 October 2016
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 Extension to Contract with Newman Cleaning Resources in relation to Cleaning Services (extended for a period of four months) to the 31 December, 2016.

BACKGROUND

The extension to the Cleaning Contract with Newman Cleaning Resources, is due to the fact that Tender documentation is being prepared and the Tender process still needs to be completed, therefore it has been necessary to extend the current Contract for a period of four months to ensure cleaning services continue in the interim. The existing Contract expired on the 31st August, 2016. The extension of three months has extended this Contract to the 31 December, 2016, with the same terms and conditions.

COMMENTS/OPTIONS/DISCUSSIONS

Nil

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 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

RISK MANAGEMENT CONSIDERATIONS

The potential risk to council is that by not having an extension to Contract for this service it could result in cleaning services not being undertaken on a regular basis in the Shire's public buildings and facilities and/or cleaning services being undertaken with different terms and conditions and costed at a different rate which would impact Council financially.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council note that the Common Seal has been affixed under delegated authority to the Extension to Contract with Newman Cleaning Resources in relation to Cleaning Services (for a period of four months). The Contract now expires 31 December, 2016.

**9.2.9 AMENDMENT TO THE 2016/2017 FEES AND CHARGES NEWMAN
RECREATION CENTRE OPTIONS FOR CUSTOMERS**

File Ref: Recreation and Culture 22-3
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Ms Simmone Van Buerle
Manager Recreation & Events
Proposed Meeting Date: 28 October 2016
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council endorsement to amend the 2016/2017 fees and charges to increase the number of payment options for customers of Newman Recreation Centre.

BACKGROUND

Newman Recreation Centre has received a number of requests for direct debit payment options as the cost of purchasing memberships up front can be prohibitive for some customers. Whilst a direct debit option for Recreation Centre memberships and Combined Facility memberships is currently provided for in the fees and charges, the practice has not been previously implemented due to direct debit not being available with the existing point of sale system.

COMMENTS/OPTIONS/DISCUSSIONS

Officer research into direct debit systems has identified a number of external service providers that are able to facilitate fortnightly payments for memberships. Set up costs are minimal and the transaction fees are covered by the \$99 joining fee for direct debit memberships.

Direct debit memberships are only available for 6 month or 12 month memberships. The cost to the customer is a \$99 joining fee and then fortnightly payments which are pro-rata to the full term membership. Newman Recreation Centre plans to launch and promote direct debit memberships in the last quarter of the year. This will reduce the financial burden for customers who are in lower income brackets and potentially increase the number of members.

To allow customers a greater choice of membership options, it is proposed that 6 month and 12 month Fitness Centre (Gym) memberships and 6 month and 12 month Group Fitness (Aerobics) memberships also be offered and fortnightly payment amounts included in the 16/17 Fees and Charges as follows:

| Membership type | Term | Up front Membership Cost | Payment per f/night Direct Deposit |
|---------------------------|-------------------------|--------------------------|------------------------------------|
| Group Fitness Membership | 6mths (13 f/nights) | \$174.00 | \$13.40 Plus joining fee |
| Group Fitness Membership | 12mths (26 f/nights) | \$253.00 | \$9.70 Plus joining fee |
| Fitness Centre Membership | 6mths (13 f/nights) | \$380.00 | \$29.20 Plus joining fee |
| Fitness Centre Membership | 12mths (26 f/nights) | \$624.00 | \$24.00 Plus joining fee |

STATUTORY IMPLICATIONS/REQUIREMENTS

SUBDIVISION 2 — FEES AND CHARGES

6.16. Imposition of fees and charges

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

** Absolute majority required.*

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

** Absolute majority required.*

6.17. Setting the level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

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

6.19. Local government to give notice of fees and charges

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

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

- 2.4.3 Provide relevant and affordable community services
Partnering With: Federal Government, State Government, Industry and NGO's
Responsible officer: MCW
Timing: 1-5 years
- 2.4.4 Equity and opportunities for all
Partnering With: Federal Government, State Government, Industry, NGO's and Indigenous groups
Responsible officer: MCW
Timing: 1-3 years

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

2.1.2 Encourage active lifestyles
Partnering With: State Government, Industry
Responsible officer: MCW
Timing: 1-3 years

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

2.1.4 Support individual and community health
Partnering With: NGO's, State Government, Industry
Responsible officer: MCW
Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

The direct debit system will reduce cash handling risks. If a customer fails to make the required fortnightly payment, access to the facility can be blocked via the Titan Security system and debt collection organised by the external provider at no charge.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute.

OFFICER'S RECOMMENDATION

THAT Council endorse the amendment of the 2016/2017 Fees and Charges to allow the addition of fortnightly payments amounts for 6 or 12 month Group Fitness and Fitness Centre memberships at Newman Recreation Centre.

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

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

File Ref: CLR-4-5
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Proposed Meeting Date: 28 October 2016

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included as an attachment to the agenda.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 2 Constitution of local government
Division 2 Local governments and councils of local governments
Section 2.7

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

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Goal 1 – Civic Leadership – Planned Actions

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

1.1 Efficient and effective local government

1.1.1 Ethical, accountable and transparent decision-making

RISK MANAGEMENT CONSIDERATIONS

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT the Director Technical and Development Services “Status of Council Decisions” Report for the month of September 2016 be received.

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

28 OCTOBER, 2016

| 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 | MDS-P | Refer to Information Bulletin | In Progress |
| 28 September 2012 | 13.4 | NEW ROAD LINKED TO LIGHT INDUSTRIAL AREA (LIA) – newman - Cr Shane | MDS-P | Refer to Information Bulletin | In Progress |
| 28 August 2015 | 13.8 | CARAWINE GORGE Cr Lang Coppin | MDS-P | Refer to Information Bulletin | In Progress |
| 27 th May 2016 | 1. | BBQ AT NULLAGINE LOOKOUT Cr Bidy Schill commented that the BBQ at the Nullagine lookout is not working. Ms Sian Appleton to follow up. | MTS-R TSAO | <ul style="list-style-type: none"> Location for townsite replacement BBQ being investigated; - either playground near Gallop Hall or near Wi-Fi toilet spot opposite hotel. Temporary signage at Lynas lookout installed; Final signage to be installed when new BBQ is in place. | Oct 2016 |
| 26 August 2016 | 13.2 | TESTING OF DUST ELEMENTS Cr Shane Carter asked if it was possible for the Department of Health to test the dust, surrounding the town of Newman for particulates and if a report could be tabled at Council Manager Development Services – Health to follow up. | MDS-H CEO | Refer to Information Bulletin | Complete |
| 26 August 2016 | 13.4 | NEWMAN AIRPORT LUGGAGE TROLLEY Cr Gerry Parsons asked if it was possible to get a couple of luggage trollies at Newman Airport as she has had requests from the community. Director Technical and Development Services to follow up. | MDA | Options and costings to be investigated and presented. Second hand trollies can be purchased for about \$550 each. Will need 3 trolley bay collection points and bumper protection for terminal glass walls. | Oct 2016 |
| 23 September 2016 | 13.2 | TREES DYING MARBLE BAR Cr Michael Kitchin said the trees are dying on the main street. Mr Rick Miller, Director Technical and Development with Cr Michael Kitchin to | MTS-R | <ul style="list-style-type: none"> Reticulation repairs have been completed. Some trees have been impacted by white ants. MTSR and WS to arrange site inspection with | |

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

28 OCTOBER, 2016

| COUNCIL MEETING DATE | ITEM NO | COUNCIL RESOLUTION | DIRECTORATE | ACTION TAKEN/ STATUS | ESTIMATED COMPLETION DATE |
|-----------------------------|----------------|---|--------------------|---|----------------------------------|
| | | discuss the matter. | | Cr Kitchin when he is next in town. | |
| 23 September 2016 | 13.4 | 1080 BAITs - NULLAGINE Cr Bidy Schill said she had been advised that there has been baiting occurring within close proximity to Nullagine townsite. Mr Rick Miller, Director Technical and Development Services to follow up and confirm. | MCS | Advice from Pilbara Regional complete biosecurity group is that an investigation on the subject incident is ongoing with the Department of Agriculture and Food. A review of their "advice" procedures will see changes to ensure receipt by shire so we can assist through our public notice system. | Complete |

9.3.2 DELEGATION TO CHIEF EXECUTIVE OFFICER TO AWARD TENDER FOR PERIOD TO 9 DECEMBER 2016

File Ref: LEG13-6
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Rick Miller
Director Technical and Development Services
Proposed Meeting Date: 28 October 2016
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider delegating authority to the CEO to award subject tender for the period up to the next Council meeting proposed to be held on 9 December 2016. This is to assist in the efficient and timely delivery of the annual works program. For Council to approve the Common Seal to be affixed under delegated authority to the CEO for the contract between the Shire of East Pilbara and the successful tenderer.

BACKGROUND

Through the adopted budget for 2016/17 a project for drainage improvements has been approved and the tender for the delivery of the contract is currently being advertised and closes on the 9 November 2016. With the next Council meeting not set until almost the middle of December, an opportunity may be lost to complete the works before Christmas and to avoid the wet season. By awarding this project as soon as possible (14 November 2016) it will minimise the risk of not complying with the tender and purchasing policy of completing capital works before end of April 2017.

COMMENTS/OPTIONS/DISCUSSIONS

It will be recommended that the CEO (or in the absence of the CEO, the Acting CEO) be delegated authority to award the tender for the following project up to the nominated values per approved 2016/17 budget allocations:

| Tender No. | Description | Fund Source | Account Expenditure | Account Budget (ex GST) |
|-------------------|--|--------------------|--|--------------------------------|
| RFT 08-2016/17 | To install 300 metres of reinforced and interlocking box culverts and to clean 600 metres of open drain through vegetation removal and disposal in Newman Drive. | Municipal | GL 129577 \$280k GL 121008 \$122.8k | \$402,800 |

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

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) _____

10.12 PURCHASING AND TENDER PROCEDURE



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 - \$149,999 | Under direction from the authorised supervisor, and in consultation with the Chief Executive Officer, the Deputy Chief Executive Officer and/or the Director Technical and Development Services a purchase order will be utilised and three written quotes shall be obtained. In obtaining written quotations the Council Purchasing Service shall be utilised wherever practicable. |



| | |
|--------------------------------|--|
| \$150,000 & greater | Under direction from the authorised supervisor tenders will be invited as follows. If work is allowed for in the budget a request for tender form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget permission to go to tender must be obtained from Council. |
|--------------------------------|--|

Capital Expenditure

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

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

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

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

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

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

Orders for Goods & Services

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

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

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



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

1. Managers
2. Coordinator Property Services

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

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

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

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

Light Vehicle Purchases

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

Consultants Services

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

Between \$20,001 and \$150,000 a Request For Quote procedure shall be utilised, in compliance with purchase thresholds.

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

Light Vehicle Disposals

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

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

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

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



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

Regulatory Compliance

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

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

STRATEGIC COMMUNITY PLAN

Goal 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
 - 1.1.2 Continued strong financial management
 - 1.1.3 Effective business management

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
Partnering With: State Government, Industry, NCCI, other relevant stake holders

Goal 4 – Environmental – Planned Actions

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

- 4.2 Promote a sustainable environment
 - 4.2.1 Cultivate clean green towns

RISK MANAGEMENT CONSIDERATIONS

The risk to Council reputation will be increased by not taking opportunity to avoid season constraints. By awarding contract as soon as practical will reduce the risk of not completing the works in accordance with Council policy requirements.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. Funding for this project will be sourced from accounts GL 129577 Drainage Improvements \$280,000 and GL 121008 Drainage improvements \$122,800

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 following tenders for the period up to the 9th December, 2016 up to the value of \$402,800.**

| Tender No. | Description | Fund Source | Account Expenditure | Account Budget (ex GST) |
|-------------------|--|--------------------|--|--------------------------------|
| RFT 08-2016/17 | To install 300 metres of reinforced and interlocking box culverts and to clean 600 metres of open drain through vegetation removal and disposal in Newman Drive. | Municipal | GL 129577 \$280k GL 121008 \$122.8k | \$402,800 |

- 2. Approve the Common Seal to be affixed under delegated authority to CEO for the contract between the Shire of East Pilbara and the successful tenderer.**

**9.3.3 CHANGE OF PURPOSE OVER RESERVE 44774 GREAT NORTHERN
HIGHWAY, NEWMAN**

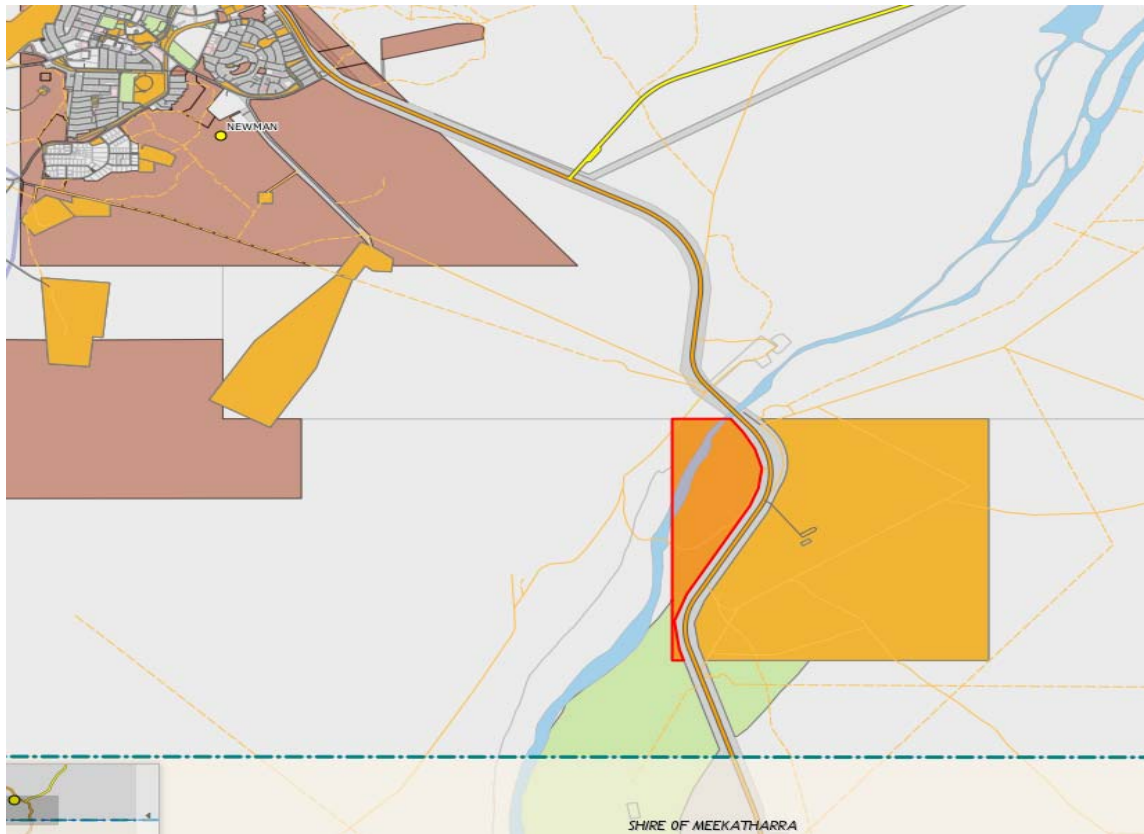
File Ref: A400013
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Roy Winslow
Manager Development Services - Planning
Proposed Meeting Date: 28 October 2016
Location/Address: Reserve 44774 Great Northern Highway,
Newman
Name of Applicant: Aboriginal Men's Healing Centre
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider requesting the Department of Lands changes the purpose of Reserve 44774 (located opposite Newman Airport) to add the use "community purposes" in order for the site to be considered for the proposed Aboriginal Men's Healing Centre.

BACKGROUND

Reserve 44774 is located opposite Newman Airport and is invested in the Shire for the purpose of transport & freight hub and has been subject to detailed planning for future use as a freight and logistics hub. The reserve is 157ha in total and shown in red below).



The reserve is subject to a management order made in the favour of the Shire for the purposes of 'depot' and 'parking'. In 2012, Council resolved to progress with the development of the reserve to allow for a number of freight and logistics companies to establish transport yards. Detailed engineering design was completed in 2015 that identified that due to the close proximity of the Fortescue River, a significant amount of fill would be required to construct an access road and for building pads that avoids the 100 year flood event, as required by state policy.

In addition to the high costs associated with development of the logistics hub, the current economic downturn has removed the demand for the facility at this point in time. Alternative sites on the airport side of the highway will be investigated for the hub as part of the Airport Master Plan.

After consideration of a number of site options, the reserve has been identified by the proponents of the Aboriginal Men's Healing Centre as the most ideal location for its purposes. The relatively small and spread out development footprint of the centre when compared to a freight and logistics hub will allow for the 100 year flood limits to be avoided.

In order for Council to be in a position to consider leasing of all or part of the reserve to the Aboriginal Men's Healing Centre, the management order requires modification of the purpose to include "community purposes". As the reserve currently enjoys the ability to be leased, there is no need to modify the management further than include an additional purpose.

COMMENTS/OPTIONS/DISCUSSIONS

By considering including community purposes on the management order for the reserve, Council is not providing a firm commitment for the land to be leased to the proponents of the Aboriginal Men's Healing Centre. However, the proposed modification to the management order is a vital first step to allow Council to consider the proposal further. Should the Department of Lands allow the additional purpose, Council can then formally consider the request to lease the reserve and determine matters such as whether to lease the size of the lease, the location on the reserve and the lease terms.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 41 of the Land Administration Act 1997 (the Act) allows the Minister for Lands to reserve land for one or more purposes in the public interest. The proposed inclusion of "community purposes" is consistent with this section.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

- 2.4.1 Promote diverse, harmonious and caring communities
Partnering With: Federal Government, State Government, Industry and NGO's
Responsible officer: MCW
Timing: 1-3 years

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.

- 2.1.4 Support individual and community health
Partnering With: NGO's, State Government, Industry
Responsible officer: MCW
Timing: 1-5 years

- 2.1.1 Promote safe and healthy communities
Partnering With: NGO's, State Government
Responsible officer: MCW
Timing: 1-3 years

RISK MANAGEMENT CONSIDERATIONS

The inclusion of an additional purpose to Reserve 44774 does not impact upon organisational risk.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

1. Requests the Minister for Lands includes the purpose of “community purposes” on the management order for Reserve 44774, Great Northern Highway, Newman; and
2. Advises Aboriginal Men’s Healing Centre Inc. that negotiations into the potential lease of all or portion of Reserve 44774 cannot take place until the Minister for Lands has approved the inclusion of “community purposes” on the management order for the reserve.

9.3.4 ENDORSEMENT OF REGIONAL SIGNAGE STRATEGY

| | |
|---------------------------------------|---|
| File Ref: | STR-7-2 |
| Attachments: | Regional Signage Style Guide Regional Signage Strategy |
| Responsible Officer: | Mr Rick Miller Director Technical and Development Services |
| Author: | Mr Roy Winslow Manager Development Services - Planning |
| Proposed Meeting Date: | 28 October 2016 |
| Location/Address: | N/A |
| Name of Applicant: | Pilbara Regional Council |
| Author Disclosure of Interest: | Nil |

REPORT PURPOSE

For Council to consider endorsing the Regional Signage Strategy prepared by the Pilbara Regional Council.

BACKGROUND

The Pilbara Regional Council (PRC) has prepared a Regional Signage Strategy, a copy of which is attached. The purpose of the Strategy is to support a consistent tourism experience throughout the Pilbara. The intent of the Strategy is to provide a framework upon which all future direction on signage within the region can be coordinated.

The Strategy seeks to address the following issues:

1. There is little sense of arrival in the region, the result of which is that people may pass from one side to the other without fully releasing the tourism offerings in the Pilbara;
 2. The main drive trail, the Warlu Way, is not explained well to visitors, its purpose is unclear, there is inconsistency in mapping and, at the very least, its signage is confusing;
 3. The Pilbara Regional Council's Welcome Rest Stops are popular with those that know they provide free Wi-Fi but they provide limited local information for visitors;
 4. The Visitor Centres provide a key service to visitors but act independently and have no common Pilbara outlook;
 5. Information bays throughout the region vary significantly in quality and effectiveness;
 6. The towns of Port Hedland, Karratha, Tom Price and Newman all have signage issues when directing tourism traffic to their town/city centres;
 7. There are local signage issues in most communities that if addressed could significantly improve the visitor experience;
-

8. There is potential for the Pilbara to provide an Australian benchmark in acknowledging local Aboriginal languages through signage; and
9. There is currently no coordinated approach to signage policies and practices.

The key recommendations from the Strategy are:

- The three regional entry points (Nanutarra, Capricorn and Pardoo) need to portray a sense of arrival in the Pilbara where information on the Warlu Way and local tourism product is readily available. The information should be presented to reflect a consistent Pilbara brand.
- Where possible signage and information should be presented to reflect the three tourism themes for the region of natural environment, industrial and cultural/heritage attractions.
- The Warlu Way is to have coastal and inland routes and these routes should be consistently identified on all forms of media.
- The Warlu Way directional signage to be changed to standard brown tourism and include information of the distance to the next major town/destination.
- Create a consistent style and layout for visitor information boards throughout the region and include Wi-Fi access where technically possible.
- Adopt specific policies for controlling advertising on information boards. This should include what can be advertised, layout, design, size to avoid visual clutter and confusion.
- Re-skin the face of each Welcome Rest Stop sign to provide information about the Warlu Way, the local area, the themed attractions and the context of the wider region.
- Investigate the feasibility of synergies between the Pilbara Visitor Centre signage to ensure there is a whole of region, cohesive approach.
- Implement the findings of the four local government signage audits.
- A Pilbara regional tourism brand should be created and used on all regional tourism signs, along with online and printed applications relating to regional tourism. A positioning statement that captures the essence of the region should be created along with a visual brand identity.
- Ensure Trailheads are adequately signposted on main roads so they can be easily located, using Pilbara regional branded signage.
- Investigate the feasibility of introducing town entry signs with the town name in English and the local Aboriginal language.

COMMENTS/OPTIONS/DISCUSSIONS

By endorsing the Strategy, Council will be providing support to the key recommendations and the development of a regional “brand”. The associated style guide may also be useful for Shire tourism signage, such as the planned Desert Road Trail. However, Council will not be bound to the Strategy should it wish to vary from the “brand” for a given purpose.

The key benefit of the Strategy is that it identifies the importance of a consistent tourism branding for attractions of regional, national and international importance,

such as Karijini and Marble Bar. This will assist in obtaining grant funding for the development of tourism signage over time.

The PRC is seeking funding for the implementation of two key recommendations- the regional entry signs and the Warlu Way rebranding. Two of the regional entry signs will be located on the boundaries to the Shire at Capricorn and Pardoo. The Shire will work with the PRC and Main Roads WA to ensure there is coordination between the regional signage and future Shire entry signs (see separate report).

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

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.

3.1 Business diversification and promotion

3.1.3 Encourage tourism

Partnering With: State Government, Industry, NCCI, other relevant stake holders

Responsible officer: DCEO

Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

There is no organisational risk caused by endorsing the Regional Signage Strategy as it is an informing document only and does not bind the Shire.

FINANCIAL IMPLICATIONS

No financial resource impact. Any future implementation will require budget consideration at the appropriate time.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorses the Regional Signage Strategy as prepared by the Pilbara Regional Council.

**9.3.5 INCLUSION OF POWER TO LEASE AND CAMPING GROUND PURPOSE
TO RESERVE 39135 CAPE KERAUDREN**

File Ref: A139135
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Roy Winslow
Manager Development Services - Planning
Proposed Meeting Date: 28 October 2016
Location/Address: Reserve 39135, Cape Keraudren, Pardoo
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider requesting the Minister for Lands includes a power to lease and add the additional purpose of “camping ground” to the management order for the Cape Keraudren recreation reserve.

BACKGROUND

The Cape Keraudren reserve has been vested in the Shire since 1985 for the purpose of recreation. The reserve comprises a total of 4,712ha with development limited to a nature-based camping area and access road. The Shire currently manages the reserve and camping ground, including the provision of a permanent ranger on site.

In order to provide flexibility in future management decisions, it is recommended that the management order for the reserve be modified to include a power to lease. It is further recommended that an additional purpose of “camping ground” be included to ensure the continued support of camping on the reserve.

COMMENTS/OPTIONS/DISCUSSIONS

No arrangements have been made at this time to lease all or part of the reserve. However, obtaining power to lease now will allow for all models of service delivery to be considered in the future.

Adding the purpose “camping ground” will ensure the management order reflects the current usage of the reserve for both recreation and nature-based camping.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 41 of the Land Administration Act 1997 (the Act) allows the Minister for Lands to reserve land for one or more purposes in the public interest. The proposed inclusion of “camping ground” is consistent with this section.

Section 46 (3) allows the Minister for Lands to provide a power to lease over crown land. The maximum term of lease permitted is 21 years, subject to the consent of the Minister.

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.

3.1 Business diversification and promotion

3.1.3 Encourage tourism

Partnering With: State Government, Industry, NCCI, other relevant stake holders

Responsible officer: DCEO

Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

The proposed changes to the management order do not increase organisational risk.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council request the Minister for Lands includes the power to lease and adds the purpose of “camping ground” to the existing management order for Reserve 39135, Cape Keraudren, Pardoo.

**9.3.6 REQUEST FOR COUNCIL SUPPORT OF FREEHOLDING OF PORTION OF
PARDOO PASTORAL STATION**

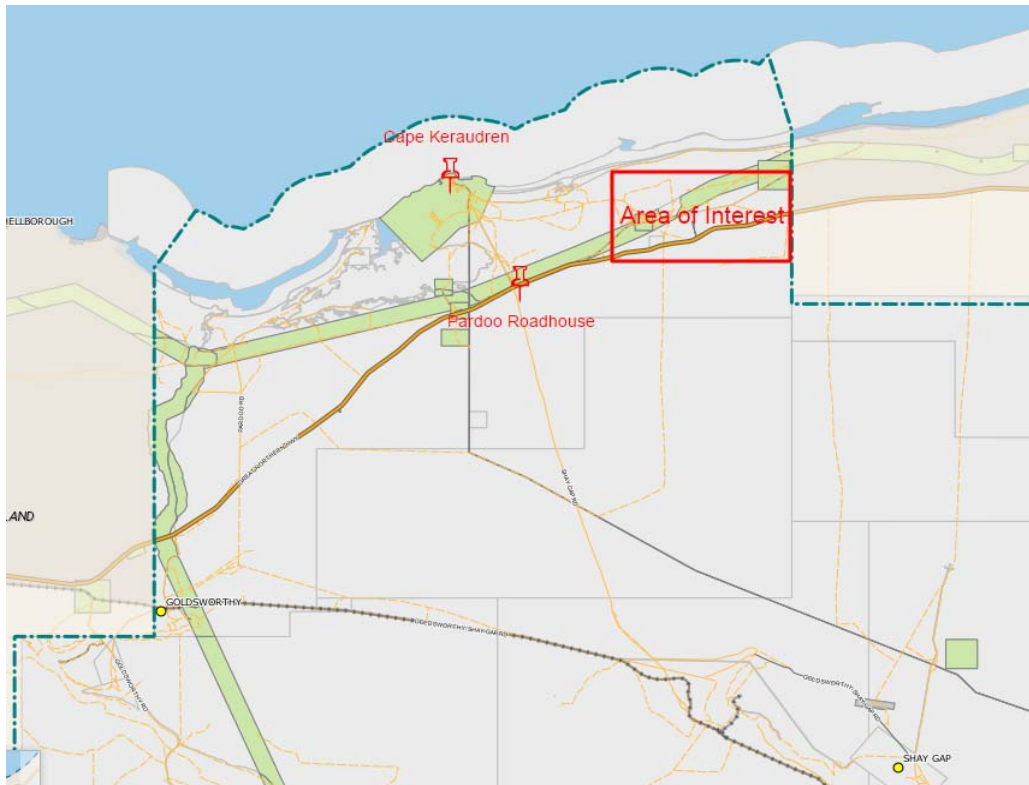
File Ref: A703355
Attachments: [Department of Lands Letter](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Roy Winslow
Manager Development Services - Planning
Proposed Meeting Date: 28 October 2016
Location/Address: Lot 545 and Portion Lot 1556, Portion Reserves
541, 1542 and 9697, Reserve 38769 and Portion
of Old Broome Road, Pardoo
Name of Applicant: Department of Lands on behalf of Pardoo Beef
Corporation Pty Ltd
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider supporting the granting of freehold tenure to Pardoo Beef Corporation Pty Ltd of 9,925ha of existing pastoral lease and reserved land.

BACKGROUND

Pardoo Beef Corporation has undertaken a trial irrigated agriculture project and now wishes to invest in a large-scale project. In order to ensure the security of the investment, it is seeking freehold conversion of 9,925ha of land. The area of interest is shown below:



The Department of Lands has written to the Shire seeking comment on the proposal (attached). The Department is seeking Shire comments on the following matters:

- The current and projected use of Reserve 9697 (De Grey – Wyndham Stock Route), as well as the proposed relocation of the stock route to the south of the envisaged freehold title;
- The excisions from Reserve 541 (Resting Place and Waterway), Reserve 1542 (Watering Places) and Reserve 38769 (Communications);
- The proposed closure of a 17km portion of Road 222 (Old Broome Road); and
- The grant of freehold tenure to Pardoo Beef.

COMMENTS/OPTIONS/DISCUSSIONS

Use and relocation of the De Grey – Kimberley Stock Route

Reserve 9697 is the De Grey – Kimberley Stock Route gazetted in 1905. It is currently unvested. Due to the advent of modern transportation, it is unlikely that the stock route remains in use for its intended purpose of the long distance mustering of cattle. However, the Shire is not in a position to provide comment on the importance of the stock route to the pastoral industry. It is recommended Council advises the Department of Lands that it should seek comment from the Department of Agriculture and Food on the proposed excision and relocation.

Excisions from Reserves 541, 1542 and 38769

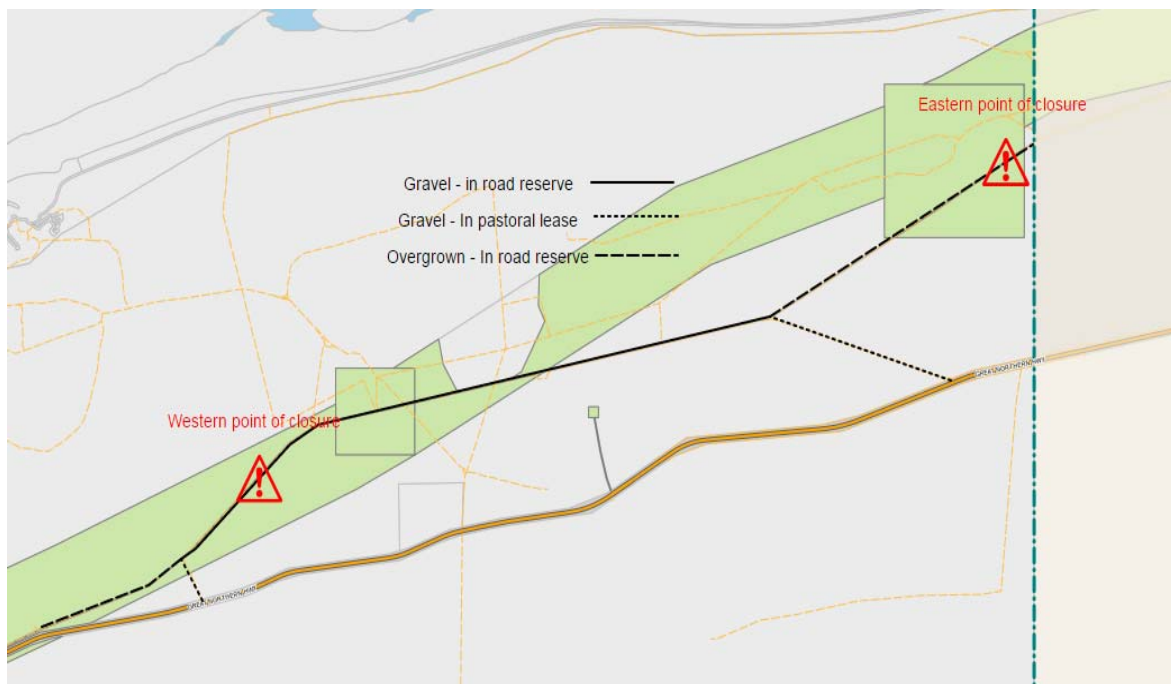
Reserves 541 and 1542 were gazetted in 1882 and 1890 for resting place and waterway and watering places respectively. Both of these reserves are unvested and are unlikely to be required for their intended purposes associated with cross country travel and mustering.

Reserve 38769 is a communications reserve gazetted in 1984 and currently vested in Telstra Corporation Limited. The Department of Lands are seeking comment from the Corporation regarding this excision.

It is recommended that Council advises the Department of Lands that it has no objection to portions of these reserves being converted to freehold.

Proposed closure of Old Broome Road

Of particular concern to Council is the inclusion of land controlled by the Shire in the proposal. An approximately 17km-long portion of Road 222 (Old Broome Road) is proposed to be closed and included in the freehold title. The location of the road reserve and its current state of construction (based on aerial photography) is shown below.



The road reserve is vested in the Shire as a local road. However, Council's Manager Technical Services – Rural advises that the Shire does not maintain this road. Based upon aerial photography, it appears to be in use primarily as a station access road. The road is not signposted and does not provide access to any public areas or private property not otherwise accessible from Great Northern Highway. The eastern end of the road appears to be overgrown and unlikely to be in regular use. Vehicle access to the road reserve is via station access roads rather than the road reserve, as shown above. The road name suggests that it was a previous alignment of the road between Port Hedland and Broome and is superfluous given its proximity to the highway (maximum of 2.5km to the south).

Should the State Government wish to proceed with the freehold conversion, the Shire will be required to undertake a formal road closure process under section 58 of the Land Administration Act 1997. However, currently, Council is only being asked to provide comment on the proposed closure and whether realignment to the south of Great Northern Highway is necessary. The value of a new alignment of the road is questionable given public use of the road is limited.

It is recommended that Council advises the Department of Lands that it has no objection to Road 222 being closed and does not consider it necessary to create a

new alignment. In order to prevent the creation of a 'stub', it is recommended that Council requests the road reserve be closed from the point where it diverges from Great Northern Highway in the above plan to the boundary with the Shire of Broome.

Granting of Freehold Tenure

It is recommended that Council provides support to Pardoo Beef's plans for intensive agriculture as this reflects the Shire's strategic emphasis on developing a diversified local economy. Freehold title provides a level of security to the investment that is not afforded by pastoral lease. Given that conversion to freehold does not affect public access or use and enjoyment of the land, it is recommended Council supports the proposal.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 6, Division 2 of the Land Administration Act 1997 allows for the Minister for Lands to sell Crown land.

Assuming Cabinet supports the proposal, Council will be requested by the Department of Lands to undertake formal road closure under section 58 of the Act. Should this transpire, the road closure proposal will be tabled for Council consideration at a later date.

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.

3.1 Business diversification and promotion

3.1.2 Build a thriving and diverse economy

Partnering With: State Government, Industry, NCCI, other relevant stake holders

Responsible officer: DCEO

Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

Providing support for the conversion of portions or Pardoo Station to freehold title will not create an organisational risk as the Shire is not the decision-maker.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council advise the Department of Lands that it:

- a) Recommends the Department seek the advice of the Department of Agriculture and Food regarding the proposal to excise a portion of the De Grey – Kimberley Stock Route (Reserve 9697) for the purposes of conversion to freehold as part of the Pardoo Beef Corporation's intensive agriculture project;**
- b) Has no objection to the excision of portions of Reserves 541, 1542 and 38769 for the purposes of conversion to freehold as part of the Pardoo Beef Corporation's intensive agriculture project, subject to Telstra Corporation having no objection to excision of portion of Reserve 38769;**
- c) Supports closure of Road 222 (Old Broome Road) to allow for an approximately 17km portion to be incorporated into the freehold title for the Pardoo Beef Corporation's intensive agriculture project, subject to the entire portion of road reserve being closed from the point of divergence from the Great Northern Highway at coordinates Longitude 119.870975 Latitude -20.034596 to the local government boundary with the Shire of Broome, with those portion of closed road not converted to freehold being amalgamated into abutting crown land; and**
- d) Supports the Pardoo Beef Corporation's proposal for freehold tenure of 9,925ha of pastoral lease, crown reserve and road reserve on the grounds that the land will be used to develop a large-scale irrigated agriculture project.**

**9.3.7 REQUEST TO ACQUIRE PORTION OF RESERVE 41654 NORTH NEWMAN
RESERVE FOR AMBULANCE SUB CENTRE**

| | |
|---------------------------------------|--|
| File Ref: | A701994 |
| Attachments: | St John Ambulance Request |
| Responsible Officer: | Mr Rick Miller Director Technical and Development Services |
| Author: | Mr Roy Winslow Manager Development Services - Planning |
| Proposed Meeting Date: | 28 October 2016 |
| Location/Address: | Portion of North Newman Reserve abutting to Newman Drive and Kurra Street, Newman |
| Name of Applicant: | St John Ambulance Newman Sub-Centre |
| Author Disclosure of Interest: | The author is a resident of Kurra Street. |

REPORT PURPOSE

For Council to consider a request made by the Newman Sub-Centre for St John Ambulance to acquire a 6,500m² portion of Reserve 41654 (North Newman Reserve) for a new ambulance facility.

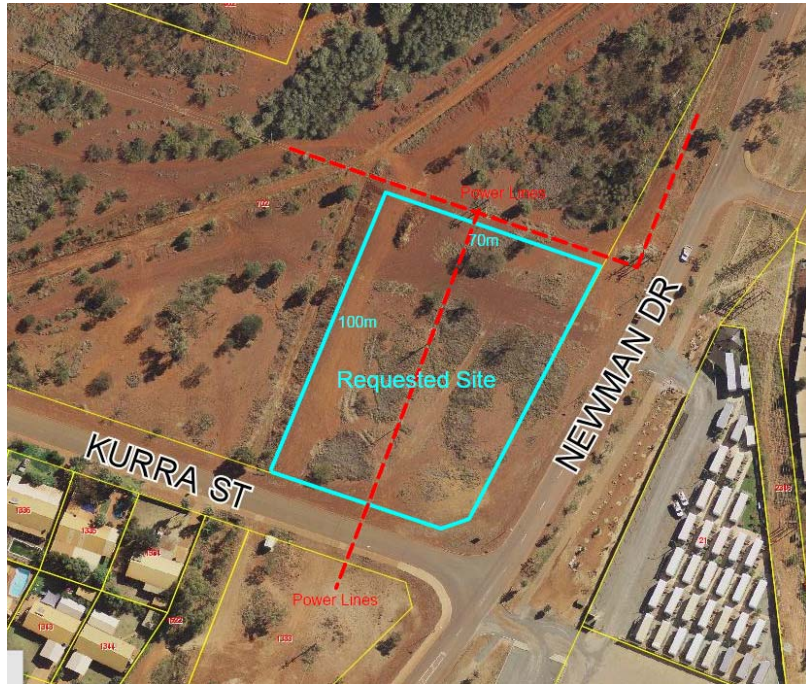
BACKGROUND

The current St John Ambulance sub-centre is located on reserved land vested in St John Ambulance Association of Western Australia on the corner of Newman Drive and Nyabalee Road, Newman. This 1,406m² site does not allow for expansion of the ambulance facility due to its relatively small size and irregular shape. Although the site could be redeveloped by demolition of the existing facility, this poses a number of operational issues during the construction phase, as well as limit future expansion over time.

A number of alternative sites for a new sub-centre have been investigated over time. In order to be suitable, the basic site requirements are:

- A minimum of 2,500m² of readily developable area;
 - Direct access to a major road rather than require frequent traversing of residential streets;
 - Be relatively central for volunteer call outs;
 - Have the ability for ambulance vehicles to circulate through the facility, either by having dual road frontage or the site being sufficiently large to accommodate internal circulation roads;
 - Be appropriate separated from nearby residences due to the facility being in use at all hours; and
 - The land being readily available.
-

After consideration of all of the above criteria, St John Ambulance has identified that the most appropriate location for a new ambulance facility is the 6,500sqm portion of North Newman Reserve abutting Newman Drive and Kurra Street, as shown below.



Whilst significantly larger than the minimum 2,500m² sought for the facility, the additional size allows for the development to accommodate the high voltage power line that runs through the site.

The proposed site is located approximately 300m north of the existing site as shown below. The proposed site will provide a similar level of accessibility to the town and the highway.



COMMENTS/OPTIONS/DISCUSSIONS

Excision from Reserve

To allow the site to be acquired by St John Ambulance, Council will need to resolve to request the portion of Reserve 41654 requested be excised. This would remove Council's interest in the land and allow the site to be vested in St John Ambulance as a crown reserve for the purpose of "ambulance sub-centre". Conversion of the land to freehold title is unlikely to be economically feasible due to the presence of the high voltage power lines.

Reclassification of Local Scheme Reserve

In addition to the excision of the reserve, the land will be required to be reclassified in Town Planning Scheme No.4 from a 'Recreation' local scheme reserve to a 'Public Purposes' local scheme reserve. Reclassification would require a Scheme amendment to be prepared, advertised and approved by the Minister for Planning.

Impact on Future Development of North Newman Reserve

The land in question was identified for a future information bay and car park associated with improvements to the North Newman Reserve to better integrate Kurra Village into the town. However, with Kurra Village to be decommissioned in late 2016, there are no plans to undertake the improvements at this time. The removal of the village will allow a future information bay to be established further to the north of the site preferred by St John Ambulance. Therefore, permitting the new ambulance facility to be constructed on the corner of Newman Drive and Kurra Street does not eliminate the ability to provide a new information bay or entry statement for the town should one be considered desirable in the future.

Impact on Power Lines

St John Ambulance intends to develop the site in a manner that allows the existing power lines to remain unaffected. Any buildings and other structures, such as radio towers, would be required to be setback to the satisfaction of BHP Billiton as owners of the transmission line. The area underneath the power lines would be used for access and parking rather than built structures. The developable area of the site is estimated at 4,200m² or 65% of the total site area.

It is presumed that the power lines can remain in place providing the land remains a Crown reserve. The support of BHP Billiton will be required by the Department of Lands in order to allow for the land to be excised and separately reserved. This support will be sought by the Department should Council make a formal request for excision of the land.

STATUTORY IMPLICATIONS/REQUIREMENTS

Section 50 of the Land Administration Act 1997 provides for a management body to agree to a management order being revoked. Revoking the management order over Reserve 41654 will allow for the proposed ambulance facility site to be removed from the remainder of the Reserve. A new management order will then be issued to the Shire in accordance with section 46 of the Act for the remainder of the North Newman Reserve.

To allow the area of land to be relinquished, the Shire will need to complete a Statutory Declaration in regards interests and possible contamination of the portion of land to be excised. This matter will be dealt with administratively and does not

require formal Council resolution. It is noted that there is unlikely to be contamination present on the site as it has not been previously developed.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

Goal 2 – Social – Planned Actions

- 2.4.3 Provide relevant and affordable community services
Partnering With: Federal Government, State Government, Industry and NGO's
Responsible officer: MCW
Timing: 1-5 years

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.

- 2.1.4 Support individual and community health
Partnering With: NGO's, State Government, Industry
Responsible officer: MCW
Timing: 1-5 years

- 2.1.1 Promote safe and healthy communities
Partnering With: NGO's, State Government
Responsible officer: MCW
Timing: 1-3 years

RISK MANAGEMENT CONSIDERATIONS

The land is currently surplus to Shire requirements. Relinquishment of the land will not create a risk to the organisation.

FINANCIAL IMPLICATIONS

It is recommended that Council requires all costs associated with excision of the land to be borne by St John Ambulance as the proponent. This includes costs associated with reclassification of the site in Council's Town Planning Scheme No.4.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council

1. Advise the St John Ambulance Association of Western Australia that:
 - a) It is prepared to support excision of approximately 6,500m² of Reserve 41654 abutting Newman Drive and Kurra Street, Newman to allow for the parcel to be vested in the Association for the purpose of “ambulance sub-centre”;
 - b) All costs associated with excision of the parcel are to be borne by the Association; and
 - c) An amendment to Shire of East Pilbara Town Planning Scheme No.4 to reclassify the portion to be excised from “Recreation” to “Public Purposes” is to be prepared by the Association at no cost to the Shire.
2. Advise the Department of Lands that it is prepared to relinquish the 6,500m² parcel of land from Reserve 41654, North Newman Reserve, required by St John Ambulance Association of Western Australia.

9.3.8 AFFIXING THE COMMON SEAL TO LICENCE FOR CAR PARKING BAYS

File Ref: A404941 A703198
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Roy Winslow
Manager Development Services - Planning
Proposed Meeting Date: 28 October 2016
Location/Address: 1 and 2 Lee Lane, Newman (Parnawarri
Shopping Centre)
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 Licence documents relating to private car parking bays located within road reserves surrounding the Parnawarri Shopping Centre, Lee Lane, Newman.

BACKGROUND

A portion of the private car parking constructed on Lots 101 and 102 Lee Lane, Newman encroaches into the Newman Drive and Salmon Way road reserves. To ensure the Shire is not liable for the operation of these bays, licence documents have been drafted.

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.

RISK MANAGEMENT CONSIDERATIONS

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 Licence and Sub-Licence for Car Parking Bays on Newman Drive and Salmon Ways, Newman.

**9.3.9 DEVELOPMENT APPLICATION - PROPOSED DAY CARE CENTRE AT 16
KEEDI ROAD NEWMAN**

File Ref: A405560

Attachments: [Attachment 1 Applicants Proposal](#)
[Attachment 2 Submissions Received](#)
[Attachment 3 Submitted Car Parking Design](#)

Responsible Officer: Mr Rick Miller
Director Technical and Development Services

Author: Mr Roy Winslow
Manager Development Services - Planning

Proposed Meeting Date: 28 October 2016

Location/Address: 16 Keedi Road, Newman

Name of Applicant: K Tynan

Author Disclosure of Interest: The Author is a close acquaintance to two employees of existing day care centres in Newman.

REPORT PURPOSE

For Council to determine an Application for Development Approval to change the use of the existing single house at 16 Keedi Road, Newman to Child Day Care Centre.

BACKGROUND

Property Details

The subject property is currently developed for a single house and is located within an established residential area.



Zoning and Use Permissibility

The property is zoned Residential R15/40 by Shire of East Pilbara Town Planning Scheme No.4 (the Scheme). The use 'Child Day Care Centre' is an 'A' use in the Residential Zone, meaning the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with the advertising requirements of clause 64 of the Deemed Provisions.

Obtaining development approval is the first step towards obtaining a licence to operate a child care service under the *Child Care Services Act 2007*. Other local government approvals that will be required are building approval for extension, refit and reclassification of the building under the *Building Act 2011* and approval to conduct a food business under the Food Act 2008.

Outline of Proposal

It is proposed to convert the existing house into a purpose-built child care facility that meets the requirements of the *Child Care Services (Child Care) Regulations 2006*. To meet the relevant requirements, it is proposed to extend the building at the front and rear to increase internal floor area and to construct the necessary kitchen, office, laundry and ablution facilities. All existing domestic facilities will be removed and replaced.

An outdoor play area will be created in the rear yard. The front yard will be modified to provide additional car parking spaces.

The facility is intended to accommodate up to 38 children aged 2-10 years and will operate 6:30am-6pm Monday-Friday. When all 38 places are filled, there will be a need to have 5 staff members in attendance. However, the number of staff working at any one time will depend upon the number of children being accommodated and is expected to fluctuate.

The applicant's proposal is included in Attachment 1.

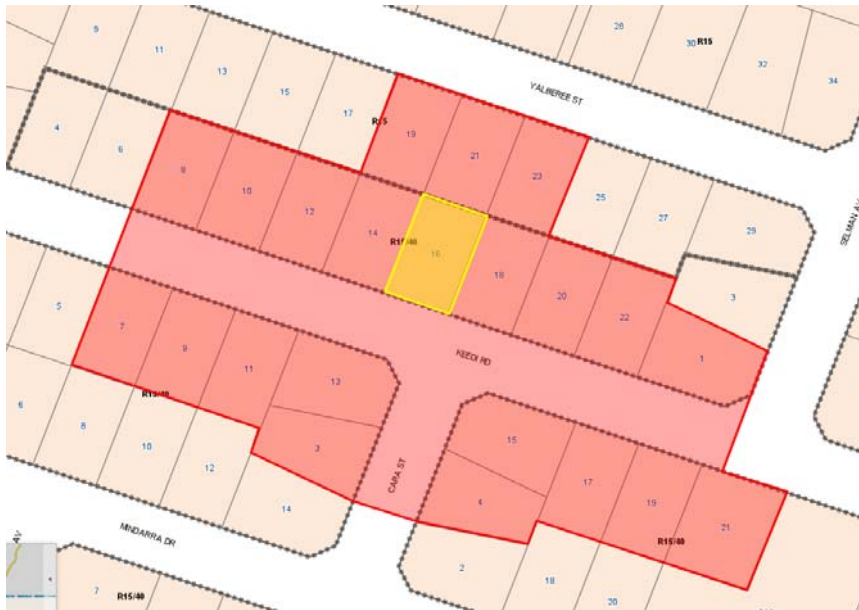
COMMENTS/OPTIONS/DISCUSSIONS

Advertising Conducted

The following advertising was conducted in accordance with clause 64 of the Deemed Provisions, with the level of advertising set by the Manager Development Services – Planning under Delegation 4.34A *Administration of Town Planning Scheme No.4*, Delegation 11 *Determine the method and extent of advertising required under clause 64 of the Deemed Provisions for each application for development approval*.

The advertising conducted comprised of the following elements:

1. Letters were posted on 30 September 2016 to all owners and occupiers of properties within the area shown below. The letter provided a copy of the applicant's proposal (attached) and invited written submissions up until close of business on Monday 17 October 2016.



2. A sign advising of the proposal was displayed on the front verge of the subject land between 3 October 2016 and 18 October 2016. The sign included details of the application, including the applicant's proposal and invited comment in the same manner as the letters to owners and occupiers of surrounding properties.
3. Details of the proposal were uploaded to the Shire's website and were available for viewing between 3 October 2016 and 18 October 2016.

The methods of advertising and the 14-day submission period provided is consistent with the minimum requirements of Deemed Provision clause 64. The only form of advertising that was not undertaken was publication of a public notice in a newspaper circulating within the area. In accordance with delegated authority, Council's Manager Development Services – Planning judged that publication of a newspaper notice was not justified in this case.

Submissions Received

At the close of the submission period on 17 October 2018, a total of 3 written submissions had been received, all of which objected to the proposal. Each of these submissions is located at Attachment 2, with contact details of individuals removed to protect privacy.

Concerns Raised in Submissions

The main areas of concern raised in the submissions received are:

- Location in a residential area;
- Traffic impacts and insufficient car parking;
- Noise impacts;
- Privacy impacts; and
- Impacts on other day care providers.

Each of these areas of concern is examined below.

Location in a Residential Area

Each of the submissions received indicated that the proposed day care centre use is unsuitable within a residential area. The related matters of traffic, noise and privacy are discussed separately.

It is noted that the Scheme provides the ability for Council to grant discretionary approval to a child day care centre within the residential zone. The potential impacts of the use are reflected in the level of permissibility being 'A', which requires a greater level of scrutiny than a use that is automatically permitted in the zone. The Scheme identifies that a child day care centre proposal needs to be judged on its merits rather than be automatically approved ('P' use) or automatically refused ('X' use). Any refusal cannot be justified on the grounds that the use is inconsistent with the objectives of the residential zone given the Scheme allows for the use to be approved. Conversely, it is insufficient to approve the use without suitable controls to protect residential amenity.

Prior to determining whether to approve or refuse the application, Council is to consider the potential impact on residential amenity for surrounding properties caused by traffic, car parking, noise and potential loss of privacy. Should these matters be able to be addressed to the satisfaction of Council, then the application may be approved, subject to any conditions considered necessary to ensure the residential amenity of the locality is protected. Should Council consider the use as proposed, taking into account the individual characteristics of the subject land and its surrounds, will have an undue impact on residential amenity, it may refuse the application giving reasons.

Should all other matters be able to be addressed to the satisfaction of Council, refusal cannot be justified on the location being within a residential zone.

Traffic Impacts and Insufficient Car Parking

The applicant's proposal identifies that employees will park on site with parents drop off and pick up parking being on street. Impacts on surrounding properties by an increase in traffic and insufficient car parking have been raised by all submissions received.

The number of car parking spaces required for a particular use is outlined in *Shire of East Pilbara Local Planning Policy No.4 – Vehicle Parking Standards*. For 'Child Care Premises', the number of spaces required is 1 space per employee plus 1 space per 8 children allowed under maximum capacity.

Based on the Policy requirements and the staff and child numbers provided in the application, a total of 5 employee and 5 child parking spaces are required. The applicant has prepared an indicative car parking layout plan that provides for 4 staff and 4 parent drop off / pick up spaces by utilising the existing driveway and front yard areas (see Attachment 3).

Council officers have inspected the frontage of the property and are satisfied that the front yard can be modified to accommodate up to 8 car parking spaces. However, the design provided by the applicant may need to be modified to take into account service location and car parking dimension requirements. Notwithstanding the design requires refinement, Council officers are satisfied that there is sufficient space on the site and verge area to create a car parking solution for 8 spaces.

It is likely that some of the private car parking spaces will encroach into the verge area. Where this has occurred in the past, the Shire has required a licence to be

entered into that indemnifies the Shire of responsibility for the car parking located on public land. A condition requiring such a licence should be included in any approval granted by Council.

The shortfall of car parking provided on site will be 2 spaces. In this case the following factors can be taken into account that may reduce car parking demand for the proposed facility:

- The site is located in a residential area with approximately 350 residential properties located within a 400m radius (i.e. 10 minute walk) of the subject site. This increases the pedestrian accessibility of the facility for both staff and clients.
- Parent drop off and pick up times tend to be more staggered when compared to a school where all children start and finish at the same time. This increases the turnover rate and overall occupancy of each car parking space when compared to a school environment. Whilst staff parking will be in use all of the day, parent parking will be used frequently for short periods of time.
- In the event that all car parking spaces are in use at any one time, there is sufficient on-street parking within 20-30m of the property to cater for drop off and pickups in a manner that will not affect accessibility to surrounding properties.

In relation to traffic impact, it is noted that there will be an increase in overall traffic volumes on Keedi Road and Cara Street when compared to the use of the property as a residence. The following table outlines the potential maximum traffic generation of the facility:

| Traffic Type | Number | Movements Per Person (In and Out) | Total |
|--------------|--------|-----------------------------------|-------|
| Staff | 8 | 4 | 32 |
| Parents | 57 | 2 | 114 |
| Total | | | 146 |

The above totals assume a 50% increase over and above the maximum number of staff and children advised by the applicant to take into account that some will not stay at the site all day. The volumes also take into account staff will leave the site for lunch breaks.

The Keedi Road and Cara Street pavements are 7.5m wide and designed for a capacity of up to 3,000 vehicles per day (based on Access Road 'C' specifications contained in the Western Australian Planning Commission's *Liveable Neighbourhoods* Policy). The current volumes on both Keedi Road and Cara Street are estimated at no more than 300 vehicles per day, suggesting there is spare capacity to cater for the "worst case" traffic volumes calculated above.

To ensure that traffic and car parking do not affect access to surrounding properties, a traffic management plan showing how parking and access will be managed is recommended as a condition on any approval granted by Council.

Noise Impacts

All of the submissions received raised noise as a concern. Two of the submissions linked noise to detrimental impact on shift workers residing in nearby properties.

Noise from playing children and visiting vehicles have been identified as the two most likely sources of noise emissions. Noise from air conditioning units can be disregarded as the existing house currently has a large A/C unit that would emit a similar amount of noise.

Noise from children playing outdoors is likely to be limited to daylight hours and for relatively short periods of time, especially during hot weather. The *Environmental Protection (Noise) Regulations 1997* prescribe maximum noise emissions for certain times of the day. Of particular relevance to this proposal is the limitation on noise emitted before 7am in the morning. In order to comply with the Regulations, outdoor play will need to be limited to any time after 7am (noting the proposed opening time of the facility is 6:30am). This can be readily addressed by a condition of approval.

Noise from traffic movements is likely to be spread over the day, which may create a nuisance to residents of houses immediately surrounding the site, particularly from reversing beepers and acceleration away from the site. However, this form of noise is not subject to the noise regulations. Further, most of the traffic generated will be between 7am and 6pm, which is outside of the hours where noise levels are more stringently controlled.

Given that outdoor play will be sporadic and within normal day time hours, Council is left to consider the potential impact on shift workers who may be sleeping during the day. Given the hot weather for up to 8-9 months a year, it is likely that both the day care centre and surrounding houses will have windows and doors shut during daylight hours and air conditioners running. This will reduce the amount of noise emitted from the facility being heard inside of surrounding houses.

With the absence of any quantitative evidence of the number of persons who would be sleeping during the day within close proximity to the facility, it is difficult to weight up the impact on shift workers. Further, the Shire has no record of noise complaints being lodged from houses surrounding the schools in town. The schools are located in close proximity to housing and have greater numbers of children playing outdoors at certain times of the day. Whilst not backing onto houses as proposed by the day care centre, the larger number of children playing increases the overall noise emissions experienced. Council officers have a high level of confidence that noise from the day care centre can be managed in a manner that is consistent with community expectations for a residential area.

Whilst noise from the facility will be greater than that emitted by the existing house, it is unlikely to exceed the maximum permitted by the Noise Regulations. In the event that there is a noise complaint, Council officers are able to access noise monitoring equipment to measure emissions and require mitigation measures under the Environmental Protection Act 1986.

Privacy Impacts

One of the submissions raised privacy concerns with the facility being located in a residential area. The issue of privacy is measured by State Planning Policy 3.1 *Residential Design Codes (R-Codes)* as the ability to overlook private indoor and

outdoor areas behind the front building line of a dwelling. Overlooking is triggered where a finished floor level is greater than 0.5m above natural ground level (NGL).

The facility will be single story with a finished level less than 0.5m above NGL. However, there is a risk of overlooking from play equipment located in the rear yard. Whilst play equipment is not normally controlled by planning mechanisms, it is recommended that should the facility go ahead, any play equipment that allows children to stand higher than 0.5m above NGL be setback a minimum of 7.5m from side and rear boundaries or otherwise provided with visual screening in the same manner as required by Deemed-to-Comply provision 6.4.1 C1.1 of the R-Codes.

Impacts on other day care providers

Two of the submissions contend that there is sufficient capacity within the existing day care services that a new facility of the size proposed is unwarranted. Council is legally unable to consider the potential impact of a planning proposal on other businesses or services and must limit its consideration to matters with a planning purpose, such as impact on residential amenity caused by traffic, car parking, noise and privacy.

Officer Conclusion

Given the extent of advertising undertaken, the receipt of 3 objections only appears to indicate general acceptance of the proposal by surrounding residents, particularly in Keedi Road and Cara Street, which are directly affected. However, it is noted that there are a number of vacant homes in the immediate vicinity that may have resulted in less interest in the proposal than may have normally been the case.

Notwithstanding the small number of submissions, the planning matters raised of traffic impact, car parking, noise and privacy are valid issues that require careful consideration by Council. Each of these matters can be addressed by conditions of approval rather than require the application to be refused.

In order to grant approval, the overall impact on the residential amenity of surrounding properties needs to be of a level that does not affect the ability for "quiet enjoyment". In this case, the day care centre will operate on weekdays between 6:30am and 6pm only. This generally coincides with the times when the community will accept a higher level of noise and traffic when compared to other times of the day or on weekends.

The major issue to be further investigated in the event of a conditional development approval will be the car parking arrangements. Whilst there is sufficient room on site to provide car parking, the configuration of this and how traffic and car parking will be managed on a day-to-day basis will require refinement.

When determining this application, Council must be satisfied that the use can operate in a manner that will not adversely affect residential amenity. Council officers contend that the use can be managed in a way that mitigates but does not eliminate the impacts of the facility when compared to the current use of the property as a residence. Conditional approval of the application is recommended.

STATUTORY IMPLICATIONS/REQUIREMENTS

Council will determine this application in accordance with its powers under the Planning and Development Act 2005 and Shire of East Pilbara Town Planning Scheme No.4.

POLICY IMPLICATIONS

9.4 VEHICLE PARKING STANDARDS – LOCAL PLANNING POLICY No. 4

Application of this Policy has been addressed in the Comment Section above.

10.10 ROAD VERGE DEVELOPMENT CRITERIA

Use of the road verge abutting the site for access and parking will be required in a manner that requires variation away from the standard requirements for the Policy. Council officers are supportive of this, subject to the verge being constructed and maintained by the applicant.

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

Partnering With: State Government, Industry

Responsible officer: CEO

Timing: 1-5 years

RISK MANAGEMENT CONSIDERATIONS

Council will be making a lawful discretionary decision in accordance with its powers under the Planning and Development Act 2005. There is no additional organisational risk caused by Council carrying out its powers in this manner.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council in accordance with Deemed Provision clause 68(2)(b) of Shire of East Pilbara Town Planning Scheme No.4 grants development approval for the change of use of 16 Keedi Road, Newman (P035/16) from 'single house' to 'child day care centre' in accordance with the details submitted with the application and subject to the following conditions:

- a) The child day care centre hereby approved is to operate between the hours of 6:30am-6pm Monday-Friday only, unless written approval for an extension in times is granted by the local government;**
- b) The child care centre hereby approved is limited to a maximum of thirty-eight (38) places, as this term is defined by the *Child Care Services Act 2007*;**
- c) A minimum of eight (8) car parking spaces are to be provided on-site, with the location and configuration of the car parking and access to be subject to approval by the local government of a detailed car parking and access design prepared by the applicant. All car parking spaces and access ways are to be sealed/paved, drained and line marked to the satisfaction of the local government prior to occupation;**
- d) Where car parking spaces encroach onto the road reserve, the applicant shall enter into a licence with the local government for use and management of these spaces. All costs associated with preparation of the licence are to be borne by the applicant;**
- e) A traffic management plan is to be prepared by the applicant that identifies the management strategies to be put in place to ensure access to surrounding properties and general road safety is not adversely affected by the operation of the child day care centre;**
- f) No outdoor play is permitted prior to 7:00am on any day in accordance with the *Environmental Protection (Noise) Regulations 1997*;**
- g) Any play equipment that allows a child to stand greater than 0.5m above natural ground level is to be setback a minimum of 7.5m from property boundaries or otherwise screened to prevent overlooking of adjoining properties in accordance with section 6.4.1 C1.1 and C1.2 of the Residential Design Codes;**
- h) All additions to the building are to be constructed in materials and colours and complement the existing building;**
- i) External signage not attached to the building is to be subject to a separate development approval prior to erection; and**
- j) Arrangements are to be made for the disposal of rubbish to the satisfaction of the local government in a manner that does not create odour or become unsightly.**

ADVICE TO APPLICANT:

- 1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.**
- 2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**
- 3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. A review application must be made within 28 days of the determination.**
- 4. This development approval does not extend to any other approval required from the local government under other legislation, such as (but not necessarily limited to) a Building Permit or Approval to Conduct a Food Business. The applicant and/or owner is advised to contact the local government to ascertain whether any other approvals are required prior to works commencing.**
- 5. In making this determination, the local government has taken into account the location of the child day care centre within a residential area and has placed conditions upon the operation to ensure the residential amenity of the locality is appropriately addressed.**

- 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**
As per Council Recommendation 28.10.2016
- 15 CLOSURE**