



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, Marble Bar,
10.00 AM, FRIDAY, 28 SEPTEMBER 2012.

Allen Cooper
CHIEF EXECUTIVE OFFICER

THE HEART
OF THE
PILBARA



DISCLAIMER

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

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

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

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

WRITTEN CONFIRMATION

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

Signed: _____
Allen Cooper
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Lang Coppin
Cr Anita Grace
Cr Shane Carter
Cr Gerry Parsons
Cr Doug Stead
Cr Darren Bennetts
Cr Kevin Danks
Cr Sue Owen
Cr Stephen Kiernan

Deputy Shire President

Officers

Mr Allen Cooper
Ms Sian Appleton
Mr Rick Miller

Mrs Sheryl Pobrica
Mr Adam Majid

Chief Executive Officer
Deputy Chief Executive Officer
Director Technical and Development
Services
Executive Services Administration Officer
Manager Development Services-Planning

Public Gallery

Mr Arun Broadhurst

Principal, Planning and Urban Design

2.2 APOLOGIES

Councillor Apologies

Cr Lynne Craigie
Cr Craig Hoyer

Shire President

Officer Apologies

2.3 LEAVE OF ABSENCE

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

5.1 NEWMAN TOWN CENTRE DESIGN GUIDELINES

Mr Arun Broadhurst, Principal, Planning and Urban Design, from Hames Sharley will be providing a presentation for the Newman Town Centre Design Guidelines.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

7.1 CONFIRMATION OF MINUTES

[Minutes August 24 2012 Council.DOC](#)

OFFICER'S RECOMMENDATION

THAT the minutes of the Ordinary Meeting of Council held on 24th August 2012, be confirmed as a true and correct record of proceedings with the following amendment;

**13.5 Marble Bar Road
Delete**

Cr Darren Bennetts asked whether there were any developments concerning the Marble Bar Road.

Cr Lynne Craigie responded saying that Minister Mark McGowan had driven on the road and that there were no further updates.

**13.5 Marble Bar Road
Insert**

Cr Darren Bennetts asked whether there were any developments concerning the Marble Bar Road.

Cr Lynne Craigie responded saying that Mark McGowan, leader of the opposition (Labor Party); Shadow Minister for Regional Development; Economic Reform; Public Sector Management and member for Rockingham, had driven on the road and that there were no further updates.

7.2 CONFIRMATION OF PILBARA REGIONAL COUNCIL MINUTES

OFFICER'S RECOMMENDATION

THAT the minutes of the Pilbara Regional Council held on 27th August 2012 be received.

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8 MEMBERS REPORT

8.1 ITEMS FOR RECOMMENDATION

8.2 ITEMS FOR INFORMATION

9 OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CHIEF EXECUTIVE OFFICER STATUS OF COUNCIL DECISIONS - AUGUST 2012

File No: CLR 4-6
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995

Section 2.7

The role of the council

(1) *The council –*

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

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

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

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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

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

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

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

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
3 February 2012	11.1.1	RESIDENTIAL INFILL PROGRAM (LAZY LANDS), NEWMAN – PREPARED BY THE DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS	CEO	Recommendation going to Minister Hopefully, announcement to be made by the end of October 2012.	October 2012
27 April 2012	12.1.1	ANNUAL PERFORMANCE REVIEW APPRAISAL- CHIEF EXECUTIVE OFFICER	CEO	Awaiting documentation	
24 August 2012	9.1.5	SHIRE OF EAST PILBARA DRAFT PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2012	CES	Advertised – Submissions close 7 November 2012	December 2012
24 August 2012	13.10	LANEWAY BETWEEN PRIMARY SCHOOL AND HIGH SCHOOL Cr Gerry Parsons asked who is responsible for the laneway between the South Newman Primary School and Newman High School? The laneway needs to be cleaned up and/or closed. Mr Allen Cooper responded saying that the High School is responsible for the laneway. Mr Allen Cooper will write to the High School asking that the laneway be cleaned up and/or closed.	CEO	Letter has been sent.	September 2012

**9.1.2 AFFIXING SHIRE OF EAST PILBARA COMMON SEAL TO CHIEF
EXECUTIVE OFFICER EMPLOYMENT CONTRACT**

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

REPORT PURPOSE

To seek approval to affix the common seal of the Shire of East Pilbara to the renewal of the employment contract of the Chief Executive Officer – Mr Allen Cooper.

BACKGROUND

The employment contract of Mr Allen Cooper has been renewed for a further two years from 11th March 2013 and expires on 10th March 2015 with three (3) x one (1) year options.

COMMENTS/OPTIONS/DISCUSSIONS

Nil

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Policy:
Council's Policy Manual

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3
Date 27th June 2003

Objective:
To allow for the proper execution of documents.

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

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the common seal of the Shire of East Pilbara be affixed to the Employment Contract, renewed for a two year term from the 11th March 2012, expiring 10th March 2015 with a three (3) x one (1) year options, between the Shire of East Pilbara and Mr Allen Cooper, Chief Executive Officer

**9.1.3 AFFIXING COMMON SEAL TO SUPPLEMENTARY AGREEMENT TO
ACQUISITION OF PORTION OF LOT 23 (NO.77) NEWMAN DRIVE,
NEWMAN**

File No: A409744
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Location/Address: Lot 23 (No. 77) Newman Drive, Newman
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval for the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Supplementary Agreement to Acquisition of Portion of lot 23 (No.77) Newman Drive, Newman.

BACKGROUND

At the Council meeting on 24 July 2009, Council considered the acquisition of a portion of lot 23 Newman Drive, Newman (Seasons Hotel) generally depicted on the Newman Town Centre Redevelopment Concept Plan for the widening of Rogers Place. Council's resolution is as follows:

"THAT the Council resolve to:

- 1. Exchange or purchase by private treaty or compulsory acquisition (in that preference) those portions of Lot 23 Newman Drive, Newman, as shown on the attached plan with the area (subject to survey) to be used for the widening of Rogers Place.*
- 2. The value of any land exchange (for other crown land) or acquisition to be determined by a licensed valuer.*
- 3. Enter into a deed with the owner of the property, which provides for the parties to act in good faith to affect the land exchange if possible with the land to be acquired by the Council being transferred to the Crown as either roads and the land to be exchanged being crown land and provide for among other matters the early possession of the area and provide for the lodgement of easements to enable the development of each area to proceed as soon as possible.*
- 4. Authorise the use of the common seal to be affixed to the seal deed of agreement."*

Following Council's resolution, a deed was entered into in late 2009. That deed broadly defined the area of land to be swapped and a supplementary deed was required to clearly define the area of land being swapped. A copy of the map depicting this area is **attached** for ease of reference.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve or not approve the request to apply the common seal to the Supplementary Agreement to Acquisition of Portion of lot 23 (No.77) Newman Drive, Newman.

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 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.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 – Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council approve the application of the common seal of the Shire of East Pilbara to the Supplementary Agreement to Acquisition of Portion of lot 23 (No.77) Newman Drive, Newman, between the Shire of East Pilbara and Stephen Grace Pty Ltd.

9.1.4 PETITION – USE OF GALLOP HALL, NULLAGINE

Attachments: [petition-1.pdf](#)
File No: A330548
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Location/Address: Gallop Hall Nullagine
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council of a petition received in regards to the renewal of the East Pilbara Independent Services (EPIS) lease at Gallop Hall, Nullagine.

BACKGROUND

On 16 August 2012, the Chief Executive Officer received a petition, containing 32 signatories, from various residents at Nullagine with regards to the renewal of the EPIS lease at Gallop Hall, Nullagine. A copy of the petition is **attached**.

The residents are concerned that the Gallop Hall is not available for use by community members on a regular basis. The residents suggest that the office, laundry, ablution block and share use of the kitchen is enough for EPIS clients, leaving the hall itself for use by the community members.

However, the current term for the lease with EPIS expires on the 31st of July 2013. Staff understand that they will be seeking an extension to continue to provide services to the people of Nullagine.

Part of the lease for the use of Gallop Hall was the ability of other parties to casually hire the hall (see **attached** excerpt from the lease agreement) at a rate set by Council annually within the fees and charges.

The lease does state that EPIS "...shall make the Premises or any part thereof available for hire on a casual basis only for community functions and events."

COMMENTS/OPTIONS/DISCUSSIONS

These types of comments have been made previously but this is the first time that it has been committed to paper. However, staff have not been able to ascertain evidence to support that the hall is not available for casual hire.

The hall would appear to be available but is subject to normal fees and charges payable by anyone using Council facilities. It is not available free of charge unless approval is given. The hall also has to be booked in advance.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.8 Viability of Community, Sporting and Volunteer Groups

1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups

Continuing role

How funded – Municipal Funds and other funding opportunities

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

1. Receive the "Petition" on access and use of the Gallop Hall, Nullagine; and
2. Meet with EPIS to work through the issues raised in the "Petition."

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**9.1.5 REQUEST TO INTERN ASHES – MARBLE BAR PIONEER CEMETERY –
LOIS KATHLEEN ROSE GEAR**

File No: A238639
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Location/Address: Marble Bar Pioneer Cemetery
Name of Applicant: Mr Arthur Gear
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider supporting a request for the internment of ashes at the closed Marble Bar Pioneer Cemetery.

BACKGROUND

The Pioneer Cemetery is located at the Western End of General Street in Marble Bar and is closed for public burials. The current Marble Bar Cemetery is located off the Limestone/Marble Bar Road and was opened in 1974.

COMMENTS/OPTIONS/DISCUSSIONS

The late Mrs Kathleen Mackay (mother of the applicant) was laid to rest with her family some ten years ago in the Pioneer Cemetery. Sadly, Mrs Mackay's daughter, the late Lois Kathleen Rose Gear, passed away on 25 August 2012. Her dying wish was to be cremated and her urn to be interned with her mother at the Marble Bar Cemetery.

The applicant is seeking approval to hold a funeral service at the Marble Bar Civic Centre Hall, and to continue the service at the Marble Bar Pioneer Cemetery on 6 October 2012. The applicant is also seeking approval for the internment of ashes of Ms Lois Kathleen Rose Gear at the Marble Bar Pioneer Cemetery.

Supporting this request would honour Lois' dying wishes to be laid to rest with her mother. Provided the applicant has completed the relevant forms and paid the applicable fees, Council should support this request.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Although the Minister's approval is required for burial in a closed cemetery, the *Cemeteries Act 1986* does not say anything about the internment of ashes in a closed cemetery. For this reason, we contacted the Department of Local Government for their advice. The Department has confirmed that the Minister's

approval is **not** required for the interment of ashes in a closed cemetery and it is at the Shire's discretion to approve or not approve the request. This advice applies even though the Shire is no longer vested with the care and control of this reserve. The reserve is now vested in the State and the only requirement is that we inform the State of the applicants request to intern ashes at a closed cemetery.

Cemeteries Act 1986

Part VI – Management of closed cemeteries

43. Vesting control of closed cemetery

- (1) The Governor may, by order published in the *Gazette*, vest the care, control and management of a cemetery closed under the *Cemeteries Act 1897* or this Act, in a Board or other person.
- (2) Every closed cemetery the care, control and management of which is vested in a Board under subsection (1) shall be deemed to be a cemetery for the purposes of this Act, but no burial may be permitted in the cemetery except in accordance with section 4(2) or with the written approval of the Minister under section 12.

12. Minister may authorise burial

The Minister may authorise the burial of a dead body in a place other than a cemetery where

-
- (a) the burial is to take place on land that is reserved under the *Land Administration Act 1997* for the purpose of burials but is not a cemetery; or
 - (b) the Minister is satisfied that the burial is to take place in an area that is visibly set apart for and distinguishable as a burial place.

Cemeteries Local Law 2010

5.6 Disposal of ashes

- (1) A personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or in the form prescribed in Schedule 13, for permission to dispose of the ashes in a cemetery and upon payment of a set fee, the local government may grant permission for the ashes to be disposed of by one of the following methods –
 - (a) niche wall;
 - (b) family grave;
 - (c) bush memorial; or
 - (d) other memorials approved by the local government.
 - (2) If the application referred to in subclause (1) is approved by the local government, the local government may issue to the applicant an authority in the form prescribed in Schedule 14.
 - (3) Subject to subclauses (4) and (5), a person shall not place the ashes of the deceased person in the cemetery.
 - (4) An authorised officer may place the ashes of the deceased person in the cemetery in accordance with the local government approval provided –
 - (a) the person requesting the placement of the ashes has the permission of the local government; and
 - (b) the ashes are placed within an area set aside for that purpose by the local government.
 - (5) An authorised officer may place the ashes of the deceased person within a grave in accordance with local government approval provided, the person requesting the placement of the ashes has lodged evidence to the satisfaction
-

of the local government that a holder of the grant in respect of the grave in which the ashes are to be placed, has consented to or would not object to the placement and has the written permission of the local government.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council support the applicants request for the internment of ashes of Lois Kathleen Rose Gear at the Marble Bar Pioneer Cemetery subject to the relevant forms being completed and the applicable fees paid.

9.1.6 NEW DELEGATION–COMMUNITY ASSISTANCE GRANTS AND QUICK GRANTS

File No: CSV-9-4-2, CSV-9-4-3
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to authorise a new delegation to the Chief Executive Officer; Community Assistance Grants and Quick Grants.

BACKGROUND

The Community Assistance Grants Application Form was approved by Council at the July Council Meeting as part of the Policy Manual. A copy of a portion of the Application Form is **attached** for ease of reference.

There are two types of funding available. The first is for grants up to \$1,000. These grants are approved by the Chief Executive Officer (CEO) and can be made throughout the financial year and can be in cash or in-kind. If the actual request is under \$300, then a Quick Grants Application Form needs to be completed.

Although the policy says the CEO can approve grants up to \$1000, Council has not yet delegated this authority to the CEO. Therefore, there is a need to create this new delegation.

COMMENTS/OPTIONS/DISCUSSIONS

Council can approve, disapprove or amend the delegation.

The delegation is detailed below:

Community Assistance Grants and Quick Grants

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: CSV-9-4-2, CSV-9-4-3

Legislative Authority for Delegation:

s5.44 *Local Government Act 1995*

Delegation

Authority to authorise Community Assistance Grants for cash or in-kind contributions of up to \$1000.

Authority to authorise Quick Grants for in-kind contributions of up to \$300.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Applicants must complete the Community Assistance Grants Application Form for requests up to \$1000. The application is to be assessed by the relevant director or manager before being authorised by the Chief Executive Officer.

Applicants must complete the Quick Grants Application Form for requests under \$300. The application is to be assessed by the relevant director or manager before being authorised by the Chief Executive Officer.

Approvals must be in accordance with budget allocations and only one grant shall be approved per group, per annum.

Date of Delegation _____

Delegator (Shire President) _____

Delegatee _____

STATUTORY IMPLICATIONS/REQUIREMENTS

s5.44 *Local Government Act 1995*.

POLICY IMPLICATIONS

There is no need to update the Policy Manual as there is already a reference to the CEO approving these types of grants.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 – Community Leadership

To Provide Sound Leadership and Strong Representation

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council approve a new delegation to the Chief Executive Officer; Community Assistance Grants and Quick Grants, as detailed below.

Community Assistance Grants and Quick Grants

Delegation From: Council
Delegation To: Chief Executive Officer
Council File Reference: CSV-9-4-2, CSV-9-4-3
Legislative Authority for Delegation:
s5.44 Local Government Act 1995

Delegation

Authority to authorise Community Assistance Grants for cash or in-kind contributions of up to \$1000.

Authority to authorise Quick Grants for in-kind contributions of up to \$300.

Authority for exercise of Delegation

Nil.

Conditions attached to Delegation

Applicants must complete the Community Assistance Grants Application Form for requests up to \$1000. The application is to be assessed by the relevant director or manager before being authorised by the Chief Executive Officer.

Applicants must complete the Quick Grants Application Form for requests under \$300. The application is to be assessed by the relevant director or manager before being authorised by the Chief Executive Officer.

Approvals must be in accordance with budget allocations and only one grant shall be approved per group, per annum.

Date of Delegation _____

Delegator (Shire President) _____

Delegatee _____



SHIRE OF EAST PILBARA

COMMUNITY ASSISTANCE GRANTS (CAG's)

2012 - 2013

COMMUNITY ASSISTANCE GRANTS

AIM:

The Shire of East Pilbara's Community Assistance Grants are designed to promote the concept of community development and self-sufficiency within the municipality. Council grants are intended to be used to positively contribute to the well being of the community.

WHO IS ELIGIBLE?

Grants will be available to not for profit organisations involved in Arts, Culture, Sport, Recreation and Charitable purposes. However, where an organisation has an outstanding acquittal with the Shire of East Pilbara, Council will disqualify the organisation in applying for any additional grants, until the necessary paperwork has been received.

Individual's are not eligible to receive grants in their own right, however they can make an application of the organisation that are affiliated with, and are recognised as a current officer bearer of that organisation.

WHO IS INELIGIBLE?

Grants will not be offered to:

- State or Federal Government Agencies.
- Profit organisations.
- Fund raising events eg quiz nights, cake stalls, raffles.
- Projects that are not community focussed.
- Organisations with current outstanding acquittals.
- Projects that do not meet one of the four (4) application criteria.

FUNDS AVAILABLE

The Shire of East Pilbara has two classifications of grants:

1. Grants up to \$1,000. These grants are approved by Chief Executive Officer and can be made throughout the financial year and can be in cash or in-kind. If the actual request is under \$300, then a Quick Grants Application Form needs to be completed.
2. Grants from \$1,000 up to \$5,000. These grants are offered twice a year:
Round One: open 1st July and close on 31st July and tabled at the August Council meeting.
Round Two: Open 1st January and close 31st January and are tabled at the February Council meeting.

9.1.7 NEW POLICY – ANNUAL COMMUNITY SURVEY

File No: STR-2-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to adopt a new policy to formally acknowledge the commitment to undertake an annual community survey.

BACKGROUND

The annual community survey is conducted to gauge the view of residents in the Shire of East Pilbara. The survey assists in planning for future infrastructure and service needs where required. Surveys have been conducted since 2006.

In 2011, the Pilbara Regional Council commissioned a local government governance assessment of the Shire of East Pilbara. Principle 4 of that assessment – Community Engagement – acknowledges that community engagement is about involving the community in the decision making process and is critical in the successful development of acceptable policies and decision in government, the private sector and the community.

The audit assessed the Shire of East Pilbara at an average of 1.6 compliance in the area of Community Engagement. The desired outcome is 3.0 compliance. It is noted that the Shire lacks formally adopted policies which are documented and communicated.

The reason for the introduction of this Policy is to establish written commitment to conduct the annual community survey, so as to achieve a higher compliance rate in the area of Community Engagement.

COMMENTS/OPTIONS/DISCUSSIONS

The draft policy was presented to Council at the Corporate Discussion Session held on 24 August 2012.

Council can support, not support or amend the Policy.

The Policy is detailed below:

Annual Community Survey

Minute No:

Date: 28 September 2012

Objective

To ensure an annual community survey of residents is undertaken.

Background

The annual community survey is conducted to gauge the view of residents in the Shire of East Pilbara. The survey assists in planning for future infrastructure and service needs where required. Surveys have been conducted since 2006.

Policy

1. The Shire of East Pilbara shall conduct an annual community survey, preferably in November of each year.
2. The Shire of East Pilbara may engage a consultant to conduct the annual community survey on their behalf.
3. The annual community survey may be conducted by telephone.
4. The annual community survey shall be taken of residents in Newman, Marble Bar and Nullagine, as well as other surrounding areas.
5. When the survey is completed, the results, when finalised, shall be presented to Council for review and consideration of action.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

New Policy Making Guidelines:

1. Draft policies are to be in standard format and include policy objectives and the policy statement.
 2. Discuss reasons for the policy with your supervisor and prepare an amended/final draft.
 3. The Policy is to be presented and discussed at the Executive Management meeting.
 4. The Policy is to be presented at Corporate Discussion for input from Councillors.
-

5. The Policy will then be presented to Council for adoption and inclusion in the Policy Manual.

Note: New Policies or major amendments will not be permitted at the annual review of the Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

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

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

- 3.2.2 Improve community awareness of Council's directions, facilities and services

Continuing role

How funded – Municipal Funds

Responsible Directorate – Community Engagement

- 3.2.3 Optimise opportunities to publicise and promote the Council in a positive way

Continuing role

How funded – Municipal Funds

Responsible Directorate – All

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt the *Annual Community Survey Policy*, as detailed below, for inclusion in Council's Policy Manual.

Annual Community Survey

Minute No:

Date: 28 September 2012

Objective

To ensure an annual community survey of residents is undertaken.

Background

The annual community survey is conducted to gauge the view of residents in the Shire of East Pilbara. The survey assists in planning for future infrastructure and service needs where required. Surveys have been conducted since 2006.

Policy

1. The Shire of East Pilbara shall conduct an annual community survey, preferably in November of each year.
2. The Shire of East Pilbara may engage a consultant to conduct the annual community survey on their behalf.
3. The annual community survey may be conducted by telephone.
4. The annual community survey shall be taken of residents in Newman, Marble Bar and Nullagine, as well as other surrounding areas.
5. When the survey is completed, the results, when finalised, shall be presented to Council for review and consideration of action.

9.1.8 POLICY AMENDMENT – VANDALISM REWARD FOR CONVICTION

Responsible Officer: Mr Allen Cooper
Chief Executive Officer

Author: Mrs Kylie Bergmann
Coordinator Executive Services

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to amend Policy 4.10 Vandalism – Reward for Conviction.

BACKGROUND

Council's Policy Manual (4.10 Vandalism – Reward for Conviction) states that a reward will be paid to any person or persons giving information, which leads to the successful conviction of vandals who have wilfully damaged Council property. The amount of the reward is to be set by Council and reviewed annually. Council Staff and members of the Police Service are not eligible for this reward.

This policy was introduced to Council on 27 June 2003 however, no amount has been set for a reward. It is recommended that Council set a reward of \$1000.00, to be reflected in the amended policy.

COMMENTS/OPTIONS/DISCUSSIONS

The amended policy is detailed below. Council can support, not support or amend the Policy.

4.10 Vandalism – Reward for Conviction

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To provide for the successful conviction of persons who damage Council Property.

Policy

A reward will be paid to any person or persons giving information, which leads to the successful conviction of vandals who have wilfully damaged Council property. The amount of the reward shall be \$1000, unless the cost of repairing the vandalism is less than \$1000. In that case, an appropriate amount will be set by the Chief Executive Officer. The amount of this reward shall be reviewed annually when Council review's the Policy Manual. Council Staff and members of the Police Service are not eligible for this reward.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.4 Maintaining a High Standard of Governance

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

FINANCIAL IMPLICATIONS

Funds will be allocated from account 121044 (vandalism), which has a budget of \$85,400.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council adopt the amended policy, 4.10 Vandalism – Reward for Conviction, as detailed below.

4.10 Vandalism – Reward for Conviction

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To provide for the successful conviction of persons who damage Council Property.

Policy

A reward will be paid to any person or persons giving information, which leads to the successful conviction of vandals who have wilfully damaged Council property. The amount of the reward shall be \$1000, unless the cost of repairing the vandalism is less than \$1000. In that case, an appropriate amount will be set by the Chief Executive Officer. The amount of this reward shall be reviewed annually when Council review's the Policy Manual. Council Staff and members of the Police Service are not eligible for this reward.

**9.1.9 REQUEST FOR EXEMPTION FROM THE COST OF SHIRE PERMIT FEES
FOR FOOD/TRADE PERMITS (GIRL GUIDES)**

File No: ENV-1-1-2
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council of a letter received from the Newman Capricorn Girl Guides, seeking an exemption from the cost of Shire licence fees under the *Public Places and Property Local Law 2011* (Trading Licences).

BACKGROUND

On 6 August 2012, the Chief Executive Officer received a letter from the Newman Capricorn Girl Guides, seeking an exemption from the cost of Shire licence fees for food/trade permits. A copy of that letter is **attached**.

Under the *Food Act 2008* and Regulations, food businesses conducted as a fundraising event (i.e. for the purposes of a charitable or community nature) are exempted from paying notification fees under the *Food Act 2008*, but are still required to notify the Local Government.

However, under Council's *Public Places and Local Government Property Local Law 2011*, these groups still require a licence under clause 3.1 of the local law unless, they apply and receive an exemption. Research indicates that a number of local government throughout the State exempt groups of a charitable or community nature as it helps them to undertake fundraising activities.

COMMENTS/OPTIONS/DISCUSSIONS

Council can support, amend or not support the Capricorn Girl Guides request for exemption from the cost of Shire licence fees for trading licence.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

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

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

3.2.3 Optimise opportunities to publicise and promote the Council in a positive way

Continuing role

How funded – Municipal Funds

Responsible Directorate – All

FINANCIAL IMPLICATIONS

If Council chooses to exempt the Capricorn Newman Girl Guides and make the recommendation as stated, Council will forego the following fees:

Temporary Food Permit for Not For Profit Community Groups & Trading in Public Places	
Daily Fee for Junior Sporting or Community Organisations	\$20.00
Seasonal Fee for Junior Sporting or Community Organisations	\$100.00
Seasonal Fee for Senior Sporting or Community Organisations	\$200.00

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Exempt the Capricorn Newman Girl Guides from subclause (1) of clause 3.1 of the *Public Places and Local Government Property Local Law 2011*, being the requirement to obtain a trading licence; and**
- 2. Direct staff to prepare an instrument (policy or delegation) to allow an exemption for charitable or community organisations from the requirement of clause 3.1 of the Shire of East Pilbara *Public Places and Local Government Property Local Law 2011*.**

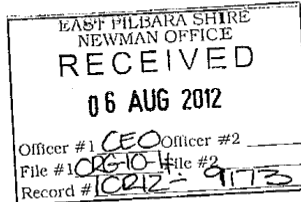
Newman Capricorn Girl Guides
55 Kurra Street
Newman, WA, 6753
☒ newmangirlguides@gmail.com
☎ 0417178624



ABN: 691 843 196 89

1st August 2012

Shire of East Pilbara



Dear Shire councillors

We would like to request a exemption from the cost of Shire permit fees for food/ trade permits.

Girl Guides is a not for profit youth organisation and the added increased fees that the shire has placed on the food/ trade permit has limited what events the Guides have taken part in over the last few months.

It is also to be noted that still no other Guide unit throughout WA is paying for a permit to do a sausage sizzle even with the new changes that have been put into place

We understand that we will still have to apply for each permit and follow food handling regulation but we request that we do not have to pay the processing fee

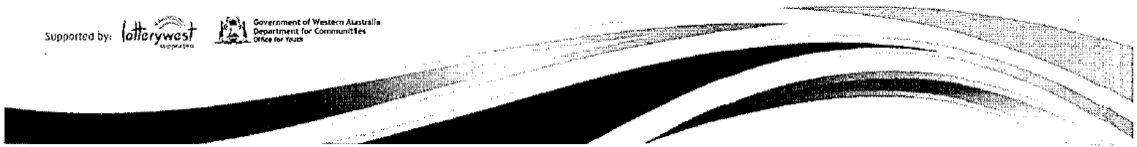
Thanks

Suzy Oldham and Newman Capricorn Girl Guides

Your support is greatly appreciated.

Girl Guides Western Australia Incorporated
ABN 55 181 219 259
PO Box 760 Victoria Park 6979 168 Burswood Road Burswood WA 6100
T (08) 9355 4586 F (08) 9355 4538 E info@girlguideswa.org.au
www.girlguideswa.org.au

Supported by:  





SHIRE OF EAST PILBARA
APPLICATION FOR A FOOD PREMISE/TRADER'S PERMIT

Activities on Thoroughfares and Trading in
Thoroughfares and Public Places

Applicant Details

I/We Newman Girl Guides (Business or Organisational name)
Susy O'Leary (Contact person name)
Of BP HQ (Residential address)
PO Box 488 (Postal address)
0417 178624 (Telephone/Mobile number)
becan5@westnet.com.au (E-mail address)

Apply for a Food Premises/Traders Permit under the Shire of East Pilbara Local Laws relating to Activities on Thoroughfares and Trading in Thoroughfares and Public Places.

Details of Proposed Stall

Location of proposed site for which the permit is sought: Town Park
Physical description of stall/s proposed to be used (e.g. van, table, tent): Table ~~ST~~ BBQ
Kind of good/s or service/s intended to be sold or hired: Sausage Sizzle
Number, name/s and address of assistant/s: 3 + Guides
Proposed day/s of operation: Sunday 2nd September
Proposed hours of operation: 3-5
Period for which the permit is sought: 3-5

THIS APPROVAL APPLIES FOR THE DURATION OF THE EVENT ONLY

Except that in the case of facilities at regular weekend sporting competitions the approval is for the year or season of the competition.

Applicant's Signature: [Signature] Date 6/8/2012

Fees and Charges as from 22 nd July 2011			
One day Permit	\$20 per day	Not for Profit Community Groups	
One day Permit	\$45 per day	General Ledger	72043
One Week Permit	\$100 per week	Payment amount	\$
One Month Permit	\$200 per month	Receipt No:	
One Year Permit	\$500 annual fee	Issuing Officer	

Shire of East Pilbara
PMB 22, Newman WA 6753 Phone: 08 9175 8000 Fax: 08 9175 2668
Email: admin@eastpilbara.wa.gov.au

9.1.10 WAIVER OF LANDING FEES NEWMAN AIRPORT - BLOODY SLOW CUP

File No: A400012
Responsible Officer: Mr Allen Cooper
Chief Executive Officer
Author: Mrs Kylie Bergmann
Coordinator Executive Services
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council approval to waive the cost of landing fees at the Newman Airport for the charter flight organised by the Newman Police for the Bloody Slow Cup weekend.

BACKGROUND

On Australia Day, January 26, 2001, in response to a call for assistance from Kiwirrkurra community, a team of three officers from Newman Police Station were collected from Newman Airport by a police Cessna 310 aircraft, call sign Polair 64.

They attended at Kiwirrkurra community and having dealt with the situation, departed there at 7:30pm returning to Newman. At 9:50pm Polair 64 entered the circuit area of the Newman Airport and shortly after, at about 10:00pm, the aircraft crashed 2.6kms south east of the airport.

Tragically, all officers on board the aircraft lost their lives. Since that day, the Newman Police Station has held a Remembrance Ceremony and the Bloody Slow Cup, which commenced in 2005, to commemorate the service of these officers. All funds received from the event goes to WA Police Legacy and 6NEW.

COMMENTS/OPTIONS/DISCUSSIONS

In previous years, the Shire has supported the Bloody Slow event by giving an in-kind donation for the use of the ovals and lights. The Chief Executive Officer has already granted approval for this request again this year to the value of \$5,500.

As well as the event itself, the Newman Police organise a charter flight from Perth to Newman for those people who have left town and still wish to attend the weekend's events. In previous years, the charter flight has cost in the vicinity of \$22,000 and the Newman Police have secured funding for this amount. However, Newman Police have since been quoted \$43,000+ by Cobham Air for the charter; an increase which they had not budgeted for.

In an attempt to minimise these costs, Newman Airport have been asked to waive the Landing Fees at the Newman Airport. Based on the calculations for a charter flight, the fees are as follows:

Landing Fee 44,500kg	\$918.83
Parking Fee for 2 days, 44,500kg	\$217.16
100 Passenger Arrival	\$2,102.00
100 Passenger Departure	<u>\$2,102.00</u>
TOTAL	<u>\$5,340.09</u>

The Bloody Slow Cup is a significant event on the calendar for the town of Newman and is at least equal to, if not surpassing, the Fortescue Festival weekend.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

- 1.8 Viability of Community, Sporting and Volunteer Groups
- 1.8.2 Continue to support and enhance the long term viability of community, sporting and volunteer groups
 - Continuing role
 - How funded – Municipal Funds and other funding opportunities

FINANCIAL IMPLICATIONS

The cost of waiving these fees can be funded from account 41034 Public Relations, which will be transferred to the airport income account.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Approve the request by Newman Police to waive the Landing Fees at Newman Airport for a charter flight for the Bloody Slow Cup Weekend, 19-21 October 2012.**
- 2. The cost of waiving these fees shall be funded from account 41034 Public Relation, which shall be transferred to the airport income account.**

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

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

File No: CLR 4-6
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995
Section 2.7
The role of the council*

(1) The council –

- (a) directs and controls the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

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

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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

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

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

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

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
16 December 2011	13.3	CAPE KERAUDREN Cr Stephen Kiernan said the fencing needs repairing to stop cattle entering the cape, and if council can put a well down as at the moment it is situated on Pardoo station. Cr Stephen Kiernan also asked if it was possible to put a bag limit for fishing. Eg: baby octopus, fish, crabs and shell fish limit. Manager Building Assets to follow up.	MBA	Review being undertaken by PRC	
11 March 2011	13.2	PIPUNYA PROPERTY Cr Stephen Kiernan asked if a letter can be sent to the Government regarding a property previously owned by Pipunya Community, the old post office on Francis Street, Marble Bar as people are breaking into and destroying the property which contains asbestos, this is a danger to the community, also the grass around the property requires cutting, as snakes like this type of environment. The property should be demolished as it is a danger to people's lives but who is responsible for this property? Deputy Chief Executive Officer to follow up.	DCEO	Letter written to the Department of Indigenous Affairs and Indigenous Coordination Centre Received letter saying DIA waiting for the winding up of Pipunya Corporation and will follow up once notified.	Department of Commerce had a meeting 13th March 2012 in Marble Bar still waiting for outcome
3 February 2012	9.1.5	EXPRESSION OF INTEREST - NULLAGINE CARAVAN PARK LEASE	CPS	With WALGA	On Going
25 May 2012	9.2.6	OFFICIAL OPENING FOR ROYALTIES FOR REGIONS PROJECTS	DCEO	Minutes Contested ambury possible dates	On Going
24 August 2012	9.2.2	HAULPAK PROPOSAL	DCEO		On Going

**9.2.2 AFFIX COMMON SEAL TO FUNDING AGREEMENT TO MARTUMILI
ARTISTS CULTURAL ENGAGEMENT PROGRAM**

File No: Martumili Artists
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Megan Braham
Coordinator Martumili Artists
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the standard funding agreement between the Shire of East Pilbara and the Commonwealth of Australia represented by the Department of Families, Housing, Community Services and Indigenous Affairs have entered into the Standard Funding agreement dated 5 September 2012.

BACKGROUND

The background information to this agreement is as follows:

This variation agreement is between the Commonwealth of Australia represented by the Department of Families, Housing, Community Services and Indigenous Affairs and the Shire of East Pilbara. The variation agreement amount is for Martumili Artists Cultural Engagement Program (Indigenous Culture Support) \$63,000.00, Martumili Artists Operations (Indigenous Visual Arts Industry Support) \$210,000.00 and National Jobs Package (National Job Transition Package) \$31,517.00.

COMMENTS/OPTIONS/DISCUSSIONS

This is for the variation to Review and training of documentation methods at Martumili.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Minute No: Item 9.1.3

Date: 27th June 2003

Objective

To allow for the proper execution of documents. Policy

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

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 Cultural

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the variation funding agreement between Shire of East Pilbara and the Commonwealth Australia for the funding for Martumili Artists Cultural Engagement Program (Indigenous Culture Support) \$63,000.00, Martumili Artists Operations (Indigenous Visual Arts Industry Support) \$210,000.00 and National Job Package (National Job Transition Package) \$31,517.00.

9.2.3 AFFIX COMMON SEAL TO LEASE TRANSFER DEED - SHIRE OF EAST PILBARA AND DEVELOPMENTS 2000 PTY LTD, MINT AVIATION PTY LTD AND HELIKOPTER SERVICES PTY LTD

File No: Newman Airport - Lease Area 10
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Airport
Name of Applicant: Mint Aviation Pty Ltd and Helikopter Services Pty Ltd
Author Disclosure of Interest: Nil

REPORT PURPOSE

To inform Council that the Chief Executive Officer applied the common seal of the Shire of East Pilbara to the Transfer of Deed for Lease Area 10, from Development 2000 Pty Ltd to Mint Aviation Pty Ltd and Helikopter Services Pty Ltd.

BACKGROUND

Development 2000 Pty Ltd has indicated that they no longer require- Lease Area 10 and wished to surrender the lease. At the same time an expression of interest was received from Mint Aviation to acquire a hangar block at Newman Airport. Following an internal review it became apparent that a direct Transfer of Deed between the two parties would be in the interest of all concerned, with no negative effects to the Shire as landlord.

COMMENTS/OPTIONS/DISCUSSIONS

A Transfer of Deed was drafted by the Shire of East Pilbaras legal consultants and accepted by both parties. This allows Heliwest as a subsidiary of Mint Aviation to establish a base port and maintenance facility at Newman Airport.

The purpose of establishing a base port for Heliwest, is for a maintenance services facility at Newman Airport.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.5 Airport Development

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council note the application of the common seal of the Shire of East Pilbara was affixed to the Transfer of Deed from Development 2000 Pty Ltd to the Shire of East Pilbara, Mint Aviation Pty Ltd and Helikopter Services Pty Ltd for Lease Area 10 - Newman Airport.

**9.2.4 SPORTING, SHOOTING ASSOCIATION – NEWMAN BRANCH -
APPLICATION FOR WAREHOUSE FIREARMS AND SELLING OF
FIREARMS AND AMMUNITION**

File No: A400091
Attachments: [Sporting Shooters Association.pdf](#)
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: N/A
Name of Applicant: Sporting Shooters Association – Newman
Branch
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek Council support for Newman Sporting Shooters Association's application to the Western Australian Police for a licence to warehouse firearms and sell firearms and ammunition.

BACKGROUND

The Sporting Shooters Association purchased from Capricorn Firearms a container that is specifically designed with concrete pad, is bolted and welded in place and must comply with strike police guidelines and regulations including security alarm systems, direct monitoring to nominate committee personal.

Members of the club have requested this service for some time so that in the event they need to go out of town they are in a secured storage facility.

Members of the SSAA and the other two firearm clubs in Newman regularly need to purchase firearms, firearm parts, ammunition and the components to make ammunition and find it extremely hard to do so because the nearest gun shop is in Port Hedland.

COMMENTS/OPTIONS/DISCUSSIONS

The Western Australian Police require a letter of approval from the Shire of East Pilbara to accompany the application for the warehousing of licensed firearms.

The club purchased from Capricorn Firearms container when they left town and would like to commence operations to provide **members only** from the three firearm clubs the services.

The club is required to meet all legislative requirements from the Western Australian Police to obtain a licence to sell firearms and ammunition.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Approve a letter to the Sporting Shooters Association – Newman Branch application to the Western Australian Police supporting their application for a licence to warehouse firearms.**
- 2. Approve a letter to the Sporting Shooters Association – Newman Branch application to the Western Australian Police supporting their application for a licence to sell firearms and ammunition to the members only of the three local firearm clubs.**
- 3. Where approval is granted by the Western Australian Police for the storage and sale of firearms and ammunition, the relevant club President shall make the necessary arrangements with Council seeking approval for the placement and use of the weapons container on the subject Reserve in accordance with Town Planning Scheme No. 4 and to the satisfaction of the Manager Development Services - Planning.**



S.S.A.A. NEWMAN
ABN: 65 070 803 405



Newman Branch
P.O. Box 336
Newman W.A. 6753

Thank you for taking the time to consider this application,

I would like to seek the support of the Shire of East Pilbara to apply to the Western Australian Police for a license to sell firearms and ammunition at our club.

Many members of our club and the other two firearms clubs (W.A.P.A, and the Newman Clay Target Club) regularly need to purchase firearms, firearm parts, ammunition and the components to make ammunition and find it extremely hard to do so because the nearest gun shop where these are available, is 450 kms away in Port Headland or from Perth or interstate.

There is a genuine need for this service and I am aware of the shire of East Pilbara's policy of not allowing a commercial business to operate on a Council lease, but this will not be a commercial business, it will be operated by the Newman Branch of the SSAA and will only be available to members of the three gun clubs in town.

Any item purchased from us will be sold at a price that will bring the club a small profit, and this profit will be used to improve the facilities at the club. We are a registered incorporated club that has been in existence since 1982 and has a membership of 36. The other clubs have been operating for roughly the same amount of time and have similar membership, that means that there are over 100 people in town who would benefit from this service.

The club purchased from Capricorn Firearms their container that was used as their place of business. This container was placed on a concrete pad, bolted and welded into place. It also has a tamper proof lock and an alarm system that automatically notifies myself and two of the other committee members if activated. The container has also been segregated in to two sections by way of a steel gate and wall, behind which is four gun safes that have been secured to the container as per the Western Australian legislative requirements. Access to this container is restricted to the executive members of the committee only.

The Western Australian Police have requested a letter of approval from the Shire of East Pilbara to accompany the application that we are going to lodge.

Your support in this matter would be greatly appreciated, if you need further information that may assist you in reaching a decision please do not hesitate in contacting me.

Regards,
Larry Harrigan
President
Newman Branch SSAA
0418 668 141.



S.S.A.A. NEWMAN
ABN: 65 070 803 405



Newman Branch
P.O. Box 336
Newman W.A. 6753

Thank you for taking the time to consider this application,

I would like to seek the support of the Shire of East Pilbara to apply to the Western Australian Police for a license to warehouse firearms at our club. The reason for this is that members of our club regularly go away for holidays or purchase firearms and have requested that the club store these weapons for them. Currently we are unable to do so because of legislation.

The club purchased from Capricorn Firearms their container that was used as their place of business. This container has been placed on a concrete pad, bolted and welded into place. It also has a tamper proof lock and an alarm system that automatically notifies myself and two of the other committee members if activated. The container has also been segregated in to two sections by way of a steel gate and wall, behind which is four gun safes that have been secured to the container as per the Western Australian legislative requirements. Access to this container is restricted to the executive members of the committee only. Ammunition is also stored in this container, again as per the Western Australian legislative requirements.

The Western Australian Police have requested a letter of approval from the Shire of East Pilbara to accompany the application that we are going to lodge for the warehousing of licensed firearms.

Your support in this matter would be greatly appreciated, if you need further information that may assist you in reaching a decision please do not hesitate in contacting me.

Regards,
Larry Harrigan
President
Newman Branch SSAA
0418 668 141.

**9.2.5 APPROVAL OF A SUB LEASE FOR A DRIVE THROUGH COFFEE SHOP -
LOT 1419 FORTESCUE DRIVE, NEWMAN – NEWMAN VISITORS CENTRE**

File No: A402221
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Marisa Wolfenden
Coordinator Property Services
Location/Address: Newman Visitors Centre Inc
Name of Applicant: Nil
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

The Council meeting on 24th August 2012 resolved:

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

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

CARRIED

RECORD OF VOTE: 7 - 0

The proposal to sublet a portion of the Newman Visitors Centre land for the proposed Drive Through Coffee Shop lease area is subject to the terms and conditions of the Newman Visitors Centre lease. The Newman Visitors Centre is currently renewing its lease agreement with Council effective from 1st November 2012.

COMMENTS/OPTIONS/DISCUSSIONS

That Council approve the Newman Visitors Centre to enter into a commercial lease agreement with the proposed Drive Through Coffee Shop with the following conditions:

- Term of the lease not to exceed 5 years.
- No cost to Council or the Newman Visitor's Centre for the preparation registration and documentation of the lease document.
- An Annual Service fee to be paid to Council – as per Council Fees and Charges.
- The sub lessee must comply with all planning, building and health Regulations and Acts. Conditions as per Resolution at 24th August 2012 Council meeting.
- Income generated from the commercial lease is to be utilised for the operation of the Newman Visitors Centre
- Compliance with the Local Government Act 1995 (Section 3.58).

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Delegation From: Council

Delegation To: Chief Executive Officer

Council File Reference: ADM 14-9

Legislative Authority for Delegation S 5.42 Local Government Act 1995

Power/Duty/Authorisation Delegated:

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

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

Authority for exercise of Power/ Duty/ Authorisation

Conditions attached to Delegation

Also refer to Council's Standing Orders Local Law.

Date of Delegation _____

Delegator (Shire President) _____

EXECUTION OF DOCUMENTS

Minute No: Item 9.1.3

Date: 27th June 2003

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

Objective

To allow for the proper execution of documents.

Policy

Council's Policy Manual 27 June 2004 on page 78

Execution of Documents

Plan for Future of the District

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

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

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

9.2.6 DRAFT COMMUNITY WELLBEING STRATEGY

Attachments:	Community Wellbeing Strategy.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sharon Walsh Manager Community Wellbeing
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the draft Community Wellbeing Strategy to be advertised for public comment.

BACKGROUND

In late 2011, the Shire of East Pilbara employed the services of SGS Economics and Planning to develop a strategic planning document with a particular reference to Community Wellbeing. The term Community Wellbeing, in a community context, is the assessment of circumstances and attitudes of a community, particularly, where a community is currently sitting in relation to social, economic, environment, cultural and political issues, and how they affect residents today and also in the future. The terms of reference for this document, was the need for a plan which suggested a series of actions that could be undertaken by the Shire which would assist East Pilbara residents in their pursuit of fulfilling, active and purposeful lives.

COMMENTS/OPTIONS/DISCUSSIONS

A Community Wellbeing strategy describes where we are now and what we can do to improve future opportunities for inclusion, cohesion and connectedness for all residents. Furthermore, it assesses the service levels required for the ongoing provision of leisure, recreation and cultural opportunities.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 Cultural

- 2.5.1 Entice and enhance cultural and social events throughout the shire
Ongoing role
How funded – Municipal Funds and funding opportunities
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the draft Community Wellbeing Strategy to be advertised for public comment.

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9.2.7 DRAFT NEWMAN TOMORROW DOCUMENT

File No:	STR-3-5
Attachments:	NewmanTomorrow.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sian Appleton Deputy Chief Executive Officer
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the draft Newman Tomorrow document to be advertised for public comment.

BACKGROUND

The Newman Tomorrow document (copy enclosed with the agenda) came about through the need to be able to present a comprehensive overview of potential as well as essential future development within Newman and the associated costs. The document is seen as a tool which will assist with the lobbying of State and Federal Government as well as industry stakeholders for any future funding.

The Shire engaged consultants Creating Communities Australia Pty Ltd to prepare and compile the document in February 2008. To ensure the document was comprehensive and covered every aspect of the Shires responsibilities, all directorates of the Shire were involved during the documents development and contributed to its content. In 2009 the document was reviewed.

The document has now been updated to reflect the rapidly changing needs of our community. Again, to ensure the document was comprehensive and covered every aspect of the Shires responsibilities, all directorates of the Shire were involved during the documents development and contributed to its content.

COMMENTS/OPTIONS/DISCUSSIONS

The adoption of this updated document will be of benefit not only to Newman but to the whole of the Shire of East Pilbara. Potential financial flow on benefits for the Shire of East Pilbara is likely to occur with the adoption of this document, as any funding received for projects within Newman through this document will potentially free up Shire funding for development elsewhere within the Shire.

It is important to note that the document is intended as a "living / working document" hence the necessary update at relevant intervals of time.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Will complement and enhance the Plan for the Future of the District.

FINANCIAL IMPLICATIONS

No financial implications.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

THAT Council endorse the draft Newman Tomorrow document to be advertised for public comment.

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9.2.8 MONTHLY FINANCIAL STATEMENTS – JULY 2012

Attachments:	July Financial 2012
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Angela McDonald Manager Finance and Administration Services
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

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

BACKGROUND

The attached 10 page report details the financial activities of the Council for the period of the 2011/2012 financial year –

There are 4 sections of the monthly report:

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

COMMENTS/OPTIONS/DISCUSSIONS

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

Reportable variations in accordance with accounting policies are as follows:

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

Please refer to Page to 8 of the report – Acquisition & Construction of Assets

Variance Report – July	
Note	Comment
1	Project Supervision Fee income more than budgeted. \$4,000 budgeted for July but \$20,000 received.
2	Infringement income for Vehicles and Litter more than budgeted
3	Non-staff rent income more than budgeted
4	Rubbish Bin sales more than budgeted for
5	Hall hire income more than budgeted
6	Airport Income less than budgeted due to July RPT Passenger Fees processed in August
7	Cape Keraudren camping fees for July not yet receipted in Synergy
8	Building licence income less than budgeted, budgeted \$66,000 have received \$31,000
9	Actual depreciation calculated less than budget
10	Salaries and Wages for Health less than budgeted as budgeted for EHO but that position has not yet commenced.
11	Community Services salaries and wages less than budgeted for
12	Less spent on Parks and Ovals than budgeted, particularly on maintenance of gardens and parks in all towns
13	Depreciation more than budgeted due to change in useful life of Roads to match our accounting policy
14	Expenditure less than budgeted particularly in Road Maintenance Grading and other depot expenditure
15	Depreciation less than budgeted for
16	Expenditure more than budgeted due to insurance costs falling in July but spread over the year.

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

STATUTORY IMPLICATIONS/REQUIREMENTS

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

“The financial report is to –

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

Policy Implications
Complies with Council’s Accounting Policies as per current Policy Manual.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

This report discloses financial activities for the period under review.

VOTING REQUIREMENTS

Simple.

OFFICER'S RECOMMENDATION

That the monthly financial statements for the period 1 July 2012 to 31st July 2012 of the 2012/2013 financial year as presented be received.

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9.2.9 CREDITORS FOR PAYMENT

File No: FIN 10-2
Attachments: [schedule of accounts eft.pdf](#)
[schedule of accounts chq.pdf](#)
[schedule of accounts written chq.pdf](#)

Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer

Author: Mrs Candice Porro
Expenditure Finance Officer

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REPORT PURPOSE

Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 24 August 2012.

COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT16307-EFT16827	
	Total	\$6,199,180.87
Cheque Payments	21545-21628	328,241.98
Written Cheque Payments	25-34	28,659.48
	Total	\$356,901.46
	GRAND TOTAL	<u>\$6,556,082.33</u>

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

CANCELLED AND UNUSED CHEQUES:

UNUSED CHEQUES

CANCELLED CHEQUES & EFTS

EFT16428, EFT16449, EFT16750, 21578, 21587, 28, 29, 31

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

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

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

POLICY IMPLICATIONS/PLAN FOR THE FUTURE OF THE DISTRICT

POLICY IMPLICATIONS

Nil.

PLAN FOR THE FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

Total expenses of \$6,556,082.33

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council endorse the payments:

FUND	VOUCHER	AMOUNT
EFT Payments	EFT16307-EFT16827	
	Total	\$6,199,180.87
Cheque Payments	21545-21628	328,241.98
Written Cheque Payments	25-34	28,659.48
	Total	\$356,901.46
	GRAND TOTAL	\$6,556,082.33

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9.2.10 RATES MINING ASSESSMENTS

File No: FIN 22-1
Responsible Officer: Ms Sian Appleton
Deputy Chief Executive Officer
Author: Mrs Deb Thoars
Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek approval to write off rates levied on Mining Tenements for 2012/13 financial year and apply the minimum rate of \$200.00.

BACKGROUND

Meteoric Resource wish to request waiving of Shire rates on the granted tenements until such time as a dispute between the native title parties is resolved and a Ministerial Permit to enter the tenements is granted. Despite having granted tenements and an Access Agreement signed by the Kiwirikurra Community (the Tjamu Tjamu Aboriginal Corporation),the Ngaanyatjarra Land Council, which holds the leases on the Kiwirikurra aboriginal reserve has refused to sign the Access Agreement and as a result a Ministerial Permit to enter cannot be obtained. Thus through no fault of its own, Meteoric Resources is unable to enter its tenements until this dispute is resolved. Meteoric Resource met with Department of Mines and Petroleum resulting in advice received that an application for waiving tenements rents would be favourably received under the circumstances and this application is currently being processed.

COMMENTS/OPTIONS/DISCUSSIONS

Assessment #	Owner	Property ID	Amount	Details
A700816	Meteoric Resources NL Tenement Managed by McMahon Mining Title Services Pty Ltd	E80/4235	\$2,310.39 - 200.00 \$2,110.39	Tenement granted 22 April 2010. Owners unable to gain access to tenement due to ongoing disputes between the Tjamu Tjamu Aboriginal Corporation (TTAC) and the Ngaanyatjarra land Council (NLC). See attached correspondence.

Assessment #	Owner	Property ID	Amount	Details
A701118	Meteoric Resources NL Tenement Managed by McMahon Mining Title Services Pty Ltd	E80/4407	\$990.17 - 200.00 \$790.17	Tenement granted 18 May 2011. Owners unable to gain access to tenement due to ongoing disputes between the Tjamu Tjamu Aboriginal Corporation (TTAC) and the Ngaanyatjarra land Council (NLC). See attached correspondence.
Assessment #	Owner	Property ID	Amount	Details
A701205	Jane and John McIntyre Tenement Managed by McMahon Mining Title Services Pty Ltd	E80/4506	\$2,805.47 - 200.00 \$2,605.47	Tenement granted 23 August 2011. Owners unable to gain access to tenement due to ongoing disputes between the Tjamu Tjamu Aboriginal Corporation (TTAC) and the Ngaanyatjarra land Council (NLC). See attached correspondence.

STATUTORY IMPLICATIONS/REQUIREMENTS

In accordance with Section 6.12(1) of the Local Government Act 1995, write off of monies owing.

. * Absolute majority required.

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

Reduction in collection of rates totalling \$5,506.03

VOTING REQUIREMENTS

Absolute

OFFICER'S RECOMMENDATION

THAT the full amount of \$6,106.03 which is rates levied on the tenements be waived and the minimum amount of \$200.00 for Exploration Licence be applied for the 2012/2013 financial year or until such date that the access has been given and written correspondence received of the new date in force for charges.

9.2.11 RECONCILIATION ACTION PLAN (RAP)

File No:	ABA-16-1
Attachments:	SOEP RAP Sept. 2012.pdf
Responsible Officer:	Ms Sian Appleton Deputy Chief Executive Officer
Author:	Ms Sharon Walsh Manager Community Wellbeing
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to endorse the Reconciliation Action Plan (RAP).

BACKGROUND

In January 2011, Council agreed to endorse a “statement of commitment” to develop an internal RAP. This process began through targeted consultation within the East Pilbara community, particularly with Martu residents. These consultations were facilitated by Reconciliation Australia, the national advocacy organisation who promotes better relationships between Aboriginal and Torres Strait Islanders peoples and the wider Australian community.

COMMENTS/OPTIONS/DISCUSSIONS

The RAP is an internal document and is a planning tool to help the Shire of East Pilbara further build opportunities for positive relationships between all residents within our municipality. The RAP aims to enhance Shire staff and Councillors knowledge of local Aboriginal customs, culture, language and history and has measurable outcomes, such as cultural awareness training for all staff and Councillors.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

ABORIGINAL AFFAIRS POLICY

PLAN FOR FUTURE OF THE DISTRICT

Goal 2 - Community Enrichment

To enrich our cultural, social and recreational lifestyles

2.5 Cultural

2.5.1 Entice and enhance cultural and social events throughout the shire
Ongoing role

How funded – Municipal Funds and funding opportunities
Responsible Directorate – Community Engagement

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approve the endorsement of the 2012 Shire of East Pilbara Reconciliation Action Plan (RAP).

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9.2.12 SUNDRY DEBTORS FOR WRITE OFF

File No: FIN 10-2
Responsible Officer: Ms Sian Appleton
 Deputy Chief Executive Officer
Author: Mrs Karen Becker
 Finance Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

To seek approval to write off uncollectible debt to the value of \$2,420.50.

BACKGROUND

As per the table below, outlines invoice/s that remain outstanding for over 24 months.

COMMENTS/OPTIONS/DISCUSSIONS

Debtor	Invoice	Amount	Description	Comment
Miner's Promise	53996	\$337.50	Facility & Equipment Hire	Final Notice sent on the 02/02/2012. No contact details except P.O. Box address. No further action.

Debtor	Invoice	Amount	Description	Comment
Jacob Dau	55914	\$1,122.00	Replacement of Carpet at 3 Ella Street	2 nd Reminder Notice sent on the 11/06/2012. Insufficient contact details. Given the nature of this on charge – it is highly unlikely that he will settle this amount with the Shire. No further action.

Debtor	Invoice	Amount	Description	Comment
Gillian King	55463	\$400.00	Impound & Sustenance Fees of impound dogs at Newman Pound	2 nd Reminder sent 02/05/2012. Can't get hold of Gillian. Given the nature of this invoice, it is highly unlikely that she will settle this with the Shire. No further action.

Debtor	Invoice	Amount	Description	Comment
TELSTRA	52445	\$561.00	Reinstatement works to Windamarra Street due to Telstra works	Given the age of this invoice, it is highly unlikely that this invoice will be settled. No further action taken.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Financial management Part 6
General financial provisions Division 4
s. 6.12
Consolidation 3q page 199

- 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 Sundry Debtors totalling \$1,399.20 an amount of \$5,000 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 \$2,420.50.

Debtor	Invoice	Amount	Description	Comment
Miner's Promise	53996	\$337.50	Facility & Equipment Hire	Final Notice sent on the 02/02/2012. No contact details except P.O. Box address. No further action.

Debtor	Invoice	Amount	Description	Comment
Jacob Dau	55914	\$1,122.00	Replacement of Carpet at 3 Ella Street	2 nd Reminder Notice sent on the 11/06/2012. Insufficient contact details. Given the nature of this on charge – it is highly unlikely that he will settle this amount with the Shire. No further action.

Debtor	Invoice	Amount	Description	Comment
Gillian King	55463	\$400.00	Impound & Sustenance Fees of impound dogs at Newman Pound	2 nd Reminder sent 02/05/2012. Can't get hold of Gillian. Given the nature of this invoice, it is highly unlikely that she will settle this with the Shire. No further action.

Debtor	Invoice	Amount	Description	Comment
TELSTRA	52445	\$561.00	Reinstatement works to Windamarra Street due to Telstra works	Given the age of this invoice, it is highly unlikely that this invoice will be settled. No further action taken.

9.3 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES

**9.3.1 DIRECTOR TECHNICAL AND DEVELOPMENT SERVICES COUNCILLORS
STATUS OF COUNCIL DECISIONS - AUGUST 2012**

File No: CLR 4-6
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mrs Sheryl Pobrica
Executive Services Administration Officer
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REPORT PURPOSE

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

BACKGROUND

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

COMMENTS/OPTIONS/DISCUSSIONS

That status list of Council decisions is included.

STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995
Section 2.7
The role of the council*

(1) The council –

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

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

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

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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Goal 3 - Community Leadership

To Provide Sound Leadership and Strong Representation

3.2 Improve Community Engagement

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

Continuing role

How funded – Municipal Funds

Responsible Directorate – Executive

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT the “Status of Council Decisions” – Director Technical and Development Services report for August 2012 be received.

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 January 2011	9.3.3	TRAVEL AND BUSINESS ACCOMMODATION – NEWMAN AIRPORT	MAS	Awaiting response from State Land Office	TBA
16 December 2011	9.3.3	REFINE THE USE OF AIRPORT LAND		Forwarded to Legal Council for Action	
16 December 2011	13.2	WELSH DRIVE Cr Doug Stead has asked if Council can revisit the speed zone through Newman from 60kms to 50kms eg: Welsh Drive, due to increased heavy vehicle traffic. Very dangerous as it is a road that children use to cross going to school.	MTS-R DTDS	MRWA have carried out a site assessment in September 2012 and will provide a response	November 2012
16 December 2011	13.5	SIGNS – RECONGITION ON THE DESERT ROADS Cr Lang Coppin asked if it was possible to get plaques/signs about the history and stories of the desert roads eg: rabbit proof fence. People always stop to read on their travels and Shire of East Pilbara needs recognition for these roads.	MTS-R DTDS	Staff to investigate funding opportunities. Cr Coppin offered to show staff possible locations for signs/plaques. Oliver to arrange joint inspection	On Going
27 April 2012	13.10	TREE PLANTING FOR MAIN ENTRANCE - NULLAGINE Cr Darren Bennetts asked if trees can be planted at the main entrance into Nullagine. Technical Services to follow up.	MTS-R	This area is within the Main Roads Reserve and as such will require approval from Main Roads. Approval and or comment have been requested from Main Roads to plant trees within the road reserve	On Going
25 May 2012	11.2.1	LINFOX REQUEST TO ACQUIRE/LEASE PORTION OF LOT 36 KOONDRA LOCATION (OPPOSITE AIRPORT)	MDS-P	With Solicitor to follow up with RDL	On Going

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
25 May 2012	13.3	WELSH DRIVE Cr Shane Carter said from Mia Mia to Klondyke Place the road has double white lines, as BHP have the bus stop and when the bus stops people go over the white line and going into the path of oncoming traffic. Is it possible for the Shire to clarify the legality of crossing the double white lines. Director Technical and Development Services to follow up.	MTS-R	Under traffic Act you should not cross double white lines. Bus Stop location will be further investigated	November 2012
22 June 2012	9.3.5	PROPOSED CLOSURE OF PORTION OF MOONDOOROW STREET ROAD RESERVE ADJOINING LOTS 1326 & 1322, NEWMAN	MDS-P	Currently being advertised then requires Council resolution at October meeting.	November 2012
22 June 2012	13.5	MARBLE BAR ROADS GRADING Cr Lang Coppin gave a letter to Mr Rick Miller, Director Technical and Development Services from the Marble Bar Tourist Association regarding the grading of roads and putting up various directional signage. Mr Rick Miller, Director Technical and Development Services to follow up.	MTS-R	Technical Services to assess signage request and action as required. Grading requests passed onto Maintenance Staff Locations and roads to be investigated to determine responsibility and ownership Oliver to arrange joint inspection	October 2012
28 July 2012	9.3.4	PROPOSED TOWN PLANNING SCHEME AMENDMENT - LOT 1 TROTMAN AVENUE AND LOTS 21 AND 22 GILES AVENUE, NEWMAN	MDS-P	Being Advertised starting 19 th September 2012 for 42 days	December 2012
28 July 2012	9.3.5	PROPOSED TOWN PLANNING SCHEME AMENDMENT - UNALLOCATED CROWN LAND ON NEWMAN DRIVE, NEWMAN	MDS-P	Being Advertised starting 19 th September 2012 for 42 days	December 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
28 July 2012	13.2	DOG EXERCISE AREA Cr Gerry Parsons asked if dog poo bags can be installed at the dog exercise areas.	DTDS	Bag dispenser to be installed and monitored	November 2012
28 July 2012	13.7	NO CAMPING SIGNS Cr Sue Owen asked if "No Camping" signs can be installed at the RSL Park.	MTS-R	Signs have been ordered and will be installed when received	October 2012
28 July 2012	13.9	MOLYMINE RUBBISH Cr Sue Owen asked if Moly mine should be paying towards the Marble Bar refuse site upkeep as they are now dropping off a considerable amount of rubbish.	DTDS	To be investigated by Oliver	October 2012
24 August 2012	9.3.5	RESIDENTIAL DEVELOPMENT POLICY REVIEW	MDS-P	To be advertised commencing 19 th September then to Council in October 2012	October 2012
24 August 2012	13.1	CHILDREN'S CROSSING SIGNS IN MARBLE BAR Cr Stephen Kiernan asked if the children's crossing signs near the RSL Park on Francis Street. Marble Bar could be replaced – the pole is still there however, the sign has been removed. Director Technical and Development Services to follow up.	MTS-R	Oliver to inspect assess and action as required	December 2012
24 August 2012	13.2	MARBLE BAR JASPER DEPOSIT – RESERVE 41179 Cr Kevin Danks requested Council to make available Jasper from reserve 41179 for collection by tourists. Director Technical and Development Services to follow up	MTS-R	Works Supervisor inspected with Cr Danks. Stock pile for tourists will be arranged before Christmas	December 2012
24 August 2012	13.9	KIRRANG PLACE NEWMAN – FIRE HAZARD Cr Doug Stead asked why the grass had not been cleared?	DTDS	Mowing has been arranged and completed	September 2012

COUNCIL MEETING DATE	ITEM NO	COUNCIL RESOLUTION	DIRECTORATE	ACTION TAKEN/ STATUS	ESTIMATED COMPLETION DATE
		Director Technical and Development Services to follow up.			

9.3.2 APPLICATION TO KEEP MORE THAN TWO (2) DOGS AT 23 BONDINI DRIVE, NEWMAN WA 6753, MR LIAM WILLIAMS

File No: A435178
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Geoff Smith
Shire Ranger
Location/Address: 23 Bondini Drive, Newman
Name of Applicant: Mr Liam Williams
Author Disclosure of Interest: Nil

REPORT PURPOSE

To consider an application to keep more than two (2) dogs at 23 Bondini Drive, Newman.

BACKGROUND

Mr Liam Williams has made an application to Council under Section 26 of the Dog Act 1976 to keep three dogs on the premises at 23 Bondini Drive, Newman. WA. 6753.

In the application, one dog is registered to the applicant, Mr Liam Williams, (Y2133). One dog is registered to James Cocodis, (Y2134) and one dog is registered to Ashlee Cocodis, (Y2946).

These persons all reside at the application address which according to the shire rates database is owned by BHP Billiton.

The details of the dogs are as follows:

Breed	Sex	Colour	Registration
Ridgeback x Labrador	M	Tan	Y2133
Heeler x Kelpie	F	Black & White	Y2134
Tenterfield Terrier	F	Tan/Black	Y2946

COMMENTS/OPTIONS/DISCUSSIONS

Reasons for Keeping “More than two dogs”

In his application Mr Williams states “*The area is not the safest, had trouble with break ins and unwanted people on property. Our dogs keep us safe and aware us of any troubles.*”

Dog history:

The three dogs in relation to this application have several offences recorded against them.

The following offences are recorded:

Reg, Y2946, 19-05-12	0800hrs	"Wandering at Large"	"Caution"
Reg, Y2134, 20-01-12	1430hrs	"Not Registered"	"Caution"
19-05-12	0800hrs	"Wandering at Large"	"Caution"
22-07-12	1000hrs	"Wandering at Large"	"Infringement"
29-07-12	0720hrs	"Wandering at Large"	"Infringement"
Reg, Y2133, 20-01-12	1430hrs	"Not registered"	"Caution"
22-07-12	1000hrs	"Wandering at Large"	"Infringement"

Complaints:

On the 20-01-2012 there was a "Barking Dog" complaint lodged by a nearby resident in Bondini Drive, Newman. WA. 6753. The resident is not pursuing his complaint pending the outcome of this application.

Property Inspection. 23 Bondini Drive. Newman, WA, 6753.

On Tuesday 21st of August 2012 Ranger Smith visited the above address for the purpose of checking fencing and containment, observing the behaviour of the dogs in their environment, to view the yard conditions and the dogs' sleeping and feeding arrangements.

Ms Ashlee Cocodis was in attendance when this inspection was done.

- Water bowls were visible, however there were no visible signs of food bowls. Ranger Smith was advised that the dogs were fed inside.
- Bedding arrangements for the dogs appeared to be less than appropriate or suitable. It consisted of old towels on the rear patio/verandah.
- The yard appeared unsanitary with excessive amounts of dog faeces, which may constitute a health risk.
- The rear yard consists of dead grass and bare earth, it had little shade or amenity for the dogs.

The Dog Act 1976 requires that the owner or occupier of the premises at which the dog/s is ordinarily kept or permitted to live, shall cause the premises to be suitably fenced or closed in, in a manner capable of confining the dog/s within the premises.

The fencing is colourbond and approximately 1.5 to 1.8 metres high, surrounding the whole of the property.

- The top of the fencing at the front of the residence appears insecure and unable to confine the dogs.
- Fencing at the rear side of residence at ground level is inadequate to stop the dogs escaping. Several holes are apparent here and have been dug out by the dogs when previously escaping from the yard.

- Obvious attempts to secure this area have been made by placing various items in front of the holes, this appears unsatisfactory.
- Given the issues with the fencing, it may be that false declarations were made on the registration applications in relation to being able to confine the dogs to the premises.

Ranger Smith cannot recommend yard as being suitable for keeping the dogs confined to the premises. The general conditions that exist for the dogs do not appear conducive to their well-being.

As required in the application process, surrounding neighbours were surveyed. Six residences on Bondini Drive received, hand delivered, survey forms.

- Two forms were returned,
- One in the negative (Name supplied), with conditions, "willing to trial for three months if barking is controlled and dogs kept from corner of yard near our main bedroom".
- One in the positive, (No name supplied), 21 C Bondini Drive.

STATUTORY IMPLICATIONS/REQUIREMENTS

Dog Act 1976 (as amended) Section 26
Shire of East Pilbara Dogs Local Law (2000) clause 3.2.2

The *Dog Act (1976)* allows the local government to control the number of dogs by local laws. The Shire of East Pilbara Dogs Local Law allows for 2 dogs over the age of three months and the young of those dogs on premises situated in a townsite.

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

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

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
- (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and*
- (c) may be revoked or varied at any time.*

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

POLICY IMPLICATIONS

Nil

PLAN FOR FUTURE OF THE DISTRICT

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council

- 1. Refuse the application to keep more than two (2) dogs at 23 Bondini Drive, Newman by reason of their history of offences and the premises is not suitably fenced or closed in, in a manner capable of confining the dog/s within the premises.**
- 2. Advise the applicant, Mr Liam Williams that he has a right of appeal to the State Administration tribunal within twenty eight days, should he feel aggrieved by this decision.**

**9.3.3 PROPOSED AMENDMENT TO LOCAL PLANNING POLICY NO. 1 - EAST
NEWMAN MASTER PLAN**

File No: PLN-2-1
Attachments: [LPP1-2.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Landcorp East Newman Subdivision
Name of Applicant: URBIS on behalf of Landcorp
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required for the proposed amendment to the East Newman Master Plan which is adopted as Local Planning Policy No. 1.

BACKGROUND

Local Planning Policy No. 1 was adopted by Council at its ordinary meeting held on 29 May 2009. The policy itself relates directly to Landcorp's East Newman Subdivision and was adopted to guide development within the immediate area to ensure housing and development was undertaken in a coordinated approach and maintained a predominance of the base R15 density.

The current Master Plan identifies the development of East Newman with single residential lots ranging between 600m² and 900m². Over time, it has become evident that the lot sizes planned through the Master Plan are simply no longer practical due to the generally large size of the blocks. Furthermore, the existing Master Plan incorporates Lot 511 Great Northern Highway which is now in private ownership and is subject to an independent subdivision application which was assessed by Council at its meeting of 24 August 2012.

Through consultation between Senior Officers of the Shire, URBIS and Landcorp an amended plan has been submitted which ultimately reduces the size of the future planned stages allowing for an increase in the overall lot yield.

COMMENTS/OPTIONS/DISCUSSIONS

As discussed above, the key difference between the existing and proposed Master Plan is the size of the lots and the ultimate lot yield. Currently, the lots have been developed generally between 600m² and 900m² which in today's housing market, is extremely large and well beyond the average lot size demonstrated in other regional and sub-regional centres. The proposal to reduce the lots is in keeping with current trends and market demand for lots which are practical and manageable.

It is important to note that the amendments do not affect those lots which have already been developed. These existing lots have been incorporated into the amended Master Plan as they are and are indicated as those lots with a minimum of 580m². The future and current proposed stages are indicated as being either lots ranging from 440m² to 580m² and 270m² to 440m².

The latter of the range referred to above are commonly referred to as Cottage lots and are those which face Public Open Space (POS) and sometimes occur with rear access laneways in order to emphasise a strong neighbourhood/community amenity and provide increased surveillance to POS. All other lots in the higher range are standard residential lots, albeit slightly larger in size than that experienced in Metropolitan Perth.

Another critical change to the Master Plan has been the realignment of the subdivision roads in the north-east precinct where originally there was a single north-south road and an east-west connection. The roads are now proposed as generally east-west loop roads off Daniels Drive which will aid the overland drainage network to drain freely into the perimeter drainage corridor.

The proposed Master Plan also clearly identifies the amount of POS provided throughout the subdivision and categorises it accordingly into active, passive, community purposes and drainage. All the proposed POS appears to satisfy the requirements of Liveable Neighbourhoods.

The amended Master Plan has included additional Grouped Dwelling Sites to what is currently allowed in the existing plan. This is in conjunction with the currently proposed Residential Development Policy currently being advertised which states that only areas identified in East Newman as Grouped Dwelling Sites can be developed at the R40 density. As previously mentioned, all other lots are to be developed as single residential in accordance with the applicable R-Code density in relation to lot size.

Generally, the proposed amendments comply with the requirements of Liveable Neighbourhoods and will benefit the locality generally through the provision of a greater number of lots at more practical and manageable sizes. In light of proper and orderly planning, it will be recommended that Council adopt the amended Master Plan and advertise it accordingly prior to final adoption.

STATUTORY IMPLICATIONS/REQUIREMENTS

In accordance with Town Planning Scheme No. 4 Clause 2.4, Council must resolve to prepare and or adopt an amendment to a Local Planning Policy and then advertise such in a Newspaper circulating in the district once a week for two weeks and request submissions to be made within a period of time being not less than 21 days. After such time, Council will need to consider any submissions received then resolve to adopt such Local Planning Policy with or without modification.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council in accordance with Clause 2.4 of Town Planning Scheme No. 4 resolves to amend Local Planning Policy No. 1 – East Newman Master Plan by replacing the existing plan which was adopted by Council on 29 May 2009 with the plan prepared by URBIS and dated 30 August 2012 and in doing so undertakes the following procedures:

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

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**9.3.4 PROPOSED LOCAL PLANNING POLICY NO. 9 - NEWMAN TOWN
CENTRE STYLE GUIDE AND DESIGN GUIDELINES**

File No:	PLN-2-1
Responsible Officer:	Mr Rick Miller Director Technical and Development Services
Author:	Mr Adam Majid Manager Development Services - Planning
Location/Address:	N/A
Name of Applicant:	N/A
Author Disclosure of Interest:	Nil

REPORT PURPOSE

Council's consideration is required for the preparation and adoption of the draft Newman Town Centre Style Guide and Design Guidelines.

BACKGROUND

The Newman Town Centre Master Plan which forms part of the Newman Revitalisation Plan (NRP) is very descriptive about the future vision as to how the Newman town centre is to evolve. In particular, it identifies that Newman is to develop into a high quality service town with the inclusion of new activated retail edges incorporating mixed use opportunities in order to progress Newman into an active viable centre.

The NRP identifies that there are certain processes that need to be put into place in order to achieve the visions/goals of the town centre. This is reflected in the proposed layers of which the first layer suggests the following requirements:

- Adaptable built form;
- Provision of main street retail to create viable spaces(s) for business and pedestrians;
- Designing for climate;
- Safer and more attractive streetscapes;
- Legible network of entry points, streets, pathways and public spaces.

The NRP specifically identifies that Newman should be developed as a high quality mixed use centre by encouraging multi-storey development with a ground floor focus of retail followed by upper levels of commercial use and finally permanent residential use. It also directs the town centre in specific precincts including retail, community/civic, health and office. As mentioned, the main focal point will be on the active retail precinct with mixed use development. It is suggested by the NRP that the majority of bulk will be contained within the retail precinct and the other precincts to be developed in height to generally not more than two (2) storeys.

In order to implement the strategic vision of the NRP, Council resolved at its meeting of February 2012 to appoint Hames Sharley as a consultant to prepare Design Guidelines consistent with the NRP for use by Council. Since such time, Shire

officers have worked closely with Hames Sharley in the preparation of a document which puts all the requirements of the NRP into a format that Architects can use to design future buildings expected to be developed with the town centre.

COMMENTS/OPTIONS/DISCUSSIONS

The draft document has been structured into various parts which identify the needs of the town centre and best practice guidelines on how to develop buildings which are adaptable and resilient within the Pilbara climate. There are four (4) parts to the document and each part performs the following use/function:

Part 1 - Style Guide:

The style guide has been developed and included to establish a desired design character to be used as a language for development. It is designed to generate thought into proposed developments and to design such incorporating those influences which best represent Newman and its surrounds and to convert such into urban design and so forth. The guide draws on influences to generate three (3) key areas; landscape, vernacular and resource industry. Furthermore, the style guide also offers a sample materials/colours palette which is appropriate to the development of the town centre.

The ultimate intent of the style guide is to promote diversity in built form yet at the same time ensuring that building design and appearance have a place within the Newman landscape being both built and natural.

Part 2 – Climate Response:

Climate response is aimed at integrating strategies, techniques and technologies into building design so that such buildings respond to the climate and are built in a way that are responsive to the need to create liveable indoor and outdoor areas during extended periods of high heat. By achieving climate responsive designs, reliance on non-renewable energy is reduced and such buildings create micro climates both internally and externally, particularly within the active retail precinct. The particular part provides the following key components to be considered in all building designs:

- Strategies:
 - Adaptability to climate;
 - Efficient low resource use for buildings and lifecycle;
 - Appropriate technologies.
- Example Guidelines:
 - Radiant Heat;
 - Ventilation;
 - Water efficiency.

Much like the style guide, climate response is not about restricting buildings to certain aspects, but to encourage innovation through design and/or to capitalise on existing technologies in order to create buildings adaptive to the Pilbara which will contribute to the place making intended by the NRP.

Part 3 – Design Guidelines:

The design guidelines are the built form control of the document and are required to be complied with by all persons designing/building within the town centre. They are written in such a way which are easy to understand by way of layout and the inclusion of graphic assistance to reinforce the intended objectives for each precinct within the town centre. When submitting an application for development approval, applicants will need to provide evidence that they comply with the design guidelines and/or provide justification for any variation. The design guidelines are presented as nine (9) key aspects which are as follows:

- Form and Massing;
- Adaptability;
- Tying in adjacent buildings;
- Detailing the façade;
- Landscaping;
- Fencing;
- Vehicle Accommodation and Access;
- Signage; and
- Building Typologies.

Part 4 – Detailed Area Plan (DAP):

The DAP is based primarily on the NRP town centre master plan and identifies the types of building frontages such as active and semi-active as well as minimum storey/building heights relevant to the precincts identified in the NRP. The DAP has been prepared and included on the assumption that the entire document will be elevated to a Structure Plan once the Town Planning Scheme has been reviewed to include structure planning provisions.

In all, the document provides the technical information needed to implement the NRP as identified by the NRP. At this point in time, it is proposed to adopt such document as a Local Planning Policy under the Town Planning Scheme due to the current lack of structure planning provisions. It is intended that with the upcoming Scheme review, that the design guidelines will then be elevated and essentially form part of the Scheme. In either case, developers will be obliged to design in accordance with the design guidelines as it will form part of the local planning framework. Therefore, it is recommended that Council adopt such document and commence proceedings to formally adopt the document as Local Planning Policy No. 9.

STATUTORY IMPLICATIONS/REQUIREMENTS

The process to prepare and adopt a Local Planning Policy is provided for in Part 2 of Town Planning Scheme No. 4 and requires Council to resolve to prepare a policy followed by a minimum of 21 days of public advertising. During such period, submissions are invited and where such submissions are received, are to be considered by Council followed by a further resolution to adopt such policy with or without modification and/or not at all.

POLICY IMPLICATIONS

The NRP has been adopted by Council as a Local Planning Policy and the proposed guidelines are consistent with such document. Furthermore, the NRP has also been adopted at a state level by both the Western Australian Planning Commission and Regional Development and Lands through its Royalties for Regions programme.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council in accordance with Clause 2.4 of Town Planning Scheme No. 4 resolves to prepare Local Planning Policy No. 9 – Newman Town Centre Style Guide and Design Guidelines and undertake the following procedures:

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

**9.3.5 PROPOSED THREE STOREY RESIDENTIAL HOTEL AND TOURIST
ACCOMMODATION DEVELOPMENT - PT LOTS 510 & 511 KURRA
STREET, NEWMAN**

File No: A700807
Attachments: [Pt Lots 510 & 511 Residential Hotel.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: Corner of Kurra Street & Les Tutt Drive,
Newman
Name of Applicant: URP on behalf of Kurra at Newman
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required for a proposed 51 combined one (1) and two (2) bedroom Residential Hotel and Tourist Accommodation units at Pt Lots 510 and 511 Kurra Street, Newman.

BACKGROUND

Pt Lots 510 and 511 form part of the Kurra at Newman development of which Council is familiar with. The subject lots have been created by way of the land swap agreed to between Council and the Kurra at Newman developers in order to formally create the Les Tutt Drive road reserve and gazette such as a public road.

The proposal is for the development and use of accommodation units as both a Residential Hotel and Accommodation which are defined as follows:

Residential Hotel – means a building in which accommodation is provided for either permanent or temporary residents for hire or reward and the terms Boarding House and Guest House shall have the same interpretation, except that no such use shall include premises requiring a licence pursuant to the Liquor Control Act 1970 (as amended).

Tourist Accommodation – means a building or group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides for on-site facilities for the convenience of guests and management of the development, where occupation by any person is limited to a maximum of three months in any 12 month period and excludes those uses more specifically defined elsewhere.

The proposed development is proposed over three (3) storeys which consists of the following :

- Ground Floor:
 - 11 Single Storey accommodation units;
-

- Car parking and vehicle access;
- Bin store;
- 51 lockable storage rooms (1 for each unit);
- Administration/Reception;
- Laundry room;
- Universal access toilets; and
- Two (2) swimming pools, one (1) spa and communal outdoor entertainment area.
- First floor:
 - Fifteen (15) Single storey accommodation units; and
 - Lower floor of ten (10) two (2) storey accommodation units.
- Second Floor:
 - Fifteen (15) single storey accommodation units; and
 - Upper floor of ten (10) two (2) storey accommodation units.

The development is not proposing the inclusion of licensed and/or restaurant premises as all units will have their own kitchenette facilities. Furthermore, it encourages tenants to support local business by frequenting such other premises in and around Newman.

COMMENTS/OPTIONS/DISCUSSIONS

Planning Framework:

The subject site is zoned Residential Development under Town Planning Scheme No. 4. The zone was introduced as part of the overall development of Kurra at Newman and required a Structure Plan to be prepared and approved by Council. The Structure Plan, which was adopted as Local Planning Policy No. 6, identifies the land to be used for the purposes of permanent and/or short stay accommodation with an applicable built form density of R60 as prescribed by the Residential Design Codes (R-Codes).

With regards to the proposed development and its compliance with the R-Codes, the subject uses are not explicitly covered by the R-Codes, therefore, are not technically required to comply. However, the applicant has considered the R60 density and generally, the proposed development in terms of plot ratio is consistent with the R-Codes; however, the proposal indicates some reduced setbacks to Les Tutt Drive. For an R60 Multiple Dwelling development, the minimum primary street setback is two (2) metres but the proposal indicates reduced setbacks down to 1.45 metres to balconies on both the first and second floors.

There is also a proposed reduced setback proposed for the rear of the development where it is required to have a minimum 4.5 metres setback but has only been provided 1.6 metres. This is not considered an issue given the adjoining land is reserved land and is currently a vacant strip followed by the existing SES compound.

In considering the uniqueness of the Kurra at Newman site being a generally private estate, the reduced setbacks for the balconies can actually create interest to the streetscape and helps to articulate the façade of the buildings. This is coupled with a generally high standard of finish which is proposed and therefore, such a setback is positive and should be afforded Council's discretion. Generally, the proposed development is consistent with the objectives of the zone and the structure plan for

the immediate area. The building design is contemporary and will add interest to the immediate area as viewed from the nearby streets.

Car Parking & Access:

Clause 5.12.2 of Town Planning Scheme No. 4 requires parking to be in accordance with such clause and where a corresponding use is not represented, is to be at the discretion of Council. Council also has adopted Local Planning Policy No. 4 which relates to parking and access arrangements for developments within the Shire and clarifies the requirements of clause 5.12.2. Both Residential Hotel and Tourist Accommodation uses are not defined by either clause 5.12.2 or the policy, therefore, such uses will be at discretion of Council. In considering the uses, it is suggested that both uses are closely aligned with the established use of a Motel and therefore should be assessed accordingly with regards to car parking requirements.

Under the Scheme, a Motel is required to provide 1.5 spaces for each unit which is further clarified under the policy where it requires one (1) space for every single bedroom unit or residential suite and 1.5 spaces for every other type of unit. The proposed development has the following room types proposed:

- 36 single bedroom units;
- 5 two bedroom units; and
- 10 two bedroom villas.

Based on the above numbers and the parking required under the policy, the development will need to provide 36 parking spaces for the single bedroom units and a further 22.5 (say 23) which totals 59 car parking spaces. Furthermore, the development will also need to provide an additional space for each employee. In considering the type of development and the nature of Newman itself, it is possible to assume that not all workers would drive to the site if employed. Furthermore, it is also possible to consider that management would be based on site therefore not ultimately requiring parking. With the possibilities in mind and the number of units provided, it is considered appropriate to suggest that approximately five (5) car parking spaces would be required for employees.

In all, the applicant has provided a total of 55 car parking spaces on site with a further 10 proposed offsite as embayed parallel parking on Les Tutt Drive. The applicant is requesting that the application be approved with the proposed on and off street parking. In considering the proposal and the nature of the development, it is considered that the number of parking spaces proposed, being 65, is consistent with the calculations as noted above. Furthermore, given that the residential development adjacent is a private development, the use of Les Tutt Drive will be acceptable as only residents of the Residential Hotel/Tourist Accommodation will be accessing such parking. Independent visitors parking has been provided to the adjacent residential development therefore no interference is expected. It will be recommended that the parking be approved with the possibility of a cash payment made for use of the Council road reserve.

Of concern to the application is the design of the on site parking and manoeuvring areas which does not fully comply with both Council policy and AS2890.1 Part 1 – Off-street car parking. It must be noted that the plans do not indicate a sufficient amount of detail in regards to clearance around parking spaces and issues relating to

blind aisles. Also evident is the lack of comment made related to the reduced aisles in some locations. Based on the lack of information, it may be considered appropriate to require the applicant to provide additional drawings and details of the proposed parking prior to the issue of a Building Permit.

The applicant has also further indicated that the continuous access into the neighbouring properties is also an option. It is considered appropriate to reinforce this as part of a conditional approval should Council choose to approve the application. This would need to be reflected by way of amended plans indicating such access in conjunction with further details provided for the parking spaces.

A footpath is indicated along the majority of the Les Tutt Drive street frontage but does not join into Kurra Street, for ease of access and walkability, it is suggested that the footpath be extended along the full frontage and tie into Kurra Street pedestrian network.

Landscaping:

Landscaping has been identified on the submitted plans but has not been detailed therefore it is reasonable to impose necessary conditions to ensure a detailed landscaping plan is submitted including the use of local plant species.

Overall, the proposed development is consistent with the planning framework of the Shire and the immediate site location. Generally, the proposed development complies, albeit with some minor setback variations. However, it is perceived that the critical issue for the development is the issue of the car parking design and access which needs to be provided further clarification and design. It is perceived that this could be resolved through consultation between the Shire and the applicant subject to final plans being approved prior to the issue of a Building Permit. Therefore, it is suggested that Council approve the proposed development subject to a series of conditions.

STATUTORY IMPLICATIONS/REQUIREMENTS

The proposed development is required to comply with the Structure Plan for the subject site which is adopted as Local Planning Policy No. 6. As per the previous comments, the proposed development complies with the Structure Plan.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

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

Ongoing – Lobbying/Advocacy role
Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the proposed Residential Hotel and Tourist Accommodation development at PT Lots 510 and 511 Kurra Street and Les Tutt Drive, Newman subject to the following conditions:

- 1. Approval is for the development of a total of 51 Accommodation Units as detailed on the submitted plans and approved by Council;**
- 2. The development shall provide a minimum of 65 Car Parking spaces as identified on the submitted plans and approved by Council;**
- 3. The applicant/owner shall pay to Council an amount equal to the value of land in addition to the cost in providing the proposed ten (10) on-street car parking spaces as identified on the submitted plans and such payment shall be made under the provisions of the Cash-in-lieu clauses in Town Planning Scheme No. 4;**
- 4. Prior to the issue of a Building Permit, the applicant shall submit to Council a detailed Car Parking and Access plan indicating compliance with AS2890.1 – Off-street Car Parking and Local Planning Policy No. 4 – Vehicle Parking Standards to the satisfaction of the Director Technical and Development Services;**
- 5. All proposed On-Street car parking spaces shall be designed and constructed in accordance with AS2890.5 – On-Street Parking and to the satisfaction of the Director Technical and Development Services;**
- 6. Suitable arrangements being made with the Shire of East Pilbara and the owner of the adjoining lot to the north of the subject lots for the provision of Reciprocal Vehicular Access Rights with the adjoining lots to afford both vehicle and pedestrian movements between the subject lots to the satisfaction of the Manager Development Services – Planning;**
- 7. All car parking, hard stand and turn around areas shall be constructed to a standard being not less than a bituminous wearing surface and suitably line marked and wheel stops being provided where necessary in accordance with Council Policy and to the satisfaction of the Director Technical and Development Services;**
- 8. Vehicular crossover(s) being designed and constructed in accordance with Council Policy and to the satisfaction of the Director Technical and Development Services;**

- 9. The land shall be appropriately drained in accordance with local conditions and to the satisfaction of the Director Technical and Development Services;**
- 10. Prior to the issue of a Building Permit, the applicant shall submit a detailed landscaping plan including the use of local plant species to the satisfaction of the Manager Development Services – Planning;**
- 11. Suitable arrangements being made for the provision of a pedestrian path along the full frontage of the development facing Les Tutt Drive and connecting into the nearby Kurra Street pedestrian network to the satisfaction of the Director Technical and Development Services;**
- 12. Details of the proposed colours and textures of the proposed development shall be submitted and approved by the Manager Development Services – Planning;**

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**9.3.6 PROPOSED EIGHT (8) MULTIPLE DWELLING DEVELOPMENT - LOT 544
BARARA STREET, NEWMAN**

File No: A400070
Attachments: [Lot 544 Barara Street.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 2 Barara Street, Newman
Name of Applicant: Developtions
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required for the proposed development of eight (8) single bedroom multiple dwellings at Lot 544 Barara Street, Newman.

BACKGROUND

Lot 544 Barara Street has a total area of 692m² and is zoned Residential under Town Planning Scheme No. 4 with an applicable Residential Design Codes (R-Codes) density of R15/40. Where a split coding exists, such development is to comply with the lower density unless there is a connection to a reticulated sewer service and compliance is attained under an adopted Residential Development Policy.

The proposal is for the development of eight (8) single bedroom dwellings each with an area between 51.5m² and 52.5m² not including outdoor living areas. All proposed dwellings have been allocated a private outdoor living area in excess of the minimum requirement of 10m².

COMMENTS/OPTIONS/DISCUSSIONS

All residential development is required to comply with the provisions of the R-Codes which is a state residential policy. The maximum plot ratio for an R40 development is 0.6 of the total site area or 415.2m². After assessment of the proposed development, it is noted that the proposal is for a development with a total liveable floor area of 415.91m² which is over the maximum allowable plot ratio as noted earlier. However, the R-Codes permit the inclusion of up to an additional 20m² for corner lots by way of including the truncation into the calculated site area. Therefore, the development complies with the R-Codes in relation to site area.

In relation to setbacks, the proposal generally complies with the requirements of the R-Codes with the exception of the balcony of proposed Unit 8. Unenclosed balconies behind the street setback line are required to be setback at least 7.5 metres from the boundary; however, it is proposed to have only a 1.2 metre setback. The applicants justification is that the area of the neighbouring property being overlooked is only the

front open space area of 12 Carney Street. While it can be considered a minor issue, both the balcony and front yard of the neighbouring property are still active areas and should be afforded suitable levels of privacy. Therefore, should Council choose to support the application, it is recommended that permanent vertical screening be applied to the balcony to restrict views within the cone of vision. All other setbacks required have been achieved.

Another minor variation relates to the wall heights of the proposed Stores which is proposed at a height of 2.76 metres as opposed to the permitted 2.4 metres. Such variation is considered minor and will generally not impact on the neighbouring property.

In accordance with the R-Codes, the proposed development requires one (1) car parking space for each dwelling and 0.25 visitors bays for each dwelling therefore equating to a total of 10 car parking spaces to be provided. The submitted plans have provided the required number of bays in addition to suitable vehicle access points. In accordance with normal practice, conditions should be imposed ensuring adequate construction standards should Council choose to approve such development.

The subject site falls within Council's draft Residential Policy Area where Multiple Dwellings will be permitted. In considering the proposal, the provisions of the policy still need to be complied with, such requirements are as follows:

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

With regards to the above mentioned criteria, it is deemed that the proposed development complies with such and therefore generally complies with the draft policy.

Generally, the proposed development meets the requirements of the R-Codes and Council's Residential Policy. It is therefore recommended that Council approve the proposed development.

STATUTORY IMPLICATIONS/REQUIREMENTS

The applicant will have a right of review at the State Administrative Tribunal where aggrieved by a decision.

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

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

Ongoing – Lobbying/Advocacy role
Responsible Directorate – Executive and Development and Regulatory Services

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the development of eight (8) Multiple Dwellings at Lot 544 Barara Street, Newman subject to the following conditions:

- 1. Development shall be in accordance with the approved plans unless conditioned otherwise;**
- 2. Prior to the issue of a Building Permit, the applicant shall provide a detailed Landscaping Plan for all areas both within the property boundaries and within the local road reserve in accordance with Council policy and to the satisfaction of the Manager Development Services – Planning;**
- 3. All car parking shall be provided in accordance with the approved plans and designed in accordance with AS2890.1 and such areas being constructed, sealed, drained and line marked as required by Local Planning Policy No. 4 – Vehicle parking standards and to the satisfaction of the Manager Development Services – Planning;**
- 4. Vehicular crossover(s) shall be designed and constructed in accordance with AS2890.1 and Council policy and to the satisfaction of the Director Technical and Development Services;**
- 5. All drainage and stormwater disposal shall be contained within the site boundaries so as not to impact on neighbouring properties and the site being drained in accordance with local conditions and to the satisfaction of the Director Technical and Development Services;**
- 6. Permanent Vertical Screening shall be applied to the balcony of Unit 8 to restrict views within the cone of vision so as to prevent overlooking into the adjoining property;**
- 7. Prior to the issue of a Building Permit, details of the proposed colours and textures shall be submitted and approved to the satisfaction of the Manager Development Services – Planning; and**
- 8. All boundary fencing and any other such fencing within the primary street setback area shall be in accordance with the Residential Design Codes;**

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**9.3.7 PROPOSED EIGHT (8) MULTIPLE DWELLING DEVELOPMENT - LOT 619
MARLOO STREET, NEWMAN**

File No: A407820
Attachments: [Lot 619 Marloo Street.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Location/Address: 30 Marloo Street, Newman
Name of Applicant: Megara Developments
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's consideration is required for a proposed eight (8) single bedroom multiple dwelling development at Lot 619 Marloo Street, Newman.

BACKGROUND

Lot 619 Marloo Street has a total area of 688m² and is zoned Residential under Town Planning Scheme No. 4 with an applicable Residential Design Codes (R-Codes) density of R15/40. Where a split coding exists, such development is to comply with the lower density unless there is a connection to reticulated sewer service and compliance is attained under an adopted Residential Development Policy.

The proposal is for the development of eight (8) single bedroom dwellings each with an area of 40m² not including outdoor living areas. All proposed dwellings have been allocated private outdoor living area in excess of the minimum requirement of 10m².

COMMENTS/OPTIONS/DISCUSSIONS

All residential development is required to comply with the provisions of the R-Codes which is a state residential policy. The maximum plot ratio for an R40 development is 0.6 of the total site area or 412.8m². After assessment of the proposed development, it is noted that the proposal complies as the total floor area proposed is 394m² which is below the maximum plot ratio.

With regards to setbacks and other critical building design elements, it is noted that the proposed development complies with the R-Codes. However, it is noted that there is a minor variation required with regards to the site works of the proposal. The R-Codes permit retaining by way of walls to a maximum of 0.5 metres above the natural ground level behind the street setback area and the proposal has incorporated walls with accompanying fill up to 0.544 metres. Given the minor nature of the variation, it is deemed that it will not affect neighbouring properties and can be afforded Council's discretion.

In accordance with the R-Codes, the proposed development requires one (1) car parking space for each dwelling and 0.25 visitors bays for each dwelling therefore equating to a total of 10 car parking spaces to be provided. The submitted plans have provided the required number of bays in addition to a suitable vehicle access point. In accordance with normal practice, conditions should be imposed ensuring adequate construction standards should Council choose to approve such development.

With regards to all other aspects of the R-Codes, including building design and essential facilities, all aspects of the R-Codes have been met. However, comment needs to be made with regards to Council's draft Residential Development Policy which is currently being advertised after Council resolved to prepare such policy at its meeting of 24 August 2012. The subject policy aims to confine multiple dwellings, particularly such developments that do not provide a variety of sizes, to areas immediately adjacent to the Town Centre. The proposed policy also requires developments to comply with minimum design standards which are as follows:

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

With regards to the above mentioned criteria, it is deemed that the proposed development complies with such and therefore generally complies with the draft policy. However, the subject site is not located within the designated policy areas, however, as the policy is not yet adopted by Council, discretion can be afforded. In considering the location of the subject site, it is opposite the Fortescue Avenue drainage corridor and dual use path and therefore does not impact on the amenity of the immediate area or neighbouring properties.

In considering the proposed development, it is deemed that the proposal generally complies with the R-Codes and the Town Planning Scheme in that it is connected to a sewer service and a formal Residential Policy is yet to be adopted by Council. Council discretion should be applied and accordingly approval is recommended.

STATUTORY IMPLICATIONS/REQUIREMENTS

The applicant will have a right of review through the State Administrative Tribunal.

POLICY IMPLICATIONS

Draft Local Planning Policy No. 8 – Residential Development Policy.

PLAN FOR FUTURE OF THE DISTRICT

Goal 1 - Community Viability

Supporting Opportunities that Encourage Growth and Diversity

1.6 Planning for Land

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

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council approves the development of eight (8) Multiple Dwellings at lot 619 Marloo Street, Newman subject to the following conditions:

- 1. Development shall be in accordance with the approved plans unless conditioned otherwise;**
- 2. Prior to the issue of a Building Permit, the applicant shall provide a detailed Landscaping Plan for all areas both within the property boundaries and within the local road reserve in accordance with Council policy and to the satisfaction of the Manager Development Services – Planning;**
- 3. All car parking shall be provided in accordance with the approved plans and designed in accordance with AS2890.1 and such areas being constructed, sealed, drained and line marked as required by Local Planning Policy No. 4 – Vehicle parking standards and to the satisfaction of the Manager Development Services – Planning;**
- 4. Vehicular crossover(s) shall be designed and constructed in accordance with AS2890.1 and Council policy and to the satisfaction of the Director Technical and Development Services;**
- 5. All drainage and stormwater disposal shall be contained within the site boundaries so as not to impact on neighbouring properties and the site being drained in accordance with local conditions and to the satisfaction of the Director Technical and Development Services; and**
- 6. All boundary fencing and any other such fencing within the primary street setback area shall be in accordance with the Residential Design Codes;**

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9.3.8 PROPOSED REPLACEMENT OF FORTESCUE RIVE BRIDGE NEAR ROY HILL STATION - MARBLE BAR ROAD, NULLAGINE

File No: TCH-4-12-4
Attachments: [NU5 Fortescue Bridge.pdf](#)
Responsible Officer: Mr Rick Miller
Director Technical and Development Services
Author: Mr Adam Majid
Manager Development Services - Planning
Proposed Meeting Date: 28-Sep-2012
Location/Address: Marble Bar Road, Nullagine
Name of Applicant: Main Roads WA
Author Disclosure of Interest: Nil

REPORT PURPOSE

Council's comment is required in respect to a request from Main Roads WA for the replacement of the Fortescue River Bridge near Roy Hill Station which is listed on the Shire's Municipal Heritage Inventory.

BACKGROUND

Main Roads WA (MRWA) have advised the Shire that they are currently designing an upgrade to the Fortescue River bridge near Roy Hill Station as the current bridge is ageing rapidly and is not worthy of being repaired. Advice received to date is that the existing bridge will be completely removed to make way for a new bridge as part of planned upgrade work on the Marble Bar Road.

As the bridge is listed in the Shire's Municipal Heritage Inventory, Council's consideration is required in respect of such works.

COMMENTS/OPTIONS/DISCUSSIONS

The subject bridge was constructed in circa 1928 presumably by the then Main Roads Board and its consulting engineers. It is constructed of concrete and steel with the inclusion of local stone within the bridge footings.

The bridge is featured within the Municipal Heritage Inventory mainly for reasons of social significance to the area as it was a means of allowing access over the Fortescue River. This aided the connection of Nullagine to nearby stations including Roy Hill and that further south in the vicinity of current day Newman.

In terms of construction and style, there is no rare material or architectural features/design which enhances the significance of the bridge. Given that only the social importance of the bridge is evident, it is suggested that it would be acceptable for the bridge to be removed in order to install a more reliable bridge with sound construction. However, from a local heritage perspective, it is vital not to delete the link of this bridge from the Municipal Heritage Inventory therefore it should be a

requirement that pictures of the bridge be taken prior to its removal. It is recommended that Council advise Main Roads WA of such view accordingly.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil.

PLAN FOR FUTURE OF THE DISTRICT

Nil.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple

OFFICER'S RECOMMENDATION

THAT Council advise Main Roads WA that it does not object to the removal of the existing Fortescue River bridge near Roy Hill Station provided that pictures of the subject bridge are taken prior to its removal for inclusion in any future updates to the Municipal Heritage Inventory.

SHIRE OF EAST PILBARA
MUNICIPAL HERITAGE INVENTORY
PLACE RECORD FORM

LGA Place No: NU5

Fortescue River/Roy Hill Bridge

Photograph of the place



A view of the bridge as it spans the dry Fortescue River bed.

LOCATION		Map Reference: S 22-38-45, E 119-57-54		
Name of Place		Fortescue River/Roy Hill Bridge		
Location/Address				
Street Number and Name		Marble Bar Road (DOLA Map)		
Suburb/Town		Nullagine		
Owner	Address	Phone/fax		
Land Description :				
Reserve No.	Lot/Location No.	Plan/Diagram	Vol/Folio	No.

Place No NU5/Fortescue River/Roy Hill Bridge/Page 2

DESCRIPTION	
Construction Date	c1928
Use(s) of Place	
<i>Original</i>	Road Bridge
<i>Present</i>	Road Bridge
<i>Other</i>	
Architect/Designer	Possibly E W C Godfrey - Bridge Design Engineer to Main Roads Board
Construction Materials	
<i>Other</i>	Concrete, steel & local stone in footings.
Description	
<p>The Roy Hill Bridge spans the Fortescue River just south of the Roy Hill Homestead. The single lane bridge is located in a valley where the Marble Bar Road meets the Fortescue River, close to Roy Hill Station. The piles supporting the bridge and the road surface are concrete, while the bridge rails are metal. A graded track alongside the bridge provides an alternative route for heavy vehicles as there is a weight restriction on the bridge under some circumstances.</p>	

HISTORICAL NOTES
<p>The bridge is located close to Roy Hill Station which was once an important stopover place for travellers en route to Nullagine and Marble Bar. A Post Office and General Store were located there up until early 1960s. The Fortescue River, which rises just south of the Tropic of Capricorn, not far from Newman, travels 800 kms to the Indian Ocean, remains dormant most of the year and for much of the time the river bed is dry. White River gums and Coolibah trees grow close by. However, after storms and heavy rains it can turn into a raging torrent, isolating people in the town and on stations.</p>

SIGNIFICANCE	
Historic theme(s)	Transport and Communication
Subtheme(s)	Road Transport
Statement of Significance	
<p>The Roy Hill Bridge has historical, scientific and social significance. It was constructed to allow road access across the Fortescue River, which is renowned for flooding after heavy rains. During the wet season the bridge can be up to 6ft under water, but when the water recedes, the bridge provides safe access between Newman and Nullagine.</p>	
Management Recommendation	

OTHER

Supporting Information
<p>Bridges in Western Australia, the transition from timber. Refer JC Wheeler, Western Roads, 3(1) Feb 1978 p2-13.</p>



The bridge as seen from the road.



The graded access way for heavy vehicles.

- 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**
26th October 2012, Newman
- 15 CLOSURE**