



SPECIAL COUNCIL MEETING

AGENDA

**NOTICE IS HEREBY GIVEN that a
Special Meeting of Council will be held
in the Council Chambers, Welcome Road, Karratha,
on 6 December 2010 at 6.30pm**

**Collene Longmore
CHIEF EXECUTIVE OFFICER**



No responsibility whatsoever is implied or accepted by the Shire of Roebourne for any act, omission or statement or intimation occurring during Council or Committee Meetings. The Shire of Roebourne 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.

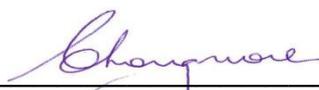
Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee Meeting does so at that persons or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or intimation of approval made by any member or Officer of the Shire of Roebourne during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Roebourne.

The Shire of Roebourne warns that anyone who has any application lodged with the Shire of Roebourne 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 Roebourne in respect of the application.

Signed: 
Ms C Longmore –Chief Executive Officer

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (updated 13 March 2000)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: *An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.*

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

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AGENDA

1 OFFICIAL OPENING

Cr Lockwood acknowledged the traditions of the Ngarluma people, on whose land we are gathered here today.

2 PUBLIC QUESTION TIME

3 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE

Councillors:
Cr Nicole Lockwood [President]
Cr John Lally [Deputy President]
Cr Garry Bailey
Cr Fay Cechner
Cr Harry Hipworth
Cr Ben Lewis
Cr Joanne Pritchard
Cr Sharon Vertigan
Cr Fiona White-Hartig

Staff:

Collene Longmore	Chief Executive Officer
Ray McDermott	Executive Manager Corporate Services
Andrew Ward	Director Community and Corporate Services
Troy Davis	Director Infrastructure Services
David Pentz	Director Development & Regulatory Services
Simon Kot	Director Strategic Projects
Chloe Berkrey	Minute Secretary

Apologies:

Absent:

Leave of Absence: Cr Evette Smeathers

Members of Public:

Members of Media:

4 DECLARATIONS OF INTEREST

5 CHIEF EXECUTIVE OFFICER & EXECUTIVE SERVICES

5.1 2011 COUNCIL MEETING DATES

File No:	GV.1
Attachment(s)	Nil
Responsible Officer:	Chief Executive Officer
Author Name:	Divisional Administration Officer
Disclosure of Interest:	Nil

REPORT PURPOSE

For Councillors' consideration and adoption is the proposed 2011 Council Meeting dates including the Pre-Budget and Budget Meetings. **Note: there will be no meeting in January 2011.**

Background

Nil

Issues

Nil

Options

None

Policy Implications

There are no relevant policy implications pertaining to this matter.

Legislative Implications

Local Government (Administration) Regulations 1996

12. Public notice of council or committee meetings — s. 5.25(1)(g) LGA 1995

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

- (a) the ordinary council meetings; and*
- (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.*

Financial Implications

There are no financial implications resulting from this report.

Conclusion

Nil

Voting Requirements

Simple.

RECOMMENDATION

That Council accept the following Ordinary Council Meeting Dates for 2011:

21 February 2011	Ordinary Council Meeting	Council Chambers
21 March 2011	Annual Electors Meeting	Town Hall, Point Samson
21 March 2011	Ordinary Council Meeting	Town Hall, Point Samson
18 April 2011	Ordinary Council Meeting	Council Chambers
4 May 2011	Pre-Budget Meeting	Council Chambers
16 May 2011	Ordinary Council Meeting	Peninsula Palms, Dampier
20 June 2011	Ordinary Council Meeting	Council Chambers
30 June 2011	Budget Meeting	Council Chambers
18 July 2011	Ordinary Council Meeting	Roebourne Hall
15 August 2011	Ordinary Council Meeting	Council Chambers
19 September 2011	Ordinary Council Meeting	Council Chambers
17 October 2011	Ordinary Council Meeting	Community Hall
21 November 2011	Ordinary Council Meeting	Council Chambers
19 December 2011	Ordinary Council Meeting	Council Chambers

6 COMMUNITY AND CORPORATE SERVICES

6.1 CAPITAL WORKS PLAN 2010/11 TO 2014/15

File No:	FM.3
Attachment(s)	Draft Capital Works Plan 12010/11 to 2014/15
Responsible Officer:	Director Community And Corporate Services
Author Name:	Executive Manager Corporate Services
Disclosure of Interest:	Nil

REPORT PURPOSE

For Council's consideration of the draft Capital Works Plan 2010/11 to 2014/15.

Background

To be eligible for the Country Local Government Fund (CLGF) 2010-11 funding round, country local governments must fully acquit their CLGF 2008-09 allocation and have provided the Department of Regional Development and Lands (RDL) with an approved Capital Works Plan as outlined in the CLGF 2009-10 guidelines. The Shire acquitted its CLGF 2008-09 allocation in early 2010 and Attachment 1 contains the Shires draft Capital Works Plan for Council consideration and adoption.

The adopted Capital Works Plan is required to be submitted to the Department of Regional Development and Lands by 31 December 2010.

Issues

A draft Capital Works Plan has been prepared by Council's Executive Manager of Finance with the assistance of Ron Back, a Local Government Financial Consultant. Ron Back is an approved consultant as recommended by the Department for the preparation of a Capital Works Plan by Local Governments.

The Capital Works Plan outlines a strategy on how the Council will consider future capital works in a sustainable and considered manner that is integrated with the Strategic and Asset Management Plans of Council (once completed). The Capital Works Plan will provide Council with a useful tool for leveraging additional funds to finance the significant future capital works required to successfully implement the Karratha City of the North vision and meet Council's and the Communities aspirational requirements. The adoption of the plan poses a significant challenge for Council in balancing the needs of the community against the future sustainability of the Shire.

In order to develop the Capital Works Plan a number of key issues and assumptions have been incorporated within the plan and are detailed in the attached document. Key elements within the capital works plan include:

1. Demand for Infrastructure: The direction set by the Council's vision and the Karratha City of the North project has, and will, place significant financial impost on the Shire.
2. Funding Sources: A number of funding sources have been identified within the Capital Works Plan and Officers highlight to Council that a number of infrastructure projects attributable to the Karratha City of the North project are shown as fully funded.
3. Rates Revenue – Taking into consideration dot points 1. and 2. above, there still exists an increasing requirement to utilise rates revenue to fund Infrastructure

projects in the next five year period. This impost will place significant stress on the financial sustainability of the Shire.

4. Budget Process – The adopted Capital Works Plan will form a linkage between the Strategic Plan and the Annual Budget process for Capital Projects and will be updated annually in accordance with the requirements of the Department of Regional Development and Lands.
5. Borrowings – to accommodate the 2011/12 Capital Works Program the plan identifies loan funding of \$4.5 million

In addition the Department has requested Local Government to identify individual projects to receive Country Local Government Funding for 2010/11, 2011/12 and 2012/13 financial years. These projects have been identified in the attached plan.

Options

Council has the following options available:

1. To adopt the Draft Capital Works Plan.
2. To adopt the Draft Capital Works Plan with amendment.
3. To not adopt the Draft Capital Works Plan.

Policy Implications

There are no relevant policy implications pertaining to this matter.

Legislative Implications

Currently there are no legislative implications however; Local Government has been informed that future legislative changes will mandate the requirement to maintain a 5 year Capital Works Plan and associated Asset Management Systems and Processes.

Financial Implications

As mentioned previously, the current demand for infrastructure is placing a significant financial impost on the Shire and an increasing requirement to utilise rates revenue to fund infrastructure projects. In addition, the operational needs of the organisation continue to grow compounding the financial implications facing the Council. These factors are, and will continue to place significant stress on the financial sustainability of the Shire, unless considerable infrastructure grants are received from the state government.

Conclusion

The Capital Works Plan determines a strategy on how the Council will consider future capital works in a sustainable and considered manner. The adoption of the plan poses a significant challenge for Council to balance the community needs and the future sustainability of the Shire. Following Council's adoption of the plan, the document will be submitted to the Department of Regional Development and Lands for assessment and approval.

Voting Requirements

Simple.

RECOMMENDATION

That Council resolve to adopt the Capital Works Plan 2010/11 to 2014/15 as per attachment 1 and submit to the Department of Regional Development and Lands for approval.

**ATTACHMENT 1 – DRAFT CAPITAL WORKS PLAN 2010/11 TO 2014/15
(SEE ATTACHED)**

7 DEVELOPMENT AND REGULATORY SERVICES

7.1 EXCISION OF PART RESERVES REQUIRED FOR KARRATHA UNDERGROUND POWER PROJECT

File No:	EG/14/1
Attachment(s)	Maps
Responsible Officer:	Director Development and Regulatory Services
Author Name:	Manager Strategic Planning Services
Disclosure of Interest:	Nil

REPORT PURPOSE

For Council to consider and make determination on a request received for the excision of numerous portions of Crown Reserves within Karratha currently vested in the Shire for the purposes of 'Parks, Recreation and Drainage' and subsequent amalgamation with adjoining road reserves. The parcels of land are required to develop essential infrastructure required to support the Pilbara Underground Power Project.

Background

Horizon Power is currently undertaking the Pilbara Underground Power Project to replace existing above ground electrical power lines with below ground infrastructure. Upon completion the works will greatly improve the safety, reliability and quality of power supply in the region and will improve overall townsite aesthetics.

The sites are required to develop essential transformer and switchyard infrastructure required to support the electrical power network. Excision of the parcels from the parks, recreation and drainage Reserves 32335, 38256, 34407, 48973, 40041, 40080, 46901, 38153, 34007, 48952 and 37774 and amalgamation with abutting road reserves is required to ensure unrestricted access by Horizon Power. The sites are demonstrated on the attached maps.

Issues

Council has previously indicated support for the Pilbara Underground Power Project including essential infrastructure required to support the distribution network. The process of excising the portions of reserves and dedication as road reserve is an administrative function that will ultimately relinquish the Shire's public liability and management responsibilities and will enable Horizon Power unrestricted access to infrastructure for maintenance and emergency purposes. Horizon Power is responsible for ensuring that its infrastructure sites are maintained in a safe manner including the provision of appropriate fencing and signage where necessary.

Options

Council has the following options available:

1. To support the excision of various portions of parks, recreation and drainage reserves and dedication of parcels with adjoining road reserves to facilitate unrestricted access to future essential electrical distribution infrastructure.
2. Not to support the excision of various portions of parks, recreation and drainage reserves and dedication of parcels with adjoining road reserves to facilitate unrestricted access to future essential electrical distribution infrastructure.

Policy Implications

There are no relevant policy implications pertaining to this matter.

Legislative Implications

There are no relevant legislative implications pertaining to this matter.

Financial Implications

There are no financial implications resulting from this report.

Conclusion

Given the importance of the project and relatively minor impact on streetscape amenity resulting from the development of essential transformer and switchyard infrastructure within the road reserves, it is recommended that the Council support the excision of various portions of parks, recreation and drainage reserves and dedication of the parcels into adjoining road reserves.

Voting Requirements

Simple.

RECOMMENDATION

That Council resolve to:

1. **Request the Department of Regional Development and Lands to excise portions of Reserve 32355, 38256, 34407, 48973, 40041, 40080, 46901, 38153, 34007, 48952, and 37774 as per the plans attached, as per Regulation 8 of the Land Administration Regulations 1998.**
2. **Request the Department of Regional Development and Lands to dedicate the proposed excisions from Reserves 32355, 38256, 34407, 48973, 40041, 40080, 46901, 38153, 34007, 48952, and 37774 as per the plans attached as road reserve, as per Regulation 8 of the Land Administration Regulations 1998.**

ATTACHMENT 1 – MAPS (SEE ATTACHED)

7.2 COMMENT TO DEPARTMENT OF MINES AND PETROLEUM REGARDING AN APPLICATION TO MINE LEASES WITHIN CLEAVERVILLE RESERVE 33775

File No:	TA/1/2
Attachment(s)	1. Notice of Intent to Mine Lime Sand at Cleaverville on MLS 511-513 2. Summary of Correspondence
Responsible Officer:	Director Development And Regulatory Services
Author Name:	Senior Strategic Planner
Disclosure of Interest:	Nil

REPORT PURPOSE

To provide the Council with the history of events leading up to an application by Hanson Construction Ltd to the Department of Mines and Petroleum (DoMP) to resume mining of leases M47/464 and M47/359 that fall within the Cleaverville Reserve 33775 reserved for “*Recreation and Camping only*”.

- To decide whether to support an application by Hanson Construction Materials Pty Ltd to the Department of Mines and Petroleum to recommence mining of lease M47/464 that falls within the Council Reserve 33775.
- To decide whether to support an application from Hanson Construction Materials Pty Ltd to excise the area covered by mining leases M47/359 and M47/464 from the Council Reserve 33775.
- To broadly establish the content of a Council submission to the DoMP regarding the excision of the leases.

Background

The Council reserve 33775 at Cleaverville Beach is reserved for the purpose of “*recreation and camping only*” includes mining tenements 47/359 and 47/464. The leases take in the same physical area as leases previously referenced M47/ 512 and 513.

The Council reserve was established in March 2001 as an extension of an existing reserve to include a total of approximately 616 hectares in accordance with an approval from the State Land Services. However, that approval was conditional on the mining leases being excluded from the reserve. That condition was overlooked by the Shire and the reserve was registered over the mining leases.

Hanson Construction Materials Pty Ltd advised the Department of Industry and Resources (DoIR) now the Department of Mines and Petroleum (DoMP) in July 2007 that the company intended to recommence mining activities on M47/464.

As the lease area falls within a Council Reserve, the DoMP was bound to seek comment from the Shire of Roebourne on the proposal before making a decision on the application.

The Shire's various representatives opposed the resumption of mining and the approach by Hanson to excise the mining leases from the reserve.

There is a long history of correspondence between the Shire's representatives and the DoMP with involvement from the Department of Planning and Infrastructure (DoPI). That history is included as Attachment 2.

Issues

The Department of Planning and Infrastructure State Land Services division wrote to the Shire's then Executive Manager Planning Services advising that the DoLR approval to create Council Reserve 33775 was conditional on the Cleaverville leases, M47/359 and M47/464, being excluded from the reserved land, and seeking the Shire's support for a proposal to excise the leases from the reserve on that basis.

The Executive Manager responded to that letter with an email on 20 August 2007 advising that the Shire did not support the excision of the leases from the Reserve as the mining of the leases was incompatible with the purpose of the reserve and that the Shire would request the Minister to begin negotiating for the leases to be forfeited and for the area previously mined to be rehabilitated.

In 1994 the Shire gave conditional support by way of a letter dated 30 August 1994, to reopen the leases after considering a Notice of Intent (NOI) submitted by Astron Environmental Services on behalf of Pioneer Concrete (now known as Hanson Construction Materials Pty Ltd). The NOI takes the form of a reasonably comprehensive Environmental Management Plan. The Shire's letter in response to the NOI was conditional on the area being mined over the summer months.

"Because of the popularity of the area to tourists, quarrying should be carried out in the off season i.e. during summer so as to minimise impacts on tourists."

In 1999 the renewed leases were issued through to 2020.

Analysis

The registration of the Council Reserve 33775 appears to be an error on behalf of the Shire as set out in the advice received from the Department of Planning and Infrastructure on 20 August 2007 and reiterated in a letter to the Shire from the Minister for Energy; Resources; Industry and Enterprise and dated 19 March 2008.

Notwithstanding the likely error that saw the leases included in the reserve, the fact remains that the reserve has been created and includes the lease area. That being the case, approval to mine the lease area is at the discretion of the DoMP who must seek and consider comment from the reserve management body (the Shire) in accordance with Section 24 (5A) of the Mining and Petroleum Act which sets out:

"24 (1) The classes of land to which this section applies are —

- (c) land reserved under Part 4 of the Land Administration Act 1997, not being —*
- (i) land to which paragraph (a) or (b) of this subsection refers;*
- (ii) land reserved for mining or commons;*
- (iii) land reserved and designated for public utility for any purpose pursuant to that Part;*
- (iv) land that is a townsite within the meaning of the Land Administration Act 1997;*

(5A) Mining on any land referred to in subsection (1)(c) may be carried out with the written consent of the Minister who may refuse his consent or who may give his consent subject to such terms and conditions as the Minister specifies in the consent.

(5B) Before giving his consent under subsection (5A) whether conditionally or unconditionally the Minister shall first consult the responsible Minister and the local government, public body, or trustees or other persons in which the control and management of such land is vested with respect thereto, and obtain its or their recommendations thereon.”

The Shire supported the application by Pioneer Concrete for the lease M47/464 to be reopened in the 1994 letter of support which clearly foresaw the continued mining of the area for a further 21 years from that date as the term of a mining lease cannot be altered.

It is not clear why the leases were not granted until 1999. However, in 1999 21 year leases were granted to allow for mining out to 2020.

The history of events appears to clearly establish an error on the Shire’s behalf and demonstrates cause for a reasonable expectation by Hanson Construction Materials Pty Ltd to continue mining activities on both leases (M47/359 and M47/464) until 2020.

As the Management Order for Council Reserve 33775 clearly states the purpose of the reserve to be “*Recreation and Camping only*” it would not be possible to include the activity of mining within that purpose. For that reason the only option available to allow for mining of the leases is to agree to excise the leases from the reserve.

At the time of writing this report, the possibility of amending the Management Order to allow for mining of the leases within the reserve had not been explored as it would seem to set up a situation where the Shire might be faced with the difficult task of addressing liability with regard to the mining operations within the reserve.

Excision of the leases from the reserve presents a problem for the Shire because it is the inclusion in the reserve that triggers the requirement on the part of the DoMP to seek comment from the Shire for future mining proposals. It may be possible to address this matter through the registration of a caveat over the land in favour of the Shire. The registration of such a caveat would require the agreement of the applicant and the legal implications should be explored with the Shire’s legal representatives. It may also be possible to request a deed of agreement from the Hanson Construction Materials Pty Ltd prior to the Shire agreeing to the excision of the leases from the reserve. Again this should be a matter for discussion with the Shire’s legal representatives.

Any inability to secure such an agreement should not be a reason for objecting to the leases being excised from the reserve.

Options

Council has the following options available:

Option 1

- To resolve to support the application by Hanson Construction Materials Pty Ltd to excise leases M47/359 and M47/464 from Council Reserve 33775 for the remaining terms of the leases being May and November 2020 on the condition that:
 - o Hanson Construction Pty Ltd provides an updated Environmental Management Plan to reflect best practice with respect to environmental management of mining activities and site rehabilitation.

- That mining activities only occur over the summer months of November to February to ensure that camping and recreation on the adjoining recreation and camping reserve can be enjoyed throughout the winter months.
- That Hanson Construction Materials Pty Ltd agree to a caveat in favour of the Council being placed over the area subject to the mining leases to the effect that the land will be included back into Council Reserve 33775 at the time the current leases expire and or:
- That Hanson Construction Materials Pty Ltd enter into a deed of agreement to the effect that no further lease period will be sort following expiry of the leases in 2020.
- To resolve to instruct staff to commence the process of excising leases M47/359 and M47/464 from Council Reserve 33775.
- To advise Hanson Construction Materials Pty Ltd and the Department of Mines and Petroleum accordingly.

Option 2

- To resolve to refuse to support the recommencement of mining activities on lease M47/464 and to further refuse to support the excise of leases M47/359 and M47/464 from Council Reserve 33775
- To advise Hanson Construction Materials Pty Ltd and the Department of Mines and Petroleum accordingly.

Policy Implications

There are no relevant policy implications pertaining to this matter.

Legislative Implications

Mining Act 1978, Land Administration Act 1997, Planning and Development Act 2005.

Financial Implications

If the Council seek legal advice on the viability of registering a caveat or seeking a deed of agreement to prevent a future lease term being granted, the cost of that advice will be incurred.

Staff time taken to give effect to the excise of the leases from the reserve.

Voting Requirements

Simple.

RECOMMENDATION

That the Council resolves to:

1. **Excise leases M47/359 and M47/464 from Council Reserve 33775 in accordance with Option 1 set out above.**
2. **Seek legal advice regarding the ability to register a caveat over the mining lease areas for the purpose of including the area back into Reserve 33775 following expiry of the leases in 2020.**
3. **Seek an undertaking from Hanson Construction Materials Pty Ltd that no further extension of the leases over the area will be sought.**

**ATTACHMENT 1 – NOTICE OF INTENT TO MINE LIME SAND AT CLEAVERVILLE ON
MLS 511-513 (SEE ATTACHED)**

ATTACHMENT 2 – SUMMARY OF CORRESPONDENCE

History of Correspondence Cleaverville Reserve 33775 (Recreation and Camping) Mining Leases 47/359 and 47/464)	
2 August 1994	<p>Astron Environmental letter to the Shire advised the that Pioneer Concrete (WA) Pty Ltd had applied to reopen leases MLS511-513 to mine lime sand at Cleaverville Beach.</p> <p>and attached a copy of the Notice of Intent setting out a number of environmental and management commitments</p>
30 August 1994	<p>SoR Director of Environmental Services letter to Astron Environmental Services</p> <p>giving approval to the mining proposal and stating <i>“Because of the popularity of area to tourists, quarrying should be carried out in the off season i.e. during summer so as to minimise impacts on tourists.”</i></p> <p>And setting out other conditions.</p>
3/11/1995	<p>Change of Purpose – Reserve 33755 Cleaverville BCH</p> <p>File DP1/11</p> <p><i>(file information and resolution regarding the change of purpose cannot be located- the reporting officer and a records officer have been involved in searching)</i></p>
1999	<p>Hanson released leases to permit camping site - they retained M47/359</p>
16 March 2001	<p>Reserve 33775 increased from 59.0725 Ha to 675.0725 Ha and extended over M47/359 - Management Order Reserve 33775 was created - control granted to SoR</p> <p><i>“to be utilised for the designated purpose of “Recreation and Camping” only.”</i></p>
July 2007	<p>Hanson sent letter to DoIR giving notice to recommence mining on M47/464</p>
14 August 2007	<p>Murray Raven Department of Planning and Infrastructure – State Land Services wrote to SoR Bob Sharkey</p> <ul style="list-style-type: none"> • Advising that Department of Industry and Resources (DoIR) approval to create Reserves 33775 (Cleaverville) and 46588 (40 Mile Beach) under section 16(3) of the mining act was conditional on the above mining tenements being excluded from the Reserves. • Seeking the SoR advice on the proposal to excise the mining tenements from the reserve given this fact.

<p>20 August 2007</p>	<p>Email from Bob Sharkey to Murray Raven at DPI</p> <ul style="list-style-type: none"> • advising that SoR would not support the excision of land subject to mining tenements M47/359 and M47/464 from Reserve 33775 (Cleaverville Recreation and Camping) as mining of sand in these tenements is incompatible with the preservation of the land for the purposes for which it has been reserved – particularly as the sand resource is located within the primary foreshore dune and the extraction of any substantial quantities of sand would in effect destroy that primary environmental asset. • Advising that the SoR will request the Minister for Resources to negotiate for these tenements to be forfeited or cancelled and for the area previously mined to be rehabilitated. • Noting that Mining Lease 47/364 (40 Mile Beach) was forfeited on 24 April 2003.
<p>6 September 2007</p>	<p>The then Shire President Brad Snell wrote to the Minister for Energy and Resources Stating the following:</p> <ul style="list-style-type: none"> • That the shire of Roebourne is of the view that no further mining should be permitted within the reserve and in particular the fragile near-shore dunes. • Requesting the Ministers intervene to negotiate for the leases to be forfeited or cancelled to ensure that the values for which this reserve was created are not further prejudiced and that the existing mined area is satisfactorily rehabilitated.
<p>19 March 2008</p>	<p>Minister for Energy and Resources wrote to the then Shire President Brad Snell. Stating the following: TA/1/2</p> <ul style="list-style-type: none"> • There is no arbitrary power under the Mining Act 1978 to cancel the leases in the circumstances outlined (in SoR letter). • That there was an agreement in principle between the Shire and Hanson to mining taking place on Mining Lease 47/359 subject to a mining proposal being lodged and environmental approval being given. • Under the Reserved Land provisions of the Mining Act the recommendations of the Shire to mining being undertaken on reserved land must be taken into consideration by the Minister when considering any request from the lessee for consent to mine on the reserve.
<p>August 2010</p>	<p>Hanson Construction Materials John Symonds met with SoR Director David Pentz David requested documentation detailing some history of the leases and a copy of the EMP. David gave an undertaking that the SoR would determine the order of priority for the Reserve and Leases.</p>

31 August 2010	<p>Hanson construction Materials Development Manager John Symonds wrote to Executive Manager Development Services David Pentz on 31 August 2010 attaching historical documents including the 1994 Notice of Intent to Mine Lime Sand. Mr Symonds requested that the SoR determine the order of priority with regard to the mining leases and the Council Reserve as discussed in the earlier meeting.</p> <p>The letter set out the expected life of the reserves at 500,000 tonnes with an expected term in excess of 20 years.</p>
October 2010	<p>Senior Planning Officer took up the matter and researched the history of the leases giving Hanson's Mr John Symonds a verbal undertaking to advise of the status of the leases and the SoR's position by Wednesday 16 November 2010.</p>

8 MATTERS BEHIND CLOSED DOORS

8.1 PUBLIC TENDER - DISPOSAL OF LOT 5 VOLUME 2741 FOLIO 843, LOT 8 VOLUME 2741 FOLIO 846 AND LOT 11 VOLUME 2741 FOLIO 849 CLARKSON WAY

File No:	CP.2
Attachment(s)	Confidential Attachment - Evaluation & Recommendation Report
Responsible Officer:	Executive Manager Corporate Services
Author Name:	Corporate Compliance Officer
Disclosure of Interest:	Nil

REPORT PURPOSE

To consider tenders received for the sale of Lot 5 Volume 2741 Folio 843, Lot 8 Volume 2741 Folio 846 and Lot 11 Volume 2741 Folio 849 Clarkson Way.

Background

Council resolved to dispose of Lot 5 Volume 2741 Folio 843, Lot 8 Volume 2741 Folio 846 and Lot 11 Volume 2741 Folio 849 Clarkson Way at its Ordinary Council meeting 19 July 2010 with net sale proceeds to be allocated to Council's housing reserve.

Issues

An Expression of Interest was called for local real estate agencies to submit quotes to hold the Public Tender on behalf of the Shire of Roebourne. Three quotes were received with Ray White being appointed to conduct the Public Tender process.

The submission period for Public Tenders closed 15 October 2010 with a total of nineteen (19) submissions being received for Lot 5 Volume 2741 Folio 843, Lot 8 Volume 2741 Folio 846 and Lot 11 Volume 2741 Folio 849 Clarkson Way.

Options

Council has the following options available:

1. To accept the recommendations of the Executive Manager Corporate Services.
2. To accept an alternative tender other than the recommendation of the Executive Manager Corporate Services.

Policy Implications

There are no relevant policy implications pertaining to this matter.

Legislative Implications

s.3.58 – Local Government Act 1995 – Disposal of Property

(1) In this section –

dispose includes sell, lease, or otherwise dispose of, whether absolutely or not; property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to –

- (a) The highest bidder at a public auction; or

- (b) The person who at public tender called by local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

Financial Implications

As per the attached confidential report, the recommendation tenders exceed the market valuations received by Council for both properties.

Conclusion

The tender's process recommended for acceptance exceeds the Market Valuations obtained by Council in February.

It is recommended that Council endorse the recommendation of the Executive Manager Corporate Services

Voting Requirements

Simple.

*At the Ordinary Council Meeting held on 15 November 2010 Council resolved to:
Lay the item on the table until the Special Council Meeting to be held on 6 December 2010, to seek further clarification.
Further to this recommendation officers have provided additional information as an addendum under confidential cover.*

RECOMMENDATION

That Council endorse the recommendation of the Executive Manager Corporate Services contained in the confidential evaluation report for the Sale by Public Tender of Lot 5 Volume 2741 Folio 843, Lot 8 Volume 2741 Folio 846 And Lot 11 Volume 2741 Folio 849 Clarkson Way.

8.2 TENDER G011-10/11 BULGARRA OVAL CHANGE ROOMS RENOVATIONS

File No:	CM.32/PK.2
Attachment(s)	Confidential Evaluation Report
Responsible Officer:	Director Strategic Projects
Author Name:	Project Manager
Disclosure of Interest:	Nil

REPORT PURPOSE

To seek Council's endorsement of a successful tenderer for Tender G11-10/11 Bulgarra Oval Change Rooms Renovations.

Background

On 18 October 2010 Council resolved to:

1. Authorises the calling of tenders to undertake the renovations to the Bulgarra Oval Change Rooms as outlined in Attachment 1, Bulgarra Oval Change Rooms Proposed Works Drawing 209-05-02 Rev A.

Tenders were advertised 27 October 2010 in the West Australian and the Pilbara News and closed on 18 November 2010.

Three (3) tenders were received by the closing date.

Issues

The tenders were evaluated by a 3 person panel comprising of:

- Roger Emmerson, LE Roberts Drafting and Design
- Simon Kot, Director Strategic Projects
- Geof Whyte, Project Manager

The tenders were first assessed for compliance with the tender documents. The tenders were then assessed against the qualitative criteria that were weighted.

The criteria and associated weightings were:

Price	60%
Previous successful experience in construction of similar projects in the NW.	25%
Ability to comply with the construction programme	15%

As an additional component of the evaluation process, the tenders were considered by the Bulgarra Community Centre Project Control Group at meetings held on the 23rd and 30th November 2010. The Bulgarra Community Centre Project Control Group has endorsed the recommendations contained in the Confidential Evaluation report.

A detailed summary is attached, as the Confidential Evaluation Report.

Options

Council has the following options available:

1. Accept recommended tender

2. Accept an alternative tender
3. Not accept any tender

Policy Implications

There are no relevant policy implications pertaining to this matter.

Legislative Implications

Tenders were called in accordance with *Section 3.57 of the Local Government (Functions and Administration) Regulations*.

Financial Implications

The expenditure is in accordance with the budget.

Conclusion

The Evaluation Panel and the Bulgarra Community Centre Project Control Group are of the view that the recommendations contained in the Confidential Evaluation Report represent the best outcome for Council.

Voting Requirements

Simple.

RECOMMENDATION

That Council endorse the recommendation of the Director Strategic Projects as contained in the Confidential Evaluation Report attached for Tender G11-10/11 Bulgarra Oval Change Rooms Renovation.

8.3 TENDER G07-10/11 BULGARRA COMMUNITY CENTRE DESIGN AND CONSTRUCT - EXPRESSION OF INTEREST SHORTLIST

File No:	CP.167/CM.31
Attachment(s)	Confidential Evaluation Report
Responsible Officer:	Director Strategic Projects
Author Name:	Project Manager
Disclosure of Interest:	Nil

REPORT PURPOSE

To seek Council's endorsement of a shortlist of recommended tenderers for Tender G07-10/11 Bulgarra Community Centre Design and Construct.

Background

On 18 October 2010 Council resolved to:

- 1. Approve tenders being called for the design and construction of the Bulgarra Community Centre in accordance with Tender Package G07-10/11 Bulgarra Community Centre Design and Construct as tabled at the meeting of Council.*
- 2. Approve the payment of the sum of \$15,000 to each of the two unsuccessful tenderers at the conclusion of the formal tender stage.*
- 3. Approve the calling of Special Meetings of Council on Monday 6 December 2010 for the purpose of selecting the short list to be invited to submit a Formal Tender and on Monday 14 February 2011 for the purpose of interviewing tenderers and considering the award of the tender for design and construction.*

Expressions of Interest were advertised 20 October 2010 in the West Australian newspaper and the Pilbara News and closed 17 November 2010.

During the tender process, one Addendum and one Clarification Advice Note were issued.

Seven (7) submissions were received by the closing date.

Issues

The submissions underwent an initial evaluation by the Project Manager for the purpose of preparing a preliminary report to assist in the formal assessment by the Bulgarra Community Centre Project Control Group. The adopted Terms of Reference for the Bulgarra Community Centre Project Control Group, among other things, charges the Group with:

To have oversight of the tender process and recommending the selection of shortlisted contractors.

The Bulgarra Community Centre Project Control Group met on the 23rd November 2010 for a preliminary assessment and on the 30th November 2010 for the formal assessment.

The submissions were first assessed for compliance with the expression of interest documents. The submissions were then assessed against the qualitative criteria that were weighted.

The criteria and associated weightings were:

Design Proposal (as per Clause 3.7)	40%
Preliminary Lump Sum Estimate (Clause 3.6)	30%
Project Design and Construction Programme	10%
Previous relevant experience in the North West (Clause 3.5 (e))	15%
Regional Price Preference	5%

A detailed summary is attached, as the Confidential Evaluation Report.

Options

Council has the following options available:

1. Accept recommended shortlist
2. Accept an alternative shortlist
3. Not accept any shortlist

Policy Implications

There are no relevant policy implications pertaining to this matter.

Legislative Implications

Expressions of Interest were called in accordance with *Section 3.57 of the Local Government (Functions and Administration) Regulations*.

Financial Implications

The expenditure is in accordance with the budget.

Conclusion

The Bulgarra Community Centre Project Control Group is of the view that the recommended short list will provide design options for the Bulgarra Community Centre which meet the requirements of the Design brief and the expectations of the community within the budget parameters.

Voting Requirements

Simple.

RECOMMENDATION

That Council endorse the recommendation of the Bulgarra Community Centre Project Control Group as contained in the Confidential Evaluation Report attached for Tender G07-10/11 Bulgarra Community Centre Design and Construct.

9 CLOSURE & DATE OF NEXT MEETING

20 December 2010