



SPECIAL COUNCIL MEETING

MINUTES

**The Special Meeting of Council was held
in the Council Chambers, Welcome Road, Karratha,
on 6 December 2010 at 6:30pm.**

Collene Longmore
CHIEF EXECUTIVE OFFICER

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1 OFFICIAL OPENING

The Special Meeting of Council held in the Council Chambers, Welcome Road, Karratha on 6 December 2010 was declared open at 6:30pm. Cr Lockwood also acknowledged the traditions of the Ngarluma people, on whose land we are gathered here today.

2 PUBLIC QUESTION TIME

2.1 Question: Jack Renault:

When will the 7 broken lights on the main island at the Library be fixed? They have been broken for 3 months.

Response by Shire President Nicole Lockwood:

The Shire President advised that this question would be taken on notice.

3 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE

Councillors:
Cr Nicole Lockwood [President]
Cr John Lally [Deputy President]
Cr Garry Bailey
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
David Pentz Director Development & Regulatory Services
Simon Kot Director Strategic Projects
Chloe Berkrey Minute Secretary
Leah Alexander Senior Planning Officer

Apologies: Cr Fay Cechner, Troy Davis, Director Infrastructure Services

Absent:

Leave of Absence: Cr Evette Smeathers

Members of Public: Jack Renault

Members of Media:

4 DECLARATIONS OF INTEREST

Nil

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.

COUNCIL RESOLUTION

Res No : 151429
MOVED : Cr Lewis
SECONDED : Cr Bailey

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

14 February 2011	Ordinary Council Meeting	Council Chambers
14 February 2011	Annual Electors Meeting	Council Chambers
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	Wickham Community Hall
21 November 2011	Ordinary Council Meeting	Council Chambers
19 December 2011	Ordinary Council Meeting	Council Chambers

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Lewis, Cr Hipworth, Cr Bailey, Cr Pritchard,
Cr Sharon Vertigan, Cr White-Hartig
AGAINST : Nil

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.

COUNCIL RESOLUTION

Res No : **151430**
MOVED : **Cr Lewis**
SECONDED : **Cr Vertigan**

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.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Lewis, Cr Hipworth, Cr Bailey, Cr Pritchard,
Cr Sharon Vertigan, Cr White-Hartig
AGAINST : Nil

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.

COUNCIL RESOLUTION

Res No : 151431
MOVED : Cr Lally
SECONDED : Cr White-Hartig

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.**

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Lewis, Cr Hipworth, Cr Bailey, Cr Pritchard,
Cr Sharon Vertigan, Cr White-Hartig
AGAINST : Nil

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 DoIR 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.

COUNCIL RESOLUTION

Res No : **151432**
MOVED : **Cr Lally**
SECONDED : **Cr Vertigan**

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.**

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Lewis, Cr Hipworth, Cr Bailey, Cr Pritchard,
Cr Sharon Vertigan, Cr White-Hartig
AGAINST : Nil

7.3 INTERIM REPORT - CONSTRUCTION WORKFORCE ACCOMMODATION SHARPE AVENUE KARRATHA LOT 558 DP 67222

File No: P2386

Attachment(s) Nil

Responsible Officer: Director Development And Regulatory Services

Author Name: Senior Planning Officer

Disclosure of Interest: Nil

REPORT PURPOSE

1. To alert the Council to the need to complete the assessment process for the application by Hanssen Pty Ltd to establish a Construction Workforce Accommodation Facility in the Karratha Town Centre zone given:
 - The impending change of zoning from Town Centre to City Centre.
 - The proposed change in the permissibility status for Transient Workforce Accommodation (TWA) in the City Centre zone as designated in Amendment 18 to the Town Planning Scheme No.8 (TPS8).
 - The disruption to staffing levels and meeting schedules over the upcoming holiday period.
2. To seek delegated authority for the Chief Executive Officer to consider and decide the application for Construction Workforce Accommodation made by Hanssen Pty Ltd
3. To seek approval for the reporting officer to address this report.

Background

On 18 November 2010 Hanssen Pty Ltd lodged a planning application (P2386) to establish a Construction Workforce Accommodation Facility within the Karratha Town Centre. The application seeks to locate 36 three bedroom dongas on a recently dedicated extension to Sharpe Avenue, legally described as Lot 558 DP67222.

The application must be assessed and considered in accordance with the provisions of TPS8, Amendment 18 to TPS8, and the Local Planning Policy DP10 - Transient Workforce Accommodation.

The application as submitted did not include all of the information required for planning staff to draw clear conclusions regarding the effects of the proposal. Further information was requested from the proponent on 23 November 2010. A partial response to that request was received but there are a number of outstanding items the proponent must address before a recommendation can be made regarding whether to grant or decline the approval and what, if any, conditions might be appropriate to ensure that adverse effects are avoided or mitigated.

Sufficient information was available to publicly notify the application which was advertised in the Pilbara News on 24 November 2010. The period for making public submissions to the application closes on Wednesday 8 December 2010.

Issues

Use Permissibility under Town Planning Scheme No.8 and Amendment 18

The location of Transient Workforce Accommodation within the City Centre zone will be a prohibited activity if the Department of Planning approve this Council's Amendment 18 to TPS8. Planning staff are currently working to resolve some discrepancies in the information provided to the Department of Planning but expect a decision soon. The prohibited status will mean that the application as it stands can not be considered.

Under the provisions of the Operative Scheme, TWA is provided for within the Town Centre subject to assessment against the provisions of the Scheme and Local Planning Policy DP10. The application must be publicly notified and decision making is reserved by the Council.

Due to the fact that this Council had adopted Amendment 18 at the time the application was lodged, planning staff took legal advice on the weighting that could reasonably be given to the provisions of the Operative Scheme in light of the prohibited status of TWA in the City Centre. That legal advice confirmed that under usual circumstances considerable weight would be given to the provisions of proposed Amendment 18 as the Council had adopted those provisions. However, an assessment of the proposal that demonstrates 'special circumstances' exist, may favour greater weight being given to the Operative Scheme. As Amendment 18 has not been gazetted and is not in force, it is possible to grant approval to the proposal where special circumstances exist.

Special Circumstances

In this case it is considered that special circumstances do exist that support a greater weight being given to the Operative Scheme. Those circumstances are set out below:

- The proposed Construction Workforce Accommodation is integral to the proposed Finbar mixed use development.
- The Finbar mixed use development is considered to be an iconic landmark development that constitutes the first physical manifestation of the Karratha City of the North initiative. The development makes a statement about Karratha as a future city worthy of substantial investment. For this reason the State Government and this Council have indicated that there is an extraordinary interest in seeing the project progress.
- The project manager for the Finbar development considers that the ability to provide cost effective accommodation for the construction workforce over the construction period is critical to the project commencing. The shortage and high cost of the accommodation available in Karratha is widely recognised and is likely to be alleviated only through more development occurring in Karratha. In order for that development to take place alternative accommodation must be available to the early phase construction workforce.
- The prohibition on TWA in the future City Centre zone foresees a conflict between TWA and other uses in an increasingly dense City Centre. In the very early stages of the City Centre development, such densification will not have occurred and therefore will not impact or be impacted by a TWA to the same extent that it will when development in the City Centre is further progressed. The proponent has stated that the Construction Workforce Accommodation will be removed after 12 months. That term can be ensured by issuing a time limited approval for a period of 12 months. It is considered that the intention of the Scheme with regard to the prohibition on TWA in the City Centre zone will not be compromised by allowing this proposal to proceed in the early stages of City Centre development, and on a time limited basis.

- There is no risk of a precedent being set with regard to other applications of a similar nature, as no similar application had been lodged at the time of writing this report and, the likely gazettal of Amendment 18 early in the new year will clearly prohibit future TWA in the City Centre.

It is considered that special circumstances are clearly established in relation to this proposal.

In order to ensure that the application can be considered and decided prior to Amendment 18 to TPS8 coming into force, it is recommended that the Council delegate decision making authority to the Chief Executive Officer in this instance.

Options

Council has the following options available:

- To delegate authority to the Chief Executive Officer to consider and decide the application made by Hanssen Pty Ltd for a Construction Workforce Accommodation Facility in accordance with recommendation set out below.
- To refuse to delegate authority to the Chief Executive Officer to consider and decide the application made by Hanssen Pty Ltd for a Construction Workforce Accommodation Facility.
- To give approval for the reporting officer to address this report.
- To refuse approval for the reporting officer to address this report.

Policy Implications

Policy number DP10 titled Transient Workforce Accommodation is relevant to this matter.

Legislative Implications

Town Planning Scheme No.8 / Planning and Development Act 2005
Amendment 18 to Town Planning Scheme No.8

Financial Implications

There are no financial implications resulting from this report.

Voting Requirements

Simple.

COUNCIL RESOLUTION

Res No : **151433**
MOVED : **Cr White-Hartig**
SECONDED : **Cr Hipworth**

That Council suspend Standing Orders to allow for open discussion of this item.
CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Lewis, Cr Hipworth, Cr Bailey, Cr Pritchard,
Cr Sharon Vertigan, Cr White-Hartig
AGAINST : Nil

COUNCIL RESOLUTION

Res No : **151434**
MOVED : **Cr Lewis**
SECONDED : **Cr Vertigan**

That Council reinstate Standing Orders.
CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Lewis, Cr Hipworth, Cr Bailey, Cr Pritchard,
Cr Sharon Vertigan, Cr White-Hartig
AGAINST : Nil

COUNCIL RESOLUTION

Res No : **151435**
MOVED : **Cr Lewis**
SECONDED : **Cr White-Hartig**

That the Council delegate authority to the Chief Executive Officer to consider and decide the application by Hanssen Pty Ltd to establish a Construction Workforce Accommodation Facility on Lot 558 DP67222 on the condition that:

- Any submissions received in opposition to the application and raising matters relevant and specific to this proposal can, in the opinion of the Chief Executive Officer, be fully addressed through the conditions of the planning approval;
- The Chief Executive Officer is satisfied that all other effects relating to the proposal have been satisfactorily addressed through the information provided by the proponent and the conditions imposed on the approval;
- Occupation of the accommodation units does not occur until the conditions of the planning approval are satisfied;
- Any approval issued is limited to a period of 12 months from the date the approval is granted.

That the Council give approval for the reporting officer to address this report.
CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Lewis, Cr Hipworth, Cr Bailey, Cr Pritchard,
Cr Sharon Vertigan, Cr White-Hartig
AGAINST : Nil

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.

COUNCIL RESOLUTION

Res No : 151436
MOVED : Cr Lally
SECONDED : Cr Lewis

That Council resolve to:

- 1. Accept the public tender of Tim James Steele for the purchase of Lot 5 Clarkson Way Volume 2741 Folio 843 for the sum of \$391,001**
- 2. Accept the public tender of Caroline, Michael, Andrew & Ioana Tataru for the purchase of Lot 8 Clarkson Way Volume 2741 Folio 846 for the sum of \$420,000**
- 3. Accept the public tender of Tim James Steele for the purchase of Lot 11 Clarkson Way Volume 2741 Folio 849 for the sum of \$371,000**
- 4. Authorise Officers to award the public tendered lots to the next highest bid, should the tenderers identified in resolution 1, 2 or 3 withdraw their purchase offer.**

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Lewis, Cr Hipworth, Cr Bailey, Cr Pritchard,
Cr Sharon Vertigan, Cr White-Hartig
AGAINST : Nil

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.

COUNCIL RESOLUTION

Res No : **151437**
MOVED : **Cr Lewis**
SECONDED : **Cr Vertigan**

That Council move in camera.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Lewis, Cr Hipworth, Cr Bailey, Cr Pritchard,
Cr Sharon Vertigan, Cr White-Hartig
AGAINST : Nil

COUNCIL RESOLUTION

Res No : **151438**
MOVED : **Cr Lewis**
SECONDED : **Cr Lally**

That Council move out of camera.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Lewis, Cr Hipworth, Cr Bailey, Cr Pritchard,
Cr Sharon Vertigan, Cr White-Hartig
AGAINST : Nil

COUNCIL RESOLUTION

Res No : **151439**
MOVED : **Cr White-Hartig**
SECONDED : **Cr Lally**

Recommends that no tenders be accepted for G11-10/11 Bulgarra Oval Change Room Renovation.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Lewis, Cr Hipworth, Cr Bailey, Cr Pritchard, Cr Sharon Vertigan, Cr White-Hartig
AGAINST : Nil

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.

COUNCIL RESOLUTION

Res No : **151440**
MOVED : **Cr Lally**
SECONDED : **Cr Lewis**

That Council move in camera.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Lewis, Cr Hipworth, Cr Bailey, Cr Pritchard, Cr Sharon Vertigan, Cr White-Hartig
AGAINST : Nil

COUNCIL RESOLUTION

Res No : **151441**
MOVED : **Cr Vertigan**
SECONDED : **Cr Pritchard**

That Council out of camera.

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Lewis, Cr Hipworth, Cr Bailey, Cr Pritchard,
Cr Sharon Vertigan, Cr White-Hartig
AGAINST : Nil

COUNCIL RESOLUTION

Res No : **151442**
MOVED : **Cr Hipworth**
SECONDED : **Cr Lewis**

That Council endorses the Bulgarra Community Centre Project Control Group recommendation to short listing of the following respondents for formal tender. These Respondents have provided the most advantageous outcome for the Shire of Roebourne based on the assessment of the compliance criteria and qualitative criteria under Expression of Interest No G07-10/11 – Bulgarra Community Centre Design and Construct.

Recommended Short List for Formal Tender

Respondent 1 Cooper & Oxley
Respondent 2 Pindan Pty Ltd
Respondent 3 Rapley Wilkinson

Further, that Council, with respect to the Bulgarra Sporting Precinct resolves to:

- 1. Endorse the variation to Tender G07-10/11 Bulgarra Community Centre Design & Construct Formal Tender brief to the shortlisted candidates by the incorporation of an integrated changeroom/amenities facility to provide amenities as outlined in this report and further that the tenderers be requested to provide additional sketch design options to provide additional public toilets to cater for large events.**
- 2. Endorse the resiting of the Bulgarra Community Centre and integrated changeroom/amenities building to a more central site on the Hunt Way frontage to Bulgarra Oval.**
- 3. Endorse the demolition of Asset BC000009-Hunt Way Pavilion.**
- 4. Note consideration will be given at the Special Council Meeting to be held on 14 February 2011 to consider the formal tenders for the Bulgarra Community Centre to finalising funding allocations for the project.**
- 5. Approve, with an Absolute Majority, the additional works within the Bulgarra Sporting Precinct for the indicated costs as outlined below:**
 - a. Bulgarra Oval Netball Courts – removal of existing floodlights and replacement with lighting to meet current standards for floodlighting of external netball courts at an estimated cost of \$96,000.**

- b. **Bulgarra Oval Tennis Courts - removal of existing floodlights and replacement with lighting to meet current standards for floodlighting of external tennis courts at an estimate cost of \$180,000.**
- c. **Bulgarra Oval Tennis Courts – renovations to grounds and clubhouse at an estimated cost of \$50,000.**
6. **Approve, with an Absolute Majority, the following budget amendments noting they will result in zero impact on the total 2010/11 Budget income/expenditure.**

COA	Job	Description	Current Budget \$	Increase/ (Decrease) \$	Proposed Budget \$
334506	933431	Bulgarra Oval-Softball Diamonds	893,400	(83,400)	810,000
334506	933432	Bulgarra Oval-Vehicle Parking	68,167	(38,167)	30,000
334506	933433	Bulgarra Oval-BMX Track	0	50,000	50,000
334506	933434	Bulgarra Oval-Playground	80,000	(20,000)	60,000
334506	933435	Bulgarra Oval-Storage	52,000	105,000	157,000
334506	933437	Bulgarra Sporting Precinct Netball Courts Floodlighting Upgrade	New	96,000	96,000
334506	933438	Bulgarra Sporting Precinct Tennis Courts - Floodlighting Upgrade	New	180,000	180,000
338038	633838	Bulgarra Sporting Precinct Tennis Courts - Clubhouse Upgrade	New	50,000	50,000
338502	933804	Bulgarra Community Facility - 2009/10 Closed	400,000	152,332	552,332
338502	933807	Bulgarra Sporting Facility Changerooms	260,000	(220,000)	40,000
340506	934050	Bulgarra Precinct-Electrical Upgrade	1,030,640	0	1,030,640
Sub-total			2,784,207	271,765	3,055,972
338502	933806	Bulgarra Community Centre	2,800,000	(564,765)	2,235,235
338502	933806	Bulgarra Sporting Precinct Reserve Rationalisation		20,000	20,000
338502	933806	Bulgarra Community Centre & Changerooms		273,000	273,000
Sub-total			2,800,000	(271,765)	2,528,235
Total			5,584,207	0	5,584,207

7. **Note a further report will be submitted for consideration at the Special Council Meeting to be held on 14 February 2011 outlining the final projected expenditure for all current projects within the Bulgarra Sporting Precinct which may lead to further budget adjustments being recommended.**
8. **Note consideration will be given to the balance of funding for Bulgarra Sporting Precinct projects as part of Councils 2011/12 Budget deliberations.**

CARRIED

FOR : Cr Lockwood, Cr Lally, Cr Lewis, Cr Hipworth, Cr Bailey, Cr Pritchard, Cr Sharon Vertigan, Cr White-Hartig

AGAINST : Nil

9 CLOSURE & DATE OF NEXT MEETING

The meeting closed at 7:24pm and the next Ordinary Council meeting is the 20 December 2010

I, Shire President, Cr Nicole Lockwood, of the Shire of Roebourne, hereby declare on behalf of the Councillors of the Shire of Roebourne that the enclosed Minutes are a true and accurate record of the Special Council Meeting held on 6 December 2010.



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Signed

Date 07/12/2010