

Development of new and improved sporting facilities including a new multi-purpose sports facility in South Hedland.	Architectural Designs for Multi-Purpose Recreation Centre due for completion Sept 2009. Colin Matheson Oval Master Plan complete, with oval, irrigation and clubroom upgrades to commence 2009/10. McGregor Street Master Plan due for completion Aug 09. Other sporting facilities upgraded / maintained as per Sports Facilities Audit and where required.
Improving boating facilities	Finucane Island Boat Ramp Upgrade completed. Community feedback indicated new proposals for 09/10 budget.
Implementation of the Town's Community Safety & Crime Prevention Plan	CS&CP Working Group decided Top 3 priorities for 09: Perception of safety, CCTV, safe parks and walkways particularly SH.
Installation of public art throughout the Town that illustrates the uniqueness and significance of the Town.	Public Art being installed in conjunction with other stakeholders.

KRA 4 – Economic Development

Strategy	Actions/Works Undertaken to Date
Fast-tracking the release of additional industrial, commercial and residential land within the Town.	Release of Pretty Pool Stage 4. Release of residential land in South Hedland. Concept Plan for South Hedland CBD endorsed by Council. Development of Industrial land commenced. Wilson Street super lot released for tender Morgan Street development to be released to market Preliminary discussions held with Telstra/Water Corporation regarding release of Industrial land at Spinifex Hill/Cooke Point.
Partnering with major resource industries to ensure that industry growth leads to community growth.	ToPH/BHP Billiton Sustainability Partnership signed (3 yrs). Partnership agreements are currently being negotiated with FMG, NW Iron Ore Alliance and Newcrest Mining Ltd.
The development of Council policies and/or business incentives that assist in attracting and retaining businesses within the Town.	Strategic planning undertaking with PDC Economic Development team to identify partnership opportunities. Research commenced. Report to be considered by Council May 2009.

The development of appropriate accommodation options for the variety of market segments that visit the Town of Port Hedland.	PHIA TWA construction underway. Working closely with PHCCI to manage rooms available to Cl..
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KRA 5 – Environment

Strategy	Actions/Works Undertaken to Date
Implementing sustainable waste re-use and recycling initiatives.	TOPH purchased a landfill compactor Recycling area built, waste, oil, aluminium, cans, batteries and used household goods TOPH purchased 30 ton excavator and attachments to increase recycling. Trial transfer station being built for waste separation. A new recycling shed tendered – report to OCM May 2009. Partnership with Care for Hedland Litter Reduction Pilot Program. Mulching of green waste using ToPH bandit. ToPH recycles 100% of its wastewater received. A comprehensive water sampling programme has been developed. Construction of new septage ponds 08/09
The development of a Native Tree Nursery in conjunction with other stakeholders.	Native Tree Nursery completed.
Minimising Councils use of energy and water.	Council's energy, fuel and water use reported monthly.

KRA 6 – Governance

Strategy	Actions/Works Undertaken to Date
Sustainably progressing with the development and implementation of Local Government services to indigenous communities in accordance with State/Federal Government Bilateral agreement on indigenous communities.	Currently awaiting outcomes of service level review by State and Federal government agencies. Established Aboriginal Affairs Working Group to provide informed feedback on service levels.
The development of strategies to attract and retention staff.	Scholarship Program implemented. Collective Agreement implemented.

The development of innovative communication mechanisms with its constituents including the development of a series of neighbourhood barbecues.	Timetable for a neighbourhood BBQ in each locality is set. BBQs held to date include: Koombana, Lawson, West End, Cassia and Cooke Point. Rescheduling an additional BBQ in Lawson.
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A copy of the 3rd^t Quarterly Review for May 2009, which outlines each of the specific strategies in the Town of Port Hedland Plan for the Future 2008 – 2013 is attached.

Attachments

Plan for the Future 2008-2013 3rd Quarterly Review May 2009.

200809/353 Council Decision/Officer's Recommendation

Moved: Cr A A Gear

Seconded: Cr K A Howlett

That Council notes the third quarterly review of the Town of Port Hedland Plan for the Future 2008-2013.

CARRIED 6/0

*11.4.2.4 Pilbara Regional Council: Future Role and Structure
(File No.: ...)*

Officer Chris Adams
Chief Executive Officer

Date of Report 12 May 2008

Disclosure of Interest by Officer Nil

Summary

The future role of the Pilbara Regional Council (PRC) is highly likely to change. Council feedback is required on the roles and functions that it believes that the PRC should be undertaking along with commitments on the level of financial support that the Council is willing to provide in 2009/10.

Background

General

In 2000 the four Pilbara Local Government Authorities established the PRC with the expressed purposes being:

- 1) To assess the possibilities and methodology of facilitating, and to identifying funding opportunities for, a range of services on a regional basis.
- 2) To undertake, manage and facilitate agreed regional services.
- 3) Influence and liaise with State and Federal Government in the development of policies and legislation which are of benefit to the region.
- 4) To provide Administrative services in relation to the Pilbara position on the WALGA State Council.

Since its inception the level of success of the PRC has varied with times of reasonable success and other times of relative inactivity. Over the past two years the PRC has progressively grown and taken on more roles and responsibilities. It has undertaken a number of activities including:

- Developing a Regional Tourism plan
- Developing a Regional Waste Management Plan and commenced implementation of a range of initiatives
- Coordinated the joint tendering of for Pilbara Aquatic Centres.
- Implemented the Regional Asset Management Plan across each of the four LGA's.
- Development of a range of policy positions and lobby statements.
- Responded to a number of government issues, policies.

The Council now employs two staff (an Executive Officer and an Administration Officer) and is seeking to engage a Regional Waste Management Coordinator. The Council has traditionally been 'housed' at the Shire of Roebourne and incorporated within their finance and other operational systems but more recently has been established as a more self-sufficient entity with its own office (in Wickham) and now manages its own financial affairs.

Changes in Regional Governance

While traditionally the PRC has played a relatively minor role in the governance of the Pilbara, recent announcements and decisions at both a State and Federal Government are likely to result in a significantly increased role for the PRC. These changes are:

- **Royalties for Regions: Country Local Government Fund:** The Royalties for region program has established the \$100M Country Local Government Fund. In 2008/09 this money was distributed directed to the 100+ Western Australian Country LGA's but the State Government has advised that in 2009/10 and beyond up to 50% of the funds will be allocated regional councils and regional groupings of Councils. The PRC has been advised that it will receive \$2.4M of this fund in 2009/10 and \$3.5M for the subsequent two years. These funds will change the size, roles and functions of the PRC.
- **State Government Local Government Reform Agenda:** The State Government is promoting reform of the local government sector. While much of the publicity regarding this reform has focused on amalgamations, the concept of regional service delivery is being touted as a model that should be explored. The PRC has demonstrated an interest in pursuing this matter.
- **MOU between Pilbara Regional Development Authority (PRDA) and Pilbara Development Commission (PDC):** The Federal Government has recently announced that the PRDA (previously the PACC) will be combining with the PDC. This will create a single authority that is responsible for planning and needs identification (and potentially funding) from a State and Federal perspective. At this stage it is unclear what role and relationship the PRC and/or the local authorities will have with this committee.
- **Regional Planning Committees:** The Minister for Planning, John Day has recently announced that a Pilbara planning committee will be established. While it is likely that this committee will focus on strategic and statutory land use planning issues, its roles, functions and impacts on local government service delivery are unknown at this time.

The Council of the PRC has discussed the future of the organisation at several of its recent meetings. It has become clear that the organization is at a key point in its development. The critical issues for the organization at the moment are:

- Resourcing: Previously the organization has been run on a very lean budget with the only significant costs being staff wages and project related costs. As the organization grows and becomes more sophisticated it will clearly need more financial resources to operate. Resources will be required for staffing, housing (not currently provided), project work, service delivery costs for regional services and other administration/governance costs
- Structure: While technically the PRC is a Council in its own right, in practice the fact that the organization only exists because of the financial contributions and collaboration of the four Pilbara LGA's has meant the organization has effectively been subordinate to the individual Council's rather than being a strong, independent entity. If the PRC is to operate regional services on behalf of the individual Councils it will need to become more autonomous and independent. This is likely to lead to a more contractual-style relationship with the LGA's rather than the current structure.
- Roles and Functions: There seems to be an increased desire for regional based service provision and regional based procurement of infrastructure/services. While this has always been the purpose of the PRC, in reality the achievements in these areas have been few. For more regional based services to occur, LGA's will need to:
 - a) forego the provision of the service locally;
 - b) develop service agreements or contracts with PRC to deliver services or infrastructure on its behalf; and
 - c) provide additional resources to the PRC so that it can undertake these roles.

Information/Decisions Required

After the last PRC Council meeting the chair of the organization wrote to each of the four Pilbara LGA's seeking consideration of the following points/issues:

- 1) Future of PRC: Seeking Council comment and guidance on the future roles, functions and TOPH commitment towards the PRC.
- 2) Regional Service Delivery: Seeking the Town of Port Hedland's agreement (or otherwise) to the proposed development of business cases for the potential delivery of the following services on a regional basis:
 - a) Period contracting and central purchasing
 - b) Information Technology, Finance and Human Resource Management.
 - c) Strategic land use planning
 - d) Emergency management
- 3) Family Day Care Scheme: Seeking feedback on the concept of the Pilbara family Day Care scheme being transferred from the Town of Port Hedland to the PDC.

- 4) Communities for Children Initiative: Proposal to extend the existing, Federally funded West Pilbara program into the East Pilbara in partnership with the PRC.
- 5) Waste Management: Seeking Council commitment towards continued funding for the regional waste management project. Council's previous resolution on this matter indicates support to the value of \$25,000pa until the end of the 2011/12 financial year.
- 6) Royalties for Regions Funding: Guidance has been sought on what the TOPH think the PRC should spend the RLGf funds that it will receive in 2009/10 (\$2.4M). Guidance from the State is still relatively unclear on this matter but initial feedback indicates that the funds will need to be spent on infrastructure.
- 7) New Project Funding: Consideration of a proposal to provide an additional \$10,000 per Council in 2009/10 to fund a project titled '*Savings through Sustainability*' with the initial project focusing on the use of solar panels to generate electricity.
- 8) Advocacy Work: Guidance has been sought on the level of advocacy work that the PRC should be undertaking for the region.

Commentary on each of these items is included within the officers comment section of this report.

Consultation

This issue has been discussed at length at several PRC meetings. The PRC has requested that each of the four member Council's discuss this matter and provide feedback on the above issues.

Statutory Implications

The PRC has been established as a Regional local government under Section 3.61 of the Local Government Act. A regional local government has the same general function of a local government including its legislative and executive functions.

Policy Implications

While Council has no specific policies relating to the PRC.

Strategic Planning Implications

Budget Implications

Council currently contributes \$80,000 per annum to the operation of the PRC. This is made up of a \$55,000 contribution towards PRC operations and a \$25,000 contribution towards regional waste management initiatives.

The request from the PRC for next year is for at least this amount, potentially more, depending on the scope, roles and functions that the PRC fulfills on behalf of the Pilbara LGA's.

Officer's Comment

Comments on the various issues raised by the PRC have been listed below:

- 1) Role, function, location and funding of the PRC: Given recent State decisions, it is clear that the role of the PRC will grow – and grow rapidly. While this is clear, at this stage it is very unclear on what specific roles the PRC will fulfill. Until these are agreed upon it is difficult to stipulate the size of the organization, where it should be located and/or the level of support that the Town of Port Hedland will provide. It is suggested that Council indicate its continued support for the PRC and indicate that it plans to continue to provide funding at at least the 2008/09 budget level until such time that clarity is gained from the State Government and our neighboring LGA's regarding the agreed functions of the organization.
- 2) Regional Service Delivery: The concept of regional service delivery has always been strongly supported by TOPH representatives on the PRC. While not specifically committing to operate the proposed services on a regional basis, Council should support further investigation into these matters. Funding for the development of feasibilities/business cases on these items should be sourced from the DLGRD's capacity building fund with some financial support being provided from the LGA's if/when required.
- 3) Family Day Care: The Pilbara Family Day Care (PFDC) scheme is a truly whole of Pilbara operation with family day carers being located in all four LGA's. While the TOPH manages this service at no direct cost to ratepayers, it makes sense for the service to be transferred to the PRC as the service is regional and the current PFDC Coordinator does not live in Port Hedland.
- 4) Communities for Children: Significant Federal funding (\$2.8M) has been sourced for this program in the Shire of Roebourne and the Shire of Ashburton. Extending the service to the East Pilbara through a JV arrangement with the PRC is likely to give benefits to the Town and ensure consistent service delivery in the priority areas that have been identified. Given the future role of PRDA is unclear the role/function of the proposed PRDA/PDC consortium may need to be clarified.
- 5) Waste Management: While results have been a little sporadic, it is believed that this is an area where significant regional benefits can be obtained once agreed actions are determined, hence Council's continued financial support is recommended.
- 6) Royalties for Regions: While details of the funding are sketchy, it is recommended that the PRC's RCLG fund be used for:

- Implementing strategies listed within previously adopted plans – particularly the regional waste management plan and the regional tourism plan.
 - Procuring/sourcing infrastructure that can be shared on a regional basis – particularly specialist waste management equipment.
 - Developing regional service delivery on agreed services.
 - Delivering services or infrastructure that demonstrably provide benefit to residents of Pilbara communities
- 7) Sustainability Initiative: The increased use of solar power is consistent with Council's stated goal of reducing its power consumption and should be supported. Clear scoping of the project needs to be provided prior to funding being provided.
- 8) Advocacy Work: Of all of the roles that the PRC has undertaken, advocacy is probably the function that it is best known for. Having said that the advocacy undertaken by the PRC needs to be strategically focused and address issues that impact on the whole Pilbara, not just sections of the Pilbara.

Attachments

Letter from Chair of PRC

Officer's Recommendation

That Council advise the Pilbara Regional Council that:

- 1) In relation to the responsibilities, roles and obligations of the PRC into the future:
- a) The Town of Port Hedland remains a strong supporter of the PRC.
 - b) The Town acknowledges that the PRC's roles and responsibilities will grow and develop over the coming years. The Town supports this growth.
 - c) That Council will initially contribute a total of \$90,000 (plus GST) in 2009/10 towards PRC activities being \$55,000 for PRC operations, \$25,000 for the Regional Waste initiative and \$10,000 towards the proposed Sustainability Initiative (subject to clear project scoping document being delivered).
 - d) Council may consider additional funding towards PRC initiatives if it can be clearly demonstrated that the additional expenditure will generate tangible, measurable benefits to the Town of Port Hedland.

- 2) The Town:
 - a) Supports the development of business cases to determine whether there are potential synergies in delivering period contracts, central purchasing, information technology, finance, human resource management, strategic land use planning and/or emergency management for the four Pilbara LGA's on a regional basis.
 - b) Recommends that the PRC attempt to access funds from the Country Local Government Fund's Capacity Building funds to develop these business cases.
- 3) The Town supports the proposed transfer of the Pilbara Family Day Care Scheme from the Town of Port Hedland to the PRC.
- 4) The Town supports the expansion of the Children's for Communities program into the East Pilbara and endorses the concept of the PRC playing a role in the management of this service.
- 5) The Town supports the expenditure of 2009/10 Country Local Government funds that are made available to the PRC on the following items:
 - Implementing strategies listed within previously adopted plans – particularly the regional waste management plan and the regional tourism plan.
 - Procuring/sourcing infrastructure that can be shared on a regional basis – particularly specialist waste management equipment.
 - Developing regional service delivery on agreed services.
 - Delivering services or infrastructure that demonstrably provide benefit to residents of Pilbara communities
- 6) The Town supports the advocacy role undertaken by PRC on the proviso that the advocacy issues are whole of Pilbara issues and are clearly linked to the PRC's Strategic Plan.

200809/354 Council Decision

Moved: Cr G D Bussell

Seconded: Cr A A Gear

That Council advise the Pilbara Regional Council that:

- 1) In relation to the responsibilities, roles and obligations of the PRC into the future:
 - a) **The Town of Port Hedland remains a strong supporter of the PRC.**
 - b) **The Town acknowledges that the PRC's roles and responsibilities will grow and develop over the coming years. The Town supports this growth.**

- 7) The Town work with Pilbara Councils to develop agreed Key Performance Indicators (KPI's) for the Pilbara Regional Council.

CARRIED 6/0

REASON: Council added Clause 7) to the Officer's Recommendation to ensure that KPIs would be developed for the Pilbara Regional Council. jointly by the Local Councils of the Region,

ATTACHMENT TO AGENDA ITEM 11.4.2.4



Leading the Way . . .

All Correspondence to:

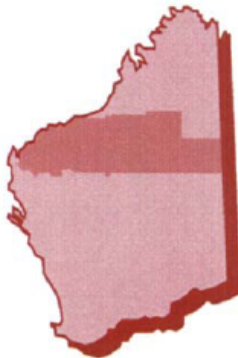
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ASHBURTON

EAST PILBARA

PORT HEDLAND

ROEBOURNE

*Pilbara Wealth
Sustaining the Nation*

KRA 4.2 a 08/056

6th April 2009

Mayor Stan Martin
Town of Port Hedland
PO Box 41
Port Hedland WA 6721

Dear Mayor Martin,

RE: REVIEW OF THE DELIVERY OF LOCAL GOVERNMENT SERVICES IN THE PILBARA

First, my apologies for this long letter but there is a lot for your Council to consider with respect to the way forward for the PRC.

I am writing to you seeking the Town of Port Hedland Council's guidance with respect to:

- way forward for the PRC in terms of scope and responsibilities, size, etc;
- reviewing some local government services that might be better delivered through some form of regional delivery model; and
- the introduction of some new regional services.

Background

At the last meeting of the PRC, Council resolved:

1. That Council approach Member Councils in writing seeking their agreement to the development of business cases as proposed below to confirm if the following local government services can be effectively and efficiently delivered within some form of regional delivery model:
 - progressing a coordinated in-house approach to Period Contracts and Central Purchases through existing PRC Working Groups;
 - approaching DLGRD for funding assistance and develop business cases for undertaking IT, Finance and HR management on a regional basis;
 - approaching DPI and Landcorp to work with the PRC to develop business case for strategic land use planning; and
 - approaching FESA for assistance in developing a business case for regional coordination of local governments obligations in emergency management.
2. That Council approach Member Councils in writing seeking their agreement to and funding of a new program within the PRC Strategic Plan from 1 July 2009 titled Savings through Sustainability Initiatives, noting a request for Member Council tied funding of \$10,000 to this program and the first project relating to the use of solar panels to generate electricity.

Council also discussed at the last meeting but made no resolution, the transfer of the Commonwealth funded management of the Pilbara family day care program from the Town of Port Hedland to the Pilbara Regional Council or possibly the Shire of Roebourne because the person undertaking this role has moved from Port Hedland to Karratha.

Since the last PRC meeting the Pilbara Regional Development Australia has approached the PRC with a proposal for expanding the Communities for Children Initiative currently limited to West Pilbara to include the entire Pilbara in partnership with the PRC. An overview of the proposal is at Appendix 1.

Pilbara Regional Council

While it is proposed to seriously look at delivering some local government services within a regional delivery framework for efficiency reasons, the proposals are not intended to imply that the PRC should be responsible for delivering the services. Member Councils could be centres of excellence delivering the services, for example one Member Council could provide an IT Bureau while another could provide HR administration.

The above said, the PRC has been established with a very broad mandate, see Attachment 1, but mode of operation has been limited to:

- Advocacy work;
- Reviews and studies relating to best practices;
- Assisting Member Councils implement identified best practices; and
- Self governance, with administrative support from the Shire of Roebourne.

Effort with regard to joint procurements and resource sharing has been problematic but there are some recent examples in this area, such as the coordination of on-site shredder trials and upcoming Ranger training. Another example is the external audit services for the Town of Port Hedland, Shire of Roebourne and PRC, which were obtained through a joint tender process but each Council has an individual contract with UHY Haines Norton. The lesson learnt through the Aquatics joint tender process is that joint tender processes do not necessarily result in improved efficiencies and that the PRC should only conduct tenders for contracts that it shall manage – which is the model currently being explored for the provision of domestic kerbside recycling; however, Member Councils have still to agree to the PRC providing this service on behalf of the Member Councils.

The PRC is also to be responsible for the management of \$2.4m in FY 2009/10 and \$3.5m for the following two years from the Royalties for Regions program to be spent on infrastructure renewals and developments. The impact of this on the PRC and Member Councils is still unquantified.

Within the context of the above and current local government reform policies and processes, the PRC is here to stay; however, we need to agree on its scope of responsibilities, size, physical location, Member Council funding obligations, etc. In giving consideration to below, can you also give consideration to the way forward for the PRC.

Review of Local Government Services

The PRC is seeking you Council's level of commitment, including financial commitment if required, to reviewing how we collectively deliver the local government services cited within Resolution 1 above. The intent is to be able to undertake the above reviews at no cost to Member Councils; however, this might not be possible and some level of financial commitment maybe necessary. Can you please advise what your Council supports and what it does not support, and when you are providing this guidance can you also provide an indication as to how much you are prepared to contribute to these reviews if required.

Family Day Care

The Town of Port Hedland currently manages Family Day Care in the Pilbara; however, the person undertaking this function has moved to Karratha. The question now is who should manage this responsibility – the Town of Port Hedland, Shire of Roebourne, PRC or other third party.

This position is fully funded by the Commonwealth Government and the Town of Port Hedland is financially compensated for the both the Manager Family Day Care and the administrative support it provides to this position, which equates to about 4 to 5 days per fortnight under new reforms to the Program. This support is predominately finance related in terms of managing Day Carers pays, the Managers pay, grant applications and grant acquittals.

The PRC could be responsible for providing this service; however, the following would need to occur:

- Evolve the current Admin Officer position into a Financial Officer position, which may not be inconsistent with what might be required to manage the Royalties to Region monies;
- Recruit a new Admin Officer position with a focus on administration, initially this might be a part time position between 8.30 am and 2.30 pm (school hours);
- Quarantine some of the PRC funds as contingency funds to cover any delays in payment from the Commonwealth;
- Transfer of existing Town of Port Hedland assets supporting this responsibility to the PRC; and
- The PRC may need to establish an operational license for My Data to manage assets, including Day Carer house approvals, upgrades and licensing.

Providing this service would result in the PRC staff increasing from two to four or possibly five depending on the successful recruitment of a Regional Waste Management Coordinator. A small office would be required to support this functionality.

The alternate is for the Town of Port Hedland to retain this responsibility, move the responsibility to the Shire of Roebourne or to another party.

In considering the above, it is suggested that consideration also be given to below as they are partly related and there may be some synergies in undertaking both rather than either alone.

Communities for Children Initiatives

Pilbara Regional Development Australia (PRDA) has approached the PRC to partner with it to deliver a Pilbara wide 'Communities for Children Program'. The PRDA is the lead agency and undertakes the bulk of the management and contracting work. An over view of the proposal is at Appendix 1 and a copy of the current consortium agreement is at Attachment 2.

The Communities for Children Program has been successful within West Pilbara and the PRDA has approached the Commonwealth Government to extend the Program into the East Pilbara, which is in principle supported but requires Ministerial approval to implement.

A requirement of the program is that the coordination of the Program must be through a consortium of equal numbers of local governments and not for profit organisations. This would have the impact of creating a consortium of eight organisations, of which the three not for government organisations (other than the PRDA) would be precluded from any contractual work under the Program.

PRDA, which is a not for profit organisation, is proposing a PRDA : PRC consortium where it retains the lead status but the consortium meeting obligations is fulfilled through a standing Agenda Item within the PRC Meeting Agenda. This approach simplifies consortium structure and enables all not for government organisations in the Pilbara the opportunity to bid for grants and other work.

The PRDA's proposal is consistent with the PRC's philosophy of all three spheres of Government working collaboratively to common objectives.

Waste Management

Notwithstanding the PRC's role in facilitating the development of the Regional Waste Management Plan and subsequent regional projects, and the decision to recruit a Regional Waste Management Coordinator (which is proving problematic to fill); the scope of responsibilities to be undertaken by the PRC with respect to waste management in the Pilbara has not been agreed. For example, the PRC has undertaken an Expression of Interest with regard to domestic recycling on the premise that any ultimate contract for this service would be through the PRC but this has not formally been agreed to.

Your council's guidance regarding the role of the PRC in relation to waste management in the Pilbara is requested. In particular, your Councils commitment to ongoing funding of \$25,000 for the Regional Waste Management Coordinator for the coming three financial years; albeit it may be necessary to engage a contractor to fill this position rather than an employee is also requested.

Royalties for Region Money

How the PRC is to manage the \$2.4m Royalties to Region funding in FY 2009/10 and \$3.5m for the two additional years is still an unknown quantity. The Executive Officer has begun discussions with the CEO of the Pilbara Development Commission but it is still early days.

The Executive Officer has expressed concern that while \$2.4m might seem a reasonable amount of money, it is so for maybe one or two projects and this is likely to cause friction between the Member Councils – something not needed at this time.

Depending on what overhead impositions are to be applied to the management, allocation and acquitting of this money additional staffing may also be required. See Family Day Care Item above with regard to organisational structure. This structure might be enough but the next incremental organisational increment would be to convert the proposed part time administration officer into a full time position.

Your Council's guidance as to how we should approach the management and use of this money is requested.

PRC Sustainability Program

At the last Council meeting, the Executive Officer tabled for consideration a staff idea that the PRC should implement a Sustainability Initiatives Program aimed at generating efficiencies through better work practices and designs. The first suggested idea was to have power solar panels attached to all local government buildings to become self powering, minimise electricity bills and if possible generate some income by selling electricity back to Horizon Power.

Council resolved that it should approach Member Councils in writing seeking their agreement to and funding of a new program within the PRC Strategic Plan from 1 July 2009 titled Savings through Sustainability Initiatives, noting a request for Member Council tied funding of \$10,000 to this program and the first project relating to the use of solar panels to generate electricity.

As this matter affects the scope of responsibilities of the PRC, I have included the requirements of the PRC resolution here.

Your Council's guidance as to whether or not this proposed new Sustainability Initiatives Program should be included in the PRC Strategic Plan is requested, including your Council's preparedness to fund work associated with this Program.

Advocacy Work

Member Councils have always been divided over the level of advocacy work to be undertaken by the PRC. Unfortunately, this waxes and wanes according to the issues of the day. Currently the PRC has a focus on:

- The Pilbara Plan;
- Indigenous Affairs;
- Regional Policy re the use of FIFO Workers;
- Regional Water; and
- Power within the Pilbara.

The latter two issues are emerging issues subject to full scoping; however, the PRC has now established itself as a key stakeholder on matters relating to water usage in the Pilbara and I have given the Executive Officer approval to obtain a better understanding of the processes to be followed and the matters to be considered in the Department of Water potentially approving Rio Tinto to pump out of the ground just under an additional 2,000,000 KI per annum over the coming years. This within the context of water shortages in West Pilbara, uncertain water availability in East Pilbara and Rio Tinto mines undertaking significant mine dewatering activities.

The lack of a power grid in the Pilbara and its impact on power redundancy and growth is an emerging issue. I have asked the Executive Officer to try and scope the magnitude of the issue and report back to the PRC at its next meeting as to how the PRC should position itself on this issue.

The question is how much advocacy work should the PRC be undertaking and on what issues. Your Council's guidance on this matter would also be appreciated.

Other Matters

The PRC would appreciate guidance with regard to any to any other matters that should be considered at this stage.

Conclusion

As the Executive Officer has described, the PRC has reached a new maturity gate and given the current proposed local government reforms, one that we cannot back away from and there will be a cost to Member Councils to pass through. The question at hand is not how we back out of the PRC but how we move through the maturity gate in the most optimal way and for the least long-term cost. We can no longer continue to defer deciding the future of the PRC we now need to make some decisions.

Can you please arrange for your Council to formally consider and to provide to me in writing by mid May 2009 your Council's position on the following:

- the believed scope of responsibilities, size, physical location, Member Council funding obligations, etc for the PRC;
- level of commitment, including financial commitment if required, to reviewing how we collectively deliver the local government services cited within Resolution 1 above;
- position with regard to who should be responsible for the ongoing management of Family Day Care in the Pilbara;
- position with regard to a PRDA : PRC consortium to manage a Pilbara wide Communities for Children Program;
- position with regard to the PRC's role within waste management in the Pilbara, and commitment to ongoing funding of the Regional Waste Management Coordinator role;
- how the Royalties for Region money to be allocated to the PRC should be managed and used;
- position with regard to the PRC implementing a new program within its Strategic Plan focussing on Sustainability Initiatives;
- the type and level of advocacy work that the PRC should be undertaking; and
- any other pertinent matters that we should be collectively considering now.

Adrian will prepare a composite Agenda Item for the PRC consideration at its 25th May 2009; the outcome of which must be an agreed way forward, including any necessary financial commitment to the PRC by all four Member Councils.

Looking forward to your response.

Yours sincerely



Lynne Craigie
Chairperson

Appendices:

1. Overview of West Pilbara Communities for Children

Attachments:

1. Establishment Agreement
2. Consortium MOA for West Pilbara Communities for Children

OVERVIEW OF WEST PILBARA COMMUNITIES FOR CHILDREN

The West Pilbara Communities for Children (WPCfC) initiative has received \$2.8 million from 2005 to 2009. The WPCfC site covers the Shires of Roebourne and Ashburton.

In the West Pilbara, the site is overseen by a Consortium, comprising representatives from the Shire of Roebourne, Shire of Ashburton, Pilbara Regional Domestic Violence Council and the Pilbara Area Consultative Committee (PACC). As the lead agency PACC is referred to as the Facilitating Partner. Its role is to manage the project on behalf of the Consortium as well as identify and contract agencies to deliver the programs.

WPCfC has addressed priority areas in the region implementing strategies to achieve better outcomes for children aged 0-5 year olds and their families. These are:

Priority Areas

- Healthy Young Families
- Supporting Families and Parents
- Early Learning and Care
- Child friendly communities
- Family services working effectively as a system

On February 16 2009, The Hon Jenny Macklin MP announced the establishment of the Family Support Program. Funding will be provided until 2012 and there will be a focus on children 0-12 years an expansion on the previous 0-5 focus.

The Family Support Program brings together eight existing family, children and parenting programs that all share a common interest in supporting Australian families, parents and children. These programs include the Communities for Children Initiative and we will be discussing plans for the future of programs in the West Pilbara over the next few months.

We are also encouraging the Department to consider our request to expand service delivery into the East Pilbara.

The Communities for Children Initiative will definitely be continued in the West Pilbara and we are in the process of undertaking a mapping/gapping exercise to build a case for funding for the East Pilbara. The Department is supportive of our request to expand to the East Pilbara but as the change is a geographical/boundary issue the request will go to the Minister.

We have engaged Jenny Thomas and Tracy Reibel from Telethon to jointly undertake the scoping work. This will be completed by the end of April.

Canberra has indicated that a consortium approach is still required. In the consortium makeup there MUST be an equal number of N-F-P's to LGA. If we are successful in increasing the geographical scope (West and East Pilbara) we have three options in regard to the consortium membership:

1. The consortium members remain the same.
2. We increase consortium membership to include Town of Port Hedland and Shire of East Pilbara – BUT we need then to increase the not for profit membership by another two agencies as we must have equal LGA representation with not for profit agencies. This would mean a consortium of 8 agencies.
3. **New proposal – Pilbara ACC as the lead agency and we ask PRC to represent all shires. Have C4C as a standing item on PRC agenda.**

11.4.2.5 Nomination for Pilbara Development Commission Board Membership (File No.: ORG-096)

Officer Gaye Stephens
Executive Assistant

Date of Report 15 May 2009

Disclosure of Interest by Officer Nil

Summary

To endorse the nomination of Council's representative(s) to fill two (2) Local Government authority vacancies on the Pilbara Development Commission's Board of Management.

Background

The Pilbara Development Commission (PDC) has advised that it currently has two (2) Local Government vacancies on its Board of Management. Both positions are for a term of up to three (3) years from the date of appointment.

The objectives of the Pilbara Development Commission is to –

- maximise job creation and improve career opportunities in the Region;
- develop and broaden the economic base of the Region;
- identify infrastructure services to promote economic and social development within the region;
- provide information and advice to promote business development within the Region;
- seek to ensure that the general standard of government services and access to those services in the Region are comparable to that which applies in the metropolitan area; and
- generally take steps to encourage, promote, facilitate and monitor the economic development of the Region.

Officer's Comment

It is recommended that Council nominates two (2) elected member representatives for membership of the Board of Management of the Pilbara Development Commission. Nominations close on Friday 26 June 2009.

Statutory Implications

The Pilbara Regional Council was established under the Regional Development Commissions Act 1993.

Part 3, Division 1, Section 15 of the Regional Development Commission Act 1993 advises that the Board consists of a maximum of nine (9) members who are to be appointed by the Minister for Local Government and Regional Development, as follows (in part):

“15. Board of management of a commission

- (1) *Subject to section 16, a commission is to have a board of management comprising — ...*
- (b) *a prescribed number of other members, not exceeding 9, who are to be appointed by the Minister in the prescribed manner. ...”*

with the following section, Section 16 detailing three (3) members of the Board are to be elected from a local government authority within the Pilbara Region, unless particular circumstances require otherwise, as stated (in part):

“16. Method of appointment of appointed members

Regulations made for the purposes of paragraph (b) of section 15(1) are to be consistent with the following, unless particular circumstances require otherwise — ...

- (b) *one third of those members are to be members of the council of a local government in the region and are to be nominated by local governments in the region in accordance with the regulations; and ...”*

[Section 16 amended by No. 14 of 1996 s. 4; No. 16 of 1997 s. 4.]

Schedule 2, Part 1 of the the Regional Development Commissions Act 1993 outlines the constitution and proceeding of a Board, particularly Section 1 as stated (in full):

“1. Term of office of appointed member

- (1) *An appointed member holds office for such term, being not more than 3 years, as is specified in the member's instrument of appointment, but he or she is eligible —*
- (a) *for further reappointment, if the reappointment is consecutive to a previous appointment and will not result in the member holding office continually for a time which exceeds 6 years; or*
- (b) *to be reappointed from time to time, if the term of the reappointment is not consecutive to a previous appointment.*
- (2) *An appointed member, unless the member sooner dies or resigns or is removed from office, continues in office until a successor comes into office, despite the fact that the term for which the member was appointed may have expired.”*

[Clause 1 amended by No. 16 of 1997 s. 6(1).]

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4 – Economic Development

Goal 3 - Business Development

That the Town of Port Hedland is recognised as a local government authority that works closely with businesses to achieve sustainable economic growth.

Strategy 4 - Work with relevant stakeholders to coordinate a workshop with business and industry to discuss/debate the future of business development and economic growth in the Town

Budget Implications Nil

Attachments Nil

Officer's Recommendation

That Council advises the Pilbara Development Commission and the Minister for Local Government and Regional Development be advised of Council's nominations of Councillors _____ and _____ for membership of the Board of Management for the Pilbara Development Commission; and

200809/355 Council Decision

Moved: Cr K A Howlett

Seconded: Cr J M Gillingham

That Council advises the Pilbara Development Commission and the Minister for Local Government and Regional Development be advised of Council's nominations of Councillors Gear and Bussell for membership of the Board of Management for the Pilbara Development Commission.

CARRIED 6/0

11.4.2.6 Request for Fee Waiver of Gratwick Hall – State Emergency Services (SES) Orange Ball (File No.: ...)

Officer Gaye Stephens
Executive Assistant

Date of Report 18 May 2009

Disclosure of Interest by Officer Nil

Summary

Council has received a request from the Mr Derek Jones, Local Manager of Hedland SES to waive fees associated with holding the SES Orange Ball, to be held on the evening of Saturday 13 June 2009 in Gratwick Hall. The Club is requesting Council to consider waiving fees to assist the event.

Background

The Hedland SES has written to the Council requesting the waiving Gratwick Hall hire fees for the Saturday 13 June 2009.

Council reviewed its Schedule of Fees and Charges as part of the 2008/09 budget process and adopted the following facility hire charges (GST inclusive):

...Community Facilities

Discounts – Hire fees – All facilities

<i>Community Groups</i>	<i>25%</i>
<i>Junior Community Groups</i>	<i>50%</i>
<i>Not for Profit, no Alcohol, and Open to Public no charge</i>	<i>100%</i>

Bond – All Events/All Facilities (unless stated otherwise)

<i>...Non Commercial – Alcohol</i>	<i>\$1,000</i>
<i>...Gratwick Hall</i>	
<i>Hourly Rate (Minimum 2 hours)</i>	<i>\$40</i>
<i>Daily rate with air-conditioning</i>	<i>\$315</i>
<i>Nightly rate with air-conditioning</i>	<i>\$380</i>
<i>All Day</i>	<i>\$570</i>

Tickets to the SES Orange Ball cost patrons \$100 per person to attend.

Consultation **Nil**

Statutory Implications **Nil**

Policy Implications

The Hedland SES is not specifically listed in Council's Community Recreation Celebrations and Events policy.

Strategic Planning Implications **Nil**

Budget Implications

If the request is supported. Council will forego revenue of up to \$1,188.75 in hire fees. The bond equates to a further \$1,000. Should there be no damage to Council facilities or follow-up clean up required, the bond amount would be fully refundable.

As The Rotary Club of Port Hedland's Annual Ball is not an alcohol free event, and there is an entry/ticket charge (\$150.00) for patrons to attend, the Club is seeking exemption of the following hire fees:

Gratwick Hall Saturday 13 June (all day)	\$570
Bond – Non Commercial – Alcohol	\$1,000

Officer's Comment

It is noted to Council that standard fee hires are charged to all organisations in an endeavour to recoup the marginal costs of maintenance of the hire venue. In order for and fee structure of the Town of Port Hedland to be maintained and respected, a consistent approach is taken towards all groups who wish to hire Council facilities.

Council did review its schedule of fees and charges as part of the 2008/09 budget process and reinstated the previous year's hire charges for these facilities, and discounts for the following groups/events:

- Community Groups – 25% discount;
- Junior Community Groups – 50% discount; and
- Not for Profit, no Alcohol, and Open to Public no charge – 100% discount.

Waiving these fees may set a precedent for other community groups and not for profit organisations to seek exemption of hire fees, and therefore will materially reduce the amount of income the Council will be able to generate from the hire of maintenance expensive fixed assets such as community halls and gardens.

It is deemed the Club will be able to absorb costs related to venue hire of \$570 (plus \$1,000 refundable bond), as they are not overly onerous.

Council has two (2) options:

1. Waive the hire fees as requested resulting in a reduction of income to Council of \$570.
2. Not waive the hire fees as requested by Hedland SES.

It is recommended to Council that permission be granted to the Hedland SES to access the front foyer for this prestigious night.

Attachments

Nil

Officer's Recommendation

That Council:

- i) permits Hedland SES to utilise the Civic Centre's front entrance on the evening of the SES Orange Ball being held on Saturday 13 June 2009; and
- ii) advises the Hedland SES that its request of Council to waive its Schedule of Fees and Charges for the hire of Gratwick Hall on Saturday 13 June 2009 (all day) totalling \$570 is declined.

OR

That Council:

- i) permits Hedland SES to utilise the Civic Centre's front entrance on the evening of the SES Orange Ball being held on Saturday 13 June 2009; and
- ii) advises the Hedland SES that its request of Council to waive its Schedule of Fees and Charges for the hire of Gratwick Hall on Saturday 13 June 2009 (all day) totalling \$570 is approved.

200809/356 Council Decision

Moved: Cr K A Howlett

Seconded: Cr S J Coates

That Council:

- i) permits Hedland SES to utilise the Civic Centre's front entrance on the evening of the SES Orange Ball being held on Saturday 13 June 2009; and
- ii) advises the Hedland SES that its request of Council to waive its Schedule of Fees and Charges for the hire of Gratwick Hall on Saturday 13 June 2009 (all day) totalling \$570 is approved.

CARRIED BY ABSOLUTE MAJORITY 6/0

11.4.2.7 Policy Review : 2/007 Procurement Policy (File No.: ...)

Officer Chris Adams
Chief Executive Officer

Date of Report 19 May 2009

Disclosure of Interest by Officer Nil

Summary

Council's procurement process has not been reviewed or updated for 26 months. Growth in expenditure over this period tied with changes to economic conditions has necessitated a review of the policy.

Background

As outlined in a report to Council's Special Council Meeting on 13 May 2009, over the past six (6) months there has been a growing number of issues occurring with the way Council has been undertaking procurement of goods and services. The issues have included:

- Inability/failure to access required number of quotations prior to placing an order.
- Orders not being placed until after works have commenced or service delivered.
- Specifications and works scoping not being clear enough to enable accurate, comparable quotations to be sought.
- Local Government (Functions & General) Regulations being breached in relation to public tenders not being called when works value exceeds \$100,000.

An internal review of the above issues has been undertaken. This review identified that while the incident of non-compliance has risen, there is no evidence that suggests that any individual has received any personal gain from the breaches. Breaches have occurred as staff has been seeking to get works done quickly, cheaply at a high quality but have not necessarily been *'crossing their t's and dotting their I's'*. While the staff's intentions are admirable, on occasion, the Council endorsed procurement policy has not been strictly adhered to and the Local Government (Functions and General) regulations have been breached. This issue is not constrained to one area or Department of Council with examples of breaches being evident across multiple areas.

A meeting was held with all staff who currently have delegated authority to procure goods and services on behalf of Council. The purpose of the meeting was threefold:

- 1) To re-explain the statutory procurement requirement as listed within the Local Government Act (1995), the Local Government (Functions and General) Regulations (1996) and the Council's Procurement Policy. Staff were clearly instructed that until such time that policy or legislation changes, staff MUST comply completely with the rules and regulations that have been set. It was indicated that failure to comply would be considered to be a very serious matter.
- 2) To discuss issues and problems that are currently being experienced in relation to adhering to the Procurement Policy
- 3) To discuss options for modifications to the Procurement Policy that ensure that the Town retains a open and transparent system whilst not unduly slowing down the ability to achieve projects.

The key issues that were raised by staff at this meeting were:

- Need to set up a preferred contractors tender so that we can access specific services by agreed contractors at an agreed rate without the need to seek quotations or go to tender. This process could be used for multiple services but was seen to be particularly useful for hardware supply, electrical, plumbing, concreting, kerbing, cleaning, labour hire, civil works and equipment hire services.
- Lack of contractors within the Town makes sourcing multiple quotations difficult.
- Very time consuming chasing up 2-3 written quotations for relatively small jobs.
- Many contractors are unwilling to provide written quotes, particularly for smaller jobs.
- The current rules in relation to seeking quotes are too prescriptive. They may have been appropriate for when we were a smaller organisation but the organisation is much larger and needs to spend money much quicker if it going to continue to deliver projects quickly. A review of the quoting rules and mechanisms was recommended.
- Seeking quotations for emergency situations (broken plumbing, emergency electrical works, etc.) is impractical. The current policy does not permit 'by-passing' the requirement to seek quotations in emergency situations.
- Seeking fixed lump quotations for some work (particularly repair work) is not easy as we are often unsure of the scope of the works as we do not necessarily know the magnitude of the problem (i.e. sewerage line breaks, cyclone rubbish collection, etc.)

The suggested modifications to the procurement policy and internal procedures include:

- Petty Cash: The current policy limits petty cash transactions to a maximum of \$75. It is suggested that this amount be raised to \$200 to allow simpler purchasing of relatively minor items.
- Emergency provisions: Emergency provisions should be written into the procurement policy that allow for staff to access contractors/suppliers without seeking quotations when urgent works are required.
- Quotes Required: Written quotes are currently required for all purchases than exceed \$1,000 in value. Due to the difficulty in obtaining written quotes for relatively minor works, it is recommended that the requirements for written quotations be modified.
- Delegation to Supervisors and Other employees: Procurement authority is currently limited to Directors, Managers and very few other staff. Supervisors/foremen currently need to get approval from managers to purchase relatively minor items (ie parks foreman needs approval prior to purchasing reticulation supplies). This can be achieved through the on-delegation of powers to staff by the CEO.
- Credit Cards: Credit card use is currently restricted to the CEO and Directors. The use of credit cards for purchases by Managers and/or other staff needs to be explored further.
- Standard Forms: Council's standard forms for seeking and recording information about quotations need to be modified, updated and universally used throughout the organization.
- WALGA representation: State legislation currently requires all projects over \$100,000 to be publicly tendered. This number used to be \$50,000 was increased to \$100,000 only relatively recently. Whilst \$100,000 is better than \$50,000, the limit is still relatively restrictive, particularly in places like Port Hedland where the cost of services and goods is regularly 50-100% more expensive than the Perth metropolitan area.

It is recommended that some of these items above be implemented immediately with others being considered by the Council's Audit and Finance committee prior to Council considering the value (or otherwise) of the proposed change.

Consultation

All staff who have delegated authority to procure goods and services on behalf of Council have been consulted on this issue.

Statutory Implications

Regulation 11A of the Local Government (Functions and General) Regulations (1996) states:

- “(1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100 000 or less or worth \$100 000 or less.*
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in sub regulation (1).*
- (3) A purchasing policy must make provision in respect of —*
- (a) the form of quotations acceptable; and*
 - (b) the recording and retention of written information, or documents, in respect of —*
 - (i) all quotations received; and*
 - (ii) all purchases made.*
- (4) Different requirements may be imposed under a purchasing policy in respect of different classes, or types, of any of the following —*
- (a) goods and services;*
 - (b) suppliers;*
 - (c) contracts;*
 - (d) any other thing that the local government considers appropriate.”*

Policy Implications

The Town of Port Hedland’s Procurement Policy (Policy 2/007) was last modified at the Ordinary Council meeting on the 27th of March 2009. A marked up version of the proposed changes to the policy has been appended to this report.

Strategic Planning Implications

Council’s Plan for the Future has a range of strategies with ambitious (but realistic) timelines for the proposed delivery of the projects. To achieve the strategies listed within the plan Council needs to develop a more flexible procurement policy that retains the openness and transparency that is required of a government organization.

Budget Implications

While there are no additional costs or savings projected as a result of the proposed changes to the procurement policy, it is anticipated that the modification will assist Council staff to deliver projects and services in a timely manner, thereby delivering outcomes to the community within the proposed budget period and minimizing the need to ‘carry-forward’ projects.

Officer's Comment

Since Council's last reviewed its Procurement Policy, Council's budget expenditure has grown from \$37.9M to \$59.3M (56% Growth). This growth has placed pressure on the staff's ability delivering increased project and service delivery outcomes within the prescribed procurement framework. Changes are required that make project/service delivery simple whilst retaining an openness and transparency. Some changes are recommended immediately with others to be further investigated.

Attachments

Marked up version of proposed Procurement Policy.

200809/357 Council Decision/Officer's Recommendation

Moved: Cr K A Howlett

Seconded: Cr A A Gear

That Council:

- 1) adopt the amended Procurement Policy (2/007) as follows:

“2/007 PROCUREMENT POLICY

Local Purchasing

After having due regard to, but not limited to, the quality of the product, availability of after sales service, supply date, freight costs, degree of urgency Officers of the Town of Port Hedland are encouraged to purchase locally.

Pre procurement Requirements

Where possible, unless by Council resolution, or by requirement of legislation, Officers will follow the following minimum guidelines for inviting quotes prior to purchasing any good or service.

Purchase Value	Quotes Required (minimum)
Less than \$2,000	1 Verbal Quote
\$2000 - \$4,999	1 Written Quote
\$5,000 to \$14,999	2 Written Quotes
\$15,000 to \$49,999	3 Written Quotes
\$50,000 to \$99,999	3 Detailed Quotes, Authorised by CEO & Mayor
\$100,000 and over	Tender

In instances of emergency or where procurement is urgently required, officers with delegated authority may procure the goods/services without seeking quotations on the proviso that:

1. **A brief explanation of the emergency/urgency of the situation is provided by the officer prior to payment of the invoice for the service**
2. **The value of works being undertaken in the emergency is within the officer's delegated authority limit.**
3. **The value of the works being undertaken is within the limits of the Council's adopted Annual Plan and Budget.**

It is the Officer's responsibility to provide evidence that a reasonable attempt has been made to meet the above guidelines.

If a selection criteria, other than price, is used to determine the successful supplier, the authorising officer will advise all potential suppliers of the selection criteria prior to receiving quotations.

All documentation received or internally generated, as evidence of meeting the above quoting requirements will be attached to Council's copy of the payment advice and retained as per either Council internal or legislated records requirements for financial documents, whichever is the longest.

Tenders

Tenders will be called for all procurement of Goods or Services from a single supplier as prescribed under Section 3.57 Local Government 1995

Authorising Officer

An Authorising Officer is a Town of Port Hedland employee who is registered in the sub delegation register as authorised to incur expenditure and claims for payment, within a set monetary limit.

Purchase Orders

The Town of Port Hedland requires a purchase order to be raised and issued prior to the service or product being supplied. The authorising officer will ensure items purchased are made within budget parameters.

Purchase Orders Exemptions

The requirement to issue a purchase order is not required in the following instances:

- 1. Procurement of particular goods or services:**
 - a) Utilities; including telephone, electricity, water and gas.
 - b) Annual Membership/subscriptions
 - c) Reimbursements to Staff
 - d) Freight
 - e) Department of Land Information on line transactions
 - f) Motor Vehicle Licensing and Registration
 - g) Custom Fleet Bill
 - h) Staff housing
 - i) Postage
- 2. Corporate Credit or Fleet Fuel Card purchases;**
- 3. Petty Cash purchases - \$200 limit GST inclusive;**
- 4. All emergencies as deemed in writing by the Mayor;**
- 5. All procurement authorised by way of Tender and requiring three or less separate payments in one financial year.**

Fleet Fuel and Corporate Credit Cards

. Fleet Fuel Cards

All appropriate fleet vehicles will be issued with an appropriate fleet fuel card for fuel purchases only. If a vehicle is allocated to Council Officer, that Officer is responsible for the security and appropriate use of the Fleet Fuel Card. Fuel purchased using a fleet fuel card, must be of type required by the vehicle the card was initially issued for.

. Corporate Credit Cards

The Chief Executive Officer and Directors have use of a Corporate Credit card, provided from the Town's current banking provider. Use of this credit card is strictly for authorised duties associated with the Town of Port Hedland and may not be used for personal expenses in any circumstances.

Limits placed on the Corporate Credit Cards will be as follows:

Officer	Credit Limit	Cash Advances
Chief Executive Officer	\$5,000	Nil
Directors	\$2,000	Nil

Each Corporate Credit Card Holder is responsible at all times for:

1. **The security of the card;**
2. **Providing documentary evidence of all purchases (i.e. receipts) and attaching these to the monthly statement;**

At the end of each month, each credit card statement is authorised by:

1. **In the case of a Director, the Chief Executive Officer;**
2. **In the case of the Chief Executive Officer, the Mayor.**

All purchases using the Corporate Credit Card shall be included in the monthly list of accounts paid by delegated authority presented to Council.

Breach of Procurement Policy

Officers found to have breached this policy may, at the discretion of the Chief Executive Officer:

1. **Have their purchasing rights revoked; and**
2. **Be subject to disciplinary action, including possible termination without notice.**
3. **Be required to reimburse Council for the amount of the unauthorised expenditure.”**

- 2) support the concept of developing supply tenders/contracts on a schedule of rates basis for key services including, but not limited to, hardware supply, electrical, plumbing, concreting, kerbing, cleaning, labour hire, civil works and equipment hire services;
- 3) refer potential further changes to the Procurement Policy pertaining to Credit Card use to the Town's Audit and Finance Committee for consideration; and
- 4) approach the Pilbara Regional Council seeking their support to lobby for legislative change to the Local Government Act that increases the financial limit whereby public tenders need to be called.

CARRIED 6/0

ATTACHMENT TO AGENDA ITEM 11.3.2.7

2/007 PROCUREMENT POLICY

Local Purchasing

After having due regard to, but not limited to, the quality of the product, availability of after sales service, supply date, freight costs, degree of urgency Officers of the Town of Port Hedland are encouraged to purchase locally.

Pre procurement Requirements

Where possible, unless by Council resolution, or by requirement of legislation, Officers will follow the following minimum guidelines for inviting quotes prior to purchasing any good or service.

Purchase Value	Quotes Required (minimum)
Less than \$ 4 <u>2</u> ,000	1 Verbal Quote
<u>\$2000</u> - <u>\$4,999</u>	<u>1 Written Quote</u>
\$4 <u>5</u> ,000 to <u>\$14,999</u>	2 Written Quotes
<u>\$15,000</u> to <u>\$49,999</u>	3 Written Quotes
\$50,000 to \$99,999	3 Detailed Quotes, Authorised by CEO & Mayor
\$100,000 and over	Tender

In instances of emergency or where procurement is urgently required, officers with delegated authority may procure the goods/services without seeking quotations on the proviso that:

- A brief explanation of the emergency/urgency of the situation is provided by the officer prior to payment of the invoice for the service
- The value of works being undertaken in the emergency is within the officer's delegated authority limit.
- The value of the works being undertaken is within the limits of the Council's adopted Annual Plan and Budget.

It is the Officer's responsibility to provide evidence that a reasonable attempt has been made to meet the above guidelines.

If a selection criteria, other than price, is use to determine the successful supplier, the authorising officer will advise all potential suppliers of the selection criteria prior to receiving quotations.

All documentation received or internally generated, as evidence of meeting the above quoting requirements will be attached to Council's copy of the payment advice and retained as per either Council internal or legislated records requirements for financial documents, which ever is the longest.

Tenders

Tenders will be called for all procurement of Goods or Services from a single supplier as prescribed under Section 3.57 Local Government 1995

Authorising Officer

An Authorising Officer is a Town of Port Hedland employee who is registered in the sub delegation register as authorised to incur expenditure and claims for payment, within a set monetary limit.

Purchase Orders

The Town of Port Hedland requires a purchase order to be raised and issued prior to the service or product being supplied. The authorising officer will ensure items purchased are made within budget parameters.

Purchase Orders Exemptions

The requirement to issue a purchase order is not required in the following instances:

1. Procurement of particular goods or services:
 - a) Utilities; including telephone, electricity, water and gas.
 - b) Annual Membership/subscriptions
 - c) Reimbursements to Staff
 - d) Freight
 - e) Department of Land Information on line transactions
 - f) Motor Vehicle Licensing and Registration
 - g) Custom Fleet Bill
 - h) Staff housing
 - i) Postage
2. Corporate Credit or Fleet Fuel Card purchases;
3. Petty Cash purchases - \$~~20075~~ limit GST inclusive;
4. All emergencies as deemed in writing by the Mayor;
5. All procurement authorised by way of Tender and requiring three or less separate payments in one financial year.

Fleet Fuel and Corporate Credit Cards

Fleet Fuel Cards

All appropriate fleet vehicles will be issued with an appropriate fleet fuel card for fuel purchases only. If a vehicle is allocated to Council Officer, that Officer is responsible for the security and appropriate use of the Fleet Fuel Card. Fuel purchased using a fleet fuel card, must be of type required by the vehicle the card was initially issued for.

Corporate Credit Cards

The Chief Executive Officer and Directors have use of a Corporate Credit card, provided from the Town's current banking provider. Use of this credit card is strictly for authorised duties associated with the Town of Port Hedland and may not be used for personal expenses in any circumstances.

Limits placed on the Corporate Credit Cards will be as follows:

Officer	Credit Limit	Cash Advances
Chief Executive Officer	\$5,000	Nil
Directors	\$2,000	Nil

Each Corporate Credit Card Holder is responsible at all times for:

1. The security of the card;
2. Providing documentary evidence of all purchases (i.e. receipts) and attaching these to the monthly statement;

At the end of each month, each credit card statement is authorised by:

1. In the case of a Director, the Chief Executive Officer;
2. In the case of the Chief Executive Officer, the Mayor.

All purchases using the Corporate Credit Card shall be included in the monthly list of accounts paid by delegated authority presented to Council.

Breach of Procurement Policy

Officers found to have breached this policy may, at the discretion of the Chief Executive Officer:

1. Have their purchasing rights revoked; and
2. Be subject to disciplinary action, including possible termination without notice.
3. Be required to reimburse Council for the amount of the unauthorised expenditure.

11.4.2.8 South Hedland 'Green Belt' Subdivision (File No.: ...)

Officer	Chris Adams Chief Executive Officer
Date of Report	19 May 2009
Disclosure of Interest by Officer	Nil

Summary

Council has previously objected to the proposed subdivision of the area that has recently been referred to as the 'green belt' area. While Council has objected to the proposed subdivision of this area, the WAPC has approved an application to subdivide the site. This report outlines options that are available to Council pertaining to this matter.

Background

At the January 2009 and February 2009 Ordinary Council meetings and a Special Council meeting that was held on the 16th of March 2009 Council considered an application for subdivision of six lots located in the area bounded by Kennedy St, Coppin St, Stanley St and Cottier Drv into a 31 lot residential subdivision. The land in question owned by the Crown and is zoned Residential R30 under Town Planning Scheme No 5. Subdivision of the area is consistent with this zoning.

Listed below are the Council decisions made at these meetings

28 January 2009 – Ordinary Council Meeting

“That Council advises the Western Australian Planning Commission that it opposes the subdivision application (WAPC Ref 139193) for the creation of 31 lots on Lots 6177, 6108, 6107, 2424, 2430, 2429 – Cottier, Kennedy, Coppin and Stanley Streets, South Hedland.”

REASON: Council indicated its desire to retain public open space for the people of South Hedland.

25 February 2009 – Ordinary Council Meeting

“That Agenda Item 11.1.2.1 South Hedland New Living Project Subdivision Application for Six (6) lots into 31 Lots Involving Lots 6177, 6108, 6107, 2424, 2430 and 2429 – Cottier, Kennedy, Coppin and Stanley Streets, South Hedland, lay on the table pending further discussion.”

16 March 2009 – Special Council Meeting

“That Council advise the Department of Housing Works (DHW) – New Living Project in South Hedland to consider the development of residential blocks that:

- 1. maintains a continuous greenbelt from the cyclone sculpture to the water tower;*
- 2. maintains sightlines to the water tower and the cyclone sculpture;*
- 3. respects the location and cultural significance of the three (2) churches and the mosque in the central area of the original four suburbs;*
- 4. identify opportunities to use residential subdivision that provide advances to traffic permeability in South Hedland, e.g. a road that links Barrow Place and Somerset Crescent with Smith Street, or directly to Cottier Road might allow seven (7) or eight (8) new residential blocks, or one (1) or two (2) group housing sites; and*
- 5. requests a report from Officers identifying opportunities for infill development in South Hedland.”*

While Council has indicated its objection to the proposal and has made suggestions regarding other alternatives, the decision maker on subdivision applications is the West Australian Planning Commission (WAPC), not the Town. The Town acts as a referral agency on subdivisions not an approval authority.

While Council’s objection was forwarded and noted by the WAPC, the WAPC elected to support the subdivision application and has granted approval for the development subject to standard development conditions being met.

While this decision means that the development can proceed as planned, the South Hedland New Living Project has written to Council indicating that it is willing to consider minor alterations to the approved subdivision plan that achieve an outcome that is closer to Council’s intent.

Consultation

During the development of the Town’s Land Use Master Plan (LUMP), the issue of the treatment of the central corridor of South Hedland was discussed and debated. During the debate three alternatives were raised:

- 1) Development of a central spine road through the corridor.
- 2) Subdivision of the area.
- 3) Retention of corridor as a 'green belt'

The Council and WAPC endorsed LUMP includes the following statements regarding this matter:

"The recommended phasing strategy for South Hedland (land release) therefore involves: Phase 1: Renovation and infill of existing properties north of Murdoch Drive with the only new lots being released being undeveloped land." (Pg 40)

While this statement would seem to support this subdivision proposal, the following statements indicate that the area should be retained.

"...there was considerable support for an approach that avoids the spine road, and for the central corridor of open space" (Pg 44).

"This central spine should incorporate existing open spaces where possible, improving their amenity and usability by different user groups. Existing Pundulmurra trees should be preserved in a landscape concept that showcases native plant species and water-wise landscaping techniques." (Pg 43)

The applicants for this proposal have indicated that they have attempted to fulfill the intent of the LUMP document by retaining a 15m wide open space corridor that leads to the proposed Marquee Park location.

Statutory Implications

The Western Australian Planning Commission (WAPC) is required under Part 10 – Subdivision and Development Control, Clause 142 – Objections and Recommendations of the Planning Development Act 2005 (P&D2005) to refer for comment any applications for subdivision.

The Town is required to provide these comments within 42 days of receiving the application. The WAPC must consider these comments when making its decision.

While this decision has been made, Council staff has sought legal counsel regarding the appeal rights that are available to it. In summary the legal advice is that:

We can find nothing in the Act, the Town's TPS5 or the WAPC approval (that) would allow the Town to challenge or seek review of the WAPC's decision. It is our opinion that the Town is in all respects bound by the decision of the WAPC.

A full copy of the legal advice has been appended to this report.

Policy Implications

This proposal has been considered against various Council policies including:

- 9/007 – Roadside, verge and reserve parking policy
- 9/008 – Verge treatment policy
- 12/002 - Off site car parking policy

Strategic Planning Implications

The following strategies listed within the Plan for the Future are relevant to this matter:

Key Result Area 4 – Economic Development

Goal Number 4 – Land Development Projects

Strategy 2 – “Work with the South Hedland New Living Project to ensure that sustainable development lots consistent with the principles of Council are made available within South Hedland within a timely manner.”

Key Result Area 2 – Community Pride

Goal Number 3 – Townscape

Strategy 1 – “Work closely with the Department of Housing and Works to implement the South Hedland New Living project.”

Key Result Area 1 – Infrastructure

Goal Number 2 – Parks and Gardens

Strategy 1 – “In conjunction with the South Hedland New Living Project and the Land Use Master Plan, develop a Park Improvement Program that identifies which parks should be more intensively developed and which parks could potential be surplus to community requirements.”

Budget Implications

As solely a referral agency, Council received no fee income from the subdivision application.

If the subject site is developed and 30 properties are sold on the private market, Council will receive additional rate income that will equate to approximately \$50,000pa. This rate income would be offset by increased costs associated with maintaining the open space corridor.

Officer's Comment

Council's various statutory planning documents provide conflicting directions in relation to how this land should be used and/or developed. While the Town Planning Scheme indicates that the land should be used for residential purposes, the LUMP indicates a preference for retention of an open space corridor. Additionally, the Town's Park Improvement Plan, which identifies where open space is required throughout the Town, indicates a preference for linear open space along the central corridor in South Hedland with nodes of activity spaces being developed along the lineal trail. The SHNL proposal is consistent with the approach outlined in the Park Improvement Plan.

When considering whether it wishes to pursue this matter further Council should consider the following issues:

- **Pro Development:** The Town Council has positioned itself as a pro-development Council and has actively supported developments that are consistent with the Town Planning Scheme that promote economic development and growth of the Town. This proposal could be seen as meeting those objectives and continuing to object to this residential subdivision could send mixed messages to community and the development market regarding Council's desire to address current housing shortages that exist within the Town.
- **Future Development:** While understanding the Council's/community's intent to retain an open space corridor, the sheer size of the area in question, coupled with the relative ease of development of the site, means that there will be continued pressure for development of the site in years to come. In the report author's opinion, the pressure for development is such that this site will experience some level of development at some stage – either now or in the future. Given this, it could be argued that it is in the Council's best interest to negotiate a development outcome on the site that meets the needs of both the Council/community and the developer.
- **Marquee Park:** The subject site includes the provision of space for the development of Council's 'Marquee Park' project. Design for this project is well progressed and it is highly likely that funding for construction will be made available in the near future. The delivery of this project will be compromised if the associated land development issues are not resolved.

Council has several options in relation to this matter. These include:

- 1) Accepting the WAPC's decision
- 2) Accepting the WAPC's decision but seek to negotiate a 'better' design outcome that more closely meets Council's intent.

- 3) Utilise appeal rights and/or legal alternatives to oppose the WAPC's decision

Option 2 listed above is recommended.

Attachments

1. WAPC letter
2. Copy of Legal Opinion

Officer's Recommendation

That Council advise the South Hedland New Living (SHNL) project that:

- 1) It will not pursue further objections in relation to the proposed 31 lot subdivision in the area bounded by Kennedy Street, Coppin Street, Stanley Street and Cottier Drive; and.
- 2) It would like to hold further discussions/negotiations with SHNL regarding the width, design and development of the open space corridor located within this subdivision prior to any works commencing.

200809/358 Council Decision/Officer's Recommendation

Moved: Cr S R Martin

Seconded: Cr K A Howlett

That Standing Orders be suspended.

CARRIED 6/0

7:48 pm Mayor advised that Standing Orders are suspended.

7:50 pm Councillor A A Gear left the room.

7:53 pm Councillor A A Gear re-entered the room and assumed his chair.

200809/359 Council Decision/Officer's Recommendation

Moved: Cr K A Howlett

Seconded: Cr J M Gillingham

That Standing Orders be suspended.

CARRIED 6/0

7:54 pm Mayor advised that Standing Orders are resumed.

200809/359 Council Decision/Officer's Recommendation

Moved: Cr J M Gillingham

Seconded: Cr S J Coates

That Council advise the South Hedland New Living (SHNL) project that:

- 1) It will not pursue further objections in relation to the proposed 31 lot subdivision in the area bounded by Kennedy Street, Coppin Street, Stanley Street and Cottier Drive; and.
- 2) It would like to hold further discussions/negotiations with SHNL regarding the width, design and development of the open space corridor located within this subdivision prior to any works commencing.

VOTE 3/3

NOTE: Mayor advised his casting vote.

CARRIED 4/3

ATTACHMENT 1 TO AGENDA ITEM 11.4.2.8



Your Ref : 2009/23
Enquiries : Ken Dawson (Ph 9264 7575)

RECORD No.	_____
OFFICER	mip
4 MAY 2009	
FILE No.	Various
ACTION DATE	NRR

Chief Executive Officer
Town of Port Hedland
P O Box 41
PORT HEDLAND WA 6721

803128G Lot 6177 Cottier 09-02402
130083G Lot 2424 Coppin 09-02403
130082G Lot 2430 Coppin 09-02404
130036G Lot 2429 Stanley 09-02405
804139G Lot 6108 Stanley 09-02406
804138G Lot 6107 Stanley 09-02407

**Approval Subject To Condition(s)
Freehold (Green Title) Subdivision**

Application No : 139193

Planning and Development Act 2005

Applicant	: Taylor Burrell Barnett P O Box 8186 SUBIACO WA 6008
Owner	: State Housing Commission (Department Of Housing) 99 Plain Street EAST PERTH WA 6004
Application Receipt	: 30 December 2008

Lot number	: 2424, 2429, 2430, 6107, 6108, 6177
Location	: -
Diagram/Plan	: Deposited Plans 211919, 195150, 28539
C/T Volume/Folio	: 2098/16, 2098/18, 2210/91, 2575/848, 2098/17, 2210/92
Street Address	: Coppin Place, Stanley Street, Cottier Drive, Kennedy Street, South Hedland
Local Government	: Town of Port Hedland

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped 30 December 2008 once the condition(s) set out have been fulfilled.

This decision is valid for four years from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by 28 April 2013 or this approval no longer will remain valid.



Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, 12 St Georges Terrace, Perth, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

Deposited plan

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.



If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any site works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with accompanying advice, are:

CONDITION(S)

1. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost. As an alternative the WAPC is prepared to accept the applicant/owner paying to the local government the cost of such road works as estimated by the local government subject to the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)
2. Subdivisional roads to be constructed and dedicated to the boundary of the application area. (Local Government)
3. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)
4. Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres. (Local Government)
5. A detailed plan demonstrating dual use path/cycleway design to the specifications of the local government is to be submitted prior to the commencement of site works. (Local Government)
6. The land being graded and stabilised. (Local Government)



7. An area(s) of land at least 10% of the gross subdivisible area, in a position to be agreed with the WAPC, being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)
8. Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)
9. Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision. (Water Corporation)
10. The provision of easements for existing or future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation being granted free of cost to that body. (Water Corporation)
11. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Horizon Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Horizon Power)
12. Such padmount sites as may be required by Horizon Power being transferred free of cost to Horizon Power, with the location of the sites being to the satisfaction of the local authority. (Horizon Power, Local Government)
13. Certification from Horizon Power that satisfactory arrangements have been made for the provision of easements for Horizon Power for existing or future electricity supply infrastructure. (Horizon Power)
14. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Horizon Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and equipment, located on or near the lots shown on the approved plan. (Horizon Power)
15. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Horizon Power for roadside and block frontage vegetation clearing required for a power line corridor. (Horizon Power)
16. Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure the identification and protection of any vegetation on the site worthy of retention prior to commencement of site works. (Local Government)



ADVICE

1. With regard to Condition 5, the detailed plan is to address all relevant matters, including the dual use path within the median dividing Stanley Street and the new road (parallel to Stanley Street) and including landscaping, paving, manoeuvring spaces, lighting, and crossover location.
2. Approval from the local government may be needed prior to the construction of vehicle crossovers.
3. The Town of Port Hedland advised that any development (including walls not exempted by R-Codes) not covered by this approval or conditions attached will require a separate planning approval.
4. With regard to Conditions 8 and 9, Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.
5. With regard to Condition 11, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.
6. In relation to Condition 6, you are advised to liaise with the Town of Port Hedland regarding the preparation of detailed design(s) for the proposed linear open space reflecting the intended functions of the linear open space as a local reserve and connector between the Water Tower and Marquee Park prior to the commencement of works and to the specifications of the Town.

A handwritten signature in black ink, appearing to read "Tony Evans", is positioned above the typed name.

Tony Evans
Secretary
Western Australian Planning Commission
28 April 2009

ATTACHMENT 2 TO AGENDA ITEM 11.4.2.8



Our Ref

IM:PORT-25794

Your Ref

20 May 2009

Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Attention: Terry Sargent – Director of Regulatory Services

By email: directorreg@PortHedland.wa.gov.au

Dear Sir

Advice: Options in Regard to WAPC Subdivision Approval Contrary to LG Recommendation - Kennedy/Coppin Street Subdivision

We refer to your instruction dated Wednesday, 2 May 2009 and our subsequent conversation by telephone in regard to the Western Australian Planning Commission's ("WAPC") subdivision approval for the creation of 31 lots on Kennedy/Coppin and Stanley Streets, South Hedland.

The Town has requested our legal advice in regard to its options in opposing, repealing or overturning the WAPC's subdivision approval.

ADVICE

WAPC's power to grant approvals and local government recommendations

1. Subdivision approvals are governed by Part 10 Division 1 of the *Planning and Development Act 2005* ("the Act").
2. Section 135 of the Act states that a person is not to subdivide any lot without the approval of the WAPC.
3. Section 142 deals with objections and recommendations to the WAPC. It requires the WAPC to forward the plan of subdivision to any local government or public authority whose functions may be affected by plan of subdivision. Section 142(2) provides a local government with 42 days in which to respond to such a referral.
4. Section 143 sets out how the WAPC is to deal with the plan of subdivision. We have set out this section in full:



Stirling Law Chambers
220-222 Stirling Highway
Claremont WA 6010
Tel (08) 9383 3133
Fax (08) 9383 4935
Email: mcleods@mcleods.com.au

Denis McLeod (Counsel)

Neil Douglas
Fiona Grgich
David Nadebaum
Geoff Owen
Andrew Roberts
Craig Starke
Peter Wittkuhn

Elisabeth Stevenson (Senior Associate)
David Nicholson (Associate)
Peter Gillett (Associate)

(25794-09.05 20-IM-Port Hedland.doc)

MIDLAND OFFICE: 35 SPRING PARK ROAD, MIDLAND
ALL CORRESPONDENCE TO CLAREMONT OFFICE

20 May 2009

Shire of Port Hedland

McLeods

Page 2

Advice: Options in Regard to WAPC Subdivision Approval Contrary to LG Recommendation - Kennedy/Coppin Street Subdivision

"143. How Commission is to deal with plan of subdivision

- (1) After considering any objections or recommendations contained in a memorandum forwarded to the Commission under section 142, and any advice of a relevant environmental condition forwarded to it under that section, the Commission is to —
- (a) approve the plan of subdivision;
 - (b) refuse to approve the plan of subdivision; or
 - (c) approve the plan of subdivision and require the applicant for approval to comply with such conditions as the Commission thinks fit before the diagram or plan of survey will be endorsed with the approval of the Commission."

5. There is nothing in section 143 or any of the other sections of Part 10 of the Act which require the WAPC to follow the recommendation of a local government or any other authority. The WAPC is at all times the sole decision-making authority in regard to subdivision.

WAPC approval and local planning schemes

6. Section 138 states, amongst other things, that when approving a subdivision the WAPC must have regard to provisions of any local planing scheme applying to the land and is not to give approvals that conflict with the provisions of that Scheme. However, section 138(3) allows the WAPC to approve a subdivision which conflicts with a local planning scheme if certain pre-conditions are met such as the approval being consistent with the regional planing scheme, the conflict is of a minor nature, or the local government does not object.
7. While section 138 requires the WAPC to not give approvals that conflict with the provisions of the local planning scheme (except in certain circumstances) there is nothing to indicate that the current subdivision is inconsistent with or conflicts with Town of Port Hedland's Town Planning Scheme 5. The proposal to provide residential lots is consistent with the residential zoning of the Land and the average block size is well above the minimums required for the R30 density coding which applies to the land.

Rights of review and the state administrative tribunal

8. While there are rights to a reconsideration of the WAPC's decision, or a right to review by the State Administrative Tribunal, these rights are only available to the Applicant or owner under section 251 of the Act. There is no right of review available to the local government if it is aggrieved by a decision by the WAPC.

Illegal or invalid approvals

20 May 2009
Shire of Port Hedland

McLeods
Page 3

Advice: Options in Regard to WAPC Subdivision Approval Contrary to LG Recommendation - Kennedy/Coppin Street Subdivision

9. There is an ability to challenge a decision made by the WAPC if it is illegal, invalid or not within its powers. For example, if the subject land had previously been set aside as public open space under a previous subdivision, then it would be unlawful to seek a further subdivision of the land. We have searched the certificates of title and there is nothing to indicate that the subject land was previously set aside as public open space, nor is there any other indication that the WAPC's decision is illegal, invalid or not within its powers.

Exemption of the Crown from approval

10. Furthermore, if the owner (being the State Housing Commission), is subdividing this land for the purpose of providing public housing and was not intending to sell off the lots, then it would be exempt from the requirement to seek any type of approval for subdivision or development under sections 6 and 133 of the Act. Often public authorities will submit subdivision and planning applications as an administrative courtesy despite being exempt from doing so under the Act.

CONCLUSION

In conclusion, we can find that nothing in the Act, the Town's TPS5 or the approval would allow the Town to challenge or seek review of the WAPC's decision. It is our opinion that the Town is in all respects bound by the decision of the WAPC.

We trust this advice has addressed the issues raised by the Town. If you require any further advice or have any queries in regard to this advice, please contact Geoff Owen or Ian McLeod of this firm.

Yours faithfully

Contact: Ian McLeod
Partner: Geoff Owen
Direct line: 9424 6216
Email: imcleod@mcleods.com.au

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

12.1 Governance

12.1.1 Wirraka Maya Health Service's 'Stop Family and Domestic Violence' Sign (File No.: RDS-018)

Officer Chris Adams
Chief Executive Officer

Date of Report 22 May 2009

Disclosure of Interest by Officer Nil

Summary

For Council to consider the location of Wirraka Maya Health Services 'Stop Family and Domestic Violence' sign.

Background

At its Ordinary Meeting held in December 2008, and April 2009, Council has queried if the Wirraka Maya Health Service's 'Stop Family and Domestic Violence' sign can be removed from its existing location in the entrance area to South Hedland along Hamilton Road; and perhaps be relocated to a comparable (or better) position.

The sign is located on Lot 500 Hamilton Road, which is a Council reserve.

At its Ordinary Meeting held in May 2005, Council resolved:

"That:

- i) the application my [W]irraka Maya Health Service to erect a sing stating "Stop Family and Domestic Violence" on either Hamilton Road or Wallwork Road in South Hedland be approved subject to a sing licence being issued by Council's Building Services; and*
- ii) the applicant is to liaise with the Council's Manager Engineering Services on the exact location of the sign."*

A Sign Licence was issued to Wirraka Maya Health Service, on 7 July 2005 (copy attached) which is valid until any alteration is made to the sign and in that event the licensee must apply for a new Licence.

Consultation

Council staff has consulted verbally with Wirraka Maya Health Services Manager, Ms Wendy Clinch, in December 2008. Ms Clinch advised of her concerns that the current location of the sign gives maximum exposure to the issue of family and domestic violence in the community, and the very important services to assist those affected by family and/or domestic violence that are offered by Wirraka Maya Health Services.

Statutory Implications

Council's Signs, Hoardings and Billposting Local Law applies.

Policy Implications

Council Policy 14/001 SIGNS PLACED ON COUNCIL CONTROLLED LAND applies and states as follows:

“Definition

For the purposes of this Policy a sign is deemed to include any board, structure, or item that has been positioned primarily for the purpose of advertising a business or the availability of goods, services or facilities.

Policy Statement

No signage permitted on land under control of Council except under provisions of Policy 6/002. Signs placed without Council approval on land under the control of Council shall be removed as soon as practicable. The removal of signs is intended to reduce visual impact caused by a proliferation of signs and reduce the danger of injury and potential liability.

Council authorises the Manager Building Services, Building Surveyors and Rangers to take action in accordance with this Policy and remove signs that are found to be placed without Council approval. This action shall be taken as early as practicable. Sign control shall be co-ordinated through Council's Building Services Area. Council expects that Councillors and staff shall participate in a watching brief so that unlawfully placed signs are reported to Council's Building Services Area for action.

Existing Signs

This Policy applies to all signs on land under the control of the Town of Port Hedland. There is no presumption that any existing sign has an approval. All signs on Council controlled land shall be treated according to this Policy unless the owner of the sign is able to demonstrate that Council has previously issued approval for that sign.

Portable Signs

When a sign is easily movable and the sign is in close proximity to the property of the business or person responsible for the sign, the following action shall be taken.

- i) The sign shall be moved within the boundary of that property and the business or person notified verbally (if possible) and in writing that the sign has been moved.*
- ii) A record is to be kept of signs that are moved and of notifications given to businesses or persons. The record shall be co-ordinated by the Building Services Area.*

When a movable sign is not in close proximity to the associated property, the person responsible cannot be easily identified, or a sign that has been previously moved is again unlawfully displayed, the following action shall be taken.

- i) The sign shall be removed and impounded at the Council's Depot.*
- ii) The sign may be retrieved by the person responsible for its placement after an impoundment fee determined from time to time by Council is paid and receipted by Council's Cashier and the receipt presented at the Depot office together with a written undertaking that they will not again unlawfully display the sign.*

Fixed Signs

If a sign is not easily moved, the following steps shall be taken:

- i) The business or person responsible for the sign shall be given notification in writing that the sign is to be removed within fourteen (14) days.*
- ii) A record is to be kept that notification has been issued to the business or person responsible.*
- iii) An inspection shall be carried out at the expiry of the specified time.*
- iv) If the sign has not been removed, Council officers shall arrange removal and impoundment of the sign (a truck and small crew may be required for some fixed signs).*
- v) The sign may be retrieved by the person responsible for its placement after an impoundment fee has been paid at Council's Cashier and the receipt presented at the Depot*

office together with a written undertaking that they will not again unlawfully display the sign. The impoundment fee is a minimum of \$100 with total fee set by the Manager Building Services based on Council's normal rates for plant and labour.

Disposal of Signs

If a sign has not been collected from Council's Depot within 2 months of impoundment, the Manager Building Services may arrange disposal of the sign in such a manner as he/she thinks fit, including sale of materials in the sign to offset Council's costs.

Recurring Offences

If a sign retrieved from Council's Depot is again unlawfully displayed, the Manager Building Services shall authorise disposal of the sign and consideration shall be given to prosecution of the offender."

Strategic Planning Implications

Plan for the Future 2008-2013, includes the following strategies:

KRA 3 – Community Development

Goal 3 – Arts & Culture

That the Town is recognised as a location where arts and culture is promoted and quality art work is produced.

Strategy 3 - Develop a unique entry statement to the Town.

KRA 2 – Community Pride

Goal 3 – Townscape

That both Port and South are recognised as being attractive and well maintained.

Strategy 1 - In conjunction with industry, business and the community, develop improved verge and streetscape treatments throughout the Town.

Strategy 3 - Provide additional shade through the installation of trees and formal shade structures in strategic locations.

Budget Implications

Nil

Attachments

Copy of Sign Licence

Officer's Comment

Council has the following options available to consider:

- a) leave the Wirraka Maya Health Service ‘Family and Domestic Violence’ sign
- b) remove the Wirraka Maya Health Service ‘Family and Domestic Violence’ sign
- c) relocate the Wirraka Maya Health Service ‘Family and Domestic Violence’ sign to:
 - 1) the road reserve adjacent to Dreamers corner;
 - 2) the road reserve near the corner of Forrest Circle and Cottier Drive;
 - 3) the road reserve near the corner of Cottier Drive and Kennedy Street; or
 - 4) any other locations suggested by Council

Officer’s Recommendation

For Council’s consideration.

200809/360 Council Decision

Moved: Cr K A Howlett

Seconded: Cr S J Coates

That Council leaves the Wirraka Maya Health Service ‘Family and Domestic Violence’ sign in it’s existing location.

CARRIED 4/2

NOTE: Cr K A Howlett requested the votes be recorded.

Record of Vote:

FOR	AGAINST
Cr S R Martin	Cr A A Gear
Cr G D Bussell	Cr J M Gillingham
Cr S J Coates	
Cr K A Howlett	

8:05 pm

Councillor Howlett declared a financial interest in Agenda Item 13.1 ‘Council Support to the Continuation of the Hedland Cash for Trash Program’ as she contributes to the program financially. Councillor Howlett requested Council to consider enabling her to participate in discussion relating to the matter. Councillor Howlett left the room.

200809/361 Council Decision

Moved: Cr G D Bussell

Seconded: Cr A A Gear

That Council permits Councillor Kelly A Howlett to re-enter the room to participate in discussion, and be able to vote on Agenda Item 13.1 'Council Support for the Continuation of the Hedland Cash for Trash Program (July – December 2009), in accordance with Section 5.68 – 1(b) (ii) (I); as follows:

“5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings

(1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —

...(b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —

...(ii) those members decide that the interest —

(I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or ...”

CARRIED 5/0

- 8.09 pm Councillor Kelly A Howlett re-entered the room and assumed her chair.
- 8.10 pm Councillor Arthur A Gear left the room.
- 8:10 pm Councillor Arthur A Gear re-entered the room and assumed his chair.

At the end of the of the two months Cash For Trash realised the following:

Participants: 991
 Children Participants: 496
 % Children Participation: 50.1%
 Glass Bottles: 106,713 (well and truly exceeded all set targets)
 Bags Aluminium Cans: 2,235.3
 Bags Street Litter: 784.5

For full data set please see Attachment A - Cash For Trash Glass Bottle & Aluminium Can Collection Pilot.

The Town of Port Hedland contributed the following payments for the two month Cash For Trash Pilot Program:

Bags Cans: 2,235.3 (\$13,411.80)
 Bags street litter: 784.5 (\$3,922.50)

Total Expenditure For Cans & Litter Only For Two Months:
 \$17,334.30

The Town of Port Hedland employs litter collection officers. Litter collection statistics provided before and during the Cash For Trash Pilot Program were:

	Nov	Dec	Jan	Feb	Mar	Apr
Port	169	117	148	132	163	108
South	91	59	462	66	82	75
Verges	148	84	266	200	223	268

(NB – Town of Port Hedland averaged 3 litter collection officers, though at some times people were away on leave etc. Cash for Trash was promoted extensively in February 2009 and operated March and April).

The Cash For Trash Pilot Program received a significant amount of community support and media coverage.

Outside of South Australia, Cash For Trash is the only localised container deposit scheme in operation in Australia and has been used as a case study in Victoria (for a container deposit Bill currently being put before Victorian Parliament) in terms of support for financial incentives to address litter issues, as well as interest in running such a program has been fielded from Walpole, Bunbury, Geraldton, Karratha, Wickham, Newman and Broome.

Given the success of the Pilot Program as well as the noticeable difference the Pilot Program made in terms of addressing the litter/broken glass issue and increasing community pride and involvement in this litter issue, the Care For Hedland Environmental Association would like to continue running the cash For Trash Program.

In order to reduce workload and logistics requirements it is envisaged that the Cash For Trash Program would in its continued form operate monthly community collections (once a month in Port Hedland and once a month in South Hedland).

The Care For Hedland Environmental Association would like to continue the Program from July – December and based on Program involvement to date the targets and contributions sought to continue this Program (for Port and South Hedland and Wedgefield) are:

- Bags Cans: 6,754.50 (\$40,527.00)
- Bags street litter: \$2136.00 (\$10,680.00)
- Rough Total Expenditure For Cans and Litter Only For Six Months: \$51,207.00
- Funding Contribution Sought From Council (\$6 Bag Cans & \$5 Bag litter): \$51,207.00

Requested Support From The Town Of Port Hedland To Continue Running Cash For Trash From July To December 2009

- To remain a valued Cash For Trash Program supporter (logos, support, media, promotions)
- Continue funding the \$6 per bag for aluminium cans and \$5 per bag street litter (approximate financial contribution sought \$51,207.00)
- Insertion of the use of crushed glass in all new non structural concrete production tenders (tender documentation inclusion) – for roadbases, footpaths and drainage aprons
- Assistance with town wide anti littering/ “tie down your load” campaign (including local report a litterer scheme)

That Council:

- i) remain a valued Cash For Trash Program supporter (logos, support, media, promotions);
- ii) continue funding the \$6 per bag for aluminium cans and \$5 per bag street litter (approximate financial contribution sought \$51,207.00);
- iii) Insertion of the use of crushed glass in all new non structural concrete production tenders (tender documentation inclusion) – for road bases, footpaths and drainage aprons; and
- iv) provide assistance with town wide anti littering/ “tie down your load” campaign (including local report a litterer scheme)

200809/362 Council Decision

Moved: Cr K A Howlett

Seconded: Cr G D Bussell

That Council:

- i) remain a valued Cash For Trash Program supporter (logos, support, media, promotions);
- ii) continue funding the \$6 per bag for aluminium cans and \$5 per bag street litter (approximate financial contribution sought \$51,207.00);
- iii) where appropriate Town of Port Hedland specifies the use of crushed glass as much as possible in non structural concrete uses.
- iv) provide assistance with town wide anti littering/ "tie down your load" campaign (including local report a litterer scheme)

LOST 3/3

NOTE: Mayor advised his casting vote.

LOST 3/4

200809/363 Alternate Council Decision

Moved: Cr S R Martin

Seconded: Cr J M Gillingham

That Council:

- i) indicate its continued support for the Cash for Trash Initiative by committing to funding \$6/bag of aluminium cans and \$5/per bag of street litter collected by the Cash for Trash Scheme for the period up until the end of July 2009.
- ii) allocate a total of \$13,400 for this initiative over the June/July 2009 period (being an estimate of 1400 bags of aluminium cans and 1000 bags of street litter over four separate collection days)
- iii) request that the Care for Hedland Environmental Association (being the management body of the Cash for Trash Scheme) prepare a business plan for the continued operation of the Cash for Trash program/s throughout 2009/10. This business plan should clearly indicate all projected income and expenditure sources for the program for the 2009/10 financial year.

- iv) offers its support to the Care for Hedland Environmental Association to develop the business plan as outlined in point 3 above.
- v) consider funding the continued operation of the Cash for Trash initiative on a more permanent basis as a component of its 2009/10 Budget deliberations.

CARRIED BY ABSOLUTE MAJORITY 6/0

8:27 pm Councillor Kelly A Howlett left the room.

8:27 pm Councillor Kelly A Howlett re-entered the room and assumed her chair.

[Attachment A] Cash For Trash Glass Bottle & Aluminium Can Collection Pilot

The final results:

7/3

Total Participants: 92

Children Participants (4-16yrs): 48

Glass Bottles Collected: 7,424

Bags Cans: 151

Bags street litter: 51

21/3

Total Participants: 179

Children Participants (4-16yrs): 96

Glass Bottles Collected: 19,538

Bags Cans: 545

Bags street litter: 70

4/4

Total Participants: 295

Children Participants (4-16yrs): 123

Glass Bottles Collected: 20,185

Bags Cans: 465

Bags street litter: 123.5

18/4

Total Participants: 228

Children Participants (4-16yrs): 108

Glass Bottles Collected: 21,951

Bags Cans: 454

Bags street litter: 151

02/05

Participants: 182

Children Participants: 121

Glass Bottles: **35,035 (final collection target 25,000)**

Bags Aluminium Cans: 533.8

Bags Street Litter: 222.5

Following 8 weeks of the Cash For Trash Pilot total statistics are:

Participants: 991

Children Participants: 496

% Children Participation: 50.1%

Glass Bottles: **106,713 (well and truly exceeded all set targets)**

Bags Aluminium Cans: 2,235.3

Bags Street Litter: 784.5

Final Figures For Two Months

Glass Bottles Collected: 106,713 (\$10,671.30)

Bags Cans: 2,235.3 (\$13,411.80)

Bags street litter: 784.5 (\$3,922.50)

Total Expenditure For Trash Only For Two Months: \$28,005.60

To Continue Program From July – December (6 months)

Glass Bottles Collected: 300,000 (\$30,000.00)

Bags Cans: 6,754.50 (\$40,527.00)

If TOPH Do Not Continue \$6 Per Bag Cans (\$1 Shortfall): \$6,754.50

Bags street litter: \$2136.00 (\$10,680.00)

Rough Total Expenditure For Trash For Six Months: \$81,207.00

Funding Contribution Sought From Council (\$6 Bag Cans & \$5 Bag litter): \$51,207.00 (solely \$5 \$44,452.50)

If TOPH Withdraw From \$6 Per Bag Cans But Remain \$5 Bag Litter, Shortfall For Glass & Cans Being Sought Through Sponsorship: \$30,000+\$6,754.50 = \$36,754.50

[Attachment B] Glass Bottle Refund Scheme - Cash For Trash Meeting – Briefing Notes

Background

- Glass a widespread issue
- Within Port Hedland area, pro-active approach to the issue of litter in natural and town environment
- Visit by Captain Cleanup to local schools in July 2008 exposed the true extent of the issue
- Town of Port Hedland was already offering \$5 per bag for community groups/organisations to collect litter
- Care For Hedland Environmental Association was aware of the South Australian experience and therefore wanted to see if it could be done at a Council level

Involved

- Collaborative approach
- 10 sponsors involved (Council, State Govt, Industry, Waste Industry & Business)
- Secured sponsorship for 10c per glass bottle and Town of Port Hedland followed with \$6 per bag cans & \$5 per bag litter
- First time initiative within the Town of Port Hedland
- Launched on Clean Up Australia Day – linkage with national focus/campaign
- Restaurants, cafes, hotels, bars and wet mess exempted from Pilot
- 5 fortnightly collection weekends (Saturdays 9am-11am)
- Skip bins, collection points manned by volunteers
- Cash paid on the spot

Key Success

- Launch on Clean Up Australia day
- All inclusive & broad based promotion
 - Stakeholders involved
 - Newspaper
 - Radio
 - Flyers with school newsletters
 - Captain Cleanup school visits
 - Make it easy for people to be involved:
 - Supply crates, gloves, bags
- Encourage children & families to participate

Results

- Significantly reduced the amount of broken glass on streets
- Litter been reduced visibly
- Glass bottles now being viewed financially
- Sense of community at weekend collection stalls
- Lots of these bottles and cans have not seen the light of day for a very long time
- Mainly alcohol bottles have been returned
- Recycling & reuse locally (footpath/non structural concrete)

Key Outcomes

- Real life, real world data
- See application potential at local, regional & State level
- Not much prior preparation, readily taken up, high level of participation (nearly 50% children participation rate)
- Really acts to set an example & opportunity to be a waste/litter leader
- There is ready support to continue the program
 - Community
 - Sponsors (approaching Port Hedland Liquor Accord Group)
- Ideal recycling opportunity particularly in remote & regional areas where currently there is no formalised recycling
- Interest expressed from Walpole, Bunbury, Perth, Karratha, Newman and Broome

Would Like To See

- (1) State System, if not
- (2) North West Regional Program, if none of above
- (3) Assistance with continuing Port Hedland Program for 12 months

Where To From Here

- Full report on completion of two month trial
- Desire to contribute data/information to Federal Environment Ministers meeting mid May 2009
- Keen to provide assistance with development of a model/framework at a North West Regional level

Requested Support From The Town of Port Hedland

- To remain a valued Cash For Trash Program supporter (logos, support, media, promotions)
- Continue funding the \$6 per bag for aluminium cans & \$5 per bag street litter
- Insertion of the use of crushed glass in all new non structural concrete production tenders (ie roadbase, footpaths and drainage aprons)
- Yandeyarra Community are keen to commence – what budget allocation have we got and what format are Council keen to support??
- Continued raw crushing of the recycled glass in the storage pit at Landfill
- Installation of the Litter Poster winning entry signage around the Town of Port Hedland
- Assistance with a town wide anti littering/tie down loads campaign (including local report a litterer scheme)
- Include a survey question regarding recycling and cost of service in upcoming 2009/2010 rates notice distribution

ITEM 14 CONFIDENTIAL ITEMS

200809/364 Council Decision

Moved: Cr A A Gear**Seconded:** Cr J M Gillingham

That the Meeting be closed to members of the public as prescribed in Section 5.23 (2) (d) of the Local Government Act 1995, to enable Council to consider Agenda Item 14.1.1 'Confidential Item: Minderoo Housing Proposal'.

CARRIED 6/0

NOTE: Section 5.23 (2) of the Local Government Act 1995 states:

“(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

...(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

(e) a matter that if disclosed, would reveal —

(i) a trade secret;

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; ...

...(h) such other matters as may be prescribed.”

8:28 pm Mayor advised that the meeting is closed to the public. Members of public and media representative left the room.

14.1.1 *Confidential Item: Minderoo Housing Proposal (File No.: ...)*

200809/365 Council Decision

Moved: Cr K A Howlett

Seconded: Cr G D Bussell

That Council suspends Standing Orders.

CARRIED 6/0

8:30 pm Mayor advised that Standing Orders are suspended.

8:30 pm Councillor Kelly A Howlett left the room.

8:33 pm Councillor Kelly A Howlett re-entered the room and assumed her chair.

8:33 pm Councillor Steve J Coates left the room.

8:35 pm Councillor Steve J Coates re-entered the room and assumed his chair.

200809/366 Council Decision

Moved: Cr G D Bussell

Seconded: Cr A A Gear

That Council resumes Standing Orders.

CARRIED 6/0

8:36 pm Mayor advised that Standing Orders are resumed.

200809/.. Council Decision/Officer's Recommendation

Moved: Cr G D Bussell

Seconded: Cr A A Gear

That Council advises Minderoo Pty Ltd that:

- 1) given the circumstances surrounding the purchase of land in Pretty Pool by Minderoo Pty Ltd, the Council strongly believes that any nett surpluses that are generated from the potential sale of Pretty Pool properties by Minderoo Pty Ltd should be allocated to community infrastructure projects within Port Hedland; and
- 2) the Town does not wish to purchase any of the Pretty Pool houses from Minderoo Pty Ltd.

LOST 3/3

NOTE: Mayor advised his casting vote.

LOST 3/4

200809/367 Council Decision

Moved: Cr A A Gear

Seconded: Cr J M Gillingham

That Council

- i) forms a Housing Working Group to enter into discussions with Minderoo Pty Ltd regarding a proposal to buy houses in Pretty Pool and subsequently on sell them and the nett surplus benefiting community infrastructure, with members nominated as follows:

Chief Executive Officer,
Mayor S R Martin
Councillor A A Carter
Councillor G D Bussell and
Councillor A A Gear; and

- ii) subject to a proposal being developed that is satisfactory to the Working Group and Minderoo, the Chief Executive Officer prepare a business plan in accordance with section 3.59 of the Local Government Act for the proposal.

CARRIED 4/2

14.1.2 *Confidential Item : Virgin Blue Australia: Request for Concessions (File No.: ...)*

200809/368 Council Decision

Moved: Cr A A Gear

Seconded: Cr J M Gillingham

That Council suspends Standing Orders.

CARRIED 6/0

8:56 pm Mayor advised Standing Orders are suspended.

200809/369 Council Decision

Moved: Cr K A Howlett

Seconded: Cr A A Gear

That Council resumes Standing Orders.

CARRIED 6/0

9:10 pm Mayor advised Standing Orders are resumed.

200809/370 Council Decision

Moved: Cr G D Bussell

Seconded: Cr A A Gear

That Council advises Virgin Blue Australia:

- i) that it reiterates its previous decision 200809/218 resolved at its Special Meeting held on 2 February 2009, to Virgin Blue Australia, as follows:

“1. Advises Virgin Blue Australia that it will provide the following revised incentives to secure Virgin Blues Airline Flights to Port Hedland International Airport:

- a) Fit out of a service desk at the Port Hedland International Airport, to a maximum value of \$40,000, and
- b) Support a 1st Flight function/Party to a maximum value \$2,000; and
- c) A 50% reduction for landing fees for the first three (3) months of Virgin Blue Australia operations at the Port Hedland International Airport, refunded after twelve (12) months of continuous operations, for the provision of one (1) daily flight to the Port Hedland International Airport; or

- d) A 50% reduction for landing fees for the first six (6) months of Virgin Blue Australia operations at the Port Hedland International Airport, refunded after twelve (12) months of continuous operations, for the provision of two (2) daily flights to the Port Hedland International Airport.
- 2. Approves the above incentives to be funded from the Airport Reserve; and**
- 3. Will make Virgin Blue Australia the Town of Port Hedland airline of choice for business Travel (assuming seats are available).”;**
- ii) the Town offers a discount of 100% to Virgin Blue Australia for the introduction of a new destination to/from Port Hedland International Airport for a period of two years, which does not currently exist; and
- iii) the Town requests Virgin Blue Australia to present to Council the incentives the company requires to ensure Virgin Blue Australia services enter the Port Hedland market.

CARRIED BY ABSOLUTE MAJORITY 6/0

200809/371 Council Decision

Moved: Cr A A Gear

Seconded: Cr J M Gillingham

That the meeting be opened to members of the public.

CARRIED 6/0

9:15 pm Members of the public and media were invited to re-enter the room. NOTE: There was only one (1) member of Town's staff in attendance from the public. There were no members of the media in attendance.

9.15 pm Mayor advised public of Council's decision.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

200809/372 Council Decision

Moved: Cr S J Coates

Seconded: Cr K A Howlett

That the following Applications for Leave of Absence:

- i) Councillor A A Gear from Monday 1 to Friday 12 June 2009, inclusive; and
- ii) Councillor J M Gillingham from Sunday 31 May to Thursday 4 June, inclusive;

be approved.

CARRIED 6/0

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 24 June 2009, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 9.15 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 24 June 2009.

CONFIRMATION:

MAYOR

DATE