



## TOWN OF PORT HEDLAND

### ORDINARY COUNCIL MEETING MINUTES

**WEDNESDAY 22 APRIL 2015 AT  
5:30PM**

**COUNCIL CHAMBERS, MCGREGOR  
STREET, PORT HEDLAND**

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**“A nationally significant, friendly city that people  
are proud to call home”**

*M.J. (Mal)  
Chief Executive Officer*



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**ITEM 1 OPENING OF MEETING**

The Mayor declared the meeting open at 5:34pm.

**ITEM 2 ACKNOWLEDGMENT OF TRADITIONAL OWNERS**

The Mayor acknowledged the traditional owners, the Kariyarra people.

**ITEM 3 RECORDING OF ATTENDANCE****3.1 Attendance***Elected Members*

Mayor Kelly Howlett  
Councillor Gloria Jacob  
Councillor George Daccache  
Councillor Jan Gillingham  
Councillor David Hooper  
Councillor Julie Hunt  
Councillor Lorraine Butson  
Councillor Troy Melville

*Officers*

Mal Osborne	Chief Executive Officer
Brendan Smith	Director Works and Services
Chris Linnell	Acting Director Community and Development Services
Peter Kocian	Manager Financial Services
Brett Reiss	Program Director Airport Redevelopment
Grace Waugh	Minute Taker/ Governance Officer

Public	14
Media	1
Town Officers	10

**3.2 Apologies**

Nil

**3.3 Approved Leave of Absence**

Nil

**ITEM 4 RESPONSE TO PREVIOUS QUESTIONS****4.1 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 25 February 2015****4.1.1 Councillor Gillingham**

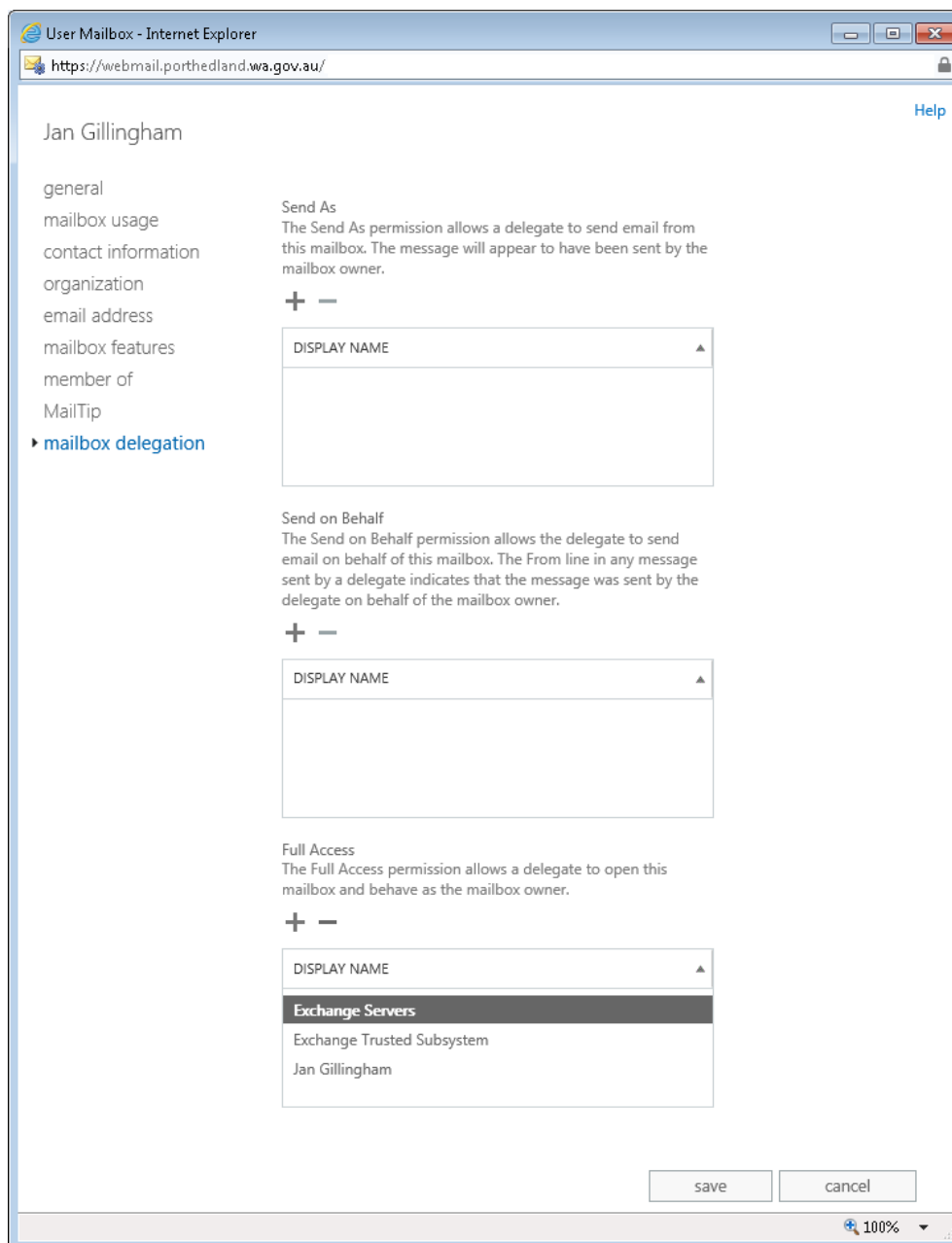
*Over the last 12 months I have had troubles with my Councillor emails and I have asked for an investigation to happen. My daughter who is an IT Specialist has assisted with putting these questions together. My questions relate to the IT presentation given to Elected Members by the Town's Manager Technology.*

*Can I please request all sent emails extracted from our exchange backups from 1<sup>st</sup> November 2014 to 25<sup>th</sup> February 2015?*

Acting Chief Executive Officer advised that an extract is available and can be provided electronically. If further clarification can be provided on the exact requirements relating to the Sent emails staff time in undertaking this task will be significantly reduced, as retrieving all sent email for the requested period involves significant time and expense.

*For my Councillor email address only extracted from the exchange backups. Can I please request a report on every account that has access to my Council mail account other than my own login, and what permissions they have?*

Acting Chief Executive Officer advised that the screen print below under 'Full Access' shows the persons that have access (open the mailbox and behave as the mailbox owner) to Cr Gillingham's ToPH Council mail account. To add or remove from this list can only be done by an Exchange Administrator with Domain Rights which only the Manager Technology and the other two ICT officers have. ICT staff cannot access Cr Gillingham's ToPH Council mail account without knowing the password.



*Can I please request an audit report of all connections to my exchange account at ToPH and from what IP addresses or computer names they were accessed from between 1<sup>st</sup> November 2014 to 25<sup>th</sup> February 2015 to do with my Councillor email address?*

Acting Chief Executive Officer advised that the Device authentication with user name and password details for connection to Cr Gillingham's account are as follows:-

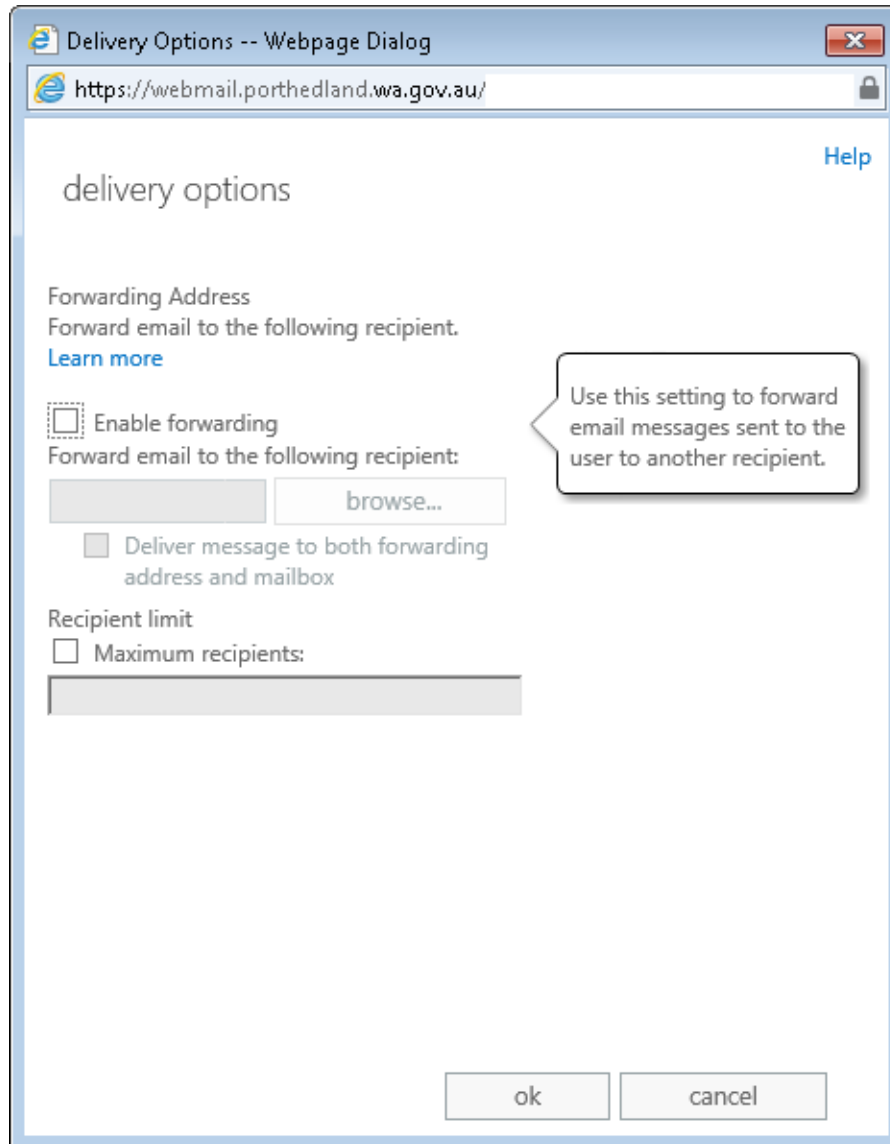
- Mobile devices history: AppIDLXM902YFK17, AppIF17L803NDTWH

The Town's systems are unable to identify to whom the 2 apple devices listed above belong. The Town's systems only show the number of attempts to login into Cr Gillingham's account. Access would only be successful with Cr Gillingham's username and password.



Please note that information regarding IP information is not available through the Town's systems. Exchange only gives the Town information regarding User ID and the device used.

The Mail flow screen print below shows that emails are only going to Cr Gillingham's ToPH Council email address and are not forwarded to any other email addresses.



The screen print below shows the results of a search for mailboxes accessed by non-owners i.e. persons other than Cr Gillingham. The results of the search show that no one other than Cr Gillingham have accessed Cr Gillingham's ToPH Council email account.

The screenshot shows a web browser window titled "Search for Mailboxes Accessed by Non-Owners - Internet Explorer" with the URL "https://webmail.porthedland.wa.gov.au/". The page content includes a search form with the following elements:

- Header: "search for mailboxes accessed by non-owners" with a "Help" link.
- Instructions: "Specify a date range and select the mailboxes to search for. Then select to search for non-owner access by anyone or by users inside or outside your organization. [Learn more](#)"
- \*Start date: 2014, November, 1
- \*End date: 2015, March, 3
- Search criteria: "Search these mailboxes or leave blank to find all mailboxes accessed by non-owners:" with a text input containing "Jan Gillingham" and a "select mailboxes..." button.
- Search for access by: "All non-owners" (dropdown menu)
- Buttons: "search" (blue) and "clear"
- Search results table:
 

Mailbox	LAST ACCESSED:
There are no items to show in this view.	
- Buttons: "close" (bottom right)
- Footer: "100%" zoom level

*I am hoping the following questions will lead up to an internal investigation of IT. There was a presentation by the Manager Technology on Microsoft backup and security for incoming security only. Clint Boessen was mentioned, is he based in Australia or off shore?*

Acting Chief Executive Officer advised that Clint Boessen is based in Perth, Western Australia.

*Does the IT Department do any outsourcing to other companies called JH Computers, AvanteGarde Technologies and 4 LOGIC?*

Acting Chief Executive Officer advised in the affirmative. JH Computers and AvanteGarde Technologies have been used in 2014/15 while the Town has not used 4 LOGIC since 2012.

*If so, what is the cost of out sourcing for IT in 2014/15 to present day to these or any other IT companies?*

Acting Chief Executive Officer advised that the Town has 71 external contractors that assist with IT functions from time to time (list supplied to all elected members). The total cost of outsourcing IT functions in 2014/15 year to date, is \$802,478. A break up of this amount is provided in the table below.

Business Name	14/15 Value Invoiced	Function	Office Location
4 LOGIC	\$0	Microsoft integration services	Perth, WA
Broadcast Australia Pty	\$2,077	JJJ + ABC CLASSIC FM	Perth, WA
Market Creations	\$3,683	ToPH Website   Marketing	Geraldton, WA
Call Associates Pty	\$7,674	After Hours Call Centre	Perth, WA
IT Vision	\$28,778	Financial Software – Annual License Fee	Perth, WA
Assetic Australia Pty Ltd	\$29,150	Asset Management Software – Annual License Fee	Melbourne, Vic
Downer Security & Network Services	\$30,359	Electrical   Security Contractor	Perth, WA
Avantgarde	\$53,669	Microsoft integration services	Perth, WA
Scope business Imaging	\$84,428	Printer Supplier [Konica Minolta]	Port Hedland, WA
JH Computers	\$101,728	Hardware Supplier [Acer] - Purchase of hardware	Perth, WA
Telstra Business WA	\$135,978	Telstra landlines + mobile + broadband + ISDN services	Perth, WA
Comscentre Pty Ltd	\$157,181	ISP Communication Provider	Perth, WA
Designa Sabar Pty Ltd	\$167,773	Airport Carpark Hardware Supplier [Insurance claim] *	Beverley, SA

\*Approximately \$100,000 is one off expenditure incurred due to an incident in the airport car park. The funds were recovered through an insurance claim.

*What functions are out sourced to third party vendors from internal operational duties or the skillset which is obtained through such agreements?*

Acting Chief Executive Officer advised that the Town accesses services from a number of external suppliers in the following areas:-

- Software purchases & licensing
- Hardware purchases & maintenance
- Data cabling
- Electrical Work
- Security
- Specialist Airport IT functions
- Carpark operations
- Frequency allocators

- Website development
- Afterhours call centre
- Working at heights
- GIS Suppliers [landgate]
- Microsoft Migration Services
- Licencing services [Microsoft]
- Printing
- Irrigation
- Financial
- Network & Telephony
- Mobile Phones & Landline telecommunications

*Are there written agreements on these services? And what are the SLA (service delivery to agreements) in place?*

Acting Chief Executive Officer advised in the affirmative. There are written agreements for these services. Different agreements attract different SLAs. Examples for three such SLAs are set out in the tables below. The remaining 68 suppliers have SLAs and more information on a particular SLA can be provided upon request by elected members.

Company name	SLA
IT Vision	Priority 1: 2 hours Priority 2: 4 hours Priority 3: 8 hours Priority 4: 16 hours Support Team is available: business hours
Scope Business Solutions	Guaranteed 2hr average response time – technician onsite
Comscentre Pty Ltd	Please see below

Priority	Type	Use	Response SLA*	Resolution SLA*
1	Incident/ Fault	Highest Priority – Entire site(s) and all users are effected and no work around. Examples - ISR down, ISDN services down, voice network down, all phones unusable	1 Hour	4 Hours
2	Incident/Fault	Partial system / site down, part of the system is not working or is severely degraded. Examples – Some handsets are down, some lines are down, incident effecting part of the business only	2 Hours	8 Hours

3	Incident/Fault	Operational performance of the service is impaired, while most business operations remain functional. Examples – a feature of the system is not functioning such as transferring calls, voicemail or hunt groups.	8 Hours	24 Hours
4	Change	Change request priority for customers that have a 24x7x4 maintenance coverage or above	None	8 Business Hours
5	Change	Change request priority for all other customers (majority)	None	16 Business Hours
6	Add ons / Installations / Relocations	For Add ons, installations or relocations only.		

*What contractual agreements are in place to protect the confidentiality of our emails and account information (councillors and staff and the Town in general)?*

Acting Chief Executive Officer advised that the agreements in place are:-

- WA Local Government Association (WALGA) agreement
- WA Government Common Use Agreement
- Intellectual Property Rights Agreement
- Confidentiality Agreements with contractors/service providers
- Conditions of Computer Use Agreement
- Compliance with legislation Agreement - WALGA

*What parts of our network including data storage are available to any out sourced support?*

Business Name	Access
4 LOGIC	No internal access
Broadcast Australia Pty	No internal access
Market Creations	No internal access
Call Associates Pty	No internal access
IT Vision	Synergy Soft Application Server
Assetic Australia Pty Ltd	Asset Database Server
Downer Security & Network Services	CCTV Network
Avantgarde	Exchange 2013 Server [server access level only]
Scope business Imaging	No internal access
JH Computers	No internal access
Telstra Business WA	No internal access   external access to landlines and mobile service
Comscentre Pty Ltd	ISO layers Routers, switches

Designa Sabar Pty Ltd	Carpark Application Server
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*What is the current cost of IT source payments against the internal staff cost to duties (including what is the skill sets that we are buying in if we already have 4 staff and a Manager Technology employed by the Town)?*

Acting Chief Executive Officer advised that the cost of IT source payments is \$802,478 as mentioned in one of the questions above.

The cost of employing 1 Manager, 2 IT officers and 1 IT Trainee officer is \$384,400 plus overheads such as superannuation, vehicles and Town housing. Please note that the IT Trainee Officer position is currently vacant.

All the IT functions outsourced are highly technical in nature that require specialist staff which the Town does not have. To recruit these specialist staff (if available) would be very expensive and not best value for money. The Town is continually reviewing its outsourced IT functions for efficiency and to determine which functions it can undertake internally.

The Town is very fortunate to have an exceptionally skilled IT team which have the following skill sets:-

- MGR ICT certifications
- ITIL v3 Foundation Certificate in IT Service Project Management
- MCSA Microsoft Certified Systems Administrator 2003
- MCSE Microsoft Certified Science Engineer 2003
- HCA Hitachi Certified Administrator
- CompTIA A+ Certification (software / hardware)
- CCNP Cisco Certified Network Professional
- CCNA Cisco Certified Network Associate

*Questions regarding the security of internal computer functions.*

*What procedures are in place and where are these policies in the governance of duties and escalations of authorities?*

Acting Chief Executive Officer advised that the Town currently has the following policies in place (copies provided to all elected members):-

- Conditions of Computer Use Agreement
- Code of Conduct
- Confidentiality Agreement

Paragraph 7 of the employee code of conduct details employee's responsibilities regarding computer and internet usage.

*Where are the operation policies on securing the internal computers and data security with access levels and authorisations allowing this to happen, according to the Local Government Authority Information Computer Technologies Framework (LGA ICT)?*

Acting Chief Executive Officer advised that every time employees logon to Council's system they must accept the terms and conditions of the Town's computer use policy prior to getting access. This comes up on screen during logon. Also refer to answers in question 14 below.

The Town will review its current ICT strategy to align with the LGA ICT strategic framework.

*What measures are in place to secure Internal Data from unwarranted eyes within our Council and Offices?*

Acting Chief Executive Officer advised that a combination of the following measures are in place to keep the Town's Internal Data secure.

- User authentication to a network or computer [valid password + user id] – mandatory change of password every 6 months
- Group membership [file access restriction] – specific groups of staff have access to only information they require for their work
- Group Policy Security enforcement – refer below to ToPH policies implemented
- Interactive logon: Machine inactivity limit – 1. Screen locks after 20 minutes of inactivity, 2. After 14 days of inactivity computer is disabled.

TOPH security policies implemented:-

- Password Policy - These policies determine settings for passwords, such as enforcement and lifetimes. Password policies are used for domain accounts.
- Account Lockout Policy - These policies determine the conditions and length of time that an account will be locked out of the system. Account lockout policies are used for domain or local user accounts.
- Kerberos Policy - These policies are used for domain user accounts; they determine Kerberos-related settings, such as ticket lifetimes and enforcement.
- Audit Policy - TOPH Specified security settings that control the logging of security events into the Security log on the computer, and specifies what types of security events to log (success, failure, or both).
- Security Options - TOPH Specified security settings for the computer, such as Administrator and Guest Account names; access to floppy disk drives and CD-ROM drives; installation of drivers; logon prompts; and so on.
- Windows Firewall with Advanced Security - TOPH Specified settings to protect the computers on your network by using a stateful firewall that allows you to determine which network traffic is permitted to pass between your computer and the network.
- Network List Manager Policies - TOPH Specified settings that TOPH used to configure different aspects of how networks are listed and displayed on one computer or on many computers.

- Public Key Policies - TOPH Specified settings to control Encrypting File System, Data Protection, and BitLocker Drive Encryption in addition to certain certificate paths and services settings.
- Software Restriction Policies - TOPH Specified settings to identify software and to control its ability to run on TOPH Specified local computer, organizational unit, domain, or site.
- Application Control Policies - TOPH Specified settings to control which users or groups can run particular applications in your organization based on unique identities of files.
- IP Security Policies on Local Computer - TOPH Specified settings to ensure private, secure communications over IP networks through the use of cryptographic security services. IPsec establishes trust and security from a source IP address to a destination IP address.
- Advanced Audit Policy Configuration - TOPH Specified settings that control the logging of security events into the Security log on the computer. The settings under Advanced Audit Policy Configuration provide finer control over which activities to monitor as opposed to the Audit Policy settings under Local Policies.

*How is the data and security deployed to secure the data from (Users, Managers and Executives)?*

Acting Chief Executive Officer advised that the answers are provided in the response to the previous question.

*My last questions are relating to Local Government ICT Framework. The Town signed up to the LGA ICT framework to be adopted and implemented with the policies and procedure throughout ToPH ICT, this was in a council recorded agenda item and minutes and had an 18 month implementation plan, there are attachments on ToPH website for agenda item 11.4.2.1 December 2012. Would the agenda still be available to read as I was unable to locate the agenda item?*

Acting Chief Executive Officer advised that the agenda item (report and Council resolution) have been provided to all Elected Members.

*Can we have a copy of the policies and procedures against the full scope of the Local Government Framework for ICT at the Town?*

Acting Chief Executive Officer advised that the two documents listed below are available electronically and can be provided upon request.

- ICT Strategic Plan 2012 - 2017 v14
- ICT Implementation Plan 2012 - 2017 v05

*At what stage are the policies and procedures implemented to regarding deployment dates, policy sign off by executive and endorsed by Council?*



Acting Chief Executive Officer advised that Council endorsed in December 2012, the two documents listed in the response to the question above.

**4.2 Questions from Public at Ordinary Council Meeting held on Wednesday 25 March 2015**

Nil

**4.3 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 25 March 2015**

Nil

**ITEM 5 PUBLIC TIME**

*Important note:*

*'This meeting is being recorded on audio tape as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is also reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the presiding member to do so.'*

Mayor opened Public Question Time at 5:35pm.

**5.1 Public Question Time**

**5.1.1 Mr Camilo Blanco**

*These questions are in relation to item 12.3.2 'Updates to the Town of Port Hedland 2014/15 Delegation Register'. Who currently has delegation to sign planning approvals?*

Chief Executive Officer advised that it depends on the type of application as there are a range of delegations in the planning area.

Mayor advised that this question is taken on notice.

*Does the Town not know who has delegated authority to sign planning approvals?*

Chief Executive Officer advised that there are many Town officers that have delegated authority but not all delegated authorities are the same.

Mayor asked whether there is a particular part of planning that Mr Blanco would like to know about.

*Who has delegated authority for planning approvals on buildings?*

Chief Executive Officer advised that not all Town officers have the same delegations. Some staff may have delegation for class 1 buildings or class 1 to 10. It depends on what the delegation is.

*My understanding of delegated authority on planning is that the Manager of Planning and the Director of Planning have authority, is that correct?*

Mayor Howlett clarified which planning delegations Mr Blanco was talking about.

*Just planning in general.*

Mayor advised that the current delegation for planning and development for a subdivision is the Director of Community and Development Services and the Manager of Development Services.

*It was advised at the March Ordinary Council Meeting that the Acting Director Community and Development Services does not have the delegated authority to approve planning or for planning approvals? Is that correct?*

Chief Executive Officer advised in the affirmative.

*With no Manager or Director available to sign approvals how are planning approvals being issued at Town of Port Hedland?*

Chief Executive Officer advised that approvals have been referred to Council and some signed off by Town officers with authority or by the Chief Executive Officer.

*How is the Chief Executive Officer able to sign approvals when Council has not approved the delegation?*

Chief Executive Officer advised that it depends on what the delegation is as it is more complicated than a simple delegation. Chief Executive Officer advised that Mr Blanco can have a meeting with to discuss all delegations for all staff.

*If the Acting Director Community and Development Services is not able to sign off on approvals, where is the current Director of Planning?*

Chief Executive Officer advised that the current Director Community and Development Services has been on extended leave.

*For over two months?*

Chief Executive Officer advised that the current Director Community and Development Services is on extended leave.

*So is the Director Community and Development Services coming back?*

Chief Executive Officer advised that this question will not be answered.

Mayor asked whether Mr Blanco has any further questions.

*There is a capable Director Community and Development Services who has gone 'walkabout' and the Town has put an Acting Director Community and Development Services in place that can't approve planning.*

Chief Executive Officer advised in the affirmative.

*Who is paying for this?*

Chief Executive Officer advised that the Acting Director Community and Development Services has been put in place on a short term assignment.

*Does the Acting Director Community and Development Services have a planning background?*

Chief Executive Officer advised in the negative.

*So the Town has put a Director Planning in planning that has no planning background?*

Mayor advised that the directorate is no longer just planning services, it is community and development services. There are Town officers that are qualified and experienced that are in the planning area.

*Is Council happy to pay an Acting Director Community and Development Services a huge amount of money when there is a capable Director that's gone walkabout? This is costing the Town a lot of money, obviously the Town is not going to tell me how much that is. Elected Members are allowing this to happen, are the Elected Members happy for that to happen?*

Mayor advised in the affirmative as it ensures the Town is being efficient.

*That is definitely not efficient.*

Mayor advised that Town officers are often away for various reasons so the Town must ensure that work and business continues in a timely manner.

### **5.1.2 Ms Mary Attwood**

*Is the Town aware that late last year a number of families were added to the Kariyarra claim? This complicates the planning and impacts the rezoning of Redbank as my family was not involved in the negotiations with the Town. It is likely that there will be problems as the case is set to go to court at the end of the year. The Town should be cautious about the agreements it makes with individuals. Redbank is very important and has a number of heritage sites. We need to protect our rights as a family and need to ensure our heritage is protected. I oppose the rezoning of the Redbank area on the basis that my family wasn't involved in the agreement.*

Mayor advised that the Town is aware of the pending decision of the Federal Court.

*What action is the Town taking? If the Town goes ahead with this rezoning it is taking away the access to the traditional owners and could be destroying heritage sites.*

Mayor advised that the Town takes on Ms Attwood's concerns. Item 12.1.1 'Request for Support for Local Planning Scheme Amendment – Redbank Locality' is seeking in principle support only. There is still more consultation and processes that need to happen, in particular native title, heritage and cultural consideration.

*As a family group we have never been involved in the Town's agreement with a certain group and we want access to it. If not we will get legal advice on it.*

Mayor advised that the Attwood family should get legal advice on the situation as the Town can only deal with the people who have been recognised as traditional owners. Once the Federal Court determination has been handed down then it will direct the Town on who needs to be consulted. Legally the Town has no other option.

*My family has been recognised and there are another four families. The Town should be cautious about only a small group of people making decisions about Port Hedland.*

### 5.1.3 Ms Patricia Mason

*Why is the rezoning in Redbank looking at another industrial business area when there is already Wedgefield and Boodarie?*

Chief Executive Officer advised that the Growth Plan identifies the Redbank area as a future port servicing area. The applicant has been speaking with a number of landowners in the area and is now seeking in principle support from Council to transfer what is now rural residential to light industrial. It is a transition to port industry at some stage in the future.

*In 2010 I was working at a company in Redbank and at that time we were not allowed machinery as it was not an industrial area, it was rural residential. Now that the company is going into liquidation the area may be turned into an industrial area.*

Mayor advised that the request is just a proposal that has been put forward for consideration by Council.

*Why is the Town not looking at the importance of recreation areas in and around Port Hedland for salt water hunting purposes? All the creeks for fishing and hunting have been taken away for the mining companies.*

Mayor advised that coastal access is a top priority for the Town.

*Fishing areas are limited and mining companies say that the creeks will be open for access, however they never are.*

Mayor advised that the Town will take Ms Mason's comments on board and will continue to work on prioritisation of increasing access to coastal areas for the community.

#### 5.1.4 Mr Paul Martin

*If a Town officer is not qualified in town planning matters and he/she make a mistake that results in litigation, does the Town have a plan for when the matter goes to the State Administrative Tribunal?*

Chief Executive Officer advised that if an applicant is aggrieved by a decision made by the Town or Council it is appealable to the State Administrative Tribunal (SAT). If a decision is made which is an incorrect decision and advice is enacted upon by the applicant then the applicant does have civil action available to them to seek redress from the Town of Port Hedland.

*Would this cover costs to Perth, video conferences, the mediation process and the hearing should it go to the hearing stage?*

Chief Executive Officer advised in the negative. The applicant can seek redress. The timeframe is 28 days from the decision for the applicant to lodge an appeal to the SAT. The applicant can then lodge their documentation which may head towards mediation.

*I know the procedure however I'm concerned of the costing.*

Chief Executive Officer advised that each party would bear their own costs however SAT may award costs to one party.

*If the decision was based on inaccurate information of someone who didn't have the knowledge to sign off on the application would it cost the Town of Port Hedland money?*

Chief Executive Officer advised that, without being aware of the circumstances Mr Martin is referring to, as a general rule SAT have the power to award costs to a party.

*Does the Town have that provision in the budget to cover these costs?*

Chief Executive Officer advised in the affirmative. The Town does have provision for legal costs.

Mayor advised that the Town doesn't have people that aren't qualified to sign off on particular things. We always make sure we have the appropriately qualified people signing off on the appropriate documentation.

Mayor closed Public Question Time at 5:54pm.

Mayor opened Public Statement Time at 5:55pm.

## 5.2 Public Statement Time

### 5.2.1 Ms Louise Newbery-Starling

Ms Newbery-Starling gave a statement in relation to item 12.1.1 'Request for Support for Local Planning Scheme Amendment – Redbank Locality'.

1. This Council has never before provided "in principle" support for a scheme amendment.

This is setting a potentially dangerous precedent whereby consultants approach Council to provide in principle support for scheme amendments that may or may not have justifications or be realistic. I did not think the Council was in the business of doing private consultants work for them. Even if Council were to consider something for "in principle" support it still needs to base its decision on some level of documentation. Council's decision needs to be justified on something even preliminary studies that address some of the critical issues.

#### 2. Growth Plan

As identified in the report this is the Town's local planning strategy. This strategy is intended to be Council's vision on how to manage growth over the next 20 years+. Whilst the Town Planning Regulations allow for amendments to a local planning strategy, this is not intended to be undertaken light heartedly. The local planning strategy should not be treated like a planning scheme and be subject to spot rezoning and amendments on a regular basis. The Growth Plan went through considerable public consultation with relevant state agencies and key stakeholders. The plan was endorsed by Western Australian Planning Commission. This comprehensive process should not be undermined by regular rezoning that are inconsistent with the Council's primary land use planning strategy. Further, the Growth Plan identifies considerable current and future industrial land growth at Wedgefield and at Kingsford Smith Business Park. The plan looks to consolidate this land use, in particular the localities. To ensure that the vision for the Town is maintained these sites should be developed first before identifying further alternate sites to be considered. We can all see that Kingsford Smith Business Park is not fully sold, first division for Landcorp's Wedgefield is not sold, and there are an abundance of properties for sale or for lease in the Wedgefield area. The proposal is inconsistent with the Growth Plan vision and does not warrant amending the Town's strategic vision.

### 3. Intersection Roche and Wilson Street

The report identifies this as an issue that needs to be addressed. Main Roads are the critical agency. Scheme amendment on Bell Street for zoning of industrial land. This plan is on hold due to receiving an objection from Main Roads regarding the intersection treatment at the intersection of Bell Street and the Highway. This scheme amendment is on hold until Main Roads determine their future alignment and design detail for the highway. This will be the exact same situation for the Redbank Road Intersection treatment. Council and the proponents will have to wait for Main Roads to determine the future alignment and detailed design of Wilson St and how Redbank is to be integrated into the final design. We also know that there is a design for a future bridge, though will this still exist now that the down turn is here and that the state government is 2 billion in debt? There is no need in wasting resident's monies and Council's resources until this matter is resolved. At an absolute minimum this issue needs to be addressed and resolved before Council considers any future rezoning and development of Redbank.

### 4. False hope and a costly exercise

Providing "in principle" support may be providing residents with false hope that their land may be rezoned in the short term or if at all. The "in principle" support is simply giving the private consultant, RFF Australia, the ability to go back to residents and seek further funds to undertake the necessary planning, engineering and technical reports that would generally be lodged with Council at the commencement of the scheme amendment phase. Creating false hope for residents and giving the ability for consultants to seek funding from Redbank residents is unscrupulous.

I will repeat there is no need to waste resident's monies and Council's resources until the Main Roads issue is resolved.

### 5. Supply /Demand

The Council report is absent from an economic perspective. It doesn't mention the already existing light industrial areas at Wedgefield and Kingsford Smith Business Park. What impact is this going to have on these developments by diluting this market at this time? Given the current economic environment, does the town really need additional light industrial land? How can Council consider supporting further industrial land without an economic analysis or any other documents/studies to justify the proposal?

## 6. Port Authority

Port Authority has been mentioned more than seven times in this proposal. They state the words sensitive land, wider use, improve planning of access, limit of potential use conflict and use of laydown area. At this point all this states is that the Port Authority is "riding the back of the sheep". This means that there is no sensitive land or limit of use to their land, there is only one thing that there interested in is the road that goes through. This to me explains that they are only interested in the State Government paying for the improvements to be done to Wilson Street so it doesn't hurt their back pocket. The State Government is broke, why should the state pay for any of this when Port Authority is quite able to put in their own access. As we saw last year the Town paid \$100,000 to fix Redbank road which Port Authority's tenant that rent the laydown area chewed up.

I believe that this proposal is full of nothing. It has no core of information to be able to even consider and until the state and the divisions of departments look to the benefits, if any, and the financial repercussions to the State Government since the economic slowdown that this "in principle" proposal be white washed.

### 5.2.2 Ms Mary Attwood

Ms Attwood supports the statement by Ms Newbery. There are already two industrial areas in town. The Town's planning is a mess. There have been problems with the planning at Bosna where people were prosecuted because they had trucks in their yards. There are so many buildings up for sale and lease in Wedgefield so why spend more money when there is already adequate land and infrastructure to establish businesses in? I'm concerned that the environment is being destroyed. The mangroves are a heritage area which are being destroyed. Access for fishing and hunting in the mangroves is being blocked. Hunting is what we survived on as kids as we could not go to the shops to buy food. The Town is not consulting with the real local people and the Community Consultations are a waste of money. The Town will end up like the State Government, in debt. If the Town continues spending ratepayer's money then it is going to be broke. The Town needs to consult with the community more which should not be knee jerk reactions. People buy houses because of the current zoning is what they wanted. Council shouldn't have the option of changing it at this table when there are other people who might have an opposition to it. Has the Supreme Court decision about heritage been considered? If sites are destroyed we have the option of seeking compensation.



### 5.2.3 Ms Patricia Mason

There needs to be a community meeting to discuss all matters with the Council as Council is failing us. It sounds like we don't have a right to object or make decisions about where we are going to live or how we are going to live. All the zonings are getting changed for the importance of the future development of the Port Authority. There is going to be more flooding. If we keep tearing up and destroying the ecosystem where is the water going to run? Our houses will be like New South Wales soon and will be floating down the road because no one is looking out for the future as all they are looking at is the dollar. We need to stop and have a proper meeting so the community can say enough is enough.

Mayor closed Public Statement Time at 6:10pm.

## ITEM 6 QUESTIONS FROM MEMBERS WITHOUT NOTICE

### 6.1 Councillor Jacob

*With the rain for the past three to four days there are a lot of pot holes across a number of roads. Is there a strategy or plan to have them repaired?*

Chief Executive Officer advised that the Works and Services teams have been out there in the past two days looking at areas that are flooding and checking roads for pot holes.

*Is there a priority for main traffic roads like Forrest Circle?*

Director Works and Services advised that the priorities are based by traffic loads.

*Is something being done at the staff parking at the Airport that flooded as some staff could not get their vehicles out?*

Chief Executive Officer advised that he has been advised however Town officers would be addressing this if there is a blockage.

Mayor advised that she has photos which she will pass on to Town officers.

### 6.2 Councillor Gillingham

*Who is responsible for the mangroves that have died on the side of the roads on one side of Redbank Bridge?*

Mayor advised that it is Main Roads' responsibility and they are looking into it.

*The broken roundabout in Pretty Pool has been raised a number of times however hasn't been fixed. When is this going to happen?*

Chief Executive Officer advised that design work has been done on replacing the actual roundabout, along with concreting the next circle in and putting in semi-mountable kerbing to make it a safer passage. The commencement of works will be taken on notice.

*In relation to the answers provided on page 11 of this agenda, the spending with JH Computers, Telstra Business WA and Comcentre Pty Ltd were over \$100,000. Would these costs have been dealt with as part of delegated authority which I believe at the time was only up to \$100,000?*

Mayor advised that the \$100,000 for Designa Sabar Pty Ltd was recovered through a security claim.

Chief Executive Officer advised that Telstra Business is all the phone lines and data lines that are purchased through a contract with Western Australian Local Government Association (WALGA) which is a panel contract. Comcentre Pty Ltd is also through a panel contract with WALGA for the Town's call centre. Designa Sabar Pty Ltd was for the Airport paid parking machines which was through an insurance claim.

*What about JH Computers for the purchasing of hardware?*

Chief Executive Officer advised that JH Computers is a panel contract through WALGA for the purchase of computers.

Manager Technology advised that JH Computers is also on the Common User Agreement Panel through the State Government and WALGA.

*As it was over \$100,000 would the costs have been dealt with through delegated authority or through Council?*

Chief Executive Officer advised that it depends on which years the contracts were entered into as some may have been through delegated authority and some may have been through the tender process where Council authorised the amount through the budget and the Town used the panel contracts through WALGA and the State Government.

*Can we find out whether the contracts have gone through the correct process for spending over \$100,000?*

Mayor advised that the Chief Executive Officer advised that the contract have been through the correct processes.

*My following questions relate to an email I received from Mr. Sid Jain, Director Corporate Services, regarding explanations of the process of the recovery of my ToPH Councillor sent emails on 6 April 2015.*

*When were councillors going to be notified that the new migration process to the new Microsoft exchange server was to take place?*

Mayor advised that she believes Elected Members were notified at the time.

Chief Executive Officer advised that it is an operational matter and would have been dealt with at the time. This question is taken on notice.

*My Councillor mailbox was migrated at 2:00pm on 8 December 2014. As this was prior to the date of the actual migration, were the following steps take. When were all the Councillors and staff notified that this was occurring?*

*How were everyone's mobiles and laptops etc, then configured to have the same name as the previous system if the change was made as the IT Department has stated?*

*In regards to the migration from Microsoft 2010 to 2013, when was the actual migration of the Microsoft upgrades completed? Mr Jain's email stated that seven days from the completed actions the Microsoft 2010 was switched off, which date/dates did this occur? Who completed the work? As the email mentioned that it was done over the weekend, which weekend was the final cut-over completed? How was it verified that everything with the new Microsoft programs worked without errors? How did the IT Department notify everyone regarding the errors of email box migrations?*

*When staff and outsourced contractor/s were satisfied that Microsoft 2013 was operating and set up as required and the migration from 2010 to 2013 had commenced migrating all mail boxes, why were councillors and staff not notified, as I have not received any pre emails or post emails to this affect as stated above? (Ie. I did not get an email to notify me to restart my Outlook.)*

*Given that our IT Department maintains our IT systems, and if no errors were generated, then why is it the IT Department cannot provide me with the lost sent emails requested as this was prior to the migration date?*

*Why would I as a councillor need to pay independently approximately \$14,000 to have work undertaken to track down lost 'sent' emails from my ToPH Councillor 'sent' email box? Is this not the care and responsibility of the ICT Manager and IT staff at ToPH?*

Mayor advised that all of the questions are taken on notice.

### **6.3 Councillor Hunt**

*Following the media release about Finbar taking over the hospital site in Port Hedland, when will the hospital be removed? How long does the community have to wait?*

Mayor advised that this question is taken on notice. Development approvals will now need to be sought and next steps will be presales. This question can be directed to Finbar.

*My concern is that if presales take years will the hospital sit there for years as well?*

Mayor advised that there are timeframes on this as planning approvals have timeframes. This question is taken on notice and will be raised with Finbar.

Chief Executive Officer advised that Finbar have advised the Town that they will be coming to Port Hedland in late May and we can ask the questions to them directly.

**6.4 Councillor Butson**

*I have questions in relation to the Audit & Finance Committee. At the Audit & Finance Committee meeting on 18 February 2015 there was a proposed deficit from YMCA which was an increase of \$540,000. Has the YMCA been successful in its proposed reduction in the expenditure?*

Chief Executive Officer advised that the Audit & Finance Committee met today and discussed the report included in its agenda. Across the three facilities that the YMCA manage for the Town there has been a worsening by a small amount of that position at the end of the third quarter, being March 2015. The committee today have requested urgent action advice from YMCA as to how they are going to deal with their deficit position between now and close of the 2014/15 financial year and how their budget is going to be structured for the 2015/16 financial year. The CEO has been asked to look at a risk assessment for potential deficits on that project.

*On page 63 of the Minutes of the Audit & Finance Committee Meeting held on 18 February 2015 it is noted that there is a separate fee of \$50,000 for Marquee Park. Is this going to be a continual operating cost?*

Chief Executive Officer advised that it was a negotiated figure for the annual maintenance of the water filter equipment. YMCA do not manage the whole park they only manage the water quality as it is still classed as a public water facility. It is an ongoing cost however there is still a finite term with the YMCA. Council will determine at the conclusion of the current agreement whether YMCA or another body takes on that work at Marquee Park.

*On page 82 of the Minutes of the Audit & Finance Committee Meeting is the \$4.726 million for the new loan borrowings for the solar farm going to be transferred from the Airport Reserve or is it going to be retained in a separate account?*

Manager Financial Services advised that the Town is yet to receive the final funding agreement from ARENA which talks about how the loan funds are to be administered. The reading of the draft agreement was for the loan funds to be placed in a separate bank account. Any payments for the contract or construction will be made out of that account.

*Does the Town know whether the Hedland Play and Learn centre will be shifting to the new area or remain at the current TAFE site?*

Mayor advised that she believes they are remaining at the current site and new signage has just been installed.

Chief Executive Officer advised that the Town has not received any further information other than what has already been presented to Council. Part of the South Hedland Tennis and Bowling Club Site was reserved for that purpose but at this stage there is no capital funding to undertake a relocation.

*Will the \$11,000 that is paid to the Town of Bassendean on page 10 of attachment 2 to Item 'Statement of Financial Activity for the period ended 28 February 2015' be ongoing for leasing offices in Perth?*

Chief Executive Officer advised that the Town currently has two staff based in Perth in Bassendean and will continue whilst those staff are based there.

#### **6.5 Councillor Melville**

*Is there an update on the baggage conveyor at the Port Hedland International Airport?*

Program Director Airport Redevelopment advised that the Town has been in contact with Glide Path, the service provider, who will be making a proposal on a way forward. Glide Path's IT specialist is coming to Port Hedland and will review the operation of the belt and window system and make adjustments as required.

*Is there a timeframe as to when it will be fixed?*

Program Director Airport Redevelopment advised that a proposal is expected to be received by the end of April from Glide Path so a contract can be awarded to them. A program for further improvements is currently being developed as they involve commercial negotiations to free up space.

### **ITEM 7 DECLARATIONS OF ALL MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER BEFORE THE MEETING**

Mayor Howlett	Councillor Hooper
Councillor Jacob	Councillor Hunt
Councillor Daccache	Councillor Butson
Councillor Gillingham	Councillor Melville

Councillor Hooper advised that he had not read attachments 1 or 2 to Item 12.3.1 'Statement of Financial Activity for the period ended 28 February 2015'.

### **ITEM 8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

#### **8.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 25 March 2015**

#### **RECOMMENDATION**

**That Council confirm that the Minutes of the Ordinary Meeting of Council held on Wednesday 25 March 2015 are a true and correct record with the following amendment:**

- 1. On page 32 of the Minutes under item 12.1.3 'Proposed Final Adoption of Scheme Amendment No. 73 to the Town of Port Hedland Town Planning Scheme No. 5 on Lot 5991 Cottier Drive South Hedland' the reference to 'Scheme Amendment 68' be changed to 'Scheme Amendment 72'.**

2. On page 34 of the Minutes under item 12.1.3 'Proposed Final Adoption of Scheme Amendment No. 73 to the Town of Port Hedland Town Planning Scheme No. 5 on Lot 5991 Cottier Drive South Hedland' the advertising dates change from '16 April 2014 to 4 June 2014' to '5 November 2014 to 17 December 2014'.

**201415/221 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR DACCACHE****SECONDED: CR JACOB**

That Council confirm that the Minutes of the Ordinary Meeting of Council held on Wednesday 25 March 2015 are a true and correct record with the following amendment:

1. On page 32 of the Minutes under item 12.1.3 'Proposed Final Adoption of Scheme Amendment No. 73 to the Town of Port Hedland Town Planning Scheme No. 5 on Lot 5991 Cottier Drive South Hedland' the reference to 'Scheme Amendment 68' be changed to 'Scheme Amendment 73'.
2. On page 33 of the Minutes under item 12.1.3 'Proposed Final Adoption of Scheme Amendment No. 73 to the Town of Port Hedland Town Planning Scheme No. 5 on Lot 5991 Cottier Drive South Hedland' the advertising dates change from '16 April 2014 to 4 June 2014' to '5 November 2014 to 17 December 2014'.
3. On page 118 of the Minutes the reference to discuss 'the Finance Unlimited Proposal' be changed to 'other local government policy examples'.
4. On page 167 of the Minutes the reference to discuss 'the Finance Unlimited Proposal' be changed to 'read the amended recommendation for item 13.1 Pilbara Enterprise Zone'.

**CARRIED 8/0****ITEM 9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Mayor Activity Report for the March/ April 2015 period to date is as follows:

*March 2015*

Wednesday, 11<sup>th</sup> March

- Volunteered As A Town Ambassador For Celebrity Solstice Visit

Thursday, 12<sup>th</sup> March

- Attended Elected Member Records Training
- Officiated Special Citizenship Ceremony

Friday, 13<sup>th</sup> March

- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Attended FORM Courthouse Gallery Art Exhibition Opening

Saturday, 14<sup>th</sup> March

- Attended West End Markets

Monday, 16<sup>th</sup> March

- Meeting Principal Port Hedland School Of The Air (Michael Jennings)
- Meeting Principal Hedland Senior High School (John Burke)
- Attended ANZAC Commemorative penny Coin Presentation With RSL – Port Hedland At Hedland Senior High School

Tuesday, 17<sup>th</sup> March

- Weekly Spirit Radio (1026am) Mayor Chat
- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Meeting Principal Baler Primary School (Rochelle Williamson)
- Meeting With Department of Corrective Services South Hedland
- Pilbara Shire Presidents/Mayors Monthly Catch Up
- Weekly Media Meeting With The North West Telegraph
- Attended The Port Hedland Marina/Waterfront TOPH Reference Group Meeting

Wednesday, 18<sup>th</sup> March

- Attended The Airport Artwork Panel: Proposed Artists Presentations
- Attended Elected Member & Executive Meetings
- Chaired Public Agenda Briefing

Thursday, 19<sup>th</sup> March

- Attended The Port Hedland Chamber of Commerce & Industry Business Network Breakfast
- Meeting PHCCI (President & EO) & TOPH Monthly Catch Up
- Meeting With Swimming WA (Carolyn Morrison)
- Attended ACCO Foodbank South Hedland Meeting

Saturday, 21<sup>st</sup> March

- Mayor Coffees – Port Hedland
- Mayor Coffees – South Hedland
- MC & Officiated Opening South Hedland Youth Space
- Attended South Hedland Markets & Melodies

Monday, 23<sup>rd</sup> March

- ABC NW Radio Interview Re Opening Of South Hedland Youth Space
- Interview Re Community Gardens With E O'Loughlin
- Meeting Principal Port Hedland Primary School (Yvonne Denham)
- Weekly CEO, Deputy Mayor and Mayor Catch Up

Tuesday, 24<sup>th</sup> March

- Weekly Spirit Radio (1026am) Mayor Chat
- Weekly Media Meeting With The North West Telegraph

Wednesday, 25<sup>th</sup> March

- Attended PHCCI Business Breakfast Event
- Attended HSHS IPS Board Meeting
- Attended Elected Member & Executive Meetings

- Chair OCM March 2015

Thursday, 26<sup>th</sup> March

- Meeting Charter Hall South Hedland (Shane Mclvor)
- Meeting CSSU Child Care Sarah Short
- Meeting With Local Resident Akuot Alier Re Volunteer Opportunities at TOPH Port Hedland
- Attended Hedland Women of Influence Luncheon
- Attended Community Meeting For 2015 NAIDOC Week
- Meeting WACHS Ron Wynn
- Hosted Civic Reception For Rotary Riders Against Malaria

Friday, 27<sup>th</sup> March

- Photo & Opening Of New Gym Floor At Wanangkura Stadium

Saturday, 28<sup>th</sup> March

- Luncheon With My Pilbara Adventure Competition Winners

Monday, 30<sup>th</sup> March

- Attended Australian Institute of Company Directors – Risk & Finance Training

Mayor advised all members of the public that the RSL Port Hedland, Town of Port Hedland and various sporting groups and community groups have been working hard to put together a respectful and suitable program of events for this weekend for the 100<sup>th</sup> Anniversary of ANZAC Day. On Friday there is a showing of 'Black Diggers' at South Hedland Town Square which is a telecast. The local Derby game between the Rovers and Swans on Colin Matheson Oval on Friday. On Saturday the Dawn Service starts at 5:30am at the War Memorial opposite the Esplanade Hotel. There are community volunteers who are assisting the Town of Port Hedland with putting on the community breakfast after the Dawn Service from 6:15am at the Marapikurrinya Park. There will be the opportunity to lay sprigs of rosemary into the water which will coincide with dignitaries laying biodegradable wreaths at sea to commemorate the landing and 100 years. That morning there is AFL Football, Auskick and Netball on the courts at the Wanangkura Stadium. On Sunday the Port Hedland Triathlon Club have organised a triathlon with the distances for swimming, running and cycling relating to the distances marked in the Gallipoli Landing. All volunteers for the breakfast and all sporting group participants will receive a spirit medallion. The Town of Port Hedland has partnered with the RSL Port Hedland to provide commemorative pennies to every school child who attends school within the Town of Port Hedland district including the Yandeyarra School and School of the Air.



**ITEM 10 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION****10.1 Councillor Jacob**

Councillor Jacob attended the Business Breakfast Series hosted by the South Hedland Business Association and Chamber of Commerce. The newly appointed CEO of Bloodwood Tree, Kylie Hodder, presented some interesting comments and statistics which related to indigenous employment and housing and shelter for the homeless. The breakfast was held at the Mirnutharntu Maya facility that is next to the Pundulmurra College. It provides trainees and apprentices with affordable housing along with meals. Donna Selby from YMCA is running the facility. Councillor Jacob attended the Waterfront Precinct Steering Committee meeting last night where the costings for the two sites were delivered. A recommendation about the marina will be considered at a Special Council Meeting in May 2015. Councillor Jacob attended a WARCA meeting in Bunbury. As part of that meeting there was a tour showcasing what Bunbury has done for the waterfront area, arts and cultural entertainment area and open spaces. One of the Councillors in Bunbury is the ex CEO of the Town of Port Hedland, Gary Brennan. Councillor Jacob attended the Regional Airport Development 2015 Conference in Brisbane. It was the third time Councillor Jacob attended the conference and believes it was the most relevant as it was about regional airports. The Town is looking at new route development for the Port Hedland International Airport and direct flights to other North West airports. Councillor Jacob also attended a one day regionalism conference which was of great value as it highlighted regional capitals as being integral to the contribution to the nation's wealth and the way the rest of Australia looks at how they should move forward with economic diversification, education opportunities and for growing the population in those areas.

**10.2 Councillor Daccache**

Councillor Daccache attended the PUBLIC Arts Symposium in Perth and will send a report for Elected Members.

**10.3 Councillor Gillingham**

Councillor Gillingham attended the PUBLIC Arts Symposium in Perth from 15 to 17 April 2015 and gave the following report.

It was held at the State Theatre in Northbridge in the Heath Ledger Theatre and art exhibitions in the FORM Gallery Murray Street Perth as well as public art murals being created around the Perth city centre and surrounds.

Day 1 was all about Public space.

Charles Landry from the UK gave an inspirational insight about our time and culture and creativity and how the people are important in the making of a city or town which everyone can be part of and enjoy.

Carol Coletta from USA showed us that most cities favoured cars against people. She showed us how cities and towns have listened to artists and together have helped shape safer cities and towns all over the world. What's important she said, are cars more important than people?

Enrique Penalosa from Columbia showed us that you did not need a lot of money to make people happy. Helping people get affordable houses in their town helped to create community hours to volunteer. There was a decline in drugs and a decline in alcohol and crime.

Thom Aussems our 3rd guest speaker on day one, was experiencing his first ever trip to Australia and said WA was starting to get on the right track. He showed us how disused Phillips factories in the Netherlands, from the 70's and 80's were now being turned into great accommodation units for people to live. With play grounds and parks and employment nearby, but this only worked because the people were brought together and shown that they had to contribute voluntary man hours to make their new estate and resident areas survive and become good communities. The new to be residents were shown that these things were not handed to them on a plate, they had to contribute to earn the right to learn how to own their own apartment or house. Governments were convinced to drop the cost of housing by 50% so that it helped people get into home buying. A lot of these people had creative skills and also helped towards the designs of their places where they were to live. A much happier outlook shone through and helped people to get on their feet and be proud of what they have become part of.

The afternoon of the first day had speakers talking about Public Action and we were shown, through the eyes of guest speakers. Citizenship initiatives were talked about throughout the afternoon.

The first days' session was followed by an opening of the small FORM Gallery in Murray Street and some amazing art by Nandita Kumar from India and Nespoon from Poland. Very creative to be shown through the small gallery.

Day 2 was about Public art in the city together with an afternoon session on Public culture. Each session ended with panels of the artists and guest speakers going through everything that had been spoken about and collaborated.

Day Three was a morning session with guest speakers and all about Public arts in action. This still instilled that really it's people that are more important than cars. Getting cars off the streets so that walking areas are safe. We worry in Port Hedland about parking our car too far from the supermarket entrance because of heat and yet in the Asian countries for example, I could see videos and pictures of school children trying to cross a 6 lane, line of cars just to get to their school. Pictures to follow showed that together the community arranged for that roads to be only used for walking, and diverted the cars away from that part of the street resulted in 8000 children less per year that did not get killed crossing the road of busy streams of cars. We do have a lot to learn in Australia and having public forums for the public to have their say brings new enriching ideas to our community. I feel sure we could take notice of many aspects of the public arts symposium, it was truly inspiring.

The organisation FORM are having a smaller arts forum at the HSHS this Friday afternoon 5:30 – 7:30pm for high school students to get on board with art projects. I am sure it will be a great success.

The public murals of art are still being created in Perth city just like Port and South Hedland are receiving similar murals, and I feel sure that the marriage of the two with all these wonderful artists who have a big pull with politicians, can help our communities to become vibrant and enjoyable and affordable places to call home.

#### **10.4 Councillor Hooper**

Councillor Hooper has been on leave for the past two weeks and while away he went to the Port Macquarie Airport. The airport is in a similar situation to where the Port Hedland airport was two years ago. Councillor Hooper had a look at a few things the airport was doing well which he will contribute to the Town's airport.

### **ITEM 11 PETITIONS/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS**

#### **11.1 Mr Robert Lockyer and Mr Lyell Morrison from the Pilbara Regional Youth Justice Services**

Mr Lockyer and Mr Lyell presented on the current operations of the Youth Justice Services in the Pilbara. The focus of the Youth Justice Services is to make a positive difference in young peoples lives by providing opportunities for change to prevent the development of further criminal behaviours and anti-social attitudes. The Youth Justice Service work with the Police and the Courts and maintain a collaborative working relationship. The Youth Justice Service links youths with programs to enhance their skills in leading a positive lifestyle and to address issues that lead to offending.

#### **11.2 Melba on behalf of the Pilipino Community presenting Kelly Howlett with a sculpture to acknowledge her work with Care for Hedland**

Melba gave a speech on her journey as a migrant to Port Hedland which she now calls home. Melba and her family give back to Port Hedland by providing community service to a range of community groups. Melba presented Mayor Howlett with a turtle sculpture on behalf of the Pilipino Community made by her brother to thank Mayor Howlett for her support and to acknowledge her work for the community.

#### *Disclaimer*

*Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by the Town has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.*

**ITEM 12 REPORTS OF OFFICERS****12.1 Community and Development Services**

7:34pm Councillor Butson declared an impartiality interest in item 12.1.1 'Request for Support for Local Planning Scheme Amendment – Redbank Locality' as she has an association with the applicant.

Councillor Butson did not leave the room.

7:34pm Councillor Jacob declared an impartiality interest in item 12.1.1 'Request for Support for Local Planning Scheme Amendment – Redbank Locality' as she has an association with the applicant.

Councillor Jacob did not leave the room.

**12.1.1 Request for Support for Local Planning Scheme Amendment – Redbank Locality**

Kobus Nieuwoudt, Senior Strategic Planning Officer  
File No. 18/09/0002

**DISCLOSURE OF INTEREST BY OFFICER**

Nil

**RECOMMENDATION**

**That Council:**

- 1. Advise RFF Australia that the proposed local planning scheme amendment of Redbank locality is supported in-principle to rezone the properties from 'Rural Residential' and 'Mixed Business' and reclassify a parcel of land reserved 'Community' to 'Light Industry', subject to:
  - 1.1 Modification of the *Pilbara's Port City Growth Plan* (adopted as the Town's Local Planning Strategy) 'Precinct Masterplan' (figure 5.10) and associated Precinct Plan (Part 5.7.4 Precinct 4 – Redbank) being undertaken concurrently with the amendment to Town Planning Scheme No. 5. The amendment area is to be proposed for strategic land use reclassification from 'Rural Industry' to 'Light Industry'.**
  - 1.2 The advice of Main Roads WA in relation to the capacity of the Redbank Road – Wilson Street intersection to service any intensified land use in the Redbank locality being sought during preparation of the Amendment Documents. This advice is to be incorporated into the Amendment as appropriate.**
  - 1.3 The advice of the Pilbara Ports Authority in relation to the ultimate long term use to wider port authority precincts being sought during the preparation of the Amendment Documents.****

This advice is to be incorporated into the Amendment as appropriate.

- 1.4 The full Amendment Documentation, including environmental impact assessment report, traffic impact statement and infrastructure analysis report being submitted to allow for formal initiation by Council. The Amendment is to be numbered Amendment No. 77 to *Town of Port Hedland Town Planning Scheme No. 5*.
2. Prior to formal initiation of Amendment No. 77, request the CEO or his delegate(s) to invite comments from Redbank landowners not represented by RFF Australia pursuant to Clause 9.7.3 of the Town's Town Planning Scheme No. 5.

#### ADVICE TO PROPONENT

**NOTE 1:** The proponent is advised that the Council of the Town of Port Hedland has initiated and substantially commenced preparation of a new local planning scheme. The proposed Amendment will be given due consideration in the preparation of the new scheme. It is recommended that the proposed Amendment continue to propose amendment of the existing Precinct Masterplan of the Town's adopted (and WAPC endorsed) Local Planning Strategy on the grounds that the Amendment may be finalised before the gazettal of the Town's new local planning scheme.

**NOTE 2:** This preliminary support should not be construed that formal initiation of the proposed Amendment is a foregone conclusion. The Amendment proposal will need to be fully considered in the light of the environmental analysis undertaken over the locality, traffic impact statement, infrastructure analysis and consultation / negotiation with relevant agencies. If justified, the proponent is advised that Council reserves the right to request the proponent prepare a Development Plan over the Redbank locality in parallel with the proposed Amendment and at the proponent's cost.

**NOTE 3:** With respect to point 2 above, the proponent is advised to consider and take on board any comments / submissions the Town may receive from unrepresented Redbank landowners as part of its preparation of the formal Amendment Documentation. Consistent with clause 9.7.4 of the Scheme, Council shall only proceed with the proposal where it is satisfied the proposal meets the objectives of the Scheme and would not be contrary to the public interest.

#### MOTION

MOVED: CR HOOPER

SECONDED: CR HUNT

That Council lay it on the table for further information on the native titles

*MOTION LOST 0/8*

**201415/222 COUNCIL DECISION****MOVED: MAYOR HOWLETT****SECONDED: CR BUTSON**

**That Council advise RFF Australia that the proposal seeking in principle support to rezone the Redbank locality properties from 'Rural Residential' and 'Mixed Business' and reclassify a parcel of land reserved 'Community' to 'Light Industry' is not supported.**

**CARRIED 8/0**

*Reason: Council believes that if proponents wish to pursue these sorts of endeavours then more work needs to be put into the proposal and do the proper exploratory investigations and assessments for the proposal before it is presented to Council.*

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**EXECUTIVE SUMMARY**

The Town has received a written request for preliminary support of an Amendment to its Town Planning Scheme No. 5. The request is the precursor to the preparation of a full Scheme Amendment Document. The purpose of the request is to ascertain Council's willingness to entertain rezoning of the land in question prior to undertaking the relatively costly amendment preparation process, which includes environmental analysis, infrastructure analysis and traffic impact assessment.

The land in question is the entire Redbank locality. The total land area is 43ha and is located approximately 7km by road from the Town of Port Hedland Civic Centre (refer **Attachment 1**). It is proposed to rezone the land from 'Rural Residential', 'Mixed Business' and a parcel of land reserved 'Community' to 'Light Industry'.

It is recommended Council accede to the request subject to certain requirements.

**DETAILED REPORT***Background*

RFF Australia has been engaged by a number of Redbank landowners seeking to facilitate a change in the land use permissibility in the Redbank locality. The intent is to achieve progression towards a strategic industrial area in accordance with the current strategic planning framework.

RFF held a number of discussions with the Town's Manager of Development Services during 2014 who advised that majority landowner support (i.e. 50% or more) is needed for officer support to rezone the land towards an industrial use consistent with the Town's adopted Local Planning Strategy (LPS). To this end RFF advises that it has secured letters of support from 12 of 18 (67%) private landowners. Refer **Attachment 1**.

Local Strategic Planning Framework

*Pilbara's Port City Growth Plan* has been adopted as the Town's LPS and guides land use decision making in the Town of Port Hedland.

The Redbank locality is identified as Precinct 4 in the LPS. The LPS summarises Precinct 4 as follows:

*Rural industry (interim land use scenario) – restriction of any further residential development due to public health concerns and local traffic/access issues. Further development limited to small scale rural industrial uses as defined by ToPH Town Planning Scheme.*

*Strategic industrial (ultimate land use scenario) – consolidation of land use consistent with wider PHPA area (Precinct 3).*

The method for implementing the precinct recommendations includes the following objectives:

- Precinct encapsulated in TPS5 as a 'Development Plan' area.
- Development Plan to be prepared.
- The timing of any ultimate land use change to the precinct would need to be undertaken at the local level, in consultation with landowners and business operators.
- Discussion with MRWA/ToPH to establish future planning for improved access into precinct.
- Ultimate land use scenario of strategic industry having regard to environmental and port related strategic considerations.
- Review and clarification of Town Planning Scheme definition for 'Industry – Rural'.
- Coastal hazard risk management and adaptation planning for new development within areas identified as at risk of coastal erosion.
- Hazard risk management assessment and adaptation planning for all new developments identified as at risk of localised flooding and inundation.

*Preliminary Stakeholder Consultation*

RFF advises it has met with the Pilbara Ports Authority, Main Roads WA and the Department of Planning regarding future land use planning for the locality. The outcomes of that consultation is summarised below.

Agency	Agency Comments	Actions by Proponent
Pilbara Ports Authority	Presently reviewing the Port Ultimate Development Plan. The area adjoining Redbank is planned for medium to long term use for industrial laydown consistent with current operations.  Future land use should limit potential for land use conflict with longer term port	Ensure any scheme amendment limits / restricts long term residential or other sensitive uses in Redbank.

Agency	Agency Comments	Actions by Proponent
	development.	
Main Roads WA	<p>Master planning for duplication of Redbank bridge underway including modification to Redbank Road intersection. Upgrades are unfunded.</p> <p>Any intensified land use must be sensitive to the existing and/or future capacity of the Redbank Road intersection.</p>	Engage traffic consultant to provide input on capacity of intersection and potential uses / operations which may be suitable in Redbank.
Department of Planning	Any amendment should be generally consistent with the Town's adopted Local Planning Strategy and ensure longer term protection of port operations by limiting sensitive land uses.	Ensure any scheme amendment limits / restricts long term residential or other sensitive uses in Redbank.

#### *Possible Scheme Amendment Scenarios*

2 possible rezoning scenarios were explored as follows:

- Rural Enterprise; and
- Light Industry.

Each of these scenarios is outlined and discussed below, under appropriate sub-headings.

#### *Rural Enterprise*

A rezoning that best reflects the staged approach to land use change as outlined in the Town's LPS is to rezone the land to 'Rural Enterprise' zone consistent with State Planning Policy No. 2.5 – Rural Land Use Planning (SPP2.5).

SPP2.5 defines the term 'Rural Enterprise' as follows:

*“A predominantly light industrial zone that provides for light industrial land uses and an ancillary residential dwelling on one lot, with lot sizes in the order of one to four hectares. Also known as rural home business or rural industry.”*

The Department of Planning and the Pilbara Ports Authority have indicated that they are not supportive of scheme amendments that would increase residential land uses in the Redbank locality. This approach may perpetuate and increase residential uses in Redbank in the longer term.



*Light Industry*

An alternative approach is to rezone the land to 'Light Industry'. Light Industry reflects the intent of the Rural Enterprise zone while removing the residential component. This approach possibly best reflects the Department of Planning and Pilbara Ports Authority's desire to ensure longer term protection of port operations by limiting sensitive land uses in the locality.

The purpose of the Light Industry zone is as follows:

*"To accommodate for a range of generally small scale industrial development, which exhibit a relatively high standard of design and environmental performance in terms of amenity, noise, emissions and generation of vehicular traffic."*

The Light Industry zone may be an effective way to allow the transition of industrial type uses into Redbank without creating significant health risks or significantly degrading the amenity of the area while residential uses are still in the locality.

Clause 6.7.22 of the Town's Scheme No.5 permits Council to require a Development Plan to be prepared over the area if required.

*Previous requests for Initiation*

Council previously considered a request for initiation to rezone all the lots in Redbank locality zoned 'Rural Residential' to 'Tourism' at its Ordinary Council Meeting (OCM) dated 24 February 2010 where Council resolved as follows:

*"That the present zonings for lots with the Redbank area remain in accordance with those gazetted."*

*REASON: Council considered the support for existing zoning in the Redbank area was sufficient."*

At its OCM dated 12 May 2010, Council received a request for reconsideration of the same item (request for initiation to rezone all the lots in Redbank locality zoned 'Rural Residential' to 'Tourism') that served before Council at the February 2010 OCM. At that meeting, Council resolved as follows:

*"That Council refuse the request from Taylor Burrell Barnett, Town Planners on behalf of the Tim Purcell Property Trust to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5 to amend the zoning of all the lots located within the Redbank area of which all are zoned "Rural Residential" with exception of Lots 6039 and 6252 which are zoned "Mixed Business" and Lot 134 which is zoned "Community" to "Tourism".*

*REASON: Council believes that the rezoning proposal to rezone lots at Redbank to "Tourism" is not an appropriate use of this land, and currently prefers it staying as "Rural Residential".*

*Officer Comment*

Having regard to the initial stakeholder feedback and landowner support for industrial operations in Redbank, officers are generally of the view that progressing with an amendment to 'Light Industry' appears to be the most appropriate option.

Normally Council is not requested to initiate a rezoning amendment without the relevant documentation having been prepared. However, the 'pre-amendment' approval is a common practice in many local government authorities. The benefit of a preliminary approval is that the proponent can proceed to invest in the required assessments (in this case – environmental, traffic and infrastructure) with the knowledge that the local government will favourably consider the amendment.

It is important to ensure that any preliminary support given to a proponent of a future Amendment is conditional on the resultant documentation, analysis and justification being to Council's satisfaction.

Based upon the justification provided in the request, officers recommend Council support the initiation of an amendment to the Town's Scheme No. 5 for the purposes of rezoning the land to 'Light Industry'.

It is recommended that Council advise the proponents to engage the Pilbara Ports Authority and Main Roads WA during preparation of the Amendment to identify any issues relating to the ultimate long term use to wider port authority precincts and the capacity of the Redbank Road – Wilson Street intersection to service any intensified land use in the Redbank locality prior to formal initiation.

**FINANCIAL IMPLICATIONS**

There are no financial implications to the Town of the recommendations of this report.

**STATUTORY AND POLICY IMPLICATIONS***Town of Port Hedland Town Planning Scheme No. 5*

The land is currently zoned 'Rural Residential', 'Mixed Business' and a parcel of land reserved 'Community' by Council's Town Planning Scheme No.5. Refer **Attachment 3**.

The proponents propose the land be rezoned to 'Light Industry'.

The Amendment will need to be carried out in accordance with section 75 of the *Planning and Development Act 2005* and regulation 25 of the *Town Planning Regulations 1967*.

*Pilbara's Port City Growth Plan*

It is considered the proposal generally aligns with the objectives and strategic direction for the Redbank Precinct in the Town's Growth Plan. The Western Australian Planning Commission endorsed the Growth Plan on 5 July 2012 as the Town's Local Planning Strategy.

If Council resolves to formally initiate the proposed Amendment, officers recommend the Precinct Masterplan in the Town's LPS be modified to depict reclassification of the Redbank location from 'Rural Industry' to 'Light Industry' in accordance with Regulation 12C (1) of the Town Planning Regulations 1967 (as amended). Regulation 12C (1) states –

*“(1) A Local Planning Strategy may be amended by amendment prepared by the relevant local government and approved by the Commission.”*

#### *2014-2024 Strategic Community Plan*

The proposal to rezone Redbank is consistent with the following strategic theme in the Town's adopted Strategic Community Plan:

*“Part 2 – Supporting a diverse economy  
“Facilitate commercial, industry and town growth”*

and

*“Work with the State Government, agencies and local partners to ensure serviced land availability for future residential, commercial and industrial development”*

#### **ATTACHMENTS**

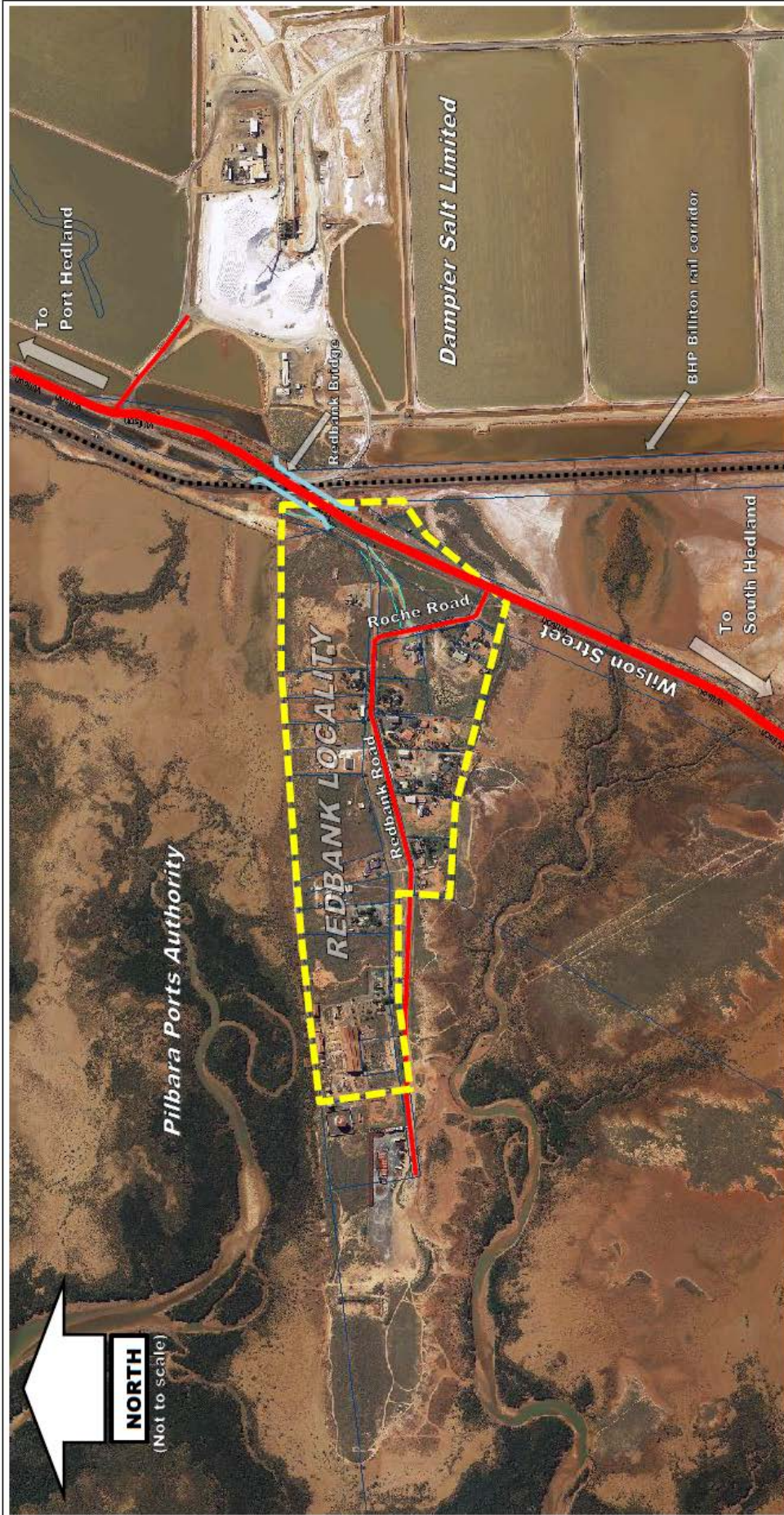
1. Location Plan
2. Redbank Landowner Consent (Under Separate Cover)
3. Zoning Map, Redbank Locality

31 March 2015

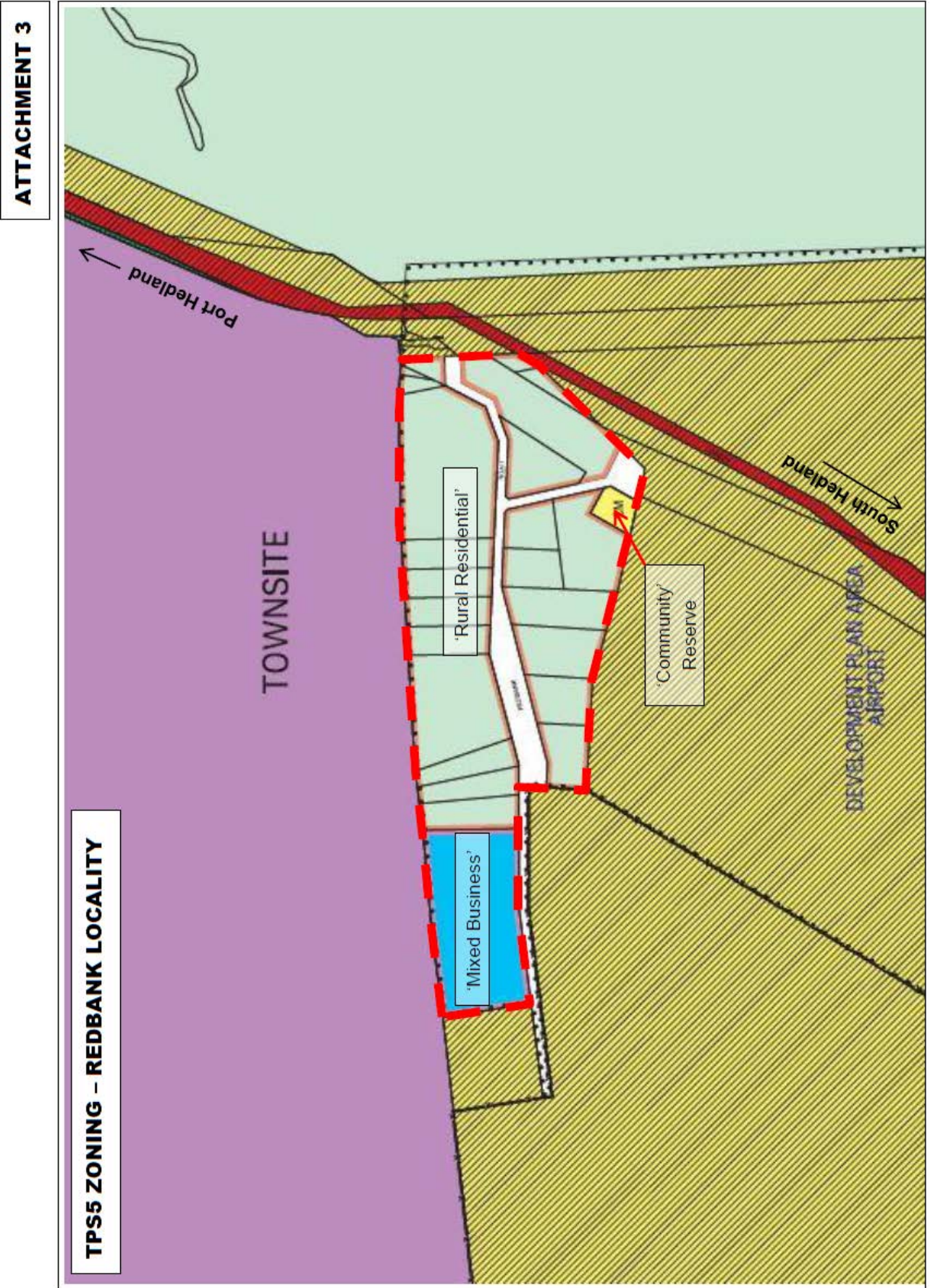
ATTACHMENT 1 TO ITEM 12.1.1

ATTACHMENT 1

LOCATION PLAN - REDBANK LOCALITY



ATTACHMENT 3 TO ITEM 12.1.1



### 12.1.2 Delegated Planning, Building & Environmental Health Approvals and Orders for March 2015

Carly Thompson, Executive Assistant – Community and Development Services  
File No. 18/07/0002 & 07/02/0003

#### DISCLOSURE OF INTEREST BY OFFICER

Nil

#### 201415/223 RECOMMENDATION/ COUNCIL DECISION

**MOVED: CR MELVILLE**

**SECONDED: CR HOOPER**

**That Council receive the Schedule of Planning and Building approvals and Environmental Health, Building and Planning orders issued by Delegated Authority and the listing of current legal actions for the month of March 2015.**

***CARRIED 8/0***

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#### EXECUTIVE SUMMARY

This item relates to the Planning and Building approvals and Environmental Health Orders considered under Delegated Authority for the month of March 2015.

#### DETAILED REPORT

A listing of Planning and Building approvals and Environmental Health, Building and Planning orders issued by the Town's Planning, Building and Environmental Health Services under Delegated Authority for the month of March 2015 are attached to this report. Further to Council's request a listing of current legal actions is also attached to this report.

#### FINANCIAL IMPLICATIONS

Nil

#### STATUTORY AND POLICY IMPLICATIONS

Town of Port Hedland Delegation Register outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council. This report is prepared to ensure Council is advised of the details of applications which have been dealt with under delegated authority.

#### ATTACHMENTS

1. Statistics for Building, Planning and Health Approvals for the month of March 2015.

2 April 2015

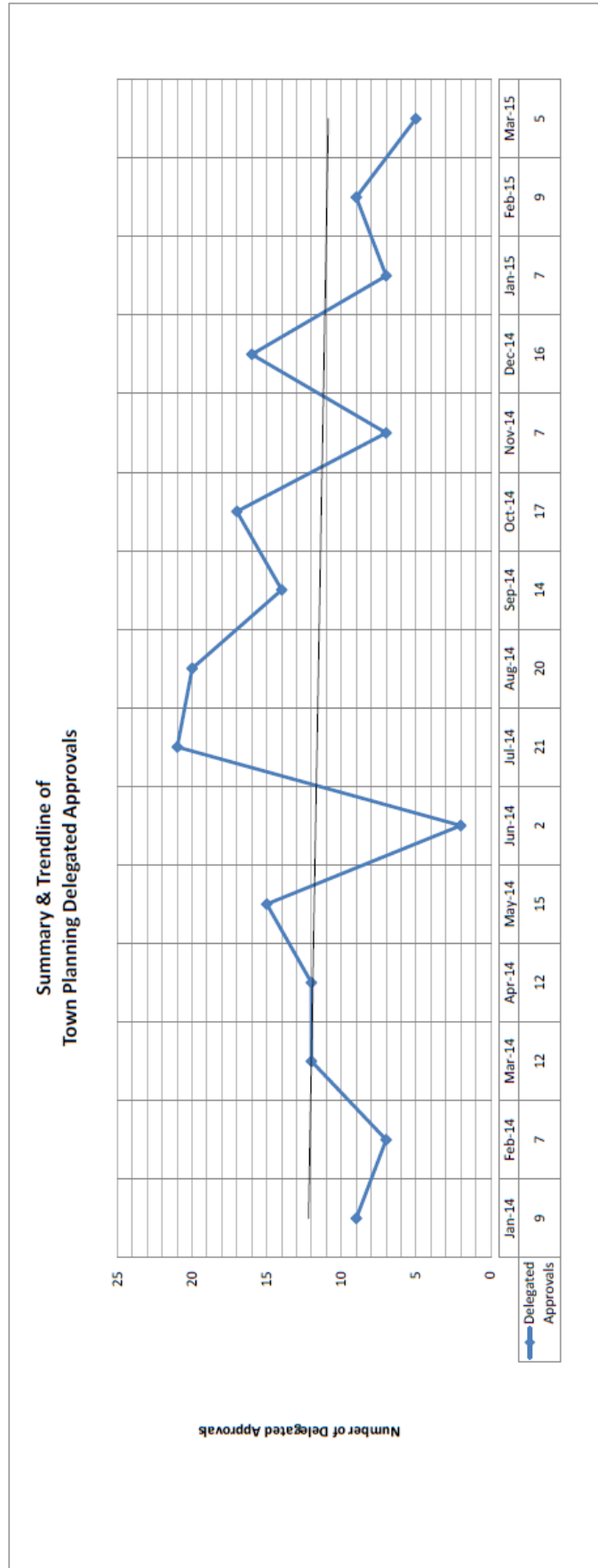
ATTACHMENT 1 TO ITEM 12.1.2

DELEGATED PLANNING APPROVALS FOR MARCH 2015

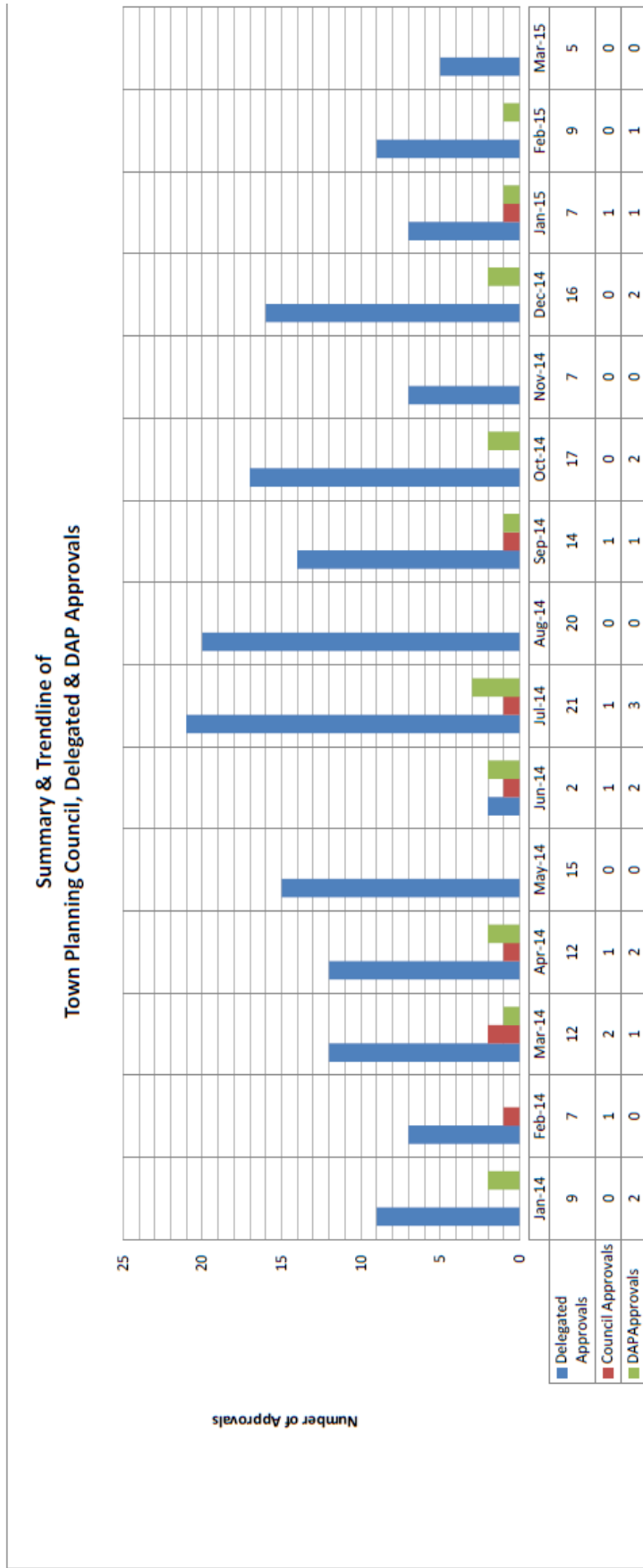
APPLICATION NO.	DESCRIPTION	LOT	PROPERTY ADDRESS	DATE APPROVED	APPLICANTS NAME	DEVELOPMENT VALUE
2015/032	MOTOR VEHICLE AND/OR MARINE SALES AND/OR HIRE - 4X SIGNS	115	LOT 115 OXIDE WAY WEDGEFIELD	17/03/2015	The Signcraft Group	\$ 19,500.00
2015/033	SINGLE HOUSE - PROPOSED CARPORT	3998	37 EGRET CRES CENT SOUTH HEDLAND	16/03/2015	Roe buck Bay Services	\$ 18,000.00
2015/041	SINGLE HOUSE - SEA CONTAINER	106	42 PARKER STREET SOUTH HEDLAND	16/03/2015	Clae Morgan	\$ 10,000.00
2015/050	SINGLE HOUSE - PROPOSED CARPORT	3694	6 KANGAROO PLACE SOUTH HEDLAND	27/03/2015	Pilbara Supervision & Consulting Services	\$ 40,000.00
<b>TOTAL 4</b>						<b>\$ 87,500.00</b>

Note: There were no applications approved by Council or DAP in March.

DELEGATED PLANNING APPROVALS FOR MARCH 2015



COUNCIL, DELEGATED & DAP PLANNING APPROVALS FOR MARCH 2015





DELEGATED BUILDING APPROVALS FOR MARCH 2015

BUILDING PERMITS								
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
15-042	12.03.2015	9 THOMPSON STREET	PORT HEDLAND 6721	Brian Smith	Unauthorised Shed	\$ 10,000.00	22.10a	
15-039	20.03.2015	37 EGRET CRESCENT	SOUTH HEDLAND 6722	Kevin & Coral Charles	Carport	\$ 18,000.00	36.10a	
15-033	09.03.2015	1 LEAKE STREET	SOUTH HEDLAND 6722	Town of Port Hedland	Shade Structures x 2 for Skate Park	\$ 154,231.00	0.10a	
15-051	31.03.2015	6 KAINGAROO CRESCENT	SOUTH HEDLAND 6722	Gordon Hooges	Unauthorised works - patio Shed & Store	\$ 23,000.00	61.10a	
15-044	17.03.2015	38 GRATWICK STREET	PORT HEDLAND 6721	Simon Attwater	Above Ground Swimming Pool	\$ 300.00	0.10b	
15-045	19.03.2015	9 MASTERS WAY	SOUTH HEDLAND 6722	Diamond Strata Management	Shade Sail over Pool	\$ 22,000.00	0.10b	
15-030	03.03.2015	14 GRATWICK STREET	PORT HEDLAND 6721	PEARLCOAST POOLS	Below ground swimming pool	\$ 28,000.00	15.10b	
14-377	03.03.2015	20 MANGANESE STREET	WEDGEFIELD 6721	YIDA KARABUVA	Signage	\$ 5,000.00	0.10b	
15-029	03.03.2015	30 LAWSON STREET	SOUTH HEDLAND 6722	Darren Overton	Retrospective Above Ground Swimming Pool	\$ 10,000.00	0.10b	
15-026	03.03.2015	4 STURT PLACE	SOUTH HEDLAND 6722	Megara Construction Pty Ltd	New Dwelling and Fencing	\$ 489,000.00	1.44.1a & 10b	
15-046	19.03.2015	23 LONGTOM LOOP	SOUTH HEDLAND 6722	Megara Construction Pty Ltd	Residential dwelling and Fencing	\$ 427,000.00	97.1a & 10b	
15-040	31.03.2015	1 WISE TERRACE	SOUTH HEDLAND WA 6722	Gerry Murphy	Mixed Use Development - Residential and Commercial	\$ 33,122,954.00	11100.1a 2.5 6 10a 10b	
15-038	09.03.2015	150 ANDERSON STREET	PORT HEDLAND 6721	Peter Costa	Tenancy 5 Fitout - Medical Centre	\$ 300,000.00	168.5	
15-031	04.03.2015	9-31 THROSSELL ROAD	SOUTH HEDLAND 6722	Checkpoint Building Surveyors	Shop fitout - The Lucky Charm	\$ 160,000.00	184.6	
15-049	27.03.2015	17 STEEL LOOP	WEDGEFIELD 6721	NORTH WEST BUILDING GROUP	Construction of Single Storey Steel Frame Shed	\$ 800,000.00	450.6	
15-032	04.03.2015	25 MANGANESE STREET	WEDGEFIELD 6724	Adrian Aiken	New mezzanine storage area	\$ 50,000.00	300.7b	
15-027	12.03.2015	LOT 11 AIRPORT	PORT HEDLAND 6721	Gordon A Hodges	Construction of Substation - Main Switchroom	\$ 75,000.00	33.8	
15-034	06.03.2015	LOT 304 LAWSON STREET	SOUTH HEDLAND 6722	Youth Involvement Council - Vicki Tree-Stephens	YIC Education Precinct Associated Office 2 Dwellings 1 Residential building	\$ 10,216,221.00	1880.9b 1a 1b & 5	
<b>TOTAL 18</b>						<b>\$ 45,910,706.00</b>	<b>14490</b>	

TOWN OF PORT HEDLAND CERTIFICATION

Certificate Type	Number Issued
Certificate of Design Compliance	7
Certificate of Construction Compliance	1
Certificate Building Compliance	2
<b>TOTAL</b>	<b>10</b>

**OCCUPANCY PERMIT FOR MARCH 2015**

<b>OCCUPANCY PERMIT</b>			
Permit Number	Decision Date	Property Address	Description of Work
15-043	20.03.2015	16-20 THROSSELL ROAD SOUTH HEDLAND	Unauthorised Works - Function room addition
<b>TOTAL 1</b>			

**STRATA APPLICATION FOR MARCH 2015**

<b>STRATA APPLICATIONS</b>						
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Classification
15-035	12.03.2015	1 DEMARCHI ROAD	SOUTH HEDLAND 6722	Russell Payne	Strata of 10 Grouped Dwellings with associated carports alfrescos and fencing	0 1a 10a & 10b
<b>TOTAL 1</b>					\$ -	0

**DEMOLITION APPLICATION FOR MARCH 2015**

<b>DEMOLITION APPLICATIONS</b>						
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Classification
15-036	06.03.2015	LOT 304 LAWSON STREET	SOUTH HEDLAND 6722	Wightman Building Company	Demolition of all existing structures on the lot	150 9b 1a 1b & 5
<b>TOTAL 1</b>					\$ 50,000.00	150

**REFUSED BUILDING APPLICATIONS FOR MARCH 2015**

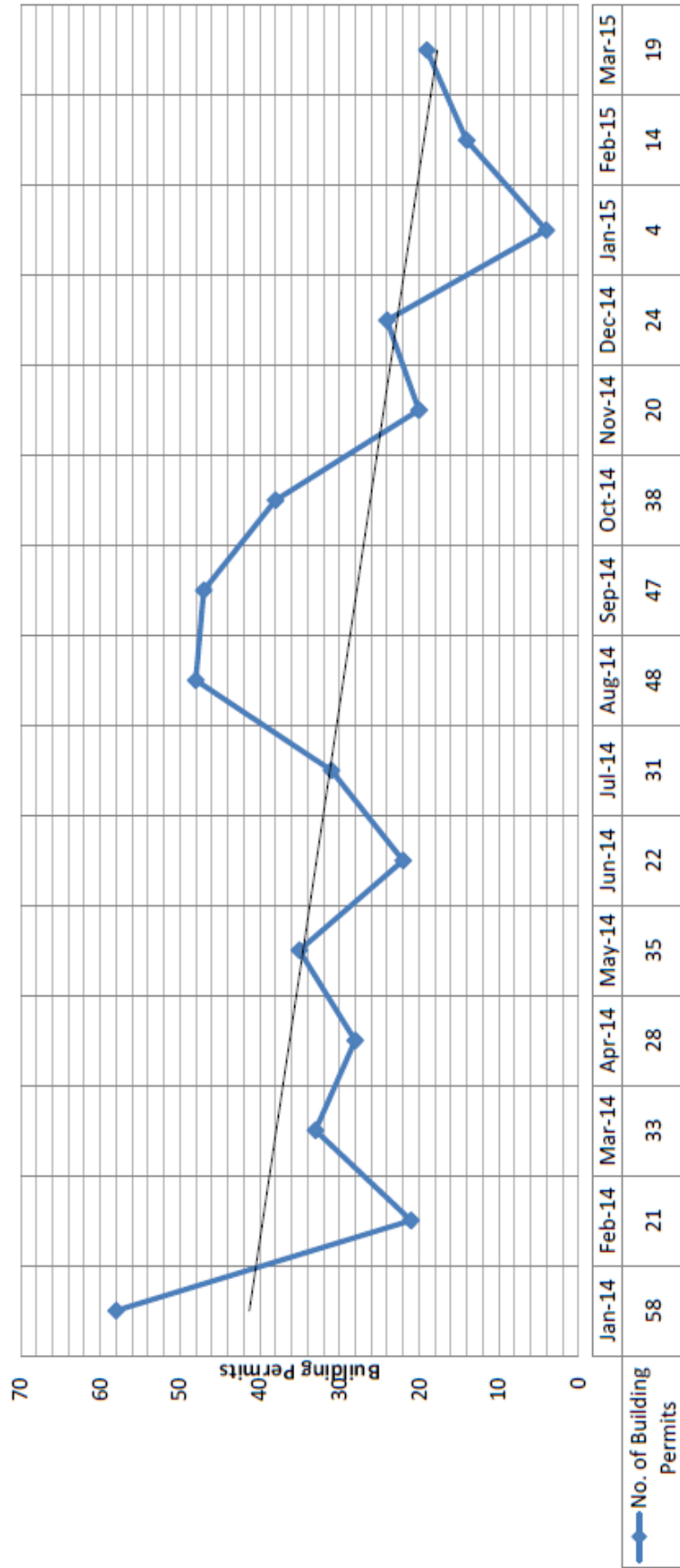
<b>REFUSED BUILDING APPLICATIONS</b>						
Permit Number	Refused/Withdrawn Date	Property Address	Locality	Applicant	Description of Work	Classification
N/A	05.03.2015	21 CORBOYS PLACE	SOUTH HEDLAND 6722	Russel Payne	Strata of Two Dwellings	0 1a
<b>TOTAL 1</b>					\$ -	0

## OVERVIEW SUMMARY FOR MARCH 2015

<b>SUMMARY</b>					
No of Permits	Permit Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre	
1	Demolitions	\$50,000	150	\$333.33	
3	Dwellings	\$34,038,954	11,341	\$3,001.41	
4	Class 10a	\$412,231	119	\$3,464.13	
5	Class 10b	\$65,300	15	\$4,353.33	
6	Commercial	\$11,601,221	3,015	\$3,847.83	
	Strata - Occupancy	N/A	N/A	N/A	
<b>19</b>		<b>\$46,167,706</b>	<b>14,640</b>		

**BUILDING APPROVALS FOR MARCH 2015**

**Summary & Trendline for Building Permits**



## Ranger Services Monthly Statistical Information

\*Total Jobs Attended not reflective of the following -Patrols of parks, reserves, foreshores & pound duties NB: Cat Jobs relates to calls about lost, found, wanted, abandoned or feral trapped cats. Cats impounded relates to the total number of impounded cats.

2015	Jan-15	Feb-15	Mar-15
Camping Jobs	0	4	2
Cat Jobs	9	12	18
Dog Jobs	78	67	71
Fire Jobs	16	19	7
Litter Jobs	22	30	38
Livestock Jobs	0	2	1
Off road Vehicles Jobs	0	0	0
Parking Jobs	47	45	29
Abandoned Vehicles Jobs	42	27	47
Wildlife Jobs (Snakes etc)	10	9	10
Dog Health Program	0	0	0
Dogs Impounded	34	38	40
Cats Impounded	5	13	24
Total Infringements	43	108	107
Animals Adopted	10	5	4
Fires Overtime Hrs	10.5	3.5	2
Overtime Hrs	62	38	27
Additional hrs by Contract Staff	43.5	21	17
<b>*Total Jobs Attended</b>	<b>227</b>	<b>215</b>	<b>227</b>

## CURRENT LEGAL MATTERS FOR MARCH 2015

CURRENT LEGAL MATTERS				
File No.	Address	Issue	Officer	
117650G	Lot 2505 # 7 Moorambine Street, Wedgefield	Unauthorised Residential Structures	<p>Handed over to the attorney</p> <ul style="list-style-type: none"> <li>- 1st Hearing set for Friday 2nd August 2013</li> <li>- Adjourned until 30th August 2013</li> <li>- Adjourned until 18th October 2013</li> <li>- Sentencing scheduled for 22nd November 2013</li> <li>- Adjourned until 20th Feb 2014</li> <li>- Sentencing scheduled for the 9th April 2014</li> <li>- Adjourned until 9th May 2014</li> <li>- Set down for trial on 2nd December 2014</li> <li>- Trial adjourned until the 6th and 7th August 2015</li> </ul>	BM
401840C	Lot 841 # 34 Sutherland Street, Port Hedland	Asbestos house dumped on reserve (Old hospital site)	- Verdict on the 17th April 2015.	MS
154427G	Lot 16 # 59-61 Greenfield Street, South Hedland	Unauthorised use as a laydown and storage facility	Third mention scheduled for 29th June 2015.	RS
130510G	Lot 5873 # 17 Schillaman Street, Wedgefield	Unauthorised Development (Illegal Dwelling on Council Land)	- Verdict on the 17th April 2015.	MS
154426G	Lot 15 # (55-57) Greenfield Street, South Hedland	Unauthorised lay down and storage facility	Second mention on 8/4/2015.	RS
118650C	Lot 1638 (18) Yanana Street, Wedgefield	Unauthorised development and use	Second mention on the 17th July 2015.	RS

### **12.1.3 Proposal to Surrender Development Lease and create a Reserve on Lot 5863 Butler Way, Port Hedland on Deposited Plan 191022**

Katherine Shaw, Lands and Technical Officer  
File No. 802201G

#### **DISCLOSURE OF INTEREST BY OFFICER**

Nil.

#### **201415/224 RECOMMENDATION/ COUNCIL DECISION**

**MOVED: CR HOOPER**

**SECONDED: CR JACOB**

**That Council:**

- 1. Surrender Development Lease M129893 for Lot 5863 Butler Way, Port Hedland on Deposited Plan 191022.**
- 2. Support the creation of a Reserve on Lot 5863 Butler Way, Port Hedland on Deposited Plan 191022 for the purpose of ‘Staff Housing’, with the care, control and management to the Town of Port Hedland and with an option to lease for a period of twenty one (21) years.**
- 3. Request the Chief Executive Officer, or his delegate(s), to forward the request to the Department of Lands for actioning.**

***CARRIED 8/0***

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#### **EXECUTIVE SUMMARY**

The Town of Port Hedland requests that a Reserve for the purpose of ‘Staff Housing’ be created over Lot 5863 Butler Way, Port Hedland and the current Development Lease over the lot be surrendered.

It is recommended that Council support the Town’s requests.

#### **DETAILED REPORT**

Lot 5863 Butler Way, Port Hedland was formerly Recreation Reserve 40652. The Reserve was identified as having potential to be developed as staff housing under the Pilbara Cities Lazy Lands Project. Please refer to Attachment 1 – Locality plan.

The Reserve was disposed of during the Pilbara Cities Lazy Lands Project with an intention that the Town would acquire the lot at 5% of the unimproved value. Council resolved to dispose of the Reserve at the Ordinary Council Meeting held on 25 July 2012.

The lot is now the subject of a Development Lease issued under Section 82 of the *Land Administration Act 1997* to the Town of Port Hedland for the purpose of 'Development and Subdivision of the Land for residential purposes' in accordance with the Development Plan'. The Lease commenced on 10 December 2012 and is valid until 9 December 2016.

The Development Lease was entered into prior to the purchase of the lot at 5% of the unimproved value, so that the Town could secure the tenure of the land while carrying out pre-development processes, such as a Scheme Amendment.

The Department of Lands has since introduced a new State Policy which does not permit the Town to purchase the land at 5% of the unimproved value. The new Policy allows for land identified under the Pilbara Cities Lazy Lands Project to be purchased at 50% to 100% of the current unimproved market value (CUMV). The percentage of CUMV depends on how many dwellings can be developed on the land.

If the Town proceeds with this project and purchases the land at 50% to 100% of the CUMV there would be a significant increase in the project's cost and this is not viable for the Town. An option to proceed with the Staff Housing project would be to surrender the current Development Lease over the lot and re-create a Reserve for the purpose of 'Staff Housing'.

It is noted that Council resolved to amend the purpose of the Reserve to 'Staff Housing' at the Special Council Meeting held on 28 January 2015. This request was put forward to Council after direction from Department of Lands. After further direction a new resolution is required to surrender the current development lease and re-create a Reserve for the purpose of 'Staff Housing'.

### FINANCIAL IMPLICATIONS

By creating a Reserve over the lot the Town will inherit the management, care and control of the Lot and all associated costs. This does not differ from the requirements of the Development Lease.

It looks likely that the Town may be able to obtain a \$700,000 grant from the Department of Regional Development for the site. This grant will pay for all of the de-constraining costs associated with the construction of the houses, such as retaining walls for the sloped site.

### STATUTORY AND POLICY IMPLICATIONS

Section 46 of the *Land Administration Act 1997* establishes the procedure for the management of reserves.

Section 2.1 'A thriving, resilient and diverse economy' of Council's Strategic Community Plan 2014 - 2024 is considered relevant to the proposal:

The creation of the Reserve will allow the Town to accommodate its staff and alleviate costs of staff housing in the future, as well as contributing to Town growth.

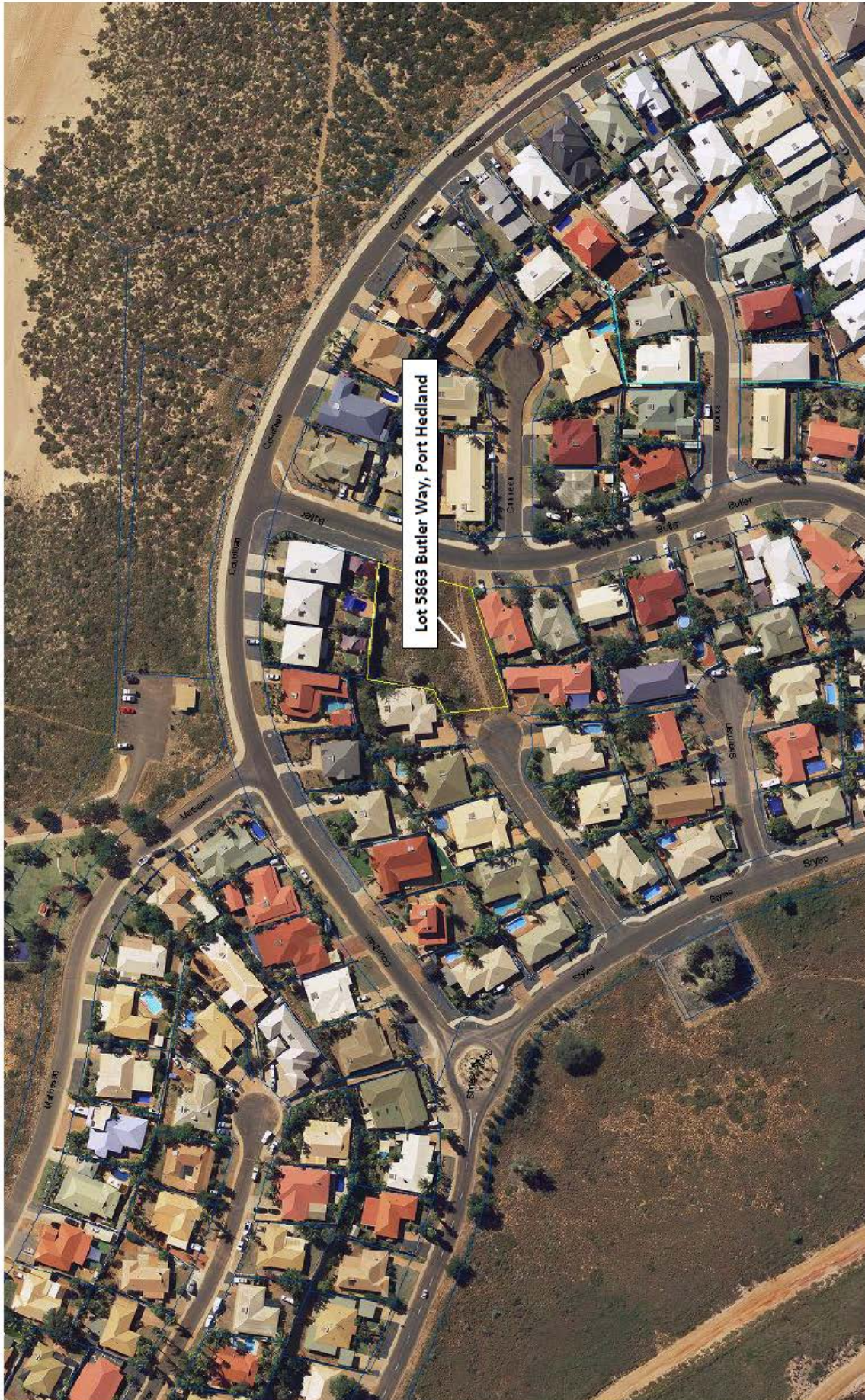


**ATTACHMENTS**

1. Locality plan.

1 April 2015

ATTACHMENT 1 TO ITEM 12.1.3



**12.1.4 Proposed Industry General – Retrospective Workshop, Storage, Office and Ablutions on Lots 10 and 1008, 4 and 6 Murrena Street Wedgefield**

Ben McKay, Statutory Planning Officer  
File No. 123670G

**DISCLOSURE OF INTEREST BY OFFICER**

Nil

**201415/225 RECOMMENDATION/ COUNCIL DECISION**

**MOVED: CR HOOPER**

**SECONDED: CR HUNT**

That Council approves the application submitted by Resolve Group on behalf of the property owner Hey River Enterprises Pty Ltd, for “Industry General” – Retrospective Workshop, Storage, Office and Ablutions on Lot 10 and Lot 1008, 4 and 6 Murrena Street Wedgefield subject to the following conditions:

1. This approval relates only to the proposed “Industry General” - Retrospective Workshop, Storage, Office and Ablutions, as indicated on the approved plans (DRG2015/025/1 – DRG2015/025/7). It does not relate to any other development on this lot.
2. The office shall be incidental to the predominant use, and shall not be used for office activities unrelated thereto.
3. A minimum of Sixty-Eight (68) car parking bays shall be provided as indicated on the approved site plan.
4. No car parking bays shall be obstructed in any way or used for any other purpose than car parking.
5. No human habitation shall be permitted on the lots.
6. Front walls and fences within the primary street and secondary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m.
7. Storm water disposal is to be designed and constructed in accordance with the Town’s Engineering Services Guidelines, and to the satisfaction of the Town’s delegated officer.
8. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner’s cost to the satisfaction of the Town’s delegated officer.

Within 60 days from the date of this approval the following conditions shall be cleared by the Town’s delegated officer.

9. Within 60 days from the date of this approval, an application is to be submitted for all effluent/waste disposal systems onsite to the satisfaction of the Town's delegated officers.
10. Within 60 days from the date of this approval, the landowner of Lots 10 and 1008, 4 and 6 Murrena Street, Wedgefield shall enter into a legal agreement and register a "easement by document (deed)" on the deposited plan and certificate of title to ensure reciprocal rights of carriage ways and car parking areas to the satisfaction of the Manager delegated officer.
11. Within 60 days from the date of this approval, the applicant shall provide storm water treatment facilities in the form of a petrol & oil trap.

Within 90 days from the date of this approval the following conditions shall be cleared by the Town's delegated officer.

12. Within 90 days from the date of this approval, the landscaping and reticulation shall be completed as per the approved landscaping and reticulation plan, and thereafter shall be maintained to the satisfaction of the Town's delegated officer.
13. Within 90 days from the date of this approval, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with Australian Standard AS 1158.
14. Within 90 days from the date of this approval, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Australian Standard AS 2890 Parts 1 and 2.
15. Within 90 days from the date of this approval, the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005.
16. Within 90 days from the date of this approval, the landowner shall ensure any damage to road pavements / kerbing / footpaths or other Town assets caused by any activity associated with the construction of the development, including but not limited to vehicle movements, shall be repaired to the satisfaction of the Town's delegated officer.

**ADVICE NOTES:**

1. The landowner is reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
2. The landowner is reminded that a Planning approval is required for the placement of any signage on the lots.

3. The construction and operation of a wash-down bay is to be in accordance with Department of Environment and Conservation requirements.
4. Be advised that an application for the Construction and installation of effluent treatment system is required for the installation of a wash-down bay.
5. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of the Town's Health Local Laws 1999 and to the satisfaction of the Town's delegated officer.
6. Waste disposal and storage is to be carried out in accordance with the Town's Health Local Laws 1999.
7. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
8. Be advised that as per the Environmental Protection (Noise) Regulations 1997, construction noise, that does not comply with the AS 2436-1981, is not permitted outside of 0700-1900 Mondays-Saturdays and not on Sundays or Public Holidays.
9. The landowner is to obtain a clearance certificate confirming all relevant planning conditions have been complied with. In this regard contact the Town's Development Compliance Officer to obtain the necessary application form and fee.

**CARRIED 8/0**

---

## EXECUTIVE SUMMARY

The Town received an application from Resolve Group on behalf of the property owner Hey River Enterprises Pty Ltd, for "Industry General" – Retrospective Workshop, Storage, Office and Ablutions on Lot 1008 and Lot 10, 4 and 6 Murrena Street Wedgefield.

The application is supported by the Towns' Officers, and is recommended for approval subject to conditions.

## DETAILED REPORT

### *Site Description*

The subject site is generally rectangular in shape and achieves vehicular access via Pinga and Murrena streets and has a total area of 13810m<sup>2</sup>. In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned "Industry". (See Attachment 1)

*Proposal*

The applicant is seeking to retrospective approval for an unauthorized existing "Industry General" – Retrospective Workshop, Storage, Office and Ablutions on the subject site. The retrospective approval includes all unauthorised structures on the site, which comprise of:

- Sand blasting / paint shelters
- Office
- Crib and ablution blocks
- Lunch Room
- Training room
- A number of Sea Container for storage purposes
- A number of outbuildings
- Washdown bay

*Consultation*

The application was circulated as follows:

Internally:

- Technical Services
- Building Services
- Environmental Health Services

Externally:

- Horizon Power
- Optus
- Telstra
- Water Corporation

All comments received have been captured within this report.

**FINANCIAL IMPLICATIONS**

The fee payable of \$13, 048.70 has been received.

**STATUTORY AND POLICY IMPLICATIONS**

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

Section 6.7.2 (Industry General Provisions) of the TPS5 states as follows:

In considering planning applications within the Strategic industry, Industry, Industrial Development, Transport development and Light Industry zones, Council shall have regard for the:

- Compatibility of uses;

- Potential impact of the proposal on the efficient and effective operations of the existing and planned industry, infrastructure or public purpose, and
- Risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use.

The following sections of Council's Strategic Plan 2014 – 2024 are considered relevant to this proposal:

- 2 Supporting a diverse Economy
- 2.1 A thriving, resilient and diverse economy

Facilitate commercial, industry and Town growth.

*Planning Comment*

The Town has a pivotal role in the increasing the range of businesses operating within the Town, these types of industries are needed to increase training and employment opportunities.

**ATTACHMENTS**

1. Locality Plan
2. Development Plans
3. Applicants justification

10 April 2015

# Locality plan





ATTACHMENT 2 TO ITEM 12.1.4

DRG 2015 025 | 1



SITE AREA	13 810 sqm ***	REQUIRES CONFORMANCE
<b>BUILDING AREAS</b>		
MAIN WORKSHOP	1350 sqm	
GROUND FLOOR	90 sqm	
MEZZANINE		
STONES	400 sqm	
GROUND FLOOR	150 sqm	
MEZZANINE		
MAIN ADMINISTRATION OFFICE	240 sqm	
CHB ROOMS (INCLOSURE)	80 sqm	
CHAMBERS (KITCHEN/PANTRY/CAFETERIA)	40 sqm	
OUTDOOR CHB AREA	180 sqm	
MECHANICAL WORKSHOP	550 sqm	
MECHANICAL UPMAN OFFICE	72 sqm	
BLAST SHED	320 sqm	
CARPARKING		
STANDARD BAYS	68 BAYS	
ACCESSIBLE BAYS	3 BAYS	
LANDSCAPING AREA	480 sqm	



SK00-01-A  
SCALE 1:500 @ A1

PRELIMINARY - FOR REVIEW

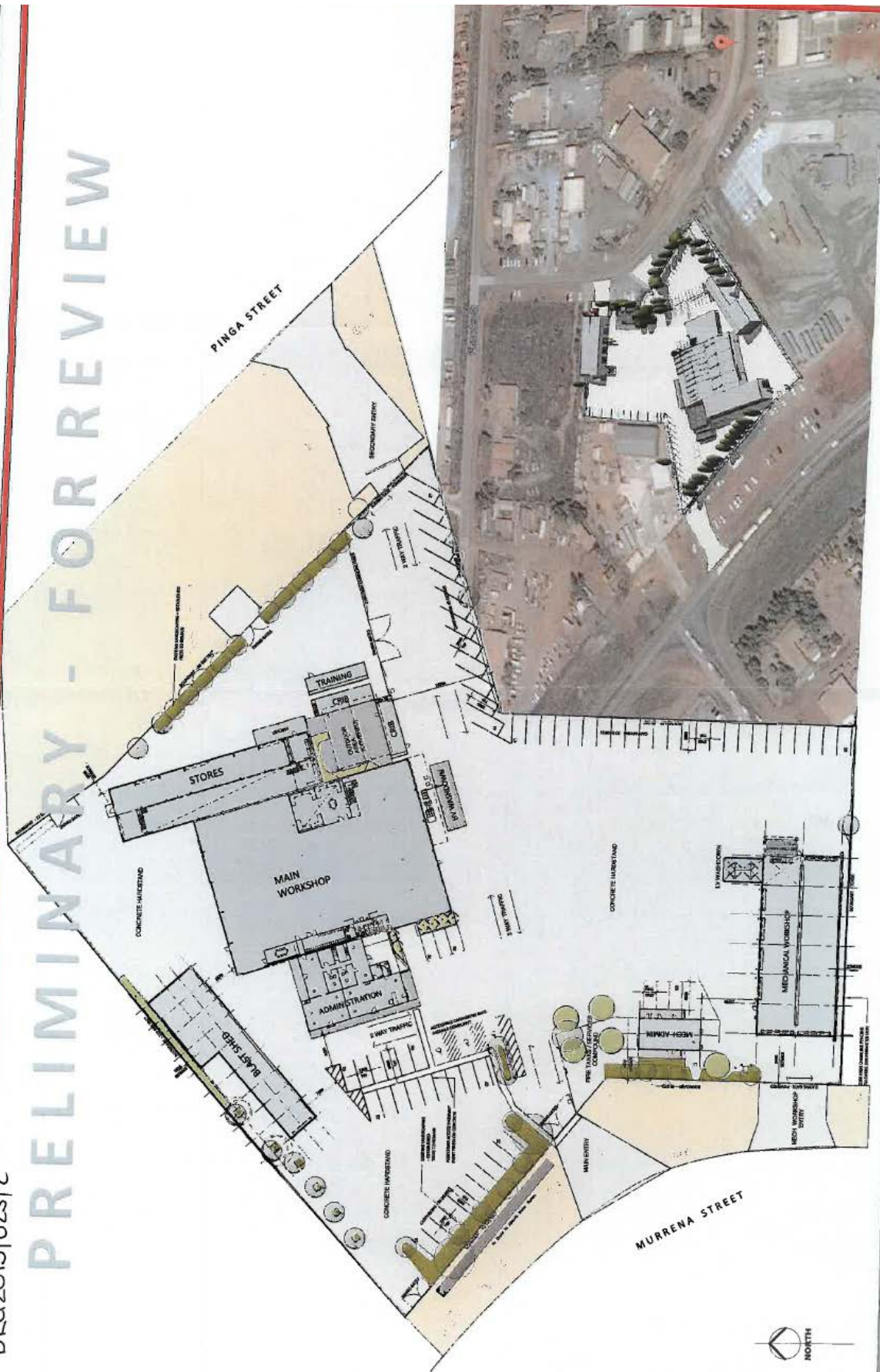
SITE PLAN

GOODLINE WEDGEFIELD  
MUREENA STREET



DRG 2015 | 025 | 2

PRELIMINARY - FOR REVIEW



GOODLINE WEDGEFIELD  
MURRENA STREET



LANDSCAPE PLAN

DRG 2015/025/3

**PRELIMINARY - FOR REVIEW**

**NORTH ELEVATION**

**WEST ELEVATION**

**ROOF PLAN**

GOODLINE WEDGEFIELD  
MUREENA STREET

MECHANICAL WORKSHOP  
ROOF PLAN + ELEVATIONS

**SK02-02-A**  
SCALE 1:100 @ A1  
SCALE 1:200 @ A3

**JEFF FREEMAN ARCHITECTS**

DRG 2015/025/4

**FLOOR PLAN**

**ROOF PLAN**

**WEST ELEVATION**

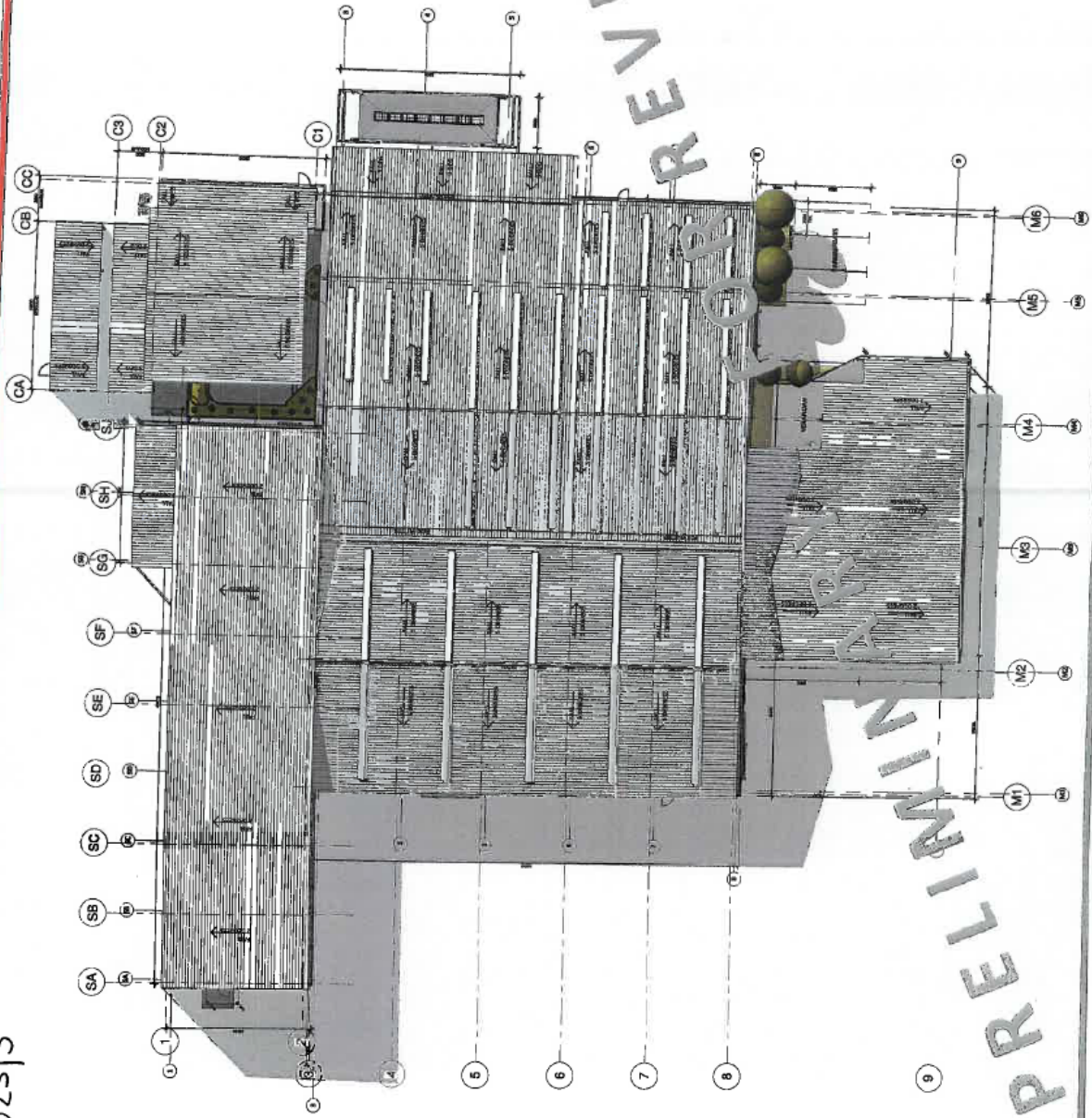
**PRELIMINARY - FOR REVIEW**

SK04-01-7  
SCALE 1:100 @ 1/4"  
SCALE 1:200 @ 1/8"

GOODLINE WEDGEFIELD  
841 IDEENA STREET

MECHANICAL ADMINISTRATIONS  
FLOOR PLAN + ELEVATIONS

DRG 2015 025 | 5



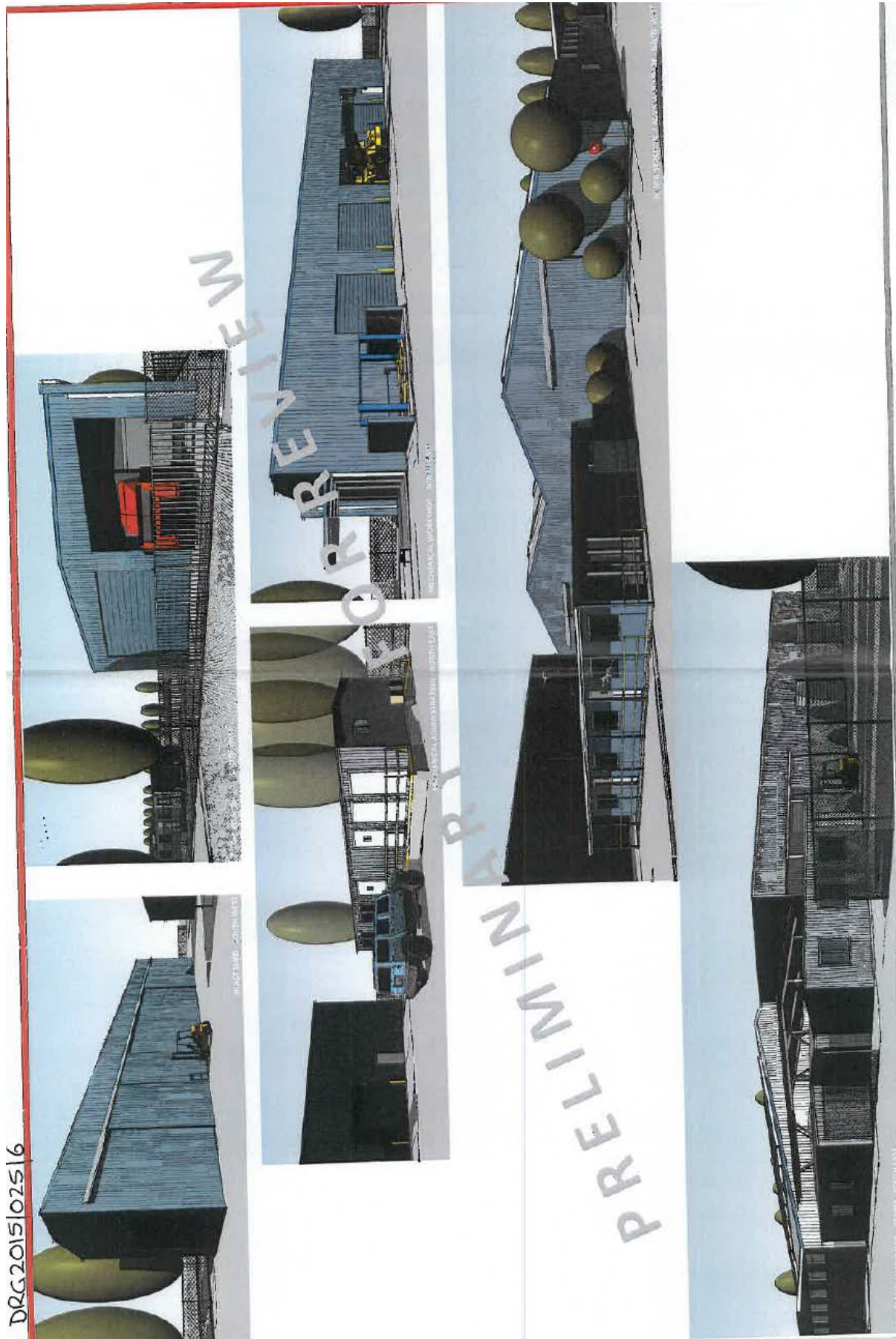
GOODLINE WEDGEFIELD  
MUREENA STREET

MAIN WAREHOUSE / STORES + CRIB AREA  
ROOF PLAN



SK01-03-A

DRG2015|025|6



SITE PERSPECTIVES

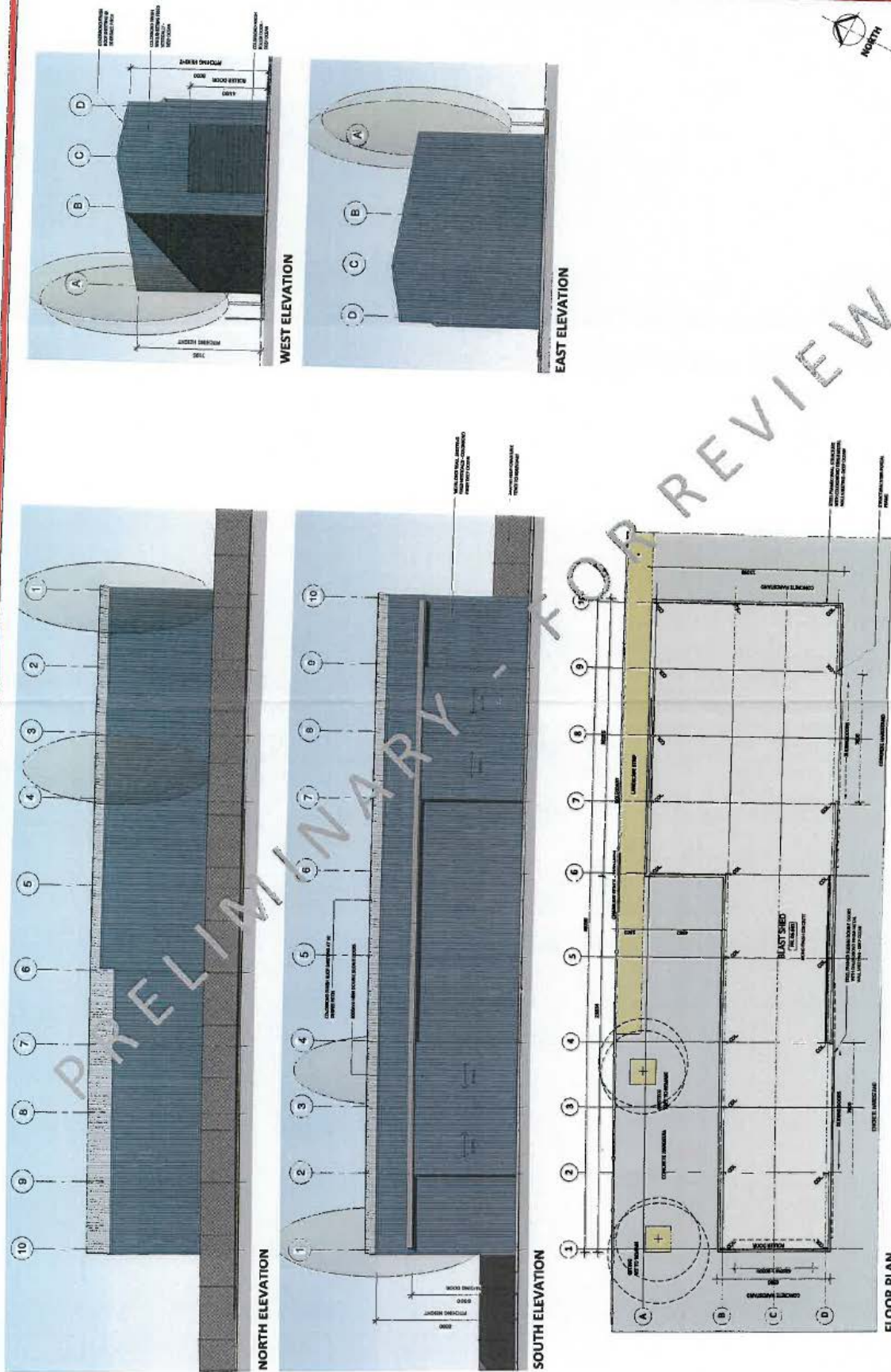
SK00-03-A

SCALE 1:500 @ A.

GOODLINE WEDGEFIELD  
MUREENA STREET



DRG 2015 | 02517



BLAST SHED  
FLOOR PLAN + ELEVATIONS

GOODLINE WEDGEFIELD  
MUREENA STREET



SK03-01-A  
SCALE 1:100 @ A1

## ATTACHMENT 3 TO ITEM 12.1.4



27<sup>th</sup> January 2015

Planning Services  
Town of Port Hedland  
Civic Centre, McGregor St,  
Port Hedland WA 6721

**RE: RETROSPECTIVE PLANNING APPROVAL  
4 & 6 (LOTS 10 & 1008) MURRENA STREET, WEDGEFIELD**

This letter intends to support the application for retrospective planning approval for a number of buildings at the Goodline yard at Lot 10 & 1008, No. 4 & 6 Murrena Street, Wedgefield.

**BACKGROUND – RETROSPECTIVE PLANNING APPROVAL**

The Town of Port Hedland have identified a number of buildings at the Goodline yard that require retrospective planning approval based on a request from Goodline to inspect the site.

The property zoning under the Town of Port Hedland Local Planning Scheme No. 5 has been identified as 'Industry'. We have applied the uses outlined in the Local Planning Scheme to the buildings that the Town of Port Hedland have identified as requiring planning approval.

**ZONING AND LAND USES**

We believe that these buildings fall under the following uses identified in the Local Planning Scheme.

Industry 'P' – Permitted in the 'Industry' zone.

Office 'IP' – Not permitted unless it is an incidental use to the predominant use.

Storage Facility 'AA' – Not permitted in the 'Industry' zone unless the council grants planning approval.

Town of Port Hedland have identified the following buildings requiring retrospective planning approval. We have also attached the summary prepared by the Town that identifies the applicable buildings:

- Office, crib and ablutions (IP - Office);
- Lunch rooms (P - Industry);
- Training room (P - Industry);
- Shed on western boundary (P - Industry);
- Sea containers (AA - Storage);
- Store/ shelter in the north western corner (AA - Storage);
- Temp sand blasting structure (P - Industry);
- Temp painting structure (P - Industry);
- Storage shelves/rack – northern boundary (AA - Storage);
- Storage racks – west side of workshop (AA - Storage);
- Awning – east side of workshop (P - Industry);
- Wash down area (P - Industry); and
- Smokers shelter on southern boundary (P - Industry).





The use 'Industrial' is permitted within the zone 'Industry' and therefore should be granted planning approval.

The use 'Office' should be approved as it is incidental to the predominant uses mentioned above. The use of office is vital to the successful operation of the overall business and therefore should be granted planning approval.

The use 'Storage Facility' is not permitted unless the council grants planning approval. Given that the business requires the storage of goods and products and is vital for the successful operation of the business, we believe that it should be granted planning approval.

**SCEPTIC TANK APPROVAL**

No septic tank approval has been identified however if the Town of Port Hedland require approval for this we will make the appropriate retrospective application to the Town of Port Hedland Health Department.

**NOXIOUS USE**

The Town of Port Hedland have queried as to whether any of the abovementioned unauthorised buildings, in particular the temp sand blasting structure. We can confirm that none of the uses of these buildings will be classified as a noxious use.

**TRANSPORT STATEMENT/ ASSESSMENT**

The Town of Port Hedland has requested the preparation of a Transport Statement and a Transport Assessment. These have been provided which demonstrate that adequate parking has been provided as per the Town of Port Hedland Town Planning Scheme No. 5. Additionally, as this is a retrospective development application, it can be noted that the Goodline yard has demonstrated safe transport operations through frequent access to, from and throughout the site for a range of vehicle types including cars, large trucks and service vehicles.

I trust that this advice meets with your immediate application requirements, should you have any queries please feel free to give me a call on (08) 9364 3395 or via email at [kieran.hunt@resolvegroup.com.au](mailto:kieran.hunt@resolvegroup.com.au) to discuss any queries.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Kieran Hunt", is written over a light blue horizontal line.

**KIERAN HUNT  
DIRECTOR**

***Traffic Assessment***

***Goodline Yard***

***4 and 6 Murrena Street Wedgefield  
Lots 10 and 1008***

***Issued for the submission of a Retrospective Planning Application as required  
by the Town of Port Hedland Planning Department***

***Prepared by Resolve Group Pty Ltd***

***23<sup>rd</sup> January 2015***

### *Traffic Assessment*

#### **Summary**

This traffic assessment is in regards to the retrospective planning application for Goodline yard at 4 and 6 Murrena Street, Wedgefield. The purpose of this assessment is to ensure that the unauthorised works that were previously completed do not have any negative effects on the surrounding area in the way of increased traffic flow and demand.

#### **Background**

##### **Applicant:**

Kieran Hunt - Resolve Group Pty Ltd

##### **Consultant:**

Resolve Group Pty Ltd

##### **Development Location:**

4 & 6 Murrena Street Wedgefield (Lots 10 & 1008)



**Figure 1 – Goodline Yard Site Plan**

**Development Proposal (Existing)**

No new buildings are being proposed as this is a retrospective development application and the buildings are already existing. The retrospective application is applicable to the following unauthorised buildings that have been identified by the Town of Port Hedland:

Land Use	Unauthorised Buildings
Industry	<ul style="list-style-type: none"> <li>• Lunch rooms;</li> <li>• Training rooms;</li> <li>• Shed on western boundary;</li> <li>• Temp sand blasting structure;</li> <li>• Temp painting structure;</li> <li>• Awning – east side of workshop;</li> <li>• Wash down area;</li> <li>• Smokers shelter on southern boundary</li> </ul>
Storage	<ul style="list-style-type: none"> <li>• Sea containers</li> <li>• Store/ shelter in the north western</li> <li>• Storage racks – West side of workshop</li> </ul>
Office	<ul style="list-style-type: none"> <li>• Office, crib and ablutions</li> </ul>

**Vehicle access and parking**

Vehicles have been accessing the Goodline yard through the primary street of Murrena Street and the secondary street of Pinga Street. This type of access is consistent with neighbouring properties and minimises the manoeuvring risks as there is no need for reversing when larger vehicles enter and exit the site as they can do so in a straight forward motion.

Additionally, adequate parking has been provided to ensure it meets the requirements of the Town of Port Hedland Town Planning Scheme No. 5.

Land Use	Area	Requirements	Bays Required
Industry (enclosed)	2350m <sup>2</sup>	1 bay per 50m <sup>2</sup>	47 Bays
Industry (unenclosed)	180m <sup>2</sup>	1 bay per 100m <sup>2</sup>	1.8 Bays
Office	312m <sup>2</sup>	1 bay per 30m <sup>2</sup>	10.4 Bays
Storage	580m <sup>2</sup>	1 bay per 100m <sup>2</sup>	5.8 Bays
<b>Total</b>			<b>65 Bays</b>

A total of 65 parking bays are required, a total of 68 parking bays have been provided along with 3 disabled bays.

**Existing Situation**

Currently, the business has been operating with no specific traffic related issues as the unauthorised works have increased the overall performance and safety in regards to access, parking and operations of the business.

**Integration with Surrounding Area**

The surrounding area is consistent with the uses of this retrospective development application. Surrounding uses consist of a mixture of industrial uses which generates the majority of trips to the immediate area. As a result of this application being retrospective, no additional trips are being generated.

**Conclusion**

In summary, the unauthorised works which have been completed at Goodline yard Wedgefield pose no additional traffic related issues as the buildings already exist and are not generating any additional traffic.

**12.1.5 Application for Planning Approval – Change of Use from ‘Warehouse’ to ‘Industry – Light’ and ‘Motor Vehicle and/or Marine Repair’ at Units 2 & 3 on Lot 215 (2) Steel Loop, Wedgefield**

Kobus Nieuwoudt, Senior Strategic Planning Officer  
File No. 806215G

**DISCLOSURE OF INTEREST BY OFFICER**

Nil

**201415/226 RECOMMENDATION/ COUNCIL DECISION**

**MOVED: CR MELVILLE**

**SECONDED: CR HOOPER**

That Council, in respect of the application for a ‘Change of Use’ at Units 2 & 3 on Lot 215 (2) Steel Loop, Wedgefield from ‘Warehouse’ to ‘Industry – Light’ (Unit 2) and ‘Motor Vehicle and/or Marine Repair’ (Unit 3), grant Planning Approval as outlined in the Application received 6 February 2015 (Application No. 2015/015), and indicated on the approved plans, subject to the following conditions:

**General Conditions**

1. The uses hereby permitted must substantially commence within two years from the date of this approval.
2. The uses hereby permitted taking place in accordance with the approved plans.

**Conditions to be met prior to occupation of uses**

3. Prior to occupation of the uses, car parking bays #17 up to and including #20 as shown on the approved Site Plan (DRG2015/015/1), shall be constructed, drained and line-marked to the satisfaction of the Town of Port Hedland.
4. Prior to occupation of the uses, stormwater drainage works must be completed in accordance with the approved plans to the satisfaction of the Town of Port Hedland.
5. Prior to occupation of the uses, the applicant shall provide stormwater treatment facilities in the form of a petrol and oil trap. Details of the stormwater treatment facilities shall be shown on a stormwater drainage plan to be submitted and approved by the Town of Port Hedland prior to occupation of the uses.

**Conditions requiring ongoing compliance**

6. The car parking bays referred to in Condition 3 above are to be maintained and available for car parking on an ongoing basis to the satisfaction of the Town of Port Hedland.

7. The existing landscaped areas are to be maintained on an ongoing basis to the satisfaction of the Town of Port Hedland.
8. The on-site drainage system shall be maintained on an ongoing basis to the satisfaction of the Town of Port Hedland.

**CARRIED 8/0**

---

## EXECUTIVE SUMMARY

Council is asked to consider an application for Planning Approval for a Change of Use at Units 2 & 3 on Lot 215 (2) Steel Loop, Wedgefield from 'Warehouse' to 'Industry – Light' (Unit 2) and 'Motor Vehicle and/or Marine Repair' (Unit 3).

The application is recommended for approval, subject to conditions.

## DETAILED REPORT

Lot 215 (2) Steel Loop, Wedgefield (hereafter referred to as 'the subject site') is located on the corner of Steel Loop and Cajarina Road within the southern portion of the Wedgefield Industrial Area. Refer Location Plan (**Attachment 1**).

### *Existing Development*

The land is currently developed with 3 separate industry units with 360m<sup>2</sup> each, a mezzanine level for offices, a constructed 16 bay carpark and 3 separate 'rear yards' of 75m<sup>2</sup> each.

The total site area is 2,543m<sup>2</sup> with ingress/access points on Steel Loop and Cajarina Road. The site is relatively flat and includes landscaping with predominantly native vegetation.

### *Proposed Development*

It is proposed to change the use of Unit 2 from 'Warehouse' to 'Industry – Light' and the use of Unit 3 from 'Warehouse' to 'Motor Vehicle and/or Marine Repair'.

The application does not include any physical alterations to the existing development.

An assessment of parking requirements under the Town of Port Hedland Town Planning Scheme No.5 (TPS5) shows that 4 additional parking bays will be required to service the new uses. The Site Plan submitted with the application depicts the provision of 4 additional parking bays abutting the existing industry units. Refer 'Site Plan' in **Attachment 2**.

### *Officer Comment*

An assessment of the proposal against the relevant requirements of TPS5 shows the proposal complies with all the applicable standards.

The proposal is also deemed to be entirely consistent with the requirements of orderly and proper planning and the preservation of the amenities of the locality.

The application is consequently recommended for conditional approval.

#### **FINANCIAL IMPLICATIONS**

The applicant has paid the application fee in accordance with the Town's adopted 2014/15 Fees and Charges.

There are no financial implications for the Town of the recommendations of this report.

#### **STATUTORY AND POLICY IMPLICATIONS**

The subject site is zoned 'Light Industry' by the Town of Port Hedland Town Planning Scheme No.5 where the Use Class 'Industry – Light' is denoted with the symbol 'P' (meaning the development is permitted) and the Use Class 'Motor Vehicle and/or Marine Repair' is denoted with the symbol 'AA' (meaning the development is not permitted unless the Council has granted approval).

The subject site is situated within the Wedgefield Industrial Estate Development Plan Area and is denoted as being 'Light Industry'.

The proposal is consistent with the theme 'Supporting a diverse economy' in the Strategic Community Plan 2014 – 2024.

#### **ATTACHMENTS**

1. Location Plan
2. Plans of the Proposal

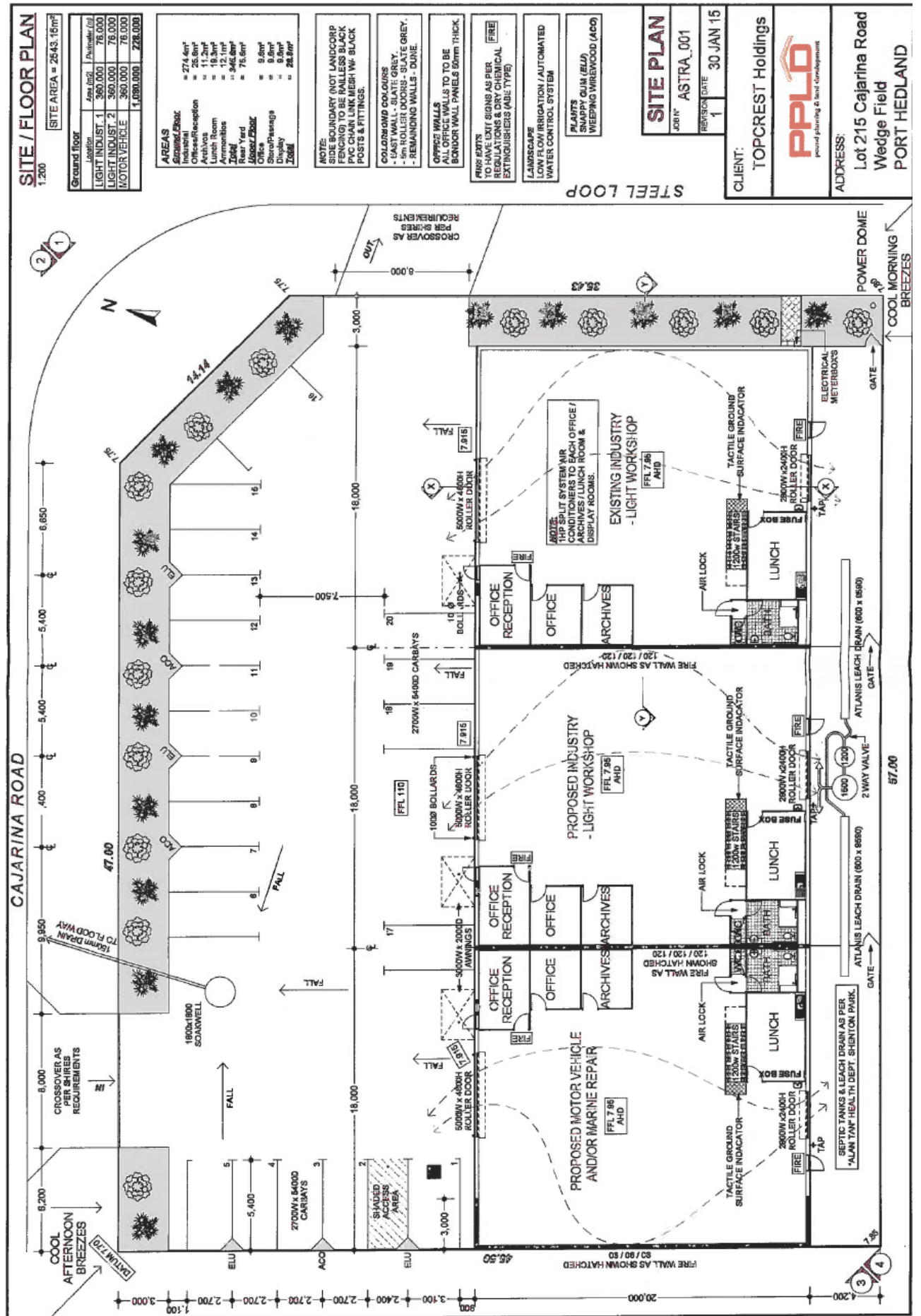
10 April 2015

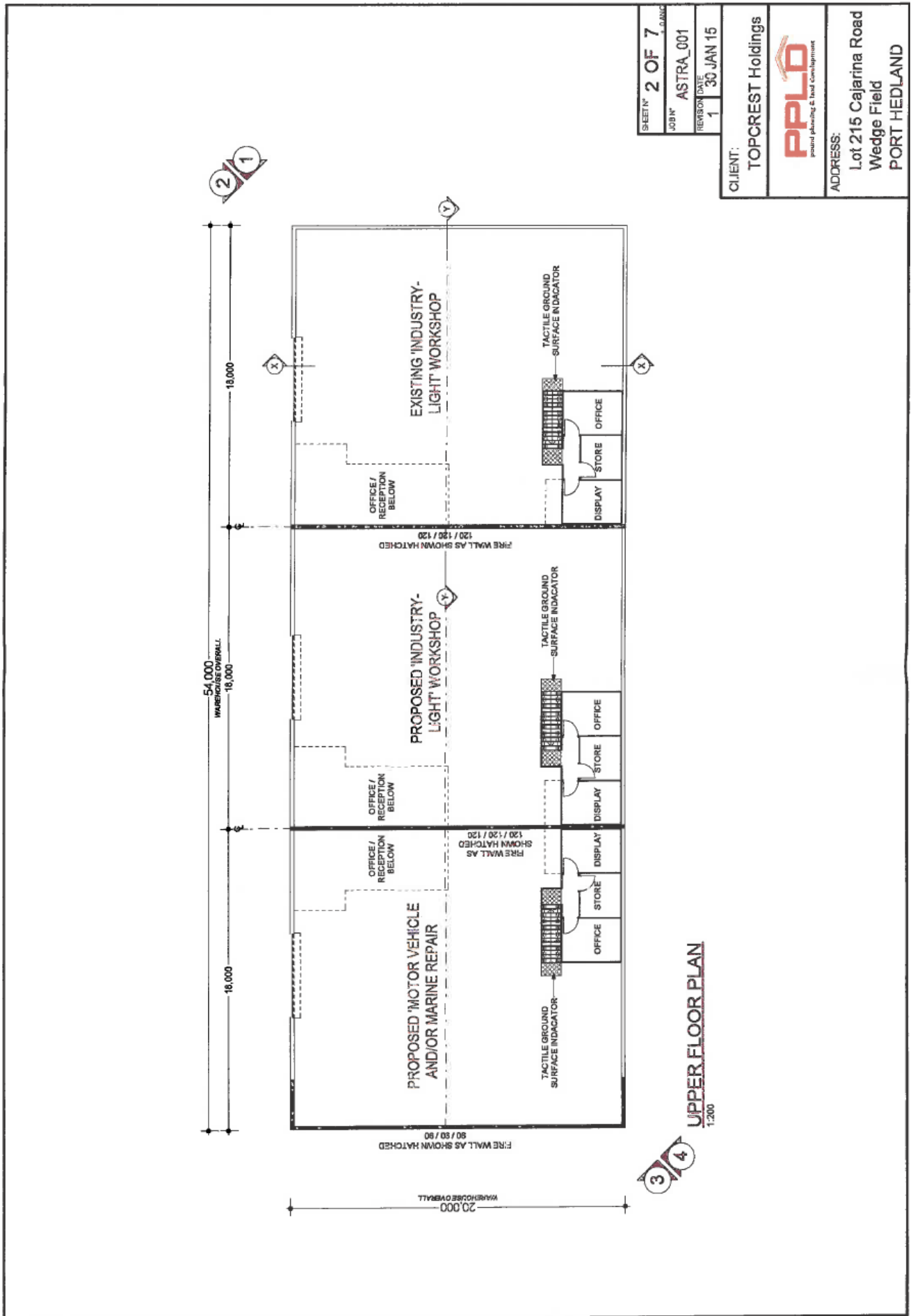


ATTACHMENT 1 TO ITEM 12.1.5



ATTACHMENT 2 TO ITEM 12.1.5

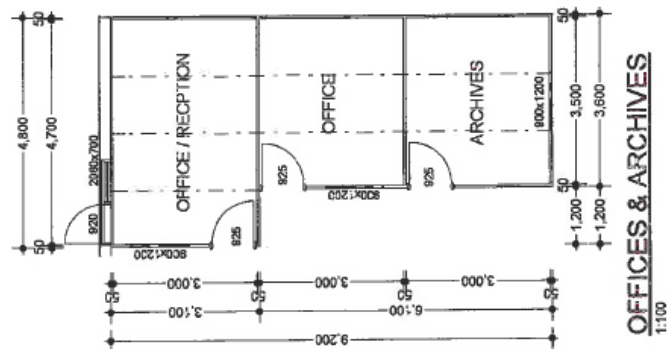




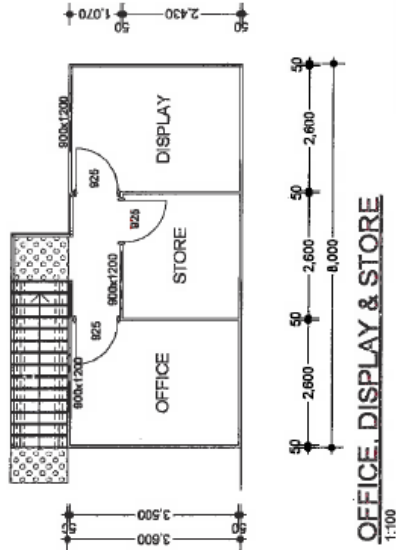
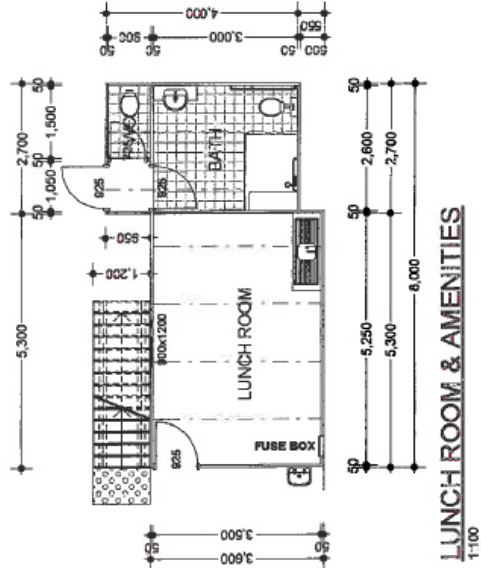
SHEET N°	2 OF 7
JOB N°	ASTRA_001
REVISION DATE	30 JAN 15
1	

CLIENT:  
**TOPCREST Holdings**  
  
 ADDRESS:  
 Lot 215 Cajarina Road  
 Wedge Field  
 PORT HEDLAND

**UPPER FLOOR PLAN**  
 1:200



**NOTE:**  
50mm BONDOR CEILING PANELS  
50mm BONDOR WALL PANELS



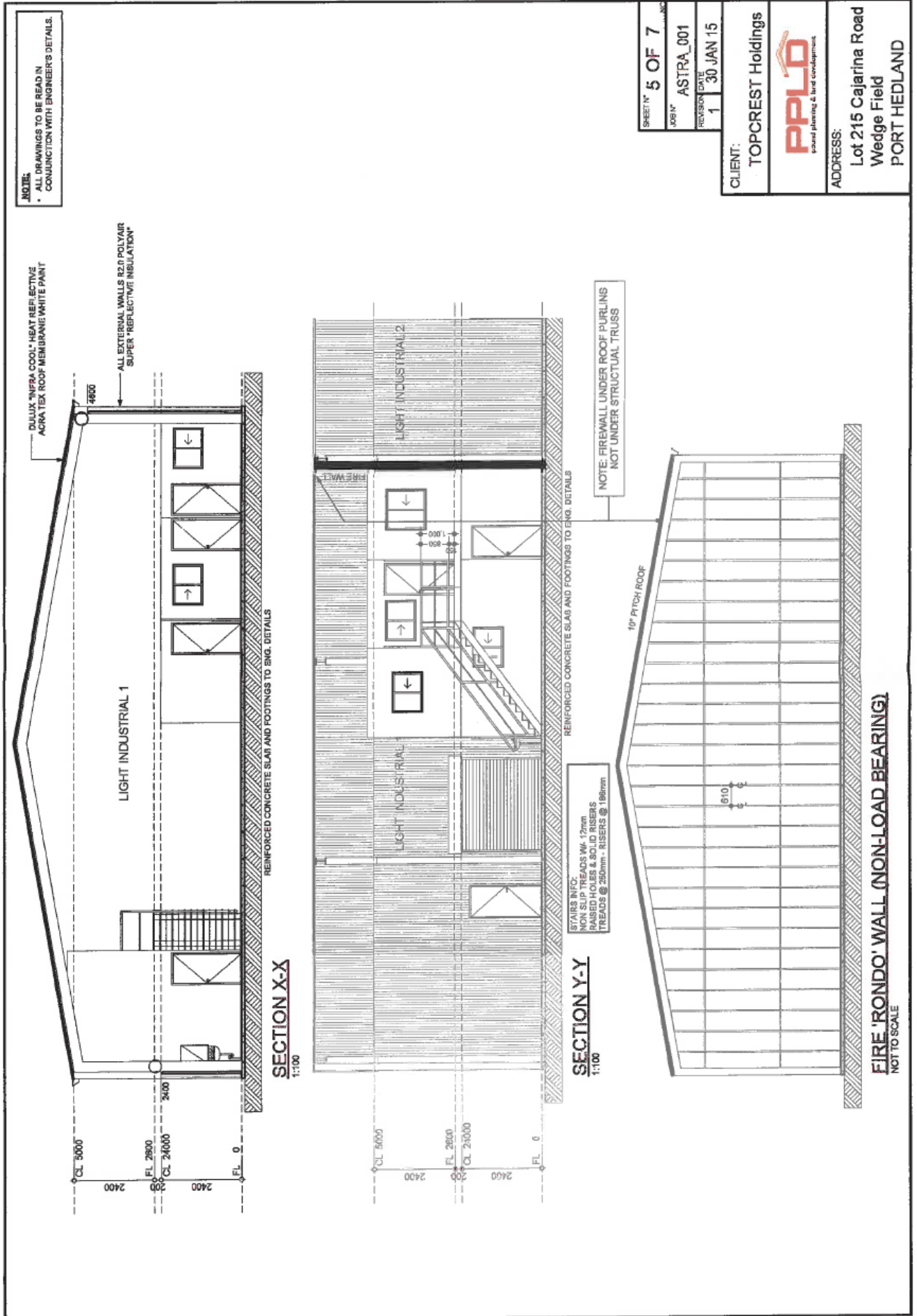
SHEET N°	3 OF 7
JOB N°	ASTRA_001
REVISION DATE	30 JAN 15
1	

CLIENT:  
TOPCREST Holdings



ADDRESS:  
Lot 215 Cajarina Road  
Wedge Field  
PORT HEDLAND





**12.2 Works and Services****12.2.1 Review Trading in Public Places Policy 13/014**

Darryal Eastwell, Manager Environmental Health Services  
File No. 19/04/0001

**DISCLOSURE OF INTEREST BY OFFICER**

Nil

**201415/227 RECOMMENDATION/ COUNCIL DECISION**

**MOVED: CR JACOB**

**SECONDED: CR MELVILLE**

**That Council:**

- 1. Amend Policy 13/014 Trading in Public Places policy (Attachment 1).**
- 2. Request the Chief Executive Officer, or his delegate(s), seek a site in South Hedland to accommodate mobile Food Vans in future development expansion plans.**

***CARRIED 8/0***

---

**EXECUTIVE SUMMARY**

At the 2014 June Ordinary Council meeting it was resolved

*"201314/354 COUNCIL DECISION*

*MOVED: CR DACCACHE SECONDED: CR HOOPER*

*"That Council:*

*...*

- 4. Receive another report on the economic benefit, hours of trade and placement of food vans for formal consideration at the December 2014 Council Meeting.*

***CARRIED 7/0"***

A review of the economic benefit to the Town, hours of trade for vendors, approval periods and trading location of vendors was presented to a recent concept forum with Councillors and later discussed further at a workshop.

At the workshop Councillors recommended traders be reviewed each year in line with our Local Laws and policy. It was also recommended Finucane Island boat ramp be included in the list of approved sites, the maximum three year period for any one operator to conduct business be deleted and officers seek a suitable site in South Hedland to accommodate a group of food vans in the future. All these outcomes to amend the existing policy have been recommended to Council.

## DETAILED REPORT

From time to time it is important to review a policy to ensure it is up to date, relevant and gives the Town clear direction from Council. During the workshop many aspects of the trading in public places policy was debated and considerable input from Councillors was received on all matters.

During the concept forum and the subsequent workshop many aspects of food vendor trading were discussed including:-

- Concern in relation to the operation of food vans by an existing food business
- Concern on the effects to existing business operators in relation to products sold and hours of operation
- Vans remaining on site after designated hours of operation were a cause for concern
- Hours of trading
- Lack of available food alternatives later at night
- Site leasing options
- Comparisons of fees and charges to other northern councils as summarised below

Karratha charges \$670 per year. They specify trading areas and trading times from sunset to sundown.

Broome charges \$907.50 per year for TPP licence plus \$303.50 for Food Act Licence which is similar to that of a commercial kitchen licence. The total amount charge is \$1,211.00 a year. Unlike Karratha they do not specify trading areas but do stipulate that food vans must be 300m from any other food premise. Broome does not specify trading times however will approve or reject proposed trading times put forward by the food van operators.

East Pilbara charges \$1,000 per year specifying designated trading areas (4 locations), but if food vans want to trade anywhere else, they need to make a planning application and receive approval to trade from those areas. Similar to that of Broome, East Pilbara do not specify trading times however will approve or reject proposed trading times put forward by the food van operators.

Town of Port Hedland charge \$642.00 per year plus a \$57.00 application fee. The Town specifies locations to operate and times of operations.

### *Consultation*

This matter was discussed at a concept forum and also discussed further by Councillors at a separate workshop.

## FINANCIAL IMPLICATIONS

Annual licensing fees for a 12 month license are \$642 with an application fee of \$57 for the 2014/2015 Budget and new fees will be considered in the 2015/16 budget process and it is estimated they will increase by 3%.



**STATUTORY AND POLICY IMPLICATIONS**

The Food Act 2008, Food Regulations 2009 and the Food Safety Standards, are the statutory pieces of legislation for food regulation. Council has Trading in Public Places Local Laws and policy 13/014 assist the officers to administer the local law.

The Strategic Community Plan 2014 - 2024 requires the Town to assess applications that they consider will add diversity, economic growth and choice in our Town.

**ATTACHMENTS**

1. Amended Policy 13/014 Trading in Public Places

2 April 2015

## ATTACHMENT 1 TO ITEM 12.2.1



### **1. Exemption for Community Events**

That private stallholders be exempt from applicable Council fees for Trading in Public Places Permits where it can be demonstrated that they are operating under a blanket permit held by a Community Association for that event.

The Community Association, in applying for its blanket permit must:

- Supply all relevant details of proposed stallholders working at the event in the prescribed manner for the purpose of assessment and approval;
- Supply a copy of public risk insurance certificates held for the event;
- Pay the applicable fee or seek exemptions under Clause 15 of the Local Law

### **2. Procedure When Objections Are Received To An Application**

Trading in Public Places applications are assessed as per the requirements of the Town of Port Hedland Trading in Public Places Local Law 1999.

Where complaints are received regarding the operation of a Trading in Public Places Applicant the Town's Environmental Health Services team will investigate the matter and take any required action to resolve any problems in accordance with the Town of Port Hedland Trading in Public Places Local Law 1999.

If objections to a proposed or current permit are received or complaints have been raised in the past concerning a Trading In Public Places permit that is due for renewal the matter will be referred to the Chief Executive Officer for resolution. If the matter cannot be resolved by the CEO the matter will then be referred to Council, in the form of a detailed report, for determination.

### **3. Approval / Administration Procedure for Trading in Public Places Applications**

#### ***Categorisation of Traders***

All Traders will be considered in three (3) categories

#### ***Category 1 – Very Low Risk Food Premises***

Traders that offer a specialized service that have no food preparation and have minimal impact on existing businesses.

- Vegetable Sales
- Low risk packaged food sales



Other vendors such as sheep skin products vendors; flowers, etc are included in this category for expedience of applications.

### **Category 2 - Low Risk – (Limited Food Preparation)**

These sell frozen or chilled pre-packed food that has minimal impact on existing business and offer a service to the region and Port Hedland on a regular timetable.

These include the following:-

- ~~Seafood The Fish Van-~~
- ~~Outback Mobile butchersButcher-~~
- ~~Muka Meats-~~
- Itinerant ~~i~~ce ~~c~~ream ~~v~~endors
- Coffee ~~v~~ans-

### **Category 3 - Medium Risk Food Premises (Food Preparation)**

These Traders prepare medium risk takeaway food in their vans.

- Take away food vans.

### **High Risk Food Preparation Activities**

High Risk food activities premises, as determined by the *Food Act 2008*, cannot be undertaken from a non- approved premise.

### **Maximum Approvals Period**

~~Category 3 traders will only be approved for the maximum period of 3 years to operate in the Town of Port Hedland to give them time to establish a permanent business-~~

Re-application will be required after 12 months which will incorporate an assessment based on compliance, any complaints received and service to the community with the final decision to renew the permit resting with Council. Priority will be given to compliant vendors wishing to complete the 2 year license term.

### **Limiting the number of Vendors at one Site at any one Time**

There is to be no more than 3 vendors at any one time at any of the nominated sites and the "first come first served" statement will apply.

Each food van will be required to be removed from the site after the designated hours of operation expire.



If disputes arise that cannot be resolved by vendors and the Town is called in to adjudicate ~~a report will go to Council recommending the Town will cease cessation of~~ all licenses involved in the dispute until the matter is resolved.

### ***Nominated Locations and times of Operation***

Category 3 traders vendors can only locate their vans on the sites listed below between 5.00am to 10.00pm.

- The Big Wheelbarrow site in Wedgefield
- Area adjacent to Dreamers Corner – Hamilton Road, South Hedland
- The Don Rhodes Museum Site in Port Hedland
- Airport Information Bay
- Port Hedland boat ramp
- Finucane Island Boat Ramp

### ***Period of Approvals***

Yearly licenses will only be approved from the 1<sup>st</sup> July – 30<sup>th</sup> June each year.

### ***Approval Procedure***

Category 1 & 2 Traders can be processed at officer level with due consideration to the policy.

Category 3 vendors seeking yearly approvals must submit an application before the 31<sup>st</sup> of May each year. Applications to Trade in a Public Place and application to be registered as a food van under the Food Act 2008 are required.

Applications will be compiled into a report which will be included for Council consideration in June of each year. Council can then make the determination on which food vans are to be approved. This process should take into consideration which vans can provide the best service to community, performance, compliance and any recommendations made by the reporting officer.

Council Adoption Date and Resolution No.	<i>OCM 26 September 2012 – 201213/107</i>
Date of adoption of amendment and Resolution Number <b><i>Do not delete previous dates</i></b>	<i>OCM 25 June 2014 201314/354</i>
Relevant Legislation	<i>Food Act 2008</i>
Delegated Authority	
Directorate	<i>Planning and Development</i>
Review Frequency	<i>Annual</i>

**12.3 Corporate Services****12.3.1 Statement of Financial Activity for the period ended 28 February 2015**

Laura Delaney, Management Accountant Financial Reporting  
File No. 12/14/0003

**DISCLOSURE OF INTEREST BY OFFICER**

Nil

**201415/228 RECOMMENDATION/ COUNCIL DECISION**

**MOVED: CR JACOB**

**SECONDED: CR HUNT**

**That Council:**

- 1. Receive the Statement of Financial Activity (and supporting information) for the period ended 28 February 2015;**
- 2. Note the accounts paid during February 2015 under delegated authority.**

**CARRIED 8/0**

**EXECUTIVE SUMMARY**

This report presents the Statement of Financial Activity for the period ended 28 February 2015.

Supplementary information has been presented to the Council to provide further information regarding the Town's activities.

**DETAILED REPORT**

The Statement of Financial Activity is presented in a similar format to the Rate Setting Statement as included in the 2014/15 Annual Budget. The operating section of the Statement of Financial Activity is shown by program in accordance with Regulation 34 (3)(b) of the *Local Government (Financial Management) Regulations 1996*.

The following commentary is provided on variances between year to date actuals and year to date budget for the period ended 28 February 2015:

Account Description	YTD Variance	Comment
Operating Expenditure – Economic Services	-82%	Proceeds from the Kingsford Smith Business Park (KSBP) will be transferred from the Municipal Fund to the Airport Reserve as the sales of the KSBP lots progress. The sale of these lots has not yet occurred and

		therefore no transfers have been processed.
Non-Cash Items: Depreciation	-82%	Depreciation has been run for Plant & Equipment – Municipal for the period July 2014 to January 2015. Depreciation for the remaining asset classes will not be run until the end of the financial year due to the requirements associated with fair value for 2014/15.
Non-Cash Items: (Profit )/ Loss on Disposal of Assets	-263%	Disposals have been processed resulting in an approximate loss of \$17k.
Non-Cash Items: Movement in Deferred Debtors (Rates)	-100%	Movement in Deferred Debtors (Rates) will be reconciled at the end of the financial year.
Non-Cash Items: Contributed Assets - Grants and Contributions Capital	-100%	\$1.75m Contributed Asset related to GP Housing Stage 2. Accounting treatment will occur at the end of the financial year.
Capital: Proceeds from Disposal of Assets	-97%	Proceeds from the Disposal of Assets totaling \$187k have been received in the period July 2014 to February 2015. Income from the sale of the Kingsford Smith Business Park lots and other land developments has not yet occurred.
New Loan Borrowings	-100%	No loan funds have been drawn down. Loan funds relate to capital projects being the Civic Centre Upgrade, Catamore Court Subdivision, Floodwater Pump Refurbishment and JD Hardie Land Acquisition. A report will be presented to Council regarding loan refinancing through the use of the Strategic Reserve.
Transfers from Unspent Grants	-100%	Unspent Grants will be reconciled at the end of the financial year.
Transfers from Unspent Loans	-100%	Unspent Loans will be reconciled at the end of the financial year.

The net current asset position as at 28 February 2015 is \$16.345m. This balance is expected to decline significantly across the course of the year, as projects are delivered, and operational budgets are expended.

The unrestricted cash position as at 28 February 2015 is \$16.213m. This is calculated as follows:

	2014/15 Actual (000's)
Current Assets: Cash and Investments	\$86,318
Restricted Cash – Reserves	(\$66,683)
Restricted Cash – Unspent Grants	(\$2,614)
Restricted Cash – Unspent Loans	(\$808)
Unrestricted Cash Position as at 28 February 2015	\$16,213

### FINANCIAL IMPLICATIONS

The Statement of Financial Activity includes an actual municipal surplus carried forward of \$817k. The surplus is attributable to a number of capital projects that have been carried-over from the 13/14 financial year. These projects were considered by Council at the September 2014 Ordinary Council Meeting (OCM), with a funding requirement of \$655k from the municipal surplus carried forward. The carried forward surplus in the Amended Budget – Carryovers (Sep OCM) column has been adjusted accordingly.

The projected municipal surplus as at 30 June 2015 following the December QBR is \$1.532m. This is comparative with the original budget forecast of \$1.802m, as budget adjustments arising from the 2013/14 carryovers, the September QBR, the December OCM and the December QBR have resulted in a reduction in net current assets in 2014/15 of \$1.141m, which has been offset by an increased actual municipal surplus carried forward of \$817k compared to a 2014/15 budget amount of (\$54k).

The following reconciliation is provided:

	000's
Budget Municipal Surplus Brought Forward 30 June 2015	\$1,802
Change in Net Current Assets arising from 2013/14 Carryovers	(\$655)
Change in Net Current Assets arising from September QBR	(\$86)
Change in Net Current Assets arising from December OCM	(\$75)
Change in Net Current Assets arising from December QBR	(\$325)
Municipal Surplus Carried Forward 1 July 2014 – Budget	\$54
Municipal Surplus Carried Forward 1 July 2014 – Actual	\$817
<b>Amended Budget Municipal Surplus Brought Forward 30 June 2015</b>	<b>\$1,532</b>

### STATUTORY AND POLICY IMPLICATIONS

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the Town to prepare a monthly Statement of Financial Activity. The Town prepares this Statement as part of its delivery of high quality corporate governance, accountability and compliance. The Town's goals and actions in this regard are set out in the Leading our Community section of the Strategic Community Plan 2014-2024.

The monthly Statement of Financial Activity is to be presented to the Council at an ordinary meeting within 2 months after the end of the month to which the statement relates. Where the month coincides with QBR reporting (September, December, March) the Statement of Financial Activity will be incorporated in the QBR document. It should be noted that the March QBR is currently underway and will be reported to the May OCM.

The Town has a current resolution arising out of the adoption of the 2014/15 budget requiring that material budget variations be reported through to Council. Materiality being established at the lesser of 10% of the amended program budget or \$100,000 for each of the categories of Operating Revenue; Operating Expenditure; Non-Operating Revenue and Non-Operating Expenditure. Officers presented all proposed budget variations, supported by Management commentary to the February OCM as part of the December QBR.

Note the Statement of Financial Activity includes five budget columns:

1. Original Budget;
2. Amended Budget arising from the Schedule of Budget Carryovers presented to Council at the September OCM;
3. Amended Budget arising from the September QBR;
4. Amended Budget arising from variations adopted by Council at the December OCM;
5. Amended Budget arising from the December QBR.

The change in budgeted net current assets as at 30 June 2015 (the last row on the Statement of Financial Activity) reconciles to the Schedule of Budget Variations.

A Rates has been incorporated into the supporting information provided to the Council with the monthly Statement of Financial Activity. Additional documents will also be added in future months including the Capital Works Program, Grants Register and Road Program.

#### ATTACHMENTS

1. Statement of Financial Activity for the Period Ended 28 February 2015 (Under Separate Cover)
2. Accounts paid under delegated authority for the month of February 2015 (Under Separate Cover)

2 April 2015



### 12.3.2 Updates to the Town of Port Hedland 2014/15 Delegation Register

Josephine Bianchi, Governance Coordinator  
File No. 13/02/0001

#### DISCLOSURE OF INTEREST BY OFFICER

Nil

#### 201415/229 RECOMMENDATION/ COUNCIL DECISION

**MOVED: CR JACOB**

**SECONDED: CR HUNT**

**That Council adopt the changes to the 2014/15 delegation register as listed in Attachment 1.**

***CARRIED BY ABSOLUTE MAJORITY 6/2***

Record

For	Against
Mayor Howlett	Councillor Gillingham
Councillor Jacob	Councillor Butson
Councillor Daccache	
Councillor Hooper	
Councillor Hunt	
Councillor Melville	

#### EXECUTIVE SUMMARY

The Council is required to consider approving updates in delegations to Town officers to reflect the new organizational structure set in November 2014 and to improve efficiency of the Town's operations.

This item was originally presented to the Ordinary Council Meeting held on Wednesday 25 February 2015 but was lost on absolute majority vote.

*"RECOMMENDATION/ MOTION*

*MOVED: CR JACOB*

*SECONDED: CR HUNT*

*That Council adopt the changes to the 2014/15 delegation register as listed in Attachment 1.*

*LOST ON AN ABSOLUTE MAJORITY VOTE 5/3"*

Elected Members requested a workshop on the suggested changes to the delegation register which was delivered on Wednesday 11 March 2015 and distributed to Elected Members via email and in hard copy.

This item was therefore re-presented to the Ordinary Council Meeting held on Wednesday 25 March 2015 and lost on absolute majority vote.

*“RECOMMENDATION/ MOTION**MOVED: Cr HOOPER**SECONDED: MAYOR HOWLETT**That Council adopt the changes to the 2014/15 delegation register as listed in Attachment 1 and including the Director Community and Development Services in 1.25, 3.1, 3.4 and 3.8**LOST ON AN ABSOLUTE MAJORITY VOTE 4/2”*

## Record

For	Against
Mayor Howlett	Councillor Gillingham
Councillor Daccache	Councillor Butson
Councillor Hooper	
Councillor Melville	

**DETAILED REPORT**

A recent review of the 2014/15 delegation register has highlighted a number of delegations from the Council to Town officers which are required to be updated.

Following the November 2014 organisational restructure a number of title changes have occurred which need to be amended. These being:

- Director Engineering Services position changing to Director Works and Services
- Director Planning and Development position changing to Director Community and Development Services
- Delegation under the Food Act 2008 to change from Director Community and Development Services to Director Works and Services as the Environmental Health business unit reporting line has changed

The review also proposes that the Chief Executive Officer be provided additional delegations and authorisations so that the Town can continue its day-to-day operations in a timely and efficient manner. The following powers are proposed to be given to the Chief Executive Officer:

1.25 – Issue Licence to obstruct a public thoroughfare, make and excavation on or adjoining a public thoroughfare, construct a thing on, over or under a public thoroughfare

3 – Building Act 2011

3.1 – Authorised Persons

3.2 – Building Permits and Certificates of Design Compliance

3.3 - Occupancy Permit, Building Approval Certificate, Certificate of Building Compliance, Certificate of Construction compliance with or without conditions and extension of period of duration of Occupancy Permit or Building Approval Certificate & Notice of decision to not grant an Occupancy Permit or grant Building Approval Certificate

3.4 – Approve a Demolition Permit Other Than Buildings Listed on the Local Heritage Inventory or of a Local Historical and/or Cultural Significance

- 3.5 – Issue Notices and/or Building Orders
- 3.6 – Appoint Authorised Persons (Swimming Pool Inspectors)
- 3.8 – Approve the use of a battery powered smoke alarm
- 5.1 – Town Planning Scheme No. 5
- 6.1 – Subdivision
- 7.1 – Food Act 2008, Section 126 (7)
- 9.1 – Health Act - Exercise and Discharge Powers and Functions of the Local

The Town is now also requesting that the Senior Statutory Planning Officer be given delegation under the Town Planning Scheme No.5 (delegation 5.1) to ensure the efficient and effective decision making at all times.

It is also recommended that the following changes to individual delegations be adopted:

- Point 1(d) under delegation '5.1 Town Planning Scheme No. 5 - Uses'.  
It is proposed to delete the wording "All Councillors have been advised (in writing) prior to determining the application". The reason being that Elected Members are already advised of all planning application approvals through the monthly planning applications report to Council that is required under point 3 of this delegation.
- Point 1(f) under delegation '5.1 Town Planning Scheme No. 5 - Uses'.
- This point is proposed to be deleted to ensure consistency with the Town Planning Scheme No.5.
- Points 1(a), (b), (c), (d), (e) under delegation '5.1 Town Planning Scheme No. 5 - Uses'.  
It is proposed to delete the words "to commence development" to ensure consistency with the Town Planning Scheme No.5.
- Delegation 8. Strata Titles Act 1985.  
This delegation is considered obsolete as section 23 of the Strata Titles Act was deleted in 2011, and included in the Building Act 2011; it is therefore recommended that this delegation be deleted from the delegation register.

The Town officers consulted as part of this process were:

- Executive team
- Planning officers

## FINANCIAL IMPLICATIONS

Nil.

## STATUTORY AND POLICY IMPLICATIONS

### *Local Government Act 1995*

Employees are appointed as authorised persons in accordance with section 9.10 of the *Local Government Act 1995* to exercise identified powers under the Act, associated regulations and local laws.

### *Town Planning Scheme No.5*

Delegations are in accordance with section 9.2 of the scheme which outlines the process for delegations to officers.

*Building Act 2011*

A local government may designate an employee as an authorised person under section 96(3) of the *Building Act 2011* to carry out certain powers.

*Health Act 1911*

Officers are appointed under section 26 of the *Health Act 1911* to exercise local government powers identified in the Act.

*Food Act 2008*

Officers are authorised under section 122 of the Food Act 2008 to perform functions identified in the Act.

Section 4.1 of the Strategic Community Plan 2014 – 2024 applies as the Town strives to be efficient and effective in use of resources, infrastructure, assets and technology. Amending delegations and including providing additional officers with delegations assists the organisation in operating efficiently and effectively.

**ATTACHMENTS**

1. Amended 2014/15 Delegation Register (Under Separate Cover)

9 April 2015

**12.4 Office of the CEO****12.4.1 Nomination of Council Representative for Pilbara Ports Authority Port of Port Hedland Community Consultation Committee**

Julie Rouse, Executive Assistant to the CEO and Mayor  
File No. 02/07/0005

**DISCLOSURE OF INTEREST BY OFFICER**

Nil

**201415/230 RECOMMENDATION/ COUNCIL DECISION**

**MOVED: CR HOOPER**

**SECONDED: CR JACOB**

**That Council nominate Councillor Hunt and Councillor Daccache as a proxy to sit on the Pilbara Ports Authority Port of Port Hedland Community Consultation Committee along with the Chief Executive Officer or his proxy.**

***CARRIED 8/0***

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**EXECUTIVE SUMMARY**

Under the *Port Authorities Act 1999 (WA)*, Pilbara Ports Authority is required to establish a Community Consultation Committee for each port under its control. The Pilbara Ports Authority in Port Hedland have requested an Elected Member be invited to become a member of this Committee along with the CEO of the Town or his proxy.

**DETAILED REPORT**

Due to a recent change in legislation under the *Port Authorities Act 1999 (WA)*, Pilbara Ports Authority is required to establish a Community Consultation Committee for each port under its control.

The purpose of these committees is to facilitate communication, information sharing and consultation between the port authority and the members of public living in the vicinity of the port that may be affected by port operations. Pilbara Ports Authority is required to have a local government representative at each consultation committee and the minutes of each meeting will be made public on Pilbara Ports Authority website.

Pilbara Ports Authority is committed to consulting with the community and is in the process of establishing a Community Consultation Committee for the Port of Port Hedland. Meetings are to be held every four months and membership will consist of representatives from relevant local community, business and interest groups, relevant government agencies as well as the Town of Port Hedland.

Pilbara Ports Authority are currently in the process of advertising for members of the community to register their interest in becoming a member of the Port of Port Hedland Community Consultation Committee with nominations closing at 5.00pm on 24 April 2015.

Richard Barrett, Director Corporate and Government Affairs for Pilbara Ports Authority, met with the Mayor and CEO in late February for initial discussion around the coordination of this Committee in Port Hedland and have requested that Council nominate its representative to sit on this Committee.

A copy of the draft Port of Port Hedland Community Consultation Committee Terms of Reference is attached for review.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STATUTORY AND POLICY IMPLICATIONS**

Section 4.2 of Council's Strategic Community Plan 2014 – 2024 is considered relevant to the request by providing a powerful voice and influential partner with Federal and State Governments and major industries for the development of Port Hedland, and to promote a positive representation of our community.

#### **ATTACHMENTS**

1. Pilbara Ports Authority – Port of Port Hedland Community Consultation Committee Terms of Reference.

30 March 2015

**ATTACHMENT 1 TO ITEM 12.4.1****Pilbara Ports Authority – Port of Port Hedland Community Consultation Committee****Terms of Reference****Purpose**

To establish Pilbara Ports Authority's (PPA) Port of Port Hedland Community Consultation Committee (PHCCC) in accordance with section 14A of the *Port Authorities Act 1999 (WA)*.

**1. Scope**

The PHCCC scope is to:

- a) Promote and facilitate two-way communication.
- b) Share information and consult with the community and members of the public who are interested or may be affected by port operations.
- c) Include representation from the Town of Port Hedland.

It is important to note, that the PHCCC is not a decision-making committee, and the role of the PHCCC is not to direct or govern the strategic or operational decisions of the PPA Board or Executive. However, the input and feedback of the PHCCC membership will be considered by the PPA's Executive and Board, as appropriate.

Examples of topics that might be covered on a typical PHCCC agenda include marine operations and environmental updates, and updates on PPA community initiatives and sponsorships. Topics of a commercial nature and the business of PPA proponents will not be discussed.

**2. Membership**

Membership will be pursued by an initial courtesy contact to relevant local community, interest and business groups in consultation with the Town of Port Hedland. This will be followed by a public Expression of Interest process (supported by a local press advertisement) to ensure a broad cross-section of the community and interested parties are included.

The committee will have a maximum of 25 members, and will include representatives from PPA, Town of Port Hedland, relevant local community, interest and business groups, local community members and other Government departments as required.

The membership of the PHCCC will include the following PPA representatives:

- General Manager Operations (Chairperson).
- Manager Environment and Heritage .
- Director Corporate and Government Affairs.

To ensure that a cross section of community/organisations participate in the CCC, community representatives will be selected as follows:

- a) A call for nominations for positions will be issued in January of each year.
- b) Existing members wishing to remain on the Committee from one year to the next will be eligible to re-nominate.

- c) New members will be chosen by a selection committee consisting of the PPA representatives on the PHCCC.
- d) Membership candidates will be assessed to ensure no conflicts of interest with PPA exists.
- e) Terms of one year and two years will be allotted initially via a draw on names. Thereafter, committee members will be elected for a two year terms.
- f) Membership of the CCC will be ratified by the PPA Executive; and
- g) A Town of Port Hedland representative and potentially broader local government representation will be invited and encouraged to sit on the CCC.

Conditions of Membership are as follows:

- Members formally agree that they do not have authority to speak, represent, or go on the public record on behalf of the PHCCC and that authority lies entirely with PPA's Board or its delegate (this does not preclude the Members' rights as a citizen or sector they may represent at the PHCCC); and
- Members agree to abide by all relevant PPA policies, procedures and Code of Ethics and Conduct when onsite and/or when in attendance or representing in the capacity as a member of the PHCCC.

The Chairperson may invite other persons to attend meetings as considered appropriate for matters under discussion, e.g. senior PPA subject matter experts, external subject matter experts, project proponents, consultants and representatives from other Government agencies.

### 3. Chairperson

The PPA Executive has appointed the General Manager Operations as Chairperson for a term of one year commencing on 31 January 2015.

### 4. Meetings

Meetings shall be held approximately every four months (i.e. three meetings per annum) and PPA will be responsible for organising the meeting venue and providing secretariat services.

### 5. Attendance

Attendance of a meeting may be in person or via suitable electronic means. Meeting attendance, including apologies, will be noted in the minutes of each meeting. A proxy member may also be nominated to attend on behalf of a Member to maintain representation.

It is expected that members (not their proxy) should attend at least two of the three meetings per calendar year. Members who fail to attend at least two meetings in a calendar year may have their membership revoked.

### 6. Agenda

The Chairperson of the PHCCC or authorised delegate will nominate a date, time and location for the meeting with at least one month's notice. The Chairperson will also collate agenda items and circulate an agenda one week prior to the meeting. Where (or if) an agenda item cannot be addressed sufficiently in the time leading up to the proposed meeting date, it will be



the Chairperson's responsibility to ensure the item is carried over and addressed in either a subsequent meeting or through appropriate correspondence.

#### **7. Minutes**

Minutes will be taken on behalf of the Chairperson and circulated to all stakeholders within two weeks of a meeting occurrence. PPA will be responsible for retaining meeting minutes and circulating copies of the minutes to PHCCC members and stakeholders along with publishing on PPA's website.

#### **8. Out of Session Items**

Where an issue of importance arises out of session that cannot be dealt with at a meeting, but does not require calling an additional meeting, the chair may circulate material out of session.

#### **9. Review of Terms of Reference**

A review of these Terms of Reference will be undertaken one year after inception and then every third year as required. Administrative changes will be made as necessary by PPA.

**ITEM 13 LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/  
COUNCIL****201415/231 COUNCIL DECISION****MOVED: CR MELVILLE****SECONDED: CR DACCACHE****That Council consider the following late items:****13.1 Port Hedland International Airport Long-Term Lease Scoping Study Recommendation****13.2 Transfer Part of Great Northern Highway to Local Government Responsibility****13.3 Access Agreement Flynn Place located within Kingsford Smith Business Park*****CARRIED 8/0*****201415/232 COUNCIL DECISION****MOVED: CR JACOB****SECONDED: CR DACCACHE****That Council suspend sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension of Standing Orders' to read the late attachment 3 to item 13.1 'Port Hedland International Airport Long-Term Lease Scoping Study Recommendation'.*****CARRIED 8/0***

8:35pm Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 have been suspended.

**201415/233 COUNCIL DECISION****MOVED: CR MELVILLE****SECONDED: CR JACOB****That Council resume sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014.*****CARRIED 8/0***

8:43pm Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 have been resumed.

**13.1 Port Hedland International Airport Long-Term Lease Scoping Study Recommendation**

Brett Reiss, Program Director Airport Redevelopment  
File No. 30/12/0013.

**DISCLOSURE OF INTEREST BY OFFICER**

Should the Town decide to proceed to grant a lease of the airport then it has requested a framework be established for the Town to manage and oversee the Airport Lease for a period of 5 years after the transaction phase (Clause 2.6.2 D RFT 14/17).

The Project Director Airport Redevelopment has indicated his interest and availability to assist with that role.

**201415/234 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR JACOB****SECONDED: CR HUNT****That Council:**

- 1. Note the Port Hedland International Airport Scoping Study and its recommendations.**
- 2. Endorse the commencement of stage two of the Port Hedland International Airport long-term lease transaction.**
- 3. Note that the major land transaction business plan for the long-term lease of the Port Hedland International Airport will be released for public comment in accordance with the Local Government Act 1995.**
- 4. Note that expressions of interest for suitably qualified proponents to enter a long-term lease for no less than a 50 year term of the Port Hedland International Airport will be sought.**
- 5. Note that a further report will be presented to Council on the outcomes of the business plan public comment period and expressions of interest process.**

***CARRIED 8/0***

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**EXECUTIVE SUMMARY**

The Port Hedland International Airport (airport) is owned and operated by the Town of Port Hedland (Town).

The airport has experienced rapid growth with passenger numbers multiplying from 110,000 in 2005 to more than 515,000 in 2013. With this unprecedented growth, the airport needs to expand. Redevelopments are planned which will include terminal redevelopment, revised ground transport arrangements, improved airside operations, upgrades to essential services and new commercial opportunities. There is significant opportunity to leverage existing work and deliver a modern and well-serviced airport for Port Hedland.

Council has previously endorsed a review of the airport's governance structure to determine if a more efficient and economically viable operating model is available. This review determined that a long-term lease was the most beneficial approach and a scoping study was undertaken.

The review and scoping study identified that an alternate management structure would deliver a number of benefits and more efficient operating model for the airport. These include the potential for:

- enhanced opportunities for economic development
- increased financial returns
- expanded community benefits
- greater access to specialised management expertise
- reduced operational risks to the Town
- improved ability for the airport to access debt
- a greater commercial focus on the airport
- release of the Town from the day to day operational responsibility of operating the airport while maintaining strategic oversight.

Alternative governance models to enable private capital and efficient management of regional airports was identified in the 2015 State Aviation Strategy. The State Government notes it will encourage private sector investment in regional airports.

There are a number of government regional airports which have entered long-term lease arrangements and have benefited from unprecedented increases in capital investment and business development growth.

This report outlines the recommendations of the scoping study and seeks Council's support to proceed to stage two of the long-term lease transaction process. Further it notes that the Town will undertake an expression of interest process to seek a suitably qualified proponent to lease the airport and release a business plan for public comment.

## DETAILED REPORT

### *Background*

The Town commenced a prudent and holistic review of the governance structure of the airport in September 2013 to determine if a more efficient and economically viable operating model was available. It was determined that a long-term lease was the most beneficial approach and a scoping study was undertaken.

This study is the latest instalment of a gradual, step by step process which has been compiled on the back of numerous Council workshops and meetings, specialist consultant reports, meetings with Airport management and meetings with key stakeholders.

Council consideration is noted below:

- 13 November 2013 – Council workshop on governance review models and options
- 12 March 2014 – Council workshop on objectives and key success criteria for airport governance models
- 25 June – Council confidential concept forum on airport governance review recommendations
- 24 September 2014 – Council endorsed long term lease review recommendation program and process (decision 201415/056)

- 17 December 2014 – Council appointed The Airport Group to undertake Phase one (the long term lease scoping study) & Phase two (long term lease transaction) (decision 201415/147)
- 25 February 2015 – Council workshop on scoping review report
- 25 March 2015 – Council workshop on scoping review initial findings

The Town appointed The Airport Group to conduct the scoping study specifically to assess the potential of partnering with the private sector through a lease of the airport. Following the completion of the initial review, Council resolved at its December 2014 ordinary meeting to proceed to further consider a lease option.

A gradual step-by-step process has been undertaken before any binding decisions are made. This includes community consultation and a stepped tender process beginning with an invitation for expressions of interest from potential private sector lease partners. There will be a number of key decision points along the process and Council will not make any commitment to lease the airport until all of these processes were satisfactorily undertaken.

### *Context*

Alternative governance models to enable private capital and efficient management of regional airports was identified in the 2015 State Aviation Strategy. It notes that long-term lease to the private sector enables private capital and effective and efficient management of airports in a way that minimizes risk to major users and facilitates continued State economic growth. The State Government notes it will encourage private sector investment in regional airports. The Department of Transport has part funded the Town's long-term lease scoping study.

There are a number of regional airports which have previously been leased from government to the private sector under long-term lease arrangements, such as Alice Springs Airport, Cairns Airport, Townsville Airport and Mount Isa Airport. These leased airports have benefited from the involvement of the private sector with unprecedented increases in capital investment and business development growth. These benefits have flowed onto the local communities through increased economic activity and stimulation.

### *Governance structure objectives*

The review identified that any new governance structure should meet the following minimum objectives:

- The transfer of some or all of the airport development, operational and financial risks from the local government
  - Airport management report to the independent Lessee company Board, with the Town retaining a presence on the Board.
  - Business planning and budgeting for the Airport be the sole responsibility of the Lessee company Board based on advice from airport management.
  - Any debt finance underpinning the lease is quarantined from impacting on the Council's balance sheet.

- Terms and conditions of any airport lease to provide the Town with adequate protections and ensure:
  - A commercial focus in the way the Airport is developed, operated and managed;
  - The Airport meets all regulatory insurance and licensing requirements;
  - The Town is able to terminate the lease if the Airport fails to operate effectively as an airport;
  - Essential services are maintained, including the Royal Flying Doctor Service, emergency services, airfreight and postal services;
  - General airport facilities continue to meet community expectations;
  - The quality of airport management expertise is maintained and wherever possible enhanced;
- The Airport maximises the use and the return from the existing land and facilities through planning and the efficient use of airport infrastructure. The Town would receive fair value from the Lessee for the Airport Based on:
  - The Airport operates as a stand-alone entity;
  - Prevailing market conditions;
  - Committing the Lessee to undertake prescribed capital expenditure and other strategic requirements of the Town;
  - The transfer of operational risks to the Lessee;
  - The ownership structure of the lease and the possibility of Town retention of an economic interest; and
  - The level of supervision and transparency the Town is entitled to during the term of the lease
- Any private sector partner will need to have a demonstrated experience that they recognise and understand the responsibility of managing transport infrastructure, as well as the financial resources to meet the development needs of the Airport over the long term.

#### *Scoping study recommendations*

#### *Benefits of entering into a long-term lease*

The study identified that the following benefits would be realised if the Town entered a long-term lease agreement:

- Improved commercial focus of the Airport
- Maintained or enhanced management expertise
- Transferred level of risk from the Town through an appropriate governance structure
- Maximised use and return from the existing land and facilities through consolidated planning and improved infrastructure
- Greater access to debt funding against airport asset base and quarantining of debt risk to the airport assets
- Reallocation of necessary funding to other worthy community infrastructure projects.

On its current financial trajectory and due to the proposed intensity of required capital investment for the airport redevelopment plan, it was noted that the airport could impose significant financial constraints on the town over the next three years. There is potential for the fiscal drag to continue for a reasonable period beyond the next three years depending on the resilience of airport revenues. It was noted that a consequential impact of the fiscal drag may result in challenges for the Town's management of the airport, including the ongoing operational and asset management of any new terminal development. This would be removed if the Town entered a long-term lease agreement.

#### *Aeronautical revenue outlook*

The study concluded that the airport revenues were unlikely to continue to grow at the pace experienced over the last decade (which had made it one of the fastest growing airports in the country). Instead, given the outlook for passenger numbers and passenger charges a more modest outlook for aeronautical revenues should be anticipated.

#### *Non-aeronautical revenue*

It was noted that non-aeronautical revenues can help diversify the airport's revenue streams, reducing its reliance on passenger growth for new revenues. The more diversified and stable are non-aeronautical revenue streams the more attractive an airport is to potential lessees.

Given this it was recommended that the airport lease agreement should include all the non-aeronautical areas of the current airport precinct. This includes the existing and proposed transient worker accommodation areas, but excludes the bulky goods and light industrial section of the Kingsford Smith Business Park. It should be noted that the land allocated for the proposed solar farm should be included, however leased back to the Town on a peppercorn agreement.

#### *Development capital expenditure*

It was noted that the airport requires significant capital expenditures (particularly a terminal redevelopment and apron upgrades) to improve customer service and maintain regulatory requirements. A recent review of the airport's capital expenditure program has identified substantial necessary capital expenditure to be invested over the next three years.

It was recommended that the Town should complete the current capital spending initiatives to upgrade utilities services to the airport, including the water, electricity and power services.

It was also recommended that the Lessee should be responsible for development of capital spending in relation to operations and services, airside, landside and the terminal, and the Lessee should be required to spend up to \$40M on development capital over the next five years.

*Lease term*

It was noted that the Commonwealth has entered into long term leases with private investors as lessees for 22 capital city and regional airports. The lease term for these airports is 50 years with an option for the lessee to extend for a further 49 years making the total lease term 99 years. They have been in operations for approximately 15 years and are overwhelmingly regarded as having been successful, and are well known to financiers and investors.

It was recommended that the Town adopt a process whereby the proposed Lease documentation is aligned with the Commonwealth's leasing of its 22 airports.

The study noted that the lease period has an impact on the type of investor that is attracted to paying the consideration for being granted the lease, operating the Airport, and making an ongoing long-term investment in development. This will attract pension and superannuation funds with strong funding bases that are looking for investments with a profile of providing long-term returns to match the long term nature of their liabilities (i.e. future pension commitments and member return expectations). Pension funds and superannuation funds are the dominant shareholders in the Commonwealth airport leases and have proven to be reliable and responsible guardians of the assets.

To attract long term investors like pension funds and superannuation funds in the context of the \$40M capital spending requirement, the study recommended that the Town agrees to lease the airport for a minimum lease period of 50 years.

*Lessee partner suitability*

It was indicated that given the potential breadth of potential investors, a range of criteria should be taken into account in assessing the suitability of a partner for the lease of the airport, including their:

- *financial capacity*: investors will need to demonstrate the capacity and willingness to make an upfront payment and/or ongoing rental payments that maximises the initial returns to the Town, as well as fund the operations and development of the airport in accordance with the lease terms and conditions;
- *investment horizon*: some investors will have an investment horizon of decades and others 3 to 5 years or less. It is in the Town's interest that investors have a long term investment horizon and are not looking for a relatively quick return and exit;
- *community engagement*: investors will need to demonstrate a willingness to play a positive role in the community and engage with the community on an on-going basis;
- *track record*: investors should have a strong track record of investing in infrastructure assets, preferably transport assets;
- *conflicts of interest*: investors should be free from conflicts of interest; and
- *governance arrangements*: investors should have a strong track record for establishing and maintaining best practice governance arrangements.



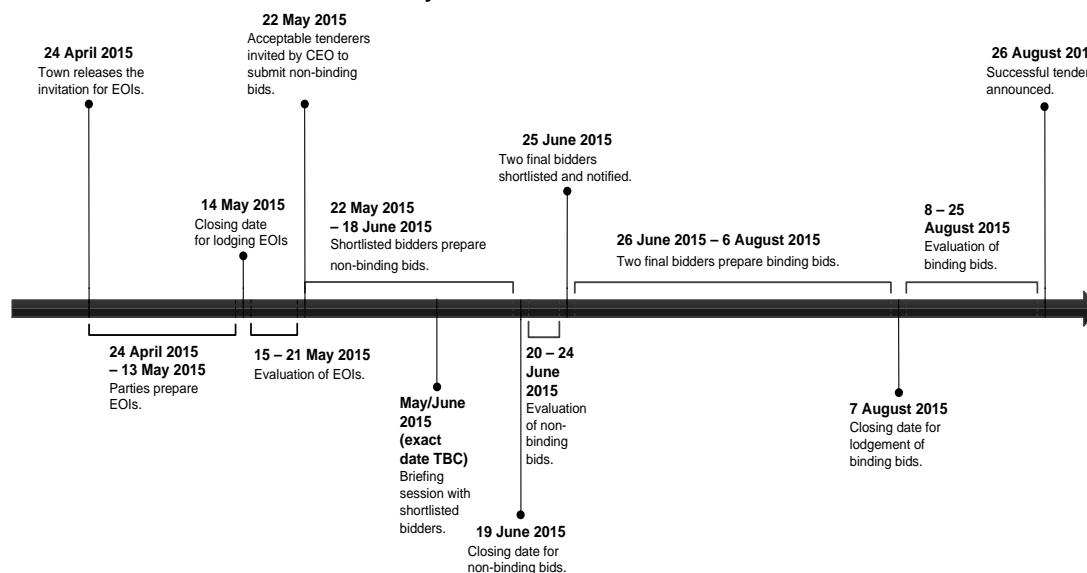
Each investor submitting an EOI could be judged against all of these objective criteria such that a short list can be established. If the process were to continue further, acceptable parties would then be invited to submit non-binding tenders. Following evaluation of non-binding tenders, and should the process continue further, it is proposed to further shorten the list of parties and engage in a binding, interactive tendering process.

### *Proposed process*

The proposed process for stage two of the long-term lease transaction includes:

- Seeking expressions of interest for a suitably qualified proponent
- Pursuing preliminary non-binding offers (Indicative Tender)
- Securing the final and binding offer (Binding Tender)

Timing relating to the Indicative Tender phase and Binding Tender phase is set out below and is indicative only.



The EOI documentation is currently being finalised and will be tabled at the Council meeting.

### *Communications and community engagement*

An information based communication strategy has been developed to ensure the community have access to the facts about the proposed governance structure and to limit misinformation being disseminated. It will also seek public comment on the proposed business plan. The proposed approach will include press advertisements, radio interviews, information displays and a community forum.

## FINANCIAL IMPLICATIONS

Should Council commence stage two of the long-term lease transaction, the following costs will be incurred:

- legal adviser fees
- tax and accounting advisory fees
- setting up an electronic data room

- consultant fees for vendor due diligence reports.

It is anticipated that this will cost \$1.2M which will be incorporated in the 2014/15 and 2015/16 budget. The expected proportional budget allocation is \$500,000 in 2014/15 and \$700,000 2015/16. An adjustment to the 2014/15 budget will be sought as part of the March quarterly budget review process.

Should the Town enter a long-term lease agreement, the following financial considerations should be noted:

1. Transfer the costs and risks of operation of the airport from the Town to the Lessee
2. Transfer the operating earnings of the airport to the Lessee in exchange for a payment for the granting of the Lease
3. Shift the obligation for capital investment in the airport from the Town to the Lessee
4. Transfer the risk of operations from the Town the Lessee

Should the Town finalise a long term lease then there is likely to be a large lump sum payment made to the Town and further detailed consideration will be given to future financial management of these monies.

#### STATUTORY AND POLICY IMPLICATIONS

The Transaction is a disposal of property under the Act. The lease must be granted in accordance with one of the procedures set out in section 3.58(2)(a), 3.58(2)(b) or 3.58(3) of the Act.

It is usual for transactions of this type that the opportunity to acquire the lease and the associated business opportunity is tendered to market in order that the Town can assess and select the most acceptable tender to it. Tendering is one of the permitted methods of disposing of property (section 3.58(2)(b) of the Act).

Section 3.58(3) of the Act requires a public notice of the property disposal to be advertised, including the names of the lessee and the consideration received. However, section 3.58(3) does not apply if the Town undertakes a tender process. Therefore, there is no requirement to issue a public notice in accordance with section 3.58(3).

The Transaction is a major land transaction and, in addition to the requirements of section 3.58, the Town must prepare and advertise a business plan in accordance with the requirements of section 3.59 of the Act. The business plan is attached. The public submissions and tender processes have been appropriately aligned, noting that:

- an acceptance of the scoping study recommendations and the decision to advertise the business plan would occur in the context of a decision by Council to further consider a potential lease of the airport;
- under section 3.59(5) of the Act, following consideration of the public submissions, the Council must resolve whether to proceed with the major land transaction; and

- the tender process involves a series of graduated steps and the resource intensive binding bid process will not be undertaken until after a decision has been made by Council whether to proceed with the major land transaction.

Sections of the study pertaining to the price submission from the tenderer have been deemed confidential in accordance with the Local Government Act (1995) section 5.23 part 2(e)(iii).

The Local Government Act (1995) section 5.70 (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report. It is noted that to ensure impartiality a tender assessment panel of internal officers and external independent advisors will be established to complete the tender assessment.

The Town has met with and written to the Department of Local Government and Communities on its proposed program and process, and will continue to liaise with the Department should Council continue with the next phase in the long-term airport leasing program.

The Town's Strategic Community Plan, Section 2.2.1 outlines a strategy to 'Advance Port Hedland's sea, air and road transport infrastructure as the main logistics hub for the Pilbara, including developing Port Hedland International Airport as the gateway to the North West'. The granting of a lease of the airport will facilitate the airport's expansion and development consistent with this strategy.

#### **ATTACHMENTS**

1. Port Hedland International Airport Scoping Study (Under Separate Confidential Cover)
2. Port Hedland International Airport Business Plan – Long Term Lease Transaction (Under Separate Cover)
3. EOI Long-Term Lease of Port Hedland International Airport (Under Separate Cover)

17 April 2015

## 13.2 Transfer Part of Great Northern Highway to Local Government Responsibility

Jenella Voitkevich, Manager Infrastructure Development  
File No. 28/07/0001

### DISCLOSURE OF INTEREST BY OFFICER

Nil

### 201415/235 RECOMMENDATION/ COUNCIL DECISION

**MOVED: CR HOOPER**

**SECONDED: CR HUNT**

**That Council approves the reclassification of Powell road and Wallwork road as local roads and the transfer of responsibility to the Town of Port Hedland, subject to:**

- a) **The transfer occurring in accordance with the Main Roads WA and WALGA endorsed 'Guidelines for Determining and Assigning Responsibility for Roads in Western Australia', and;**
- b) **The Chief Executive Officer accepting the process and outcomes for the conditions of transfer.**

***CARRIED 8/0***

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### EXECUTIVE SUMMARY

Since the realignment of the Great Northern Highway (GNH) around Wedgefield several sections of GNH no longer function at a State level. Main Roads WA (MRWA) is proposing to reclassify these roads as local roads under the responsibility of the Town of Port Hedland. This report seeks approval for this proposal.

### DETAILED REPORT

The realignment of the Great Northern Highway was completed in July 2014. The primary purpose of this realignment was to reduce the potential for conflict between heavy vehicles accessing the port of Port Hedland and light vehicles travelling between Port and South Hedland.

During the development stage of this project MRWA and the Town held discussions and agreed that following the completion of the realignment project the obsolete sections of GNH would be de-proclaimed and then come under the care and control of the Town of Port Hedland. This is subject to conditions including the satisfactory state of the road.

The sections of GNH subject to this report are (refer attachment 1):

- South Hedland turn-off to Wallwork road: renamed Powell road (approximately 2.9km), including interface with BHP rail
- Broome intersection to existing Wallwork road: renamed Wallwork road (approximately 2.6km)

The Town's officers from Technical Services, Engineering Operations and Planning have commenced meetings with MRWA to review the condition of the roads, determine land tenure and road reserve requirements and discuss the process moving forward. It is anticipated that the transfer will occur prior to the end of 2014/15 financial year, however any remediation works may occur after this time, pending the outcomes of handover conditions. The process for the transfer will include, but not limited to:

- Detailed inspection of road condition
- Pavement testing
- Remediation action plan and implementation agreement, including scheduled maintenance or pro-rata contribution
- Establishing responsibility extents (ie where Wallwork road finishes and GNH/Broome interchange starts)
- Handover of all asset information, including designs, maintenance schedules, condition reports, asset management plans, etc
- Transfer road/rail interface agreements, including conditions of third parties
- Finalisation of road reserve dedications and road gazettals if required

### FINANCIAL IMPLICATIONS

MRWA will be responsible for costs associated with the transfer in accordance with the Guidelines.

The transfer of these roads into the Town's responsibility will increase asset management costs. These roads will be eligible for Regional Road Group, Black Spot and Roads to Recovery funding if needed. The addition of these roads to the Town's network will increase the Financial Assistance Grants received for local roads.

### STATUTORY AND POLICY IMPLICATIONS

The transition will occur in accordance with the Guidelines for Determining and Assigning Responsibility for Roads in Western Australia:

- Part 1 – Policy for Classification, Proclamation and Transfer of Western Australian Roads
- Part 2 – Administrative Classification Assessment Criteria
- Part 3 – MRWA Assessment, Approval, Proclamation and Transfer Processes
- Appendix C – Guidelines for use in negotiations between Local Government and Main Roads on the condition of roads proposed for reclassification

These Guidelines have been endorsed by MRWA and WALGA.

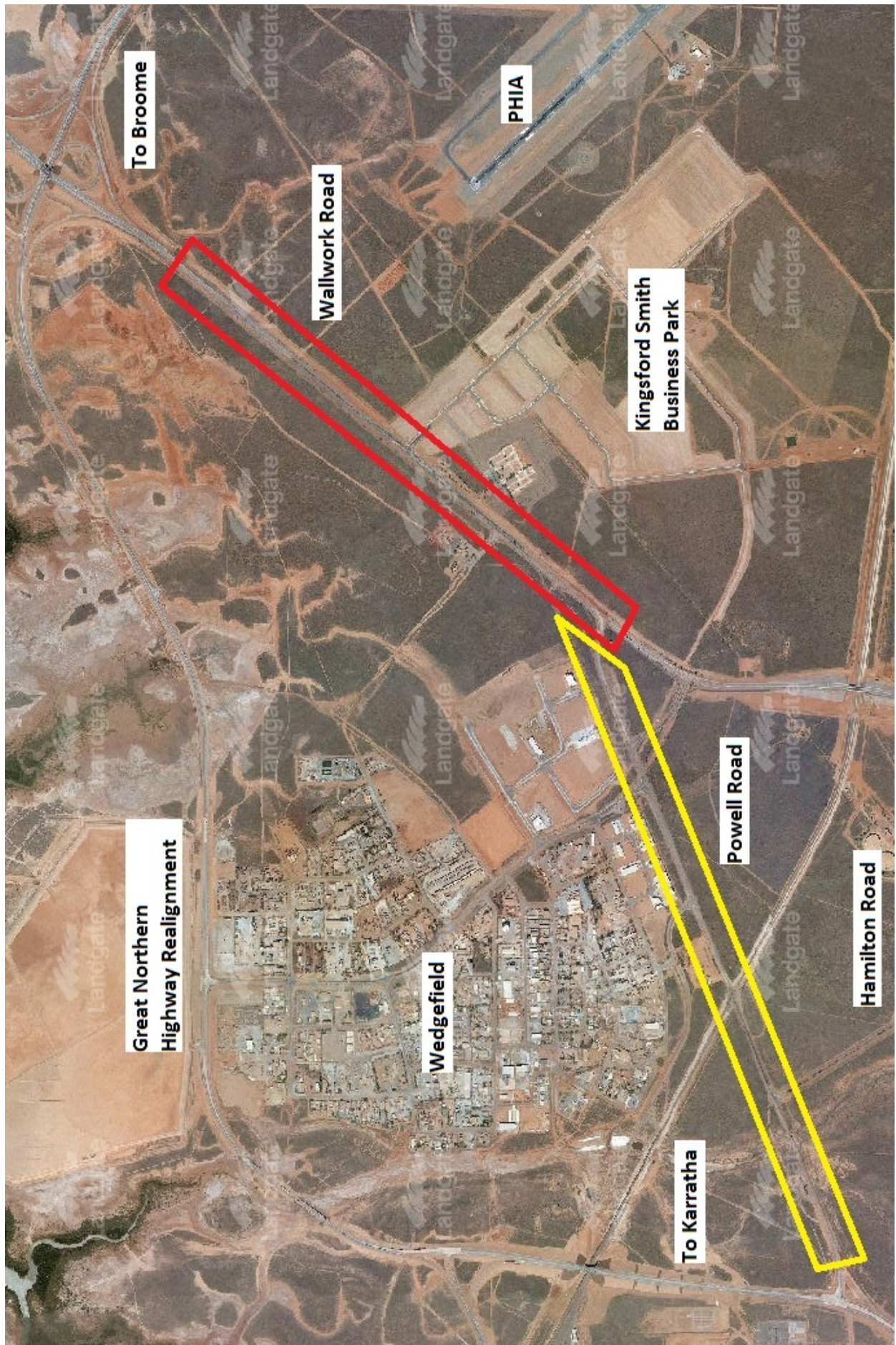
This report is relevant to the Strategic Community Plan 2014-2024 in the areas of environment and leadership in terms of developing our infrastructure to ensure the long-term sustainability of our built environment and the efficient use of assets.

**ATTACHMENTS**

1. Map of road sections to be transferred.

16 April 2015

ATTACHMENT 1 TO ITEM 13.2



8:54pm Councillor Jacob declared a financial interest in item 13.3 'Access Agreement Flynn Place Located Within Kingsford Smith Business Park' as Bunnings is in direct competition to her business, Hedland Home Hardware.

Councillor Jacob left the room.

### **13.3 Access Agreement Flynn Place located within Kingsford Smith Business Park**

David Westbury, Manager of Economic Development and Strategy  
Katherine Shaw, Lands and Technical Officer  
File No.

#### **DISCLOSURE OF INTEREST BY OFFICER**

Nil

#### **201415/236 RECOMMENDATION/ COUNCIL DECISION**

**MOVED: CR HUNT**

**SECONDED: CR GILLINGHAM**

**That Council approve the Chief Executive Officer, or his delegate, to negotiate an agreement with Bunnings Properties Pty Ltd for vehicular access to Lot 440 via lot 9009 until such time as Flynn Place is a dedicated road.**

***CARRIED 7/0***

8:56pm Councillor Jacob re-entered the room and resumed her chair. Mayor advised Councillor Jacob of Council's decision.

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#### **EXECUTIVE SUMMARY**

The Town has received a request from Bunnings Properties Pty Ltd to allow temporary access to Lot 9009 to facilitate the construction of the new Bunnings store on Lot 440. The temporary access is required from the time of settlement of Lot 440 until the subdivision of Lot 9009 is approved and Flynn Place becomes a dedicated road.

The Town recommends that Council support the request.

#### **DETAILED REPORT**

On 12 November 2011 Council prepared a business plan for Kingsford Smith Business Park, which was subsequently amended on 12 March 2012. The plan outlined the proposal which included the development of 33 industrial bulky good lots and four Transient Workers Accommodation lots for the Town's exclusive use which then could be on-sold or leased to other parties. The parcels are to be fully serviced and made ready for development, at no expense to the Town, with all the work completed by BHP Billiton Iron Ore.



On 11 January 2013 Town Officers received a formal request from Bunnings Properties Pty Ltd to purchase part of Lot 412 within the Kingsford Smith Business Park.

On 22 May 2013 Council resolved to sell a portion of Lot 412 within the Kingsford Smith Business Park to Bunnings Properties Pty Ltd for the construction of a new Bunnings store. The Town recently received the title for Lot 440 and is now in a position to proceed with the settlement of the Bunnings lot. Please refer to Attachment 1 – Deposited Plan 405742.

Once settlement takes place Bunnings require temporary access to Lot 440 from the side road located on Lot 9009. The road previously approved as Flynn Place, has been constructed and will formally become a local road as part of the approved subdivision of Lot 9009. Please refer to attachment 2 – Subdivision Plan. A condition of settlement for lot 440 is a constructed road access and the Town can only provide this access via a license. The onus is on the Town to supply the constructed road.

#### **FINANCIAL IMPLICATIONS**

The Town will incur no costs for this item.

#### **STATUTORY AND POLICY IMPLICATIONS**

Strategic Community Plan 2014-2024

The following section of Council's Strategic Community Plan 2014 - 2024 is considered relevant to the proposal:

2. Supporting a diverse economy
- 2.1 A thriving, resilient and diverse economy

The granting of this access agreement will facilitate the sale of Lot 440.

#### **ATTACHMENTS**

1. Deposited Plan 405742
2. Subdivision Plan

ATTACHMENT 1 TO ITEM 13.3

<b>TYPE</b>	FREEHOLD	S.S.A.	YES
<b>PURPOSE</b>	SUBDIVISION		
<b>PLAN ID</b>	LOTS 440 & 9009		
<b>FORMER TENURE</b>	LOT 432 ON DP 432841 - C.T. 2044-449		
<b>LOCAL AUTHORITY</b>	TOWN OF PORT HEDLAND		
<b>LOCALITY</b>	PORT HEDLAND		
<b>D.O.L. FILE</b>			
<b>FIELD RECORD</b>	19975, 19408		
<b>SURVEYOR'S CERTIFICATE - REG 54</b>	I hereby certify that this plan is accurate and is a correct representation of the - (a) 'agency' and/or (b) 'occupation' from measurements recorded in the field (c) 'blocks of topographical information for the purpose of the plan and that it complies with the relevant written law in relation to which it is lodged. Mervyn Webb 24162.25 113232-44002 REGISTERED SURVEYOR DATE		
<b>LOGGED</b>	26-MAR-15	REG PAID	\$460.00
		ADDRESS No.	17939221
			U.S.C.
<b>EXAMINED</b>	GFGONG	DATE	30-Mar-15
	WESTERN AUSTRALIAN PLANNING COMMISSION		
<b>REC 148180</b>			
	Delegated under S.15 PREL ACT 2005 DATE 09-Apr-2010		
<b>SUBJECT TO</b>	IN ORDER FOR DEALINGS SEC 165 OF PLO ACT		
<b>FOR INSPECTOR OF PLANS AND SURVEYS</b>	APPROVED	DATE	REG264 143
<b>FOR INSPECTOR OF PLANS AND SURVEYS</b>		DATE	
	15. 15 (Land Surveyors Act 1990)		

**HELD BY LANDGATE IN DIGITAL FORMAT ONLY  
LIMITED IN DEPTH TO 12.19 METRES**

**SPECIAL SURVEY AREA SUBDIVISION**

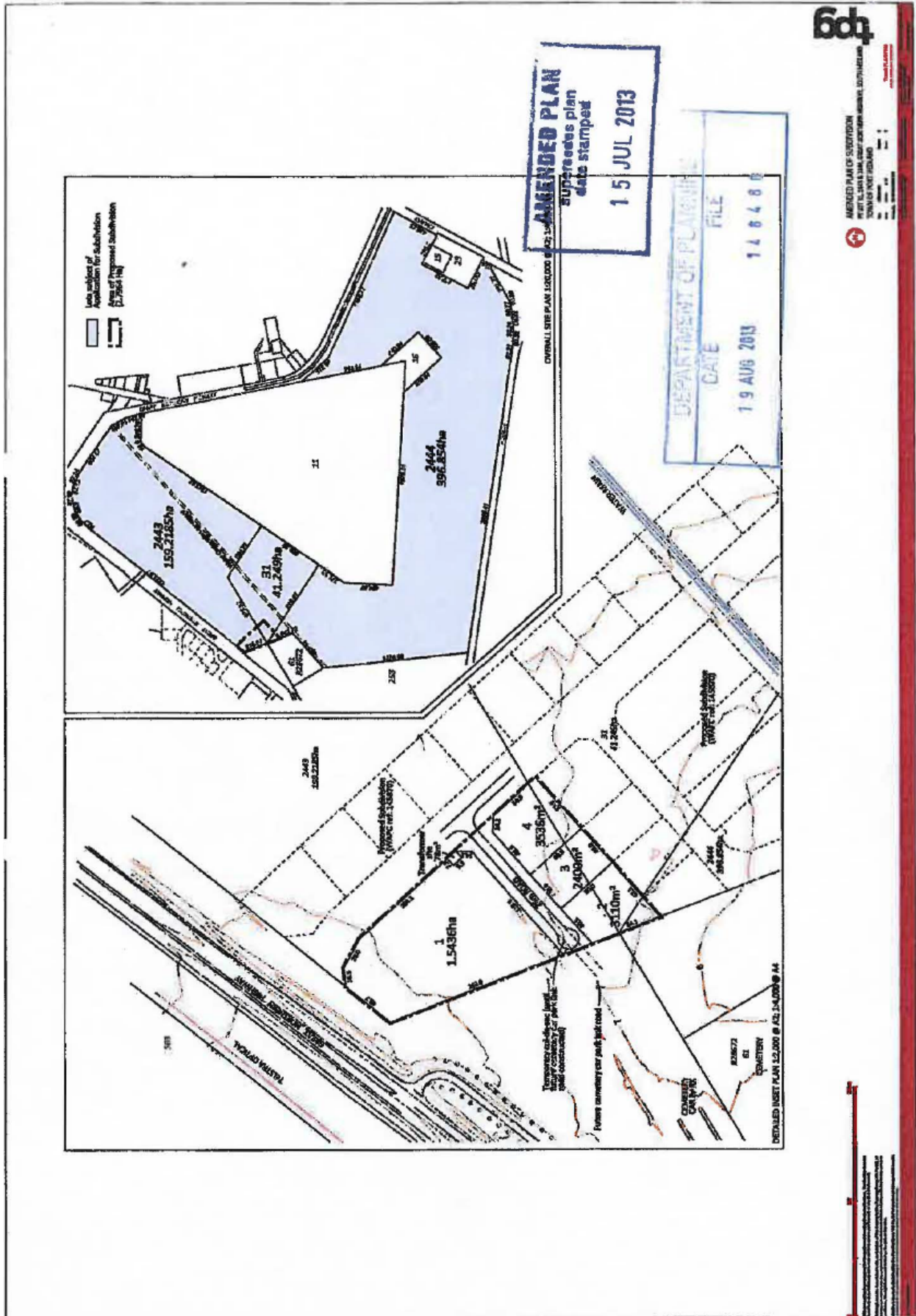
SURVEY CARRIED OUT UNDER REG 26A  
SPECIAL SURVEY AREA GUIDELINES  
SEE SURVEY SHEETS FOR SURVEY INFORMATION  
USE THE SURVEY SHEETS TO DETERMINE  
THE PRECISE BOUNDARY OF ANY LOT IN THIS SURVEY  
MARKS PLACED PERMANENTLY TO THIS PLAN.

**MNG**  
MIRRORED COPY - Lot 440 - 1904541130

SCALE 1:150 @ A2  
ALL DISTANCES ARE IN METRES

INTERESTS AND NOTIFICATIONS		DATE	COMMENTS
SUBJECT	PURPOSE	STATUTORY REFERENCE	BENEFIT TO
	NOTIFICATION	SEC 165 OF THE P & O ACT	LOT 440
		DOC 19469570	LOT 440
			AIRBORNE PHOTO

ATTACHMENT 2 TO ITEM 13.3



**ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**ITEM 15 REPORTS OF COMMITTEES**

*Note: The Minutes of this Committee meeting are enclosed under separate cover.*

**15.1 Airport Committee Minutes – 11 March 2015****201415/237 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR JACOB****SECONDED: CR HUNT**

That Council receive the Minutes of the Ordinary Meeting of the Airport Committee held on 11 March 2015 at 12:30pm inclusive of the following decisions:

- 8.1 Confirmation of Minutes of the Airport Committee Meeting held on Wednesday 4 February 2015
- 11.1.1 Airport Management Report
- 11.2.1 Terminal Renovations Communications Plan
- 15 Applications for Leave of Absence for the Next Airport Committee Meeting

**CARRIED 8/0**

**15.2 Airport Committee Minutes –1 April 2015****201415/238 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR HUNT****SECONDED: CR HOOPER**

That Council receive the Minutes of the Ordinary Meeting of the Airport Committee held on 1 April 2015 at 12:30pm inclusive of the following decisions:

- 8.1 Confirmation of Minutes of the Airport Committee Meeting held on Wednesday 11 March 2015
- 11.1.1 Airport Management Report
- 11.2.1 Air Services Development Proposal

**CARRIED 8/0**

**ITEM 16 CONFIDENTIAL ITEMS**

Nil

**ITEM 17 APPLICATIONS FOR LEAVE OF ABSENCE****201415/239 COUNCIL DECISION****MOVED: CR DACCACHE****SECONDED: CR HOOPER**

That Council approve the following applications for leave of absence:

- Councillor Butson from 23 April to 23 May 2015
- Councillor Jacob from 16 May to 25 May 2015
- Mayor Howlett from 6 May to 8 May 2015

***CARRIED 8/0***

**ITEM 18 ATTENDANCE BY TELEPHONE/ INSTANTANEOUS COMMUNICATIONS**

Nil

**ITEM 19 CLOSURE**

Mayor welcomed Mr Brendan Smith, Director Works and Services, to his first Town of Port Hedland Council meeting.

Mayor advised that a community conversation will take place on Monday 11 May 2015 at 5:30pm in Council Chambers to discuss the Town's Rating Strategy. A Special Council Meeting will be held on Wednesday 13 May 2015 at 6:30pm in Council Chambers to discuss the Waterfront Marina Precinct.

**19.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 27 May 2015, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 20 May 2015, commencing at 5:30pm.

**19.2 Closure**

There being no further business, the Mayor declared the meeting closed at 8:58pm.