



## Town of Port Hedland

### MINUTES

### OF THE

### ORDINARY MEETING OF THE TOWN OF PORT HEDLAND COUNCIL

### HELD ON

**WEDNESDAY, 25 JANUARY 2006**

**AT 5.30 PM**

**IN COUNCIL CHAMBERS  
McGREGOR STREET, PORT HEDLAND**

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*Chris Adams  
Chief Executive Officer*

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## **UNCONFIRMED MINUTES**

### **"WITHOUT PREJUDICE"**

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**Our Commitment**

To enhance social, environmental and economic well-being through leadership and working in partnership with the Community.

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**ITEM 1 OPENING OF MEETING****1.1 Opening**

The Mayor declared the meeting open at 5:30 pm and acknowledged the traditional owners, the Kariyarra people.

**ITEM 2 RECORDING OF ATTENDANCE AND APOLOGIES****2.1 Attendance**

Mayor S R Martin

Cr A A Carter

Cr G D Bussell (from 5:37 pm)

Cr A A Gear (from 5:37 pm)

Cr S F Sear

Cr D R Pike

Cr T M Young

Mr Chris Adams

Chief Executive Officer

Mr Matthew Scott

Director Corporate Services

Mr Terry Sargent

Director Regulatory and Community Services

Mr Grant Logie

Director Engineering Services

Ms Gaye Stephens

Executive Assistant

Members of the Public 7

Members of the Media 2

**2.2 Apologies**

Nil.

**2.3 Approved Leave of Absence**

Cr G J Daccache

Cr J M Gillingham

**ITEM 3 RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE****3.1 Questions from Public at Ordinary Council Meeting held Wednesday 14 December 2005**

Nil.

**3.2 Questions from Members at Ordinary Council Meeting held Wednesday 14 December 2005**

Nil.

**3.3 Questions from Public at Special Council Meeting held Monday 19 December 2005**

Nil.

**3.4 Questions from Members at Special Council Meeting held Monday 19 December 2005**

Nil.

**ITEM 4 PUBLIC TIME**

**4.1 Public Question**

5:30 pm Mayor opened Public Question Time

**4.1.1 *Mr Chris Whaley***

*Why has the Council changed venues for the evening celebrations of Australia Day from Wedge Street to the back of the Civic Centre?*

Chief Executive Officer advised the primary reason for the move of the Australia Day Festival from Richardson Street to the Civic Centre Gardens was due to the construction of the copper concentrate storage shed obstructing the view of the fireworks display.

**4.1.2 *Miss Kelly Howlett***

*Is Council going to commit a technical officer to be involved in the 3C process to provide Council related planning and environmental health related advice/input into the submission development process; as currently only Mayor Stan Martin is the nominated Council representative and unless there is a mechanism whereby he can obtain planning and environmental health guidance on behalf of Council, it is a bit difficult for this nature of information to be incorporated into the submission?*

Chief Executive Officer advised that Councillor Bussell was a member of the community representative on the Care for Hedland Environmental Association's Port Hedland Stakeholder Reference Group, in addition to Mayor Stan Martin being nominated as Council's representative at its Ordinary Meeting held 14 December 2005. Council may also appoint a staff member as an ex-officio representative if there is no objection.

*Is Council going to formally resolve a position, whether it supports or does not support having a hazardous waste precinct potentially being located at the Boodarie Industrial Estate?*



Chief Executive Officer advised the Town is keen to work with the Care for Hedland Environmental Association's Stakeholder Reference Group; and then based on the findings of this Group Council will be better informed to form its position.

Mayor invited all Councillors to present any motions they have relating to the proposed hazardous waste precinct on notice for Council's consideration at its next Ordinary Meeting to be held 22 February 2006.

*What precautions/measures have been put in place by the Town of Port Hedland in regards to protecting the 680 Flatback turtle nests/hatchlings along Cemetery Beach during the planned evening Australia Day fireworks; as there is considerable concern from the community that with 680 nests along the 800 metre stretch of beach this season and that we are currently in the peak of the hatchling emergence period, that there is the potential for detrimental impact to the underlying emerging hatchlings from heightened people, torches and dogs present during the witnessing of the fireworks event? Could I have details on how these damaging factors have been considered and managed?*

Director Regulatory and Community Services advised he had met with CALM (Conservation and Land Management) who advised methods undertaken to limit access to the beach area were appropriate, given access cannot be totally blocked to a public beach. Other strategies being undertaken to minimise detrimental impact to include, the restricted time of the event from 6:00 pm to 8:30 pm, hence restricted lighting requirements, members of Ranger Services will be in attendance and any other physical methods to manage and restrict access to the beach as deemed necessary on the night.

#### **4.1.3 Mr Bob Beattie**

*In relation to Agenda Item 11.2.2.3 'Request for Consent to Grant an Investigation Licence to the Pilbara Infrastructure Pty Ltd', why has Reserve 35915 been stated as "SHOTA does not currently hold a lease for this land..." as we are the current financial Lease holders?*

Chief Executive Officer advised that information provided to him was that the Lease for Reserve 35915 between Shota and Council had expired.

*Who is going to compensate people with legal structures on this Lease, and when do the concerned parties have to vacate the DOLA Lease?*

*Chief Executive Officer advised that if there is a valid lease in place between Shota and Council, and Council agrees to support the Pilbara Infrastructure Pty Ltd regarding the proposed Request for Consent to Grant an Investigation Licence, it will need to be conditional to protect the lessee entitlements.*

5:37 pm Councillor Arthur Gear entered the room and assumed his chair.

5:37 pm Mayor closed Public Question Time

#### **4.2 Public Statements**

5:37 pm Mayor opened Public Statement Time

5:37 pm Mayor closed Public Statement Time

5:37 pm Councillor Grant Bussell entered the room and assumed his chair.

*NOTE: A brief address was made by BHP Billiton representatives, Mr Michael Fitzpatrick, Manager Land Tenure and Ms Kim Pervan, Superintendent Community & Public Affairs; on BHP Billiton's Application's for Exploration Licences within the Town of Port Hedland District that were made to the Department of Industry and Resources on 20 December 2005; and provided the opportunity for Council to ask questions in relation to these. BHP Billiton apologised to Council for any disrespect to Council through the application process.*

### **ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

#### **5.1 Councillor Arthur A Gear**

*What is the progress of ensuring all non-compliant structures, which have been erected on BHP Billiton's Nelson Point site, i.e. demountable buildings, conforming to Council's requirements?*

Director Regulatory and Community Services advised he has met with BHP Billiton's Mr Mick Evans, Vice President Ports, to discuss BHP Billiton's obligation to ensure all such buildings meet health, planning and building requirements. Follow-up meeting will be continued till such time Certificates of Compliance can be issued.

*Was the Chief Executive Officer authorised by Council to affix the seal and sign the Memorandum of Understanding between Port Hedland Town Council and BHP Billiton Limited 'The Port Hedland Sustainability Partnership' on Monday?*

Chief Executive Officer advised that Council authorised him to affix the seal and sign 'The Port Hedland Sustainability Partnership' Agreement made between Council and BHP Billiton at its Ordinary Meeting held 14 December 2005.

#### **5.2 Councillor Trona M Young**

*When will the Playground Safety Audit be completed and a copy forwarded to Councillors?*

Chief Executive Officer advised the Playground Safety Audit will be completed and distributed to Councillors very shortly, and will identify actions to be undertaken by Council, a scheduled timeframe, etc. for Council's consideration.

### 5.3 **Councillor Grant D Bussell**

*With respect to the regional flood mitigation program application, was this pursued through the Local Emergency Management Advisory Committee (LEMAC) meeting?*

Chief Executive Officer explained that as LEMAC did not hold a meeting in December 2005, the matter of a regional flood mitigation program would be raised at the next LEMAC meeting to be held on Thursday 2 February 2006.

*Is Council aware that the closing period for applications is 5 February 2006, and in the event LEMAC does not meet until 2 February 2006, can we check the closing date and if Council can make application?*

Chief Executive Officer advised yes.

In reference to the Pretty Pool Development, have LandCorp forwarded a copy of their Environmental Review to Council?

Chief Executive Officer advised this question will be taken on notice.

### ITEM 6 **DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING**

*The following Members verbally declared to have given due consideration to all matters contained in the Business Paper presented before the meeting.*

Cr A A Carter	Cr D R Pike
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*NOTE 1: The Notice of Meeting and Agenda for the Ordinary Meeting to be held Wednesday 25 January 2006, were distributed in draft form to Councillors electronically (excepting financial reports and Updated Status of Council Decisions attachments) on Friday 20 January 2006, due to Yellow Alert for Cyclone Daryl being declared at 3pm on that day. Paper copies were distributed on Monday 23 January 2006.*

*NOTE 2: Councillors G D Bussell, A A Gear and T M Young declared to have given due consideration to all matters contained in the Business Paper presented before the meeting, excepting the Attachment to Agenda Item 11.1 'Status of Council Decisions', the December Financial Statements, and Late Items which were distributed this afternoon.*

*NOTE 3: Councillor S F Sear declared to have given due consideration to all matters contained in the Business Paper presented before the meeting, excepting Late Items which were distributed this afternoon.*

*NOTE 4: Mayor S R Martin declared to have given due consideration to all matters contained in the Business Paper presented before the meeting, excepting attachments, and Late Items which were distributed this afternoon.*

**ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 14 December 2005.**

**Officer's Recommendation**

That the Minutes of the Ordinary Meeting of Council held on Wednesday 14 December 2005 be confirmed as a true and correct record of proceedings.

**200506/232 Council Decision**

**Moved:** Cr A A Carter      **Seconded:** Cr S F Sear

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 14 December 2005 be confirmed as a true and correct record of proceedings with the following amendments:**

- . **Item 10.2.2.1 (page 22) title – delete “September 2005” insert “November 2005”; and**
- . **Item 8 (page 12) 2nd paragraph - 2 December 2005 – delete “Council’s Community Safety and Crime Prevention Committee Meeting”, insert “a meeting of signatories to the Town of Port Hedland Community Safety and Crime Prevention Plan”.**

**CARRIED 5/2**

*NOTE : Cr T M Young requested the votes be recorded.*

*Record of Vote:*

<b>FOR</b>	<b>AGAINST</b>
Cr S R Martin	Cr G D Bussell
Cr A A Carter	Cr T M Young
Cr A A Gear	
Cr D R Pike	
Cr S F Sear	

*NOTE : Cr T M Young requested it be recorded in the minutes that she did not received her copy of the Minutes of the December Ordinary Meeting of Council, as she has been on Leave of Absence.*

**7.2 Confirmation of Minutes of Special Meeting of Council held on Monday 19 December 2005.**

**200506/233 Council Decision/Officer’s Recommendation**

**Moved:** Cr A A Carter      **Seconded:** Cr G D Bussell

**That the Minutes of the Special Meeting of Council held on Monday 19 December 2004 be confirmed as a true and correct record of proceedings.**

**CARRIED 6/1**

*NOTE : Cr T M Young the votes be recorded.*

*Record of Vote:*

<b>FOR</b>	<b>AGAINST</b>
Cr S R Martin	Cr T M Young
Cr A A Carter	
Cr G D Bussell	
Cr A A Gear	
Cr D R Pike	
Cr S F Sear	

*NOTE : Cr T M Young requested it be recorded in the minutes that she did not received her copy of the Minutes of the Special Meeting of Council held 19 December 2005, as she has been on Leave of Absence.*

**ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION**

15 December 2005 – Mayor, CEO and Council Officers met with Mr John Love and the Caretaker of the Port Hedland Golf Club to discuss Waste Water Reuse Management.

15 December 2005 – Mayor, Director Regulatory and Community Services, and Director Corporate Services carried out public consultation on the Draft Strategic Plan at the South Hedland Shopping Centre.

16 December 2005 – Mayor met with Pilbara Development Commission staff in relation to operational matters (in his role as Chairperson, Pilbara Development Commission)

16 December 2005 – Mayor attended Volunteer Recognition Night held at Matt Dann Cultural Centre.

19 December 2005 – Deputy Mayor Arnold Carter attended Australia Day Citizen of the Year Awards Selection Panel meeting.

20 December 2005 – Mayor and CEO met with Mr Lawrie Conway of Newcrest Mining Limited to discuss progression of funding Agreement.

20 December 2005 – Mayor met with Pilbara Development Commission staff in relation to progression of Bendigo Community Bank (in his role as Chairperson, Pilbara Development Commission)

21 December 2005 – Mayor met with Hon. Jon Ford, MLC, Minister for Fisheries; the Kimberley, Pilbara and Gascoyne (in his role as Chairperson, Pilbara Development Commission)

21 December 2005 – Mayor met with Mr Jeff Gooding, Chief Executive Officer of Kimberley Development Commission (in his role as Chairperson, Pilbara Development Commission)

22 December 2005 – Councillor Des Pike attended the first meeting of the Cemetery Working Group to discuss the design and timeframes for the cemetery project.

4 January 2006 – Deputy Mayor Arnold Carter attended the Tender Opening of Tender 05/09 Supply of New Vehicle(s) With or Without Trade-In; and/or Purchase of Vehicles for Disposal.

9 January 2006 – Mayor, Chief Executive Officer met with Pilbara Development Commission and President of the Port Hedland Visitor Centre to assess the tender for upgrade of the Visitor Centre.

11 January 2006 – Mayor and Chief Executive Officer met with Roger Richardson (Chairperson, Port Hedland Yacht Club), Aundre Bush, and Community Members (representation of both the Port Hedland Enhancement Scheme and Spoil Bank Working Group) to discuss the draft feasibility study for the Spoil Bank area.

18 January 2006 – Deputy Mayor A Carter, G Bussell, G Daccache, D Pike and S Sear attended Council's Informal Briefing. Presentations and discussions included -

- . a presentation by representatives of Consolidated Minerals on their proposal to change the use of leased land on Great Northern Highway from "Transport Depot" to "Stockpiling of Manganese;
- . presentations and/or overviews by staff on –
  - . the review and/or development of Council's Local Laws;
  - . storage of potentially dangerous transportable building sin Wedgefield;
  - . the tender submission that has been received for the proposed South Hedland Aquatic Centre shade structure;
  - . Council's seven Recreation Policies;

- . the findings of a preliminary assessment of the Landfill Site and outline of steps proposed to progress the matter;
- . potential road projects for submission of funding application for upcoming grant programs;
- . public comments received on Draft Strategic Plan;
- . the status of negotiations with Newcrest Mining Limited; and
- . liquor restrictions in the Town of Port Hedland.

*NOTE(S):*

**26 January 2006** - All Councillors are invited to be involved in Australia Day activities in the Town of Port Hedland District, including the Australia Day Breakfast hosted by Port Hedland Soroptimist International (commencing at 7:45am); the screening of "King King" at Matt Dann Cultural Centre (2pm) and the Australia Day Festival including Australian Citizenship Ceremony and Fireworks on the Civic Centre Lawns (6-8:30pm).

**1 February 2006** – An informal briefing session will be held for Council.

**3 February 2006** - All Councillors and interested community groups/organisations are invited to attend a community safety and crime prevention workshop (8:30am–4pm) in Council Chambers.

**8 February 2006** – The Annual General Meeting of Elector will be held commencing at 5:30pm. The Meeting will be followed by an informal briefing session for all Councillors.

NOTE: Mayor also advised Council he had received a telephone call this afternoon from Ms Ruth Durack from the Urban Design Centre of Western Australia in relation to a proposal for Planning and Urban Design Services being prepared on behalf of BHP Billiton and Mirvac Fini. Mayor advised as soon as he received any further information or details, this information will be circulated to Councillors.

Mayor and CEO met with BHP Billiton and Mirvac Fini representatives in August 2005 where Mirvac Fini's indicated it's possible involvement in the Pretty Pool Development.

**ITEM 9      REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**

Nil.

**ITEM 10      PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS**

*NOTE: Prior to Agenda Item 5 'Questions From Members Without Notice' BHP Billiton representatives Mr Michael Buzzard, Manager External Affairs & Communications and Ms Kim Pervan, Superintendent Community & Public Affairs, provided Council with information relating to BHP Billiton's recent Application's for Exploration Licences within the Town of Port Hedland District.*





**Strategic Planning Implications** Nil

**Budget Implications** Nil

**200506/234 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter **Seconded:** Cr T M Young

**That the Officer's Report 'Status of Council Resolutions' as presented to the Council's Ordinary Meeting held on 25 January 2006 be received.**

***CARRIED 7/0***

**11.2 COMMUNITY AND REGULATORY SERVICES****11.2.1 Director Regulatory and Community Services**

6:10 pm Cr S F Sear declared an interest in Agenda Item 'Tender 05/08 – Provision of Cleaning Services, as Unicorn Cleaning Pty Ltd are a client of his business (financial), and Kestral Contracting Pty Ltd are friends of his (impartial).

6:10 pm Cr S F Sear left the room.

**11.2.1.1 Tender 05/08 – Provision of Cleaning Services (File No.: TEN-267)**

**Officer** Terry Sargent  
Director Regulatory and  
Community Services

**Date of Report** 16 January 2006

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to consider the submissions received for Tender 05/08 for provision of cleaning services.

**Background**

At its Ordinary Meeting held on 23 November 2005 Council resolved that:

- "i) Council not adopt any tender for the provision of cleaning services; and*
- ii) Council review the scope of works for the provision of Cleaning services and re-advertise the contract including the Port and South Libraries."*

Tender specifications were reviewed and a tender advertisement was placed in the North West Telegraph on 7 December 2005. The advertised tender closing date and time was 2:00 pm on 22 December 2005.

On 22 December 2005 at 2.00pm the tender box was opened in the presence of the Building Maintenance Officer, Director Regulatory and Community Services and Director Corporate Services. Bids were received from Kestrel Contracting P/L and Unicorn Cleaning P/L.

The tender values are summarised below:

Location	Kestrel	Unicorn
<b>OPTION 1</b> Various Schedules		
CLEANING SCHEDULE 1 LOCATION – CIVIC CENTRE AND ADMINISTRATION BUILDING	49,944.33	42,500
CLEANING SCHEDULE 2 LOCATION - VARIOUS PUBLIC ABLUTION FACILITIES	75,810.00	63,600
CLEANING SCHEDULE 3 LOCATION – COUNCIL DEPOT FACILITIES - CAJARINA STREET, WEDGEFIELD	14,956.26	11,232
CLEANING SCHEDULE 4 LOCATION – HACC HOUSE - LOGUE COURT, SOUTH HEDLAND	16,668.00	14,560
CLEANING SCHEDULE 5 LOCATION – COURT HOUSE GALLERY, PORT HEDLAND	6,370.00	4,875
CLEANING SCHEDULE 6 LOCATION – MATT DANN CULTURAL CENTRE, SOUTH HEDLAND	7,280.00	5,460
CLEANING SCHEDULE 7 LOCATION – SOUTH HEDLAND PUBLIC LIBRARY	14,560.00	11,232
CLEANING SCHEDULE 8 LOCATION – PORT HEDLAND PUBLIC LIBRARY	7,521.36	8,424
<b>OPTION 2</b> All Schedules	193,109.95	157,026.51

Tenders have been assessed in accordance with the advertised Selection Criteria as detailed below:

- . *Conformity with quotation documentation. – 5%*

Both Tenderers presented submissions in conformity with the tender documentation.

- . *Value for Money – 65%*

Both submissions were for the same works so a direct cost comparison was possible.

- . *Quality/Environmental Systems 5%*

Both tenderers submitted documentation to address this criteria. Neither was comprehensive and neither provided strong evidence that the documentation formed a part of the o-perating procedures followed by their staff, so both were rated the same.

. *Safety Record - 5%*

Neither submission effectively addressed this matter in a manner which warranted recognition.

. *Previous Performance and Referees – 10%*

Both submissions were identical to the previously assessed submissions in regard to Previous Performance and Referees and were rated accordingly

. *Local Supplier – 10%*

Both submissions were received from local contractors

The following table summarises the evaluation.

<b>Criteria</b>	<b>Weight</b>	<b>Kestral</b>	<b>Unicorn</b>
Conformity with quotation documentation.	5	5	5
Value for money	65	53	65
Quality/Environmental system	5	2	2
Safety record	5	0	0
Previous performance and referees	10	4	6
Local supplier	10	10	10
<b>TOTAL</b>	<b>100</b>	<b>74</b>	<b>88</b>

**Consultation**

The tender was advertised in the North West Telegraph on 7 December 2005.

**Statutory Implications**

As the value of works proposed within this contract is over \$50,000 the provisions of the Local Government Act (1995) and Local Government Functions and General Regulation (1996) apply. The tender process has been undertaken in accordance with these provisions.

**Policy Implications**

The successful tenderer will be required to ensure that they operate within Council’s tender guidelines and in accordance with relevant Legislation and Australian Standard requirements.

**Strategic Planning Implications** Nil

### Budget Implications

Council's 2005/06 budget includes allocations for cleaning in the following accounts:

4022232 – Civic Centre	\$34,057
1010232 – Public Ablutions	\$52,000
1402232 – Depot	\$9,000
0809282 – HACC House	\$10,000
0812232 – Court House Gallery	\$4,500
Matt Dann Cultural Centre est.	\$3,500
1117233 – South Hedland Library	\$10,500
1116233 – Port Hedland Library	\$6,800
TOTAL	\$130,357

This is \$62,752.95 less than the highest tender and \$26,669.51 less than the other tender.

Acceptance of either tender will therefore require a budget variation.

### Officer's Comment

Both of the submissions represent better value for money than the submissions presented when the service was originally put to tender but neither is within the limits of the current budget. There is very little likelihood that a further reduction in price can be negotiated.

As detailed above, the tender evaluation process strongly favoured the Unicorn Cleaning P/L over that submitted by Kestrel Contracting P/L.

### Officer's Recommendation

That Council accept the tender submission from Unicorn Cleaning Pty Ltd for Tender 05/08 – Provision of Cleaning Services for a period of two (2) years commencing on \_\_\_\_\_, with an option for an additional one (1) year thereafter.

### 2005006/235 Council Decision

**Moved:** Cr A A Carter                      **Seconded:** Cr T M Young

**That Council accept the tender submission from Unicorn Cleaning Pty Ltd for Tender 05/08 – Provision of Cleaning Services for a period of two (2) years commencing on 1 March 2006, with an option for an additional one (1) year thereafter.**

**CARRIED 6/0**

*NOTE: Council set the commencement date at 1 March 2006.*

6:11 pm Cr S F Sear re-entered the room and assumed his chair.  
Mayor advised Cr S F Sear of Council's decision.

**11.2.1.2 Tender 05/06 – For Design and Construction of Shade Structures – South Hedland Aquatic Centre (File No.: - )**

<b>Officer</b>	Terry Sargent Director Regulatory and Community Services
<b>Date of Report</b>	16 January 2006
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

For Council to consider the submission received for Tender 05/06 for Design and Construction of Shade Structures – South Hedland Aquatic Centre.

**Background**

At its Ordinary Meeting held on 26 October 2005 Council resolved that (in part):

- “ ii) *the Town of Port Hedland Community Sporting and Recreation Facility Fund (CSRFF) submission for refurbishments to the South Hedland Aquatic Centre be ranked Number 1 priority, and rated high for Local Government assessment for funding by CSRFF; and*
- iii) *subject to receiving confirmation of out of round funding for the proposed South Hedland Aquatic Centre upgrade from the Community Sporting and Recreation Facility Fund (CSRFF), Council advertising a tender for the design and construction of shade at the Centre with the following tender selection criteria:*

<i>Criteria</i>	<i>Weighting</i>
<i>Previous History/Company Experience</i>	<i>10%</i>
<i>Company Resources/Timeframes</i>	<i>10%</i>
<i>Qualitative:</i>	
<i>Design of Shade</i>	<i>15%</i>
<i>Ease of Shade removal/erection</i>	<i>15%</i>
<i>Local Price Preference</i>	<i>5%</i>
<i>Price</i>	<i>45%</i>

Tender specifications were developed by the Manager Building Services and Director Regulatory and Community Services. A tender advertisement was placed in the West Australian on 19 November 2005. The advertised tender closing time and date was 2:00 pm on 16 December 2005.

The tender box was opened in the presence of the Chief Executive Officer, Director Regulatory and Community Services and Director Corporate Services. Only one (1) bid was received, a non-conforming bid from Skyspan Umbrellas.

Notwithstanding that the bid did not meet all the tender requirements it was assessed by the Director Regulatory and Community Services in accordance with the Council adopted selection criteria. A summary of the assessment has been listed below.

. *Price: 60%*

The submission from Skyspan Umbrellas proposed a lump sum price of \$119,570.90, which is within the project budget.

. *Experience in Undertaking Similar Works: 20%*

The tenderer submitted details of projects successfully undertaken in Australia and overseas. Many of these structures were installed in cyclone/typhoon prone areas.

. *Safety, Quality and Environment Systems: 10%*

The submission made no significant reference to these selection criteria.

. *Local Content: 10%*

The tenderer proposed the use of a Perth Based contractor to install cantilevered umbrellas which were supplied ex—Queensland so there was no local content proposed.

### **Consultation**

The tender was advertised in a statewide newspaper. Council staff contacted all potential tenderers that could be readily identified and made them aware of the advertised tender. No specific advice was sought from any of the contractors who obtained tender documents.

### **Statutory Implications**

As the value of works proposed within this contract is over \$50,000 the provisions of the Local Government Act (1995) and Local Government Functions and General Regulation (1996) apply. The tender process has been undertaken in accordance with these provisions.

### **Policy Implications**

The successful tenderer will be required to ensure that they operate within Council's tender guidelines and in accordance with relevant Legislation and Australian Standard requirements.



**Strategic Planning Implications** Nil

**Budget Implications**

The proposal falls within the amount Council has allocated for the upgrading of the South Hedland Aquatic Centre.

**Officer's Comment**

The Local Government (Functions and General) Regulations 1996 provide that Council is no longer obliged to call tenders if "*...the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer*".

Because the tender did not conform to the tender specifications Council has a number of options it can pursue.

*Option 1*

Council could accept the nonconforming tender. The proponent was offering to supply a series of thirteen 5.6m cantilevered umbrellas installed around the edge of the pool. This would afford sun protection to swimmers at the edges of the pool but none to those using the centre lanes.

Feedback from Councillors and users of the South Hedland Aquatic Centre suggests this proposal would not be entirely suitable.

*Option 2*

Council could approach a designer to prepare working drawings which could then be presented in a tender for the construction of a shade structure.

This may not result in any better response from contractors and would cause further delays to the project.

*Option 3*

Council could explore the purchase of products from suppliers who have recently constructed suitable structures in other locations.

Given the standard size of the South Hedland Aquatic Centre pool, and relative ease with which this research can be undertaken, this option is most likely to result in the timely supply of a suitable structure or structures.

6:15 pm Executive Assistant left the room.

6:16 pm Executive Assistant re-entered the room and assumed her chair.

**200506/236 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter      **Seconded:** Cr A A Gear

**That:**

- i) **Council not accept the submission from Skyspan Umbrellas for the construction of shade over the South Hedland Aquatic Centre; and**
- ii) **Council explore the purchase of products from suppliers who have recently constructed suitable structures in other locations.**

***CARRIED 7/0***

**11.2.2 Planning Services****11.2.2.1 Delegated Planning Approvals for December 2005 (File No.: PLN-104)**

**Officer** Sarah Hepburn  
Administration Officer  
Development & Regulatory  
Services

**Date of Report** 6 January 2005

**Disclosure of Interest by Officer** Nil

**Summary**

This item relates to the Planning Applications considered under Delegated Authority for the preceding calendar month.

**Background**

The following Planning Consents were issued by Council's Planning Services under Delegated Authority for the month of December 2005:

Date	App. No.	Address	Applicant	Owner	Development	Delegation
13/12/05	2005/131	14 Murrena St, WF	Kingsmill Enterprises	G. Brooks	Sea Container (6m for storage)	40 (1)(ii)
16/12/05	2005/133	26A Gratwick St, PH	W. Peterson	W. Peterson	Verandah (8m x 4m x 3m high)	40 (7)

**Consultation** Nil

**Statutory Implications**

Town of Port Hedland Delegation Register 2004 outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council.

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment** Nil

**200506/237 Council Decision/Officer's Recommendation**

**Moved:** Cr T M Young      **Seconded:** Cr S F Sear

**That the Schedule of Planning Consents issued by Delegated Authority for the month of December 2005 be received.**

***CARRIED 7/0***

**11.2.2.2 Proposed Construction of Six (6) Grouped Dwellings at Lot 618 (41 – 43) Steamer Avenue, South Hedland (File No.: 112512G)**

<b>Officer</b>	Andrew Patterson Planning Officer
<b>Date of Report</b>	12 January 2006
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Council has received an application from the Department of Housing and Works on behalf of Government Employees' Housing Authority (GEHA) to construct six (6) grouped dwellings at lot 618 (41-43) Steamer Avenue South Hedland.

The lot consists of 3226 m<sup>2</sup> and is zoned Residential R 20 in the Town of Port Hedland Town Planning Scheme No 5. Pursuant to section 3.1.3 A3 (v) of the Residential Design Codes, this lot is required to achieve an average of 450 m<sup>2</sup> site area per dwelling, thus yielding a maximum potential development of seven (7) dwellings.

This item is presented for Council consideration, as officers do not have the delegated authority to determine applications consisting of more than two grouped dwellings

**Background**

This application was initially received by Council on 22 November 2005 and passed through a number of revisions in response to issues raised by Council's Planning Officer and Manager of Building Services. The final site plan presented to Council as part of this report was submitted by the contracted architect on 8 December 2005.

**Consultation**

The following comments have been received subsequent to internal referrals with appropriate conditions included in the Officer's recommendations:

Engineering Services: Vehicle crossovers to conform to Council specifications -- Council to be advised prior to construction.

Building Services: Building licence required prior to commencement of site works.

Environmental Health Services: Consideration of dust and noise generation during construction of development; development not to interfere with mains or effluent disposal systems; any grey water re-use system installed to be approved by Health Department and installed to Council's satisfaction.

No external consultation was required to process this application.

**Statutory Implications**

Town Planning and Development Act 1928  
Town of Port Hedland Town Planning Scheme No. 5

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications**

Planning Fees Received: \$2,842

**Officer's Comment**

The Department of Housing and Works and their contracted architect demonstrated a high level of receptiveness to recommendations by Council staff with regard to this development. The revision of the original submission to its current form provides for a higher quality development and reflects the improved level of residential development in South Hedland.

**200506/238 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter      **Seconded:** Cr S F Sear

**Planning consent be granted to the Department of Housing and Works on behalf of the Government Employees Housing Authority for the construction of six (6) grouped dwellings at Lot 618 (41-43) Steamer Avenue as outlined in the Application received 22 November 2005 (Application 2005/126) and indicated on the approved plans, subject to the following conditions:**

**GENERAL**

- a) **The development to comply with the provisions of Council's Town Planning Scheme No.5, the Health Act 1911, Building Code of Australia, Residential Design Codes and any other relevant Acts, Regulations, Local Laws and Council Policies (except where varied by this approval).**

- b) This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).**
- c) A Building Licence to be issued prior to the commencement of any on site works (BS).**

**PRIOR TO ISSUE OF BUILDING LICENCE**

- d) All vehicle crossings to be designed and constructed to the satisfaction and specification of Council's Engineering Services (ES).**

**DURING CONSTRUCTION**

- e) The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity (EHS).**
- f) Developers and/or contractors of developments which are likely to occur at times when prevailing winds will generate a dust nuisance to nearby residents, to take appropriate dust prevention measures by the damping with water of disturbed surfaces and/or hydromulching when necessary to the satisfaction of Council's Engineering Services and Environmental Health Services (EHS).**
- g) The development must not interfere with property and effluent mains and/or effluent disposal systems (EHS).**

**ADVICE TO DEVELOPER**

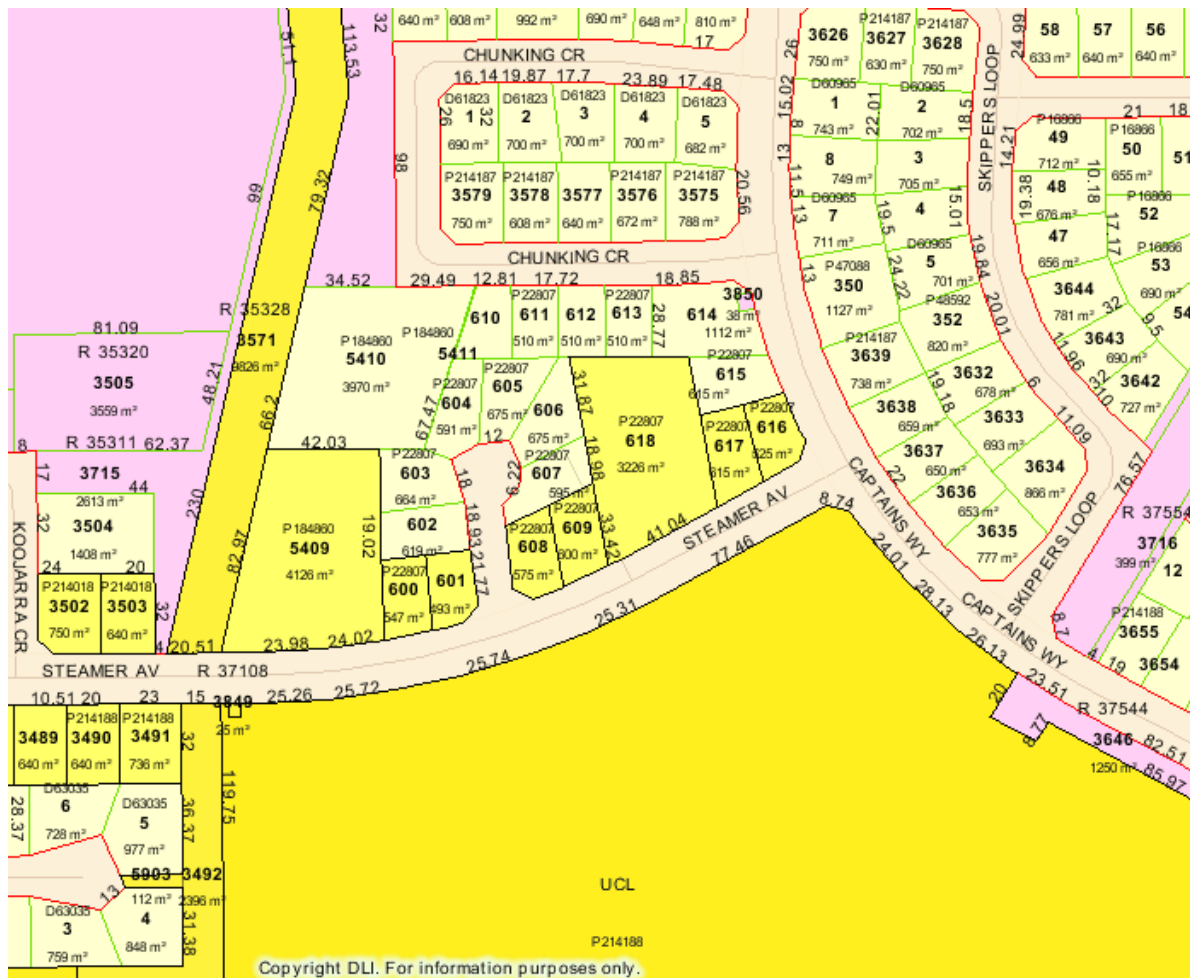
- h) In relation to Condition (d), the developer is to contact Council's Engineering Services on 9158 9700 to arrange a site inspection prior to construction of the crossover(s).**
- i) The developer is advised that any grey water re-use system to be employed in the proposed development is to be of a type approved for use by the Health Department of Western Australia and installed to the satisfaction of Council's Environmental Health Services.**
- j) The developer to take note that the area of this application may be subject to tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate.**

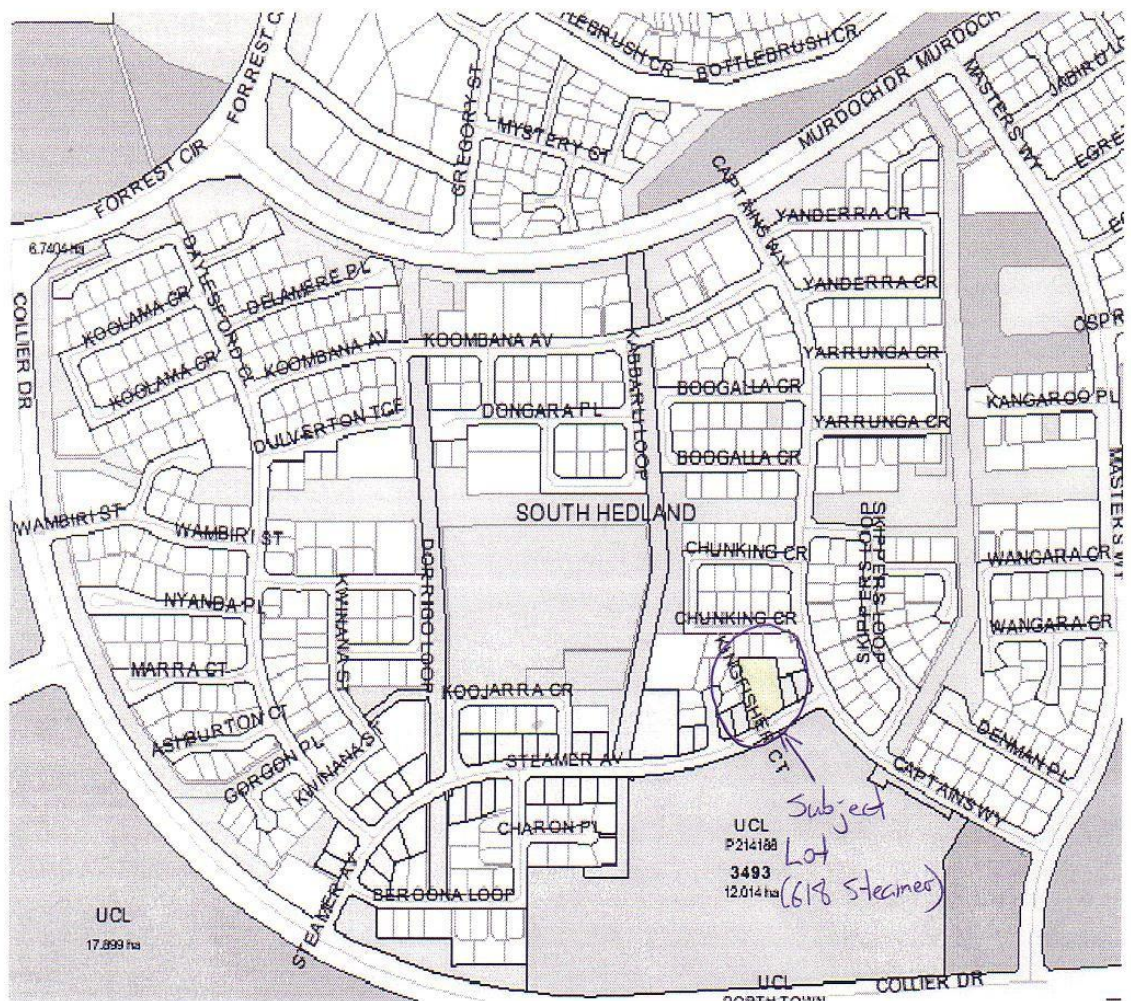
**The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.**

***CARRIED 6/1***



ATTACHMENT(S) TO AGENDA ITEM 11.2.2.2





### **11.2.2.3 Request for Consent to Grant an Investigation Licence to the Pilbara Infrastructure Pty Ltd (File No.: ENV – 031)**

<b>Officer</b>	Andrew Patterson Planning Officer
<b>Date of Report</b>	12 January 2006
<b>Disclosure of Interest by Officer</b>	Nil

#### **Summary**

Council has received a request from The Pilbara Infrastructure (TPI) to grant consent for the applicants to acquire an exploration licence in order to undertake investigations into its proposed railway and associated roads and infrastructure.

The nature of the investigation will comprise the excavation of 5 m x 5 m test pits of to identify potential locations for future of construction borrow pits, the construction of 30 m x 10 m exploration water bore drill pads used to identify potential locations for water production bores and 5 m wide access tracks to access the exploration areas. The applicant has indicated that approximately 250 hectares are likely to be disturbed comprising ~90% for access tracks, ~8% for water bores, and ~2% for test pits.

Council's permission for this licence is required as the exploration area encroaches on three areas (see attachment) of land whose control is vested in Council. Should Council support the application for the exploration licence, a resolution is required to authorise the Mayor and Chief Executive Officer to sign the consent form and affix the Town of Port Hedland Common Seal to the document.

#### **Background**

TPI is currently a wholly owned subsidiary company of the Fortescue Metals Group that exists in order to develop and operate the required railway from the mine sites to Port Hedland. It is FMG's intention that they will not remain the sole owner of this company and will open the proposed rail line to interested third party users.

This investigation is required under the applicant's State Agreement, the *Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004*, in order that the applicant may submit a detailed proposal to the Minister with regard to its mining and associated activities.

The three lots within the exploration area whose control is vested in Council include:

. *Reserve 33848*

This lot is located adjacent to the Western boundary of Wedgefield. It is currently a disused Recreation (Equestrian) reserve vested in Council with no current leaseholder. The lot is in generally poor condition with a number of unauthorised derelict structures located on the site.

. *Reserve 35915*

This lot is located West of South Hedland, and comprises both the golf course and SHOTA leases. Of these lots, only the SHOTA lease is affected, with aerial photography indicating that the exploration portion of the site comprises unused land to the West of the racetrack. It is noted that the SHOTA does not currently hold a lease for this land, as the lease has expired and is currently under negotiation with regard to the unauthorised structures located on the land prior to any new lease being offered to the association.

. *Reserve 33593*

This lot comprises the stock holding yards located adjacent to the Great Northern Highway. At its Ordinary Meeting on 19 January 2005, Council resolved that:

- “...i) the Town of Port Hedland cease operation of the Port Hedland Cattle Yards at this time pending further advice in relation to accreditation procedures, management and National Competition Policy;*
- ii) a section of the yards are to remain open for the use of the industry for emergency situations; and*
- iii) the current Cattle Yards Working Group be suspended until further notice.”*

In light of this resolution, the impact of the exploration is unlikely to have a significant impact with regard to the use of this reserve.

### **Consultation**

Comments from Council's Administration Manager were SHOTA has not been consulted with regard to this item as:

- . There is currently no lease over the affected land
- . The land is not currently being used by the SHOTA
- . Due to the location of the land relative to the Great Northern Highway and at the extremity of the licence area it is considered highly unlikely that FMG will require this land.

### **Statutory Implications**

*Mining Act 1978*

*The Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act*  
*Land Administration Act 1997*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment**

This application does not comprise an application for development approval and is limited to authorising the permit holder to investigate areas it has identified as potentially suitable for its proposed railway. Any future development by the applicant on land subject to the exploration licence will require applications for development pursuant to applicable Acts and Regulations.

**Officer's Recommendation**

That Council:

- i) authorise the Chief Executive Officer, and the Mayor to sign the Consent to Grant Licence and affix the Common Seal of the Town of Port Hedland to the supplied pro forma; and
- ii) return the completed documents to The Pilbara Infrastructure.

**200506/239 Council Decision**

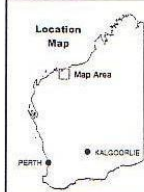
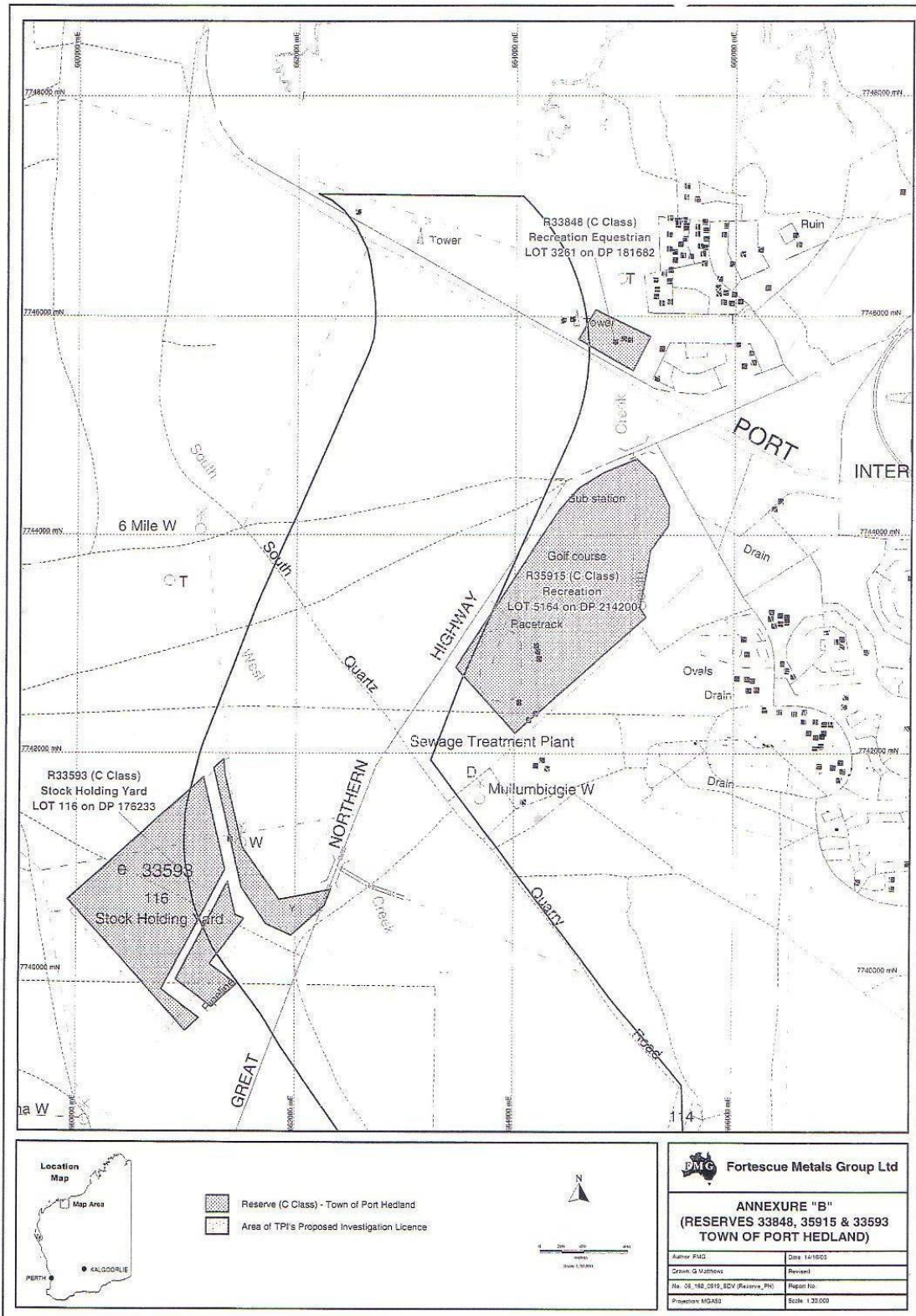
**Moved:** Cr A A Carter      **Seconded:** Cr A A Gear

**That:**

- i) **Agenda Item '11.2.2.3 Request for Consent to Grant an Investigation Licence to the Pilbara Infrastructure Pty Ltd' lay on the Table;**
- ii) **a copy of Licence Application to be sealed and signed is to be circulated to Councillors prior to its consideration by Council; and**
- iii) **clarification of any potential impact to current leasees of Reserve 35915 to be provided to Council.**

**CARRIED 7/0**

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.3



- Reserve (C Class) - Town of Port Hedland
- Area of TPI's Proposed Investigation Licence



**Fortescue Metals Group Ltd**

**ANNEXURE "B"**  
**(RESERVES 33848, 35915 & 33593**  
**TOWN OF PORT HEDLAND)**

Author PMS	Date 14/10/03
Drawn G Matthews	Revised
No. 08_180_2915_DCV (Reserves_Ph)	Region No.
Projection MGA84	Scale 1:20,000

*ATTACHMENT 2 TO AGENDA ITEM 11.2.2.3*

Fortescue Metals Group Ltd

Page 6

**OR**

THE COMMON SEAL OF )  
Town of Port Hedland )  
ABN 19 220 085 226 )  
was affixed in accordance with its )  
constitution in the presence of: )

\_\_\_\_\_  
Director/Sole Director & Sole Secretary

\_\_\_\_\_  
Director / Secretary

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Name (please print)

**OR**

EXECUTED by )  
Town of Port Hedland )  
ABN 19 220 085 226 )  
by its attorney under power of attorney )  
dated )  
\_\_\_\_\_ (insert date) in the presence )  
of:

\_\_\_\_\_  
Signature of Attorney

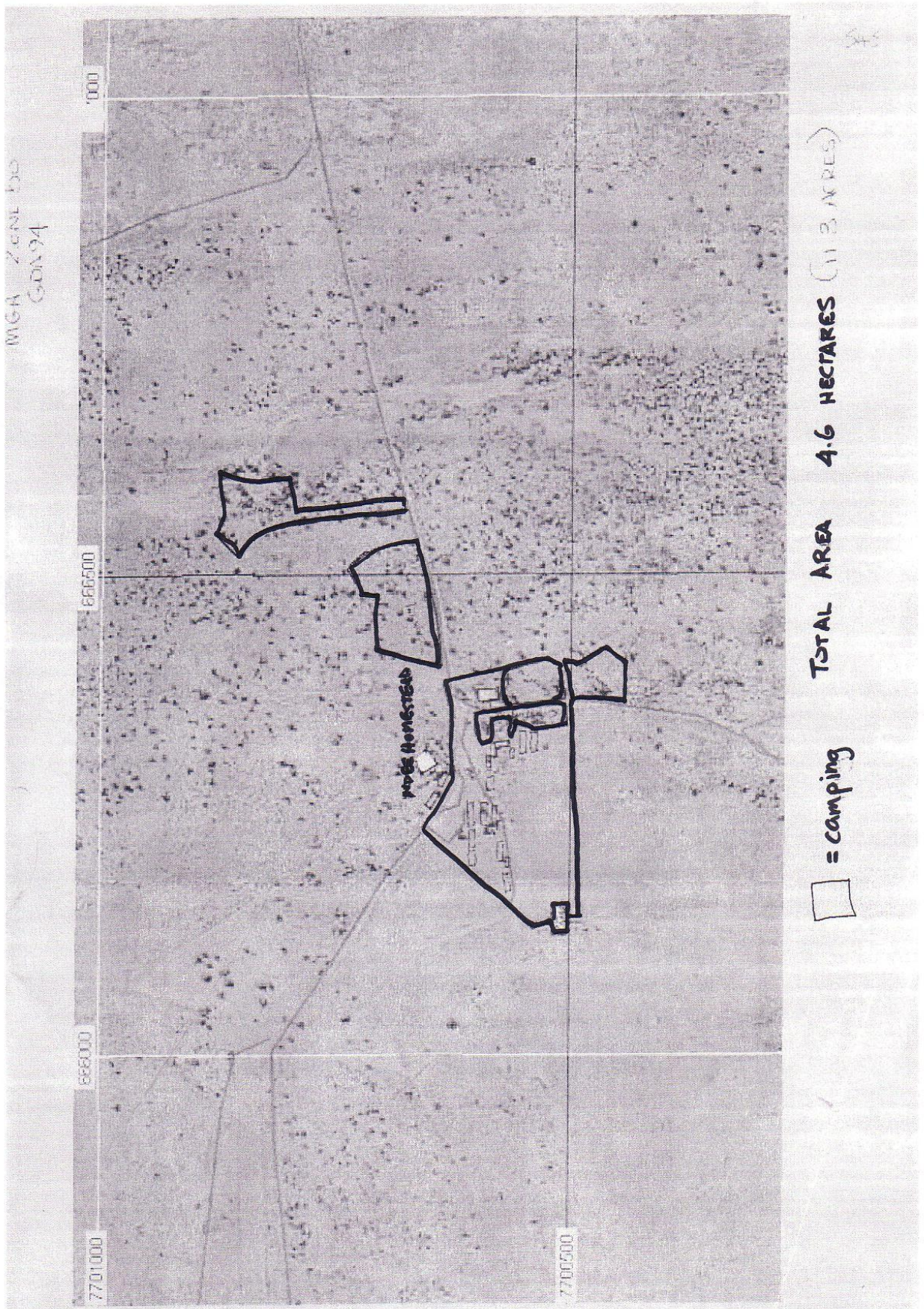
\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of Attorney (please print)

\_\_\_\_\_  
Name of Witness (please print)

\_\_\_\_\_  
Address of Witness

ATTACHMENT 3 TO AGENDA ITEM 11.2.2.3





**11.2.2.4 Request for Comment on Proposed Tourism Development Permit on Indee Station (Pastoral Lease 3144/1197) (File No.:155670G)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 12 January 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received a request from the Department for Planning and Infrastructure (Pastoral Land Business Unit) to comment on a tourism permit requested by the leaseholders of Indee Station.

The Pastoral Lands Board is requesting any comment from the Town of Port Hedland with regard to this application and has included a copy of the draft permit for information.

This item is presented for Council consideration due to the potential for such a development to become problematic particularly with respect to the changing dominant use of the land from pastoral to tourism that can lead to health related issues on site.

**Background**

The proposal is to conduct a low-key, pastoral-based tourism venture offering camping-based accommodation as provided for under section 121 of the *Land Administration Act 1997*. The land subject to the application comprises approximately 4.6 hectares located adjacent to the Indee Homestead (see attachment).

Of the more than 500 pastoral licences in Western Australia, approximately 50 also hold additional permits relating to the land. Of these permits, 70 % relate to forms of pastoral tourism. All permits are issued by the Pastoral Lands Boards who, with regard to tourism permits, work closely with Tourism WA.

Pastoral tourism enterprises are considered a practical and effective means of diversifying income generation for pastoralists that also offer flow-on benefits for regional areas.

Indee Station has been operating a tourist venture since being granted its original permit, issued 25 October 1999. This permit was inadvertently allowed to expire on 25 October 2004, and in order to continue to offer a pastoral based tourist experience, Indee Station is seeking a new permit from the Pastoral Lands Board. The new permit is likely to be requested to expire in 2015, which is also the expiration date for the pastoral lease.

### Consultation

Council's Manager Administration was consulted with regard to the details of the draft lease conditions and has offered the following recommendations:

1. Condition 13 be modified by deleting "by-law" and inserting "local law".
2. Condition 16 be modified by adding "local government" to the list of persons indemnified by the lease agreement.

### Statutory Implications

Section 121 of the Land Administration Act 1997 reads:

#### *121. Permits for use of land under a lease for tourism*

- (1) *The Board may, on an application from a pastoral lessee, issue a permit for the lessee to use specified land under the lease for pastoral-based tourist activities of a specified kind, if it is satisfied that the activities will be purely supplementary to pastoral activities on the land.*
- (2) *An application must specify the tourist activity proposed, any facility proposed to be constructed, and the areas of land proposed to be used.*
- (3) *A permit under this section may be issued for any period and subject to any conditions the Board thinks fit."*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

### Officer's Comment

In conversation with the DPI officer responsible for dealing with this issue, the Indee Station venture has been identified as an excellent example of this form of tourism. Visitors are offered clearly defined camping grounds with ablution and kitchen facilities. The facility has been, and will continue to be inspected by Pastoral Project Officers on behalf of the Board to ensure continued compliance with lease conditions.

This application is not seeking approval for any further development, however appropriate conditions are included in the draft lease that ensure relevant approvals are sought from the local government should any further development be proposed.

**200506/240 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Gear

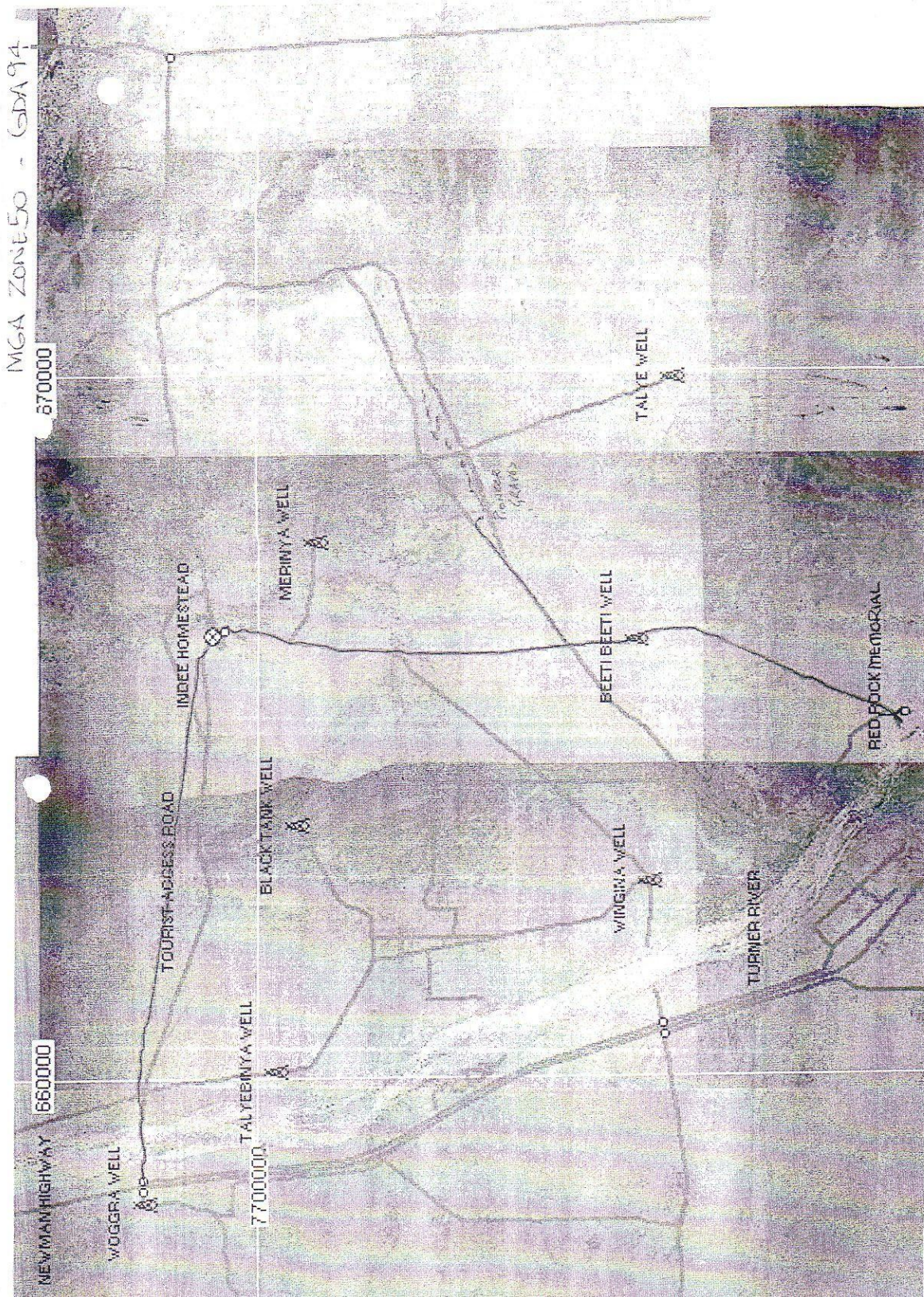
**Seconded:** Cr T M Young

**That the Department for Planning and Infrastructure (Pastoral Land Business Unit) be advised that Council supports the proposed tourism lease offered to the leaseholder of Indee Station subject to the conditions imposed by the draft lease included as Appendix A to the correspondence received from the Department for Planning and Infrastructure (Pastoral Land Business Unit) and requests the following modifications:**

- i) Condition 13 be modified by deleting "by-law" and inserting "local law"; and**
- ii) Condition 16 be modified by adding "local government" to the list of persons indemnified by the lease agreement.**

***CARRIED 7/0***

ATTACHMENT TO AGENDA ITEM 11.2.2.4



**11.2.2.5 Proposed Scheme Amendment for Lot 1 (2-5) Paton Road, South Hedland (File No.:400810G)**

<b>Officer</b>	Andrew Patterson Planning Officer
<b>Date of Report</b>	13 January 2006
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Council has received a Directions from the SAT to attempt a mediated outcome to an appeal regarding Council's refusal to permit B Russo to modify an existing group dwelling as Lot 1 (3-5) Paton Road South Hedland.

Mr Russo is currently represented by Whelans Town Planners who have requested a scheme amendment that will permit Council to approve the development application.

**Background**

At its Ordinary Meeting on 22 June 2005, Council considered a request by the landowner, Bruno Russo, to modify an existing group dwelling from its current state as a two-bedroom unit, to two single-bedroom units. Council refused this application on the basis that, as the current zoning is R 20, the creation of an additional dwelling would exceed the allowable density.

It was noted in the Officer's comments that the original approval for the development allowed for the eight single-bedroom units, however changes in the density coding has resulted in the development now existing as a non-conforming use.

On 1 July, Council received notice that Mr Russo had requested review of Council's June resolution with the State Administrative Tribunal. The SAT has issued an order that the parties attempt to resolve the issue, during which time the SAT will adjourn awaiting the outcome.

Whelans Town Planners have been engaged by Mr Russo to represent him in this matter, and in their correspondence to Council have requested a rezoning of the land to allow the proposed development to occur, returning the dwellings to their original configuration.

Council considered this request at its Ordinary meeting on 28 September 2005, resolving:

*"That:*

- i) *Whelans be advised that Council is prepared to consider a scheme amendment that enables Council to grant approval, at its discretion, of residential development on Residential zoned land up to the equivalent of current densities; and.*
- ii) *Whelans be requested to liaise with the Western Australian Planning Commission and the Chief Executive Officer or his nominated officer to prepare a suitable proposal."*

Council's Planning Officer has met with both Whelans Town Planners and the Department for Planning and Infrastructure to discuss this resolution. As the resolution is proposing a scheme amendment that will allow "residential development on Residential zoned land up to the equivalent of current densities" this will not resolve the issue before the SAT as the applicant is proposing to develop to previous densities. Alternative options to resolve this issue are included in the Officer's comments.

### **Consultation**

Council's Planning Officer has attended meetings with members from the Department for Planning and Infrastructure Country Planning Branch seeking indication as to the Department's preferred option in seeking a solution to this issue. Comments received during this meeting are reflected in the Officer's comments.

Council's Planning Officer also met with Vernon Butterley of Whelans Town Planning Consultants to discuss the options available to Council and ascertain the applicant's preferred option.

### **Statutory Implications**

The Town of Port Hedland Town Planning Scheme No. 5 determines the residential zoning of the land.

Part V of the Town Planning and Development Act 1928 establishes the right and process of an appeal to a discretionary planning decision.

Section 25 of the Town Planning Regulations 1967 establishes the process required to undertake a scheme amendment.

### **Policy Implications**

Nil

### **Strategic Planning Implications**

Strategic Planning implications are discussed in the Officer's Comments.

**Budget Implications**

All costs associated with a potential scheme amendment will be borne by the applicant.

In his application, Mr Russo has indicated that no party is to be represented by a lawyer. Should Council resolve to contest the application at the SAT, cost should therefore be limited to staff preparation and attendance time, and possible costs awarded to the plaintiff should the defence be unsuccessful.

**Officer's Comment**

Council has a number of options to resolve this issue. The three main courses of action include:

1. Rejecting the application and contesting the SAT appeal on the grounds that the current housing density is appropriate for the area. Notwithstanding that the current development exceeds the R 20 density, the current density is protected under Part VIII of Town Planning Scheme No. 5 as the Scheme allows the continuance of non-conforming development under certain conditions.

Council could take the opinion that the strategic direction for South Hedland is to promote multi-bedroom residential development, as this tends to encourage greater visual and social amenity. In this case, the June 2005 resolution should be defended at the SAT.

It is noted that the trend for other single-bedroom developments in South Hedland is to combine two single-bedroom units into a single multi-bedroom unit.

2. Should Council consider this an appropriate development, the scheme amendment that Council resolved to investigate at its Ordinary Meeting on 27 September 2005, involves an additional clause being added to the Scheme text that would allow Council, at its discretion, to allow residential development back to previously allowed densities under preceding town planning schemes.

Neither Whelans Town Planners nor the DPI favours this approach, as it could open a potentially problematic loophole in the current Scheme. Making this amendment could allow developers to select a desired density at which to develop land, therefore reducing the effectiveness of the residential densities established by Town Planning Scheme No. 5. The Planning Officer considers this an undesirable course of action and strongly recommends against this option.

3. A second type of scheme amendment would be for Council to resolve to support a spot rezoning that would allow for the applicant to rezone the land to R 25 and develop the land as per the original application.

This is the preferred option by the applicant, should Council resolve to permit the application. Such a scheme amendment would progress through the statutory process as required under the *Town Planning Regulations 1967* and be determined by the West Australian Planning Commission as advised by the DPI.

In resolving this issue, Council should have due regard to the purpose of the current zoning of the land in question and determine whether allowing the development as proposed is consistent with the strategic direction that is Council's vision for South Hedland.

Should Council be of the opinion that increased residential density is appropriate in this area, and that the owner should be able to modify the dwellings back to their previous configuration given that in itself, this will have little or no impact on the amenity of the surrounding land, option 3 is the most appropriate direction.

However, if Council believes that the current zoning is the most appropriate density for the area, and that the strategic direction implied by the current zoning reflects the desired long-term direction for South Hedland, Council could reject the proposed scheme amendment and contest the application in the SAT.

### **Officer's Recommendation**

That Council:

- i) inform Whelans Town Planners and the State Administrative Tribunal that Council is not prepared to consider a scheme amendment that will permit the owner of Lot 1 (3-5) Paton Road South Hedland to allow the development of eight (8) single bedroom dwellings;

or

- ii) inform Whelans Town Planners that Council is prepared to support an application for Lot 1 (3-5) Paton Road South Hedland to be rezoned Residential R25 provided that the scheme amendment is at no cost to Council.



**200506/... Council Decision**

**Moved:** Cr A A Carter      **Seconded:**

That Council inform Whelans Town Planners and the State Administrative Tribunal that Council is not prepared to consider a scheme amendment that will permit the owner of Lot 1 (3-5) Paton Road South Hedland to allow the development of eight (8) single bedroom dwellings, at no cost to Council.

*MOTION WITHDRAWN*

**200506/241 Council Decision**

**Moved:** Cr G D Bussell      **Seconded:** Cr A A Gear

**That Council inform Whelans Town Planners and the State Administrative Tribunal that Council is not prepared to consider a scheme amendment that will permit the owner of Lot 1 (3-5) Paton Road South Hedland to allow the development of eight (8) single bedroom dwellings.**

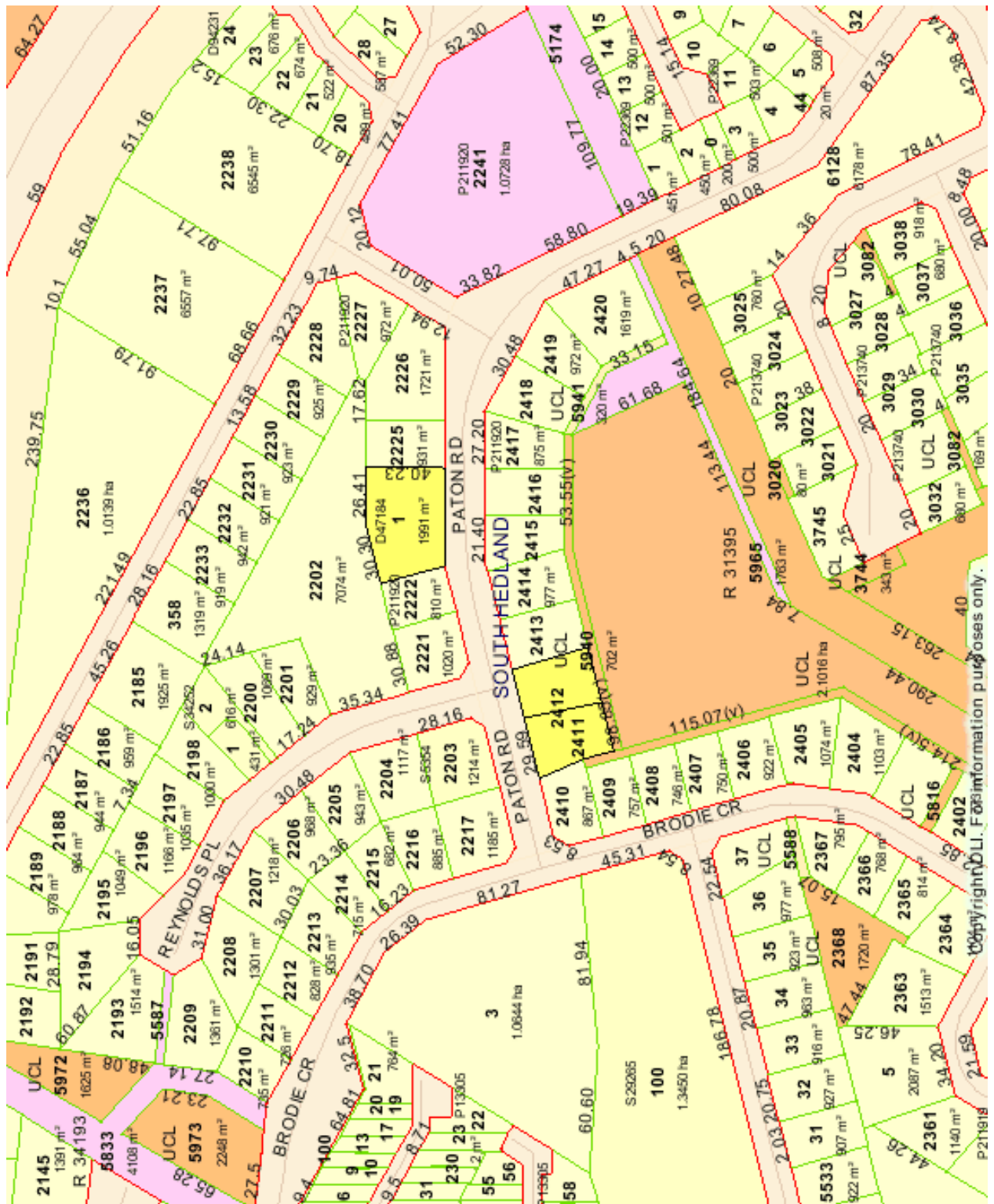
***CARRIED 5/2***

*NOTE : Cr T M Young requested the votes be recorded.*

*Record of Vote:*

<b>FOR</b>	<b>AGAINST</b>
Cr S R Martin	Cr S F Sear
Cr A A Carter	Cr T M Young
Cr G D Bussell	
Cr A A Gear	
Cr D R Pike	

ATTACHMENT TO AGENDA ITEM 11.2.2.5



**11.2.2.6 Proposed Construction of Transient Workforce Accommodation at Lot 2444 Great Northern Highway (File No.: GREA:2444G/A800290G)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 16 January 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received an application from Spotless Services Australia Ltd, on behalf of the Fortescue Metals Group to construct Transient Workforce Accommodation at lot 2444 Great Northern Highway.

**Background**

The land the subject of this development proposal is immediately south of Port Hedland Airport and owned by Council. The land is zoned "Airport" and "Transient Workforce Accommodation" is listed as an "AA" use on the Town Planning Scheme No. 5 zoning table.

Although Council Officers have the delegated authority to determine "AA" uses, this item is presented for Council consideration due the size and potential impact of this development.

Council is currently engaged in negotiations with the applicant to offer a lease for the land. As the landowner, Council is also required to sign the Planning Application Form relevant to this application.

Manning levels of the camp will vary according to the maximum required workforce required for each stage of construction. The maximum projected workforce being accommodated is expected to be 700 persons.

Spotless Services Australia Ltd, on behalf of FMG is seeking to develop this land to provide accommodation for its workforce required to construct its railway and port infrastructure. The camp is required as there is not sufficient accommodation currently in either Port or South Hedland to meet the accommodation requirements in a centralised and orderly manner.

Throughout their planning and development process, FMG has advised Council of their progress and requested comment on a number of aspects of their development that has facilitated a generally efficient planning process.

**Consultation**

The following comments were obtained via internal referral of this proposal:

- . Council's Airport Manager has requested the imposition of a number of conditions regarding this application, generally relating to controls aimed at ameliorating the impact of the development on the function of the airport. Specifically, the Airport Manager is concerned with the potential attraction of birds and animals, and the development of structures or lighting that may affect airport users. Relevant conditions are included in the Officer's recommendation to meet the Airport Manager's requirements.
- . Engineering Services offers no objection or comment to the proposal.
- . Environmental Health Services conditions are included in the Officer's recommendation.

No external consultation was undertaken as neither the Town Planning Scheme or other relevant policies or legislation require consultation for this type of development.

**Statutory Implications**

Part One of the *Town Planning and Development Act 1928* establishes the legislative authority of the Town Planning Scheme.

The Town of Port Hedland Town Planning Scheme No. 5 zones the subject land and permits this development at Council's discretion.

The *Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004* provides the legislative framework outlining FMG's rights and obligations with regard to developing and maintaining their railway and port infrastructure required for their mining activities.

**Policy Implications**

Nil

**Strategic Planning Implications**

This land has been identified as a potential site for further industrial land subdivision. One of the strategic goals for this development is to provide infrastructure such as water and power supply and effluent disposal that will subsequently be utilised by any future permanent land use.

Council's Airport Manager has indicated that, notwithstanding that the land is zoned "Airport," the land subject of this application is surplus to requirements and unlikely to be required for this purpose in the foreseeable future.

**Budget Implications**

It is noted that this application has been processed prior to the payment of the required planning application fee. The actual fee payable is not yet known as the project is yet to go out to tender, but will be determined in accordance with Council's schedule of fees. An appropriate condition (d) is included in the Officer's recommendations to require the payment of this fee prior to the issue of a building licence.

**Officer's Comment**

The immediate use of this land is considered consistent with other potential uses identified for this site. The development of a transient workforce accommodation facility is unlikely to prejudice any further development and is more likely to facilitate the development into other future uses.

As part of the lease agreement, strict time limitation controls may be included to ensure that Council retains ultimate control of the land and will not risk losing long-term determination rights for the site.

**200506/242 Council Decision/Officer's Recommendation**

**Moved:** Cr T M Young      **Seconded:** Cr S F Sear

**Planning Consent be granted to Spotless Services Australia Ltd for the construction of a Transient Workforce Accommodation Village at Lot 2444 Great Northern Highway Port Hedland as outlined in the Application received 12 January 2006 (Application 2006/112) and indicated on the approved plans, subject to the following conditions:**

**GENERAL**

- a) **The development to comply with the provisions of Council's Town Planning Scheme No.5, the Health Act 1911, Building Code of Australia, Residential Design Codes and any other relevant Acts, Regulations, Local Laws and Council Policies (except where varied by this approval).**
- b) **This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).**
- c) **The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of Council.**

**PRIOR TO ISSUE OF BUILDING LICENCE**

- d) **Payment of Council's scheduled fees - Application for Planning Approval (PS).**
- e) **Garbage storage area to be provided and screened from public view to the satisfaction of Council's Environmental Health Services (EHS).**
- f) **A detailed landscaping plan to be submitted and approved by Council's Parks and Gardens Services and Airport Manager. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**
- g) **Areas for the preparation of food shall comply with the requirements of the Health (Food Hygiene) Regulations 1993 to the satisfaction of Council's Environmental Health Services (EHS).**

**DURING CONSTRUCTION**

- h) **The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity (EHS).**
- i) **Developers and/or contractors of developments which are likely to occur at times when prevailing winds will generate a dust nuisance to nearby properties, to take appropriate dust prevention measures by the damping with water of disturbed surfaces and/or hydromulching when necessary to the satisfaction of Council's Engineering Services and Environmental Health Services (EHS).**
- j) **An approved effluent disposal system to be installed to the satisfaction of Council's Environmental Health Services and/or the Health Department of Western Australia (EHS); or**
- k) **The development to be connected to the Water Corporation deep sewerage service (EHS).**
- l) **Any indoor recreational areas must comply with the Health (Public Buildings) Regulations 1992 to the satisfaction of Council's Environmental Health Services (EHS).**

**USE OF DEVELOPMENT**

- m) The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity (EHS).**
- n) Appropriate dust suppression measures being taken at all times where any operation on the site is likely to generate a dust nuisance to nearby residents to the satisfaction of Council's Engineering Services and Environmental Health Services (ES/EHS).**
- o) Any indoor recreational area must comply with the Health (Public Buildings) Regulations 1992 to the satisfaction of Council's Environmental Health Services (EHS).**
- p) Swimming pool must comply with the Health (Swimming Pools) Regulations 1964 to the satisfaction of Council's Environmental Health Services (EHS).**
- q) The accommodation buildings to comply at all times with the relevant provisions of the Health Act 1911 and the Town of Port Hedland Health Local Laws 2000 to the satisfaction of Council's Environmental Health Services (EHS).**
- r) Any effluent system to be installed and maintained to ensure no nuisance is caused, especially with regard to mosquito breeding and odours. The effluent disposal system must be installed and maintained to ensure that birds and animals are not attracted. If the system installed attracts birds or animals the developer will be responsible for any remedial actions required for the continued safe operation of the airport (EHS).**
- s) The only access to the site will be limited to one road sited and constructed to the satisfaction of Council's Engineering Services and Airport Manager.**
- t) No extraneous lighting is to be installed facing any runways above the horizontal.**
- u) No equipment is to be installed or operated above ten (10) metres without prior notification and approval by Council's Airport Manager.**

**ADVICE TO DEVELOPER**

- v) A Building Licence to be issued prior to the commencement of any on site works (BS).**

- w) Where the landowner intends clearing an area of land 1 ha or more, a "Notice of Intention to Clear Land" under regulation 4 (2) of the Soil and Land Conservation Act 1945 is to be completed with reference to the Notes & Guidelines provided, and the Notice forwarded to the Commissioner of Soil Conservation for approval.
- x) The developer is advised that this property is situated in close proximity to a working Airport and associated industry and that prospective owners and occupiers of the development are advised of this fact.
- y) The developer to take note that the area of this application may be subject to tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
- z) The developer is advised that any grey water or effluent re-use system to be employed in the proposed development is to be of a type approved for use by the Health Department of Western Australia and installed to the satisfaction of Council's Environmental Health Services.

**CARRIED 4/3**

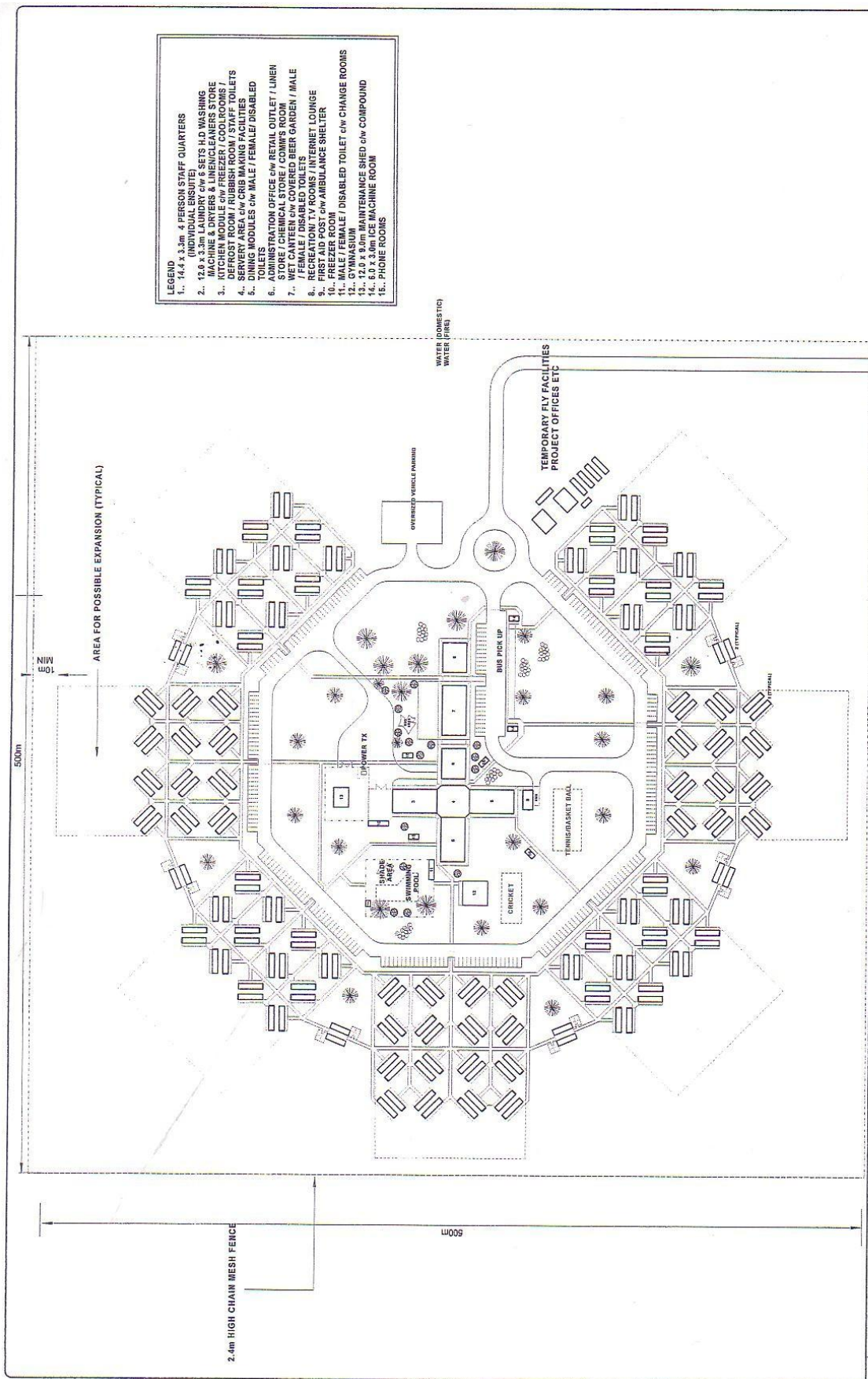
*NOTE : Cr A A Gear requested the votes be recorded.*

*Record of Vote:*

<b>FOR</b>	<b>AGAINST</b>
Cr S R Martin	Cr G D Bussell
Cr D R Pike	Cr A A Carter
Cr S F Sear	Cr A A Gear
Cr T M Young	



ATTACHMENT TO AGENDA ITEM 11.2.2.6



- LEGEND**
- 1.. 3.0m x 4.0m PERSON STAFF QUARTERS (INDIVIDUAL ENSUITE)
  - 2.. 2.0 x 3.0m LAUNDRY c/w 5 SETS H.D. WASHING MACHINE & DRYERS & LINEN/CLEANERS STORE
  - 3.. KITCHEN MODULE c/w FREEZER / COOLROOMS / SINK / STOVE / DISHWASHER / TOILETS
  - 4.. SERVING AREA c/w CRIB MAKING FACILITIES
  - 5.. DINING MODULES c/w MALE / FEMALE/ DISABLED TOILETS
  - 6.. ADMINISTRATION OFFICE c/w RETAIL OUTLET / LINEN STORE c/w FIRST AID POST c/w AMBULANCE
  - 7.. WET CANTEN c/w COVERED BEER GARDEN / MALE / FEMALE / DISABLED TOILETS
  - 8.. RECREATION TV ROOMS / INTERNET LOUNGE
  - 9.. FIRST AID POST c/w AMBULANCE SHELTER
  - 10.. SHOWER
  - 11.. MALE / FEMALE / DISABLED TOILET c/w CHANGE ROOMS
  - 12.. GYMNASIUM
  - 13.. 12.0 x 8.0m MAINTENANCE SHED c/w CHANGE ROOMS
  - 14.. 6.0 x 3.0m ICE MACHINE ROOM
  - 15.. PHONE ROOMS

ORIGINAL SCALE: DATE:  
 A3 1:2000 20-12-05  
 DWN BY:  
 RBG  
 JOB NO / DWG NO EXT: FMG-PH-GA-01  
 REV:

CLIENT: FORTESCUE METALS GROUP  
 LOCATION: PORT HEDLAND  
 TITLE: SUGGESTED GENERAL ARRANGEMENT  
 700 PERSON ACCOMMODATION VILLAGE



REV	DESCRIPTION	INIT	DATE

**11.2.3 Community Services**

6:45 pm Cr S F Sear declared an impartiality interest in Agenda Item '11.2.3.1 - Community Support Funding Octover 2005' as his wife is the President of Hedland Gymnastics.

6:45 pm Cr S F Sear left the room.

*NOTE: Chief Executive Officer advised Hedland Gymnastics Association's application is for a Sports Club Conference Attendance.*

**11.2.3.1 Community Support Funding October 2005 (File No.: GRT-027)**

**Officer** Emma Mollet  
Community Services Officer

**Date of Report** 9 January 2006

**Disclosure of Interest by Officer** Nil

**Background**

Community Support Funding rounds are advertised twice a year. The budget is \$7,000 each round, with a maximum amount of \$750.00 available per organisation.

The Community Support Funding is popular with local community and sporting groups to assist with valuable community projects.

This current round of Community Support Funding (CSF) was advertised through the North-West Telegraph.

The fund review panel, comprising Council's Mr John Cornelder, Manager Community Services, Councillor Trona Young and Councillor George Daccache, assessed four (4) applications.

**Statutory Implications** Nil

**Policy** Nil

**Strategic Planning** Nil

**Budget** \$14,000 with an available balance of \$7,480.

**Officer's Comment**

Requests received from the four (4) applicants for this funding round totalled \$3,000.00. A balance of \$7,000 was available for distribution.

Recommendations from the review panel were that all of the four (4) applicants receive grants.

The panel approved the following applications with one amendment:

1.	Hedland Gymnastics Association (Perth Congress Attendance) Grant requested \$750 Grant amount approved	\$750
2.	Port Hedland Golf Club (New computer for club) Grant requested \$750 Grant amount approved	\$750
3.	Hedland Canine Club (Upgrade of clubs facilities) Grant requested \$750 Grant amount approved	\$750
4.	Pilbara Homecare (Equipment Purchase for upkeep of facilities) Grant requested \$750 Grant amount approved	\$750
<b>TOTAL</b>		<b>\$3,000</b>

#### **Officer's Recommendation**

That the allocation of Community Support Funding for October 2005 as follows:

1.	Hedland Gymnastics Association (Perth Congress Attendance) Grant requested \$750 Grant amount approved	\$750
2.	Port Hedland Golf Club (New computer for club) Grant requested \$750 Grant amount approved	\$750
3.	Hedland Canine Club (Upgrade of clubs facilities) Grant requested \$750 Grant amount approved	\$750
4.	Pilbara Homecare (Equipment Purchase for upkeep of facilities) Grant requested \$750 Grant amount approved	\$750

TOTAL \$3,000

be noted.

**200506/243 Council Decision**

**Moved:** Cr A A Carter      **Seconded:** Cr A A Gear

**That the allocation of Community Support Funding for October 2005 as follows:**

- |    |   |                |
|----|---|----------------|
| 1. | <b>Hedland Gymnastics Association<br/>(Sports Club Conference Attendance)<br/>Grant requested \$750<br/>Grant amount approved</b> | <b>\$750</b>   |
| 2. | <b>Port Hedland Golf Club<br/>(New computer for club)<br/>Grant requested \$750<br/>Grant amount approved</b>                     | <b>\$750</b>   |
| 3. | <b>Hedland Canine Club<br/>(Upgrade of clubs facilities)<br/>Grant requested \$750<br/>Grant amount approved</b>                  | <b>\$750</b>   |
| 4. | <b>Pilbara Homecare<br/>(Equipment Purchase for upkeep of facilities)<br/>Grant requested \$750<br/>Grant amount approved</b>     | <b>\$750</b>   |
|    | <b>TOTAL</b>  | <b>\$3,000</b> |

be noted.

**CARRIED 6/0**

6:46 pm Cr S F Sear re-entered the room and assumed his chair.  
Mayor advised Cr S F Sear of Council's decision.

**11.2.4 Ranger Services****11.2.4.1 Application to Keep More Than Two Dogs at 2 Neptune Place, Port Hedland (File No.: RAN-006)**

**Officer** Daniel Hendriksen  
Acting Senior Ranger

**Date of Report** 17 December 2005

**Disclosure of Interest by Officer** Nil

**Summary**

Request to Council for authorisation to keep more than two (2) dogs.

**Background**

The resident of 2 Neptune Place, Port Hedland, has approached Council to permit her to keep three (3) dogs and allow an exemption against Council's Local Law relating to the keeping of dogs, which states that a person may only keep two (2) dogs over the age of three (3) months on the property, in accordance with *The Dog Act 1976*.

**Consultation**

The residents within one hundred metres of the address, were asked for the opinion on this matter, i.e. would they support or object to the keeping of more than two dogs and the reasoning for their decision. Council's Ranger Services investigated if there had been any previous altercations with the dogs from the address. This information was gathered and considered by the Rangers Services, prior to presenting this item to Council for its consideration.

Two (2) responses were received. One supported the application as long as there were "no Rottweilers" and the other supported on the proviso that the excessive barking that had occurred more than three months ago was not allowed to occur again.

**Statutory Implications**

Section 26 of *The Dog Act 1976*

Section 12 of *The Town of Port Hedland Local Law Dogs 1998*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment**

Approval has been sought to keep three (3) dogs at 2 Neptune Place, Port Hedland. The dogs are one (1) Tenterfield Terrier and two (2) Kelpies. The Tenterfield Terrier remains indoors, and both Kelpies are working dogs for Cattle Transport. One of the Kelpies is getting old and has retired from work. The younger is being kept to replace her.

Council records indicate the dogs have never been picked up, and no infringement notices have been issued, or complaints received in relation to these dogs.

All three (3) dogs are registered with Council.

Under *The Dog Act 1976*, Section 26(3) states:

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

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

**Officer's Recommendation**

That the resident of 2 Neptune Place, Port Hedland, be permitted to keep three (3) dogs, being two (2) Kelpies and a Tenterfield Terrier and allow an exemption in accordance with Section 26 of *The Dog Act 1976*. with the following conditions.

- i) all three (3) dogs be registered with a Council in accordance with *The Dog Act 1976*;
- ii) this exemption will only apply to the two (2) Kelpies and one (1) Tenterfield Terrier referred to in the application;
- iii) all three (3) dogs remain at the property at 2 Neptune Place, Port Hedland; and
- iv) the application will be revoked if a complaint of unreasonable barking is substantiated in relation to any of the three (3) dogs kept at this address.

**200506/244 Council Decision**

**Moved:** Cr T M Young      **Seconded:** Cr G D Bussell

**That the resident of 2 Neptune Place, Port Hedland, be permitted to keep three (3) dogs, being two (2) Kelpies and a Tenterfield Terrier and allow an exemption in accordance with Section 26 of *The Dog Act 1976*. with the following conditions.**

- i) all three (3) dogs be registered with a Council in accordance with *The Dog Act 1976*;**
- ii) this exemption will only apply to the two (2) Kelpies and one (1) Tenterfield Terrier referred to in the application;**
- iii) all three (3) dogs remain at the property at 2 Neptune Place, Port Hedland; and**
- iv) the application will be revoked if a complaint of unreasonable barking is substantiated in relation to any of the three (3) dogs kept at this address, or if any of them are found to be wandering at large.**

**CARRIED 7/0**

*REASON: Council added the words "or if any of them are found to be wandering at large" to the end of Clause iv) of the Officer's Recommendation to ensure consistency with other Items of a similar nature in tonight's agenda.*

**11.2.4.2 Application to Keep More Than Two Dogs at 118 Paton Road, South Hedland (File No.: RAN-006)**

**Officer** Daniel Hendriksen  
Acting Senior Ranger

**Date of Report** 4 January 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Request to Council for authorisation to keep more than two (2) dogs.

**Background**

The resident of 118 Paton Road, South Hedland, has approached Council to permit her to keep three (3) dogs and allow an exemption against Council's Local Law relating to the keeping of dogs, which states that a person may only keep two (2) dogs over the age of three (3) months on the property, in accordance with *The Dog Act 1976*.

**Consultation**

The residents within one hundred metres of the address, were asked for the opinion on this matter, i.e. would they support or object to the keeping of more than two dogs and the reasoning for their decision. Council's Ranger Services investigated if there had been any previous altercations with the dogs from the address. This information was gathered and considered by the Rangers Services, prior to presenting this item to Council for its consideration.

Three (3) responses were received. One (1) suggested three (3) dogs was too many, but gave no reason. One (1) stated that "*they do not bother us*" and the other said there were "*already enough yapping dogs in houses & stray dogs in our street without adding to it ...*".

**Statutory Implications**

Section 26 of The Dog Act 1976  
Section 12 of The Town of Port Hedland Local Law Dogs 1998

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil



**Officer's Comment**

Approval has been sought in relation to dogs already being kept at 118 Patton Road in South Hedland. A cross breed dog, is kept at the premises as a family pet and guard dog, while two Staffys are also kept at the premises who are show dogs used for breeding.

Council records indicate the dogs have never been picked up, no infringement notices have been issued, and no complaints have been received in relation to these dogs.

All three (3) dogs are registered with Council.

Under *The Dog Act 1976*, Section 26(3) states:

- “(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —*
- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
  - (b) shall not operate to authorize the keeping of more than 6 dogs on those premises; and*
  - (c) may be revoked or varied at any time.”*

**200506/245 Council Decision/Officer's Recommendation**

**Moved:** Cr T M Young      **Seconded:** Cr S F Sear

**That the resident of 118 Paton Road, South Hedland, be permitted to keep three (3) dogs, being two (2) Staffy dogs and a cross bred male and allow an exemption in accordance with Section 26 of *The Dog Act 1976* with the following conditions:**

- i) all three (3) dogs be registered with a Council in accordance with *The Dog Act 1976*;**
- ii) this exemption will only apply to the two (2) Staffys and the one (1) Cross Bred Male;**
- iii) all three (3) dogs remain at the property at 118 Paton Road, South Hedland; and**
- iv) the application will be revoked if a complaint of unreasonable barking is substantiated in relation to any of the three (3) dogs kept at this address, or if any of them are found to be wandering at large.**

**CARRIED 7/0**

6:50 pm Cr S F Sear declared an impartial (proximity) interest in Agenda Item 11.2.4.3 'Application to Keep More Than Two Dogs at 19 Harwell Way, Wedgefield as the applicant is a neighbour.

6:50 pm Cr S F Sear left the room.

**11.2.4.3 Application to Keep More Than Two Dogs at 19 Harwell Way, Wedgefield (File No.: RAN-006)**

**Officer** Daniel Hendriksen  
Acting Senior Ranger

**Date of Report** 5 January 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Request to Council for authorisation to keep more than two (2) dogs.

**Background**

The resident of 19 Harwell Way, Wedgefield, has approached Council to permit her to keep (3) dogs and allow an exemption against Councils Local Law relating to the keeping of dogs, which states that a person may only keep two dogs over the age of three months on the property, in accordance with *The Dog Act 1976*.

**Consultation**

The Residents within one hundred meters of the address were asked for the opinion on this matter. Would they support or object to the keeping of more than two dogs and what reasoning was behind their decision. Rangers investigated if there had been any previous altercations with the dogs from the address. This information was gathered together and considered by the Rangers Services before putting the item forward to council for approval. Six responses were received, two offered no objections subject to adequate controls which are required by legislation anyway, and four objected on the basis that the dogs at the applicants address were noisy.

**Statutory Implications**

Section 26 of The Dog Act 1976  
Section 12 of The Town of Port Hedland Local Law Dogs 1998

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment**

Three (3) German Shepard's are kept at the premises for breeding and as guard dogs for the business yard. One (1) of the female dogs is getting too old to breed, and a younger female is kept to take its place.

Council records indicate the dogs have never been picked up, infringed or complaints received.

All three dogs are registered with Council.

Under *The Dog Act 1976*, Section 26(3) states:

- “(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —*
- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
  - (b) shall not operate to authorize the keeping of more than 6 dogs on those premises; and*
  - (c) may be revoked or varied at any time.”*

**Officer's Recommendation**

That the resident of 19 Harwell Way Wedgefield, be permitted to keep three (3) dogs, being three German Shepard's and allow an exemption in accordance with Section 26 of *The Dog Act 1976*, in accordance with the following conditions:

- i) all three (3) dogs be registered with a Council in accordance with *The Dog Act 1976*;
- ii) this exemption will only apply to the three (3) German Shepard's referred to in the application;
- iii) all three (3) dogs remain at the property at 19 Harwell Way Wedgefield; and
- iv) the application will be revoked if a complaint of unreasonable barking is substantiated in relation to any of the three (3) dogs kept at this address.

**200506/246 Council Decision**

**Moved:** Cr T M Young      **Seconded:** Cr A A Carter

**That the resident of 19 Harwell Way Wedgefield, be permitted to keep three (3) dogs, being three German Shepard's and allow an exemption in accordance with Section 26 of *The Dog Act 1976*, in accordance with the following conditions:**

- i) all three (3) dogs be registered with a Council in accordance with *The Dog Act 1976*;**
- ii) this exemption will only apply to the three (3) German Shepard's referred to in the application;**
- iii) all three (3) dogs remain at the property at 19 Harwell Way Wedgefield; and**
- iv) the application will be revoked if a complaint of unreasonable barking is substantiated in relation to any of the three (3) dogs kept at this address, or if any of them are found to be wandering at large.**

***CARRIED 6/1***

*REASON: Council added the words "or if any of them are found to be wandering at large" to the end of Clause iv) of the Officer's Recommendation to ensure consistency with other Items of a similar nature in tonight's agenda.*

6:50 pm      Cr S F Sear re-entered the room and assumed his chair.  
Mayor advised Cr S F Sear of Council's decision.

**11.3 ENGINEERING SERVICES****11.3.1 Director Engineering Services****11.3.1.1 *Review of WA's Default Open Speed Limit (File No.: ORG – 114)***

**Officer** Grant Logie  
Director Engineering  
Services

**Date of Report** 11 January 2006

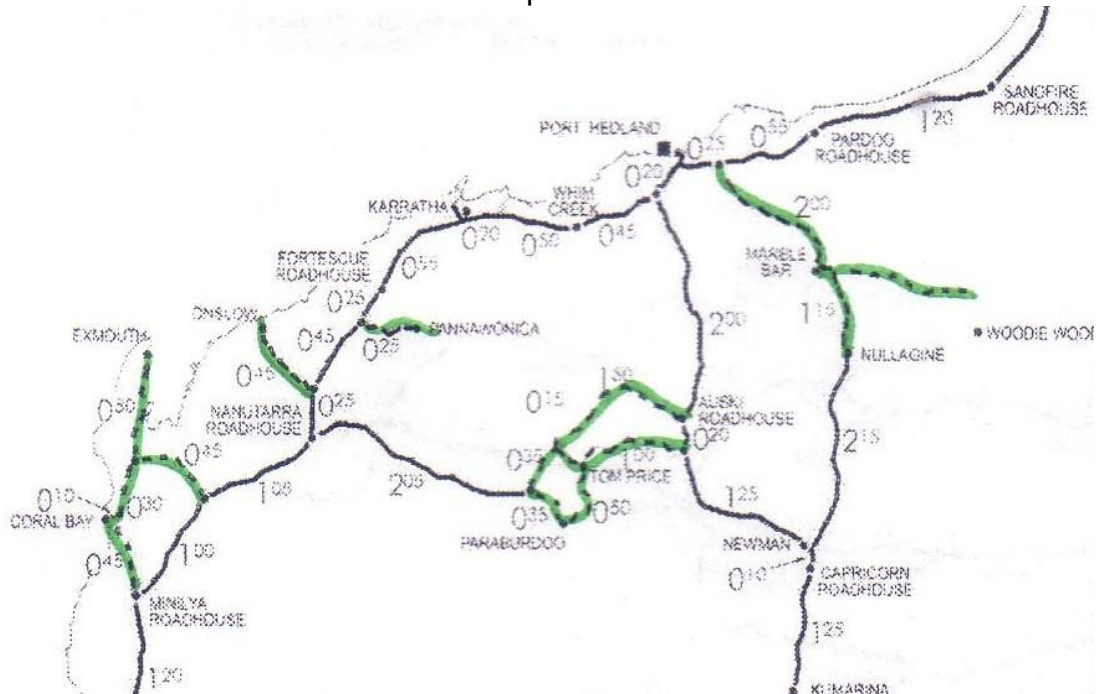
**Disclosure of Interest by Officer** Nil

**Background**

The RoadWise Program Manager on behalf of the Western Australian Government Association (WALGA) has provided information regarding the Review of WA's Default Open Speed Limit proposal by the Office of Road Safety and the Road Safety Council and seeking comments by the Town of Port Hedland in relation to the proposal of which a summary is included below:

- . The Road Safety Council is considering a proposal to lower the current 110km/hr speed limit to 100 km/hr for existing non speed zoned roads in early 2006.
- . The default limit that applies on rural roads that do not have individual speed limit signs on them
- . Reducing speed has the potential to be the single most influential factor in achieving significant and sustainable long term reductions in road crashes and serious injuries.
- . In accordance with feedback and comments received by Local Governments, and part of its resolution of the State Council in June 2005 the WALGA has articulated its opposition to the proposed change and raised a number of issues of concern in relation to the proposal with the Office of Road Safety and the Road Safety Council.
- . A working group was formed to investigate issues raised by WALGA and Councils including:
  - . Majority of Councils oppose the change
  - . The Road Safety Strategy predominately focuses on reducing speed on urban and not non-speed zoned roads
  - . There is little data that suggests the reduction will result in less deaths and serious injuries
  - . Concerns about achieving compliance with a lower limit increased travel time associated with the reduction
- . The Proposal will affect the following Roads in the Pilbara Region (shaded in green/dotted line on map):
  - . Marble Bar Road

- . Nullagine Road
- . Rippon Hills Road
- . Pannawonica Road
- . Onslow Road
- . Paraburdoe Spur Road (Mt Nameless Road)
- . Wittenoom to Auski Roadhouse Road
- . Tom Price to Wittenoom Spur Road



In September 2005 the Working Group established by the Road Safety Council Officers Support with representation by Office of Road Safety, Main Roads, WALGA and Police examined concerns raised by WALGA with a summary of the responses to local governments main concerns included below:

Issue : The WA Road Safety Strategy predominately focuses on reducing travel speed in urban roads and not non-speed zoned roads

Response: There is a strong association between higher speed and more serious crash outcomes and also an association between the higher speed and greater casualty crash involvement.

Issue: That there is little hard data that suggests the reduction will result in less deaths and serious injuries.

Response Further evaluation of crash data for 5 years to December 2001 reveals that:

- . In 100 km/hr zones the percentage of fatal crashes of all crashes was 1.47% (6 in 408).
- . In 110 km/hr zones the percentage of fatal crashes of all crashes was 3.23% (340 in 10,509).

Issue: Concerns about achieving compliance with the reduced speed limit

Response: Enforcement of 100km/hr places no greater demand on Police resources than presently the case.

Issue: Concerns that travel times will increase substantially.

Response: As the default limit only applies to roads outside built up areas and to non-speed zoned roads, a change in limit will not affect travel times between most major towns in Western Australia. In addition Main Roads undertook a survey of travel times on most roads shown on the map. The travel was undertaken by experienced drivers, during daytime, without stopping, in favourable weather conditions and not exceeding the speed limit. The results of this exercise identified that the average travel speeds for the journey were mostly less than 100km per hour.

**Officer’s Comment**

In most States, authorities undertake engineering evaluations of roads and install, as a consequence, speed zones up to 110 km/hr.

The following table shows maximum speeds allowed in each State & Territory at December 2000.

Jurisdiction	Speed Limits
New South Wales	Default 100 km/hr, some roads zoned to 110 km/hr
Victoria	Default 100 km/hr, Some rural freeways speed zoned to 110 km/h
Queensland	Default 100 km/hr, Some 100’s kms of road at 110 km/hr
South Australia	Default 100 km/hr, Some rural highways speed zoned to 110 km/h
Tasmania	Default 100 km/hr, Some short sections of rural highway speed zoned to 110 km/hr
Australian Capital Territory	Default 100 km/hr, and no road over 100 km/hr
Northern Territory	No Default Limit
Western Australia	Default 110 km/hr, Some roads speed zoned to 110 km/hr

Effectively the move to change the default speed limit to 100 km/hr on non-speed zoned roads will align Western Australia with the rest of the States & Territories with exception of the Northern Territory where an open speed limit default applies.

The affected roads to which the default limit applies are typically unsealed roads or narrow sealed roads in rural areas in context of findings by the Speed Management Taskforce that "Drivers travel faster on stretches of road that they perceive to be "safe" for higher travel speeds, regardless of whether this perception is accurate or not. This is particularly accurate for drivers on gravel roads where the perception can be very wrong."

The proposed changes do not prevent roads to be speed zoned at 110 km/hr subject to the engineering assessment by Main Roads.

The affected roads within relative close proximity to Port Hedland are the roads to Marble Bar, Nullagine and the Rippon Hills road. These roads represent Road Train routes, with road trains speed limited to 100km/hr under the Road Traffic act they would not be affected by the change.

Additionally recent traffic count data provided by Main Roads indicates that very few vehicles travel above 100km/hr on the Marble Bar road. (attached), and improving road safety in the region by reducing travelling speeds on these unsealed or narrow sealed roads.

<b>Statutory Implications</b>	Nil
<b>Policy</b>	Nil
<b>Strategic Planning</b>	Nil
<b>Budget</b>	Nil

#### **200506/247 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter      **Seconded:** Cr D R Pike

That Council respond to the Western Australian Local Government Association indicating support of the proposal to reduce the default speed limit from 110 km/hr to 100 km/hr on existing non speed zoned roads.

**LOST 2/5**

#### **200506/248 Council Decision**

**Moved:** Cr T M Young      **Seconded:** Cr G D Bussell

**That Council respond to the Western Australian Local Government Association indicating Council does not support the proposal to reduce the default speed limit from 110 km/hr to 100 km/hr on existing non speed zoned roads.**

**CARRIED 7/0**



*REASON: Council does not support the proposal to reduce the default speed limit from 110 km/hr to 100 km/hr on existing non speed zoned roads.*

**11.3.1.2 Tender 05/09 Supply of New Vehicle(s) With or Without Trade In and/or Purchase of Vehicle(s) for Disposal (File No : TEN-291)**

<b>Officer</b>	Grant Logie Director Engineering Services
<b>Date of Report</b>	11 January 2006
<b>Disclosure of Interest by Officer</b>	Nil

**Background**

Tenders were recently called for The Supply of new vehicle(s) with or without trade in; and or purchase of vehicle(s) for disposal. The vehicle prices include nominated accessory prices and all prices include GST with details of the nominated accessories provided in Table 1 below.

The tendered prices submitted are as described in Table 2 below, with the comparative weighting of the prices submitted described in Table 3.

Two Tenders were received after the closing date. As per the Procurement Policy, these tenders have been returned to the tenderer advising that the tender was received after the closing date and is unable to be considered.

Table 1

Town of Port Hedland Vehicle Reference →		VEL004-P&G	VEL033-SETO	VEL035-WSC	VEL046-RS
Model:		4x2	4x4	4x4	4x4
Body:		Single Cab Tray top Ute	Dual Cab Steel Tray Top Ute	Dual Cab Steel Tray Top Ute	Extended Cab Steel Tray Top Ute
Transmission:		5 speed manual	5 speed manual	5 speed manual	5 speed manual
Cylinders:		Four	Four	Four	Four
Fuel Type:		Diesel	Diesel	Diesel	Diesel
Reference for detail	Requirements ↓				
1.2.1	Air conditioning	✓	✓	✓	✓
1.2.2	Bonnet & Headlamp protector	x	x	x	✓
1.2.3	Canvas Seat Covers	✓	x	✓	✓
1.2.4	CD/Radio	✓	✓	✓	✓
1.2.5	Dash Mats	✓	✓	✓	✓
1.2.6	Floor Mats	✓	✓	✓	✓
1.2.7	Mudguards	✓	✓	✓	✓
1.2.8	Mudguard restraints	✓	x	x	x
1.2.9	Steel Bull Bar	x	✓	✓	✓
1.2.10	Steel Water Tank	✓	x	✓	✓
1.2.11	Tow Hitch	✓	✓	✓	✓
1.2.12	Tyres	✓	✓	✓	✓
1.2.13	Wing type mirrors	✓	✓	✓	✓
1.2.14	Window Tint	✓	✓	✓	✓
1.2.15	Map Lights	x	x	x	✓
1.2.16	Spotlights	x	✓	✓	✓

Table 2

## VEL004-Port Hedland Roving Crew

Tenderer	Trade in Value	New Supply Price	Changeover Value	Compliance Date	Warranty	Delivery
Pilbara Motor Group - Toyota Hilux	\$ 6,000.00	\$ 30,158.40	\$ <b>24,158.40</b>	2005	3 Yr / 100,000km	Feb/Mar06
Norwest Holden - Holden Rodeo's		\$ 27,832.30		2006	Not Stated	Not Stated
Broome Toyota – Toyota Hilux		\$ 29,962.90		2006	Not Stated	Not Stated

## VEL033-Senior Engineering Technical Officer

Tenderer	Trade in Value	New Supply Price	Changeover Value	Compliance Date	Warranty	Delivery
Pilbara Motor Group - Toyota Hilux	\$ 14,000.00	\$ 41,400.40	\$ <b>27,400.40</b>	2006	3 Yr / 100,000km	May/June06
Norwest Holden - Holden Rodeo		\$ 37,381.30		2006	Not Stated	Not Stated
Broome Toyota – Toyota Hilux		\$ 40,066.40		2006	Not Stated	Not Stated

## VEL035-Works Supervisor Construction

Tenderer	Trade in Value	New Supply Price	Changeover Value	Compliance Date	Warranty	Delivery
Pilbara Motor Group - Toyota Hilux	\$ 14,000.00	\$ 42,687.40	\$ <b>28,687.40</b>	2006	3 Yr / 100,000km	May/June06
Norwest Holden - Holden Rodeo		\$ 39,207.30		2006	Not Stated	Not Stated
Broome Toyota – Toyota Hilux		\$ 41,914.40		2006	Not Stated	Not Stated

## VEL046-Ranger 3

Tenderer	Trade in Value	New Supply Price	Changeover Value	Compliance Date	Warranty	Delivery
Pilbara Motor Group - Toyota Hilux	\$ 15,000.00	\$ 42,947.00	\$ <b>27,947.00</b>	2006	3 Yr / 100,000km	Mar/Apr06
Norwest Holden - Holden Rodeo		\$ 38,261.30		2006	Not Stated	Not Stated
Broome Toyota – Toyota Hilux		\$ 42,637.10		2006	Not Stated	Not Stated

**Officer's Comment**

The tendered vehicles all meet the specified requirements as stipulated in the tender documents with the weighting per Conditions of Tendering, Item 6.4 shown in table 3 below.

Table 3

Tenderer	Price	Price 80%	Local Supplier 10%	Previous History 10%	Total
<b>VEL004-Port Hedland Roving Crew</b>					
Pilbara Motor Group- Toyota Hilux	\$30,158.40	73.83	10.00	10.00	93.83
Norwest Holden - Holden Rodeo	\$27,832.30	80.00	0	10.00	90.00
Broome Toyota – Toyota Hilux	\$29,962.90	74.31	0	10.00	84.31
<b>VEL033-Senior Engineering Technical Officer</b>					
Pilbara Motor Group- Toyota Hilux	\$41,400.40	72.23	10.00	10.00	92.23
Norwest Holden - Holden Rodeo	\$37,381.30	80.00	0	10.00	90.00
Broome Toyota – Toyota Hilux	\$40,066.40	74.63	0	10	84.63
<b>VEL035-Works Supervisor Construction</b>					
Pilbara Motor Group- Toyota Hilux	\$42,687.40	73.47	10.00	10.00	93.47
Norwest Holden - Holden Rodeo	\$39,207.30	80.00	0	10.00	90.00
Broome Toyota – Toyota Hilux	\$41,914.40	74.83	0	10.00	84.83
<b>VEL046-Ranger 3</b>					
Pilbara Motor Group- Toyota Hilux	\$42,947.00	71.27	10	10.00	91.27
Norwest Holden - Holden Rodeo	\$38,261.30	80.00	0	10.00	90.00
Broome Toyota – Toyota Hilux	\$42,637.10	71.78	0	10.00	81.78

Of the tenders received only Pilbara Motor Group included option to trade in vehicles nominated for disposal.

The Conditions of Tendering, Item 5.2 states as follows:

*“The Principal subject to clause 7.1 of the General Conditions of Tendering: will consider an offer for the supply of a new vehicle with a trade in over the offer to supply of a new vehicle without a trade in where no suitable offer for outright purchase of a used vehicle was considered”*

In addition to Pilbara Motor Group achieving the highest weighting as no offers for purchase of used vehicles were made this clause would deem that Pilbara Motor Group's tender be given preference.

It was also noted that Tendered price by Broome Toyota includes delivery to Broome, and would require arrangements to be made to transport the vehicles from Broome to Port Hedland.

**Statutory Implications**

This tender was called in accordance to the Local Government Act (1995).

**Policy Implications**

Procurement Policy 1/010

**Strategic Planning Implications**

**Budget**

General Ledger Account Number 502240      \$75,000  
 General Ledger Account Number 1208443      \$80,000

**200506/249 Council Decision/Officer’s Recommendation**

**Moved:**      Cr A A Carter      **Seconded:**      Cr A A Gear

**That:**

- i) **various light fleet vehicles be purchased from Pilbara Motor Group in accordance with tender submitted as follows:**

Vehicle Make & Model	Vehicle Price	Supplier
Toyota Hilux 4x2 Cab Turbo Diesel Manual	\$30,158.40	Pilbara Motor Group
Toyota Hilux 4x4 dual Cab/chassis Turbo Diesel Manual	\$41,400.40	Pilbara Motor Group
Toyota Hilux 4x4 dual Cab/chassis Turbo Diesel Manual	\$42,687.40	Pilbara Motor Group
Toyota Hilux 4x4 extra Cab/chassis Turbo Diesel Manual	\$42,947.00	Pilbara Motor Group

and

- ii) various light fleet vehicles be sold to Pilbara Motor Group in accordance with tender submitted as follows:

Vehicle	Plant Number	Price	Dealer
PH5212	P30111	\$6,000	Pilbara Motor Group
PH5789	1402271	\$14,000	Pilbara Motor Group
PH5776	1402273	\$14,000	Pilbara Motor Group
PH5804	502273	\$15,000	Pilbara Motor Group

***CARRIED 7/0***

7:03 pm Cr A A Gear declared a financial interest in Agenda Item 11.3.1.3 'Tender 05/10 Litter Collection Period Contract' as he is employed by Excel Resources Pilbara.

7:03 pm Cr A A Gear left the room.

**11.3.1.3 Tender 05/10 Litter Collection Period Contract (File No. TEN-294)**

**Officer** Grant Logie  
Director Engineering Services

**Date of Report** 13 January 2006

**Disclosure of Interest by Officer** Nil

**Background**

Tenders were recently called for the supply of services for Litter Collection in and around the proximity of the township of Port Hedland.

Two tenders were received. The tendered prices submitted are as described in Table 1 (annual service) and Table 2 (hourly service) below, with the comparative weighting of the prices submitted described in Table 3.

*Table 1: Cost is for annual service of areas specified in the Tender documents, excluding GST*

Item	Western Desert	Excel Resources Pilbara
Daily service	\$1,124,200.00	\$342,023.25
Twice weekly service	\$160,160.00	\$97,453.20
Weekly service	\$80,080.00	\$48,726.60
Monthly service	\$18,480.00	\$11,244.60
Total (ex GST)	\$1,382,920.00	\$499,447.65

*Table 2: Cost is for hourly service of additional litter collection areas, excluding GST*

Item	Western Desert	Excel Resources Pilbara
Labour and vehicle	\$98.50	\$129.47
Labour only	\$38.50	\$109.67
Graffiti removal	\$148.50 (neg)	\$1100.00 per day

Additional notes that influenced costing include:



Western Desert have specified the labourers required for these services;

- . Daily Service – 8 labourers
- . Twice Weekly Service – 4 labourers
- . Weekly Service – 4 labourers
- . Monthly Service – 4 labourers

Excel Resources Pilbara have specified the labourers required for these services;

- . Hourly cost of labour and vehicle includes 2 labourers.
- . Hourly cost of labour only includes 2 labourers.
- . Daily cost of graffiti removal includes 2 labourers, truck and high pressure cleaner

**Statutory Implications**

This tender was called and processed in accordance to the Local Government Act (1995).

**Policy**

Procurement Policy 2/015

**Strategic Planning**

This item is an integral part of the Towns Draft Strategic Plan (Key Result Area 1 – Community Pride)

**Budget**

General Ledger Account Number 1005277 Litter Collection Contract (\$152,000).

**Officer’s Comment**

Tenderers were assessed based on the evaluation criteria listed in the Tender documents as 18.1 Appendix A – Evaluation Criteria:

Price	60%
Experience	10%
Resources (eg. plant & equipment)	10%
Demonstrated Understanding of required tasks	10%
Local Supplier	10%

*Table 3: Assessment of Evaluation Criteria*

Criteria	Western Desert	Excel Resources Pilbara
Price	15	30
Experience	8	10
Resources (eg. Plant & equipment)	10	10

Demonstrated Understanding of Required Tasks	10	10
Local Supplier	10	10
Total	53%	70%

Western Desert did not submit a conforming tender based on the following:

- . 6.0 Tender Form has not been signed by a witness.
- . 9.0 Tenderers Safety Agreement has not been signed.
- . 10.0 Schedule of Capability is incomplete – reference contact details have not been provided.
- . 13.0 Current Commitments – additional project details have not been provided.
- . 14.0 Statutory Declaration of Non-Collusive Tender has not been signed or witnessed.

Excel Resources Pilbara submitted a conforming tender.

*Current litter collection costs:*

Council’s Engineering Services are currently employing labourers to carry out litter collection within the Port Hedland township. Council are contracting four (4) labourers @ \$32/hr for 40hrs/week from Ready Workforce. To carry out this service, labour and vehicle costs equate to \$5,270 per week. However, it was intended to rationalise this service after initial complete cleanup.

**Officer’s Recommendation**

That:

- i) Tender 05/10 Litter Collection Period Contract not be awarded due to significantly higher costs of tenderers than budgeted for by Council; and
- ii) Council’s Engineering Services continue to provide litter collection services and further evaluation of service requirements be carried out.

**200506/250 Council Decision**

**Moved:** Cr A A Carter      **Seconded:** Cr T M Young

**That:**

- i) **Tender 05/10 Litter Collection Period Contract not be awarded due to significantly higher costs of tenderers than budgeted for by Council; and**

- ii) Council's Engineering Services continue to provide litter collection services and further evaluation of service requirements be carried out, with an internal bid being made for comparative purposes.

**CARRIED 6/0**

*REASON: Council sought for an internal beid being made for comparative purposes to the current use of labour hire via a third party.*

7:06 pm Cr A A Gear re-entered the room and assumed his chair.  
Mayor advised Cr A A Gear of Council's decision.

**11.3.1.4 Waste Management Strategic Plan (File No.: WST-004)**

**Officer** Jessica McAuley  
Engineering Technical  
Assistant

**Date of Report** 17 January 2006

**Disclosure of Interest by Officer** Nil

**Summary**

To advise Council on the progress of the implementation of a Waste Management Strategic Plan.

**Background**

Due to non-compliance to our Landfill Licensing conditions Council's Engineering Services is taking action to implement a Waste Management Plan to ensure continuing compliance.

**Consultation**

Harold C McKenzie AdipCE, EWS, FIEAust, CPEng  
Specialist Consultant in Solid Waste Management

**Statutory Implications** Nil

**Policy** Nil

**Strategic Planning** Nil

**Budget**

General Ledger Account Number 1002278 – Landfill Strategic Plan  
\$30,000.

**Officer's Comment**

Mr Harold McKenzie, a Specialist Consultant in Solid Waste Management, has prepared a preliminary report detailing the action that the Town of Port Hedland is recommended to undertake in the interim awaiting the Waste Management Plan.

The following is being undertaken as per the Consultant's recommendations:

- Surveyor has been engaged (Makjap) to complete detailed survey of the Landfill site. Work to commence on Wednesday 11 January 2006.

- . Letter has been submitted to the Department of Environment in response to compliance issues. Letter was mailed on 21 December 2005.
- . A compliance checklist has been issued to the Landfill staff so that they may endeavour to address non-compliant issues.
- . Collection and analysis of water from the Groundwater Monitoring Bores is being implemented.
- . Investigation into the requirement of the TOPH to provide Septage Ponds at the Landfill site.
- . Signage is being implemented as per licence conditions.
- . Air pollution control measures are in place as per Licence requirements.
- . Water pollution control measures are in place as per Licence requirements.

He has also provided the council with a letter detailing his recommendations in regard to Mr Brad Young's sand pit. A copy of this letter along with the preliminary finding has been appended to this report.

**200506/251 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter      **Seconded:** Cr A A Gear

**That:**

- i) **recommendations from the Landfill Management and Development Report, detailing works to be undertaken by the Town of Port Hedland during the interim period until the development of a Waste Management Plan, be undertaken; and**
- ii) **Council refuse the offer from Mr Brad Young to obtain his sand pit to be utilised in addition to Council's current landfill operations.**

***CARRIED 7/0***

ATTACHMENT TO AGENDA ITEM 10.3.1.3

DES-copy 15/12/05  
DE

RECORD No	05-5468
OFFICER	DES <i>OK</i>
	15 DEC 05
FILE No	WST-014
ISSUE DATE	15 Dec 05

**HAROLD C. MCKENZIE**  
 SPECIALIST CONSULTANT  
 31 Zamia Road  
 GOOSEBERRY HILL WA 6076  
 Phone/Facsimile (08) 9293 2220  
 Email maczaf31@aol7.com.au  
 ABN 59 291 672 493

13 December 2005

Mr. Chris Adams  
 Chief Executive Officer  
 Town of Port Hedland  
 PO Box 41  
 PORT HEDLAND WA 6721

*copy*  
*oo*

Dear Chris

FOR ATTENTION: - Mr. Grant Logie

**POTENTIAL LANDFILL – BRAD YOUNG’S SAND PIT**

During my visit to Port Hedland and in particular the South Hedland Landfill, I was shown briefly the sand pit to the south of the existing landfill which is understood to be leased (or owned) by a Mr Brad Young.

It is understood that the site has been offered to the Council as a potential landfill.

In my opinion, Council should not consider such an offer as the site has been cleared of all possible topsoil and Pindan sands down to a depth that has exposed the underlying Silcrete which can be quite difficult to excavate.

To be effective, an active landfill requires between 15 and 18% of the deposited waste volume for Daily Cover and then at the end of landfilling, to have available some 10,000cu.m per hectare of selected soils for Final Cover.

Even if the cost of excavation was taken into account, to fill the existing void with putrescible waste would mean Council having to import virtually all of the soils required from off site which would not be viable.

If the void was used for landfilling of inert waste and possibly there was limited need for Daily Cover, there would still be a considerable need for a large quantity of imported Final Cover (say 5,000cu.m per hectare). Once again this would appear to be not viable.

If need be, the above comments could be extended as a small Cost Benefit exercise. Should you require that additional assistance, please call.

Yours Faithfully

Harold C McKenzie

*Scan into item*

(Town of Port Hedland Brad Young Sand Pit.doc)

DES - copy 15/12/05  
DE

05-5463  
DES CK

WST 014  
M

**HAROLD C. MCKENZIE**  
SPECIALIST CONSULTANT  
31 Zamia Road  
GOOSEBERRY HILL WA 6076  
Phone/Facsimile (08) 9293 2220  
Email [maczaf31@aol7.com.au](mailto:maczaf31@aol7.com.au)  
ABN 59 291 672 493

13 December 2005

Mr. Chris Adams  
Chief Executive Officer  
Town of Port Hedland  
PO Box 41  
PORT HEDLAND WA 6721

copy  
for  
CDO

Dear Chris

**FOR ATTENTION: - Mr. Grant Logie**

**REPORT ON CURRENT WASTE DISPOSAL OPERATIONS AT SOUTH HEDLAND**

**1.0 Purpose of Report**

The purpose of this Report is to provide a brief overview of what I consider the Town of Port Hedland (Town) should do with regard to improvements to the existing landfill located at South Hedland.

As arranged, the landfill was inspected in the company of Ms Jessica McAuley on the morning of Friday 9 December.

The inspection of the landfill was driven by the need to address an adverse report from the Department of Environment (DoE) dated 29 July 2004 and senior staff concerns that the landfill operations appeared to be progressing without any clear management plan in place.

This Report discusses briefly the current conditions at the landfill site and in turn offers advice on what may be undertaken in the near future to improve.

**2.0 Some Basic Fundamentals**

Any Local Government which has a licensed or registered landfill in use should consider that facility to be a very valuable asset and in no way consider it to be a liability. The opportunity to obtain public acceptance and in turn statutory approval for some new landfill site is very limited and may take several years involving considerable cost without the guarantee of success.

The Licence conditions applicable to a landfill of this size are in place to protect the environment for all. Non-compliance with the Licence conditions can invoke considerable penalties against the Licensee as advised in the above DoE letter (maximum penalty of \$125,000 and a daily penalty of \$25,000).

If at any time it is found that the Licence conditions are not suitable or not practical, then a particular condition(s) can usually be varied by negotiation with the DoE. Experience has shown that it is far easier and less costly to use the Licence conditions as a tool and work with them rather than try to frustrate any part of the intent. It is most important that all officers involved in waste management understand the requirements of the Licence and that if there are any known shortcomings then those issues are presented to Council for resolution.

Far too often, operation of a landfill is carried out with only short term considerations in mind when in fact, a landfill must be managed and maintained in such a way that the risks are minimised well beyond the day when the landfill ceases to function as such. Those risks are well known and could remain for as long as 20 to 25 years or even longer after closure.

Experience has also shown that a community will generally accept extra costs for waste management if in return they are being provided with a safer and friendlier environment.

**3.0 South Hedland Landfill, Sanitary Landfill Reserve 41342, South Hedland**

This landfill is operated on land owned by Council (Lot 5813) and as far as can be determined it was opened as a landfill in circa 1983 – 1985. The land covers an area of 37.3662ha which is a significant area of land to have available for landfilling.

In common with all other landfills in Western Australia, the landfill has been licensed since 1997 and is listed as a Category 64 Class II Putrescible Landfill with a capacity of between 5,000 and 50,000 tonnes and also as a Category 61 Liquid Waste Facility with a capacity of 100 tonnes or more per year. Full details are provided in Licence No. 6917/8 current to 17 October 2008.

With an estimated population in the Town of some 15,100 persons it is reasonable to expect that the total waste generated should be of the order of 15,000 tonnes per year requiring a landfill volume of 21,500cu.m per year assuming an in-situ density of 700 kgs per cu.m. The density assumed is quite low as the Town only has available a relatively small earthmoving machine for pushing the deposited wastes and spreading the required soil cover.

However, from weighbridge records for the Year 2004-2005, the following tonnages are worth noting:-

• Domestic wastes	10,327	
• Industrial wastes	36,482	
• Asbestos waste	111	
• Clinical waste	11	
• Other waste	33	
	<u>Sub-total</u>	46,964
• Greenwaste (separated)	1,909	
• Liquid waste (into septage pond)	1,675	
	<u>Sub-total</u>	50,548
• Less recycling off site	123	
	<u>Total waste</u>	50,425

This total tonnage is obviously influenced by the huge quantity of industrial waste and on a population basis is equal to some 3,300 kgs per head which may be considered many times the norm.

In addition to the above, in the same period there was an input of some 10,072 tyres ranging from car tyres to those from large earthmoving plant.

For comparison with the above and by extending the tonnages available from 1 July through to 30 November 2005, the estimated total input of Class II waste for the Year 2005/2006 is placed at some 60,780 tonnes of waste plus 3,025 tonnes of liquid waste which could mean the Licence conditions being exceeded by a considerable margin.

The landfill is surrounded by a security fence with a single lockable gate and is manned during all opening hours which are from 7.00 am to 5.00 pm daily except Christmas Day and Good Friday. Staffing includes a Site Manager, Weighbridge Operator and a Plant Operator. If required, other support staff is engaged for



specific tasks such as cleaning up wind blown litter and an earthmoving contractor for excavation of the active landfill area.

Between the commencement of operations in 1983-1985 and 1994, the landfill was operated by the Town. Then for a period of three years it was operated by a succession of contractors when in 1997, operations reverted to the Town.

There is no long term planning in place and currently operations are largely left to the Site Manger to arrange as best he can. At the time of the inspection it was not possible to determine exactly where landfilling had taken place and where there may be virgin ground left. An existing excavation still had considerable capacity left which may be adequate for at least another twelve months or two years if extended and managed properly.

Depositors are encouraged by the use of suitable signage to separate green waste for periodic burning and selected metal items for value adding. In addition to the separation of these items, there is an extensive stockpile(s) of timber pallets which without a defined end use can only be considered a major fire risk.

The site also has a large septage pond located clear of the landfill operations. The condition of the pond can only be described as very poor and not capable of providing conventional treatment, proper maintenance and care. The point of discharge into the pond is far from satisfactory with spillage from the tanker being picked up by the vehicle tyres and taken off site. Adjacent to the main pond is a smaller excavation which can be used for receipt of liquid waste if need be.

To date there appears to have been little regard given to the cost and need to consider Post Closure Management which is an important element of any landfill management. When regard is given to the Licence and the requirement to place 1 metre of final cover over the landfill surface (10,000 cubic metres per hectare) plus drainage and surface planting, the cost of doing so could have a considerable impact on Council's Budget. This concern is compounded if there is not adequate resources available and all final cover material has to be imported from off site.

#### 4.0 DoE Letter of 29 July 2004

In the above letter, the DoE raised concerns over three main items. These were:-

- Tyre Disposal in excess of 1,000 tyres evident on 19 July 2004 when the Licence only allowed for 100 tyres to be stored. A special Licence condition is required to store in the open any quantity of tyres more than that allowed.
- Liquid waste disposal and listing some 7 points of real concern and asking for action to remedy.
- General Management of tipping sites such as waste not being adequately covered.

As far as can be determined, there has never been any response by the Town which if left to continue could involve the DoE taking steps to either not renew the Licence or to impose financial penalties. Similarly, it is also surprising that there has not been a further DoE inspection and a follow-up by them of their letter.

The Site Manager has taken steps to reduce the quantity of tyres of all sizes left exposed, but the continual burial of such a large resource requires examination in more detail.

#### 5.0 Licence Conditions

As listed above, there is the strong possibility that the input of waste into the landfill will exceed the Licence conditions and there needs to be action taken to alert the DoE to this possibility and that the situation is being monitored.

The Licence notes that there are three (now 5) monitoring bores on site and that these bores must be sampled, analysed and reported on in April-May and September-October each year with the outcomes being included in the Annual Report to be lodged with the DoE by 1 February in each year.

Apart from a one-off sampling regime being completed in June 2004, there has not been any further work done which means that there is three cycles of sampling not carried out. During the inspection and visit, it was not possible to determine if in fact the Town had submitted in recent times any Annual Report.

There are a number of other issues relating to the licence conditions that require some early attention to improve and these are listed separately on the attached Review of Licence Conditions.

#### 6.0 Actions and Priority Issues

At this stage, the following actions are listed in some order of priority:-

1. The Town must adopt the requirements of the Licence as the very minimum standard and also as a means of achieving 'best practice' principles within the landfill. If there are any shortcomings, then strive to provide over time the resources for improvement.
2. Submit as soon as practical, a letter to the DoE Karratha advising that over a number of months, there has been a significant turnover of staff at the Town of Port Hedland and a number of issues have not been able to be addressed including that of improving landfill operations. Advise them: -
  - that a Consultant has been appointed to prepare a Waste Management Plan,
  - that a detail feature survey is being commissioned to support the above,
  - that steps are being taken to have the monitoring bores sampled, analysed and reported on,
  - that there is a possibility that the input of waste may exceed the Licence conditions during this year and that the situation is being monitored closely. If the trend continues, then suitable advice will be provided to the DoE, and
  - that the issues raised in the DoE letter of 29 July 2004 are being attended to.
3. Prepare an Annual Report for the period 1 January to 31 December 2005 as required under the Licence and submit by 1 February 2006, noting that this is quite a simple report to complete and the DoE when asked will usually assist with a pro-forma sheet(s).
4. Commission a surveyor to carry out a feature survey at the landfill site so that there is a clear record available of the existing conditions, boundaries, natural features and stockpiles. Unless such a detail is available, it is very difficult to proceed with a Waste Management Plan in any detail and to be able to quantify what may be the best use of the existing facilities. *(A survey brief has been made available separately).*
5. Upon completion of the survey, prepare a detail Waste Management Plan for the landfill showing a planned development of the landfill, the expected life, means of improving operations, Post Closure Management requirements and where possible the cost implications and benefits of operating the landfill in accordance the Licence conditions.
6. Investigate the need for the Town to continue to provide for septage ponds at the landfill as there are a number of communities in WA where this service has been taken over by the Water Corporation which is more suited to providing such a service. If determined in the negative, then plan for and construct a pond(s) that can be operated and maintained in accordance within current standards which includes a surrounding fence and gate.
7. Review the budget provisions with the aim of providing an income that will allow for the provision of waste management services targeted at meeting the current Licence conditions with an extended use of the landfills.
8. Pending the submission of a Waste Management Plan, re-consider any current policies/instructions relating to the recycling efforts on site with the simple aim of only keeping out of the landfill those materials that can be recycled for value adding. Establish procedures whereby the existing stockpiles of timber pallets and greenwaste can be reduced by physical means or reduced by controlled burning.

9. Ban any export of Pindan or other soils from the landfill as all possible soils on site will be required for the long term operation and closure of the landfill. Similarly:-
- review site operations to ensure that the use of soils on site is minimized/optimised,
  - arrange for all industrial type waste to be separated with the aim of utilising all possible inert materials as daily cover,
  - reconsider the Site Manager's intention to use onsite soils for the upgrading of the current main access track – consider inert materials as above, and
  - following completion of the feature survey, investigate and record all possible areas that may still be considered undisturbed ground.

**7.0 Summary**

As a result of my inspection and discussions with Council's staff, it is considered that the existing landfill can service the needs of the Town of Port Hedland for many years to come, but to do so will require some considerable changes and an improved commitment to waste management issues over a period of time.

The fact that over the years, landfill operations have been allowed to spread out over so much land is indeed disappointing and in the long term may prove to be very costly to rectify.

**8.0 Appreciation**

Prior to my visit, I submitted to the Town a detail listing of data to assist with my investigations and report. The response and the detail prepared by Ms Jessica McAuley was one of the best that I have received. Her assistance in the above and her attention during my visit is much appreciated.

I would be pleased to provide any ongoing assistance when required.

Yours Faithfully



Harold C McKenzie

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**11.3.2 Port Hedland International Airport**

**11.3.2.1 Ex-Gratia Payment Mr Richard Webb (File No.:AIR-120)**

**Officer** Rod Evans  
Airport Manager

**Date of Report** 10 January 2005

**Disclosure of Interest by Officer** Nil

**Summary**

To confirm officer advice to Mr Webb, regarding non-payment of an ex-gratia request relating to an insurance claim.

**Background**

The following letter has been received from Mr Richard Webb:

Richard Webb  
230 Alice Street  
Doubleview  
WA 6018  
19<sup>th</sup> January 2006

Mr Rod Evans  
Airport Manager  
Port Hedland International Airport

Dear Rod

As you are aware my personal motor vehicle was recently damaged when a piece of plaster board came loose from the building adjacent to Golden Eagle Airlines office.

I obtained two quotes to repair the vehicle which I gave to you and the lesser amount (by far) was approximately \$620.

Neither the Town of Port Hedland or my insurers are interested in accepting a claim to pay for the damage and I am asking the Town of Port Hedland to pay for it ex gratia.

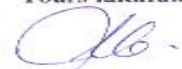
I really think that is fair as the building from which the plaster board fell is the Property of the Town of Port Hedland and they should be responsible for maintaining it in a safe manner. If a person had been standing under the eaves at the time the board fell and had been injured, there would have been hell to pay.

I want to get my car repaired as it is in very good repair and I don't see why I should be out of pocket in the circumstances.

I am appealing to the Town of Port Hedland to do what I consider to be ethically correct and I thank you in anticipation.

I can be contacted at the above address or on 0418 122 640 or 0437 780 801

Yours faithfully



Richard Webb

On 1 November Mr Richard Webb, reported damage to his parked car in the parking area for Golden Eagle Airlines at the Port Hedland International Airport.

A piece of plasterboard had dislodged from under the eave and damaged Mr Webb's parked vehicle.

All the necessary information such as building inspection and rectification works to secure the remainder of the any loose plasterboard and photos were undertaken.

Mr Webb obtained quotes for rectification, and a claim against Council's insurers was submitted.

A copy of the response from Council's insurers follows:



Dear Mr Webb,

**Public Liability Property Damage Claim**

**"Without Prejudice"**

**Claim No:** 610217  
**Our Insured:** Town of Port Hedland  
**Incident Date:** 01/11/2005

We refer to the above matter and confirm having received information from the Town of Port Hedland regarding this incident.

Our enquiries indicate that the wind caused the plasterboard to fall onto your car, which the Town of Port Hedland cannot be held liable for.

Accordingly, we must deny liability on behalf of the Town of Port Hedland as they cannot be held liable for environmental factors beyond their control.

Yours sincerely,

**Claims Department  
Municipal Liability Scheme**

Contact: Luke

CC: Rod Evans/, Town of Port Hedland

**Consultation**

Director Engineering Services  
LGIS Municipal Liability Scheme

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment**

Mr Webb has been advised by Council Officers, that Council Officers are not in a position to approve an ex-gratia payment.

Council has two (2) options, it can either support or reject an ex-gratia payment to Mr Webb.

**Officer's Recommendation**

That Mr Webb be advised that due to Council's insurers not supporting his claim, Council will not support an ex-gratia payment to him.

**200506/252 Council Decision**

**Moved:** Cr T M Young **Seconded:** Cr D R Pike

**That the Standing Orders be suspended in accordance with Clause 20.8 of the Standing Orders Local Law, as follows:**

**"Suspension of Standing Orders**

**20.8 In cases of urgent necessity any of the standing orders may be suspended on a motion carried by an absolute majority of the members."**

***CARRIED BY ABSOLUTE MAJORITY 7/0***

7:10 pm Mayor suspended standing orders.

**200506/253 Council Decision**

**Moved:** Cr G D Bussell **Seconded:** Cr A A Gear

**That the Standing Orders be resumed.**

***CARRIED BY ABSOLUTE MAJORITY 7/0***

**200506/254 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter      **Seconded:** Cr A A Gear

**That Mr Webb be advised that due to Council's insurers not supporting his claim, Council will not support an ex-gratia payment to him.**

**CARRIED 6/1**

*NOTE : Cr T M Young requested the votes be recorded.*

*Record of Vote:*

<b>FOR</b>	<b>AGAINST</b>
Cr S R Martin	Cr T M Young
Cr A A Carter	
Cr G D Bussell	
Cr A A Gear	
Cr D R Pike	
Cr S F Sear	

**11.3.2.2 Skywest Airlines - Request for Contribution to Advertising of Regional Network Including Port Hedland (File No.:AIR-009)**

<b>Officer</b>	Rod Evans Airport Manager
<b>Date of Report</b>	10 January 2005
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

To seek Council approval to contribute to an advertising campaign, to be conducted by Skywest Airlines for the promotion of its regional network, including Port Hedland.

**Background**

Correspondence has been received from Skywest Airlines requesting Council contribute to a television and newspaper campaign.

Following the original request, an offer was made to Skywest to attend a Council briefing to outline their proposal, or provide further information.

Further correspondence has been received outlining a television and newspaper campaign, lasting approximately eight (8) weeks commencing Mid March 2006, including:

- . Channels 7,9,GWN and WIN
- . The West Australian and The Sunday Times.
- . A creative concept " Jet out of the ordinary".
- . Promoting a WA holiday, with Port Hedland as a destination.
- . Increase awareness of Skywest regional routes.
- . Overall campaign \$400,000
- . Town of Port Hedland requested contribution \$3,000.

**Consultation**

Council's Chief Executive Officer and Director of Engineering Services have been consulted on this request.

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications**



General Ledger Account Number 1211282 - Public Relations/  
Promotions

**Officer's Comment**

This is seen as a major issue for the airport, in maintaining the current level of service to the community, offering choice, and keeping airfares reasonable, which is more likely in a competitive market.

The request from Skywest Airlines is from an operator who is struggling to ensure viability on the Port Hedland route.

Any assistance that can be provided should be seen as a positive step to ensure that a minimum of 2 airlines continue to fly on the route.

**200506/255 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Gear      **Seconded:** Cr T M Young

**That a contribution of \$3,000 from General Ledger Account Number 1211282 Public Relations/Promotions, towards the Skywest Airlines regional campaign proposed for March 2006, be approved.**

***CARRIED 7/0***

**11.3.2.3 Transfer of Airport Café and Bar Liquor Licence (File No. AIR-083)**

<b>Officer</b>	Rod Evans Airport Manager
<b>Date of Report</b>	10 January 2006
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

To affix the common seal of Council to a Transfer of Licence for the Airport Café and Bar.

**Background**

At its Ordinary Council Meeting held on 28 September 2005, Council resolved as follows:

*“That:the Common Seal be affixed to the Protection Order for the Port Hedland International Airport Café and Bar, and the Mayor and Chief Executive Officer be authorised to sign and to execute the Agreement on Council’s behalf.”*

At its Ordinary Council Meeting held on 23 November 2005, Council further resolved as follows:

*“That:*

- i) the proposal from Max Landells and Tara Dean to provide a service at the Port Hedland International Airport Café and Bar at a nil cost to Council for a two year lease period commencing 1 January 2006, be accepted;*
- ii) Council provide delegated authority to the Chief Executive Officer to negotiate a formal Management Agreement for the provision of this service;*
- iii) this agreement be conditional upon the new proprietor purchasing existing stock on hand; and*
- iv) the Chief Executive Officer and Mayor be authorised to sign and seal the management agreement once negotiations are finalised.”*

The above Council Resolutions have been now been completed with the new operator now running the service. The operator is now seeking to transfer Council’s Liquor Licence and removal of the Protection Order to enable his organisation to sell alcohol.

**Consultation**

Director Engineering Services  
Department of Racing, Gaming and Liquor

**Statutory Implications**

Liquor Licensing Act 1988  
Liquor Licensing Regulations 1989

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment**

To allow for the Transfer of the Licence to the new operators a further resolution of Council is required to affix the Council Seal to the Transfer of Licence and removal of the Protection Order.

**200506/256 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter      **Seconded:** Cr A A Gear

**That the Common Seal be affixed to the Transfer of Licence and Removal of the Protection Order for the Port Hedland International Airport Café and Bar, and the Mayor and Chief Executive Officer be authorised to sign and to execute the document on Council's behalf.**

***CARRIED 7/0***

### 11.3.2.4 **Expression of Interest Upgrade Apron Floodlighting (File No.:AIR-012)**

<b>Officer</b>	Rod Evans Airport Manager
<b>Date of Report</b>	11 January 2006
<b>Disclosure of Interest by Officer</b>	Nil

#### **Summary**

To advise Council of the outcomes of the Expression of Interest for the Upgrade of Apron Floodlighting at Port Hedland International Airport.

#### **Background**

At the Ordinary Meeting held on 28 September 2005, Council resolved as follows:

*“That:*

- i) Council advertise for expressions of interest from suitably qualified persons to undertake the design and installation of apron floodlighting at the Port Hedland International Airport, necessary to meet minimum requirements of Subsection 9:16 ‘Characteristics of Apron Floodlighting’ of the Manual of Standards (MOS); and*
- ii) the following tender selection criteria be used fro the Expression of Interest:*

<i>Price</i>	<i>70%</i>
<i>Experience (Design)</i>	<i>10%</i>
<i>Experience (Electrical Installation)</i>	<i>10%</i>
<i>Local</i>	<i><u>10%</u></i>
<i>Total</i>	<i>100%”</i>

#### **Consultation**

The Expression of Interest was advertised as follows:

- . The Aviation Section of the Australian Newspaper on Friday 18 November 2005.
- . The Local Government Notices Section of the West Australian Newspaper on Saturday 19 November 2005.
- . Council’s website.

#### **Statutory Implications**

Section 14 of Part 4 Tenders for Providing Goods or Services (s.3.57) states:

**“14. Requirements for publicly inviting tenders**

- (1) *When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.*
- (2) *If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.*
  - (2a) *If a local government —*
    - (a) *is required to invite a tender; or*
    - (b) *not being required to invite a tender, decides to invite a tender,*  
*the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.*
- (3) *The notice, whether under subregulation (1) or (2), is required to include —*
  - (a) *a brief description of the goods or services required;*
  - (b) *particulars identifying a person from whom more detailed information as to tendering may be obtained;*
  - (c) *information as to where and how tenders may be submitted; and*
  - (d) *the date and time after which tenders cannot be submitted.*
- (4) *In subregulation (3)(b) a reference to detailed information includes a reference to —*
  - (a) *such information as the local government decides should be disclosed to those interested in submitting a tender;*
  - (b) *detailed specifications of the goods or services required;*
  - (c) *the criteria for deciding which tender should be accepted;*
  - (d) *whether or not the local government has decided to submit a tender; and*
  - (e) *whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.*
- (5) *After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.”*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

Airport Administration Capital Expenditure – a new General Ledger Account ‘Upgrade Apron/Runway/Terminal Lights has a budget allocation of \$100,000 for the 2005/06 financial year.

**Officer's Comment**

Only 1 Expression of Interest (EOI) was received from O'Donnell Griffin with a Lump Sum Price of \$230,729.00.

Following an assessment of the EOI, as submitted by O'Donnell Griffin, it has been determined 3 areas of non-conformity to Subsection 9:16 "Characteristics of Apron Floodlighting" of the Manual of Standards (MOS).

- . The proposed location of 2 of the 30m towers would infringe the Transitional Surfaces of the 18/36 Runway.
- . Subsection 9:16 "Characteristics of Apron Floodlighting" of the Manual of Standards (MOS), calls for 20 lux average for the plane parking area, and 10 lux average for the remainder of the Apron:
  - i) The lighting offered achieves 33 lux average over the Plane parking area, but only 3 lux average from the rear of the planes to the edge of the taxiway.
  - ii) The light offered will not illuminate the apron taxiway.
  - iii) Reference (9.16.3.1, 9.16.3.5, 9.16.4.39(b), 9.16.4.4(b) MOS 139)

Note: The EOI submitted was 130% outside Council's budgetary constraints.

Several organisations have contacted Council since the closing of the EOI to advise that they would welcome the opportunity to submit a tender, if there were no conforming EOI's.

It may not be cost effective to light all of the five (5) apron parking bays, but to restrict apron parking, for larger aircraft, at night to only two (2) or three (3) bays and manage this in an operational environment.

Also to minimise costs and ensure that Transitional Surfaces of Runway 18/36 are not compromised, that the existing lighting towers be considered.

In accordance with the Local Government (Functions and General) Regulations 1996 Council does not have to advertise if:

*"..(c)within the last 6 months —  
the local government has, according to the requirements of this Part, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications; ..."*

The one (1) non-conforming EOI submitted was 130% outside Council's budgetary constraints, it is recommended to seek further quotes from O'Donnell Griffin and those other providers that have subsequently contacted Council.

It may not be cost effective to light all of the 5 apron parking bays, but to restrict apron parking, for larger aircraft, at night to only two (2) or three (3) bays and manage this in an operational environment.

Also to minimise costs and ensure that Transitional Surfaces of Runway 18/36 are not compromised, that the existing lighting towers be considered.

**200506/257 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter      **Seconded:** Cr S F Sear

**That:**

- i) the Expression of Interest from O'Donnell Griffin for the upgrade of Airport lighting be rejected by Council, as it is non-conforming;**
- ii) a further review of the specifications for the upgrade of the Apron Lighting be undertaken by Council's Officers, with a view to utilising the existing lighting towers; and**
- iii) further quotes be sought from interested parties, including O'Donnell Griffin, and a report be provided to Council giving details of further quotes received.**

***CARRIED 7/0***

**11.4 CORPORATE SERVICES****11.4.1 Finance and Administration****11.4.1.1 *Financial Reports to Council for period ended 30 November 2005 and 31 December 2005 (File Nos: FIN-008, FIN-014 and RAT-009)***

**Officer** Matthew Scott  
Director Corporate Services

**Date of Report** 25 January 2006

**Disclosure of Interest by Officer** Nil

**Background**

As Council is aware, due to commitments with the 2004/05 Financial Reports, November figures were not presented to Council at the December Ordinary Meeting of Council. Therefore to meet Council's Statutory requirements, both November and December results have been included in this report.

**1. *Schedule of Accounts Paid***

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is to be submitted to Council on 25 January 2006 for receipt, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and rendition of services, and verification of prices, computations and costings.



*November 2005*

Voucher No's			Pages		Fund	Fund Name	Description
From	To	Value (\$)	From	To	No		
EFT14449	14730	1,149,439.50	1	96	1	Municipal Fund	Cancelled
16021	16056	101,106.15	96	101	1	Municipal Fund	
16057	16057	-	101	101	1	Municipal Fund	
16058	16086	75,227.87	106	106	1	Municipal Fund	
PAY041105		6,256.37	106	106	1	Municipal Fund	
PAY081105		153,237.64	106	106	1	Municipal Fund	
PAY221105		163,333.26	106	106	1	Municipal Fund	
PAY291105		3,159.47	106	106	1	Municipal Fund	
	Municipal Total	<b>1,651,760.26</b>					
301218	301218	100.00	70	70	3	Trust Fund	
301219	301219	-	70	71	3	Trust Fund	
301220	301225	35,229.41	71	71	3	Trust Fund	
	Trust Total	<b>35,329.41</b>					
<b>TOTAL</b>		<b>\$1,687,089.67</b>					

*December 2005*

Voucher No's			Pages		Fund	Fund Name	Description
From	To	Value (\$)	From	To	No		
EFT14731	14910	820,371.59	1	53	1	Municipal Fund	Cancelled
16087	16124	114,335.84	53	63	1	Municipal Fund	
16125	16125	-	65	65	1	Municipal Fund	
16126	16150	14,018.18	65	68	1	Municipal Fund	
116151*	16151					Municipal Fund	
PAY061205		155,320.32	68	68	1	Municipal Fund	*Paid by Cheque 16151
PAY231205		1,157.15	69	69	1	Municipal Fund	
PAY201205		3,691.89	69	69	1	Municipal Fund	
PAY201205		335,966.68	69	69	1	Municipal Fund	
	Municipal Total	<b>1,444,861.65</b>					
301226	301235	5,815.00	69	70	3	Trust Fund	
	Trust Total	<b>5,815.00</b>					
<b>TOTAL</b>		<b>\$1,450,676.65</b>					

## **2. Financial Statements**

As required by the *Local Government Act 1995* and Regulations, presented (see attachments) in this report for the financial period ended 30 November 2005 and 31 December 2005, are the:

- . Statement of Financial Position;
- . Statements of Financial Activity (Functions 2 to 14); and
- . Review of Transaction Activity – The 31 December 2005 Statements will be used for the 2<sup>nd</sup> quarter budget review, and any significant budget variations will be put to Council as a result of this review.

as they were at the time of reporting.

## **3. Investments**

Council's Investment Register and reconciliation of Municipal, Trust and Reserve Funds is presented as an attachment.

Interest Rates for investments are based on the best rate given by the National Australia Bank, BankWest, Commonwealth Bank of Australia and the Australian and New Zealand Bank.

## **4. Rate Receipts Received Year to Date**

The Schedule of Rate Receipts to 30 November 2005 and 31 December 2005 is attached.

The combined 2005/06 rates and services outstanding as per the attached schedule was \$1,747,367, representing a \$1,161,278 decrease on September 2005's balance (\$2,908,645).

## **Statutory Implications**

### *Financial Statements*

Regulation 34 of the Local Government (Financial Management Regulations), states as follows:

*“34. Financial activity statement report - s. 6.4*

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail:*
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
  - (b) budget estimates to the end of the month to which the statement relates;*
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*

- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing:*
  - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
  - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
  - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown:*
  - (a) *according to nature and type classification;*
  - (b) *by program; or*
  - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be:*
  - (a) *presented to the council:*
    - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates;*  
*or*
    - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;*  
*and*
  - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.*

*In this regulation:*

*“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;*

*“restricted assets” has the same meaning as in AAS 27.*

### **Policy Implications**

Council Policy 2/005 Financial Statements - Copies to Councillors, requires that statements shall be issued in the form of:

“Quarterly: *In accordance with Local Government (Financial management) Regulations 1996, plus detailed schedules 2 – 17 Municipal Fund.*

Other

Months: *Schedules of operating Income and Expenditure and Capital Income and Expenditure as adopted in the*

*Annual Budget. (July, August, October, November, January, February, April, May).*

Monthly: *Bank Reconciliations for each account operated by Council.”*

Policy 2/014 ‘Investment Policy’ sets guidelines and authority levels for Council investments.

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**200506/258 Council Decision/Officer’s Recommendation**

**Moved:** Cr A A Carter **Seconded:** Cr S F Sear

**That:**

- i) the list of Accounts paid under Delegated Authority as presented be received;
- ii) the -
  - . Statement of Financial Position;
  - . Statements of Financial Activity (Functions 2 to 14); and
  - . Review of Transaction Activity – see Chief Executive Officer’s Budget Review item this Council Meeting, otherwise the statements of financial activity do not indicate material variations from the 2005/06 Budget, for the period to 30 November 2005 and 31 December 2005 as presented be received;
- iii) the Register of Investments and Municipal, Trust and Reserve Bank Reconciliations as at 30 November 2005 and 31 December 2005 as attached be received; and
- iv) the Rates Summary Trial Balance for the Month Ending 30 November 2005 and 31 December 2005, as attached be received.

**CARRIED 6/1**

*NOTE : Cr T M Young the votes be recorded.  
Record of Vote:*

<b>FOR</b>	<b>AGAINST</b>
Cr S R Martin	Cr T M Young
Cr A A Carter	
Cr G D Bussell	
Cr A A Gear	
Cr D R Pike	
Cr S F Sear	

**11.4.1.2 Water Corporation Loan (File No.: AGR-048 and FIN-012)**

<b>Officer</b>	Matthew Scott Director Corporate Services
<b>Date of Report</b>	25 January 2006
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

For Council to approve the advertising of the proposed loan of \$650,000 from Water Corporation to fund the construction of a treatment plant for waste water.

**Background**

The Town of Port Hedland's oval irrigation systems need to be significantly upgraded to bring the watering regime up Health Department standards. The required upgrade is estimated to cost \$1.3 million, with the Water Corporation and Council contributing \$650,000 each.

The Water Corporation are eager to proceed with this project, and have offered Council a \$650,000 interest free loan to be paid back over the next 5 years, to finance Council's contribution. Though it is an interest free loan, it is still borrowing money, not provided in the annual budget, and therefore it must be advertised and submissions considered before entering into the loan agreement. The Water Corporation has indicated that it is eager to start construction in April/May 2006, and therefore there is now some urgency for Council to act on this proposal.

To assist Council in repaying the loan, the Pilbara Fund has agreed to contribute \$325,000, therefore making the net cost to Council only \$325,000 over the next five years.

**Consultation**

Though there has been little to no consultation regarding the loan, the general public will have an opportunity to make submissions on the proposed loan, as part of the advertising process. All submission received must be considered by Council prior to proceeding with the loan.

**Statutory Implications**

*Local Government Act 1995, Section 6.20 states:*

**“6.20. Power to borrow**

- (1) *Subject to this Act, a local government may -*
- (a) *borrow or re-borrow money;*
  - (b) *obtain credit; or*
  - (c) *arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,*  
*to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.*
- (2) *Where, in any financial year, a local government proposes to exercise a power under subsection (1) and details of that proposal have not been included in the annual budget for that financial year -*
- (a) *unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*
  - (b) *the resolution to exercise that power is to be by absolute majority.*
- (3) *Where a local government has exercised a power to borrow and -*
- (a) *it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or*
  - (b) *after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,*  
*the local government may resolve\* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.*
- \* Absolute majority required.*
- (4) *A local government is not required to give local public notice under subsection (3) -*
- (a) *where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or*
  - (b) *in such other circumstances as are prescribed.*
- (5) *A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.”*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications**

Agreeing to this loan will not affect the 2005/06 Municipal Budget, but will commit Council to repay the loan over the next 5 Years, commencing on 1 July 2006.

**Officer's Comment**

The proposed interest free loan from the Water Corporation is a unique situation, which will allow the Council to achieve a much needed facility at a quarter of the cost. This project will not affect Council's current municipal budget, however will commit Council to an annual repayment of \$130,000 for the next 5 financial years. These repayments will however be offset by the contribution of \$325,000, by the Pilbara fund.

This item is purely to commence the formal process for Council to consider the proposed loan. As such, the Act dictates the process, which requires advertising and considering submissions. Once the advertising process has occurred, Council will need to formally consider accepting the loan.

**200506/259 Council Decision/Officer's Recommendation**

**Moved:** Cr T M Young      **Seconded:** Cr A A Carter

**That Council:**

- i) **advertise the proposed loan for one month, as per section 6.20, the Local Government Act 1995; and**
- ii) **a report be presented to Council at its next available meeting from Director Corporate Service, detailing any submissions received from the abovementioned advertising.**

***CARRIED 7/0***

**11.4.1.3 Audit Committee (File No. ADM-070)**

<b>Officer</b>	Matthew Scott Director Corporate Services
<b>Date of Report</b>	25 January 2006
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

For Council to create an Audit Committee as per the requirements of Part 7 - Audit, the *Local Government Act 1995*.

**Background**

In Mid 2005, the State Parliament significantly amended the *Local Government Act 1995*. One of these amendments was to require all Local Governments to have an 'Audit Committee', made up of at least three (3) members of Council.

Though the statutory role of the Audit Committee is to make recommendations on the appointment of the authorities auditor, many Council's use the Audit Committee to review matters of either of a financial or governance nature.

To complicate the establishment of the Audit Committee, during the same period the Town of Port Hedland revised it's committee structure, which included initially creating an Audit Committee (9 May 2005 Special Meeting of Council), then revoking this decision (22 June 2005 Ordinary Meeting of Council) and then creating the Finance Committee (27 June 2005 Ordinary Meeting of Council).

Though the Finance Committee was given its own terms of reference, it has also been used as a de facto Audit Committee. An example of this, is when the Finance Committee met with the Town's Auditor, Mr David Tomasi, as part of the 2004/05 Audit process.

It is the intent of this report for the Finance Committee to become the Audit Committee, thus make the Council compliant with Part 7 – Audit, the *Local Government Act 1995* (as amended), but also retain the duties of the Finance Committee, established in June 2005.

**Consultation**

As this is a statutory issue there has been no consultation with the general public.

**Statutory Implications**

Local Government Act 1995, section 7.1A states:



***“7.1A. Audit committee***

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*  
*\* Absolute majority required.*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*
- (4) An employee is not to be a member of an audit committee.”*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer’s Comment**

The Audit Committee is viewed by the Department of Local Government as an important link between Council and its Auditor. Previous to this amendment, there was no requirement for the Auditor to meet with Council representatives, and therefore Council had to rely on the written audit report/opinion. Interacting directly with the Auditor, Committee members can ask direct questions regarding the audit process or seek comment on an area not necessarily covered under the audit scope. Committee members also may seek advice on other matters, separate from purely the financial audit perspective.

The Audit Committee is also an effective means for Council to deal with governance type issues, and make recommendations back to full Council.

Given that Council has an effective Finance Committee, it seems logical to make this Committee the Audit Committee, rather than have two committees with similar roles and/or responsibilities. The non statutory role of the committee still needs to be decided, an obvious starting point would be the terms of reference or scope of the Finance Committee, being to:

- 1 Implement the recommendations of the BDO Report; and
- 2 Review the operations of the:
  - a Matt Dann Cultural Centre
  - b Courthouse Arts Centre and Gallery
  - c the Y@ JD Centre

**Officer's Recommendation**

That Council:

- i) create an Audit Committee as per Part 7, the *Local Government Act 1995*, with the following delegated duties (or terms of reference):
  - a) Part 7, the Local Government Act 1995;
  - b) Implement the recommendations of the BDO Report;
  - c) Review the operations of the:
    - 1) Matt Dann Cultural Centre
    - 2) Courthouse Arts Centre and Gallery
    - 3) the Y@ JD Centre;
- ii) appoint the following Councillors, as members of the Audit Committee:  
Cr Stan R Martin;  
Cr Arnold A Carter; and  
Cr Shane F Sear;
- iii) dissolves the Finance Committee; and
- iv) request the Audit Committee to prepare a report to Council outlining any additional delegated duties (or terms of reference) Council may delegate to the Audit Committee.

**200506/260 Council Decision**

**Moved:** Cr T M Young      **Seconded:** Cr A A Carter

**That Council:**

- i) **create an Audit Committee as per Part 7, the *Local Government Act 1995*, with the following delegated duties (or terms of reference):**
  - a) **Part 7, the Local Government Act 1995;**
  - b) **Review the recommendations of the BDO Report;**
  - c) **Review the operations of the:**
    - 1) **Matt Dann Cultural Centre**
    - 2) **Courthouse Arts Centre and Gallery**
    - 3) **the Y@ JD Centre;**
  - d) **Liaise with Auditor:**
- ii) **appoint the following Councillors, as members of the Audit Committee:**  
**Cr Stan R Martin;**  
**Cr Arnold A Carter;**  
**Cr Shane F Sear; and**  
**Cr Grant D Bussell**
- iii) **dissolves the Finance Committee; and**

- iv) request the Audit Committee to prepare a report to Council outlining any additional delegated duties (or terms of reference) Council may delegate to the Audit Committee.

***CARRIED BY ABSOLUTE MAJORITY 7/0***

*REASON: Council preferred the Audit Committee to –*

- 1. be called the Audit and Finance Committee (Clause i);*
- 2. “review” instead of “implement the recommendations of the BDO Report;*
- 3. liaise with the Auditor; and*
- 4. for Councillor Grant D Bussell also be appointed.*

**11.4.1.4 Administration Policies (File No.: ADM-006)**

<b>Officer</b>	Matthew Scott Director Corporate Services
<b>Date of Report</b>	25 January 2006
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

For Council to consider amending and deleting various Administration Policies, as discussed with members at the December 2005 Briefing Session.

**Background**

Council is required to regularly review its policies to ensure these policies are relevant and meet the needs of Council and the Community. Council has a number of policies, categorised into sections depending on which Council department administers the matters covered under the policy.

The first category of policy to be reviewed is the Administration policies. Generally these policies cover corporate matters which affect all sections of organisation and Council. Currently the Council has 21 Administration Policies, many of which are not of a corporate nature, are no longer relevant or are simply self evident.

1/001 Policy Manual	1/012 Use of Disclaimers
1/002 Mobile Phones	1/013 Travel & Accommodation
1/003 Recording of Votes	1/014 Vandalism - Reward
1/004 Civic Centre	1/015 Well Wishes
1/005 Civic Receptions	1/016 Attendance Fees
1/006 Complaints	1/017 Queens Birthday
1/007 Execution of Documents	1/018 Local Government Elections
1/008 Motor Vehicle Usage	1/019 Legal Representation
1/010 Media	1/020 Flying the Aboriginal Flag
1/011 Political Posters	1/021 Licensing of Funeral Directors

At the December 2005 informal briefing session, a presentation was made to the Councillors by Director Corporate Services, detailing each policy, and providing comment on the relevance of each policy.

Based on the presentation, and the feedback from Councillors present, the following summary of changes has been prepared.

Policy	Outcome
1/001 Policy Manual	Delete – Need is self Evident
1/002 Mobile Phones	Delete - Should be part of Standing Orders (currently under review)
1/003 Recording of Votes	Delete - Should be part of Standing Orders (currently under review);
1/004 Civic Centre	Transfer - Community Services matter
1/005 Civic Receptions	No change
1/006 Complaints	No change
1/007 Execution of Documents	Amend
1/008 Motor Vehicle Usage	Transfer – Engineering matter.
1/010 Media	Amend to prohibit councillors making negative comments after a resolution has been made.
1/011 Political Posters	No change
1/012 Use of Disclaimers	No change
1/013 Travel & accommodation	Rewrite and present to a future briefing session for Council to review
1/014 Vandalism – Reward	No change
1/015 Well Wishes	Delete – General practice.
1/016 Attendance Fees	Delete – Part of Budget process and adoption.
1/017 Queens Birthday	Amend to have the Queens Birthday on Port Hedland Cup day, unless approved by Council.
1/018 Local Government Elections;	Delete - Council decides how each election should be held prior to election process commencing
1/019 Legal Representation	No change
1/020 Flying the Aboriginal Flag	No change
1/021 Licensing of Funeral Directors	Transfer – Health services matter.

### **Consultation**

As these are internal management policies, no external consultation has occurred, however policies were discussed with Councillors present at the December 2005 informal briefing session, which was open to the public.

### **Statutory Implications**

*Local Government Act 1995*, section 2.7 states:

**2.7. The role of the council**

- (1) *The council;*
  - (a) *directs and controls the local government's affairs; and*
  - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the Council is to;*
  - (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies.*

**Policy Implications** Policies 1/001-1/021

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment**

Good corporate governance requires the regular review of policies to ensure consistency, currency, and relevance with Council's direction and views. These are the first policies to be reviewed and further sections will be reviewed over this calendar year.

**Officer's Recommendation**

That Council:

- i) delete the following policies:

- 1/001 Policy Manual
- 1/002 Mobile Phones
- 1/003 Recording of Votes
- 1/007 Execution of Documents
- 1/015 Well Wishes
- 1/016 Attendance Fees
- 1/017 Observing of Queens Birthday Holiday
- 1/018 Local Government Elections

- ii) renumber the following policies:

- 1/004 Civic Centre to 7/005 Civic Centre (Culture)
- 1/005 Civic Receptions to 1/001 Civic Receptions
- 1/006 Complaints to 1/002 Complaints
- 1/008 Motor Vehicle Usage to 9/009 Motor Vehicle Usage (Engineering)
- 1/010 Media to 1/004 Media
- 1/011 Political Posters to 1/005 Political Posters
- 1/012 Insurance – Professional Indemnity to 1/006 Insurance – Professional Indemnity
- 1/013 Travel & Accommodation to 1/007 Travel & Accommodation

1/014 Vandalism – Reward for Conviction to 1/008 Vandalism – Reward for Conviction  
1/019 Legal Representation – Costs Indemnification to 1/009 Legal Representation – Costs Indemnification  
1/020 Flying of Aboriginal and Torres Strait Islander Flags to 1/010 Flying of Aboriginal and Torres Strait Islander Flags  
1/021 Licensing of Funeral Directors to 13/012 Licensing Funeral Directors;

- iii) amend policy 1/004 Media by adding the following paragraph:  
“Councillors and Staff will refrain from making any negative comments publicly regarding a resolution of Council.”;
- iv) Create Policy 1/011 Queens Birthday Holiday, stating:  
“The Queens Birthday Holiday will be held on the Port Hedland Cup Day, unless a change of date is approved by Council.”;
- v) Create Policy 1/012 Executing Documents, stating:  
“The Chief Executive Officer will report to Council all documents that have been executed using the Town of Port Hedland Seal.”;  
and
- vi) a presentation be made to Council at a future informal briefing session by Director Corporate Services on options to amend Policy 1/007 Travel & Accommodation.

**200506/261 Council Decision**

**Moved:** Cr G D Bussell      **Seconded:** Cr A A Carter

**That Council:**

- i) delete the following policies:

**1/001 Policy Manual**  
**1/002 Mobile Phones**  
**1/003 Recording of Votes**  
**1/015 Well Wishes**  
**1/016 Attendance Fees**  
**1/017 Observing of Queens Birthday Holiday**  
**1/018 Local Government Elections**

- ii) renumber the following policies:

**1/004 Civic Centre to 7/005 Civic Centre (Culture)**  
**1/005 Civic Receptions to 1/001 Civic Receptions**  
**1/006 Complaints to 1/002 Complaints**  
**1/008 Motor Vehicle Usage to 9/009 Motor Vehicle Usage (Engineering)**

- 1/011 Political Posters to 1/005 Political Posters**
- 1/012 Insurance – Professional Indemnity to 1/006 Insurance – Professional Indemnity**
- 1/013 Travel & Accommodation to 1/007 Travel & Accommodation**
- 1/014 Vandalism – Reward for Conviction to 1/008 Vandalism – Reward for Conviction**
- 1/019 Legal Representation – Costs Indemnification to 1/009 Legal Representation – Costs Indemnification**
- 1/020 Flying of Aboriginal and Torres Strait Islander Flags to 1/010 Flying of Aboriginal and Torres Strait Islander Flags**
- 1/021 Licensing of Funeral Directors to 13/012 Licensing Funeral Directors;**

**iii) Create Policy 1/011 Queens Birthday Holiday, stating:**

**“The Queens Birthday Holiday will be held on the Port Hedland Cup Day, unless a change of date is approved by Council.”; and**

**v) a presentation be made to Council at a future informal briefing session by Director Corporate Services on options to amend Policy 1/007 Travel & Accommodation.**

**CARRIED 7/0**

*REASON: Council chose not to consider changes recommended in relation to the ‘Execution of Documents’ and ‘Media’.*



**11.4.2 Administration Services**

7:38 pm Cr T M Young declared a perceived impartiality interest in Agenda Item 11.4.2.1 'Rotary Club of Port Hedland Request to Lease Reserve 43881(Lot 5873 Schillaman Street, Wedgefield)' as she is a member of the Rotary Club of Port Hedland.

7:38 pm Cr T M Young left the room.

**11.4.2.1 Rotary Club of Port Hedland Request to Lease Reserve 43881(Lot 5873 Schillaman Street, Wedgefield) (File No.: LSE-102)**

**Officer** Danielle Cowan  
Manager Administration

**Date of Report** 12 January 2005

**Disclosure of Interest by Officer** Nil

**Summary**

Council has resolved to allow a 21 year lease for the Rotary Club of Port Hedland to use Reserve 43881 for community purposes. The lot was formerly used by the Lions Club under a previous Town Planning Scheme, but this use has not been undertaken in the past three years.

Council is now in a situation where it needs to decide if 'community use' is the most appropriate use to be undertaken on the site whereby the applicant will need to make application to have the Planning Scheme amended. Or whether the use is not appropriate whereby a scheme amendment would not be supported and the resolution revoked.

**Background**

At the Ordinary Meeting of 25 May 2005, Council resolved:

*"That:*

- i) a Peppercorn lease for a period of up to 21 years to be granted to the Rotary Club of Port Hedland for Lot 5873 (Reserve 43881) Schillaman Street, Wedgefield, previously leased to Lions Club of Port Hedland, for the purpose of storage of Rotary Club equipment used for community events consistent with the original purpose of this Reserve. This lease is conditional on the undertaking by the Rotary Club of Port Hedland cleaning up the remainder of the site and maintaining the site in a satisfactory condition, thus preventing the accumulation of waste material currently on site;*

- ii) *the proposal to lease shall be advertised in accordance with section 3.58 of the Local Government Act 1995 and all costs associated with the lease documentation and advertising shall be borne by the applicant at no cost to Council; and*
- iii) *a one time waiver of landfill waste disposal fees to assist the Rotary Club of Port Hedland in the disposal of current waste material from the site be approved subject to the estimated cost for disposal of material be brought to Council for consideration before works start. “*

At the Ordinary Meeting of 27 July 2005, Council resolved:

*“That Item 11.1.1.1 ‘Rotary Club of Port Hedland Request to Lease Former Lions Club of Port Hedland Property – Lot 5873 (Reserve 43881) Schillaman Street, Wedgefield’ be deferred to enable further consideration by Council relating to compliance matters highlighted by Manager Administration in a Memorandum dated 26 July 2005, to Chief Executive Officer, which has been tabled by for consideration by elected members.”*

At the Ordinary Meeting of 24 August 2005, Council resolved:

*“That:*

- i) *further to Council having resolved to enter into a Peppercorn lease agreement for a period of up to 21 years with the Rotary Club of Port Hedland for Lot 5873 (Reserve 43881) Schillaman Street, Wedgefield, previously leased to Lions Club of Port Hedland, for the purpose of storage of Rotary Club equipment used for community events consistent with the original purpose of this Reserve. This lease is conditional on the undertaking by the Rotary Club of Port Hedland cleaning up the remainder of the site and maintaining the site in a satisfactory condition, thus preventing the accumulation of waste material currently on site;*
- ii) *the proposal to lease shall be advertised in accordance with section 3.58 of the Local Government Act 1995 and all costs associated with the lease documentation and advertising shall be borne by the applicant at no cost to Council;*
- iii) *the Rotary Club of Port Hedland be advised in writing by Manager Administration, of -*

- a) *the timeframe for advertising the disposal of this property under section 3.58 of the Local Government Act 1995; and*
- b) *the arrangements for the preparation of the lease by Council at Rotary's costs, and a budget estimation of this cost; and*
  
- iv) *a one time waiver of landfill waste disposal fees of up to \$2,000 to assist the Rotary Club of Port Hedland in the disposal of current waste material from the site be approved;*
  
- v) *the Chief Executive Officer or his nominated representative meet with the current Lessee of Lot 5873 (Reserve 43881) Schillaman Street, Wedgefield, the Lion's Club of Port Hedland, to recoup all outstanding debts, and resolve all environmental, health and building non-compliance matters existing on the property; and*
  
- vi) *the Chief Executive Officer or his nominated representative present a draft Lease Policy for consideration by Council at its Ordinary Meeting to be held in October 2005. The draft Lease Policy will be supported by a draft Management Policy and administration process which will ensure effective implementation of a Lease Policy."*

### **Consultation**

Discussion has occurred with Council's development departments resulting in the following comments from Council's Town Planner:

*'Under the Town of Port Hedland Town Planning Scheme No. 5, Lot 5873 Schillaman Street, Wedgefield is zoned "Transient Workforce Accommodation" and "Community Use," as proposed by the Rotary Club, is a prohibited use in this zone.*

*The Scheme provides for the continuance of non-conforming land uses provided that the use is not discontinued for greater than six (6) months. As this site was abandoned by the Lions Club more than six months ago, Council considers this a discontinued use and should only allow permitted uses under the current town planning scheme on this land*

*Should the applicant wish to pursue this matter, a scheme amendment to rezone the land will be required'.*

A letter was sent to Rotary on 3 October 2005, requesting further information regarding any long term plans that Rotary may have for the reserve to enable an appropriate lease to be drafted. As yet no response has been received.

**Statutory Implications**

Local Government (Administration) Regulations 1996  
Town Planning Scheme No. 5

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment**

Unfortunately this lease application has on a number of occasions, highlighted issues with Council's internal processes. This request was not referred to relevant departments before any recommendation went to Council that would have prevented Council approving a lease that is in contravention of its Town Planning Scheme.

The Lions Club Lease for this property expired on 30 August 2001. Council has been paying for water consumed on this lot from 6 December 2002 and it is assumed that the Club has not been in existence since this time.

As no response has been received from Rotary regarding further information, it can only be assumed that the reserve is required for storage as that was the intent stated in their original letter. There are a number of options available to the applicant such as self storage at a number of locations around town, alternatively there is nothing preventing them approaching another community group to store the sea container on their lease area. Should this occur a building licence would be required to ensure the container is tied down to the relevant standards. As the Town Planner has highlighted, the use may be undertaken with a planning scheme amendment. As Council would be aware, this is a slow and costly process that is not necessarily the best use of the land.

A site inspection was undertaken on 12 January 2006 that revealed that no clean up work has been undertaken on the site.

In relation to the decision made by Council on 25 May 2005 Council can 'do nothing' allowing the applicant to use the land as outlined, but they will require a scheme amendment and would not be able to use the land until the amendment received approval.

Given no work has been undertaken on site and the lease has not been drafted or advertised the best option available to Council would be to revoke the decision made in accordance with the Local Government (Administration) Regulations 1996:

*"10. Revoking or changing decisions made at Council or Committee meetings – s5.25(e)*

1. *If a decision has been made at a council or committee meeting then any motion to revoke or change the decision must be supported –*
  - (a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover; or*
  - (b) *in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover*
  
2. *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made –*
  - (a) *In the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority;*
  - (b) *In any other case, by an absolute majority.*
  
3. *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

### **Voting Requirements**

1. To consider – 1/3 of members (3).
2. To revoke – absolute majority.

### **Officer's Recommendation**

That Council:

1. consider revoking the resolution for Item 12.1.1.2 of the Ordinary Meeting of Council held on the 25 May 2005, and recorded on page 31.

*“That:*

- i) *a Peppercorn lease for a period of up to 21 years to be granted to the Rotary Club of Port Hedland for Lot 5873 (Reserve 43881) Schillaman Street, Wedgefield, previously leased to Lions Club of Port Hedland, for the purpose of storage of Rotary Club equipment used for community events consistent with the original purpose of this Reserve. This lease is conditional on the undertaking by the Rotary Club of Port Hedland cleaning up the remainder of the site and maintaining the site in a satisfactory condition, thus preventing the accumulation of waste material currently on site;*

- ii) *the proposal to lease shall be advertised in accordance with section 3.58 of the Local Government Act 1995 and all costs associated with the lease documentation and advertising shall be borne by the applicant at no cost to Council; and*
- iii) *a one time waiver of landfill waste disposal fees to assist the Rotary Club of Port Hedland in the disposal of current waste material from the site be approved subject to the estimated cost for disposal of material be brought to Council for consideration before works start. “*

*NOTE: Mayor called for a show of hands in favour to consider the revoking of resolution for Item 12.1.1.2 of the Ordinary Meeting of Council held on the 25 May 2005, and recorded on page 31 of those Minutes.*

*The following Councillors indicated (minimum 1/3 majority) support to consider revoking resolution of Item 12.1.1.2 of the Ordinary Meeting of Council held on the 25 May 2005:*

*Cr A A Carter  
Cr S F Sear  
Cr A A Gear*

**200506/262 Council Decision/Officer’s Recommendation**

**Moved:** Cr A A Carter      **Seconded:** Cr A A Gear

**That Council:**

- 2. Subject to Part 1 above, revoke the resolution of Item 12.1.1.2 of the Ordinary Meeting of Council held on 25 May 2005 (page 31 of the Minutes).**

***CARRIED BY ABSOLUTE MAJORITY 6/0***

- 3. Consider revoking the resolution for Item 11.1.1.1 of the Ordinary Meeting of Council held on the 24 August 2005, and recorded on page 33.

*“That:*

- i) *further to Council having resolved to enter into a Peppercorn lease agreement for a period of up to 21 years with the Rotary Club of Port Hedland for Lot 5873 (Reserve 43881) Schillaman Street, Wedgefield, previously leased to Lions Club of Port Hedland, for the purpose of storage of Rotary Club equipment used for community events*

*consistent with the original purpose of this Reserve. This lease is conditional on the undertaking by the Rotary Club of Port Hedland cleaning up the remainder of the site and maintaining the site in a satisfactory condition, thus preventing the accumulation of waste material currently on site;*

- ii) the proposal to lease shall be advertised in accordance with section 3.58 of the Local Government Act 1995 and all costs associated with the lease documentation and advertising shall be borne by the applicant at no cost to Council;*
- iii) the Rotary Club of Port Hedland be advised in writing by Manager Administration, of -
  - a) the timeframe for advertising the disposal of this property under section 3.58 of the Local Government Act 1995; and*
  - b) the arrangements for the preparation of the lease by Council at Rotary's costs, and a budget estimation of this cost; and**
- iv) a one time waiver of landfill waste disposal fees of up to \$2,000 to assist the Rotary Club of Port Hedland in the disposal of current waste material from the site be approved;*
- v) the Chief Executive Officer or his nominated representative meet with the current Lessee of Lot 5873 (Reserve 43881) Schillaman Street, Wedgefield, the Lion's Club of Port Hedland, to recoup all outstanding debts, and resolve all environmental, health and building non-compliance matters existing on the property; and*
- vi) the Chief Executive Officer or his nominated representative present a draft Lease Policy for consideration by Council at its Ordinary Meeting to be held in October 2005. The draft Lease Policy will be supported by a draft Management Policy and administration process which will ensure effective implementation of a Lease Policy."*

*NOTE: Mayor called for a show of hands in favour to consider the revoking of resolution for Item 11.1.1.1 of the Ordinary Meeting of Council held on the 24 August 2005, and recorded on page 33 of those Minutes.*

*The following Councillors indicated (minimum 1/3 majority) support to consider revoking resolution of Item 11.1.1.1 of the Ordinary Meeting of Council held on the 24 August 2005:*

Cr A A Carter  
Cr S F Sear  
Cr A A Gear

**200506/263 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter      **Seconded:** Cr A A Gear

- 4. Subject to Part 3 above, revoke the resolution of Item 11.1.1.1 of the Ordinary Meeting of Council held on 24 August 2005 (page 33 of the Minutes); and**
- 5. write to Rotary Club of Port Hedland advising them of Council's decision on this matter.**

***CARRIED BY ABSOLUTE MAJORITY 6/0***

7:44 pm Cr T M Young re-entered the room and assumed her chair.  
Mayor advised Cr T M Young of Council's decision.



**11.4.2.2 Proposed Lease - Part Lot 2444 Great Northern Highway, Port Hedland. (File No.: LSE-107)**

<b>Officer</b>	Danielle Cowan Manager Administration
<b>Date of Report</b>	10 January 2006
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Officers have received a request from Fortescue Metals Group for their wholly owned subsidiary (The Pilbara Infrastructure Pty Ltd) to lease part of Lot 2444 for use as temporary workers accommodation.

**Background**

A portion of Lot 2444 at the Port Hedland International Airport has been identified as suitable and an independent valuation has been undertaken giving market rental as \$2,500 per hectare.

**Consultation**

Advertising as required by Section 3.58 of the Local Government Regulations (Functions and General).

**Statutory Implications**

Section 3.58 – Disposing of property in accordance with the Local Government Act 1995 (as amended) specifically in reference to giving State wide public notice of the proposed disposition for a period of fourteen (14) days.

***“3.58 Disposing of property***

- (1) *In this section —*  
*“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*  
*“property” includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —*
  - (a) *the highest bidder at public auction; or*
  - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives Statewide public notice of the proposed disposition —*
    - (i) *describing the property concerned;*
    - (ii) *giving details of the proposed disposition; and*
    - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
  - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned;*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902 ;*
  - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
  - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
  - (d) *any other disposition that is excluded by regulations from the application of this section”*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer’s Comment**

The land is zoned Airport and Transient Workforce is an AA use which required Council approval i.e. the use is (with Council consent) an approved use.

**200506/264 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter      **Seconded:** Cr S F Sear**That:**

- i) Council dispose of part Lot 2444 Great Northern Highway, Port Hedland to The Pilbara Infrastructure Pty Ltd by lease in accordance with Section 3.58 of the *Local Government Act 1995*;
- ii) Council receive a valuation of the proposed leased area by a qualified independent valuer;
- iii) Council delegate authority to the Chief Executive Officer to negotiate a lease with The Pilbara Infrastructure Pty Ltd subject to the following conditions:
  - a) the term of the lease be for a period of three (3) years plus a further two (2) years, plus two (2) year option;
  - b) that the lease rental is no less than the medium value as calculated by the independent valuer;
  - c) that annual reviews will be conducted with an annual rent review increased by CPI – Perth; and
- iv) the finalised document be signed under Council seal.

**CARRIED BY ABSOLUTE MAJORITY 5/2**

*NOTE : Cr A A Gear requested the votes be recorded.*

*Record of Vote:*

<b>FOR</b>	<b>AGAINST</b>
Cr S R Martin	Cr G D Bussell
Cr A A Carter	Cr A A Gear
Cr D R Pike	
Cr S F Sear	
Cr T M Young	

**11.4.3 Governance**

7:46 pm Cr G D Bussell declared a financial interest in Agenda Item 11.4.3.1 'Newcrest Mining Partnership Agreement' as he owns Newcrest Mining Ltd shares.

7:46 pm Cr G D Bussell left the room.

7:46 pm Chief Executive Officer declared a financial interest in Agenda Item 11.4.3.1 'Newcrest Mining Partnership Agreement' as he owns Newcrest Mining Ltd shares. Chief Executive Officer did not leave the room.

**11.4.3.1 Newcrest Mining Partnership Agreement (File No.:  
ORG-152)**

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 25 January 2006

**Disclosure of Interest by Officer**

Chief Executive Officer is a shareholder in Newcrest Mining

**Summary**

Negotiations have progressed with Newcrest Mining regarding the development of a partnership agreement between the Company and Council. This report seeks Council consideration of the current draft of the Agreement.

**Background**

Over the past three (3) years Council has considered entering into a tri-partied agreement with Newcrest Mining and the Port Hedland Port Authority (PHPA) regarding the construction and management of a Copper Shed on PHPA land.

While the negotiations initially progressed well, they stalled due to significant staffing changes at both Council and Newcrest. In July 2005 Newcrest wrote to Council advising that while they would honour previous commitments to enter into a proposed Joint Venture agreement, they would prefer to 'go it alone' with the development and management of the facility. Council considered this matter at its August 2005 meeting and resolved:

*"That Council write to Newcrest Mining advising that:*

- i) in principal it has no objection to withdrawing from the proposed joint venture arrangements with Newcrest Mining*

*and the Port Hedland Port Authority on the proviso that the company commits to providing a financial contribution to Council equivalent to the nett profit that Council would have generated through their involvement in the 20 year joint venture agreement; and*

- ii) should Newcrest Mining not be amenable to the above suggestion, the Town of Port Hedland would like to proceed with the Joint Venture agreement as proposed.”*

Newcrest was advised of Council's decision and negotiations have been progressing over the past four months. Significant issues that have arisen during the negotiations have included:

- . Capital Costs: The original JV negotiations were based on the copper shed costing \$6.3m with Council contributing approximately \$2.65m. The construction costs are now nearing \$8million with further upgrades likely over the coming years. If the JV were to proceed, Council's initial contribution towards the development would rise to \$3.38m with further contributions likely to be sought for planned upgrades to the facility. This additional investment comes at an increased cost to Council as the proposed investment funds were to come from loan borrowings and loan repayments (including interest) would be significantly higher on the higher initial contribution.
- . Council's Return on Investment (ROI): Council was initially aiming for approximately 10% ROI in the form of rental payments. This may not have been achievable, particularly with the raised capital costs.

To progress the negotiations between Newcrest and Council the model that was used for the recently agreed BHP/Town of Port Hedland Partnership Agreement was used. Once this model had been agreed upon, the discussions tended to focus on the quantum of contribution, length of the agreement, what the funds would be spent on and how the agreement was to be managed. The current draft agreement proposes:

- . Newcrest providing \$100,000pa to Council in annual instalments (paid in advance) for a three year period.
- . An annual review of the agreement with potential to extend to agreement post the initial three year period.
- . Funds to be placed in a newly created Reserve Account for the specific purpose of funding initiatives included in Council's Strategic Plan
- . Management of the partnership via a committee who meets bi-annually. Membership of the committee to be the Mayor, CEO and two Newcrest Representatives. Councillors or other Newcrest Representatives are welcome to attend as observers and members may appoint alternatives.

### Consultation

The Chief Executive Officer and Mayor have met with Newcrest representatives (in-person and via phone) on several occasions to discuss this matter.

**Statutory Implications** Nil

**Policy Implications** Nil

### Strategic Planning Implications

The primary purpose of the new funding initiative is to assist Council in the implementation of its Strategic Plan. The development of the agreement is consistent with the following statements that are listed within the Draft 2006-2011 Strategic Plan

#### *Goal 2 – Mining*

*That the Town has developed strong working relationships with the mining industry that are achieving sustainable outcomes for the local community.*

#### *Strategy 1*

*Work with BHP, FMG, Dampier Salt, Newcrest Mining and others mining companies to implement their Community Development Plans.*

#### *Strategy 2*

*Actively seek contributions from mining companies towards the sustainable, development and operation of municipal services and infrastructure.*

### Budget Implications

As indicated above, the draft agreement proposes a \$100,000pa contribution for a period of three years with a potential expansion of the program post the initial three year period.

Council's most recent decision on this matter indicates that the benefits gained from this agreement should be at the level that Council would have gained had the Joint Venture proceeded. Quantifying this amount is very difficult as capital upgrade costs and financial returns are largely unknown and subject to negotiation with Newcrest and external influences.

For the purpose of comparison, a financial model was developed on the proposed Joint Venture agreement based on following assumptions :

#### *Agreement Details*

- . 20 year agreement

- . Council contribution = 42.21% of Capital Costs (inc capital upgrades when required), no maintenance contribution.
- . Lease Rental amount = 7% ROI
- . Rental increases = 2.5%pa

*Construction*

- . Initial Cost: \$8.0million
- . Ongoing Capital Upgrade Costs: 1.5% of initial investment pa (cumulative)

*Loan*

- . Council's initial capital contribution funded through 20 year fixed interest loan
- . Loan Interest = 6.25% pa with monthly repayments.

The following table indicates the cash flow implications under the above scenario.

	Rental Income	Loan Expenditure	Capital Upgrade Expenditure	Total
Year 1	236,376	454,977	50,652	-269,253
Year 2	242,285	454,977	51,412	-264,103
Year 3	248,343	454,977	52,183	-258,817
Year 4	254,551	454,977	52,966	-253,392
Year 5	260,915	454,977	53,760	-247,822
Year 6	267,438	454,977	54,567	-242,106
Year 7	274,124	454,977	55,385	-236,238
Year 8	280,977	454,977	56,216	-230,216
Year 9	288,001	454,977	57,059	-224,035
Year 10	295,201	454,977	57,915	-217,691
Year 11	302,581	0	58,784	243,798
Year 12	310,146	0	59,665	250,480
Year 13	317,899	0	60,560	257,339
Year 14	325,847	0	61,469	264,378
Year 15	333,993	0	62,391	271,602
Year 16	342,343	0	63,327	279,016
Year 17	350,902	0	64,277	286,625
Year 18	359,674	0	65,241	294,433
Year 19	368,666	0	66,219	302,446
Year 20	377,883	0	67,213	310,670
Total	6,038,144	4,549,770	1,171,260	317,114

The Nett result of the Joint Venture under the above assumptions (\$317,114) is slightly better than the proposed draft agreement with Newcrest (\$300,000),

**Officer's Comment**

Newcrest Mining has indicated a desire to work with Council to improve the quality of life within the Town. They have indicated a willingness to develop an agreement with Council to facilitate this.

While the agreement structure could have been a Joint Venture on a Capital Project or via sponsorship/partnership agreement, currently their strong preference is for the latter.

An draft agreement has been negotiated that seems to achieve both Newcrest and Council's objectives. Council has the options of:

- . Signing and sealing the agreement as is.
- . Continuing to negotiate with Newcrest
- . Pursuing the Joint Venture proposition

It is recommended that Council agree to proceed with the proposed agreement as it:

- . Is cash flow positive from year one
- . Has a high level of certainty
- . Is deliverable quickly
- . Is risk free
- . Has no legal costs associated with it.

#### **200506/265 Council Decision/Officer's Recommendation**

**Moved:** Cr T M Young      **Seconded:** Cr A A Carter

**That Council:**

- i) **approve the establishment of the Newcrest Mining/Council Joint Projects Working Group with the expressed purpose being to:**
  - a) **Discuss joint initiatives that may be appropriate between Newcrest Mining and Council; and**
  - b) **Recommend projects to Council for funding from the Newcrest Mining/ToPH Strategic Plan Implementation Reserve.**

**Note: The working group has no delegated authority to make decisions on behalf of the Council.**

- ii) **establish a new reserve account entitled Newcrest Mining Limited/ToPH Strategic Plan Implementation Reserve with the expressed purpose of the reserve being to use the funding for strategic projects as recommended by the Newcrest Mining Limited/Council Joint Projects Working Group; and**
- iii) **endorse the signing and sealing of the funding agreement between Newcrest Mining and Council as proposed.**

***CARRIED BY ABSOLUTE MAJORITY 6/0***

7:49 pm Cr G D Bussell re-entered the room and assumed his chair.  
Mayor advised Cr G D Bussell of Council's decision.



## ATTACHMENT TO AGENDA ITEM 11.4.3.1

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

Dear Councillor Martin

**Memorandum of Understanding – Port Hedland Community Partnership Programme**

**Purpose**

This Memorandum of Understanding (MOU) has been proposed to advance the common community interests shared by the Town of Port Hedland Council (“the Council”) and Newcrest.

The parties will work together to develop community-focused initiatives under a program to be provisionally named the “Community Partnership Programme”.

This MOU will not be a legally-binding on the parties but will be a commitment, adopted in good faith by each of our organizations, to meet the above purpose but with reference to the objectives set out below.

**Objectives of the Community Partnership Programme (CPP)**

The key priorities of the CPP will be:

- (i) to allow for increased funding for the Council to better provide recreational, cultural, and broader lifestyle development in the community;
- (ii) the renewal, upgrading or replacement of existing local infrastructure, community facilities and the town’s commercial and historical precincts to encourage sustainable businesses, residential stability and tourism;
- (iii) effective communication and cooperation between the Council and Newcrest; and,
- (iv) to provide an additional avenue of engagement for Newcrest’s community development policy.

**Implementation of the Community Partnership Programme**

It is proposed as follows: –

- Newcrest will provide supplementary funding to the Council of \$100,000 per calendar year for 3 years paid in annual installments in advance with the first payment being made as soon as the joint working group is established;
- The funds will be paid into an interest-bearing reserve account set up by the Council to fund initiatives included in the Council’s five year strategic plan. Use of the funds will be subject to approval by the joint working groups;
- Initiatives which are to be implemented must take into account the objectives of this MOU;

- Initiatives will be based on recommendations to the Council by a joint working group to be comprised of the Mayor (Chairman), two Newcrest representatives and the Council CEO;
- The working group will meet at least twice a year to discuss suitable initiatives, expenditure and other matters relating to community development or issues which are relevant objectives of this MOU;
- Councillors or Newcrest representatives who are not members of the joint working group will be welcome to attend meetings as observers and members may appoint alternates; and,
- Co-operative initiatives will aim to leverage additional funding from Government and other private sources.

#### **Term of the MOU and review**

The MOU will be for a term of three years, beginning on 1 January 2006 but subject to annual review to be conducted in the last quarter of each calendar year. At any time either party may withdraw from the MOU by notice to the other party.

The annual reviews will be conducted by the working group and will consider the success or otherwise of the Community Partnership Programme in meeting the objectives outlined in this MOU. Any relevant issues arising from the review will be presented to the Council and Newcrest. If the working group is unable to jointly agree on the recommendations, the issues will be addressed under the dispute resolution procedures outlined below.

It should be understood from the outset that the funding under the MOU would be reviewed in the event of a fundamental change in methodology to approved initiatives. However, Newcrest would not intend that Port Hedland Town Council should be worse off under any revised rating regime.

A review at the end of three (3) year term will be conducted to determine the effectiveness of the program and its renewal. Renewal shall be at the discretion of Newcrest.

#### **The roles of the Council and Newcrest**

It is not the intention of the MOU to influence the roles or responsibilities of either the Council or Newcrest. The MOU has been put in place to help the Council to carry out its community leadership role.

The Community Partnership Programme will have a specific focus on local government projects, to be managed by the Council with the support of Newcrest. Although the Community Partnership Programme will have an important consultative function via the working group, it will not replace any of the existing processes for major development assessment or seek to usurp the Council's discretion and independence.

Meeting the objectives of the MOU will depend on a cooperative approach to community development, based on regular communication and consultation. The Council and Newcrest recognize the value of a constructive relationship, based on mutual respect and goodwill.

#### **Dispute resolution**

At any time either party may give written notice of a dispute in relation to this MOU or its implementation. Within 10 business days of receipt of a notice the parties' representatives shall meet to attempt to resolve the dispute by discussions in good faith. In the case of Newcrest the representative will be the General Manager Telfer

Operations or his delegate and in the case of the Council the representative shall be the Mayor or his delegate.

If the parties are unable to resolve the dispute at the meeting the representatives of the parties must discuss whether the parties should attempt to resolve the dispute by conciliation or mediation by a person and under terms and procedures to be agreed. Should the parties not be able to resolve the dispute by mediation or do not wish to mediate then either party may withdraw from the MOU by notice in writing to the other party.

**Communication**

The working group will keep joint records of its meetings and produce regular bulletins on the program plans, projects and other discussions. These bulletins would be circulated to members of the Council and, where appropriate, the Port Hedland Community. The working group should also provide detailed annual briefings to the full Council and Newcrest management.

Yours sincerely

[insert signatory]

**Marco Zolezzi**  
General Manager Telfer Operations  
Newcrest Mining Limited

By its endorsement hereon the Town of Port Hedland agrees to enter into this MOU on the terms as herein contained.

[insert Council execution]

Dated insert date]

### **11.4.3.2 Adoption of the 2006-2011 Town of Port Hedland Strategic Plan (File No.: ADM-027)**

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 19 January 2006

**Disclosure of Interest by Officer** Nil

#### **Summary**

For Council to consider formally adoption the 2006-2011 Town of Port Hedland Strategic Plan.

#### **Background**

Over the past four months the Town of Port Hedland has undertaken research and community consultation with the Port Hedland community regarding the key priorities and directions for the Town for the upcoming five years. This information has been collated and condensed into the Draft 2006-2011 Town of Port Hedland Strategic Plan.

#### **Consultation**

The development of the plan has included extensive consultation and involvement of Council, staff and the general community. This involvement is briefly summarised below:

##### *Council*

- . 4 x informal briefing session discussions regarding the plan development, various feedback that had been received and the plan future steps for the completion of the plan.
- . Workshop to discuss key priorities and actions.
- . Involvement in community workshops and shopping centre display.
- . Analysis and consideration of comments received from the community regarding the Draft Strategic Plan.

##### *Staff*

- . 3 x staff workshops
- . Distribution of the Draft Plan to all staff for consideration and comment.
- . Workshop with Directors to determine timelines and priorities for individual strategies.
- . Regular updates through internal communication mechanisms.

##### *Community*

- . Comprehensive community survey
- . 2 x community workshops

- . Shopping Centre display
- . Direct Mail out to community groups, government agencies, industry and business groups and schools.
- . Presentations of survey findings draft plan directions to Government agencies and other interested groups.

**Statutory Implications**

Section 5.56 (1) of the Local Government Act states that:

*“A Local Government is to plan for the future of the district”*

The Strategic Plan and the Town’s Five Year Financial Plan (yet to be finalised) will become the Town of Port Hedland’s Plan for future as required under the Act

**Policy Implications** Nil

**Strategic Planning Implications**

The proposed Strategic Plan will replace the Town’s existing Strategic Plan which was last reviewed in 2003. The Plan will become the key resource planning document for Council.

**Budget Implications**

The Strategic Plan will be the primary tool used in the development of the 2006/07 budget and the Council’s proposed 5yr Financial Plan. The Financial Plan will indicate the resources that Council will commit towards the implementation and deliver of the plan Key Result Areas, Goals and Strategies.

**Officer’s Comment**

The development and implementation of its Strategic Plan is one of the key roles and functions of a Local Government Authority. The key to ensuring that the plan remains accurate and relevant is ensuring community involvement and regularly reviewing progress towards commitments that are made in the plan.

Once adopted, it is proposed to undertake quarterly reviews of the Strategic Plan to ensure that it is being implemented appropriately and continues to reflect goals and desires of the Council and the community. A major review of the Plan will be undertaken annually with additional strategies being identified that assist Council in achieving its goals.

**Officer’s Recommendation**

That:

- i) Council adopt the 2006-2011 Town of Port Hedland Strategic Plan; and
- ii) quarterly reports be presented to Council indicating the status of the plan implementation and highlighting any new issues that have arisen.

**200506/266 Council Decision**

**Moved:** Cr T M Young      **Seconded:** Cr A A Gear

**That:**

- i) **Council adopt the 2006-2011 Town of Port Hedland Strategic Plan with the following amendments:**

- . **Page 13, Goal 6 Community Safety (Strategy 1) - delete "...implement a...", insert "...develop and implement a new...";**
- . **Page 16, Goal 4 Land Development Projects (Strategy 2) – delete "...industrial land in accordance with the recommendations of the PHIL Strategy", insert "...residential and industrial land."**
- . **Page 19, Goal 2 Natural Resources (Strategy 1) – delete "...Foreshore...", insert "...Coastal Management..."**

**and**

- ii) **quarterly reports be presented to Council indicating the status of the plan implementation and highlighting any new issues that have arisen.**

**CARRIED 7/0**

*REASON: Council made the following amendments to the 2006-2011 Town of Port Hedland Strategic Plan:*

- . *Page 13, Goal 6 Community Safety (Strategy 1) - delete "...implement a...", insert "...develop and implement a new...";*
- . *Page 16, Goal 4 Land Development Projects (Strategy 2) – delete "...industrial land in accordance with the recommendations of the PHIL Strategy", insert "...residential and industrial land."*
- . *Page 19, Goal 2 Natural Resources (Strategy 1) – delete "...Foreshore...", insert "...Coastal Management..."*

7:58 pm Cr T M Young declared a financial interest in Agenda Item 11.4.3.3 'BHP Billiton Community Consultation Group – Expression of Interest Membership 2006' as she owns BHP Billiton shares and her husband is employed by BHP Billiton.

7:58 pm Cr T M Young left the room.

**11.4.3.3 *BHP Billiton Community Consultation Group – Expression of Interest Membership 2006 (File No.: ORG-012)***

<b>Officer</b>	Heather Logie Research Officer
<b>Date of Report</b>	16 January 2006
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Seeking expression of interest for membership to the BHP Billiton new Community Consultation Group (CCG) in 2006.

**Background**

BHP Billiton Iron Ore (BHPBIO) Community Consultative Group (CCG) was established in 2001. The original intent of the CCG was to be a key mechanism for the community and stakeholders to express directly to BHPBIO and Boodarie Iron Ore mutual areas in relation to the way BPHIO interacted with the community. It was also intent that the CCG would have the opportunity to understand operational matters by being regularly informed by BHPBIO and Boodarie Iron on these activities.

A review and independent evaluation of the activities of the CCG was conducted in November 2005 and new guidelines were developed to more effectively reflect the current expectations and needs of both BHPBIO and the community.

The Terms of Reference for the role of the CCG is to:

- . Maintain interactive communications between BHP Iron Ore, key stakeholders and the community.
- . Share information (between BHPBIO and the community).
- . Identify community issues and provide advice.
- . Relate the community's position to BHPBIO in relation to certain issues and initiatives.

- . Identify with whom and how BHPBIO and the CCG should communicate.
- . Provide regular feedback to the community.
- . Provide regular feedback and suggestions to BHPBIO for the benefit of the community e.g. induction for new workers to the local community.

The new structure of the CCG consists of up to 15 members. BHPBIO representative group will nominate six positions of those fifteen. Of the remaining positions, (and during the transition phase 2006) the CCG Chair will select four members from the current membership (reflective of the proposed community representatives list) and BHP Billiton Iron Ore will select the remaining positions (from the proposed community representatives list).

The Chief Executive Officer has received an invitation to join the 2006 CCG representing the interest of local government.

Under the new membership structure there is only one Council representative on the CCG. As there is substantial interest from Councillors to be involved with the CCG it is suggested that the Chief Executive Officer declines the invitation for membership and an interested Councillor would be nominated to the CCG for selection to represent the interest of local government.

A copy of BHP Billiton Iron Ore Community Consultative Group Guidelines including the criteria for selection of members is available for perusal.

<b>Statutory Implications</b>	Nil
<b>Policy Implications</b>	Nil
<b>Strategic Planning Implications</b>	Nil
<b>Budget Implications</b>	Nil

#### **Officer's Comments**

Membership of the former structure of the CCG included two (2) Councillor representatives.

#### *Representation on External Organisations*

From time to time Council is requested to nominate a Council member to represent the Council on committees of external organisations. Sometimes the constitution of the external organisation requires Council to nominate a representative.



Council may also require a Council of staff member to be a representative where Council's interests need to be protected, for example where Council contributes to the organisation financially or otherwise.

External organisations will be informed in writing of Council representatives. Where appropriate, the external organisation and the Council representative/s are to determine the extent of representation required e.g.; attendance at all meetings, attendance at meetings only when necessary, acting as a contact person.

#### **Officer's Recommendation**

That BHP Billiton Iron Ore Port Hedland be advised in writing that:

- i) Cr \_\_\_\_\_, is nominated to represent Local Government on the Community Consultative Committee, and
- ii) Cr \_\_\_\_\_, is nominated as Cr \_\_\_\_\_'s, proxy.

#### **200506/267 Council Decision**

**Moved:** Cr S F Sear      **Seconded:** Cr A A Carter

**That BHP Billiton Iron Ore Port Hedland be advised in writing that:**

- i) **Cr A A Gear is nominated to represent Local Government on the Community Consultative Committee, and**
- ii) **Cr D R Pike is nominated as Cr A A Gear's proxy.**

**CARRIED 6/0**

*REASON: Council nominated Cr A A Gear to represent the Town on BHP Billiton's Community Consultative Committee, and Cr D R Pike as his proxy.*

8:01 pm Cr T M Young re-entered the room and assumed her chair.  
Mayor advised Cr T M Young of Council's decision.

**ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL****12.1 Governance and Administration****12.1.1 *Lot 99 Greenfield Street, Boodarie – Planning Compliance Issue (File No.: A154434G)***

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 25 January 2006

**Disclosure of Interest by Officer** Nil

**Summary**

This report summarises current status of enforcement of Council decision in relation to Lot 99 Greenfield Street, Boodarie and seeks Council direction on the preferred manner to deal with this matter.

**Background**

Since late August 2004, Council officers have been consulting with Mr and Mrs Brockman of 99 Greenfield Street, Boodarie regarding unapproved developments that are on their freehold lot. The developments include a caravan that is being used as a primary dwelling, sea containers and an ablution block. No planning, building or health approvals have been obtained from Council for any of these structures.

Council has considered this matter on several occasions with the following formal Council decisions being made:

*20 October 2004 – Council Decision*

That Planning Consent not be granted to IR and MJ Brockman for a moveable dwelling at Lot 99 (60) Greenfield Street, Boodarie as the use is not permitted in the Rural Residential Zone as stated in the Zoning Table of Town of Port Hedland Town Planning Scheme No.5.

*25 May 2005 – Council Decision*

That McLeod Solicitor's and Barristers be advised to instigate legal action on behalf of the Town of Port Hedland against IJ and MJ Brockman for unauthorised activities under the *Town Planning and Development Act 1928, Local Government (Miscellaneous Provisions) Act 1960, Health Act 1911 and Caravan Parks and Camping Grounds Act 1995* at Lot 99 (60) Greenfield Street, Boodarie.

*23 November 2005 – Decision under Delegated Authority*

Refusal of planning application for approval of existing structures on the grounds that they are not compliant with the Town Planning Scheme No 5.

On 4 August 2005, Senior Sergeant Gore of the WA Police served a Direction on the Brockman's, which required them to remove the moveable dwelling, ablution block and sea containers from the land within 60 days.

On 17 October 2005, a letter was sent to the Brockman's advising that the Direction period had expired and no action had been taken. The letter indicated that the landowners had seven (7) days to send a written response to Council providing any reason(s) why Council should not instigate legal proceedings.

While no formal response was provided in relation to the letter of the 17 October 2005, on the 20 October 2005 Mrs Brockman applied for planning, building and health permits for the existing structures. From a health and building perspective the structures were considered to be compliant, but approval was not given from a planning perspective and a refusal notice was sent.

In addition to the request for approvals of existing structures, in late 2005 the landowners successfully applied for the construction of a new single house on the block. This includes planning, building and health approvals.

The landowners appealed the planning permit refusal for the existing structures to the State Administrative Tribunal (SAT). Directions Hearings were held regarding this matter on 17 and 24 January 2006. At both directions hearings the SAT sought a mediated solution to the issue.

The SAT have written to Council advising (in part) that:

*"...the Town ought to consider suspending its enforcement operations while, under the auspices of the Tribunal, negotiating on any practical steps to ameliorate current conditions and shifting the focus to a timetable of documented steps to ensure the applicant's house arrives as soon as possible. The Tribunal respectfully requests that the Town gives consideration to this recommendation as part of mediation."*

The landowners have advised that Fleetwood Durabuilt will be delivering a new house to the property in June 2006, and that existing unapproved structures will either be removed or modifications made to them to make them compliant.

### Consultation

Over the past 18 months several Council officers have discussed the application process with the landowners. Despite numerous discussions regarding the compliance requirements and processes, compliance has not been achieved and is unlikely to be achieved within the next six (6) months.

### Statutory Implications

The current use and development of Lot 99 Greenfield Street, Boodarie is in breach of a number of statutory requirements. These include:

- . TPS 5 – Movable dwellings (such as caravans) are not permitted uses in a rural residential area. As this is an 'X' use Council has no discretion on this matter.
- . Caravan & Campground Regulations – Do not permit using a caravan as a permanent dwelling for greater than 6mths

### Policy Implications

In addition to statutory breaches the development is in breach of some Council policies. This is briefly explained below.

Council's Policy 13/006 'Permits to Camp on Private Property' states (in part) that Council may approve camping (including in caravans):

*"... for any period up to twelve (12) months where the person owning or having a legal right to occupy the land and camping in a caravan on the land while a building licence issued to that person for the construction of a single dwelling in respect of the land is in force subject to*

- a) *the Council's Environmental Health Services certifying that the premises have been inspected and that they comply with health and safety requirements every three (3) months of the approved period; and*
- b) *the siting of an occupied caravan on the premises not breaching the current Town of Port Hedland Town Planning Scheme nor the local laws; and*
- c) *approval for more than one (1) caravan on premises being referred to Council for a decision ..."*

The current transportable dwelling on 99 Greenfield Street, Boodarie is in breach of this Council Policy 13/006 'Permits to Camp on Private Property'.

Council Policy 12/007 'Shipping and/or Sea Container Policy' states the use of sea containers for storage purposes is subject to Council approval. The Policy requires planning and building approvals to be issued prior to relocation taking place. Two (2) sea containers have been relocated to the subject property with no approvals being issued.

In relation to the use of sea containers in a Rural Residential Zone, the Policy requires them to be suitably screened and/or fenced from the road frontage, painted and limited to a single container per property. One (1) of the sea containers has been painted in a similar manner to other structures on the site, but is not screened from view from the road frontage. The second container is unpainted, and is also in full view of from the road frontage.

As currently located and treated, the sea containers on the property do not comply with Council's Policy.

### **Strategic Planning Implications**

Nil

### **Budget Implications**

Council has incurred legal costs to its current status along with a substantial amount of officer time. The payment of these legal costs and officer time is within Council's budget resources.

### **Officer's Comment**

Council has commenced legal enforcement proceedings on this matter. Council's legal position on this matter is unquestionable, as Council has the right and responsibility to manage the use of development of land within its district in accordance with the Town Planning Scheme and adopted Council policies.

Clearly this development falls outside of both the Scheme and Council policy provisions.

While Council is completely within its rights to continue with prosecution on this matter, it could be argued that the time and resources spent on prosecution is likely to prove to be fruitless, as by the time enforcement is enacted through the legal system the issue may be resolved via the installation of new approved structures.

Council has the options of continuing to vigorously pursue enforcement or may elect to suspend enforcement to allow additional time for the Brockman's to comply. While the SAT has indicated that it believes that suspension of enforcement is appropriate, this is not a binding decision on the Council.

**Officer's Recommendation**

That Council advise the State Administrative Tribunal (SAT) and IJ and MJ Brockman that Council:

- i) is willing to suspend enforcement operation on the unapproved developments at 99 Greenfield Street, Boodarie on the following conditions:
  - a) written commitment be received by Council from I J and M J Brockman advising that only Council approved structures will be located on the subject site by the 30 August 2006; and
  - b) regular reviews being held with the SAT to discuss progress towards reaching compliance;and
- ii) reserves the right to reinstate enforcement should reasonable efforts not be taken to meet the 30 August deadline.

**200506/268 Council Decision**

**Moved:** Cr G D Bussell      **Seconded:** Cr T M Young

**That on the recommendation of the State Administrative Tribunal (SAT), Council advise the SAT and IJ and MJ Brockman that Council:**

- i) **is willing to suspend enforcement operation on the unapproved developments at 99 Greenfield Street, Boodarie on the following conditions:**
  - a) **written commitment be received by Council from I J and M J Brockman advising that only Council approved structures will be located on the subject site by the 30 August 2006; and**
  - b) **regular reviews being held with the SAT to discuss progress towards reaching compliance;**and
- ii) **reserves the right to reinstate enforcement should reasonable efforts not be taken to meet the 30 August deadline.**

***CARRIED 7/0***

*REASON: Council indicated that it wished the resolution to reflect that it was taking this action based upon the recommendation from the State Administrative Tribunal (SAT).*

**12.2 Community Services****12.2.1 Grant Agreement Deed of Contract Department for Community Development and Town of Port Hedland (File No.: AGR-080)**

**Officer** John Cornelder  
Manager Community Services

**Date of Report** 13 January 2006

**Disclosure of Interest by Officer** Nil

**Summary**

The State Government has extended its grant for the operation of the Volunteer Resource Centre from the date of the signing of the contract, to end on 31 December 2006, thus ensuring the continued operation of the Volunteer Resource Centre at no cost to Council.

**Background**

The Hedland Volunteer Resource Centre operates on combined grants from both State and Federal Governments, both components ensuring that there is no cost to Council in the operation of the Community Services Department.

The State Government has already increased its funding by \$2,500 for the financial year 2005/2006, and this is part of the approved current budget. This renewed agreement assures that the funding continues up to, and including 31 December 2006.

Both of these components have been entered into the 2005/06 budget and ensure that the Hedland Volunteer Resource Centre will operate at nil cost to Council.

As this contract requires the Seal of the Town of Port Hedland to be affixed, it is requested that Council authorises Seal be affixed and the Chief Executive Officer sign the document, to enable this administrative matter to be finalised to the satisfaction of the Department of Community Development, the WA State Government funding body.

**Consultation**

Government for Community Development (State Funding Body)  
Department of Community Services

**Statutory Implications** Nil



**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment**

The Volunteer Resource Centre has been a very valuable service to the community and has been recognised as such by the community and funding bodies alike.

As this service operates at no cost to Council, it is recommended that Council agrees to the attachment of the Town of Port Hedland Official Seal, so that the matter is finalised for the financial year 2005/2006, and the first half of the financial year 2006/2007.

**200506/269 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter      **Seconded:** Cr A A Gear

**That:**

- i) **Council endorses the Grant Agreement between the Department for Community Development Office for Senior Interest and Volunteering and the Town of Port Hedland for the Volunteer Resource Centre Program January 2006, which extends the contract to 31 December 2006; and**
- ii) **the Common Seal be affixed and the Chief Executive Officer be authorised to sign and to execute the Agreement on Council's behalf.**

***CARRIED 7/0***

## ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

**13.1 Council Representation on the Turtle Interpretive Centre Committee/Working Group**

**Moved:** Cr G D Bussell

That Council determine representation on the Turtle Interpretive Centre committee/working group.

**Officer's Comment**

The Turtle Interpretive Centre Committee is coordinated by the Pilbara Development Commission (PDC). The group is meeting to discuss the location and nature of development expenditure for the \$1million commitment provided by the State Government to develop appropriate facilities in Port Hedland. The group is not formal in nature and has legislative power or delegated authority. Council staff have attended the meeting at the request of the PDC. The membership on the committee is at PDC's discretion. Council could request that a specific Councillor and/or staff member be Council's representative on the committee.

(Note: Meetings are usually held mid morning during the working week)

**200506/270 Council Decision**

**Moved:** Cr A A Carter      **Seconded:** Cr S F Sear

**That Council seek Cr G D Bussell to be nominated as Council's representative on the Turtle Interpretive Centre committee/working group, co-ordinated by the Pilbara Development Commission (PDC).**

**CARRIED 7/0**

**13.2 Council Representation on the Community Safety Committee**

**Moved:** Cr G D Bussell

That Council appoint its representation on the Community Safety and Crime Prevention committee/working group.

***MOTION WITHDRAWN***

**Officer's Comment**

At a special meeting of Council held on 8 of July 2005 Council formed the Community Safety Committee under the powers available to it under the Local Government Act. The nominated Council representatives on the committee were the Mayor, Cr Arthur Gear, Councillor Shane Sear, the Chief Executive Officer and the Director Regulatory and Community Services along with 11 other government and community representatives.

While the committee is yet to formally meet, a meeting of the signatories to the 2002 Community Safety Plan was held on Friday 2 December 2005 to discuss the current status of the plan and the most appropriate manner in which to progress this issue. As a result of this meeting the Office of Crime Prevention is hosting a planning day on 3 February between 8.00am and 4.00pm. All identified Community Safety Plan committee members will be invited to attend this meeting along with all Councillors and interested community members/groups.

One of the likely outcomes of this meeting will be the determination of the most appropriate mechanism to 'drive' the implementation and review of the plan.

**13.3 Use of Recording Equipment to Record Future Council Meetings**

**Moved:** Cr G D Bussell

That the CEO be directed to check and repair if necessary recording equipment in the Council Chambers and that future Council meetings be recorded.

**Officer’s Comment**

The microphones and recording equipment in the Council Chamber are in working order.

Clause 20.3 of Council’s Standing Orders Local Law states that “Any person shall not use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given the permission by the Chairperson to do so.” Council is currently in the process of reviewing its Standing Orders Local Law with the first step being a survey of Councillors to determine their views on potential changes to the Local Law.

It should be noted that electronic recording of the minutes creates some additional record keeping administration as the State Records Act requires Council to keep a copy of the electronic recording will need to be kept in perpetuity.

**200506/271 Council Decision**

**Moved:** Cr G D Bussell      **Seconded:** Cr A A Gear

**That the Chief Executive Officer be directed to check and repair if necessary recording equipment in the Council Chambers and that future Council meetings be recorded.**

**CARRIED 6/1**

*NOTE : Cr T M Young requested the votes be recorded.*

*Record of Vote:*

<b>FOR</b>	<b>AGAINST</b>
Cr S R Martin	Cr T M Young
Cr A A Carter	
Cr G D Bussell	
Cr A A Gear	
Cr D R Pike	
Cr S F Sear	

**13.4      *Town of Port Hedland's Aboriginal Employment Strategies***

**Moved:** Cr G D Bussell

That the CEO be directed to report to Council the current proportion of aboriginal employees at the Town of Port Hedland and prepare recommendations on aboriginal employment strategies and targets over the course of the new Plan for the Future/Strategic Plan.

**Officer's Comment**

This matter was discussed by the Council at the January Briefing session and an appropriate strategy has been included with the Draft Strategic Plan which is being considered as a component of this Council Agenda.

**200506/272 Council Decision**

**Moved:** Cr G D Bussell      **Seconded:** Cr A A Gear

**That the Chief Executive Officer be directed to report to Council the current proportion of aboriginal employees at the Town of Port Hedland and prepare recommendations on aboriginal employment strategies and targets over the course of the new Plan for the Future/Strategic Plan.**

***CARRIED 7/0***

**13.5            *Timetable for the Preparation of the New Town Planning Scheme No. 6***

**Moved:** Cr G D Bussell

That the CEO prepare for Council's information a timetable for the preparation of the new Town Planning Scheme 6.

**Officer's Comments**

Prior to the development of a new planning scheme Council is required to develop a Local Planning Strategy (LPS). An LPS is a 15-20 year land use planning document for the district and a Planning Scheme covers the anticipated development issues for the forthcoming 5-10 years.

Currently in Western Australia, LPS's are generally taking between 18 months and 2 years to complete. The Department of Planning and Infrastructure is currently preparing a scoping document for the LPS. The preparation of the LPS will be the key project for the new Manager Town Planning when they commence.

**200506/... Council Decision**

**Moved:** Cr G D Bussell            **Seconded:**

That the CEO prepare for Council's information a timetable for the preparation of the new Town Planning Scheme 6.

*MOTION LAPSED FOR WANT OF SECONDER*

**13.6      *Additional Items for Strategic Plan***

**Moved:** Cr G D Bussell

That the following Goals be included in the new plan for the Future/Strategic Plan:

- a.    Structure Plan for the Northern entry to the Town.
- b.    A workshop or conference of local business leaders to contribute to the development of an Economic Development Strategy for the Town.

*MOTION WITHDRAWN*

**Officer's Comment**

The development of a Structure Plan for the Northern entrance to the Town will be encompassed in the development of the Town's Local Planning Strategy. An appropriate strategy regarding the proposed conference has been included within the Draft Strategic Plan which is being considered by Council as a component of this Agenda.

**ITEM 14 CONFIDENTIAL ITEMS**

Nil.

**ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**200506/273 Council Decision/Officer's Recommendation**

**Moved:** Cr T M Young      **Seconded:** Cr A A Gear

**That the following Application for Leave of absence:**

.      **Cr D R Pike – 18 February 2006 to 8 March 2006, inclusive  
be approved.**

***CARRIED 7/0***

**ITEM 16 CLOSURE**

**16.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday  
22 February 2005, commencing at 5.30 pm.

**16.2 Closure**

There being no further business, the Chairman declared the meeting  
closed at 8:30 pm.

**Declaration of Confirmation of Minutes**

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of  
23 February 2006.

CONFIRMATION: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE