



## **Town of Port Hedland**

### **MINUTES**

### **OF THE**

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

### **HELD ON**

**WEDNESDAY, 28 JUNE 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”**

Minutes are provided on the strict understanding that all terms whether deemed expressed or implied do not purport to record the proceedings of Council until confirmed by resolution of Council.

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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 5:00 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  
Cr G J Daccache  
Cr A A Gear  
Cr J M Gillingham  
Cr D R Pike  
Cr S F Sear

Mr Chris Adams	Chief Executive Officer
Mr Matthew Scott	Director Corporate Services
Mr Grant Logie	Director Engineering Services
Ms Gaye Stephens	Executive Assistant

Members of Public	10 (including Manager Building Services)
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**2.2 Apologies**

Mr Terry Sargent	Director Regulatory and Community Services
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**2.3 Approved Leave of Absence**

Nil.

**ITEM 3 RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE****3.1 Questions from Public at Ordinary Council Meeting held Wednesday 24 May 2006****4.1.1 Mr Chris Whalley**

*In reference to my previous question at the last Council Meeting, would Council give an update on the latest developments concerning the repairing of street lights not working and installing new road names where there are none?*

Street light repairs are the responsibility of Horizon Power. All faults can be reported to Horizon Power on 1800 264 914.

Staff regularly checks for missing or damaged street name signs. We are currently waiting for an order to arrive, with the signs being installed once they are received. All missing or damaged street name signs can be reported to the Depot on 9158 9700.

#### **4.1.2 Miss Kelly Howlett**

*Can Council ask the Department of Environment why volatile organic compounds were not tested for?*

The sampling that was undertaken following Miss Howlett's complaint, was initiated by the Management of Oil Energy Corporation in consultation with the Town of Port Hedland and the Department of Environment (DoE).

The DoE were satisfied with the testing parameters and did not request analysis for volatile solvents because these compounds, by their very nature dissipate quickly and therefore would not be in high concentrations in the lagoons from which a spillage or overflow was alleged to have occurred. The analysis was undertaken on the suite of compounds that would best indicate if there had been an overflow and consequent threat to the environment.

#### **4.1.3 Mrs Jan Ford**

*The Port Hedland Enquiry by Design was endorsed by State Cabinet in June 2005. The recommendations included a limit of 200 lots to be developed at Pretty Pool/Cooke Point with the balance of development to be 'very long term'. They also included that zoning of the residential area in the West End/Town Centre be reduced to R12.5. Is Council aware that Cabinet endorsement of these recommendations constitutes State Government policy?*

Council is working with the State Government to ensure that land is released in Port and South Hedland in a timely manner. We believe we are having substantial progress, but unfortunately there are time details in approvals processes and development timeframes.

*If Council doesn't support the recommendations of the Enquiry by Design, will Council request the State Government to reject these recommendations to enable more dwellings to be provided to meet the pressing accommodation needs of the resources companies, small businesses and residents of Port Hedland?*

Council is seeking the release of land as quickly as possible to meet current and future needs.



*Will Council support the development of land and property in these locations where this development is in accordance with Town Planning Scheme No. 5?*

Council will consider applications on planning merit, taking into account community wishes and concerns.

Council will continue to work with Government, and other stakeholders to enable the development of residential land in the Town of Port Hedland and will support the development of land that meets the requirements of the Council's Town Planning Scheme and other statutory obligations.

### **3.2 Questions from Members at Ordinary Council Meeting held Wednesday 24 May 2006**

#### **5.2 Councillor Arthur A Gear**

*What is the status of changes to the Emergency Services Act and any changes being implemented by FESA?*

Generally, Council will have greater powers under the new *Emergency Services Act* in regards to enforcement of property clean up and recovery phase. Council is responsible for the implementation of Local Community Emergency Management Arrangements (being presented to Council at its Ordinary Meeting to be held in June 2006), which includes Aboriginal Communities. FESA are currently assessing information collected from consultative meetings before detail is inserted into the new Act. Council will be advised when this occurs.

*As the facility is leased from Council by the Port Hedland Turf Club, should approval have been sought for the installation of new boundary fencing, of which is substandard?*

The facility is not leased to the Port Hedland Turf Club Inc., but is hire to the Turf Club for each event. It is believed no permission was sought regarding the upgrading of the boundary fence, and Council's Regulatory and Community Services will be conducting an investigation on the suitability of the new structure.

*As access is no longer available to Paradise and Cowrie Creeks, can Council please undertake a community survey to determine if the community wants access to these locations, then lobby State Government?*

There is no provision in the current or proposed budget specifically identified to undertake such a survey. This matter will be raised with the agencies/individuals who have tenure over the land.

**5.4 Councillor Arthur A Gear**

*Is the guard rail installed correctly on the footpath outside the Port Hedland Regional Hospital?*

The guard rail adjacent to the Sutherland Street footpath near the hospital has been supplied and installed as per designs submitted by Connell Wagner and as per Australian and Main Roads Standards.

**5.8 Councillor Grant D Bussell**

*How much has Council spent in the 2004/05 and 2005/06 financial years on petrol and diesel.*

The following table details Council's fuel expenses for both 2004/05 and 2005/06 financial years:

	2004/05 Fuel Expenses			2005/06 Fuel Expenses		
	PETROL/ Other \$	Diesel \$	Total \$	PETROL/ Other \$	Diesel \$	Total \$
<b>July</b>	2,193.79	18,331.89	20,525.68	3,251.24	22,338.87	25,590.11
<b>Aug</b>	2,405.88	21,939.24	24,345.12	3,501.46	21,107.91	24,609.37
<b>Sep</b>	2,827.05	22,535.66	25,362.71	4,061.29	26,184.87	30,246.16
<b>Oct</b>	3,032.42	22,512.93	25,545.35	4,743.81	29,024.98	33,768.79
<b>Nov</b>	3,158.01	21,679.90	24,837.91	4,375.61	24,971.12	29,346.73
<b>Dec</b>	2,758.51	17,745.25	20,503.76	3,892.40	22,101.35	25,993.75
<b>Jan</b>	2,350.48	18,839.07	21,189.55	3,563.56	27,423.42	30,986.98
<b>Feb</b>	2,674.79	24,469.26	27,144.05	3,669.88	36,290.92	39,960.80
<b>Mar</b>	3,071.85	24,600.46	27,672.31	4,272.96	36,452.67	40,725.63
<b>April</b>	2,564.47	28,064.68	30,629.15	4,905.58	32,593.68	37,499.26
<b>May</b>	3,591.24	22,285.69	25,876.93			
<b>June</b>	3,130.74	22,055.00	25,185.74			
<b>Total</b>	32,617.94	261,709.55	<b>294,327.49</b>	38,506.60	277,135.52	<b>315,642.12</b>

**ITEM 4 PUBLIC TIME****4.1 Public Question**

5:31pm Mayor opened Public Question Time.

**4.1.1 Mr Bob Neville**

*It has been determined that planning for the installation of a reticulation system for the Marie Marland Reserve in South Hedland has been ongoing since at least November 2005, why were the main users of this reserve; primarily the Port Hedland Softball Association, Cougars Rugby League Club and the Port Hedland Baseball Association, not consulted about the plans during this time?*

Mayor advised this question will be taken on notice.

*Why were fixtures for both the Port Hedland Softball Association and the Cougars Rugby League Club accepted by Council prior to the sports' season start in may 2006, along with a letter furnished by Council to the Clerk of Courts giving permission for liquor to be consumed on the Marie Marland Reserve on the dates when the ground is to be closed for reticulation works?*

Mayor advised this question will be taken on notice.

*The President of the Port Hedland Softball Association, Shane Jamieson, received a telephone call from Council on the 6<sup>th</sup> June 2006, notifying him that the works were due to commence in a few weeks, why was the Port Hedland Softball Association not notified of the maintenance works at the first opportunity (the first written notice was received on the 12<sup>th</sup> June)?*

Mayor advised this question will be taken on notice.

*Why has Council not offered the sporting bodies any assistance to set up new playing grounds, including erection of safety fences and nets and marking of grounds, for the 2-3 weeks they cannot play on the Marie Marland Reserve?*

Mayor advised this question will be taken on notice.

*As the works were contracted out and involved the Water Corporation of Western Australia, will Council furnish the Port Hedland Softball Association with the details of the contract, and in particular the date the contract to complete the works was finalised?*

Mayor advised this question will be taken on notice.

*Why was the reticulation works scheduled during he busiest sporting time of the entire year?*

Mayor advised this question will be taken on notice.

*Does the Port Hedland Softball Association have to remove the existing safety nets, back-nets shade structures, etc. prior to the reticulation works commencing?*

Mayor advised this question will be taken on notice.

*Will the Council pay for any damage to any Port Hedland Softball Association safety equipment or shade structures due to the reticulation works?*

Mayor advised this question will be taken on notice.

*Prior to installing the reticulation system on the Marie Marland Reserve, will Council and the Water Corporation and the contractor consult with the sporting groups in relation to the placement of the sprinkler heads to ensure they do not create a safety hazard to the players of all three codes of sport?*

Mayor advised this question will be taken on notice.

*Will Council tonight consider partially compensating the Port Hedland Softball association for lost income, mobilisation costs, light usage and inconvenience caused to the executive and all players of their sport by waiving the user fees and any lighting costs attributed to the reticulation works?*

Mayor advised this question will be taken on notice.

*An email was sent to the Mayor and Councillor Gillingham on the 14th June in relation to this issue, requesting that the Mayor become involved in the issue as it appeared that "no-one cares", however no response has been received from either the Mayor or Councillor Gillingham, why is that?*

Mayor apologised to Mr Neville for not personally replying to his email, and further advised he had requested the Chief Executive Officer to do everything he could to assist sporting groups affected by the planned reticulation works.

*Will the Council allow the executive of the Port Hedland Softball Association to join with them and the Water Corporation to inspect the completed works prior to any sport being played on the Marie Marland Reserve, to ensure no safety issues have arisen from the reticulation works and any damage caused to infrastructure?*

Mayor advised this question will be taken on notice.

*Are Councillors aware that as late as Monday this week the contractors turned off all power to the Marie Marland Reserve, again without any consultation with the sporting groups, which caused further costs to sporting clubs through loss of perishable items stored in refrigerators within the designated kiosks?*

Mayor advised this question will be taken on notice.

**4.1.2 Miss Kelly Howlett**

*In regards to the drafting and development of Agenda Item 11.2.2.3 'Application for Planning Approval for 52 Additional Transient Workforce Accommodation Units at Lot 300 Schillaman Street, Wedgefield' was any legal advice sought for condition 'o)' [condition o) being prior to occupation the owner enter into a formal agreement with Council stating that: I) they are aware of the potential impacts of emissions and odours associated with being located in proximity to all, or particular developments, within the Wedgefield industrial area, and ii) Council is not liable for any damage caused by exposure to emissions, risks or hazards and not legal action shall be taken against Council in this regard].?*

Chief Executive Officer advised that no legal advice was sought to his knowledge.

*If no, why not?*

Chief Executive Officer advised Council's planning staff are qualified to write planning conditions.

*Has the formal agreement between the Town of Port Hedland the proponents as per condition 'o)' been formally concluded?*

Chief Executive Officer advised no.

*If not, what timeframe do you put on this condition being completed?*

Chief Executive Officer advised planning approval is granted for a period of twenty-four (24) months.

*Isn't that period for development 'prior to occupation'?*

Chief Executive Officer confirmed planning approval is granted for a period of twenty-four (24) months.

*In regards to condition 'p)' has this condition been inspected as completed? If yes, are the signs in place effectively saying "live here at your own risk", or if no, when will this normally 'prior to occupation' condition be completed?*

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

*In regards to condition 'q)' [condition q) being the proponent is to employ an Environmental Specialist to undertaken an independent assessment of the odours and emissions and implement appropriate measures as necessary following the completion of the assessment] has this normally prior to occupation condition been completed? If so, who was/were the Environmental Specialist who conducted the independent assessment; and can the public request a copy given that any recommendations/management measure may have a flow on effect to nearby properties that are in the same area; If no, when will this normally 'prior to occupation' condition be completed?*

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

*With each of these normally 'prior to occupation' conditions, if they are not already completed, how long will the Town of Port Hedland allow for completion?*

Chief Executive Officer advised the approval will progress through the normal planning process to ensure compliance within a reasonable timeframe. In the event of any non-compliance, the matter will be presented to Council for consideration.

*Would the Town of Port Hedland consider taking legal action if any of these normally 'prior to occupation' conditions remain uncompleted after a reasonable time?*

Mayor advised it is part of Council's planning process to consider seeking legal advice if conditions of a planning application are incomplete after a reasonable timeframe?

*At the Ordinary Council Meeting held in May, the Care for Hedland Environmental Association requested that Council ask the Department of Environment for a copy of the runoff water sampling that took place on 30<sup>th</sup> March 2006, and the Director advised Council had a copy of the results; then when I followed up with the question of could we please obtain the sampling results and the answer returned was "yes" from Deputy Mayor Arnold Carter who was presiding at the time –*

*can the Minutes of the Ordinary May Council meeting be altered to reflect the three questions that were asked (including a request for a copy of the sampling results from the Care for Hedland Group) as well as the response from Council staff that we could receive a copy of the results; and*

*a month has since passed and it seems as we are still unable to view the sampling results (a total of 13 weeks have now since passed since the initial event), are we able to get a copy of the results as promised?*

Chief Executive Officer confirmed the Minutes of the Ordinary Meeting of Council held in May can be changed to reflect Miss Howlett's questions correctly, if they have not been accurately recorded.

Chief Executive Officer advised a copy of the sampling results from Oil Energy will be forwarded to the Care for Hedland Environmental Association Inc.

*If Oil Energy is operating within their licence conditions, why is contaminated discharge affected soil surrounding the entire perimeter of the premises?* [soil sample provided to Mayor, and photo distributed to all Councillors]

Mayor advised he will bring the matter to the attention of the Department of Environment tomorrow morning. Mayor advised that he assumes Oil Energy is compliant with the requirements of the Department of Environment, as to date Council is unaware of any indication to the contrary.

Mayor advised the Department of Environment will be requested in writing to assure Council that Oil Energy is compliant with the Department's requirements.

**4.1.3 Mrs Jan Ford**

The Port Hedland Community Progress Association have written to the Chief Executive Officer advising of its strong support for an Extraordinary Election to be held to fill the Councillor vacancy resulting from Councillor Young's resignation, consistent with section 4.8(l) of the Local Government Act 1995, as this is not included in the attachments of tonight's Agenda, will the letter be considered by Council in conjunction with tonight's Agenda Item?

Chief Executive Officer confirmed the letter will be considered by Council when the item addressing Council's vacancy is considered later in the agenda.

Chief Executive Officer advised a copy of the letter [emailed to Councillors 13 June 2006] was not included in the attachments in error by administration staff.

5:47 pm Mayor closed Public Question Time.

**4.2 Public Statements**

5:47 pm Mayor opened Public Statement Time.

Nil.

5:47 pm Mayor closed Public Statement Time.

**ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE****5.1 Councillor Arthur Gear**

*I have noticed that South West Creek has a lot of water in it recently, which may be attributed to current non-use of treated effluent for watering purposes as a result of the waste water reuse scheme works being undertaken; could Council please investigate if the water in South West Creek contains effluent, and if so, take immediate action to rectify the situation?*

Chief Executive Officer advised the matter will be investigated.

**5.2 Councillor Jan Gillingham**

Councillor Gillingham read aloud the following email received from the Deputy Principle at Cassia Education Support Centre:

*“In light of the shocking and awful murder and assault of an 8 year old girl at a suburban shopping centre toilet block in Canningvale this last week, I would like to call upon all parents with similar concerns to write letters of protest to the South Hedland Shopping Centre Management. As a mother of four children and teacher of children with disabilities, I am upset that our local shopping centre has no disabled access or parent care bathrooms available to the public (The Boulevard in Port at least has these facilities – badly in need of renovation though.) Their location means these facilities are hidden away from public view – ideal for child predators! This has been a huge problem for me as a mother trying to do my shopping with little one’s in tow. The dash from Kmart to the toilets is almost too long for most toddlers to bear and parents with children in wheelchairs have no options at all. There are also no disabled access toilet facilities for adults either – I guess they just have to hold on? This is disability discrimination and disgraceful! There are no nappy change facilities at all the toilets overlook the rubbish bin and a common ‘smoko’ area for workers which in the year 2006 are unacceptable! Forget about breastfeeding your baby – there is nowhere private or clean enough to do so at our shops! Nothing will happen unless we the people protest this unacceptable and potentially dangerous situation. No careful parent after hearing of the recent murder would dare send their child alone to our local shopping centre toilet blocks. If you agree – write in protest!”*

*Can Council also write to the management of the South Hedland Shopping Centre, in relation to the rest room facilities, particularly their location being hidden from view?*

Mayor advised he will investigate the matter.



**5.3 Councillor Grant Bussell**

*Is Landvision undertaking the landscape design works for Edgar Street?*

Chief Executive Officer advised this project was finished over 12 months ago. The last payment was made to Landvision recently, due to Landvision's delay in invoicing Council.

*Does this include car parking, trees, etc.?*

Chief Executive Officer advised the plan is completed and was approved by Council. It includes both trees and car park areas.

*Can I have a copy of this?*

Chief Executive Officer confirmed yes.

*In relation to Miss Howlett's questions not being recorded correctly, and a number of questions asked by Councillor Gear also being missing from the Minutes, how can these errors occur?*

Chief Executive Officer advised he cross-checks minutes recorded by Council's Executive Assistant prior to distribution of Minutes.

Chief Executive Officer added Councillor Gear asked a great number of questions in quick succession at Council's Ordinary Meeting in May, in addition to this the Chief Executive Officer arrived at the meeting late due to arrival of his plane flight into Port Hedland that afternoon.

*But aren't Council Meetings recorded now?*

Chief Executive Officer explained the mechanical recording of Council Meetings is made for Council's record keeping purposes. Minutes are still documented by Council's Executive Assistant and each meeting. The recording is not played back for minute preparation purposes.

Chief Executive Officer explained that the item 'Confirmation of Previous Minutes' in each Agenda is when Council consider accepting the previous Minutes as a true and correct record of the last meeting of Council. If Council is not completely comfortable with the content of the Minutes documented, they should not be accepting them at that time.

*Doesn't the Mayor's comments to the media against Council's decision to approve a hotel development in South Hedland contravene Council's Media Policy?*

Mayor advised he did not speak with the media against Council's decision for the proposed hotel development. Mayor advised that planning approval was granted by Council for a hotel development, and was conditional on the hotel development not being used as a construction camp.

*Didn't Council resolve to approve the planning application for the development, even though it was aware that the facility would be used to house construction workers?*

Mayor advised if the proposed hotel was used to house 100 per cent construction workers, this would have a detriment effect socially.

*In future, could the Mayor refer only to decisions of Council when speaking with the media?*

Mayor re-iterated that Council approved a motel development.

*Whether the motel has 80 percent or more temporary workers staying at the motel while only 10 per cent of accommodation at the development was held for tourists or visitors, wouldn't this really be a construction camp?*

Mayor advised Council approved hotel development requires the facility to be operated as a motel. If the developers use the motel as a construction camp, the developers will contravene Council's planning approval.

Mayor added that in his view, a construction camp at that location is not in the interest of the residents of South Hedland.

**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 S R Martin	Cr G J Daccache
Cr A A Carter	Cr J M Gillingham
Cr G D Bussell	Cr S F Sear

*NOTE: The following Members did not verbally declare to have given due consideration to all matters contained in the Business Paper presented before the meeting:*

Cr A A Gear	Cr D R Pike
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**ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 24 May 2006.****Officer's Recommendation**

That the Minutes of the Ordinary Meeting of Council held on Wednesday 24 May 2006 be confirmed as a true and correct record of proceedings.

**200506/445 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr S F Sear

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 24 May 2006 be confirmed as a true and correct record of proceedings with the following amendments:**

- . **Item 4.1.2 Miss Kelly Howlett (page 8) – include the following at the end of Miss Howlett's questions asked**

**“Council has been provided with a copy of the test results which we can make available, but there is nothing in those results to indicate there was an active discharge of anything other than rainwater from the property.**

***If Care for Hedland could see those, that would be great.***

**Deputy Mayor advised yes.**

**Director Regulatory and Community Services advised that Council would need to check with the people who provided those results, but I do not expect there would be any reason why we can't make those available.”;**

- . **Item 5.2 Councillor Arthur Gear (page 10) – delete “*What is the status of changes to the Emergency Services Act and any changes being implemented by FESA?*”, and insert “*Is it possible to find out when FESA will be finalising the Emergency Management Plans for Aboriginal Communities, like Yandeyarra?*”**

- . **Item 5.2 Councillor Arthur Gear (page 12) last question - insert “*As part of the in house service that Council was going to conduct, does that still mean Council going to use the previous subcontractor?*”**

**Chief Executive Officer advised Council is providing that service using Council staff.” before “\$147,000 is included in Council's 2005/06 budget to provide this service.”**

- . **Item 5.4 Councillor Arthur Gear (page 12) 1<sup>st</sup> paragraph - insert “*It appears the guard railing is on the inside of the footpath not protecting pedestrians from the road, so if that is a monumental error, how much is it going to cost to rectify?*” after “*Is the guard rail installed correctly on the footpath outside the Port Hedland Regional Hospital?*”**
- . **Item 5.4 Councillor Arthur Gear (page 12) – insert “*Does Council still own the block in Pretty Pool?*”**

**Chief Executive Officer confirmed yes.**

***What is happening with that?***

**Chief Executive Officer advised in September Council undertook to establish a Staff Housing Working Group, as part of the Group the future of the Pretty Pool block will be considered.”**

**before “*Is Council still considering the development of housing for staff at Moore Street?*”**

- . **Item 5.4 Councillor Arthur Gear (page 12) –insert “*Please advise the status of the joint venture with the Port Hedland Port Authority, and*” immediately before “*Has Council withdrawn from the joint venture with Newcrest Mining Limited?*”**
- . **Item 5.4 Councillor Arthur Gear (page 13) – insert “*So, what is the Port Hedland Port Authority going to do to help support Council’s sustainability?*”**

**Chief Executive Officer advised the Port Hedland Port Authority is not a party to the sustainability partnership, they just need to effectively withdraw from the previous agreements that were being negotiated.**

**Can Council seek a priority status from the Port Hedland Port Authority to take immediate action to stop any further drift of spoil over the reef that is left to the Western side of the spoil bank, and maybe next time take action against anyone that moves sand in that direction?**

**Mayor and Chief Executive Officer advised they would need to find out more about this.”**

**immediately after the first paragraph.**

- . **Item 5.4 Councillor Arthur Gear (page 13) delete “*Are vehicles permitted*”, insert “*Why are vehicles being permitted*”**

- . **Item 5.4 Councillor Arthur Gear (page 13) last paragraph – insert “*and formal Committees*” after “*Working Groups*”.**

***CARRIED 8/0***

*REASON: Council sought corrections to the Minutes of the Ordinary Meeting of Council held on 24 May 2006 to be made.*

**7.2 Matters Arising**

**7.2.1 Councillor Jan Gillingham**

*NOTE: Councillor Gillingham apologised to Mr Bob Neville (Public Question Time) for not replying to his email, and advised she was on a Leave of Absence from 10 May to 19 June 2006, inclusive.*

**ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION**

Nil.

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

Nil.

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

Nil.



**Policy Implications** Nil

**Strategic Planning Implications**

KRA 6 – Governance

Goal 6 – Systems Development

That the Towns internal operating systems are structured in a manner that assists in providing timely accurate information to the community.

**Budget Implications** Nil

**200506/446 Council Decision/Officer's Recommendation**

**Moved:** Cr G J Daccache      **Seconded:** Cr A A Carter

**That the Officer's Report 'Status of Council Resolutions' as presented to the Council's Ordinary Meeting held on 24 May 2006 be received.**

***CARRIED 8/0***

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
Ordinary Meeting held 28 September 2005				
10.2.2.3	Revised Pretty Pool Development Plan	200506/101 Council Decision That Council resolve to: a) initiate an amendment to Town Planning Scheme No. 5 to rezone an area of land from ‘Rural’ and ‘Urban Development R20’ to ‘Urban Development’ to facilitate the subdivision and development of the land in accordance with the Revised Pretty Pool Development Plan; b) advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority; c) receive the Revised Pretty Pool Development Plan for the purpose of public advertising in conjunction with the associated Town Planning Scheme No.5 Scheme Amendment; d) invite Landcorp to a meeting with Council to address the issues of <ul style="list-style-type: none"> <li>. permeability/road layout;</li> <li>. open space window;</li> <li>. alienation of public land;</li> <li>. commercial and tourism site locations; and</li> <li>. management planning to reduce impacts on flatback turtle populations; and</li> </ul> e) the final plans be returned to Council for consideration after the public consultation period and prior commencement of the project, in accordance with the Local Government Act 1995 and association regulations.	RESPONSIBLE OFFICER: Planning Officer  EPA to set level of assessment prior to advertising. Amendment still with Dept of Environment for assessment. Awaiting confirmation from DoE. Developer and Doe still in negotiation.	
10.2.3.6	Hire Car Operations	200506/108 Council Decision/Officer’s Recommendation That: i) the Chief Executive Officer and the Airport Manager commence negotiations with Hire Car operators regarding the possible relocation and consolidation of facilities; and ii) a report be presented for Council’s consideration following negotiations being undertaken with Hire Car operators, and drainage investigations being completed at the Port Hedland International Airport.	RESPONSIBLE OFFICER: Airport Manager Ltrs have been sent to Hire Car Operators Ongoing discussions. Still awaiting replies. Follow up ltr sent.	
10.2.3.7	Lease of Portion of Terminal for Check In, Office, Baggage Handling and Managers Lounge: Qantas Airways Limited	200506/109 Council Decision That: i) a lease agreement be offered to Qantas Airways Limited for the Terminal Check-In areas, lounge, office and baggage make up area being approximately 255sqm for a fee of set at market rate as determined by the Valuer General, ex GST per month for a period of five years commencing on 1 July 2002 and expiring 30 June 2007 with an option of renewal for a further term of five (5) years commencing 1 July 2007 and expiring on 30 June 2012; ii) if the above offer is accepted, Council’s intention to enter into the abovementioned lease agreement with Qantas Airways Limited be advertised in accordance with Section 3.58 of the Local Government Act 1995; iii) Qantas be advised that: a) rental payments are exclusive of GST and the difference in rental payments received from 1 July 2002 to present and those payable is recovered; and b) CPI increases are to be calculated for the period	RESPONSIBLE OFFICER: Airport Manager  Response received from Qantas. Seeking legal advice. A report will be presented to May Ordinary Meeting.	✓ COMPLETED/SUPERCEDED BY 200506/442



ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
10.2.5.1	Monitoring of Cemetery Beach and Pretty Pool Beach	200506/113 Council Decision/Officer's Recommendation That Council: i) endorse Ranger Services to perform ad hoc patrols of the foreshore reserves on a regular basis during flatback turtle breeding season; ii) acknowledge and approve of the lawful actions being undertaken by Authorised Officers, following any offenders being caught riding or driving on the foreshore area, including any infringements being issued; and iii) considers installing barriers along Cemetery Beach to prevent off-road vehicle access.	RESPONSIBLE OFFICER: Senior Ranger Items I) and ii) are completed. Item iii) pending.	SUPERCEDED BY 200506/422 24.05.06
Ordinary Meeting held 26 October 2005				
10.1.3.6	Proposed Scheme Amend't – Portion of Crowe St Road Reserve	200506/151 Council Decision That Agenda Item 10.1.3.6 'Proposed Scheme Amendment – Portion of Crowe Street Road Reserve' requesting for rezoning of portion of Crowe Street Road Reserve from 'Local Road' to 'Residential R12.5/50' lay on the table pending further information being provided to Council, including – i) any potential obstruction to public access the intended purpose for the scheme amendment rezoning may cause; and ii) advice on the affect of legal ownership that the requested rezoning may have.	RESPONSIBLE OFFICER: Planning Officer Still pending. Awaiting purchase of land prior to considering scheme amendment.	
10.2.2.1	Lease of Southern Aircraft Hangar and Surrounding Land at PHIA	200506/154 Council Decision/Officer's Recommendation That: i) Council advertise its intention to dispose of the Southern Apron Hangar as per the requirements of Section 3.58 of the Local Government Act 1995; ii) if no objections are received during the advertising period, a lease agreement be entered into with Polar Aviation Pty Ltd for the Southern Apron Hangar and Land at an initial cost of \$7,000 + gst per annum; iii) the Common Seal be affixed and the Mayor and Chief Executive Officer be authorised to sign the Lease Agreement; and iv) if the transportable building located on the Western Edge of the leased are is not removed by the current lessee, that Council dispose of this building.	RESPONSIBLE OFFICER: Airport Manager  Lease negotiations are still in progress. Dft Lease to Polar Aviation May 06	
10.2.2.2	School of the Air Request to Lease Airport Building	200506/155 Council Decision/Officer's Recommendation That: i) Council advertise its intention to dispose of Building 158 (ex Air BP) as per the requirements of Section 3.58 of the Local Government Act 1995; ii) if no objections are received during the advertising period, a lease agreement be entered into with Port Hedland School of the Air at the valuation rate. iii) the Mayor and Chief Executive Officer be authorised to sign and execute Lease Agreement documents once it has been prepared.	RESPONSIBLE OFFICER: Airport Manager  Advertising completed. No objection received. Still Awaiting valuation report.	June 06
Ordinary Meeting held 14 December 2005				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
		200506/212 Council Decision/Officer's Recommendation That Council: i) agree to Whelans request to enter into a bonded legal agreement with the landowner of Lot 11 (29-37) Keesing Street, Port Hedland to enable the clearance of the following conditions imposed by the Western Australian Planning Commission (WAPC): ...	RESPONSIBLE OFFICER: Planning Officer Awaiting return of signed documents from applicant.	
10.2.4.1	Adoption of 2005-2006 Fire Mgt Plan	200506/217 Council Decision That: i) Council adopt the 2005-2006 Fire Management Plan; and ii) a report being presented to Council to consider reforming the Bushfire Advisory Group as either a Working Group or a Committee.	RESPONSIBLE OFFICER: Director Regulatory and Community Services	✓ COMPLETE
10.2.4.2	Impounded Shopping Trolleys	200506/218 Council Decision That Council rejects the offer of \$4,500 in lieu of impounding fees for the shopping trolleys currently held at the depot and commences disposal by public tender of the impounded trolleys in accordance with the provisions of the Local Laws in January 2006.	RESPONSIBLE OFFICER: Director Regulatory and Community Services Ltrs sent. Trolleys to be advertised for sale.	End June 2006
Ordinary Meeting held 25 January 2006				
11.4.2.2	Proposed Lease - Part Lot 2444 Great Northern Hwy, PH.	200506/264 Council Decision/Officer's Recommendation 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: ...	RESPONSIBLE OFFICER: Manager Administration Item for another area presented to Council's Ord Mtg in June.	✓ Lease withdrawn

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.3.1	Newcrest Mining Partnership Agreement	200506/265 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Chief Executive Officer  MOU signed. WG to meet.	✓COMPLETED
Ordinary Meeting held 22 February 2006				
11.2.2.5	Proposed Rd Closure of Portion of Lawson Street South Hedland	200506/288 Council Decision/Officer's Recommendation That Council resolve to: i) close the portion of the Lawson Street road reserve as indicated on the plan received by the Department for Planning and Infrastructure (Land Assets Management Services), drawing number 5595/03/05; ii) seek comment with relation to the road closure from ... iii) advertise the proposed road closure in accordance with Section 58 of the Land Administration Act 1997.	RESPONSIBLE OFFICER: Planning Officer  Advertising in progress and awaiting comment from SP's. Comments received and Minister requested to close PAW.	July 2006
Ordinary Meeting held 22 March 2006				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.2.5	Proposed Pedestrian Access Way (PAW) Closure At Lot 1699 (18-20) Logue Crt. SH	200506/343 Council Decision/Officer's Recommendation That Council: i) Resolve to close the pedestrian access way between lots 1699 and 2091 Logue Court, South Hedland; ii) advertise the proposed road closure in accordance with section 58 of the <i>Land Administration Act 1997</i> ; iii) request advise from relevant service providers with regard to required easements; iv) provide any easements as required by service providers; v) amalgamate the closed Pedestrian Access Way with Lot 1699 Logue Court, South Hedland; and vi) allocate \$3000 from unallocated funds to account 901400 (Purchase of Land) for the purchase of the PAW if required.	RESPONSIBLE OFFICER: Planning Officer Public submission period completed 11.05.06 with no submissions received. Request will be made to Minister to close PAW in accordance with delegation 40(12). Awaiting comment from service providers prior to requesting closure.	
12.2.2.7	Request for Scheme Amend. to Rezone Lot 5197 (21) Harper St, PH	200506/345 Council Decision/Officer's Recommendation That a) Council initiates the scheme amendment rezoning lot 5197 (21) Harper Street Port Hedland from Residential R 15 to Residential R 30; and b) all costs relating to the amendment be borne by the applicant.	RESPONSIBLE OFFICER: Planning Officer Awaiting documentation from Whelans on behalf of applicant. Advertising in progress. Amendment submitted to DoE for assessment.	
11.4.2.1	Annual General Meeting of Electors held on 8 February 2006	200506/357 Council Decision/Officer's Recommendation That: i) the decisions from the Annual General Meeting of Electors held on Wednesday 8 February 2006 be received; and ii) following the appointment of the Senior Ranger on Tuesday 15 March 2006, the provision of a dedicated off road vehicle recreation area be investigated and a report be provided to Council's Ordinary Meeting to be held in June.	RESPONSIBLE OFFICER: Director Regulatory and Community Services Research commenced. Report to July Ord CI Mtg.	July 06
Ordinary Meeting held 26 April 2006				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.2.2	Proposed Placement of Two (2) Transp. Structures for Use as Office & Conf. Room at Lot 1406 Wilson St, PH	200506/365 Council Decision  That Council defer item 11.2.2.2 Proposed Placement of Two (2) Transportable Structures for use as an Office and Conference Room at Lot 1406 (P51) Wilson Street, Port Hedland pending further information on who will occupy the buildings and if the buildings are rateable.	RESPONSIBLE OFFICER: Planning Officer Item to May CI Mtg	✓ COMPLETE
11.2.2.5	Application to Construct a Motel Accom. Complex at lot 2053 Hamilton Rd, SH	200506/368 Council Decision  That Item 11.2.2.5 – Application to construct a Motel Accommodation Complex at lot 2053 (77-95) Hamilton Road South Hedland i) be put to further Community <b>Consultation</b> for a period of (14) fourteen days, and ii) at the end of the Community <b>Consultation</b> period a Special Meeting be called to expedite the matter.	RESPONSIBLE OFFICER: Planning Officer Approval granted.	✓ COMPLETE
11.2.3.1	JD Hardie Centre Recomm.	200506/371 Council Decision/Officer's Recommendation  That Item 11.2.3.1 J D Hardie Centre Recommendation be referred back to the JD Hardie Centre Working Group for their further consideration.	RESPONSIBLE OFFICER: Sports and Recreation Officer Currently with JD Hardie Centre WG	July 2006
11.2.3.2	Finalisation of Arts, Heritage and Culture Alliance Agreement BHP & Council	200506/372 Council Decision/Officer's Recommendation  That the Arts Alliance Agreement with BHP Billiton Iron Ore and the Town of Port Hedland i) be circulated to Councillors for review, and ii) if no objection is received from any Councillor within three (3) days, the Mayor and CEO be authorised to sign and affixed the common seal to the Arts Alliance Agreement with BHP Billiton Iron Ore.	RESPONSIBLE OFFICER: Events Co-ordinator Circulated for Comment.	✓ COMPLETE
Ordinary Meeting held 24 May 2006				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.2.2	Proposed 3 Group Dwellings at (14) Counihan Cres, PH;	200506/413 Council Decision/Officer's Recommendation That Planning Consent be granted to Hodge and Collard on behalf of BHP Billiton Iron Ore Pty Ltd for the construction of three (3) group dwellings at lot 5695 (14) Counihan Crescent Port Hedland as outlined in the Application received 3 April 2006 (Application Number 2006/44) and indicated on the approve plans, subject to the following conditions: ...	RESPONSIBLE OFFICER: Planning Officer Approval granted.	✓ COMPLETE
11.2.2.3	App. for Planning Approval for 52 Addl. Transient Workforce Accom. Units, Lot 300 Schillaman St, W'field;	200506/414 Council Decision/Officer's Recommendation That Planning Consent be granted to Compass Group Australia Pty Ltd for the construction of 52 self-contained transient workforce accommodation units at Lot 300 Schillaman Street Wedgefield as outlined in the Application received 10 April 2006 (Application No. 2006/51) and indicated on the approved plans subject to the following conditions:	RESPONSIBLE OFFICER: Planning Officer Approval granted.	✓ COMPLETE
11.2.2.4	Municipal Heritage Inventory Review	200506/415 Council Decision/Officer's Recommendation That Council: i) distribute the Town of Port Hedland Municipal Inventory of Heritage Places Review 2006 for the purpose of public advertising; ii) advertise in the North West Telegraph that copies of the Draft Heritage Inventory will be available for viewing until 28 June 2006 at the: a) Port Hedland Library b) South Hedland Library c) Dalgety House d) Courthouse Art Gallery; iii) provide a copy of the Draft Heritage Inventory to the Port Hedland Historical Society with a request for comment to be received by the Town of Port Hedland before 28 June 2006; and iv) forward all submissions to the consultant for assessment and inclusion into the Municipal Heritage Inventory.	RESPONSIBLE OFFICER: Planning Officer Copies distributed, advertisement in next available edition of NWT	July 06
11.2.2.5	Application to Place an Admin Building & Ablution Block at Lot 2954 Yanana St	200506/416 Council Decision/Officer's Recommendation That Planning consent be granted to Pilbara Meta Maya Regional Aboriginal Corporation on behalf of Alan Munro for the relocation of an Administration and Ablution Block to Lot 2954 (3) Yanana Street Wedgefield as outline in the Application received 29 March 2006 (Application 2006/39) and indicated on the approved plans subject to the following conditions:	RESPONSIBLE OFFICER: Planning Officer Approval granted.	✓ COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.2.6	Prop'd Placement of (2) Transp. Structures for Use as an Office & Conf. Room at Lot 1406 Wilson St	200506/417 Council Decision/Officer's Recommendation  That Planning Consent be granted to Broad Construction on behalf of the Port Hedland Port Authority for the construction of two (2) transportable structures for use as an office and conference room at Lot 1406 (P51) Wilson Street Port Hedland as outlined in the Application received 8 February 2006 (Application 2006/20) and indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Planning Officer Approval granted.	✓ COMPLETE
11.2.2.7	App. to Convert 24 of the existing units from 6BR units to 4BR en-suite units at Lot 5954 Parker St	200506/418 Council Decision/Officer's Recommendation  That Planning Consent be granted to Compass Group Australia Pty Ltd on behalf of Pilbara TAFE to the Non-conforming uses – Hostel and Boarding House to renovation 24 of the accommodation buildings from six-bedroom to four-bedroom including en-suite units as part of the at lot 5954 Kennedy Street South Hedland as outlined in the Application received 21 March 2006 (Application No. 2006/37) and indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Manager Planning Approval granted.	✓ COMPLETE
11.2.3.1	Community Support Funding 2nd Round	200506/419 Council Decision/Officer's Recommendation  That the distribution of Community Support Funding for May 2006 be noted.	RESPONSIBLE OFFICER: Manager Arts, Rec. and Comm. Activities	✓ COMP.
11.2.3.2	Representatives for the Alliance Advisory Committee	200506/420 Council Decision/Amended Officer's Recommendation That: i) the Alliance Advisory Committee have the following community representatives for the next 12 months: Julie Hunt, Fred Beel, Jilalga Murray ii) the Alliance Advisory Committee have the following Council representatives: Councillor Arnold A Carter Councillor Jan M Gillingham (Deputy) Coordinator Courthouse Arts Centre and Gallery; and iii) the Events Coordinator attend Advisory Committee meetings as an ex officio member.	RESPONSIBLE OFFICER: Events Co-ordinator No action required.	✓ COMPLETE
11.2.3.3	Requests for Fee Waiver of Gratwick Hall	200506/421 Council Decision/Officer's Recommendation That: i) the Philippine Australian Friendship Association be required to pay the fees applicable for the hire of Gratwick Hall for the FAFA Independence Night to be held on Saturday 17 June 2006, in accordance with Council's Schedule of Fees and Charges; and ii) the South Hedland Police Social Club be required to pay the fees applicable for the hire of Gratwick Hall for the Police Charity Ball to be held on Saturday 15 July 2006, in accordance with Council's Schedule of Fees and Charges.	RESPONSIBLE OFFICER: Director Regulatory and Community Services Letters sent.	✓ COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.4.1	Proposed Vehicular Access Restrictions Pretty Pool & Cemetery Beach	200506/422 Council Decision/Officer's Recommendation  The Coordinator Ranger Services continues to liaise with the Care for Hedland Environmental Group as they seek community feedback over the exclusion of vehicles from beaches at Pretty Pool and Cemetery Beach.	RESPONSIBLE OFFICER: Director Regulatory and Community Services	July 06
12.2.4.2	Re-estab. Bushfire Advisory Committee or WG	200506/423 Council Decision/Officer's Recommendation That: i) Council transfers the responsibilities of Bush Fire Advisory Committee (BFAC) to the Local Emergency Management Advisory Committee (LEMAC); and ii) that the Local Emergency Management Plan be referred to LEMAC for review, and then be returned to Council for further consideration.	RESPONSIBLE OFFICER: Co-ordinator Ranger Services	August 06
11.4.1.2	Debtors over 90 Days	200506/426 Council Decision/Officer's Recommendation That Council: i) receive sundry debtors outstanding for ninety days or more at 30 April 2006, ii) write-off the following late payment interest penalty charges to the Provision of Doubtful Debts, ... iii) accept that the listing of +90 days Debtors be included in the future monthly financial reports.	RESPONSIBLE OFFICER: Accounts Officer No action required.	✓ COMP.
11.4.1.3	Write Off Debtors	200506/427 Council Decision/Officer's Recommendation  That Council write-off the following debts and apply the write-off to the Provision of Doubtful Debts:	RESPONSIBLE OFFICER: Accounts Officer No action required.	✓ COMP.
11.4.1.4	Withdrawal of Caveat Lot 2214 (9) Brodie Cres, SH	200506/428 Council Decision/Officer's Recommendation  That Council authorise the Common Seal to be affixed to the Withdrawal of Caveat Form W1 and be signed by the Mayor and the Chief Executive Officer.	RESPONSIBLE OFFICER: Director Corporate Services Seal affixed.	✓ COMP.
11.4.1.5	Funeral Directors Licence – Hedland Funeral Services and Pilbara Funeral Services	200506/428 Council Decision/Officer's Recommendation  That in accordance with the <i>Cemeteries Act 1986</i> and the Town of Port Hedland Cemeteries Local Law, the following applicants: i) Mrs Christine Hunt of Hedland Funeral Services; and ii) Mr Gavin Ness of Pilbara Funeral Services be issued a Funeral Directors Licence for the 2005/06 year.	RESPONSIBLE OFFICER: Manager Administration Licences Issued.	✓ COMPLETE



ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.1.6	Pretty Pool Stable Compliance – Reserve 31462	200506/429 Council Decision/Officers Recommendation That: i) the current tenants of part Reserve 13462 (Lot 5770) be given permission to access the land until 31 August 2006 in order to become fully compliant with Building and Health standards and requirements; ii) should the tenants become compliant by the 31 August 2006, Council dispose of part Reserve 13462 (Lot 5770) to the Port Hedland Turf Club, M Hopkinson, G & W Brooks, L Healey and J Purcell, by lease in accordance with Section 3.58 of the Local Government Act 1995, should the remedial works outstanding be completed by 31 August 2006; iii) Council delegate authority to the Chief Executive Officer to negotiate lease conditions with the current tenants with the following minimum conditions: a) A term of five (5) years plus a five (5) year option; b) Lease rental be no less than market value. c) Rental to be increased annually by CPI – Perth; d) All improvements to the land to be approved in writing by Council; and iv) the proposed leases be advertised in accordance with Section 3.58 of the Local Government Act 1995. Should no submission be received, the Mayor and Chief Executive Officer execute the lease document.	RESPONSIBLE OFFICER: Manager Administration Letters sent.	✓ COMPLETE
11.4.2.1	LG Week 2006	200506/430 Council Decision/Officer's Recommendation That: i) Mayor Stan R Martin, and Councillors Grant D Bussell, George J Daccache, Arthur A Gear, Jan M Gillingham and Shane F Sear attend Local Government Week 2006; ii) Mayor Stan R Martin and Councillor Arthur A Gear represent Council as voting delegates at the Western Australian Local Government Association's Annual General Meeting, being held on Sunday 6 August 2006 during Local Government Week; and iii) Mayor Stan R Martin and Councillor Arthur A Gear attend the Pilbara Regional Council Meeting being held during Local Government Week	RESPONSIBLE OFFICER: Executive Assistant	✓ COMPLETE
11.4.2.2	SH New Living Program – Proposed MOU	200506/432 Council Decision That Council authorise the signing and sealing of the South Hedland New Living Memorandum of Understanding between the Town of Port Hedland and the State Housing Commission trading as Homeswest with the following amendment: . Section 10, point (v) to read "Council will consider zoning applications in a timely manner".	RESPONSIBLE OFFICER: Chief Executive Officer Seal Affixed.	✓ COMPLETE
11.4.2.3	BHP Billiton/ Council Sustain. Partnership	200506/433 Council Decision/Officer's Recommendation That Council endorse the BHP Billiton/Town of Port Hedland Joint Projects Working Group recommended projects with the following listed projects being funded from the BHPB/Council Community Partnerships Reserve in 2006/07: ...	RESPONSIBLE OFFICER: Chief Executive Officer No action required.	✓ COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.2.4	Resignation of Cr Young	200506/434 Council Decision That : i) the Agenda Item ‘Resignation of Trona Young’ lay on the table until Council’s Ordinary Meeting to be held in June 2006, to ensure full Council is present to consider this matter; ii) during this period the community be canvassed for their opinion; and iii) a letter of appreciation be forwarded to Cr T M Young for her services to Council.	RESPONSIBLE OFFICER: Chief Executive Officer Report to June 06	June 06
11.4.2.5	DLGRD for and on behalf of WA & ToPH – Affix. Seal	200506/435 Council Decision/Officer’s Recommendation That approval be granted for the Chief Executive Officer to sign and duly affix the Town of Port Hedland Common Seal to the Financial Assistance Agreement Small Grants Scheme 2006 (SGS) between the Director General of the Department of Local Government and Regional Development of and on behalf of the State of Western Australia and the Town of Port Hedland for the amount of \$7,902.88 (inclusive of GST).	RESPONSIBLE OFFICER: Research Officer Seal Affixed.	✓ COMPLETE
11.4.2.6	Sustainable Air Service to Port Hedland	200506/436 Council Decision That: i) Council strongly supports the retention of two RPT air service carriers to the Town of Port Hedland; ii) the Town encourages their organisations to take appropriate steps to ensure that both Qantas and Skywest continue to fly the Perth-Port Hedland air route; and iii) the following practice be established when booking of airfares for staff/Councillors for Town of Port Hedland business. a) Quotation to be sought for flights from travel agency with specific request for quotations for both Skywest and Qantas flights. b) the preferred Airline utilised for Council and staff be Skywest; except in exceptional circumstances authorised by the Chief Executive Officer, can Council staff and elected members fly with airlines other than Skywest Airlines; and iv) a Airline Retention Working Group be formed immediately immediately with the purpose of developing actions and strategies that assist in retaining Skywest Airlines operations within the Town of Port Hedland District v) the Airlie Retention Working Group consist of the following members: Cr S R Martin, Cr A A Carter, Cr A A Gear, Cr G D Bussell, Chief Executive Officer	RESPONSIBLE OFFICER: Chief Executive Officer Report to June Ord. Council Mtg	June 06
12.1.1.1	Appl. Construct a Motel Accom. Complex at Lot 2053 Hamilton Rd, SH	200506/437 Council Decision/Officer’s Recommendation That Planning Consent be granted to Club Hamilton Pty Ltd for the construction of 455 Motel Units at Lot 2053 Hamilton Road as outlined in the Application received 4 April 2006 (Application No. 2006/45) and indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Planning Officer Approval granted.	✓ COMPLETE
		200506/438 Council Decision That Council resolve to ban burning off green waste and identify alternative methods of waste management.	RESPONSIBLE OFFICER: Director Engineering Services No action required.	✓ COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
14.1	Confidential Matter – Qantas Lease	200506/442 Council Decision That Council’s lawyers be requested to draft correspondence to Qantas advising – i) Council does not enter into an agreement with Qantas; and ii) commencing 1 July 2006 Council intends on developing a lease with Qantas for use of the Port Hedland International Airport with the rent being set at the value established by an independent valuer; for review by Councillor’s prior to despatch to Qantas.	RESPONSIBLE OFFICER: Director Engineering Services	July 06
14.2	Confidential Matter : Legal Matter – Wellard Industries	200506/443 Council Decision/Officer’s Recommendation That Council rescind Council decisions 200506/149 (October 2005) and 200506/290 (February 2006) relating to Council objection to the storage of manganese ore on Lot 842 and the proposed leasing of Lot 5909.  200506/444 Council Decision/Officer’s Recommendation That Council write to LAMS advising that: - Council does not object to the proposed changing of the purpose of the lease on Lot 842 Great Northern Highway from ‘Transport Depot’ to ‘Stockpiling of Ore’ - Council does not object to the proposed leasing of Lot 5909 to Wellard Properties for the purposes of ‘Stockpiling of Ore’ providing that: i) Current legal action against the Town of Port Hedland by Wellard Properties is ceased with no claim for costs incurred being made by either party. ii) A formal agreement is entered into between Council and Wellard Properties that includes the following commitments: a) Wellard Properties commits to actively pursuing the relocation of the stockpiling of manganese ore to a more appropriate site. Should such land become available, on terms and conditions acceptable to Wellard Properties, Wellard Properties commits to commencing relocation of the stockpiling operation to this site within a reasonable time period. b) Stockpiling of manganese ore shall primarily be confined to the rear of the properties with the front of the property being used for storage of plant and equipment. Wellard Properties shall progressively relocate the existing stockpiles from the front of the property the rear of the property as the site preparation works to Lot 5909 are completed following finalisation of formal lease documentation. c) Wellard Properties shall landscape the road frontage area by the planting of fast growing trees to act as screen to the property. Landscaping shall be discussed with the Local Authority prior to implementation. Additional tree planting shall be undertaken around the lease area.	RESPONSIBLE OFFICER: Chief Executive Officer	July 06

**11.2 REGULATORY AND COMMUNITY SERVICES**

**11.2.1 Director Regulatory and Community Services**

**11.2.1.1 *Monthly Report – Regulatory and Community Services (File No: ADM-091)***

**Officer** Sarah Hepburn  
Administration Officer  
Development

**Date of Report** 13 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

For Council’s information.

**Background**

Regulatory and Community Services Monthly Report to Council.

**Consultation** Nil

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer’s Comment**

**. *Library and Information Services***

<b>Port Hedland Library</b>	<b>May 2006</b>
Issues and Renewals	1093
Reservations	14
New Borrowers	23
Internet Users	114

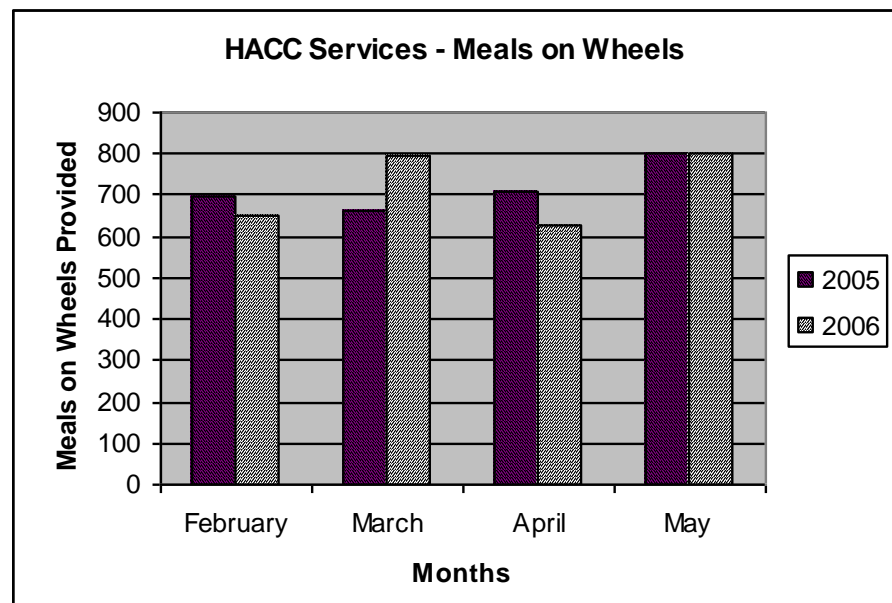
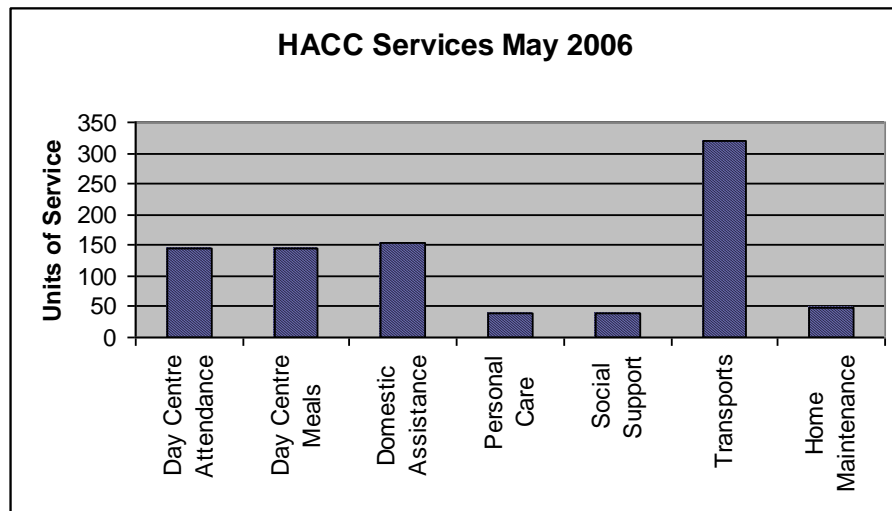
<b>South Hedland Library</b>	<b>May 2006</b>
Issues and Renewals	2279
Reservations	162
New Borrowers	65
Internet Users	334

The Finding MY Place program is being hosted by the South Hedland Library for a group of Year 9 and 10 students, commencing on 3 May 2006 and running for 10 weeks.

The program is funded by the Department of Education and Training and is aimed at students who are at risk of leaving school early. Sessions are provided to motivate students, build self esteem and encourages team building through presentations and activities such as theatre sports.

***Human Services***

*HACC Programme*



Mirtanya Maya

Occupancy of 8 permanent residents for long term low residential care. The 2 respite beds have been maintained at full capacity for May.

Pilbara Family Day Care

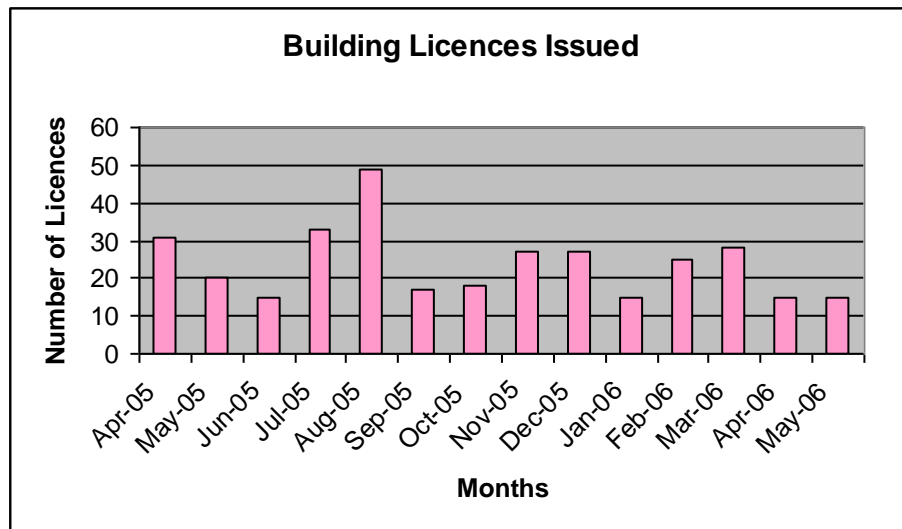
Applications for the position of Pilbara Family Day Care Coordinator closed on the 14th June 2006. Interviews have been scheduled for Friday 23rd June.

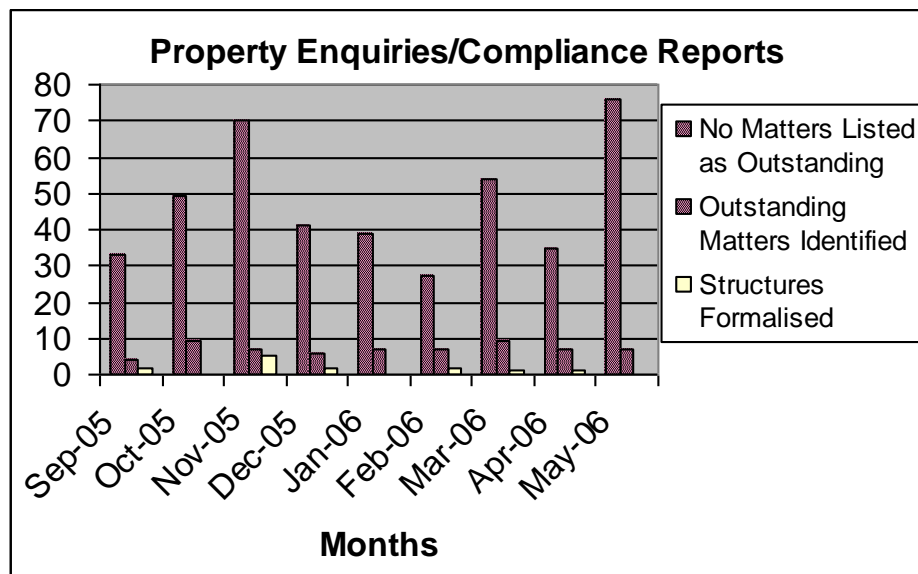
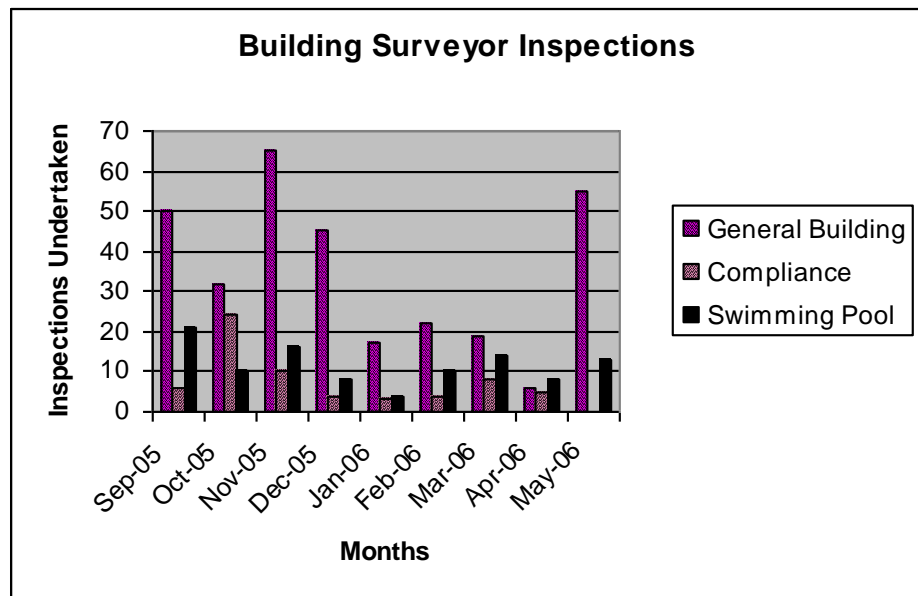
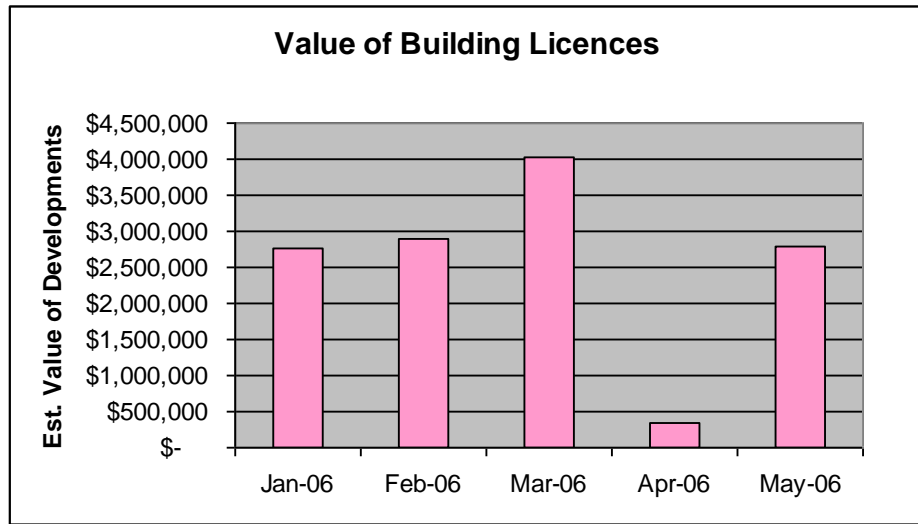
Family Day Care and In Home Care Schemes have been reviewed.

Hedland Volunteer Resource Centre

Formal advice from the Federal Department of Employment and Workplace Relations regarding the renewal of 2006 - 2007 funding agreement opportunities for the Port Hedland Volunteer Centre is yet to be received. A response is anticipated by the end of the month.

***Building Services***





Status of Building Licenses for Valuer General's Office

*Building Licence Applications Received in 2004*

Total Building Licence applications received in 2004: 417  
 Building Licences approved in 2004: 411  
 Building Applications not approved: 6

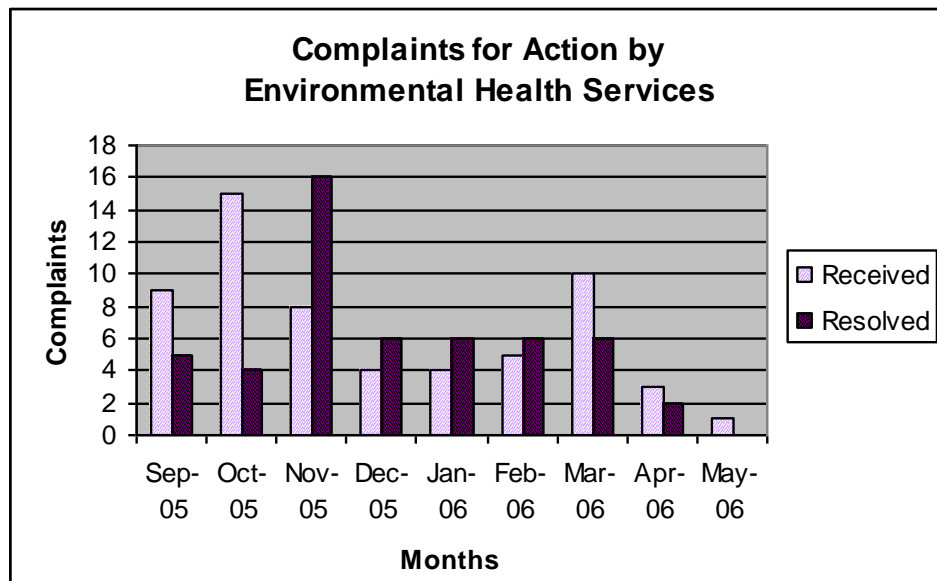
2004	Running Total as at 25/5/06
Licences copied & sent to VGO	278
Licences not required to be sent	110
Licences expired – structure not built	10
More information required	10
Not complete – building in progress	3

*Building Licence Applications Received in 2005*

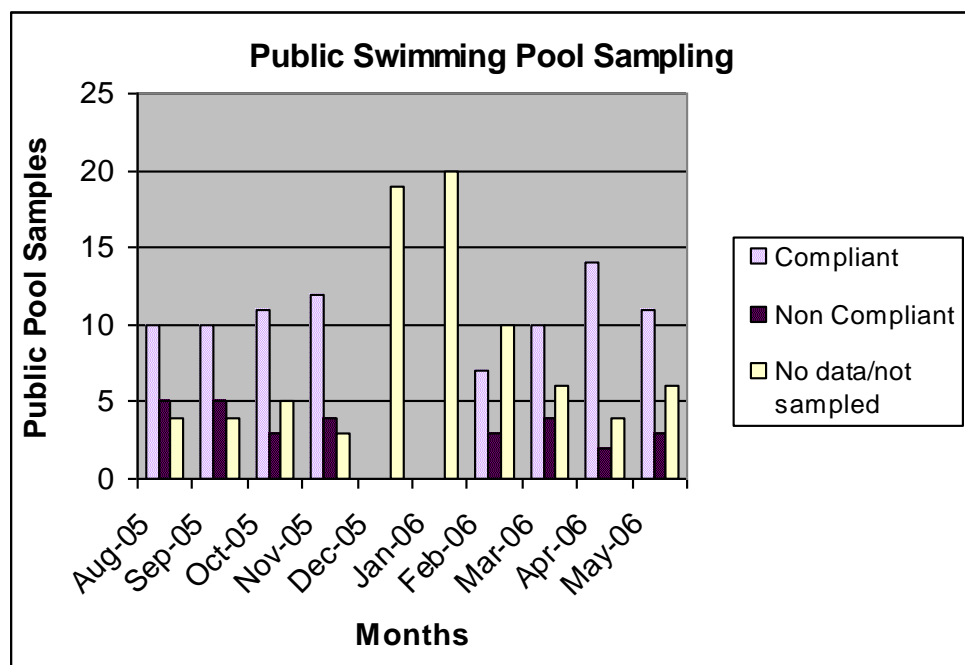
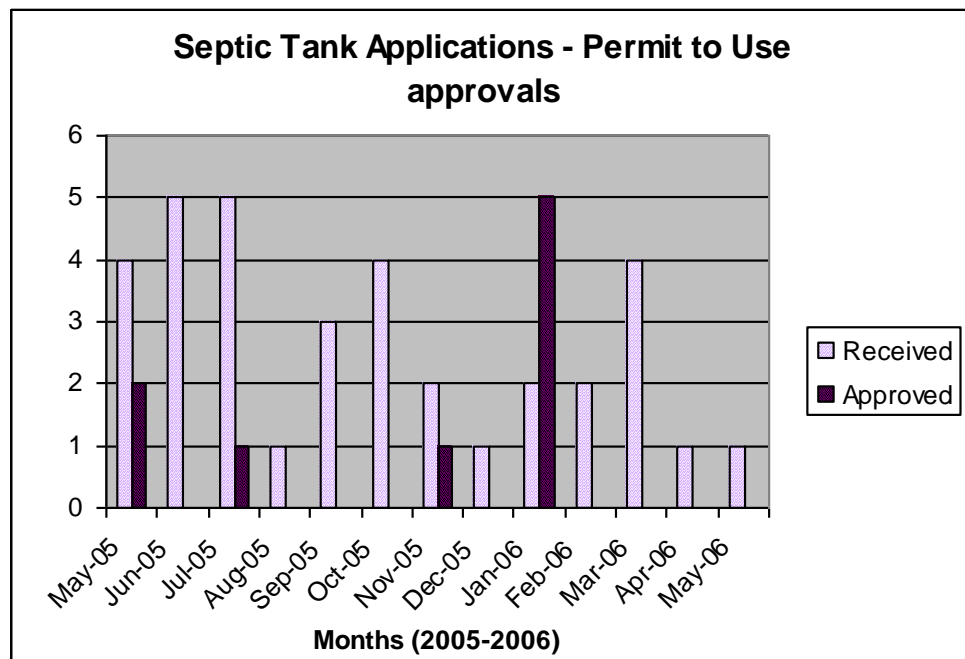
Total Building Licence applications received in 2005: 377  
 Building Licences approved: 315  
 Building applications not approved or withdrawn: 31  
 Approved in 2006: 16  
 Building applications received in 2005 that are pending: 31

2005	Running Total as at 25/5/06
Licences copied & sent to VGO	83
Licences not required to be sent	94
Structure not built	0
More information required	138
Not complete – building in progress	0

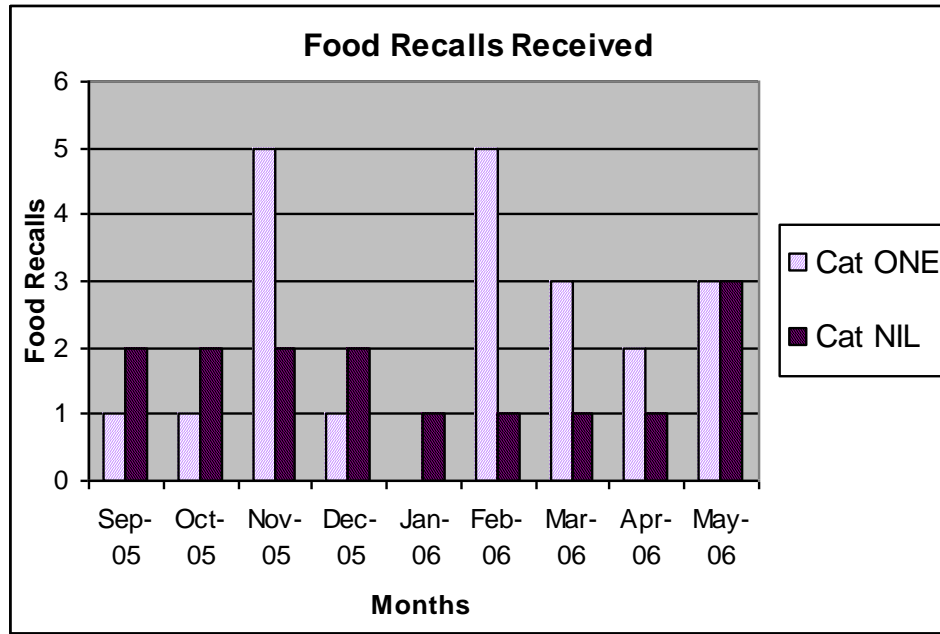
**Environmental Health Services**



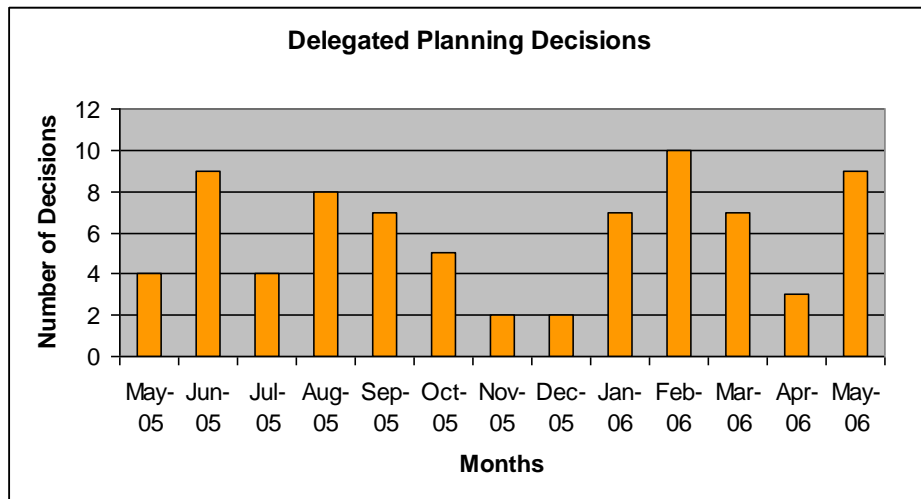




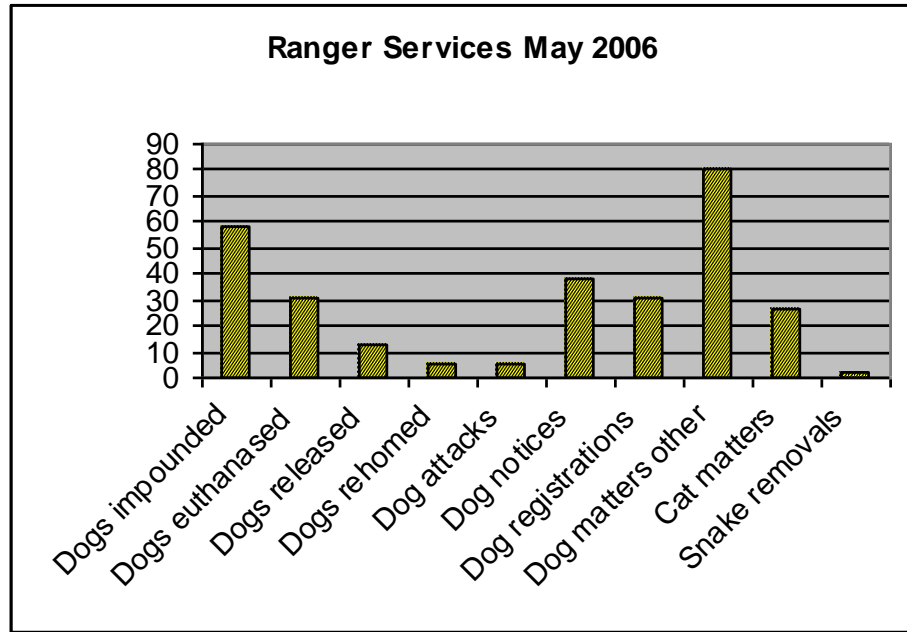
Non-compliances generally relate to low chlorine and/or low or high pH levels. Occasionally a non-compliant result is received for microbiological levels. All non-compliances are followed-up with a letter and fact sheet outlining the concerns and required action. Any serious non-compliance is followed-up with a site visit and additional sampling.



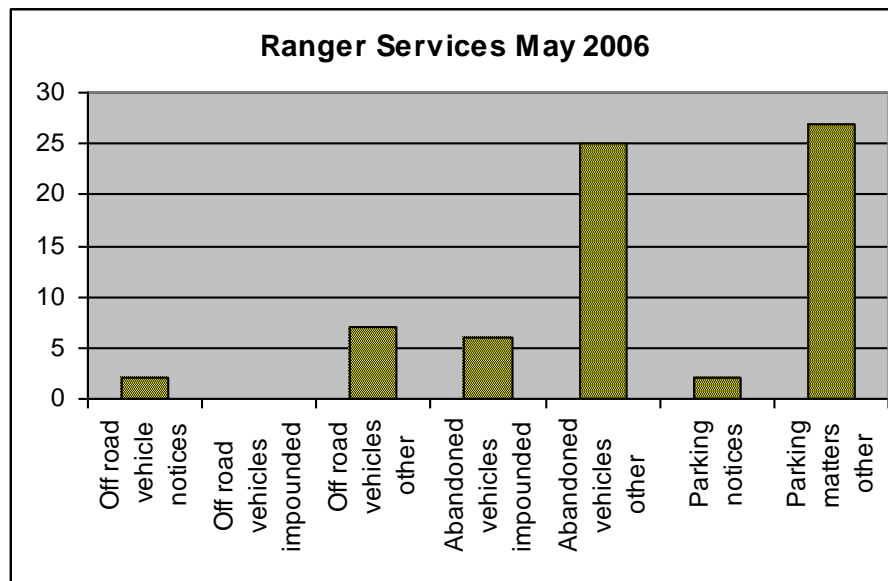
**Planning Services**



**Ranger Services**

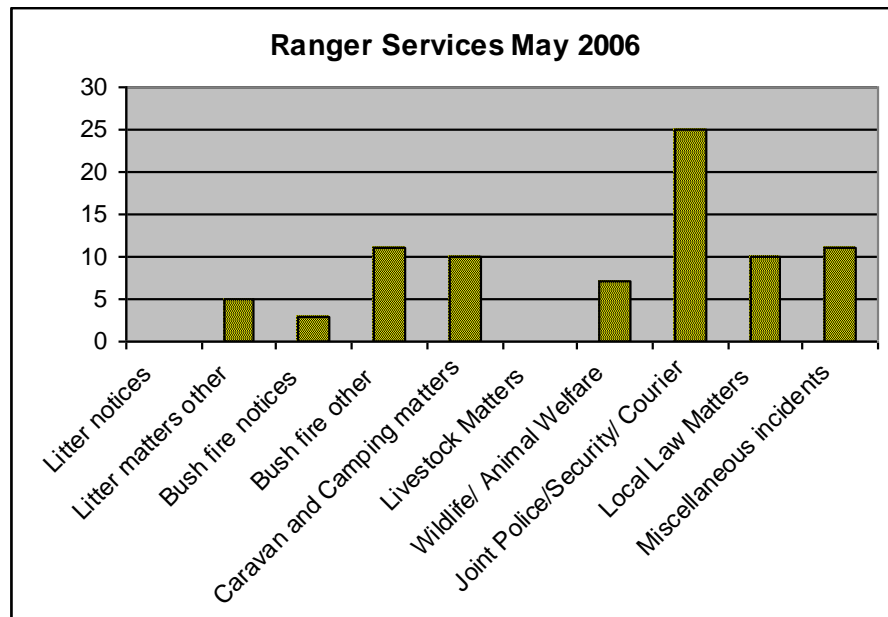


Included in other dog matters: dogs wandering at large, dogs on property without consent, dogs not held on a leash in public, barking or dangerous dogs, dogs not wearing a muzzle as prescribed, dogs defecating on public grounds, abandoned dogs.



Included in Abandoned vehicles other: notices issued to remove, following up on notices.

Included in parking matters other: parking contrary to a parking sign, parking on a footpath, parking in front of a hydrant or against the flow of traffic, parking in a disabled bay/loading zone/bus bay, parking a commercial vehicle for more that 4 hours.



**Arts, Recreation and Community Activities**

*Matt Dann Cultural Centre*

Events	May 2006	Year to Date
Cinema (sessions)	9	126
Live (e.g. Theatre)	2	11

Attendance	May 2006	Year to Date
Cinema	442	4455
Live (e.g. Theatre)	172	1674

*Courthouse Arts Centre and Gallery*

	May 2006
Exhibitions held	2
Attendance at Exhibitions	410
Total Attendance	464

*Events Coordination*

. *Arts Alliance*

The first meeting of the Alliance Advisory committee will be held on Thursday 6th July at 5.30pm at the Civic Centre. At this meeting the criteria for the small grants program will be considered.

. *Tidy Towns*

Community groups, businesses and schools are currently being approached to submit existing projects or initiate new programs in line with the Tidy Town principles. The deadline for the portfolio of projects to be submitted to judges is 31st July 2006.

*Pilbara Development Commission Stage*

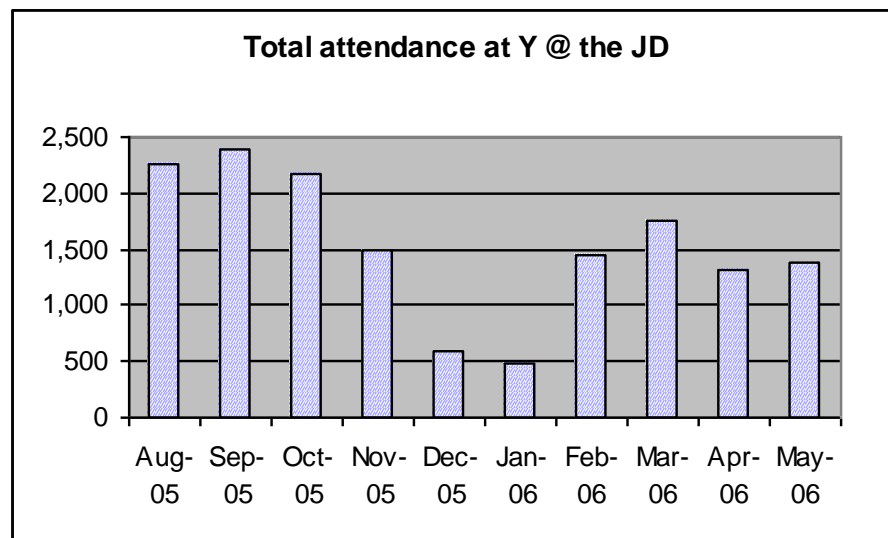
Training for Council and Community groups on the set-up and dismantlement of the stage took place on Friday 19th and Saturday 20th May 2006. Nine people attended from various community groups. A number of issues arose from feedback provided by training participants, including transport of the stage, use of it in its smaller version and height of lighting towers. These issues are currently being worked through with the Pilbara Development Commission.

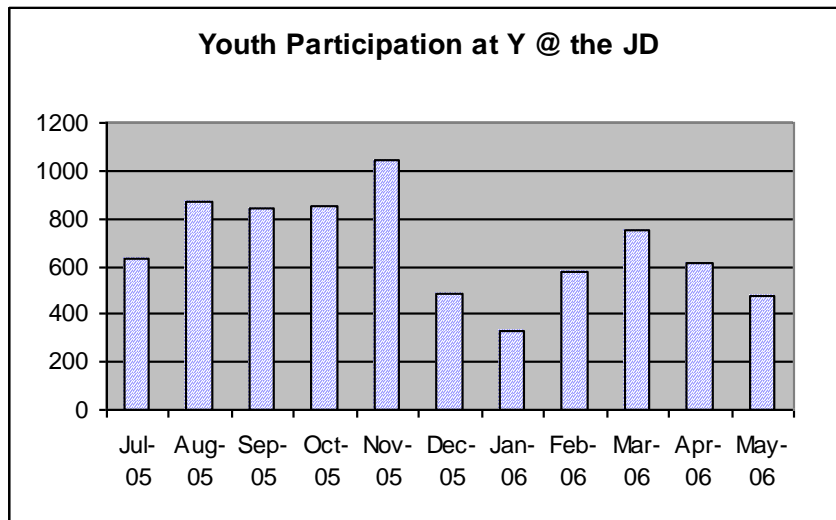
Pilbara Development Commission is currently working on a Memorandum of Understanding so that the stage may be handed over to Council. Once the MOU is signed, a policy and fee structure for use of the stage by community groups will be established.

*Sports and Recreation*

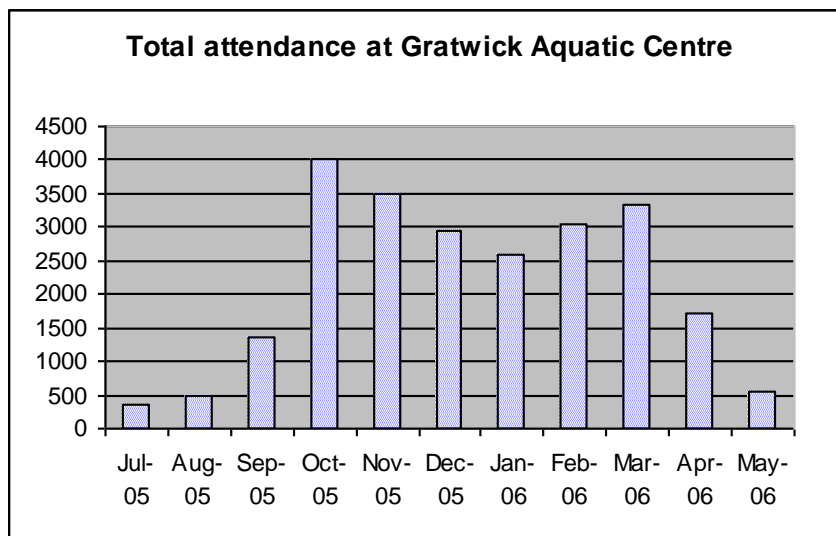
*Y at the JD*

The statistics for the Y at the JD, South Hedland Aquatic Centre and Gratwick Memorial Pool are provided by the YMCA.

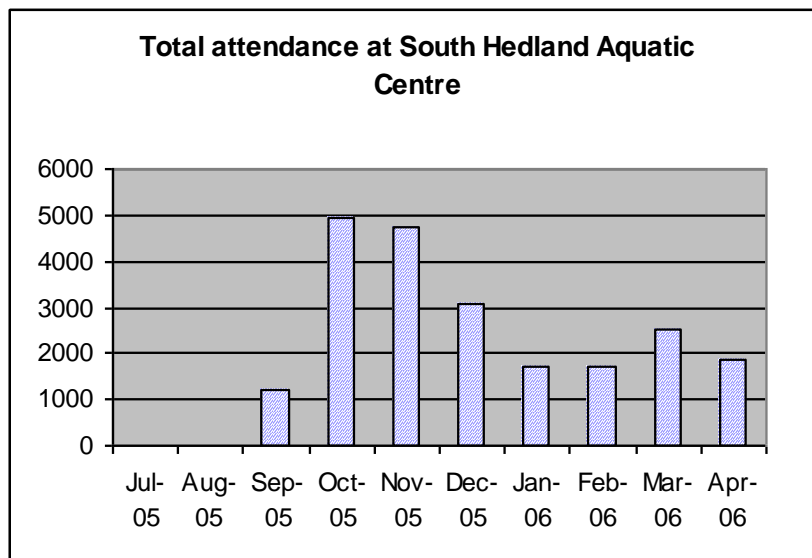




*Gratwick Memorial Pool*



*South Hedland Aquatic Centre*



**200506/447 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr S F Sear

**That Council receives the Regulatory and Community Services Report for May 2006.**

***CARRIED 8/0***

**11.2.1.2 Display of Vehicles for Private Sale (File No: RAN-007 & RAN- 008)**

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

**Date of Report** 16 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Complaints have been received recently concerning vehicles parked in high profile locations in Port and South Hedland, (primarily on Hamilton Road, South Hedland near the Caltex Service Station) where they are being exposed for sale. This problem has been investigated and a solution proposed.

**Background**

Over a period of more than a decade, people have parked vehicles outside the Caltex Service Station Hamilton Road, South Hedland advertising them for sale. The high exposure, easy access and wide verge made this a popular area among people selling vehicles, boats and trailers. The use of the site and others in the Port Hedland area seems to have grown from a general acceptance resulting in some of Councils Parking Local Laws not being enforced.

Apart from being a breach of Council's Parking Local Laws, some concern is raised over the possible obstruction these parked vehicles cause, limiting visibility to vehicles exiting the service station, and the hazard to other road users who may slow down to view these vehicles while passing. Additionally the obstruction to road verges is of concern as there is invariably limited parking for drivers of vehicles viewing these vehicles for sale.

The problem seems to be primarily limited to the site on Hamilton Road as recent warning notices in Port Hedland appear to have resolved the problem in that area.

**Consultation**

Manager Caltex Service Station South Hedland –

While not overly concerned with the vehicles being exposed for sale, said that the vehicles can cause an obstruction to his entry exit point on the northern side of the property, they also detract from the presentation of his premises from the road.



**Statutory Implications**

The Town of Port Hedland Parking Local Law addresses this issue.

Section 2.1- A person shall not park or stand or permit a vehicle to remain parked in a parking station or on a road for the purpose of exposing the vehicle for sale.

Section 5.4 (1) A person shall not park or stand a vehicle or permit a vehicle to remain on land that is not a road or a parking station without the consent of the owner or occupier of the land.

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment**

There are three options available to Council in dealing with this issue.

1. Allow the current situation to continue as is, not enforcing the parking local laws in this area.
2. Designate an area on Council owned or controlled land to be used for the purposes of a vehicle market, accepting the costs and liability associated with that action.
3. Responsibly enforce the provisions of The Town of Port Hedland Parking Local Law prohibiting the display of vehicles intended for sale on roads.

Option 1, permitting vehicles for sale to park on certain road verges or parking areas has been considered, but this is clearly in breach of the town's current parking local laws so would require amendment of the Local laws which doesn't offer a sensible short term solution. It is also likely that permitting vehicles to be sold from some road reserves and not others will be confusing to the public and will potentially increase the incidence of vehicles being displayed in unsafe situations.

Option 2 establishing a Council controlled site, is a superficially appealing option but to do so would obviously involve some establishment costs. Investigations by Councils Ranger Services have failed to identify suitable Council controlled land in South Hedland which has suitable safe traffic access and the sort of exposure that is required. It may be possible to obtain access to access to unallocated crown land but again this is not a short term solution.

Establishing a facility of this type would also bring with it certain responsibilities outside Council's current Public Liability cover and may even require the raising of fees to cover ongoing administrative and other maintenance costs.

Option 3. Responsibly enforcing the provisions of The Town of Port Hedland Parking Local Law is perhaps the most appropriate course of action.

This would prevent the parking on roads that have been the subject of recent complaints. It does however, allow vehicle owners to display their vehicles on land with the permission of the owner. The Local Laws currently permit the display of vehicles from land other than roads and parking stations.

It is really a matter between the owner of vacant land and the person selling the vehicle as to whether permission is granted, but if an owner did complain that their vacant land was being used without permission, they could furnish the appropriate information to Council officers who could issue the appropriate warnings etc.

For example, under the Parking Local Law, a person wanting to display a vehicle on the unallocated crown land at the corner of Hamilton Road and Hedditch Street (across the road from the South Hedland Oval) would not be committing an offence. This is an ideal site and if the owner (in this example State Land Services, formerly Land Asset Management Services on behalf of the Crown) was concerned that people weren't getting the appropriate permission to use the land they could of course pursue the matter with the offenders of request action by the Rangers.

The disadvantage to this approach is that it may encourage the proliferation of individual displays which could be unsightly.

This approach could be effectively trialed for a period of three months to see if there are problems arising from it. In the meantime a minor amendment to the local laws could be initiated to permit the display of vehicles from parking areas. There is no evidence that this would cause a problem within the Town of Port Hedland but it would allow a further option to members of the public wishing to display their vehicle safely.

The amendment would simply require the removal of the words "*in a parking station or*" from clause 2.1 which currently reads:

*"A person shall not park or stand or permit a vehicle to remain parked in a parking station or on a road for the purpose of exposing the vehicle for sale."*

This would then permit the display of vehicles when legally parked in a parking area. This would clearly be different to establishing an area as a market site with the inherent liability issues that would attract.

NOTE: The process for amending the Local Law will be the same as adopting a new Local Law, namely:

- 1) Notice is given at a meeting of Council
- 2) State-wide public notice of amendment, copy to minister and members of the public
- 3) Council resolves to make the amendment having considered the submissions
- 4) Amendment is published in the Govt. Gazette (with copy to Minister)
- 5) Public notice of adoption is published and amendment is sent to Joint Standing Committee on Delegated Legislation

This process will obviously take some months, but if commenced at the same time as the trial period, will enable a new approach to be adopted if the responsible application of the local laws does not address community needs.

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

That:

- i) Council responsibly apply the restrictions imposed by the Town of Port Hedland Parking Local Law prohibiting the display of vehicles for sale on roads;
- ii) Ranger Services review the application of the Local Law over a three (3) month period and report back to Council on any problems or inconvenience caused to the public by its application; and
- iii) Council initiates an amendment to clause 2.1 of the Town of Port Hedland Parking Local Laws to delete the words "*in a parking station or*".

**200506/448 Council Decision/Officer's Recommendation**

**Moved:** Cr S F Sear

**Seconded:** Cr A A Carter

**That:**

- i) Council's Ranger Services be directed to enforce the Town of Port Hedland parking Local Laws prohibiting the display of vehicles for sale on roads;**
- ii) Ranger Services review the application of the Local Law over a three (3) month period and report back to Council on any problems or inconvenience caused to the public by its application; and**
- iii) that Council investigate alternative sites for the sale of cars.**

***CARRIED 5/3***

*REASON : Council felt that immediate action needed to be taken to prevent the proliferation of vehicles for sale on road closures.*

*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 J M Gillingham	Cr G J Daccache
Cr D R Pike	
Cr S F Sear	

**11.2.2 Planning Services****11.2.2.1 Delegated Planning Approvals for May 2006 (File No.: PLN-104)**

**Officer** Sarah Hepburn and  
Ayla Stewart  
Administration Officer  
Development & Regulatory  
Services

**Date of Report** 19 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

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

**Background**

A list of Planning Consents issued by Council's Planning Services under Delegated Authority for the month of May 2006 are attached to this report.

**Consultation** Nil

**Statutory Implications**

Town of Port Hedland Delegation Register 2005 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

6:17 pm Cr A A Gear left the room

**200506/449 Council Decision/Officer's Recommendation**

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

**That the Schedule of Planning Consents issued by Delegated Authority for the month of May 2006 be received.**

***CARRIED 7/0***

*ATTACHMENT TO AGENDA ITEM 11.2.2.1*

<b>Date</b>	<b>App. No.</b>	<b>Address</b>	<b>Applicant</b>	<b>Owner</b>	<b>Development</b>	<b>Zoning</b>	<b>Delegation</b>	<b>Comment</b>
2/5/06	2006/36	169 Greenfield St, Boodarie	Shidaz P/L	JC Amos & CM Gleeson	Outbuilding (Shed for Storage) with R Code Variation	Rural Residential	40 (6)	5.4m x 6m Colourbond shed with a side setback of 5m
04/05/06	2006/48	14 Moorambine St, WF	J.J. Reibel	J.J. Reibel	Sea Container and Transportable	Industry	40 (1)(b)	Formalisation of sea container and 13m transportable
05/05/06	2006/55	Lot 2444 Great Northern Hwy, PH	Air Services Australia	Town of Port Hedland	AERODROME – 12m antenna and 6m antenna additions	Airport	40 (1)(b)	Aircraft navigation infrastructure
09/05/06	2006/43	3 Kingsmill St, PH	BHP Billiton Iron Ore	BHP Billiton Iron Ore	Maritime Park	Residential R12.5/50	40 (1)(b)	Maritime themed park
11/05/06	2006/59	6 Yanana St, WF	Gavin and Christine Hunt t/a Hedland Funeral Services	Simpson Family Nominees Pty Ltd	Change of Use to Warehouse	Industry	40 (1)(a)	Contained within an existing 16 m x 7 m shed and an office attached to an approved caretaker's dwelling
18/5/06	2004/135.1	1-5 Hamilton Rd, SH	Jaxon Constructions P/L	Wirraka Maya Health Services	CONSULTING ROOMS - Amendment to Crossover access and carpark layout	Town Centre	40 (1) (a)	Amended crossover and car-park which is required to accommodate a stormwater grate within the road reserve.
31/05/06	2006/50	10 Corbet Pl, SH	A Young	A & W.Young	Mobile Business (Lawn Mowing and Cleaning)	Residential R20	40 (9)	Mobile Business registration (Lawn Mowing and Cleaning)
31/05/06	2006/56	24 Weaver Pl, SH	C NEW	D & C New	Home Occupation Renewal (Beauty and Massage)	Residential R20	40 (9)	Home Occupation Renewal
31/05/06	2006/61	Lot 1382 Taylor St, PH	SHIDAZ PTY LTD	Town of Port Hedland	OUTBUILDING – Storage Shed	Tourism	40 (6)	6m x 8m storage shed at Cooke Point Caravan Park

6:19 pm Mayor S R Martin declared a financial interest in Agenda Item 11.2.2.2 'Application to Construct a Caretaker's Dwelling at Lot 502 (2-6) Byass Street, South Hedland' as he is the builder likely to be involved in the project.

Mayor S R Martin left the room.

Deputy Mayor A A Carter assumed the Chair.

**11.2.2.2 Application to Construct a Caretaker's Dwelling at Lot 502 (2-6) Byass Street South Hedland (File No.: 803000G)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 19 May 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received an application from George Anagnostopoulos on behalf of Manday Investments Pty Ltd to construct a caretaker's dwelling at lot 502 (2-6) Byass Street South Hedland.

This land is zoned "Mixed Business" and a caretaker's dwelling is listed as an "IP" use on the Town of Port Hedland Town Planning Scheme No. 5 zoning table.

This item is presented for Council consideration as Delegated Officers do not have the authority to determine "IP" uses.

**Background**

This land is developed as a showroom and is currently occupied by Lil's Furniture World. The area proposed for use as a caretaker's dwelling comprises a 16.19m x 3.1m (50.189 m<sup>2</sup>) room at the rear of the showroom that currently contains a WC, sink and bench and shower. The room has both an entrance from the showroom and an exit to the rear of the building.

Appendix 1 – Definitions defines "Caretaker's Dwelling" as:

*"A building used as a dwelling by a person, and an associated household, having the care of buildings, plant, equipment or land used for any development category in the zoning table carried out on or existing on the same site, with a maximum floor space of 50 m<sup>2</sup>."*

The applicant is proposing this development in order to be able to provide increased security to the showroom.

Notwithstanding that this proposed development is contained within a mixed business zone, it is noted that this lot also faces Bottlebrush Crescent to the rear, which is a residential area zoned R20.

### **Consultation**

Environmental Health Services have identified health related issues with regard to the existing layout of the room specifically with the WC opening directly to the existing kitchen facility and the lack of a laundry area.

Building Services have advised that a building licence is required for this change in use, as the affected portion of the building will need to be reclassified.

Public **Consultation:** Current occupiers of the Byass Street complex have been notified of this proposed development in writing and invited to comment on the proposal with the submission period closing 21 June 2006. At the time of writing no submissions were received pursuant to this consultation regarding this application.

### **Statutory Implications**

The Town of Port Hedland *Town Planning Scheme No 5* zones the land "Mixed Business," defines the use "Caretaker's Dwelling" and lists this use as an "IP" use.

**Policy Implications** Nil

**Strategic Planning Implications** Nil

### **Budget Implications**

Planning fees of \$100 have been received and deposited into account 1006326 (Town Planning Fees), reflecting an estimated development cost of \$7000.

### **Officer's Comment**

This proposed dwelling is located to the rear of the complex, and at the far end of the complex and so is least likely to be affected by other potentially incompatible land uses. In addition, it is noted that there is an inherent assumption that a caretaker's dwelling may not have the same amenity as a residential building and that any resident may expect to be affected by odours or noise from adjoining land uses.



Environmental Health and Building Services had concerns with regard to the internal layout and installation of laundry facilities may be addressed with the building licence application and need not be addressed with the planning application.

**200506/450 Council Decision/Officer's Recommendation****Moved:** Cr S F Sear**Seconded:** Cr D R Pike

**That Planning Consent be granted to George Anagnostopoulos on behalf of Manday Investments for the construction of a Caretaker's Dwelling at lot 502 (2-6) Byass Street as outlined in the Application received 1 May 2006 (Application Number 2006/53) 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 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 Caretaker's Dwelling to only be used by a person having care of the building, plant, equipment, or grounds associated with an industry, business or office carried on or existing on this site.**
- d) **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).**

**ADVICE TO DEVELOPER**

**Note 1: A Building Licence to be issued prior to the commencement of any on site works (BS).**

**Note 2: The applicant is advised that the submitted plans do not conform to the requirements of the Health Act (Laundries and Bathrooms) Regulations, the Sewerage (Lighting, Ventilation and Construction) Regulations 1971 and the Building Code of Australia and that compliance with these and all other applicable legislation is required prior to the issue of a Building Licence.**

**Note 3: The developer to take note that the area of this application may be subject to rising sea levels, 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.**

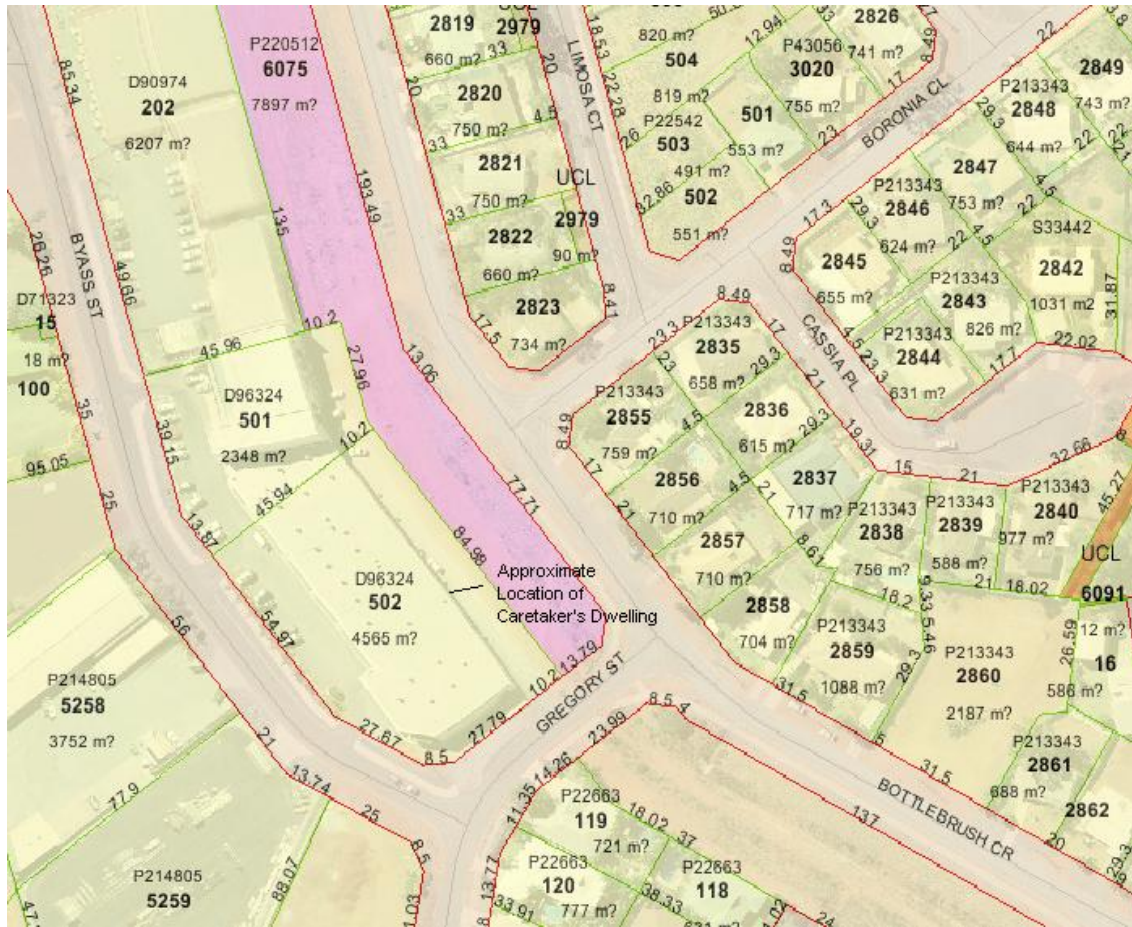
***CARRIED 6/0***

6:22 pm Mayor S R Martin re-entered the room and assumed the Chair.

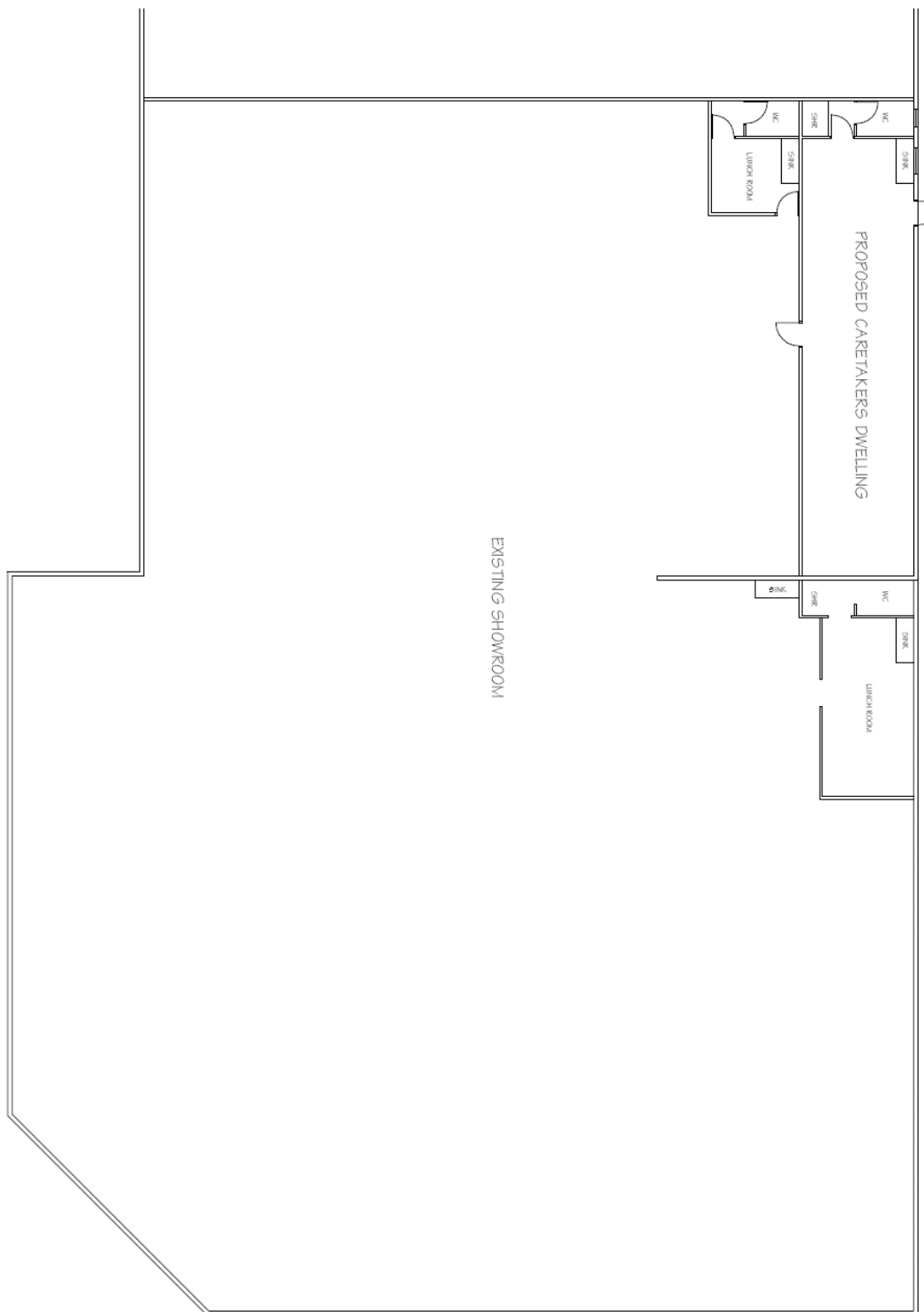
Deputy Mayor A A Carter advised Mayor S R Martin of Council's decision.

Deputy Mayor A A Carter resumed his chair.

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.2



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.2



**11.2.2.3 Proposed Scheme Amendment to Rezone Portion of Lot 313 Anderson Street Port Hedland from “Residential R12.5/50” to “Public Purposes – Telecommunications” (File No.: 117280G)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 19 May 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received an application from Whelans Town Planners on behalf of Telstra Corporation Pty Ltd to rezone a portion of lot 313 McKay Street Port Hedland from Residential R 12.5/50” to “Public Purposes – Telecommunications.” The subject land comprises 1128 m<sup>2</sup> and is currently developed with a single residential dwelling and a telephone exchange.

**Background**

The applicant for this proposal, Whelans Town Planners, are acting on behalf of the landowner, Telstra, to rezone a portion of an existing residential lot in order to facilitate a subdivision that will enable the disposal of surplus residential land.

The land is currently developed with a telecommunications facility that Council approved at its Ordinary Meeting on 27 August 2003, subject to conditions.

It is noted that the grouped dwelling at the rear of lot 124 Kingsmill Street has its only street frontage and access through Lot 313 Anderson Street, with this access protected via an easement over this lot. Should the lot be subdivided subsequent to the land being rezoned, this easement would be maintained on any new title, protecting the existing users access to Anderson Street.

Should the land be rezoned to “Other Purposes – Telecommunications” Council would still have control over additional development of the site under section 2.3 of Town Planning Scheme No. 5 which lays out matters to be considered by Council for applications for planning approval on reserved land.

As the land is currently zoned “Residential,” and the zoning table lists infrastructure as an “AA” use, Council will retain a similar level of control regarding the future development of the rezoned land for telecommunications infrastructure.

Notwithstanding this level of control, certain types of low-impact development are permitted without local or state level approvals under the *Telecommunications Act 1997 (Commonwealth)* and this is unlikely to be affected by rezoning the land.

### **Consultation**

Engineering Services have offered no objection or comment for this approval.

Should Council resolve to initiate this proposed Scheme amendment, section 81 of the *Planning and Development Act 2005* requires the amendment documentation be submitted to the Environmental Protection Authority (EPA) for assessment.

Should the EPA determine that the proposed amendment does require formal assessment, the amendment is to be advertised for public comment with all submissions considered prior to any final adoption of the amendment and submission to the Western Australian Planning Commission (WAPC) for assessment.

### **Statutory Implications**

The *Planning and Development Act 2005* allows a local government to amend its town planning scheme.

The *Town Planning Regulations 1967* establishes the process required to amend a town planning scheme.

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

### **Officer's Comment**

Reserving this land for the purpose of telecommunications is a more accurate reflection of the current, and expected future use of the land.

In amending the town planning scheme to reflect this use, Council is unlikely to lose any development control of the site and will be enabling the landowner to either develop or dispose of the remainder of the lot once it has been subdivided.

The access to the adjoining residential strata lot will still be protected via an easement on the title and the outcome of this approval should ultimately be that the existing derelict dwelling on the lot.

**200506/451 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr S F Sear

**That Council initiates a scheme amendment to the Town of Port Hedland Town Planning Scheme No. 5 to rezone a portion of Lot 313 Anderson Street, Port Hedland from "Residential R12.5/50" to "Public Purposes – Telecommunications" as outlined in the application received 4 May 2006.**

***CARRIED 7/0***

ATTACHMENT TO AGENDA ITEM 11.2.2.3



LOCATION PLAN

**PROPOSED REZONING  
LOT 313 ANDERSON STREET  
PORT HEDLAND**

— Subject Land

HEAD OFFICE Telephone: (08) 9443 1511  
133 Scarborough Beach Road Fax: (08) 9444 3801  
PO Box 99 Mount Hawthorn Email: whelans@whelans.com.au  
Western Australia 6016 Web Page: www.whelans.com.au Member Practice



Job Number: 10882  
Sheet Name: FP-10882-001-Rev.0.0  
Scale: 1:500 @ A4  
Date: 01 May 2006  
Drawn By: CdeL  
Checked by:  
File: j:\plan\job No\drafting & design\design\Proposed Rezoning.dgn  
All dimensions and areas are subject to survey. The information contained herein is to be reproduced without the permission of WHELANS.  
The Co-ordinate system adopted for this plan and digital data has been derived from — and is based thereon.  
This document must accompany this plan and digital data at all times.



**11.2.2.4 Proposed Closure of Pedestrian Access Way (PAW)  
From Court Place to Throssell Road South Hedland  
(File No.: A803472)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 26 April 2006

**Disclosure of Interest by Officer** Nil

**Summary**

The Department of Planning and Infrastructure (DPI) (State Land Services – formally LAMS) has requested that Council close an unconstructed pedestrian access way (PAW) linking Court Place to Throssell Road in South Hedland.

**Background**

At its Ordinary Meeting on 22 June 2005, Council resolved as follows:

*“That the Hedland Budget Motel be advised that the partial closure of the unmade laneway between Lots 12 and 13 Court Place, South Hedland is supported, subject to the following:*

- a) advertising of the proposal to the general public and service authorities by Council’s Planning Services in accordance with section 58 of the Land Administration Act 1997;*
- b) the closure to be at no cost to Council; and*
- c) any easements required by service authorities to be at no cost to Council.”*

The Department for Planning and Infrastructure (Land Asset Management Services) have requested that Council close the remainder of the unconstructed access way that remains between lots 10 and 3241 Throssell Road. As the northern portion of the access way is now closed and amalgamated into lot 13 Court Place, the remaining unconstructed portion cannot act as a thoroughfare.

Should Council resolve to support the PAW closure, the affected land will become unallocated Crown land that may be subject to sale to an adjoining landowner and amalgamation into either or both lots.

The closure of the remaining portion of the PAW is required as the State Land Services are not prepared to accept the deposited plan for the amalgamation of lots 12 and 13 Court Place that is required prior to the construction of additional motel units as conditioned by Council at its Ordinary Meeting held on 22 March 2006.

State Land Services (SLS) is prepared to accept the deposited plan prior to the formal closure of the PAW on the condition that Council accept the southern portion of the PAW as a vested reserve of unallocated Crown land.

Should Council resolve not to accept this vesting, SLS will require the formal closure of the PAW, prior to permitting the amalgamation of lots 12 and 13 Court Place.

It is noted from the aerial photography of the site that it appears the building located on lot 10 Throssell Road may encroach on the PAW. Determining this encroachment is likely to require the lot being surveyed, however if the building does encroach, the landowner may be required to purchase the closed PAW in order to formalise this matter.

### **Consultation**

Should Council resolve to support the request to close this portion of PAW, section 58 of the Land Administration Act 1959 requires that Council advertise the proposed closure in a local newspaper with a public submission period of not less than 35 days.

In addition, service providers will be advised of the proposed closure to ensure that any assets contained within the reserve are protected with appropriate easements.

Both adjoining landowners have been contacted with regard to this proposed closure and advised that, should Council resolve to request the closure of the PAW, this land may become available for purchase and amalgamation into an adjoining lot. Both landowners were requested to make an expression of interest to the Town of Port Hedland by the close of business 22 June 2006. At the time of writing no expressions of interest were received.

### **Statutory Implications**

Section 58 of the *Land Administration Act 1997* establishes the procedure required to close a public road and return it to unallocated Crown land. Prior to requesting the Minister to close any road, a local government is to advertise the proposed closure in a local newspaper and allow a 35 day public submission period.

Should Council accept the land as a vested reserve, the land will remain the responsibility of the Town of Port Hedland with only the details of the vesting altered. The PAW may still be closed and the land

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications**

Advertising costs of approximately \$100 to be sourced from account no. 1006249 (Advertising – Town Planning).

**Officer's Comment**

In most instances, a request for the closure of a PAW is accompanied by an indication that an adjoining landowner wishes to purchase the affected land. In this case however, the DPI is requesting the closure of a portion of a PAW, and has no interest in acquiring the land. Should neither potential purchaser wish to acquire this land, it will then remain unallocated Crown land that is likely to be vested in the Town of Port Hedland. As this is effectively the current situation however, no added maintenance cost is likely to be incurred by the Town.

Should a service provider require an easement over the affected land in order to protect underground infrastructure, the Town of Port Hedland could propose that the UCL be vested in this authority, therefore divesting itself of any responsibility for the land.

As the northern portion of this PAW is already closed, the remaining portion exists as an historical anomaly with no practical purpose. In making this request the DPI is seeking to rationalise this anomaly and change the purpose of the land to a more appropriate use.

Should Council resolve to accept the land as vested unallocated Crown land prior to complying with any statutory requirement to close the PAW, the town would remain legally responsible for the land prior to closing the PAW and potentially allowing sale and amalgamation of the land.

**200506/453 Council Decision/Officer's Recommendation**

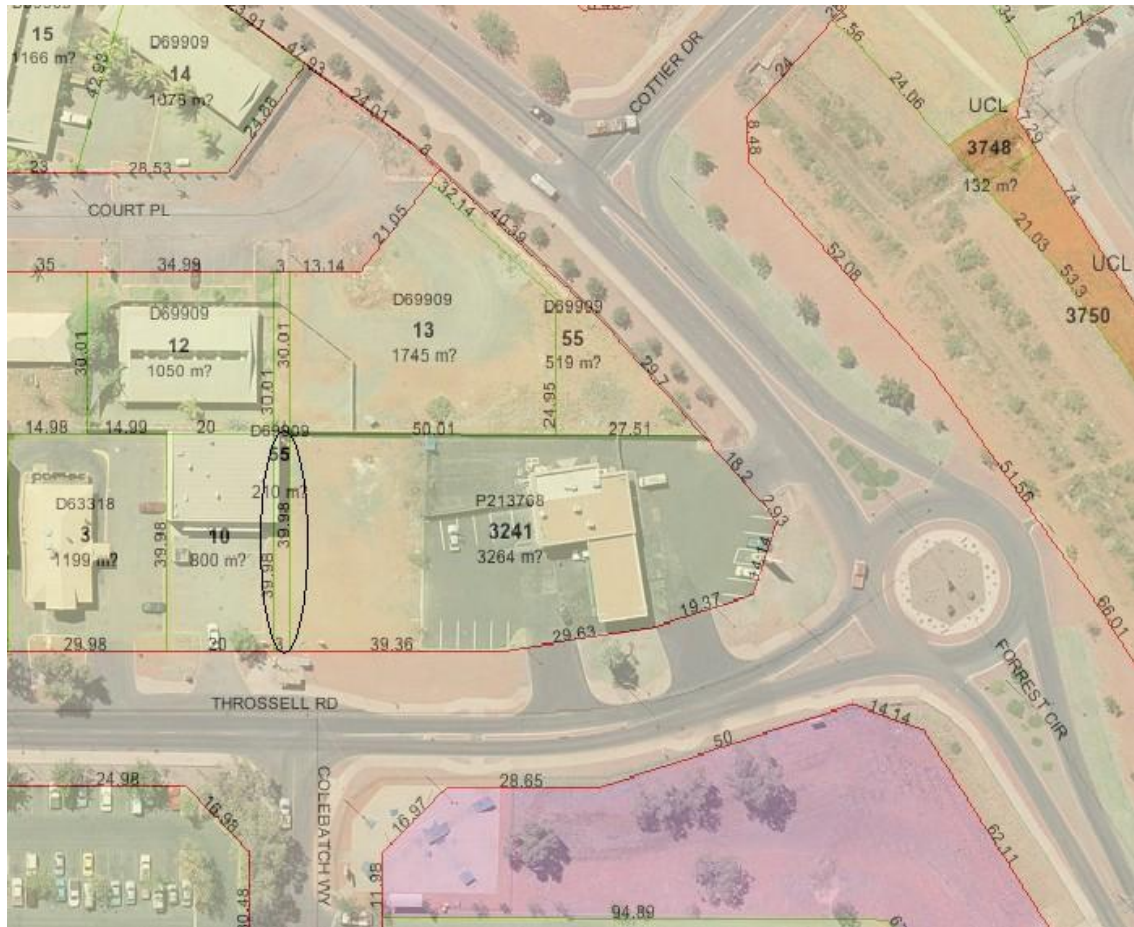
**Moved:** Cr G J Daccache      **Seconded:** Cr S F Sear

**That Council:**

- i) **advise the Department of Planning and Infrastructure (State Land Service) it is prepared to accept a vested reserve over the southern portion of the Pedestrian Access Way located between Lots 10 and 3241 Throssell Road, South Hedland; and**
- ii) **advertise the proposed closure of the unconstructed pedestrian access way between Lots 10 and 3241 Throssell Road, South Hedland in accordance with section 58 of the *Land Administration Act 1997*.**

***CARRIED 6/1***

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.4



6:26 pm Cr G J Daccache declared a financial interest in Agenda Item 11.2.2.5 'Variation to Approved Plans for 45 Grouped Dwellings at Lot 3263 Dempster Street, Port Hedland' as he owns BHP Billiton shares and is employed by BHP Billiton.

Cr G J Daccache left the room.

6:26 pm Cr D R Pike declared a financial interest in Agenda Item 11.2.2.5 'Variation to Approved Plans for 45 Grouped Dwellings at Lot 3263 Dempster Street, Port Hedland' as he owns BHP Billiton shares.

Cr D R Pike did not leave the room as the Department of Local Government and Regional Development have exempted him to do so.

6:26 pm Cr A A Carter declared a financial interest in Agenda Item 11.2.2.5 'Variation to Approved Plans for 45 Grouped Dwellings at Lot 3263 Dempster Street, Port Hedland' as he owns BHP Billiton shares.

Cr A A Carter did not leave the room as the Department of Local Government and Regional Development have exempted him to do so.

**11.2.2.5 *Variation to Approved Plans for 45 Grouped Dwellings at Lot 3263 Dempster Street, Port Hedland (File No.: 102550G)***

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 1 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received modified plans for an approved development of 45 grouped dwellings at Lot 3263 Dempster Street, Port Hedland (former St Cecilia's Catholic Primary School site).

The modifications to the approved plans comprise the inclusion of a retaining wall along portions of the site boundary and some variations to building setbacks.

This information item is presented to advise Council of the modifications to an existing planning approval granted by Council at its Ordinary Meeting on 27 April 2005.

## Background

At its Ordinary Meeting on 27 April 2005, Council considered an application from Hodge and Collard Architects on behalf of BHP Billiton Minerals for the construction of 45 grouped dwellings (application 2005/30). Council approved this application subject to a number of conditions. In addition to the conditions, a number of advise notes were attached to the permit, including a standard note stating:

*“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.”*

In correspondence dated 25 May 2006, Hodge and Collard Architects advised the Town of Port Hedland that, subsequent to flood mapping investigations by the applicant's civil engineers, the original site level has been raised to avoid the potential for future flooding of the development.

In order to contain the increased site levels, the applicant is now proposing the construction of retaining walls on the site boundaries, where required, in order to stabilise the site. These retaining walls are proposed with a maximum height of approximately 1.5 metres.

As a consequence of filling and retaining the site, the applicant is also proposing to modify the front setbacks of a number of the dwellings in order to achieve the required setback from the proposed retaining wall. The modified setbacks are required to conform to building requirements regarding setbacks of buildings from retaining walls.

## Consultation

As this application is only proposing minor modifications to an existing planning approval, additional internal or external consultation is not considered necessary.

No public consultation occurred with the original application, however a condition is included with Council's April 2005 approval requiring the developer to erect signage providing information regarding the development.

**Budget Implications**

Planning fees of \$460 have been received and deposited into account 1006326 (Town Planning Fees) reflecting an estimated cost for the construction of the retaining walls of \$200 000.

**200506/454 Council Decision/Officer's Recommendation**

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

**That Council note the planning approval granted to Hodge and Collard Architects on behalf of BHP Billiton Minerals for the construction of retaining walls and variations to the building setbacks of the 45 Grouped Dwellings at lot 3263 Dempster Street Port Hedland as outlined in the Application received 26 May 2006 (Application 2005/30.1) 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) **Compliance at all times with any other relevant Planning Consent previously issued for the property.**
- d) **The retaining wall is to be clad in a material or painted in a colour of natural or earth tonings to complement the surroundings, and/or adjoining developments, in which it is located.**

**ADVICE TO DEVELOPER**

**Note 1: The applicant is advised that this approval applies only to those variations to the planning approval granted 27 April 2005 (Application Number 2005/30) that are marked in red ink on the approved plans.**

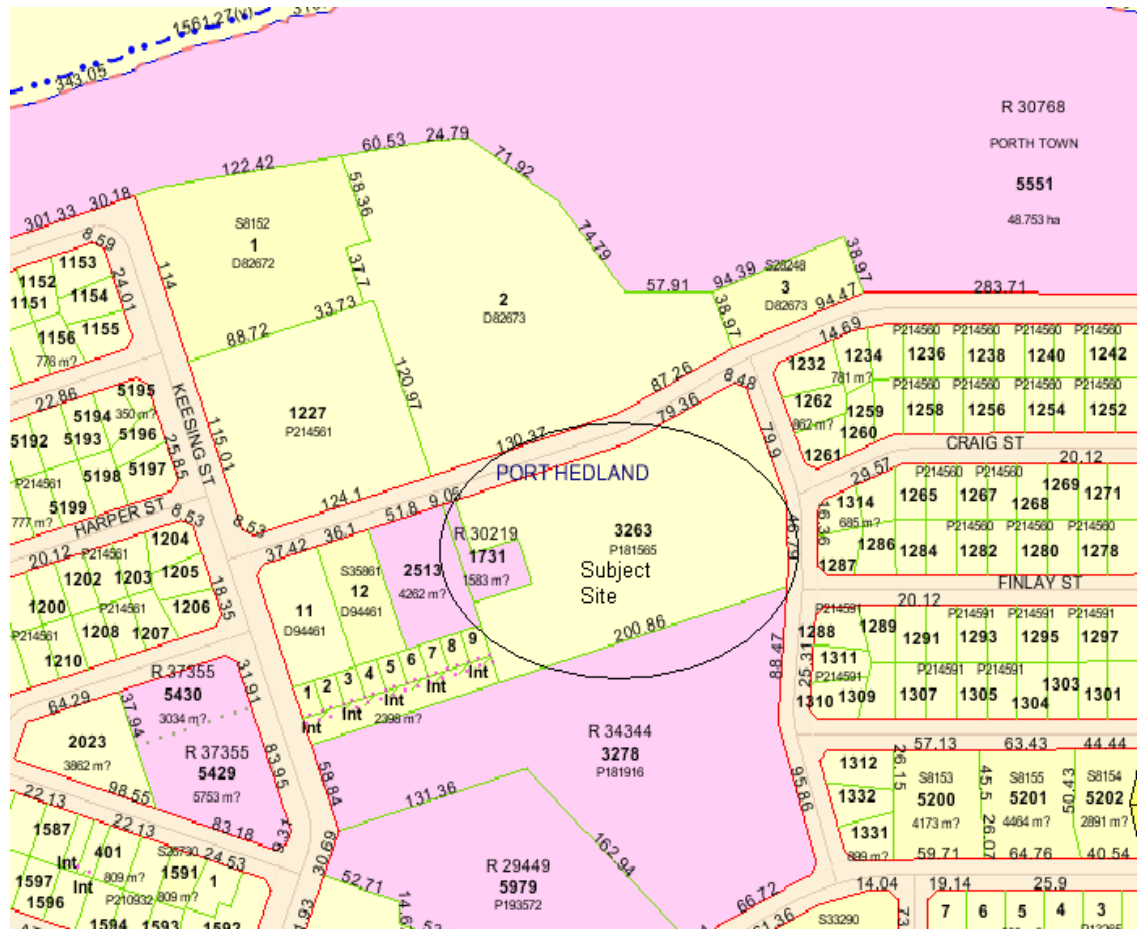


**Note 2: The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level 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 5/1***

- 6:30 pm Cr G D Bussell left the room.
- 6:30 pm Cr A A Gear entered the room and assumed his chair.
- 6:30 pm Cr G J Daccache re-entered the room and assumed his chair. Mayor advised Cr G J Daccache of Council's decision.
- 6:31 pm Cr G D Bussell re-entered the room.

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.5





**11.2.2.6 Proposed Pretty Pool Design Guidelines (File No.: 18/14/0001)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 16 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received a proposed set of design guidelines from Jones Coulter Young Architects and Urban Planners who are acting on behalf of Landcorp. The applicant proposes that the Town of Port Hedland adopt the design guidelines as a policy under Town Planning Scheme No. 5 to guide the built form development of the Pretty Pool subdivision.

**Background**

On 30 May 2006, Lee Symington and Peter Hobbs from Jones Coulter Young, Adam Usher from ERM and Shravan Kashyap from Landcorp met with Councilors and Council's Planning Staff to discuss an initial draft proposal of Pretty Pool design guidelines. The result of this meeting is the revised draft that is presented to Council for consideration. There are a number of options for Council with regard to these guidelines regarding their implementation and management.

These draft Design Guidelines include some required and some recommended elements that complement the Town Planning Scheme, *Residential Design Codes* and other relevant Council policies in the development of the new Pretty Pool subdivision.

The guidelines propose to implement an additional set of controls over the development process. Under the Town of Port Hedland Town Planning Scheme No. 5, the construction of a single house on a residential zoned lot of land is exempt from requiring planning approval except where the developer is seeking to vary elements of the Scheme or the R Codes. By adopting guidelines, Council will have an additional level of control that should encourage a higher level of development.

In consultation with Planning Staff, and after feedback from Council, the Draft Guidelines recommend the following required elements for all residential development in Pretty Pool:

*Buildings are to be constructed within 30 months of the date of settlement.* This condition is included in part to avoid speculation by investors and ensure that land is developed promptly.

Access to builders and materials may prove problematic in achieving this goal and enforcing this deadline may prove difficult, however placing the onus on the owner/developer to comply or demonstrate attempted compliance is likely to accelerate the development process.

The following elements are included to encourage less reliance on mechanical air-conditioning and encourage more environmentally sensitive design:

- Houses are to be oriented to catch the breeze.
- Each house constructed with a minimum width 1800 mm verandah on at least two sides.
- The sides of houses with no verandah to have a minimum 900mm eave, or demonstrate all walls shaded to a minimum 80% at the winter solstice
- All ceilings a minimum 2700 mm or 2400mm with raked/cathedral ceilings.
- Houses on corner lots to address both streetscapes with fencing on side boundary a maximum 1800 mm and extending no more than half the length of the block.
- Each house provided with a minimum 20 m<sup>2</sup> outdoor living/eating area.
- Minimum insulation rating of R3.5 with ventilation provided to all roof spaces.
- Roofs to be a light colour, with a restrictive list of Colourbond colours provided.

All development within Pretty Pool required to demonstrate that installed lighting will not impact turtle nesting sites during laying or hatching seasons. This item is included to aid in the protection of the Flatback Turtle hatcheries in Pretty Pool.

In addressing streetscape issues, the following elements are required for all housing in Pretty Pool:

- Houses on corner lots to address both streetscapes with fencing on side boundary a maximum 1800 mm and extending no more than half the length of the block.
- Triple width garages are not permitted.
- All lots are to provide for vehicular access to the rear of the property (this item is included to allow for the storage of recreational vehicles behind the building line).
- All garages to be set back a minimum 2 m behind the front façade.
- All crossovers to remain as located by Landcorp.
- Front fences are not permitted, with only low boundary fencing (max 600 mm) permitted forward of the building line.

In addition to the required elements, the Design Guidelines provide a number of non-enforced elements that will provide guidance to developers in the areas of building material selection, sustainable water and energy management practices, and landscaping and appropriate plant selection.

In order to encourage compliance with non-regulated elements of the design guidelines, the applicant recommends that, in line with similar land developments, Landcorp provide the following rebates and subsidies:

Solar hot water subsidy	\$500
Double-glazing rebate	\$1000
Window tinting rebate	\$500
Additional roof insulation	\$500
Front Landscape gardening	\$2500

Notwithstanding the potential for subsidies provided for compliance with specific aspects of the design guidelines, adoption and subsequent compliance will add to building development cost. While this cost will add to the construction cost, the long-term benefits both financial and environmental, are expected to outweigh this initial cost.

### **Consultation**

Council has been consulted with regard to this item at a meeting with the proponents in Council Chambers on 30 May 2006. In addition, the draft proposal as modified as a result of this meeting has been circulated to Councilors with request for additional comment by 16 June 2006.

Should Council resolve to adopt these guidelines under the town planning scheme, a period of not less than 21 days is required for public advertising for comment prior to formal adoption.

### **Statutory Implications**

Section 5.2 of the Town of Port Hedland Town Planning Scheme No. 5 requires:

- That where any policy inconsistent with the Scheme, the Scheme prevails to the extent of the inconsistency
- That Council is not bound by the policy with regard to any decision for planning approval, but Council is to show due regard to the policy
- That Council advertise for submission of public comment for the proposed policy, and review the policy in light of comments received prior to formal adoption

### **Policy Implications**

Nil

## Strategic Planning Implications

### KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT

#### Goal 4 - Land Development Projects

That land is being released and developed to meet the needs of a growing community.

Strategy 1 - Work with LandCorp to progressively develop Pretty Pool in a sustainable manner.

## Budget Implications

Nil

## Officer's Comment

Council has a number of options for dealing with these design guidelines.

*Option 1 -- Adopt the required elements of the guidelines as a policy under Town Planning Scheme No. 5.*

This option provides the greatest level of control for Council regarding this development. Should Council elect to pursue this option, the applicant will draw up an additional document that will include only the required elements of the guidelines, which Council would adopt as policy under the Scheme.

The public advertising of the policy would allow all interested parties to comment on the draft policy prior to formal adoption, and the policy would be subject to alteration or cancellation at Council's discretion in the same manner as other policies.

This option would allow for the greatest control over the character of the built environment of Pretty Pool as each application for planning or building approval would be assessed against the policy. Non-required elements would remain as guidelines, but have no statutory authority.

*Option 2 -- Adopt the entire document as a set of design guidelines.*

Adopting the entire document will have a similar effect as adopting the required elements as policy. However, including the surrounding documentation and justification may have the effect of confusing the required with the non-required elements. For ease in administration, it is the Officer's opinion that this is not desirable.

*Option 3 -- Recommend that Landcorp adopt the design guidelines with required elements enforced via restrictive covenants on the land, or some other appropriate legal device.*

While this is possible, the Town of Port Hedland has been advised that Landcorp is unlikely to impose restrictive covenants on land titles and will only control development with initial assessment of building applications.

The advantage for Council with this option is that the Town of Port Hedland is not involved with compliance to the guidelines in any formal manner, however Council would then also lose the ability to vary any requirements, or grant exemptions to the guidelines as it sees fit. In addition, once Landcorp withdraws from the development process, any controls will effectively be lost unless Council then implements its own specific policy.

*Option 4 -- Not adopt the design guidelines and not recommend that Landcorp adopt the document, allowing market forces to determine the outcome of residential development in Pretty Pool, subject to existing statutory and policy instruments.*

Council has an opportunity to implement some level of control for the development of the built form of the new residential development in Pretty Pool. While this option provides the least amount of work for Council and Staff it is considered that pursuing this option will result in a lost opportunity to ensure that this new subdivision achieves a new standard of residential development in Port Hedland.

By implementing a higher level of control, Council would encourage developers to construct more environmentally sensitive designed structures that better reflect the climate and conditions experienced in Port Hedland.

In following a general trend in home ownership in Port Hedland, it is expected that a relatively large proportion of the new development in Pretty Pool will comprise some form of rental tenure. As evident throughout Port and South Hedland, the design and quality of rental housing is often not of a desirable standard. Implementing some form of design guidelines will complement Council's existing regulatory framework and provide an opportunity to establish high quality appropriate housing as standard development.

Of these options, the Option 1 is considered to carry the most merit as it provides Council with some specific controls over the development in Pretty Pool, and gives clear guidance to developers. It is important to note that Council would be able to make exemptions to the policy where it considered a particular application meet the strategic goal for the subdivision while not achieving any specific requirement.

In addition, Council is able to modify or cancel the policy at its discretion should it determine that it becomes an impediment to development or unnecessary.



**200506/455 Council Decision/Officer's Recommendation**

**Moved:** Cr S F Sear

**Seconded:** Cr A A Carter

**That Council seek public comment on the proposed guidelines by advertising and actively seeking comments from developers, builders and the local real estate industry.**

***CARRIED 8/0***

**11.2.2.7 Request for Comment Regarding Subdivision of Lot 5876 Styles Road Port Hedland (File No.:803357G)**

**Officer** Richard Bairstow  
Manager Planning

**Date of Report** 28 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received a request for comment from the Planning Consultant acting for Landcorp in anticipation of the request from the Western Australian Planning Commission regarding the proposed further subdivision of lot 5876 Styles Road, Port Hedland, previously commented on by Council in February 2006 (Report 10.2.2.3). The application is for an additional 34 lots (See Attachment No. 1).

**Background**

This proposed subdivision is the second stage land release of the larger Pretty Pool proposal. The land the subject of this application is currently zoned "Urban Development" and therefore does not require rezoning or a scheme amendment in order to be subdivided.

The land is Unallocated Crown Land that is zoned "Urban Development R 20" in the Town of Port Hedland Town Planning Scheme No. 5. The land subject to this application comprises approximately 28000m<sup>2</sup> of the total lot size of 11.0203 ha.

**Rezoning**

This land does not require rezoning prior to development as pursuant to section 5.2 of TPS 5, Council can require the developer to produce a Development Plan for the subdivision. The issues to be addressed by the Development Plan are outlined in Appendix 6 of the Scheme (see attachment).

As the land is currently zoned to allow a maximum residential density of R 20, the subdivision is required to achieve an average lot size of 500 m<sup>2</sup> with a minimum size of 491 m<sup>2</sup>. This development complies with this requirement, yielding three (3) lots below the average lot requirement, with the bulk of the lots within the range of 500 – 700 m<sup>2</sup>.

### Public Open Space Contribution

The public open space requirement (POS) required by the WAPC of 10% of the gross subdivided area (excluding land which is surveyed for schools, major regional roads, public utility sites, municipal use sites, or, at its discretion, any other nonresidential use site), would in this case be 4.2103 ha. Under this proposal 4.721 ha is designated as a POS contribution. The subdivision application therefore complies with WAPC policy regarding POS.

### Road and Lot Layout

The road and lot layout proposed by this subdivision application are essentially the same as the Revised Development Vision presented to Council at its Ordinary Meeting on 14 December 2005 (see attachment), where Council resolved to:

- i) adopt the Revised Pretty Pool Development Plan for the purpose of public advertising in conjunction with the associated Town Planning Scheme No.5 Scheme Amendment; and
- ii) refer the updated plan and documentation to the Environmental Protection Authority to assess the required level of environmental assessment.

### Consultation

Council's Engineering and Building Services have offered no objection or comment to this proposal.

Council's Environmental Health Services do not object to the proposal but has requested that the developer ensure that existing and new drainage systems will not result in storm water pooling to cause mosquito breeding sites.

No external consultation was conducted for this item as an integral component of the subdivision assessment and approval system by the Western Australian Planning Commission involves seeking comment from:

- Agriculture Western Australia
- Department of Environment
- Fire and Emergency Services Authority
- Health Department of Western Australia
- Western Power
- Telstra
- Water Corporation

**Statutory Implications**

Section 13 of the *Land Administration Regulations 1998* prescribes the requirements for the Crown when entering joint ventures to develop and sell Crown land.

Division 1 and 2 of Part 6 of the *Land Administration Act 1997* outlines the process required for the sale of Crown Lands.

Section 20 of the *Town Planning and Development Act 1928* outlines the process required to subdivide land.

The Town of Port Hedland Town Planning Scheme No. 5 zones the land "Urban Development R 20." The TPS also outlines the requirements for a Development Plan, if required, in section 5.2 and Appendix 6 of the Scheme.

**Policy Implications**

Nil

**Strategic Planning Implications**

Goal 4 – Land Development Projects

That land is being released and developed to meet the needs of a growing community.

Strategy 1. Work with LandCorp to progressively develop Pretty Pool in a sustainable manner

**Budget Implications**

Nil

**Officer's Comment**

This subdivision application forms part of the Pretty Pool Development Plan. This section does not require the scheme amendment process in order to proceed as the land is appropriately zoned for this type of development under the Town of Port Hedland Town Planning Scheme No 5. Council may require a Development Plan be submitted under section 6.4 of TPS 5, however as this land is currently the subject of a Development Plan already adopted by Council for the purpose of advertising, this requirement is considered unnecessary.

Lot design

Concerns have been raised with the developer regarding the standard narrow frontage, deep lots which allow little opportunity for side access, rear vehicle storage, breeze ways (3m either side of a dwelling is recommended) and/or veranda/eaves overhangs (1.9m or enough to shade wall surfaces is recommended). It is suggested that rather than the Town attempting to create a Port Hedland style house that we look towards creating a Port Hedland style lot and house.

A combined approach may provide a cost effective alternative and encourage landscape designs that are sustainable and create a Port Hedland style of development.

This is a concern for the Administration team however it should be negotiated with the developer and adopted within future stages (particularly with reference to smaller lots) to achieve the desired long term outcomes.

#### Applicant's comments

"The size and shape of lots within the Stage 1 & 2 subdivisions, and generally over the project has been intended to provide for as great a variety of housing types as possible and obviously for a greater overall density than what might otherwise have been achieved in a standard R20 subdivision.

It is acknowledged that the detailed design of smaller R30 home sites, and grouped sites will need to be worked through with Council, though the size and shape of the Stage 1 & 2 R20 lots provide significant flexibility given their size. I understand your comments regarding general demand for wider frontage lots, given boats etc and can confirm a similar discussion with the Shire of Exmouth staff on another LandCorp project. As agreed, the issue is as much about educating people that a 500 to 700m<sup>2</sup> lot provides significant flexibility even for storage of boats, trailers etc; as it is about redesigning the lots. In the Exmouth case the solution was to provide some relatively simple sketches for the Council staff in respect to how access to the rear of the lot for caravans, four-wheel drives, or boats can be readily accommodated on a variety of lot sizes. A couple of these examples are enclosed." (See attachments 2 & 3) "If appropriate this type of issue could be readily addressed in the Design Guidelines with more project specific illustrations. In the context of this discussion, it is my understanding that LandCorp are also looking at the ability for landowners to store boats at the yacht club rather than within the project area, which would also assist with smaller lot sizes."

It is the Manager of Planning's assessment that neither option provided by the applicant suitability addresses the concerns that should be addressed.

#### Alternative to POS

Given the limited residential land availability and the location of Pretty Pool against the largest POS reserve and the need for this reserve to be protected whilst allowing controlled access it has been suggested that the 10% POS be accepted as a cash-lieu payment to use for improvement purposes within the Public Recreation Reserve.

The idea has been verbally discussed with an officer of the WAPC whom suggested that it appeared to be a reasonable and logical recommendation.

Applicant's comments

The applicant has suggested that discussions should be held with LandCorp regarding possible alternatives.

If Council wishes to pursue either the lot design or alternative to the provision of POS it is recommended that the Manager Planning and LandCorp be requested to investigate these options and report back to Council.

Council will have further opportunity to comment on the subdivision of the land subject to the Pretty Pool Scheme Amendment and subsequent subdivision stages. This is the only opportunity at the second stage of development for Council to offer comment, or recommend to the WAPC any conditions it considers relevant.

#### **200506/456 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

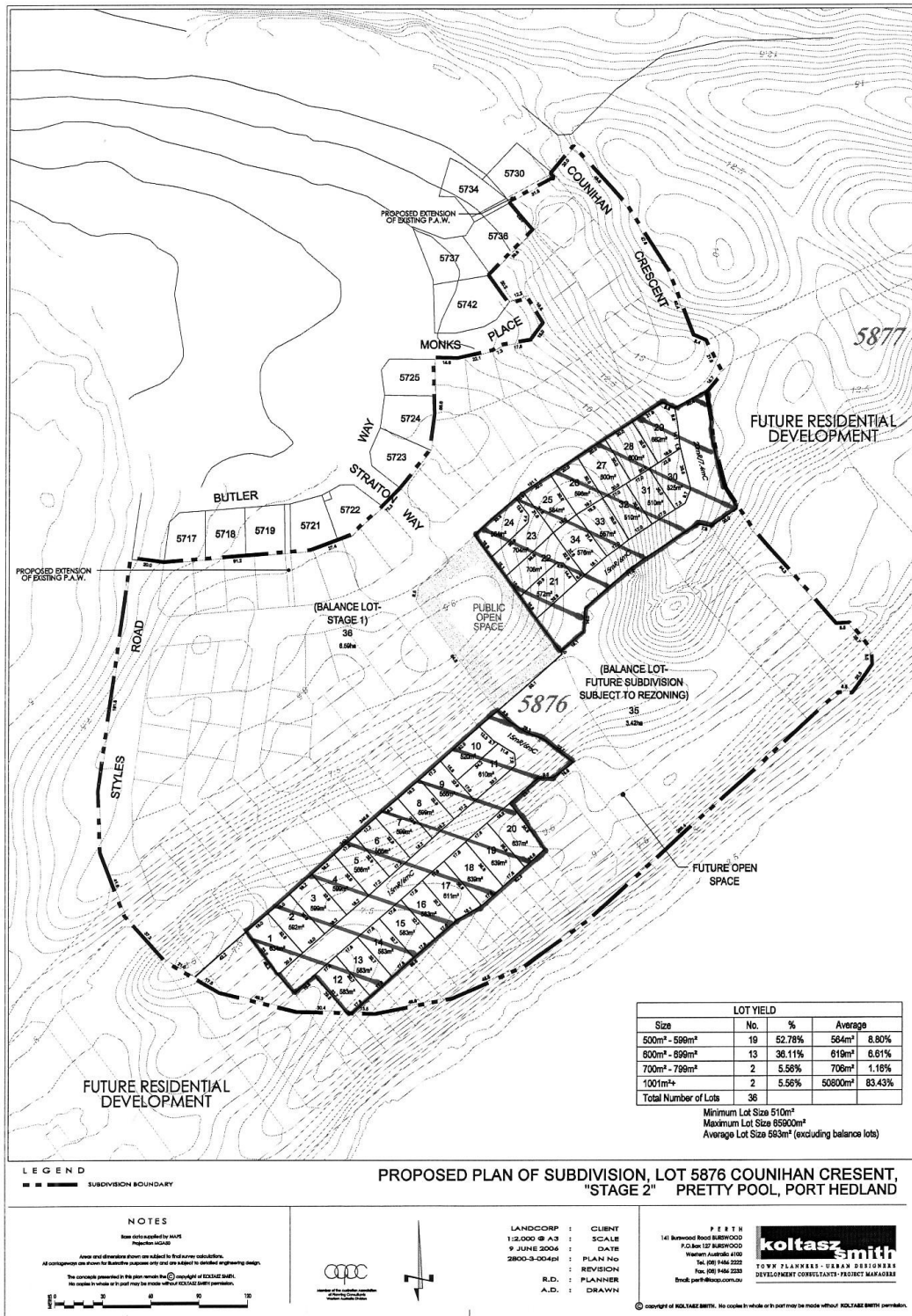
**Seconded:** Cr G J Daccache

**That:**

- i) upon the receipt of the application for Stage 2 of the Pretty Pool subdivision the Western Australian Planning Commission be advised that the proposed subdivision of Lot 5876 (No Street Address), Port Hedland into 34 lots in accordance with the plan dated 9 June 2006 is supported, subject to the following conditions being placed upon any approval granted by the Commission:**
  - a) footpaths to be constructed to Council's satisfaction on both sides of the proposed streets;**
  - b) all vehicle crossings to be designed and constructed to the satisfaction and specification of Council's Engineering Services (ES); and**
  - c) a drainage management plan to be approved by the Town of Port Hedland Environmental Health Service, prior to commencement of development**
- ii) Council's Manager Planning and LandCorp investigate alternative lots designs and potential options for the open space requirement and any findings be referred to Council for further consideration.**

***CARRIED 8/0***

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.7



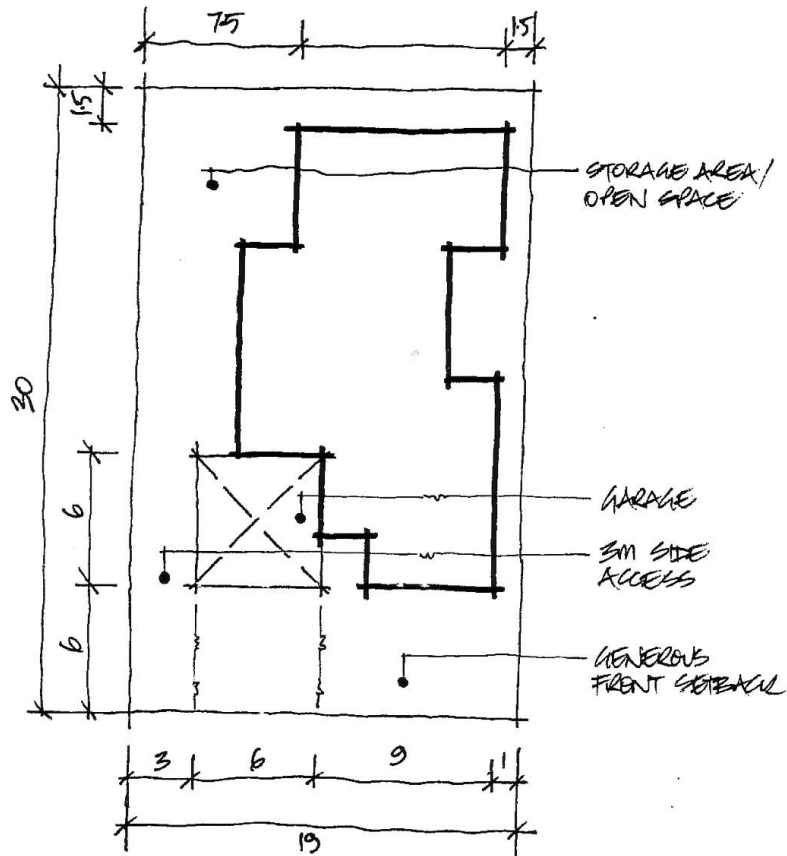
LOT YIELD			
Size	No.	%	Average
500m <sup>2</sup> - 599m <sup>2</sup>	19	52.78%	564m <sup>2</sup> 8.80%
600m <sup>2</sup> - 699m <sup>2</sup>	13	36.11%	619m <sup>2</sup> 8.61%
700m <sup>2</sup> - 799m <sup>2</sup>	2	5.56%	706m <sup>2</sup> 1.16%
1001m <sup>2</sup> +	2	5.56%	50800m <sup>2</sup> 83.43%
Total Number of Lots	36		

Minimum Lot Size 510m<sup>2</sup>  
 Maximum Lot Size 65900m<sup>2</sup>  
 Average Lot Size 593m<sup>2</sup> (excluding balance lots)

PROPOSED PLAN OF SUBDIVISION, LOT 5876 COUNIHAN CRESENT, "STAGE 2" LOT 5876, PRETTY POOL, PORT HEDLAND

ATTACHMENT 2 TO AGENDA ITEM 11.2.2.7

SHEET 1 OF 2



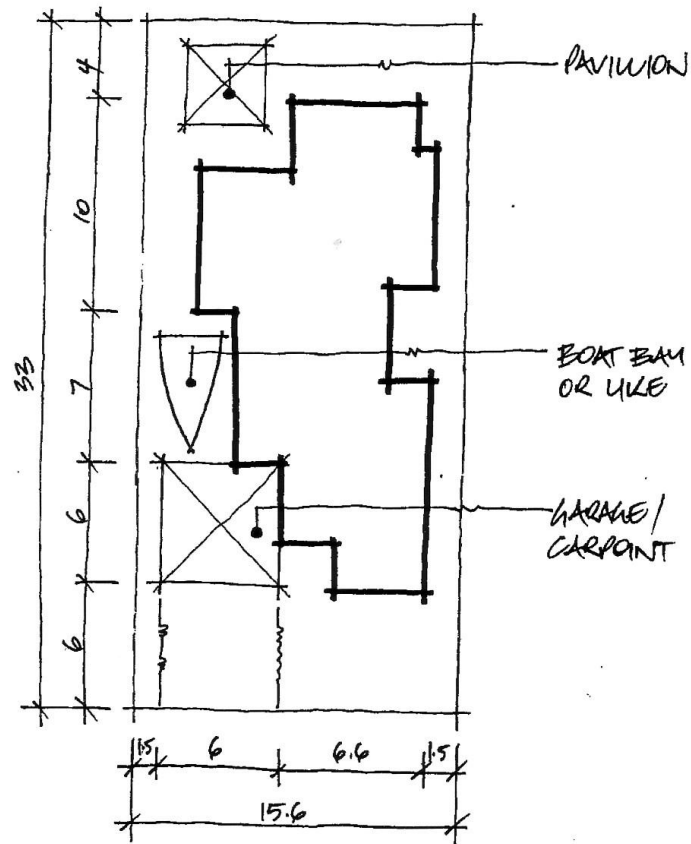
**TYPE B.**

LOT 570m<sup>2</sup> (30x19m)  
HOUSE ≈ 210m<sup>2</sup> @ GROUND  
FOOTPRINT.



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.7

SHEET 2 OF 2.



**TYPE D.** LOT 515m<sup>2</sup> (33 x 15.6m)  
HOUSE 2 100m<sup>2</sup> GROUND  
FOOTPRINT

6:35 pm Cr G J Daccache declared a financial interest in Agenda Item 11.2.2.8 'Proposed Construction of Transient Workforce Accommodation at lot 2444 Great Northern Highway' as he owns FMG shares.

Cr G J Daccache left the room.

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

**Officer** Richard Bairstow  
Manager Planning

**Date of Report** 28 June 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 north east of the 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. This land was previously used for transient workforce accommodation.

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

Administration 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.

Accommodation levels of the camp will vary according to the maximum required workforce for each stage of construction. The maximum projected workforce being accommodated is expected to be 150 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, 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 relevant policies or legislation require consultation for this type of development and potential impact on other properties is negligible.

### **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.

### **Policy Implications**

Nil

### **Strategic Planning Implications**

#### **KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT**

##### **Goal 2 – Mining**

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

**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.

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. However the sewerage ponds associated with the site will be required to be upgraded and its capacity increased to cater for the development's disposal requirements but also the airport and the adjoining vacant site, which will likely be occupied in the near future. A condition reflecting this has been included within the conditions.

Council's Health Services section will liaise with all parties involved in determining the correct capacity of the upgrade effluent disposal system, which will need to be approved by the Department of Health.

The application includes the possible future expansion and a further application for Planning Approval will not be required for its development. A Building Licence will be required at the development stage.

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.

It has been assessed that any impact on the airport has been managed by the conditions requested by the Airport Manager.

**Officer's Recommendation**

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 16 June 2006 (Application

2006/112) and indicated on the approved plans (including the future expansion), subject to the following conditions:

#### GENERAL

- a) This approval is for the development of the Transient Workforce Accommodation (including the development noted as future expansion) and associated development shown on the approved plan or required by a condition of this approval.
- b) 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).
- c) 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).
- d) The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction Manager Planning.

#### PRIOR TO ISSUE OF BUILDING LICENCE

- e) Payment of Council's scheduled fees - Application for Planning Approval (PS).
- f) A detailed landscaping plan to be submitted and approved the Manager Planning. 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) The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
  - i) The delivery of materials and equipment to the site;
  - ii) The storage of materials and equipment on the site;
  - iii) The parking arrangements for the contractors and subcontractors;
  - iv) Impact on traffic movement;
  - v) Operation times including delivery of materials; and
  - vi) Other matters likely to impact on the surrounding residents;to the satisfaction Manager Planning

**DURING CONSTRUCTION**

- h) Garbage storage area to be provided and screened from public view to the satisfaction Manager Planning (EHS).
- i) 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).
- j) 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 Manager Planning (EHS).
- k) The existing effluent disposal system at the rear of the proposed site is to be upgraded and its capacity increased to cater for the proposed development at its ultimate capacity (150 persons), the airport and the adjoining vacant site all at the applicants expense to the specifications Council's Environmental Health Services and the Health Department of Western Australia and to the satisfaction Manager Planning (EHS);

**USE OF DEVELOPMENT**

- l) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning
- m) A Rubbish Collection Strategy/Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy/plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction Manager Planning
- n) Prior to the occupation of the site a mosquito management plan for the effluent disposal system being submitted to and approved by the Town's Health Section all to the satisfaction Manager Planning.
- o) The implementation of the recommendations of the Mosquito Management Plan shall be carried out to the satisfaction of the Manager Planning.

- p) 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).
- q) 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 specifications of Council's Engineering Services and Environmental Health Services and to the satisfaction Manager Planning (ES/EHS).
- r) The effluent system to be maintained to ensure no nuisance is caused, especially with regard to 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 all to the satisfaction Manager Planning (EHS).
- s) The only access to the site will be limited to one road sited and constructed to the specifications of Council's Engineering Services and Airport Manager and to the satisfaction Manager Planning.
- t) No lighting direct or indirect is to be installed facing any runways above the horizontal to the specifications of Council's Engineering Services and Airport Manager and to the satisfaction Manager Planning.
- u) No equipment is to be installed or operated above ten (10) metres in height without prior notification and comment by Council's Airport Manager and the approval of the Town.

#### 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) 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).

- y) 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.
- z) 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).
- aa) Any indoor recreational areas must comply with the Health (Public Buildings) Regulations 1992 to the satisfaction of Council's Environmental Health Services (EHS).
- bb) 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.
- cc) 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.

#### **200506/457 Council Decision**

**Moved:** Cr D R Pike

**Seconded:** Cr S F Sear

**That consideration of Agenda Item 11.2.2.8 'Proposed Construction of Transient Workforce Accommodation at lot 2444 Great Northern Highway' be deferred until after Agenda Item 11.4.2.1 'Request for Lease of Part Lot 2444 Great Northern Highway' later in the Meeting.**

***CARRIED 8/0***

*REASON: With both items concerning FMG Limited, Council preferred to consider Agenda Item 11.4.2.1 'Request for Lease of Part Lot 2444 Great Northern Highway', prior to considering agenda item 11.2.2.8 'Proposed Construction of Transient Workforce Accommodation at lot 2444 Great Northern Highway'.*

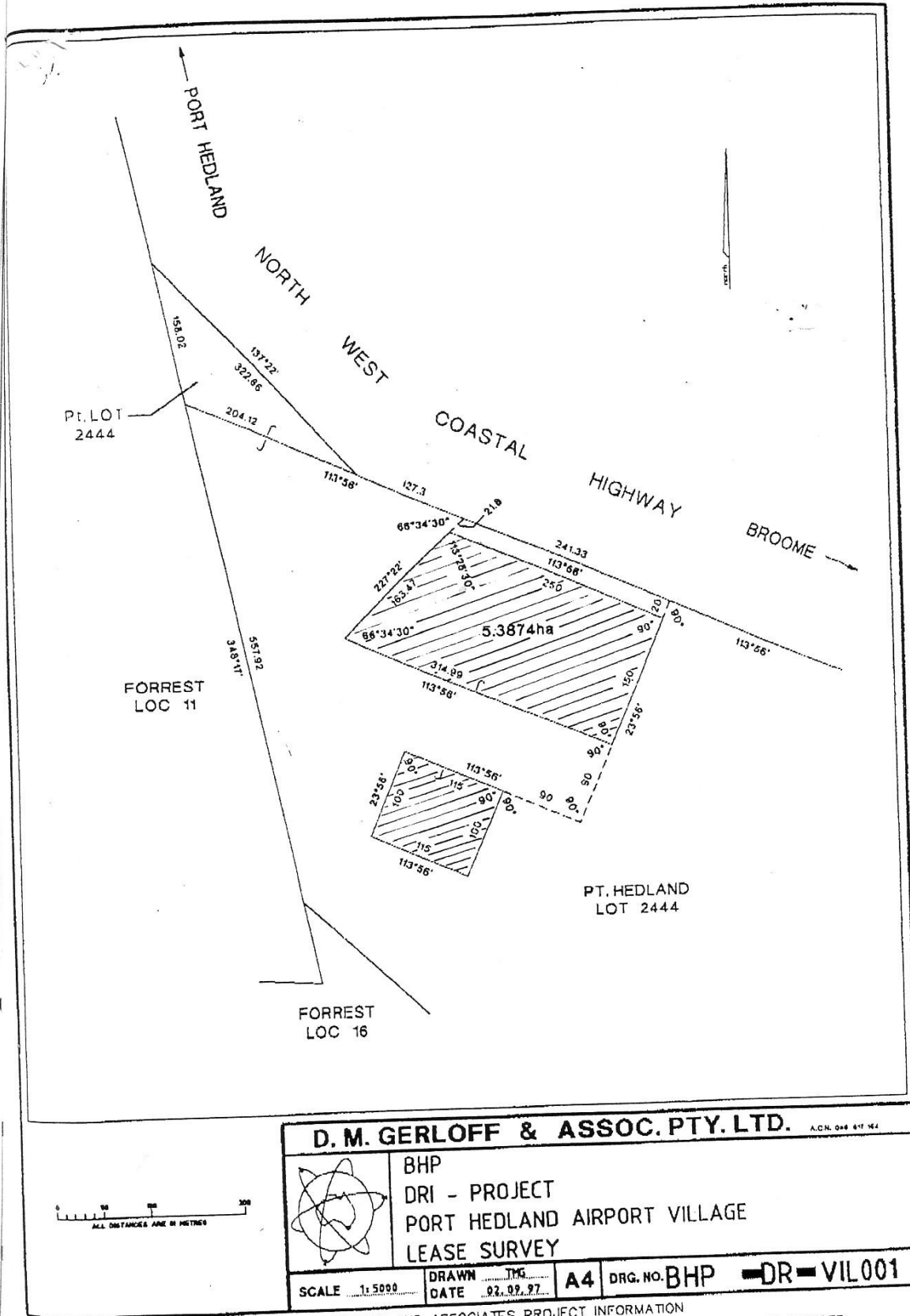
6:37 pm

Cr G J Daccache re-entered the room and assumed his chair. Mayor advised Cr G J Daccache of Council's decision.

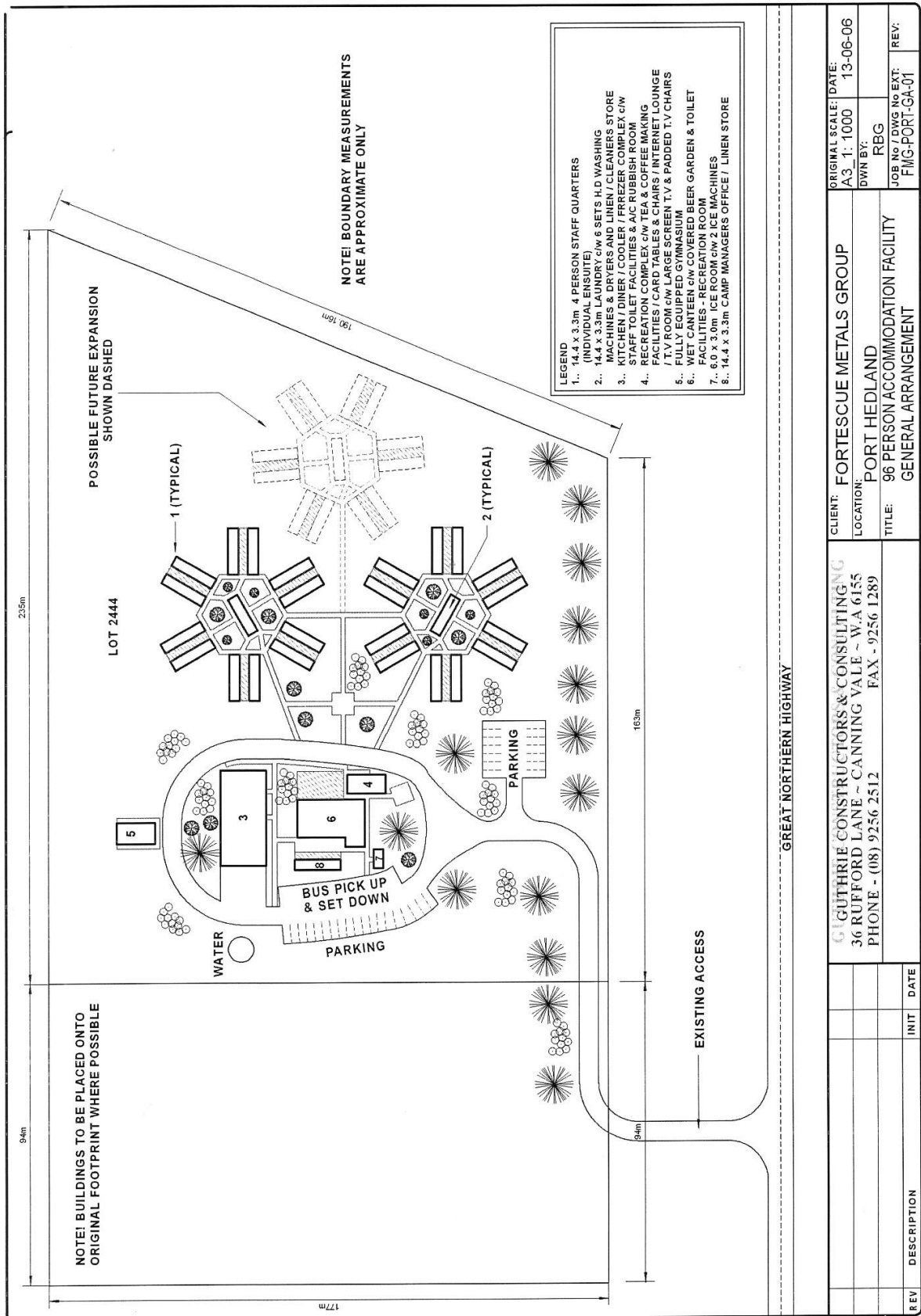


ATTACHMENT 1 TO AGENDA ITEM 11.2.2.8

FILE No. 446 03.09.'97 16:52 LW:BHP DRI



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.8



**11.2.3 Arts, Recreation and Community Activities****11.2.3.1 Request for Fee Waiver of Civic Centre Gardens (File No: BLD-044)**

**Officer** Claire Roberts  
Events Coordinator

**Date of Report** 13 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Acacia Support Centre and the Youth Involvement Council would like to hold a group session on 17<sup>th</sup> July 2006 at the Civic Centre Gardens as part of 'The Butterfly Project'. They are requesting a waiver of hire fees and bond for their use of the venue.

**Background**

Acacia Support Centre and the Youth Involvement Council are jointly delivering a pilot project known as 'The Butterfly Project'. It is aimed at young women and is designed to encourage and develop self-respect and self esteem in participants. As part of the project, group sessions are run over a 3 – 4 month period. One of these sessions will be a belly dancing or hip hop class. They wish to hold this class at the Civic Centre Gardens. They have written to the Council with the following request:

- Waive all fees associated with the hire of the Civic Centre Gardens in this instance

This request has been made with the following explanations:

- Acacia Support Centre and Youth Involvement Council are not for profit organisations
- The venue is ideal because it:
  - . Exposes participants to a venue they might not otherwise come in contact with
  - . Is a secure and private area
  - . Is an attractive environment that promotes a sense of well being
- It is the opinion of the applicants that the fee is "unduly excessive and illogical" and financially penalises a project designed to provide a positive contribution to the community

**Consultation** Nil

**Statutory Implications** Nil

**Policy Implications** Nil

This event is not specifically mentioned in Council's Community Recreation Celebrations and Events policy

**Strategic Planning Implications** Nil**Budget Implications**

If the request is supported Council will forego revenue of up to \$192.

The fees from which Acacia Support Centre and Youth Involvement Council are seeking exemption are:

Bond \$100.00

Hire Fee \$192.00

**Officer's Comment**

It must be noted that standard hire fees are imposed on all organisations in an attempt to recoup a margin of the costs of maintenance of the hire venue. In order for the policies and fee structure of the Town of Port Hedland to be maintained and respected a consistent approach must be taken towards all groups who wish to hire Council facilities, including not-for-profit groups and those that are conducting 'worth while' projects. Fees and charges are not designed to financially penalise projects of the community but, rather, are in place to partially offset maintenance costs so that the same standard and quality of venue can be offered to everyone.

Council has two options:

1. Waive fees for the use of the Civic Centre Gardens; or
2. Require Acacia Support Centre and Youth Involvement Council to pay for the hire of the Civic Centre Gardens for the day of Monday 17<sup>th</sup> July 2006.

**200506/458 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr S F Sear

**That Acacia Support Centre and Youth Involvement Council be required to pay the fees applicable for the hire of the Civic Centre Gardens for The Butterfly Project group session.**

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

**11.2.3.2 Public Movie Showings at Matt Dann Cultural Centre  
(File No.: ART-011)**

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

**Date of Report** 19 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

A letter has been received from "Yerani Pty Ltd", Mr. Peter Duggan, requesting that Council considers operational matters at the Matt Dann Cultural Centre with regards to the showing of Public Movies when his proposed cinema complex commences operations in South Hedland.

**Background**

Mr. Duggan proposes the establishment of a privately operated cinema complex in South Hedland and has expressed concerns over the impact that films shown at the Matt Dann Cultural Centre will have on the viability of the project. To this effect he has requested that Council discontinues the showing of movies to the public to enhance the opportunity of a commercially viable operation.

**Consultation** Nil

**Statutory Implications**

Council has a contract with the education department for the joint management of the Matt Dann Cultural Centre, signed in 1996, and valid for a period of 25 years. The agreement refers to "Community Recreational Purposes" and does not specify either movies or Live Shows.

**Policy Implications**

Council Policy 7/001 states:

*"Matt Dann Cultural Centre*

*Approved Use Of Facility*

*The Cultural Centre shall be utilised for cultural performances/live shows, movie screenings, conferences/seminars in that order with deviations being assessed by the Venue Coordinator as appropriate".*

**Strategic Planning Implications**

Key Result Area – Community Pride

Goal 7 – Arts and Culture

No specific strategy regarding the Matt Dann Cultural Centre is mentioned.

**Budget Implications**

The Matt Dann Cultural Centre returns a small operating loss on movie screenings so removal of this activity is not anticipated to adversely effect Council's budgetary position.

**Officer's Comment**

Figures for the 126 screenings this year show a year to date revenue from ticket sales and net return from kiosk sales (assuming 75% of sales relate to movie events) of \$56,600. Costs, including film hire and freight, projector maintenance and wages for the same period is approximately \$61,000 plus utilities and other overheads. In effect the average cost to Council is approximately \$3,500 plus utilities, per screening.

Screening of new release and popular movies will be a priority for any privately cinema and the success of any private venture would clearly release Council from a cost it currently bears in order to maintain this service to the residents.

There could still be a role for Council in facilitating the screening of "art house" or themed movies associated with festivals etc. if a private operator chooses not to screen them. To completely withdraw from the screening of movies would mean the community only had access to commercially viable product and would potentially miss out on culturally valuable films such as those associated with the Festival of Perth etc. Such events could continue to be screened by Council at the current venue or suitable outdoor setting.

The risk to the community should Council withdraw the current services once a private operator commences, is that a poorly operated cinema will be less acceptable to the community than the current service. To ensure a suitable service is available to the without prejudicing the viability of any private sector cinema, Council could restrict its activities for a set period, subject to a performance standard, without giving any permanent commitment. This would enable a service to be resumed at a later date in the event that the community was unhappy with the standard of service provided by the privately operated cinema.

**Officer's Recommendation**

That:

- i) Provided a privately operated cinema within the Town of Port Hedland screens at least two (2) current release films per week, the Council will cease to screen movies except those of an "art house" nature, which the private operator chooses not to screen; and
- ii) this commitment will be reviewed after a period of two years and extended indefinitely unless there is significant evidence that the community wishes to see the current services resumed.

**200506/459 Council Decision**

**Moved:** Cr G J Daccache      **Seconded:** Cr G D Bussell

**That:**

- i) **provided a privately operated cinema within the Town of Port Hedland screens at least two (2) current release films per week, the Council will cease to screen movies excepting**
  - a) **those of an "art house" nature, and**
  - b) **one per registered community associations for fundraising purposes, not exceeding the maximum of 6 screenings per year, at the Matt Dann Cultural Centre****which the private operator chooses not to screen; and**
- ii) **this commitment will be reviewed after a period of two years and extended indefinitely unless there is significant evidence that the community wishes to see the current services resumed.**

***CARRIED 6/2***

*REASON: Council sought the opportunity for a maximum of six (6) screenings of movies not being screened by the private operator, to be available for registered community associations at the Matt Dann Cultural Centre facility for the purposes of fundraising events.*

**11.2.4 Building Services**

6:50 pm Cr S F Sear declared a financial interest in Agenda Item 11.2.4.1 'Final Payment Of Progress Certificate No.: 9 – HACC House Construction' as the Applicant is a business client of his.

Cr S F Sear left the room.

**11.2.4.1 Final Payment Of Progress Certificate No.: 9 – HACC House Construction (File No.: 800210B)**

**Officer** Andy Taylor  
Manager Building Services

**Date of Report** 20 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

A request for final payment has been received from Loughton Patterson Pty Ltd made by the builder Jaxon Construction Pty Ltd for Home and Community Care (HACC) House Lot 1699 & 5768 #18 – 20 Logue Court South Hedland.

**Background**

The construction of HACC House was completed in April 2004 with the formal opening taking place on the 6<sup>th</sup> June 2004.

Since this time the defects liability period has lapsed resulting in the builder being due the final retention monies held. The total amount due including GST is \$8,460.10.

To date this amount has been withheld as a result of the condition of the floor surface to a small area in the main room of HACC House. As a result of ongoing discussions the builder has now offered to reduce the final payment by the amount of \$2,000.00 in consideration.

**Consultation**

In determining a recommendation to the Council I have consulted with the Chief Executive Officer and the Director of Community and Regulatory Services.

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications** Nil



**Budget Implications**

The amount of \$2,000 will assist in offsetting the eventual cost of replacement / repair of the floor covering for HACC House.

**Officer's Comment**

The area of concern is the finished floor surface, which consists of approximately 4m<sup>2</sup> in area and is uneven in finish. The floor consists of a concrete slab with a surface finish of a vinyl floor covering. This covering is affixed to the floor slab and highlights the uneven finish of the slab underneath.

Discussions with the builder, architect and installer have resulted in various opinions as to the cause. The builder is of the opinion that the surface finish is within acceptable limits, but because of the natural light entering the room from two sides from large full height windows, this results in the "slight unevenness being highlighted".

I am of the opinion that when the slab was installed the final surface finish could not be completed before the concrete commenced to cure. This may account for the raised unevenness of the surface below the floor covering giving the "dimpled" effect.

Remedial action would consist of taking up the existing floor covering and the use of a concrete surface-finishing machine; grind down the offending area and the installing of new floor covering. This specialised machine is not available in Port Hedland.

As a result, the builder has offered the sum of \$2,000.00 towards any early replacement of the floor covering that may be required.

This appears to be a reasonable outcome which acknowledges that Council may need to undertake some remedial work when the floor coverings are replaced.

**200506/460 Council Decision/Officer's Recommendation**

**Moved:** Cr D R Pike                      **Seconded:** Cr G J Daccache

**That:**

- i) **Council accept the offer from Jaxon Construction Pty Ltd for the amount of \$2,000.00 being deducted from Progress Certificate No 9; and**
- ii) **Council authorise the payment of \$6,460.10 including GST, being the final payment for works at HACC House to Jaxon Construction Pty Ltd.**

***CARRIED 7/0***

6:51 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 *Monthly Report – Engineering Services (File No.: 13/04/0001)***

**Officer** Grant Logie  
Director Engineering  
Services

**Date of Report** 16 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

For Council's Information.

**Background**

Engineering Services monthly report to Council.

**Consultation** Nil

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment*****Engineering Services Works***

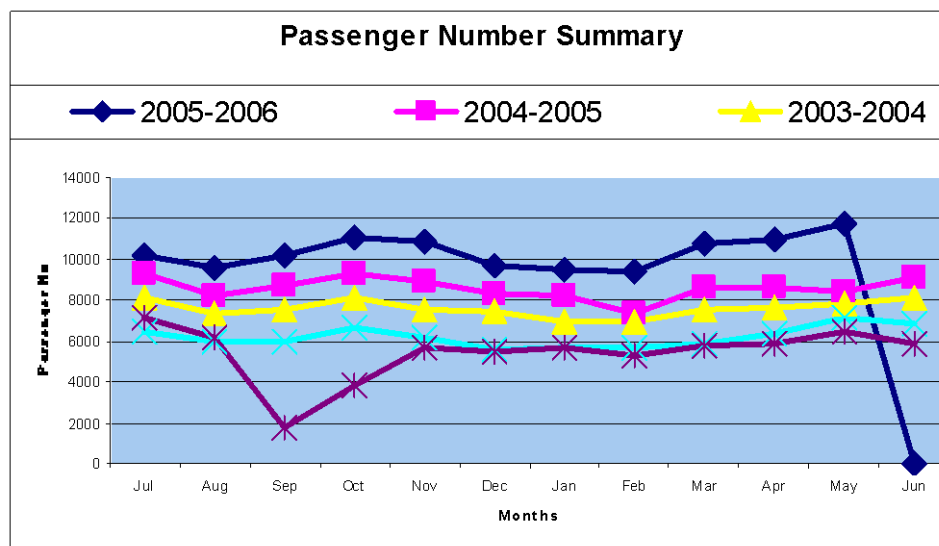
PROJECT	STATUS
South Hedland Cemetery Upgrade	Waiting for Council approval for project to proceed.
Playgrounds	Installation of new playground equipment complete. Installation of rubber soft fall due mid June.
Black Spot Funding	Throssell road, North Circular/Hamilton and North Circular/Murdoch projects have been delayed due to contractor unavailability.
Roads to Recovery Funding	Received funding for extension of Butt Weld Road to North Circular Road. Corresponding with Department for Planning and Infrastructure for land use approval.
Sutherland Street Footpath Upgrade	Footpath extension and installation of safety barrier complete.
Regional Road Group Funding	Commencement of drainage construction on Anderson Street. Culvert extensions to Wallwork and North Circular projects have been delayed due to

	contractor unavailability.
Landfill	Draft Strategic Waste Management Plan received from Harold McKenzie. Staff are reviewing plan and will advise Mr McKenzie of comments prior to finalising. Summary to be presented to Council in June meeting.
Footpath Construction	Footpath contractors have completed 05/06 program. Horizon Power to complete Anderson street footpath after installation of underground power along that path. Roberts street footpath will be completed by Engineering staff after repair of Telstra pits.
Bell Street/LIA	Base course preparation for sealing (contractors arriving June)
Boat Ramp road	Base course preparation for sealing (contractors arriving June)
Flood Damage	Crews are currently repairing gravel roads that have received significant flood damage during this years cyclone season. Funding applications have been submitted for opening and reinstatement works.

***Parks and Gardens***

Ovals Maintenance	Maintenance ongoing.
Slashing	Open area slashing in South Hedland, Wedgefield and Redbank ongoing.
Reticulation Upgrades	The Water Corporation are upgrading reticulation on sports grounds that are currently reticulated by waste water. Contractors will commence upgrades in early June.

***Airport***



May 2006 was a record month for Qantas with in excess of 10,000 passengers carried for the month. This is almost 50% more than for the corresponding month in 2005. Passenger load factors for May 2006 for Qantas are close to 75%.  
 Information source BTRE March 2006

Route	Ranking In Aust	Pax Numbers	Available Seats	Load Factors	Aircraft Movements
Port Hedland-Perth	47	9,221	15,287	64.9	136
Karratha - Perth	30	21,742	32,575	66.7	256
Kalgoorlie - Perth	35	15,738	26,692	59.0	256
Broome - Perth	38	14,492	24,451	59.3	196

### *Significant Aircraft Movements*

- 04.05.06 Qantaslink operate B737 for morning service due problems with B717
- 05.05.06 2 x PC9's 2FTS RAAF Base Pearce
- 05.05.06 B737 Freighter from Adelaide and onto Melbourne
- 07.05.06 International Arrival, 6 x Hawk Jets 79 SQN
- 07.05.06 International Arrival, Westwind II1124 in support of Hawks
- 09.05.06 International Arrival from Cocos Island B200 King Air
- 10.05.06 International Departure to Male, Challenger 604
- 14.05.06 International Arrival, B737 freighter
- 22.05.06 International Arrival from Male, Challenger 604
- 22.05.06 International Arrival from Denpasar, Cessna Citation
- 31.05.06 International Arrival, from Male, Falcon 2000ex

### **200506/461 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter                      **Seconded:** Cr G J Daccache

**That Council receives the Engineering Services Report for May 2006.**

***CARRIED 8/0***

### 11.3.1.2 **Road Reserve Dedication for Buttsweld Road Extension (File No.: 28/01/0008)**

<b>Officer</b>	Grant Logie Director Engineering Services
<b>Date of Report</b>	15 June 2006
<b>Disclosure of Interest by Officer</b>	Nil

#### **Summary**

Dedication of Reserve 36097 as Road Reserve to enable the extension of Buttsweld Road.

#### **Background**

It is proposed to extend Buttsweld Road through to North Circular Road, South Hedland to provide a link between the South Hedland town site and Great Northern Highway. Refer to attached plan for the location of the proposed extension.

The parcel of land for the proposed road extension is Reserve 36097, currently identified by the Department for Planning and Infrastructure as land for Public Utilities Services.

#### **Consultation**

Council staff has corresponded with the Department for Planning and Infrastructure requesting approval for the land use to be dedicated as a Road Reserve to enable the road extension.

The Department for Planning and Infrastructure requires approval from Council to commence the Road Reserve dedication.

#### **Statutory Implications**

Section 56 of the Land Administration Act 1997

*“56. Dedication of roads*

- (1) If in the district of a local government —*
- (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;*
  - (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*
    - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or*
    - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the*

*rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*

*or*

*(c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,*

*and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*

*(2) If a local government resolves to make a request under subsection (1), it must —*

*(a) in accordance with the regulations prepare and deliver the request to the Minister; and*

*(b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*

*(3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —*

*(a) subject to subsection (5), by order grant the request;*

*(b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*

*(c) refuse the request.*

*(4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.*

*(5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —*

*(a) unallocated Crown land or, in the case of a private road, alienated land; and*

*(b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.*

*(6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications**

2006/2007 Budget requests:

Total project cost estimated at \$400,000, with \$339,367 funded from Roads to Recovery program. Additional funding may be available from supplementary Roads to Recovery funding to cover Council's contribution.

**Officer's Comment**

The extension of Buttweid Road will provide a link from the South Hedland town site to the Great Northern Highway. Currently all traffic from South Hedland wishing to travel east on Great Northern Highway must travel northward from the town to the Broome turnoff. There is a need to develop an alternative connection which will facilitate travel to places such as Goldsworthy, Marble Bar and Woodie Woodie. The airport and recreational facilities east of the airport would also be more accessible for the South Hedland residents. An alternative route to Great Northern Highway would also reduce travel time and fuel costs for South Hedland commuters.

Prior to the construction of the Buttweid Road extension the required parcel of land must be dedicated as a Road Reserve.

**200506/462 Council Decision/Officer's Recommendation**

**Moved:** Cr S F Sear

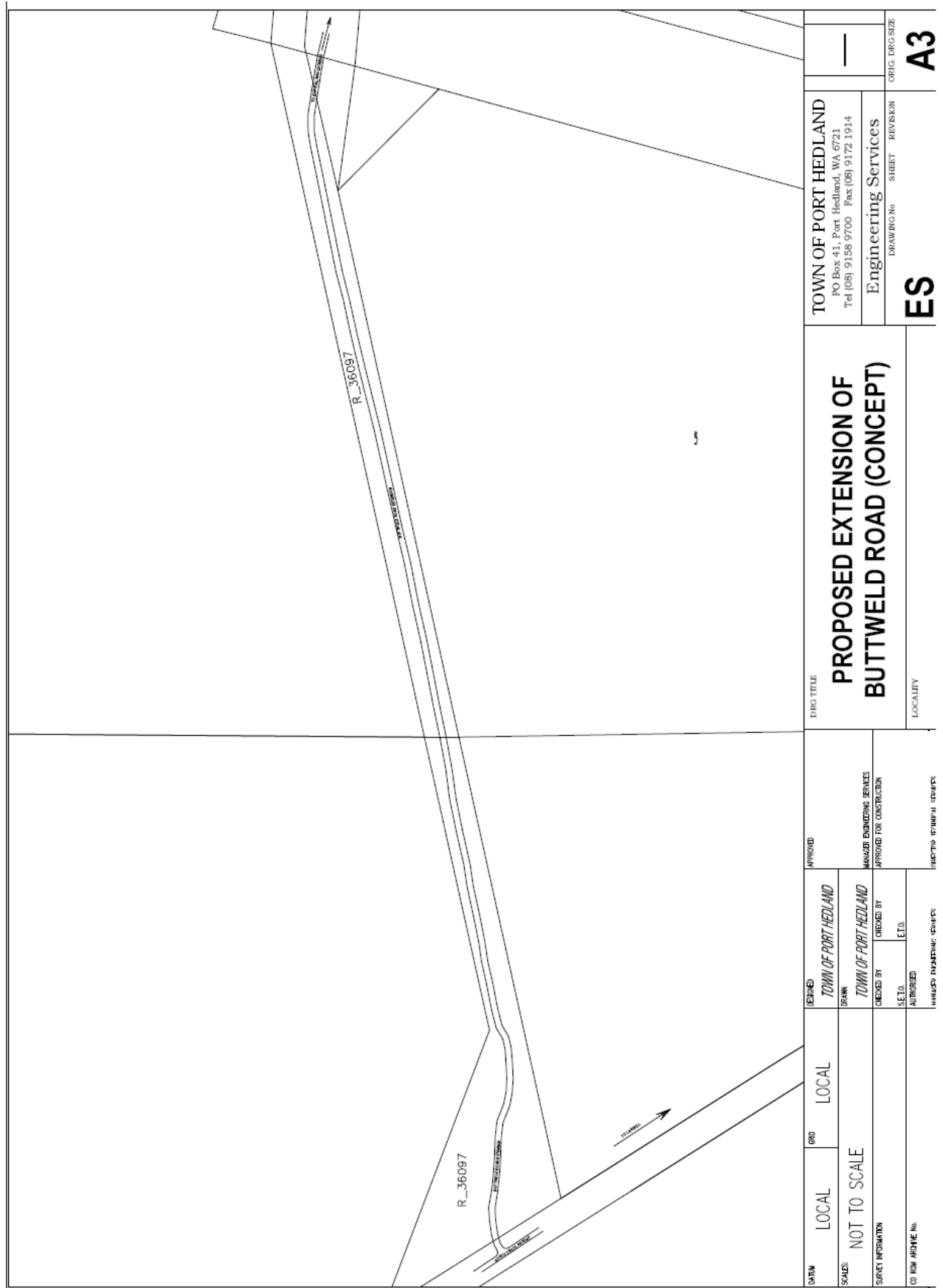
**Seconded:** Cr A A Carter

**That Council approve the dedication of Reserve 36097 as Road Reserve.**

***CARRIED 8/0***



ATTACHMENT TO AGENDA ITEM 11.3.1.2



DATE		LOCAL	RD	LOCAL	DESIGNED		TOWN OF PORT HEDLAND		APPROVED		TOWN OF PORT HEDLAND		PO Box 41, Port Hedland, WA 6721 Tel (08) 9158 9700 Fax (08) 9172 1914		DRAWING NO		SHEET		REVISION		ORIG. DRG. SIZE		
SCALE		NOT TO SCALE		CHECKED BY		TOWN OF PORT HEDLAND		MANAGER ENGINEERING SERVICES		APPROVED FOR CONSTRUCTION		ES		A3		R_36097		Engineering Services					
SURVEY INFORMATION				SET D.		E.T.O.		AUTHORISED		MANAGER ENGINEERING SERVICES		DIRECTOR TOWN PLANNING SERVICES		LOCALITY		PROPOSED EXTENSION OF BUTTWELL ROAD (CONCEPT)		Dwg TITLE					
CD FROM ARCHIVE No.																							

**11.3.1.3 Draft Waste Management Plan (File No.: 31-08-0002)**

**Officer** Grant Logie  
Director Engineering  
Services

**Date of Report** 16 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Summary of the Draft Waste Management Plan for the South Hedland Landfill facility prepared by consultant Harold McKenzie.

**Background**

Council have contracted a consultant to prepare a Waste Management Plan for the South Hedland Landfill facility to address issues regarding image of the landfill, licensing non-compliance, landfill life, concept proposal for long term use, waste reduction and recycling and post closure management. The draft report has been completed. This report summarises the draft. A full copy of the draft Waste Management Plan is available upon request.

**Consultation**

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

**Statutory Implications**

Environmental Protection Act – 1986 (Part 7A – Landfill Levy, Part 7B – Waste Management Operations).

Health Act – 1911 (Part 4 – Sanitary Provisions).

Health (Asbestos) Regulations – 1992 (Part 4 – Disposal of material containing asbestos).

Environmental Protection (Noise) Regulations – 1997

Environmental Protection Amendment Regulations (for control of the storage and disposal of tyres) – 1991

Environmental Protection (Liquid Wastes) Regulations – 1996

Environmental Protection (Controlled Waste) Regulations – 2001 (Part 2 – Licensing, Part 3 – Transportation and Disposal of controlled waste).

Environmental Protection (Rural Landfill) Regulations – 2002

**Strategic Planning Implications**

Key Result Area 5 - Environment

Goal 1 – Waste Management

Strategy 1. Review the management and short, medium and long-term development plan for Landfill sites within the Town.

### **Budget Implications**

2005/2006 1002278 – Landfill Strategic Plan (\$30,000)  
2006/2007 Budget requests:

Grind Mulching of green waste - \$50,000  
Implementation of Waste Management Plan - \$50,000  
Compactor Unit - \$550,000  
Caterpillar Trackloader - \$100,000  
Upgrade Septage Ponds – 100,000

Upon completion of the Waste Management Plan Engineering Services will prepare a plan identifying further projects requiring budget consideration.

### **Officer's Comment**

Mr Harold McKenzie, a Specialist Consultant in Solid Waste Management, has prepared a draft Waste Management Plan for South Hedland Landfill. The following is a summary of the draft Plan detailing recommended actions to ensure compliance with Licence 6917/8.

#### *Image of the Landfill*

The current image of the landfill is one of a 'rubbish tip' which needs to be addressed. The perceived image of the landfill can be approved upon by;

- Referring to the landfill in all documents as the 'South Hedland Waste Management Facility'.
- Progressively upgrade the appearance around the gatehouse, weighbridge and entrance.
- Upgrade existing signage to professionally prepared signs.
- Suitable communication, education and making examples of non-conforming depositors will provide a positive community reaction.
- Ensure continual removal of windblown litter. This may be done by rewarding community and fundraising groups with money.

#### *Compliance with Licence Conditions*

Mr McKenzie emphasises the need to conform to Licence conditions at all times. Future actions required to ensure this is adhered to include:

- Ensure that monitoring bores are tested biannually during April-May and September-October periods.

- Upgrade septage ponds immediately in order to conform to Department of Environment Regulations.
- Ensure tyres are buried or disposed of when storage reaches maximum limit of 100 tyres.
- Peg and maintain thirty-five meter internal buffer zone.
- Access track/firebreak to be maintained within fence line.
- Install litter fences surrounding the active tipping area.

#### *Life of the Landfill Facility*

Key actions that are required to take place to increase the life of the landfill include:

- Replace current machine (Cat Track Loader 963B) with a dedicated landfill compactor. Increasing the density to the combined wastes and daily cover means an increase in volume available and also helps to reduce such issues as leachate development, landfill gas emissions and long term settlement.
- Conduct periodic field surveys (six month intervals) of active landfill areas. Such surveys will supply information regarding the rate of change in volume.
- Make use of airspace above ground level. Fill to a batter slope of 1v: 4h to ensure optimum fill space and drainage.

By undertaking proposals within this report the life expectancy of the landfill may range from 8.5 years to 20 years.

#### *Concept Proposals for Long Term use of Landfill*

The Plan addresses the concept proposal for the long term use of the landfill facility to ensure operational efficiency and compliance with License conditions. In summary, the key issues are:

- Improve the appearance of the facility, particularly surrounding the entrance.
- Disused effluent pits to be filled.
- Reduce number of tracks to absolute minimum. Form and seal dual access road to disposal facilities. Restrict access on all remaining tracks.
- Create and preserve an area for green waste disposal.
- Create and preserve an area for processing of green waste.
- Create and preserve an area for storing of bulk timber products. Consider crushing or burning for disposal.
- Create and preserve an area for storing products that have recycling value.
- Maintain a 35m wide internal buffer zone. Consider planting screening trees.
- Construct new septage ponds in stages to an approved design in a lockable compound.

- Check and regrade any batter slopes that exceed licensing requirements.

#### *Waste Reduction and Recycling*

Waste reduction opportunities for household and commercial waste are limited in Port Hedland. Although recyclables can be stored at the landfill facility there are no provisions for the processing of recycled goods in the Pilbara area. Case histories have indicated that storage of recycled material is not recommended as the material often becomes infested with vermin and is required to be land filled instead of recycled.

The Pilbara Regional Council are preparing a Waste Management Review of the Pilbara region that will address the opportunities for a recycling facility in the area.

#### *Post Closure Management*

The draft Plan addresses the need for the development of a Post Closure Management Plan. This Plan will identify how the landfill facility is to be managed after the closure of the site. The main objective of the Post Closure Management Plan is to contain pollution on the site until the waste is stable and no longer reacting or subsiding.

One of the most important issues is that there are adequate funding provisions available over the years following closure to maintain the landfill.

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

That Council receives the summary of the draft Waste Management Plan.

#### **200506/463 Council Decision**

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

**That Agenda Item 11.3.1.3 'Draft Waste Management Plan' lay on table until such time Council has received copies of the draft Waste Management Plan document for perusal.**

***CARRIED 6/2***

*REASON : Council sought an opportunity to read the complete Draft Waste Management Plan, instead of the summary provided, prior to receiving the document.*

**11.3.1.4 South Hedland Cemetery Upgrade (File No.: 08/02/0005)**

**Officer** Grant Logie  
Director Engineering  
Services

**Date of Report** 14 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

This report is to inform Council of the research undertaken during the programming of the South Hedland Cemetery Upgrade project.

**Background**

At a previous briefing session Council has been provided with information regarding the proposed upgrade of the South Hedland Cemetery. The design was developed by staff in conjunction with the South Hedland Cemetery Upgrade Committee (see attached submitted design and schedule of works).

Council commented that;

- implementation of the submitted proposal should be delayed until further consultation with the public and the Aboriginal community.
- the location of the existing entrance (limestone wall, car park, driveway, etc) needs further evaluation, with regards to relocating the entrance due to the alignment with existing plots.

**Consultation***South Hedland Cemetery Upgrade Committee*

In 2002 Council approved funding to upgrade the appearance of the South Hedland Cemetery. A scope of works was produced after consultation with members of the public, church ministers, Well Women's Centre, various cultural groups including Aboriginal and Muslim groups, Councillors and Council staff.

Funding was used to complete the construction of the limestone wall at the entrance, concrete entrance hardstand and pathway to existing ablution block. The remainder of the project was delayed due to insufficient funding.

*Church Groups and Relevant Services*

Engineering Services prepared and mailed letters to local church groups and relevant services on 17<sup>th</sup> March 2006 seeking comments on the proposal. A summary of the upgrades and the proposed drawings were included.

On 23<sup>rd</sup> March we received comments from Port Hedland Uniting Church stating;

*'Our congregation supports the proposal as do I, Pastor John Dolling, Supply Minister at present' and '...these improvements will enhance the surrounds of the cemetery greatly'.*

On 21<sup>st</sup> April we received a message from Allister Bain, Minister for Hedland Baptist Church stating;

*'Cemetery upgrade is OK with me'.*

No other responses, positive or negative have been received.

*Australasian Cemeteries and Crematoria Association*

Engineering Services contacted Danijela Cizmesija from the Australasian Cemeteries and Crematoria Association on 31<sup>st</sup> March regarding the location of the existing entrance. Ms Cizmesija provided details of consultants, Paul Laycock and Florence Jaquet to enable further enquiries. Advice received indicates that there are no restrictions on the location of the cemetery entrance with regard to plot alignment and further that no acts or regulations exist to specify entrance locations or plot alignments.

Our enquiries were also forwarded to Mr Pieter Den Boer, President of the Cemeteries and Crematoria Association of WA, who responded with;

*'In WA there is no legislation as to the alignment of graves. Traditionally east-west is most common...' and 'In most parts of Australia the industry is now aligning graves to suit the location and landscaping plans'.*

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications**

Key Result Area 1 – Infrastructure.

Goal 2 – Parks and Gardens.

Strategy 3 – Work with the community to upgrade the appearance of the Town's cemeteries.

**Budget Implications**

Nil – current accounts 1009480 & 1009481 for SH Cemetery Upgrade Works.

**Officer's Comment**

Council's Engineering Services and the South Hedland Cemetery Upgrade Working Group have conducted extensive research during the plan preparation for the upgrade works. Positive feedback has been received from the general community, who are keen to see the project carried out. Further delays to the implementation of this project will affect quote validity and contractor availability.

**200506/464 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

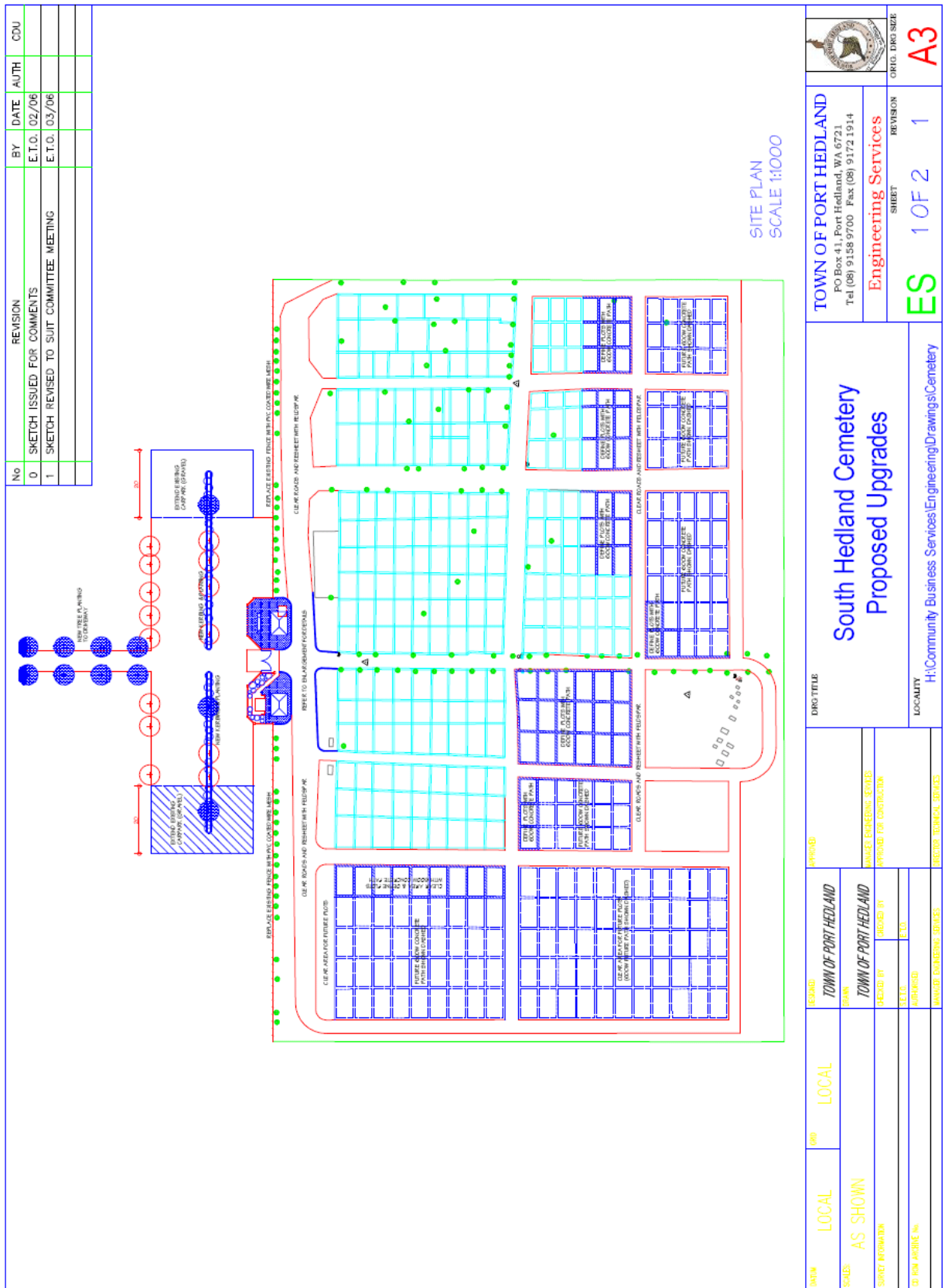
**Seconded:** Cr S F Sear

**That Council proceed with the South Hedland Cemetery Upgrades using the plan developed by staff and the South Hedland Cemetery Upgrade Committee.**

***CARRIED 8/0***



ATTACHMENT 1 TO AGENDA ITEM 11.3.1.4

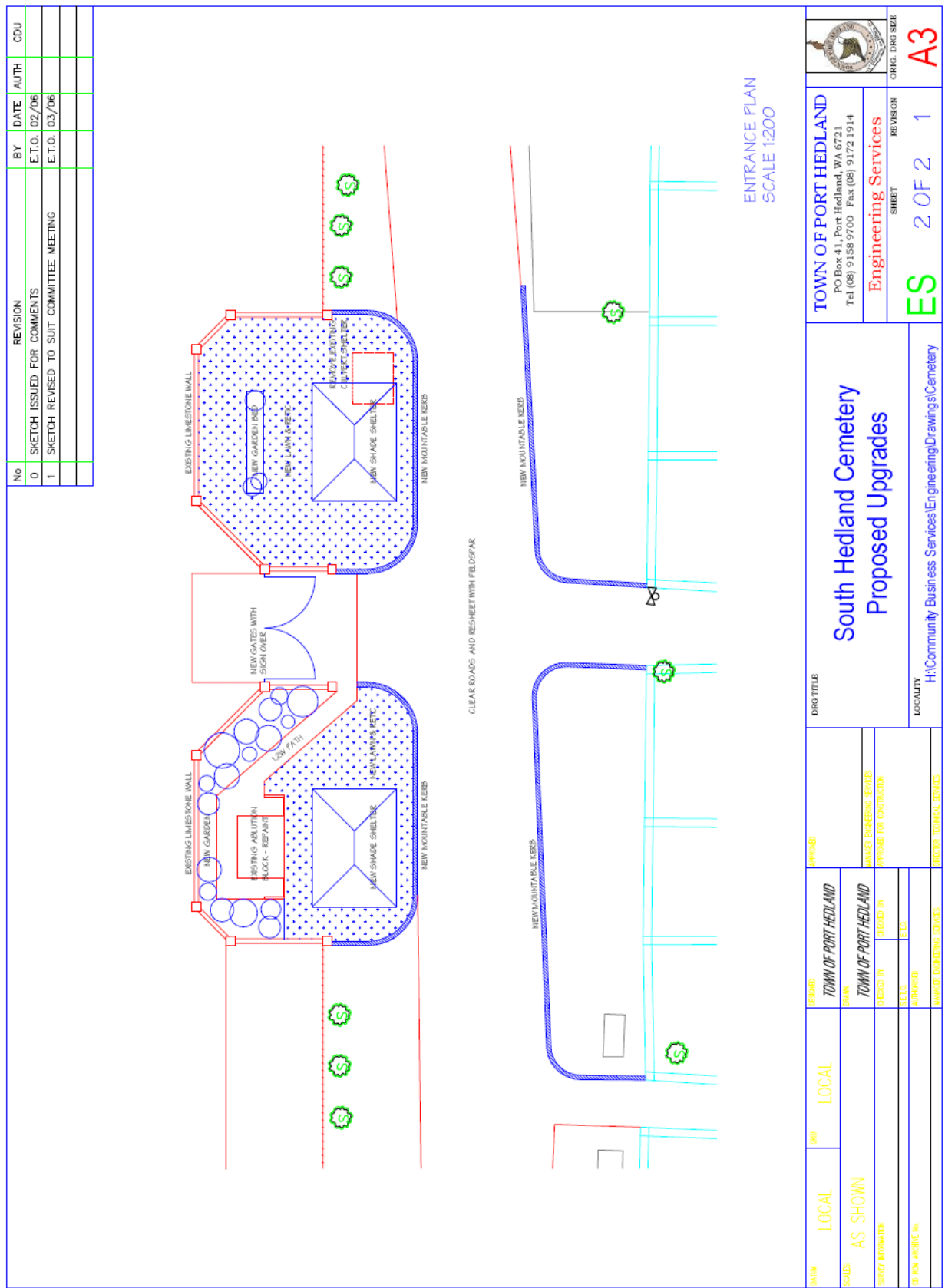


SITE PLAN  
SCALE 1:1000

No	REVISION	BY	DATE	AUTH	CDU
0	SKETCH ISSUED FOR COMMENTS	E.T.O.	02/06		
1	SKETCH REVISED TO SUIT COMMITTEE MEETING	E.T.O.	03/06		

<p><b>TOWN OF PORT HEDLAND</b> PO Box 41, Port Hedland, WA 6721 Tel (08) 9158 9700 Fax (08) 9172 1914</p>			
<p><b>Engineering Services</b></p>		<p>REVISION 1</p>	
<p>ES 1 OF 2</p>		<p>DATE: 28/06/06</p>	
<p>South Hedland Cemetery Proposed Upgrades</p>		<p>PROJECT NO: 1000</p>	
<p>APPROVED: [Signature]</p>		<p>LOCALITY: H:\Community Business Services\Engineering\Drawings\Cemetery</p>	
<p>DESIGNED BY: [Signature]</p>		<p>SCALE: 1:1000</p>	
<p>CHECKED BY: [Signature]</p>		<p>DATE: 28/06/06</p>	
<p>DRAWN BY: [Signature]</p>		<p>PROJECT NO: 1000</p>	
<p>DATE: 28/06/06</p>		<p>PROJECT NO: 1000</p>	

ATTACHMENT 2 TO AGENDA ITEM 11.3.1.4



*ATTACHMENT 3 TO AGENDA ITEM 11.3.1.4***South Hedland Cemetery Upgrade***Schedule of Works*

The following items have been agreed upon by the Cemetery Upgrade Committee:

- Replace front fence with PVC coated wire fence
- Extend existing car park (approx. 1200m<sup>2</sup>)
- Delineate car park with central kerbing island (including planting and reticulation)
- Paint ablution block to match limestone wall
- Installation of lawn and gardens (refer drawings)
- Remove existing culvert shelter
- Install 2 shade shelters – Landmark ‘Roxby’ 7m x 5m, including seating
- Kerbing to define road at main entrance inside Cemetery
- Define new & existing roads with Feldspar
- Planting of Yellow Jacaranda trees along length of driveway, including reticulation

*Additional Works*

The following items are being discussed by the Cemetery Upgrade Committee:

- Provisions for memorial plaques to be installed on the limestone wall
- Designs for signage, gates and shade shelter to entrance (at concrete hardstand)
- Installation of several small shade shelters along the main central road inside the Cemetery (remove existing trees as required)

**11.3.1.5 Progress on Council's Litter Collection (File No.: 31/03/0002 & TEN 294)**

**Officer** Grant Logie  
Director Engineering  
Services

**Date of Report** 9 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

To inform the Council of the progress of litter collection carried out by Engineering Staff.

**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 with costs ranging from approximately \$500,000 to \$1,400,000 (ex GST) for standard collection (no additional collections). The tender was not awarded to either contractor.

In the Ordinary Council Meeting held on 25<sup>th</sup> January 2006 Council resolved the following:

*"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."*

Council currently employs two (2) labourers to carry out litter collection. The labourers work a 30 hour week, Monday to Friday, collecting litter in all areas specified in the original Tender documentation plus additional areas as required. The labourers are supervised by permanent Council staff. Positive comments from staff and the community indicate a significant improvement in the overall appearance of the Town due to the collection of litter.

**Consultation** Nil

**Statutory Implications** Nil

**Policy Implications**

Nil

**Strategic Planning Implications**

Key Result Area – Community Pride

Goal 1 – Litter

That the Town of Port Hedland is seen by residents and visitors as a clean and tidy place.

Strategy 1

Implement a regular litter collection service throughout the town as a service to the public.

**Budget Implications**

1005277 Litter Collection Contract (05/06 - \$147,000)

Current year to date expenditure approximately \$130,000.

**Officer's Comment**

The current litter collection service has dramatically improved the overall presentation of the town. Litter collection costs to date total approximately \$130,000 including hire of contractors, vehicle, tools and materials.

Engineering Services has proposed that the litter collection budget for 06/07 financial year total \$180,000. It is recommended that the high level of litter collection service continues by Council employing 2 full-time labourers to carry out litter collection throughout the Town. The intention is that these labourers will also carry out general duties as part of the Parks & Gardens staff. This will be beneficial to Council as the additional staff will increase productivity and reduce the need to employ contractors. Overall this option will be the most cost effective.

Council could alternatively call for Contractor tender submissions, however this is not recommended as the current Council operated litter collection has proven to be successful and cost effective. Litter collection carried out by Council staff allows for greater flexibility to utilize staff on other duties such as reserve maintenance. Council staff have also proved highly efficient in responding to litter collection in areas that require immediate attention.

**200506/465 Council Decision/Officer's Recommendation****Moved:** Cr G J Daccache**Seconded:** Cr A A Carter

**That Council continues to employ two (2) full-time labourers to carry out litter collection throughout the Town.**

*CARRIED 8/0*

**11.3.1.6 Emergency Management Arrangements (File No.:09-06-TBA)**

**Officer** Grant Logie  
Director Engineering  
Services

**Date of Report** 15 June 2006

**Disclosure of Interest by Officer** Nil

**Background**

With the introduction of the *Emergency Services Act (2005)*, the Town of Port Hedland as the Local Government Authority is required to prepare and maintain Local Emergency Management Arrangements which are endorsed by the Local Government Authority.

The Town of Port Hedland Engineering staff developed such arrangements in May 2005, which were subsequently adopted by the Local Emergency Management Committee at its meeting held on the 29 July 2005. (attached)

**Staff Comment**

The purpose of these emergency management arrangements is to document the management of identified risks and provide specific detail on planning, response and recovery activities of the Town of Port Hedland, Hazard Management Agencies (HMA's) and other agencies.

**OBJECTIVES OF THESE EMERGENCY MANAGEMENT ARRANGEMENTS**

The objectives of these emergency management arrangements are:

- To minimise the effect of emergency incidents on people living and visiting the municipality;
- To minimise the effect of emergency incidents on the environment contained within the municipality.

**SCOPE**

The Local Community Emergency Management Arrangements are not intended to set out procedures to use in combating an emergency. The HMA plans and Standard Operating Procedures (SOP's) take this role. The Local Emergency Management Arrangements are in place to give an overview of relevant people, organisations and resources available in the community, identify who is responsible and any agreements that have been made. They can also relate appropriate references where necessary.

**Statutory Implications**

Emergency Management Act 2005 (Part 3 – Local Arrangements, Division 2 – Emergency Management Arrangements for Local Governments)

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Recommendation**

That the Town of Port Hedland endorse the Local Emergency Management Arrangements as provided to minimise the effects of emergency incidents on people living and visiting the municipality.

**200506/ Council Decision**

Moved: Cr G D Bussell                      Seconded:

That the Local Emergency Management Arrangements be forward to the Local Emergency Management Advisory Committee (LEMAC) for formal comment and a report be returned to Council for its consideration.

*MOTION WITHDRAWN*

**200506/466 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter                      **Seconded:** Cr G J Daccache

**That the Town of Port Hedland endorse the Local Emergency Management Arrangements as provided to minimise the effects of emergency incidents on people living and visiting the municipality.**

*CARRIED 8/0*

*ATTACHMENT TO AGENDA ITEM 11.3.1.6*

Risk	Likelihood	Consequence	Risk Rating	Risk Priority	Current Controls
Fire - Open scrubland	Almost Certain	Minor	High	B	Fuel Reduction burning by pastoral stations
					Fuel Reduction burning by volunteer fire brigades
					Timely response by Emergency Services and Community
Fire - Structural	Likely	Catastrophic	Extreme	A	Fire Standards (including inspections)
					Building and Planning Regulations
					Fire Prevention Strategies
					Education
					Smoke Alarms
					Regularly maintained fire extinguishers and fire blankets
Timely response by Emergency Services and Community					
Flood	Likely	Major	Extreme	A	Land use planning -Town Planning Scheme
					Regular maintenance of stormwater retention basins, open channels and underground drainage.
					Regular Maintenance and Testing of Stormwater Flood Pumps.
					Installation of additional underground drainage, open channels, retention basins.
Cyclone	Likely	Catastrophic	Extreme	A	Building and Planning Regulations
					Education in preparedness for community
					Timely response by Emergency Services and Community
					Pre-cyclone cleanup for community every September / October
					Government Legislation to assist Local Government in enforcing clean-up notices
					Maintain Evacuation Centres
					Ensure that Evacuation Centres are clearly signposted, including routes to the centres
Storm Surge	Likely	Catastrophic	Extreme	A	Building and Planning Regulations
					Regular Maintenance and Testing of Stormwater Flood Pumps.
					Maintain one way flaps on stormwater pipes at discharge to ocean.
					Regular update of evacuation plans by SES
					Ensure backup evacuation centres are available



Water Pollution	Rare	Catastrophic	High	B	Legislation and policy screening controls
					Security
					Detection
					Public information that is timely and accurate
Hazardous Materials	Rare	Catastrophic	High	B	Legislation and enforcement
					Road infrastructure
					Timely response and recovery practices
					Adherence to appropriate legislation by operators
					Ensure adequate support is available from region and state resources when required
Aircraft Crash	Rare	Catastrophic	High	B	Regulation and Legislation
					Enforcement and Maintenance of aircraft
					Flight paths
					Training and RESOURCING of volunteer fire brigades
					Regular update and testing of Aerodrome Emergency Plan
Road Crash	Likely	Moderate	High	B	Safe design and construction of roads
					Regulation and Legislation
					Enforcement and Maintenance of vehicles
					Resourcing of Police Service
					Participation in state run campaigns by RoadWise Committee
Terrorism	Rare	Catastrophic	High	B	Regulation and Legislation
					Increased security procedures at airports and shipping ports
					Resourcing of Customs, AQIS, Federal Police to increase presence in isolated target areas
					Public information that is timely and accurate
					Education in preparedness for community
Earthquake	Rare	Catastrophic	High	B	Building and Planning Regulations
					Ensure adequate support is available from region and state resources when required
					Public information that is timely and accurate
					Education in preparedness for community
Agricultural Disease	Rare	Catastrophic	High	B	Regulation and Legislation

**11.3.2.1 Port Hedland International Airport****11.3.2.1 Traffic Management Plan Stage 2 (File No: 30/08/0013)**

**Officer** Rod Evans  
Airport Manager

**Date of Report** 14 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

To seek Council's endorsement to proceed with Stage 2 of the Traffic Management Plan.

**Background**

Stage 1 of the Traffic Management Plan for Port Hedland International Airport is nearing completion from the Capital Works program for the 2005/2006 financial years.

These works consist of the following:

- Design works to meet Australian Standards.
- Reversal of the traffic flow.
- Kerbing works.
- Minor road works.
- Minor drainage works.
- Terminal Entrance Safety Improvements.
- Signage.
- Line marking.
- Raised pedestrian crossings.
- Footpaths.

These works were undertaken to manage increasing traffic flows at the airport, and to provide further safety improvements for patrons of the airport.

Stage 2 of the Traffic Management Plan programmed for 2006/2007 is scheduled to finalise pedestrian and car parking issues at the airport, and further, to better link both car parks to the terminal building.

**Consultation**

Director Engineering Services  
Contractors

**Statutory Implications**

Australian Standards

**Policy Implications**

Nil

**Strategic Planning Implications**

Goal 3 Airport

Strategy 4 Implement the initiatives recommended in the Port Hedland International Airport Traffic Movement and Car Park Master Plan.

**Budget Implications**

Requires a Capital Works commitment from Council for the 2006/2007 financial year.

**Officer's Comment**

To ensure that the works initiated can be completed in their entirety and also to ensure the safety of patrons at the airport, it is proposed to seek a pre-commitment from Council to proceed with stage 2 of these works.

Stage 2 of these works will consist of the following:

- Finalisation of the traffic flows on remaining roads not covered in stage 1.
- Resealing of the main car park.
- Remarking of the main car park to maximise parking spaces.
- Removal of the hire car barriers in the main car park.
- Relocation of the hire car operators to the rear of the main car park.
- Signage.
- Line marking
- Kerbing.
- Construction of further car parking spaces, including airport staff parking, in the area around the long term car park.
- Installation of suitable lighting.
- Installation of further footpaths linking car parks to the terminal.
- Drainage works as required.
- Landscaping works to increase the amenity of the area.
- A dedicated smoking area away from entrances to the terminal.

Pre-approval is being sought as it is more cost effective for Council to continue with the works that are currently occurring rather than ceasing works and restarting in 2-3 months time.

The request is being made as staff would like to undertake the works in July 2006 prior to the budget adoption on 26<sup>th</sup> July 2006.

**200506/467 Council Decision/Officer's Recommendation**

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

**That:**

- i) **Council proceeds with stage 2 of the Port Hedland International Airport Traffic Management Plan; and**
- ii) **Council pre-commit \$150,000 for Stage 2 of the Traffic Management Plan from the 2006/2007 budget, with funds being sourced from Council Airport reserve.**

***CARRIED BY ABSOLUTE MAJORITY 8/0***

**11.4 GOVERNANCE AND ADMINISTRATION****11.4.1 Corporate Services - Finance****11.4.1.1 *Financial Reports to Council for period ended 30 April 2006 (File Nos: FIN-008, FIN-014 and RAT-009)***

**Officer** Stephen Carstairs  
Accountant

**Date of Report** 20 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

The objective of this item is to present a summary of the financial activity of the Town to 31 May 2006, and to compare this with budget forecasts for the period.

From the summary sheet of Statements of Financial Activity (see Function 2) it is indicated that actual operating revenue (\$23,400,958) at 31 May 2006 was appreciably different (variance was 112%) from budgeted revenue (\$20,875,169) for the same period. Contrasting with this actual (\$16,374,568) and budget (\$17,941,649) operating expenses were similar (variance was 89%). Further, in May 2006 actual non-operating expenditure varied substantially (46%) from budget.

As at 31 May 2006 Council's surplus cash amounted to \$10,601,875 (see Reconciliation of Statement of Financial Activity to Current Assets).

Rates outstanding at 31 May 2006 (\$297,485), was less than that (\$415,873) at the same time in 2005.

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

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on 20 May 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.

Voucher No's			Pages		Fund No	Fund Name	Description
From	To	Value	From	To			
EFT 15752	15971	\$1,037,066.25	1	72	1	Municipal Fund	Cancelled
16449	16463	\$58,082.83	72	76	1	Municipal Fund	
16464	16464	-	76	76	1	Municipal Fund	
16465	16502	\$131,682.50	76	82	1	Municipal Fund	
16503	16504	-	82	82	1	Municipal Fund	
16505	16536	\$217,277.62	82	87	1	Municipal Fund	
PAY090506		\$1,316.45	87	87	1	Municipal Fund	
PAY090506		\$189,738.61	87	87	1	Municipal Fund	
PAY090606		\$1,660.56	87	87	1	Municipal Fund	
PAY230506		\$4,148.44	87	87	1	Municipal Fund	
PAY230506		\$199,794.51	87	87	1	Municipal Fund	
PAY230506		\$245.78	87	87	1	Municipal Fund	
	Municipal Total	\$1,841,013.55					
301262	301264	\$1,250.00	87	87	3	Trust Fund	
	Trust Total	\$1,250.00					
TOTAL		\$1,842,263.55					

**2. Financial Statements**

Presented (see attachments) in this report for the financial period ended 31 May 2006, are the:

- . Statements of Financial Activity – see Functions 2 to 14;
- . Reconciliation of Statement of Financial Activity to Current Assets for the Period 31 May 2006; and
- . Review of Transaction Activity.

**3. Investments**

Council's Investment Register and reconciliation of Municipal, Trust and Reserve Funds at 30 May 2006 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 31 May 2006 is attached.

The combined 2005/06 rates and services outstanding as per the attached schedule was \$297,484.90.

5. *Sundry Debtors Outstanding for 90 Days.*

On 31 May 2006 32 Sundry Debtors had debts outstanding (totaling \$29,902.47) to the Town for 90 days or more (see Finance Table attached). Some 14 of those debtor amounts were minor and have been identified for Council to consider writing off (see item to this meeting).

### **Consultation**

The following Council officers contributed to the final form of this agenda item:

Julie Roberts (Sundry Debtors)  
Linda Nickoll (Accounts for Payment)  
Lenore Postans (Rates)

### **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

#### **Officer’s Comment**

As at 31 May 2006 Council’s surplus cash position was strong. It is anticipated that continued lively non-operational infrastructure expenditure in the period 01 June to 30 June 2006 will erode this cash.

#### **200506/468 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 -**
  - . **Statements of Financial Activity (represented by Functions 2 to 14);**
  - . **Reconciliation of Statement of Financial Activity to Current Assets for the Period 31 May 2006; and**
  - . **Review of Transaction Activity,**  
**as attached and presented be received;**
- iii) **the Register of Investments and Municipal, Trust and Reserve Bank Reconciliations as at 31 May 2006 as attached be received; and**
- iv) **the Rates Summary Trial Balance for the month ending 31 May 2006, as attached be received.**
- v) **the Sundry Debtors Outstanding for 90 days as at month end 31 May 2006, as attached be received.**

***CARRIED 8/0***

**11.4.1.2 Write Off Debtors (File No.: Fin-005/Fin-100)**

**Officer** J Roberts  
Accounts Officer

**Date of Report** 16 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Requesting for Council to write off debtors over 90 days that are deemed to be unrecoverable or raised in error.

**Background**

The following outstanding debts are accounts that have been identified as small balances, interest charges and uneconomical to pursue.

Debtor No	Date	Invoice No	Description	Amount \$	Reason
5033 Airlink Pty Ltd	25/10/05	13000	Airport Landing Fees	0.01	Small balance not paid
6607 BHP Billiton	28/02/06	Feb06JR	Interest Charges	1.06	Interest Charges
6300 BHP Billiton	28/02/06	Feb06JR	Interest Charges	0.05	Interest Charges
7103 Clamback & Hennessy P/L	28/02/06	Feb06JR	Interest Charges	0.02	Interest Charges
1831 Dr Paul Higgins	19/12/05	13396	Airport Landing Fees	0.06	Small balance not paid
4214 Eric Roulston	28/02/06	Feb06JR	Interest Charges	0.06	Interest Charges
635 Excel Group	28/02/06	Feb06JR	Interest Charges	0.96	Interest Charges
7089 Isolated Children's Association	28/02/06	Feb06JR	Interest Charges	0.19	Interest Charges

1054 Jayrow Helicopters	28/02/06	Feb06JR	Interest Charges	0.07	Interest Charges
6741 Lumley General Limited	09/09/05 03/09/04 03/09/04	12693 9817 9818	Insurance Claims	0.05 0.18 0.07	Small Balances not paid
5646 Municipal Workcare	18/03/04	8484	Insurance Claim	0.01	Small Balance not paid
7104 NZ Aerial Mapping Pty Ltd	28/02/06 28/03/06	Feb06JR Mar06JR	Airport Landing Fees	0.10 0.76	Interest Charges
6994 Nicole Love	28/07/05	6994	Library Items	44.00	Library Items not returned
6222 O'Donnell Griffin	28/02/06	Feb06JR	Interest Charges	1.13	Interest Charges
7064 O'Donnell Griffin (Rail)	28/02/06	Feb06JR	Interest Charges	1.33	Interest Charges
812 Port Hedland Softball Association	28/02/06	Feb06JR	Interest Charges	7.52	Interest Charges
Total				57.63	

### Consultation

Overdue reminders notices have been sent along with monthly statements.

Department Managers have been consulted as to status of accounts.

### Statutory Implications

Section 6.12 of the Local Government Act 1995 provides that Council may resolve to write off any amount of money as debt, which is owed to the Local Government.

*"6.12. Power to defer, grant discounts, waive or write off debts"*

- (1) *Subject to subsection (2) and any other written law, a local government may —*
  - (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;*
  - (b) *waive or grant concessions in relation to any amount of money; or*
  - (c) *write off any amount of money, which is owed to the local government.*

*\* Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.”*

### **Policy Implications**

2/012 Sundry Debt Collections

### **Strategic Planning Implications**

Nil

### **Budget Implications**

The proposed write offs equate to \$57.63. These write offs should be applied to the Provision of Doubtful Debts. This is a balance sheet account and therefore does not directly affect the Municipal Budget.

The Provision is reviewed annually, and net adjustment is applied to the Municipal budget at that stage.

### **Officer's Comment**

In any organisation or business it is not preferable to write off debt. Essentially this write off is a loss of income, which any organisation requires to survive. In saying this, there are times when the cost of collecting the debt can exceed the debt itself and a decision must be made to either pursue or extinguish the debt.

The Debts included in this report are reasonably minor and any further attempts to collect the money will exceed any benefit to the Council.

It is therefore recommended that Council proceed to write off these minor debts. If the Council knows the debtor after this occurs, Council can still attempt to recover debts, if appropriate.

## 200506/469 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

That Council write off the following debts and apply the write off to the Provision of Doubtful Debts:

Debtor No	Invoice No	Amount \$
5033 – Airlink	13000	0.01
6607 – BHP Billiton	Feb06JR	1.06
6300 – BHP Billiton	Feb06JR	0.05
7103 – Clamback & Hennessy Pty Ltd	Feb06JR	0.02
1831 – Dr Paul Higgins	13396	0.06
4214 – Eric Roulston	Feb06JR	0.06
635 – Excel Group	Feb06JR	0.96
7089 – Isolated Children's Association	Feb06JR	0.19
1054 Jayrow Helicopters	Feb06JR	0.07
6741 Lumley General Limited	12693 9817 9818	0.05 0.18 0.07
5646 Municipal Workcare	8484	0.01
7104 NZ Aerial Mapping Pty Ltd	Feb06JR Feb06JR	0.10 0.76
6994 Nicole Love	6994	44.00
6222 O'Donnell Griffin	Feb06JR	1.13
7064 O'Donnell Griffin	Feb06JR	1.33
812 Port Hedland Softball Association	Feb06JR	7.52
<b>Total</b>		<b>57.63</b>

**CARRIED BY ABSOLUTE MAJORITY 8/0**

### 11.4.1.3 Write Off Debtor Horizon Airlines (File No.: Fin-005/Fin-100)

**Officer** J Roberts  
Accounts Officer

**Date of Report** 14 June 2006

**Disclosure of Interest by Officer** Nil

#### Summary

Requesting for Council to write off Horizon Airlines outstanding debt of \$10515.44.

#### Background

Horizon Airlines Pty Ltd appointed Woodgate & Co as Administrators in October 2003. At this time, Horizon Airlines major asset outstanding was an Insurance claim against QBE. Correspondence was received on the 07 March 2006 advising that there was no likelihood of any funds being received from an insurance claim and that the estimated recovery to ordinary unsecured creditors to be approximately 2.5 cents in the dollar. On 07 June 2006, the Town of Port Hedland received 2.45 cents in the dollar totaling \$264.11.

Below table lists the following invoices outstanding, the total debt of Horizon Airlines was \$10779.55 less \$264.11 (received from Administrators) leaving an amount to be written off \$10515.44.

Debtor No	Date	Invoice No	Description	Amount \$	Reason
5871-Horizon Airlines	30/06/03	6460	Landing	5675.36	Horizon Airlines has an Administrator Appointed – Debt recovery is highly unlikely.
	30/06/03	6461	Fee for	3712.17	
	30/06/03	6462	November 2002	1127.91	
Total				10515.44	

#### Consultation

Town of Port Hedland has been receiving correspondence on the financial position of Horizon Airlines Pty Ltd from the Administrators, Woodgate & Co.

#### Statutory Implications

Section 6.12 of the Local Government Act 1995 provides that Council may resolve to write off any amount of money as debt, which is owed to the Local Government.

*“6.12. Power to defer, grant discounts, waive or write off debts*

- (1) Subject to subsection (2) and any other written law, a local government may —*
  - (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;*
  - (b) waive or grant concessions in relation to any amount of money; or*
  - (c) write off any amount of money, which is owed to the local government.*
- \* Absolute majority required.*
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

### **Policy Implications**

2/012 Sundry Debt Collections

**Strategic Planning Implications** Nil

### **Budget Implications**

The proposed write offs equate to \$10515.44. The proposed write offs will be applied against the Airport Operating Account, which will reduce the net transfer to the reserve account by \$10515.44 and therefore will not directly affect the Municipal Budget.

### **Officer's Comment**

Woodgate and Co Administrators have given clear indication that any further debt recovery would be highly unlikely. Given the fact that Horizon Airlines have no further assets to recover, and Council has received payment from the Administrators, it is recommended that Council write off the balance of Horizon Airlines debt.

If in the event Horizon Airlines continue business under a new entity and use the services of the Port Hedland International Airport, Council may like to request a bank guarantee from the new entity for future security.

**200506/470 Council Decision/Officer's Recommendation**

Moved: Cr A A Carter

Seconded: Cr A A Gear

**That Council write off the following debt and apply the write off to the account 1210295- Airport Debt Write Off.**

<b>Debtor No</b>	<b>Invoice No</b>	<b>Amount \$</b>
<b>5871- Horizon Airlines</b>	<b>6460</b>	<b>5675.36</b>
	<b>6461</b>	<b>3712.17</b>
	<b>6462</b>	<b>1127.91</b>
<b>Total</b>		<b>10,515.44</b>

***CARRIED BY ABSOLUTE MAJORITY 8/0***



**11.4.1.4 Audit and Finance Committee – Budget Amendment  
(File No.: ...-...)**

**Officer** Matthew Scott  
Director Corporate  
Services

**Date of Report** 2 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to consider the recommendations from the Audit and Finance Committee meeting held on the 2 June 2006.

**Background**

At the Audit and Finance Committee meeting held on the 2 June 2006, the committee considered the following matters:

1. Variance Reporting
2. March 2006, quarterly budget review

*Variance Reporting*

Though Council is currently receiving more monthly financial information than what is currently required by the Local Government Act 1995 and associated Local Government (Financial Management) Regulations 1996, at the recent interim audit, the auditors noted that Council had not adopted a material variance percentage or dollar value.

This material variance value determines the level of reporting of variances between budget and actual. Currently Council receives listing of all accounts, including budget and actual figures, effectively allowing Council, and therefore the public, to query the Administration on any variance between budget and actual. However, regardless of this, the Act requires a written report on material variances, and for Council to decide what it considers a material variance.

At the Committee meeting, it was resolved that the following basis be used to determine, and therefore report on material variances. Material Variance will be:

1. 10% of the Function amended budget; or
2. \$100,000 of the Function amended budget

whichever is the lesser, for the following categories of revenue and expenditure:

- a. Operating Revenue
- b. Operating Expenditure
- c. Non Operating Revenue
- d. Non Operating Expenditure

As this will not be policy, but an actual Council resolution, the Auditor has advised Council that this will need to be resolved each financial year, preferably during the budget adoption.

*March 2006, quarterly budget review*

As Council is aware, the Administration is currently performing an entire budget review each quarter. At the Audit & Finance Committee meeting, the committee members were requested to review the outcome of the March review, and make budget adjustment recommendations to Council.

As Council is aware, the current budget surplus of \$53,432 has been achieved over the financial year as follows:

Item	\$
Original Budget	0
September Budget Review	105,810
04/05 Cash Surplus Adjustment	(237,028)
December Budget Review	184,650
Amended Budget Surplus	53,432

From the March review, the committee was requested to amend the budget surplus by another \$3,320,759, resulting primarily from additional grant income received in 2005/06, but to be spent in 2006/07. The proposed savings per function is listed below:

Function	Net Saving \$
General Purpose Income	108,555
Governance	(109,298)
Law, Order & Public Safety	55,834
Health	41,611
Education & Welfare	(43,012)
Housing	95,248
Community Amenities	2,048,356
Recreation & Culture	52,429
Transport	1,005,488
Economic Services	4,473
Other Properties & Services	61,044
Total	3,320,759

The details explaining material savings and overspends were presented to the committee for consideration, including a detailed listing of all accounts proposed to be amended (attached).

The proposed savings added to the current surplus, will result in a proposed amended surplus of \$3,374,190 (53,432 + 3,320,759).

On review of the above information, the committee resolved to accept the officer's recommendation, with one amendment. The Committee felt that given the proposed surplus, plus timing issues, that it would recommend to Council bringing forward the proposed purchase of a new piano, currently being considered in the 2006/07 budget.

This addition will reduce the proposed budget surplus by \$15,000 to \$3,359,190.

Apart from the addition of the piano, the committee resolved to recommend not allocating the surplus, until the 2005/06 accounts are finalised.

### Consultation

In presenting these items to the Audit and Finance Committee, reference was made to discussions with the Town's Auditor, Mr David Tomasi, of UHY Haines Norton.

### Statutory Implications

Section 6.8 of the Local Government Act 1995 states as follows:

*6.8. Expenditure from municipal fund not included in annual budget*

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure -*

- (a) is incurred in a financial year before the adoption of the annual budget by the local government;*
- (b) is authorised in advance by resolution\*; or*
- (c) is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

*(1a) In subsection (1) -*

*additional purpose~ means a purpose for which no expenditure estimate is included in the local government's annual budget.*

*(2) Where expenditure has been incurred by a local government -*

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment**

This item is essentially a summarised version of the Audit and Finance Committee Agenda, and therefore Council should refer to the officer's comments for each item.

**200506/471 Council Decision/Officer's Recommendation**

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

**Recommendation 1**

**That:**

**Council adopt the following percentage or dollar value for determining and reporting material variances as follows:**

- 1. 10% of the Function amended budget; or**
- 2. \$100,000 of the Function amended budget**

**whichever is the lesser, for the following categories of revenue and expenditure:**

- a. Operating Revenue**
- b. Operating Expenditure**
- c. Non Operating Revenue**
- d. Non Operating Expenditure**

**Recommendation 2**

**That:**

- i) Council amend the current amended budget as per attachment A, which will result in the Budget surplus becoming \$3,359,190, (including Council's contribution for purchasing a piano of \$15,000).**
- ii) this surplus not be allocated, but be carried forward to:**
  - a) fund projects of which grant revenue was received in 2005/06; and**
  - b) be allocated in 2006/07 to projects which were considered by Council for the 2006/07 budget, but were not included due to funding restrictions.**

***CARRIED 8/0***

**11.4.1.5 Withdrawal of Caveat Lot 44 Paton Road, South Hedland (File No.: RAT-009, A802149g)**

**Officer** Matthew Scott  
Director Corporate  
Services

**Date of Report** 9 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to approve the use of The Town Seal to lift a Caveat on Lot 44 Paton Rd, South Hedland.

**Background**

Council lodged a caveat on the above property on 21<sup>st</sup> March 2002 to protect outstanding accounts applicable to the property totalling \$838.68 at that time. Account now has an outstanding balance of \$3200.22 as at 9<sup>th</sup> June 2006 PLUS penalty interest that will continue to accrue at \$0.96 per day. There was some confusion as to the correct ownership of this small parcel of land, as Mr Butson advised it was owned by Western Power and not him. Title search revealed Mr Butson and Ms Dawson to be the registered owners. The owners need the caveat lifted in order to proceed with the sale of the property to Western Power on 30<sup>th</sup> June 2006.

**Consultation**

Credipac – TPA (Council's previous Debt Collector and agent responsible for Lodging the Caveat)  
First Choice Conveyancing, Vendor's Settlement Agent

**Statutory Implications**

Transfer of Land Act

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment**

Council has previously resolved that all items requiring the use of The Seal be put to Council prior to The Seal being used. (Minute 200506/297).

As the property cannot be settled until the caveat is lifted, there is some urgency in this matter. Credipac, on Council's behalf will attend settlement and will hand over the Withdrawal of Caveat in exchange for a cheque covering all outstanding monies and their fees for attending settlement and processing the withdrawal of Caveat.

**200506/472 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr A A Gear

**That Council authorise the Common Seal to be affixed to the WITHDRAWAL OF CAVEAT Form W1 for Lot 44 Paton Road, South Hedland and be signed by the Mayor and the Chief Executive Officer.**

***CARRIED 8/0***

**11.4.1.6 General and Minimum Rates 2006/07 (File No.: .../...)**

**Officer** Matthew Scott  
Director Corporate  
Services

**Date of Report** 28 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to approve the advertising of the proposed 2006/07 rates in the dollar and minimum rates, as discussed at the June Budget Workshop.

**Background**

As part of the budget preparation process, Council has been reviewing how it raises rates and meets the requirements of the Five Year Plan while not imposing significant increases on the majority of rate payers which was the case in 2005/06.

In 2005/06 the various rates in the dollar and minimums were as follows:

Rate Category	Rate in Dollar \$	Minimum Rate \$
GRV Residential	10.4574	\$813
GRV Commercial	10.4574	\$813
GRV Industrial	10.4574	\$813
GRV Shopping Centre	10.4574	\$813
GRV Ex Gratia	10.4574	\$813
UV Mining	7.8191	\$205
UV Pastoral	7.8191	\$205
UV Other	7.8191	\$205

Though these Rates in the dollar and Minimum rates increased by only 1.5% from the previous year, most ratepayers received a significant increase due to a major GRV revaluation that occurred in 2005/06. In 2005/06 an amount of \$8,333,405 was raised in rates (after discounts & penalties) compared to 2004/05 where an amount of \$7,740,394 was raised (7.6% increase).

The guidelines for developing the 2006/07 proposed rates in the dollar (RID) and Minimum Rates (Minimums) were created in the Five Year Financial Plan, adopted earlier this year by Council. In this plan, Council resolved the following:

- Total general rates raised would not exceed CPI; and
- There would be no increase in Total Minimum rates
- Current Perth CPI is 4.2%, thus creating the current cap for any rate in the dollar increase.

In the 2<sup>nd</sup> and 3<sup>rd</sup> Budget Workshop Council was provided with various options to maximum its rate return, while maintaining the caps imposed by the Financial Plan.

After vigorous debate, the consensus of the Councilors present are the following proposed RID and Minimums:

Rate Category	Rate in Dollar \$	Minimum Rate \$
GRV Residential	10.7899	\$600
GRV Commercial	10.7899	\$600
GRV Industrial	10.7899	\$600
GRV Shopping Centre	10.7899	\$600
GRV Ex Gratia	10.7899	\$600
UV Mining	11.7287	\$600
UV Pastoral	8.992	\$600
UV Other	9.7739	\$600

When compared to the 2005/06 RID's and Minimums the following % increases are generated:

Rate Category	Rate in \$ /Minimum		% change
	2005/06	2006/07	
Rate in Dollar			
GRV Residential	10.4574	10.7899	3.18%
GRV Commercial	10.4574	10.7899	3.18%
GRV Industrial	10.4574	10.7899	3.18%
GRV Shopping Centre	10.4574	10.7899	3.18%
GRV Ex Gratia	10.4574	10.7899	3.18%
UV Mining	7.8494	11.7287	50%
UV Pastoral	7.8494	8.992	15%
UV Other	7.8494	9.7739	25%
Minimum			
GRV Residential	\$813	\$600	-26.20%
GRV Commercial	\$813	\$600	-26.20%
GRV Industrial	\$813	\$600	-26.20%
GRV Shopping Centre	\$813	\$600	-26.20%
GRV Ex Gratia	\$813	\$600	-26.20%
UV Mining	\$205	\$600	192.68%
UV Pastoral	\$205	\$600	192.68%
UV Other	\$205	\$600	192.62%

Initially it may seem that with some of these increases Council has exceeded the 4.2% cap on general rates and zero increase on minimums. However given the large proportion of GRV Residential properties, being 79% of total properties, the majority of rate increases will in fact be 1% below CPI. In fact, currently only 381 or 7.3% of properties will have a Rate in the Dollar (RID) or Minimum increase of over 4.2%.

These RID and Minimums now need to be advertised for 21 days before they can be imposed as part of the budget adoption process.

Council should also note that Ministerial approval will be needed as more than 50% of properties in the UV Categories will receive minimum rates.



This is essential because of the range of values in the UV Mining and UV Other Categories. Property values in these categories range from \$400,924 (Dampier Salt Site) to \$1 (Mine sites covered under state agreements). This was in fact the case in previous years, however Council has been non compliant in imposing a minimum rate affecting +50% of a particular differential category without Ministerial permission.

### Consultation

Rating for 2006/07 has been discussed at the 2<sup>nd</sup> and 3<sup>rd</sup> Budget Workshop with Council, which has resulted in the proposed rates in this item. Once these proposed rates are advertised, the general public will have an opportunity to make submissions to Council concerning the proposed rates. If any submissions are received, Council will need to consider these prior to imposing the rates in the budget adoption process.

### Statutory Implications

Local Government Act 1995

*“6.35. Minimum payment*

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
  - (a) 50% of the total number of separately rated properties in the district; or*
  - (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.*
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —*
  - (a) the number of separately rated properties in the district; or*
  - (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.*
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set*

*forth in subsections (2), (3) and (4) in respect of each of the following categories —*

- (a) to land rated on gross rental value;*
- (b) to land rated on unimproved value; and*
- (c) to each differential rating category where a differential general rate is imposed.*

*6.36. Local government to give notice of certain rates*

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) A notice referred to in subsection (1) —*
  - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
  - (b) is to contain —*
    - (i) details of each rate or minimum payment the local government intends to impose;*
    - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
    - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;*
  - and*
  - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*
- (5) Where a local government —*
  - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
  - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4), it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.”*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

### **Budget Implications**

Rating is a Local Authority's primary means of raising funds to meet community needs and requirements. It is therefore important that the rates raised are fair and equitable. The proposed rates in the dollar and minimum will generate income equivalent to the requirements of the Five Year Financial Plan, which is estimated currently to be \$8,760,435.

### **Officer's Comment**

Imposing Rates, a form of taxation, is an extremely important process for any local Council. How the tax and any increase is distributed can have both operational and political implications, and therefore should be fair, equitable and transparent. Council has spent a significant amount of time and resources reviewing its rating structure, and in particular how Council, and therefore ratepayers in general, can generate revenue from the current resources boom occurring in the Pilbara.

Traditionally Council has had only two different rates in the dollar and Minimum rates, with the differentiation occurring in the type of Valuation used, either Gross Rental Value or Unimproved Value. However due to the high percentage of "Residential" properties within the district, any increase has also been traditionally felt by the residential ratepayer, many of whom can't compensate a rate increase with a tax reduction (as an increase tax deduction). The proposed rates in the dollar and minimum correct this by increasing only marginally residential rates but increasing significantly mining and pastoral rates.

These areas have been traditionally under rated, as noted by Local Government consultant, Ray Hadlow, who previously has assisted Council in Grant Commission submissions.

Another material change Council has considered in proposing these rates is a uniform minimum rate. By having a uniform minimum rate, Council is in effect saying, regardless of property value or ownership, all ratepayers will at least contribute a minimum payment to Council to provide certain services (especially administrative and regulatory) that all ratepayers should be entitled to. This therefore removes the potential discrimination that may be felt by certain areas that have paid a high minimum rate, compared to others that have paid a low minimum rate.

Given the nature of differential rating, there are literally millions of different combinations available to Council.

The proposal before Council will not only meet the requirements of the Five Year Financial Plan, but will provide for only a marginal rate increase for the majority of ratepayers.

**200506/473 Council Decision/Officer’s Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr A A Gear

**That Council:**

- i) **advertise the following proposed Rates in the dollar and Minimum rates in accordance with Section 6.36 of the Local Government Act:**

<b>Rate Category</b>	<b>Rate in Dollar \$</b>	<b>Minimum Rate \$</b>
<b>GRV Residential</b>	<b>10.7899</b>	<b>\$600</b>
<b>GRV Commercial</b>	<b>10.7899</b>	<b>\$600</b>
<b>GRV Industrial</b>	<b>10.7899</b>	<b>\$600</b>
<b>GRV Shopping Centre</b>	<b>10.7899</b>	<b>\$600</b>
<b>GRV Ex Gratia</b>	<b>10.7899</b>	<b>\$600</b>
<b>UV Mining</b>	<b>11.7287</b>	<b>\$600</b>
<b>UV Pastoral</b>	<b>8.992</b>	<b>\$600</b>
<b>UV Other</b>	<b>9.7739</b>	<b>\$600</b>

- ii) **seek Ministerial approval to impose a minimum rate for UV mining and UV other that will affect more than 50% of properties in those differential categories.**

***CARRIED 8/0***

**11.4.2 Administration Services**

7:04 pm Cr G J Daccache declared a financial interest in Agenda Items 11.4.2.1 'Request for Lease of Part Lot 2444 Great Northern Highway'; and 11.2.2.8 'Proposed Construction of Transient Workforce Accommodation at Lot 2444 Great Northern Highway' as he owns FMG shares.

Cr G J Daccache left the room.

**11.4.2.1 Request for Lease of Part Lot 2444 Great Northern Highway (File No.: GRE-2444G)**

**Officer** Danielle Cowan  
Manager Administration

**Date of Report** 16 June 2006

**Disclosure of Interest by Officer** Nil

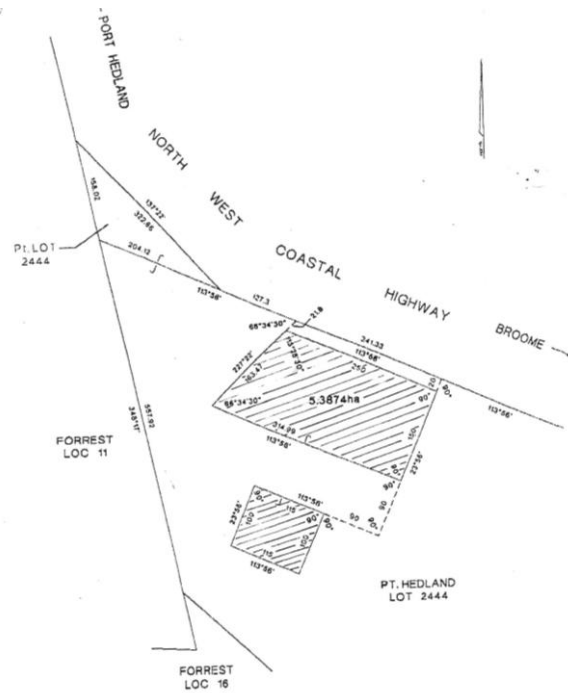
**Summary**

Council is asked to consider leasing a portion of the Airport Lot 2444 for use as transient workers accommodation for The Pilbara Infrastructure Pty Ltd.

**Background**

The Pilbara Infrastructure Pty Ltd a subsidiary of Fortescue Metals Group has previously been given an undertaking to lease a portion of Lot 2444 adjacent to the Cemetery, a planning approval was sought and approved for this land – application number 2006/112.

Officers have been advised that this development will not be proceeding, and The Pilbara Infrastructure now seek approval to use a smaller portion as shown in the attached plan. This site was formerly used for workers accommodation when the construction of the HBI plant was undertaken. The area is adjacent to the proposed lease area for the SES operations.



**Consultation**

Comments were sought from Council’s development departments:

*Town Planning, Building and Environmental Health*

Comments and conditions have been provided in relation to the previous application and are addressed in response to the planning application included in this agenda.

*Airport*

Support the application subject to the following conditions being applied:

1. Effluent Disposal System

Any effluent disposal system must be constructed to ensure minimal impact on airport operations from animal or bird activity. If the effluent disposal system is, after construction, found to create a nuisance or danger by attracting birds and animals to the Land, which may cause operational issues for the Airport the Lessee must, after receipt of written notice from the Lessor to do so, take such action or carry out such work, in or around the effluent pond or ponds, that is in the opinion of the Lessor necessary to ensure that the nuisance is abated.

2. Airport

The Lessee must comply with the following requirements at all times:

- a) The Land must be fully fenced by the Lessee from the adjoining Port Hedland International Airport by a 2.44m chain mesh security fence with cranked poles and 3 strand barb in accordance with Australian Standard AS1924;
- b) Under no circumstances will there be access to or from other areas of the Port Hedland International Airport from the Land;
- c) No extraneous light shall be directed by the Lessee towards the runway and/or approaches above the horizontal;
- d) The maximum height of any fixed structure will not be greater than 10m. Any fixtures above this height will require assessment and written approval by the Lessor.
- e) No equipment above 10 metres in height must be operated on the Land during the Works or during the Term without prior notification to and written approval from the Lessor.
- f) Given the accommodation is being constructed adjacent to a known airport, the Lessor accepts no liability for noise;
- g) Installation of power, water and telecommunications to be sufficient for existing and future requirements;
- h) Landscaping of the Land is to be designed to ensure that attraction of birds and animals to the area of the Land is minimalised;
- i) Any reticulation of the Land is to be designed and installed to ensure that water does not accumulate or pond so as to attract birds or animals.

### 3. Security & Safety Obligations

The Lessee shall comply with the security and safety requirements of Port Hedland International Airport as directed by the Lessor;

The Lessee shall be deemed responsible for any breach of the security and safety requirements of the Port Hedland International Airport by its employees, agents, contractors and visitors and liable for any penalties imposed.

## Statutory Implications

### Section 3.58 - Local Government Act

- (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.*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

### Budget Implications

Rental income account will need to be created.

### Officer's Comment

In January 2006 Council had a valuation undertaken to fulfill the requirements of Section 3.58 of the Local Government Act. This valuation was based on a parcel of land adjacent to the cemetery that has no services or infrastructure.

Given this parcel of land is provided with services and infrastructure and would therefore be valued accordingly. This will add some time to the disposal process.

As detailed by the Airport Manager above, this proposal cannot have an impact on the airport operations and the conditions above clearly define the requirements to ensure this does not occur.

The only other issue which will impact on Council operations is the use by the lessee of existing effluent ponds. Given that the current capacity of the ponds is suitable for Council needs, any further expansion would require an upgrade. This cost should not be borne by Council and therefore the disposal of the land should be conditional upon The Pilbara Infrastructure being responsible for the cost of these works.



Council officers have spent some time preparing documents and ensuring the disposal process is completed properly. This has involved having the parcel of land valued at a cost of \$550.00 borne by Council and \$2,145.00 in discussions with Council's solicitor to have a draft lease ready to sign. These costs are normally collected upon signing of the lease and need to be recouped given the first lease will not be signed. It is suggested the approval for the new parcel of land be conditional upon these fees being reimbursed to Council.

**200506/474 Council Decision/Officer's Recommendation****Moved:** Cr A A Gear**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) the disposal of this land be conditional upon:**
  - a) The Pilbara Infrastructure Pty Ltd paying the previous valuation fees incurred by Council of \$2,695.00; and**
  - b) The Pilbara Infrastructure Pty Ltd be solely responsible for the cost of the upgrade and expansion in capacity of the effluent ponds;**
  - c) The Pilbara Infrastructure Pty Ltd are responsible for the cost of any other development costs associated with this lease;**
- iii) Council delegate authority to the Chief Executive Officer to negotiate lease conditions with The Pilbara Infrastructure Pty Ltd.**
- iv) the Chief Executive Officer negotiate the lease with the following minimum conditions:**
  - a) a term of twelve months plus a further twelve month option;**
  - b) lease rental be no less than market value.**
  - c) rental to be increased annually by CPI – Perth;**
  - d) all improvements to the land to be approved in writing by Council;**
- v) the proposed lease be advertised in accordance with Section 3.58 of the Local Government Act 1995. Should no submission be received, the Chief Executive Officer execute the lease document.**

***CARRIED 7/0***

*NOTE: Mayor returned to Agenda Item 11.2.2.8 'Proposed Construction of Transient Workforce Accommodation at lot 2444 Great Northern Highway'.*

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

**Officer** Richard Bairstow  
Manager Planning

**Date of Report** 28 June 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 north east of the 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. This land was previously used for transient workforce accommodation.

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

Administration 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.

Accommodation levels of the camp will vary according to the maximum required workforce for each stage of construction. The maximum projected workforce being accommodated is expected to be 150 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, 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 relevant policies or legislation require consultation for this type of development and potential impact on other properties is negligible.

### **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.

### **Policy Implications**

Nil

### **Strategic Planning Implications**

KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT

Goal 2 – Mining

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

### **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.

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. However the sewerage ponds associated with the site will be required to be upgraded and its capacity increased to cater for the development's disposal requirements but also the airport and the adjoining vacant site, which will likely be occupied in the near future. A condition reflecting this has been included within the conditions.

Council's Health Services section will liaise with all parties involved in determining the correct capacity of the upgrade effluent disposal system, which will need to be approved by the Department of Health.

The application includes the possible future expansion and a further application for Planning Approval will not be required for its development. A Building Licence will be required at the development stage.

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.

It has been assessed that any impact on the airport has been managed by the conditions requested by the Airport Manager.

**Officer's Recommendation**

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 16 June 2006 (Application 2006/112) and indicated on the approved plans (including the future expansion), subject to the following conditions:

GENERAL

- a) This approval is for the development of the Transient Workforce Accommodation (including the development noted as future expansion) and associated development shown on the approved plan or required by a condition of this approval.
- b) 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).
- c) 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).
- d) The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction Manager Planning.

#### PRIOR TO ISSUE OF BUILDING LICENCE

- e) Payment of Council's scheduled fees - Application for Planning Approval (PS).
- f) A detailed landscaping plan to be submitted and approved the Manager Planning. 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) The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
  - i) The delivery of materials and equipment to the site;
  - ii) The storage of materials and equipment on the site;
  - iii) The parking arrangements for the contractors and subcontractors;
  - iv) Impact on traffic movement;
  - v) Operation times including delivery of materials; and
  - vi) Other matters likely to impact on the surrounding residents;to the satisfaction Manager Planning

#### DURING CONSTRUCTION

- h) Garbage storage area to be provided and screened from public view to the satisfaction Manager Planning (EHS).

- i) 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).
- j) 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 Manager Planning (EHS).
- k) The existing effluent disposal system at the rear of the proposed site is to be upgraded and its capacity increased to cater for the proposed development at its ultimate capacity (150 persons), the airport and the adjoining vacant site all at the applicants expense to the specifications Council's Environmental Health Services and the Health Department of Western Australia and to the satisfaction Manager Planning (EHS);

#### USE OF DEVELOPMENT

- l) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning
- m) A Rubbish Collection Strategy/Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy/plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction Manager Planning
- n) Prior to the occupation of the site a mosquito management plan for the effluent disposal system being submitted to and approved by the Town's Health Section all to the satisfaction Manager Planning.
- o) The implementation of the recommendations of the Mosquito Management Plan shall be carried out to the satisfaction of the Manager Planning.
- p) 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).

- q) 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 specifications of Council's Engineering Services and Environmental Health Services and to the satisfaction Manager Planning (ES/EHS).
- r) The effluent system to be maintained to ensure no nuisance is caused, especially with regard to 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 all to the satisfaction Manager Planning (EHS).
- s) The only access to the site will be limited to one road sited and constructed to the specifications of Council's Engineering Services and Airport Manager and to the satisfaction Manager Planning.
- t) No lighting direct or indirect is to be installed facing any runways above the horizontal to the specifications of Council's Engineering Services and Airport Manager and to the satisfaction Manager Planning.
- u) No equipment is to be installed or operated above ten (10) metres in height without prior notification and comment by Council's Airport Manager and the approval of the Town.

#### 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) 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).
- y) 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.

- z) 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).
- aa) Any indoor recreational areas must comply with the Health (Public Buildings) Regulations 1992 to the satisfaction of Council's Environmental Health Services (EHS).
- bb) 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.
- cc) 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.

**200506/475 Council Decision/Officer's Recommendation****Moved:** Cr A A Gear**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 16 June 2006 (Application 2006/112) and indicated on the approved plans (including the future expansion), subject to the following conditions:**

**GENERAL**

- a) **This approval is for the development of the Transient Workforce Accommodation (including the development noted as future expansion) and associated development shown on the approved plan or required by a condition of this approval.**



- b) 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).**
- c) 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).**
- d) The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction Manager Planning.**
- e) That prior to the submission of a Building Licence an amended plan being submitted to and approved by the Town incorporating the following amendment. Additional vehicle parking locations/areas (both small - cars etc and heavy - trucks etc) are to be provided within the lease area, in numbers that will service the Transient Workforce Accommodation at its proposed maximum capacity or in accordance with the Town of Port Hedland's Town Planning Scheme No. 5, Carparking Standards, whichever requirement is greatest and all to the satisfaction of the Manager Planning.**

**PRIOR TO ISSUE OF BUILDING LICENCE**

- f) Payment of Council's scheduled fees - Application for Planning Approval (PS).**
- g) A detailed landscaping plan to be submitted and approved the Manager Planning. 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.**
- h) The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
  - i) The delivery of materials and equipment to the site;**
  - ii) The storage of materials and equipment on the site;**
  - iii) The parking arrangements for the contractors and subcontractors;**
  - iv) Impact on traffic movement;**
  - v) Operation times including delivery of materials;**
  - and****

- vi) **Other matters likely to impact on the surrounding residents;  
to the satisfaction Manager Planning**

**DURING CONSTRUCTION**

- i) **Garbage storage area to be provided and screened from public view to the satisfaction Manager Planning (EHS).**
- j) **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).**
- k) **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 Manager Planning (EHS).**
- l) **The existing effluent disposal system at the rear of the proposed site is to be upgraded and its capacity increased to cater for the proposed development at its ultimate capacity (150 persons), the airport and the adjoining vacant site all at the applicants expense to the specifications Council's Environmental Health Services and the Health Department of Western Australia and to the satisfaction Manager Planning (EHS);**

**USE OF DEVELOPMENT**

- m) **At all times, all vehicle parking (both small - cars etc and heavy - trucks etc) associated (resident and visitor) with the Transient Workforce Accommodation shall be contained within the lease area (i.e. no verge parking is permitted) and within designated vehicle parking locations/areas as defined in condition (d) and all to the satisfaction of the Manager Planning.**
- n) **Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning**

- o) A Rubbish Collection Strategy/Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy/plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction Manager Planning**
- p) Prior to the occupation of the site a mosquito management plan for the effluent disposal system being submitted to and approved by the Town's Health Section all to the satisfaction Manager Planning.**
- q) The implementation of the recommendations of the Mosquito Management Plan shall be carried out to the satisfaction of the Manager Planning.**
- r) 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).**
- s) 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 specifications of Council's Engineering Services and Environmental Health Services and to the satisfaction Manager Planning (ES/EHS).**
- t) The effluent system to be maintained to ensure no nuisance is caused, especially with regard to 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 all to the satisfaction Manager Planning (EHS).**
- u) The only access to the site will be limited to one road sited and constructed to the specifications of Council's Engineering Services and Airport Manager and to the satisfaction Manager Planning.**
- v) No lighting direct or indirect is to be installed facing any runways above the horizontal to the specifications of Council's Engineering Services and Airport Manager and to the satisfaction Manager Planning.**

- w) **No equipment is to be installed or operated above ten (10) metres in height without prior notification and comment by Council's Airport Manager and the approval of the Town.**

**ADVICE TO DEVELOPER**

- x) **A Building Licence to be issued prior to the commencement of any on site works (BS).**
- y) **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.**
- z) **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).**
- aa) **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.**
- bb) **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).**
- cc) **Any indoor recreational areas must comply with the Health (Public Buildings) Regulations 1992 to the satisfaction of Council's Environmental Health Services (EHS).**
- dd) **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.**

- ee) 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 7/0***

*REASON: Council sought for the following additional clauses relating to the parking of heavy vehicles:*

*“e) That prior to the submission of a Building Licence an amended plan being submitted to and approved by the Town incorporating the following amendment. Additional vehicle parking locations/areas (both small - cars etc and heavy - trucks etc) are to be provided within the lease area, in numbers that will service the Transient Workforce Accommodation at its proposed maximum capacity or in accordance with the Town of Port Hedland's Town Planning Scheme No. 5, Carparking Standards, whichever requirement is greatest and all to the satisfaction of the Manager Planning.”*

*and*

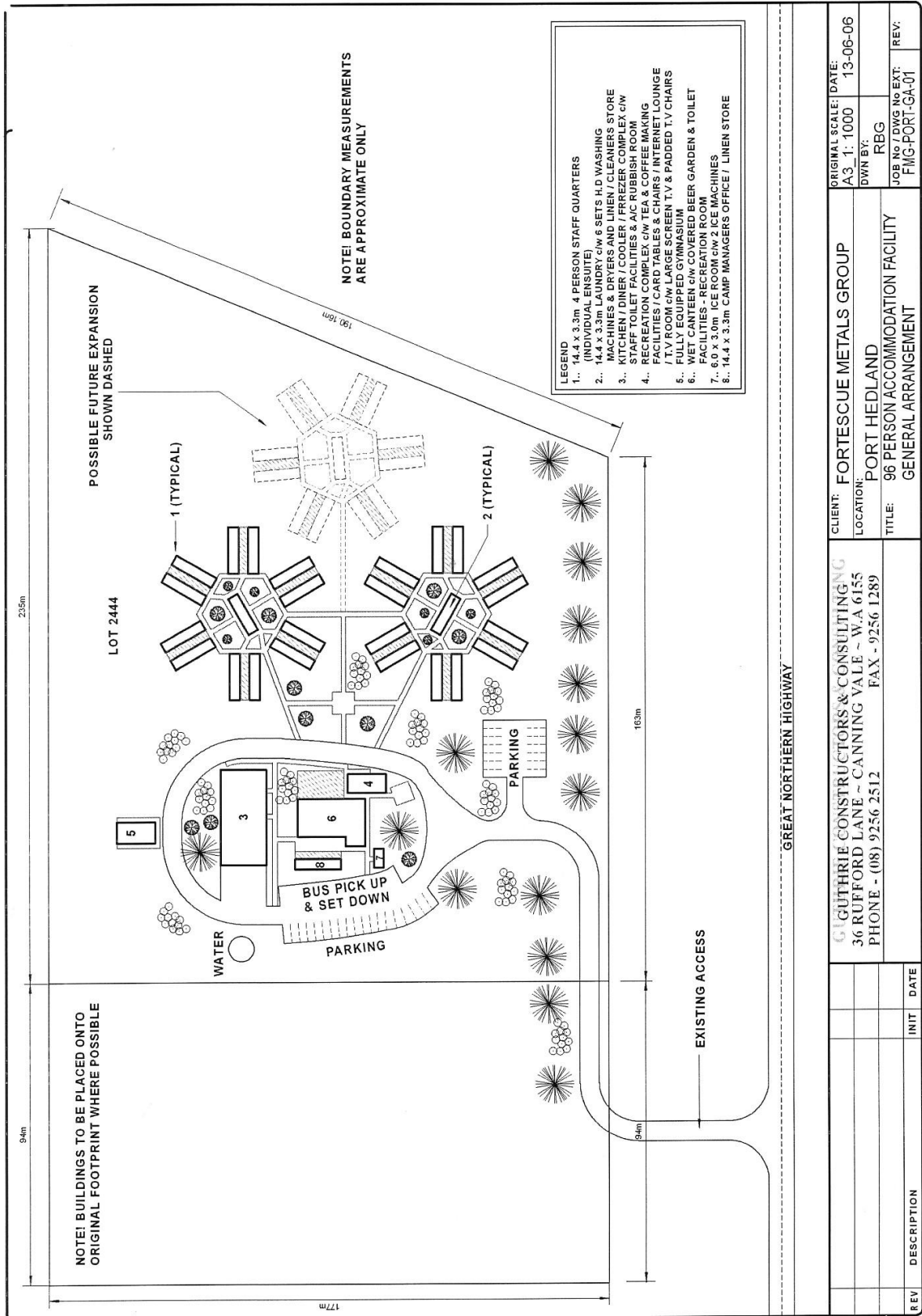
*“m) At all times, all vehicle parking (both small - cars etc and heavy - trucks etc) associated (resident and visitor) with the Transient Workforce Accommodation shall be contained within the lease area (i.e. no verge parking is permitted) and within designated vehicle parking locations/areas as defined in condition (d) and all to the satisfaction of the Manager Planning.”*

7:08 pm Cr G J Daccache re-entered the room and assumed his chair.

Mayor advised Cr G J Daccache of Council's decisions of the previous two Agenda Items.



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.8



**11.4.3 Governance**

7:09 pm Cr G J Daccache declared a financial interest in Agenda Item 11.4.3.1 'BHP Billiton Exploration License' as he owns BHP Billiton shares and is employed by BHP Billiton.

Cr G J Daccache left the room.

7:09 pm Cr D R Pike declared a financial interest in Agenda Item 11.4.3.1 'BHP Billiton Exploration License' as he owns BHP Billiton shares.

Cr D R Pike did not leave the room as the Department of Local Government and Regional Development have exempted him to do so.

7:09 pm Cr A A Carter declared a financial interest in Agenda Item 11.4.3.1 'BHP Billiton Exploration License' as he owns BHP Billiton shares.

Cr A A Carter did not leave the room as the Department of Local Government and Regional Development have exempted him to do so.

Chief Executive Officer declared a financial interest in Agenda Item 11.4.3.1 'BHP Billiton Exploration License' as he owns greater than \$10,000 shares in BHP Billiton. Chief Executive Officer did not leave the room.

**11.4.3.1 BHP Billiton Exploration License (File No.: GOV-028)**

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 31 May 2006

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to consider options in relation to BHP Billiton application for an exploration license (License No 45/2834).

**Background**

In late 2005 BHP Billiton lodged an application for Exploration License that covered a significant proportion of the Town of Port Hedland coastline and sections of the 'West End' of the Town. Council was not formally advised of this application.



On the 23<sup>rd</sup> of January, the CEO wrote a letter of objection to the Department of Industry and Resources (DOIR) advising that the Town objects to the application on the following grounds:

- Insufficient consultation with key stakeholders regarding the proposed nature or type of exploration.
- Insufficient information and/or detail in the application.
- Insufficient time to properly assess the application.
- Exploration within portions of the proposed tenement area is not in accordance with the Town of Port Hedland Town Planning Scheme No 5.
- Cultural and heritage considerations have not been discussed or considered.

There was some confusion regarding the nature of the Town's objection as it was not lodged on the DOIR's Form 16 objection form. Having said that, BHP corresponded with Council on the 25<sup>th</sup> of February advising that '*BHP Billiton does not take issue with the form of the Town of Port Hedland's letter of objection dated 23 January 2005.*'

On the 4<sup>th</sup> of April further correspondence was received from the DOIR indicating that 'the objection was yet to be processed due to no receipt of the Form 16 objection form.' The DOIR letter further advises that, 'if we do not receive the paperwork back by the 25<sup>th</sup> of May 2006, the objection application in its present form will be dealt with accordingly.'

On the 23<sup>rd</sup> of May a completed Form 16 objection was lodged with the Marble Bar Mining Wardens court with a statutory declaration indicating why the Form was not submitted within the prescribed period. The objection largely reiterated the concerns expressed in the original letter from the CEO.

When the Warden's court heard the matter on the 25<sup>th</sup> of May, the matter was adjourned for a period of two months to allow the applicants to discuss the objections with the objectors (5 in total). It would seem that the aim of the adjournment was to allow BHP Billiton and the objectors to discuss/negotiate appropriate license conditions for the potential exploration license applications.

BHP have written to the Town advising that:

The purpose of the application was never to explore any land within the townsite and the overlap onto the town reserved land was only a function of the graticular system. In order to resolve your concerns we propose that the following condition be imposed on any recommendation or grant of the license in the future

1. The complete excision of any portion that encroaches upon the Port Hedland town site.

The graticular system referred to in the correspondence is the method by which the Mining Act (1978) divides the land up. The Act defines the graticular breakup as follows:

*“For the purposes of this Division, the surface of the Earth shall be deemed to be divided —*

- (a) by the meridian of Greenwich and by meridians that are at a distance from that meridian of 1, or a multiple of 1, minute of longitude; and*
- (b) by the equator and by parallels of latitude that are at a distance from the equator of 1, or a multiple of 1, minute of latitude, into sections (in this Division called “**graticular sections**”), each of which is bounded —*
- (c) by portions of 2 of those meridians that are at a distance from each other of 1 minute of longitude; and*
- (d) by portions of 2 of those parallels of latitude that are at a distance from each other of 1 minute of latitude. “*

### **Consultation**

There has been limited consultation regarding this proposal. BHP Billiton were understandably not willing to disclose their plans to lodge the exploration license application publicly until such time that it was lodged for fear of another individual/company lodging the application prior to them. A matter similar to this occurred with the Shovelanna iron ore deposit with an ensuing debate between Rio Tinto, Cazaly and the State Government.

BHP Billiton representatives have subsequently spoken with the CEO and corresponded with the Town in an attempt to dispel any incorrect information and/or fears that may have arisen through the application process.

### **Statutory Implications**

The application for an exploration license has been undertaken under the provisions of section 57(1) of the Mining Act (1978).

*“57. Grant of exploration licence*

- (1) Subject to this Act the Minister may on the application of any person and after receiving a recommendation of the mining registrar or the warden in accordance with section 59, grant to that person a licence to be known as an exploration licence on such terms and conditions as the Minister may determine.”*

The objection sent in on the Form 16 by the Chief Executive Officer complies the Mining Act requirements.

### **Policy Implications**

Nil

### **Strategic Planning Implications**

The Strategic Plan includes the following statements that are relevant to this matter:

**GOAL:** That long-term land use and development within the Town of Port Hedland is well planned.

**STRATEGY:** Develop appropriate solutions to land use conflicts that are evident at Wedgefield and at the 'West End'.

While the exploration application may ultimately have no impact on the 'West End', there was concern that the proposal could have precipitated mining related activity that was/is not consistent with the Councils future plans for that particular area of Port Hedland.

### **Budget Implications**

To date the lodging of an objection has cost Council nothing.

Should the matter not be able to be resolved via negotiation, the matter will be heard by the mining warden's court (most likely in Marble Bar).

Should that court not be in a position to resolve it the matter would be escalated through the court system.

If this were to occur, it is likely that Council would incur legal costs developing and defending its objection.

### **Officer's Comment**

While the initial concern regarding this matter was valid, BHP Billiton have moved to allay any fears by agreeing to condition any approval to exclude any mining activity within the Port Hedland town site. Appropriately conditioning the Exploration License approval to exclude mining from the Town area will effectively achieve the desired result for Council. Other issue, such as cultural and/or heritage matters will need to be resolved by BHP Billiton through separate application and/or negotiation processes prior to any ground disturbance occurring.

### **Officer's Recommendation**

That Council advise the Department of Industry and Resources and BHP Billiton that it is willing to withdraw its objection to BHP Billiton's Exploration License application (ref 45/2834) if the is agreement that the license approval includes the following condition:

"The excision of any portion of land that encroaches on the Port Hedland Town Site"

**200506/476 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr D R Pike

**That Council advise the Department of Industry and Resources and BHP Billiton that it is willing to withdraw its objection to BHP Billiton's Exploration License application (ref 45/2834) if there is agreement that the license approval includes the following condition:**

**"The excision of any portion of land that encroaches on the Port Hedland Town Site by the confirmation of a legal binding letter from BHP Billiton."**

***CARRIED 8/0***

REASON : Council sought the inclusion of the words "by the confirmation of a legal binding letter from BHP Billiton" to be included in the additional condition for the license approval.

7:11 pm

Cr G J Daccache re-entered the room and assumed his chair. Mayor advised Cr G J Daccache of Council's decision.

**11.4.3.2 Department of Industry and Resources - State Agreement Acts Impact on Rates Study (File No.: RAT-008)**

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 30 May 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Purpose of the report is to update Council on the status of the Department of Industry and Resources' (DOIR) current study on the impact on existing State Agreement Acts (SAA) on rates

**Background**

State Agreements are contracts between the State and major project developers that establish a framework of rights and obligations to facilitate the development of resources and/or downstream processing projects in Western Australia.

Resource projects operating under the provisions of State Agreements include the North West Shelf natural gas processing projects, all Pilbara iron ore projects, bauxite and alumina, diamonds, mineral sands, salt, timber processing and coal. State Agreements are administered on behalf of the State by the Minister for State Development. There are currently 72 State Agreements in Western Australia

Traditionally the SAA's have restricted or abolished the rights of Local Government to charge rates on mining tenements that are subject to the SAA. Local Government has long argued that this is not fair as the practice places an unfair financial burden on local government areas affected by SAA's

Following extensive lobbying, particularly by the Pilbara Regional Council, the State Government has commissioned a study into the impact that State Agreement Acts have on the rates and financial capacity of Local Governments. A sample of the State's SAA's are being reviewed as a component of the study. One of the sample projects in the review is the SAA that covers BHP Billiton's Newman and Port Hedland operations.

While this study has been in progress for well over 12 months, information provided from DOIR indicates that the project is running over time and significantly over budget. The major impediments that DOIR is facing in relation to the study are:

- The lack of valuers available to undertake land valuation works required to complete the study.
- The variable quality of information available from mining companies and local government agencies.

There have been considerable concerns raised regarding the study implementation by both industry representatives and Local Government authorities. Industries concerns are:

- The basis in which SAA land, and non-SAA land, should be valued for rating purposes;
- The rating basis that would apply if limitation in SAA's including s533B of the Local Government Act (1960), were removed;
- Whether Gross Rental Value (GRV) valuations can be applied to improvements made to the whole, or part of the land in a Mining Tenement, including a mineral lease granted under a SAA; and
- Errors in existing valuations.

Both Rio Tinto and BHP Billiton have advised that until clarification on these issues is available, they have significant concerns about the continuation of the study. Both companies have indicated that they are committed to finding a solution to these issues but believe that the resolution of the above listed matters is critical in achieving a quality result from the study.

Whilst coming from a different viewpoint, Pilbara Local Government's concerns are largely the same as those expressed by the mining companies. Concerns that the Pilbara Local government authorities have raised about the process include:

- **Openness and Transparency:** To date all local government areas affected by the study have been requested to provide a myriad of information to the consultant team. While this information is freely available, there has been no opportunity for Local Governments affected by the study to have meaningful input into the process. A degree of assumption and inference is required to analyse the information and, to date, local government organisations have had no opportunity to have input and/or review the assumptions that are being used. Additionally, the DOIR has indicated that they do not intend on making the results of the study public on the basis that some of the information contained within the documentation may be considered commercial in confidence.
- **Basis of Valuation:** The determination of whether the land is valued based upon unimproved valuations (UV) or GRV's makes a significant financial impact on the study outcomes. There needs to be discussion and debate on this matter with clear guidelines established.

It is imperative that the study is seen as an open and transparent process. Without this the level of acceptance will be poor and it is likely that the recommendations will either not be implemented or fought out through the courts for several years.

### **Consultation**

The DOIR provided an update report to the Pilbara Regional Council when it met in Newman in early March. Other than this briefing, information from the Department regarding the study development has been limited and there has been little or no opportunity to date for input from local government other than to provide specifically requested information to the consultant team.

At the March PRC meeting, participants were advised that at this stage the DOIR had no plan to put a draft of the report out to public comment and that their current intention is to deliver the report directly to Cabinet for their consideration. Whether the document becomes public is likely to be a matter for the State Cabinet.

### **Statutory Implications**

There are a myriad of statutes and legal interpretations surrounding SAA's. One of the primary issues is that of legislative hierarchy.

The current hierarchy of legislation is such that the SAA's regularly impinge on Local Government Authorities ability to levy rates (either on a UV or GRV basis) on land covered under a SAA.

### **Policy Implications**

Nil

### **Strategic Planning Implications**

While the Town's Strategic Plan does not specifically mention the current DOIR study, the following extracts are relevant to this matter:

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

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

### **Budget Implications**

Currently Council rarely receive rate income for land covered by SAA's.

If rates were able to be levied on all land (including BHP Billiton, Dampier Salt and FMG's lease areas) Council's total rates income would significantly increase. The quantum of the increase is largely dependant on the basis of valuation and whether the land is rated as UV or GRV.

On the flipside, if the land was rateable, there is likely to be a negative impact on Council's Local Government Grants income as the additional rates income is likely to be treated as 'assessable income'. Under the grants commission formula, an increase in assessable income is likely to lead to a decrease in the grant payable. As yet the impact is not known as we have no specific financial data available but the positive impact from the collection of rates is likely to significantly outweigh the detrimental impact on grants commission contributions.

### **Officer's Comment**

The DOIR study that is being undertaken has the potential to resolve the long outstanding debate regarding whether the mining companies should pay rates and, if they should, how the rates should be levied.

While all parties are committed to achieving a quality result from the process, there are some fundamental issues that require resolution prior to determining any conclusions. The key issue from Council's perspective is the current lack of ability to have any meaningful input into the process as we have not been given the opportunity to have a contribution towards the study and, at this stage, are unlikely to in the future.

### **200506/477 Council Decision/Officer's Recommendation**

**Moved:** Cr D R Pike

**Seconded:** Cr G J Daccache

### **That Council:**

- i) **writes to the Hon John Bowler, MLA, Minister for Resources and Assisting the Minister for State Development indicating that the Town of Port Hedland strongly believes that the current study being undertaken by the Department of Industry and Resources on the Impact of State Agreement Act on Local Government, needs to be undertaken in an open and transparent manner, with affected local government authorities being given the opportunity to make meaningful contributions throughout the study development process; and**



- ii) Indicate to the Pilbara Regional Council that the Town of Port Hedland believes that this is an issue that the PRC should be advocating for on behalf of all Pilbara residents.

*CARRIED 8/0*

**11.4.3.3 Future of Pilbara Regional Council (File No.: ORG-098)**

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 31 May 2006

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to consider the proposal to disband the Pilbara Regional Council (PRC) as formally gazetted body and reconstitute it as a voluntary body.

**Background**

At its last meeting the Pilbara Regional Council considered a report on the potential of winding up the PRC as a regulatory Council and re-establishing it as a voluntary Council. The item was laid on the table until the August PRC meeting to allow individual member Councils to consider their position on this matter. A copy of the PRC report on this item has been attached for reference.

**Consultation**

The PRC is seeking feedback from each individual Council regarding this matter prior to formally considering this proposal.

**Statutory Implications**

The PRC was established under 3.61(1) of the Local Government Act which states:

*“Two or more local governments may, with the Ministers approval, establish a regional local government to do things, for the participants, for any purpose for which a local government can do things under this Act or any other Act.”*

Section 3.66 of the Act indicates that (in general) the provision of the Local Government Act apply to the operations and governance of the regional local government.

Other relevant sections of the Act that pertain to this matter include:

*3.62 Constitution and purpose of a regional local government.  
A regional local government:  
(1) Is a body corporate with perpetual succession and a common seal; and*

- (2) *Is to have as its governing body a council established via an establishment agreement and consisting of members of the councils of the participants.*

*3.63 Dissolution or partial dissolution of a regional local government*

- (1) *A regional local government is to be wound up –*  
*(a) at the direction of the Minister; or*  
*(b) in accordance with the establishment agreement.*
- (2) *A participant may, in accordance with the establishment agreement, withdraw from the regional local government and cease to be a participant”*

### **Policy Implications**

Nil

### **Strategic Planning Implications**

Council's Strategic Plan includes the following strategy statement relating to the Pilbara Regional Council:

*Work with other Pilbara Regional Council members to implement agreed actions that achieve measurable benefits to the Port Hedland community*

The Town of Port Hedland has traditionally been a very strong advocate for the PRC and has played a significant role in the project management, lobbying and administration of the organisation.

### **Budget Implications**

The Town of Port Hedland currently contributes \$40,000 per annum towards the operation of the PRC. Under the voluntary model proposed by Cr Nazarri of the Shire of Roebourne the contribution would remain the same but fewer costs would be incurred in compliance, audit and administration areas, with these savings being used to develop projects/initiatives that bring about meaningful outcomes to the community's of the Pilbara.

### **Officer's Comment**

The Chief Executive Officer has worked with both structured regional Council's and voluntary regional Council's. Both systems have their strengths and weaknesses. Many of these have been outlined in the report from Cr Nazzari.

If the Regional Council is managed and operated well and there is genuine commitment from ALL of the participants to achieving agreed goals, they can achieve significant results for regions - structure is not necessarily an issue.

Traditionally the groups tend to fail when they have a lack of direction and/or a lack of commitment/ownership from the participants.

There are clearly potential benefits from working regionally in the Pilbara. The areas where there are obvious opportunities include:

- Regional Procurement – There is better buying power by buying regionally.
- Regional Policy/Lobbying – There are opportunities to provide a level of consistency across the Pilbara and a united voice on regional issues.
- Regional Planning – The body has the opportunity to plan on a regional basis to improve efficiencies (i.e. waste management plan)
- Resource Sharing – Opportunities exist to share expertise and/or resources amongst the four municipalities

Independent of whether the group remains a formal body or a voluntary body, the key issues remain the commitment from all of the key players to getting value to Pilbara residents for the resources that are contributed towards operating the structure.

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

That Council's nominated Pilbara Regional Council (PRC) representatives advise the PRC that the Town of Port Hedland supports the proposal to wind-up the formal PRC and re-establish the body as Voluntary Regional Council.

#### **200506/478 Council Decision/Officer's Recommendation**

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

**That Council's nominated Pilbara Regional Council (PRC) representatives advise the PRC that:**

- i) the Town of Port Hedland supports the proposal to wind-up the formal PRC and re-establish the body as Voluntary Regional Council (VRC); and**
- ii) the VRC must demonstrate they can make a beneficial contribution to all Pilbara Councils.**

***CARRIED 6/2***

*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 G J Daccache	
Cr J M Gillingham	
Cr D R Pike	
Cr S F Sear	

*REASON : Council wished to indicate to the PRC that its support for the new VRC was conditional on the group achieving measurable results for its members..*

*ATTACHMENT TO AGENDA ITEM 11.4.3.3***7.1 COUNCILLORS REPORTS****7.1.1 FUTURE OF THE PILBARA REGIONAL COUNCIL**

**Responsible Officer:** Dani Nazzari  
Chairperson Pilbara Regional Council

**Author Name:** Dani Nazzari  
Chairperson

**Disclosure of Interest:** Nil

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**Report Purpose**

To seek Council's position with regard to the "winding up" of the Pilbara Regional Council as a Regional Local Government and its continuation as a voluntary council.

**Background**

The Pilbara Regional Council was established by agreement under section 3.61 of the Local Government Act in 2000 as a regional representative body to undertake the following functions on behalf of the participants.

- (a) to assess the possibilities and methodology of facilitating, and to identify funding opportunities for, a range of services on a regional basis including, without limitation:

aboriginal affairs;  
accommodation;  
accounting practices;  
communications;  
councillor and staff training and development;  
group purchasing and leasing;  
joint tendering;  
legal services;  
libraries;  
occupational health and safety;  
property management;  
representations to government;  
town planning services;  
transport; and  
waste management

- (b) to undertake, manage and facilitate any of the services described in paragraph (a);

- (c) to influence and liaise with Local, State and Federal Governments in the development of policies and legislation which are of benefit to the Region; and
- (d) to provide administrative services to the Participants in connection with their membership of the Western Australian Municipal Association.

Since its inception, the PRC has seen the Pilbara Area Consultative Committee function as a representative body for Federal Government and the Pilbara Regional Development Commission represents the State Government in the region.

Whilst the PRC has still managed to lobby for its interests, the overriding authority and respect the State and Federal bodies have garnered within all levels of Government, have diminished the opportunity of the PRC to be seen as the overall representative body for the Pilbara, in my opinion, and this can be seen by the lack of attendance of politicians and agencies at our meetings.

Faced with this knowledge, the PRC met in November 2005 in Tom Price to workshop the strategic direction of the Council into the future. Whilst the author of this report was not present at this workshop, feedback received has indicated that little was gained with regard to a strategic direction. In fact, the overriding question now is to decide whether or not the PRC provides any true financial benefit to its individual members.

### **Issues**

Currently, all four member Councils contribute \$40,000 per annum to the operating costs of the PRC. In addition, some projects run by the PRC, which attract outside funding, require a further contribution by member councils. The PRC currently employs one part-time Acting Executive Officer, normally the part time Administration Officer, and has been unsuccessful on a number of occasions in attracting a permanent full time Executive Officer, due to the inability to provide housing, subsidies and compete with the salaries of private enterprise.

Whilst it is acknowledged that without some form of unified Regional Council, many Government Grants would not have been successful, a "Voluntary Regional Council" would still meet the requirements to attract these monies and undertake the similar services and role that the PRC is achieving.

The benefits of a voluntary council are primarily in the overhead costs savings and the reporting exemptions not afforded to the current regulated body. The new voluntary body could consider employing a part time executive / administrative officer to prepare agendas and funding submissions. Should there be a need for further specialist support for specific projects, the funding for this could be applied for as a part of the project funding submission.

The voluntary body could be set up by agreement between the four Councils based on the formal agreement of the PRC.

A number of Voluntary Regional Organisations of Councils operate successfully throughout the state based on regional arrangements ranging from quite formal with budgets of millions of dollars to smaller single issue Councils.

### **Options**

The PRC and individual Shires have the following options:

- (i) Resolve to wind up the PRC as a regulatory Council; and**
- (ii) Resolve to run the PRC as a voluntary body; and**
- (iii) Each Member Council resolves to allocate an amount to be determined in their 06/07 budget toward the operational costs of a voluntary council.**

**OR**

- (iv) Resolve to maintain the status quo.**

### **Policy Implications**

Nil

### **Legislative Implications**

The Local Government Act only legislates for the forming of a Regional Council. Thus, it is purely an arrangement between the Councils.

### **Financial Implications**

Individual member councils would be required to contribute to the operational costs of the voluntary council. For example, allocate the same amount in individual budgets but only contribute \$25,000 to the operation of the regional council with the additional \$15,000 being preserved for regional projects.

### **Conclusion**

The effectiveness of the PRC in its current form has been questioned for a considerable period of time. Whilst it is acknowledged that the PRC has been effective in attracting otherwise unachievable grant funding, the adoption of a voluntary council will not adversely affect our ability to continue this.

Given the inability of the PRC to attract a full time Executive Officer for some months, the timing is right to consider a change in structure.

### **Voting Requirements**

Simple Majority



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**COUNCIL RESOLUTION**

**RES NO:** 0837  
**MOVED:** Cr Peter Foote  
**SECONDED:** Cr Stan Martin

That Council Suspend standing orders

**CARRIED 7-0**

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**COUNCIL RESOLUTION**

**RES NO:** 0838  
**MOVED:** Cr Peter Foote  
**SECONDED:** Cr Stan Martin

That Council Reinstate standing orders

**CARRIED 7-0**

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**RECOMMENDATION/COUNCIL RESOLUTION**

**RES NO:** 0839  
**MOVED:** Cr Stan Martin  
**SECONDED:** Cr Peter Foote

That this item lay on the table until the August in person meeting.

**CARRIED 7-0**

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**11.4.3.4 Skywest Working Group Recommendations (File No.: TOU-006)**

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 8 May 2006

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to consider the recommendations of the Skywest Working Group into further action that Council may consider to support the retention of two jet air services to Port Hedland.

**Background**

At its May meeting, Council resolved to establish a Skywest Working Group with the expressed purpose of considering options and actions that Council and the Port Hedland community could take to ensure that competition for jet services to Port Hedland remains.

The working group met on Wednesday 7<sup>th</sup> of June to discuss potential initiatives that could be used to improve the financial viability of the service.

To be sustainable the Skywest service needs more passengers. This can not be achieved overnight, but a coordinated sustained effort on behalf of the company and the community should be able to achieve sustainable air services for two jet carriers.

Currently Qantas flights are operating at near capacity and Skywest flights are often operating at less than 30% lode factors. The reasons for the vast differences in lodes would seem to be:  
Corporate Travel: Qantas has secured contracts with BHP Billiton for corporate travel and anecdotal evidence suggests that the vast majority of business travel currently travels with Qantas as opposed to Skywest.

Frequency and Timing: Qantas is flying to Port Hedland more frequently and at times that are seen to be more business friendly  
Frequent Flyers: As Qantas have been extensively flying to Port Hedland for 5 years, many 'locals' have developed a loyalty to the carrier on the basis of their frequent flyer program.

At its 7<sup>th</sup> June meeting, the Skywest Working Group discussed potential actions (both short term and long term) that could be taken to potentially support the retention of the service. The proposed initiatives were:

- Offer a reduction in landing fees for Skywest planes until the services passenger numbers have increased.
- Actively lobby for increased government travel on Skywest services
- Engage with the Chamber of Commerce and local businesses (small and large), to garner commitments to flying Skywest.
- Consideration of financial support for marketing/promotional campaigns.
- Council to consider taking over management/operations of the passenger security service at some point in time to allow greater flexibility in pricing for this service.

### **Consultation**

The issue was raised as the cover story of the North West Telegraph's 30 May 2006 edition. Council staff have discussed this matter with the major resource companies and with Skywest to determine what actions may be appropriate.

### **Statutory Implications**

Nil

### **Policy Implications**

At its last meeting Council resolved to make Skywest its carrier of choice as display of its commitment to retaining two air services to the region.

### **Strategic Planning Implications**

Council's Strategic Plan indicates that Council's Airport goal is:

*To have an International Airport that has high passenger numbers and positive customer feedback.*

The target that is listed within the plan is 120,000 passengers per annum by 2011. While we are currently heading towards achieving this target, the retention of two jet air services will be required if we are going to sustain high levels of patronage.

### **Budget Implications**

Listed below are the financial implications of the initiatives proposed by the Skywest Working Group.

**Reduced Landing Fees:** The proposal to reduce landing fees will impact on the revenue that is obtained at the Airport. Currently a Skywest F100 with a 30% load factor landing at the Port Hedland International Airport pays a landing fee of \$806 and Passenger Service Charges (PSC) of \$519 (Total of \$1325.) When leaving, a further \$519 PSC would be charged if the plane left 30% full.

It should be noted that Council does not currently charge Landing fees or PSC for the Bali Service. Based on the assumption that Skywest flights are operating at 30% capacity (both inbound and outbound) the current weekly charges (based on four flights per week) are:

Landing fees	\$3,224
PSC Inbound	\$2,076
PSC Outbound	\$2,076
Total	\$7,376 = \$383,552 per annum

Advertising Contribution: Council has previously committed \$3000 towards a Skywest Advertising campaign. Further funds could potentially be contributed towards marketing the service.

Security Costs: In the longer term, Council could consider taking over the management of the security service at the airport. This would provide flexibility in charging, much the same as is proposed with the landing fees. Further exploration of the capital costs and legislative requirements is required prior to making a commitment on this issue.

#### **Officer's Comment**

While Council has a role to play in ensuring the retention of air services to the region, the service will only be sustainable if the business community and the general community demonstrates their desire to retain the service by flying on Skywest and Qantas planes.

Any initiatives or incentives that Council puts in place, needs to be backed up by commitments and contributions from the community. The Port Hedland Chamber of Commerce and Industry is the local body with large membership of local businesses. It is recommended that a partnership approach be taken with this group towards developing a coordinated approach towards developing and maintaining two sustainable jet services

Furthermore it is recommended that Council show its direct support by reducing the PSC charged on Skywest flight for a limited time period to allow time for the coordinated effort

**200506/479 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr D R Pike

**That Council:**

- i) advise the Port Hedland Chamber of Commerce and Industry that that Council is keen to work closely with that association to develop and instigate initiatives to ensure two RPT jet air services remain in Port Hedland and that Council is willing to contribute up to \$10,000 on a dollar-for-dollar basis with the Association to achieve this result; and**
  
- ii) advise Skywest that it is willing to waive 50% of the inbound and outbound passenger service charges for the 1/7/06 – 31/10/06 period or when average weekly passenger load factors reach 50%, whichever is the earlier.**

***CARRIED 8/0***

### 11.4.3.5 2005 Local Government Compliance Return (File No.: ADM-073)

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 14 June 2006

**Disclosure of Interest by Officer** Nil

#### Summary

For Council to formally consider and adopt the results of the independent compliance audit undertaken in February 2005.

#### Background

Each year all 142 local government authorities throughout Western Australia are required to undertake a compliance audit and forward the results to the Department of Local Government and Regional Development. The audit process seeks confirmation of the level of compliance with the Local Government Act that is being achieved. The audit covers both major systems and minor technical matters. The audit is broken into the following areas:

Area	No of Items Being Audited
Local Laws	17
Executive Functions	6
Thoroughfares	6
Tenders	40
Commercial Enterprises	5
Meeting Process	57
Delegation of Power/Duty	13
Disclosure of Interest	8
Finance	95
Elections	33
Local Government Employees	18
Local Government Grants Commission	1
Miscellaneous Provisions	2
Disposal of Property	2
Swimming Pools, Cemeteries and Caravans and Camping Grounds	5
<b>TOTAL</b>	<b>308</b>

The Compliance Audit is one of the tools that Council's and the Department of Local Government use to monitor how the organisation functioned throughout the previous calendar year from a compliance perspective. It identifies areas of non-compliance and lists areas where additional systems development may be required to ensure improved governance.

Generally the audits are undertaken as a self-audit with the CEO managing the audit process. In this instance the CEO of the Town of Port Hedland invited a compliance auditor from the Department of Local Government and Regional Development to undertake the audit on Council's behalf. This step was taken as throughout the 2005 calendar year the Town of Port Hedland had a massive staff turnover with a large loss of corporate knowledge and consequential breakdown of many of the internal systems and structures that assist in good governance. The external audit process independently reviewed the situation and has provided Council with a 'base-line' from which to work with in 2006 and 2007.

The audit process was carried over four days with the Departments auditor seeking evidence from staff of compliance with legislative requirements. This process was undertaken in February 2006 with the report being received on the 13<sup>th</sup> of June 2006.

The compliance audit deemed that 45 of the 308 points audited were not fully compliant in 2005. These items ranged from major internal systems that require significant review and reform, to minor administrative matters that were not technically correct. A full copy of the report has been appended to this report.

Significant areas that were identified that require/d work include:

- Tendering
- Disclosure of Interest by Elected Members
- Financial Management Procedures
- Swimming Pool Inspections
- Caravan and Camping Ground Inspections

In all instances, considerable work has occurred over the past four months to significantly improve systems that were identified as deficient throughout the February audit process.

### **Consultation**

The Department of Local Government's Compliance Auditor interviewed existing staff member to identify levels of compliance throughout 2005. No contact was made with previous staff members.

**Statutory Implications**

Section 7.13(i) of the Local Government Act 1995 states that:

*“Regulations may make provisions requiring local governments to carry out in the manner and form prescribed an audit of compliance with such statutory requirements as are prescribed whether those requirements are:*

*Of a financial nature*

*Under this act or another written law*

Regulation 14 of the Local Government (Audit) Regulations requires the following:

*“A local government is to carry a compliance audit for the period 1 January to 31 December each year.*

*After carrying out a compliance audit the local government is to prepare a compliance audit in a form approved by the Minister*

*A compliance audit return is to be:*

*i) Presented to Council at a meeting of the Council*

*ii) Adopted by the Council*

*iii) Recorded in the minutes of the meeting at which it is adopted.”*

**Policy Implications**

Nil

**Strategic Planning Implications**

The following Goal is included within the Governance KRA of the Strategic Plan.

*“That the Town’s internal operating systems are structured in a manner that assists in providing timely accurate information to the community”*

The compliance audit is a significant management tool that is used to ensure that systems and structures are operating efficiently and effectively.

**Budget Implications**

Council covered the cost of the Department’s Auditors accommodation and flight costs

**Officer’s Comment**

The massive staff change over at the Town of Port Hedland throughout 2005 severely affected the level of compliance being achieved at the Town of Port Hedland.



The calendar year saw no less than four Chief Executive Officers, plus all Directors positions changed along with the vast majority of the senior management team.

The organisational structure is now settled and significant progress is being made on improving internal systems and structures. Significant improvement will be demonstrable in the 2006 Compliance Audit.

**200506/480 Council Decision/Officer's Recommendation**

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

**That Council adopt the findings of the 2005 Local Government Compliance Audit.**

***CARRIED 6/2***

*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 G J Daccache	
Cr J M Gillingham	
Cr D R Pike	
Cr S F Sear	

**11.4.2.6 Resignation of Councillor Trona Young (File No.: COU-014 )**

**Officer** Chris Adams  
Chief Executive Officer

**Date of Report** 19 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Cr Trona M Young submitted her resignation from Council effective from the 9 May 2006. Council direction is required in relation to when a replacement Councillor will be found

**Background**

Council considered this item at its Ordinary Meeting held on Wednesday 24 May 2006, and resolved as follows (in part):

*“That:*

- i) the Agenda Item ‘Resignation of Trona Young’ lay on the table until Council’s Ordinary Meeting to be held in June 2006, to ensure full Council is present to consider this matter; ...”*

Councillor Young was elected to Council in May 2003 for a four year term. Due to her husband securing work based in Perth, she has had to resign from her position.

The 2007 Local Government Elections are proposed to be held in October rather than the traditional May elections. Council needs to determine whether it wants to operate with eight Councillors for the next 17 months or whether it would like to hold a by-election to fill the Councillor position vacated by former Councillor Young.

**Consultation** Nil

**Statutory Implications**

The most relevant section of the *Local Government Act* relating to this matter are quoted below:

*“How Vacancies become Available*

*2.32(b)The office of member of Council as an elected mayor or president or as a Councillor becomes vacant if the member resigns from the office”*

*“Holding Extraordinary Elections*

*4.8(1)If the office of a Councillor or of an elector Mayor or President becomes vacant under section 2.32 or 2.33 an election to fill the office is to be held.”*

*“4.9(1)Any poll needed for an extraordinary election is to be held on a day decided on and fixed-*

- a) by the Mayor or President, in writing, if a day has not been fixed under paragraph (b); or*
- b) by the Council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a)*

*4.9(2)The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with, but unless the Electoral Commissioner approves or section 4.10(b) applies, it can not be later than 4 months after the vacancy occurs.”*

*Cases in which vacant offices can remain unfilled*

*4.17(3)If a Councillor's office becomes vacant under section 2.32*

- (a) in a district that has no wards; and*
- (b) at least 80% of the number of offices of member of the council in the district are still filled,*  
*the Council may, with the approval of the Electoral Commissioner, allow\* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

*\* Absolute majority required.*

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications**

Conducting an in-person by-election is likely to cost approximately the same as a full Council election as the same legislative requirements need to be fulfilled. It is anticipated that the total cost of the election would be approximately \$15,000. Council currently does not have funds budgeted for this purpose.

**Officer's Comment**

The advantages and disadvantages of holding an Extraordinary election are listed below.

Advantages

- Ease of Decision Making – Due to the requirements for Councillor/s to leave the room when they have an ‘interest’, a reduction in the number of Councillors increases the likelihood of a quorum (5) of Councillors not being in attendance
- Less Tied votes – Operating with eight Councillors creates additional opportunities for ‘tied’ Council votes requiring a casting vote by the Mayor.
- Increased Representation – An additional Councillor potentially gives a wider perspective on community views prior to decisions being made

Disadvantages

- Cost – The cost of running an extra-ordinary election is estimated at approximately \$15,000
- Resources – In addition to the financial costs, significant administration time is taken up preparing for the successful operation of the election. This time could be spent on achieving other goals/strategies listed in Council’s Strategic Plan.
- Instability – Council elections tend to create an air of instability and angst within the community as candidates raise issue, concerns and level criticisms.

Given the above assessment, it is recommended that Council elect not to hold an extraordinary election to replace the Councillor position vacated by former Cr Trona Young.

**200506/481 Council Decision/Officer’s Recommendation**

**Moved:** Cr A A Carter                      **Seconded:** Cr G J Daccache

**That Council write to Electoral Commissioner requesting that the Commissioner utilise powers granted his office under Section 4.17(3) of the *Local Government Act* to allow the Town of Port Hedland to operate with eight Councillors (as opposed to the current nine) until the next ordinary local government elections.**

***CARRIED BY ABSOLUTE MAJORITY 5/3***

*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 A A Carter	Cr A A Gear
Cr G J Daccache	Cr D R Pike
Cr J M Gillingham	
Cr S F Sear	

**ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL****12.1 Regulatory and Community Services****12.1.1 *Proposed Construction of an 8m x 4m Office with Ablution Facilities and a Patio Addition to and Existing Shed at Lot 3813 Pardoo Street Wedgefield (File No.: 154330G)***

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 23 June 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received an application for planning approval to locate an 8 m x 4m office, and construct a 10m x 12m patio adjacent to an existing shed at lot 3813 (1) Pardoo Street Wedgefield.

The office consists of a relocated steel-framed structure clad in colourbond.

This land is zoned "Industry" and the use "Office" is listed as "IP" on the Town of Port Hedland Town Planning Scheme No. 5. This item is referred for Council consideration as Delegated Officers do not have the authority to determine "IP" uses.

**Background**

As stated in Part III of the town planning scheme, "IP" uses are not permitted, except where Council has determined that the proposed use is incidental to the predominant use of the land.

This lot received planning approval on 16 April 1988 for the purpose of "General Engineering Workshop." Under the current town planning scheme, this use would be determined as "Industry – General" and any proposed change in use would require a separate planning approval.

In determining this application, Council is to consider whether an office is an incidental use to general industry. In addition, other general planning requirements are included in section 6.7 of TPS 5, including:

1. All buildings to be set back from the front boundary at least 6 metres
2. development not to cover more than 50% of the lot

3. Building facades comprising materials to Council's satisfaction
4. on site parking to TPS 5 provision
5. no permanent storage of materials in front setback
6. any other development standard in the Policy Manual

This proposal allows for a front setback of 14 metres from the front boundary.

The applicant has advised that the proposed office is in new condition and therefore is unlikely to have a detrimental impact on the amenity of the area.

The car parking requirements for "General Industry" comprise 1 bay per 50 m<sup>2</sup> enclosed space and 1 bay per 100 m<sup>2</sup> unenclosed space, or 1 bay per employee, whichever is greater. This proposal comprises 120 m<sup>2</sup> enclosed and 120 m<sup>2</sup> unenclosed space, requiring a total of 5 parking bays. The submitted plan allows for 7 bays, and includes 1 disabled bay.

### **Consultation**

Environmental Health Services have not opposed the application subject to: the developer submitting an application for an approved effluent disposal system; no accommodation permitted in the proposed office; consideration of dust and noise during consideration; the development not to interfere with mains or effluent disposal systems.

Building Services have not opposed the application subject to: the developer applying for a building licence; the applicant being advised that a 3 metre side boundary setback is required.

No external consultation or advertising was required under TPS 5 or considered necessary for the determination of this application.

### **Statutory Implications**

The Town of Port Hedland Town Planning Scheme No. 5 zones the land "Industry" and establishes the planning requirements for development in this zone.

### **Policy Implications**

Nil

### **Strategic Planning Implications**

Nil.

**Budget Implications**

Planning fees of \$138 received and deposited into account 1006326 (Town Planning Fees) reflecting an estimated development cost of \$60 000

**Officer's Comment**

An office is considered an incidental, if not required use for a general industry. Should Council approve this proposal, it is unlikely to have a detrimental impact on either the amenity, or the demand on existing services in the area.

While the construction material is not identified in the application, and appropriate condition is included in the Officer's recommendation to ensure any approved structure is clad or painted to complement the surrounding area.

**200506/482 Council Decision/Officer's Recommendation**

**Moved:** Cr D R Pike

**Seconded:** Cr S F Sear

**That Planning Consent be granted to Shane and Amanda Ginbey for the construction of an Office and Patio adjacent to existing Shed at Lot 3813 (1) Pardoo Street Wedgefield as outlined in the Application received 15 May 2006 (Application Number 2006/64) and indicated on the approved plans, subject to the following conditions:**

**GENERAL**

- 1. This approval does not permit residential habitation within the Office at any time.**
- 2. An application for an approved effluent disposal system to be submitted with the application for a Building Licence (EHS).**
- 3. Materials and finish of the proposed additions to match or harmonize with those of the existing building.**
- 4. Potential tenants to seek Council approval of their proposed use prior to occupying and commencing the business operation.**
- 5. No materials to be stored in the front setback area. This area may be used for car parking or landscaping only.**
- 6. The development must not interfere with property and effluent mains and/or effluent disposal systems (EHS).**

7. Car parking bays to be minimum of 5.4m x 3.0m; constructed, drained and sealed; to be line marked and served by a paved access way, with a minimum width of 5.8 metres in accordance with Appendix 8 of Council's Town Planning Scheme No.5 and to the satisfaction of Council's Manager Planning Services (ES).
8. 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).
9. 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).
10. 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).
11. 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).

**ADVICE TO DEVELOPER**

**NOTE 1:** The developer to take note that the area of this application may be subject to rising sea levels, 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 8/0*



ATTACHMENT TO LATE AGENDA ITEM 12.1.1



**ITEM 13      MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN**

Nil.

**ITEM 14      CONFIDENTIAL ITEMS**

Nil.

**ITEM 15      APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**ITEM 16      CLOSURE**

**16.1          Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 26 July 2006, commencing at 5.30 pm.

**16.2          Closure**

There being no further business, the Chairman declared the meeting closed at 7:30 pm.

**Declaration of Confirmation of Minutes**

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 26 July 2006.

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE