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MINUTES**

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Town of Port Hedland

MINUTES

OF THE

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

HELD ON

WEDNESDAY, 13 DECEMBER 2006

COMMENCING AT 5.30 PM

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

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*Chris Adams
Chief Executive Officer*

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 5:30pm and acknowledged the traditional owners, the Kariyarra people.

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

Deputy Mayor A A Carter	
Cr G D Bussell	
Cr G J Daccache	
Cr A A Gear	(from 5:34 pm)
Cr J M Gillingham	
Cr D R Pike	
Cr S F Sear	(from 5:31 pm)
Mr Matthew Scott	Directory Corporate Services
Mr Grant Logie	Director Engineering Services
Mr Terry Sargent	Director Regulatory and Community Services
Ms Gaye Stephens	Executive Assistant
Members of Public	3 (including Manager Corporate Support and Recreation Officer)
Members of the Media	1

2.2 Apologies

Mayor S R Martin

2.3 Approved Leave of Absence

Nil

5:31 pm Councillor Shane Sear entered the room and assumed his chair.

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held Wednesday 24 November 2006**

Nil

3.2 Questions from Members at Ordinary Council Meeting held Wednesday 24 November 2006**3.2.1 Councillor Arnold Carter**

In relation to the discussion/report relating to small businesses and contractors utilising BHP Billiton's site as their base premises, hence not paying rates to Council, weren't Council considering such BHP Billiton site-based operations being ceased?

Council Officers did undertake an investigation into certain issues surrounding the construction of contractors' facilities on land controlled by BHP Billiton, slightly more than 12 months ago. That investigation and subsequent meeting with representatives of BHP Billiton Iron Ore, identified some circumstances in which contractors and builders had incorrectly assumed that a state agreement provided exemptions to the various pieces of development and building control legislation, which Council administers. All parties ensured that appropriate applications were submitted and approved, where they were required, and Council's Planning and Building Services are unaware of similar breaches recurring.

There are still some circumstances however, in which it is quite legitimate, under the terms of BHP's state agreement, for the company and its contractors to operate without paying rates or obtaining Council approval for the development they undertake.

ITEM 4 PUBLIC TIME**4.1 Public Question**

5:31 pm Deputy Mayor opened Public Question Time.

Nil

5:31 pm Deputy Mayor closed Public Question Time.

4.2 Public Statements

5:31 pm Deputy Mayor opened Public Statement Time.

Nil

5:31 pm Deputy Mayor closed Public Statement Time.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**5.1 Councillor Des Pike**

When will the teledex at the Port Hedland International Airport be up and running?

Director Engineering Services advised this is on hold until matters relating to electrical wiring at the Port Hedland International Airport are resolved.

5.2 Councillor Grant Bussell

Further to Councillor Carter's question at Council's Ordinary Meeting held in November relating to small businesses and contractors utilising BHP Billiton's site as their base premises, hence not paying rates to Council; could the Chief Executive Officer prepare a table listing of sub lessees on BHP Billiton's site and advise if they are currently paying rates? If they aren't could these be charged in the future?

Director Regulatory and Community Services advised this question will be taken on notice.

5:34 pm Councillor A A Gear entered the room and assumed his chair.

5.3 Councillor Shane Sear

Could Council be provided with a list/report that provides the relevant State Agreement Act Clauses that currently enable those businesses and contractors that are utilising BHP Billiton's site as their base premises, and avoid having to pay rates to Council?

Deputy Mayor advised this will be provided to Councillors, along with a copy of the relevant State Agreements which enable the relevant businesses/contractor to avoid paying rates to Council.

5.4 Councillor Jan Gillingham

Is there any possibility of reducing the speed limit from 60km per hour to 50km per hour along the section of Athold Street from the roundabout connecting at Cooke Point Drive, through to the Cooke Point Caravan Park?

Director Engineering Services advised that Council did have an opportunity to submit which roads they felt the speed limits should be reduced from 60 km per hour to 50 km per hour some time ago.

An Agenda Item will be presented to Council at its Ordinary Meeting to be held in January 2007.

In relation to the Agenda Item for the Agreements to manage Council's swimming pools, can the opening hours be changed to ensure they close later, especially during day light savings and school holidays?

Deputy Mayor advised the Agreement for YMCA Inc. to management Council's swimming pools is included on tonight's agenda for consideration by Council?

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

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

Cr A A Carter	Cr J M Gillingham
Cr G D Bussell	Cr D R Pike
Cr G J Daccache	Cr S F Sear
Cr A A Gear	

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 22 November 2006.

200607/138 Council Decision/Officer's Recommendation

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

That the Minutes of the Ordinary Meeting of Council held on Wednesday 22 November 2006 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Nil

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

Cr G D Bussell advised that the Bendigo Bank Steering Committee have met; and are now seeking for suggested business leaders to join the committee.

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

Nil.

5:39 pm Deputy Mayor welcomed Mr Matthew Jackson who is Council's newly appointed Recreation Officer.

ITEM 11 REPORTS OF OFFICERS**11.1 Governance****11.1 *Status of Council Decisions (File No.: ADM-015)***

Officer Gaye Stephens
 Executive Assistant

Date of Report 5 December 2006

Disclosure of Interest by Officer Nil

Summary

Informing Council of actions undertaken in relations to decisions of Council in the past month.

Background

This monthly report is presented to Council for information. The report advises Council how decisions are being actioned by staff. Any Council Decision that has not yet been completely implemented will remain on the list until it has been completed.

Officers Comments

This report includes decisions from the following meetings:

- Ordinary Meeting held 28 September 2005;
- Ordinary Meeting held 26 October 2005;
- Ordinary Meeting held 14 December 2005;
- Ordinary Meeting held 24 May 2006;
- Ordinary Meeting held 28 June 2006;
- Ordinary Meeting held 26 July 2006
- Ordinary Meeting held 23 August 2006;
- Ordinary Meeting held 27 September 2006;
- Ordinary Meeting held 25 October 2006; and
- Ordinary Meeting held 22 November 2006;

Statutory Implications

Section 2.7 of the Local Government Act states how Council is responsible for directing the local government's affairs:

“2.7. The role of the council

(1) The council –

(a) directs and controls the local government's affairs;
and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to –

- (a) *oversee the allocation of the local government's finances and resources; and*
- (b) *determine the local government's policies.”*

Policy Implications

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

200607/139 Council Decision/Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr G J Daccache

That the 'Status of Council Resolutions' Report as presented to the Council's Ordinary Meeting held on 13 December 2006 be received.

CARRIED 7/0

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
Ordinary Meeting held 28 September 2005				
10.2.3.6	Hire Car Operations	200607/108 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 Discussed at CI briefing session 130906. Prices being obtained for development of alternative sites.	
Ordinary Meeting held 26 October 2005				
10.1.3.6	Proposed Scheme Amend't – Portion of Crowe St Road Reserve	200607/151 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. Applicant has written to CI re: seeking the services of a surveyor. If still unsuccessful in 2 mths, will withdraw application. Oct. – Surveyor drawing plans for submission. Nov – Awaiting plans for submission. Report to Jan CI Mtg.	
10.2.2.1	Lease of Southern Aircraft Hangar and Surrounding Land at PHIA	200607/154 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. Draft Lease being considered. DCS - Letter being sent –requesting to consider ultimatum.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
10.2.2.2	School of the Air Request to Lease Airport Building	200607/155 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 Draft Lease being considered. DCS - Letter being sent – requesting to consider ultimatum.	August 06
Ordinary Meeting held 14 December 2005				
10.2.4.2	Impounded Shopping Trolleys	200607/218 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 Item to Dec. Cl. Mtg	✓ COMPLETE
Ordinary Meeting held 24 May 2006				
14.2	Confidential Matter : Legal Matter – Wellard Industries	200607/443 Council Decision/Officer's Recommendation That Council rescind Council decisions 200607/149 (October 2005) and 200607/290 (February 2006) relating to Council objection to the storage of manganese ore on Lot 842 and the proposed leasing of Lot 5909. 200607/444 Council Decision/Officer's Recommendation That Council write to LAMS advising that ... providing that: ...	RESPONSIBLE OFFICER: Chief Executive Officer Awaiting reply from Wellards re: acceptance of CI decision.	
Ordinary Meeting held 28 June 2006				
11.2.2.3	Prop.Scheme A'ment to Rezone Portion Lot 313 Anderson St, PH from R12.5/50 to "Public Purposes – Telecom."	200607/451 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Planning Officer Applicant advised of resolution. Advertising commenced.	
Ordinary Meeting held 26 July 2006				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.2.3	Port Hedland Cattle Yards	200607/504 Council Decision That Item 11.4.2.3 Port Hedland Cattle Yards lay on the table.	RESPONSIBLE OFFICER: Chief Executive Officer Item to Dec. Cl. Mtg	✓ COMP.
11.4.2.5	Street Names for Pretty Pool Subdivision	200607/506 Council Decision That Item 11.4.2.5 Street Names for Pretty Pool Subdivision lay on the table.	RESPONSIBLE OFFICER: Chief Executive Officer LandCorp negotiation with PH Hist. Society Item - Jan Ord Cl Mtg	
Ordinary Meeting held 23 August 2006				
11.2.2.3	Revised Pretty Pool Development Plan	200607/005 Council Decision/Officer's Recommendation That Council: 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 the area of land adjacent to 'Balance Project Area' 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; and c) adopt the Revised Pretty Pool Development Plan (excluding the 'Balance Project Area') for the purpose of public advertising in conjunction with the associated Town Planning Scheme No.5 Scheme Amendment.	RESPONSIBLE OFFICER: Manager Planning Application referral to EPA, and planning is currently awaiting a response to the referral.	
11.2.2.5	Proposed Scheme Amendment to Allow the Development of Grouped Dwellings at Lot 501 Byass St, SH	200607/007 Council Decision/Officer's Recommendation That Council: i) initiate an Amendment to Town Planning Scheme No. 5 to rezone Lots 501 and 502 Byass Street South Hedland from "Mixed Business" to "Mixed Business" with an Additional Use for Multiple Dwellings; and ii) advise the applicant accordingly and request the applicant to prepare the amendment document in accordance with this resolution.	RESPONSIBLE OFFICER: Planning Officer Applicant preparing documents prior to submission to EPA. Submitted to EPA for assessment prior to advertising.	
11.3.1.2	Tender 06/06 Wedge and Edgar St Streetscape Enhancem'ts	200607/018 Council Decision/Officer's Recommendation That: i) Council rejects all Tenders for 06/06 Wedge and Edgar street Streetscape Enhancements. ii) Engineering Services to re-assess the contract documentation and specifications and then prepare a detailed schedule of works and cost estimates to present to Council and the Port Hedland Enhancement Scheme in order to complete the project in-house.	RESPONSIBLE OFFICER: Director Engineering Services Tenderers notified. Assessment in progress.	✓ COMPLETE
11.3.1.3	Waste Management Plan	200607/019 Council Decision/Officer's Recommendation That: i) the draft Waste Management Plan is accepted; and ii) Mr Harold McKenzie, Specialist Consultant in Solid Waste Management, is advised in writing of the following comments to enable him to finalise the Waste Management Plan: ...	RESPONSIBLE OFFICER: Director Engineering Services Consultant notified	✓ COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.3.2.2	EOI for Advertising Options at the Port Hedland International Airport	200607/023 Council Decision/Officer's Recommendation That i) the CEO or his nominated delegate be authorised to develop an Expression of Interest calling for an advertising plan and options for Port Hedland International Airport using one or a combination of advertising mediums available; ii) the Expression of interest be advertised in the Australian and West Australian Newspapers; and iii) following the close of expression of interests, a report be presented to Council for further consideration.	RESPONSIBLE OFFICER: Airport Manager To be advertised Jan 07	
11.4.2.1	Lease Option - Pearl Aviation Australia Pty Ltd Lot 2444 G't Northern Hwy, PH	200607/029 Council Decision/Officer's Recommendation That: i) in accordance with the Lease agreement with Pearl Aviation Australia Pty Ltd effective 1 July 2001 a further term of five years be granted on the same terms and conditions as the existing lease agreement, except the rental charge be adjusted to reflect CPI; and ii) the option be signed and sealed by Council.	RESPONSIBLE OFFICER: Manager Administration Ltr sent and agreed to.	✓ COMPLETE
11.4.2.2	Lease Option - Rose Nowers Child Care Centre Lot 2791 Boronia Close, SH.	200607/030 Council Decision/Officer's Recommendation That: i) in accordance with the lease document, Rose Nowers Child Care Centre Incorporated be granted a further term of five years on the same terms and conditions as the existing lease agreement, except the rental charge be adjusted to reflect CPI; and ii) this extension be signed and sealed by Council.	RESPONSIBLE OFFICER: Manager Administration Ltr to be sent.	
11.4.2.3	Lease Variation - Chalkwest Pty Ltd Pt Lot 2444 G't Northern Hwy, PH	200607/031 Council Decision That Agenda Item 11.4.2.3 'Lease Variation - Chalkwest Pty Ltd (Budget Rent A Car) Part Lot 2444 Great Northern Highway, Port Hedland.' Lay on the table, pending the completion of outstanding matters, including revaluation as resolved by Council (Agenda Item 10.2.3.6) at it's Ordinary Meeting held in September - Agenda Item 10.2.3.6.	RESPONSIBLE OFFICER: Manager Administration DCS – Mtg 6.12.06 to discuss options	
Ordinary Meeting held 27 September 2006				
11.2.2.2	Application to Amend TPS 5 to Rezone Lot 5197 Harper St, PH from Residential R15 to R30	200607/043 Council Decision/Officer's Recommendation That: i) Amendment No.8 to Town Planning Scheme No.5 be adopted without modification; ii) the following Schedule of Submissions and recommendations be forwarded to the Western Australian Planning Commission for the Minister's consideration: ... and iii) the Mayor and Chief Executive Officer be authorised to execute three (3) copies of the amendment documents in accordance with the <i>Town Planning Regulations 1967</i> (as amended), including the fixing of the Council's seal in the event that the Minister for Planning and Infrastructure approves the Amendment without modification.	RESPONSIBLE OFFICER: Planning Officer Amendment submitted to WAPC for determination.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.2.3	Request to Divest a Portion of Lot 5209 (Reserve 28372)	200607/044 Council Decision/Officer's Recommendation That: i) the applicant be advised that it is prepared to divest itself of a portion of lot 5209 (Reserve 38272) subject to: ... ii) the Department for Planning and Infrastructure (State Land Services) be advised that it wishes to excise a portion of lot 5209 (Reserve 38272).	RESPONSIBLE OFFICER: Planning Officer Applicant advised, waiting for survey diagram.	
11.2.2.7	Request to Rezone a Portion of Lot 2202 (4) Reynolds Place, SH From Residential R20 to R30	200607/048 Council Decision/Officer's Recommendation That i) Pursuant to section 75 of the <i>Planning and Development Act 2005</i> (as amended), Council resolves to amend Town of Port Hedland Town Planning Scheme No.5 by: ... ii) the proposed amendment be numbered Amendment No.12 of <i>Town of Port Hedland Town Planning Scheme No.5</i> and be forwarded to the Environmental Protection Authority for assessment in accordance with section 81 of the <i>Planning and Development Act 2005</i> prior to advertising in accordance with the <i>Town Planning Regulations 1967</i> ; and iii) the applicant be advised that all costs associated with advertising and preparing the amendment will be borne by the applicant.	RESPONSIBLE OFFICER: Planning Officer Applicant advised to prepare documents for submission to EPA. Awaiting receipt of documents to forward to EPA prior to advertising.	
11.2.2.8	Proposed Partial Rd Closure of Traine Cres, SH	200607/049 Council Decision/Officer's Recommendation That Council: i) advertise the proposed closure of the portion of Traine Crescent South Hedland identified in the application received from Taylor Burrell Barnett on 30 August 2006 pursuant to section 58 of the <i>Land Administration Act 1997</i> , and section 9 of the <i>Land Administration Regulations 1998</i> ; ii) request that the Honorable Minister for Lands to close the portion of Traine Crescent South Hedland; and iii) advise the applicant that all costs associated with advertising the road closure will be borne by the applicant.	RESPONSIBLE OFFICER: Planning Officer Currently advertised.	
11.3.2.1	Tender 06-08 Provision of Cleaning Services PHIA	200607/055 Council Decision/Amended Officer's Recommendation That: i) the tender submission from Kestrel Contracting Pty Ltd trading as Pilbara Dustbusters for Tender 06/08 – Provision of Cleaning Port Hedland International Airport be accepted; ii) general ledger expenditure account 1211262 Building Cleaning be increased from \$70,000 to \$85,000; and iii) general ledger income account 1210234 be increased from \$780,000 to \$840,000. iv) \$45,000 be transferred to Port Hedland International Airport's Reserve Fund.	RESPONSIBLE OFFICER: Airport Manager	✓ COMPLETE
11.3.2.2	Tender 06-09 Supply & Install Security & Boundary Fencing PHIA	200607/056 Council Decision/Officer's Recommendation That the tender submission from Southern Wire for Tender 06/09 – Security and Boundary Fencing Port Hedland International Airport be accepted.	RESPONSIBLE OFFICER: Airport Manager Works to commence Jan 07	
11.3.3.1	Recreation Facilities Audit Draft Report	200607/057 Council Decision That the Recreation Facilities Audit be received subject to: i) further financial and legal discussions; and ii) the Strategic Plan guidelines.	RESPONSIBLE OFFICER: Sport and Recreation Officer Item to Dec. Ord. Cl. Mtg	✓ COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.1.4	Underground Power Charge Adjustment	200607/062 Council Decision/Officer's Recommendation That Council: i) amend the Service Charge for underground power to \$500.00 to the following properties: ... ii) that the 2006/07 Budget not be amended until after the September quarterly review, and discussions with Horizon Power have be finalised; and iii) that the Director, Corporate Service prepare a report for a future Council meeting detailing options for Council to fund the short fall resulting from (1).	RESPONSIBLE OFFICER: Director Corporate Services Amendments made. iii) to be actioned.	✓ COMPLETE
14.2	Legal Issue - Qantas Lease	200607/067 Council Decision That: i) Council's lawyers write to Qantas advising that the Town of Port Hedland is willing to sign and seal a lease document for the use of the Port Hedland International Airport for the period from 1 July 2002 – 30 June 2007 (with a potential five year extension) subject to the lease documentation including a rent review provision whereby rental is set at market rental from 1 July 2007 subject to: ... ii) assuming that Qantas agrees with the above, the Mayor and Chief Executive Officer be authorised to sign and seal the lease documentation.	RESPONSIBLE OFFICER: CEO Letter sent 4.10.06 and follow-up ltr sent 20.11.06	
Ordinary Meeting held 25 October 2006				
11.2.2.1	Proposed Temp Carpark - SHNL Proj Display Home SH	200607/72 Council Decision/Officer's Recommendation That Planning Consent be granted to Taylor Burrell Barnett for the construction of a Temporary Carpark at Lot 6161 Cottier Drive, South Hedland as outlined in the Application received 4 October 2006 (Application 2006/128) and indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Manager Planning Services	✓ COMPLETE
11.2.2.2	Reconsider. of Condition Imposed on the Transient Workforce Accom. Lot 2444 G't Northern Hwy	200607/75 Council Decision/Officer's Recommendation Planning Consent be granted to The Pilbara Infrastructure Pty Ltd for the construction of a Transient Workforce Accommodation Village at Lot 2444 Great Northern Highway Port Hedland as outlined in the Application received 12 January 2006 (Application 2006/112.1) and indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Manager Planning Services	✓ COMPLETE
11.2.3.1	Emergency Overflow Camping Area	200607/78 Council Decision/Officer's Recommendation That Agenda Item 11.2.3.1 'Emergency Overflow Camping Area' Lay on the table, pending further information from Staff.	RESPONSIBLE OFFICER: Environmental Health Services Item to Dec Ord Cl Mtg	✓ COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.4.1	Claim for Consider.– Retaining Wall Lot 798 (16) Gratwick St, PH	200607/79 Council Decision/Officer's Recommendation That: i) the request from the owner of Lot 798 Gratwick Street, Port Hedland to install a retaining wall to the front boundary of the property be refused; and ii) the owner of Lot 798 Gratwick Street, Port Hedland be advised in writing that after due deliberation no further consideration can be given to this request, as Council is of the opinion that having met the cost of supplying and installing a new front fence, the cost of installing a retaining wall should be met by the property owner.	RESPONSIBLE OFFICER: Manager Building Services	✓ COMPLETE
11.2.4.2	Purchase Of Automatic Public WC Lot 25 Wedge St, PH	200607/80 Council Decision That: i) Due to the single supplier circumstance Council set aside the provisions of Policy 2//007 Procurement Policy in the purchase of an automated public WC for Lot 25 Wedge Street, Port Hedland; and ii) Pursuant to Part 4 Regulation 11(2)(f) Local Government (Functions and General) Regulations 1996 authorise the Chief Executive Officer to place an order with W.C. Convenience Management Pty Ltd for the supply and delivery of an Exeloo III 01 Automated Public WC with a stainless steel façade in the amount of \$82,218.00 + GST.	RESPONSIBLE OFFICER: Manager Building Services	✓ COMPLETE
11.2.5.1	Request to Waive Rental Fees – YIC – 34 Lawson St	200607/81 Council Decision/Officer's Recommendation That the rental arrears of \$2,500.00 owed by the Youth Involvement Council for the Council property located at 34 Lawson Street, South Hedland be waived.	RESPONSIBLE OFFICER: Manager Human Services	✓ COMP.
11.3.1.2	Waiver of Landfill fees for Beach Clean Up	200607/83 Council Decision/Officer's Recommendation That landfill disposal fees for the Care for Hedland Environmental Association's 'Welcome the Turtles back to Hedland Beach Clean Up' event, to be held on Saturday 28 October 2006 at Cemetery Beach and Pretty Pool Beach be waived.	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMP.
11.3.1.3	Installation of Turtle Conservation Signage	200607/84 Council Decision/Officer's Recommendation i) the installation of Informative Turtle Conservation signage at the following locations: ... be approved; ii) approval be sought 'from the Department for Planning and Infrastructure for signage erection on Crown land; iii) Council staff erect the Informative Turtle Conservation signs at the locations identified in Clause i) above; and iv) the Informative Turtle Conservation signage remains the property of the Care for Hedland Environmental Association.	RESPONSIBLE OFFICER: Director Engineering Services Awaiting signs	
11.3.1.4	Tender 06/06 Wedge and Edgar Streets Streetscape Enhancem'ts	200607/85 Council Decision That: i) the revised schedule of works for the Wedge Street and Edgar Street Streetscape Enhancement be approved, subject to the approval of the Pilbara Development Commission; ii) the budget allocation for the project, fully funded by the Port Hedland Enhancement Scheme be approved.	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP- DATE
11.3.1.5	Tender 06/10 Supply & Delivery of New Rubber Tyred Excavator	200607/86 Council Decision/Officer's Recommendation That Tender 06/10 Supply & Delivery of New Rubber Tyred Excavator be awarded to Earthwest for the supply and delivery of Hyundai R200W-7 Rubber Tyred Excavator for total price of \$239,792.17 (excluding GST).	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMPLETE
11.3.1.6	Tender 06/11 Supply & Delivery of New or Used Landfill Compactor	200607/87 Council Decision That Tender 06/11 for the Supply & Delivery of New or Used Landfill Compactor Unit be awarded to BT Equipment for the supply and delivery of new Bomag BC572RB Compactor for total price of \$495,000 (ex gst)	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMPLETE
11.3.1.7	Tender 06/12 Supply & Delivery of New or Used Grader (Min. 12ft Blade)	200607/88 Council Decision/Officer's Recommendation That Tender 06/12 Supply & Delivery of New or Used Grader (Min. 12ft Blade) be awarded to Hitachi Construction Machinery for the following: i) supply and delivery of John Deere 770D Grader for total price of \$300,500.00 (ex gst); and ii) supply and delivery of extras being spare tyre and winch on A frame carrier (\$6550 + gst), slope meter (\$693 + gst), 40 channel UHF radio (\$480 + gst) for the total purchase price of \$308,223.00 + gst.	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMPLETE
11.3.1.8	Tender 06/13 Supply & Delivery of New Street Sweeper	200607/89 Council Decision/Officer's Recommendation That Tender 06/13 Supply & Delivery of New Street Sweeper be awarded to Applied Cleansing Solutions for the following: i) Supply and delivery of 636HS Green Machine Street Sweeper for total price of \$145,500 (ex gst) ii) Supply and delivery of optional extras being LED rear mounted arrow bar (2,980 + gst), high pressure wash system (\$3,250 + gst) and rear reverse activated flood lights (\$520 + gst) for the total purchase price of \$151,750 (ex gst).	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMPLETE
11.3.1.9	Tender 06/14 Supply & Delivery of Loader/Backhoe	200607/90 Council Decision That Tender 06/14 Supply & Delivery of Loader/Backhoe be awarded to MacIntosh and Sons for the supply and delivery of Case 580 SR Loader/Backhoe for total price of \$109,000 (ex gst).	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMP.
11.3.1.10	Tender 06/17 Supply & Delivery of Fully Encl Single Oper'tor Side Loading Refuse Collection Vehicle	200607/91 Council Decision/Officer's Recommendation That Tender 06/17 Supply & Delivery of Fully Enclosed Single Operator Side Loading Refuse Collection Vehicle be awarded to Purcher International for the supply and delivery of Fully Enclosed Single Operator Side Loading Refuse Collection Vehicle (model) for total price of \$262,000.00 (ex gst), including trade of vehicle as per replacement policy.	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.3.1.11	Tender 06/18 Supply & Delivery of One 4WD Utility Tractor (Min. 100 draw bar hp)	200607/92 Council Decision/Officer's Recommendation That Tender 06/18 Supply & Delivery of One 4WD Utility Tractor be awarded to CJD Equipment for supply and delivery of 4WD Tractor (John Deere 6520 SE) for total price of 79,775.00 (ex gst).	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMPLETE
11.3.1.12	Tender 06/19 Supply & Delivery of 2 ea 3 T Dual Cab Trucks & 1ea 3 T Single Cab Truck	200607/93 Council Decision/Officer's Recommendation That Tender 06/19 Supply & Delivery of Two (2) 3 Tonne Dual Cab Trucks and One (1) 3 Tonne Single Cab Truck be awarded to Purcher International, for the supply and delivery of two (2) Dual Cab (Mitsubishi Canter 3.5), and one (1) Single Cab (Mitsubishi Canter 2.0) Trucks for total price of \$117,500.00 (ex gst), including trade of vehicles as per tender documents.	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMPLETE
11.3.2.1	Port Hedland Cricket Association Reimburse.	200607/94 Council Decision/Officer's Recommendation That the Port Hedland Cricket Association be reimbursed an amount of \$59.40 for the loss of use of grounds due to reticulation upgrades.	RESPONSIBLE OFFICER: Acting Senior Sports and Recreation Officer	✓ COMP.
11.3.2.2	Port Hedland Skatepark	200607/95 Council Decision/Officer's Recommendation That the location for the Port Hedland Skatepark be changed from the area adjacent the Scout Hall, to an area at the Hockey/Soccer/RuCr G D Busselly Oval on McGregor Street.	RESPONSIBLE OFFICER: Acting Senior Sports and Recreation Officer	✓ COMP.
11.4.1.2	Community Bank Steering Committee	200607/97 Council Decision That Council: i) Nominates Cr G D Bussell and Cr A A Carter proxy to be a member of Community Bank Steering Committee to further the proposal put forward by Pilbara Native Title Service, and ii) Provide in kind support, at the Chief Executive's discretion to assist in the administration of this steering committee.	RESPONSIBLE OFFICER: Director Corporate Services	✓ COMPLETE
11.4.1.3	Proposed Change to Civic Centre Office Opening Hours	200607/98 Council Decision That: i) That Council amend opening hours of the front Counter at the Civic Centre to 8.00am to 4pm; and ii) this amendment be published in the North West Telegraph.	RESPONSIBLE OFFICER: Director Corporate Services	✓ COMPLETE
11.4.2.1	PHES - Approval for Additional Car Parking	200607/99 Council Decision/Officer's Recommendation That Council support the recommendation to allocate up to \$80,000 from the Port Hedland Enhancement Scheme fund for the provision of car parking and garaging facilities at the two Council Staff houses adjacent to the Port Hedland Civic Centre, be endorsed.	RESPONSIBLE OFFICER: Chief Executive Officer	✓ COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.2.2	Tender 06-20 : Mgt of SH and Gratwick Aquatic Centres	200607/100 Council Decision That: i) Council appoint YMCA as its preferred contractor to undertake the services specified in Tender 06-20 Management of the Gratwick Aquatic Centre and the South Hedland Aquatic Centre; ii) Council authorise the Chief Executive Officer and the Deputy Mayor to enter into negotiations with YMCA with the view of reducing the two-year cost to Council down to levels that are within the 06/07 Council Budget and are in accordance with the Town's 5year Financial Plan; and. iii) The Chief Executive Officer report back the outcomes of the negotiations to Council prior to the contract documentation being finalised.	RESPONSIBLE OFFICER: Chief Executive Officer Negotiations in progress. Item to Dec Ord. Cl. Mtg.	✓ COMPLETE
11.4.2.3	BHP Sustainability Partnership Projects - Update	200607/101 Council Decision/Officer's Recommendation That Council support the following recommendations from the BHP Sustainability Partnership: i) withdraw the \$100,000 funding allocation from the proposed Native Plant Nursery as the project is likely to proceed using alternative funding sources; ii) utilise a portion of the \$100,000 saving for the implementation of the following two new projects: a) Don Rhodes Museum Park Upgrade (\$35,000); and b) installation of a Community Sign/Billboard (\$20,000); iii) utilise the \$500,000 allocation for Sports Facility developments on the upgrading of facilities at all sporting grounds to meet a minimum standard as recommended in the Towns recently completed Sports Facility Study; and iv) Council request the BHP Sustainability Partnership to consider the allocation of \$50,000 for free native plants to Local Residents.	RESPONSIBLE OFFICER: Chief Executive Officer	✓ COMPLETE
12.1.1	Land Use Master Plan – Draft Discussion	200607/102 Council Decision That Council approve the release of the Land Use Master Plan discussion papers as a pre-cursor to the conduct of a Community Summit on Sunday 3 rd of December with the following amendments;	RESPONSIBLE OFFICER: Chief Executive Officer	✓ COMP.
22 November 2006				
11.2.1.2	Hedland Community Safety and Crime Prevention Plan 2006 – 2009	200607/107 Council Decision/Officer's Recommendation That: 1) the draft Hedland Community Safety and Crime Prevention Plan 2006 – 2009 be adopted with the inclusion of 'Blue Light Discos' or the like in the Youth Development Priority in the Plan; and 2) the \$20,000 Community Safety Crime Prevention Grant from the Office of Crime Prevention and the funds towards development costs associated with establishment of a youth drop in centre at the JD Hardie Centre be applied for.	RESPONSIBLE OFFICER: Director Regulatory and Community Service	✓ COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.1.3	SBS Radio Services	200607/108 Council Decision That: i) registrations of interest be sought from persons interested in receiving SBS Radio broadcasts; and ii) the offer from Richardson Electronics to install SBS Radio transmitting equipment for Port and South Hedland be considered, subject to Council receiving registrations of interest from 200 residents of the Town of Port Hedland and SBS Radio funding the project through its grant scheme.	RESPONSIBLE OFFICER: Director Regulatory and Community Service Survey being undertaken.	
11.2.1.4		200607/109 Council Decision/Officer's Recommendation That the distribution of the following Community Support Funding for Round 1: 2006/07 be approved. ...	RESPONSIBLE OFFICER: Events Co-ordinator	✓ COMP.
11.2.2.3		200607/112 Council Decision/Officer's Recommendation That Planning Consent be granted to Pilbara Constructions Pty Ltd for the construction of a Temporary Builder's Yard at Lot 1331 (21) Tinder Street Port Hedland as outlined in the Application received 3 October 2006 (Application 2006/129) and indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Planning Officer	✓ COMP.
11.3.1.2	Walkway Lighting Expenditure	200607/114 Council Decision/Officer's Recommendation That the 2006/07 Walkway Lighting Upgrade contract be awarded to Horizon Power for the programmed works up to the budget allocation of \$180,000.	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMP.
11.3.1.3	Tender 06-21 Supply and Delivery of Readymixed Concrete	200607/115 Council Decision/Officer's Recommendation That Tender 06/21 for Supply and Delivery of Readymixed Concrete be awarded to Hanson Construction Materials as per the following schedule of rates for the period 1/1/07 to 30/6/08: ...	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMP.
11.3.1.4	Tender 06/28 Provision of Freight Services	200607/116 Council Decision/Officer's Recommendation That Tender 06/28 Provision of Freight Services be awarded to Centurion as per the following schedule of rates for the period 1/1/07 to 30/6/08: ...	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMP.
11.3.1.5	Tender 06/22 Supply & Delivery of Roadbase	200607/117 Council Decision/Officer's Recommendation That Council's staff obtain quotes for the purchase of roadbase if and when it is required in accordance with Council's Procurement Policy 2/015.	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMP.
11.3.1.6	Tender 06/23 Supply & Delivery of Aggregate	200607/118 Council Decision/Officer's Recommendation That a new tender for Supply and Delivery of Spray Bitumen Sealing including supply and delivery of Aggregate be advertised in accordance with Section 3.57 of the Local Government Act 1995.	RESPONSIBLE OFFICER: Director Engineering Services Item to Dec Ord. Cl. Mtg.	✓ COMP.

MINUTES: ORDINARY COUNCIL MEETING

13 DECEMBER 2006

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.3.1.7	Tender 06/24 Supply & Delivery of Asphaltic Concrete	200607/119 Council Decision/Officer's Recommendation That Tender 06/24 Supply and Delivery of Asphaltic Concrete be awarded to Pioneer Road Services as per the following schedule of rates for the period 1/1/07 to 30/6/08: ...	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMP.
11.3.1.8	Tender 06/25 Supply & Delivery of Spray Bitumen Surfacing	200607/120 Council Decision/Officer's Recommendation That a new tender for Supply and Delivery of Spray Bitumen Sealing including supply and delivery of Aggregate be advertised in accordance with Section 3.57 of the Local Government Act 1995.	RESPONSIBLE OFFICER: Director Engineering Services Item to Dec Ord. Cl. Mtg	✓ COMPLETE
11.3.1.9	Tender 06/26 Supply & Delivery of Extruded Concrete Kerbing	200607/121 Council Decision/Officer's Recommendation That Tender 06/26 Supply and Delivery of Extruded Concrete Kerbing be awarded to Kimberley Kerbing as per the following schedule of rates for the period 1/1/07 to 30/6/08: ...	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMPLETE
11.3.1.10	Tender 06/27 Plant Hire	200607/122 Council Decision/Officer's Recommendation That the prices submitted by contractors for Tender 06/27 Plant Hire, and shown in the table below, be accepted as a list of preferred contractors.	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMP.
11.3.2.1	Budget Amendment – Capital Works Program PHIA Installation of Lighting in Long Term Car Parks	200607/123 Council Decision That: i) \$100,000 be transferred from General Ledger Account 1210398 Port Hedland International Airport's Reserve Fund; ii) General ledger expenditure account 1210453 Airport Infrastructure be increased from \$800,000 to \$900,000; iii) a new capital expenditure sub item of Installation of Long Term Car Park lighting be created within General Ledger Account 1210453 with an allocation of \$100,000; and iv) tenders be called for the supply, design and installation of the appropriate lighting requirements for the Port Hedland International Airport car park as required.	RESPONSIBLE OFFICER: Director Engineering Services Item to Dec. Ord. Cl. Mtg.	✓ COMPLETE
11.3.2.2	Continued Financial Support – Skywest Airlines	200607/124 Council Decision That subject to Council's Mayor and Chief Executive Officer meeting with Skywest Airline's representatives to discuss Skywest's business and marketing plans, Skywest Airlines be advised in writing that: . Council is willing to extend the 50% waiver of inbound-outbound passenger service charges for a further period of four (4) months, effective from 1 November 2006 to 28 February 2007; or . when weekly passenger load factors reach 50%, whichever is the earlier.	RESPONSIBLE OFFICER: Director Engineering Services	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.3.3.1	Exemption of User Fees for Hedland T-Ball Association	200607/125 Council Decision That: i) Agenda Items 11.3.3.1 'Exemption of User Fees for Hedland T-Ball Association' and 11.3.3.2 '11.3.3.2 Waiver of User Fees for the Port Hedland Baseball Association' be considered jointly; and ii) all junior fees for 2006/07 for sports ground usage be waived, and all Junior Sports Clubs be advised that fees for junior sports ground usage will be introduced in 2007/08.	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMPLETE
11.3.3.3	Future Use of the JD Hardie Centre	200607/126 Council Decision That: the Youth Involvement Council (YIC) be advised that: ii) proposed timeframe for implementation of management plan for the JD Hardie Centre as follows be endorsed: ... iii) submissions be called to undertake feasibility study works and preliminary designs for the transition, conversion and renovation of the JD Hardie Centre from a sports centre into a youth specific facility. The scope of works shall include business planning for the management of the facility for the short, medium and long term and the development of conceptual plans for the staged redevelopment of the Centre. Timeframes for this project shall be as follows: ... iv) the Department for Planning and Infrastructure (State Land Services) be advised in writing that Council wishes to change the purpose of Reserve 41675 from Recreation to Youth Service Facilities; v) a budget item be prepared indicating proposed income expenditure be prepared and submitted to council (06/07) together with the Feasibility study recommendations	RESPONSIBLE OFFICER: Director Engineering Services Items being undertaken as per agreed time frames	✓ COMPLETE
11.4.1.2	Outstanding Rates	200607/128 Council Decision/Officer's Recommendation That: i) the list of assessments (subject to payments received and/or arrangements entered into) that will be forwarded to Council's debt collector, as per Council Policy be received; and ii) the debt collector (Dun & Bradstreet) be authorised to take any appropriate action, including legal action, to effectively collect the Town's over due rates debt, in accordance with the Local Government Act 1995, and Council Policy.	RESPONSIBLE OFFICER: Director Corporate Services	✓ COMPLETE
11.4.1.3	September Budget Review	200607/129 Council Decision/Alternate Officer's Recommendation That: i) Agenda Item 11.4.1.3 'September Budget Review' lay on the table until the proposed amendments have been reviewed by the Audit and Finance Committee; and ii) after the 2005/06 Annual Accounts have been audited a report on Council's carry forward position be presented to Council's Audit and Finance Committee by the Director Corporate Services.	RESPONSIBLE OFFICER: Director Corporate Services	✓ COMPLETE
11.4.2.1	Liquor Restrictions Update	200607/129 Council Decision That Council write to the Director of Liquor Licensing to advise that Council: i) welcomes the Director's commitment to bringing forward the review of the existing Town of Port Hedland liquor restrictions; and ii) supports any applications for exemptions for liquor stores to sell take-away alcohol on the following Sunday's: Sunday 24 December 2006; and Sunday 31 December 2006	RESPONSIBLE OFFICER: Chief Executive Officer	✓ COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.2.2	LUMP - Pilbara Reg. Dev. Scheme Funding Agreement	200607/130 Council Decision/Officer's Recommendation That approval be granted for the Mayor and Chief Executive Officer to sign and duly affix the Town of Port Hedland Common Seal to the Pilbara Regional Development Scheme's Financial Assistance Agreement (FAA) for financial contribution of \$35,000, towards the development of the Town of Port Hedland Land Use Master Plan Community Involvement program.	RESPONSIBLE OFFICER: Executive Assistant	✓ COMP.
11.4.2.3	PDC Board Membership	200607/131 Council Decision/Officer's Recommendation That: i) the Pilbara Development Commission and the Minister for Local Government and Regional Development be advised of Council's nomination of Councillors J M Gillingham and A Gear for membership of the Board of the Pilbara Development Commission; and iii) the support of the Pilbara Regional Council be sought for this nomination.	RESPONSIBLE OFFICER: Executive Assistant	✓ COMPLETE
12.1.1	Withdrawal of Caveat Lot 2263 (59) Stanley St, SH	200607/132 Council Decision/Officer's Recommendation That Common Seal to be affixed to the WITHDRAWAL OF CAVEAT Form W1 for Lot 2263 (59) Stanley Street, South Hedland, Mayor and Chief Executive Officer be authorised to sign the document.	RESPONSIBLE OFFICER: Senior Rates Officer and Manager Finance	✓ COMP.
13.1	Town Centre Theatre & Air Conditioned Entertainment Complex	200607/133 Council Decision That Council requests the Dept of Planning to advise Mr Duggan of the proposed cost of land, because as the first development in the area it will give the Town significant benefits in rates income, assist our Strategic Goals and benefit the State by catalysing development in the area and land sales.	RESPONSIBLE OFFICER: Chief Executive Officer Ltr sent 1.12.06	✓ COMP.
13.2	Biodiesel Recycling Project	200607/134 Council Decision/Amended Motion That Council receives a report on the Northwest Earthcare Project at its Ordinary Meeting to be held on Wednesday 13 December 2006.	RESPONSIBLE OFFICER: Chief Executive Officer – report to Dec OCM	✓ COMP.
14.1	Delivery of (CDEP) in Yandeyarra	200607/135 Council Decision/Officer's Recommendation That an application to deliver Community Employment Development Projects (CDEP) services to the Yandeyarra Community is not submitted by Council; but commits to continuing to working closely with the Indigenous Co-ordination Centre and other key stakeholders to endeavour to improve indigenous employment opportunities within the Town.	RESPONSIBLE OFFICER: Chief Executive Officer	✓ COMP.
14.2	Hedland Home And Community Care Programme	200607/136 Council Decision/Officer's Recommendation That Council seeks to negotiate an agreement with the WA Country Health services to relinquish responsibility for the provision of Home and Community Care Services under the following conditions: i) service levels to the community are not reduced; ii) Council receives an adequate remuneration for the use of HACCC House; and iii) suitable arrangements are made for the redeployment of staff and protection of staff entitlements	RESPONSIBLE OFFICER: Chief Executive Officer Ongoing disc. to occur. Further reports to CI.	✓ COMPLETE

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
Regulatory Services

Date of Report 1 December 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

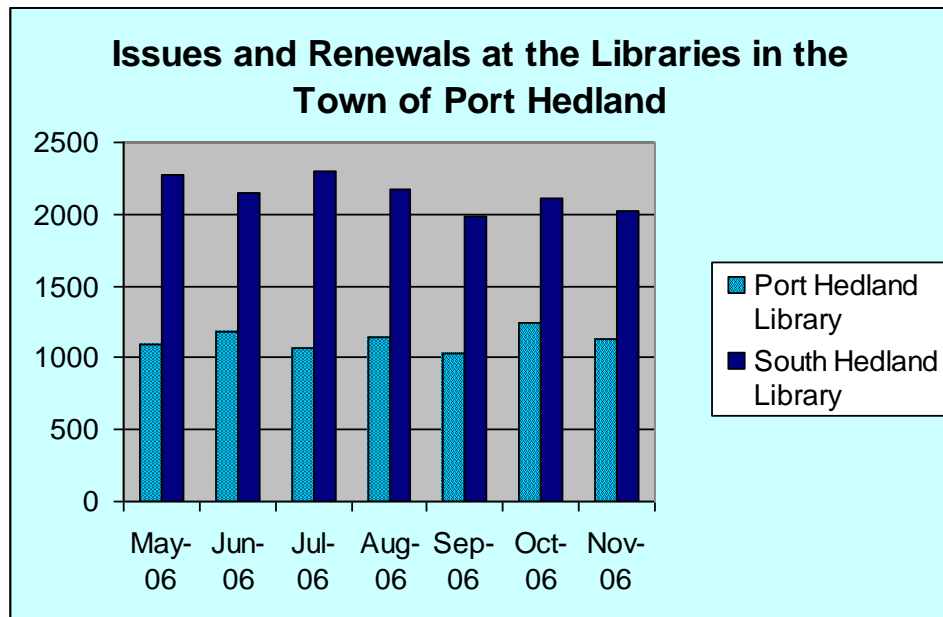
Budget Implications Nil

Officer’s Comment

. *Library and Information Services*

Port Hedland Library	November
Issues and Renewals	1125
Reservations	22
New Borrowers	24
Internet Users	157

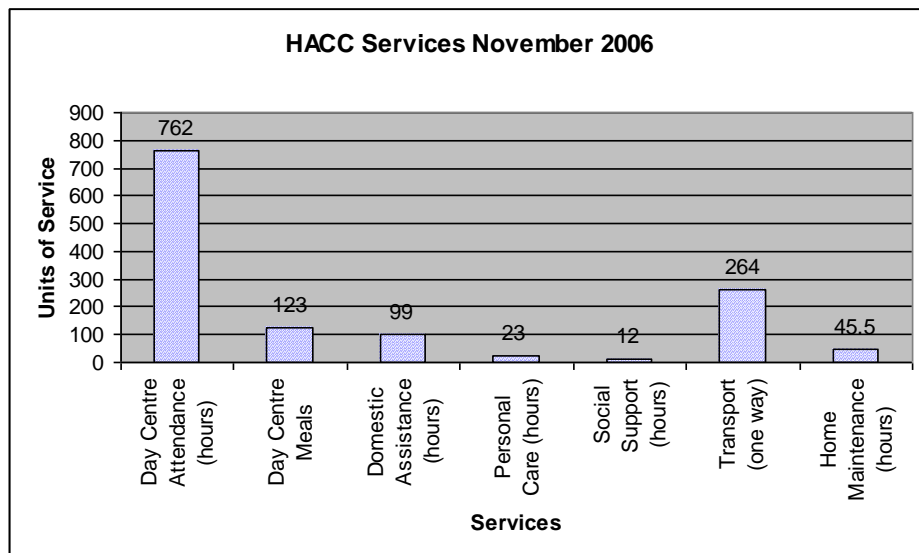
South Hedland Library	
Issues and Renewals	2027
Reservations	90
New Borrowers	38
Internet Users	251

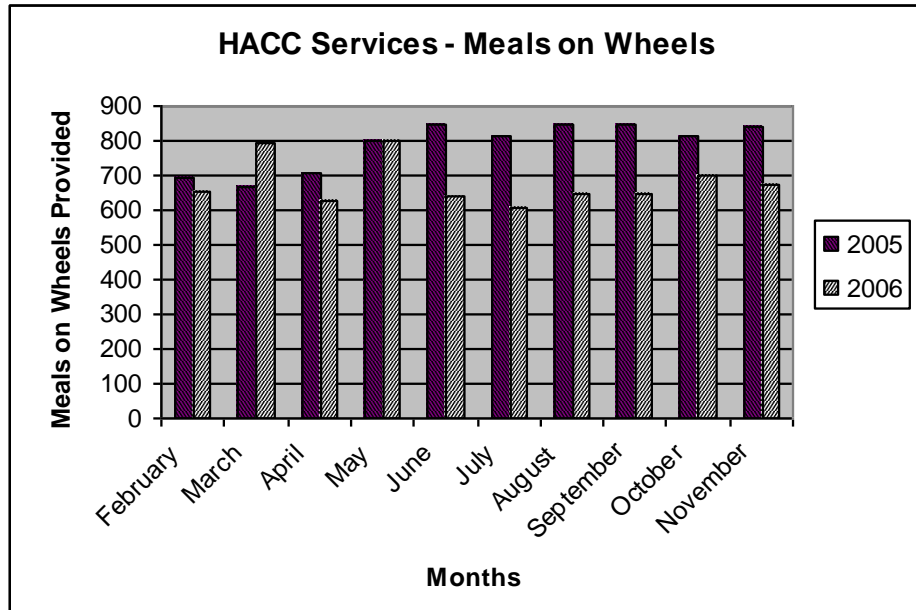


A Library User Survey has been developed to assist in the evaluation of the library service. Library clients are invited to complete the survey when visiting either library in November/December. The focus is on current and additional services, library collections, building and facilities, opening hours and customer satisfaction. Results of the survey will be available in January 2007.

Human Services

HACC Programme





Mirtanya Maya

Occupancy of 6 permanent residents for long term low residential care. The respite beds have been maintained at full capacity for November.

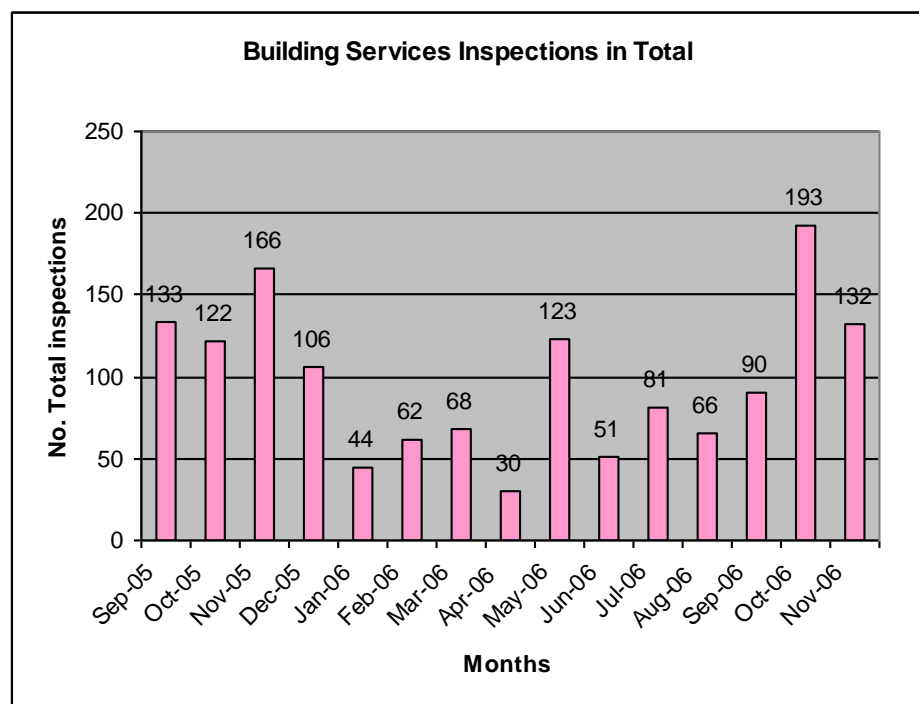
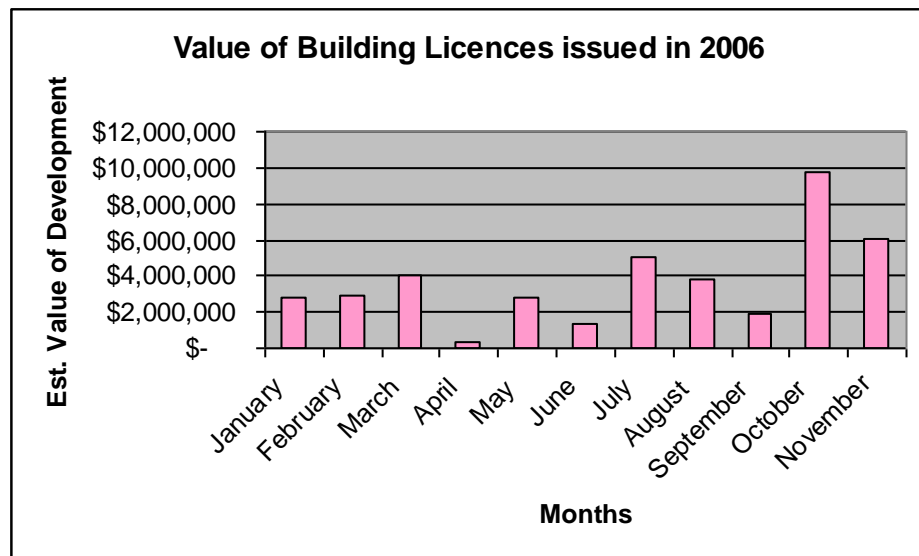
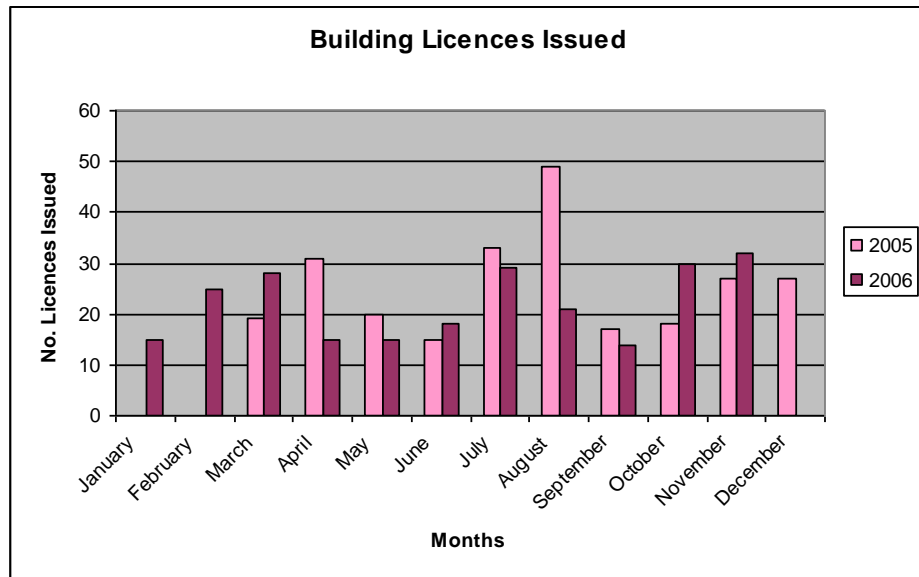
Pilbara Family Day Care

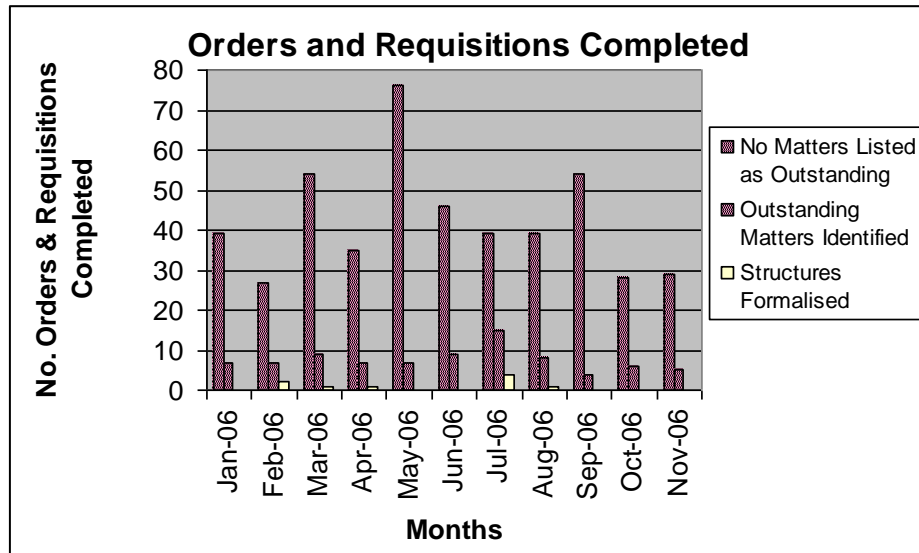
An average of 40 children (average EFT's 17) were utilising Family Day Care for November, with an average of 30 children (average EFT's 36) in the In Home Care Scheme. Pilbara Family Day Care is currently going through the accreditation process.

Two new Family Day Carers are going through the licencing process in South Hedland

The Woodside Family Day Care project is almost finalised, with an anticipated start date of December 2006.

Building Services





Status of Building Licences for Valuer General's Office

Building Licence Applications Received in 2004

Total Building Licence applications received in 2004: 417
 Building Licences approved in 2004: 403
 Building Applications not approved: 6

2004	Running Total as at 25 Nov 2006
Licences copied & sent to VGO	243
Licences not required to be sent	109
More information required	12

Building Licence Applications Received in 2005

Total Building Licence applications received in 2005: 377
 Building Licences approved: 317
 Building applications received in 2005 that are pending: 19

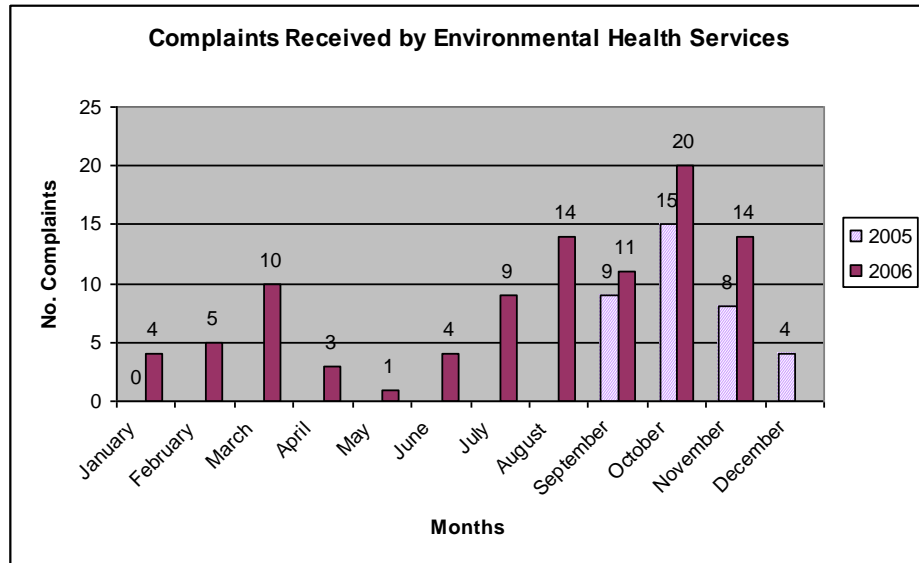
2005	Running Total as at 25 Nov 2006
Licences copied & sent to VGO	127
Licences not required to be sent	126
More information required	64

Building Licence Applications Received in 2006

Total Building Licence applications received in 2006: 215
 Building Licences approved: 166
 Building applications received in 2006 that are pending: 38

2006	Running Total as at 25 Nov 2006
Licences copied & sent to VGO	12
Licences not required to be sent	67
More information required	87

Environmental Health Services

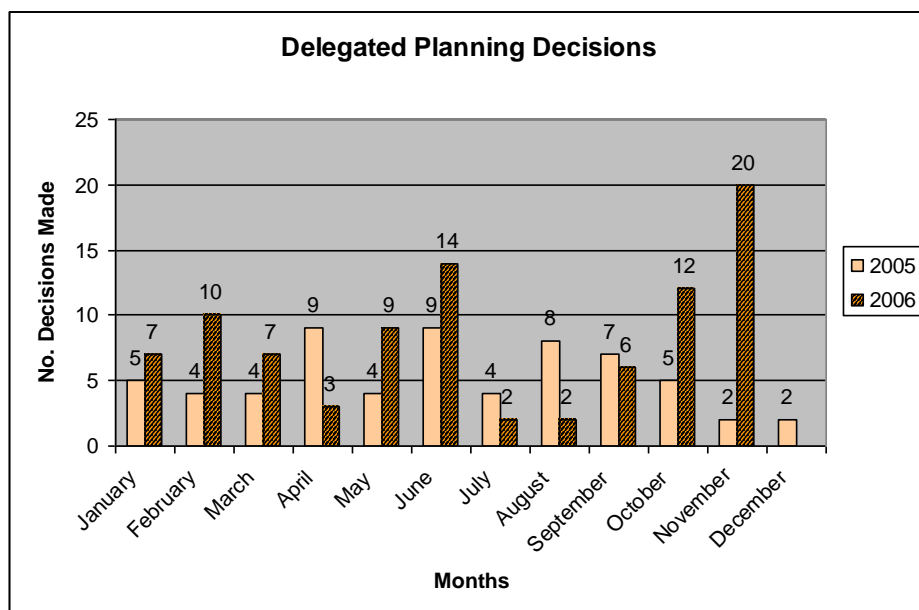


Number of mosquitoes captured during trapping:

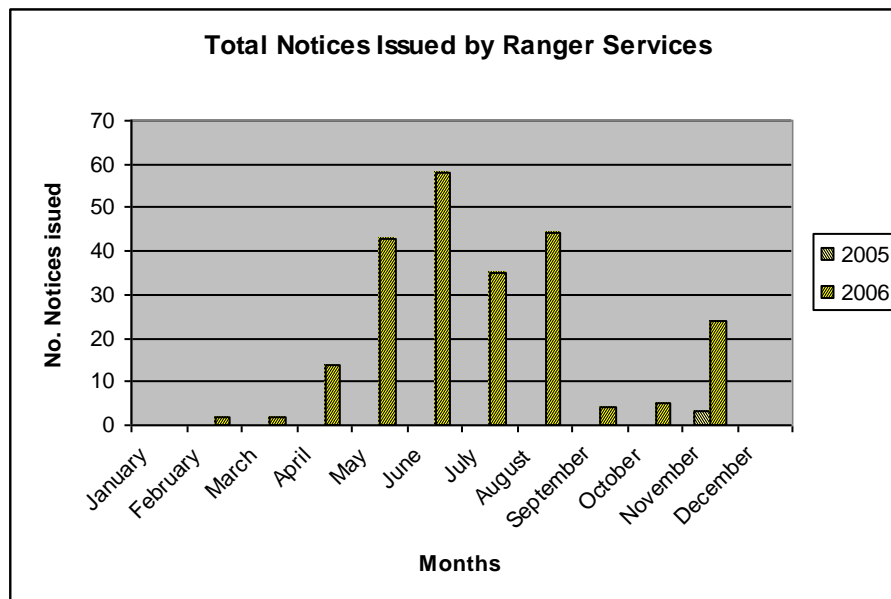
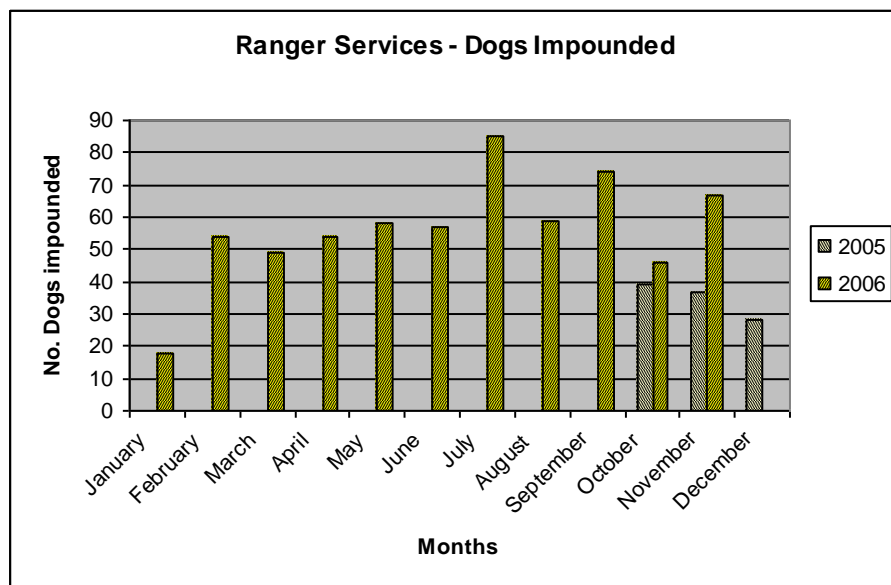
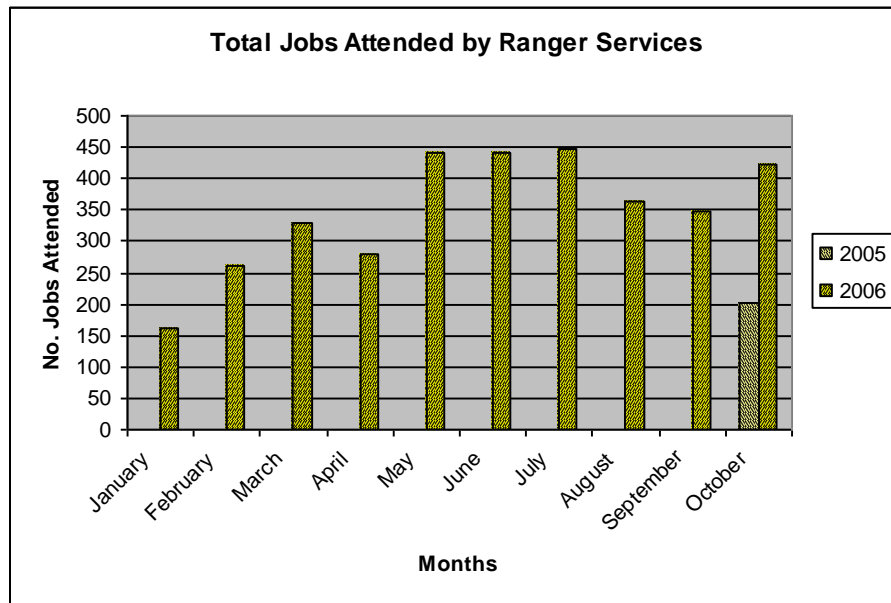
MOSQUITO TRAPPING

	Pretty Pool	Cooke Point	Port Hedland	Wedgefield	South Hedland 1	South Hedland 2	Total
11/4/2006	1300	750	1500	9000	600	80	13230
20/4/06	1200	800	1500	9500	800	200	14000
26/4/06			350	10000		35	10385
25/5/06	90	60	500	3000	1300	80	5030
19/7/06	24	3	21	280	325	23	676
15/11/06	1	3	6	77	30	6	123

Planning Services



Ranger Services

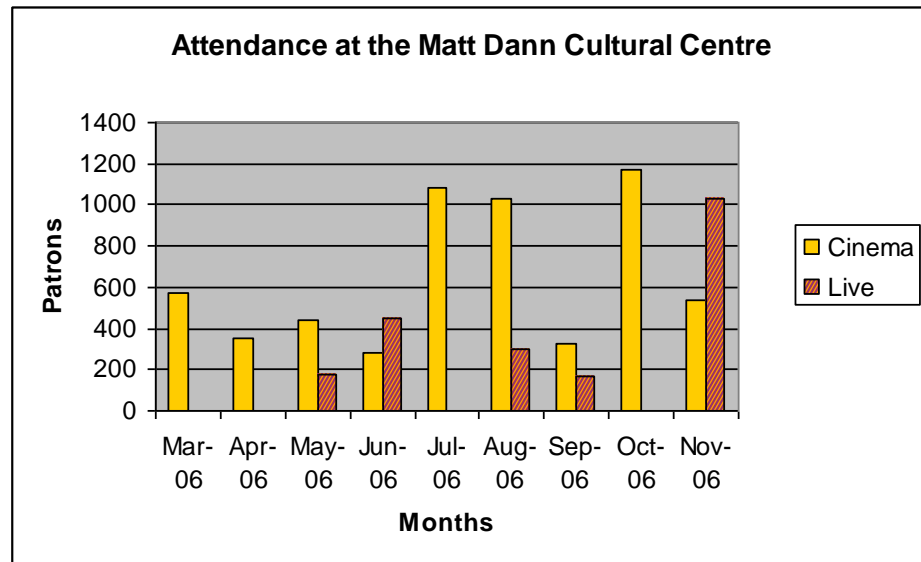


Arts, Recreation and Community Activities

Matt Dann Cultural Centre

Events	November 2006	Year to Date
Cinema (sessions)	8	73
Live (e.g. Theatre)	4	7

Attendance	November 2006	Year to Date
Cinema	534	4746
Live (e.g. Theatre)	1030	1495



Courthouse Arts Centre and Gallery

	November
Exhibitions held	0
Attendance at Exhibitions	0
Workshops held	0
Total Attendance	0

Closed for refurbishment.

200607/140 Council Decision/Officer's Recommendation

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

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

CARRIED 7/0

11.2.1.2 Report on the Outcome of Abandoned Shopping Trolley Tender (File No.: RAN -021)

Officer Terry Sargent
Director Community and
Regulatory Services

Date of Report 29 November 2006

Disclosure of Interest by Officer Nil

Summary

On Friday 22 September 2006 tenders closed for Tender 06/15 in relation to 319 abandoned shopping trolleys that were advertised for tender with the Town of Port Hedland.

Background

On Wednesday 6 September the Town of Port Hedland advertised Tender No 06/15 for persons to express an interest in 319 (three hundred and nineteen) assorted shopping trolleys with the tender closing at 4.00 pm on Friday 22 September 2006.

To date no formal expression of interest has been received from Woolworth's, Coles or Kmart in relation to this tender.

Currently in Council's Schedule of Fees and Charges the fee for the release of an impounded shopping trolley is \$27.50 inclusive of GST, this figure multiplied by the current number of trolleys impounded equates to \$8,772.50 not recovered.

In late 2005 it is understood that Coles and Kmart were approached and that an expression of interest was received from Coles, however the purchase price of \$3.50 per shopping trolley was rejected by management at this time.

Consultation

Sims Metal and J & M Metal Recyclers both of Wedgefield were approached in October in relation to seeking their comments should they be interested in submitting a quote to the Town of Port Hedland for the removal of the shopping trolleys.

Sims Metals verbal response was that they would be willing to remove the shopping trolleys at no cost to Council, with no moneys payable for the removal of the shopping trolleys.

J & M Metal Recyclers replied by fax stating that they would remove the shopping trolleys at no cost to Council and would pay \$20.00 per ton.

Statutory Implications

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

- (1) *In this section*
 - dispose~ includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
 - property~ includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to -*
 - (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -*
 - (a) *it gives local public notice of the proposed disposition -*
 - (i) *describing the property concerned;*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include -*
 - (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to -*
 - (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

- (d) *any other disposition that is excluded by regulations from the application of this section.”*

Section 30 Dispositions of property to which section 3.58 of the Act does not apply.

“(2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been -

- (a) *put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;*
- (b) *the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or*
- (c) *the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including -*
 - (i) *the names of all other parties concerned;*
 - (ii) *the consideration to be received by the local government for the disposition; and*
 - (iii) *the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Option 1 The offer from Coles was \$3.50 per trolley and if this was accepted instead of the required \$27.50, it would represent an income of \$1,116.50.

Option 2 There would probably be 2 tonne of scrap metal which would attract a payment of \$40.00.

The Town has spent \$100.00 on advertising, officer time in collecting the trolleys and investigating options for disposal.

Officer’s Comment

Coles and Kmart have had previous opportunity to claim their shopping trolleys on numerous occasions, however they have been unwilling to outlay the \$27.50 per item as depicted in Council’s Schedule of Fees and Charges.

While there is currently limited opportunity to further dispose of these shopping trolleys, the public have had an opportunity through the tender process to put forward a submission, however no submissions were received at close of tender being Friday 22 September 2006.

Council has limited options available to them in relation to this matter, however with the cyclone season now commenced, it is essential they are disposed of, by either of the following options:

1. contact Coles and Kmart and enter into a written agreement whereby an offer to remove the shopping trolleys with possibly reduced impound fees payable could be negotiated; or to
2. accept the offer from J & M Metal Recyclers of \$20.00 per ton for the removal and desposal of the shopping trolleys as scrap.

200607/141 Council Decision/Officer's Recommendation

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

That Council accept the offer from J & M Metal Recyclers of \$20.00 per ton for the removal and desposal of the shopping trolleys as scrap.

CARRIED 5/2

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

Record of Vote:

FOR	AGAINST
Cr A A Carter	Cr A A Gear
Cr G D Bussell	Cr D R Pike
Cr G J Daccache	
Cr J M Gillingham	
Cr S F Sear	

...

11.2.1.3 Request to Waive Tipping Fees – Cultural Arts Precinct Works including Port Hedland Visitor Centre and Courthouse Arts Centre and Gallery by FORM (File No.: 05/09/0001)

Officer Terry Sargent
Director Community and
Regulatory Services

Date of Report 4 December 2006

Disclosure of Interest by Officer Nil

Summary

Council has been approached by Form, the successful tenderer for the Courthouse Arts Centre and Gallery upgrade seeking a waiver of fees for the disposal of materials and rubble at the South Hedland refuse disposal site. The request applies to materials that are **not** part of the tendered works but associated projects undertaken on behalf of Council, but funded by alternate sources.

Background

The tender for upgrading works at the Courthouse Arts Centre and Gallery required the contractors to dispose of builder's rubble, etc. at the South Hedland disposal site at their own expense. That requirement will be met.

In approaching Council, Form have advised that they are undertaking works which are part of the overall Cultural Arts Precinct Development Project, and are in effect being undertaken on behalf of Council. These works include clearing of the land to be landscaped and developed as parkland and demolition of the disused toilet block at the rear of the Gallery. If the cost of disposing of this refuse material is imposed by Council, it will require cost cutting in areas such as the size and type of vegetation used in the landscaping. This will reduce the overall impact of the finished project.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

The fees which are payable in relation to this request are not expected to exceed \$10,000.

Officer's Comment

Council's contribution to the total cost of the Visitor Centre and Arts precinct redevelopment is currently limited to \$50,000 with the overwhelming majority of the project being funded from non-Council sources.

The relatively modest contribution afforded to the project by waiving the tipping fees will be directly reflected in the 'final product' as any funds directed towards tipping charges will require an equivalent reduction in expenditure on landscaping, streetscape treatment or features within the non-tendered works.

200607/142 Council Decision/Officer's Recommendation

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

That Council approve the waiving tipping fees up to a maximum of \$10,000 for the disposal of refuse, not derived from tendered works, which Form or their subcontractors are required to dispose of, as a result of works undertaken in the Port Hedland Visitor Centre and Courthouse Arts Centre, in association with the Cultural Arts Precinct redevelopment.

CARRIED BY ABSOLUTE MAJORITY 6/1

11.2.2 Planning Services**11.2.2.1 *Delegated Planning Approvals for November 2006
(File No.: 18/07/0002)***

Officer Sarah Hepburn
Administration Officer
Development and
Regulatory Services

Date of Report 30 November 2006

Disclosure of Interest by Officer Nil

Summary

This item relates to the Planning Applications considered under Delegated Authority for the month of November 2006.

Background

A list of Planning Consents issued by Council's Planning Services under Delegated Authority for the month of November 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

200607/143 Council Decision/Officer's Recommendation

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

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

CARRIED 5/2

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

Record of Vote:

FOR	AGAINST
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	

ATTACHMENT TO AGENDA ITEM 11.2.1.1

2006/80	03.11.06	Massage Therapy and Facials	Andrea Sopolinski	LEIGH ANTONY ITALIANO	UNIT A & B/ 62 MORGANS ST, PH	20.06.06	40 (9)	Residential
2006/111	13.11.06	CODES VARIATION - SINGLE HOUSE - Shed addition	Planfact Architects	MAIN ROADS DEPARTMENT	1 MONKS PLACE, PH	30.08.06	40 (5)	Residential
2006/121	03.11.06	SUBDIVISION - creation x 12 Residential Lots	TAYLOR BURRELL BARNETT	DEPARTMENT OF HOUSING AND WORKS	1-17 CONE PLACE, SH	15.09.06	42	Residential
2006/125	03.11.06	SUBDIVISION - creation of 18 residential lots	Taylor Burrell Barnett - Roger Stein	DEPARTMENT OF HOUSING AND WORKS	28 ACACIA WAY, SH	02.10.06	42	Residential
2006/127	09.11.06	MOTORVEHICLE AND/OR MARINE REPAIR - Bunded concrete pad to accommodate 1 car hoist with covered roof	S.R. Martin Building	MANDAY INVESTMENTS PTY LTD	2-6 BYASS ST, SH	02.10.06	40 (1) (b)	Mixed Business
2006/133	01.12.06	STORAGE FACILITY/DEPOT/LAYDOWN AREA - patio addition to existing incidental office	Freedom Building	PILBARA TRUCKING PTY LTD	LOT 2524 GREAT NORTHERN HWY, PH	09.10.06		Other Purposes - Infrastructure
2006/141	09.11.06	SUBDIVISION - Residential creation of 60 lots	Taylor Burrell Barnett	DEPARTMENT OF HOUSING AND WORKS	19 CATAMORE CT, SH	09.10.06	42	Residential
2006/148	01.11.06	STORAGE FACILITY/DEPOT/LAYDOWN AREA - Storage Shed addition	Shidaz Pty Ltd	REBECCA ANNE & GRAEME PETER CORPS	16 HARWELL WAY, W'FIELD	31.10.06	40 (1) (a)	Industry
2006/149	01.11.06	SINGLE HOUSE - Replacement of existing storeroom and carport roof and extension to cover existing carparking bay	PILBARA CONSTRUCTIONS PTY LTD	BHP BILLITON - IRON ORE VACANT - HPP	12 BOHEMIA WAY, SH	31.10.06	40 (1) (a)	Residential
2006/150	01.11.06	SINGLE HOUSE - Replacement of existing storeroom and carport roof and extension to cover existing carparking bay	PILBARA CONSTRUCTIONS PTY LTD	BHP BILLITON BOODARIE IRON - VAC	4 BOHEMIA WAY, SH	31.10.06	40 (1) (a)	Residential
2006/151	01.11.06	SINGLE HOUSE - Replacement of existing storeroom and carport roof and extension to cover existing	PILBARA CONSTRUCTIONS PTY LTD	BHP BILLITON DIRECT REDUCED IRON PTY LTD	6 CADJIBUT WAY, SH	31.10.06	40 (1) (a)	Residential

		carparking bay						
2006/152	01.11.06	SINGLE HOUSE - Replacement of existing storeroom and carport roof and extension to cover existing carparking bay	PILBARA CONSTRUCTIONS PTY LTD	BHP BILLITON IRON ORE PTY LTD	23 BOHEMIA WAY, SH	31.10.06	40 (1) (a)	Residential
2006/153	01.11.06	SINGLE HOUSE - Replacement of existing storeroom and carport roof and extension to cover existing ca	PILBARA CONSTRUCTIONS PTY LTD	BHP BILLITON IRON ORE PTY LTD	8 BOHEMIA WAY, SH	31.10.06	40 (1) (a)	Residential
2006/154	01.11.06	SINGLE HOUSE - Replacement of existing storeroom and carport roof and extension to cover existing ca	PILBARA CONSTRUCTIONS PTY LTD	BHP BILLITON IRON ORE PTY LTD	10 BOHEMIA WAY, SH	31.10.06	40 (1) (a)	Residential
2006/155	07.11.06	SINGLE HOUSE - Storage Shed Addition	GARY FRANK ANDERSON	GARY FRANK ANDERSON	30 STEAMER AV, SH	06.11.06	40 (5)	Residential
2006/156	24.11.06	HOTEL - beer garden extension	Goldland Pty Ltd (Mr G. Elson)	KILDARE ENTERPRISES P/L	LOT 944 GREAT NORTHERN HWY, PH	10.11.06	40 (1) (b)	Tourism
2006/158	14.11.06	GROUPED DWELLING - Patio addition	KENNETH ALLAN REYNOLDS	KENNETH ALLAN REYNOLDS	UNIT A & B/ 63 KINGSMILL ST, PH	08.11.06	40 (1) (b)	Residential
2006/159	24.11.06	GROUPED DWELLING - additional dwelling	DAVID JOHN and LORETTA MAY ESSEX	DAVID JOHN and LORETTA MAY ESSEX	50 KINGSMILL ST, PH	14.11.06	40 (5)	Residential
2006/166	24.11.06	SINGLE HOUSE - carport extension	Rick Hockey	RICHARD JOHN HOCKEY	7 CRAIG ST, PH	16.11.06	40 (4)	Residential
2006/178	30.11.06	Single house - Shed and carport addition.	Shane Ginbey @ Kingsmill Enterprises	GAYE LYNNE STEPHENS	56 GREENFIELD ST, BOODARIE	30.11.06	40 (1) (a)	Rural Residential

5:56 pm Councillor G J Daccache declared a financial interest in Agenda Item 11.2.2.2 'Proposed Road Closure of Portion of Whim Creek Road' as he owns shares in FMG. Councillor G J Daccache left the room.

11.2.2.2 Proposed Road Closure of Portion of Whim Creek Road (File No.: 30/17/0001)

Officer Andrew Patterson
Planning Officer

Date of Report 9 November 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Team 45: The Pilbara Iron Ore & Infrastructure Project to close a portion of Whim Creek Road.

The point of origin for the proposed road closure is the intersection with the BHP Rail Depot Access Road, and the point of termination being the intersection with Boodarie Drive (the HBI Access Road – see attachment 2).

Background

Whim Creek Road is an unsealed, gazetted road originating at the Great Northern Highway and extending 78.85 km through Munda Station towards Karratha.

The applicant has requested that this portion of the road be closed to avoid traffic safety concerns arising with the construction of the FMG rail loop in this area.

Train lengths on the FMG rail line are expected to reach 2.73 km, and during unloading, the trains will extend up to 100 metres beyond Whim Creek Road, leading to extensive delays for road traffic. In addition, slow and intermittent train speeds when entering and leaving the unloading facility will lead to additional traffic management and safety issues.

It is noted that the existing road network would not be significantly compromised by this road closure and only access to FMG lease areas would be restricted with this road closure.

Should Council support this application and the Minister agree to the road closure, the applicant undertakes to rip the entire length of the closure to allow vegetation regrowth and rehabilitation.

Consultation

Section 58 (3) of the *Land Administration Act 1997* requires that, prior to requesting that the Minister close a road, the local authority advertise the proposal in a local newspaper with a public submission period not less than 35 days.

In addition, it is recommended that signs be placed at either end of proposed closure with request for submissions regarding the proposed closure.

Engineering Services have not objected to this proposal.

Statutory Implications

Section 58 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998* establish the procedure for closing a road.

The Town of Port Hedland Delegation 40 (12) states:

“The Director Regulatory and Community may forward Road Closure Applications direct to the Department of Land Administration in the event of:

- (i) there being no comment received during the statutory advertising period; and*
- (ii) the proposal being of an uncontentious nature.”*

The date of Council's adoption of the Road Closure Action following conclusion of the advertising period shall be the date of the next Council Ordinary Meeting.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

No fees have been submitted with this application, and a relevant condition is included in the Officer's Recommendation requiring the payment of \$110 application fee to be deposited into account 1006326 – Town Planning Fees. In addition, at the close of the submission period, should the application be supported, an additional \$165 fee will be required in accordance with Council's Fees and Charges.

As this is a local road, Council is currently responsible for its care and maintenance. Should the road be closed, Council will no longer be responsible for its maintenance.

Officer's Comment

Anecdotal evidence suggests that this portion of Whim Creek Road is currently underutilised. It is also noted that the intersection with the HBI Access Road is signposted with a "Road Closed" sign, although this appears to be an unauthorised sign as the road is not officially closed.

Once the FMG rail line is constructed, the road will be effectively cut for normal traffic use and it is considered that this road closure is an appropriate response to this rail development.

In order to ensure adequate public consultation, it is recommended that in addition to the required newspaper advertising, signs advertising the proposed closure are also placed at both closure points.

200607/144 Council Decision/Officer's Recommendation

Moved: Cr S F Sear **Seconded:** Cr J M Gillingham

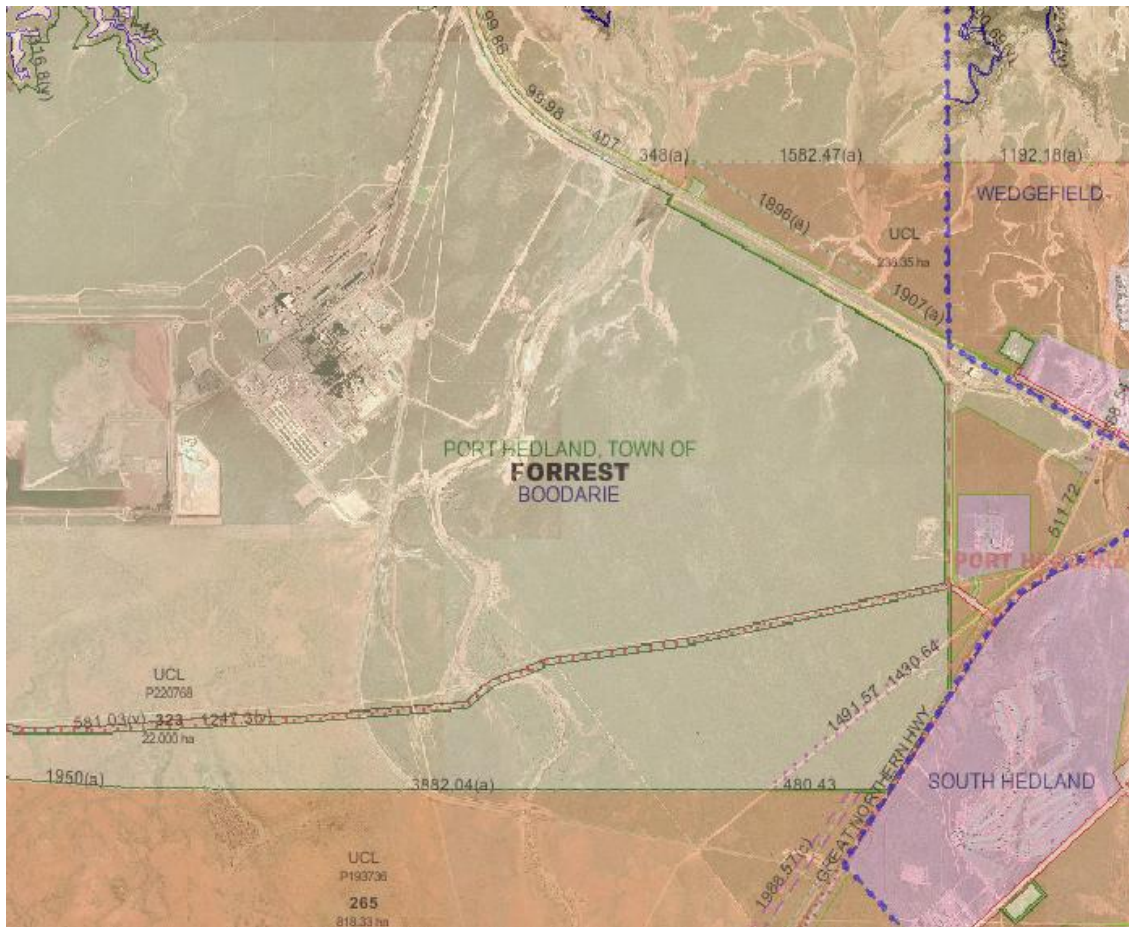
That Council request the Minister for Planning and Infrastructure to permanently close the portion of Whim Creek Road Boodarie indicated on the plans dated 23 October 2006, subject to:

- i) the proposed road closure being advertised in accordance with s. 58 (3) of the *Land Administration Act 1997*;**
- ii) signs advertising the proposal being placed at both ends of the proposed road closure;**
- iii) any easements required by service providers being provided at no cost;**
- iv) the road closure being at no cost to Council; and**
- v) payment of Planning Fees in accordance with Council's Schedule of Fees and Charges.**

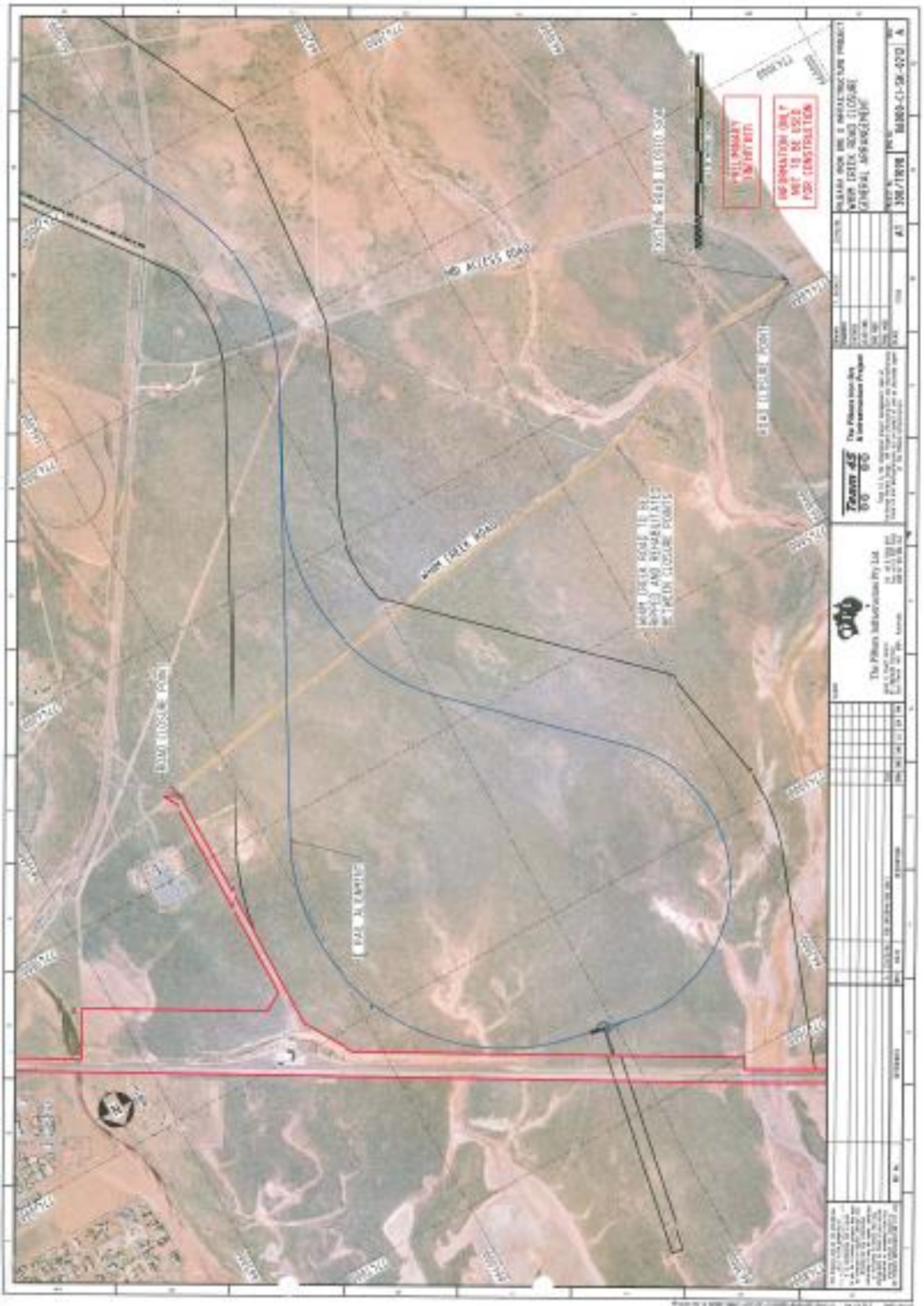
CARRIED 5/1

5:58pm Councillor G J Daccache reentered the room and assumed his chair. Deputy Mayor advised Councillor Daccache of Council's decision.

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.2



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.2



11.2.2.3 Proposed Office at Lot 1413 Wilson Street Port Hedland (File No.: 118330G)

Officer Andrew Patterson
Planning Officer

Date of Report 27 November 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Freo Constructions on behalf of the landowner, Sabrechief Pty Ltd, to construct a two-storey office/lunchroom at Lot 1413 Wilson Street Port Hedland to service their existing workshop.

The land consists of 3,779 m² and is zoned "Industry" in the Town of Port Hedland Town Planning Scheme No. 5 (TPS 5). The use "Office" is listed as an "IP" use on the TPS 5 zoning table.

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

Background

The applicant is proposing to construct a 17.95 m x 6.2 m x 5.5 m, two-storey office building with lunchroom facilities to service the existing workshop, with the existing office to be relocated behind the building line and to the side of the workshop.

The existing workshop comprises 375 m² and was approved for "steel fabrication" on 23/03/1984. This use would be assessed as "Industry – General" under TPS 5 and the use is therefore not assessed to have changed.

The parking requirements for "Industry – General" comprise 1 bay per 100 m² unenclosed space, and 1 bay per 50 m² enclosed space or 1 bay per employee, whichever is greater. The required number of parking bays is therefore calculated as:

Workshop (375 m ²):	7 bays
Rear Yard (approx. 1200 m ²):	12 bays
Total:	19 bays

The submitted site plan identifies ten (10) parking bays, including one (1) disabled bay, a shortfall of nine (9) bays. The applicant has advised that their total staff comprises ten (10) persons, of which only four (4) work onsite. As this business is a crane hire services, visitors to the site are rare and therefore few parking bays are required.

This application complies with section 6.7.8 of TPS 5 that lists requirements for development in Industry zones.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 zones the land "Industry" and lists "Office" as an "IP" use on the zoning table.

As an "IP" use, Council is only to approve the proposed Office if it decides that this use is incidental to the predominant use of the land.

Policy Implications

Policy 9/005 – Crossovers requires that all crossovers be constructed to Engineering Services specifications. An appropriate condition is included in the Officer's recommendation requiring the sealing of the two existing crossovers to Wilson Street.

Strategic Planning Implications

Nil.

Budget Implications

Application fees of \$402.50 have been received and deposited into account 1006326 – Town Planning Fees, reflecting an estimated development cost of \$175 000.

Officer's Comment

As an office is generally considered to be a legitimate incidental use for a site predominantly used for general industry, it is recommended that this application be approved, subject to standard conditions.

With regard to the reduced number of parking bays, Council may permit fewer parking bays than required by TPS 5 pursuant to section 6.13.5 where it considers this will not result in the lowering of safety standards. Should parking become an issue with this lot however, due to a change in business operations, Council may require the provision of additional parking bays pursuant to 6.13.6 of TPS 5.

As Council has to option to require additional bays at a later date, and as there is sufficient land on which to construct these bays, is it considered justifiable in permitting the fewer bays as per the application until such time as Council requires additional parking bays.

200607/145 Council Decision/Officer's Recommendation**Moved:** Cr A A Gear**Seconded:** Cr S F Sear

That Planning Consent be granted to Freo Constructions on behalf of SabreChief Pty Ltd for an office at lot 1413 Wilson Street Port Hedland as outlined in the Application received 8 September 2006 (Application No. 2006/) and indicated on the approved plans, subject to the following conditions:

GENERAL

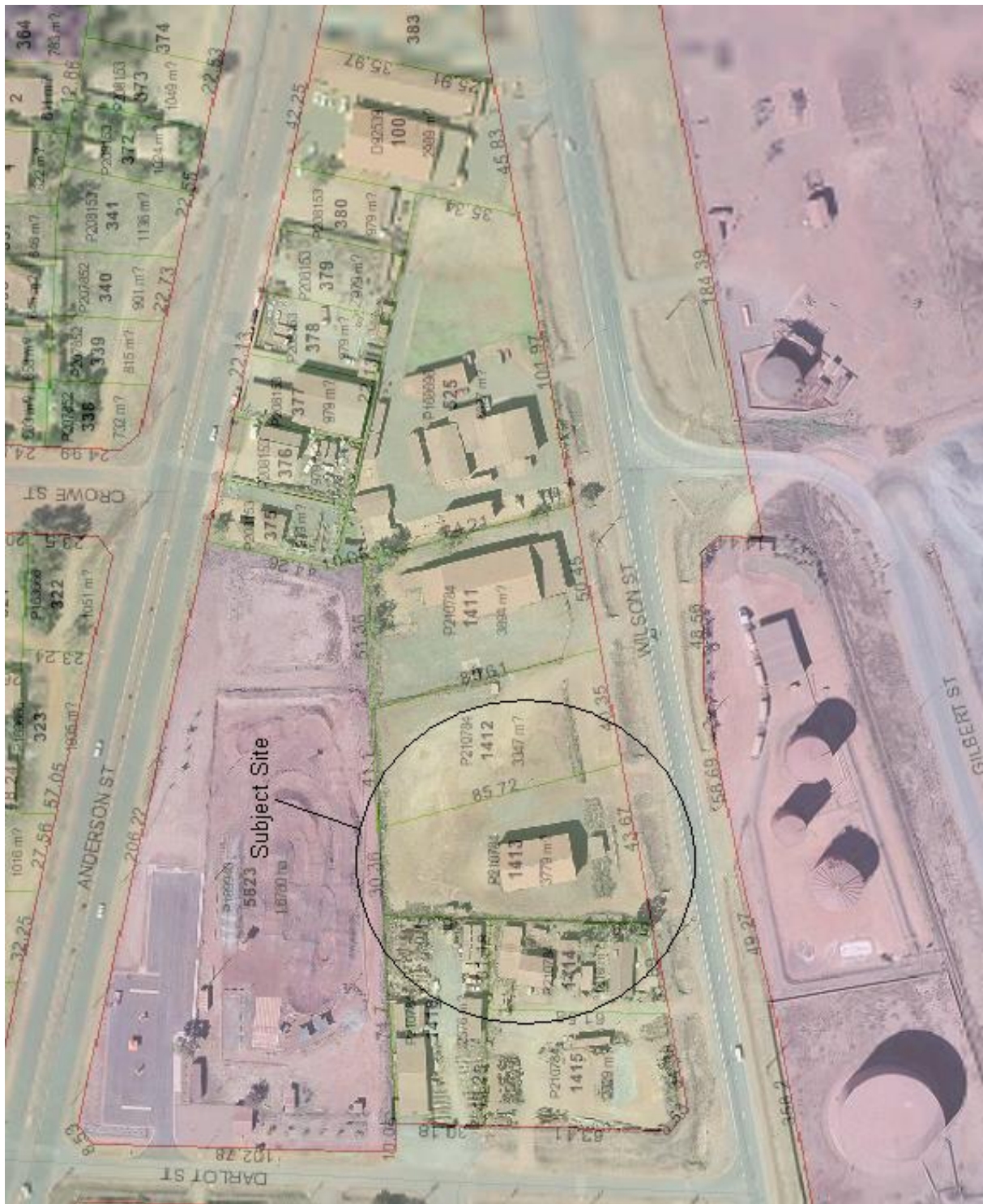
- a) A Building Licence to be issued prior to the commencement of any on site works (BS).
- b) No materials to be stored in the front setback area. This area may be used for car parking or landscaping only.
- c) Landscaping as shown on the approved plans to be established to the satisfaction of Council's Manager Planning (PS).
- d) A minimum of nineteen (19) car parking spaces are to be provided in conjunction with the proposed development in accordance with Appendix 7 of Council's Town Planning Scheme No.5.
- e) 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 (ES).
- f) The approved landscaping plan to be implemented and maintained at all times to the satisfaction of the Manager Planning (PS).
- g) This approval does not permit residential habitation within the office at any time.
- h) The proposed development shall be connected to reticulated mains sewer.
- i) All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning.
- j) The developer is to seal all crossovers to Wilson Street in accordance with Town of Port Hedland Policy 9/005 - Crossovers.

ADVICE TO DEVELOPER

- k) With regard to condition 4, pursuant to section 6.13.5 of Town Planning Scheme No. 5, Council is prepared to approve the site plan showing ten (10) parking bays. The applicant is further advised that, pursuant to section 6.13.6 of Town Planning Scheme No. 5, Council may require that additional car parking bays be constructed at a later date in order to maintain desirable safety, convenience or amenity standards.**
- l) 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).**
- m) 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).**
- n) The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
- o) 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**

CARRIED 7/0

ATTACHMENT TO AGENDA ITEM 11.2.2.3



**11.2.2.4 Proposed Liquid Waste Transfer Facility at Lot 2
Forrest Location 126 Port Hedland (File No.:
129011G)**

Officer	Andrew Patterson Planning Officer
Date of Report	27 November 2006
Disclosure of Interest by Officer	Nil

Summary

Council has received an application from Planning Solutions on behalf of Transpacific Industries Pty Ltd, who are the owners of Nationwide Oil who are the proposed operators of this site, to construct a liquid waste transfer facility at lot 2 Forrest Location Port Hedland. The subject land is owned by "ATF The Buckley Family Trust."

This lot comprises 30.058 ha and is zoned "Rural" in the Town of Port Hedland Town Planning Scheme No. 5 (TPS 5).

"Industry – Noxious" is listed as an "SA" use on the TPS 5 zoning table. Delegated Officers have the authority to determine "SA" uses however this item is referred for Council consideration due to the potentially controversial nature of the proposed development.

Background

Council received this application on 24/07/2006 and, following requests for additional information and initial internal and external consultation, this item is presented for Council consideration.

The applicant proposes to construct a liquid waste transfer facility capable of processing a maximum 5 million litres of waste oil and 150 tonnes solid waste per annum. The liquid waste will comprise approximately 90% oil with the water being separated out of the waste via settling tanks and mild heating where required. Extracted water will be used for dust suppression or transported to a licensed treatment or disposal site. Treated oil is to be stored on site and transported via road-train to treatment facilities in Kalgoorlie once or twice a week as required.

The site plan of the proposed facility is attached (attachment 2) to this report, however specific details such as setbacks and elevations are yet to be supplied to the Town of Port Hedland.

The applicant has advised that, as the facility will require Department of Environment and Conservation (DEC) registration, the ultimate design will not be finalised until the required works order is issued by DEC, accommodating any additional requirements or modifications.

The applicant has advised that all waste is to be stored in sealed tanks or silos with no evaporation ponds or incineration planned for the site.

Planning Assessment

The applicant presents a case that this site is ideally suited for this use for the following reasons:

1. The site is located in an area of non-sensitive rural and industrial uses
2. The site has good access to the Great Northern Highway via an "established constructed road."
3. The proposed use "does not represent a significant departure from, or intensification of, the activities currently carried out on the premises."
4. Close proximity to major transport route will not significantly affect local amenity.
5. The facility would provide a valuable service and reduce potential for illegal waste disposal.
6. The proposed use is listed as an "SA" use and is therefore appropriate in this zone.
7. The facility would promote environmentally sustainable development, promote employment and productivity through competition.

Statement 1 claims that the proposed site does not contain any non-sensitive uses, however it is noted that in addition to being located adjacent to Tjalku Wara Community, it also currently supports a number of dwellings that are significantly closer to the proposed development site.

The subject lot recently received approval for a storage facility/depot/laydown area and is registered under the *Environmental Protection Regulations 1987* for Metal Coating, Fibreglass Reinforced Plastic Manufacturing and Abrasive Blasting Operations. While these existing uses may not be inappropriate in a Rural zone, there are significant planning concerns that additional industrial uses on the subject land will change the use of the area from Rural to predominantly Industrial.

Statement 2 refers to the existing road connection to the Great Northern Highway as illustrated on the attached aerial photograph (attachment 1). Investigation of this track has revealed that it is constructed across a portion of the Pippingarra Pastoral lease and unallocated Crown land.

The Department of Planning and Infrastructure (State Land Services) has confirmed verbally that this track is unauthorised and unlikely to be formalised as Lot 2 currently accesses the Great Northern Highway via Twelve Mile Creek Road and Drover's Rest. Regardless of the outcome of this application, Town of Port Hedland staff are investigating this matter and will take appropriate action.

Statement 3 claims that this development would not significantly intensify existing land uses on the site. It is noted that this land is zoned "Rural" and that, notwithstanding that each individual use could be considered appropriate in such a zone, the intensification of industrial uses could be considered to be fundamentally altering the use to a predominantly industrial site.

Notwithstanding that Council can consider the proposed use, it does not necessarily follow that an "SA" use should be approved. This lot is zoned "Rural" and while some industrial uses are appropriate in rural zone, the predominant use of the overall site should retain the character or its current zoning.

Statement 4 refers to the need for such a land use to be located in close proximity to major transport routes. With regard to this claim, this site *may* be considered appropriate, as it would reduce the number of tankers travelling through urbanised areas.

Statement 5 refers to the proposed use in general, emphasising the positive environmental aspects of such a development. While it is not disputed that providing convenient access to waste oil recycling, this benefit is not specific to the proposed site and so is not considered an argument in favour of this development application.

Statement 6 notes that "Industry – Noxious" is listed as an "SA" use in a "Rural" zone and that this proposal is therefore appropriate. TPS 5 defines "Industry – Noxious" as "an industry which is subject to licensing as "Prescribed Premises" under the environmental Protection Regulations 1987 (as amended)." Included in Schedule 1 of the Environmental Protection Regulations are uses requiring regulation. This schedule contains uses that would be inappropriate on the proposed site, such as chemical manufacturing, biomedical incineration and landfill. The applicant's argument then that this application should be considered as it is listed as an "SA" use is not supported as there is a number of "Industry – Noxious" uses that would not be supported under any circumstances.

Statement 7 relates to the opportunities for growth and the opportunity of moving towards achieving environmentally sustainable goals with this development. None of these claims are disputed, however it is not demonstrated how these goals are specific to the proposed site.

Other Planning Issues

It is noted that the Certificate of Title included in the application includes in the Second Schedule a memorial (H358360) registered 9/02/00. This memorial is not addressed in the application, and the Town of Port Hedland has been advised by the DPI (State Land Services) on 22 November 2006 that this memorial is registered as:

HAZARDS OR OTHER FACTORS SERIOUSLY AFFECTING THE LAND

The newly created Lot 2 may be affected by the periodic flooding of Beebingarra Creek.

It is noted that potential flooding events from the adjacent creek are not addressed and, notwithstanding that this would be addressed with DEC assessment and monitoring, further investigation should also be addressed prior to issuing any planning approval.

Council has previously noted concerns with ad-hoc industrial development outside "Industry" zoned land (in particular, see item 10.1.3.4 of Minutes of Council's Ordinary Meeting held 26 October 2006). As this development proposes intensification of industrial development on a rural lot, notwithstanding that each individual use may be appropriate in a rural zone, this proposal could be assessed as incompatible with the rural character of this locality.

Other Compliance Issues

While not directly related to this application, this lot is currently under active investigation for possible breaches of TPS 5 including but not limited to:

- Letter from Council dated 3 June 2004 identifying the requirement to formalise existing unauthorised development located on the site – no response to this letter on file.
- Approval for a Storage Facility/Depot/Laydown Area at this lot approved under delegated authority contained the following condition:

"5. Prior to occupation of the Storage Facility/Depot/Laydown Area – Roadtrain Depot Building, the applicant is to apply for and obtain planning approval for all other development on the lot."

A site visit conducted on 16 November 2006 indicates that the approved depot is occupied and being used without the required planning approval of all unauthorised structures on site. During this site visit, it has also been determined that a number of storage tanks and other material are being stored on site without being adequately secured. A number of sea containers have also been located on this lot without required planning or building approval.

As these items appear to be intended for the liquid waste facility, the applicant may be assessed as having commenced development without any of the required approvals.

Consultation

Internal

Environmental Health Services have objected to the proposal and raised the following concerns:

- An appropriate buffer zone would need to be established to prevent future developments within close proximity to this development.
- The potential for odours, noise and dust affecting Tjalku Wara (12 Mile) Community that is located relatively close to the proposed development.
- Department of Environment and Conservation approval is required for this development.
- Consideration of dust and noise generation during construction and use; approved effluent disposal system required; water to be disposed of to satisfaction of Manager Planning.

External

Council's Planning Staff met with representatives of the Tjalku Wara (12 Mile) Community on 19 September 2006 and 4 December 2006 to discuss this proposal. Community members have objected to the proposal, raising concerns with potential health impacts from odours or fumes emanating from the facility, particularly with regard to children and elderly community residents. The Tjalku Wara Community is also particularly concerned with visual amenity impacts and the potential for noise pollution.

Council Staff have met with Department of Environment and Conservation (DEC) staff and maintained regular consultation during investigation of this proposed development. The DEC have raised the following concerns with this proposed development that are addressed in detail in the Officer's Comments section of this report.

Due to the nature of this application, the Town of Port Hedland requested comment from the Care for Hedland Environmental Association. This organisation has objected to this application on the following grounds:

- Close proximity to 12 Mile Community.
- Potential for odour generation and effects on nearby residential.
- Selected site close to a known river with potential flooding and pollution events.

- Site potentially contains known threatened flora that should be assessed.

This application has been advertised in accordance with TPS 5 requirements for SA uses with a newspaper advertisement placed in the North West Telegraph on 6 September 2006.

A letter of objection has been received from the WA Country Health Service (Department of Health) and is attached to this item.

Representatives from Toxfree, who operate the waste incinerator at Wedgefield have not submitted a formal comment on this application, but have advised the Town of Port Hedland that Nationwide Oil currently lease tank space at the Schillaman Street facility and have been offered a renewed lease for this space.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 zones this land as "Rural" and lists "Industry – Noxious" as an "SA" use in this zone.

Section 6.8 of TPS 5 provides specific requirements for development within a Rural zone, however as the subject land is not subject to a development plan, none of these clauses applies specifically to this proposed development.

Schedule 1 – Prescribed Premises of the Environmental Protection Regulations 1987 lists premises that require approval prior to operation and includes:

"39 Chemical or oil recycling: premises on which waste liquid hydrocarbons or chemicals are refined, purified, reformed, separated or processed."

An occupier of a premises that operates a premises specified in Schedule 2 prior to registration commits an offence under Regulation 5B.

Policy Implications Nil

Strategic Planning Implications

KEY RESULT AREA 5 – ENVIRONMENT

Goal 2 - Natural Resources

That the Town of Port Hedland is managing its unique environment and using its resources sustainably.

Strategy 6 - Advocate for the provision of additional State Government resources to coordinate efforts on environment related matters and monitor compliance of environmental conditions that have been set on businesses, industry and the general community.

Budget Implications

Application fee of \$1035 have been received and deposited into account 1006326 – Town Planning Fees, reflecting an estimated development cost of \$450,000.

Officer's Comment

This application has been the subject of consultation and investigation prior to being presented to Council for determination to ensure all relevant information could be collected and assessed.

On the basis of the information provided, it is the opinion of Planning Services that the applicant has not demonstrated that this proposal is in the interests of proper and orderly planning as the proposed use is incompatible with existing residential development adjacent to, and contained within the lot. In addition, the noted potential for flooding on this land is not addressed, despite the memorial noted on the Certificate of Title, which, given the nature of the proposal is a significant omission.

It is acknowledged that a liquid waste transfer facility is a desirable development in Port Hedland to provide additional resources to treat and recycle waste oil. It is also acknowledged that locating appropriate land is a difficult task in the current market environment.

Should Council determine that this is a desirable development and that the proposed site is suitable for the proposed use, it is recommended that conditions be imposed requiring detailed studies reporting on potential odour or health impacts generated by such a development.

In addition, should Council support this application, the applicant should formally assess potential flooding issues and ensure the development would be adequately protected in a flood event.

Officer's Recommendation

That:

- i) Planning Consent be REFUSED to Planning Solutions Pty Ltd on behalf of ATF the Buckley Family Trust for the construction of a Liquid Waste Transfer Facility at lot 2 Forrest Location 126 Port Hedland as outlined in the Application received 24/07/2006 (Application No. 2006/89) as the proposed development is not consistent with proper and orderly planning;
- ii) the applicant be advised in writing of this resolution; and
- iii) Council's Chief Executive Officer investigate and resolve all outstanding planning matters associated with Lot 2 Forrest Location 126 including potential legal action.

NOTE: SIMPLE MAJORITY VOTE REQUIRED

200607/146 Council Decision

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

That:

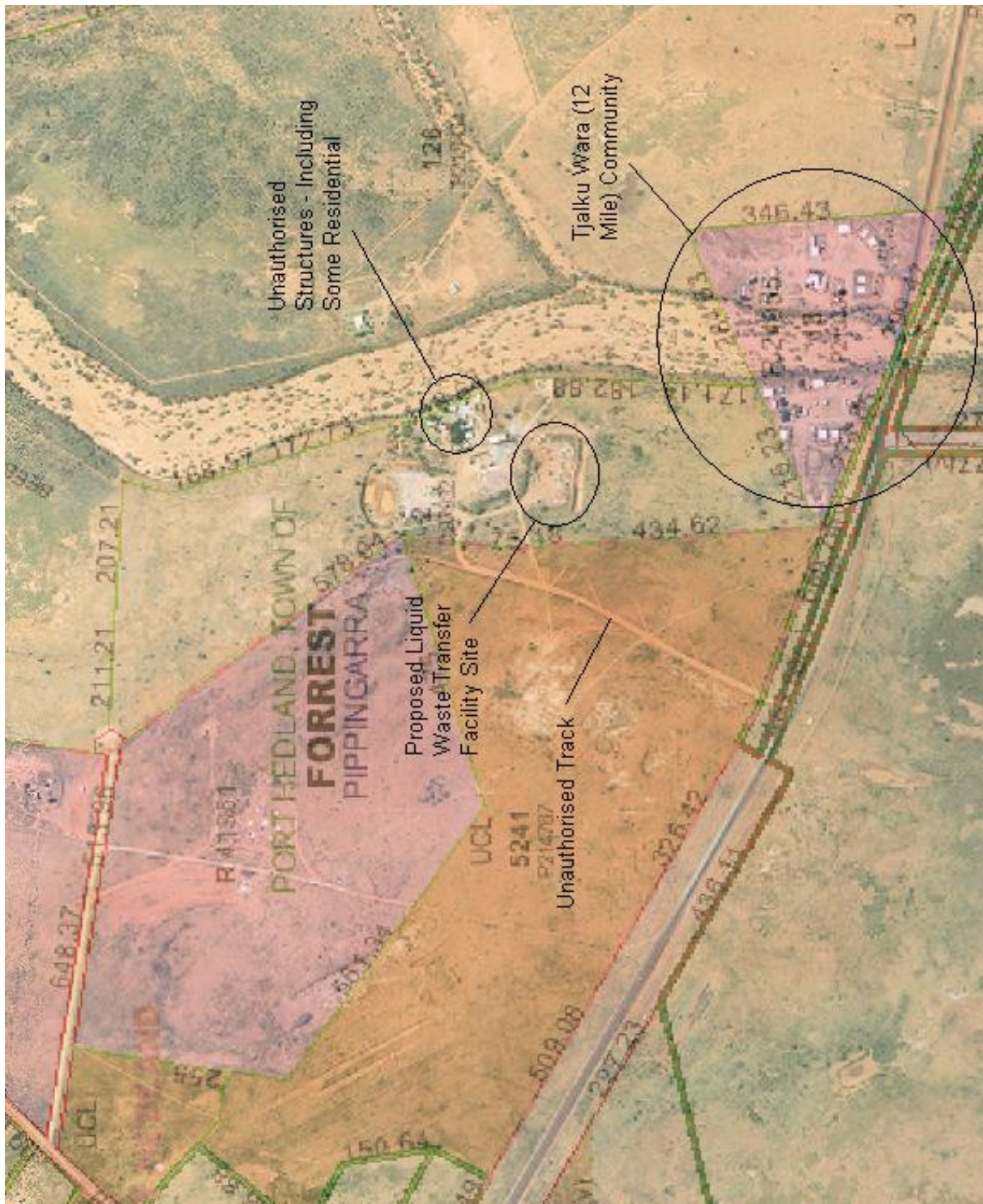
- i) **Planning Consent be REFUSED to Planning Solutions Pty Ltd on behalf of ATF the Buckley Family Trust for the construction of a Liquid Waste Transfer Facility at lot 2 Forrest Location 126 Port Hedland as outlined in the Application received 24/07/2006 (Application No. 2006/89) for the following reasons:**
 - a) **the proposed development is not consistent with proper and orderly planning of the locality;**
 - b) **an alternative sites are is available being the Boodarie Strategic Industrial zone**
 - c) **objections lodged by representatives of the adjacent indigenous community (Tjalka Wara); and**
- ii) **the Chief Executive Officer investigate and resolve all outstanding planning and building matters associated with lot 2 Forrest Location 126 including potential legal action.**

CARRIED 7/0

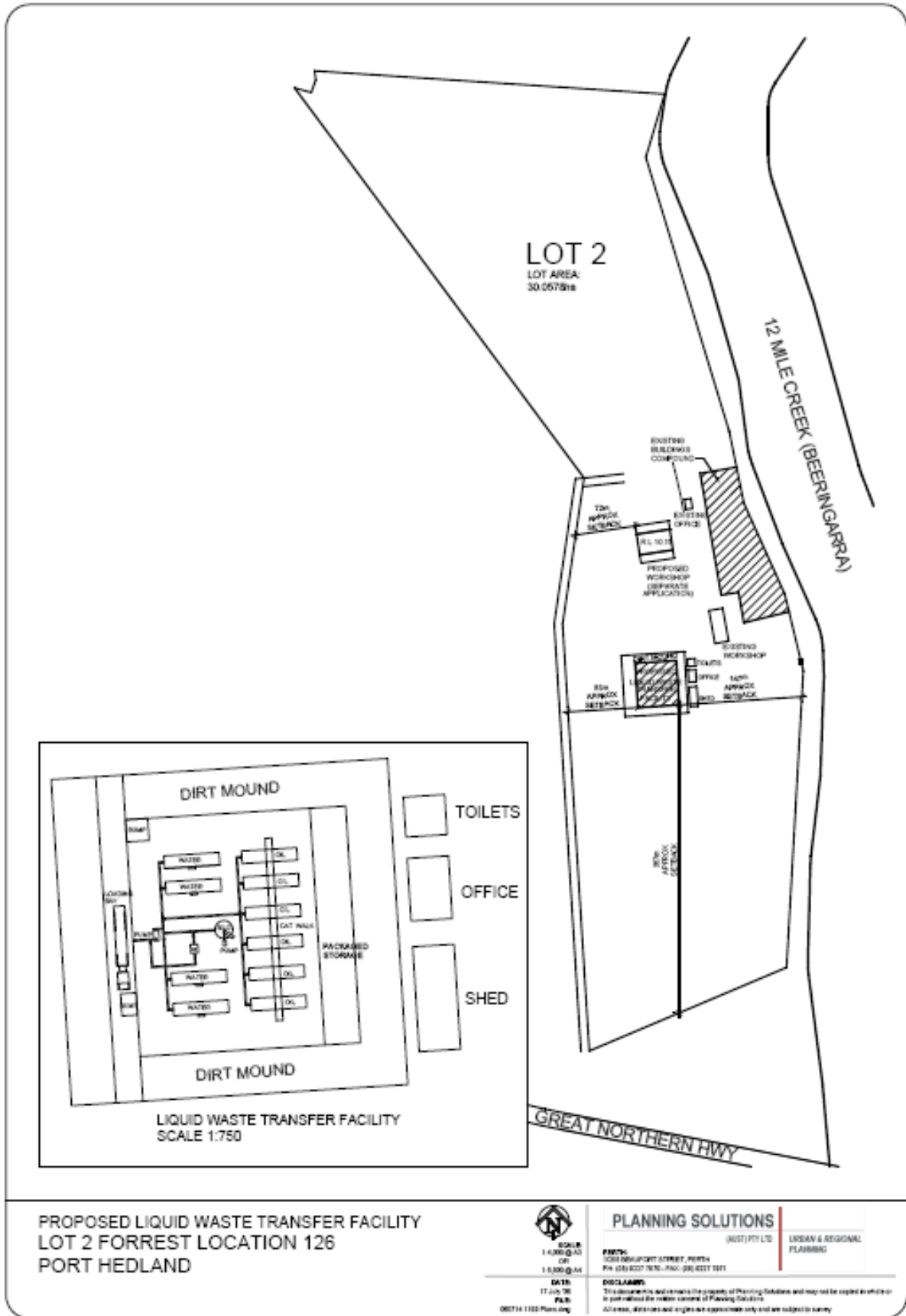
REASON: Council refused the application as -

- a) the proposed development is not consistent with proper and orderly planning of the locality;*
- b) an alternative site is available at the Boodarie Strategic Industrial zone; and*
- c) objections were lodged.*

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.4



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.4



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.4



WA Country Health Service
Government of Western Australia
Pilbara

Town of Port Hedland
PO Box 41
Port Hedland
6721

30/11/2006

ATT: Manager Planning Services, Mr Richard Bairstow

**RE: Application for Approval to Commence Development
Lot 2 Forrest Location 126 Port Hedland
Proposed Liquid Waste Transfer Facility**

Dear Richard

Thank you for the information regarding this application and we are responding as a service provider to the community at Tjalku Wara. Our unit has both staff working and clients living at the Tjalku Wara site.

While the proposal is to be commended for planning to implement a responsible process for waste minimisation, resource recovery and recycling, there are numerous concerns that have been expressed by our department. The following dot points cover 2 areas firstly the community of Tjalku Wara as a residential and employment site and the second is the use of the proposed existing business is outside the current land use plans as set by the Town of Port Hedland.

These are as follows:

- Proximity to local residents (page 7 'sufficiently isolated from residential areas') The site backs onto the Tjalku Wara reserve and residential houses are only approximately 400 metres from TransPacific industries. Because of this we have concerns that it is not ' sufficiently isolated from residential areas.
- The type of 'liquid' to be processed/ transferred on the site is highly flammable and toxic - industrial oils and benzenes.
- The site is immediately adjacent to 12 Mile Creek/flood plain/ with potential to discharge to sea.
- Existing 'residential' dwellings on the site, how many and is this approved?
- What proposals exist for future 'residential' dwellings on the site?
- Provision/responsibility for monitoring the site and proposed activity – who is responsible?
- Prevailing winds from the proposed site
- Increased road use and dust blowing to Tjalku Wara
- The amount of works already under construction when no application has been approved.
- Contingencies for fire/combustion control
- Contingencies for spillage
- Proposed/projected amounts of water usage
- Creation of toxic industrial area outside of existing council proposals- ie designated Boodarie Industrial Site
- Current access to land – zoned for this purpose – in Wedgefield
- Current retrospective council applications for existing uses indicate lack of site control and monitoring

WA Country Health Service - Pilbara Gascoyne
PO Box 117, Port Hedland WA 6721
Telephone - (08) 9158 1420 Facsimile - (08) 91731551
ABN - 28 680 145 816

2

- Current Rural zoning
- Duty of Care by Town of Port Hedland to existing residents.

We would like these concerns to be tabled at the relevant council meeting/s and trust that you will keep us informed of any changes/progress to the application as well as new information as it becomes available.

Yours Sincerely

Matthew Ravenscroft
Manager
&
Zabia Chmielewski
Home and Community Care Project Officer

Pilbara Community and Aged Care Services

9159 1420

0439 929 585

11.2.3 Environmental Health Services**11.2.3.1 *Emergency Overflow Camping Area (File No.: 25/10/0001)***

Officer Darryal Eastwell
Manager Environmental
Health Services

Date of Report 5 December 2006

Disclosure of Interest by Officer Nil

Summary

A report into possible sites to be used for emergency overflow camping areas in the Town of Port Hedland, providing additional information as requested by Council at its meeting of 25 October 2006.

Background

Councils Environmental Health Service reported to Council at its Ordinary Meeting held on 25 October 2006, on possible emergency overflow camping areas in the Town of Port Hedland that would alleviate the demand for such accommodation that is expected following the closure of the South Hedland Caravan Park.

The investigation was undertaken for provision of 25-30 campsites that could be utilised if all existing Parks were full, based on the following criteria: -

1. Provision of adequate toilet facilities including showers supplied with hot water.
2. Provision of adequate drinking water supply.
3. Provision of a reasonable amount of area to accommodate campers.
4. Provision of reasonable facilities for the recreation of campers.
5. If a caretaker was in close proximity for security purposes.
6. A location that would not disadvantage an existing business.
7. Permitting camping would not create possible disturbance to existing residences.
8. Provision of Public Liability Insurance.
9. Minimum disturbance to the existing use.

Consultation

The following sites were considered bearing in mind the above criteria.

- Port Hedland Golf Club
- Port Hedland Turf Club Grounds

- Motor-Cross Grounds
- Marie Marland Reserve
- Kevin Scott Reserve
- Airport
- Pretty Pool Public Toilet Area
- JD Hardie Centre
- Cook Point Recreation Club

Based on their compliance with these criteria a more detailed assessment of The Port Hedland Golf course and The Port Hedland Turf Club was undertaken.

Port Hedland Golf Course

Advantages:

- The golf course has adequate toilet facilities including showers with hot water. The toilet facilities can be isolated from the rest of the club rooms
- There is a drinking water supply.
- Reasonable land area to cater for campers.
- A bar with meal facilities is available at certain times.
- The Golf Course Manager lives on site and could act as the caretaker.
- The Golf Course is located in an area that would not disadvantage existing businesses.
- Would not cause a disturbance to existing residences.
- The golf course would have public liability insurance and the insurer would have to be advised of the activity and give its approval.
- There would be minimum disturbance to the existing use and the Golf Club may gain from extra green fee players.

Disadvantage:

- Until the proposed camping area is grassed it will be quite dusty.

Port Hedland Turf Club

Advantages:

- The Turf club has toilet facilities and showers could be made available with hot water supply.
- There is mains water supply
- There is a reasonable amount of area available to accommodate campers.
- Campers could carry out recreational activities on the oval.
- The turf club would need to be advised of the activity and give its approval.

Disadvantages:

- A caretaker does not live on site

- The location may disadvantage existing businesses due to its location close to the Towns facilities (pool and shops). Travellers may prefer to camp close to the Town's facilities instead of the local caravan parks.
- Permitting camping could possibly create a disturbance to existing residences in the area by virtue of noise.
- Sites would be unavailable when the Turf Club holds its race meetings.

In view of these considerations it is considered that the Golf Club would be the most appropriate location.

Initial contact with the Port Hedland Golf Club indicated some interest in the proposal.

Statutory Implications

Under regulation 54 of the Caravan Parks and Camping Grounds Regulation 1997 a Local Government may approve a conditional Temporary License for overflow camping purposes.

In granting such a license a local authority is to be mindful of basic health and safety requirements.

The license is to be renewed annually.

Policy Implications

Nil

Strategic Planning Implications

The planning of future caravan park sites will be addressed in the Land Use Master Plan

Budget Implications

Under Schedule 3 - Fees of the Caravan Parks and Camping Ground Regulations 1997 Council could charge a minimum of \$100 for the granting a temporary license.

Officer's Comment

The proposal will provide additional campsites but will not adversely impact on existing businesses, as camping will only be permitted if the existing parks are fully occupied. The current caravan park operators can refer customers to the facility as they decline the business. This is quite common in other locations.

Although Council will need to grant a licence to enable the Golf Club to operate an overflow camping facility, it will have no input into the setting of the fees for the sites or any other services.

These would be determined in line with the market within the region, allowing for the fact that the facilities, while adequate, will not be of the highest standard.

Monitoring of service and facility standards will be undertaken in accordance with Council's standard inspection/risk assessment regimen, which includes a requirement to keep a register so it will be relatively simple to ensure that the facility is not used for long-term accommodation.

Should the facility not operate at the required standard, or to the detriment of an existing licensed camping facility it is a simple matter for Council to choose not to renew the licence.

200607/147 Council Decision/Officer's Recommendation

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

That:

- i) **Council permits the granting of a Temporary Licence allowing camping at the Port Hedland Golf Club for a maximum of thirty (30) sites during the period 1 March 2007 to 31 October 2007; and,**
- ii) **Council reviews the issue of the Temporary Licence on an annual basis.**

CARRIED 7/0

11.2.4 Community Services**11.2.4.1 Alliance Small Grants Scheme : Funding Round 2
(File No.: 15/01/0001)**

Officer Terry Sargent
Director Community and
Regulatory Services

Date of Report 4 December 2006

Disclosure of Interest by Officer Nil

Summary

The Alliance Advisory Committee met on 29 November 2006 and assessed the second round of small grant applications. It has made recommendations for funding under the scheme.

Background

The Alliance Agreement between BHP Billiton Iron Ore and the Town of Port Hedland provides for \$30,000 to be made available in 2006/2007 for small grants which accord with the Alliance's stated purpose of "developing, supporting and promoting the arts, heritage and cultural activities, facilities, events and related organisations" in the Town of Port Hedland.

The agreement also defines the role of the Advisory Committee as "...recommending suitable events and programmes for Alliance support."

Three (3) applications were received and assessed by the Advisory Committee in the second funding round, which closed on 24 November 2006. These were:

- Port Hedland Historical Society – requesting \$1,000 for documentation and preservation of local history materials. The project addressed all criteria and was recommended by the committee
- Hedland Toy Library – requesting \$1,000 for the purchase of games and puzzles, which educate about cultures found in Port Hedland. The project did not meet the funding criteria so it was not recommended for approval.
- Mr David Hooper - requesting \$1,000 towards costs associated with the Mudflat Exhibition that will be held in association with the reopening of the Courthouse Art Gallery. The application did not meet the project funding criteria, but this was seen to be mainly because of the way the application was structured and not because the concept lacked merit. The Committee resolved to contact Mr Hooper to seek an 'out of round' application which would be recommended for approval if it met the project funding criteria.

Consultation	Nil
Statutory Implications	Nil
Policy Implications	Nil
Strategic Planning Implications	Nil

Budget Implications

The total amount recommended for funding in the second funding round is \$2,000.

Officer's Comment

The Alliance Advisory Committee has recommended funding of the project which met the project funding criteria and has also recommended the applicant whose project appears to have the potential to meet those criteria should be given the opportunity to do so without having to wait until the next funding round.

Given the current circumstances in which the funds are not subject to excess demand, this seems a responsible approach to take. It affords the greatest opportunity for the funds to be used for the purposes for which they have been provided but still ensures compliance with funding criteria.

200607/148 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache **Seconded:** Cr J M Gillingham

That the payment of the Alliance Small Grants Scheme Funding Grants for Round 2 be approved, as follows:

- i) Port Hedland Historical Society – \$1,000 for documentation and preservation of local history materials; and**
- ii) Mr David Hooper - \$1,000 towards costs associated with the Mudflat Exhibition, subject to the submission of a revised application, which the Alliance Advisory Committee deems to meet the Committee's project funding criteria.**

CARRIED 7/0

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 1 December 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	New cement lintels, kerbing, reticulation and planting are now complete. Quotes are currently being obtained for the installation of seating. Contractors will commence replacement of fencing early December. Resurfacing of roads with feldspar will also commence early December.
Playgrounds	New playground equipment has now been installed at Daylesford Park by Playspace and rubber softfall surfacing laid by Rubbertough Industries.
Black Spot Funding	Designs have been received for intersection improvements at North Circular/Murdoch and North Circular/Hamilton. Currently waiting on designs for Throssell Road
Roads to Recovery Funding	Buttweld road construction preparation is now complete. Two coat seal scheduled for early December.

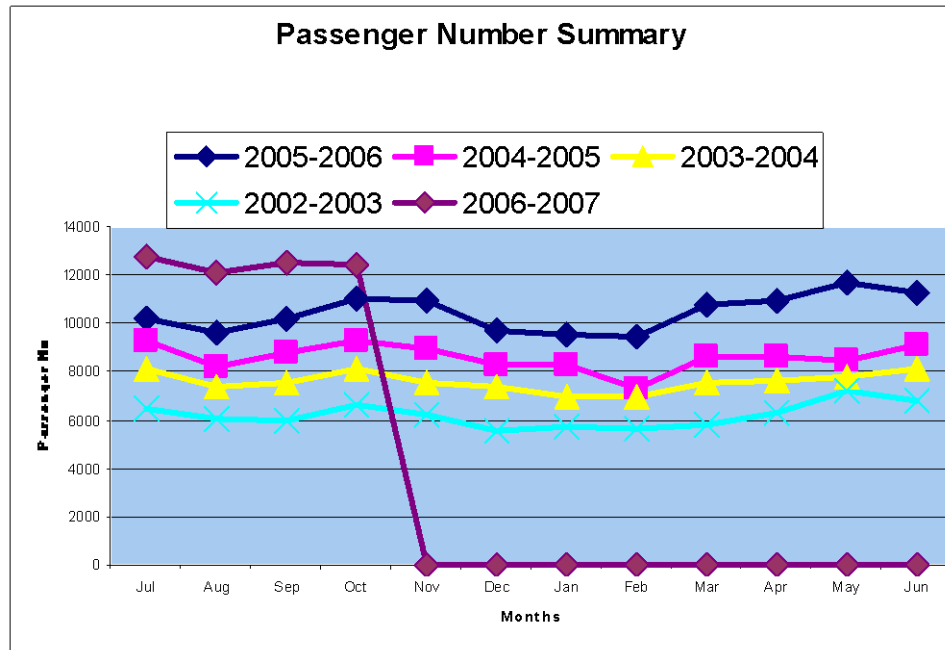
Regional Road Group Funding	Quotes currently being obtained from local contractors to extend culverts on North Circular Road. Quotes currently being obtained for the installation of guardrails on North Circular Road.
Landfill	Installation of internal 35m buffer and fire breaks now complete. Primary construction of new internal roads scheduled to commence early December.
Walkway Lighting	Horizon Power have been contracted to upgrade walkway lighting as per 06/07 walkway lighting program. Horizon Power to take over assets of lights.
Drainage Maintenance	06/07 drainage maintenance program has now commenced due to arrival of new loader/backhoe. Drainage works on Pinnacles street are now complete.
Kerbing Maintenance	Damaged kerbing has been replaced in South & Port Hedland as part of the 06/07 Kerbing Maintenance Program.
Footpath Maintenance	Trumpet and Roberts street footpath maintenance is now complete. Contractors are currently installing bridgeways over open drains on Paton Rd, Demarchie Rd and Trumpet Way in South Hedland.
Unsealed Road Maintenance	Maintenance works on Yandeyarra road are due to commence early December.
Heavy Plant Replacement	Wedge Street Sweeper, Loader/Backhoe and Tractor have all arrived at the depot. Currently obtaining interest from works crew to operate new street sweeper.
Sutherland Street Storm Damage	All works are now complete.
Depot	Washdown bay has been upgraded to meet OH&S requirements. Wheel chair access ramps have now been installed at the depot to meet Australian Standards. Quotes are currently being obtained to install a divider between Engineering Services and Ranger Services.
Wedge & Edgar street Streetscape Enhancements	Works will commence in early January.
Airport Upgrade	Landscaping and planting is now complete.
Bin Installation	Vandal proof bins are currently being installed in both Port and South Hedland to help reduce litter.

Parks and Gardens

Litter	Litter pickup on Council verges and parks average of 28 bags per day.
Tree Pruning/Lopping	As per Councils program for pre cyclone and tree maintenance.
Tree Planting	Parks and Gardens crew planted trees at the Port Hedland Cemetery.

Airport

Regular Passenger Transport Services Passenger Information as at 31 October 2006



The Bureau of Transport & Regional Economics (BTRE) have released the official aviation statistics for September for the Top 48 routes within Australia. We are still continuing to have growth with the latest report showing 27.4 percent growth from same time last year. The below table provides a comparison between the major regional airports in WA for the month of September 2006.

Route	Ranking In Aust	Pax Numbers	Available Seats	Load Factors	Major Aircraft Movements
Perth –Port Hedland	46	11927	19423	62	169
Karratha-Perth	31	25482	30906	82.5	228
Kalgoorlie-Perth	36	17730	27621	64.2	245
Broome-Perth	33	24616	31744	77.5	222

Source : BTRE September 2006

Significant Aircraft Movements

An Antonov AN124-100 arrived from Singapore to offload 100 tonne cargo destined for Woodside on 17 November before proceeding to Perth

Other

Following Airport Tenders are open for submission:

- Tender for the Apron Lighting Upgrade is advertised at the moment with the closing date being 5 January 2006 following an extension to the closing date.

200607/149 Council Decision/Officer's Recommendation

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

That Council receives the Engineering Services Report for November 2006.

CARRIED 7/0

11.3.1.2 Tender 06/30: Feasibility and Design of the Multi Purpose Sports Complex (File No.: 26/13/0001)

Officer Grant Logie
Director Engineering Services

Date of Report 28 November 2006

Disclosure of Interest by Officer Nil

Summary

This report is a summary of the tenders received for the feasibility and design of the proposed multi-purpose sports complex. The submitted tenders are broken down into two categories: the feasibility study and the design.

Background

At its Ordinary Council Meeting held 22 February 2006, Council resolved (in part) to create a Recreation Facilities Working Group to:

- “...c) consider the findings of the Recreation Facilities Audit; and*
- d) make recommendations to Council regarding the location and nature of facilities to address needs identified in the Recreation Facilities Audit...”*

The Recreation Facilities Audit was completed in August 2006, and included a recommendation for the development of a Multi-Purpose Sports Complex within the Town. As identified within the Strategic Plan, a tender was advertised for the feasibility and design of this proposed Complex, and six (6) tender bids were received by Council.

Consultation

Council's Engineering staff has reviewed all received tender bids prior to the recommendation being presented to Council.

Statutory Implications

This tender was called in accordance with the Local Government Act (1995):

- “3.57. Tenders for providing goods or services.*
- (1) A local government is required to invited tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services.*
- (2) Regulations may make provisions about tenders.”*

Policy Implications

This tender was called in accordance with Council’s procurement policy 2/015.

Strategic Planning Implications

Key Result Area 3: Community Development
 Goal 2 - Sports and Leisure
 Strategy 1. Undertake a feasibility study for the development of a new multipurpose sports facility

Budget Implications

In 2005/2006, BHP contributed \$70,000 to the Town of Port Hedland for the Recreation and Facility Feasibility Audit that was completed in August 2006. \$30,000 remained following this audit, and this has been carried over to 2006/2007.

Currently, there is \$22,019 remaining within this BHP Recreation and Leisure Facility Grant for this project, following expenditure for follow-up consultancy work with CCS Strategic Management.

Officer’s Comment

Tender bids were received from six (6) organisations:

- Donovan Payne Architects
- GHD
- James Christou and Partners Architects
- Michel Greenhalgh Architect
- Paterson Group Architects
- T & Z

Table 1 below indicates the total lump sum tender price submitted within the tender schedule. (Feasibility and Design prices were submitted separately).

Tenderer	Feasibility Price	Design Price	TOTAL
Donovan Payne Architects	\$ 45,000	\$ 74,000	\$ 119,000
GHD	\$ 93,000	\$ 970,000	\$1,063,000
James Christou and Partners Architects	\$ 90,000	\$ 954,000	\$ 1,044,000
Michel Greenhalgh Architect	\$132,000	\$ 484,000	\$ 616,000
Paterson Group Architect	\$ 21,800	\$ 994,800	\$ 1,016,600
T & Z	\$256,002	\$1,309,133	\$ 1,565,135

At this time, insufficient funds are available within the budget to conduct the design of the multi-purpose complex, however in accordance with the tender contract (clause 1.11), Council reserves the right to accept the whole or any part of a tender. Therefore, due to availability of funds, the feasibility tender bids will be evaluated only.

Table 2 below indicates the evaluation criteria as per the tender documentation:

Criteria	Weight
Previous experience in conducting recreation feasibility studies	15%
Previous experience in the design of a major sporting complex	25%
Price	35%
Methodology	20%
Local Content	5%
TOTAL	100%

The weighting received by each tenderer is detailed below, with a final score out of 75:

CRITERIA	Donovan Payne Architects	GHD	James Christou and Partners Architects	Michel Greenhalgh Architect	Paterson Group Architects	T & Z
Previous Experience – Feasibility Study (15%)	15	12	10	12	12	12
Previous Experience – Design (25%)	N/A	N/A	N/A	N/A	N/A	N/A
Price (35%)	17	8	8	6	35	3
Methodology (20%)	12	20	10	15	15	15
Local Content (5%)	2	2	3	0	3	0
TOTAL	46%	42%	31%	33%	65%	30%

The weighting has been determined as follows:

Previous Experience – Feasibility Studies (15%)

Donovan Payne Architects: Uses CCS Strategic Management as their consultants, who have done (and are currently undertaking) work with the Town of Port Hedland. Pre-feasibility for this project was undertaken by CCS, and therefore has extensive background knowledge of the town and the needs of the community. Score = 15

GHD: GHD has extensive and broad experience in the areas of community and social planning, and community consultation, and has undertaken projects across Australia. GHD has a higher experience level in architectural consultation rather than feasibility studies, however has worked joint projects previously. Score = 12.

James Christou and Partners Architects: Is a predominant architectural firm, and has extensive experience in the architectural design and studies across WA. Have allowed Council to nominate a preferred consultant, and have indicated they are willing to go with CCS Strategic Management should we prefer. Have broken down the time-line for the successful consultant. Score = 10

Michel Greenhalgh Architect: Has relevant experience to this feasibility study with work being done for 15 local governments in WA, and various state government organisations. Has predominantly conducted work within the South West, Great Southern and Goldfields. Score = 12

Paterson Group Architects: Has previous experience in undertaking feasibility studies throughout WA, including previous work with the Town of Port Hedland and the Shire of Ashburton. Consultancy work is undertaken using Jill Powell and Associates. Predominantly working in the metropolitan and South West region, Paterson Group Architects have a broad background in feasibility studies and management planning reviews. Score = 12

T & Z: Has extensive experience worldwide as an architect and in undertaking feasibility studies. Has completed work in Karratha, and has undertaken various projects involving recreation facilities. Score = 12

Previous Experience – Design: (25%)

Not applicable, as this element is not being considered at this time.

Price: (35%)

Lowest Tendered Price/Tendered Price x weighting (35)

Methodology: (20%)

Donovan Payne Architects: Includes:

Project Initiation - Feasibility Study. Includes consultation with the community and the Finucane Island Club, determining of needs and identification of the scale of development).

Preliminary Schematic Design. Includes review of design brief, stakeholder consultation, site inspections, priorities of need, Return Brief, sketch designs and accompanying schematic design report).

Breakdown of methodology includes a fee of \$32,660 for feasibility, negotiations and design input from CCS Strategic Management. No other breakdowns are included. Score = 12

GHD: Includes:

Needs Definition. Including pre-feasibility ideas, project definition, lease negotiations, stakeholder consideration, preliminary brief, accommodation schedules, meetings with the ToPH committee)

Concept Design. Investigation of conceptual design options, budget and timeline, ToPH review.

Brief Finalisation. Includes presentation of finalised brief and Council approval to proceed.

From this feasibility stage, deliverables include Project Definition and concept plans, estimates of cost, project programme and agreement of contents of the feasibility report.

Breakdown includes:

Project Management and Architectural Consultancy - \$75,000

Quantity Surveying - \$8,000

Site Visits (Time and expenses) - \$10,000

Score = 20

James Christou and Partners Architects: Includes:

Community Recreation and Leisure Consultant input, assessment and reporting

Consultation with the Finucane Island Club

Determining location of complex, and undertake feasibility study into the design and provision of the complex, based on the needs of the community

Identification of scale of development

Concept designs

Services concepts and budget allowances

Cost planning report and feasibility report.

The fee of \$90,000 includes the allowance of a consultant, but no other breakdown included. Score = 10

Michel Greenhalgh Architect: Includes:

Detailed briefing and consultation with stakeholders. (Includes revision of existing documents, site assessments, stakeholder discussions, exploration of maximising site opportunities, submission of concepts for review, and final presentation to the Town). Meetings would continuously be conducted, and a sketch scale model of the proposed facility would be submitted. Price of \$132,000 includes 6 x trips to Port Hedland, consultation, stationary and presentation, four final copies of reports and all administration costs for the feasibility stage. Score = 15

Paterson Group Architects: Includes:

Research the existing options

Developing a social profile

Study existing facilities and compare

Community Consultation including public focus groups
Data Analysis and identification of options
Determining management
Develop concept plans
Provide financial costs and viability
Submit reports.
Price of \$21,800 includes \$9,000 for the recreational planner, \$7,000 is architectural fees, \$1,000 for the quantity surveyor and three trips to Port Hedland. Score = 15

T & Z: Includes:

Review previous reports, stakeholder consultation (including Finucane Island Club), preparation of design brief, preparation of conceptual designs, obtaining a cost planner to prepare an Order of Cost estimate and submit a final report to Council. Breakdown for feasibility includes: architectural, structural and civil engineer costs, mechanical, electrical and hydraulics engineers and Cost Planning fees. There is an allowance of \$22,500 for travel costs. Score = 15

Local Content: (5%)

Lives Locally = 5

Has recently worked / has office regionally = 3

Has worked in the region previously = 2

No local content = 0

In terms of the Feasibility Study, GHD have indicated the timeframes would need to be negotiated, and therefore submitted a non-conforming tender. Donovan Payne submitted a conforming tender and two non-conforming tenders dependant upon the service we wished to use. In this report, the conforming tender was evaluated.

The total weighting for all submitted tenders indicates that in terms of the Feasibility Study, Paterson Group Architects score the highest. The submitted outcomes of Paterson Group Architects are as follows:

- Research Existing Reports
- Social Profile
- Existing and Comparative Provision Review
- Community Consultation
- Public Focus Group
- Data Analysis and Identification of Options
- Management
- Concept Plan
- Financial Viability

The completion of this feasibility would underpin the need for the design of the proposed multi-purpose sports complex.

Officer's Recommendation

That:

- i) Council accept the tender bid from Paterson Group Architects for the feasibility into the proposed multi-purpose sports complex to the value of \$21,800 in accordance with their tender submission; and
- ii) consideration be given for funding within the 2007/2008 budget for the design of the multi-purpose sports complex.

200607/150 Council Decision/

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

That item 11.3.1.2 'Tender 06/30: Feasibility and Design of the Multi Purpose Sports Complex' lay on table as per resolution 200607/057 of Council on 27 September 2006 awaiting further financial and legal discussion; and the remaining funds to be utilised in assessing the market requirements and ongoing financials and report back to Council

CARRIED 7/0

REASON: Council sought to lay this on the table as per its decision at its Ordinary Meeting held on 27 September 2006, which received the Recreation Facilities Audit subject to further financial and legal discussions and outcomes of the Strategic Plan. Council also sought the utilisation of remaining funds to assess market requirements and ongoing financial costs, and for this to be reported to Council.

11.3.2 Recreation Services

11.3.2.1 ***YMCA Budget for Management of the Aquatic Centres
(File No.: Tender 06/20)***

Officer Bec Coxall
Recreation Coordinator

Date of Report 24 November 2006

Disclosure of Interest by Officer Nil

Summary

Negotiations were held with the YMCA Inc. and the Town of Port Hedland to reduce the submitted tender costs for the South Hedland Aquatic Centre and the Gratwick Aquatic Centre (the "Centres"), to a cost that is more in line with Council's budget.

Background

At its Ordinary Council Meeting held on the 25 October 2006, Council resolved that:

- "...i) Council appoint YMCA as its preferred contractor to undertake the services specified in Tender 06-20 Management of the Gratwick Aquatic Centre and the South Hedland Aquatic Centre;*
- ii) Council authorise the Chief Executive Officer and the Deputy Mayor to enter into negotiations with YMCA with the view of reducing the two-year cost to Council down to levels that are within the 06/07 Council Budget and are in accordance with the Town's 5year Financial Plan; and.*
- iii) The Chief Executive Officer report back the outcomes of the negotiations to Council prior to the contract documentation being finalised."*

Two meetings were held with representatives from the YMCA Inc: Mr Andy Buckton, Recreation Operations Manager; Mr Noel Reilly, Recreation Consultant and Mr Darren Beltman, Area Manager.

The original submitted tender prices by the YMCA for the operation of the Centres for the calendar year were:

	2007	2008	TOTAL
Gratwick	403,834	414,779	818613
SHAC	456,708	469,239	925,947
TOTAL	\$860,560	\$884,018	\$1,744,560

Negotiations between the Town and the YMCA Inc. involved the need to reduce the operating expenditure for the Centres, to an amount of less than \$800,000 for Calendar Year 1.

The description of altered budget areas (from the original tender) are detailed as follows:

Budget Area	Description of Saving	Amount saved per annum	Proposed Changes / Officers Comment		
Operating Hours	Differing School holiday and term hours	\$16,000	Original Tender Submission: GAC – 76 hrs Summer SHAC – 73 hours Summer Updated: GAC – 76 hrs Summer SHAC – 66 hrs Summer Have increased School holiday opening hours by 14 hours per week. Officer's Comment: Updated operating hours acceptable based on attendance and community comments.		
Fees and Charges	Review of schedule	\$14,000	Current Fees	Proposed Fees	
			Adult	\$ 3.50	\$ 3.70
			Child	\$ 2.20	\$ 2.50
			Adult x 20 pass	\$ 60.00	\$ 64.00
			Child x 20 pass	\$ 36.00	\$ 42.00
			Concession	\$ 1.00	\$ 1.50
			Family	\$ 7.50	\$ 8.00
			Swim Lessons	\$ 88.00	\$ 100.00
			Officer's Comment: Proposed changes deemed acceptable in comparison to other Pilbara Centres.		
Gardening	Maintained by YMCA staff, however, ToPH to purchase capital equipment	\$6,000	Officer's Comment: Purchase of equipment will allow Centre staff to maintain the gardens, negating the usage of Council's Parks and Gardens Staff		
Maintenance	Reduction to a maximum of \$2,000 per item (dependant on expenditure by the Town of \$40,000)	\$6,000	Original Tender Submission: All maintenance to the value of \$3,000 to be carried out by the contractor Updated: Reduction to \$2,000 per maintenance item. Officer's Comment: A Maintenance Plan will be submitted to Council (has been requested), and all items are required to be checked / maintained. This reduction should not alter the cost to Council significantly		
Cleaning	ToPH capital expenditure of cleaning equipment	\$11,000	Officer's Comment: Purchase of equipment will allow cleaning to be carried out by Centre staff, therefore negating the hire costs of Contract Cleaners		

Budget Area	Description of Saving	Amount saved per annum	Proposed Changes / Officers Comment
Managers Residence	Provision of house for free attached to South Hedland Aquatic Centre	\$5,200	Original Tender Submission: House located at 1 Leake Street provided at a rental of \$100 per week Updated: Provision of house for free Officer's Comment: House is currently provided at a nil charge, and is attached to the SHAC.
Kiosk Mark-up	Increase the product mark-up by 5%	\$2,500	Officer's Comment: Increased mark-up of products by 5% will increase this revenue
TOTAL		\$60,700	

The changes listed above will reduce the YMCA Tender Offer (and operational expenditure to the Town of Port Hedland) to \$799,932.

Within these negotiations, the Town of Port Hedland requested a list of capital expenditure items to the value of \$40,000 that are required to achieve the reduction of operating costs. The nominated capital expenditure items are listed below:

Item	Cost
Cylindrical Floor Scrubber	\$6,000
Gardening Equipment (inc Ride on Mower)	\$9,000
2 x Manual Pool Vacuum cleaners and charges	\$6,000
Plant room upgrades	\$8,000
Fencing / gates at SHAC	\$3,000
GAC Ceiling Maintenance	\$3,000
Lane Ropes	\$5,000
TOTAL	\$40,000

The return from this capital investment is annual savings of –

Gardening	\$6,000
Cleaning	\$11,000
Maintenance	<u>\$6,000</u>
	\$23,000

The YMCA Inc. have been managing the Centre's on a monthly contract for the Town of Port Hedland, and should the officer's recommendation be adopted, the YMCA Inc. will commence under the new management contract on 1 January 2007.

Consultation

Nominated representatives from the Town of Port Hedland including:

- Chief Executive Officer
- Cr Arnold Carter

Recreation Co-ordinator
Other Council Staff including:
Director Engineering Services
Recreation Programmer
YMCA representatives:
Area Manager, Pilbara
Recreation Operations Manager
Recreation Consultant

Statutory Implications

This tender was called in accordance with the Local Government Act (1995):

“3.57. Tenders for providing goods or services.

- 1. A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services.*
- 2. Regulations may make provisions about tenders.”*

It needs to be noted that Council is currently in breach of local government tender regulations, as the YMCA Inc. is operating the Centres in excess of \$50,000 per annum, without going through a formal tender process. This will need to be noted in the Council’s 2006 Department of Local Government and Regional Development Compliance Audit.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Operating:

The Town of Port Hedland’s allocated nett loss for the operations and maintenance for the Centre’s for 2006/2007 is \$787,200. The negotiated final operating expenditure for the 2007 calendar year is \$799,932.

The Year 2 price increases by 2.7% above the Year 1 price in accordance with the original tender submission. The Year 2 price is therefore \$821,530.

It should be noted that if the YMCA achieves a result that is better than the tender price, 70% of the gain is returned to Council.

Capital:

An additional \$40,000 in capital expenditure will be required for ongoing maintenance. This capital expenditure is required to assist in reducing the original tender price by \$60,000.

Fees and Charges:

The proposed new fees and charges for the Centres are as follows:

Fee and Charge	Current Fee	Proposed Fee	Increase
Adult Swim	\$3.50	\$3.70	\$0.20
Child Swim	\$2.20	\$2.50	\$0.30
Adult x 20 pass	\$60.00	\$64.00	\$4.00
Child x 20 pass	\$36.00	\$42.00	\$6.00
Concession	\$1.00	\$1.50	\$0.50
Family	\$7.50	\$8.00	\$0.50
Swim Lessons	\$88.00	\$100.00	\$12.00

Officer’s Comment

As per the Council Resolution, officers entered into negotiations with the YMCA with the intention of reducing the tender price. This was achieved subject to agreeing to modifications to capital expenditure and some operating expenses.

Officer’s Recommendation

That:

- i) a contract between Council and the YMCA Inc. be entered into for the management of the South Hedland Aquatic Centre and Gratwick Aquatic Centre, with the operational budget set at \$799,932 for Calendar Year 1 (1st January 2007 – 31st December 2007), and \$821,530 for Calendar Year 2 (1st December 2008 – 31st December 2008);
- ii) changes to the original tender submission from the YMCA Inc. with the following alterations be approved:

Budget Area	Description of Saving	Amount per annum
Operating Hours	Differing School holiday and term hours	\$16,000
Fees and Charges	Review of schedule (to be submitted)	\$14,000
Gardening	Maintained by YMCA staff, however, ToPH to purchase capital equipment	\$6,000
Maintenance	Reduction to a maximum of \$2,000 per item (dependant on expenditure by the Town of \$40,000)	\$6,000
Cleaning	ToPH capital expenditure of cleaning equipment	\$11,000
Managers Residence	Provision of house for free attached to South Hedland Aquatic Centre	\$5,200
Kiosk Mark-up	Increase the product mark-up by 5%	\$2,500
TOTAL		\$60,700

- iii) the final contract documents be forwarded to Council by YMCA Inc. prior to the signing and sealing of the Management Agreement/Tender documents;

- iv) \$40,000 be allocated for capital upgrades to the Centres for the following from Council's 2005/2006 Budget Surplus:

Item	Cost
Cylindrical Floor Scrubber	\$6,000
Gardening Equipment (inc Ride on Mower)	\$9,000
2 x Manual Pool Vacuum cleaners and charges	\$6,000
Plant room upgrades	\$8,000
Fencing / gates at SHAC	\$3,000
GAC Ceiling Maintenance	\$3,000
Lane Ropes	\$5,000
TOTAL	\$40,000

and

- v) the following revised Fees and Charges for the Aquatic Centre's be advertised in accordance with the *Local Government Act 1995*, effective from 1 January 2007.

Fee and Charge	Current Fee	Proposed Fee	Increase
Adult Swim	\$3.50	\$3.70	\$0.20
Child Swim	\$2.20	\$2.50	\$0.30
Adult x 20 pass	\$60.00	\$64.00	\$4.00
Child x 20 pass	\$36.00	\$42.00	\$6.00
Concession	\$1.00	\$1.50	\$0.50
Family	\$7.50	\$8.00	\$0.50
Swim Lessons	\$88.00	\$100.00	\$12.00

200607/151 Council Decision

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

That the Chief Executive Officer and Councillors Arnold Carter and Grant Bussell re-negotiate opening hours at both aquatic centres, to maximize opening hours during day light savings.

CARRIED 7/0

REASON: Council sought to re-negotiate opening hours at both aquatic centres, to maximise opening hours during day light savings, prior to finalising agreement.

**11.3.2.2 Recreation Upgrades Recommended to be Completed
(File No.: 26/08/0006)**

Officer Bec Coxall
Recreation Coordinator

Date of Report 13 November 2006

Disclosure of Interest by Officer Nil

Summary

The 2006/2007 BHP and Town of Port Hedland Partnership Fund has allocated \$500,000 for expenditure this financial year for the upgrades to recreation facilities. Confirmation of how this money is to be allocated is sought from Council.

Background

Prior to the Ordinary Council Meeting on the 25th October 2006, the BHP/Town of Port Hedland Partnership committee discussed the most appropriate manner to spend the allocated \$500,000. The three (3) options for consideration were:

1. Building Refurbishments
2. Sport Facility Development
3. Recreation Centre Development

At its Ordinary Meeting held 25 October 2006, Council accepted Option 1, and resolved (in part) to:

“...iii) utilise the \$500,000 allocation for Sports Facility developments on the upgrading of facilities at all sporting grounds to meet a minimum standard as recommended in the Towns recently completed Sports Facility Study; and...”

The Recreation Facilities Audit identified recommended standards for recreation facilities, and the minimum standard of facility provision that should be provided by the Town of Port Hedland. This audit indicated that many facilities were not up to this minimum recommended standard.

The recommendations tabled below for reserves are based upon priorities at each reserve, taking into account the recommendations listed within the Recreation Facilities Audit.

Priorities for development have been on upgrading facilities that are regularly used and/or are used by a variety of groups and/or improve the safety of the area.

	Marie Marland Reserve (1)	Marie Marland Reserve (2)	Kevin Scott Oval	Faye Gladstone Courts	Colin Matheson Oval	McGregor St Reserve	Town Oval West	Total
Interior Painting	0	0	15000	3000	0	10000	0	\$28,000
Window Replacement	0	0	2000	200	0	0	0	\$2,200
Electrical Upgrades	1800	1800	1800	1800	1800	800	1000	\$10,800
Toilet/ Plumbing	12800	11200	14400	3050	16400	3100	0	\$60,950
Change-rooms	6000	0	1000	0	3600	0	0	\$10,600
Kitchen	5800	7300	1000	1000	0	0	0	\$15,100
Doors	300	0	1000	0	0	400	0	\$1,700
Exterior Painting	0	0	0	0	0	10000	10000	\$20,000
Lighting	0	0	0	0	0	0	0	\$0
Water Fountain	1600	1600	200	1600	1600	1600	1600	\$9,800
Carpets (Cleaning)	0	0	700	0	0	0	0	\$700
Clubrooms	0	0	400	0	0	300	0	\$700
Barrier Fencing	0	0	0	1400	0	0	0	\$1,400
Cricket Nets/ Pitches	0	3000	0	0	4000	0	13000	\$20,000
TOTAL	\$28,300	\$24,900	\$37,500	\$12,050	\$27,400	\$26,200	\$25,600	\$181,950

Each reserve listed above encompasses non-leased facilities within the Town of Port Hedland, however there are other reserves owned by Council, but under a lease or similar arrangement. As these facilities are assets to the Town, and as recommended within the Recreation Facilities Audit, the following upgrades are recommended:

Recommendations	BHP Partnership Money	Other Funds Required	TOTAL	Rationale
Demolish Infrastructure at Diamond 2	5,000	0	\$5,000	Recommended in Facilities Audit. No longer utilised
Demolish Hawks Clubrooms (PH)	15,050	0	\$15,050	Unsafe No longer used
Electrical and Structural Checks	22,000	0	\$22,000	Duty of Care requirement Recommended in Facilities Audit Maintain our assets

Installation of Water Fountains	12,800	0	\$12,800	Recommended in Facilities Audit, Provision of basic amenity (Duty of Care)
Security Fencing	197,000	0	\$197,000	Replacement of non-functional fencing Increase security around reserves Provision of high quality boundaries Recommended in Facilities Audit
South Hedland Bowling Club Design	10,000	10,000	\$20,000	Recommended in Facilities Audit Provision of a high quality design for a new clubroom – providing facilities for the community
Port Hedland Tennis Club Fence	20,000	28,000	\$48,000	Fence in disrepair – needs replacement Currently unsafe
TOTAL	\$281,850	\$38,000	\$319,850	

Total: \$ 181,950
 \$ 281,850
\$ 463,800

Consultation

Chief Executive Officer
 Director Engineering Services
 Building Management Officer

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Key Result Area 3 – Community Development

Goal 2: Sports and Leisure

Strategy 2. Audit existing sports facilities and develop a 5-year Sports Facility Capital Development Plan that specifies development levels proposed at all sport facilities.

Budget Implications

This recommended expenditure has been allocated in the 2006/2007 budget.

The remaining \$36,200 currently unallocated within the recommended upgrades is available as a contingency, should prices alter from their estimates.

Officer’s Comment

Each recreation reserve within the Town of Port Hedland has been audited, with recommendations made on each. To allow all sporting facilities to be at a certain standards, water fountains, paint and tiles have been allocated at most venues.

Security fencing is an important issue for all community members and is therefore the bulk of the expenditure.

Fencing has been allocated for the perimeter of the South Hedland Sports grounds, the surrounds of the Town Oval West (McGregor St) from the corner of Wilson and McGregor Streets, to the effluent ponds (near Clark Street). Other allowances have been made for the Aquatic Centres and the JD Hardie Centre, all of which needs maintenance/upgrades.

The Port Hedland Tennis Club has approached Council for assistance in repair of their fence. They have submitted a quote to Council with a price of \$48,000, and have requested \$20,000 from Council. It is recommended that this expenditure occur as the premises are currently in an unsafe condition. The Port Hedland Tennis Club has obtained \$20,000 in grant funding and will contribute \$8,000 to the upgrade.

All recreation facilities will have electrical and structural checks to ensure they meet safety requirements, and to ensure the facility is safe for users. During this time, it will be possible to identify future upgrade requirements at each facility, thus determining future expenditure and planning.

Officer’s Recommendation

That Council approve the maintenance upgrades at sporting facilities for the 2006/2007 financial year as tabled below:

	Marie Marland Reserve (1)	Marie Marland Reserve (2)	Kevin Scott Oval	Faye Gladstone Courts	Colin Matheson Oval	McGregor St Reserve	Town Oval West	Total
Interior Painting	0	0	15000	3000	0	10000	0	\$28,000
Window Replacement	0	0	2000	200	0	0	0	\$2,200
Electrical Upgrades	1800	1800	1800	1800	1800	800	1000	\$10,800
Toilet/ Plumbing	12800	11200	14400	3050	16400	3100	0	\$60,950
Change-rooms	6000	0	1000	0	3600	0	0	\$10,600
Kitchen	5800	7300	1000	1000	0	0	0	\$15,100
Doors	300	0	1000	0	0	400	0	\$1,700

Exterior Painting	0	0	0	0	0	10000	10000	\$20,000
Lighting	0	0	0	0	0	0	0	\$0
Water Fountain	1600	1600	200	1600	1600	1600	1600	\$9,800
Carpets (Cleaning)	0	0	700	0	0	0	0	\$700
Clubrooms	0	0	400	0	0	300	0	\$700
Barrier Fencing	0	0	0	1400	0	0	0	\$1,400
Cricket Nets/ Pitches	0	3000	0	0	4000	0	13000	\$20,000
TOTAL	\$28,300	\$24,900	\$37,500	\$12,050	\$27,400	\$26,200	\$25,600	\$181,950

Recommendations	BHP Partnership Money	Other Funds Required	TOTAL	Rationale
Demolish Infrastructure at Diamond 2	5,000	0	\$5,000	Recommended in Facilities Audit. No longer utilised
Demolish Hawks Clubrooms (PH)	15,050	0	\$15,050	Unsafe No longer used
Electrical and Structural Checks	22,000	0	\$22,000	Duty of Care requirement Recommended in Facilities Audit Maintain our assets
Installation of Water Fountains	12,800	0	\$12,800	Recommended in Facilities Audit, Provision of basic amenity (Duty of Care)
Security Fencing	197,000	0	\$197,000	Replacement of non-functional fencing Increase security around reserves Provision of high quality boundaries Recommended in Facilities Audit
South Hedland Bowling Club Design	10,000	10,000	\$20,000	Recommended in Facilities Audit Provision of a high quality design for a new clubroom – providing facilities for the community
Port Hedland Tennis Club Fence	20,000	28,000	\$48,000	Fence in disrepair – needs replacement Currently unsafe
TOTAL	\$281,850	\$38,000	\$319,850	

200607/152 Council Decision

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

That Council approves the maintenance upgrades at sporting facilities for the 2006/2007 financial year as tabled below:

	Marie Marland Reserve (1)	Marie Marland Reserve (2)	Kevin Scott Oval	Faye Gladstone Courts	Colin Matheson Oval	McGregor St Reserve	Town Oval West	Total
Interior Painting	0	0	15000	3000	0	10000	0	\$28,000
Window Replacement	0	0	2000	200	0	0	0	\$2,200
Electrical Upgrades	1800	1800	1800	1800	1800	800	1000	\$10,800
Toilet/ Plumbing	12800	11200	14400	3050	16400	3100	0	\$60,950
Change-rooms	6000	0	1000	0	3600	0	0	\$10,600
Kitchen	5800	7300	1000	1000	0	0	0	\$15,100
Doors	300	0	1000	0	0	400	0	\$1,700
Exterior Painting	0	0	0	0	0	10000	10000	\$20,000
Lighting	0	0	0	0	0	0	0	\$0
Water Fountain	1600	1600	200	1600	1600	1600	1600	\$9,800
Carpets (Cleaning)	0	0	700	0	0	0	0	\$700
Clubrooms	0	0	400	0	0	300	0	\$700
Barrier Fencing	0	0	0	1400	0	0	0	\$1,400
Cricket Nets/ Pitches	0	3000	0	0	4000	0	13000	\$20,000
TOTAL	\$28,300	\$24,900	\$37,500	\$12,050	\$27,400	\$26,200	\$25,600	\$181,950

Recommendations	BHP Partnership Money	Other Funds Required	TOTAL	Rationale
Demolish Infrastructure at Diamond 2	5,000	0	\$5,000	Recommended in Facilities Audit. No longer utilised
Electrical and Structural Checks	22,000	0	\$22,000	Duty of Care requirement Recommended in Facilities Audit Maintain our assets
Installation of Water Fountains	12,800	0	\$12,800	Recommended in Facilities Audit, Provision of basic amenity (Duty of Care)

Security Fencing	197,000	0	\$197,000	Replacement of non-functional fencing Increase security around reserves Provision of high quality boundaries Recommended in Facilities Audit
South Hedland Bowling Club Design	10,000	10,000	\$20,000	Recommended in Facilities Audit Provision of a high quality design for a new clubroom – providing facilities for the community
Port Hedland Tennis Club Fence	20,000	28,000	\$48,000	Fence in disrepair – needs replacement Currently unsafe
TOTAL	\$281,850	\$38,000	\$319,850	

CARRIED 7/0

Reason: Council did not support the demolition of Hawks Clubrooms in the Recommendations.

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

Officer Stephen Carstairs
Manager Finance

Date of Report 1 December 2006

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activities of the Town to 30 November 2006, and to compare this with that budgeted for the period.

Background**1. *Financial Statements***

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

- . Statements of Financial Activity – see Schedules 2 to 14 (not including building and infrastructure depreciation for July to October 2006);
- . Notes (1 to 9) to and forming part of the Statements of Financial Activity for the period ending 30 November 2006; and
- . Review of Transaction Activity.

Note: 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.

2. *Schedule of Accounts Paid*

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on 13 December 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			
CHQ17013	17013	\$4873.00	1	1	1	Municipal Fund	*Chq from Oct06
17047	17097	\$123,034.86	1	12	1	Municipal Fund	Cancelled
17098	17098	-	12	12	1	Municipal Fund	
17099	17123	\$40,319.33	12	17	1	Municipal Fund	
EFT17195	17440	\$2,292,647.79	17	94	1	Municipal Fund	
PAY 071106		\$208,537.35	94	94	1	Municipal Fund	
PAY 161106		\$4,507.35	95	95	1	Municipal Fund	
PAY 211106		\$181,067.57	95	95	1	Municipal Fund	
	Municipal Total	\$2,854,987.25					
3001292	3001306	\$8,969.65	95	97	3	Trust Fund	
	Trust Total	\$8,969.65					
	TOTAL	\$2,863,956.90					

Consultation

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

Linda Nickoll (Accounts for Payment)
 Paula Maguire (Sundry Debtors)

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.

Section 6.12 of the Local Government Act 1995 (Power to defer, grant discounts, waive or write off debts) states:

- “(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.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*”

Policy Implications

2/003 Financial Statements – Copies for Councillors

Apart from the financial reports presented to Council as required by way of legislation, the following reports will be presented to Council:

Monthly Bank Reconciliation of the Municipal,
Reserve and Trust Fund
+90 day outstanding Sundry Debtors Report
List of Accounts paid under Delegated Authority
Register of Investments
Rate Summary Trial Balance
Reserve Account Balances

Quarterly Quarterly Budget Review
Report on all Budgeted Grants of \$50,000 or more.

Irregular Financial reports will be presented to Council, as deemed necessary by the Director Corporate Services or the Manager Financial Services, or as requested by Council by resolution.

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

As with the Operating Deficit/(Surplus) for the period ending 31 October 2006 and reported to Council in November 2006, the year to date actuals for 30 November 2006 deviated appreciably from budget (11%, and see Schedule 2). Year to date operating expenditure in Community Amenities (\$5,874,956) was substantially different (63%) from that budgeted for the period (\$3,612,090). The *circa* \$2.2m difference was largely attributed to Underground Power Rebates (see Sub-Schedule 1007 - Other Community Amenities), and reimbursements to Horizon Power (see COA 1007255) for undergrounding the power.

The reader's attention is also drawn to Schedule 14 – Other Properties and Services, where operating expenditure exceeded budget by \$354,101 (and see COA 1403275 – Repairs & Parts). It has been determined that misallocation of employee expenses to COA 1403275 attributed to this apparent substantial over-expenditure. Corrections in this account will be made prior to the next budget review.

200607/153 Council Decision/Officer's Recommendation

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

That:

- i) the:
- . **Statements of Financial Activity (represented by Schedules 2 to 14 and not including building and infrastructure depreciation for July to November 2006);**
 - . **Notes (1 to 9) to and forming part of the Statements of Financial Activity for the period ending 30 November 2006; and**
 - . **Review of Transaction Activity,**

as attached and presented be received; and

- ii) **the list of Accounts paid under Delegated Authority,**

as presented be received.

CARRIED BY ABSOLUTE MAJORITY 7/0

11.4.1.2 South Hedland Owners and Trainers Association (SHOATA) Lease Renewal; and Proposed Separate Portion of Lease of Lot S11 Shoata Road, South Hedland – Mr Kevin and Mrs Angela Mahoney (File No.: -)

Officer	Matthew Scott Director Corporate Services
Date of Report	7 December 2006
Disclosure of Interest by Officer	Nil

Summary

For Council to consider:

1. the renewal of the current South Hedland Owners and Trainers Association (SHOATA) lease; and
2. a request by Kevin and Angela Mahoney to have a separate lease for a portion (Lot S11), currently within the SHOATA lease area.

Background

The South Hedland Owners and Trainers Association (SHOATA) currently lease a portion of Reserve 35915 to train and stable racehorses. The lease area is divided up between SHOATA members into sub-lots, so that members can enjoy autonomy in developing these small lots to meet individual training and stabling needs, but also share a common training track and other common facilities.

The current lease with SHOATA commenced on 16 July 1996 and terminated on the 1 November 2005, for 'no rent'. During the original lease period, SHOATA members have been allowed to construct and build what ever they wanted, without the necessary building/planning/health approvals, generally required for the most basic construction. When SHOATA approached Council in February 2006, regarding possible renewal of the lease, an inspection of the property resulted in some 36 regulatory building and health issues that needed immediate attention, before a new lease would be considered.

Over the last six (6) months, SHOATA have been working closely with Regulatory Services officers to address these issues. After a recent inspection on the lease area, both Building and Health Services are satisfied that the areas of concern have now been either repaired or removed, with an agreed plan in place to finalise some outstanding minor matters.

Given that these matters are effectively resolved, Council is now in a position to consider renewing the lease.

However on the 22 November 2006, Council received an application from Kevin and Angela Mahoney to have their sub-lot (S11) excised from the SHOATA lease area, and to have a separate individual lease in their name. Mr Mahoney is a professional horse trainer, and would like to make a substantial investment into his sub-lot, however does not want to be constrained by the land being controlled by SHOATA.

Given that Council's decision on either of these matters, will directly affect a possible lease with either SHOATA or Mr Mahoney, it is deemed appropriate for Council to consider them jointly.

Consultation

SHOATA has been consulted on Mr Mahoney's requests and has advised that the Association is not supportive of individual leases to individual members.

Statutory Implications

"3.58. Disposing of property

(1) In this section -

dispose~ includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property~ includes the whole or any part of the interest of a local government in property, but does not include money.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property

(a) it gives local 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

The area including Reserve 35915 has been identified as a possible location to relocate the Port Hedland racecourse, as identified in the recent recreational facility audit.

The land is reserved for the purposes of 'recreation', making it an ideal location to focus equestrian activities, now or in the future. Any lease, either community based or commercial may impact on this when this land is available for future development.

Budget Implications

The previous lease with SHOATA was for \$0 over 5 years. The land was valued as of 1 July 2006, at a rental value \$5,200 per annum, net of GST. Generally, community leases are issued at notional value (peppercorn), however public land used for commercial activities is generally leased at a market value.

Officers Comment

Council has three options available to resolve this matter:

1. not issue any new leases;
2. issue a lease to SHOATA for the entire area; or
3. issue a separate commercial lease to the Mahoney's for their own sub-lot area, and issue a notional lease to SHOATA for the remaining lease area.

Option 1 - No leases

Though a valid option, this is considered impractical, as this would mean the current SHOATA members would need to remove their horses to another location, and Council would need to maintain the lease area. As the current situation requires little Council involvement, this option would place an unreasonable burden on Council, until at least a decision was made on the future of equestrian activities within the district.

Option 2 - Lease entire area to SHOATA

This option would maintain the current 'status quo', and is the preferred option of SHOATA. Current and past SHOATA members have invested a lot of personal time in developing the current facilities. Currently members enjoy joint utility (power, water and road) access to all sub-lots, and the association maintains common use facilities such as the training track and the ablution block. The Association's membership is not restrictive, being open to anyone who shares an interest in owning and/or training horses in the area.

The recent positive response to Council Officers requests in improving the lease area would not have been achieved had the SHOATA Executive Committee not taken a leading role in getting members to follow Council instructions.

SHOATA is obviously unsupportive of individual sub-lot leases, as this will set a precedent and other members may also request separate leases, possibly diluting the membership of SHOATA.

Option 3 - Separate lease for Mr Mahoney's sub-lot

Mr Mahoney's request is understandable, given that he wishes to create a facility that is of a higher standard than generally expected from amateur (non professional) horse trainers. \$60,000 is a substantial investment, and anyone would expect some form of security of land tenure before making such an investment.

As Council can see, Mr Mahoney's application is extremely brief and creates a number of questions that probably needs resolving before a proper consideration can be made. These are:

1. Recreation Vesting – The land is currently vested in Council for 'recreation'. It would difficult for a commercial operation to be considered recreational, even though the activity is similar what a 'non profit' community organisation is also using the land for. This would need to be resolved before a lease could be considered.
2. Type of Development – Mr Mahoney has indicated that he wishes to spend \$60,000 on the subplot, however has not issued any plans for consideration. Given that this development is going to be of a commercial nature, generally a planning application would be required for appropriate review and consideration.
3. Access Issues – Currently Mr Mahoney's Sub-lot (S11) is completely surrounded by other SHOATA Sub-lots, and does not have any separate access to Shoata Road.
4. Commercial/Community Mix of development – SHOATA has developed their current lease area for the benefit of members, this includes track and ablution facilities. Should Mr Mahoney receive his requested excision, this could create difficulties between himself and SHOATA, as there are distinct different needs of a commercial and community venture. There has been no explanation on how possible conflicts in the use of shared facilities could be resolved.

Generally, commercial and community facilities are kept separate for obvious reasons. Conflicts between commercial and community land users can place Council in an awkward position. To resolve this, commercial operators are usually relocated away from 'community facilities', giving them complete control to develop something that meets their specific commercial needs. To achieve this, Council could consider negotiating with Mr Mahoney, and a different parcel of land, with access and room to grow if required.

Recently Council granted a lease to Mr Frank Edward to develop a Rodeo on Reserve 5213, Great Northern Highway, in this locale; there are several vacant blocks that could be developed by Mr Mahoney.

Mr Mahoney would need to be comfortable with the location and cost. As this locale is currently undeveloped, a long term but relatively low cost (low land value) could be entered into, providing additional security for Mr Mahoney's business. This proposal would also remove the possible future issues of relocating his facility, should Council consider the SHOATA land, as recommended in the recent Recreational Facility Audit.

Should Council resolve to adopt Option 2, a new term and rental needs to be considered, as there is no automatic option for renewal. Peppercorn or \$0 rental leases are no longer the preferred option for many local governments in Western Australia. Though there is an agreement that community leases should be notional, Councils now expect at least a recovery of administration costs. An annual rental of \$500 should not be considered unreasonable, given that the market rental of the land is currently \$5,200. This small fee would cover the annual administration of the lease, without being onerous on the SHOATA members. A term of 5 years is also probably appropriate given that Council may want to develop the site in accordance with the long-term recommendations of the Recreation Facility Audit.

200607/154 Council Decision/Officer's Recommendation

Moved: Cr S F Sear **Seconded:** Cr D R Pike

That Council:

- i) **agrees to dispose of a portion Reserve 35915 to the South Hedland Owners and Trainers Associated by way of public advertisement, as per the following conditions:**
 - a) **Term: 5 years**
 - b) **Rental \$500 per year**
- ii) **negotiates a separate lease with Kevin and Angela Mahoney, on other vacant land, under Council's control for the purpose an 'Equestrian' or like activities.**
- iii) **receives a report on the proposed lease with Kevin and Angela Mahoney before any disposal of land by way of Lease occurs.**

CARRIED BY ABSOLUTE MAJORITY 7/0

11.4.1.3 Tender 06/32 Information Technology Management and Support (File No.: 17/04/0001)

Officer Cheryl Crick
Manager Corporate Support

Date of Report 6 December 2006

Disclosure of Interest by Officer Nil

Summary

This report summarises the tender received for the Information Technology Management and Support contract.

Background

The Town of Port Hedland commissioned an audit on its Information Technology infrastructure early in 2006. The report outlined issues with the sustainability of the current systems and made recommendations as to the changes that would be required to ensure stability in the Town's information technology operating environment.

Council has recently restructured its internal services, including its Information Technology Department, as a component of this restructure, tenders were recently called for the management and support of Town of Port Hedland's Information Technology infrastructure for a period of three years.

The selection criteria in the tender was based on a balanced approach between price and capability with an additional weighting being applied to local suppliers.

Consultation

Nil.

Statutory Implications

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

“3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) Regulations may make provision about tenders.”*

Policy Implications

This tender was called in accordance with Council’s Procurement Policy 2/015.

Strategic Planning Implications

Key Result Area 6 – Governance
 Goal 6 – Systems Development
 Strategy 3 – Develop an Information Technology (IT) plan for the Town of Port Hedland

Budget Implications

Funding for Information Technology management and support is included in the budget. It is anticipated that the cost will exceed \$50,000 in the financial year.

Officer’s Comment

One tender was received for the Information Technology management and support for the Town of Port Hedland.

TopTroniX

Criterion	Weight	Score	Comments
Price	50%	25%	Costs ranged between \$90 and \$110 per hour for various services. Not all requirements were covered
Experience	20%	10%	Insufficient information to verify. Existing projects appeared small in comparison to TOPH requirements.
Demonstrated capability to deliver required service	20%	5%	Management plan is extremely brief and does not give a clear indication of how the contract will be fulfilled
Local supplier	10%	10%	Port Hedland based supplier.
Total:	100%	50%	

This tenderer only addressed a portion of the requirements of the tender and did not adequately show how they would meet the requirements of the tender as a whole. They are a local company, however this does not outweigh shortcomings in the Price, Capability and Experience criteria.

Meeting the full requirements of this tender is vital to ensure Council’s ongoing operational environment. Failure to have an adequate management and support program in place leaves council extremely vulnerable with regard to Council’s ability to both carry on with the day-to-day business of the Council.

Council has three options to consider:

1. *Accept the tender and work around the shortcomings.*

As the tender mainly dealt with fault repair, Council would need to consider options for the development and implementation of an IT plan that would address many of the issues raised in the Information Technology audit. Given the risks inherent in our current operating platform, this would be less than acceptable as a risk mitigation strategy.

2. *Not accept the tender and explore other means of securing appropriate IT support*

Authorise direct negotiation with a range of suppliers to ensure that the core issues are dealt with as well as the general day-to-day maintenance issues. This option will reduce Council's exposure to risk in the longer term.

3. *Not accept the tender and continue with the current state.*

The instability in the current configuration identified in the audit report leaves Council highly exposed putting the day-to day operations of the Council in a major risk category.

Officer's Recommendation

That Council:

- i) does not accept any tenders for its Information Technology management and support;
- ii) authorises the Chief Executive Officer or his nominated officer to source alternative suppliers for the Town of Port Hedland's Information Technology management and support, and
- iii) receives a report from Council's Manager Corporate Support regarding the alternative suppliers before any agreement is entered into.

NOTE: SIMPLE MAJORITY VOTE REQUIRED

200607/155 Council Decision

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

That Council:

- i) does not accept any tenders for its Information Technology management and support;**
- ii) authorises the Chief Executive Officer or his nominated officer to source alternative suppliers for the Town of Port Hedland's Information Technology management and support, and**
- iii) receives a report from Council's Manager Corporate Support regarding the alternative suppliers before any agreement is entered into, and submit it to Council for consideration**

CARRIED 7/0

REASON: Council sought to consider a report for alternative suppliers for the Town of Port Hedland's Information Technology management and support, prior to an agreement being entered into.

11.4.2 Governance**11.4.2.1 Tender 06-29 Lease of Port Hedland Cattle Yards (File No.: 05/09/0003)**

Officer Chris Adams
Chief Executive Officer

Date of Report 23 November 2006

Disclosure of Interest by Officer Nil

Summary

Report summarises the tenders that have been received for the Management of the Port Hedland Cattle Yards.

Background

The Port Hedland Cattle Yards have not been operating since January 2005. Survey work undertaken by the Pilbara Development Commission indicated a desire by Pilbara pastoralists for the facility to be re-opened.

The Cattle Yards are located on a Crown Reserve that has been vested in the Town of Port Hedland by the Minister for Planning and infrastructure. Under the vesting order the Town has the ability to lease the facility once Ministerial consent has been obtained.

Tenders for the lease of the Port Hedland Cattle Yards were advertised in the West Australian Newspaper on the 21st of October and in the North West Telegraph on the 25th of October. The closing date/time for tender submissions was Wednesday 22nd of November at 2.00pm. The tenders were opened at the stipulated time by the Deputy Mayor, Director of Corporate Services and Council's Chief Executive Officer. Two tenders were received at the time of opening.

The Tender documents indicated that the Town would enter into a commercial lease arrangement with the successful tenderer. The lease period indicated was 10years with a further 10years being available at the sole discretion of Council. The tender documents stated that the successful bidder would be responsible for all facets of facility management including (but not limited to):

- Maintenance
- Operations and business management
- Capital upgrades
- Insurances
- Compliance with relevant legislation.

A summary of the two tenderers has been placed below:

East Pilbara Cattle Co (EPCC): Is a group of long standing pastoralists from within the region. The group is headed by Yarrie Station but includes involvement from Slyvania, Pardoo, Hillside, Hammersley and Degree Stations and Leeds Cattle Transport.

Melreef Pty Ltd: Is a new company combining Ascot Veterinary Group and Jennacubbine Livestock Services. The group has extensive experience in working in cattle yards throughout Australia over the past 15 years.

The Tender documentation indicated that the assessment criteria for the submissions would be:

Price (ie rental payable over 10year lease period)	60%
Operational Plan	15%
Capacity (Experience and qualifications)	15%
Local Preference	10%

An assessment of the submissions against the criteria is listed below:

Price (60)

	Melreef	EPCC
Rental Proposal	\$10,000 year one with CPI increase each year thereafter.	\$2000pa + 5% of Gross Yard Fees pa
Estimated Total Rental to be Received (10years)	\$114639 *	\$50,000 **
Score (60)	60	26

* Assumes 3% CPI increase pa.

** Based on assumptions included in EPCC Draft Budget of \$60,000 gross yard fees pa.

Operational Plan (15)

EPCC: Plan to primarily use the facility as an AQIS accredited holding depot. Will employ experienced staff to undertake management and operational roles. Planning to store materials/equipment at Leeds yards (Wedgefield) during off-season. Budget indicates 10,000 cattle through the yards with an average of four nights stay. Operational plan is 'lower key' than Melreef's. Score =12

Melreef: Plan to operate the facility as an AQIS approved export facility and use the facilities to serve as a watering/rest stop for long haul cattle transport. Have presented a 'best case scenario' that has 32,900 cattle using the facility with an average 9.4 days stay. Average stay is significantly impacted by yarding proposal for Austrex cattle that are anticipated to stay an average of 20days per animal. Plan includes up to 12 shipments per annum. Plan to manage the facility using a manager and casual labour. Plan is significantly larger than both EPCC and previous operations of the site. Score = 12

Capacity (15)

EPCC: Have extensive experience and history with the Port Hedland Cattle Yards. Have all of the necessary skills, qualifications and capabilities to successfully manage the yards. Score = 15.

Melreef: Have extensive experience and history with Cattle Yards. Have all of the necessary skills, qualifications and capabilities to successfully manage the yards. Score = 15.

Local Preference (10)

EPCC: Bid is primarily from local pastoralists. Score = 10.

Melreef: Have experience with Pilbara cattle yards but are not a local company. Score = 0.

Score Summary

	EPCC	Melreef
Price	26	60
Operations	12	12
Capacity	15	15
Local	10	0
Total	63	87

Consultation

Prior to tender there had been extensive media coverage regarding the future of the Cattle Yards. Both Council and the Pilbara Regional Council agreed to tender the management of the facility. The tender was advertised in both the West Australian and North West Telegraph, and was made available on Council's website.

Statutory Implications

The tendering of the management of the Cattle Yards has complied with the requirements of the Local Government (Functions and General) Regulations.

The leasing of the proposed facility must comply with the Asset Disposal requirements of the Local Government Act 1995. These process need to be completed prior to Council formally endorsing the lease.

The successful tenderer will need to comply with Australian Quarantine and Inspection Service (AQIS) regulations if they are planning to operate the facility as an export yard.

Both tenderers are aware of this fact and are prepared to comply with the legislative requirements

Policy Implications

Nil

Strategic Planning Implications

The Cattle Yards are not specifically mentioned within Council’s Strategic Plan. Council has previously indicated that it does not believe that operating the Cattle Yards is the core business of the Town.

Budget Implications

Capital

Council has funds within its Cattle Yards Reserve that are allocated for the maintenance and development of the Cattle Yards Facility. Tenderers were requested to advise what capital works they intend on undertaking using the Council reserve funds and other capital funds that they are willing to inject. Tabled below are the proposals.

	Capital Proposals
EPCC	Fencing Sprinkler system upgrade Lighting Safety latches Shade Weigh bar platform Caravan for on-site person Portable ablution trailer Small tractor Welder, oxy generator set on trailer Estimated Total Cost: \$108,500 Future Developments Extend Yards Shade areas Comply with any new AQIS and OHS needs Feed shelter Weigh pen
Melreef	Yard extensions to cater for up to 4,500 cattle Repair/restore functionality of facility Restore water tanks and water supply Erect feed shed Machinery (loader, trailer and auger) Erect office with toilet facility Security fencing Estimated Total Cost: \$100,000 Future Developments Housing for manager Silos for bulk feed Bore

Operational Budget

Both tenderers have submitted operational budgets for the facility. Melreef’s proposed income and expenditure budget is significantly larger than EPCC’s.

Both budgets indicate that a surplus can be generated from the facility assuming that reasonable cattle numbers come through the facility. Melreef is proposing to charge \$1 per head of cattle and EPCC is proposing to charge \$1.50 per head.

Officer's Comment

While the assessment of the tenders based on the tender selection criteria gives the Melreef tender a significantly higher score, the difference in the tender bids was marginal. The factor that impacted on the scoring most significantly was the rental prices that are being offered.

While the tenders were similar in many respects (other than rental price), Melreef are proposing to offer lower fees for Cattle Yard's users and are proposing to undertake more extensive development than the EPCC bid and hence they are the recommended tenderer.

Officer's Recommendation

That:

- i) Melreef Pty Ltd be appointed as the preferred tenderer for Tender 06-29 Leasing of the Port Hedland Cattle Yards;
- ii) Council's Chief Executive Officer be authorised to enter into negotiations to finalise the lease for the use the Cattle Yards Reserve (Reserve 33593); and
- iii) the lease documentation be returned to Council for consideration prior to the lease being executed.

200607/156 Council Decision

Moved: Cr G J Daccache **Seconded:** Cr J M Gillingham

That:

- i) **Melreef Pty Ltd be appointed as the preferred tenderer for Tender 06-29 Leasing of the Port Hedland Cattle Yards;**
- ii) **Council's Chief Executive Officer be authorised to enter into negotiations to finalise the lease for the use the Cattle Yards Reserve (Reserve 33593); and**
- iii) **advise the preferred tenderer that residential development may not be granted approval in the future; and**
- iv) **the lease documentation be returned to Council for consideration prior to the lease being executed.**

CARRIED 7/0

REASON: Council wished to advise the preferred tenderer of Tender 06-29 'Leasing of the Port Hedland Cattle Yards', being Melreef Pty Ltd that future residential development on the site may not be granted approval.

11.4.2.2 Northwest Earthcare Bio-Diesel (File No.: -)

Officer Chris Adams
Chief Executive Officer

Date of Report 23 November 2006

Disclosure of Interest by Officer Nil

Summary

Support has been sought from Northwest Earthcare Biodiesel for their proposed bio-diesel project in Port Hedland.

Background

At its November meeting Council resolved to seek a report on the Northwest Earthcare (NWE) Biodiesel project. From the discussions at the November meeting it was clear that Council wanted to find out more about this proposal prior to providing support for the project.

Listed below is a summary of the organisations Business Plan. A full copy of the plan was distributed to Councillors at the November Council meeting.

Mission	To recycle Waste Vegetable Oil (WVO), grow bio-fuels and refine them into quality assured bio-diesel for local customers
Company Structure	Unincorporated association that intends on incorporating as a limited liability corporation. Stakeholders include Mr Peter O'Regan (Manager), a transport company, Hedland Sheet Metal and Banyjma Aboriginal Corporation. Plan to employ manager and one off-sider and use a contract bookkeeper
Current Status	Currently collecting WVO from various establishments within Port Hedland and providing advice on oil quality and waste management.
Immediate Future Plan	Construct a plant on leased land at Bell St that can develop 115kL/year of bio-diesel.
Markets	Industry, 'greenies' and government customers.
Current Issues (Company perspective)	Insufficient company capital currently available to develop facilities.
Plan (Company perspective)	Seek external capital from Government Grants to allow implementation of company business plan to proceed

Consultation Nil

Statutory Implications Nil

Policy Implications

Council currently has no policies in relation to how it does/does not support propositions from companies who are seeking financial support from Council.

Strategic Planning Implications

While bio-diesel projects are not specifically mentioned within the Council's Strategic Plan, the following statements from the plan are relevant to this matter:

Waste Management: That the Town of Port Hedland is managing waste at a level commensurate with Best Practice for Local Governments of similar size and nature.

Natural Resources: That the Town of Port Hedland is managing its unique environment and using its resources sustainably.

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

Budget Implications

Northwest Earthcare (NWE) Business Plan

The NWE Business Plan indicates that the company equity is \$77,777 with a further \$70,000 required from other sources required to implement the immediate future plans. This equity is being sought from Government Grants (Pilbara Area Consultative Committee, Department of Industry and Resources, and Town of Port Hedland)

The business plan indicates that the breakeven point for the company is estimated to be after 70,325 litres of bio-diesel has been sold with a maximum production current capacity of 60,000pa due to limitations on the current supply of WVO.

Council Budget

While there has been no specific budget allocated for this project within Council's 2006/07 budget. Council has allocated \$100,000 for the development of a Community Recycling Centre. To date there is no specific plan for the expenditure of this money. Currently the intention of staff is wait until the Regional Waste Management/Recycling Project has been completed prior to undertaken any action on this project.

It is anticipated that the regional project will identify the most appropriate and sustainable manner in which to introduce recycling practices within the Pilbara.

If Council did elect to financially support the NWE project a portion of these funds could potentially be used.

Officer's Comment

The NWE clearly has a range of environmental and economic benefits to the community. The project has the potential to reduce fossil fuel consumption within the Town and provide a relatively inexpensive, reliable fuel source for local customers.

While the project has significant merit, a major issue for Council is whether it should be financially supporting a local business that is trying to establish. While it is not uncommon for some local government governments to support business development through rate exemptions, fee exemptions, low interest loans and/or capital contributions, the Town of Port Hedland does not currently have any policies on how it should deal with these matters.

As the project is being set up as a company, stakeholders/financiers of the project will logically be seeking a return on their investment. It is arguable whether Council should be investing in a project which (if successful) will provide a financial return to individual investors as opposed.

It is recommended that Council indicate its support for the project by providing a letter of support to NWE indicating Councils support and willingness to assist with obtaining approvals, licenses, etc. In relation to financial commitments Council could either support the proposal or not support the proposal. If Council did support the proposal financially, it is strongly recommended that the support be highly conditional in relation to the achievement of agreed outcomes.

200607/157 Council Decision/Officer's Recommendation

Moved: Cr D R Pike **Seconded:** Cr J M Gillingham

That Council write to Northwest Earthcare indicating that the Town of Port Hedland is supportive of the proposed Bio-Diesel Project and is willing to work with the proponents to:

- i) source external capital to assist the project come to fruition; and**
- ii) obtain all necessary licenses and approvals for the development.**

CARRIED 7/0

11.4.2.3 Progress of Pilbara Fund Applications (File No.: 28/04/0009)

Officer Gaye Stephens
Executive Assistant

Date of Report 24 November 2005

Disclosure of Interest by Officer Nil

Summary

To progress successful Pilbara Fund Applications for funding towards the following projects:

- Replacement and Upgrade of Street lighting – South Hedland and Wedgefield
- Skate Park Upgrade – South Hedland
- Walkway and Park Lighting - South Hedland
- Walkway Lighting to Matt Dann Cultural Centre Entrance

Background

To be considered eligible to access the Pilbara Funds, proposals needed to promote partnerships between the community/business sector and government or across tiers of governments, demonstrate a high level of financial commitment and secure matching funds or in-kind support.

The Minister for the Pilbara recently announced successful applicants of the 2006-2007 round of the Pilbara Fund.

In correspondence received 22 November 2006, the Pilbara Development Commission (PDC) has advised of the following successful Council Applications for Pilbara Funding, subject to meeting funding conditions:

- replacement of street lighting in various locations in South Hedland and Wedgefield - \$198,000 including GST;
- upgrade of South Hedland skate park by expanding dimensions and providing seating, tables, benches and shade - \$77,000 including GST;
- replacement and upgrade of walkway and park lighting in South Hedland - \$22,000 including GST;
- provision of walkway lighting leading to the entrance of Matt Dann Cultural Centre - \$11,000 including GST.

Conditions of Funding

Prior to the release of funds to Council, the Town is to provide evidence indicating that all the conditions of funding set by the PDC are met, as follows:

Council is required to provide -

- evidence that Council has secured sufficient funding to enable to project to proceed (copies of letters from other sources); and
- a signed copy of the individual 'Financial Assistance Agreement' (FAA), which contains details of standard terms and conditions of funding, Council's GST obligations and information on the grant payment process.

The Pilbara Development Commission have advised that all approved projects are subject to the Commission receiving confirmation in writing that all matching funding has been confirmed. Additionally, if the above General Conditions must be met within 6 months from the date of their letter (15 November 2006), the offer may be withdrawn.

Officer's Comment

Separate Financial Assistance Agreements (FAA) for Pilbara Funds to assist financially towards each of the approved projects requires the Town of Port Hedland Common Seal to be affixed and to be signed by the Mayor and Chief Executive Officer.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Council's Strategic Plan 2006-2011 includes the following Goals and Strategies:

"KEY RESULT AREA 1 - INFRASTRUCTURE

Goal 1 – To have a developed network of road and footpaths that are well maintained.

...5. Develop and implement a comprehensive street lighting program..

Goal 2 – Parks and Gardens

To have a variety of well maintained and well utilised Parks and Gardens that meet the various needs of park users."

Budget Implications

The approved projects have been budgeted for in the 2006/07 budget, as follows:

Project	Project Cost Estimate 2006/2007 Budget	Account	Other Funding Being Sought	Pilbara Fund Contribution
Street Lighting - replacement of street lighting in various locations in South Hedland and Wedgefield	\$360,000	1206283 Street/Walkway Lights		\$198,000 incl. GST to income Account 121387
South Hedland Skate Park – upgrade by expanding dimensions, tales, benches, seating and shade.	\$200,000	1108415 Skate Park Upgrade	BHP - \$100,000	\$77,000 including GST to income Account 1108340
South Hedland Walkway/Park Lighting Upgrade	\$180,000	1201481 Walkway Lighting	BHP - \$45,000	\$22,000 including GST to income Account 1201387
Matt Dann Cultural Centre Walkway Lighting			\$60,000	\$11,000 including GST to income Account 1118341

Appropriate budget adjustments will be made to reflect the now anticipated budget for each project. These changes will be made as a component of the next quarterly budget review, scheduled for January 2007.

The following budget amendment is required:

- Create a new Non Operating Expenditure Account 1118425 'MDCC Walkway/Entrance Lighting'

200607/158 Council Decision/Officer's Recommendation**Moved:** Cr G J Daccache **Seconded:** Cr S F Sear**That:**

- i) approval be granted for the Mayor and Chief Executive Officer to sign and duly affix the Town of Port Hedland Common Seal to each of the following Pilbara Fund Financial Assistance Agreements (FAA):
 - a) replacement of street lighting in various locations in South Hedland and Wedgefield - \$198,000 including GST;
 - b) upgrade of South Hedland Skate Park by expanding dimensions and providing seating, tables, benches and shade - \$77,000 including GST;
 - c) replacement and upgrade of walkway and park lighting in South Hedland - \$22,000 including GST;
 - d) provision of walkway lighting leading to the entrance of Matt Dann Cultural Centre - \$11,000 including GST; and
- ii) the Pilbara Development Commission be advised in writing that all matching funding has been confirmed for each of the following projects:
 - a) replacement of street lighting in various locations in South Hedland and Wedgefield - \$198,000 including GST;
 - b) upgrade of South Hedland Skate Park by expanding dimensions and providing seating, tables, benches and shade - \$77,000 including GST;
 - c) replacement and upgrade of walkway and park lighting in South Hedland - \$22,000 including GST;
 - d) provision of walkway lighting leading to the entrance of Matt Dann Cultural Centre - \$11,000 including GST.

to meet the General Conditions of Funding set by the Pilbara Development Commission; and
- iii) the following budget amendment be authorised:
 - a) create new Non Operating Expenditure Account 1118425 'MDCC Walkway/Entrance Lighting'

CARRIED 7/0

**11.4.2.4 Australia's Northwest Request for Funding 2006/07
(File No.: TOU-006)**

Officer	Gaye Stephens Executive Assistant
Date of Report	27 November 2005
Disclosure of Interest by Officer	Nil

Summary

To consider contributing funding to Australia's Northwest for the provision of tourism marketing for 2006/07.

Background

Correspondence from the Chief Executive Officer of Australia's Northwest, Mr Glen Chidlow, was received on 7 November 2006, requesting Council to consider the provision of tourism marketing funding for the current financial year by becoming a Corporate Member. A subsequent Tax Invoice for \$11,000 including GST was received on 23 November 2006.

Australia's Northwest Tourism is the tourism marketing body for the Pilbara and Kimberley regions of Western Australia, and has a marketing services agreement with Tourism WA. In addition to membership fees collected each year Australia's Northwest have advised as follows:

"...the core activities of the organisation focus on destination marketing with an overall objective to increase visitor levels to the region. In order to maintain marketing efforts for the Pilbara region, Australia's Northwest Tourism is seeking funding from the Town of Port Hedland to the value of \$10,000 for the current financial year.

It is intended that this funding will assist with capitalising on previous marketing initiatives already implemented, such as the position statement 'Pilbara – Yours to Explore'. This will continue to be incorporated into mainstream marketing activities that focus on the Pilbara in an effort to distinguish it from other destinations.

...Marketing activity will spread throughout the financial year with a particular focus on the period February – May 2007 with a view to generating business into both the shoulder period and main tourist period of 2007.

Whilst the funds required will be channelled into mainstream marketing initiatives for the year, it is also noted that Australia’s Northwest represents the Town of Port Hedland at a number of tourism industry trade and consumer events throughout the year.”

Trade and Consumer Shows which Australia’s Northwest represent the Pilbara include:

TRADE SHOWS	CONSUMER SHOWS
Skywest Showcase	NT Expo
Oztalk Asia	Adelaide Caravan & Camping
ANW Roadshows	Perth Caravan & Camping
Oz Talk NZ	Sydney Caravan & Camping
Discover Australia	Melbourne Caravan & Camping
Australian Tourism Exchange	Brisbane Caravan & Camping
AIME Expo (Business Tourism)	Melbourne Holiday and Travel Expo
	Sydney Holiday & Travel Expo
	Mandurah Boat & Fishing Show

Officer’s Comment

Council is required to consider being a corporate member of the non-profit and incorporated Australia’s Northwest organisation.

For further information of Australia’s Northwest’s ability to market the Pilbara Region, particularly the Town of Port Hedland, elected members are invite to visit their website at www.australiasnorthwest.org.au. Port Hedland is not particularly featured as a destination for visiting tourists to the Region, instead it is currently marketed by the organisation as a ‘stopover’ location.

Council proactively demonstrates its support for tourism in the Region, particularly the Town, through its support of the Port Hedland Visitor Centre and has contributed \$180,000 for the management of the Centre in the 2006/07 financial year. Utilising these funds, the Port Hedland Visitor Centre is a member of Australia’s North West.

It is recommended Council not become a corporate member of Australia’s Northwest for the 2006/2007 financial year, on the basis that the Port Hedland Visitor is a current member, of which has been funded indirectly by Council.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Council has allocated \$180,000 to the Port Hedland Visitor Centre for the 2006/07 financial year to manage and operate the facility, including marketing to potential tourists of the Town.

200607/159 Council Decision/Officer's Recommendation

Moved: Cr G D Bussell **Seconded:** Cr S F Sear

That Australia's Northwest be advised in writing that Council decline the offer to become a Corporate Member and will not be contributing \$11,000 including GST to the non-profit organisation for the 2006/07 financial year.

CARRIED 7/0

11.4.2.5 Review of Delegated Authority Register (File No.: -)

Officer Chris Adams
Chief Executive Officer

Date of Report 22 November 2006

Disclosure of Interest by Officer Nil

Summary

Council is statutorily required to review its Delegated Authority Register at least once in every 12month period. A review has been undertaken and a new, more user friendly Delegated Authority Register has been developed.

Background

Delegated Authority Registers indicate the level of decision-making that can be done by staff and those decisions that must be made by Council.

Council's current delegated authority register was developed pre-2000 and has been reviewed annually since its original adoption. All previous reviews that have been sighted have been relatively minor in nature with very few (if any) changes being made on an annual basis. The last review of the Town's Delegated Authority Register was undertaken in December 2005. This review made minor changes to delegations.

At its February Briefing Session Council discussed alternate methods of operating the Delegated Authority Register. The matter was further discussed at the December Briefing Session. A summary of the points that were raised at these discussions is listed below:

LG Act states (in summary)

- Council can delegate functions to CEO (Certain things cant be delegated).
- CEO can on-delegate powers to other employees.
- A register of decisions made under delegations needs to be kept.
- The delegation register needs to be reviewed at least once per annum.

What the Town Currently does

- TOPH has a delegations register and sub delegations register.
- Registers have traditionally been reviewed annually but delegations have not substantially changed over the last 5 years.

- Delegations register is not kept universally – this has been changed in 2006 with a consolidated electronic delegations register now in place.
- Traditionally there has not been a lot of discussion within Council on the level of Delegated Authority.

What the Current TOPH Delegations Register Says

- Gives the power to CEO and/or other officers to do 51 specific things.
- Tells staff what decisions they can make as opposed to decisions that they cannot make.
- Several examples of duplication in the register (i.e. Delegations 17, 19 and 22 should all be in the one delegation).
- Items conflict with policy (i.e. 45 - Execution of Documents is different from Council’s policy on this matter).
- Items are a mixture of delegated authority and operational matters.

Correct Delegations	Operational Matters
Appoint an Acting CEO Acquire property >\$50K. Building Licenses Planning Approvals Investment Tender Selection Criteria	Seek legal advice Approve attendance at training/conferences. Uniform selection Pay creditors Arrange insurance Sale of information to the public in accordance with fees set by Council.

Problems with Delegated Authority in LGA’s

- Always is an issue about what is a Council role and what is an administration role. Section 5.41(d) states that the role of the CEO is to ‘*manage the day to day operations of the local government*’. Debate exists on what are day-to-day functions and what are the Council functions. An increasingly common way to address this is to authorise the CEO to do everything in the LG Act, TPS, Building legislation, etc. **EXCEPT** the decisions that Council decides that it wants to make itself.
- Only statutorily required to report delegations used under the local government act. Many decisions that are made are not under this Act (i.e. Planning, Building and Health Decisions). DLGRD encourages reporting of other delegations as a best practice.

In their most recent Compliance Audit on the Town of Port Hedland, the Department of Local Government and Regional Development indicated that improvement in the manner in which Council manages its delegated authority is warranted.

Consultation

As indicated above, Councillors have discussed this issue early this year and staff have sought advice from other LGA's and the DLGRD regarding what is 'best practice' in relation to the development of Delegated Authority Registers.

Internally staff has been consulted regarding the level of authority that they currently have. In general staff were comfortable with the authority that they have with the exception of Planning staff.

Planning staff felt that their current level of authority was low meaning that many simple planning applications were being unnecessarily being delayed due to a requirement to get a full Council decision on the matter rather than the matter being dealt with via delegated authority. Recent examples of these types of issues include the following from Council's October meeting:

- Approval of temporary car park for South Hedland New Living Display house.
- Approval of group dwelling at 70 Morgans street.

Additionally the lack of authority of staff to use the common seal on relatively simple documents such as the withdrawal of caveats, funding agreements and other operations documents was seen as an overly administrative requirement that slowed down response times and hindered customer service.

Statutory Implications

The following excerpts from the Local Government Act (1995) are relevant to this matter:

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

5.43. Limits on delegations to CEO's

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*

- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (h) *any power or duty that requires the approval of the Minister or the Governor; or*
- (i) *such other powers or duties as may be prescribed.*

5.44. *CEO may delegate powers and duties to other employees*

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
 - (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate,**are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) — “conditions” includes qualifications, limitations or exceptions.*

5.45. *Other matters relevant to delegations under this Division*

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
 - (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing —*
 - (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) *a CEO from performing any of his or her functions by acting through another person.*

5.46. *Register of, and records relevant to, delegations to CEO's and employees*

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*”

Policy Implications

Nil

Strategic Planning Implications

The Town's current Strategic Plan includes the following statement that is relevant to this matter:

Goal 5 - 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

Officer's Comment

Council's current delegated authority register is not well structured and is not in keeping with best practice local government authorities. The delegated authority register includes a number of operational matters and policy issues rather than focusing on decisions that the CEO and/or officers can or cannot make on behalf of Council.

Given this, it is recommended that the old Delegated Authority Register be replaced with the proposed new register. The new register is in a format that is in keeping with industry best practice. It indicates those decisions that **MUST** come to Council for consideration rather stating only those decisions that can be made by staff.

While this is a significant change, the principals are largely the same with Council retaining control over all major decision making processes such as budgetary decisions, major planning matters, policy matters, tender selection and procurement and resolution of controversial matter/issues.

Officer's Recommendation

That Council adopts the attached 2007 Delegated Authority Register.

200607/160 Council Decision

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

That:

- i) **the 2006 Delegated Authority be adopted as Council's 2007 Delegated Authority Register, subject to the removal of the existing delegation of subdivisions of more than 10 properties; and**
- ii) **Chief Executive Officer to submit to Council specific suggestions of delegations sought and justification thereof.**

CARRIED BY ABSOLUTE MAJORITY 7/0

REASON: Council sought to adopt the current 2006 Delegated Authority as the 2007 Delegated Authority Register, with the removal of the existing delegation of subdivisions of more than 10 properties; and request the Chief Executive Officer to submit suggestions of any further specific delegations with justification for consideration by Council.

11.4.2.6 Port Hedland Enhancement Scheme –Endorsement Sought for Funding Allocations to Existing and New Projects (File No.: TWN-010)

Officer Gaye Stephens
Executive Assistant

Date of Report 6 December 2005

Disclosure of Interest by Officer Nil

Summary

To seek Council endorsement of the Port Hedland Enhancement Scheme's recommendations for works to complete a number of existing and new projects.

Background

The new projects have been identified through Council's annual community survey and the Scheme's community consultation process. The Steering Group considers that all of the projects are commensurate with the intent of the Enhancement Scheme and will considerably improve the physical and visual amenity of the Port Hedland town site.

1. Existing Projects

Spoil bank Masterplan

A study of the Spoil bank was prepared for the Working Group in 2005 and indicated that it would be feasible to develop services such as a short-stay caravan park, a groyne and boat launching area, re-instatement of the yacht club basin and a future marina on the southern end of the Spoil bank. The study also investigated an appropriate site for a dry boat storage facility for development by LandCorp as an adjunct to the Pretty Pool subdivision development.

A Masterplan of the Spoil bank area has been prepared which recommends the most appropriate locations for each of the proposed services. The Working Group has recommended a staged development in partnership with Council, the Port Hedland Port Authority, the Port Hedland Yacht Club, LandCorp and the Department of Planning and Infrastructure as follows:

- Development of the groyne and removal of sand from Yacht Club basin
- Development of new boat launching facilities
- Development of a short-stay caravan park
- Development of the Marina

*Foreshore Park Upgrades**. Lighting*

The park lighting has been designed to support maximum community use of the facilities, whilst managing the impact on the local turtle habitat.

. Signage

The contract for the park upgrades included a nominal figure of \$10,000 to cover entrance signage at all three sites. The Steering Group prefers that the materials used for the park signage be consistent with those used for the recent upgrade of the Port Hedland Cultural and Heritage Trail to support aesthetic coherency across the Scheme projects. The cost for the signage using the preferred materials is estimated at \$20,000.

The Steering Group agreed to recommend an allocation of \$10,000 from the Scheme Fund to enable the park signage to be manufactured of materials consistent with the Port Hedland Cultural and Heritage Trail.

. Footpath Link

The original contract for the park upgrades included an extension of the new Civic Centre foreshore footpath as a link to Sutherland Street east. The extension included landscaping and lighting and was estimated at \$150,000. This section of the upgrade was removed from the contract as a cost saving measure. Linking the Civic Centre footpath to the eastern end of Sutherland Street without landscaping and lighting has been estimated at \$15,000 and will finalise the dual use footpath from Cooke Point to the Civic Centre.

*Sutherland Street**. Layout Plan*

The Steering Group recently commissioned a layout plan for Sutherland Street from the Spoil bank entrance to the All Seasons Hotel to identify additional improvements to add value to recent Scheme works and further enhance the Hedland foreshore amenity.

The plan includes parallel parking bays, reinstatement of native vegetation and small nodes with seating, exercise or play equipment and landscaping. The improvements will assist in creating a foreshore style promenade to support community interaction and activity along the Port Hedland beachfront and encourage an increase in tourism.

The cost of the improvements has been estimated at \$700,000. The Steering Group agreed to recommend an allocation of \$300,000 to the Town of Port Hedland towards the development of the activity nodes as the first stage of the development.

Council may consider seeking alternative funding to develop further stages of the layout plan in the future.

. *Replacement of Bitumen Footpath*

The section of Sutherland Street footpath commencing adjacent to St Cecelia's Church through to the All Seasons Hotel is constructed of bitumen, in poor condition and a hazard to pedestrians. In addition, the footpath traverses the front of Cemetery Beach Park and in its current state detracts from the visual and physical improvements achieved as a result of the recent park upgrade project.

. *Bus Shelters and Shaded Seating*

The Enhancement Scheme has a strong focus on upgrading elements of the Port Hedland town site to encourage tourism and provide improved facilities for the community. Recent works include the installation of shaded seating at Koombana Lookout and the replacement of eight existing bus shelters within the Port Hedland town site.

An amount of \$80,000 was previously approved for this project. Additional work has been required to complete the installation of the bus shelters at a cost of \$2,018.

2. *New Projects*

Port Hedland Skate Park

The Town of Port Hedland's Recreation Facilities Audit 2006 recommended the development of a skate park in Port Hedland. A further survey of three hundred young people in the town supported this recommendation. Council is proposing to commence the construction of the skate park in May 2007 including seating, bike racks, lighting and water fountain.

The Steering Group regards the development of youth recreational facilities as important to the sustainability of the town and consistent with the intent of the Scheme.

Relocation of the Historical Society's old miner's Cottage to the Heritage Precinct

The Port Hedland Historical Society is a non-profit organisation, established over 20 years ago to preserve the rich history of Port Hedland. The Society also provides the community and tourists with information on conservation, historical and heritage matters. The Society owns and operates Dalgety House Museum in the Port Hedland central business district (CBD), which plays host to approximately 2,000 people per annum through visitations and frequent social and community events. The Society is in the process of renewing interpretive boards and materials and developing a CBD Heritage Walk Tour to add to the range of museum activities.

Currently operating from Dalgety House, limits its ability to provide a full service to the community and impinges on the integrity and purpose of the museum. The Society owns a small Hedland miner's style cottage, which comprises two offices, a kitchen and a bathroom. The Society is proposing to relocate the cottage to the museum site as a headquarters for its operations and to support the delivery of educational and heritage tours.

Port Hedland Yacht Club

The Port Hedland Yacht Club is located on the Spoil bank and has over 700 full and associate members. Whilst the primary function of the Club is to provide facilities for the yachting and boating fraternity, given its water front location it is frequently utilised for community social events and other activities. It also operates an al fresco eating venue in Port Hedland, which is well patronised by the community.

The current Yacht Club building is a single storey prefab, which is over 20 years old and in extremely poor condition. The Yacht Club Committee is planning to redevelop the site and replace the building with a modern two-storey facility incorporating clubrooms, meeting and training room, storage, galley and a licensed area. New landscaping and playground equipment is included in the plan.

The redevelopment will enable the Yacht Club to offer the community additional opportunities for participation in sport, recreation and family orientated activities through improved facilities. It will also support the delivery of a more professional service to members, community, visitors and tourists and provide a venue for education and training programs on safe recreational boating and encourage increased participation in water-based sports.

The redevelopment is estimated at \$500,000 of which the Yacht Club is contributing \$80,000 and has secured \$100,000 from the Pilbara Fund. Additional funds are being sought from the Regional Partnerships program and BHP Billiton Iron Ore's Greening program.

Port Hedland Turf Club Grandstand Facility

The Port Hedland Turf Club has been established for approximately 98 years and is the Regional Racing Centre for the Pilbara as designated by Racing and Wagering WA. The Club operates a well patronised annual racing season between May and August from its McGregor Street race track as part of the North West racing round. A total of approximately 18,000 people attended Port Hedland's 2006 race season including up to 10,000 people at the 2006 Port Hedland Cup event.

The Turf Club facilities including the stables and grandstand are in a state of disrepair and require urgent attention prior to the 2007 race round. The Committee recently secured funding to undertake repairs at its stables in Pretty Pool and the racetrack, with funding to assist with the development of a replacement grandstand.

Colin Matheson Oval Playground Shade

Council has recently installed a new playground at Colin Matheson Oval in Port Hedland. The playground is catering to existing families and the Port Hedland Primary School and will also be utilised by new families that locate into the area as a result of major new housing projects in Cooke Point. The playground requires suitable shading to ensure full sun protection is available for young children whilst playing on the equipment.

Port Hedland Boat Ramp Upgrade

The Port Hedland Boat Ramp is located on Richardson Street in the CBD. Recreational fishing is a popular activity and as the only boat launching facility in the Port Hedland town site, the boat ramp is in constant use and in need of some repair and additional facilities. Council is proposing to improve the facility and include lighting to assist with night launching and a boat wash down bay.

CBD Banners

The Steering Group agreed to allocate an amount of \$5,000 from the Scheme Fund to the Town of Port Hedland for the purchase of banner connectors and banners to be used for display purposes in the Port Hedland CBD.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

The Town’s current Strategic Plan includes various statements that is relevant to this matter:

Budget Implications

Income of \$747,018 to various income accounts for the individual projects. Refer to table in Officer’s Comment below.

Officer’s Comment

The Port Hedland Enhancement Scheme’s Steering Committee have met twice recently, and now recommends funding for both existing and new projects, for Council endorsement for the allocation of funding, as tabled below:

	Works Funded	Funds Allocated to:	Estimated Cost of Total Project	PHES Fund Allocation \$
EXISTING PROJECTS:				
Spoil Bank Masterplan	To initiate the first two stages	Council	\$1,000,000	\$1,000,000
Foreshore Park Upgrades (Pretty Pool, Cemetary Beach and Civic Centre)	Installation of Lighting	Council	\$150,000	\$150,000
	Parking and walkway for Council’s housing and Civic Centre	Council	\$80,000	\$80,000
	Additional funding for Park Signage	PDC	\$20,000	\$10,000

	Footpath link from Civic Centre Park to eastern end of Sutherland Street.	Council	\$15,000	\$15,000
Sutherland Street Upgrade	Development of the activity nodes as the first stage of the development	Council	\$700,000	\$300,000
	Replace the bitumen section of Sutherland Street with a concrete dual use footpath	Council	\$150,000	\$150,000
	Finish Seating and Bus Shelters	Council	\$2,018	\$2,018
NEW PROJECTS:				
Port Hedland Skate Park	Contribution towards development of new facility	Council	\$200,000	\$130,000
Port Hedland Historical Society	Contribution to assist with the relocation of the old miner's cottage to the Dalgety House Museum site.	PH Historical Society		\$50,000
Port Hedland Yacht Club	Contribution towards redeveloping the Club Facilities	Port Hedland Yacht Club	\$500,000	\$100,000
Port Hedland Turf Club	Contribution towards the development of new grandstand	Council		\$100,000
Colin Matheson Oval	Contribution towards cost of shade over newly installed playground equipment.	Council		\$25,000
Port Hedland Boat Ramp	Contribution towards boat ramp upgrade.	Council		\$40,000
Banners in Port Area	Purchase of banner connectors and banners to be used for display purposes in CBD	Council		\$5,000
TOTAL				\$2,157,018

200607/161 Council Decision/Officer's Recommendation

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

That the Pilbara Development Commission be advised in writing of Council's support of the Port Hedland Enhancement Scheme's Steering Group recommendations to allocate funding as follows:

Existing Projects:

- i) \$1,000,000 Town of Port Hedland to initiate the first two stages of the Spoil bank Upgrade Development comprising-**
 - . Stage 1 - Development of the groyne and removal of sand from Yacht Club basin; and**
 - . Stage 2 - Development of new boat launching facilities;**

- ii) \$255,000 for completion of foreshore park upgrades at Pretty Pool and Cemetary Beach and Civic Centre, comprising -**
 - . \$150,000 to Town of Port Hedland for installation of lighting;**
 - . \$80,000 to Town of Port Hedland for parking and walkway provision at Council's housing at Civic Centre;**
 - . \$10,000 to Pilbara Development Commission being additional funding for park signage; and**
 - . \$15,000 to Council for footpath link from Civic Centre Park to eastern end of Sutherland Street;**

- iii) \$452,018 for Sutherland Street upgrade works comprising -**
 - . \$300,000 to Town of Port Hedland for development of the activity nodes as the first stage of the development;**
 - . \$150,000 to Town of Port Hedland to replace the bitumen section of Sutherland Street with a concrete dual use footpath; and**
 - . \$2,018 to Town of Port Hedland to finish seating and bus shelter works;**

New Projects:

- iv) \$130,000 to Town of Port Hedland as contribution towards development of new Port Hedland Skate Park facility;**

- v) \$50,000 to Port Hedland Historical Society to assist with the relocation costs of the old miner's cottage to the Dalgety House Museum site;**

- vi) **\$100,000 to the Port Hedland Yacht Club contributing towards the redevelopment of the Club facilities; and**
- vii) **\$100,000 to the Town of Port Hedland contributing towards the development of a new grandstand;**
- viii) **\$25,000 to Town of Port Hedland towards cost of installing shade over the newly implemented playground equipment at Colin Matheson Oval;**
- ix) **\$40,000 to Town of Port Hedland towards Port Hedland Boat Ramp upgrade costs; and**
- x) **\$5,000 to Town of Port Hedland being for the purchase of banner connectors and banners to be used for display purposed in the Central Business District of Port Hedland.**

CARRIED 6/1

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**12.1 Engineering Services****12.1.1 *Tender 06/33 Supply & Delivery of Aggregate and Spray Bitumen Surfacing (File No.: 23/08/0027)***

Officer Grant Logie
Director Engineering
Services

Date of Report 11 December 2006

Disclosure of Interest by Officer Nil

Summary

This report is a summary of the tenders received for the Supply & Delivery of Aggregate and Spray Bitumen Surfacing.

Background

The current contracts for the supply and delivery of both aggregate and spray bitumen surfacing are due to expire on 31st December 2006. As a result tenders were recently called for the Supply & Delivery of Aggregate and Supply and Delivery of Spray Bitumen Surfacing for various Town of Port Hedland projects for a period ending 30th June 2008. Tenders were presented at the November 2006 Council meeting with no tenders received for Supply and Delivery of Aggregate. Council resolved that:

“That a new tender for Supply and Delivery of Spray Bitumen Sealing including supply and delivery of Aggregate be advertised in accordance with Section 3.57 of the Local Government Act 1995.”

Consultation

Council’s Engineering staff has reviewed all the tender submissions prior to recommending Council’s resolution. This item is an integral part of Council’s road construction and maintenance program.

Statutory Implications

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

*“3.57. Tenders for providing goods or services
(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*

(2) *Regulations may make provision about tenders.”*

Policy Implications

This tender was called in accordance with Council’s Procurement Policy 2/015.

Strategic Planning Implications

Key Result Area 1 - Infrastructure
 Goal 1 – Roads, Footpaths and Drainage
 Strategy 1 – Develop a comprehensive road maintenance and road development program that identifies Council’s priorities and program for the next 10 years.

Budget Implications

Funding for aggregate and spray bitumen surfacing is included in the budget of each project.

Officer’s Comment

Tenders were received from Boral Asphalt (WA) and Pioneer Road Services Pty Ltd as detailed in table 1 & table 2 below:

Table 1: (Prices Ex GST)

Aggregate

Specification	Boral Asphalt (WA)	Pioneer Road Services Pty Ltd
14mm		
Ex 6 mile	\$52.80 / t	N/A
Ex plant	\$45.10 / t	N/A
Ex Wedgefield	\$52.80 / t	\$63.00 / t
10mm		
Ex 6 mile	\$64.90 / t	N/A
Ex plant	\$53.90 / t	N/A
Ex Wedgefield	\$64.90 / t	\$63.00 / t
7mm		
Ex 6 mile	\$64.90 / t	N/A
Ex plant	\$53.90 / t	N/A
Ex Wedgefield	\$64.90 / t	\$63.00 / t
5mm		
Ex 6 mile	N/A	N/A
Ex plant	N/A	N/A
Ex Wedgefield	N/A	\$65.00 / t
Dust		
Ex 6 mile	\$17.60 / t	N/A
Ex plant	\$6.60 / t	N/A
Ex Wedgefield	\$17.60 / t	N/A
Rock Spalls		
Ex 6 mile	\$38.50 / t	N/A
Ex plant	\$27.50 / t	N/A
Ex Wedgefield	\$38.50 / t	N/A

Specification	Boral Asphalt (WA)	Pioneer Road Services Pty Ltd
Delivery charges t/km to other sites	\$0.135	\$0.25
Stockpile (loose) cubic metres to dry tones of crushed aggregate (density)		
14mm	1.47 t/m ³	1.5 t/m ³
10mm	1.48 t/m ³	1.5 t/m ³
7mm	1.45 t/m ³	1.5 t/m ³
5mm	N/A	1.5 t/m ³
Dust	1.5 t/m ³	1.5 t/m ³

Table 2: (Prices Ex GST)

Spray Bitumen Surfacing

Specification	Boral Asphalt (WA)	Pioneer Road Services Pty Ltd
Primer to AMCO 55/45		
0 - 2000	\$7.10	\$7.80
2001 – 5000	\$1.37	\$1.45
5001 – 15000	\$1.05	\$1.05
15001 – 30000	\$0.98	\$0.98
> 30000	\$0.95	\$0.98
Medium – Heavy Primer AMC3 80/20		
0 – 2000	\$7.02	\$7.85
2001 – 5000	\$1.47	\$1.50
5001 – 15000	\$0.97	\$0.98
15000 – 30000	\$0.95	\$0.96
> 30000	\$0.92	\$0.94
Binder 100/00 with adhesion agent		
0 - 2000	\$7.00	\$7.80
2001 – 5000	\$1.45	\$1.50
5001 – 15000	\$0.96	\$0.98
15001 – 30000	\$0.94	\$0.96
> 30000	\$0.92	\$0.94
Additives		
5% Polymer	\$0.75	\$0.90
7% Polymer	\$0.86	\$1.00
10% Polymer	\$0.90	\$1.10
15% Polymer	\$0.94	\$1.20
Enrichment Seals		
0 - 2000	\$7.20	\$7.90
2001 – 5000	\$1.60	\$1.65
5001 – 15000	\$1.02	\$1.10
15001 – 30000	\$1.02	\$1.06
> 30000	\$1.00	\$1.04
Precoat Aggregate		
0 – 20m ³	\$62.39	\$75.50
21 – 50 m ³	\$37.99	\$32.50
51 – 150 m ³	\$18.10	\$18.60
> 300 m ³	\$9.26	\$15.35
7mm Medium Primer Coat		
0 – 2000m ²	\$6.91	\$5.50
2001 – 5000 m ²	\$2.23	\$3.30
5001 – 15000 m ²	\$0.88	\$1.05
15001 – 30000 m ²	\$0.78	\$0.96
> 30000 m ²	\$0.78	\$0.96
10mm Aggregate Sealing		
0 – 2000 m ²	\$6.91	\$5.95

2001 – 5000 m ²	\$2.23	\$3.35
5001 – 15000 m ²	\$0.88	\$1.10
15001 – 30000 m ²	\$0.78	\$1.02
> 30000 m ²	\$0.78	\$1.00
14mm Aggregate Sealing		
0 – 2000 m ²	\$6.91	\$6.00
2001 – 5000 m ²	\$2.23	\$3.40
5001 – 15000 m ²	\$0.88	\$1.15
15001 – 30000 m ²	\$0.78	\$1.10
> 30000m ²	\$0.78	\$1.05
Protection of kerbs per linear metre	\$2.50	\$5.50
Mobilisation	\$8500.00	7500.00
Demobilisation	\$8500.00	7500.00

The following table was produced as a means of comparison and is only a proportional reflection of the quantities that may be required.

Table 3:

Product	Quantity	Rate	Boral Asphalt	Pioneer Road Services
7mm Aggregate	50 tonnes	Ex Wedgefield	\$3,245	\$3,150
10mm Aggregate	200 tonnes	Ex Wedgefield	\$12,980	\$12,600
14mm Aggregate	450 tonnes	Ex Wedgefield	\$23,760	\$28,350
Binder 100/00 with adhesion agent	150,000m ²	2.01/m ² >30,000 m ²	\$276,000	\$282,000
Enrichment Seals	2,000m ²	1.01/m ² (2,001 – 5000)	\$3200	\$3300
Precoat Aggregate	1,100 m ²	>300 m ³	\$10,186	\$16,885
10mm sealing aggregate	40,000 m ²	>30,000 m ²	\$31,200	\$40,000
14mm sealing aggregate	35,000 m ²	>30,000 m ²	\$27,300	\$36,750
Mobilisation/ Demobilisation	1	Each	\$17,000	\$15,000
Total			\$404,871	\$438,035

Tenderers also provided the following information:

Table 4:

Specifications	Boral Asphalt (WA)	Pioneer Road Services Pty Ltd
Additives		
Details of Type	SAMI	EX SAMI NORTH FREMANTLE
Mixing Details	EX PERTH	% SHEAR & MOBE @ \$25,000
Enrichment seals		
Material Type	CRS 170/60 EMULSION	EMULSION
Additives	WATER	WATER
Common Application Rate	0.5 TO 0.6 L/M ²	0.6 – 0.8 L/M ²
Current Cost Per Litre for Class 170 Bitumen @ 15°C	\$0.65	\$0.75
Current Cost per Litre for Power Kerosene @ 15°C	\$0.96	\$0.80
Precoat Type Current Cost per litre @ 15°C	\$0.88	\$2.00
Frequency of visits to Port Hedland	WHEN REQUIRED	2 PER ANNUM

Boral Asphalt (WA)

- Operational premises located at 90 McDowell Street, Welshpool WA 6106
- No early payment discount was offered by Boral Asphalt (WA).
- Boral Asphalt has the largest construction materials research and testing facility in the Southern Hemisphere.
- Boral are the current suppliers of aggregate and spray bitumen sealing for the Town of Port Hedland.

Pioneer Road Services Pty Ltd

- Tenderer's operational premises located at Peewah St, Wedgefield however mobilisation and demobilisation costs still apply.
- No early payment discount was offered by Pioneer Road Services Pty Ltd.
- Wherever possible mobilisation charges shall be minimised should they be undertaking other works in the region or if there is potential for other works in the region they will gladly pro rata applicable rates.
- Rates include traffic control and are fixed for the term of the contract.
- Aggregate rates are based on 75 tonne loads minimum per aggregate type, delivered to Wedgefield only.
- The 24 hour clause will only be able to be implemented when crew is in the Port Hedland region.

Have extensive experience in the North West region, having successfully supplied dense graded asphalts to Shires and Government Authorities in the region over recent years.

Table 5 below indicates the evaluation criteria as per tender documentation:

Price	60%
Experience	10%
Resources (eg Plant & Equipment)	10%
Demonstrated Understanding of required tasks	10%
Local Supplier	10%
Total	100%

Table 6 below indicates the weighting applied to Tenderers as per tender evaluation criteria:

Evaluation Criteria	Boral Asphalt (WA)	Pioneer Road Services
Price (60%)	60	55
Experience (10%)	10	10
Resources (10%)	10	10
Demonstrated Understanding (10%)	10	10
Local Supplier (10%)	5	5
Total	100	95

Council’s tender box was checked on Monday 11th December 2006 and a further 2 tender submissions were found. Late tenders were received from RnR Contracting (stamped received at 11am on 8th December) and Works Infrastructure. These tenders will not be considered as the tender documentation clearly states that:

“Only tenders that are in the tender box at the date and time of closing will be accepted.”

200607/162 Council Decision/Officer’s Recommendation

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

That:

- i) **Tender 06/33 for Supply and Delivery of Aggregate & Spray Bitumen Surfacing be awarded to Boral Asphalt (WA) as per the following schedule of rates for the period 1/1/07 to 30/6/08:**

Aggregate

Specification	Boral Asphalt (WA)
14mm	
Ex 6 mile	\$52.80 / t
Ex plant	\$45.10 / t
Ex Wedgefield	\$52.80 / t
10mm	
Ex 6 mile	\$64.90 / t
Ex plant	\$53.90 / t

Ex Wedgefield	\$64.90 / t
7mm	
Ex 6 mile	\$64.90 / t
Ex plant	\$53.90 / t
Ex Wedgefield	\$64.90 / t
5mm	
Ex 6 mile	N/A
Ex plant	N/A
Ex Wedgefield	N/A
Dust	
Ex 6 mile	\$17.60 / t
Ex plant	\$6.60 / t
Ex Wedgefield	\$17.60 / t
Rock Spalls	
Ex 6 mile	\$38.50 / t
Ex plant	\$27.50 / t
Ex Wedgefield	\$38.50 / t

Specification	Boral Asphalt (WA)
Delivery charges t/km to other sites	\$0.135
Stockpile (loose) cubic metres to dry tones of crushed aggregate (density)	
14mm	1.47 t/m ³
10mm	1.48 t/m ³
7mm	1.45 t/m ³
5mm	N/A
Dust	1.5 t/m ³

Spray Bitumen Surfacing

Specification	Boral Asphalt (WA)
Primer to AMCO 55/45	
0 - 2000	\$7.10
2001 – 5000	\$1.37
5001 – 15000	\$1.05
15001 – 30000	\$0.98
> 30000	\$0.95
Medium – Heavy Primer AMC3 80/20	
0 – 2000	\$7.02
2001 – 5000	\$1.47
5001 – 15000	\$0.97
15000 – 30000	\$0.95
> 30000	\$0.92
Binder 100/00 with adhesion agent	
0 - 2000	\$7.00
2001 – 5000	\$1.45
5001 – 15000	\$0.96
15001 – 30000	\$0.94
> 30000	\$0.92
Additives	
5% Polymer	\$0.75
7% Polymer	\$0.86
10% Polymer	\$0.90
15% Polymer	\$0.94
Enrichment Seals	
0 - 2000	\$7.20
2001 – 5000	\$1.60
5001 – 15000	\$1.02
15001 – 30000	\$1.02

> 30000	\$1.00
Precoat Aggregate	
0 – 20m ³	\$62.39
21 – 50 m ³	\$37.99
51 – 150 m ³	\$18.10
> 300 m ³	\$9.26
7mm Medium Primer Coat	
0 – 2000m ²	\$6.91
2001 – 5000 m ²	\$2.23
5001 – 15000 m ²	\$0.88
15001 – 30000 m ²	\$0.78
> 30000 m ²	\$0.78
10mm Aggregate Sealing	
0 – 2000 m ²	\$6.91
2001 – 5000 m ²	\$2.23
5001 – 15000 m ²	\$0.88
15001 – 30000 m ²	\$0.78
> 30000 m ²	\$0.78
14mm Aggregate Sealing	
0 – 2000 m ²	\$6.91
2001 – 5000 m ²	\$2.23
5001 – 15000 m ²	\$0.88
15001 – 30000 m ²	\$0.78
> 30000m ²	\$0.78
Protection of kerbs per linear metre	\$2.50
Mobilisation	\$8500.00
Demobilisation	\$8500.00

CARRIED 7/0

**12.1.2 Port Hedland Internatioanal Airport: Tender 06/35
Design, Supply and Installation of Car Park Lighting
(File No.: 23/08/ 0028)**

Officer Eleanor Whiteley
Airport Manager

Date of Report 11 December 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider tenders received for the design, supply and installation of car park lighting at Port Hedland Airport

Background

At its Ordinary Meeting held on 22 November 2006 a request for a budget amendment was put forward to Council for provision of funds for the installation of lighting in the long term car park and newly constructed extension. At that meeting Council resolved

“That:

- i) \$100,000 be transferred from General Ledger Account 1210398 Port Hedland International Airport’s Reserve Fund;*
- ii) General ledger expenditure account 1210453 Airport Infrastructure be increased from \$800,000 to \$900,000;*
- iii) a new capital expenditure sub item of Installation of Long Term Car Park lighting be created within General Ledger Account 1210453 with an allocation of \$100,000; and*
- iv) tenders be called for the supply, design and installation of the appropriate lighting requirements for the Port Hedland International Airport car park as required.”*

REASON: Council preferred to provide businesses the opportunity to submit a tender for the supply, design and installation of lighting requirements at the Port Hedland International Airport.”

Advertisements calling for tenders for the design, supply & installation of Car park lighting at Port Hedland Airport were placed in the West Australian on Saturday 25 November 2006 and the North West Telegraph on 29 November 2006. The advertised closing date and time for Tender 06-35 was on 11 December 2006, at 10:00am.

Local businesses were also advised of the tender and provided with copies of the tender documentation.

Following the close of the tender on 11 December 2006 at 10:00am the tender box was opened in the presence of the Director Corporate Services, Manager Corporate Support and the Airport Manager.

One (1) tender was received from:

- TEC Services

Summary of the Tenders

TEC Services:

Design	\$2,000 ex GST
Materials	\$89,793 ex GST
Installation	\$91,462
Total ex GST	\$183,205
<i>Total Inc GST</i>	<i>\$201,525.50</i>

Consultation

Manager Airport
Director Engineering Services
Department of Local Government & Regional Development

Statutory Implications

This tender was called in accordance to the Local Government Act (1995) and the Local Government (Functions and General) Regulations 1996.

Section 11(2)(c) Local Government (Functions and General) Regulations 1996

Policy Implications Nil

Strategic Planning Implications

Goal 3 Strategy 2 Implement the Airport Business Plan

Budget Implications

At its Ordinary Meeting held 23 November 2006, Council resolved that (in part):

- \$100,000 be transferred from General Ledger Account 1210398 Port Hedland International Airport's Reserve Fund;*

- ii) *General ledger expenditure account 1210453 Airport Infrastructure be increased from \$800,000 to \$900,000;*
- iii) *a new capital expenditure sub item of Installation of Long Term Car Park lighting be created within General Ledger Account 1210453 with an allocation of \$100,000;*

Officer's Comment

At the closing of the tender submission period only one tender had been received. That tender is deemed to be non-conforming, as the documentation and declarations have not been completed as required under the conditions of contract.

In particular the Statutory Declaration on Non-Collusive Quotation Declaration (item 13 of the Quotation Forms & Declarations) has not been witnessed by a Justice of the Peace or Authorised person.

In addition to these non-compliances, the tendered amount is in excess of allocated funds available.

Council at its November meeting resolved to call for tenders to allow for local businesses to express their interest. This process has been undertaken with only one submission being received. Tenders have been called and no conforming tender has been submitted.

Officer's Recommendation

That:

- i) the tender from TEC Services for the *Design, Supply and Installation of Car Park Lighting at the Port Hedland International Airport* not be accepted, at it is a non-conforming tender; and
- ii) negotiations be undertaken with local companies as to the design supply and installation of the car park lighting as permitted under Section 11(2)(c) Local Government (Functions and General) Regulations 1996.

200607/163 Council Decision

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

That:

- i) the tender from TEC Services for the *Design, Supply and Installation of Car Park Lighting at the Port Hedland International Airport* not be accepted, at it is a non-conforming tender; and
- ii) negotiations be undertaken with local companies as to the design supply and installation of the car park lighting as permitted under Section 11(2)(c) Local Government (Functions and General) Regulations 1996, up to a maximum of \$100,000.

CARRIED 7/0

REASON: Council sought for negotiations to be undertaken with local companies for the design, supply and installation of Car Park Lighting at the Port Hedland International Airport to be set at a maximum of \$100,000.

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

13.1 *Report Request on the Development of a Sister City (Town) Relationship in Indonesia*

200607/164 Council Decision

Moved: Cr G D Bussell

Seconded: Cr A A Gear

That Council requests that a report be prepared for the January Meeting of Council regarding the development of a Sister City (Town) relationship in Indonesia.

CARRIED 7/0

13.2 *Report Request on Protection of Established Trees, in Particular Pundul Trees*

200607/165 Council Decision

Moved: Cr G D Bussell

Seconded: Cr S F Sear

That Council request that a report be prepared for the January meeting of Council on the options that are available to Council to protect Pundul trees within the Town in particular, and established trees generally.

CARRIED 7/0

ITEM 14 CONFIDENTIAL ITEMS

Nil.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

200607/166 Council Decision

Moved: Cr A A Gear

Seconded: Cr G D Bussell

That the following Leave of Absences be approved:

- i) Councillor J M Gillingham from 18 December 2006, to 8 January 2007 inclusive; and**
- ii) Councillor D R Pike from 22 December 2006, to 5 January 2007 inclusive.**

CARRIED 7/0

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 24 January 2007, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 7:06 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 24 January 2006.

CONFIRMATION:

MAYOR

DATE