



Town of Port Hedland

MINUTES

OF THE

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

HELD ON

WEDNESDAY, 24 JANUARY 2007

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**

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

(from 5:40pm)

Mr Chris Adams	Chief Executive Officer
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	4
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Members of the Media	Nil
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2.2 Apologies

Nil

2.3 Approved Leave of Absence

Nil

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held
Wednesday 13 December 2006.**

Nil

**3.2 Questions from Members at Ordinary Council Meeting held
Wednesday 13 December 2006**

3.2.1 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?

Council doesn't have a mechanism to require land owners to divulge details of sub lessees to their land, but officers have approached BHB Billiton to identify activities and structures on their land which may not be exempted from development control and rating requirements in the same way as mining operations and certain transport activities are exempted by state agreement.

An internal working group is currently working on this matter and it is anticipated a report addressing this matter will be presented to Councils Ordinary Meeting to be held in February.

3.3 Questions from Public at Special Council Meeting held Wednesday 10 January 2007.

Nil

3.4 Questions from Members at Special Council Meeting held Wednesday 10 January 2007.

Nil

ITEM 4 PUBLIC TIME**4.1 Public Questions**

5:31 pm Mayor opened Public Question Time.

4.1.1 Chris Walley

In light of the recent closure of the Esplanade Hotel, and given that late last year Council were considering a number of places throughout the Town of Port Hedland suitable enough to use as temporary accommodation, such as an outbuilding at the Port Hedland Golf Club, is it possible for Council to fast track any of these projects, so that they can be used for accommodation purposes?

Mayor agreed the current unavailability of accommodation within the Town of Port Hedland is a major crisis.

Chief Executive Officer advised he is meeting with the Pilbara Development Commission on 6 February 2007, to discuss tourism futures for the Town, including the need to investigate alternative options for accommodation, and that plans to use the Golf Club as an overflow caravan park are progressing.

5:32 pm Mayor closed Public Question Time.

4.2 Public Statements

5:32 pm Mayor opened Public Statement Time.

Nil.

5:32 pm Mayor closed Public Statement Time.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 Councillor George J Daccache

Can Council do anything to alleviate the increasing shortage of doctors again, in particular addressing the need to replace doctors when they are on leave, etc.?

Chief Executive Officer advised that Council has previously liaised with the Pilbara Division of General Practice, and a Working Group was formed to ensure improved and increased accommodation was available in the Town to attract general practitioners. The Town may wish to write to the Pilbara Division of General Practice to determine what measures are currently in place to ensure locum doctors are appointed to replace local doctors during periods of leave or absence from the Town.

5.2 Councillor Des R Pike

How much remains in the Mirtanya Maya Reserve Fund? Are these funds able to be transferred to another account, and used for the upgrade of parks and gardens, etc?

Chief Executive Officer advised the balance of the Mirtanya Maya Reserve Funds at 30 June 2006 was \$34,483. The Aged Hostel Reserve Funds are to be used for the ongoing upgrade of the Mirtanya Maya Frail Aged Hostel.

A budget amendment of \$34,483 will be included in the next budget review. To change the purpose of a Reserve Fund requires an absolute majority vote of Council.

5.3 Councillor Grant D Bussell

What is the reason for stopping my meeting with Ruth Durrack last year?

Mayor advised he did not stop Councillor Grant Bussell from meeting with Ruth Durrack last year.

Mayor sought to meet with Councillor Bussell last week, to give him an explanation on the matter.

Can you explain this to Council?

Mayor advised an explanation to Council is not necessary at the moment, as the matter is not relevant.

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

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

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

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 13 December 2006.

200607/168 Council Decision/Officer's Recommendation

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

That the Minutes of the Ordinary Meeting of Council held on Wednesday 13 December 2006 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

7.2 Confirmation of Minutes of Special Meeting of Council held on Wednesday 10 January 2007.

200607/169 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

That the Minutes of the Special Meeting of Council held on Wednesday 10 January 2007 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

Councillor George Daccache advised that he met with Deputy Premier the Hon. E S Ripper, at an ALP function who advised he will assist the town wherever the need.

Councillor Jan M Gillingham advised she attending the Port Hedland Visitor Centre Committee Meeting this week. Renovation works at the Visitor Centre are proceeding within the timeframe, for a Grand Opening in conjunction with the Courthouse Arts Centre and Gallery to be held on Thursday 22 February 2007.

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

Nil.

- (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

Officer's Recommendation

That the 'Status of Council Resolutions' Report as presented to the Council's Ordinary Meeting held on 24 January 2007 be received, with the following amendment:

200607/170 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr D R Pike

That the 'Status of Council Resolutions' Report as presented to the Council's Ordinary Meeting held on 24 January 2007 be received, with the following amendment to the attachment:

- i) Attachment to Agenda Item 11.1 Status of Council Decisions - Item 14.2 (page 14) 'Legal Issue – Qantas Lease, Action to Date be recorded as Qantas have indicated they will sign the lease – not signed to date. Lease will be presented to Council prior to being signed by the Mayor.**

CARRIED 7/0

REASON: Council sought to record that the Qantas Lease has not yet been signed, although Qantas have indicated they will do so. The Lease will be presented to Council prior to signing by Mayor.

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 Report to Ord CI Mtg May 2007	
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. Report to Feb 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. Requesting mtg to review situation	
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 response from Wellards re: acceptance of CI decision.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
Ordinary Meeting held 28 June 2006				
11.2.2.3	Prop.Scheme Amend to Rezone Portion Lot 313 Anderson St, PH from R12.5/50 to "Public Purp. – 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				
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 Item to Feb 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. Response not yet received.	
11.2.2.5	Prop.Scheme Amend. to Allow the Dev. 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 Documents submitted to EPA for assessment prior to advertising. No response received.	
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	Feb 2007

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP- DATE
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 Reviewing file and seeking response from Rose Nowers .	
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.	Feb- 2007
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. Awaiting response.	
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 Advice received from EPA. Going to advertise.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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 Being processed by DPI (State Land Services)	
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	üCOMPLETE
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 Lease signed by Qantas Jan 2007	
Ordinary Meeting held 25 October 2006				
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 Signs arrived. Awaiting posts.	
Ordinary Meeting held 22 November 2006				
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.	Feb 2007

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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 To meet Skywest Feb 2007	
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	Feb 2007
Ordinary Meeting held 13 December 2006				
11.2.1.2	Outcome of Abandoned Shopping Trolley Tender	200607/141 Council Decision/Officer's Recommendation That Council accept the offer from J & M Metal Recyclers of \$20.00 per ton for the removal and disposal of the shopping trolleys as scrap.	RESPONSIBLE OFFICER: Director Regulatory and Community Services	COMPLETE
11.2.1.3	Request to Waive Tip Fees – Arts Precinct Works	200607/142 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER:	COMPLETE
11.2.2.2	Proposed Road Closure of Portion of Whim Creek Road	200607/144 Council Decision/Officer's Recommendation 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: ...	RESPONSIBLE OFFICER: Planning Officer	COMPLETE
11.2.2.3	Proposed Office at Lot 1413 Wilson St, PH	200607/145 Council Decision/Officer's Recommendation 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: ...	RESPONSIBLE OFFICER: Planning Officer	COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.2.4	Proposed Liquid Waste Transfer Facility at Lot 2 Forrest Location 126 Port Hedland	200607/146 Council Decision 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: ... 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.	RESPONSIBLE OFFICER: Planning Officer	COMPLETE
11.2.3.1	Emergency Overflow Camping Area	200607/147 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Manager Environmental Health Services	COMPLETE
11.2.4.1	Alliance Small Grants Scheme : Funding Round 2	200607/148 Council Decision/Officer's Recommendation That the payment of the Alliance Small Grants Scheme Funding Grants for Round 2 be approved, as follows: ... i) Port Hedland Historical Society – ...; and ii) Mr David Hooper - ...	RESPONSIBLE OFFICER: Director Regulatory and Community Services	COMPLETE
11.3.1.2	Tender 06/30: Feasibility and Design of the Multi Purpose Sports Complex	200607/150 Council Decision/ 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.	RESPONSIBLE OFFICER: Director Engineering Services	Feb 2007
11.3.2.1	YMCA Budget for Mgt of the Aquatic Centres	200607/151 Council Decision 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.	RESPONSIBLE OFFICER: Recreation Co-ordinator	COMPLETE
11.3.2.2	Recreation Upgrades Recom. to be Completed	200607/152 Council Decision That Council approves the maintenance upgrades at sporting facilities for the 2006/2007 financial year as tabled below:	RESPONSIBLE OFFICER: Recreation Co-ordinator	COMPLETE
11.4.1.2	SHOATA Lease Renewal.& Prop. Sep. Lease of Lot S11 Shoata Rd, SH – Mr & Mrs Mahoney	200607/154 Council Decision/Officer's Recommendation 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: ... 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.	RESPONSIBLE OFFICER: Director Corporate Services Lease document sent.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.1.3	Tender 06/32 IT Mgt & Support	200607/155 Council Decision 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.	RESPONSIBLE OFFICER: Manager Corporate Support Assessing alternatives.	ü COMPLETE
11.4.2.1	Tender 06-29 Lease of PH Cattle Yards	200607/156 Council Decision 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.	RESPONSIBLE OFFICER: Chief Executive Officer Report to CI Ord Mtg Jan 2007	ü COMPLETE
11.4.2.2	Northwest Earthcare Bio-Diesel	200607/157 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Chief Executive Officer	ü COMPLETE
11.4.2.3	Progress of Pilbara Fund Applications	200607/158 Council Decision/Officer's Recommendation 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): ii) the Pilbara Development Commission be advised in writing that all matching funding has been confirmed for each of the following projects: iii) the following budget amendment be authorised:	RESPONSIBLE OFFICER: Executive Assistant Ltr sent.	ü COMPLETE
11.4.2.4	Australia's Northwest Request for Funding 2006/07	200607/159 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Executive Assistant Ltr sent.	ü COMPLETE
11.4.2.5	Review of Delegated Authority Register	200607/160 Council Decision 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.	RESPONSIBLE OFFICER: Chief Executive Officer	March 2007
11.4.2.6	PHES – Endorsement of Funding Allocations to Existing and New Projects	200607/161 Council Decision/Officer's Recommendation 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: ... New Projects: ...	RESPONSIBLE OFFICER: Executive Assistant Ltr sent.	ü COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
12.1.1	Tender 06/33 Sup. & Del. of Aggregate & Spray Bitumen Surfacing	200607/162 Council Decision/Officer's Recommendation 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:	RESPONSIBLE OFFICER: Director Engineering Services	ü COMPLETE
12.1.2	PHIA : Tender 06/35 Design, Supply and Installation of Car Park Lighting	200607/163 Council Decision That: i) the tender from TEC Services for the <i>Design</i> , 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.	RESPONSIBLE OFFICER: Airport Manager Tenderers advised.	ü COMPLETE
Special Meeting held 10 January 2007				
6.1.1.1	2005/06 Annual Report	200607/167 Council Decision/Alternative Officer's Recommendation That Council: (i) Not adopt the 2005/06 Annual Report until the Audited Financial Accounts 2005/06 and Audit Management Report has been reviewed by the Audit and Finance Committee; and (ii) Set the date of the Annual Meeting of Electors to Wednesday 14 February 2007, commencing at 5.30pm, subject to the adoption of the 2005/06 Annual Report at the next Ordinary Meeting of Council.	RESPONSIBLE OFFICER: Director Corporate Services Committee Mtg held 17.1.07 Item to Jan Ord CI Mtg	ü COMPLETE

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

NOTE: Councillor Des R Pike had declared a financial interest in Item 11.2.1.1 'Hedland Community Safety and Crime Prevention Plan 2006 – 2009' in writing at the commencement of the meeting, as he owns BHP Billiton shares. Councillor Pike did not leave the room, as permitted in advice received from the Department of Local Government and Regional Development.

11.2.1.1 Hedland Community Safety and Crime Prevention Plan 2006 - 2009 (File No: SAF-002)

Officer Terry Sargent
Director Community and
Regulatory Services

Date of Report 12 January 2007

Disclosure of Interest by Officer Nil

Summary

Since the draft Hedland Community Safety and Crime Prevention Plan 2006 – 2009 was presented to Council, one of the agencies has sought to have a minor clarification made to the plan.

Background

Council adopted the draft Port Hedland Community Safety and Crime Prevention Plan 2006 – 2009 at its Ordinary Meeting in November 2006, after extensive consultation with key stakeholders within the community.

In mid December 2006 the Department of Indigenous Affairs advised that some minor amendments were required to the text of the plan in order to fully reflect their level of commitment to the plan.

Consultation

The draft plan has been developed after extensive consultation was undertaken with:

- Office of Crime Prevention
- WA Police Service
- Department for Community Development
- Department of Education and Training
- Department of Corrections
- Department of Indigenous Affairs
- Department of Housing and Works – Homeswest

- WA Country Health Service
- Indigenous Co-ordination Centre
- Department of Sport and Recreation
- BHP Billiton Iron Ore

and

- community groups including - Wirraka Maya Health Services, Well Women's Centre, Youth Involvement Council. Pilbara Association of Non-Government Organisations and Pilbara Native Title Services

As the changes proposed by the Department of Indigenous Affairs do not impact on other stakeholders, no additional consultation has been undertaken.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

KRA 3 – Community Development; Goal 6: Community Safety; Strategy 1: In conjunction with other stakeholders, develop and implement a new Community Safety/Crime Prevention Plan.

Budget Implications

The amendment proposed does not have any budget implications.

Officer's Comment

The draft plan, as adopted includes provision for ongoing initiatives under the heading of Drug and Alcohol. The Department of Indigenous Affairs have sought to include an additional initiative being, "Community Patrols, Intoxication" which operate through the Sobering Up Shelter in South Hedland.

There is no doubt the service contributes to community safety and crime prevention in South Hedland, in particular and specific reference to the service will no doubt assist in obtaining future funding.

The proposed amendment follows:

Number	Identified Strategies		
3	Community Patrols Program (Intoxication)		
Key Stakeholders	Resources	Timeline	
<p>DIA</p> <p>In partnership with</p> <ul style="list-style-type: none"> . Bloodwood Tree Association . PH Sobering Up Centre . BHPBIO . PCDST (Health) . DCD 	<ul style="list-style-type: none"> . Review Phase 1: DIA . Develop Phase 2: DIA, BTA, PHSUC . Implement Phase 2. 	<ul style="list-style-type: none"> . December 2006 . January 2007 . April 2007 	
Actions	Outcomes	Evaluation	
<ul style="list-style-type: none"> . Review phase 1 of service delivery (including review guideline and activities undertaken in delivery of service) . Develop Phase 2 Partnership Plan with funding bodies (include steps towards reduction of need over three years – IE By 2010) . Implement Phase 2 post April 2007. 	<ul style="list-style-type: none"> . Reduced contact between Aboriginal people and the criminal justice system . Reduce the harm or risk of harm to individuals, family and community members . Refer and link people into appropriate services to address needs . Increase community safety and security. 	<ul style="list-style-type: none"> . Review phase complete and discussed with funding bodies by end December 2006. . Steps identified and agreed between current key stakeholders in the development of phase 2 with plan put forward to funding bodies by late January 2007. . Funding and partnership agreement secured and in place by April 2007. Agreement tabled at the PRMF in April 2007. 	

200607/171 Council Decision/Officer's Recommendation

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

That Council adopt the draft Ongoing Initiative "Community Patrols, Intoxication" for inclusion in the Hedland Community Safety and Crime Prevention Plan 2006 - 2009.

CARRIED 8/0

5:48 pm Councillor Shane F Sear declared a financial interest in Item 11.2.1.2 Preferred Contractor Register, as some of the contractors listed are clients his business.

Councillor Shane F Sear left the room.

11.2.1.2 Preferred Contractor Register (File No.: 05/09/0004)

Officer Terry Sargent
Director Community and
Regulatory Services

Date of Report 14 January 2007

Disclosure of Interest by Officer Nil

Summary

Following an expression of interest process, it is proposed that Council invite tenders from interested contractors for the provision of services used in the management and maintenance of Council's building assets.

Background

In the current economic climate it is proving to be very difficult obtaining quotations from tradespersons. In many instances officers seeking building or property maintenance services are unable to obtain quotes from local trades and some cases fees are charged to attend and quote. These circumstances clearly put staff in a difficult situation as they endeavour to operate efficiently, effectively and with full transparency in the decision making process i.e. complying with Council's procurement policy.

To that end, the Town of Port Hedland advertised seeking expressions of interest in November 2006, from contractors who could undertake building maintenance works.

Not all trades were represented in the responses, however 14 Contractors across a range of trades did register their interest and provided indicative pricing. These contractors form a pool from which it is proposed to call tenders.

Consultation Nil

Statutory Implications

Regulation 13 of the Local Government (functions and General) Regulations 1996 details the requirement to invite tenders for certain goods and services, and Regulation 21 (below) details the conditions under which a preliminary screening process can occur.

“. 21. *Limitation may be placed on who can tender*

(1) *If a local government thinks that there is good reason to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.”*

Policy Implications

Policy 14/002 requires the maintenance of a preferred contractors schedule. The proposed tender period is inconsistent with the policy, which prescribes a calendar year.

Strategic Planning Implications Nil

Budget Implications

While the use of preferred contractors will reduce the time involved in procuring services it is not expected to have any direct impact at all on the cost of works undertaken.

Officer’s Comment

Some fourteen contractors have expressed interest in providing building maintenance and related services to Council. It is proposed that each be invited to submit a formal tender which, if accepted by Council, will enable services to be procured without the need to obtain multiple quotations etc. The prices submitted would of course be valid for the period of the tender.

It is proposed that tenderers be invited to submit a price that is valid for the balance of the current financial year and the whole of the 2007/2008 financial year.

The proposed process will improve efficiency as it enables Council staff to spend less time in the selection of contractors to be engaged for building and maintenance works.

Officer’s Recommendation

That:

- i) tenders be invited for the provision of building and property maintenance services from contractors who submitted an expression of interest (E06/01) by 17 November 2007, as follows;

Service	Contact	Company
Concrete Finisher	Peter Miller	P & A Concrete Contractors
Concreter	Michael Vukusich	Ginger's Grano Service
Glazing	Charles Williamson	Custom Glass & Windscreens

Cabinetmaker and Carpenter	Colin Ballantyne	Zooby Cabinets Pty Ltd
Cabinetmaker and Painter	E.R. Watt	T & J Painting Pty Ltd
Fire Services	Christine/ Anthony Atkins	Total Safety and Fire Solutions
Tree Trimming, Reticulation, gardening, Landscaping	Joe Shayler	Ranger Crane Hire
Bobcat, Mini Excavator, C/W operator, Positrack loader (with operator)		
Building maintenance, tree trimming, reticulation, fencing	Peter Ward	P & R Building Maintenance
Plumbing, pump truck, backhoe, mini excavator, Gasfitter	J. Burrige	South Hedland Plumbing
Electrical, Mini excavator (with operator)	Michael Brown	LML Electrical Pty Ltd
Electrical Fitting, Airport Electrical, Airport Lighting System	Barry Sutton	O'Donnell Griffin Pty Ltd
Electrical, Data, Security	Vanessa Brown	Stay Kool Aircon & Elec
Electrical	Sussanne Taylor	NJS Electrical
Tiling, Carpet laying	Renee Elliss	B&R Tiles and Floorcoverings

and

- ii) tenders be requested to specify a fixed price for the provision of services for the period 1 March 2007 to 30 June 2008.

200607/172 Council Decision

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

That this matter (Preferred Contractor Register) lay on the table for further clarification of costings, and benefits to the Council through undertaking such a process.

CARRIED 7/0

REASON: Council sought further clarification of costings and benefits of operating a preferred contractors register.

5:52 pm Councillor Shane F Sear re-entered the room and assumed his chair. Mayor advised Councillor Sear of Council's decision. Mayor advised.

11.2.2 Planning Services**11.2.2.1 Proposed Single House and Shed Addition Requiring R-Code Variations at Lot 93 (130-132) Greenfield Street, South Hedland (File No.: 154474G)**

Officer Vickie LeGear
Planning/Compliance Officer

Date of Report 2 January 2007

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Mr Colin Cooke, the owner of Lot 93 (130-132) Greenfield Street, South Hedland seeking planning approval for the construction of a single house and shed. The proposed shed is inconsistent with 'Acceptable Development' for outbuildings as described by the Residential Design Codes of Western Australia. The shed's area exceeds 100m² and therefore requires determination by Council rather than under Delegated Authority.

The proposal is considered to raise no significant planning issues and approval of the development subject to conditions is recommended.

Background*The Site*

The site is included in the Rural Residential zone under the Town of Port Hedland Planning Scheme No. 5 (TPS5) and has an area of 1.7 ha. Land adjoining the site to the north and south is also included in the Rural Residential Zone. Land to the rear is zoned Rural. The site is currently vacant.

The Proposal

It is proposed to construct a single house and shed on the subject land. The house is to be single storey and primarily finished with horizontal corrugated colorbond wall cladding and colorbond roof decking.

The proposed shed has an area of 198m² and a total height of 4.2m. The shed is to be used for the storage of vehicles and personal items including 4 vehicles, a motorcycle, 2 box trailers and a boat. A colorbond finish is also proposed for the shed.

A copy of the application is included at Attachment 1.

Statutory Implications

In accordance with the *Planning and Development Act 2005* the proposed development is subject to the provisions of the TPS5 and subsequently the Residential Design Codes of Western Australia (R-Codes).

R-Codes Assessment

The proposed Single House is Permitted Development under TPS5 and is therefore not subject to detailed assessment against the R-Codes. The proposed shed however is considered to be an 'outbuilding' as defined by the R-Codes and subject to development criteria.

The proposed shed is inconsistent with 'Acceptable Development' as provided by 3.10.1 A1 of the R-Codes in that it:

- a) exceeds 60m² in area; and
- b) exceeds a wall height of 2.4m.

The proposed shed has an area of 198m² and a wall height of 3.8m.

Consultation

The nature and scale of the development has not required consultation with other local government departments.

No external consultation is required for this application. The applicant has stated in written correspondence however, that he has "spoken with his neighbour at Lot 94 Greenfield Street, who has guaranteed they won't have any problems with size or position of the shed."

Policy Implications

The proposed development has no implications for Council Policy.

Strategic Planning Implications

The proposed development has no implications for Strategic Planning.

Budget Implications

The proposed development has no significant implication for Council's budget. An application fee of \$1,069.50 was paid on lodgement of the application.

Officer's Comments

The proposed shed is not 'Acceptable Development' as prescribed by the R-Codes, therefore Council needs to be satisfied that the development meets the Performance Criteria. The Performance Criteria for outbuildings as described at 3.10.1 P1 of the R-Codes is as follows:

"Outbuildings that do not detract from the streetscape or the visual amenity or residents or neighbouring properties."

The proposed outbuilding will be located 109 metres from the front property boundary and mostly behind the proposed house when viewed from Greenfield Street.

The shed will also be over 50 metres from the side boundaries of the site where Rural Residential land adjoins. Land to the rear is included in the Rural zone and is not considered to be particularly sensitive to development such as that proposed.

It is acknowledged that the proposed shed is significantly set back from property boundaries however given its size it is likely to be noticeable from the street and adjoining properties. To minimise any detrimental visual impact it is therefore recommended that any approval be conditioned to ensure the establishment of landscaping so as to provide a measure of screening when viewed from the street and adjoining properties.

The wall height exceeds that prescribed as 'acceptable development' by the R-Codes however the overall height of the proposed shed, which is 4.2 metres, is consistent with the requirements for the ridge height of an Outbuilding. This is achieved through a 5° roof pitch. Also in consideration of the proposed location of the outbuilding on the property and the significant setbacks from adjoining residential land, an increase in the wall height of the shed is not considered to be a significant issue.

It is considered that the proposed outbuilding satisfactorily meets Performance Criteria 3.10.1 of the R-Codes and the application should be supported.

200607/173 Council Decision/Officer's Recommendation

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

That Planning Approval be granted for the construction of a SINGLE HOUSE and Shed addition requiring R-Codes Variation at Lot 93 (130-132) Greenfield Street (Application Number 2006/179), as indicated on the approved plans, subject to the following conditions:

- a) **Development of the site is to be in accordance with the approved plans, which form a part of this approval.**
- b) **This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.**
- c) **Construction of the single house shall be completed two (2) years from the date of this approval.**
- d) **The shed shall not be used for commercial or industrial purposes or human habitation.**
- e) **The colours of the proposed shed are to blend with those of the dwelling or environment to the satisfaction of the Manager Planning.**
- f) **Prior to construction, a landscaping plan is to be submitted and approved by the Manager Planning. The landscaping is to provide visual screening from the street and adjoining properties. The plan is to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**
- g) **Landscaping is to be implemented and maintained in accordance with the approved plan, to the satisfaction of the Manager Planning.**
- h) **All stormwater shall be collected and disposed of in a manner acceptable to the Manager Planning.**

FOOTNOTES

- i) **The development is subject to planning approval due to inconsistency of the shed with the WA R-Codes. The shed would be unlawful if not incidental to the house, therefore this approval relates to the whole development.**

- j) In regard to Condition 2, construction of the proposed house within two years from the date of this approval, is to ensure that the land is developed for the purpose of a single house rather than a shed which would otherwise be unlawful development under the Town of Port Hedland Town Planning Scheme No 5 and would be required to be removed.**
- k) The applicant/owner is advised that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.**
- l) The applicant/owner is required to lodge an application for a Building Licence under the provisions of the Building Regulations and approval from the Town before commencing any works whatsoever.**
- m) The applicant/owner is advised that drawings submitted for Building License are to be properly drawn and signed by a practising structural engineer. It should be noted that two storey dwellings must be accompanied by a completed Certificate of Structural Sufficiency.**

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.1



154474G
06-05828
TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO. 5 APPENDIX 3

APPLICATION FOR PLANNING APPROVAL

OWNER DETAILS *Include names of all owners shown on the Title Deed*

Name(s): Colin D + Nora M Cooke
 Postal address: 2 YANDURRA CRES STH HEDLAND Postcode: 6722
 Contact Phone: 91722220 Fax: Email:
 Signature(s): [Signatures] Date: 15-11-2006
 Note: This application must be signed by the owner(s), or purchaser(s) of the land on which the development is proposed.

APPLICANT DETAILS *This person will be the contact for this application.*

Name / Company: Colin Cooke
 Address for Correspondence: 2 YANDURRA CRES STH HEDLAND 6722
 Contact Phone: 91722220 Fax: Email:
 Signature: [Signature] Date: 15-11-2006

PROPERTY DETAILS *Indicate where the proposed development is to take place.*

Lot No.: 93 Street No.: 130 Street / Road: GREENFIELD
 Suburb / Locality: SOUTH HEDLAND RURAL ESTATE P/O

DEVELOPMENT DETAILS *Three (3) copies of plans detailing the development are required to be submitted with this application.*

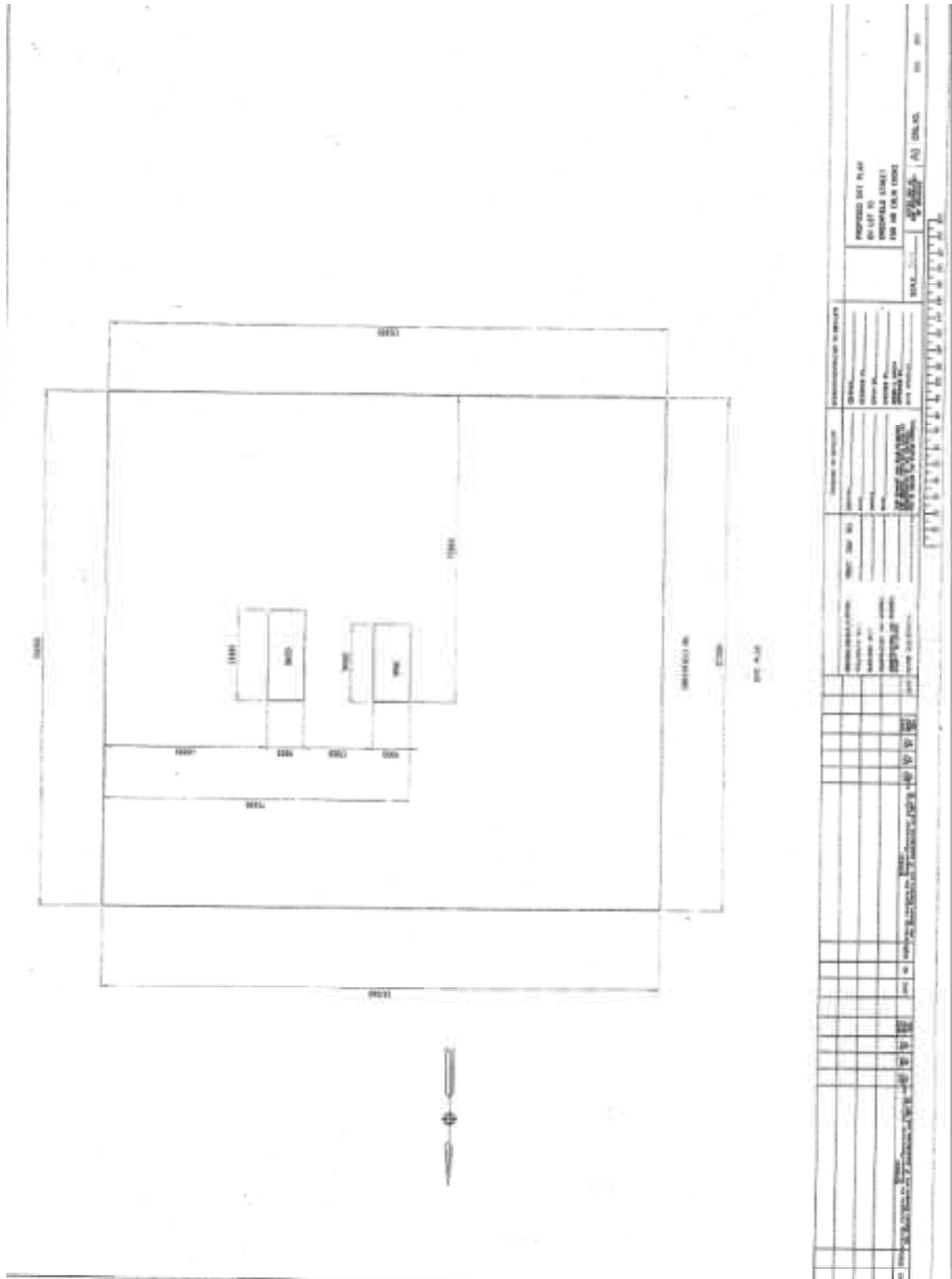
Type of Development (Tick): Single House Grouped Dwelling Outbuilding
 Commercial Premises Industrial Premises Change of Use Other
 Details: PROPOSED HOUSE + SHED - SHED FOR MOTOR VEHICLE & PERSONAL ITEMS - HOUSE FOR FUTURE RESIDENCE
 Approximate cost of proposed development (exc. GST): HOUSE \$365K SHED \$65K
 IN EXCH WORKS \$35K (\$465K TOTAL)
 Estimated time of completion: SHED 6 MONTHS - HOUSE APPROX 12 MONTHS

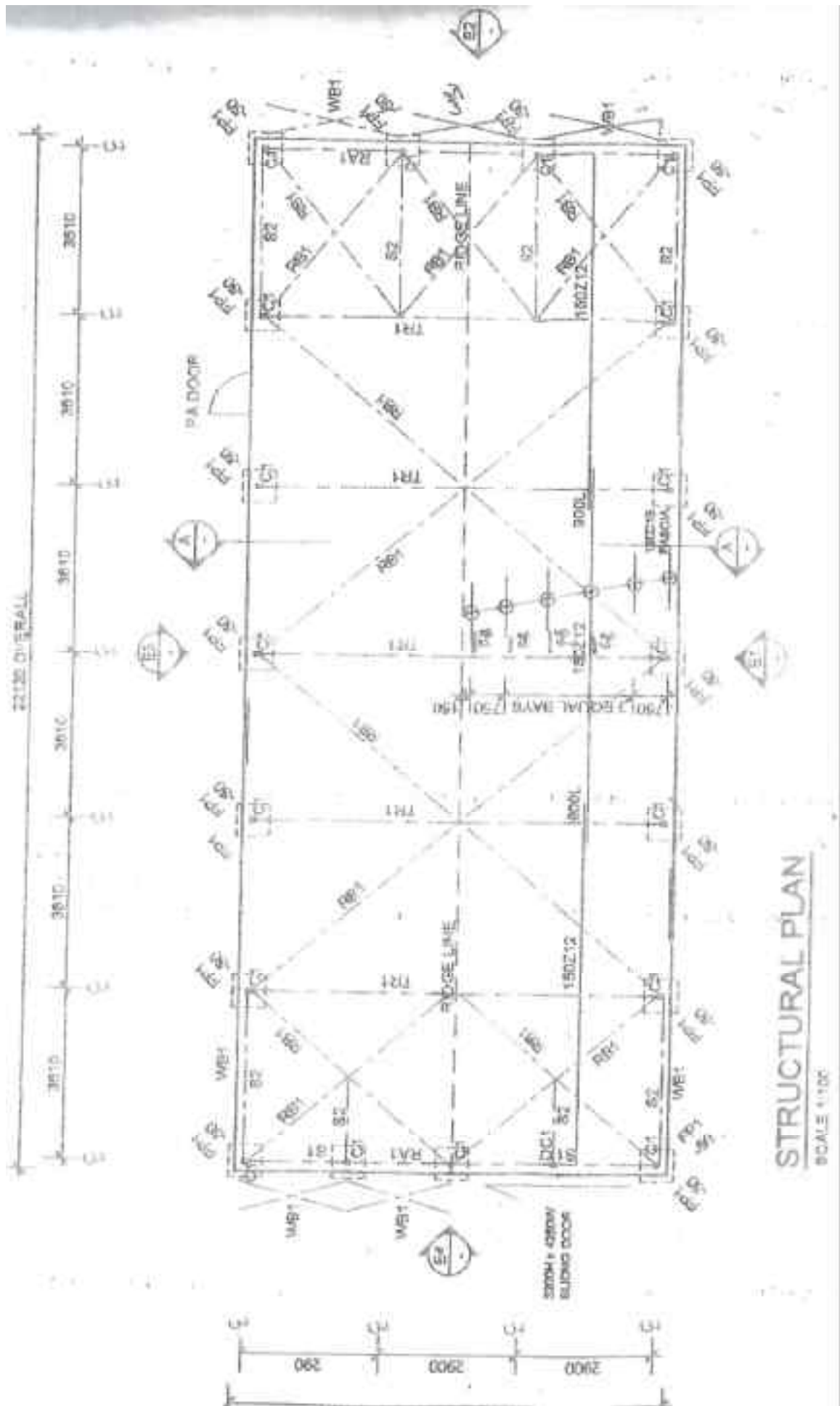
NOTES:
 1. This is not an application for a building licence. Separate application forms and plans are to be submitted for such, after Planning Approval has been obtained.
 2. This application is subject to an upfront fee in accordance with the Schedule of Fees.
 3. This application will not be accepted unless the form is complete and signed, all required plans are submitted and the prescribed fee paid.

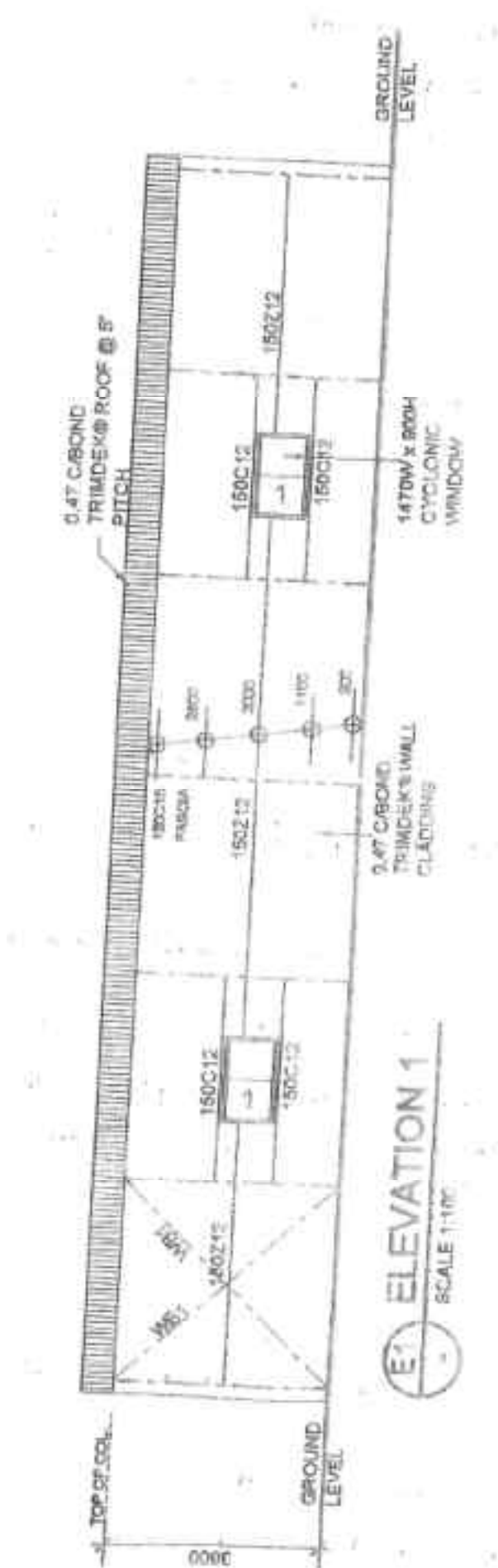
OFFICE USE ONLY

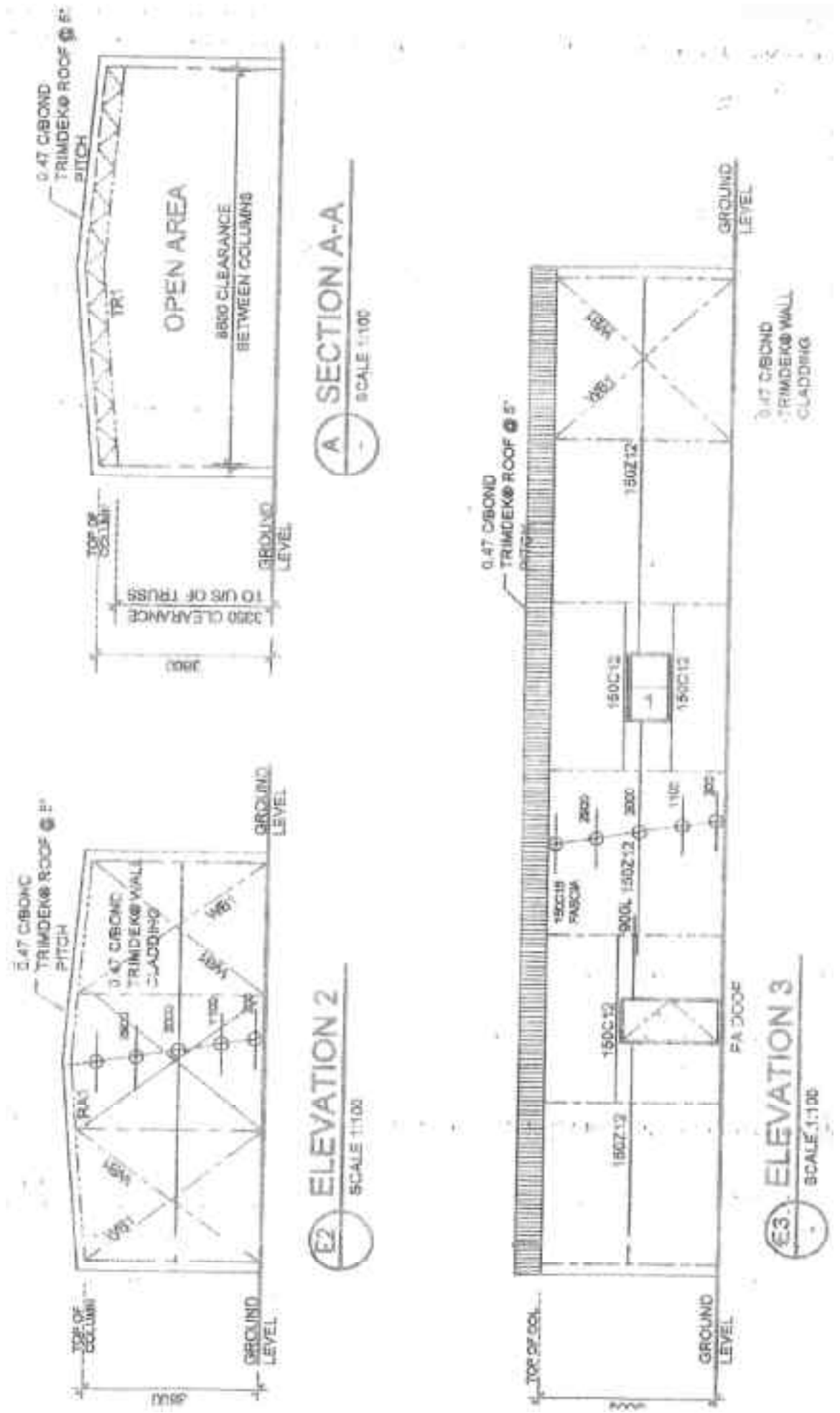
Lodgement Date: 15/11/06 Acceptance Date: 15/11/06 Fee: \$1069.50
 Form / Plans Checked By: Application No.:

ATTACHMENT 2 TO AGENDA ITEM 11.2.2.1

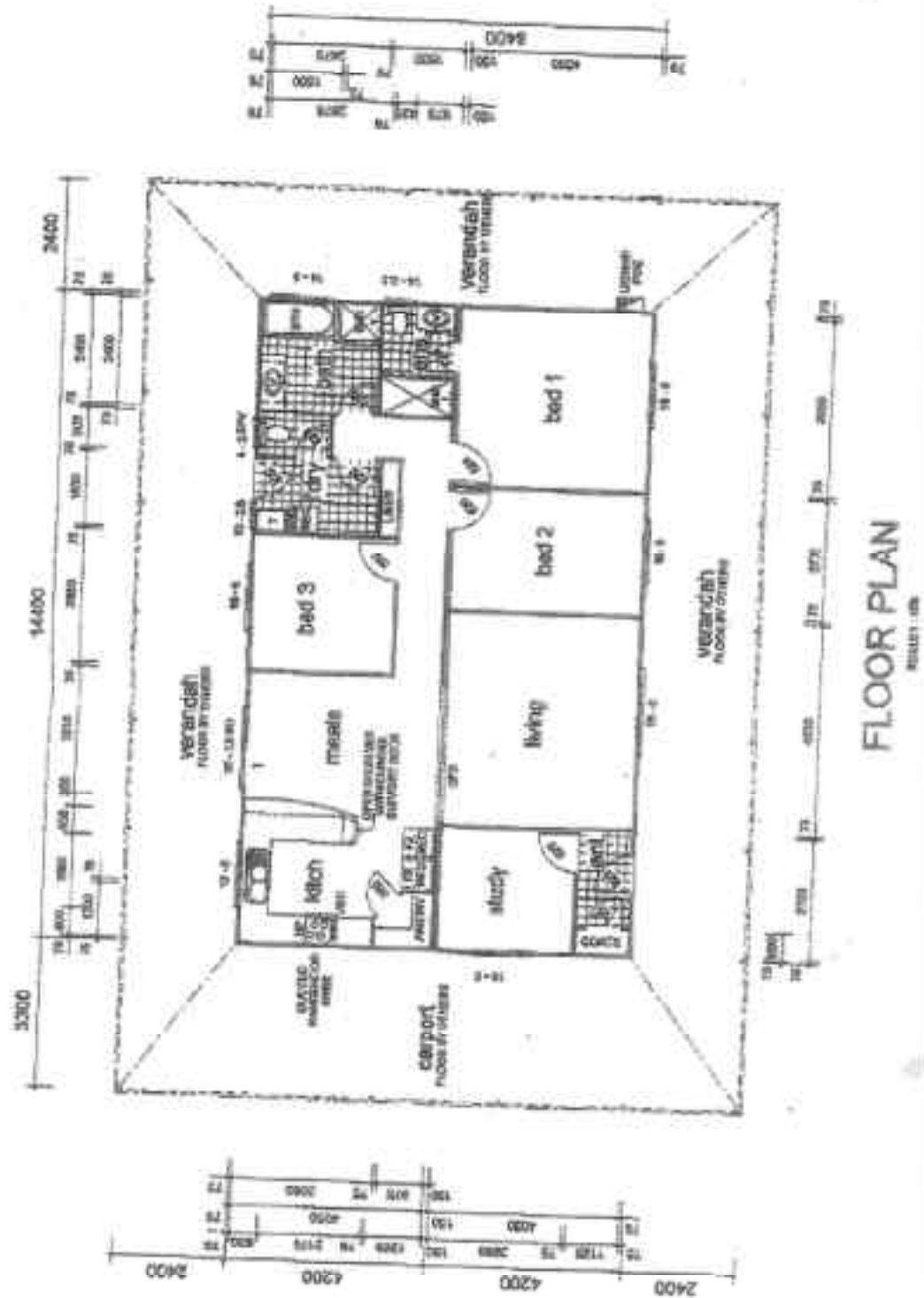








MAWSON



11.2.2.2 Hotel and Motel - Addition of 8 Transportable Accommodation Structures (Comprising 32 x 1 Bedroom Accommodation Units) and Additional Carparking : Lots 944 and 1611 Great Northern Highway (File No.: 127750G)

Officer Vickie LeGear
Planning/Compliance Officer

Date of Report 17 January 2007

Disclosure of Interest by Officer Nil

Summary

An application has been received that proposes to locate 8 transportable accommodation structures comprising 32 accommodation units on Lots 944 and 1611 Great Northern Highway. A report to Council is required because the applicant is requesting a significant reduction in the requirement for 859 carparking spaces to be provided for the entire development. A reduction to 192 bays is supported subject to conditions.

Background

The Site

The site is zoned Tourism under the Town of Port Hedland Planning Scheme No. 5 (TPS5) and has a total area of 17.528ha. Adjoining the site to the north is a caravan park and service station. Land adjoining the site at the rear and along its southern boundary is unallocated crown land. The site fronts the Great Northern Highway.

Approvals History

Building licenses issued in 1967 authorise the accommodation units and restaurant currently on site. Town Planning Scheme No. 1 (TPS1) was gazetted and subsequently commenced in February 1968. This means that the existing development on Lot 944 was established prior to any planning requirements being commenced and is therefore considered as being developed with an appropriate number of carparking spaces.

The addition of a bar and lounge, which is depicted on the attached plans as a beer garden, indoor cricket/disco, games and saloon bar was authorised through a building license issued in 1970. There is no record of planning approval issued at this time.

In November 2006, planning approval was sought and granted for a small beer garden extension on the premises to provide an outdoor area in accordance with the requirements of the *Tobacco Products Control Regulations 2007*. During assessment of the application, Council officers informed the owner/applicant in person and in writing that further development of the site would require rationalisation of the carparking arrangements. Additional carparking provision was not sought in relation to the beer garden extension, as it was viewed as a response to legislative change and unlikely to provide additional patronage and demand for carparking. Footnote 1 of the decision on application for Council's Planning Consent for the beer garden extension states:

“Existing development on the site does not meet current carparking standards as provided by the Town of Port Hedland Town Planning Scheme No 5. Any further development of the site is subject to planning approval by Council, at which time the generation of demand and need for additional carparking will be assessed.”

Also in November 2006, Council's Environmental Health Services issued a certificate of approval limiting the maximum number of patrons permitted in the public building area at any one time, to 400.

In December 2006, Council received the current application for the proposed addition of 32 accommodation units in the form of 8 demountable structures. A copy of the application is included at Attachment 1. In response to correspondence from Council officers regarding statutory requirements for carparking provision on site, the applicant engaged Greg Rowe and Associates to prepare a submission on the issue for consideration by Council. The submission is included at Attachment 2.

The existing development on Lot 944 was lawfully established through building licenses prior to the commencement of TPS1 and is not subject to carparking or other planning requirements. At the time of construction (determined from the date of building licenses) the existing development on Lot 1611 was subject to the requirements of the TPS1.

Provision of carparking is clearly the primary issue relating to further development of the site. Assessing the existing development under TPS 1 identifies a requirement for 820.2 spaces. The proposed new development, assessed under TPS 5 identifies the need for 38.4 spaces so the total requirement for the site when assessed under the scheme is 859 parking spaces.

NOTE: This is slightly higher than the figure originally provided to the applicant due to an error in metric conversion from the original plans and the omission of a beer garden area. The applicant's consultant was made aware of the miscalculation and acknowledges it in their submission (Attachment 1).

The informal carparking area at the front of the site, between existing buildings and the Great Northern Highway, is owned by Main Roads WA and in its current tenure, cannot be relied upon to service the carparking needs of the site for the life of the development.

The applicant has approached Main Roads WA with the view of obtaining a lease over the land for the purpose of providing carparking. Preliminary advice from Main Roads has indicated that any lease granted would most likely be for a period of 5 years as the land may be required for widening of the highway. The applicant has since verbally advised that a lease is being negotiated for a period of 10 years with options for up to 30.

The applicant has requested that Council use its discretion under TPS5 to determine the appropriate amount of carparking for the site.

Applicant's Justification

The applicant is proposing that a 'demand based' approach be adopted in determining the appropriate number of carparking spaces to be provided. The applicant's calculations find that a total of 116.4 carparking spaces are required and given that 58 spaces are currently provided on site, there is a shortfall of 61.4 spaces. It is further proposed that this shortfall can be accommodated on site with a further 42 provided later if necessary. The proposed on-site carparking layout is depicted in Figure 4, included at Attachment 2.

The basic lines of argument presented by the applicant are summarised with comment in Table 2 below.

Summary of Applicant's Justification

Summary of Applicant's Justification	Council Officers' Response
The site is isolated from populated urban areas and as such there is little competition for vehicle parking as may otherwise exist.	The site is relatively isolated from established residential areas making the site most accessible by private vehicle.
As a result of its location and drink driving laws, little if any patronage derives from either the Port Hedland or South Hedland urban areas. The Walkabout Hotel also provides a courtesy bus.	
Surrounding land is unlikely to be developed to an intensity that would create competition for carparking space within the surrounding area.	Surrounding land is predominantly unallocated crown land and it is difficult to confidently determine what form future development of this land will take. Future land development however will most likely be subject to Council approval.
'Fly in, fly out' workers occupy the majority of units. Few of these workers travel to the premises in their own private vehicle, relying on the services of a bus or van for transportation to work.	Use of the accommodation units primarily by transient workers is not guaranteed to continue in the long term and future customers may include people with private transport. It is noted from similar developments that those workers who do commute often do so in a heavy commercial vehicle
Analyses of air photos of the site at different times, at most, show 20% of existing carparking being used.	Air photos used in analysis of carparking use were taken during the day and on an unknown day of the week. These photos are unlikely to accurately represent patronage and use of the carparking area at peak times, which is most likely to be on weekends, in the evening.
Comparative analysis of the site with other hotel developments in established urban areas highlight that demand for carparking is significantly lower because of its location.	
It is estimated that 60% of current patronage of the bar area derives from onsite accommodation units and the adjoining caravan park.	The applicant's estimates on custom from the airport, current patronage numbers and their likely residence on site or at the adjoining caravan park are considered to be reasonable.
On average the public bar would service approximately 30 patrons at any one time and would not exceed 100 persons at least 60% (average) of who also occupy the accommodation units on site.	
There is a relationship between the Port Hedland Airport directly opposite the site where passengers at the terminal will walk to the Walkabout Hotel, particularly when flights are delayed.	
The hotel is currently limited to 400 persons by Council's Environmental Health Services.	Environmental Health Service's current limit of 400 persons present in the public buildings can be subject to change without consideration of town planning issues, such as the provision of an adequate amount of carparking.

Summary of Applicant's Justification (continued)

Summary of Applicant's Justification	Council Officers' Response
The Sports bar as shown on the plan is not open and is intended to be converted to a drive through bottle shop at a later time, subject to approval from Council.	The current non use of the sports bar and area shown as cricket/disco should be considered. Any planning approval granted by Council should reflect this change of use. If these areas should be used in the future, they will be subject to Council approval, at which time any implications for carparking can be assessed.
The area shown as cricket/disco is closed and is not used for the stated purposes. Alternative uses of this area are yet to be considered but will be subject to Council approval.	
The Cocktail bar and restaurant are for use of occupants of accommodation units and do not attract customers from a wider area.	It is a possibility that the restaurant on site will become a venue frequented by those willing to travel by private vehicle out of the established residential areas of Port and South Hedland. It should be acknowledged that the restaurant was established lawfully, prior to planning requirements.

The applicant's submission outlines the view that it should be assumed the development complies with the original planning approval and this is an appropriate view unless copies of the original approval can be provided.

Council officers do not accept this view as the onus is on the developer to demonstrate compliance with statutory requirements. As there is no evidence of this, it is not assumed that carparking was appropriately considered, as required by TPS1 at the time the development was established.

Two options for addressing the location of carparking spaces to meet any additional requirement are also presented.

Option 1

Figure 4 of the submission demonstrates one option for providing additional carparking, involving unallocated crown land adjoining the southeastern boundary of the site. The applicant's submission is included at Attachment 2.

Option 2

Another option that has been presented by the applicant involves the use of the Great Northern Highway's road reserve at the front of the site. This option is depicted at Attachment 3.

Statutory Implications

In accordance with the *Planning and Development Act 2005*, the proposed development of an additional 32 accommodation units is subject to the provisions of TPS5 (the current town planning scheme). Any assessment of proposals for additions to or intensification of existing development on a site requires Council to consider the planning implications for the whole site.

The development is considered to be an extension of the existing hotel/motel, defined by TPS5 as follows:

***Hotel** - any land or buildings providing accommodation for the public and may include an entertainment venue, restaurant or sell liquor.*

***Motel** – any land or buildings providing accommodation in a manner similar to a hotel but in which special provision is made for patrons with motor vehicles and may include an entertainment venue, restaurant or sell liquor.”*

A hotel and motel is an AA use under TPS5 and is not permitted unless Council has granted planning approval.

Sections 6.13.5 and 6.14.7 of TPS5 provide Council with the ability to permit development with a varied number of carparking spaces otherwise required by the Scheme.

Policy Implications

There are no policy implications posed by the proposed development.

Strategic Planning Implications

There are no implications for Council's strategic plan.

Consultation*Internal Comments*

The application was circulated to Environmental Health Services Building Services and Engineering Services for comment.

Environmental Health Services have no objections to the proposed addition of accommodation units subject to conditions.

Building Services advise that the proposed structures should be separated from each other and other buildings by a minimum of 1.8m to enable classification as 1B structures under the Building Code. It is also advised that a building licence is required.

Engineering Services have no objection to the proposed development but request more detail on drainage for the proposed car park.

External Comments

Whilst not formally required, comments were sought from Main Roads WA and Department Planning and Infrastructure State Land Services (DPI SLS) on the various locations proposed by the applicant for the additional carparking.

Main Roads WA has verbally confirmed that they are investigating the request from the owner to lease the portions of the road reserve that abut the subject site. The likely term of the lease will be 5 years with the option of an additional 5 years.

DPI SLS provide verbal comments suggesting that the applicant is currently in negotiations with them for potential purchase and/or lease of the Unallocated Crown Land (UCL).

Budget Implications

Application fees of \$1,330.00 have been paid in respect of this application

Officer's Comment

The requirement to provide 859 carparking spaces for the existing and proposed development on Lot 1611 calculated at is considered to be excessive and it would be unreasonable for Council to expect this number of spaces to be provided given the operation of the development in its current state since the early 1970's.

It is recommended that the following carparking calculation be applied to the development:

- Accommodation Units x 32 = 32 spaces
- Restaurant Function Room = 20 spaces; and
- Used Areas of the Hotel considering 400 person limit and reciprocal use = 82;

Totalling 134 additional carparking spaces.

As development on Lot 944 was constructed lawfully it is logical to assume that the 58 carparking bays existing on this part of the site are attributed to the existing 63 accommodation units and restaurant/cocktail bar.

The total number of carparking spaces therefore required to service the whole of the Walkabout Hotel, including the proposed accommodation units is $58+134 = \underline{192 \text{ spaces}}$.

Calculation of the above figures has been determined as described below.

Accommodation Units and Carparking

A reduction to the number of carparking spaces required in relation to the proposed accommodation units from 39 to 32 spaces is recommended because it is considered appropriate that Council ensure that at least one space per accommodation unit is provided. It is likely that any demand for visitor spaces will be absorbed by carparking provided within the public areas of the site.

Restaurant and Carparking

TPS5 carparking requirements for a 'restaurant,' at a rate of 1 space per 5m² of seating area have been applied to the 'function room' as the parking requirements outlined in Table 2 of TPS1 (Attachment D) do not specifically identify a number of carparking spaces to be attributed to this use.

Entertainment Venue and Carparking

It is accepted that at the current time the sports bar, bar, cricket/disco and subsequently the large beer garden adjoining this area are not in use, however the plans need to be amended to indicate this non-use as illustrated at Attachment 5.

This will ensure that it can be demonstrated that any future use of these areas is a 'change of use' subject to planning approval by Council at which time any increased demand for carparking can be assessed.

Under TPS1 140 carparking spaces would be required for use areas of the 'entertainment venue' being the saloon bar, public bar and games room. The calculation under TPS1 of requiring 1 space/1.83m² appears to be onerous when compared to today's standard of requiring 1 bay for every 2m² of open floor area and 5m² of tables and/or chairs.

Under TPS5, 128 carparking spaces would be required for currently used areas of the 'entertainment venue'

It also needs to be considered however, that the number of persons permitted in the public areas has been limited to 400 by environmental health regulations. A condition is recommended to be included on any development approval granted which will also make this figure enforceable through the planning approval.

Further, it's accepted that a number of patrons will be accommodated on site and/or at the adjoining accommodations site (Caravan Park and/or Transient Workforce Camp) and that reciprocal use will occur.

The following reciprocal use calculations have therefore been applied:

- 100% use of the public areas by the occupants of the 32 proposed single bed accommodation units, i.e. 32 persons; and
- 50% of occupants of the existing 63 units. Assuming these units will not always only accommodate transient workers, this accounts for another 32 people.

50% of occupants of the existing 182 caravan park sites. Assuming these units will not always only accommodate transient workers, this accounts for another 91 people.

The above leads to a remaining demand by potentially 245 people for carparking. In metropolitan WA it is typical to calculate carparking demand associated with a number of persons is routinely based on 1 vehicle for every 4 persons. Given the demographic of both the likely patrons and Port Hedland in general, a ratio of 1 vehicle for every 3 persons has been applied. Assuming that the 245 people will be relying on private transport to the site, this would provide a calculated demand for 81.6 (82) carparking spaces.

Officer's Recommendation

That Planning Consent be granted for the construction of HOTEL and MOTEL – addition of 8 transportable accommodation structures (comprising 32 x 1 bedroom accommodation units) and additional carparking at Lots 944 and 1611 Great Northern Highway, Port Hedland, and in accordance with Clause 6.13.5 of Town Planning Scheme No. 5 permit a reduction in the number of carparking spaces from 859 bays to 192 bays, subject to the following conditions:

- a) The site is to be developed in accordance with the approved plans, which form part of this approval. The additional transportable structures accommodation units are to be located on site as indicated in red on the approved plans.
- b) The building as hatched in red on the approved plan shall accommodate a maximum of 400 people at anyone time.
- c) The building areas as hatched in blue on the approved plan shall not be used for any purpose without an application for planning consent being lodged and approved by the Town.
- d) The development must only be used for purposes, which are related to the operation of a “Hotel” and “Motel” business. Under the Town of Port Hedland’s Town Planning Scheme No. 5 a “Hotel” is defined as:
“any land or buildings providing accommodation for the public and may include an entertainment venue, restaurant or sell liquor.”
And a “Motel” is defined as:
“any land or buildings providing accommodation in a manner similar to a hotel but in which special provision is made for patrons with motor vehicles and may include an entertainment venue, restaurant or sell liquor.”
- e) This approval is 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.
- f) A minimum of 192 carparking spaces are to be provided for the use of the Hotel / Motel. These bays are to be provided in accordance with Appendix 8 of Council's Town Planning Scheme No.5 and to the satisfaction of the Council's Manager Planning.
- e) The additional 134 carparking 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.

- f) All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning.
- g) Schematic stormwater drainage plans detailing the disposal of stormwater runoff from the site, including the hardstand carparking area, are to be included on the Building Licence and to the satisfaction of the Manager Planning.
- h) All stormwater shall be collected and disposed of in a manner acceptable to the Manager Planning.
- i) At all times, all vehicle parking (both small - cars etc and heavy - trucks etc) associated (resident and visitor) with the Motel/Hotel shall be contained within the designated vehicle parking locations/areas (i.e. car parks) all to the satisfaction of the Manager Planning

FOOTNOTES

- j) The applicant/owner is reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
- k) In regard to condition b and c, the applicant is advised that these conditions have been imposed in response to the significant carparking relaxation (859 bays to 192 bays) supported by the Council and reflective of the operational and management undertakings made by the applicant and or his representative. The applicant is further advised that any future applications to modify and/or delete these conditions shall address the carparking issues accordingly, without necessarily perpetuating the concession afforded by this approval.
- l) In regard to condition f, the Council may consider a staged provision of the carparking subject to suitable arrangements and/or agreements being made with the Council's Director Community and Regulatory Services. If the staged option were to be considered then a minimum of 61 additional carparking bays would need to be provided prior to the occupation of the 8 transportable accommodation structures. Alternatively the Council may consider cash in lieu of carparking contribution subject to a written request including a justification and negotiation with Council's Director Community and Regulatory Services is required in accordance with clause 6.13.3 of Council's Town Planning Scheme No.5.

- m) The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
- n) Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
- o) An approved effluent disposal system shall be installed to the specification of the Town's Environmental Health Services and the satisfaction of Manager Planning. Be advised that the effluent disposal system may also require the approval of the Western Australian Department of Health.
- p) Be advised that at the building license stage a detailed floor plan is required to be submitted in order for the Town to assess compliance with the *Town of Port Hedland Health Local Laws 1999*.
- q) Waste disposal and storage is to be carried out in compliance with Council's Health Local Laws 1999.

6:09 pm Councillor Arthur A Gear left the room.

6:10pm Councillor Arthur A Gear re-entered the room and assumed his chair.

200607/174 Council Decision**Moved:** Cr S F Sear**Seconded:** Cr G J Daccache

That Planning Consent be granted for the construction of HOTEL and MOTEL – addition of 8 transportable accommodation structures (comprising 32 x 1 bedroom accommodation units) and additional carparking at Lots 944 and 1611 Great Northern Highway, Port Hedland, and in accordance with Clause 6.13.5 of Town Planning Scheme No. 5 permit a reduction in the number of carparking spaces from 859 bays to 192 bays, subject to the following conditions:

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- b) **The building as hatched in red on the approved plan shall accommodate a maximum of 400 people at anyone time.**
- c) **The building areas as hatched in blue on the approved plan shall not be used for any purpose without an application for planning consent being lodged and approved by the Town.**
- d) **The development must only be used for purposes, which are related to the operation of a “Hotel” and “Motel” business. Under the Town of Port Hedland’s Town Planning Scheme No. 5 a “Hotel” is defined as:
“any land or buildings providing accommodation for the public and may include an entertainment venue, restaurant or sell liquor.”
And a “Motel” is defined as:
“any land or buildings providing accommodation in a manner similar to a hotel but in which special provision is made for patrons with motor vehicles and may include an entertainment venue, restaurant or sell liquor.”**
- e) **This approval is 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.**

- f) A minimum of 192 carparking spaces are to be provided for the use of the Hotel/Motel. These bays are to be provided within 24 months from the date of this permit and in accordance with Appendix 8 of Council's Town Planning Scheme No.5 and to the satisfaction of the Council's Manager Planning. The developer provide a bank guarantee to the value of \$50,000 as surety payable to Council should the conditions of this planning approval not be met within the specified time.**
- e) The additional 134 carparking 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.**
- f) All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning.**
- g) Schematic stormwater drainage plans detailing the disposal of stormwater runoff from the site, including the hardstand carparking area, are to be included on the Building Licence and to the satisfaction of the Manager Planning.**
- h) All stormwater shall be collected and disposed of in a manner acceptable to the Manager Planning.**
- i) At all times, all vehicle parking (both small - cars etc and heavy - trucks etc) associated (resident and visitor) with the Motel/Hotel shall be contained within the designated vehicle parking locations/areas (i.e. car parks) all to the satisfaction of the Manager Planning.**

FOOTNOTES

- j) The applicant/owner is reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.**
- k) In regard to condition b and c, the applicant is advised that these conditions have been imposed in response to the significant carparking relaxation (859 bays to 192 bays) supported by the Council and reflective of the operational and management undertakings made by the applicant and or his representative. The applicant is further advised that any future applications to modify and/or delete these conditions shall address the carparking issues accordingly, without necessarily perpetuating the concession afforded by this approval.**

- l) In regard to condition f, the Council may consider cash in lieu of carparking contribution subject to a written request including a justification and negotiation with Council's Director Community and Regulatory Services as required in accordance with clause 6.13.3 of Council's Town Planning Scheme No.5.
- m) The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
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- o) An approved effluent disposal system shall be installed to the specification of the Town's Environmental Health Services and the satisfaction of Manager Planning. Be advised that the effluent disposal system may also require the approval of the Western Australian Department of Health.
- p) Be advised that at the building license stage a detailed floor plan is required to be submitted in order for the Town to assess compliance with the *Town of Port Hedland Health Local Laws 1999*.
- q) Waste disposal and storage is to be carried out in compliance with Council's Health Local Laws 1999.

CARRIED 7/1

NOTE : Cr G J Daccache requested the votes be recorded.

Record of Vote:

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

REASON: Council sought changes to clause f) as Council wanted surety that appropriate car parking would be constructed; and l) to simplify the condition, as follows:

- f) A minimum of 192 carparking spaces are to be provided for the use of the Hotel/Motel. These bays are to be provided within 24 months from the date of this permit and in accordance with Appendix 8 of Council's Town Planning Scheme No.5 and to the satisfaction of the Council's Manager Planning. The developer provide a bank guarantee to the value of \$50,000 as surety payable to Council should the conditions of this planning approval not be met within the specified time.*

- l) ~~In regard to condition f, the Council may consider a staged provision of the carparking subject to suitable arrangements and/or agreements being made with the Council's Director Community and Regulatory Services. If the staged option were to be considered then a minimum of 61 additional carparking bays would need to be provided prior to the occupation of the 8 transportable accommodation structures. Alternatively the Council may consider cash in lieu of carparking contribution subject to a written request including a justification and negotiation with Council's Director Community and Regulatory Services as required in accordance with clause 6.13.3 of Council's Town Planning Scheme No.5.~~*

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.2

29.2006 09:13 91731768

TOPIC

#2675 P.002 /003



TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO. 5 APPENDIX 3

APPLICATION FOR PLANNING APPROVAL

OWNER DETAILS (Indicate names of owners shown on the Title Deed)

Name(s) : GARY & LEANNE ELSON

Postal address : Box 180 Port Hedland Postcode : 6672

Contact Phone : 91721222 Fax : 91201225 Email : portheadland@telstra.com

Signature(s) : [Signature] Date : 29/1/07

Note : This application must be signed by the owner(s), or purchaser(s) of the land on which the development is proposed.

APPLICANT DETAILS (This person will be the contact for this application)

Name / Company : BULLARDS CORPORATION PTY LTD

Address for Correspondence : Box 180 Port Hedland Postcode : 6672

Contact Phone : 91721222 Fax : 91201225 Email :

Signature : [Signature] Date : 29/1/07

PROPERTY DETAILS (Indicate where the proposed development is to take place)

Lot No. : 181 Street No. : Street / Road :

Suburb / Locality : NORTH VIEW COMMON HLS

DEVELOPMENT DETAILS (Three (3) copies of plans detailing the development are required to be submitted with this application)

Type of Development (Tick): Single House Grouped Dwelling Outbuilding

Commercial Premises Industrial Premises Change of Use Other

Details : HOTEL EXTENSION - 32 x 1 BLDG ACCOMM. UNITS &

PARKING

Approximate cost of proposed development (exc. GST) : \$600,000

Estimated time of completion : ASAP

RECORDING OFFICER: MIP 06-06223

NOTES

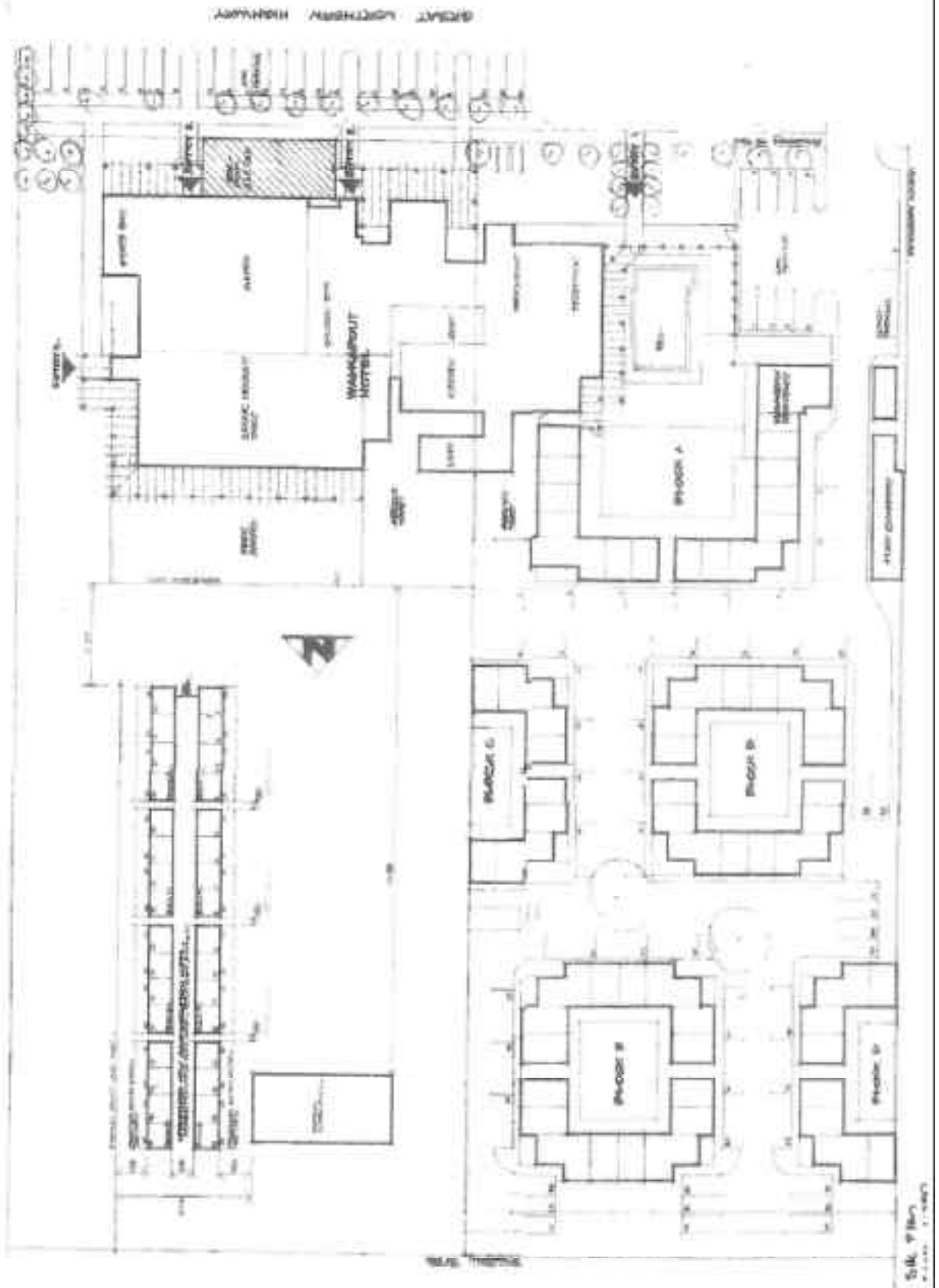
- 1. This is not an application for a building licence. Separate application forms and plans are to be submitted for each, after Planning Approval has been obtained.
- 2. This application is subject to an upfront fee in accordance with the Schedule of Fees.
- 3. This application will not be accepted unless the form is complete and signed, all required plans are submitted and the prescribed fee paid.

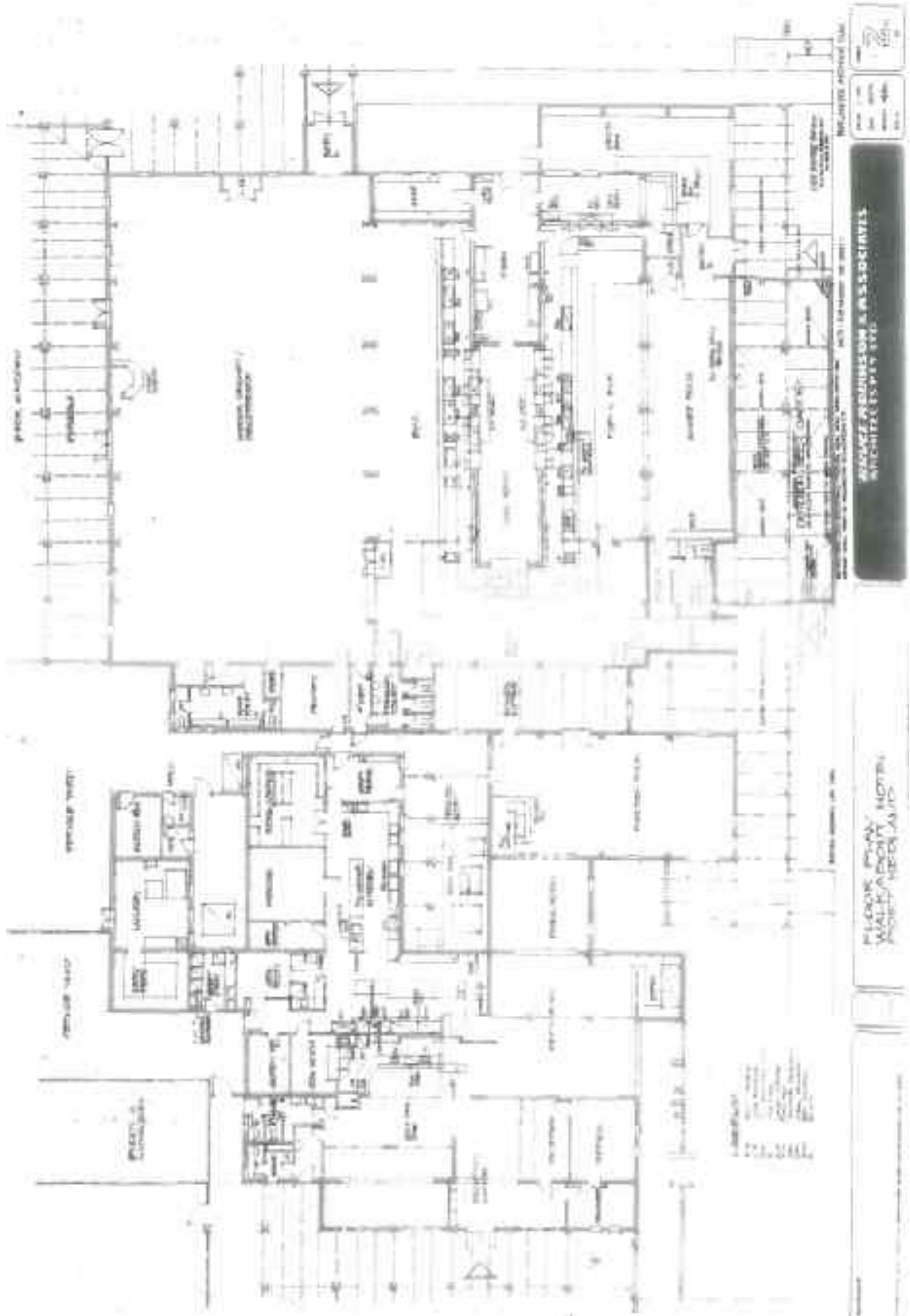
OFFICE USE ONLY

Expiry Date : Acceptance Date :

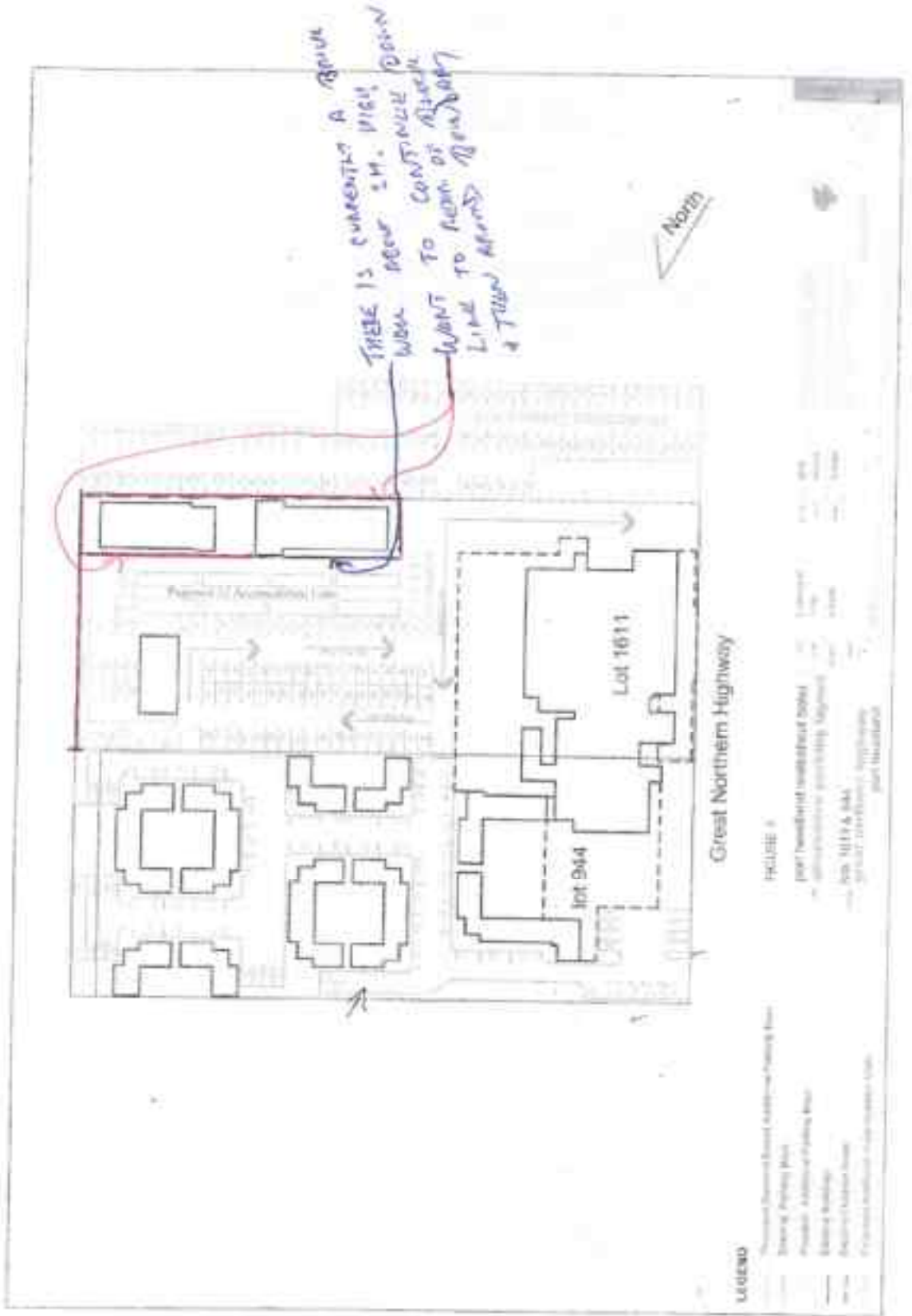
Form / Plans Checked By : Application No. :

ATTACHMENT 2 TO AGENDA ITEM 11.2.2.2





Received
10 JAN 2007



LC0250

Proposed Street Name (Address) Planning Note
 Street Name (Address) Planning Note
 Proposed Address (Address) Planning Note
 Existing Address (Address) Planning Note
 Proposed Address (Address) Planning Note
 Proposed Address (Address) Planning Note

FIGURE 8

Part of the site plan showing the
 proposed parking layout
 and the proposed parking layout
 for the site plan.

ATTACHMENT 2 TO AGENDA ITEM 11.2.2.2

Our Ref: 5215

02 January 2007

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

Attention: Mr Richard Bairstow – Manager of Planning Services



Dear Sir

RE: **JUSTIFICATION REPORT – RELAXATION OF PARKING REQUIREMENTS
UNDER TOWN PLANNING SCHEME NO 5
(LOTS 944 AND 1611 GREAT NORTHERN HIGHWAY, PORT HEDLAND)
HOTEL ADDITION**

Greg Rowe and Associates acts on behalf of the owners of the Port Hedland Walkabout Hotel, located on Great Northern Highway, Port Hedland. We understand the Council requires a thorough analysis of the parking requirements for the Walkabout Hotel in Port Hedland. That is the analysis should include:

1. The vehicle parking requirements under Town Planning Scheme No 5 (TPS 5),
2. The vehicle parking requirements under repealed Town Planning Scheme No.1 (TPS1),
3. The current level of parking on the subject land and
4. The additional vehicle parking requirements generated by an application for 32 accommodation units, lodged with the Town of Port Hedland for determination.

It is apparent from correspondence from the Town, forwarded to our Client, and (dated 13 December 2006), that the Officers of Council believe there is a significant under supply of vehicle parking on the subject land, based on the parking requirements of current TPS5 and repealed TPS2.

General provisions in relation to vehicle parking within the Scheme Area are contained within Clause 6.13 of TPS 5. Subclause 6.13.1 requires all development to provide on-site vehicle parking in accordance with the requirements of Appendices 7 and 8 of the Town Planning Scheme.

Appendix 7 reflects the specific rate of provision of vehicle parking areas for specified development types. Appendix 8 specifies the dimensions of vehicle parking areas based on different parking area configurations. Clause 6.13.2 provides Council with the discretion to determine the numbers of vehicle parking where development types are not specified in Appendix 7.

Clauses 6.13.3 and 6.13.4 deal with the provision of "cash in lieu" of the provision of vehicle parking, should Council so decide.

Clauses 6.13.5 to 6.13.8 deal with Council's discretionary powers to vary car parking requirements. Specifically Clause 6.13.5 – "Where Council is satisfied that circumstances of a

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Suite 1 / Level 2 - 69 / PENNINGTON ROAD / PORT HEDLAND

development justify such action and there will not be any resultant lowering of the safety standards, it may permit a reduction in a number of car parking spaces required by Subclause 6.13.1". Clause 6.13.7 "Where there are two separate and different developments with different hours of peak operation, but being located on the same or adjoining lots, the Council may permit some discounting of the required number of car parking bays on either or both lots, provided it is satisfied there will be no resultant lowering of safety standards and there is agreement to the reciprocal use of all car parking bays".

As we understand it, the current Walkabout Hotel was approved under Town Planning Scheme No 1 (TPS 1). We also understand that the original Planning Approval and original plans are no longer in Council's possession. Our Client, similarly, does not have possession of the original Planning Approval or original plans for the site. We assume, however, in the absence of any evidence to the contrary, that the current number of vehicle parking bays and layout of the parking area is in accordance with the approved plans at that time. Council Officers, in the absence of the original Planning Approval and approved plans however have calculated the parking requirements of TPS 1, which was the operational Town Planning instrument at that time. That is Council Officers have assumed that the original approval required compliance with the parking provisions specified under Town Planning Scheme No.1 at that time. If this approach is taken it is also assumed that officers of Council believe that the existing development does not comply with the conditions of the original approval or has not been developed in accordance with the approved plans.

Council Officers have similarly calculated the parking requirements for the Hotel complex, based on the provisions TPS 5. The total number of bays required under TPS 1 is approximately half the number of bays required under current TPS 5 for the same development layout.

Cadastral

Lot 1611 is 9,303m². Lot 944 is 8,220m². Lot 1611 has a frontage of 60.95 metres to Great Northern Highway and Lot 944 has a frontage of 58.34 metres to Great Northern Highway. Both subject properties abut unallocated vacant Crown Land on the eastern and southern boundaries. Unallocated Crown Land exists between the Great Northern Highway road reserve and the front boundary.

Land to the west is reserved under the Local Scheme as a State and Regional Road and is clearly set aside for future road widening of Great Northern Highway.

Regional Context and Regional Planning

Regional planning for the Port Hedland area is governed by the Pilbara Land Use Strategy (1997) and the Port Hedland Area Planning Study (2003). The Port Hedland Area Planning Study introduces both a subregional plan and the Port Hedland Structure Plan. The Port Hedland Structure Plan is the Primary Regional Planning Strategy for the area. This is not translated into a Regional Planning Scheme, but rather the essential infrastructure and broad land use planning layout, reflected in the Port Hedland Structure Plan, is translated into Local Town Planning Schemes.

The subject land lies adjacent to the Port Hedland Airport, approximately midway between Port Hedland and South Hedland urban areas under the Port Hedland Structure Plan. The site is classified for "Tourism" under the Port Hedland Structure Plan and is separated from the Port Hedland Airport, by the Great Northern Highway. The land falls within the buffer zone, surrounding the waste water treatment plant located immediately to the east of the subject land. The land is also affected by noise from the Port Hedland Airport. Land in the immediate vicinity (including the subject land) is therefore constrained from sensitive uses.

Local Scheme and Local Context

The subject land is zoned "Tourism" under TPS 5. Land to the west of the Great Northern Highway, covering the Port Hedland Airport, is zoned "Airport" under the Local Town Planning Scheme. Land on the eastern side of the Great Northern Highway, surrounding the subject land, is classified as a "Local Scheme Reserve Public Purposes" under TPS 5. Great Northern Highway is classified as a "Local Scheme Reserve State and Regional Road" and is under the control of Main Roads WA.

Under Clause 3.2 (Zoning Table) of TPS 5, the uses "Hotel" and "Motel" are classified as "AA" (discretionary approval) within the "Tourism" zone. "AA" uses are classified under the Scheme as "Development" which is not permitted unless Council has granted Planning Approval. The use "Entertainment Venue" is classified as an "SA" use (discretionary approval following advertising) within the "Tourism" zone. The use classification "Car Park" is defined as an "AA" (discretionary approval) within the "Tourism" zone.

Specific Parking Requirements

Under current TPS 5, Appendix 7 (Car Parking Standards), the development classification "Hotel / Motel" has the following parking requirements:

- One (1) bay for every accommodation unit;
- One (1) bay for every five (5) units for visitors; and
- One (1) bay for every staff member present at any one time.

For the development class "Entertainment Venue", the following parking ratios apply:

- One (1) bay for every 2m² of open floor area;
- One (1) bay for every 5m² of table and / or chairs; and
- One (1) bay for every four (4) spectator / audience seats in rows.

All other areas and facilities are at Council's discretion.

The previous rates of vehicle parking provision under TPS 1, as provided by Officers of the Council were:

Licensed Hotel: One (1) bay per bedroom plus one (1) for every 20 square feet of bar and lounge area. (1 bay/1.858m² of bar and lounge area)

Based on these ratios, Officers of the Town of Port Hedland have calculated that, at the existing level of development of the site, a total of 234 bays would be required under the provisions of old TPS 1, and under current TPS 5, a total of 413 bays would be required. Under both Scheme scenarios, the number of bays required for individual accommodation units is identical, namely 63 bays. The fundamental difference arises from additional parking requirements required under current TPS 5 for visitors (13 bays), staff members (27 bays) and entertainment venue (311 bays).

Relevance of Town Planning Scheme No.1 and Town Planning Scheme to Current Application.

As discussed above Council Officers advise that there are no records held by Council of the Approved Plans or Planning Approval for the existing development.

Council officer correspondence to our client (as discussed above), includes calculations of vehicle parking in the context of current Town Planning Scheme No. 5 relating to the existing development of the site. Clearly this is not relevant to existing development legally approved under the provisions of a previous Town Planning Scheme. That is Planning agencies in consideration of a new Application to Commence Development, cannot retrospectively apply the development standards of the current Town Planning Scheme to existing development legally approved under a previous Town Planning Scheme. Based on correspondence received by our client it appears that officers of Council also hold this view.

We accept that Council is entitled to apply the specific requirements of Town Planning Scheme No.5 to new development, specifically the proposed 32 additional units of accommodation reflected in the Application to Commence Development currently before Council. Clauses 6.13.5 to 6.13.8 of the Scheme provides Council with discretion to vary parking requirements based on the merits of the proposal.

The Council Officer estimate of the number of bays required under Town Planning Scheme No.1, is based on an assumption that the Approved Plans and Planning Approval for the site, reflected the exact requirements of the Scheme at that time.

It is Council's responsibility in granting an Approval to Commence Development to ensure that the terms of the approval have been complied with and if necessary enforcing the requirements at that time, including formal notification of non compliance with a condition of Planning Approval and if necessary undertaking legal action to ensure compliance. Our client only recently purchased the subject property and was not made aware of any such notifications from Council, by the previous owner.

Based on this, we conclude that the development, as it stands, complies with the original conditions of Planning Approval and is consistent with the approved plans for the subject site and note that it is not open to Council to revisit the issue. That is it is likely that Council (at that time) in consideration of the merits of the proposal and exercising discretion available to under the Scheme, approved a relaxation of standards based on circumstances known at that time. Given the existing level of approved development on the site there is insufficient land area available onsite to accommodate the parking requirements, of Town Planning Scheme No 1.

Typically the area required for vehicle parking required between 25-35m²/vehicle. The exact area per vehicle depends on the efficiency of the design and includes access ways etc. The provision of 176 additional bays recommended by Council Officers (to satisfy assumed historic requirements) would require between 4425 and 6180m² of area dedicated to vehicle parking, landscaping and access ways. At present there is approximately 3500m² available on the site (including the area of approximately 930m² of site proposed to be developed with additional accommodation units) for additional parking. This is a clear demonstration that it is likely Council has previously judged development proposals for the site on their merits and accepted a relaxation of standards in relation to parking provision, given that there is insufficient land onsite to accommodate the parking requirements under TPS1.

As we are not aware of any evidence to the contrary this appears to be a reasonable assumption

Current Development and Parking Provision

There are currently 58 vehicle parking bays provided within the subject land (Figure 1). If the rates of provision contained under previous TPS 1 were applied to the existing development, a shortfall of 171 vehicle parking bays is evident.

As discussed above we do not believe this to be an appropriate view unless our client is provided with copies the original approval or approved plans or copies of Council advice to previous owners of the property. That is highlighting, non compliance with the original conditions of development approval.

The Need for Additional Parking

If it is assumed for the purposes of examination of this issue, that the provisions of Town Planning Scheme No.1 should be applied in this case (although it is not supported by us, as discussed above), it should also be acknowledged that Council would also have judged the proposal on the particular merits of the development and the circumstances which apply at that time. That is Council would have, where appropriate, exercised discretion available to it to allow a relaxation of standards.

That is, most Town Planning Schemes provide discretion for Local Government to relax parking requirements where circumstances warrant it. We believe that as discussed below, that Council should (and would previously) treat the matter on its merits rather than to seek rigid adherence to the provisions of repealed Town Planning Scheme No. 1.

Surrounding Land Use and Relationship to Urban Areas

The subject land is located isolated from rather than within an urban area and as such there is little or no competition for vehicle parking as might otherwise exist within an urban area. The site is located approximately 5 kilometres (by road) from South Hedland and Wedgefield and 10 kilometres from Port Hedland. As a result of drink driving laws, little (if any) regular patronage derives from either Port Hedland or South Hedland, which generates demand for vehicle parking from these sources.

The subject land is located within the odour buffer of a Wastewater treatment Plan as defined in the Port Hedland Area Planning Study (Final 2003) and other than the other land to the north included within a Tourism Classification the area is not identified for intensification under the Port Hedland Structure Plan. The land is also likely to be constrained from more intensive sensitive uses, by the operation of the Port Hedland Airport directly opposite the subject land. As such there are no plans in place, which would increase the level of competition for vehicle parking within the surrounding areas.

Level of Demand

Unit Accommodation

The existing unit accommodation generates a relatively stable demand for vehicle parking and the level of parking available adjacent to the units is more than adequate for this purpose.

The majority of the units are occupied by employees of major mining operations in the region (fly in, fly out) few of whom travel to the facility in their own private vehicle. That is most are transported to and from the facility by bus or van, for an overnight stay and who then access the airport directly opposite the facility.

Therefore, there is limited reliance on the private motor vehicle for transport to and from the site. Analysis of air photos across the entire site supports this view as follows (Figures 2(a)-(d)):

- Figure 2(a): Seven (7) vehicles (10% of existing parking);
- Figure 2(b): 12 vehicles (20% of existing parking);
- Figure 2(c): 13 vehicles (22% of existing parking);
- Figure 2(d): 11 vehicles (19% of existing parking);

This suggests less than 30% of usage of the existing 58 parking bays and clearly significantly less than the levels required under TPS5 and TPS1

For comparison purposes, Figure 3 reflects air photos of the Walkabout Hotel, All Seasons Hotel Port Hedland and the Esplanade Hotel Port Hedland. This demonstrates that the later two (located within the urban area) generate significantly greater parking needs. All air photos are sourced from DLI's Landgate "Port Headland 2004" series.

At present, of the 21 staff employed at the site, 12 reside at the site and only three regularly travel to the site. The majority do not have private vehicles. This is a product of the isolation of the subject land from urban areas and the limited housing availability in the north-west generally.

The landowner estimates that (at most) 30% of the occupants of the existing accommodation units would rely on private vehicle access to the site. In order to take a conservative approach we will assume a 50% reliance on private vehicle use

The Walkabout Hotel also operates a courtesy bus which further reduces the reliance on private vehicles

Public and Lounge Bar

The landowner estimates that approximately 60% of the patronage of the bar area derives from the onsite accommodation units (including resident staff) and the adjacent caravan park, none of which generate the need for additional onsite parking based on bar floor area.

Given its isolation from urban areas and society's attitudes to drink driving, the existing bar areas does not generate parking demand that exceeds the existing level of parking provision on site. The application of the rate of parking provision under Town Planning Scheme No.1 for public bar drinking areas is reflective of society's drink driving attitudes **at that time** and is therefore no longer relevant and should reflect a lesser rate of parking provision.

The hotel is currently limited to a maximum of 400 persons by Council and this level would only be achieved at most on three occasions per year when bands perform at the facility. This frequency is not sufficient to warrant the need for overflow parking and the significant cost which

this entails. From the owner/operator's experience, on average the public bar would service approximately 30 persons at any one time and would not exceed 100 persons at least 60% (on average) of whom also occupy the accommodation units onsite.

There is also a relationship between the Port Hedland Airport directly opposite the site where passengers at the terminal (particularly when flights are delayed) walk the 160 metres to the bar facilities at the Walkabout Hotel. Some patronage also emanates from the caravan park located on the adjacent Lot 945 on the northern boundary of the subject land. No additional onsite parking requirements are generated from these sources.

The Sports bar shown on the submitted plans has been closed for some time and it is not intended to re-open it. The landowner advises that he may seek to convert this area into a drive through bottle shop at a later date however this will be the subject of a later application to Council.

The cocktail bar and restaurant are for the use of occupants of the accommodation units and do not attract customers from the wider area.

The area shown as cricket/disco is closed and is not used for these stated purposes. The landowner advises that he will consider alternative uses for this area at a later date and would be the subject of a later application to Council.

Overview

The Application to Commence Development currently before the Town of Port Hedland reflects the existing 58 bays onsite. It also reflects 71 bays in an area proposed to be leased by the landowner from Main Roads WA.

We are advised that MRWA have highlighted that this would be available for five years, at which time the road works would be undertaken and the area would not be available for parking. Given the significant cost of capital works associated with this option the landowner may not pursue this avenue and instead has approached the Department for Planning and Infrastructure (DPI) (Appendix 1) with a view to securing sufficient unallocated Crown Land to the south east of the subject land (either as a long term lease or purchase). To date, this investigation is not complete however DPI will advise as to the availability of the land for additional parking, should Council require it. As discussed above however, we do not believe this can be justified in demand terms.

We believe that a "Demand Based" number of vehicle parking can be provided onsite as per Figure 4 and Table 1 below.

A summary of the parking requirements under repealed Town Planning Scheme No.1 and an assessment of the parking requirements based on estimated demand (discussed above) is contained in Table 1 below.

Table 1 - Advised and Estimate of Parking Requirements

Scheme Based Parking Requirements		Bays
<u>Existing Development Based on TPS 1 Parking Requirements</u>		
63 Accommodation Units (1 bay/unit)		63
Bar Floor Area (as advised by Town of Port Hedland)		171
Sub Total		234
<u>Additional Development Based on TPS5</u>		
32 Accommodation Units		39
Total Bays Required		273
Existing Parking Bays		58
Apparent Shortfall		215
Additional Onsite Parking (Modified Layout)		103
Additional Bays to be Provided Offsite		112
Demand Based Parking Requirements		
<u>Existing Development</u>		
63 Accommodation Units (50% Reliant of Private Vehicle)		31.5
Bar Floor Area (40% Reliant on Private Vehicle)		68.4
Sub Total		99.9
<u>Additional Development</u>		
32 Accommodation Units (50% Reliant on Private Vehicle) + 7 Visitor Bays		19.5
Sub Total		116.4
Existing Parking Bays		58
Shortfall		61.4

Conclusion

We therefore believe, that even with the proposed additional accommodation units, the provision of 120 vehicle parking bays would meet the actual vehicle parking requirements of the operation. This would include the construction of an additional 62 vehicle parking bays.

It should be noted that there is sufficient area available on site (with the planned development) for an additional 103 parking bays as reflected in Figure 4. This could provide for a total of 161 vehicle parking bays on site should it be required.

We believe it is unrealistic and cannot be justified on planning, traffic safety or legal grounds to require the landowner to provide additional parking areas offsite, to satisfy perceived historic shortfalls of parking.

We therefore respectfully request that Council grant Approval to Commence Development for the additional units of accommodation on the basis of the provision of a total of 120 onsite (i.e. an additional 62) vehicle parking bays, generally in accordance with the layout reflected in Figure 4 .

Yours faithfully
GREG ROWE AND ASSOCIATES



DOUG SMITH

Figure 1

Current Site Layout, Proposed Accommodation Units and Existing Onsite Parking Provision.

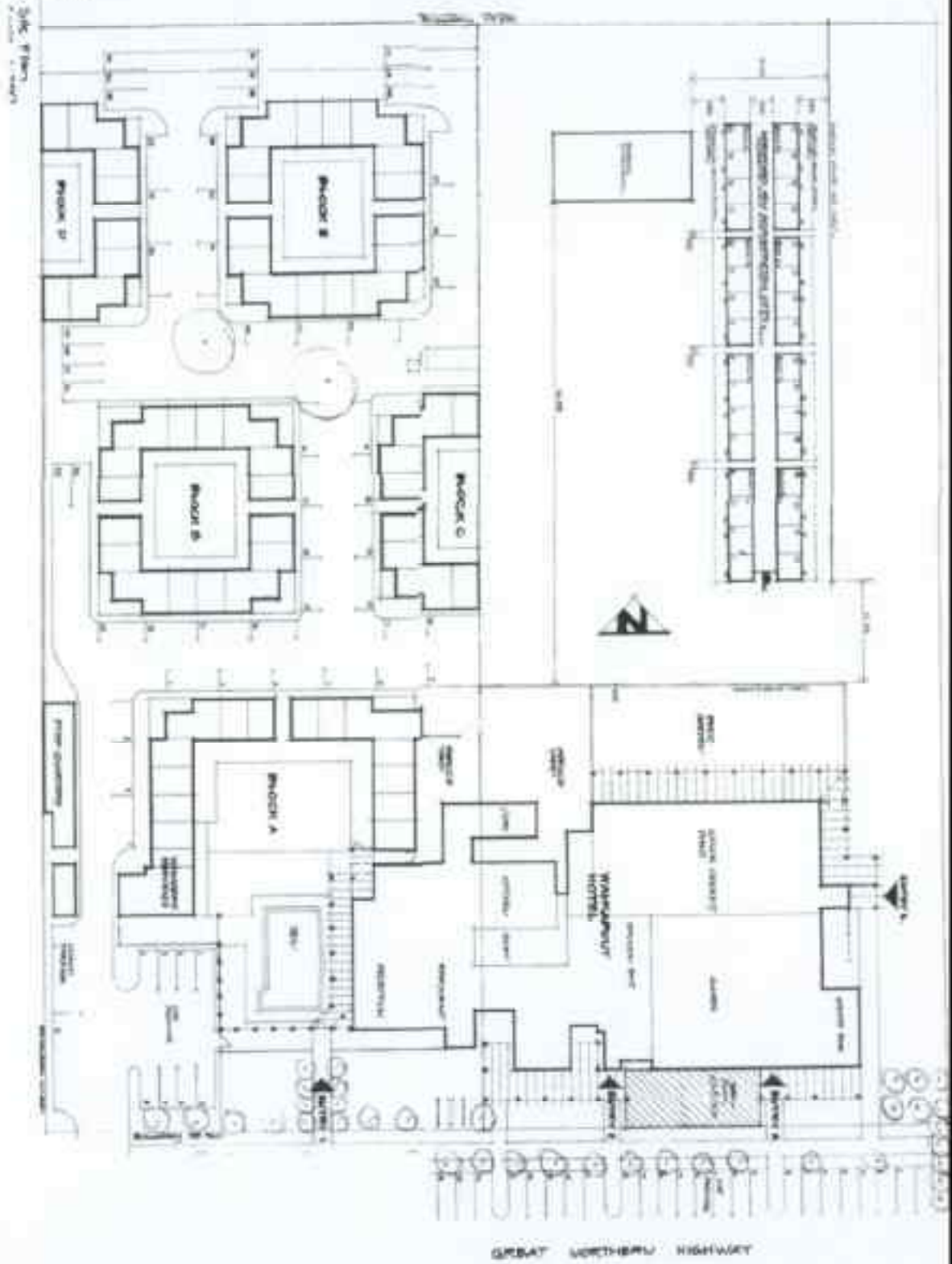


Figure 2(a)

Walkabout Hotel 2004 Air Photo (Accommodation Units 3 Vehicles, Hotel 3 Vehicles, 1 Larger Vehicle). Source – "Landgate Port Hedland" series



Figure 2(b)

Walkabout Hotel 2004 Air Photo (Accommodation Units 5 Vehicles, Hotel 4 Vehicles, 3 Larger Vehicle). Source – "Landgate Port Headland & South Hedland" series



Figure 2(c)

Walkabout Hotel Air Photo (Accommodation Units 10 Vehicles, Hotel 2 Vehicles, 1 Larger Vehicle) Source – "Landgate Dampier North De Grey River series (date not stated)"



Figure 2(d)

Walkabout Hotel Air Photo (Accommodation Units 7 Vehicles, Hotel 1 Vehicles, 3 Larger Vehicles) Source – "Landgate Port Hedland Townsite series (date not stated)"



Figure 3(a)

2004 Air Photo Walkabout Hotel
7 Vehicles)
Source – "Landgate – 2004 Port Hedland"
series



Figure 2(b)

Esplanade Hotel Pt Hedland
29 Vehicles (2004)
Source – "Landgate– 2004 Port Hedland"
series



Figure 3(c)

All Seasons Hotel Port Hedland
46 Vehicles (2004)
Source – "Landgate– 2004 Port Hedland"
series



Appendix 1

Our Ref: 5215



20 December 2006

Department of Land Information
PO Box 2222
MIDLAND, WA 8036

Attention: Mr Horrace Graham

Dear Sir

**RE: REQUEST TO PURCHASE OR LEASE CROWN LAND ADJACENT TO LOTS 1611
AND 944 GREAT NORTHERN HIGHWAY, PORT HEDLAND**

Greg Rowe and Associates acts on behalf of our Client, Mr Gary Elson, owner of the Walkabout Hotel in Port Hedland. Mr Elson seeks to acquire or lease an area of unallocated Crown land adjacent to the existing Walkabout Hotel in Port Hedland, situated on the above land parcels.

The land is required in order to accommodate additional car parking requirements imposed by the Town of Port Hedland. Please find attached a note of authority from Mr Elson to Greg Rowe and Associates to make application on his behalf to the Department of Land Information.

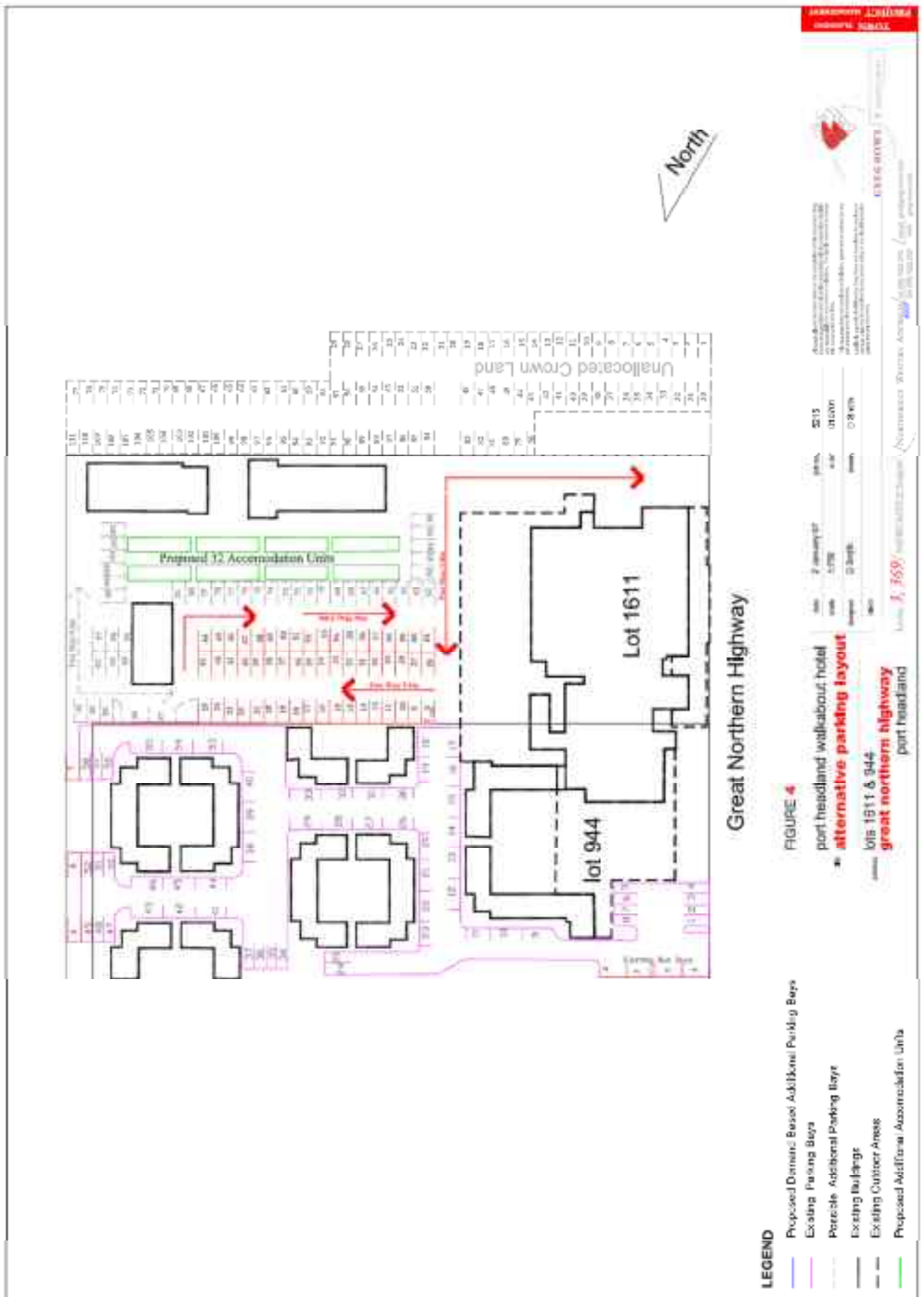
Mr Elson requires a maximum area of 3300 m² in the location shown on the attached plan. We would require an indication of the value of either a purchase or lease of the land and an indication of the maximum length of lease, should this be the Client's preferred option. Please also advise of the approximate length of time that such a process would take.

Thank you for your consideration of this matter.

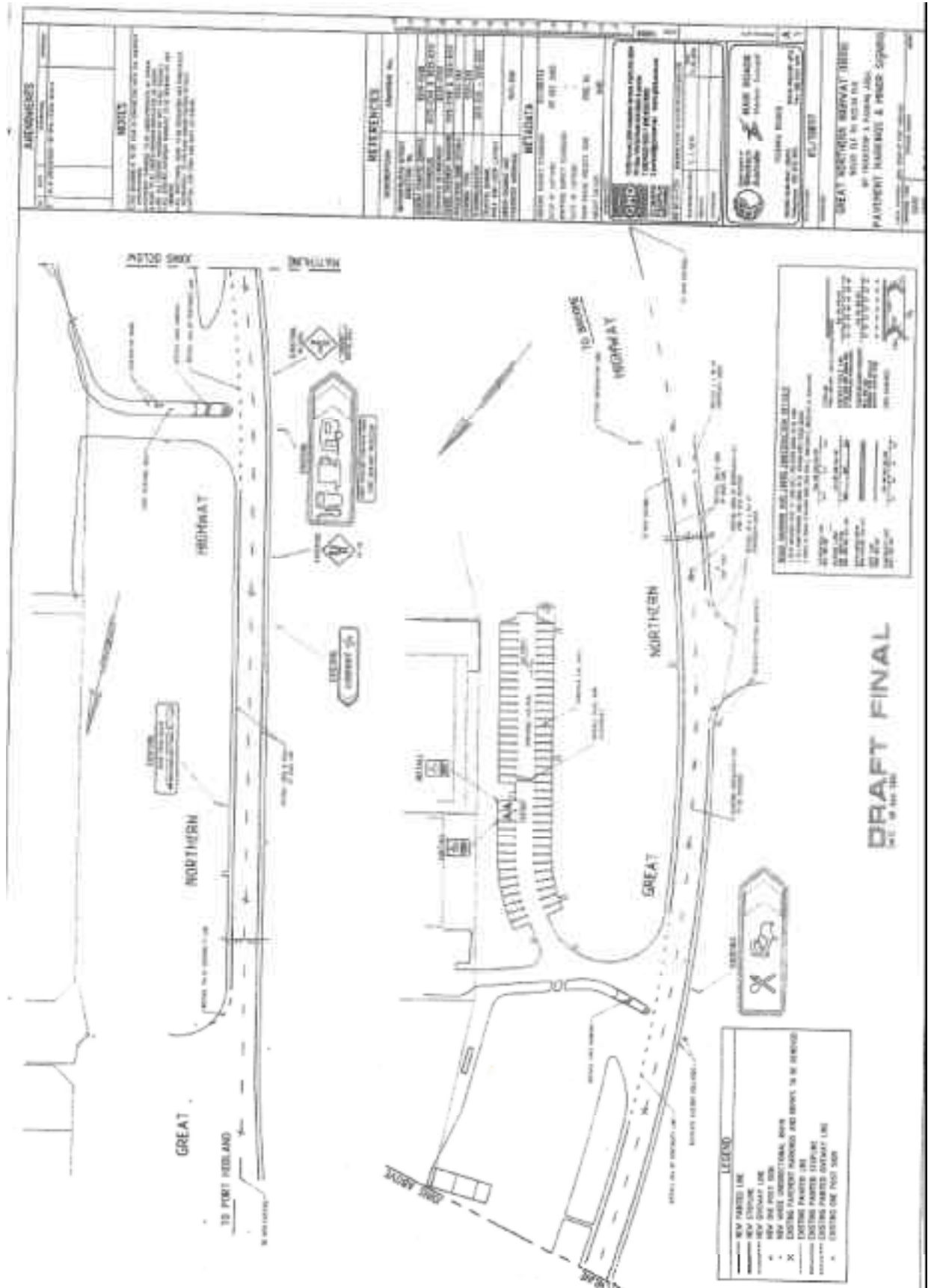
Yours faithfully
GREG ROWE AND ASSOCIATES

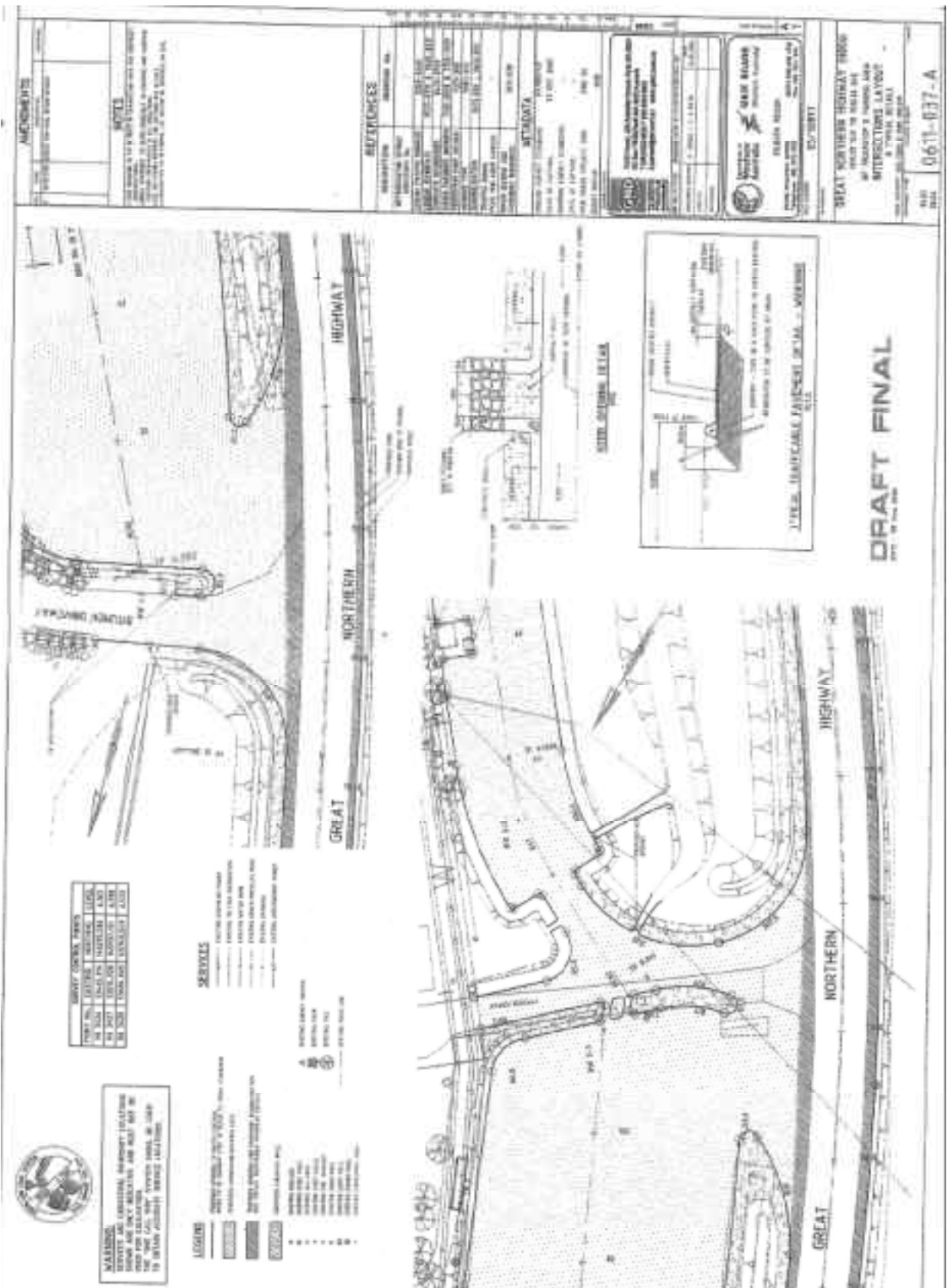
DOUG SMITH

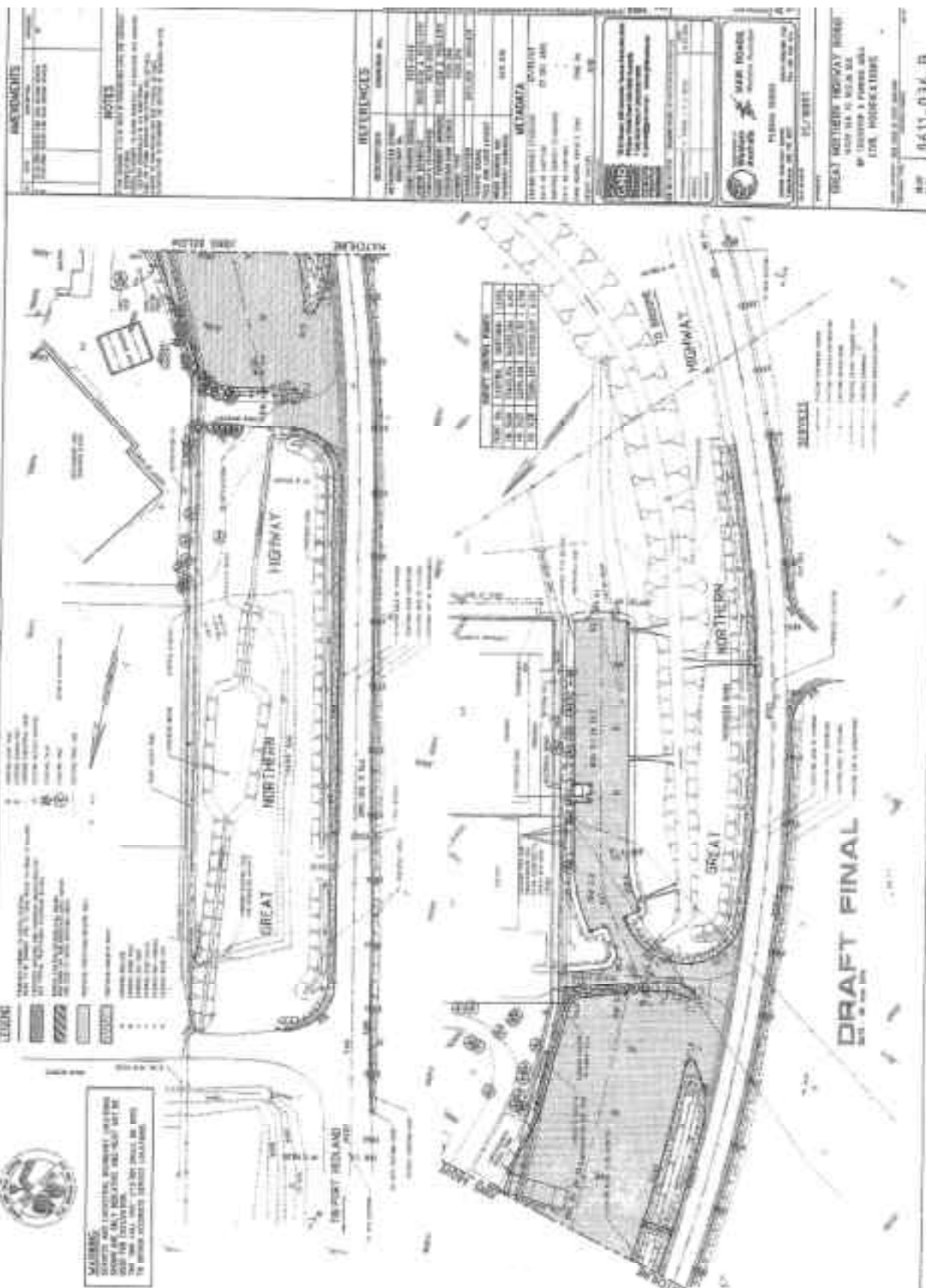
enc: copy of site plan and Landgate image of relevant Crown land.



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.2





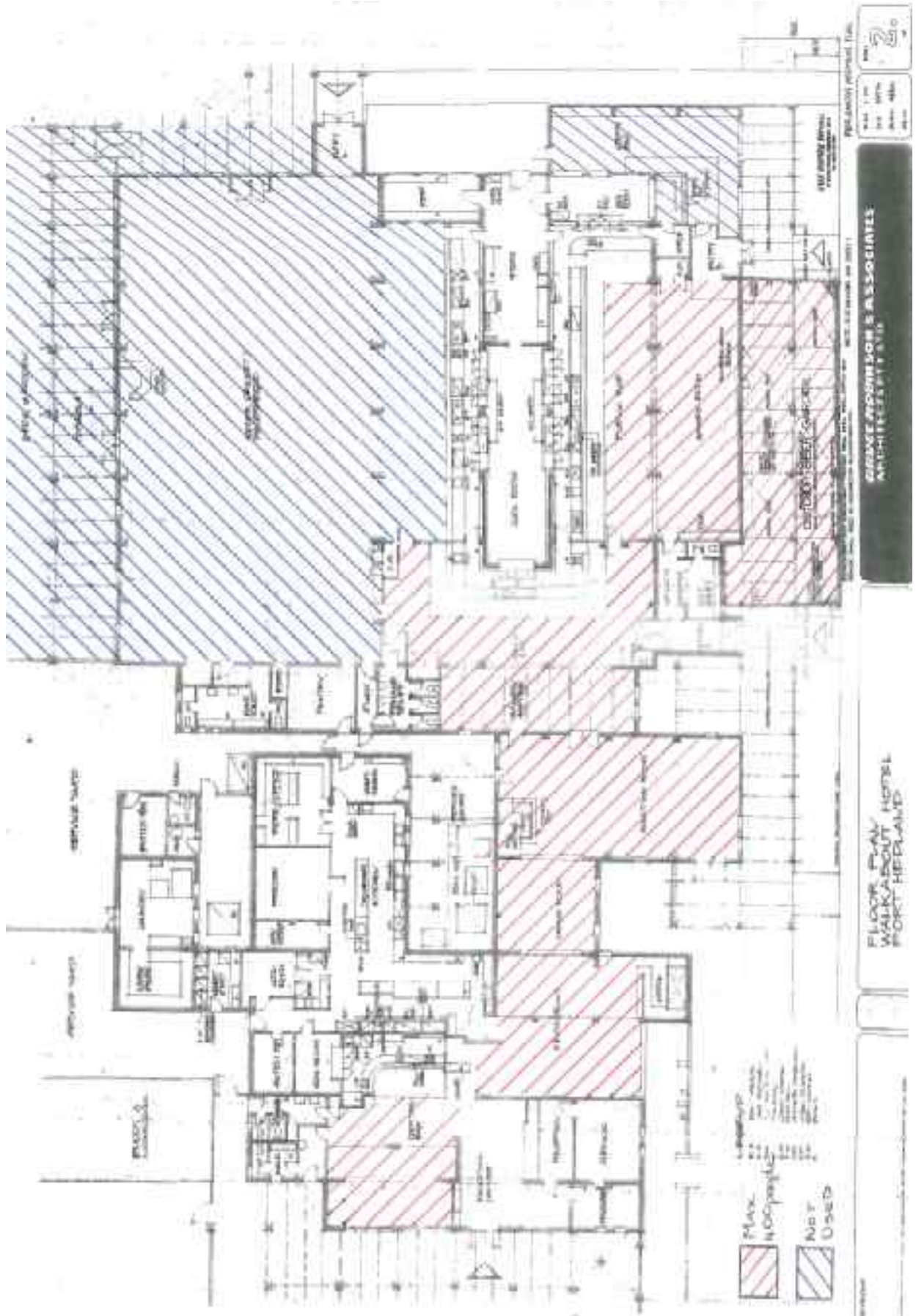


REVISIONS	REVISIONS	REVISIONS
NO.	DATE	DESCRIPTION
1	15/01/07	ISSUED FOR PERMIT
2	15/01/07	ISSUED FOR PERMIT
3	15/01/07	ISSUED FOR PERMIT
4	15/01/07	ISSUED FOR PERMIT
5	15/01/07	ISSUED FOR PERMIT
6	15/01/07	ISSUED FOR PERMIT
7	15/01/07	ISSUED FOR PERMIT
8	15/01/07	ISSUED FOR PERMIT
9	15/01/07	ISSUED FOR PERMIT
10	15/01/07	ISSUED FOR PERMIT
11	15/01/07	ISSUED FOR PERMIT
12	15/01/07	ISSUED FOR PERMIT
13	15/01/07	ISSUED FOR PERMIT
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24	15/01/07	ISSUED FOR PERMIT
25	15/01/07	ISSUED FOR PERMIT

CLIENT	CLIENT	CLIENT
NAME	ADDRESS	CITY
PROJECT NAME	PROJECT NO.	PROJECT NO.
DATE	DATE	DATE
SCALE	SCALE	SCALE
SHEET NO.	SHEET NO.	SHEET NO.
TOTAL SHEETS	TOTAL SHEETS	TOTAL SHEETS
DRAWN BY	DRAWN BY	DRAWN BY
CHECKED BY	CHECKED BY	CHECKED BY
APPROVED BY	APPROVED BY	APPROVED BY
DATE	DATE	DATE
PROJECT NO.	PROJECT NO.	PROJECT NO.
SHEET NO.	SHEET NO.	SHEET NO.
TOTAL SHEETS	TOTAL SHEETS	TOTAL SHEETS
DRAWN BY	DRAWN BY	DRAWN BY
CHECKED BY	CHECKED BY	CHECKED BY
APPROVED BY	APPROVED BY	APPROVED BY
DATE	DATE	DATE

PROJECT	PROJECT	PROJECT
NAME	ADDRESS	CITY
PROJECT NAME	PROJECT NO.	PROJECT NO.
DATE	DATE	DATE
SCALE	SCALE	SCALE
SHEET NO.	SHEET NO.	SHEET NO.
TOTAL SHEETS	TOTAL SHEETS	TOTAL SHEETS
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CHECKED BY	CHECKED BY	CHECKED BY
APPROVED BY	APPROVED BY	APPROVED BY
DATE	DATE	DATE

ATTACHMENT 4 TO AGENDA ITEM 11.2.2.2



11.2.2.3 Proposed Construction of Twenty Four (24) Multiple Dwellings at Lot 5429 (8-10) Leeds Street, Port Hedland (File No.: 4003050G)

Officer Vickie LeGear
Planning/Compliance Officer

Date of Report 2 January 2007

Disclosure of Interest by Officer Nil

Summary

It is proposed to redevelop the subject site to establish 24 Multiple Dwellings comprised of 12 x 2 storey buildings at Lot 5429 (8-10) Leeds Street, Port Hedland for the Department of Health.

It is recommended that Council approve the development subject to conditions.

Background

The site is located on the corner of Keesing and Bayman Streets and currently accommodates nursing quarters for the Department of Health.

It is proposed to demolish the existing accommodation and facilities to make way for the proposed development of 24 multiple dwellings in 12 x 2 storey buildings. The proposed dwellings are also intended to accommodate hospital staff.

The site is included in the Residential Zone – R30. Multiple dwellings are an SA use meaning development is not permitted unless the Council has granted planning approval after giving notice. No submissions were received in response to notification of the proposed development.

Consultation

Adjoining landowners were notified in writing of the proposed development and notices were also posted at the existing nurses quarters. No submissions were received.

The proposed development was also circulated to Council's Building Services, Environmental Health Services and Engineering Services for comment.

There are no objections to the development subject to conditions.

Statutory Implications

In accordance with the *Planning and Development Act 2005* the proposed development is subject to the provisions of the Town of Port Hedland Planning Scheme Number 5 and subsequently the Residential Design Codes of Western Australia (R-Codes).

R-Codes Assessment

Initial assessment of the application raised several minor issues of non-compliance with the R-Codes. The applicant has since provided amended plans and a written submission addressing these inconsistencies.

Relaxations are sought with regard to the following:

- Acceptable Development 3.4.5 A5(iii) of the R-Codes requires *landscaping between each 6 consecutive parking spaces*. The proposal includes a row of 7 spaces in the southeastern portion of the site, which is inconsistent with this requirement.
- Acceptable Development 3.5.5 A5.3 of the R-Codes requires *a communal access way to be no closer than 3m to a wall with a major opening unless screened*. The window to proposed Dwelling 2A is not located 3 meters from a communal pedestrian access path as required. There is a distance of approximately 2.7m to the centre of the path).

The above inconsistencies are further discussed under "Officer's Comments" below.

Policy Implications

The proposed development has no implications for Council Policy.

Strategic Planning Implications

The proposed development has no implications for Council's Strategic Planning.

Budget Implications

The proposed development will have no implications for Council's budget. An application fee of \$9 555 was paid on lodgment of the application with Council.

Officer's Comment

The inconsistencies with the R-Codes previously identified under 'Statutory Implications' are discussed below:

Performance Criteria 3.4.5 P5 of the R-Codes is:

“Multiple Dwelling Communal Open Spaces are fully developed with appropriate planting, paving and other landscaping that:

- . meets the projected needs of the residents;*
- . enhances the security and safety for residents;*
- . retains significant existing trees; and contributes to the streetscape.*

The proposed row of 7 carparking spaces does not conflict with this criterion. An alternative that was examined was to locate the 7th carparking bay next to the proposed store. This was not the preferred solution for security purposes. Non-compliance with the R-Codes in this instance is not considered to be a significant issue and relaxation of the requirement is supported.

Performance Criteria 3.5.5 P5 of the R-Codes is:

Provision of safe and comfortable access for pedestrians between communal carparking areas or public streets and individual dwellings.

The proposed location of communal access ways is considered to sufficiently meet this criterion. The small inconsistency of the separation distance as prescribed by the Acceptable Development standard is not considered to be significant. The applicant has advised that an alternative solution would be to reorientate the position of the bedroom window of proposed dwelling 2A however it would result in it facing the carpark, with a minor opening facing the street. Reorientation of the bedrooms windows would achieve a less desirable outcome. Relaxation of the R-Codes with regards to this matter is supported.

200607/175 Council Decision/Officer's Recommendation**Moved:** Cr D R Pike**Seconded:** Cr A A Carter

That Council grants Planning Consent for the construction of a MULTIPLE DWELLING – 24 dwellings (comprising 12 x 2 storey buildings) at Lot 5429 (8-10) Leeds Street (Application Number 2006/160), subject to the following conditions:

- a) **Development of the site is to be in accordance with the approved plans, which form a part of this approval.**
- b) **A sign in accordance with the attached specification being placed on site within fourteen days of the date of this approval, stating that approval has been granted; such sign to remain until the development is completed.**
- c) **This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.**
- d) **A combination of colours is to be used to provide some visual variation to the streetscape. The details of these colour variations are to be included with the Building Licence Submission.**
- e) **The development shall be connected to reticulated mains sewer.**
- f) **Prior to the commencement of any works whatsoever a Dust Management Plan shall be submitted to and approved by the Town of Port Hedland.**
- g) **A detailed landscaping plan (including common areas) to be submitted and approved the Manager Planning within 30 days of the dwellings being occupied. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**
- h) **Landscaping and reticulation to be established in accordance with the approved detailed plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning.**
- i) **All stormwater shall be collected and disposed of in a manner acceptable to the Manager Planning.**
- j) **The parking bay/s and accessways to be designed in accordance with Town's Town Planning Scheme No.5 standards unless otherwise specified by this approval.**

- k) The crossovers to be designed and constructed in accordance with Council's Crossover Policy.**
- l) The existing pedestrian access way on Keesing Street is to be removed and reinstated with a 2-meter wide path to the specifications of and in a location as determined by the Town's Engineering Department and all to the satisfaction of the Manager Planning.**
- m) The proposed pedestrian access way on Bayman Street shall be increased to a 2-meter wide path to the specifications of and in a location as determined by the Town's Engineering Department and all to the satisfaction of the Manager Planning.**
- n) The pedestrian access ways from the existing and/or proposed accessways within the road reserve to dwellings within the site shall remain the asset of the landowner and the care and maintenance of these is also the responsibility of the landowner.**
- o) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.**

FOOTNOTES

- p) The applicant/owner are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.**
- q) The power pole/stay relocations are subject to approval by Horizon Power and it is the developer's responsibility to ensure any relevant approvals are obtained.**
- r) The applicant/owner are advised that drawings submitted for Building License are to be properly drawn and signed by a practicing structural engineer. It should be noted that two storey dwellings must be accompanied by a completed Certificate of Structural Sufficiency.**
- s) The existing site levels and finished floor levels of all proposed development, including levels at the top of the kerb at the crossover, are to be shown on the building license submission.**

- t) This approval should not be construed that the Town will support a survey strata or green title subdivision application for the development. Assessment has been based on 'Multiple Dwellings' containing common property. A subdivision application for Survey Strata without common property or green title subdivision will need to meet the minimum and average site areas for the dwelling type, as prescribed in the Residential Design Codes.

- u) The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

- v) Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.3



TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO. 5 APPENDIX 3

APPLICATION FOR PLANNING APPROVAL

OWNER DETAILS Include names of all owners shown on the Title Deed.

Name(s) : WA Country Health Service Pilbara Region
 Postal address : PO Box 63 Newman St Port Hedland Postcode : 6721
 Contact Phone : 9222 4935 Fax : 9222 4992 Email : Don.Griffiths@dmw.wa.gov.au
 Signature(s) : [Signature] **PHIL GRIFFITHS** PHIL GRIFFITHS for WA Country Health
PROJECT MANAGER Barrow, Pilbara Date : 10 November 2006
 Note : This application must be signed by the owner(s), or purchaser(s) of the land on which the development is proposed.

APPLICANT DETAILS This person will be the contact for this application.

Name / Company : PLANFACT PROVIDERS
 Address for Correspondence : 140A DENNISTON RD ESSENDON Postcode : 6019
 Contact Phone : 0412 607 500 Fax : 9245 2976 Email : planfact@global.net.au
 Signature : [Signature] Date : 13.11.06

PROPERTY DETAILS Indicate where the proposed development is to take place

Lot No. : 5429 Street No. : 8 Street / Road : HESS STREET (KEATING ST.)
CNR GUYMAN ST
 Suburb / Locality : PORT HEDLAND

DEVELOPMENT DETAILS Three (3) copies of plans detailing the development are required to be submitted with this application.

Type of Development (Tick): Single House Grouped Dwelling Outbuilding
 Commercial Premises Industrial Premises Change of Use Other
 Details : 24 GROUPED TOWN HOUSES FOR STATE ACCOMMODATION

Approximate cost of proposed development (exc. GST) : \$6,055,000
 Estimated time of completion : NOVEMBER 2008

- NOTES**
1. This is not an application for a building licence. Separate application forms and plans are to be submitted for such, after Planning Approval has been obtained.
 2. This application is subject to an upfront fee in accordance with the Schedule of Fees.
 3. This application will not be accepted unless the form is complete and signed, all required plans are submitted and the prescribed fee paid.

OFFICE USE ONLY

Lodgement Date : Acceptance Date : Fee :

Form / Plans Checked By : Application No. : 2006/160

P l a n F a c t

ARCHITECTS

140A DEANMORE RD SCARBOROUGH WA 6019
Phone (08) 92451776 Fax (08) 92452776 Email planfact@global.net.au
139 Wells Parade Blackmans Bay Hobart Tas 7052
Phone (03) 62298737 Fax (03) 62298737 Email planfact@global.net.au
Mobile 0412 607 500



8/1/07

The Town Clerk
Town of Port Hedland
PO BOX 41
PORT HEDLAND WA 6721

Attention: Ms Vickie Legear, Compliance Officer

RE: Planning Approval Application for -
Proposed Hospital Staff Housing comprising of 20 single bedroom and 4 two bedroom townhouses at Lot 5429 Cnr Keesing and Bayman Sts PORT HEDLAND.
On behalf of the Department of Housing & Works and Health Dept.

Dear Vickie,

Please find attached Revised Drawings (Site Plan-SK5A REV A, ElevationsSK5B REVA and Plans A1/A2a/A3/A4 REV A) for the above-mentioned development, which address the points raised in your fax of the 5/1/07, including:

- a) Setbacks between Dwellings 2B and 3A - the windows to the sides of all the dwellings adjacent to each other, are to be minor openings, such as highlight louvres or windows less than 1 sqm or windows to non habitable rooms or with obscure glass. We understand that the setbacks then are 1.5m from the deemed boundaries - these have been adjusted to suit. (Previous consultations with the Planning Department allowed the 1.2m setback shown)
- b) Setbacks between Dwellings 5B and 6A - the windows to the sides of all the dwellings adjacent to each other, are to be minor openings, such as highlight louvres or windows less than 1 sqm or windows to non habitable rooms or with obscure glass. We understand that the setbacks then are 1.8m from the deemed boundaries for 5B and 1.5m for 6A - these have been adjusted to suit. Balconies can be screened to the sides facing the adjacent dwellings.
- c) The balcony size to the Single Bedroom Dwellings is 2.7m x 3.7m plus a little balustrade kink = 10.05 sqm. Overall the balcony area for one dwelling is 27.82 sqm.
- d) After discussions and advice from Mr Andrew Patterson, Planner, the car parking areas were modified to address security concerns. The car bays and walking paths were kept away from the Bin Stores (please refer to Mr Andrew Patterson). We ended up with seven continuous car spaces. We could relocate the seventh car park space near the store but this is deemed undesirable for the security issues raised.
- e) Pedestrian paths layouts have been adjusted to be 1.2m in width and to be 3m away from major openings. To achieve this, Dwellings 1A/1B and 4B/4C have their front setbacks from the street increased as shown. The only window that doesn't quite reach this requirement (~2.7m to centre of path is achieved) is the window to Dwelling 2A. We could have the major opening to this bedroom facing West (toward the car park) and have the minor opening facing the street, but this would be the least preferred solution. We would seek a relaxation to the requirement in this instance.

- f) All the car parking dimensions have been adjusted to suit the Town of Port Hedland widths requirements.
- g) Fences are not envisaged to be built directly facing and adjacent to the primary streets. There will be Colorbond Solid fencing, 1.8m high, to individual dwellings for privacy to their outdoor areas.
- h) Electrical Consultants will be engaged at the documentation phase to provide a design which allows for adequate lighting to all pathways, communal open space and car parking.
- i) We did not have a detailed Feature Survey, showing the existing trees, at the time of Planning Approval Application. We have now indicated the trees that will need to be removed and those we would retain if possible.
- j) More parking than the required quota has been allowed for in the development. We have indicated the position of the Visitor Parking in the revised drawings. Three of these can be under roof cover as shown.
- k) A typical external store has been shown in the revised Elevation Drawing. The walls maximum height is 2.4 and the ridge would be similar in height to the Bin Stores shown (ie. Not greater than 4.2m)
- l) We will liase with Horizon Power, at documentation stage, for the relocation of the two Power poles shown to be relocated from the entrances to the Car Parking.

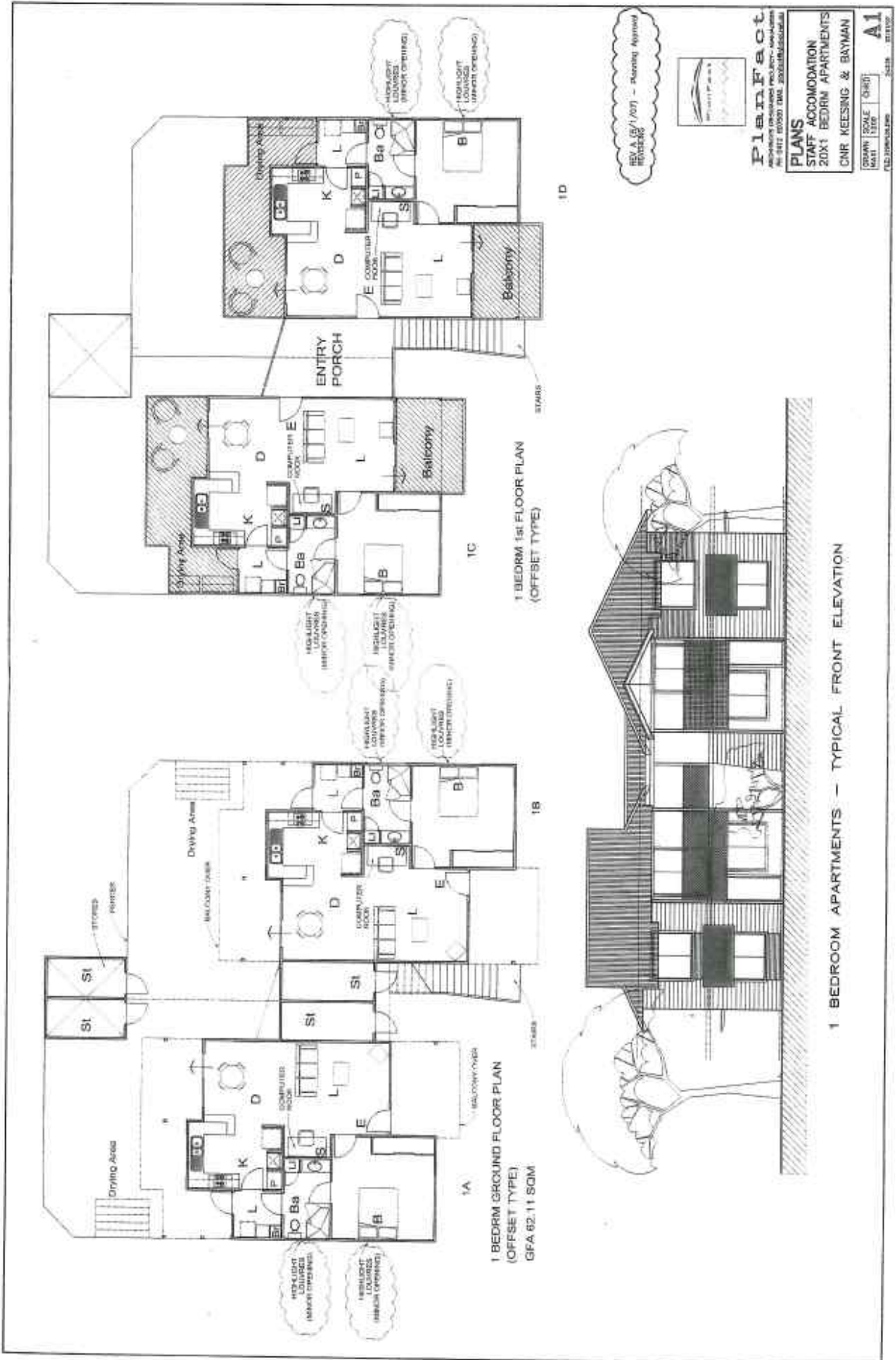
Please don't hesitate to contact me if you have any questions regarding the above.

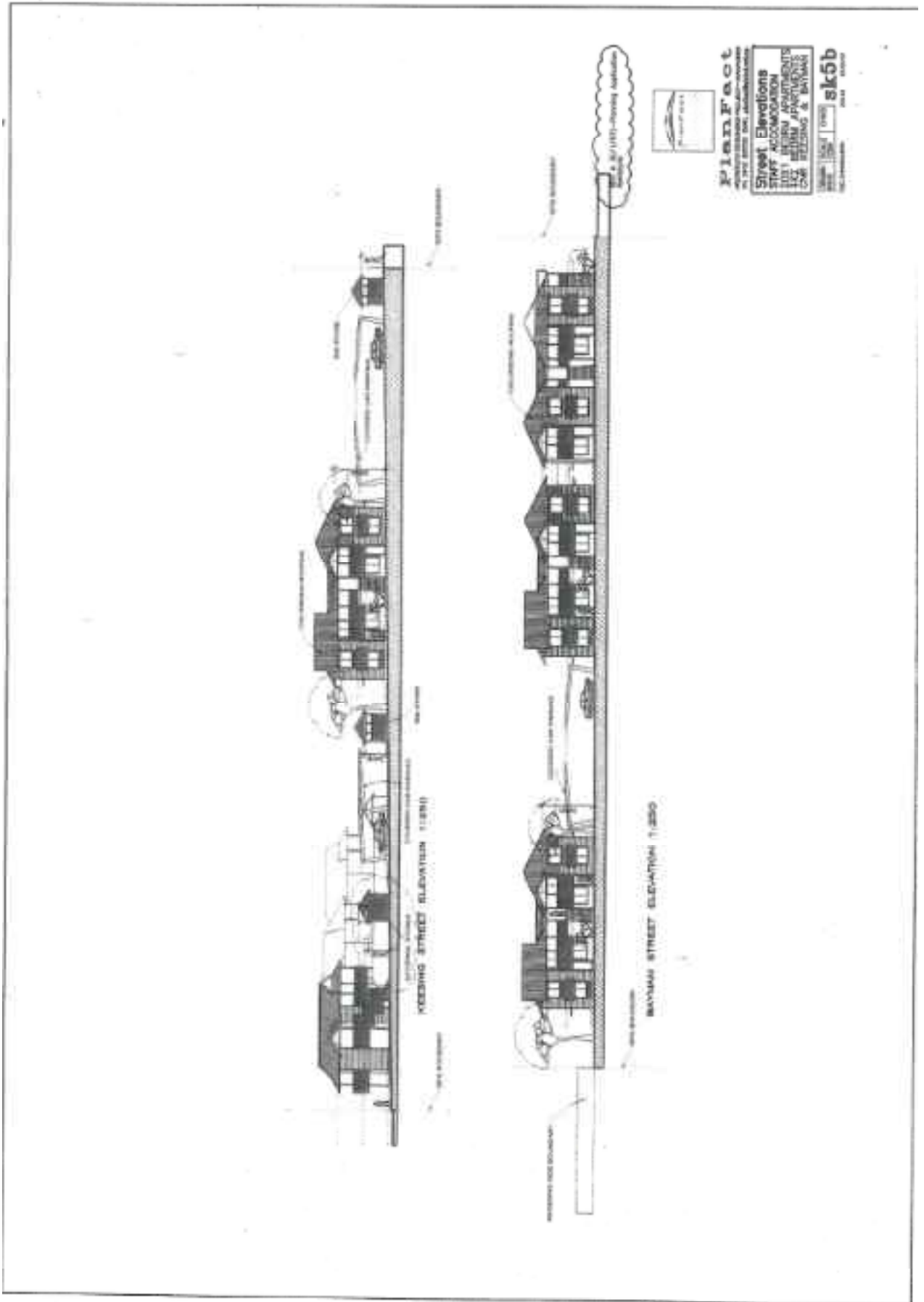
Yours faithfully

Max E Bucciolelli
for PlanFact

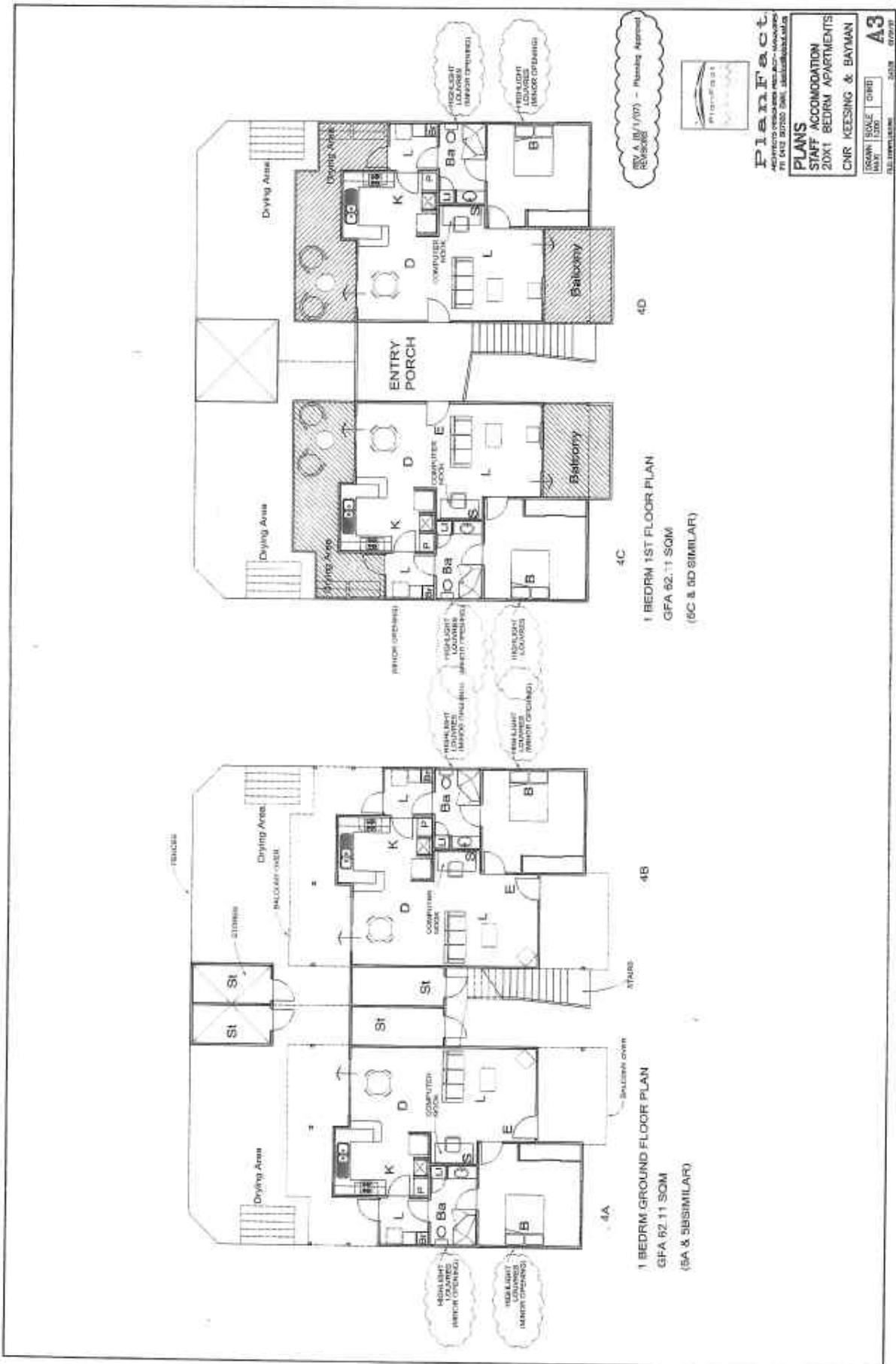
ATTACHMENT 2 TO AGENDA ITEM 11.2.2.3

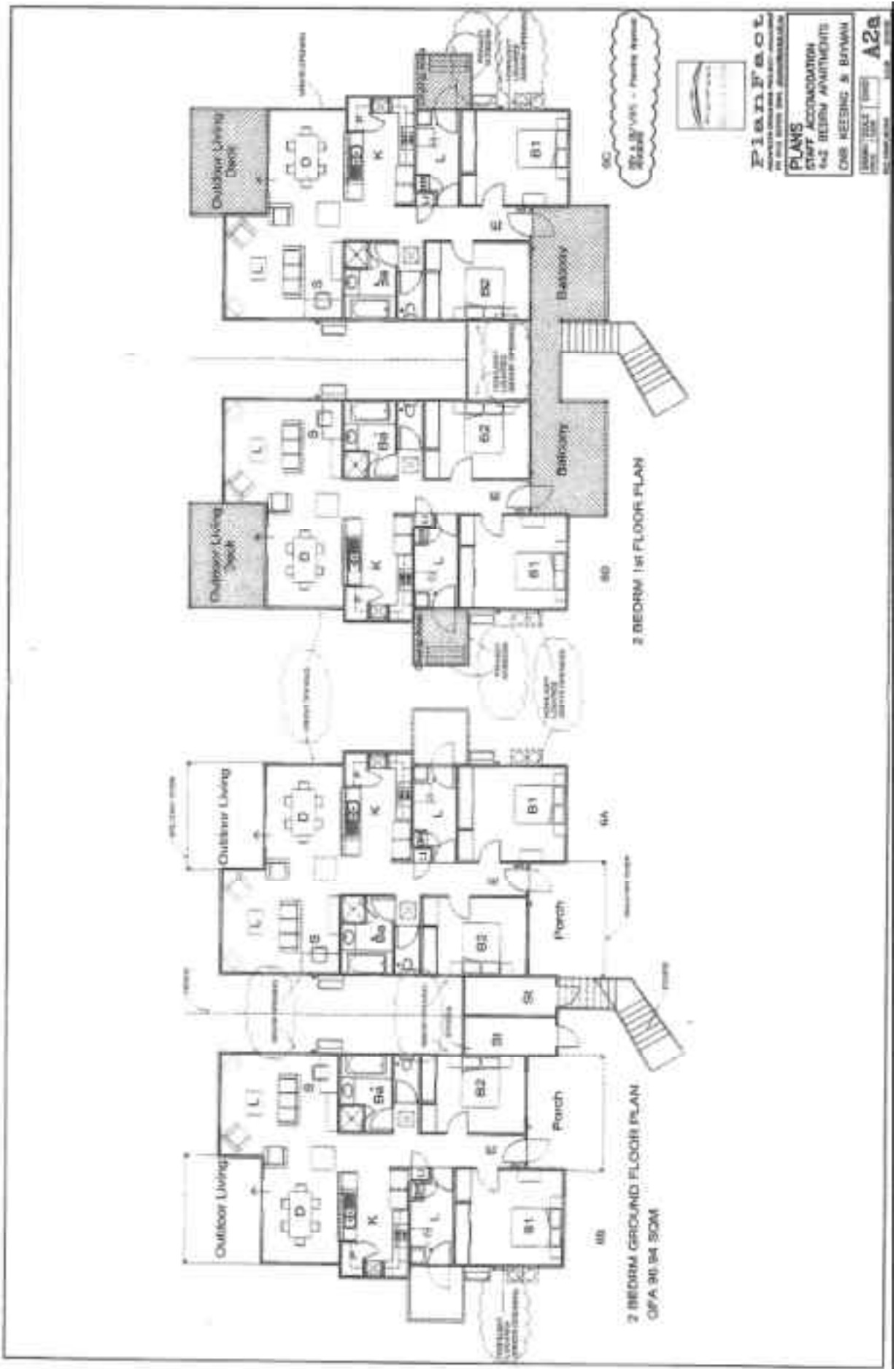


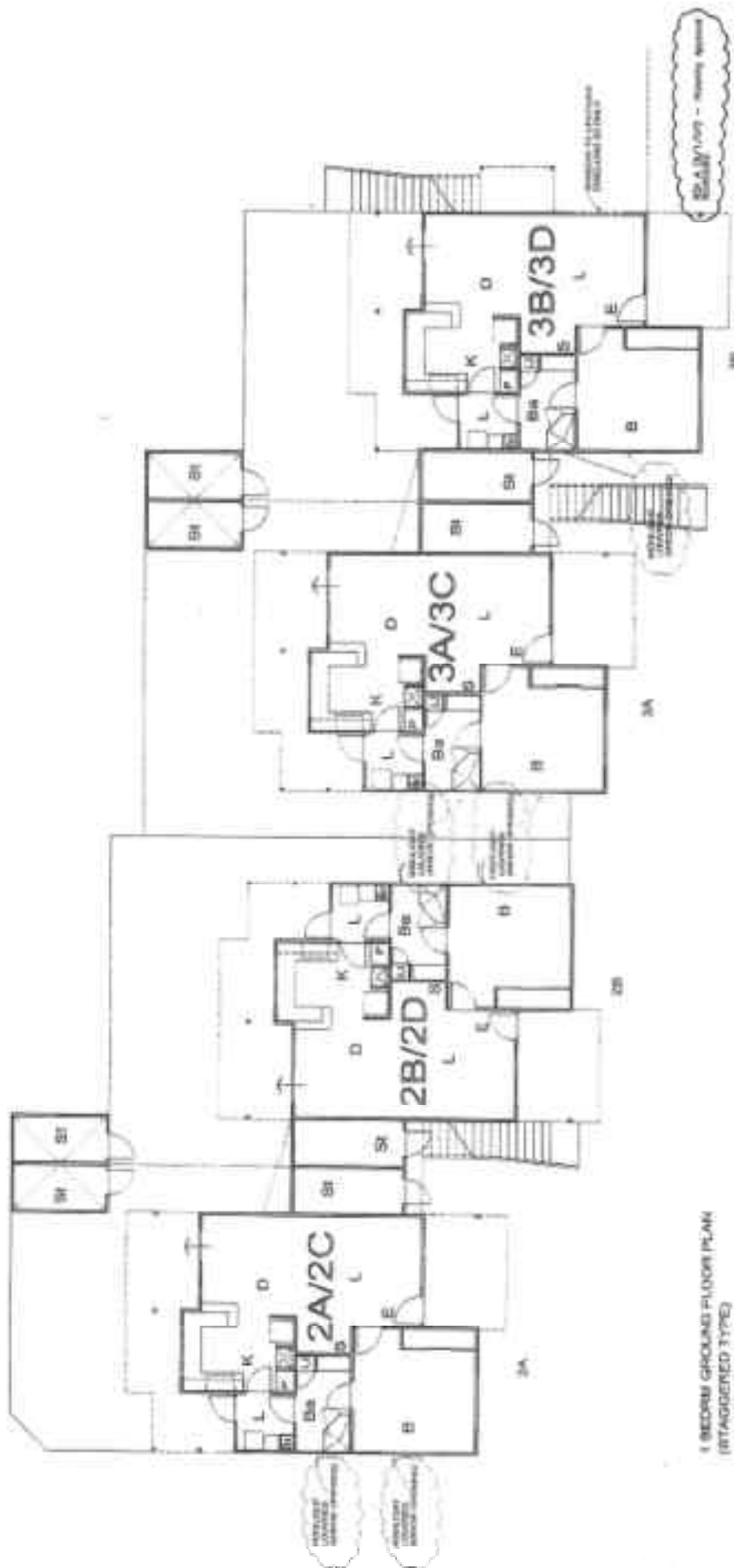




ATTACHMENT 3 TO AGENDA ITEM 11.2.2.3







1 BEDRM GROUND FLOOR PLAN
(TAGGED 31/07)
CIPA 02.11.02M

PlanFact
CONSULTING ARCHITECTS
10 MILL STREET, MELB. VIC 3000
TEL: 03 9412 1234 FAX: 03 9412 1235
WWW.PLANFACT.COM.AU

PLANS
STAFF ACCOMMODATION
20X1 BEDRM APARTMENTS
CHR. KEEBING & SAMSAN

SCALE: 1:100
DATE: 11/11/02
DRAWN: [Signature]
CHECKED: [Signature]

A4
A4
A4

6:16 pm Councillor George J Daccache declared a financial interest in:

Item 11.2.2.4 'Proposed Construction of Transient Workforce Accommodation at Lot 2444 Great Northern Highway' as he owns Fortescue Metals Group shares; and

Item 11.2.2.5 'Examination of the Rapid Growth Project 4 – Project Proposal for Products and Capacity Expansion at Finucane Island' as he owns BHP Billiton shares and is employed by the company.

Councillor George J Daccache left the room.

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

Officer Richard Bairstow
Manager Planning

Date of Report 17 January 2007

Disclosure of Interest by Officer Nil

Summary

Council has received an application from The Pilbara Infrastructure Pty Ltd, on behalf of the Fortescue Metals Group to construct Transient Workforce Accommodation at lot 2444 Great Northern Highway. It is proposed to increase the accommodation numbers from 96 persons to 192 persons.

Background

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

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

The site has been the subject of two other reports to Council. The initial report 11.4.2.2 was approved by Council at its 28 June 2006 meeting and was for the site to accommodate 150 people and the second 11.2.2.2 was approved by Council at its 25 October 2006 meeting and requested a reduction in that number to 96 people. Both reports were approved subject to conditions.

The applicant is seeking to develop this land to provide accommodation for its workforce required to construct its railway and port infrastructure. The camp is required as there is not sufficient accommodation currently in either Port or South Hedland to meet the accommodation requirements in a centralised and orderly manner.

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

Consultation

The following comments were obtained via internal referral of the proposal and it is considered that the comments have not changed as a result of the request for a change in the numbers to be accommodated:

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

No external consultation was undertaken as it will have limited external impact and neither the Town Planning Scheme or other relevant policies or legislation require consultation for this type of development.

Statutory Implications

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

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

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

Policy Implications

Nil

Strategic Planning Implications

The project is not specifically identified in Council's strategic plan but the following comments are presented for consideration.

One of the strategic goals for this development is to provide infrastructure such as water and power supply and effluent disposal that will subsequently be utilised by any future permanent land use.

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

Budget Implications

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

Officer's Comment

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

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

Conditions have been proposed to ensure that the infrastructure will remain at the conclusion of the current lease.

Officer's Recommendation

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

GENERAL

- a) This approval supersedes the previous approval issued by the Town of Port Hedland for the same development as application 2006/112.01 and dated 24 October 2006.
- b) This approval is for the development of the Transient Workforce Accommodation and associated development shown on the approved plan or required by a condition of this approval.
- c) This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
- d) The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction Manager Planning.
- e) That prior to the submission of a Building Licence application an amended plan being submitted to and approved by the Town incorporating the following amendment. Additional vehicle parking locations/areas (both small - cars etc and heavy - trucks etc) are to be provided within the lease area, in numbers that will service the Transient Workforce Accommodation at its proposed maximum capacity or in accordance with the Town of Port Hedland's Town Planning Scheme No. 5, Carparking Standards, whichever requirement is greatest and all to the satisfaction of the Manager Planning.

PRIOR TO ISSUE OF BUILDING LICENCE

- f) Payment of Council's scheduled fees - Application for Planning Approval.
- g) A detailed landscaping plan to be submitted and approved the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
- h) The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:

- i) The delivery of materials and equipment to the site;
- ii) The storage of materials and equipment on the site;
- iii) The parking arrangements for the contractors and subcontractors;
- iv) Impact on traffic movement;
- v) Operation times including delivery of materials; and
- vi) Other matters likely to impact on the nearby residents; to the satisfaction Manager Planning

DURING CONSTRUCTION

- i) Garbage storage area to be provided and screened from public view to the satisfaction Manager Planning.
- j) The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity.
- k) The existing effluent disposal system at the rear of the proposed site is to be upgraded and its capacity increased to cater for the proposed development at its ultimate capacity (192 persons), the airport and the adjoining vacant site all at the applicants expense to the specifications Council's Environmental Health Services and the Health Department of Western Australia and to the satisfaction Manager Planning (EHS);

USE OF DEVELOPMENT

- l) At all times, all vehicle parking (both small - cars etc and heavy - trucks etc) associated (resident and visitor) with the Transient Workforce Accommodation shall be contained within the lease area (i.e. no verge parking is permitted) and within designated vehicle parking locations/areas as defined in condition (e) and all to the satisfaction of the Manager Planning.
- m) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning
- n) A Rubbish Collection Strategy/Management Plan shall be submitted to and approved by the City prior to the commencement of works. The strategy / plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy / plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction Manager Planning.

- o) Prior to the occupation of the site a mosquito management plan for the effluent disposal system being submitted to and approved by the Town's Health Section all to the satisfaction Manager Planning.
- p) The implementation of the recommendations of the Mosquito Management Plan shall be carried out to the satisfaction of the Manager Planning.
- q) The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity.
- r) Appropriate dust suppression measures being taken at all times where any operation on the site is likely to generate a dust nuisance to nearby residents to the specifications of Council's Engineering Services and Environmental Health Services and to the satisfaction Manager Planning.
- s) The effluent system to be maintained to ensure no nuisance is caused, especially with regard to odours. The effluent disposal system must be installed and maintained to ensure that birds and animals are not attracted. If the system installed attracts birds or animals the developer will be responsible for any remedial actions required for the continued safe operation of the airport all to the satisfaction Manager Planning.
- t) The only access to the site will be limited to one road sited and constructed to the specifications of Council's Engineering Services and Airport Manager and to the satisfaction Manager Planning.
- u) No extraneous lighting is to be installed facing any runways above the horizontal to the specifications of Council's Engineering Services and Airport Manager and to the satisfaction Manager Planning.
- v) No equipment is to be installed or operated above ten (10) metres in height without prior notification and approval by Council's Airport Manager.

ADVICE TO DEVELOPER

- w) A Building Licence to be issued prior to the commencement of any on site works.
- x) Where the landowner intends clearing an area of land 1 ha or more, a "Notice of Intention to Clear Land" under regulation 4 (2) of the Soil and Land Conservation Act 1945 is to be completed with reference to the Notes & Guidelines provided, and the Notice forwarded to the Commissioner of Soil Conservation for approval.

- y) Areas for the preparation of food shall comply with the requirements of the Health (Food Hygiene) Regulations 1993 to the satisfaction of Council's Environmental Health Services.
- z) The developer is advised that this property is situated in close proximity to a working Airport and associated industry and that prospective owners and occupiers of the development are advised of this fact.
- aa) The accommodation buildings to comply at all times with the relevant provisions of the Health Act 1911 and the Town of Port Hedland Health Local Laws 2000 to the satisfaction of Council's Environmental Health Services.
- bb) Any indoor recreational areas must comply with the Health (Public Buildings) Regulations 1992 to the satisfaction of Council's Environmental Health Services.
- cc) The developer to take note that the area of this application may be subject to tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
- dd) The developer is advised that any grey water or effluent re-use system to be employed in the proposed development is to be of a type approved for use by the Health Department of Western Australia and installed to the satisfaction of Council's Environmental Health Services.

200607/.. Council Decision

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

That Item 11.2.2.4 'Proposed Construction of Transient Workforce Accommodation at Lot 2444 Great Northern Highway' lay on the table until a detailed parking plan is presented to Council.

MOTION WITHDRAWN

200607/176 Council Decision/Officer's Recommendation

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

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

GENERAL

- a) **This approval supersedes the previous approval issued by the Town of Port Hedland for the same development as application 2006/112.01 and dated 24 October 2006.**
- b) **This approval is for the development of the Transient Workforce Accommodation and associated development shown on the approved plan or required by a condition of this approval.**
- c) **This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.**
- d) **The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction Manager Planning.**
- e) **That prior to the submission of a Building Licence application an amended plan being submitted to and approved by the Town incorporating the following amendment. Additional vehicle parking locations/areas (both small - cars etc and heavy - trucks etc) are to be provided within the lease area, in numbers that will service the Transient Workforce Accommodation at its proposed maximum capacity or in accordance with the Town of Port Hedland's Town Planning Scheme No. 5, Carparking Standards, whichever requirement is greatest and all to the satisfaction of the Manager Planning.**

PRIOR TO ISSUE OF BUILDING LICENCE

- f) **Payment of Council's scheduled fees - Application for Planning Approval.**
- g) **A detailed landscaping plan to be submitted and approved the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**

- h) The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
 - i) The delivery of materials and equipment to the site;**
 - ii) The storage of materials and equipment on the site;**
 - iii) The parking arrangements for the contractors and subcontractors;**
 - iv) Impact on traffic movement;**
 - v) Operation times including delivery of materials; and**
 - vi) Other matters likely to impact on the nearby residents;****
- to the satisfaction Manager Planning**

DURING CONSTRUCTION

- i) Garbage storage area to be provided and screened from public view to the satisfaction Manager Planning.**
- j) The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity.**
- k) The existing effluent disposal system at the rear of the proposed site is to be upgraded and its capacity increased to cater for the proposed development at its ultimate capacity (192 persons), the airport and the adjoining vacant site all at the applicants expense to the specifications Council's Environmental Health Services and the Health Department of Western Australia and to the satisfaction Manager Planning (EHS);**

USE OF DEVELOPMENT

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

- n) A Rubbish Collection Strategy/Management Plan shall be submitted to and approved by the City prior to the commencement of works. The strategy / plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy / plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction Manager Planning.**
- o) Prior to the occupation of the site a mosquito management plan for the effluent disposal system being submitted to and approved by the Town's Health Section all to the satisfaction Manager Planning.**
- p) The implementation of the recommendations of the Mosquito Management Plan shall be carried out to the satisfaction of the Manager Planning.**
- q) The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity.**
- r) Appropriate dust suppression measures being taken at all times where any operation on the site is likely to generate a dust nuisance to nearby residents to the specifications of Council's Engineering Services and Environmental Health Services and to the satisfaction Manager Planning.**
- s) The effluent system to be maintained to ensure no nuisance is caused, especially with regard to odours. The effluent disposal system must be installed and maintained to ensure that birds and animals are not attracted. If the system installed attracts birds or animals the developer will be responsible for any remedial actions required for the continued safe operation of the airport all to the satisfaction Manager Planning.**
- t) The only access to the site will be limited to one road sited and constructed to the specifications of Council's Engineering Services and Airport Manager and to the satisfaction Manager Planning.**
- u) No extraneous lighting is to be installed facing any runways above the horizontal to the specifications of Council's Engineering Services and Airport Manager and to the satisfaction Manager Planning.**
- v) No equipment is to be installed or operated above ten (10) metres in height without prior notification and approval by Council's Airport Manager.**

ADVICE TO DEVELOPER

- w) **A Building Licence to be issued prior to the commencement of any on site works.**
- x) **Where the landowner intends clearing an area of land 1 ha or more, a "Notice of Intention to Clear Land" under regulation 4 (2) of the Soil and Land Conservation Act 1945 is to be completed with reference to the Notes & Guidelines provided, and the Notice forwarded to the Commissioner of Soil Conservation for approval.**
- y) **Areas for the preparation of food shall comply with the requirements of the Health (Food Hygiene) Regulations 1993 to the satisfaction of Council's Environmental Health Services.**
- z) **The developer is advised that this property is situated in close proximity to a working Airport and associated industry and that prospective owners and occupiers of the development are advised of this fact.**
- aa) **The accommodation buildings to comply at all times with the relevant provisions of the Health Act 1911 and the Town of Port Hedland Health Local Laws 2000 to the satisfaction of Council's Environmental Health Services.**
- bb) **Any indoor recreational areas must comply with the Health (Public Buildings) Regulations 1992 to the satisfaction of Council's Environmental Health Services.**
- cc) **The developer to take note that the area of this application may be subject to tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.**
- dd) **The developer is advised that any grey water or effluent re-use system to be employed in the proposed development is to be of a type approved for use by the Health Department of Western Australia and installed to the satisfaction of Council's Environmental Health Services.**

CARRIED 7/0

NOTE 1: Councillor George J Daccache had declared a financial interest in Item 11.2.2.5 'Examination of the Rapid Growth Project 4 – Project Proposal for Products and Capacity Expansion at Finucane Island' as he owns BHP Billiton shares and is employed by the company, prior to Council considering Item 11.2.2.4.

NOTE 2: Councillor Des R Pike had declared a financial interest in Item 11.2.2.5 'Examination of the Rapid Growth Project 4 – Project Proposal for Products and Capacity Expansion at Finucane Island' in writing at the commencement of the meeting, as he owns BHP Billiton shares. Councillor Pike did not leave the room, as permitted in advice received from the Department of Local Government and Regional Development.

11.2.2.5 Examination of the Rapid Growth Project 4 – Project Proposal for Products and Capacity Expansion at Finucane Island (File No.: LEG-054)

Officer Richard Bairstow
Manager Planning

Date of Report 17 January 2007

Disclosure of Interest by Officer Nil

Summary

BHP Billiton Iron Ore (BHPBIO) has submitted the Rapid Growth Project 4 proposal for Products and Capacity Expansion (PACE) 2 at Finucane Island, under the Iron Ore (Mount Goldsworthy) Agreement Act 1964 for approval by the Department of Industry and Resources (DoIR). The Department is requesting comment from the Town of Port Hedland regarding the abovementioned proposal.

The proposal seeks approval for the upgrade and installation of new infrastructure at Finucane Island. The works are required to provide increased throughput capacity and flexibility of the BHPBIO port facilities.

The works are part of the overall plan to provide capacity to handle nominally 155 million tonnes per annum (Mtpa) through Finucane Island and Nelson Point. It is proposed to complete the work on Finucane Island by the end of 2008.

Background

BHP Billiton Iron Ore Pty Ltd is investigating how to expand its operations (via a staged growth program) from its current Rapid Growth Project 3 (RGP3) approved level of 129Mtpa.

Subject to Board approval in the first half of 2007, a three year construction program will begin mid 2007 on the next phase of staged growth (RGP4), which will raise iron ore production capability to 155Mtpa.

The Project Proposal for the Products and Capacity Expansion (PACE) at Finucane Island dated 2 September 2005 was approved on 29 November 2005 (the "PACE 2 Proposal"). The PACE 2 Proposal was supported by the Council at its Ordinary Meeting held 26 October 2005.

Since the PACE 2 Proposal was approved last year further engineering design has progressed to the stage where RGP4 scope has expanded to include a second row of product stockpiles in the Eastern Yard of Finucane Island.

The scope consists of earthworks, a new stacker and associated conveyors (see Attachment 1, which shows the East Yard developments under RGP 3 and RGP 4). The capital cost estimate for the second row Eastern Yard is \$62M with construction planned to begin mid 2007 and to be completed by late 2008.

Consultation

The BHP Billiton Iron Ore Rapid Growth Project 4 proposal for Products & Capacity Expansion 2 at Finucane Island referral documentation was distributed to Environmental Health Services, Building Services and Engineering Services. There responses are as follows:

Environmental Health Services: Compliance with Department of Environment and Conservation (DEC) approvals and conditions.

Building Services: No objection raised

Engineering Services: No objection raised

It is considered that these issues are suitably dealt with by the recommendation to this report.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

The proposed upgrades and new infrastructure installation at Finucane Island are all located on existing BHP Billiton controlled land.

In the information provided it was reported that environmental and heritage (including indigenous) assessment surveys had been conducted over the areas affected by the works covered by this proposal. It was reported that no significant constraints had been identified.

As with any such works, all necessary environmental approvals under Part V of the EPA Act will be sought prior to construction commencing.

It's been assessed that the impacts of the proposal would be adequately managed using existing procedures, a dedicated project construction Environmental Management System and environmental licence conditions.

Officers have not identified grounds for objection to the abovementioned proposal or adverse impacts on Port Hedland or the residents of Port Hedland.

Officer's Recommendation

That the Town of Port Hedland advise the Department of Industry and Resources in writing that Council supports the proposal for Rapid Growth Project 4 Products and Capacity Expansion 2 at Finucane Island that has been submitted by Department of Industry and Resources and that:

- i) the Town of Port Hedland advises the Department of Industry and Resources that the proposal is unlikely to have a detrimental effect on Town of Port Hedland property or services; and
- ii) the Town of Port Hedland believes this project should proceed, subject to appropriate controls, a dedicated project construction Environmental Management System (EMS) and appropriate environmental licence conditions.

200607/177 Council Decision

Moved: Cr A A Carter

Seconded: Cr S F Sear

That Council:

- i) **advise the Department of Industry and Resources that the Town of Port Hedland supports in principal the proposal for Rapid Growth Project 4 Products and Capacity Expansion 2 at Finucane Island AND requests that the DOIR include the following conditions on any approval:**
 - a) **BHP Billiton must develop and implement rolling stock management and operational systems that minimise impacts on other road users (using public roads) in and around the Town of Port Hedland.**
 - b) **In the interests of community sustainability, BHP Billiton must commit to ensuring local contractors have an opportunity to be involved in the implementation of RPG4 construction activities.**
 - c) **BHP Billiton must work with the Town of Port Hedland to review its contributions to community infrastructure and develop a costed Community Infrastructure Development Plan to the satisfaction of the Town Council.**
- ii) **Arrange a meeting with Vice President of Operations of BHP Billiton to discuss the above issues.**

CARRIED 5/2

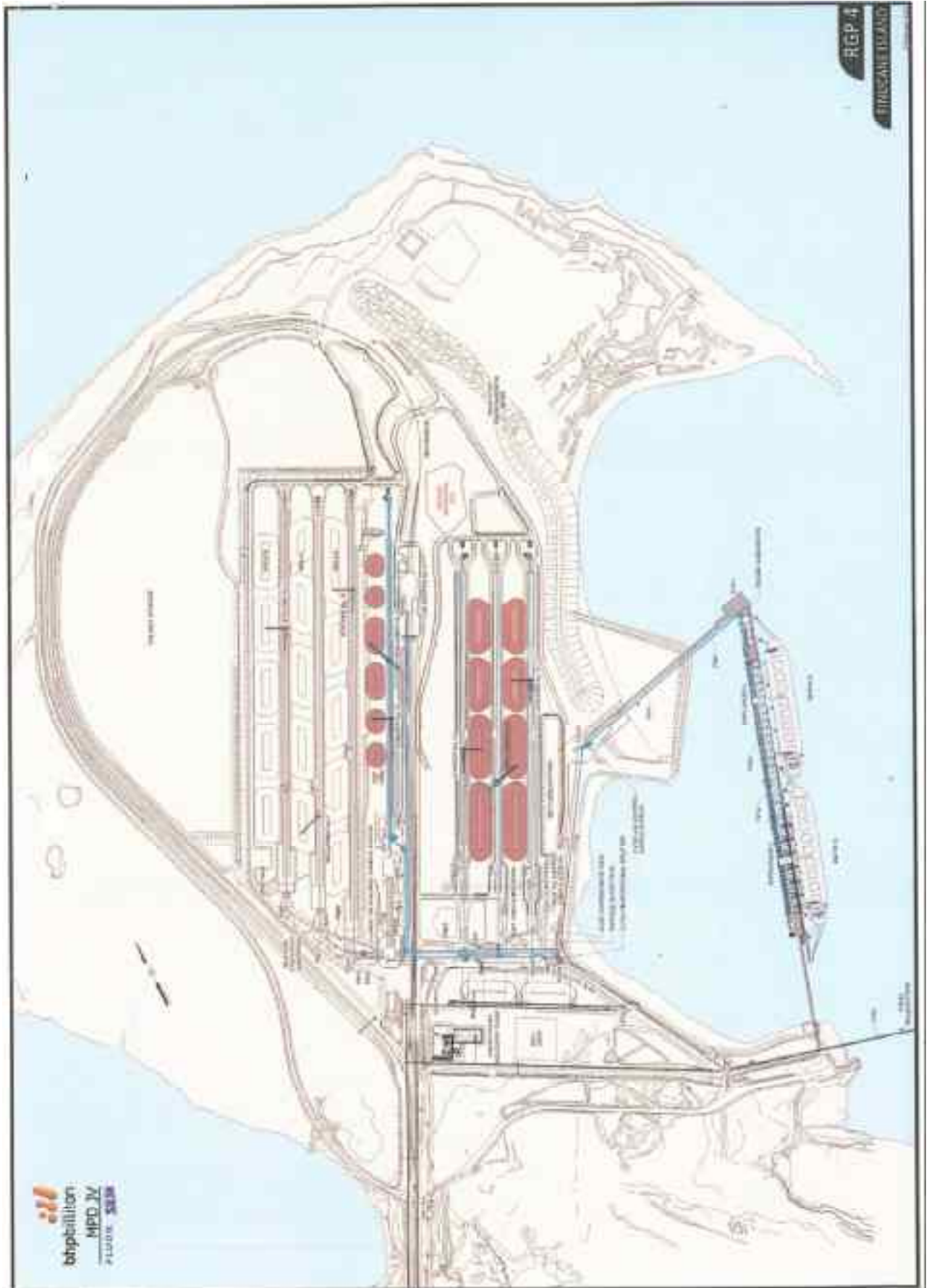
NOTE : Cr A A Carter requested the votes be recorded.

Record of Vote:

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

REASON: Council wanted to condition its support for the development of BHP Billiton's Rapid Growth Project 4 Products and Capacity Expansion 2 at Finucane Island, with the requirement of BHP Billiton to undertaken certain works/commitments to support the community of Town of Port Hedland.

6:32 pm Councillor George J Daccache re-entered the room and assumed his chair. Mayor advised Councillor Daccache of Council's decision.



11.3 ENGINEERING SERVICES

11.3.1 Director Engineering Services

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

Officer Grant Logie
Director Engineering Services

Date of Report 9 January 2007

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	Seating installation partially completed – waiting for parts. Fencing installation complete, reticulation and landscaping complete, carpark and internal roads completed. January works – concrete lintels to define plots, extension of concrete driveway hardstand.
Playgrounds	Currently seeking designs and quotes for playground equipment at Kevin Scott Oval. Designs will include disabled access.
Black Spot Funding	North Circular/Murdoch and North Circular/Hamilton final designs are being prepared. Throssell road concept plan presented to Council at January Briefing session.
Roads to Recovery Funding	Buttweld road extension sealed, guide posts installed, signage installed. Minor works remain at Buttweld/North Circular intersection.

Regional Road Group Funding	Quotes currently being obtained from local contractors to extend culverts on North Circular Road and Wallwork road. Quotes currently being obtained for the installation of guardrails on North Circular Road.
Walkway/Street 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. Street lighting upgrade program commenced with quotes received from Horizon Power.
Kerbing Maintenance	Kerbing maintenance program complete.
Footpath Construction & Maintenance	Footpath construction and maintenance program to continue when contractors arrive – approx. March.
Wedge & Edgar street Streetscape Enhancements	Works will commence in late January. Makjap to set out kerbed island placement prior to kerbing contractors arrival. Engineering crews to commence carpark construction. Seeking quotes for faux brick paving and raised pedestrian walkway.
Bin Installation	Vandal proof bins have been installed in both Port and South Hedland to help reduce litter. New bins have been ordered for Sutherland street.

Parks and Gardens

Parks upgrades	Parks and Gardens crews have added Pretty Pool park and Cemetery Beach park to their litter collection rounds.
----------------	----------------------------------------------------------------------------------------------------------------

Recreation Services

Australia Day Sports Awards

The Australia Day Sports Awards will be held at the Soroptimists Breakfast this year. Nominations closed on Thursday 21 December 2006. There were three categories this year, ITOCHU Junior Sports Award, Sports Star of the Year Award and the Percy Gratwick VC, Sports Excellence Award. The nominees were voted by the selection panel and will be presented with their winners plaques and trophies on the day.

Sporting Reserves Fencing Upgrades

An invitation to tender was released on Friday 22nd December 2006 and closed on Wednesday 10th January 2007. All tenders were analysed and ranked according to the tender ranking system and the recommendations put towards Council in this meeting.

Port and South Hedland Skate Parks

The preliminary drawings from Convic Designs have been received and have been given the go ahead to begin the final designs of the skate parks in both Port and South Hedland. These drawings should be received by the end of January or early February.

Sporting Facilities Upgrades

The upgrades have begun. Quotes have been received for the cricket pitch and net repairs at all three ovals. The concrete block on Town Oval West will be removed with a new block put down. The synthetic turf on the two main pitches will be replaced along with some of the synthetic turf at the three nets depending on their condition. Maintenance has begun quoting on all the repairs and replacements at all the clubrooms and change-rooms, such as painting, plumbing and electrical.

JD Hardie Centre

With the exception of school concerts and senior sport's finals the JD Hardie centre has been closed to the public. The staff working in the JD Hardie Centre are in the process of establishing a full time table for the School Holiday Program and Term 1 programs 2007. Some of the proposed programs include the following:

Senior Programs

- Senior Mixed Volleyball
- Senior Mixed Netball
- Senior Men's Indoor Soccer
- Boxing

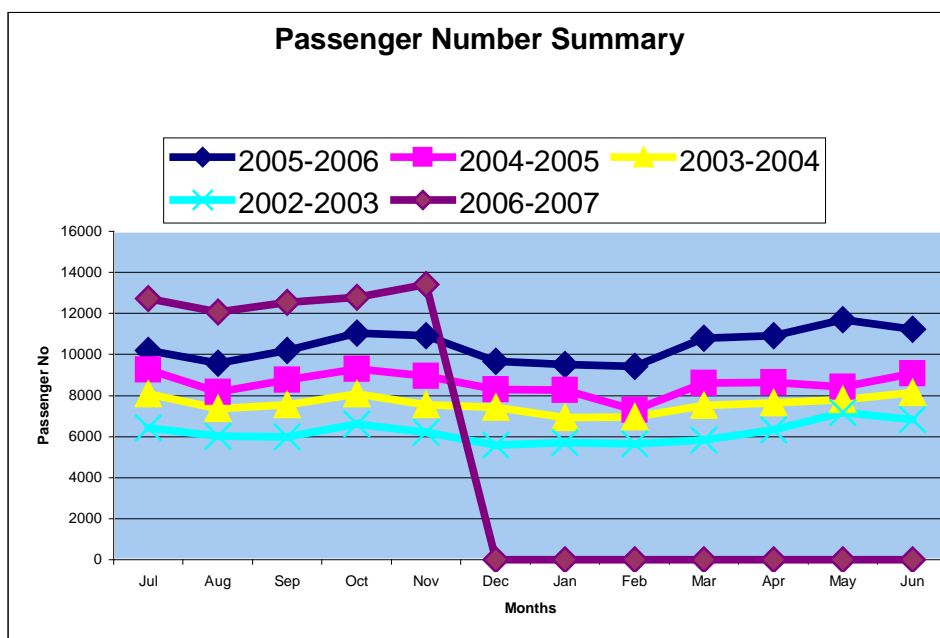
Children's Programs

- Kids Club
- AllSports
- Rollerblading
- X-expression (Hang Out Sessions)
- Tae kwon Do
- Dance

A 17-Day Holiday Program has also been established and commenced on the 8th January and will run right up till school commences.

Airport

Regular Passenger Transport Services Passenger Information as at 31 December 2006. Passenger figures for December are not yet available.



The Bureau of Transport & Regional Economics (BTRE) have released the official aviation statistics for October 2006. The below table provides a comparison between the major regional airports in WA for the period ended 31 October 2006.

Perth – PortHedland	47	12554	21787	57.6	193
Karratha- Perth	-	-	-	-	-
Kalgoorlie-Perth	35	18135	28922	62.7	255
Broome-Perth	32	24846	32149	77.3	226

Source : BTRE October 2006

200607/178 Council Decision/Officer’s Recommendation

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

That Council receives the Engineering Services Report for December 2006.

CARRIED 8/0

11.3.2 Recreation Services**11.3.2.1 *Tender 06/37: Supply and Installation of Security and Boundary Fencing at Sporting Reserves (File No: 26/13/0002)***

Officer Matthew Jackson
Sports and Recreation Officer

Date of Report 11 January 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider submissions received for Tender 06/37 Supply and Installation of Security and Boundary Fencing at Sporting Reserves.

Background

At it's Ordinary Council Meeting on 13 of December 2006, Council approved the maintenance upgrades at sporting facilities for the 2006/2007 financial year. These upgrades included \$197, 000 to be allocated to fencing upgrades to all sporting facilities. Tenders were recently called for the supply and installation of Security and Boundary fences on all Sporting Reserves. Tenders closed on 10 January 2007.

Tenders were received from:

- Menzies Contracting
- Porky's Enterprises
- Southern Wire
- Mining and Industrial Labour Services

Consultation

Director Engineering Services
Recreation Co-ordinator

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 2 – Community Development

Goal 2 – Sports & Leisure - That the community has access to sports and leisure facilities at or above the quality that they would be able to access in the metropolitan area.

Strategy 2. ‘Audit existing facilities and develop a 5 year Sports Facility Capital Plan that specifies development at all sport facilities.’

Budget Implications

The 2006/07 adopted budget has allocated \$500, 000 for the upgrades to recreation facilities from the BHP and Town of Port Hedland Partnership Fund, of which \$197,000 is allocated to fencing upgrades.

Officer’s Comment

The tender consisted of two parts. Part A requested the cost breakdown for fencing at five sports facilities. Part B indicates the breakdown of costs for gates and fencing per 100m. The tender submissions for Parts A & B are detailed below.

Part A:

Section 1: Security Fencing – Gratwick Aquatic Centre (297.72m)

Name	Price (excluding GST)
Menzies Contracting	\$40, 800
Porky’s Enterprises	\$33, 523.20
Southern Wire	\$29, 900
Mining and Industrial Labour Services	\$31, 994

Section 2: Security Fence Rewiring at Effluent Tanks on Kevin Scott Oval (164.65m) and McGregor St (239.61m)

Name	Price (excluding GST)
Menzies Contracting	\$20, 250
Porky’s Enterprises	\$22, 612.10
Southern Wire	\$9, 450
Mining and Industrial Labour Services	\$17, 488

Section 3: 1.8m Boundary Fencing for Marie Marland / Kevin Scott (1, 284.04m).

Name	Price (excluding GST)
Menzies Contracting	\$72, 642
Porky's Enterprises	\$90, 831.80
Southern Wire	\$49, 900
Mining and Industrial Labour Services	\$72, 642

Section 4: 1.8m Boundary Fencing at the JD Hardie Centre (424.1m)

Name	Price (excluding GST)
Menzies Contracting	\$42, 715
Porky's Enterprises	\$35, 059.50
Southern Wire	\$19, 500
Mining and Industrial Labour Services	\$26, 772

Section 5: 1.8m Boundary Fencing at McGregor St (1, 167.05m)

Name	Price (excluding GST)
Menzies Contracting	\$108, 298
Porky's Enterprises	\$83, 667.25
Southern Wire	\$42, 000
Mining and Industrial Labour Services	\$66, 667

Total Lump Sum of Sections 1-5

Name	Price (inc. GST)
Menzies Contracting	\$367, 551.80
Porky's Enterprises	\$292, 263.23
Southern Wire	\$165, 825.00
Mining and Industrial Labour Services	\$237, 119.30

Part B: (excluding GST)

	Menzies Contracting	Porky's Enterprises	Southern Wire	Mining & Industrial Labour Services
Security Fencing installation per 100m or part thereof:	\$11, 000	\$8412.60	\$15,000	\$9981.25
Boundary fencing Installation per 100m or part thereof:	\$7500	\$5116.11	\$8000	\$4981.13
Re-wiring of Security Fencing per 100m or part thereof:	\$5000	\$3732.95	\$5000	\$3942.31
Removal of Boundary Fencing and gates per 100m or part thereof:	\$1500	\$1000.00	\$1000	\$800.00
Removal of Security Fencing and gates 100m or part thereof:	\$2000	\$712.05	\$2000	\$800.00
Installation of double entry security gates per double gate:	\$950	\$2750.00	\$3400	\$625.00
Installation of double entry boundary gates per double gate:	\$950	\$2750.00	\$3200	\$600.00
Installation of personnel entry gates per gate:	\$525	\$900.00	\$2500	\$250.00

Tenderers also provided the following information:

Southern Wire:

- Recently awarded tender 06/09 for 'Supply and Installation of Security and Boundary Fencing at Port Hedland International Airport'.

Menzies Contracting:

- Based in Karratha.
- Supplied and installed security fencing at Port Hedland International Airport in April/May 2006.

Mining and Industrial Labour Services

- Would require progress payments after completing each section.

Porky's Enterprises

- Would require weekly progress payments, on lineal meter completed works, for the duration of tender.

The table below lists the evaluation criteria used to assess the tenders as per the tender documentation

Price	60%
Experience	10%
Resources (e.g. Plant and equipment)	10%
Demonstrated understanding of required tasks	10%
Local Supplier	10%
Total	100%

The following matrix shows the rating of each tender submission as per the evaluation criteria.

	Price (60%)	Experience (10%)	Resources (10%)	Understanding (10%)	Local (10%)	Total (100%)
Menzies Contracting	27%	10%	10%	8%	0%	55%
Porky's Enterprises	34%	10%	10%	10%	0%	64%
Southern Wire	60%	10%	10%	10%	0%	90%
Mining & Industrial Labour Services	42%	10%	10%	10%	0%	72%

Southern Wire is the only tender submitted that is within the budget allocation.

200607/179 Council Decision/Officer's Recommendation

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

That Tender 06/37 Supply and Installation of Security and Boundary Fencing at Sporting Reserves, be awarded to Southern Wire for the lump sum cost of \$165,825 inc. GST.

CARRIED 8/0

11.3.3 Port Hedland International Airport**11.3.3.1 *Tender 06-31 Design Supply & Installation of Apron Floodlighting at Port Hedland International Airport (File No.: 23/08/0026)***

Officer Eleanor Whiteley
Airport Manager

Date of Report 12 January 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider submissions received for Tender 06/31 Design, Supply & Installation of Apron Floodlighting at Port Hedland International Airport.

Background

Advertisements calling for tenders for the design, supply and installation for Apron Floodlighting for the main apron at the Airport were placed in the North West Telegraph (15/11/06) and the West Australian on 11/11/06. The advertised closing date and time for Tender 06-31 was on 30 November 2006 at 2:00pm.

The original closing date and time for the tender was amended to 5 January 2007 at 2:00pm given the detail required for the design. An advertisement advising of the new closing date was placed in the West Australian 29 November 2006. Notices and amended documentation was placed on Council's website and all known persons with copies of the tender documentation advised verbally and via email on 27 November 2006.

Following the close of the tender, the tender box was opened in the presence of the Director Corporate Services, Deputy Mayor Carter, Manager Airports. Tenders were received from:

- Longmont Consolidated
- O'Donnell Griffin
- Air Services Australia
- TECS Services

Summary of the Tenders

	Longmont Consolidated		O'Donnell Griffin		TEC Services		Air Services Australia	
	inc GST	ex GST	inc GST	Ex GST	Inc GST	Ex GST	Inc GST	Ex GST
Option 1 (Lighting of Bays 2 & 3 to MOS 139 Standards)	136,833	124,393.64	364,698	331,543.64	301,285.00	273,895.46	204,595	185,995.46
Option 2 (Lighting of Bays 3 only to MOS 139 Standards)	73,119	66,471.82	-	-	216,005	196,368.19	164,597	149,633.64
Option 3 (Lighting of Bays 2 only to MOS 139 Standards)	73,119	66,471.82	-	-	213,405	194,004.55	160,695	146,086.37

Consultation

Director, Engineering Services

Statutory Implications

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

Civil Aviation Safety Regulations Part 139 – Aerodromes Manual of Standards Part 139 (MOS 139); Chapter 9 Visual Aids Provided by Aerodrome Section 9.16 Apron Floodlighting.

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

Nil

Strategic Planning Implications

Nil

Budget Implications

General Ledger Capital Expenditure Account 1210453 sub item Apron Floodlighting \$150,000.

Officer’s Comment

All tenders received did not conform with the tender documentation either by failure to meet the required tender specifications and/or non-compliance with the instruction to contractor.

The table below lists the evaluation criteria used to assess the tenders as per the tender documentation

Price	70%
Experience (Design)	10%
Experience (Electrical Installation)	10%
Local Preference	10%
Total	100%

Although all tenders were non conforming the following evaluation matrix shows the rating of each tender submission as per the evaluation criteria.

	Price (70%)	Experience Design (10%)	Experience (Electrical Installation)	Local Preference (10%)	Total (max 100%)
Longmont Consolidated	70	7	6	0	83
O'Donnell Griffin	26	7	7	10	50
TEC Services	32	5	6	10	53
Air Services Australia	47	10	10	0	67

Pricing was sought for three different options involving our most frequently used heavy aircraft parking bays, being bays 2 & 3, on the main apron.

- Option 1: Lighting of Bays 2 & 3 to MOS 139
- Option 2: Lightng of Bay 3 to MOS 139 only
- Option 3: Lighting of Bay 2 to MOS 139 only.

Following is a brief comment on each tender submission received.

Longmont Consolidated

The submission by Longmont Consolidated did not conform, as the tender documentation was not completed as per the instructions to contractor. All pricing options submitted, including the unqualified options are within current budget allocation, however the design does not address the requirements for larger aircraft floodlighting in relation to the aircraft parking positions as stipulated in the tender specifications. The submitted design does not conform to standards as specified in MOS 139. This is considered a major non-conformance, therefore the tender submitted by Longmont Consolidated will not be considered.

O'Donnell Griffin

O'Donnell Griffin did not complete the tender documentation as per the instructions to contractor. The submission provided only pricing for Option 1 being the lighting of Bays 2 & 3. The submitted price is not within the budget allocation.

TEC Services

TEC Services submission did not conform, as the tender specifications were not met for the lighting for larger aircraft. Pricing submitted for all three options is not within the current budget allocation.

Air Services Australia

Air Services Australia's submission addresses the standards as specified in MOS 139 and complies with all design requirements. The tender submission did not conform as the Acquaintance with Environs form was not completed, however Air Services Australia have extensive experience with the Port Hedland International Airport. Air Services Australia is highly experienced in aerodrome lighting and aerodrome operations within Australia and internationally.

The rating matrix rates the Air Services Australia submission second highest behind Longmont Consolidated, however the Longmont Consolidated submission will not be considered due to the major non-conformance detailed above. The pricing submitted by Air Services Australia for Option 1 is outside current budget allocation. Options 2 & 3 are within. It should be noted that included in Air Services pricing is the supply and installation of inset taxiway lighting to extend the existing taxiway lighting leading onto the main apron. This is of great benefit to the airport for future expansions. Air Services Australia in their submission also include a number of other items that are of benefit such as the Method of Working Plan, training of airport staff, project management, as constructed drawings and manuals.

Although the Air Services Option 1 exceeds the allocated budget amount, this option provides the greatest benefit to the airport. A budget amendment of \$50,000 is sought. This allows the extra funding for the quote plus an allowance for unforeseen costs associated with the works such as encountering rock during tower foundation works.

Council can still consider non-conforming tenders under the Local Government Regulations and the tender's Conditions of Contract.

200607/180 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham**That:**

- i) Council accept the non-conforming tender submission from Air Services Australia for Option 1 Installation of Apron Floodlighting to Bays 2 & 3 of \$185,995.46 (ex gst) for Tender 06/31 – Design Supply & Installation of Apron Floodlighting at Port Hedland International Airport;
- ii) \$50,000 be transferred from General Ledger Account 1210398 Port Hedland International Airport's Reserve Fund;
- iii) General ledger expenditure account 1210453 Airport Infrastructure be increased from \$900,000 to \$950,000; and
- iv) Capital expenditure sub item of Apron Floodlighting be increased from \$150,000 to \$200,000.

CARRIED 8/0

11.4 GOVERNANCE AND ADMINISTRATION**11.4.1 Corporate Services - Finance****11.4.1.1 *Financial Reports to Council for Period Ended 31 December 2006 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Stephen Carstairs
Manager Finance

Date of Report 17 January 2007

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 31 December 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 December 2006, are the:

- . Statements of Financial Activity – see Schedules 2 to 14 (not including building and infrastructure depreciation for July to December 2006);
- . Notes (1 to 9) to and forming part of the Statements of Financial Activity for the period ending 31 December 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 24 January 2006 for receipt, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and rendition of services, and verification of prices, computations and costings.

Voucher No's			Pages		Fund	Fund Name	Description
From	To	Value	From	To	No		
CHQ17124	17152	\$240,778.61	1	6	1	Municipal Fund	Cancelled
17153	17153	-	6	6	1	Municipal Fund	
17154	17154	\$42,074.00	6	8	1	Municipal Fund	
EFT17441	17568	\$1,563,955.52	8	53	1	Municipal Fund	
PAY 051206		\$194,989.00	53	53	1	Municipal Fund	
PAY 141206		\$4,556.29	53	53	1	Municipal Fund	
PAY 191206		\$211,961.55	53	53	1	Municipal Fund	
	Municipal Total	\$2,258,314.97					
3001307	3001313	\$5,930.00	53	54	3	Trust Fund	
	Trust Total	\$5,930.00					
	TOTAL	\$2,264,244.97					

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) *wave 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 30 November 2006 and reported to Council in December 2006, the year to date actuals for 31 December 2006 deviated appreciably from budget (12%, and see Schedule 2). Year to date operating expenditure in Community Amenities (\$6,451,625) was substantially different (46%) from that budgeted for the period (\$4,413,948). 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 \$204,674 (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.

200607/181 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**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 December 2006);**
 - . **Notes (1 to 9) to and forming part of the Statements of Financial Activity for the period ending 31 December 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 8/0

11.4.1.2 Proposed Framework for Assessing Local Government Sustainability (File No.: -)

Officer Matthew Scott
Director Corporate Services

Date of Report 16 January 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider the proposed framework for assessing Local Government Sustainability which has been endorsed by the Local Government and Planning Ministers Council (LGPMC).

Background

On 29 November 2006, the Minister of Local Government and Regional Development, Hon. Jon Ford, issued Ministerial Circular No. 1-2006 (attached), outlining a proposed framework to assess the financial sustainability of Local Governments in Australia. This framework has been endorsed by the Local Government and Planning Ministers Council, which comprises of State and Territory Local Government and Planning Ministers, Commonwealth Minister for Transport and Regional Services and the President of the Australian Local Government Association.

The proposed framework is based on three broad components, being:

- Criteria for assessing financial sustainability of Local Councils;
- Asset planning and management by Local Councils; and
- Financial Planning and reporting by Local Councils.

In the Ministerial Circular, the Minister has requested feedback, especially regarding how the framework can be applied to a Western Australian perspective.

Consultation

This proposed framework has been issued to all Local Governments in Western Australia, requesting a response.

Statutory Implications	Nil
Policy Implications	Nil
Strategic Planning Implications	Nil
Budget Implications	Nil

Officer’s Comment

Local Government Sustainability is high on the agenda for the State and Federal Government, given the current concern that: many Local Governments are currently not sustainable, and that the Federal or State Government will be required to financially assist unsustainable Local Governments.

Regardless of the reason of why many Local Councils may be considered unsustainable, there is currently no agreed way of assessing Local Government sustainability within Australia. As Council can appreciate, Local Government is a product of each State and Territory legislation and therefore each have different reporting regimes, thus making comparisons between Local Governments from different states extremely difficult.

The proposed framework, though needing a lot more detail, is at least an attempt from both the State and Federal Governments to start the process.

On reviewing the proposed framework, the three basic components seem reasonable, criteria for assessment, asset management and financial reporting, but a lot more work is required to ‘flesh out’ the proposed assessment process. Council should support the current proposal, however it still requires seeing the detail, which will be available as this process continues.

200607/182 Council Decision/Officer’s Recommendation

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

That Council issues a letter of support to the Minister for Local Government and Regional Development, regarding the proposed framework endorsed by the Local Government and Planning Ministers Council for accessing Local Government Sustainability.

CARRIED 5/3

NOTE : Cr G D Bussell 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 S R Martin
Cr D R Pike	
Cr S F Sear	

11.4.1.3 Underground Power Charge Adjustment (File No.:)

Officer Matthew Scott
Director Corporate Services

Date of Report 16 January 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider adjusting the underground power service charge to a number of specific properties.

Background

At the September 2006 Ordinary Meeting of Council, Council resolved to reduce the underground power charge to a number of properties near Sutherland Street, which already had the underground power infrastructure, however Council had not been informed by Horizon Power, at the time the underground power charges had been calculated (Minute 200607/062).

Subsequent to this item, Council Officers have discovered additional properties in the same situation, and would like Council to consider revising their charges in accordance with past decisions and Council's intention when initially adopting the underground charges.

The properties affected are listed below:

- a) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 16, 18, 20, 5867 Wedge Street
- b) 1, 9, 10, 25, 78 The Esplanade
- c) 1, 3, 4, 5, 6, 7, 8, 9, 10 Richardson Street
- d) 2-4, 8, 10, 18, Anderson Street
- e) 1618 Wilson Street

As Council will note, these properties comprise the majority of the Port Hedland CBD, which has not had overhead power lines for a number of years. Consequently, Council has received a number of queries from landowners objecting to the charge.

Consultation

Only recently has Horizon Power confirmed that the above listed properties already had the underground power infrastructure and acknowledge that this infrastructure only now needs to be connected to the rest of the power grid.

The Town of Port Hedland has written to all affected residents advising that this item would be considered by Council at its Ordinary Meeting in January 2007.

Statutory Implications

Local Government Act 1995

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

** Absolute majority required.*

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

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Based on the initial information from Horizon Power, Council had planned to receive \$195,181.08, after adjusting for rebates. Should Council agree to reduce the charge to \$500 per property, Council will only receive \$21,000.00, creating a \$174,181.08 reduction in net income. It is believed that, like the properties amended in September, Horizon Power will include the difference as a project cost, which is currently under budget.

Officer's Comment

As per the September Item to Council, Council staff relied on the information received from Horizon Power on which properties already had underground power infrastructure, like the residences in Pretty Pool. Obviously this data has proven to be incorrect, which has resulted in:

- a) Overcharging these particular properties; and
- b) Actually undercharging the remaining properties within the project area.

Given that this charging error is a result of faulty data supplied by Horizon Power, it seems only reasonable that Town of Port Hedland ratepayers not bear the cost of this mistake.

Given that these properties are in a similar position as the properties amended in September, it seems logical that Council should take similar action, and require the project to cover this shortfall.

Officer's Recommendation

That Council:

- i) amend the Service Charge for underground power to \$500.00 to the following properties:
 - a) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 16, 18, 20, 5867 Wedge Street
 - b) 1, 9, 10, 25, 78 The Esplanade
 - c) 1, 3, 4, 5, 6, 7, 8, 9, 10 Richardson Street
 - d) 2-4, 8(9 units), 10, 18, Anderson Street
 - e) 1618 Wilson Street
- ii) the \$174,181.08 budget variation be included in the December 2006/07 Budget Review to be presented to Council at its Ordinary Council Meeting to be held in February 2007.

200607/183 Council Decision

Moved: Cr A A Carter

Seconded: Cr S F Sear

That Council:

- i) **amend the Service Charge for underground power to \$500.00 to the following properties:**
 - a) **1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 16, 18, 20, 5867 Wedge Street**
 - b) **1, 9, 10, 25, 78 The Esplanade**
 - c) **1, 3, 4, 5, 6, 7, 8, 9, 10 Richardson Street**
 - d) **2-4, 8(9 units), 10, 18, Anderson Street**
 - e) **1618 Wilson Street**
- ii) **the \$174,181.08 budget variation be included in the December 2006/07 Budget Review to be presented to Council at its Ordinary Council Meeting to be held in February 2007; and**
- iii) **the additional cost of \$174,181.08 be forwarded to Horizon Power as a supplementary project cost to their budget.**

CARRIED 6/2

REASON: Council sought for the additional project cost of \$174,181.08 to be forwarded to Horizon Power as a supplementary project cost to their budget, as the additional cost was borne as a result of incorrect data received by Council.

11.4.2 Governance

6:47pm Councillor George J Daccache declared a financial interest in Item 11.4.2.1 'BHP Sustainability Partnership Projects: Funding Allocations' as he owns BHP Billiton shares and is employed by the company. Councillor Daccache did not leave the room.

6:47 pm Councillor Des R Pike had declared a financial interest in Item 11.4.2.1 'BHP Sustainability Partnership Projects: Funding Allocations' as he owns BHP Billiton shares. Councillor Pike did not leave the room, as permitted in advice received from the Department of Local Government and Regional Development.

11.4.2.1 BHP Sustainability Partnership Projects: Funding Allocations (File No.: ...-...)

Officer Chris Adams
Chief Executive Officer

Date of Report 8 January 2007

Disclosure of Interest by Officer Nil

Summary

Report summarises the recommendations from the BHP Billiton/Town of Port Hedland Sustainability Partnership Meeting held on 7th of December 2006.

Background

Council has entered into a partnership agreement with BHP Billiton whereby BHP Billiton partners Council in capital related projects within the community. The \$1million pa commitment from BHP Billiton is used to fund projects that are listed within the Town's Strategic Plan.

A steering group has been established to oversee the management and operation of the partnership agreement. This group meets approximately four times per annum to review the status of projects and make recommendations to Council on potential projects.

The following projects that have been supported since the BHP Billiton/Town of Port Hedland Sustainability Partnership fund commenced:

Project	Partnership Contribution	Status
Cemetery Upgrade	\$40,000	Complete
South Hedland Skate Park	\$100,000	In progress
Port Hedland Skate Park	\$40,000	In progress
Playground Upgrades	\$100,000	Complete

Footpath Construction	\$150,000	In progress
Mosquito Equipment	\$25,000	Complete
Walkway Lighting	\$45,000	In progress
Town Entry Statements	\$100,000	In progress
Youth facility upgrade	\$300,000	Yet to commence
Sports facility upgrades	\$500,000	In progress
Don Rhodes Park Upgrade	\$35,000	Yet to commence
Community Billboard	\$20,000	Yet to commence
Total	\$1,455,000	

At the last meeting the group considered the most appropriate manner to expend the \$45,000 that remained unallocated from the 2005/06 and 2006/07 Partnership Fund. The following projects have been recommended:

- Walkway Lighting (\$10,000): The Council's walkway lighting program has a shortfall in funding as its application for funding from the Pilbara Fund was only partially successful. Assuming matching funding can be obtained from the South Hedland New Living Project (which is likely), the \$10,000 of additional funding from the Sustainability Partnership will ensure that the 2006/07 walkway lighting program can be fully funded.
- South Hedland Skate Ramp (\$10,000): A further \$10,000 is recommended for this project to ensure that a water fountain, seating and shade structures can be installed at the project.
- Entry Statements (\$25,000): To achieve the scale and magnitude of entry statement that is being discussed, significantly more funds will be required than the \$100,000 that has been allocated to date. A further \$25,000 is recommended from the sustainability partnership with these funds being used to leverage additional resources from the State Government, Federal Government and/or other funding sources.

Consultation

The recommended allocations come from the Sustainability Partnership Working Group, which includes representatives from Council and BHP Billiton.

The recommended projects are all listed within the Town's Strategic Plan, which was developed after extensive consultation with the public.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

To be eligible for funding from the Sustainability Partnership Fund projects must be listed with the Town's Strategic Plan. Each of the newly recommended projects meets this criteria.

Budget Implications

Council has allocated for \$1,500,000 expenditure in its 2006/07 budget for Sustainability Partnership Projects. Assuming that the recommended projects above are approved, the budget will need to be modified to reflect the changes in expenditure allocations. These modifications can be undertaken as a component of the December Budget review.

Officer's Comment

The projects that have been recommended are all essentially extensions of previously approved projects as compared to new projects. In all cases the additional money is required to finish the projects to an appropriate standard.

From an administrative perspective, there is support for extending existing projects rather than adding new ones at this stage of the financial year as Council's staffing resources are focused on the delivery of existing projects. Adding new projects that would need to be planned, designed and implemented by June 30th is likely to prove problematic.

200607/184 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council accepts the recommendations of the BHP Billiton/Town of Port Hedland Sustainability Partnerships Working Group and allocates the remaining funds from the 2006/07 funding allocation to the following projects:

- i) Walkway Lighting Program - \$10,000;**
- ii) South Hedland Skate Park Amenities - \$10,000; and**
- iii) Town Entry Statement - \$25,000.**

CARRIED 6/2

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

Officer Chris Adams
Chief Executive Officer

Date of Report 15 January 2007

Disclosure of Interest by Officer Nil

Summary

This report seeks Council consideration of the proposed lease between Melreef Pty Ltd and the Town of Port Hedland for the use of the Port Hedland Cattle Yards.

Background

At its December 2006 meeting Council considered tenders that were received for the proposed leasing of Reserve 33593. At that meeting Council resolved the following:

“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.”*

Subsequent to this resolution a Draft lease was forwarded to Melreef Pty Ltd. The lease was based on Council’s standard lease documentation. Melreef was asked to provide any feedback/proposed modification to the lease. The following modification was requested:

Council Lease Forwarded to Melreef

Initial Term: 10 years
Subsequent Term: 10 years

Note: Subsequent lease term is at sole discretion of Town of Port Hedland

Melreef's Modifications

Initial Term: 10 years
Subsequent Term: 10 years

Note: Subsequent lease term is at sole discretion of Town of Port Hedland and will not be unreasonably withheld. The lessor will consider applications for an extension of the lease (the subsequent term) by the lessee at any time within two years of the expiry date of the initial term. Such applications shall be delivered from the lessee to the lessor in writing.

The proposed modification seems reasonable and is supported by Council staff. A copy of the Draft Lease has been attached for Council's consideration

Consultation

Both the successful tenderer and the unsuccessful tenderer have been advised of Council's decision in relation to this matter as have the other Council's within the Pilbara region.

Statutory Implications

The tender for the leasing of the Cattle Yards was conducted in accordance with the Local Government Act and Local Government (Functions and General) Regulations.

Prior to entering into a lease of Crown land (which Reserve 33593 is) Council needs to seek the permission from the Minister for Lands. An application to this effect has been submitted.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

The lease requires Melreef to provide Council \$10,000 per annum (+ annual CPI increments) as rental payments. The lease also requires the joint development of the Cattle Yards using both Council Reserve funds and Melreef's own capital.

Officer's Comment

The lease documentation proposed is consistent with several other leases that Council has in existence. The modification proposed by Melreef is relatively minor and does not detract from Council's flexibility in terms of future options.

200607/185 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That subsequent to receipt of approval from the Minister for Lands permitting the propose leasing of the Reserve 33593, the Chief Executive Officer and Mayor be authorised to sign and seal the lease document between Melreef Pty Ltd and the Town of Port Hedland for the use of the Port Hedland Cattle Yards for an initial term of ten (10) years.

CARRIED 8/0

11.4.2.3 Tender 06-20 Management of Aquatic Centres (File No.: ...-...)

Officer Chris Adams
Chief Executive Officer

Date of Report 17 January 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider letting the Tender for the Management of the Gratwick Aquatic Centre and South Hedland Aquatic Centre.

Background

In September 2006 Council called tenders for the management of its two Aquatic Facilities for a period of two years. Two bids were received, one from YMCA and one internal bid. At its October 2006 meeting Council resolved to appoint YMCA as its preferred tenderer, but wished to negotiate further on price and service levels.

Negotiations were held throughout November and December with a further report being presented to Council in December 2006. That report outlined negotiations that had been held regarding actions that Council and/or YMCA could take to reduce the operating cost to Council. The recommended actions included:

- Modifying opening hours at School holidays to maximise opening times whilst reducing costs
- Modifying entry fees the pools.
- Purchasing additional capital for the pool to assist the YMCA in its ability to undertake maintenance works 'in-house' using existing staff rather than engaging contractors thereby reducing Annual operating costs.
- Increasing kiosk mark-up costs.
- Waiving rental for the caretakers house at South Hedland Aquatic Centre in line with previous arrangements

These modifications produced an annual operating saving of \$60,700. From discussions at the December meeting it would seem that there was little issue with the modifications proposed but there was some debate about appropriate opening hours for the pool. Given this, the Council resolved the following:

"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."

Subsequent to this resolution YMCA were asked to review opening hours at the pools and present a costed analysis of potential different opening hours. A report was provided in early January. In summary, the report indicated that the YMCA did not believe that there was a demand for extended opening hours and that the introduction of extended opening hours was likely to be costly and create potential safety issues. A copy of the submission from YMCA has been attached.

A meeting was held with the YMCA on the 17th of January to discuss the proposal and review potential modifications to the contract. At this meeting the attendees indicated that they felt that the most appropriate way to progress this matter was to:

- Seek finalisation of the management contract to ensure compliance issues are dealt with. There is an urgent need to clarify management and administration practices, as currently there is uncertainty about what contract conditions prevail (old contract or new contract).
- Address the issue of extended opening hours as a variation to the contract. YMCA were asked to present a costed proposal to extend the opening hours at the South Hedland Aquatic Centre by 30minutes for a trial period to determine community's reaction and ascertain patronage levels. While not available at the time of writing this report, it is anticipated that this proposal will be available prior to the Council's meeting.

In addition to the discussions about pricing and opening hours there was some discussion about minor modifications requested by YMCA to Council's proposed contract of engagement for the pools. The issues related to the 'profit share' arrangement and Council's ability to terminate the contract at any time by giving six months notice. These issues have been resolved with the intent and integrity of Council's original tender specification being maintained. A full copy of the proposed contract is available upon request.

Consultation

The contract conditions and hours of operation for the pool have been discussed at meetings involving Cr Carter, the Chief Executive Officer, Recreation Co-ordinator and representatives of the YMCA.

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.”*

As previously advised, 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 Budget:

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

The proposed 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 for the operation of both pools.

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 Budget:

An additional \$40,000 in capital expenditure will be required for ongoing maintenance. This capital expenditure is required to assist in reducing the annual operating deficit by \$60,700 per annum from the tendered price.

Fees and Charges:

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

Fee/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

The proposed increase in entry fees is considered to be minimal, particularly given that the Council has not increased many of the fees for some time.

It is proposed to implement these fees immediately after appropriate Local Government Act processes have been completed.

Officer’s Comment

Council staff and Cr Carter have negotiated a reduction in price for the operation of the Towns Aquatic Centre’s. To achieve this annual price reduction up-front Capital Costs need to be incurred and minor increases in fees and charges need to be introduced.

Whilst sounding relatively simple, the issue of opening hours is somewhat complex as additional opening hours potentially come at a very high cost with little additional revenue. Additionally, Occupational Health and Safety issues have been raised with keeping the South Hedland Aquatic Centre open after dark as the new shade shelter may not permit sufficient light through after dark. This issue will need to be investigated further.

200607/186 Council Decision/Officer’s Recommendation

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

That:

- i) **the Chief Executive Officer and Mayor be authorised to sign and seal the contract between Council and the YMCA Inc. for the management of the South Hedland Aquatic Centre and Gratwick Aquatic Centre for two years, with the combined operational loss for the centres being \$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) **the following 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	\$16000
Fees and Charges	Revised fee scheduled introduced	\$14000
Gardening	To be maintained by YMCA staff (subject to capital expenditure by Council)	\$6000
Maintenance	Reduction in cost as works done by YMCA staff (subject to capital expenditure by Council)	\$6000
Cleaning	Reduction in cost as works done by YMCA staff (subject to capital expenditure by Council)	\$11000
Housing	Provision of house at no cost to YMCA	\$5200
Kiosk Mark Up	Increase mark up by 5%	\$2500

- iii) Council pre-commit \$40,000 from Council's 2005/2006 Budget Surplus and/or Mid-Year Budget review for the purchase of the following Council assets for the aquatic centres:

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
Gratwick Ceiling Maintenance	\$3,000
Lane Ropes	\$5,000
TOTAL	\$40,000

and

- iv) the following revised Fees and Charges for the Aquatic Centre's be advertised in accordance with the *Local Government Act 1995*, effective from 10 February 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

- v) Council seek a variation request from YMCA for the operation of the South Hedland Aquatic Centre until 7.30pm in the evenings for a 6-8 week trial period with a report being prepared at the conclusion of the trial regarding the effectiveness and utilisation of the extended hours; and
- iv) the Chief Executive Officer be given the authority to approve the implementation of the trial extended opening hours (subject to the price being deemed to be reasonable).

CARRIED 8/0

YMCA Response in Relation to Pool Hours

Since commencement of daylight savings there has been no shift in customer usage patterns. Afternoon and evening customers generally visit the pools directly from work and leave prior to 7.00pm to go home for dinner.

Attached is a breakdown of transactions during the fortnight prior to daylight savings and the fortnight after commencement. As it clearly demonstrates there was no shift in current customers or an increase in total customers in the evenings.

Anecdotal evidence from the centre managers and Duty Managers alike suggests that the majority of customers have left the centre by 6:30pm. The remaining patrons consist of any user groups that finish at 7.00pm and usually less than 5 lap swimmers.

Current Service

Currently a service is being offered between 5:30am and 7.00pm 4 days per week with Fridays being 5:30am to 6.00pm. This provides an opportunity for customers to attend either prior to work in the morning or after work finishes in the evening. A service is also offered during the day for shift workers or non working partners with children.

It should be noted that even with the scenario of someone working a 12 hour shift they would still most likely be able to find a time to attend.

Changes already proposed in new contract

The recommended hours proposed at the December Council Meeting were based on 4 years of YMCA's management of the Port Hedland pools with proposed Hours based on meeting needs without increasing total operating hours. Additional hours have been added to the evenings during school holiday periods and have been greatly appreciated by the public.

Costs associated with any further changes

Any extension in hours will require additional Duty Managers and Lifeguards. The current total hours stretches current staffing levels to the limits and operates extremely economically. Any small extension to hours would require not just an extension to the current staffing roster but the inclusion of an additional full time Duty Manager and Lifeguard. This will increase the operating cost of the pools significantly.

It should be noted the availability of qualified pool managers during the peak summer period is extremely limited and the ability to supply additional fully qualified and experienced staff cannot be guaranteed.

If the hours were to be extended by approximately 10 hours per week we would need to hire an additional full time Duty Manager and Lifeguard. Approximate associated costs would be:

If hours were extended by approximately 20 hours per week, these costs would double. It should also be noted that this is an estimate only and we would need to revise other costs such as uniforms, housing and travel to provide a revised quote.

Adding hours in the evening is often mistakenly thought to increase revenue by encouraging additional patronage. As has been explained above under 'current service', the vast majority of rate payers already have the opportunity to attend and they choose not to. An extension to hours in the evenings will allow current customers to stay longer but is unlikely to attract additional customers.

A shift in hours to close during the afternoons and shift the hours to later in the evening would also increase costs dramatically. This would present a less economical staffing situation with either staff starting or completing shifts with the pool being closed or staff working split shifts and attracting higher salary packages.

Facility Compliance

The shade sails that have been constructed at each centre obstruct the light from the light towers. The Royal Lifesaving Society provides a guideline stipulating the required minimum level of luminosity over the pool area after dark. In the new Management Contract the Town of Port Hedland stipulated they wish the centre's to meet all relevant guidelines.

It is the opinion of the YMCA that the pools may currently not meet this guideline. The commencement of daylight savings has alleviated this problem as the pools now close prior to dusk. If the hours are to extend back to include darkness the luminosity level would have to be measured to ensure compliance and the light towers may have to be replaced to meet the guideline.

Recommended Further Change

It is not recommended that hours are changed further to those currently in place. Usage has not increased in the evenings since daylight savings commenced and we have received very few verbal requests and no formal requests for the hours to be extended.

As described above, any extension to current hours will increase associated expenses. In addition requests and usage patterns do not warrant this change.

The YMCA will continue to monitor usage patterns and provide recommendations to Council with regards to modifications to opening hours.

Pre to Post Daylight Savings Comparison

Time	Pre Daylight Savings		Post Daylight Savings		Difference
	Customers	%	Customers	%	
5:30	42	2%	19	1%	-1%
6:00	25	1%	6	0%	-1%
6:30	12	1%	7	0%	0%
7:00	5	0%	15	1%	1%
7:30	7	0%	0	0%	0%
8:00	13	1%	12	1%	0%
8:30	32	2%	20	1%	-1%
9:00	50	3%	37	2%	-1%
9:30	34	2%	32	2%	0%
10:00	74	4%	62	3%	0%
10:30	81	4%	46	3%	-2%
11:00	96	5%	71	4%	-1%
11:30	95	5%	52	3%	2%
12:00	102	5%	90	5%	0%
12:30	88	5%	75	4%	-1%
13:00	84	4%	97	5%	1%
13:30	81	4%	112	6%	2%
14:00	88	5%	133	7%	3%
14:30	114	6%	109	6%	0%
15:00	129	7%	136	8%	1%
15:30	113	6%	136	8%	2%
16:00	134	7%	129	7%	0%
16:30	111	6%	128	7%	1%
17:00	100	5%	121	7%	1%
17:30	108	6%	104	6%	0%
18:00	58	3%	47	3%	0%
18:30	11	1%	14	1%	0%
Total	1895	100%	1810	100%	

The above table outlines the spread of total customers for a fortnight prior to daylight savings and a fortnight after daylight savings was implemented. As can be seen by the customer levels after 6:00pm and particularly 6:00pm, there were no additional customers attending in the evenings making the most of the extra light.

Prior to daylight savings, daylight was fading at 6:00pm and sunset was approximately 6:30 - 7:00pm making it dark when people were leaving. After daylight savings the pool now closes as the first light is starting to fade which is an ideal time as most swimmers leave by then.

Opening Hours Comparison

Centre	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Gratwick	5:30am-7pm	9am-7pm	5:30am-7pm	9am-7pm	5:30am-6pm	10am-6pm	10am-6pm
South Hedland	11am-7pm	5:30am-7pm	11am-7pm	5:30am-7pm	11am-6pm	10am-6pm	10am-6pm
Marble Bar	2pm-6pm	Closed	2pm-6pm	2pm-6pm	2pm-6pm	1pm-6pm	1pm-6pm
Newman	6am-8pm	12-8pm	6am-8pm	6am-8pm	8am-5pm	8am-5pm	8am-5pm
Wickham	6am-5pm*	6am-6pm*	8am-8pm*	8am-8pm*	6am-6pm*	9am-5pm	9am-5pm
Roebourne	10:30-6pm	10:30-6pm	10:30-6pm	10:30-6pm	10:30-6pm	10:30-6pm	10:30-6pm
Karratha	6am-8pm	6am-8pm	6am-8pm	8am-8pm	6am-6pm	8:30am-6pm	8:30am-6pm
Broome	5:45am-7:30pm	5:45am-7:30pm	5:45am-7:30pm	5:45am-7:30pm	5:45am-6:30pm	9am-5pm	10am-5pm

* Wickham is closed between 12:30pm and 2:30pm Monday to Friday.

The above table compares the opening hours of the two Port Hedland facilities with other pools in the North West. It is clearly demonstrated that even though the Town of Port Hedland is disadvantaged by operating two pools in such a small Shire, a competitive schedule of opening hours is still offered.

11.4.2.4 2005/06 Annual Report (File No.: ...-...)

Officer Chris Adams
Chief Executive Officer

Date of Report 17 January 2007

Disclosure of Interest by Officer Nil

Summary

For Council consider the adoption of the 2005/06 Annual Report.

Background

At its Special Council Meeting on 10 January 2007, Council considered the adoption of the Annual Report and the annual statements contained therein. At that meeting Council resolved the following:

“That Council:

- (i) Not adopt the 2005/06 Annual Report until the Audited Financial Accounts 2005/06 and Audit Management Report has been reviewed by the Audit and Finance Committee; and*
- (ii) Set the date of the Annual Meeting of Electors to Wednesday 14 February 2007, commencing at 5.30pm, subject to the adoption of the 2005/06 Annual Report at the next Ordinary Meeting of Council.”*

On Wednesday 17 January 2007, a meeting of the Audit and Finance Committee was convened. The meeting considered a comprehensive report from the Director Corporate Services outlining the major items issues and highlights from within the Audited accounts. After discussion the Audit and Finance Committee unanimously resolved the following:

“That the Audit and Finance Committee:

- . Note the explanations of variations between the Budgeted Forecast Opening Position for 2006/07 and the Actual cash surplus for 2005/06.*
- . Recommend to Council to adopt the Audited Financial Statements and Associated notes to Council and include them in the 2005/06 Annual Report.”*

A copy of the report to the Audit and Finance Committee has been appended to this report.

Consultation

The Annual Statements were prepared by Council's Auditors, Haines Norton and reflect their assessment of the financial position of Council as at 30 June 2006. The statements were prepared after reviewing Council's financial records and having several discussions with senior finance staff.

As indicated above the Audit and Finance Committee has comprehensively reviewed the statements and recommends that Council adopt the statements.

Statutory community consultation must be undertaken on the Annual Report and Annual Statements with both being presented at the Annual Meeting of Electors to be held on 14 February 2007.

Statutory Implications

Local Government Act 1995

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain :*
 - (a) *a report from the mayor or president;*
 - (b) *a report from the CEO;*
 - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;*
 - (f) *the financial report for the financial year;*
 - (g) *such information as may be prescribed in relation to the payments made to employees;*
 - (h) *the auditor's report for the financial year;*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (i) *such other information as may be prescribed.*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

* Absolute majority required.

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.*
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) The matters to be discussed at general electors' meetings are to be those prescribed."*

Policy Implications

The Financial Statements and associated notes for the period ended 30 June 2006 have been compiled with reference to Council's Finance Policies 2/001-2/007.

Strategic Planning Implications Nil

Budget Implications

The Annual Report and 2005/06 Financial Report indicate the performance of the Council during that financial year.

Officer's Comment

As indicated in the 2005/06 Annual Report and Annual Financial Statements, last financial year was a particularly successful year for the Council with a large number of achievements in service and project delivery. Facilities and services available to residents of the Town improved, as did the financial position of the Council.

A higher than projected surplus was achieved. Council will now have the opportunity to consider how best to use this surplus, along with surpluses identified in the December 2007 budget review to best benefit the residents and ratepayers of the Town.

Council is now in a strong financial position and has developed a solid financial platform for future growth and development.

Officer's Recommendation

That Council:

- i) adopt the Financial Statements and associated notes for the period ended 30 June 2006, as presented;
- ii) adopt the Audit Report of the Financial Statements and associated notes for the period ended 30 June 2006, as presented;
- iii) adopt the 2005/06 Annual Report as presented;
- (iv) hold the Annual General Meeting of Electors on Wednesday, 14 February 2006, commencing at 5:30 pm at the Civic Centre.

200607/187 Council Decision

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Council:

- i) adopt the Financial Statements and associated notes for the period ended 30 June 2006, as presented;**
- ii) adopt the Audit Report of the Financial Statements and associated notes for the period ended 30 June 2006, as presented;**
- iii) adopt the 2005/06 Annual Report as presented;**
- (iv) hold the Annual General Meeting of Electors on Wednesday, 14 February 2006, commencing at 7:00 pm at the Civic Centre.**

CARRIED BY ABSOLUTE MAJORITY 8/0

REASON: Council changed the commencement time of the Annual General Meeting of Electors from 5:30 pm to 7:00 pm.

ATTACHMENT 1 TO AGENDA ITEM 11.4.2.4

"10.1.1.1 Annual Financial Statements 2005/06

Officer *Matthew Sault*
Director Corporate
Services

Date of Report

Disclosure of Interest by Officer *Nil*

Summary

For the Finance & Audit Committee to review the Audited Annual Financial Statements 2005/06.

Background

On the 19 December 2006, the Council's Auditor, Mr David Tomasi, of UHY Haines Norton, issued this opinion on the financial position of the Town of Port Hedland as of the 30 June 2006. In issuing his opinion, a complete set of Audited Annual Financial Statements and Associated Notes were also sent to Council, so that the Annual Report for 2005/06 could be prepared for adoption by Council, and the Annual Meeting of Electors could be arranged.

In issuing the Annual Financial Statements, a number of large variations between the Budget, Forecast and Actual were noted by both the Administration and Councillors, resulting in the need for the Audit and Finance Committee to review and understand these variations before Council adopted the Financial Statements as part of the 2005/06 Annual Report.

The Committee should note that subsequent to the Audit being issued, the auditor has agreed to amend the issued statements to include a correction regarding restricted cash (increased by \$339,400 for a Roads to Recovery grant) and the functional classification of the grant income received for the underground power project (Budgeted in Community Amenities, received in Transport). Both of these items were identified during the audit, however were not included correctly in the final accounts. Committee members should note that these corrections do not affect the financial position of Council, nor the Audit opinion, but are simply classification adjustments.

Consultation

The Director, Corporate Services and the Manager, Financial Services, has been in regular contact with the Auditor, during and subsequent to the Audit Opinion being issued.

Statutory Implications *Nil*

Policy Implications *Nil*

Strategic Planning Implications *Nil*

Budget Implications

The Audited Final Accounts for 2005/06, effectively close that year from an accounting perspective. Given that Council only carried forward a \$2,434,500 cash surplus in the 2006/07 adopted budget, the balance of the Actual Surplus \$3,278,361 (\$,742,861-2,434,500) will need be added to the budget. Effectively, this will allow expenditure to be increased by the same quantum, however much of this surplus will be needed to complete projects not completed in 2005/06

Officer's Comment

The significant concern raised when reviewing the Annual Accounts is the calculated cash surplus as at 30 June 2006 (\$5,712,861), when compared to the forecasted cash surplus for 30 June 2006, as detailed in the 2006/07 Budget Document (\$2,434,500). Initially this suggests that Council's budget was grossly incorrect. However on closer examination of the make up of the \$5,712,861 surplus, the difference is explainable, and actually demonstrates savings and efficiencies that Council has achieved, which will benefit the rate payers and greater community.

Attached to this item is a comparison of the Cash surplus, comparing the actual result to the Original Budget, Amended Budget and 2005/06 Forecast (Attachment 1).

The below reconciliation details the major differences between the forecast surplus and Actual surplus for 2005/06:

Forecasted Surplus (2005/07 Budget Document)	2,434,500
Adjustments	
Change in Calculation of Surplus	1,348,950
Reduction in provision of Employee entitlements	330,000
Additional Uncompleted Capital Works	588,318
Additional Roads to Recovery Grant	354,367
Provision for PFDC	(160,000)
Additional Interest	117,943
Reserve Variation	53,925
Vehicle Disposals	(63,045)
Actual Savings	707,909
Actual Surplus (Annual Financial Statements)	5,712,861

Change in Calculation of Surplus - \$1,348,950

The cash surplus calculation is generally the current assets less current liabilities, representing the cash or highly liquid funds "carried forward" into the new financial year. However due to the requirements of AAS 28, a portion of these remaining funds are considered "restricted", meaning they can only be used for a specific purpose and are not available for general expenditure. The Cash Surplus is therefore adjusted to accommodate these restrictions. How and what is adjusted can therefore impact on the cash surplus, and therefore the cash surplus may differ depending on the assumptions used to calculate it.

In calculating (reconciling) the cash surplus the Auditors have deducted from the current position, funds held in reserve. However these funds are not the only restricted cash funds Council has. Other restricted cash includes unused loans and specific grants received in advance. Typically unspent grants are spent in the subsequent year, however many of these unspent grants are several years old, therefore the assumption that they will be spent in 2006/07 is debatable, based on the current trend. This being said, Council has budgeted for a number of these grants to be utilised in the 2005/07, therefore the difference (\$811,251) should remain restricted, unless Council amends the budget for their expenditure.

Another adjustment the Auditors have made is to add back the funds held in reserve for staff leave entitlements. The assumption is that these funds offset the provision for staff entitlements, included in current liabilities. Again it is arguable whether these funds only offset the current provision, but also non current provision, not included in the surplus calculation. It should also be noted that the manner that this has been calculated in 2005/06 is not consistent with the way it was report last year (Minute 2005/05/304). A Breakdown of the Surplus calculation is shown in attachment 2.

Though these changes in the calculation may be seen as wind fall by Council, it is in effect a calculated windfall, based on assumptions, and really should not be seen as additional cash available for Council to simply spend in 2006/07.

Reduction in Provision of Employee Entitlements - \$330,000

As the committee is aware during 2005/06, many staff, especially senior management, were replaced. This resulted in significant salary savings, as several positions were held vacant for several months. An additional saving created by this staff turnover, was a \$330,000 reduction provision for future entitlements. As certain staff entitlements are not transferable between Councils (annual leave especially), much of the accrued entitlements have been paid out, significantly reducing the provision required from 2004/05. The provision for employee entitlements, is also a calculation (especially with regards to Long Service Leave) based on the probability of the staff remaining in Local Government long enough to actually take leave. This calculation is made at the end of the year, by the auditors, which was after the budget was adopted, and therefore was not included in the forecasted surplus. The committee should note that there was not an equal reduction in the Leave reserve, as this has been significantly underfunded in previous years, and Council resolved to utilise much of the 2004/05 surplus to address this issue.

Additional Uncompleted Works - \$588,318

When the 2006/07 budget was adopted, included in the budget was \$884,500 of known uncompleted capital works, based on the April budget review (adopted by Council in June). Though Council staff did attempt to complete much of the capital program in 2005/06, due to external factors (lack of contractors, lack of supply), several additional projects were uncompleted by 30 June 2006. These projects will need to be included in the updated 2006/07 budget for completion, with many already included in the September Budget review, currently with Council.

Additional Roads to Recovery Grant – \$354,367

At the end of June 2006, Council received \$354,367 from Roads to Recovery. These funds were actually for additional 2006/07 projects, but they were received in 2005/06. Under AAS 28 they are required to be recognized as revenue in 2005/06, though they will be spent in 2006/07. The expenditures of these funds were not included in the 2006/07 budget, as the budget had been substantially completed at the time of receipt, and therefore the budget will need to be amended to account for these projects.

Provision for PFDC (\$160,000)

As the committee is aware late in 2005/06 the Administration requested an audit by the relevant federal and state agencies into the Pilbara Family Day Care Scheme. As a result of this audit, it has been identified that in previous years Council may have incorrectly received more Federal and State Grants than what it was entitled for. Though this matter has not been resolved, the auditors believe that potentially Council may be required to refund \$160,000, and therefore have provided for this potential liability. Should negotiation with government departments be successful, the liability may be reduced, however by providing for the potential maximum liability now, means additional ratepayer funds should not be required to settle this dispute.

Additional Interest Earning - \$117,943

Over the last 12 months Council has enjoyed the benefits of being extremely "cashed up", and during the year the interest revenue budget has been increased from an original budget of \$255,000 to \$335,000 by the end of the financial year. The actual revenue received total \$452,943, some \$120,000 above budget.

The result was due to taking a proactive approach to managing Council's investments. The variation occurred due to interest being raised as revenue when the investment matured, though during the budget process, it was assumed interest revenue was being raised as it accrued. Put simply, during the year interest revenue was understated, and was corrected at year end. Processes will need to be reviewed to ensure that the actual accrued interest revenue is reported to Council on a monthly basis.

Reserve Transfer Variations - \$53,925

At the end of the Financial Year, Council transferred \$53,925 less to the reserves than budgeted. Principally Council transferred an additional \$49,303 to the Airport Reserve, due to additional net revenue received at the end of the year, while reducing the net transfer to the leave reserve by \$111,100. Currently the Leave Reserve equates to 52% of the total provision for Annual and Long Service Leave provision, and the Committee/Council could consider making this fully used back, given the current surplus.

Vehicle Disposals - (\$63,045)

At the time the 2005/06 Forecast surplus was calculated, Council's amended Budget included \$68,500 in proceeds from the disposal of assets. Principally, the assets being disposed were fleet vehicles, which were expected to be traded in the last quarter of 2005/06. Though Council placed the orders of these trades as early as February 2006, due to high demand/low supply of vehicles due to resource boom, the replacement vehicles were not received until the new financial year. At the time of the Forecast/Budget, Council staff had been given assurances that the vehicles would arrive before 30/6/06, this however did not occur. Given that these trades have now occurred in 2006/07, the budget will need to be amended to reflect this situation.

Actual Savings - \$707,903

Based on the above variations to the forecasted Surplus, the balance \$707,903 represents the true savings created by Council during 2005/06. Though this figure is made up of numerous "unders and overs" through out the operating statement, the committee should note that Council spent \$600,052 less in Operating Expenditure than it budgeted, while still delivering the services and activities required by the Port Hedland Community. Major operating savings were achieved in the areas of salaries & wages, utilities, and building maintenance. This saving now allows Council the opportunity to bring forward projects and services that have been budgeted for in future years.

It is understandable that the public may jump to an incorrect conclusion, especially when a \$5.7m surplus is shown in the Annual Statements. Though this is the first year an Actual Rate Setting Statement (which reports the Surplus) is reported in the Annual Financial Report, most people don't understand how a surplus is calculated, or how different assumptions can change this figure. Given that this now is an "Audited" figure, Council's future budget and reports will need to be adjusted to reflect method of calculation.

Regardless of the size of the Surplus, the Annual Financial Statement represents great news to this Council, as it demonstrates that we are in a sound financial position. All of Council's financial ratios are positive, and trending in the right direction. These further signify Council's sustainable position, which has been achieved while implementing an ambitious Strategic Plan in 2005/06. Council, as part of its budget review process, will now need to amend the budget, which is expected to be reviewed by the committee in late January.

Officer's Recommendation

That the Audit and Financial Committee:

- *Note the explanation of the variation between the Budgeted Forecast Opening Position for 2006/07 and the Actual cash surplus for 2005/06.*
- *Recommend to Council to adopt the audited Financial Statements and Associated notes to Council, and include them in the 2005/06 Annual Report."*

11.4.2.5 Attendance at Kimberley/Pilbara Local Government Joint Forum to be held in April 2007 (File No: COU-014)

Officer Gaye Stephens
Executive Assistant

Date of Report 18 January 2007

Disclosure of Interest by Officer Nil

Summary

To determine attendees at the Pilbara/Kimberley Local Government Joint Forum.

Background

The Kimberley/Pilbara Local Government Joint Forum is being held in Broome on Thursday 12 April 2007, and will be followed by a State Council Meeting, Kimberley and Pilbara zone Meetings (Pilbara Regional Council) on Friday 13 April 2007.

The Forum comprises of presentations by guest speakers relevant to the business of local governments, and social events providing an opportunity to network with elected members and local government Chief Executive Officers within the Pilbara and Kimberley Regions

A State Council Dinner will be held on Thursday evening.

Officer's Comment

Councillors Stan R Martin and Arnold A Carter are Council's delegates on the Pilbara Regional Council. Councillor A A Gear is deputy.

Council's Chief Executive Officer is also the Chief Executive Officer of the Pilbara Regional Council.

It is recommended that Council's Pilbara Regional Council delegates attend the Kimberley/Pilbara Local Government Joint Forum to be held in Broome on 12 and 13 April 2007. An invitation is extended to all elected members to attend.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

The costs associated with attendances at the Kimberley/Pilbara Local Government Joint Forum on 12 and 13 April 2007 will be expended from General Ledger Account Number 401220 'Conferences'.

Officer's Recommendation

That:

- i) Mayor Stan R Martin, and Councillors Arnold A Carter, _____ attend the Kimberley/Pilbara Local Government Joint Forum to be held in Broome on Thursday 12 and Friday 13 April 2007; and
- ii) Mayor Stan R Martin and Councillor Arnold A Carter attend the Pilbara Regional Council Meeting being held in Broome on Friday 13 April 2007.

200607/188 Council Decision

Moved: Cr S F Sear

Seconded: Cr A A Gear

That:

- i) **Mayor Stan R Martin, and Councillors Arnold A Carter, Daccache, Gear, Gillingham and Pike attend the Kimberley/Pilbara Local Government Joint Forum to be held in Broome on Thursday 12 and Friday 13 April 2007; and**
- ii) **Mayor Stan R Martin and Councillor Arnold A Carter attend the Pilbara Regional Council Meeting being held in Broome on Friday 13 April 2007.**

CARRIED 8/0

REASON: Councillors Daccache, Gear, Gillingham and Pike will also be attending the Kimberley/Pilbara Local Government Joint Forum.

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

12.1 Regulatory and Community Services

12.1.1 *Confidential Item: Acknowledgement of Service - Mirtanya Maya Staff (File No.: 03/01/0002)*

NOTE: Late Item 12.1.1 'Confidential Item: Acknowledgement of Service - Mirtanya Maya Staff' was considered by Council as Item 14 'Confidential Items'.

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN**13.1 *Councillor Grant D Bussell***

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

That Council Committees be convened after office hours to allow working Councillors to attend.

Officers Comment

Currently Council meets twice per month. Once for the formal Council meeting (5.30pm on the 4th Wednesday of the Month) and once for the informal briefing of Council (5.30pm on the 2nd Wednesday of the month.) The expectation is that Councillors will attend as many of these meetings as possible.

In addition to the formal Council meetings, there are intermittent meetings of the Audit & Finance Committee (Council's only formal committee under the Local Government Act), Council working groups and other project meetings on specific issues. These meeting involve Councillor attendance. The meetings are held at various times of the day dependant on the nature of the issues and the availability of meeting attendees.

From an administrative perspective there is no issue with the proposed start time of any of the meetings. In general, the administration is comfortable meeting either during office hours or out of hours.

Issues that do need to be considered when setting meeting times include:

- Councillor availability
- Other meeting attendee availability (including the public, government departments, contractors and/or consultants)
- Flight times (For when people from Perth are attending meetings, i.e. some meeting attendees aim to fly up in the morning and back in the afternoon)
- Room availability.

The administration agrees that, where possible, after hours meetings should be encouraged to allow working Councillors to attend, but given that the above factors, it may not be possible to hold all meetings after hours. To mitigate this issue staff could endeavour to establish meeting schedules for all Council Committees, working groups and other project steering groups well in advance.

200607/... Council Decision

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

That Council Committees be convened after office hours to allow working Councillors to attend.

LOST 3/5

ITEM 14 CONFIDENTIAL ITEMS

200607/189 Council Decision

Moved: Cr A A Gear

Seconded: Cr A A Carter

That the Meeting be closed to members of the public as prescribed in Section 5.23 (2) (a) of the Local Government Act 1995, to enable Council to consider the confidential item 'Acknowledgement of Service - Mirtanya Maya Staff'.

CARRIED 8/0

NOTE: Section 5.23, Clause (a) of the Local Government Act 1995 states:

"5.23. Meetings generally open to the public

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

(a) a matter affecting an employee or employees; ..."

7:07 pm Members of the public left the room.

7:07pm Councillor Des R Pike declared an impartiality interest in Item 12.1.1 'Acknowledgement of Service – Mirtanya Maya Staff' as he is related to one of the Mirtanya Maya staff members.

Councillor Pike left the room.

200607/190 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter **Seconded:** Cr J M Gillingham**That:**

- i) **Council Policy 3/002 Council Contributions to Staff Functions be amended to include an additional clause as follows:**
 - “e) **Where casual employees are made redundant because a service is discontinued an ex-gratia payment of up to \$500 may be made to the employee at the discretion of the Chief Executive Officer, taking into consideration the length of service and the average number of hours worked by the employee.”; and**
- ii) **a ‘one-off’ payment of a gift of five hundred dollars (\$500) to the five (5) casual staff employed at Mirtanya Maya whose positions become redundant as a direct result of the closure of the facility, effective 18 January 2007, be approved.**

CARRIED 7/0**200607/191 Council Decision****Moved:** Cr A A Gear **Seconded:** Cr A A Carter**That the Meeting be opened to members of the public.*****CARRIED 7/0***

7:09 pm Members of the Public re-entered the room.

7:09 pm Councillor Pike re-entered the room and assumed his chair. Mayor advised Councillor Pike of Council's decision.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

200607/192 Council Decision

Moved: Cr A A Gear

Seconded: Cr A A Carter

That the following applications for Leave of Absence:

- . **Councillor Jan Gillingham, from 27 January 2007 to 5 February 2007 inclusive;**
- . **Councillor Des Pike 10 to 17 February 2007 inclusive; and**
- . **Mayor Stan Martin from late February 2007 to late March 2007**

be approved.

CARRIED 8/0

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 28 February 2007, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 7:15 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 28 February 2007.

CONFIRMATION:

MAYOR

DATE