



Town of Port Hedland

MINUTES

OF THE

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

HELD ON

WEDNESDAY, 28 MARCH 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.

TABLE OF CONTENTS

1.1	OPENING.....	5
ITEM 2	RECORDING OF ATTENDANCE AND APOLOGIES	5
2.1	ATTENDANCE	5
2.2	APOLOGIES.....	5
2.3	APPROVED LEAVE OF ABSENCE	5
ITEM 3	RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE	5
ITEM 4	PUBLIC TIME	6
4.1	PUBLIC QUESTIONS	6
4.1.1	<i>Mr Chris Whalley.....</i>	6
4.1.2	<i>Miss Kelly Howlett.....</i>	6
4.2	PUBLIC STATEMENTS.....	7
ITEM 5	QUESTIONS FROM MEMBERS WITHOUT NOTICE	7
5.1	<i>Councillor George Daccache.....</i>	7
5.2	<i>Councillor Shane Sear</i>	8
5.3	<i>Councillor Jan Gillingham.....</i>	8
ITEM 6	DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING	8
ITEM 7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	9
ITEM 8	ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION .	9
ITEM 9	REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION	10
9.1	<i>Councillor Jan Gillingham.....</i>	10
ITEM 10	PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS.....	10
ITEM 11	REPORTS OF OFFICERS	11
11.1	GOVERNANCE	11
11.1	<i>Status of Council Decisions (File No.: ADM-015).....</i>	11
11.2	REGULATORY AND COMMUNITY SERVICES	24
11.2.1	DIRECTOR REGULATORY AND COMMUNITY SERVICES.....	24
11.2.2	PLANNING SERVICES.....	25
11.2.2.1	<i>Delegated Planning Approvals for February 2007 (File No.: 18/07/0002)</i>	<i>25</i>
11.2.2.2	<i>Scheme Amendment No. 9 – Rezoning lot 313 Anderson Street Port Hedland from “Residential R 12.5/50” to “Other Public Purposes – Telecommunications.” (File No.: 18/09/0016 and 117280G).....</i>	<i>28</i>
11.2.2.3	<i>Proposed Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 8 – Rezoning Lot 5197 (21) Harper Street Port Hedland from “Residential R 15” to “Residential R 30.” (File No.: 18/09/0014 and 101770G)</i>	<i>33</i>

11.2.2.4	<i>Proposed Five Grouped Dwellings at Lot 3 (17) Dempster Street Port Hedland (File No.: 130650G)</i>	37
11.2.3	RANGER SERVICES.....	48
11.2.3.1	<i>Authorisation and Appointment of Ranger and Dog Registration Officers (File No: RAN –001)</i>	48
11.3	ENGINEERING SERVICES	51
11.3.1	DIRECTOR ENGINEERING SERVICES.....	51
11.3.1.1	<i>Monthly Report – Engineering Services (File No.: 13/04/0001)</i>	51
11.3.1.2	<i>Tender 06/40 Supply and Delivery of One Ride-on Litter Vacuum (File No.: 23/08/0029)</i>	58
11.3.2	RECREATION SERVICES.....	63
11.3.2.1	<i>Utilisation of Equipment from the JD Hardie Centre (File No.: 26/05/0007)</i>	63
11.3.2.2	<i>Feasibility into Proposed Multi-purpose Recreation Facility (File No.: 26/13/0001)</i>	67
11.4	GOVERNANCE AND ADMINISTRATION.....	71
11.4.1	CORPORATE SERVICES.....	71
11.4.1.1	<i>Financial Reports to Council for Period Ended 31 January 2007 (File Nos: FIN-008, FIN-014 and RAT-009)</i>	71
11.4.1.2	<i>Budget Timetable (File No.: ...-...)</i>	77
11.4.1.3	<i>Policy Amendment - 2/007 Procurement Policy (File No.: ...-...)</i>	79
11.4.1.4	<i>Request for Partial Refund of Monies (File No.: 26/06/0005)</i>	85
11.4.1.5	<i>Polar Aviation Lease</i>	89
11.4.2	GOVERNANCE.....	94
11.4.2.1	<i>Monthly Report – February 2007 (File No.: ...-...)</i>	94
11.4.2.2	<i>Annual General Meeting of Electors held on 28 February 2006 (File No.: ELE-005)</i>	97
11.4.2.3	<i>Street Names for Pretty Pool Subdivision (File No.: 18\14\0001)</i>	99
11.4.2.4	<i>2006 Local Government Compliance Return (File No.: ADM-073)</i>	104
ITEM 12	LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL	107
12.1.1	<i>Proposed Site Office and Lunch Room at Lot 3278 Tinder Street, Port Hedland (Reserve 34344) for Use Related to Construction Activities at Lot 3263 (File No.: 130355G)</i>	107
12.2.1	<i>Expression of Interest for Port Hedland Immigration Facility (File No.: ...)</i>	117
12.3	RECREATION SERVICES	121
12.3.1	<i>Alteration to South Hedland Aquatic Centre Operation Hours (File No.: 26/04/0006)</i>	121
ITEM 13	MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN	124
ITEM 14	CONFIDENTIAL ITEMS	124
14.1	<i>CONFIDENTIAL MATTER: Proposed Deed of Settlement Between Wellard Properties and the Town of Port Hedland</i>	124
ITEM 15	APPLICATIONS FOR LEAVE OF ABSENCE	125
ITEM 16	CLOSURE	126
16.1	DATE OF NEXT MEETING.....	126
16.2	CLOSURE.....	126

ITEM 1 OPENING OF MEETING**1.1 Opening**

The Deputy Mayor declared the meeting open at 5:31pm and acknowledged the traditional owners, the Kariyarra people.

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

Deputy Mayor A A Carter
Cr G J Daccache
Cr J M Gillingham
Cr D R Pike
Cr S F Sear

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	1
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Members of the Media	Nil
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2.2 Apologies

Nil.

2.3 Approved Leave of Absence

Mayor S R Martin
Cr G D Bussell

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held
Wednesday 28 February 2007.**

Nil

**3.2 Questions from Members at Ordinary Council Meeting held
Wednesday 28 February 2007**

Nil.

ITEM 4 PUBLIC TIME**4.1 Public Questions**

5:31pm Deputy Mayor opened Public Question Time

4.1.1 Mr Chris Whalley

Could Council explain to us their latest position regarding the banning of takeaway liquor sales on Sunday within the Town of Port Hedland?

Deputy Mayor advised that in Feb 2006 Council sought community feedback on the existing liquor restrictions. The feedback indicated that the community did not feel that some of the existing restrictions were assisting in reducing alcohol related harm. As a result of this feedback Council resolved to request that the Director of Liquor Licensing immediately remove two of the existing liquor restrictions relating to advertising and competitions and review all other restrictions (including Sunday takeaway sales) to determine whether they are both effective and relevant. While the Director was initially opposed to any review, he has agreed to bringing forward the review of liquor restrictions and has indicated that he will be in the Town to commence the review process in May 2007.

4.1.2 Miss Kelly Howlett

What are the specific details of the process that needs to be undertaken in order for the traffic calming installation on Wedge St to become an officially gazetted as a pedestrian/zebra crossing?

What timeframes would be associated with this process?

As there appears to be ongoing confusion with both pedestrians and motorists alike, can Council please consider making the traffic calming installation on Wedge St an officially gazetted pedestrian/zebra crossing?

If no – why is this request being denied as it is felt that the installation is an accident waiting to happen with several instances daily of confusion between pedestrians and motorists and who is supposed to give way to who?

If yes – when can this lengthy process begin?

Director Engineering Services advised the traffic calming device on Wedge Street is designed to slow down traffic, and direct pedestrians into that area to cross the road; and is currently accomplishing what the device is designed for, as many

vehicles are slowing right down on their approach to the device. Council has received no complaints in relation to the device.

The process for the traffic calming installation on Wedge Street to become a pedestrian or zebra crossing is undertaken by MainRoads. This would require vehicles to give right of way to pedestrians crossing Wedge Street.

Initially, MainRoads would undertake a count of traffic on Wedge Street. It is understood the minimum requirements for vehicle and pedestrian traffic is 600 vehicles crossing per hour for two hours each day, and 600 pedestrians crossing per hour for two hours each day, also. It is possible that these numbers would be reached in that location.

The timeframe for MainRoads to undertake the process is approximately four (4) to eight) weeks.

Director Engineering Services advised that the Town is currently investigating additional signage further back from traffic calming devices, which would provide motorists on their approach.

He also added that a count could be undertaken in the interim period, while further signage and possible painting, etc. is being investigated, which may avoid the need for the device to be a regulated pedestrian or zebra crossing by MainRoads.

Deputy Mayor requested Council staff to present the results of the count and investigation into further signage and possible painting, etc. to Council for further consideration.

5:38 pm Deputy Mayor closed Public Question Time

4.2 Public Statements

5:38 pm Deputy Mayor opened Public Statement Time

Nil.

5:38 pm Deputy Mayor closed Public Statement Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 Councillor George Daccache

Although the trees along Athol Street have been cut since Cyclone George, are still leaning towards the road precariously, can Council please relook at these?

Director Engineering Services advised that tree specialists are coming to Port Hedland from Geraldton immediately after Easter to assess trees throughout the Town, as part of Cyclone George recovery.

5.2 **Councillor Shane Sear**

NOTE: Councillor Sear thanked Council's Chief Executive Officer and his staff for their works undertaken during Cyclone George and the recovery period.

5.3 **Councillor Jan Gillingham**

NOTE: Councillor Gillingham re-iterated Councillor Sear's comments and commended Council's Chief Executive Officer and staff for their commitment during Cyclone George and recovery efforts following. Councillor Gillingham also commended Deputy Mayor and the ABC Radio for ensuring the community was well informed at all times during the period.

As I've had many members of the community ask me, can the lighting at the Water Tower be reinstated?

Chief Executive Officer advised that the water tower the responsibility of the Water Corporation. It is understood lighting of the tower will be reinstated at the completion of Flatback turtle breeding season.

Speaking with the Port Hedland Visitor Centre in relation to accommodation, particularly during periods of emergency or evacuations, can Council work with the Visitor Centre to ensure they are aware of alternate accomodation for visitors to the Town?

Deputy Mayor advised Council will endeavour to do this.

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

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

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

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

200607/230 Council Decision

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

That pertaining to Item 11.3.1.2 'Road Trauma Redution Campaign' of the Minutes of Ordinary Council Meeting held 28 February 2007, Council contriutes \$250 to the Road Trauma Reduction Fund which will assist buying airtime as part of an Easter Road Safety Campaign for 2007.

CARRIED 6/0

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 28 February 2007.

200607/231 Council Decision/Officer's Recommendation

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

That the Minutes of the Ordinary Meeting of Council held on Wednesday 28 February 2007 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

7.1 Confirmation of Minutes of Special Meeting of Council held on Wednesday 14 March 2007.

200607/232 Council Decision/Officer's Recommendation

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

That the Minutes of the Specail Meeting of Council held on Wednesday 14 March 2007 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Nil.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 *Councillor Jan Gillingham*

Councillor Gillingham advised Council of her recent attendance at the Isolated Children's Parent's Association in Perth.

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

Nil.

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

Officer Gaye Stephens
Executive Assistant

Date of Report 19 March 2007

Disclosure of Interest by Officer Nil

Summary

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

Background

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

Officers Comments

This report includes decisions from the following meetings:

- Ordinary Meeting held 28 September 2005;
- Ordinary Meeting held 26 October 2005;
- Ordinary Meeting held 24 May 2006;
- Ordinary Meeting held 28 June 2006;
- Ordinary Meeting held 23 August 2006
- Ordinary Meeting held 27 September 2006;
- Ordinary Meeting held 25 October 2006;
- Ordinary Meeting held 22 November 2006;
- Ordinary Meeting held 13 December 2006;
- Ordinary Meeting held 24 January 2007; and
- Ordinary Meeting held 28 February 2007.

Statutory Implications

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

"2.7. The role of the council

(1) The council -

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

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

- (2) *Without limiting subsection (1), the council is to -*
- (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.”*

Policy Implications

Nil

Strategic Planning Implications

KRA 6 – Governance

Goal 6 – Systems Development

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

Budget Implications

Nil

200607/233 Council Decision/Officer's Recommendation**Moved:** Cr G J Daccache**Seconded:** Cr J M Gillingham

That the 'Status of Council Resolutions' Report as presented to the Council's Ordinary Meeting held on 28 March 2007 be received.

CARRIED 5/0

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
Ordinary Meeting held 28 September 2005				
10.2.3.6	Hire Car Operations	200607/108 Council Decision/Officer's Recommendation That: i) the Chief Executive Officer and the Airport Manager commence negotiations with Hire Car operators regarding the possible relocation and consolidation of facilities; and ii) a report be presented for Council's consideration following negotiations being undertaken with Hire Car operators, and drainage investigations being completed at the Port Hedland International Airport.	RESPONSIBLE OFFICER: Airport Manager Presented to March CI Briefing. Bus. to be contacted. Valuations obtained as part of PHIA reval. Report to Ord CI Mtg May 2007	May 2007
Ordinary Meeting held 26 October 2005				
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 Report to March 07 Ord CI Mtg.	ü COMPLETE
Ordinary Meeting held 24 May 2006				
14.2	Confidential Matter : Legal Matter – Wellard Industries	200607/443 Council Decision/Officer's Recommendation That Council rescind Council decisions 200607/149 (October 2005) and 200607/290 (February 2006) relating to Council objection to the storage of manganese ore on Lot 842 and the proposed leasing of Lot 5909. 200607/444 Council Decision/Officer's Recommendation That Council write to LAMS advising that ... providing that: ...	RESPONSIBLE OFFICER: Chief Executive Officer Report to Mar Ord CI Mtg	ü COMPLETE
Ordinary Meeting held 28 June 2006				
11.2.2.3	A'ment 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 Report to March Ord CI Mtg	ü COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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 Information received for consideration by CI Officers 20.03.07 Report to April Ord CI Mtg.	April 2007
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 Advertising commenced.	
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 Advertised early March. Closing this week.	April 2007
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	ü COMPLETE
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 Paid, checking \$ against lease.	ü COMPLETE
Ordinary Meeting held 27 September 2006				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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 Report to March Ord CI Mtg	ü COMPLETE
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 this project no longer needs action.	ü COMPLETE
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 Advertising commenced.	
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)	
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 to arrive (Care for Hedland) and DPI approval.	May 2007
Ordinary Meeting held 22 November 2006				

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 CEO has held discussion. A further report to Council	April 2007
Ordinary Meeting held 13 December 2006				
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 Draft Lease Documents being sent.	
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	ü COMP.
Ordinary Meeting held 24 January 2007				
11.2.1.2	Preferred Contractor Register	200607/172 Council Decision 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.	RESPONSIBLE OFFICER: Director Regulatory and Community Services. Incl. In May Informal Briefing Session	May 2007
11.4.1.2	Proposed Framework for Assessing LG Sustainability	200607/182 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Corporate Services Reviewing comments from WALGA prior to issuing letter.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.2.2	Tender 06-29 Lease of Port Hedland Cattle Yards	200607/185 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Chief Executive Officer Ltr sent to DPI. DPI response received. More info provided.	
11.4.2.3	Tender 06-20 Mgt of Aquatic Centres	200607/186 Council Decision/Officer's Recommendation 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 (1 st January 2007 – 31 st December 2007), and \$821,530 for Calendar Year 2 (1 st December 2008 – 31 st December 2008); ii) the following changes to the original tender submission from the YMCA Inc. with the following alterations be approved: 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: ... iv) the following revised Fees and Charges for the Aquatic Centre's be advertised in accordance with the <i>Local Government Act 1995</i> , effective from 10 February 2007. 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).	RESPONSIBLE OFFICER: Chief Executive Officer Awaiting Contract Documents to be signed by YMCA Inc. Board	
Ordinary Meeting held 28 February 2007				
11.2.1.2	Mgt of Court House Arts Centre and Cultural/Tourist Precinct	200607/195 Council Decision That Council: i) initiates discussions with the Port Hedland Visitor Centre Committee with the aim of investigating the establishment of an executive board to manage the Port Hedland Visitor Centre and the Courthouse Arts Centre and Gallery; ii) negotiates an agreement, for ratification by Council, with FORM Contemporary Craft and Design Inc to manage the Courthouse Arts Centre and Gallery until 30 June 2007; and iii) approaches the following, to ascertain their level of interest in serving with elected and executive representatives of Town of Port Hedland in an Executive Board of Management ...	RESPONSIBLE OFFICER: Director Regulatory and Community Services Ongoing discussions.	
11.2.2.2	Prop Single Hse - Shed Additions and Sea Container R-Code Var. at Lot 2 Manilinha Dv, PH	200607/197 Council Decision That Planning Approval be granted for the construction of a single house - shed additions and sea container at Lot 2 Manilinha Drive (Application Number 2007/008), as indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Planning Officer Issued	COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP- DATE
11.2.2.3	Prop Change of Use from Single House to Res. Build - Respite Facility for 6 Clients and 2 Supv – Lot 2889 (47) Acacia Wy, SH	200607/198 Council Decision That Planning Approval be granted for the Change of Use from Single House to Residential Building – Respite Facility for 6 clients and 2 supervisors – Lot 2889 (47) Acacia Way, South Hedland (Application Number 2006/187), as indicated on the approved plans, subject to the following conditions: ...	RESPONSIBLE OFFICER: Planning Officer Issued	ü COMPLETE
11.2.2.4	Proposed Incidental Accom. & Storeroom Add. to Existing Hall – Lot 1628 Moore St, PH	200607/199 Council Decision/Officer’s Recommendation That Planning Approval be granted for the construction of a Place of Public Meeting, Assembly or Worship – temporary incidental accommodation (6 units) and storage additions within two transportable buildings at Lot 1628 R29781 Moore Street, Port Hedland (Application Number 2007/019), as indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Planning Officer Issued	ü COMPLETE
11.2.2.5	Proposed Amendments to Town of Port Hedland Policy 12/001 Home Occupation	200607/200 Council Decision/Officer’s Recommendation That Council: i) Commence the amendment of the Town of Port Hedland Planning Scheme No. 5. pursuant to section 75 of the <i>Planning and Development Act</i> and in accordance with the process provided by section 25 the <i>Town Planning Regulations 1967</i> ; ii) Commence the amendment of the Town of Port Hedland Policy 12/001 Home Occupation Policy (Policy), in accordance with section 5.1.9 of the Town of Port Hedland Planning Scheme No 5 (TPS5); iii) Refer the proposed draft amendments of TPS5, outlined at Attachment 2, to the Environmental Protection Authority (EPA) for direction on advertising as required by the <i>Planning and Development Act</i> and <i>Town Planning Regulations 1967</i> ; iv) Subject to direction from the EPA, advertise proposed amendments to TPS5 and notify the Western Australian Planning Commission accordingly; v) Advertise the draft revised Policy in accordance with section 5.1.4 of TPS5, amended as outlined below, and included at Attachment 1, for the same time frame as the proposed amendments to TPS5.	RESPONSIBLE OFFICER: Planning Officer Preparing submission to EPA	
11.2.2.6	Request to Cancel Vesting of Reserve 35311 (Lot 3715) Koojarra Crescent, South Hedland	200607/201 Council Decision/Officer’s Recommendation That Council requests the Department for Planning and Infrastructure to cancel Reserve 35311, comprising the whole of lot 3715 Koojarra Crescent, South Hedland subject to: i) the owner of lot 3504 Koojarra Crescent South Hedland purchasing the portion of Reserve 35311 (lot 3715 Koojarra Crescent) adjacent to lot 3504; ii) a four (4) metre wide portion of Reserve 35311 adjacent to Reserve 35328 being amalgamated into Reserve 35328; iii) any portion of Reserve 35311 (lot 3715 Koojarra Crescent) adjacent to lot 3503 not amalgamated into adjoining freehold title being included in Reserve 35328; iv) any easement required by any service provider being granted at no cost to Council; and v) the reserve cancellation being at no cost to Council.	RESPONSIBLE OFFICER: Planning Officer Awaiting Advice from applicant.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.2.7	Proposed Scheme Amend. to Rezone Lots 2116 and 2117 Nth Circular Rd SH from "Community" to "R 30."	200607/202 Council Decision/Officer's Recommendation That Council refuse to initiate the Scheme Amendment submitted by Gray and Lewis Land Use Planners on behalf of Voyager Resources as outlined in the application received 30 January 2007 (Application 2007/013) for the following reasons: i) the proposed zoning is not in accordance with the Town of Port Hedland Town Planning Scheme No. 5 precinct objectives as outlined in section 5.3.5; ii) the proposed rezoning is not consistent with existing development along North Circular Road; and iii) the proposed rezoning would comprise ad hoc development that is not in accordance with proper and orderly planning	RESPONSIBLE OFFICER: Planning Officer Applicant advised – received request for reconsideration – no action.	ü COMPLETE
11.2.2.8	Proposed Partial Road Closure of Crowe St, PH	200607/203 Council Decision/Officer's Recommendation That: i) the proposed closure of a portion of the Crowe Street road reserve be advertised in accordance with section 58 of the <i>Land Administration Act 1997</i> as outlined in the survey plan submitted on 5 January 2007; ii) all submissions regarding the proposed road closure prior to making a determination on this matter be considered by Council at the next available Ordinary Meeting; and iii) the applicant be advised that all costs incurred for the advertising of this proposal will be the responsibility of the applicant.	RESPONSIBLE OFFICER: Planning Officer Preparing advertising	
11.2.3.1	Tender 06/38 State Emergency Building Tender	200607/204 Council Decision/Officer's Recommendation That: 1. Tender 06/38 for the supply and construction of a 475m ² building as submitted by Western Australian Building Group for the Port Hedland State Emergency Service in the amount of \$269,900 including GST, be accepted and; 2. the balance of works to complete this building to the specification as detailed in Schedule two of Tender 06/38 be undertaken at a cost not to exceed the total project budgeted amount of \$770,000 (including the cost of the building of \$269,900 including GST). This work to be undertaken by Councils Building Department in conjunction with the Port Hedland State Emergency Service Unit.	RESPONSIBLE OFFICER: Manager Building Services	ü COMPLETE
11.3.1.2	Road Trauma Reduction Campaign	200607/206 Council Decision/Officer's Recommendation That Council decline request to financially contribute to the Road Trauma Reduction Fund.	RESPONSIBLE OFFICER: Director Engineering Services	ü COMP
11.3.2.1	JD Hardie Working Group - Recommendation for Future of JD Hardie Centre	200607/207 Council Decision That: i) the Youth Involvement Council (YIC) be advised that: ii) the JD Hardie Centre be maintained as the primary recreation centre, with an emphasis on providing structured and semi-structured programs for youth, whilst a feasibility study is undertaken into the proposed new multi-purpose recreation centre; iii) other agencies be invited to become members of the JD Hardie Working Group to determine interaction and co-relationship with the YIC and the Town of Port Hedland in regards to the JD Hardie Centre; iv) Council develop a fee structure for youth based programs at the JD Hardie Centre commence, with subsidies, promotions and funding all considered. v) a Memorandum of Understanding (MOU) or agreement be negotiated between the Town of Port Hedland and Youth Involvement Council Inc. to formalise their current and future role in the JD Hardie centre programming.	RESPONSIBLE OFFICER: Recreation Co-ordinator Ongoing – JH Hardie WG Mtg held 21.03.07	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.3.2.2	Schedule of Fees and Charges – Request for Additional Fees for JD Hardie Centre Programs	200607/208 Council Decision/Officer’s Recommendation That: i) the 2006/07 Schedule of Fees and Charges be amended for the JD Hardie Centre to include (inclusive of GST): ... effective ten 10 working days from date of advertisement; and ii) the new fees and charges be advertised for two (2) weeks prior to the implementation of the new programs, in accordance with section 6.19 of the Local Government Act 1995.	RESPONSIBLE OFFICER: Recreation Co-ordinator	ü COMPLETE
11.3.2.3	Request for Waiver of Fees for Basketball	200607/209 Council Decision/Officer’s Recommendation That the Youth Involvement Council Inc. (YIC) be advised that: i) their request for waiver of fees for the junior basketball competition be denied; and ii) the Chief Executive Officer’s nominated officer(s), the YIC and the Indigenous Sports Development Officer attempt to obtain funding to subsidise the competition.	RESPONSIBLE OFFICER: Recreation Co-ordinator	ü COMP
11.3.2.4	Request for Fee Waiver of Hire & Lighting Costs of Marie Marland Reserve, Diamond 1	200607/210 Council Decision/Officer’s Recommendation That Council waives the costs of hiring Marie Marland Reserve, Diamond 1 including lighting (total cost being \$203.72) for the Police versus Kids Baseball game being held at Marie Marland Reserve, Diamond 1 on Monday 26 March 2007.	RESPONSIBLE OFFICER: Recreation Co-ordinator	ü COMPLETE
11.3.2.5	Triple J’s One Night Stand	200607/211 Council Decision/Officer’s Recommendation That: i) the waiver of fees for: ... be approved; ii) commitment be granted by Council to cover the costs of hiring 30 toilets for the event, at a maximum cost of \$3,715; iii) allowing the staff of the Town of Port Hedland to organise the One Night Stand entry application to Triple J within working hours be endorsed by Council; iv) cleaning after the One Night Stand at Kevin Scott Oval, to a maximum wage amount of \$600 be waived; v) authorisation be granted for Town of Port Hedland public liability insurance being used for all volunteers and staff at the event; and vi) additional funds obtained for the One Night Stand, and not utilised for the event, be donated to the Black Rock Stakes Committee Inc.	RESPONSIBLE OFFICER: Recreation Co-ordinator	ü COMPLETE
11.4.1.2	Audit and Finance Committee – Half Yearly Budget Review	200607/213 Council Decision That Agenda Item 11.4.1.2 ‘Audit and Finance Committee – Half Yearly Budget Review’ be reconsidered by Council’s Audit and Finance Committee, prior to future consideration by Council.	RESPONSIBLE OFFICER: Director Corporate Services Considered by CI at Special Mtg 14.03.07	ü COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.1.3	Requests for Fee Waiver of Gratwick Hall	200607/214 Council Decision That: i) the request by the Soroptimist International Port Hedland for fees and bond charges to be waived, for a fundraising evening for International Women’s Day on Thursday 8 March 2007, in Gratwick Hall be granted; ii) the request by the Rotary Club of Port Hedland for particular fees for the set-up and pack-up of the event be waived, for the Annual Rotary Charity Ball on Saturday 24 March 2007 in Gratwick Hall, be granted; and iii) the Chief Executive Officer, or his nominated officer, prepare a draft policy on waiver of fees for Council’s consideration during the 2007/08 budget process. iv) Council advise in writing to community groups that have previously applied to Council for fees to be waived in the past, including Soroptimist International Port Hedland and the Rotary Club of Port Hedland, that Council will be reviewing the Schedule of Fees and Charges in relation to venue hire for community groups.	RESPONSIBLE OFFICER: Director Corporate Services	ü COMPLETE
11.4.2.2	Method of Electing the Mayor	200607/218 Council Decision That Council keeps the method of filling the office of Mayor as the Mayor being elected by the Councillors method (in comparison to that of the office of Mayor being elected by the electors method).	RESPONSIBLE OFFICER: Chief Executive Officer	ü COMP
11.4.2.2	Street Names for Pretty Pool Subdivision	200607/219 Council Decision That Agenda Item 11.4.2.2 ‘Street Names for Pretty Pool Subdivision’ lay on the table for consideration at Council’s next Ordinary Meeting to be held on Wednesday 28 March 2007.	RESPONSIBLE OFFICER: Executive Assistant Report to March Ord Cl Mtg.	ü COMP
11.4.2.3	Adoption of the 2007-2012 Town of Port Hedland Strategic Plan	200607/220 Council Decision That: i) Council adopt the 2007-2012 Town of Port Hedland Strategic Plan with the following amendments (attached); and ii) quarterly reports be presented to Council indicating the status of the plan implementation and highlighting any new issues that have arisen.	RESPONSIBLE OFFICER: Chief Executive Officer	ü COMPLETE
11.4.2.4	Staff Housing Working Group Report	200607/221 Council Decision That: i) in relation to Council’s current Housing stock, Council will ... ii) the following housing development opportunities in the short/medium term be actively pursued by Council: ... iii) that the indicative capital cost outlay for the project be noted by Council, as being: ... iv) the financial implications of the proposals be considered in more detail (including using reserves, loans and municipal funds) as a component of the April Budget review and/or the 2007/08 Budget process.	RESPONSIBLE OFFICER: Chief Executive Officer	ü COMPLETE
11.4.2.5	Funding A’ment for Full Time Staff Member at C’house Arts Centre & Gallery - PRDS	200607/222 Council Decision/Officer’s Recommendation That: i) approval be granted for the Deputy Mayor and Chief Executive Officer to sign and duly affix the Town of Port Hedland Common Seal to the Pilbara Regional Development Scheme’s Financial Assistance Agreement (FAA) for financial contribution of \$75,000, towards the employment of a full time staff member at the Courthouse Arts Centre and Gallery, who will be dedicated to the development of both Indigenous and Non-Indigenous art and programming within Port Hedland and the surrounding area. ii) a tax invoice be raised for \$75,000, plus \$7,500 GST, to the Pilbara Development Commission.	RESPONSIBLE OFFICER: Executive Assistant	ü COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.2.6	Port Hedland Dust Suppression Program - PDC Funding Agreement	200607/223 Council Decision/Officer's Recommendation That: i) approval be granted for the Deputy Mayor and Chief Executive Officer to sign and duly affix the Town of Port Hedland Common Seal to the Pilbara Development Commission's Financial Assistance Agreement (FAA) for financial contribution of \$350,000, towards the Port Hedland Dust Abatement Program, to be expended as follows: ... a tax invoice be raised for \$265,000, plus \$26,500 GST being for: ... ii) a tax invoice be raised for remaining three (3) annual installment payments of maintenance allowance for Green Machine Street Sweeper unit, as follows: ...	RESPONSIBLE OFFICER: Executive Assistant	COMPLETE
11.4.2.7	Qantas Lease at Port Hedland International Airport	200607/224 Council Decision That Council: i) authorises the signing and sealing of the lease document between Qantas Airways Limited and the Town of Port Hedland for Part of the Port Hedland Airport Terminal and Baggage Facilities; and ii) issues a tax invoice be raised against Qantas for the outstanding total of Consumer Price Index (CPI) as from 30 June 2002.	RESPONSIBLE OFFICER: Chief Executive Officer	COMPLETE
12.1.1	Proposed Airport Revaluation Exercise	200607/225 Council Decision That: i) quotations be called from qualified, experienced airport valuers to undertake a commercial valuation of the land, assets and business operations at the Port Hedland International Airport; and ii) up to \$50,000 be allocated from PHIA Reserve Fund to undertake a commercial valuation of the land, assets and business operations at the PHIA by a qualified, experience valuer.	RESPONSIBLE OFFICER: Chief Executive Officer	
		200607/226 Council Decision That: Council write to the Department of Housing and Works requesting a planning session with Council and the Land Use Master Plan Coordinating Group to co-ordinate the development of the final South Hedland New Living Master Plan, with Council's Land Use Master Planning Process.	RESPONSIBLE OFFICER: Chief Executive Officer	COMP.
Special Meeting held 14 March 2007				
6.1.1	Audit and Finance Committee – Half Yearly Budget Review	200607/228 Council Decision/Officer's Recommendation That the Council: i) the unconfirmed Minutes of the Audit and Finance Committee held on the 6 March 2007 be noted; and ii) the proposed budget amendments (Attachment 1) which will result in increasing the Cash Surplus to \$1,723,700 be adopted; and iii) the resulting cash surplus be allocated in the following manner: ... iv) as part of the 2007/08 budget process, Council will consider changing the purpose of the Staff Entitlement Reserve to include Sick Leave Entitlements.	RESPONSIBLE OFFICER: Director Corporate Services	COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
6.2.1	Cyclone George Relief Fund	200607/229 Council Decision/Officer’s Recommendation That: i) the Cyclone George Relief Fund Committee be established in accordance with Section 5.8 of the Local Government Act; ii) the Cyclone George Relief Fund Committee be established as a Committee comprising Council members, employees and other persons with the following representation, in accordance with Section 5.9(2)(c) of the Local Government Act, as follows: ... iii) the purpose of the Cyclone George Relief Fund is to provide grants and or other assistance to help individual residents, community groups and the Port Hedland Community to effect repairs to personal and public property and to restore normal living conditions as quickly as possible following Cyclone George, using funds/pledges obtained through the Cyclone George Relief Appeal; iv) the Cyclone George Relief Fund Committee be granted delegated authority to make binding decisions on the expenditure of external funding obtained for the Cyclone George Relief Fund appeal; and v) the Duration of the Cyclone George Relief Fund Committee is effective immediately, until 30 May 2007, unless otherwise extended by the Council.	RESPONSIBLE OFFICER: Chief Executive Officer	COMPLETE

11.2 REGULATORY AND COMMUNITY SERVICES

11.2.1 Director Regulatory and Community Services

Nil.

11.2.2 Planning Services

NOTE: Councillor George J Daccache declared a financial interest in Item 11.2.1.1 'Delegated Planning Approval for February 2007, as he owns BHP Billiton Iron Ore shares and is employed by the company.

Chief Executive Officer advised Council is being requested to receive the report, which summarises decisions already made under Delegated Authority, i.e. Council not required to make individual determinations on planning approvals.

Councillor George J Daccache did not leave the room.

11.2.2.1 *Delegated Planning Approvals for February 2007 (File No.: 18/07/0002)*

Officer Lyn McAllister
Administration Officer
Development and
Regulatory Services

Date of Report 21 March 2007

Disclosure of Interest by Officer Nil

Summary

This item relates to the Planning Applications considered under Delegated Authority for the month of February 2007.

Background

A list of Planning Consents issued by Council's Planning Services under Delegated Authority for the month of February 2007 are attached to this report.

Consultation Nil

Statutory Implications

Town of Port Hedland Delegation Register 2007 outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment Nil

200607/234 Council Decision/Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr D R Pike

That the Schedule of Planning Consents issued by Delegated Authority for the month of February 2007 be received.

CARRIED 5/0

ATTACHMENT TO AGENDA ITEM 11.2.1.1

Application No	Application Date.	Date Determined	Description	Applicant's Name	Owner's Name	Address	Deleg.	Zoning
2006/139	17/10/2006	20/02/2007	SINGLE HOUSE - Carport (6m x 6m x 2.65m) addition	Michael Dorward	MICHAEL JAMES DORWARD	179 ATHOL STREET PORT HEDLAND WA 6721	Yes	
2007/006	12/01/2007	27/02/2007	MOTOR VEHICLE AND/OR MARINE REPAIR incidental caretaker's residence and office	Shidaz Pty Ltd	JENNIFER LORRAINE STEWART	1 SANDHILL STREET WEDGEFIELD 6724	Yes	
2007/026	29/01/2007	28/02/2007	TRANSIENT WORKFORCE ACCOMMODATION - 8 Person Camp	Primary Resources Limited	BULLION MINERALS LTD (ACN 009 799 553)	E47/ 00590 MINING TENEMENT PORT HEDLAND AREA 6721	Yes	
2007/027	06/02/2007	23/02/2007	SINGLE HOUSE - shed addition requiring R-Codes Variation	Graeme Pitt	GRAEME TERRACE PITT	12 TRUMPET WAY SHELLBOROUGH 6722	Yes	
2007/035	07/02/2007	21/02/2007	SINGLE HOUSE - patio and carport additions	Pilbara Constructions P/L	BHP BILLITON IRON ORE (GOLDSWORTHY) P/L	5 STRONDS WAY SHELLBOROUGH 6722	Yes	
2007/037	07/02/2007	21/02/2007	SINGLE HOUSE - carport and patio additions	Pilbara Constructions P/L	BHP BILLITON IRON ORE PTY LTD	2 STRONDS WAY SHELLBOROUGH 6722	Yes	
2007/038	07/02/2007	21/02/2007	SINGLE HOUSE - carport and patio additions	Pilbara Constructions P/L	BHP BILLITON IRON ORE (GOLDSWORTHY) P/L	14 STRONDS WAY SHELLBOROUGH 6722	Yes	
2007/039	07/02/2007	21/02/2007	SINGLE HOUSE - carport and patio additions	Pilbara Constructions P/L	BHP BILLITON - IRON ORE VACANT - HPP	13 STRONDS WAY SHELLBOROUGH 6722	Yes	
2007/040	07/02/2007	22/02/2007	SINGLE HOUSE - carport and patio additions	Pilbara Constructions P/L	BHP BILLITON IRON ORE (GOLDSWORTHY) P/L	6 STRONDS WAY SHELLBOROUGH 6722	Yes	
2007/041	07/02/2007	22/02/2007	SINGLE HOUSE - carport and patio additions	Pilbara Constructions	BHP BILLITON IRON ORE PTY LTD	9 STRONDS WAY SHELLBOROUGH 6722	Yes	
2007/042	07/02/2007	22/02/2007	SINGLE HOUSE - carport and patio additions	Pilbara Constructions P/L	BHP BILLITON IRON ORE (GOLDSWORTHY) P/L	10 STRONDS WAY SHELLBOROUGH 6722	Yes	
2007/045	15/02/2007	27/02/2007	SINGLE HOUSE - shed addition requiring R-Code variation	Shane Swinton	SHANE ALFRED SWINTON	105 PATON ROAD SOUTH HEDLAND WA 6722	Yes	

11.2.2.2 Scheme Amendment No. 9 – Rezoning lot 313 Anderson Street Port Hedland from “Residential R 12.5/50” to “Other Public Purposes – Telecommunications.” (File No.: 18/09/0016 and 117280G)

Officer Andrew Patterson
Planning Officer

Date of Report 21 March 2007

Disclosure of Interest by Officer Nil

Summary

At its Ordinary Meeting on 28 June 2006, Council initiated an amendment to the Town of Port Hedland Town Planning Scheme No. 5. This amendment proposed to rezone a portion of lot 313 Anderson Street Port Hedland from “Residential R 12.5/50” to “Public Purposes – Telecommunications.”

This Scheme amendment is referred to Council for final adoption pursuant to Council’s adopted Delegation Register, section 10:

“10. Scheme Requirement

The Director Community Development Services may forward Town Planning Scheme Amendments to the Planning Commission for final approval in the case of:

- i) There being no submissions received during the statutory advertising period; and*
- ii) The proposal being of an uncontentious nature.*

The date of adoption of Council's final approval shall be the date of the next Council Ordinary Meeting following the closing date of the advertising period.”

Council has received one (1) submission regarding this application in response to the statutory advertising.

Background

Lot 313 is currently owned by Telstra and is the site of a single residential dwelling and a telephone exchange. Whelans Town Planners, acting for the landowner request this scheme amendment in order to allow the portion of land occupied by the telephone exchange to be subdivided from the residential component, thus enabling further residential development on the remainder of the site.

A detailed report on this proposal is included in the report considered by Council at its Ordinary Meeting on 28 June 2006, item 11.2.2.3.

In response to the statutory advertising period, comprising newspaper advertising, signs placed on the site and letters mailed to adjacent landowners and service providers, one submission has been received.

FESA has submitted the only comment regarding this proposed amendment, and have noted that they have reviewed the application and advised that they have no comment to submit. A copy of this submission is attached to this report.

Consultation

This application has complied with all statutory consultation and advertising requirements pursuant to the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.

Statutory Implications

After making a final resolution regarding this item, Council is to forward the amendment documentation with the recommendation to the Minister for Planning and Infrastructure within 28 days of the resolution.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Pursuant to Council's adopted Schedule of Fees and Charges, the applicant has submitted \$2,500 in fees, being a \$1,000 application fee and \$1,500 adoptions fee. Funds have been deposited into account Application Fees.

Officer's Comment

Council has supported this application at the initiation stage and has received no objections regarding this proposal. As the proposed scheme amendment will more accurately reflect the current and future use of this portion of land, it is recommended that the amendment be supported.

As there is only one submission regarding this proposal, and that no objection is raised, Council should note the submission prior to adopting this amendment.

200607/235 Council Decision/Officer's Recommendation**Moved:** Cr D R Pike**Seconded:** Cr J M Gillingham**That:**

- i) the submission from FESA regarding the proposed *Town of Port Hedland Town Planning Scheme No. 5* amendment 9 be noted;
- ii) pursuant to section 75 of the Town Planning and Development Act 2005 (as amended), Council resolves to amend *Town of Port Hedland Town Planning Scheme No.5* by:
 - a) reclassifying the portion of Lot 313 Anderson Street Port Hedland described in attachment 2 from "Residential R 12.5/50" to "Other Purposes – Telecommunications" reserve; and
 - b) amending the Scheme Map accordingly; and
- iii) the Chief Executive Officer be authorised to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended).

CARRIED 5/0

ATTACHMENT TO AGENDA ITEM 11.2.2.2



5:44 pm Councillor George J Daccache declared a financial interest in Items 11.2.1.3 'Proposed Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 8 – Rezoning Lot 5197 (21) Harper Street, Port Hedland from "Residential R15" to "Residential R30" ' ; and 11.2.1.4 'Proposed Five Groped Dwellings at Lot 3 (17) Dempster Street, Port Hedland', in writing at the commencement of the meeting, as he owns BHP Billiton shares and is employed by the company. Councillor George J Daccache left the room.

NOTE: Councillor Arnold A Carter declared a financial interest in Item 11.2.1.3 'Proposed Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 8 – Rezoning Lot 5197 (21) Harper Street, Port Hedland from "Residential R15" to "Residential R30" ' in writing at the commencement of the meeting, as he owns BHP Billiton shares. Councillor Carter did not leave the room, as the Department of Local Government and Regional Development have granted him an exemption to do so.

NOTE: Councillor Des R Pike declared a financial interest in Item 11.2.1.3 'Proposed Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 8 – Rezoning Lot 5197 (21) Harper Street, Port Hedland from "Residential R15" to "Residential R30" ' in writing at the commencement of the meeting, as he owns BHP Billiton shares. Councillor Pike did not leave the room, as the Department of Local Government and Regional Development have granted him an exemption to do so.

NOTE: Council did not having a quorum to consider Agenda Item 11.2.2.3 'Proposed Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 8 – Rezoning Lot 5197 (21) Harper Street, Port Hedland from "Residential R15" to "Residential R30" '.

11.2.2.3 Proposed Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 8 – Rezoning Lot 5197 (21) Harper Street Port Hedland from “Residential R 15” to “Residential R 30.” (File No.: 18/09/0014 and 101770G)

Officer Andrew Patterson
Planning Officer

Date of Report 13 March 2007

Disclosure of Interest by Officer Nil

Summary

At its Ordinary Meeting on 22 March 2006, Council initiated an amendment to the Town of Port Hedland Town Planning Scheme No. 5 to rezone lot 5197 (21) Harper Street Port Hedland from “Residential R 15” to Residential R 30.”

Subsequent to Council considering final adoption of this amendment at its Ordinary Meeting on 27 September 2006, an additional submission has been received from Telstra relevant to this application.

This item is referred for Council consideration, as the Western Australian Planning Commission requires that Council consider all submissions, regardless of nature prior to making a resolution for a town planning scheme amendment.

Background

Council has considered this application when it initiated the amendment on 22 March 2006 and subsequently supported the amendment on 27 September 2006.

At the 27 September 2006 Meeting, Council considered the only submission then received, from TN and MH Brodie, that did not object to the proposal, but expressed concerns regarding potential overlooking issues should a two-storey dwelling be constructed on this lot. As discussed in this earlier report, overlooking issues are addressed in the *Residential Design Codes*, and that subsequent to the Brodie's submission, the landowner has submitted an application to construct a single-storey dwelling on the site.

As noted in these previous reports, the purpose of this amendment is to allow the development of the lot for an additional grouped dwelling. It is noted that Council has received an application for planning approval from Pilbara Construction on behalf of the landowner, BHP Billiton for the construction of an additional single storey dwelling. This application for planning approval has been held pending the outcome of this rezoning application.

Telstra's submission regarding this proposed rezoning notes that Telstra does have assets in the vicinity of lot 5197 (21) Harper Street Port Hedland, but does not object to the proposal.

This submission is included in the schedule of submissions that is required to be included in the submission of this amendment to the Minister for Planning and Infrastructure. In addition, copies of both submissions are included in the final submission to the Minister.

Consultation

No additional consultation has occurred with regard to this item as this proposal has been referred both internally and externally pursuant to all statutory requirements prior to the tabling of this report.

Statutory Implications

Council is to advise the Minister for Planning and Infrastructure of its recommendation regarding this proposed amendment within 35 days of making a resolution. Should the Minister support the amendment, notice will be published in the Government Gazette and local newspaper with the Department for Planning and Infrastructure modifying the Scheme Map as required.

Policy Implications

Nil.

Strategic Planning Implications

Nil.

Budget Implications

Pursuant to Council's Fees and Charges, the applicant has paid the application fee of \$1000 and final adoption fee of \$1500, with these fees deposited into account 1006326 – Town Planning Fees.

Officer's Comment

Council has previously supported this amendment and the Telstra submission provides no grounds for withdrawing this support.

Officer's Recommendation

That:

- i) Amendment No.8 to Town Planning Scheme No.5 be adopted without modification;

- a) the following Schedule of Submissions and recommendations be forwarded to the Western Australian Planning Commission for the Minister's consideration:

Name	Address	Submission
Telstra Corp.	80 Stirling St, Perth	Advises that Telstra has no assets in this vicinity and therefore does not object to the amendment. Further requests that Telstra be advised of any rezoning to allow for adjustment of cadastre records.
TN and MH Brodie	28 Harper St, Port Hedland	applicant does not oppose rezoning, however is concerned with potential overlooking issues should a 2-storey dwelling be constructed opposite their home.

and

- ii) the Chief Executive Officer be authorised to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (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.

NOTE: Council did not having a quorum to consider Agenda Item 11.2.2.3 'Proposed Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 8 – Rezoning Lot 5197 (21) Harper Street, Port Hedland from "Residential R15" to "Residential R30" '.

5:45 pm Councillor Shane F Sear declared a financial interest in Item 11.2.1.4 'Proposed Five Groped Dwellings at Lot 3 (17) Dempster Street, Port Hedland' in writing at the commencement of the meeting, as the applicant is a client of his business. Councillor Shane F Sear left the room.

NOTE: Councillor Arnold A Carter declared a financial interest in 11.2.1.4 'Proposed Five Groped Dwellings at Lot 3 (17) Dempster Street, Port Hedland' in writing at the commencement of the meeting, as he owns BHP Billiton shares. Councillor Carter did not leave the room, as the Department of Local Government and Regional Development have granted him an exemption to do so.

NOTE: Councillor Des R Pike declared a financial interest in 11.2.1.4 'Proposed Five Groped Dwellings at Lot 3 (17) Dempster Street, Port Hedland' in writing at the commencement of the meeting, as he owns BHP Billiton shares. Councillor Pike did not leave the room, as the Department of Local Government and Regional Development have granted him an exemption to do so.

NOTE: Councillor George J Daccache had declared a financial interest in Items 11.2.1.3 'Proposed Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 8 – Rezoning Lot 5197 (21) Harper Street, Port Hedland from "Residential R15" to "Residential R30" '; and 11.2.1.4 'Proposed Five Groped Dwellings at Lot 3 (17) Dempster Street, Port Hedland', in writing at the commencement of the meeting, as he owns BHP Billiton shares and is employed by the company. Councillor George Daccache left the room prior to Agenda Item 11.2.1.3.

NOTE: Council did not having a quorum to consider Agenda Item 11.2.1.4 'Proposed Five Groped Dwellings at Lot 3 (17) Dempster Street, Port Hedland'.

**11.2.2.4 Proposed Five Grouped Dwellings at Lot 3 (17)
Dempster Street Port Hedland (File No.: 130650G)**

Officer Richard Bairstow
Manager Planning

Date of Report 28 March 2007

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Pilbara Constructions P/L on behalf of the owner of Lot 3 (17) Dempster Street (BHP Billiton Iron Ore Pty Ltd) to construct five two storey grouped dwellings at this address. The dwellings are to be steel-framed and steel clad.

Background

Lot 3 (17) Dempster Street consists of 3675m² and the combined strata lot areas that are the subject of this application is 2170 m² and is zoned "Residential" and Coded "R 50" in the Town of Port Hedland Town Planning Scheme No. 5.

The land is zoned "Residential" and "Grouped Dwellings" are listed as an "P" use on the Town Planning Scheme No. 5 (TPS5) zoning table.

The Notice of Delegation however requires any Grouped Dwelling developments in excess of 2 dwellings be determined by Council.

The land is currently vacant however closely abuts an existing 8 grouped dwelling site.

Consultation

Internal comments from the applications referral were as follows:

Environmental Health Services has commented on the application and these comments have been included as conditions or footnotes within the application.

Building Services have not objected to the application and advised that the applicant will require a building licence and details regarding levels and potential retaining walls are required to be shown on the Building Licence application.

No external consultation is required for this application.

Statutory Implications

Part one of the *Planning and Development Act 2005* 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.

As a residential development the application is subject to the requirements of the Residential Design Codes of Western Australia (R-Codes). The applicant has requested a number of variations to the Acceptable Development Criteria and therefore these variations have been assessed under the Performance Criteria and details of this assessment are contained in the Officer's comment section under the sub heading of assessment.

Policy Implications Nil

Strategic Planning Implications

KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT

Goal 4 – Land Development Projects

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

Budget Implications

Planning application fees of \$4480 have been received and deposited into account 1006326 – Town Planning Fees, reflecting an estimated development cost of \$2 350 000

Officer's Comment

Residential Design Codes Assessment

The application complies with the requirements of the Residential Design Codes other than as stated as part of this report.

Setbacks:

House numbers 3, 4 and 5 setbacks to their balconies that face north don't comply with the minimum requirement of 2.3m nor the requirement for privacy screen. These variation are however not considered major given the adjoining property is a parks and recreation reserve.

Privacy Screening:

House number 5's western facing balcony is required to be screened and conditions have been imposed to ensure this.

Other assessment issues

The application currently proposes to develop House 1 over an existing cadastral boundary. Whilst not a planning issue a condition has been imposed to ensure that prior to the submission of a Building Licence for this dwelling that the boundary is realigned.

The application is considered to be of a high standard and is consistent with the surrounding development. The application is recommended subject to the conditions and footnotes detailed within the recommendation.

Officer's Recommendation

Planning Consent be granted to Pilbara Constructions Pty Ltd, on behalf of the owners, BHP Billiton Iron Ore Pty, Ltd, for the proposed 5 Units on Lot 3 (17) Dempster Street, Port Hedland as outlined in the Application received 2 February 2007 (Application 2007/021) and indicated on the approved plans, subject to the following conditions:

GENERAL

1. 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.
2. The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction Manager Planning.

PRIOR TO SUBMISSION OF BUILDING LICENCE

3. Amended plans being submitted to and approved by the Town incorporating the following amendment:
 - a) The western end of the balcony associated with House 5 shall be screen sufficiently to comply with the requirements of Clause 3.8.1 of the Residential Design Codes of Western Australia 2002; and

all to the satisfaction Manager Planning
4. All fencing shall be installed in accordance with the Residential Design Codes and/or the Dividing Fences Act and prior to the occupation of the dwelling(s) all to the satisfaction of the Manager Planning.
5. A detailed landscaping plan (including common areas and verge) to be submitted and approved the Manager Planning. 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. Verge treatments are to be in accordance with Council's Verge Treatment Policy 9/008.

6. Design levels of all proposed development are to be included on the Building Licence and to the satisfaction Manager Planning. If retaining walls are required then a Planning Consent for these may also be required to be submitted.
7. 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:
 - a) The delivery of materials and equipment to the site;
 - b) The storage of materials and equipment on the site;
 - c) The parking arrangements for the contractors and subcontractors;
 - d) Impact on traffic movement;
 - e) Operation times including delivery of materials; and
 - f) Other matters likely to impact on the surrounding residents;

to the satisfaction Manager Planning.

DURING CONSTRUCTION

8. Prior to the issue of a Certificate of Occupancy for Houses 1 or 5, the cadastral boundaries shall be amended such that the houses does not cross the boundary and the part strata lots are amalgamated in to a single strata lot all to the satisfaction of the Manager Planning.
9. Prior to the commencement of any works whatsoever a Dust Management Plan shall be submitted to and approved by the Town.
10. A minimum of 13 carparking including 3 visitor bays shall be provided on site.
11. All carparking and access ways are to be provided in accordance with the Town of Port Hedland's Town Scheme requirements with the exception of disable bays with are required to be a minimum of 3.8m wide.
12. The crossovers shall be designed and constructed to the residential specifications as defined by the Town of Port Hedland's Engineering Department and to the satisfaction of the Manager Planning, before occupation of dwellings.
13. The development to be connected to the Water Corporation deep sewerage service.

USE OF DEVELOPMENT

14. The western end of the balcony associated with House 5 shall be screen sufficiently to comply with the requirements of clause 3.8.1 of the Residential Design Codes of Western Australia 2002 prior to the occupation of the dwelling and all to the satisfaction of the Manager Planning.
15. Landscaping and reticulation to be established in accordance with the approved landscaping plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning
16. All carparking is to be maintained on-site and no verge parking is permitted without the prior approval of the Town.

ADVICE TO DEVELOPER

17. Be advised that the dwellings with the kitchen and laundry area sharing the same space will need to be redesigned to separate these facilities.
18. A Building Licence to be issued prior to the commencement of any on site works (BS).
19. The existing site levels and design levels of all proposed development, including levels on top of the kerb at the crossover, are to be shown on the Building Licence submission.
20. 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 a 'Grouped Dwelling' 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.
21. Please note for future reference that levels, contours, retaining walls, drainage and sewer lines, etc. must be shown on development plans to ensure a proper assessment can be made. Failure to provide this information may require design changes at the Building Licence stage, resulting in possible delays and inconvenience.
22. 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.
23. The development must not interfere with property and effluent mains and/or effluent disposal systems (EHS).

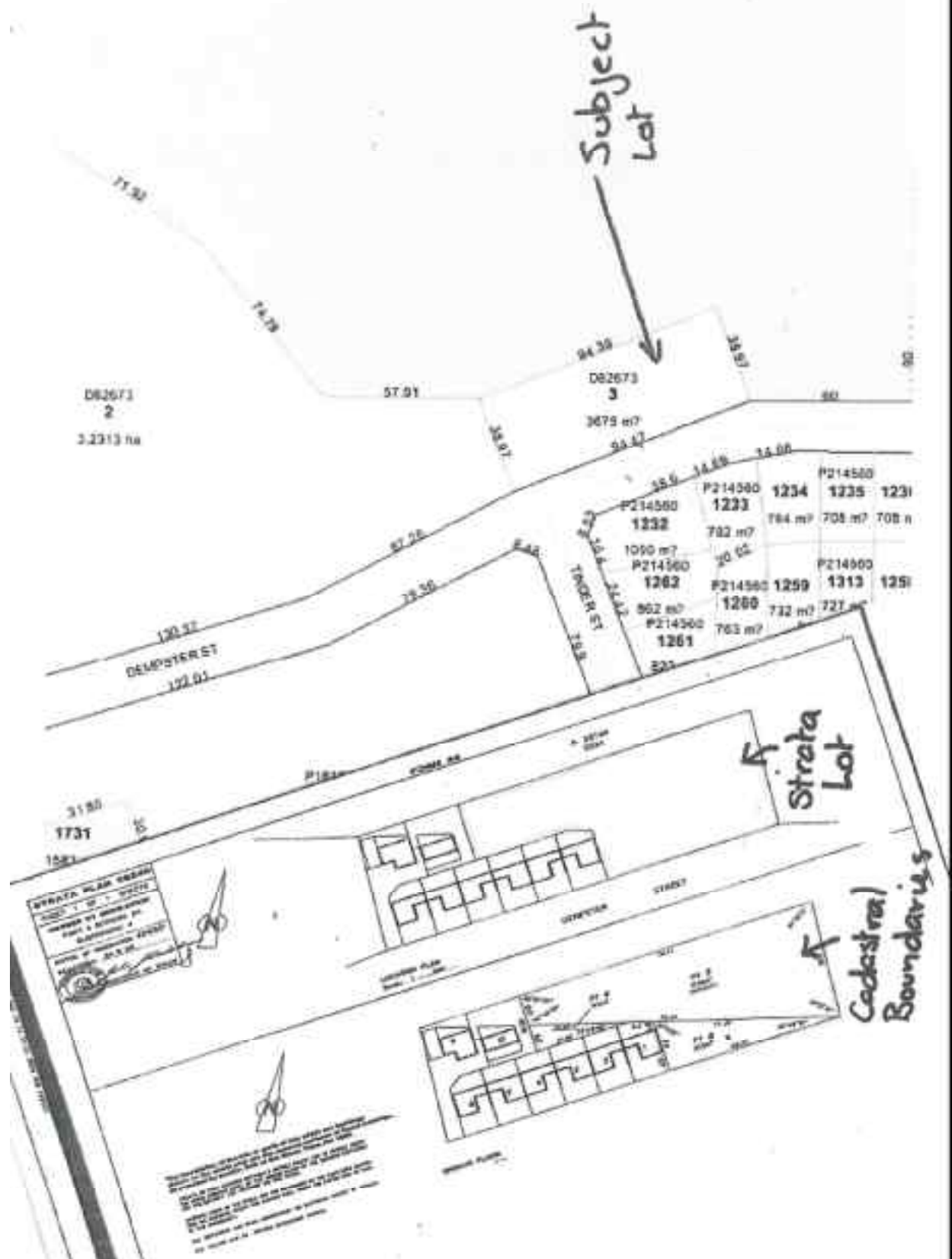
24. The developer to take note that the area of this application may be subject to tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall 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.
25. 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.
26. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

NOTE: Council did not having a quorum to consider Agenda Item 11.2.1.4 'Proposed Five Groped Dwellings at Lot 3 (17) Dempster Street, Port Hedland'.

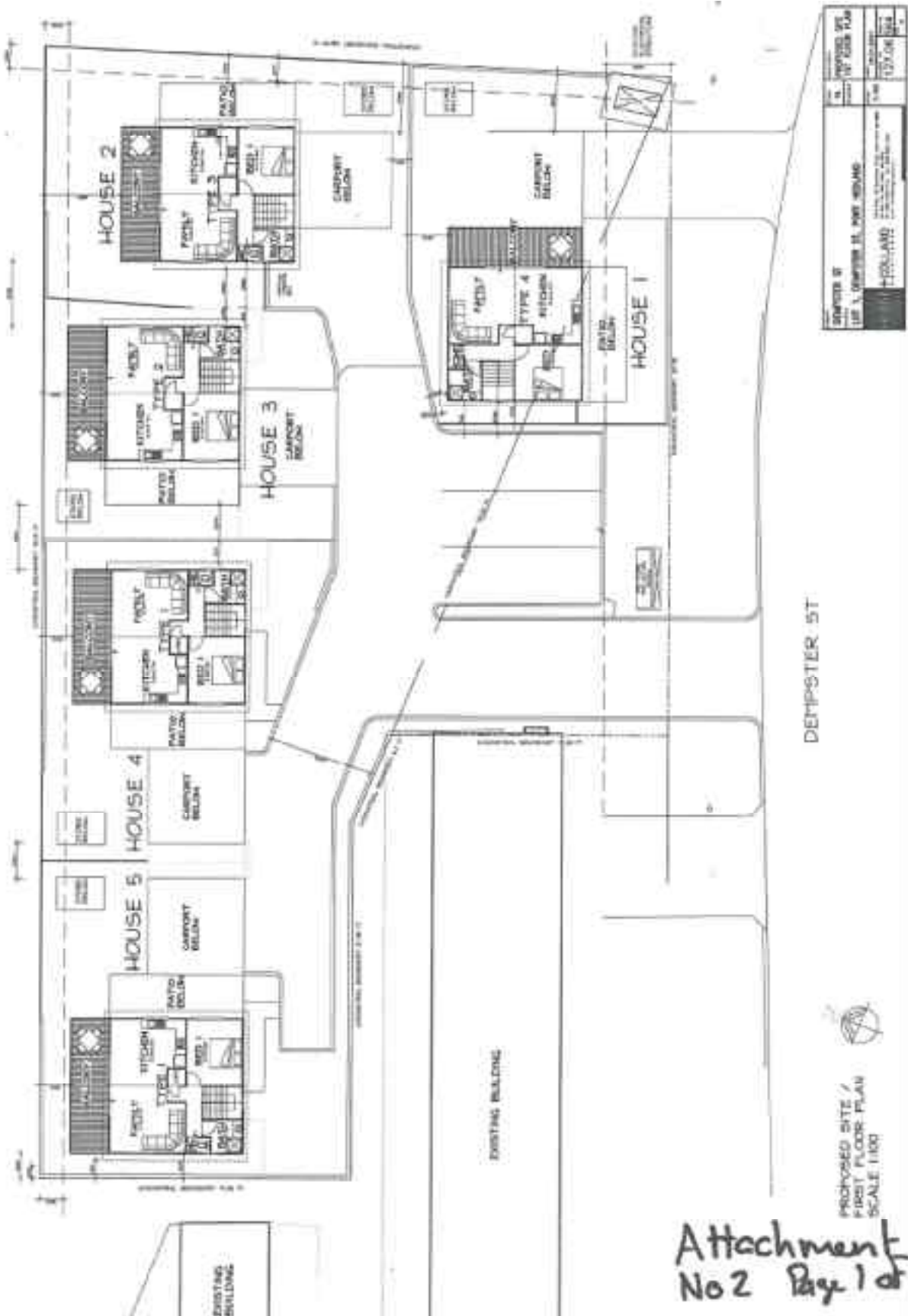
- 5:45 pm Councillor Shane F Sear re-entered the room and assumed his chair.
- 5:45 pm Councillor George J Daccache re-entered the room and assumed his chair.

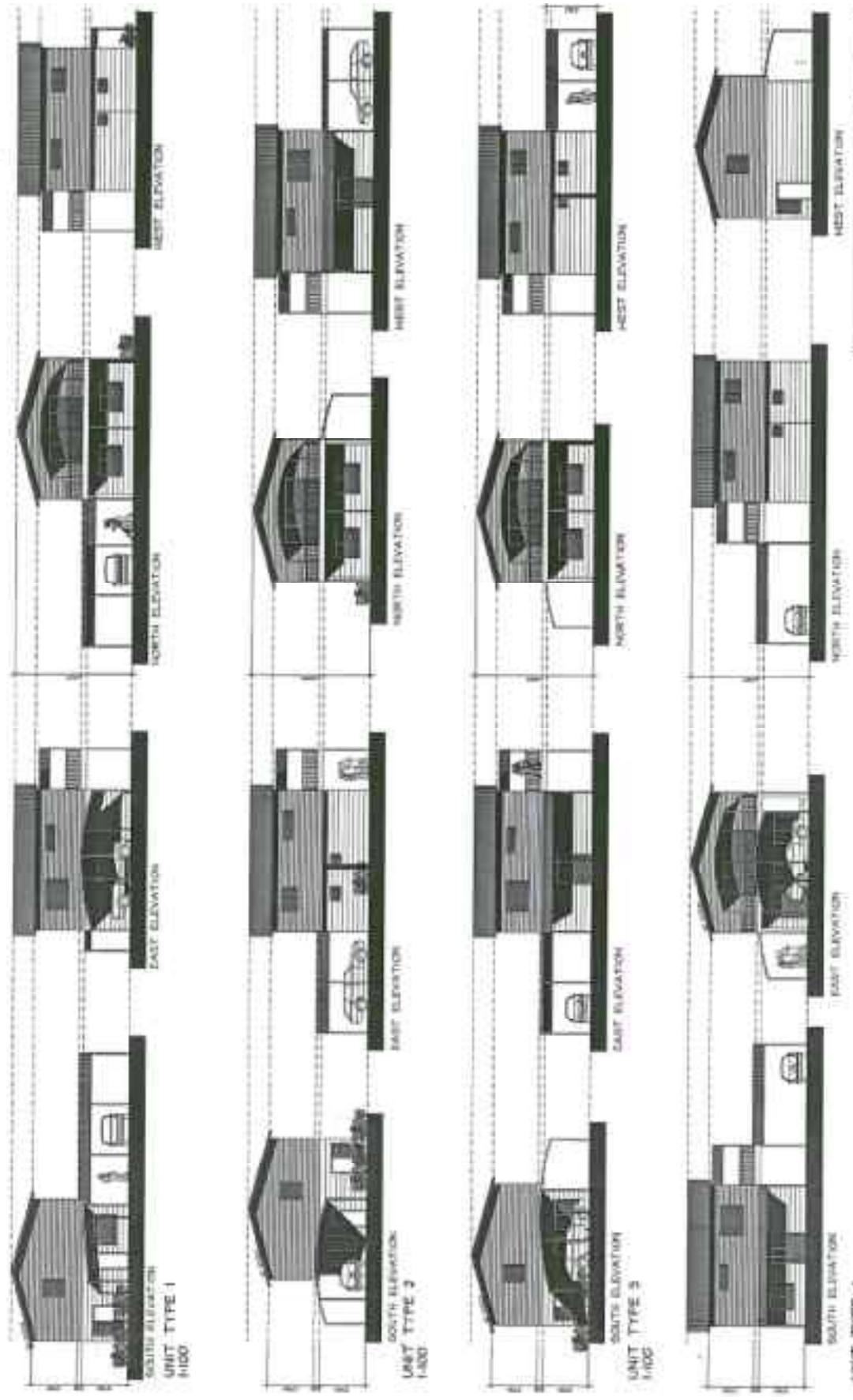
ATTACHMENT 1 TO AGENDA ITEM 11.2.2.4

Attachment 1
Page 1 of 1



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.4

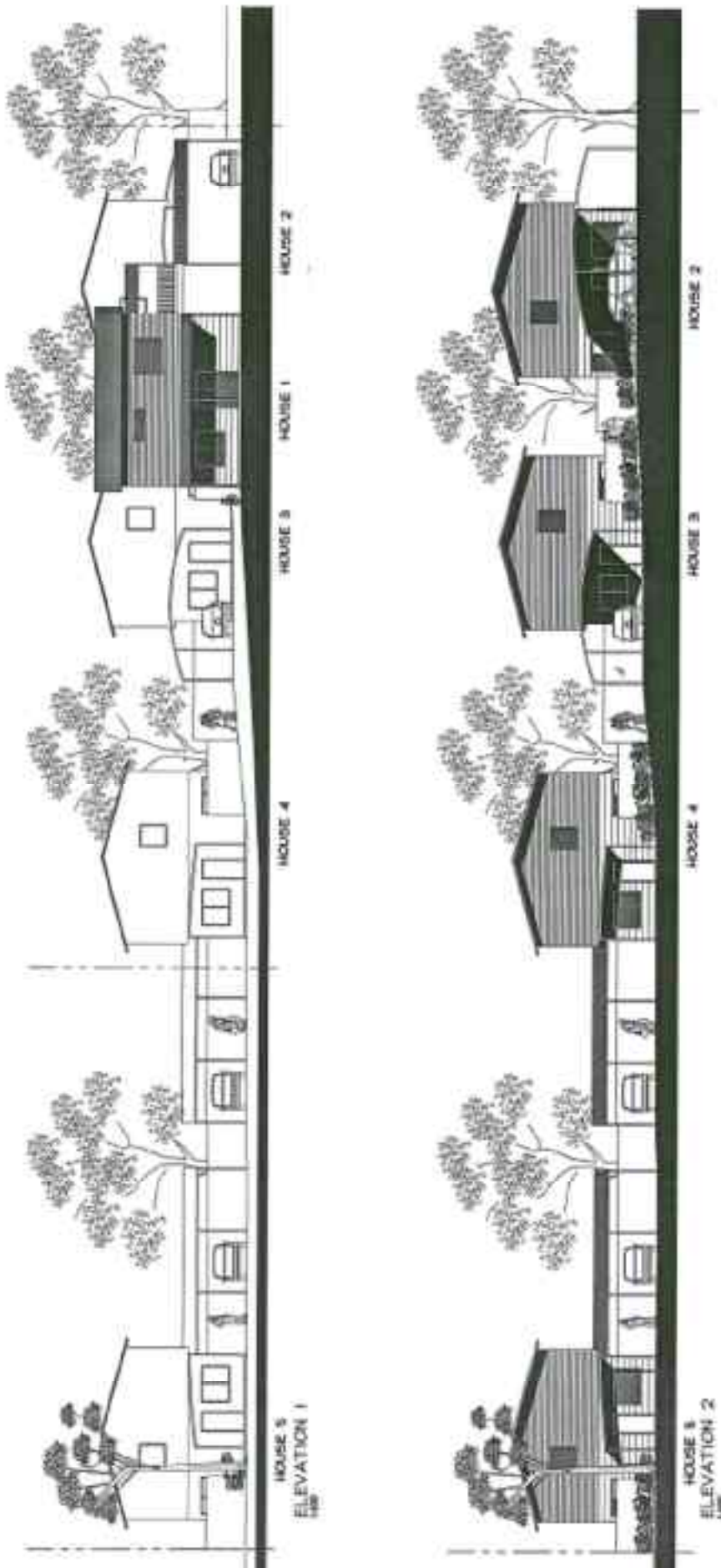




DESIGNED BY	DATE	IN CONSULTATION
DATE	DATE	DATE
NO. OF SHEETS	TOTAL SHEETS	NO. OF SHEETS
1	1	1
12/7/06	12/7/06	12/7/06

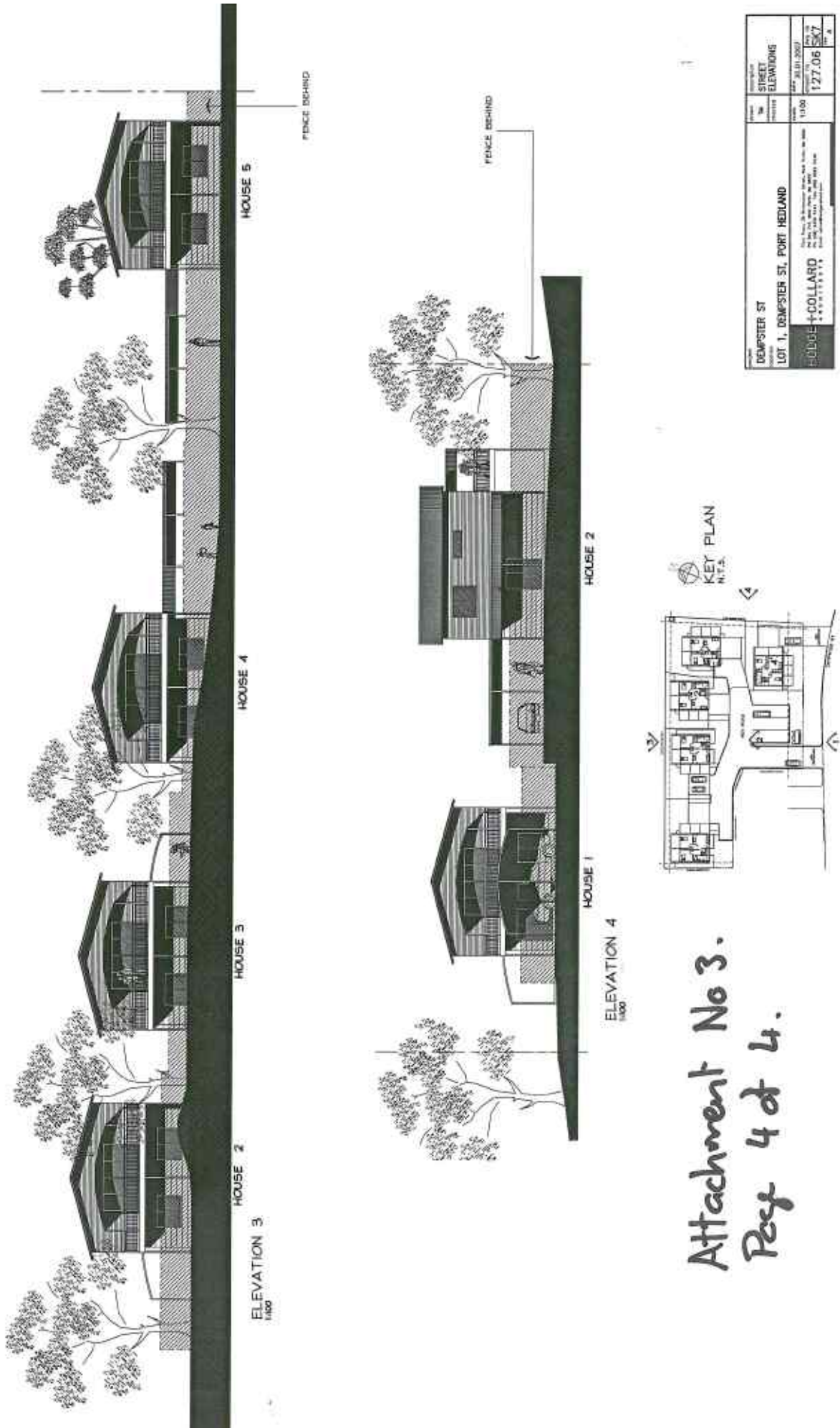
COLLABORATION
12/7/06

Attachment No 2.
Page 2 of 4



Attachment No 2.
Page 3 of 4

DESCRIPTION OF	ESTIMATE	ESTIMATE
LIT 1, COMPRES OF, POST HERLAND	1100	127,000
ESTIMATE	1100	127,000



DUMPSTER ST LOT 1, DUMPSTER ST, PORT REDLAND		DATE 28.03.2007
PROJECT STREET ELEVATIONS	SCALE 1:100	DATE 28.03.2007
DRAWN BY COLLARD		CHECKED BY SK7
DATE 28.03.2007		DATE 28.03.2007

Attachment No 3.
Page 4 of 4.

11.2.3 Ranger Services**11.2.3.1 Authorisation and Appointment of Ranger and Dog Registration Officers (File No: RAN –001)**

Officer Peter Wilden
Coordinator Ranger Services

Date of Report 7 March 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider the appointment of a Ranger and Dog Registration Officers.

Background

The Town of Port Hedland recently appointed a Training Ranger to administer and enforce the various Acts, Regulations and Local Laws within the Town of Port Hedland

Council additionally allows for the registration of dogs at both the Town of Port Hedland's Civic Centre as well as at the South Hedland Library. The Dog Act 1976 requires that all persons that register dogs be authorised under the said Act to carry out this function.

Officer's Comment

It is a legal requirement that any officer who undertakes the duties of a Ranger/Authorised Officer and effects the registration of dogs be authorised.

The new staff member Kevin Fitzgerald is to be authorised under the following Acts, Regulations and Local Laws.

- Dog Act 1976 and Regulations
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations
- Litter Act 1979 and Regulations
- Local Government Act 1995 and Regulations
- Local Government (Miscellaneous Provisions) Act 1960
- Town of Port Hedland Local Laws
- Bush Fires Act 1954 and Regulations
- Caravan and Camping Grounds Act 1995

Additionally the following staff members act in a capacity that requires them to be authorized as Dog Registration Officers.

Dylan Owen, Cay Norman, Kay Henare, Nicole Koenikia, Cheryl Crick, Claire Toccock, Christine Maddison, Lauren Archibald, Sesina Granquist, Paula Maguire.

Consultation

Not Applicable

Statutory Implications

For Authorized Officer/Ranger, the following legislation is applicable:

- Dog Act 1976 and Regulations (as amended)
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations
- Litter Act 1979 and Regulations
- Local Government Act 1995 and Regulations
- Local Government (Miscellaneous Provisions) Act 1960
- Town of Port Hedland Local Laws
- Bush Fires Act 1954 and Regulations
- Caravan and Camping Grounds Act 1995

For Dog Registration officers, Dog Act 1976 and Regulations (as amended) is applicable.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Authorisation of officers will need to be advertised in the Government Gazette, which will incur a cost to Council.

200607/236 Council Decision/Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr D R Pike

That:

- i) **staff member Kevin Fitzgerald be authorised as a Ranger/ Authorised Officer for the Town of Port Hedland pursuant to the following legislation:**
 - a) **Dog Act 1976 and Regulations (as amended)**
 - b) **Control of Vehicles (Off Road Areas) Act 1978 and Regulations**
 - c) **Litter Act 1979 and Regulations**
 - d) **Local Government Act 1995 and Regulations**
 - e) **Local Government (Miscellaneous Provisions) Act 1960**

- f) **Town of Port Hedland Local Laws**
 - g) **Bush Fires Act 1954 and Regulations**
 - h) **Caravan and Camping Grounds Act 1995**
- ii) **the following staff members be authorised as Dog Registration Officers for the Town of Port Hedland pursuant to the Dog Act 1976:**
- Dylan Owen, Cay Norman, Kay Hanare, Nicole Koenikia, Cheryl Crick, Claire Tocock, Christine Maddison, Lauren Archibald, Sesina Granquist and Paula Maguire;**
- iii) **the authorisation as a Ranger/Authorised Officer of Daniel Hendriksen, Carol-Ann Grazier, Clare Fletcher and Todd Quartermaine be cancelled; and**
- iv) **Leighah Carney, Jo Barbi, Nadia Hendriksen, Danielle Cowan, Debbie Evans, Christina Rodriguez-Logie authorisations as Dog Registration Officers be cancelled.**

CARRIED 5/0

11.3 ENGINEERING SERVICES

11.3.1 Director Engineering Services

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

Officer Grant Logie
Director Engineering Services

Date of Report 19 March 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	Parks & Gardens to complete planting of Bougainvillea & install reticulation along front fence. Limestone wall to be sealed. Preparing program, costings and funding possibilities for 07/08 works to be presented to Council.
Playgrounds	Engineering Services Crew will remove old playground equipment at Kevin Scott Oval ready for the installation of new equipment & rubber softfall in early April. Engineering Services are still waiting on quotes for a permanent shade structure over the playground equipment at Colin Matheson Oval.

Black Spot Funding	Throssell road and North Circular/Hamilton final designs are being prepared. North Circular/Murdoch final plans received and presented to Main Roads for approval of signage and line marking. Works put on hold due to cyclone.
Roads to Recovery Funding	Minor works at Buttweid/North Circular intersection will be completed by late April.
Regional Road Group Funding	Contractors currently extending culverts on North Circular Road and Wallwork road. North Circular road guard rail replacements have been delayed as Main Roads have been requested to carry out bridge load assessments. RRG Technical Committee have approved that this funding will be transferred to the culvert extension projects – details to be forwarded to Finance for budget alterations.
Kerbing Maintenance	Kerbing construction program complete. Kerbing contractors have been continuing kerbing maintenance.
Footpath Construction & Maintenance	Footpath Contractors are due to commence on the 19 th March. Old power poles on Anderson street have not been removed as yet. All other obstructions have been removed by Engineering Services.
Drainage Construction	Drainage works on Anderson street/Darlot street are nearly complete. Waiting for area to dry to complete asphalt works.
Landfill	Signage now installed. Quotes have been obtained for a shade shelter at the recycling hardstand area. Engineering Services organising a cage for aluminium cans. Hardstand area for green waste will be constructed when area dries out. Currently consulting with Environmental Health Services for new Septage Pond designs.
Wedge & Edgar street Streetscape Enhancements	Carpark construction & kerbing has commenced. Cross overs to be installed mid March. Seeking quotes for faux brick paving. Disabled bay relocated on Wedge street. Edgar parking layout presented at March Council Briefing.
Ride on Litter Vacuum Tender	Tenders have been received for the Ride-On Litter Vacuum. Engineering staff recommendations to be presented to Council this meeting
Forrest Circle Road Repairs	Flood damage has occurred due to cyclone. Engineering Services will seek advice to repair road.
Restricted Access Vehicles (RAV) – road trains	RAV request has been received for Unnamed road #373 (commonly know as 12 mile road or Speedway road). Officers assessed road and advised applicant that the road is unsuitable for road trains due to inadequate intersection designs. RAV request received for Drivers Rest road - applicant advised that road is not on Council's inventory therefore Council is not responsible for approval.

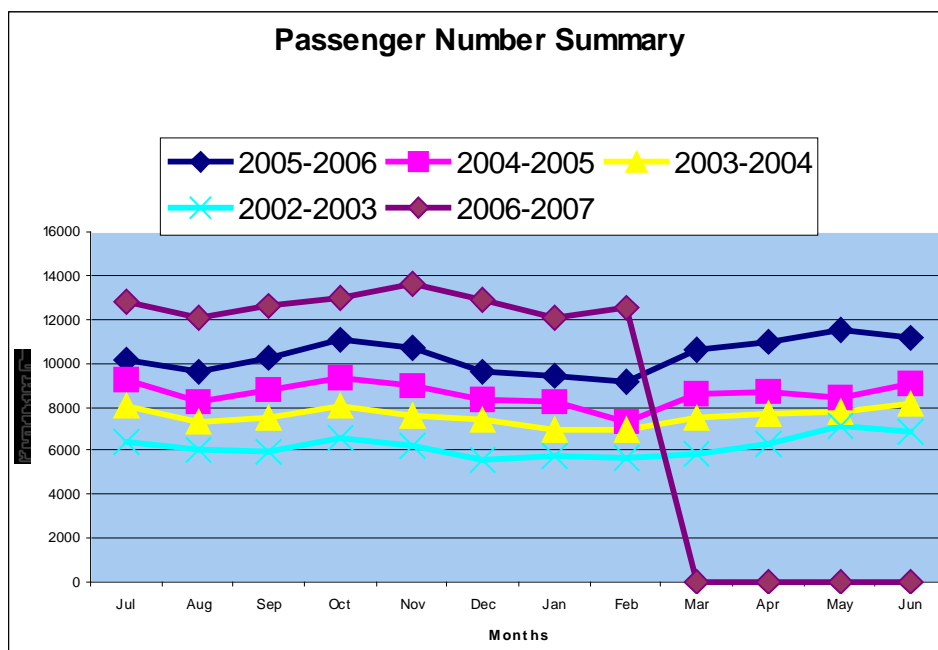
FMG Railway Construction	Railway construction continuing near Hillside-Woodstock road. Detours will be in place. The realignment of a section of Hillside-Woodstock road to suit the railway crossing is currently being investigated.
Dempster st development (St Cecelia's)	Broad Construction have commenced works on the St Cecelia's development on Dempster street in February. Intermittent road closures will be in place from March to June with traffic management in place. Broad Construction have been advised to reroute truck movements during peak school hours
Cyclone George	Cyclone clean up is currently underway. Engineering, Parks & Gardens crew along with various contractors are currently working their way through Port Hedland, South Hedland & Wedgefield. Assessments will take place over the coming weeks to determine the extent of damage and cost of repairs, with claims being made to insurance, WANDRA and Main Roads WA
Regional Infrastructure Funding Program	Applications submitted for funding for upgrade works to Throssell road (design as per Black Spot program - to enable completion of project in 07/08 instead of staged) and Wedge and Edgar street (remove existing interlocker pavers and footpath and install faux brick paving)
Wedgefield Upgrades	Surveyors have marked out the revised layout of turning circles at intersections of Pinga and Cajarina, Moorambine, Schillaman and Pinnacles. Reconstruction of intersections to commence beginning of April.
Walkway/Street Lighting Upgrades	Horizon Power have commenced works for the program and anticipate completion prior to end of financial year

Parks and Gardens

Oval Works	Colin Matheson Oval, Kevin Scott Oval and the Soccer Oval has had decompaction and rejuvenation work completed by contractors.
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Airport

Regular Passenger Transport Services Passenger Information as at 28 February 2007



Bali International Service:

Passenger numbers for the service continue to be strong following on from the holiday period.

International Movements:

Steady use of the airport as a departure and entry point to Australia. With outbound flights to Europe via the Maldives, Israel and Indonesia. Inbound flights were from USA & Europe

Cyclone Update:

Airport Staff have been kept busy with the cleanup following Cyclone George and to a lesser extent Jacob. The airport has suffered some damage to buildings and infrastructure. The runway and movement areas did not sustain any damage.

Senior staff worked during the cyclones to ascertain level of damage and to commence actions to reinstate operations in order to facilitate the movement of the injured and evacuations.

The airport hosted a number of charter operations to evacuate fly in fly out workers from various mining camps throughout the area following the passing of the storm. Aircraft were chartered from Ozjet, Virgin Blue, Our Airline (Air Nauru), Alliance Airlines to name a few.

Airport Staff were kept extremely busy attending not only to these operations but also continuing to cleanup and facilitate airport and rescue operations.

The airport team is to be commended on the effort that they put in with all staff attending the airport as soon as the red alert was lifted.

The airport team continued to work tirelessly over the weekend and until the passing of Jacob. Senior staff also fielded a number of calls around the clock regarding flights and the serviceability of the airport.

Damage to the terminal has commenced being repaired.

Airport Operations:

- The Airports Transport Security Program (TSP) has been approved by DOTARS in Canberra and came into force 10 March 2007.
- Sewerage Upgrade: survey complete – await final design.
- Fencing Upgrade: Fencing contractors are in town and will commence work in the next couple of days.
- Car Park Lighting: Works has commenced with a slight delay for Cyclones George and Jacob.

Recreation Services Update

General

Physical Activity Week

Physical Activity Week will take place from the 26th to the 31st of March, and are designed to encourage physical activity amongst the community. Events include:

- Cops vs. Kids Baseball Game. (South Hedland Police and the Hedland Baseball Association)
- Junior Dodge-Ball. (Town of Port Hedland)
- Senior Dodge-Ball. (Town of Port Hedland)
- Presidents Breakfast. (Town of Port Hedland)
- Captivate – Seminars regarding Disabilities in Sport and Recreation. (WALGA)
- Junior Football Competition. (Department of Sport and Recreation)
- PAW Walk. (Town of Port Hedland and Pilbara Population Health)
- Town Walk. (Town of Port Hedland and Pilbara Population Health).
- Free Fitness Classes. (The Edge Health and Fitness)
- Aqua Games Day. (YMCA)

Sporting Facilities Upgrades

Ongoing. Tiling, plumbing and electrical works have been completed at Kevin Scott Oval, Faye Gladstone Netball Courts, Marie Marland Reserve (Diamond 1 and 2) and are due to commence at McGregor Street Reserve Clubrooms and Colin Matheson Oval shortly.

Painting has commenced at Marie Marland Reserve (Diamond 2), and is due to commence at Kevin Scott Oval, Faye Gladstone Netball Courts, Colin Matheson Oval, McGregor St Reserve and Marie Marland Reserve Diamond 1 shortly.

Sporting Reserves Fencing Upgrades

Commencing next week. Southern Wire have been contracted, and arrived in Port Hedland this week. The schedule has altered to allow work to commence at Gratwick Aquatic Centre first as a priority, due to the damage sustained during the Cyclone.

Post Tropical Cyclone George Repairs

Maintenance and damage reports have been conducted at all sporting reserves, with leasing organisations asked to submit damage reports as soon as possible.

WAFL Game between Swan Districts and Claremont

An organising committee is undertaking the responsibility of this event, and includes representatives from South Hedland Swans and Rovers Football Clubs, and the Town of Port Hedland recreation staff. The game is scheduled for the 21st July at Kevin Scott Oval, with live coverage of the game. The committee will ensure the game is run in accordance with the WAFL guidelines.

Aquatic Centres

South Hedland Aquatic Centre

No data currently available due to power loss at the Aquatic Centre. All files and records are inaccessible.

Gratwick Aquatic Centre

No reports submitted at this time.

JD Hardie Centre

Participation Numbers – February 2007

Program	Attendees
Kids Club	109
Tae Kwon Do	311
All Sports	52
Dancing	46
Boxing	48
Mixed Netball	280 (10 teams)
Mixed Volleyball	288 (12 teams)

Programs

Term 1 programs have commenced, providing a range of different programs for both youth and adults. Class numbers are increasing from initial levels in Tae Kwon Do and Dance, due to the demonstrations on Australia Day.

Sports Competitions

The netball season was postponed for two (2) weeks due to vandalism of every overhead lighting tower (broken globes and protective glass). The globes have since been replaced and wire mesh has been placed over the bulbs to protect them.

All programs were postponed for one (1) week due to Cyclone George. Siblings of children participating in Kids Club were permitted to join in the sessions to encourage participation within the program and to encourage positive public relations. Feedback received from the parents was very positive.

New programs will commence in physical activity week at the end of March, and include:

- Dodgeball
- X-expression
- GR8 SK8
- Saturday Sessions
- Move-y Nights
- Sleep-over Nights

Staff

New staff have been employed to allow the expanding programs to be supervised effectively. All staff employed will obtain a Working With Children Check and will be eligible to obtain their Senior First Aid Certificate.

200607/237 Council Decision/Officer's Recommendation**Moved:** Cr D R Pike**Seconded:** Cr S F Sear**That Council receives the Engineering Services Report for February 2007.*****CARRIED 5/0***

11.3.1.2 Tender 06/40 Supply and Delivery of One Ride-on Litter Vacuum (File No.: 23/08/0029)

Officer Grant Logie
Director Engineering
Services

Date of Report 14 March 2007

Disclosure of Interest by Officer Nil

Summary

This document is a summary of the tenders received for the Supply and Delivery of One All Terrain Ride-On Litter Vacuum.

Background

Tenders were recently called for the supply & delivery of One (1) All Terrain Ride-On Litter Vacuum. The Ride-On Litter Vacuum has been funded by the Pilbara Development Commission as part of the Port Hedland Dust Suppression Program. The Ride-On Litter Vacuum will be used to improve and maintain the appearance of Port Hedland and will also contribute to dust suppression and litter collection within the town.

Consultation

Council's staff reviewed all the tender submissions prior to recommending Council's resolution.

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

Goal 1 – Litter: That the Town of Port Hedland is seen by residents and visitors as a clean and tidy place.

Strategy 1 – Implement a regular litter collection service throughout the town as a service to the public.

Strategy 3 – Work with key stakeholders to address dust issues.

Budget Implications

The budget for the Ride-On Litter Vacuum is \$97,750 plus GST. An expenditure and revenue account is to be raised. This expenditure has previously been approved by Council, with all funding being provided by the Pilbara Development Commission.

Officer’s Comment

One (1) non-conforming tender was received from Tennant as detailed in table 1 below:

Table 1:

Tenderer	Model	Price (ex. Gst)
Tennant	ATLV 4300 Litter Vac	\$68,566.00

Table 2 below indicates the specifications of All Terrain Ride-On Litter Vacuum as tendered:

Table 2:

Specifications as per Tender documentation:	Tennant’s Specifications
Vehicle	
Minimum 4WD vehicle to suit all terrain conditions as per the scope	Non-compliant – Machine is designed as rear wheel drive to cope with all terrains including grass.
Vehicle to be registered	Non compliant – registration can be provided at additional cost
<i>Minimum ground clearance 150mm</i>	Compliant
Any modifications deemed necessary must not affect any manufactures warranties and comply with manufacturer specifications.	Compliant
Engine	
Diesel powered	Compliant
Liquid cooled	Compliant
Minimum 14KW	Compliant – 20.9 kW
Air cleaner: dry replaceable	Compliant
Exhaust routed away from operator, with extra quiet residential type muffler	Compliant
Cooling system to meet North West conditions	Compliant
Transmission	
Neutral, forward & reverse	Compliant
Hydraulics	
A system that is suitable for North West conditions, with no loss of power due to heat build up in the hydraulic system	Compliant
Brakes/ Steering	
Hydraulic disc brakes with rear parking brake	Compliant

Power assisted steering	Compliant
Suspension	
Minimum requirement of spring/shock absorbers	Compliant
Fuel Tank Capacity	
<i>Minimum 20 litres</i>	Compliant
Tyres	
<i>Pneumatic all terrain tyres</i>	Non compliant – Foam filled to reduce risk of puncture
<i>Electrical</i>	
<i>Minimum 12 volt, 40 amp</i>	Compliant
Vacuum Pick Up System	
<i>Minimum of 200mm diameter pick up tube</i>	Compliant
<i>Main litter pick up hose to be easily detachable and single hand controlled</i>	Compliant
<i>Vacuum hose minimum of 4m in length</i>	Compliant
<i>Debris must not impact with impeller/fan</i>	Compliant
Water spray dust control with optional use of vacuum fan exhaust screen filters.	Compliant
<i>Driven by hydraulic motor</i>	Compliant
<i>Minimum debris capacity 400 litres</i>	Compliant
Cabin	
<i>ROPS, Roof (semi cab)</i>	Compliant
<i>Instrument panel to include fuel, charge, oil pressure metre and water temperature lights.</i>	Compliant
Safety Requirements	
<i>Audio – visual backup alarm</i>	Compliant
<i>Full road licensing light package</i>	Compliant
<i>Rotating hazard light</i>	Compliant
<i>4 way flashers</i>	Compliant
<i>Works lights</i>	Compliant
<i>Fire extinguisher 1.5kgs</i>	Compliant
<i>Safety warning signs as required</i>	Compliant
<i>2 rear view mirrors</i>	Compliant
Trailer	
<i>Trailer hitch on All Terrain Ride-On Litter Vacuum</i>	Compliant
<i>Trailer suitable for the transportation of All Terrain Ride-On Litter Vacuum</i>	Non compliant
Optional	
<i>Trailer which attaches to the All Terrain Ride-On Litter Vacuum for the purpose of transporting debris</i>	Non compliant
Warranty	
<i>Minimum 1 year, 1000 hours</i>	Compliant – parts 2 years, 2000 hours, labour 6 months
General	
<i>2 keys</i>	Compliant
<i>Operator and parts manual</i>	Compliant

Table 3 below indicates the evaluation criteria as per tender documentation:

Table 3:

Price	40%
Compliance with Specifications	30%
Parts & Service Availability	10%
Ability to Supply	10%
Local Supplier Preferences	10%
Total	100%

Table 4 below indicates the weighting applied to Tenderers as per tender evaluation criteria:

Table 4:

Tenderer	Price	Specification Compliance	Parts & Services	Ability to Supply	Local Supplier	Total
Tennant	40	15	10	10	0	75%

Tenderers also provided the following information:

Tennant

- Registration can be provided at additional cost.
- Trailer for transportation of the ATLV not included in the tendered price.
- Expected cost of trailer between \$6,000 to \$10,000 + GST depending on specifications and delivery cost.
- Tennant can assist the Town of Port Hedland’s chosen sub-contractor with normal specifications for trailer made to order (braked; ramp details; capacities; 2 wheel or twin axle).
- Trailer for towing behind unit not included in tendered price.
- Tennant developed ATLV with balloon tyres for All Terrain use. Tennant determined early in the design process that four wheel drive would hamper maneuverability and was simply not needed in most applications. Four wheel drive would add significant cost without real gain and therefore not available on the ATLV.
- Tennant has been represented in Australia for 38 years.
- Tennant WA has a direct sales office and warehouse/workshop in WA for direct sales & service support. This support is further backed by Nationwide Oil based in Newman & Port Hedland for parts & services.

The Tennant ATLV 4300 is not 4WD and does not meet the entire scope for Tender 06/40. The ATLV 4300 Litter Vac may not be able to access the Town of Port Hedland’s open drain system, vacant lots and various verges as per the scope. Engineering officers have contacted a contractor who is currently utilizing the Tennant ATLV 4300 for litter collection in Kununurra, where conditions are comparable to Port Hedland.

They have advised that the ATLV 4300 is not suitable for the current use and are seeking a replacement machine.

Engineering officers have also contacted a number of references listed by Tennant regarding their ATLV 4300. Overall the referees were very satisfied with the machine, however the machines were mainly used in areas such as footpaths, roads and ovals and not in areas where 4wd capabilities are required. Concerns were also raised about the cost of repairs, however the servicing of the machines by Tennant was highly regarded. One of the Shires contacted in Perth advised of overheating issues and corrosion of the machine as it was constantly used along the beachfront.

As our requirements specify an all terrain, 4wd machine, our recommendation is to reject all tenders in order to seek the most suitable machine. Tennant have advised that modifications can be made to the ATLV 4300 to increase the 4wd capabilities. Engineering Services are also aware of other machines that may be suitable for this application.

200607/238 Council Decision/Officer's Recommendation**Moved:** Cr D R Pike**Seconded:** Cr S F Sear**That;**

- i) Council reject all tenders received for Tender 06/40 – Supply and Delivery of One Ride-on Litter Vacuum; and**
- ii) staff seek quotes for the purchase of an All Terrain Ride-On Litter Vacuum that complies with specifications.**

CARRIED 5/0

11.3.2 Recreation Services**11.3.2.1 Utilisation of Equipment from the JD Hardie Centre
(File No.: 26/05/0007)**

Officer Sarah Cunningham
Recreation Programmer

Date of Report 15 March 2007

Disclosure of Interest by Officer Nil

Summary

The JD Hardie Centre has received a request to supply equipment to a community group, however there is no Council Policy, fees or charges currently in place.

Background

Different community groups have approached the JD Hardie Centre on a number of occasions to utilise equipment owned by the Town of Port Hedland. In the past, use of equipment has been allowed by community groups for community events, with the users paying a bond to cover any damages.

Within the 2006/07 Schedule of Fees and Charges there are no charges relating to hire of equipment from the JD Hardie Centre for external use by community organisations.

The local community church group "The Rainbow Club" has written to Council with a request to utilise some of the equipment to run a small festival for children:

"Monday 12 March 2007

To Sarah Cunningham or Whom It may Concern,

My name is Annette Peterson and my enquiry is on behalf of Rainbow Holiday Club - a non-profit Christian group. Normally our club conducts holiday activities for children in the South Hedland Shopping Centre for children aged between six and twelve.

I am writing to you seeking permission to borrow some sports and activity equipment from the JD Harding Centre for the use at a planned Good Friday Festival at Centennial Park in South Hedland on the 6th April, from 4 to 6pm. The aim of the day is for children aged between six and twelve. Our request is also to borrow the Bouncy Castle, which I believe due to previous conversations will not be finalised until after the Council meeting on March 28th.

I will endeavour to liaise with you this week to see what equipment you have.

If you have any enquiries, please call me on 9173 3415.

*Thank you,
Annette Peterson.”*

Council must approve this request, as a fee or charge is not in existence for the hire of equipment.

Consultation

Director Engineering
Recreation Coordinator

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

Within the 2006/07 Schedule Fees and Charges, hire/utilisation of equipment from the JD Hardie Centre does not exist. Therefore, each individual request must be presented to Council. As there are a number of requests for use of equipment from the JD Hardie Centre are received each year, a fee and charge may be introduced to cover these requests, with consideration given to the type of equipment requested, and the event the equipment is requested for.

Included in Council's 2006/07 Schedule of Fees and Charges, hire fees exist for certain equipment at the Matt Dann Cultural Centre, and a similar fee structure could be introduced to cover the use of equipment at the JD Hardie Centre.

The request from the Rainbow Holiday Club requires a decision prior to the 2007/08 Schedule of Fees and Charges being developed.

Council may consider the following options:

1. Approve the utilisation of certain equipment from the JD Hardie Centre by the Rainbow Holiday Club (at the discretion of the CEO's nominated representative) at a nil charge, with a bond of \$_____being paid for this use;
2. To deny the request for use of equipment; or

3. To approve the utilisation of certain equipment from the JD Hardie Centre by the Rainbow Holiday Club (at the discretion of the CEO's nominated representative) at a charge that is to be determined by Council.

It is recommended that Council choose option 1.

Officer's Recommendation

That:

- i) the Rainbow Holiday Club be advised:
 - a) their request to use some sports and activity equipment from the JD Hardie Centre for the use at the planned Good Friday Festival at Centennial Park in South Hedland, to be held on 6 April, 2007 from 4pm to 6pm for nil charge be approved; and
 - b) a bond of \$_____ will be charged for the use of this equipment to cover any damages or losses;
- ii) Fees and Charges in 2007/08 for the utilisation of equipment from the JD Hardie Centre be considered by Council; and
- iii) a register be developed to monitor the utilisation of equipment by external organisations, by the Chief Executive Officer or his nominated representative.

200607/239 Council Decision**Moved:** Cr D R Pike**Seconded:** Cr J M Gillingham**That:**

- i) the Rainbow Holiday Club be advised:**
 - a) their request to use some sports and activity equipment from the JD Hardie Centre for the use at the planned Good Friday Festival at Centennial Park in South Hedland, to be held on 6 April, 2007 from 4pm to 6pm for nil charge be approved; and**
 - b) a bond of \$100 for equipment valued up to \$500, and a bond of \$250 for equipment valued over \$500 will be charged for the use of JD Hardie equipment, to cover any damages or losses;**
- ii) Fees and Charges in 2007/08 for the utilisation of equipment from the JD Hardie Centre be considered by Council; and**
- iii) a register be developed to monitor the utilisation of equipment by external organisations, by the Chief Executive Officer or his nominated representative.**

CARRIED 5/0

REASON: Council set the bond at: \$100 for equipment valued up to \$500; and \$250 for equipment valued over \$500.

6:00 pm Councillor Shane F Sear left the room.

6:05 pm Councillor Shane F Sear re-entered the room and assumed his chair.

11.3.2.2 Feasibility into Proposed Multi-purpose Recreation Facility (File No.: 26/13/0001)

Officer Bec Coxall
Recreation Coordinator

Date of Report 13 March 2007

Disclosure of Interest by Officer Nil

Summary

The development of a new Multi-Purpose Recreation Facility has been mooted for several years. Most recently the Town's Sports Facility Plan advocated for the development of a new facility on Kevin Scott Reserve. Recent decisions to progressively transform the JD Hardie Centre into a more youth focused facility have highlighted the need to progress with the development of the proposed sports facility. This report proposes a direction forward to achieve this.

Background*Recent History*

At its February Meeting, Council requested an update on the status of the proposed development of a new Multi-Purpose recreation facility in South Hedland.

A background of recent events/decisions pertaining to the proposed new sports facility is listed below:

- September 2006: Council receives the Town of Port Hedland Sports Facility Plan. The Plan recommends the development of a New Multi-Purpose Sports Facility in South Hedland on Kevin Scott Reserve.
- November 2006: Tender documents prepared and distributed for the feasibility design and documentation of the proposed new sports facility.
- December 2006: Council considers the six tenders that were received for the Design. Resolution passed that the matter lay on the table pending further information.
- February 2007: Council requests a further report on this matter.

The development of the sports facility has been complicated by discussions and debate around the future use and development of the JD Hardie Centre and confusion about the potential impact of the proposed development on the Finucane Island Recreation Club.

Issues surrounding the use and development of the JD Hardie Centre have been determined with Council resolving (in February 2007) in-part, that:

“Council’s intention is to convert the JD Hardie Centre into a full-time permanent youth centre with YIC being a key tenant...”

Furthermore Council’s resolution in February 2007 stated (in part) that:

“The JD Hardie Centre (should) be maintained as the primary recreation centre, with an emphasis on providing structured and semi-structured programs for youth, whilst a feasibility study is undertaken into the proposed new multi-purpose recreation centre”

Feasibility Study

To allow for the conversion of the JD Hardie Centre from a predominant recreation centre to a youth centre, and for both resolutions of Council to be met, further feasibility and design works into the proposed multi-purpose recreation facility need to be undertaken.

The previous tender process undertaken in late 2006, requested that bidders provide prices to undertake a feasibility study and then subsequently provide a detailed design for the project. At the time of assessment by staff it was recommended that Council undertake only Part 1 of the project (Feasibility Study). The recommended tenderers approach to undertaking Part 1 included:

- Reviewing existing reports
- Developing a social profile
- Existing and comparative provision review
- Community consultation with a variety of groups via numerous mechanisms
- Data Analysis and Options Identification
- Management Planning
- Concept Planning
- Financial Viability Planning
- Report and Recommendations

The recommended tenderer was Patterson Group Architects. This firm was proposing to use Jill Powell and Associates to undertake the feasibility work for them with the firm producing the concept design and detailed drawings and documentation if the project progressed to that stage. Jill Powell has previous experience in sport and recreation planning in Port Hedland and was the author of the 2002-2007 Town of Port Hedland Strategic Recreation Plan.

At the time of tendering, the Paterson Group Architects quoted \$21,800 to undertake the feasibility study and concept design works. While the tender period has expired, Paterson Group Architects have indicated that their submitted tender price remains unchanged for the feasibility study, and they will honour their previous commitment to complete the feasibility study for the total lump sum of \$21,800.

Consultation

If the Feasibility Study is to proceed extensive community consultation will be undertaken with all relevant bodies (including Council) regarding design, costs, management and implementation of the proposed new building. Consultation with key stakeholders such as the Finucane Island Recreation Club will be critical to the success of the project.

Statutory Implications

The tender for feasibility, design and tender documentation for the new facility was called in accordance with the Local Government Act (1995).

Policy Implications

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

Strategic Planning Implications

The following statements from the Town's Strategic Plan are relevant to this matter.

Key Result Area 3: Community Development

Goal 2 - Sports and Leisure

Strategy 1. Undertake a feasibility study for the development of a new multipurpose sports facility

Budget Implications

In 2004/2005, BHP contributed \$70,000 to the Town of Port Hedland for the Recreation and Facility Feasibility Audit that was completed in August 2006. \$30,000 remained following this audit, and this has been carried over to 2006/2007.

Currently, there is \$14,644 remaining within this BHP Recreation and Leisure Facility Grant for this project, following expenditure for follow-up consultancy work with CCS Strategic Management.

It is recommended that the remaining \$7,156 be obtained from unallocated funds from BHP Billiton's \$500,000 commitment to sports facilities in the 2006/07 year (Sustainability Partnership Projects).

Officer's Comment

The need for a multi-purpose recreation facility has since been recognised within the current Strategic Plan, which has been adopted by Council. Market requirements were outlined within the Recreation Facilities Audit that was presented to Council at the Ordinary Council Meeting on 27 September 2006. Within the tendered outcomes, a financial viability component will be presented, therefore allowing in-depth knowledge of the financial burdens and gains for Council. Additionally, in-depth consultation with key stakeholders is proposed.

The tender evaluation report presented to Council in December 2006 recommended that Paterson Group Architects be appointed recommended to undertake the feasibility study. The firm ranked the highest in the evaluation criteria in comparison to the other five bidders.

Council has the options of electing to progress with the feasibility study using the previous price tendered by Paterson Group Architects or it could elect to review the scope of works and re-tender for the feasibility study.

Given that the need for the facility will grow as the JD Hardie Centre is progressively changed into a more youth focused facility, it is recommended that Council progress with the feasibility study as previously tendered rather than delay the progress through a subsequent tender process.

200607/240 Council Decision/Officer's Recommendation**Moved:** Cr D R Pike**Seconded:** Cr G J Daccache

That Council contract Paterson Group Architect to undertake the feasibility study and concept design for the proposed multi-purpose recreation facility to the value of \$21,800 (GST Exclusive) in accordance with their tender submission.

CARRIED 5/0

11.4 GOVERNANCE AND ADMINISTRATION**11.4.1 Corporate Services****11.4.1.1 *Financial Reports to Council for Period Ended 31 January 2007 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Stephen Carstairs
Manager Finance

Date of Report 21 March 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 28 February 2007, 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 28 February 2007, are the:

- . Statements of Financial Activity – see Schedules 2 to 14;
- . Notes (1 to 9) to and forming part of the Statements of Financial Activity for the period ending 28 February 2007; 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.

Council is advised that the Amended Annual Budget (see Schedule 2 in the Financial Activity Report) has been updated and reflects amendments recognised from the 31 December 2006 Budget Review, and adopted by Council at its Special Meeting held on 14 March 2007.

Council is also cautioned when interpreting variances, as while many of Councils activities (YTD Actual) are seasonal in nature, predominantly YTD Amended Budget values were calculated by multiplying the Amended Annual Budget by the number of months completed and this was divided by twelve (12) months.

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 28 March 2007 for receipt, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and rendition of services, and verification of prices, computations and costings.

Voucher No's			Pages		Fund No	Fund Name	Description
From	To	Value	From	To			
CHQ17224	17224	\$0.00	1	1	1	Municipal Fund	Cancelled
CHQ17225	17268	\$275,237.51	1	0	1	Municipal Fund	
EFT17811	18043	\$2,027,707.63	11	83	1	Municipal Fund	
PAY 050207		\$5,348.41	84	84	1	Municipal Fund	
PAY 130207		\$198,744.54	84	84	1	Municipal Fund	
PAY 280207		\$190,491.96	84	84	1	Municipal Fund	
	Municipal Total	\$2,697,530.05					
301314	301321	\$10,570.00	84	84	3	Trust Fund	
	Trust Total	\$10,570.00			3	Trust Fund	
	TOTAL	\$2,708,100.05					

Consultation

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

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

Statutory Implications

Financial Statements

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

- “34. *Financial activity statement report - s. 6.4*
- (1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail:*
- (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*

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

In this regulation:

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

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

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

- “(1) Subject to subsection (2) and any other written law, a local government may –*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*

- (b) *waive or grant concessions in relation to any amount of money; or*
- (c) *write off any amount of money, which is owed to the local government.*
- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.”*

Policy Implications**2/003 Financial Statements – Copies for Councillors**

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

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

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

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

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

As with the Operating Deficit/(Surplus) for the period ending 31 January 2007 and reported to Council in February 2007, the year to date actual (\$5,809,146 surplus) for 28 February 2007 deviated appreciably (43%, and see Schedule 2) from year to date budget (\$10,117,833 surplus). Year to date Non Operating Expenditure (\$5,473,302) for 28 February 2007 also deviated appreciably (64%) from year to date budget (\$15,269,327), and indeed in order for Council to meet its Non Operating (Capital expenditure program) commitment this year, some \$4.36m in works, acquisitions and transfers to reserve funds will have to be achieved each month from March 2007, through to June 2007. Further, year to date Non Operating Revenue (\$1,402,653) for 28 February 2007 also deviated appreciably (68%) from year to date budget (\$4,369,667), which was expected given that recovery of Non Operating Revenue is linked to completion of Non Operating programs.

Transaction Activity Review

Law, Order and Public Safety: The apparent *circa* \$500k (see Schedule 2) non-recovery of Operating Revenue was attributed to transfers from the SES Reserve Fund that had not taken place, and to a Pilbara Development Commission contribution that had not as yet been forwarded to the Town. Both parcels of money have been allocated to the building of a new SES operations shed (see sub schedule 505 SES).

Education and Welfare: The apparent *circa* \$200k non-recovery of Operating Revenue (see Schedule 2) was attributed to the very little funds that had been forwarded to the Town from State and Federal agencies for the operation of the Pilbara Family Day Care (see sub schedule 805 Pilbara Family Day Care). Further, the reader's attention is drawn to the Courthouse (sub schedule 812) Operating Revenue, where year to date actuals for art sales, and Grants fell well below budget expectations.

Community Services: The apparent *circa* \$1.4m over expenditure in Community Services Operating Expenditure was attributed to unbudgeted underground power Rebates (see sub schedule 1007 Other Community Amenities).

Recreation and Culture: The apparent *circa* \$1.1m non-recovery of Operating Revenue (see Schedule 2) was attributed primarily to Grants as yet not received (see sub schedule 1105 Swimming Areas/Beaches).

Transport: The apparent *circa* \$1.3m non-recovery of Operating Revenue (see Schedule 2) was attributed primarily to Grants and Contributions as yet not received (see sub schedules 1201 Infrastructure Construction, 1206 Infrastructure Mtce Engineering and 1208 Plant Purchases).

Other Properties and Services: The apparent *circa* \$380k over expenditure in Other Properties and Services Operating Expenditure (see Schedule 2) was attributed primarily to over allocation of expenses to Plant Operating Costs (see sub-schedule 1403).

200607/241 Council Decision/Officer's Recommendation**Moved:** Cr S F Sear**Seconded:** Cr G J Daccache**That:**

- i) the:
- . **Statements of Financial Activity (represented by Schedules 2 to 14 for the period ending 28 February 2007;**
 - . **Notes (1 to 9) to and forming part of the Statements of Financial Activity for the period ending 28 February 2007; and**
 - . **Review of Transaction Activity,**
- as attached and/or presented be received;
- ii) **the list of Accounts paid under Delegated Authority, as presented be received.**

CARRIED 5/0

11.4.1.2 Budget Timetable (File No.: ...-...)

Officer Matthew Scott
Director Corporate Services

Date of Report 28 March 2007

Disclosure of Interest by Officer Nil

Summary

For Council to adopt the Budget Timetable for 2007/08.

Background

At the Informal Briefing Session held in March, Councillors present were presented with the proposed budget timetable for the preparation and adoption of the 2007/08 Budget.

This item seeks to formalise Council's acceptance of that timetable.

Consultation

Council was briefed on the proposed budget timetable at the March Briefing Session.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Council's Strategic Plan 2007-2012 includes the following:

KRA 6 Governance

Goal 4 – Financial Management

That the Shire's financial management is user friendly, transparent, well planned and well managed.

Budget Implications

The Budget is one of the most important documents created by a Local Authority, as it determines the income and expenditure items for the following year. It is imperative that the Budget receive due consideration by both Council and Administration.

Officer's Comment

The Budget is an important document to all Local Authorities. Proper planning and due consideration are the foundations for an effective and efficient budget.

The proposed budget timetable recommends that Council consider adopting the 2007/08 Budget on the same date as the July Briefing Session (a Special Meeting of Council will be held), thus maximising the time available for Council to commence and complete projects within the 2007/08 financial year. Based from this adoption date, a timetable can be prepared on the necessary steps to create and document the Budget for this adoption date. Once adopted all staff will schedule their specific budget responsibilities to meet the proposed deadline.

200607/241 Council Decision/Officer's Recommendation**Moved:** Cr G J Daccache**Seconded:** Cr S F Sear

That Council adopts the 2007/08 budget timetable as presented in the following table:

Date	Action	Responsibility
14/03/2007	March Briefing Session Timetable Presentation	Director Corporate Services
2/4/07-9/5/07	Internal Review of Fees & Charges	Staff
9/4/07-20/4/07	Budget Review/2007/08 Draft Municipal Budget Preparation	Staff
23/4/07-27/4/07	Budget Review Meetings	Staff & Executive
28/03/2007	Advertise New Items for Community Input	Director Corporate Services
29/3/07-16/5/07	New Item Request Forms	Council/Staff/Public
18/04/2007	Workshop 1 Loans/Reserves/Five Year Plan Projects	Council/Executive
24/04/2007	April OCM Plan for the Future	Council/Executive
16/05/2007	Workshop 2 Rates/Draft Municipal Operating/Fees & Charges	Council/Executive
30/05/2007	Workshop 3 New Item list ('Traffic Light')	Council/Executive
13/06/2007	June Briefing Session - Final Municipal Budget/New List	Council/Executive
11/07/2007	July Briefing Session/Special Meeting Budget Adoption	Council/Executive

CARRIED 5/0

11.4.1.3 Policy Amendment - 2/007 Procurement Policy (File No.: ...-...)

Officer Matthew Scott
Director Corporate Services

Date of Report 28 March 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider amending the Procurement Policy (2/007) to incorporate the relevant changes to the Local Government Tender regulations

Background

The minimum dollar value requiring a tender for procurement of Goods and Services will be increased from \$50,000 to \$100,000 effective from 31 March 2007. However, before Council can take advantage of this change in legalisation, Council needs to amend its Procurement Policy, which currently requires tenders for any expenditure over \$50,000. The Department of Local Government has also adopted a new regulation (regulation 11A, Local Government (Functions and General) Regulations 1996) requiring every local government to have a Purchasing (Procurement) Policy.

To implement these changes it is proposed to increase the non-tender limit to \$100,000, however any expenditure between \$50,000 and \$100,000 would need to be authorised by both the Chief Executive Officer and Mayor (or the Deputy Mayor in the Mayors absence). Also minor changes have been included to demonstrate how quoting information will be recorded.

In amending this policy, staff have also suggested that the current quoting requirements are actually restricting the procurement process. This is due to the current resource boom economic climate, where local suppliers are reluctant to provide quotes for minor supplies (less than \$1,000), and Council is no longer considered a major client/customer.

Based on preliminary feedback from staff and Councillors, it is suggested that the quoting requirements be modified to the following:

Purchase Value	Quotes Required (minimum)
Less than \$1,000	1 Verbal Quote
\$1,000 to \$4,999	2 Written Quotes
\$5,000 to \$49,999	3 Written Quotes
\$50,000 to \$99,999	3 Detailed Written Quotes, CEO & Mayor Authorisation Required
\$100,000 and over	Tender

In amending the policy and to ensure that there is no confusion its proposed that Council:

- Deletes the current policy 2/007 Procurement Policy; and
- Creates a new policy 2/007 Procurement Policy.

Consultation

Council was briefed about the proposed changes at the Informal Briefing Session held in March, and this item was developed based on the discussion that ensued at that meeting.

Statutory Implications

Local Government Act 1995 states in part:

“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”.*

Local Government (Functions & General) Regulations 1996, states (in part):

“11A. Purchasing policies

- (1) A Local Government is to prepare or adopt, and is to implement, an purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less or worth \$100,000 or less*
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the Local Government for, and in respect of entering into contracts referred to in subregulation (1).*
- (3) A purchasing policy must make provision in respect of –*
 - a) The form of quotations acceptable; and*
 - b) The recording and retention of written information, or documents, in respect of –*
 - i) All quotations received; and*
 - ii) All purchases made.*

- (4) *Different requirements may be imposed under a purchasing policy in respect of different classes, or types, of any of the following: -*
- a) *Goods and Services;*
 - b) *Suppliers;*
 - c) *Contracts;*
 - d) *Any other thing the Local Government considers appropriate.”*

Policy Implications

This item recommends Council's Policy 2/007 Procurement Policy be replaced completely by a new policy.

Strategic Planning Implications

Council's Strategic Plan 2007-2012 includes the following:

KRA 6 Governance

Goal 4 – Financial Management

That the Shire's financial management is user friendly, transparent, well planned and well managed.

Strategy 6. Review and update financial management systems in line with legislation, best practice and audit recommendations.

Budget Implications

Nil

Officer's Comment

The Town of Port Hedland has already adopted a procurement policy, which, as of the 31 March 2007, will be mandatory for 144 Local Governments in Western Australia. The proposed recommendation does not materially change or increase the ability for staff to purchase necessary goods and services, however brings the policy which was reviewed and adopted by Council last year, in line with legislated changes.

The requirement that any expenditure above \$50,000 but below the new tender limit (\$100,000) must be authorised by both the Mayor and Chief Executive Officer, provides reasonable control that large purchases are entered into with Council involvement (i.e. Mayor). Council will be able to determine how effective this control is by monitoring the monthly payment schedules, which are included in Council's Monthly Financial Reports.

Changes to the current quoting limits in the policy is deemed necessary by Council staff, as the current economic environment has significantly reduced many suppliers willingness to provide quotes, especially for relatively small purchases.

200607/243 Council Decision/Officer's Recommendation**Moved:** Cr D R Pike**Seconded:** Cr J M Gillingham**That:**

- i) Council's current Policy 2/007 Procurement be deleted:
and**
- ii) the following Policy 2/007 Procurement Policy be
adopted:**

"Policy 2/007 PROCUREMENT POLICY**Local Purchasing**

After having due regard to, but not limited to, the quality of the product, availability of after sales service, supply date, freight costs, degree of urgency Officers of the Town of Port Hedland are encouraged to purchase locally.

Pre procurement Requirements

Where possible, unless by Council resolution, or by requirement of legislation, Officers will follow the following guidelines for inviting quotes prior to purchasing any good or service.

Purchase Value	Quotes Required (minimum)
Less than \$1,000	1 Verbal Quote
\$1,000 to \$4,999	2 Written Quotes
\$5,000 to \$49,999	3 Written Quotes
\$50,000 to \$99,999	3 Detailed Quotes, Authorised by CEO & Mayor
\$100,000 and over	Tender

It is the Officer's responsibility to provide evidence that a reasonable attempt has been made to meet the above guidelines.

If a selection criteria, other than price, is use to determine the successful supplier, the authorising officer will advise all potential suppliers of the selection criteria prior to receiving quotations.

All documentation received or internally generated, as evidence of meeting the above quoting requirements will be attached to Council's copy of the payment advice and retained as per either Council internal or legislated records requirements for financial documents, which ever is the longest.

Tenders

Tenders will be called for all procurement of Goods or Services from a single supplier as prescribed under Section 3.57 Local Government 1995

Authorising Officer

An Authorising Officer is a Town of Port Hedland employee who is registered in the sub delegation register as authorised to incur expenditure and claims for payment, within a set monetary limit.

Purchase Orders

The Town of Port Hedland requires a purchase order to be raised and issued prior to the service or product being supplied. The authorising officer will ensure items purchased are made within budget parameters.

Purchase Orders Exemptions

The requirement to issue a purchase order is not required in the following instances:

- 1. Procurement of particular goods or services:**
 - a) Utilities; including telephone, electricity, water and gas.**
 - b) Annual Membership/subscriptions**
 - c) Reimbursements to Staff**
 - d) Freight**
 - e) Department of Land Information on line transactions**
 - f) Motor Vehicle Licensing and Registration**
 - g) Custom Fleet Bill**
 - h) Staff housing**
 - i) Postage**
- 2. Corporate Credit or Fleet Fuel Card purchases;**
- 3. Petty Cash purchases - \$75 limit GST inclusive;**
- 4. All emergencies as deemed in writing by the Mayor;**
- 5. All procurement authorised by way of Tender and requiring three or less separate payments in one financial year.**

Fleet Fuel and Corporate Credit Cards

Fleet Fuel Cards

All appropriate fleet vehicles will be issued with an appropriate fleet fuel card for fuel purchases only. If a vehicle is allocated to Council Officer, that Officer is responsible for the security and appropriate use of the Fleet Fuel Card. Fuel purchased using a fleet fuel card, must be of type required by the vehicle the card was initially issued for.

Corporate Credit Cards

The Chief Executive Officer and Directors have use of a Corporate Credit card, provided from the Town's current banking provider. Use of this credit card is strictly for authorised duties associated with the Town of Port Hedland and may not be used for personal expenses in any circumstances.

Limits placed on the Corporate Credit Cards will be as follows:

Officer	Credit Limit	Cash Advances
Chief Executive Officer	\$5,000	Nil
Directors	\$2,000	Nil

Each Corporate Credit Card Holder is responsible at all times for:

1. The security of the card;
2. Providing documentary evidence of all purchases (i.e. receipts) and attaching these to the monthly statement;

At the end of each month, each credit card statement is authorised by:

1. In the case of a Director, the Chief Executive Officer;
2. In the case of the Chief Executive Officer, the Mayor.

All purchases using the Corporate Credit Card shall be included in the monthly list of accounts paid by delegated authority presented to Council.

Breach of Procurement Policy

Officers found to have breached this policy may, at the discretion of the Chief Executive Officer:

1. Have their purchasing rights revoked; and
2. Be subject to disciplinary action, including possible termination without notice.
3. Be required to reimburse Council for the amount of the unauthorised expenditure.”

CARRIED BY ABSOLUTE MAJORITY 5/0

11.4.1.4 Request for Partial Refund of Monies (File No.: 26/06/0005)

Officer Cheryl Crick
Manager Corporate Support

Date of Report 20 March 2007

Disclosure of Interest by Officer Nil

Summary

Council has received a request for a partial refund fees for the hire of the Turf Club/Town Oval.

Background

The Turf Club/Town Oval was booked for use on Saturday 10 March 2007 for the purpose of a 40th birthday celebration. All monies including hire fees of \$190.30, bond of \$2,000, and key deposit of \$50.00 were paid two (2) weeks in advance in keeping with administrative requirements.

Due to Cyclones George and Jacob, Town of Port Hedland offices were closed to the public from close of business, Wednesday 7 March 2007 until 8.00 am Tuesday 13 March 2007. As a result, there was no staff available to –

1. advise Ms Brown (the Hirer) of the condition of the facilities; and
2. provide her with keys to access the facilities.

Given that the all clear from Cyclone George was given during the day on Friday 9 March 2007, and the event was booked for the following evening, Ms Brown obtained keys to the venue from Councillor Carter.

Upon entering the venue, Ms Brown found that the facilities had not yet been cleaned. Town of Port Hedland's normal practice is to have facilities cleaned within 24 hours of the hire of the venue. With the closure of the office, however, cleaning had not been arranged.

Ms Brown is now requesting a partial refund of the hire fees. Her rationale for this request is based on the fact that she had to source her own keys and clean the facilities herself. Bond has since been refunded leaving an amount of \$190.30 in question.

Consultation

Not applicable

Statutory Implications Nil

Policy Implications

This situation is not specifically dealt with in Council's Community Recreation Celebrations and Events policy.

Strategic Planning Implications Nil

Budget Implications

If the request is supported Council will forego revenue of up to \$190.30 in hire fees. All other monies have been refunded.

Officer's Comment

Council should note that standard hire fees are incurred on all organisations in an attempt to recoup a marginal cost of maintenance of the hire venue. In order for the policies and fee structure of the Town of Port Hedland to be maintained and respected, a consistent approach must be taken towards all groups/persons who wish to hire Council facilities.

Council has two options:

1. Refund the fees as requested resulting in a reduction of income to Council of up to \$190.30.
2. Not refund the fees of \$190.30.

Council currently has no policy which provides guidance as to what qualifications are required for a partial or full refund of fees when the venue has, in fact, been used.

Refunding these fees also sets a precedent for other persons or organisations to ask for refunds after the event potentially reducing the amount of income the Council will be able to generate from the hire of maintenance expensive fixed assets such as community halls and gardens.

A copy of the letter of request from Liz Brown is attached to this item.

Officer's Recommendation

That request from Ms Liz Brown for hire fees of \$190.30, being for hire of the Turf Club/Town Oval on Saturday 10 March 2007 be declined.

200607/244 Council Decision

Moved: Cr G J Daccache

Seconded: Cr J M Gillingham

That request from Ms Liz Brown for hire fees of \$190.30, being for hire of the Turf Club/Town Oval on Saturday 10 March 2007, to be refunded be approved.

CARRIED 5/0

REASON: Council sought to refund the hire fees of \$190.30 to Ms Liz Brown, being for the hire of the Turf Club/Town Oval on Saturday 10 March 2007.

Town of Port Hedland
PO Box 41
Port Hedland WA 6721

Liz Brown
PO Box 563
Port Hedland WA 6721

19th March 2007

To whom it may concern,

I wish to request a refund for the monies that I have paid to hire a venue recently for my 40th birthday celebrations.

I had the turf club/town oval, pre booked and paid for at the rate of \$190.30/day, 2 weeks in advance, along with a total of deposits to do so of \$2050.00, for the 10th March 2007. As we had cyclone George come through the previous day, nobody in the council had the time to give a thought to my booking for the following day.

As I had no way of getting the key as the council was closed I visited Arnold Carter at home and asked him to come and open the toilets for me.

The venue had not been cleaned in any way, and my husband and I had to remove broken trees, glass, lighting, benches and debris strewn all over the place from cyclone George. I do not feel it appropriate that I should have to pay full price for the hire of the venue when I had to source my own key for entry into the place, clean it ourselves first, and even then we only used 5 toilets in the ladies block as both side were so filthy I was not prepared to clean them all first so we could use them.

With the all clear given from the weather bureau, and the numerous invitations sent out to guests, along with the catering expense incurred, there was no reason why my party should not have gone ahead. A courtesy call from the person responsible from the council, for the hiring of venues would have been appreciated if I was not permitted to go ahead with my booking of the said venue. I look forward to your understanding of this matter and a favourable response to my request,

Yours sincerely



Liz Brown.

COPY

01/01/07
CSO
DES

26/06/0005
Council
Reports

11.4.1.5 Polar Aviation Lease

Officer Matthew Scott
Director Corporate Services

Date of Report 22 March 2007

Disclosure of Interest by Officer Nil

Summary

To update Council on the lease situation with Polar Aviation at the Port Hedland International Airport.

Background

This matter is one of the longest outstanding decisions (200506/154) of Council which has not been completed, and deals with the lease of a Hanger at the Port Hedland International Airport with Polar Aviation.

At its Ordinary Meeting on 26 October 2006, Council resolved as follows:

“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.”*

Since that decision a lease document has been development, however has not been signed by either the Town of Port Hedland or the Lessee, Polar Aviation Pty Ltd.

Principally, the reason for the lease not being finalised is that Polar Aviation is currently in a dispute with the Civil Aviation Safety Authority (CASA), which is being dealt with through the Federal Court, and are currently not prepared to sign a lease until this dispute is resolved.

Though a lease has not been sign, Polar Aviation have continued to pay the agreed \$7,000 per annum to Council for the use of the Hanger.

With regard to removing the transportable building, refered to Clause iv) of Council's resolution, this has now been removed as a result of Cyclone George.

After discussing the issue with the Principal of Polar Aviation, Mr Clark Butson, Polar Aviation is still unprepared the formally sign the lease with Council until:

1. the dispute with CASA is resolved; and
2. outstanding building maintenance issues have been resolved.

Consultation

Mr Clark Butson, of Polar Aviaition Pty Ltd has verbally discussed the matter with Council's Director Corporate Services. Verbal advice from the Department of Local Government and Regional Development has be sourced regarding Council's options with the lease.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

The extent of the building maintenance required is at this stage uncertain, however it is believed the building may have significant white ant damage. Council's Building Services will inspect the hanger and associated buildings to determine the extent of the damage, from which the cost of repair can be determine. As the facility is within the confines of the Airport, it is believed that funds from the Airport Reserve be used to pay these repairs, resulting in no cost to ratepayer Municipal funds.

It should be noted that the \$7,000 per annum lease fee is considered to be below current market rental value.

Officer's Comment

As noted in the background to this item, this lease has been an outstanding item for a considerable time. Polar Aviation have in the past requested the hanger be sold out right to them, however Council has consistently rejected this offer, preferring to lease airport facilities. Polar Aviation has been a long term user of Airport Facilities, and have shown good faith to Council with regard to this issue by continuing to pay the agreed rental even though:

- No formal lease exists; and
- There are significant building maintenance issues, which have not been addressed.

With regard to the proposed lease, Council has never formally resolved the term of the lease, nor was a term included in the actual advertisement. In apparent negotiations between Polar Aviation and the former Airport Manager, the term of the lease had been agreed to three years plus options for additional 6 years (3+3+3). Council has not ratified this lease condition, and advice from the Department of Local Governance and Regional Development is that:

1. given that no term for the lease has been agreed with Council, and subsequently not advertised, technically Council has not meet it's requirements under section 3.58 of the Local Government Act 1995; and
2. while the lease may not technically exist, until the lease is properly enacted, Polar Aviation could be considered a "tenant at will". A "tenant at will" is considered a tenant that though paying rental (unlike a squatter), has no formal lease/rental agreement, and therefore enjoys the rights of a tenant, however tenancy could be cancelled at any time.

Regardless of the lease length issue, a draft lease has been developed, however Polar Aviation are hesitant to sign due their current dispute with CASA. Though this could be see as not being Council concern, obviously if the result of the dispute was not in Polar Aviation's favour, they may need to cancel the lease and Council would be left needing to seek new tenants.

Also it would seem that Polar Aviation has a valid issue regarding the state of the hanger and associated building maintenance. As effectively the landlord, Council has a responsibility to maintain its lease facilities to a reasonable standard, regardless of the lease payments.

Council is also now planing a major redevelopment of the airport, currently focused on the Hire Car agencies, and expected to be expanded to include the entire airport. This therefore creates an opportunity for businesses like Polar Aviation to potentially lease land, but providing their own improvements. Though this type of arrangement is not currently available, Council may wish to include this type of development in its future development plans for the Port Hedland International Airport.

Officer's Recommendation

That:

- i) the lease with Polar Aviation not be progressed for up to six (6) months, or until the dispute between Polar Aviation and CASA is resolved, which ever is sooner; and
- ii) the term of the lease with Polar Aviation be initially for three (3) years, with options for additional two (2) lots of three (3) years (3+3+3), and be readvertised in accordance with section 3.58 of the Local Government Act; and
- iii) Polar Aviation be permitted to continue using the southern apron hanger at the Port Hedland International Airport at the agreed rental \$7,000 + GST per annum (on a pro rata basis), as a "tenant at will" until Clauses i) and ii) is resolved; and
- iv) Council's Chief Executive Officer, or his nominated representative investigate the building maintenance claims of Polar Aviation, and report to estimated cost of repair to Council at its subsequent Ordinary Meeting.

Alternate Officer's Recommendation

That Council:

- i) not progress the lease with Polar Aviation for another six months or until the dispute between Polar Aviation and CASA is resolved, which ever is sooner;
- ii) permit Polar Aviation to continue using the southern apron hanger at the Port Hedland International Airport at the agreed rental \$7,000 + GST per annum (on a pro rata basis), as a "tenant at will" until item 1 is resolved;
- iii) once item 1 is resolved, readvertised the proposed lease, as per section 3.58, including a proposed term of 3 years, with options for additional two lots of 3 years (3+3+3), with CPI reviews annually; and
- iv) have the appropriate Council staff investigate the building maintenance claims of Polar Aviation and report to estimated cost of repair to next Council meeting.

**200607/245 Council Decision/Alternate Officer's
Recommendation****Moved:** Cr S F Sear**Seconded:** Cr J M Gillingham**That Council:**

- i) not progress the lease with Polar Aviation for another six months or until the dispute between Polar Aviation and CASA is resolved, which ever is sooner;**
- ii) permit Polar Aviation to continue using the southern apron hanger at the Port Hedland International Airport at the agreed rental \$7,000 + GST per annum (on a pro rata basis), as a "tenant at will" until item 1 is resolved;**
- iii) once item 1 is resolved, readvertised the proposed lease, as per section 3.58, including a proposed term of 3 years, with options for additional two lots of 3 years (3+3+3), with CPI reviews annually; and**
- iv) have the appropriate Council staff investigate the building maintenance claims of Polar Aviation and report to estimated cost of repair to next Council meeting.**

CARRIED 5/0

11.4.2 Governance**11.4.2.1 Monthly Report – February 2007 (File No.: ...-...)**

Officer Gaye Stephens
Executive Assistant

Date of Report 21 March 2007

Disclosure of Interest by Officer Nil

Summary

For Council's Information

Background

Governance monthly report to Council.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment***Publicity***

Media Releases on works being undertaken towards achieving the strategies outlined in Council's Strategic Plan, were posted on Council's website, and distributed to the media, including:

- North West Telegraph
- The West Australian
- WA Business News
- GWN
- WIN
- ABC
- Spirit Radio
- The Pilbara News
- Metropolitan TV stations 7, 9 and 10

KRA	Name of release	Date sent	Where published	Date
Infrastructure	Pound upgrade near completion	2/28/2007	NWT, pp 4 & pic	3/7/2007
Community Pride	Respected author to visit Hedland	2/15/2007	NWT, pp 2	2/21/2007
	Get cleaning! (Clean Up Australia Day)	2/22/2007	NWT, pp8	2/28/2007
	Footy fever in Hedland	2/27/2007	NWT, pp 26	3/7/2007
	Vandals attack playgrounds	2/1/2007	NWT, pp 6	2/7/2007
	Love at the movies	2/9/2007		
	Trolleys for scrap metal	2/14/2007	ABC Radio 603AM, news bulletin	2/16/2007
Community Development	Council urges motorists to be cautious	2/20/2007	NWT, pp 2	2/28/2007
			ABC Radio 11.40am	2/21/2007
	Children's library programs up & running again	2/6/2007		
	Family day carer congratulated	2/1/2007	NWT, pp 9 (with photo), pp 1 pointer	2/7/2007
	Sporting upgrades begin	2/14/2007	NWT, pp 10	2/21/2007
Economic Development	Council raises issues with Premier	2/5/2007	ABC Radio - news story about detention centre	no date supplied
	Steps taken to tackle tourist accommodation crisis	2/8/2007	NWT, pp 3	2/14/2007
Environment	Make the switch	2/22/2007	NWT, pp 5	2/28/2007
Governance	Draft strategic plan seeking your comment	1/18/2007	NWT, pp 4	1/31/2004

Australian Citizenship Ceremonies

Date	Number of Applicants
26 January 2007 – Australia Day	15
3 January 2007	1
February 2007	Nil

Status of 2006/07 Funding Applications (Grants)

Grants Submitted – Waiting to be Advised of Outcome

Funding Body	Description of Project	\$ Requested	\$ Approved	Comments
DLGRD-Recreation Boating Facilities Scheme	Finucane Island Boat Ramp Upgrade	75,000		SUBMITTED
DOTARS - Pilbara Area Consultative Committee ACC	Matt Dann Cultural Centre Entry Lighting	25,000		SUBMITTED
Lotterywest - Skate park Port Hedland	Skate park Port Hedland	70,000		SUBMITTED
Office of Crime Prevention	Walkway Lighting Upgrades	20,000		SUBMITTED
TOTAL GRANTS TO BE ADVISED (4)				\$190,000.00

200607/246 Council Decision/Officer's Recommendation

Moved: Cr D R Pike

Seconded: Cr G J Daccache

That Council receives Governance's Monthly Report for February 2007.

CARRIED 5/0

**11.4.2.2 Annual General Meeting of Electors held on
28 February 2006 (File No.: ELE-005)**

Officer Gaye Stephens
Executive Assistant

Date of Report 22 March 2007

Disclosure of Interest by Officer Nil

Summary

The Local Government Act 1995 requires Council to consider all decisions made at the Annual General Elector's Meeting.

Background

Section 5.27 of the Local Government Act 1995 requires Local Governments to hold a General Meeting of Electors once every financial year and within 56 days of adopting it's Annual Report for the previous financial year.

Section 5.33 provides that all decisions made at an Electors Meeting are to be considered at the next Ordinary Council Meeting, or if that is not practicable the following Ordinary Council Meeting.

Staff Comment

A copy of the Minutes of the Annual General Meeting of Electors has been circulated.

At the Annual General Meeting of Electors held on Wednesday 28 February 2007, the following decisions were made:

"That the Minutes of the Annual General Meeting of Electors held on Wednesday 8 February 2006 be confirmed as a true and correct record of proceedings."

"That Council consider a proposal to increase the fines for the offence of off road driving on Cemetery Beach and Pretty Pool be lifted to a minimum of \$500 for first offence, and \$1,000 for each repeat offence, during the turtle nesting season being from 1 October to end of April each year."

Statutory Implications

Sections 5.32 and 5.33 of the Local Government Act ensure that copies of the minutes are available to the public, prior to Council's consideration of any decisions made by electors.

*"5.32. Minutes of electors' meetings
The CEO is to -*

- (a) *cause minutes of the proceedings at an electors' meeting to be kept and preserved; and*
- (b) *ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

5.33. Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable -*
 - (a) *at the first ordinary council meeting after that meeting;*
or
 - (b) *at a special meeting called for that purpose, whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting."*

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 6 – Governance

Goal 3 – communication

That Town of Port Hedland is recognised by residents and ratepayers as being an open, informative, accountable local government that listens to community views and keeps stakeholders informed.

Budget Implications

Nil

200607/247 Council Decision/Officer's Recommendation

Moved: Cr D R Pike

Seconded: Cr J M Gillingham

That:

- i) **the decisions from the Annual General Meeting of Electors held on Wednesday 28 February 2006 be received and**
- ii) **Council consider a proposal to increase the fines for the offence of off road driving on Cemetery Beach and Pretty Pool be lifted to a minimum of \$500 for first offence, and \$1,000 for each repeat offence, during the turtle nesting season being from 1 October to end of April each year.**

CARRIED 5/0

NOTE: Deputy Mayor advised that he is required to declare an interest in Agenda Item 11.4.2.3 'Street Names for Pretty Pool Subdivision', which would result in Council not having a quorum to consider the item.

11.4.2.3 Street Names for Pretty Pool Subdivision (File No.: 18\14\0001)

Officer Gaye Stephens
Executive Assistant

Date of Report 19 February 2007

Disclosure of Interest by Officer Nil

Summary

Council has received a proposal from LandCorp for potential street names for the Pretty Pool subdivision. Council comment is requested on the proposal, prior to consideration by MAPS/Landgate.

Background

At its Ordinary Meeting held on Wednesday 28 February 2007, Council resolved as follows:

"That Agenda Item 11.4.2.2 'Street Names for Pretty Pool Subdivision' lay on the table for consideration at Council's next Ordinary Meeting to be held on Wednesday 28 March 2007."

Prior to the release of residential blocks for Stage 1 of the Pretty Pool land release, LandCorp had discussed potential street names for the new areas in the subdivision with traditional owners from Port Hedland. The names at that time were the aboriginal names for coast animals and features. Those potential street names proposed by LandCorp were:

Yikara – meaning Mangrove
Jipurr – meaning Oyster
Jarpull – meaning Mudcrab
Nyangku – meaning Conch
Yurutu – meaning Anadera
Panjya – meaning Sandhills
Kuyurakarru – meaning Mud flats
Jakarli – meaning Baler shell
Panany – meaning reef

Council considered the naming of streets presented by LandCorp at its Ordinary Meeting held in July 2006, as follows:

"That Item 11.4.2.5 Street Names for Pretty Pool Subdivision lay on the table."

as it sought more time to consider all options. Advice from Council at that time was for street names in Pretty Pool to continue with the existing theme of street names for the locality, i.e. with streets being named after prominent local individuals or families. Since then, 95 residential blocks in the Pretty Pool area have been released, and works are well underway.

LandCorp have provided Council with an alternate listing of suggested names, being a mixture of names based on residents identified for their contribution to the development of the Port Hedland area, and names based on traditional owners names for coastal feature in the area, as follows:

A revised listing of possible street names for the Pretty Pool Subdivision (Stages 1 and 2) has been provided to Council by LandCorp as follows:

1. Based on residents identified for their contribution to the development of the Port Hedland area:

- Cooper – after Vincent Cooper (living)
- Dowding – after Peter Dowding (living)
- Rogers – after Lance Rogers
- Madigan – after Albert (Bert) Madigan

(reserved Street Names to be used as alternative for later subdivision stages)

Jardine – after Fred Jardine

Podmore – after Wally Podmore

Carter – after Arnold Carter

2. Based on traditional owners names for coastal features in the area:

- Yikara – meaning mangrove
- Yurntu – meaning anadera
- Panjya – meaning sand hills
- Kuyuru karri – mud flats

The Secretary of the Geographic Names Committee, has advised Council via his email dated 1 February 2007, the Committee's strong preference for names of people whose contribution has been in the past, i.e. no longer living, as follows:

“... The Geographic Names Committee is supportive of roads being named after prominent local individuals and families, but strongly prefers that these names be of people whose contribution has been in the past, not present. There is always the potential for problems with the names of living people, but we can look back on people who are deceased with a lot more confidence.

The Shire's history book "Nor Wester's of the Pilbara Breed" by Jenny Hardie must include the names of many former residents of Port Hedland who have contributed to the development of the town, particularly those who have seen the town through the tough times before iron ore. We would prefer to use some of these names for the new roads rather than the [the] four nominated.

The Committee is very supportive of the names provided by the traditional owners.

*Regards
Brian Goodchild
Secretary, Geographic Names Committee
Landgate"*

Consultation

LandCorp have advised that the list of traditional names have been prepared in consultation with the Kariyarra people, and Arnold Carter provided the possible list of residents' names on behalf of the Port Hedland Historical Society.

Statutory Implications

The responsibility for approving street names lies with the Geographic Names Committee. The Geographic Names Committee, supported by the State Government's Department of Land Information, administers the naming of towns, suburbs and roads, plus geographical features such as hills, rivers, and lakes.

The survey documents for the Pretty Pool subdivision require approved road names before the survey can be approved.

As outlined in the Committee's 'Principles, Guidelines and Procedures' (attached) a local government authority is required to propose the names to Landgate for approval. While the selection of names is at local government discretion, however the Committee's guideline for using the names of Living Persons is as follows:

"The names of living persons are not normally suitable for road names, and if proposed will be subject to a more rigorous selection process. The proposal must be accompanied by comprehensive biographical details including details of community involvement, and also an indication of strong community support to the proposed name."

Place name information is held within the GEONAMA data set, which is updated on a daily basis. Covering the entire state, the data set includes information on the position, origin, meaning and classification of a name.

Policy Implications

Council does not currently have a policy on the naming of streets.

Strategic Planning Implications

Council's Strategic Plan 2007-2012 includes the following:

KRA 4 – ECONOMIC DEVELOPMENT**Goal 4 – Land Development Projects**

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

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

Budget Implications

Nil

Officer's Comment

The existing streets in the Pretty Pool area are largely named after prominent individuals or families who have lived in Port Hedland and contributed to the development of the town.

Council can choose to:

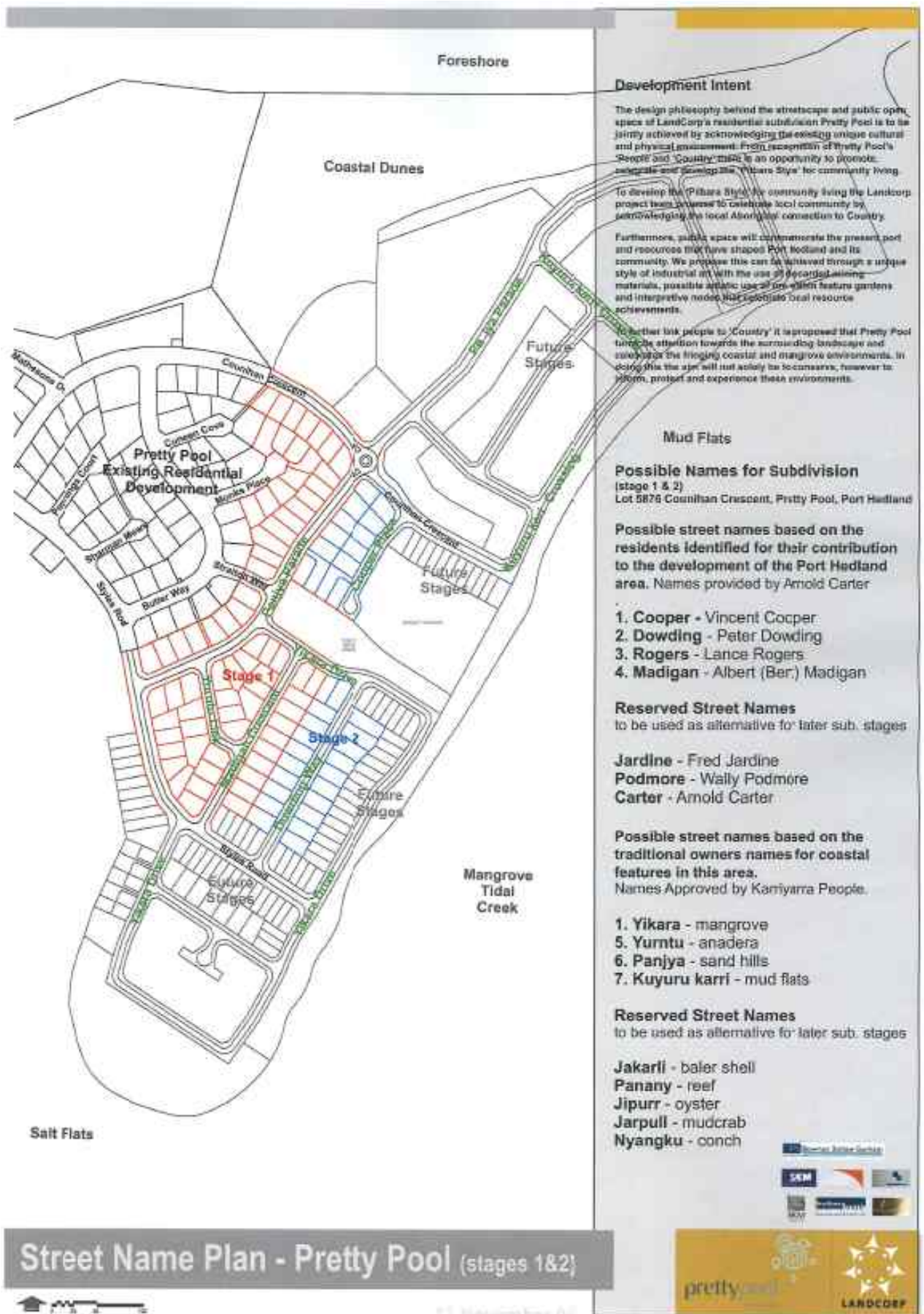
- Accept the alternate street names proposed by LandCorp for the new residential development in Pretty Pool, which includes living peoples names and traditional names;
- Advise LandCorp that the Council's preference is to continue the previous practice of naming streets in Pretty Pool after prominent individuals or families in the Port Hedland community and request them to reconsider the proposed street names and provide Council with an alternate list, using the history book 'Nor Wester of the Pilbara Breed' written by Jenny Hardie on commission by Council; or
- Advise LandCorp that the Council will determine the street names for the new streets and advise the Geographic Names Committee in due course.

Officer's Recommendation

For Council's consideration.

NOTE: Deputy Mayor advised prior to Item 11.4.2.3 'Street Names for Pretty Pool Subdivision that he is required to declare an interest in Agenda Item, which would result in Council not having a quorum to consider the item.

ATTACHMENT TO AGENDA ITEM 11.4.2.3



11.4.2.4 2006 Local Government Compliance Return (File No.: ADM-073)

Officer	Chris Adams Chief Executive Officer
Date of Report	15 March 2007
Disclosure of Interest by Officer	Nil

Summary

The statutory Compliance Audit Return (attached) for the 2006 Calendar year is presented for Council's consideration.

Background

Each year all 142 local government authorities throughout Western Australia are required to undertake a compliance audit and forward the results to the Department of Local Government and Regional Development. The audit process seeks confirmation of the level of compliance with the Local Government Act that is being achieved. The audit covers both major systems and minor technical matters.

The Compliance Audit is one of the tools that Council's and the Department of Local Government use to monitor how the organisation functioned throughout the previous calendar year from a compliance perspective. It identifies areas of non-compliance and lists areas where additional systems development may be required to ensure improved governance.

Generally, the audits are undertaken as a self-audit with the Chief Executive Officer managing the audit process. For the past two years the Department of Local Government and Regional Development has undertaken the audit on Council's behalf.

This years audit process was carried over five days with the Departments auditor seeking evidence from staff in relation to compliance with legislative requirements. The table below indicates the level of non-compliance identified by the Department's auditors during their respective visits.

	2005 Audit	2006 Audit
Number Items Audited	308	276
Number of Non-Compliance	45	8
% of Non Compliance	14.6%	2.9%

While the table indicates that there has been significant improvement in compliance items, there are still some issues that require attention. Issues that were highlighted by the auditor were:

- Disclosure of Interest by Elected Members –Not consistent
- Local Laws: No evidence to suggest that all Local Laws have been reviewed within the last eight years.
- Performance Reviews: Chief Executive Officer’s performance review not undertaken correctly. All other staff OK.
- Minutes – Signing not done on Audit & Finance Committee minutes.
- Tender – Improvement noticed but still not at best practice.
- Audit – Audit agreement not compliant. This will be addressed in the next audit tender.
- Annual report: Not adopted by 31/12/06 but was adopted within two months of receipt.

In all instances of non-compliance, actions have been taken to ensure that improved compliance is achieved in the future

Consultation

The DLGRD auditor met with several staff members over a five-day period of his visit to gather evidence that compliance was being achieved.

The preliminary results of the compliance audit were discussed at the Informal Briefing Session with Councillors held on Wednesday 14 March 2007.

Statutory Implications

Section 7.13(i) of the Local Government Act 1995 states that:

Regulations may make provisions requiring local governments to carry out in the manner and form prescribed an audit of compliance with such statutory requirements as are prescribed whether those requirements are:

1. *Of a financial nature*
2. *Under this act or another written law*

Regulation 14 of the Local Government (Audit) Regulations requires the following:

“A local government is to carry a compliance audit for the period 1 January to 31 December each year.”

“After carrying out a compliance audit the local government is to prepare a compliance audit in a form approved by the Minister”

“A compliance audit return is to be:

- i) *Presented to Council at a meeting of the Council*
- ii) *Adopted by the Council*
- iii) *Recorded in the minutes of the meeting at which it is adopted.”*

Policy Implications

Nil

Strategic Planning Implications

The following Goal is included within the Governance KRA of the Strategic Plan.

“That the Town’s internal operating systems are structured in a manner that assists in providing timely accurate information to the community”

The compliance audit is a significant management tool that is used to ensure that systems and structures are operating efficiently and effectively.

Budget Implications

As the Council used the services of the DLGRD rather than doing the audit ‘in-house’ costs were incurred. These costs included airfares, accommodation and meals for the auditor. Wage costs for the auditor were borne by the DLGRD.

Officer’s Comment

The high level of attention paid to compliance issues over the past twelve (12) months has lead to a significantly improved performance in the Compliance Audit return. While there is room for improvement, the auditor has commented that the Town of Port Hedland level of compliance is at or above the level of compliance.

A copy of the Report of Compliance Audit was received (attached) with a covering letter form the Director General of the DLGRD, which states (in part):

“Mr Stuart Fraser who undertook the completion of the 2006 Compliance Audit Return has indicted to me the significant progress the Town has made to improve its level of statutory compliance.

I with to thank yourself and the staff involved in assisting with the completion of the return for the co-operation and support provided to Stuart on his visit.

I am impressed with the Town’s demonstrated commitment towards improving its compliance with the relevant legislation.”

200607/248 Council Decision/Officer’s Recommendation**Moved:** Cr D R Pike**Seconded:** Cr S F Sear**That Council adopts the findings of the 2006 Local Government Compliance Audit.****CARRIED 5/0**

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**12.1 Planning Services**

6:20 pm Councillor George J Daccache declared a financial interest in Items 12.1.1 'Proposed Site Office and Lunch Room at Lot 3278 Tinder Street, Port Hedland (Reserve 34344) for Use Related to Construction Activities at Lot 3263' in writing at the commencement of the meeting, as he owns BHP Billiton shares and is employed by the company. Councillor George J Daccache left the room.

NOTE: Councillor Des R Pike declared a financial interest in Item 12.1.1 'Proposed Site Office and Lunch Room at Lot 3278 Tinder Street, Port Hedland (Reserve 34344) for Use Related to Construction Activities at Lot 3263' in writing at the commencement of the meeting, as he owns BHP Billiton shares. Councillor Pike did not leave the room, as the Department of Local Government and Regional Development have granted him an exemption to do so.

NOTE: Deputy Mayor advised Council it did not have a quorum to consider Agenda Item 12.1.1 'Proposed Site Office and Lunch Room at Lot 3278 Tinder Street, Port Hedland (Reserve 34344) for Use Related to Construction Activities at Lot 3263'.

12.1.1 Proposed Site Office and Lunch Room at Lot 3278 Tinder Street, Port Hedland (Reserve 34344) for Use Related to Construction Activities at Lot 3263 (File No.: 130355G)

Officer Andrew Patterson
Planning Officer

Date of Report 21 March 2007

Disclosure of Interest by Officer Nil

Summary

Council has received an application for planning approval from Broad Construction for the construction of site offices, a lunchroom and toilet servicing the adjacent construction site at Lot 3263 Dempster Street, Port Hedland. This development comprises five (5) transportable structures and two (2) sea containers.

The applicant is proposing to remove the site buildings at the end of the construction project that is expected to last for 85 weeks.

Construction site offices are generally exempt from requiring planning or building approval as they are an accepted part of a construction site and generally of a temporary nature. As the proposed offices are to be constructed on the adjacent recreation reserve rather than on the construction site, this application requires planning approval.

Background

Council approved the construction of 45 grouped dwellings at Lot 3263 Dempster Street, Port Hedland at its Ordinary Meeting on 27 April 2005, with modifications to the original being granted in June 2006.

This current application is proposed for the construction of the site offices and rooms required for this project. Site offices are generally located on the building site itself, however due to filling and retaining requirements and the logistics of the construction itself, locating the site offices of Lot 3263 would require them to be relocated during the project. The applicant therefore proposes to locate these facilities on adjacent land that will remain undisturbed by the construction activities.

It is noted that this development already exists on site due to miscommunication among Council staff that granted approval for the development prior to the issuing of planning approval.

Licence Agreement

Reserve 34344 comprises the Colin Matheson Playing field and the Oval Carpark that is accessed from Keesing Street comprises Crown land vested in the Town of Port Hedland for the purpose of "Recreation and Parking." The Port Hedland Primary School enjoys legal use of the playing fields and the car park under a licence agreement between the Town of Port Hedland and the Minister for Education. The terms of this licence agreement relevant to this application are (Officer summary is identified by use of *italics*):

2.1 Grants of Licence

Officer's Comment: This section grants the Minister for Education a licence in common with the Town to exercise rights in respect of the Oval Car Park and Playing Fields. Nothing in this agreement is to prevent the Town from using this land during the currency of this Deed.

2.5 The Minister is entitled to use the land between 7:30am and 2:30pm on weekdays during the school term and at other times with the agreement of the Town.

- 3.1 The Town and the Minister shall only use the Oval Car Parking Area and the School Car Parking Area for the purpose of parking of motor vehicles and for no other reason whatsoever without agreement between them.
- 3.3 If either of the parties wishes to use any of the areas licensed pursuant to this Deed outside the times specified in this Deed than they may do so provided they obtain the prior written consent of the other party which consent must not be unreasonably withheld or delayed.
- 7.1 The Town shall be responsible for the day-to-day cleaning of, and repairs, to the Playing Fields and the Oval Car Parking Areas.
- 7.3 If there is any major damage to or breakdown of equipment in either the Oval Car Parking Area of the School Car Parking Area the Town and the Minister shall share the cost of rectification equally unless the damage or breakdown is a result of the negligent act or omission of the Town or the Minister in which case the negligent party shall immediately at its cost remedy any breakdown or damage.

8. Obligations

During the currency of this Deed and whilst exercising or purporting to exercise the rights pursuant to this Deed, the Town and the Minister will:

- (a) not use any of the licensed areas for any purpose other than as specified in this Deed;
- (b) not permit or cause and will ensure that their respective employees and their servants contractors and invitees do not permit or cause any rubbish, refuse, petrol, diesel or oil or other lubricants to be dropped on any of the licensed areas
- (c) comply with and will ensure that their respective employees agents servants contractors and invitees comply with all statutes, ordinances, proclamations, orders and regulations, present or future affecting or relating to the use by them of the licensed area and all requirements which may be made or notices or orders which may be given by any governmental, semi governmental, city, municipal, health licensing to other authority relating to the use by them of the licensed areas (in all cases whether or not they are obliged to so comply);
- (d) not permit or cause any damage to the licensed areas or to any adjoining land or impose any environmental liability on any of them;

10. Default

“This section deals with the implications for defaulting any part of the license including financial compensation.”

Under this license agreement, Council is required to obtain the written permission of the Minister for Education prior to granting any approval. It is noted that the Port Hedland Primary School has advised the Town of Port Hedland verbally that the School Principal has inspected the site with representatives of Broad Construction and not objected to the development.

Notwithstanding this verbal approval, should Council support this application, written permission is required from the Minister.

Land Tenure

As the land subject to this application comprises vested Crown land, any development is required to conform to the Management Order. As this application does not fit within a recreation or car parking use, the Management Order would have to be modified or revoked at least to the extent of the development site.

Should Council resolve to approve this application, Council could either seek a temporary modification to the Management Order or could seek cancellation of part of the Management Order over the affected area, effectively handing the land back to the Crown who could then negotiate a lease for the land with the applicant for the duration of the site offices. This lease would be backdated to the commencement of site works.

Legal Liability

As this development is currently on site, Council's insurance provider has been contacted to ascertain whether this constitutes any form of legal liability on the Town of Port Hedland. In an email response, the Town of Port Hedland has been advised that no additional insurance is required but that Council is advised to obtain copies of the developer's public liability and motor vehicle third party insurance policies.

Consultation

Council's Environmental Health Services have not objected to the proposal.

Council's Building Services have not objected to the proposal and noted that temporary site offices do not require the issuing of a building license.

Council's Recreation Services have not objected to the proposal subject to:

1. the precise location of the football scoreboard being determined in consultation with Council's Recreation Coordinator and the Rovers Football Club with this location not to interfere with existing boundary lines;
2. any damage to turf and/or sprinkler systems being made good at the termination of the construction project;
3. no vehicles being driven on the oval at any time; and
4. no permanent structure being installed closer than five (5) metres from the football boundary line.

The Port Hedland Primary School has advised the Town of Port Hedland verbally that the School Principal has inspected the site facilities and has no objection to the development. It is noted that any formal planning approval requires formal written permission from the Minister for Education pursuant to s. 3.3 of the License agreement.

Peter Liddle of Local Government Insurance Services has advised that Council does not need to amend its insurance policy with regard to this application.

Council's Recreation Coordinator has contacted the Rover's Football Club regarding potential impacts of this development on the Club to ensure they are satisfied with the new location of the scoreboard.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 (TPS 5) reserves this land for "Parks and Recreation" with Management Order vesting the land in the Town of Port Hedland for the purpose of "Recreation and Parking."

Policy Implications

Nil.

Strategic Planning Implications

Nil.

Budget Implications

Fees of \$100 have been received from the applicant and deposited into account 1006326 – Town Planning Fees, reflecting an estimated a development cost of \$50 000.

Officer's Comment

As noted in the report, Port Hedland Primary School and the Rovers Football Club are aware of this proposal and have not objected.

Given the scope of works for the St Cecelia housing development it is not considered unreasonable to locate the site offices off the site, particularly given that the developer is filling and retaining the site in response to Council advice to the original planning approval regarding flood and storm surge levels.

The site selected by the developer for this development is unlikely to have significant impact of current users of Reserve 34344, particularly given the temporary nature of the structures.

Officer's Recommendation

That:

- i) The Minister for Education be requested to permit Broad Construction to locate the construction site facilities detailed in the application for planning approval received by Council on Monday 19 March 2007 (Application 2007/064) on Reserve 34344 pursuant to paragraph 3.3 of the Deed between the Town of Port Hedland and the Minister for Education dated 20/08/2001; and
- ii) The Town of Port Hedland advise the Department for Planning and Infrastructure (State Land Services) that it requests that the portion of land identified for the development of site facilities on Reserve 34344 in the application received Monday 19 March 2007 be excised from the Management Order over this Reserve; and
- iii) Should the Minister for Education accede to the request made under Part I of this resolution, and the Department for Planning and Infrastructure (State Land Services) accede to the request made under Part II of this resolution, that Planning Consent be granted to Broad Constructions for the construction of Temporary Site Facilities at Lot 3279 (Reserve 34344) Tinder Street Port Hedland as outlined in the Application received 19 March 2007 (Application 2007/064) and indicated on the approved plans, subject to the following conditions:

GENERAL

1. All structures subject to this approval are to be removed and the land made good to the satisfaction of the Manager Planning within eighty-five (85) weeks of the date of this approval.
2. The developer is to apply to the Department for Planning and Infrastructure (State Land Services) for a lease or license over the Crown land subject to this approval.

3. The developer is to submit a Tie-Down detail signed by a Certified Practicing Structural Engineer that the structures subject to this approval are secured adequately for use in Severe Cyclone Region D, Terrain Category 2.
4. The developer is to construct fencing isolating the approved development from Reserve 34344 to the satisfaction of the Manager Planning.
5. The developer is to attend any meeting of the Colin Matheson Development Committee and take direction from this Committee as required.
6. The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction Manager Planning.
7. Any damage caused by the developer or any employee subcontractor or agent of the developer to the Turf or Playing Field or car park fixtures is to be reported to the Town of Port Hedland as soon as possible and made good to the satisfaction of the Manager Planning at no cost to Council.
8. No permanent fixtures are to be installed within five (5) metres of the Playing Field boundary line.
9. Access to the structures subject to this approval is to be made directly from lot 3262 Dempster Street and no vehicle is to drive across Reserve 34344.
10. The applicant is to submit copies of the applicant's Public Liability and Motor Vehicle Third Party Insurance Policies to the Town of Port Hedland.

ADVICE TO DEVELOPER

11. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
12. 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.

- iv) All works and requirements subject to this approval to be at no cost to Council.

Officer's Amended Recommendation

That:

- i) The Minister for Education be requested to permit Broad Construction to locate the construction site facilities detailed in the application for planning approval received by Council on Monday 19 March 2007 (Application 2007/064) on Reserve 34344 pursuant to paragraph 3.3 of the Deed between the Town of Port Hedland and the Minister for Education dated 20/08/2001; and
- ii) The Town of Port Hedland advise the Department for Planning and Infrastructure (State Land Services) that it requests that the portion of land identified for the development of site facilities on Reserve 34344 in the application received Monday 19 March 2007 be excised from the Management Order over this Reserve; and
- iii) Should the Minister for Education accede to the request made under Part I of this resolution, and the Department for Planning and Infrastructure (State Land Services) accede to the request made under Part II of this resolution, that Planning Consent be granted to Broad Constructions for the construction of Temporary Site Facilities at Lot 3279 (Reserve 34344) Tinder Street Port Hedland as outlined in the Application received 19 March 2007 (Application 2007/064) and indicated on the approved plans, subject to the following conditions:

GENERAL

1. All structures subject to this approval are to be removed and the land made good to the satisfaction of the Manager Planning within eighty-five (85) weeks of the date of this approval.
2. The developer is to apply to the Department for Planning and Infrastructure (State Land Services) for a lease or license over the Crown land subject to this approval.
3. The developer is to submit a Tie-Down detail signed by a Certified Practising Structural Engineer that the structures subject to this approval are secured adequately for use in Severe Cyclone Region D, Terrain Category 2.
4. The developer is to construct fencing isolating the approved development from Reserve 34344 to the satisfaction of the Manager Planning.

5. The developer is to attend any meeting of the Colin Matheson Development Committee and take direction from this Committee as required.
6. The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction Manager Planning.
7. The developer is to determine the new location of the Playing Field Score Board in consultation with Council's Recreation Coordinator.
8. Any damage caused by the developer or any employee subcontractor or agent of the developer to the Turf or Playing Field or car park fixtures is to be reported to the Town of Port Hedland as soon as possible and made good to the satisfaction of the Manager Planning at no cost to Council.
9. No permanent fixtures are to be installed within five (5) metres of the Playing Field boundary line.
10. Access to the structures subject to this approval is to be made directly from lot 3262 Dempster Street and no vehicle is to drive across Reserve 34344.
11. The applicant is to submit copies of the applicant's Public Liability and Motor Vehicle Third Party Insurance Policies to the Town of Port Hedland.
12. The applicant is to ensure that no employee, subcontractor or agent of the developer makes use of the Oval Car park adjacent to the approved site offices at any time for any purpose relating to the site offices or adjacent building activity.

ADVICE TO DEVELOPER

12. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.

13. 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) All works and requirements subject to this approval to be at no cost to Council.

NOTE: Deputy Mayor advised Council prior to Agenda Item 12.1.1 'Proposed Site Office and Lunch Room at Lot 3278 Tinder Street, Port Hedland (Reserve 34344) for Use Related to Construction Activities at Lot 3263' that it did not have a quorum to consider the matter.

12.2 Governance**12.2.1 Expression of Interest for Port Hedland Immigration Facility (File No.: ...)**

Officer Chris Adams
Chief Executive Officer

Date of Report 26 March 2007

Disclosure of Interest by Officer Nil

Summary

The Federal Department of Immigration has released Expressions of Interest (EOI) documents for the proposed leasing of the Port Hedland Immigration Detention Centre. This report proposes that the Town of Port Hedland prepare a joint EOI bid to manage the facility in the short-term.

Background*History/Current Status*

The Port Hedland Detention Centre has been mothballed since May 2004. The Town has been actively lobbying for the use of this centre, no more so than over the past 6-12 months when accommodation shortages have reached crisis levels.

In early February 2007 the Department of Immigration announced that they would be reviewing the status of the facility, and on 16 March the Department officially announced that the centre would be leased via an EOI process. This EOI was advertised on Saturday 24 March with a closing date of 13 April 2006.

The EOI indicates that the area for lease includes:

- 6 x two storey accommodation blocks (approximately 30 rooms per block) with ablutions and common room on each block.
- 2 x two storey mixed accommodation/administration/training block (approximately 25 single/double rooms)
- A near new kitchen facility with a seating capacity for 150-200 people.
- A decommissioned kitchen suitable for storage only and an attached former mess.
- Various single level ancillary buildings previously used as a workshop, gym, laundry and sewing room.

The term of the lease is said to be negotiable and the EOI advertisement indicates that the lease would provide for a return to the Department of Immigration if required for operational purposes.

The Proposal

Given the chronic shortage of accommodation that Port Hedland is facing it is likely that there will be significant interest in the leasing of the facility by mining companies, accommodation providers and developers alike. While the opening/re-use of the centre is a positive move for the Port Hedland community, there is a potential that the full benefit of the reopening may not be achieved if a single group 'gets hold of the facility' to the exclusion of other groups that are also in drastic need of accommodation.

It is suggested that as the Town of Port Hedland is in a position whereby it understands the various accommodation needs within the community; we may be an appropriate tenderer for the facility as we would be in a position to allocate the rooms in a manner that achieves the best outcomes for the community.

While the Town's knowledge of accommodation needs is a positive, our lack of experience in managing/operating accommodation centres is a large negative. Given this it has been suggested that the Town form a consortium with other potential bidders to coordinate a consolidated bid. Both BHP Billiton and Fortescue Metals Group have independently approached the CEO to discuss the potential of submitting a joint EOI proposal. Given these companies' experience and financial resources available, an appropriate approach may be to submit a joint bid.

Consultation

While no formal proposals have been discussed, preliminary discussions have been held with BHP Billiton and FMG re the potential of undertaking a joint bid.

The Department of Immigration has indicated (verbally) that the timeframes for the tender process will be:

- 13 April: EOI process closes
- Early May: Short Listed EOI Applicants given invitation to tender
- Late May/Early June: Tenders Close
- Late June: Successful tenderer announced
- July: Site possession to successful tenderer.

The Department has indicated that a site tour of the facilities will be arranged at a date to be confirmed during the EOI process.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Leasing and/or managing this type of facility are not included within the Town's strategic plan.

Budget Implications

At this stage no budget implications have been prepared for the proposed EOI for the facility. As the operation of this type of facility is not the 'core business of Council' is imperative that Council's bid for the facility is at least cost neutral (preferably better).

While it is not anticipated that the operation of the facility would cost ratepayers any money, it should be noted that there are likely to be capital costs associated with the refurbishment of the facility and that the operation of the facility does come with some level of financial risk. This risk may be minimised through a joint partnering bid with other tenderers.

Officer's Comment

While running an accommodation centre is clearly not the core business of the Town of Port Hedland, the Council does have a detailed understanding of the current accommodation crisis that is facing a range of industry and business stakeholders. Given the shortage of accommodation, the lease for the facility is likely to be hotly contested. To ensure that the whole community benefits from the reopening of the Detention Centre, as opposed to one industry or company, it is considered appropriate for Council to be involved in the bidding process for the facility.

200607/249 Council Decision/Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr D R Pike

That Council:

1. **Work with BHP Billiton, Fortescue Metals Group and/or other interested parties to prepare a joint Expression of Interest bid for the leasing of the Port Hedland Immigration Detention Centre; and**
2. **Council's involvement in the bid be premised on the following key principals:**
 - a) **the distribution of available rooms at the facility covering a range of accommodation needs including backpackers, tourists, transient workforce accommodation and others;**
 - b) **the bid being of low financial risk to Council; and**

- c) the bid being for a short-term lease of the facility only (5 years or less).

CARRIED 5/0

12.3 Recreation Services**12.3.1 *Alteration to South Hedland Aquatic Centre Operation Hours (File No.: 26/04/0006)***

Officer Grant Logie
Director Engineering Services

Date of Report 26 March 2007

Disclosure of Interest by Officer Nil

Summary

Due to complications arising from Tropical Cyclones George and Jacob, the South Hedland Aquatic Centre has been unable to re-open to date. The YMCA Inc. have approached Council for a decision on whether the Aquatic Centre should re-open for the remainder of the season.

Background

As part of the contractual agreement with the Town of Port Hedland, the South Hedland Aquatic Centre (SHAC), is scheduled for closure at the end of the Term 1 school holidays on 22 April 2007.

Since Tropical Cyclone George, SHAC has had no electricity (and recently no telephone), resulting in a halt to clean up and re-chlorination of the pool water. Electricity was restored on Sunday 25 March, however manual cleaning of the water has been restricted due to the level of rainfall currently being experienced.

Based on the YMCA's expertise, it is likely that due to the water volume and turnover rate at the aquatic centre, a minimum of two (2) weeks will be required before the SHAC can be re-opened. This estimation is based upon no further interruptions to the electricity supply, or periods of heavy rain. Water testing will be required prior to the re-opening of SHAC. Due to the timeframe required for this process, it is likely that the Aquatic Centre will not re-open until approximately 13 April 2007. Should this eventuate, the pool will be open for a week and a half prior to its scheduled closure date.

Consultation

Town of Port Hedland staff, including:
Chief Executive Officer
Recreation Coordinator
Environmental Health Officer

YMCA Inc. staff, including:
Area Manager, Pilbara
Recreation Operations Manager

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil. The South Hedland Aquatic Centre is under a management agreement with the YMCA Inc. and any costs incurred to re-open the pool are included within this contract, and will be borne by the YMCA Inc.

Officer's Comment

Darren Beltman from the YMCA Inc. has approached Council with a request to keep the South Hedland Aquatic Centre closed with the following explanation:

“Given the high costs of labour and chemicals in making the pool ready for only two to three weeks of the season I feel it is appropriate to raise the option of decommissioning the pool for the season to save the Shire costs as mentioned above and allow more time to ready the pool for emptying and disposing of water. As only the Centre Manager would be required at the centre during this time other staff would be available to provide an extension to the hours there and assist in filling some of the void.”

The Hedland Water-polo Association has been disadvantaged this season due to the impact of Tropical Cyclone George and Jacob, and have forfeited four weeks of their season. In an attempt to complete the season, the association will play only the finals, which require three separate occasions. Closure of the pool will ultimately mean the Hedland Water-polo Association is unable to complete their season, a situation that the members wish to avoid.

When taking these issues into account, Council therefore has two (2) options:

1. To close the South Hedland Aquatic Centre for the remainder of the season

2. To re-open the South Hedland Aquatic Centre as soon as possible for the remainder of the season to enable the Hedland Water-polo Association to conclude their season.

200607/250 Council Decision/Officer's Recommendation**Moved:** Cr S F Sear**Seconded:** Cr A A Carter**That:**

- i) the YMCA Inc be advised in writing that their request to keep the South Hedland Aquatic Centre closed for the remainder of the season, due to implications from Cyclone George, is granted;
- ii) the Hedland Water-polo Association is notified in writing of this closure; and,
- iii) public notices be displayed to alert the community to this approval.

CARRIED 5/0

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

200607/251 Council Decision

Moved: Cr S F Sear

Seconded: Cr D R Pike

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 Agenda Item 14.1 'Confidential Matter: Proposed Deed of Settlement Between Wellard Properties and the Town of Port Hedland'.

CARRIED 5/0

NOTE: Section 5.23 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 - ...

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; ..."

6:38 pm Members of the public left the room.

ITEM 14 CONFIDENTIAL ITEMS**14.1 CONFIDENTIAL MATTER: Proposed Deed of Settlement Between Wellard Properties and the Town of Port Hedland****200607/252 Council Decision**

Moved: Cr S F Sear

Seconded: Cr D R Pike

That Council authorise the signing and sealing of the Deed of Settlement between Wellard Properties and the Town of Port Hedland regarding the use and development of Lot 842 and Lot 5909 Great Northern Highway, with the following amendments:

- . Clause 2.1 (page 5) delete the words "quarry and mine products, including", so the Clause reads as follows:**

“The Town acknowledges that it has no objections to the use of Lot 842, and the proposed use of Lot 5909, for stockpiling manganese ore, subject to Wellard complying the undertakings set out in clause 2.2.”; and

- . Clause (b) (i) (Page 6) delete existing paragraph, and replace with the following:

“Within 6 months of the date of this deed, Wellard will, to the satisfaction of the Town’s Manager of Planning, landscape the road frontage area of Lot 842 by the planting of fast growing trees to act as a screen; and”

- . Clause (b) (ii) (Page 6) delete existing paragraph, and replace with the following:

“Within 6 months of the date of this deed, Wellard will, to the satisfaction of the Town’s Manager of Planning, plant additional trees on Lot 842 and, also, if Wellard becomes the assignee of the benefit of the lease of Lot 5909, on Lot 5909 – with the planing to be consistent with the uses of those properties;”

CARRIED 5/0

REASON: Council sought for amendments to be made to the Deed of Settlement between Wellard Properties and the Town of Port Hedland, regarding the use and development of Lot 842 and Lot 5909 Great Northern Highway:

- . *to ensure the Deed was for the stockpiling of manganese ore; and*
- . *to ensure that landscaping would be undertaken within six (6) months of the Date of this Deed.*

200607/253 Council Decision

Moved: Cr S F Sear

Seconded: Cr D R Pike

That the Meeting be opened to members of the public.

CARRIED 5/0

6:44 pm Members of the Public re-entered the room.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

ITEM 16 CLOSURE

NOTE: Deputy Mayor commended Council's Chief Executive Officer for his leadership during Emergency Services meetings held throughout the Cyclone.

16.1 Date of Next Meeting

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

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 6:45 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 24 April 2007.

CONFIRMATION:

MAYOR

DATE