



Town of Port Hedland

MINUTES

OF THE

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

HELD ON

WEDNESDAY 23 MAY 2007

AT 5.30 PM

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

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*Chris Adams
Chief Executive Officer*

OUR COMMITMENT

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

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ITEM 1 OPENING OF MEETING**1.1 Opening**

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

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

Cr A A Carter
Cr G D Bussell
Cr G J Daccache
Cr A A Gear
Cr J M Gillingham
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

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2.2 Apologies

Mayor S R Martin

2.3 Approved Leave of Absence

Cr D R Pike

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held Tuesday 24 April 2007.****3.1.1 Miss Kelly Howlett**

In regards to Agenda Item 11.2.2.4 Proposed Adoption of Pretty Pool Revised Development Plan and Associated Town Planning Scheme Amendment; and the Officer's Recommendation point c) in regards to the Shorebird Management Plan avifauna survey; is Council able to provide any detail as to the scientific basis as to why surveying will only be taking place in September?

The approval process, to which this question refers, requires all rezoning approvals to be referred to the Environmental Protection Authority (EPA) for assessment of environmental matters, such as the avifauna survey.

Council has referred the matter to the EPA for assessment at the appropriate level.

Assuming that consent to advertise is provided, Council is required to advertise the amended application for a period of 42 days, which will provide the community an opportunity to comment on this and other matters, prior to Council determining whether the amendment should be endorsed or not (with or without amendments).

3.2 Questions from Members at Ordinary Council Meeting held Tuesday 24 April 2007

Nil.

3.3 Questions from Public at Special Council Meeting held Wednesday 9 May 2007.

Nil.

3.4 Questions from Members at Special Council Meeting held Wednesday 9 May 2007

Nil.

3.5 Questions from Public at Special Council Meeting held Tuesday 15 May 2007.

Nil.

3.6 Questions from Members at Special Council Meeting held Tuesday 15 May 2007

Nil.

ITEM 4 PUBLIC TIME**4.1 Public Questions**

5:32 pm Deputy Mayor opened Public Question Time.

4.1.1 Mrs Denise Durrant

I thought an item relating to Edgar Street was being presented to tonight's meeting, however, am now aware Council considered it at a special meeting; did anyone speak with the tenants of the street prior to a decision being made at that Special Meeting, as there is huge problems in relation to garbage collections and street sweeping within the street?

5:34 pm Councillor Arthur A Gear left the room.

Deputy Mayor advised the majority of Councillors examined the Edgar Street works on the Saturday afternoon prior to the special meeting, and were concerned with disabled parking availability within the street, and modified plans accordingly. After a thorough examination of the proposal Council resolved to proceed as planned.

5:35 pm Councillor Arthur A Gear re-entered the room and assumed his chair.

Deputy Mayor also advised that Councillors considered the use of a two-man crew for rubbish collection, with rubbish bins being placed on the edge of the new islands that is closes to the road edge.

Council has discussed the Edgar Street Enhancement works a lot, and discussions relating to the project have taken place over the past two years.

Who did the designs for the works?

Deputy Mayor advised architects designed the Edgar Street Enhancement works on behalf of the Pilbara Development Commission.

Director Engineering Services advised the designs were prepared professionally approximately two (2) years ago.

4.1.2 Miss Kelly Howlett

This question relates to the traffic calmer installed on Wedge Street and I am aware that the matter has been referred to Main Roads WA, but I was hoping that you may be able to provide an update:

- a) *Timeframe on when additional signage may be installed assisting in making drivers aware that a traffic calmer is in position?*
- b) *Progress of the process to gazette the traffic calmer as an official pedestrian crossing?*

Director Engineering Services advised that additional signage to be installed further back from the traffic calming device, to provide drivers earlier awareness of the device have been ordered and are awaiting delivery.

The actual markings planned to be made to the speed hump have been forwarded to Main Roads WA, and it is expected line marking of the traffic calming device will be completed within a week.

I would like to congratulate Town of Port Hedland Councillors in pledging to put together a team for the upcoming South Hedland Street Blitz Completion. Yesterday in front of the other six team captains, the Mayor drew out of a hat the street that you will be tackling: Stanley Street (from Angus Way to Copping Place). Best of luck for that and certainly the trophy would look good up here in the Chambers if you were to be successful.

To support this initiative in encouraging town pride and the newly underway South Hedland New Living Program, we are hoping that the Town of Port Hedland can give a commitment to re-instate the Tidy Garden of the Year, Street of the Year, Waterwise Garden competition, etc. while all competitive they do encourage householders to have pride in where they live – is there any room in the budget/plans to re-instate this competition this year? If not, why not? If so, do you have any proposed timeframe within which it may occur?

Chief Executive Officer advised that the reinstatement of many of these events/competitions is included in Council's Strategic Plan 2007-2012 for this year. At this stage all are scheduled for completion before or by June 2008, as this is the date for all strategies within Council's Strategic Plan are to be completed by that date.

Is the Town of Port Hedland going to champion an entry in the Tidy Towns Competition this year? If not, why not? If so, when will this be commencing?

Director Regulatory and Community Services advised a Committee is being established and works are being planned for the next Tidy Towns competition.

I refer to questions I asked at the 28 June 2006 Ordinary Council Meeting and 28 February Annual Electors Meeting - I am aware that I am not allowed to ask the same questions, however on both these occasions questions were taken on notice and documentation was promised, but we are now in May 2007 (almost a year) and I have still yet to receive a response of the documentations.

“In regards to the drafting and development of Item 11.2.2 ‘Application for Planning Approval for 52 Additional Transient Workforce Accommodation Units at Lot 300 Schillaman St Wedgefield (File No.: 124924), has the formal agreement between the Town of Port Hedland and proponents as per condition o) been formally concluded? {Condition o) being Prior to Occupation – the owner enter into a formal agreement with Council stating at: i) they are aware of the potential impacts of emissions and odours associated with being located in proximity to all, or particular developments, within the Wedgefield Industrial Areas, and ii) Council is not liable for any damage caused by exposure to emissions, risks or hazards and no legal action shall be taken against Council in this regard}; has this condition been completed?”

Director Regulatory and Community Services advised that as far as he can recall all conditions of the Planning Approval for 52 Additional Transient Workforce Accommodation Units at Lott 300 Schillaman Street, Wedgefield were met, but advised this question will be taken on notice;

Has the formal agreement been concluded? If yes, may I please have a copy of this agreement?

Director Regulatory and Community Services confirmed yes.”

So if it is concluded and an agreement reached can I please now pick up a copy from reception?

Director Regulatory and Community Services advised he did not have the answer with him, however is aware that discussions between Council’s planners with ESS have been held. Director Regulatory and Community Services advised he would expect this matter has been resolved.

Can an answer be provided within the year, since it was first raised?

Director Regulatory and Community Services undertook to provide an answer to Miss Howlett within a week.

“In regards to condition (q) [Condition q – the proponent is to employ an Environmental Specialist to undertake an independent assessment of the odours and emissions and implement appropriate measure as necessary following the completion of the assessment] has this normally ‘prior to occupation’ condition been completed?”

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

If yes – may I please have a copy of this independent assessment?

Director Regulatory and Community Services advised a copy of the independent assessment may be forwarded to Miss Howlett provided the document is not provided to Council as ‘Commercial in Confidence’.

If Council receives it as a confidential document, can you inform me of its receipt so I can take the next step?

Director Regulatory and Community Services confirmed yes.”

If it has been deemed not to be commercially sensitive can I please now pick up a copy from reception, say 3pm tomorrow afternoon?

Following clarification with Councillors, Director Regulatory and Community Services advised the document, which was copywrited, has been distributed to all Councillors.

Can you inform me of the next step to obtain a copy?

Director Regulatory and Community Services advised that he will provide Miss Howlett with the details of the author of the report.

Is any works being conducted to investigate and designate an allowed driving area for 4WDs and ATVs in and around Port Hedland (as opposed to South Hedland)?

Director Regulatory and Community Services advised that the last position of Council was to enforce fines on off road vehicles along beaches, but not to actively pursue offenders. There is no such designated off road area within Port Hedland, however Council is in a position to enforce legislation.

Can you please provide a progress report on how the proposal to increase the offence of off road driving on Cemetery Beach and Pretty Pool be lifted to a minimum of \$500 and \$1,000 for each repeat offence during the turtle nesting season of October to April is going in readiness for October and this season's nesting?

Chief Executive Officer advised this is a matter for Council's Local Laws Working Group, of which a meeting is overdue because of a lack of quorum. The Group need to meet again to address this and other Local Laws matters.

5:48 pm Deputy Mayor closed Public Question Time.

4.2 Public Statements

5:48 pm Deputy Mayor opened Public Statement Time.

Nil.

5:48 pm Deputy Mayor closed Public Statement Time.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 Councillor Arthur A Gear

What is the status of repairs to the dangerous road damage along Forest Circle?

Director Engineering Services advised the cut outs of sections along Forrest Circle, and at the entry roundabout to South Hedland at Wallwork Road, which were pushed out as a result of the water table rising with rains associated with cyclone, have now been prepared in readiness for hot mixing crews. The crews are expected to be undertaking works in the second week of June.

Is parking on the corner of Gregory and Byass Streets designated as a parking area?

Director Regulatory and Community Services advised it is understood that the current occupiers of (formerly) Lil's Retravision in Byass Street, have arrangement in place with the private owners of the land.

Is that a viable option, as it seems dangerous with busses operating in the vicinity for transporting workers?

Director Regulatory and Community Services advised the matter has been discussed with Ranger Services.

As grass around South Hedland is now quite long, is there a slashing program in place?

Director Engineering Services advised that the slashing program in South Hedland is currently underway, with works being undertaken in Murdoch Drive.

Can Council request the Department of Housing to hold a Public Forum, as there appears to be a lot of vacancies at the moment, and residents are being evicted due to the Department leasing houses to residents who are within a higher income bracket?

Chief Executive Officer advised the new Regional Manager for Department of Housing and Works will be invited to meet with Councillors at Council's next informal briefing session.

5.2 Councillor George J Daccache

In relation to the proposed Board of Management for the Cultural Precinct, incorporate the Port Hedland Visitor Centre and Art Gallery, is there a meeting coming up, and who will be invited to this?

Director Regulatory and Community Services advised a facilitated workshop is currently being planned for key stakeholder including the Port Hedland Visitor Centre, Council, Port Hedland Art Gallery, Historical Society and PACDAC. The tentative date for this meeting is Saturday 9 June 2007.

5.3 Councillor Grant D Bussell

As it appears the answer to Miss Kelly Howlett's question at Council's Ordinary Meeting held on Tuesday 24 April 2007, relating to the Adoption of the Pretty Pool Revised Development Plan and Associated TPS Amendment, which was requesting further detail as to the scientific basis for why the Shorebird Management Plan avifauna surveying will only be taking place in September has not been fully answered, can this be provided?

Chief Executive Officer advised that additional information will be sought from consultants on why September was selected as the only month for the Avifauna Survey.

As a result of the ongoing Edgar Street Enhancement works, can Council produce a protocol for community consultation?

Deputy Mayor advised that neighbours, businesses and residents within particular areas of developments are consulted. Ongoing improvements in the area of community consultation are included in Council's strategic plan.

Further to Miss Kelly Howlett's question in relation to illegal driving on beaches, can a report on the number of visits to beaches by Ranger Services be included in the Director's monthly report?

Deputy Mayor confirmed yes.

I understand Creating Communities will be undertaking consultation in relation to the South Hedland New Living Project next week; are Councillors invited?

Chief Executive Officer advised this is being held in South Hedland on Tuesday 29 May 2007, the invitation will be forwarded to all Councillors who are welcome to attend.

5.4 Councillor Jan Gillingham

When is weed spraying planned to be undertaken throughout Cooke Point, as they are now spreading through verge areas?

Director Engineering Services advised that the spreading of weed along verges in Sutherland, McPherson Streets, etc. is primarily due to the ground works being carried out by the Underground Power Program. Spraying of weeds in these areas will be carried out on completion of the underground power works.

To assist residents to poison the Acacia Wattle trees from their private properties, is there a particular poison that can be provided or recommended for use by Council to eliminate these?

Director Engineering Services advised that he is not aware of a poison for this particular use, or of any policy of Council's whereby such recommendations, or provision of poisons, can be made to residents.

Chief Executive Officer advised that there are potential liability issues associated with Council providing any poisons to residents for private use.

With the delivery of Telstra Telephone Directories recently, often dropped on verges, or at vacant properties, can Council do anything to ensure these are collected?

Executive Assistant advised that contractors are hired by Sensis to deliver a copy of Telstra's regional telephone directory to residents of the Town. The Customer Care Freecall number will be forwarded to Councillors for the reporting of incidents relating to the delivery of the Telstra directories to residential properties.

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

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Tuesday 24 April 2007.****200607/300 Council Decision/Officer's Recommendation**

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

That the Minutes of the Ordinary Meeting of Council held on Tuesday 24 April 2007 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

7.2 Confirmation of Minutes of Special Meeting of Council held on Wednesday 9 May 2007.**200607/301 Council Decision/Officer's Recommendation**

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

That the Minutes of the Special Meeting of Council held on Wednesday 9 May 2007 be confirmed as a true and correct record of proceedings.

CARRIED 5/1

7.3 Confirmation of Minutes of Special Meeting of Council held on Tuesday 15 May 2007.**200607/302 Council Decision/Officer's Recommendation**

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

That the Minutes of the Special Meeting of Council held on Tuesday 15 May 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

Nil.

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

Nil.

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

Policy Implications Nil

Strategic Planning Implications

KRA 6 – Governance

Goal 6 – Systems Development

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

Budget Implications Nil

Officer’s Recommendation

That the ‘Status of Council Resolutions’ Report as presented to the Council’s Ordinary Meeting held on 23 May 2007 be received.

200607/303 Council Decision

Moved: Cr S F Sear

Seconded: Cr A A Gear

That the ‘Status of Council Resolutions’ Report as presented to the Council’s Ordinary Meeting held on 23 May 2007 be received, with the following amendment to the attachment:

- . **Ordinary Meeting held 24 January 2007, Item 11.2.1.2 ‘Preferred Contractor Register’ (page 13) delete Action to Date “Incl. In May Informal Briefing Session”.**

CARRIED 6/0

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. Valuations obtained as part of PHIA reval. Ltrs sent to hire car businesses. Report to Ord CI Mtg May 2007	May 2007
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 Report to April Ord CI Mtg. New amendment initiated.	INCOMPLETE/ SUPERSEDED
11.2.2.5	Prop.TPS 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 completed. Report to Council.	
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. One response received – further details required. Agenda Item to May CI Mtg.	May 2007

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
Ordinary Meeting held 27 September 2006				
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 completed. Report to Special CI Mtg – May 2007	COMPLETED/ SUPERSEDED
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. Still awaiting posts to arrive (Care for Hedland) and DPI approval.	May 2007
Ordinary Meeting held 22 November 2006				
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				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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. Waiting formal response from SHOATA.	
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.	
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.	
Ordinary Meeting held 28 February 2007				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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 Commenced discussions with PHVC – draft agreement presented to form. Ltrs sent to potential board members.	
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 Documents submitted to EPA	
11.2.2.6	Request to Cancel Vesting of Reserve 35311 (Lot 3715) Koojarra Cres. SH	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.	
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	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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 Mtgs. MOU being developed. Fee structure to be submitted for 07/08 budget review.	
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 Westralia Airports contacted. Seeking quotes.	
Ordinary Meeting held 28 March 2007				
11.2.2.2	TSP Amend. No. 9 – Rezon. Lot 313 Anderson St, PH from “R 12.5/50” to “Other Public Purposes – Telecommunications.”	200607/235 Council Decision/Officer’s Recommendation That: i) the submission from FESA regarding the proposed <i>Town of Port Hedland Town Planning Scheme No. 5</i> 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 <i>Town Planning Regulations 1967</i> (as amended).	RESPONSIBLE OFFICER: Planning Officer Submitted to WAPC for consideration.	
11.3.1.2	Tender 06/40 Supply and Delivery of One Ride-on Litter Vacuum	200607/238 Council Decision/Officer’s Recommendation 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.	RESPONSIBLE OFFICER: Director Engineering Services Tenderes advised. Quotes ongoing.	June 2007
11.3.2.2	Feasibility into Proposed Multi-purpose Rec. Facility	200607/240 Council Decision/Officer’s Recommendation 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.	RESPONSIBLE OFFICER: Recreation Co-ordinator Being undertaken.	July 2007

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
14.1	Proposed Deed of Settlement Between Wellard Properties and the ToPH	200607/252 Council Decision 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: ...	RESPONSIBLE OFFICER: Chief Executive Officer Received signed Deed of Settlement from Wellard Properties	üCOMPLETE
Special Meeting held 2 April 2007				
6.1.1.4	Proposed Site Office and Lunch Room at Lot 3278 Tinder St, PH (Reserve 34344) for use related to construction activities at Lot 3263	200607/256 Council Decision/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: ... iv) All works and requirements subject to this approval to be at no cost to Council.	RESPONSIBLE OFFICER: Planning Officer Requests sent. Advice received from DPI and Minister of Education – processing approval.	
Ordinary Meeting held 24 April 2007				
		200607/260 Council Decision That Council: i) accept the Petition presented by Mrs Denise Durrant, seeking the 'removal of islands and replacement of parking spaces – which is essential for businesses and presently dangerous' and accompanying letters from Mr Harvey King and Edgar Street Medical Centre; and ii) the matter be referred for consideration by Council at its next available Council Meeting.	RESPONSIBLE OFFICER: Director Community and Regulatory Services Report to Special CI Mtg May 07	üCOMPLETE/ SUPERSEDED
11.2.1.2	SBS Radio Services	200607/263 Council Decision/Officer's Recommendation That the offer from Richardson Electronics to install SBS Radio transmitting equipment for Port and South Hedland be declined as there is insufficient community support for the proposal.	RESPONSIBLE OFFICER: Director Community and Regulatory Services	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.2.3	Prop. Local Planning Policy No. 9 – Residential Road Reserves	200607/265 Council Decision/Officer's Recommendation That Council adopt the Draft Local Planning Policy No. 9 – Residential Road Reserves for advertising pursuant to the Town of Port Hedland Town Planning Scheme No. 5, section 5.1.	RESPONSIBLE OFFICER: Planning Officer Preparing advertising.	
11.2.2.4	Prop. Adoption of Pretty Pool Revised Dev. Plan and Associated TPS Amend't	200607/266 Council Decision/Officer's Recommendation That Council: i) Initiate a Town Planning Scheme Amendment to the <i>Town of Port Hedland Town Planning Scheme No. 5</i> by: ... ii) Adopt the Pretty Pool Revised Development Plan received 19 March 2007 for the purpose of advertising in association with the Town Planning Scheme Amendment referred to in Part I of this resolution; and iii) Advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.	RESPONSIBLE OFFICER: Planning Officer Preparing Submission to EPA.	
11.3.1.2	Tender 06/42 Supply and Delivery of New Tandem Drive Tip Truck	200607/268 Council Decision/Officer's Recommendation That Tender 06/42 Supply and Delivery of New Tandem Drive Tip Truck be awarded to Kenworth DAF WA for the following: i) supply and delivery of Tandem Drive Tip Truck (DAF FAT CF85.430) for total price of \$204,550.00 (excluding GST); and ii) additional expenditure of \$14,550.00 be approved, with the surplus funds coming from unallocated funds identified in the December 2007 budget review.	RESPONSIBLE OFFICER: Director Engineering Services Tenderers advised. Purchase Order sent, awaiting delivery.	u COMPLETE
11.4.1.2	School of the Air	200607/270 Council Decision/Officer's Recommendation That Council: i) revoke its decision to lease the Old Rangers Hut to the School of the Air (resolution 2050506/155 of Item 10.2.2.2 School of the Air Request to Lease Airport Building (File No.AIR:068) of the Ordinary Meeting of Council held on the 26 October 2005, and recorded on page 61); 200607/271 Council Decision/Officer's Recommendation That Council: ii) Allow the School of the Air the use of the Old Rangers Hut as "Tenant at Will" for the next three (3) months; and iii) dispose of the old rangers hut at the Port Hedland International Airport to the School of the Air, by way of Lease, as per section 3.58(3), with the following requirements:- ... iv) authorise the Mayor and Chief Executive Officer to affix the seal and sign the lease documentation, should there be no submissions received after advertising.	RESPONSIBLE OFFICER: Director Corporate Services	
11.4.1.3	Requests To Refund Monies	200607/272 Council Decision That Council: i) refunds the amount of \$157.50 as requested by Rainbow Club Ministries, being hire fees for use of Centenary Park on Friday 6 April 2007 (Good Friday) to present a celebration of Easter; and ii) modifies its hire feeds immediately to reflect that hire fee charges are to be waived for all events that are: a) FREE entry Community events for all members of the Town of Port Hedland community to attend; b) organised and conducted by not for profit groups; and c) do not involve the sale or consumption of alcohol.	RESPONSIBLE OFFICER: Director Corporate Services	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.1.4	Prop. Area for Transient Workforce Accom. Camp – Port Hedland International Airport Land	200607/273 Council Decision That Council: i) authorise the Chief Executive Officer to develop a development plan for the release of airport land (area identified in attached map) for the development of Transient/Temporary Workforce Accommodation; and ii) adopts the following time table in order for a tender to be issued by the end of May 2007; and ... iii) supports the concept of: ... a) 2 x Super lots to accommodate 1,000 people each; b) 10 x Smaller lots to accommodate 100 people each; and iv) in principal adopts the following mandatory lease conditions for the all land leased under this proposal: ...	RESPONSIBLE OFFICER: Director Corporate Services	
11.4.2.2	Street Names for Pretty Pool Subdivision	200607/275 Council Decision That Council accepts a mixture of street names proposed by LandCorp for the new residential development in Pretty Pool, which includes names based on residents identified for their contribution to the development of the Port Hedland area, and names based on the traditional owners names for coast features in this area, approved by the Karriyarra People as follows: 1. Based on residents identified for their contribution to the development of the Port Hedland area: ... 2. Based on traditional owners names for coastal features in the area: ... and advises LandCorp and the Geographic Names Committee accordingly.	RESPONSIBLE OFFICER: Executive Assistant Letters sent to Geographic Names Committee, LandCorp and ERM	üCOMPLETE
11.4.2.3	Strategic Plan 2007-2012 – 1 st 1/4 Review	200607/276 Council Decision/Officer's Recommendation That Council notes the first quarter review of the 2007-2012 Town of Port Hedland Strategic Plan.	RESPONSIBLE OFFICER: Chief Executive Officer	üCOMP.
11.4.2.4	Rating of Aboriginal Land/Rating of Charitable Org's	200607/277 Council Decision/Officer's Recommendation That Council: i) contributes \$2,000 towards the Shire of Derby West Kimberley's legal costs pertaining to the Supreme Court action that is being taken over the State Administrative Tribunal's decision on charitable status of aboriginal businesses. ii) advise the West Australian Local Government Association that it believes that WALGA should make appeals to the Minister for Local Government on this matter and should also be contributing financially towards the legal costs.	RESPONSIBLE OFFICER: Chief Executive Officer Letters sent.	üCOMPLETE
12.1.1	Tender 06/44: Construction of the Port and SH Skateparks	200607/278 Council Decision/Officer's Recommendation That Council: i) award Tender 06/44 Construction of Port and South Hedland Skateparks to Convic Skateparks for the lump sum cost of \$522,918 including GST; and, ii) approves the additional funding amount of \$120,300 required, be allocated towards this project from the 2006/07 budget surplus.	RESPONSIBLE OFFICER: Recreation Co-ordinator	Oct 2007
14.1	Confidential Item : Rating Of Land Under State Agreements	200607/282 Council Decision/Officer's Recommendation That Council: i) note the advice received from McLeods Barristers & Solicitors; ii) seek unimproved valuations from the Valuer General on all land currently affected by a State Agreement; and ii) the Chief Executive Officer or his nominated officer review each state agreement, and report to Council, prior to adopting the 07/08 Budget, the rating outcome of all properties affected by State Agreements.	RESPONSIBLE OFFICER: Chief Executive Officer	

11.2 REGULATORY AND COMMUNITY SERVICES

11.2.1 Director Regulatory and Community Services

11.2.1.1 *Monthly Report for April 2007 - Regulatory and Community Services (File No: ADM-091)*

Officer Lyn McAllister
Administration Officer
Regulatory Services

Date of Report 19 May 2007

Disclosure of Interest by Officer Nil

Summary

For Council's information.

Background

Regulatory and Community Services Monthly Report to Council.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

Library and Information Services

	April 2007
PORT -	
Issues & Renewals	1,085
Reservations	10
New Borrowers	21
Internet users	123
SOUTH -	
Issues & Renewals	1,791
Reservations	66
New Borrowers	58
Internet users	201

School holiday craft sessions with the theme 'Musical Instruments' were held at Port and South Hedland libraries. These proved to be popular with approximately 100 children participating in the craft and story time sessions.

Human Services

Home and Community Care

HAAC Service Hours for April 2007		
Meals on Wheels	475	In Total
Day Centre Hours	636	
Day Centre Meals	102	
Domestic Assistance	101	
Personal Care	25	
Social Support	15	
Transports	213	One way trips (includes medical)
Home Maintenance	35.5	
No training this month		
No accident/incident reports		

Building Services

Building Licenses Approved

Month	2006		2007	
	No.	\$	No.	\$
January	17	4,981,979	18	16,087,400
February	26	2,891,101	29	45,022,750
March	29	4,038,907	20	5,777,165
April	15	352,627	17	1,391,963
TOTAL YTD	87	12,264,614	67	68,279,278

Demolition Licenses Issued

Month	2006	2007
January	0	1
February	3	5
March	3	7
April	0	3
TOTAL YTD	6	16

Environmental Health Services

Over the last month Council's Environmental Health Services have continued to undertake significant works for mosquito minimisation, which has included treating larvae and fogging areas for adult mosquitoes. Areas flooded by recent cyclones are drying up and it is anticipated that adult mosquito numbers will soon subside.

Under the *Contaminated Sites Act* the Town has a responsibility to report to Department of Environment and Conservation known and suspected contaminated sites that it owns or controls. This work has now been completed with a total six (6) sites being reported namely the current landfill site, the old four mile landfill site, the current works depot site, motor cross track, golf course and the go-cart track.

The section has been able to secure the services of a casual Environmental Health Officer for a short period of time to catch up on the work, which has been deferred while attention has been diverted to mosquito management and other post cyclone activities. Miss Knang Phan has been undertaking food shop inspections, routine food and water sampling and assisting with other compliance and environmental monitoring duties.

Ranger Services*Key Operational Statistics*

2007	Jan	Feb	Mar	Apr
Dogs impounded	52	52	84	49
Dogs re-homed or released to owners	9	13	23	14
Parking Notices	32	44	9	32
Vehicles Impounded	2	9	1	6
Total Notices	43	53	23	39
Total Jobs attended	138	171	140	137

Arts, Recreation and Community Activities

Events and Matt Dann Cultural Centre

Month	Event	Showing/ Booking	People
Feb	Movies	9	874
	Live Shows	1	120
	Grand open Art Gallery – Bar, catering, sound	1	500
	Bookings	4	
Total		15	1494
March	Movies	4	538
	Live Shows		
	Meetings	2	55
	Our Town Our People Event	1	2000
	Bookings	4	
Total		11	2593
April	Movies	11	876
	Live Show	0	
	Bookings	4	
		15	876

Courthouse Arts Centre and Gallery

2007	February	March	April
Exhibitions held	1	1	0
Attendance at Exhibitions	400	200	0
Workshops held	1		0
Total Attendance	1000		305

200607/304 Council Decision/Officer’s Recommendation

Moved: Cr G D Bussell

Seconded: Cr G J Daccache

That Council receives the Regulatory and Community Services Report for the month of April 2007.

CARRIED 6/0

11.2.1.2 Options for Tree Preservation (File No:)

Officer	Terry Sargent Director Community and Regulatory Services
Date of Report	18 May 2007
Disclosure of Interest by Officer	Nil

Summary

This report is prepared to consider the options are available to Council for the preservation of Pundul Trees and other established trees within the Town of Port Hedland.

Background

At the ordinary meeting of Council in December 2006, Council requested a report be prepared “on the options available to Council to protect Pundul trees within the town in particular, and established trees generally.”

The legislation regarding the protection or preservation trees and flora varies from state to state within Australia. Local Governments in New South Wales in particular have extensive powers to require the preservation of individual trees or stands of trees within their municipality. In some instances these powers extend to the imposition of protection orders on trees growing on privately owned land.

Those wide ranging powers are not available to Councils within Western Australia. In this State, at least one Local Government, the Shire of Busselton, has attempted to assume the power to issue tree preservation orders under its Town Planning Scheme. The Western Australian Planning Commission has however adopted a position that clearing of vegetation is the responsibility of the Department of Environment and Conservation and has been unwilling to have that responsibility devolved to Local Government. This effectively limits council’s options to:

- Inclusion within the Municipal Heritage Inventory
- Provision of incentives for retention of trees
- Adoption of Policy

Consultation

Shire of Busselton
WALGA
ToPH Planning Service

Statutory Implications

Heritage of Western Australia Act 1990 Provides for the protection of trees in specific Circumstances.

Soil and Land Conservation Act 1945, provides for the protection of trees and the management of vegetation clearing.

The following provisions of the R Codes also apply:

“A5: Landscaping of Grouped and Multiple Dwelling Communal Open Spaces ...

vi: retention in open space of existing trees which are greater than 3m in height ...”

or performance criteria of same section:

“P5: All Grouped and Multiple Dwelling Communal Open Spaces are fully developed with appropriate planting, paving and other landscaping that: ...”

Policy Implications

Council’s current Policies include the following provisions

“10/001 Landscaping Policy for Industrial and Commercial Areas

Existing Trees:

Where existing trees and shrubs are already in existence on the lot, these may only be removed with the approval of Council where extenuating circumstances apply.”

“10/002 Street Tree Removal

Where groups of ten trees or more are to be removed the matter of tree removal shall be referred to Council.”

Strategic Planning Implications

KRA 5 Environment, Goal 2 - Natural Resources,
Strategy 2 - Work with relevant community groups, individuals and agencies to review and update the Town of Port Hedland’s Tree Planting Guide.

Budget Implications

Nil

Officer’s Comment

As previously noted Council does not have the power to effectively mandate tree preservation. It is suggested that such an approach is unlikely to succeed in the Town of Port Hedland at present anyway.

The ready access to heavy machinery, high demand for land and the relatively low fines that Council could expect to impose, really do not provide adequate deterrent value to make a legislative approach workable. At best, such power, if it were available, would simply enable Council to prosecute offenders after trees were removed. Where companies or individuals wantonly clear land or destroy trees the legislative power already exists to deal with such actions. The power to initiate such action lies with the Department of Environment and Conservation

Municipal Heritage Inventory:

Pundul trees or any other trees (individuals or specific stands of trees) can be included in the MHI, but this will require a justification as to their heritage significance to the area and would not be a blanket declaration relating to all trees in the town.

Attempts to use the power of the Heritage Act are likely to simply provide a mechanism for prosecuting offenders after the fact, and again the fines likely to be imposed are unlikely to provide adequate deterrent.

Provisions of Incentives for retention of trees:

Research to date has failed to identify examples of workable incentive schemes in use by Local Governments elsewhere, and given the nature of the town with its high level of absentee land ownership and heavy centralization of land ownership within the hands of government agencies and a few resource companies, this is likely to impose unwarranted administrative burden on Council and Land owners without delivering an appreciable benefit.

Adoption of Policy

While this is not legally binding it does provide clear direction to developers and landowners and providing Council staff clear direction when assessing proposed developments.

The current policy framework only allows for significant trees to be considered in the development of Industrial and Commercial Areas, or for reference to council when street trees are to be removed.

A specific policy for the protection of significant trees, if adopted could include a table defining the species, type or size of trees to be protected and could also include a map specifying the areas in which restrictions would apply.

This level of protection is not absolute, but it provides clear direction to responsible agencies and landowners, affording adequate protection to identified species or groups of trees.

Officer's Recommendation

That Council staff works with other interested stakeholders to develop a draft policy for the protection of significant vegetation for presentation to Council at its Ordinary Meeting to be held on Wednesday 22 August 2007.

200607/305 Council Decision**Moved:** Cr G D Bussell**Seconded:** Cr S F Sear**That Council:**

1. **modify Policy 10/001: Landscaping in Industrial and Commercial Areas by including the statement: Pundle Trees shall not be removed without the prior consent of Council. This provision applies to all residential, industrial and commercial developments;**
2. **officers commence the process of developing legislative powers for the Town of Port Hedland to enforce the policy statement listed above through the development of a Local Law or an appropriate Town Planning Scheme provision; and**
3. **advise developers within the town of the change in Council policy and Council's intent in relation to this matter.**

CARRIED 6/0

REASON: Council wanted to ensure that developers undertaking current developments are aware of Councils immediate desire to retain Pundul trees and wanted a policy principal adopted to reflect this position. Legislative backing for the policy principal can be developed over the coming months.

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

Officer Lyn McAllister
Administration Officer
Development and
Regulatory Services

Date of Report 14 May 2007

Disclosure of Interest by Officer Nil

Summary

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

Background

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

200607/306 Council Decision/Officer's Recommendation

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

That Council receives the Schedule of Planning Consents issued by Delegated Authority for the month of April 2007.

CARRIED 6/0

ATTACHMENT TO AGENDA ITEM 11.2.1.1

Applic. No	Applic. Date	Date Determined	Description	Applicants Name	Owners Name	Address	Deleg.	Zoning
2007/072	23/03/2007	25/04/2007	Subdivision & Amalgamation	Western Australian Planning Commission	Applebees Jewellers Super Fund	2 Acacia Way South Hedland	Yes	Res

6:11 pm Councillor George J Daccache declared a financial interest in Item 11.2.2.2 'Proposed Five Grouped 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.

6:11 pm Councillor Shane F Sear declared a financial interest in Agenda Item 11.2.2.2 'Proposed Five Grouped Dwellings at Lot 3 (17) Dempster Street Port Hedland' as the applicant is a client (on behalf of BHP Billiton) of Councillor Sear's business. Councillor Sear did not leave the room, as the Department of Local Government and Regional Development have granted him an exemption to do so.

NOTE: Councillor Arthur A Gear declared a financial interest in item 11.2.2.2 'Proposed Five Grouped Dwellings at Lot 3 (17) Dempster Street, Port Hedland' in writing at the commencement of the meeting, as is employed from time to time for contractors who work for BHP Billiton. Councillor Gear did not leave the room, as the Department of Local Government and Regional Development have granted him an exemption to do so.

NOTE: Councillor Arnold A Carter declared an impartiality interest in item 11.2.2.2 'Proposed Five Grouped 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.

**11.2.2.2 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.

200607/307 Council Decision/Officer's Recommendation**Moved:** Cr S F Sear**Seconded:** Cr J M Gillingham

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.

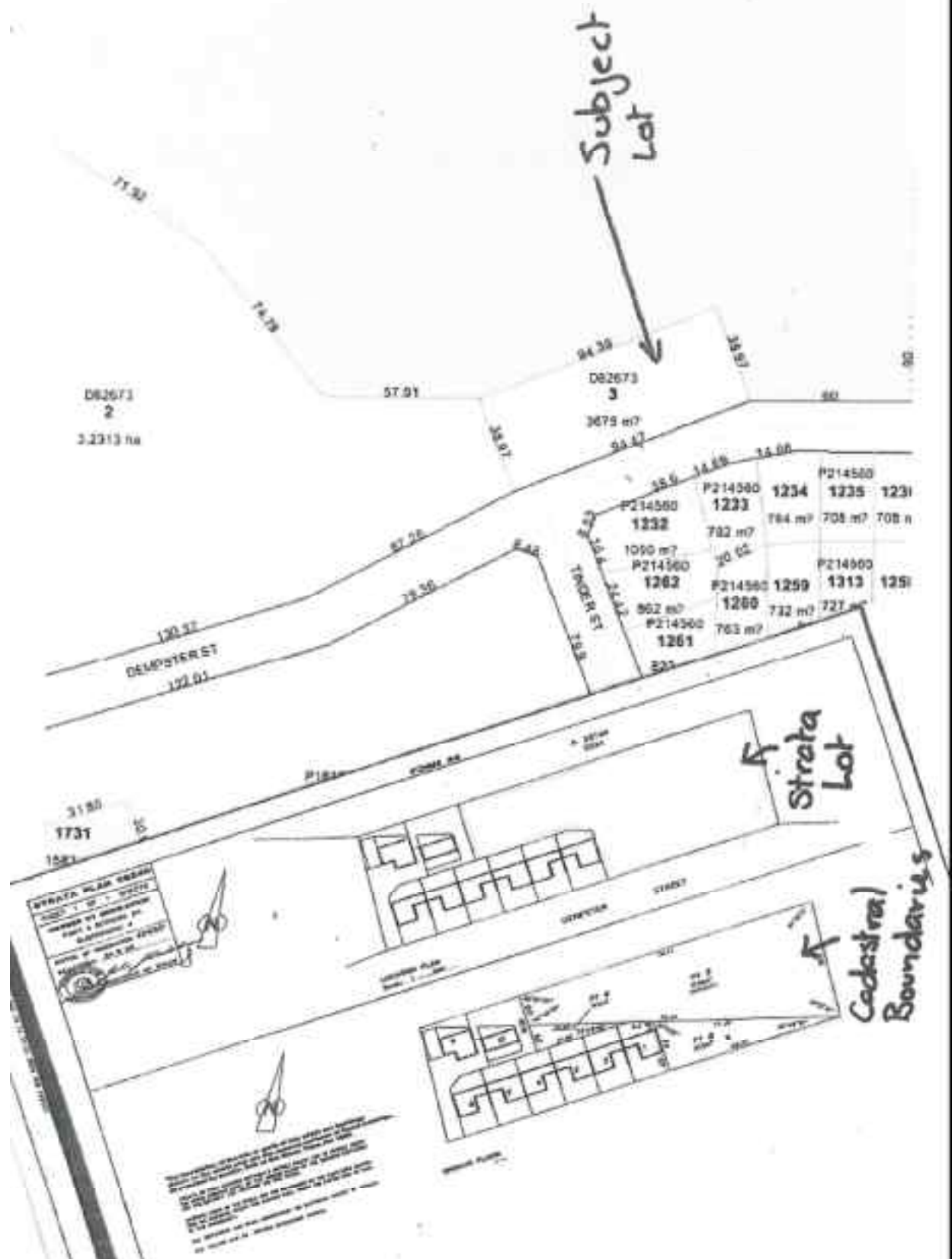
22. The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity.
23. The development must not interfere with property and effluent 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.

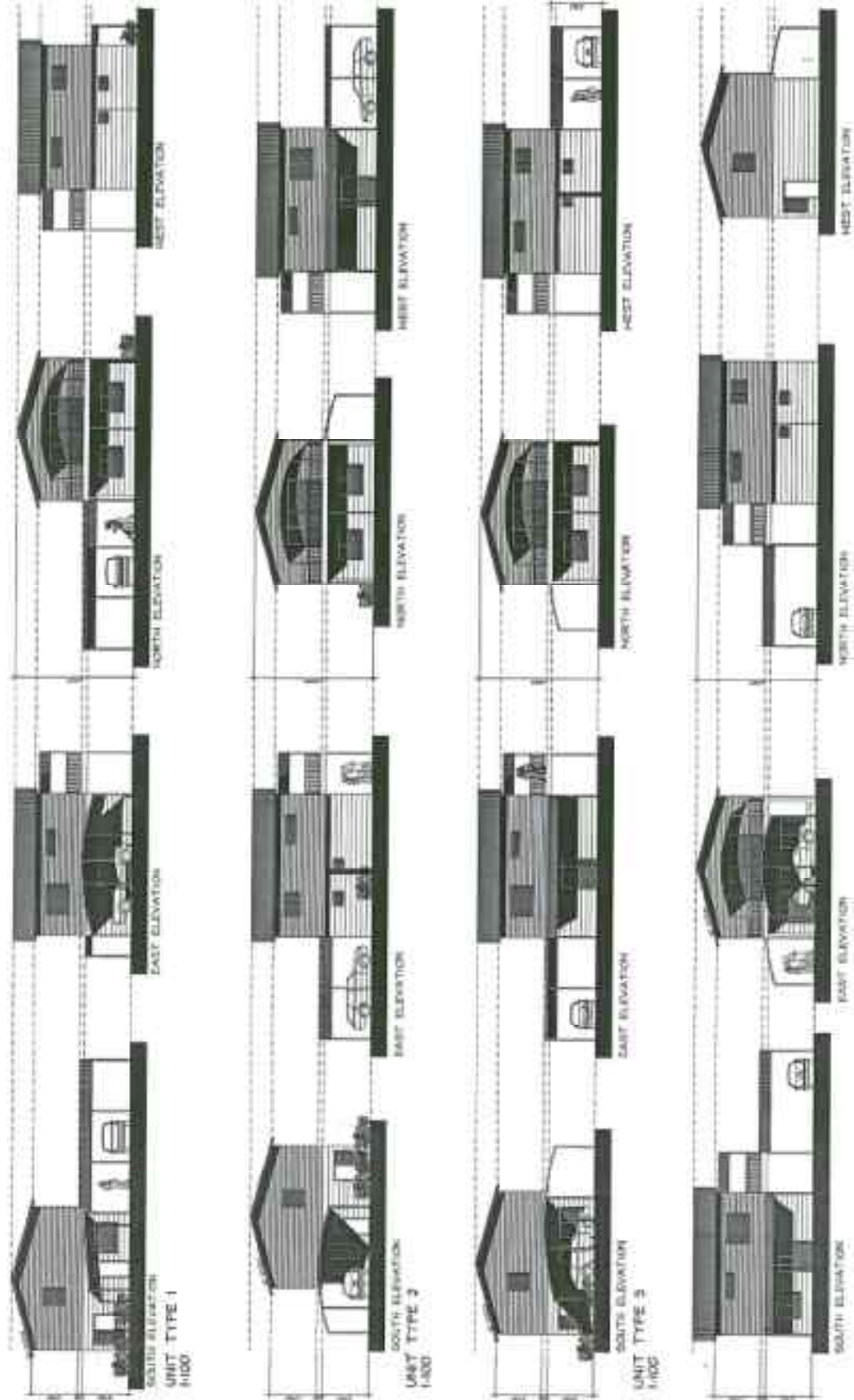
CARRIED 5/0

6:12 pm Councillor George J Daccache re-entered the room and assumed his chair.

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.2

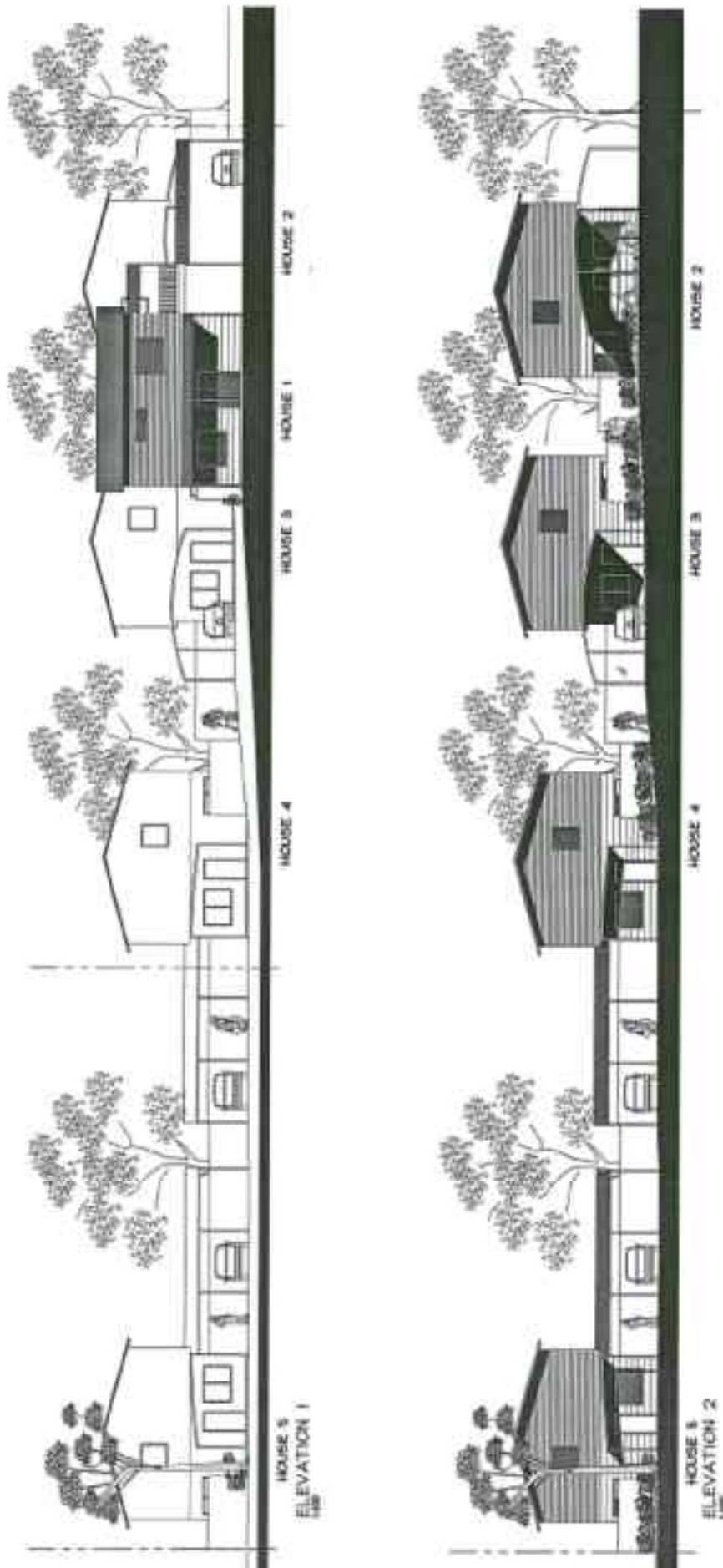
Attachment 1
Page 1 of 1





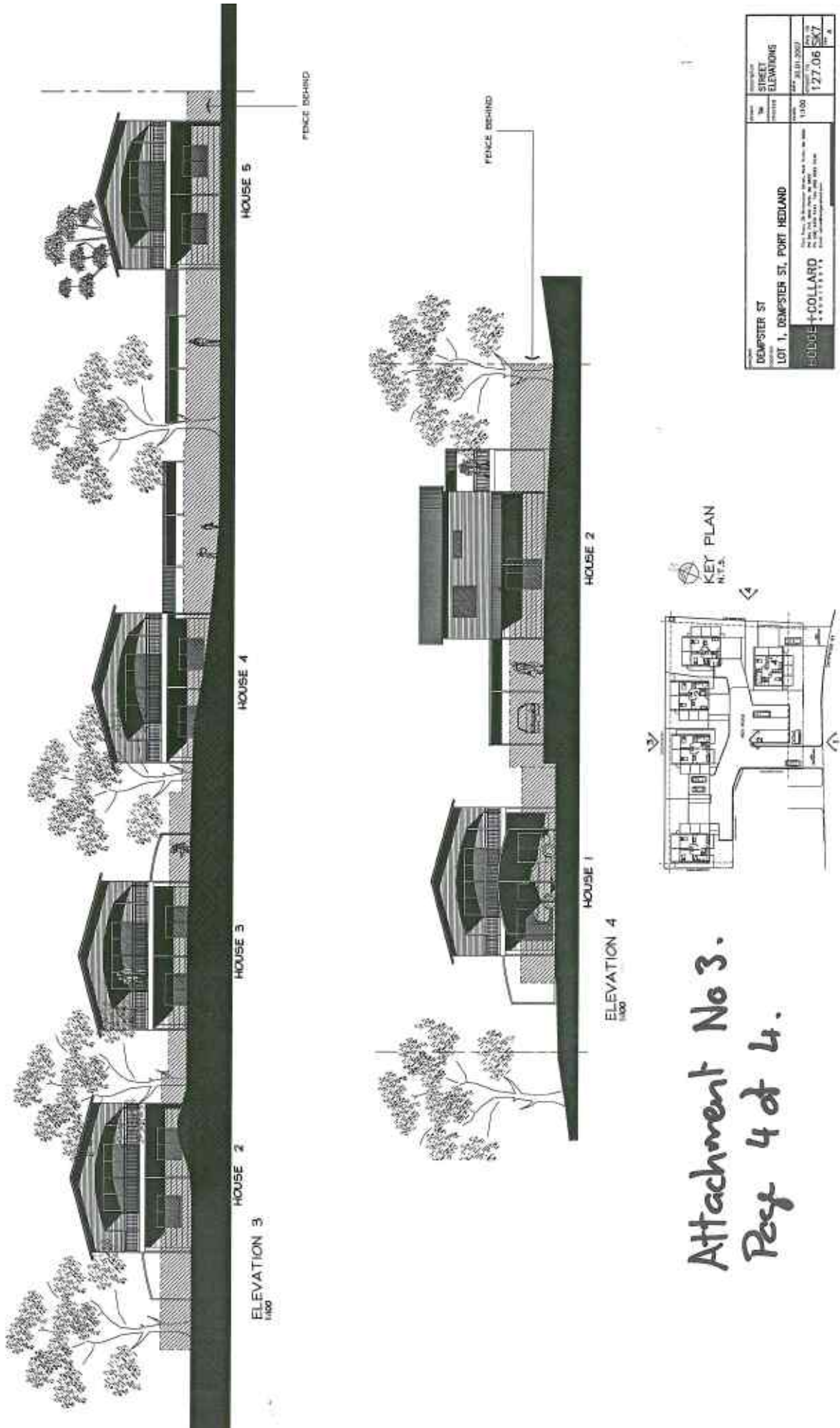
DESIGNED BY	DATE	SCALE	NO.
DRN	12/7/06	1:100	100
PROJECT NO.	127/06		
CLIENT			
PROJECT NAME			
PROJECT ADDRESS			
PROJECT CONTACT			
PROJECT PHONE			
PROJECT FAX			
PROJECT EMAIL			
PROJECT WEBSITE			
PROJECT URL			
PROJECT REFERENCE			
PROJECT NOTES			

Attachment No 2.
Page 2 of 4



DESCRIPTION OF LOT 1, COMPRES OF, POST HEBLAND	Lot Area 1110	Lot Area 127.00	Lot Area 127.00
Lot Area 1110	Lot Area 127.00	Lot Area 127.00	Lot Area 127.00
Lot Area 1110	Lot Area 127.00	Lot Area 127.00	Lot Area 127.00
Lot Area 1110	Lot Area 127.00	Lot Area 127.00	Lot Area 127.00
Lot Area 1110	Lot Area 127.00	Lot Area 127.00	Lot Area 127.00

Attachment No 2.
Page 3 of 4



DUMPSIER ST LOT 1, DUMPSIER ST, PORT REDLAND		DATE 23.05.2007
PROJECT STREET ELEVATIONS	SCALE 1:100	DATE 23.05.2007
DRAWN BY COLLARD		CHECKED BY SK7
DATE 23.05.2007		DATE 23.05.2007

Attachment No 3.
Page 4 of 4.

11.2.2.3 Proposed Scheme Amendment to Rezone lot 2115 Stanley Street South Hedland from “Community” to “Community/Residential R 30” (File No.: 130039G)

Officer Andrew Patterson
Planning Officer

Date of Report 11 May 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Dryka & Partners on behalf of the owners of the Black Rock Caravan Park to rezone a portion of lot 2115 Stanley Street South Hedland from “Community” to “Community/Residential R 30.”

Background

The applicant is requesting that Council initiate this scheme amendment with the new zoning to apply only “Part A” as identified on the attached development plan. Should Council support this proposed amendment and the Western Australian Planning Commission (WAPC) endorse the proposal, the landowner intends to develop the subject land for grouped dwellings rather than further subdivide the land.

Lot 2115 Stanley Street is located within the South Hedland Entry Development Plan Area (SHEDPA). When considering applications for planning approval within a development plan area, TPS 5 provides precinct objectives to guide Council in its determination. The South Hedland precinct objectives, as listed under section 5.3.5 of TPS 5 are listed below, with a summary of the applicant’s justification for the proposed scheme amendment and the Officer’s comment on each justification.

The precinct objectives for the South Hedland entry precinct are to:

“(a) improve the legibility of the locational and functional relationships between Wedgefield, Boodarie, South Hedland, Port Hedland and the airport,”

- South Hedland is primarily a residential node, and this amendment reinforces this existing predominant use, making it more legible as a residential area.
- Providing additional dwellings in South Hedland will “improve the prospect for the discontinuance of residential activities within the identified industrial areas” (Wedgefield).

Officer's Comment:

It is acknowledged that there is currently high demand for good quality housing in South Hedland, however a functional community, as opposed to a dormitory suburb requires a mix of uses to be functional. In addition to the three lots at the corner of North Circular Road and Stanley Street (of which this is one), there are currently two other similarly zoned lots, these being the sites of the Matt Dann Theatre and the tennis courts/bowling greens on Hedditch Street. Should Council resolve to support this amendment, South Hedland will lose the majority of "Community" zoned land, along with the potential to develop the uses appropriate to these zones.

"(b) enhance the visual amenity of entry roads to South Hedland"

- The grouped dwellings included in the development plan included in the scheme amendment report are designed to provide a landscaped frontage to Stanley Street.
- This is a preferred outcome to the streetscape as caravan parks typically face inward.

Officer's Comment:

The subject land is currently undeveloped with the land proposed for rezoning presenting its only street frontage to Stanley Street. Under the current zoning, this land could not be developed to expand the caravan park as implied by the applicant, as the caravan park exists as a non-conforming use that, while protected under Part VIII of TPS 5, may not be expanded into the subject area. The existing permitted uses include a variety of community uses that could present an equally enhanced visual amenity for this street frontage.

"(c) give priority to recreation and community uses."

- It is noted that the SHDPA is currently well serviced with educational and recreational facilities.
- As one of the few privately owned lots in this development plan area, this clause is not entirely relevant.
- The subject land's location nearby to community facilities however makes it attractive and appropriate for residential development.
- As this land is at the boundary of the development plan area, this could be used as a transitional area with the dual use of a caravan park and grouped dwellings "acknowledges this transition and respects the intent of the precinct objective."

Officer's Comment:

The SHEDPA is an extensive area, containing a number of uses (including Pundulmurra TAFE, the water tower and tanks, High School, tennis courts, bowling greens, fire station, motel and playing fields), and zones (community, parks and recreation, tourism, education and commercial). The intent of the existing and previous Town Planning Schemes is clear in its intent to maintain this area to permit only specific uses on land forming entries into the town. Nowhere in the SHDPA however is private residential development permitted, with accommodation uses limited to transient only.

That the subject land is in private ownership is not considered a significant factor, as the present owners have purchased the land, presumably with the knowledge of its development limitations. At a time when residential demand is placing considerable stress throughout the town, the strategic goals of providing appropriately located and priced land for community uses is required, and permitting this strategically located land to be developed for residential purposes is considered a poor outcome for the long-term future of South Hedland.

“(e) ensure that uses occurring within the Boodarie strategic industrial buffer area place no constraints on industry operations within the Strategic Industry zone,”

- the subject land falls outside the Boodarie Industrial Buffer Special Control Area, so this clause need not be considered.

“(f) determine practical functional relationships between land uses as the basis for possible rationalisation of cadastral boundaries within the precinct,”

- This clause is most likely to refer to larger lots in the SHEDPA and not to the smaller lots.
- However, the proposed scheme amendment will allow for a use that relates well to the adjoining caravan park with the two uses leading to the establishment of “a vibrant and active land use activity.”

Officer Comment:

Standard planning practice is to locate caravan parks away from residential area. This practice is demonstrated in the Town of Port Hedland with the location of Cooke Point Caravan Park, Port Hedland Caravan Park and the previous South Hedland Caravan Park. These land uses are generally considered incompatible as to the hours of operation and caravan park residents' activities adversely affecting the amenity of immediately adjacent residential developments.

Despite the applicant's claims, it is not considered likely that approximately 60 grouped dwellings immediately adjacent to a caravan park will establish any positive synergy between them.

“(f) protect options for future infrastructure within the area reserved for this purpose”

- This land is not reserved for any infrastructure purposes and this clause is therefore not relevant.

In conclusion, the applicant claims the proposed rezoning is justified for the following reasons:

- The proposed zoning is compatible and consistent with surrounding residential densities;
- The subject land is serviced by public transport;
- The subject land is well located in relation to community facilities and public amenities; and
- The density proposed is consistent with the principles of sustainable urban design as outlined in the State Government's *Liveable Neighbourhoods Initiative*.

While not addressed in the text of this application, a subdivision and separate development plan are included in the proposal. These documents are attached to this report.

Consultation

Should Council resolve to support this application for an amendment to the Town of Port Hedland Town Planning Scheme No. 5, a statutory period of public consultation is required.

Statutory Implications

Any amendment to TPS 5 is to be in accordance with the *Planning and Development Act 2005*, and the *Town Planning Regulations 1967*.

Policy Implications

Nil

Strategic Planning Implications

KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT

Goal 1 – Tourism

That the Town's profile as a tourism destination is lifted and visitor nights in the town have significantly increased.

Strategy 3 - In conjunction with key stakeholders, identify and report on strategies that may assist in providing accommodation options for visitors during the period when accommodation is at a premium due to the construction phase of many resource projects.

Budget Implications

The scheme amendment application fee of \$1000 has been received and deposited into account 1006326 – Town Planning Fees.

Officer's Comment

To improve the legibility of this report, most of the Officer Comments are included in the background section of this report. The following comments relate to additional aspects of this application.

While it is acknowledged that the Town of Port Hedland is experiencing significant demand for additional housing, there is an inherent danger in responding to this pressure by allowing housing development on any available land. Should Council support this application, a significant, albeit undeveloped community asset, will be lost to residential uses.

In drafting and adopting TPS 5, the community supported the ongoing intention that this land be retained for community purposes, despite being privately owned. Both the amount of land zoned "Community," and its location are significant in this instance as demonstrated by the land being included in the SHEDPA. In planning for South Hedland's long-term development, it was considered important that the entry statement comprise a specific number of uses, none of which include residential development.

Should Council support this application then, it will digress from the original TPS 5 (and TPS 4 that also zoned the land "Community"), losing both the opportunity to see this land developed for a bona fide community purpose, and to maintain a non-residential entry into South Hedland.

As noted in the Background section of this report, the application includes both a "Subdivision Plan" and a "Development Plan." While it is not specifically noted in the report whether these are intended for adoption as part of the amendment, or are included as concept plans only, it is recommended that, should Council resolve to support this application and initiate the requested Scheme Amendment, that both these documents be specifically excluded from the Amendment. These plans should be excluded from any Scheme Amendment as significant planning, urban design and engineering difficulties have already been identified prior to a comprehensive assessment to indicate that significant redesign is required to implement these plans.

Officer's Recommendation

That Council REFUSE to initiate a Town Planning Scheme Amendment to rezone "Part A" of lot 2115 Stanley Street South Hedland from "Community" to "Residential R30" as outlined in the application received 29 March 2007 (application 2007/071) 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; and
- ii) the proposed rezoning does not constitute good and proper planning.

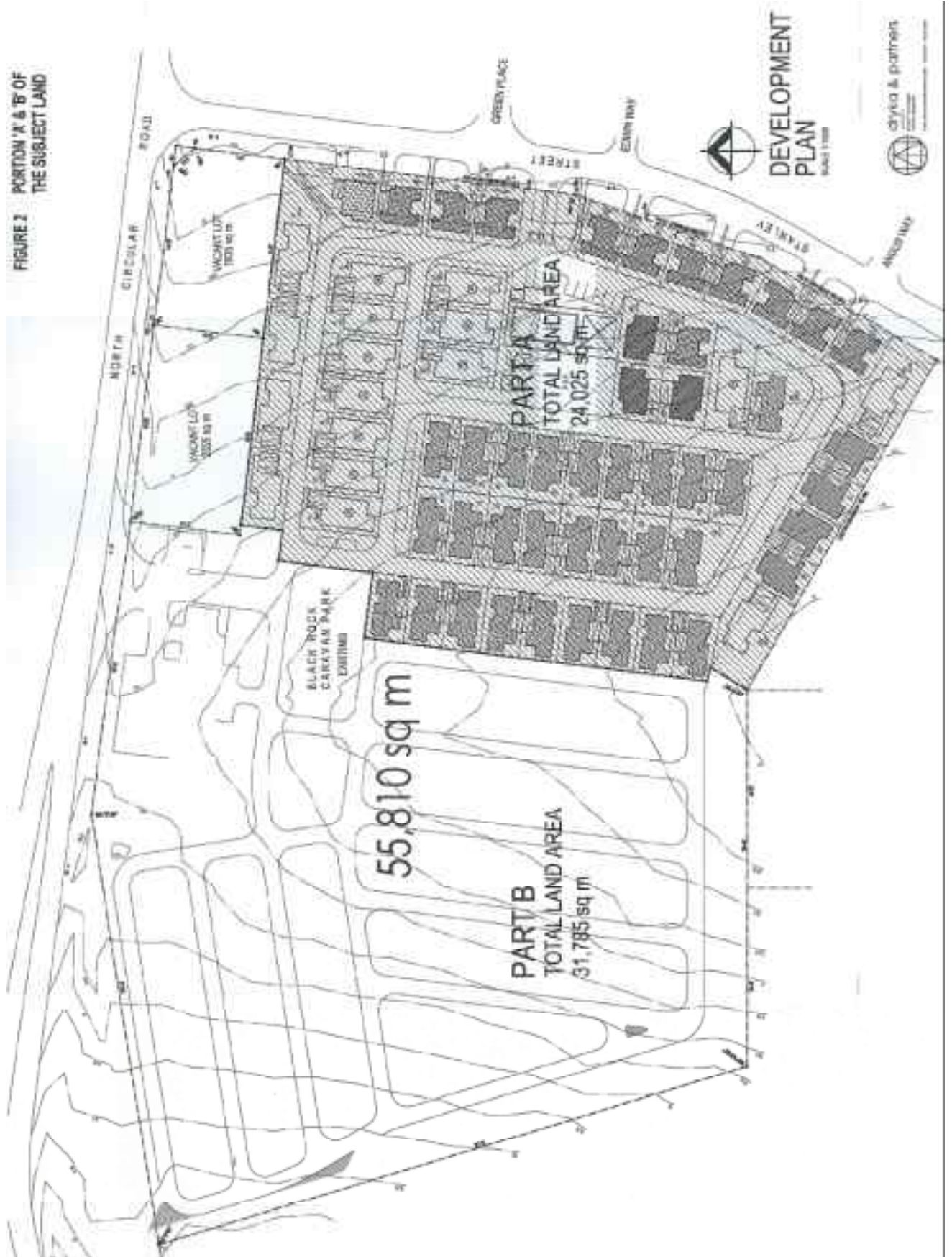
200607/308 Council Decision**Moved:** Cr G D Bussell**Seconded:** Cr A A Gear**That Council**

- i) **defer consideration of the potential rezoning of this site until further discussions are held with the proponent regarding potential development density, road layout, open space provision, pedestrian and bicycle access, pundul tree preservation and other planning matters; and**
- ii) **invite the proponents of Lot 2115 to the June Council briefing session to discuss their potential rezoning proposals with Council in more detail.**

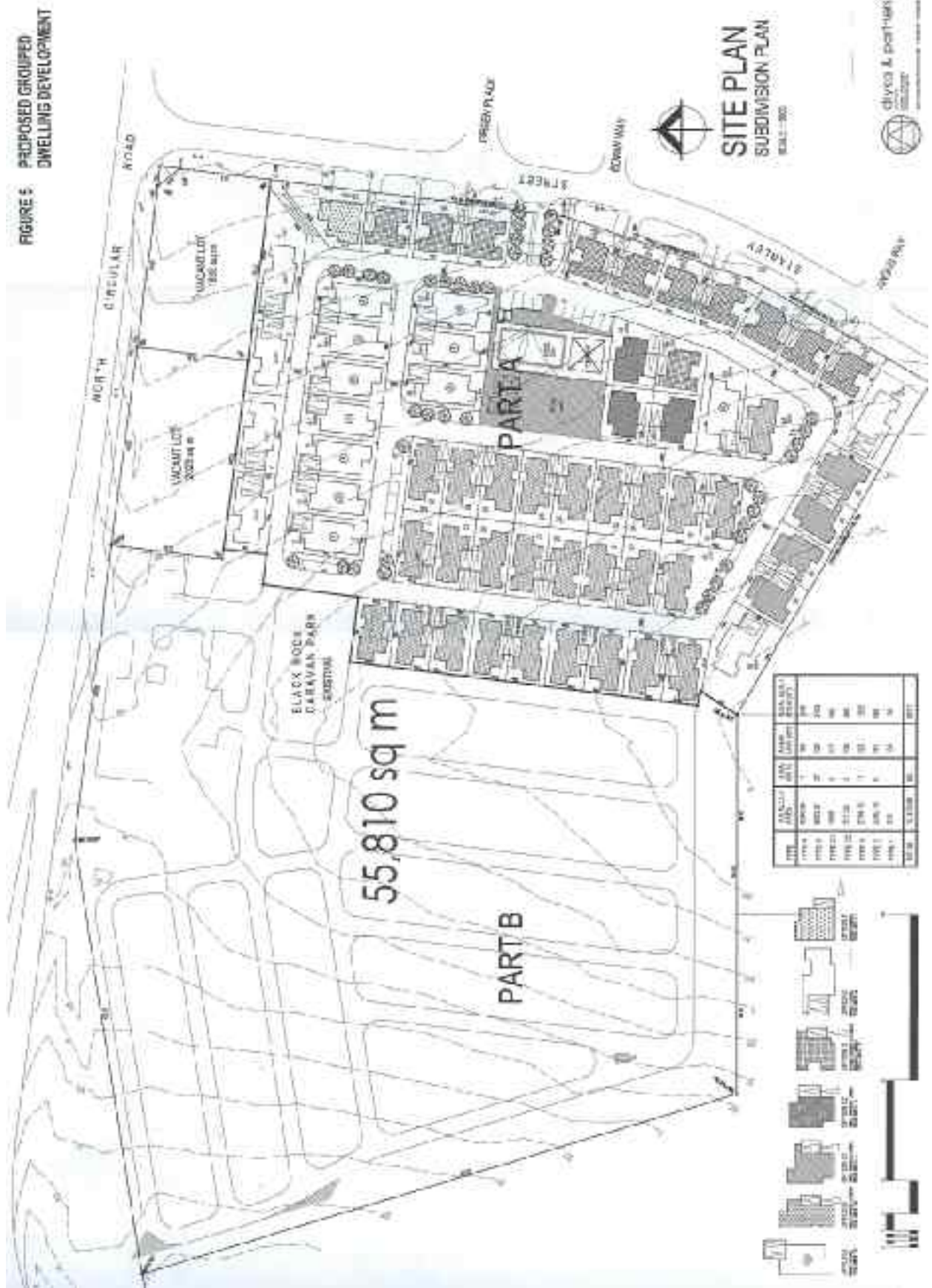
CARRIED 6/0

REASON: Council felt that the intended use of the lots needed to be reviewed considering that:

- . To date the lots have not been developed for their intended use.*
- . There is a chronic residential land shortage with the Town and the site may be an appropriate site for residential development if a suitable design can be developed*
- . Concepts discussed throughout the development of the Land Use Master Plan include using this land for residential purposes rather than Tourist and/or community purposes.*



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.3



11.2.2.4 Proposed Industry – Extractive (Sand Mining) at Lot 126 Great Northern Highway Port Hedland (Twelve Mile) (File No.: 129010G)

Officer Andrew Patterson
Planning Officer

Date of Report 8 May 2007

Disclosure of Interest by Officer Nil

Summary

Council has received an application for planning approval to commence an extractive industry (sand mining) at Beebingarra Creek located on lot 126 Great Northern Highway Port Hedland. The land comprises 201.94 hectares and is zoned “Rural” in *the Town of Port Hedland Town Planning Scheme No. 5 (TPS 5)*

“Industry - Extractive” is listed as an “AA” use on the TPS 5 zoning table, with this proposed use generally determined under delegated authority. Given the contentious nature of Lot 126 and surrounding areas, this application for planning approval has been referred to Council for determination.

Background

The owner of this land, Kevin Stubbs, has applied for and received a “Permit to Obstruct or Interfere” by the Water and Rivers Commission, authorising:

Sand mining from the Beebingarra Creek. Excavation location specified in the “Proposal to Extract Small Amounts of Sand from Beebingarra Creek”.

This permit is included as an attachment to this report.

The applicant is proposing to remove between 3000 and 4000 tonnes of sand per annum, requiring approximately 80 road train movements per annum.

The proposed extraction site is proposed approximately 1.7 kilometres north of Great Northern Highway, and 1.3 kilometres north of the Tjalku Warra (12 Mile) Community.

It is noted that at the time of writing of this report, the long-term future of the Tjalku Warra Community is yet to be determined, and that it is expected that at most, only a small number of residents will remain at the community. It is also noted that all structures on the western bank of Beebingarra Creek have been removed, with several structures on the eastern bank also scheduled for demolition.

In accordance with appropriate licenses, the applicant proposes to remove sand from the creek bed a distance no less than 10 meters from the existing banks in such a way that causes no ponding or obstruction of water flow.

Sand will be removed to a screening plant located close to the excavation site where sand will be screened and stored prior to being transported off site.

Consultation

Notwithstanding the distance and limited scope of this proposed operation, Tjalku Warra Community has been consulted with regard to this application through the Pilbara Indigenous Women's Aboriginal Corporation (PIWAC) with no objection being received.

Health Services have not objected to the application and advised that the developer is to have consideration of dust and noise generation during operation. In addition, separate approval may be required from the DEC and Department of Water.

Engineering Services have not objected to the application subject to the applicant identifying the types of vehicles to be used for the operation, and how they will access Great Northern Highway.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 zones the subject land "Rural" and establishes "Industry – Extractive" as an "AA" use.

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

The *Environmental Protection Regulations 1987*, Schedule 1 includes the following use as prescribed premises:

70 Screening, etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	More than 5 000 but less than 50,000 tonnes per year
--------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------

As this application limits the proposed extraction to between three and four thousand tones per annum, under the *Environmental Protection Regulations 1987*, registration is not required.

The Department of Industry and Resources control mining activity through the issuing of Mining Licenses.

The Waters and Rivers Commission regulate any interference with a natural watercourse through a Permit to Obstruct or Interfere.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Application fees of \$500 have been received and deposited into account 1006326 – Town Planning Fees, reflecting a development cost of \$65 000.

Officer's Comment

Given the location of this proposed land use, this development is unlikely to cause any amenity impact noticeable from the Great Northern Highway. Council has previously expressed concern with ad hoc development occurring in this area, however given the specific circumstances required for this land use, the proposed location is not considered inappropriate.

It is noted that there are a number of other sand quarries operating in the Town of Port Hedland, located at the Spoil Bank and Lot 145 (Reserve 36098) Great Northern Highway.

The granting of the Mining Licence and the Permit to Interfere provide sufficient evidence that this proposed development is not considered to have significant detrimental environmental impacts provided all activities are limited to the conditions of these approvals.

The main concern with this application that is yet to be assessed is the impact from increased traffic movements directly accessing the Great Northern Highway. To ensure compliance with all relevant legislation and policy however, a condition is included in the Officer's Recommendation that a traffic management plan be submitted to the Town of Port Hedland, endorsed by Main Roads Western Australia indicating that all traffic movements, including access to Great Northern Highway are within permitted parameters.

200607/309 Council Decision/Officer's Recommendation**Moved:** Cr G J Daccache**Seconded:** Cr J M Gillingham

That Planning Consent be granted to Kevin Stubbs and Rachel Komp for the establishment of INDUSTRY – EXTRACTIVE (Sand Mining) at Lot 126 Great Northern Highway as outlined in the Application received 6 April 2007 (Application 2007/032) and indicated on the approved plans, subject to the following conditions:

GENERAL

- 1. Prior to the commencement of any works subject to this approval, the applicant is to submit to the Town of Port Hedland an accurate diagram, drawn to scale, identifying the location and dimensions of the proposed hardstand storage area to the satisfaction of the Manager Planning.**
- 2. Prior to commencing works pursuant to this approval, the applicant is to submit to the Town of Port Hedland a traffic management plan detailing all traffic movements associated with the approved use that has been endorsed by Main Roads Western Australia.**
- 3. 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.**
- 4. All dust to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning.**

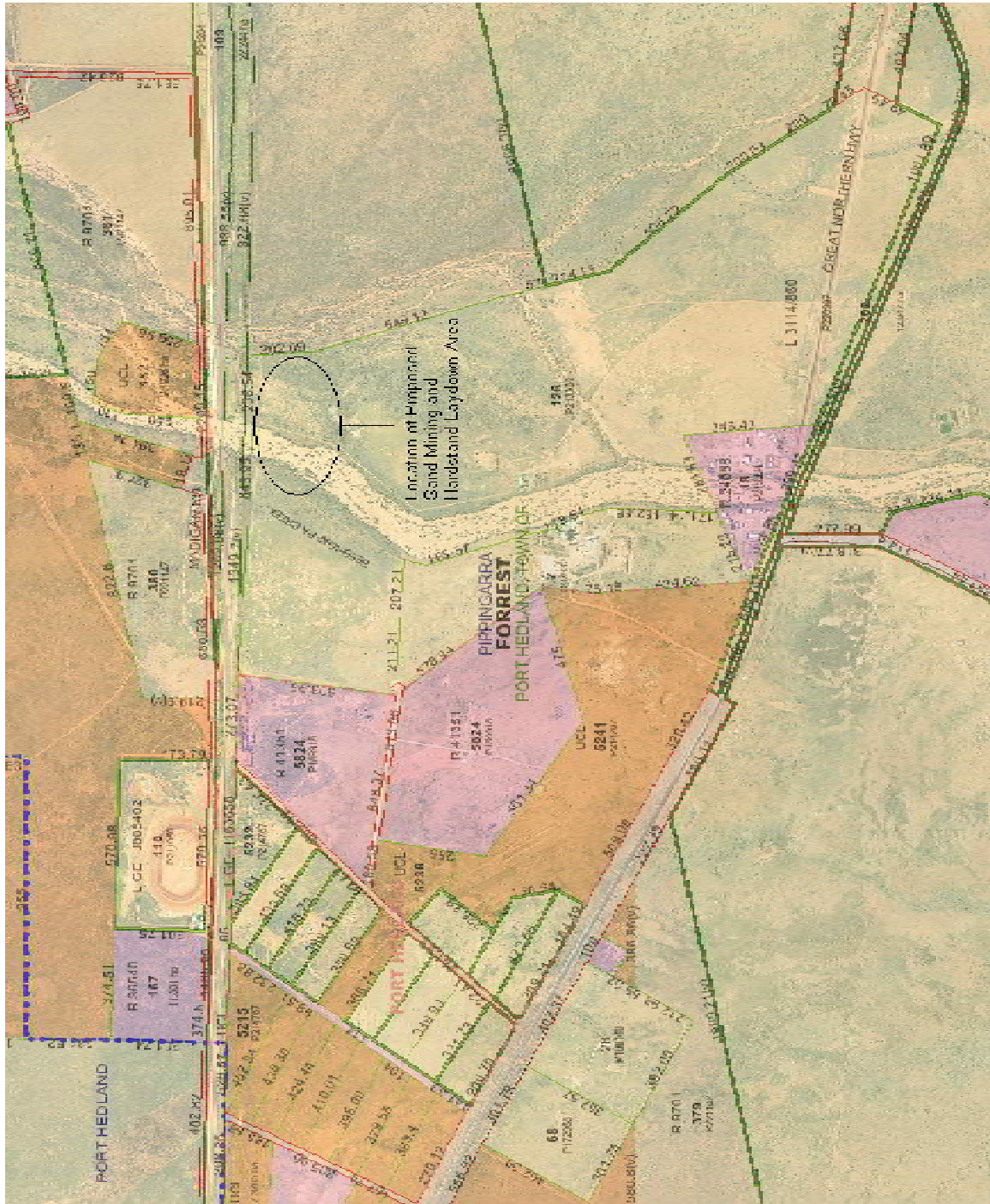
ADVICE TO DEVELOPER

- 1. The applicant is advised that this is a planning approval only and does not take the place of any relevant Mining or Environmental approvals or licences required for this development.**
- 2. The applicant is advised that removal of sand in excess of 5,000 tonnes per annum may require registration of this site under the Environmental Protection Regulations 1987.**
- 3. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.**

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

CARRIED 5/1

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.4



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.4

Mining Tenement Register Search

MINING LEASE 45/1119 - Live

Endorsements and Conditions

Endorsements		Start Date	End Date
2	This mining lease authorises the mining of the land for all minerals as defined in Section 8 of the Mining Act 1978 with the exception of: • Uranium ore; • Iron ore, unless specifically authorised under Section 111 of the Act	31/01/2006	
3	The Lessee's attention is drawn to the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, which provides for the protection of all native vegetation from damage unless prior permission is obtained.	31/01/2006	
Conditions		Start Date	End Date
1	Survey.	31/01/2006	
2	All surface holes drilled for the purpose of exploration are to be capped, filled or otherwise made safe immediately after completion.	31/01/2006	
3	All costans and other disturbances to the surface of the land made as a result of exploration, including drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the Environmental Officer, Department of Industry and Resources (DoIR). Backfilling and rehabilitation being required no later than 6 months after excavation unless otherwise approved in writing by the Environmental Officer, DoIR.	31/01/2006	
4	All waste materials, rubbish, plastic sample bags, abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of exploration program.	31/01/2006	
5	Unless the written approval of the Environmental Officer, DoIR is first obtained, the use of drilling rigs, strappers, graders, bulldozers, backhoes or other mechanised equipment for surface disturbance or the excavation of costans is prohibited. Following approval, all topsoil being removed ahead of mining operations and separately stockpiled for replacement after backfilling and/or completion of operations.	31/01/2006	
6	The lessee submitting a plan of proposed operations and measures to safeguard the environment to the Director, Environment, DoIR for his assessment and written approval prior to commencing any developmental or productive mining or construction activity.	31/01/2006	

DEALINGS DETAILS

Dealings

Dealings	Encumbrances
Application to Amend MB30/045	Lodged 2:00:00 PM on 13 Jun 2005 amending description of Datum Peg from "Datum peg most northerley east point of Lot 126 Port Hedland" to read "Datum situated at GDA 7744459.996N 677380.526E. Thence boundaries (identical to surveyed Lot 126)" REGISTERED 2:00 PM 13 Jun 2005
Extension of Time - Advert 219646	Lodged 11:58 AM on 08 Jul 2005 to lodge late advertisement Approved by the Warden on 14 Jul 2005

RENT DETAILS

Rent Payments

Type	Year Ended	Receipt Date	Receipt Type	Receipt No.	MR Lodged	Amount	Rental Area	UOM	Effective Date	Amount Due	Discrepancy
Payment	2008	18/01/2007		2578	KR	\$2,799.72	201.94000	HA	31/01/2006	\$2,799.72	\$0.00
Payment	2007	19/12/2005		19180	PE	\$240.30	201.94000	HA	31/01/2006	\$2,644.18	-\$0.08
Payment		18/04/2005		839	MB	\$2,403.80	201.94000	HA	31/01/2006		

ATTACHMENT 3 TO AGENDA ITEM 11.2.2.4

File No: NWK3167



Water and Rivers Commission
Government of Western Australia

Page 1 of 1

Instrument No. PMB162327(1)

PERMIT TO OBSTRUCT OR INTERFERE (S17)

Granted by the Commission under section 17 of the Rights in Water and Irrigation Act 1914

Permit Holder(s)	Stubbs, K, G	
Description of Water Resource	Port Hedland Coast Beebingarra Creek and Tributaries	
Location of Water Source	Lot 126 On Plan 213334 - Volume/Folio 2188/559 - Lot 126 Pippingarra - Lot 126 North West Coastal Highway	
Authorised Activities	Activity	Location of Activity
	Sand mining from the Beebingarra Creek. Excavation location specified in the Proposal to Extract Small Amounts of Sand from Beebingarra Creek.	Lot 126 On Plan 213334 - Volume/Folio 2188/559 - Lot 126 Pippingarra - Lot 126 North West Coastal Highway
Duration of Permit	From 21 February 2007 to 1 March 2010	

This Permit is subject to the following terms, conditions and restrictions:

- 1 The licensee shall not interfere with the bed of the watercourse on any location, except as approved by the Water and Rivers Commission
- 2 The permit holder shall not construct any structure that may obstruct the free flow of the river.
- 3 The permit holder shall ensure that the sand mining operation does not act as an artificial barrier or levee, causing water to pond upstream.
- 4 The permit holder is to comply with the Proposal to Extract Small Amounts of Sand from Beebingarra Creek, as submitted to the Department of Water on the 19 February 2007 and any amendments made by or with the approval of the Commission.
- 5 The excavation is to be greater than 10 metres from existing river banks.

End of terms, conditions and restrictions

Do-07271
129010G
mm

This Permit is granted subject to the Rights in Water and Irrigation Regulations 2000

11.2.2.5 Proposed Storage Facility/Depot/Laydown Area at Lot 126 Great Northern Highway Port Hedland (File No.: 129010G)

Officer Andrew Patterson
Planning Officer

Date of Report 10 May 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Kevin Stubbs and Rachel Kemp as the land owners of lot 126 Great Northern Highway to construct a storage facility/depot/laydown area at the southern extremity of lot 126 Great Northern Highway.

This land is zoned "Rural" in the *Town of Port Hedland Town Planning Scheme No. 5* (TPS 5), and "facility/depot/laydown area" is listed as an "AA" use on the TPS 5 zoning table.

Delegated Officers are authorised to determine "AA" uses, however given the contentious nature of Lot 126 Great Northern Highway and surrounding areas, this application for planning approval has been referred to Council for determination.

Background

The applicant is proposing to construct a depot on the subject land comprising:

- A number of sea containers, with details specifying number and location to be the subject of a separate application for planning approval;
- Trucks, comprising a low loader, two-trailer road train and a six-wheeler;
- Small plant, including excavators, loader and bobcats;
- Service and maintenance areas.

The applicant has advised that the expected lifespan of this development is limited to between one and five years.

As part of any approved development, perimeter security fencing is to be installed with landscaping included to screen from Great Northern Highway. All structures and parking areas are to be set back a minimum of 100 metres from the highway.

As identified in the attached aerial photograph, the subject land comprises a relatively small area of land (approximately two hectares) excised from lot 126 by the realignment of the Great Northern Highway.

Consultation

Engineering Services have not objected to the application and advised that further information regarding access to the Great Northern Highway is required.

Building Services have not objected to the application and advised that building licences are required prior to locating any sea containers on the site.

Environmental Health Services have not objected to the application and advised that the applicant is to have consideration of dust generation.

Statutory Implications

TPS 5 zones this land "Rural" and permits the development of a Storage Facility/Depot/Laydown Area at Council's discretion.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Fees of \$200.00 have been received and deposited into account 1006326 – Town Planning Fees, reflecting a development cost of \$87 000.

Officer's Comment

Notwithstanding that, should this application be approved, the applicant intends to shield the development from Great Northern Highway, permitting this use will further entrench this area as an ad hoc industrial site.

While it is acknowledged that there is currently a lack of available industrial land, it is noted that the Department for Planning and Infrastructure (State Land Services) plans to release a number of industrial lots along Manganese Street Wedgefield in the near future that are more appropriate sites for this proposed use.

It is also noted that, although the subject land has direct access to the Great Northern Highway, Main Roads Western Australia is likely to require significant highway entry modifications prior to permitting heavy traffic access to this national highway. While the previous highway alignment to the south of lot 126 is maintained with a road reserve, lot 126 does not directly access this road, and would require agreement from the lot 202 Great Northern Highway owner should the applicant wish to use this as a service entry.

One anticipated outcome of the Land Use Master Plan is the proposal that a specific area be set aside for the development of transport land uses. Even though the applicant indicates that the expected lifespan for this development is one to five years, there is still a possibility that this is subject to change with the depot remaining there far beyond this expected timeframe. While it would be possible to include a time limit into a planning approval, such a condition is likely to be subject to a successful challenge if enforced.

As Council is unlikely able to enforce any time limit should it resolve to approve this application, subject to time limitations, it is therefore recommended that the application be refused.

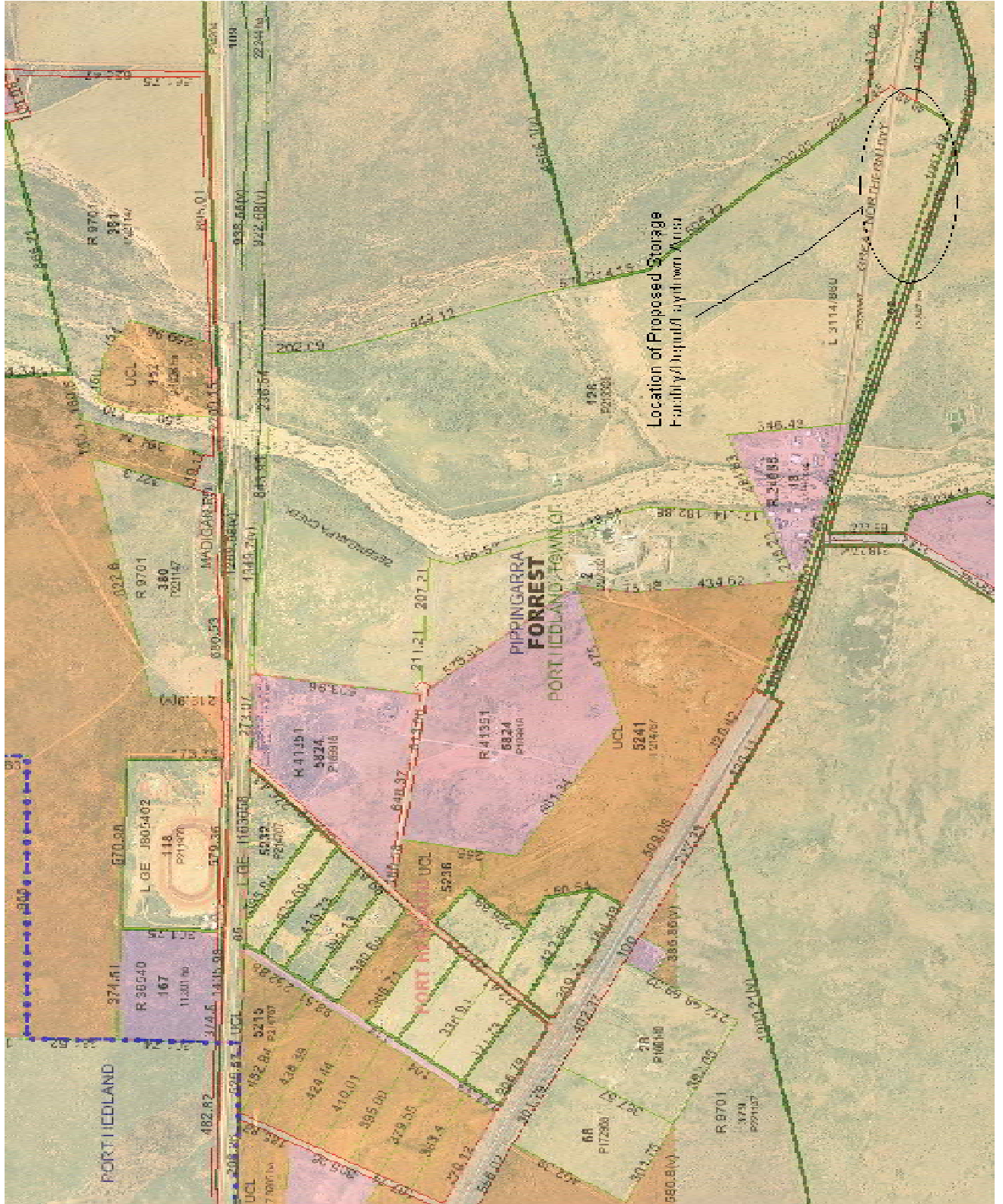
200607/310 Council Decision /Officer's Recommendation**Moved:** Cr G D Bussell**Seconded:** Cr S F Sear

That Planning Consent be REFUSED to Kevin Stubbs and Rachel Kemp for the construction of a Service Facility/Depot/Laydown Area at Lot 126 Great Northern Highway Port Hedland as outlined in the Application received 6 February 2007 (Application 2007031) for the following reasons:

- i) the application is not in accordance with proper and orderly planning; and**
- ii) more appropriate land is expected to be advertised for release prior to the end of the financial year.**

CARRIED 6/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.5



11.2.3 Ranger Services**11.2.3.1 *Compulsory Sterilisation of Dogs Re-homed From the Town of Port Hedland Dog Pound (File No.: RAN-003)***

Officer Peter Wilden
Co-ordinator Ranger Services

Date of Report 28 April 2007

Disclosure of Interest by Officer Nil

Summary

Each year a number of impounded dogs are re-homed instead of being destroyed. Council's Rangers currently encourage people to have their pets sterilized but cannot require that the dogs be sterilized before they are given to a new owner. As a result some of these dogs breed, adding to the problem of stray dogs within the community.

It is proposed that Council consider the benefits of requiring new owners to undertake compulsory sterilization of all dogs re-homed from Council's pound and to waive the registration fees for the first year after any dog is re-homed.

Background

Over the past year March 2006 to March 2007, more than 800 dogs have been impounded by the Ranger Services Section with twenty nine of these dogs being re-homed to new owners or passed on to SAFE (Save Animals From Euthanasia) when not claimed by their owners after the holding period of 72 hours has expired.

Council's Ranger Services are concerned that many of these dogs are not sterilised and in turn produce pups, which are unwanted by their new owners and add to the dog problems within the Town.

It is possible for Council to provide direction to the Ranger Services, so that dogs are not released as pets unless they are sterilised by their new owner. This would solve the problem, but as it imposes a cost on the person taking the dog, a one-year waiver of registration fees is proposed as a partial compensation for this expenditure.

Consultation

South Hedland Veterinary Hospital, Dr Andrew Howard
Director Community and Regulatory Services
Manager Finance
Manager Environmental Health

Statutory Implications Nil

Policy Implications

To proceed with this proposal would have no impact on current policy.

Strategic Planning Implications Nil

Budget Implications

This proposal would result in a loss of revenue of approximately three hundred dollars per annum. Although not quantified, it is anticipated that the reduction in Ranger time dealing with unwanted pups will be many times more than that amount.

Officer's Comment

In adopting this approach it is anticipated that Council would see a reduction in the number of dogs having unwanted litters, and in addition the dogs would be re-homed to more responsible pet owners, as they would only go to new owners prepared to sterilise the dogs prior to re-homing.

South Hedland Veterinary Hospital are willing to offer 15% off the normal sterilisation fees, and are further willing to offer a discount of \$30.00 off the normal price of \$55.00 for Micro chipping all re-homed dogs.

With the dogs being micro chipped and having a current registration it would make the identification of the dog easier should they become lost. There would also be a faster return of the dog to their owners, thus reducing feed requirements at the pound and actively promote responsible pet ownership within the wider community.

Officer's Recommendation

That Council:

- i) authorises Ranger Services to require compulsory sterilization of all dogs re-homed from the pound; and
- ii) offers members of the public free registration for one (1) year as an incentive when re-homing an impounded dog.

200607/311 Council Decision

Moved: Cr A A Gear

Seconded: Cr J M Gillingham

That Council:

- i) authorises Ranger Services to require compulsory sterilization of all dogs re-homed from the pound; and**
- ii) offers members of the public free registration for three (3) years as an incentive when re-homing an impounded dog.**

CARRIED BY ABSOLUTE MAJORITY 6/0

REASON: Council determined to offer members of the public free registration for three (3) years as an incentive when re-homing and an impounded dog, which is being sterilised by the new owner at reduced rates.

11.2.4 Arts and Community Services**11.2.4.1 The Alliance Small Grants Scheme: Round 3 (File No 15/01/001)**

Officer Jodie Eekelschot
Events Coordinator

Date of Report 7 May 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider applications that have been received for The Alliance Small Grants Scheme.

Background

The Alliance Small Grants Scheme has been developed as a key element of the Alliance Partnership agreement between BHP Billiton Iron Ore. Grants are available to individuals and community groups to encourage and support the creation of a community in which artistic, cultural and heritage aspirations will grow and be sustained.

An outcome of the Alliance Advisory Committee meeting was to increase the amount of the Small Grant fund from \$1,000.00 to \$5,000.00. This would enable more Arts Heritage and Cultural Groups to access a larger amount of funds for community organisations.

The Alliance Small Grants Scheme will be advertised four times a year, with a maximum amount of \$5,000 available per organisation.

Requests were made from four applicants for this funding round.

The Alliance Advisory Committee has considered the applications and the recommendation is that two of the applications were to be approved, with two applications to submit further information.

The Alliance Advisory Committee approved the following applications:

1. Christian City Church
(Mosaic Mirror Art: funding of art classes targeted at youth during the school holiday's)
Amount requested: \$1,000
Grant amount approved: \$1,000

2. Wangka Maya Pilbara Aboriginal Language Centre
(Photography workshops and exhibition: to document aboriginal people thoughts and feelings in the community)
- | | |
|------------------------|---------|
| Amount Requested: | \$5,000 |
| Grant amount approved: | \$3,000 |

Funding is not recommended for:

- Pilbara Pioneers (Museum for Port Hedland)
For the reason that the application did not score strongly on the criteria: existing building in place, e.g. Dalgety House.
- Pilbara Regiment (Book to commemorate 25 years since it's inception)
While the application is complete, the committee is seeking further clarification for future involvement regarding a Book Launch.

TOTAL APPROVED: \$4,000

Consultation

The Alliance Small Grant Scheme: Round 3 was advertised through the North West telegraph on 4 April, 11 April and the 18th April 2007.

The Alliance Advisory Committee

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Not specifically identified in the strategic plan.

Budget Implications

Grants approved to the value of \$4,000.

Officer's Comment

Highly recommend to Council the adoption of increasing the funds available for the Arts Heritage and Cultural Community Groups from \$1,000 to \$5,000.

200607/312 Council Decision/Officer's Recommendation**Moved:** Cr S F Sear**Seconded:** Cr J M Gillingham**That Council:**

- i) **approves the following grants as part of The Alliance Small Grants Scheme: Round 3:**
- a) **Christian City Church
(Mosaic Mirror Art: funding of art classes targeted at youth during the school holiday's)
Grant amount approved:**
- \$1,000;**
- and**
- b) **Wangka Maya Pilbara Aboriginal Language Centre
(Photography workshops and exhibition: to document aboriginal people thoughts and feelings in the community)
Grant amount approved:**
- \$3,000;**
- and**
- ii) **increases the maximum available under The Alliance Small Grants Scheme to \$5,000.**

CARRIED 6/0

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 17 May 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	06/07 Cemetery Upgrade project is complete. Acquittals will be prepared over the next month. A 07/08 upgrade program is being prepared and will be presented to Council.
Playgrounds	Playground and rubber softfall installation has been completed at Cemetery Beach Park, Pretty Pool Park and Kevin Scott Oval
Black Spot Funding	Throssell road final designs are being prepared. North Circular/Hamilton and North Circular/Murdoch final plans received and presented to Main Roads for approval of signage and line marking. Reconstruction works to commence in May.

Roads to Recovery Funding	Minor works at Buttweid/North Circular intersection will be completed by late May.
Regional Road Group Funding	Contractors currently installing culvert extensions on North Circular Road and Wallwork road.
Footpath Construction & Maintenance	The 06/07 footpath construction program is complete. The current contract is due to expire on 30 th June 2007. Tenders are being prepared for the new period.
Drainage Construction & maintenance	Ongoing maintenance and repairs following recent cyclones.
Landfill	New septage pond designs are being prepared. Recycling hardstand area is now operational
Wedge & Edgar street Streetscape Enhancements	Continuation of project pending Council decision at Special Meeting on 9 th May 2007
Ride on Litter Vacuum	Staff waiting for quotes and final specifications prior to purchase.
Forrest Circle Road Repairs	Flood damage has occurred due to cyclone. Engineering crews have temporarily patched the road pending availability of sealing crews (expected May).
Restricted Access Vehicles (RAV) – road trains	No applications received. No response received from Main Roads WA regarding previous applications.
FMG Railway Construction	Railway construction and road works ongoing.
Cyclone George	Clean up has been advertised to be completed mid May. Road assessments have been completed, report and funding applications currently being prepared.
Wedgfield Upgrades	Crews have commenced intersection modifications.
Walkway/Street Lighting Upgrades	Horizon Power have commenced works for the program and anticipate completion prior to end of financial year
Unsealed road maintenance	Crews and contractors have commenced on unsealed road maintenance and flood damage repairs. Roads to include Yandeyarra road, Hillside-Woodstock road, Pippingarra road, Quartz Quarry road, Shoata road and others.

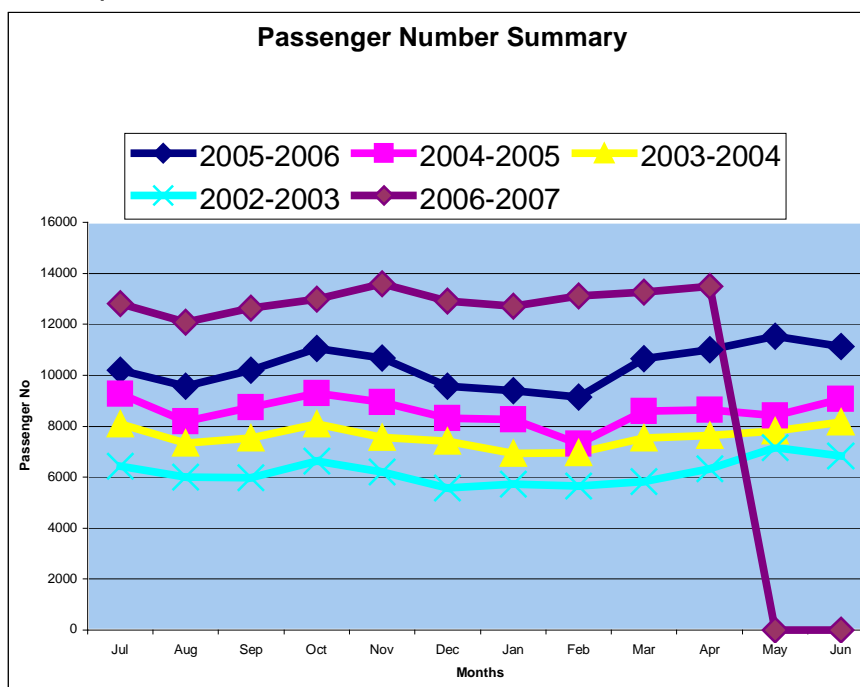
Turtle Interpretive Boardwalk	Engineering crews have completed earthworks for the concrete path component. Footpath contractors to commence path installation on 12 th May, with works expected to continue for 5 days. Final designs for boardwalk component, landscaping, lighting, etc still being prepared by Epcad.
West End Greening Tender	Tenders received and presented to Council at this meeting. Submissions are approximately \$860,000 over budget allocation for the project.
Don Rhodes Mining Museum Upgrade	Ninness Consulting have been contracted to carry out a safety audit and make recommendations regarding the safety and upgrade of the area. Audit to be undertaken mid May

Parks & Gardens

PROJECT	STATUS
Tree Reinstatement	Aussie Tree Services have been contracted to undertake works throughout the Town to reinstate, prune and remove trees damaged during TC George.
Green Waste	Green waste from tree pruning and removal will be used by Parks & Gardens crews throughout the Town. A stockpile will also be made available for residents at the Landfill.

Airport

Regular Passenger Transport Services Passenger Information as at 31 April 2007



Bali International Service:

811 passengers for the month of April

International Movements:

AN 12 – inbound from Singapore with freight for Woodside

Challenger 604 inbound from Maldives

Westwind inbound from Singapore

Security & the Federal Budget

The airport has been advised that the Commonwealth government is introducing checked baggage screening at 26 of Australia's busiest airports, of which Port Hedland is one. We are eligible for funding assistance for the capital costs associated with the introduction. 100% funding is available for Explosive Trace Device (ETD) equipment to be used for checked baggage screening by 1 December 2007. Commencing 1 December 2008 we are required to screen all checked baggage through Explosive Detection System (EDS) capable x-ray equipment. 75% funding assistance is available for this measure. Further advice is expected in the near future. New item requests will be included for 2007/2008.

Recreation Services Update*Sporting Facilities Upgrades*

Sporting Facilities Upgrades are ongoing.

Completed projects:

- Plumbing
- Tiling
- Synthetic Turf laid at cricket pitches and nets
- Painting
- New water fountains at un-leased sporting reserves

Currently being undertaken

- Security and boundary fencing around major reserves
- Demolition of Diamond 2 infrastructure
- Repairs and upgrades to the cricket nets

To be completed

- Electrical checks of all buildings
- Structural checks of all buildings
- Completion of water fountain installation at other sporting reserves around the Town.
- Other minor items

. *Post – Cyclone Repairs*

A maintenance and damage report has been completed and submitted to the insurance agency. Repairs have begun, including:

- The fencing at Gratwick Aquatic Centre
- The ceiling of the function room at Gratwick Aquatic Centre.
- Cleaning out of all clubrooms/facilities dirtied through cyclone.
- Repairs to overhead lighting at Colin Matheson Oval, Kevin Scott Oval, Marie Marland Reserve and Faye Gladstone Netball Courts.

Currently being undertaken

- Erosion repairs around Kevin Scott oval clubrooms
- Damage to external fencing at sporting reserves
- Other minor items

To be completed

- Repairs to Diamond 1 infrastructure
- All other reported items

. *Port and South Hedland Skate Parks*

Convic Skateparks have been notified of their successful tender bid, and are forwarding a timeline for completion of the project. Their estimated commencement date is August 2007, with completion due prior to October 31st 2007

. *Feasibility Study into Proposed Multi-Purpose Sports Complex*

Jill Powell conducted two community forums for the identification of needs into the proposed Multi-Purpose Recreation Complex on the 30th April. The Finucane Island Club were also consulted to determine future possibilities into using the leased site.

. *South Hedland Aquatic Centre*

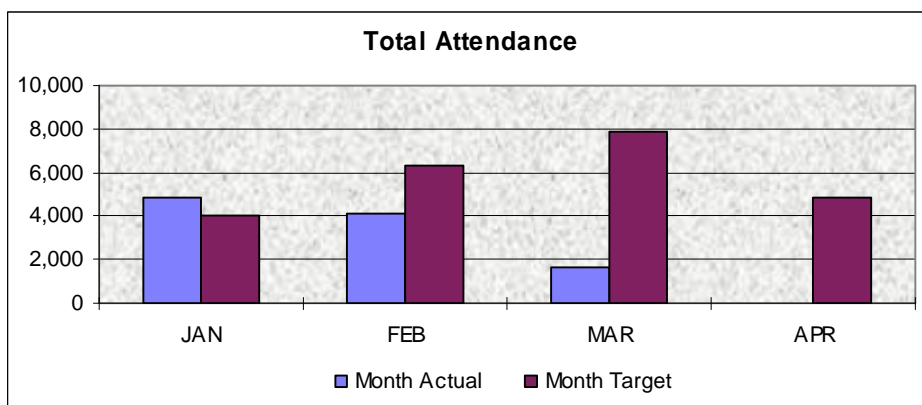
The South Hedland Aquatic Centre (SHAC) will be emptied later this month, with the intent to determine the cause of water bubbling through the concourse area, adjacent to the plant room. The SHAC is scheduled to be re-opened in September 2007, and works will be completed prior to this date.

Aquatic Centres

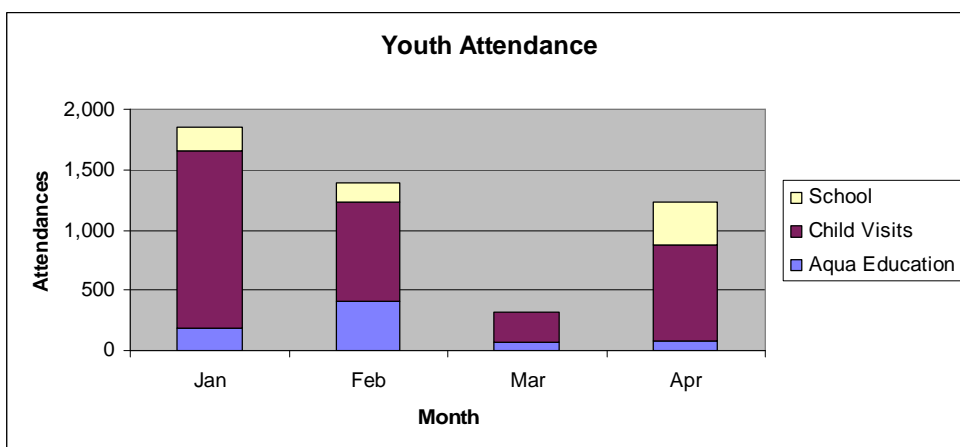
Attendance numbers at South Hedland Aquatic Centre and Gratwick Aquatic Centre are detailed in the tables below. Attendance numbers are down at both Aquatic Centres due to closures following the recent cyclones. South Hedland Aquatic Centre is now closed for the winter season.

Manager's Reports for both Aquatic Centres are available from Council staff upon request.

South Hedland Aquatic Centre



Gratwick Aquatic Centre



JD Hardie Centre

The JD Hardie Centers Program attendance for April was low in comparison to previous months, however school holidays fell during this time, and all programs ceased for those two weeks.

Attendance at the classes are tabled below:

Programs	
Kids Clubs	41
Dodgeball	26
Tae Kwon Do	9
GR8 SK8	2
Boxing	15
Holiday Program	264

The Holiday Program was very successful with the JD Hardie Center trialling a full day Holiday Program. With over 200 children and an average of 30 children per day, the program was deemed a great success and a very popular option throughout the community. It is likely that this option for parents will remain available.

All Stadium Competitions broke for two weeks during the school holidays, but now continue with steady numbers.

Hedland Senior High School is continuing to utilise the JD Hardie Centre on a regular basis to assist in the running of the Physical Education Programs.

The following table indicates usage of the JD Hardie Centre:

Facility Hire	
Stadium Hall	210
Function Room	80
Meeting Room	0
Creche	0
Outdoor Courts	0

Stadium Competitions	Teams
Mixed Netball	10
Mixed Volleyball	13
Indoor Soccer	0
Men's Basketball	0
Women's Basketball	0

Completed Events

Working with Children Check Seminar

The Working with Children (Criminal Record Checking) seminar was conducted on 1 May 2007, and was open to the community. This was a DSR initiative, with assistance from Local Government Authorities. The Town of Port Hedland promoted the event throughout the town.

Pilbara Recreation Association Meeting

Bec Coxall and Matt Jackson represented the Town of Port Hedland at the Pilbara Recreation Association (PRA) meeting held in Tom Price on 19 April. The PRA is a working group of the Pilbara Regional Council (PRC), where one of the responsibilities is to undertake the recommendations outlined within the Pilbara Regional Recreation Plan. An update on the progress of this report will be presented at the May PRC meeting. Minutes for the PRA meeting are available for perusal upon request.

Upcoming Events*Responsible Service of Alcohol Training Course*

A responsible service of alcohol training course has been booked in with Aragon Education and Training to be held at the Civic Centre on Sunday 10 June. All sporting organisations have been informed, with a request for two members from each association to attend. This is in-line with the Liquor policy for associations.

WA Football League Game

The organising committee has met again in regards to this event, occurring on the 21st July 2007. The CEO from Swan Districts Football Club was present, and the Swans and Rovers Football Clubs are the hosts for this event, with the Town of Port Hedland the facilitator.

200607/313 Council Decision/Officer's Recommendation**Moved:** Cr G D Bussell**Seconded:** Cr G J Daccache**That Council accepts Engineering Services Monthly Report.*****CARRIED 6/0***

11.3.1.2 **Request to Amend Delegated Authority No 22 for Chief Executive Officer to Dispose of Surplus Vehicles (File No.: 23/10/0001)**

Officer Grant Logie
Director Engineering Services

Date of Report 11 May 2007

Disclosure of Interest by Officer Nil

Summary

This report is for Council to consider reviewing Chief Executive Officer's delegation regarding the sale of Council vehicles.

Background

The Town of Port Hedland is currently utilising the Department of Treasury and Finance Common Use Arrangement 012A-1994 for the purchase of Council vehicles. This contract is limited to the purchase of vehicles only and not for the sale or trade of vehicles. It is recommended that the redundant vehicles be sold at auction to receive the best possible revenue from the sales.

Given that the proposal is to sell the vehicles by auction (not tender), Council's Chief Executive Officer currently does not have the delegated authority to accept the prices that are achieved.

Consultation

Chris Adams, Chief Executive Officer

Statutory Implications

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

“5.42. Delegation of some powers and duties to CEO

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

5.43. Limits on delegations to CEO's

A local government cannot delegate to a CEO any of the following powers or duties ^{3/4}

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*

- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (h) any power or duty that requires the approval of the Minister or the Governor; or*
- (i) such other powers or duties as may be prescribed.“*

Policy Implications

Nil.

Strategic Planning Implications

Nil.

Budget Implications

Nil.

Officer's Comment

While the Chief Executive Officer can currently accept tenders and quotes that are under \$100,000, Delegation 22, which relates to the disposal of surplus goods currently limits authority to goods valued at under \$5,000.

It is recommended that the CEO delegation be modified to include the authorization to dispose of surplus vehicles via public auction. The reserve price set at the auction will be determined by prices listed in www.redbook.com.au. This website provides market value ranges for all vehicle types available within Australia.

200607/314 Council Decision/Officer's Recommendation

Moved: Cr A A Gear

Seconded: Cr S F Sear

That Council's Delegated Authority No 22 be modified to reflect that the CEO is authorised to dispose of surplus vehicles via public auction for the highest price that exceeds the lower end of the national average price as listed in www.redbook.com.au.

CARRIED BY ABSOLUTE MAJORITY 6/0

**11.3.1.3 Road Traffic Code 2000 Instrument of Authorisation
(File No.: 30/17/0002)**

Officer Grant Logie
Director Engineering Services

Date of Report 9 May 2007

Disclosure of Interest by Officer Nil

Summary

This report is for Council to approve the signing and fixing of the common seal to the Road Traffic Code 2000 Regulation 297 (2) Instrument of Authorisation relating to Traffic Management for Roadworks and Traffic Management for Events.

Background

The Instrument of Authorisation is a legal document whereby the Commissioner of Main Roads, under Regulation 297 of the Road Traffic Code, formally delegates to an Authorised Body the authority to erect, establish or display and alter or take down any road sign or traffic control signal for the purpose and duration of any road works or events subject to conditions set out in the instrument. In order to take effect, the instrument must be executed by the Commissioner of Main Roads and the body the subject of the instrument, in this case being the Town of Port Hedland. The delegation only applies to roads (or works) under the Town of Port Hedland's jurisdiction.

Below is the Instrument of Authorisation for Works on Roads and the Instrument of Authorisation for Events:

TRAFFIC MANAGEMENT FOR WORKS ON ROADS CODE OF PRACTICE

WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises (*Insert name of Local Government*) ("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION

RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises (insert name of Local Government) (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any "event" as defined in the Traffic Management for Events Code of Practice, on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation does not change or replace any prior Instrument of Authorisation issued in respect to Section 4.3 of the "Traffic Management for Works on Roads Code of Practice".

Consultation

Main Roads WA officers
Council's Engineering officers

Statutory Implications

Road Traffic Code 2000

"Regulation 297. Power to erect traffic-control signals and road signs

(2) The Commissioner of Main Roads may allow an authorised body to erect, establish, display, alter or take down any particular road sign, road marking or traffic-control signal, or road signs, road markings or traffic-control signals of a class or type of classes or types, and in the circumstances (if any), specified in the instrument of authorisation."

Policy Implications

Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

In the past Council has operated under the conditions of the instrument, however a formal Instrument of Authorisation has not been signed. Recent updates to the Road Traffic Code have made all parties aware of this omission, and Main Roads WA have requested the signing of the Instrument.

If the Instrument of Authorisation is not signed, Council must apply to Main Roads for approval of each occurrence of traffic management required for all road works and events.

200607/315 Council Decision/Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr J M Gillingham

That Council:

- i) **approves the signing of the Instrument of Authorisation for Traffic Management for Works on Roads;**
- ii) **approves the signing of the Instrument of Authorisation for Traffic Management for Events; and**
- iii) **authorises the use of the Common Seal of the Town of Port Hedland on both Instruments of Authorisation.**

CARRIED 6/0

11.3.1.4 Tender 06/43 West End Greening Stage 1A Landscape and Irrigation Works (File No.: 21/07/0001)

Officer Grant Logie
Director Engineering Services

Date of Report 7 May 2007

Disclosure of Interest by Officer Nil

Summary

This document is a summary of the tenders received for Council consideration for Tender 06/43 West End Greening Stage 1A Landscape and Irrigation Works.

Background

The West End Greening project is a joint partnership between the Town of Port Hedland and BHP Billiton Iron Ore. The projects core aim is to make the drive into Town more attractive for visitors and residents. This will be achieved through tree planting, the construction of footpaths to enable foot traffic through the area, the construction of car parks and the development of a heritage area. Stage 1A focuses on landscaping and irrigation work on Reserve 30037 and the surrounding verge, which is bounded by Wilson, Anderson and Short Streets, Port Hedland.

Epcad Pty Ltd was awarded the contract to complete detailed design drawings and specifications. Tenders were recently called for the construction of West End Greening Stage 1A.

Consultation

The following parties were involved in the consultation and tender evaluation process:

- Chris Adams, Chief Executive Officer
- Grant Logie, Director Engineering Services
- Engineering Services officers
- Justin Notley, Epcad Pty Ltd

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

Nil

Budget Implications

Expenditure account 1201464 - \$549,800

Officer's Comment

Two (2) tenders were received when tenders closed on 2 May 2007. One (1) tender was received from Frogmat Environmental (Australasia) Pty Ltd and a late tender was received from Tim Davies Landscaping. Although the late tender is non-conforming and will not be taken into consideration for the contract, details of the tender submission are itemised in the table below for comparison purposes.

Description of Works	Frogmat Environmental	Tim Davies Landscaping
Site Establishment & mobilization	\$35,000	\$32,200
Preliminaries (Including Insurance, Travel, Accommodation)	\$57,000	\$15,187
Dust Management Plan (inc. commissioning, approvals and implementation)	\$18,000	\$8,592
Traffic Management Plan (inc. commissioning, approvals and implementation)	\$35,000	\$22,505
Demolition works (including licence and disposal costs) and cleaning	\$67,000	\$8,040
Earthworks and Fine Grading, including imported fill	\$95,500	\$109,130
Soil Conditioner	\$100,600	\$101,920
Planting (Inclusive of Staking)	\$250,000	\$221,975
Stolons	\$10,950	\$21,420
Mulching	\$94,000	\$102,977
Stolon Planting	\$6,300	inc above
Concrete Path (Town of Port Hedland scope of works)	NA	NA
Feldspar Path (Town of Port Hedland scope of works)	NA	NA
Railway Sleepers in Gravel (install only – supply by ToPH)	\$19,790	\$28,982
Placed Rock to verge and carpark swale	\$27,000	\$22,575
Stone Mulch	\$16,800	\$12,298
Furniture (Supply and Install) inc. benches, picnic tables and bins	\$39,000	\$32,140
Rockwork to culvert	\$19,800	\$10,752

Gabions (supply and install)	\$40,000	\$16,728
Bridge (excluding gabions and supply of railway sleepers)	\$41,500	\$22,175
Bollards (option 1)	\$39,000	\$30,184
Automatic Irrigation System	\$155,000	\$140,850
Irrigation Tank	\$125,000	\$48,990
Repair of Theft and Damage during the Consolidation Period (PS)	\$2,500	\$2,500
Tree Works (PS)	\$5,000	\$5,000
Sculpture (PS)	\$30,000	\$30,000
Signage (PS)	\$10,000	\$10,000
Lighting (PS)	\$20,000	\$20,000
<i>Any Other Items Not Included Above:</i>		
(a) Maintenance for irrigation as specified for 52 weeks	\$10,000	
Maintenance during 13 week Consolidation Period	\$10,400	\$23,600
Contingency Sums (Allow)	\$30,000	\$30,000
Sub-Total cost of works	\$1,410,140	\$1,130,720
Plus GST at a rate of 10%	\$141,014	\$113,072
TOTAL FIRM PRICE LUMP SUM PRICE FOR CONTRACT NO: 06/43	\$1,551,154	\$1,243,792

Tender documentation also included a schedule of rates as a cost breakdown for the services in the table above.

Additional information provided by Tenderers:

Frogmat Environmental

- Prices are based on single mobilization
- Earthworks allowances have been made, however Frogmat have reserved the right to re-assess to ascertain existing levels
- No allowance has been made for rock breaking
- No allowance has been made for installation of concrete kerb (Town of Port Hedland car park works)
- Substitutions for plants and trees may be necessary due to condition or availability of plants
- Where possible, Frogmat utilizes local services and business
- Metered or non-metered power and water costs to be paid for by the Town of Port Hedland
- Minor tender non-conformance – Statutory declaration on non-collusive tender has not been witnessed by Justice of the Peace or authorized person
- Frogmat Environmental are currently contracted by Works Infrastructure for landscaping at the Pretty Pool development

Tim Davies Landscaping

- Tender was received late and is considered non-conforming, therefore will not be considered for this contract

The table below indicates the evaluation criteria as per tender documentation:

Price	50%
Experience	20%
Resources (plant & equipment)	10%
Demonstrated understanding of required tasks	10%
Local Supplier Preference	10%
Total	100%

The table below indicates the weighting applied to Tenderers as per tender evaluation criteria:

	Price (50%)	Experience (20%)	Resources (10%)	Understanding (10%)	Local (10%)	Total (100%)
Frogmat Environmental	20	20	10	10	0	60%
Tim Davies Landscaping (non conforming)	0	0	0	0	0	0%

The compliant tender submission from Frogmat Industries is \$860,340 above the current budget allocation for this project. The original estimation for the completion of this project was provide by Epcad Pty Ltd and is considered a more accurate approximation of the true value of the project. Further evaluation is required to determine whether designs or specifications can be modified to reduce the project cost.

Officer’s Recommendation

That Council:

- i) rejects all tenders submitted for Tender 06/43 West End Greening Stage 1A Landscape & Irrigation Works;
- ii) designs and specifications are re-assessed; and
- iii) staff negotiates with contractors to undertake project after re-assessment of designs and specifications is complete, to the value of the original budget allocation of \$549,800.

200607/316 Council Decision**Moved:** Cr S F Sear**Seconded:** Cr A A Gear**That:**

- i) Council Reject all tenders that were submitted for Tender 06/43 West End Greening Stage 1a Landscape and Irrigation Works**
- ii) Officers review the designs and specifications with the aim of amending the scope of works to a level whereby the majority of the project can be delivered for the stipulated budget.**
- iii) Council project manage the implementation of the project using subcontractors to undertake specific elements of the works that are identified in the revised scope of works. Note: Quotations for subcontracted works are to be obtained as per Council's procurement policy.**
- iv) Council give consideration in the 2007/08 budget for a project officer for similar projects in the future**

CARRIED 6/0

REASON: Council reworded the recommendation to ensure clarity in relation to the proposed direction.

Item iv) was added as Council felt that as Council staff were taking on a greater number of works projects (as opposed to utilising contractors) an additional project officer on staff may be appropriate.

11.3.2 Port Hedland International Airport**11.3.2.1 Port Hedland International Airport: Parking Arrangements (File No.: 30/07/0014)**

Officer Eleanor Whiteley
Airport Manager

Date of Report 3 May 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider the introduction of time limited parking in the main car park at Port Hedland Airport and the authorisation of airport staff to enable them to issue infringements under the Town of Port Hedland Local Laws relating to Parking – airport specific.

Background

For a number of years parking facilities at Port Hedland International Airport have not been adequate to service peak periods of traffic during flight times.

To address this issue Council has extended the long-term car park and remodeled the existing car parks resulting in an increase in parking spaces available in all car parks. The installation of lighting in the long-term car park and the new extension is now complete.

This development has alleviated some of the parking problems however the main short-term car park is still being used by people for long-term parking. A number of illegal parking problems are arising with parking on verges and disregard for sign posted parking conditions at the front of the terminal.

Consultation

Co-coordinator Ranger Services
Town of Port Hedland Airport Staff

Statutory Implications

Town of Port Hedland Local Laws relating to Parking.

Town of Port Hedland International Airport Sections 12 and 13, states:

“12. The Council may designate and mark out any car park or parking stall on any part of the Airport as it shall think fit and such designation or marking out shall be in such a form as the Council thinks fit.

13. *The Town of Port Hedland Local laws relating to Parking shall have full effect within the Airport.”*

Policy Implications

Not applicable

Strategic Planning Implications

Key Result Area 1 – Infrastructure

Goal 3-Airport

Strategy 1 Undertake necessary capital upgrade to the Airport including:

- Development of car parking areas.

Budget Implications

Nil

Officer’s Comment

At the moment, a large number of airport users are parking in the main car park for extended periods of time. This is causing congestion at the front of the terminal and lack of parking spaces in the main car park.

Lighting has now been installed to the extension of the long-term car park. Access to the terminal from the long-term car park has now been completed with the construction of footpaths and pedestrian ramps.

The introduction of time-limited parking in the main car park would reduce the congestion. Due to the improvements and the extension of the long-term car park the public should be encouraged to now use this facility.

The time limit would need to be realistic to allow for the passenger movements and flight delays. A limit of three hours would be acceptable. Any introduction of time-limited parking would need an appropriate lead-time to allow for notification to the public through advertising and the gazettal process.

The introduction of time limited parking would require that Airport staff be gazetted, as authorized officers in relation to the Local Law relating to Parking and that it be airport specific. This would allow for airport staff to monitor the parking and provide on the spot infringement notices to people contravening parking instructions.

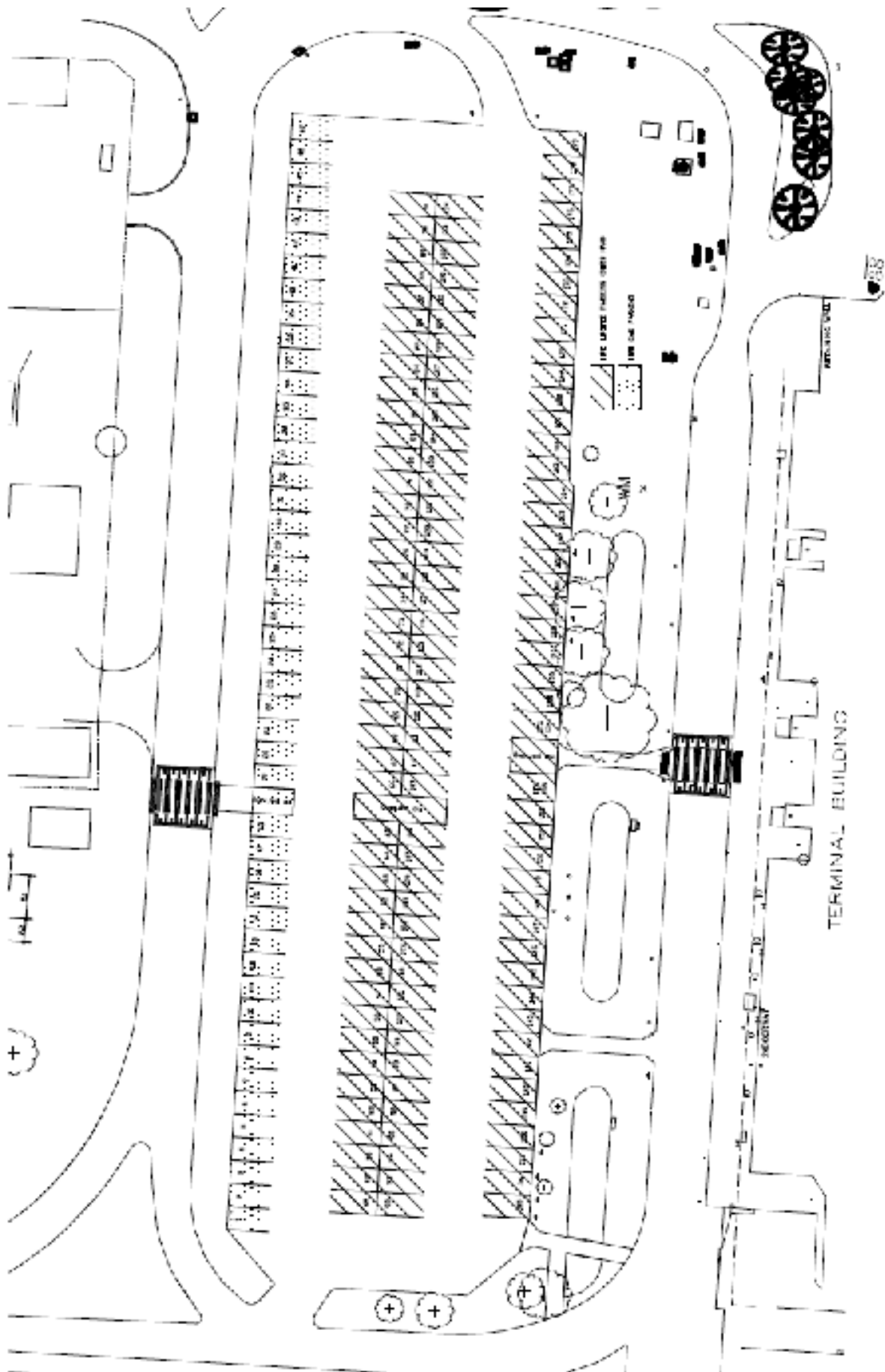
Ranger Services has indicated that they will provide Airport Staff with full training in relation to the issuing of infringements and associated processes.

200607/317 Council Decision/Officer's Recommendation**Moved:** Cr S F Sear**Seconded:** Cr A A Gear**That Council:**

- i) introduces time limited parking to the main car park of three (3) hours with the exception of the licensed hire car bays, effective as of 1 August 2007;
- ii) advertises the introduction through local media and sign posting at the airport;
- iii) Authorises Mohd Davis, Robert Couzens, Karen Taylor, Michael Mastrangelo and Eleanor Whiteley to be Authorised Officers for the Town of Port Hedland pursuant to Town of Port Hedland Local Laws relating to Parking – Airport Specific; and
- iv) authorises the placement of a gazettal notice for the above in the Government Gazette.

CARRIED 6/0

ATTACHMENT TO AGENDA ITEM 11.3.2.1



11.3.2.2 Port Hedland International Airport: International Service Waiver of Passenger Service Charge and Landing Fees (File No.: 30/08/0006)

Officer Eleanor Whiteley
Airport Manager

Date of Report 8 May 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider the continuation or cessation of the financial support provided to the international service to Bali operated by Skywest Airlines and Islandbound Holidays.

Background

Council has been providing support to the international service operated by Skywest and Islandbound Holidays since it commenced operations through Port Hedland in May 2004.

For the period May 2004-May 2005 the support from Council equated to approximately \$118,000 excluding GST. This comprised of \$33,100 in landing fee exemptions with the remaining \$84,942 being for Passenger service charges. This is based on the passenger figures of 2,700 provided by Skywest.

At the September 2005 Ordinary Meeting Council resolved to extend the support for the waiver of landing fees and passenger service charges until 31 May 2006. The support from Council for the period 1 June 2005 to 31 May 2006 was \$190,711.00 excluding GST, comprising of \$35,851 in landing charges and \$154,860.00 in passenger service charges (4,924 passengers).

The support from Council for the period 1 June 2006 to 30 April 2007 (year to date) is \$240,684.00 excluding GST comprising of \$34,041.00 in landing charges and \$206,643.00 in passenger service charges (5,615 passengers).

Passenger numbers have been steadily increasing with an average of 605 passengers per month for this financial year to end of April.

Consultation Nil

Statutory Implications Nil

Policy Implications

Not applicable

Strategic Planning Implications

Key Result Area 1 – Infrastructure

Goal 3-Airport

Strategy 3. Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising and any other means.

Budget Implications

General Ledger Account 1210324 Landing Charges

General Ledger Account 1210325 Passenger Service Charges.

There is no expected impact on these income accounts, as charges for the international service were not factored into income projections for the airport for 2006/2007. Income from the international service has not been factored into these accounts for the 2007/2008 airport budget.

Officer's Comment

The service has now been operating out of Port Hedland for three years and the support for the international service has been steadily increasing with a marked increase in passenger numbers in the last year.

Council's support from the service through the waiver of landing charges and passenger service charges equates to \$515,354.00 excluding GST.

Given current conditions passenger numbers are not forecast to fall in the coming year. Extra services were introduced for the school holiday period in April and are expected to again be introduced for the remaining school holiday periods for 2007.

Passenger service charges are paid by the traveling public and form part of the taxes & charges component of airline tickets. Airlines collect this fee on our behalf and forward payment on a monthly basis. Landing fees are charged to the airline and are factored into the cost of the airline fare.

Council has a number of options in relation to the international service in relation to support.

- Option 1: No continued support for the international service with landing fees and passenger service charges being imposed as per Council's Schedule of Fees and Charges.
- Option 2: Landing charges are 100% payable by the airlines. Passenger service charges continue to be exempted. No impost to the passenger through Council charges. Cost of approximately \$35,000 to the airline.

- Option 3: 100% waiver of landing and passenger service charges for next 6 months with a review after this time.

The introduction of the passenger service charge effectively will add \$36.00 including GST to the cost of flying to Bali (return) for an adult. Children are 50% of the scheduled fee.

Due to the service being an important tourism facility to the Hedland community and surrounding areas it is recommended that Council consider Option 2.

200607/318 Council Decision/Officer's Recommendation**Moved:** Cr S F Sear**Seconded:** Cr G J Daccache

That Council advises Skywest Airlines and Islandbound holidays that landing fees only shall be applicable to the international service effective as of 1 July 2007 as per Council's Schedule of Fees and Charges.

CARRIED 6/0

11.3.2.3 Port Hedland International Airport: Terminal Advertising (File No.: 30/07/0016)

Officer Eleanor Whiteley
Airport Manager

Date of Report 8 May 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider the expression of interest received for the development, provision and management of advertising in the terminal building.

Background

In August 2006 Council resolved to advertise for expressions of interest for terminal advertising. An advertisement calling for expressions of interest was placed in the West Australian with the close of submissions on 19 March 2007.

At the close of submissions only one expression of interest had been received from WA Billboards.

Consultation Nil

Statutory Implications Nil

Policy Implications

Not applicable

Strategic Planning Implications

Key Result Area 1 – Infrastructure

Goal 3-Airport

Strategy 3. Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising and any other means.

Budget Implications

General Ledger Income Account 1210350 Terminal Advertising

Officer's Comment

WA Billboards currently manage the terminal advertising at Geraldton Airport and has recently assisted Kalgoorlie Airport to refit their terminal advertising.

WA Billboards also provide advertising backlit boards at a number of regional WA airports and currently provide the road safety billboard and back lit advertising at Port Hedland Airport.

In their submission WA Billboards indicated that they would be responsible for the installation of the backlit signs and any ongoing marketing and maintenance. Thus the Airport would not have to source advertisers and through WA Billboards networks would be able to participate in large or national campaigns. Following the close of the submission period WA Billboards were contacted for further information and a site visit carried out on 27 April 2007 to determine the number of panels and thus determine the final rental.

Subsequently WA billboards have advised that they seek to enter into an agreement with the airport to have the exclusive rights to install advertising signs and market the associated space within the terminal. The term of the agreement is proposed for three (3) years with an option for a further two (2) terms of three (3) years each. The proposed rental for eight (8) panels is

Year 1 \$15,000 excluding GST

Year 2 \$16,500 excluding GST

Year 3 \$18,500 excluding GST

The rental figures are based on a formula widely used by the media industry to derive the reasonable selling rate for a site less operational expenses. The formula allows for the percentage return for the two parties to be approximately equal. The staggered rental is standard as it normally takes 12 months to fully establish and develop a new terminal from a sales perspective.

The offer by WA Billboards is reasonable and provides benefit to the airport in the following ways:

- Type of signs used within the terminal will be consistent
- Council will receive a return regardless of whether the space is filled or not
- The airport does not have to source advertisers or maintain any infrastructure.

200607/319 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

Seconded: Cr A A Gear

That Council:

- i) accepts the Expression of interest from WA Billboards and subsequent offer for the provision and management of terminal advertising at Port Hedland International airport effective from 1 July 2007; and**
- ii) authorises the Chief Executive Officer and the Mayor to execute the agreement and the seal be affixed.**

CARRIED 6/0

11.3.2.4 Port Hedland International Airport: Waiver of Landing Fees Skywest Airlines (File No.: 30/09/0008)

Officer Eleanor Whiteley
Airport Manager

Date of Report 14 May 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider the continuation or cessation of the financial support provided to Skywest Airlines through the 50% reduction in landing charges.

Background

Council has been providing support to the service operated by Skywest to Port Hedland through a 50% reduction in the landing fees payable. The extension to this waiver expired in February of this year.

Skywest has reduced its flights to Port Hedland since mid January with the Saturday flight to and from Broome being the only service. The reintroduction of weekday services was due to commence at the beginning of May, however recent advice has been that this will not occur until the end of the month.

Consultation Nil

Statutory Implications Nil

Policy Implications

Not applicable

Strategic Planning Implications

Key Result Area 1 – Infrastructure
Goal 3-Airport
Strategy 3. Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising and any other means.

Budget Implications

General Ledger Account 1210324 Landing Charges

Officer's Comment

Since the cessation of the Council resolution in February 2007 Skywest Airlines have been charged the full amount for domestic landing charges at Port Hedland for the Saturday service.

Skywest have indicated that further services will be reintroduced, however the implementation date has been revised a number of times.

Effectively, Skywest are only being charged for one landing per week being the arrival to Port Hedland from Broome for the domestic leg of the international service. Until Skywest has recommenced with the extra flights it does not seem feasible to continue to offer the 50% reduction.

At that time, and should Skywest seek support, Council could again consider the waiving or reducing landing fees.

200607/320 Council Decision/Officer's Recommendation

Moved: Cr A A Gear

Seconded: Cr J M Gillingham

That Council advises Skywest Airlines that the 50% reduction of landing fees, which ceased as of 28 February 2007, will not be extended further.

CARRIED 5/1

NOTE : Cr G D Bussell requested the votes be recorded.

Record of Vote:

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

11.3.2.5 Port Hedland International Airport: Development of Four (4) Lots Airport Entrance Road (File No.: 30/08/0022)

Officer Eleanor Whiteley
Airport Manager

Date of Report 10 May 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider the development of four (4) lots on the airport entrance road for the relocation of the existing hire car facilities.

Background

The existing hire car maintenance facilities at the airport are ageing and are inadequate for the companies' current needs. There are increasing problems with the drainage and sewerage infrastructure as well as a lack of space for the parking of hire vehicles, which is resulting in overflows to various areas of the airport including the main car park.

The Budget and Avis facilities also have underground fuel tanks, which may in the future pose a contamination risk.

Budget Car Rentals (Chalkwest Pty Ltd), Hertz Australia, Avis Car Rentals (WTH Pty Ltd) all have current maintenance leases with further five year options. Avis has already exercised their option for a further five year term expiring 30/6/2011. Hertz Australia's and Budget Car Rentals initial terms expire on 30/6/07 with further five plus five year options (if granted) on both leases. Thrifty Car Rentals (ILHA Pty Ltd) do not have a maintenance facilities lease at the airport.

The infrastructure issues associated with the current maintenance buildings and associated drainage are not easily rectified and the proposed solution to these issues is to relocate the hire car companies to land on the airport entrance. The land would be leased to the hire car companies as serviced lots with the respective hire car companies responsible for the development and maintenance of any infrastructure on the land.

Consultation

Current Airport based Car Hire Companies

Statutory Implications

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

“3.58. Disposing of property

(1) In this section -

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

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

(2) Except as stated in this section, a local government can only dispose of property to -

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

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

(a) it gives local public notice of the proposed disposition -

(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;...”

Policy Implications

Not applicable

Strategic Planning Implications

Key Result Area 1 – Infrastructure

Goal 3-Airport

Strategy 1. Undertake necessary capital upgrades to the Airport including – Development of improved car hire facilities in conjunction with companies

Budget Implications

General Ledger Expenditure Account 1210453 Airport Infrastructure.

New Item 2007/2008 Capital Expenditure Budget \$120,000

Officer's Comment

As previously stated the car hire facilities are inadequate and Council has previously indicated that options be investigated for the relocation of the hire car companies due to the cost of maintaining ageing and substandard infrastructure.

The proposed development is for four lots located on the vacant land on the airport entrance road as per attached drawing. The size of the lots is approximately 2900m². Lots would be serviced with power, water, sewerage, and telephone and crossovers would be constructed.

Indicative quotes have been received for the provision of services and the blocks would cost approximately \$120,000 in total to develop.

The hire car companies have indicated in writing and verbally that they are not averse to relocating to the new lots but have indicated that given the infrastructure outlay that they must undertake, concessions would be sought as part of the negotiation process. They have been advised that rental for the areas although pending the market revaluation will not be less than the current lease rental.

200607/321 Council Decision/Officer's Recommendation**Moved:** Cr G J Daccache**Seconded:** Cr A A Gear**That Council:**

- i) **considers the development of the four lots to proceed in the 2007/2008 budget process, and**
- ii) **authorises the Chief Executive Officer, or his delegate to continue negotiations with the existing hire car operators at the Port Hedland International Airport.**

CARRIED 6/0

ATTACHMENT TO AGENDA ITEM 11.3.2.5



11.3.3 Recreation Services**11.3.3.1 *Request for Tree Removal at Port Hedland Tennis Club (File No.: 26/02/0040)***

Officer Bec Coxall
Recreation Coordinator

Date of Report 8 May 2007

Disclosure of Interest by Officer Nil

Summary

The Port Hedland Tennis Club has approached Council with a request to permanently remove the trees surrounding the Eastern and Southern sides of the Port Hedland tennis courts, which are located on Council land.

Background

The Port Hedland Tennis Club contacted Council in 2006 to remove the gum trees surrounding the tennis courts. After review from the previous Works Manager, the decision was made to allow the trees to remain with regular maintenance and trimming. In late 2006, the Port Hedland Tennis Club lopped the trees themselves, without permission from Council.

Dave Tremlett, Port Hedland Tennis Club president, has recently contacted the Recreation Department with a request to permanently remove the trees, with the following rationale:

- To prevent damage to the new surrounding fence from the branches.
- To prevent damage and staining of the synthetic courts due to debris from the trees.
- To prevent sticks and debris falling onto the courts.
- To prevent fallen branches during Cyclones or storms to damage the infrastructure.

The Port Hedland Tennis Club has indicated that they would welcome planting of other trees/shrubs that are more suitable, at a more manageable distance from the existing fenceline.

In total, 21 trees surround the courts. Council staff obtained an expert opinion on the state of the trees since their lopping in 2006, and the recommended solution to this issue.

Consultation

Works Manager
Council Parks and Gardens Staff

Director Engineering
Port Hedland Tennis Club
Aussie Tree Services

Statutory Implications Nil

Policy Implications

No specific policy relates to the removal of trees from Council reserves, however the street tree removal policy, 10/002 states (in part) that:

- “i Individual trees within Council controlled land which are diseased, hazardous or causing damage shall be removed on approval of the Manager Parks and Gardens.*
- li Where groups of ten trees or more are to be removed the matter of tree removal shall be referred to Council.”*

Strategic Planning Implications Nil

Budget Implications

Should Council elect to remove the trees there will be a cost to Council. Aussie Tree Services have indicated an approximate price of \$310 per hour, however were unable to provide a timeframe necessary to remove all trees. It is likely the cost for removal will not exceed \$3,000.

Should Council approve the Port Hedland Tennis Club's request, it is recommended that the funds be obtained from the unallocated funds from BHP Billiton's \$500,000 commitment to sports facilities in the 2006/07 year (Sustainability Partnership Projects).

Officer's Comment

As stated within the policy manual, Council must determine the outcome of the request to remove the trees surrounding the Port Hedland Tennis Court. These trees are not considered diseased or hazardous, although the Port Hedland Tennis Club has detailed the damage they cause to their courts.

Aussie Tree Services have indicated that due to their incorrect lopping in 2006, the trees will not return to a safe condition, and recommend their removal. Should they not be removed, the trees will have to be lopped approximately every three (3) years, ensuring the tree remains in a shrub-like arrangement. Aussie Tree Services have indicated that some of the trees currently breach Australian Standards due to their branch structure.

It is therefore recommended that the 21 trees surrounding the Port Hedland Tennis Courts be removed, and replaced with more suitable trees should it be deemed necessary.

Officer's Recommendation

That Council inform the Port Hedland Tennis Association that:

- i) their request for the removal of trees on the Eastern and Southern sides of the tennis courts has been approved; and
- ii) Council will consider other alternatives for the planting of trees near fence lines in the future.

200607/322 Council Decision

Moved: Cr G J Daccache

Seconded: Cr A A Gear

That Council inform the Port Hedland Tennis Association that:

- i) their request for the removal of trees on the Eastern and Southern sides of the tennis courts has been approved; and**
- ii) Council will consider other alternatives for the planting of trees near fence lines in the immediate future.**

CARRIED 6/0

REASON: Council sought for the consideration of other alternatives for the planting of trees near fence lines to occur in the immediate future.

11.4 GOVERNANCE AND ADMINISTRATION**11.4.1 Corporate Services****11.4.1.1 *Financial Reports to Council for period ended 30 April 2007 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Stephen Carstairs
Manager Finance

Date of Report 16 May 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 30 April 2007, and to compare this with that budgeted for the period. With regard to the Town's Utility Costs, a comparison is made with 2005/06.

Background

Presented (see attachments) in this report for the financial period ended 30 April 2007, are the:

- Statements of Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 30 April 2007;
- Review of Transaction Activity.

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

2. *Utility Costs*

Presented in graph form (see attached), is the 2006/07 cumulative monthly water and power costs compared with 2005/06.

3. *Schedule of Accounts Paid*

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on 23 May 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			
CHQ17317	17341	\$159,372.08	1	10	1	Municipal Fund	Cancelled
CHQ17342	17342	-	10	10	1	Municipal Fund	
CHQ17343	17353	\$8,256.22	10	11	1	Municipal Fund	
EFT18276	18276	-	11	11	1	Municipal Fund	Cancelled
EFT18277	18560	3,215,008.78	11	94	1	Municipal Fund	
PAY 100407		\$190,980.83	94	94	1	Municipal Fund	
PAY 240407		\$198,305.24	94	94	1	Municipal Fund	
	Municipal Total	\$3,771,923.15					
3001335	3001339	\$2,200.00	94	94	3	Trust Fund	
	Trust Total	\$2,200.00					
	TOTAL	\$3,774,123.15					

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

Point one of Goal 2 (Natural Resources) in Key Results Area 5 (Environment) of the Strategic Plan 2007-2012, requires that the Town's energy and water use is monitored and reported to Council.

Budget Implications

At its 26 July 2006 Meeting Council resolved to adopt item 11.4.1.6 Budget Adoption, which included Recommendation 13 as follows:

“Recommendation 13

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

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

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

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

Officer's Comment

For the purpose of explaining Material Variance (Expense/Revenue Up or Down, and see attachment Schedule 2) a three-part approach was taken:

Period Variation

Relates specifically to the value of Variance between the Budget and Actual figures for the period of the report.

Primary Reason

Identifies the primary reasons for the period Variance. As the report is aimed at the higher-level analysis, minor contributing factors are not reported.

Budget Impact

Forecasts the likely financial impact on the Amended Annual Budget position. It is important to note that figures in this part are 'indicative only' at the time of reporting, and that circumstances may subsequently change.

200607/323 Council Decision/Officer's Recommendation**Moved:** Cr S F Sear**Seconded:** Cr J M Gillingham**That:**

- i) **the:**
- . **Statements of Financial Activity (represented by Schedules 2 to 14);**
 - . **Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 30 April 2007; and**
 - . **Review of Transaction Activity,**
- as attached and/or presented be received;**
- ii) **graphic representation of the Town's energy and water use as presented be received; and**
- iii) **the list of Accounts paid under Delegated Authority, as presented be received.**

CARRIED 6/0

11.4.1.2 Port Hedland Yacht Club Lease (File No.: 05/05/0012)

Officer Matthew Scott
Director Corporate Services

Date of Report 13 May 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider leasing reserve 30768 to the Port Hedland Yacht Club (PHYC).

Background

At its ordinary meeting of Council in May 2004, Council decided to lease reserve 30768, to the Port Hedland Yacht Club, for 6 years (commencing 1 July 2004) at \$1.00 per annum. Since that time no lease document has been entered into, and there is no evidence that section 3.58, Local Government Act 1995, has been adhered to.

Recently the managing committee of the PHYC has changed, and the committee is eager to progress a new lease with the Town of Port Hedland in order to develop a new club building.

Though the plans are still at conceptual stage, the PHYC is looking at a 2 storey building, removal of corsairs/containers to a secure area, upgrade of the playground, and fencing, shading and lighting improvements. Currently the initial cost estimates total \$750,000, with the PHYC having access to \$300,000 to commence the project. The balance of the funds needed could be sourced through a self-supporting loan, with the aid of the Town of Port Hedland and the Western Australian Treasury Corporation.

However before the Club can progress these plans, tenure to the site needs to be secured. Though Council has already agreed to the current lease, which expires in 2010, the club has asked Council to consider a 21-year lease.

Consultation Nil

Statutory Implications

Local Government Act 1995:

“3.58. Disposing of property

(1) In this section -

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

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

- (2) *Except as stated in this section, a local government can only dispose of property to -*
 - (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -*
 - (a) *it gives local public notice of the proposed disposition -*
 - (i) *describing the property concerned;*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; “*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Council has a current agreement to only receive \$1 per annum under the current lease resolution.

Officer’s Comment

Fish and Chips at the Yacht Club has become almost a Port Hedland institution over the many years it has operated. It’s prime location at the Spoil Bank enables scenic views of the ocean, while providing one of the few remaining facilities where families can enjoy a meal.

The proposal from the PHYC will upgrade its facilities (see attached) and make them complimentary with the rest of the town, especially the proposed redevelopment of the old Hospital site. In order to implement these plans, long-term tenure must be established.

To progress this request, Council will need to revoke its 2004 decision, and establish a new lease agreement with the PHYC. All current proposals regarding the land currently indicate that there is no intention to move the PHYC in the short or medium term future. Therefore a lease of 21 years should not be totally unrealistic. However given the length of the lease, it is unreasonable that the rental remain at \$1 per annum, and Council should try and recover at least the administration costs of maintaining the lease.

A sum of \$500, similar to the South Hedland Owners and Trainers Association (SHOATA) lease, seems a reasonable amount, given that the Club is expecting commercial returns from the possible restaurant, resulting from the development.

The PHYC request for a self supporting loan is however premature, and the costings of the development, as well as the financial forecast of the venture needs additional work before Council should commit to the request. Generally however, Council should be supportive of providing self-supporting loans to community groups to assist in providing services to all of the community.

Officer's Recommendation

NOTE: to revoke the decision made in accordance with the Local Government (Administration) Regulations 1996:

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

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

Voting Requirements

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

NOTE: Deputy Mayor to called for a show of hands in favour to consider the revoking of resolution of Item 10.1.1.1 Port Hedland Yacht Club Lease of the Ordinary Meeting of Council held on the 26 May 2004 and recorded on page 18 of those Minutes.

The following Councillors were in favour to consider the revoking of resolution of Item 10.1.1.1 Port Hedland Yacht Club Lease of the Ordinary meeting of Council held on the 26 May 2004 and recoded on page 18 of those Minutes:

Councillor George J Daccache;
Councillor Jan M Gillingham; and
Councillor Shane F Sear.

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

That Council:

1. considers revoking the resolution of Item 10.1.1.1 Port Hedland Yacht Club – Lease (File No.: LSE-042) of the Ordinary Meeting of Council held on the 26 May 2004, and recorded on page 18, as follows:

“That subject to the approval of the Minister of Lands:

- i) a Lease Agreement be entered into with the Port Hedland Yacht Club on Recreation Reserve 30768 for with an annual fee of \$1.00 for a period of six (6) years commencing on 1 July 2004 and expiring on 30 June 2010; and*
- ii) the Common Seal be affixed and the Mayor and Chief Executive Officer be authorised to sign the Lease agreement.”*

LOST 3/3

200607/... Council Decision**Moved:** Cr G D Bussell**Seconded:**

That Council:

- i) supports in principle a longer-term lease for the Port Hedland Yacht Club;
- ii) would like to invite the Commodore of the Port Hedland Yacht Club to Council's informal briefing session to discuss the lease and proposed developments by the Yacht Club; and
- iii) the matter will be considered by Council subject to Council's Land Use Master Plan.

MOTION LAPSED FOR WANT OF SECONDER

200607/324 Council Decision

Moved: Cr G D Bussell

Seconded: Cr S F Sear

That Agenda Item 11.4.1.2 'Port Hedland Yacht Club Lease' lay on the table pending further discussions.

CARRIED 6/0

REASON: Council sought for further discussions to be held with the Port Hedland Yacht Club in relation to the requested lease, and proposed developments by the Port Hedland Yacht Club in relation to Council's Land Use Master Plan.

PORT HEDLAND YACHT CLUB (INC.)

PO Box 368 Port Hedland WA 8721 phone (08) 81231588



Chris Adams
Chief Executive Officer
Port Hedland Town Council

07/01/2007
CEO / DES OK

18th April 2007

PORT HEDLAND YACHT CLUB LEASE.

05/05/2012
ER

COPY

Chris,

The Port Hedland Yacht Club is seeking to update and formalise the lease agreement with the Town Council. The current lease has been agreed in some part by both parties but never formally agreed and signed. Therefore as the current Commodore and representative for the Yacht Club, I wish to renegotiate and formalise an agreement.

Port Hedland is experiencing an influx of itinerate workers and permanent worker and their families. The Town of Port Hedland and other organisations are combining efforts to develop and enhance facilities in and around the area. Part of that enhancement is the Spoil Bank area. The Pilbara Development Commission has initiated a plan to develop and promote the area. A facet of this development is the development and building of small boating facilities adjacent to the PHYC boat ramp.

The implication to the Yacht Club is the need to expand and redevelop the existing area, thus adding to and enhancing the Spoil Bank environment. Our intention is to build a new Yacht Clubhouse. The associate and full members were canvassed and the committee has agreed to proceed with the construction of a new building in the current location.

The redevelopment plan consists of a number of stages. These are:

- Develop, fund and build a new Yacht Club Building.
- Clean up, secure and light the hardstand area.
- Develop parking areas for visitors
- Move the corsairs / containers into secure area.
- Relocate and refurbish caretakers residence away from the sea front towards the road way.
- Upgrade play ground area; add security fencing, shade sails and better lighting.
- Convert existing bar / galley into new ablution block for extra patrons, regattas and visiting sailors (marina).
- Remove old roof over concreted area and replace with shade sails.

The financing of this project is the responsibility of the Yacht Club. A number of interested parties have already come on board with large donations and others with funding for specific projects. However, the Yacht Club is still in need of significant funding to even begin the building stage.

PORT HEDLAND YACHT CLUB (INC.)

PO Box 389 Port Hedland WA 6721 phone (08) 91731198



The Yacht Club has not finalized the plans or the decision on whether to build a single story club house or two stories. The decision will depend on costing, finances and committee agreement.

The foot print of either building will be approximately 18mtrs long by 12mtrs wide. The initial costing for the 2 story club house is in the vicinity of \$550,000. PHYC has access to approximately \$300,000. The total project could exceed \$750 thousand dollars.

However, before the club can realistically proceed with the building project we need to ratify the lease agreement. The yacht club committee believes a 21year lease with an option for a further 5/10 years would give the club the security needed to procure a loan that would suit the project.

The proposal is for the existing area covered by the Yacht Club's previous lease. This area is the land from the boundary fence with the RSL to the water front, along the water front to the existing gateway on the spoil bank roadway, from the gateway on the spoil bank roadway parallel with the spoon drain to the lower bank of Sutherland Street, along the Sutherland street embankment back to the RSL boundary.

On behalf of the yacht club I would like to formally start negotiations for a new club lease. Further to the funding of the new building, if the members agree to a single story building, the current funding would almost cover the basic costs. However, if the membership decide to embark on the 2 story building we would need to request the Council to procure a State Government funded loan if that were possible.

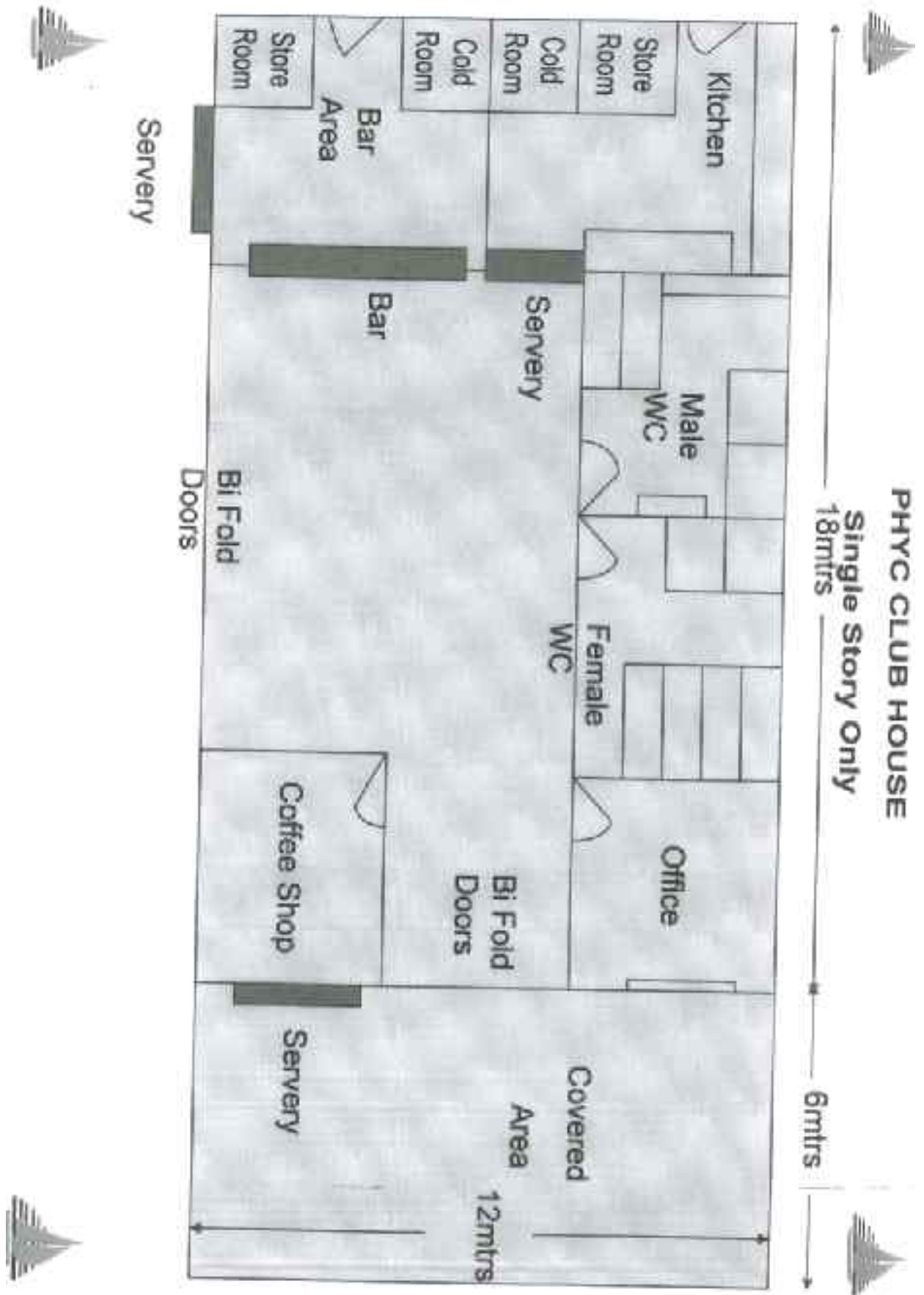
Attached are copies of the foot print and placement of the single story complex, the two story building and an overview of what is in place now and envisaged for the future.

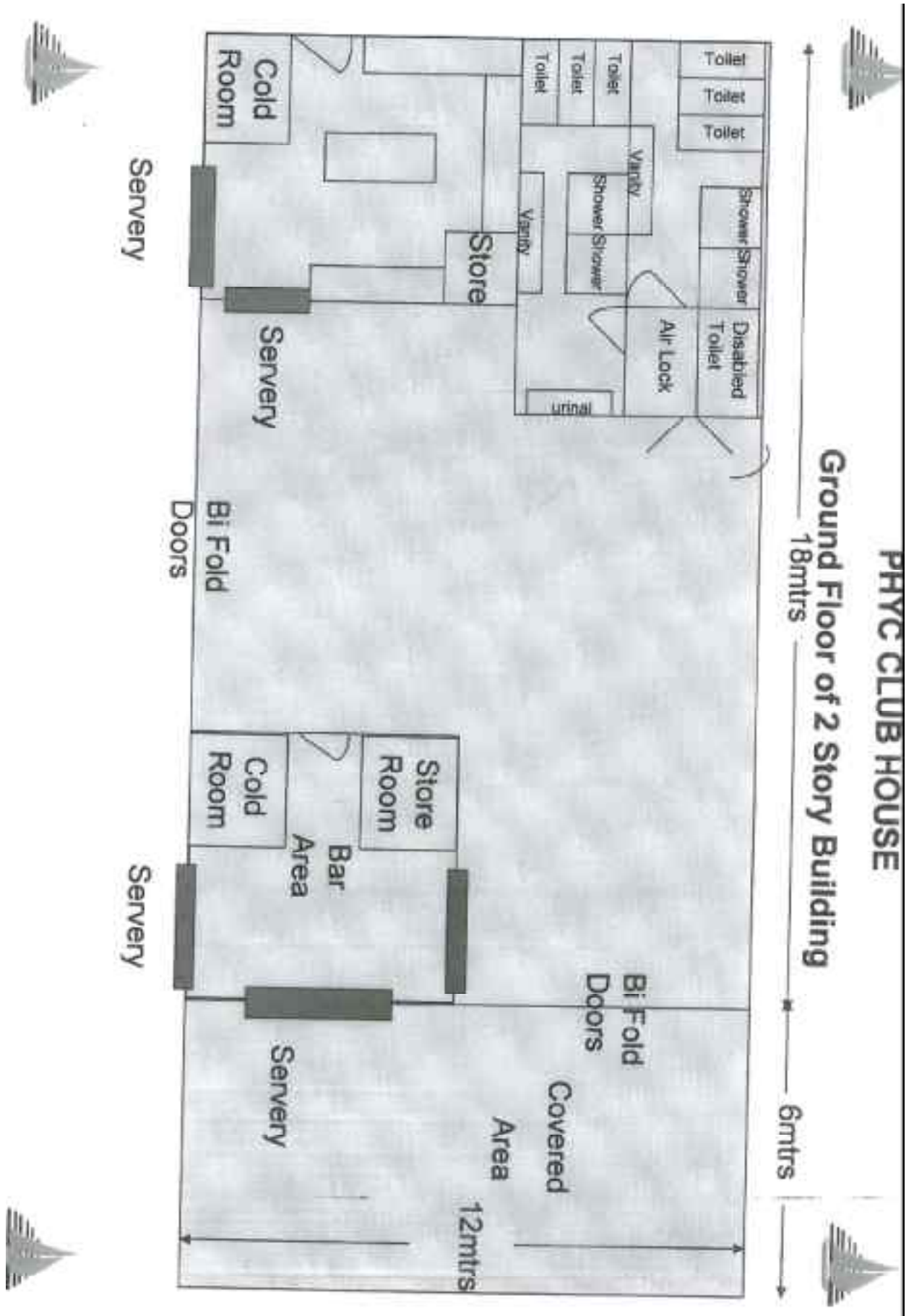
If you have any queries you are welcome to call the undersigned on (08) 91722337, Mobile 0407381805 or the Club on (08) 91731198.

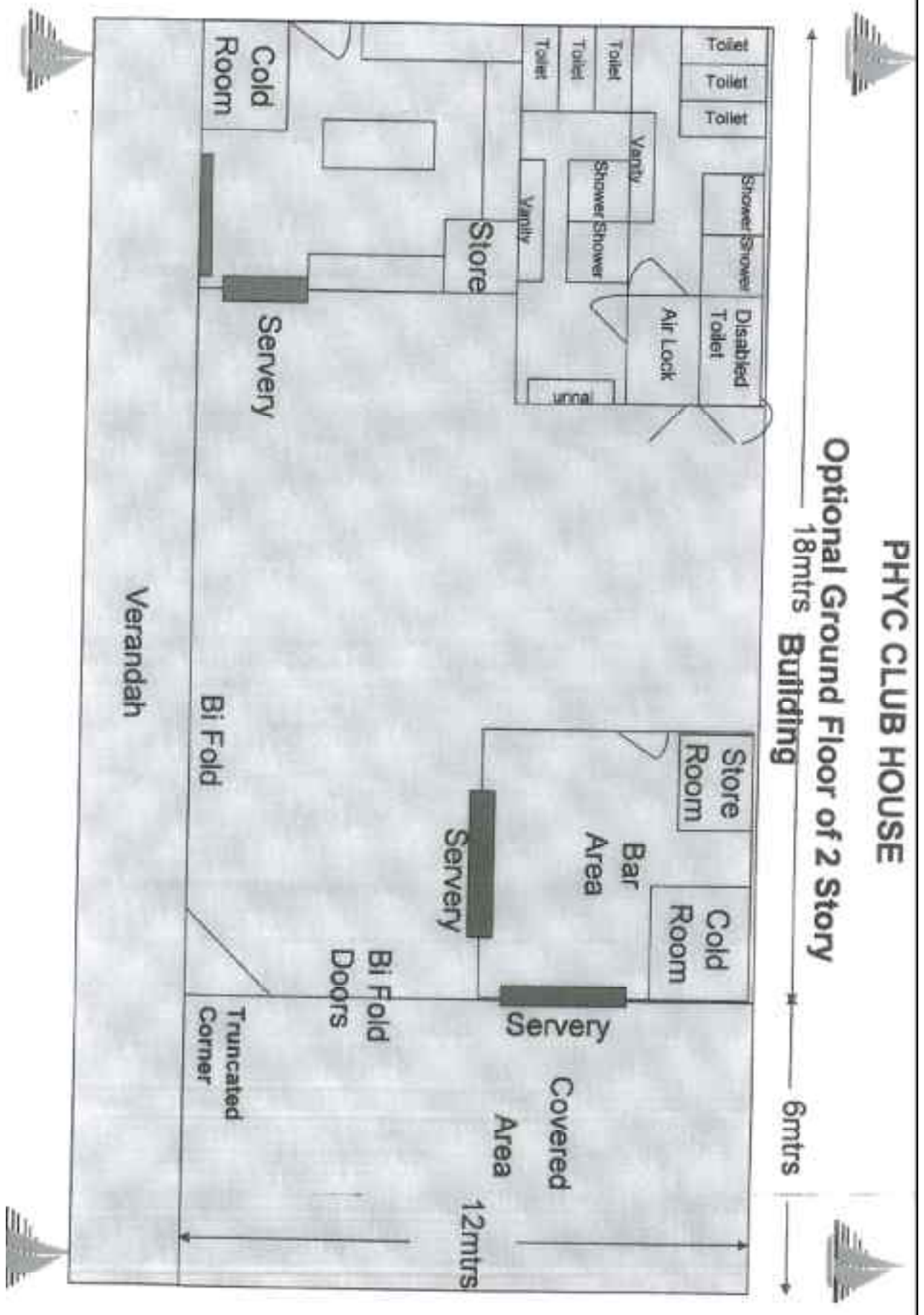
Thank you for your consideration.

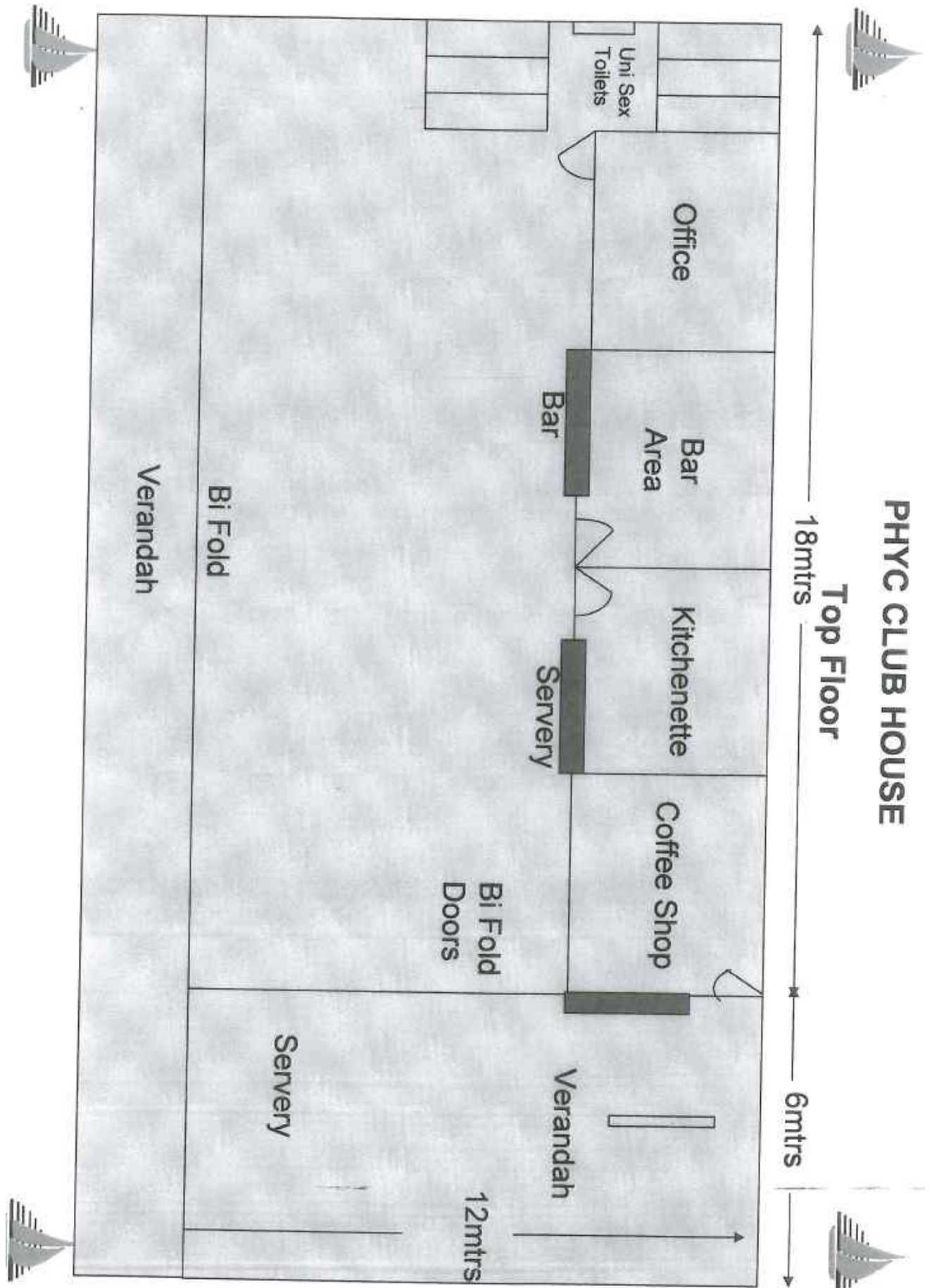


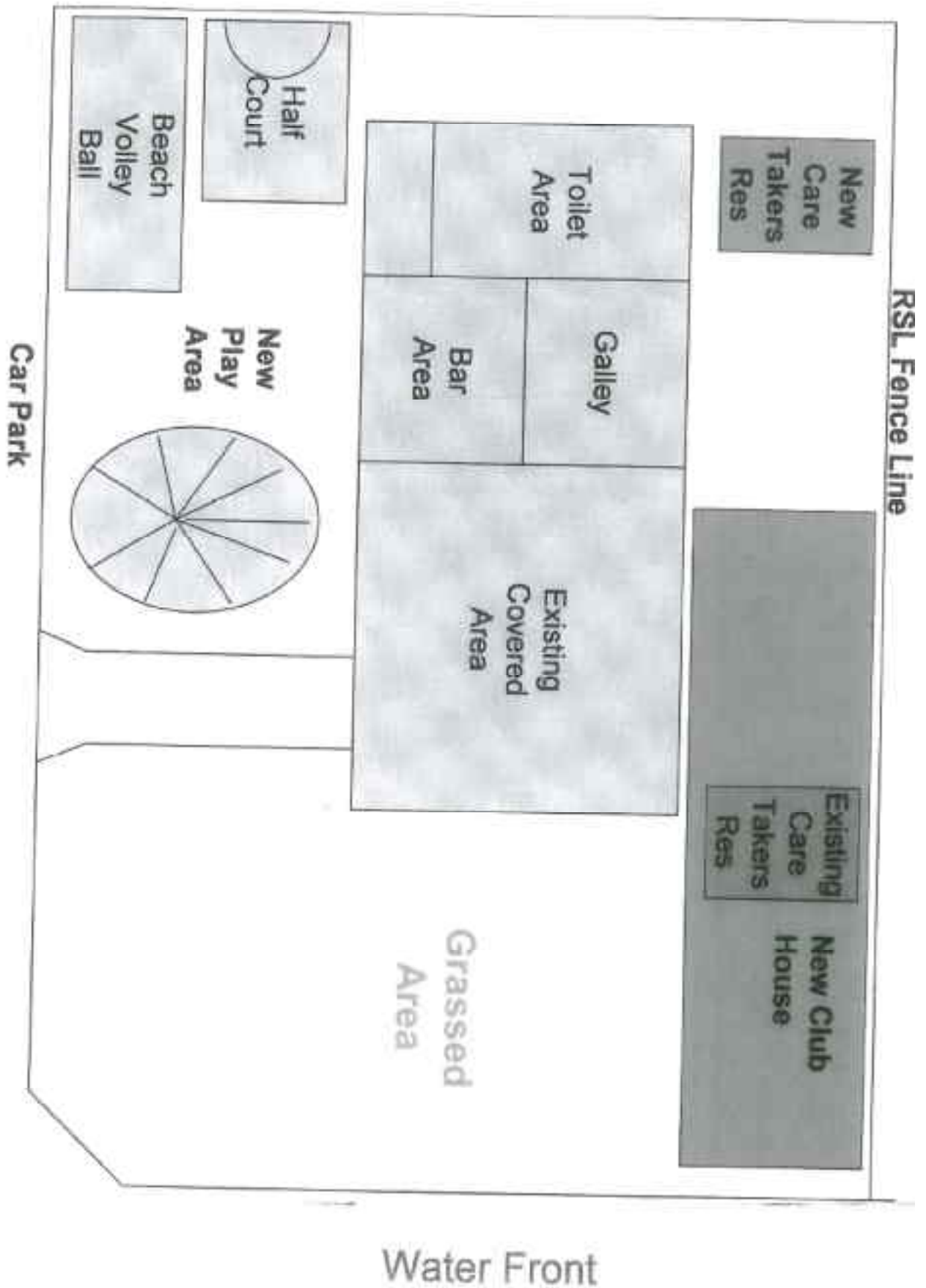
Adrian John Bartlem
Commodore PHYC

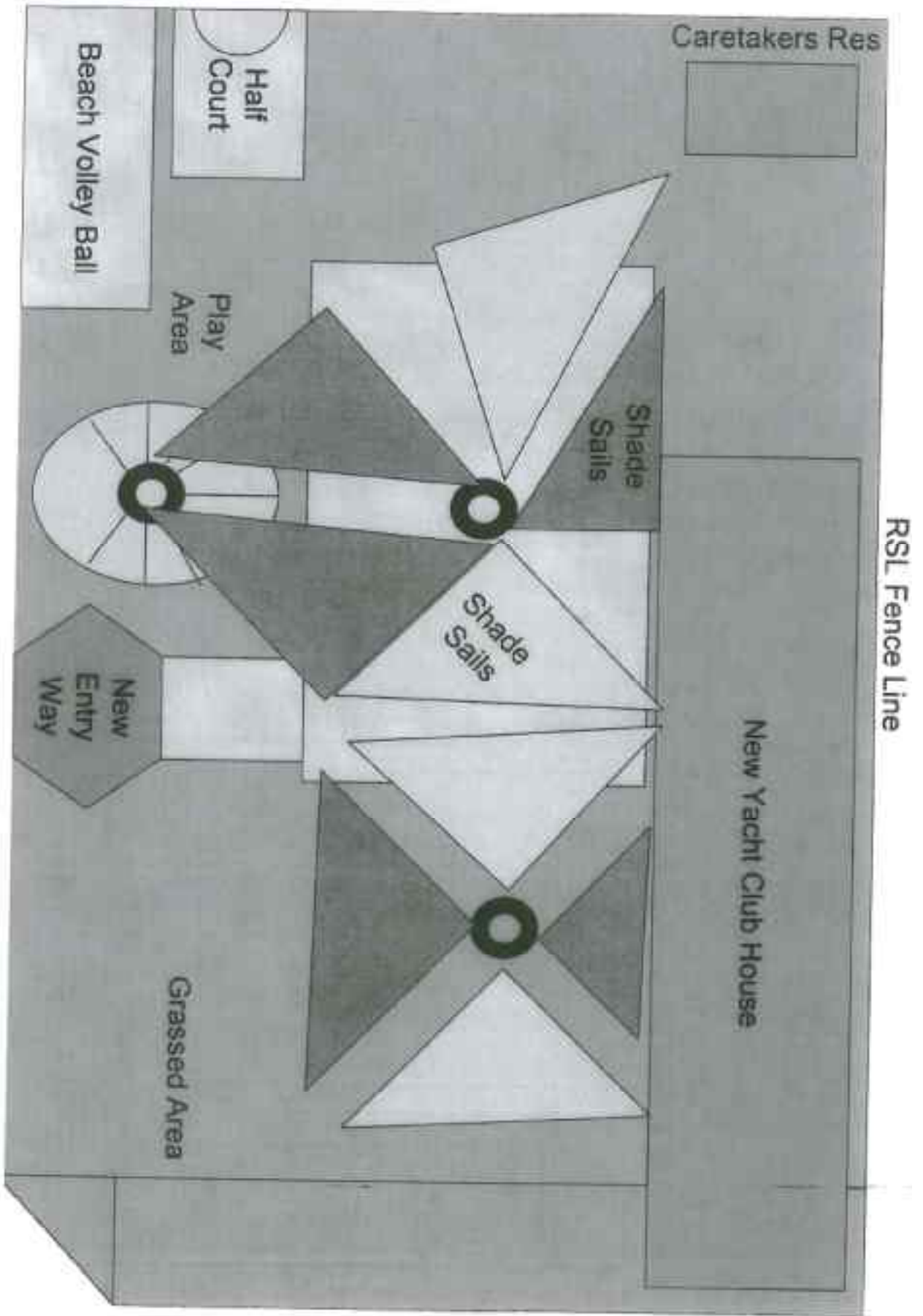












11.4.1.3 Hedland Riders Lease (File No.: 05/05/0047)

Officer Matthew Scott
Director Corporate Services

Date of Report 14 May 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider a renewal of the lease at the Port Hedland International Airport with the Hedland Riders.

Background

Hedland Riders have been leasing a shed at the Port Hedland International Airport since 1 July 1999. This lease expired on 3 June 2004, and to date the lease has not been renewed. The Hedland Riders have requested Council renew the lease for another five (5) years.

Consultation

Consultation has occurred with the Town of Port Hedland's Engineering Services, where it has been determined:

- The Shed currently used by Hedland Riders has not had power since December 2006, when the power ring surrounding the Airport failed; and
- The power has not been restored due to a need to install a new Transformer, which has been ordered, costing Council \$67,000. This will provide power to both the Hedland Rider's shed and the Airport Workshop.
- The power box and wiring of the shed, due to age, does not meet current Australian Standards, and will need to be replaced before mains power can be connected, estimated cost \$20,000; and
- The shed itself, though utilized by Hedland Riders, is structurally questionable, due to age, and significant remedial maintenance work is required, to bring the building to Australian Standards.
- There is a strong suspicion that the shed contains asbestos, significantly increasing the cost of any remedial maintenance.
- The shed is timber framed, and therefore should be inspected for termites and at least an annual basis, however has not occurred for a significant period of time.
- If the shed was returned for to the Airport, the current view from Airport staff would be to remove the shed.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

As per consultation with Engineering Services, there will be significant costs (\$20-30k), just to bring the building up to a reasonable standard.

Officer's Comment

Hedland Riders is an established community group within the Port Hedland Community, and have enjoyed the use of the Airport Shed for a number of years. However, the problems associated with the Airport Shed are yet another example of the issues Council is experiencing at the Port Hedland International Airport.

Though these issues are not necessarily the result of leasing the shed to Hedland Riders, it does demonstrate the problems that can occur when Council leases buildings, which require ongoing preventative and routine maintenance, and that maintenance does not occur.

Recently, Council has changed direction with regard to leasing (especially at the Port Hedland International Airport). Principally, Council has discovered the benefit of only leasing land to lessee's, preferring lessee's to develop their own facilities, rather than Council sinking funds in both constructing and maintaining assets that deteriorate over time. An example of this is that Council plans to enter into land only leases with the Hire Car Operators at the Airport.

If this is Council's preferred option, should this not be considered for Hedland Riders? If Council is prepared to lease land to the Hedland Riders, they may be able to develop a facility better suited to their needs. However, to achieve this, Council would need to consider a lease term longer than the five (5) years currently being requested.

Council should also consider the recommendations of the recent recreational study, which advocated the consolidation of like activities. Given that the Hedland Riders members are motorcycle enthusiasts, would it be appropriate for Council to relocate the club to an area of similar activities, such as the speed way or motor cross? If this was to occur, Council may benefit by only needing to provide one facility that could be used by several community groups.

Airport Staff have indicated no particular use for the shed if it was vacated by Hedland Riders, and given its current age and cost to make safe and usable, staff recommended that it be demolished.

Officer's Recommendation

That Council:

- i) does not renew the lease of the Airport Shed to the Hedland Riders; and
- ii) allows the Hedland Riders to utilise the Airport Shed for three (3) months while alternative accommodation is sourced; and
- iii) assists Hedland Riders in sourcing appropriate land to lease from Council in order for them to build a facility suited to their needs; and
- iv) agrees in principal to a land lease with Hedland Riders of a term of no less than ten (10) years, should suitable land be located within the Town of Port Hedland District.

200607/... Council Decision**Moved:** Cr G D Bussell**Seconded:**

That:

- i) does not renew the lease of the Airport Shed to the Hedland Riders; and
- ii)
 - a) allows the Hedland Riders to utilise the Airport shed for three (3) months while alternative accommodation is sourced;
 - b) assists Hedland Riders in sourcing appropriate land to lease from Council in order for them to build a facility suited to their needs; and
 - c) agrees in principal to a land lease with Hedland Riders of a term of no less than ten (10) years, should suitable land be located within the Town of Port Hedland District;
- or
- iii) Hedland Riders be given six (6) mths to make safe the facility at their own cost, to the satisfaction of Council's Building Manager, prior to Council re-considering a lease

MOTION WITHDRAWN

200607/325 Council Decision**Moved:** Cr S F Sear**Seconded:** Cr A A Gear**That Council:**

- i) does not renew the lease of the Airport Shed to the Hedland Riders; and**
- ii) allows the Hedland Riders to utilise the Airport Shed for six (6) months while alternative accommodation is sourced; and**
- iii) assists Hedland Riders in sourcing appropriate land to lease from Council in order for them to build a facility suited to their needs; and**
- iv) agrees in principal to a land lease with Hedland Riders of a term of no less than ten (10) years, should suitable land be located within the Town of Port Hedland District.**

CARRIED 5/1

REASON: Council sought to enable the Hedland Riders to utilise the Airport Shed for six (6) months while alternative accommodation is being sourced.



Town of Port Hedland
Matthew Scott
PO Box 41
Port Hedland WA 6721

07/02/07
D.C.S. *CS*

05/05/07
ll

Dear Matthew,

The Hedland Riders Club has recently formed a new committee and has been conducting a review of the financial book work. It has been noticed that the lease on the shed on the airport grounds has expired and that rent has fallen into arrears.

The Hedland Riders would like to renew this lease. We request that this lease be for a period of at least 5 years.

There is currently no power running to these premises and we have not had power since 2nd of December 2006, can the power be looked into and reconnected or repaired. At present we are unable to hold functions to enable the club to generate revenue to honour our financial commitments.

Yours truly

Hedland Riders Association.

HEDLAND RIDERS ASSOCIATION
PO Box 2226
SOUTH HEDLAND WA 6722

COPY

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

Officer Gaye Stephens
Executive Assistant

Date of Report 17 May 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
- Hedland Community Radio
- The Pilbara News
- Metropolitan TV stations 7, 9 and 10

KRA	Name of release	Date sent
Community Development	Town of Port Hedland to provide FREE residual insecticide to residents to assist in adult mosquito control	24/4/2007
	Ramping up the action at Hedland's sk8parks	27/4/2007
Economic Development	Council attacks accommodation crisis head on	26/4/2007

Australian Citizenship Ceremonies

Date	Number of Applicants
26 January 2007 – Australia Day	15
3 January 2007	1
February 2007	Nil
22 March 2007	2
April 2007	Nil
Total Calendar Year to Date	18

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	Matt Dann Cultural Centre Entry Lighting	25,000		SUBMITTED
Office of Crime Prevention	Walkway Lighting Upgrades	20,000		SUBMITTED
TOTAL GRANTS TO BE ADVISED (3)				\$120,000

200607/326 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

Seconded: Cr A A Gear

That Council receives Governance's Monthly Report for the month of April 2007.

CARRIED 6/0

11.4.2.2 Development of a Sister City (Town) Relationship in Indonesia (File No.: 20/04/0003)

Officer Gaye Stephens
Executive Assistant

Date of Report 17 May 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider pursuing a sister city relationship with a town or city in the Republic of Indonesia. A well co-ordinated sister city program can bring long-term benefits to the local Town of Port Hedland community and the community abroad. Many sister city relationships lead to economic growth, increased tourism and reliable business contacts and cultural exchange.

Background

At its Ordinary Meeting held on Wednesday 13 December 2007, Council resolved as follows:

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

Consultation

Australian Sister Cities Association (ASCA)
Sister Cities International
Councillor Grant D Bussell

Statutory Implications Nil

Policy Implications

Council does not currently have a policy on Sister City relationships. It is strongly recommended that Council develop a Sister City policy, if it wishes to develop sister city relationship(s).

Strategic Planning Implications

The development of a Sister City relationship is not specifically included in Council's Strategic Plan 2007-2012.

Budget Implications

If a Council delegate attends the 2007 Australian Sister Cities Association Conference in Darwin, the estimated costs include:

- \$1,270 Registration Fees
 - \$900 accommodation and meals,
 - plus flight costs
- from General Ledger Expenditure Account 401220 'Conferences'.

Officer's Comment*Definition*

A Sister City is a concept whereby the Town of Port Hedland and a city from geographically and politically distinct area develop a relationship with the goal of fostering human contact and cultural links. Sister Cities often have similar demographic and other characteristics.

Benefits from a Sister City Affiliation may include (but not limited to):

- Arts and Culture
- Economic Development
- Education
- Environment
- Sport and Recreation
- Municipal Co-operation
- Technology
- Youth Involvement

Town of Port Hedland Sister City History

The Town of Port Hedland is listed by Australian Sister Cities Association (ASCA) as having a Sister City affiliation with Bay Bay, Leyte in the Philippines, but any further information of such is cannot be determined. Finding any further evidence of this Sister City relationship from Council's records has not been successful. It is recommended that Council investigate this further with both the Port Hedland Australia Filipino Friendship Association, and Port Hedland Australia Filipino Club, to ascertain the possibility of re-activating this relationship.

The Town's Sister City relationship with Bay Bay Leyte in the Philippines is not listed with the Sister Cities International organisation.

Process

Building lasting sister city relationship(s) with international communities may be a rewarding activity for the Town of Port Hedland community. However the process of searching for and finding an appropriate partner who share the Town's interests and goals is an intricate and often lengthy one. The search needs to be extremely well organised and undertaken in line with the Town's Strategic Plan and strong Council commitment.

Both the Australian Sister Cities Association and Sister Cities International are able to provide support, and guidelines on the best process to develop strong sister city relationships. It is recommended that Council becomes a member of the Sister Cities International organisation.

A well organised Working Group or Committee would be necessary to secure strong community support. Such a group would need to be lead by elected office bearers, and comprise of a variety of community members, community leader(s), business professionals, i.e. private business, Chamber of Commerce representatives, youth and education representatives; plus other community group representations such as Rotary Club, churches, health organisations.

2007 Australian Sister Cities Association Conference

Darwin City Council has a well-established Sister City Program (including Indonesian relationships), which has been established for 25 years. This year the Annual Sister Cities Association's (ASCA) Conference is being hosted by Darwin City Council from 30 September to 3 October 2007 at the Darwin Entertainment Centre.

The theme of the conference is 'Making the Connection' with special focus upon leveraging international relationships at the community level and building positive relationships through sister cities' program for maximum community benefit. Workshops include:

- 'Working better with our Sister City links to being about a safer world'
- 'Opening doors to Asian markets for Economic Benefits'; and
- 'Making connections through Sister City relationships for lasting initiative that are sustainable into the future'

It is recommended that a Council delegate attend this conference.

Options available to Council

The options for Council are:

- progress the development of sustainable and rewarding sister city relationship(s); or
- not progress any further towards the development of a sister city relationship(s).

200607/327 Council Decision/Officer's Recommendation**Moved:** Cr G D Bussell**Seconded:** Cr A A Gear**That Council:**

- i) endorses Councillor Grant Bussell to attend the 2007 Australian Sister Cities Association Conference Darwin, to be held at the Darwin Entertainment Centre from Sunday 30 September to Wednesday 3 October 2007, and report to Council at its October Ordinary Meeting on the most appropriate process for Council to progress the development of sustainable and rewarding sister city relationship(s); and**
- ii) applies for Sister Cities International, and Australian Sister Cities Association membership to enable the Chief Executive Officer or his delegated officer, to access resources and guides available to Council's who are seeking to develop sister city relationship(s).**

CARRIED 6/0

11.4.2.3 Local Government Convention and Exhibition 2007 and Associated WALGA Professional Development for Elected Members (File No: ADM-028)

Officer Gaye Stephens
Executive Assistant

Date of Report 9 May 2007

Disclosure of Interest by Officer Nil

Summary

To determine attendees to Local Government Convention and Exhibition 2007 and associated WALGA Professional Development for Elected Members.

Background

The Local Government Convention and Exhibition is held annually in Perth and comprises formal speeches and presentations, seminars and workshops relevant to the business of local governments, and social events providing an opportunity to network with other Councillors and local government professional officers.

The event is promoted by the Western Australian Local Government Association (WALGA), as the premier local government event held each year. WALGA also offers the opportunity for Elected Members to attend Professional Development in the days before and after the Convention.

Officer's Comment

WALGA's Elected Member Development Program commences on Thursday 2 August 2007, concluding on Thursday 9 August 2007, offering the following modules:

- Thursday 2 August 2007 - Module 6 Strategic Planning (9am to 12:30pm), and Module 11 Policy Development for Elected Members (1pm to 4:30pm)
- Friday 3 August 2007 – Module 15 Sustainable Asset Management (9am to 4:30pm), and Module 8 Community Consultation and Participation (9am to 4:30pm)
- Tuesday 7 August 2007 – Module 15 Sustainable Asset Management (9am to 4:30pm)
- Wednesday 8 August 2007- Module 8 Community Services and Community Development in Local Government (9am to 4:30pm)
- Thursday 9 August 2007 – Module 3 Performance Appraisals for the Chief Executive Officer (9am to 12:30 pm)

Events at the Convention will include the Annual General Meetings, including that of the Western Australian Local Government Association (WALGA), of which the Mayor, plus one other attendee is a voting delegate. There will also be a meeting of the Pilbara Regional Council, of which Councillors S R Martin and A A Carter are delegates, and Councillor A A Gear is deputy.

Statutory Implications Nil

Policy Implications

Council Policy 1/014 Travel and Accommodation, point (ix), states:

“Determinations of attendances to Local Government Week shall be subject to Council consideration annually by way of resolution.”

Strategic Planning Implications Nil

Budget Implications

On the assumption that all delegates will attend all days of the Elected Member Development Program, and all days of the Local Government Convention, registration fees will be approximately \$2,100 per delegate.

It is acknowledged however, that many elected members have attended some Modules of Professional Development previously, and may not wish to attend again, or stay for the full duration of the Convention.

The maximum costs (\$20,730 excluding meals) for the following elected members to attend Local Government Week 2007, on the assumption of full attendance at professional development modules) are as follows:

	Airfare (including GST) Estimate	Accommodation (including GST) *excluding meal costs	Convention 2007 Full Registration Fees (incl. GST)	Professional Development Modules (attendance at all)
Mayor Stan R Martin	\$800	\$1,530	\$1,000	\$1,100
Cr Grant D Bussell	\$800	\$1,530	\$1,000	\$1,100
Cr George J Daccache	\$800	\$1,530	\$1,000	\$1,100
Cr Arthur A Gear	\$800	\$1,530	\$1,000	\$1,100
Cr Jan M Gillingham	\$800	\$1,530	\$1,000	\$1,100
Cr Des R Pike	\$800	\$1,530	\$1,000	\$1,100
Cr Shane F Sear	\$800	\$1,530	\$1,000	\$1,100
TOTAL	\$5,600	\$13,770	\$7,000	\$7,700
APPROXIMATE TOTAL COST (*EXCLUDING MEAL COSTS)				\$31,010*

The costs associated with attendances to Local Government Convention 2007 will be charged to General Ledger Account Number 401220 'Conferences'.

Officer's Recommendation

That:

- i) Mayor Stan R Martin, and Councillors _____ attend the WALGA Local Government Convention and Exhibition 2007;
- ii) Mayor Stan R Martin and Councillor _____ represent Council as voting delegates at the Western Australian Local Government Association's Annual General Meeting, being held on Sunday 5 August 2007 during the Convention; and
- iii) Mayor Stan R Martin and _____ attend the Pilbara Regional Council Meeting being held during the Convention.

200607/328 Council Decision

Moved: Cr G J Daccache

Seconded: Cr A A Gear

That:

- i) **Mayor Stan R Martin, and Councillors G D Bussell, G J Daccache, A A Gear, J M Gillingham, D R Pike, S F Sear attend the WALGA Local Government Convention and Exhibition 2007;**
- ii) **Mayor Stan R Martin and Councillor S F Sear represent Council as voting delegates at the Western Australian Local Government Association's Annual General Meeting, being held on Sunday 5 August 2007 during the Convention; and**
- iii) **Mayor Stan R Martin and Councillor A A Gear attend the Pilbara Regional Council Meeting being held during the Convention.**

CARRIED 6/0

REASON: Council determined attendees at the WALGA Local Government Convention and Exhibition 2007, voting delegates at WALGA's AGM, and attendees to the PRC Meeting during Local Government Week.

**11.4.2.4 Council Consent for Bed and Breakfast Applications
(File No.: ...-...)**

Officer Chris Adams
Chief Executive Officer

Date of Report 17 May 2007

Disclosure of Interest by Officer Nil

Summary**Summary**

For Council to consider the most appropriate manner to determine applications for small-scale Bed and Breakfast operations.

Background

Council officers have been receiving a number of enquiries and approaches regarding potential development/transition of residential properties from traditional residential dwellings into Bed and Breakfast style accommodation. The spate of enquiries has come about through a concerted push by the Small Business Centre and the Visitor Centre to develop this type of business due to the current chronic shortage of tourist accommodation with the Town.

Technically planning approval is required for this style of development as the 'use' of the building is being changed from a standard residential style building to more of a tourist related activity. Having said that, if the development is small scale (as most enquiries have been intimating) there is little difference between the bedrooms within house being fully occupied by a family compared to them being used by a family and a visitor.

Given that the majority of developments that have been discussed with Council officers are a relatively minor change in use that is unlikely to cause any negative impact on neighbourhoods or amenity, it is suggested that small scale applications for B&B accommodations be considered insignificant and therefore not requiring planning consent or Health approval from Council. If Council supports this proposal, the approvals process should be significantly shortened and some additional accommodation should be available within the Town in a reasonable timeframe.

Consultation

The Port Hedland Small Business Development Centre has actively been promoting the development of Bed and Breakfast style accommodation within the Town and has held a public forum in an attempt to generate interest in the development of this type of business.

Statutory Implications

Planning

Under the Town Planning Scheme and the Town planning and Development Act (1928) development approval is required prior to development being undertaken or a change of use is undertaken. While development is not being proposed in the majority of current cases, technically the use is changing from solely residential to a part tourism/commercial use, therefore planning approval could be required.

Health

The Health Act (1911) requires the Local Government Authority to keep a register of Lodging Houses (Section 146). The Act defines a lodging house as:

“}lodging-house~ means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward.”

In addition to the Health Act requirements, Council's Health Local Laws have prescriptive requirements on Lodging House owners in relation to the size, nature, provisions, use and upkeep/maintenance of lodging houses.

Given that the vast majority of applications received for B&B accommodation are for a total of less than six people, few will require health department approval.

Policy Implications Nil

Strategic Planning Implications

Council's Strategic Plan includes the following strategy that directly relates to this matter:

KRA 4 – Economic Development

Goal 1 Tourism – That the Town's profile as a tourism destination is lifted and visitor nights in the town have significantly increased.

Strategy 3 - In conjunction with key stakeholders, identify and report on strategies that may assist in providing accommodation options for visitors during the period when accommodation is at a premium due to the construction phase of many resource projects.

Budget Implications

Applicants currently seeking approval from Council for a 'change of use' (as potentially could be required here) are required to pay a Town Planning Development Application fee of \$100. Annual lodging house registration fees of \$200 apply for those premises defined as a lodging house.

Officer's Comment

While technically there is potentially a requirement for people wishing to establish a minor scale B&B operation within their home to apply and comply with all requirements of the Town Planning Scheme there is some discretion available to Council on how stringent it would like to be on this issue.

Given the current accommodation crisis within the Town, it is considered prudent for Council to use its discretion and permit small-scale Bed and Breakfast style developments without the requirement to seek planning approval.

200607/329 Council Decision/Officer's Recommendation**Moved:** Cr S F Sear**Seconded:** Cr G J Daccache**That:**

- i) **Council's position on applications for lodging houses in residentially zoned areas that use no greater than two rooms for the purpose of lodging be that no planning application is required, as the use is insignificant to primary use of the facility therefore no Planning Application is required; and**
- ii) **Council reserves the right to review this position and require Town Planning applications approval in any instance whereby a complaint is received from the public.**

CARRIED 6/0

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**12.1 Governance****12.1.1 Cyclone George Relief Fund (File No.: 09/02/0005)**

Officer Gaye Stephens
Executive Assistant

Date of Report 22 May 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider extending the tenure of it's Cyclone George Relief Fund Committee, which has been established to assist individual residents, community groups and the Port Hedland Community to effect repairs to private and public property caused by Cyclone George.

Background

At its Special Meeting held on 14 March 2007, Council resolved as follows:

"That:

...v) the Duration of the Cyclone George Relief Fund Committee is effective immediately, until 30 May 2007, unless otherwise extended by the Council."

The Cyclone George Relief Fund Committee has met on a regular basis since that time and is still receiving applications from individual residents and community/recreation groups seeking assistance.

Consultation

Cyclone George Relief Fund Committee

Statutory Implications

The following sections of the Local Government Act are most relevant to this matter

"5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required."*

- “5.16. Delegation of some powers and duties to certain committees*
- (1) A local government may delegate* to a committee any of its powers and duties other than this power of delegation.
* Absolute majority required.*
 - (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
 - (3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 -
 - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.**
 - (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.”*

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

A separate Bank Account entitled the Cyclone George Relief Fund has been established, of which the Cyclone George Relief Fund Committee has been granted Delegated Authority to make decisions on how this money is allocated and/or spent.

Officer's Comment

The Cyclone George Relief Fund Committee has extended the deadline for receipt of Cyclone George Relief Funds to the end of May 2007.

An extension of the tenure of the Cyclone George Relief Fund is now sought from Council to enable the distribution of all Relief Funding by the Committee, including giving consideration to Applications received by the end of this month.

200607/330 Council Decision/Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr A A Gear

That the Duration of the Cyclone George Relief Fund Committee is extended from the initial end date of 30 May 2007, to 31 July 2007, effective immediately.

CARRIED BY ABSOLUTE MAJORITY 6/0

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

13.1 *Tree Protection Orders for Pundul Trees***Background**

Recent housing development works in South Hedland have seen a blitzkrieg approach to clearing blocks for new housing e.g. Traine Cres. Accordingly I would like to see a Tree Protection Order for Pundul trees implemented immediately, and appropriate changes made to Building Licensing, and immediate communication to developers, particularly DHW, the public, and appropriate fines put in place.

The pundul tree is a beautiful shade tree that is seldom used in gardens. Each nut has to be deeply scarified to enable water to reach the seeds - between three and ten in each nut. In the wild this is accomplished by termites. Aboriginal people used the seeds to treat wounds by simply rubbing them on the wound. The tree is also known as the Desert Walnut, or *Owenia reticulata*.

The tree is more common around Port Hedland than anywhere in the world. As a survivor in a hot and semi-arid environment it is potentially of great value commercially as a shade tree in a world where water is becoming increasingly scarce in many places. It is a remnant of a time when wetter forest covered this part of the Australian continent, and is related to mahogany and the Australian red cedar. The tree grows to 10 metres tall, with a large rounded canopy of leafy curving branches.

Aesthetically, is a culturally and ecologically unique element of South Hedland. The word 'pundulmurra' means 'an abundance of pundul'.

Moved: Cr G D Bussell

Seconded:

That Council resolve to generally protect and conserve Pundul trees, and specifically:

1. Ban damage to or destruction of Pundul trees within the town, except in the case where the tree lies directly within the footprint of a proposed building, by immediately including this requirement in building licence conditions, and the preparation of a local law in the form of a Tree Protection Order for the consideration of Council before July 2007.
2. Building plans show the location of all Pundul trees within the footprint of or in the vicinity of a proposed building.
3. Fines of \$1,000 be set for the unauthorised damage to or destruction of Pundul trees.

4. Information sheet be prepared and forwarded to Department of Housing and Works and all building licence applicants with photographs of the tree, and information regarding its protection and fines applicable.
5. Information regarding the new conditions be provided through the Council's newsletter and the Northwest Telegraph.

MOTION WITHDRAWN

NOTE: Council determined the following earlier in its Business Papers:

“That Council:

1. *modify Policy 10/001: Landscaping in Industrial and Commercial Areas by including the statement: Pundle Trees shall not be removed without the prior consent of Council. This provision applies to all residential, industrial and commercial developments;*
2. *officers commence the process of developing legislative powers for the Town of Port Hedland to enforce the policy statement listed above through the development of a Local Law or an appropriate Town Planning Scheme provision; and*
3. *advise developers within the town of the change in Council policy and Council's intent in relation to this matter.*

REASON: Council wanted to ensure that developers undertaking current developments are aware of Council's immediate desire to retain Pundul trees and wanted a policy principal adopted to reflect this position. Legislative backing for the policy principal can be developed over the coming months.”

ITEM 14 CONFIDENTIAL ITEMS

Nil.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

200607/331 Council Decision

Moved: Cr S F Sear

Seconded: Cr A A Gear

That Council approve the following applications for Leave of Absence:

- . **Councillor Jan M Gillingham from 9 to 18 June 2007 inclusive; and**
- . **Councillor George J Daccache from 6 – 15 June 2007 inclusive.**

CARRIED 6/0

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 27 June 2007, commencing at 5.30 pm.

16.2 Closure

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

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 27 June 2007.

CONFIRMATION:

MAYOR

DATE