



Town of Port Hedland

MINUTES

OF THE

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

HELD ON

WEDNESDAY 27 JUNE 2007

AT 5.33 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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16.2 CLOSURE253

ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 5:33 pm and acknowledged the traditional owners, the Kariyarra people.

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

Mayor S R Martin

Cr A A Carter

Cr G D Bussell

Cr G J Daccache

Cr A A Gear

(from 5:34 pm)

Cr J M Gillingham

Cr D R Pike

Cr S F Sear

Mr Chris Adams

Chief Executive Officer

Mr Matthew Scott

Directory Corporate Services

Mr Grant Logie

Director Engineering Services

Mr Terry Sargent

Director Regulatory and

Community Services

Ms Gaye Stephens

Executive Assistant

Members of Public

9

Members of the Media

1

2.2 Apologies

Nil.

2.3 Approved Leave of Absence

Nil.

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held Wednesday 23 May 2007.**

Nil.

3.2 Questions from Public at Special Council Meeting held Wednesday 30 May 2007.

Nil.

ITEM 4 PUBLIC TIME**4.1 Public Questions**

5:34 pm Mayor opened Public Question Time.

Nil.

5:34 pm Mayor closed Public Question Time.

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

4.2 Public Statements

5:34 pm Mayor opened Public Statement Time.

Mr Terry Hosking of the Hedland Riders Association made a statement to Council in relation to the Association's Club Room.

5:40 pm Mayor closed Public Statement Time.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**5.1 Councillor Jan Gillingham**

I've received a call in relation to dog problems in Bosna Lodge, could Director Regulatory and Community Services please advise if these are in hand?

Director Regulatory and Community Services advised he was unaware of any specific details of complaints received, and advised that Ranger Services impounded approximately 90 dogs last month.

5.2 Councillor Grant Bussell

With respect to discussion that staff and perhaps yourself have had with the Department of Health about the dust matters down town, did you ask at anytime whether they raised this issue in the lead up to BHP getting approval to expand to 150M?

Mayor advised this was not a question he had asked.

Chief Executive Officer advised that is is something that he had discussed with the Department of Health, and they advised it was something that was addressed as part of the Section 46 approval.

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

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

Cr S R Martin	Cr A A Gear
Cr A A Carter	Cr J M Gillingham
Cr G D Bussell	Cr D R Pike
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 Wednesday 23 May 2007.

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on Wednesday 23 May 2007 be confirmed as a true and correct record of proceedings.

200607/332 Council Decision

Moved: Cr S F Sear

Seconded: Cr A A Carter

That the Minutes of the Ordinary Meeting of Council held on Wednesday 23 May 2007 be confirmed as a true and correct record of proceedings, with the following amendments:

- . **Item 11.2.2.3 Reason for Council Decision (page 54) – delete “REASON: ... community purposes.”, and replace with “REASON: Council deferred consideration of the potential rezoning of this site in relation to group dwellings at the caravan park, at the applicant’s request.”; and**
- . **Item 11.3.2.2 – Council Decision (page 100) delete “6/0” and replace with “5/1”**

7/0

REASON: Council made corrections to the Minutes of the Ordinary Meeting held on Wednesday 23 May 2007.

7.2 Confirmation of Minutes of Special Meeting of Council held on Wednesday 30 May 2007.**200607/333 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr S F Sear

That the Minutes of the Special Meeting of Council held on Wednesday 30 May 2007 be confirmed as a true and correct record of proceedings.

7/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Nil.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**9.1 Councillor G D Bussell – Land Use Master Plan**

Councillor Bussell advised Council that the Land Use Master Plan is a very good plan with good recommendations for the Town included within. He encouraged Councillors to read the complete report.

9.2 Councillor Jan Gillingham – Isolated children's Association/Education

Reported to Council of her attendance at the Isolated Children's Association conference in Perth, which again highlighted the lack of education in country areas, especially in the Pilbara.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

5:45 pm Councillor A A Gear left the room.

5:49 pm Councillor A A Gear re-entered the room and assumed his chair.

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

Policy Implications

Nil

Strategic Planning Implications

KRA 6 – Governance

Goal 6 – Systems Development

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

Budget Implications

Nil

200607/334 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr A A Gear

That Council receives the 'Status of Council Resolutions' Report as presented to the Council's Ordinary Meeting held on 27 June 2007.

CARRIED 8/0

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
Ordinary Meeting held 28 September 2005				
10.2.3.6	Hire Car Operations	200607/108 Council Decision/Officer's Recommendation That: i) the Chief Executive Officer and the Airport Manager commence negotiations with Hire Car operators regarding the possible relocation and consolidation of facilities; and ii) a report be presented for Council's consideration following negotiations being undertaken with Hire Car operators, and drainage investigations being completed at the Port Hedland International Airport.	RESPONSIBLE OFFICER: Airport Manager Report to May 07 CI Mtg	üCOMP.
Ordinary Meeting held 23 August 2006				
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. Negotiating impact of car parking layout with applicant	
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 Report to May 07 CI Mtg	üCOMP.
Ordinary Meeting held 27 September 2006				
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 CR D R PIKEI (State Land Services)	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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 CR D R PIKEI 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 Report to May 07 CI MTg.	üCOMPLETE
Ordinary Meeting held 13 December 2006				
11.4.1.2	SHOATA Lease Renewal.& Prop. Sep. Lease of Lot S11 Shoata Rd, SH – Mr & Mrs Mahoney	200607/154 Council Decision/Officer's Recommendation That Council: i) agrees to dispose of a portion Reserve 35915 to the South Hedland Owners and Trainers Associated by way of public advertisement, as per the following conditions: ... ii) negotiates a separate lease with Kevin and Angela Mahoney, on other vacant land, under Council's control for the purpose an 'Equestrian' or like activities. iii) receives a report on the proposed lease with Kevin and Angela Mahoney before any disposal of land by way of Lease occurs.	RESPONSIBLE OFFICER: Director Corporate Services Response received from SHOATA. Waiting for Valuation.	
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 Presented at June Briefing Session.	üCOMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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 No comments made. Support WALGA's comments.	
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 Awaiting response from CR D R PIKEI. Follow up ltrs have been sent.	
Ordinary Meeting held 28 February 2007				
11.2.1.2	Mgt of Court House Arts Centre and Cultural/ Tourist Precinct	200607/195 Council Decision That Council: i) initiates discussions with the Port Hedland Visitor Centre Committee with the aim of investigating the establishment of an executive board to manage the Port Hedland Visitor Centre and the Courthouse Arts Centre and Gallery; ii) negotiates an agreement, for ratification by Council, with FORM Contemporary Craft and Design Inc to manage the Courthouse Arts Centre and Gallery until 30 June 2007; and iii) approaches the following, to ascertain their level of interest in serving with elected and executive representatives of Town of Port Hedland in an Executive Board of Management ...	RESPONSIBLE OFFICER: Director Regulatory and Community Services Mtg with stakeholders held Thursday 9.6.07. Report to July Ord CI Mtg.	
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	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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. Request made to CR D R PIKEI SLS	
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 Report to June Ord Ci Mtg	COMPLETE
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. Fees and Charges submitted to Council. MOU being negotiated. Feasibility Study being undertaken.	
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: Airport Manager Westralia Airports contacted. Seeking quotes.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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. Report to June Ord CI Mtg	üCOMPLETE
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
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 Minster 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 CR D R PIKEI and Minister of Education – processing approval. Request to McLeods solicitors to draft variation to licence.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
Ordinary Meeting held 24 April 2007				
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	üCOMP.
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 Advertising complete. Propose report to July Ord CI Mtg.	
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 Documents to EPA for assessment.	
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 Waiting on valuation.	
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 fees 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	üCOMPLETE

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 Report to June Ord. Cl. Mtg.	ü COMPLETE
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 Ltr to Valuer General. Awaiting response – will include in Cl Info Bulletin when received.	
Special Meeting held 9 May 2007				
6.1.1.2	Prop. Two Add. Group'd Dwellings to Exis. Res. & Carport & Shed Add. to Exis. Res. at Lot 2194 (20) Reynolds Pl, SH	200607/285 Council Decision/Officer's Recommendation That Council GRANTS Planning Consent to the owners John & Lynne Creighton to the addition of two grouped dwellings to existing residence, and carport and shed addition to existing residence on Lot 2194 (20) Reynolds Place, South Hedland as outlined in the Application received 7 March 2007 (Application 2007/057) and indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Manager Planning	ü COMPLETE
6.1.1.3	Prop. Shed Add. to Exis. Single House Req.R-Code Var. at Lot 490 (19) Sutherland St, PH	200607/286 Council Decision/Officer's Recommendation That Council GRANTS Planning Consent to Shidaz Pty Ltd on behalf of the owners the Andrew & Deborah Allen for the shed addition to the existing Single House on Lot 490 (19) Sutherland Street, Port Hedland as outlined in the Application received 15 th February 2007 (Application 2007/049) and indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Manager Planning	ü COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
6.1.1.4	Prop. Garage Add. Exis. Group'd Dwellings at Lot 1603 (11 A & B) McGregor St, PH	200607/287 Council Decision/Officer's Recommendation That Council GRANTS Planning Consent to Shidaz Pty Ltd on behalf of the lessee the Town of Port Hedland for the garage addition to the existing Grouped Dwellings on Lot 1603 (11a & 11b) McGregor Street, Port Hedland as outlined in the Application received 27 th February 2007 (Application 2007/080) and indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Manager Planning	ü COMPLETE
6.1.1.5	Request for Reconsider'n – Prop. Sch.Amend. to Rezone Lots 2116 & 2117 Nth Circ. Rd, SH	200607/288 Council Decision That Item 6.1.1.5 'Request for Reconsideration - Proposed Scheme Amendment to Rezone Lots 2116 and 2117 North Circular Road South Hedland' be deferred for consideration by Council at its Ordinary Meeting to be held on Wednesday 23 May 2007.	RESPONSIBLE OFFICER: Director Regulatory and Community Services	ü SUPERCEDED
6.2.1.1	Tender 06/06 Wedge and Edgar St Streetscape Enhancem't	200607/289 Council Decision That Council: i) visit the area of concerning Edgar Street Enhancements; and ii) a further report be presented to Council's Ordinary Meeting to be held on Wednesday 23 May 2007, which provides associated costs and implications.	RESPONSIBLE OFFICER: Director Regulatory and Community Services Works being undertaken.	ü COMPLETE:
6.2.2.1	Winter Operating Hours at Gratwick Aquatic Centre	200607/291 Council Decision/Officer's Recommendation That Council: i) informs the YMCA Inc. in writing that: a) the Gratwick Aquatic Centre maintain its current operational hours; and b) community consultation is required to be undertaken at least six (6) weeks prior to the Winter 2008 season; and ii) Contacts all community members concerned to detail the outcome of this resolution.	RESPONSIBLE OFFICER: Recreation Co-ordinator Survey will be conducted Winter 08.	ü COMPLETE
6.3.1.1	Mulching of Cyclone George/Jacob Green Waste	200607/292 Council Decision That Council: i) accept the quote from NK Contractors to undertake the mulching of green waste at the South Hedland Landfill for the price of \$137,800 plus GST; ii) Council's minutes reflect that Council has made the decision to accept this quotation without going through a public tender process as Council believes there is no other contractor machinery and/or capacity to undertake the work within the short timeframe required; and iii) All surplus mulch be made available to residents, at no cost to residents.	RESPONSIBLE OFFICER: Chief Executive Office	ü COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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Special Meeting held 15 May 2007				
6.1.1.1	Edgar Street Streetscape Enhancem't	200607/293 Council Decision That: i) Council note the petition received, relating to the Edgar Street Enhancements; ii) Council continue to implement the Wedge and Edgar Streetscape Enhancement as per the approved designs; and iii) two (2) disabled parking bays be installed with appropriate access to Edgar Street Medical Centre be provided.	RESPONSIBLE OFFICER: Director Engineering Services Project ongoing.	August 2007
6.2.1.1	Proposed Moore Street Development (Reserve 28839)	200607/296 Council Decision That Council advises the Hon Minister for Planning and Infrastructure, Alannah MacTiernan, that the Town of Port Hedland is willing to: i) relinquish management of Crown Reserves 28839, 30090 and 29782 and the adjacent road reserves to facilitate timely development of the reserves for residential housing on the proviso that the following conditions are met: a) the Town being provided with 5% of the developed value of the land either in lots (fully serviced and constructed) or the cash equivalent (at Council's Discretion), in exchange for the relinquishment. b) Council having first right of refusal on lots created should the 5% indicated above not produce the ability for Council to construct 10 dwellings that would be owned by the Council. ii) commence the process of rezoning the subject land from Residential R20 to Residential R50 once appropriate planning documentation has been received.	RESPONSIBLE OFFICER: Chief Executive Officer Formal agreement being negotiated – report to Council when confirmed.	ü COMPLETE
6.2.1.2	Proposed Port Hedland Hotel Site	200607/299 Council Decision That Council advise the Hon Minister for Planning and Infrastructure that the Town: i) will initiate and fast-track any rezoning application that is received that will facilitate the development of Hotel and other associated uses on Lot 406 Port Hedland once appropriate documentation has been received; ii) will consider the approval of eight-storey buildings on the site subject to community consultation and proposals being able to demonstrate that they meet all building code requirements and do not negatively detract from the amenity of the area; and iii) supports the concept of limiting the tenure at the hotel component of any development to a maximum of three months.	RESPONSIBLE OFFICER: Chief Executive Officer Tenders Advertised by CR D R PIKEI. Close 13.8.07	ü COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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Ordinary Meeting held 23 May 2007				
11.2.1.2	Options for Tree Preservation	200607/305 Council Decision 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.	RESPONSIBLE OFFICER: Director Community and Regulatory Services Report to June Ord Cl Mtg re: Local Laws. Ltr sent.	ü COMPLETE
11.2.2.2	Proposed Five Grouped Dwellings at Lot 3 (17) Dempster St, PH	200607/307 Council Decision/Officer's Recommendation Planning Consent be granted to Pilbara Constructions Pty Ltd, on behalf of the owners, BHP Billiton Iron Ore Pty, Ltd, for the proposed 5 Units on Lot 3 (17) Dempster Street, Port Hedland as outlined in the Application received 2 February 2007 (Application 2007/021) and indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Manager Planning	ü COMPLETE
11.2.2.3	Prop. Schem. Amend. to Rezone lot 2115 Stanley Street SH from "Comm." to "Comm. / Res. R 30"	200607/308 Council Decision 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.	RESPONSIBLE OFFICER: Planning Officer Applicant is considering the options	
11.2.2.4	Prop. Industry – Extractive (Sand Mining) at Lot 126 Grt Nthn Hwy, PH (Twelve Mile)	200607/309 Council Decision/Officer's Recommendation 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:	RESPONSIBLE OFFICER: Planning Officer	ü COMPLETE
11.2.2.5	Prop. Storage Fac./Depot/Laydown Area at Lot 126 Gt Nthn Hwy, PH	200607/310 Council Decision /Officer's Recommendation 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.	RESPONSIBLE OFFICER: Planning Officer	ü COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.3.1	Compulsory Sterilisation of Dogs Re-homed ToPH Dog Pound	200607/311 Council Decision 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.	RESPONSIBLE OFFICER: Co-ordinator Ranger Services	ü COMP.
11.2.4.1	The Alliance Small Grants Scheme: Round 3	200607/312 Council Decision/Officer's Recommendation That Council: i) approves the following grants as part of The Alliance Small Grants Scheme: Round 3: ... and ii) increases the maximum available under The Alliance Small Grants Scheme to \$5,000.	RESPONSIBLE OFFICER: Events Co-ordinator	ü COMP.
11.3.1.2	Request to Amend Delegated Authority No 22 for CEO to Dispose of Surplus Vehicles	200607/314 Council Decision/Officer's Recommendation 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 .	RESPONSIBLE OFFICER: Director Engineering Services	ü COMPLETE
11.3.1.3	Road Traffic Code 2000 Instrument of Authorisation	200607/315 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Engineering Regulatory Services Documents signed and sealed.	ü COMPLETE
11.3.1.4	Tender 06/43 West End Greening Stg 1A Landscape and Irrigation Works	200607/316 Council Decision 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.	RESPONSIBLE OFFICER: Director Engineering Services Ongoing.	
11.3.2.1	Port Hedland International Airport: Parking Arrangem'ts	200607/317 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Airport Manager	August 2007

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.3.2.2	PHIA International Service Waiver of Passenger Service Charge and Landing Fees	200607/318 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Airport Manager	üCOMPLETE
11.3.2.3	PHIA Terminal Advertising	200607/319 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Airport Manager	üCOMP.
11.3.2.4	PHIA Waiver of Landing Fees Skywest Airlines	200607/320 Council Decision/Officer's Recommendation That Council advises Skywest Airlines that the 50% reduction of landing fees, which ceased as of 28 February 2007, will not be extended further.	RESPONSIBLE OFFICER: Airport Manager	üCOMP.
11.3.2.5	PHIA Development of Four (4) Lots Airport Entrance Rd	200607/321 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Airport Manager	üCOMP.
11.3.3.1	Request for Tree Removal at Port Hedland Tennis Club	200607/322 Council Decision 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.	RESPONSIBLE OFFICER: Recreation Co-ordinator Quotes being sourced.	July 2007
11.4.1.2	PH Yacht Club Lease	200607/324 Council Decision That Agenda Item 11.4.1.2 'Port Hedland Yacht Club Lease' lay on the table pending further discussions.	RESPONSIBLE OFFICER: Manager Corporate Services Awaiting further clarification.	
11.4.1.3	Hedland Riders Lease	200607/325 Council Decision 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.	RESPONSIBLE OFFICER: Manager Corporate Services	ü COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.2.2	Development of a Sister City (Town) Relationship in Indonesia	200607/327 Council Decision/Officer's Recommendation 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).	RESPONSIBLE OFFICER: Executive Assistant	ü COMPLETE
11.4.2.3	LG Convention and Exhibition 2007 & Associated WALGA Prof. Dev. Elected Members	200607/328 Council Decision 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.	RESPONSIBLE OFFICER: Executive Assistant	ü COMPLETE
11.4.2.4	Council Consent for Bed and Breakfast Applications	200607/329 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Chief Executive Officer	ü COMPLETE
12.1.1	Cyclone George Relief Fund	200607/330 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Executive Assistant	ü COMP.

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 Clare Tocock
Executive Assistant -
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

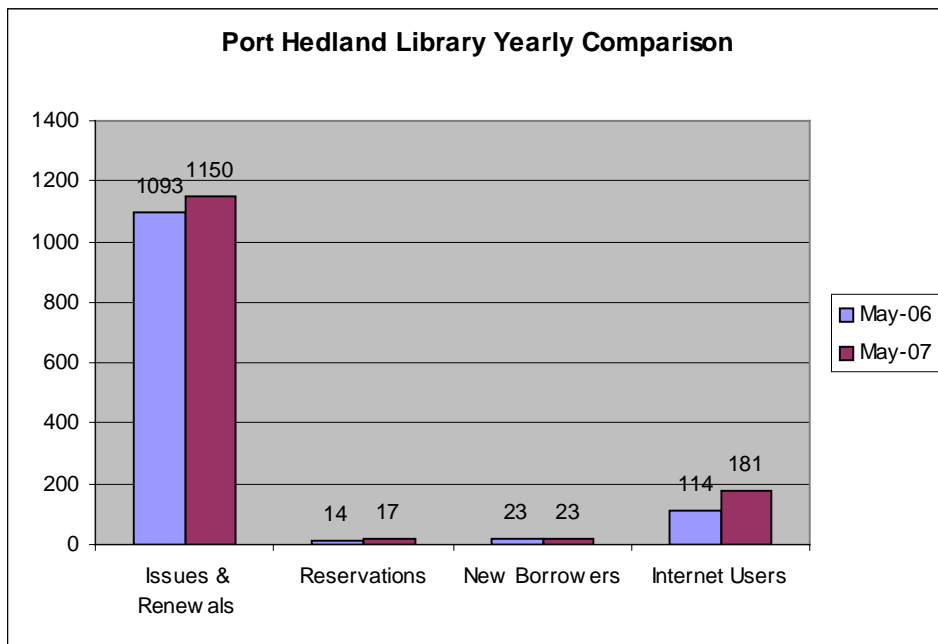
Policy Implications Nil

Strategic Planning Implications Nil

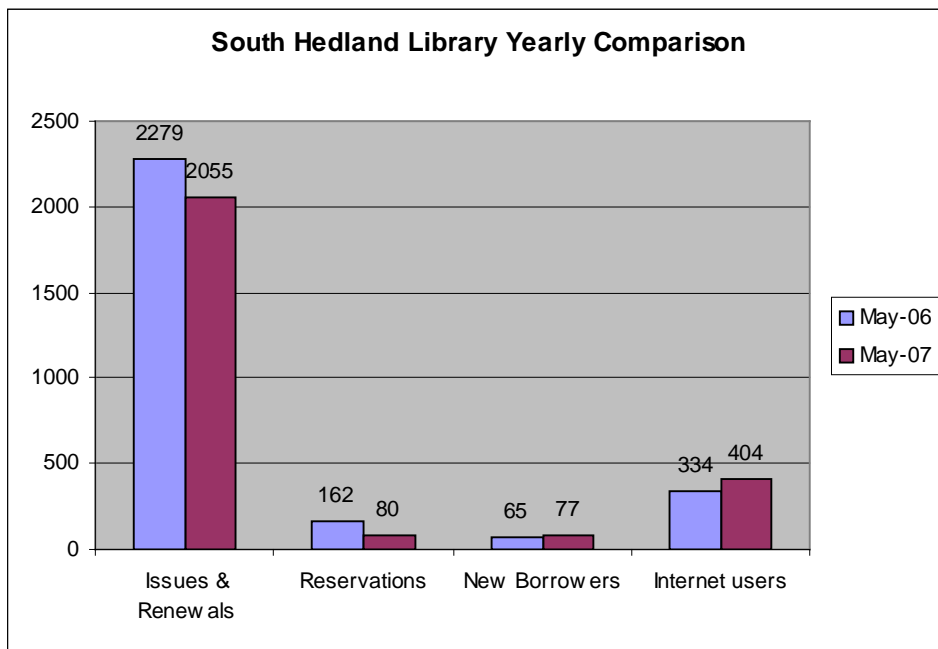
Budget Implications Nil

Officer's Comment***Library and Information Services***

Port Hedland Library	
Issues and Renewals	1150
Reservations	17
New Borrowers	23
Internet Users	181



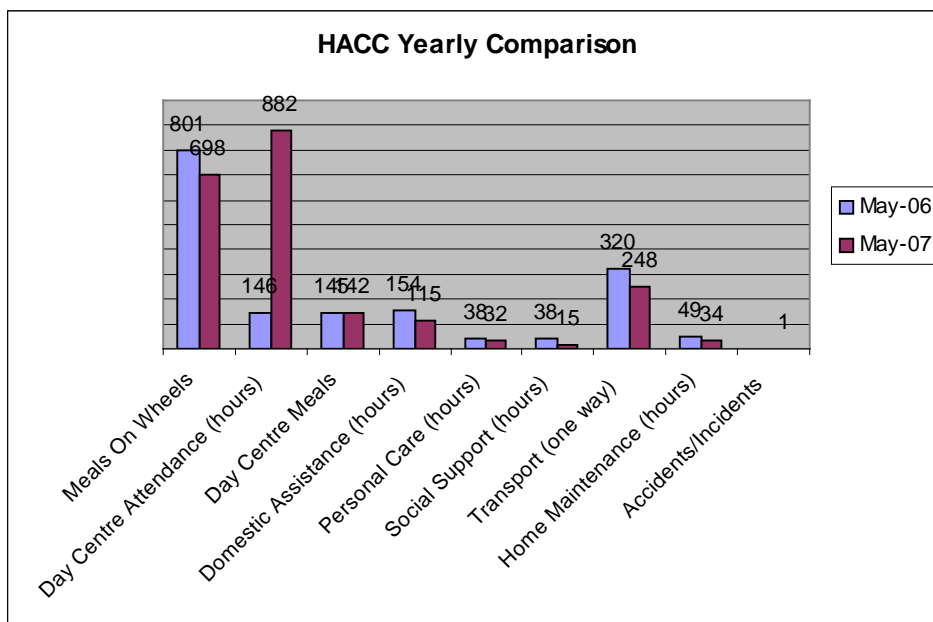
South Hedland Library	
Issues and Renewals	2055
Reservations	80
New Borrowers	77
Internet Users	404



Human Services

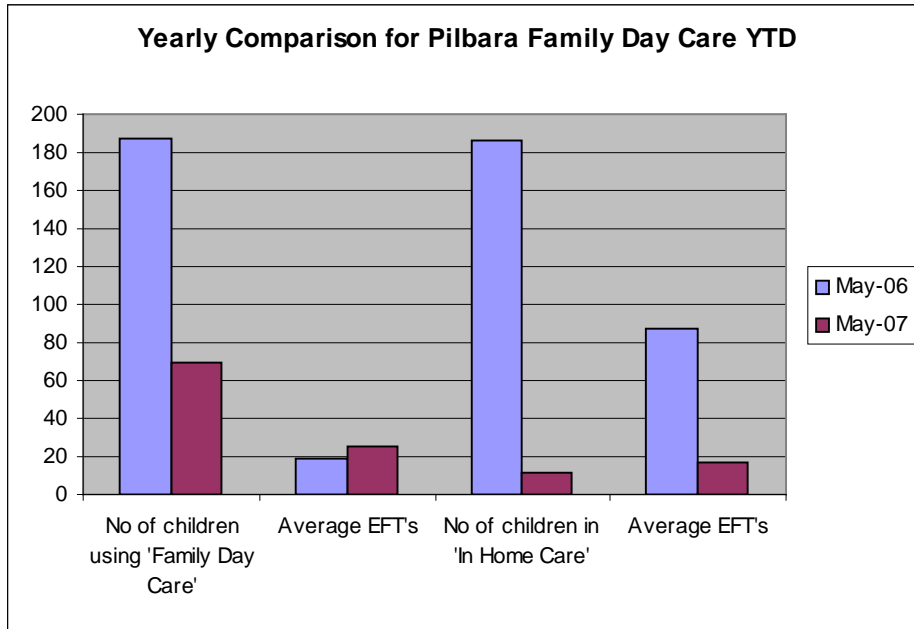
HACC Programme

HAAC Service Hours for May 2007		
Meals on Wheels	698	In Total
Day Centre Hours	882	
Day Centre Meals	142	
Domestic Assistance	115	
Personal Care	32	
Social Support	15	
Transports	248	One way trips (includes medical)
Home Maintenance	34	
Training this month		HACC Foundations – Chris Holmes from Communitywest (HTTB)
1 accident/incident reports		Peter Newman-lower back strain

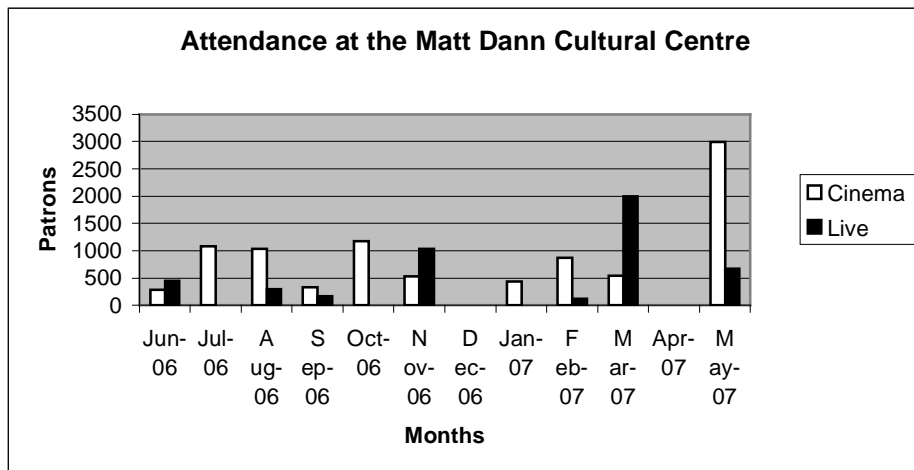
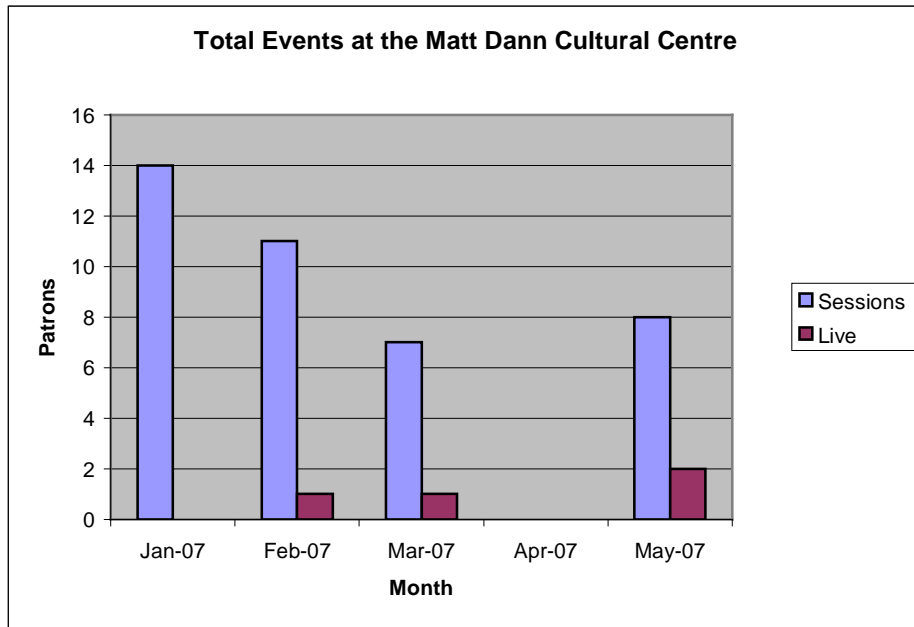


Pilbara Family Day Care

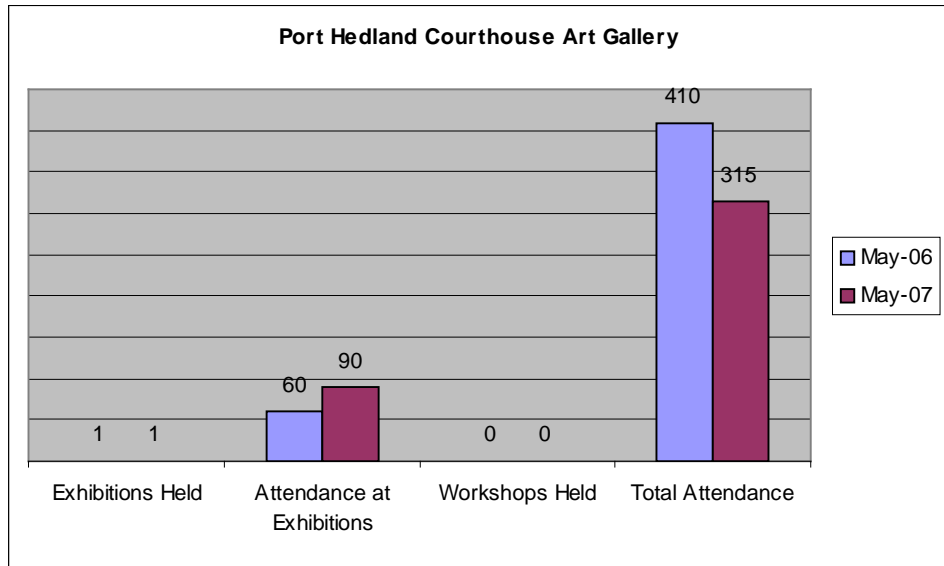
- s Figures are down due to Carers being on holidays and In-Home Carers not being available for families.
- s We have one prospective carer in Port Hedland and two, possibly three in Karratha
- s Kids Matter projects being run again in Hedland in August and Tom Price/Paraburdoo from 25th June
- s Delveen Wakefield from Karratha will be retiring from Family Day Care after 12 years in this Scheme.



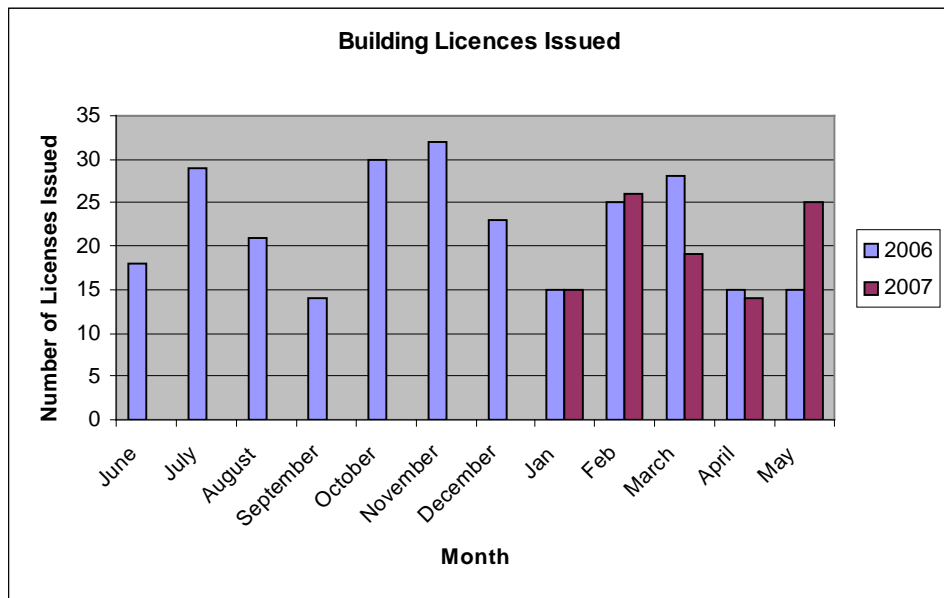
Matt Dann Cultural Centre

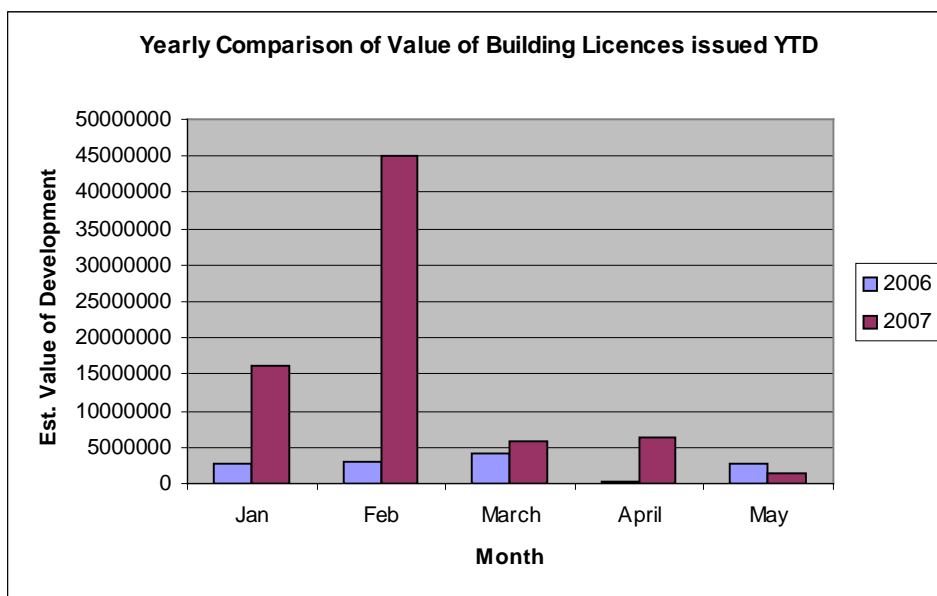


Courthouse Arts Centre and Gallery



Building Services





Status of Building Licenses for Valuer General's Office

Building Licence Applications Received in 2005

2005	Running Total as at 18 th June 2007
Total Building Licence applications received in 2005:	377
Building Licences approved in 2005	317
Building Applications Cancelled:	8
Building Applications Pending:	19
Building Applications Refused:	7
Building Applications Withdrawn/Lapsed:	26
Licences copied & sent to VGO	127
Licences not required to be sent	126
Licences to be inspected	64

Building Licence Applications Received in 2006

2006	Running Total as at 18 th June 2007
Total Building Licence applications received in 2006	215
Building licences approved	166
Building applications cancelled	4
Building Applications Pending	38
Building applications refused	1
Building applications withdrawn/lapsed	4
Licences copied & sent to VGO	12
Licences not required to be sent	67
Licences to be inspected	87

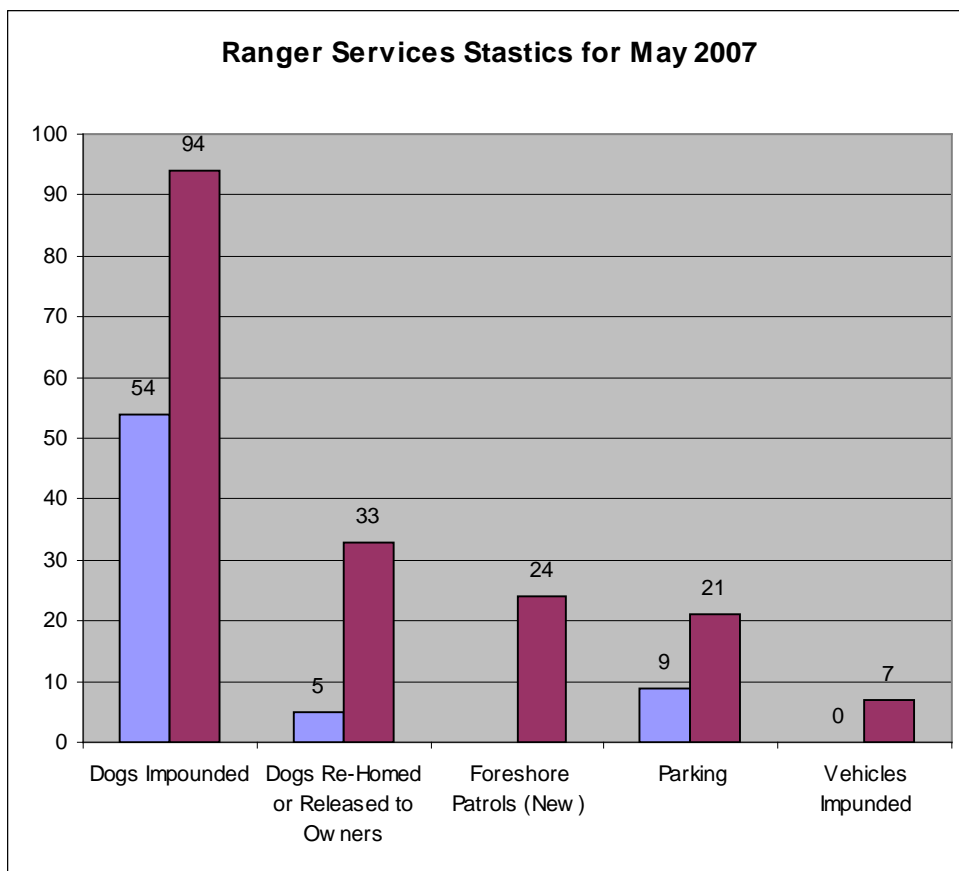
Environmental Health Services

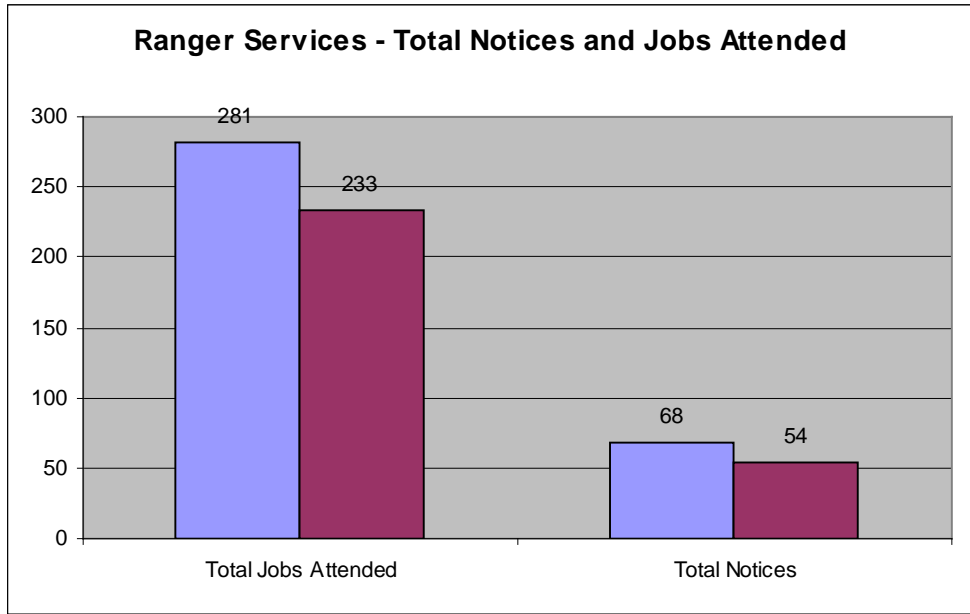
Over the last month Council’s Environmental Health Services have continued to undertake works for mosquito minimisation. Fogging operations have come to an end for the time being however larvicide treatments of known breeding sites is continuing with a lot of areas now drying up.

The Cyclone George Relief Fund Committee recommended the purchase and free distribution of a surface residual insecticide for residents to treat their houses for mosquitoes. This initiative has been quite successful thus far with 1,320 individual satchels of insecticide being distributed at the time this report was prepared. A total of 3,480 satchels were ordered and 38% of that product has been distributed.

The other main activities of the section for this month have centered on food shop inspections and activities which previously been deferred due to work which was generated by Cyclone George.

Ranger Services





200607/335 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G D Bussell

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

CARRIED 8/0

11.2.1.2 Proposed Community Event – Spinifex Spree (File No.: ...-...)

Officer Terry Sargent
Director Community and
Regulatory Services

Date of Report 18 June 2007

Disclosure of Interest by Officer Nil

Summary

Report seeking endorsement of proposed reinstatement of the Spinifex Spree as one of the major community events within Council's Strategic Plan

Background

Although it has not occurred for several years, the Spinifex Spree is fondly remembered by long term residents as a signature event for Port Hedland, creating a festival atmosphere as a range of events were undertaken, culminating in a street parade and grand finale. The Spree eventually ceased through lack of support from those participating in the events management.

A number of demographic, social, statutory and other changes since the demise of the original Spinifex Sprees have made reinstatement of the event in its previous form, impractical. However the concept is sound, and initial enquiries by Council's Events Coordinator have produced a lot of support for that sort of festival from the community and potential sponsors etc.

Consultation

The Events Coordinator has consulted widely with community groups, potential participants and sponsors, including the Alliance Advisory Committee, to establish what is practical and desirable for a 'first time' event.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

KRA 2 Community Pride
Goal 2 Events, Strategy 1 – Play an integral role in the coordination, operation and communication of community events via a range of strategies including managing and operating at least 6 major events per annum.

Budget Implications

Activities will be undertaken within Council's budget and sponsorship funding.

Officer's Comment

In seeking to identify suitable major events, reinstatement of the Spinifex Spree was an obvious choice, however, as stated above, changed circumstances since the last event was held make it desirable to restructure and shift the focus of the event.

In particular:

- The availability of participants for this year is limited due to pre-existing commitments. This effectively restricts the dates to the weekend of 24th and 25th of August
- As this date doesn't allow for the traditional link with the turf club's Hedland Cup, the location is less significant than in the past.
- The South Hedland New Living Project has offered significant sponsorship for an event if held in South Hedland
- The clear trend in population growth for the area will see South Hedland being the major population centre and the area where the majority of families will live.
- A sustainable, ongoing event is going to depend on good attendance levels and high levels of participation from the community in events that affect them and their neighbours.
- To get best return for the community, it is proposed to re-launch the concept of the Spinifex Spree, utilising sponsorship from the South Hedland New Living Project to conduct family focused events primarily in South Hedland (concert, fun fair, sideshows and the like) with an outdoor film screening in Port Hedland. If successful, it is proposed that the 2008 festival will be held at a time which will enable it to be expanded to include a week of cultural, sporting and community events, spread between both Port Hedland and South Hedland.

200607/336 Council Decision/Officer's Recommendation

Moved: Cr J M Gillingham

Seconded: Cr A A Gear

That Council endorses the reintroduction of the Spinifex Spree as one of its identified major annual events, with the first year's festival being a weekend event being focused mainly in South Hedland, and future Spinifex Sprees being weeklong festivals, with events spread between Port and South Hedland.

CARRIED 8/0

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

Officer Clare Tocock
Executive Assistant
Community and Regulatory
Services

Date of Report 18 June 2007

Disclosure of Interest by Officer Nil

Summary

This item relates to the Planning Applications considered under Delegated Authority for the month of May 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

200607/337 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

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

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.2.1.1

Applic No	Date Determined	Description	Applicants	Owners	Address	Applic date.	Deleg.	Zoning
2006/105	10/05/2007	SINGLE HOUSE - R-CODES VARIATION - Rear Patio and Front Carport additions	EDWARD GORDON FRANCIS	EDWARD GORDON FRANCIS	46 ETREMA LOOP SOUTH HEDLAND 6722	23/08/2006	Yes	Residential
2006/184.01	21/05/2007	OTHER CORRESPONDENCE - Request for amendments to Application 2006/184	Kinetic Space	SONSAN PTY LTD	16-20 THROSSELL ROAD SOUTH HEDLAND 6722	16/03/2007	Yes	Residential
2007/017	22/05/2007	INDUSTRY LIGHT - workshop extension	Vathjunker Contractors Pty Ltd	ANDREA DZIOMBAK	UNIT A 4 ABYDOS PLACE WEDGEFIELD 6724	25/01/2007	Yes	Industrial
2007/018	23/05/2007	INDUSTRY LIGHT - workshop extension	Vathjunker Contractors Pty Ltd	ROBIL ENGINEERING	6&7 ABYDOS PLACE WEDGEFIELD 6724	25/01/2007	Yes	Industrial
2007/048	21/05/2007	GROUPED DWELLING - 2 x dwellings	Trend Developments	TREND DEVELOPMENTS PTY LTD	21A BEROONA LOOP SOUTH HEDLAND 6722	19/02/2007	Yes	Residential
2007/049	10/05/2007	SINGLE HOUSE - R-CODES VARIATION - shed addition	Shidaz Pty Ltd	ANDREW ARCHER ALLEN	19 SUTHERLAND STREET PORT HEDLAND 6721	14/02/2007	Yes	Residential
2007/063	11/05/2007	INDUSTRY - GENERAL - addition of weigh bridge	John Smart	JOHN EDGAR SMART	12 MOORAMBIANE STREET WEDGEFIELD 6724	16/03/2007	Yes	Industrial
2007/068	16/05/2007	SINGLE HOUSE - R-CODES VARIATION - nil side setback to garage	CLORINDA MARY BOEKHORST	CLORINDA MARY BOEKHORST	12 HARPER STREET COOKE POINT 6721	19/03/2007	Yes	Residential
2007/069	30/05/2007	GROUPED DWELLING - 2 x dwellings	Franco Corozzi Architects Pty Ltd	DEPARTMENT OF HOUSING AND WORKS	21 CAPTAINS WAY SOUTH HEDLAND 6722	19/03/2007	Yes	Residential
2007/073	17/05/2007	GROUPED DWELLING - 2 x dwellings	John Kannis and Associates	JAXON CONSTRUCTION PTY LTD	6 PADBURY PLACE SPINIFEX HILL 6721	20/03/2007	Yes	Residential
2007/076	17/05/2007	SINGLE HOUSE - R-CODES VARIATION - garage addition	HENDRIK JOHANNES NEERVOORT	HENDRIK JOHANNES NEERVOORT	40 KOOMBANA AVENUE KOOMBANA 6722	26/03/2007	Yes	Residential
2007/090	09/05/2007	SINGLE HOUSE - R-CODES VARIATION - shed addition with a wall height in excess of 2.4m (2.6m)	Peter Pollard	CHARMAINE LEANNE POLLARD	13 CLARK STREET PORT HEDLAND 6721	09/05/2007	Yes	Residential
2007/093	21/05/2007	AMALGAMATION - 4 lots in to 1 lot	Whelans - Jonathan Jackson	BHP BILLITON IRON ORE PTY LTD	5 COWRIE WAY SHELLBOROUGH 6722	10/05/2007	No	Residential
2007/094	21/05/2007	AMALGAMATION - 4 lots into 1 lot	Whelans - Jonathan Jackson	BHP BILLITON IRON ORE PTY LTD	8 COWRIE WAY SHELLBOROUGH 6722	10/05/2007	No	Residential
2007/107	31/05/2007	OTHER CORRESPONDENCE - Reconsideration of Survey Strata Refusal	Whelans (WA) Pty Ltd	DANIELLE LEE COWAN	141 ANDERSON STREET PORT HEDLAND 6721	21/05/2007	Yes	Residential

5:54 pm Councillor G J Daccache declared a financial interest in Agenda Item 11.2.2.2 'Proposed Fortescue Metals Group Limited (FMG) Transmission Line between the Existing Horizon Substation and a New Substation to be Located Adjacent to the Service Corridor' as he owns FMG Limited shares.

Councillor Daccache left the room.

11.2.2.2 *Proposed Fortescue Metals Group Limited (FMG) Transmission Line between the Existing Horizon Substation and a New Substation to be Located Adjacent to the Service Corridor. (File No.: 130485G & 130000G)*

Officer Richard Bairstow
Manager Planning

Date of Report 20 June 2007

Disclosure of Interest by Officer Nil

Summary

An application has been submitted by Greg Rowe on behalf of Fortescue Metals Group Limited (FMG) for a proposed Transmission Line between the existing Horizon substation and a new substation to be located adjacent to the service corridor (See attachment No. 1). Pole heights range from 17m to 33m in height. The application is presented to Council for consideration as the land is reserved.

Background

The Site

The proposed transmission line crosses a number of sites which are reserved predominately as "Other Purposes – Infrastructure" and several other portions which are reserved "Parks and Recreation", "Conservation, Recreation and Natural Landscapes" and a final portion which is zoned "Industry" under Town Planning Scheme No. 5 (TPS5).

The Proposal

The application is for a 66kV Transmission Line between the existing Horizon substation and a new substation to be located adjacent to the service corridor using 30 poles that a range in height of between 17m and 33m (See Attachment No. 2).

Consultation

The application was not required to be advertised externally and any internal comments have been dealt with by appropriate conditions or footnotes within the recommendation.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 reserves the land for "Conservation Recreation and Natural Landscapes," and "Other Purposes – Infrastructure."

Section 79 of the *Land Administration Act 1997* authorises the Minister responsible for the Act to lease Crown land for any purpose.

Policy Implications

The proposed development has no Policy implications for Council.

Strategic Planning Implications

Key Result Area 4 - Economic Development

Goal Number 2 - Mining

Strategy 3 – Work closely with mining companies to minimise any negative impacts on the community due to either construction and/or operational activities.

Budget Implications

An application fee of \$10,650.00 was paid in to the Town Planning Fees Account (1006326) on the 9 May 2007.

Officer's Comment

The proposed transmission line is a necessary part of the FMG port infrastructure and has the consent of Horizon Power and the application has been signed by the Manager State Land Services - Pilbara

The application is currently under structural review to ensure that the poles design and type are appropriately designed to cater for local conditions and the possible spans. The number of poles may vary according to the requirements to avoid the creeks, Aboriginal heritage sites; Redwave Media radio mast area entrance; the service corridor and any other obstructions. It is anticipated that any changes would only be minor.

The application is recommended for approval subject to those conditions and footnotes contained within the recommendation.

Officer's Recommendation

Planning Consent be granted to Greg Rowe and Associates on behalf of Fortescue Metals Group Limited (FMG) for the construction of a Transmission Line at Lots 2514 (R32643), 3261 (R33848), 5165 and associated Unallocated Crown Land as outlined in the Application received 10 May 2007 (Application 2007/101) and indicated on the approved plans, subject to the following conditions:

1. This approval relates only to the proposed transmission line, as indicated on the approved plans. It does not relate to any other development.
2. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).
3. The applicant obtaining appropriate tenure for all required land prior to commencing works on the subject portion of land all to the satisfaction of the Manager Planning;
4. The applicant obtaining all necessary environmental, heritage and Native Title approvals prior to undertaking any site works;
5. 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.

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10)-metre level AHD.

Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

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

200607/338 Council Decision

Moved: Cr A A Carter

Seconded: Cr D R Pike

Planning Consent be granted to Greg Rowe and Associates on behalf of Fortescue Metals Group Limited (FMG) for the construction of a Transmission Line at Lots 2514 (R32643), 3261 (R33848), 5165 and associated Unallocated Crown Land as outlined in the Application received 10 May 2007 (Application 2007/101) and indicated on the approved plans, subject to the following conditions:

1. That prior to the commencement of any on-site works whatsoever that plans are submitted to and approved by the Town demonstrating that the transmission lines location and design (including pole location and heights) will accommodate the ultimate alignment of the shared port access and infrastructure corridor all to the satisfaction of the Manager Planning.
2. This approval relates only to the proposed transmission line, as indicated on the approved plans. It does not relate to any other development.
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 (PS).
4. The applicant obtaining appropriate tenure for all required land prior to commencing works on the subject portion of land all to the satisfaction of the Manager Planning;
5. The applicant obtaining all necessary environmental, heritage and Native Title approvals prior to undertaking any site works;

6. 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.

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
3. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

CARRIED 7/0

6:56 pm Councillor G J Daccache re-entered the room and assumed his chair. Mayor advised Councillor Daccache of Council's decision.

REASON: Council added the following Clause, as Council wants to ensure the co-ordinated provision of common user road infrastructure in this area:

- “1. That prior to the commencement of any on-site works whatsoever that plans are submitted to and approved by the Town demonstrating that the transmission lines location and design (including pole location and heights) will accommodate the ultimate alignment of the shared port access and infrastructure corridor all to the satisfaction of the Manager Planning.”*

11.2.2.3 Proposed Partial Closure of Crowe Street Road Reserve (File No.: 803222G)

Officer Andrew Patterson
Planning Officer

Date of Report 21 May 2007

Disclosure of Interest by Officer Nil

Summary

At its Ordinary Meeting on 28 February 2007, Council resolved that:

- “...i) the proposed closure of a portion of the Crowe Street road reserve be advertised in accordance with section 58 of the Land Administration Act 1997 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....”*

The required advertising is now complete, and this report is submitted for Council to consider formally requesting the Minister to close a portion of the Crowe Street road reserve.

Background

As noted in the Background to the February Ordinary Meeting, this application is to close a portion of the Crowe Street road reserve to allow amalgamation of the subject land into adjacent residential lots to allow for subsequent development. The survey plan of the proposed road closure is attached to this report.

All statutory requirements pursuant to the *Land Administration Act 1997*, section 58, and the *Land Administration Regulations 1998* are now complete. Should Council resolve to support this application, the formal request may now be submitted to the Minister to close the road reserve.

Consultation

Pursuant to regulation 9 of the *Land Administration Regulations 1998* and section 58 of the *Land Administration Act 1997*, this application was advertised in the North West Telegraph on 23/05/2007, with service providers also requested to comment on the proposal.

Telstra has advised that it has assets in the vicinity and does not object to the proposal "in principal" subject to access to these assets being protected.

Horizon Power has advised that they have underground assets in the vicinity.

The Water Corporation has advised that it has no comment or objection to the proposed road closure.

Adjoining landowners were not advised of this proposal, as both affected parties are signatories to the application.

Ruth Durack of the Urban Design Centre was consulted regarding this proposal given its potential strategic land use impact. With regard to this road closure, Ruth has commented that, although such road closures are generally to be avoided, given that in this case, the road is a cul-de-sac, and that the affected portion of road is unlikely to be reconstructed, provided pedestrian and cycle access is not restricted, this closure may be appropriate to be considered. Ruth also comments that a three metre access way may be too narrow and suggests a 10 metre wide access. It is considered however that, as the existing road pavement is 8 metres wide and that any development on the closed road will be required to address the visual amenity of the PAW, four metres is considered an adequate width.

Statutory Implications

The *Land Administration Act 1997* and the *Land Administration Regulations 1998* outline the process required to permanently close a road reserve.

Policy Implications

Draft Local Planning Policy No. 9 – Residential Road Reserves
Policy 9/005 - Crossovers

Strategic Planning Implications Nil

Budget Implications

The Advertising costs incurred by Council regarding this action will be been invoiced to the applicant.

All costs incurred for site works and the reconstruction of the cul-de-sac bulb is to be the responsibility of the applicant.

Officer's Comment

As Council has supported this application on two previous occasions, and the recent advertising has resulted in no objections to the proposal, it is recommended that Council resolve to request the Minister to close the portion of Crowe Street Port Hedland as identified in the attached plans.

The only recommended modification to the submitted diagram is to increase the pedestrian access way width from three metres to four metres. This will allow for a more open access from the road to the beach and any future dual-use path in the Esplanade road reserve. To further enhance the beach access, the applicant will be advised that any development on the closed road reserve will

200607/338 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham**That Council:**

- i) **requests the Minister for Lands to close the Crowe Street Road Reserve to the extent described in the plans received on 9 January 2007, subject to the proposed pedestrian access way being increased to a width of four (4) metres;**
- ii) **advises the applicant that all costs relating to the road closure, including the reconstruction of the cul de sac bulb are the responsibility of the applicant; and**
- iii) **advises the applicant that any easements required by service providers at the applicant's cost.**

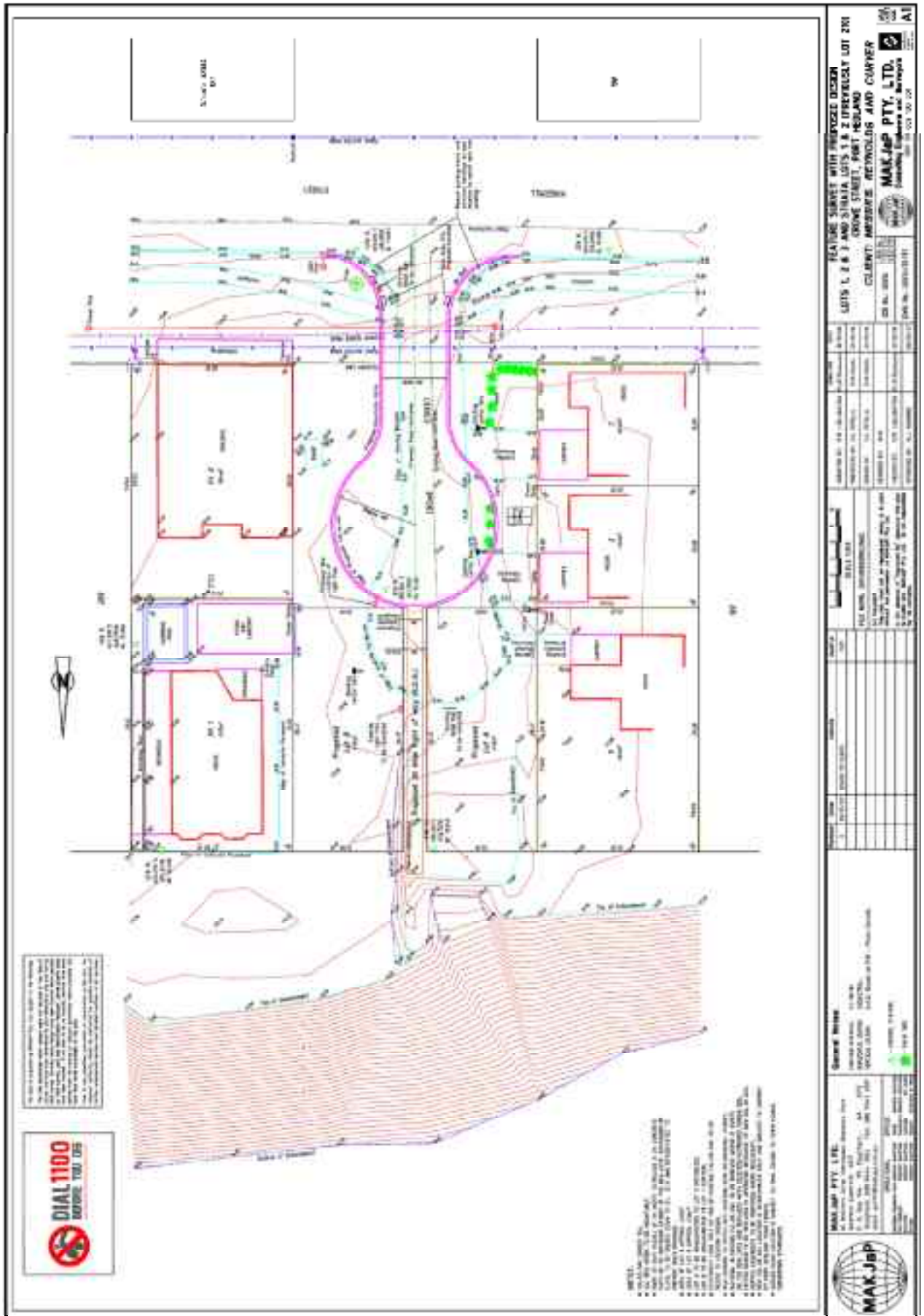
CARRIED 6/2

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

Record of Vote:

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

ATTACHMENT TO AGENDA ITEM 11.2.2.3



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

Officer Andrew Patterson
Planning Officer

Date of Report 28 May 2007

Disclosure of Interest by Officer Nil

Summary

At its Ordinary Meeting on 28 March 2007, Council resolved to adopt a Scheme Amendment rezoning a portion of lot 313 Anderson Street Port Hedland.

Following submission of this proposed amendment to the Western Australian Planning Commission (WAPC), the WAPC has advised that for the amendment to be considered, the adoption resolution must include the phrase “adopted without modification.”

This item is presented for Council reconsideration to include the required terminology in the resolution to progress this proposed amendment.

Background

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

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

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

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

Consultation

All required consultation required for a proposed Town Planning Scheme amendment is already completed and no further consultation is required for this item.

Statutory Implications

The *Planning and Development Act 2005* and the *Town Planning Regulations 1967* outline the process required to amend a Town Planning Scheme.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

All applicable fees have been received for this application.

Officer’s Comment

As Council has previously supported this proposed Town Planning Scheme Amendment, and as the rezoning will more accurately reflect the current land use, it is recommended that Council adopt this amendment with the modified resolution.

200607/339 Council Decision/Officer’s Recommendation

Moved: Cr G D Bussell

Seconded: Cr D R Pike

That Council:

- i) **adopt Amendment No.9 to Town Planning Scheme No.5 without modification;**
- ii) **forwards the following Schedule of Submissions and recommendations to the Western Australian Planning Commission for the Minister’s consideration:**

Name	Address	Submission
FESA	Karratha District Office	No comment

and

- iii) **authorises the Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council’s seal in the event that the Minister for Planning and Infrastructure approves the Amendment without modification.**

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.2.2.4



11.2.2.5 **Proposed Closure of a Portion of Catamore Court Road Reserve (File No.: 30/17/0001)**

Officer Andrew Patterson
Planning Officer

Date of Report 20 June 2007

Disclosure of Interest by Officer Nil

Summary

Council has received a request from Taylor Burrell Barnett Town Planners on behalf of the Department of Housing and Works New Living Project to close a portion of the Catamore Court road reserve to enable this land to be subdivided for residential use.

Background

The portion of Catamore Court subject to this application consists of approximately 2032 m² located between lots 2354 and 2355 and is indicated on the attached plan. The land is currently zoned "Residential R 20"

Council currently owns lot 2355 Catamore Court South Hedland, and at its Ordinary Meeting on 28 February 2007 resolved (in part) that:

"...ii) the following housing development opportunities in the short/medium term be actively pursued by Council:

- b) Lot 2355 Catamore Court, South Hedland (2362m² of Freehold Land)*
 - . in partnership with the Department of Housing and Works (DHW) South Hedland New Living Project, develop this site as a multi-unit site (8 units);*
 - . these works should be undertaken as a component of the DHW's current Trainee Crescent works; and*
 - . following the completion of the development at Lot 2355 Catamore Court, South Hedland, Council shall sell 6 of the 8 sites to assist in financing of the project with Council developing the remaining two for staff housing purposes; ..."*

It is noted that in order to achieve the number of dwellings required by this resolution, a scheme amendments would be required as the current zoning would only allow for a maximum of five standard grouped dwellings.

Should Council support this proposed partial road closure, this resolution would be superseded with lot 2355 amalgamated with the closed road reserve and surrounding unallocated Crown land and subdivided into single residential lots. The proposed subdivision plan is attached to this report and is included to indicate how lot 2355 and the road reserve contribute to this subdivision.

Lot 2354 is unallocated Crown land, and it is anticipated that the Department of Housing and Works will purchase this land as part of the New Living Project prior to incorporating into the new subdivision.

Consultation

Pursuant to section 58 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998*, this proposal has been advertised for public comment in the North West Telegraph on 23/05/2007. No submissions have been received in response to this advertising.

In addition, Horizon Power, Telstra and the Water Corporation have been advised on the proposed road closure and invited to comment with the following responses received:

- Telstra has advised that they have underground assets in the vicinity of the proposed closure, but do not object to the closure “in principle” subject to these assets being protected and all relevant parties being advised of these assets.
- The Water Corporation has no comments or objections to the proposal.

Statutory Implications

Section 58 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998* regulate the requirements for permanently closing a public road.

Policy Implications Nil

Strategic Planning Implications

KEY RESULT AREA 2 – COMMUNITY PRIDE

Goal 3 – Townscape

That the central business districts and main thoroughfares of both Port and South Hedland are attractive and well maintained.

Strategy 3: Work closely with the Department of Housing and Works to implement the South Hedland New Living project.

Budget Implications

Planning fees of \$110 have been received and deposited into account 1006326 – Town Planning Fees.

While the details are not yet determined, there may be further budget implications should Council purchase the closed road reserve and amalgamate the land into lot 2355 Catamore Court. It is anticipated however that the subsequent value of the resulting residential lots will result in a net profit at the completion of the subdivision process.

Officer's Comment

This road closure presents Council an opportunity to rationalise an under-utilised portion of land that currently imposes a maintenance liability on the Town of Port Hedland. In addition to closing this portion of road reserve, the road closure is a required component to a project that will add to traffic permeability in South Hedland, make effective use of an unused Council land asset and develop unallocated Crown land for residential purposes.

200607/340 Council Decision/Officer's Recommendation

Moved: Cr D R Pike

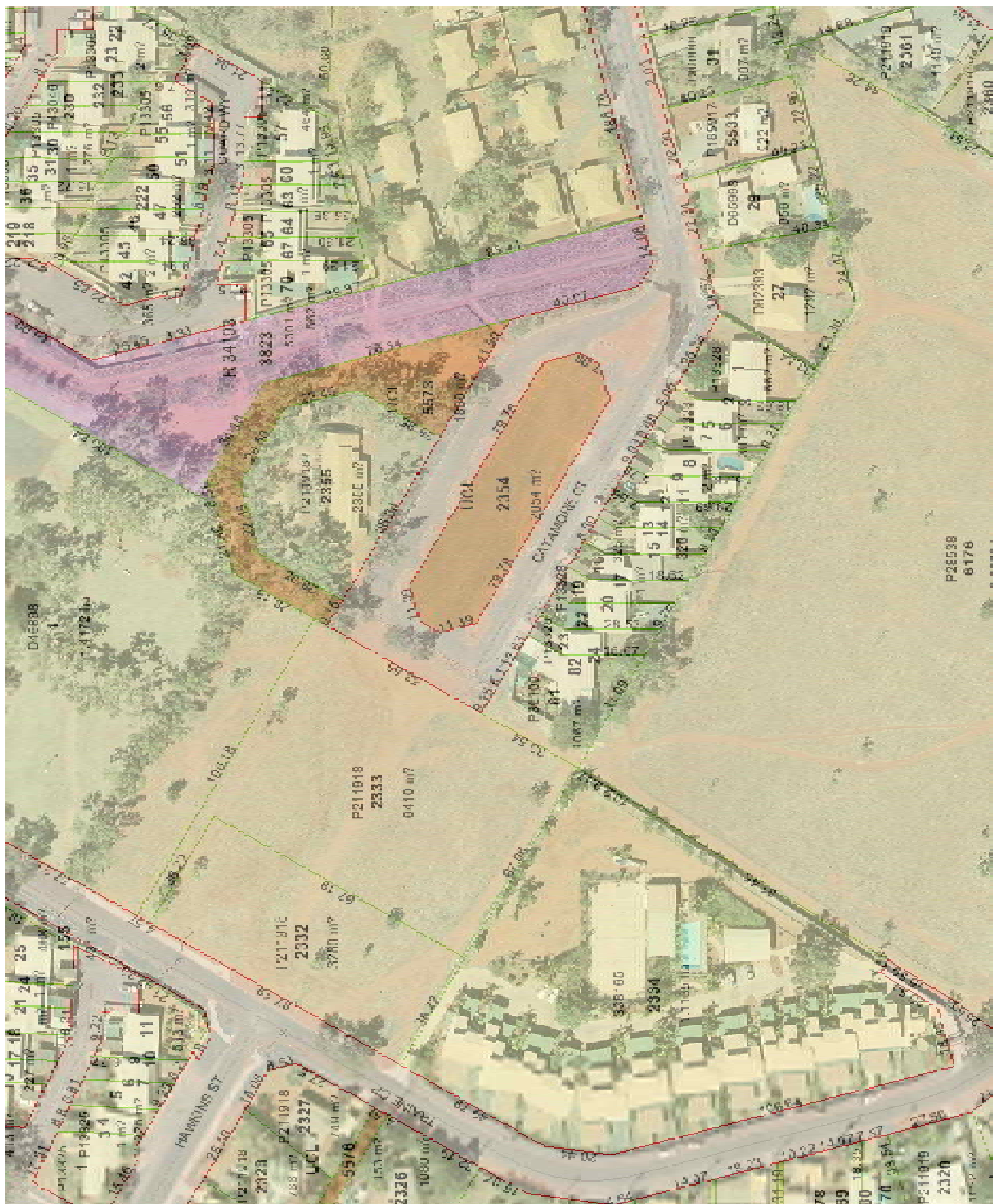
Seconded: Cr S F Sear

That Council:

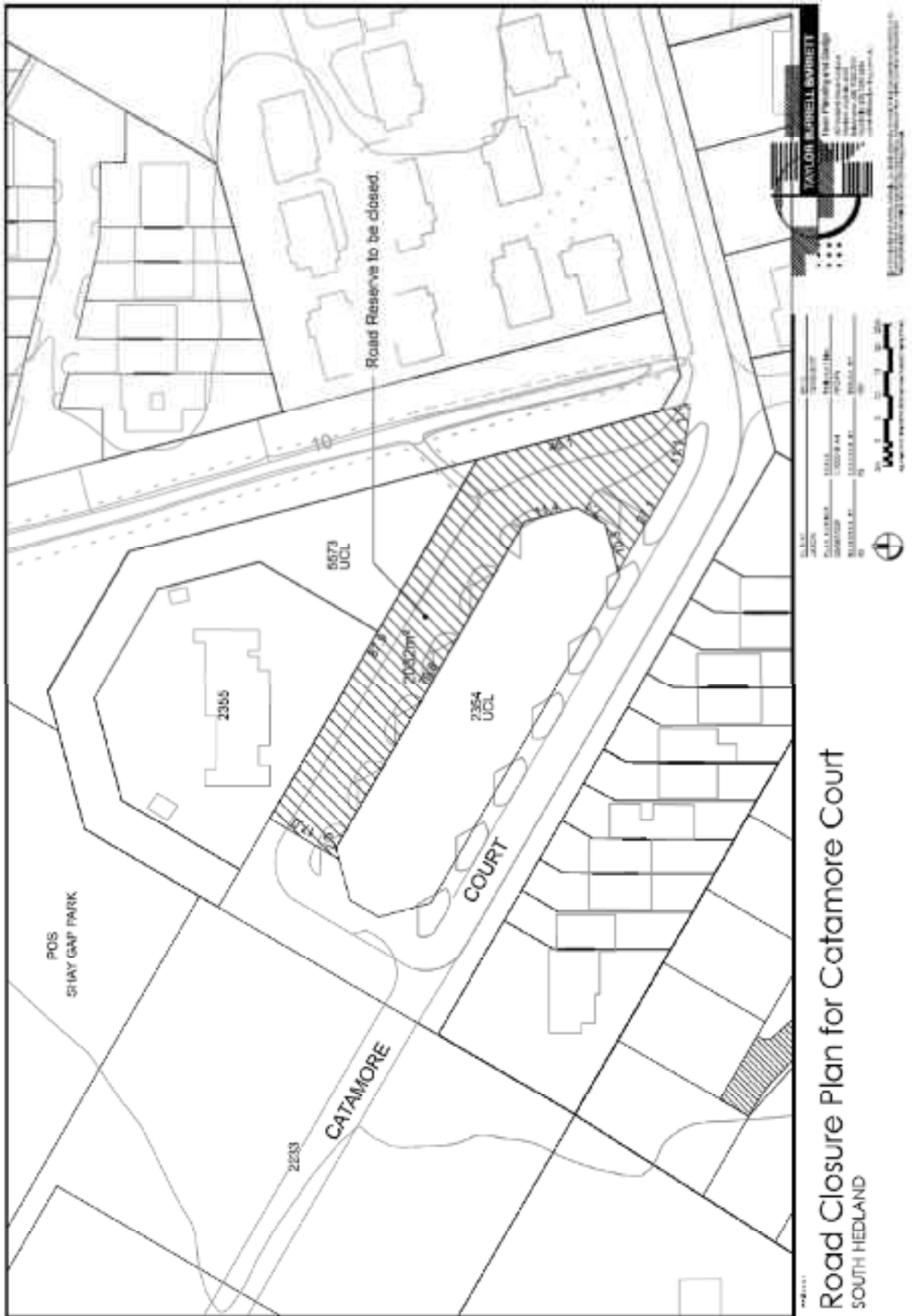
- i) requests the Minister for Lands to close the Catamore Court Road Reserve to the extent described in the plans dated 15 May 2007; and**
- ii) advises the applicant that any easements required by service providers at the developers cost.**

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.5



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.5



200607/341 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Council suspend Standing Orders.

CARRIED 8/0

6:03 pm Mayor advised that Standing Orders be suspended.

200607/342 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Standing Orders be resumed.

CARRIED 8/0

11.2.2.6 Proposed Mixed-Use Development Comprising Four Residential and Five Commercial Units at Lot 54 (8) McKay Street Port Hedland (File No.: 128500G)

Officer Andrew Patterson
Planning Officer

Date of Report 20 June 2007

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Define Creations on behalf the landowner, Philip Hardcastle, to construct a two-story mixed use development comprising five commercial units on the ground floor with four residential units constructed above.

The subject land comprises 1012 m² vacant land zoned "Town Centre." The proposed use is defined as a "Multiple Dwelling" and this use is listed as an "SA" use on the *Town of Port Hedland Town Planning Scheme No. 5* (TPS 5) zoning table.

Background

Discussions with the Department of Health have indicated that it is preferred that land west of the hospital not be developed with increased residential densities. An exemption to this is likely to be granted in the case of single-bedroom dwellings that are most likely to be inhabited by working-aged singles and couples who are not identified as a significant health risk group. This development seeks to build four (4) x three (3) bedroom units.

When considering development within the Port Hedland Town Centre, TPS 5 provides the following precinct objectives to guide Council's decision-making process:

"5.3.6

- (a) consolidate the town centre status of the precinct and to redefine and optimise its visual quality and its administrative, commercial and community function,*
- (b) consolidate existing development,*
- (c) ensure that there is continuity in the character of old and new structures, landscaping and other improvements whilst promoting innovative approaches to design which are consistent with the climatic and cultural context of the precinct,*
- (d) make safe, efficient and convenient provision for pedestrian movement, road transport and car parking, and*
- (e) improve the utility and appearance of public spaces and street furniture"*

The following TPS 5 provisions also apply:

- "1. Development within the Town Centre zone shall be in accordance with the development plan of development plans approved in accordance with the provisions of clause 5.2."*

"6.6.5 The density of residential development in the Town Centre shall not exceed R50"

R Code Assessment

. Site Coverage

R Code Assessment

Plot Ratio

Section 4.2.1 of the R Codes specifically addresses dwellings in a mixed use development. As TPS 5 sets the maximum residential density for the Town Centre at R50, a maximum plot ratio is set at 0.6. In calculating this plot ratio, it is noted that, pursuant to the explanatory text in the R Codes, "the plot ratio requirements of Table 1 should be applied to both residential and non-residential components, with the exception of ground level non-residential floor space. This proposed development therefore achieved a plot ratio of 0.6.

Setbacks

TPS 5 does not set any setback restrictions for development within the Port Hedland Town Centre. This proposal is set back from the front boundary seven (7) metres and deemed to comply with frontage amenity requirements.

The R Codes allow for walls built on a boundary for a maximum of 66% of the lot boundary behind the street setback, with a maximum height of six (6) metres. This proposal allows for walls less than six (6) metres in height for a maximum of 55% of the lot boundary length.

Parking

Car parking may be reduced to one bay per dwelling where there is an expectation of reciprocal use with the associated commercial component. This proposal accommodates a total of 18 car parking bays on site. The total car parking requirements for the commercial units are only calculable once each individual use is determined, with this subject to a separate planning approval for the change of use. However, should each commercial unit be used for an office, a total of 12 bays would be required in addition to the four residential bays. This application is therefore deemed to comply with TPS and R Code parking requirements.

Privacy/Overlooking

It is noted that the proposed upper storey residential units contain windows set back at 1.5 metres from the side boundary. Notwithstanding that there is currently no other residential developments adjoining this site, it is considered necessary that these windows be treated to ensure future residents are not significantly adversely affected. To ensure compliance with this requirement, an appropriate condition is included in the Officer's Recommendation requiring the developer to ensure that all windows on the side boundaries comply with section 3.8.1 of the codes. This could be achieved through the use of highline windows, opaque glazing or other screening mechanisms.

The balconies for residential units 3 and 4 are set back 6.03 metres from the rear boundary of the adjoining lots. Section 3.8.1 of the R Codes Acceptable Development provisions require a minimum setback of 7.5 metres. This application is deemed to comply as the balconies do not overlook any residential lots and therefore meet the Performance Criteria of this section.

Consultation

In accordance with section 4.3 of TPS 5, this application has been advertised through the mailing of advice letters to all landowners within a 50-metre radius. No responses were received during the advertising period.

Environmental Health Services do not object to the application subject to: exhaust fans fitted to ensuite and kitchen areas are to be flumed to open air; noise attenuation may be required depending on use of commercial units (Officer comment – this item is addressed through a condition requiring planning approval prior to any use of the commercial units); health related premises to be approved by Council's EHS prior to fit-out (see previous note).

Engineering Services have not objected to the proposal subject to stormwater being retained on site and crossovers being constructed to Council policy.

Building Services have not objected to the proposal and advised that a building licence is required.

Statutory Implications

Under TPS 5, this use is only permitted at Council's discretion following advertising of the proposal.

Policy Implications

10/001 Landscaping Policy For Industrial & Commercial Areas

Strategic Planning Implications Nil

Budget Implications

Planning application fees of \$3,130, reflecting a development cost of \$1,600,000 have been received and deposited into account 1006326 – Town Planning Fees.

Officer's Comment

As noted in the Background section of this report, most recent, advice from the Department of Health and Department of Environment and Conservation is that increased residential density is unlikely to be supported in the West End. The draft Land Use Master Plan response to this restriction is to propose to permit only single-bedroom dwellings in dust-affected areas as these types of dwellings are unlikely to attract elderly residents, or families with young children as these are identified as "at risk" groups for respiratory conditions as a result of dust exposure.

While this application exceeds the single-bedroom exemption, it is deemed to address the same intent as all dwellings are accessible only via stairs, and there are likely acoustic amenity impacts likely due to the commercial component to the development. Both these factors are expected to reduce the attraction of these dwellings to elderly and young families and so meet the intent of the proposed residential density down coding.

Mixed-use development is generally considered an appropriate land use in commercial areas. Commercial and residential uses generally generate alternating peak activity times, allowing for more efficient use of car parking areas, reducing the need for work-related commuting and offering increased security through alternating activity generators.

The applicant has attempted to address the visual impact of this building through increased setback that is in keeping with existing development on this street and through adjusting roof pitch to match the adjacent heritage listed building currently housing the Port Hedland Game Fishing Club.

It is noted that the selected roofing material is a zincalume finish that is in contrast to existing roof colours, however it is considered that the increased insulation characteristics adequately compensate for this contrasting roof colour.

This application can technically comply with TPS5 requirements and therefore could legitimately be approved by Council as a "SA" use.

Alternatively, Council could indicate that approval of this development is to Department of Health and the Department of Environment and Conservation advice, and could determine that this is grounds for refusing the application.

In the case of a refusal, it is expected that this decision would progress to appeal at the State Administrative Tribunal and be determined in this forum.

In conclusion the application has been assessed subject to compliance conditions to comply with the necessary statutory requirements. However reasonable concerns exist as to Council's future potential liabilities given the advice of the Department of Health and the Department of Environment and Conservation. Legal advice is being sought on this issue. It is anticipated that this advice will be available prior to Council's deliberations on this matter.

Council is provided with the alternative to either approve or refuse the application.

Officer's Recommendation

That Council REFUSES Planning Consent be granted to Define Creations for the construction of MULTIPLE DWELLINGS – five commercial and four residential units at Lot 54 (8) McKay Street Port Hedland as outlined in the Application received 19 April 2007 (Application 2007/087) for the following reason:

1. That any increase in residential density and or activity is contrary to the current advice provided by Department of Health and the Department of Environment and Conservation.

OR

That Council GRANTS Planning Consent be granted to Define Creations for the construction of MULTIPLE DWELLINGS – five commercial and four residential units at Lot 54 (8) McKay Street Port Hedland as outlined in the Application received 19 April 2007 (Application 2007/087) and indicated on the approved plans, subject to the following conditions:

1. A sign, in accordance with the attached specification, being placed on site within fourteen (14) days of the date of this approval, stating that approval has been granted; such sign to remain until the development is completed.
2. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).
3. Prior to the submission of a Building Licence, the applicant shall submit to and have approved by the Town amended plans incorporating the following:
 - a. 1.5m x 1.5m visual truncations to ensure visual sight lines are not restricted within 1.5 metres of the Right of Way as indicated in red on the approved plans;
 - b. the upper floor windows on the North and South elevations to be screened to prevent overlooking into the adjoining properties in accordance with the requirements of Clause 3.8.1 of the Residential Design Codes of Western Australia 2002;
 - c. carparking being designed in compliance with the requirements of the Town of Port Hedland Town Planning Scheme No. 5 clause 6.13 and Appendices 7 and 8;
 - d. one (1) on-site disabled car parking bay is required;
 - e. a storeroom with a minimum floorspace of 4m² and minimum dimension of 1.5m for each dwelling; andall to the satisfaction of the Manager Planning.
4. The development is to be constructed in accordance with the approved plans.
5. The proposed zincalume roof finish shall be treated to reduce any visual amenity impacts on surrounding developments should it be deemed necessary by the Town and any treatments shall be to the satisfaction of the Manager Planning.
6. The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Manager Planning.

7. Potential Commercial tenants to seek Council approval of their proposed use prior to occupying and commencing any business operation.
8. Carparking areas are to be constructed, drained, marked and thereafter maintained to the satisfaction to the Manager Planning Services prior to the development first being occupied;
9. The developer is to construct the crossover in accordance with Council's Policy 9/005 - Crossovers to the satisfaction of the Manager Planning Services.
10. The proposed development shall be connected to reticulated mains sewer.
11. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning.
12. A detailed landscaping plan for the McKay Street Road reserve to be submitted and approved by the Manager Planning within 30 days of the dwellings being occupied, with this plan including location, species and planting details. Schedule 1 of Council's "Policy 10/001 - Landscaping Policy for Industrial & Commercial Areas" contains a list of "Recommended Low-Maintenance Tree and Shrub Species for General Landscaping" for your reference.
13. Landscaping and reticulation to be established in accordance with the approved detailed plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning.
14. All stormwater shall be collected and disposed of in a manner acceptable to the Manager Planning.
15. Any exhaust fan fitted to ensuites or kitchen areas must be flumed to external air
16. The applicant is to install a unisex, disabled WC is in each commercial unit.
17. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services.
18. Service areas, bins and storage areas shall be screened from view from streets and public areas by an enclosure in the style and material of the building;

19. Any roof mounted or freestanding plant or equipment, such as air conditioning units, to be located and/or screened so as not to be visible from beyond the boundaries of the development site to the satisfaction of the Manager Planning Services.
20. The pedestrian pathways, landscaping areas, parking areas and/or associated access ways shall not be used for storage (temporary or permanent) and/or display and/or be obstructed in any way, at any time without the prior approval of the Town.
21. A lighting plan to demonstrate that the development, including all driveways, pedestrian pathways (both public and private), and parking areas (both public and private), and in all common service areas, will be provided with sufficient light to encourage the use of the buildings and surrounding areas after hours;
22. A Rubbish Collection Strategy/Management Plan shall be submitted to and approved by the Town prior to the commencement of works.
23. The landowner shall lodge a section 70A notification pursuant to the Transfer of Land Act on the Certificate of Title of the development site, prior to the occupation of the building. This notification shall alert prospective landowners to the potential approval by the Town of commercial and business uses within the surrounding area and the possibility that noise, odour and other impacts are likely due to the location of the subject property within the Mixed Use Development.
24. The submission of a construction management plan with 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;
 - f. other matters likely to impact on the surrounding residents;
 - g. building waste management control; and
 - h. point of contact personnel for control of enquiries and any complaints; and

all to the satisfaction of the Manager Planning

ADVICE TO DEVELOPER

25. You are advised that this is a Planning Approval only and the Developer is responsible for complying with all relevant building, health and engineering requirements.

26. The applicant is advised that noise management issues may limit the uses permissible in the commercial units. It is recommended that the developer engage an acoustic engineer to ensure construction standards are sufficient for the range of potential commercial anticipated for this development.
27. This approval should not be construed that the Town will support a survey strata subdivision application for this lot.
28. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
29. The Applicant is advised that a Building Licence is required to be issued prior to the commencement of any on site works.
30. You are advised that drawings submitted for Building Licence are to be signed by a practising structural engineer. It should be noted that two storey dwellings must be accompanied by a completed Certificate of Structural Sufficiency.
31. Waste disposal and storage is to be carried out in accordance with Council's Health Local Laws 1999.
32. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
33. 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.

200607/343 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr D R Pike

That Council GRANTS Planning Consent be granted to Define Creations for the construction of MULTIPLE DWELLINGS – five commercial and four residential units at Lot 54 (8) McKay Street Port Hedland as outlined in the Application received 19 April 2007 (Application 2007/087) and indicated on the approved plans, subject to the following conditions:

- 1. A sign, in accordance with the attached specification, being placed on site within fourteen (14) days of the date of this approval, stating that approval has been granted; such sign to remain until the development is completed.**
- 2. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).**
- 3. Prior to the submission of a Building Licence, the applicant shall submit to and have approved by the Town amended plans incorporating the following:**
 - a. 1.5m x 1.5m visual truncations to ensure visual sight lines are not restricted within 1.5 metres of the Right of Way as indicated in red on the approved plans;**
 - b. the upper floor windows on the North and South elevations to be screened to prevent overlooking into the adjoining properties in accordance with the requirements of Clause 3.8.1 of the Residential Design Codes of Western Australia 2002;**
 - c. carparking being designed in compliance with the requirements of the Town of Port Hedland Town Planning Scheme No. 5 clause 6.13 and Appendices 7 and 8;**
 - d. one (1) on-site disabled car parking bay is required;**
 - e. a storeroom with a minimum floorspace of 4m² and minimum dimension of 1.5m for each dwelling; and**

all to the satisfaction of the Manager Planning.

- 4. The development is to be constructed in accordance with the approved plans.**
- 5. The proposed zincalume roof finish shall be treated to reduce any visual amenity impacts on surrounding developments should it be deemed necessary by the Town and any treatments shall be to the satisfaction of the Manager Planning.**

6. The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Manager Planning.
7. Potential Commercial tenants to seek Council approval of their proposed use prior to occupying and commencing any business operation.
8. Carparking areas are to be constructed, drained, marked and thereafter maintained to the satisfaction to the Manager Planning Services prior to the development first being occupied;
9. The developer is to construct the crossover in accordance with Council's Policy 9/005 - Crossovers to the satisfaction of the Manager Planning Services.
10. The proposed development shall be connected to reticulated mains sewer.
11. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning.
12. A detailed landscaping plan for the McKay Street Road reserve to be submitted and approved by the Manager Planning within 30 days of the dwellings being occupied, with this plan including location, species and planting details. Schedule 1 of Council's "Policy 10/001 - Landscaping Policy for Industrial & Commercial Areas" contains a list of "Recommended Low-Maintenance Tree and Shrub Species for General Landscaping" for your reference.
13. Landscaping and reticulation to be established in accordance with the approved detailed plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning.
14. All stormwater shall be collected and disposed of in a manner acceptable to the Manager Planning.
15. Any exhaust fan fitted to ensuites or kitchen areas must be flumed to external air
16. The applicant is to install a unisex, disabled WC in each commercial unit.
17. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services.

18. Service areas, bins and storage areas shall be screened from view from streets and public areas by an enclosure in the style and material of the building;
19. Any roof mounted or freestanding plant or equipment, such as air conditioning units, to be located and/or screened so as not to be visible from beyond the boundaries of the development site to the satisfaction of the Manager Planning Services.
20. The pedestrian pathways, landscaping areas, parking areas and/or associated access ways shall not be used for storage (temporary or permanent) and/or display and/or be obstructed in any way, at any time without the prior approval of the Town.
21. A lighting plan to demonstrate that the development, including all driveways, pedestrian pathways (both public and private), and parking areas (both public and private), and in all common service areas, will be provided with sufficient light to encourage the use of the buildings and surrounding areas after hours;
22. A Rubbish Collection Strategy/Management Plan shall be submitted to and approved by the Town prior to the commencement of works.
23. Prior to commencing site works, the landowner is to prepare a notification under section 70A of the *Transfer of Land Act 1893*, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that:
 - a) Any prospective landowners and occupiers should be aware of the potential for noise, odour or other amenity impacts due to the nature of this Mixed Use development;
 - b) The Western Australian Department of Health has advised in a preliminary investigation that it does not support medium density residential development in this area due to a potential causal link between the dust generated by nearby ore mining processes and port facilities, and increased likelihood of respiratory health impacts;
 - c) Seniors, children, and persons with existing heart or lung disease appear to be at an elevated risk of dust-related health impacts;

Should additional information be required in regard part "b" or "c", the prospective landowners should contact the Western Australian Department of Health;

24. The submission of a construction management plan with 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;
 - f. other matters likely to impact on the surrounding residents;
 - g. building waste management control; and
 - h. point of contact personnel for control of enquiries and any complaints; and

all to the satisfaction of the Manager Planning

ADVICE TO DEVELOPER

25. You are advised that this is a Planning Approval only and the Developer is responsible for complying with all relevant building, health and engineering requirements.
26. The applicant is advised that noise management issues may limit the uses permissible in the commercial units. It is recommended that the developer engage an acoustic engineer to ensure construction standards are sufficient for the range of potential commercial anticipated for this development.
27. This approval should not be construed that the Town will support a survey strata subdivision application for this lot.
28. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
29. The Applicant is advised that a Building Licence is required to be issued prior to the commencement of any on site works.
30. You are advised that drawings submitted for Building Licence are to be signed by a practising structural engineer. It should be noted that two storey dwellings must be accompanied by a completed Certificate of Structural Sufficiency.
31. Waste disposal and storage is to be carried out in accordance with Council's Health Local Laws 1999.

32. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
33. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

CARRIED 8/0

REASON: Council replaced Clause 23 as follows:

“23. Prior to commencing site works, the landowner is to prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that:

- a) Any prospective landowners and occupiers should be aware of the potential for noise, odour or other amenity impacts due to the nature of this Mixed Use development;*
- b) The Western Australian Department of Health has advised in a preliminary investigation that it does not support medium density residential development in this area due to a potential causal link between the dust generated by nearby ore mining processes and port facilities, and increased likelihood of respiratory health impacts;*
- c) Seniors, children, and persons with existing heart or lung disease appear to be at an elevated risk of dust-related health impacts;*

Should additional information be required in regard part "b" or "c", the prospective landowners should contact the Western Australian Department of Health; “

This clause was added to ensure that the proponents and residents of the development were aware of potential health risks.

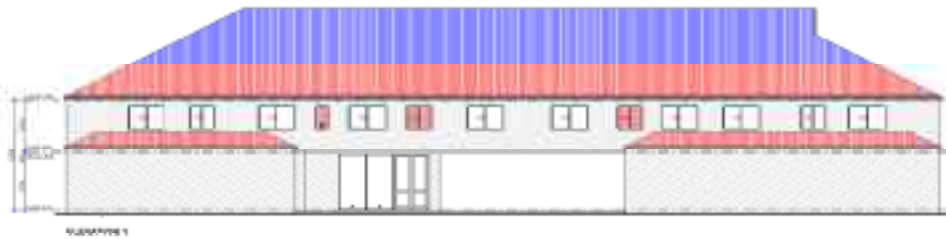
ATTACHMENT 1 TO AGENDA ITEM 11.2.2.6



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.6



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.6



ARCHITECTURAL DRAWING
DRAWN BY: [Name]
DATE: [Date]



ARCHITECTURAL CONSULTANTS DEVELOPER FOR
DR PHILIP HINDCASTLE
ADDRESS
LOT 54 (PH) MURRAY STREET, PORT NEILAND

PROJECT:	LOT 54 (PH) MURRAY STREET, PORT NEILAND
DATE:	2007/06/27
SCALE:	AS SHOWN
DESCRIPTION:	ARCHITECTURAL DRAWING

6:17 pm Councillor Shane F Sear declared an impartiality interest in Agenda Item 11.2.2.7 'Grouped and Multiple Dwellings - 12 Grouped and 5 Multiple Dwellings, 4-5 Shop Units and 26 On-street Carparking Bays, Lot 11 (29-37) Keesing Street, Port Hedland'.

Councillor Sear left the room.

11.2.2.7 GROUPED and MULTIPLE DWELLINGS AND SHOPS - 12 Grouped and 5 Multiple Dwellings, 4-5 Shop Units and 26 On-street Carparking Bays, Lot 11 (29-37) Keesing Street, Port Hedland WA 6721 (File No.: 124220G)

Officer Richard Bairstow
Manager Planning

Date of Report 20 June 2007

Disclosure of Interest by Officer Nil

Summary

An application has been submitted by BirchGroup for the redevelopment of the lot known as the Keesing Street Shops. The application comprises 12 grouped dwellings, 5 multiple dwellings and 4-5 shop units (See Attachment No. 1).

The application is referred to Council for determination in accordance with the requirements of the Notice of Delegation.

Background

The site is currently known to locals as the Keesing Street shops and several of the major tenancies are vacant and have been for some time.

Site

The site is zoned "Commercial" and the proposed uses of "Grouped Dwelling, Multiple Dwelling and Shop" are listed as "AA, SA and P" uses in the Town Planning Scheme No. 5 (TPS5) zoning table. The lot has no Density Code, however, traditionally, commercial areas have been developed at R50 in accordance with the density permitted within Town Centres. The land has an area of 3557m² and is currently developed as the Keesing Street Shops.

Proposal

The proposal is for 12 grouped dwellings, 5 multiple dwellings and 4-5 shop units. The grouped dwellings range in area from 161m² to 176m², the multiple dwellings range in area from 97m² to 127m², and the shops are a flexible design with a total area of 366m².

The development provides a total of 63 bays, 37 within the site and 26 within the road reserve.

Consultation

The application was advertised both internally and externally.

External Consultation

The application was advertised on-site for a period of 28 days, commencing on the 15th May 2007 and concluding on the 11 June 2007. At the conclusion of advertising no submission had been received.

Internal Consultation

The application was referred to Building, Health and Engineering, with the response included, where appropriate, within the report or as conditions and/or footnotes within the recommendation.

Statutory Implications

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

R-Codes Assessment

The proposal was subject to detailed assessment against the R-Codes and has been assessed to be compliant other than as noted in this report.

Policy Implications

9/007 – Roadside, verge and reserve parking policy

9/008 – Verge treatment policy

12/002 - Off site car parking policy

Strategic Planning Implications

Key Result Area 4 – Economic Development

Goal Number 3 – Business Development

Strategy 4 – “Consider the development of Council policies and/or incentives that assist in attracting and retaining businesses within the Town of Port Hedland.”

Budget Implications

A town planning scheme amendment fee of \$8,500 has been received and deposited into account 1006326 – Town Planning Fees on the 30 April 2007.

Officer's Comment

The application is the result of several discussions between the Town's planning staff and the developer. The development is considered to reflect the intentions of the discussions held with the developer in that they are retaining the shop uses, which were not part of their original plan. The dwellings have also been design to present to Keesing Street, which was also not part of the preliminary designs.

Assessment

The major issue is the use of the road reserve adjoining the property for the purposes of carparking. Traditionally this would be required to be developed solely on the subject site. Council has, however, already exercised its discretion on the St Cecilia's development to allow carparking within the road reserve. This particular site is considered worthy of support as the additional carparking is in excess of what the applicant is required to provide for the residential uses on the lot.

An assessment against the requirements of the Residential Design Codes revealed the following areas of variation for which discretion is required to be exercised by Council:

- Housing Density: Nil
- Streetscape: Nil
- Boundary Setbacks: Nil – Design Codes allow mixed-use developments to a nil street setback under Clause 4.2.1. A nil setback is the generally supported setback for this type of mixed-use development.
- Open Space: Nil - Design Codes allow mixed-use developments to nil open space under Clause 4.2.1. and the application proposes a 10m² balcony for each multiple dwelling.
- Access and Carparking: -
 - Site Works: Nil
 - Building Height: Nil
- Privacy: A relaxation from 4.5m to 4m is required from bedroom windows that face internally and have no implications on developments, which abut the site. This relaxation is recommended for support.
- Design for Climate: Nil
- Incidental Development: Nil
- Mixed Use Development: Nil

In summary, the discretions required are either considered minor, or are supported on the basis that they provide for a diverse range of residential housing types and range of business opportunities, which is in support of the Council's Strategic Plan. It is also consistent with the likely recommendations of the yet to be released Land Use Master Plan.

Specialty Conditions

Specialty conditions have been imposed to address the design issues associated with these types of developments. These conditions have dealt with such matters as:

- The design, operation and functionality of the main street;
- Storage area locations and operations;
- Location, costs and development of the road reserve carparking and associated landscaping and infrastructure areas;
- Protection of the amenity of the residential uses;
- Ensuring the compatibility of the non-residential and residential aspects of the development;
- Signage ensuring the public is kept informed on the future development of the site.
- Protection of the streetscape and visual amenity of the surrounding residents.

In conclusion it is considered that this development and its inclusion of the mixed use along Dempster Street will provide a model for the future development of commercial/residential areas within Hedland. Given this, the development is recommended subject to those conditions and footnotes detailed within the recommendation.

200607/344 Council Decision/Officer's Recommendation**Moved:** Cr D R Pike**Seconded:** Cr A A Carter

That Council GRANTS Planning Consent to the BirchGroup for the proposed GROUPED and MULTIPLE DWELLINGS AND SHOPS - 12 Grouped and 5 Multiple dwellings, 4-5 Shop units and 26 on-street carparking bays on Lot 11 (29-37) Keesing Street, Port Hedland as outlined in the Application received 30 April 2007 (Application 2007/085) and indicated on the approved plans, subject to the following conditions:

- 1. A sign, in accordance with the attached specification, being placed on site within fourteen days of the date of this approval, stating that approval has been granted; such sign to remain until the development is completed.**
- 2. This approval relates only to the proposed 12 Grouped and 5 Multiple dwellings, 4-5 Shop units and 26 on-street carparking bays, as indicated on the approved plans. It does not relate to any other development on this lot.**
- 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. Prior to the submission of a Building Licence, 3 copies of amended plans and/or additional information being submitted to, and approved by, the Town, incorporating the following amendments:**
 - a. An acoustic consultant's report demonstrating that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act 1996. Particular attention is drawn to the vertical and horizontal separation between the proposed/future commercial/mixed business tenancies and the residential units, and the mechanical and equipment noise associated with the likely commercial/mixed business activities;**
 - b. Each tenancy is to be provided with:**
 - i. Suitable fluming for the purposes of servicing food premises and this fluming is to be compliant with Australia Standard 1668.2;**
 - ii. Suitable grease traps for the purposes of servicing food premises and these traps are to be demonstrated to be compliant with the relevant Australia Standard; and**

- iii. **Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999;**
- c. **Elevations of the building corners of the Mixed Use Building on the corner of Keesing and Dempster Streets being upgraded to create a prominence as a land mark feature;**
- d. **The portions of the development with a main street setback shall be provided with continuous awnings and/or colonnades sufficient to give protection from the weather and to encourage the area's use as an alfresco area (subject to future application);**
- e. **Glazing of ground floor level of commercial/retail buildings should be maximised along the street and Town Square facades. At least 50% of the area of the ground floor façade shall be glazed and the horizontal dimension of the glazing shall be at least 75% of the height of the ground floor façade;**
- f. **Service areas, bins and storage areas shall be screened from view from streets and public areas by an enclosure in the style and material of the building;**
- g. **Each unit shall be provided with an area set aside for clothes drying and be screened from view from the primary or secondary street or address the performance criteria as stated in clause 3.10.3 (P3) of the Residential Design Codes;**
- h. **A lighting plan to demonstrate that the development, including all driveways, pedestrian pathways (both public and private), and parking areas (both public and private), and in all common service areas, will be provided with sufficient light to encourage the safe use of the buildings and surrounding areas after hours;**
- i. **A plan incorporating a minimum of 55 carparking bays on-site;**
- j. **One (1) disabled carparking bay located convenient to the retail building entrance, and with a minimum width of 3.8 metres, to be provided;**
- k. **Carparking being designed in compliance with the requirements of Town Planning Scheme No. 5, Clause 6.13 and Appendixes 7 and 8. Such areas are to be constructed, drained, marked, and, thereafter, maintained;**

- l. Carparking, Landscaping and paths within the road reserve on Keesing Street being provided in accordance with Attachment No. 2 of the approval;**
- m. Carparking within the road reserve on Dempster Street being provided in a parallel format with the street, to allow the maximum verge width for the path and potential alfresco dining areas (subject to future planning approvals);**
- n. An overall signage panel strategy; and**
- o. The provision of bicycle parking facilities to be in accordance with the Guide to Traffic Engineering Practice, Austroads Part 14 and the Australian Standard for Offstreet Carparking – Bicycles (AS2890.3-1993);**

to the satisfaction Manager Planning.

- 5. The proposed carparking bays within the road reserve to Dempster Street shall only be for 10min parking. The applicant shall make the appropriate applications and fees payment to ensure this prior to the occupation of the dwellings and/or flexible retail space all to the satisfaction of the Manager Planning.**
- 6. A retail floor space allocation of 366m² has been approved to this lot as part of this approval.**
- 7. The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title of the development site, prior to the occupation of the building. This notification shall alert prospective landowners to the potential approval by the Town of commercial and business uses within the surrounding area and the possibility that noise, odour and other impacts are likely due to the location of the subject property within the Mixed Use Development.**
- 8. 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) and/or shops all to the satisfaction of the Manager Planning.**
- 9. A detailed landscaping plan (including common areas and road reserves) to be submitted, and approved by, the Manager Planning within 30 days of the dwellings being occupied. The plan to include location, species and planting details, with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping, included in Council Policy 10/001.**

10. Landscaping and reticulation to be established in accordance with the approved detailed plans, prior to the development first being occupied, and thereafter maintained to the satisfaction Manager Planning.
11. All stormwater shall be collected and disposed of in a manner acceptable to the Director of Engineering Services and to the satisfaction of the Manager Planning.
12. A Rubbish Collection Strategy/Management Plan shall be submitted to, and approved by, the Town prior to the commencement of works. The strategy/plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy / plan shall be incorporated into the building licence plans. The approved strategy / plan shall be implemented to the satisfaction of the Manager Planning.
13. Any roof mounted or freestanding plant or equipment, such as air conditioning units, to be located, and/or screened, so as not to be visible from beyond the boundaries of the development site to the satisfaction of the Manager Planning.
14. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the dwelling(s).
15. Carparking areas (including those referred to in conditions 4 (h) (i) and (j)) and accessways are to be constructed, drained, marked, and thereafter maintained to the satisfaction of the Manager Planning prior to the development first being occupied;
16. The pedestrian pathways, landscaping areas, parking areas, and/or associated accessways, shall not be used for storage (temporary or permanent), and/or display, and/or be obstructed in any way, at any time, without the prior approval of the Town.
17. All storage/service areas shall be suitably screened and access doors/gates closed other than when in use to, the satisfaction of the Manager Planning.
18. Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details signed by a practicing Structural engineer, must be submitted for approval. When retaining walls in excess of 0.5 metres in height abut common boundaries, the Town must be provided with written approval of the affected landowners (where applicable).

19. The proposed development shall be connected to reticulated mains sewer.
20. All dust and sand to be contained on site, with the use of suitable dust suppression techniques, to the specification of the Manager Environment Health, and satisfaction of the Manager Planning.
21. The submission of a construction management plan with 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;
 - f. Other matters likely to impact on the surrounding residents;
 - g. Building waste management control; and
 - h. Point of contact personnel for control of enquiries and any complaints;
 - i. all to the satisfaction of the Manager Planning

FOOTNOTES:

1. Be advised that this is a Planning Approval only, and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. In regard to carparking requirements generally, it is accepted by Council that the proposed provision of carparking of 55 bays is acceptable for this development, irrespective of the use that occupies the flexible commercial space. The appropriated applications (i.e. Change of Use Application) will be required, however, when the use of these spaces changes.
3. In regard to condition 4 (h), the Town is prepared to accept the provision of the 18 carparking spaces within the adjoining road reserves. Provided that all costs associated with their construction (including the pedestrian path and verge landscaping) and maintenance are at the applicant's expense and to the specifications of the Town.
4. In regard to Condition 7 of this approval, the landowner shall meet all costs associated with the fulfillment of this condition.

5. This approval should not be construed to mean 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.
6. You are advised that drawings submitted for Building License are to be properly drawn and signed by a practising structural engineer. It should be noted that two storey dwellings must be accompanied by a completed Certificate of Structural Sufficiency.
7. The Town's Environmental Health Services Department has requested, or made comment on, the following matters. If any of these are unclear please contact Mr Darryal Eastwell on 9158 9352:
 - a. Bathrooms, laundries and en-suites to be flumed to external air;
 - b. Any Health related premises to be operated in the commercial units are required to obtain approval from Council's Environmental Health Services prior to fit out;
 - c. Waste disposal and storage is to be carried out in accordance with Council's Health Local Laws 1999;
 - d. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times including, but not limited to, the construction and operation phases;
 - e. It is a requirement, under the Town of Port Hedland Eating House Local Laws, that all food premises be licensed prior to beginning operations;
 - f. The applicant is advised that the construction and use of the proposed premises is required to comply with the Health (Food Hygiene) Regulations 1993; and
 - g. Prior to the issue of a building licence, a fit out plan of all internal fixtures, finishes and fittings, must be provided and approved to the specifications of Town's Environmental Health Services.
 - h. In regard to condition 4 b (i, ii, iii) and footnote 7 e the following additional advice is provided:
 - i. All kitchen and cooking areas in food premises must be provided with exhaust hoods and ventilation in compliance with AS1688.2 – 1991;
 - ii. The exhaust outlet vent of the mechanical ventilating system shall be located so as not to create an in sanitary condition or produce an environmental nuisance;

- iii. Kitchen exhaust air from filtered hoods to be discharged at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof. All discharges to be located at least 6 metres away from property boundaries and fresh air intakes;
 - iv. Most food premises are required to be provided with a grease trap. As the property is located in a sewerred area you are required to contact the Water Corporation for their specifications;
 - v. Grease traps are required to be located outside the food premises and located in an area where they are accessible for the purposes of cleaning and pumping out; and
 - vi Food preparation area to be adequately graded to a 100mm diameter industrial floor waste(s), connected to the sewer.
9. In relation to Conditions 14 and 15, please contact the Town's Technical Officer – 9173 9350 for further details.
11. The existing site levels and finished floor levels of all proposed development, including levels at the top of the kerb at the crossover, are to be shown on the building license submission.
12. You are advised that plans submitted for a Building Licence must show the full width of the verge and any street furniture, traffic islands, statutory services, road gullies, and crossovers, on the opposite side of the road.
13. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges, and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
14. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
15. The applicant/owner is required to apply to the Town for a Building Licence for the fit out of flexible retail space.

CARRIED 7/0

6:19 pm Councillor Sear re-entered the room and assumed his chair.
Mayor advised Councillor Sear of Council's Decision.

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.7

Architectural drawings showing floor plans and site layout. The drawings are oriented vertically on the page. On the left is a large site plan showing the building footprint, parking areas, and surrounding context. On the right are detailed floor plans for multiple levels, showing room layouts, corridors, and structural elements. A north arrow is present in the upper right of the site plan.

NO.	REVISION	DATE	BY	CHKD.
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DATE: 15/06/07
DRAWN BY: ...
CHECKED BY: ...
SCALE: ...

PROJECT: ...
SHEET: ...

Logo: birchgroup

The page contains several architectural drawings. On the left, there are two large floor plans. The top one is a detailed site plan showing building footprints, parking spaces, and landscaping. The bottom one is a more schematic floor plan. On the right, there are three smaller floor plans, each with a title: '2007 1000 PLAN', '2007 2000 PLAN', and '2007 3000 PLAN'. Below these are two more drawings: a 'SECTION THROUGH' showing a cross-section of a building with multiple levels, and a 'SECTION THROUGH' showing a different cross-section. At the bottom right, there is a 'PLAN OF THE SITE' showing the overall layout. A north arrow is present in the bottom right drawing.

2007 1000 PLAN
2007 2000 PLAN
2007 3000 PLAN
SECTION THROUGH
SECTION THROUGH
PLAN OF THE SITE

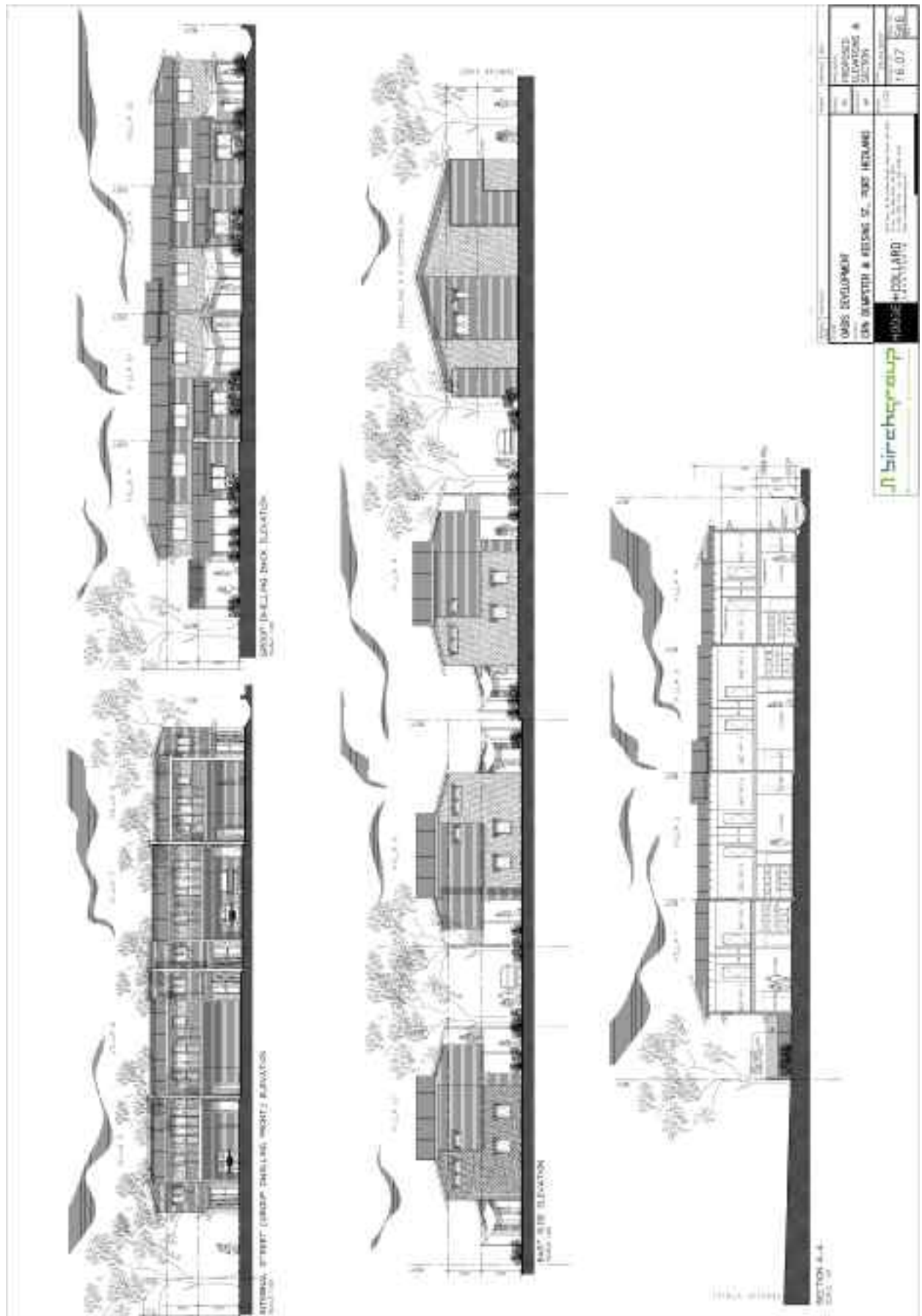
Architectural details and specifications, including a table of materials and a section of a wall or window.

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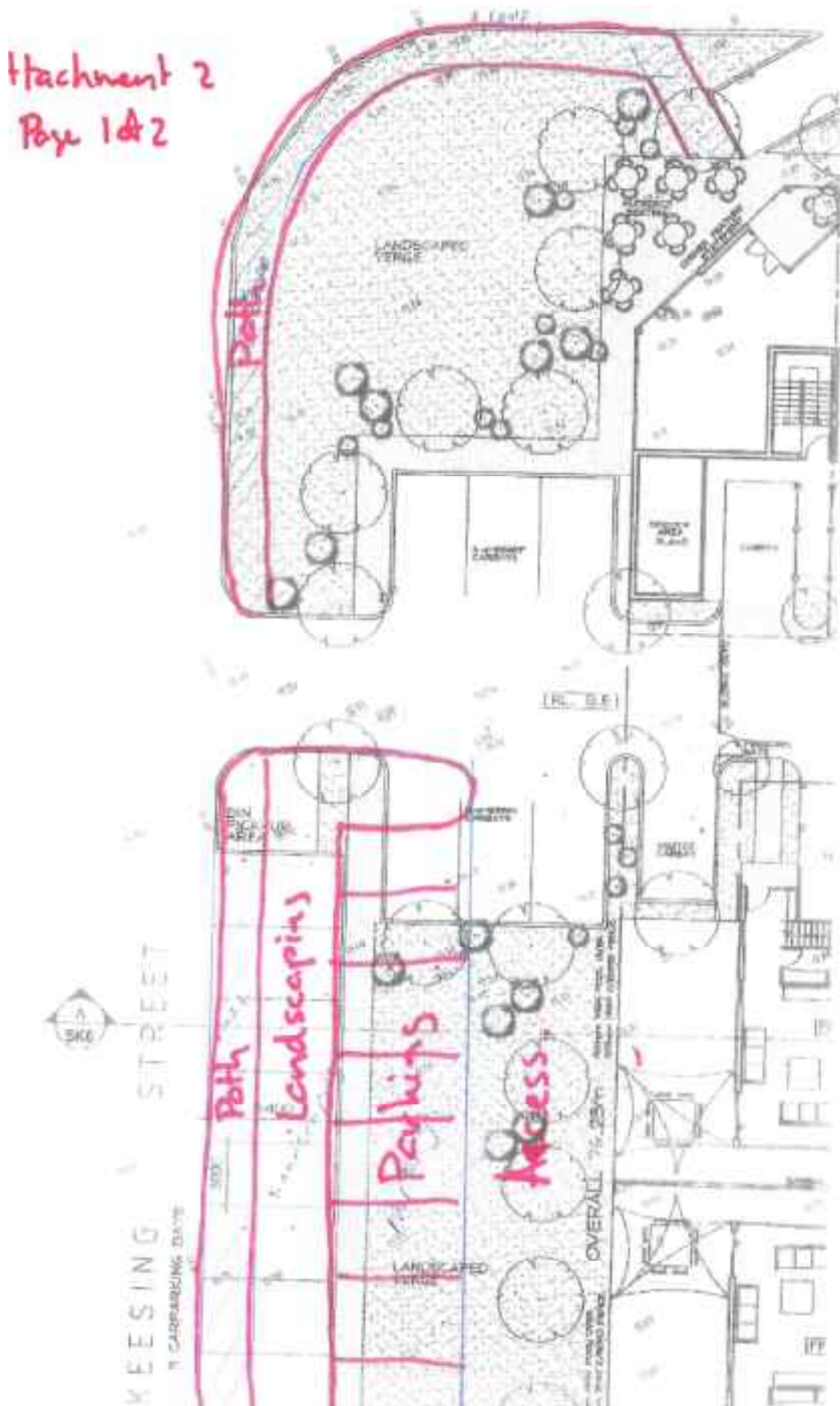
Architectural details including a section of a wall or window.



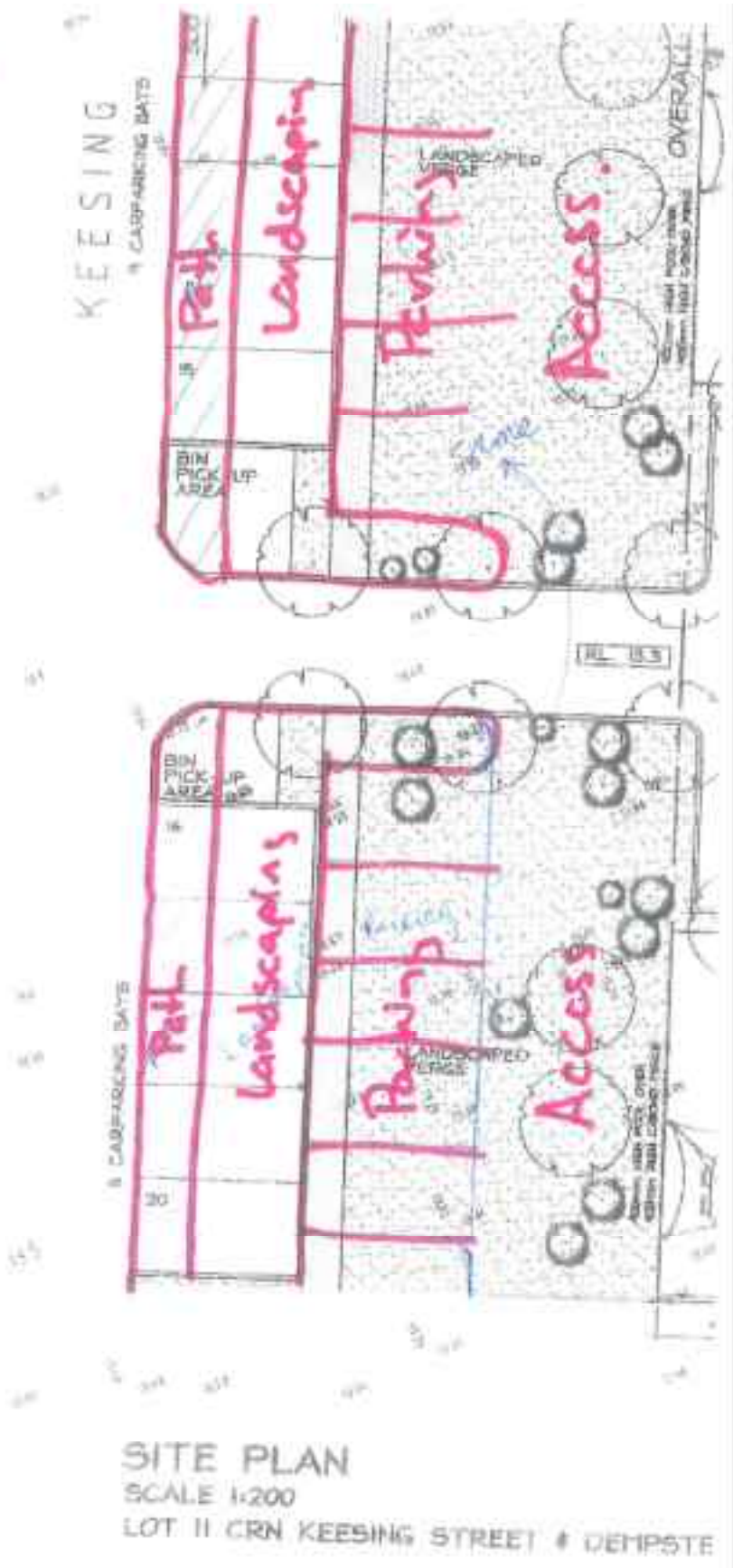




ATTACHMENT 2 TO AGENDA ITEM 11.2.2.7



Attachment 2
Page 2 of 2.



6:20 pm Mayor Stan R Martin declared a perceived financial interest in Agenda Item 11.2.2.8 'Retrospective Approval of Landfill on Lot 62 (153-155) Greenfield Street, South Hedland' as the applicant is a business partner and neighbour to vacant block on Greenfield Street owned by me.

Mayor Martin left the room.

6:20 pm Deputy Mayor Arnold A Carter assumed the Chair.

11.2.2.8 *Retrospective Approval of Landfill on Lot 62 (153-155) Greenfield Street, South Hedland (File No.: 154439G)*

Officer Richard Bairstow
Manager Planning

Date of Report 20 June 2007

Disclosure of Interest by Officer Nil

Summary

J E and Z M Smart have submitted an application for a retrospective planning approval for landfill on the abovementioned Lot (see Attachment). The landfill is the subject of an appeal with the State Administrative Tribunal (SAT) and the SAT has requested that the application be determined by Council, irrespective of whether the application is considered complete, or whether sufficient information has been provided by the applicant for the Council to make a fully informed planning decision.

The application is placed before Council at this time, pursuant to Order 2 of the SAT correspondence dated 2 May 2007, and received by the Town on the 11 May 2007.

Background

This report is an important step in the resolution of more than ten (10) months worth of effort to resolve an illegal landfill at Lot 62 (153-155) Greenfield Street, South Hedland.

Site

The lot is zoned Rural Residential under the Town's Town Planning Scheme No. 5 (TPS5) and has an area of 2.2348Ha. (see Attachment).

Proposal

The applicant advised that the area filled was 15m x 30m, with an approximate average depth of 2m. The applicant further advised that the fill was recycled broken concrete and rubble, placed in the hole with approximately 300mm - 400mm of pindan soil placed over the top as cover. The applicant later advised that the fill did not contain any asbestos, houses or native vegetation, but this has not been verified.

Consultation

No consultation was required as part of this application.

Statutory Implications

In accordance with the *Planning and Development Act 2005 (P&D Act 2005)*, the proposed development is subject to the provisions of the Town Planning Scheme No. 5.

In addition, as the development is in breach of Clause 4.1 of the TPS5, there are several options open to the Council under Section 214 of the P&D Act 2005.

The applicant also has appeal rights under Section 238 of the P&D Act 2005.

Both the Town and the applicant have exercised rights under the clauses detailed above.

Policy Implications

There are no policy implications as a result of this application.

Strategic Planning Implications**KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT****Goal 5 - Town Planning & Building**

Commence undertaking Town Planning and Building compliance audits throughout the whole of the Town on a precinct by precinct basis and initiate appropriate actions to ensure that higher levels of compliance are achieved.

Budget Implications

An application fee of \$100.00 was paid in to the Town Planning Fees Account (1006326) on the 14 March 2007.

Officer's Comment

The Administration team has no records, other than those photos taken of the site after the filling had commenced, and these do not provide any real indication of the area that was filled, or the type of fill that was used.

The applicant has been given several opportunities to provide the required information (see Attachment) and only provided the most basic responses (see Attachment).

The applicant has ignored both the advice of the Tribunal member and Council's staff by not liaising with the administration staff and/or providing the required information.

It is recommended that the application be refused for the reason of the insufficient information, and the further actions are endorsed as noted in the recommendation.

Officer's Recommendation

That Council:

- a. REFUSES the application submitted by J E and Z M Smart, for the USE NOT LISTED - Retrospective Approval - Dumping of matter/materials of unknown quantity and composition on Lot 62 (153-155) Greenfield Street, South Hedland for the following reason:

Insufficient information has been provided to enable the application to be appropriately assessed, and ultimately any approval of the application;

- b. Directs the Chief Executive Officer or his nominated officer to advise the State Administrative Tribunal (SAT) of its decision, and request the SAT to determined the appeal as soon as practicable, given the time that has already lapsed, and the potential limitation on legal action should further delays occur; and
- c. Subject to the determination of the Appeal with the State Administrative Tribunal (SAT), directs the Chief Executive Officer or his nominated officer, in consultation with the Director Community & Regulatory Services, to initiate, and proceed with the appropriate legal action to resolve the matter of the dumping of matter/materials of unknown quantity and composition on Lot 62 (153-155) Greenfield Street, South Hedland.

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

That Council:

- a. REFUSES the application submitted by J E and Z M Smart, for the USE NOT LISTED - Retrospective Approval - Dumping of matter/materials of unknown quantity and composition on Lot 62 (153-155) Greenfield Street, South Hedland for the following reason:

Insufficient information has been provided to enable the application to be appropriately assessed, and ultimately any approval of the application;

- b. Directs the Chief Executive Officer or his nominated officer to advise the State Administrative Tribunal (SAT) of its decision, and request the SAT to determined the appeal as soon as practicable, given the time that has already lapsed, and the potential limitation on legal action should further delays occur; and
- c. Subject to the determination of the Appeal with the State Administrative Tribunal (SAT), directs the Chief Executive Officer or his nominated officer, in consultation with the Director Community & Regulatory Services, to initiate, and proceed with the appropriate legal action to resolve the matter of the dumping of matter/materials of unknown quantity and composition on Lot 62 (153-155) Greenfield Street, South Hedland.

LOST 3/4**200607/345 Council Decision****Moved:** Cr G J Daccache**Seconded:** Cr A A Gear

That Council advises the State Administrative Tribunal (SAT) that Council is willing to consider approval of retrospective planning application submitted by J E and Z M Smart, for the 'USE NOT LISTED - Retrospective Approval - Dumping of matter/materials of unknown quantity and composition on Lot 62 (153-155) Greenfield Street, South Hedland', subject to a caveat being placed on the title which addresses contaminated sites and building construction issues over the affected area.

CARRIED 6/1

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

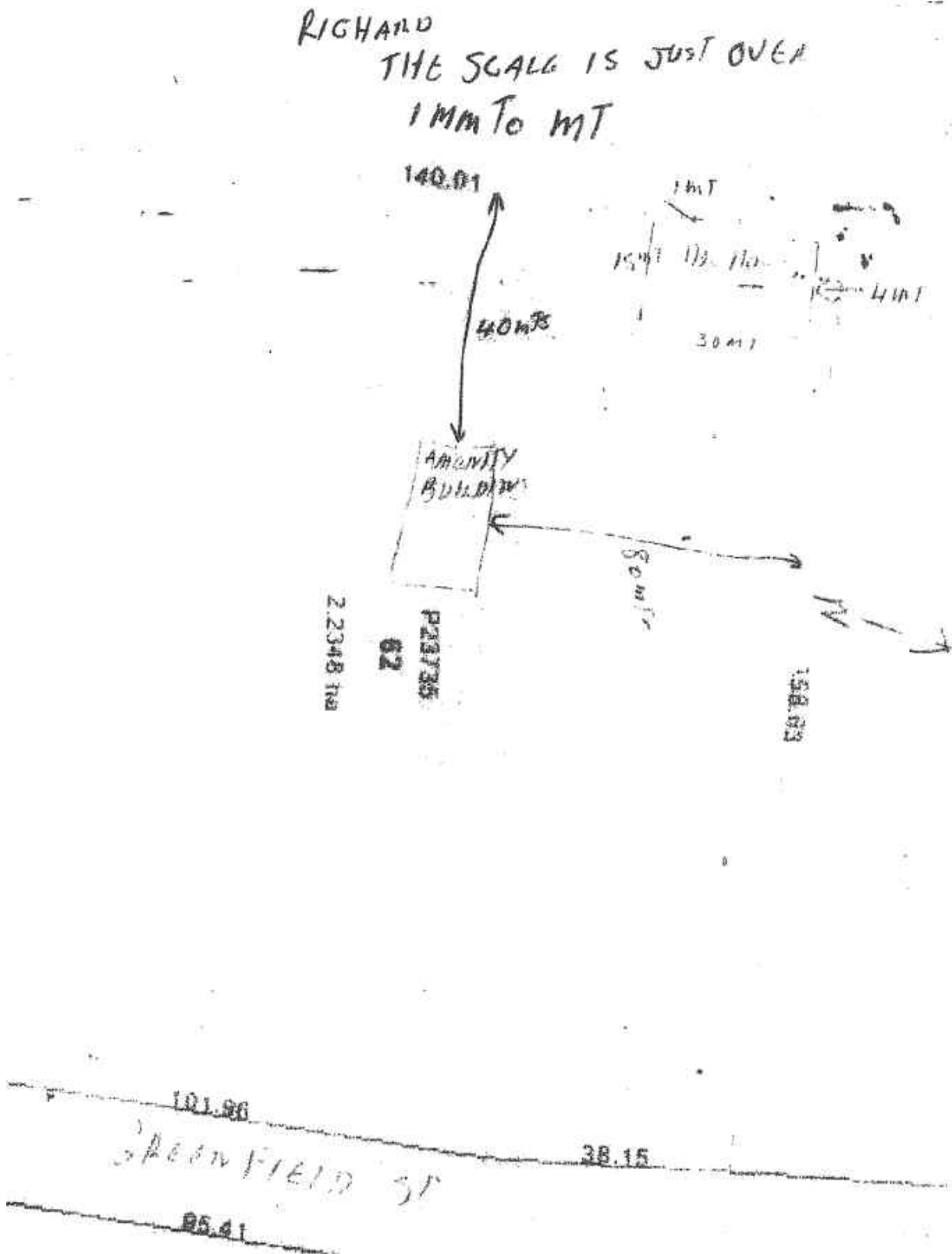
Record of Vote:

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

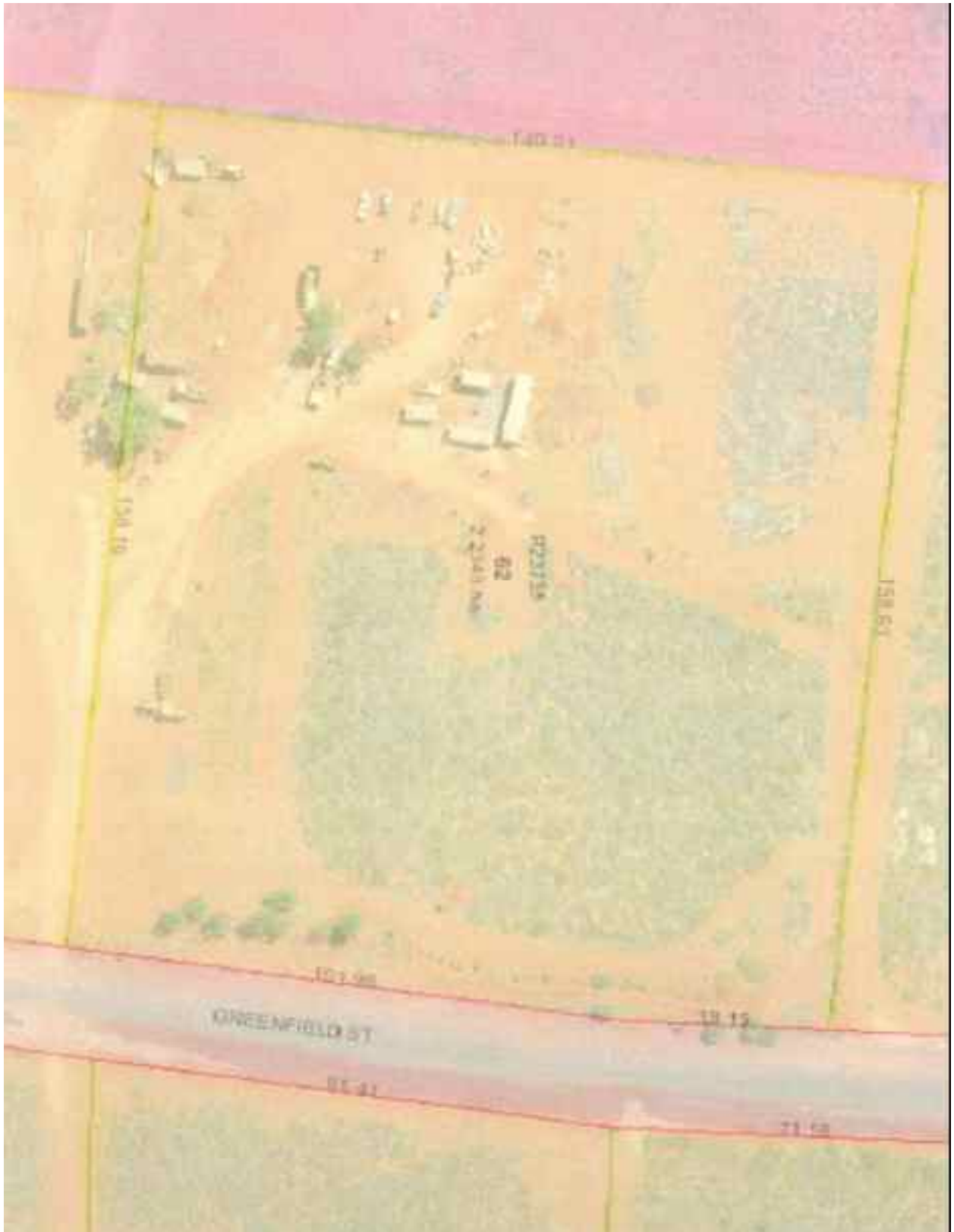
6:39 pm Mayor Stan R Martin re-entered the room and assumed the Chair. Deputy Mayor Arnold A Carter returned to his chair and advised the Mayor of Council's Decision.

REASON: Council considered new information provided directly to elected members by the applicant today, which was not available to Council when the Officer's Recommendation was prepared.

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.8



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.8



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.8

Photo 1



Photo 2



11.2.2.9 Procedure for Resolving Compliance Matters Within the Town of Port Hedland (File No.: 18/02/002, 154413G, 154415G and 154452G)

Officer Richard Bairstow
Manager Planning

Date of Report 27 June 2007

Disclosure of Interest by Officer Nil

Summary

This report proposes a procedure for dealing with compliance related matters that may require immediate action including, but not limited to, legal action, in some instances. The procedure is placed before Council for endorsement.

Background

The Town's Strategic Plan 2007-2012 contains a goal that states:

“Commence undertaking Town Planning and Building compliance audits throughout the whole of the Town on a precinct by precinct basis and initiate appropriate actions to ensure that higher levels of compliance are achieved.”

To ensure that this process is as efficient as possible, this report proposes a procedure that Council is requested to endorse to provide the Administrative Staff with the confidence that it has the support of Council to pursue these compliance matters to the full extent of the law provided it's within the Budget limits and in accordance with the procedure outline within this report.

Current Compliance Issues

Currently there are four lots that are known to have illegal dumping and/or fill. These are:

- Lot 3 (9-11) Greenfield Street, South Hedland – The applicant is currently appealing a Council Directions Notice on the basis that they believe that the dumping of fill is not development. The State Administrative Tribunal (SAT) is currently determining the appeal. Advice, however, from Council's solicitors, is that if any action is required to ensure the removal of the illegal dumping, then prosecution actions should commence without further delay. This is because the time limit for commencing prosecution action is one year from the date of the offence;
- Lot 5 (17-21) Greenfield Street, South Hedland – Contact is yet to be initiated subject to the outcome of this report.

- Lot 62 (153-155) Greenfield Street, South Hedland – The application is the subject of a separate report to this Council Meeting;
- Lot 73 (16-26) Greenfield Street, South Hedland – Contact is yet to be initiated subject to the outcome of this report.

Consultation

No consultation is proposed other than that proposed as part of the procedural process.

Statutory Implications

There are no statutory implications, as these will be used as part of the procedure.

Policy Implications

There are no Policy implications.

Strategic Planning Implications**KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT****Goal 5 - Town Planning & Building**

Commence undertaking Town Planning and Building compliance audits throughout the whole of the Town on a precinct by precinct basis and initiate appropriate actions to ensure that higher levels of compliance are achieved.

KEY RESULT AREA 2 – COMMUNITY PRIDE**Goal 1 – Litter**

Review and report on legislative alternatives that are available to Council to improve the visual appearances of untidy properties within Town.

Budget Implications

Provision is made within the existing budget to cover legal action if required.

Officer's Comment

It is necessary for the efficient implementation of the Council's Strategic Plan Goal to endorse the procedure as recommended.

The procedures endorsement is also important to provide staff, Council and the public with a clear and impartial process by which compliance matters will be dealt.

What is a compliance matter?

Matters/Complaints received in writing and/or with sufficient evidence available for the Council to resolve the matter legally if required.

Proposed Procedure

1. Site inspection – to establish if there is a matter to be dealt with;
2. Background search – to establish any relevant history. This search will include all Council records and other areas where necessary;
3. Council advised of the compliance matters that will be initiated in the following week. Councillors will be able to seek information, and/or request additional information, if required. If an issue/matter is of an importance such that action is required to be taken immediately. Every effort would be taken to advise Councillors of these issues/matters as soon as is practicable.
4. Initial contact by suitable means depending on the circumstances, and may include a meeting, but will always be followed up in writing. This contact will cover the following:
 - a. What the issue/matter/breach/non-compliance is.
 - b. The options available for the rectification of the issue/matter/breach/non-compliance.
 - c. The time frame in which the issue/matter/breach/non-compliance should be rectified. The following time frames will generally apply;
 - i. 7 days - For matters that are considered important and simple to bring in to compliance.
 - ii. 14 days – The standard response time for an individual/business to respond to compliance related matters.
 - iii. 30 days – The permitted to deal with more complex issues in exceptional circumstances additional time maybe provided.
 - iv. A number of mile stone dates to achieve the desired outcomes or to allow action to be initiated due to non-compliance.
 - d. Contact details of the officer dealing with the issue/matter/breach/non-compliance.
5. Follow-up, letter generally half the time allocated to the initial letter, with a minimum of 7 days. This letter will address the outstanding issues and highlight the potential further action should compliance not be achieved.

6. Issue of Directions Notice and/or commencement of suitable action.
7. Initiation of Legal action after consultation with the Director Community and Regulatory Services and the CEO. Council will also be advised at this time. A Council resolution may be sought depending on the issue.
8. Council advised of the outcome of the action taken.

It is proposed that a separate software process will be created to reflect this procedure, and that the various stages will be populated with standard letters and response.

The endorsement of this procedure ensures that all compliance related matters are dealt with in a consistent manner and that Council is able to remain at arms length to individual decisions, making it more transparent, and less problematic, when these prosecutions may relate to individuals who will accuse Councillors of taking particular action on the basis of personality.

The procedure is recommended to be endorsed by Council.

200607/346 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council:

1. **endorses the procedure for dealing with compliance related matters as follows:**

Compliance Matter Resolution Procedure

Objective

To resolve compliance related matters in an efficient, procedurally documented, process.

What is a compliance matter/complaint?

Matters/Complaints are required to be in writing, and/or provide sufficient evidence, for the Council to resolve the matter legally, if required.

Procedural Steps

1. ***Site inspection***

To establish if there is a matter to be dealt with, and the extent of any likely action.

2. ***Background search***

To establish any relevant history associated with the compliance matter. This search will include all Council records and other areas where necessary.

3. Councillors advised of compliance matters to be initiated

Council advised, in writing, of the compliance matters that will be initiated in the following week. Councillors will be able to seek information, and/or request additional information, on the matters, up to COB on Tuesday, as actions will commence on the Wednesday where appropriate. The one exception would be where an issue/matter is of an importance such that action is required to be taken immediately. Every effort would be taken to advise Councillors of these issues/matters as soon as is practicable.

4. Initial contact

Initial contact will be made by suitable means depending on the circumstances of the issue/matter, and may include a meeting, but will always be followed up in writing. This contact will cover the following:

- a. What the issue/matter/breach/non-compliance is.*
- b. The options available for the rectification of the issue/matter/breach/non-compliance.*
- c. The time frame in which the issue/matter/breach/non-compliance should be rectified. The following time frames will generally apply;*
 - i. 7 days - For matters that are considered important and simple to bring in to compliance.*
 - ii. 14 days – The standard response time for an individual/business to respond to compliance related matters.*
 - iii. 30 days – In exceptional circumstances additional time maybe provided.*
 - iv. A number of mile stone dates to achieve the desired outcomes or to allow action to be initiated due to non-compliance.*
- d. Contact details of the officer dealing with the issue/matter/breach/non-compliance.*

5. Follow-up letter

This letter will address the outstanding issues, and highlight the potential further action, should compliance not be achieved, and generally the compliance time is half the time allocated to the initial letter with a minimum of 7 days.

6. Commencement of formal statutory process

Issue of Directions Notice and/or commencement of suitable action depending on the issue and need.

7. Council advised of the outcome of the completed process.

The advice to Council is to include any updates and/or relevant information gathered, and will provide adequate time for Councillors to obtain clarification of any concerns.

Any decision to initiate legal action must be endorsed by the Chief Executive Officer or by Council.

- 2. directs the Chief Executive Officer or his nominated officer(s), to initiate, and finalise, the appropriate action to resolve the matter of the dumping of matter/materials of unknown quantity and composition on Lots 3 (9-11), 5 (17-21) and 73 (16-26), all in Greenfield Street, South Hedland.**
- 3. Directs the Chief Executive Officer or his nominated officer to resolve any future compliance related matters/issues in accordance with the procedure.**

CARRIED 8/0

11.2.2.10 Proposed Public Advertising of the DRAFT Land Use Master Plan (File No.: 18/07/0001)

Officer Richard Bairstow
Manager Planning

Date of Report 27 June 2007

Disclosure of Interest by Officer Nil

Summary

The Draft Land Use Master Plan has been lodged with Council for the purposes of adoption for Public Advertising. This is not the final approval and Council is requested to support its advertising without change at this time.

Background

The Land Use Master Plan process is well known to Council, with four (4) elected members being members of the Steering Committee.

The DRAFT Land Use Master Plan provides the framework for Land Uses within the Locality of Port Hedland for the next 15-20 years.

The public advertising of the DRAFT Documents is another step in the development of the Land Use Master Plan. At the conclusion of advertising, all the submissions will need to be considered by Council, and amendments made if required.

Consultation

The Draft Land Use Master Plan is the product of 18 months of investigation, consultation, and documenting the outcomes of this process.

The Land Use Master Plan has involved extensive public advertising including:

- Two community summits (3rd December 2006 and 1 April 2007)
- Specialist Consultation with the youth, aged, and indigenous people, undertaken on behalf of Council by Wangka Maya Language Centre
- Specialist consultation sessions, with representative groups and organisations, on the general plan and specific elements of the plan.

This phase of public advertising is considered as an extension of the advertising process.

Statutory Implications

For the Land Use Master Plan to be considered as Local Planning Strategy, the documents must be processed in accordance with the requirements of the Town Planning Amendment Regulation 1999.

Policy Implications

There are no Policy implications as a result of the advertising of the DRAFT Land Use Master Plan.

Strategic Planning Implications

Key Result Area 4 – Economic Development
Goal Number 5 – Town Planning & Building
Strategy 1 – “Complete the development of the Land Use Master Plan.”

Budget Implications

The Land Use Master Plan is a Council project and, therefore, there are no fees payable.

Officer’s Comment

This is only a “DRAFT” Land Use Master Plan, and all this report proposes to do is get the plan adopted for public advertising, and request the Western Australian Planning Commission (Commission) to allow its advertising as a Draft Local Planning Strategy. The Plan may be subject to change as a result of its referral to the Commission.

Advertising is recommended as it gives all individuals, groups, and organisations the opportunity to comment, and then Council the opportunity to consider these comments, in addition to those from Councillors.

200607/347 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

That Council:

- 1. adopts the Draft Land Use Master Plan as a Draft Local Planning Strategy and consents to its advertising for a period of public comment;**
- 2. adopts the Draft Land Use Master Plan as a Draft Local Planning Strategy, pursuant to Regulation 12A of the Town Planning Amendment Regulations 1999, and requests the Western Australian Planning Commission's certification, under Regulation 12B(2), to advertise the strategy for public comment.**

CARRIED 7/1

**11.2.2.11 Proposed Caltex Service Station at Lot 5769 (150)
Anderson Street Port Hedland (File No.: 120510G)**

Officer Andrew Patterson
Planning Officer

Date of Report 5 June 2007

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Ken Paterson Architects, on behalf of the Werrett Property Group, for planning approval to construct a Caltex Woolworths Service Station at lot 5769 (150) Anderson Street Port Hedland (Boulevard Shopping Centre).

The subject land comprises 7026 m² and is zoned "Commercial" in the *Town of Port Hedland Town Planning Scheme No. 5* (TPS 5). Motor Vehicle and/or Marine Service Station is listed as an "SA" use on the TPS 5 zoning table.

Pursuant to Delegation 40 (1)(d), Council was advised of this proposal prior to any public advertising and this item is referred for Council consideration in response to Councillor's concerns regarding the impact of the development on car parking numbers at the Boulevard Shopping Centre.

Background

As noted in a memo to all Councillors dated 5 June 2007, the loss of car parking bays is considered the most significant planning issue relating to this application. Other issues addressed in this report include environmental considerations, amenity and vehicular access to the proposed service station.

Council has also received an additional application for the construction of a storage shed in the northeast corner of the car park. While this is a separate application, it is discussed briefly in this report due to its impact on parking bay numbers. As there are a number of issues to be addressed by the applicant with regard to the storage shed, this application is not submitted for resolution and is proposed to be determined under delegated authority.

Car Parking

At its Ordinary Meeting on 22 June 2005, Council approved a similar area of land on this site for use as an automated car wash, notwithstanding the resultant loss of car parking bays. In this report, the Officer noted that when approved under *Town Planning Scheme No. 4*, a total of 300 parking bays were required for the shopping centre complex.

An audit conducted at this time identified a total of 302 bays, although it is noted that these bays are not constructed to the size required under TPS 5.

Discussions with the owner and developer with regard to the current application have investigated the opportunity to re-mark the existing parking bays, increasing the size to comply with TPS 5 specifications. Appendix 7 of TPS 5 sets out the following parking bay requirements for the shopping centre and service station:

Use	Bays per m²	Area	Bays R'qued
Shop	1 per 20 m ² NLA	5892 m ²	295
Proposed Service Station	1 per repair bay	0	7
	1 per 20 m ² NLA	77 m ²	
Proposed Storage Shed	1 per employee 1 per 100 m ²	3 100 m ²	1
Total			303

Based on the new parking bay layout, including three metre wide bays, the applicant has calculated the following data:

Approved development	Parking Bays Remaining
No additional development	257
Petrol station, no storage shed	239
Petrol station and shed	234

Should Council approve the development of both the service station and storage shed, there is a resultant shortfall of 69 bays.

In support of this proposal with regard to the net loss of car parking bays, the applicant has supplied the Town of Port Hedland with the following car park counts:

Date	Time	Occupied Parking Bays
31/05/2007	11:00	146
01/06/2007	11:45	144
02/06/2007	11:30	165
03/06/2007	11:00	125
04/06/2007	12:00	122
05/06/2007	11:30	161
06/06/2007	10:40	133
07/06/2007	11:00	145
08/06/2007	11:15	155
09/06/2007	11:30	168
10/06/2007	11:00	119
11/06/2007	11:30	151
12/06/2007	11:30	165
13/06/2007	11:30	149
14/06/2007	11:15	153

TPS 5, section 6.13.5 gives Council the discretion to approve a development with a reduced number of car parking bays. Section 6.13.6 also allows Council, at any later time, to increase the number of parking bays should this be deemed necessary. Potential options for the construction of additional car parking bays are discussed further in the Officer's Comment section of this report.

Appendix 7 of TPS 5 requires the following number of car parking spaces

Two alternative sites for increasing car-parking capacity currently exist adjacent to the current shopping centre site. At its Ordinary Meeting on 22 March 2006, Council considered and supported a request for comment from the CR D R PIKEI (State Land Services) regarding a proposed lease of lots 5827 and 5828 Anderson Street for use as car parking by the Boulevard Shopping Centre. While it is understood that the shopping centre owners have not exercised this option, this remains a viable alternative. In addition, while there has been no formal discussion regarding this matter, there may be a possibility of negotiating an agreement with the adjoining Church allowing overflow parking at peak times in the Church parking area.

Fuel Tanker Access

As the existing Wilson Street access to the shopping centre car park is limited to "left in, left out," prior to completing the assessment of this application, the applicant was requested to demonstrate how a fuel tanker would enter and access the proposed service station. Porter Consulting Engineers have submitted a tanker movement diagram demonstrating that a fuel tanker may successfully negotiate an entrance from Anderson Street, exiting to Wilson Street, notwithstanding that this operation will temporarily inconvenience other car park users.

Environmental Considerations

The Department of Consumer and Employment Protection (DoCEP) regulate service station licensing and operation. As part of the licence application process, the applicant is to refer the application to the Department of Environment and Conservation (DEC). This referral process will address any issues that the DEC may have in regard to buffers and/or other standard requirements.

Amenity

As the proposed site for this application is fronting a main road, and adjacent to an existing high activity generator, approving this application is unlikely to have a significant adverse affect on adjoining amenity. The proposed station is located approximately 150 metres from the nearest residence and 50 metres from the adjacent Church building.

Consultation

In accordance with section 4.3 of TPS 5, this application has been advertised with a newspaper advertisement placed in the North West Telegraph on 13/06/2007 and a sign placed on the site on 13/06/2007. Council has received no submissions in response to this advertising.

Engineering Services have not objected to this proposal subject to crossovers being modified to suit fuel tanker access and consideration being given to tanker requirements within the carpark.

Building Services have not objected to the proposal and advised that a building licence is required.

Environmental Health Services have not objected to the proposal subject to: an appropriate bin store being provided for the development; consideration of dust and noise generation; effluent disposal system to be approved; operations to comply with *Environmental Protection (Unauthorised Discharges) Regulations*; Environmental Health approval required for any food preparation and storage.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 zones this land "Commercial" and establishes the number and size of required car parking bays.

The *Explosives and Dangerous Goods (Dangerous Goods Handling and Storage) Regulations 1992* regulates the handling and storage of bulk fuels.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Application fees of \$2,230 have been deposited into account 1006326 – Town Planning Fees, reflecting a development cost of \$1,100,000.

Officer's Comment

This is considered an appropriate location for a service station, and anecdotal feedback generally support the development of a Woolworths Caltex service station in the Town of Port Hedland. Being a site adjacent to an existing shopping centre and fronting a major transport corridor, makes this site an ideal location for this type of development.

While this is the case, the impact of parking bay loss, and access remain the significant concerns.

With regard to the tanker access, the attached diagram demonstrates adequate space for a semi-trailer to access, refuel and exit the site with minimal inconvenience to patron vehicle movements. It is not considered that that this inconvenience will be frequent enough to cause significant disruption and may be managed by service station management to further minimise disruptions.

As noted in the body of this report, the applicant argues that the loss of car parking bays is not likely to result in demand regularly exceeding supply, and should this situation arise, Council still has the option to require that the shopping centre owner provide additional bays.

As illustrated in the attached aerial photograph, the existing shopping centre is constructed crossing a lot boundary. In order to address this issue, a condition is included in the Officer's recommendation requiring that the two lots be amalgamated as part of any planning approval.

As noted in the Background section to this report, should Council approve this application with the reduced number of parking bays, it is proposed to determine the application for the shed under delegated authority as this will only account for the loss of an additional five bays.

200607/348 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

Seconded: Cr A A Carter

That Planning Consent be granted to Ken Paterson Architects for the construction of a MOTOR and/or MARINE SERVICE STATION at Lot 724 Anderson Street as outlined in the Application received 23 March 2007 (Application 2007/075) 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 (PS).**

- 2. The development area must only be used for purposes that are related to the operation of a "MOTOR and/or MARINE SERVICE STATION" business. Under the Town of Port Hedland's Town Planning Scheme No. 5 a "MOTOR and/or MARINE SERVICE STATION" is defined as "land or building used for the retail sale of fuel and lubricants and motor vehicle or marine vessel accessories and may include minor repairs, motor vehicle wash facilities, cafe/restaurant or sale of convenience items with a net lettable retail floorspace not exceeding 300 m², but does not include a transport depot, spray painting, major repair and wrecking".**
- 3. This approval relates only to the proposed MOTOR and/or MARINE SERVICE STATION, as indicated on the approved plans. It does not relate to any other development on this lot.**
- 4. The MOTOR and/or MARINE SERVICE STATION is to be constructed in accordance with the approved plans.**
- 5. The developer is to submit an endorsed diagram of survey to the town of Port Hedland, describing the amalgamation of lots 724 and 5769 prior to occupying the approved MOTOR and/or MARINE SERVICE STATION.**
- 6. A detailed plan upgrading the existing landscaping to be submitted and approved by the Manager Planning within 30 days of the buildings being occupied, with this plan including location, species and planting details. Schedule 1 of Council's "Policy 10/001 - Landscaping Policy for Industrial & Commercial Areas" contains a list of "Recommended Low-Maintenance Tree and Shrub Species for General Landscaping" for your reference.**
- 7. Landscaping and reticulation to be established in accordance with the approved detailed plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning.**
- 8. The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Manager Planning Services.**
- 9. All stormwater shall be collected and disposed of in a manner acceptable to the Manager Planning.**
- 10. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services.**

11. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
12. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning.
13. An approved effluent disposal system shall be installed to the specification of Town's Environmental Health Services and to the satisfaction of the Manager Planning Services. The applicant is advised that the effluent disposal system may also require the approval of the Western Australian Department of Health. Should the developer utilise the existing shopping centre system, approval is still required from Council's Environmental Health Services to ensure the system meets all requirements.
14. All stormwater shall be collected and disposed to the specifications of the director Engineering Services and the satisfaction of the Manager Planning Services.
15. Floodlighting being provided within the carparking area and designed in accordance with Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be internally directed to not overspill into adjoining lots.
16. Anti graffiti non-sacrificial treatment or suitable alternative shall be applied to all external wall to a height of two (2) metres or to the specification of the Director Engineering Services to the satisfaction of the Manager Planning.
17. 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

18. A sign, in accordance with the attached specification, being placed on site within fourteen (14) days of the date of this approval, stating that approval has been granted; such sign to remain until the development is completed.
19. Prior to the submission of a Building Licence application, amended plans and/or additional information and/or justification being submitted to and approved by the Town addressing the following items:
 - a. a minimum of 303 carparking spaces are to be provided in accordance with Appendix 7 of the Town of Port Hedland Town Planning Scheme No. 5 and to the satisfaction of Council's Manager Planning Services;
 - b. six (6) disabled carparking bays located convenient to the building entrance and with a minimum width of 3.8 metres to be provided to the satisfaction of Council's Manager Planning Services;
 - c. the provision of bicycle parking facilities to be in accordance with the Guide to Traffic Engineering Practice, Austroads Part 14, and the Australian Standard for Offstreet Carparking - Bicycles (AS2890.3-1993) and shall be provided in the location/s convenient to the entrances of the complex.
20. The granting of an easement in gross, in favour of the public at large, to the satisfaction of the Town of Port Hedland prior to the development first being occupied, over the area generally identified as carparking and vehicular access in the development dated 19 March 2007 and received 23 March 2007. All costs associated with the preparation of the easement shall be met by the landowner; This easement in force shall be extended to include all carparking and accessway included under condition 19.
21. All crossovers are to be designed and constructed in accordance with the Town of Port Hedland Policy 9/005 - Crossovers, to the satisfaction of the Manager Planning Services.

ADVICE TO DEVELOPER

1. The applicant is advised that the Town is prepared to accept a reduction in car parking bays to a minimum of 234 bays, and reserves the right to require the landowner to construct the required car parking bays at any time, to maintain desirable safety, convenience and amenity standards.

2. The developer is advised that this is a Planning Approval only and the Developer is responsible for complying with all relevant building, health and engineering requirements.
3. The development to comply with the provisions of Council's Town Planning Scheme No.5, the Health Act 1911, Building Code of Australia, Residential Design Codes and any other relevant Acts, Regulations, Local Laws and Council Policies (except where varied by this approval).
4. The developer and/or operator are advised that the operations must be conducted in accordance with the Environmental Protection (Unauthorised Discharges) Regulations 2004.
5. The development is to comply with the Health (Public Buildings) Regulations 1992.
6. Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9325
 - a. It is a requirement under the Town of Port Hedland Eating House Local Laws that all food premises be licensed prior to beginning operations;
 - b. The applicant is advised that the construction and use of the proposed premises is required to comply with the Health (Food Hygiene) Regulations 1993;
 - c. Prior to the issue of a building licence, a fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of Town's Environmental Health Services; and
 - d. Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.
7. The developer is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

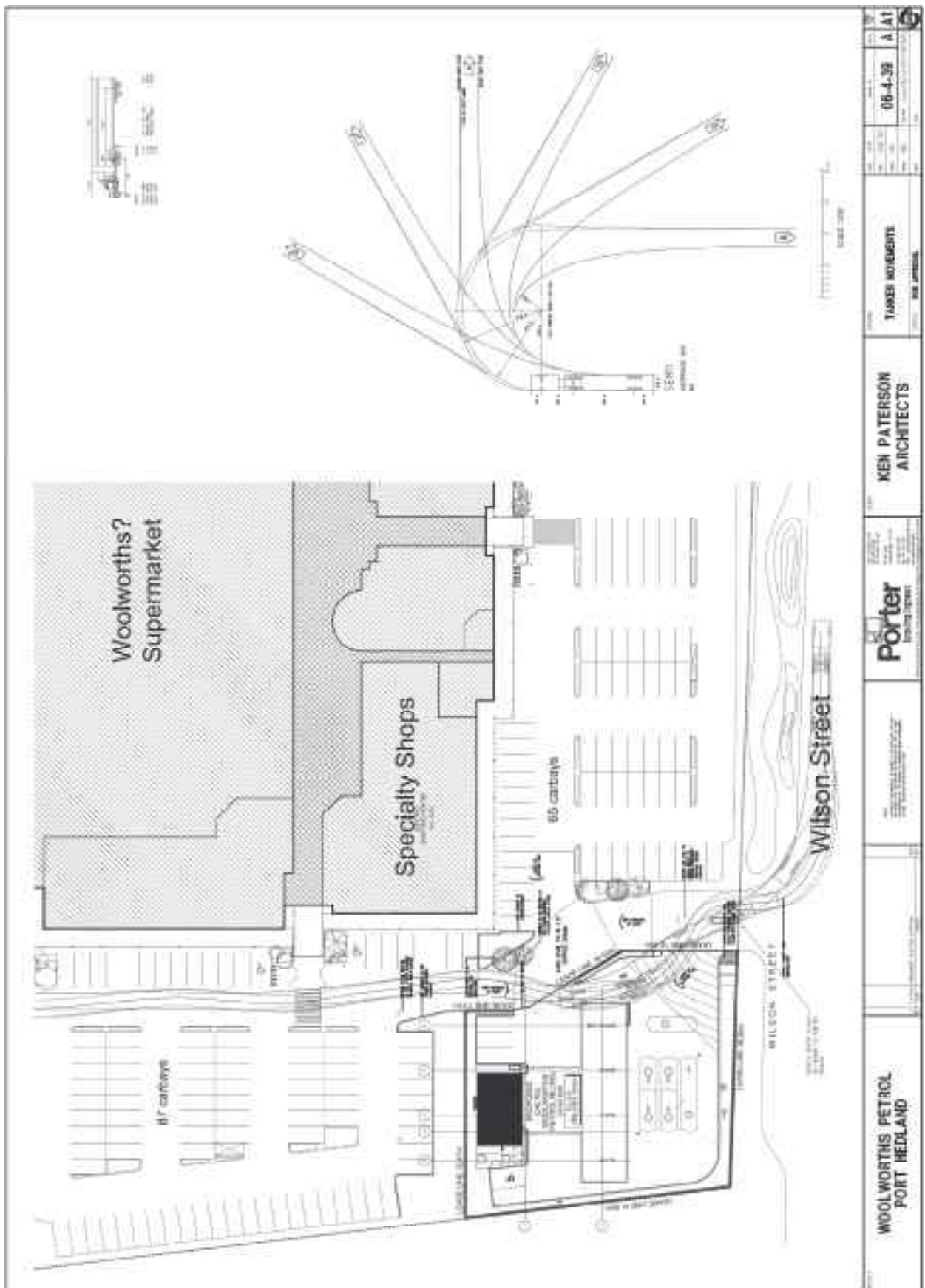
8. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD.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

CARRIED 8/0

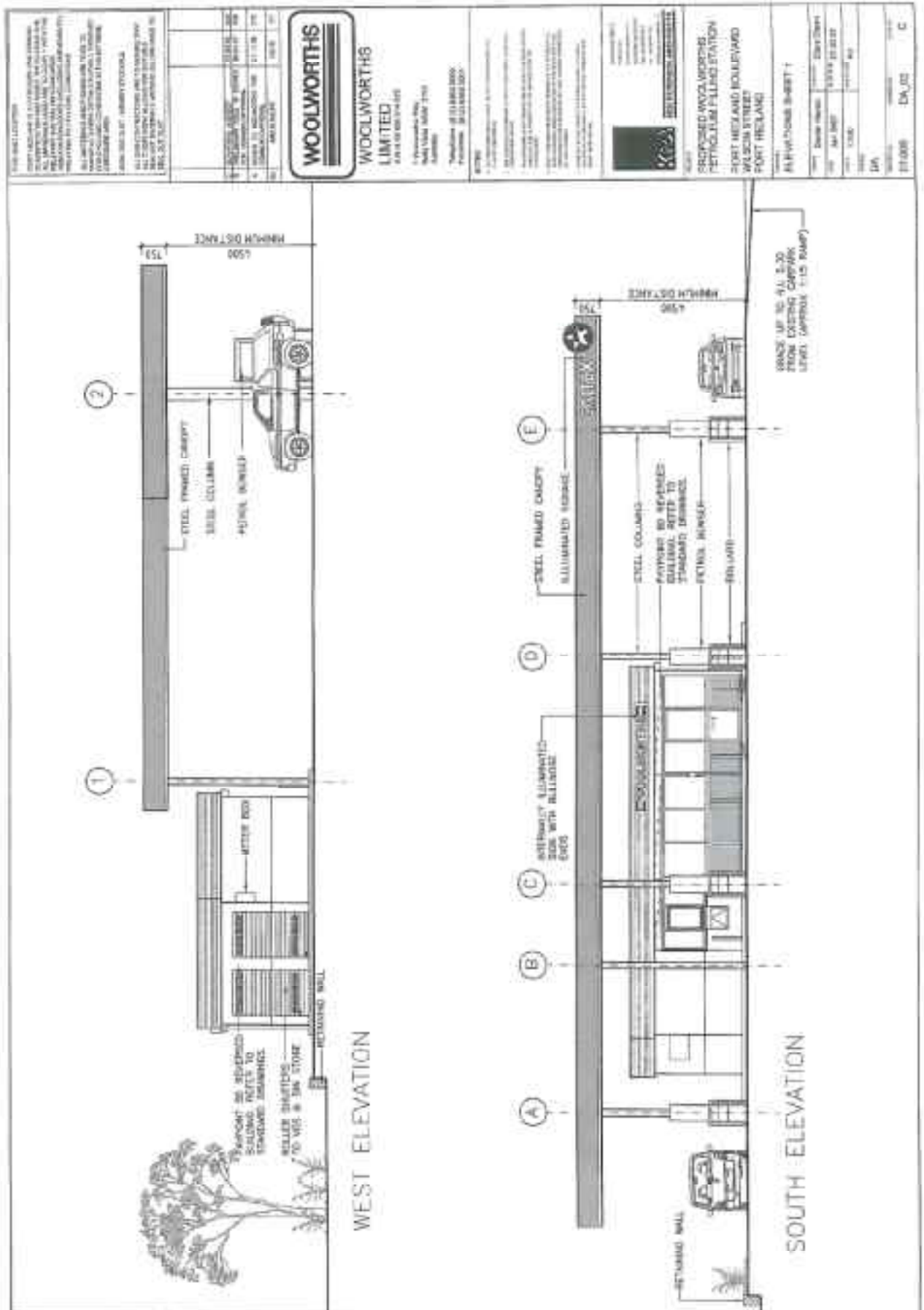
ATTACHMENT 1 TO AGENDA ITEM 11.2.2.11



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.11



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.11



6:49 pm Councillor Shane F Sear declared an impartiality interest in Agenda Item 11.2.2.12 'Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone a Portion of Lot 2202 Reynolds Place South Hedland From "Residential R 20" to "Residential R 30" '.

Councillor Sear left the room.

6:49 pm Councillor Arthur A Gear declared an interest in Agenda Item 11.2.2.12 'Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone a Portion of Lot 2202 Reynolds Place South Hedland From "Residential R 20" to "Residential R 30" '.

Councillor Gear left the room.

11.2.2.12 Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone a Portion of Lot 2202 Reynolds Place South Hedland From "Residential R 20" to "Residential R 30" (File No.: 121050G and 18/09/0018)

Officer Andrew Patterson
Planning Officer

Date of Report 28 May 2007

Disclosure of Interest by Officer Nil

Summary

At its Ordinary Meeting on 27 September 2006, Council initiated an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* (TPS 5) to rezone a portion of lot 2202 Reynolds Place South Hedland from "Residential R 20" to "Residential R 30."

Following advice from the Environmental Protection Authority (EPA), this application has been advertised in accordance with relevant legislation and is submitted to Council to consider adopting the amendment and submitting the proposal to the Western Australian Planning Commission (WAPC).

Background

At its Ordinary Meeting on 27 September 2006, Council resolved:

"That

- i) Pursuant to section 75 of the Planning and Development Act 2005 (as amended), Council resolves to amend Town of Port Hedland Town Planning Scheme No.5 by:*

- a) *rezoning the portion of lot 2202 Reynolds Place South Hedland currently zoned Residential R 20 to Residential R 30; and*
 - b) *amending the Scheme Map accordingly;*
 - c) *the Mayor and Chief Executive Officer be authorised to execute three (3) copies of the amendment documents in accordance with the Town Planning Regulations 1967 (as amended);*
- ii) *the proposed amendment be numbered Amendment No.12 of Town of Port Hedland Town Planning Scheme No.5 and be forwarded to the Environmental Protection Authority for assessment in accordance with section 81 of the Planning and Development Act 2005 prior to advertising in accordance with the Town Planning Regulations 1967; and*
- iii) *the applicant be advised that all costs associated with advertising and preparing the amendment will be borne by the applicant.”*

The Environmental Protection Authority have assessed this application and identified “noise” as an environmental issue, advising that:

The site is an existing residential area just over 2 kilometres from Port Hedland International Airport runway. It is recommended that existing and future noise levels and patterns, and any potential increase in noise impacts, are taken into account. Generic advice on managing potential noise issues is contained in Chapter C4 of EPA Draft Guidance Statement No. 33 ‘Environmental Guidance for Planning and Development’ on the EPA’s website. Where noise has the potential to adversely affect amenity, it is recommended that the local government requires management measures, which depending on the circumstances, could include acoustic treatment of new residents and/or notification on the titles.

Lot 2202 Reynolds Street originally consisted of a single residential lot, zoned “Residential R 20,” that in 1999 was amalgamated with an adjacent recreation reserve. When the recreation reserve was rezoned to a residential use, the permitted density was set at “R 30.”

It is not standard practice to apply different density codes to a single residential lot, and the purpose for doing so in this case is unknown.

As noted in the 27 September 2006 report, the purpose for this proposed rezoning is to permit the development of grouped dwellings on the whole site, and Council has approved an application for planning approval at this same meeting. Due to the different density coding placed on this lot, four dwellings were excluded from the planning approval, with this scheme amendment required to for these dwellings to be approved. It is anticipated that, should Council and the WAPC approve this amendment, the landowner will submit a planning application to construct the four dwellings excluded from the previous approval.

Consultation

In accordance with the Town Planning Regulations 1967, this proposed Scheme Amendment has been advertised by the following means:

- Newspaper advertisement published in the North West Telegraph on 7 March 2007
- Written notification to 14 surrounding landowners
- A notice placed on the land from 7 March 2007 until 19 April 2007.
- Written notification to Telstra, Horizon Power and the Water Corporation.

Council has received the following submissions:

Author	Comment
Water Corporation	No comment or objection to amendment
Dept Housing and Works	Supports amendment.

Statutory Implications

Council is able to amend the Town Planning Scheme pursuant to part 5 of the *Planning and Development Act 2005*.

The *Town Planning Regulations 1967* establish the procedure required to amend a Town Planning Scheme.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

The applicant has submitted the application fee of \$1,000 required to initiate a Scheme Amendment with these fees deposited into Account 1006326 – Town Planning Fees. Should Council resolve to adopt the amendment, the applicant will be required to submit the relevant fee of \$1,500 pursuant to Council’s adopted Fees and Charges.

Officer's Comment Nil

200607/349 Council Decision/Officer's Recommendation

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

That Council:

- i) adopts Amendment No.12 to the Town of Port Hedland Town Planning Scheme No.5 without modification;**
- ii) submits the following schedule of submissions to the Western Australian Planning Commission:**

Author	Comment
Water Corporation	No comment or objection to amendment
Dept Housing and Works	Support the amendment.

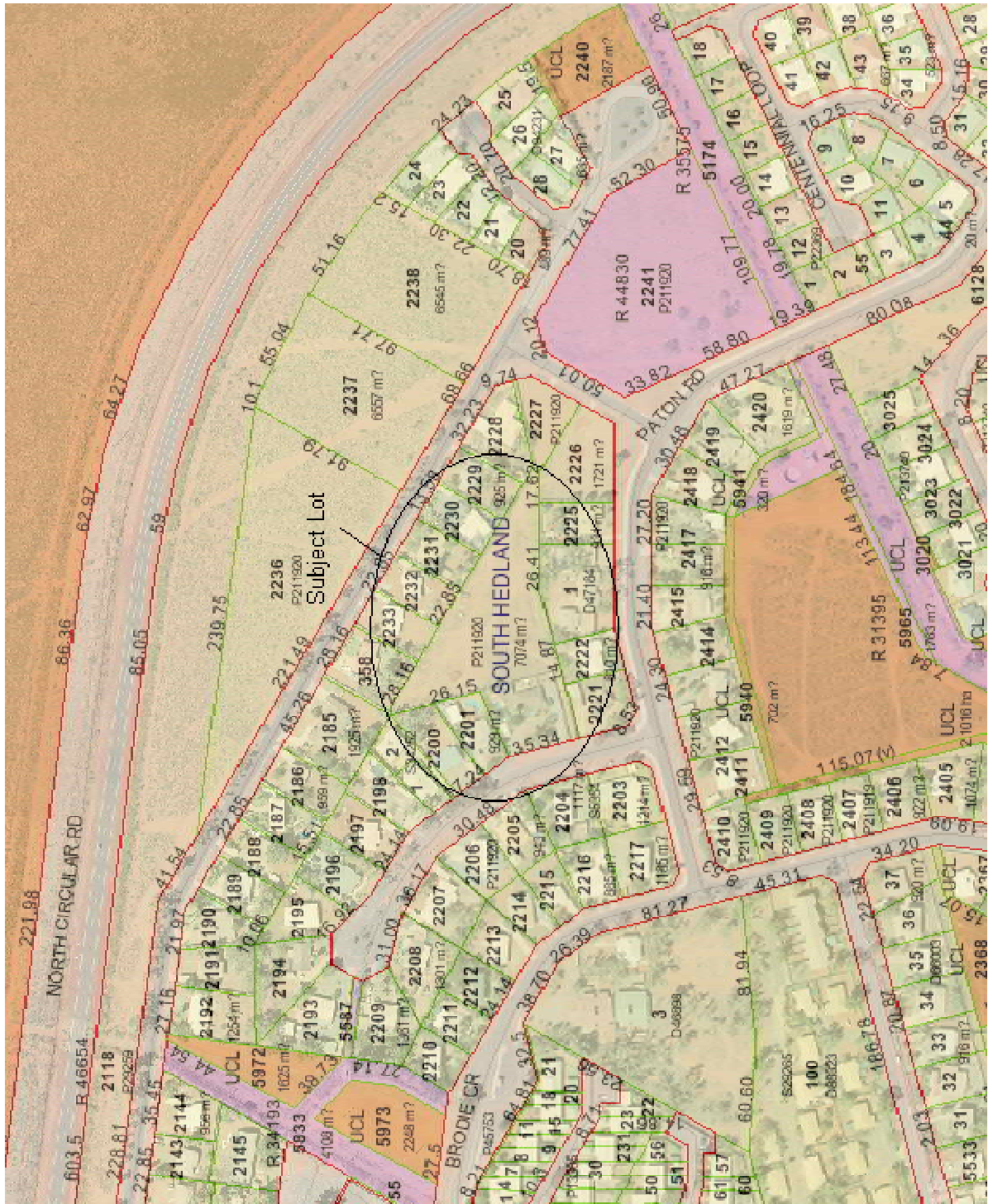
- iii) authorises the Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council's seal in the event that the Minister for Planning and Infrastructure approves the Amendment without modification.**

CARRIED 6/0

6:51 pm Councillors Shane Sear and Arthur Gear re-entered the room and assumed their chairs.

Mayor advised Councillors of Council's decision.

ATTACHMENT TO AGENDA ITEM 11.2.2.12



11.2.2.13 New Living Project Subdivision Applications with greater than 10 Lots (File No.: 18/14/004, 130076G, 117583G, 156530G, 803302G, 111350G, 130053G, 130368G and 110540G)

Officer Richard Bairstow
Manager Planning

Date of Report 27 June 2007

Disclosure of Interest by Officer Nil

Summary

Taylor Burrell Barnett on behalf of the Department of Housing Works (DHW) – New Living Project in South Hedland, has submitted the following applications:

- Lot 2943 Demarchi Road, South Hedland – Application No. 2007/102 – (See Attachment No. 1)
- Lot 5960 Dale Street, South Hedland – Application No. 2007/103 – (See Attachment No. 2)
- Lot 3868 (20) Rutherford Street, South Hedland – Application No. 2007/109 – (See Attachment No. 3)
- Lot 5962 (23) Jabiru Loop, South Hedland – Application No. 2007/117 – (See Attachment No. 4)
- Lot 2411 (2) Paton Road, South Hedland – Application No. 2007/118 – (See Attachment No. 5)
- Lots 3493 & 3647 Steamer Avenue and Collier Road, South Hedland – Application No. 2007/119 – (See Attachment No. 6)
- Lot 3 (4-8) Brodie Crescent, South Hedland – Application No. 2007/121 – (See Attachment No. 7)

Combined, the applications propose to create 482 lots.

The applications are presented to Council as it resolved at its January Meeting that all subdivisions for 10 lots or more should be referred to Council for a Council resolution.

Background

The New Living Project is well known to Council, with several major presentation made to both Councillors and Staff regarding the overall project objectives, redevelopment, and development opportunities.

The current applications represent the first large scale green field subdivision proposals to be undertaken in South Hedland by the New Living Project.

The 3 applications are in accordance with the New Living Concept Development Plan (See Attachment No. 4), which has been presented to both Council and the Administration.

Sites

Most of the seven (7) sites are currently vacant and have the following zonings, density codes, and areas:

- Lot 2943 Demarchi Road, South Hedland – Zoned: Urban Development. Density Code: R20 and Area: 66073m²
- Lot 5960 Dale Street, South Hedland – Zoned: Urban Development. Density Code: R30 and Area: 2.5444 Ha.
- Lot 3868 (20) Rutherford Street, South Hedland – Zoned: Urban Development. Density Code: R20 and Area: 83956m².
- Lot 5962 (23) Jabiru Loop, South Hedland – Zoned: Residential Density Code: R20 & R30 and Area: 5.0543Ha.
- Lots 2411, 5924 & 5940 (2) Paton Road, South Hedland – Zoned: UCL – Residential, and Lot 2411 Residential, Density Code: UCL – R30, and Lot 2411 – R20 and Area: 2.1016 Ha approximately.
- Lots 3493 & 3647 Steamer Avenue and Collier Road, South Hedland – Zoned: Urban Development & Residential respectively, Density Code: R20, and Area: 12.0135 Ha & 1.5264 Ha respectively.
- Lot 3 (4-8) Brodie Crescent, South Hedland – Zoned: Residential. Density Code: R30 and Area: 8477m².

Proposals

The proposals for each site comprise:

Lot 2943 Demarchi Road, South Hedland – The proposal is to create 109 lots with a minimum lot size of 447m² and a maximum lot size of 2407m², with an average lot size of 606m². The site also includes a proposed 1582m² Local Centre site and a 7654m² Public Open Space (POS) site. (See Attachment No. 1)

Lot 5960 Dale Street, South Hedland – The proposal is to create 29 lots with a minimum lot size of 431m² and a maximum lot size of 1776m². (See Attachment No. 2)

Lot 3868 (20) Rutherford Street, South Hedland – The proposal is to create 139 lots with a minimum lot size of 432m² and a maximum lot size of 3903m², with an average lot size of 604m². The site also includes a 4963m² POS site (See Attachment No. 3).

Lot 5962 (23) Jabiru Loop, South Hedland – The proposal is to create 29 lots with a minimum lot size of 492m² and a maximum lot size of 576m². The site also includes a 2126m² Proposed Drainage Reserve site (See Attachment No. 4).

Lots 2411, 5924 & 5940 (2) Paton Road, South Hedland – The proposal is to create 17 lots with a minimum lot size of 459m² and a maximum lot size of 1288m². The site also includes an area with seven (7) perpendicular vehicle parking bays. (See Attachment No. 5)

Lots 3493 & 3647 Steamer Avenue and Collier Road, South Hedland – The proposal is to create 151 lots with a minimum lot size of 453m² and a maximum lot size of 2906m², with an average lot size of 582m². The site also includes a 1.12ham² POS site (See Attachment No. 6)

Lot 3 (4-8) Brodie Crescent, South Hedland – The proposal is to create 13 lots with a minimum lot size of 515m² and a maximum lot size of 1241m², with an average lot size of 652m². (See Attachment No. 7)

Consultation

The applications require no external comments, however, it is noted that the New Living Project has been extensively advertised within the general community by way of various of media releases.

Furthermore, the Applicant and DHW have been previously advised of all the issues noted in the conditions contained within the recommendation. For reasons unknown, the applicant has not addressed all of these issues and, therefore, the conditions have been imposed.

Internal comments

The applications were referred to Engineering for comment and, where these were provided, and it's appropriate, they have been incorporated as conditions, and or footnotes, within the recommendation.

Engineering has, however, expressed a concern with the proposed Road reserve and pavement width practices proposed by New Living, and these concerns have been addressed as conditions within the individual application recommendations.

Future concerns have also been expressed about Council's Draft Road Reserve and Pavement Widths Policy, and the fact that Council will be determining a bulk of the subdivision applications (comprising nearly 500 lots) prior to the policy being adopted or even submissions being considered. The recommendation has been written such that Council's approval is contingent on the finalisation of the Draft Road Reserve and Pavement Widths Policy, and the applicant incorporating any of the necessary changes to ensure compliance with the Policy.

Statutory Implications

The Western Australian Planning Commission (WAPC) is required under Part 10 – Subdivision and Development Control, Clause 142 – Objections and recommendations of the Planning Development Act 2005 (P&D2005) to refer for comment any applications for subdivision.

The Town is required to provide these comments within 42 days of receiving the application.

However, as 4 of the 7 applications propose the subdivision of land zoned Urban Development, Clause 5.2 – Development Plans of Town Planning Scheme No. 5 (TPS5) is relevant, particularly Sub-Clause 5.2.1, which states:

“Council may prepare, or require the preparation of, a Development Plan prior to considering subdivision or development proposals for: b) Urban Development Zone.”

Policy Implications

9/007 – Roadside, verge and reserve parking policy

9/008 – Verge treatment policy

12/002 - Off site car parking policy

Draft Policy – Road reserve and pavement width policy

Strategic Planning Implications

Key Result Area 4 – Economic Development

Goal Number 4 – Land Development Projects

Strategy 2 – “Work with the South Hedland New Living Project to ensure that sustainable development lots consistent with the principles of Council are made available within South Hedland within a timely manner.”

Key Result Area 2 – Community Pride

Goal Number 3 – Townscape

Strategy 1 – “Work closely with the Department of Housing and Works to implement the South Hedland New Living project.”

Key Result Area 1 – Infrastructure

Goal Number 2 – Parks and Gardens

Strategy 1 – “In conjunction with the South Hedland New Living Project and the Land Use Master Plan, develop a Park Improvement Program that identifies which parks should be more intensively developed and which parks could potential be surplus to community requirements.”

Budget Implications

The applications are only referred to the Town for a recommendation and therefore no fees are payable.

Officer's Comment

The assessment has identified five (5) strategic design areas that should be suitably addressed by the applicant prior to the commencement of subdivision works. These areas are:

- Road reserve and pavement width standards;
- Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space;
- Design Guidelines for lots abutting public reserves to ensure that the development addresses and provides passive surveillance of the public reserve;
- Design Guidelines for corner lots to ensure that the development addresses and provides passive surveillance of the primary and secondary streets;
- Develop Design Guidelines for the proposed Local Centre that is supported by suitable professional justification demonstrating that the proposed developments location, lot size, tenancy mix, design criteria and zoning is sustainable and reflects best practice in these areas.

To ensure that these points are addressed, conditions have been included to require the applicant to develop suitable statutory documents, i.e., Guidelines, Policy, or similar, prior to the commencement of subdivision works.

The administration has already commenced the development of a Policy to address Road Reserve and pavements width. This DRAFT Policy was endorsed by Council for public advertising at its meeting 14th April Council Meeting. This advertising closes on the 20th June 2007 with a report to Council on the 25th July 2007. All the conditions have been worded such that the Policy needs to be finalized, and any recommendations of that Policy implemented, within the applications design. This needs to be prior to Council's support for the application being granted.

The applicant has been requested to provide statutory documents on points 2 to 5, as Clause 5.2.6 – Appendix 6 of Town Planning Scheme No. 5, permits such matters to be addressed as part of development plan. As the applicant wishes to be exempted from submitting such a plan, it is considered reasonable to impose such conditions.

The applications have also individually been assessed, and the recommendations reflect those assessments. The recommendations have been structured to allow Council to support the application whilst ensuring that the application addresses all of the relevant issues prior to the commencement of works. The applications are recommended subject to those conditions and footnotes contained within the recommendation.

Officer's Recommendation

That Council:

1. Under Clause 5.2.1 of Town Planning Scheme No. 5 resolves not to require the preparation of a Development Plan subject to the applicant complying with the resolution and conditions outlined in part 2 of this recommendation.
2. SUPPORTS the subdivision application for the creation of 109 lots on Lot 2943 Demarchi Road, South Hedland, subject to the finalisation of the Draft Policy on Road Reserve and Pavement Widths and the applicant amending all the relevant subdivision plans to reflect the policy requirements and subject to the following conditions and footnotes:
 - a. Prior to the commencement of works:
 - i. The subdivision design being amended and approved by the Town of Port Hedland in accordance with the changes indicated in red on the supported plans (See Attachment No. 8) including but not limited to:
 - aa. The realignment of the internal road to run parallel with Banksia Street and lots being redesigned to front Banksia Street;
 - bb. Road widths being amended in accordance with those shown on the supported plan;
 - cc. The deletion of the Public Open Space and its replacement with a grouped dwelling site;
 - dd. Plans and supporting documentation are to be provided to the specification of the Town's Director Engineering for the proposed methods of restricting vehicle access from the new road to Murdoch Drive;
 - ee. The realignment of lots and develop a cap system facing Murdoch Drive which only allows access to those lots facing Murdoch Drive access as per the attached plan; and
 - ff. Upgrade plans in accordance with the to be developed "Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space" of drainage reserve that abuts the site shall be submitted to and approved by the town to create a passive linear open space;

- ii. Develop Design Guidelines to cover lots 106 and 105 and the grouped dwelling site that is to replace the POS site, which abut the existing drain and ensure that these lots address both the street and proposed drain/linear POS and provide passive surveillance of the proposed drain/linear POS and be submitted to and approved by the Town;
- iii. Develop Design Guidelines for all corner lots to ensure that these lots are developed with the dwelling/s addressing both the primary and secondary street and be submitted to and approved by the Town;
- iv. Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space;
- v. Develop Design Guidelines for the proposed Local Centre that is supported by suitable professional justification demonstrating that the proposed developments location, lot size, tenancy mix, design criteria and zoning is sustainable and reflects best practice in these areas; and

all to the satisfaction of the Manager Planning;

- b. The approved plans/documentation relating to conditions "a" being implemented to the satisfaction of the Manager Planning.
- c. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.
- d. Subdivisional roads to be constructed and dedicated to the boundary of the application area.
- e. A drainage management plan being prepared and implemented as part of the subdivisional works.

- f. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

FOOTNOTES

- a. Be advised that a Scheme Amendment will be required to deal with the Density Codes issues associated with lots which are currently coded contrary to those in the Scheme
3. SUPPORTS the subdivision application for the creation of 29 lots on Lot 5960 Dale Street, South Hedland subject to the finalisation of the Draft Policy on Road Reserve and Pavement Widths and the applicant amending all the relevant subdivision plans to reflect the policy requirements and subject to the following conditions and footnotes:
 - a. Prior to the commencement of works:
 - i. The deletion of the lot 29 as a grouped dwelling site and its development as a low maintenance entry statement unless the lot is subject to design requirements which ensure that the development fronts all abutting roads (See Attachment No. 9);
 - ii. Upgrade plans in accordance with the to be developed "Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space" of drainage reserve that abuts the site shall be submitted to and approved by the town to create a passive linear open space (See Attachment No. 9);
 - iii. Develop Design Guidelines for all corner lots to ensure that these lots are developed with the dwelling/s addressing both the primary and secondary street and be submitted to and approved by the Town;
 - iv. Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space;
 - v. Plans and supporting documentation are to be provided to the specification of the Town's Director Engineering for the proposed methods of restricting vehicle access from the new road to Cottier Drive (See Attachment No. 9); and
- all to the satisfaction of the Manager Planning;

- b. The approved plans/documentation relating to conditions “a” being implemented to the satisfaction of the Manager Planning.
- c. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.
- d. Subdivisional roads to be constructed and dedicated to the boundary of the application area.
- e. A drainage management plan being prepared and implemented as part of the subdivisional works.
- f. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

FOOTNOTES

- a. Be advised that a Scheme Amendment will be required to deal with the Density Codes issues associated with lots which are currently coded contrary to those in the Scheme.
4. SUPPORTS the subdivision application for the creation of 139 lots on Lot 3868 (20) Rutherford Street, South Hedland subject to the finalisation of the Draft Policy on Road Reserve and Pavement Widths and the applicant amending all the relevant subdivision plans to reflect the policy requirements and subject to the following conditions and footnotes:
- a. Prior to the commencement of works:
 - i. The subdivision design being amended and approved by the Town of Port Hedland in accordance with the changes indicated in red on the supported plans (See Attachment No. 10) including but not limited to:
 - aa. The deletion of any access to North Circular Road;
 - bb. The realignment of the internal road running parallel with North Circular Road;

- cc. Road widths been amended in accordance with those shown on the supported plan;
- dd. The deletion of the Public Open Space and its replacement with a grouped dwelling site;
- ee. Upgrade plans in accordance with the to be developed "Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space" of drainage reserve that abuts the site shall be submitted to and approved by the town to create a passive linear open space; and
- ff. The realignment of lots and cap system facing Murdoch Drive to only allow access to those lots facing Murdoch Drive access as per the attached plan;

ii. Develop Design Guidelines to cover the grouped dwelling sites which abut the existing drain and ensure that these sites address both the street and proposed drain/linear POS and provide passive surveillance of the proposed drain/linear POS and be submitted to and approved by the Town;

iii. Develop Design Guidelines for all corner lots to ensure that these lots are developed with the dwelling/s addressing both the primary and secondary street and be submitted to and approved by the Town;

iv. Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space; and

all to the satisfaction of the Manager Planning;

b. The approved plans/documentation relating to conditions "a" being implemented to the satisfaction of the Manager Planning

c. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.

- d. Subdivisional roads to be constructed and dedicated to the boundary of the application area.
- e. A drainage management plan being prepared and implemented as part of the subdivisional works.
- f. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

FOOTNOTES

- a. Be advised that a Scheme Amendment will be required to deal with the Density Codes issues associated with lots which are currently coded contrary to those in the Scheme
5. SUPPORTS the subdivision application for the creation of 24 lots on Lot 5962 (23) Jabiru Loop, South Hedland subject to the finalisation of the Draft Policy on Road Reserve and Pavement Widths and the applicant amending all the relevant subdivision plans to reflect the policy requirements and subject to the following conditions and footnotes:
- a. Prior to the commencement of works:
 - i. A traffic safety audit is required for the proposed intersection closest to Murdoch Drive. The audit is to be conducted by a Traffic Engineer nominated by the Town and any recommendations are to be incorporated in the design;
 - ii. Upgrade plans in accordance with the to be developed "Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space" of drainage reserve that abuts the site shall be submitted to and approved by the town to create a passive linear open space (See Attachment No. 11);
 - iii. Develop Design Guidelines for all corner lots to ensure that these lots are developed with the dwelling/s addressing both the primary and secondary street and be submitted to and approved by the Town;

- iv. Plans and supporting documentation are to be provided to the specification of the Town's Director Engineering for the proposed methods of restricting vehicle access from the new road to Murdoch Drive via the drainage reserve (See Attachment No. 11); and

all to the satisfaction of the Manager Planning;

- b. The approved plans/documentation relating to conditions "a" being implemented to the satisfaction of the Manager Planning.
- c. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.
- d. Subdivisional roads to be constructed and dedicated to the boundary of the application area.
- e. A drainage management plan being prepared and implemented as part of the subdivisional works.
- f. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

FOOTNOTES

- a. Be advised that a Scheme Amendment will be required to deal with the Density Codes issues associated with lots which are currently coded contrary to those in the Scheme.
6. SUPPORTS the subdivision application for the creation of 17 lots on Lots 2411, 5924 & 5940 (2) Paton Road, South Hedland subject to the finalisation of the Draft Policy on Road Reserve and Pavement Widths and the applicant amending all the relevant subdivision plans to reflect the policy requirements and subject to the following conditions and footnotes:
- a. Prior to the commencement of works:

- i. Prior to the commencement of works the submission of additional information and/or justification and/or the amended of the subdivision plans shall be submitted to and approved by the Town addressing following requirements and/or as indicated in red on the supported plans (See Attachment No. 12);
 - aa. The deletion of the perpendicular additional carparking; and
 - bb. Upgrade plans in accordance with the to be developed "Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space" of drainage reserve that abuts the site shall be submitted to and approved by the town to create a passive linear open space;
- ii. Develop Design Guidelines to cover Lots 8, 9, 12 and 13 and ensure that these lots address both the street and proposed drain/linear POS and provide passive surveillance of the proposed drain/linear POS and be submitted to and approved by the Town;
- iii. Develop Design Guidelines for all corner lots to ensure that these lots are developed with the dwelling/s addressing both the primary and secondary street and be submitted to and approved by the Town;
- iv. Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space; and

all to the satisfaction of the Manager Planning;

- b. The approved plans/documentation relating to conditions "a" being implemented to the satisfaction of the Manager Planning.
- c. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works

will be completed within a reasonable period acceptable to the Commission.

- d. Subdivisional roads to be constructed and dedicated to the boundary of the application area.
- e. A drainage management plan being prepared and implemented as part of the subdivisional works.
- f. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

Footnotes

- a. Be advised that a Scheme Amendment will be required to deal with the Density Codes issues associated with lots which are currently coded contrary to those in the Scheme.
7. SUPPORTS the subdivision application for the creation of 151 lots on Lots 3493 & 3647 Steamer Avenue and Collier Road, South Hedland subject to the finalisation of the Draft Policy on Road Reserve and Pavement Widths and the applicant amending all the relevant subdivision plans to reflect the policy requirements and subject to the following conditions and footnotes:
- a. Prior to the commencement of works:
 - i. The subdivision design being amended and approved by the Town of Port Hedland in accordance with the changes indicated in red on the supported plans (See Attachment No. 13) including but not limited to:
 - aa. Road widths been amended in accordance with those shown on the supported plan;
 - bb. The deletion of the Public Open Space and its replacement with residential lots;
 - cc. Upgrade plans in accordance with the to be developed "Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space" of drainage reserve that abuts the site shall be submitted to and approved by the town to create a passive linear open space;

- dd. An additional access point been provided to Collier Drive in the location indicated on the approved plan;
 - ee. Plans and supporting documentation are to be provided to the specification of the Town's Director Engineering for the proposed methods of restricting vehicle access from the new roads to Collier Drive;
 - ii. Develop Design Guidelines to cover the lots which abut the existing drain and ensure that these sites address both the street and proposed drain/linear POS and provide passive surveillance of the proposed drain/linear POS and be submitted to and approved by the Town;
 - iii. Develop Design Guidelines for all corner lots to ensure that these lots are developed with the dwelling/s addressing both the primary and secondary street and be submitted to and approved by the Town;
 - iv. Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space; and
- all to the satisfaction of the Manager Planning;
- b. The approved plans/documentation relating to conditions "a" being implemented to the satisfaction of the Manager Planning.
 - c. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.
 - d. Subdivisional roads to be constructed and dedicated to the boundary of the application area.
 - e. A drainage management plan being prepared and implemented as part of the subdivisional works.

- f. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

Footnotes

- a. Be advised that a Scheme Amendment will be required to deal with the Density Codes issues associated with lots which are currently coded contrary to those in the Scheme.
8. SUPPORTS the subdivision application for the creation of 13 lots on Lot 3 (4-8) Brodie Crescent, South Hedland subject to the finalisation of the Draft Policy on Road Reserve and Pavement Widths and the applicant amending all the relevant subdivision plans to reflect the policy requirements and subject to the following conditions and footnotes:
- a. Prior to the commencement of works the submission of additional information and/or justification and/or the amended of the subdivision plans shall be submitted to and approved by the Town addressing following requirements and/or as indicated in red on the supported plans (See Attachment No. 14);
 - i. Develop Design Guidelines for all corner lots to ensure that these lots are developed with the dwelling/s addressing both the primary and secondary street;
 - iii. Lots 11, 12 and 13 being amalgamated into a grouped dwelling site;
 - ii. Develop Design Guidelines for lot 10 and the amalgamated lots 11, 12, and 13 to address and provide passive surveillance of the both the street and the common accessway to the southern boundary and be submitted to and approved by the Town; and
- all to the satisfaction of the Manager Planning.
- b. The approved plans/documentation relating to conditions "a" being implemented to the satisfaction of the Manager Planning.

- c. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.
- d. Subdivisional roads to be constructed and dedicated to the boundary of the application area.
- e. A drainage management plan being prepared and implemented as part of the subdivisional works.
- f. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

Footnotes

- a. Be advised that a Scheme Amendment will be required to deal with the Density Codes issues associated with lots which are currently coded contrary to those in the Scheme.

200607/350 Council Decision**Moved:** Cr S F Sear**Seconded:** Cr A A Carter**That Council:**

1. Under Clause 5.2.1 of Town Planning Scheme No. 5 resolves not to require the preparation of a Development Plan subject to the applicant complying with the resolution and conditions outlined in part 2 of this recommendation.
2. **SUPPORTS** the subdivision application for the creation of 29 lots on Lot 5960 Dale Street, South Hedland subject to the finalisation of the Draft Policy on Road Reserve and Pavement Widths and the applicant amending all the relevant subdivision plans to reflect the policy requirements and subject to the following conditions and footnotes:
 - a. **Prior to the commencement of works:**
 - i. The deletion of the lot 29 as a grouped dwelling site and its development as a low maintenance entry statement unless the lot is subject to design requirements which ensure that the development fronts all abutting roads (See Attachment No. 9);
 - ii. Upgrade plans in accordance with the to be developed "Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space" of drainage reserve that abuts the site shall be submitted to and approved by the town to create a passive linear open space (See Attachment No. 9);
 - iii. Develop Design Guidelines for all corner lots to ensure that these lots are developed with the dwelling/s addressing both the primary and secondary street and be submitted to and approved by the Town;
 - iv. Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space;
 - v. Plans and supporting documentation are to be provided to the specification of the Town's Director Engineering for the proposed methods of restricting vehicle access from the new road to Cottier Drive (See Attachment No. 9); and

all to the satisfaction of the Manager Planning;

- b. The approved plans/documentation relating to conditions “a” being implemented to the satisfaction of the Manager Planning.
- c. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.
- d. Subdivisional roads to be constructed and dedicated to the boundary of the application area.
- e. A drainage management plan being prepared and implemented as part of the subdivisional works.
- f. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

FOOTNOTES

- a. Be advised that a Scheme Amendment will be required to deal with the Density Codes issues associated with lots which are currently coded contrary to those in the Scheme.
3. **SUPPORTS** the subdivision application for the creation of 24 lots on Lot 5962 (23) Jabiru Loop, South Hedland subject to the finalisation of the Draft Policy on Road Reserve and Pavement Widths and the applicant amending all the relevant subdivision plans to reflect the policy requirements and subject to the following conditions and footnotes:
- a. **Prior to the commencement of works:**

- i. A traffic safety audit is required for the proposed intersection closest to Murdoch Drive. The audit is to be conducted by a Traffic Engineer nominated by the Town and any recommendations are to be incorporated in the design;**
- ii. Upgrade plans in accordance with the to be developed “Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space” of drainage reserve that abuts the site shall be submitted to and approved by the town to create a passive linear open space (See Attachment No. 11);**
- iii. Develop Design Guidelines for all corner lots to ensure that these lots are developed with the dwelling/s addressing both the primary and secondary street and be submitted to and approved by the Town;**
- iv. Plans and supporting documentation are to be provided to the specification of the Town’s Director Engineering for the proposed methods of restricting vehicle access from the new road to Murdoch Drive via the drainage reserve (See Attachment No. 11); and**

all to the satisfaction of the Manager Planning;

- b. The approved plans/documentation relating to conditions “a” being implemented to the satisfaction of the Manager Planning.**
- c. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.**
- d. Subdivisional roads to be constructed and dedicated to the boundary of the application area.**
- e. A drainage management plan being prepared and implemented as part of the subdivisional works.**

- f. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

FOOTNOTES

- a. Be advised that a Scheme Amendment will be required to deal with the Density Codes issues associated with lots which are currently coded contrary to those in the Scheme.
4. **SUPPORTS** the subdivision application for the creation of 17 lots on Lots 2411, 5924 & 5940 (2) Paton Road, South Hedland subject to the finalisation of the Draft Policy on Road Reserve and Pavement Widths and the applicant amending all the relevant subdivision plans to reflect the policy requirements and subject to the following conditions and footnotes:
- a. Prior to the commencement of works:
 - i. Prior to the commencement of works the submission of additional information and/or justification and/or the amended of the subdivision plans shall be submitted to and approved by the Town addressing following requirements and/or as indicated in red on the supported plans (See Attachment No. 12);
 - aa. The deletion of the perpendicular additional carparking; and
 - bb. Upgrade plans in accordance with the to be developed “Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space” of drainage reserve that abuts the site shall be submitted to and approved by the town to create a passive linear open space;
 - ii. Develop Design Guidelines to cover Lots 8, 9, 12 and 13 and ensure that these lots address both the street and proposed drain/linear POS and provide passive surveillance of the proposed drain/linear POS and be submitted to and approved by the Town;

iii. **Develop Design Guidelines for all corner lots to ensure that these lots are developed with the dwelling/s addressing both the primary and secondary street and be submitted to and approved by the Town;**

iv. **Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space; and**

all to the satisfaction of the Manager Planning;

b. **The approved plans/documentation relating to conditions “a” being implemented to the satisfaction of the Manager Planning.**

c. **Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.**

d. **Subdivisional roads to be constructed and dedicated to the boundary of the application area.**

e. **A drainage management plan being prepared and implemented as part of the subdivisional works.**

f. **Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.**

Footnotes

a. **Be advised that a Scheme Amendment will be required to deal with the Density Codes issues associated with lots which are currently coded contrary to those in the Scheme.**

- 5. SUPPORTS the subdivision application for the creation of 151 lots on Lots 3493 & 3647 Steamer Avenue and Collier Road, South Hedland subject to the finalisation of the Draft Policy on Road Reserve and Pavement Widths and the applicant amending all the relevant subdivision plans to reflect the policy requirements and subject to the following conditions and footnotes:**
- a. Prior to the commencement of works:**
 - i. The subdivision design being amended and approved by the Town of Port Hedland in accordance with the changes indicated in red on the supported plans (See Attachment No. 13) including but not limited to:**
 - aa. Road widths been amended in accordance with those shown on the supported plan;**
 - bb. The deletion of the Public Open Space and its replacement with residential lots;**
 - cc. Upgrade plans in accordance with the to be developed “Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space” of drainage reserve that abuts the site shall be submitted to and approved by the town to create a passive linear open space;**
 - dd. An additional access point been provided to Collier Drive in the location indicated on the approved plan;**
 - ee. Plans and supporting documentation are to be provided to the specification of the Town’s Director Engineering for the proposed methods of restricting vehicle access from the new roads to Collier Drive;**
 - ii. Develop Design Guidelines to cover the lots which abut the existing drain and ensure that these sites address both the street and proposed drain/linear POS and provide passive surveillance of the proposed drain/linear POS and be submitted to and approved by the Town;**
 - iii. Develop Design Guidelines for all corner lots to ensure that these lots are developed with the dwelling/s addressing both the primary and secondary street and be submitted to and approved by the Town;**

iv. Design Guidelines for the treatment, development and upgrading of drainage reserves as linear open space; and

all to the satisfaction of the Manager Planning;

- b. The approved plans/documentation relating to conditions "a" being implemented to the satisfaction of the Manager Planning.
- c. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.
- d. Subdivisional roads to be constructed and dedicated to the boundary of the application area.
- e. A drainage management plan being prepared and implemented as part of the subdivisional works.
- f. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

Footnotes

- a. Be advised that a Scheme Amendment will be required to deal with the Density Codes issues associated with lots which are currently coded contrary to those in the Scheme.

6. **SUPPORTS** the subdivision application for the creation of 13 lots on Lot 3 (4-8) Brodie Crescent, South Hedland subject to the finalisation of the Draft Policy on Road Reserve and Pavement Widths and the applicant amending all the relevant subdivision plans to reflect the policy requirements and subject to the following conditions and footnotes:

- a. Prior to the commencement of works the submission of additional information and/or justification and/or the amended of the subdivision plans shall be submitted to and approved by the Town addressing following requirements and/or as indicated in red on the supported plans (See Attachment No. 14);
 - i. Develop Design Guidelines for all corner lots to ensure that these lots are developed with the dwelling/s addressing both the primary and secondary street;
 - iii. Lots 11, 12 and 13 being amalgamated into a grouped dwelling site;
 - ii. Develop Design Guidelines for lot 10 and the amalgamated lots 11, 12, and 13 to address and provide passive surveillance of the both the street and the common accessway to the southern boundary and be submitted to and approved by the Town; and

all to the satisfaction of the Manager Planning.

- b. The approved plans/documentation relating to conditions “a” being implemented to the satisfaction of the Manager Planning.
- c. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission.
- d. Subdivisional roads to be constructed and dedicated to the boundary of the application area.
- e. A drainage management plan being prepared and implemented as part of the subdivisional works.
- f. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

Footnotes

- a. **Be advised that a Scheme Amendment will be required to deal with the Density Codes issues associated with lots which are currently coded contrary to those in the Scheme.**

CARRIED 8/0

REASON: Council did not support the following subdivision applications:

- . for the creation of 109 lots on Lot 2943 Demarchi Road, South Hedland; or*
- . for the creation of 139 lots on Lot 3868 (20) Rutherford Street, South Hedland,*

as Council wanted to give further consideration to future areas to be identified as green belt area(s) and/or future cycle path routes..

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.13



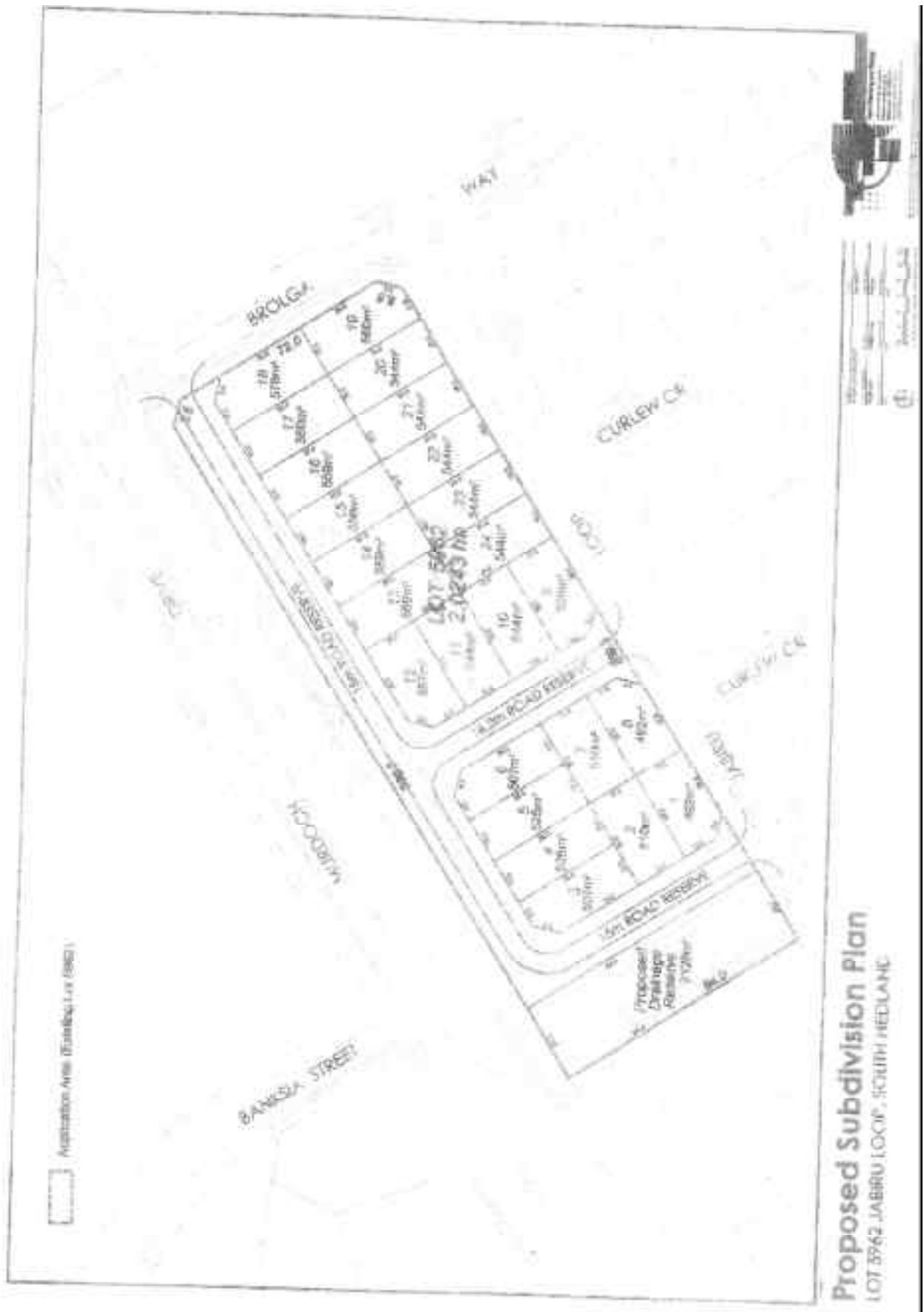
ATTACHMENT 2 TO AGENDA ITEM 11.2.2.13



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.13



ATTACHMENT 4 TO AGENDA ITEM 11.2.2.13



ATTACHMENT 5 TO AGENDA ITEM 11.2.2.13



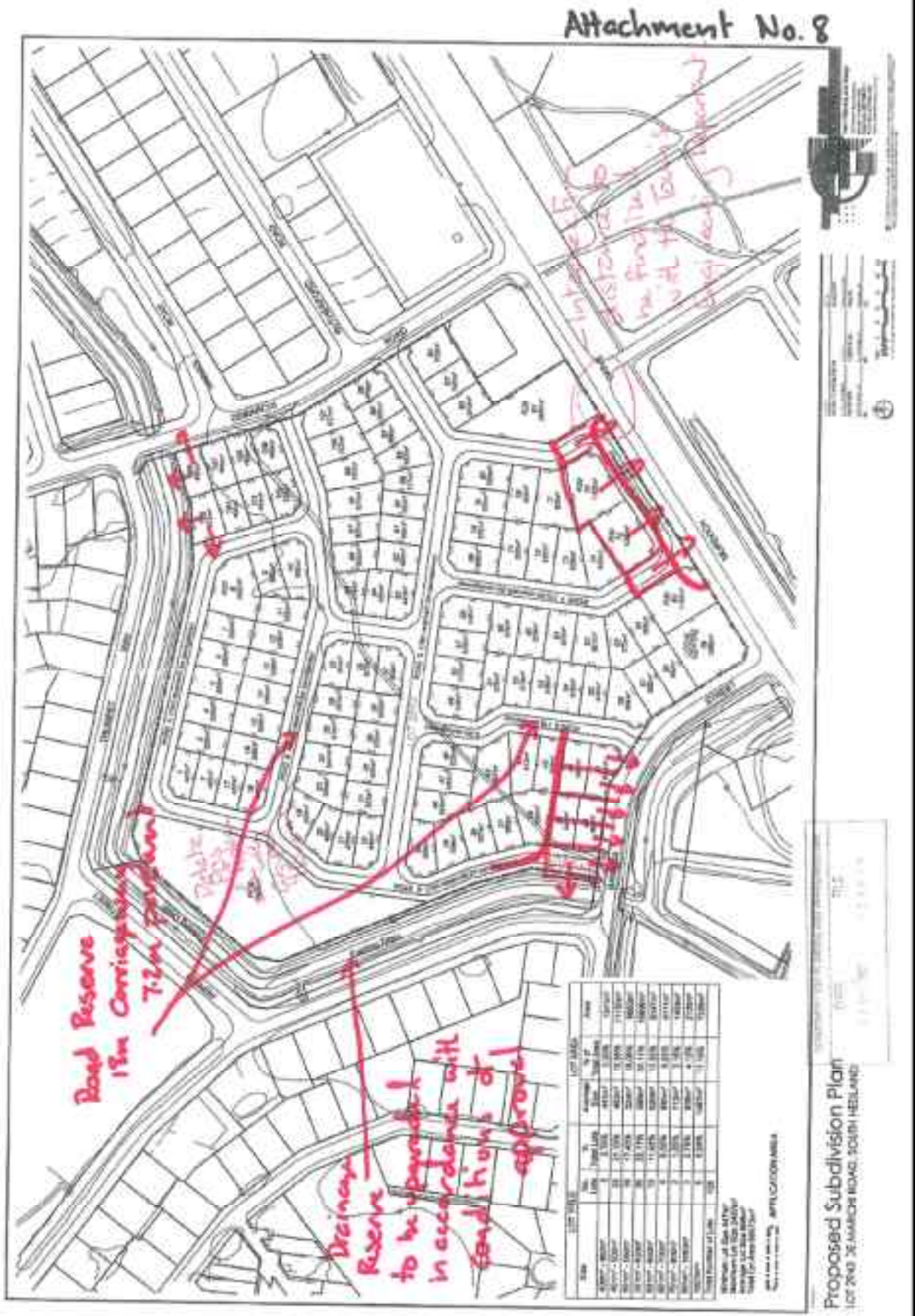
ATTACHMENT 6 TO AGENDA ITEM 11.2.2.13



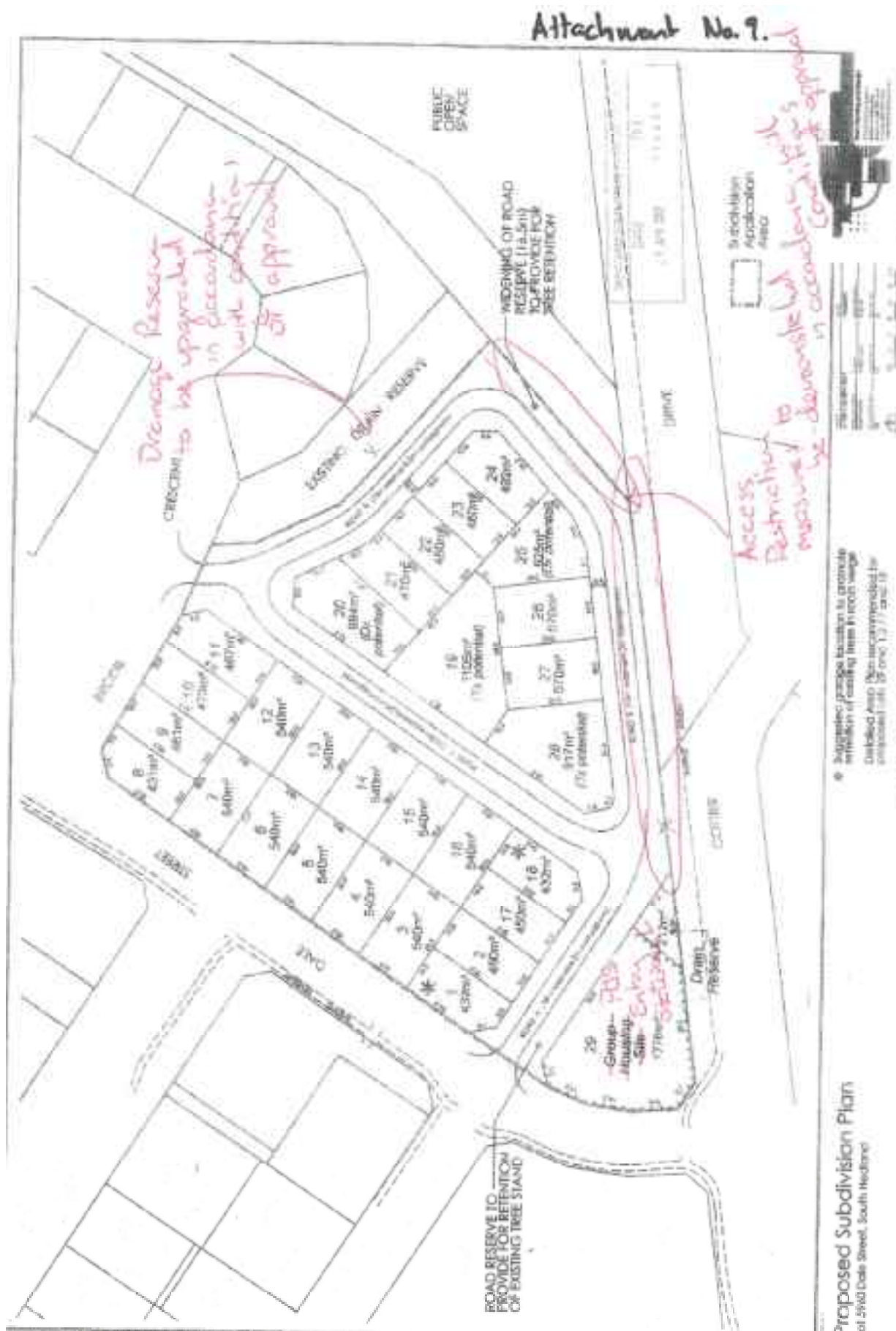
ATTACHMENT 7 TO AGENDA ITEM 11.2.2.13



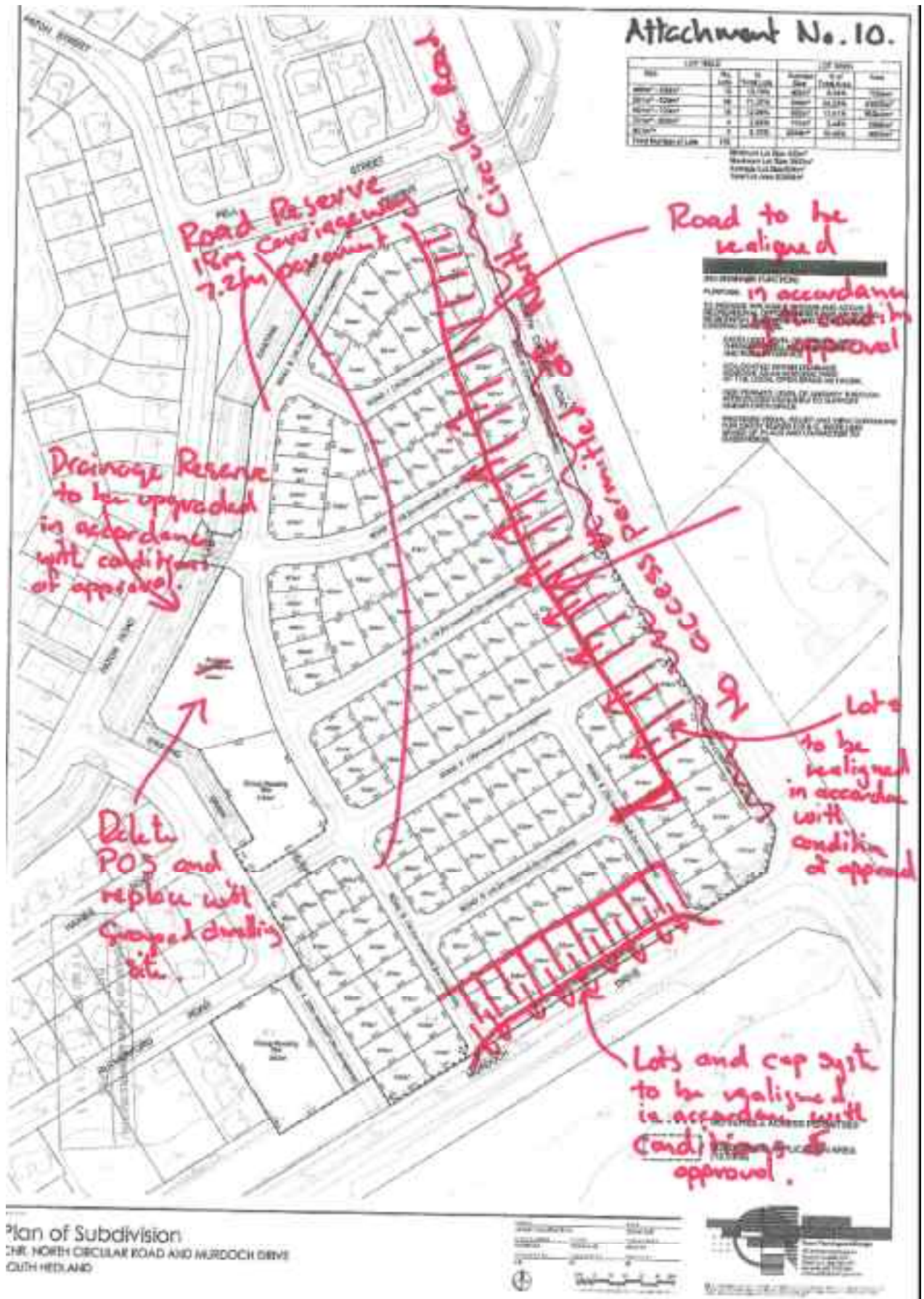
ATTACHMENT 8 TO AGENDA ITEM 11.2.2.13



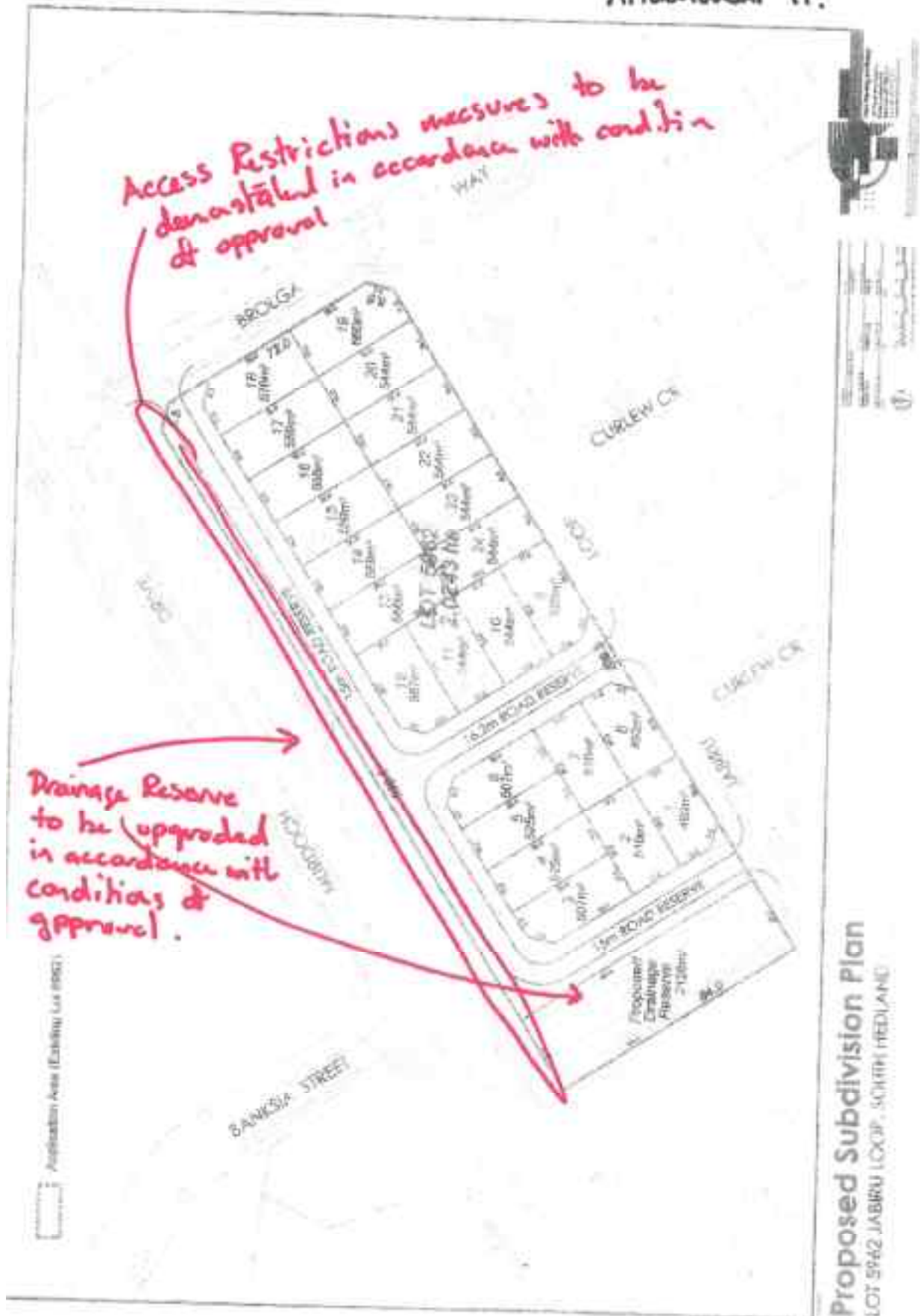
ATTACHMENT 9 TO AGENDA ITEM 11.2.2.13



ATTACHMENT 10 TO AGENDA ITEM 11.2.2.13



Attachment 11.

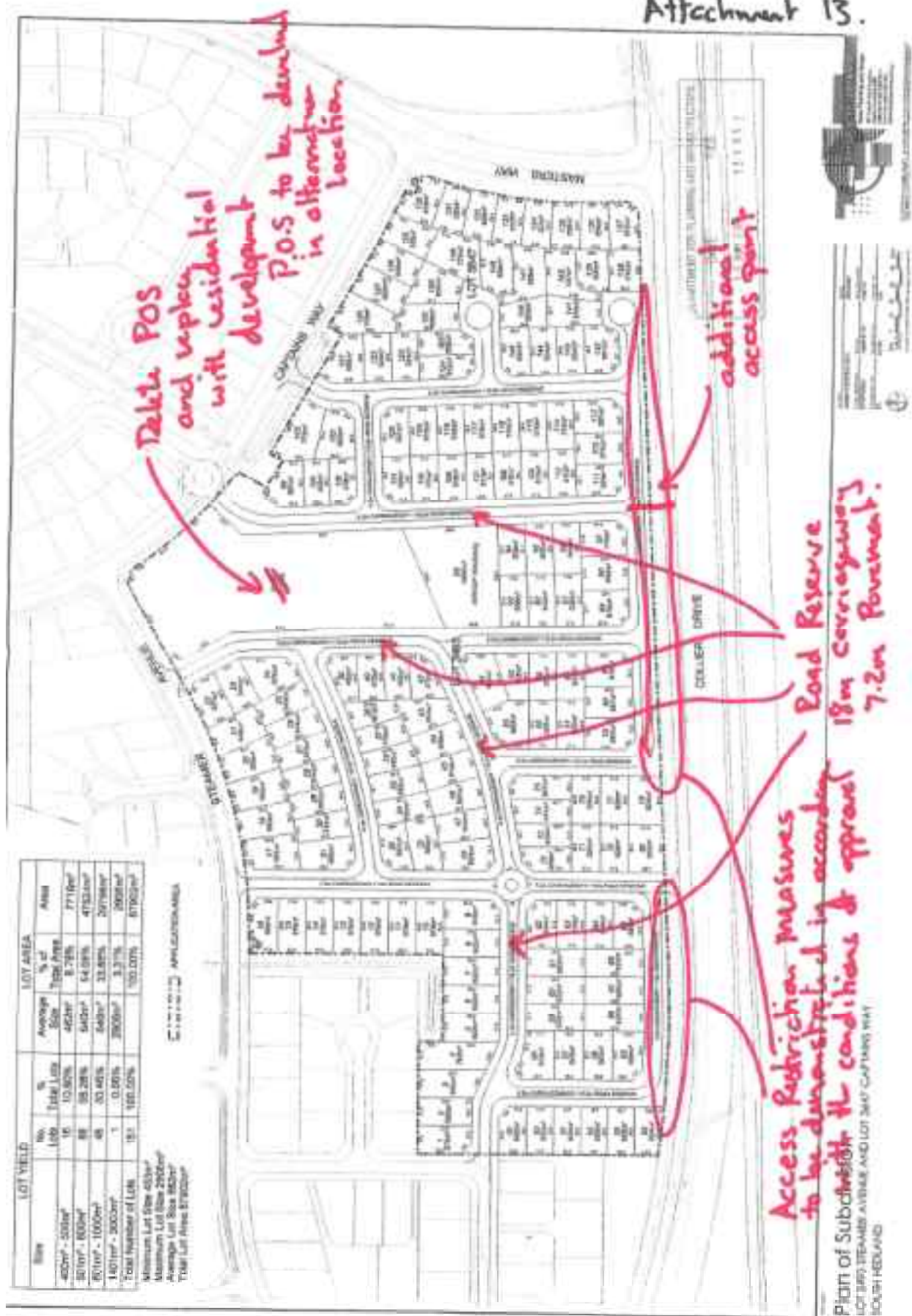


ATTACHMENT 12 TO AGENDA ITEM 11.2.2.13

Attachment 12.

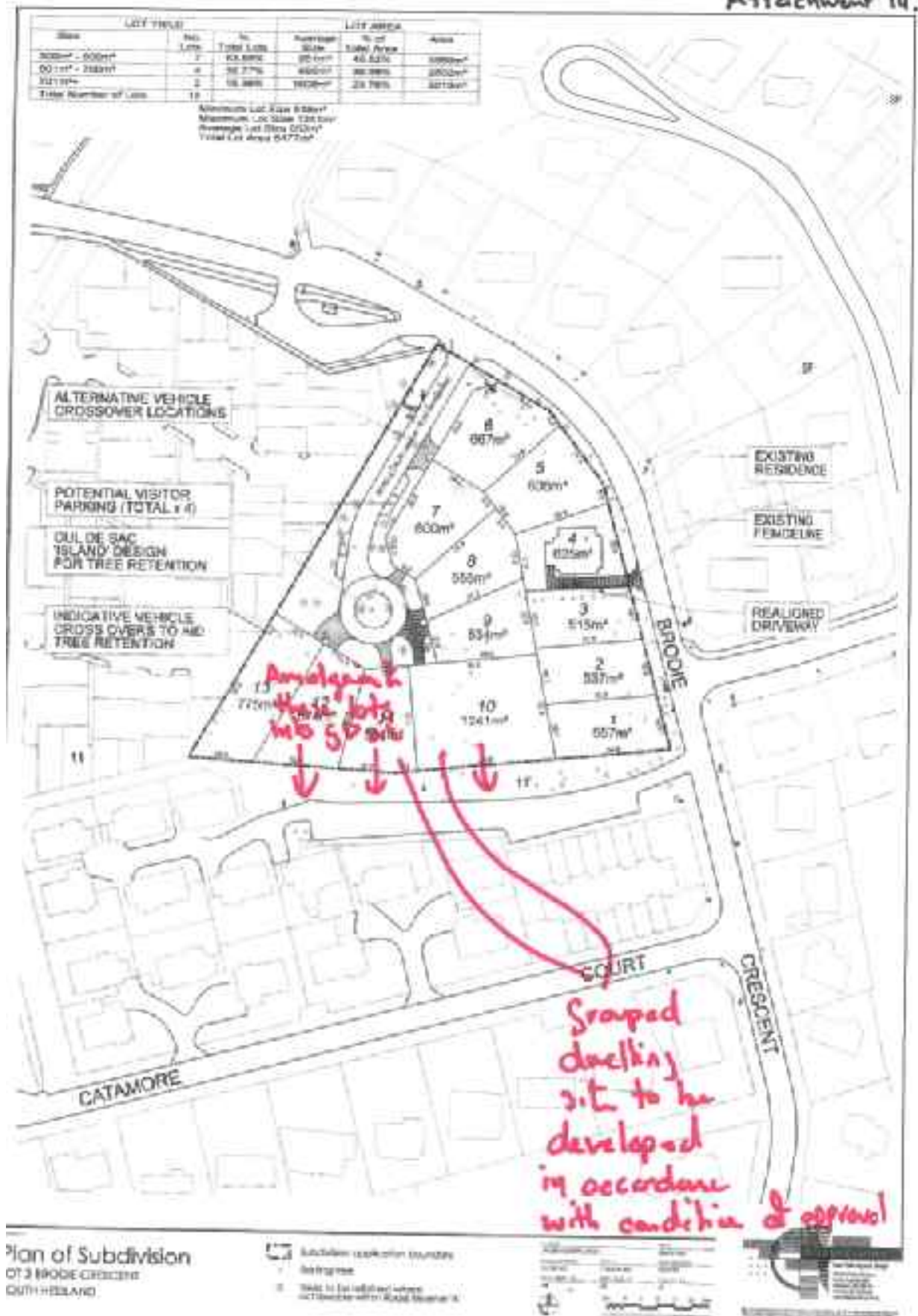


Attachment 13.



ATTACHMENT 14 TO AGENDA ITEM 11.2.2.13

Attachment 14.



11.2.3 Environmental Health Services**11.2.3.1 *Nomination of Councillors to the Air Quality Reference Group Committee (File No.: 11/02/0002)***

Officer Darryal Eastwell
Manager Environmental
Health Services

Date of Report 13 June 2007

Disclosure of Interest by Officer

Officer has attended one meeting.

Summary

The Department of Environment and Conservation's Air Quality Reference Group Committee warrants Councillor representation. It is considered advantageous for a Councillor or Councillors (maximum of two) to sit on this committee to provide community input.

Background

Currently the Chief Executive Officer, Director Community and Regulatory Services and Manager Environmental Health are nominated to attend the Air Quality Reference Group Committee meetings, which are typically held on an as need basis with two per annum being usual practice.

The Air Quality Reference Group Committee is a forum that brings together industry, regulators, and the community to address air quality management to achieve better outcomes for the Port Hedland area.

Consultation

The Department of Environment & Conservation has no objection to a Councillor or Councillors (maximum of two) being on the Committee.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment Nil

Officer's Recommendation

That Councillors _____ and _____ be nominated for inclusion on the Air Quality Reference Group Committee.

200607/351 Council Decision

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Councillors Grant D Bussell and George J Daccache be nominated for inclusion on the Air Quality Reference Group Committee.

CARRIED 8/0

REASON: Council nominated Councillor Grant Bussell and George Daccache to inclusion on the Air Quality Reference Group Committee.

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 15 June 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 completed and awaiting submission. A 07/08 upgrade program is being prepared and will be presented to Council.
Playgrounds	Trumpet Park Playground burnt awaiting insurance update
Black Spot Funding	Throssell road final designs have been completed. North Circular/Hamilton and North Circular/Murdoch intersection reconstruction commenced.
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 30th June 2007. Tenders have been submitted for the new contract – presented to Council this meeting.
Landfill	New septage pond designs are being prepared. Recycling hardstand area is now operational
Wedge & Edgar street Streetscape Enhancements	Currently installing faux brick paving infill to kerbed areas. Intersections and carparks scheduled for sealing beginning of July.
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 July).
Restricted Access Vehicles (RAV) – road trains	MRWA advised inspections complete of previous access requests – pending formal approval.
FMG Railway Construction	Railway construction and road works ongoing.
Cyclone George	Road assessments have been completed, report and funding applications have been submitted.
Wedgefield Upgrades	Crews have commenced intersection modifications. Intersection sealing scheduled for beginning of July.
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	Footpath completed. Final designs for boardwalk component, landscaping, lighting, etc still being prepared by Epcad. Construction pending Council and DEC approvals.
West End Greening Tender	As per Council resolution, project to be re-assessed. Carried forward to 07/08.
Don Rhodes Mining Museum Upgrade	Audit completed by Ninness Consulting Agenda Item submitted in June Meeting.

Parks & Gardens

PROJECT	STATUS
Tree Reinstatement	Aussie Trees will return to Port Hedland on Monday 18 th June 2007 to do a complete assessment of all trees in Port Hedland, South Hedland and Wedgefield.
Garden Maintenance	Garden Maintenance crews are commencing replanting programme to replace plants/trees damaged during Cyclone George
Park Maintenance	Park maintenance crews are maintaining park programme on a fortnight basis and also assisting with Verge maintenance on a fortnightly basis.
Verge Maintenance	The verge maintenance staff have completed Lawson, Walnut Grove, Shellborough and Cassia. Will commence Koombana on Monday 18 th June, 2007

Slashing	The two slashing machine are continuing with slashing areas in South Hedland. Completed Redbank. On Monday 18 th June one slasher will commence work in Wedgefield and other machine continue in South Hedland.
Greenwaste	Greenwaste 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

Apron Lighting Towers

Airservices Australia have commenced installation of the new apron lighting towers with excavation works being completed and the heavy concrete footings having been poured. A curing period of 28 days is required before the erection of the towers can take place, however during that period much of the electrical cabling work will be initiated.

Vermin/Security Fencing

The supply and erection of the internal airside boundary fencing is all but complete with only a small section between the RFDS hanger and gate 10 remaining to have the wire attached and strained.

Airport Revenue

Passenger service charges for Qantas passengers for the month of May returned an income of \$269,286.53 which equates to approx. 7500 pax or 242 per day or an average of 80 pax per flight seven days a week.

Landing charges for the month of May returned an amount of \$90,527.

The combined revenue from these two sources returned revenue of \$359,813 which augers well for the financial year 2007/2008. An anticipated return of some \$4,500,000 plus from these two sources would not be an unreasonable assumption.

International Service

The weekly Skywest/Islandbound Bali service is maintaining a reasonable level of acceptance with weekly numbers averaging around 70 pax outbound per flight. We need to continue to support the retention of this service with it's connection as a gateway into Asia and beyond.

Airport Inspections

The annual technical inspections have just been completed with recommendations for some remedial work on some of the pavement areas and a re-sheet of the main apron. The annual aerodrome inspection by CASA is due on the 25th, 26th and 27th of June.

Parking Areas

Public car-park time limited signage has been ordered and will be installed to facilitate the implementation date of 1 August 2007.

Electrical Power

The continued lack of electrical power to the Airport Reporting Officer's workshop has caused some considerable difficulties for an extended period of some months now. However, with reconnection, the difficulties now being experienced should be alleviated.

Airfield Lighting Failures

A succession of electric cabling failures has continued to plague the airport runway lighting system. Under CASA regulations RPT jet and international services can only operate into airfields where T-vasis services are non operational for a maximum period of seven days and only within that period with an exemption issued by CASA. The runway cabling has deteriorated to such an extent that breakdowns are occurring on a regular basis. The airport staff were able to ensure the non-suspension of all RPT (Qantas) and the International (Skywest Bali) services by bypassing the failed cable, only as an interim measure, and instituting a manual bypass as a short time fix. The remedial works are ongoing but are essential to stave off flight suspension. Such works are expensive and repetitive and could be viewed as expenditure that would be better served allocated to a complete re-cabling and the purchase of and installation of a PAPI system of aids to landing to replace the aged T-VASIS system, for which, failing and failed parts are no longer manufactured and are thus unavailable. A new item request has been presented to Council for budget consideration.

Recreation Services Update*General**Sporting Facilities Upgrades*

Sporting Facilities Upgrades are ongoing, and remain an integral component in the Strategic Plan. Remaining components:

Currently being undertaken

- Security and boundary fencing around major reserves

- Demolition of Diamond 2 infrastructure
- Repairs and upgrades to the cricket nets
- Repairs to fencing at South Hedland Aquatic Centre and Faye Gladstone Netball Courts

To be completed

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

Post – Cyclone Repairs

The Post-Cyclone clean-up is still being completed, with all items regarded as high on the priority list completed. All medium and low rated items are being undertaken.

Port and South Hedland Skateparks

Convic Skateparks have forwarded a proposed timeline for the completion of this project. Accommodation is being provided by FMG for approximately four (4) weeks to allow the project to commence. At this stage, approximate completion of construction is November 2007.

Feasibility Study into Proposed Multi-Purpose Sports Complex

Jill Powell, from Jill Powell and Associates, presented at the Council Briefing on 13 June 2007 for feedback on the proposed inclusions at the Multi-Purpose Sports Complex. It is still envisaged that Council will receive the report in July 2007, for presentation to the July Ordinary Council Meeting.

Training

On 6 June 2007 the Sports and Recreation Officer attended the 'Grantsmart' seminar in Karratha. This seminar outlined grants available to groups in the Pilbara from both government agencies and private organisations. The seminar also included workshops on how to write grant applications and professional development courses.

The Recreation Coordinator is in the process of completing a Diploma of Frontline Management at Pilbara TAFE. Due completion date for this course is October 2007.

Aquatic Centres

A copy of the full YMCA monthly report and monthly meeting minutes can be obtained by contacting the Recreation Coordinator.

South Hedland Aquatic Centre

The South Hedland Aquatic Centre (SHAC) has been emptied, with the intent to determine the location and repair the leaking pipe near the plant room. Plumbers are currently undertaking repair works, and testing will be completed shortly. The SHAC is scheduled to re-open in September 2007, and works will be completed prior to this date.

YMCA Update

“Post cyclone clean-up at South Hedland Aquatic Centre has continued throughout the month. Due to the unscheduled closure of the centre, pursuit and completion of maintenance issues dominated. Emptying of the pools commenced mid way through May, there have been a number of issues highlighted for maintenance to be attended to whilst the pools were empty.

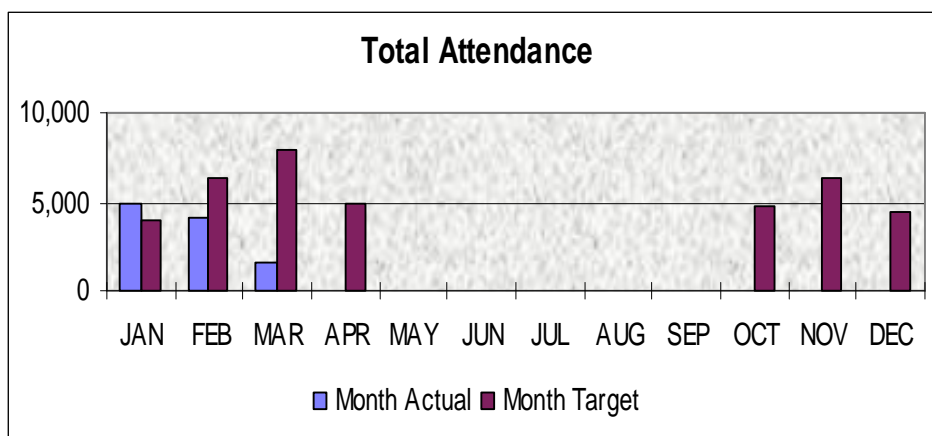
Both the Centre Manager and a Duty Manager represented Port Hedland at the North West Leisure Institute of Western Australia (LIWA) which was hosted by the Broome Aquatic Centre.”

Financial Performance:

Month	Actual	Budget	Variance
Income	\$460	\$1,818	(\$1,358)
Expenditure	\$33,593	\$35,251	(\$1,658)
Net	(\$33,133)	(\$33,433)	\$300

Year to date	Actual	Budget	Variance
Income	\$46,754	\$66,165	(\$19,591)
Expenditure	\$213,563	\$240,669	(\$27,106)
Net	(\$166,989)	(\$174,504)	\$7,515

Total Attendances:



Gratwick Aquatic Centre

YMCA Update

“May performed well against budget due to a number of reasons. Firstly, Aqua Aerobics and Adult Squad classes were held as requested due to initial warm temperatures for the month. Secondly, the general public were also utilising the warmer water however, as the water temperature dropped, so did the number of attendances.

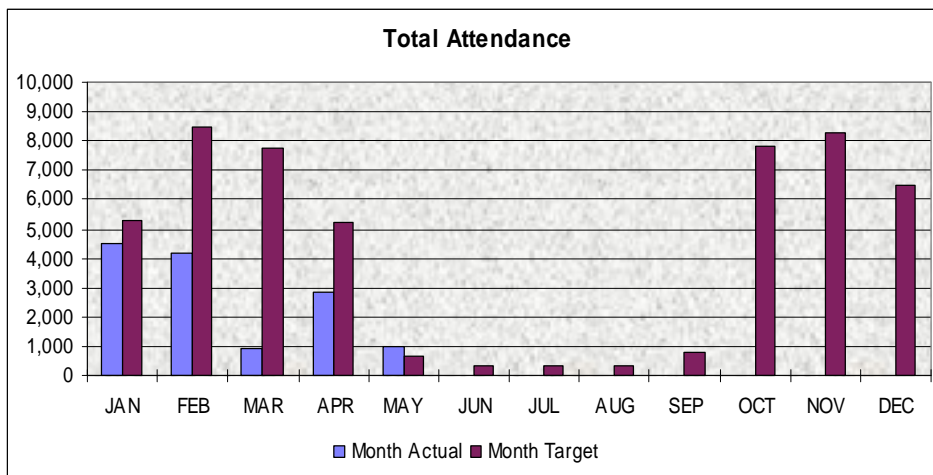
The Interschool swimming carnival was held on the first of the month with strong attendances for the day.”

Financial Performance:

Month	Actual	Budget	Variance
Income	\$5,365	\$3,563	\$1,801
Expenditure	\$39,646	\$41,203	(\$1,557)
Net	(\$34,281)	(\$37,640)	\$3,359

Year to date	Actual	Budget	Variance
Income	\$56,964	\$90,925	(\$33,961)
Expenditure	\$214,154	\$247,878	(\$33,724)
Net	(\$157,190)	(\$156,953)	(\$237)

Total Attendances:



JD Hardie Centre

Promotion:

Over the past month, the following promotional strategies have been used:

- Mass Pamphlet and Poster drop off's to various stores and service providers in Port and South Hedland
- Mail-Out's to the Holiday program participants

- 1,500 pamphlets dropped off at all primary and high schools
- 2 x Newspaper advertisements
- Mass Emails to All Staff, Sporting Contacts, JD Contacts and Community distribution lists.

Attendance:

Term Program Attendances	# of Participants
Kids Club (Mon, Wed, Fri)	181
Jr Dodgeball	99
Jr Gym	53
All Sports	38
X-Pression	9
GR8 SK8	9
Boxing	99
Sports Competitions	
Netball Teams (11)	308
Volleyball Teams (12)	288
Soccer Teams (4)	80
Basketball Teams (6)	168
Misc.	
Disco	150
Facility Hire	769
Total	2341

Current Programs:

- Junior Dodgeball
- Junior Gym
- All Sports
- X- Pression
- GR8 SK8
- Kids Club
- Boxing

Current Stadium Competitions:

- Netball
- Volleyball
- Basketball
- Soccer

New Programs:

- Badminton

Events

Disco: The JD Hardie Centre ran a disco for children aged between 6 and 16 years on 1 June 2007. The disco was free to attend. More than 150 children attended the disco between 6.30pm and 8.30pm making it a very successful event.

In preparation for the disco, various lights, smoke machines and strobe lights were hired to create a great atmosphere, and a DJ was set-up with a great sound system. Police were aware of the disco and provided random visits throughout the night. The disco was supported by the Youth Involvement Centre Inc.(YIC), with three (3) staff being provided to help patrol the perimeter of the centre and the toilets to ensure the Disco ran as smoothly as possible, and to assist in the monitoring of the children.

Due to the fantastic support and response from the public we have now decided to provide the youth of Port and South Hedland with a Disco once a term. To ensure the disco continues to be a success we are in the process of inviting other agencies such as Pilbara Population Health, YIC, the Police, Creating Communities and various other groups to be involved in the organisation of the event.

Additional Information

A letter of thanks, survey and program pamphlet was sent out to all participants of the Term 2 school holiday program. We received one survey back and with positive comments about the holiday program.

Badminton is in the process of being programmed, due to commence June 12. This will commence as a social competition to gauge interest, and to determine the viability of starting a structured competition.

Facility Hire's that took place at the JD Hardie Centre this month included the following:

- Hedland Senior High School (Regular Daily Booking)
- Tae Kwon Do (Regular Weekly Booking)
- FESA (Community Briefing Session)
- Creating Communities (Stake holder meeting)
- White Knight Industries (Self Defence Batons Course)
- Hedland Playgroup (Quiz Night)

JD Hardie Centre Working Group

The Working Group met this month to determine progress with:

- The Memorandum of Understanding between the Youth Involvement Council Inc. and the Town of Port Hedland.
- The lease of land to provide the YIC administration building.
- The design of the administration building.
- Creating Communities update into future planning use of the land.

Minutes from the JD Hardie Centre Working Group Meeting are available for perusal. Please contact the Recreation Coordinator for a copy.

*Completed Events**. Responsible Service of Alcohol Training Course*

Aragon Education and Training conducted a responsible service of alcohol training course at the Civic Centre on Sunday 10 June. This course was held in-line with the Liquor policy for associations and had 11 different clubs/associations, sending representatives. 19 attendees participated in this course

*Upcoming Events**. WAFL Game*

The organising committee has met again in regards to this event, occurring on 21 July 2007. Present at the meeting were representatives from the Swans and Rovers Football Clubs, Hedland Junior Football, BHP Billiton and the Australian Army. The Town of Port Hedland, Swans and Rovers football clubs are the hosts for this event.

200607/352 Council Decision/ Officers Recommendation**Moved:** Cr A A Carter**Seconded:** Cr G J Daccache**That Council accepts Engineering Services Monthly Report*****CARRIED 8/0***

11.3.1.2 Turtle Interpretive Boardwalk – Project Progress (File No.: 08/02/0009)

Officer Grant Logie
Director Engineering Services

Date of Report 15 June 2007

Disclosure of Interest by Officer Nil

Summary

This report is a summary of the progress of the Turtle Interpretive Boardwalk project, including schedule of works and proposed budget.

Background

The Turtle Interpretive Boardwalk project is a \$1 million project that has been funded by the State Government and administered by the Pilbara Development Commission (PDC).

A Turtle Interpretive Committee was established by the PDC to establish the facilities required for the Boardwalk. The conceptual plan has been presented at Council Meetings and Briefing sessions in March 2006.

The Boardwalk consists of a 3m wide concrete pathway that links the Civic Centre with Community Park at Cemetery Beach, and a 'boardwalk' structure that provides viewing points to observe the flatback turtles during their nesting season. Interpretive signage will be incorporated to provide information on the flatback turtles and other local flora and fauna.

Consultation

- Council staff including Chief Executive Officer and Engineering staff
- Pilbara Development Commission (PDC)
- BHP Billiton Iron Ore (BHP)
- Department of Environment and Conservation (DEC)
- Care for Hedland Environmental Association
- Epcad Pty Ltd
- Department of Conservation and Land Management (CALM)

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

1105426 – Turtle Boardwalk (\$1,000,000)

Current expenditure \$195,000, with the remainder \$805,000 carried forward to 2007/08. It is anticipated that the project will be completed within the current budget constraints.

Officer's Comment

To date, the concrete path stage of the construction has been completed. Detailed design drawings for the remainder of the project are currently being finalized by Epcad Pty Ltd. Concept plans have been attached for Council's information. The final stage of the project includes:

Boardwalk

- Construction of a boardwalk link overlooking the flatback turtle nesting site, located in front of the Koombana Lookout
- Construction method: steel screw piles at 6m centers along the length of the boardwalk, with prefabricated concrete panels and screeded concrete feature finish. The surface will be a combination of standard concrete and exposed aggregate to represent the ripples of sand on the beach
- Galvanised steel handrails (Webforge)
- Lookout platform located centrally along boardwalk

Lighting

- Solar walkway lighting to be installed along the existing concrete path where required. Consultation will be sought to ensure that the lighting is turtle sensitive
- Solar stud lighting to be mounted on the surface of the boardwalk. The solar lights clearly define the travel path of the boardwalk, similar to reflective pavement markers on roads, however should not be visible from the water line

Signage

- Signage shall be strategically placed along the boardwalk and pathway that will provide information regarding the flatback turtles and other local fauna and flora
- Signs shall be etched mild steel with a slip resistant surface
- Signs shall be mounted on balustrades or fixed along the edge of the concrete pathways

Sculpture

An artistic sculpture shall be installed adjacent to the pathway near the carpark entrance to the All Seasons Hotel

Paved Access Nodes

- Three (3) paved nodes shall be placed along the existing pathway to provide access to the beach or the boardwalk
- Finish shall include feature paving and solar brick lights

Landscaping and other features

- Shade structures and seating to be installed at lookouts and nodes
- Current beach accessways and steps to Koombana Lookout to be renovated
- Dune fencing to be installed along length of pathway to prevent additional beach access
- Landscaping to include turf and native shrub planting

It is anticipated that Council staff and their contractors will carry out the majority of the components of the project over the 2007/08 financial year, however the boardwalk structure component will be tendered to be constructed by separate contractors. Due to the sensitive nature of the beach and foreshore area, the boardwalk construction must be carried out before or after the flatback turtle nesting season. It is anticipated that this will commence in April 2008, to allow for the preparation of final drawings and specifications, relevant approvals from CALM and DEC and for the tender process to be completed.

200607/353 Council Decision/ Officers Recommendation**Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham

That Council approves the design and general specifications of the Turtle Interpretive Boardwalk project as detailed in this report.

CARRIED 8/0

11.3.1.3 Don Rhodes Mining Museum Safety Audit (File No.: 21/01/0020)

Officer Grant Logie
Director Engineering Services

Date of Report 6 June 2007

Disclosure of Interest by Officer Nil

Summary

A safety audit and inspection was recently undertaken on the Don Rhodes Mining Museum. This report is a summary of the findings and recommendations.

Background

The Don Rhodes Mining Museum is located on Lot 5527 Wilson Street, Port Hedland. It was established in 1982 through a donation of older locomotives and mining equipment to the Town of Port Hedland. The collection comprises a range of older mining equipment and locomotives that reflect the historic past of the region. The Museum collection is set in a park area and is currently maintained by the Town of Port Hedland. Access is not controlled and there are no onsite museum staff to maintain or preserve the collection.

Council has approved a budget of \$35,000 funded by BHP Billiton Iron Ore for the upgrade of Don Rhodes Mining Museum. Prior to implementation of upgrades it is necessary to identify the hazards that exist in the area and what standards the area must meet regarding public safety. Ninness Consulting Pty Ltd was engaged to assess the Don Rhodes Mining Museum, which was carried out on 14th May 2007.

Consultation

John Ninness - Ninness Consulting
Chief Executive Officer
Engineering Staff

Statutory Implications

While not a playground, the area is largely unsupervised and may possibly be used by children for play activities. The adoption of the following applicable standards for play areas should be considered.

- AS 4685.1 – 2004 Part 1: General safety requirements and test methods
- AS 4685.2 – 2004 Part 2: Particular safety requirements and test methods for swings

- AS 4685.3 – 2004 Part 3: Particular safety requirements and test methods for slides
- AS 4685.4 – 2004 Part 4: Particular safety requirements and test methods for runways
- AS 4685.5 – 2004 Part 5: Particular safety requirements and test methods for carousels
- AS 4685.6 – 2004 Part 6: Particular safety requirements and test methods for rocking equipment
- AS/NZ 4422 – 1996: Playground resurfacing - Specifications, requirements and test method
- AS/NZ 4486.1 –1997: Playgrounds and playground equipment Part 1: Development, installation, inspection, maintenance and operation

A qualitative risk assessment was conducted in accordance with AS/NZ 4360: Risk Management.

Policy Implications

Policy 11/001 – Airport, tourism & Economic Development

Provide public infrastructure and amenities of a high standard to meet the expectations of visitors. Continually strive to improve the general presentation and appearance of the Town of Port Hedland and major entry points to the town.

Strategic Planning Implications Nil

Budget Implications

811494 – Don Rhodes Mining Museum Upgrade – 2006/07 budget of \$35,000. Current expenditure of \$5,800 (audit costs), with \$29,200 to be carried forward to 2007/08 budget.

Implementation of the recommendations detailed below will require additional funding of \$150,000.

Officer's Comment

A significant number of potential public hazards were identified during the on-site inspection. These hazards include, but are not limited to asbestos, potential lead paint, oils, diesel, slips and trips, falls from height and confined space access.

The display highlights the historical significance of the industry and it is important to protect the equipment as well as the public. Given the significant risk potential associated with the display of the locomotives and other plant in a public place it is recommended to prevent access to the equipment through the use of hard barriers such as fences. These fences shall be of an attractive design, such as pool fencing, and shall surround each piece of equipment separately, and not the whole park itself.

The collection area is aged and weathered badly. Vandalism and use of a locomotive as ‘transient’ accommodation for homeless and intoxicated person are of concern to the Town of Port Hedland.

A copy of the full report is available upon request from the Engineering Services Department.

The recommendations outlined in the report are as follows:

Option 1	Option 2	Option 3	Option 4
Do Nothing	Fence all Locomotives and plant items	Fence High Risk Items only	Complete Restoration & Upgrade
Cost: Nil	Cost: \$20-\$50K	Cost: \$10-\$20K	Cost: \$500-\$1M

Option One (do nothing):

Although this option results in a nil cost to Council, the negative outcome to Council is possible litigation following major and minor injuries to the public.

Option Two (fence all locomotives and plant items):

A minimal cost to Council will result in the reduced risk to the public and reduced possibility of litigation. There is still a small chance of public injury and litigation, as the fencing will not deter all of the public from entering the area.

Option Three (fence high risk items only):

Although this option presents a minimal cost to Council, there is still a high chance of minor and major injuries to the public from the ‘low risk’ items within the park.

Option Four (complete restoration and upgrade):

Council must consider whether the full restoration of the locomotives and plant items is an option. This may include the provision of interaction displays on or in locomotives that are accessed through appropriately constructed and lit ramps and walkways that comply with Australian Standards. This option presents a high initial cost to Council and high maintenance costs over the life of the museum.

It is considered that Option 2 is the most feasible recommendation, as it will provide an acceptable level of safety to the public at a minimal cost to Council. In addition to implementation of option 2 (fence around all Locomotives and plant) it is also recommended to carry out the following:

	Cost
Removal/sealing of items identified as dangerous	\$12,200
Installation of cracker dust (or similar) around equipment to identify them as museum pieces	\$15,000
Installation of signage – no climbing on museum pieces	\$2,000
Removal of lead based paints to all pieces, including repainting	\$100,000
TOTAL	\$132,000
Safety audit and inspection costs	\$5,800
Installation of fencing around all locomotives and plant (Option 2)	\$50,000
TOTAL PROJECT COST	\$185,000

200607/354 Council Decision/Officer’s Recommendation

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

That Council:

- i) implements the following upgrade works:**
 - a) installation of fencing around all locomotives and plant**
 - b) removal/sealing of items identified as dangerous**
 - c) installation of cracker dust around museum pieces**
 - d) installation of signage**
 - e) removal of lead based paints, including repainting of plant;**

to the expenditure limit set by current carried forward budget of \$29,200; and
- ii) pursues additional funding of \$150,000 required to carry out above recommended works.**

CARRIED 8/0

7:02 pm Councillor Shane F Sear declared a financial interest in Agenda Item 11.3.1.4 ‘Tender 06/45 Construction of Insitu Concrete Paths’ as the applicant is a client of Councillor Sear’s business.

Councillor Sear left the room.

Ss declared interest – out 7:02 pm

**11.3.1.4 Tender 06/45 Construction of Insitu Concrete Paths
(File No.: 23/08/0031)**

Officer Grant Logie
Director Engineering Services

Date of Report 7 June 2007

Disclosure of Interest by Officer Nil

Summary

This report is a summary of the tenders received Tender 06/45 – Construction of Insitu Concrete Paths.

Background

The current contract for the construction of insitu concrete paths is due to expire on 30 June 2007. As a result, new tenders were recently called for the construction of insitu concrete paths for the Town of Port Hedland for the period 1st July 2007 to 31st December 2008.

Consultation

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

Statutory Implications

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

“3.57. Tenders for providing goods or services

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

(2) Regulations may make provision about tenders.”

Policy Implications

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

Strategic Planning Implications

Key Result Area 1 – Infrastructure

Goal 1 – Roads, Footpaths and Drainage (to have a developed network of road, footpaths and verges that are well maintained.)

Strategy 1 – Implement projects that are listed in the following Council five year programs:

Footpath development program

Budget Implications

The proposed 2007/08 path construction program is valued at \$531,020 and has been submitted to Council for budget approval.

The submitted tendered rates are 31% to 79% higher than the current contractor rates. Although a price increase has been incorporated in the preparation of the 2007/08 program, the submitted tender prices may increase the proposed budget slightly.

Officer's Comment

Tenders closed on 6 June 2007 with 3 tenders submitted. Submissions were received from P&A Concrete Contractors, P&S Reibel Concrete Contractors and K&S Concreting Services Pty Ltd. Tenderers submissions are detailed in table 1 below.

Table 1 (prices ex gst) note: prices do not include the cost of concrete:

Item	Description	P&A Concrete	K&S Concreting	P&S Reibel	P&S Reibel (alternative)
1	In-Situ concrete paving – including 100mm boxing out	\$38.00/m ²	\$19.80/m ²	\$38.00/m ²	\$55.00/ m ² (inc. backfilling)
2	In-Situ concrete paving (stenciled concrete) – inc. 100mm boxing out	\$71.00/m ²	\$25.30/m ²	\$79.00/m ²	\$78.00 / m ² (inc. backfilling)
3	Remove existing in-situ concrete path and replace with 100mm minimum depth in-situ path	\$47.00/m ²	\$28.60/m ²	\$68.00/m ²	\$63.00 / m ² (inc. backfilling)
4	Backfilling of path with clean sand fill	\$2.00/m ²	\$16.50/m ²	\$18.00/m ²	Included above
5	Earthworks – excavation additional	\$150.00/m ³	\$20.00/m ³	\$95.00/m ³	\$93.00/ m ³
6	Earthworks – fill additional	Not provided	\$22.00/m ³	\$115.00/m ³	\$105.00/m ³
7	Remove existing precast concrete slab path and replace with 30mm of clean sand fill	\$10.00/m ²	\$16.00/m ²	\$16.00/m ²	\$15.00/ m ²
8	In-situ concrete ramps at 1 in 10 grade to concrete pavements	\$470.00 each	\$21.00/m ²	\$70.00/m ²	\$81.00/ m ²
9	Mechanical saw cut existing kerbing	\$7.00 each	\$30.00 each	\$25.00 each	\$23.00 each
10	Mechanical saw cutting existing bitumen paving	\$6.00/m	\$7.00/m	\$35.00/m	\$32.00/m

11	Mechanical saw cutting existing concrete paving	\$7.00/m	\$9.00/m	\$45.00/m	\$43.00/m
12	Option additional cost to upgrade in-situ concrete path contraction joints to 'lock joint'	\$1.00/m ²	\$3.00/m ²	\$6.50/m ²	\$6.00/m ²
13	In-situ concrete crossovers residential	\$52.00/m ²	\$21.00/m ²	\$45.00/m ²	\$48.00/m ²
14	In-situ concrete crossovers commercial and industrial	\$57.00/m ²	\$21.00/m ²	\$57.00/m ²	\$59.00/m ²
15	Mob/demob costs (including accommodation and ancillaries)	nil	\$23,950 per visit	nil	nil

Table 2 below indicates a cost comparison of tenderers based on a typical program. The current contractor rates have also been included for comparison purposes. Please note that the item number in column 1 relates to the items described in table 1 above.

Table 2 (ex. gst):

Item	Qty	Current rates	P&A Concrete	K&S Concreting	P&S Reibel	P&S Reibel (alternative)
1	5000m ²	\$86,000	\$190,000	\$99,000	\$190,000	\$275,000
3	500m ²	\$17,200	\$23,500	\$14,300	\$34,000	\$31,500
4	2750m ²	\$41,250	\$5,500	\$45,375	\$49,500	Inc. in 1
8	20 ramps – 100m ²	\$1,040	\$9,400	\$2,100	\$7,000	\$8,100
9	40 off	\$800	\$280	\$1,200	\$1,000	\$920
13	300m ²	\$5,760	\$15,600	\$6,300	\$13,500	\$14,400
15	Mob/Demob 3 visits	\$31,950	Nil	\$71,850	Nil	Nil
	TOTAL:	\$184,000	\$244,280	\$240,125	\$295,000	\$329,920

Tenderers also provided the following information:

P&A Concrete Contractors

- Local Contractor
- Regularly undertakes work for Council

P&S Reibel Concrete Contractors

- Local Contractor
- Regularly undertakes work for Council
- Alternative tender rates submitted for a 12 month period, with a rate review after 12 months in accordance with CPI
- Alternative tender rates request the Town of Port Hedland pay for all landfill fees
- Alternative tender rates request payment 14 days from date of invoice

K&S Concreting Services Pty Ltd

- Minimum 3 visits per year @ 1500m2 each visit
- Mobilisation and demobilisation includes accommodation and ancillaries for 5 people for 3 weeks
- K&S Concreting are the current contractors for path construction for the Town of Port Hedland

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

Price	50%
Experience	30%
Local Supplier	10%
Resources (eg Plant & Equipment)	5%
Availability	5%
Total	100%

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

Evaluation Criteria	P&A Concrete	K&S Concreting	P&S Reibel	P&S Reibel (alternative)
Price (50%)	49	50	40	36
Experience (30%)	30	30	30	30
Local Supplier (10%)	10	0	10	10
Resources (5%)	5	5	5	5
Availability (5%)	5	3	5	5
TOTAL	99	88	90	86

Based on the typical program indicated in table 3, K&S Concreting have submitted the lowest tender, however P&A Concreting have received the highest weighting according to the evaluation criteria. This is largely due to the 10% local content, which is valuable when considering contractor demand for path repairs, maintenance and works required at short notice.

It is also noted that mobilization and demobilisation costs have been calculated based on a 5000m2 path program constructed over 3 visits. The 2007/08 path program that has been submitted to Council contains approximately 7000m2 of path construction, which would require 2-3 additional visits from K&S Concreting at a further cost of \$47,900 to \$71,850 (mob/demob content only).

By awarding the tender to a local contractor, Council has more flexibility with the programming of path construction and various other projects that require path works. It is therefore recommended to award Tender 2006/45 to P&A Concrete Contractors.

200607/355 Council Decision/Officer's Recommendation**Moved:** Cr A A Gear**Seconded:** Cr A A Carter

That Council awards Tender 06/45 Construction of Insitu Concrete Paths to P&A Concrete Contractors, as per the following schedule of rates, for the period 1 July 2007 to 31 December 2008:

Item	Description	P&A Concrete
1	In-Situ concrete paving – including 100mm boxing out	\$38.00/ m2
2	In-Situ concrete paving (stenciled concrete) – inc. 100mm boxing out	\$71.00/ m2
3	Remove existing in-situ concrete path and replace with 100mm minimum depth in-situ path	\$47.00/ m2
4	Backfilling of path with clean sand fill	\$2.00/ m2
5	Earthworks – excavation additional	\$150.00/ m3
6	Earthworks – fill additional	Not provided
7	Remove existing precast concrete slab path and replace with 30mm of clean sand fill	\$10.00/ m2
8	In-situ concrete ramps at 1 in 10 grade to concrete pavements	\$470.00 each
9	Mechanical saw cut existing kerbing	\$7.00 each
10	Mechanical saw cutting existing bitumen paving	\$6.00/m
11	Mechanical saw cutting existing concrete paving	\$7.00/m
12	Option additional cost to upgrade in-situ concrete path contraction joints to 'lock joint'	\$1.00/ m2
13	In-situ concrete crossovers residential	\$52.00/ m2
14	In-situ concrete crossovers commercial and industrial	\$57.00/ m2
15	Mob/demob costs (including accommodation and ancillaries	nil

CARRIED 7/0

7:04pm

Councillor Shane F Sear re-entered the room and assumed his chair. Mayor advised Councillor Sear of Council's Decision.

11.3.2 Recreation Services

11.3.2.1 Alterations to Terms of Reference of JD Hardie Centre Working Group (File No.: 26/05/0014)

Officer Bec Coxall
Recreation Coordinator

Date of Report 14 June 2007

Disclosure of Interest by Officer Nil

Summary

The JD Hardie Centre Working Group (JDHC WG) are recommending to Council that the current invited guests from various organisations to the JDHC WG meetings be formalised as members of the Working Group.

Background

At the Ordinary Council Meeting held on 22 February 2006, Council resolved that:

- i) *Council create a working group, called the JD Hardie Centre Working Group, to function for a short period to consider future uses of the JD Hardie Centre.*
- ii) *the JD Hardie Centre Working Group be made up of the following members:*
 - a) *Cr S R Martin*
 - b) *Cr A A Gear*
 - c) *Cr G D Bussell*
 - d) *Mr Gavin Mitchell, representing Pilbara Meta Maya*
 - e) *Ms Sue Harrison representing the Youth Involvement Council*
- iii) *the Chief Executive Officer and appropriate staff attend meetings of the JD Hardie Centre Working Group as ex officio members.*

At the JDHC WG meeting held on 5 June 2007, the Group made observations that regular invited guests were not formalised as part of the Working Group, however were involved in the decision making process for recommendations to Council, and the staged development into the transition of the JD Hardie Centre into a youth centre.

Regular attendees of the Working Group Meetings include:

- Andrew Watt – Creating Communities
- Carley Morrell – Youth Involvement Council
- Tim Turner – Indigenous Coordination Centre

Additional changes to the current Working Group members include:

- Sue Harrison no longer employed by the Youth Involvement Council; and
- Gavin Mitchell no longer being a representative of Pilbara Meta Maya, instead he is employed by the Department of Sport and Recreation.

Changing the terms of reference of this group to organisational representatives will allow the relevant staff to be involved in the Working Group meetings.

Consultation

The JDHC WG has discussed and recommended this alteration to the members of the Working Group. These changes have been discussed within Council's Engineering Directorate.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

To ensure the integrity of the JDHC WG is maintained, it is essential that Council has endorsed the members of the Working Group.

It is recommended that the organisation's name be used as the terms of reference for membership on the Working Group, in case of employment changes or replacement.

200607/356 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr A A Gear**That Council amend the membership of the JD Hardie Centre Working Group to be as follows:**

- a) Cr S R Martin;
- b) Cr A A Gear;
- c) Cr G D Bussell;
- d) A representative from the Department of Sport and Recreation;
- e) A representative from the Youth Involvement Council Inc.;
- f) A representative from the Indigenous Coordination Centre; and
- g) A representative from Creating Communities.

CARRIED 8/0

7:06 pm Councillor Jan M Gillingham left the room.

7:09 pm Councillor Jan M Gillingham re-entered the room and assumed her chair.

11.3.2.2 Policy Development: Rubbish Bin Allocation at Sporting Reserves (File No.: 26/03/0001)

Officer Bec Pianta
Recreation Coordinator

Date of Report 13 June 2007

Disclosure of Interest by Officer Nil

Summary

It is proposed that a Rubbish Bin Policy be created for allocation of bins at all sporting reserves, to ensure that an adequate and agreed number is supplied. This proposed policy will be based upon general usage numbers, and will be subject to examination on an annual basis.

Background

The Town of Port Hedland has an obligation to supply 240 litre green rubbish bins at all public facilities, including sporting reserves. Currently, no policy exists to determine the base number of bins that Council should provide at each location.

Based on regular bookings received, a recommended number of bins supplied at each reserve has been developed, and is based upon the heaviest utilisation period at any one time. The recommended ratio for bin per person, developed by the Engineering Department, is 1:35. This ratio takes into account the average number of bins currently at each reserve, and their apparent effectiveness.

The recommended number of bins to be supplied at each reserve for 2007/08 is therefore outlined in Table 1:

Table 1.

	Recommended number of bins
Colin Matheson Oval	10
Town Oval West	7
McGregor St Reserve	5
Kevin Scott Oval	15
Marie Marland Reserve	10
Equestrian Reserve	1
Faye Gladstone Courts	9

Based on the data in Table 1, the recommended policy inclusion is:

6/008: Number of Rubbish Bins to be supplied at each Sporting Reserve

The Town of Port Hedland shall provide a set number of rubbish bins at sporting reserves based on regular player numbers. Any request for additional bins will be charged as per Council's Schedule of Fees and Charges.

Consultation

Relevant Council Staff including:
Recreation Staff
Director Engineering Services
Chief Executive Officer

No external public consultation has been undertaken for this proposal.

Statutory Implications

The adoption of appropriate policies is in accord with Council's obligations under Section 3.1(1) of the Local Government Act, which obliges Council to provide for "...the good government of persons in its district"

Policy Implications

This report recommends an addition to Council's Recreation Policies.

Policy 6/003 states in part that 20 additional bins will be supplied for Hedland Cup Day and the Nindji Nindji Festival as part of Council support for these events, and that other additional events will be considered for support upon application.

Strategic Planning Implications Nil

Budget Implications

It is not anticipated the proposed amendments will have any budgetary implications.

Officer's Comment

It will be valuable to both recreation and depot staff to have a pre-determined number of bins at each sporting reserve, to ensure that usage needs are being met, and the exact number of bins can be monitored.

Community groups often approach Council for additional bins at sporting reserves for special events, and it is difficult to determine the number of bins that Council should supply, and those that should be charged to the organisation. The introduction of this policy will assist staff in responding to the community, and provide a pre-determined bin number at each location. It is imperative that this policy includes the provision for examination every year, as usage levels differ each season.

Officer's Recommendation

It is recommended that Council seek feedback from sporting groups on the proposed new Recreation Policy, as follows:

6/008: Number of Rubbish Bins to be supplied at each Sporting Reserve

"The town of Port Hedland shall provide a set number of rubbish bins at sporting reserves based on regular player numbers. Any request for additional bins will be charged as per the fees and charges"

200607/357 Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

It is recommended that Council seek feedback from sporting groups on the proposed new Recreation Policy, as follows:

6/008: Number of Rubbish Bins to be supplied at each Sporting Reserve

"The town of Port Hedland shall provide a set number of rubbish bins at sporting reserves based on regular player numbers at a ratio of one (1) bin per 25 users. Any request for additional bins will be charged as per the fees and charges"

CARRIED 8/0

REASON: Council determined that the draft policy should set the number of rubbish bins at sporting reserves based on one bin per 25 players, rather than one for 35.

11.3.2.3 Waiver of Fees for the Western Australian Football League Game Being Held in Port Hedland (File No.26/07/0004)

Officer Bec Pianta
Recreation Coordinator

Date of Report 18 June 2007

Disclosure of Interest by Officer Nil

Summary

The Western Australian Football League (WAFL) is holding a state match in Port Hedland on 21 July 2007, and have approached Council with two requests:

1. to waive the landing fees at the Port Hedland International Airport for their charter flight in and out of Port Hedland; and
2. to waive the fees for the use of the JD Hardie Centre for the team's accommodation.

Background

As part of their regional commitment to football, the WAFL ensures regional towns have access to state level games on a regular basis. On 21 July 2007, the Swan Districts Football Club and Claremont Football Club will play their match at Kevin Scott Oval in South Hedland. This game is facilitated by the Town of Port Hedland, and organised by the Town of Port Hedland, the Swans Football Club and Rovers Football Club, with all proceeds divided between the two local clubs.

On 14 June 2007, the Chief Executive Officer of the Swan Districts Football Club approached Council with the following requests:

"...We have been unable to secure accommodation for two traveling teams from Perth to Port Hedland. We have contacted every hotel/motel/etc in Port Hedland several times through our travel agent Jetset Travel Port Hedland.

We would appreciate getting access to the J D Hardie Centre as discussed...

We have also asked for the landing fees to be waived for our charter flight in and out of Port Hedland on Saturday July 21 and Sunday July 22..."

Consultation

Director Engineering Services
Chief Executive Officer

Recreation Programmer
Sports and Recreation Officer
WAFL Match Organising Committee

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Should Council approve this request for waiver of fees, Council will forego revenue of:

Hire of the JD Hardie Centre:	\$ 500
Landing/Overnight Fees:	\$1,070
TOTAL	\$1,570

Officer's Comment

State level sporting competitions are uncommon in Port Hedland, therefore it is vital to encourage State Sporting Association's to continue their commitment within the North West. As part of the WAFL's commitment to regional WA, all proceeds from this WAFL match will be divided between the two local football teams.

200607/358 Council Decision/Officer's Recommendation

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

That Council advise the Swans Districts Football Club that:

- i) their request to waive landing fees to a maximum value of \$1,070 is granted;
- ii) their request for waive fees for the use of the JD Hardie Centre for accommodation on the 20 July 2007 is granted, to a value of \$500;
- iii) in accordance with Council's Schedule of Fees and Charges, a bond must be paid for the use of the JD Hardie Centre overnight; and
- iv) the Town of Port Hedland must be recognised as a contributor towards the WAFL game with signage at the event, and logo/name promotion in all print media undertaken for the match.

CARRIED 8/0

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

Officer Stephen Carstairs
Manager Finance

Date of Report 19 June 2007

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activities of the Town to 31 May 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**1. *Financial Statements***

Presented (see attachments) in this report for the financial period ended 31 May 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 31 May 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 27 June 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			
CHQ17354	17373	\$114,135.09	1	5	1	Municipal Fund	Cancelled
CHQ17374	17374	-5	5	5	1	Municipal Fund	
CHQ17375	17377	\$3,558.60	5	6	1	Municipal Fund	Cancelled
CHQ17378	17379	-6	6	6	1	Municipal fund	
CHQ17380	17436	\$116,000.53	6	17	1	Municipal Fund	Cancelled
CHQ17437	17437	-17	17	17	1	Municipal Fund	
CHQ17438	17449	\$91,617.57	17	19	1	Municipal Fund	
EFT18561	18905	\$2,740,739.57	19	112	1	Municipal Fund	
PAY 080507		\$206,832.10	112	112	1	Municipal Fund	
PAY 220507		\$205,959.20	112	112	1	Municipal Fund	
	Municipal Total	\$3,478,842.66					
3001340	3001346	\$10,248.87	112	113	3	Trust Fund	
	Trust Total	\$10248.87					
	TOTAL	\$3,489,091.53					

Consultation

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

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

Statutory Implications

Financial Statements

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

“34. Financial activity statement report - s. 6.4

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

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

In this regulation:

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

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

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

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

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

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

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

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

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

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

Strategic Planning Implications

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 adopted 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 \$ 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.

200607/359 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr A A Gear**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 31 May 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 attached be received; and**
- iii) **the list of Accounts paid to during May 2007 under Delegated Authority, as presented and/or attached be received.**

CARRIED 8/0

11.4.1.2 Request to Write Off Debts (File Nos: FIN-005 and Fin-100)

Officer Stephen Carstairs
Manager Finance

Date of Report 19 June 2007

Disclosure of Interest by Officer Nil

Summary

With regard to 90+ day debts that are deemed unrecoverable or raised in error, it is requested that Council consider writing them off.

Background

The following outstanding debts (see table below) are accounts that have been identified as raised in error, or uneconomical to pursue.

Debtor Ref.	Amount Owing (\$)	Reason	Invoice Number	Date
7284 Darren Moore	\$42.44	Airport landing fees – Dun & Bradstreet advise uneconomical to pursue.	15872	26.10.06
7274 Martin Phillips	\$29.37	Airport landing fees – Dun & Bradstreet advise uneconomical to pursue.	15904	26.10.06
6871 UWA Perth International Arts Festival	\$1,059.24	Administration error – Matt Dann live theatre ticket commission was raised in error	14620	30.06.06
TOTAL	\$1,131.05			

Consultation

Debtors 7284 and 7274 were referred to Dun and Bradstreet the Town's debt collection agent.

Statutory Implications

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

2/005 Sundry Debt Collection

Strategic Planning Implications Nil

Budget Implications

Should Council resolve to write off the aforementioned debts, 2006/07 revenue would be reduced by \$1,131.05. These write-offs should be applied to Council's Provision for Doubtful Debts. This is a balance sheet account and therefore does not directly affect the Municipal Budget. The Provision is reviewed annually, and net adjustment has not been applied to the Municipal budget at that stage.

Officer's Comment

For any organisation or business it is not the preferred option to write off debt. Debt written off is a loss of income, which organisations require to survive. In saying this, there are times when the cost of collecting debts can exceed the debt itself and a decision must be made to either pursue or extinguish the debt.

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

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

200607/360 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr D R Pike

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

Debtor Ref.	Amount Owning (\$)	Reason	Invoice Number	Date
7284 Darren Moore	\$42.44	Airport landing fees – Dun & Bradstreet advise uneconomical to pursue.	15872	26.10.06
7274 Martin Phillips	\$29.37	Airport landing fees – Dun & Bradstreet advise uneconomical to pursue.	15904	26.10.06
6871 UWA Perth Internationa l Arts Festival	\$1,059.24	Administration error – Matt Dann live theatre ticket commission was raised in error	14620	30.06.06
TOTAL	\$1,131.05			

CARRIED BY ABSOLUTE MAJORITY 8/0

11.4.1.3 2007/08 Rates in the Dollar & Minimum Rates (File No.: ...-...)

Officer Matthew Scott
Director Corporate Services

Date of Report 14 May 2007

Disclosure of Interest by Officer Nil

Summary

For Council to adopt various rates in the dollars and Minimum Rates so the required advertising can commence prior to budget adoption.

Background

As part of the annual Budget process Council must decide the rates in the dollars (RID) and the minimum rates (min) to be used in the following year. Due to advertising requirements (S.6.36), the rates in the dollars and minimum rates must be resolved prior to the budget being finalised.

At the third Budget Workshop rates were discussed with Council with following outcomes

Rates Category	2006/07		2007/08		Increase	
	RID	Min	RID	Min	RID	Min
GRV Residential	10.7899	\$600	11.1675	\$600	3.5%	0.0%
GRV Commercial	10.7899	\$600	11.1675	\$600	3.5%	0.0%
GRV Industrial	10.7899	\$600	11.1675	\$600	3.5%	0.0%
GRV Shopping Center	10.7899	\$600	11.1675	\$600	3.5%	0.0%
GRV Ex Gratia	10.7899	\$600	11.1675	\$600	3.5%	0.0%
UV Mining Improved	12.1196	\$400	15.1495	\$600	25.0%	50.0%
UV Mining Vacant	12.1195	\$400	15.1494	\$600	25.0%	50.0%
UV Pastoral	8.992	\$400	9.3067	\$600	3.5%	50.0%
UV Other	9.7739	\$400	10.116	\$600	3.5%	50.0%
UV Other Vacant	9.7738	\$400	10.1159	\$600	3.5%	50.0%

The major changes are as follows:

UV Minimums

All UV minimums have increased to \$600 (50%) to be the same as the current GRV Minimum. Councilors at the workshop felt that there should be standard minimum across the district to reflect the minimum standard of services and activities allowable to all ratepayers within the district.

GRV Mining Rates

These Rates in the dollar were increased by 50%, on the basis that much of Council infrastructure is being developed to meet the demands of the mining industry, however rates generation is limited due to the impacts of the State Agreement in place with many major mining companies

Remaining Rates in the Dollars

At the workshop it was decided by Council that all rates must at least be increased by CPI to maintain, in real terms, the level of services and activities currently provided to the community. Due to the effects of inflation, the purchasing power of Council is annually eroded, and if CPI increases are not maintained, Council, at some stage would be required to make massive increases to correct this reduction in income. The CPI for Perth for the March 2007 Quarter is 3.5%, however this does not necessarily reflect the CPI for the Pilbara region, which given the resource boom, is believed to be considerably higher, however this is not currently calculated by the Australian Bureau of Statistics.

As with the 2006/07 minimum rates, Council will need to apply to the Minister of Local Government and Regional Development (DLGRD) to impose the minimum rate for the UV Mining Vacant and UV other Vacant categories, as more than 50% of the properties will be on Minimums should these rates be adopted (S.6.35). It is believed that the DLGRD will support this request of these rates; similar percentages exist, as what was approved in 2006/07.

Consultation

The proposed rates in the dollars and minimum rates were discussed with Council at the 3rd Budget Workshop, held on the 6 June 2007.

Statutory Implications

Local Government Act 1995

“6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) A notice referred to in subsection (1) $\frac{3}{4}$*

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

“6.35. Minimum payment

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than $\frac{3}{4}$*
 - (a) *50% of the total number of separately rated properties in the district; or*
 - (b) *50% of the number of properties in each category referred to in subsection (6),*
on which a minimum payment is imposed.
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of $\frac{3}{4}$*

- (a) *the number of separately rated properties in the district; or*
- (b) *the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.*
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories ^{3/4}*
 - (a) *to land rated on gross rental value;*
 - (b) *to land rated on unimproved value; and*
 - (c) *to each differential rating category where a differential general rate is imposed.”*

Policy Implications

Nil

Strategic Planning Implications

The proposed rate increases are consistent with Council's five year Financial Plan key assumptions.

Budget Implications

Based on current valuations the proposed rates in the dollar and minimum rates will generate \$9,328,059 in revenue for Council in 2007/08. This is a \$677,775 increase from the amount raised in 2006/07.

Officer's Comment

Rating is Councils primary way of raising income to pay for the services it provides to the community. It is therefore extremely important that the rates imposed are reflective of where Council plan to allocate its resources in the coming year.

The Town of Port Hedland is a developing authority, in that much of the Towns resources are spent in developing infrastructure. Currently the district is experiencing high levels of growth due to the mining boom, which is placing extreme pressures on Council to fast track infrastructure development.

200607/361 Council Decision/Officer’s Recommendation

Moved: Cr A A Carter

Seconded: Cr G D Bussell

That Council:

- i) adopts for advertising the following 2007/08 Rates in the Dollar and Minimum rates:**

Rates Category	Cents in the Dollar of Valuation	Minimum Rates
GRV Residential	11.1675	\$600
GRV Commercial	11.1675	\$600
GRV Industrial	11.1675	\$600
GRV Shopping Center	11.1675	\$600
GRV Ex Gratia	11.1675	\$600
UV Mining Improved	15.1495	\$600
UV Mining Vacant	15.1494	\$600
UV Pastoral	9.3067	\$600
UV Other	10.116	\$600
UV Other Vacant	10.1159	\$600

- ii) Apply to the Minister of Local Government and Regional Develop to approve Council in imposing a Minimum Rate for UV Mining Vacant and UV other Vacant which will result in more that 50% of the properties in these categories being subject to minimum rate.**

CARRIED 8/0

11.4.1.4 Audit and Finance Committee (File No.: ADM-089)

Officer Matthew Scott
Director Corporate Services

Date of Report 20 June 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider the outcomes of the Audit and Finance Committee Meeting, held on the 6 June 2007, and to adopt the proposed budget amendments from the third Quarterly Budget Review.

Background

The Audit and Finance Committee met on the 6 June 2007 to consider the proposed budget amendments resulting from the third Quarter Budget Review. Though initiated at the end of March, as the review is used to forecast the Council's end of year result, which is used as the starting point of the 2007/08 Budget Process, it has taken some considerable time to complete.

Council will note that last year there was a significant difference in the actual year end result, compared to the forecast, and so additional time was needed to more accurately calculate the proposed 2006/07 end of year result.

The resulting proposed budget amendment is summarised as follows:

Function	Original Budget	Amended Budget (Dec review)	Proposed Budget Amendment (Forecast)	Change
General Purpose Income	(11,012,420)	(11,244,920)	(11,422,550)	177,630
Governance	1,164,100	1,644,450	1,348,900	295,550
Law, Order & Public Safety	623,190	611,090	79,350	531,740
Health	310,300	295,800	279,150	16,650
Education & Welfare	322,487	686,587	798,400	(111,813)
Housing	626,000	816,500	812,150	4,350
Community Amenities	2,623,340	2,880,940	2,750,790	130,150
Recreation & Culture	4,658,210	4,685,290	4,841,830	(156,540)
Transport	6,044,484	7,553,984	6,054,400	1,499,584
Economic Services	519,100	1,022,900	846,500	176,400
Other Properties & Services	(28,500)	(162,870)	(105,850)	(57,020)
Total	5,850,291	8,789,751	6,283,070	2,506,681
Less Non Cash	(3,415,791)	(3,495,591)	(3,532,800)	37,209
Add Surplus B/Fwd	(2,434,500)	(5,712,860)	(5,712,860)	0
Cash Surplus	0	(418,700)	(2,962,590)	2,543,890

Principally, these proposed amendments will increase the forecasted surplus from \$418,700 to \$2,962,590. Though this is a significant increase, the majority of these funds are required to complete outstanding projects in 2007/08. A list of these outstanding projects has already been provided to Council as part of the third Budget Workshop, totalling \$2,484,600.

At the Committee meeting, members also discussed the volume of accounts being amended. In total 972 accounts are proposed to be amended, however many have minor adjustments that are considered immaterial to Council's overall \$32 million budget. Given this quantum, members requested that only a detailed explanation be provided for accounts where the adjustment was +/- \$8,000 or 5% more of the currently adopted budget, whichever was greater. While this information can be provided, Council would still need to adopt all the budget amendments (in entirety), as budget amendments can only be approved by an absolute majority of Councillors..

In analysing the budget variations, some 713 accounts fall within less than +/- \$8,000 or 5% more of the currently adopted budget, whichever is greater, with the following effect on the budget:

Function	Amended Budget (Dec review)	Proposed Budget Amendment (Forecast)	Change
General Purpose Income	(10,876,020)	(10,872,750)	3,270
Governance	476,440	469,640	(6,800)
Law, Order & Public Safety	180,990	152,250	(28,740)
Health	107,100	88,500	(18,600)
Education & Welfare	1,338,080	1,355,450	17,370
Housing	371,600	352,250	(19,350)
Community Amenities	(4,195,516)	(3,966,000)	229,516
Recreation & Culture	2,158,225	2,069,000	(89,225)
Transport	1,636,300	1,679,900	43,600
Economic Services	1,964,700	1,969,300	4,600
Other Properties & Services	652,980	646,850	(6,130)
Total	(6,185,121)	(6,055,610)	129,511

The balance, 259 accounts are listed on attachment 1 with an explanation of the reason for the variation. A complete list of the accounts to be adjusted is on attachment 2, and finally a complete function report, showing the effect of the proposed forecast on the various business units is on attachment 3.

Consultation

This report is the result of the Audit and Finance Committee meeting held on 6 June 2007. The unconfirmed minutes of this meeting are attached.

Statutory Implications

Local Government Act 1995 states (in part):

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

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

(a) is incurred in a financial year before the adoption of the annual budget by the local government;

(b) is authorised in advance by resolution; or*

(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.”*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

These proposed amendments will result in the Cash surplus changing from \$418,700 to \$2,962,590. However \$2,484,600 will be needed to fund the estimated carry forward position in the 2007/08 budget, leaving \$477,990 for either further reallocation (new projects) or actually carried forwarded as surplus cash in 2007/08.

Officer's Comment

As noted, the proposed budget amendments have been reviewed and approved by the Audit and Finance Committee, and Councillors should refer to those minutes to see where the material changes in the budget have occurred (or alternatively review Attachment 1). Council should note this meeting is the last meeting of Council in the current financial year, and should Council resolve not to amend the budget as recommended, the official forecast for 06/07 will remain the current amended budget (as of the 2nd budget review, cash surplus \$418,700). This would likely raise considerable concern from the Council's Auditors, as it is known that at least \$2,484,600 in cash surplus is required to fund 06/07 uncompleted projects in 2007/08.

Detailed information of the proposed amendments are attached for Council review, and it is highly recommended that should Councillors have concerns with the Audit and Finance Committees recommendation, then the Councillors should discuss them with either committee members or the Director of Corporate Services prior to the Council meeting.

The following documents are attached to this item:

- Amendments requiring detailed explanations
- List of all proposed budget amendments
- Functions 2-14, showing the effect of proposed budget amendments

Officer's Recommendation

That Council adopts the budget variations as listed in Attachment 2, resulting in a forecast cash surplus for 2006/07 of \$2,962,590, as recommended by the Audit and Finance Committee.

200607/361 Council Decision

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Council:

- i) **adopts the budget variations as listed in Attachment 2, resulting in a forecast cash surplus for 2006/07 of \$2,962,590, as recommended by the Audit and Finance Committee; and**
- ii) **receives detailed explanations of budget variations in quarterly budget reviews, where a budget variation is either greater than or less than \$8,000 or 5% whichever is the greatest.**

CARRIED BY ABSOLUTE MAJORITY 8/0

REASON: Council resolved to endorse the Audit and finance Committee's recommendation to detail budget variances of +/- \$8,000 or 5%; whichever is the greatest, in quarterly budget reviews.

11.4.1.5 Community Bank Funding Agreement (File No.: 12/03/0002)

Officer Matthew Scott
Director Corporate Services

Date of Report 20 June 2007

Disclosure of Interest by Officer Nil

Summary

For Council to grant approval for the Mayor and Chief Executive Officer to sign and seal the Financial Assistance Agreement with the Pilbara Regional Development Commission, to fund a Project Officer for the South Hedland Community Bank Steering Committee.

Background

The South Hedland Community Bank Steering Committee was formed to investigate and progress the development of the community bank in South Hedland. Given that this aim is currently part of the Council's Strategic Plan, Cr Bussell was appointed to the Steering Committee as Council representative, with in kind support provided by Council.

Currently the Steering Committee is actively promoting the bank within the community and has already received over \$300,000 in pledges (out of required \$1,500,000 needed). The committee is made up of representatives from across the community, including Council, Chamber of Commerce, other government and non-government agencies, local business and interested individuals. Though all members are enthusiastic about the bank, it has become apparent that additional organizational skills are required.

In the March round of Pilbara Regional Development Scheme Funding applications, an application was made on behalf the Steering Committee to fund a Project Officer to help promote and administer the community bank project. As the Steering Committee is not an incorporated body, the application was through the Town of Port Hedland, given the Towns involvement in the project. The Steering Committee's application was successful with a grant of \$3,000 being awarded. Before the funds can be accessed, a funding agreement needs to be signed and sealed by the Chief Executive Officer, on behalf of Council. As per Council policy, before the Council seal can be used, Council must approve it.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

The \$3,000 will be placed in Council's Trust fund until required by the Steering Committee. All trust fund payments required the authorisation of 2 Council Officers (CEO, Director Corporate Services, Manager Financial Services) and the Mayor. As the funds are simply being in trust for the Steering Committee, they will not be included in Council Accounts.

Officer's Comment

Except for officer time and some photocopying, the South Hedland Community Bank Steering Committee has been fairly self-sufficient.

The appointment of a project officer will help organize community meetings and further the current awareness campaign. The funds from the Pilbara Regional Development Scheme have already been awarded to the Steering Committee and the need for Council to sign the Funding agreement is a formality.

Should Council not sign the agreement, the funds will not be passed on to the Steering Committee, resulting in a project officer not being appointed, and additional Council resources may need to be utilized to promote the community bank.

200607/362 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council approves the use of the Town of Port Hedland Seal on the Financial Assistance Agreement with the Pilbara Regional Development Scheme, for a Project Officer for the South Hedland Community Bank Steering Committee (\$3,000 excluding GST).

CARRIED 8/0

11.4.1.6 Withdrawal of Caveat Lot 5546 (33) Harwell Way, Wedgefield (File No.: RAT-009, A154420g)

Officer Stephen Carstairs
Manager Finance

Date of Report 14 June 2007

Disclosure of Interest by Officer Nil

Summary

For Council to approve the use of the Town Seal to lift a Caveat on Lot 5546 (33) Harwell Way, Wedgefield.

Background

Council lodged a caveat on the above property on 18 October 2001 to protect outstanding accounts applicable to the property totalling \$3,022.20 at that time. As at 14 June 2007, Lot 5546 (33) Harwell Way, Wedgefield had an outstanding balance of \$12,146.03 plus legal fees for attending settlement. Penalty interest is accruing at \$3.17 per day. The owner requires that the caveat be lifted in order to proceed with the sale of the property prior to 30 June 2007, or as soon as practical after that date.

Consultation

Bank West Conveyancing, Vendor's Settlement Agent.

Statutory Implications

Transfer of Land Act

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

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

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

200607/363 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council authorises the Common Seal to be affixed to the WITHDRAWAL OF CAVEAT Form W1 and to be signed by the Mayor and the Chief Executive Officer, to lift a Caveat on Lot 5546 (33) Harwell Way, Wedgefield.

CARRIED 8/0

11.4.1.7 Withdrawal of Caveats : Lot 417 (11) Moore Street, Port Hedland (File No.: RAT-009, A108900g); Lot 418 (13) Moore Street, Port Hedland (File No.: RAT-009, A108910g); Lot 3798 (23) Harwell way, Wedgefield (File No.: RAT-009, A118690g); Lot 3 (3) Trig Street, Wedgefield (File No.: RAT-009, A121670g); Lot 212 (25) Morgans Street, Port Hedland (File No.: RAT-009, A124150g); Lot 1787 (207) Athol Street, Port Hedland (File No.: RAT-009, A128570g); Lot 2051, 3116, 10729 (6) Miller Street, Wedgefield (File No.: RAT-009, A128580g); and Lot 2447 (28) Moorambine Street, Wedgefield (File No.: RAT-009, A128600g)

Officer Stephen Carstairs
Manager Finance

Date of Report 14 June 2007

Disclosure of Interest by Officer Nil

Summary

For Council to approve the use of the Town Seal to lift a Caveat on the following lots;

- Lot 417 (11) Moore Street, Port Hedland;
- Lot 418 (13) Moore Street, Port Hedland;
- Lot 3798 (23) Harwell Way, Wedgefield;
- Lot 3 (3) Trig Street, Wedgefield;
- Lot 212 (25) Morgans Street, Port Hedland;
- Lot 1787 (207) Athol Street, Port Hedland
- Lot 2051, 3116, 10729 (6) Miller Street, Wedgefield; and
- Lot 2447 (28) Moorambine Street, Wedgefield.

Background

Council lodged a caveat on the above properties on 3 November 2003 to protect outstanding accounts applicable to the properties. For the last two years, the accounts have all been paid in full. The owner requires that the caveats be lifted in order to proceed with the sale of the properties without any encumbrance at any time.

Consultation Nil

Statutory Implications

Transfer of Land Act

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

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

As the properties have been paid in full for the last two years there is no reason for Council to continue to have the Caveat registered against each of the properties mentioned.

200607/364 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Council authorises the Common Seal to be affixed to the WITHDRAWAL OF CAVEAT Form W1 and signed by the Mayor and the Chief Executive Officer to lift a Caveat on the following lots;

- . Lot 417 (11) Moore Street, Port Hedland;
- . Lot 418 (13) Moore Street, Port Hedland;
- . Lot 3798 (23) Harwell Way, Wedgefield;
- . Lot 3 (3) Trig Street, Wedgefield;
- . Lot 212 (25) Morgans Street, Port Hedland;
- . Lot 1787 (207) Athol Street, Port Hedland
- . Lot 2051, 3116, 10729 (6) Miller Street, Wedgefield; and
- . Lot 2447 (28) Moorambine Street, Wedgefield.

CARRIED 8/0

11.4.1.8 Transient Workforce Accommodation – Airport (File No.: 05/05/00055)

Officer Matthew Scott
Director Corporate Services

Date of Report 20 June 2007

Disclosure of Interest by Officer Nil

Summary

To update Council on the progress of developing a site at the Port Hedland International Airport for the purpose of transient workforce accommodation.

Background

Due to the current housing crisis, Council resolved to investigate the possibilities of developing an area at the Port Hedland International Airport for construction of transient workforce accommodation. Since that decision, Taylor Burrell Barnett has developed a development plan, and initial costings have been estimated. The results of these activities were presented at the June Council Briefing Session.

The plan proposed by the consultant provides for ten (10) small lots, ranging from 1.04-1.24 ha and two (2) super lots of 11.81 ha and 7.76ha. Based on densities with other work camps within the area it has been estimated that some 2,800 people could be accommodated on the site. An initial estimate of the cost of the development is \$2,514,500, with on going maintenance of \$10,000 per annum. The majority of these costs are associated with accessing water and sewerage to site, currently \$1,825,000. Should only the small lots be developed, the construction costs would be considerably less (\$1,050,500). It is stressed that these estimates are based on informal discussions with the consultant and service providers, and detailed engineering costs are required to “firm up” these numbers.

Should the site be developed, it is expected that Council could at least receive \$617,800 per annum, which is 30.89 ha at \$2.00 per m². This is the current lease rental of the neighbouring FMG lease; however market demand, hopefully will increase per m² rate significantly.

Current financial analysis suggests the project is highly economical, with positive net present values and internal rates of return.

In order to progress this development Council must now progress engineering costings and distribute an expression of interest to the market to accurately determine cost and demand, before committing to the project.

Consultation

Taylor Burrell Barnett have been engaged to produce the initial development plan (attached). Further consultation may be required to determine an accurate engineering cost estimate. The proposed Expression of Interest should be able to be produced in house.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Based on current cost and revenue estimates, the project could be fully financed with loan funds, and still provide Council with a positive cash flow. Until detailed costings and demand can be calculated there is still an element of risk in progressing this project.

Officer's Comment

Effectively what has been provided to Council is a pre feasibility study on the project. Though currently providing a positive return, detailed costings and demand indications must now be sourced.

As Council is aware, there is a lot of anecdotal evidence that a development of this nature is needed in the district, with local, national and international companies showing a lot of interest. It is exceedingly important that Council develop a comprehensive development proposal prior to committing to it.

200607/365 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Council:

- i) issues an Expression of Interest to the market to determine demand and rental value of the project;**
- ii) engages a consultant to provide complete engineering costing of the project; and**
- iii) receives a feasibility report on the Airport transient workforce accommodation proposal before progressing with the development.**

CARRIED 8/0

11.4.1.9 Request for Lease Renewal – Air BP at Port Hedland International Airport (File No.: 05/05/0038)

Officer Matthew Scott
Director Corporate Services

Date of Report 12 June 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider renewing the lease for Air BP at the Port Hedland International Airport.

Background

Air BP currently leases approximately 2,700 square metres at Council's Port Hedland International Airport, from which it provides aviation fuel for airport users. In November 2000, Council approved an extension to their lease, which will expire on 30 June 2007. Air BP would like to renew this lease for another five (5) years (as a minimum).

Council has experienced no problems in leasing the land to Air BP, who are the only aviation fuel provider, and therefore critical for the Airport's ongoing operations.

Consultation Nil

Statutory Implications

Local Government Act 1995

3.58. Disposing of property

(1) *In this section $\frac{3}{4}$*

}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 $\frac{3}{4}$*

(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 $\frac{3}{4}$*

(a) it gives local public notice of the proposed disposition $\frac{3}{4}$

(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

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

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include $\frac{3}{4}$*

(a) *the names of all other parties concerned;*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

(5) *This section does not apply to $\frac{3}{4}$*

(a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*

(b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*

(c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

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

Policy Implications

Nil

Strategic Planning Implications

KRA 6 – Governance

Goal 5 – Systems Development – That the Town's internal operating systems are structured in a manner that assist in providing timely accurate information to the community.

Strategy 4. Develop a comprehensive system for the management of Council leases.

Budget Implications

Currently Air BP's rental is \$9,368.76 per annum, however this would need to be revised to market rental provided by a qualified valuer.

Officer's Comment

The provision of aviation fuel is a critical service at the Port Hedland International Airport, and Council has enjoyed a good relationship with Air BP for some considerable time.

It is proposed to continue this relationship based on a new lease with Air BP subject to the following terms:

1. Initial term being 5 years, with two options to extend the lease by an additional 5 years each (total 15 years maximum);
2. rental as determined by a qualified valuer at market value;
3. annual rent reviews to incorporate Perth CPI increases;
4. market rental reviews occurring at the expiry of each five (5) year term; and
5. permitted use being Storage of Fuel, refueling, administration, car parking.

Given the urgency to renew the lease (30 June 2007) this can be achieved through a private treaty (as per section 3.58(3) of the Local Government Act), which will require advertising once a qualified valuer has calculated a market valuation. Neither an Auction nor a Tender (other means to dispose of land) seems necessary, as possible competitors could simply apply for their own lease areas at the Airport.

It is doubtful that the new lease would impact Council's current plan to revalue the airport, as Council could simply not approve either of the proposed lease extensions, should Air BP activities conflict with any future operations of the Airport.

200607/366 Council Decision/Officer's Recommendation**Moved:** Cr G J Daccache**Seconded:** Cr D R Pike**That Council:**

- i) approves the disposal of land, being a portion of Port Hedland International Airport currently used by Air BP, by way of lease, by private treaty, as per s3.58(3) of the Local Government Act 1995, with the following terms;**
 - a) the initial term being five (5) years, with two (2) options to extend the lease by an additional five (5) years each (total 15 years maximum);**
 - b) rental as determined by a qualified valuer at market value;**
 - c) annual rent reviews to incorporate Perth CPI increases;**
 - d) market rental reviews occurring at the expiry of each five (5) year term; and**
 - e) permitted use being Storage of Fuel, refueling, administration, car parking; and**

- ii) permits the Town of Port Hedland seal be affixed and Major and Chief Executive Officer be authorised to sign the lease documentation, should no submissions be received by Council after the advertising period in accordance with section 3.58 of the Local Government Act 1995.**

CARRIED 8/0

11.4.1.10 Local Laws Review and Amendment (File No.: ...-...)

Officer Matthew Scott
Director Corporate Services

Date of Report 20 June 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider formally reviewing Council's Local Laws and to amend its Reserves and Foreshore Local Law and General Provision Local Law to accommodate recent Council decisions.

Background

As Council is aware, Council Local Laws have not been formally reviewed for more than eight (8) years, which is a technical breach of the Local Government Act 1995. In order to resolve this matter the Local Laws Working Group has been established to review Council's Local Laws. However due to other commitments, no progress has been made towards making any recommendations to Council.

Also during the current financial year, Council has resolved to amend its local laws to:

1. increase the penalties for driving on the foreshore during turtle breeding season; and
2. provide for the protection of *Owenia reticulata* (also known as Pundal or Desert Walnut) Trees within the District.

In order to progress both of these matters, it is proposed that Council utilise the provisions of the Local Government Act (sections 3.12 & 3.16) to commence advertising and seeking public submissions on:

- a) a review of all Local Laws (S3.16); and
- b) increasing the penalties for driving on the foreshore during turtle breeding season, in Council's Reserve and Foreshore Local Law; and
- c) including an additional Part to Council's General Provision Local Law, prohibiting the removal, damage or destruction of *Owenia reticulata* Trees.

Consultation Nil

Statutory Implications

Local Government Act 1995

“3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
 - (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
 - (3) The local government is to $\frac{3}{4}$*
 - (a) give Statewide public notice stating that $\frac{3}{4}$*
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
 - (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
 - (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
 - (6) After the local law has been published in the Gazette the local government is to give local public notice $\frac{3}{4}$*
 - (a) stating the title of the local law;*
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.*
 - (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

- (8) *In this section ¾
}making~ in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.”*

“3.16. Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that ¾*
 - (a) *the local government proposes to review the local law;*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.”*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer’s Comment

Council is required to review its local laws every eight (8) years, and under Section 3.16 of the Local Government Act, advertising the formal review, and seeking public comment over a six (6) week period can achieve this. Once Council has received these comments, as well as internal officers recommendations, the Local Laws Working Group will have a basis of what the community wants from the Council with regard to its current local laws, and make the necessary recommendations to Council. This process will also provide evidence to the Department of Local Government and Regional Development that Council is committed to resolving the technical breach of the Act, as disclosed in the last compliance return.

To resolve the proposed amendments to the Local Laws, Council can initiate the process simply by the presiding member (the Mayor) stating the proposed amendments, and Council commencing the advertising process, as detailed in section 3.12 of the Act.

To achieve the past resolutions of Council it is proposed that:

1. Council amend Council's Reserve and Foreshore Local Law by replacing Clause 17 with the following, as per section 3.12 of the Local Government Act 1995:

"17. The modified penalty for any offence against this Local Law is \$100 during the period 1st May and 31 August of each year, and \$500 for a first offence, and \$1,000 for a subsequent offence during the period of 1st October of each year and 30 April of each subsequent year."; and

2. Adding Part 6, to Council's General Provisions Local Law, being, as per section 3.12 of the local government act 1995:

"Part 6 Native Tree Protection

*6.1 That no *Owenia reticulata* (referred to as *Pundul* or *Desert Walnut*) Tree within the district will be removed, damaged or destroyed without written authorisation from Council*

6.2 A person who commits an offence against this Local Law, with regard to Part 6, shall be liable on conviction, to a maximum penalty of \$1,000 and if the offence is of a continuing nature to a daily penalty not exceeding \$100."

These proposed amendments will still need to go through the review process, as per section 3.12 of the Local Government Act, which includes being reviewed by the Joint Standing Committee of Delegated Authority, in State Parliament, and various State Ministers, who may request modifications before being approved.

200607/367 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Council:

- i) commences a formal review of all its Local Laws as per Section 3.16 of the Local Government Act 1995;
- ii) commences the process of amending Council's Reserve and Foreshore Local Law by replacing Clause 17 with the following, as per section 3.12 of the Local Government Act 1995:

"17. The modified penalty for any offence against this Local Law is \$100 during the period 1st May and 31 August of each year, and \$500 for a first offence, and \$1,000 for a subsequent offence during the period of 1st October of each year and 30 April of each subsequent year."

and

- iii) commences the process of adding Part 6, to Council's General Provisions Local Law, being, as per section 3.12 of the local government act 1995:

"Part 6 Native Tree Protection

*6.1 That no *Owenia reticulata* (referred to as *Pundul* or *Desert Walnut*) Tree within the district will be removed, damaged or destroyed without written authorisation from Council*

6.2 A person who commits an offence against this Local Law, with regard to Part 6, shall be liable on conviction, to a maximum penalty of \$1,000 and if the offence is of a continuing nature to a daily penalty not exceeding \$100."

CARRIED 8/0

11.4.2 Governance

11.4.2.1 Monthly Report – Governance (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

The following Media Releases on works being undertaken towards achieving the strategies outlined in Council’s Strategic Plan 2007-2012, were posted on Council’s website, and distributed to the media:

KRA	Name of release	Date sent
Infrastructure	Council Remedies to Airport Car Park Shortages	12/0607
	Resealing Works Set to Begin on Mon 9th	18/06/06
Community Pride	At Last, Relief Available in CBD	18/06/07
Community Development	Belt Up- there’s no excuse	16/5/2007
	Re-Homed Dogs Registered FREE	12/06/07
Economic Development	Council Gives Green Light to Hotel and Residential Land Release	17/5/2007

Australian Citizenship Ceremonies

Date	Number of Applicants
26 January 2007 – Australia Day	15
3 January 2007	1
22 March 2007	3
15 May 2007	11
Total Calendar Year to Date	30

Outstanding Grant Acquittals from Previous Financial Years**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	25,000	Preliminary approval granted, letter received 22.06.07
Office of Crime Prevention	Walkway Lighting Upgrades	20,000		SUBMITTED
TOTAL GRANTS TO BE ADVISED (3)				\$95,00

200607/368 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr A A Gear

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

CARRIED 8/0

11.4.2.2 **Strategic Plan 2007-2012 – 2nd Quarterly Review Update Report (File No.: ...-...)**

Officer Chris Adams
Chief Executive Officer

Date of Report 12 June 2007

Disclosure of Interest by Officer Nil

Summary

Council's Strategic Plan is reviewed and updated on a quarterly basis to ensure that projects are 'on-track'. The reviews also give Council the opportunity to reconsider and update the plan to reflect priorities.

Background

At its Ordinary Meeting held on 28 February 2007 Council adopted the 2007-2012 Town of Port Hedland Strategic Plan. The Plan identifies the six key result areas for Council's operations along with 27 Goal areas and 128 specific strategies that are to be implemented this calendar year.

A review of the current status of the implementation of the 128 strategies has been undertaken (see attachment), to ascertain the level of progress that has been made towards the implementation of the strategies listed with the plan.

Consultation

Council endorsed its Strategic Plan 2007-2012, after significant community/stakeholder consultation was undertaken including:

- A comprehensive community survey
- Requesting for submissions
- Advertisements and press articles
- Shopping centre display

A full review of the Strategic Plan is scheduled for the final quarter of 2007, whereby some ongoing strategies may be carried over, and new strategies developed that will assist Council in achieving its goals for the 2008 calendar year.

Statutory Implications

The Local Government Act requires each municipality to develop a 'Plan for the Future'. Council has determined that it's plan for the future is the Town's Strategic Plan coupled with the Five (5) year Financial Plan.

Policy Implications Nil

Strategic Planning Implications

The Strategic Plan is the key resource-planning document for Council. Regular reviews of the direction of the plan are necessary to ensure that Council's resources are being utilised in the most efficient and effective way.

Budget Implications

The Strategic Plan is the key document that is being used to frame the Council's 5yr Financial Plan and the 2007/08 Council budget.

Officer's Comment

The Strategic Plan is the Council's most important document. It sets the direction for Councillors and staff in relation to the goals Council wants to achieve, and how intends on achieving these things through the implementation of targeted strategies.

To ensure that the Plan remains current, it is essential for the document to be reviewed regularly, updated to reflect Council and community priorities.

200607/369 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

That Council notes the second quarterly review of the 2007-2012 Town of Port Hedland Strategic Plan.

CARRIED 8/0

**11.4.2.3 Cyclone George Relief Fund : Committee Membership
(File No.: 09/02/0005)**

Officer Gaye Stephens
Executive Assistant

Date of Report 12 June 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider the appointment of Council's Emergency Management Officer to the 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:

... ii) the Cyclone George Relief Fund Committee be established as a Committee comprising Council members, employees and other persons with the following representation, in accordance with Section 5.9(2)(c) of the Local Government Act, as follows:

- a) Deputy Mayor*
- b) Chief Executive Officer*
- c) Regional Manager Department of Community Development*
- d) Regional Manager Centrelink*
- e) BHP Billiton Community/ Government Affairs Representative*
- f) Fortescue Metals Group Community/Government Affairs Representative*
- g) Father Des Reid; and*
- h) Mrs Joan Foley"*

The following representatives were nominated to The Cyclone George Relief Fund Committee by the respecting stakeholders:

- Chris Cottier – BHP Billiton Community/Government Affairs Representative; and
- Sarah Davidson – Fortescue Metals Group Community/Government Affairs Representative.

Members of the Committee have met on a regular basis since that time, to consider Applications for Assurances that are received, and are provided with further details where required from Council's Emergency Management Officer, who has been conducting visits to claimants to assess and report to the Committee accordingly.

Consultation

Cyclone George Relief Fund Committee
Emergency Management Officer

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 titled 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

Council's Emergency Management Officer attends all Committee meetings in an administrative and support role, providing further information in relation to individual fund applications, as requested by the Committee. This involves the Emergency Management Officer visiting the individual or organisation that has submitted the claim.

The Committee is often unable to conduct a meeting due to a lack of quorum, and as a direct result of this the Committee it recommends to Council to include Council's Emergency Management Officer as a voting member on the Committee.

200607/370 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr G J Daccache

That the Membership of the Cyclone George Relief Fund Committee be amended to include Council's Emergency Management Officer as follows:

- a) Deputy Mayor***
- b) Chief Executive Officer***
- c) Regional Manager Department of Community Development***
- d) Regional Manager Centrelink***
- e) BHP Billiton Community/ Government Affairs Representative***
- f) Fortescue Metals Group Community/Government Affairs Representative***
- g) Father Des Reid;***
- h) Mrs Joan Foley; and***
- i) Council's Emergency Management Officer"***

CARRIED BY ABSOLUTE MAJORITY 8/0

11.4.2.4 Emergency Services Levy Agreement (File No.: AGR-085)

Officer Gaye Stephens
Executive Assistant

Date of Report 12 June 2007

Disclosure of Interest by Officer Nil

Summary

To formalise the Emergency Services Levy (ESL) Agreement with Fire and Emergency Services (FESA) Authority of Western Australia.

Background

Since the ESL began on 1 July 2003, Council has collected the ESL on behalf of FESA by including it on Council's Rates Notices. It is printed on rates notices as a separate line item, clearly marked 'Emergency Services Levy'.

There are two (2) payment options available to local governments when remitting the ESL to FESA, as follows:

Option 1 – requires Council to remit the levy amounts collected to FESA on a monthly basis including any allowance for any discounts, penalties, rebates etc. Therefore a large portion would be remitted in August/September (at the end of the month in which full payment, or first instalment of rates is made), and smaller amounts for the remaining months.

Option 2 – required Council to remit to FESA the total amount billed at the commencement of the financial year in four (4) instalments as follows:

- within 14 days of Full Payment or 1st Instalment due date
- within 14 days of 2nd instalment due date
- within 14 days of 2nd instalment due date
- ESL Billing Adjustments Notice by 31 May; and
- if necessary, a further ESL Billing Adjustments Notice by 31 August in the next levy year.

Consultation Nil

Statutory Implications

Emergency Services Levy (ESL) Administration – Section 36ZJ (Option B) Agreement)

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

At present FESA Emergency Services Levy payments are made via Option B, which has worked well from an administrative and financial point of view.

Under the 'Option B' arrangement Council continues to be required to lodge an 'ESL Assessment Profile Return Form' within 14 days of the issue of Rates/ESL Notices.

It is recommended that Council endorse the new Emergency Services Levy 'Option B' Agreement for a four (4) year term, covering the period 1 July 2007 to 30 June 2011.

200607/371 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G D Bussell

That Council:

- i) **endorses the Emergency Services Levy 'Option B' Agreement for a four (4) year term, covering the period 1 July 2007 to 30 June 2011, for payment of Emergency Services Levy payments collected on behalf of the Fire and Emergency Services Authority; and**
- ii) **authorises the Mayor and Chief Executive Officer to affix the comment seal and sign the Agreement on behalf of Council.**

CARRIED 8/0

11.4.2.5 Tender 06/41 - New Executive Dwelling at Lot 5725 Counihan Crescent, Pretty Pool (File No.: ...-....)

Officer Chris Adams
Chief Executive Officer

Date of Report 18 June 2006

Disclosure of Interest by Officer

Officer is potential tenant of new house.

Summary

For Council to consider letting Tender 06/41 – New Executive Dwelling at Lot 5727 Counihan Crescent.

Background

At its February 2007 meeting Council considered a report on Staff Housing requirements for the short, medium and long term. The Council resolved (in part) to:

“...ii) the following housing development opportunities in the short/medium term be actively pursued by Council:

- a) *18 Counihan Crescent, Pretty Pool (757m2 of Freehold Land):*
- . develop an executive style house on this Council owned property;*
 - . progress the development by developing and advertising a Design and Construct Contract for the development. This should be progressed in the short-term so that Council has accurate figures for its 2007/08 Budget;*
- ...”*

On the 12 May 2007, Council advertised the above tender in the West Australian Newspaper. While 10 companies requested/received a copy of the tender specifications, only one (1) bid (from Goldman Constructions) was received in the tender box by the stipulated closing time and date. A further bid was received after the closing time but was not considered as the Tender documents explicitly states that only tenders that are in the tender box at the date and time of closing will be considered.

The tender was evaluated against the stipulated criteria within the tender specification.

Price (50%)

The price submitted for the design and construction of the house was \$534,545 (GST exclusive). This price excludes the provision of a shed (\$15,727) and/or swimming pool (\$40,090). The tender price is within the price range that Council has been discussing at the Council budget briefing sessions.

Score = 50.

Experience (10%)

Goldman Constructions are experienced local builders who have built similar products within the Town in recent years under both private and government contracts.

Score = 10

Submitted Design (20%)

The design submitted complies with the tender specifications in all areas with the exception of the side access whereby a minimum of 4m clearance has not been maintained. The non-compliance is very minor and is not considered significant. While functional, the submitted design does not maximise the views that can be obtained from the block with entertaining and outdoor covered areas being at the rear of the building. Additionally the location of some of the rooms such as bathrooms and laundries may need to be reviewed to ensure internal functionality of the building.

Score = 16

Local Supplier (10%)

Goldman Constructions are a local builder.

Score = 10

Timeframe (10%)

The tender indicates a 28-week construction period from the time of building approval. This is considered fast in the current building environment.

Score = 10

TOTAL SCORE = 96

Consultation

The design brief for the new residence was discussed at Council's Staff Housing Working Group.

Statutory Implications

The tender process was undertaken in compliance with the Local Government Act and the Local Government (Functions and General) Regulations.

Policy Implications Nil

Strategic Planning Implications

The following strategy from Council's Strategic Plan is relevant to this matter:

Develop and progress implementation of the Town of Port Hedland Staff Housing Strategy with the aim of making staff housing more self-supporting.

Budget Implications

Council's preliminary budget deliberations have indicated a total budget expenditure of \$700,000 on this property with \$50,000 income being received from a Country Housing Authority grant. It seems likely that the project can be delivered for lower than this estimated cost.

Officer's Comment

The Tender received complies with the specifications and represents reasonable value for money in today's market conditions. While some modifications to the submitted design are recommended, they can be negotiated during the contract period.

200607/372 Council Decision/Officer's Recommendation

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

That:

- i) **Council award Tender 06/41 New Executive Dwelling: Lot 5727 Counihan Crescent, Pretty Pool, to Goldman Constructions for the tendered price of \$534,545 (Ex GST); and**
- ii) **the total budget for the project be set at \$650,000 to cover service connection costs, head works fees, building licence application fees, landscaping costs, installation of a shed and swimming pool and a variations/contingency allowance.**

CARRIED 8/0

11.4.2.6 Financial Assistance Agreement - Port Hedland Enhancement Scheme Project Funds (File No.: TWN-010))

Officer Gaye Stephens
Executive Assistant

Date of Report 21 June 2006

Disclosure of Interest by Officer Nil

Summary

To progress receipt of successful port Hedland Enhancement Scheme (PHES) Project Funds.

Background

In correspondence received 20 June 2007, the Pilbara Development Commission (PDC) has advised the Minister for the Pilbara and President, BHP Billiton Iron Ore, has committed funds (totalling \$2,469,500 including GST) through the Port Hedland Enhancement Scheme for the following projects:

- development of stages 1 and 2 of the Spoilbank Precinct - \$1,000,000;
- assist with the upgrade of the Richardson Street Boat Ramp - \$40,000;
- assist with the provision of shade over the playground at Colin Matheson Oval - \$25,000;
- assist with the installation of lighting at Cemetery Beach and Pretty Pool parks and the ocean side of the Civic Centre - \$150,000;
- development of two (2) recreational nodes along Sutherland Street - \$300,000;
- assist with the construction of a grandstand at the Port Hedland Turf Club - \$100,000;
- assist with the refurbishment of Wedge and Edgar Streets - \$415,000;
- assist with the costs of installing facilities for improved access to staff housing at the Civic Centre - \$80,000;
- contribution to the development of the Port Hedland Skate Park - \$130,000; and
- purchase of banner connectors and banners for the Port Hedland CBD Cultural Precinct - \$5,000.

Council has already received the amount of \$415,000 to assist with the refurbishment of Wedge and Edgar Streets.

At its Ordinary Meeting held 13 September 2006, Council endorsed the remaining PHES Projects, as follows (in part):

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

Existing Projects:

- i) \$1,000,000 Town of Port Hedland to initiate the first two stages of the Spoil bank Upgrade Development comprising-*
 - . Stage 1 - Development of the groyne and removal of sand from Yacht Club basin; and*
 - . Stage 2 - Development of new boat launching facilities;*
- ii) \$255,000 for completion of foreshore park upgrades at Pretty Pool and Cemetary Beach and Civic Centre, comprising -*
 - . \$150,000 to Town of Port Hedland for installation of lighting;*
 - . \$80,000 to Town of Port Hedland for parking and walkway provision at Council’s housing at Civic Centre; ...*
- iii) \$452,018 for Sutherland Street upgrade works comprising -*
 - . \$300,000 to Town of Port Hedland for development of the activity nodes as the first stage of the development; ...*

New Projects:

- iv) \$130,000 to Town of Port Hedland as contribution towards development of new Port Hedland Skate Park facility; ...*
- vii) \$100,000 to the Town of Port Hedland contributing towards the development of a new grandstand;*
- viii) \$25,000 to Town of Port Hedland towards cost of installing shade over the newly implemented playground equipment at Colin Matheson Oval;*
- ix) \$40,000 to Town of Port Hedland towards Port Hedland Boat Ramp upgrade costs; and*
- x) \$5,000 to Town of Port Hedland being for the purchase of banner connectors and banners to be used for display purposed in the Central Business District of Port Hedland.”*

To progress the administration of the abovementioned projects, including the release of funding to Council of \$2,245,000 (exclusive of GST) plus \$224,500 (GST) totalling \$2,469,500, the PDC requires Council meet the following conditions:

- provide the PDC with a signed copy of the ‘Financial Assistance Agreement’ (FAA);
- provide the PDC with an Invoice for the total amount \$2,245,000 plus \$224,500 GST within 21 days of signing the FAA;

- agree to comply with the Building WA Capital Works Project Signage Style Guide; and
- completion of the projects by 30 June 2009, unless a suitable extension can be negotiated.

Officer's Comment

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

Following this, Council staff will provide the PDC with an invoice for the total amount within 21 days.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

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

Budget Implications

Income of \$2,469,500 (including GST) to various income accounts for the individual projects.

200607/373 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council:

- approval be granted for the Mayor and Chief Executive Officer to sign and duly affix the Town of Port Hedland Common Seal to the Pilbara Development Commission's Financial Assistance Agreement (FAA) for financial contribution of \$2,469,500 (including GST) for the following Port Hedland Enhancement Scheme Projects:**
- raises a tax invoice for \$2,245,000, plus \$224,500 GST for the abovementioned projects, to the Pilbara Development Commission within 21 days of the Financial Assistance Agreement being signed.**

CARRIED 8/0

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**12.1 Director Community and Regulatory Services****12.1.1 *Proposed Overflow Caravan Park Accommodation*
(File No:)**

Officer Terry Sargent
Director Regulatory and
Community and Services

Date of Report 27 June 2007

Disclosure of Interest by Officer Nil

Summary

Report seeking endorsement of proposal to approve additional overflow caravan park facilities at the Port Hedland Turf Club.

Background

Council has already approved the establishment of overflow caravan park facilities at the Golf Course in South Hedland at its meeting of 13 December 2006

Despite preliminary indications that the golf club would be interested in taking on this responsibility, the club ultimately resolved not to proceed with the matter, leaving the town with only a very limited number of sites available for the traveling public.

On 26th June Council was contacted by the Manager of the Port Hedland Visitor Centre stressing the need for overflow caravan accommodation as a matter of extreme urgency.

There is no land within the Town of Port Hedland, currently approved as an overflow caravan parking area and the nearest suitable overnight parking areas are at the Yule River or De Grey River parking areas. While these facilities are relatively close to town it is conceivable that some tired travelers will present a risk to other road users if required to travel that additional distance

Consultation

The current shortages of caravan sites and potential solutions have been canvassed with Port Hedland Visitor Centre and the Caravan Park proprietors within Port and South Hedland.

Statutory Implications

Under regulation 54 of the Caravan Parks and Camping Grounds Regulation 1997 a Local Government authority may approve a conditional Temporary License for overflow camping purposes. In granting such a license a local authority is to be mindful of basic health and safety requirements.

Policy Implications

Nil

Strategic Planning Implications**KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT****Goal 1 – Tourism****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

Although there will be a registration fee payable this initiative is expected to be cost neutral.

Officer's Comment

Council has previously approved the use of the Port Hedland Turf Club reserve for two caravans in association with the Turf Club's racing season. The approval is dependent of the occupants having access to the Jockey's rooms with toilets, basins and showers.

Historically the area surrounding the racecourse has been used for overflow caravan park accommodation. There is uncertainty as to whether this area met the statutory requirement of the day, but at present it lacks the facilities required to be designated as an overflow caravan park as the only facilities available are the public toilets on the reserve. Neither is there any arrangement for a caretaker, security, rubbish removal, etc. these are not insurmountable problems, but need to be addressed before any changes are instituted.

A survey of the commercially operated caravan parks revealed a very limited capacity to provide additional overflow bays. Cook Point Caravan Park had space for seven (7) campsites but no caravan sites. Port Hedland Caravan Park had capacity to accommodate an additional 2 – 3 emergency overflow sites and the Black Rock Caravan Park was fully occupied.

Black Rock Caravan Park however currently includes land that was previously developed for caravan parking and this could be made available as an overflow area very quickly. The Manager of the facility has indicated a willingness to provide additional bays.

The approval of overflow caravan bays at an existing caravan park does not require specific Council approval and can be dealt with administratively under existing delegation.

Until an overflow area could be developed there may still be travelers who cannot be accommodated in the other caravan parks and feel it would be unsafe to travel to the nearest alternative site. This could be resolved by allowing travelers to use the area adjacent to the public toilets on the racecourse as an emergency rest area, until such times as all readily available overflow caravan park sites are approved and available for use.

Officer's Recommendation

That Council permits travelers to use the grassed area adjacent to the public toilets on the Port Hedland Race Course as an emergency rest area for not more than 18 hours, until such times as all readily available overflow caravan park sites are approved and available for use.

200607/374 Council Decision

Moved: Cr A A Gear

Seconded: Cr S F Sear

That Council permits travelers to use the non-grassed area between both public toilet facilities on the Port Hedland Race Course as an emergency rest area for not more than 18 hours, until such times as all readily available overflow caravan park sites are approved and available for use.

CARRIED 8/0

REASON: Council determined the emergency rest area for travellers to be the non-grassed area between both public toilet facilities on the port Hedland Race Course, as opposed to the grassed area adjacent to the public toilets to avoid damage to reticulation.

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

ITEM 14 CONFIDENTIAL ITEMS

200607/375 Council Decision

Moved: Cr A A Carter

Seconded: Cr A A Gear

That the Meeting be closed to members of the public as prescribed in Section 5.23 (2) (a) of the Local Government Act 1995, to enable Council to consider Agenda Item 14.1 Confidential Item: 'Consent to the Sale of Lot 1 Leehey Street, Wedgefield'.

CARRIED 8/0

NOTE: Section 5.23 of the Local Government Act 1995 states:

"5.23. Meetings generally open to the public

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

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

7:31 pm Members of the public left the room.

**14.1 Consent to the Sale of Lot 1 Leehey Street,
Wedgefield (File No.: 123540G)**

200607/376 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Council enters into a deed of agreement with Nosmanda Gold and Minerals P/L, achieving the following:

- i) terminate the current deed of agreement, dated 22 October 1996 for Lot 1(then lot 2498) Leehey Street, Wedgefield; and**
- ii) that Nosmanda Gold & Minerals P/L agree to place a section 70A Notification (Transfer of Land Act 1893), stating that the property is subject to Tidal and Storm surge flooding;**
- iii) Council agrees to remove the absolute Caveat on the property; and**
- iv) that all costs associated in achieving this outcome are borne by Nosmanda Gold & Minerals P/L..**

CARRIED 8/0

200607/377 Council Decision

Moved: Cr G J Daccache

Seconded: Cr A A Carter

That the Meeting be opened to members of the public.

CARRIED 8/0

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 25 July 2007, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 7:35 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 25 July 2007.

CONFIRMATION:

MAYOR

DATE