



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 25 JULY 2007

AT 5.30 PM

IN COUNCIL CHAMBERS

MCGREGOR STREET, PORT HEDLAND

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Chris Adams
Chief Executive Officer

OUR COMMITMENT

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

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ITEM 1 OPENING OF MEETING**1.1 Opening**

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

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

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

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
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Members of the Media	1
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2.2 Apologies

Nil.

2.3 Approved Leave of Absence

Nil.

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held
Wednesday 27 June 2007.**

Nil.

ITEM 4 PUBLIC TIME**4.1 Public Questions**

5:30 pm Mayor opened Public Question Time.

Nil.

5:31 pm Mayor closed Public Question Time.

4.2 Public Statements

5:32 pm Mayor opened Public Statement Time.

Mr Camilo Blanco made a statement to Council in relation to Caretakers' dwellings in Industrial Areas, in particular permitting residential uses in Wedgefield to alleviate housing/financial stress, i.e. many businesses cannot afford to purchase a residential premise in addition to their business premises in Wedgefield.

5:33 pm Mayor closed Public Statement Time.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**5.1 Councillor Arthur Gear**

Can the bollards and the metal gate at Cemetery Beach Park have illuminating/reflective strips affixed to make them more prominent, particularly around dusk? Can the playground equipment also be checked, as I believe a piece is damaged/deffective?

Director Engineering Services advised both requests will be attended to, and the situation rectified.

5.2 Councillor Grant Bussell

In considering tonight's late Agenda Item 'Proposed Caretakers' Dwellings in Industrial Areas', could Clause 3.2.7 of Council's Town Planning Scheme be amended to enable Caretakers' dwellings for a shorter period of time, such as two (2) years?

Chief Executive Officer advised it would be ineffective for long term planning to enable caretaker's dwellings in Wedgefield for a period of two (2), three (3) or five (5) years. However it is something that Council may wish to consider in the shorter term.

5.3 Councillor Shane Sear

Would it be possible to provide dumping points for tourists, i.e. one at the landfill and one at Port Hedland or an alternative location, and points where tourists can get water; then advise travellers of the availability of these services?

Director Regulatory and Community Services advised that there is a dumping point at the Landfill. The Town has tended not to pursue the provision of water at this location, as there are access points already available at other locations in Town, for a nominal charge. Locating a standpipe at the Landfill can be pursued if Council wishes to, however the service may encounter similar management problems with the existing standpipes, such as manning and/or availability to locked services.

Director Regulatory and Community Services added that he was not aware of a significant demand for these services.

Mayor requested the matter be included on the running sheet for the next Informal Briefing Session.

5.4 Councillor Jan Gillingham

What is the status of trees at the back of the sewer treatment platn along Cooke Point Drive, will these be replaced or re-instated?

Director Engineering Services advised that vegetation on the boundary of the treatment ponds provides a form of oxidisation of the ponds, and is a condition of licence imposed on the Water Corporation for this use.

5.5 Councillor Arnold Carter

When will the disabled entrance at Edgar Street be installed, as the Manager of Edgar Street Medical Centre has advised they will be undergoing an accreditation review next month?

Director Engineering Services advised that the works including re-asphalting and painting are scheduled for early August.

**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

NOTE: Councillor Arthur Gear advised he had given due consideration to all matters continued in the Business Paper presented before the meeting, excepting the Late Items.

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

**7.1 Confirmation of Minutes of Ordinary Meeting of Council
held on Wednesday 27 June 2007.**

200607/378 Council Decision/Officer's Recommendation

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

That the Minutes of the Ordinary Meeting of Council held on Wednesday 27 June 2007 be confirmed as a true and correct record of proceedings with the following amendment:

- . **Item 11.2.4.6, (page 248) Council Decision 200607/373, insert the following list at the end of Clause i):**
 - “ . **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.”

CARRIED 8/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Nil.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 *Cr Arnold A Carter*

Councillor Arnold Carter advised Council that he met with the National and State Chief Executive Officers of the Salvation Army last Thursday, who advised they were keen to re-establish services within the Town of Port Hedland.

9.2 *Cr Arthur A Gear*

Councillor Arthur Gear advised Council that he attended BHP Billiton's Community Consultative Committee Meeting this afternoon, which included a HBI update presentation. An expected timeframe from commencement of demolition works to the completion of revegetation/rehabilitation works has now been set.

9.3 *Cr George J Daccache*

Councillor George Daccache provided an overview of the Port Hedland Air Quality Reference Group's Agenda for the meeting that he and Councillor Grant Bussell attended on Tuesday 24 April 2007.

9.4 *Cr Jan M Gillingham*

Councillor Jan Gillingham advised she had attended the presentation evening of the Boodarie Bowls Carnival and the Western Australian Football League's game at South Hedland during the month.

**ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/
SUBMISSIONS****10.1 *Petition – Save the Hedland Riders Shed***

Representatives from Hedland Riders Association presented a 'Petition to Save the Hedland Riders Shed – Action Petition For: We, the undersigned, are concerned citizens who urge our leaders to act now to SAVE THE HEDLAND RIDERS SHED'.

Mayor advised the petition will be referred to when Council considers the Agenda Item relating to the Hedland Rider's Lease in tonight's business papers.

10.2 *Presentation – Pilbara Regional Council*

Mr Adrian Ellson, Executive Officer of the Pilbara Regional Council (PRC) presented an overview of the PRC's activities over the past twelve months, including its strengths and weaknesses.

ITEM 11 REPORTS OF OFFICERS**11.1 Governance****11.1 *Status of Council Decisions (File No.: 13/06/0001)***

Officer Gaye Stephens
Executive Assistant

Date of Report 20 July 2007

Disclosure of Interest by Officer Nil

Summary

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

Background

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

Officers Comments

This report outlines the status of decision from previous Council meetings.

Statutory Implications

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

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

Policy Implications Nil

Strategic Planning Implications

KRA 6 – Governance
Goal 6 – Systems Development

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

Budget Implications Nil

200607/379 Council Decision/Officer's Recommendation

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

That the 'Status of Council Resolutions' Report as presented to the Council's Ordinary Meeting held on 27 July 2007 be received.

CARRIED 8/0

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
Ordinary Meeting held 23 May 2007				
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	
11.3.1.4	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 Works being scheduled.	
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. Will commence 1/8/07	August 2007
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. Item in July 07 Agenda	üCOMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP- DATE
Special Meeting held 30 May 2007				
6.1.1.1	Request for Reconsideration – Prop. Scheme Amend. to Rezone Lots 2116 & 2117 North Circular Rd, SH	200607/332 Council Decision That Agenda Item 6.1.1.1 'Request for Reconsideration - Proposed Scheme Amendment to Rezone Lots 2116 and 2117 North Circular Road South Hedland' pending further information/amended plans being received from developer.	RESPONSIBLE OFFICER: Director Regulatory and Community Services. Awaiting feedback from proponents.	
6.1.1.2	Proposed Adoption from "Other Public Purposes – Energy" to "Tourism" Zone	200607/333 Council Decision That Council: 1) initiate a Town Planning Scheme Amendment to the <i>Town of Port Hedland Town Planning Scheme No. 5</i> by: ... 2) advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority; 3) advise LandCorp that prior to a Development Application being submitted for Lot 406 Acton Street, Port Hedland, that a Structure Plan and supporting documentation be developed, submitted and supported by the Town and its nominated Urban Design Consultant for the Special Design/Use Area as shown in Attachment 3 of this report; 4) advise the applicant of the historical significance of the Tamarind Tree and the general area that surrounds it. The Tamarind Tree appears on the Municipal Heritage Inventory and Council will require its significance to be recognised as part of any future development; and 5) advise the proponent of the environmental significance of Cemetery Beach area and indicate that any development proposal will require consideration of light sensitive design within the proposal (suitable for the turtle nesting season) , and the inclusion of other environmentally sensitive design principles.	RESPONSIBLE OFFICER: Manager Planning EPA assessment received. Currently being advertised. Report to August Council meeting.	August 2007
6.1.1.3	Proposed Five Grp'd Dwellings at Lot 179 (35) Morgans St, PH	200607/333 Council Decision/Officer's Recommendation That Planning Consent be granted to Fundo Pty Ltd for the construction of Five (5) GROUPED DWELLINGS at Lot 179 (35) Morgans Street Port Hedland as outlined in the Application received 30/04/2007 (Application 2007/086) and indicated on the approved plans, subject to the following conditions: ...	RESPONSIBLE OFFICER: Planning Officer. Issued	üCOMPLETED
Ordinary Meeting held 27 June 2007				
11.2.1.2	Proposed Community Event – Spinifex Spree	200607/336 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Community and Regulatory Services. No action required	üCOMPLETED

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.2.2	Prop. FMG Transmission Line between the Existing Horizon Substation and a New Substation to be Located Adjacent to the Service Corridor.	200607/338 Council Decision 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:	RESPONSIBLE OFFICER: Manager Planning. Issued	üCOMPLETED
11.2.2.3	Proposed Partial Closure of Crowe Street Road Reserve	200607/338 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Planning Officer. Sent to Minister	üCOMPLETED
11.2.2.4	Scheme Amend't . 9 – Rezoning lot 313 Anderson St PH from "Res.R12.5/50" to "Other Public Purposes – Telecommunications."	200607/339 Council Decision/Officer's Recommendation 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: ... and iii) authorises the Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the <i>Town Planning Regulations 1967</i> (as amended), including the fixing of the Council's seal in the event that the Minister for Planning and Infrastructure approves the Amendment without modification.	RESPONSIBLE OFFICER: Planning Officer. Sent to WAPC. Awaiting determination	üCOMPLETED
11.2.2.5	Proposed Closure of a Portion of Catamore Court Road Reserve	200607/340 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Planning Officer. Sent to DPI. Awaiting confirmation	
11.2.2.6	Prop. Mixed-Use Dev't - 4 Residential & 5 Comm. Units at Lot 54 (8) McKay St, PH	200607/343 Council Decision 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:	RESPONSIBLE OFFICER: Planning Officer. Issued	üCOMPLETED

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.2.7	Grp'd and MULTIPLE DWELLINGS AND SHOPS - 12 Grp'd & 5 Multiple Dwellings, 4-5 Shops & 26 Parking Bays, Lot 11 (29-37) Keesing St, PH	200607/344 Council Decision/Officer's Recommendation 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:	RESPONSIBLE OFFICER: Manager Planning. Issued	üCOMPLETED
11.2.2.8	Retrospect. Approval of Landfill on Lot 62 (153-155) Greenfield St, SH	200607/345 Council Decision 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.	RESPONSIBLE OFFICER: Manager Planning. Further item in July Agenda	üCOMPLETED
11.2.2.9	Procedure for Resolving Compliance Matters Within the Town of Port Hedland	200607/346 Council Decision/Officer's Recommendation That Council: 1. endorses the procedure for dealing with compliance related matters as follows: 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.	RESPONSIBLE OFFICER: Manager Planning. No action required	üCOMPLETED
11.2.2.10	Proposed Public Advertising of the DRAFT LUMP	200607/347 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Manager Planning. Being undertaken	
11.2.2.11	Proposed Caltex Service Station at Lot 5769 (150) Anderson St, PH	200607/348 Council Decision/Officer's Recommendation 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:	RESPONSIBLE OFFICER: Planning Officer. Issued	üCOMPLETED

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.2.12	Prop. Amend't to the TPS No. 5 to Rezone a Portion of Lot 2202 Reynolds Pl, SH From "Res. R20" to "Res. R30"	200607/349 Council Decision/Officer's Recommendation 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: iii) authorises the Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the <i>Town Planning Regulations 1967</i> (as amended), including the fixing of the Council's seal in the event that the Minister for Planning and Infrastructure approves the Amendment without modification.	RESPONSIBLE OFFICER: Planning Officer. Documentation has been sent	üCOMPLETED
11.2.2.13	New Living Project Subdivision Applications with greater than 10 Lots	200607/350 Council Decision 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 ... 3. SUPPORTS the subdivision application for the creation of 24 lots on Lot 5962 (23) Jabiru Loop, South Hedland subject to ... 4. SUPPORTS the subdivision application for the creation of 17 lots on Lots 2411, 5924 & 5940 (2) Paton Road, South Hedland subject to ... 5. SUPPORTS the subdivision application for the creation of 151 lots on Lots 3493 & 3647 Steamer Avenue and Collier Road, South Hedland subject to ... 6. SUPPORTS the subdivision application for the creation of 13 lots on Lot 3 (4-8) Brodie Crescent, South Hedland subject to ...	RESPONSIBLE OFFICER: Manager Planning. Item in July Council Agenda.	üCOMPLETED
11.2.3.1	Nomination of Crs to the Air Quality Ref. Group Committee	200607/351 Council Decision That Councillors Grant D Bussell and George J Daccache be nominated for inclusion on the Air Quality Reference Group Committee.	RESPONSIBLE OFFICER: Manager Environmental Health Services.	üCOMP.
11.3.1.2	Turtle Interpretive Boardwalk – Project Progress	200607/353 Council Decision/ Officers Recommendation That Council approves the design and general specifications of the Turtle Interpretive Boardwalk project as detailed in this report.	RESPONSIBLE OFFICER: Director Engineering Services. No action required	üCOMP.
11.3.1.3	Don Rhodes Mining Museum Safety Audit	200607/354 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Engineering Services. Works scheduled	üCOMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.3.1.4	Tender 06/45 Construction of Insitu Concrete Paths	200607/355 Council Decision/Officer's Recommendation 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:	RESPONSIBLE OFFICER: Director Engineering Services. Contracts signed	üCOMP.
11.3.2.1	Alterations to Terms of Reference of JD Hardie Centre Working Group	200607/356 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Recreation Coordinator	üCOMPLETED
11.3.2.2	Policy Development Rubbish Bin Allocation at Sporting Reserves	200607/357 Council Decision 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"	RESPONSIBLE OFFICER: Recreation Coordinator. Item in July Council Meeting	üCOMPLETED
11.3.2.3	Waiver of Fees for the Western Australian Football League Game Being Held in Port Hedland	200607/358 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Recreation Coordinator. Notified	üCOMPLETED
11.4.1.2	Request to Write Off Debts	200607/360 Council Decision/Officer's Recommendation That Council write-off the following debts and apply the write-off to the Provision of Doubtful Debts:	RESPONSIBLE OFFICER: Manager Finance.	üCOMP.
11.4.1.3	2007/08 Rates in the Dollar & Minimum Rates	200607/361 Council Decision/Officer's Recommendation That Council: i) adopts for advertising the following 2007/08 Rates in the Dollar and Minimum rates: 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.	RESPONSIBLE OFFICER: Director Corporate Services	üCOMPLETED

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.1.4	Audit and Finance Committee	200607/361 Council Decision 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.	RESPONSIBLE OFFICER: Director Corporate Services	üCOMPLETED
11.4.1.5	Community Bank Funding Agreement	200607/362 Council Decision/Officer's Recommendation 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).	RESPONSIBLE OFFICER: Director Corporate Services	üCOMP.
11.4.1.6	Withdrawal of Caveat Lot 5546 (33) Harwell Way, Wedgefield	200607/363 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Manager Finance	üCOMP.
11.4.1.7	Withdrawal of Caveats (various)	200607/364 Council Decision/Officer's Recommendation 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; ...	RESPONSIBLE OFFICER: Manager Finance	üCOMP.
11.4.1.8	Transient Workforce Accom. – Airport	200607/365 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Corporate Services. EOI Issued. Report to Aug Council meeting	August 2007
11.4.1.9	Request for Lease Renewal – Air BP at PHIA	200607/366 Council Decision/Officer's Recommendation 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; ... 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.	RESPONSIBLE OFFICER: Director Corporate Services. Awaiting valuation.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.1.10	Local Laws Review and Amendment	200607/367 Council Decision/Officer's Recommendation That Council: i) commences a formal review of all it's 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: <i>"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."</i> ; 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: <i>"Part 6 Native Tree Protection</i> 6.1 <i>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</i> 6.2 <i>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."</i>	RESPONSIBLE OFFICER: Director Corporate Services. Advirting 1/8/07	
11.4.2.2	Strategic Plan 2007-2012 – 2 nd Quarterly Review Update Report	200607/369 Council Decision/Officer's Recommendation That Council notes the second quarterly review of the 2007-2012 Town of Port Hedland Strategic Plan.	RESPONSIBLE OFFICER: Executive Assistant	uCOMPLETE (NO ACTION REQ.)
11.4.2.3	Cyclone George Relief Fund Committee Membership	200607/370 Council Decision/Officer's Recommendation That the Membership of the Cyclone George Relief Fund Committee be amended to include Council's Emergency Management Officer as follows: ...	RESPONSIBLE OFFICER: Executive Assistant Updated Committee Booklet	uCOMP.
11.4.2.4	Emergency Services Levy Agreement	200607/371 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Executive Assistant Document Signed and Sealed	uCOMPLETE
11.4.2.5	Tender 06/41 - New Executive Dwelling at Lot 5725 Counihan Crescent, Pretty Pool	200607/372 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Chief Executive Officer Ltrs to tenderers sent.	uCOMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.2.6	Financial Assistance Agreement - Port Hedland Enhancem't Scheme Project Funds	200607/373 Council Decision/Officer's Recommendation That Council: i) 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: ii) 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.	RESPONSIBLE OFFICER: Executive Assistant FAA Signed and Sealed. Ltr Sent. Inv. Raised.	üCOMPLETE
12.1.1	Proposed Overflow Caravan Park Accom.	200607/374 Council Decision 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.	RESPONSIBLE OFFICER: Director Regulatory and Community Services	üCOMP.
14.1	Consent to the Sale of Lot 1 Leehey Street, Wedgefield	200607/376 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Corporate Services	üCOMPLETE

11.2 REGULATORY AND COMMUNITY SERVICES

11.2.1 Director Regulatory and Community Services

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

Officer Clare Tocock
Executive Assistant –
Community and
Regulatory Services

Date of Report 12 July 2007

Disclosure of Interest by Officer Nil

Summary

Report on activities within the Regulatory and Community Services directorate 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

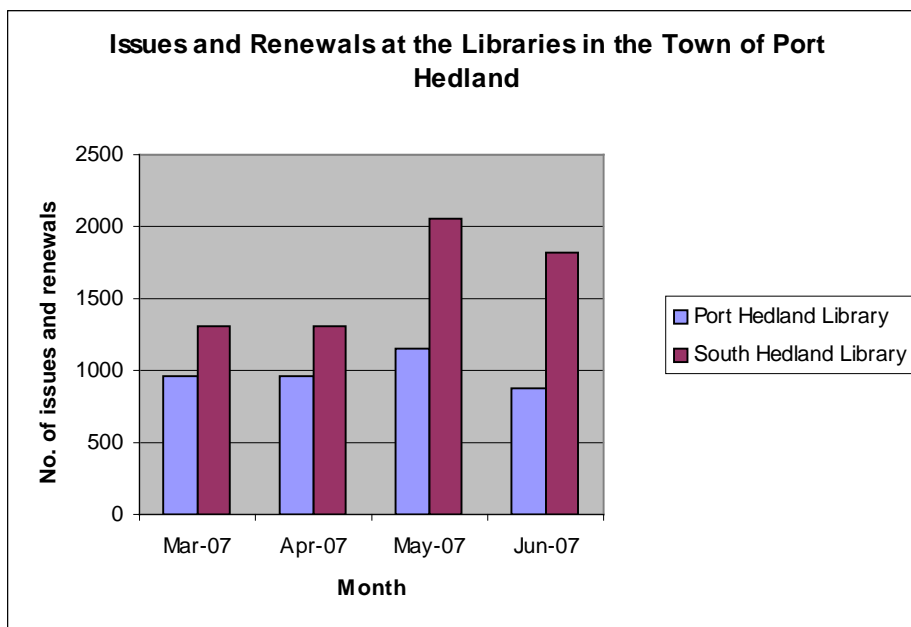
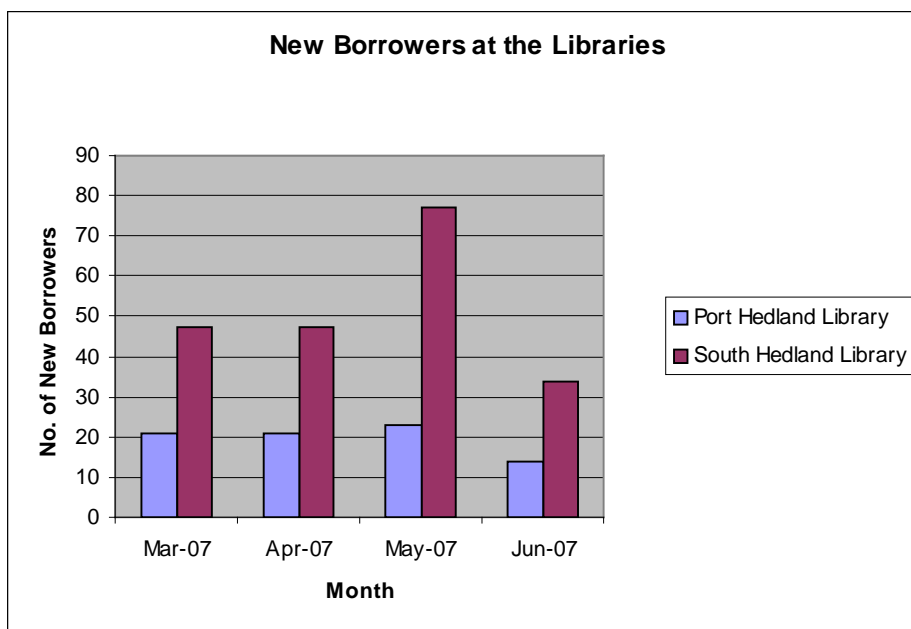
Budget Implications Nil

Officer's Comment

Library and Information Services

Port Hedland Library	
Issues and Renewals	879
Reservations	17
New Borrowers	14
Internet Users	156

South Hedland Library	
Issues and Renewals	1817
Reservations	56
New Borrowers	34
Internet Users	306



During June planning for the following events was finalised:

East/West Pilbara Regional Conference for library officers and library managers, hosted by Onslow Library 26-27 July 2007.

State Library of Western Australia Great Country Book Sale to be held 10-12 August at the Masonic Hall, Port Hedland.

A Local Activity Grant Application was submitted to the Department of Education and Training to partially fund Adult Learners' Week session at South and Port Hedland libraries 2-8 September. The proposed program will start with Sunday afternoon at South Hedland Library and during the week sessions will include Exploring online databases; Photography tips and tricks; Welcome to local history; Journaling.

Human Services

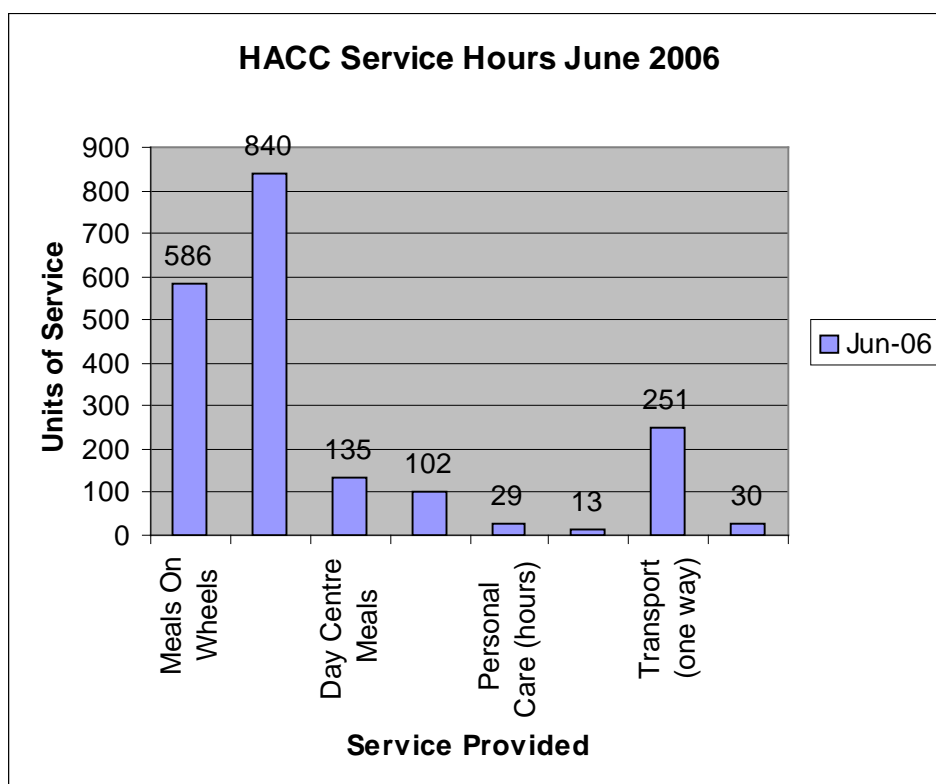
Emergency Management

Andriena Ciric has attended an emergency management course in Queensland at her own expense in annual leave time. Andriena will be working more closely with Council's Community & Economic Development portfolio, which will take on the management of emergency services with a focus on the Recovery role of Council after disasters and emergencies.

HACC Programme

Home and Community Care workers across the Pilbara region met in Roebourne recently for a two-day workshop on new policies and initiatives in HACC services. Coordinator Deb Endersby made a PowerPoint presentation (her first, complete with photos of activities!) to the group showcasing some of the program initiatives Council offers from HACC House.

The Hedland HACCers were successful in winning the CommonHealth Games in Broome against Bran Nue Day's team of competitors. The winners celebrated their victory with a lunch at HACC House. Negotiations continue to achieve a safe and timely handover of Council's current HACC services to the Department of Health.



Training for June 2007: HACC Foundations – Chris Holmes from Communiwesk (HTTB)

Pilbara Family Day Care

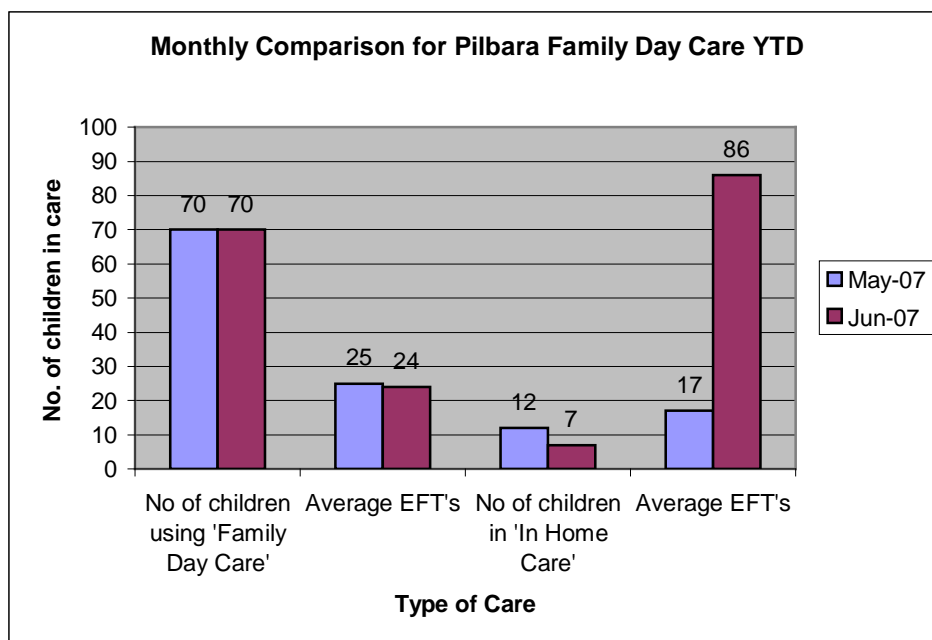
Scheme received notification from National Childcare Accreditation Council of Australia that we have passed Accreditation and the overall rating for the Scheme is one of Good Quality. A major achievement to be proud of.

Two new Carers visited by the Childcare Licensing Unit in Karratha and expect licenses to come through in 4-6 weeks. Delveen Wakefield from Karratha resigned after 15 years as a Carer. A gift from the Scheme has been presented in recognition of her service.

Two new Carers coming on board in Tom Price, both very keen and proceeding with their licensing requirements. One Carer proceeding in South Hedland.

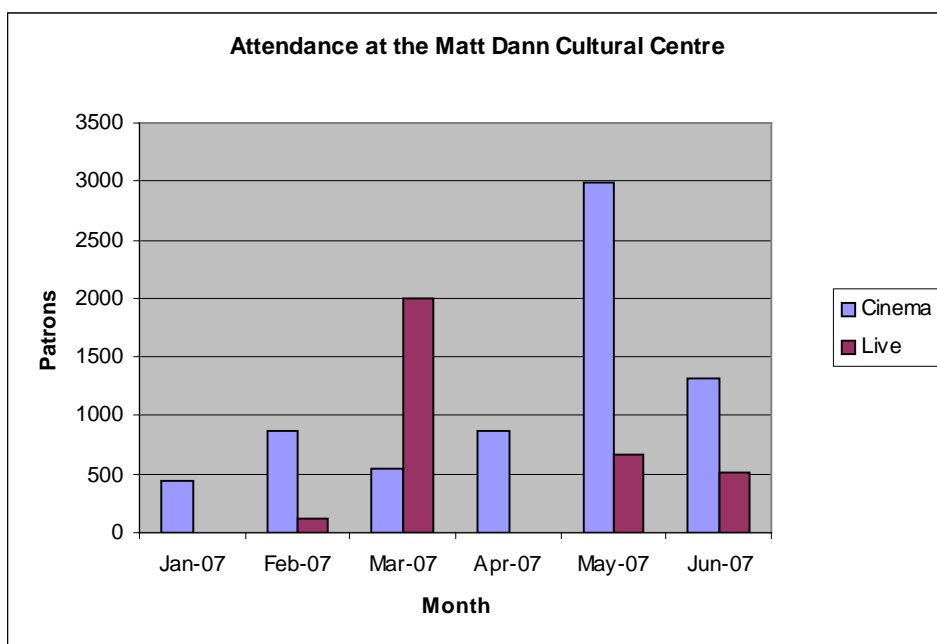
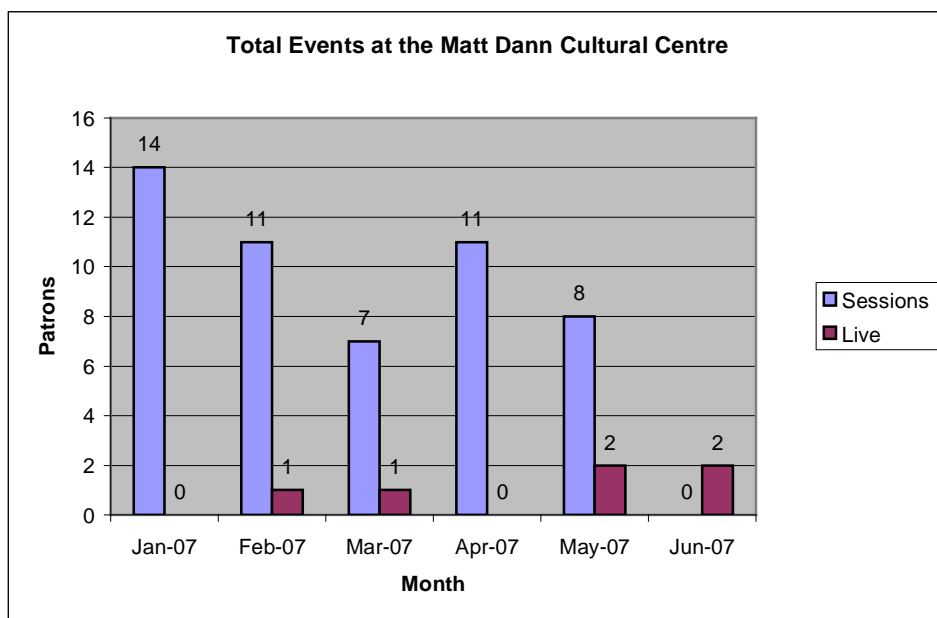
Kids Matter phase 2 to be rolled out in Mid August for Hedland. PDC to ask Tom Stephens to write his column about FDC and information evening to be held to promote FDC.

Council's Family Day Care Service completed a very successful accreditation survey in June 2007 by the National Childcare Accreditation Council Inc, passing all Quality Areas with 'satisfactory' to 'good quality' ratings. Planning is underway to address the physical office space issues identified in the survey, to further improve the child care service.



Matt Dann Cultural Centre

A very busy month for the services offered from the Cultural Centre. The Big Screen was a huge hit, especially with the schools, and a successful family evening with 'Razzle Dazzle'.

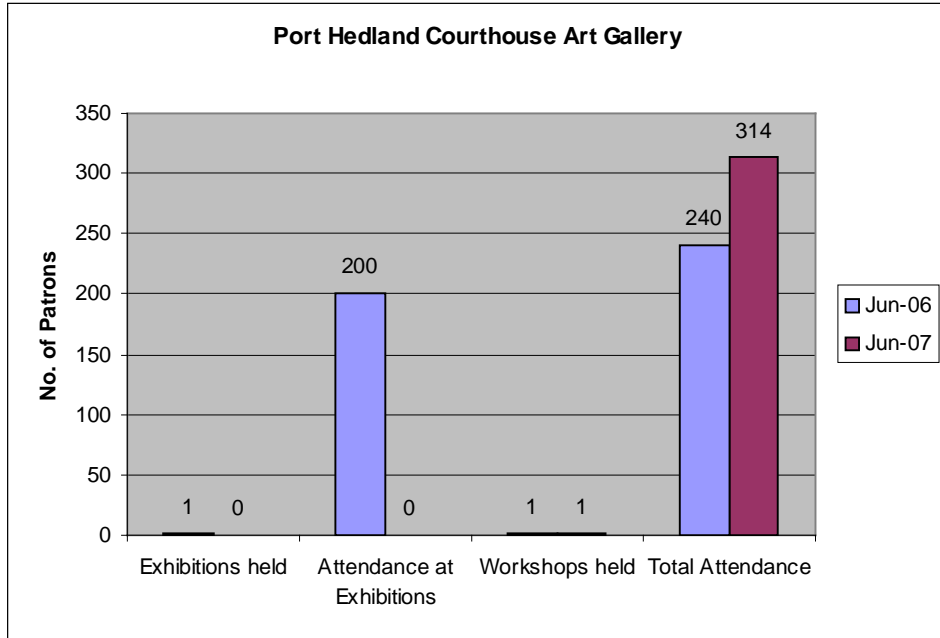


Courthouse Arts Centre and Gallery

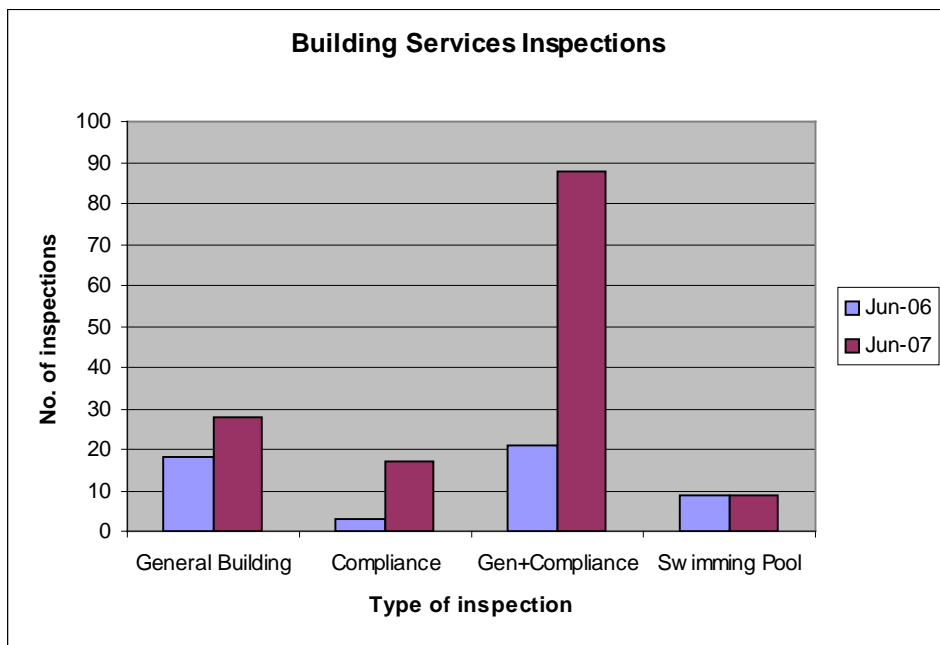
Port Hedland Courthouse Art Gallery: Courthouse Art Gallery Coordinator Kathy Donnelly has resigned to do some travelling and work on her own art, effective on 27th July. Discussions continue between the Director Community and Regulatory Services, stakeholders and FORM to establish a unified management team for the Gallery and the Visitors Centre.

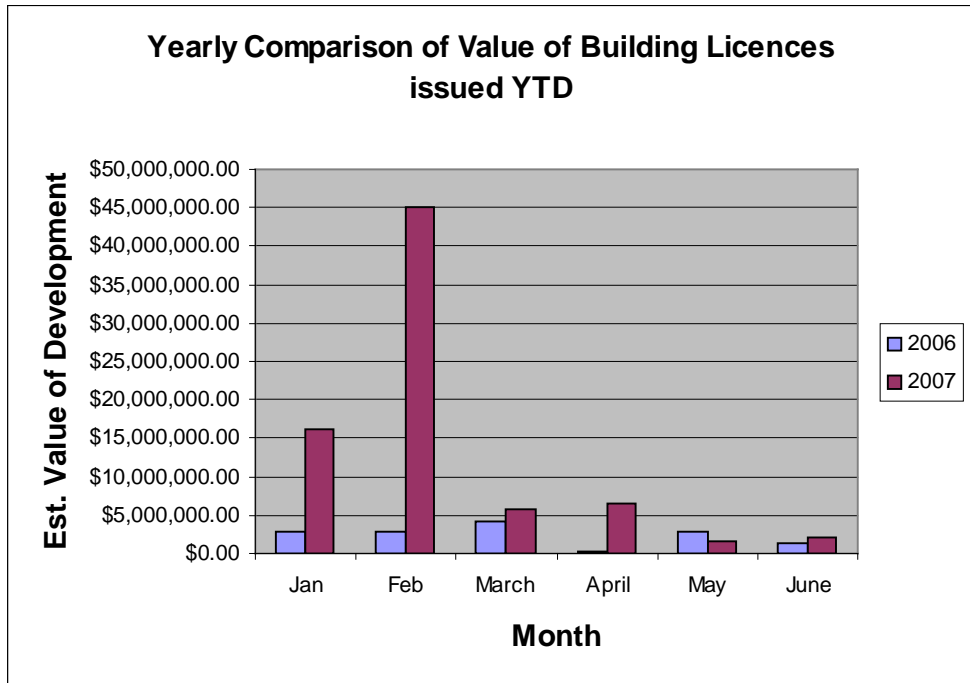
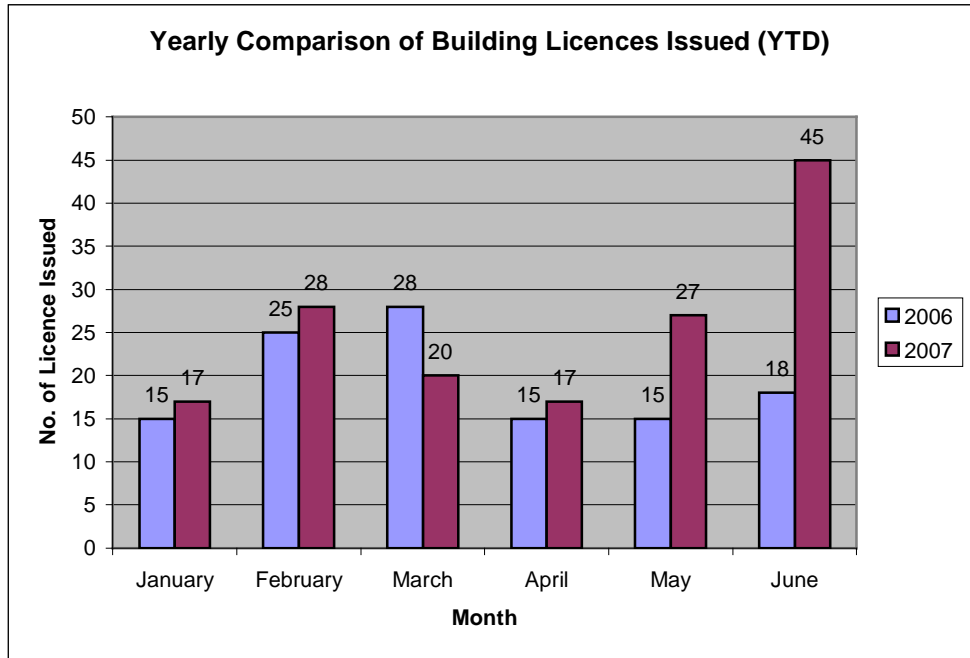
Kathy came to the position initially for a two-month contract, and her willingness to stay on to manage the Gallery over the past 20 months has been greatly appreciated.

The next exhibition at the Courthouse Art Gallery will be of local artists in a diverse range of media, followed by HARTZ's Hedland Art Award.



Building Services





Status of Building Licences for Valuer General's Office

Building Licence Applications Received in 2006

2006	Running Total as at 25th June 2007
Total Building Licence applications received in 2006:	373
Building Licences approved in 2006	281
Building Applications Cancelled:	36
Building Applications Pending:	36
Building Applications Refused:	2
Building Applications Withdrawn/Lapsed:	4
Licences copied & sent to VGO	41
Licences not required to be sent	119
Licences to be inspected	121

Building Licence Applications Received in 2007

2007	Running Total as at 25th June 2007
Total Building Licence applications received in 2007	183
Building licences approved	136
Building applications cancelled	5
Building Applications Pending	40
Building applications refused	0
Building applications withdrawn/lapsed	1
Licences copied & sent to VGO	2
Licences not required to be sent	28
Licences to be inspected	106

Environmental Health Services

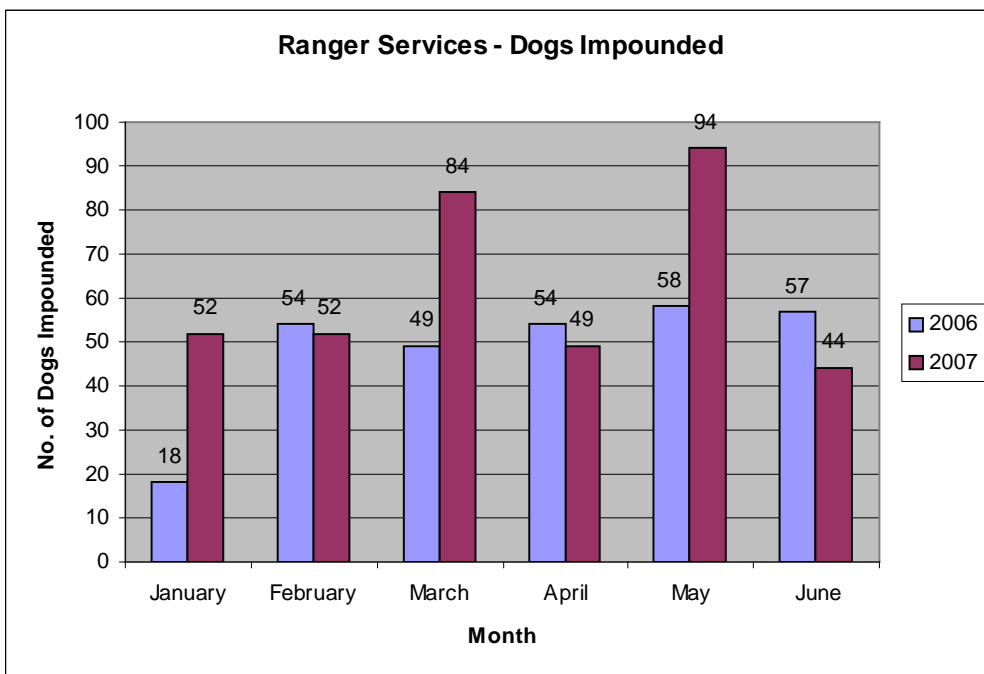
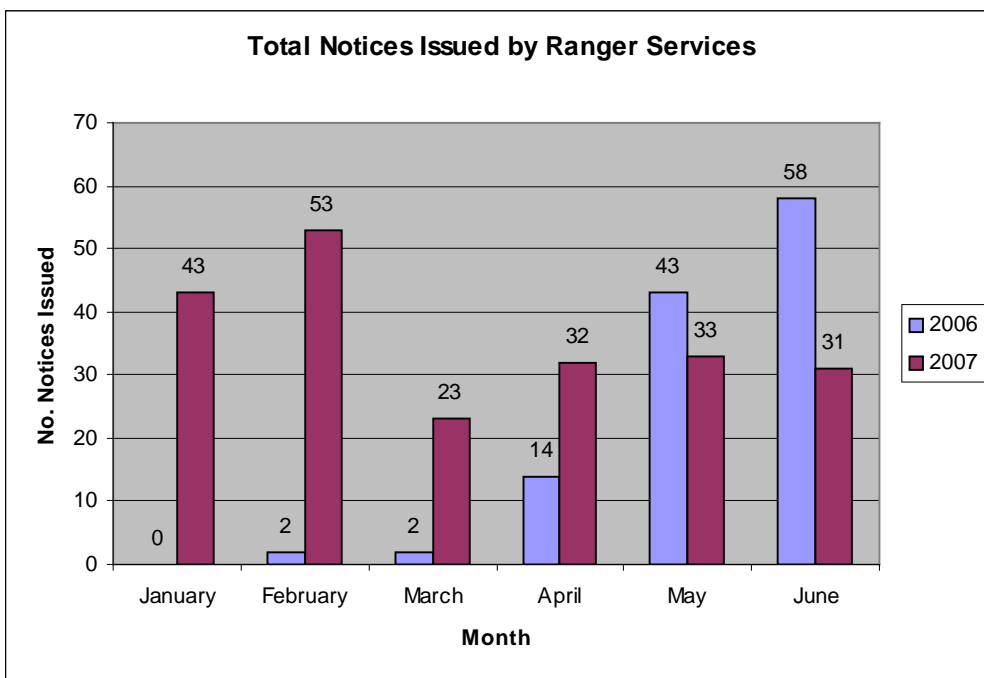
Council's Environmental Health Services has recruited Mr Michael Cuvalo from Queensland to replace Ms Laura Tucker who returned to Victoria. Mr Cuvalo commences with the section on the 7th August 2007 and we are looking forward to his commencement so that staff numbers are reinstated and the section can be more proactive.

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. With mosquito numbers dropping dramatically over the last month the distribution of the insecticide has slowed but the initiative has been quite successful. At the time of preparing this report 1360 or 39% individual satchels of insecticide had been distributed from a total of 3480 satchels ordered. The product has a long shelf life and can be utilized next wet season.

The Towns wastewater re-use systems have the potential to be prolific mosquito breeding sites. We are currently experimenting with the use of paraffin oil in one of the Towns re-use tanks adjacent to the Kevin Scott Reserve. Thus far the experiment with the food grade oil is having a positive result.

Mr Stuart Hopwood has been appointed as the new Senior Ranger and he commences in early August. Ms Janette Feakes has also commenced as the new Trainee Ranger.

Ranger Services



200607/380 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

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

CARRIED 8/0

11.2.1.2 Amendment to Delegation Register (File No.: .../...)

Officer	Terry Sargent Director Regulatory and Community services
Date of Report	6 July 2007
Disclosure of Interest by Officer	Nil

Summary

A report to consider amendments to Councils delegation register that will reduce the time some applicants need to wait for planning approval, without compromising the integrity of the process or the opportunity for Council.

Background

During the past 6 months (Jan 07 – June 07) Council approved some 97 applications for development approval.

Council officers dealt with approximately 70% of these under delegated authority and the balance were referred to Council. Some 38 reports were prepared including duplicate reports that were required where meeting quorum requirements meant that relatively straightforward items could not be considered at a meeting.

Whenever an application is referred to Council the delay is typically six weeks.

For each item referred to Council the normal assessment is undertaken, but in addition the assessing officer then proofread and potentially modified by the Director and CEO drafts the report. Along with scanning and printing of attachments, plans and additional information, this process averages more than four hours of officer time.

Of the 38 reports and recommendations prepared for Council consideration in this period, Council only modified three. And while clearly some of the remaining 35 applications would have been referred to Council because they were contentious or strategically significant, the fact remains that reducing the number of unnecessary reports referred to Council could free many hours of officer time to be applied to dealing with applications. This is estimated at as much as 18 hours per annum, which will significantly reduce the turn around time for applicants.

Consultation

No external consultation was required in the preparation of this report

Statutory Implications

Town of Port Hedland Town Planning Scheme No. 5 states (in part)

9.2.1 The council may, either generally or in a particular case or particular class of cases, by resolution passed by an absolute majority of Council, delegate to: an officer of the council, any power or duty imposed on the Council under this Scheme.

Council currently delegates a number of such duties to the Director Regulatory and Community Services (Delegation 40 Town Planning Scheme No. 5)

Policy Implications

There are no policy implications

Strategic Planning Implications

There are no direct implications in relation to Councils' adopted strategic plan.

Budget Implications

There are no budgetary implications arising from the officer's recommendation.

Officer's Comment

For Council, as the elected representatives of the community, it is essential to ensure the community's interests are represented in the exercise of its powers under the town Planning and Development Act. It is similarly important to ensure that wherever possible, applications are determined without undue delay.

Delegation of authority enabling staff to make determinations within the limitations of Council Policy, is an effective mechanism used by Council over many years.

In December 2006 an amended delegation was proposed but not accepted by Council, which adopted the following resolution.

"That:

- j) the 2006 Delegated Authority be adopted as Council's 2007 Delegated Authority Register, subject to the*

removal of the existing delegation of subdivisions of more than 10 properties; and

- ii) *Chief Executive Officer to submit to Council specific suggestions of delegations sought and justification thereof."*

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

The delegated authority register proposed in December has been reviewed and with a relatively minor amendment, can be adopted to facilitate an efficient, timely approvals process that allows an improved level of review and oversight by Council.

By circulating a weekly list of proposed planning decisions and enabling Councilors to request that significant items are presented for consideration, the Council will be able to have remaining proposals processed within policy and legislative constraints under delegated authority. This will result in reduced delays and cost to a number of applicants.

The relevant section of the Delegated Authority Register proposed in December 2006, would need to be adopted in a modified form that included the following clause under the heading "CONDITIONS AND EXCEPTIONS TO DELEGATED AUTHORITY"

A list of all development applications intended for determination under delegated authority shall be circulated to all Councilors each week and at the request of two or more Councilors any application on the list will be referred to Council for determination.

Attachments

- Extract of Delegation Register 2007 – Delegation 40
- Amended Extract from Proposed Delegation Register presented to Council 13 December 2006

Officer's Recommendation

That Council amends Delegation Number 40 (Town Planning Scheme No.5) to read:

“WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985
TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN OF PORT HEDLAND TOWN PLANNING SCHEME NO 5

DELEGATION TO:

Chief Executive Officer
Director Regulatory & Community Services
Manager Town Planning

DELEGATED POWERS

Delegated authority to make decisions on the following matters

1. LAND USES

Authority to deal with the following:

- Approve all development applications where the proposed use is a 'P' use in the Town Planning Scheme No.5;
- Approve or refuse all development applications where the proposed use is listed as an 'AA' use in the Town Planning Scheme No 5;
- Approve or refuse all development applications where the proposed use is listed as a 'SA' use in the Town Planning Scheme No 5 where there has been no objections received during the statutory advertising process. Where objections have been received Council determination is required;
- Approve or refuse all development applications where the proposed use is an 'IP' use in the Town Planning Scheme No. 5;
- Refuse all applications that are listed as an '-' use in Town Planning Scheme No 5.
- Impose conditions on all development approvals, which relates to the orderly and proper planning, preservation of amenity of the locality and other such conditions as may be deemed appropriate.
- The use of delegated authority for approval of a development application is conditional on the application complying with Council policy, the Residential Design Codes (or their performance standards) and/or compliance with any other relevant standards.

2. REZONINGS

Nil

3 SUBDIVISIONS

Authority to:

Undertake all matters relating to the performance of Council's functions with regard to subdivisions under S24 of the Town Planning and Development Act 1928 with the exception of any subdivisional applications that create greater than 10 new properties. (Note: S24 relates to objections and recommendations received regarding subdivisions)

4. MISCELLANEOUS

- Authority to determine:
- All matters which arise out of the imposition of conditions on development approvals
- Applications requiring variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Planning codes.
- Determine Council's position with respect to any mediation process resulting from an appeal to the Town Planning Appeal Tribunal or Minister for Planning following consultation with the Mayor (or in the absence of the Mayor the Deputy Mayor)
- Exercise and discharge all of Council's powers and functions under S10 of the Town Planning and Development Act 1928 following consultation with the Mayor (or in the absence of the Mayor the Deputy Mayor). (Note: S10 relates to the power to direct cessation or removal of unlawful development, or restoration or execution of work.)
- Serve notices, and take any other action, on properties owners who are deemed to be in breach of the Town Planning Scheme.

Conditions and Exceptions to Delegated Authority

- No matter that is likely to be contentious, or is politically sensitive shall be determined under delegated authority. These matters shall be presented to Council for determination.
- A list of all development applications intended for determination under delegated authority shall be circulated to all Councillors each week and at the request of two or more Councillors any application on the list will be referred to Council for determination.
- A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes each month;
- Every applicant who received notification of a conditional approval or of a refusal of a development application that was determined by delegation to the Chief Executive Officer, and is aggrieved by the decision, may within 28 days of the date of that decision request that the matter be reconsidered by Council;

- Any application for subdivision which is not consistent with adopted Council policy, shall be referred to Council for a decision;
- Legal action that involves Council incurring costs defending its position in relation to breaches to planning conditions and/or breaches of Council's Town Planning Scheme shall not be undertaken without prior consideration of the Council.

200607/381 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr D R Pike

That Agenda Item 11.2.1.2 'Amendment to Delegation Register' lay on table, awaiting the provision of a marked up copy being distributed to Councillors by Director Regulatory and Community Services, which highlights each of the delegations of Number 40 showing the proposed changes.

CARRIED 8/0

REASON: The attached document was quite complicated for Councillors to compare to current delegation, and it would be easier to view marked up changes in the one document.

ATTACHMENT 1 TO AGENDA ITEM 11.2.1.2

DELEGATION NUMBER	40 (Town Planning Scheme No. 5)
LEGISLATIVE POWER	Town Planning Scheme No. 5 - Clause 9.2
DELEGATION SUBJECT	Town Planning Scheme No. 5
DELEGATE	Director Regulatory and Community Services

1. For the purposes of carrying out and completing the Town Planning Scheme and to ensure its observance, the Council may delegate to the Director Regulatory and Community Services any of the powers which it is entitled to exercise by virtue of the Scheme.
2. Any officer of the Council who exercises any power delegated pursuant to the preceding provision shall exercise such power strictly in conformity with the provisions of the Scheme and in particular any policy made by the Council thereunder.
3. A list of planning applications approved under this delegation is to be provided to Council through the Councillors Information Bulletin.

THE FOLLOWING FUNCTIONS OF COUNCIL ARE, IN ACCORDANCE WITH CLAUSE 9.2 OF TOWN PLANNING SCHEME NO. 5, DELEGATED TO THE DIRECTOR COMMUNITY DEVELOPMENT SERVICES:

1. Uses

The Director Regulatory and Community Services may:

- a) Determine all applications to commence development where the proposed use is a "P" use listed in the Zoning Table of the Town Planning Scheme;
- b) Determine all applications to commence development where the proposed use is "AA" use listed in the Zoning Table of the Town Planning Scheme; and
- c) Refuse all applications to commence development where the proposed use is and "-" use listed in the Zoning Table of the Town Planning Scheme
- d) Approve all applications to commence development where the use is an "SA" use listed in the Zoning Table of the Town Planning Scheme provided that
 - . Advertising has been completed on accordance with the scheme.

All Councillors have been advised (in writing) prior to the advertising of the development proposal during the prescribed advertising period.

No objections are raised during the advertising period.

Where any objection is received by a Councillor or a member of the public, or the proposal may have an effect on the amenity or the orderly and proper planning of the locality then the application is to be referred to Council for determination.

2. Conditions

The Director Community Development Services has the authority to impose conditions on any approval to commence development that relates to the proper and orderly planning of the locality.

3. Internal Appeals System

Should an applicant or an owner of land the subject of an application be aggrieved by a decision of the Director Community Development Services exercising a discretionary power under the Scheme, the applicant or an owner of the land the subject of an application may appeal to Council for a consideration of the decision.

4. Residential Planning Codes

The Director Community Development Services may determine all requests for variation of development requirements conferred to Council pursuant to the provisions of the Residential Planning Codes.

5. Grouped Dwellings

The Director Community Development Services may approve or refuse all applications for grouped dwelling developments within the "Residential" zones comprising of two (2) grouped dwelling units.

6. Outbuildings

The Director Community Development Services may approve all applications for outbuildings not exceeding a maximum combined floor area of 100M².

For the purpose of this delegation an "outbuilding" means an incidental detached building appurtenant to be used in conjunction with a dwelling as:

- i) A storage shed;

- ii) A carport / garage;
- iii) A stable; and
- iv) A combination of the above,

but not as a residential or a workshop for commercial purposes.

7. Building Setbacks

The Director Community Development Services may approve or refuse all applications for a variation to building setback requirements.

8. Car Ports on Corner Lots for Single Residential Dwellings

The Director Community Development Services may determine that the setback for a carport on a corner lot on the following basis not withstanding any requirement of the Residential Planning Codes:

- i) On the primary street frontage, the carport shall be setback not less than 3.0 metres; and
- ii) On the secondary street frontage, the carport shall be setback not less than 1.5 metres

9. Home Occupations

The Director Community Development Services may grant Planning Consent for a Home Occupation where:

- i) The proposal complies with the Town Planning Scheme and any Council Policy;
- ii) No submissions are received during the advertising period, and
- iii) The proposal is of a non-contentious nature.

All other Home Occupation proposals to be referred to Council.

10. Scheme Requirement

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

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

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

11. Endorsement Of Statutory Documents

The Director Community Development Services is the delegated officer for the purposes of endorsing the following statutory documents:

- i) Planning Consent Approval and Refusal Notices.

12. Road Closure Actions

The Director Community Development Services may forward Road Closure Applications direct to the Department of Land Administration in the event of:

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

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

ATTACHMENT 2 TO AGENDA ITEM 11.2.1.2

**Western Australian Planning Commission Act 1985
Town Planning and Development Act 1928
Town of Port Hedland Town Planning Scheme No 5**

Delegation To:

Chief Executive Officer
Director Regulatory & Community Services
Manager Town Planning

Delegated Powers

Delegated authority to make decisions on the following matters

1. LAND USES

Authority to deal with the following:

- Approve all development applications where the proposed use is a 'P' use in the Town Planning Scheme No.5;
- Approve or refuse all development applications where the proposed use is listed as an 'AA' use in the Town Planning Scheme No 5;
- Approve or refuse all development applications where the proposed use is listed as a 'SA' use in the Town Planning Scheme No 5 where there has been no objections received during the statutory advertising process. Where objections have been received Council determination is required;
- Approve or refuse all development applications where the proposed use is an 'IP' use in the Town Planning Scheme No. 5;
- Refuse all applications that are listed as an '-' use in Town Planning Scheme No 5.
- Impose conditions on all development approvals, which relates to the orderly and proper planning, preservation of amenity of the locality and other such conditions as may be deemed appropriate.

The use of delegated authority for approval of a development application is conditional on the application complying with Council policy, the Residential Design Codes (or their performance standards) and/or compliance with any other relevant standards.

2. REZONINGS

- Nil

3. SUBDIVISIONS

Authority to:

- Undertake all matters relating to the performance of Council's functions with regard to subdivisions under S24 of the Town Planning and Development Act 1928 with the exception of any subdivisional applications that create greater than 10 new properties. (Note: S24 relates to objections and recommendations received regarding subdivisions)

4. MISCELLANEOUS**Authority to determine:**

- All matters which arise out of the imposition of conditions on development approvals
- Applications requiring variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Planning codes.
- Determine Council's position with respect to any mediation process resulting from an appeal to the Town Planning Appeal Tribunal or Minister for Planning following consultation with the Mayor (or in the absence of the Mayor the Deputy Mayor)
- Exercise and discharge all of Council's powers and functions under S10 of the Town Planning and Development Act 1928 following consultation with the Mayor (or in the absence of the Mayor the Deputy Mayor). (Note: S10 relates to the power to direct cessation or removal of unlawful development, or restoration or execution of work.)
- Serve notices, and take any other action, on properties owners who are deemed to be in breach of the Town Planning Scheme.

Conditions and Exceptions to Delegated Authority

- No matter that is likely to be contentious, is politically sensitive shall be determined under delegated authority. These matters shall be presented to Council for determination.
- A list of all development applications intended for determination under delegated authority shall be circulated to all Councillors each week and at the request of two or more Councillors any application on the list will be referred to Council for determination.
- A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes each month;
- Every applicant who received notification of a conditional approval or of a refusal of a development application that was determined by delegation to the Chief Executive Officer, and is aggrieved by the decision, may within 28 days of the date of that decision request that the matter be reconsidered by Council;
- Any application for subdivision which is not consistent with adopted Council policy, shall be referred to Council for a decision;
- Legal action that involves Council incurring costs defending its position in relation to breaches to planning conditions and/or breaches of Council's Town Planning Scheme shall not be undertaken without prior consideration of the Council.

11.2.2 Planning Services

6:15 pm Mayor Stan R Martin declared a perceived financial interest in Agenda Item 11.2.2.1 'Reconsideration of Application for Retrospective Approval of Landfill on Lot 62 (153-155) Greenfield Street, South Hedland' as he has a business association with the applicant.

Mayor Martin left the room.

6:15 pm Deputy Mayor Arnold A Carter assumed the Chair.

11.2.2.1 Reconsideration of Application for Retrospective Approval of Landfill on Lot 62 (153-155) Greenfield Street, South Hedland (File No.: 154439G)

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 9 July 2007

Disclosure of Interest by Officer Nil

Summary

This matter was presented to council for consideration at the ordinary meeting of June 27th 2007. Council resolved to reconsider the matter as the owner of Lot 63 Greenfield Street, Mr John Smart, had presented some Councilors with a consultants report purporting to indicate that the site is free of pollution following the use of part of the site as a landfill.

Background

At its ordinary meeting in June 2007, Council resolved:

"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."

As indicated in the report presented to the June meeting of Council, an application (with very little supporting information) was received, seeking retrospective approval for the use of rubble to fill a portion of Lot 63, which had been excavated, primarily, for off site supply of soil.

The application was received only after the State Administrative Tribunal (SAT) had required that an application be made.

Among the information requested by Council and ordered by State Administrative Tribunal was a report from a suitably qualified professional to verify that the fill material was inert and unlikely to present an environmental or health risk.

At the time of his last appearance before the State Administrative tribunal Mr Smart had only produced a letter from a consulting structural engineer, describing a method of preventing subsidence of the filled area.

Mr Smart has subsequently provided Council with a report of the analysis of three soil samples and a covering letter from the same Consulting Engineer, which presumably accompanied one or more soil samples that were sent for analysis.

Consultation

There has been no additional consultation in relation to this matter

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 document Mr Smart presented to some Councilors prior to the June meeting (attachment 1) consisted of a covering letter and the report from a chemist, providing the results of analysis and describing the analytical method used for three samples of soil that had been sent to the Chemistry Centre.

There are numerous reasons why this documentation does not enable any meaningful reconsideration of the facts in question. To summarise these include:

- Sampling method - There is no data to confirm that the samples were taken by a third party or that the storage and transport of the material was appropriate to enable meaningful analysis
- Sample location - There is no accurate description of the location or depth from which the soil samples were taken. They could for example be samples of the cover material above the fill and therefore not affected by leaching etc. or they could be samples of soil taken from anywhere.
- Number of Samples - There is no evidence to justify the analysis of only three samples when it would be normal to collect samples from a grid pattern across the site with control samples from a similar site that is known to have, uncontaminated soil.
- There is no justification for the analysis of the suite of chemicals selected. - It would be normal to expect the consultant demonstrate conclusively why tests for other potential contaminants were not conducted in the analytical process.

While pursuing this matter in the above manner is recommended, Council does have the ability to grant a retrospective approval for the development. This action is not recommended as in the view of Council's administration, the development that has been undertaken was not appropriate for the area and should not be supported.

In short, a detailed examination of the documentation provided by Mr Smart provides no justification at all to approve the application for approval to dump materials on Lot 62 Greenfield street.

Because Mr Smart has failed to demonstrate an absence of environmental or health risk associated with the dumping of this material, on Lot 62 Greenfield Street, it is appropriate that he be required to remove the material, dispose of it in an approved manner and remedied the site.

Should he fail to do so it is also appropriate to initiate legal action, which could include an order to remove all dumped material.

Attachments

Analysts report supplied by Mr Smart.

200607/382 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

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 have the dumped matter/materials of unknown quantity and composition on Lot 62 (153-155) Greenfield Street, South Hedland removed and disposed of at an approved site, and / or to have the site remediated to eliminate the risk of contamination.**

CARRIED 7/0

6:16 pm Mayor re-entered and assumed his chair.

Deputy Mayor Arnold Carter returned to his chair, and advised Mayor Martin of Council's decision.

ATTACHMENT TO AGENDA ITEM 11.2.2.1

Your Ref : 06E1841/001-003 (Shidal Pty Ltd)
 Our Ref : Lab. No.: 06F4190
 Enquiries to: Richard Clarke Ph. 9222 3058
 E-mail : rclarke@ccwil.wa.gov.au



REPORT ON EXAMINATION OF THREE SAMPLES OF SOIL RECEIVED ON 24TH MAY 2007

The samples of loamy red soil in plastic jars marked as shown below were submitted for identification of possible asbestos content.

METHOD OF ANALYSIS:

One sample required drying and then gentle dis-aggregation and removal of large stones. All samples were split to a mass of approximately 50 grams and the sub-samples were examined using a stereoscopic microscope at a magnification of 20X. Fibres were hand-picked and examined using polarised light microscopy (PLM), at a magnification of 100X following in-house method PLM-001.

RESULT OF EXAMINATION:

LAB NO.	SAMPLE DETAILS		ASBESTOS MINERALS DETECTED USING POLARISED LIGHT MICROSCOPY, INCLUDING DISPERSION STAINING
	SAMPLE MARKS	DESCRIPTION	
001	06E1841-001	Red loamy soil with large stones, mass as received 512 grams	Asbestos not detected ¹
002	06E1841-002	Red loamy soil, mass as received 402 grams	Asbestos not detected ¹
003	06E1841-003	Red loamy soil, mass as received 422 grams	Asbestos not detected ²

REMARKS:

The results pertain only to the samples as received.

RICHARD CLARKE
 PRINCIPAL RESEARCH MINERALOGIST
 5th June 2007

¹ The sample contained some glass fibre and also organic fibres.

² The sample contained some organic fibres.

06E1841 Asbestos

Report of Examination

None
06E1841; 3.1.1
Jenny McGuire

Shidai Pty Ltd
19 Moorambine Street
Wedgefield
Port Hedland
WA 8274

Attention : J Smart

Report On:
3 samples received on 24/05/2007

CCWA ID	Material	Client Description
06E1841 / 001	soil	North
06E1841 / 002	soil	Middle
06E1841 / 003	soil	South

CCWA ID	06E1841/001	06E1841/002	06E1841/003
Client ID	North	Middle	South
Sampled			
Analyte	Unit		
As	mg/kg	3	2
CN_total	mg/kg	<2	<2
Pb	mg/kg	5.5	5.3

Analyte	Method	Description
As	IMET2SA/CP	Arsenic, dry basis
CN_total	ICN1STAA	Cyanide, total, as received
Pb	IMET2SA/CP	Lead, dry basis

Particles less than 2 mm analysed for soil samples. Metals analysis performed using mixed acid (Nitric/Hydrochloric) microwave assisted acid digestion (USEPA 3051A modification). Analysis of metals by ICPAES. This report relates only to the samples as received.

Jenny McGuire
Science Business Manager
Environmental Chemistry Section

25/06/2007
06E1841
26/06/2007

Page 1 of 1

11.2.2.2 Application for Vacant UCL Land to be allocated to the Port Authority (File No.: 803354G)

Officer Richard Bairstow
Manager Planning

Date of Report 25 July 2007

Disclosure of Interest by Officer Nil

Summary

A request for comments has been received from Department of Planning and Infrastructure – State Land Services (DPI –SLS) on an application from the Port Hedland Port Authority for a parcel of land to the west of Wedgefield, bounded by the Port Authority's southern boundary and Finucane Island (See Attachment No. 1).

Background

The draft land use master plan identifies the need to expand the port boundary to the north west of Wedgefield in line with plans to expand operations on the west side of the harbour.

This has been a concern for Wedgefield residents and property owners in the past because of potential impacts of the port operations, and those concerns have been addressed in line with the State Industrial Buffer Policy.

The Land Use Master Plan recommends the installation of a 500m buffer to the northern and western edges of the existing Wedgefield Industrial Area be established on Port Land in which only low impact uses will be located. This buffer would provide Wedgefield property owners with an increased level of protection from potential noxious adjacent development.

Consultation

No consultation was required as part of this process.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Key Result area 1 - INFRASTRUCTURE

Goal Number 1 – Roads, Footpaths and Drainage

9. Work with Port Hedland Port Authority and others to ensure that port and mining expansions at Harriot Point are undertaken in a timely manner and do not have a negative impact on the community.

Key Result area 4 – ECONOMIC DEVELOPMENT

Goal Number 5 – Town Planning & Building

2. Work closely with the State Government and Resource Companies to ensure that key projects/actions identified with the Land use Master Plan are acted upon in a timely manner

Budget Implications

Nil as only comment has been requested.

Officer's Comment

As stated previously the proposal is consistent with the recommendations of the Land Use Master Plan.

The request is recommended for support subject to the following issues being addressed, and agreements with the respective agencies being achieved.

- The ultimate alignment of the Finucane Island Road will need to be agreed, and suitable agreements made for the protection of the public's rights to access the Finucane Island Boat ramp. The details of the ultimate alignment and tenure arrangements are the subject of current discussions between the ToPH, Port Hedland Port Authority, Main Roads WA, DPI, FMG and BHPBIO. It is considered likely that a resolution to the alignment and vesting will be finalized in the next three to four months. A condition has been included within the recommendation to deal with this matter;
- Suitable arrangements being made and agreed to by the Port Hedland Port Authority and the ToPH for the 500m low impact use buffer zone and the proposed operations which will be permitted within the buffer zone. A condition has been included within the recommendation to deal with this matter;
- Closure of the reserve 33648 – resolution to cancel vesting order for the existing reserve has been attempted on several previous occasions however the DPI-SLS has refused on the basis of the amount of rubbish contained on the lot. This material has been removed and it's considered appropriate to initiate the process again. A resolution has been included within the recommendation to deal with this matter; and

- It is recommended that DPI-SLS be advised of the following potential impediments; Telecommunication reserve, Indigenous Heritage sites and Transmission lines. An advice note has been included within the recommendation to deal with this matter.

200607/383 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr G D Bussell**That Council:**

1. **Supports the application for the vacant land (as shown in Attachment No. 1) at Wedgefield by the Port Hedland Port Authority subject to the following conditions:**
 - a. **That prior to the finalisation of the land transfer arrangements sufficient land is reserved and tenure arrangements agreed to by the Town of Port Hedland, Port Hedland Port Authority to facilitate the ultimate alignment of the Funicane Island Road and to secure the public's right to access the Finucane Island boat ramp and recreation areas; and**
 - b. **That prior to the finalisation of the land transfer suitable arrangements being agreed to between the Town of Port Hedland and the Port Hedland Port Authority for the proposed 500m low impact use zone buffer around the Wedgefield Industrial Area. The buffer is to be contained on Port Authority land as per current details shown within the Draft Land Use Master Plan.**

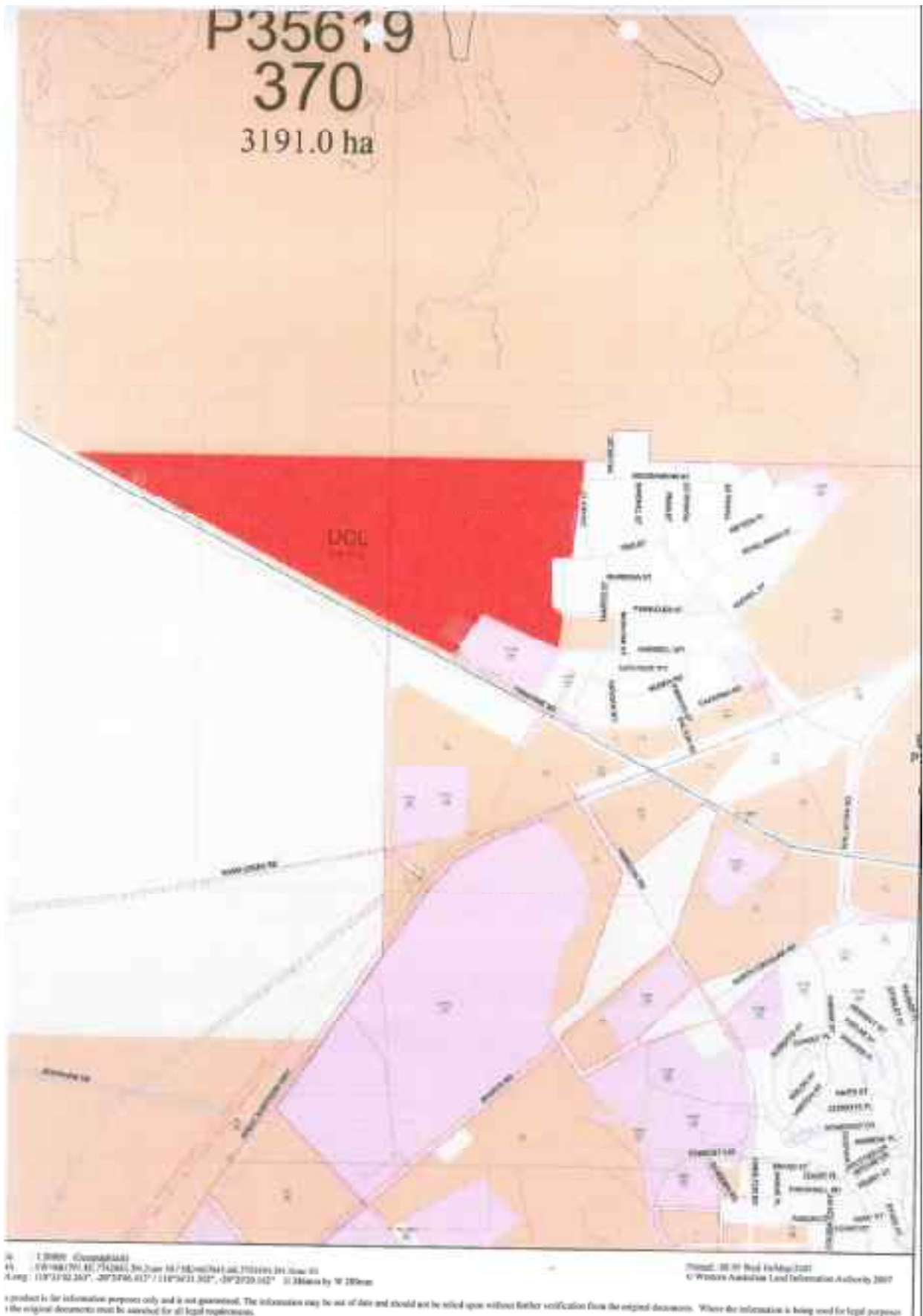
Advice note:

The applicant is advised that the subject area is impacted upon by the following potential impediments; Telecommunication reserve, Indigenous Heritage sites, and Transmission lines.

2. **Resolves to cancel the vesting order on Reserve 33648 and advises the Department of Planning and Infrastructure – State Land Services accordingly of its decision and that the Town has no objection to the reserve being included in the application by the Port Hedland Port Authority subject to the condition and advice note contained in resolution 1.**

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.2.2.2



11.2.2.3 Proposed Cancellation of Reserve 48867 (File No.: 116425G)

Officer Andrew Patterson
Planning Officer

Date of Report 25 July 2006

Disclosure of Interest by Officer Nil

Summary

Council has received advice from the Department for Planning and Infrastructure of a management order for Reserve 48867 (lot 502 Throssell Road) in the favour of the Town of Port Hedland for the purpose of "Pedestrian Access."

This reserve is bound on three sides by freehold lots, and cannot serve any practical purpose as a pedestrian access way. It is therefore proposed to request the Minister to cancel the reserve and allow the land to be purchased and amalgamated into an adjoining freehold lot.

Background

Council first considered and supported the closure of the unconstructed pedestrian access way (PAW) linking Throssell Road to Court Place at its Ordinary Meeting on 23 June 2004. At this meeting, Council supported the closure of the PAW between lots 12 and 13 Court to enable these lots to be amalgamated and developed into the Budget Motel expansion. As there was no similar proposal for lots 10 and 3241, the southern portion of the PAW remained open.

In order to facilitate the rationalisation of this unconstructed and unused PAW, the Town of Port Hedland contacted the owners of lots 10 and 3241 Throssell Road to ascertain whether either of these landowners were interested in acquiring this land. The Town of Port Hedland has since received a reply from the owner of lot 3241, Mahomed Badat, who is interested in purchasing this land from the Crown should it become available.

In order to cancel this reserve, a request is required by Council to the Minister for Lands, pursuant to section 50 (1)(a) of *The Land Administration Act 1997*.

Consultation

Council has previously closed this land as a PAW, with all required public and service provider consultation completed in accordance with relevant legislation.

Statutory Implications

Section 50 and 51 of the *Land Administration Act 1997* regulate the cancelling of Management Orders.

Policy Implications

Nil.

Strategic Planning Implications

Nil.

Budget Implications

Nil.

Officer's Comment

As this PAW does not act as a thoroughfare, and is unlikely to be reestablished for this use, it is recommended that the PAW be closed to enable the land to be amalgamated into an adjoining freehold lot.

This action will remove a maintenance responsibility from the Town and permit the land to be incorporated into any future development of lot 3241 Throssell Road. This action is therefore considered a good planning outcome.

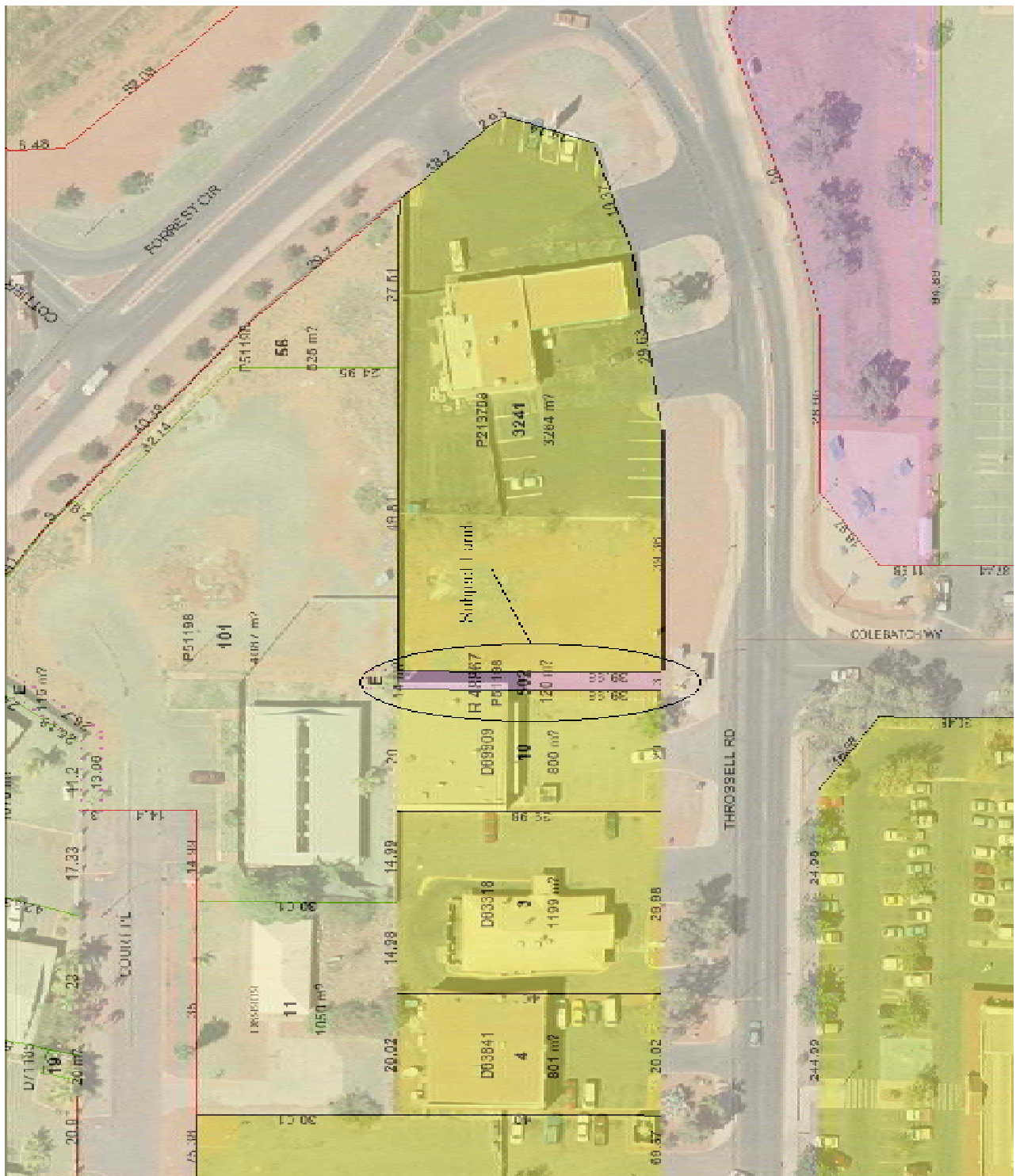
200607/384 Council Decision/Officer's Recommendation

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

That Council request the Honourable Minister for Lands to cancel the Management Order for Reserve 48867.

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.2.2.3



11.2.2.4 Reconsideration - New Living Project Subdivision Applications Lot 2943 Demarchi Road, South Hedland, and Lot 3868 Rutherford Street, South Hedland (File No.: 18/14/004)

Officer	Richard Bairstow Manager Planning
Date of Report	25 July 2007
Disclosure of Interest by Officer	Nil

Summary

At its Ordinary Meeting on 27 June 2007, Council considered a number of residential subdivision referrals from the Western Australian Planning Commission (WAPC). At this meeting, Council conditionally supported five subdivision applications and deferred two subdivision proposals pending further discussions. The deferred items were.

- Lot 2943 Demarchi Road, South Hedland – Application No. 2007/102 – (See Attachment No. 1)
- Lot 3868 (20) Rutherford Street, South Hedland – Application No. 2007/109 – (See Attachment No. 2)

Council's Manager Planning Services subsequently met with a representative of the South Hedland New Living Project and Councilor Bussell to discuss potential alternatives for these subdivisions.

This report is presented to Council to outline the outcomes of these discussions and for Council to determine these applications in light of this additional information.

Background

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

Listed below are the concerns regarding these subdivisions with the summarised response from South Hedland New Living Project. Comments indicated by '*Officer Comment*' are those responses from Council's Engineering Services.

General Issue 1: Group Housing Sites

The release of so much land will potentially adversely impact the development of the South Hedland Town Centre, particularly the release of the proposed grouped dwelling sites. These sites could be better utilised for tree planting.

SHNL Response

The Town Centre development is fundamentally different in character, as it will most likely comprise commercial and mixed-use residential development at a higher density than the proposed Grouped Dwelling sites. Any land release will be staged over the course of the project (4 – 5 years) and DHW is unlikely to develop the Grouped Dwelling sites if there is no perceived demand. Grouped Dwelling sites are required to offer a variety of housing styles and allow for better utilisation of land, particularly close to parks, schools etc. Grouped Dwelling sites will most likely require rezoning so Council will have the opportunity to control these developments prior to them occurring. Tree planting is more appropriate at designated POS and with street trees.

Officer Comment

Agree with SHNL comments.

Demarchi Road Subdivision Issue 1: Pedestrian Access

Need to maintain existing informal pedestrian access way (see attachment 3)

SHNL Response

The new street layout is both highly connected and permeable, allowing easy pedestrian access for residents east of DeMarchi Road to the primary school and town centre. The current alignment of the pathway is due to the undeveloped nature of the land and this should not be the most significant determining factor affecting urban design.

Officers Comment

Current proposed design (with alterations as presented to Council previously based on planning referral comments) are acceptable and provide adequate connectivity, as described above.

Demarchi Road Subdivision Issue 2: North/South Path

A north/south dual use path should be included

SHNL Comment

There is a dual use path forming part of the development adjacent to Banksia Street.

Officers Comment

There is currently a dual-use path from Banksia through to Kennedy Street and it is unnecessary to redesign the development to re-align the existing network.

Demarchi Road Subdivision Issue 3: Green Belt

A north/south green belt should be included to provide visual reference to the water tower.

SHNL Response

This visual reference could be achieved through POS development by DHW combined with Council contribution of adjacent drainage reserves in Banksia Street. Further advice from Council Officers is required to determine if sight line is possible due to topographical, distance and built form constraints.

Officers Comment

The design and location of open space within South Hedland is yet to be determined with varying views on how and where open space should be developed. This issue is significant for the Demarchi site and supporting the application at this time could potentially restrict open space development options in the future.

Demarchi Road Subdivision Issue 4: Roundabouts

Roundabouts should be incorporated within the road network.

SHNL Comment

Roundabouts are not supported as they increase pedestrian risk by promoting continuous vehicle movement. "Staggered T" intersections are preferred provide connectivity and permeability and reduce vehicle speeds in residential areas. Roundabouts require more land, improving vehicle permeability at the cost of pedestrian permeability. Roundabouts appear unnecessary in these locations.

Officer Comments

Agree with SHNL comments. If traffic speed is a concern, road pavement should be narrowed, street parking encouraged, street trees planted and the length of straight runs reduced. Traffic calming should be installed if issues remain.

Demarchi Road Subdivision Issue 5: Permeability

The existing grid road pattern that exists to the east of this site should be continued to encourage connectivity and permeability

SHNL Response

The existing pattern of Haines and Rutherford Roads is achieved through an 18 metre wide street link to North Circular Road. Connections to North Circular road not acceptable as per previous planning referral comments.

Officers Comments

Additional connections to North Circular Road are not supported as it will affect traffic flow and potentially require speed restrictions on that road which are not desired.

Demarchi Subdivision Summary

While most of the Demarchi Subdivision issues can be resolved, the issue of open space provision is potentially problematic. Council has three options in dealing with Lot 2943 Demarchi Road, South Hedland, these are:

- Defer the application, as its current design is inconsistent with the recommendations of the Land Use Master Plan in regard to the provision and location of the open space and resolve the issue appropriately;
- Approve the existing plan subject to the original recommendation and design amendment (See Attachment No. 5); or
- Require the subdivision plan to be modified to comply with the proposed Land Use Master Plan Concept of a central green space.

Given that a large amount of subdivisional approvals have already been granted for the SHNL project that are yet to be acted upon and the fact that community consultation is currently being undertaken in relation to the open space in South Hedland through the LUMP process, it is recommended that the application be deferred at this time with the matter being considered after the LUMP feedback has been received.

Rutherford Street Issue 1: Roundabouts

Roundabouts should be included.

SHNL Comment

As per Demarchi Road.

Officers Comment

As per Demarchi Road.

Rutherford Issue 2: Permeability

The existing grid road pattern existing to the west of this site should be continued to encourage connectivity and permeability

SHNL Comments

A link is proposed with a 20 metre road reserve to Murdoch Drive. The alternative option suggested would require a change in road centre line distances and will most likely result in lots backing on to Murdoch Drive.

Officers Comments

Current proposed design (with alterations as presented to Council previously based on planning referral comments) is acceptable.

Rutherford Issue 3: Access to North Circular Road.

Additional access point to North Circular Road should be included

SHNL Comments

There is currently an access point to North Circular Road, however should an additional link be required, Road H is the preferred option as this also links to Paton Road.

Officer Comments

Additional access points to North Circular road are not desirable as they would have an adverse affect on traffic movements.

Rutherford Subdivision Summary

From Council Officers perspective there are no significant issues with the proposed Rutherford Subdivision and the conditional support should be provided.

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 potentially 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

As previously advised, the assessment process 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 development’s 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 development of a DRAFT Policy to address Road Reserve and pavements width. This DRAFT Policy was endorsed by Council for public advertising at its meeting on 14th April.

The advertising closed 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 application's design. This needs to occur before Council would approve the application.

The applications have also been assessed individually, and the recommendations reflect those assessments. The recommendation for Lot 3868 (20) Rutherford Street, South Hedland has been structured to allow Council to support the application and ensure that the applicant addresses all of the relevant issues prior to commencement of works.

The recommendation for Lot 2943 Demarchi Road, South Hedland is defer approval to allow the application to be fully considered given the implications arising from the Land Use Master Plan.

200607/385 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

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. DEFERS the subdivision application for the creation of 109 lots on Lot 2943 Demarchi Road, South Hedland, to allow the issues associated with the Land Use Master Plan and the provision of open space being resolved.**
- 3. SUPPORTS the subdivision application for the creation of 139 lots on Lot 3868 (20) Rutherford Street, South Hedland, to allow subject to the finalization 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 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 being 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. The drainage reserve that abuts the site is to be upgraded to create a passive linear open space;**
 - 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 of Port Hedland;**
 - 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;**
- all to the satisfaction of the Manager Planning Services;**
- b. The approved plans/documentation relating to conditions “a” being implemented to the satisfaction of the Manager Planning Services**

- 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. **DIRECTS** the Chief Executive Officer or his nominated officer to advise the Western Planning Commission of its decisions in regard to the application form subdivision, which is the subject of this report.

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.4

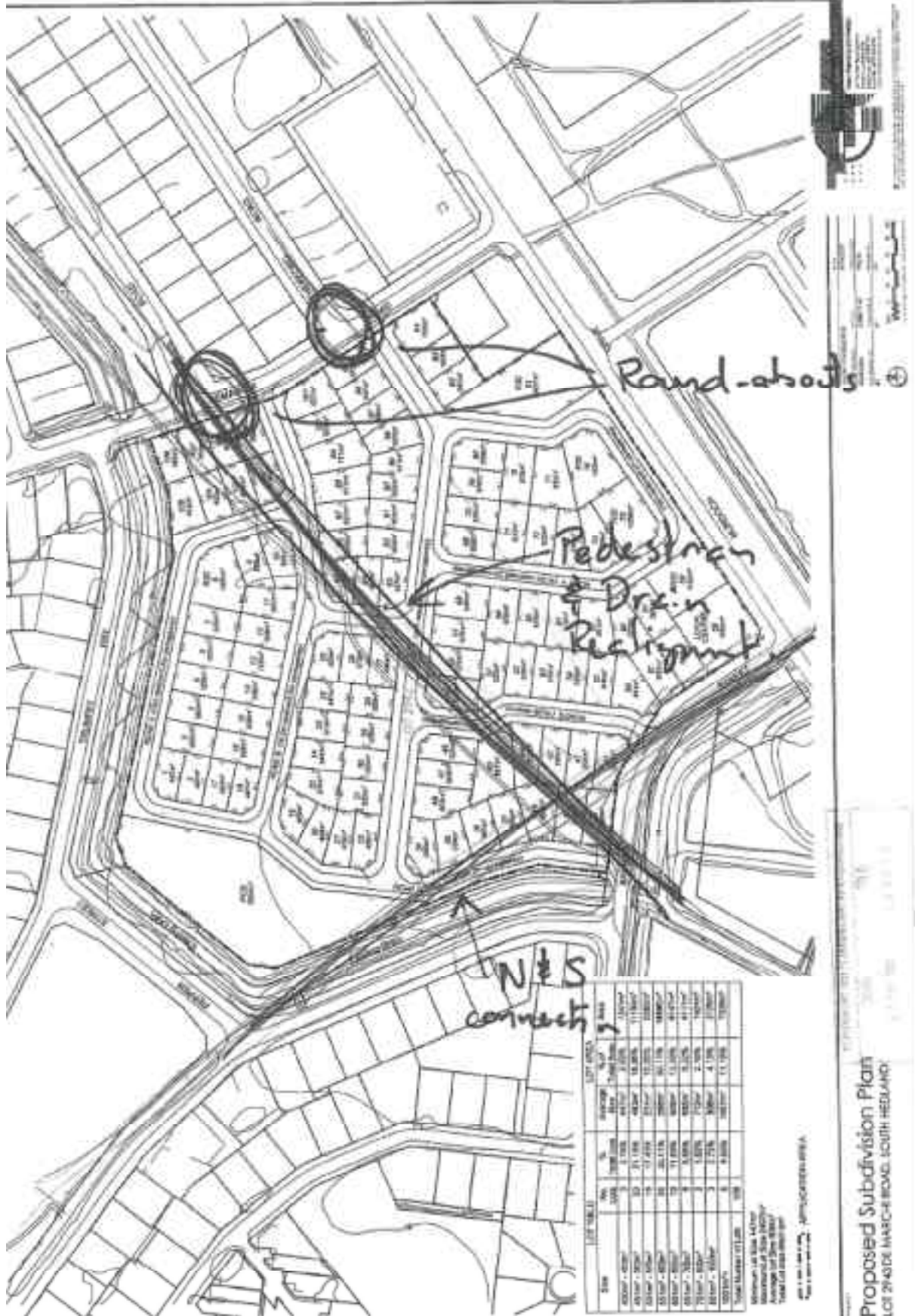


ATTACHMENT 2 TO AGENDA ITEM 11.2.2.4



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.4

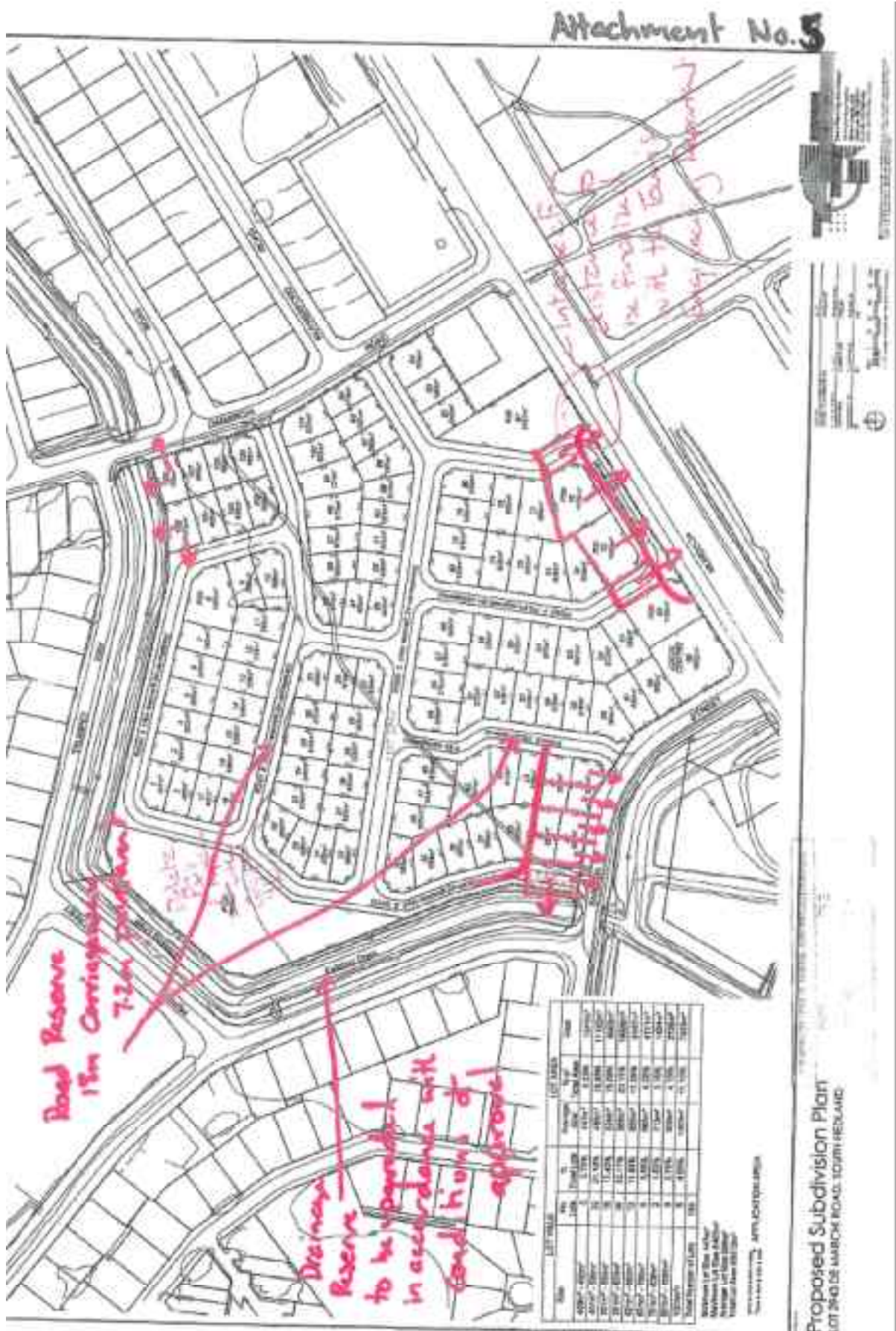
Attachment No 3



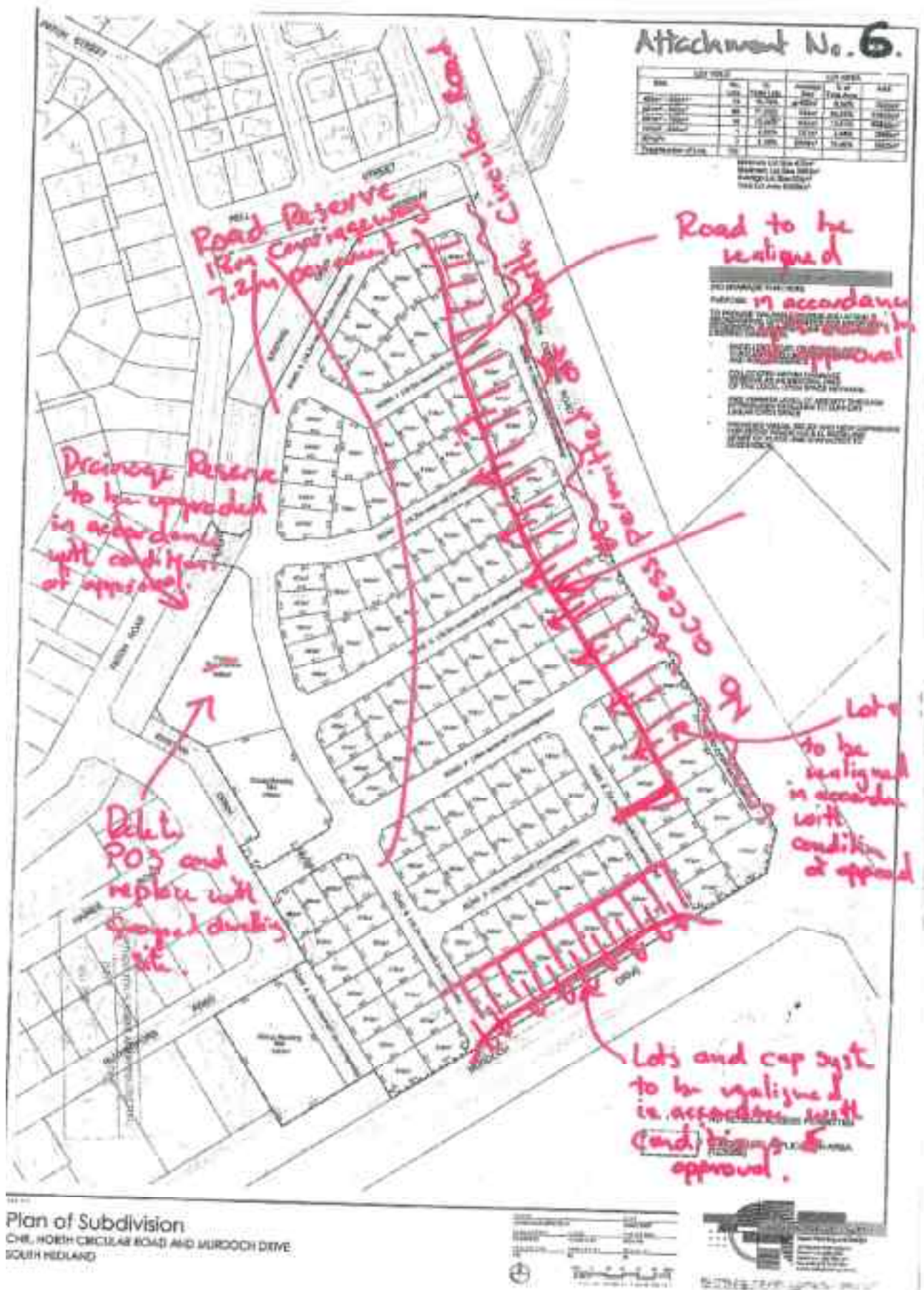
ATTACHMENT 4 TO AGENDA ITEM 11.2.2.4



ATTACHMENT 5 TO AGENDA ITEM 11.2.2.4



ATTACHMENT 6 TO AGENDA ITEM 11.2.2.4



11.2.2.5 **Proposed Local Planning Policy No. 9 – Residential Road Reserves (File No.: 18/01/0009)**

Officer Andrew Patterson
Planning Officer

Date of Report 25 July 2007

Disclosure of Interest by Officer Nil

Summary

At its Ordinary Meeting on 24 April 2007, Council resolved to advertise the proposed *Local Planning Policy No. 9 – Residential Road Reserves* for public comment in accordance with the *Town of Port Hedland Town Planning Scheme No. 5 (TPS 5)* section 5.1.4.

This item is to report on submissions and for Council to make a resolution regarding this policy in accordance with TPS 5 section 5.1.5.

Background

As discussed in the report to Council's Ordinary Meeting on 24 April 2007, the two major issues of contention regarding this policy relate to footpath location, and road reserve and pavement widths.

Pavement Widths

With regard to the road reserve and pavement widths, the draft policy is worded to require a developer to construct at the wider of the proposed widths, but that Council will consider reducing these widths where the developer submits adequate justification for the reduction. This justification would need to address anticipated daily vehicle movements, provision of adequate parking within residential lot boundaries and the developer's proposed treatment of the road verge.

Footpath Location

In relation to the location of the footpath relative to the pavement and lot boundary, the policy requires construction of the footpath against the kerb on standard residential streets. Higher volume and higher speed streets have different standards. While this is the stated position, there is provision within the policy whereby developers can construct a footpath no closer than 300 mm from the lot boundary subject to the developer:

- Constructing the kerb to the specification of Council's Engineering Services

- Installing appropriate treatment on the land between the footpath and kerb to the satisfaction of Council's Engineering Services

Council currently constructs some footpaths using grants obtained from *Country Pathways*, with this funding including conditions requiring that footpaths be constructed with a minimum width of two metre, and are separated from the kerb by a minimum 500 mm. Engineering Services current practice is to construct 2.5 metre footpaths, with the required 500mm separation comprising additional concrete. This method is preferred to avoid future potential maintenance issues.

As proposed, this policy permits the continuation of this practice while allowing a developer to establish alternative solutions to filling the 500mm separation with concrete.

Consultation

Notice of this proposed local planning policy was advertised in the *North West Telegraph* on 23 and 30 May 2007 with the period for public submissions closing Wednesday 20 June 2007.

In response to this advertising, the Town of Port Hedland received one submission from the Department of the Premier and Cabinet – Office of Road Safety.

This submission raised the following issues with regard to this proposed policy; where included, Officer comments are identified through the use of *italics*:

- Street furniture in road reserves (e.g. trees, signage) should be collapsible when struck by vehicles. *This matter is more appropriately addressed in the review of Council Policy 9/008;*
- Alcohol is involved in approximately 52% of serious and fatal crashes in the Pilbara. *Item noted*
- Intoxicated pedestrians should be separated from vehicular traffic. *Item noted. Paths are proposed to be further from roads in higher speed areas.*
- Narrower road widths encourage slower vehicle speeds. *While this policy tends towards the higher end of road widths, opportunity is included for developers to construct narrower roads subject to addressing other related issues.*
- More than half of crashes resulting in hospitalization in WA are on roads of 60 kmph or less. *Item noted*

Statutory Implications

TPS 5, section 5.1.5 states:

After expiry of the period within which submissions may be made, Council shall:

- review the proposed Policy in the light of any submissions made, and
- resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

Policy Implications

The Town of Port Hedland currently does not have a policy regulating residential road reserve widths.

Policy 9/008 – Verge Treatment Policy is currently under review

Strategic Planning Implications**KEY RESULT AREA 1 - INFRASTRUCTURE****Goal 1 - Roads, Footpaths and Drainage**

To have 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
- Resealing program
- Kerb development/replacement program
- Drainage Maintenance Program

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

Advertising fees of \$253.79 have been invoiced from account 1006249 – Advertising.

Officer's Comment

This policy is an attempt to compromise two alternative perspectives of urban design. The engineering perspective provides a functional view that focuses on designing roads from a motor vehicle usage perspective and emphasises ease of maintenance. The alternative view focuses greater attention on amenity and constructing roads designed with a greater emphasis on pedestrian and cycle road users.

This policy is drafted to allow for variation in the location of footpaths, and potentially the treatment of the space between the footpath and the kerb. It is anticipated that this may lead to different treatment of these variables, and if implemented correctly, will lead to greater legibility of different subdivisions in South Hedland.

Attachments

Draft Local Planning Policy No. 9 – Residential Road Reserves.

200607/386 Council Decision/Officer's Recommendation

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

That Council:

- i) **adopt Local Planning Policy No. 9 – Residential Road Reserves as a local planning policy pursuant to Part V of the *Town of Port Hedland Town Planning Scheme No. 5*; and**
- ii) **publish notice of this resolution.**

CARRIED 7/1

*Town of Port Hedland Town Planning Scheme No.5
Local Planning Policy No. 2 – Road Reserve Widths*



**TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO.5
LOCAL PLANNING POLICY NO. 2 –
RESIDENTIAL ROAD RESERVE WIDTHS
(Draft for Public Comment)**

1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

Clause 5.1 of the Town of Port Hedland Town Planning Scheme No.5 (The Scheme) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Town.

This policy will be made effective once Council has completed the process provided by Clauses 5.1.4 – 5.1.7 inclusive of The Scheme.

1.2 Relationship of this Policy to The Scheme

Pursuant to section 5.1.2 of The Scheme, if a provision of this Policy is inconsistent with The Scheme, The Scheme prevails to the extent of the inconsistency.

This Policy is not part of The Scheme and does not bind Council in respect of any application for planning approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. APPLICATION OF THE POLICY

2.1 Application and Exemptions

The purpose of this Local Planning Policy is to control the widths of new residential roads constructed within residential zoned land in the Town of Port Hedland.

This policy does not apply to existing roads or roads proposed for Transient Workforce Accommodation, Commercial, Industrial, Rural or Community zoned land.

*Town of Port Hedland Town Planning Scheme No. 3
Local Planning Policy No. 2 Road Reserve Widths*

This policy applies to the planning approval for proposed subdivisions only. Detailed civil engineering plans are to be submitted and approved by Council's Engineering Services prior to commencing any site works.

3.0 POLICY OBJECTIVES

The primary objectives of this policy are to:

1. Provide clear standards for developers to follow when designing new or infill residential subdivisions.
2. Ensure that adequate provision is provided for vehicular, bicycle and pedestrian traffic in all new residential subdivisions;
3. Ensure that adequate provision is made for underground services, street furniture and street trees where required; and
4. Ensure all road reserves are designed and constructed to a similar standard.

4.0 REFERRAL PROCESS

On receipt of any subdivision referral from the Western Australian Planning Commission (WAPC), the Town of Port Hedland will assess the proposed subdivision in accordance with this policy and advise the WAPC accordingly. Where any application does not conform to this policy, the WAPC will be requested to impose such conditions on any approval that will ensure the application with the Town of Port Hedland requirements.

5.0 GENERAL ROAD RESERVE REQUIREMENTS

- 5.1 Location Of Light Poles and Services
 - Light poles to be located on the same side of road as footpaths where possible, with allowance for sufficient outreach to illuminate both footpath and road surface
 - Where footpaths are proposed on one side of the road reserve only, underground services are to be located on the opposite side of the road to footpaths.
- 5.2 Footpaths
 - All footpaths are to be constructed 300 mm from the lot boundary.
 - Footpaths are to be constructed on both sides of the road reserve excepting cul de sac developments for 16 dwellings or less
 - Footpath width to be determined with reference to expected traffic based on proximity to local populations and destinations.
- 5.3 Verge Width
 - Verge widths to be a minimum of 1.5 metres wide
- 5.4 Verge Planting

*Town of Port Hedland Town Planning Scheme No.3
Local Planning Policy No. 2 – Road Reserve Widths*

- All roads and cul-de-sacs to accommodate tree planting on both sides of the road, sited to provide shade to the footpath.
- All trees planted in the road reserve are to be approved by Council's Engineering Services.
- The developer is to install road barriers to protect underground services where required by Council's Engineering Services.

5.5 Kerbing:

- Kerbing is to be located on both sides of road.
- Profile adjacent to residential lots: Mountable.
- Profile adjacent to non-residential lots: Semi-mountable.
- Profile adjacent to intersection radii:
 - Where adjacent to semi mountable kerb: Barriers
 - Where adjacent to mountable kerb: Semi mountable

6.0 SPECIFIC ROAD RESERVE REQUIREMENTS

6.1 Major Distributor Roads

- Minimum 18 metre road reserve width comprising a minimum 7.2 metre wide pavement

6.2 Total Residential Roads servicing 16 dwellings or greater

- Minimum 17.6 metre wide road reserve with minimum 6.2 metre wide pavement
- Where increased traffic flow is expected as a result of other connecting roads, Council may require an increase to a 17.6m road reserve including a minimum 7.2 metre pavement

6.3 Total Residential Roads servicing a maximum of 16 dwellings

- Minimum 16.6 metre wide road reserve with minimum 6.2 metre wide pavement.

6.4 Cul de Sac Roads servicing a maximum of 15 dwellings

- Minimum 15 metre wide road reserve comprising a minimum 6.2 metre wide pavement

6:28 pm Councillor George J Daccache declared a financial interest in Item 11.2.2.6 'Proposed Grouped Dwelling Development Comprising 3 x 2 Storey Dwellings on Lot 5695 (14) Counihan Crescent, Port Hedland' in writing at the commencement of the meeting, as he owns BHP Billiton shares and is employed by the company.

Councillor George J Daccache left the room.

6:28 pm Councillor Des R Pike declared a financial interest in Item 11.2.2.6 'Proposed Grouped Dwelling Development Comprising 3 x 2 Storey Dwellings on Lot 5695 (14) Counihan Crescent, Port Hedland' in writing at the commencement of the meeting, as he owns BHP Billiton shares.

Councillor Des R Pike left the room.

NOTE: Councillor Arnold A Carter declared an impartiality interest in item 11.2.2.6 'Proposed Grouped Dwelling Development Comprising 3 x 2 Storey Dwellings on Lot 5695 (14) Counihan Crescent, Port Hedland' in writing at the commencement of the meeting, as he owns BHP Billiton shares. Councillor Carter did not leave the room, as the Department of Local Government and Regional Development have granted him an exemption to do so.

**11.2.2.6 Proposed Grouped Dwelling Development
Comprising 3 x 2 Storey Dwellings on Lot 5695 (14)
Counihan Crescent, Port Hedland (File No.: 155820G)**

Officer Richard Bairstow
Manager Planning

Date of Report 25 July 2007

Disclosure of Interest by Officer Nil

Summary

An application has been submitted by Pilbara Constructions Pty Ltd, on behalf of BHP Billiton Iron Ore, for the construction of 3 x 2 storey dwellings on Lot 5695 (14) Counihan Crescent, Port Hedland (See Attachment No.1-6).

The application is only referred, as the Notice of Delegation requires Council determine any Grouped Dwelling in excess of 2 dwellings.

Background

Lot 5695 (14) Counihan Crescent, Port Hedland has an area of 2221m² and is zoned "Residential" and Coded "R 15", in the Town of Port Hedland Town Planning Scheme No. 5. The land is currently vacant.

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

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

Consultation

Internal comments from the applications referral were as follows:

Environmental Health Services have not objected to the application subject to the development being connected to the reticulated mains sewer and consideration of dust and noise generation.

Building Services have not objected to the application and have advised that the applicant will require a building licence.

No external consultation is required for this application.

Statutory Implications

Part one of the *Planning and Development Act 2005* establishes the legislative authority of the Town Planning Scheme.

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

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

Policy Implications

Nil.

Strategic Planning Implications

KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT

Goal 4 – Land Development Projects

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

Budget Implications

Planning application fees of \$5128 have been received and deposited into account 1006326 – Town Planning Fees, reflecting an estimated development cost of \$2 752 000.00

Officer's Comment

The application is only placed before Council because the current Notice of Delegation requires it.

Residential Design Codes Assessment

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

Privacy Screening:

Lot 1's west facing meals window is required to be screened and conditions have been imposed to ensure this.

Officer's Recommendation

Planning Consent be granted to Pilbara Constructions Pty Ltd, on behalf of the owners BHPB Pty, Ltd, for the proposed 3 Units on Lot 5695 (14) Counihan Crescent, Port Hedland as outlined in the Application received 11 June 2007 (Application 2007/131) and indicated on the approved plans, subject to the following conditions:

1. This approval relates only to the proposed three grouped dwellings, as indicated on the approved plans. It does not relate to any other development on this lot.
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.
3. Lot 1's west facing meals area window is required to be screened in accordance with Clause 3.8.1 (A1 (iii)) prior to the occupation of the dwelling and all to the satisfaction of the Manager Planning.
4. All fencing shall be installed in accordance with the Residential Design Codes and/or the Dividing Fences Act and prior to the occupation of the dwelling(s), all to the satisfaction of the Manager Planning.
5. The minimum distance between the edge of the roof and the lot boundary shall be no less than 750mm.
6. A detailed landscaping plan to be submitted and approved, by the Manager Planning, within 30 days of the commencement of site works. 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.
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 carparking bays and accessway shall be designed and constructed in accordance with the requirements of Town Planning Scheme No. 5 – Appendix 8.
9. All stormwater shall be collected and disposed of in a manner acceptable to the Manager Planning.
10. 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).

11. 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 the written approval of the affected landowners (where applicable).

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. This approval should not be construed that the Town will support a survey strata or green title subdivision application for the development. Assessment has been based on a 'Grouped Dwelling' containing common property. A subdivision application for Survey Strata without common property or green title subdivision will need to meet the minimum and average site areas for the dwelling type, as prescribed in the Residential Design Codes.
3. You are advised that the drawings submitted for a Building License are to be properly drawn, and signed by a practising structural engineer. It should be noted that plans for two storey dwellings must be accompanied by a completed Certificate of Structural Sufficiency.
4. In relation to Condition 10, please contact the Town's Technical Officer – 9173 9350 - for further details.
5. 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.
6. 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.
7. 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.

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

200607/387 Council Decision**Moved:** Cr G D Bussell**Seconded:** Cr S F Sear

Planning Consent be granted to Pilbara Constructions Pty Ltd, on behalf of the owners BHPB Pty, Ltd, for the proposed 3 Units on Lot 5695 (14) Counihan Crescent, Port Hedland as outlined in the Application received 11 June 2007 (Application 2007/131) and indicated on the approved plans, subject to the following conditions:

1. **This approval relates only to the proposed three grouped dwellings, as indicated on the approved plans. It does not relate to any other development on this lot.**
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.**
3. **Lot 1's west facing meals area window is required to be screened in accordance with Clause 3.8.1 (A1 (iii)) prior to the occupation of the dwelling and all to the satisfaction of the Manager Planning.**
4. **All fencing shall be installed in accordance with the Residential Design Codes and/or the Dividing Fences Act and prior to the occupation of the dwelling(s), all to the satisfaction of the Manager Planning.**
5. **The minimum distance between the edge of the roof and the lot boundary shall be no less than 750mm.**
6. **A detailed landscaping plan to be submitted and approved, by the Manager Planning, within 30 days of the commencement of site works. 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.**
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 carparking bays and accessway shall be designed and constructed in accordance with the requirements of Town Planning Scheme No. 5 – Appendix 8.**

9. All stormwater shall be collected and disposed of in a manner acceptable to the Manager Planning.
10. 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).
11. 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 the written approval of the affected landowners (where applicable).
12. The Applicant be required to meet the development requirements that are being imposed on the Pretty Pool Subdivision, with respect to Flatback Turtles.

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. This approval should not be construed that the Town will support a survey strata or green title subdivision application for the development. Assessment has been based on a 'Grouped Dwelling' containing common property. A subdivision application for Survey Strata without common property or green title subdivision will need to meet the minimum and average site areas for the dwelling type, as prescribed in the Residential Design Codes.
3. You are advised that the drawings submitted for a Building License are to be properly drawn, and signed by a practising structural engineer. It should be noted that plans for two storey dwellings must be accompanied by a completed Certificate of Structural Sufficiency.
4. In relation to Condition 10, please contact the Town's Technical Officer – 9173 9350 - for further details.
5. 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.

6. 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.
7. 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.
8. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

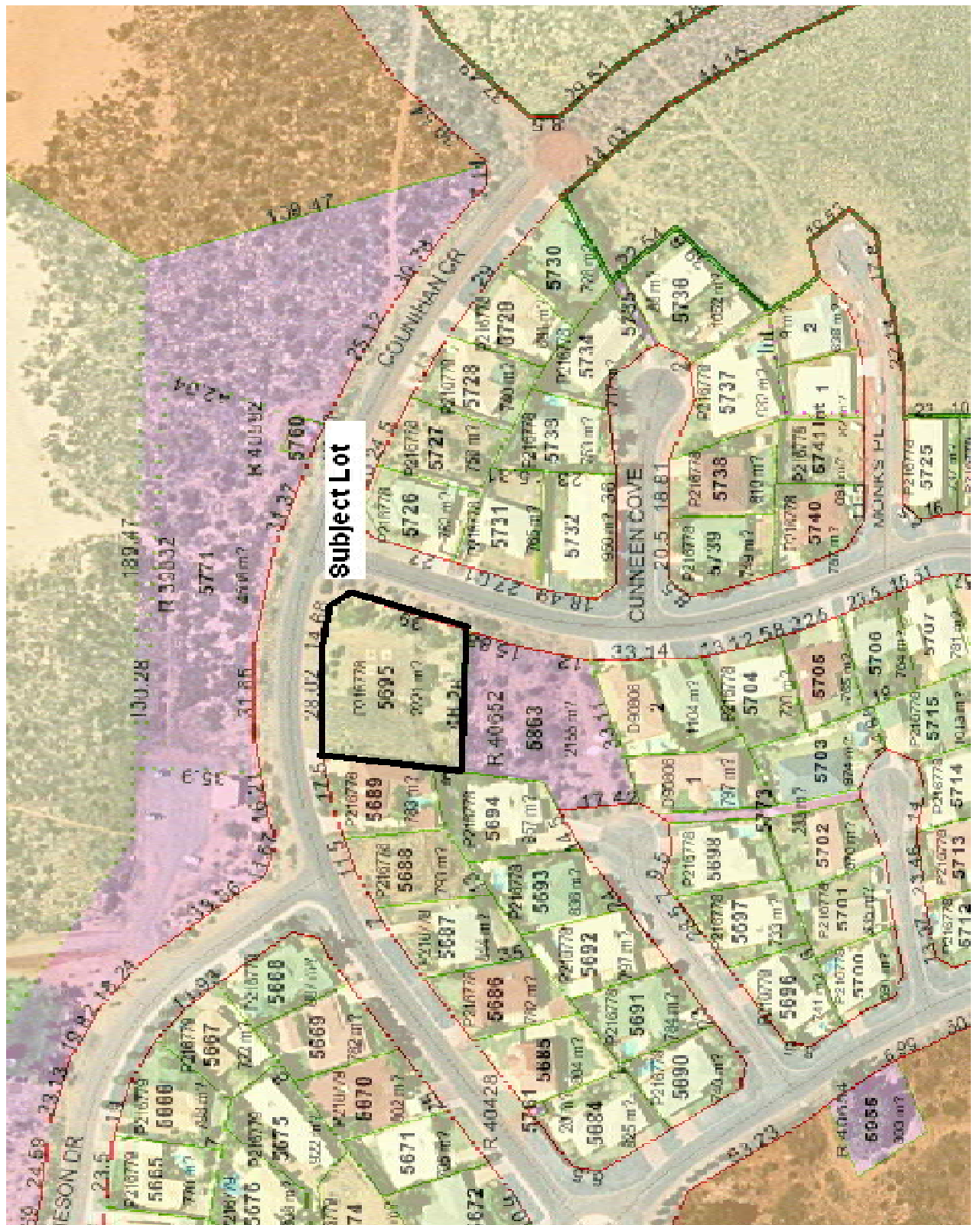
CARRIED 6/0

REASON: Council sought for the applicant to be required to meet all development requirements that are being imposed on the Pretty Pool Subdivision in relation to Flatback Turtles, and inserted the following clause:

“12. The Applicant be required to meet the development requirements that are being imposed on the Pretty Pool Subdivision, with respect to Flatback Turtles.”

6:31 pm Councillors George Daccache and Des Pike re-entered the room and assumed their chairs. Mayor advised Councillors of Council's decision.

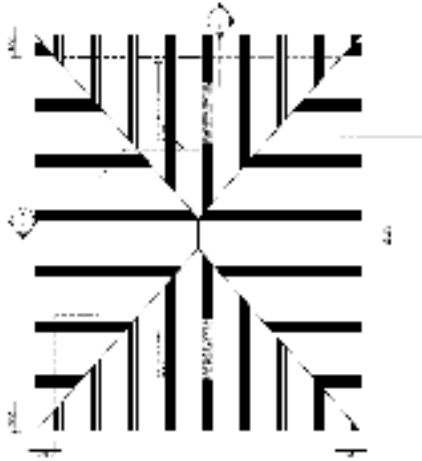
ATTACHMENT 1 TO AGENDA ITEM 11.2.2.6



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.6



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.6



ROOF PLAN
LOT 102



FIRST FLOOR PLAN
LOT 102

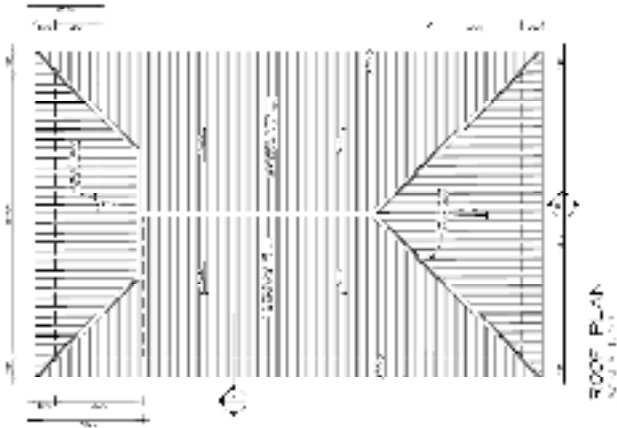


SECOND FLOOR PLAN
LOT 102

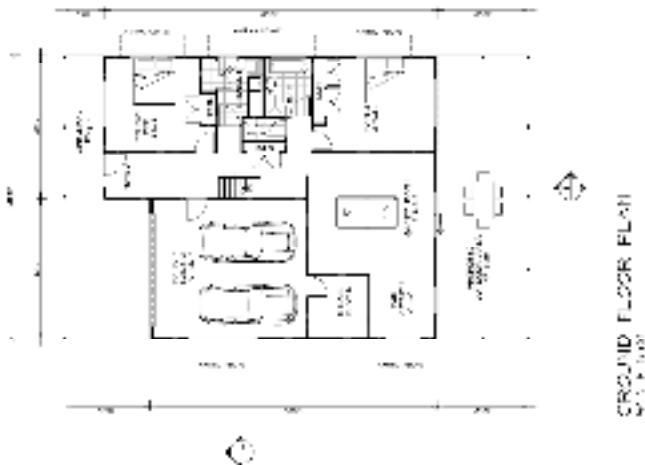
PROJECT	RESIDENTIAL DEVELOPMENT
LOT	LOT 102
OWNER	LOT 102 SUBS. CO. (IN-PROG. CRES. FORT HENLAND)
DATE	15/07/07
SCALE	AS SHOWN
BY	H. COLLARD
CHECKED BY	H. COLLARD
DATE	15/07/07

LOT 102

ATTACHMENT 4 TO AGENDA ITEM 11.2.2.6



RES. COMM. DEVELOPMENT	NO.	1000
LOT 5000 (FORMERLY 1000) (FORMERLY 1000)	DATE	2006-07-25
1000 (FORMERLY 1000) (FORMERLY 1000)	BY	1000
1000 (FORMERLY 1000) (FORMERLY 1000)	DATE	2006-07-25



200607/388 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr G D Bussell**That Council suspend Standing Orders.****CARRIED 8/0**

6:35 pm Mayor advised that Standing Orders be suspended.

200607/389 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr S F Sear**That Standing Orders be resumed.****CARRIED 8/0****11.2.2.7 Retrospective Planning Approval for Additional Fuel Pump at Lot 6 (6 – 10) Leehey Street Wedgefield (File No.: 116230G)****Officer**Andrew Patterson
Planning Officer**Date of Report**

27 July 2007

Disclosure of Interest by Officer Nil**Summary**

Council has received an application for retrospective planning approval for additions to a Motor Vehicle and/or Marine Service Station at lot 6 (6 – 10) Leehey Street Wedgefield. The addition comprises an additional diesel pump located at the lot boundary.

This use is listed as a “P” use on the Town of Port Hedland Town Planning Scheme No. 5 (TPS 5) zoning table and this application is presented for Council consideration as the development is proposed within six metres of the front boundary.

Background

BP Australia currently leases a portion of lot 6 (6 –10) Leehey Street for use as a refuelling station mostly servicing road train traffic. The applicant requires this additional pump to increase the refuelling capacity of the existing facility thereby reducing the waiting time during peak service times.

The developer has not altered the footprint of the existing development and modified the previous installation in the following manner:

Previous Installation	Current Installation
Four pumps comprising 3 diesel and 1 petrol	Five diesel pumps only
Dispensing rate of 120 litres per minute for 2 hoses, and 80 litres per minute for 1 hose	Dispensing rate of 160 litres per minute for 4 hoses and 80 litres per minute for one hose

The new pump configuration, will allow for two road trains to refuel from both sides of the vehicle simultaneously.

TPS 5 section 6.7.8 (a) requires that all development on land zoned “Industry” be set back from the front boundary a minimum of six metres. The additional fuel pump subject to this application is set back approximately 1.8 metres.

Under TPS 5 section 4.1.2, Council is able to grant planning permission varying Scheme requirements provided that the variation is accordance with the Scheme. There is currently no clause in the TPS 5 text permitting variation to the minimum setback requirements in an “Industry” zone.

It is noted that Council approved the existing refuelling facility on 6 June 1991 and that this approval permitted the development within the setback area, with this approval granted under Town Planning Scheme No. 4. As this current approval consists of a modification to the existing approval it is considered that Council may grant approval to this application.

Consultation

Environmental Health Services offered no objection subject to the site being sealed sufficiently to minimise dust emissions.

Engineering Services have not objected to the application subject to the crossover construction being constructed in accordance with Policy 9/005.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 zones the land “Industry.”

Policy Implications

9/005 - Crossovers

Strategic Planning Implications

Nil.

Budget Implications

Planning fees of \$100 have been received and deposited into account 1006325 – Town Planning Fees, reflecting a development cost of \$20 000.

Officer's Comment

This refuelling site has proved problematic for two main reasons, being the stacking of road trains wanting to refuel, and dust emissions caused by the increased traffic.

This is not considered an ideal situation for such a development due to the insufficient parking area available for users, particularly at peak times. Given that the refuelling facility is existing with appropriate approvals however, parking minimisation is the most appropriate regulatory tool available to negate current negative impacts currently experienced.

It is therefore considered that the installation of higher capacity pumps, combined with the additional pump allowing two road trains to refuel simultaneously will significantly reduce the waiting time and subsequently the traffic stacking currently experienced on Leehey Street.

With regard to the dust generated in this area, it is noted that the refuelling facility is currently sealed, although some of this seal is in relatively poor condition. The majority of any dust is therefore most likely generated from the adjacent truck depot yard that is not completely sealed. In view of the damaged existing seal, a condition is included in the Officer's Recommendation requiring the applicant to seal the entire refuelling site, including all approaches in the road reserve to the specification of Council's Engineering Services.

Concerns have been expressed, over the potential for the pump closest to the front boundary to be used by vehicles actually parking on the road reserve. This can effectively be prevented by the installation of bollards and landscaping. A condition has been proposed to this effect.

Officer's Recommendation

That Planning Consent be granted to BP Australia for the construction of MOTOR VEHICLE AND/OR MARINE SERVICE STATION at Lot 6 (6 – 10) Leehey Street Wedgefield as outlined in the Application received 31 May 2007 (Application 2007/138) and indicated on the approved plans, subject to the following conditions:

GENERAL

- i) 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).
- ii) The applicant is to install landscaping and bollards or similar adequate protection to protect all infrastructure in the road reserve and prevent parking in the road reserve adjacent to the fuel pumps to the specification of Council's Engineering Services to the satisfaction of the Manager Planning Services.
- iii) The applicant is to seal all areas used for the approved MOTOR VEHICLE AND/OR MARINE SERVICE STATION, including all approaches in the road reserve to the specification of Council's Engineering Services to the satisfaction of the Manager Planning Services.
- iv) The developer is to construct the approved MOTOR VEHICLE AND/OR MARINE SERVICE STATION in accordance with the approved plans.

ADVICE TO DEVELOPER

- v) With regards to conditions ii and iii, the applicant is advised to contact Council's Senior Engineering Technical Officer on 9158 9350.
- vi) The developer and/or operator are advised that the operations must be conducted in accordance with the Environmental Protection (Unauthorised Discharges) Regulations 2004.
- vii) The developer is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval
- viii) You are advised that this is a Planning Approval only and that the applicant is responsible for complying with all relevant building, health and engineering requirements.
- ix) The development to comply with the provisions of Council's Town Planning Scheme No.5, the Health Act 1911 and any other relevant Acts, Regulations, Local Laws and Council Policies (except where varied by this approval).

- x) 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.

200607/390 Council Decision

Moved: Cr A A Carter

Seconded: Cr G D Bussell

That Planning Consent be REFUSED for BP Australia for the construction of MOTOR VEHICLE AND/OR MARINE SERVICE STATION at Lot 6 (6 – 10) Leehey Street Wedgefield as outlined in the Application received 31 May 2007 (Application 2007/138) and indicated on the approved plans as:

- i) the proposed development fails to meet the setback requirements for "Industry" zoned land as defined in section 6.7.8 (a) of the *Town of Port Hedland Town Planning Scheme No. 5*; and
- ii) the applicant has failed to adequately address amenity impacts of the proposed development on surrounding lots.

CARRIED 5/3

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

Record of Vote:

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

REASON: Council considered the Application did not address impacts on neighbouring properties and fails to meet the requirements of Council's Town Planning Scheme No. 5.

ATTACHMENT TO AGENDA ITEM 11.2.2.7



11.2.3 Ranger Services**11.2.3.1 Authorisation of Ranger (File No.: RAN-001)**

Officer Peter Kenneth Wilden
Coordinator Ranger
Services

Date of Report 13 July 2007

Disclosure of Interest by Officer Nil

Background

Mrs Janette Feakes has been recruited as Training Ranger for the Town of Port Hedland commencing on 9 July 2007.

Mr Stuart Hopwood has also been recruited a Senior Ranger for the Town of Port Hedland commencing on the 30 July 2007.

Staff Comment

It is a requirement that Council authorise Rangers in various capabilities under a multitude of legislation requirements.

Authorisation allows Rangers / Authorise Officers to carry out their duties and have full protection of the various Acts and Regulations, to which they are required to enforce.

Rangers are required to be authorised under the following Acts and Regulation to carry out their functions:

- Caravan Parks and Camping Act 1995 appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act and Regulations.
- Dog Act 1976 and Regulations (as amended) appointed as Authorised Persons for the purpose of the Act and authorised to effect the registration of dogs.
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.
- Litter Act 1979 and Regulations appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.
- Bush Fires Act and Regulations appointed as Bush Fire Control Officer and Authorised officer to prosecute on behalf of Council for the purpose of the Act.

- the Local Government Act 1995 and (Miscellaneous Provisions) 1960 Part XX as a Pound Keeper and Ranger along with the Town of Port Hedland Local Laws;

Statutory Implications

The Town of Port Hedland Rangers have authority to enforce and prosecute in relation to the above mentioned Acts and the protection of the above mentioned Acts and Regulations in the day-to-day duties of the Officers.

Policy

Nil

Strategic Planning

KRA 2 – Social

Increase Community Safety, amenity and sense of belonging.

Action Plan 6.5 – Provide 12 hr/day, 7-day/ week Ranger services coverage.

Budget

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

200607/391 Council Decision/Officers Recommendation

Moved: Cr D R Pike

Seconded: Cr A A Carter

That:

- i) **Janette Feakes and Stuart Hopwood be authorised or appointed as appropriate, pursuant to the following provisions:**
 - a) **the Dog Act 1976 (as amended) and Regulations as an Authorised Person and prosecute on behalf of Council for the purpose of the Act;**
 - b) **the Dog Act 1976 (as amended) as a Registration Officer to effect the registration of dogs;**
 - c) **the Caravan Parks and Camping Act 1995 section 17 (1), 23(11), as an Authorised Person and to prosecute on behalf of Council for the purpose of the Act and Regulations.**
 - d) **the Local Government Act 1995 and Town of Port Hedland Local Laws;**

- e) the Control of Vehicles (Off Road Areas) Act 1978 and Regulations as an Authorised Officer and to prosecute on behalf of Council for the purpose of the Act;
 - f) the Local Government Act (Miscellaneous Provisions) 1960 Part XX as a Poundkeeper and Ranger.
 - g) the Litter Act 1979 and Regulations as an Authorised Officer and to prosecute on behalf of Council for the purpose of the Act; and
 - h) the Bush Fires Act 1954 (as amended) and Regulations as a Fire Control Officer for the purposes of Fire Prevention; and
- ii) the appointment of Colin Mathie be cancelled.

CARRIED 8/0

11.2.4 Human Services**11.2.4.1 Contribution to Project Cost Overrun – Matt Dann Centre Entrance Lighting (File No.: 26/15/0001)**

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 16 July 2007

Disclosure of Interest by Officer Nil

Summary

Council has been requested to make a contribution towards the costs of unexpected works required as part of the Matt Dann Cultural Centre (MDCC).

Background

The former coordinator of the Matt Dann Cultural Centre, in conjunction with the Local MLA arranged a number of grant applications to fully fund the upgrade of the entrance lighting to the MDCC.

As the MDCC is operated from a government high school under a joint agreement between the Minister for Education and the Town of Port Hedland some of the grant funding was arranged in the name of the Town of Port Hedland.

The project consists of new illuminated signage, archway lighting and up lighting along the entry path to the foyer. The Department of Housing and Works are managing the project.

The total budget for the project is approximately \$70,000 and the P&C Association of the South Hedland High School provided a guarantee that it could provide up to \$10,000.00 to meet any cost overruns. Council made no cash contribution to the project.

During the installation of the new entrance lighting tradesmen realized that existing light poles were rusted and potentially unsafe. The cost of replacing the poles and connecting power to them was approximately \$21,000.00, well in excess of the provisional amount available from the P&C Association.

The project manager has approached Council seeking a contribution of \$11,000 to meet the shortfall in funding.

Consultation

Department of Housing and Works

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

The project does not link directly to the Strategic Plan, but does fit within the overall concept of developing Community Pride and enhancing the appearance of South Hedland

Budget Implications

Council's contribution to the \$70,000.00 project cost was to be \$35,000.00, made up of a \$25,000.00 grant from Department of Transport and Regional Services and a \$10,000.00 grant from the Pilbara Fund.

As a result of unforeseen cost overruns Council has been requested to make a one-off contribution of \$11,000.00 towards the eventual cost of \$91,000.00

Officer's Comment

The contribution requested is not huge in the context of council's budget, but the matter has been put before Council because it is an unbudgeted expenditure and the project occurs on land which is not under Council control.

Although the project was not initiated through the normal process it is nonetheless a significant project, which has required no other cash contribution from Council.

In the spirit of the joint agreement under which the Council manages the Matt Dann Cultural Centre, it is not unreasonable for Council to contribute to the shortfall in funding this project.

Attachments

Nil

Officer's Recommendation

That Council contributes \$11,000.00, excluding GST, towards the cost overrun in the Matt Dann Cultural Centre Entry Lighting Project.

200607/392 Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council requests the Department of Education to meet the shortfall of \$11,000 excluding GST for the upgrade of lighting requirements at the Matt Dann Cultural Centre facility.

CARRIED 7/1

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

REASON: Council sought to approach the Department of Education to meet the overrun costs associated with the upgrade of lighting at the Matt Dann Cultural Centre, as that Department owns the facility.

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 July 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	07/08 program has been prepared pending adoption of 07/08 budget
Playgrounds	Trumpet park playground equipment has been removed, replacement pending insurance claim
Black Spot Funding	North Circular/Hamilton and North Circular/Murdoch intersection reconstruction has been prepared and is awaiting hotmix contractors arrival. Throssell road widening due to commence mid July. Additional BS funding has been granted for the completion of these projects.
Regional Road Group Funding	Culvert extensions are almost complete. 07/08 funding has been approved for \$426,000 (+ LG contribution) for roads and drainage works to Yandeyarra road, North Circular road, McGregor street, Hamilton road, Hillside-Woodstock road and Anderson street

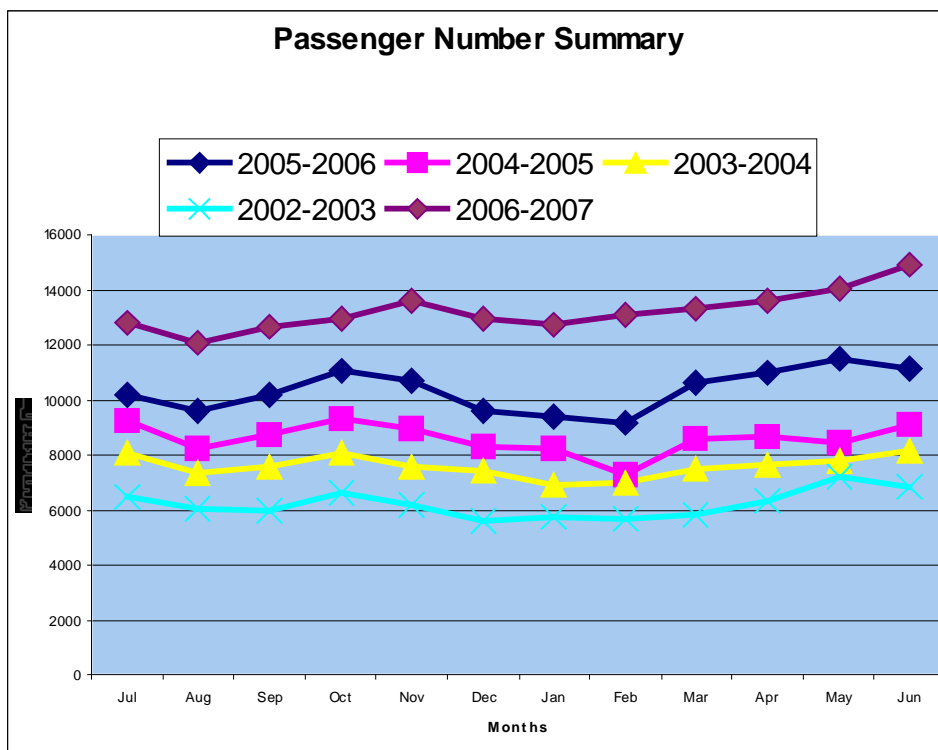
Footpath Construction	The tender for footpath construction was awarded to P&A Concrete Contractors. 07/08 works to be scheduled pending adoption of budget
Landfill	Engineering crews will construct the new septage ponds
Wedge & Edgar street Streetscape Enhancements	Faux brick paving almost complete. Carpark sealing scheduled beginning of August. Linemarking and signage installations will complete project
Restricted Access Vehicles (RAV) – road trains	Temporary approval granted on 300m of Quartz Quarry road for the FMG railway construction. Further requests received for approval on Boodarie road and Quartz Quarry road-pending assessment of road and presentation to Council
FMG Railway Construction	Railway construction and road works ongoing.
Cyclone George	Road repairs have been completed, report and funding applications have been submitted.
Wedgfield Upgrades	Crews have commenced intersection modifications. Intersection sealing scheduled for beginning of August. Linemarking, signage and lighting to complete first stage of project
Walkway/Street Lighting Upgrades	Horizon Power has advised 06/07 works will be completed shortly. 07/08 program to be schedule pending adoption of budget
Turtle Interpretive Boardwalk	Boardwalk designs are complete pending geotechnical survey. Tenders to be prepared and approval sought from relevant departments.
Solar lighting	A solar light has been installed at the airport on a trial basis to determine the efficiency and validity of further solar lighting installations
Kerbing Construction	07/08 kerbing construction program has commenced

Parks & Gardens

PROJECT	STATUS
Tree Reinstatement	Received a report on the cyclone damage to the remaining trees in town – programme will be implemented to complete works
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 including Wedgfield as at 20 th July 2007
Slashing	On Monday 16 th July one slasher will complete work in Wedgfield and other machine will complete South Hedland. Commencing Port Hedland 23 rd July 2007
Green waste	Green waste from tree pruning and removal will be used by Parks & Gardens crews throughout the Town. A stockpile will also be made available for residents at the Landfill.

Port Hedland International Airport

Regular Passenger Transport Services Passenger Information as at 30 June 2007:



The annual passenger figures for 2006/2007 was 153,415.

Bali International Service:

Flights continue to be well supported with extra flights being put on for the school holidays.

The flight on the 14/7/07 experienced extensive delays due to technical problems. This flight returned to Port Hedland midway into the flight to Bali. The flight replacement plane left Port Hedland at approximately 11pm with the return leg arriving in Port Hedland at 4.00am. Port Hedland Airport staff attended the departure and arrival of the aircraft.

Security & the Federal Budget

Airport Manager will be attending a meeting in Perth on 16/7/07 with DOTARS and other WA based airport operators to discuss the checked baggage screening requirements and implementation.

Recreation Services Update*General**Sporting Facilities Upgrades*

Sporting Facilities Upgrades are ongoing, and remain an integral component in the Strategic Plan. The security and boundary fencing has all been completed. Remaining components:

Currently being undertaken

- Demolition of Diamond 2 infrastructure
- Repairs and upgrades to the cricket nets

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 and medium on the priority list completed. All low rated items are being undertaken.

Port and South Hedland Skateparks

The old South Hedland Skatepark has been demolished, with excavation of the site in preparation for the concrete shell having commenced. Port Hedland Skatepark has had all fill delivered, and will commence upon completion of the South Hedland Skatepark. Estimated completion date remains at November 2007.

Accommodation at the FMG house ceases on the 16th July 2007, with the Town of Port Hedland supplying accommodation at 8A Ashburton Crescent. This housing will be available for the duration of the contract, with an amended contract price to be submitted to staff.

Feasibility Study into Proposed Multi-Purpose Sports Complex

The final draft feasibility study is scheduled for submission to Council at the Ordinary Council Meeting in August 2007. The preliminary feasibility report has been completed by Jill Powell and Associates, with Greg Paterson Architects currently undertaking the proposed concept designs. Designs are based upon findings in the feasibility study.

Aquatic Centres

A new YMCA employee will commence in the Area Manager position in August 2007. Until this employment commences, a fly-in fly-out staff member will temporarily be filling this role. Gardening maintenance has commenced by the YMCA staff, and will continue for the remainder of the contract.

South Hedland Aquatic Centre

The South Hedland Aquatic Centre is currently empty, and closed for winter. Scheduled re-opening date (as per Management Agreement) is September 2007. It is envisaged that the main pool will be emptied further to allow pressurised cleaning of the internal tiles.

YMCA Update

“South Hedland Aquatic Centre has been undergoing maintenance throughout the month of June. Quotes have been obtained for capital works items and preventative maintenance.

“The main circulation pump was dismantled, serviced and reassembled. This pump will need to be replaced in the near future as it is reaching the end of its lifespan: this will be included in the 08/09 capital works submission.

“The foot valve was also inspected and removed by YMCA staff and the valve was sandblasted by Goodline and returned to site. The foot valve has a continual slow leak and once it is re-assembled, a high-pressure leak test will be conducted.

“YMCA management is still awaiting a decision from Council in regards to whether the pool can be emptied to allow for routine inspections and maintenance tasks as noted in the May report.

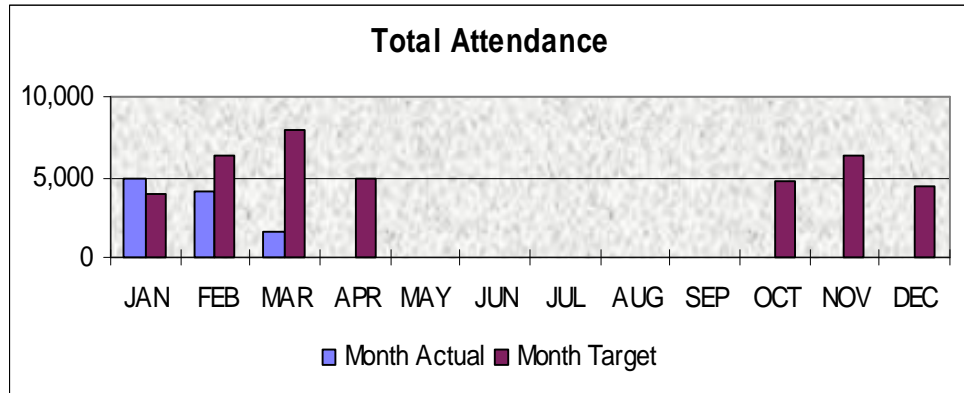
“The ground keeping equipment arrived in mid June and the YMCA has commenced garden maintenance.”

Financial Performance:

Month	Actual	Budget	Variance
Income	82	0	82
Expenditure	29,480	35,163	5,683
Net	-29,398	-35,163	5,765

Year to date	Actual	Budget	Variance
Income	46,655	66,165	-19,510
Expenditure	240,676	275,832	35,156
Net	-194,020	-209,667	15,646

Total Attendances:



Gratwick Aquatic Centre

YMCA Update

“June attendances were considerably lower than the forecast. This was primarily due to the much cooler weather combined with un-seasonally cooler water temperatures and high winds.

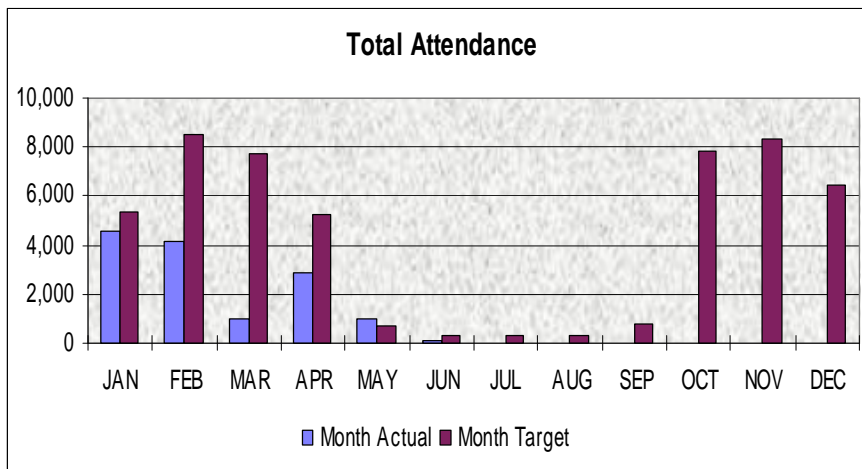
“During this quieter period of the season centre staff are taking advantage of this time by taking annual leave and completing major maintenance items.”

Financial Performance:

Month	Actual	Budget	Variance
Income	1,212	1,780	-659
Expenditure	30,182	35,039	4,858
Net	-29,060	33,259	4,199

Year to date	Actual	Budget	Variance
Income	58,086	92,706	-34,620
Expenditure	243,233	282,918	39,685
Net	-185,147	190,212	5,065

Total Attendances:



JD Hardie Centre

Promotion:

Promotion used for the month of June was as follows:

- Pamphlet Drop off to schools for the up and coming Holiday Program
- Distributed Holiday Program Pamphlets to various shops around Town
- Distribution of Flyers at Regular Programs
- Holiday Program in North West Telegraph

Attendance:

Term Program Attendances	# of Participants
Kids Club (Mon, Wed, Fri)	145
Jr Dodgeball	84
Jr Gym	63
All Sports	38
X-Pression	2
GR8 SK8	12
Boxing	98
Sports Competitions	
Netball Teams (11)	256
Volleyball Teams (12)	188
Soccer Teams (4)	108
Basketball Teams (7)	108
Misc	
Birthday Parties (1)	23
Facility Hire	1020
Dodgeball Competition	51
Total	2196

Programs:

Current Programs:

- Jr Dodgeball
- Jr Gym
- All Sports
- X- Pression
- GR8 SK8
- Kids Club

Current Stadium Competitions:

- Netball
- Volleyball
- Basketball
- Soccer
- Badminton

Events

The second Senior Dodgeball carnival was held on the 29th June 2007 with a total of six (6) teams competing. All feedback received was positive, and many teams enquired about the next round of competition.

Additional Information

Badminton Commenced this month with a steady average of six (6) people attending each session. Badminton will continue as a social session with the option of it becoming a competition if there is enough interest.

The facility was hired out for numerous bookings this month, including the following:

- HSHS (Regular Daily Booking)
- Tae Kwon Do (Regular Weekly Booking)
- Creating Communities (Stake-holder meeting)
- BHP Billiton Onsite health solutions (fitness classes)

The JD Hardie Centre gym has re-opened for the first time since the Town of Port Hedland regained management of the facility. New equipment is due to arrive shortly, and the Grand Opening will follow. Procedures and protocols have been established to ensure all health and safety aspects are covered. Feedback from participants will gauge whether there is a need for a crèche and fitness classes.

. *JD Hardie Centre Working Group*

The JD Hardie Centre Working Group did not meet this month, however progress has been continuing on the actions from the previous meeting. Creating Communities are liaising with both the Town of Port Hedland and the Youth Involvement Council in regards to future planning of the site.

Completed Events

. *Black Rock Stakes*

The Town of Port Hedland submitted a team for this years' Black Rock Stakes from Whim Creek to Port Hedland. The 'Civic Duty' team raised in excess of \$9,000 for the worthy cause, and was one of fourteen teams in total.

Upcoming Events

. *WAFL Game*

The organising committee has met again in regards to this event, occurring on the 21st 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.

- 6:54 pm Cr A A Gear left the room.
- 6:54 pm Cr A A Gear re-entered the room.
- 6:54 pm Cr A A Gear left the room.
- 6:55 pm Cr A A Gear re-entered the room and assumed his chair.

Officers Recommendation

That Council accepts Engineering Services Monthly Report.

200607/393 Council Decision/Officer's Recommendation

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

That Council accepts Engineering Services Monthly Report.

8/0

NOTE: Swans District Football Club and WA Police also assisted in the organising of the WAFL Game event.

11.3.2 Recreation Services**11.3.2.1 Policy Development: Rubbish Bin Allocation at Sporting Reserves (File No.: 23/03/0001)**

Officer Bec Pianta
Recreation Coordinator

Date of Report 13 July 2007

Disclosure of Interest by Officer Nil

Summary

As resolved at the Ordinary Council Meeting on the 27th June 2007, feedback has been sought from sporting groups in regards to the proposed Rubbish Bin Policy at Sporting Reserves. Council received five individual responses within the nominated timeframe.

Background

Council resolved at the Ordinary Council Meeting on the 27th June 2007 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”

As resolved, feedback was requested from all sporting groups via email, with regards to the proposed policy. Responses were received from:

- Cougars Rugby League Club
- Port Hedland Baseball Association
- Port Hedland Cricket Association
- Port Hedland Softball Association
- Rovers Football Club

Feedback from four (4) of the aforementioned was initially skeptical, as sporting groups were basing proposed bin numbers on their sporting numbers alone. Once they were made aware that rubbish bins numbers were based upon the highest utilisation numbers per reserve at any one time, the feedback was predominantly positive.

This included responses such as:

- ...we would require 8-10 bins at the ground... *[13 bins will be supplied at this ground]*
- ...We fill at least six bins each Saturday and often as many as eight... *[13 bins will be supplied at this ground]*
- ...Why don't you just put a set of 6 bins at each reserve...? *[More than six (6) bins will be supplied at most reserves]*
- This equation of bins per users appears ok to us...

An issue in regards to the emptying of bins was raised, and will be forwarded to the appropriate staff within the Engineering Department.

Consultation

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

External public consultation has been undertaken for this proposal with all sporting associations who utilise Council sporting reserves.

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.

An additional policy in relation to the supply of rubbish bins is Policy 6/003. This policy 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.

200607/394 Council Decision/Officer's Recommendation**Moved:** Cr G D Bussell**Seconded:** Cr S F Sear**That Council adopt the following policy:**

“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 Council's Schedule of Fees and Charges.”

CARRIED 8/0

**11.3.2.2 Establishment of Aquatic Centre Advisory Committee
(File No.: 05/09/0002)**

Officer Bec Pianta
Recreation Coordinator

Date of Report 12 July 2007

Disclosure of Interest by Officer Nil

Summary

In accordance with the contractual agreement with the YMCA Inc., the Town of Port Hedland is required to establish an Advisory Committee to assist in the future direction, management and programming of the Aquatic Centres. This report is for Council to consider and nominate representatives from the Town of Port Hedland, to be members of this Advisory Committee.

Background

The Gratwick Aquatic Centre and the South Hedland Aquatic Centre are currently under a management agreement with the YMCA Inc., signed by both parties in April 2007. The Town of Port Hedland has nominated the Recreation Coordinator as the Contract Superintendent for the duration of the contract, and is the liaison officer for the Town of Port Hedland for all operational and management issues. On a monthly basis, the Contract Superintendent and the Manager of the Aquatic Centres meet to discuss the day-to-day operations of the Centres.

As part of the contractual obligations with the YMCA, bi-annual Advisory Committee meetings are to be conducted, consisting of a minimum of three (3) Town of Port Hedland representatives, three (3) contractor's representative's and a Chairperson (who is a representative from the Town of Port Hedland). This Advisory Committee's role is to provide advice, comments and reports to Council on:

- The compliancy to the Agreement;
- Review repairs and maintenance and give advice on the approval for any additional maintenance that is deemed to be urgent by the contractor;
- Review any maintenance or repairs that are non-compliant to the *Health Regulations (Swimming Pools) 1964* (or replacement) code of conduct;
- Determination of whether to recommend or reject the Proposed Operating Budget [both Aquatic Centre's operate per calendar year];
- Consider proposed changes to the current operating budget and review monthly income and expenditure;

- Review proposed programmes, activities or initiatives, and consider cost and implementation;
- Consideration in regards to loss of income for unforeseen capital works;
- Discussions of any disputes between the Contractor and the Town of Port Hedland;
- Consider all complaints received by the Contractor or the Town of Port Hedland in regards to the Aquatic Centre's; and,
- Discuss security services used by the Contractor to secure the Centre's.

It needs to be noted that the Advisory Committee does not have the power to approve the budget, to alter or make local laws, or to borrow money.

The initial meeting of the Advisory Committee is scheduled to occur almost immediately, therefore establishment of this Advisory Committee needs to be confirmed, and representatives from the Town of Port Hedland need to be determined.

Consultation

The Management Agreement, including the inclusion of the Advisory Committee, was signed and sealed by the Deputy Mayor and the CEO of the Town of Port Hedland, and the President and Director of the YMCA in April 2007.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

The Town of Port Hedland's obligation to commit four (4) representatives for the Aquatic Centre Advisory Committee (three (3) representatives and one (1) chairperson) is detailed in the Management Agreement with the YMCA.

Officer's Recommendation

That the representatives from the Town of Port Hedland on the Aquatic Centre's Advisory Working Group be made up of the following members:

- a) Cr _____ (Chairperson)
- b) Cr _____
- c) Recreation Coordinator
- d) Director Engineering Services

Any other appropriate staff as ex officio members

200607/394 Council Decision

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

That the representatives from the Town of Port Hedland on the Aquatic Centre's Advisory Working Group be made up of the following members:

- a) **Cr Arnold A Carter (Chairperson)**
- b) **Cr Grant D Bussell**
- c) **Recreation Coordinator**
- d) **Director Engineering Services**

Any other appropriate staff as ex officio members.

CARRIED 8/0

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

Officer Stephen Carstairs
Manager Finance

Date of Report 19 July 2007

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activities of the Town to 30 June 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 30 June 2007, are the:

- Statements of Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 30 June 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 25 July 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			
CHQ17450	17482	\$88,643.16	1	11	1	Municipal Fund	Cancelled
CHQ17483	17483	-	11	11	1	Municipal Fund	
CHQ17484	17496	\$16,627.33	11	13	1	Municipal Fund	
EFT18906	19176	\$2,744,801.66	13	120	1	Municipal Fund	
PAY 050607		\$205,419.78	120	120	1	Municipal Fund	
PAY 190607		\$203,005.21	120	120	1	Municipal Fund	
	Municipal Total	\$3,258,497.14					
3001347	3001347	\$2,000.00	120	121	3	Trust Fund	
	Trust Total	\$2,000.00	121	121	3	Trust Fund	
	TOTAL	\$3,260,497.14					

Consultation

Nil.

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

When considering the content of this report, the reader is cautioned that it represents fairly the financial activities of the Town as at the time of reporting only, and that at that time, 2006/07 revenue as yet not recovered amounted to \$2.383m, and there were 540 outstanding purchase orders which amounted to \$2.565m.

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.

200607/395 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

That:

- i) **the:**
 - . **Statements of Financial Activity (represented by Schedules 2 to 14);**
 - . **Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 30 June 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 June 2007 under Delegated Authority, as presented and/or attached be received.**

CARRIED 8/0

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11.4.1.2 2007/08 Budget Adoption (File No.: ...-...)

Officer Matthew Scott
Director Corporate
Services

Date of Report 18 July 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider adopting the 2007/08 Annual Budget.

Background

The 2007/08 Budget has been produced over the last three months, principally as result of four budget workshops conducted with Council and Senior Management.

The Statutory Budget (Attached) is produced to meets Councils statutory reporting requirements, as dictated by the Local Government Act 1995, and Associated Local Government (Financial Management) Regulations 1996. To assist users, the document also contains detailed account listings and Schedules that specify the new capital works program for 2007/08.

Consultation

Apart from the Council workshops on the Budget, the public has been invited to participate in the budget on a number of occasions, principally;

- invited to submit budget requests and proposals
- invited to comment on the proposed fees and charges
- Invited to comment on the proposed Rates in the dollars and minimum rates.

Statutory Implications

Local Government Act 1995

6.2 . Local government to prepare annual budget

(1) Not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.*

** Absolute majority required.*

(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for principal activities accepted by a local government under section 5.58 and to prepare a detailed estimate for the current year of -

- (a) *The expenditure by the local government;*
 - (b) *the revenue and income, independent of general rates, of the local government; and*
 - (c) *the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- (3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
- (4) *The annual budget is to incorporate -*
- (a) *particulars of the estimated expenditure proposed to be incurred by the local government;*
 - (b) *detailed information relating to the rates and service charges which will apply to land within the district including -*
 - (i) *the amount it is estimated will be yielded by the general rate; and*
 - (ii) *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*
 - (c) *the fees and charges proposed to be imposed by the local government;*
 - (d) *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;*
 - (e) *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;*
 - (f) *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - (g) *such other matters as are prescribed.*
- (5) *Regulations may provide for -*
- (a) *the form of the annual budget;*
 - (b) *the contents of the annual budget; and*
 - (c) *the information to be contained in or to accompany the annual budget.”*

Policy Implications

The Budget document has been developed in accordance with Council Policy 2/100 Significant Accounting Policies

Strategic Planning Implications

The Budget has been developed with reference to the 2007-2012 Strategic Plan. Cross referencing of strategies with budget allocations has been undertaken to ensure that funds have been allocated to achieved the objectives and goals of the plan.

Budget Implications

The Annual Budget is the primary means for a Local Government to manage and allocate its financial resources. The Budget also provides the ability to impose rates, which is the primary means for a Council to raise income to fund the upcoming year's projects. Should Council not adopt the budget at this time, the issuing of rates will be delayed and alternate means of funding major projects in 2007/08 will need to be investigated.

Officer's Comment*General*

Council has prepared its 2007/08 budget, and subsequent rate charges based on the same principals used in its 2006/07 budget, which was based on the community survey results and the Council Plan for the future. Though there is significant Council expenditure for 2007/08, much of this increase is funded externally, reducing pressure to increase rates significantly. Though this budget will provide the financial resources needed to pay for these projects, careful management is still required to source and administer the physical resources needed to achieve the budget objectives.

Rates

Council has continued to progressed the use of differential rates to ensure the sections of the community which will benefit mostly from the proposed infrastructure upgrades will help fund its development. Generally residential rates have increased by 3.5%, being the Perth CPI for Dec'05-Dec'06. Mining rates have however increased by 25%, as this sector is directly responsible for the majority of growth with the district. This growth can only be sustained with the improved infrastructure proposed in the budget.

Additionally Council has proposed to make a standard minimum rate of \$600 across all rating categories. Previously unimproved properties had a minimum less than the GRV properties. By making one minimum rate, Council is demonstrating the view that all properties, regardless of improvement, require a minimum/standard availability of services and activities.

Operating Surplus

In 2007/08 Council is predicting a \$12.852m operating surplus, based on estimated operating revenue and expenditure. The majority of Council total revenue (\$23.024m) consists of \$10.499 in grants from government (Operating and Non Operating), \$9.407 in Rates, \$8.667 in Fees & Charges (majority from the Airport & Waste Services), and \$2.616 from Contributions from private organizations. This reflects a 13% increase from 2006/07, however Rates for residential properties have only increased by 3.5%, representing Council's continue ability to source alternative funding.

Alternatively, Council total operating expenses (\$19.578m) have only increase by 1%, once adjusted for last years underground power project. As per Council financial plan, the administration has tried to cap operating expenditure to 2006/07 levels. With the only major increase is the provision of 5 new staff positions to help resource the critical regulatory and engineering services of Council.

Capital Projects

In 2007/08 Council is proposing an ambitious capital works program of \$21.323 million. The Budget contains the following capital (Non Operating) expenditure:

Parks	\$5.934m
Roads	\$5.272m
Buildings	\$4.549m
Footpaths	\$1.795m
Plant & Equipment	\$2.090m
Airport	\$1.005m
Drainage	\$0.390m
Furniture & Equipment	\$0.286m

Of this \$14.862m is new projects with, the balance, \$6.460 uncompleted works from 2006/07. Much of this proposed work has only been achievable by Grants from the State and Federal Government \$7.420m and Contributions from Non Government Organisations (BHP Billiton, Newcrest Mining) of \$2.1m. Other funding sources include new loans \$0.55m, transfers from reserves (previous years savings) of \$5.679m and asset disposals of \$0.314m.

Once these projects are completed, residents and ratepayers should see a significant change in the Port Hedland landscape, principally in the provision of road and recreational infrastructure, as identified as a needed improvement in last years community survey.

Carry Forwards

As noted previously the Budget contains both expenditure and income initially budgeted in 06/07. These items are essentially uncompleted projects from last year. The Town of Port Hedland, like many other organisations in the Pilbara was unable to finalise many project simply due to limited resources available and the result/cleanup from Cyclone George. Council has no option but to carry forward \$6.893m (\$6.460m capital) expenditure, which is offset by \$4.507m of associated revenue (tied grants etc), with the balance (\$2.386m) being funded from Council 2006/07 Forecast Cash Surplus of \$2.962m. This cash surplus represents Council estimated cash position at time of the budget preparation. This figure will be finalised as part of the 2006/07 Annual Accounts, which will be audited later this year.

200607/396 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr S F Sear***Recommendation 1***

That Council impose general and differential rates on Gross Rental Values and on Unimproved Values as permitted by the Local Government Act 1995 for the financial year 2007/08 as follows:

General Rates – Gross Rental Values	Cents in \$
Residential	11.1675
Commercial	11.1675
Industrial	11.1675
Shopping Centre	11.1675
Ex Gratia	11.1675

Differential Rates – Unimproved Valuations	Cents in \$
Mining Improved	15.1495
Mining Unimproved	15.1494
Pastoral	9.3067
Other	10.1160
Other Unimproved	10.1159

And for the purpose of general and differential rating, the following rate zone categories apply:

Residential

Includes all properties within the Town boundaries, classified for residential use in Town Planning Scheme No.5, Port Hedland.

Commercial

Includes all properties within the Town boundaries, classified for commercial use (excluding properties classified as Shopping Centre) in Town Planning Scheme No.5 Port Hedland.

Industrial

Includes all properties within the Town boundaries, classified for industrial use in Town Planning Scheme No.5 Port Hedland.

Shopping Centre

Includes properties located as Lot 4 Throssell Road, South Hedland and Lot 724 Wilson Street Port Hedland.

Ex Gratia

Includes all Government properties within the Town boundaries leased by the Commonwealth to third parties.

Mining

Includes all properties that currently operate under a mining lease tenure, and the land is significantly improved.

Mining Unimproved

Includes all properties that currently operate under a mining lease tenure, and the land is not significantly improved.

Pastoral

Includes all properties that currently operate under a pastoral lease tenure.

Other

Includes all properties that don't meet the criteria of any other rate zoning category and are significantly improved.

Other Unimproved

Includes all properties that don't meet the criteria of any other rate zoning category and are not significantly improved.

Recommendation 2

That Council, in accordance with section 6.32 of the Local Government Act 1995, impose minimum rates according to the purpose for which the land is zoned or used and whether or not it is improved land as follows:

General Rates – Gross Rental Values	\$
Residential	600.00
Commercial	600.00
Industrial	600.00
Shopping Centre	600.00
Ex Gratia	600.00
 Differential Rates – Unimproved Valuations	
Mining Improved	600.00
Mining Unimproved	600.00
Pastoral	600.00
Other	600.00
Other Unimproved	600.00

Recommendation 3

That Council, in accordance with regulation 64(2) of the Local Government (Financial Management) regulations 1996, nominates the following installment dates for the payment of rates for the 2007/08 financial year:

7 September 2007	Payment in full or 1st installment
9 November 2007	2nd Installment
11 January 2007	3rd Installment
14 March 2007	4th Installment

Recommendation 4

That in accordance with Section 6.47 of the Local Government Act 1995, full rating concessions be granted to the following:

- (i) A130114 - Sub Lot of 5812 Reserve 39012, South Hedland - Lotteries House
- (ii) A127580 - Portion 6 Anderson St, Port Hedland - Business Enterprise
- (iii) A406870 - Lot 2916 Stanley St, South Hedland - Youth Involvement Centre
- (iv) A106284 - 9 Hamilton St, South Hedland - Benara Maya Hostel
- (v) A130290 - Lot 5915 McGregor St, Port Hedland - Freemasons Homes for Aged
- (vi) A156300 - Lot 4508 Shoata Rd, South Hedland - Port Hedland Pistol Club
- (vii) A156260 - Location 118 of Forrest Location - Port Hedland Speedway Club
- (viii) A802207 - Lot 2466 Lawson St, South Hedland - Youth Involvement Centre
- (ix) A156550 - Lots 55,56,57 McKay St, Port Hedland - Volunteer Marine Rescue Service
- (x) A113872 - Lot 43, 10 Steamer Ave, South Hedland - Baptist Church Manse

and that 50% rating concessions be granted on the following:-

- i) A154780 - 4 Treloar St, South Hedland - Treloar Child Care Centre
- ii) A402430 - Lot 2513 Dempster St, Port Hedland - Len Taplin Centre
- iii) A802155 - Lot 5164 Shoata Rd, South Hedland - South Hedland Owners & Trainers

Recommendation 5

That Council:

- i) in accordance with Section 6.51 of the Local Government Act 1995, impose interest at 11% per annum calculated on a daily basis on rates and service charges, excluding underground power service charge and sundry debtors, remaining unpaid (excluding eligible pensioners opting to defer the payment of their rates) if no installment option taken.
- ii) in accordance with Section 6.51 of the Local Government Act 1995, impose interest at 6.41% per annum calculated on a daily basis on underground power service charge remaining unpaid (excluding eligible pensioners opting to defer the payment of their rates).

Recommendation 6

That Council, in accordance with section 6.45(3) of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, impose administration fees as follows (excluding eligible pensioners and Underground power service charges):

- Payment of rates and service charges by installments - \$10.00 plus interest at 5.5% per annum calculated daily.
- Payment of rates and service charges by alternative installment arrangement - \$50.00 per arrangement plus interest at 5.5% per annum calculated daily.

Recommendation 7

That the following Refuse Collection Charges under Section 41 of the *Health Act 1911*, be imposed for the 2007/08 year:

- i) an Annual Classic Collection Charge of \$170.00 for one (1) service per week, verge collection of waste from a 240 litre Mobile Garbage Bin; and
- ii) an Annual Premium Collection Charge of \$343.00 for one (1) service (i.e. per bin emptied of waste each week) for the collection of waste from a 240 litre Mobile Garbage Bin, where the bin is manually picked up from the property, emptied and returned.

Recommendation 8

That Council adopts the proposed fees and charges for 2007/08 as contained within pages of Section 2 of the 2007/08 Budget Document (attached).

Recommendation 9

That Council, in accordance with section 6.20 of the Local Government Act 1995, raises the following loans in 2007/08:-

Housing – Catamore Court	\$550,000
Yacht Club Self Supporting Loan	\$350,000
Water Corporation Loan (carry forward)	\$650,000

Recommendation 10

That Council adopts the following Councillor fees and allowances for 2007/08:

Meeting Fees (x1 for Councillors, x2 for Mayor)	\$ 7,000
Communication Allowance	\$ 1,200
IT Allowance (or access to a laptop)	\$ 1,000
Mayoral Allowance	\$20,000
Deputy Mayor Allowance	\$ 5,000

Recommendation 11

That Council, in accordance with Section 6.11 of the Local Government Act 1995, deletes the following reserves:

- Insurance Reserve
- Age Hostel Reserve
- Bus Replacement Reserve

Recommendation 12

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

Recommendation 13

That Council adopts the Statutory Annual Budget for the year ending 30 June 2008, including the Rate Setting Statement requiring \$9,407,050 rates to be raised (as presented)

CARRIED BY ABSOLUTE MAJORITY 7/1

NOTE: Schedule of Fees and Charges to include Hire Fee for Foyer of Matt Dann Cultural Centre to be set at \$110 including GST.

11.4.1.3 Port Hedland Yacht Club Lease (05/05/0012)

Officer Matthew Scott
Director Corporate
Services

Date of Report 13 July 2007

Disclosure of Interest by Officer Nil

Summary

For Council to reconsider leasing reserve 30768 to the Port Hedland Yacht Club.

Background

At the May Ordinary Meeting of Council, Council resolved to lay the matter regarding the Port Hedland Yacht Club (PHYC) lease on the table, pending further information.

Since that meeting the PHYC Commodore made a presentation to the July briefing Session outlining the planned upgrade of the Club's facilities. As a result of that presentation, the Councillors present requested an item at the July Ordinary Meeting of Council to reconsider the Leasing of Reserve 30768.

Consultation Nil

Statutory Implications

Local Government Act 1995

“3.58. Disposing of property

- (1) In this section -
dispose~ includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property~ includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) Except as stated in this section, a local government can only dispose of property to -
(a) the highest bidder at public auction; or
(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -
(a) it gives local public notice of the proposed disposition -
(i) describing the property concerned;
(ii) giving details of the proposed disposition; and*

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

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Council has a current agreement to only receive \$1.00 per annum under the current lease resolution.

Officer’s Comment

The Port Hedland Yacht Club plans to build a \$700,000 two-storey club building within their current lease area. To finance the building, they have requested a \$350,000 Self Supporting loan, which Council has included in its 2007/08 Budget considerations. Before committing to the planned upgrade, the PHYC has requested a new 21 year lease to secure their tenure on the land, making the paying back of the loan economical.

In the PHYC presentation, the new building is community focused, and would provide facilities such as a coffee shop, multi purpose areas, and boating amenities, such as external access showers. These facilities are aimed at complimenting the proposed Marina, currently included in the State Government plans for the Spoil Bank. Though the club believes that potentially parts of the building could be leased out for commercial return (proposed restaurant), without a self-supporting loan, accessing finance for this project is difficult without the necessary land tenure.

There are concerns on whether the building can be built for \$700,000, however ability for community groups to utilise volunteer resources should not be under estimated. Council will also have planning and building control over the building to ensure that the development compliments the neighbouring hotel development near the site.

According to the Land Use Master Plan currently being advertised for comment, there are no alternative uses for the site, other than the Yacht Club, therefore a 21 year lease does not seem to interfere with long term land use or occupancy of the site.

Should the potential of the building be realised, Council could look at reviewing the lease every 3 years, enabling an annual rental that may be more comparable with the prosperity of the Club.

Council should note, that should the yacht club default on the Self Supporting loan, the facility would become a Council asset, which it could lease out commercially. Given the location, there would be obvious commercial interest in the facility/location.

200607/397 Council Decision/Officer's Recommendation**Moved:** Cr D R Pike**Seconded:** Cr S F Sear

That Council lease Reserve 30768 to the Port Hedland Yacht Club, as per section 5.58(3) Local Government Act 1995 (private treaty) with the following terms:

- i) 21 years term;**
- ii) Initial rental \$500.00 per annum, reviewed every three years;**
- iii) Rental to be reviewed annually by CPI; and**
- iv) Audited Annual Financial Statements to be presented to Council each year.**

CARRIED 8/0

11.4.1.4 Replacement of Town's Telephone System (File No.: ...-....)

Officer Cheryl Crick
Manager Corporate Support

Date of Report 16 July 2007

Disclosure of Interest by Officer Nil

Summary

Replacement of the Town's telephone system.

Background

Council allocated an amount of \$75,000 in the 2006/07 budget for the replacement of the ailing PABX at the Civic Centre building. Delays in obtaining quotes have meant that this amount has not yet been spent. The lease on the current PABX and the associated handsets expires on 28 August 2007.

In investigating a PABX replacement, it has come apparent that since the installation of the current PABX, PABX technology, as such, is now out of date, with VOIP (Voice Over Internet Protocol) now considered the standard telecommunication system across the world. Already, technicians able to maintain a traditional PABX system are becoming scarce within Australia.

The advantages of VOIP technology is that the phone system effectively utilizes the organizations network, thus removing the obvious double up in infrastructure (most people that have a phone have a computer) and calls offsite (to outstations, depot, airport, libraries etc) are free.

Given that telecommunications is becoming a specialist field, much time was wasted in trying to find a "like for like" replacement for Civic center PABX. Only recently was it decided that simply replacing the PABX with another PABX would not actually solve the Council current phone system problems. A standalone PABX cannot provide the believed needed facilities currently available with VOIP. These facilities include call handling and cueing, system redundancy (ie: emergency back-ups) and interconnectivity between sites. However VOIP cannot be implemented with out radical changes to the Councils data exchange infrastructure.

Since progressing along the VOIP path, and realizing the time frame need to successfully implement a new system before the current PABX lease expires, Council was recently briefed on:

1. what was believed to best telecommunication & data solution for the organisation; and

2. the need to utilise the Mayor's emergency powers to enable the implementation of this solution.

At this briefing, the Councillors present requested the use of the Mayor's emergency powers to implement the preferred phone/data system from ComCenter Aust Pty Ltd.

Consultation

Both internal staff and external providers were consulted to determine both the needs and a range of suitable options for consideration. Issues raised included:

Limited cueing ability causing major difficulty getting through to the main Council phone number

No interconnectivity between Council sites

No way to ensure continuation of telecommunications during a disaster event (i.e.: redundancy).

Antiquated telephone systems in use in the out-sites with limited ability to cope with the changing needs of the business.

Statutory Implications

Local Government Act 1995

“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 ³/₄

(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.”

Local Government (Functions and General) Regulations 1996

“11. Tenders to be invited for certain contracts

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if ³/₄

(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;”

Policy Implications Nil

Strategic Planning Implications

The upgrade of Council's telephony and data handling capability helps to deliver on the following section of the Strategic Plan:

GOAL 5: Systems Development

Strategy 3: Review customer service systems / structures and upgrade where appropriate

in that it provides an improved telecommunications capability thus reducing the difficulties currently being experienced by customers when they attempt to communication with Council offices.

Budget Implications

Council allocated an amount of \$75,000 in the 2006/07 budget for the replacement of the ailing PABX at the Civic Centre building. The recommended solution will require an additional \$20,000 in capital expenses and an additional \$30,000 in operational expenses.

Council has allocated an additional \$50,000 in the 2007/08 Budget to fund the implementation of the new telecommunication system.

Officer's Comment

The following options were considered as potential solutions:

- (1) PABX with VOIP - This solution provides a basic telephone function. It does not, however, provide call handling software or redundancy (emergency back-up) protection. With the exception of the savings involved with using VOIP between sites, this solution does not provide any significant improvements to our current phone system.

Capital Expenditure: \$65,000

- (2) MITEL - The additional feature in this solution is its call handling and cueing ability. It does not, however, provide any protection with regard to redundancy issues. The user interface with this solution is its selling point. The negative, however, is that the solution would need to be internally managed causing an issue with training for our IT staff and increased pressure on their limited time.

Capital Expenditure: \$81,000

- (3) MITEL with redundancy - This solution takes care of the redundancy issue by adding an additional server in a different location. Call handling is then split between the servers allowing Council to retain a portion of operational phone lines if one of the locations was to go down. It also includes the ability to connect to the next G network if the land lines should become unavailable. As with the previous option, this would cause an issue with regarding to training a workload for Council's IT staff.

Capital Expenditure: \$100,000

- (4) ComCentre – CISCO - This option provides a stronger solution for both redundancy (emergency back-up) and reliability by integrating hubs at three sites (Civic Centre, Depot and Sth Hedland Library). This choice also allows Council to integrate both voice and data movement needs through the same infrastructure thus solving two problem areas with the same infrastructure.

Comcentre is also offering a two year management contract which will incorporate the handling of both our voice needs and our data traffic. This will allow Council to decide whether it is more cost effective to grow / recruit the skills internally or to continue in a managed state. Comcentre also use industry standard equipment (CISCO) that could, in the future, be managed by a range of companies ensuring that Council has the ability to make alternative decisions in the future if necessary.

Capital Expenditure: \$95,000
Operational Expenditure: \$50,000 *

* The annual management costs include the provision of a business grade internet package. This will create a saving in Council's current expenditure on internet services of approximately \$20,000.

Of all of the options considered, this officer believes that the ComCentre solution provides both the best value for money and the best technical solution to Council's ailing telephony needs.

As Council has already requested the use of the Mayor's emergency powers under section 6.8(1)(c) for the purchase of the Council's new phone system that Council note that those powers are being exercised to contract ComCentre to:

- provide and install the infrastructure required to replace Council's existing phone system with a VOIP system that will integrate telecommunications across all of Council's sites as well as provide an effective emergency back-up system so as to maintain communications abilities in the event of an emergency, and
- enter into a two year contract for the management and maintenance of the VOIP telecommunications package.

200607/398 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr A A Gear

That Council note the use of the Mayors Emergency powers under section 6.8(1)(c) of the Local Government Act 1995 for the purchase of the Council's new phone system from ComCentre Aust. Pty Ltd for the purchase price of \$125,000 excluding GST.

CARRIED 8/0

11.4.1.5 Ordinary Elections 2007 (File No.: ELE-008)

Officer Matthew Scott
Director Corporate Services

Date of Report 13 July 2007

Disclosure of Interest by Officer Nil

Summary

For Council to consider the method of election for the 2007 Ordinary Election.

Background

Under section 4.61, all local authorities have the ability to choose either the Postal or In Person method of voting at the ordinary election. By default, Council elections are the In Person method, unless Council resolves to use the Postal method before the 80th day before the actual election (1st August 2007); as per Section 4.61(5).

Traditionally the Town of Port Hedland has had In Person elections, in spite of the availability of the Postal elections since 1995. Both Methods have advantages and disadvantages, principally being:

Method	Advantages	Disadvantages
Postal	<p>Impartiality. Postal elections are conducted at an “arms length” from general Council business.</p> <p>Greater participation. Electors can vote at a time most convenient for themselves, not having to be dependent on being available on a particular day. This is supported by statistical evidence from the WAEC, which clearly demonstrates higher voter participation in Postal elections as pared to in Person elections.</p>	<p>High Cost. Additional costs of postage and off site administration.</p> <p>Less Interaction. Postal elections distance electors and candidates, making the election a less significant event.</p>

In Person	<p>Low Cost. Generally, In Person elections are coordinated in-house, significantly reducing cost.</p> <p>Greater Interaction. Generally, Election Day facilitates the interaction between electors and candidates, making it a significant community event.</p>	<p>Less participation. Electors without access to transport or shift workers may not be able access polling booths.</p>
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Despite the advantages and disadvantages of each method, participation rates in local government election tend to remain low, due to the non-compulsory nature of elections.

Consultation Nil

Statutory Implications

Local Government Act 1995

“4.61. Choice of methods of conducting the election

- (1) *The election can be conducted as a ¾*
 - }postal election~ which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or*
 - }voting in person election~ which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.*
- (2) *The local government may decide* to conduct the election as a postal election.*
 - * Absolute majority required.*
- (3) *A decision under subsection (2) has no effect if it is made after the 80th day before Election Day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*
- (4) *A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.*
- (5) *A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.*
- (6) *For the purposes of this Act, the poll for an election is to be regarded as having been held on Election Day even though the election is conducted as a postal election.*
- (7) *Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election. “*

Policy Implications Nil

Strategic Planning Implications

Budget Implications

In the 2007/08 Budget, Council has allocated \$20,000 for election expenses. Though Council has not received a formal quote on a Postal election, the Shire of Roebourne, which has recently decided to hold a Postal election with the WAEC, has allocated \$33,000 to fund the election.

Officer’s Comment

As noted previously, Council has traditionally opted for the “In Person” method of holding an election. Statistically, Postal elections result in a higher participation rate than “In Person” elections, given the non compulsory nature of Local Government elections, both methods produce relatively low turn out rates.

Should Council decide to have a Postal election, Council would need to consider handing the process over the Western Australia Electoral Commission, which has greater expertise in this method than in-house. If this were the case, Council would need to also declare the Western Australian Electoral Commissioner as the Returning Officer, before 1 August 2007.

Regardless of method, Council elections are probably the most significant event for any Local Government, as the result will generally set the agenda for the Council for next two years.

200607/399 Council Decision/Officer’s Recommendation

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

That Council resolves to conduct the 2007 Ordinary Election as a “Voting In Person” Election.

CARRIED 7/1

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

Record of Vote:

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

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**12.1 Planning Services****12.1.1 *Proposed Caretakers' Dwellings in Industrial Areas*
(File No.: .../...)**

Officer Andrew Patterson
Planning Officer

Date of Report 25 July 2007

Disclosure of Interest by Officer Nil

Summary

Council has recently received a number of inquiries and applications for additional residential developments in industrial areas in the Town of Port Hedland. This item is presented for Council to consider the implications of permitting additional caretakers' and other dwellings in land zoned "Industry."

Background

With the Gazettal of the *Town of Port Hedland Town Planning Scheme No. 5* (TPS 5), the number of lots with the additional use of a permitted caretakers' dwelling has been determined at a fixed number, with section 3.2.7 of the Scheme text stating (in part) that "Council shall not permit any further caretakers' dwellings in the Wedgefield Special Control Area."

With the ongoing resources boom causing excessive housing stress in the Town of Port Hedland, increasing numbers of requests are being made to the Town for consideration of amending the current planning controls for residential development in industrial areas. The two themes of these queries are generally for consideration of granting additional approvals for caretakers' dwellings, and to allow small-scale transient workforce accommodation in industrial areas.

The current statutory framework controlling this issue is as follows:

1. TPS 5 lists the uses "Caretaker's Dwelling," and "Transient Workforce Accommodation" as prohibited uses on land zoned "Industry."
2. Caretaker's dwellings are permitted as additional uses in TPS 5 Appendix 2.
3. Council has no discretion to consider applications for planning approval for caretaker's dwellings that are not included in Appendix 2.

Council's options to consider with regard to this matter include:

1. Council could consider a scheme amendment to
 - a) add properties to Appendix 2
 - b) remove or modify section 3.2.7
 - c) modify the use classes "Caretakers' Dwelling" and/or "Transient Workforce Accommodation" from "prohibited" to "discretionary."
2. Council could consider creating a "Light Industry" zone that permits caretakers' dwellings as a discretionary land use and rezoning new or parts of existing "Industry" zoned land as "Light Industry." This zone would not permit industrial uses that present significant health or amenity impacts on any residential component. This is the option recommended in the Draft Land Use Master Plan, with the proposed area identified for this use to the south and east of Wedgefield.
3. Maintain the current position whereby no additional caretakers' dwellings are permitted on any land zoned "Industry" in the Town of Port Hedland.

Caretakers' Dwellings

Should Council support Option 1, it should be considered that, while permitting alternative residential uses in existing industrial areas may alleviate some housing stress, the long-term implications are likely to be problematic. A variation of this option, granting temporary approval for increased residential capacity would also prove problematic, as temporary planning approvals have been successfully challenged when an attempt has been made to remove temporarily approved uses.

Should Council resolve to pursue the second or third of these options, a proactive strategy would be to actively pursue land release by the State Government for a separate Light Industry zone to be incorporated into TPS 5.

The general purpose of a caretakers' dwelling is to provide accommodation onsite for a person, and an associated household, acting in a role of providing maintenance and security for an approved industrial use. In Wedgefield particularly however, this has evolved into providing an alternative housing choice for a variety of reasons, not the least including cost.

Residential development in industrial areas (as opposed to light industry areas) is generally not considered a good planning outcome due to the incompatibility of these land uses, specifically, an "Industry" zone allows for the development of "General," "Noxious," and transport depots, all of which bring potential health and amenity conflicts with residential uses, including:

1. Hours of operation may exceed normal business hours causing dust, noise and emission impacts
2. While health impacts may be minimal for healthy adults, residential uses may attract children, elderly, or persons with pre-existing medical conditions into the area.
3. The combination of residential and industrial traffic can lead to conflicts

Transient Workforce Accommodation

Transient workforce accommodation (TWA) is a complex issue requiring consideration of a number of factors.

While TWA is not an ideal housing alternative for a variety of social, economic and health reasons, Port Hedland's character as a mining town requires that this form of accommodation be provided to at least some extent.

At present, the vast majority of TWA is located in Wedgefield with additional smaller camps located at Pundulmurra TAFE and on the airport land on the Great Northern Highway. Council has also recently identified additional land at the airport and is seeking expressions of interest for its development into TWA; and the Port Hedland Detention Centre is also likely to cater for this use.

While the Town of Port Hedland is experiencing a boom construction phase with unprecedented demand for TWA, it is anticipated that each of these sites could be utilised almost to full capacity with expected reductions at the completion of major construction projects. If Council is able to concentrate TWA camps on land it owns and controls, it is better able to control the size of these camps and, through reducing the size of these camps when appropriate, encourage development and occupation of alternative and more appropriate sites.

There are currently two general philosophies regarding the location of TWA. The traditional view is that TWA is best located away from existing residential areas close to transport or work. The alternative view is that TWA should be incorporated into townships where workers are better situated to access commercial and social infrastructure, thereby contributing to Town development.

With the Town of Port Hedland actively pursuing the development of Council-controlled land, a more even balance is possible addressing both these views. As a long-term strategy, the airport sites could be developed as traditional TWA, comprising transportable structures. Complementing this use would be additional housing alternatives constructed in the South Hedland Town Centre such as additional hotel/motel, serviced apartments and traditional single and grouped dwellings. This would allow for higher quality housing that integrates transient workers into the social and commercial fabric of the Town of Port Hedland.

Relocating Tox Free

Council's strategic plan includes actively pursuing the relocation of ToxFree's premises from Wedgefield to a more appropriate location.

While this strategy is not related directly to accommodation strategies, this matter is discussed briefly in its context as an alleged generator of the existing conflicts between industrial and residential developments in Wedgefield.

Prior to discussing this issue, the following relevant points are noted:

1. Tox Free is an approved development under planning, health and environmental legislation.
2. As a "noxious industry," Tox Free is listed as an "SA" use on the zoning table.
3. Tox Free was approved by the "Works, Health, Building and Town Planning Committee" on 13 September 1993 under Town Planning Scheme No. 4.
4. The adjacent sewage treatment facility is located approximately 30 metres from the TWA facility.

While an industrial incinerator is ideally located in a more isolated area, there are currently other approved land uses in Wedgefield that are inappropriately located in the vicinity of any residential development, including transport, engineering, sandblasting and sewage treatment. While relocating Tox Free from Wedgefield is undoubtedly a positive planning outcome, other land uses should also be considered should Council wish to increase the residential component of this area.

Consultation

Council's Manager Environmental Health Services has provided the following comments with regard to this matter:

- Environmental Health services would not generally support a residential land use in Industrial Zoned land.
- In the Town of Port Hedland the Industry use can include General Industry and Noxious Industry which has the potential the negatively impact on residences by way of dust, noise and possibly odour.
- These issues can be very difficult to resolve and complainants and offenders usually have differing opinions on the severity of the nuisance caused.
- The Environmental Health section is called upon reasonably regularly at the moment to try and resolve odour and dust issues in the existing Industrial area where caretaker's dwellings and accommodation units have been permitted.

- While the [Environmental Health] section would consider caretaker's dwellings in Light Industry zones as a safer option it cannot support residential in Industry zones due the high potential for environmental health related land use conflict.

Statutory Implications

Should Council resolve to pursue a course of action to allow increased residential development in industrial areas, a town planning scheme amendment is required, with this action conducted pursuant to the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.

Policy Implications

Nil.

Strategic Planning Implications**KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT**

Goal 4 - Land Development Projects

Strategy 3 - Facilitate the release of more industrial land.

KEY RESULT AREA 5 – ENVIRONMENT

Goal 1 – Waste Management

Strategy 5 – Actively pursue the relocation of the Wedgefield Tox Free facility to a location that does not have the land use conflicts that the existing facility currently presents.

Budget Implications

Nil.

Officer's Recommendation

That Council:

- i) acknowledge the current difficulties being experienced for accommodation, but not commence any rezoning and/or amendments to planning requirements within Wedgefield and/or other industrial areas at this time to accommodate additional residential uses, as any actions are likely to lead to increased Town Planning and Health issues in the future; and
- ii) consider planning alternative to address this issue after formal community consultation and endorsement processes for the Town's Land Use Master Plan have been completed.

200607/...Council Decision

Moved: Cr S F Sear

Seconded: Cr D R Pike

That Agenda Item 12.1.1 'Proposed Caretakers' Dwellings in Industrial Areas' lay on table until such time Councillors and Council staff can sit down and discuss this matter more thoroughly.

TIED 4/4

The Mayor then used his casting vote to determine the decision.

LOST 4/5

200607/400 Council Decision

Moved: Cr S R Martin

Seconded: Cr A A Carter

That Agenda Item 12.1.1 'Proposed Caretakers' Dwellings in Industrial Areas' lay on table on the condition that Council considers this matter at its Ordinary Council Meeting to be held on 22 August 2007.

CARRIED 8/0

REASON: Council sought to include the matter of implications of permitting additional caretakers' and other dwellings in land zoned "Industry" on its running sheet for its Informal Briefing Session to be held in August, prior to consideration at the Ordinary Meeting to be held in August 2007

12.2 Governance and Administration

12.2.1 ***Hedland Riders Association Club House (File No.: ...- ...)***

Officer Matthew Scott
Director Corporate
Services

Date of Report 23 July 2007

Disclosure of Interest by Officer Nil

Summary

For Council to reconsider it's decision at the May Ordinary Meeting of Council regarding the continued occupation of a shed at the Port Hedland International Airport by the Hedland Riders Association.

Background

At the its Ordinary Meeting held in May 2007, Council resolved the following:

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."*

Since advising the Hedland Riders Association of this decision, the Hedland Riders Association request it be reconsidered as it is their belief that if they are unable to remain at the their current location, the club will fold and the community will no longer benefit from the charitable fund raising it collects (stated at around \$100,000 per annum).

To assist their cause, members of Hedland Riders have attended and spoke at Council's Informal Briefing Session held in June, had an article written in the North West Telegraph and issued a petition to garner public support for their request.

On the behest of Council, this office formally advised the Hedland Riders Association of the necessary improvements to the building to make it compliant with the Build Code of Australia (copy sent to all Councilors). Principally this included:

- Electrical upgrade to meet the requirements of a Form 5 Certificate;
- Emergency Lighting;
- Illuminated Emergency Exit Signs;
- Two Emergency Exits;
- Adequate ventilation;
- Disabled Access and Disabled Toilets.

As Hedland Riders had indicated that they plan to do all of the work themselves, they were also advised to acquire a Building Licence and appropriate volunteer insurance. Given the building is owned by the Council, appropriate occupational health and safety requirement where also asked to be met.

Given the clubs bar facility in the shed, they were also advised to seek a Liquor Licence and prohibit any smoking within the building.

Though these requirements may seem harsh, it is based on the advice from Council's Regulatory Services Directorate for the building to meet a Class 9B "Public Building" under the BCA standards.

It is understood that the day after this advice was issued a number of Councilors attended the Hedland Riders Association clubhouse to see for themselves the condition of the building.

Consultation Nil

Statutory Implications

Local Government (Administration) regulations 1996

"10. Revoking or changing decisions made at council or committee meetings $\frac{3}{4}$ s. 5.25(1)(e)

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported $\frac{3}{4}$

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

- (b) *in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,*
inclusive of the mover.
- (1a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made $\frac{3}{4}$*
- (a) *in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
- (b) *in any other case, by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different. “*

Policy Implications Nil

Strategic Planning Implications Nil

Goal 3 – Airport

2. Develop a comprehensive Master Plan for the development of the Port Hedland International Airport as the precursor to determining long-term development and management alternatives for the facility.

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

Budget Implications Nil

Officer's Comment

Council has effectively two options to resolve this issue, being:

- Maintain the decision made on 23 May 2007 and work with Hedland Riders to find an alternative location; or
- Revoke the decision on the 23 May 2007, get the building up to standard and enter into a new lease with Hedland Riders.

In considering these options Council should consider the following points:

- Though Hedland Riders have committed to fix the building, who will be responsible to maintain it in future, as it is a Council owned building; and
- Are the activities of community group compatible with the current and long-term operations and needs of an airport which Council wants to become increasingly commercially orientated.

Should Council decide to revoke its May decision, and allow the Hedland Riders to continue to utilise "their" shed, the Council should consider the following recommendations:

1. The Hedland Riders Association meet the requirements as documented in the Director, Corporate Services on the 12 July 2007 within 3 months of Council decision, at no cost to Council, before entering into any lease arrangements
2. Any potential lease terms include:
 - . maximum initial lease term two years (to ensure no conflict with any future business plan of the airport);
 - . minimum \$10,000,000 Public/Third Party Insurance coverage (standard with all Council tenders/lease requirements);
 - . notional rental of \$500 per annum, reviewed by CPI annually;
 - . Hedland Riders to be responsible for all maintenance to the building during the lease term;
 - . audited Annual Financial Statements to be presented to Council; and
 - . all improvements revert back to Council at termination of the lease at no cost.

As Council owns the building, Council cannot be completely indemnified against possible liability should anything unforeseen happen with the building. The imposition of above lease terms should minimise the risk of Ratepayer funds.

Officer's Recommendation

For Council to consider.

200607/401 Council Decision

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

That Council suspend Standing Orders.

CARRIED 8/0

7:23 pm Mayor advised that Standing Orders be suspended.

200607/402 Council Decision

Moved: Cr G D Bussell

Seconded: Cr G J Daccache

That Standing Orders be resumed.

CARRIED 8/0

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

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

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

Voting Requirements

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

NOTE: Mayor called for a show of hands in favour to consider the revoking of resolution of Item 11.4.1.3 Hedland Riders Lease of the Ordinary Meeting of Council held on the 23 May 2007 and recorded on page 134 of those Minutes.

The following Councillors were in favour to consider the revoking of resolution of Item 11.4.1.3 Hedland Riders Lease of the Ordinary meeting of Council held on the 23 May 2007 and recoded on page 134 of those Minutes:

Councillor Grant D Bussell;
Councillor Arthur A Gear; and
Councillor Des R Pike.

200607/403 Council Decision**Moved:** Cr G D Bussell**Seconded:** Cr A A Carter

That Council considers revoking the resolution of Item 11.4.1.3 Hedland Riders Lease of the Ordinary Meeting of Council held on the 23 May 2007, and recorded on page 134, as follows:

“That Council:

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

CARRIED 8/0

200607/404 Council Decision**Moved:** Cr G D Bussell**Seconded:** Cr G J Daccache**That Council**

- i) requests the Hedland Riders Association to provide detailed information to Council on how the Association will ensure the building is upgraded to meet Australian Building standards within six (6) months; and**
- ii) subject to the building being upgraded, Council agree to enter a lease with the Hedland Riders Association in accordance with section 3.58 of the Local Government Act, subject to the following terms being included:**
 - a) maximum initial lease term of five (5) years (to ensure no conflict with any future business plan of the airport);**
 - b) minimum \$10,000,000 Public/Third Party Insurance coverage (standard with all Council tenders/lease requirements);**
 - c) notional rental of \$500 per annum, to be reviewed by CPI annually;**
 - d) the Hedland Riders Association is to be responsible for all maintenance to the building during the lease term; and**
 - e) audited Annual Financial Statements to be presented to Council.**

CARRIED 8/0

12.2.2 Tender 06-47 : Detention Centre Cleaning and Site Management Services (File No.: ...-...)**Officer** Chris Adams

Chief Executive Officer

Date of Report

23 July 2007

Disclosure of Interest by Officer Nil**Summary**

Report summarises Tender process and outcome for Tender 06-47 Detention Centre Cleaning and Site Management Services

Background

At its meeting on 26th March 2007 Council considered an item on the proposal to lease the Port Hedland Detention Centre. At that time Council resolved the following:

“That Council:

1. *Work with BHP Billiton, FMG and/or other interested parties to prepare a joint Expression of Interest bid for the leasing of the Port Hedland Immigration Detention Centre.*
2. *That Council’s involvement in the bid be premised on the following key principals:*
 - . *The distribution of available rooms at the facility covering a range of accommodation needs including backpackers, tourists, transient workforce accommodation and others.*
 - . *The bid being of low financial risk to Council.*
3. *The bid being for a short-term lease of the facility only (5 years or less).”*

As a component of the EOI/Tender preparation process, the Town advertised a tender to obtain fixed prices for the catering, cleaning and site management of the facility, should the Town’s bid be successful. The tender was called prior to Council being notified of the success (or otherwise) of its tender bid to facilitate the rapid reopening of the facility, if Council’s bid was successful.

Bidders for Council tender were advised that Council would only be selecting a successful tenderer if its tender for the management of the facility was successful.

While several companies indicated a strong interest in the Council's tender, the fact that the Town had not won the bid to manage the facility was a significant deterrent to potential tenderers and no tender bids were received.

Subsequent to the closing of Tender submissions for Council's Tender, the Town was advised that its tender bid to manage the Detention Centre facility was not successful.

Consultation

Extensive discussions were held with the Federal Immigration Department, resource companies and catering industry players during the development of various tender processes.

Statutory Implications

The Council tender was advertised in accordance with the Local Government Act and associated regulations.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

As no tender is proposed to the let there are no financial implications to Council.

Officer's Comment

To formalise the completion of the tender process from a statutory perspective, Council needs to consider the results of the tender process.

200607/405 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G D Bussell

That Council notes that no tenders were received for Tender 06-47 Detention Centre Cleaning and Site Management Services and take no further action in relation to this tender.

CARRIED 8/0

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

ITEM 14 CONFIDENTIAL ITEMS**ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE****200607/406 Council Decision****Moved:** Cr A A Carter**Seconded:** Cr A A Gear**That the following Applications for Leave of Absence:**

- . **Councillor George J Daccache from 10 to 24 August 2007, inclusive; and**
- . **Councillor Jan M Gillingham from 8 to 13 August 2007, inclusive**

be approved.***CARRIED 8/0*****ITEM 16 CLOSURE****16.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 22 August 2007, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 7:45 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 22 August 2007.

CONFIRMATION:

MAYOR

DATE