



**Town of Port Hedland**

**MINUTES**

**OF THE**

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

**HELD ON**

**WEDNESDAY 22 AUGUST 2007**

**AT 5.30 PM**

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

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*Chris Adams  
Chief Executive Officer*

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**OUR COMMITMENT**

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

**TABLE OF CONTENTS**

1.1	OPENING.....	5
<b>ITEM 2</b>	<b>RECORDING OF ATTENDANCE AND APOLOGIES .....</b>	<b>5</b>
2.1	ATTENDANCE .....	5
2.2	APOLOGIES.....	5
2.3	APPROVED LEAVE OF ABSENCE .....	5
<b>ITEM 3</b>	<b>RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE</b>	<b>5</b>
<b>ITEM 4</b>	<b>PUBLIC TIME .....</b>	<b>6</b>
4.1	PUBLIC QUESTIONS .....	6
4.1.1	<i>Mr Chris Whalley.....</i>	6
4.1.2	<i>Ms Lisa Bowen.....</i>	6
4.1.3	<i>Mrs Jan Ford.....</i>	7
4.1.4	<i>Ms Kelly Howlett .....</i>	7
4.2	PUBLIC STATEMENTS .....	9
<b>ITEM 5</b>	<b>QUESTIONS FROM MEMBERS WITHOUT NOTICE .....</b>	<b>9</b>
5.1	<i>Councillor Arthur A Gear .....</i>	9
5.2	<i>Councillor Des R Pike .....</i>	10
5.3	<i>Councillor Grant D Bussell .....</i>	10
5.4	<i>Councillor Shane F Sear .....</i>	10
5.5	<i>Councillor Jan M Gillingham.....</i>	10
<b>ITEM 6</b>	<b>DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING ....</b>	<b>11</b>
<b>ITEM 7</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>12</b>
<b>ITEM 8</b>	<b>ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION</b>	<b>12</b>
<b>ITEM 9</b>	<b>REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION</b>	<b>12</b>
9.1	<i>Councillor Grant D Bussell .....</i>	12
9.2	<i>Councillor Jan M Gillingham.....</i>	12
<b>ITEM 10</b>	<b>PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS.....</b>	<b>12</b>
<b>ITEM 11</b>	<b>REPORTS OF OFFICERS .....</b>	<b>13</b>
<b>11.1</b>	<b>GOVERNANCE .....</b>	<b>13</b>
11.1	<i>Status of Council Decisions (File No.: 13/06/0001) .....</i>	13
<b>11.2</b>	<b>REGULATORY AND COMMUNITY SERVICES .....</b>	<b>22</b>
11.2.1	DIRECTOR REGULATORY AND COMMUNITY SERVICES.....	22
11.2.1.1	<i>Monthly Report - Regulatory and Community Services (File No: ADM-091) ...</i>	22
11.2.1.2	<i>Court House Gallery Management (File No.: .../...) .....</i>	30
11.2.1.3	<i>Community Safety &amp; Crime Prevention Plan 2006-2009 (SAF /002) .....</i>	44
11.2.2	PLANNING SERVICES.....	50

11.2.2.1	<i>Delegated Planning Approvals June and July 2007 (File No.: 18/07/0002)</i> .....	50
11.2.2.2	<i>Proposed 15 Single Bedroom Dwellings at Lot 111 and 112 (3) Morgans Street Port Hedland (File No.: 126870G)</i> .....	53
11.2.2.3	<i>Proposed 15 Lot Survey Strata Subdivision of Lots 111 and 112 Morgans Street Port Hedland (File No.: 126870G)</i> .....	62
11.2.2.4	<i>Proposed Street Names for Subdivision at Lots 6176 and 27 Traine Crescent and Lot 2609 Cone Place South Hedland (File No.: 130031G)</i> .....	66
11.2.2.5	<i>Proposed Entertainment Venue - Cinema, Ten Pin Bowling and Café at Lot 309 (65) Throssell Road, South Hedland (File No.: 803395G)</i> .....	74
<b>11.3</b>	<b>ENGINEERING SERVICES</b> .....	<b>94</b>
11.3.1	DIRECTOR ENGINEERING SERVICES .....	94
11.3.1.1	<i>Monthly Report – Engineering Services (File No.: 13/04/0001)</i> .....	94
11.3.1.2	<i>Community Facilities Grants Program Financial Assistance Agreement (File No.: 21/03/0001)</i> .....	103
<b>11.4</b>	<b>GOVERNANCE AND ADMINISTRATION</b> .....	<b>105</b>
11.4.1	CORPORATE SERVICES .....	105
11.4.1.1	<i>Financial Reports to Council for Period Ended 31 July 2007 (File Nos: FIN-008, FIN-014 and RAT-009)</i> .....	105
<b>ITEM 12</b>	<b>LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL</b>	<b>111</b>
<b>ITEM 13</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN</b> .....	<b>111</b>
<b>ITEM 14</b>	<b>CONFIDENTIAL ITEMS</b> .....	<b>111</b>
<b>ITEM 15</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b> .....	<b>111</b>
<b>ITEM 16</b>	<b>CLOSURE</b> .....	<b>111</b>
16.1	DATE OF NEXT MEETING .....	111
16.2	CLOSURE .....	111

**ITEM 1        OPENING OF MEETING****1.1            Opening**

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

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

Deputy Mayor A A Carter  
Cr G D Bussell  
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 Russell Dyer	Acting Director Engineering Services
Mr Terry Sargent	Director Regulatory and Community Services
Ms Gaye Stephens	Executive Assistant

Members of Public	6
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Members of the Media	2
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**2.2            Apologies**

Mayor S R Martin

**2.3            Approved Leave of Absence**

Cr G J Daccache

**ITEM 3        RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE****3.1            Questions from Public at Ordinary Council Meeting held Wednesday 25 July 2007.**

Nil.

**ITEM 4 PUBLIC TIME****4.1 Public Questions**

5:30 pm Deputy Mayor opened Public Question Time.

**4.1.1 Mr Chris Whalley**

*I notice around Town that storm damage to petrol station signs at BP and Shell have not been repaired; does the Council know when these signs are going to be repaired?*

Chief Executive Officer advised he is unaware of when the signs will be repaired.

*If not, would Council contact relevant fuel companies to find out they propose replacing all damaged signs; and similarly MainRoads' for damaged road signs?*

Chief Executive Officer advised the matter will be followed up.

**4.1.2 Ms Lisa Bowen**

*In relation to Item 11.2.2.3 'Proposed 15 Lot Survey Strata Subdivision of Lots 111 and 112 Morgans Street Port Hedland' on tonight's Agenda; if the distance from the boundary is relaxed to mean the retaining wall built is closer to our boundary, will we still be able to erect a parapet wall on our boundary if we choose to develop to maximum capacity on our land?*

Director Regulatory and Community Services advised that the construction of a retaining wall on any development would require to be engineered to accommodate the rights of adjoining properties. Hence, in the matter of the 'Proposed 15 Lot Survey Strata Subdivision of Lots 111 and 112 Morgans Street Port Hedland', if the distance from the boundary is relaxed to mean the retaining wall being built is closer to an adjoining boundary, it would enable Ms Lisa Bowen to erect a parapet wall on their adjoining property to the development.

*If we refuse to agree to the relaxation of distance of the retaining wall to the boundary, will the lot yield be reduced from 15 units to a lesser number?*

Director Regulatory and Community Services advised that Council will take into account comments submitted by owners of adjoining properties when considering the 'Proposed 15 Lot Survey Strata Subdivision of Lots 111 and 112 Morgans Street Port Hedland'. Comments submitted by adjoining properties to the development are not binding on Council when considering the matter.

In this instance refusal to agree to the relaxation of distance of the retaining wall to the boundary would not necessarily result in the lot yield being reduced from 15 units to a lesser number.

#### **4.1.3 Mrs Jan Ford**

*Can Council arrange for the front entrance doors to be operating when Council and public meetings are held in the Civic Centre?*

Chief Executive Officer confirmed yes.

#### **4.1.4 Ms Kelly Howlett**

*I commend the Town of Port Hedland for recently announcing the review of its Local Laws, especially since Care for Hedland successfully passed a proposal at the Annual Elector's Meeting held in February 2007, to protect our local turtle nesting beaches; can you please provide timeframes on which any suggested changes can be enacted?*

Director Corporate Services advised that changing Local Laws is a legislated process that can take some time. Council has a Local Laws Working Group, which will meet to review submissions received from the community, and then prepare recommendation(s) to Council. Following Council's consideration of a Local Law, a proposed Local Law is then advertised state-wide for a period of six weeks to enable public submissions to be made.

Council takes into account any public submissions received at the time it considers a proposed Local Law (with or without changes) by an absolute majority. Any new Local Law that is endorsed by Council is then published in the Government Gazette, followed by local Public Notice of its gazettal and date of effect.

Chief Executive Officer advised the shortest possible outcome for effecting a new Local Law is a period of four (4) months, assuming no interjections to the process are made.

*[NOTE: The Department of Local Government and Regional Development summarises the process as follows:*

##### ***Procedure for Making Local Laws***

*In making a local law, a local government must follow these steps which are set out in section 3.12 of the Local Government Act 1995:*

- . at a council meeting the person presiding is to give notice to the council meeting of the purpose and effect of the proposed local law;*
- . Statewide and local public notice is given stating that:*

- (1) *the local government proposes to make a local law, and a summary of the purpose and effect of the local law is included;*
  - (2) *a copy of the proposed local law can be inspected or obtained from the local government; and*
  - (3) *submissions about the proposed local law may be made to the local government, before a date given in the notice, being not being less than **six weeks** after the publication of the notice (Note: in calculating the six week period, add extra days for both publishing day and closing day, and when closing day falls on a public holiday).*
- . *as soon as the notice is given, a copy of the proposed local law, together with the notice and NCP form, must be given to both the Minister for Local Government and to any other Minister administering the Act under which the local law is made;*
  - . *a copy of the proposed local law is to be provided to any person requesting it;*
  - . *after the last day for submissions, the local government must consider any submissions and may, by an absolute majority, proceed with the local law as proposed or make alterations that are not significantly different from what was first proposed;*
  - . *the adopted local law is published in the Government Gazette and a copy is provided to the Minister(s);*
  - . *another local public notice is given:*
    - (1) *stating the title of the local law;*
    - (2) *summarizing its purpose and effect;*
    - (3) *specifying the date on which it comes into operation; and*
    - (4) *advising that copies of the local law may be inspected or obtained from the office of the local government.*
  - . *documents (Explanatory Memorandum, checklist etc) are sent to the Parliament's Joint Standing Committee on Delegated Legislation. ]*

*Given that it will take four (4) months to incorporate any of the changes, is there anyway that the proposal to protect the local turtle nesting beaches can be fast-tracked, as the turtles start nesting in October?*

Chief Executive Officer advised that as Council is approximately one (1) month into the process, the shortest possible timeframe to effect a new Local Law related to protection of flora or fauna will be a further three (3) months.

*It would be appreciated if any assistance can be provided by Council to afford extra protection to the Flatback turtles this upcoming nesting season; can some Local Port Hedland bylaw be put in place?*



Chief Executive Officer advised Council can work with Care for Hedland Inc. to develop other methods of protecting areas required for turtle nesting season, prior to the introduction of a new Local Law.

Director Corporate Services advised that amendments can be made to existing Local Laws, separately to other Local Laws.

Deputy Mayor added Council will endeavour to expedite the process.

5:38 pm Deputy Mayor closed Public Question Time.

#### **4.2 Public Statements**

5:38 pm Deputy Mayor opened Public Statement Time.

Nil

5:38 pm Deputy Mayor closed Public Statement Time.

### **ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

#### **5.1 Councillor Arthur A Gear**

*What is the status of carparking bays at the Walkabout?*

Director Regulatory and Community Services advised that it is understood the owner of the property is negotiation with MainRoads to gain access to lease a portion of land for this purpose.

*How long does the developer have to meet this condition of his approved development proposal?*

Director Regulatory and Community Services advised he believe the timeframe permitted to the developer to meet minimum carparking bay requirements is twelve (12) months.

*Can a lighting audit be undertaken on the flood lighting at Pundulmurra Accommodation Village and the new accommodation development facing Hamilton Road after sunset be investigated, as they have been hazards to vehicle traffic heading towards South Hedland on the approach to the roundabout on Wallwork Road and along Hamilton Road adjacent to Matt Dann Cultural Centre?*

Director Regulatory and Community Services advised he was unaware of the hazards, and will investigate to remedy the situation.

**5.2 Councillor Des R Pike**

*Has there been a final payment made for the Underground Power Project in Port Hedland? If not, when will it be made?*

Chief Executive Officer advised that a final payment has not been made, as the Underground Power Project is not yet completed. Final payment will be made on completion of the project to the satisfaction of Council and residents.

**5.3 Councillor Grant D Bussell**

*In relation to the Land Use Master Plan, will a corrected copy of the document be forwarded to the Western Australian Planning Commission, as the original document sent was incorrect?*

Chief Executive Officer advised that the draft Land Use Master Plan document was forwarded to the Western Australian Planning Commission for public comment, not endorsement of the document.

**5.4 Councillor Shane F Sear**

*Has anyone from Council's Engineering Services been invited to a planning workshop relating to upgrading highways in the Town of Port Hedland in response to the resources boom?*

Acting Director Engineering Services advised that Engineering Services is currently preparing a submission to MainRoads based upon the Traffic Impact Assessment Plan that has been prepared for the proposed Utah berth.

Chief Executive Officer advised Council will be seeking involvement in any MainRoad's planning study of possible upgrades required to highways due to the resources boom, as it has not been invited today, and was not aware of such.

*Could Council advise MainRoads in writing that although highways are not Council Roads, that Council still needs to be involved in any planning study that will have effect on the Town of Port Hedland?*

Deputy Mayor confirmed yes.

**5.5 Councillor Jan M Gillingham**

*Can new lighting be investigated the area where Styles Road intersects with Cooke Point Drive, as when vehicles are approaching Cooke Point Drive the lighting to the left is dull, and the lighting to the right hand side is very bright?*

Chief Executive Officer advised this particular matter has been raised at the Underground Power Project progress meetings, however a final solution has yet been resolved. The matter is being addressed.

Acting Director Engineering Services advised that traffic classifiers are operational, meaning data such as numbers of vehicles, vehicle speeds, etc. can be encapsulated, for the purposes of investigating the need of traffic calming and improvement devices throughout the Town, such as installation of 'rundle strips', etc.

*Can the President's Breakfast being planned for next monthly, also include Presidents from all other community organisations such as the arts and culture, as the information provided at the breakfast would also be useful to those groups.*

Chief Executive Officer advised that the funding for the President's Breakfast is provided by the Department of Sport and Recreation, however Council can also contribute to the breakfast and invite presidents from a wider range of community groups.

Deputy Mayor advised the inclusion of the presidents from community groups at the President's breakfast can be arranged.

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

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

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

**ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 25 July 2007.****200607/407 Council Decision/Officer's Recommendation****Moved:** Cr S F Sear**Seconded:** Cr J M Gillingham**That the Minutes of the Ordinary Meeting of Council held on Wednesday 25 July 2007 be confirmed as a true and correct record of proceedings.****CARRIED 6/0****ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION**

Nil.

**ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION****9.1 *Councillor Grant D Bussell***

Councillor Bussell provided Councillors with an update of progress by the JD Hardie Working Group.

**9.2 *Councillor Jan M Gillingham***

Councillor Gillingham reported on the benefits of elected members attending the annual WALGA Convention to hear speakers including Erin Brockevich, and networking opportunities with other Councillors.

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

Nil.

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

<b>Officer</b>	Gaye Stephens Executive Assistant
<b>Date of Report</b>	16 August 2007
<b>Disclosure of Interest by Officer</b>	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

**200607/408 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 22 August 2007 be received.**

***CARRIED 6/0***

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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Ordinary Meeting held 23 May 2007				
11.2.2.3	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. Report to September Cl. Mtg.	
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. Commenced 1/8/07	ü COMPLETE
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	ü COMP
Special Meeting held 30 May 2007				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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. Report to September Cl. Mtg	
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 September/October Council meeting.	September/October 2007
Ordinary Meeting held 27 June 2007				
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	
11.2.2.10	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	



ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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	
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. Discussed at Aug. Briefing Session. Awaiting Costing report from Connell Wagner.	
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. Valuation undertaken. Awaiting receipt of report.	
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 1<sup>st</sup> May and 31 August of each year, and \$500 for a first offence, and \$1,000 for a subsequent offence during the period of 1<sup>st</sup> 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 6.1 That no Owenia reticulata (referred to as Pundul or Desert Walnut) Tree within the district will be removed, damaged or destroyed without written authorisation from Council                      6.2 A person who commits an offence against this Local Law, with regard to Part 6, shall be liable on conviction, to a maximum penalty of \$1,000 and if the offence is of a continuing nature to a daily penalty not exceeding \$100."</i>	RESPONSIBLE OFFICER: Director Corporate Services. Adverting 1/8/07 (6 week period).	
Ordinary Meeting held 25 July 2007				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.1.2	Amendment to Delegation Register	200607/381 Council Decision 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.	RESPONSIBLE OFFICER: Director Regulatory and Community Services Report to September CI Mtg.	September 2007
11.2.2.1	Reconsider. of App. for Retrospective Approval of Landfill on Lot 62 (153-155) Greenfield Street, South Hedland	200607/382 Council Decision/Officer's Recommendation That Council: a. REFUSES the application submitted by J E and Z M Smart, for the USE NOT LISTED - Retrospective Approval - Dumping of matter/materials of unknown quantity and composition on Lot 62 (153-155) Greenfield Street, South Hedland for the following reason: Insufficient information has been provided to enable the application to be appropriately assessed, and ultimately any approval of the application; b. Directs the Chief Executive Officer or his nominated officer to advise the State Administrative Tribunal (SAT) of its decision, and request the SAT to determined the appeal as soon as practicable, given the time that has already lapsed, and the potential limitation on legal action should further delays occur; and c. Subject to the determination of the Appeal with the State Administrative Tribunal (SAT), directs the Chief Executive Officer or his nominated officer, in consultation with the Director Community & Regulatory Services, to initiate, and proceed with the appropriate legal action to 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.	RESPONSIBLE OFFICER: Director Regulatory and Community Services	üCOMPLETED
11.2.2.2	App. for Vacant UCL Land to be allocated to the Port Authority	200607/383 Council Decision/Officer's Recommendation 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: ... 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.	RESPONSIBLE OFFICER: Manager Planning	üCOMPLETED
11.2.2.3	Proposed Cancelling of Reserve 48867	200607/384 Council Decision/Officer's Recommendation That Council request the Honourable Minister for Lands to cancel the Management Order for Reserve 48867.	RESPONSIBLE OFFICER: Planning Officer	üCOMP.
11.2.2.4	Reconsider. - New Living Project Subdivision App. Lot 2943 Demarchi Rd, SH and, and Lot 3868 Rutherford St, SH	200607/385 Council Decision/Officer's Recommendation That Council: 1. Under Clause 5.2.1 of Town Planning Scheme No. 5 resolves not to require the preparation of a Development Plan subject to the applicant complying with the resolution and conditions outlined in part 2 of this recommendation. 2. 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 ... 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.	RESPONSIBLE OFFICER: Planning Officer	üCOMPLETED

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP. DATE
11.2.2.5	Proposed LPP No. 9 – Res. Road Reserves	200607/386 Council Decision/Officer's Recommendation That Council: i) adopt Local Planning Policy No. 9 – Residential Road Reserves as a local planning policy pursuant to Part V of the <i>Town of Port Hedland Town Planning Scheme No. 5</i> ; and ii) publish notice of this resolution.	RESPONSIBLE OFFICER: Planning Officer	
11.2.2.6	Prop. Gr'd Dwelling Dev Comp. 3 x 2 Storey Dwellings on Lot 5695 (14) Counihan Crs, PH	200607/387 Council Decision 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:	RESPONSIBLE OFFICER: Manager Planning	üCOMPLETED
11.2.2.7	Retrospective Planning Approval for Additional Fuel Pump at Lot 6 (6 – 10) Leehey St, Wedgefield	200607/390 Council Decision 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 <i>Town of Port Hedland Town Planning Scheme No. 5</i> ; and ii) the applicant has failed to adequately address amenity impacts of the proposed development on surrounding lots.	RESPONSIBLE OFFICER: Planning Officer	üCOMPLETED
11.2.3.1	Authorisation of Ranger	200607/391 Council Decision/Officers Recommendation That: i) Janette Feakes and Stuart Hopwood be authorised or appointed as appropriate, pursuant to the following provisions: ... ii) the appointment of Colin Mathie be cancelled.	RESPONSIBLE OFFICER: Co-ordinator Ranger Services	üCOMP.
11.2.4.1	Contribution to Project Cost Overrun – MDCC Entrance Lighting	200607/392 Council Decision 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.	RESPONSIBLE OFFICER: Director Regulatory and Community Services Letter sent.	üCOMP.
11.3.2.1	Policy Development: Rubbish Bin Allocation at Sporting Reserves	200607/394 Council Decision/Officer's Recommendation 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."	RESPONSIBLE OFFICER: Recreation Co-ordinator	üCOMP.
11.3.2.2	Est. of Aquatic Centre Advisory Committee	200607/394 Council Decision That the representatives from the Town of Port Hedland on the Aquatic Centre's Advisory Working Group be made up of the following members: ...	RESPONSIBLE OFFICER: Recreation Co-ordinator	üCOMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.1.2	2007/08 Budget Adoption	<p>200607/396 Council Decision/Officer’s Recommendation</p> <p>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: ...</p> <p>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:</p> <p>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: ...</p> <p>4 That in accordance with Section 6.47 of the Local Government Act 1995, full rating concessions be granted to the following: ...</p> <p>5 That Council:</p> <p>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.</p> <p>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).</p> <p>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): ...</p> <p>7 That the following Refuse Collection Charges under Section 41 of the <i>Health Act 1911</i>, be imposed for the 2007/08 year: ...</p> <p>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).</p> <p>9 That Council, in accordance with section 6.20 of the Local Government Act 1995, raises the following loans in 2007/08:</p> <p>10 That Council adopts the following Councillor fees and allowances for 2007/08: ...</p> <p>11 That Council, in accordance with Section 6.11 of the Local Government Act 1995, deletes the following reserves: ...</p> <p>12 That Council adopts the following percentage or dollar value for determining and reporting material variances as follows:</p> <p>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)</p>	RESPONSIBLE OFFICER: Director Corporate Services	üCOMPLETED
11.4.1.3	Port Hedland Yacht Club Lease	<p>200607/397 Council Decision/Officer’s Recommendation</p> <p>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:</p> <p>i) 21 years term;</p> <p>ii) Initial rental \$500.00 per annum, reviewed every three years;</p> <p>iii) Rental to be reviewed annually by CPI; and</p> <p>iv) Audited Annual Financial Statements to be presented to Council each year.</p>	RESPONSIBLE OFFICER: Director Corporate Services Advised. Being valued.	üCOMPLETED
11.4.1.4	Replacement of Town’s Telephone System	<p>200607/398 Council Decision/Officer’s Recommendation</p> <p>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.</p>	RESPONSIBLE OFFICER: Director Corporate Services	üCOMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.1.5	Ordinary Elections 2007	200607/399 Council Decision/Officer's Recommendation That Council resolves to conduct the 2007 Ordinary Election as a "Voting In Person" Election.	RESPONSIBLE OFFICER: Director Corporate Services	üCOMP.
12.1.1	Proposed Caretakers' Dwellings in Industrial Areas	200607/400 Council Decision 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.	RESPONSIBLE OFFICER: Planning Officer Included in Aug. Cl. Briefing Session Report to September Cl. Mtg.	
12.2.1	Hedland Riders Association Club House	200607/403 Council Decision 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." 200607/404 Council Decision 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 <b>five (5)</b> 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.	RESPONSIBLE OFFICER: Director Corporate Services	üCOMPLETED
12.2.2	Tender 06-47: Detention Centre Cleaning & Site Mgt. Services	200607/405 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Chief Executive Officer	üCOMP.

**11.2 REGULATORY AND COMMUNITY SERVICES**

**11.2.1 Director Regulatory and Community Services**

**11.2.1.1 *Monthly Report - 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

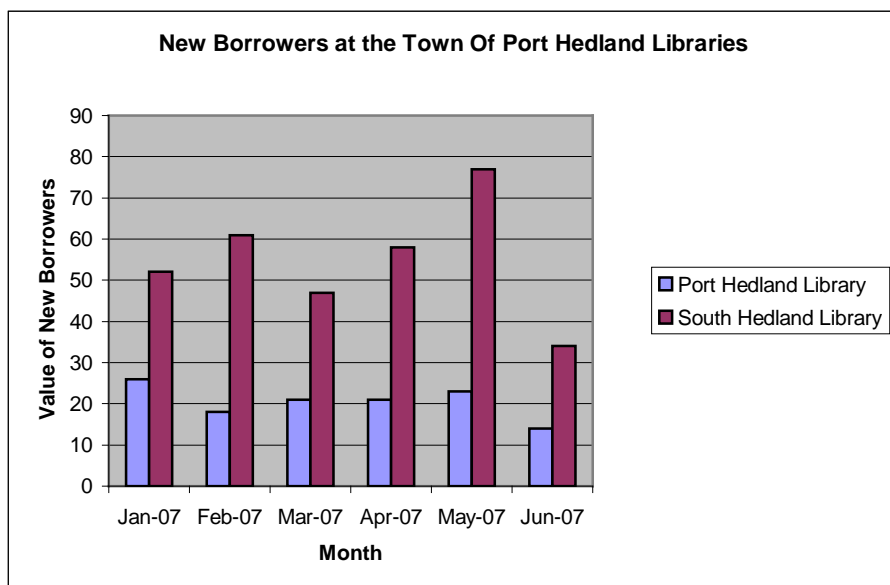
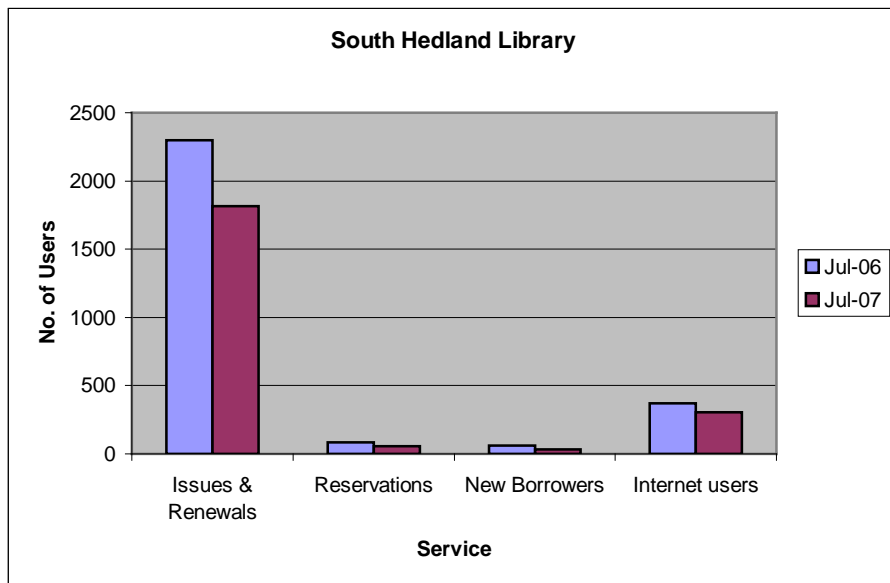
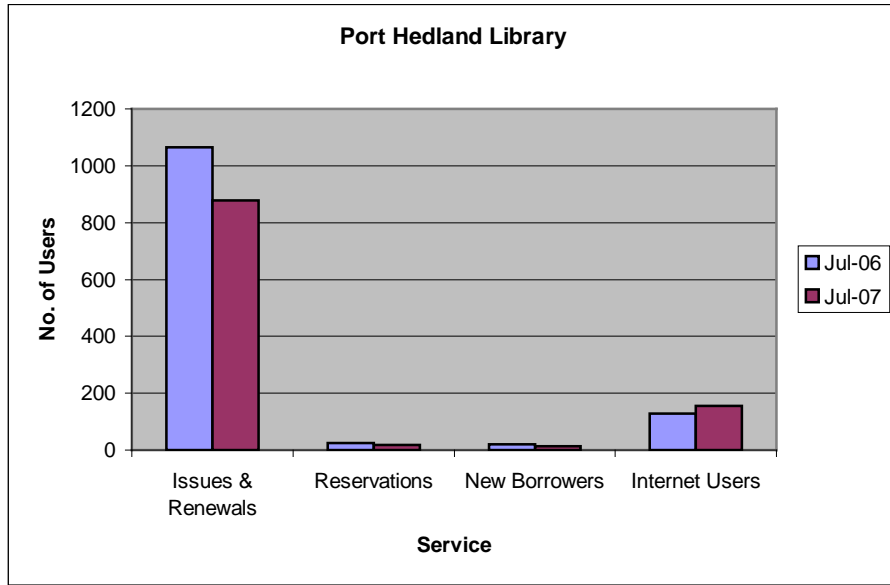
**Budget Implications** Nil

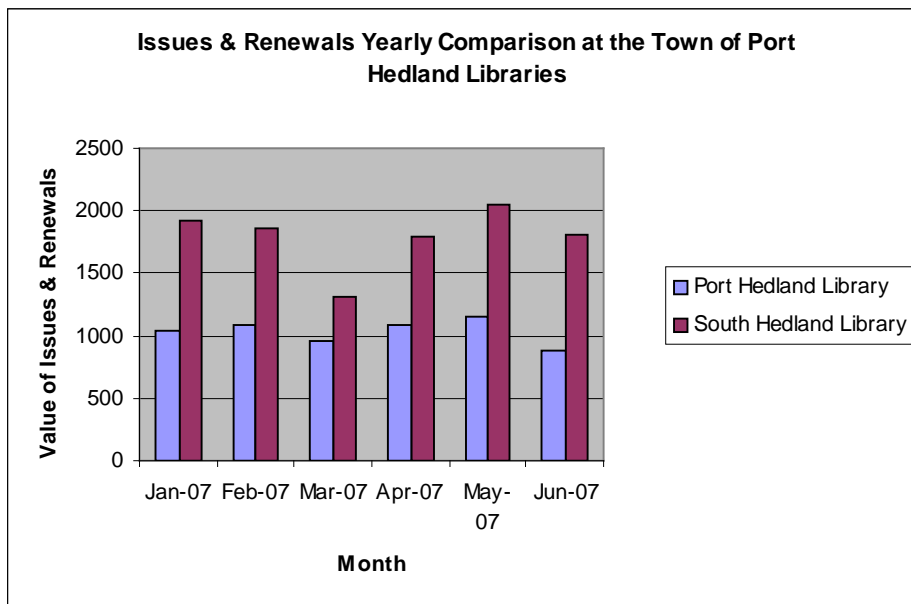
**Officer's Comment**

***Library and Information Services***

Port Hedland Library	
Issues and Renewals	747
Reservations	21
New Borrowers	12
Internet Users	119

South Hedland Library	
Issues and Renewals	2054
Reservations	76
New Borrowers	59
Internet Users	363

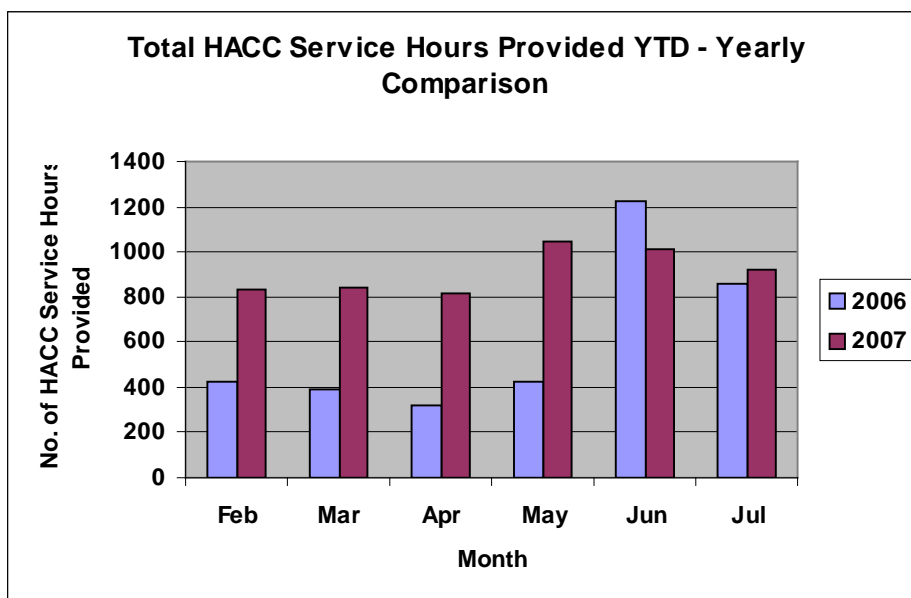




**Human Services**

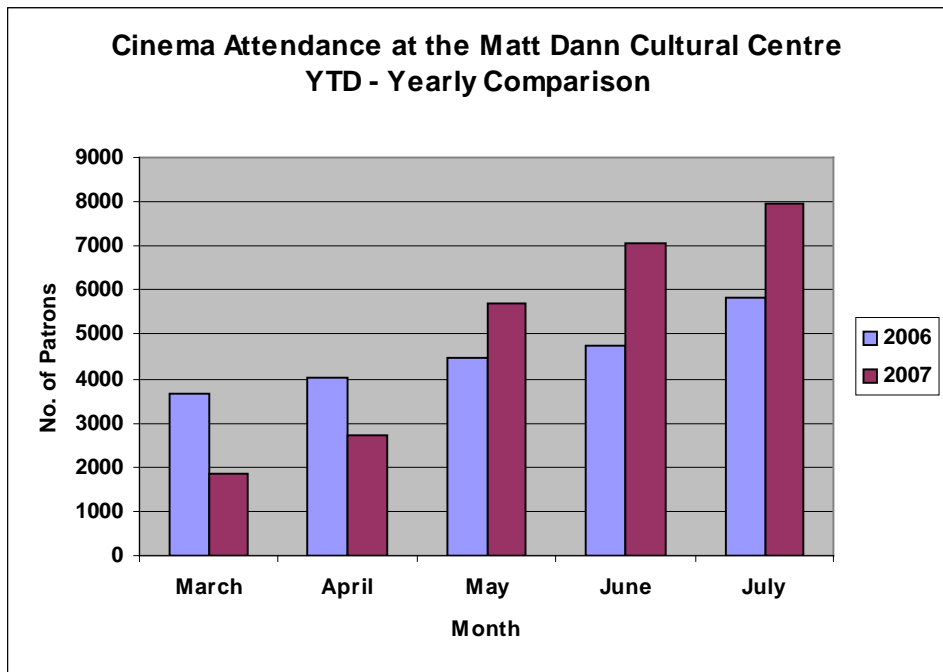
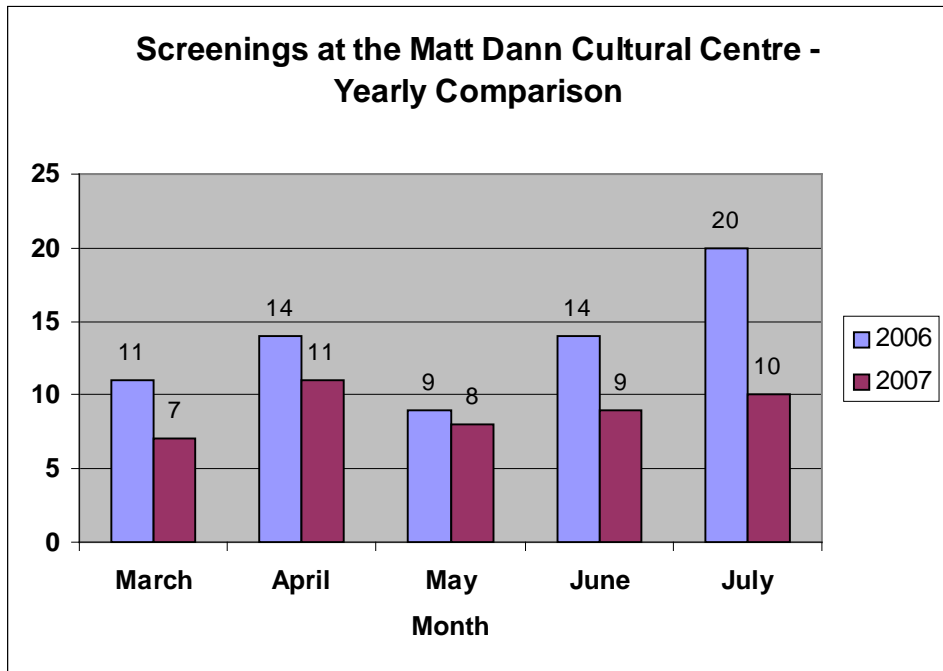
*HACC Programme*

	Jul-07
Meals On Wheels	702
Day Centre Attendance (hours)	762
Day Centre Meals	124
Domestic Assistance (hours)	80
Personal Care (hours)	30
Social Support (hours)	21
Transport (one way)	220
Home Maintenance (hours)	27.5
Total HACC service provided (hours)	920.5
Total HACC service provided (hours) YTD	6121.5
Assessment	0

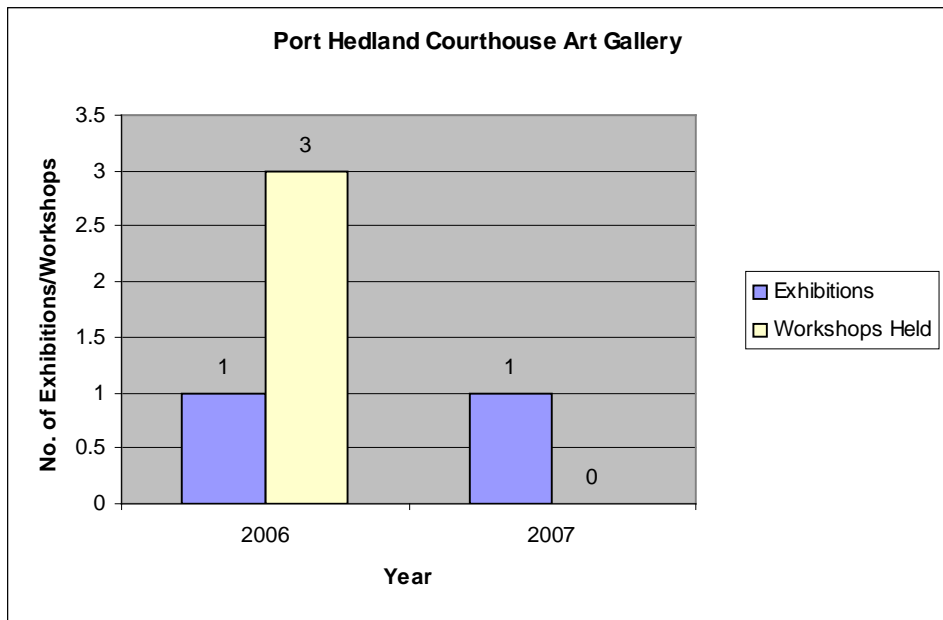
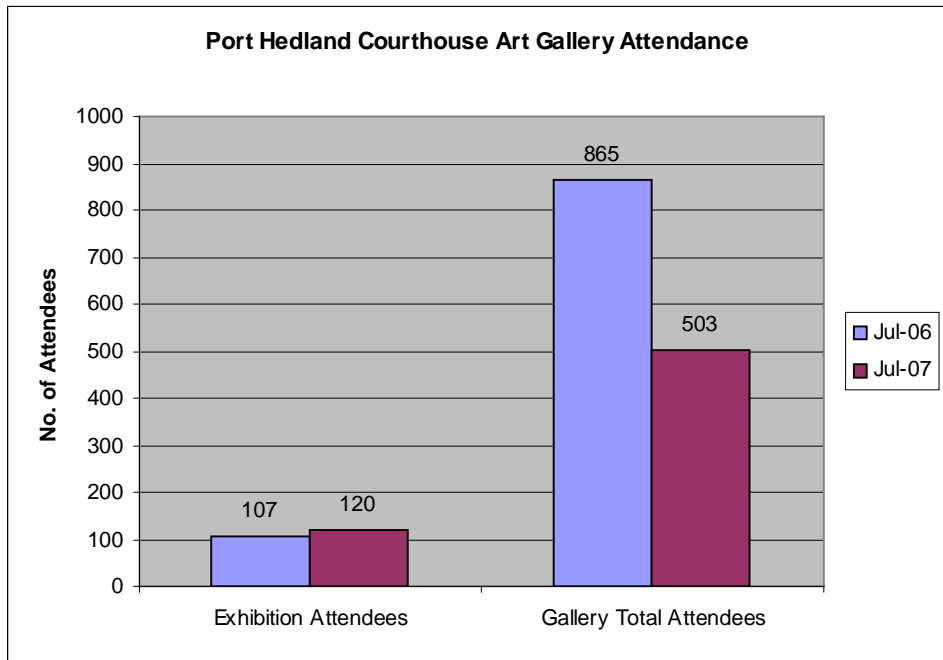




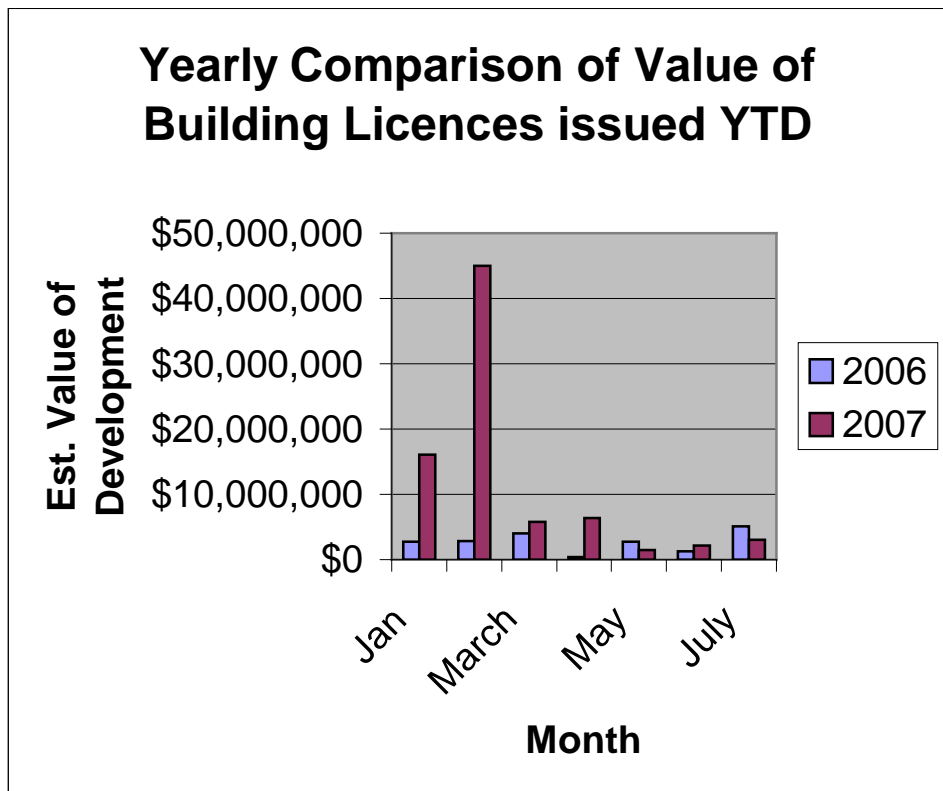
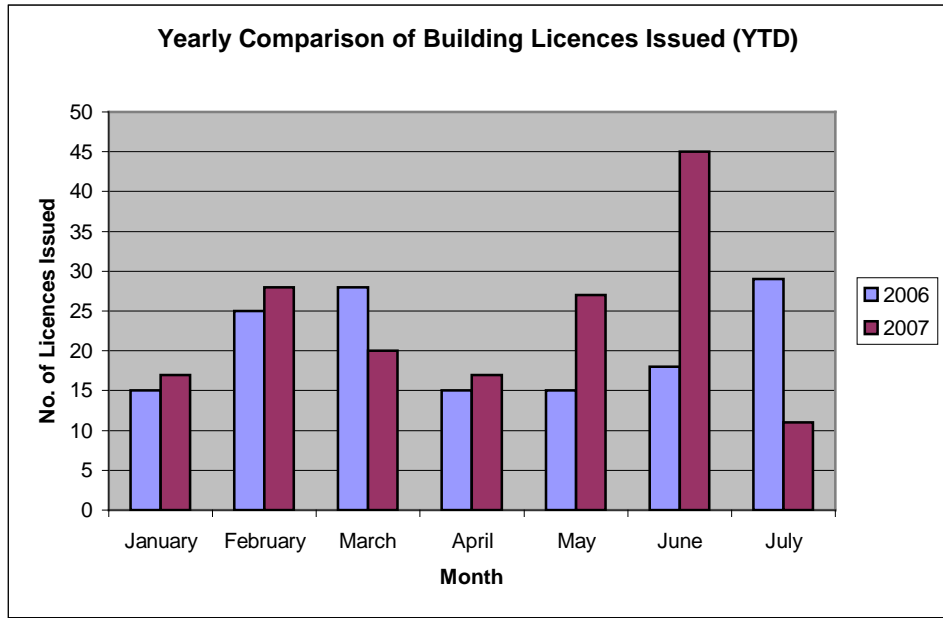
Matt Dann Cultural Centre



Courthouse Arts Centre and Gallery



**Building Services**



***Environmental Health Services***

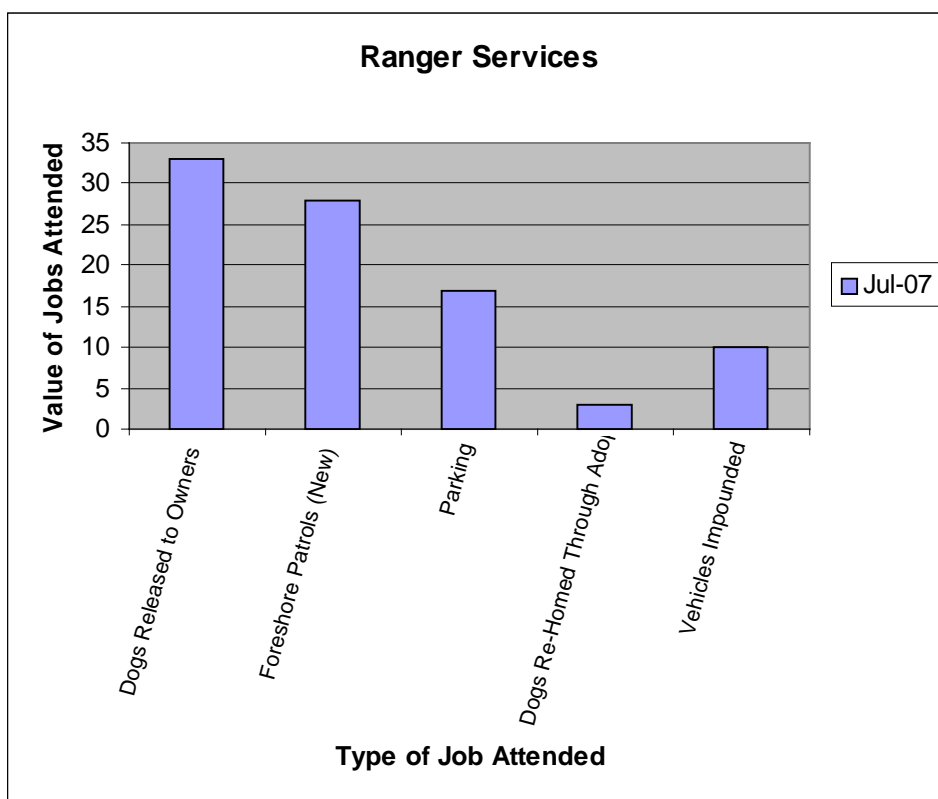
Mr Michael Cuvalo commenced with the Environmental Health Services section on the 7<sup>th</sup> August and replaced Ms Laura Tucker who returned to Victoria. Mr Cuvalo came to us from the Gayndah Shire Council in Queensland and is settling in very well.

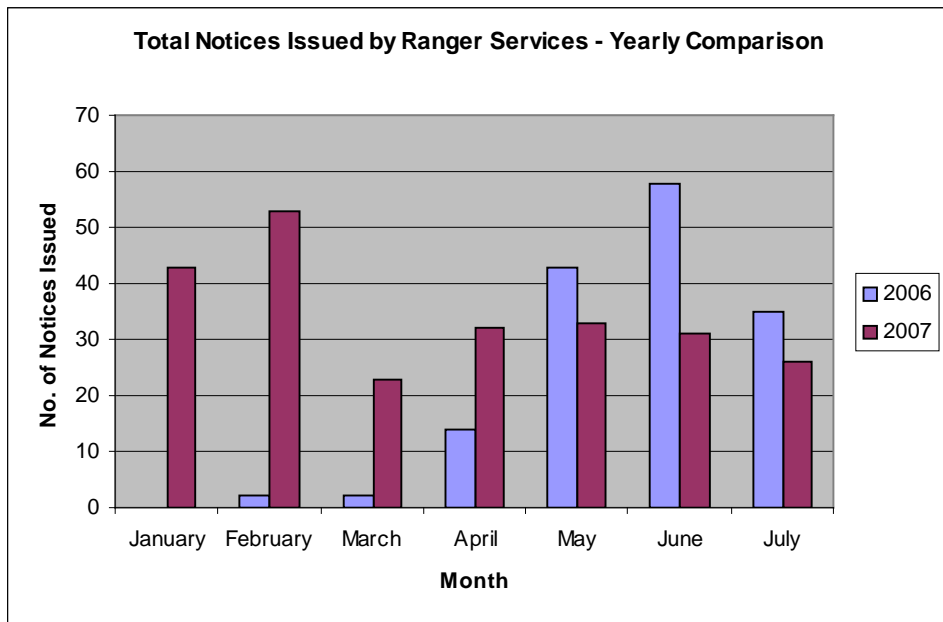
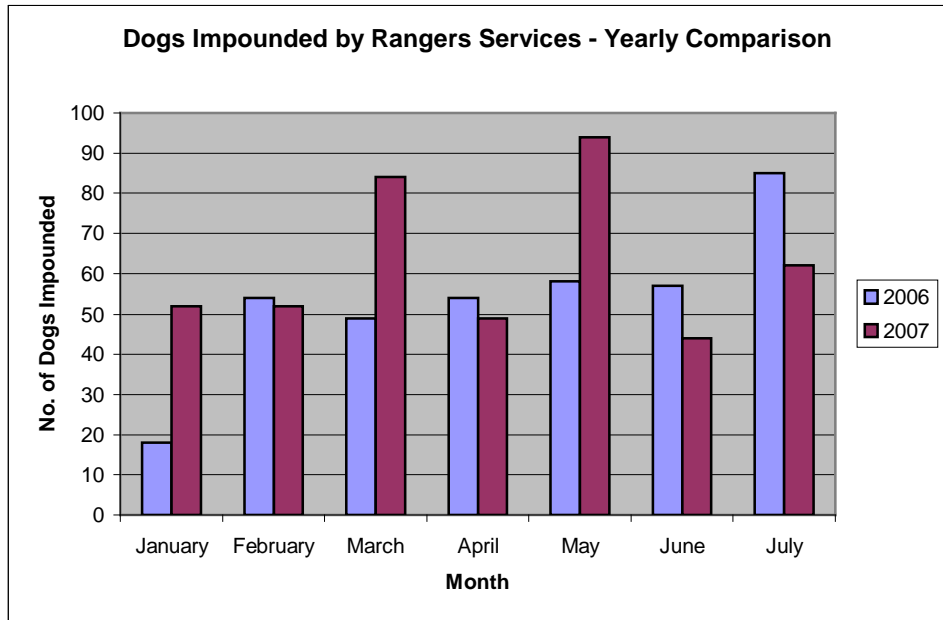
Mr Stuart Hopwood has also commenced duties as the new Senior Ranger and he is also settling in well.

Advertising for the new position of Environmental Health Assistant will be conducted at a local level and with staff appointments filling we are hoping to be more proactive in the near future.

The new dog kennels at the Council depot have been completed and are now in use. A secondhand sea-container has also been purchased and is located next the kennels to store mosquito control equipment.

***Ranger Services***





**200607/409 Council Decision/Officer’s Recommendation**

**Moved:** Cr A A Gear

**Seconded:** Cr J M Gillingham

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

**CARRIED 6/0**

**11.2.1.2 Court House Gallery Management (File No.: .../...)**

**Officer** Terry Sargent  
Director Regulatory and  
Community Services

**Date of Report** 9 August 2007

**Disclosure of Interest by Officer** Nil

**Summary**

To consider a proposal for the future management of the Courthouse Art Gallery and the West End cultural Precinct.

**Background**

In adopting Council's Strategic plan in February 2007 Council committed to establishing an independent board of management to oversee the West End Cultural Precinct that was created with refurbishment of the Courthouse Arts Centre and Gallery and the Port Hedland Visitor Centre.

The widely articulated vision for the precinct and its management structure was generally in accord with the views expressed on behalf of Form Contemporary Craft Design Inc., the body involved in the refurbishments and associated work in Port Hedland for BHP Billiton at the time.

Expressions of interest were sought from potential Board members, receiving a mixed response, and initial consultation was commenced with representatives of the Visitor Centre and Pilbara Art Craft and Design Aboriginal Corporation (PACDAC), in their capacity as joint owner of the gallery and a stakeholder in the arts. These actions were aimed at establishing a board of management in the first quarter of the 2007/08 financial year.

As the project progressed Form's involvement in Hedland-based work with BHP Billiton changed, and they were less able to assist in developing the retail side of the gallery's operation.

It also became evident that it would require specialised skills and knowledge to fully develop the retail operations and exhibition programme to enable the gallery to operate at a more professional level. While very talented people were employed at the gallery, it was unrealistic to expect them to undertake this development work unaided.

Discussions and negotiations with Form were commenced in order to investigate potential to access their expertise as the operations of the precinct were further refined.

This resulted in a draft Memorandum of Understanding (MOU) (attached) being prepared under which Form would act as a consultant for a period of up to 12 months providing external and on-site management services for up to \$85,000 including travel and accommodation.

Rather than progressing directly to an operational handover from Council to an independent Board responsible for managing the arts centre, visitor centre (and potentially some functions performed by others such as the historical society) Form proposes establishing an independent gallery committee or board as an interim step in a longer transitional process.

They put the view that an independent incorporated body with due accountability and Council representation would be able to more effectively develop the gallery business as an example of what can be achieved. This will eventually make an effective “merger” with the other participants a process to be enthusiastically embraced rather than a process imposed by Council, which may generate some residual mistrust or suspicion within the community.

Ongoing discussions with the then chairperson (now retired) of PACDAC, Rose Murray also indicated Council had not been entirely effective gaining the group’s support for changes in the gallery operations. There was still some limited level of mistrust.

PACDAC no longer receives funding as it had in the past and was in fact considering dissolution. It currently operated as a less formal association of artists supporting each other. However, the members still see themselves as participants in the joint venture, which established the gallery. It is arguable that this had not yet been addressed well enough to foster and retain goodwill among the aboriginal arts community.

### **Consultation**

Some external consultation has been undertaken with Port Hedland Visitor Centre, PACDAC and Form Contemporary Craft and Design Inc.

### **Statutory Implications**

There are no statutory implications for Council in the recommended course of action.

### **Policy Implications**

Council’s Procurement Policy requires that “..Where possible, unless by Council resolution .....” three quotes must be obtained for an expenditure of this magnitude.

Alternative quotes have not been sought as it is believed that through their previous work in Port Hedland, for BHP Billiton and the Town of Port Hedland, Form Contemporary Craft and Design has gained a unique understanding Council's and the community's expectations in relation to the West End Cultural Precinct, which could not be replicated by an alternative consultant within the time available.

**Strategic Planning Implications**

KRA 3 – Community Development

Goal 7 – Arts and Culture: That the Town be recognised as a location where arts and culture is promoted and quality artwork is produced.

Strategy 1. - Complete the redevelopment of the Courthouse Art Gallery precinct including the development of a board of Management to operate Council funded facilities within the precinct.

**Budget Implications**

Consultancy Costs	Savings / revenue growth	Nett Cost
2007/08 \$63,750	- Increased return on retail \$25,000 *  - Savings within Precinct operating costs \$25,000 **  Sponsorship growth (Not Quantified) ***	2007/08      \$13,750
2008/09 \$21,250	Increased return on retail \$25,000	Nil

\* Based on part year sales during the 06/07 financial year, it is reasonable to project an increased annual turnover of \$100,000. A net return of \$25,000 is a conservative estimate.

\*\* Major component of precinct operating costs is the Visitor Centre Operating Subsidy which has been paid quarterly without substantiation, irrespective of need. The funding agreement with the Visitor Centre and their lease have expired. A needs based allocation will free considerable funds without reducing the ability for the Port Hedland Visitor Centre to perform its tasks.

\*\*\* Increased sponsorship would almost certainly be attracted to the Gallery to offset this balance, but this has not been factored into the projections because nature and quantity is not known at this stage.



**Officer's Comment**

Pressing forward with the establishment of an independent board, within the timeframe originally proposed will potentially limit the participation of two key stakeholders in the project's success. These are:

*PACDAC - Aboriginal Artists*

Aboriginal artists and a locally based commercial arts "industry" is important to the success of the Cultural Precinct as the tourist market and established local content will be central to the precinct's identity.

This will need support and involvement of PACDAC, or in the event of its dissolution, the artists that currently belong to the group. And while relationships are being re-established and trust is being built, that process will not occur in the next couple of weeks or even couple of months.

Even though Council records indicate PACDAC has not recently (if ever) fully met its obligations under the Joint venture agreement establishing the Courthouse Arts Centre and Gallery, it seems there was never any firm adherence to the agreement by either party. Even though Council could potentially demonstrate it is in a legally sound position to proceed without PACDAC, this will clearly not assist in establishing the future working relationships with the Aboriginal Artists. This will require time and personal involvement by key staff.

The second key stakeholder is Form, the not for profit body which provides the expertise and the artistic and business contacts to enable the arts centre to operate on a sound business footing and to develop local artists to provide real community development.

*FORM Contemporary Craft and Design Inc.*

Form has drafted an MOU that provides for them to further develop the gallery, its management structure and artistic direction to the point where it will be attractive for other participants to become associated, under a joint Board of Management.

The draft, as presented, requires some changes which Form have indicated they are willing to accept. In particular:

- Where wording implies Form exercising powers of Council e.g. Clause 3 b, wording needs to reflect an involvement in consultation.
- Annexure A of the draft refers to appointing 3.5 FTEs while Councils current commitment is for 2.6 FTEs including the funded position that hasn't yet been filled. It is agreed that work can be undertaken with the existing level of commitment.

- The MOU is to clearly reflect Council's need to have the West End Cultural Precinct ready to be managed by an independent management board.

Form's proposal for the slower transition to a board of management for the precinct varies from the strategic plan and will require greater participation from Council staff, for a longer period than was originally anticipated. This will not actually add to the costs, as provision was made in the 2007/08 budget to retain the 06/07 level of funding to the Arts Centre and the Visitor Centre.

The advantages of the longer timeframe are that it allows:

- more extensive participation of the aboriginal artists who will ultimately need to be represented on the board of management;
- a smoother more consultative transition with the visitor centre committee; and,
- greater consultation with parties such as the historical society (if interested) that have not really been included to date.
- the new board to focus its attention on the management of the precinct as when it commences the arts centre and gallery will be that much more developed.
- access to expertise and specialized knowledge that not readily available elsewhere

NOTE: Because the Visitor Centre lease and funding agreement have recently expired, Council could effectively impose a requirement to come under the management of a new board, but a far less fractious outcome will be achieved by working alongside the visitors centre management and committee over the longer period.

*Options:*

To establish a board of Management for the West End Cultural Precinct Council effectively has 2 options

*Option 1*

Engage Form Contemporary Craft and Design Inc. to:

- Draw up a 2year operational plan for the arts centre
- Project manage the change to an incorporated not-for-profit status
- Advise on the Board of Management for the incorporated body.
- Prepare the Arts Centre and Gallery for incorporation into the West End Cultural Precinct management structure
- Provide professional development and support to Gallery staff.
- Define and develop the artistic direction of the Gallery exhibitions.

*Option 2*

Undertake the above works in-house.

Option 1 is the preferred option as it allows the most cost effective development of gallery staff to maximize the benefits of the investment to date. Without that expert assistance the Arts Centre and Gallery would operate as it has in the past (but in a nicer building) or Council staff would need to be involved in extensive specialized consultation and partnering with galleries across the state. Option 1 brings that expertise to Port Hedland at a very reasonable net cost.

**Attachments**

Draft MOU between Form and ToPH

**Officer's Recommendation**

That Council:

- i) engage Form Contemporary Craft and Design Inc. to:
  - a) Draw up a 2year operational plan for the arts centre;
  - b) Project manage the change to an incorporated not-for-profit status;
  - c) Advise on the Board of Management for the incorporated body;
  - d) Prepare the Arts Centre and Gallery for incorporation into the West End Cultural Precinct management structure;
  - e) Provide professional development and support to Gallery staff; and
  - f) Define and develop the artistic direction of the Gallery exhibitions; and
- ii) note that the above actions will create an additional operational loss of \$38,750.00 for the Courthouse Arts Centre and Gallery for the 2007/08 financial year.

**200607/410 Council Decision****Moved:** Cr G D Bussell**Seconded:** Cr A A Gear**That Council:**

- i) engage Form Contemporary Craft and Design Inc. to:
  - a) Draw up a 2year operational plan for the arts centre;**
  - b) Project manage the change to an incorporated not-for-profit status;**
  - c) Advise on the Board of Management for the incorporated body;**
  - d) Consult with other parties within the cultural arts precinct about future options for a possible Board of Management;**
  - e) Provide professional development and support to Gallery staff; and**
  - f) Define and develop the artistic direction of the Gallery exhibitions; and****
  
- ii) note that the above actions will create an additional operational loss of \$38,750.00 for the Courthouse Arts Centre and Gallery for the 2007/08 financial year.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

*REASON: Council sought for Form Contemporary Craft and Design Inc. to consult with other parties within the cultural arts precinct, including the Port Hedland Visitor Centre and the Port Hedland Historical Society, about future options for a possible Board of Management, and replaced Clause i) d) with the following:*

- d) Prepare the Arts Centre and Gallery for incorporation into the West End Cultural Precinct management structure;*

Memorandum of Understanding  
FORM Contemporary Craft & Design Inc. and the Town of Port Hedland



**MEMORANDUM OF UNDERSTANDING**

BETWEEN

**FORM CONTEMPORARY ART & DESIGN INC.**

PERTH, WESTERN AUSTRALIA

AND

**TOWN OF PORT HEDLAND**

PORT HEDLAND, WESTERN AUSTRALIA

DATED THIS

DAY OF

2007

Memorandum of Understanding  
FORM Contemporary Craft & Design Inc. and the Town of Port Hedland

This MEMORANDUM OF UNDERSTANDING ("MOU") is entered into this

\_\_\_\_\_ day of \_\_\_\_\_ 2007

Between

**FORM Contemporary Craft & Design Inc (FORM)** of the one part

and **The Town of Port Hedland (The Town)** of the other part;

(hereinafter referred to as the "Parties").

**BACKGROUND**

A. FORM is Western Australia's peak professional association for designers, artists and craftspeople working in 3D media. The entity is incorporated as an association pursuant to the WA Associations Incorporation Act 1987.

In 2006 and early 2007, Port Hedland's historic West End precinct, encompassing the Courthouse Arts Centre and Gallery and the neighbouring Visitor Centre, underwent redevelopment as result of the well-established collaboration between FORM and BHPBIO.

FORM's initial focus was on the Port Hedland Visitor Centre, but this evolved when significant synergies were noticed between the Visitor Centre and the neighbouring Courthouse Gallery. This provided the impetus for addressing the improvement of the cultural and heritage infrastructure in the West End of Port Hedland. In July 2006, the Town of Port Hedland awarded the project management contract for enhancing the area to FORM.

FORM completed the hard infrastructure revitalisation, which included refurbishment of the two locations, development of creative landscaping and directional signage between the two locations, in February 2007.

FORM also set up a supplier network and inventory system for the Courthouse Gallery's retail space.

B. The Town of Port Hedland is half owner of the Courthouse Gallery property only, with PACDIAC owning the remaining 50%. The Gallery business operations are controlled by the Town as a cost centre.

In the months following the opening of the Courthouse Gallery and related new retail space, it has become evident that the current operational structure is not ideal for operating a commercial venture.

C. The Parties recognise that there are synergies in their efforts and intend to explore opportunities to ensure the Courthouse Gallery's future success.

Memorandum of Understanding  
FORM Contemporary Craft & Design Inc. and the Town of Port Hedland

**In signing, this MOU the parties have reached the following understanding:**

**OBJECTIVES**

1. This MOU is intended to establish a basis upon which the Parties may explore areas for cooperation and mutual benefit specifically aimed at ensuring the Courthouse Gallery's long term success.

**ACTIONS**

2. To this end the Parties will:
  - a. Promote cooperation and information-sharing;
  - b. Provide access to information, facilities and contacts to the representatives of all Parties;
  - c. Facilitate interaction between the representatives of one Party and representatives from the business sector, Government and related organisations of the other Party;
  - d. Ensure reciprocal promotion of each others' services; and
  - e. Work together and with other stakeholders to form an entity that will manage the Courthouse Gallery over the long term.

**ROLES & RESPONSIBILITIES**

3. It is envisaged that the Town will:
  - a. Provide timely, sufficient funding for the operational costs of the Courthouse Gallery – this includes the retail space and gallery exhibition area;
  - b. Grant FORM the authority to appoint and dismiss Gallery staff;
  - c. Grant FORM the authority to input into the Gallery Manager's operational decisions regarding running of the Gallery;
  - d. Grant FORM the authority to proceed with changing the management structure of the Gallery to an incorporated not for profit entity;
  - e. Provide sufficient funding for the legal costs related to point d. above; and
  - f. Approve the consultancy fees as outlined in Annexure B;
  - g. Provide FORM with timely access to any information necessary in the performance of its responsibilities.
4. It is envisaged that FORM will provide:
  - a. Draw up a 2 year operational plan for the Gallery;
  - b. Project manage the change of structure of the Gallery to an incorporated not for profit structure;
  - c. Construct a Board of Management for the newly incorporated entity;
  - d. Appoint Gallery staff as outlined in Annexure A;
  - e. Develop an efficient inventory and retail system;
  - f. Provide professional development and general support of Courthouse staff; and
  - g. Develop and define the artistic direction of Gallery exhibitions.



Memorandum of Understanding  
FORM Contemporary Craft & Design Inc. and the Town of Port Hedland

**GENERAL**

5. Each Party will be responsible for its own costs and expenses in joining this MOU.
6. It is agreed that the terms and conditions of any agreed co operation as outlined in Clause 2 and 3 shall be the subject matter of separate agreements to be negotiated and agreed upon by the Parties and/or any third parties, wherever applicable.
7. The terms of this MOU shall commence from the date of execution hereof for a period of One (1) YEAR, UNLESS TERMINATED EARLIER BY EITHER Party by giving written notice to the other of its intention to terminate, in which case, termination will be effective on a date which is thirty (30) days from the date of receipt of such notification.
8. Save and except for the confidentiality obligation in Clause 9 herein below which shall be legally binding, this MOU is not a legally binding contract and under no circumstances does this MOU subject either of the Parties to liability for breach, whether material or minor, of contract or any liability under Law (except in respect of any breach of the confidentiality obligation in Clause 9 herein).
9. The parties will, at all times, maintain the utmost confidentiality regarding any business, technical or financial information that is, at the time of disclosure, designated in writing as confidential or would be understood by parties exercising reasonable business judgement to be confidential. The receiving party shall not be liable for disclosure or use of any confidential information if such information:
  - i. is in or enters the public domain without a breach of the confidentiality obligation by the receiving party;
  - ii. is known to the receiving party at the time of first receipt or becomes known to the receiving party prior to such disclosure without similar restrictions from a source other than the disclosing party, as evidenced by written records;
  - iii. is disclosed pursuant to any law or order of any court or regulatory authority having jurisdiction over the receiving party; or
  - iv. is independently developed by the receiving party without reliance on the confidential information.
10. Any dispute arising from the interpretation or implementation of this MOU will be resolved amicably and expeditiously by consultation and negotiation between the Parties.
11. Any amendment to or revision of this MOU shall be made in writing and shall come into effect on such dates as is determined by the Parties.

\* \* \*



Memorandum of Understanding  
FORM Contemporary Craft & Design Inc. and the Town of Port Hedland

Signed by:-

.....  
As Delegate  
For and on behalf of **The Town of Port Hedland**

.....  
Signature

.....  
Date

Witnessed by:

.....  
Signed by:-

.....  
As Delegate  
For and on behalf of **FORM Contemporary Art & Design Inc**

.....  
Signature

.....  
Date

.....  
Witnessed by:

Memorandum of Understanding  
 FORM Contemporary Craft & Design Inc. and the Town of Port Hedland

***Annexure A***

Staff requirements for efficient commercial operation of the Courthouse Gallery:

<b>Position</b>		<b>Responsibilities</b>
Gallery Manager	1.0 FTE	<ul style="list-style-type: none"> <li>• Supply chain management ie sourcing new suppliers and nurturing present and future supplier relationships</li> <li>• Gallery marketing and merchandising</li> <li>• Operational responsibilities</li> <li>• Exhibition management</li> </ul>
Gallery Junior	1.0 FTE	<ul style="list-style-type: none"> <li>• Retail data input</li> <li>• Inventory management</li> <li>• Front of office responsibilities</li> </ul>
Cultural Development Officer	1.0 FTE	<ul style="list-style-type: none"> <li>• Cultural brokerage to the Aboriginal communities of Port Hedland</li> <li>• Artform development with Aboriginal stakeholders for Gallery exhibitions</li> <li>• Curatorial responsibilities</li> </ul>
Bookkeeper	0.5 FTE	<ul style="list-style-type: none"> <li>• Retail data reconciliation</li> <li>• Monthly consignment payments</li> <li>• Monthly other supplier payments</li> <li>• Statutory returns and payments</li> <li>• Payroll-related payments</li> <li>• Budgeting</li> </ul>

Memorandum of Understanding  
FORM Contemporary Craft & Design Inc. and the Town of Port Hedland

***Annexure B***

**FORM Consultancy Fee requirements**

	\$	Note
Project Manager consultancy charge	33,000	1
Executive Director consultancy charge	20,000	
Operational plan	10,000	2
Travel costs	22,000	
	<hr/>	
FORM MOU consultancy charge	<b><u>85,000</u></b>	

**Notes**

1. The Project Manager will be responsible for:
  - Managing the change of legal structure of the Gallery
  - Managing the formation of a Board of Management
  - Professional development of Gallery staff
  - Managing the artistic direction and identification of exhibitions for the Gallery
  - Managing the change of legal structure of the Gallery
  - Managing the change of legal structure of the Gallery
  
2. Based on cost of business plan charge for PI/VC

**11.2.1.3 Community Safety & Crime Prevention Plan 2006-2009 (SAF /002)**

**Officer** Terry Sargent  
Director Regulatory and  
Community Services

**Date of Report** 15 August 2007

**Disclosure of Interest by Officer** Nil

**Summary**

This report considers actions arising from recently launched Community Safety & Crime Prevention Plan 2006 – 2009.

**Background**

The Hedland Community Safety & Crime Prevention (CSCP) Plan was adopted by Council on 22 November 2006 as an agreement between key agencies responsible for the delivery of community services within the Town of Port Hedland to address crime and antisocial behaviour.

Both ongoing and new initiatives have been identified in the areas of:

- Drug and Alcohol initiatives
- Youth and Youth Activity initiatives
- Designing Out Crime, Housing and Infrastructure
- Strategic Interagency Collaboration

The CSCP Plan was launched on 10 August 2007 by Hon Tom Stephens and Mayor Cr Stan Martin. Six (6) of the lead agencies were represented at the launch, and committed their agencies as signatories to the CSCP Plan.

A subset of the CSCP action plan's 52 items has been collated to form a top 10 list of priority actions. The top 10 list will be largely new funding and some items will require additional submissions to be made to Commonwealth sources. BHP Billiton has been involved in informal discussions regarding contributions to the total package.

The ranking of items was based on a preliminary view of where achievements could be both quickly and effectively made. It is not intended as an indication of overall significance per se.

These are shown below:

**TOP 10 LIST OF PRIORITY ACTIONS – CSCP 2006-2009**

1	<p>Graffiti Program: CCTV and graffiti removal Lead Agency TOPH</p> <p>Propose equipment purchase by BHPBIO; \$15,000 OCP</p>
2	<p>2 Burglar Beware Lead Agency OCP</p> <p>Previously part of 2.2 “Target Priority Offences”</p> <p>To be costed as per OCP costs.</p> <p>Coordination role will contribute to overall management and evaluation.</p>
3	<p>3 Eyes on the Street Lead Agency OCP</p> <p>Previously part of 2.2 ‘Target Priority Offences”</p> <p>To be costed as per OCP costs.</p>
4	<p>Youth Drug Program (Previously Part of 2.2) Lead agency DCD/ICC</p> <p>Propose to develop a new approach to addressing young people’s misuse of drugs and alcohol that targets young people on the street at night and/or involved in anti social behaviour/minor crime.</p> <p>The target group are those young people who are likely to be remanded in custody due to failure of responsible adult attendance, or, who are recommended to not be returned home (by Police or DCD or Night Patrol) at that time due to unsafe/unhealthy family circumstances.</p> <p>The proposal would build on: the DCD ‘Safe People, Safe Places’ model; be closely involved with initiatives being established by the ICC; and the existing Drug and Alcohol service for youth.</p> <p>Likely action required includes establishment of safe houses and additional intervention/support with family members; drug support services for youth.</p> <p>Costings for the proposal could be gained from DCD, DOCS (Annette Wells) costing of proposal for safe house.</p>
5	<p>Activities for At Risk Youth DCD Lead Agency</p> <p>This was previously called Collaborative Youth Development 2.4. The events and resources required are identified however more detail is required on what resourcing is required. It excludes the focus on case management by HYRF.</p>
6	<p>Pathways to Prevention – New QLD /WA Program Lead Agency OCP</p> <p>Completely new initiative proposed to replace truancy Sponsored in WA by Mission Australia and BHP.</p> <p>Proposed to develop a detailed proposal for inclusion in the top CSCP priorities. Partner agencies to include TOPH, OCP, ICC, AJA, Mission Australia, BHP and DET.</p>

	<p>Proposal for funding to be forwarded to NCP grants as well as this coordinated proposal to fund the TOPH Crime Prevention Partnership and Plan.</p> <p>Attached is an outline of the Program</p>
7	<p>Case Management of Recidivist Offenders –Lead Agency DOCS?</p> <p>Previously was part of 2.4 Collaborative Youth Development.</p> <p>This has been retitled to focus on the Hedland Youth Referral Forum work which is targeting case management of recidivist offenders.</p> <p>Funding requirements are unclear as it appears to be part of overall coordinating activities of partner agencies DCD, YIC, DIA, DOCS, WAPOL, Youth in Crisis, DET, Hedland Men’s Group.</p>
8	<p>DOCS Offender Management Mentor Service DOCS Lead Agency</p> <p>Previously was part of 2.3 Offender Management.</p> <p>The majority of components are under development by DOPCS, however it is suggested that additional funding would be sought to establish the mentor service.</p> <p>The cost of this is able to be developed using DCD or DOCS existing program costs. In addition both DCD and DOCS may have part resourcing for this component.</p> <p>Recommended that DOCS is lead and that further development incorporate the AJA team.</p>
9	<p>Establish Community Safety Audits Lead Agency TOPH</p> <p>OCP contribution \$4,000</p>
10	<p>Review Proposal and redevelop the Alternate Schools</p> <p>Proposed lead agency ICC pending consideration by key Aboriginal groups.</p> <p>This proposal replaces the old 2.1 “Alternate learning delivery to Primary and Secondary students creation of independent alternate school, hostels for education and development residential accommodation lead by Aboriginal community.”</p> <p>Due to lack of support by DET and recent initiatives around school non attendance it is recommended that the focus of this initiative be redeveloped. It is suggested that the model of the “Barramundi School” in Kununurra be used as a potential option for discussion and is not intended to pre-empt a subsequent proposal.</p> <p>An FTE for approximately 3 months would be required to develop an alternative proposal to the existing 2-1.</p>

It is intended that the Town of Port Hedland identify the level of resourcing that is required to implement the top 10 list and identify how much can be provided by partner agencies.

Once the partner agencies have identified their contribution, the gap in funding will be identified and referred to funding sources for contributions.

#### *Management and Evaluation*

Implementation will be supervised by a local management team, potentially established as part of Burglar Beware. The management team will report to the TOPH Community Safety and Crime Prevention Plan signatories and any issues can be referred on to the Community Safety and Crime Prevention Council (CSCPC). The CSCPC is overseeing implementation of all Local Government Partnerships and evaluation by the Australian Institute of Criminology (AIC).

The recommended budget for each action item will include all costs and an allocation for management and evaluation – nominally 10%. The total for management and evaluation will be formulated against item 4.1 – this is listed at the bottom of the top 10. The top 10 list will be largely new funding and some items will require additional submissions to be made to Commonwealth sources.

#### **Consultation**

Consultation between the Town of Port Hedland, business and community service agencies has been extensive, and includes:

- The Office of Crime Prevention
- WA Police
- Department for Community Development
- Department of Education and Training
- Department of Corrective Services
- Department of Indigenous Affairs
- Department of Housing and works
- Indigenous coordination Centre
- BHP Billiton Iron Ore
- Pilbara Indigenous Women's Aboriginal Corporation
- Department of Sport and Recreation
- Department of Health

#### **Statutory Implications**

There are no statutory implications.

#### **Policy Implications**

There are no Policy implications

#### **Strategic Planning Implications**

KRA 3 - Community development; Goal 6 – Community Safety; Strategy 1:

*“In conjunction with other stakeholders, develop and implement a new Community Safety/Crime Prevention Plan.”*

**Budget Implications**

It is proposed that an amount of \$50,000 be allocated towards the cost of coordinating implementation of the Town of Port Hedland Community Safety and Crime Prevention Plan. While much of this will be returned to Council in the form of the management and evaluation allocation against all funded projects but that amount cannot yet be accurately estimated

**Officer’s Comment**

The experience of previous Community Safety and Crime Prevention initiatives is that implementation has been poorly coordinated, resulting in some of the strategies remaining incomplete and inconsistent progress on others.

The concept of a high-level facilitator position, able to coordinate the agencies’ activities to implement the CS & CP plan has been proposed but only limited progress has occurred because the position itself has not been funded by Government.

Although the concept has government support the JDF has not been prepared and no funding has been provided for the position. As preliminary indications are the position is unlikely to be funded without a local contribution so it is recommended that Council make a contribution of \$50,000, seeking a matching contribution from BHP Billiton and request the balance be funded by government.

**Attachments**

Nil

**200607/... Council Decision/Officer’s Recommendation****Moved:** Cr D R Pike**Seconded:** Cr J M Gillingham

That Council:

- i) allocate \$50,000 towards the cost of a senior level State Government employee responsible for coordinating the implementation of the Town of Port Hedland Community Safety Crime Prevention Plan 2006 – 2009;
- ii) seek a matching Contribution from BHP Billiton for this position; and
- iii) seek State Government support to have this position filled as a matter of urgency.

LOST 3/3



*NOTE: As the vote required an absolute majority, Deputy Mayor did not utilise his casting vote.*

**200607/411 Council Decision****Moved:** Cr D R Pike**Seconded:** Cr J M Gillingham**That Council:**

- i) allocate \$50,000 towards the cost of a senior level State Government employee responsible for coordinating the implementation of the Town of Port Hedland Community Safety Crime Prevention Plan 2006 – 2009;**
- ii) seek a matching Contribution from BHP Billiton for this position; and**
- iii) seek State Government support to have this position filled as a matter of urgency and to request the State Government to secure ongoing funding for this position.**

***CARRIED BY ABSOLUTE MAJORITY 5/1***

*REASON: Council sought to request the State Government to secure ongoing funding for the senior level State Government employee who will be responsible for co-ordinating the implementation of the Town of Port Hedland Community Safety Crime Prevention Plan 2006-2009.*

**11.2.2 Planning Services****11.2.2.1 Delegated Planning Approvals June and July 2007  
(File No.: 18/07/0002)**

**Officer** Clare Tocock  
Executive Assistant –  
Community & Regulatory  
Services

**Date of Report** 10 August 2007

**Disclosure of Interest by Officer** Nil

**Summary**

This item relates to the Planning Applications considered under Delegated Authority for the month June and July 2007.

**Background**

A list of Planning Consents issued by Council's Planning Services under Delegated Authority for the months of June and July are attached to this report.

**Consultation** Nil

**Statutory Implications**

Town of Port Hedland Delegation Register 2005 outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council.

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications** Nil

**Officer's Comment**

Nil

**200607/412 Council Decision/Officer's Recommendation**

**Moved:** Cr S F Sear

**Seconded:** Cr J M Gillingham

**That the Schedule of Planning Consents issued by Delegated Authority for the months of June and July 2007 be received.**

**CARRIED 5/1**

**June 2007 Delegated Planning Approvals**

Applic No	Date Determined	Description	Applicant	Owner	Address	Lodgement Date	Delegation	Zoning
2007/046	22/06/2007	2 x Grouped Dwellings	Trend Developments	Trend Developments	16 Godrick Place South Hedland WA 6722	19/02/2007	DA	Residential
2007/058	06/06/2007	Single House	Allan Curyer	Lasso Holdings Pty Ltd	65 Kingsmill Street Port Hedland WA 6721	02/03/2007	DA	Residential
2007/069	20/06/2007	2 x Grouped Dwellings	Franco Corozzi Architects	Department of Housing & Works	21 Captains Way South Hedland WA 6722	19/03/2007	DA	Residential
2007/070	20/06/2007	Single House	Paul Danzi	Sarah Jennifer Collis	27 McPherson Street Port Hedland WA 6721	27/03/2007	DA	Residential
2007/074	15/06/2007	Industry General	Samya Construction Services	John Leonard McKay	80 Anderson Street Port Hedland WA 6721	16/03/2007	DA	Industrial
2007/091	05/06/2007	Change of Use	Andrew Farrell	Andrew Arthur Farrell	4 Murrena Street Wedgefield WA 6722	09/05/2007	DA	Industrial
2007/096	07/06/2007	Mobile Dust Monitoring Station	Consolidated Minerals	Town of Port Hedland	Lot 5538 Wilson Street Port Hedland WA 6721	15/05/2007	DA	Industrial
2007/100	01/06/2007	2 x Grouped Dwellings	Aiden Chamberlain	Crown	12 Brown Place South Hedland WA 6722	17/05/2007	DA	Residential
2007/108	06/06/2007	Office	Retail Environment Design	Indigenous Business Australia	2-10 Brand Street South Hedland WA 6722	21/05/2007	DA	Town Centre
2007/110	01/06/2007	Transient workforce accommodation	Greg Rowe & Associates	Pilbara Infrastructure Pty Ltd	L1SA Railway Corridor Via Port Hedland WA 6721	22/05/2007	DA	Rural
2007/134	25/06/2007	Office	Vathjunker Contractors	Ian Douglas Bright ATF Bright Family Trust	8 Byass Street South Hedland WA 6722	20/06/2007	DA	Mixed Busines

## July 2007 Delegated Planning Approvals

Applic No	Date Determined	Description	Applicant	Owner	Address	Lodgement Date	Delegation	Zoning
2007/043	07/02/2007	Single House – Carport and Patio Additions	Pilbara Constructions Pty Ltd	BHP Billiton Iron Ore	1 Stronds Way South Hedland WA 6722	07/02/2007	DA	Residential
2007/133	18/07/2007	Grouped Dwelling	Kim Loxton – Sulcom Pty Ltd	Gold City Developments	79 Kingsmill Street Port Hedland WA 6722	20/06/2006	DA	Residential
2007/139	03/07/2007	Storage Facility/Depot/Laydown area – Office & Training Room	Mitchell West	Judeen Nominees Pty Ltd	6-10 Leehey Street Wedgefield WA 6722	21/06/2007	DA	Industrial
2007/141	10/07/2007	Infrastructure – Rail Maintenance Buildings Marshalling Yard	Greg Rowe & Associates	Pilbara Infrastructure Pty Ltd	L1SA Railway Corridor Via Port Hedland WA 6721	25/06/2007	DA	Rural
2007/142	09/07/2007	Office & Single House	Stephen Byers – Kingsbeau Pty Ltd ATF The Abbott Family Trust	Lindsay John Chapman	15 Edgar Street Port Hedland WA 6721	25/06/2007	DA	Town Centre
2007/149	18/07/2007	2 x Grouped Dwelling	Design Tech	Craig Vincent Fox	90 Kingsmill Street Port Hedland WA 6721	27/06/2007	DA	Residential

**11.2.2.2 Proposed 15 Single Bedroom Dwellings at Lot 111 and 112 (3) Morgans Street Port Hedland (File No.: 126870G)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 29 June 2007

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received an application from Whelans Town Planners, on behalf of Westskye Property P/L and River Park Homes P/L to construct 15 single-bedroom dwellings at lots 111 and 112 Morgans Street Port Hedland.

**Background**

This land comprises a total of 2024 m<sup>2</sup> and is zoned "Residential R 12.5/50" in the *Town of Port Hedland Town Planning Scheme No. 5* (TPS 5). It is noted that the landowner is in the process of amalgamating the two lots.

Council's Manager Planning Services has determined that as this development is proposed as single bedroom dwellings as defined by the *Residential Design Codes of Western Australia*, that they are not defined as grouped dwellings and are therefore treated as "use not listed – single bedroom dwellings."

Section 3.2.6 of the *Town of Port Hedland Town Planning Scheme No. 5* states:

*"If the development of land for a particular purpose is not specifically motioned in the zoning table and cannot reasonably be included in the definition of one of the development categories the Council may determine:*

- (a) that the development or use is not consistent with the objectives and purpose of the particular zone or precinct and is, therefore, not permitted, or*
- (b) by absolute majority that the proposed development may be consistent with the purposes and objectives of the zone."*

It is noted that although this application proposes the construction of structures crossing lot boundaries, the applicant has submitted an application to amalgamate the two lots with the Town of Port Hedland advising the Western Australian Planning Commission that it did not object to the amalgamation on 14 June 2007.

The Town of Port Hedland has also received a request for comment regarding the strata subdivision of the amalgamated lots on 23 July 2007. A report regarding this matter is included in this agenda.

### ***R Codes Assessment***

This application complies with all Acceptable Development provisions of the Residential Design Codes except for the following items:

#### *Setbacks*

Residential developments that present multiple street frontages generally treat one street as a primary and the other as a secondary street, and each of these has different setback requirements. Given the size of this development however, and at the request of Council's planning staff, Hardie Street, that might otherwise be treated as a secondary street, requiring a one (1) metre setback, is treated as a primary street that would require a minimum 2 metre setback. Notwithstanding this, the applicant is proposing a one metre setback to Hardie Street. This is considered as meeting the Performance Criteria and contributing to the desired streetscape as:

- The applicant has redesigned this development to address Hardie Street by facing two units to this frontage instead of arguing that this is in fact a secondary street by facing the units to the internal communal street; and
- Hardie Street includes in excess of nine metres of verge and this development would therefore not adversely impact amenity in this area.

#### *Side Setbacks*

With the exception of the peripheral units, each of these dwellings is technically proposed with nil setbacks to side boundaries. This variation to Acceptable Development provisions is deemed to comply with the Performance Criteria that requires new developments to make effective use of space while maintaining access to direct sun and not significantly adversely impacting amenity of adjoining properties.

#### *Outdoor Living Area*

Units 6 and 11 are proposed with the outdoor living area set back one (1) metre from the Hardie Street setback. This variation to the Acceptable Development provisions is deemed to comply with the Performance Criteria on the same basis as the street setback assessment.

*Landscaping*

No landscaping is proposed for this development and an appropriate condition is included in the Officers Recommendation requiring the developer to submit and implement acceptable landscaping.

*Site Works*

This proposal includes retaining walls to be constructed at the boundary to lot 110 Morgans Street. The affected landowner has been consulted with regard to this application and not objected to this variation.

*Essential Facilities*

No rubbish collection areas are included for the communal driveway entries to Morgans, Kingsmill or Hardie Streets. An appropriate condition is included in the Officer's Recommendation requiring the developer to construct adequate sealed pads for bin collection.

*Dust Impact Issues*

This development site is inside the area identified by a recent dust impact study by the Health Department as being potentially impacted by dust from nearby port facilities. This study indicates, "Seniors, children and people with heart or lung disease appear to be at greatest risk." When considering previous similar applications for planning approval, Council has approved residential development at the higher of the split coding where those dwellings are designed in such a way as to not encourage habitation by identified at-risk groups.

Single bedroom dwellings have been identified specifically as a dwelling type that will not attract elderly persons, or families with children, and generally attracts shorter-term occupancies.

In accordance with Council's previous dealing with this issue, a condition is included in the Officer's Recommendation requiring the applicant to cause a notification to be made on the Title pursuant to section 70 A of the Transfer of Land Act 1893 notifying future landowners of potential dust-related health impacts.

*Other Health Considerations*

Due to the previous use for this site as a service station, Council's Environmental Health Services (EHS) requested an investigative study prior to development for residential purposes. This report has been assessed by EHS and its recommendations included as a condition of approval in the Officer's Recommendation.

**Consultation**

Building Services have not objected to the proposal and advised that a Building Licence is required for this development.

Engineering Services have identified concerns over the following:

- Insufficient detail regarding the driveway construction from Morgans Street;
- Crossovers need to be constructed to Council Policy;
- Stormwater to be retained on site;
- More provisions required for rubbish collection;
- Additional street lighting may be required.

The proposed conditions in the Officer's Recommendation will adequately address these concerns. Specifically, it is proposed to assess the vehicle access from the Morgans Street cul de sac as a crossover rather than a public road requiring construction to public road standards.

Health Services have identified the following concerns:

- Adequate bin storage being provided;
- Demonstrated ability for laundries to house a washing machine and wash trough not less than 36 litres;
- Consideration of dust and noise generation;
- Development to connect to reticulated sewer.
- The developer complying with recommendations of the *Preliminary Site and Limited Soil Investigation Report* comprising:
  - Any existing septic system to be decommissioned;
  - Existing service pit to be excavated to determine potential for contamination;
  - Fluorescent light tubes to be disposed of appropriately.

Nearby landowners have been advised of this proposed development in writing with one submission received. Michael Boon and Lisa Bowen objected to the proposal for the following reasons:

- Lisa Bowen, as a joint owner did not receive notice of the planning proposal
- Lisa Bowen had a verbal agreement with the applicant to discuss the application prior to submission with this agreement not honoured
- The proposed development may infringe on the quiet enjoyment and access to afternoon sunlight.

At a meeting between Mr Boon and Council's Planning Officer, the plans for the proposed development were discussed with reference to Mr Boon's concerns. At this meeting, it was explained that the proposed buildings were single storey and that no significant denial of solar access was anticipated.



Mr Boon also expressed concern that significant numbers of people living adjacent to his property may impact his use of the land due to increased noise. It was explained that the *Environmental Protection (Noise) Regulations 1997* governed noise generation and that there was no legislative means for controlling noise generation that may impact sleeping during the day for shift workers.

**Statutory Implications**

The Town of Port Hedland Town Planning Scheme No. 5 zones the land as "Residential R 12.5/50."

**Strategic Planning Implications**

Nil.

**Budget Implications**

Planning application fees of \$3,850 have been deposited into account 1006326 – Town Planning Fees, reflecting a development cost of \$2,000,000.

**Officer's Comment**

This application for planning approval seeks to develop the land with the maximum number of dwellings through the use of the density bonus provided by the R Codes for single bedroom dwellings.

As this application meets the Acceptable Development or Performance Criteria of the Codes, it is recommended that the application be approved on these grounds. However, Council also should consider this application in the context of the recent health impact studies and preliminary recommendations by the Department of Health.

It is considered that the development of single bedroom dwellings, with a floor space of not more than 60 m<sup>2</sup> sufficiently addresses the potential health implications as these dwellings are unlikely to be habited by more than two persons who are unlikely to be elderly or children. Given the nature of the town, it is also considered unlikely that these dwellings would be inhabited by any individual for an extended length of time.

**Officer's Recommendation**

That Planning Consent be granted to Westskye Property P/L and River Park Homes P/L for the construction of USE NOT LISTED – SINGLE BEDROOM DWELLINGS x 15 at Lot 111 and 112 Morgans Street Port Hedland as outlined in the Application received 29 May 2007 (Application 2007/124) and indicated on the approved plans, subject to the following conditions:

## GENERAL

1. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).
2. The approved use is for SINGLE BEDROOM DWELLINGS that are defined in the Residential Design Codes of Western Australia as "Dwellings that provide limited accommodation, suitable for one or two persons, with a maximum plot ratio floor area of 60sqm."
3. Prior to commencing site works, the landowner is to prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town of Port Hedland, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that:
  - a. The Western Australian Department of Health has advised in a preliminary investigation that it does not support medium density residential development in this area due to a potential causal link between the dust generated by nearby ore mining processes and port facilities, and increased likelihood of respiratory health impacts;
  - b. Seniors, children, and persons with existing heart or lung disease appear to be at an elevated risk of dust-related health impacts; and
  - c. Should additional information be required with regard to this notification, the prospective landowners should contact the Western Australian Department of Health;
4. Prior to commencing site works, the applicant is to submit an endorsed diagram of survey to the Town of Port Hedland describing the amalgamation of lots 111 and 112 Morgans Street Port Hedland.
5. All recommendations of the Preliminary Site and Limited Soil Investigation received 12 June 2007 to be completed prior to commencing any site works to the satisfaction of the Manager Planning Services.
6. Sealed rubbish bin collection areas are to be constructed at the Hardie and Morgans Street crossovers to the specification of Council's Engineering Services to the satisfaction of the Manager Planning Services.
7. 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.

8. Boundary fences are to be constructed on the top of the proposed retaining walls and lot boundaries to the satisfaction Manager Planning.
9. A detailed landscaping plan (including common areas) to be submitted and approved by the Manager Planning within 30 days of the dwellings being occupied, with this plan including location, species and planting details. Schedule 1 of Council's "Policy 10/001 - Landscaping Policy for Industrial & Commercial Areas" contains a list of "Recommended Low-Maintenance Tree and Shrub Species for General Landscaping" for your reference.
10. Landscaping and reticulation to be established in accordance with the approved detailed plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning.
11. All stormwater shall be retained onsite and disposed of to the specification of Council's Engineering Services to the satisfaction of the Manager Planning Services.
12. The crossover shall be designed and constructed in accordance with Council Policy 9/005 - Crossovers, to the satisfaction of the Manager Planning, prior to occupation of dwellings.
13. The development to be connected to the Water Corporation deep sewerage service (EHS).
14. The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
  - a. The delivery of materials and equipment to the site;
  - b. The storage of materials and equipment on the site;
  - c. The parking arrangements for the contractors and subcontractors;
  - d. Impact on traffic movement;
  - e. Operation times including delivery of materials; and
  - f. Other matters likely to impact on the surrounding residents;to the satisfaction of Council's Manager Planning.

**ADVICE TO DEVELOPER**

15. In relation to Conditions 6, 11 and 12, the developer is advised to contact the Town's Engineering Technical Officer on 9173 9350 for further details.
16. This approval should not be construed that the Town will support a survey strata or green title subdivision application for this lot.

17. All bathrooms and laundries are to be flumed to external air.
18. All laundries are to be provided with appropriate outlets and area for washing machine and a wash trough with a capacity of not less than 36 litres.
19. Insitu septic tanks and/or leach drains to be decommissioned in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974 (EHS).
20. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
21. The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity (EHS).
22. You are advised that this is a Planning Approval only and the Developer is responsible for complying with all relevant building, health and engineering requirements.
22. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
23. 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.

**200607/413 Council Decision****Moved:** Cr S F Sear**Seconded:** Cr J M Gillingham

**That consideration of Agenda Item 11.2.2.2 'Proposed 15 Single Bedroom Dwellings at Lot 111 and 112 (3) Morgans Street Port Hedland' be deferred pending the receipt of architectural drawings for this development.**

**CARRIED 5/1**

*REASON: Council sought to view the architectural drawings of the proposed development prior to considering this item.*

ATTACHMENT TO AGENDA ITEM 11.2.2.2



**11.2.2.3 Proposed 15 Lot Survey Strata Subdivision of Lots 111 and 112 Morgans Street Port Hedland (File No.: 126870G)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 22 August 2006

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received a request for comment from the Western Australian Planning Commission (WAPC) regarding a proposed 15 lot survey strata subdivision of lots 111 and 112 Morgans Street Port Hedland.

This item is referred for consideration as Council requires that all subdivision referrals for greater than 10 lots be determined by Council.

**Background**

On 14 June 2007, the WAPC was advised under delegated authority that the Town of Port Hedland did not object to the amalgamation of lots 111 and 112 Morgans Street.

This new subdivision application is presented to allow for the single bedroom dwellings determined in the previous item to be sold into separate ownership.

**Consultation**

As part of the subdivision process, the WAPC has also referred this application to FESA, the Health Department of Western Australia, Horizon Power, Telstra and the Water Corporation.

**Statutory Implications**

The WAPC refers subdivision applications to local government pursuant to section 142 of the *Planning and Development Act 2005*.

Any comment or objection by Council is required prior to 28 August 2007, being 42 days from the date of the referral.

**Policy Implications**

Nil.



**Strategic Planning Implications**

Nil.

**Budget Implications**

Should the WAPC approve the subdivision subject to any conditions that require local government clearance, fees will be payed by the applicant in accordance with Council's standard fees and charges.

**Officer's Comment**

Should Council approve the construction of the single bedroom dwellings as per the associated agenda item, it is considered appropriate to support the strata subdivision of the development to allow for individual sale of each dwelling.

If however Council fails to grant planning approval for the single bedroom dwellings at the subject lot, an alternative resolution should be adopted for this item advising the WAPC that Council does not support the subdivision application and requires the submission of an acceptable development application for this land prior to approving any subdivision for the land.

**Attachments**

Proposed site plan attached.

**Officer's Recommendation**

That Council advise the Western Australian Planning Commission that, subject to a development application being submitted to and approved for the proposed development, it does not object to the strata subdivision of lots 111 and 112 Morgans Street Port Hedland

**200607/414 Council Decision**

**Moved:** Cr S F Sear

**Seconded:** Cr J M Gillingham

**That consideration of Agenda Item 11.2.2.3 'Proposed 15 Lot Survey Strata Subdivision of Lots 111 and 112 Morgans Street Port Hedland' be deferred pending the receipt of architectural drawings for this development.**

**CARRIED 6/0**

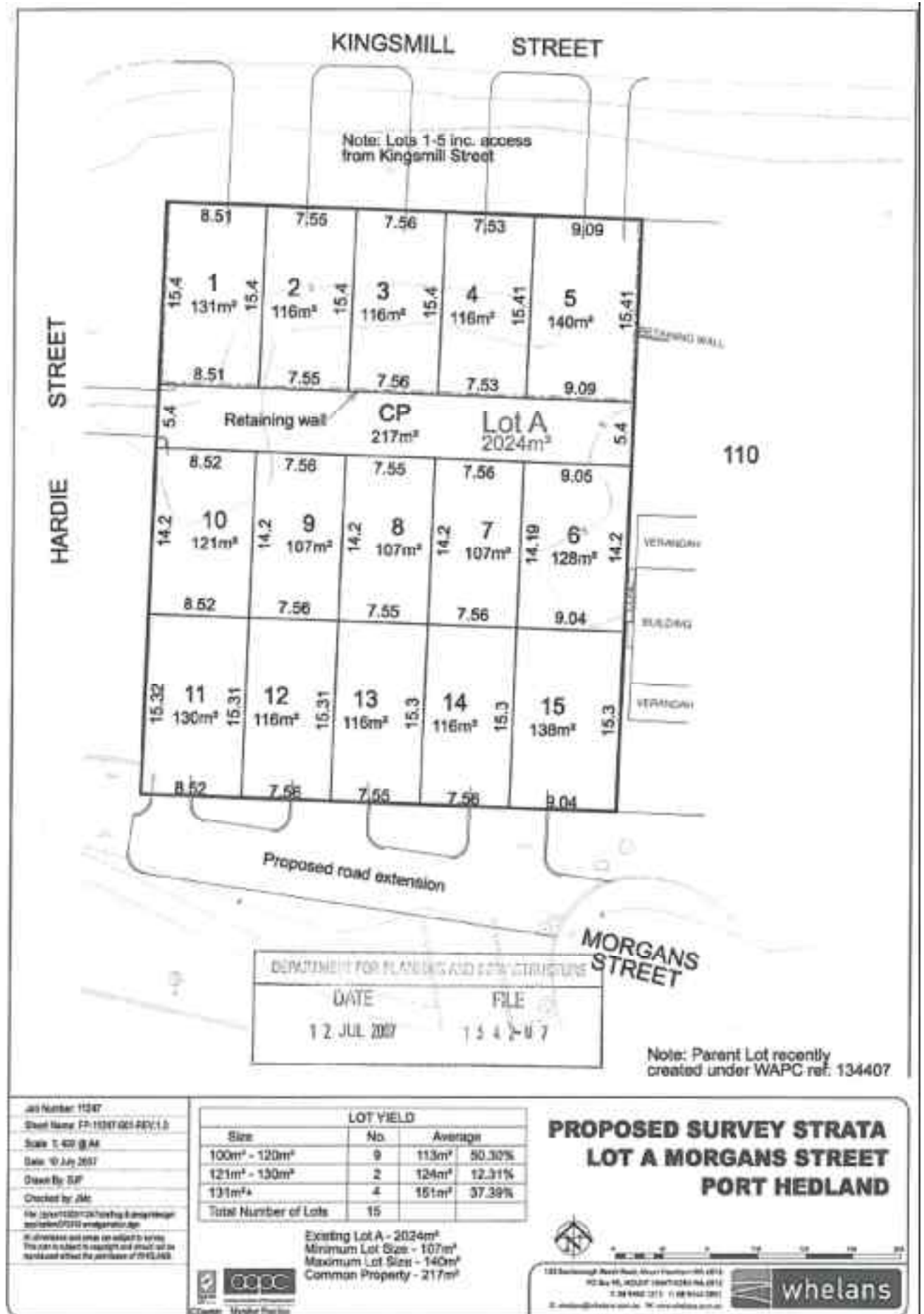
*REASON: Council sought to view the architectural drawings of the proposed development prior to considering this item.*

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.3





ATTACHMENT 2 TO AGENDA ITEM 11.2.2.3



**11.2.2.4 Proposed Street Names for Subdivision at Lots 6176 and 27 Traine Crescent and Lot 2609 Cone Place South Hedland (File No.: 130031G)**

**Officer** Andrew Patterson  
Planning Officer

**Date of Report** 22 August 2007

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received a request from Taylor Burrell Barnett for Council approval for proposed street names for new roads created for the subdivision of Lots 6176 and 27 Traine Crescent and Lot 2609 Cone Place South Hedland.

**Background**

The attached maps indicate the location and proposed names of the streets servicing the new subdivision. Each name is listed below along with the rationale supplied by the applicant justifying each selection:

*Pundul Avenue (connecting Traine Crescent and Catamore Court)*

Pundul is the name of a local tree, also called the desert walnut. It is an attractive tree, with potential as a shade tree for parks and home gardens, but is difficult to propagate. The nuts must be well worn and eroded before they can germinate. The tree has a thick trunk and a dense, rounded canopy and reaches around seven metres tall.

Each dark green leaf is made up of 12 pairs of leaflets and they feel quire leathery. Male and female flowers occur on different plants. Large purple globular fruits are borne on the ends of the branches.

The pundul tree prefers deep sandy loam soils. It grows from South Hedland south to the Turner River.

Aborigines picked the large round nuts when darkening (not when green) and baked them in a fire. The oily seed inside was then used to rub sores.

*Snappy Gum Way*

Snappy Gums grow on the rocky slopes of the Pilbara, in association with Spinifex. After a fire it regenerates quickly from its ligno tuber, a woody rootstock that can send up numerous stems.

Snappy Gum is an attractive and robust tree that may reach up to six metres tall. The white, pinkish bark is smooth and powdery, but often dimpled. The adult flowers are a pale bluish green, while new leaves in the crown are whitish.

Snappy Gum is found on low stony hills or on plateaus and slopes. It is a common tree in the Pilbara extending as far as Rudall River and Barklee Range.

#### *Pepperflower Way*

The desert Pepperflower is a low growing plant with delicate pink or white flowers.

This low perennial herb grows up to 50 centimetres tall and branches from its base. The oblong leaves can be either entire or divided into lobes. They are up to four centimetres long and one and a half centimetres wide, parting evenly to the base.

Desert Pepperflower is usually found growing in sandy soils associated with Spinifex and open scrublands, but occasionally inhabits lateritic soils.

This lo shrub grows from the Hamersley Range eastwards to the desert, almost to the Northern Territory border.

This attractive, low drought resistant shrub has horticultural potential.

#### *Burra Place*

Burra is a species of poverty bush that grows in the Pilbara. It is a low shrub with small fuchsia shaped flowers. It is a rounded shrub that grows to two metres tall with many branches and dense foliage. The glossy, bright green leaves are up to eight centimetres long and two centimetres wide. The stems are covered with a sticky substance with old leaf bases remaining attached to the stem. The flowers are attractive, generally cream in colour with a spotted throat. Other names include "native fuchsia" and "turpentine bush."

Burra grows on floodplains, in watercourses and on stony hills and plains. This plant would make an attractive garden plant however it is difficult to propagate.

Aborigines burnt the leaves and stems to repel mosquitoes.

#### *Kanji Way (reserve street name)*

The Kanji bush is from the wattle family and is a silvery-grey colour that provides an attractive contrast to much surrounding vegetation.

It is a straggly shrub, covered with a fine, silvery coating. It grows up to four metres tall and has hard, spikes along the stem. Leaf-like phyllodes (flattened leaf stalks that act as leaves) are large and pear-shaped, with a central rib and a sharp tip.

Yellow, globular flowers are arranged in loose bunches at the end of slender branches and generally held above the shrub.

The curved, flat pods have wavy margins and are swollen over black seeds.

Kanji grows on hills and plains from Carnarvon to the southern Kimberley and southeast to Meekatharra.

When the young pods began to form on this plant, Aboriginal people knew that the galahs were nesting, and by the time the pods were brown, the young birds were ready to fly. Wild turkeys feed on the gum found on this wattle.

Aborigines would drop green seeds into burning Spinifex, lightly roasting them before eating.

### **Consultation**

The applicant has submitted written advice from the Geographic Names Committee indicating that all submitted names are acceptable.

### **Statutory Implications**

Street names are required to be selected prior to titles being issued for a new subdivision, with Council approval required by the Geographic Names Committee prior to the name allocation.

### **Policy Implications**

Nil.

### **Strategic Planning Implications**

KEY RESULT AREA 2 – COMMUNITY PRIDE

Goal 3 – Townscape

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

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

### **Budget Implications**

Nil.

**Officer's Comment**

If Council agrees with the names selection as proposed by the applicant it is recommended that the selection be approved and the Geographic Names Committee be advised of this decision.

However, should Council not agree with any of the selection, it should submit alternative names, although it is recommended that the flora theme of the current selection be maintained. Should Council object to any one street name, an alternative, reserve name is included as a convenient substitute.

Should alternative names be selected, this is likely to delay the issue of titles and the sale and release of any of the affected lots should the Geographic Names Committee object to any alternative suggestions.

**Attachments**

Traine Crescent Road Names Plan  
Revised Plan of Subdivision (Cone Place)  
Geographic Names Committee Advice

**Officer's Recommendation**

That Council advise the Geographic Names Committee that:

- i) it requests that the following names be assigned to the subdivision of Lots 6176 and 27 Traine Crescent South Hedland in accordance with the attached diagram:
  - a) Pundul Avenue;
  - b) Snappy Gum Way;
  - c) Pepperflower Way; and
- ii) it requests that the new street servicing the subdivision of lot 2609 Cone Place being named "Burra Place" in accordance with the attached diagram.

**200607/... Council Decision**

**Moved:** Cr G D Bussell

**Seconded:**

That Council advise the Geographic Names Committee that:

- i) it requests that the following names be assigned to the subdivision of Lots 6176 and 27 Traine Crescent South Hedland in accordance with the attached diagram:
  - a) Nix Avenue;
  - b) Snappy Gum Way;
  - c) Pepperflower Way; and

- ii) it requests that the new street servicing the subdivision of lot 2609 Cone Place being named “ Pundul Place” in accordance with the attached diagram.

*LAPSED FOR WANT OF SECONDER*

**200607/415 Council Decision**

**Moved:** Cr A A Gear

**Seconded:** Cr S F Sear

**That Council advise the Geographic Names Committee that:**

- i) it requests that the following names be assigned to the subdivision of Lots 6176 and 27 Traine Crescent South Hedland in accordance with the attached diagram:
  - a) Pundul Avenue;
  - b) Snappy Gum Way;
  - c) Pepperflower Way; and
- ii) it requests that the new street servicing the subdivision of Lot 2609 Cone Place being named “Kanji Place” in accordance with the attached diagram.

**CARRIED 5/1**

*REASON: Council changed the name of the new street which will be serviceing the subdivision of Lot 2609 Cone Place to “Kanji Place”, which is culturally acceptable to Aboriginal members of the community.*

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.4

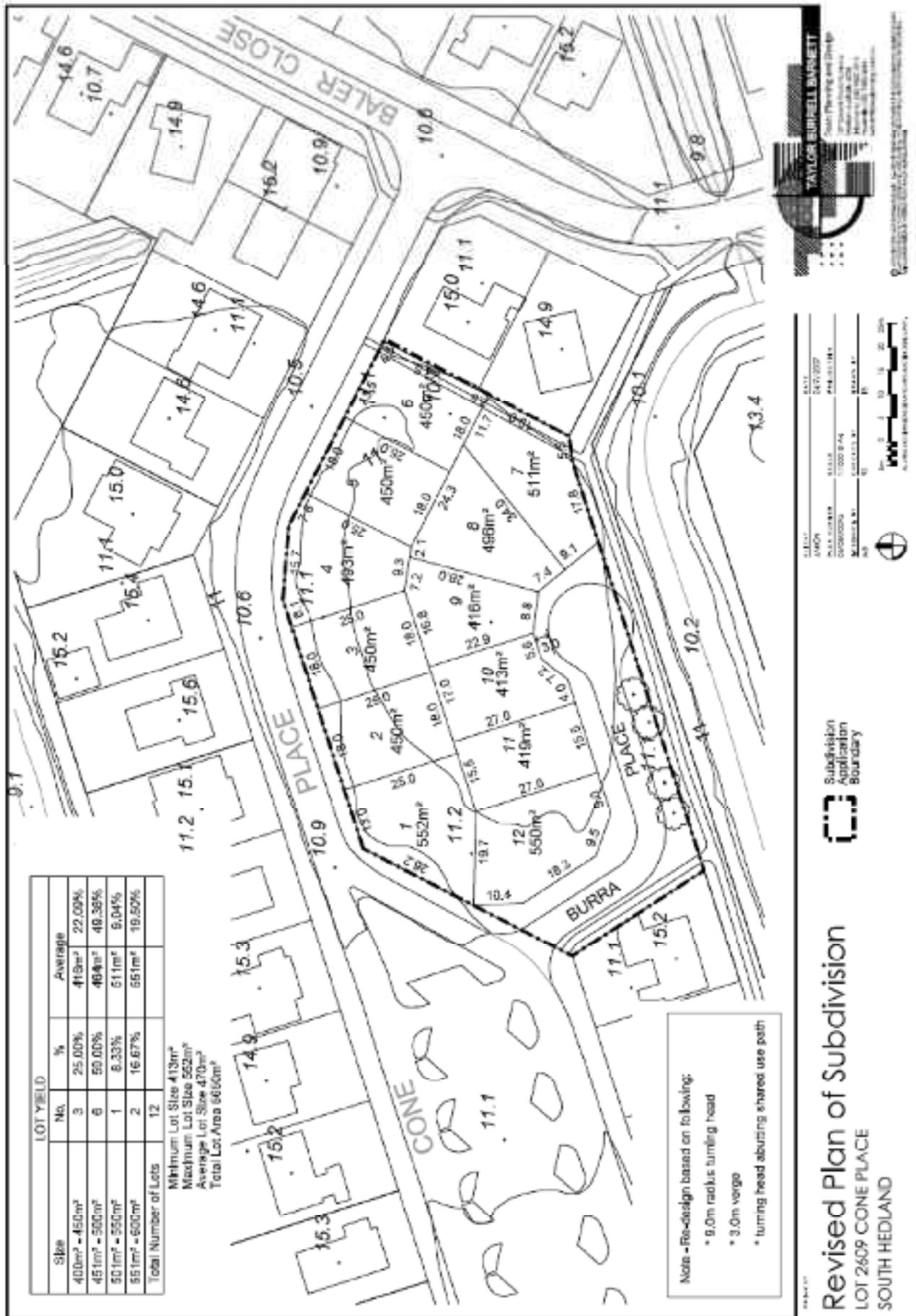


DATE	11/08/07
SCALE	1:1000
PROJECT	TRANE CRESCENT ROAD NAMES PLAN
CLIENT	SOUTH AUSTRALIA
PREPARED BY	PLANNING AND INFRASTRUCTURE
APPROVED BY	PLANNING AND INFRASTRUCTURE

Traine Crescent Road Names Plan  
LOT 6176 AND 27 TRANE CRESENT,  
SOUTH AUSTRALIA



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.4







**Facsimile**

GEOGRAPHIC NAMES COMMITTEE  
Midland Square, Midland WA 5056  
Post Office Box 2222, Midland WA 6836

Telephone: (08) 9273 7049  
Facsimile: (08) 9273 7874  
Email: lynne.smith@landgate.wa.gov.au

TO: TAYLOR BURRELL BARNETT

ATTENTION: ROGER STEIN

FROM: Lynne Smith

DATE: 6 August 2007

PAGES (Including this): 1

**MESSAGE:**

Roger

I have checked the names for the new South Hedland subdivision. The five names are acceptable to us.

We considered the existing Pepper Street in South Hedland, but feel it will not cause confusion to have a Peppercorner road name in the same locality

We look forward to hearing from Council so that we can proceed with approval action.

Regards,

**PLEASE COPY FOR YOUR RECORDS - ORIGINAL WILL NOT FOLLOW**  
WESTERN AUSTRALIAN LAND INFORMATION AUTHORITY ABN 88 574 793 858

**11.2.2.5 Proposed Entertainment Venue - Cinema, Ten Pin Bowling and Café at Lot 309 (65) Throssell Road, South Hedland (File No.: 803395G)**

**Officer** Richard Bairstow  
Manager Planning

**Date of Report** 23 May 2007

**Disclosure of Interest by Officer** Nil

**Summary**

An application has been submitted by Peter Duggan for a proposed Entertainment Venue including 3 cinemas, 10 lane – ten-pin bowling alley, café and 120-vehicle car park on Lot 309 (65) Throssell Road, South Hedland (See Attachment No. 1).

The development is an “SA” use, which is a use that is not permitted unless it has been advertised and approved by Council. The development is also considered a significant project and has significant implications for the development of the South Hedland Town Centre.

**Background**

*The Site*

The site is zoned “Town Centre” and an “Entertainment Venue” is listed as an “SA” use on the Town Planning Scheme No. 5 (TPS5) zoning table. This land has an area of 1.3006ha and is currently vacant.

*The Proposal*

The application is for an Entertainment Venue including 3 cinemas, 10 lane – ten-pin bowling alley, café and 120-vehicle car park (See Attachment No. 2).

**Consultation**

The application is a “SA” use and the advertising of the proposal is required under Town Planning Scheme No.5 (TPS5). Given that the site is well known as the Cinema and Entertainment Centre site the advertising requirement was carried out in accordance with the minimum standards as prescribed under the TPS5. This was a sign on-site for a period of 14 days. At the time of the writing of the report no submissions had been received. The report recommendation has been worded to only grant planning consent if no objections are received during the advertising period. The advertising period commenced on the 1 May 2007 and concludes on the 14 May 2007.

### Internal Comments

The application was circulated to Environmental Health Services Building Services and Engineering Services for comment and these have been incorporated as conditions and footnotes were appropriate.

### External Comments other than on-site advertising.

Whilst not formally required, comments were sought from Department Planning and Infrastructure State Land Services (DPI SLS) on the use of Lots 310 and 311 for the provision of additional carparking if required.

DPI SLS provide verbal comments suggesting that the applicant is currently in negotiations with them for potential purchase and/or lease of the Unallocated Crown Land (UCL) and, whilst it is not the preferred option for the Town, the applicant, or DPI SLS, at least it will ensure that the development doesn't become land locked and deficient of carparking.

### Statutory Implications

In accordance with the *Planning and Development Act 2005*, the proposed development of an additional is subject to the provisions of TPS5 (the current town planning scheme).

There are 2 areas with statutory implications in which the development is considered to require Council consideration and these are Carparking and Incidental construction worker accommodation. The statutory implications of these follow under following sub-headings.

#### *Carparking*

The development is considered to be an Entertainment Venue, defined by TPS5 as follows:

*“any land, buildings or structures used for the amusement or entertainment of the public with or without charge, with or without the serving of food or liquor and includes cinemas, theatres, drive-in theatres, amusement parlours, nightclubs, taverns, bars or concert auditoriums.”*

And under Appendix 7 carparking for an Entertainment Venue is to be provided at:

*“1 bay for every 2m<sup>2</sup> of open floor area;  
1 bay for every 5m<sup>2</sup> of tables and chairs; and  
1 bay for every 4-spectator audience seats in rows.  
All other areas and facilities at Council's discretion.”*

Under these circumstances the TPS No. 5 requires the provision of in excess of 1500 on-site carparking bays.

Clauses 6.13.5 and 6.14.7 of TPS5 provide Council with the ability to permit development with a varied number of car parking spaces otherwise required by the Scheme. The applicant has requested that Council use its discretion under TPS5 to determine the appropriate amount of car parking for the site.

The applicant's request to use a 'demand based' approach is considered an acceptable approach in this instance.

#### *Applicant's Justification*

The applicant is proposing that a 'demand based' approach be adopted in determining the appropriate number of carparking spaces to be provided. The applicant's calculations find that a total of 120 car parking spaces are sufficient.

The applicant's justification has provided carparking figures for the Cinema component, from Cinemas in Karratha, Geraldton and the Matt Dann. The figures for Karratha (1 bay per 10 people), Geraldton (1 bay per 17 people) and the Matt Dann (1 bay per 12 people) suggest ratios in excess of 10 people per car bay. The other components of ten pin bowling and the Café have been estimated at a ratio of 1 bay per 2 people, the slot car track has not been addressed and the child care centre has been included as an incidental use with no ratios provided.

The applicant has provided advice confirming that additional carparking arrangements are currently being investigated with the DPI SLS on lots 310 and 311.

#### *Incidental construction worker accommodation*

The applicant originally requested a stand-alone Transient Workforce Accommodation facility however is a use that is not permitted within the Town Centre Zone. It is considered reasonable however for his workforce to be accommodated on his site for the construction period.

#### **Policy Implications**

The proposed development has no implications for Council Policy.

#### **Strategic Planning Implications**

The development is considered to support Strategy 6 of Goal1 – Youth & Children in Key Result Area 3 – Community Development, which states:

*“Work with key youth stakeholders to ensure that a range of events/functions are available for local youth including recreation, leisure, adventure and art/craft activities.”*



**Budget Implications**

An application fee of \$6700.00 was paid in to the Town Planning Fees Account (1006326) on the 15 March 2007.

**Officer's Comment**

The application presents a number of issues for which an individual sub-heading has been created and officer comments provided.

*The South Hedland Town Centre Structure Plan*

Currently whilst there appears to be no statutory requirement for a structure plan for the South Hedland Town Centre both representatives of the Department of Housing and Works and LandCorp are investigating the development such a plan at the request of the Administration Team. Conventional planning practices would not determine any applications that may prejudice the development of the Structure Plan. The draft designs have shown the Entertainment Venue site as either a Civic Openspace or Building. These concepts have been drafted over the last 6months and without the knowledge of the importance of the Entertainment Venue site and other sites such as the Wangamaya Language Centre (located on the adjacent corner to the West of the subject lot). These plans have not been formally submitted for Council consideration and require modification to recognise these sites.

If there were not Native Title or other development constraints it has been assessed that given the synergy and the likely amount of carparking that maybe required that a location closer to the shopping centre would be beneficial for the development.

The fact is that the applicant has being negotiating the current site for over the past 3-4 years and has a current lease and development application, which is the subject of this report. The Town is also in desperate need of a facility such as this. Any alternative site would require Native Title clearance.

Therefore in consideration of all available information and likely timeframes associated with the various alternatives it's considered in the Town's interest to support the proposal in its current location.

*Carparking*

The number of carparking spaces technically required for the proposed development on Lot 309 is in excess of 1500 spaces. This is considered excessive and it would be unreasonable for Council to expect this number of spaces to be provided.

In consideration of the above requirement it is considered reasonable for Council to exercise discretion under Clause 6.13.5 and use a "Demand Based" approach in the calculation of the carparking requirement.

To this end it is recommended that carparking be calculated at one (1) per three (3) persons accommodated irrespective of the use in which the person participates. This calculation allows the development to accommodate a total of 360 people and, should the applicant wish to accommodate more or provide a suitable carparking justification, then Council would be able to consider such a request at that time as part of a fresh application or a reconsideration of an existing condition.

Conditions have been recommended that provide the opportunity for the applicant to construct a lesser number of carparking than required by the planning approval by delaying the construction time until such time as the likely usage rates can be reasonably analysed. The carparking requirement reflects what is considered to be a reasonable compromise between the Scheme requirements and the numbers proposed by the applicant.

#### *Incidental construction worker accommodation*

The applicant has requested to be able to accommodate his workforce on the site for the construction period of the development. This requested is supported subject to suitable health conditions, as the availability of accommodation is limited.

The conditions provide the opportunity for the Entertainment Venue construction crew to reside on-site during the construction of the complex. This provision is in recognition of how difficult it is for individuals and/or companies to secure accommodation in the Town at this time. The applicant had made application for a stand-alone Transient Workforce Accommodation development but was advised that this was a use that was not permitted, and that consideration would only be given to on-site accommodation that was associated with the development of the Entertainment Venue.

In conclusion and in consideration of all the available information, the application is recommended for approval subject to those conditions detailed within the recommendation.

#### **Officer's Recommendation**

That, subject to no objections being received during the current advertising process which concludes on the 14 May 2007, that Planning Consent be granted to P. F. Duggan on behalf of the owners Yerani for the Entertainment Venue – Cinema, ten pin bowling and Café on Lot 309 (65) Throssell Road, South Hedland as outlined in the Application received 13 March 2007 (Application 2007/062) and indicated on the approved plans, subject to the following conditions:

1. The development must only be used for purposes, which are related to the operation of a “Showroom” business. Under the Town of Port Hedland’s Town Planning Scheme No. 5 an “Entertainment Venue” is defined as:

*“any land, buildings or structures used for the amusement or entertainment of the public with or without charge, with or without the serving of food or liquor and includes cinemas, theatres, drive-in theatres, amusement parlours, nightclubs, taverns, bars or concert auditoriums.”*
2. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).
3. Prior to the submission of a Building Licence amended plans and/or additional information and/or justification being submitted to and approved by the Town addressing the following items:
  - a. Three (3) disabled carparking bay(s) located convenient to the building entrance and with a minimum width of 3.8 metres;
  - b. Pedestrian accessways abutting the building shall be provide with suitable canopies;
  - c. Elevations to all road frontages are to include additional features, which create the perception that the building operates on multiple levels;
  - d. The provision of bicycle parking facilities to be in accordance with the Guide to Traffic Engineering Practice, Austroads Part 14 and the Australian Standard for Offstreet Carparking – Bicycles (AS2890.3-1993), and shall be provided in the location/s convenient to the entrances of the complex;
  - e. The proposed location of the temporary construction quarters and a staffing management plan, which only accommodates those workers working on this particular development  
all to the satisfaction of the Manager
4. In regard to condition 3 (e), the temporary construction quarters shall be managed in accordance with the approved management plan and be compliant with any other recommendation which may result from the submission of the plan or supporting documentation all to the satisfaction of the Manger Planning.
5. A minimum of 120 car parking spaces are to be provided in accordance with Appendix 7 of Council's Town Planning Scheme No.5 and to the satisfaction of the Council's Manager Planning.

6. The Entertainment Venue shall accommodate a maximum of 360 people at anyone time.
7. Prior to the commencement of any works whatsoever the applicant/lessee/owner is to provide the Town with a written legally binding document, to the specifications of the Town's recommended solicitor, that suitable access and parking arrangements will be sufficiently available and developed, all at the applicant's expense, to accommodate any additional carparking and access arrangements associated with the potential use of lots 310 and 311 Throssell Road, South Hedland and all to the satisfaction of the Manager Planning.
8. The granting of an easement in gross, in favour of the public at large, to the satisfaction of the Town, prior to the development first being occupied, over the area generally identified as carparking and vehicular accessways in the development application dated 15 March 2007 and received by the Town on 15 March 2007. All costs associated with the preparation of the easement shall be met by the landowner. This easement in gross shall be extended to include all carparking and accessways required under condition 5.
9. In regard to condition 5, car parking bays to be minimum of 5.4m x 3.0m; constructed, drained and sealed; to be line marked and served by a paved access way, with a minimum width of 5.8 metres in accordance with Appendix 8 of Council's Town Planning Scheme No.5.
10. The childcare centre shall only accommodate the children of patrons utilizing the Entertainment Centre at that particular time.
11. A Rubbish Collection Strategy/Management Plan shall be submitted to, and approved by, the Town prior to the commencement of works. The strategy/plan shall consider service vehicle manoeuvring and the location of waste management bins (both wet and dry) within a suitable enclosure. Any alterations to the approved plans required as a result of the strategy / plan shall be incorporated into the building licence plans. The approved strategy / plan shall be implemented to the satisfaction Manager Planning.
12. A detailed landscaping plan for the development site and the adjoining road verge(s) shall to be submitted to and approved by the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.



13. In regard to condition 8, the landscaping detailed plan provide visual buffer by the use of appropriate vegetation in density and/or height to break up the development to Throssell and Hamilton Roads all to the satisfaction of the Manager Planning.
14. Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning.
15. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.
16. The crossovers shall to be designed in accordance with the Town of Port Hedland's Standard Specification for the Construction of Vehicle Crossovers (copy enclosed) unless otherwise specified by this approval.
17. Design levels of all proposed development are to be included on the Building Licence and to the satisfaction Manager Planning.
18. Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details, signed by a practising Structural Engineer, must be submitted for approval. If the wall is proposed to be in excess of 0.5m then an application for Planning Approval will be required in addition to the Building Licence.
19. A planning application for the overall signage strategy for the cinema shall be submitted to and approved by the Town prior to the erection of any such signage.
20. The proposal is to be connected to sewer.
21. All stormwater shall be collected and disposed to the specifications of the Director Engineering Services and the satisfaction of the Manager Planning.
22. Floodlighting being provided within the carparking areas and designed in accordance with Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be where possible internally directed to not overspill into nearby lots.
23. Anti graffiti non-sacrificial treatment or suitable alternative shall be applied to all external walls to a height of 2m or the specifications of the Director Engineering Services and to the satisfaction Manager Planning.

24. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning.
25. Prior to the commencement of any works whatsoever a Dust Management Plan shall be submitted to and approved by the Town.
26. The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
  - a. The delivery of materials and equipment to the site;
  - b. The storage of materials and equipment on the site;
  - c. The parking arrangements for the contractors and subcontractors;
  - d. Impact on traffic movement;
  - e. Operation times including delivery of materials; and
  - f. Other matters likely to impact on the surrounding land owners;

to the satisfaction Manager Planning.

**FOOTNOTES:**

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. In regard to condition 4 and 6, the applicant is advised to commence negotiations with the Department of Planning Infrastructure – State Land Services for the leasing and use of Lots 310 and 311 for the use of carparking
3. In regard to condition 10, the applicant is advised that the childcare centre is only approved as an incidental use to that of the Entertainment Venue. As a separate use it will require the submission of a independent planning approval.
4. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

5. Be advised that the Town's Building Services Department has provided the following advice. If any of these matters require clarification please contact the Department on 9158 9329
  - a. Building Licence required; and
  - b. Reference to B.C.A Vol. 1 Part C2.3 should be made in regards to vehicular access or a fire engineer consulted for an alternative solution.
  
6. Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9316
  - a. It is a requirement under the Town of Port Hedland Eating House Local Laws that all food premises be licensed prior to beginning operations;;
  - b. The applicant is advised that the construction and use of the proposed premises is required to comply with the Health (Food Hygiene) Regulations 1993;
  - c. Prior to the issue of a building licence, a fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of Town's Environmental Health Services; and
  - d. Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.
  - e. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services.
  - f. Waste disposal and storage is to be carried out in accordance with Council's Health Local Laws 1999.
  - g. The development is to comply with the Health (Public Buildings) Regulations 1992.
  - h. Be advised that at the building licence stage a detailed floor plan will be required to be submitted in order for Town to assess compliance with the Health (Public Buildings) Regulations 1992.
  - i. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times including but not limited to the construction and operation phases.
  
7. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

## 200607/416 Council Decision

Moved: Cr J M Gillingham

Seconded: Cr A A Gear

That Planning Consent be granted to P. F. Duggan on behalf of the owners Yerani for the Entertainment Venue – Cinema, ten pin bowling and Café on Lot 309 (65) Throssell Road, South Hedland as outlined in the Application received 13 March 2007 (Application 2007/062) and indicated on the approved plans, subject to the following conditions:

1. The development must only be used for purposes, which are related to the operation of a “*Showroom*” business. Under the Town of Port Hedland’s Town Planning Scheme No. 5 an “Entertainment Venue” is defined as:

*“any land, buildings or structures used for the amusement or entertainment of the public with or without charge, with or without the serving of food or liquor and includes cinemas, theatres, drive-in theatres, amusement parlours, nightclubs, taverns, bars or concert auditoriums.”*

2. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).
3. Prior to the submission of a Building Licence amended plans and/or additional information and/or justification being submitted to and approved by the Town addressing the following items:
  - a. Three (3) disabled carparking bay(s) located convenient to the building entrance and with a minimum width of 3.8 metres;
  - b. Pedestrian accessways abutting the building shall be provide with suitable canopies;
  - c. Elevations to all road frontages are to include additional features, which create the perception that the building operates on multiple levels;
  - d. The provision of bicycle parking facilities to be in accordance with the Guide to Traffic Engineering Practice, Austroads Part 14 and the Australian Standard for Offstreet Carparking – Bicycles (AS2890.3-1993), and shall be provided in the location/s convenient to the entrances of the complex;
  - e. The proposed location of the temporary construction quarters and a staffing management plan, which only accommodates those workers working on this particular development  
all to the satisfaction of the Manager

- 4. In regard to condition 3 (e), the temporary construction quarters shall be managed in accordance with the approved management plan and be compliant with any other recommendation which may result from the submission of the plan or supporting documentation all to the satisfaction of the Manger Planning.**
- 5. A minimum of 120 car parking spaces are to be provided in accordance with Appendix 7 of Council's Town Planning Scheme No.5 and to the satisfaction of the Council's Manager Planning.**
- 6. The Entertainment Venue shall accommodate a maximum of 360 people at anyone time.**
- 7. Prior to the commencement of any works whatsoever the applicant/lessee/owner is to provide the Town with a written legally binding document, to the specifications of the Town's recommended solicitor, that suitable access and parking arrangements will be sufficiently available and developed, all at the applicant's expense, to accommodate any additional carparking and access arrangements associated with the potential use of lots 310 and 311 Throssell Road, South Hedland and all to the satisfaction of the Manager Planning.**
- 8. The granting of an easement in gross, in favour of the public at large, to the satisfaction of the Town, prior to the development first being occupied, over the area generally identified as carparking and vehicular accessways in the development application dated 15 March 2007 and received by the Town on 15 March 2007. All costs associated with the preparation of the easement shall be met by the landowner. This easement in gross shall be extended to include all carparking and accessways required under condition 5.**
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- 10. The childcare centre shall only accommodate the children of patrons utilizing the Entertainment Centre at that particular time.**

11. A Rubbish Collection Strategy/Management Plan shall be submitted to, and approved by, the Town prior to the commencement of works. The strategy/plan shall consider service vehicle manoeuvring and the location of waste management bins (both wet and dry) within a suitable enclosure. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy / plan shall be implemented to the satisfaction Manager Planning.
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  - e. Operation times including delivery of materials; and
  - f. Other matters likely to impact on the surrounding land owners;to the satisfaction Manager Planning.

**FOOTNOTES:**

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.



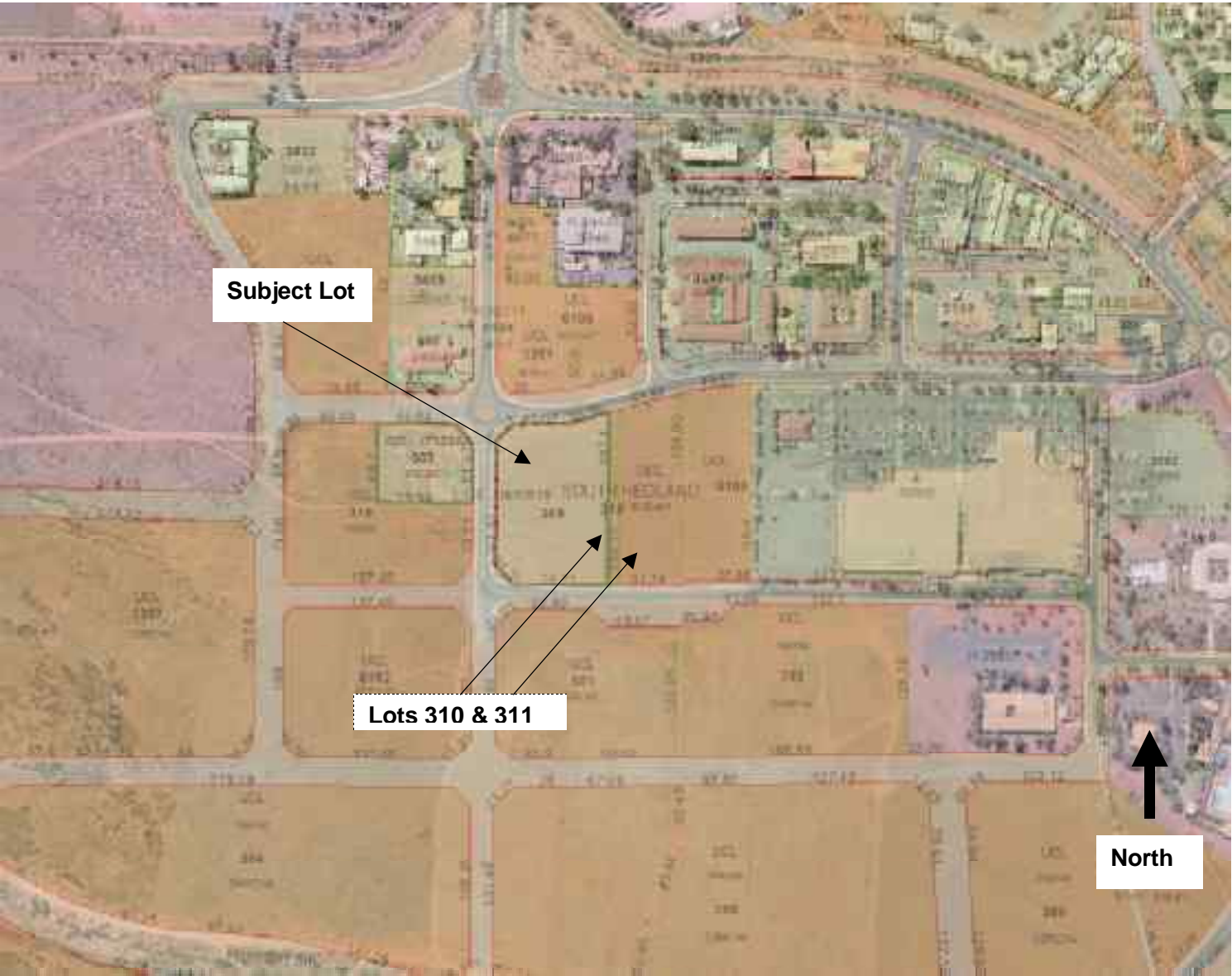
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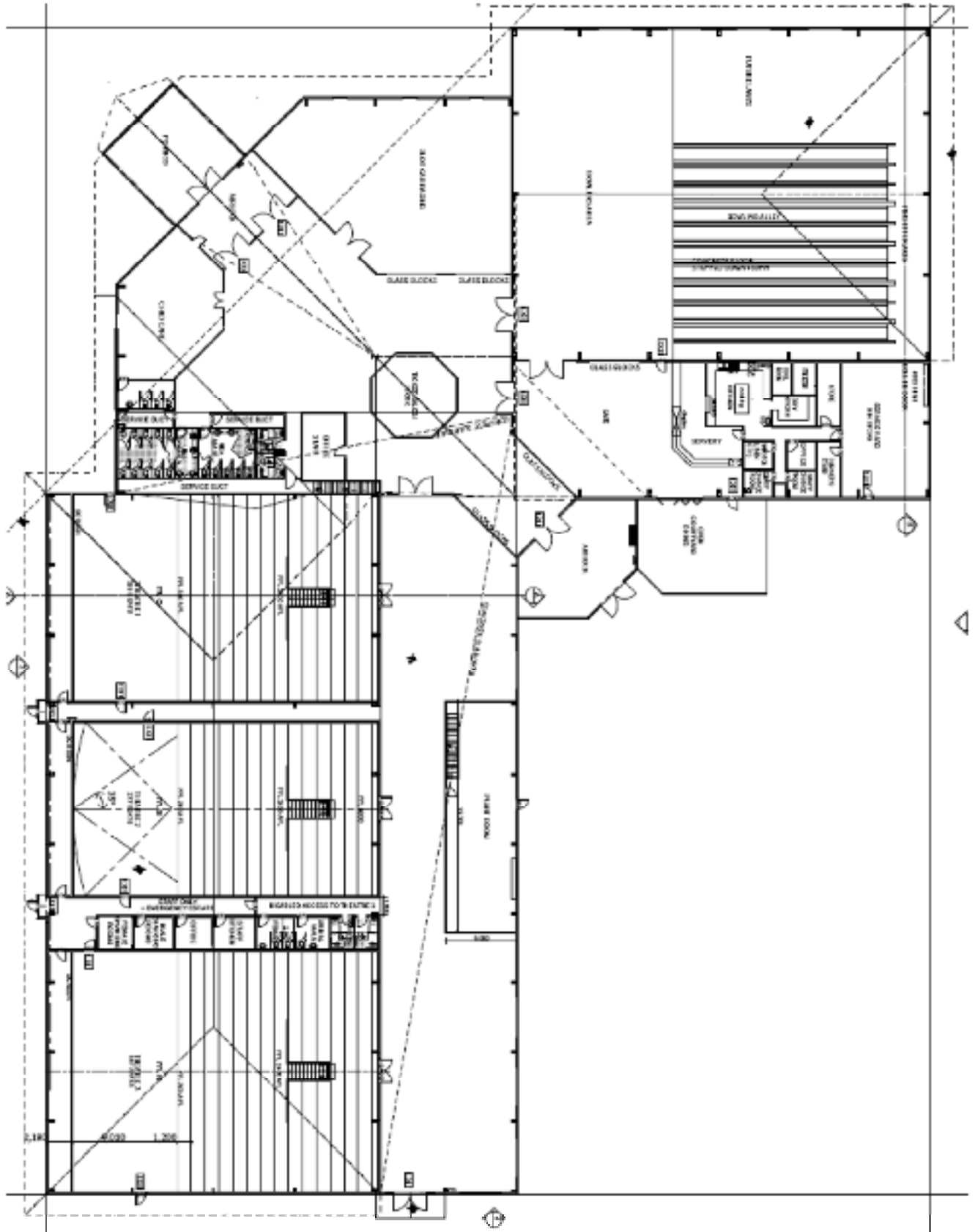
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  - i. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times including but not limited to the construction and operation phases.
7. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

**CARRIED 6/0**

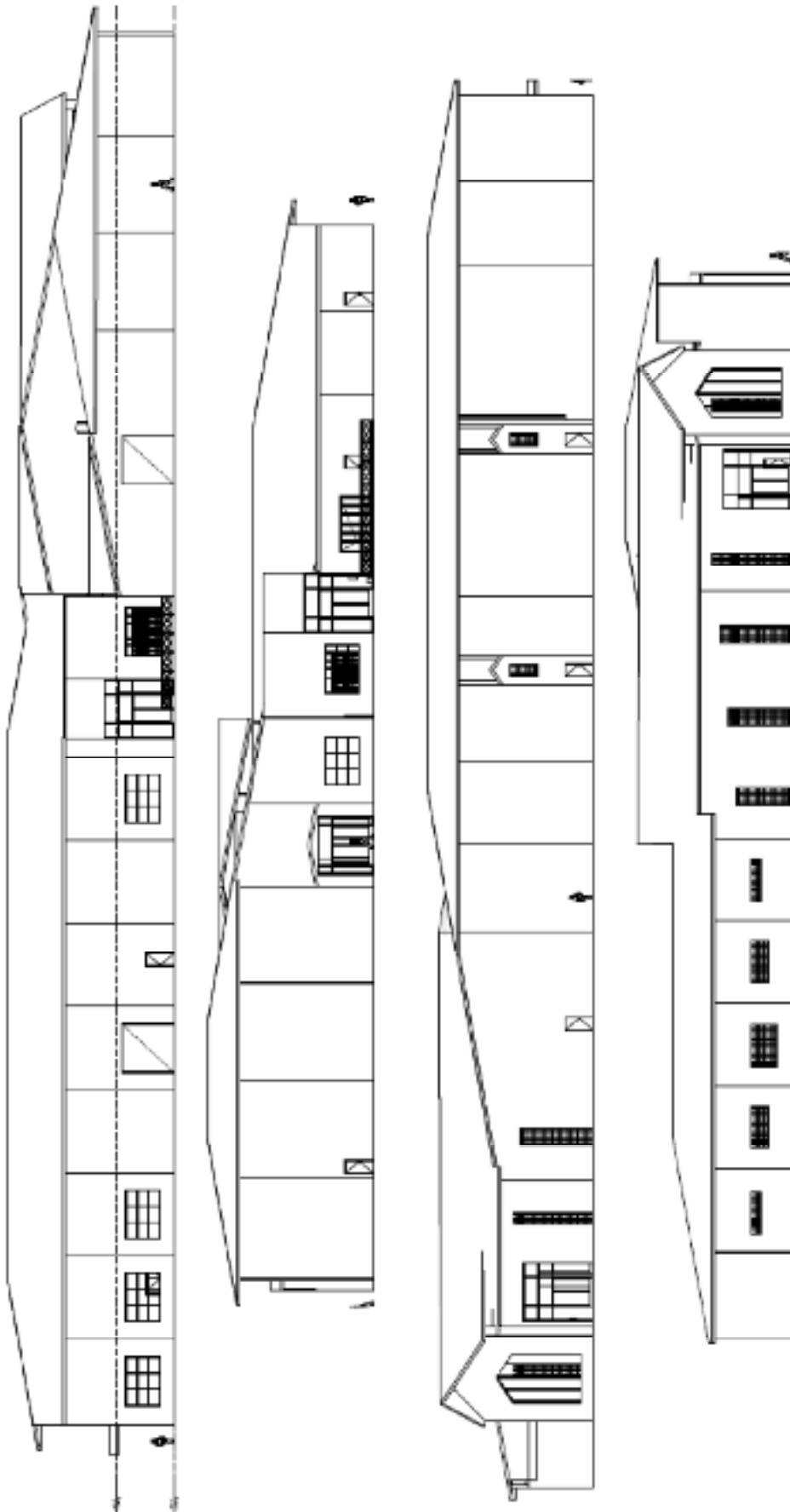
*REASON: As there had been no objections received, Council amended the Motion accordingly by deleting the following words at the commencement of the recommendation "That, subject to no objections being received during the current advertising process which concludes on the 14 May 2007,".*

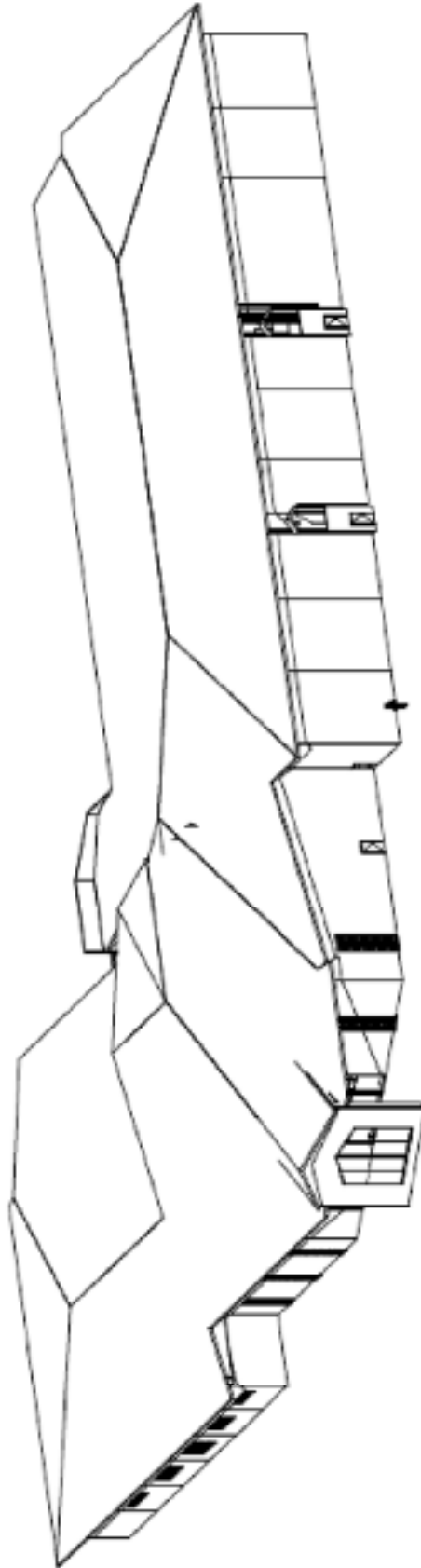


*ATTACHMENT 2 TO AGENDA ITEM 11.2.2.5*



*ATTACHMENT 2 TO AGENDA ITEM 11.2.2.5*





**11.3 ENGINEERING SERVICES**

**11.3.1 Director Engineering Services**

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

**Officer** Russell Dyer – Works Manager, Jenella Voitkevich – Technical Services Manager, Eleanor Whiteley - Airport Manager, and Rebecca Pianta – Recreation Co-ordinator

**Date of Report** 9 August 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 – Works Manager***

<b>PROJECT</b>	<b>STATUS</b>
Playgrounds	Trumpet Park – new playground designs being sourced more suitable for local conditions
Black Spot Funding	North Circular/Hamilton and North Circular/Murdoch have been hotmixed and awaiting kerbing and linemarkers schedule for mid August to complete project. Throssell road widening commenced mid July. Additional BS funding has been granted for the completion of these projects. Horizon power have advised that Light Poles will be moved to the southern side of road with Light Poles removed between Hamilton –Hawke.

Roads to Recovery	Roads to recovery road has commenced on Shoata Road and box culverts to be installed. Bypass road has been constructed while these works are being carried out. Work completed by mid September.
Landfill	Engineering crews will construct the new septage ponds awaiting DEP approvals.
Wedge & Edgar street Streetscape Enhancements	Faux brick paving complete. Carpark sealing completed. Linemarking and signage installations will complete project
FMG Railway Construction	Railway construction and road works ongoing.
Wedgfield Upgrades R2R	All intersections have been asphalted. Kerbing and Drainage headwalls to be completed by mid September.
Kerbing Construction	07/08 kerbing replacement program for Port Hedland and South Hedland will be completed end of August 2007
Flood Gate Pumps	Pre Cyclone Testing for Electrical and Pump Mechanical operations programmed for September
Road Safety Audit	Road Safety Audit for South Hedland, Port Hedland and Wedgfield has been forwarded to Main Roads for action
Heavy Plant Equipment	Tenders have been advertised for Heavy Plant Replacement programme with a closing date of 22 <sup>nd</sup> August 2007.
Septage Tanks	Colin Matheson Oval tank is schedule for completion end of August, fabrication works programmed for Kevin Scott Oval Septage Tanks

***Parks & Gardens***

<b>PROJECT</b>	<b>STATUS</b>
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	Ongoing works currently between Wedgfield and Port Hedland
Slashing	Ongoing works currently slashing in Port Hedland additional slashing work completed around South Hedland High School for upcoming Spinifex Spree event.
Pre Cyclone Cleanup	Pre Cyclone cleanup dates are as follows: Port Hedland 10 <sup>th</sup> September – 21 <sup>st</sup> September, South Hedland 10 <sup>th</sup> September – 28 <sup>th</sup> September, Wedgfield 1 <sup>st</sup> October – 5 <sup>th</sup> October 2007



**Technical Services/Projects – Technical Services Manager**

PROJECT	STATUS
West End Greening	Scope of works has been reviewed to include planting and irrigation (contractors) and car park and footpath construction (Council). Commencing discussions with tenderers for revised quotes
Turtle Boardwalk	Application for clearing permit has been submitted to Dept of Environment & Conservation – geotechnical survey pending approval of permit
Light Fleet replacement	Quotes being sourced for 07/08 program as per Dept of Treasury & Finance Common Use Contract
Street Trees/Boulevard planting	Strategy has been presented to Council at briefing session on 15 <sup>th</sup> August. Scope to be finalised and reviewed in verge treatment policy
Landscape & Streetscape Design tender	Tenders closed on 15 <sup>th</sup> August – to be presented to Council at September meeting. Anticipated scope of works include Throssell road streetscape, Sutherland street nodes, Boulevard planting, park developments
Funding applications	Applications submitted: Country Pathways (\$50K), Pilbara Fund (footpaths \$270K, playgrounds \$80K, Throssell rd streetscape \$150K, park improvements \$500K, boulevard tree planting \$100K), Lotterywest (playgrounds \$25K), Pilbara Regional Development Scheme (bins, bus shelters, footpath railings \$67K), PACC (Cemetery upgrade \$50K) Funding results: RIFP (Throssell rd \$250K) rejected, RIFP (Wedge/Edgar paving \$200K) rejected
Footpath construction	Due to commence early September
Street lighting program	Installations complete at Murdoch intersections (Brolga, Captains & Masters). Currently liaising with Horizon Power regarding 07/08 program
Cemetery Upgrade	Working group meeting on 14 <sup>th</sup> August to discuss 07/08 program. PACC funding application submitted for additional \$50K. Council item to be presented at September meeting

**Port Hedland International Airport**

The annual passenger figures for 2006/2007 was 153,415. At the time of writing official passenger figures for July were not available however unofficial numbers indicate around 13500 for the month.

**Bali International Service:**

Flights are being well supported with passenger numbers up around 80 for each of the outbound & inbound legs.

Changes to the flight times are scheduled at the end of the month with the inbound leg from Bali scheduled to arrive at 7.15pm departing for Broome at approximately 9pm.



*Security:*

In the last month a number of incidents have occurred at the airport during flights resulting in police attendance. These incidents were mainly the result of intoxicated passengers being denied boarding.

On the weekend of the WAFL function unknown persons trespassed airside at the airport carrying out minor vandalism to the baggage make up area. The charter aircraft on the ground was also interfered with however flight crew advised that no damage was done. Airport management are liaising with the company in relation to this matter and are investigating the installation of security cameras in the terminal area.

*Capital Works:*

Apron Resealing Project has commenced and will be completed in the coming week with final jet sealing and line marking taking place in two weeks time.

Time limited parking has been introduced with a great measure of success. The Reporting Officers have been busy with infringement notices however this seems to be quietening down.

***Recreation Services Update – Recreation Co-ordinator****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
- Completion of water fountain installation at other sporting reserves around the Town.
- Electrical checks of all buildings.

To be completed

- Protective rubber for the cricket nets

*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*

Port and South Hedland Skatepark are being currently being constructed. All fill has been delivered and concreting works have commenced. The estimated completion date remains at November 2007.

The Town of Port Hedland is currently supplying accommodation at 8A Ashburton Crescent for the skatepark contractors. As per written confirmation, this accommodation will cease on the 28<sup>th</sup> September 2007. The amended contract price has yet to be submitted to staff.

*Feasibility Study into Proposed Multi-Purpose Sports Complex*

Council received the feasibility study and concept designs on Thursday 9 August 2007. They are currently being distributed for public consideration, and will be presented to the September Council briefing for Council feedback. A formal Agenda Item will then be presented at the Ordinary Council Meeting in September.

*Grant Applications*

Council received confirmation that the \$50,000 Grant Application to Rio Tinto Minerals for the McGregor Street Carpark upgrade was unsuccessful. Funds are now being obtained from different sources.

*Aquatic Centres*

The new YMCA Area Manager will commence Monday, 13<sup>th</sup> August 2007. Ashley Crimmins will be attending the Aquatic Advisory Steering Committee Meeting, currently scheduled for early September.

For the full YMCA monthly report and monthly meeting minutes, contact the Recreation Coordinator.

*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. The main pool has been emptied further to allow for pressurised cleaning of the bowl. It is envisaged that the pool will be refilled within two weeks to allow for settling time before reopening.

*YMCA Update*

The YMCA report has not yet been received. The Recreation Operations Manager has advised that due to the implementation of a new financial management system, some delays may occur in the monthly report submission.

*Gratwick Aquatic Centre*

Positive feedback has been received in regards to the new security fence surrounding the facility. The fencing was replaced as part of the recreation facilities upgrade.

*YMCA Update*

The YMCA report has not yet been received. The Recreation Operations Manager has advised that due to the implementation of a new financial management system, some delays may occur in the monthly report submission.

*JD Hardie Centre*

*Promotion:*

Promotion used for the month of July was as follows:

- Pamphlet Drop off to schools for the Holiday Program
- Holiday Program Pamphlets distribution to various businesses
- Distribution of flyers at regular programs

Term Program Attendances	Jul
Kids Club (Mon, Wed, Fri)	53
Jr Dodgeball	47
Jr Gym	23
All Sports	20
X-Pression	0
GR8 SK8	13
Boxing	82
Sports Competitions	
Netball Teams (11)	15
Volleyball Teams (12)	30
Soccer Teams (4)	23
Basketball Teams (8)	135
Badminton	10
Misc	
Birthday Parties(3)	45
Facility Hire	910
Holiday Program	315
Dodgeball Competition	0
Total	1721

*Programs:*

Current Programs:

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

Current Stadium Competitions:

- Netball
- Volleyball
- Basketball
- Soccer
- Badminton

. *Events*

There were no events run in the month of July.

. *Additional Information*

Attendances for the month of July are lower than usual due to the Term 2 school holidays. All Senior Sports Competitions concluded for the season, with finals being played in the first week of July. All Sporting Competitions and Term Programs concluded for the school holidays, with the new season commencing beginning of Term 3.

The school holiday program that was offered for the Term 2 holidays consisted of Full day or Half Day Programs with the Program running Monday to Friday for the two weeks of the School Holidays. Based on history, an average of 28 children per day was budgeted for. After a slow start, the program accelerated for the remainder of the holidays with an overall average of 32 children attending each day.

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

- Hedland Senior High School (Regular Daily Booking)
- Tae Kwon Do (Regular Weekly Booking)
- Creating Communities (Stakeholder meeting)
- Wedding Reception
- Treloar Child Care (Holiday Program)

. *JD Hardie Centre Working Group*

The JD Hardie Centre Working Group had it's fourth meeting since the Council resolution that the centre remain a recreational facility until recreation services can be offered from another location. Minutes from this meeting were forwarded to all Councillors, however can be obtained by contacting the Recreation Coordinator.

The timeline for the Project Control Group (with consultative services offered by South Hedland New Living) to complete the JD Hardie Centre Youth Precinct Project management plan, including prospective tenancy arrangements are scheduled to be completed by December this year, with timeframes based on the outcomes below:

PROPOSED DATES	Agenda	Outcome
Tuesday 7 August (Carole arrives at 12pm)	Carole to arrive and do investigation of the facility and meet with council staff.	Complete
Tuesday 7 August – Friday 10 August (Andrew arrives Wed)	Meetings and interviews with stakeholders	Complete
Friday 10 August	Meeting with PCG to give an overview of findings from interviews	Complete
13 -24 August	* Follow up to any interviews missed * Development of the report * Other research	
Week of 27 August	Draft document provided to PCG for feedback	
Date to be confirmed	Meet with YIC Board	
Date to be confirmed	Workshop with the LSYC patrons	
19 – 25 September (to be confirmed)	Visioning Workshop with stakeholders.	
10 October	Council Briefing	
24 October	Ordinary Council Meeting. Present recommendations	
October onwards	Preliminary design, QS, etc	
November / December	Business / Management Plan	

*Completed Events*

*WAFL Game*

The WAFL Game was held at Kevin Scott Oval on Saturday July 21<sup>st</sup>. It was a highly successful event with a crowd of over 1600 people. All profits from the tickets sales of the game will be distributed to the two local clubs who assisted in the organisation. The junior clinics, club development session and strapping courses were all reasonably well attended on the following Sunday. Some players from the WAFL remained in Port Hedland and visited some indigenous communities in the region, then headed to Wickham and Karratha to complete their tour.

*Upcoming Events*

*Have-A-Try Day*

This inaugural event will be held on Sunday 9 September at Kevin Scott Oval. It is designed so children of the Hedland community can try a variety of different sports, with many of the sporting organisations running events on the day. Pilbara Population Health will provide a healthy lunch at the end of the day.

. *President's Breakfast*

This quarterly breakfast is scheduled to occur on 6 September 2007 at the Civic Centre. The Agenda is currently being finalised and will be forwarded to all sporting associations and Councillors. This breakfast represents an opportunity for the sporting associations within Hedland to be aware of recreational planning within the Town, and to network with other associations.

*Education, Training and Certifications*

. *Working with Children Checks*

In line with new legislation, all staff within the Recreation Department have lodged their applications for the Working With Children Check card. This card allows lawful instruction of children, and ensures that background criminal checks have been undertaken for those working with children.

. *First Aid*

Two JD Hardie Centre staff members are scheduled to sit their Senior First Aid Certificate in August, which will mean all recreation staff have a current qualification in first aid.

**200607/417 Council Decision/Officers Recommendation**

**Moved:** Cr A A Gear

**Seconded:** Cr S F Sear

**That Council accepts Engineering Services Monthly Report.**

***CARRIED 6/0***

**11.3.1.2 Community Facilities Grants Program Financial Assistance Agreement (File No.: 21/03/0001)**

**Officer** Jenella Voitkevich  
Manager Technical Services

**Date of Report** 7 August 2007

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to grant approval for the Mayor and Chief Executive Officer to sign and seal the Financial Assistance Agreement with the Department of Local Government and Regional Development for Community Facilities Grants Program funding.

**Background**

Council received correspondence in October 2006 from the Department of Local Government and Regional Development advising of successful funding of \$25,000 (excluding GST) through the Community Facilities Grants Scheme program. This funding contributed to the 2006/07 playground installation at Kevin Scott Oval, South Hedland.

Signing and sealing of the Financial Assistance Agreement is required to process the grant payment.

**Consultation** Nil

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications**

Key Result Area 1 - Infrastructure

Goal 2 – Parks & Gardens: To have a variety of well maintained and well utilised Parks and Gardens that meet the various needs of park users

Strategy 2 – Review, update and continue to progressively implement, the Town's Five-Year Playgrounds Upgrade program.

**Budget Implications**

2006/07 Account 1111353 (Grant – Parks Upgrade) has an allocation of \$25,000 for this funding.



**Officer's Comment**

Although Council was advised of the successful funding during the budget review process, the Financial Assistance Agreement has not been signed which is hindering progress of the grant payment.

The project funded by this application (playground installation at Kevin Scott Oval, South Hedland) has been completed, with relevant acquittal documentation and invoice already forwarded to the Department of Local Government and Regional Development.

Signing and sealing of the Financial Assistance Agreement is required to process the grant payment.

**Attachments** Nil

**200607/418 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Gear                      **Seconded:** Cr D R Pike

**That Council approves the Town of Port Hedland Seal being affixed to the Financial Assistance Agreement with the Department of Local Government and Regional Development for Community Facilities Grants Program funding of \$25,000 (excluding GST).**

***CARRIED 6/0***

**11.4 GOVERNANCE AND ADMINISTRATION****11.4.1 Corporate Services****11.4.1.1 *Financial Reports to Council for Period Ended 31 July 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 31 July 2007, and to compare this with that budgeted for the period. With regard to the Town's Utility Costs, a comparison is made with 2006/07.

**Background**

Presented (see attachments) in this report for the financial period ended 31 July 2007, are the:

- Statements of Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 31 July 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 2007/08 cumulative monthly water and power costs compared with 2006/07.

**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 22 August 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			
CHQ17497	17506	\$3,595.20	1	2	1	Municipal Fund	Cancelled
CHQ17507	17507	-	2	2	1	Municipal Fund	
CHQ17508	17536	\$105,475.59	2	8	1	Municipal Fund	Cancelled
CHQ17537	17537	-	8	8	1	Municipal Fund	
CHQ17538	17571	\$50,743.75	8	14	1	Municipal Fund	
EFT19177	19447	\$2,241,446.31	15	97	1	Municipal Fund	
PAY 030707		\$220,492.63	97	97	1	Municipal Fund	
PAY 170707		\$204,635.43	97	97	1	Municipal Fund	
	Municipal Total	\$2,826,388.91					
3001348	3001357	\$8,316.00	97	98	3	Trust Fund	
	Trust Total	\$8,316.00	98	98	3	Trust Fund	
	<b>TOTAL</b>	<b>\$2,834,704.91</b>					

**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 25 July 2007 Ordinary Meeting Council resolved to adopted item 11.4.1.2 2007/08 Budget Adoption, which included Recommendation 12 as follows:

*“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”*

**Officer's Comment**

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

*Period Variation*

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

*Primary Reason*

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

*Budget Impact*

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

**Attachments**

Page 1 of 16. Schedule 2 being a Statement of Financial Activity  
Pages 4 to 16. Notes 1 to 9 which form part of the Statements of Financial Activity. Also Note 10 – July 2007 Bank Reconciliations.  
Pages 1 to 46. Detailed Financial Activity by Program.  
July 2007 Accounts for Payment  
Comparaison Between 2006/07:2007/08 Utility Costs

**200607/419 Council Decision/Officer's Recommendation**

**Moved:** Cr S F Sear

**Seconded:** Cr A A Gear

**That:**

- i) **the:**
  - . **Statements of Financial Activity (represented by Schedules 2 to 14);**
  - . **Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 31 July 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 July 2007 under Delegated Authority, as presented and/or attached be received.

***CARRIED 6/0***



**ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**

Nil

**ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN**

Nil

**ITEM 14 CONFIDENTIAL ITEMS**

Nil

**ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**ITEM 16 CLOSURE**

**16.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 26 September 2007, commencing at 5.30 pm.

**16.2 Closure**

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

**Declaration of Confirmation of Minutes**

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 26 September 2007.

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE