



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 25 JUNE 2008

AT 5.30 PM

IN COUNCIL CHAMBERS

McGREGOR STREET, PORT HEDLAND

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Chris Adams
Chief Executive Officer

OUR COMMITMENT

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

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ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 5:35 pm and acknowledged the traditional owners, the Kariyarra people.

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

Mayor S R Martin
Cr A A Carter
Cr G D Bussell
Cr S J Coates
Cr G J Daccache
Cr J E Ford
Cr A A Gear
Cr J M Gillingham
Cr K A Howlett

Mr Chris Adams	Chief Executive Officer
Mr Matthew Scott	Directory Corporate Services Mr
Terry Dodds	Director Engineering Services
Mr Terry Sargent	Director Regulatory and Community Services
Ms Gaye Stephens	Executive Assistant

Members of Public	2
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Members of the Media	Nil
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2.2 Apologies

Nil.

2.3 Approved Leave of Absence

Nil.

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held
Wednesday 28 May 2008**

Nil.

3.2 Questions from Elected Members at Ordinary Council Meeting held Wednesday 28 May 2008

Nil.

ITEM 4 PUBLIC TIME

4.1 Public Questions

5:36 pm Mayor opened Public Question Time

4.1.1 *Mr Chris Whalley*

As asked at Council's Ordinary Meeting last month, has Council heard from Doric Construction when they will start building the new hospital?

Chief Executive Officer advised that Council is not a party to the contract, but understands that construction works on the new hospital is due to start any day now.

4.1.2 *Ms Gaye Stephens*

[NOTE: The following questions were read aloud by Councillor George Daccache on behalf of Gaye Stephens, and were presented in writing to Council prior to the commencement of the meeting]

Why is it that Council seeks objection or approval comments from neighbouring properties in regards to some proposed development applications, and not others, such as tonight's Agenda Item relating to Lot 3 (9-11) Greenfield Street at South Hedland Rural Estate?

Director Regulatory and Community Services advised that the requirement of Council's Town Planning Scheme is that some development applications be considered after consultation and/or advertising, which may also apply to some development applications which are potentially contentious.

Mayor added that Council staff has delegated authority to determine some planning applications that are in accordance with Council's Town Planning Scheme. There are some instances where planning applications are required to be presented to Council for consideration; and some instances where the applicant has requested staff to present the matter to Council for its consideration.

Does Council know if anybody is living in, or leasing, the existing 15m x 10m shed at Lot 3 Greenfield Street, at South Hedland Rural Estate?

Director Regulatory and Community Services advised he is not aware this particular matter. Council records will need to be checked in relation to residential activity on the Lot as part of Council's routine operations.

If Council approves a planning or building application which is not permitted by Council's Town Planning Scheme sometime in the past, does this necessarily create a precedent for non-conformance to the Scheme in the future?

Director Regulatory and Community Services advised that Council is not bound by such precedents or decisions made in the past.

Is Council able to exercise good governance by making decisions that are consistent with the provisions of its TPS5?

Mayor stated that by making decisions that are consistent with the Town Planning Development Act on behalf of the Minister, Council should be following its Town Planning Scheme.

Would Council provide its support, perhaps through the likes of Andrew Watt's expertise from Creating Communities, to assist a group of interested property owners from South Hedland Rural Estate to form a Community Association, or the like?

Mayor advised that interested residents and property owners of the South Hedland Rural Estate don't need Council's permission or support to form such an association or group. He added that support groups are formed to address Council on various matters.

Will Council consider the urgent need for a full time Compliance Officer position in its 2008/09 budget?

Chief Executive Officer advised the need for a full time Compliance Officer position is being considered by Council as part of its 2008/09 budget process.

5:43 pm Mayor opened Public Question Time

4.2 Public Statements

5:44 pm Mayor opened Public Question Time

4.2.1 Mr Peter Troy - Port Hedland Speedway Club

Mr Peter Troy, President of the Port Hedland Speedway Club advised Council that the 'Winged Thunder Tour' hosted by the Club recently was a great success, and could not have been possible without Council's financial support. The Club is looking forward to Super Sedans and Sprint Car events in the future.

Mr Troy conveyed heartfelt thanks to Council on behalf of the Port Hedland Speedway Club and advised that the Club is looking forward to making this an annual event.

5:50 pm Mayor opened Public Question Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 *Councillor Arthur Gear*

Further to Mr Whalley's question earlier in relation to the hospital site, has there been any remedial works required due to the recent rains, and if so is it being addressed?

Director Engineering Services advised remedial works are required as a result of the recent rains and the developer's are aware of it.

5.2 *Councillor Kelly Howlett*

In relation to my previous query to staff in relation to pedestrian access through the open space from Cottier Drive to the Catholic Church in Lovell Place, South Hedland, can I please have an update on plans for footpath/s in that vicinity?

Director Engineering Services advised that he and Manager Technical Services inspected the path two days ago. Subject to the South Hedland New Living's land filling development works, this may result in the access way being moved. Council staff is waiting for a reply from South Hedland New Living in relation to this matter.

Director Engineering Services added that in relation to walkway lighting in the vicinity, Horizon Power are refusing to maintain street lighting in the area, due to persistent vandalism to the lights in the area; and have also exhausted possible solutions.

In relation to the shade structure at Finucane Island, and as Karlarra House is planning to take advantage of the cooler weather to visit the site, is there any plans for sealing or bitumising the floor of the structure to make it easier to access by Karlarra House residents; and is there any allocation in the budget for beach and foreshore maintenance?

Director Engineering Services advised that utilising material from the temporary barge may be possible, using the rock to assist prevention of sand being washed away from the foreshore in front of the structure, and light gravel as a base covered by mulch chips for the floor of the structure, within the next month.

How much mulch has been produced from green waste at the Landfill?

Director Engineering Services advised that 60m³ has been produced and will be used on the West End Greening Project as each tree planted needs mulching and the area of land for smaller shrubs also need mulching. The contract with Excel Resources for the West End Greening Project includes Council supplying the amount of mulch required. It will not be known until the completion of mulching for the project, how much mulch will remain available for another use.

Is there a system to possibly sell mulch for personal use by residents? Is there a way that token(s) could be included with the rates notice.

Director Engineering Services will investigate alternatives for providing mulch to residents for personal use.

When is the budget being finalised for consideration by Council?

Chief Executive Officer advised a Special Meeting of Council may be held on the same evening as Council's Informal Briefing Session, for the purpose of Council considering adoption of the 2008/09 budget.

As it is National Tree Planting Day on the last Sunday of July, is it possible to schedule tree planting along survey pegs to Pinga Street?

Director Engineering Services advised that anything is possible, but it depend on Council to determine a budget allocation and decision.

Mayor added that it is essential that reticulation be installed to ensure survival of trees planted.

Director Engineering Services added it depends of whether the Council has the resources, i.e. budget allocation and manpower, to install and maintain reticulation. The Town has a limited capacity for water re-use, and the need has already been identified for a supplementary bore. It is recognised that Council and staff would like to participate in National Tree Day, however it takes more than a will to do so, the logistics of future maintenance and watering must be determined.

As trees have been pledged by Home Hardware can they be planted on National Tree Day, yes or no?

Mayor suggested Director Engineering Services to investigate and report to Council.

5.3 Councillor Jan Gillingham

[Councillor Gillingham advised that the National Tree Planting Day is on the same weekend at the Town's Spinifex Spree.]

5.4 Councillor Arnold Carter

Given the short timeframe, wouldn't it be better to involve only the school children this year as planned, and Council plan for involvement next year?

Mayor advised that Council has undertaken a number tree planting days in the past unsuccessfully, as those trees have not survived. If Council is going to participate in planting days, then it should be undertaken properly.

5.5 Councillor George Daccache

Can the Minutes of each meeting be shorter with perhaps just parts of the item recorded along with Council's decision?

Chief Executive Officer advised that the Minutes are prepared in accordance with the Local Government Administration Regulations and are a more important document, for history recording purposes than the Agenda.

5.6 Councillor Steve Coates

Further to the presentation by the Tae Kwon Do Club to Council at its Ordinary Meeting held in April, and a review of scheduling to be undertaken at the JD Hardie Centre, has this matter progressed? If not, why?

Director Engineering Services advised that Council's Manager Recreation Services is currently on leave until Thursday. The officer was aware of the matter with the Club prior to leave, and will ensure a response is sent to the Club on Friday.

Could the placement of a fish cleaning station at the boat ramp in Port Hedland be investigated?

Director Engineering Services advised a tap for potable water is being placed at the Port Hedland Boat Ramp.

5.7 Councillor Jan Ford

The Hedland Well Womens Centre are currently experiencing uncertainty with regards to the continuation of their core funding from the Western Australian Health Department, can Council assist by writing letters of support for the Centre to various Ministers?

Chief Executive Officer advised letters of support are being prepared.

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

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

Cr S R Martin	Cr G J Daccache
Cr A A Carter	Cr J E Ford
Cr G D Bussell	Cr J M Gillingham
Cr S J Coates	Cr K A Howlett

7:06 pm Councillor Kelly Howlett declared a financial interest in Agenda Item 7.1 Confirmation of Minutes as she is the Manager of the Port Hedland Visitor Centre. Councillor Howlett left the room.

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 23 April 2008, and Wednesday 28 May 2008

200708/204 Council Decision/Officer’s Recommendation

Moved: Cr A A Carter **Seconded:** Cr J E Ford

That:

- i) the Minutes of the Ordinary Meeting of Council held on Wednesday 23 April 2008 be confirmed as a true and correct record of proceedings; and**
- ii) the Minutes of the Ordinary Meeting of Council held on Wednesday 28 May 2008 be confirmed as a true and correct record of proceedings.**

CARRIED 8/0

200708/205 Council Decision

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

That Council confirms its intent to contributes \$90,000 from its 2007/08 budget towards the Port Hedland Visitor Centre, and continues to seek current financial statements from the Port Hedland Visitor Centre for 2007/08.

CARRIED 8/0

7:07 pm Councillor Kelly Howlett re-entered the room and assumed her chair. Mayor advised Cr Howlett of Council's decision.

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Nil.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 *Councillor Arnold Carter*

Councillor Carter attended the Australia Filipino Association evening on Saturday 21 June 2008, and commended the Association on an enjoyable event and on the excellent behaviour of the children in attendance.

9.2 *Councillor Arthur Gear*

Councillor Gear attended training for indigenous Councillors provided for by the Department of Local Government and Regional Development. Councillors are invited to view documentation on the training which is available from him. Councillor Gear also mentioned the very informative Budget workshop and declarations of interests by indigenous members in relation to native title matters.

9.3 *Councillor Jan Gillingham*

Councillor Gillingham was invited to Hedland Senior High School for a WA Music Industry Information Workshop, for those members of the community involved in music, i.e. publishing, recording and funding.

There is a performance by Hedland Senior High School on this evening.

9.4 *Councillor Kelly Howlett*

On behalf of Care For Hedland Association Inc. Councillor Howlett reported on the success of the Street Blitz held recently which involved 11 teams, and 140 volunteers. Councillor Howlett thanked Councillor Daccache for being captain of Council's team.

9.5 *Councillor George Daccache*

Councillor Daccache thanked the members of Council's Street Blitz team. Councillor Daccache also advised Council that he attended an Aboriginal Justice Agreement Meeting of which he was elected fourth Co-Chair.

The meeting raised matters including, State Government funding concerns with two positions recently being cut; and seeking a Memorandum of Understanding with Council to pursue funding.

Councillor Daccache also advised that the telephone number to report incidents to WA Police is 131 444.

9.6 ***Councillor Steve Coates***

Councillor Coates advised he met with representative of the Asbestosis Diseases Society (ADS) on Friday and advised Councillors that the statement made in tonight's North West Telegraph newspaper [2nd last paragraph of asbestos article on page 4) is incorrect. Councillor Steve Coates advised he does support the ADS however he did not make the commitments on behalf of Council as stated in the article.

Councillor Coates asked Council to provide in kind support to the ADS Campaign in November during Asbestosis Awareness Week.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS

[NOTE: Chief Executive Officer Read aloud the following petitions received.]

10.1 Petition : South Hedland Rural Estate – Lot 3

200708/206 Council Decision

Moved: Cr A A Gear

Seconded: Cr S J Coates

That Council:

- i) receives the tabled petition signed by 7 residents as follows:

“We the residents, owners and occupiers of South Hedland Rural Estate, which is zoned Rural Residential under Council’s Town Planning Scheme No. 5, strongly object to Council approving developments in the Estate, which are NOT PERMITTED in Council’s Town Planning Scheme No.5: and therefore STRONGLY URGE Council to consider the views of other residents, owners and occupier constituents of South Hedland Rural Estate by –

REFUSING Planning consent for the construction of [an] extremely large shed/warehouse (25m x 14 m x 4.2 m) at Lot 3 Greenfield Street, South Hedland for the following reasons:

- a) the use of a shed/warehouse of that enormous size is a use that is not permitted by Council’s Town Planning Scheme No. 5 in the Rural Residential zoning area of South Hedland Rural Estate; and
- b) there is an existing shed (15m x 12m x 4m) on the lot for the domestic storage purposed by the owner/resident(s)/tenant(s) to utilise.”; and
- ii) gives regards to the petition when it considers Agenda Item 11.2.2.3 ‘Proposed Warehouse Addition to Lot 3 (9-11) Greenfields Street, South Hedland’ in tonight’s Agenda.

CARRIED 9/0

10.2 *Petition : South Hedland Rural Estate – Lot 11***200708/207 Council Decision****Moved:** Cr A A Gear**Seconded:** Cr S J Coates**That Council:**

- i) receives the tabled petition signed by 11 residents as follows:

“We the residents, owners and occupiers of South Hedland Rural Estate, which is zoned Rural Residential under Council’s Town Planning Scheme No. 5, strongly object to”

a) the illegal business operations, in the form of continual earthmoving operations, and the storage of a number [of] large earthmoving equipment, by Outlook Contracting at Lot 11 Greenfield Street, South Hedland Rural Este, witnessed since the first week of May 2008; and

b) the unapproved development works at Lot 11 Greenfield Street, South Hedland Rural Estate, in the form of shipping containers set on site for use by Outlook Contracting employees/contractors with concrete pads laid in front of them; and footings being prepared for the proposed construction of an extremely large shed/warehouse being 30m x 15m x 5m high, [not] approved by Council’s Town Planning Scheme No. 5;

and request Council to address these matters to ensure the cessation of these activities effective immediately.”

- ii) the residents be advised of actions being undertaken.

CARRIED 9/0

ITEM 11 REPORTS OF OFFICERS**11.1 Governance**

Nil.

11.2 REGULATORY AND COMMUNITY SERVICES**11.2.1 Director Regulatory and Community Services****11.2.1.1 *Monthly Report – Community & Regulatory Services
(File No.: 13/04/0001)***

Officer Nellie Mackay
Executive Assistant
Community & Regulatory
Services

Date of Report 16 June 2008

Disclosure of Interest by Officer Nil

Summary

Report on activities for the month of May 2008 within the Community and Regulatory Services directorate for Council's information.

Background

Community & Regulatory Services Monthly report to Council.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

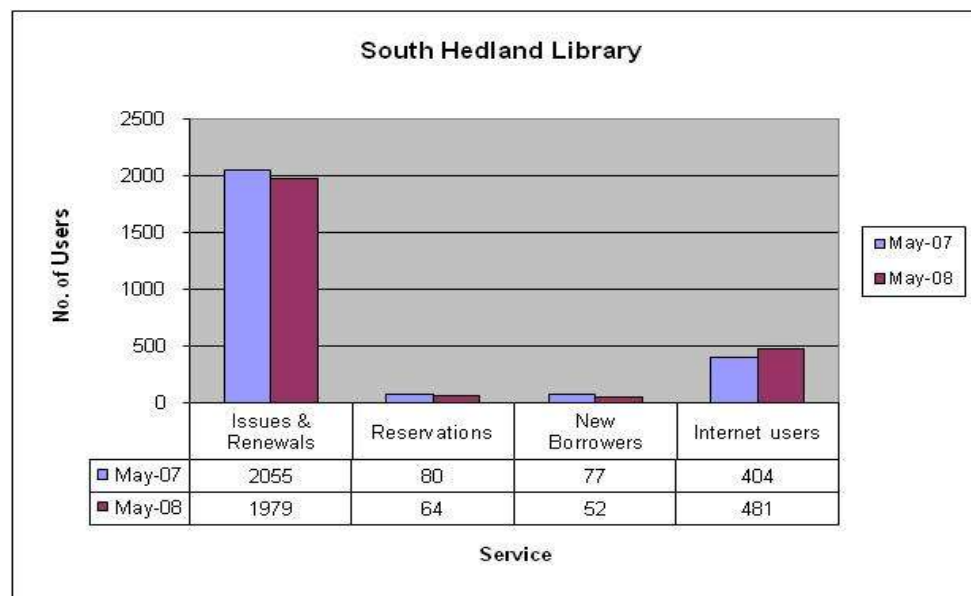
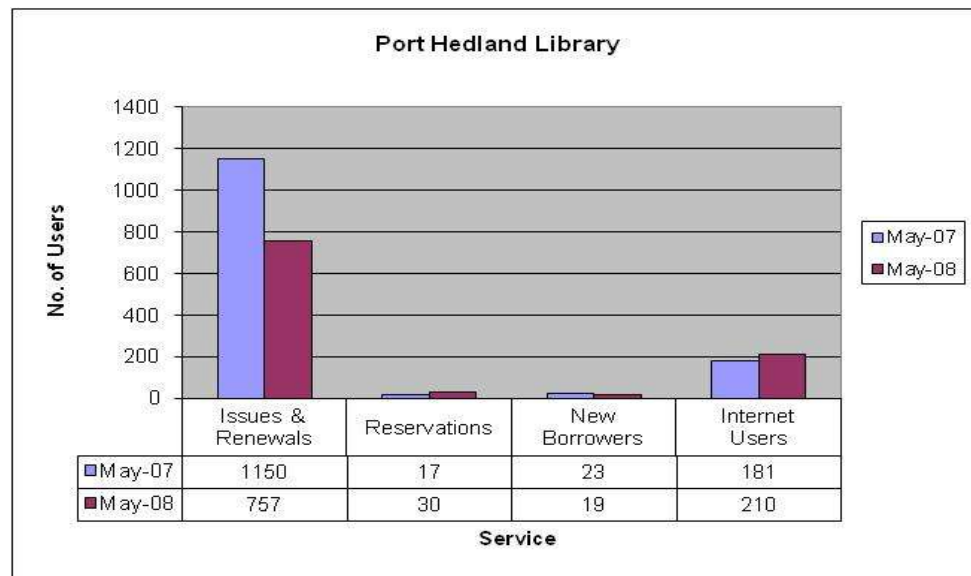
Budget Implications Nil

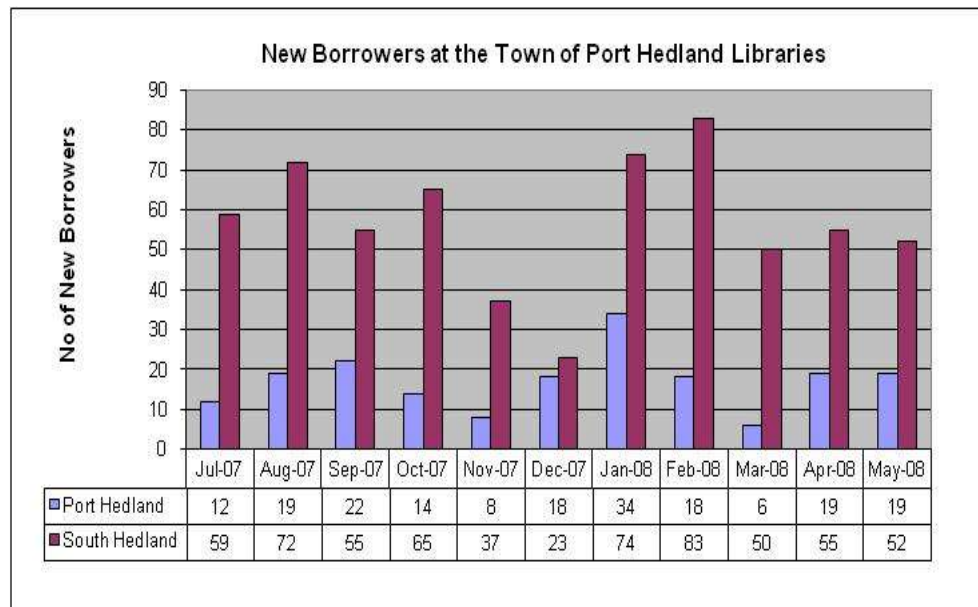
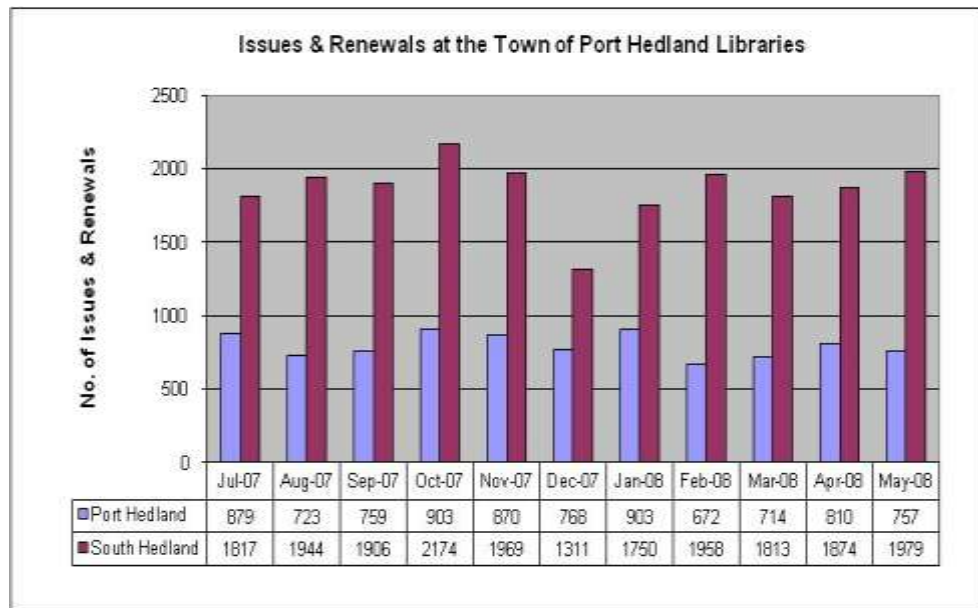
Officer's Comment Nil

Library and Information Services

Port Hedland Library	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08
Issues & Renewals	747	723	759	903	870	768	903	672	714	810	757
Reservations	21	19	14	17	12	14	7	21	33	25	30
New Borrowers	12	19	22	14	8	18	34	18	6	19	19
Internet Users	119	133	105	135	176	111	143	142	115	147	210

South Hedland Library	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08
Issues & Renewals	2054	1944	1906	2174	1969	1311	1750	1958	1813	1874	1979
Reservations	76	77	90	115	60	54	51	66	50	57	64
New Borrowers	59	72	55	65	37	23	74	83	50	55	52
Internet Users	363	416	349	445	415	297	398	491	421	463	481



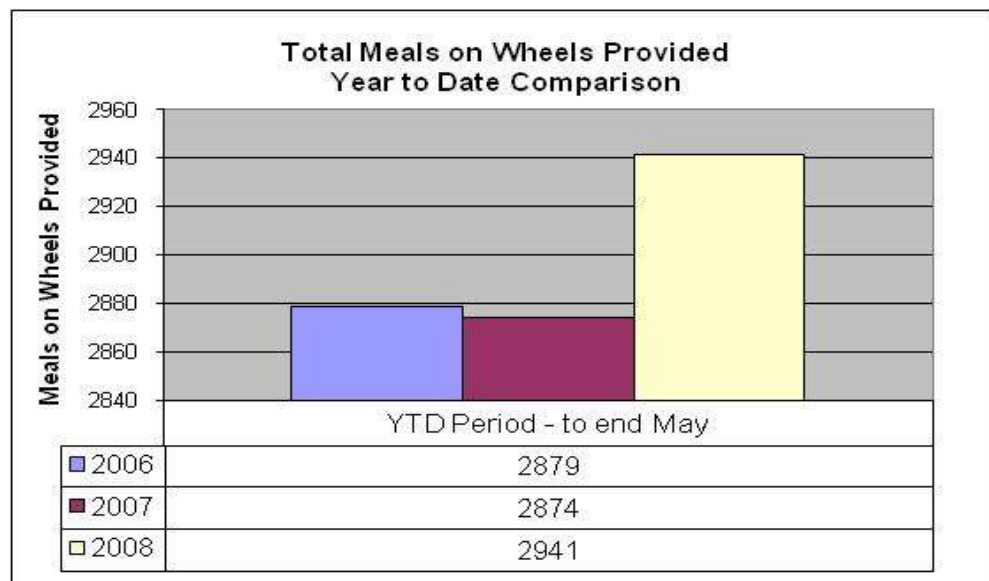
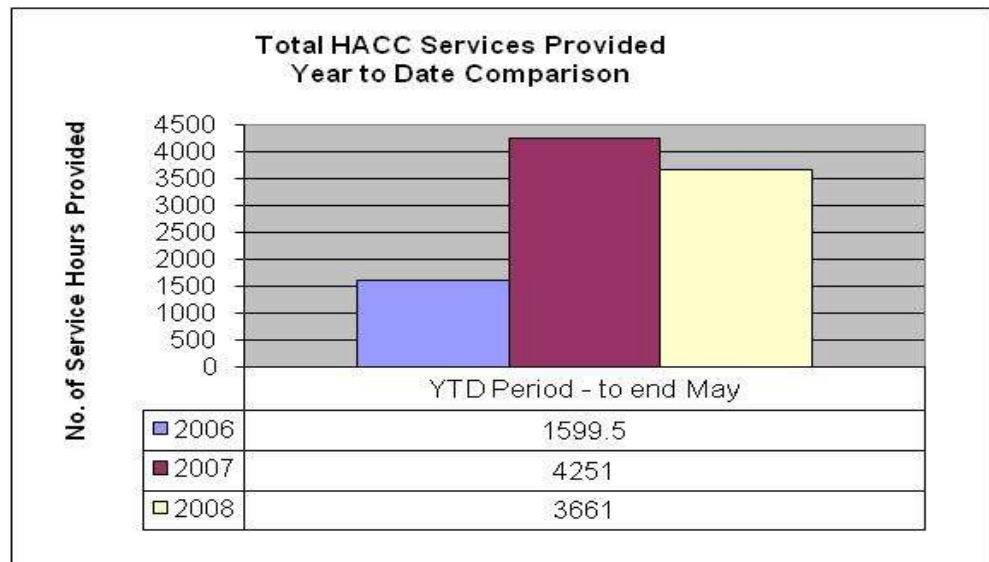


Library and Information Week was the focus for events in May. A *“Babies Need Books”* parenting session was held in Port Hedland Library on Tuesday 20 May and the following day both libraries participated in the National Simultaneous Storytime with a reading of the picture book *“Arthur”* at 11.30am. The final event for the week was on Saturday morning when library users were surprised to see additional staff behind the circulation desk. Councillors Coates, Ford and Howlett and Deputy Mayor Carter issued and returned items as well as offering suggestions for a “good read”..

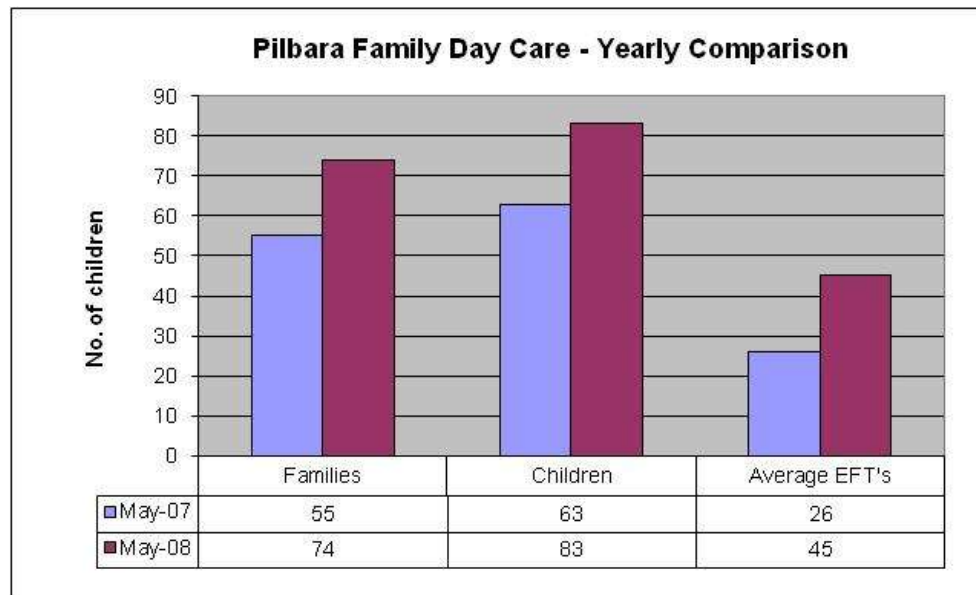
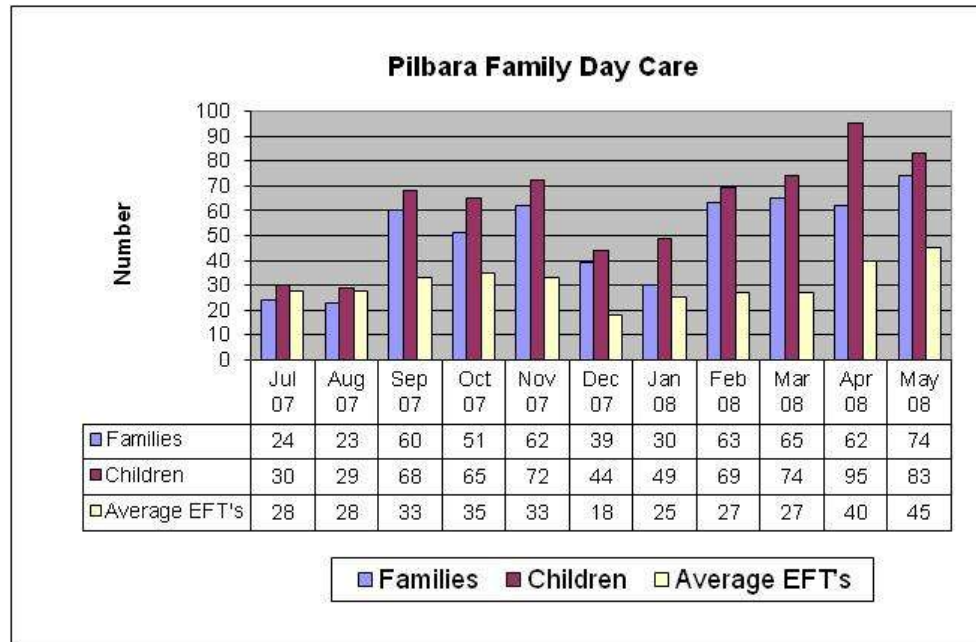
Human Services

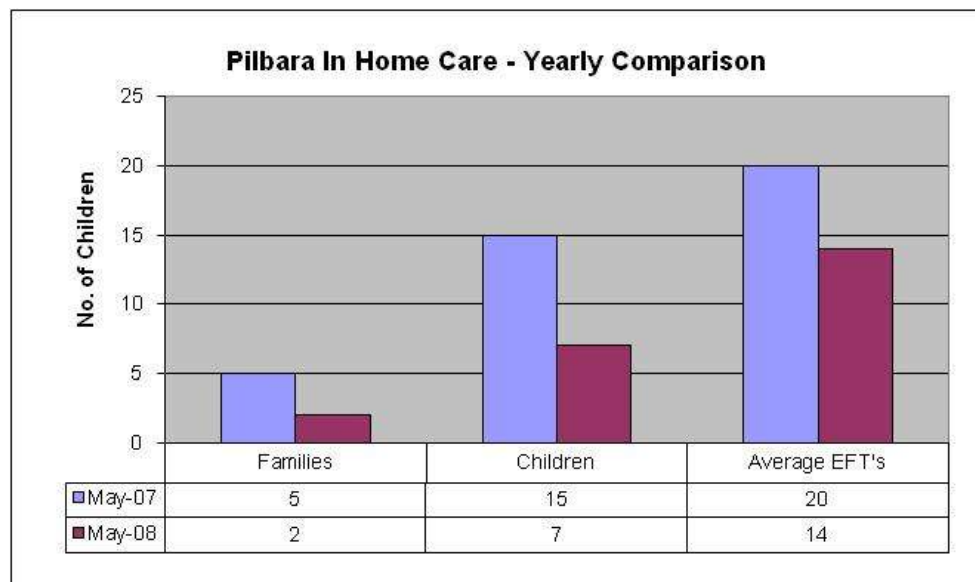
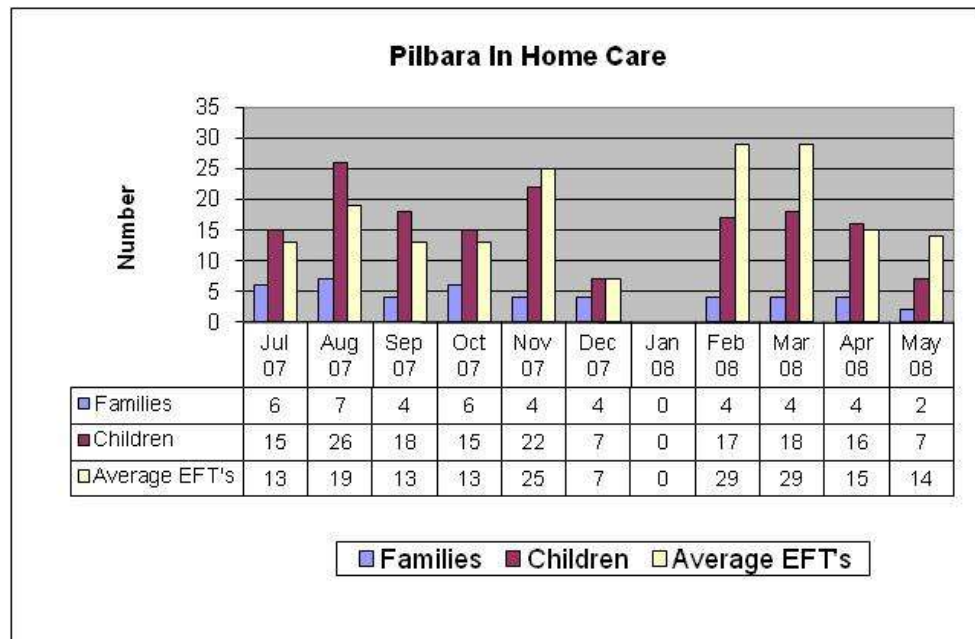
HACC Programme

HACC Service Hours for May 2008	
Meals on Wheels	631
Day Centre Attendance (Hours)	609
Day Centre Meals	103
Domestic Assistance (hours)	32
Personal Care (hours)	12
Social Support (hours)	13
Transport (one way)	163
Home Maintenance (hours)	35.5
Total HACC service provided (hours)	701.5
Total HACC service provided (hours) YTD	3661
Assessment	2
Accidents/Incidents	0



Pilbara Family Day Care





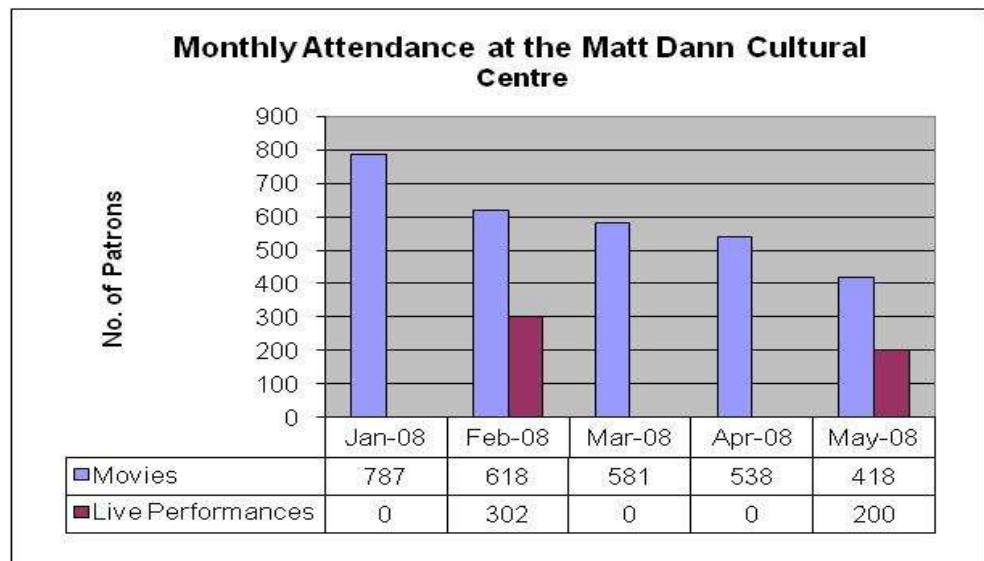
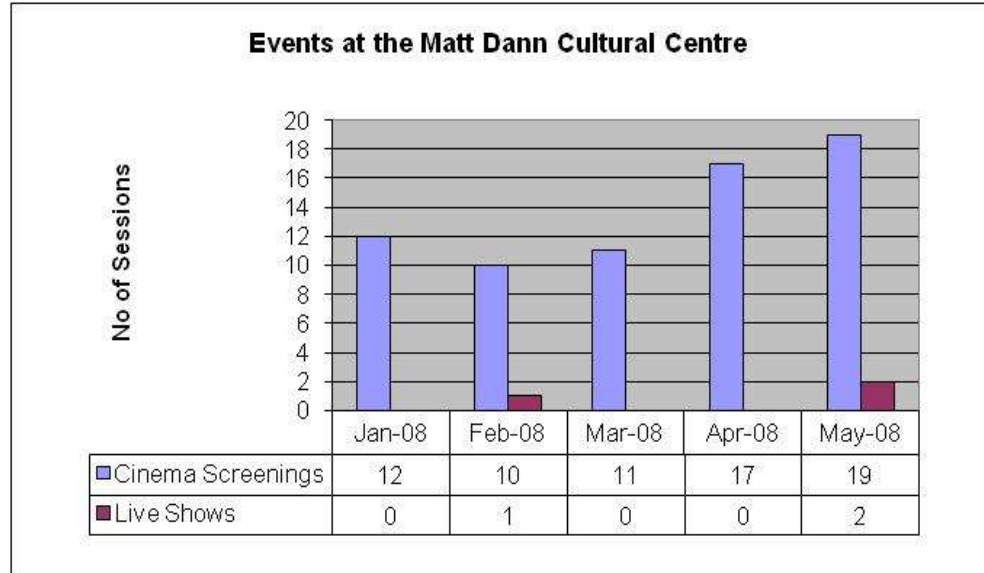
Figures for Pilbara Family Day Care are based on 3 weeks only as PFDC have not finalized for the month as it is still current fortnight payment cycle.

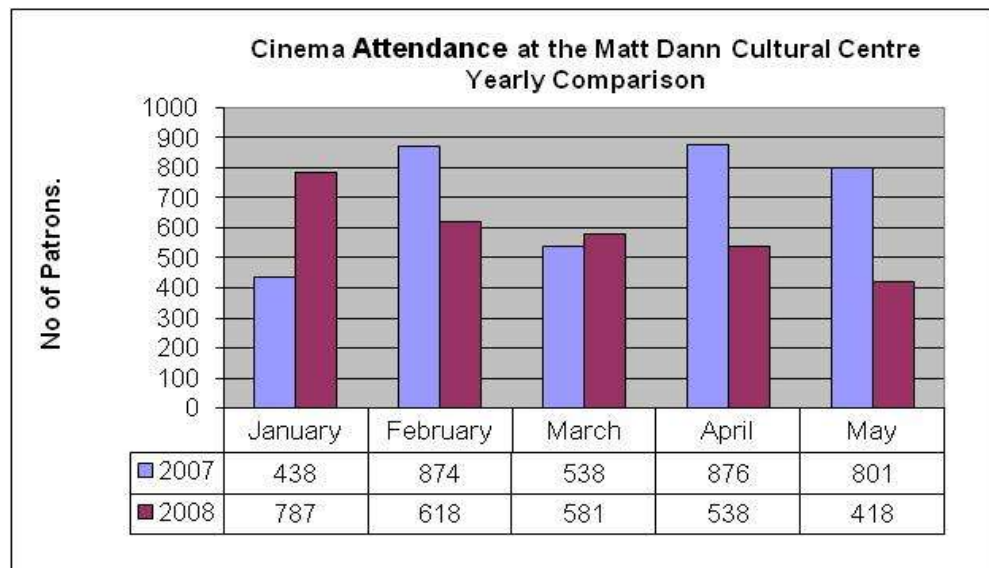
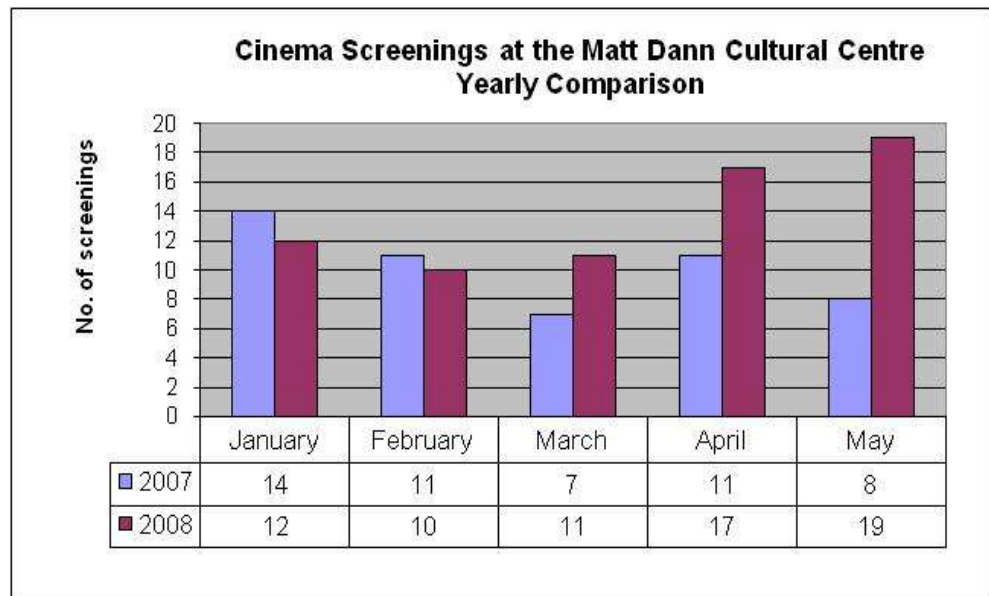
Carers currently in the Scheme and going through licensing:

Location	Carers currently within Scheme	Carers currently going through licensing
South Hedland	2	2
Wickham	1	-
Karratha	5	2
Newman	5	-
Tom Price	1	-
Paraburdoo	1	2
Point Samson	-	1

This month the PFDC Scheme Co-ordinator visited the five carers in Karratha. She has reported that all are managing their services very well and home checks did not reveal any breaches of regulations.

Matt Dann Cultural Centre



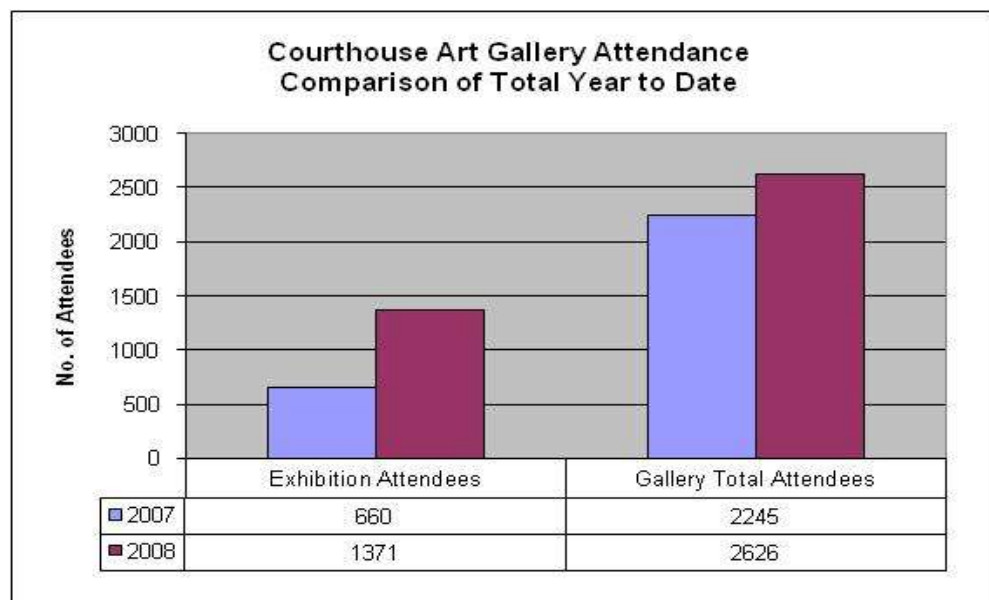
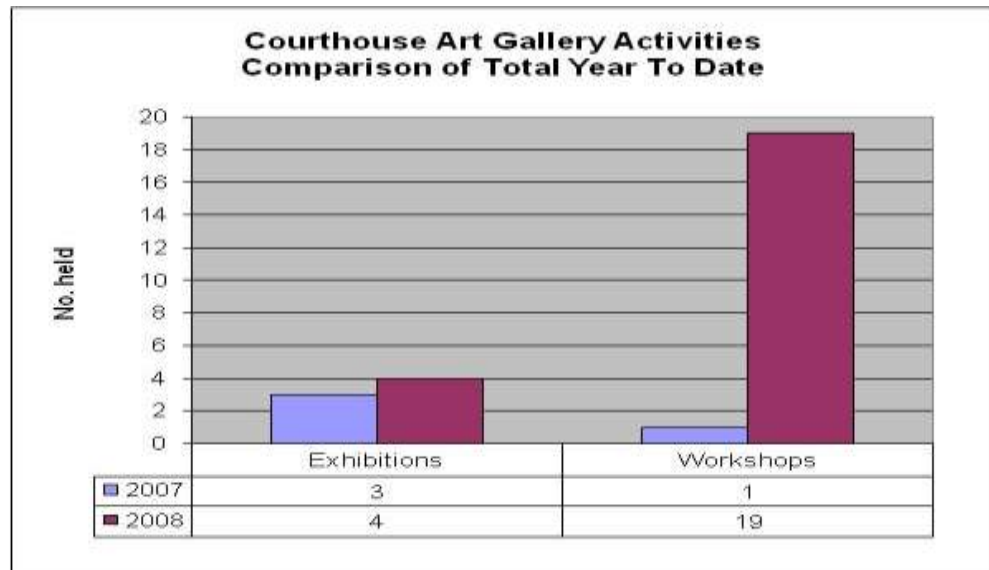


On 16th May 2008 the MDCC hosted the Welcome to Hedland Event which attracted approximately 3,500 attendees.

The MDCC was also hired for 7 other functions during May. Total attendance for these various functions was 327.

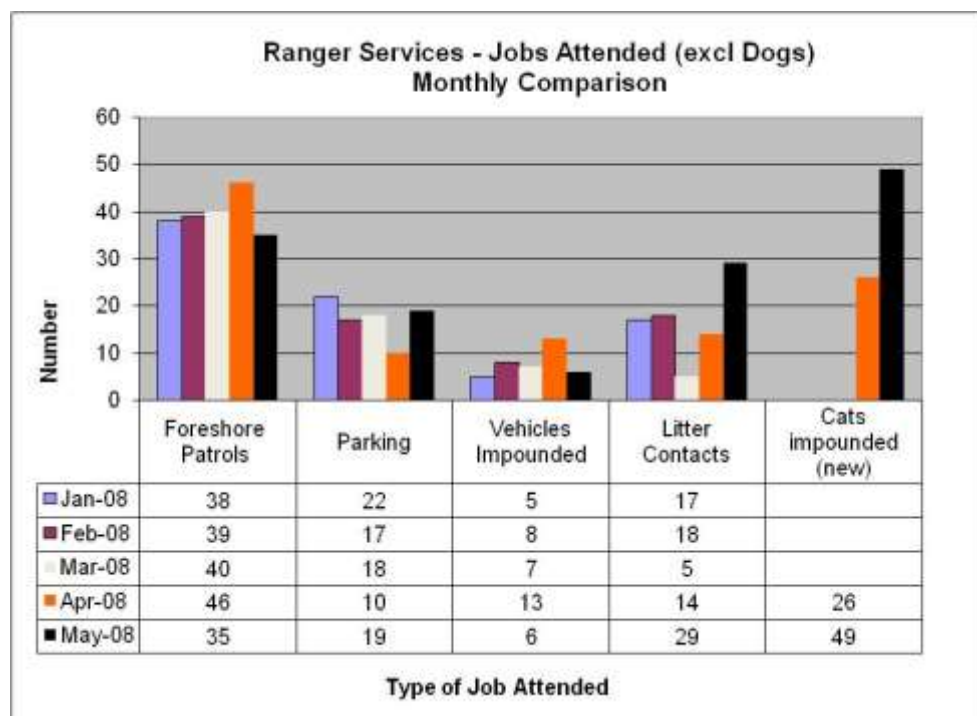
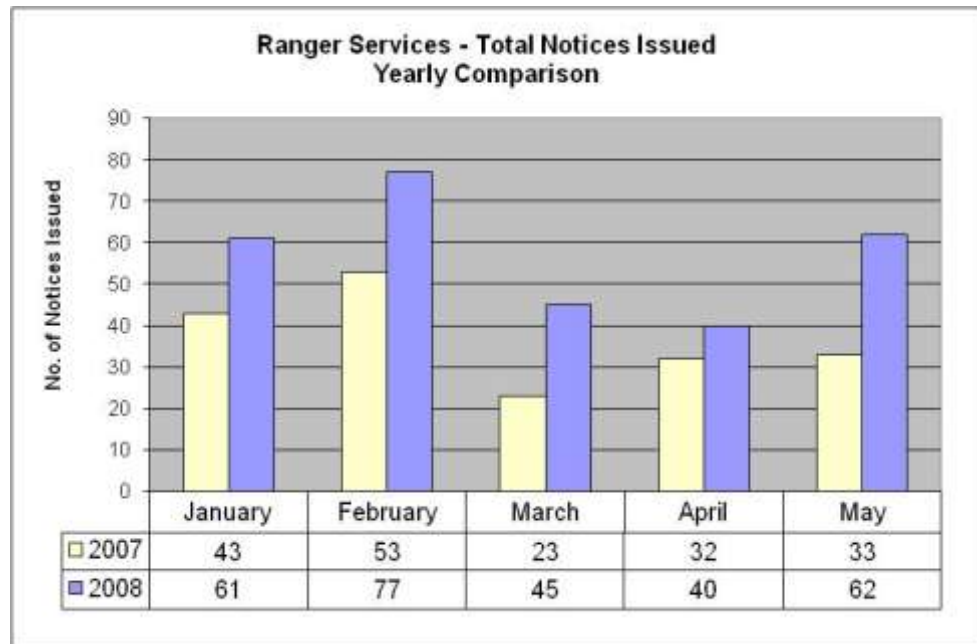
Attendance at cinema screenings were down due to advertising problems for a three week period.

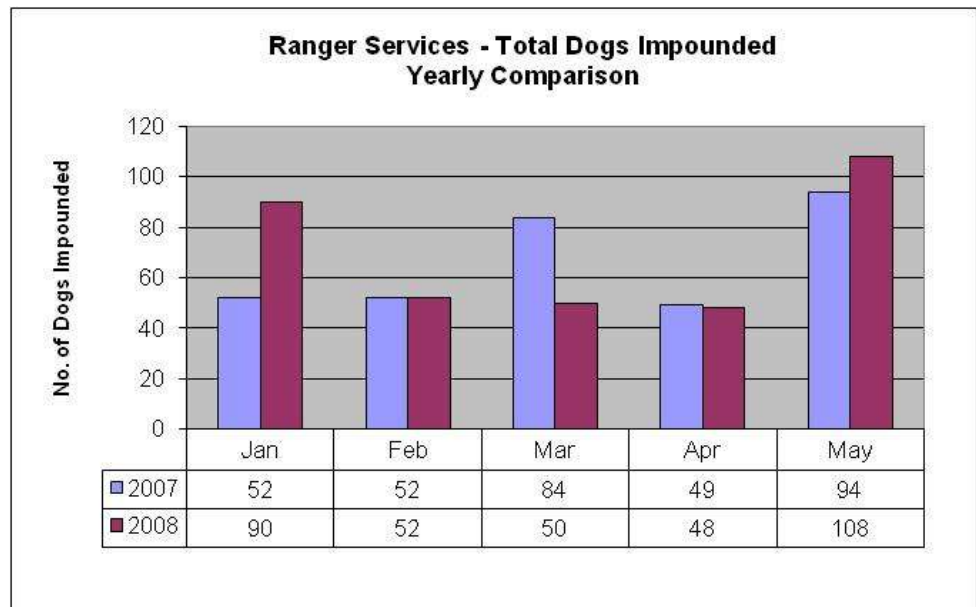
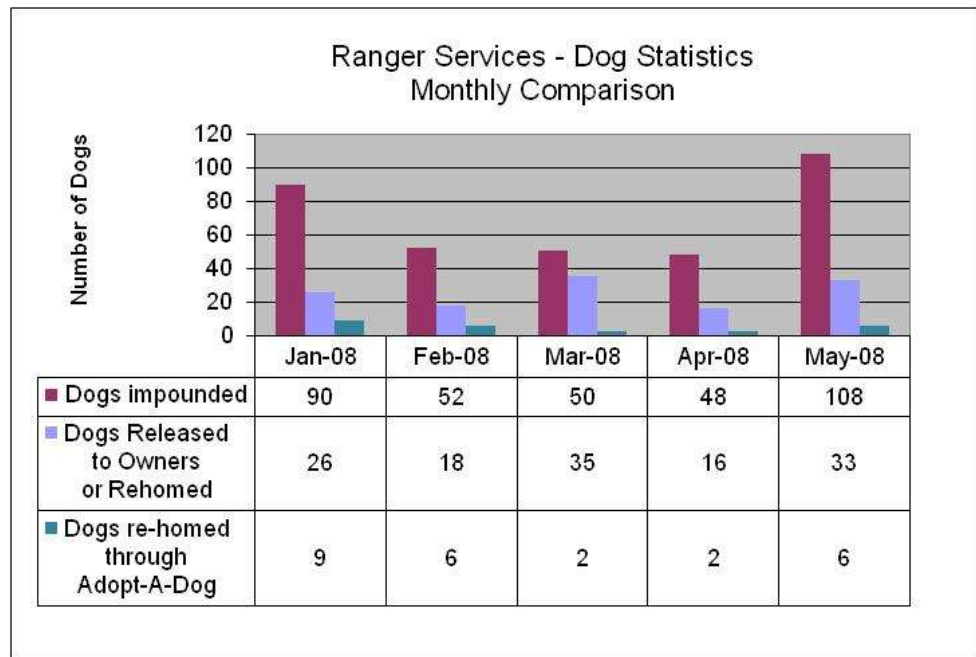
Courthouse Arts Centre and Gallery



Incorporated within the above total attendees figure were participants to three other events, namely, a primary school excursion, Well Womans' Week and venue hire to LandCorp.

Environmental Health Services





200708/208 Council Decision/Officer’s Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council receives the Community and Regulatory Services Report for May 2008.

CARRIED 9/0

11.2.1.2 Delegated Planning & Building Approvals for May 2008 (File No.: 18/07/0002 & 07/02/0003)

Officer Nellie Mackay
Executive Assistant
Community and Regulatory
Services

Date of Report 16 June 2008

Disclosure of Interest by Officer Nil

Disclosure of Interest by Officer Nil

Summary

This item relates to the Planning and Building Applications considered under Delegated Authority for the month of May 2008.

Background

A listing of Planning and Building Consents issued by Council's Planning and Building Services under Delegated authority for the month of May 2008 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. This report is prepared to ensure Council is advised of the details of applications which have been dealt with under delegated authority.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment Nil

200708/209 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That the Schedule of Planning and Building Consents issued by Delegated Authority for the month of May 2008 be received.

CARRIED 9/0

ATTACHMENT TO AGENDA ITEM 11.2.1.2

DELEGATED PLANNING APPROVALS FOR MAY 2008

Appln. Number	Appln. Date	Date Determined	Description	Applicants Name	Owners Name	Address
2007/371	14/12/2007	06/05/2008	GROUPED DWELLING - 2 X Single Storey 4 Bedroom Dwellings	Pilbara Constructions Pty Ltd	BHP BILLITON MINERALS PTY LTD	L1568 (1) WYNDHAM ST PORT HEDLAND 6721
2008/8	03/01/2008	06/05/2008	GROUP DWELLING - 2 x Group Dwelling	Franco Carozzi Architects Pty Ltd	DEPARTMENT OF HOUSING AND WORKS	L2144 (36) GREENE PL SOUTH HEDLAND 6722
2008/70	11/03/2008	20/05/2008	STORAGE FACILITY/ DEPOT/ LAYDOWN AREA - Transportable Office & Sea Container Addition for Storage	Fast Star Holdings	MICHAEL PETER KING	LOT 5959 BELL ST PORT HEDLAND 6721
2008/102	31/03/2008	21/05/2008	GROUPED DWELLINGS - 2 x 4 Bedroom, 2 Bathroom Double Storey Dwellings	Brent Kara and Tamali A Van Hengel	BRENT KARA	L178 (60) KINGSMILL ST PORT HEDLAND 6721
2008/114	21/04/2008	29/05/2008	WAREHOUSE - Parts Warehouse and incidental office addition	Jeff Hackett - Truck Centre WA Pty Ltd	BORAL CONTRACTING PTY LTD	L104 (16) CAJARINA RD WEDGEFIELD 6724
2008/115	21/04/2008	06/05/2008	CHANGE OF USE - Factory & Showroom to Showroom, Office and Warehouse	Custom Construction WA Pty Ltd	HELEN MARY KINGDOM	L3 (15) BYASS ST SOUTH HEDLAND 6722
2008/117	21/04/2008	06/05/2008	MOTOR AND/OR MARINE REPAIR - Caretakers Residence	John Pearson	JOHN EDGAR PEARSON	L120 (7) RIDLEY ST WEDGEFIELD 6724
2008/126	28/04/2008	23/05/2008	INFRASTRUCTURE - Air Quality Monitoring Sites	BHP Billiton Iron Ore	G P STOCKER & R A MCPHEE ATF THE STOCKER MCPHEE SUPERANNUATION FUND	L1018 (3) MURRENA ST WEDGEFIELD 6724
2008/141	07/05/2008	29/05/2008	INFRASTRUCTURE - Air Quality Monitoring Site	Reilly Davies - BHP Billiton Iron Ore	PORT HEDLAND PORT AUTHORITY	L5519 (P10) WHARF RD PORT HEDLAND 6721
2008/147	08/05/2008	29/05/2008	INFRASTRUCTURE - Air Quality Monitoring Site	Reilly Davies - BHP Billiton Iron Ore	PORT HEDLAND PORT AUTHORITY	L5519 (P10) WHARF RD PORT HEDLAND 6721
2008/167	27/05/2008	27/05/2008	WAREHOUSE - Warehouse including incidental office	NorthWest Shedmasters	ROBERT GREGORY PADDON	LOT 5898 MANGANESE ST WEDGEFIELD 6721

DELEGATED BUILDING APPROVALS FOR MAY 2008

BUILDING LICENCES					
Licence Number	Approval Date	Locality	Description of Work	Estimated Construction Value	Floor area in sq metres
80035	04.05.2008	Port Hedland	Transportable Ablution block	\$15,000	
80096	28.05.2008	Port Hedland	Single Dwelling	\$620,000	310
80085	16.05.2008	Via Port Hedland	Rail Workshop Shed	\$12,322,655	
80031	02.05.2008	Port Hedland	Shop Refit - Internal Refurbishment	\$750,000	3566
80073	07.05.2008	South Hedland	4 x Grouped Dwelling	\$1,000,000	500
80071	04.05.2008	Wedgfield	Transportable Office & Dis WC	\$307,000	281
85012	08.05.2008	Port Hedland	Swimming Pool - B/G	\$28,000	
80086	19.05.2008	Wedgfield	Storage Facility	\$2,420,000	3000
80097	29.05.2008	Wedgfield	Footings for Caretaker Accommodation	\$6,800	
80094	27.05.2008	South Hedland	Single Dwelling	\$214,500	108
80070	04.05.2008	Port Hedland	Tie down repairs to Accommodation Chalet	\$235,000	
80064	01.05.2008	Port Hedland	Single Dwelling	\$394,367	171
80065	01.05.2008	Port Hedland	Single Dwelling	\$394,367	171
80066	01.05.2008	Port Hedland	Single Dwelling	\$394,367	171
80067	02.05.2008	Port Hedland	Single Dwelling	\$394,367	171
80068	02.05.2008	Port Hedland	Single Dwelling	\$394,367	
80063	01.05.2008	South Hedland	Outbuilding	\$4,500	9
80069	02.05.2008	Port Hedland	Stables	\$80,000	210
80072	06.05.2008	Port Hedland	Sea Container	\$20,000	14
80075	12.05.2008	South Hedland	Refurbishment and Patio	\$30,000	
80076	12.05.2008	South Hedland	Refurbishment	\$30,000	
80082	15.05.2008	South Hedland	Carport Security Upgrade	\$70,000	
80078	13.05.2008	South Hedland	Swimming Pool - B/G	\$16,000	40
80083	15.05.2008	Port Hedland	Single Dwelling	\$464,975	307
80084	15.05.2008	Port Hedland	Single Dwelling	\$788,734	614
80088	19.05.2008	Port Hedland	Single Dwelling	\$464,975	307
80089	20.05.2008	Port Hedland	Single Dwelling	\$464,975	307
80090	21.05.2008	Port Hedland	Single Dwelling	\$464,975	307
80091	21.05.2008	Port Hedland	Single Dwelling	\$464,975	307
84002	19.05.2008	Port Hedland	Limestone Entrance Wall	\$15,000	
80087	19.05.2008	South Hedland	Pergola	\$12,500	

BUILDING LICENCES Cont'd...					
Licence Number	Approval Date	Locality	Description of Work	Estimated Construction Value	Floor area in sq metres
80092	21.05.2008	Port Hedland	Single Dwelling	\$395,772	168
80093	22.05.2008	Port Hedland	Shed	\$10,800	28
85013	22.05.2008	South Hedland	Swimming Pool - B/G	\$30,000	30
85014	26.05.2008	Port Hedland	Swimming Pool - B/G	\$30,000	
80095	27.05.2008	Port Hedland	Patio	\$13,000	54
71207	22.05.2008	South Hedland	2 x Grouped Dwelling	\$836,000	376
80079	27.05.2008	Port Hedland	1 x Group Dwelling	\$402,989	151
80080	27.05.2008	Port Hedland	1 x Group Dwelling	\$402,989	151
TOTAL ESTIMATED CONSTRUCTION VALUE				\$25,403,949	

DEMOLITION LICENCES					
Nil					

SIGNAGE					
Licence Number	Approval Date	Locality	Description of Work	Estimated Construction Value	Floor area in sq metres
84001	12.05.2008	Port Hedland	Replacement of Signs		

SUMMARY OF BUILDING LICENCES ISSUED				
Number of Licences	Licence Type	Estimated Construction Value	Floor Area sq metre	Av cost /sq m
Nil	Demolitions	0		
20	Dwellings	9017694	4597	\$1,962
9	Class 10	224800	371	\$606
11	Commercial	16161455	6861	\$2,356
40	TOTAL	\$ 25,403,949		

11.2.1.3 Proposed Planning Working Group... (File No.: .../...)

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 10 June 2008

Disclosure of Interest by Officer Nil

Summary

To consider options available to Council in establishing a committee or working group to focus on urban planning and land use matters.

Background

It has been suggested from within Council that a working group or committee should be established to consider higher level or “big picture” matters relating to urban planning and land use within the Town of Port Hedland.

There are a number of options employed by Local Governments to deal with their responsibilities in land use and urban planning and while some variations are practiced, the options effectively fall into one of the following:

1. The system currently used by ToPH whereby some decisions are delegated to staff who are authorized to make decisions in accordance with Council direction (Policy etc.) and remaining decisions are taken by the full Council.
2. Establishment of a Committee or informal working group that reports and recommends to Council
3. Establishment of a Committee with delegated authority to exercise Council’s decision making authority.

The Port Hedland Town Council has not had a Town Planning Committee in recent years. Informal briefings attended by Councilors have been used to inform Councilors on specific issues across a range of responsibilities and particularly in town planning matters this has been the vehicle by which proponents have been able to provide additional material to inform Council’s decision making process.

Consultation

No formal external consultation has been undertaken in the preparation of this report.

Statutory Implications

In order to undertake the administration of its responsibilities Council has the power under clause 5.8 of the Local Government Act, to establish a committee (see below). A working group without any authority to act on behalf of Council can be established without reference to the Act.

“5.8. Establishment of committees

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

** Absolute majority required.”*

Policy Implications

There are no Policy Implications

Strategic Planning Implications

While there is no particular strategy directly relating to the establishment of a Planning Working Group or committee could play a part in achieving the following goal:

KRA 4 – Economic development

Goal 5 - Town Planning & Building

That long-term land use and development within the Town of Port Hedland is well planned. Council's policies, procedures and practices are assisting in the improving the visual amenity of the town.

Budget Implications

Nil

Officer's Comment

With current projections of port development the Town of Port Hedland appears to be facing a period of unprecedented population growth and the release of large tracts of land for development over coming years. This can reasonably be expected to give rise to land use and urban planning issues beyond what is currently experienced.

In these circumstances it is quite appropriate to consider alternative mechanisms for dealing with issues that are likely to arise at a greater rate than currently addressed. Comment on each of the alternatives is provided below.

- 1 “The system currently used by the Town, whereby some decisions are delegated” is supplemented by briefings to Council in relation to all major development proposals and anticipated changes in policy or development controls, TPS amendments etc.

Some focus may be lost by their inclusion in briefing sessions that consider the whole range of matters before Council. These briefings are sometimes opportunistic, reacting to the availability of key people or advice of forthcoming projects. It would be possible to develop a more ordered approach to the briefings so that consideration of strategically significant matters is planned throughout the year to enable Councilors to better prepare to address future town planning/land use issues.

This would probably require the scheduling of additional briefing sessions. These could be as frequently as Council wish, but initially it is suggested that a quarterly planning and land use briefing would be useful.

2. "Establishment of a Committee or informal working group that reports and recommends to Council". This will provide additional opportunity for discussion but does not necessarily improve the decision making process. This sort of committee structure has been strongly opposed because it creates a delay in the time required for decisions to be made, duplicating rather than adding to the debate which may arise on any particular matter.

Committees of this type were more common in Local Government in the past but have widely been disregarded as being inefficient.

Informal working groups can be very effective in formulating recommendations for Council for a specific task or specialized area, but in this instance, where the overwhelming majority of councilors would have an interest in planning the future "shape" of the town it is less likely to be beneficial.

3. Establishment of a Committee with Delegated Authority to act on behalf of Council. This mechanism would afford the opportunity for interested Councilors to participate in the decision making and consideration of urban planning and land use matters, without the duplication referred to above. This option has not been canvassed in depth however as Council has, on several occasions, indicated a clear preference to having all significant planning decisions dealt with by the whole Council. It is also understood that most, if not all, Councilors would seek nomination to such a committee, which in turn highlights the value of such matters going before full Council.

On balance, it seems the most sensible and efficient way of enabling Councilors to get best access to the available information and formulate ideas prior to actual decisions being reached, would be to hold additional briefings on say a quarterly basis, dedicated to strategic land use issues and major development projects.

The frequency and effectiveness of the additional briefings could be reviewed at the end of the 08/09 year to determine their effectiveness and consider whether a more formal mechanism is warranted.

200708/210 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr J E Ford**That Council:**

- i) **schedule an additional informal briefing session every three (3) months during 2008/2009, dedicated to strategic land use issues and major development projects; and**
- ii) **review the operation of the conduct of these briefing sessions at the end of the year to determine their effectiveness and consider whether a more formal mechanism is warranted.**

CARRIED 9/0

11.2.1.4 *Draft Dust Guideline for the Development and Implementation of a Dust Management Plan (File No.: 11/08/0002)*

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 17 June 2008

Disclosure of Interest by Officer Nil

Summary

The Department of Environment and Conservation has produced Guideline for management and monitoring of dust and other airborne pollutants arising from diffuse sources such as mining operations, land clearing etc.

Council comment on the guidelines is sought by June 30, 2008

Background

The Department of Environment and Conservation has consolidated, expanded and updated its various documents related to dust management to produce a draft "Guideline for the Development and Implementation of a Dust Management Programme". The document is available in full on the DEC website www.dec.wa.gov.au > Department of Environment > Documents open for public comment.

This document has been created by the Department of Environment and Conservation to provide guidance to proponents, consultants and regulators when developing or assessing a dust management program (DMP).

The document also provides information on dust management for sites contaminated with heavy metals, hydrocarbons and volatile organic compounds (VOCs) that require remediation.

Further to this, the guideline provides detailed information on various sources of dust and its impact on both the environment and public health.

Through providing a thorough explanation of government legislation and policies, such as the National Environment Protection (Ambient Air Quality) Measure, Environmental Protection Act 1986, and the DEC Dust Guidelines, as they apply to dust control in Australia, the document further emphasises the importance of producing adequate DMPs by listing the enforceable requirements for airborne particulate matter.

Section 4.0 of the guideline then begins to provide the main aspects that should be considered when designing a DMP by providing a template/example of a successful DMP broken down into each section to ensure that all aspects are covered. This encompasses all facets of an adequate DMP ranging from a detailed introduction providing the aims and desired outcomes to the ongoing monitoring program and performance criteria to ensure the success of the DMP. Complaints management is also detailed as dust complaints can provide invaluable information on the success of a DMP and greatly aid in its evolution. Lastly, included as appendices, are comprehensive table listing factors influencing dust and other air pollutants, dust control measures and blank complaint templates for use.

Consultation

No external consultation was undertaken in relation to this matter.

Statutory Implications

Council officers may undertake assessment of dust management plans to prepare comment on PERs as part of an EPA licensing process or in relation to Councils own approval and compliance processes under the Planning and Development Act, Health Act and ToPH Local Laws

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

This document is, as stated earlier, effectively just a revision and consolidation of a variety of documents that have been used widely by local government officers and others for some years.

That said however, even in its draft form it will be a useful tool as Council officers assess dust management plans.

Council officers have not proposed any changes to the draft.

Attachments

Nil

200708/211 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr K A Howlett**That Council:**

- i) **notes the draft Guideline for the Development and Implementation of a Dust Management Programme**
- ii) **uses the draft document as a tool in the assessment of any Dust Management Programmes submitted by proponents seeking Council approval of their development proposals**

CARRIED 9/0

6:34 pm Councillor George J Daccache declared a financial interest in Agenda Item 11.2.1.5 'Sponsorship of CCTV Security System – South Hedland' as he is a BHP Billiton Iron Ore employee and owns BHP Billiton shares. Councillor Daccache left the room.

6:34 pm Councillor Steve J Coates declared a financial interest in Agenda Item 11.2.1.5 'Sponsorship of CCTV Security System – South Hedland' as he is a BHP Billiton Iron Ore employee and owns BHP Billiton shares. Councillor Coates left the room.

[NOTE: Councillor Coates advised of his willingness to be nominated as a representative on the Working Group.]

6:34 pm Councillor Arnold A Carter declared a financial interest in Agenda Item 11.2.1.5 'Sponsorship of CCTV Security System – South Hedland' as he is and owns BHP Billiton shares. Councillor Carter left the room.

200708/212 Council Decision/Officer's Recommendation**Moved:** Cr K A Howlett**Seconded:** Cr J M Gillingham

That Councillors G J Daccache, S J Coates and A A Carter be invited back into the room to participate and vote during Council's consideration of Agenda Item 11.2.1.5 'Sponsorship of CCTV Security System – South Hedland'.

CARRIED 6/0

6:35 pm Councillors G J Daccache, S J Coates and A A Carter re-entered the room and assumed their chairs. Mayor advised Councillors G J Daccache, S J Coates and A A Carter of Council's decision.

11.2.1.5 Sponsorship of CCTV Security System – South Hedland (File No.:)

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 12 June 2008

Disclosure of Interest by Officer Nil

Summary

To consider a proposal to install a CCTV based security system in South Hedland.

Background

The installation of CCTV cameras is a widely used tool in promoting community safety and crime prevention and has been discussed by Council officers and the Town of Port Hedland Community Safety Crime Prevention Committee.

The concept has not been pursued as a high order priority because despite the undoubted benefits of such a system, the cost and logistical problems of arranging effective monitoring has been prohibitive. Funding for CCTV cameras in South Hedland was offered by the local federal member during the last federal election campaign but did not eventuate due to the election outcome.

Council has been offered the opportunity of accepting a sponsorship from BHP Billiton Iron Ore which will provide \$200,000 excluding goods and services tax (gst) to fund the project. The sponsor has indicated 6 preferred locations for cameras. The preferred locations are Somerset Crescent, Cone Place, Acacia Way, Godrick Place, Limpet Crescent and Koombana Avenue, all of which are consistent with and can be accommodated within an orderly prioritisation of camera locations within South Hedland. While the costs have not been finalised at this stage, the project will still provide for additional camera placements within the South Hedland Central Business District (CBD) and monitoring points within the South Hedland Police Station and Council's Ranger Services office.

The South Hedland Police will not have an officer exclusively dedicated to monitoring the camera network, but will be able to monitor with existing staff, as will Council's Ranger Service. It is also anticipated that a public monitor in a high profile location could provide benefits. All images from the system will be recordable for future use as evidence, if required.

Consultation

Council's Chief Executive Officer and staff have undertaken research and consultation with the WA Police, BHP Billiton, Office of Crime Prevention, Cities of Kalgoorlie Boulder, Perth and Fremantle.

Statutory Implications

There are no direct statutory implications arising from this proposal.

Policy Implications

There are no policy implications arising from this proposal

Strategic Planning Implications

Although the project is not directly addressed in Council's strategic plan it is consistent with the designing out crime objectives of the Town of Port Hedland community Safety Crime Prevention Plan.

Budget Implications

The project will require expenditure of up to \$200,000.00 which is fully funded.

Officer's Comment

The provision of this project sponsorship will enable installation of numerous CCTV cameras at fixed locations, and movable units, if appropriate in South Hedland, providing a real deterrent to antisocial and criminal behavior.

WA Police have indicated a willingness to assist with the ongoing monitoring of the system and clearly this is a great advantage as more eyes on the system will improve both the level of surveillance and the ability to produce rapid response from the responsible agencies when problems are observed.

With the good decisions being made at the beginning the system can also provide a platform for future expansion to include monitoring of beaches and reserves, high risk business and education facilities.

The implementation should draw on local experience and knowledge as well as the hard data from the police and relevant agencies. To this end, it would be appropriate to make selections of equipment and camera locations based on the advice of an implementation working group.

It is proposed that should Council accept the project sponsorship, it proceed on the advice of a working group consisting of the Mayor, in his capacity as Chair of the Community Safety Crime Prevention Committee, another Councillor and administration representative, a representative from WA Police, Youth Involvement Council, the Port Hedland Chamber of Commerce and Industry (representing local business) and BHP Billiton (the sponsor and major housing provider).

Officer's Recommendation

That Council:

- i) accept the sponsorship of \$200,000 excluding and sign the agreement to undertake the installation of CCTV cameras and monitoring equipment; and
- ii) establish a CCTV Project Implementation Working Group consisting of the following members:

The Mayor

Councillor _____

Director Regulatory and Community Services

Representation from WA Police

Representation from the Youth Involvement Council

Representation from the Port Hedland Chamber of Commerce and Industry

Representation from BHP Billiton Iron Ore.

Members of the community invited by the Working Group to provide specialised advice or information group with the purpose of co-ordinating the installation of the system.

200708/213 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr A A Gear**That Council:**

- i) accept the sponsorship of \$200,000 excluding GST and sign the agreement to undertake the installation of Closed Circuit Television (CTV) cameras and monitoring equipment; and
- ii) establish a CCTV Project Implementation Working Group consisting of the following members:

The Mayor**Councillors Steve Coates and Kelly Howlett****Director Regulatory and Community Services****Representation from WA Police****Representation from the Youth Involvement Council****Representation from the Port Hedland Chamber of Commerce and Industry****Representation from BHP Billiton Iron Ore.****Members of the Community invited by the Working Group to provide specialised advice or information group with the purpose of co-ordinating the installation of the system.*****CARRIED 8/1***

REASON: Council appointed Councillors Steve J Coates and Kelly A Howlett to the CCTV Project Implementation Working Group.

NOTE: Director Regulatory and Community Services advised that he spoke with Mrs Pam Gangell-Hardinge, Committee Member of Steven's Street Management Committee today in relation to Agenda Item 11.2.1.6 'Stevens Street Retirement Village'; and advised Council that he wished to clarify any misunderstanding which may be perceived in the Officer's Report, such as the Committee's desire to enter a lease, and any financial difference in calculating rents were of a minor nature. It was not the Officer's Intent to defame or discredit the Steven's Street Management Committee.]

11.2.1.6 Stevens Street Retirement Village (File No.: 156730)

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 11 June 2008

Disclosure of Interest by Officer Nil

Summary

To consider a proposal for the future management of the aged persons housing at Lot 2032 Stevens Street, Port Hedland

Background

The Stevens Street Retirement Village consists of 22 single bedroom units and a common building on land (Lot 2032) vested in the Town of Port Hedland.

The complex is in "average" condition with substantial funds required to be spent on the upgrade of the bathrooms, air conditioning, paths etc. to operate as an aged housing facility in the medium to long term

The complex is managed by a community based Committee that employs a part time administration/general duties officer.

The property has been leased to the Committee by the Town of Port Hedland, under a lease which expired more than two (2) years ago. The Committee has not responded in the affirmative to previous attempts to renew the lease. The former agreement between Council and the Committee concerning management of the complex has also expired without being renewed.

Council and other agencies were recently approached about the need to upgrade the premises, in particular the bathrooms of the residential units.

From the initial meeting it became apparent that:

- Rents were not charged on the same basis as Homeswest and other operators in the aged housing sector, resulting in some residents paying substantially less than they would in public housing.
- Rent revenue from the complex has not been sufficient to cover operating costs and provide for maintenance requirements.
- The Committee and their administration officer were unaware of some of the additional funding available for such projects and opportunities to raise funds from the facilities had been overlooked.

- The Committee will require additional expertise to undertake or manage a major construction or maintenance project.
- The management Committee, with only a part time administration/general duties employee, had very limited capacity to keep abreast of the increasingly complex legal and funding issues surrounding the provision of aged housing.
- The Committee did not apply the same eligibility criteria as Homeswest and other aged housing providers.

Council has also been approached recently (refer Attachment) by Freemasons Homes, a major provider of housing for aged people throughout the state and operators of similar housing in Port Hedland.

Freemason Homes propose a partnering agreement which would see the retention of a local committee and staff with the support of a professional management, administrative and property management service.

Consultation

Department of Housing and Works
Freemasons Homes

Statutory Implications

There are no specific statutory implications arising from the recommendations of this report

Policy Implications

Nil

Strategic Planning Implications

“Support the development of facilities at the Stevens St Aged Care Facility” has been a strategy from previous ToPH Strategic plan

Budget Implications

Nil

Officer’s Comment

Over recent years Government regulation and funding agreements have made it increasingly difficult for small community based organisations to function effectively in the specialised and complex field of aged accommodation.

The current management of the Stevens Street aged housing does not appear to have the capacity to maintain the residences to the desired standard without external support. And while it could be possible for Council or another body to provide the funding to overcome the current shortfall, without appropriate governance and administrative/management support this is unlikely to result in a satisfactory long term solution.

It is also apparent that it would be unwise for the Town of Port Hedland to permit the continuation of the current arrangement whereby the Committee occupies Council's premises as a tenant at will, without a management agreement which defines the extent of Council's liability in the event of a failure or negligence on the part of the Committee.

The approach from Freemasons Homes highlights the opportunities for aged housing to be provided with the support of professional management and administrative services that will deliver equity and quality housing at no additional cost or risk exposure to Council. And do so supporting the locally based committee. Clearly there is a benefit to Freemasons Homes as it will provide economies of scale beyond what is available in the management of their existing complex in Port Hedland. It is possible that other service providers within the industry would be able and willing to mobilise resources and establish a presence in Hedland using the support they could provide to the Stevens Street facility as an operational hub for a wider range of services.

Council appears to have three options open to it at present. It could:

1. Seek to negotiate a new lease and management agreement with the current management Committee, in the knowledge that that Committee may continue to struggle with the complex funding, statutory compliance and governance issues facing them. This is unlikely to deliver the best result for the residents and really places an unfair burden on the Committee and their part time employee.
2. Assume direct responsibility for the service and management. This option is beyond the resources available to Council at present.
3. Seek a partnership arrangement with a specialist service provider from within the industry. Not all the options available at this stage are known, but a call for expressions of interest would be sufficient to determine whether there were viable alternatives available.

The third option appears to provide the greatest certainty of best service to residents and does not require Council to assume additional responsibility.

By calling for expressions of interest for management of the facility, Council could determine what options are available for clearly defining the role of the local management Committee and ensuring the highest standards of statutory compliance and administrative and management practice.

Attachments

Freemasons Homes

Officer's Recommendation

That Council:

- i) discuss with the current management committee of Stevens Street Retirement Village, the option of calling for expressions of interest for management of the Stevens Street Retirement Village;
- ii) subject to support of the committee, call for expressions of interest for the management of the Stevens Street Retirement Village; and
- iii) upon receipt of suitable expressions of interest, proceed to a request for tenders for management of the facility.

200708/214 Council Decision

Moved: Cr G D Bussell

Seconded: Cr A A Carter

That Council:

- i) **discuss with the current management committee of Stevens Street Retirement Village, the option of calling for expressions of interest for management of the Stevens Street Retirement Village; and**
- ii) **subject to support of the committee, call for expressions of interest for the management of the Stevens Street Retirement Village.**

CARRIED 9/0

REASON: Council wanted to review expressions of interest prior to committing to proceed with a formal tender process.

11.2.1.7 Tender – Management of Courthouse Arts Centre and Gallery (File No: ART -012)

Officer Terry Sargent
Director Regulatory and
Community services

Date of Report 14 June 2008

Disclosure of Interest by Officer Nil

Summary

To consider inviting tenders for the management of the Courthouse Arts Centre and Gallery for the 2008/09 financial year.

Background

Council has committed to the concept of establishing a West End Cultural Precinct including the Courthouse Arts Centre and Gallery in Edgar Street Port Hedland. In August 2007 Council engaged Form Contemporary Craft and Design to provide management expertise on a consultancy basis during what was hoped to be a transitional period of not more than 12 months while an independent board of management was established.

Council had proceeded unilaterally with the plans for the future of the centre because Pilbara Art Craft and Design Aboriginal Corporation (PACDAC), the joint venture partner in the Gallery, had ceased to function and was understood to be in the process of winding up. During the past year members of the reformed PACDAC raised concerns over the management direction of the gallery and despite attempts to establish a co-operative working relationship, there is not yet any agreement between Council and PACDAC over the future use of the gallery or development of aboriginal arts within Port and South Hedland.

Council officers lack the expertise and contacts within the specialised field to be able to manage the gallery in way that maintains the standard of presentation and exhibition quality, which has been the hallmark of the gallery in recent years. The engagement of Form as consultants enabled that standard to be maintained, but the transitional arrangements that were set in place last year were only ever intended as a short term measure and extending those arrangements without some further clarification of the roles of each party would be very difficult to manage properly.

It should be noted that extending Form's consultancy would be inappropriate without going to tender as it would result in a service agreement exceeding the threshold at which tenders need to be called.

Consultation

Although the Joint Venture with PACDAC has not functioned in accordance with the Joint Venture Agreement, it is proposed that PACDAC be invited to participate in the decision making process.

Statutory Implications

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

“3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) Regulations may make provision about tenders.”*

Policy Implications

This tender will be called in accordance with Council’s Procurement Policy 2/015.

Strategic Planning Implications

KRA 3 Community Development
Goal 7 – Arts and Culture

Complete the redevelopment of the Court House Art Gallery Precinct including the development of a board of management to operate the Council facilities within the precinct

Budget Implications

It is not anticipated the cost will exceed the net cost for which provision has been made in Councils budget.

Officer’s Comment

Possible re-establishment of PACDAC and the approach taken by the representatives who met with Councillors and officers to date suggests there will be a number of legal issues to be clarified and further delays before a Cultural Precinct Board of Management can be operational.

During this period it is vitally important that the reputation and high standards of service delivery be maintained to protect the investment made in the centre to date.

A contract for management of the Courthouse Arts Centre and Gallery will oblige the successful tenderer to report to Council against the financial performance of the Gallery, and its performance against defined objectives.

It will provide Council with access to expertise not currently available 'in-house' and allows Council to take another step on the path towards the goal of establishing a board of management without disposing of the property, or taking any steps that will further compromise Council's position as it seeks to resolve outstanding issues over the Joint Venture Agreement with PACDAC.

Attachments

Nil.

Officer's Recommendation

That Council:

- i) calls tenders for the operation and management of the Courthouse Arts Centre and Gallery for a period of twelve (12) months, with an option to extend for a period of up to an additional 24 months;
- ii) invites Pilbara Art Craft and Design Aboriginal Corporation (PACDAC) to have a representative on the tender evaluation panel for this tender

6:55 pm Councillor G D Bussell left the room.

6:55 pm Councillor G D Bussell re-entered the room and assumed his chair.

200708/215 Council Decision/Officer's Recommendation

Moved: Cr K A Howlett

Seconded: Cr G D Bussell

That Agenda Item 11.2.1.7 'Tender – Management of Courthouse Arts Centre and Gallery' lay on the table until after a presentation is made to Council's next Informal Briefing Session, by FORM the Courthouse Art Centre and Gallery's management in relation financials and other issues.

CARRIED 9/0

11.2.2 Planning Services

6:57 pm Councillor George J Daccache declared a financial interest in Agenda Item 11.2.2.1 'Extractive Industry – Addition of Incidental Administration, Workshop and Warehouse to Lot 46 (46) Finucane Island' as he is a BHP Billiton Iron Ore employee and owns BHP Billiton shares.

Councillor Daccache left the room.

6:57 pm Councillor Steve J Coates declared a financial interest in Agenda Item 11.2.2.1 'Extractive Industry – Addition of Incidental Administration, Workshop and Warehouse to Lot 46 (46) Finucane Island' as he is a BHP Billiton Iron Ore employee and owns BHP Billiton shares.

Councillor Coates left the room.

6:57 pm Councillor Arnold A Carter declared a financial interest in Agenda Item 11.2.2.1 'Extractive Industry – Addition of Incidental Administration, Workshop and Warehouse to Lot 46 (46) Finucane Island' as he is a BHP Billiton Iron Ore employee and owns BHP Billiton shares.

Councillor Carter left the room.

11.2.2.1 *Extractive Industry – Addition of Incidental Administration, Workshop and Warehouse to Lot 46 (46) Finucane Island (File No.: 803443G)*

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 19 June 2008

Disclosure of Interest by Officer Nil

Summary

An application has been submitted by Mine, Port Development Joint Venture (MPDJV), on behalf of BHP Billiton Iron Ore (BHPB), for a proposed incidental administration, workshop, warehouse and associated development addition, to the Finucane Island operations (See Attachments No. 1 and 2).

The application was considered by Council at its ordinary meeting on 28 May 2008 but was deferred pending confirmation of the assertion the development activities were exempt from requiring statutory approvals by the Iron Ore (Mount Goldsworthy) Agreement Act 1964.

A legal opinion clarifying the exempt status (or otherwise) of the applicant has been obtained on Council's behalf. (See Attachment No. 4) In summary, the advice of Council's solicitor is that BHP Billiton Iron Ore is exempt from requiring planning approval for a development of this nature.

Background

The Site

The site is zoned Strategic Industry under the Town of Port Hedland Planning Scheme No. 5 (TPS5), and is part of a 85.690ha lot which contains BHPB stock piles and ship loading facilities. Land adjoining the site is also zoned Strategic Industry.

The Proposal

The proposal contains the following major components (See Attachment No. 3):

- Administration Building
- Workshop
- Warehouse
- Carparking areas
- Hardstand areas

Consultation

The application was internally advertised, with the following comments being received;

Building – Is it a State Agreement Lot? Building Licence required for new proposed work if the application received is on a green title lot.

Health – Relevant comments and conditions have been included within the recommendation.

Engineering – Storm water to be retained on site.

Statutory Implications

The proposed development activities are exempt from requiring statutory approvals by the Iron Ore (Mount Goldsworthy) Agreement Act 1964.

Policy Implications Nil

Strategic Planning Implications

Key Result Area 4 – Economic Development

Goal 2 – Mining

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

Budget Implications

The Planning Application fee of \$15,982 has been received and deposited into Account 1006326 – Town Planning Fees. The estimated cost of the development is \$11,000,000.

Officer's Comment

BHP Billiton, whilst exempt from requiring approvals, has been submitting applications to keep the Town informed about the activities occurring on site.

The applicant has the ability to ignore the conditions provided by the Town. They have, however, been complying with such conditions to date.

The application is referred to Council for approval, and the recommendation contains conditions which will address the site specific and general use issues associated with this type of development.

Attachments

- 1 Location Plan
- 2 Site Plan
- 3 Floor Plans and Elevations
- 4 Legal Opinion

Officer's Recommendation

That Council approves the proposed Extractive Industry – incidental administration, workshop, warehouse, and associated development addition, on Lot 46 Finucane Island via Port Hedland, as detailed within application 2008/84, and shown on the approved plans, subject to the following conditions;

1. The proposed development can only be used for activities associated with BHPB business activities. Any other use would require the submission of a separate planning approval.
2. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
3. Prior to the commencement of construction works the Town requests that the following matters be addressed and plans and/or additional information demonstrating this be submitted to the Town:
 - a) Design levels of all proposed development including buildings, parking areas, hard stand areas and landscaping;
 - b) Suitably screened bulk bin areas are to be provided to the specifications of the Manager Environmental Health, and in a location acceptable to, and to the satisfaction of, the Manager Planning.;
 - c) Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawing details, to be signed by a practicing Structural Engineer; The use of stepped walls incorporating landscaping elements is encouraged to break up retaining wall bulk;
 - d) Parking bays being provided in sufficient numbers and design to accommodate the maximum number and type of vehicles which are expected at the development at its maximum capacity. It should be noted that carparking bays are to be a minimum of 3.0m wide with an additional 0.3m where abutting a solid feature;
 - e) Two (2) disabled carparking bays located convenient to the building entrance and with a minimum width of 3.8 metres; and
 - f) All stormwater shall be retained on-site, and disposed of to the specifications of the Engineering Department, and to the satisfaction of the Manager Planning.

4. A detailed landscaping plan to be submitted and approved by the Manager Planning within 30 days of the commencement of site works. The plan to include location, species, and planting details, with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
5. In regard to condition 4 the detailed landscaping plan shall provide significant screening vegetation or other suitable screen methods, as approved by the Town, to the publicly visible areas which may present as unsightly e.g. hardstand areas or open storage.
6. 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.
7. The carparking bays and accessway shall be designed in accordance with the requirements of Town Planning Scheme No. 5 – Appendix 8. Such areas are to be constructed, drained, marked, and thereafter maintained, to the satisfaction of the Manager Planning, prior to the development first being occupied.
8. An approved effluent disposal system shall be installed to the specification of the Town's Environmental Health Services, and to the satisfaction of the Manager Planning.
9. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning.
10. At the completion of the construction of the development a set of constructed drawings are to be submitted to Council showing the following additional detail:
 - a) Existing site levels and finished floor levels of all proposed development, including levels on top of the kerb at the crossover and parking areas, hard stand areas and landscaping
 - b) Suitably screened bulk bin areas;
 - c) Carparking shall be provided in sufficient numbers and design to accommodate the expected maximum number and type of vehicles which are expected at the development at its maximum capacity; and
 - d) full width of the verge and any street furniture, traffic islands, statutory services, road gullies and crossovers on the opposite side of the road.

11. No parking bays shall be obstructed in any way or used for the purposes of storage.
12. No human habitation (residential accommodation) is permitted in the development without approval of Council.
13. 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 the 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 and health requirements.
2. The applicant is advised that a Building Licence is required for new proposed work if the application received is on a green title lot. For more information on this advice please contact the Town's Manager Building on (08) 9158 9329.
3. In regard to the Building Code of Australia requirements your particular attention is drawn to those relating to:
 - a) Emergency lighting and exit signs
 - b) Compliance with disabled access and sanitary facilities for the disabled
 - c) Supply and location of fire hose reels
 - d) Supply and location of fire hydrants
4. Waste disposal and storage is to be carried out in accordance with Council's Health Local Laws 1999.
5. An approved effluent disposal system shall be installed to the specification of the Town's Environmental Health Services and to the satisfaction of the Manager Planning. 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.

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

200708/216 Council Decision**Moved:** Cr J E Ford**Seconded:** Cr K A Howlett

That Council approves the proposed Extractive Industry – incidental administration, workshop, warehouse, and associated development addition, on Lot 46 Finucane Island via Port Hedland, as detailed within application 2008/84, and shown on the approved plans, subject to the following conditions;

- 1. The proposed development can only be used for activities associated with BHPB business activities. Any other use would require the submission of a separate planning approval.**
- 2. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.**
- 3. Prior to the commencement of construction works the Town requests that the following matters be addressed and plans and/or additional information demonstrating this be submitted to the Town:**
 - a) Design levels of all proposed development including buildings, parking areas, hard stand areas and landscaping;**
 - b) Suitably screened bulk bin areas are to be provided to the specifications of the Manager Environmental Health, and in a location acceptable to, and to the satisfaction of, the Manager Planning.;**
 - c) Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawing details, to be signed by a practicing Structural Engineer; The use of stepped walls incorporating landscaping elements is encouraged to break up retaining wall bulk;**
 - d) Parking bays being provided in sufficient numbers and design to accommodate the maximum number and type of vehicles which are expected at the development at its maximum capacity. It should be noted that carparking bays are to be a minimum of 3.0m wide with an additional 0.3m where abutting a solid feature;**
 - e) Two (2) disabled carparking bays located convenient to the building entrance and with a minimum width of 3.8 metres; and**
 - f) All stormwater shall be retained on-site, and disposed of to the specifications of the Engineering Department, and to the satisfaction of the Manager Planning.**

- 4. A detailed landscaping plan to be submitted and approved by the Manager Planning within 30 days of the commencement of site works. The plan to include location, species, and planting details, with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**
- 5. In regard to condition 4 the detailed landscaping plan shall provide significant screening vegetation or other suitable screen methods, as approved by the Town, to the publicly visible areas which may present as unsightly e.g. hardstand areas or open storage.**
- 6. 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.**
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- 8. An approved effluent disposal system shall be installed to the specification of the Town's Environmental Health Services, and to the satisfaction of the Manager Planning.**
- 9. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning.**
- 10. At the completion of the construction of the development a set of constructed drawings are to be submitted to Council showing the following additional detail:**
 - a) Existing site levels and finished floor levels of all proposed development, including levels on top of the kerb at the crossover and parking areas, hard stand areas and landscaping**
 - b) Suitably screened bulk bin areas;**
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 - d) full width of the verge and any street furniture, traffic islands, statutory services, road gullies and crossovers on the opposite side of the road.**
- 11. No parking bays shall be obstructed in any way or used for the purposes of storage.**

12. No human habitation (residential accommodation) is permitted in the development without approval of Council.
13. 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;
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 - 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 the 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 and health requirements.
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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.

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

CARRIED 4/2

NOTE : Cr A A Gear requested the votes be recorded.

Record of Vote:

FOR	AGAINST
Cr S R Martin	Cr G D Bussell
Cr J E Ford	Cr A A Gear
Cr J M Gillingham	
Cr K A Howlett	

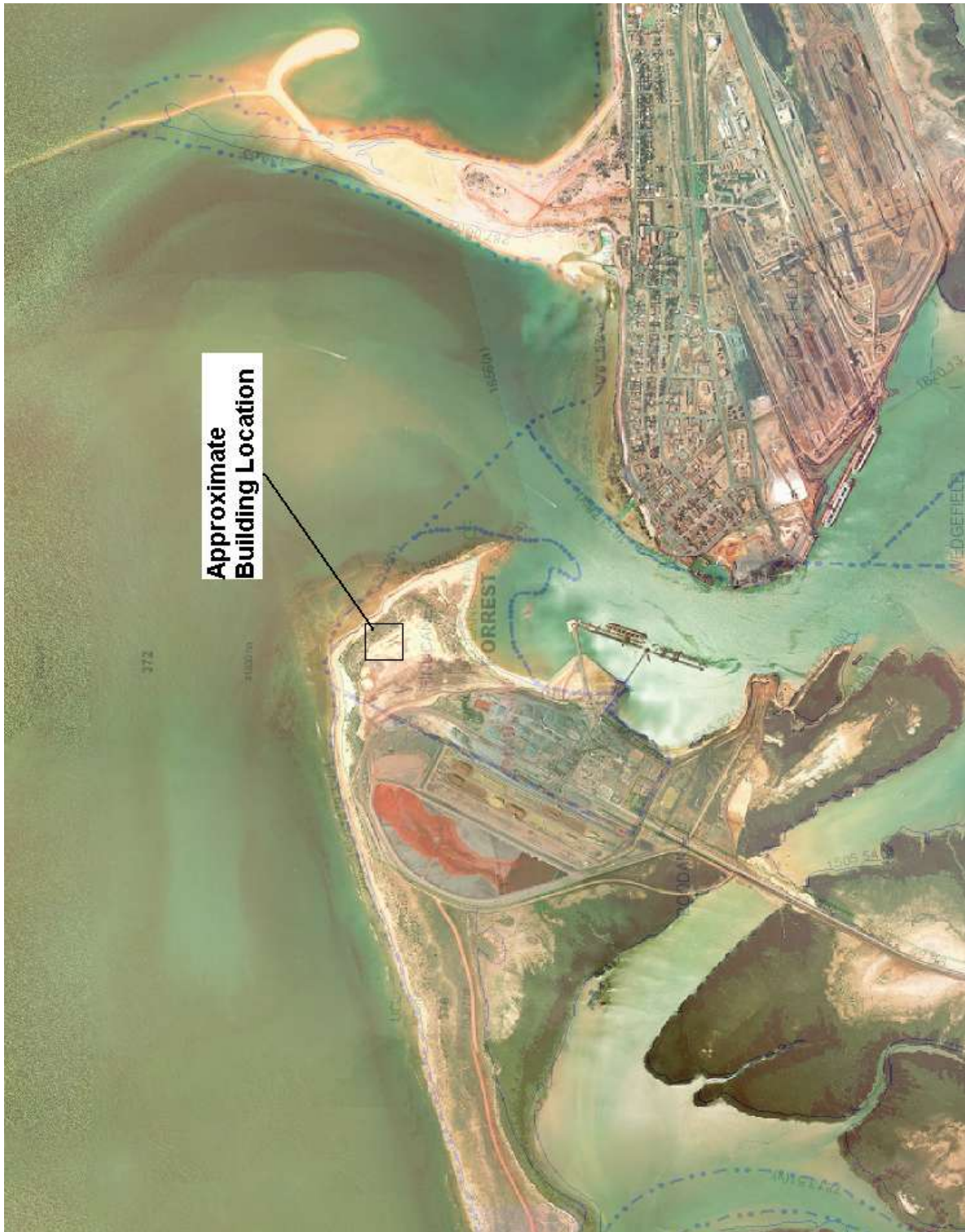
7:10 pm Councillor Jan Gillingham left the room.

7:11 pm Councillors A A Carter, S J Coates, G J Daccache re-entered the room and assumed their chairs. Mayor advised Councillors Carter, Coates and Daccache of Council's decision.

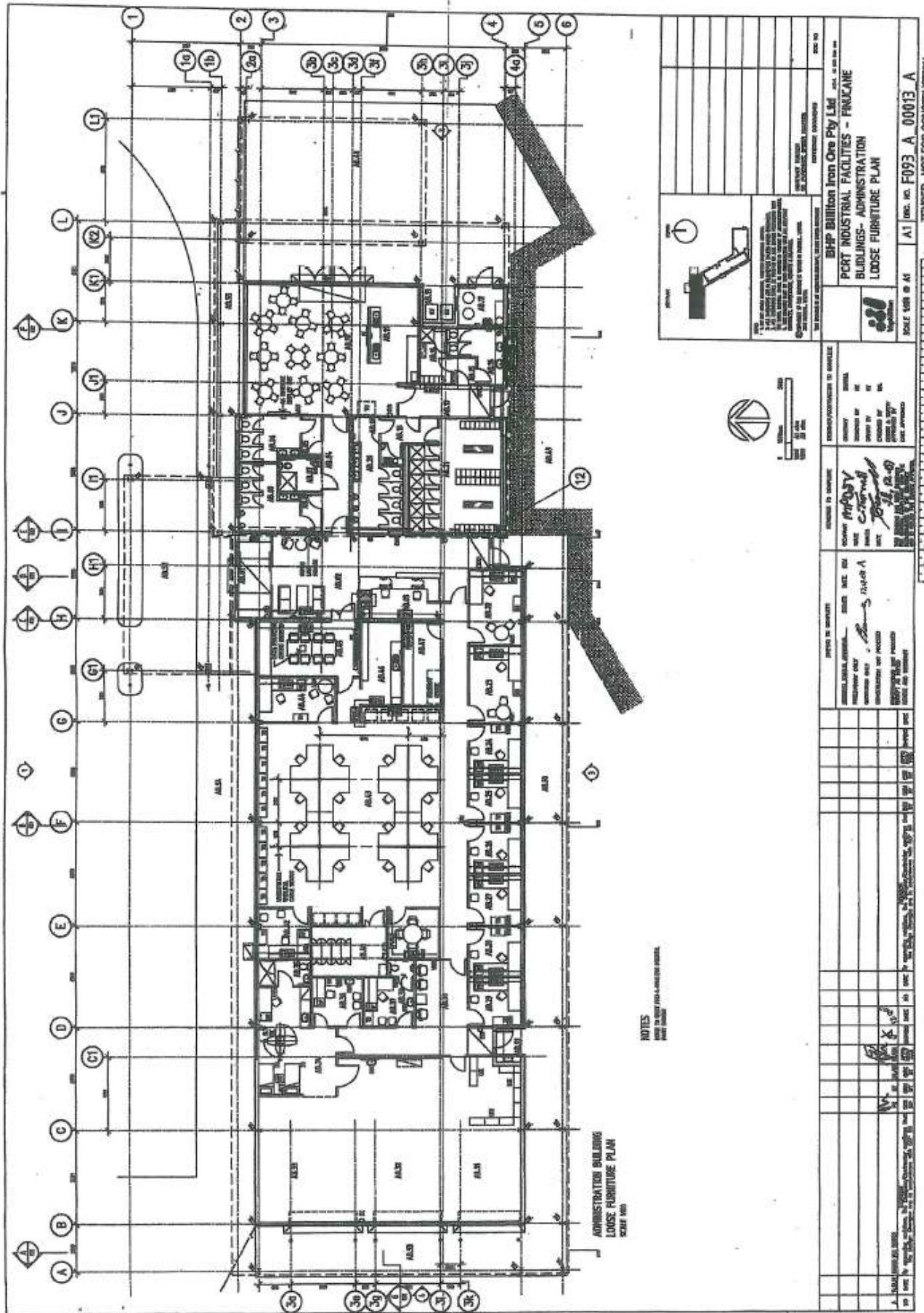
REASON: Council deleted the words "...if the application received is on a green title lot." from Footnote 2. as follows:

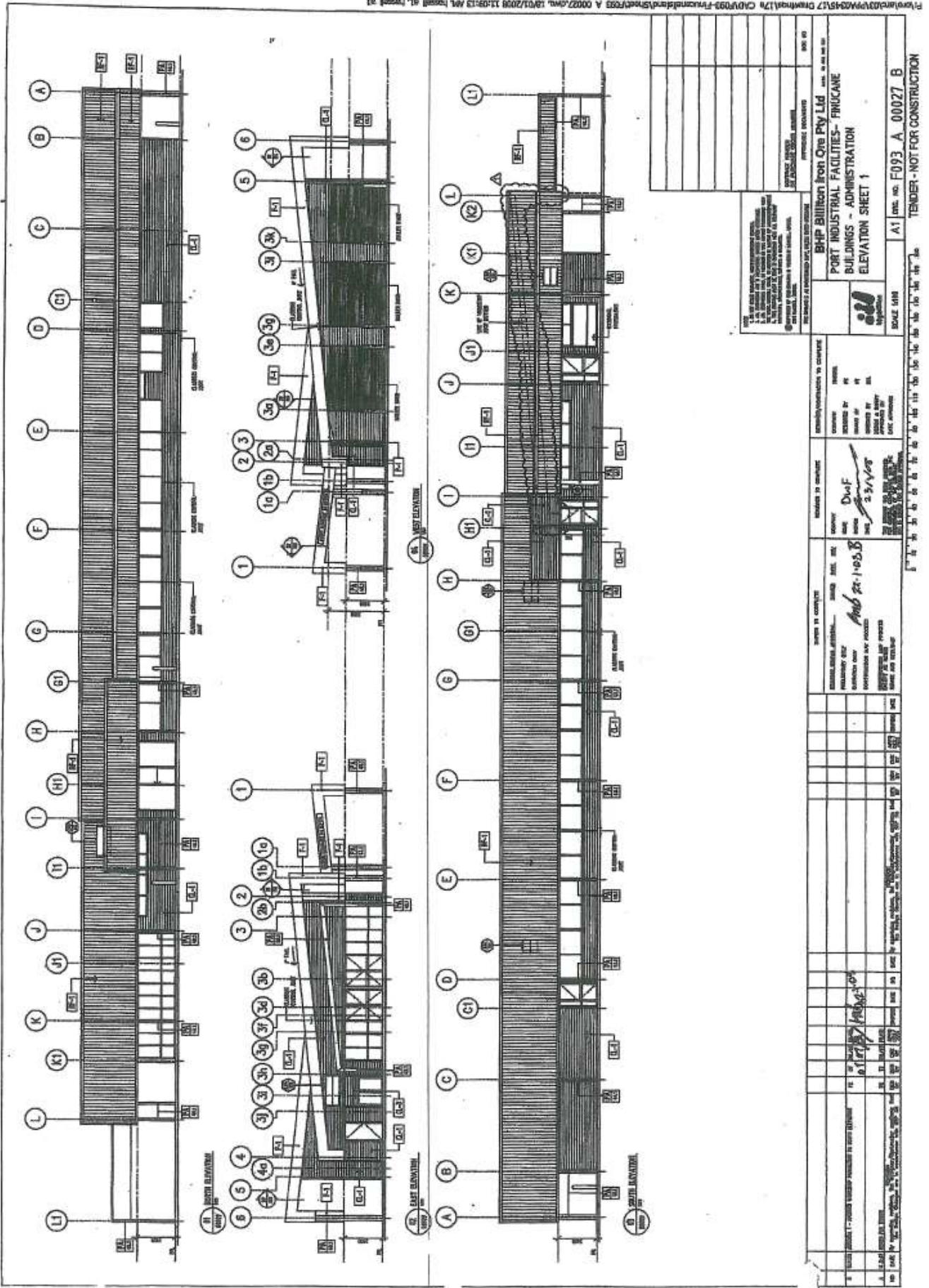
- "2. The applicant is advised that a Building Licence is required for new proposed work ~~if the application received is on a green title lot.~~ For more information on this advice please contact the Town's Manager Building on (08) 9158 9329."*

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.1



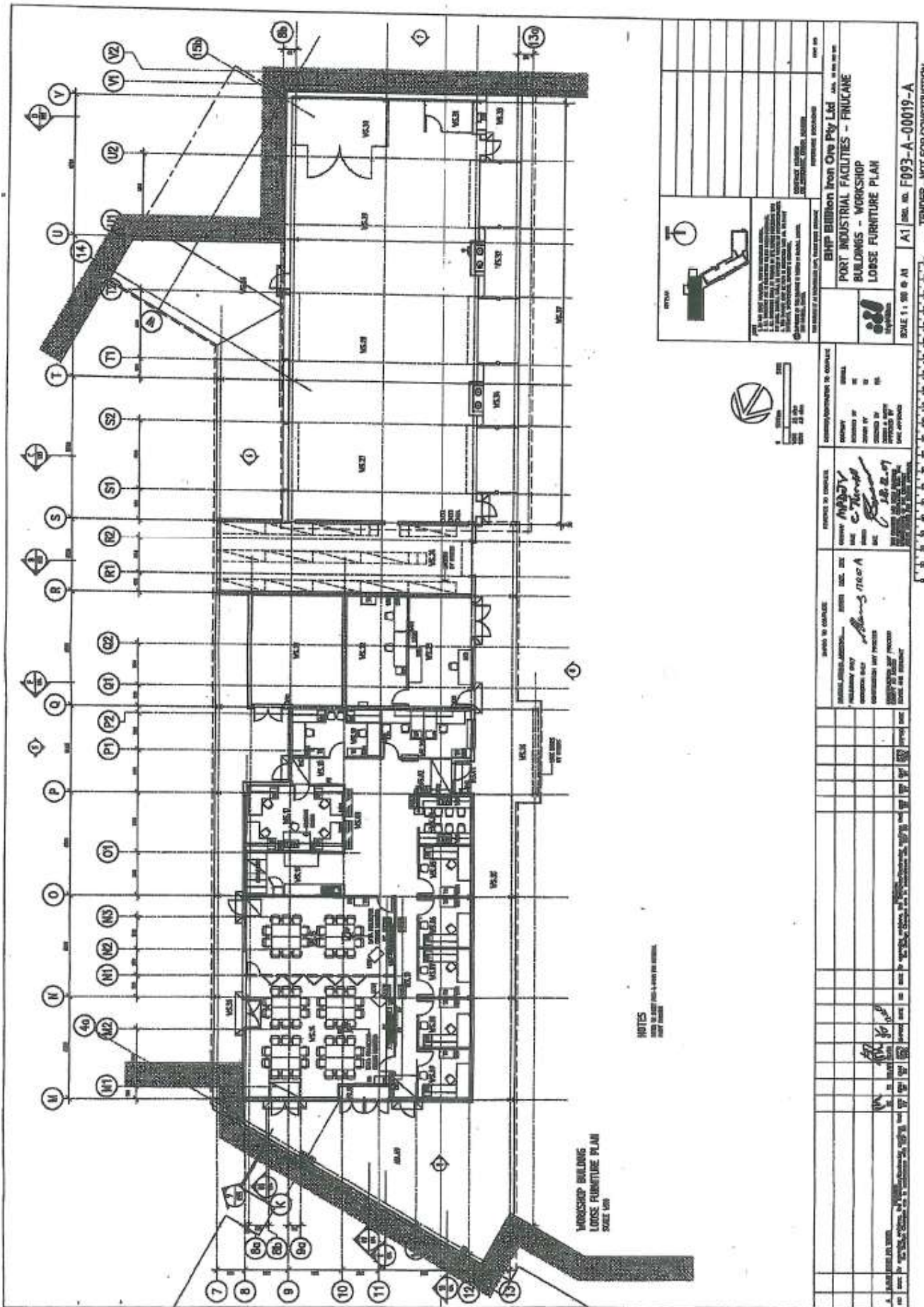
ATTACHMENT 3 TO AGENDA ITEM 11.2.2.1

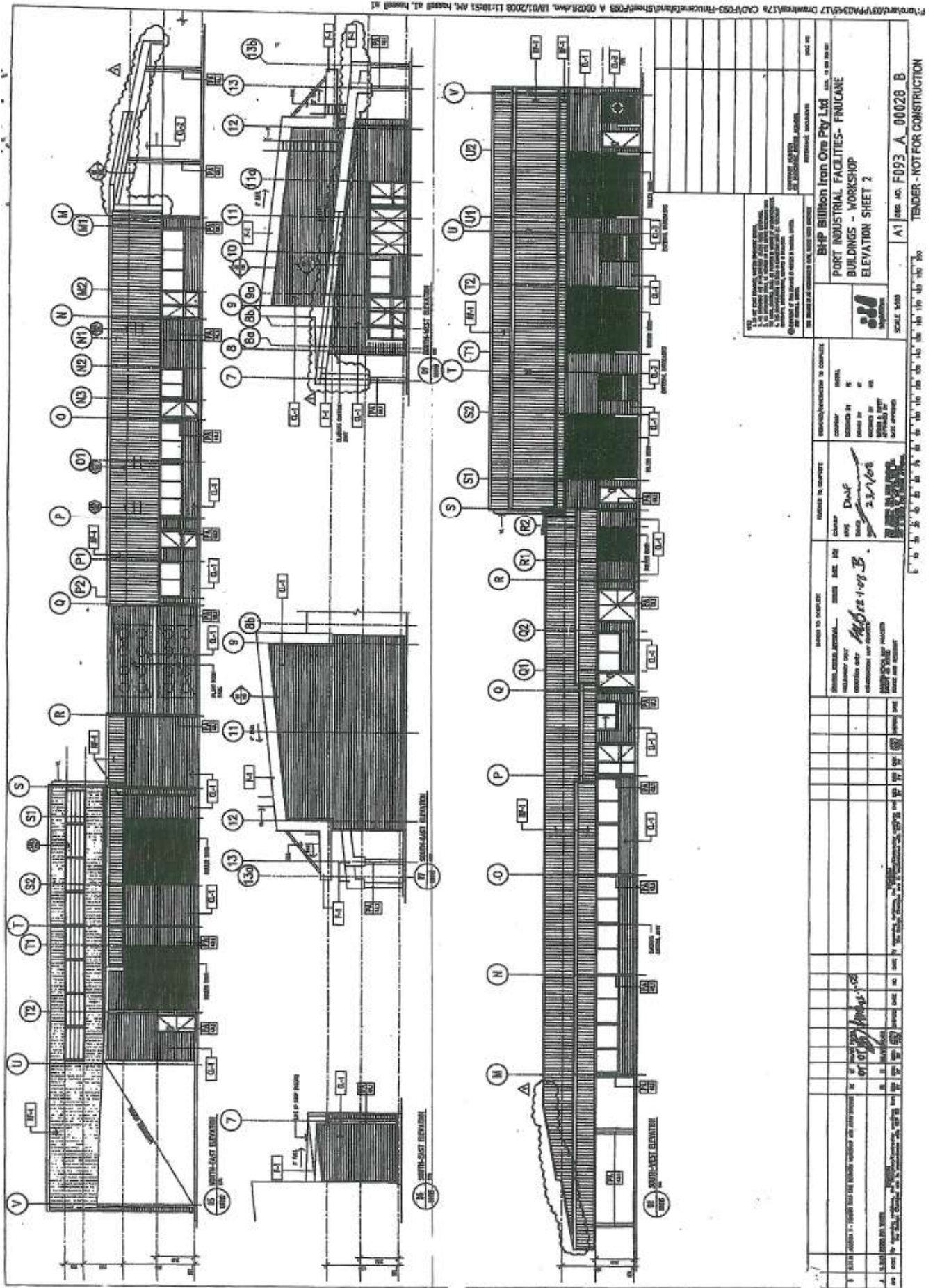




<p>1. ALL WORK IS TO BE ACCORDING TO THE SPECIFICATIONS AND DRAWINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND SERVICES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MATERIALS AND LABOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EQUIPMENT AND TOOLS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRANSPORTATION AND LOGISTICS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMMUNICATIONS AND NETWORKING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SECURITY AND PROTECTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MAINTENANCE AND REPAIRS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CLEANING AND SANITATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY WASTE MANAGEMENT AND DISPOSAL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENVIRONMENTAL PROTECTION AND RESTORATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SOCIAL AND COMMUNITY ENGAGEMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGAL AND COMPLIANCE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FINANCIAL AND ACCOUNTING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY HUMAN RESOURCES AND TRAINING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TECHNOLOGY AND INFORMATION SYSTEMS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY OPERATIONAL AND LOGISTICS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SAFETY AND HEALTH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY QUALITY MANAGEMENT AND CONTROL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RISK MANAGEMENT AND MITIGATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SUSTAINABILITY AND ENVIRONMENTAL IMPROVEMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INNOVATION AND RESEARCH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COLLABORATION AND PARTNERSHIP. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LEADERSHIP AND MANAGEMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ETHICS AND INTEGRITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRANSPARENCY AND ACCOUNTABILITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMMUNICATIONS AND REPORTING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EVALUATION AND IMPROVEMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FEEDBACK AND ENGAGEMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFLUENCE AND IMPACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REPUTATION AND BRAND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CREATIVITY AND INNOVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RESILIENCE AND ADAPTABILITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FLEXIBILITY AND AGILITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SPEED AND EFFICIENCY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COST-EFFECTIVENESS AND VALUE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CUSTOMER SATISFACTION AND LOYALTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MARKET LEADERSHIP AND COMPETITIVENESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY GROWTH AND EXPANSION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFLUENCE AND IMPACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REPUTATION AND BRAND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CREATIVITY AND INNOVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RESILIENCE AND ADAPTABILITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FLEXIBILITY AND AGILITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SPEED AND EFFICIENCY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COST-EFFECTIVENESS AND VALUE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CUSTOMER SATISFACTION AND LOYALTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MARKET LEADERSHIP AND COMPETITIVENESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY GROWTH AND EXPANSION.</p>	
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<p>BHP Billiton Iron Ore Pty Ltd PORT INDUSTRIAL FACILITIES - FRUCCANE BUILDINGS - ADMINISTRATION ELEVATION SHEET 1</p>							
<p>SCALE: 1:100 A1 REV. NO. F093 A 00027 B TENDER - NOT FOR CONSTRUCTION</p>							
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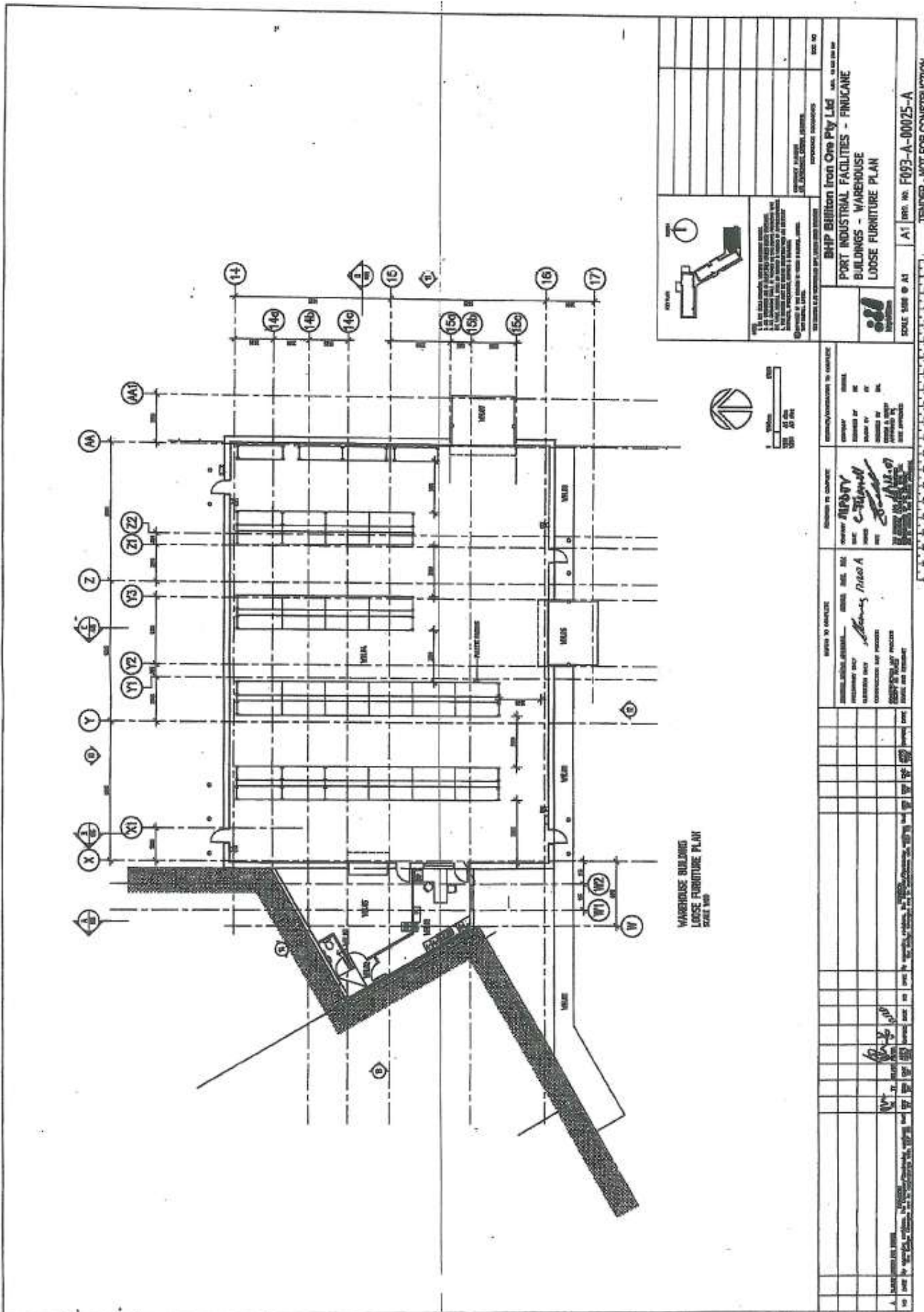






BHP Billiton Iron Ore Pty Ltd
 PORT INDUSTRIAL FACILITIES - FINRUANE
 BUILDINGS - WORKSHOP
 ELEVATION SHEET 2
 SCALE 1:500
 A1 (REV. NO. F093_A_00028_B)
 TENDER - NOT FOR CONSTRUCTION

APPROVED FOR CONSTRUCTION
 DATE: 23/1/08
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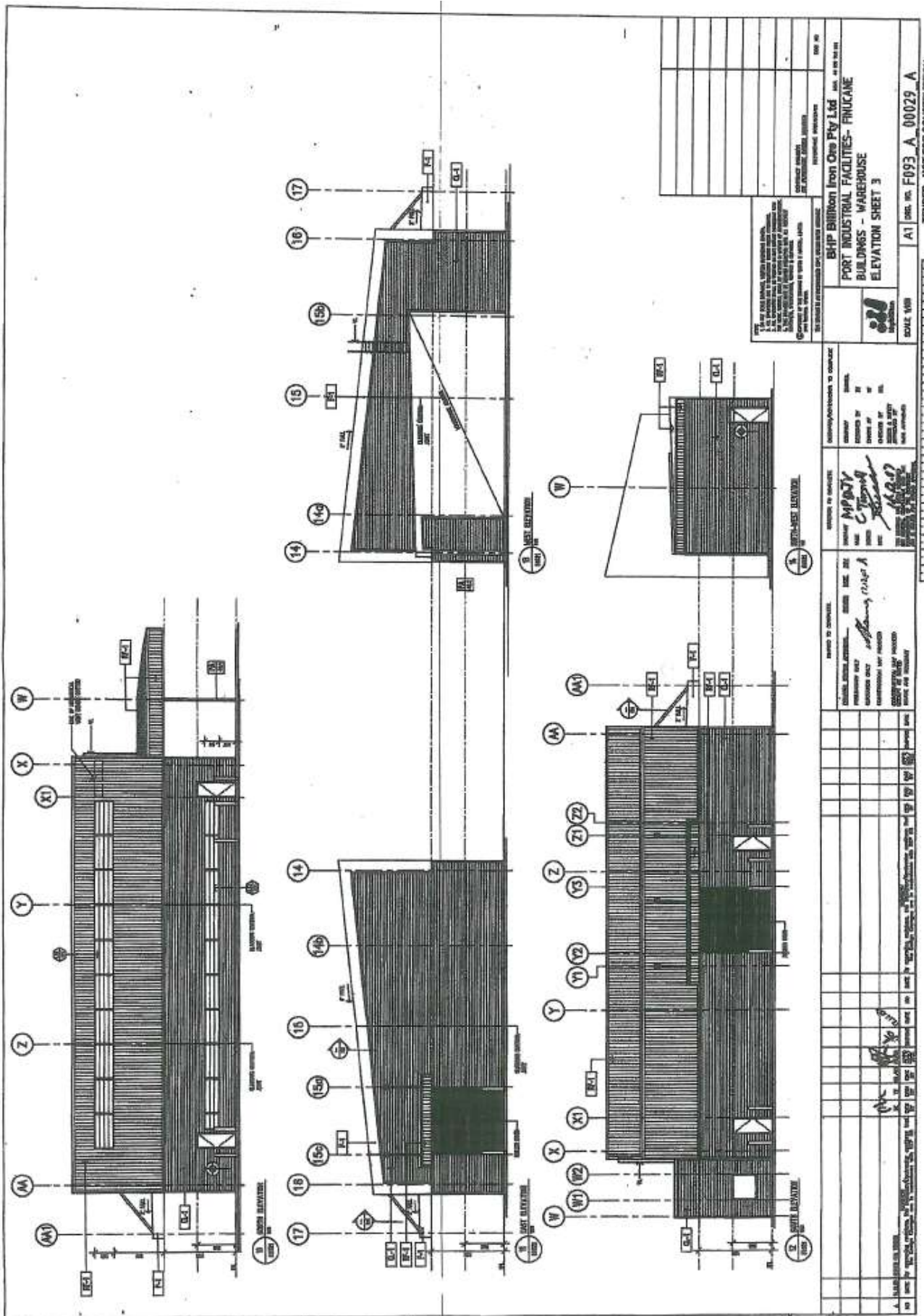
WAREHOUSE BUILDING
LOOSE FURNITURE PLAN
SCALE 1:500

BHP Billiton Iron Ore Pty Ltd
 PORT INDUSTRIAL FACILITIES - PHUOC ANH
 BUILDINGS - WAREHOUSE
 LOOSE FURNITURE PLAN

SCALE 1:500 @ A1
 PROJ. NO. F093-A-00025-A
 TOWN/CD - WPT F093 CONSTRUCTION

RG4/1016/EO/10037



BHP Billiton Iron Ore Pty Ltd
PORT INDUSTRIAL FACILITIES - FINUCANE
BUILDINGS - WAREHOUSE
ELEVATION SHEET 3

DATE: 1998
 A1 | SHEET NO. F993_A_00029_A
 TOWN: FINUCANE - PORT KAITUMA INDUSTRIAL ZONE
 PROJECT NO: 101618011004

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ATTACHMENT 4 TO AGENDA ITEM 11.2.2.1

11.2.2.2 Invitation to Reconsider a Decision Including a Request for Alternative Cash-In-Lieu Option - Lot 2-2 (2-3) Hunt Street, South Hedland (File No.: 124494G)

Officer Richard Bairstow
Manager Planning

Date of Report 11 June 2008

Disclosure of Interest by Officer Nil

Summary

The State Administrative Tribunal (SAT) in its rulings has invited the Town to reconsider its decision in regard to the planning application submitted by Richard and Jennifer Hardy at its' Full Council meeting on 25 June 2008.

The ruling also requires Council to consider and determine an appropriate payment for cash-in-lieu of car parking. Three options have been proposed within the officer's comment section.

It is recommended that Council determine the appropriate cash-in-lieu amount and, subject to the appellant accepting this, approves the retrospective planning approval for the change of use Showroom/Warehouse to Shop/Warehouse, with those conditions and footnotes detailed within the recommendation.

Background

The Site

The site is included in the Mixed Business zone under the Town of Port Hedland Planning Scheme No. 5 (TPS5), and has an area of 1160m²(See Attachment No. 1). The lots surrounding the site are also zoned Mixed Business. The lot contains a three unit "Showroom" and "Warehouse" development approved in January 2003 (See Attachment No.2).

No other approvals or changes of use have been granted since the original approval. The provision of car parking was compliant with TPS5 requirements when issued, and would continue to be if the units were operated in accordance with the original approval.

The Proposal

The planning application was for a Change of Use from a Showroom to Shop.

The current approval as "Showroom/Warehouse" required the provision of 3 bays. The proposal as a "Shop" required the provision of 9 bays. This resulted in a deficit of 6 bays.

The application's processing chronology is summarized:

- 27 August 2007 - The application was submitted;
- 13 September 2007 - The applicant was advised of the car parking issues;
- 23 October 2007 - The applicant was requested to provide additional information to enable the application to progress;
- 30 October 2007 – The applicant provided information, but not that which was requested;
- Nov 2007 – Feb 2008 – Planning Officer continued to attempt to secure the required information from the applicant;
- 4 March 2008 – Application refused under Delegated Authority, as the applicant failed to produce the required information;
- 28 March 2008 – Appeal lodged with SAT against Town's decision;
- 16 April 2008 – Directions Hearing – Member requests Town to provide cash-in-lieu methodology with reference to TPS5 and discuss with the appellant;
- 30 April 2008 – TPS5's methodology, with costings, forwarded to the appellant (See Attachment No. 3);
- 2 May 2008 – Appellant acknowledges the Town's methodology but doesn't accept;
- 14 May 2008 – Directions Hearing – Member requests appellant to provide an alternative cash-in-lieu payment and invites the Town to reconsider its decision at its 25 June 2008 Full Council Meeting;
- 28 May 2008 – Appellant supplies alternate proposal (See Attachment No. 4); and
- 13 June 2008 – Council Report prepared.

Consultation

Nil

Statutory Implications

The *State Administrative Tribunal Act 2004 (WA)* s. 31 states:

- “31. Tribunal may invite decision-maker to reconsider*
- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
 - (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may —*
 - (a) affirm the decision;*
 - (b) vary the decision; or*
 - (c) set aside the decision and substitute its new decision.*
 - (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review*

is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”

The Town has been invited to reconsider its decision in accordance with this section of the Act.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Any cash-in-lieu payment will be deposited in the Carparking Reserve

Officer's Comment

In reconsidering this matter in accordance with the SAT direction, the Council has a number of options including the following:

Option 1 – Impose cash-in-lieu payments for parking shortfall as per Scheme requirements;

- The cost per bay is: \$4,617

Option 2 – Impose cash-in-lieu payments for parking shortfall as per Hardy's proposal;

- The cost per bay is: \$2,997

Option 3 – Not require any Cash-in-lieu payment in this instance.

- The cost per bay is: Nil

Option 1 is not unreasonable. The figure of \$4,617 per parking bay does not take into account the area required for aisles etc and uses the most conservative justifiable figures in relation to land value and construction costs. It is comparable to figures used in the metropolitan area because of the high land value and construction costs in the Pilbara.

Considering the difficulties that small business faces in the Pilbara, it could be appropriate to endorse the appellant's proposed Option (2) which uses the same methodology as Option (1) but discounts the land value by half. There doesn't appear to be any science behind this formula but it does provide a mechanism for Council to provide some incentive for establishment of small business without incurring the cost of a direct subsidy.

Option 3 is not considered appropriate, as it would create an undesirable precedent, which other businesses in the same area are likely to use in order to exempt themselves from the obligation to provide parking for their customers when current compliance investigations are finalised. Failure to maintain a suitable regimen for the provision of customer parking will ultimately transfer legitimate business costs to the ratepayers.

In addition to questioning the cash in lieu payment amount, the appellant questioned the Town’s carparking calculation, however this has been reassessed using the appellant’s building areas (See Attachment No 4 – Map – Hand written areas) and resulted in the same requirement:

	Appellant’s Area Calculation	Scheme Requirement	Number of bays required
Shop	157.5m ²	1 bay per 20m ²	8
Warehouse	42.5m ²	1 bay per 50m ²	1
			9

The original calculation was:

	Appellant’s Area Calculation	Scheme Requirement	Number of bays required
Shop	180m ²	1 bay per 20m ²	9

The Town has had difficulty objectively assessing the parking requirement, as scaled plans have not been supplied by the appellant, and Council’s records show the building at 201.25m² with 8 car parking bays located on the lot. The building area plan held by Council is supported by the Appellant’s area calculations, shown on Attachment No. 3 but the applicant has stated that 4 bays are available to the unit. A site visit has revealed that only 6 bays are available between three businesses and no allocation of these bays is recorded. It has been assumed that the bays would be divided evenly between the 3 units. This results (with rounding) in 2 bays being available to each unit.

Given the parking bays required to use the premises as a shop (9) and the those available (2) on-site, there is a shortfall of seven parking bays for which a cash-in-lieu payment is due should the appellant wish to continue to use the premises as a shop.

If the appellant accepts the Option endorsed by Council it is also considered reasonable that Council reconsiders the previous determination of the application.

It’s recommended that Council set aside the previous refusal and substitute its’ new decision to approve the retrospective Change of Use from Showroom/Warehouse to Shop/Warehouse, subject to the conditions and footnotes detailed within the recommendation.

Attachments

- 1 Location Plan
- 2 Site Plan (as submitted by the appellant)
- 3 Town's cash-in-lieu methodology
- 4 Appellant's justification and cash-in-lieu methodology

Officer's Recommendation

That Council:

- i) pursuant to the State Administrative Tribunal Matter Number: DR 116 of 2008, Order Number 1:

endorses the cash-in-lieu charge of \$4617 per parking bay with the total amount payable in this instance for the 7 bay deficit = \$32319

OR

That Council:

- i) pursuant to the State Administrative Tribunal Matter Number: DR 116 of 2008, Order Number 1:

endorses the cash-in-lieu charge of \$2997 per parking bay with the total amount payable in this instance for the 7 bay deficit = \$20979; and

- ii) sets aside the previous refusal and substitute its new decision to approve the retrospective planning application submitted by the owners Jennifer and Rick Hardy for the Change of Use of a Showroom/Warehouse to Shop/Warehouse at Lot 2 (2/3) Hunt Street, South Hedland (Application Number 2007/186) subject to the following conditions and the appellant accepting the Council's Cash-in-lieu option. The conditions and footnotes are:

- a) The unit must only be used for purposes which are related to the operation of a 'Shop' business. Under the Town of Port Hedland's Town Planning Scheme No. 5 a 'Shop' is defined as:

"any building and associated land where goods are displayed or offered for sale by retail or hire of non-industrial goods or where services of a personal nature are provided, including a betting agency but excluding a showroom, take-away food outlet and garage sale."

- b) 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.

- c) Within 60 days of the Council's decision the cash-in-lieu payment as endorsed by Council for the 7 car parking bays deficit shall be paid to the Town. Alternatively, a suitable repayment schedule being made with the Director Community & Regulatory Services and to the satisfaction of the Manager Planning.
- d) Within 60 days of the Council's decision as constructed, scaled plans of the lot at not less than 1:500 being submitted to, and approved, by the Town.
- e) Landscaping and reticulation is to be upgraded using 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 and thereafter maintained to the satisfaction Manager Planning.
- f) 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.
- g) An overall signage strategy for the Shop shall be submitted for approval to the satisfaction Manager Planning.

FOOTNOTES:

- a) 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.
- b) 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.
- c) Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

7:13 pm Councillor Arthur Gear left the room.

- 7:14 pm Councillor Jan Gillingham re-entered the room and assumed her chair.
- 7:17 pm Councillor Arthur Gear re-entered the room and assumed his chair.

200708/217 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr J E Ford**That Council:**

- i) pursuant to the State Administrative Tribunal Matter Number: DR 116 of 2008, Order Number 1:

endorses the cash-in-lieu charge of \$2,997 per parking bay with the total amount payable in this instance for the 7 bay deficit = \$20,979; and

- ii) sets aside the previous refusal and substitute its new decision to approve the retrospective planning application submitted by the owners Jennifer and Rick Hardy for the Change of Use of a Showroom/Warehouse to Shop/Warehouse at Lot 2 (2/3) Hunt Street, South Hedland (Application Number 2007/186) subject to the following conditions and the appellant accepting the Council's Cash-in-lieu option. The conditions and footnotes are:

- a) The unit must only be used for purposes which are related to the operation of a 'Shop' business. Under the Town of Port Hedland's Town Planning Scheme No. 5 a 'Shop' is defined as:

"any building and associated land where goods are displayed or offered for sale by retail or hire of non-industrial goods or where services of a personal nature are provided, including a betting agency but excluding a showroom, take-away food outlet and garage sale."

- b) 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.
- c) Within 60 days of the Council's decision the cash-in-lieu payment as endorsed by Council for the 7 car parking bays deficit shall be paid to the Town. Alternatively, a suitable repayment schedule being made with the Director Community & Regulatory Services and to the satisfaction of the Manager Planning.

- d) Within 60 days of the Council's decision as constructed, scaled plans of the lot at not less than 1:500 being submitted to, and approved, by the Town.**
- e) Landscaping and reticulation is to be upgraded using 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 and thereafter maintained to the satisfaction Manager Planning.**
- f) 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.**
- g) An overall signage strategy for the Shop shall be submitted for approval to the satisfaction Manager Planning.**

FOOTNOTES:

- a) 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.**
- b) 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.**

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

CARRIED 6/3

NOTE : Cr A A Carter requested the votes be recorded.

Record of Vote:

FOR	AGAINST
Cr A A Carter	Cr S R Martin
Cr G J Daccache	Cr G D Bussell
Cr J E Ford	Cr S J Coates
Cr A A Gear	
Cr J M Gillingham	
Cr K A Howlett	

REASON: pursuant to the State Administrative Tribunal Matter Number: DR 116 of 2008, Order Number 1, Council endorsed a cash-in-lieu charge of \$2,997 per parking bay, with the total amount payable in this instance for the 7 bay deficit amounting to \$20,979; subject to condition recommended by Council staff.

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.2

Richard and Jenny Hardy
PO Box 1000
DERBY WA 6728

Wednesday 28th May, 2008

Mr Terry Sargent
Director Regulatory and Community Services
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Terry,

**RE: State Administrative Tribunal (SAT) – Matter No: DR116 of 2008 – Hardy Anor V
Town of Port Hedland**

Following the hearing held with the on the 14th May 2008, we set forth our position on the matter with respect to the cash-in-lieu payment for the provision of car parking requirements as set out under Clause 6.13 of the Town of Port Hedland Town Planning Scheme (TPS) No. 5

We understand the intent of Clause 6.13.3 in the above mentioned TPS, as well as the methodology used to arrive at the cash-in-lieu payment indicated in the email from Richard Bairstow on the 30th April 2008 to meet the shortfall of parking requirements (6 bays).

Essentially, the costings are derived as the sum of two components, those being the development costs and the land value. It is the latter that we would like to address by reducing the impact thereof when calculating cash-in-lieu payments and seek a mutually acceptable resolution to the situation as it now stands and as directed by the SAT

It is a well accepted fact that land values generally in the north of the state are rising sharply. At the “Riding the Boom” conference held recently in the Pilbara, John Nicolaou, Chief Economist with CCI presented two graphs depicting median house prices and percentage change at December 2007 for selected areas of the Pilbara with a comparison to Perth. In both cases, Port Hedland featured as the highest and significantly higher than Perth.

As a natural extension, these comparative increases apply across all other titles whether they are for undeveloped land, unallocated crown land, business premises and indeed potential land for car parks.

During discussions with the East Pilbara Small Business Centre as well as the Town of Port Hedland throughout the SAT hearings, there is a clear issue surrounding car parking and some moves are being taken to address these. Unfortunately, set against other business costs that are on the climb including wages (competing with the resource industry), freight, fuel, food, rents, trades, electricity etc the costs of provision the of car parks simply add to the pressure on small businesses that is within the Council’s scope to provide relief.

Effectively, we would envisage a discounting of the land value as a percentage of the Valuer General’s Office advice (or other valuation service – which ever is the lessor) at a rate of 50% for a period defined by the Town of Port Hedland. As a suggestion, this could be set for a period that could reasonably provide for those who currently sit outside of the TPS car parking requirements to

conform taking into consideration such factors as acquiring finance if necessary, planning requirements and arranging works etc. If you like, such an incentive could be akin to an "amnesty" period for existing businesses and may also provide the "tipping point" for new business initiatives to commence where such issues could be a barrier.

If this proposal was favourably adopted by the Town of Port Hedland, our costs using those figures indicated in the email from Richard Bairstow on the 30th April 2008 would calculate to be:

- Development costs per block:	\$ 1,377
- Land value:	\$ 3,240
- 50% discount of land value:	<u>(\$ 1,620)</u>
Cost per block:	\$ 2,997
Total costs for 4* blocks as required:	<u>\$ 11,988</u>

We look forward to hearing from you soon regarding the above matter.

Yours sincerely,



Richard and Jenny Hardy

* In the above mentioned email, the deficit of bays was stated as 6. However, the existing number of bays is 4 and based on an assessable floor space of 160 sq mtrs (as opposed to 180 sq mtrs) a total of 8 bays is required, thereby leaving a deficit of 4.

ATTACHMENT 2 TO AGENDA ITEM 11.2.2.2

Richard Bairstow

From: Richard Bairstow
Sent: Wednesday, April 30, 2008 4:42 PM
To: 'derby@retravision.com.au'
Cc: Terry Sargent; 'info@sat.justice.wa.gov.au'
Subject: State Administrative Tribunal - Matter No: DR116 of 2008 - Hardy & Anor V Town of Port Hedland

Richard and Jennifer

I write on behalf of Terry Sargent in regard to his undertaking to provide a cash-in-lieu amount within 14days of the Direction Hearing.

The methodology used to calculate the cost of the bays is in accordance with Clause 6.13.3 of Town Planning Scheme No. 5 with the exception that no allowance has been made for the cost of the land occupied by the bays.

The estimated development cost for each bay and associated aisle is \$1377 and the land value is \$3240 (based on Valuer General's Office advice for unapproved land values of \$100 per square metre and an area of 32.4m²) = \$4617 per bay.

The estimated development is based on an actual carpark constructed by the Town in the past 12 months with a 4% allowance for inflation.

Advice provided by Terry Sargent was that the subject building area was 180m² with the previous use requiring a minimum of 3 bays to be provided and the current use resulting in a requirement for 9 bays an overall deficit of 6 bays.

Therefore the cash-in-lieu payment of \$27 702 is required in this instance.

Please provide a response to the proposal within 14days of this e-mail. If you propose an alternative amount please provide a explanation and justification for the amount.

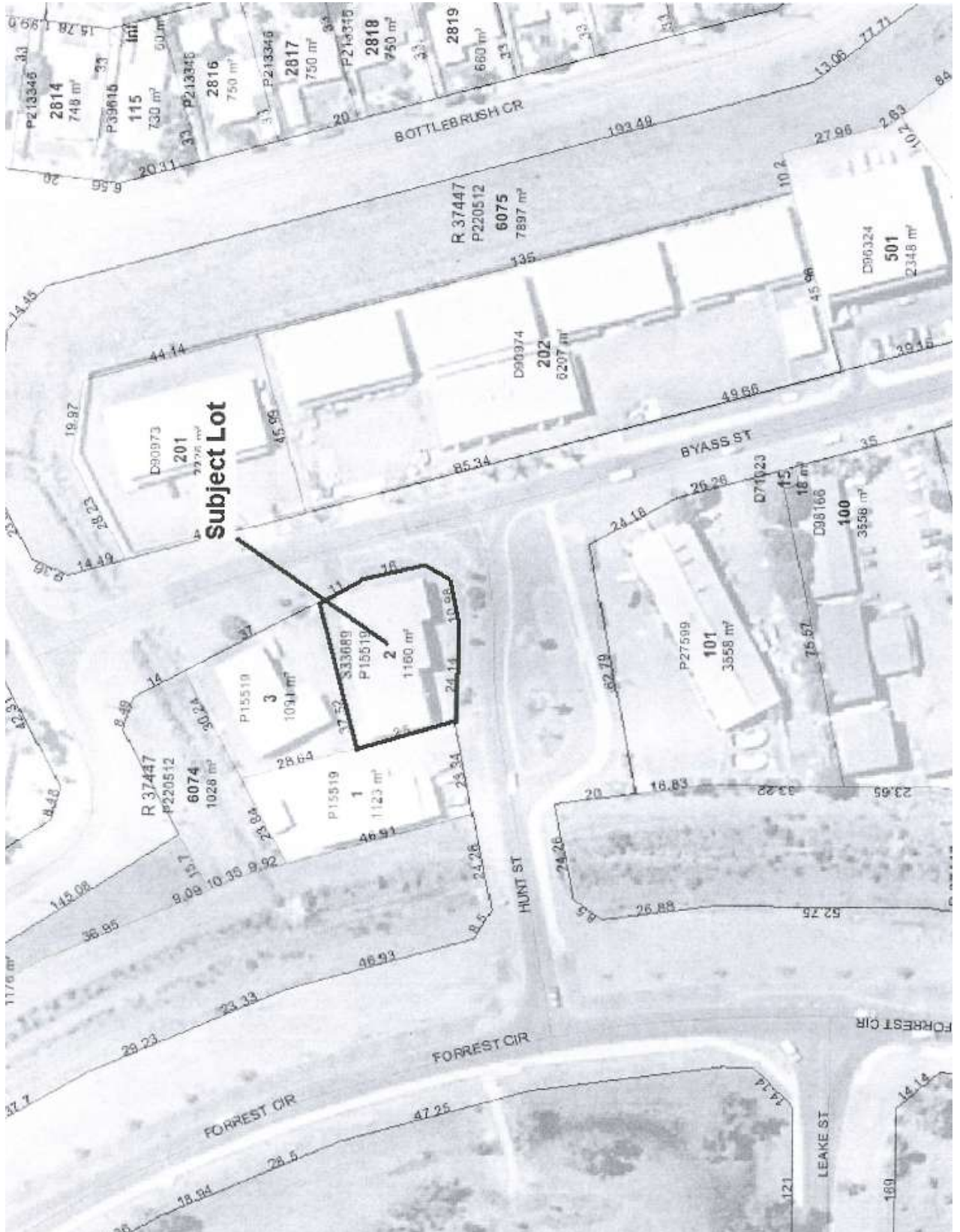
Regards

Richard Bairstow I Manager Planning I Town of Port Hedland
Phone: (08) 9158 9342 I Fax: (08) 9173 1766 I Mb: 0429 083 698
E-mail: managerplanning@porthedland.wa.gov.au

This e-mail and any attachments may contain personal information or information that is otherwise confidential or the subject of copyright. Any unauthorised use, disclosure or copying of any part of it is prohibited. If this e-mail is received in error please delete it and notify me by return e-mail.

ATTACHMENT 3 TO AGENDA ITEM 11.2.2.2

ATTACHMENT 4 TO AGENDA ITEM 11.2.2.2



**11.2.2.3 Proposed Warehouse Addition to Lot 3 (9-11)
Greenfields Street, South Hedland (File No:154413GG)**

Officer Richard Bairstow
Manager Planning

Date of Report 12 May 2008

Disclosure of Interest by Officer Nil

Summary

Council has received the following application from the owner, Mr Andrew Singleton of Lot 3 (9-11) Greenfield Street, South Hedland Rural Estate (see Attachment 1) seeking planning approval for the construction of a 25m x 14m x 4.2m (350m²) shed and 12m x 14m x 4.2m (168m²) shade structure (See Attachment No. 2) .

The application was to be refused under delegated authority as it was considered to constitute a warehouse use, and therefore was not permissible within the zone.

The owner of the land has requested that the application be determined by Council.

Background*The Site*

The site is included in the Rural Residential zone under the Town of Port Hedland Planning Scheme No. 5 (TPS5), and has an area of 2.1559ha ha. Land adjoining the site to the south, east and west is also included in the Rural Residential Zone. Land to the rear is zoned Rural. The site contains a Single House and an existing 15m x 12m x 4m (180m²) shed.

The Proposal

The proposed shed has an area of 350m² and a total height of 4.2m. The owner has provided the following information in regard to the proposed use of the shed:

The shed will be used for the storage of motorized toys that the owner is accumulating rather than having them sitting around his verandah, which he states "*is unsightly and disorderly*". Further, the owner states "There is a further risk of theft especially towards 4 wheel motor bikes." Advice is provided that the owner has no intention of living within the shed, carrying out any commercial uses within the shed and is aware of the flooding issues associated with the South Hedland Rural Estate.

Statutory Implications

In accordance with the *Planning and Development Act 2005* the proposed development is subject to the provisions of the TPS5.

Consultation

The nature and scale of the development has not required consultation with other local government departments.

No advertising of the proposal was undertaken as the use is not permitted.

Policy Implications

The proposed development has no implications for Council Policy.

Strategic Planning Implications

The proposed development has no implications for Strategic Planning.

Budget Implications

An application fee of \$117 was paid on lodgment and deposited into account 1006326 – Town Planning Fees.

Officer's Comments

As the application is in excess of 200m² and is considered to be a commercial structure under the Building Code of Australia (BCA) the development has been determined to be a separate use under TPS5.

Further, the development has been determined as a use in its own right because the area of the proposed shed is well in excess of the area of the single house on the lot.

Even though there is no evidence that the goods stored on the site *will* be offered for sale by wholesale, under TPS5 the proposed use is best described as "Warehouse", as this is the defined use that "best fits" the proposal, i.e.

"A building where goods are stored and may be offered for sale by wholesale".

There is already an existing storage shed on the property, a 15m x 12m x 4m shed, which was approved by Council in 2005. This 180m² shed is considered to provide sufficient domestic storage space for the property.

Consideration has been given to treating the proposal as an outbuilding, appurtenant or incidental to the residence, but the massive scale of the proposal in relation to the residence makes this inappropriate.

The intention to refuse the application under delegated authority was carefully considered in light of recent actions by landowners in the area who have attempted to undertake industrial activities in the Greenfields Street area.

The plans demonstrate the proposed shed is neither incidental nor appurtenant to the dwelling. Further, the commonly used definitions of "incidental" and "appurtenant" could not be used to describe the shed's relationship to the existing dwelling.

The issue of out building sizes is also to be addressed in a Local Planning Policy. The Policy has been drafted but requires updating after internal comments prior to presentation to Council. The proposal is inconsistent with the draft policy.

Alternatively, the Council could determine that the shed is appurtenant and incidental to the residence on the Lot and resolve:

"The Chief Executive Officer or his nominated officer assess the application for Planning Consent for the construction of outbuilding from Mr. Andrew Singleton of Lot 3 (9-11) Greenfields Street, South Hedland (Application Number 2008/145), on the understanding that it is appurtenant and incidental to the residence on the Lot."

This is not the preferred option as:

- The shed can't reasonably be considered of a domestic nature or size for the before mentioned reasons;
- A shed of that nature already exists on the lot; and
- The additional shed area will result in a total of 530m² of shed storage space being available on the property.

The application is recommended for refusal for those reasons provided within the recommendation.

Attachments

- 1 Location Plan
- 2 Site Plan

200708/218 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S J Coates

That Council REFUSES the Planning Consent for the construction of a Warehouse from Mr Andrew Singleton of Lot 3 (9-11) Greenfield Street, South Hedland (Application Number 2008/145), for the following reasons:

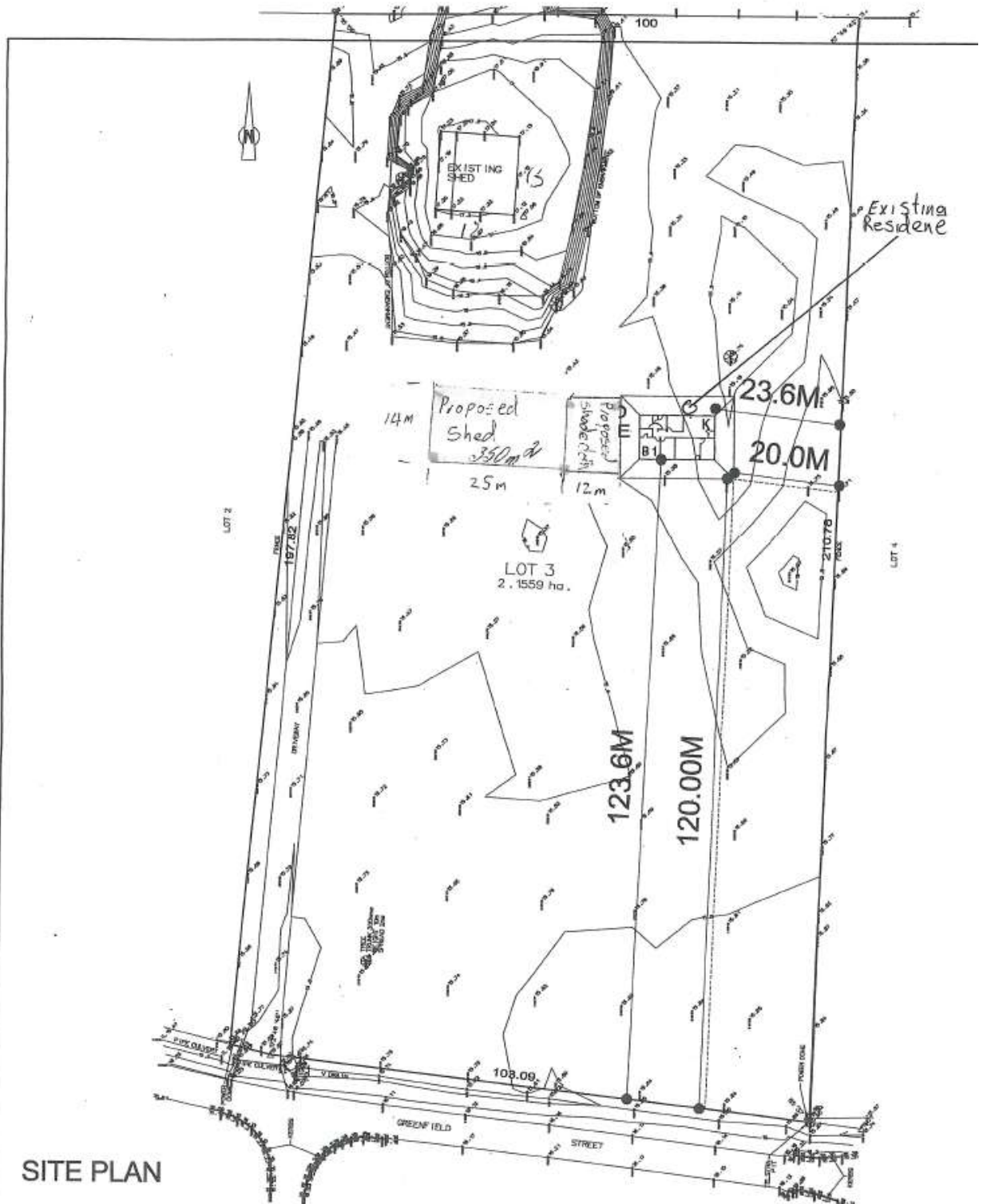
- a) **The use of a warehouse is a use that is not permitted by the Scheme in a Rural/Residential Zone.**
- b) **The lot already has a shed of 180m² for domestic storage purposes.**

CARRIED 9/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.3



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.3



SITE PLAN

PROPOSED RESIDENCE FOR:

A.SINGLETON
 LOT 3
 GREENFIELDS ROAD
 STH HEDLAND RURAL EST

JOB No: 61117

DATE: 04/05/2006

DATE:
13/09/2006

REVISION DESCRIPTION:
FINAL SELECTIONS

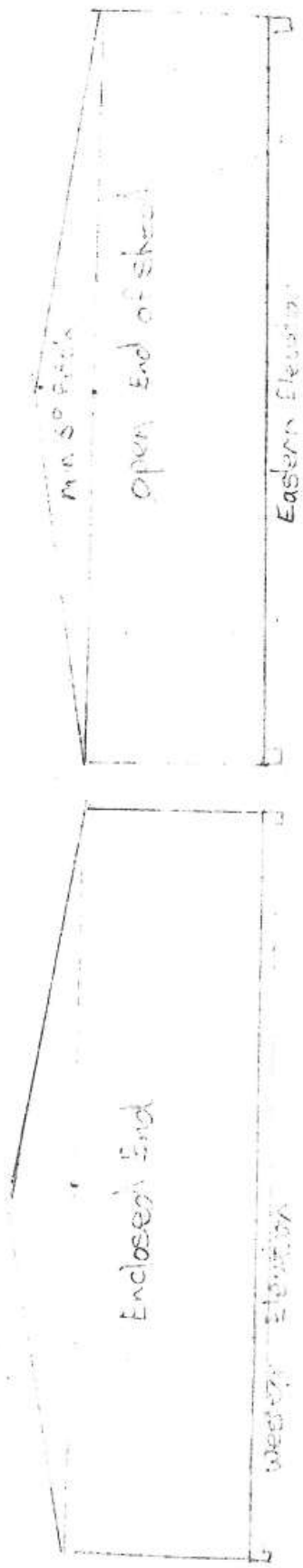
PIVOT WAY PTY. LTD. A.C.N. 053 739 512 TRADING AS
McGRATH HOMES
 ABN: 66 053 739 512 REGISTERED BUILDER NUMBER 8570
 31 CHALLENGE BOULEVARD, WANGARA, W.A. 6065
 PO BOX 1229, WANGARA, W.A. 6947
 TELEPHONE: 9302 1131 FAX: 9302 1132
 COUNTRY TOLL FREE: 1800 62 1131
 * SITE: www.mcgrathhomes.com.au
 EMAIL: mcgrath@ca.com.au



MANUFACTURERS OF
 CONCRETE FLOORED PRE-BUILT HOMES



South Elevation of Semi Enclosed shed



Eastern Elevation



South Elevation

Western Elevation

7:22 pm Councillor Stan R Martin declared an impartiality interest in Agenda Item 11.2.2.4 'Use Not Listed – Land Fill – Filling of Borrow Pit – Lot 73 (16-26) Greenfield Street, South Hedland' as his business has previously undertaken building works for this client, but has no connection with this particular job. Councillor Martin advised that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he will consider the matter on its merits and vote accordingly. Councillor Martin did not leave the room.

11.2.2.4 Use Not Listed – Land Fill – Filling of Borrow Pit - Lot 73 (16-26) Greenfield Street, South Hedland (File No.: 154452G)

Officer Richard Bairstow
Manager Planning

Date of Report 11 June 2008

Disclosure of Interest by Officer Nil

Summary

An application has been lodged by George Anagnostopoulos for the proposed filling of a borrow pit on Lot 73 (16-26) Greenfield Street, South Hedland (See Attachment No. 1). The application is referred to Council for determination as Council's Notice of Delegation doesn't cover uses that are not listed.

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

Background

The Site

The site, Lot 73 Greenfield Street, South Hedland, is included in the Rural Residential zone under the Town of Port Hedland Planning Scheme No. 5 (TPS5), and has an area of 5.6472ha. Land adjoining the site to the south, east and west is also included in the Rural Residential Zone. Land to the rear is zoned Rural. The site contains a Single House.

The Proposal

The application is to fill a 60m x 30m borrow pit (See Attachment No. 2)

The State Administrative Tribunal (SAT) has on appeal determined a borrow pit application on Lot 62 (153-155) Greenfields Street, South Hedland.

It's recommended that this application be approved subject to the same conditions as imposed on the SAT approved application.

The recommendation has been worded to reflect the SAT decision. NB: The S.A.T considered an appeal from the owner of a nearby property whose application for a very similar development had been refused, effectively due to insufficient information being supplied to Council.

When considering the application with additional information subsequently provided to the tribunal, the SAT appeal findings became the precedent which is used to recommend approval of this application.

Consultation

Nil

Statutory Implications

The TPS5 provides the following direction for dealing with uses that are not listed within the zoning table:

“3.2.6 If the development of land for a particular purpose is not specifically mentioned 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 purposes 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 objectives and purposes of the zone and an application for planning approval should be determined in accordance with Part IV, including the advertising procedures of clause 4.3.”*

The proposal is considered to be consistent with the objectives of the TPS5 however was not required to be advertised as it was determined that it had no implications for adjoining or nearby landowners.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

An application fee of \$117 was paid on lodgment and deposited into Account 1006326 – Town Planning Fees.

Officer’s Comment

It is an appropriate outcome for borrow pits which currently present as unsightly and a potential safety hazard to be filled. The only impediment from a planning and environmental management perspective is the need to ensure the method and quality of fill is appropriate so as not to inhibit future use of the site.

The approval of the application is recommended subject to those conditions detailed within the recommendation. As previously noted, these conditions are based on the findings of a SAT appeal in very similar circumstances.

Attachments

- 1 Location Plan
- 2 Site Plan

200708/219 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr J E Ford

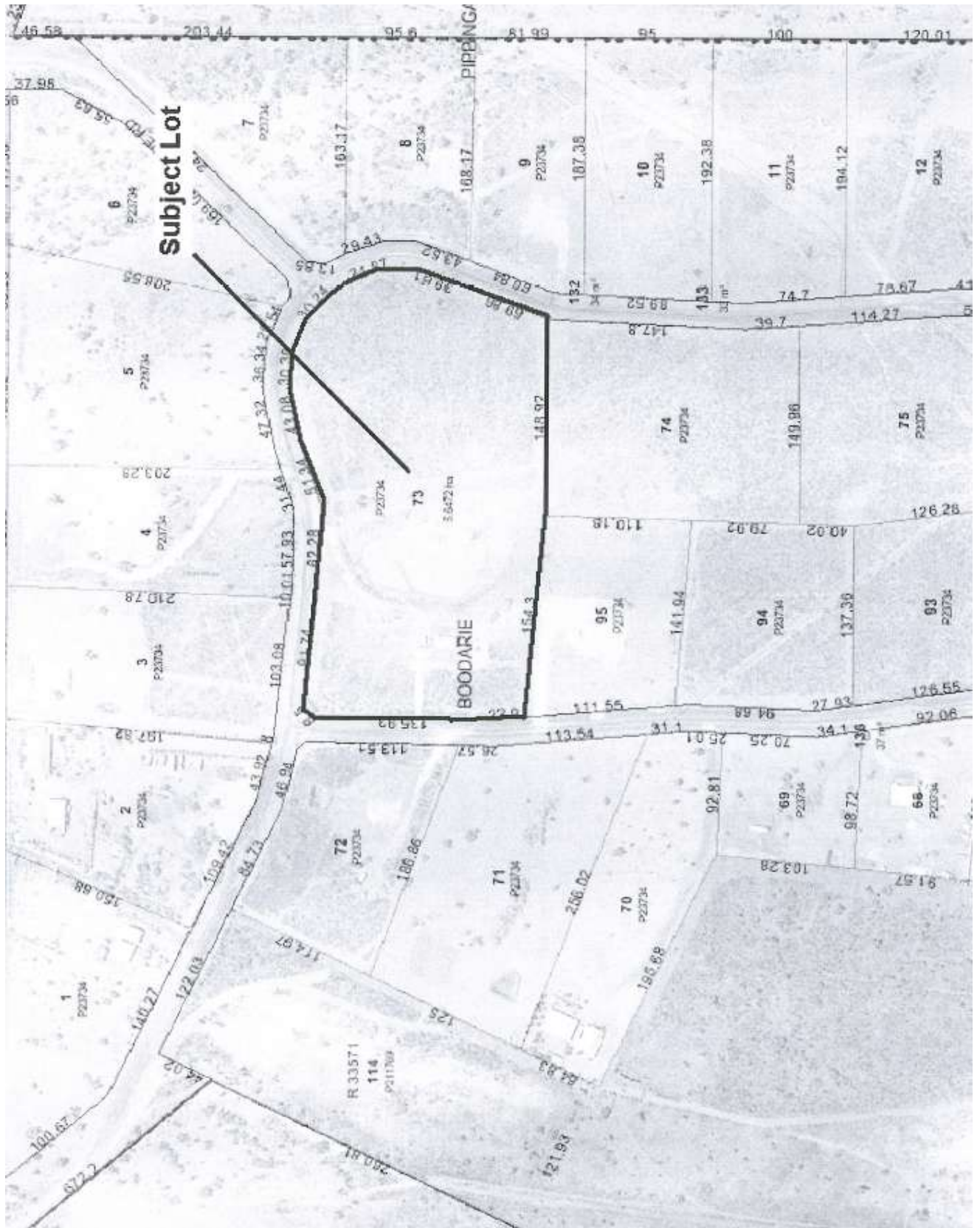
That Planning Approval be granted to George Anagnostopoulos for the filling of the borrow pit at Lot 73 (16-26) Greenfield Street, South Hedland (Application Number 2008/118), as indicated on the approved plans, subject to the following conditions:

1. **Within 30 days of the Council decision the applicant provide to the Town drawings by a licenced surveyor of the area in which fill has been dumped and which still has to be filled**
2. **Within 30 days of the Council's decision:**
 - a) **The applicant appoint a suitably qualified environmental or geotechnical consultant;**
 - b) **The consultant compiles, to the satisfaction of the Manager Planning, a suitable testing program to ensure that the fill site is environmentally safe. The program should cover the following minimum points;**
 - i) **The extent of the fill site;**
 - ii) **The depth of the fill site;**
 - iii) **The composition of materials of the fill site including testing for heavy metal, poisons and asbestos if appropriate; and**
 - iv) **A specified pattern and a number of random test sites within the fill site area.**
3. **Within 60 days of the Town being satisfied with the testing program of condition 2, the testing program is to be implemented in its terms and reported upon by the environmental or geotechnical consultant to the Town.**
4. **Within 60 days of the Council's decision the unfilled area of the whole site to be filled to complete the development;**

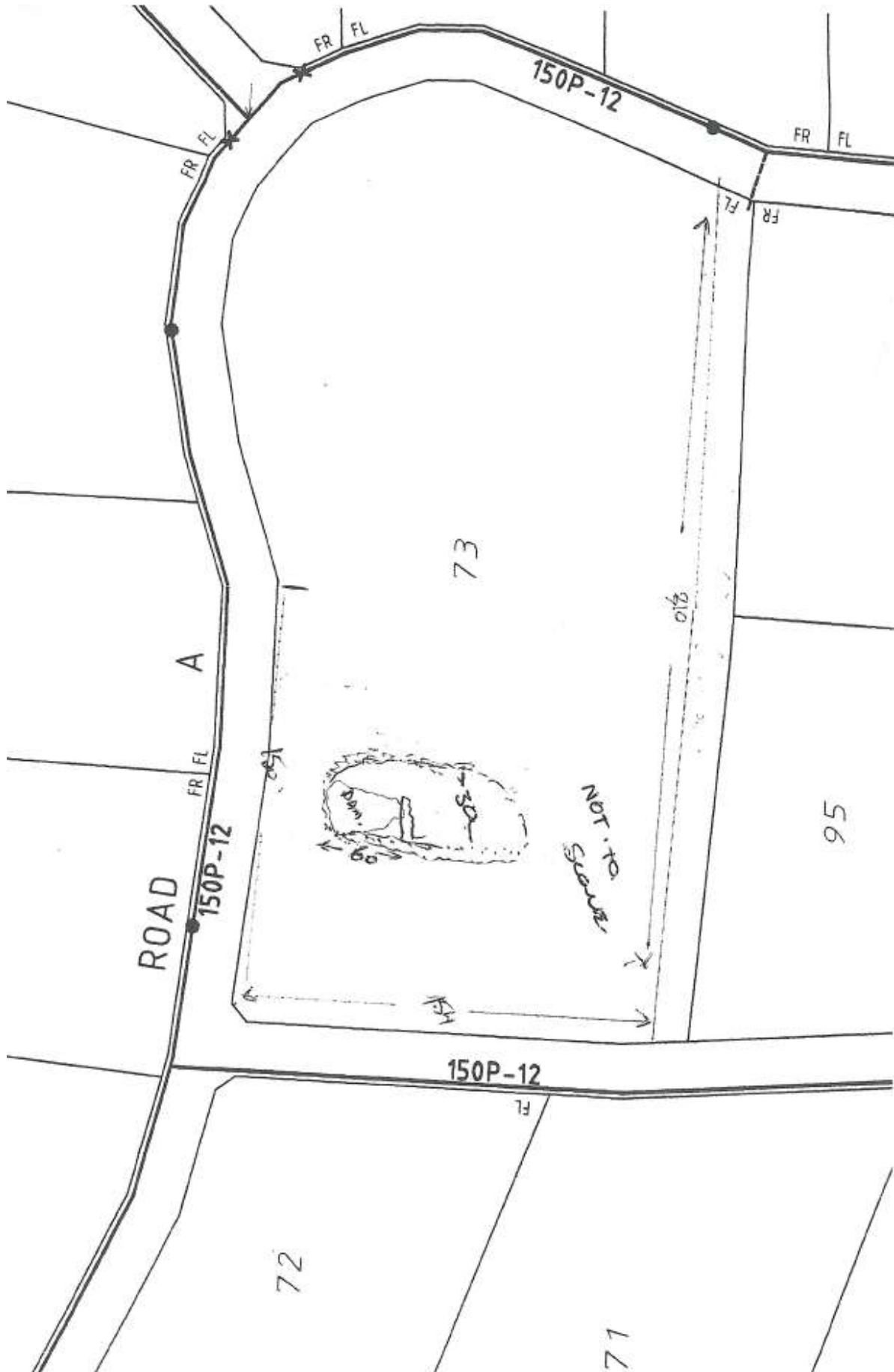
5. Fill placed in the fill site to complete the development is to be tested and found to be free of contaminants to the satisfaction of the Manager Planning.
6. Within 30 days of satisfying the conditions of planning approval, the applicant is, at his expense, and to the satisfaction of the respondent, to place a notification, pursuant to s70A of the *Transfer of Land Act 1893* on the Certificate of Title of the lot, advising of the existence of the fill site, and that the advice of the Town of Port Hedland must be obtained before any development on, or adjacent to, the fill site, or any work is carried out that will disturb the fill site.
7. Within 90 days of the Council's decision, the applicant is to suitably stabilize the fill site using method's endorsed by the Town of Port Hedland, or is to provide certification from a suitably qualified engineer or geotechnical expert that the fill site has been stabilized, to the satisfaction of the Manager Planning.

CARRIED 9/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.4



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.4



11.2.3 Building Services**11.2.3.1 FESA Review – Tropical Cyclones George and Jacob
(File No.: 14/01/0009)**

Officer Andy Taylor
Manager Building Services

Date of Report 12 June 2008

Disclosure of Interest by Officer Nil

Summary

To consider the FESA Major Incident Review (MIR) Report into Tropical Cyclones George and Jacob.

Background

Arising from the cyclonic events of Tropical Cyclones George and Jacob the Fire And Emergency Services Authority of Western Australia undertook a review which is documented in their major incident report dated November 2007.

Of the 23 recommendations made in this report, only one is directed to the Town of Port Hedland.

This Officers report to Council addresses that recommendation.

The FESA major incident report, at recommendation six (6), recommends:

“That the Town of Port Hedland considers the recommendations from the “Tropical Cyclone George – Damage to Buildings In The Port Hedland Area” report.”

The referenced technical report, No 52, dated March 2007, by the Cyclone Testing Station (CTS) School of Engineering, James Cook University Queensland, details the findings and recommendations resulting from investigations of the buildings damaged by Tropical Cyclone George.

The CTS Report Recommendation states:

“While the damage sustained in greater Port Hedland was relatively light, it is clear that the most vulnerable structures are the older ones. This highlights the need for regular inspection and maintenance of structural elements.

Damage to older buildings that had been re-roofed highlighted the following recommendations. When re-roofing older homes, builders should:-

- . *Inspect for signs of rot, termite damage or member corrosion and replace damaged elements.*
- . *Check that the batten-to-rafter connections and rafter to wall connections comply with current recommendations in the appropriate framing standard. (This step is easy to achieve when the roofing has been removed)*
- . *Upgrade with extra anchorage (e.g. pap straps or framing anchors) where connections do not meet the current standard.*
- . *Ensure that tie down rods are linked to the roof anchorage system. If the over battens are replaced, the tie down rods need to connect with them, if other anchorage is used, then the tie down rods must be incorporated in the new anchorage system.*

All reconstruction and repair work following damage caused by TC George should be undertaken in accordance with current codes and standards for this area. Documents such as AS1684.3[5] HB132.2[6] provide guidance and load capacities.”

Consultation **Nil**

Statutory Implications

Local Government (Miscellaneous) Provisions Act 1960
 Building Regulations 1989
 Building Code Of Australia
 Australian Standards

Policy Implications **Nil**

Strategic Planning Implications **Nil**

Budget Implications **Nil**

Officer’s Comment

The recommended action is standard work practice when a re-roof of an existing building is undertaken in the Port Hedland area. This work is subject to the need to obtain a Building Licence prior to the works commencing.

As Port Hedland is located within a severe cyclonic region, all building applications submitted for approval are checked and certified by a practicing structural engineer as suitable for this region. Part of this approval process is to ensure that the structural adequacy of existing roof framing connections has been addressed and what, if any, additional remedial work is required for compliance to current standards.

However, occasions still arise where a Building Licence is not obtained when a re-roof is undertaken.

This results in the formal checking process not being undertaken. A small section of building owners (and some Builders) are not aware that approval is required to be obtained for this type of work.

In order to overcome this mistaken belief the following recommendation is made.

Officer's Recommendation

That Council:

- i) receive and note the reports, *The FESA Major Incident Review report dated November 2007* and the *Tropical Cyclone George – Damage to Buildings In The Port Hedland Area*” dated March 2007. and;
- ii) provides suitable advice through local media advising all building owners within the Town of Port Hedland of the need to obtain a Building Licence prior to undertaking a re-roof of their building. and;
- iii) writes to all registered builders within the Town of Port Hedland, reminding them of the need to obtain a Building Licence prior to undertaking re-roof works.

200708/220 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr K A Howlett**That Council:**

- i) receive and note the reports, *The FESA Major Incident Review report dated November 2007* and the *Tropical Cyclone George – Damage to Buildings In The Port Hedland Area*’ dated March 2007;
- ii) provides suitable advice through local media advising all building owners within the Town of Port Hedland of the need to obtain a Building Licence prior to undertaking a re-roof of their building; and
- iii) writes to all registered builders within the Town of Port Hedland, reminding them of the need to obtain a Building Licence prior to undertaking re-roof works; and
- iv) advertised the availability of a one-off payment from the Cyclone George Relief Fund, for residents to have their roofs inspected by a suitably qualified builder, or building inspector.

CARRIED 9/0

REASON: Council resolved to re-advertise the availability of a one-off payment to subsidise the expense for residents to have their roofs inspected by a qualified person.

11.2.4 Community and Economic Development**11.2.4.1 *Participation in Humpback Icon Project (File No.: 11/09/0001)***

Officer Julie Broad
Manager Community and Economic Development

Date of Report 12 June 2008

Disclosure of Interest by Officer Nil

Summary

To consider the adoption and naming of a Humpback Whale in the Humpback Icon Project, to celebrate the annual humpback whale migration along the Western Australian coast.

Background*The Humpback Icon Project*

The humpback Icon Project, endorsed by Federal Environment Minister Peter Garrett, encourages coastal Councils and their communities along the eastern and western seaboard of Australia, to celebrate the annual humpback whale migration by 'adopting' an identified named/unnamed whale as their local icon.

58 Australian councils and community groups to date have demonstrated their commitment to protect whales by 'adopting' individual humpback whales and welcoming their annual migration through Australian waters.

To date 8 Councils and communities in WA – Albany, Carnarvon, Bunbury, Stirling, Exmouth, Northampton, Busselton and Fremantle – are participants in this project. Participation comes at no financial cost.

The whales migrate past Port Hedland in July/August on their northward migration to warmer waters for the birthing of their young, and then again in October/November as they return south to their summer feeding grounds in Antarctic waters.

Australia's first National Whale Day will be celebrated on 14th June, and will be held annually on the second Sunday in June.

Consultation

International Fund for Animal Welfare
Centre for whale Research, Western Australia
Events Co-ordinator

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Key Result Area 2: Community Pride

Goal 2 – Events

Strategy 2 – Work with community groups to implement neighborhood competitions and events.

Key Result Area 4: Economic Development

Goal 1 – Tourism

Strategy 5 - Identify other tourism product development initiatives

Budget Implications

Participation in the Humpback Icon Project comes at no financial cost from the International Fund for Animal Welfare. There will be costs associated with signage, promotion and community events to celebrate the annual whale migration.

These costs will be in addition to the current events budget, and total an estimated \$3,000. Funding can be sourced from grants and sponsorship to offset this cost.

Officer's Comment

Since the last Australian whaling station was closed in 1978, Australia has become a world leader in whale conservation, in an ongoing fight to protect them.

An International Fund for Animal Welfare (IFAW) report has found that whales generate more than \$300 million annually to the Australian economy.

There is potential for economic development in Port Hedland related to the annual migration of whales, and the tourism activity that could take advantage of their passage.

Following a formal request to adopt either a named or unnamed whale, photographs will be sent showing characteristic markings that are unique to that individual whale. Any other information relating to that whale (male/female, juvenile etc) will be sent.

Councils and their communities requesting unnamed whales must then decide upon a name. The naming process provides great opportunity for community collaboration. A naming competition could be run in the local media, or through schools and indigenous groups to propose names.

The welcoming ceremony each season could incorporate culturally appropriate participation by the traditional owners and indigenous community.

Fixed signage to help the community identify Port Hedland's adopted whale can be erected at a suitable tourist or coastal location, and unveiled as part of the celebrations. Banners, local radio stations, leaflets and a web page linked to Council's website can be used to flag to the community the whale's expected passing times, and further spread the educational messages.

The project can contribute to a diverse mix of community events and celebrations for the coming year and alongside the serious environmental message can form a great part of the diverse range of events that build community pride.

Attachments

Nil.

200708/221 Council Decision/Officer's Recommendation

Moved: Cr K A Howlett

Seconded: Cr J E Ford

That Council:

- i) elects to adopt an unnamed whale in the Humpback Icon Project;**
- ii) hosts a naming competition with community collaboration;**
- iii) creates and erects signage and banners, and promotion through local media to identify Port Hedland's whale, and signal it's migration; and**
- iv) seeks sponsorship and grant funding for promotion and celebration to co-ordinate a community event to celebrate the annual migration of the whales in July/August and October/November.**

CARRIED 9/0

11.3 ENGINEERING SERVICES

11.3.1 Director Engineering Services

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

Officer Terry Dodds
Director Engineering Services

Date of Report 16 June 2008

Disclosure of Interest by Officer Nil

Summary

For Council’s information.

Background

Engineering Services monthly report to Council.

Consultation

Engineering Services Officers

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer’s Comment

Engineering Services Works

PROJECT	STATUS
Black Spot Funding	Throssell Road Widening re-commenced faux brick footpaths being installed along the Lodge to the Post Office
Wedgefield Upgrades R2R	Culvert extension at intersections and Asphaltting of Intersections to be carried out during next contractor visit after cyclone season. Contractor due onsite end of June, 2008.

General Roads	General maintenance and pothole program up to date. Council received delivery of the new bitumen patching truck. This new vehicle will significantly help improve efficiency of emulsion sealing repairs.
Heavy Plant Equipment	Heavy Plant Equipment – Littervac on site and in operation. Still awaiting 6 wheel Truck, delays due to body fabrication.
West End Greening	All underground water and electrical systems completed. Majority of trees planted, commencing shrub planting at time of writing.
Unsealed Roads	No maintenance grading this month.
Skate Park	Vandalism still a major problem around South Hedland Skate Park. Separate account number now being used to track expenses.
Verges	0 Verge inspections in South Hedland carried out during May
Minor Works Requests	Received 55 Minor Works Requests in May
Crossovers	No new crossover inspections
Footpath Construction	Subcontractor P Miller has commenced work on footpath from Athol along Cooke Point Drive
Kerbing Programming	Kerbing programme completed for 2007-2008

Waste Management Facility

PROJECT	STATUS
Rubbish Picked Up	Total Bags for May: 583 South Hedland – 139 Port Hedland – 69 Verges/Paddocks - 375
Street Sweeping	South Hedland is utilizing the majority of the sweeper due to the excess of debris compared with Port Hedland. The Sweeper clocked up 145.5kms in the month of May.
Mulch/Green Waste	All Green waste being mulched – manually screened for noxious weeds
Sleeper Stockpile	No stacking commenced in May.
Tyre Stockpiling	Landfill has restacked and cleaned up tyre drop off area. Options being investigated in sharing resources within the Pilbara Regional Council's. It is envisaged that a pair of hydraulic shears and a tyre shredder will be used to reduce the volume. Further investigations will be made in selling the shredded rubber.
Concrete Recycling	Awaiting on arrival of new Excavator.
Steel Recycling	Sorting and stockpiling of steel continuing
Pallet Munching	Options being investigated into grinding and

	using as a moisture retention aid to public gardens and green space, such as the West End.
Glass	<p>Method to track number of bottles/volume is for Road Sweeper Operator to record data frequency. Date ranging from 19 May to 30 May 2008.</p> <p>South Hedland: Koombana – 72 bottles Cassia/CBD – 13 bottles Shellborough – 25 Walnut Grove – 31 Lawson – 4</p> <p>Port Hedland: Pretty Pool – 0 Cooke Point – 1 Port Hedland - 9</p>

Parks & Gardens

PROJECT	STATUS
Garden Maintenance	Garden Maintenance crews are continuing with programmed works
Park Maintenance	Park maintenance crews are maintaining park program on a fortnight basis. (This information will be used to help create an in-depth asset management plan for all of council's parks.)
Sportsground Maintenance	<p>Poison being used to remove Crows foot weed off Colin Matheson Oval. Additional upkeep will be required at the turf club during racing season.</p> <p>Subcontractors employed to Verdi mow Colin Matheson Oval and Kevin Scott oval – total time to complete is 10 days. Currently investigating validity of complaints received from South Hedland Baseball Association about the condition of Marie Marland grounds.</p>
Training	Staff continued with the 'Growing and Propagating Native Plants' training. Planning trip to Darwin end of July for native plant propagating training.
Litter Crew	Only working Monday – Friday no weekend cleanup until further advised: budget constraints.
Verdi Mower	Application to BHPB for funds completed and successful for \$24,400. BHP has reimbursed Council for full cost of Verdi Mower.
Re-Use Water	Potable water being used on Kevin Scott Oval due to odour problems with Re-Use water.

	<p>All other ovals and Parks still maintaining Re-Use Water program. Bore application being delayed as now a hydrology study has been requested. Two water testing stands to be installed prior to testing program: delays caused by lack of interest from plumbing contractors.</p> <p>As a result of delays, a meeting was held with Water Corp on 13th June to discuss. Water Corporation has indicated they will supply the test points and Manager Environmental Health has arranged a plumber to complete the work. Because the time taken to install these standpipes was much longer than anticipated the Water Corporation was asked to reconnect the re-use water. At the time of writing the Water Corporation was still in deliberations.</p>
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Technical Services/Projects

PROJECT	STATUS
Playground Shade Structures	Site investigations found that no rock is present at the proposed footing depth however some clay soils are apparent. Structural engineering to be designed to suit. Shade structure drawings to be finalized for building license application by end of June.
Turtle Boardwalk	Epcad are finalizing the engineering design and specifications. Council's Engineering, Building, Planning and Environmental Health departments are meeting on 18 th June to finalise design details prior to obtaining a building license and going to tender.
Sutherland Street Nodes	Council will undertake this project in-house. Water connection details and construction quantities will be finalized by the end of July to enable commencement of project.
Boulevard Tree Planting	Staff currently liaising with Water Corporation regarding water meter connection. It is anticipated that the 1 st stage of this project will be completed by September 2008.
Verge tree planting	Council has received 4 applications for verge trees this month, resulting in 4 trees being scheduled for planting.

<p>Port Hedland Boat Ramp washdown bay</p>	<p>The Port Hedland Port Authority has objected to the installation of a boat washing area at the Richardson street boat ramp due to the potential for oils and chemicals being released into the harbor. The solution would be to install an oil trap which must be connected to the sewer and comply with Water Corporation requirements. The current budget does not allow for this. No comments have been received from the Department of Environment & Conservation. Staff to investigate the warrants for this facility.</p>
<p>Cemetery Upgrade</p>	<p>The Cemetery upgrade advisory group has discussed rescheduling the project to include signage, concrete lintels and plot identification markers only. The shade shelter will be reprogrammed for future works due to the cost. The group would like to advertise to expand its member numbers to diversify the group's ideas for the Cemetery upgrade.</p>
<p>Finucane Island Boat Ramp upgrade</p>	<p>Maunsell has advised that the only solution for reducing the silt build-up on the Finucane Island boat ramp is to relocate it to an area that is not affected by the horizontal movement of the tide. Staff to investigate the funding conditions to determine whether Council would still receive funding based on a revised scope of works that include widening the ramp only.</p>
<p>BHP West End projects</p>	<p>BHP has installed reticulation and turf on the verge of Edgar street, Captain Bert Madigan park and Leap park. Further works include installation of street furniture and replacing the handrail at Captain Bert Madigan park. Designers are liaising with Technical Services staff regarding upgrades along Anderson street to comply with road clearance requirements for median trees and structures.</p>
<p>Stairway to the Moon</p>	<p>Council's Building, Planning, Engineering and Environmental Health officers have met to discuss the project. Concerns were raised regarding the structural design, pertaining to the need to mitigate against the risk of movement during storm surge or sand dune drifts. Structural footing plans to be revised by Epcad during July prior to seeking expression of interest for construction.</p>

Street Lighting	Horizon Power has provided Council with information on the street lighting audit and maintenance process. A 3-monthly patrolling audit is carried out in every area of Port Hedland. Statistics indicate that the Pilbara experiences approximately 4 times more faults when compared to the Kimberley, Gascoyne and Midwest areas. Some areas are targets of high levels of vandalism, with 75% of streetlight outages in Koombana resulting from vandalism. Horizon Power encourages residents to report faults using the dedicated hotline, 1800 264 914 or on their website. This is the ONLY way that faults can be recorded and scheduled for repairs within 5 working days. Faults should not be reported to Council as this results in unnecessary delays in repairs. Horizon Power also carry out scheduled maintenance that includes installation of metal guards and re-wiring lights so that they are on individual circuits. This reduces the impact of outages in areas that may have been on the same circuit.
South Hedland New Living	Council Engineering staff have conducted practical completion inspections for the Collier/Steamer avenue subdivision. Some minor faults were identified and will be rectified by the contractor. One major design issue is being investigated regarding the potential erosion of the open drainage system.
Fireproof bin surrounds	Council staff have installed new bin surrounds in prominent areas to encourage litter disposal. The bin surrounds reduce the risk of a fire spreading if ignited within the bin. Installation locations include Centenary park, Daylesford park, Pretty Pool park, Kevin Scott oval, Colin Matheson oval and Cemetery Beach

Port Hedland International Airport

PROJECT	STATUS
Apron Lighting Upgrade	Suppliers of Stage 1 equipment contacted to provide quotes on equipment. Works to be undertaken at end of cyclone season.
Precision Approach Path Indicator Installation (Lighting)	Concrete plinths being installed as at June 15 th
Front Reserve Drainage	Works at airport entrance completed. Works from service road to Air BP to be completed

	when engineering crew back to full levels at completion of leave.
Master Plan	Met with Airport Master Plan consultants on 3 rd June in Sydney. APMC doing preliminary 'desktop' works prior to stakeholder consultation in Port Hedland during July.
Runway End Safety Area Extensions	Geotechnical results received. Final design work being undertaken
Boundary Fencing	Works commenced.(Fencing 90% completed)
Air conditioning	AC 3 to be replaced
TWA	A meeting has been arranged with the successful tenderer, CEO and Director Engineering Services to discuss conformance issues prior to signing of the legal instruments.

Recreation Services

Projects 07/08

PROJECT	STATUS
Multi-Purpose Sports Feasibility Study	Completed.
Recreation Facility Design	Tenders closed 13 th May 2008. Selection of consultant presented to May OCM. Project estimated to commence in June 2008, with completion scheduled for April 2009.
Port Hedland Skatepark	Completed.
South Hedland Skatepark	Completed. The Town of Port Hedland was recently granted \$20,000 (excl. GST) funding from the Office of Crime Prevention, to install security cameras.
Town Cycle Plan	Community consultation undertaken. Draft plan presented to Council Briefing in April 2008. An additional working group meeting to be held to determine final report in/exclusions.
JD Hardie Centre Facility Upgrade	Works commenced. All painting completed. New flooring, mirrors and blinds have also been completed in the minor hall. Additional capital purchased being constructed including dividing nets for the main sports hall.
Gratwick Aquatic Centre Gym	Completed. The GAC Gym commenced operation on the 26 th April.

Aquatic Centre Lighting Audit	Completed. All reports have now been received by Council staff (as of 14 th May 2008). These recommendations will form part of the five-year upgrade plan at each centre.
McGregor Street Carpark	Completed.
Recreation Reserves Redevelopment (encompassing McGregor Street and Colin Matheson Oval)	<p>The Community Consultation period ceased on the 14th May 2008, with the following being conducted:</p> <ul style="list-style-type: none"> - Community forum - Shopping Centre displays - Newspaper advertisements - Radio advertisements and interviews - Email distribution - Council displays <p>The feedback will be forwarded to ROSS Planning for their feedback.</p>
Colin Matheson Oval Redevelopment	A draft report has been received with regards to recommended irrigation systems, turf types and costs. This report will form part of the overall Colin Matheson Reserve Redevelopment, to commence in 2008/09. Pending commitment of funds and contractor availability, this upgrade should be able to commence in November 2008.
Sports Facility Upgrade Program	The Sports Facility Upgrades have nearly been completed, with the installation of the shade shelters at various reserves being completed within the last fortnight. The tiered seating area at Kevin Scott Oval has been finalised, with only the sheds (to be used as shared storage) remaining to be completed. This portion of the project has been delayed due to building contractor availability.
Recreation Upgrades	All recreation upgrades are near complete, with the Diamond 1 backnet and the Hawks shed the remaining two items. The Purchase Order has been signed for the new baseball backnet to be constructed, with Southern Wire receiving the contract. With regards to the Hawks shed, the club met with Council representatives, and an item was presented to Council in May. Staff will be working with Hawks Rugby League Club and Hedland Junior Soccer Association to discuss transportable clubroom options.

Walk It Hedland	Funding has been received from both Healthways and BHP Billiton to promote walking and active lifestyles within the community. This is a joint project with Pilbara Population Health (PPH), however will be primarily facilitated by ToPH as PPH are understaffed.
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New Initiatives

INITIATIVE	STATUS
Practicum Placements	Two third year Exercise and Health Science students, from the University of Western Australia will be completing a practicum placement at the Town of Port Hedland in July. These students will have access to a broad range of activities to ensure they have a full awareness of the Pilbara demands, as well as an understanding of local government roles.
Swans Football Club MOU	The Swans Football Club and the ToPH have entered into a trial Memorandum of Understanding (MOU) for the permanent seasonal use of the clubrooms at Kevin Scott Oval. The success of this MOU will be determined at the end of the football season.

Education / Training / Certifications

NAME	REPORT
Senior First Aid	The JD Hardie Centre Supervisor will be undertaking her certificate next month, as part of the Duty of Care Requirements at the Recreation Centre.
Department of Sport and Recreation Clubs Conference	<p>Nicole Roukens, Sport and Recreation Officer, attended a Clubs Conference in Perth on the 7th June 2008. \$500.00 funding was secured from the Department of Sport and Recreation for travel.</p> <p>Officer's Report This conference was a valuable professional development opportunity. Several sessions at the conference had a large focus on local government and provided information on improving sport and recreation clubs.</p> <p>After attending the conference I would now like to start several new activities to improve local sport and recreation clubs including:</p>

	<p>Regular meetings with sport and recreation clubs.</p> <p>A calendar of professional development events for sport and recreation clubs.</p> <p>Hold a session at the beginning of the summer and winter where clubs can attend to complete booking forms.</p> <p>A single point of contact at the Town of Port Hedland for all sport and recreation clubs.</p> <p>Regular meetings with clubs sharing facilities to discuss any problems or maintenance issues.</p> <p>The conference also outlined how beneficial Club Development Officer can be to local sport and recreation clubs. The City of Joondalup has committed a number of employees to servicing local clubs and as a result they are experiencing a number of benefits.</p>
<p>Department of Sport and Recreation Clubs Conference</p>	<p>Morgan Cameron, Recreation Centre Officer, attended a Clubs Conference in Perth on the 7th June 2008. \$500.00 funding was secured from the Department of Sport and Recreation for travel.</p> <p>Officer's Report</p> <p>The conference was well represented by delegates from Local Government, State Sporting Associations, Peak Bodies and Clubs within Western Australia. The conference provided a forum for these people to interact and gain ideas of how to deal with issues in clubs which all areas of the state are facing. The Department of Sport and Recreation WA have introduced some fantastic initiatives in both metropolitan and regional areas of the state. From the conference I believe there are number of initiatives the Town of Port Hedland could implement in regards to supporting and building capacity in local sporting and recreation clubs. These include: (to name a few)</p> <p>Welcoming and Inclusive Clubs Accreditation Program</p> <p>Volunteer Recognition Scheme</p> <p>Club Recognition Scheme</p> <p>LG, SSA, Peak Bodies Network</p> <p>Seasonal Club Development sessions</p> <p>Topics:</p> <p>Promotion/Marketing</p> <p>Administration/Finance Management</p> <p>Fundraising and Grants</p> <p>Volunteer Recruitment and Retainment</p> <p>Risk Management</p>

	Legislation Code of Conduct
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Other

Post – Cyclone Repairs

Remaining items:

- Diamond 1 Backnet – Construction to begin at the beginning of September 2008.
- Gratwick Aquatic Centre shade – Work has commenced and this project will be completed in the next few weeks.

Staff Movements

Morgan Cameron has been appointed as a full time Recreation Centre Officer at the JD Hardie Centre. She commenced at the centre on the 19th May 2008.

A new casual staff member has been employed at the JD Hardie Centre as a Belly Dancing Instructor.

Aquatic Centres

The monthly reports in full from the YMCA can be obtained by contacting the Manager Recreation Services.

. *South Hedland Aquatic Centre*

The Centre is now closed as per the Management Agreement with the YMCA, and is scheduled to reopen in October 2008. Maintenance will be undertaken throughout this time, and the 50 metre pool will be maintained at its legal standard.

. *Gratwick Aquatic Centre*

“Staff shortages continue to heavily impact the operation of both aquatic centres. The ability to meet the required staffing levels continue to be somewhat of a challenge, as the majority of YMCA staff are students who have returned to school and university to continue their studies. “

“Gratwick continued to observe the success of the recently opened Fitness Centre with an additional 28 members joining throughout May, which stands at a total of 35 to date. Attendances remain strong with over 500 visits in total for the month and evenings proving to be most popular. Adverts were placed in the local newspaper.”

“YMCA Port Hedland participated in WOW week (Wellness of Women) held mid May. As part of the busy program this year, water awareness and confidence classes were offered free of charge to the women of Port Hedland. The 9 women who

participated thoroughly enjoyed themselves and are eager to regularly visit the pool when summer returns.”

“With the removal of shade sails over the main and toddler’s pool, the water temperature maintained at a pleasant 22 °C. Regular lap swimmers are still attending 2 to 3 times weekly.”

“The shade structure which sustained damage during Tropical Cyclone George has been removed, and a replacement structure has been commenced, due to be completed in June.”

Financials

NOTE: APRIL Figures, May figures were unavailable at the time of submission, the report will be amended ASAP to include current figures

April	Actual	Budget	Variance
Income	\$12,778	\$19,216	(\$6,438)
Expenditure	\$55,184	\$53,333	(\$1,851)
Net	(\$42,406)	(\$34,117)	(\$8,289)

Year-to-Date	Actual	Budget	Variance
Income	\$60,704	\$98,226	(\$32,736)
Expenditure	\$200,965	\$221,512	(\$20,547)
Net	(\$140,261)	(\$123,286)	(\$16,975)

Attendances

	Swim	F/ Room	Aqua /Ed	School	Aqua	Prog.	Misc.	TOTAL
Jan	3421	43	221	0	61	331	783	4860
Feb	1,364	112	422	0	0	0	1,474	3,372
Mar	2,123	193	679	483	14	41	1,314	4,847
Apr	1,930	169	196	0	31	300	711	3,337
May	413	503	0	0	27	0	132	1,075
Total	9,723	1,020	1,518	483	133	672	3,942	17,491

JD Hardie Centre

Marketing and Promotion Program – Month of May/June

Media / Promotion Type	Topic/Program	Date
Mail Out	Term Programs	
Media Release	Table Tennis	3/6/08
Media Release	Jump Around Program	10/6/08
Promotional Flyer	Jump Around Program	2/6/08

Programs

Term Program	Description
Junior Indoor Football	Junior Indoor Football sessions did not go ahead this Term after success in previous terms. Management believe this is due to change in week day of session and lack of promotion for the activity.
Junior Ultimate Frisbee	No participants attended the sessions. Management at the Centre believe this is due to lack of promotion and understanding of the game.
Junior Dodgeball	Junior Dodgeball is one of the most successful programs at the JD Hardie Recreation Centre. The participant numbers continue to increase on a weekly basis. This program has been subsidized with funding from Department of Sport and Recreation WA, therefore costing only \$2 per session.
Junior Indoor Hockey	Junior Indoor Hockey has a steady participant group with around 10 children attending each week. It is proposed that this program will be provided on another night due to the demand of other programs at the centre.
Little Athletics	Little Athletics is one of the most successful programs at the centre, with a diverse demographic of participants. Participants in the Little Athletics program range from 4 years to 12 years of age and there are a number of cultural backgrounds.
Kids Club (Wednesday 6months – 4 years)	Kids club is still a successful program with ages 6 months to 4 years of age attending on the Wednesday session. Parents continue to attend with their children and get involved in the activities run by the staff here at the centre.

Kids Club (Friday 6 months – 2 years)	Kids Club 6 months to 2 years of age session continue to increase in numbers with parents also attending sessions.
Kids Club (Friday 2 years – 4 years)	Kids Club 2 years to 4 years is the largest Kids Club class of the week. This also continues to increase participation numbers with a diverse demographic attending.
Junior Indoor Soccer	Attendance at Indoor Soccer on a Friday afternoon is steady.

Sport Programs Report – May 2008

Mixed Netball

We currently have 15 teams in our Mixed Netball competition.

Mixed

Volleyball

We currently have 11 teams in our Mixed Volleyball competition.

Indoor Futsal

We currently have 10 teams in our Futsal competition.

Table Tennis

Table Tennis began on Thursday May 23 and is currently run as a social competition with no fixtures set. Participants are welcome to come along and play either singles or doubles. Numbers are gradually increasing with interest being shown for a Social competition on Tuesday evenings and a Competition on Thursday evenings.

Mens Basketball

We currently have 8 teams in our men’s Basketball competition. Our Basketball competition has just started, but is quickly filling up with teams from all over Port and South Hedland even teams from Yandi Yarra.

Women’s Basketball

The Women’s basketball competition has not started off as successfully as the Men’s competition with four teams entering the competition only in the past few weeks. A fixture will be devised for the teams beginning as of next week (June 17) so that the competition is able to progress as well as the Men’s.

Additional Information:

The JD Hardie Recreation Centre has applied for funding through the Department of Sport and Recreation WA and BHP Billiton to support the basketball competition. The competition currently has a high indigenous participation rate with 11 of the 14 teams being indigenous participants. Funding success would allow the centre to provide the program at a subsidised cost to participants. By providing this program at a reduced cost we can continue to strive to provide more opportunities to participate in sport and active recreation within the Town of Port Hedland community.

Staff structure
 2 x Full Time Employee
 1 x Part Time Employee
 2 x Casual Employees
 1 x Casual Instructor

Facility Hire

Pilbara Native Title Service: Community Meetings x 2
 Tae Kwon Do – Regular weekly booking

Attendances

Term Programs	Jul	Aug	Sep	Oct	Nov	Dec	Feb	Mar	Apr	May
Kids Club	53	177	159	121	105	62	179	212	70	183
Jr Dodgeball	47	38	77	29	35	32	63	108	30	80
Jr Gym	23	25	20	0	0	0	0	0	0	0
All Sports 'til Dec 07 Jr Cricket from Jan 08	20	55	43	22	33	35	28	27	18	31
Little Athletics	0	0	0	0	0	0	100	89	35	55
GR8 SK8 til Jun 07 Jr Netball Jan 08	13	0	0	0	0	0	48	35	18	
Boxing	82	109	38	72	80	28	25	0	0	0
Jr Indoor Footy		37	37	14	32	10	65	42	14	2
Jr Indoor Soccer				12	40	5	53		22	45
Jr Indoor Basketball				12	12	5	39	27	10	0
Jr Hockey										32
Sports Comp.										
Netball Participants	15	315	385	282	197	0	474	504	135	550
Volleyball Participants	30	210	228	138	170	0	280	280	77	300
Social Soccer	23	35	96	70	125	0	70	120	50	200
Basketball Participants	135	252	294	34	0	0	0	0	0	184
Badminton	10	14	0	0	0	0	0	0	0	
Table Tennis										21
Belly Dancing										37
Miscellaneous										
Birthday Parties (4)	45	35	36	37	37	35	28	81	62	80
Facility Hire	910	912	885	955	1140	3600	333	190	290	290
Holiday Program	315	0	0	374	0	270	0	0	378	0
Dodgeball Competition	0	0	0	50	0	0	0	0	0	60
Disco		0	196	0	0	0	0	0	197	0
Gym Visits (5)		14	50	51	43	5	18	36	30	48
Total	1721	2228	2544	2273	2046	4087	1803	1751	1436	2140

Attachments

Nil

200708/222 Council Decision/Officer's Recommendation

Moved: Cr J E Ford

Seconded: Cr A A Gear

That Council receives Engineering Service's report for May 2008.

CARRIED 9/0

11.3.2 Technical Services**11.3.2.1 Contract Extension – 06/21 Supply and Delivery of Readymixed Concrete (File No.: 23/08/0017)**

Officer Jenella Voitkevich
Manager Technical Services

Date of Report 13 June 2008

Disclosure of Interest by Officer Nil

Summary

For Council to consider the extension of contract 06/21 Supply and Delivery of Readymixed Concrete.

Background

Council awarded the contract for the supply and delivery of readymixed concrete to Hanson Construction Materials at the Council Meeting on 22nd November 2006 for the period 1st January 2007 to 30th June 2008. Section 3.2 of the contract specifications states:

“The Town reserves the right to extend the Contract for a further period of 1 year, after consultation with the Contractor.”

After consultation with Council staff it is recommended that Council exercise this option as it will offer the best value for money in the current market with a proven supplier.

Consultation

Council’s Engineering staff

Statutory Implications

The original tender 06/21 was called in accordance to the Local Government Act (1995).

“3.57. Tenders for providing goods or services

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

(2) Regulations may make provision about tenders.”

The contract extension was specified as an option within the tender specification, therefore complies with the above Act.

Policy Implications

The original tender 06/21 was called in accordance with Council's Procurement Policy 2/015.

Strategic Planning Implications

Key Result Area 1 - Infrastructure
Goal 1 – Roads, Footpaths and Drainage
Strategy 7 – Progressively develop and upgrade footpaths in accordance with a comprehensive footpath maintenance, upgrade and extension program.

The supply of concrete is required for many capital projects and maintenance programs within Council's annual budget.

Budget Implications

The cost of concrete is a component of the budget allocation of each project. Projects requiring the supply of concrete include kerbing construction, kerbing maintenance, footpath construction, footpath maintenance, drainage construction, drainage maintenance and various other projects.

The submitted rates are approximately 16% higher than the current contract rates, which will have a minimal impact on the proposed 2008/09 budget due to contingencies set within project allocations. Where required, project scopes or budgets will be reviewed to accommodate the additional costs.

Officer's Comment

Hanson Construction Materials were invited to submit prices for the extension of contract 06-21 for a three (3) month period and a twelve (12) month period. This provides Council with the choice to accept the option that offers the best value for money. The terms and conditions of contract 06-21 shall apply for the accepted extension period.

The following table represents the current contract rates and the extension rates submitted by Hanson Construction Materials.

Description	Unit	Current Rate	Proposed Rate (period ending 30/9/08)	Proposed Rate (period ending 30/6/09)
Supply of concrete to site (excluding delivery cost)				
a) N20 Concrete	m3	\$211.50	\$246.50	\$246.50
b) N25 Concrete	m3	\$216.50	\$251.50	\$251.50
c) N25 Kerb Concrete	m3	\$227.00	\$262.00	\$262.00
d) N32 Concrete	m3	\$228.00	\$263.00	\$263.00
Delivery Cost (all concrete types)				
a) Port Hedland	m3	\$39.30	\$41.50	\$41.50
b) South Hedland	m3	\$28.50	\$30.00	\$30.00
Sampling and Testing (per test)				
a) Compressive Strength (per 3 cylinders)	Each	\$200.00	\$300.00	\$300.00
b) Slump	Each	\$40.00	\$50.00	\$50.00
Minimum delivery charge	Truck	\$45.00	\$55.00	\$55.00
Minimum quantity to be supplied	m3	0.4	0.4	0.4
Early payment discount	%	Nil	Nil	Nil

The submitted prices represent an increase of approximately 16% in the price of concrete, which is consistent with the \$35/m³ rate rise that was advertised by Hanson Construction Materials in April 2008. This equates to an increase of \$3.50/m² of concrete footpath, or an additional \$7,000/km of footpath. The project scope can be modified to accommodate the rate rise.

It should be noted that the current contract that was awarded in November 2006 resulted in a 44% increase from previous rates, therefore this increase is comparatively minimal. Some of the proposed rates are still lower than the rates submitted by other companies in the original tender a year and a half ago.

Hanson Construction Materials have submitted equal rates for both extension periods offered. It is recommended to extend the contract for a twelve (12) month period to avoid additional increases within the 2008/09 financial year.

Attachments

Nil

200708/223 Council Decision/Officer's Recommendation**Moved:** Cr A A Gear**Seconded:** Cr G D Bussell

That Council awards the extension of Contract 06/21 for Supply and Delivery of Readymixed Concrete to Hanson Construction Materials as per the following schedule of rates for the period 1 July 2008 to 30 June 2009:

Description	Unit	Rate
Supply of concrete to site (excluding delivery cost)		
a) N20 Concrete	m3	\$246.50
b) N25 Concrete	m3	\$251.50
c) N25 Kerb Concrete	m3	\$262.00
d) N32 Concrete	m3	\$263.00
Delivery Cost (all concrete types)		
a) Port Hedland	m3	\$41.50
b) South Hedland	m3	\$30.00
Sampling and Testing (per test)		
a) Compressive Strength (per 3 cylinders)	Each	\$300.00
b) Slump	Each	\$50.00
Minimum delivery charge	Truck	\$55.00
Minimum quantity to be supplied	m3	0.4
Early payment discount	%	Nil

*CARRIED 9/0***200708/224 Council Decision – En Block Resolution No. 1****Moved:** Cr J E Ford**Seconded:** Cr S J Coates

That Council adopts en bloc the Officer's Recommendations for Agenda Items 11.3.2.2 to 11.3.2.6 inclusive, as follows:

- . Agenda Item 11.3.2.2 'Contract Extension – 06/24 Supply and Delivery of Asphaltic Concrete';
- . Agenda Item 11.3.2.3 'Contract Extension – 06/26 Construction of Extruded Concrete Kerbing'
- . Agenda Item 11.3.2.4 'Contract Extension – 06/27 Plant Hire'
- . Agenda Item 11.3.2.5 'Contract Extension – 06/28 Provision of Freight Services'
- . Agenda Item 11.3.2.6 'Contract Extension – 06/33 Supply and Delivery of Aggregate and Spray Bitumen Surfacing'

CARRIED 9/0

11.3.2.2 Contract Extension – 06/24 Supply and Delivery of Asphaltic Concrete (File No.: 23/08/0020)

Officer Jenella Voitkevich
Manager Technical Services

Date of Report 16 June 2008

Disclosure of Interest by Officer Nil

Summary

For Council to consider the extension of contract 06/24 Supply and Delivery of Asphaltic Concrete.

Background

Council awarded the contract for the supply and delivery of asphaltic concrete to Pioneer Road Services Pty Ltd at the Council Meeting on 22nd November 2006 for the period 1st January 2007 to 30th June 2008. Section 3.2 of the contract specifications states:

“The Town reserves the right to extend the Contract for a further period of 1 year, after consultation with the Contractor.”

After consultation with Engineering staff it is recommended that Council exercise this option as it will offer the best value for money in the current market with a proven supplier.

Consultation

Engineering staff

Statutory Implications

The original tender 06/24 was called in accordance to the Local Government Act (1995).

3.57. Tenders for providing goods or services

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

(2) Regulations may make provision about tenders.

The contract extension was specified as an option within the tender specification, therefore complies with the above Act.

Policy Implications

The original tender 06/24 was called in accordance with Council's Procurement Policy 2/015.

Strategic Planning Implications

Key Result Area 1 - Infrastructure
 Goal 1 – Roads, Footpaths and Drainage
 Strategy 1 – Develop a comprehensive road maintenance and road development program that identifies Council’s priorities and program for the next 10 years.

Budget Implications

The cost of asphaltic concrete (or hotmix) is included in the budget of each project. The revised rates will impact on each project individually depending on the specifications and amount of asphaltic concrete required. At the time of writing the calculations were not available; however each project will be reviewed to determine budget or scope implications prior to implementation.

Officer’s Comment

Pioneer Road Services Pty Ltd were invited to submit prices for the extension of contract 06-24 for a three (3) month period and a twelve (12) month period. This provides Council with the choice to accept the option that offers the best value for money. The terms and conditions of contract 06-24 shall apply for the accepted extension period.

The following table represents the current contract rates and the extension rates submitted by Pioneer Road Services.

Description	Current Rate	Proposed Rate (period ending 30 th September 2008)	Proposed Rate (period ending 30 th June 2009)
1. Class 170 Bitumen, 50 Blow (25mm)	\$312.00	\$365.00	\$385.00
a) 25-100T	\$224.00	\$300.00	\$315.00
b) 101-200T	\$204.00	\$265.00	\$280.00
c) 201-300T	\$192.00	\$265.00	\$280.00
d) 301-500T	\$189.00	\$260.00	\$275.00
e) 501-1000T	\$187.00	\$260.00	\$275.00
f) 1000T plus			
2. Class 320 Bitumen, 75 Blow (25mm)	\$312.00	\$365.00	\$385.00
a) 25-100T	\$224.00	\$300.00	\$315.00
b) 101-200T	\$204.00	\$265.00	\$280.00
c) 201-300T	\$192.00	\$265.00	\$280.00
d) 301-500T	\$189.00	\$260.00	\$275.00
e) 501-1000T	\$187.00	\$260.00	\$275.00
f) 1000T plus			

3. Depth (m ² /T)			
a) 15mm	28.0	28.0	28.0
b) 20mm	20.5	20.5	20.5
c) 25mm	17.0	17.0	17.0
d) 30mm	14.0	14.0	14.0
e) 35mm	12.0	12.0	12.0
f) 40mm	10.5	10.5	10.5
Mobilisation	\$7,500	\$12,500	\$15,625
Demobilisation	\$7,500	\$12,500	\$15,625
Early payment discount	Nil	Nil	Nil

The following table is provided as a means of comparison between the current and proposed rates. It is only a proportional reflection of the quantities that may be required.

Product	Mass (T)	Cost at current rate	Cost at proposed rate (to 30/9/08)	Cost at proposed rate (to 30/6/09)
Class 170 Bitumen (50 blow) (nom 25mm depth)	2000	\$374,000	\$520,000	\$550,000
Class 170 Bitumen (50 blow) (nom 25mm depth)	500	\$96,000	\$132,500	\$140,000
Mobilisation		\$7,500	\$12,500	\$15,625
Demobilisation		\$7,500	\$12,500	\$15,625
TOTAL		\$485,000	\$677,500	\$721,250

The submitted rates indicate an increase varying from 17% to 39% over the 3 month extension period, and 23% to 47% over the 12 month extension period. The mobilization and demobilization costs have increased by 67% in the 3 month period and 109% in the 12 month period. Pioneer Road Services has advised that where possible they will reduce these costs during periods when they are already undertaking other works in the region. The total comparison cost in the table above has increased by 40% for the 3 month period and 49% for the twelve month period.

It should be noted that the submitted costs are approximately 24% more expensive than the rates submitted by another organization in the original tender 18 months ago. The submitted mobilization and demobilization costs are actually cheaper than a tender submission from 18 months ago. This perhaps gives perspective to the actual costs in the current market, and that the submitted prices are not as extreme as they first appear.

Pioneer Road Services has provided correspondence from Shell pertaining to difficulties in supplying bitumen from Port Hedland. If bitumen must be sourced from Broome or Perth the proposed rates will increase further. Shell are currently working a fly in/fly out roster in Port Hedland and there are specific times when bitumen will not be available.

Council projects can be scheduled to take advantage of the times when bitumen is available and when Pioneer Road Services are already in the region, therefore minimizing mobilization costs.

The very large increases in costs are likely to be caused by fuel, labour and materials costs and the costs associated with accommodation in Port Hedland. The global increase in crude oil costs has significantly affected this industry, thus resulting in the submitted prices. It is likely that these costs will continue to increase over the next year, therefore it is recommended to extend contract 06/24 for a twelve (12) months to avoid further increases over this period.

Attachments

Nil

Council Decision – En Bloc Resolution No. 1

That Council awards the extension of Contract 06/24 for Supply and Delivery of Asphaltic Concrete to Pioneer Road Services as per the following schedule of rates for the period 1 July 2008 to 30 June 2009:

Description	Proposed Rate (period ending 30th June 2009)
1. Class 170 Bitumen, 50 Blow (25mm)	
a) 25-100T	\$385.00
b) 101-200T	\$315.00
c) 201-300T	\$280.00
d) 301-500T	\$280.00
e) 501-1000T	\$275.00
f) 1000T plus	\$275.00
2. Class 320 Bitumen, 75 Blow (25mm)	
a) 25-100T	\$385.00
b) 101-200T	\$315.00
c) 201-300T	\$280.00
d) 301-500T	\$280.00
e) 501-1000T	\$275.00
f) 1000T plus	\$275.00
3. Depth (m2/T)	
a) 15mm	28.0
b) 20mm	20.5
c) 25mm	17.0
d) 30mm	14.0
e) 35mm	12.0
f) 40mm	10.5
Mobilisation	\$15,625
Demobilisation	\$15,625
Early payment discount	Nil

CARRIED BY EN BLOC RESOLUTION NO.1

NOTE: Council determined to resolve the Officer's Recommendations for the following Agenda Items:

11.3.2.2 'Contract Extension – 06/24 Supply and Delivery of Asphaltic Concrete';

11.3.2.3 'Contract Extension – 06/26 Construction of Extruded Concrete Kerbing'

11.3.2.4 'Contract Extension – 06/27 Plant Hire'

11.3.2.5 'Contract Extension – 06/28 Provision of Freight Services'

11.3.2.6 'Contract Extension – 06/33 Supply and Delivery of Aggregate and Spray Bitumen Surfacing'

en bloc.

The motion was moved by Councillor J E Ford, Seconded by Councillor S J Coates, and carried 9/0.

11.3.2.3 Contract Extension – 06/26 Construction of Extruded Concrete Kerbing (File No.: 23/08/0022)

Officer Jenella Voitkevich
Manager Technical Services

Date of Report 13 June 2008

Disclosure of Interest by Officer Nil

Summary

For Council to consider the extension of contract 06/26 Construction of Extruded Concrete Kerbing.

Background

Council awarded the contract for the construction of extruded concrete kerbing to Kimberley Kerbs at the Council Meeting on 22nd November 2006 for the period 1st January 2007 to 30th June 2008. Section 3.2 of the contract specifications states:

“The Town reserves the right to extend the Contract for a further period of 1 year, after consultation with the Contractor.”

After consultation with Engineering staff it is recommended that Council exercise this option as it will offer the best value for money in the current market with a proven supplier.

Consultation

Engineering staff

Statutory Implications

The original tender 06/26 was called in accordance to the Local Government Act (1995).

3.57. Tenders for providing goods or services

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

(2) Regulations may make provision about tenders.

The contract extension was specified as an option within the tender specification, therefore complies with the above Act.

Policy Implications

The original tender 06/26 was called in accordance with Council's Procurement Policy 2/015.

Strategic Planning Implications

Key Result Area 1 - Infrastructure
 Goal 1 – Roads, Footpaths and Drainage
 Strategy 1 – Implement projects that are listed in the following Council Five-Year programs:
 Kerb development/replacement program

Kerbing construction also forms an integral part of road construction which is identified in various sections of the Strategic Plan.

Budget Implications

The cost of kerbing is a component of the budget allocation of each project where applicable, including road construction and Council's kerb replacement program.

The submitted rates have increased by 20-50% which will significantly affect the projects programmed for 2008/09. Projects will have to be reassessed based on the kerbing component and the significance of any budget implications.

Officer's Comment

Kimberley Kerbs were invited to submit prices for the extension of contract 06-26 for a three (3) month period and a twelve (12) month period. This provides Council with the choice to accept the option that offers the best value for money. The terms and conditions of contract 06-26 shall apply for the accepted extension period.

The following table represents the current contract rates and the extension rates submitted by Kimberley Kerbs. Please note that the kerbing construction cost does not include the cost for concrete supply.

Description	Current Rate	Proposed Rate (to 30/9/08)	Proposed Rate (to 30/6/09)
New semi-mountable kerb (per m)	\$10.00	\$15.00	\$15.00
Replacement semi-mountable kerb (per m)	\$25.00	\$30.00	\$30.00
New mountable kerb (per m)	\$10.00	\$15.00	\$15.00
Replacement mountable kerb (per m)	\$25.00	\$30.00	\$30.00
New barrier kerb (per m)	\$10.00	\$15.00	\$15.00
Replacement barrier kerb (per m)	\$25.00	\$30.00	\$30.00
Mobilisation	\$1,218	\$1,218	\$1,218
Demobilisation	Nil	Nil	Nil
Frequency of visits to Port Hedland	As required	As required	As required

Length of visits to Port Hedland	As required	As required	As required
Minimum length of kerbing required to visit Port Hedland	200-300m	200-300m	200-300m
Length able to be constructed and finished per day (pending concrete availability)	600m	600m	600m
Early payment discount	5%, 14 days	No comment	No comment

The submitted prices represent an increase varying from 20% to 50% depending on the work required. The majority of Council's work is the construction of new kerbing which has a proposed rate increase of 50%. With the cost of concrete also increasing by 16%, the kerb construction costs will be increased by \$6.50/lineal meter, from \$30/m to \$36.50/m. This cost includes preparation and backfill by Council staff.

Kimberley Kerbs has noted within their submission that Council are to provide traffic management where required. It is a requirement of contract 06/26 that the contractor provides all traffic management. If this is accepted as a variation, additional costs will be incurred by Council.

Investigations with other organizations indicated that kerbing costs vary from \$10/m to \$15/m. Due to the remoteness of Port Hedland, mobilization costs can impact greatly on project costs, ranging from \$1,218 (as proposed) up to \$20,000 from Geraldton.

It is recommended to extend contract 06/26 for a period of three (3) months then advertise a new tender for the contract. The three month period will allow Council staff and solicitors adequate time to review Councils standard tender documentation to ensure compliance with current standards.

Attachments

Nil

Council Decision – En Block Resolution No. 1

That Council awards the extension of Contract 06/26 Construction of Extruded Concrete Kerbing to Kimberley Kerbs as per the following schedule of rates for the period 1/7/08 to 30/9/08:

Description	Rate
New semi-mountable kerb (per m)	\$15.00
Replacement semi-mountable kerb (per m)	\$30.00
New mountable kerb (per m)	\$15.00
Replacement mountable kerb (per m)	\$30.00
New barrier kerb (per m)	\$15.00
Replacement barrier kerb (per m)	\$30.00
Mobilisation	\$1,218

Demobilisation	Nil
Frequency of visits to Port Hedland	As required
Length of visits to Port Hedland	As required
Minimum length of kerbing required to visit Port Hedland	200-300m
Length able to be constructed and finished per day (pending concrete availability)	600m
Early payment discount	No comment

CARRIED BY EN BLOC RESOLUTION NO.1

NOTE: Council determined to resolve the Officer's Recommendations for the following Agenda Items:

- 11.3.2.2 'Contract Extension – 06/24 Supply and Delivery of Asphaltic Concrete';*
- 11.3.2.3 'Contract Extension – 06/26 Construction of Extruded Concrete Kerbing'*
- 11.3.2.4 'Contract Extension – 06/27 Plant Hire'*
- 11.3.2.5 'Contract Extension – 06/28 Provision of Freight Services'*
- 11.3.2.6 'Contract Extension – 06/33 Supply and Delivery of Aggregate and Spray Bitumen Surfacing'*

en bloc.

The motion was moved by Councillor J E Ford, Seconded by Councillor S J Coates, and carried 9/0.

11.3.2.4 Contract Extension – 06/27 Plant Hire (File No.: 23/08/0023)

Officer Jenella Voitkevich
Manager Technical Services

Date of Report 16 June 2008

Disclosure of Interest by Officer Nil

Summary

For Council to consider the extension of contract 06/27 Plant Hire.

Background

Council awarded the contract for the provision of plant hire to Arrowsmith Transport, National Hire and BGC Contracting at the Council Meeting on 22nd November 2006 for the period 1st January 2007 to 30th June 2008. Section 3.2 of the contract specifications states:

“The Town reserves the right to extend the Contract for a further period of 1 year, after consultation with the Contractor.”

After consultation with Engineering staff it is recommended that Council exercise this option as it will offer the best value for money in the current market with a proven supplier.

Consultation

Engineering staff

Statutory Implications

The original tender 06/27 was called in accordance to the Local Government Act (1995).

3.57. Tenders for providing goods or services

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

(2) Regulations may make provision about tenders.

The contract extension was specified as an option within the tender specification, therefore complies with the above Act.

Policy Implications

The original tender 06/27 was called in accordance with Council's Procurement Policy 2/015.

Strategic Planning Implications

Nil

Budget Implications

The cost of external plant hire is included in each project budget or allocated to the specific maintenance account as per budget allowance. Each project will be reviewed prior to implementation to accurately reflect plant hire charges.

Officer’s Comment

Arrowsmith Transport, National Hire and BCG Contracting were invited to submit prices for the extension of contract 06-27 for a three (3) month period and a twelve (12) month period. This provides Council with the choice to accept the option that offers the best value for money. The terms and conditions of contract 06-27 shall apply for the accepted extension period.

The following table represents the current contract rates and the extension rates submitted by Arrowsmith Transport.

ARROWSMITH TRANSPORT					
Item	Make	Model, Size, Capacity	Current Rate	Proposed Rate (period ending 30 th September 2008)	Proposed Rate (period ending 30 th June 2009)
Semi Tipper	Various	Various, 24 tonne	\$125/hr, \$1250/day	\$140.00/hr \$1400.00/day	\$150.00/hr \$1500.00/day
Double tipper road train	Various	Various, 48 tonne	\$150/hr, \$1500/day	\$175.00/hr \$1600.00/day	\$190.00/hr \$1800.00/day
Triple tipper road train	Various	Various, 72 tonne	\$165/hr, \$1650/day	\$195.00/hr \$2000.00/day	\$220.00/hr \$2200.00/day
>160kW front end loader	Caterpillar	966, 175kW	\$130/hr, \$1300/day	\$150.00/hr \$1500.00/day	\$165.00/hr \$1650.00/day
Early payment discount			Nil	Nil	Nil

The following table represents the current contract rates and the extension rates submitted by National Hire.

NATIONAL HIRE					
Item	Make	Model, Size, Capacity	Current Rate	Proposed Rate (period ending 30 th September 2008)	Proposed Rate (period ending 30 th June 2009)
Grader	Caterpillar	12H	\$559/day (1-4 days), \$508/ day (5+days)	\$835.59/day(2-4 days) \$664.62/day(5+days)	\$835.59/day (2-4 days) \$664.62/day (5+days)
Grader	Caterpillar	140H	\$603/day (1-4 days), \$548/ day (5+days)	\$1001.91/day (2-4 days) \$798.92/day(5+days)	\$1001.91/day (2-4 days) \$798.92/day (5+days)
Excavator <10T	Caterpillar	301.5	\$245/day (1-4 days), \$223/ day (5+days)	\$290.17/day (2-4days), \$248.47/day (5+days)	\$290.17/day (2-4days), \$248.47/day (5+days)
Excavator <10T	Caterpillar	303.5	\$310/day (1-4 days), \$281/ day (5+days)	\$337.22/day (2-4days) \$301.62/day (5+days)	\$337.22/day (2-4days) \$301.62/day (5+days)
Excavator <10T	Caterpillar	305C	\$341/day (1-4 days), \$309/ day (5+days)	\$441.78/day (2-4days) \$338.19/day (5+days)	\$441.78/day (2-4days) \$338.19/day (5+days)
Excavator <10T	Caterpillar	307C	\$385/day (1-4 days), \$350/ day (5+days)	\$506.25/day (2-4days) \$400.31/day (5+days)	\$506.25/day (2-4days) \$400.31/day (5+days)
Excavator 10-19T	Caterpillar	311C	\$451/day (1-4 days), \$408/ day (5+days)	\$621.57/day (2-4 days) \$491.03 (5+days)	\$621.57/day (2-4 days) \$491.03 (5+days)
Excavator 20-29T	Caterpillar	320C	\$540/day (1-4 days), \$493 (5+days)	\$723.94/day (2-4 days) \$568.63/day (5+days)	\$723.94/day (2-4 days) \$568.63/day (5+days)
Excavator 20-29T	Caterpillar	325C	\$616/day (1-4 days), \$561/ day (5+days)	\$886.72/day (2-4days) \$703.01/day (5+ days)	\$886.72/day (2-4days) \$703.01/day (5+ days)
Excavator >30T	Caterpillar	330C	\$781/day (1-4 days), \$710/ day (5+days)	\$1197.06/day (2-4days) \$962.34/day (5+days)	\$1197.06/day (2-4days) \$962.34/day (5+days)
60 – 69kW front end loader	Caterpillar	908G	\$442/day (1-4 days), \$389/ day (5+days)	\$476.77/day (2-4days) \$368.96/day (5+days)	\$476.77/day (2-4days) \$368.96/day (5+days)
90 – 99kW front end loader	Caterpillar	924G	\$452/day (1-4 days), \$399/ day (5+days)	\$580.04/day (2-4days) \$455.43/day (5+days)	\$580.04/day (2-4days) \$455.43/day (5+days)

100 – 119kW front end loader	Caterpillar	928G	\$462/day (1-4 days), \$420/ day (5+days)	\$697.21/day (2-4days) \$549.70/day (5+days)	\$697.21/day (2-4days) \$549.70/day (5+days)
120 – 139kW front end loader	Caterpillar	950G	\$668/day (1-4 days), \$607/ day (5+days)	\$822.97/day (2-4days) \$651.94/day (5+days)	\$822.97/day (2-4days) \$651.94/day (5+days)
>160kW front end loader	Caterpillar	966G	\$795/day (1-4 days), \$724/ day (5+days)	\$1014.13/day (2-4days) \$811.38/day (5+days)	\$1014.13/day (2-4days) \$811.38/day (5+days)
>160kW front end loader	Caterpillar	972G	\$1007/day (1-4 days), \$915/ day (5+days)	\$1201.88/day (2-4days) \$966.87/day (5+days)	\$1201.88/day (2-4days) \$966.87/day (5+days)
Front End Loader / Backhoe	Caterpillar	432	\$373/day (1-4 days), \$339/ day (5+days)	\$572.18/day (2-4days) \$448.13/day (5+days)	\$572.18/day (2-4days) \$448.13/day (5+days)
<20 t multi wheel roller	Caterpillar	PS200B	\$315/day (1-4 days), \$300/ day (5+days)	\$543.46/day (2-4days) \$423.98/day (5+days)	\$543.46/day (2-4days) \$423.98/day (5+days)
20 – 30 t multi wheel roller	Caterpillar	PS300B	\$338/day (1-4 days), \$322/ day (5+days)	\$555.22/day (2-4days) \$433.84/day (5+days)	\$555.22/day (2-4days) \$433.84/day (5+days)
<10 t roller (vibrating)	Caterpillar	CB224, 2.5T	\$230/day (1-4 days), \$209/ day (5+days)	\$273.84/day (2-4days) \$210.40/day (5+days)	\$273.84/day (2-4days) \$210.40/day (5+days)
<10 t roller (vibrating)	Caterpillar	CS433, 6.5T	\$280/day (1-4 days), \$255/ day (5+days)	\$381.12/day (2-4days) \$295.80/day (5+days)	\$381.12/day (2-4days) \$295.80/day (5+days)
>10 t roller (vibrating)	Caterpillar	CS563 Smooth, 11T	\$330/day (1-4 days), \$310/ day (5+days)	\$481.82/day (2-4days) \$374.68/day (5+days)	\$481.82/day (2-4days) \$374.68/day (5+days)
>10 t roller (vibrating)	Caterpillar	CS563 Pad Foot, 12T	\$355/day (1-4 days), \$335/ day (5+days)	\$517.11/day (2-4days) \$404.26/day (5+days)	\$517.11/day (2-4days) \$404.26/day (5+days)
>10 t roller (vibrating)	Caterpillar	CS663, 16T	\$453/day (1-4 days), \$429/ day (5+days)	\$625.80/day (2-4days) \$493.00/day (5+days)	\$625.80/day (2-4days) \$493.00/day (5+days)
>10 t roller (vibrating)	Caterpillar	CP663 Pad Foot Roller, 17T	\$493/day (1-4 days), \$469/ day (5+days)	\$649.34/day (2-4days) \$512.72/day (5+days)	\$649.34/day (2-4days) \$512.72/day (5+days)

Skidsteer loader	Caterpillar	226	\$257/day (1-4 days), \$233/ day (5+days)	\$270.93/day (2-4days) \$220.16/day (5+days)	\$270.93/day (2-4days) \$220.16/day (5+days)
Skidsteer loader	Caterpillar	246	\$296/day (1-4 days), \$270/ day (5+days)	\$305.65/day (2-4days) \$240.18/day (5+days)	\$305.65/day (2-4days) \$240.18/day (5+days)
<5kVa generator		3KVA Petrol	\$40/day (1-4 days), \$30/ day (5+days)	\$49.37/day (1-4days) \$37.03/day (5+days)	\$49.37/day (1-4days) \$37.03/day (5+days)
5 – 10kVa generator		5KVA Petrol	\$41/day (1-4 days), \$24/ day (5+days)	\$51.43/day (1-4days) \$38.57/day (5+days)	\$51.43/day (1-4days) \$38.57/day (5+days)
5 – 10kVa generator		6KVA Diesel	\$54/day (1-4 days), \$40/ day (5+days)	\$69.53/day (1-4days) \$52.14/day (5+days)	\$69.53/day (1-4days) \$52.14/day (5+days)
5 – 10kVa generator		7KVA Petrol	\$56/day (1-4 days), \$42/ day (5+days)	\$73.79/day (1-4days) \$55.36/day (5+days)	\$73.79/day (1-4days) \$55.36/day (5+days)
11 – 20kVa generator		12.5 KVA Diesel	\$81/day (1-4 days), \$61/ day (5+days)	\$101.78/day (1-4days) \$76.33/day (5+days)	\$101.78/day (1-4days) \$76.33/day (5+days)
11 – 20kVa generator		14KVA Diesel	\$87/day (1-4 days), \$65/ day (5+days)	\$101.78/day (1-4days) \$76.33/day (5+days)	\$101.78/day (1-4days) \$76.33/day (5+days)
11 – 20kVa generator		16.5KV A Diesel	\$91/day (1-4 days), \$68/ day (5+days)	\$112.32/day (1-4days) \$84.24/day (5+days)	\$112.32/day (1-4days) \$84.24/day (5+days)
20 – 50kVa generator		20KVA Diesel	\$101/day (1-4 days), \$75/ day (5+days)	\$130.68/day (1-4days) \$97.88/day (5+days)	\$130.68/day (1-4days) \$97.88/day (5+days)
20 – 50kVa generator		27KVA Diesel	\$105/day (1-4 days), \$79/ day (5+days)	\$135.85/day (1-4days) \$101.89/day (5+days)	\$135.85/day (1-4days) \$101.89/day (5+days)
20 – 50kVa generator		40KVA Diesel	\$110/day (1-4 days), \$82/ day (5+days)	\$160.98/day (1-4days) \$120.73/day (5+days)	\$160.98/day (1-4days) \$120.73/day (5+days)
20 – 50kVa generator		45KVA Diesel	\$128/day (1-4 days), \$96/ day (5+days)	\$165.80/day (1-4days) \$124.36/day (5+days)	\$165.80/day (1-4days) \$124.36/day (5+days)
51 – 100kVa generator		60KVA Diesel	\$149/day (1-4 days), \$111/ day (5+days)	\$181.85/day (1-4days) \$136.39/day (5+days)	\$181.85/day (1-4days) \$136.39/day (5+days)
51 – 100kVa		75KVA	\$163/day (1-	\$211.80/day	\$211.80/day

generator		Diesel	4 days), \$123/ day (5+days)	(1-4days) \$158.86/day (5+days)	(1-4days) \$158.86/day (5+days)
100 – 200kVa generator		100KVA Diesel	\$190/day (1-4 days), \$152/ day (5+days)	\$246.04/day (1-4days) \$184.53/day (5+days)	\$246.04/day (1-4days) \$184.53/day (5+days)
100 – 200kVa generator		135KVA Diesel	\$231/day (1-4 days), \$185/ day (5+days)	\$299.53/day (1-4days) \$224.65/day (5+days)	\$299.53/day (1-4days) \$224.65/day (5+days)
200 –300kVa generator		200KVA Diesel	\$309/day (1-4 days), \$232/ day (5+days)	\$401.15/day (1-4days) \$300.87/day (5+days)	\$401.15/day (1-4days) \$300.87/day (5+days)
200 –300kVa generator		250KVA Diesel	\$351/day (1-4 days), \$281/ day (5+days)	\$454.64/day (1-4days) \$340.98/day (5+days)	\$454.64/day (1-4days) \$340.98/day (5+days)
400 – 500kVa generator		500KVA Diesel	\$565/day (1-4 days), \$424/ day (5+days)	\$732.78/day (1-4days) \$549.58/day (5+days)	\$732.78/day (1-4days) \$549.58/day (5+days)
Early payment discount			Nil	Nil	Nil

The following table represents the current contract rates and the extension rates submitted by BGC Contracting.

BGC CONTRACTING					
Item	Make	Model, Size, Capacity	Current Rate	Proposed Rate (period ending 30 th September 2008)	Proposed Rate (period ending 30 th June 2009)
Grader	Caterpillar	140H,12 3kW	\$150/hr, \$1650/day	\$200/hr, \$2200/day	\$200/hr, \$2200/day
6x4 Rigid Water Tanker	Ford	Louisville L8000, 14000L	\$120/hr, \$1320/day	\$165/hr, \$1815/day	\$165/hr, \$1815/day
Semi Water Tanker	Mack	CHR, 20000L	\$155/hr, \$1705/day	\$175/hr, \$1925/day	\$175/hr, \$1925/day
6x4 Tip Truck	Mack	Valueliner, 10m3	\$120/hr, \$1320/day	\$145/hr, \$1595/day	\$145/hr, \$1595/day
Semi Tipper	Mack	CHR, 18 m3, 23T	\$150/hr, \$1650/day	\$210/hr, \$2310/day	\$210/hr, \$2310/day
Double tipper road train	Mack	CHR, 36 m3, 46T	\$210/hr, \$2310/day	\$260/hr, \$2860/day	\$260/hr, \$2860/day
Flat top semitrailer	Mack	CHR, 12.2m, 24T	\$130/hr, \$1430/day	NA	NA
Flat top double road train	Mack	CHR, 24.4m, 48T	\$190/hr, \$2090/day	NA	NA
Road mtc vehicle Flocon	Isuzu	FSR 750 Flocon	\$120/hr, \$1320/day	NA	NA

2 axle low loader	Mack	CHR, 20T	\$160/hr, \$1760/day	\$180/hr, \$1980/day	\$180/hr, \$1980/day
Excavator <10T	Kobelco	75UR, 7T	\$140/hr, \$1540/day	\$155/hr, \$1705/day	\$155/hr, \$1705/day
Excavator 10-19T			NA	\$165/hr	\$165/hr
Excavator 20-29T	Komatsu	PC 250, 26T	\$160/hr, \$1760/day	\$235/hr, \$2585/day	\$235/hr, \$2585/day
Excavator >30T			NA	\$285/hr	\$285/hr
90 – 99kW front end loader	Caterpillar	928 IT	NA	\$195/hr, \$2145/day	\$195/hr, \$2145/day
100 – 119kW front end loader	Caterpillar	936IT, 101kW	\$120/hr, \$1320/day	NA	NA
>160kW front end loader	Caterpillar	980, 201kW	\$175/hr, \$1925/day	NA	NA
	Komatsu	WA500-3, 235kW	\$185/hr, \$2035/day	NA	NA
Skidsteer loader	CASE		NA	\$120/hr	\$120/hr
Early payment discount			Nil		

The rates submitted by Arrowsmith Transport represent an increase in rates between 20% and 33%.

The rates submitted by National Hire represent an increase in rates between 9% and 66%.

The rates submitted by BGC Contracting indicated that the majority of rates increased by approximately 20%, although they range from 13% to 47%. BGC Contracting included several new plant for hire, while others were deleted from the range.

Generally plant hire is selected based on cost first then availability. Any plant or equipment not available on the schedule provided by Arrowsmith Transport, National Hire and BGC Contracting are sourced utilizing Council’s procurement policy.

It is recommended to extend the contract for a twelve (12) month period to avoid additional increases within the 2008/09 financial year.

Attachments Nil

Council Decision – En Bloc Resolution No. 1

That Council awards the extension of Contract 06/27 for Plant Hire to Arrowsmith Transport, National Hire and BGC Contracting as per the following schedule of rates for the period 1 July 2008 to 30 June 2009:

Item	Make	Model, Size, Capacity	Arrowsmith Transport	BGC Contracting	National Hire
Grader	Caterpillar	12H			\$835.59/day (2-4 days) \$664.62/day (5+days)
Grader	Caterpillar	140H		\$200/hr, \$2200/day	\$1001.91/day (2-4 days) \$798.92/day (5+days)
Grader	Caterpillar	140H, 123kW		\$200/hr, \$2200/day	
6x4 Rigid Water Tanker	Ford	Louisville L8000, 14000L		\$165/hr, \$1815/day	
Semi Water Tanker	Mack	CHR, 20000L		\$175/hr, \$1925/day	
6x4 Tip Truck	Mack	Valueliner, 10m ³		\$145/hr, \$1595/day	
Semi Tipper	Mack	CHR, 18 m ³ , 23T	\$150.00/hr \$1500.00/day	\$210/hr, \$2310/day	
Double tipper road train	Mack	CHR, 36 m ³ , 46T	\$190.00/hr \$1800.00/day	\$260/hr, \$2860/day	
Triple tipper road train	Various	Various, 72 tonne	\$220.00/hr \$2200.00/day		
2 axle low loader	Mack	CHR, 20T		\$180/hr, \$1980/day	
Excavator <10T	Caterpillar	303.5			\$337.22/day (2-4days) \$301.62/day (5+days)
Excavator <10T	Caterpillar	305C			\$441.78/day (2-4days) \$338.19/day (5+days)
Excavator <10T	Caterpillar	307C			\$506.25/day (2-4days) \$400.31/day (5+days)

Excavator <10T	Kobelco	75UR, 7T		\$155/hr \$1705/day	
Excavator 10-19T	Caterpillar	311C		\$165/hr	\$621.57/day (2-4 days) \$491.03 (5+days)
Excavator 20-29T	Caterpillar	320C			\$723.94/day (2-4 days) \$568.63/day (5+days)
Excavator 20-29T	Caterpillar	325C			\$886.72/day (2-4days) \$703.01/day (5+ days)
Excavator 20-29T	Komatsu	PC 250, 26T		\$235/hr, \$2585/day	
Excavator >30T	Caterpillar	330C		\$285/hr	\$1197.06/day (2-4days) \$962.34/day (5+days)
60 – 69kW front end loader	Caterpillar	908G			\$476.77/day (2-4days) \$368.96/day (5+days)
90 – 99kW front end loader	Caterpillar	924G			\$580.04/day (2-4days) \$455.43/day (5+days)
90 – 99kW front end loader	Caterpillar	928 IT		\$195/hr, \$2145/day	
100 – 119kW front end loader	Caterpillar	928G			\$697.21/day (2-4days) \$549.70/day (5+days)
120 – 139kW front end loader	Caterpillar	950G			\$822.97/day (2-4days) \$651.94/day (5+days)

>160kW front end loader	Caterpillar	966G	\$165.00/hr \$1650.00/day		\$1014.13/day (2-4days) \$811.38/day (5+days)
>160kW front end loader	Caterpillar	972G			\$1201.88/day (2-4days) \$966.87/day (5+days)
Front End Loader / Backhoe	Caterpillar	432			\$572.18/day (2-4days) \$448.13/day (5+days)
<20 t multi wheel roller	Caterpillar	PS200 B			\$543.46/day (2-4days) \$423.98/day (5+days)
20 – 30 t multi wheel roller	Caterpillar	PS300 B			\$555.22/day (2-4days) \$433.84/day (5+days)
<10 t roller (vibrating)	Caterpillar	CB224, 2.5T			\$273.84/day (2-4days) \$210.40/day (5+days)
<10 t roller (vibrating)	Caterpillar	CS433, 6.5T			\$381.12/day (2-4days) \$295.80/day (5+days)
>10 t roller (vibrating)	Caterpillar	CS563 Smooth, 11T			\$481.82/day (2-4days) \$374.68/day (5+days)
>10 t roller (vibrating)	Caterpillar	CS563 Pad Foot, 12T			\$517.11/day (2-4days) \$404.26/day (5+days)

>10 t roller (vibrating)	Caterpillar	CS663, 16T			\$625.80/day (2-4days) \$493.00/day (5+days)
>10 t roller (vibrating)	Caterpillar	CP663 Pad Foot Roller, 17T			\$649.34/day (2-4days) \$512.72/day (5+days)
Skidsteer loader	Caterpillar	226			\$270.93/day (2-4days) \$220.16/day (5+days)
Skidsteer loader	Caterpillar	246			\$305.65/day (2-4days) \$240.18/day (5+days)
Skidsteer loader	CASE			\$120/hr	
<5kVa generator		3KVA Petrol			\$49.37/day (1-4days) \$37.03/day (5+days)
5 – 10kVa generator		5KVA Petrol			\$51.43/day (1-4days) \$38.57/day (5+days)
5 – 10kVa generator		6KVA Diesel			\$69.53/day (1-4days) \$52.14/day (5+days)
5 – 10kVa generator		7KVA Petrol			\$73.79/day (1-4days) \$55.36/day (5+days)
11 – 20kVa generator		12.5 KVA Diesel			\$101.78/day (1-4days) \$76.33/day (5+days)
11 – 20kVa generator		14KVA Diesel			\$101.78/day (1-4days) \$76.33/day (5+days)

11 – 20kVa generator		16.5KV A Diesel			\$112.32/day (1-4days) \$84.24/day (5+days)
20 – 50kVa generator		20KVA Diesel			\$130.68/day (1-4days) \$97.88/day (5+days)
20 – 50kVa generator		27KVA Diesel			\$135.85/day (1-4days) \$101.89/day (5+days)
20 – 50kVa generator		40KVA Diesel			\$160.98/day (1-4days) \$120.73/day (5+days)
20 – 50kVa generator		45KVA Diesel			\$165.80/day (1-4days) \$124.36/day (5+days)
51 – 100kVa generator		60KVA Diesel			\$181.85/day (1-4days) \$136.39/day (5+days)
51 – 100kVa generator		75KVA Diesel			\$211.80/day (1-4days) \$158.86/day (5+days)
100 – 200kVa generator		100KV A Diesel			\$246.04/day (1-4days) \$184.53/day (5+days)
100 – 200kVa generator		135KV A Diesel			\$299.53/day (1-4days) \$224.65/day (5+days)
200 – 300kVa generator		200KV A Diesel			\$401.15/day (1-4days) \$300.87/day (5+days)

200 – 300kVa generator		250KV A Diesel			\$454.64/day (1-4days) \$340.98/day (5+days)
400 – 500kVa generator		500KV A Diesel			\$732.78/day (1-4days) \$549.58/day (5+days)
Early payment discount			Nil	Nil	Nil

CARRIED BY EN BLOC RESOLUTION NO.1

NOTE: Council determined to resolve the Officer's Recommendations for the following Agenda Items:

- 11.3.2.2 'Contract Extension – 06/24 Supply and Delivery of Asphaltic Concrete';*
- 11.3.2.3 'Contract Extension – 06/26 Construction of Extruded Concrete Kerbing'*
- 11.3.2.4 'Contract Extension – 06/27 Plant Hire'*
- 11.3.2.5 'Contract Extension – 06/28 Provision of Freight Services'*
- 11.3.2.6 'Contract Extension – 06/33 Supply and Delivery of Aggregate and Spray Bitumen Surfacing'*

en bloc.

The motion was moved by Councillor J E Ford, Seconded by Councillor S J Coates, and carried 9/0.

11.3.2.5 Contract Extension – 06/28 Provision of Freight Services (File No.: 23/08/0024)

Officer Jenella Voitkevich
Manager Technical Services

Date of Report 13 June 2008

Disclosure of Interest by Officer Nil

Summary

For Council to consider the extension of contract 06/28 Provision of Freight Services.

Background

Council awarded the contract for the provision of freight services to Centurion Transport at Council's Meeting on 22nd November 2006 for the period 1st January 2007 to 30th June 2008. Section 3.1 of the contract specifications states:

"The Town reserves the right to extend the Contract for a further period of 1 year, after consultation with the Contractor."

After consultation with Council staff it is recommended that Council exercise this option as it will offer the best value for money in the current market with a proven supplier.

Consultation

Engineering staff

Statutory Implications

The original tender 06/28 was called in accordance to the Local Government Act (1995).

"3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) Regulations may make provision about tenders."*

The contract extension was specified as an option within the tender specification, therefore complies with the above Act.

Policy Implications

The original tender 06/28 was called in accordance with Council's Procurement Policy 2/015.

Strategic Planning Implications**Nil****Budget Implications**

The cost of freight is included in the budget for each project.

Officer's Comment

Centurion Transport were invited to submit prices for the extension of contract 06-28 for a three (3) month period and a twelve (12) month period. This provides Council with the choice to accept the option that offers the best value for money. The terms and conditions of contract 06-28 shall apply for the accepted extension period.

The following table represents the current contract rates and the extension rates submitted by Centurion Transport.

The submitted prices indicate an increase of approximately 6%. This is slightly higher than CPI however is expected with the current situation with fuel prices.

Description	Current Rate		Proposed Rate (period ending 30 th September 2008)		Proposed Rate (period ending 30 th June 2009)	
	To Perth	To Port Hedland	To Perth	To Port Hedland	To Perth	To Port Hedland
Rates General						
Small Items (up to 1kg)	\$0.40/kg	\$0.40/kg	\$0.40/kg	\$0.40/kg	\$0.40/kg	\$0.40/kg
Boxes/Parcels (1kg - 10kg)	\$0.40/kg	\$0.40/kg	\$0.40/kg	\$0.40/kg	\$0.40/kg	\$0.40/kg
Goods (10kg – 50kg)	\$0.35/kg	\$0.35/kg	\$0.37/kg	\$0.37/kg	\$0.37/kg	\$0.37/kg
Goods (over 50kg)	\$0.20/kg	\$0.20/kg	\$0.21/kg	\$0.21/kg	\$0.21/kg	\$0.21/kg
Large Heavy Items	\$75.00/t	\$130.00/t	\$80.00/t	\$140.00/t	\$80.00/t	\$140.00/t
Large Bulk Items (can't be top loaded)	\$25.00/m ³	\$44.00/m ³	\$27.00/m ³	\$47.00/m ³	\$27.00/m ³	\$47.00/m ³
Additional Collection/Delivery Charges	Within Perth	Within Port Hedland	Within Perth	Within Port Hedland	Within Perth	Within Port Hedland
Small Items (up to 1kg)	\$20.00ea	\$20.00ea	\$20.00ea	\$20.00ea	\$20.00ea	\$20.00ea
Boxes/Parcels (1kg – 10kg)	\$20.00ea	\$20.00ea	\$20.00ea	\$20.00ea	\$20.00ea	\$20.00ea
Goods (10kg – 50kg)	\$20.00ea	\$20.00ea	\$20.00ea	\$20.00ea	\$20.00ea	\$20.00ea
Goods (over 50kg)	\$30.00ea	\$30.00ea	\$30.00ea	\$30.00ea	\$30.00ea	\$30.00ea
Large Heavy Items	\$85.00/hr	\$100.00/hr	\$85.00/hr	\$100.00/hr	\$85.00/hr	\$100.00/hr
Large Bulk Items (can't be top loaded)	\$85.00/hr	\$100.00/hr	\$85.00/hr	\$100.00/hr	\$85.00/hr	\$100.00/hr
Overnight Charges	To Perth	To Port Hedland	To Perth	To Port Hedland	To Perth	To Port Hedland
Small Items (up to 1kg)	\$0.90/kg	\$0.90/kg	\$0.95/kg	\$0.95/kg	\$0.95/kg	\$0.95/kg
Boxes/Parcels (1kg – 10kg)	\$0.90/kg	\$0.90/kg	\$0.95/kg	\$0.95/kg	\$0.95/kg	\$0.95/kg
Goods (10kg – 50kg)	\$0.90/kg	\$0.90/kg	\$0.95/kg	\$0.95/kg	\$0.95/kg	\$0.95/kg
Goods (over 50kg)	\$0.90/kg	\$0.90/kg	\$0.95/kg	\$0.95/kg	\$0.95/kg	\$0.95/kg
Large Heavy Items	\$0.70/kg	\$0.70/kg	\$0.75/kg	\$0.75/kg	\$0.75/kg	\$0.75/kg
Large Bulk Items (can't be top loaded)	\$235.00/m ³	\$235.00/m ³	\$250.00/m ³	\$250.00/m ³	\$250.00/m ³	\$250.00/m ³
Daily Collection/Delivery Times						
Perth	Up to 4.30pm		Up to 4.30pm		Up to 4.30pm	
Port Hedland	AM		AM		AM	
South Hedland	AM		AM		AM	
Wedgefield	AM		AM		AM	
Port Hedland International Airport	AM		AM		AM	
Perth to Port Hedland	Mon/Tues/Wed/Thurs/Fri		Mon/Tues/Wed/Thurs/Fri		Mon/Tues/Wed/Thurs/Fri	
Port Hedland to Perth	Tues/Wed/Thurs/Fri/Sat		Tues/Wed/Thurs/Fri/Sat		Tues/Wed/Thurs/Fri/Sat	
Other Details						
Freight of trees from Darwin in refrigerated pantech van	Not able to quote		Not able to quote		Not able to quote	
Consignment fee	\$10.00 per consignment note, minimum \$20.00		\$12.00 per consignment note, minimum \$35.00 per Manifest		\$12.00 per consignment note, minimum \$35.00 per Manifest	
Early payment discount	Nil		Nil		Nil	

Centurion Transport has submitted equal rates for both extension periods offered. It is recommended to extend the contract for a twelve (12) month period to avoid additional increases within the 2008/09 financial year.

Attachments

Nil

Council Decision – En Bloc Resolution No. 1

That Council awards the extension of Contract 06/28 for Provision of Freight Service to Centurion Transport as per the following schedule of rates for the period 1/7/08 to 30/6/09:

Description	Rate (period ending 30 th June 2009)	
	To Perth	To Port Hedland
Rates General		
Small Items (up to 1kg)	\$0.40/kg	\$0.40/kg
Boxes/Parcels (1kg - 10kg)	\$0.40/kg	\$0.40/kg
Goods (10kg – 50kg)	\$0.37/kg	\$0.37/kg
Goods (over 50kg)	\$0.21/kg	\$0.21/kg
Large Heavy Items	\$80.00/t	\$140.00/t
Large Bulk Items (can't be top loaded)	\$27.00/m ³	\$47.00/m ³
Additional Collection/Delivery Charges	Within Perth	Within Port Hedland
Small Items (up to 1kg)	\$20.00 ea	\$20.00 ea
Boxes/Parcels (1kg – 10kg)	\$20.00 ea	\$20.00 ea
Goods (10kg – 50kg)	\$20.00 ea	\$20.00 ea
Goods (over 50kg)	\$30.00 ea	\$30.00 ea
Large Heavy Items	\$85.00/hr	\$100.00/ hr
Large Bulk Items (can't be top loaded)	\$85.00/hr	\$100.00/ hr
Overnight Charges	To Perth	To Port Hedland
Small Items (up to 1kg)	\$0.95/kg	\$0.95/kg
Boxes/Parcels (1kg – 10kg)	\$0.95/kg	\$0.95/kg
Goods (10kg – 50kg)	\$0.95/kg	\$0.95/kg
Goods (over 50kg)	\$0.95/kg	\$0.95/kg
Large Heavy Items	\$0.75/kg	\$0.75/kg
Large Bulk Items (can't be top loaded)	\$250.00/m ³	\$250.00/m ³
Daily Collection/Delivery Times		
Perth	Up to 4.30pm	
Port Hedland	AM	
South Hedland	AM	
Wedgefield	AM	
Port Hedland International Airport	AM	
Perth to Port Hedland	Mon/Tues/Wed/Thurs/Fri	
Port Hedland to Perth	Tues/Wed/Thurs/Fri/Sat	
Other Details		
Freight of trees from Darwin in refrigerated pantech van	Not able to quote	
Consignment fee	\$12.00 per consignment note, minimum \$35.00 per Manifest	
Early payment discount	Nil	

CARRIED BY EN BLOC RESOLUTION NO.1

NOTE: Council determined to resolve the Officer's Recommendations for the following Agenda Items:

11.3.2.2 'Contract Extension – 06/24 Supply and Delivery of Asphaltic Concrete';

11.3.2.3 'Contract Extension – 06/26 Construction of Extruded Concrete Kerbing'

11.3.2.4 'Contract Extension – 06/27 Plant Hire'

11.3.2.5 'Contract Extension – 06/28 Provision of Freight Services'

11.3.2.6 'Contract Extension – 06/33 Supply and Delivery of Aggregate and Spray Bitumen Surfacing'

en bloc.

The motion was moved by Councillor J E Ford, Seconded by Councillor S J Coates, and carried 9/0.

11.3.2.6 Contract Extension – 06/33 Supply and Delivery of Aggregate and Spray Bitumen Surfacing (File No.: 23/08/0027)

Officer Jenella Voitkevich
Manager Technical Services

Date of Report 13 June 2008

Disclosure of Interest by Officer Nil

Summary

For Council to consider the extension of contract 06/33 Supply & Delivery of Aggregate and Spray Bitumen Surfacing.

Background

Council awarded the contract for the supply and delivery of aggregate and spray bitumen surfacing to Boral Asphalt (WA) at the Council Meeting on 13th December 2006 for the period 1st January 2007 to 30th June 2008. Section 3.2 of the contract specifications states:

“The Town reserves the right to extend the Contract for a further period of 1 year, after consultation with the Contractor.”

After consultation with Council staff it is recommended that Council exercise this option as it will offer the best value for money in the current market with a proven supplier.

Consultation

Council’s Engineering staff

Statutory Implications

The original tender 06/33 was called in accordance to the Local Government Act (1995).

“3.57. Tenders for providing goods or services

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

(2) Regulations may make provision about tenders.”

The contract extension was specified as an option within the tender specification, therefore complies with the above Act.

Policy Implications

The original tender 06/33 was called in accordance with Council’s Procurement Policy 2/015.

Strategic Planning Implications

Key Result Area 1 - Infrastructure
 Goal 1 – Roads, Footpaths and Drainage
 Strategy 1 – Develop a comprehensive road maintenance and road development program that identifies Council’s priorities and program for the next 10 years.

Budget Implications

The cost of aggregate and spray bitumen surfacing is included in the budget of each project. The revised rates will impact on each project individually depending on the specifications and amount of aggregate and spray bitumen surfacing required. At the time of writing the calculations were not available, however each project will be reviewed to determine budget or scope implications prior to implementation.

Officer’s Comment

Boral Asphalt (WA) were invited to submit prices for the extension of contract 06-33 for a three (3) month period and a twelve (12) month period. This provides Council with the choice to accept the option that offers the best value for money. The terms and conditions of contract 06-33 shall apply for the accepted extension period.

The following table represents the current contract rates and the extension rates submitted by Boral Asphalt (WA) for the supply and delivery of aggregate.

Description (Aggregate)	Current Rate	Proposed Rate (period ending 30 th Sep 2008)	Proposed Rate (period ending 30 th Jun 2009)
14mm Aggregate (per T)			
a) Ex 6 Mile	\$52.80	\$65.08	\$68.33
b) Ex Plant	\$45.10	\$54.00	\$56.70
c) Ex Wedgefield	\$52.80	\$63.98	\$67.18
10mm Aggregate (per T)			
a) Ex 6 Mile	\$64.90	\$75.58	\$79.36
b) Ex Plant	\$53.90	\$65.10	\$68.35
c) Ex Wedgefield	\$64.90	\$74.48	\$78.20
7mm Aggregate (per T)			
a) Ex 6 Mile	\$64.90	\$76.63	\$80.46
b) Ex Plant	\$53.90	\$66.15	\$69.46
c) Ex Wedgefield	\$64.90	\$75.53	\$79.31

5mm Aggregate (per T)			
a) Ex 6 Mile	NA	NA	NA
b) Ex Plant	NA	NA	NA
c) Ex Wedgefield	NA	NA	NA
Dust (per T)			
a) Ex 6 Mile	\$17.60	\$19.93	\$20.93
b) Ex Plant	\$6.60	\$9.45	\$9.93
c) Ex Wedgefield	\$17.60	\$18.83	\$19.77
Rock Spalls (per T)			
a) Ex 6 Mile	\$38.50	\$47.23	\$49.59
b) Ex Plant	\$27.50	\$36.75	\$38.59
c) Ex Wedgefield	\$38.50	\$46.13	\$48.44
Delivery charges to other sites (per km)	\$0.135	\$0.185	\$0.195
Stockpile (loose) cubic metres to dry tonnes of crush aggregate (density) (T/m3)		
		
		
	1.47	1.47	1.47
a) 14mm	1.48	1.48	1.48
b) 10mm	1.45	1.45	1.45
c) 7mm	NA	NA	NA
d) 5mm	1.5	1.5	1.5
e) Dust			

The following table represents the current contract rates and the extension rates submitted by Boral Asphalt (WA) for the supply and delivery of spray bitumen surfacing.

Description (Spray Bitumen Surfacing)	Current Rate	Proposed Rate (period ending 30 th Sep 2008)	Proposed Rate (period ending 30 th Jun 2009)
Primer to AMCO 55/45 (\$/L)	\$7.10	\$8.50	\$8.93
a) 0-2000L	\$1.37	\$1.50	\$1.57
b) 2001-5000	\$1.05	\$1.15	\$1.21
c) 5001-15000	\$0.98	\$1.12	\$1.18
d) 15001-30000	\$0.95	\$1.08	\$1.13
e) >30000			
Medium-Heavy Primer AMC3 80/20 (\$/L)			
a) 0-2000L	\$7.02	\$8.40	\$8.82
b) 2001-5000	\$1.47	\$1.62	\$1.70
c) 5001-15000	\$0.97	\$1.11	\$1.17
d) 15001-30000	\$0.95	\$1.08	\$1.13
e) >30000	\$0.92	\$1.04	\$1.09

Binder 100/00 with adhesion agent (\$/L)			
a) 0-2000L	\$7.00	\$8.42	\$8.84
b) 2001-5000	\$1.45	\$1.60	\$1.68
c) 5001-15000	\$0.96	\$1.05	\$1.10
d) 15001-30000	\$0.94	\$1.03	\$1.08
e) >30000	\$0.92	\$0.99	\$1.04
Additives (\$/L)			
a) 5% Polymer	\$0.75	\$0.84	\$0.88
b) 7% Polymer	\$0.86	\$0.96	\$1.01
c) 10% Polymer	\$0.90	\$1.00	\$1.05
d) 15% Polymer	\$0.94	\$1.05	\$1.10
Enrichment Seals			
a) 0-2000L	\$7.20	\$8.60	\$9.03
b) 2001-5000	\$1.60	\$1.75	\$1.84
c) 5001-15000	\$1.02	\$1.16	\$1.23
d) 15001-30000	\$1.02	\$1.16	\$1.23
e) >30000	\$1.00	\$1.14	\$1.20
Precoat Aggregate			
a) 0-20m3	\$62.39	\$71.85	\$75.44
b) 21-50m3	\$37.99	\$43.78	\$45.97
c) 51-150m3	\$18.10	\$19.46	\$20.43
d) >300m3	\$9.26	\$10.72	\$11.26
7mm Medium Primer Coat	\$6.91	\$8.50	\$8.93
a) 0-2000m2	\$2.23	\$2.65	\$2.78
b) 2001-5000	\$0.88	\$1.20	\$1.26
c) 5001-15000	\$0.78	\$1.10	\$1.15
d) 15001-30000	\$0.78	\$1.10	\$1.15
e) >30000			
10mm Aggregate Sealing			
a) 0-2000m2	\$6.91	\$8.50	\$8.93
b) 2001-5000	\$2.23	\$2.65	\$2.78
c) 5001-15000	\$0.88	\$1.20	\$1.26
d) 15001-30000	\$0.78	\$1.10	\$1.15
e) >30000	\$0.78	\$1.10	\$1.15
14mm Aggregate Sealing			
a) 0-2000m2	\$6.91	\$8.05	\$8.93
b) 2001-5000	\$2.23	\$2.65	\$2.78
c) 5001-15000	\$0.88	\$1.20	\$1.26
d) 15001-30000	\$0.78	\$1.10	\$1.15
e) >30000	\$0.78	\$1.10	\$1.15
Protection of kerbs (per linear metre)	\$2.50	\$3.00	\$3.15
Mobilisation	\$8,500	\$10,850	\$11,392.50
Demobilisation	\$8,500	\$10,850	\$11,392.50
Basic cost per litre for Class 170 Bitumen at Contractors point of supply	\$0.65 at 15deg	\$0.83 at 15deg	\$0.87 at 15deg

Basic cost per litre for power kerosene at Contractors point of supply	\$0.96 at 15deg	\$1.23 at 15deg	\$1.29 at 15deg
Basic cost per litre for precoat material at Contractors point of supply	\$0.88 at 15deg	\$1.16 at 15deg	\$1.23 at 15deg
Frequency of visits to Port Hedland	As required	As required	As required
Early payment discount	Nil	Nil	Nil

The following table is provided as a means of comparison between the current and proposed rates. It is only a proportional reflection of the quantities that may be required.

Product	Qty	Current Rate	Proposed Rate Cost (period ending 30 th Sep 2008)	Proposed Rate Cost (period ending 30 th Jun 2009)
10mm Aggregate	200 tonnes	\$12,980	\$14,896	\$15,640
14mm Aggregate	450 tonnes	\$23,760	\$28,791	\$30,231
Binder 100/00 with adhesion agent	30,000m ²	\$55,476	\$59,697	\$62,712
Enrichment Seals	2,000m ²	\$3,200	\$3,535	\$3,716.80
Precoat Aggregate	1,100 m ³	\$10,186	\$11,792	\$12,386
10mm sealing aggregate	40,000 m ²	\$31,200	\$44,000	\$46,000
14mm sealing aggregate	35,000 m ²	\$27,300	\$38,500	\$40,250
Mobilisation/ Demobilisation	1	\$17,000	\$21,700	\$22,785
Total		\$181,102	\$222,911	\$233,720.80

The comparison table above indicates a rate increase varying from 8% to 41% over the 3 month extension period, and 13% to 48% over the 12 month extension period. The total comparison cost increased by 23% for the 3 month period and 29% for the twelve month period.

The very high increases in costs are likely to be caused by fuel and materials costs and the costs associated with accommodation in Port Hedland. The global increase in crude oil costs has significantly affected this industry, thus resulting in the submitted prices. Aggregate prices are determined by local quarry costs. It is likely that these costs will continue to increase over the next year,

therefore it is recommended to extend contract 06/33 for a twelve (12) months to avoid further increases over this period.

Attachments

Nil

Council Decision – En Bloc Resolution No. 1

That Council awards the extension of Contract 06/33 for Supply and Delivery of Aggregate and Spray Bitumen Surfacing to Boral Asphalt (WA) as per the following schedule of rates for the period 1 July 2008 to 30 June 2009:

Description (Aggregate)	Rate (period ending 30th June 2009)
14mm Aggregate (per T)	
a) Ex 6 Mile	\$68.33
b) Ex Plant	\$56.70
c) Ex Wedgefield	\$67.18
10mm Aggregate (per T)	
a) Ex 6 Mile	\$79.36
b) Ex Plant	\$68.35
c) Ex Wedgefield	\$78.20
7mm Aggregate (per T)	
a) Ex 6 Mile	\$80.46
b) Ex Plant	\$69.46
c) Ex Wedgefield	\$79.31
5mm Aggregate (per T)	
a) Ex 6 Mile	NA
b) Ex Plant	NA
c) Ex Wedgefield	NA
Dust (per T)	
a) Ex 6 Mile	\$20.93
b) Ex Plant	\$9.93
c) Ex Wedgefield	\$19.77
Rock Spalls (per T)	
a) Ex 6 Mile	\$49.59
b) Ex Plant	\$38.59
c) Ex Wedgefield	\$48.44
Delivery charges to other sites (per km)	\$0.195
Stockpile (loose) cubic metres to dry tonnes of crush aggregate (density) (T/m³)	
a) 14mm	1.68
b) 10mm	1.66
c) 7mm	1.63
d) 5mm	NA
e) Dust	1.95

Description (Spray Bitumen Surfacing)	Rate (period ending 30 th June 2009)
Primer to AMCO 55/45 (\$/L)	
a) 0-2000L	\$8.93
b) 2001-5000	\$1.57
c) 5001-15000	\$1.21
d) 15001-30000	\$1.18
e) >30000	\$1.13
Medium-Heavy Primer AMC3 80/20 (\$/L)	
a) 0-2000L	\$8.82
b) 2001-5000	\$1.70
c) 5001-15000	\$1.17
d) 15001-30000	\$1.13
e) >30000	\$1.09
Binder 100/00 with adhesion agent (\$/L)	
a) 0-2000L	\$8.84
b) 2001-5000	\$1.68
c) 5001-15000	\$1.10
d) 15001-30000	\$1.08
e) >30000	\$1.04
Additives (\$/L)	
a) 5% Polymer	\$0.88
b) 7% Polymer	\$1.01
c) 10% Polymer	\$1.05
d) 15% Polymer	\$1.10
Enrichment Seals	
a) 0-2000L	\$9.03
b) 2001-5000	\$1.84
c) 5001-15000	\$1.23
d) 15001-30000	\$1.23
e) >30000	\$1.20
Precoat Aggregate	
a) 0-20m3	\$75.44
b) 21-50m3	\$45.97
c) 51-150m3	\$20.43
d) >300m3	\$11.26
7mm Medium Primer Coat	
a) 0-2000m2	\$8.93
b) 2001-5000	\$2.78
c) 5001-15000	\$1.26
d) 15001-30000	\$1.15
e) >30000	\$1.15
10mm Aggregate Sealing	
a) 0-2000m2	\$8.93
b) 2001-5000	\$2.78
c) 5001-15000	\$1.26
d) 15001-30000	\$1.15
e) >30000	\$1.15

14mm Aggregate Sealing	
a) 0-2000m2	\$8.93
b) 2001-5000	\$2.78
c) 5001-15000	\$1.26
d) 15001-30000	\$1.15
e) >30000	\$1.15
Protection of kerbs (per linear metre)	\$3.15
Mobilisation	\$11,392.50
Demobilisation	\$11,392.50
Basic cost per litre for Class 170 Bitumen at Contractors point of supply	\$0.87 at 15deg
Basic cost per litre for power kerosene at Contractors point of supply	\$1.29 at 15deg
Basic cost per litre for precoat material at Contractors point of supply	\$1.23 at 15deg
Frequency of visits to Port Hedland	As required
Early payment discount	Nil

CARRIED BY EN BLOC RESOLUTION NO.1

NOTE: Council determined to resolve the Officer's Recommendations for the following Agenda Items:

11.3.2.2 'Contract Extension – 06/24 Supply and Delivery of Asphaltic Concrete';

11.3.2.3 'Contract Extension – 06/26 Construction of Extruded Concrete Kerbing'

11.3.2.4 'Contract Extension – 06/27 Plant Hire'

11.3.2.5 'Contract Extension – 06/28 Provision of Freight Services'

11.3.2.6 'Contract Extension – 06/33 Supply and Delivery of Aggregate and Spray Bitumen Surfacing'

en bloc.

The motion was moved by Councillor J E Ford, Seconded by Councillor S J Coates, and carried 9/0.

7:38 pm Councillor George J Daccache declared an impartiality interest in Agenda Item 11.3.3.1 'Policy Development: Rubbish Bin Allocation at Sporting Reserves' as his son plays for the Rovers Football Club. Councillor Daccache advised that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he will consider the matter on its merits and vote accordingly.

Councillor Daccache left the room.

11.3.3 Recreation Services**11.3.3.1 Policy Development: Rubbish Bin Allocation at Sporting Reserves (File No.: 23/03/0001)**

Officer Gaye Stephens
Executive Assistant

Date of Report 16 June 2008

Disclosure of Interest by Officer Nil

Summary

An item for Council to review its Policy 6/008: Number of Rubbish Bins to be supplied at each Sporting Reserve, as requested by Councillor George J Daccache at the Ordinary Meeting of Council held in May 2008.

Background*History*

At its Ordinary Council Meeting on 27 June 2007 Council resolved as follows:

“...Council seek feedback from sporting groups on the proposed new Recreation Policy, as follows:

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

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

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

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

At its Ordinary Meeting held 27 June 2007, Council considered feedback received and resolved as follows:

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

The Town of Port Hedland shall provide a set number of rubbish bins at sporting reserves based on regular player numbers at a ratio of one (1) bin per 25 users. Any request for additional bins will be charged as per Council's Schedule of Fees and Charges."

Further information was provided to Council at its Ordinary Meeting held in June 2007, as follows:

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

This included responses such as:

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

Consultation

Nil

Statutory Implications

The adoption of appropriate policies is in accordance with Council's obligations under Section 3.1(1) of the Local Government Act 1995 as follows:

"3.1. General function

(1) The general function of a local government is to provide for the good government of persons in its district."

Policy Implications

This report provides Council the opportunity to review Policy 6/008: Number of Rubbish Bins to be supplied at each Sporting Reserve, which states:

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

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

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

Officer's Recommendation

For Council's consideration.

200708/225 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council amends its Policy "6/008: Number of Rubbish Bins to be supplied at each Sporting Reserve to read as follows:

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

The Town of Port Hedland shall provide the number of bins as requested by individual Sporting Clubs and deemed appropriate by the CEO or his nominated officer."

CARRIED 9/0

REASON: Council resolved an amendment to Policy 6/008 to ensure flexibility of the policy, and the allocation of an appropriate number of bins to individual Sporting Clubs as deemed appropriate.

11.4 GOVERNANCE AND ADMINISTRATION**11.4.1 Corporate Services****11.4.1.1 *Financial Reports to Council for Period Ended 31 May 2008 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Victoria Newton
Acting Manager Finance

Date of Report 16 June 2008

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activities of the Town to 31 May 2008, and to compare this with that budgeted for the period. With regard to the Town's Utility and Fuel Costs, a comparison is made with 2006/07.

Background**1. *Financial Statements***

Presented (see attachments) in this report for the financial period ended 31 May 2008, are the:

- Statements of Financial Activity – see Schedules 2 to 14;
- Notes (1 to 11) to and forming part of the Statements of Financial Activity for the period ending 31 May 2008;
- Review of Transaction Activity.

Note: Interest Rates for investments are selected from those provided by the following three financial institutions: National Australia Bank, BankWest, and the Australian and New Zealand Bank.

2. *Utility and Fuel Costs*

Presented in graph form (see attached), is the 2007/08 monthly water, power and fuel 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 25 June 2008 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 Nos		Value	Pages		Fund No.	Fund Name	Description
From	To		From	To			
CHQ18201	18254	\$144,732.53	1	9	1	Municipal Fund	
EFT21854	EFT22153	\$1,720,545.34	9	64	1	Municipal Fund	
PAY060508		\$215,576.39	64	64	1	Municipal Fund	
PAY200508		\$215,045.25	64	64	1	Municipal Fund	
	Municipal Total	\$2,295,889.51					
3001475	3001480	\$2,170.00	64	65	3	Trust Fund	
	Trust Total	\$2,170.00					
Sub-Total		\$2,298,069.51					
LESS: one-off pays:		-					
Total		\$2,298,069.51					

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 adopt 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 1–3 of 12. Schedule 2 being a Statement of Financial Activity
- Pages 4 to 12. Notes 3 to 9 which form part of the Statements of Financial Activity. Also Note 10 – May 2008 Bank Reconciliations.
- Pages 1 to 47. Detailed Financial Activity by Program.
- May 2008 Accounts for Payment
- Comparison Between 2006/07:2007/08 Utility & Fuel Costs

200708/226 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That:

- i) **the:**
 - **Statements of Financial Activity (represented by Schedules 2 to 14);**
 - **Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 31 May 2008; and**
 - **Review of Transaction Activity, as attached and/or presented be received;**
- ii) **graphic representation of the Town's energy, water and fuel use as attached be received; and**
- iii) **the list of Accounts paid to during May 2008 under Delegated Authority, as presented and/or attached be received.**

CARRIED 9/0

11.4.1.2 Public Open Space Reserve (File No.: ...)

Officer Matthew Scott
Director Corporate Services

Date of Report 19 June 2008

Disclosure of Interest by Officer Nil

Summary

For Council to approve the transfer of the balance of the Public Open Space (POS) Reserve to the Town of Port Hedland's Trust Account to become compliant with the requirements of Planning and Development Act 2005.

Background

For many years the Town of Port Hedland has been placing all contributions received in lieu of Public Open Space in the Public Open Space Reserve. The Town's auditors have advised the administration that these funds should actually be deposited in the Town's Trust Fund to comply with section 154A of the Planning and Development Act 2005. Though this can be achieved without affecting Council's municipal fund (as both are effectively separated funds), Council authorisation is required prior to utilising Reserve Funds.

Consultation Nil

Statutory Implications

Planning and Development Act 2005

"154. How money received in lieu of open space is to be dealt with
(1) All money received by a local government under section 153 is to be paid into a separate account of the trust fund of the local government established under section 6.9 of the Local Government Act 1995."

Local Government Act 1995

"6.8. Expenditure from municipal fund not included in annual budget
(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure^{3/4}
(a) is incurred in a financial year before the adoption of the annual budget by the local government;
(b) is authorised in advance by resolution; or*
(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required."*

Strategic Planning Implications Nil**Budget Implications**

Given that both the Reserve Fund and Trust Fund are fully cashed backed with their individual bank accounts, there is no direct impact on the Municipal fund. That being said to effect the transfer the funds must pass through the Municipal Fund, (Reserve → Municipal → Trust). To achieve this Council must approve a budget amendment increasing the Transfer **FROM** the POS Reserve and Transfer **TO** Trust.

POS Reserve balance is currently \$218,243.29.

Officer's Comment

The Planning and Development Act 2005 is a relatively new state Statute, and until the Auditors advice was received, the administration was not aware of this requirement. Council should note that this was not compliance issue in either the 2005/06 and 2006/07 Audit Report.

Given the funds (contributions) must be used for the purposes of Public Open Space, apart from where technically the funds are held, this transfer will have no affect on Council Operations.

200708/227 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J E Ford

That Council approves the transfer of the balance (\$ 218,243.29) of the Public Open Space Reserve to the Town of Port Hedland's Trust Account.

CARRIED BY ABSOLUTE MAJORITY 9/0

7:48 pm Councillor Jan E Ford declared a financial interest in Agenda Item 11.4.2.1 'Land Use Master Plan: Proposed West End Modifications' as she owns property affected by the proposed modifications to the Land Use Master Plan, and is a member of the West End Action Group.

Councillor Ford requested Council to consider allowing her to participate in the consideration of Agenda Item 11.4.2.1 'Land Use Master Plan: Proposed West End Modifications'.

Councillor Ford left the room.

200708/... Council Decision

Moved Cr A A Carter

Seconded: Cr G D Bussell

That Councillor Jan E Ford be permitted to re-enter the room and fully participate and vote on Agenda Item 'Land Use Master Plan: Proposed West End Modifications' being considered by Council.

LOST 3/5

11.4.2 Governance**11.4.2.1 Land Use Master Plan: Proposed West End Modifications (File No.:)**

Officer Chris Adams
Chief Executive Officer

Date of Report 17 June 2008

Disclosure of Interest by Officer Nil

Summary

While Council endorsed the Town's Land Use Master Plan (LUMP) in December 2007, the West Australian Planning Commission is yet to provide its endorsement. The key issue of concern is the proposed management of the planning conflicts within the 'West End'.

Changes to the text within the LUMP are recommended to accommodate the needs/desires of various government departments, whilst attempting to ensure that the needs and wishes of private property owner are both respected and protected. By making these changes it is anticipated that WAPC endorsement is more likely.

Background

The LUMP aims to set the land use planning direction for the Town of Port Hedland for the next 10-15 years. The plan was developed after a very extensive 20 month community engagement process. While many issues were raised during the development of the LUMP, the key issue of concern that remained difficult to resolve was how to appropriately manage the potentially conflicting uses of industry/port growth and the residential development wants/needs of land owners in the West End of Port Hedland.

During the LUMP process a variety of options for the future use and development of West End land were canvassed. While alternatives were put, no agreed consensus position was reached as none of the proposed solution met the needs/wants of the Department of Health, Department of Environment, Department of Planning and Infrastructure, Department of Industry and Resources, LandCorp, the Town and/or Port Hedland residents. Given this, and the fact that further studies were being undertaken on the West End, Council's adopted position essentially was *'no change at the moment until we have further information'*. This essentially meant that Council would continue to utilize the planning controls that exist within the Town Planning Scheme No. 5.

In early 2008 a Cumulative Impact Assessment Study was completed by DEC/DOIR.

This study aimed to identify the potential impacts of growth on the community with specific reference to dust, noise, air quality, odour, risk and light.

While the report is yet to be formally released, Council has been advised that:

- Dust levels in the West End exceed the recommended ambient criteria of 50ug/m³ with the readings varying from 70 – 300ug/m³.
- With changes in crushing and screening processes, it is projected that the dust footprint from the Port/Nelson Point will reduce, with the 70ug/m³ contour line moving west from the Civic Centre to Taplin St (approximately).
- While the dust footprint is projected to reduce, areas of the West End will remain above 50ug/m³.
- Increases in trucking and shipping movements into Port Hedland are likely to increase the levels of nitrogen oxide and sulphur oxide in the air. Planning controls will need to be implemented by Main Roads, the Port Authority, the Council and others to adequately address this issue.
- Increased trucking and industry related noise means that the noise is expected to increase by up to 3dba in the West End.
- The Department of Health has indicated that young and older people who live in the West End face a marginal increase in respiratory related hospitalizations. Given this, the Department is recommending that planning controls be instigated that discourage occupancy in this area by these particular groups. As it is a cumulative impact (as opposed to an acute impact), the Department is advising that longer term residency should also be discouraged.

Given this feedback, further discussions have been held with the relevant stakeholders to determine an appropriate way forward. The proposed direction is a three-tiered planning approach. This is briefly explained below:

Tier One – Land Use Master Plan

It is proposed to modify the wording in the LUMP to reflect current knowledge and indicate proposed planning solutions. The LUMP would include broad policy statements and directions on appropriate future land uses and developments in the West End. (This report addresses the proposed wording changes to the LUMP)

Tier Two – Planning Scheme Control

It is proposed to develop a new West End Residential Development Town Planning Zone comprising the residential land that is West of Taplin St. This area is currently zoned residential with R30 and R50 density codings prevailing. The proposed new zoning would specify certain uses that would not be allowed within that area including schools, child care facilities and aged care facilities.

Residential dwellings would be permitted but single houses would be discouraged to make it less attractive for families and elderly people to living in the area and more attractive for working-aged people to live there. Existing houses would retain 'additional use' rights meaning that they could remain. The density coding would be changed to a minimum of R30 to encourage higher density housing. To further discourage family style accommodation within this area it is proposed to place restrictions on the maximum internal floor area (110m²) and number of bedrooms per dwelling (2 bedrooms). Scheme amendment documentation is currently being drafted. Comprehensive community consultation will be undertaken as a component of the Scheme amendment process.

Tier Three – Design Guidelines: Local Planning Policy

A local planning policy would be developed to address issues of dust, noise and amenity. Like the Residential Design Codes these would include Acceptable Development and Performance Criteria standards.

Proposed Changes to the LUMP

The Land Use Recommendations within the LUMP pertaining to the West End/Cemetery Beach are reasonably detailed (totaling 2900 words). A marked up version detailing the proposed wording changes to the LUMP has been appended to this report but essentially the key changes are to explain the proposed three tiered planning approach and include broad planning policy statements and principals that essentially say:

Overall Planning Outcome

- The Port of Port Hedland will continue to grow and will become one of the largest ports in the World. Sustainable Port growth should be encouraged.
- The West End of Port Hedland is the historical heart of the Town of Port Hedland. The proximity of the West End to the ocean, restaurants, retail and industry itself makes it a desirable place to live, visit and/or recreate for many people.
- The growth of both the Port and other non-industrial uses within the West End does create unique planning issues, but the implementation of innovative solutions by industry, the Port Authority and the Town can ensure that these uses can cohesively grow together in the future.

Policy Principals: Resource Growth – Managing and Minimising Impacts

- Future resource industry and port growth should aim to have little or no impact on adjacent residential, commercial and industrial properties.
- Future resource and port industry growth plans must adequately demonstrate that reasonable care is being taken to ensure that this principal is adhered to.

Policy Principals: Town Planning Action

- Action need to be taken to address existing industry impacts on the residential, industrial and Town Centre areas West of Taplin St.
- While health and amenity impacts cannot solely be controlled by subdivision and density control, town planning can control the types of uses that are encouraged and discouraged in the West End. Land use controls should be implemented that:
 - Discourage permanent occupation of the West End area by very young and very old people.
 - Add vibrancy to the area by encouraging tourism, entertainment and retail experiences
 - Maximise opportunity for the area to be occupied by working-aged people.
 - Ensure that all land owners and land occupiers that use the area are aware of the noise, dust and air quality issues and associated risks.
- Controls that are recommended to be developed include:
 - The Development of a New West End Residential Development Zone within the Town Planning Scheme that specifies the type of uses that are permitted and not permitted within area.
 - Changing the R coding in the area to a “Minimum of R30” to encourage smaller housing units.
 - Placing a maximum internal floor area of 110m² per dwelling to restrict the development of large houses.
 - Placing a limit of 2 bedrooms per dwelling to restrict family style housing.
 - Providing ‘additional use’ rights to approved existing single residential housing units (upon application) but making a single house an ‘X’ use (i.e. not permitted) under the proposed new West End Residential Development Zone.
 - Developing and adopting Residential Design Guidelines for the new Zone under the Town Planning Scheme that address the issue of dust mitigation, noise mitigation and amenity.
 - Ensuring that notices are placed on titles to alert land owners and tenants of the Department of Health’s recent report on potential health impacts of dust.

Consultation

Extensive community consultation was undertaken during the development of the LUMP including several community workshops, information sessions and meetings.

More recently meetings have been held with senior representatives from all of the relevant Departments to discuss an appropriate way forward. All Departments have indicated 'in principle' support for the three-tier planning solution.

This issue has been raised with both the Minister for the Environment and Minister for Planning and infrastructure during recent visits to Port Hedland.

A meeting has been scheduled with the West End Action Group to discuss this proposal prior to Council considering this report. As this meeting is yet to be held, Council will receive a verbal report on the outcomes of these discussions at the Council meeting.

Statutory Implications

The LUMP has been developed as a Local Planning Strategy for the Town. Under the Town Planning Amendment Regulations 1999, it is compulsory to develop a Local Planning Strategy prior to the statutory review/development of a new Local Planning Scheme (previously called a Town Planning Scheme).

Policy Implications

The LUMP is Council's first Local Planning Strategy. It sets the land use policy directions for the future and is the precursor to the development of Local Planning Scheme No. 6.

Strategic Planning Implications

KRA 4 – Economic Development,
Goal Number 5 – Town Planning & Building
Strategy 1 – Work with key stakeholders to ensure that the Land Use Master Plan is implemented.

Budget Implications

Nil

Officer's Comment

Resolving the land use conflicts in the West End has proven to be very challenging with vastly conflicting views on what should be done (if anything) to address the situation. As listed below, the solution proposed would seem to address the needs and wants of all of the stakeholders and interested parties:

West End Residents: Existing residents retain security of tenure with 'Additional Use' rights provisions. Current development rights are retained through the ability to subdivide their lots (with some limitations)

Department of Health/Department of Environment: Planning controls are introduced that actively discourage the occupation of residential property in the West End by families and the elderly – groups that have been identified as being at a higher risk. Densification is likely to lead to a higher percentage of renters (as compared to owner occupiers) which is likely to lead to a more transient West End population. This assists in addressing the potential cumulative impact of prolonged exposure to dust in the West End.

Industry and Port: Plan recognises and supports the controlled growth and development of exports from Port Hedland.

Town of Port Hedland: Achieves a good Town planning outcome as much needed additional properties can be constructed and the existing West End Town centre has a future through additional vibrancy associated with more working-aged people living within close proximity to the Town centre.

Attachments

Marked up version showing proposed wording changes to the Land Use Master plan 'West End/Cemetery Beach Land Use Recommendations'

Officer's Recommendation

That Council advises the Department of Planning and Infrastructure and WAPC that the Town of Port Hedland:

- i) endorses the proposed three tiered approach to resolving the existing land use conflicts in the West End; and
- ii) supports the proposed modifications to the Draft Land Use Master Plan text in relation to the West End/Cemetery Beach Land Use Recommendations (as attached).

200708/228 Council Decision

Moved: Cr A A Carter

Seconded: Cr K A Howlett

That Agenda Item 11.4.2.1 'Land Use Master Plan: Proposed West End Modifications' lay on the table until a meeting has been held with the West End Action Group.

CARRIED 5/3

REASON: Council resolved for a meeting to be held with the West End Action Group prior to considering this item.

7:58 pm Councillor Steve Coates left the room.

7:58 pm Councillor Jan Ford re-entered the room and assumed her chair.

Mayor advised Councillor Ford of Council's decision.

7:58 pm Councillor Kelly Howlett left the room.

7:59 pm Councillor Steve Coates re-entered the room and assumed his chair.

ATTACHMENT TO AGENDA ITEM 11.4.2.1

3.6 West End/Cemetery Beach

For the purposes of the Land Use Master Plan, the West End is defined as the area from the Port to ~~the Old Hospital~~ Taplin Street, and Cemetery Beach is the area from the

hospital to the water tower and Council offices on McGregor Street, including part of the racecourse. Although quite different in character, these sections of the town are considered together because they are functionally interdependent, with changes in either area significantly impacting the other. They are also the section of the town most affected by proximity to the industrial activities of the Port.

The West End is the oldest part of the town, containing the original town centre and most of the heritage sites that demonstrate some of the aspects of life in Port Hedland before mining. Today, this area is dominated by industrial uses and offers the best vantage points for viewing the mysterious machinery of mining at work and the huge ore carriers entering and leaving the harbour. The price of such a dramatic setting, however, is dust, and planning for the future of the West End and Cemetery Beach is inevitably focused on the issue of what kinds of development are appropriate for an area adjacent to one of the world's largest bulk materials handling ports.

For direction on this issue, the Land Use Master Plan turned to the Department of Health that has been monitoring the health impacts of air quality levels in Port Hedland for some time. From a recent analysis of hospitalisation data⁹, the Health Department has concluded that there is a small but significant increase in the incidence of hospitalisations in areas west of the Old Hospital site. With respect to land use, the Department has strongly urged the Town of Port Hedland to take appropriate rezoning actions to reduce housing density in this area reduce the likelihood of long term tenure within housing in this area, particularly by young people and the elderly as these groups have been identifies as being at higher level of risk of respiratory related hospitalisation. By "housing", the Department is specifically concerned about permanent accommodation, and has confirmed that its recommended restriction does not apply to tourist or short-stay accommodation, or to any of the commercial or entertainment uses that are typically found in a town centre.

From this conclusion, the Land Use Master Plan proceeded on the assumption that the historic downtown could remain the commercial centre of the West End/Cemetery Beach area — a concept strongly endorsed by the Steering Committee and community participants. To expand as a more vibrant and attractive location, however, it was recognised that without the activity generated by in-town housing and adjacent higher density residential areas, the historic downtown area had limited opportunity to achieve the lively, mixed-use character of an economically robust, full service "town centre". Furthermore, the location of the historic area at the far west end of the coastal strip is distant from the bulk of the population and not immediately visible to tourists and business travellers.

The planning process therefore considered several alternatives for the location of a new town centre in the West End/Cemetery Beach area, including the Old Hospital site and the area around The Boulevard shopping centre.

Old Hospital area

With its relatively high elevation, grand views of the coast and immediate access to the Spoil Bank, the Old Hospital occupies an extraordinary site with dramatic development potential. The new hospital in South Hedland is expected to be completed in 2010, making the coastal site available in a relatively short time frame. Plans are also progressing for development of a new marina on the west side of the Spoil Bank which will add a significant attraction to the area. In addition, there is a large vacant site immediately east of the hospital which has recently been released as a Hotel development site. -and sSignificant development opportunities also exist in undeveloped land between Moore and Anderson Streets to the east.

A concept sketch of a possible town centre layout in this area (Figure 26) shows the excellent opportunities for an ocean-front development, with strong connections to the proposed marina and recreation areas of the Spoil Bank; hotel, restaurant and high density residential development lining a waterfront promenade; a mall of mixed retail and office uses with good visibility from the Anderson Street entry; and supporting medium density residential development on the Moore Street sites. The chief drawback of this location as a new town centre is its limited north-south dimension and the lack of opportunities for future expansion. The development would also have significant impacts on downtown and The Boulevard, drawing activity away from the already struggling commercial uses in these areas.

As a hotel and residential location, however, with the limited retail and restaurant uses typically associated with a high-end tourist facility, the area has no equal in Port Hedland. Moreover, with improved pedestrian access along the waterfront, it would support further recreational shopping, entertainment and cultural activities in the historic downtown.

With significant demand for increased short-stay accommodation and limited land specifically zoned for tourism development on the coast, the Land Use Master Plan recommends immediate development of a hotel complex on the vacant site adjacent to the Old Hospital. Although the site is considerably larger than necessary for a major hotel, the amount of permanent residential development included in the project should not compromise the tourism priority of the area which should be maintained in future redevelopment of the Old Hospital site itself.

Although development of the vacant site should proceed as soon as possible, the Land Use Master Plan recommends establishing a Special Control District over the Spoil Bank, the Old Hospital area (from Howe to Acton Streets, north of Anderson Street), and along the waterfront, from Marrapikarinya Park to Cemetery Beach Park (see Figure 30). A detailed Structure Plan should be prepared for this area to ensure the successful integration of the waterfront and land-side development, creating a significant tourism location while maintaining appropriate public access for the whole Port Hedland community. This Structure Plan will detail appropriate uses for the Spoil Bank and establish guidelines for the density and character of development, public access, and the control of potential environmental impacts, including the effects of artificial lighting on sensitive turtle nesting areas.

Design criteria for development of the area should include recognition of its heritage elements, including interpretation of the history of the original hospital, and preservation of the Tamarind Tree and limestone ridge which have significance to Aboriginal people. Functional connections to the West End should be emphasised, with pedestrian and bicycle paths developed along the coast and tourist information about cultural and entertainment attractions in the West End.

Primary access to the area is to be from Sutherland and Anderson Streets.

Non-industrial traffic should be encouraged, through signage and intersection improvements, to exit Wilson Street at McGregor, Coolinda or Short Streets to avoid conflicts with industrial vehicles servicing the Port or BHP Billiton facility.

The Boulevard area

The advantages of this area for a new town centre include its location at the centre of the coastal neighbourhoods and its visibility from Wilson Street as the entry to the coastal section of Port Hedland. Maximising this opportunity will most likely require relocation of the racecourse to create a large development area. Opportunities for a new town centre at the McGregor and Wilson Street intersection were explored in three potential growth scenarios, from minor additions to the existing shopping centre, to moving the racecourse to create a significant mixed-use development site.

Option 1

The most modest of these scenarios leaves the racecourse in its present location and uses the available land between the racecourse and McGregor Street for mixed retail and office development, with similar uses developed along the McGregor Street frontage of the existing shopping centre. These commercial uses could also be supported by townhouse or live/work residential units on the strip of Crown land north of shopping centre and the adjacent church, along Anderson Street. This scenario is similar to renovation and expansion concepts already floated by the owners of The

Boulevard and could proceed almost immediately.

Option 2

The second option moves the racecourse to the east to free up land for a more extensive mixed-use development on a new pedestrian-oriented street parallel to Wilson Street. In this alternative, Anderson Street is continued east to offer a new entry to town for light traffic on Wilson Street; a new townhouse or garden apartment neighbourhood is developed in the area made available on the south side of McGregor Street, overlooking the racecourse; and land for more extensive residential development west of the shopping centre is created by relocating the church to a more prominent position closer to Wilson Street.

While participants were sceptical about the (mostly political) practicality of moving the racecourse, there was strong support for development of a more attractive entry to the town on Anderson Street. This could also be achieved through the Don Rhodes Mining Museum Park west of The Boulevard, or by realigning Coolinda Street.

Option 3

The third option moves the racecourse as far east as possible to create a large "clean-slate" site for a comprehensive new town centre, including extensive residential development of various types, a significant amount of retail and office development around a public square, and extension of the main entry to Lukis Street to create a route for light traffic into town along the waterfront. This option received little support and was generally considered unrealistic in light of Port Hedland's anticipated population growth. The final conclusion on The Boulevard area was that aspirations for its future as the town centre of the coastal area of Port Hedland were probably impractical, but it is important as a convenience centre, particularly for residents of Cooke Point and Pretty Pool and travellers entering and leaving town. The consensus approach therefore, is to support renovation and expansion of the existing shopping centre, along the lines of Option 1, but designed in such a way as to allow future expansion, particularly the extension of Anderson Street as the new main entry into town. Moving the racecourse to the east is also considered an important future opportunity, making valuable land available for further commercial or mixed-use development, or for an unanticipated institutional use such as a private school or university campus. From the above investigation of options for a new town centre, the Steering Committee concluded that instead of a traditional town centre as the single focus of commercial and entertainment activities, the coastal area of Port Hedland is better positioned to support a series of complementary activity nodes: a convenience centre at The Boulevard, a tourist and outdoor recreation centre in the Old Hospital/Spoil Bank area, and a mixed commercial district focusing on cultural, entertainment and tourism activities in the historic downtown.

Downtown

The recent renovation of the Courthouse Gallery and landscape improvements in the surrounding area have stimulated confidence in the potential of the historic downtown to become a more active and attractive area for both residents and tourists. A new restaurant is opening up on Edgar Street, opposite the gallery, the lunch trade on Wedge Street is improving, and various ideas have been floated for new attractions such as a marine interpretive centre, and facilities that provide better opportunities for viewing port activities, highlighting the Indigenous heritage of the area, and explaining the histories of mining and the pastoral industry.

The Land Use Master Plan's approach to building on these promising trends is to expand the boundary of the existing town centre zoning to Withnell Street to encourage further retail, entertainment and arts-related uses in the area. While [further](#) permanent

residential uses would not be permitted without Council approval, tourist and transient workers' accommodation will be encouraged to increase pedestrian activity levels in the area, particularly at night, and support the development of a wider variety of commercial uses and cultural and night-time entertainment venues.

A detailed Structure Plan for the expanded town centre zone should be prepared, establishing a strong urban design structure for the area and showing how new

and existing development is to be integrated into a comprehensive network of public open spaces, pedestrian connections and improved streets. Detailed design guidelines should also be developed, mandating elements such as double-glazed windows and doors, exterior materials and colours.

Residential zoning

With the concept of the three activity nodes established in the West End/ Cemetery Beach area, what remains is the issue of appropriate densities for the residential areas between them.

Currently, the area west of the Old Hospital site is zoned R12.5/50, and the area to the east is R12.5/30. A split coding was developed because of the lack of deep sewer connections in this area and only properties that can provide adequate on-site septic systems are permitted to develop at the higher density code. The Department of Health has advised the Town of Port Hedland, however, that no further on-site septic systems will be permitted for residential development beyond single dwellings on land not serviced by reticulated sewer. Water Corporation is proposing to connect all properties in this area to mains sewer by the end of 2010.

In contrast to the existing zoning that permits higher residential densities in the West End, the Health Department has recommended that planning controls be implemented to minimise the opportunity for elderly and very young people to reside in the area West of Taplin St. Additionally they have recommended that measures be implemented that encourage shorter term stays in the West End. recommends that residential density be decreased

west of the Old Hospital site. The Department of Environment and Conservation (DEC) and the Department of Industry and Resources (DOIR) also support this position

and recommend that the land west of the Old Hospital be rezoned to reduce the total number of permanent residents.

The Port Hedland community, however, has consistently stated its preference for higher density (R50) development in the West End, to increase activity levels and enhance the commercial viability of both the historic downtown and the proposed new tourist node in the Old Hospital/Spoil Bank area.

Adopting the Health Department and DOIR's position as stated discounts the community's input through the consultation process and will disadvantage property owners west of ~~the hospital~~ Taplin St. On the other hand, ignoring the recommendations of these key government agencies may result in rejection of the Land Use Master Plan by the WA Planning Commission.

In searching for a solution to this dilemma, a variety of alternatives were discussed for the residential area west of the Old Hospital, including:

- Maintaining the existing maximum density at R50, but only allowing 1- and 2-bedroom units suitable for younger households without children.
- Reducing the maximum density to R30, with a maximum unit size of 3-bedrooms and only one 3-bedroom unit permitted per lot.

Changing the zoning to R12.5/30, with R30 achievable only in 1-bedroom units.

- Abandoning the R-codes in favour of a bedroom-yield approach where the total number of bedrooms permitted on a site is calculated according to a formula that will result in an overall reduction in the number of people living in the area. For example, under a formula of 1 bedroom per 200 square metres of site area, a site of 1,200 square metres would support a total of 6 bedrooms, developed in units of any type.
- Reducing the zoning, with compensation for affected property owners.
- Doing nothing until the results of current studies are available to clarify the health risks imposed by dust levels in the West End.

After extensive discussion of these alternatives, the Steering Committee decided to delay any recommendation on zoning for the residential area in the West End until such time that further information became available. The cumulative impact assessment report was completed in early 2008 with the results indicating (in summary):

- Dust levels in the West End exceed the recommended ambient criteria of 50ug/m³ with the readings varying from 70 – 300ug/m³.
- With changes in crushing and screening processes, it is projected that the dust footprint from the Port/Nelson Point will reduce, with the 70ug/m³ contour line moving west from the Civic Centre to Taplin St (approximately).
- While the dust footprint is projected to reduce, areas of the West End will remain above 50ug/m³.
- Increases in trucking and shipping movements into Port Hedland are likely to increase the levels of nitrogen oxide and sulphur oxide in the air. Planning controls will need to be implemented by Main Roads, the Port Authority, the Council and others to adequately address this issue.

The report recommended:

- > An agreed framework for the future development of Port Hedland
 - o Focusing on high level strategic planning
 - o Clear objectives for future land development across Port Hedland
 - o Management and monitoring of cumulative environmental impacts arising from a combination of port operations and associated activities.
 - o Supported by an environmental and community health policy that provides clarity on the acceptable environmental standards to be achieved in the area, both now and into future
 - o Supported by planning strategies that reduce the likelihood of placing people in this west end location for any extended period of time are pursued or supported
 - o A long-term strategic management plan for the predicted significant increase in road traffic needs to be developed, taking into account risk, noise and air quality amongst other factors.

Based on these findings a group involving the Department of Planning & Infrastructure, Department of Environment, Department of Industry & Resources, Department of Health, Landcorp and the Town of Port Hedland met to discuss an appropriate direction forward. It was agreed that a three-tiered planning approach would be undertaken. This involved:

Tier One – Land Use Master Plan

Changing the wording within the LUMP to reflect current knowledge and indicate proposed planning solutions. The LUMP should include broad policy statements and directions on appropriate future land uses and developments in the West End.

Tier Two – Planning Scheme Control

A new West End Residential Development Town Planning Zone should be comprising the residential land West of Taplin St to Withnell St. The proposed new zoning would specify certain uses that would not be allowed within that area including schools, child care facilities and aged care facilities. Residential dwellings should be permitted but single houses should be discouraged to make it less attractive for families and elderly people to living in the area and more attractive for working-aged people to live there. Other controls such as dwelling size limitations and bedroom number restrictions should also be included within the scheme amendment for this new zone.

Tier Three – Design Guidelines: Local Planning Policy

A local planning policy should be developed and adopted under the Town Planning Scheme to address issues of dust, noise and amenity. Like the Residential Design Codes these should include Acceptable Development and Performance Criteria standards.

Given the above approach, the policy principals and planning guidelines are recommended for the residential area between Withnell St and Taplin St.

Overall Planning Outcome

- The Port of Port Hedland will continue to grow and will become one of the largest ports in the World. Sustainable Port growth should be encouraged.
- The West End of Port Hedland is the historical heart of the Town of Port Hedland. The proximity of the West End to the ocean, restaurants, retail and industry itself makes it a desirable place to live, visit and/or recreate for many people.
- The growth of both the Port and other non-industrial uses within the West End does create unique planning issues, but the implementation of innovative solutions by industry, the Port Authority and the Town can ensure that these uses can cohesively grow together in the future.

Policy Principals: Resource Growth – Managing and Minimising Impacts

- Future resource industry and port growth should aim to have little or no impact on adjacent residential, commercial and industrial properties.
- Future resource and port industry growth plans must adequately demonstrate that reasonable care is being taken to ensure that this principal is adhered to.

Policy Principals: Town Planning Action

- Action needs to be taken to address existing industry impacts on the residential, industrial and Town Centre areas West of Taplin St.
- While health and amenity impacts can not solely be controlled by subdivision and density control, town planning can control the types of uses that are encouraged and discouraged in the West End. Land use controls should be implemented that:
 - Discourage permanent occupation of the West End area by very young and very old people.
 - Add vibrancy to the area by encouraging tourism, entertainment and retail experiences
 - Maximise opportunity for the area to be occupied by working-aged people.
 - Ensure that all land owners and land occupiers that use the area are aware of the noise, dust and air quality issues and associated risks.
- Controls that are recommended to be developed include:
 - The Development of a New West End Residential Development Zone within the Town Planning Scheme that specifies the type of uses that are permitted and not permitted within area. Uses that encourage young people, and old people to live or spend significant time periods in the 'West End' should be discouraged.
 - Changing the R coding in the area to a "Minimum of R30" to encourage smaller housing units.
 - Placing a maximum internal floor area of 110m² per dwelling to restrict the development of large houses.
 - Placing a limit of 2 bedrooms per dwelling to restrict the development of family style housing.
 - Providing 'additional use' rights to approved existing single residential housing units (upon application) but making a single house an 'X' use (ie. not permitted) under the proposed new West End Residential Development Zone.
 - Developing and adopting Residential Design Guidelines for the new Zone under the Town Planning Scheme that address the issues of dust mitigation, noise mitigation and amenity.
 - Ensuring that notices are placed on titles to alert land owners and tenants of the Department of Health's recent report on potential health impacts of dust.

~~west of the Old~~

~~Hospital, pending the results of two studies underway on this topic: the Cumulative Impact Assessment Study coordinated by DOIR, and the final report on the Port Hedland Health Study coordinated by the Department of Health. Both of these studies are expected to be completed by the end of 2007.~~

~~There are three possible eventualities on publication of the study results:~~

~~▲ If a significant health risk is confirmed, it is likely the Steering Committee will recommend adoption of a bedroom yield approach to limit the number of people living in the West End.~~

~~▲ If the risks are eliminated, the existing density will be retained, or the Committee may recommend increasing the zoning to encourage a higher density of residential use in support of retail and entertainment functions in the historic downtown and the proposed tourist node in the Old Hospital/Spoil Bank area.~~

~~▲ If the studies are inconclusive, it is likely the Steering Committee will recommend leaving the zoning as it is until sufficient evidence is produced to make a change. In this event, the Town of Port Hedland should investigate the possibility of attaching an acknowledgement of potential health risks to the title of properties sold or leased in the affected area, similar to the Section 70A Notification on Title currently required for all planning approvals granted in this area. In the area east of the hospital, from Acton to Stevens Street, the Land Use Master Plan recommends changing the zoning from R12.5/30 to R12.5/50, with the lower coding to be deleted when reticulated sewerage is available. An increase in density in this area capitalises on the special recreation opportunities of the Spoil Bank and supports tourist development of the Old Hospital and the adjacent vacant site.~~

For the area from Stevens to Crawford Street, the Plan recommends changing the zoning from R12.5/30 to R12.5/80, with the lower coding deleted with the availability of reticulated sewerage, as above. Additional density in this area is warranted by its proximity to commercial and recreation facilities, and the redevelopment potential of several large waterfront sites, including the All Seasons and Great Western hotels and the site of the Council offices. This provision, however, does not commit any of these major sites to residential development, nor does it supercede any requirements to mitigate the impacts of multi-storey buildings on turtle nesting areas.

11.4.2.2 Port Hedland Enhancement Scheme – Funding Allocations for Endorsement

Officer Chris Adams
Chief Executive Officer

Date of Report 17 June 2008

Disclosure of Interest by Officer Nil

Purpose

To seek Council endorsement for an additional allocation from the Port Hedland Enhancement Scheme fund to finalise the project to upgrade the Cemetery Beach and Pretty Pool Parks and the Oceanside of the Civic Centre and the reallocation of funds from existing Scheme projects as recommended by the Port Hedland Enhancement Scheme Steering Group at a meeting held on 5 May 2008.

Background

At a Port Hedland Enhancement Scheme held on 5 May 2008, the Steering Group agreed to recommend the following funding allocations to the Minister for the Pilbara and the President Iron Ore, BHP Billiton:

1. Park Upgrades

The original approved budget for the project to upgrade Cemetery Beach and Pretty Pool Parks and the Oceanside of the Civic Centre was \$2,803,550 including all fees.

As a result of a number of variations to the original upgrade designs during the life of the project and unavoidable delays, the project has incurred additional costs.

With the recent fitting of the lighting in the parks, the project is now completed at a final cost of \$2,923,069.17. The Steering Committee agreed to recommend to the Minister for the Pilbara and President Iron Ore BHP Billiton that a final allocation of \$119,519.17 be approved from the Scheme fund to cover the additional costs associated with the project which include soft fall in the playground areas, signage, an Indigenous Heritage survey and some required variations to the construction contract.

2. Spoilbank Masterplan

An amount of \$1m was previously approved from the Scheme fund and allocated to the Town of Port Hedland to progress the first stage of the Spoilbank Masterplan which includes the construction of a rock groyne to deter ongoing build up of sand in the Yacht Club basin.

The Spoilbank Steering Group is waiting on the consultant to undertake some additional works to finalise the cost estimates for the first stage of the Spoilbank project, which are expected to exceed \$7m. The CEO of the Town of Port Hedland, Mr Chris Adams advised that the Council has been in discussion with LandCorp regarding the development of the Port Hedland Hospital site once it is vacated in 2010 (expected completion date for new hospital in South Hedland). LandCorp may consider offering the site as a "precinct development" that would require interested developers to incorporate a marina development on the Spoilbank, adjacent to the hospital site.

Given that the estimated cost of the first stage of the Spoilbank project is likely to exceed the available funding and the possibility of this work being incorporated into a "precinct development" as part of the redevelopment of the Port Hedland site, the Steering Group agreed to recommend to the Minister for the Pilbara and the President Iron Ore BHP Billiton that an amount of \$700,000 from the \$1m Spoilbank funding be redirected to enable other projects that are currently being developed on the Spoilbank to be completed as follows:

- the Yacht Club upgrade (\$300,000)
- improvements to the RSL facility (\$400,000).

The Steering Group also agreed to recommend that the Town of Port Hedland hold the balance of the funds to cover the cost of the ongoing design and preparatory works associated with the Spoilbank Masterplan project.

3. *Old Pioneer Cemetery*

An amount of \$100,000 was previously approved from the Scheme fund for the Old Pioneer Cemetery project which included a memorial wall, seating and signage. The Cemetery site is subject to a Section 18 under Indigenous Heritage legislation and the approval of the traditional owners is required to undertake any works at the site.

A representative from the traditional owner's group, Ms Dianna Robinson, advised the Commission verbally that approval will not be given for any works that may disturb the site. The Commission has written twice to the Pilbara Native Title Service over the past 12 months seeking written confirmation of this advice but has not received a response to date.

The Steering Group Members concurred that, given the above, this project would not progress and agreed to recommend to the Minister for the Pilbara and President Iron Ore BHP Billiton the following:

- that an amount of \$50,000 is retained to undertake some enhancement works on the road reserve outside the Cemetery boundary such as landscaping and fence repairs to improve the visual amenity of the site. This work would not encroach on the area covered by the Section 18.
- that the remaining \$50,000 be reallocated to assist with the cost to undertake the Scheme's Sutherland Street Activity Nodes project which is being managed by the Town of Port Hedland. Community consultation identified improvements along the Port Hedland foreshore as a priority of the Scheme with a particular focus on Sutherland Street recreation areas. The quote for the Sutherland Street activity nodes has come in over the original estimates and additional funds are required to complete the project.

4. Remaining Funds

Most funds from the Scheme have been expended on projects that are now completed or allocated to projects which are in progress. The Pilbara Development Commission is currently undertaking an internal audit to determine the amount of remaining Scheme funds which is not expected to be substantial.

Members agreed to recommend to the Minister for the Pilbara and President Iron Ore BHP Billiton that any funds remaining in the Scheme should be allocated to assist with the completion of the Sutherland Street Activity Nodes project.

Projects Update

The following Scheme projects have been completed:

- Upgrade of Cemetery Beach and Pretty Pool Parks and the Ocean side of the Civic Centre
- Sutherland and Richardson Street footpath extensions and foreshore link between Sutherland Street and the Civic Centre Park
- Replacement of Port Hedland Bus Shelters
- Shaded seating on Sutherland Street and Koombana Lookout
- Shade Beach Pergolas
- Refurbishment of the Port Hedland Cultural and Heritage Trail
- Port Hedland Enquiry by Design
- Town of Port Hedland Staff Housing Secure Parking and Storage
- Improvements to Wedge and Edgar Streets
- Performing Arts Stage
- Refurbishment of the Port Hedland Visitor Centre
- Development of the Spoilbank Master Plan

The following Scheme projects are in progress:

- Sutherland Street Nodes
- Stairway to the Moon Viewing Platform
- Relocation of old Miners Cottage to heritage precinct
- Old Port Hedland Cemetery upgrade
- CBD Banners

Funds have been allocated to the following projects that are being managed outside of the Scheme:

Completed

- Port Hedland underground power project
- Port Hedland Skate Park

In Progress

- Construction of new Port Hedland Yacht Club facility
- Port Hedland Boat Ramp Upgrade
- Colin Matheson Park Playground Shade
- Port Hedland Turf Club Grandstand facility

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

At a Port Hedland Enhancement Scheme held on 5 May 2008, the Steering Group agreed to recommend the following funding allocations to the Minister for the Pilbara and the President Iron Ore, BHP Billiton, as follows:

1. a final allocation of \$119,519.17 from the Scheme to cover the additional costs associated with the project to upgrade the Cemetery Beach and Pretty Pool Parks and the Oceanside of the Civic Centre
2. an amount of \$700,000 from the \$1m Spoilbank funding be redirected to the Port Hedland Yacht Club upgrade (\$300,000) and the project to refurbish the RSL facility (\$400,000).
3. an amount of \$50,000 from the \$100,000 funding for the Old Port Hedland Cemetery project be redirected to assist with the cost of the development of the Sutherland Street Activity Nodes with the remaining \$50,000 retained to undertake some enhancement works on the road reserve outside the Cemetery boundary such as landscaping and fence repairs to improve the visual amenity of the site

4. any funds remaining in the Scheme be allocated to assist with the completion of the Sutherland Street Activity Nodes project.

200708/229 Council Decision/Officer's Recommendation**Moved:** Cr A A Gear**Seconded:** Cr J M Gillingham

That Council endorses the Port Hedland Enhancement Scheme Steering Group's recommended funding allocations to the Minister for the Pilbara and the President Iron Ore, BHP Billiton, as follows:

- i) an amount of \$119,519.17 to cover the additional costs associated with the project to upgrade the Cemetery Beach and Pretty Pool Parks and the Oceanside of the Civic Centre prescribed in item 1.
- ii) an amount of \$700,000 from the \$1m Spoilbank funding be redirected to enable other projects that are currently being developed on the Spoilbank to be completed as prescribed in item 2.
- iii) an amount of \$50,000 from the \$100,000 funding for the Old Port Hedland Cemetery project be redirected to assist with the cost of the development of the Sutherland Street Activity Nodes with the remaining \$50,000 retained to undertake some enhancement works on the road reserve outside the Cemetery boundary as prescribed in item 3.
- iv) any remaining Scheme funds be allocated to assist with the Sutherland Street Activity Nodes project as prescribed in item for an allocation of \$100,000 from the Scheme Fund to the Town of Port Hedland to assist with the installation of replacement and new footpaths in the Port Hedland Townsite as prescribed in item 4.

CARRIED 8/0

- 8:00 pm Councillor George J Daccache declared a financial interest in Agenda Item 11.4.2.3 'Third Party Access to Rail Infrastructure' as he is a BHP Billiton Iron Ore employee and owns BHP Billiton shares. Councillor Daccache left the room.
- 8:00 pm Councillor Steve J Coates declared a financial interest in Agenda Item 11.4.2.3 'Third Party Access to Rail Infrastructure' as he is a BHP Billiton Iron Ore employee and owns BHP Billiton shares. Councillor Coates left the room.
- 8:00 pm Councillor Arnold A Carter declared a financial interest in Agenda Item 11.4.2.3 'Third Party Access to Rail Infrastructure' as he is a BHP Billiton Iron Ore employee and owns BHP Billiton shares. Councillor Carter left the room.
- 8:00 pm Councillor Arthur A Gear declared a financial interest in Agenda Item 11.4.2.3 'Third Party Access to Rail Infrastructure' as he is a Tradition Owner of land in the specified corridor. Councillor Gear left the room.

200708/230 Council Decision**Moved:** Cr G D Bussell**Seconded:** Cr J E Ford**That the meeting a adjourned for a period of ten (10) minutes.*****CARRIED 4/0***

- 8:01 pm Mayor advised that the meeting be adjourned.

- 8:04 pm Councillor Kelly Howlett entered and room and assumed her chair.

200708/231 Council Decision**Moved:** Cr G D Bussell**Seconded:** Cr J M Gillingham**That the meeting be resumed.*****CARRIED 5/0***

- 8:04 pm Mayor advised that the meeting be resumed.
Councillors Stan Martin, Jan Gillingham, Grant Bussell, Kelly Howlett and Jan Ford were present for the recommencement of the meeting. There were no members of the public present.

11.4.2.3 Third Party Access to Rail Infrastructure (File No.: ...)

Officer Chris Adams
Chief Executive Officer

Date of Report 17 June 2008

Disclosure of Interest by Officer Report

Author has a financial interest (share ownership) in BHPB who are potentially affected by this State Government Policy stance.

Summary

The State Government is calling for public submissions on a draft third party haulage regime for railways in the Pilbara.

Background

The recently released State Government paper on 3rd party haulage aims to provide a framework for the negotiation of iron ore haulage services on commercial terms, which will be capable of certification under the provisions of Part IIIA of the *Trade Practices Act (1974)*. The paper has been endorsed by the Pilbara Rail Access Interdepartmental Committee (PRAIC). This group includes senior officials from relevant State Government Departments.

The key principals and espoused within the document areThe Regime should:

- Be consistent with the Competition Principles Agreement 1995 and the *Trade Practices Act 1974*, and provide for access to haulage services on terms that are fair and reasonable to both haulage providers and haulage access seekers.
- Facilitate the potential development of iron ore deposits that cannot bear the costs of developing stand-alone rail infrastructure. This may maximise the commercial benefits to the State while minimising any social and environmental impacts.
- Promote the optimal and efficient use of, and investment in, rail and associated rail infrastructure in the Pilbara, while limiting disruption to haulage providers.
- Allow for recovery of the efficient costs incurred by the infrastructure provider in providing haulage, in addition to a return of and on capital. Where the rail infrastructure is part of a vertically integrated supply chain, efficient costs need to be determined in respect of the infrastructure provider maximising value across the supply chain.
- There will be no 'free rides', with the third party access seeker fully compensating the haulage provider through costs which are charged on a non-discriminatory basis and, should a dispute arise, are subject to review by the Regulator.

- Maintain haulage provider safety and operational standards on a non-discriminatory basis across all users of the rail network.
- Recognise that system flexibility is critical to the efficient operation of the provider's infrastructure.
- Act as a safety net for commercial negotiation and provide for dispute resolution.
- Be as simple and transparent as practicable.
- Be capable of certification under the *Trade Practices Act 1974*.

Key features of the proposed regime include

- The Regime will provide for third party access to haulage services for iron ore in the Pilbara.
- Third party access seekers will be provided with a haulage service as opposed to below rail track access.
- The Regime will apply only to the movement of iron ore.
- All iron ore railways in the Pilbara are intended to be covered by the same access regime.
- Haulage provider safety standards will apply on a non-discriminatory basis to all users.
- Safety standards will not be mis-used as a barrier to entry.
- Haulage provider operational standards will apply to all users on a non-discriminatory basis.
- The haulage provider will remain in control of the rail network covered by the Regime.
- In order to facilitate the third party's haulage, the haulage provider will construct spurs to connect the third party's loading facilities to the provider's railway. The Regime will limit the length of the spurs the haulage provider can be required to construct to the minimum practicable to ensure safe loading of iron ore.
- The haulage provider will provide the haulage service.
- Haulage service levels will be defined in terms of acceptable tolerance levels without impacting on overall system efficiency.
- Certainty of service will be provided on a non-discriminatory basis, without resorting to fixed schedules, and within the framework of acceptable tolerance levels.
- Both parties will be obliged to protect confidential information.
- All confidential information provided by either party will be used only for the purpose it was provided for.
- Penalties should apply for breaches of these obligations.
- Haulage charges will be determined by reference to the cost of providing haulage, including amounts for:
 - capital expenditures, with reference to the Regulator's approved return on capital and depreciation.
 - operating, maintenance and overhead expenditures, as determined in accordance with the costing principles and inclusive of the costs of administration of the Regime.

- Haulage charges will reflect each user's utilisation of the haulage provider's infrastructure.
- The cost and risk of haulage provision are the only grounds for discrimination in haulage charges between haulage access seekers.
- Haulage charges will reflect each user's haulage rights regarding use of the haulage provider's infrastructure, and haulage contracts will be structured on a take or pay basis.
- The Regime will adopt a concept of capacity that is consistent with the manner in which the Haulage Provider operates its system.
- Capacity funded by the haulage provider (and Third Parties) will be reserved for it.
- A binding 'Cap and Collar' capacity costing process will apply for haulage access applications, with the 'cap' setting the upper limit of the expected cost of a particular capacity expansion and the 'collar' establishing a lower limit. The expected cost of the required capacity expansion will fall within the Cap and Collar range, unless both parties subsequently agree otherwise.
- An upfront capital contribution will be made by the haulage access seeker to cover the cost of expanding the rail Haulage Infrastructure capacity (within the binding cap and collar estimate).
- The haulage access seeker's upfront capital contribution will be allocated to a specific section of track and a specific number of wagons and locomotives. The third party will not have to pay any sunk cost rate of return on this third party funded infrastructure.
- The Regulator cannot change any of the principles in the Regime as a part of its regulatory functions.
- To ensure consistency between potential users, a statement of high-level principles will constitute part of this Regime.
- The haulage provider must submit to the Regulator for approval:
 - Pricing Principles outlining the structure and basis for determination of haulage charges.
 - A statement of principles, rules, processes and practices that are to be applied and followed:
- For the identification, attribution and allocation of assets, costs, revenues and investment relating to the provision of haulage related functions.
- In the determination of any cost component stated in the pricing principles which is to be determined by reference to the costing principles.
- The Regime will allow the Regulator to determine the appropriate rates of return on capital and depreciation.
- The Provider must make arrangements to ensure that it can justify haulage related charges to the Regulator and is not required to physically separate its functions.
- The Regime will grant the parties limited rights of appeal from decisions of the Regulator.

- The haulage access seeker is responsible for providing its own loading and unloading facilities and for loading and unloading of its own iron ore.
- The haulage access seeker is responsible for providing its own port and shipping facilities, and for shipping of its iron ore from unloading facilities to end markets.
- The Regime is intended to be a safety net, encouraging and preserving commercial negotiation as a starting point.
- A negotiate/arbitrate model with set timelines is employed with haulage access seekers granted an enforceable right to negotiate access, and deadlines for completing particular phases of negotiation.
- The Regulator's opinion may be sought at appropriate points of negotiation and arbitration.
- Haulage access seekers may opt out of Regime negotiations – future opt-in decisions will recommence negotiations at the start of the Regime process.
- Either party may refer disputes that arise during the negotiation process to an independent arbitrator.
- The principles in the *Commercial Arbitration Act 1985 (WA)* will apply.
- Within the dispute resolution framework, the arbitrator may seek non-binding advice from the Regulator on the matter in dispute.
- The arbitrator cannot change any of the Regulator's determinations.
- The Regime will provide the arbitrator with powers that are consistent with the Principles and Key Features outlined in this document.
- The Regime will grant the parties rights of appeal from decisions of the arbitrator.
- The Regime will be capable of certification under Part IIIA of the *Trade Practices Act 1974*.
- The Regime will meet the principles of the Competition and Infrastructure Reform Agreement 2007 and the Competition Principles Agreement 1995.
- Where consistent with the Principles and Features outlined above, the Regime will be as close as practicable to the State's *Railways (Access) Act 1998* and the Railways (Access) Code 2000.

Issues that remain unresolved within the paper include capacity, additional facilities required to facilitate 3rd party haulage, tonnage thresholds, pricing, contractual agreements and indicative figures.

Consultation

The State Government has released the paper for public comment. Comments need to be received prior to 25 July 2008.

Following completion of the public consultation process, the PRAIC will report to the State Government on the outcomes of the public consultation, the preferred format of the Regime and how the Regime could be implemented.

Statutory Implications

The proposed regime aims to establish a mechanism to facilitate 3rd party haulage access in a manner that complies with the Trade Practices Act.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

Council previous history has indicated that it very supportive of industry and port related growth. The regime as presented aims to facilitate the maximize use of both existing and future rail haulage infrastructure. While the fairness of the proposed implementation regime will undoubtedly be the subject of significant legal debate, the concept of maximizing the use of infrastructure should be supported.

Attachments Nil

200708/232 Council Decision/Officer's Recommendation

Moved: Cr K A Howlett

Seconded: Cr G D Bussell

That Council provide the following feedback to the Pilbara Rail Access Interdepartmental Committee (PRAIC):

- i) The Town of Port Hedland strongly supports the sustainable growth of mining and port related activity within the Pilbara and as such supports the principals and features of Pilbara Railways (Third Party Haulage) Regime.**
- ii) The Town believes that, to facilitate export growth, maximum utility needs to be obtained from mining related infrastructure and duplication of infrastructure should be avoided where possible; and**
- iii) Local impacts including increased traffic congestion at level crossings, increased noise and potentially higher dust levels need to be considered when planning for additional use of existing rail infrastructure.**

CARRIED 5/0

8:06 pm Councillors Arthur Gear, George Daccache, Arnold Carter and Steve Coates re-entered the room and assumed their chairs.

Mayor advised Councillors of Council's decision.

200708/233 Council Decision/Officer's Recommendation

Moved: Cr G D Bussell

Seconded: Cr S J Coates

That Standing Orders be suspended

CARRIED 9/0

8:06 pm Mayor advised that Standing Orders were suspended.

200708/234 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr K A Howlett

That Standing Orders be resumed.

CARRIED 9/0

8:07 pm Mayor advised that Standing Orders were resumed.

11.4.2.4 *Compulsory Voting in Local Government Elections - Council Feedback Sought by WALGA (File No.: 13/07/0003)*

Officer Gaye Stephens
Executive Assistant

Date of Report 16 June 2008

Disclosure of Interest by Officer Nil

Summary

For Council to consider the West Australian Local Government Association's 'Compulsory Voting in Local Government Elections' Discussion Paper, and provide feedback on a number of survey questions to WALGA by 25 July 2008.

Background

A discussion paper and infopage have been distributed to all Local Government authorities by the West Australian Local Government Association (WALGA), who is seeking feedback on the issue of Compulsory Voting in Local Government Elections.

To facilitate consideration of compulsory voting in Local Government elections, the discussion paper (attached) examines the following themes:

- Current electoral arrangements and the situation in other States of Australia;
- The possibility of Optional Preferential Voting being introduced;
- Arguments in favour of compulsory voting;
- Arguments against compulsory voting; and
- Practical considerations.

WALGA advises members of the importance to review the discussion paper prior to addressing the following survey questions which have been constructed by WALGA with the paper in mind:

1. Does council support the principle of compulsory voting in Local Government Elections – all other things being equal?
2. Does Council support the introduction of compulsory voting in Local Government elections under current electoral arrangements?
3. If Council supports the introduction of compulsory voting under current electoral arrangements, what changes to the electoral arrangement would see Council withdraw their support?

4. Would Council support the introduction of optional preferential voting in Local Government elections as an alternative to proportional preferential voting?

Questions 1, 2 and 4 also require Council to answer an additional question, being 'Why?', or 'Why not?', and are invited to make any other comment.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

WALGA's Infopage, dated 13 June 2008 reads:

"The issue of compulsory voting in Local Government elections has come to the fore following recent changes to the electoral provisions in the Local Government Act 1995 and associated regulations introduced for the 2007 Local Government Elections. Significantly, the first-past-the-post system of voting was changed to preferential voting and proportional preferential voting (PPV).

Prior to the change to PPV, State Council's position was to support the continuation of voluntary voting. During Local Government's campaign against the introduction of PPV, State Council's position changed to support compulsory voting under the new system.

Now that PPV has been introduced to the Local Government electoral system, State Council has requested that the issue of compulsory voting be considered afresh.

...WALGA is seeking responses from all Local Governments on this issue. Once responses have been received, an agenda item will be prepared for Zone consideration during September prior to a final position being reached at the October State Council meeting."

Officer's Recommendation

That following consideration of the West Australian Local Government Association's 'Compulsory Voting in Local Government Elections' Discussion Paper, dated June 2008, Council advises WALGA of the following responses to survey questions:

1. Council support/do not support the principle of compulsory voting in Local Government elections – all other things being equal.

Reason:

Additional Comment(s)

2. Council support/do not support the introduction of compulsory voting in Local Government elections under current electoral arrangements/

Reason:

Additional Comment(s)

3. In support of the introduction of compulsory voting under current electoral arrangements, the following changes to the electoral arrangements would see Council withdraw their support:

or

An answer to this question is not required, as Council does not support the introduction of compulsory voting under current electoral arrangements.

4. Council would/would not support the introduction of optional preferential voting in Local Government elections as an alternative to proportional preferential voting.

Reason:

Additional Comment(s)

200708/235 Council Decision

Moved: Cr A A Carter

Seconded: Cr K A Howlett

That following consideration of the West Australian Local Government Association’s ‘Compulsory Voting in Local Government Elections’ Discussion Paper, dated June 2008, Council advises WALGA of the following responses to survey questions:

- 1. Council support the principle of compulsory voting in Local Government elections – all other things being equal.**

**Reason: Not Provided.
Additional Comment(s) not provided.**

- 2. Council supports the introduction of compulsory voting in Local Government elections under current electoral arrangements/**

**Reason: Not Provided.
Additional Comment(s) not provided.**

- 3. Nil response.**

- 4. Council would not support the introduction of optional preferential voting in Local Government elections as an alternative to proportional preferential voting.**

**Reason: Not Provided.
Additional Comment(s) not provided.**

CARRIED 7/2

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

Record of Vote:

FOR	AGAINST
Cr S R Martin	Cr G D Bussell
Cr A A Carter	Cr G J Daccache
Cr S J Coates	
Cr A A Gear	
Cr J M Gillingham	
Cr J E Ford	
Cr K A Howlett	

ATTACHMENT TO AGENDA ITEM 11.4.2.3



Compulsory Voting in Local Government Elections

Discussion Paper

Tim Lane
Policy Officer
Governance

WALGA

June 2008

I Background

Following the 2007 Local Government elections and the recent changes to the electoral provisions in the *Local Government Act 1995* and associated regulations, the electoral system to elect Councils in Western Australia has come into focus once again.

There was an increased level of interest in the 2007 Local Government elections from within the Local Government sector. This interest stemmed from the 2006 Local Government Advisory Board report – *Local Government Structural and Electoral Reform in WA: Ensuring the sustainability of communities* – and was sparked by the introduction of preferential voting and proportional preferential voting (PPV) for the 2007 Local Government elections. In its report, the Local Government Advisory Board recommended that the first-past-the-post (FPTP) system of voting be retained as the introduction of PPV could see party politics, factions among candidates and other forms of overt politicking become prevalent at the local level.¹ Feedback received by WALGA also indicated overwhelming Local Government support for the retention of FPTP.

The Local Government industry campaigned against the introduction of PPV on the basis that its introduction could see more overt politicking than previously occurred under first-past-the-post. Despite the strong industry preference for first-past-the-post, PPV was introduced for the 2007 Local Government elections for multi-member vacancies and full preferential voting was used in single-member vacancies where there were more than two candidates.

There is some anecdotal evidence from the 2007 Local Government elections that organised groups became involved in some areas. There were also reports following the elections that 'dummy candidates' were run and tickets, factions and alliances were formed among candidates. This sort of activity can be damaging to Councils, and if left unchecked, could begin to undermine the intention of the *Local Government Act 1995*, "...to provide for the good government of persons in its district."²

It is against this backdrop that the issue of compulsory voting for Local Government elections needs to be considered. Under the previous first-past-the-post system, WALGA's position was that voluntary voting should be maintained. Now that Local Government elections have moved to preferential and proportional preferential voting, State Council has requested the issue of compulsory voting to be considered again. This is particularly pertinent as the Australian Labor Party (ALP) have

¹ Local Government Advisory Board, *Local Government Structural and Electoral Reform in WA: Ensuring the future sustainability of communities*, 2006, p166

² *Local Government Act 1995*, (WA) s 3.1 (1)

Discussion Paper
Compulsory Voting in Local Government Elections

documented a commitment to compulsory voting in Local Government elections in their 2007 Platform.³

In considering compulsory voting, this discussion paper distinguishes *practical issues* from the *principle* of compulsory voting. This is because it may be possible to support the principle of compulsory voting while having concerns regarding its practical implementation.

The principle of compulsory voting as an electoral mechanism, including the situation in other states, optional preferential voting as an alternative electoral system and arguments for and against compulsory voting, are discussed in Sections II to V. Practical considerations are examined in Section VI. The application of compulsory voting, which ties together the two themes, is taken up in Section VII.

³ Australian Labor Party WA Branch, *Platform*, 2007, p143

II Current Arrangements & Other States

The electoral system that operates in Western Australian Local Government elections is currently full preferential voting for single member vacancies and proportional preferential voting for multi-member vacancies. It is important to consider compulsory voting in conjunction with the electoral system in place. The possibility for optional preferential voting to be introduced as an alternative to first-past-the-post and proportional preferential voting is discussed in Section III.

Compulsory voting is rare across the developed world but forms a key plank of Australian democracy, where it is widely used and generally accepted.⁴ Voting in Western Australian Local Government elections, by comparison, has always been voluntary. Western Australia joins South Australia and Tasmania as the only states without some form of compulsion to vote in Local Government elections.⁵

As a consequence, the participation rates in Local Government elections in these states is much lower than the participation rates in states where voting in Local Government elections is compulsory and for compulsory state and federal elections. Political scientists argue that compulsory voting is the *only* institutional mechanism that can achieve turnout rates above 90 percent.⁶ The state-wide average turnout for the 2007 Western Australian Local Government elections was 33.8 percent.⁷

Participation rates are not uniform across all Local Governments and are generally higher outside metropolitan Perth.⁸ For all Councils, participation rates are generally higher where postal voting is used, rather than in-person voting.⁹ Participation rates also vary dramatically depending on local issues and local candidates.

In Western Australia, residents, as well as non-resident property owners, are entitled to vote. If a property is owned by a corporation, the corporation is able to delegate voting entitlements to two people. This means non-resident property owners may have the opportunity to vote in multiple ward or Local Government elections. In Victoria and New South Wales it is compulsory for residents to vote but voting is voluntary for non-resident property owners.¹⁰ Whether property owners should be compelled to vote is discussed with other practical considerations in Section VI.

⁴ Bennett, S., *Compulsory Voting in Australian National Elections*, Parliamentary Library, Parliament of Australia, 2005

⁵ Wagstaff, M., *Independent Review of Local Government Elections, South Australia: Interim Report*, South Australian Government and Local Government Association of South Australia, 2007, p46, available from www.localgovt.sa.gov.au/electionsreview

⁶ Lijphart, A., 'Compulsory voting is the best way to keep democracy strong', in *Points of View*, eds R. DiClerico & A. Hammock, McGraw-Hill, New York, 2001

⁷ Department of Local Government and Regional Development, *Update*, Issue 64, December 2007, available from www.dlgrd.wa.gov.au

⁸ *Ibid.*

⁹ Western Australian Electoral Commission, *Local Government Election Report 2005*, 2005 pp30-32, available from www.waec.wa.gov.au/download/LocalGovElectionReport2005.pdf

¹⁰ Wagstaff, *Op. cit.*, 2007, p46

III Optional Preferential Voting

This section discusses the possibility of optional preferential voting being introduced to Western Australian Local Government elections. This is worth exploring since some form of optional preferential voting is used in Local Government elections in all other states except South Australia.¹¹ Further, the Australian Labor Party have indicated a commitment to a combination of optional preferential voting and proportional representation in their 2007 platform.¹²

Optional preferential voting is similar to the current system of full preferential voting but allows the voter more choice in casting a formal vote. The elector is able to mark the ballot in the following ways:

1. Allocate a single first preference only
2. Allocate a partial distribution of preferences
3. Allocate a full distribution of preferences (as is currently required)¹³

In multi-member vacancies, voters can be required to allocate at least as many preferences as there are vacancies.¹⁴ This is sometimes referred to as limited optional preferential voting or partial preferential voting.

The main argument in support of optional preferential voting is that it allows voters the opportunity to vote for candidates they support without being forced to allocate preferences to candidates they do not support or do not know. Optional preferential voting also allows voters greater choice than full preferential voting, means fewer votes are wasted than would be using first-past-the-post and reduces the incidence of informal ballots due to accidental misnumbering.¹⁵

Some argue against optional preferential voting on the basis that it can become a *de facto* first-past-the-post system if sufficient voters only indicate a first preference.¹⁶

Voluntary Voting – Compulsory Preferences

Another argument in support of optional preferential voting is it would remove what could be seen as an anomaly of the current system: that allocating preferences is compulsory whereas voting itself is voluntary.

¹¹ Wagstaff, *Op. cit.*, 2007, p46,

¹² Australian Labor Party WA Branch, *Op. cit.*, p143

¹³ State Electoral Office South Australia, *Report on Optional Preferential Voting 2003-2004*, 2004, p2

¹⁴ Bennett, S. & Lundie, R., *Australian Electoral Systems*, Parliamentary Library, Parliament of Australia, 2007, pp10-12

¹⁵ *Ibid.*, p20

¹⁶ Orr, G., *Australian Electoral Systems: How well do they serve political equality?* Report No. 2, Law Faculty, Griffith University, Brisbane, 2004, p20

Election analyst, Antony Green explains the requirement to allocate preferences to unknown or unwanted candidates in a submission regarding the 2004 Federal Election. He argues that compulsory preferences are the third compulsion in Australian Federal Elections as voters are compelled to do the following in order to cast a valid vote:

1. Enrol to vote
2. Attend a polling place to cast a vote
3. Complete the ballot by numbering all boxes in order – (by allocating preferences)¹⁷

In contrast, in Local Government elections in Western Australia, voters are generally enrolled to vote (1), voters then have the option to vote (2), but must then complete the ballot by allocating a full set of preferences (3) to cast a valid vote.

Antony Green describes the requirement to successfully allocate preferences:

“Voters either carefully transcribe how-to-vote material on to the ballot paper, or are forced to randomly allocate preferences to unknown and unwanted candidates just so their ballot paper can pass the formality requirements and register a vote for the candidates they do want.”¹⁸

In comparison to Federal elections, the problem of allocating preferences in Western Australian Local Government elections can be even more pronounced where any number of the candidates may be unknown to voters.

Since optional preferential voting is used in most other jurisdictions in Australia and forms part of the Australian Labor Party’s platform, this mechanism could become a feature of future Local Government electoral reform in Western Australia.

It is important to consider the current electoral arrangements as well as the possibility of further Local Government electoral reform when considering compulsory voting.

¹⁷ Green, A., *The Conduct of the 2004 Commonwealth Election*, Submission to the Joint Standing Committee on Electoral Matters, Parliament of Australia, 2005

¹⁸ *Ibid.*, p9

IV Arguments in Favour of Compulsory Voting

Arguments in favour of compulsory voting typically focus on the following:

- Increased participation
- Consideration of the full electorate
- Improved legitimacy
- Consistency with other spheres of government

Increased Participation

Since 2003, participation in Western Australian Local Government elections has hovered around 35 percent.¹⁹ If voting in Local Government elections were compulsory, the participation rate would increase significantly. With compulsory voting, the Queensland Local Government elections held in March 2004 achieved a participation rate of 90 percent.²⁰

Proponents of compulsory voting argue that democracy suffers when participation rates are low. If only a small proportion of the community votes and a candidate requires 50 percent plus one of votes to be elected, then candidates can be elected with a relatively small proportion of the electorate's support. This provides opportunities for single issue candidates with a narrow support base to be elected to Council. If voting were compulsory, it is argued that candidates would need to appeal to a broader section of the community to be elected.

A common counter argument to compulsory voting is that compelling the electorate to vote will not necessarily engage voters with the political process. Voters may cast uninformed votes merely to avoid paying a fine. This claim is based on a 'chicken or the egg' argument. Does an interest in politics and political decisions lead to a desire to vote – or does voting lead to an interest in politics and political decisions? It is likely that the answer is a mixture of both.

Followers of the Council and the Council's decisions are very likely to vote at Local Government elections. For others though, being compelled to vote is likely to raise an awareness of the Council prior to an upcoming election and is likely to increase interest in the performance of the Council following an election. An elector – *who voted* – is justified in asking, "What are the people I voted for doing for me and my community?" This argument is often countered with the claim that a low participation rate may indicate ambivalence, which could be taken as implicit support for the direction and decisions of the Council.²¹

¹⁹ Department of Local Government and Regional Development, *Op. cit.*

²⁰ Russell, B., *Voter Obligation and Voter Turnout*, Discussion paper for the Local Government Association of South Australia, 2004, p5, available from www.lga.sa.gov.au/

²¹ Louth, J. & Hill, L. "Compulsory voting in Australia: Turnout with and without it", in *Australian Review of Public Affairs*, Vol. 6, No. 1, 2005, p34

Consideration of the Full Electorate

Another claim often made in favour of compulsory voting is that electors (those that vote) are not necessarily representative of the electorate (those that are *eligible* to vote). For instance, older residents are typically more likely to vote in voluntary Local Government elections than younger members of the community.²²

This can lead to a narrow reflection of the community's needs and interests. Compulsory voting is claimed to take into consideration views from the entire electorate, rather than a narrow range of views from those who vote, or are most likely to vote.²³ Proponents of compulsory voting claim that the community will be better represented if the full electorate votes to elect the Council. Further, once elected, Councillors will be accountable to the full electorate rather than a potentially unrepresentative segment of the electorate.

Improved Legitimacy

Another argument in favour of compulsory voting is that the Council's legitimacy will be increased in virtue of receiving the support of the majority of the entire electorate.²⁴ When making decisions, the Council will have the confidence that they have been elected by the majority of the community and may be able to use their improved legitimacy – or 'mandate' – to disarm opponents. Further, the community will be more aware of their civic obligation to keep the Council accountable for their decisions at subsequent elections.

Consistency with Other Spheres of Government

Another argument in favour of compulsory voting is that Local Government should seek consistency with other spheres of government. Voting is compulsory in State and Federal elections but remains voluntary in Local Government elections.

The Local Government sector continually argues for similar recognition and treatment as other spheres of government and compulsory voting would be another step in this direction. The State Government partly justified the switch from first-past-the-post to proportional preferential voting for the 2007 Local Government elections on the basis that the electoral system should be consistent across the three spheres of government. This consistency does not currently extend to compulsory voting.

²² Western Australian Electoral Commission, *Op. cit.*, pp25-26,

²³ Joint Standing Committee on Electoral Matters, *The 2004 Federal Election: Report of the inquiry into the conduct of the 2004 Federal Election and matters relating thereto*, Parliament of Australia, 2005, p189

²⁴ Bennett, *Op. cit.*, p10

V Arguments against Compulsory Voting

Arguments against compulsory voting typically focus on the following:

- Lack of community support for compulsory voting
- The democratic right not to vote
- Uninformed and informal votes
- Cost and enforcement of non-voters

Lack of Community Support for Compulsory Voting

One of the key arguments against the introduction of compulsory voting at Local Government elections is the perceived lack of community support for such a measure. There is widespread community support for compulsory voting in Federal elections but it is unclear whether this support transcends to the local level.²⁵

A review of South Australian Local Government elections (which have similar electoral provisions to Western Australia) has recently been completed by the South Australian Government and the Local Government Association of South Australia. As part of the review, the issue of compulsory voting in Local Government elections was considered and a clear majority (66 percent) of respondents indicated opposition to the introduction of compulsory voting.²⁶

It is likely that there would be initial community opposition to the introduction of compulsory voting in Local Government elections in Western Australia. However, this opposition may subside as voters become accustomed to voting in Local Government elections as is currently the case for State and Federal elections.

The Democratic Right Not to Vote

A more philosophical argument against compulsory voting is that it is undemocratic to compel people to vote; that forcing people to participate in the political process infringes their liberty to abstain.²⁷ Put another way, citizens have the right to participate in the political process how they see fit, including the right *not* to participate.

A related argument, unique to Local Government, is that residents do not need to vote to be involved in the affairs of the Council. This is contrasted with State and Federal elections where voting is often the only political involvement that citizens are

²⁵ Bennett, S., *Op. cit.*, p22

²⁶ Wagstaff, M., *Independent Review of Local Government Elections, South Australia: Final Report*, South Australian Government and Local Government Association of South Australia, 2008, p28, available from www.localgovt.sa.gov.au/electionsreview

²⁷ Russell, *Op. cit.*, p9

afforded. Residents can be involved in the governance of the community by attending Council meetings and asking questions, making a submission or becoming a member of a committee. These opportunities are uncommon at the State and Federal level. The unique nature of Local Government may render compulsory voting unnecessary, as opting not to vote does not prevent participation in the governance and decisions of the district.

The objection to compulsory voting based on the right not to vote and the unique nature of Local Government must be balanced with the potential practical benefits of compulsory voting, including increased community participation.

Uninformed or Informal Votes

A common argument in favour of maintaining a system of voluntary voting is the notion that compelling the electorate to vote does not necessarily generate interest in the political process. That is, that some voters would cast uninformed (or donkey) votes.

This argument relates to the issue of increased participation (discussed in Section IV). It is true that uninformed or informal votes may have an impact on the election, particularly if some voters become hostile to the Council as a result of being compelled to vote. However, proponents of compulsory voting argue that there is a much greater bias under a voluntary voting system where 60 percent of the community does not have their say.²⁸

Cost and Enforcement of Non-Voters

Another objection to compulsory voting in Local Government elections is the potential for elections to cost more for Local Governments to hold. Associated with this is the cost connected with pursuing non-voters. Proponents of compulsory voting may respond that cost should not prohibit achieving the best democratic outcome for the district. This issue is discussed further in Section VI.

²⁸ Evans, T., *Compulsory Voting in Australia*, Australian Electoral Commission, 2006, available from www.aec.gov.au/pdf/voting/compulsory_voting.pdf

VI Practical Considerations

This paper has so far dealt with the *principle* of compulsory voting. This section discusses some *practical* issues that would need to be overcome if compulsory voting were to be introduced to Local Government elections in Western Australia.

It is important, when considering the issue of compulsory voting, that the principle of compulsory voting is considered in isolation of practical matters. The question could be asked:

With all things being equal, do I support the principle of compulsory voting in Western Australian Local Government elections?

Cost and Enforcement of Non-Voters

An argument commonly used to argue against compulsory voting is that the cost of holding an election will increase as there will be an increase in voters. Further, there may be an associated cost to pursue non-voters.

If voting were to be compulsory, an appropriate enforcement regime would need to be introduced. In other states, failure to vote tends to result in a letter seeking an explanation which may be followed by a small fine of around \$50.²⁹

The issue of which agency should pursue non-voters would also need to be addressed. In Western Australia, this could be the Western Australian Electoral Commission, individual Local Governments or some other body. Further, if the fines paid did not match the cost of administering the collection of fines, which agency should receive the revenue or fund the shortfall?

When discussing the cost of holding larger elections, the debate in Western Australia has historically focussed on the terms of Councillors. If Elected Members' terms expired concurrently, instead of half of the Council every two years as is currently the case, the frequency of elections could be halved which would partly or completely offset the cost of larger elections.

Terms

The issue of the timing of Councillors' terms needs to be considered in the context of the compulsory voting debate. In Western Australia, Councillors serve four year terms and each standard Local Government election (every two years) is to elect

²⁹ Russell, *Op. cit.*, p5

half of the Council. This is similar to the Australian Senate, where Senators serve six year terms and half of the senate is elected every three years.

If compulsory voting in Local Government elections were to be introduced, the frequency of elections would need to be considered. Would it be reasonable to compel the electorate to vote every two years to elect half of the Council or should all positions on Council be voted on every four years? Voters may suffer 'election fatigue' if required to vote in Local Government elections every two years as well as Federal elections every three years and State elections every four years.

Supporters of the current half Council elections argue that the Council is more stable if at least half of the Council continues after each election.

Detractors to the current arrangements argue that the entire Council should be held accountable at the same time.

The Property Franchise and Compulsion

Another issue with compulsory voting is whether property owners should be compelled to vote. In Victoria and New South Wales, only residents are required to vote while voting for property owners remains voluntary.³⁰ If compulsory voting were introduced in Western Australian Local Government elections, it would be sensible for voting for property owners to remain voluntary. This is because a voter may otherwise be required to vote in a large number of elections across many Local Governments.

Compulsion and Postal Voting

Some in the Local Government sector are cautious about embracing compulsory voting on the basis of its compatibility with postal voting. In Victoria there have been no compatibility issues between postal voting and compulsion in terms of the administration of elections and enforcement of non-voters following an election.³¹ In fact, experience from Victoria has illustrated that postal voting provides a clear link between the voter and the electoral authority and allows the obligation to vote, and the consequences for not voting, to be clearly communicated.³²

There may be difficulties in Western Australia due to the hybrid model, where Local Governments can choose between postal and in-person elections. This could create difficulties in administering the election and enforcing voting following the election from a state-wide perspective. However, it is likely that these difficulties could be overcome.

³⁰ Wagstaff, *Op. cit.*, p46

³¹ Russell, *Op. cit.*, p4

³² *Ibid.*, p4

VII Conclusion

This discussion paper has discussed the principles of compulsory voting including arguments for and against its introduction along with some practical issues that would need to be addressed if compulsory voting were to be introduced. This paper has made reference to the current Local Government electoral arrangements in Western Australia and electoral arrangements in other states. The paper has also examined the anomaly of voluntary voting with compulsory preferences going to unknown or unwanted candidates and discussed the possibility of optional preferential voting being introduced.

The major arguments in support of compulsory voting are:

- Increased participation
- Consideration of the full electorate
- Improved legitimacy
- Consistency with other spheres of government

The main arguments against compulsory voting are:

- Lack of community support for compulsory voting
- The democratic right not to vote
- Uninformed and informal votes
- Cost and enforcement of non-voters

The arguments for and against compulsory voting can guide a position on whether compulsory voting for Local Government elections is supported in principle. From there, the following practical issues will need to be addressed for compulsory voting to be introduced:

- Cost of holding larger elections
- System of enforcement for non-voters
- Administration and cost of enforcement
- Terms of Elected Members
- Whether compulsion should be applied to property owners
- Compatibility of compulsion and postal voting

The issues above can be overcome but must be addressed before compulsory voting can be successfully introduced to Western Australian Local Government elections.

This paper is intended to assist in the discussion of compulsory voting in Western Australian Local Government elections. It is not intended to pre-empt a particular point of view in any way

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Discussion Paper
Compulsory Voting in Local Government Elections

Louth, J. & Hill, L. "Compulsory voting in Australia: Turnout with and without it", in *Australian Review of Public Affairs*, Vol. 6, No. 1, 2005

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8:12 pm Councillor Kelly A Howlett declared a financial interest in Agenda Item 11.4.2.5 'Elected Member Representation on Port Hedland Visitor Centre Management Committee' as she is an elected member representative on the Port Hedland Visitor Centre Board. Councillor Howlett left the room.

11.4.2.5 Elected Member Representation on Port Hedland Visitor Centre Management Committee (File No.: 08/01/0002)

Officer Gaye Stephens
Executive Assistant

Date of Report 16 June 2008

Disclosure of Interest by Officer Nil

Summary

To nominate an elected member to replace Cr Jan Gillingham in representing Council on the Port Hedland Visitor Centre Management Committee.

Background

From time to time Council is requested to nominate a Council member to represent the Council on committees of external organisations. Sometimes the constitution of the external organisation requires Council to nominate a representative. Council may also require a Council or staff member to be a representative where Council's interests need to be protected, for example where Council contributes to the organisation financially or otherwise.

External organisations will be informed in writing of Council representatives. Where appropriate, the external organisation and the Council representative/s are to determine the extent of representation required (e.g. attendance at all meetings, attendance at meetings only when necessary, acting as a contact person).

On Friday, 13 June 2008 advice was received from Cr Jan Gillingham that she has resigned from her position as Council Representative on the Port Hedland Visitor Centre Management Committee, due to increasing work commitments associated with her employment which make it difficult to attend meetings at the scheduled times.

A need now exists for Council to fill the elected member vacancy on the Port Hedland Visitor Centre Management Committee.

Consultation

Chief Executive Officer

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

Cr Gillingham indicated in her advice that Deputy Mayor, Arnold Carter and Crs Kelly Howlett and Jan Ford attend the Port Hedland Visitors Centre Management Committee meetings on a regular basis, providing strong Council representation and monitoring of Council's involvement with the Visitors Centre.

Council will now need to consider and formalise the appointment of a Council Representative to replace Cr Gillingham on the Port Hedland Visitor Centre Management Committee.

Officer's Recommendation

That Council nominates Councillor _____ to replace Councillor Jan Gillingham as Council's representative on the Port Hedland Visitor Centre Management Committee.

200708/236 Council Decision/Officer's Recommendation

Moved: Cr G D Bussell

Seconded: Cr G J Daccache

That Council nominates Councillor Arnold Carter to replace Councillor Jan Gillingham as Council's representative on the Port Hedland Visitor Centre Management Committee.

CARRIED 8/0

8:13 pm Councillor Kelly Howlett re-entered the room and assumed her chair.

Mayor advised Councillor Howlett of Council's decision.

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

12.1.1 *Late Item : Audit and Finance Committee – Delegated Authority*

Officer Matthew Scott
Director, Corporate Services

Date of Report 24 June 2008

Disclosure of Interest by Officer Nil

Summary

For Council to give the Audit and Finance Committee delegated authority to meet annually with the Town's Auditors.

Background

At the 19 June 2008 Audit and Finance Committee meeting (Unconfirmed Minutes attached), the Audit and Finance Committee resolved the following:

“That the Audit and Finance Committee:

- 1. Receive the comments from Mr Greg Godwin, the Town's Auditor; and*
- 2. Recommend to Council, that Council provide the Audit and Finance Committee Delegated Authority to meet directly with the Auditor, as per Section 7.12A(2), Local Government Act 1995.”*

This resolution was the result of the annual meeting of the Committee with the Town's Auditor, Mr Greg Godwin, UHY Haines Norton, during course of the Interim Audit process.

During the Interim Audit, Mr Godwin raised the issue that the Local Government Act requires the Local Government (the Council) to annually meet with the Auditor, not only a committee of Council, as has been the practice for the last several years.

In order for the Council to be fully compliant with the Act, the Council could:

Meet with Auditor (as a formal meeting of Council); or
Delegate this responsibility to the Audit and Finance Committee.

For practical purposes it was recommended and resolved by the Audit & Finance Committee to seek delegated authority to meet annually with the Town's auditors, to be fully compliant with Section 7.12A(2).

Council should note that the Auditors have not raised this as a compliance issue in the past, and are unlikely to raise it in the current audit, should Council take the necessary actions as advised.

Consultation Nil

Statutory Implications

“7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to:
 - (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and*
 - (b) ensure that audits are conducted successfully and expeditiously.**
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.”*

Strategic Planning Implications Nil

Budget Implications Nil

Officer’s Comment

This is simply a technical compliance issue, which has been raised by the auditors, for Council to be fully compliant with the Act. Though Council has been “technically” non compliant in past, the Auditors have not raised this in previous Interim or Final Audit Reports and seem satisfied in meeting annually with the Audit & Finance Committee. Given this situation, providing delegated authority to the Audit and Finance Committee, seems the most practical and reasonable course of action.

Providing delegated authority in this situation, will only allow the Committee to meet with the Auditors, and does not provide any decision making authority, except as provided statutory under the act (Recommend the appointment of the Auditor).

Should Council choose not to provide the Committee with delegated authority a special meeting of Council will need to occur before the 30 June 2008, so the Council can fulfill its requirements under the Act.

200708/237 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council :

- i) notes the unconfirmed minutes of the Audit and Finance Committee, 19 June 2008; and**
- ii) provides delegated authority to the Audit and Finance Committee to meet annually with the Town's Auditor(s) as required by Section 7.12A(2), Local Government Act 1995.**

CARRIED BY ABSOLUTE MAJORITY 9/0

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

8:17pm Director Corporate Services, Director Engineering Services and Director Regulatory and Community Services left the room

200607/238 Council Decision

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That the Meeting be closed to members of the public as prescribed in Section 5.23 (2) (a) of the Local Government Act 1995, to enable Council to consider Agenda Items –

- a) 14.1.1 ‘Confidential Item: Remuneration Review – Directors’;
- b) 14.1.2 ‘Confidential Item: Chief Executive Officer’s Performance Review’; and
- c) 14.1.3 ‘Confidential Item: Dampier Salt Rates Duplication’.

CARRIED 9/0

NOTE: Section 5.23 of the Local Government Act 1995 states:

“5.23. Meetings generally open to the public

...(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following – ...

(a) a matter affecting an employee or employees; ...”

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; ...

(h) such other matters as may be prescribed.”

8:17 pm Mayor advised that the meeting be closed to the Public. There were no Members of the public present.

ITEM 14 CONFIDENTIAL ITEMS

14.1.1 *Confidential Item: Remuneration Review – Directors (File No.: ...)***2007/08/238 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr G J Daccache**That Council agrees to:**

- i) Offer a 31 month extension to Mr Matthew Scott's current employment contract with the Town of Port Hedland (current expiry date of 28/11/08) with the following total remuneration package being offered (excluding housing)
1/7/08 – 30/6/09: \$156,990
1/7/09 – 30/6/10: \$164,348
1/7/10 – 30/6/11: \$172,073 (pro rata)
- ii) Offer a 24 month extension to Mr Terry Sargent's current employment contract with the Town of Port Hedland (current expiry date of 17/10/08) with the following remuneration package being offered (excluding housing):
1/7/08 – 30/6/09: \$156,990
1/7/09 – 30/6/10: \$164,348
- iii) Offer a 6 month extension to Mr Terry Dodd's current employment contract with the Town of Port Hedland (current expiry date of 18/11/2010) with the following total remuneration package being offered (excluding housing)
1/7/08 – 30/6/09: \$156,990
1/7/09 – 30/6/10: \$164,348
1/7/10 – 30/12/10: \$172,073 (pro rata)

CARRIED 8/1

8:20 pm Executive Assistant left the room.

14.1.2 *Confidential Item: Chief Executive Officer's Performance Review (File No.: ...)*

Mayor's Recommendation

That:

- i) Council accept the review of the CEO's Performance Review without modification and commend the CEO on his very good performance over the past 12 months.
- ii) A small working group involving the Mayor, Deputy Mayor and Cr _____ commence the process of renegotiating a new employment contact with Mr Chris Adams, with its negotiations being bought back to Council for consideration.

200708/240 Council Decision

Moved: Cr A A Carter

Seconded: Cr J E Ford

That:

- i) **Council accept the review of the CEO's Performance Review without modification and commend the CEO on his very good performance over the past 12 months.**
- ii) **A small working group involving the Mayor, Deputy Mayor and Councillors Kelly A Howlett and Grant D Bussell commence the process of renegotiating a new employment contact with Mr Chris Adams, with its negotiations being bought back to Council for consideration.**

CARRIED 9/0

8:45 pm Director Corporate Services, Director Engineering Services, Director Regulatory and Community Services, and Executive Assistant re-entered the room. Mayor advised of Council's decisions.

14.1.3 *Confidential Item: Dampier Salt Rates Duplication*
(File No.: ...)

Officer's Recommendation

That due to the accidental duplication by Council of Dampier Salt Pty Ltd Mining Tenements AML45/00242SA (A803282) and AML45/242SA (A128920), Council:

- i) approve an immediate write-off of the outstanding rate balance for 2007/08 of \$59,234.14;
- ii) direct the Chief Executive Officer, or his nominated officer, to negotiate with Dampier Salt on how the overpayment is to be refunded by either a cash refund or credit to subsequent rate years until fully refunded; and
- iii) create a provision using unallocated cash surplus funds of \$130,000, to provide for either scenario, so that next year's Council budget is unaffected.

200708/241 Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That due to the accidental duplication by Council of Dampier Salt Pty Ltd Mining Tenements AML45/00242SA (A803282) and AML45/242SA (A128920), Council:

- i) **approve an immediate write-off of the outstanding rate balance for 2007/08 of \$59,234.14; and**
- ii) **direct the Chief Executive Officer, or his nominated officer, to negotiate with Dampier Salt on how the overpayment is to be refunded by either a cash refund or credit to subsequent rate years until fully refunded.**

CARRIED BY ABSOLUTE MAJORITY 9/0

REASON: Council resolved for the CEO or his nominated officer to enter negotiations with Dampier Salt Pty Ltd

200708/242 Council Decision

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That the meeting be opened to the Public.

CARRIED 9/0

8:45 pm Mayor advised that the meeting be opened to the Public. There were no members of the Public in attendance.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

200708/243 Council Decision

Moved: Cr A A Carter

Seconded: Cr A A Gear

That the following Applications for Leave of Absence:

- . **Councillor Steve J Coates from 26 June to 30 June inclusive; and from 8-11 June 2008 inclusive; and**
- . **Councillor George J Daccache from 4 to 25 July 2008 inclusive; and**
- . **Councillor Arthur A Gear from 30 June to 2 July 2008 inclusive; and**
- . **Councillor Stan R Martin from 1 to 4 July 2008 inclusive**

be approved.

CARRIED 9/0

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 23 July 2008, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 8:46 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 23 July 2008.

CONFIRMATION:

MAYOR

DATE