



Town of Port Hedland

**MINUTES
OF THE
ORDINARY MEETING
OF THE TOWN OF PORT HEDLAND COUNCIL
HELD ON
WEDNESDAY 27 AUGUST 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 Deputy Mayor declared the meeting open at 5:30 pm and acknowledged the traditional owners, the Kariyarra people.

ITEM 2 RECORDING OF ATTENDANCE AND APOLOGIES

2.1 Attendance

Deputy Mayor A A Carter
 Cr G D Bussell
 Cr S J Coates
 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 Sargent	Director Regulatory and Community Services
Mr Russell Dyer	Manager Engineering Services
Ms Gaye Stephens	Executive Assistant

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2.2 Apologies

Cr S R Martin
 Cr G J Daccache

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 23 July 2008

Nil.

3.2 Questions from Elected Members at Ordinary Council Meeting held Wednesday 23 July 2008

3.2.1 *Councillor Arthur Gear*

In relation to Blastwork's site on the Great Northern Highway just past the former 12 Mile community, has any applications for accommodation and the works out at the site been received or approved by Council?

Chief Executive Officer advised Bullbrook Pty Ltd have had a number of approvals for a variety of uses on the site over the past eighteen (18) months.

Manager Planning Services advises the following applications are recorded in Synergy as having been determined on Lot 2 Forrest Location, Port Hedland (129011G):

Determined by	Decision	Application No	Date Determined	Description
Delegated	Approved	2006/68	10/07/2006	STORAGE FACILITY/ DEPOT/LAYDOWN AREA – Road train Depot
Council	Refused	2006/89	20/12/2006	STORAGE FACILITY/ DEPOT/LAYDOWN AREA - Liquid Waste Transfer Facility
Council	Approved	2007/083	23/10/2007	RURAL SETTLEMENT - retrospective approval application for existing structures
Council	Approved	2007/206	23/10/2007	CHANGE OF USE - Office to Dwelling and parasol roof over
Council	Approved	2007/207	04/01/2008	STORAGE FACILITY/DEPOT/LAYDOWN AREA - Office addition
Council	Approved	2008/26	01/04/2008	PRIVATE RECREATION - Paintball
Delegated	Refused	2008/103	29/04/2008	STORAGE FACILITY/ DEPOT/LAYDOWN AREA - four additional accommodation units under parasol roof

The most recent application 2008/103 was refused under Delegated Authority as the applicant provided insufficient information to enable the appropriate assessment and/or determination of the application.

All applications other than the initial (2006/68) have been determined with a view to reducing the industrial activity on the lot. Recent approvals have included a footnote similar to the following which was included on application 2007/206:

“Be advised that approval has only been granted for the conversion of the Office into a dwelling as it is considered to bring the development more in to conformity with the use of a Rural Settlement, and the recommendation of the Draft Land Use Master Plan. It should be noted that it is likely that Council will not support any extension to the industrial related uses on the site given the intension of the Draft Land Use Master Plan to encourage such uses to locate to suitably zoned and position land. Should the applicant wish to discuss

this matter contact should be made with the Town's Manager Planning Mr. Richard Bairstow on 9158 9342".

3.2.2 Councillor Grant Bussell

Has Council received a response from the Department of Environment and Protection's in relation to the protection of Pundul Trees?

Director Corporate Services advised Council's letter to the Department of Environment and Conservation has been sent, and a response received (dated 15 August 2008) follows:



Department of
Environment and Conservation

Your ref: 07/05539
Our ref:
Enquiries: Kevin Morrison
Phone: 9334 0285
Fax: 9334 0285
Email: kevin.morrison@dec.wa.gov.au

Mr Matthew Scott
Director - Corporate Services
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

COPY

Dear Matthew

PROTECTION OF PUNDAL TREES

I refer to your letter dated 29 July 2008 to David Mell of this Department in which you sought written confirmation of the verbal advice given to you by both the Department of Local Government and Regional Development (DLGRD) and the Department of Environment and Conservation (DEC) to the effect that the Town of Port Hedland's proposal to amend its Local Laws to "protect Pundal trees within the District" may be inconsistent with the provisions of the *Wildlife Conservation Act 1950* (the WCA).

Being native to Western Australia, Pundal Trees or Desert Walnuts as they are also called (*Owenia reticulata*) come within the definition of "flora" as defined in section 6 of the WCA, which states:

"flora" means any plant (including any wildflower, palm, shrub, tree, fern, creeper or vine) which is —
(a) native to the State; or
(b) declared to be flora pursuant to subsection (4), and includes any part of flora and all seeds and spores thereof;

The term "protected flora" is defined as:

"protected flora" means, any flora for the time being declared to be protected flora for the purposes of this Act;

Pursuant to the provisions of section 6 of the WCA the Minister has declared that all species of flora in the classes *Spermatophyta* (flowering plants, conifers and cycads), *Pteridophyta* (ferns and fern allies), *Bryophyta* (mosses and liverworts) and *Thallophyta* (algae, fungi and lichens) are all protected flora for the purposes of the WCA.

Furthermore, section 23A(1) of the WCA states:

(1) The property in protected flora on Crown land, until lawfully taken, is, by virtue

of this Act, vested in the Crown.

The effect of these provisions is that all plants native to Western Australia are "protected flora" and are managed as such on Crown land by DEC under the WCA. The Act also provides a penalty of up to \$4000 for anyone convicted of taking protected flora on Crown land without lawful authority.

Protected flora that either occurs naturally on private land or which has been grown or cultivated on private land is not the property of the Crown but a licence is required to sell such flora.

Consequently, any amendment made to Local Laws by the Town of Port Hedland to declare Pundal trees to be "protected" would conflict with the statutory power given to the Minister for the Environment under the WCA to declare any species of flora or Class of flora to be protected.

That is not to say, however that Local Laws could not be made to prevent the taking, clearing or harming of trees and vegetation on land owned by or vested in the Town of Port Hedland.

Yours sincerely

for Keiran McNamara
DIRECTOR GENERAL

15 August 2008

3.2.3 Councillor Kelly Howlett

What is the policy of the Town of Port Hedland regarding feral cat removal for individuals, not for profit community groups and organisations like schools, Tafe colleges? What was the amount of revenue raised last year from feral cat removal? How often was the feral cat traps used in 2007/08? What was the number of cats destroyed? Can you please let me know the policy for the Shire of Roebourne regarding feral cat removal? How many traps do we have?

Director Regulatory and Community Services advised that the Town of Port Hedland does not have a formal policy for the removal of feral cats.

It is understood that Feral Cat control is the responsibility of the Agriculture Protection Board.

Council does have Cat Control Local Laws, which impose obligations on Cat Owners and do not empower Council's Ranger Services to impound cats or take action against anyone unless they are proven to be the owner of a cat that is not properly controlled. The local law is virtually unworkable and probably should be repealed as the offences can all be dealt with under other legislation.

In relation to stray or unwanted cats, Ranger Services operational procedure is to hire cat traps to all individuals or groups for \$12 per trap per fortnight plus a deposit of \$50 for the trap. The deposit is refunded when the trap is returned. If any cats are trapped the cats are picked up by the Rangers or dropped off at the Works Depot, checked for any ownership details and if not claimed, euthanised by the Veterinary officer at no cost to the public.

Council doesn't raise any revenue from cat removal but the hire of cat traps does generate approx. \$250- \$300 income each year (item 502327 from the budget). This is based on the rental fee of \$12 per fortnight per trap in the fees and charges schedule. Note the \$50 deposit is not a charge, but a fully refundable deposit which is returned to the resident when the trap is returned. When no deposit was charged, the traps were lost regularly.

The traps were hired 25 times last year. A total of 371 cats were impounded of those 33 were re-homed and 338 destroyed by the vet. To our knowledge these were all strays or unwanted domestic cats and not feral cats. A very large percentage (more than half) of these cats were actually kittens surrendered by their owners and not trapped.

The Shire of Roebourne does not have a policy relating to feral cat removal, and do not hire traps to the general public. Under their operational guidelines the Rangers lend traps to businesses and community groups and destroy any cats free of charge.

The Town of Port Hedland has ten (10) traps.

3.1 Questions from Public at Special Council Meeting held Wednesday 13 August 2008

Nil.

3.2 Questions from Elected Members at Special Council Meeting held Wednesday 13 August 2008

Nil.

ITEM 4 PUBLIC TIME**4.1 Public Questions**

5:32 pm Deputy Mayor opened Public Question Time.

Nil.

5:32 pm Deputy Mayor closed Public Question Time.

4.2 Public Statements

5:32 pm Deputy Mayor opened Public Statement Time.

Nil.

5:32 pm Deputy Mayor closed Public Statement Time.

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

As the 40 year anniversary of football in the Pilbara is next year, can a report be presented to Council on how a Council can assist organisation of this celebration, perhaps by forming an organising Working Group?

Chief Executive Officer advised a report will be presented to Council on the matter.

5.2 *Councillor Jan Gillingham*

What is the status of the air conditioning refurbishment at the Civic Centre? Isn't it due to be completed?

Director Regulatory and Community Services advised that there has been a delay in the completion date for the refurbishment of the air conditioning at the Civic Centre, due to electrical supply.

Chief Executive Officer added that a power upgrade is required which is planned to be undertaken at the end of this month. It is expected that the air conditioning at the Civic Centre will be operational by mid September.

5.3 *Councillor Grant Bussell*

In relation to the Stage 3 of Pretty Pool development, what is the status of Council request to maintain public thoroughfares to the area?

Chief Executive Officer advised that the revised plans were received by the Town, and Council's officers indicated to LandCorp that they did not meet Council's requirement of maintaining public access. Subsequent revised plans to meeting Council's requirement have not yet been received.

In relation to the preferred tenderer, Compass, for development of the Transient Workers Accommodation facility at the Port Hedland International Airport, has the matter of open access for the public the use the facility been progressed?

Chief Executive Officer advised that the matter is yet to be resolved with the preferred tenderer.

How will this matter be resolved?

Chief Executive Officer advised the matter will be resolved by a decision of Council.

In relation to the greening project along Anderson Street, can a report be presented to Council which provides alternatives to grass being planted to display the ruins of the train station, such as planting a species which is more sustainable like natives or spinifex?

Chief Executive Officer advised that a report can be presented to the Ordinary Meeting of Council to be held in September.

5.4 Councillor Kelly Howlett

Can the matter of Anderson Street greening project be discussed by Council at the Informal Briefing Session in September, as Council has previously resolved the Anderson Street greening plans?

Deputy Mayor confirmed yes.

Can we order one additional comfortable chair for Hedland Youth Leadership Council representatives to sit with Council at its Ordinary Meetings?

Deputy Mayor advised the issued of Chambers Upgrade to be discussed at Council's Informal Briefing Session to be held in September.

5.5 Councillor Jan Gillingham

Can the matter of inclusion of Hedland Youth Leadership Council representatives at Council also be discussed at Council's Informal Briefing Session to be held in September?

Deputy Mayor advised that the matter will be included in the Briefing Session to be held in September.

5.6 Councillor Kelly Howlett

Can a letter be sent to the Port Hedland Port Authority seeking a status of dialogue with its Sister Port, so Council can further develop that relationship?

Chief Executive Officer confirmed a letter will be sent to the Port Authority in relation to its Sister Port relationship.

5.7 Councillor Steve Coates

In relation to Cyclone George Relief Funding grant to Bowling Clubs, the Minutes of Council's Ordinary Meeting held on 27 February 2008 incorrectly recorded approval of "...a grant of \$20,000 to the Cooke Point Recreation Club from the Cyclone George Relief fund to partially fund repairs to fencing (\$24,600), brick wall reinstatement (\$6,240) and replacement of carpark light pole (\$3,800).", which should have been paid to the Port Hedland Bowling Club that is a subsidiary of the Cooke Point Recreation Club; and as the Port Hedland Bowling Club has received a personal loan for the shortfall in funds required, is there any capacity for the Club to apply again to the Fund for financial assistance?

Deputy Mayor advised the Port Hedland Bowling Club is required to submit a Cyclone George Relief Fund Application Form to Council, outlining all details including written quotations for Council to consider.

5.8 Councillor Jan Ford

As the front reception refurbishment at the Civic Centre is complete, can the front doors be open for Council Meetings to enable public entry?

Director Corporate Services confirmed yes.

Will the doors remain unlocked for the duration of Ordinary Council Meeting, or for just the commencement of the meetings?

Director Corporate Services explained the refurbishment was finalised yesterday, there are still security of workstations that need to be completed. It is anticipated that the front doors will be open for the duration of Council Meetings.

Can a sign like 'Council Meeting tonight' be organised to ensure public are aware that they are able to attend?

Director Corporate Services advised that Council Meetings are advertised and the public is welcome to attend. Signage can also be arranged at the front of the Civic Centre.

What is the status of the Athol Street Development?

Chief Executive Officer advised there has been no further progress. The issue is being discussed with State Land Services and LandCorp.

What is the progress with the three (3) Pretty Pool development tenders?

Chief Executive Officer advised that tender evaluations are being undertaken.

5.9 Councillor Arthur Gear

In relation to recent meetings held throughout the state by the Federal Government to set up new indigenous models, why wasn't there such a meeting held in the Pilbara?

Chief Executive Officer advised that the Town has voiced the importance of Pilbara representation being included in this process being undertaken by the Federal Government.

Who was responsible for the opening of public access to Gray Street?

Manager Engineering Services advised he was not aware of the matter; information will be sourced and forwarded to Councillors.

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, excepting the late items.

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

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 23 July 2008

200809/031 Council Decision/Officer's Recommendation

Moved: Cr J M Gillingham **Seconded:** Cr J E Ford

That the Minutes of the Ordinary Meeting of Council held on Wednesday 23 July 2008 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

7.2 Confirmation of Minutes of Special Meeting of Council held on Wednesday 13 August 2008

200809/032 Council Decision/Officer's Recommendation

Moved: Cr G D Bussell **Seconded:** Cr J E Ford

That the Minutes of the Special Meeting of Council held on Wednesday 13 August 2008 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Nil.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 Councillor Arthur Gear

Councillor Gear attended Local Government Week at the beginning of August, which was very informative and rewarding. A report will be prepared for Council.

9.2 Councillor Jan Gillingham

Councillor Gillingham attended Local Government Week at the beginning of August, which was very informative and rewarding.

9.3 *Councillor Grant Bussell*

Councillor Bussell advised he visited an aluminum recycling facility in Hawaii while on Leave of Absence that truck materials to port, then ship to Asia. He would like to explore options and costings further for recycling to be undertaken in the Pilbara in a cost effective manner.

9.4 *Councillor Kelly Howlett*

Councillor Howlett advised of her attendance at:

- Local Government Week at the beginning of August, which was very informative and rewarding.
- A presentation by the WA Global Network held on Monday 25 August 2008.
- The Launch of Eyes on the Street Project by WA Police on Tuesday 26 August 2008. Council will source 'Eyes on the Street' stickers for attaching to elected members vehicles.
- The Community Safety and Crime Prevention Working Group Meeting held on Tuesday 26 August 2008.
- The Hedland Youth Leadership Council (HYLC) meetings once a month to assist dialogue between HYLC and Council.

9.5 *Councillor Steve Coates*

Councillor Coates attended Local Government Week at the beginning of August, which was very informative and rewarding.

A benefit afternoon will be held at the South Hedland Tennis and Bowling Club on Sunday 14 September 2008 for the family of esteemed community member Mr Andrew McLoughlin (dec). The event will be advertised for all community involvement.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS

Nil.

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 19 August 2008

Disclosure of Interest by Officer Nil

Summary

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

Background

Community and Regulatory Services Monthly report to Council.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

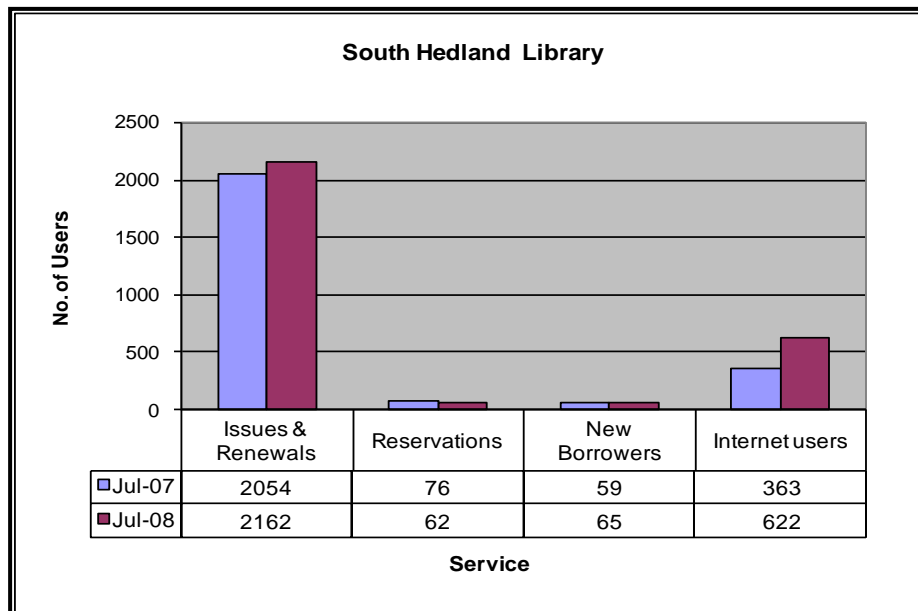
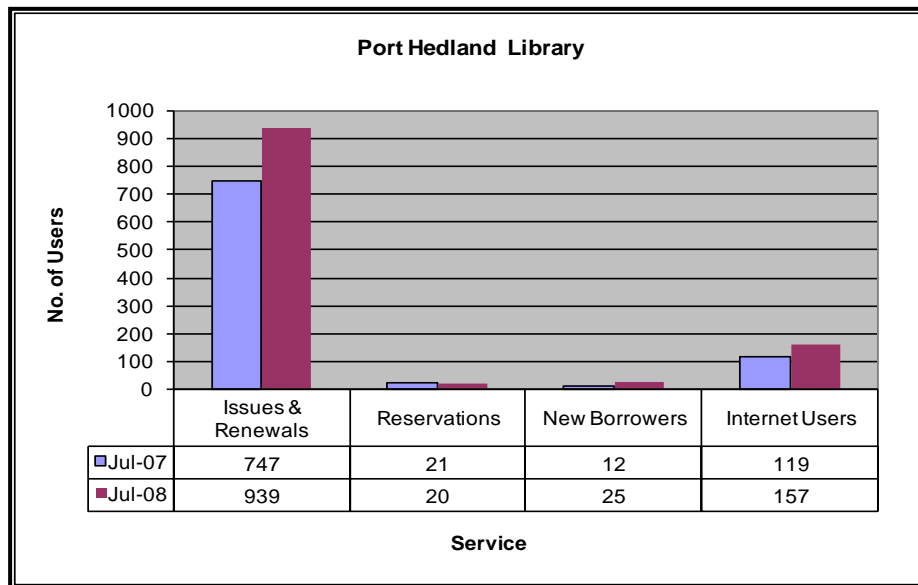
Budget Implications Nil

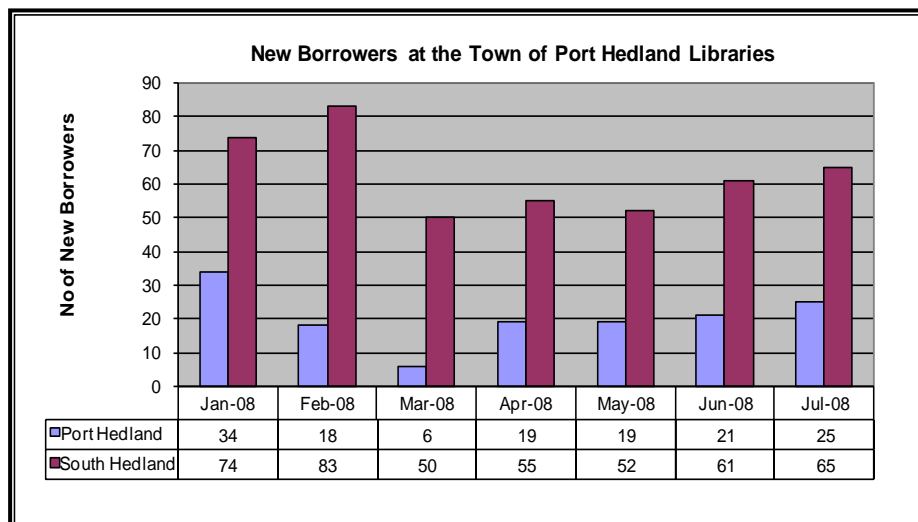
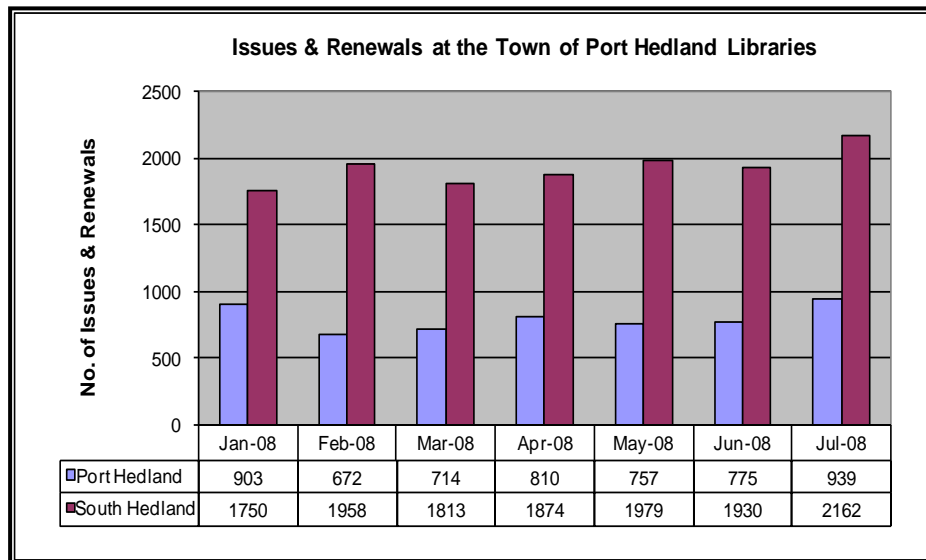
Officer’s Comment Nil

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	Jun 08	Jul 08
Issues & Renewals	747	723	759	903	870	768	903	672	714	810	757	775	939
Reservations	21	19	14	17	12	14	7	21	33	25	30	27	20
New Borrowers	12	19	22	14	8	18	34	18	6	19	19	21	25
Internet Users	119	133	105	135	176	111	143	142	115	147	210	190	157

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	Jun 08	Jul 08
Issues & Renewals	2054	1944	1906	2174	1969	1311	1750	1958	1813	1874	1979	1930	2162
Reservations	76	77	90	115	60	54	51	66	50	57	64	72	62
New Borrowers	59	72	55	65	37	23	74	83	50	55	52	61	65
Internet Users	363	416	349	445	415	297	398	491	421	463	481	482	622





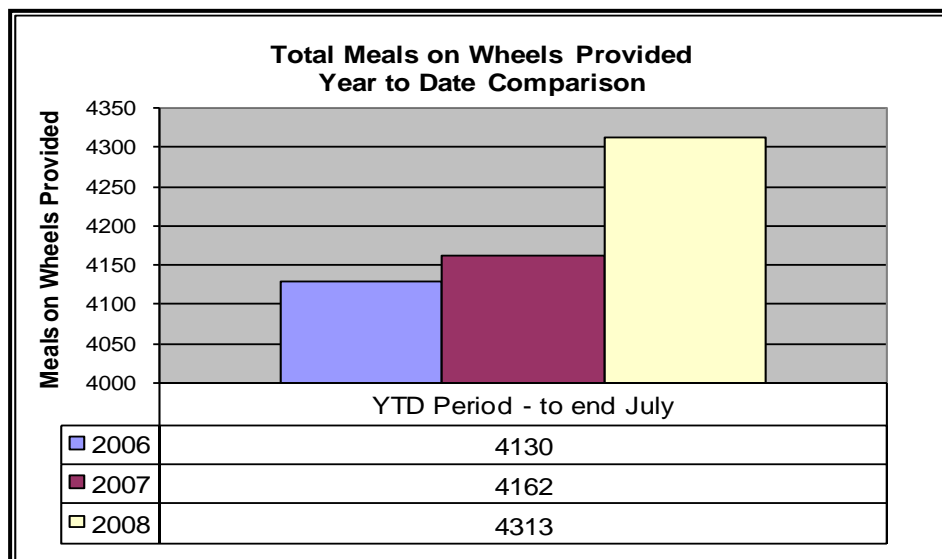
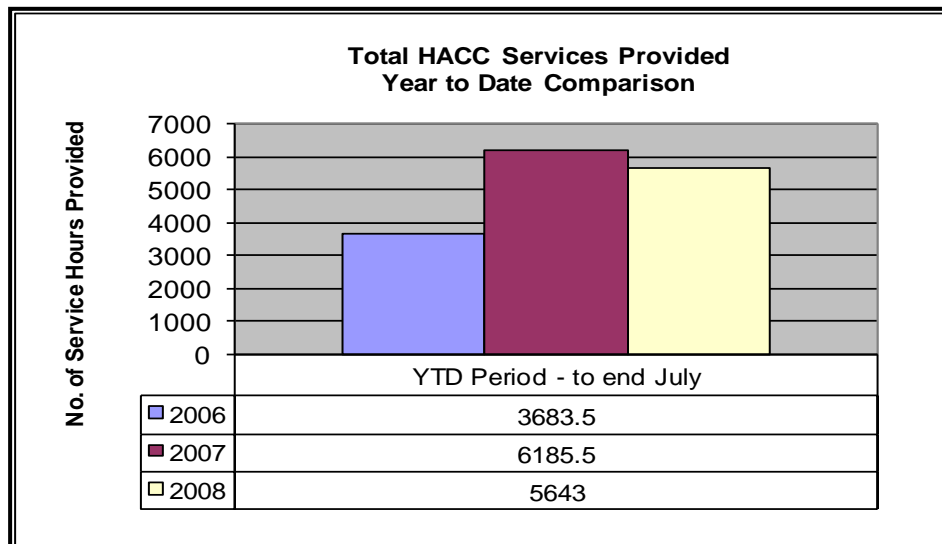
The East/West Pilbara Library Conference for librarians and library officers was held at Marble Bar 24 and 25 July 2008. This was hosted by the Town of Port Hedland and Shire of East Pilbara with 17 participants from Newman, Karratha, Roebourne, Dampier, Wickham, Marble Bar, Port Hedland and State Library of Western Australia. The program included *Databases from Home*, *Multicultural Awareness*, *Reference Skills*, and *Web 2.0 Technology*.

Human Services

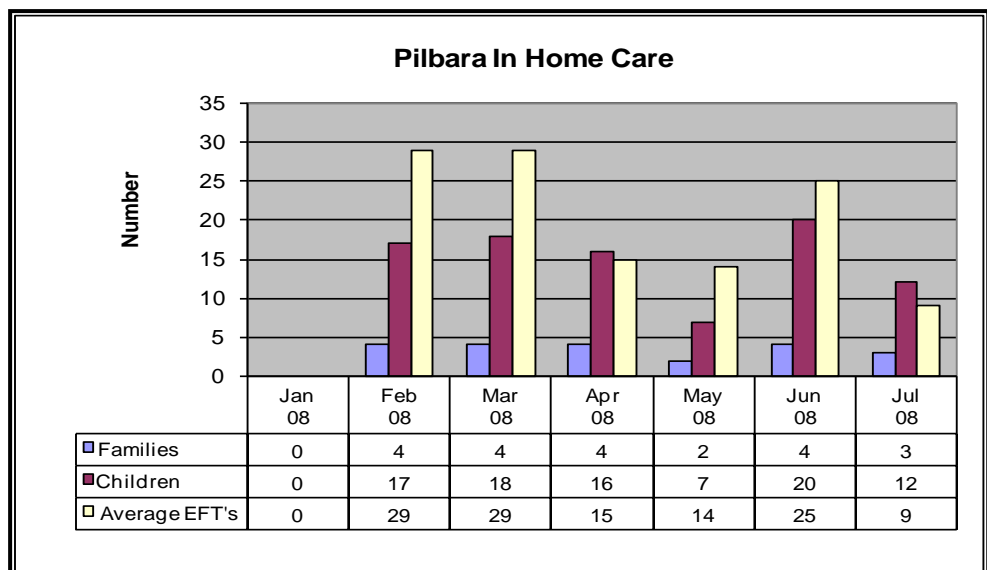
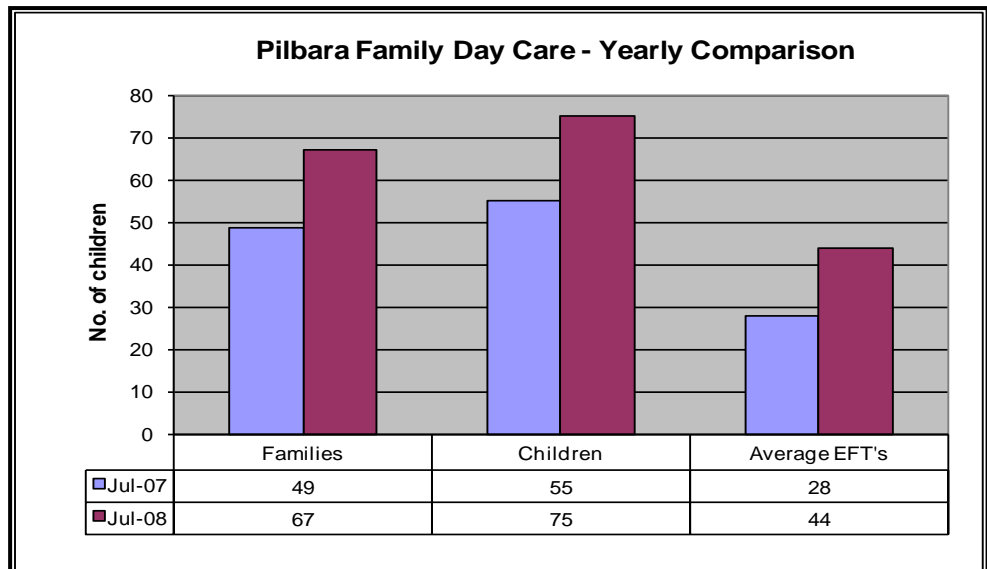
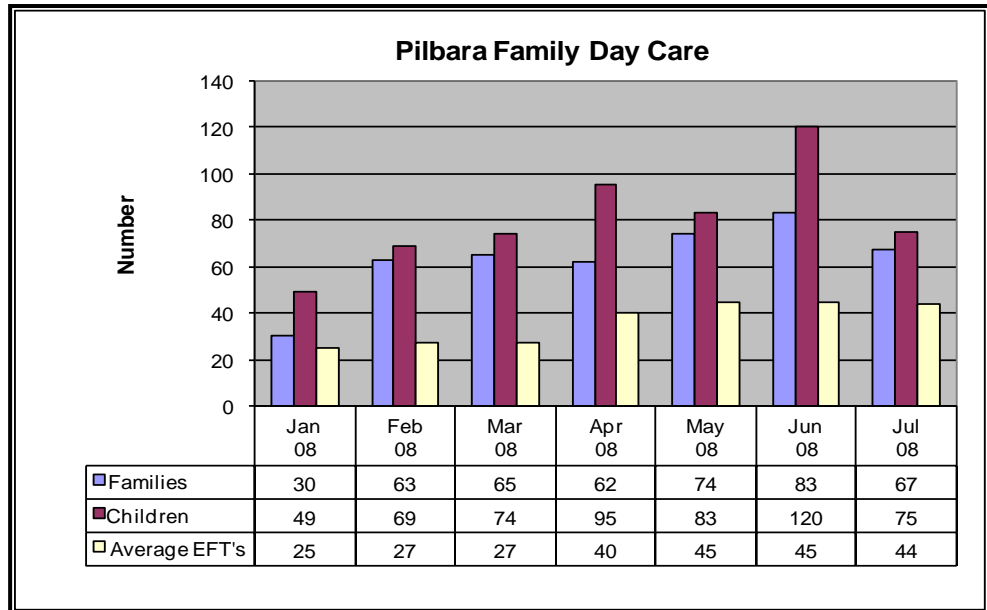
HACC Programme

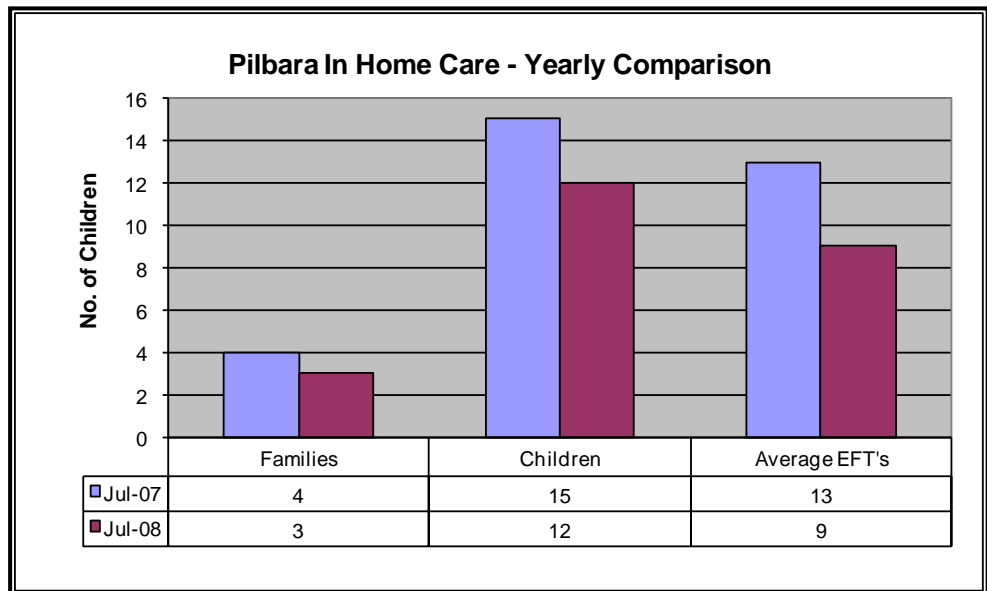
HACC Service Hours for July 2008

Meals on Wheels	664
Day Centre Attendance (Hours)	804
Day Centre Meals	132
Domestic Assistance (hours)	114
Personal Care (hours)	22
Social Support (hours)	57
Transport (one way)	264
Home Maintenance (hours)	23.5
Case Management	2
Total HACC service provided (hours)	1020.5
Total HACC service provided (hours) YTD	5643
Assessment	3
Accidents/Incidents	0



Pilbara Family Day Care





Location	Carers currently within Scheme	Carers currently going through licensing
South Hedland	2	3
Wickham	1	-
Karratha	5	2
Newman	5	-
Tom Price	1	-
Paraburdoo	1	-
Point Samson	-	1

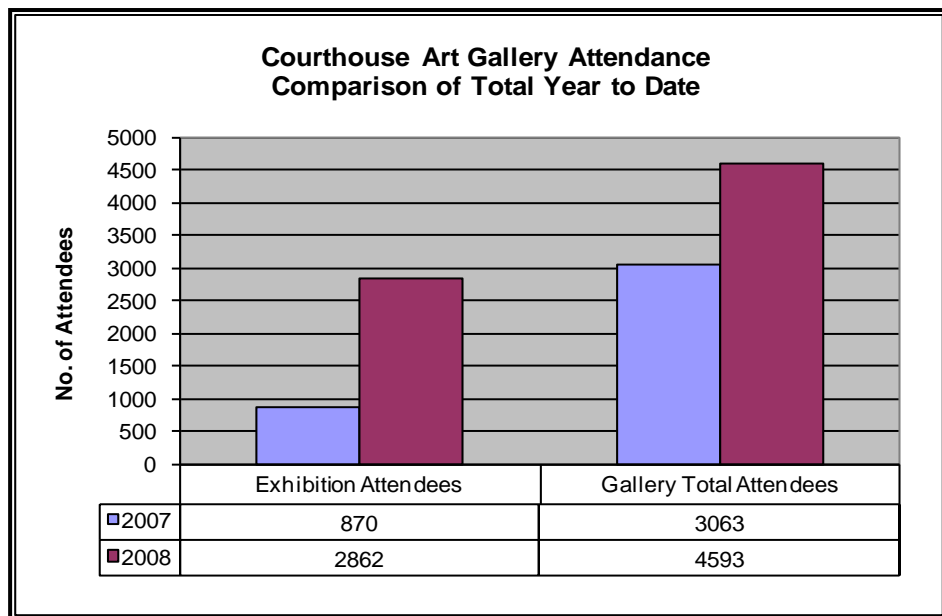
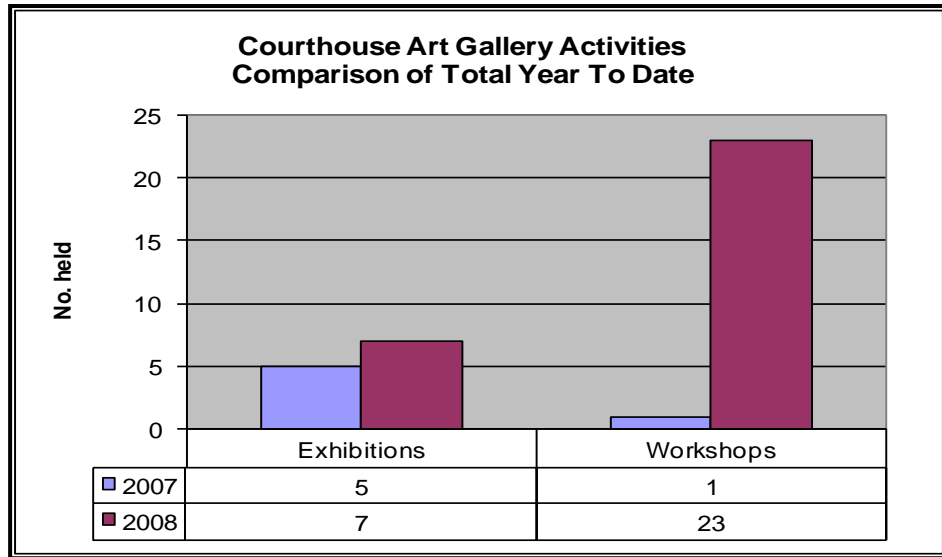
Statistics are lower this month with school holidays having an effect. Three (3) Carers were also away during school holidays.

Pilbara Family Day Centre Scheme Co-ordinator has received notice from the National Childcare Accreditation Council of Australia that the Self Study report for the scheme is due by the end of August. A lot of work is to be carried out on this, as only two Carers have been through this process previously. Surveys have been sent out to Parents and Carers for feedback on the schemes performance.

Matt Dann Cultural Centre

A report from the Matt Dann Cultural Centre is unavailable for July.

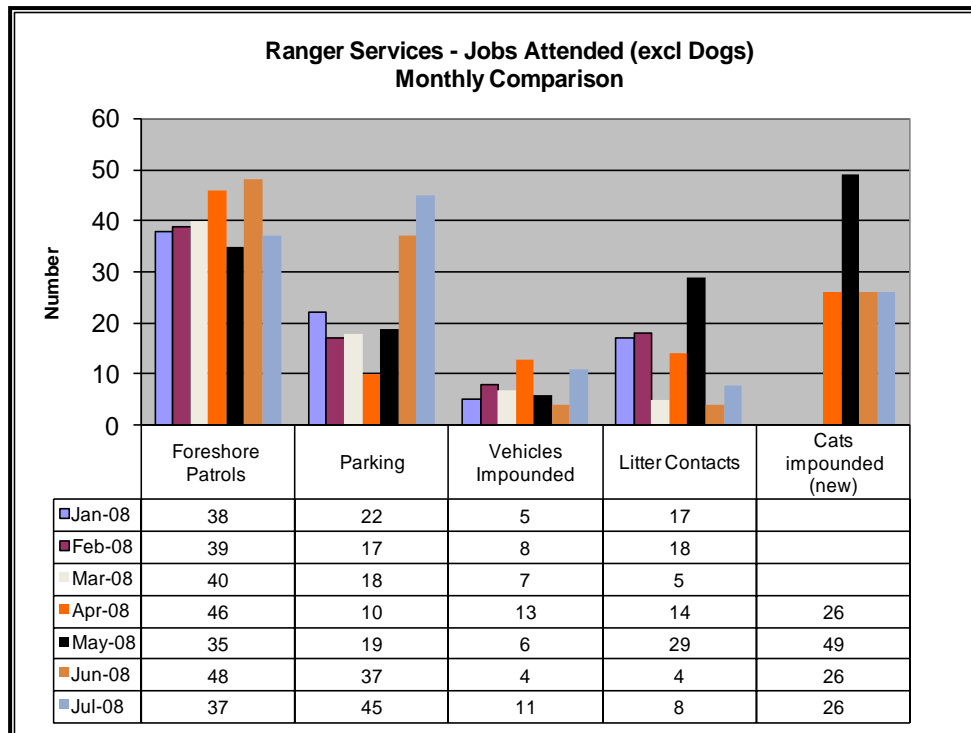
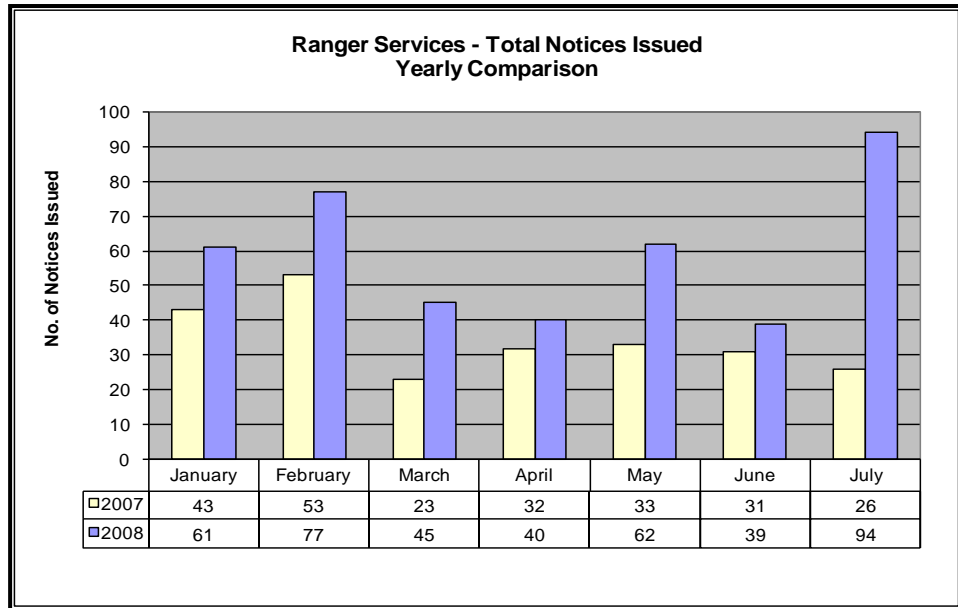
Courthouse Gallery

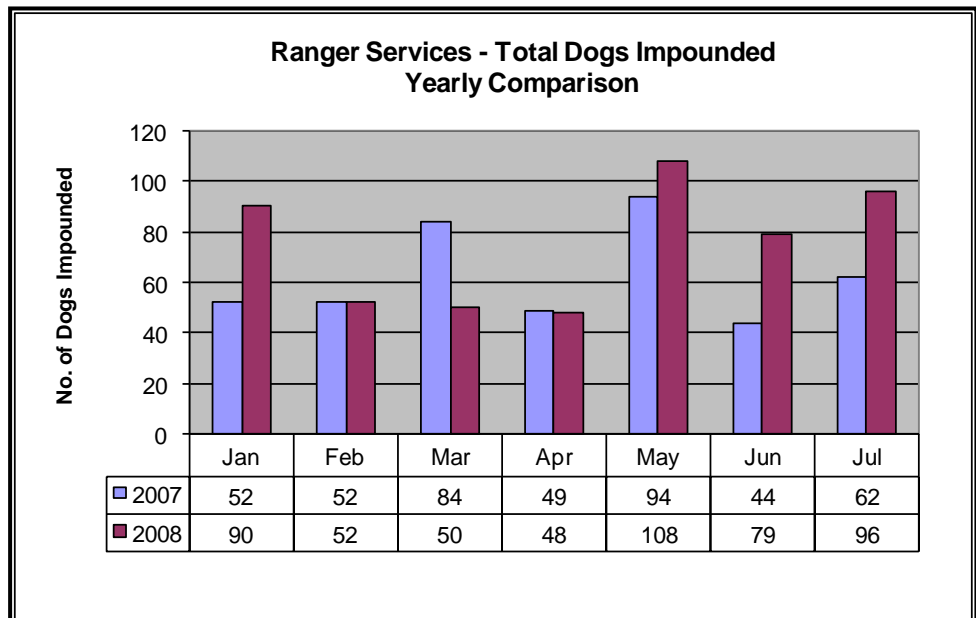
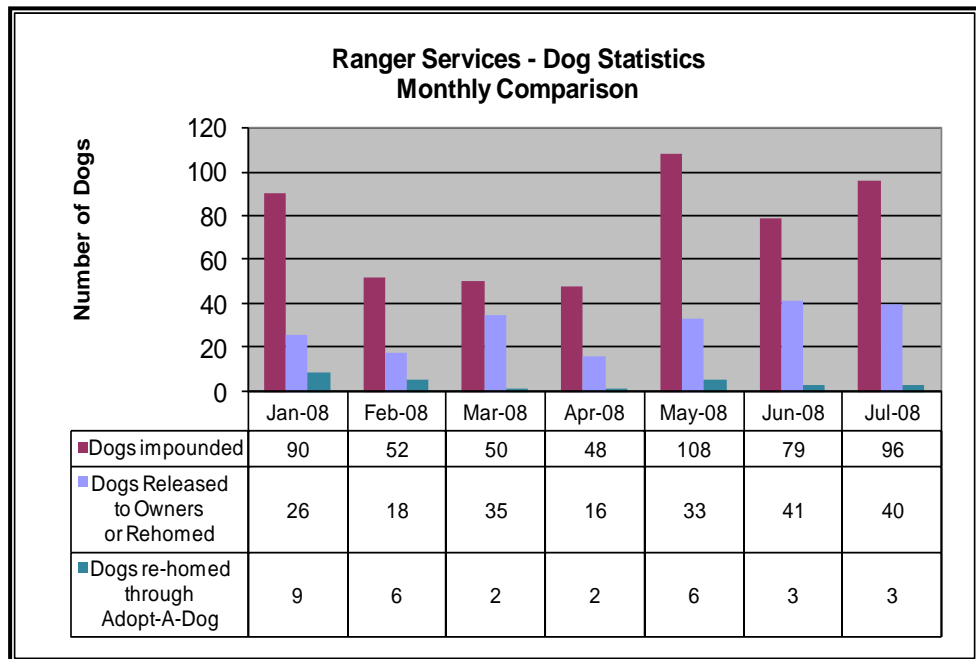


The first of three P.H.otography workshops was held in July and proved to be well attended and enjoyed by participants. The exhibition of Too Captivating is still being held and finishes on 25/8/08.

Two additional events were held during July, these being Creating Communities and an FMG event. These two functions attracted 90 attendees and these numbers are incorporated within the above total attendees figure.

Environmental Health Services





Attachments

Nil

200809/033 Council Decision/Officer’s Recommendation

Moved: Cr S J Coates

Seconded: Cr A A Gear

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

CARRIED 7/0

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

Officer Nellie Mackay
Executive Assistant
Community and Regulatory
Services

Date of Report 19 August 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 July 2008.

Background

A listing of Planning and Building Consents issued by Council's Planning and Building Services under Delegated authority for the month of July 2008 are attached to this report.

Consultation Nil

Statutory Implications

Town of Port Hedland Delegation Register 2007 outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council. 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

200809/034 Council Decision/Officer's Recommendation

Moved: Cr J E Ford

Seconded: Cr J M Gillingham

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

CARRIED 7/0

DELEGATED PLANNING APPROVALS FOR JULY 2008

PLANNING APPROVALS						
Application Number	Application Date	Date Determined	Description	Applicants Name	Owners Name	Address
2008/61	10/03/2008	03/07/2008	SINGLE HOUSE - R Code Variation - Shed Addition exceeding R Codes height allowance of 2.4m - 7m x 5m x 4m	Colleen Gilla	COLLEEN M GILLA	5 CHUNKING CRESCENT SOUTH HEDLAND
2008/101	31/03/2008	04/07/2008	EQUESTRIAN CENTRE - Stabling Facilities (15 x Stables)	Nigel Weston Port Hedland Turf Club	TOWN OF PORT HEDLAND	29 JOHNSON LANE (OFF STYLES RD) PORT HEDLAND
2008/104	14/04/2008	03/07/2008	SINGLE HOUSE - R Code Variation - Shed Addition 12m x 6m x 3.4m (Exceeding R Codes Height Allowance of 2.4m)	Grant Beaton	GRANT ANDREW BEATON	27 MCGREGOR STREET PORT HEDLAND
2008/129	28/04/2008	15/07/2008	WAREHOUSE/ SHOWROOM & OFFICES	Paterson Group Architects	JAXON CONSTRUCTIONS PTY LTD	3 SANDHILL STREET WEDGEFIELD
2008/134	05/05/2008	16/07/2008	SINGLE HOUSE - R Code Variation - Nil Setback to Garage with Wall Height (No Major Openings) of 3.3m	Freo Construction	ANTONIO CANCI	3 YURNTU LINK PORT HEDLAND
2008/173	19/05/2008	02/07/2008	SINGLE HOUSE - R Code Variation - Nil Setback to Garage	Freo Constructions	MICHELLE CANCI	10 YIKARA DRIVE PORT HEDLAND
2008/174	19/05/2008	25/07/2008	WAREHOUSE - Addition of Emergency Generator	Hedland Dairy	FLEURON HOLDINGS	5 MURRENA STREET WEDGEFIELD
2008/176	05/06/2008	30/07/2008	STORAGE FACILITY/ DEPOT/ LAYDOWN AREA - 2 x Water Tanks for Fire Services	WA Shed Commercial P/L	COCKBURN CEMENT LIMITED	12 PEAWAH STREET WEDGEFIELD
2008/215	17/06/2008	31/07/2008	COMMUNITY USE - Relocation of storage building onto the same lot as Dalgety House	Port Hedland Historical Society	HISTORICAL SOCIETY (INC) PORT HEDLAND REGIONAL MARITIME	6 ANDERSON STREET PORT HEDLAND

DELEGATED BUILDING APPROVALS FOR JULY 2008

BUILDING LICENCES					
Licence Number	Approval Date	Locality	Description of Work	Estimated Construction Value	Floor area in sq metres
80130	09.07.2008	South Hedland Rural Est	Dwelling	\$280,485	121
80122	03.07.2008	Port Hedland	Outbuilding (Shed)	\$18,500	72
80134	18.07.2008	Port Hedland	4 x Unit Addition - Motel	\$275,000	
80136	22.07.2008	Wedgefield	New Office (in existing bldg)	\$90,000	52
80141	25.07.2008	Port Hedland	Workshop Addition	\$350,000	441
80132	14.07.2008	Port Hedland	Relocation of Existing Dwelling	\$17,500	
80128	08.07.2008	South Hedland	2 x Grouped Dwellings	\$862,000	300
80127	08.07.2008	South Hedland	2 x Grouped Dwellings	\$750,000	208
80129	08.07.2008	South Hedland	2 x Grouped Dwellings	\$750,000	208
80119	01.07.2008	South Hedland Rural Est	Dwelling	\$420,000	308
80139	23.07.2008	Wedgefield	Alterations to Existing Mezzanine Floor	\$130,000	70
80133	15.07.2008	Wedgefield	Warehouse & Office	\$500,000	450
85018	01.07.2008	Port Hedland	Swimming Pool	\$20,000	
85019	09.07.2008	South Hedland	Swimming Pool B/G	\$12,500	
80121	02.07.2008	South Hedland	Refurbishment	\$30,000	
80120	02.07.2008	South Hedland	Refurbishment	\$30,000	
80126	07.07.2008	South Hedland	Dwelling	\$343,000	126
80145	31.07.2008	South Hedland	Dwelling	\$536,000	189
80144	30.07.2008	South Hedland	Dwelling	\$536,000	189
80146	31.07.2008	South Hedland	Dwelling	\$536,000	189
85020	03.07.2008	South Hedland	Spa B/G	\$15,000	
85021	11.07.2008	South Hedland	Swimming Pool B/G	\$34,000	
80131	14.07.2008	Port Hedland	Re-roof of Warehouse	\$95,000	
80135	18.07.2008	Redbank	Outbuilding	\$120,000	336
80123	03.07.2008	South Hedland	Refurbishment	\$30,000	
80124	04.07.2008	South Hedland	Refurbishment	\$40,000	
80138	22.07.2008	Port Hedland	Dwelling	\$425,000	174
85023	24.07.2008	South Hedland	Swimming Pool and Spa B/G	\$16,000	30
80137	29.07.2008	South Hedland	Dwelling	\$270,000	176
80142	29.07.2008	South Hedland	Dwelling	\$270,000	176
85022	24.07.2008	South Hedland	Swimming Pool B/G	\$16,000	
80140	24.07.2008	Wedgefield	Standby Generator Pad	\$8,000	20
80143	30.07.2008	South Hedland	Alterations & Refurbishment to Existing Dwelling	\$30,000	
71048	18.07.2008	South Hedland	2 x Grouped Dwellings	\$400,000	240
71059	17.07.2008	South Hedland	2 x Grouped Dwellings	\$400,000	200
71060	16.07.2008	South Hedland	2 x Grouped Dwellings	\$400,000	200
71061	17.07.2008	South Hedland	2 x Grouped dwellings	\$400,000	200
71068	18.07.2008	South Hedland	2 x Grouped Dwellings	\$400,000	140
71193	10.07.2008	South Hedland	2 x Grouped Dwelling	\$925,000	372
71292	29.07.2008	Port Hedland	Dwelling	\$350,900	290
71293	22.07.2008	Port Hedland	Dwelling	\$356,950	296
71287	03.07.2008	South Hedland	Shed	\$19,120	
TOTAL ESTIMATED CONSTRUCTION VALUE				\$11,507,955	

DEMOLITION LICENCES			
Licence Number	Approval Date	Locality	Description of Work
83017	18.07.2008	South Hedland	Demolition of Whole of Building
83016	15.07.2008	South Hedland	Demolition of Whole Dwelling

SIGNAGE			
Licence Number	Approval Date	Locality	Description of Work
84004	07.07.2008	Port Hedland	2 x New Pylon Signs

SUMMARY OF BUILDING LICENCES ISSUED				
Number of Licences	Licence Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
2	Demolitions	\$0	0	
26	Dwellings	\$9,788,835	4302	\$2,275
10	Class 10	\$279,120	428	\$652
7	Commercial	\$1,440,000	1013	\$1,422
45	TOTAL	\$11,507,955	5743	

11.2.2 Planning Services**11.2.2.1 Proposed Warehouse on Lot 11 (39-41) Greenfields Street, South Hedland (File No.: 154422G)**

Officer Richard Bairstow
Manager Planning

Date of Report 29 July 2008

Disclosure of Interest by Officer Nil

Summary

Council has received the following application (2008/275) from the owner, Outlook Contracting & Consulting Engineers, of Lot 11 (39-41) Greenfield Street, South Hedland Rural Estate (see Attachment 1), seeking planning approval for the construction of two (2) sheds at 10m x 15m x 7.458m (300m²) on a 450m² concrete pad.

The application was to be refused under delegated authority, as the most appropriate use description under the Town Planning Scheme (TPS5) is a "Warehouse". A Warehouse is not permissible within the lot's Rural/Residential zone.

However, given Council's recent decisions in regard to sheds on rural residential lots, it was considered appropriate for the application to be determined by Council.

Background*The Site*

The site is included in the Rural Residential zone, under the TPS5, and has an area of 1.9745ha. 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 lot is currently vacant.

The Proposal

The applicant originally submitted an application for a 450m² shed however after building advice has reduced the application to two 150m² sheds with a height of 7.458m. The owner has provided the following information in regard to the proposed use of the shed:

"Outlook Contracting are requesting permission to construct a shed on the property, size 450sqm. This shed is the first stage of Outlook's proposed development for this block, with a house design and order currently being discussed with suppliers. Outlook's intent is to first build the shed and then construct a house. The intent to complete the works in this format is based

supply, as the supply and construction of a shed was quicker than the supply of a house materials, and the shed, once completed will provide security and storage for the construction materials required for the house. Outlook are endeavouring to have a house constructed by the second half of 2008.

Outlook are intending to use the proposed house for personal accommodation and a shed for storage of personal assets. Outlook have requested permission to construct a shed on the block, sized to allow Outlook to store the private vehicles and boats belonging to the owners of the company. The shed has been sized to allow Outlook safe and undercover storage space for our identified private vehicles (owners) and is no larger than other sheds already constructed within the estate. We have approached, and included, copies of letters from our immediate neighbours stating that they have no concern regarding the proposed size of shed we are requesting authorization to construct.

Outlook are committed to the construction of a house on the identified property as soon as possible, and will be submitting an application for Building Licence to Council as soon as we can arrange to have a suitable design certified for the cyclonic rating of the region, expected within the next 4-6 weeks.

Outlook Contracting are a relative new company to the region and these private accommodation works are the first stage of what we hope will be an expanding commitment to the Port Hedland region. Outlook are currently trying to place our machines with other agencies within the Port Hedland industrial areas, with a longer term intent to purchase a property within the industrial area to allow us to further develop the our ^(sic) business within the region. We have no intent to undertake or conduct a business from this premise, and understand and empathise with the Council intent to ensure that this estate is used as a residential area only.

If there are any questions regarding the above matter please contact myself on the numbers below."

Statutory Implications

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

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

Council Policy 12/006 applies, and states (in part):

“12/006 SOUTH HEDLAND RURAL ESTATE – COVENANT AND DESIGN POLICY

Policy Objectives

- i) To ensure that development of the South Hedland Rural Estate is consistent with the provisions of the Town Planning Scheme No. 5, the intent of the original subdivision referral comments resolved 11 March 1998, and preliminary approval conditions from the Ministry for Planning dated 2 July 1998.*
- ii) To ensure that the applicants seeking Planning consent for development of this land being within Forrest Location 226 Quartz Quarry Road, Port Hedland are aware of the policy provisions for the development of land in this area.*

Policy Provisions

...ii) Compliance with the following requirements:

- a) Building envelope is to be pursuant to the provisions of Town Planning Scheme No.5;*
- b) Proposed land uses are to be pursuant Rural Residential zoned land contained in Town Planning Scheme No. 5; ...”*

Strategic Planning Implications

The proposed development has no implications for Strategic Planning.

Budget Implications

An application fee of \$276 was paid on lodgment and deposited into account 1006326 – Town Planning Fees.

Officer’s Comments

Overly large sheds in residential and rural/residential are a concern from an amenity, streetscape, and use perspective. The TPS5 provides no direction in regard to a maximum size.

The Building Code of Australia (BCA), however, states that a shed with a size in excess of 200m² is a commercial structure. It's considered reasonable that sheds in excess of 200m² are determined as a separate use under TPS5 given the commercial rather than domestic nature.

Further, the shed has been determined as a use in its own right, as the only other use of the land could only be described as a Storage facility/depot/laydown area. This is also a use that is not permitted within a Rural Residential zone and is currently the subject of separate action.

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".

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 could be neither incidental nor appurtenant to a future 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 Outlook Contracting Pty Ltd of Lot 11 (39-41) Greenfields Street, South Hedland (Application Number 2008/275), on the understanding that it is appurtenant and incidental to the residence on the Lot."

This is not the preferred option as:

- The two sheds cannot reasonably be considered of a domestic nature or size for the before mentioned reasons; and
- Currently there is no application for a Single House.

The application is recommended for refusal for the reason provided within the recommendation.

Attachments

- 1 Location Plan
- 2 Site Plan

200809/035 Council Decision/Officer's Recommendation

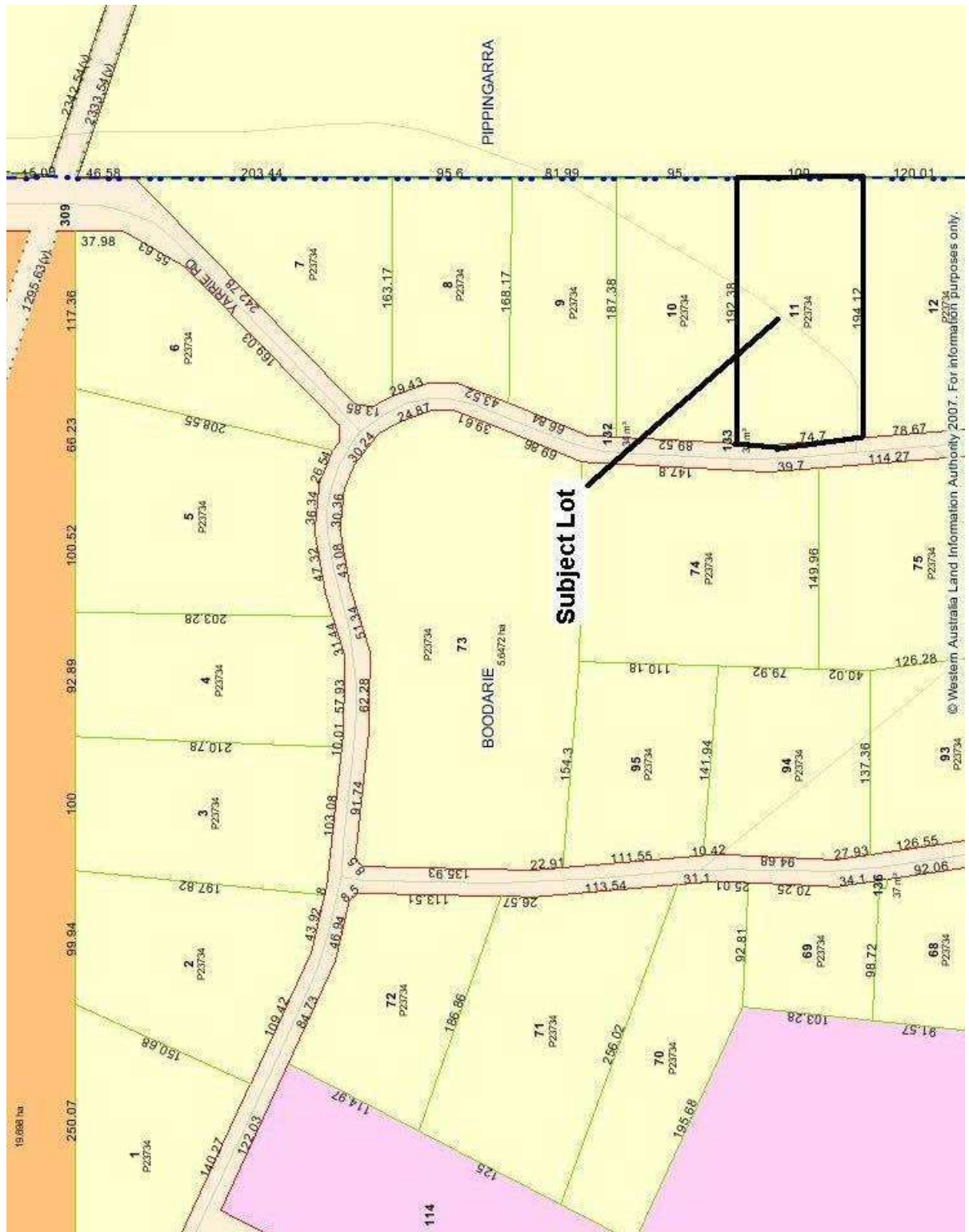
Moved: Cr A A Gear

Seconded: Cr K A Howlett

That Council REFUSES the Planning Consent for the construction of two (2) 150m² sheds from Outlook Contracting Pty Ltd of Lot 11 (39-41) Greenfield Street, South Hedland (Application Number 2008/275), as the use of a warehouse is a use that is not permitted by the Town Planning Scheme No. 5. in a Rural/Residential Zone.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.1



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.1



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.1

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FOUNDATION PLAN
 SCALE: 1 : 100

STEEL BUILDING BY **SHEDCO**
 FOR **LEIGH BOSWORTH**
 AT **LOT 11 GREENFIELD ST BOONDARRIE PORT**

PHONE 1300 131 147
 LEIGH BOSWORTH
 LOT 11 GREENFIELD ST
 BOONDARRIE PORT

DRAWN PDHS
 CHECKED JH
 DATE 30/5/2008
 JOB NO. SSAG23960
 SHEET 1 OF 5

ACAME
 240 Princess Highway
 Millmerran NSW 2538
 Consulting Civil, Structural
 & Mechanical Engineering
 (Incorporating Civil, Structural
 & Mechanical Engineering)
 Registered Civil Engineer
 Registered Structural Engineer
 Registered Mechanical Engineer
 Registered Civil & Structural
 Engineering Firm & Incorporated
 Engineers

Registered Professional Engineer 348317
 Mr John Raymond Hart
 WE Aust. Engng - (Civil/Structural)
 Signature: *JRH*
 Approved on the site in the area of project of
 Date: 20/08/08
 National Construction Regulator

fair dinkum
 240 Princess Highway
 Millmerran NSW 2538
 Consulting Civil, Structural
 & Mechanical Engineering
 (Incorporating Civil, Structural
 & Mechanical Engineering)
 Registered Civil Engineer
 Registered Structural Engineer
 Registered Mechanical Engineer
 Registered Civil & Structural
 Engineering Firm & Incorporated
 Engineers

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1 SIDEWALL EXTERIOR ELEVATION
SCALE: 1 : 100

2 SIDEWALL EXTERIOR ELEVATION
SCALE: 1 : 100

3 ENDWALL INTERIOR ELEVATION
SCALE: 1 : 100

4 ENDWALL INTERIOR ELEVATION
SCALE: 1 : 100

NOT AROUND FOR MARKING ON SHEET 5
CONCRETE TO BE MARKED ON SHEET 5
L-BRACING TO BE MARKED ON SHEET 5
T.S. CONCRETE
11" TO EDGE
30.000M
30.000M
T.S. CONCRETE
WALL DETAIL FOR MARKING SCHEDULE ON SHEET 5
L-BRACING TO BE MARKED ON SHEET 5
T.S. CONCRETE
WALL DETAIL FOR MARKING SCHEDULE ON SHEET 5
L-BRACING TO BE MARKED ON SHEET 5
T.S. CONCRETE

NOTE: CLADDING LIMITED FOR CLARITY. SEE SHEET #5 FOR CLADDING DETAILS.

REGISTERED PROFESSIONAL ENGINEER 349317
Mr John Raymond Hart
Structural Design - (Civil/Structural)
NVEB
Signed on behalf of the Engineer Date: 26/8/08
G.M.A. National Professional Engineers Register

ACAME
ABN 28 002 465 072
Consulting Civil, Mechanical & Mechanical Engineering
243 Process Highway
Wilton NSW 2338
www.acame.com.au
Registered Structural Engineer
Registered Mechanical Engineer
Registered Civil Engineer
Registered Electrical Engineer
Registered Gas Fitter
Registered Gas Welder
Registered Gas Inspector

fair
dinkum

STEEL BUILDING BY
FOR
AT
DRAWN: FDHS
CHECKED: JH
DATE: 30/8/2008
JOB NO: SSAG23980
SHEET: 2 OF 5

(CONTACT)
SHEDCO
PHONE 1300 131 147
LEIGH BOSWORTH
LOT 11 GREENFIELD ST
BOONDAIRIE PORT

11.2.2.2 SINGLE HOUSE – R Code Variation – Shed Addition Exceeding R Codes Requirements for Size and Height at 20m x 12m x 4.2m on Lot 102 Redbank Road, Redbank (File No.: 116762G)

Officer Richard Bairstow
Manager Planning

Date of Report 29 July 2008

Disclosure of Interest by Officer Nil

Summary

Council has received the following application (2008/290) from the owner, Scott Malcolm of Lot 102 Redbank Road, Redbank (see Attachment 1), seeking planning approval for the construction of a 20m x 12m x 4.2m (240m²) shed.

The applicant has gone to considerable lengths to address the issues of streetscape and shed size.

In recognition of the applicant's effort the application is referred to Council for consideration with several alternative recommendations provided.

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. 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 lot is currently vacant.

The Proposal

The proposed shed has an area of 240m² and a total height of 6m. The applicant has provided the following justification for the shed size:

“Please find enclosed my application to erect a 12m x 20m x 4m shed on my property at Lot 102 Redbank Road, Redbank.

I have lived in South Hedland for over 36 years. The decision to move to Redbank is to try and make better living conditions and lifestyle for my family, but I would need this shed to do so. I am willing to spend the money to make the property presentable and to fit in with the future plans the Town of Port Hedland has for the Redbank area. I'm a local person that intends to stay a lot longer but need to build this property to make it worthwhile.

I have investigated shed sizes and have worked out what my requirements are. This size shed is the smallest possible shed (but not the cheapest) to contain cars, trailers, motor bikes, caravan and a dinghy securely and neatly, as opposed to being scattered randomly and unsightly on the block. I wish the shed to have adequate room around the vehicles to open doors safely, walk around the cars etc. I have attached a diagram of how the contents of the shed would be arranged. I have chosen a good local shed builder that build strong well made sheds (Northwest Shedmasters). The shed is a long way off the front fence (63m) and will be surrounded by trees not only to block it from the road but to make the yard look presentable, as per attached diagram of trees, grassed areas etc.

I am building a new house (McGrath Transportable), situated at the north end of the block to best take advantage of the views of Port Hedland, not of power lines and surrounding houses. Seventeen plus Tuckaroo trees will be planted that are well suited to the soils and area and in future years the shed will be a backdrop to the trees.”

Statutory Implications

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

Consultation

The comments of other business units have been included within the recommendations which recommend approval.

The applicant provided letters of support from the adjoining likely affected owners.

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 \$345 was paid on lodgement and deposited into account 1006326 – Town Planning Fees.

Officer's Comment

Overly large sheds in residential and rural/residential are a concern from an amenity, streetscape and use perspective. The TPS5 provides no direction in regard to a maximum size.

The Building Code of Australia (BCA) however state that a shed with a size in excess of 200m² is a commercial structure. It's considered reasonable that shed's in excess of 200m² is determined as a separate use under TPS5 given the commercial rather than domestic nature.

Further, the shed 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 and therefore are not considered incidental to the single house.

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".

In recognition of the above, and if Council wished to remain consistent with previous recommendations made by the administration then the following recommendation should be adopted:

That Council REFUSES the Planning Consent for the construction of a Warehouse from Mr Malcolm of Lot 102 Redbank Road, Redbank (Application Number 2008/290), for the following reason:

The use of a warehouse is a use that is not permitted by the Scheme in a Rural/Residential Zone.

However, Council has previously determined that a 336m² shed on lot 105 (65) Redbank Road as an outbuilding, appurtenant or incidental to a residence. This shed is considerably smaller (240m²) and the applicant has made significant effort to address the shed streetscape impact. The second alternative recommendation is consistent with the lot 105, decision whilst including appropriate conditions on this occasion. If Council wished to approve the application as presented, then the following recommendation should be adopted:

That Council APPROVES the Planning Consent for the construction of an outbuilding to a Single House from Mr Malcolm of Lot 102 Redbank Road, Redbank (Application Number 2008/290), in accordance with the submitted plans, and subject to the following conditions:

- a) *This approval relates only to the proposed shed, as indicated on the approved plans. It does not relate to any other development on this lot.*

- 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) *The shed shall only be used for domestic storage and/or activities as outlined by the owner in the application submission dated 17 July 2008, and not be used for commercial or industrial purposes or human habitation.*
- d) *Prior to the submission of a Building Licence,*
 - i) *A Building Licence for the Single House being submitted to and approved by the Town;*
 - ii) *A landscaping and reticulation plan is to be provided, incorporating planting elements (creepers or trees) which are strategically located within the primary street setback area, to provide vertical elements to break the bulk of the shed; and*
all to the satisfaction of the Manager Planning.
- e) *The Single House is to be commenced within 12 months of this approval or the outbuilding shall be removed and the area made good all at the owners expense and to the satisfaction of the Manager Planning.*
- f) *The Single House is to be completed within 24 months of this approval or the outbuilding shall be removed and the area made good all at the owners expense and to the satisfaction of the Manager Planning.*
- g) *The shed elevation to the primary street to incorporate shutters or windows or louvers to break up the street elevation to the satisfaction of the Manager Planning.*
- h) *The colours of the proposed shed are to blend with those of the existing dwelling or environment, to the satisfaction of the Manager Planning.*
- i) *The design levels of the proposed shed shall be submitted with the building license application, and shall be to the satisfaction of the Manager Planning.*
- j) *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.*

FOOTNOTE:

- 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 applicant/owner is required to lodge an application for a Building Licence, under the provisions of the Building Regulations, and approval from the Town, before commencing any works whatsoever.*

- c) *You are advised that drawings submitted for Building License are to be properly drawn and signed by a practising structural engineer. It should be noted that two storey dwellings must be accompanied by a completed Certificate of Structural Sufficiency.*
- d) *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.*
- e) *Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.*

The third alternative is considered to be a compromise. It is the same as the second recommendation, but reduces the shed to maximum area of 200m². This option has been discussed with the applicant and whilst the applicant would prefer the shed approved as submitted, this is a preferred outcome to a refusal. It is recognised that the applicant has gone to a considerable effort to address the concerns of the Planning Department, including streetscape and shed size.

The third option is the preferred of the administration and this is reflected in the recommendation.

Attachments

- 1 Location Plan
- 2 Site Plan
- 3 Floor layout and Elevation

200809/036 Council Decision/Officer's Recommendation**Moved:** Cr J E Ford**Seconded:** Cr J M Gillingham

That Council APPROVES the Planning Consent for the construction of an Outbuilding to a Single House from Mr Malcolm of Lot 102 Redbank Road, Redbank (Application Number 2008/290), in accordance with the submitted plans and subject to the following conditions:

- a) This approval relates only to the proposed shed, as indicated on the approved plans. It does not relate to any other development on this lot.**
 - 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) The shed shall only be used for domestic storage and/or activities as outlined by the owner in the application submission dated 17 July 2008, and not be used for commercial or industrial purposes or human habitation.**
 - d) Prior to the submission of a Building Licence,
 - i) A Building Licence for the Single House being submitted to and approved by the Town;**
 - ii) A revised plan set of plans being submitted to, and approved by, the Town, reducing the shed to a maximum floor area of 200m²; and**
 - ii) A landscaping and reticulation plan is to be provided, incorporating planting elements (creepers or trees) which are strategically located within the primary street setback area, to provide vertical elements to break the bulk of the shed;****
- all to the satisfaction of the Manager Planning.**
- e) The Single House is to be commenced within 12 months of this approval or the outbuilding shall be removed and the area made good all at the owners expense and to the satisfaction of the Manager Planning.**
 - f) The Single House is to be completed within 24 months of this approval or the outbuilding shall be removed and the area made good all at the owners expense and to the satisfaction of the Manager Planning.**

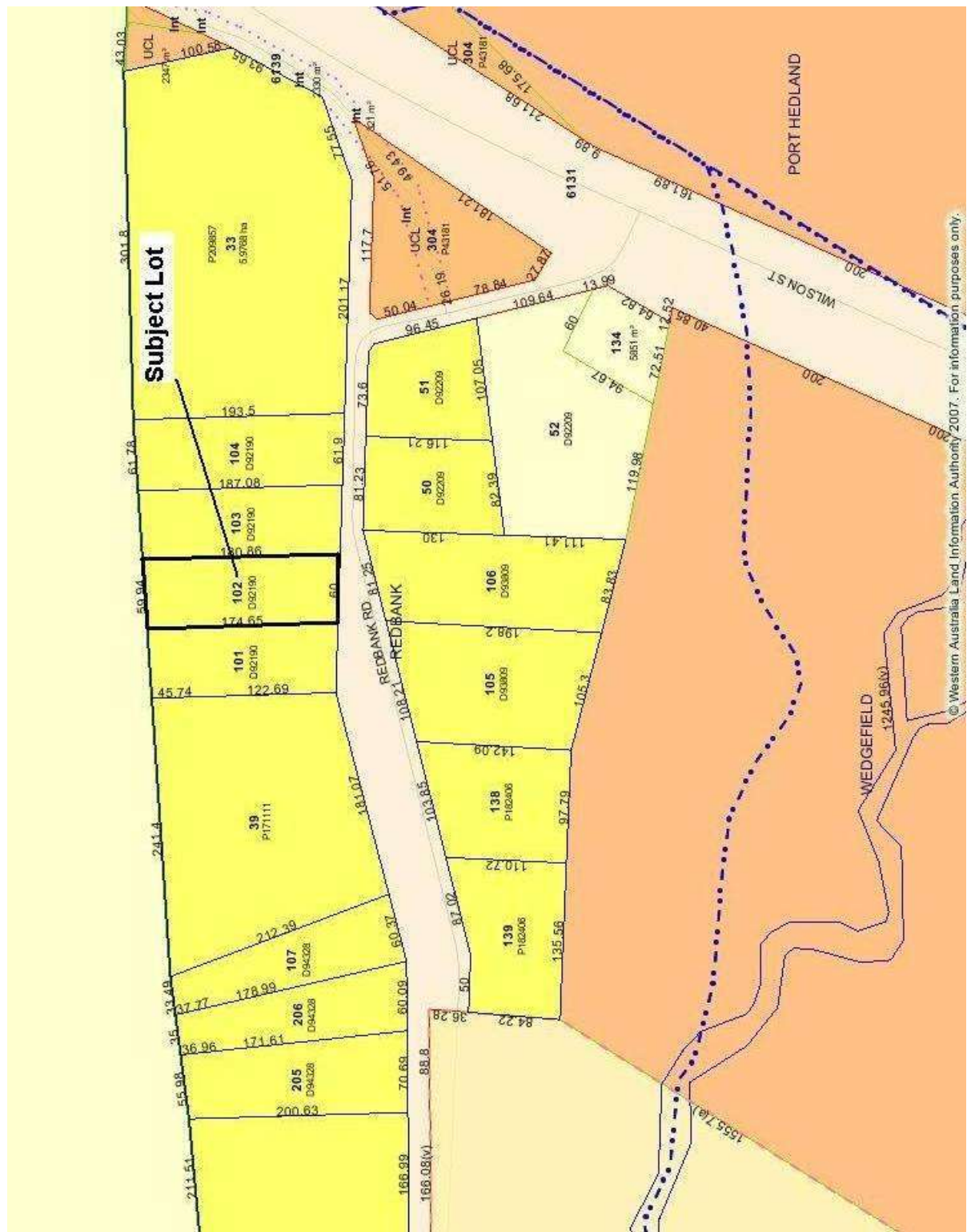
- g) The shed elevation to the primary street to incorporate shutters or windows or louvers to break up the street elevation to the satisfaction of the Manager Planning.**
- h) The colours of the proposed shed are to blend with those of the existing dwelling or environment to the satisfaction of the Manager Planning.**
- i) The design levels of the proposed shed shall be submitted with the building license application, and shall be to the satisfaction of the Manager Planning.**
- j) 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.**

FOOTNOTE:

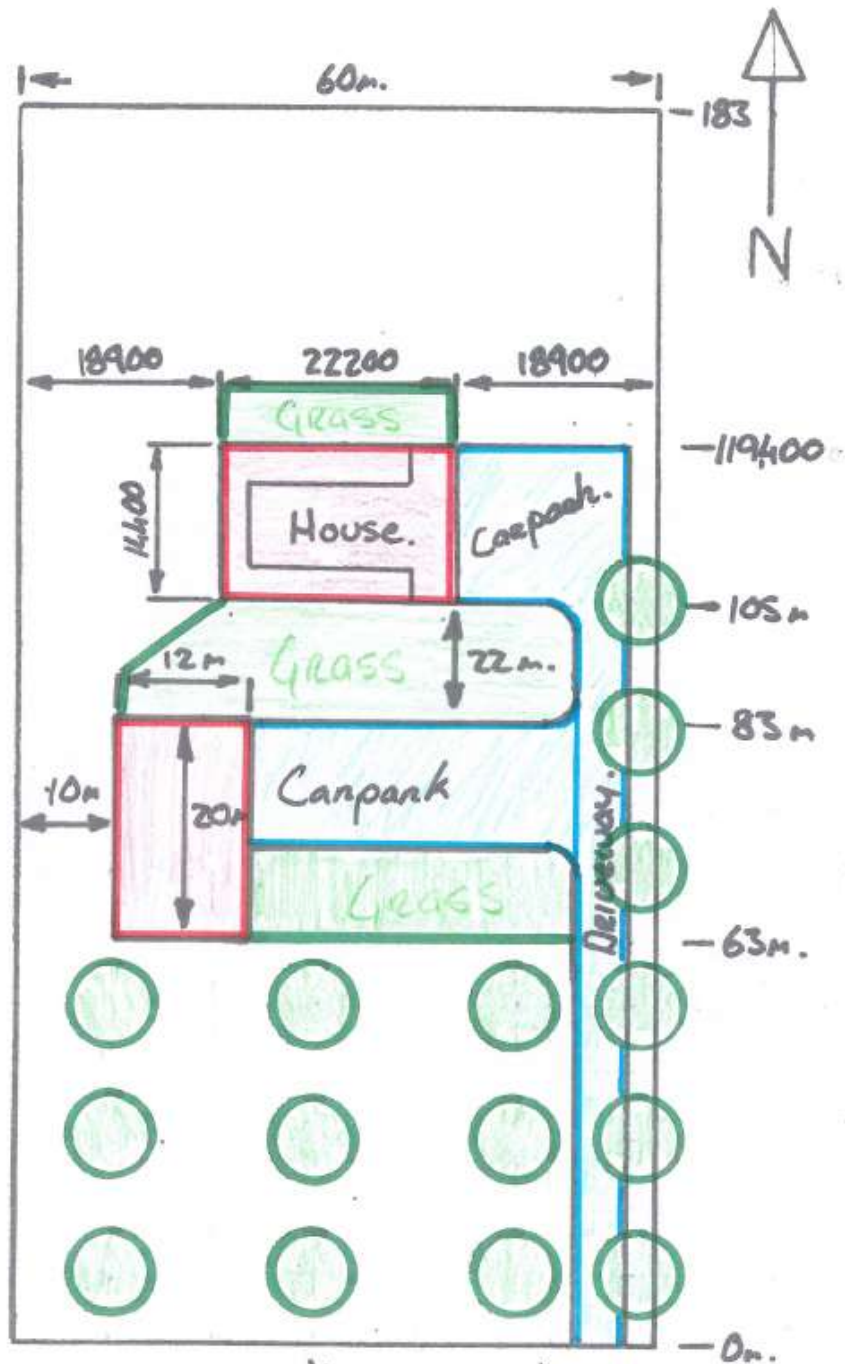
- a) You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health, and engineering requirements.**
- b) The applicant/owner is required to lodge an application for a Building Licence under the provisions of the Building Regulations, and approval from the Town, before commencing any works whatsoever.**
- c) You are advised that drawings submitted for Building License are to be properly drawn and signed by a practising structural engineer. It should be noted that two storey dwellings must be accompanied by a completed Certificate of Structural Sufficiency.**
- d) 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.**
- e) Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.2



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.2



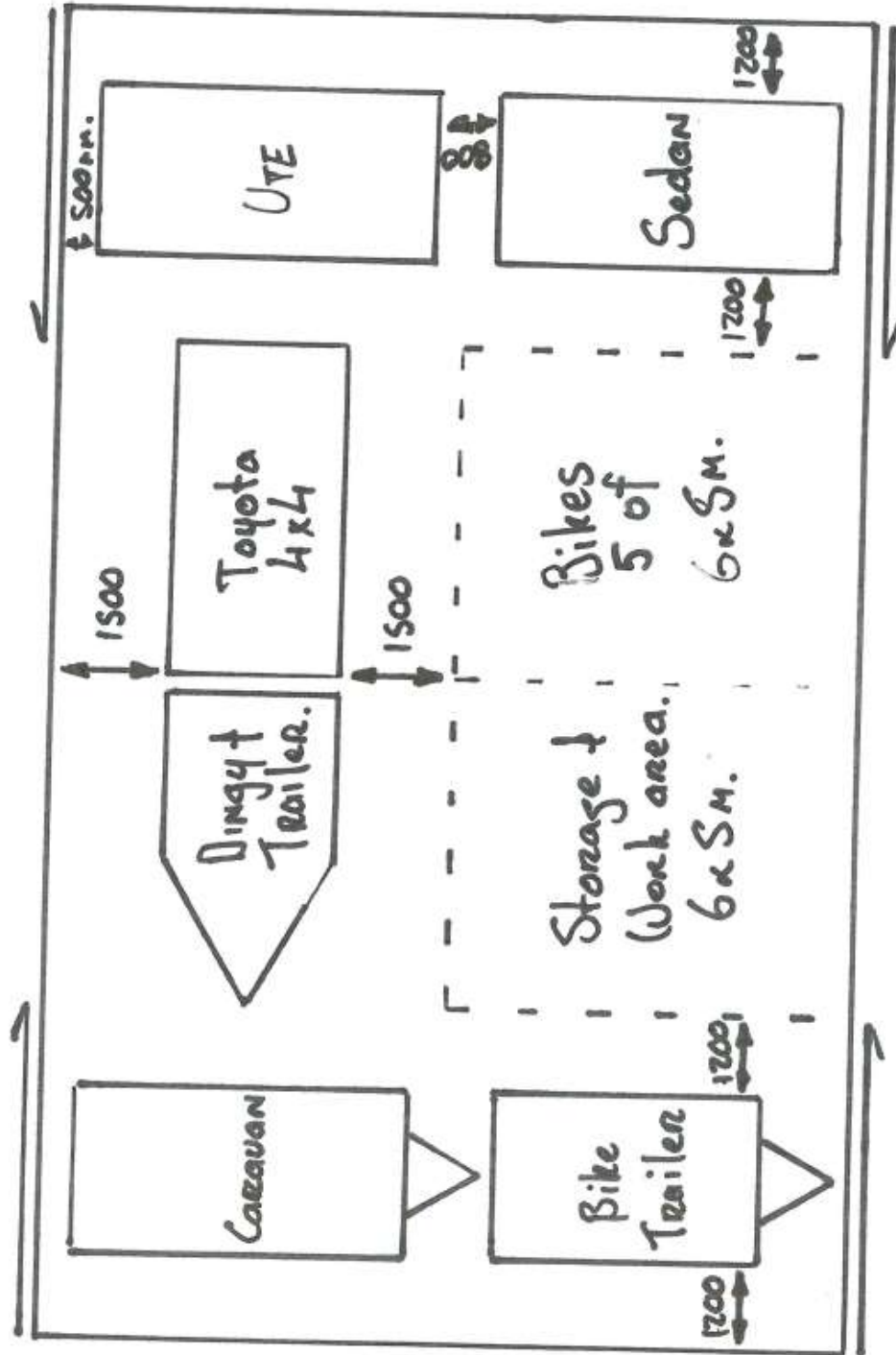
Redbank Rd

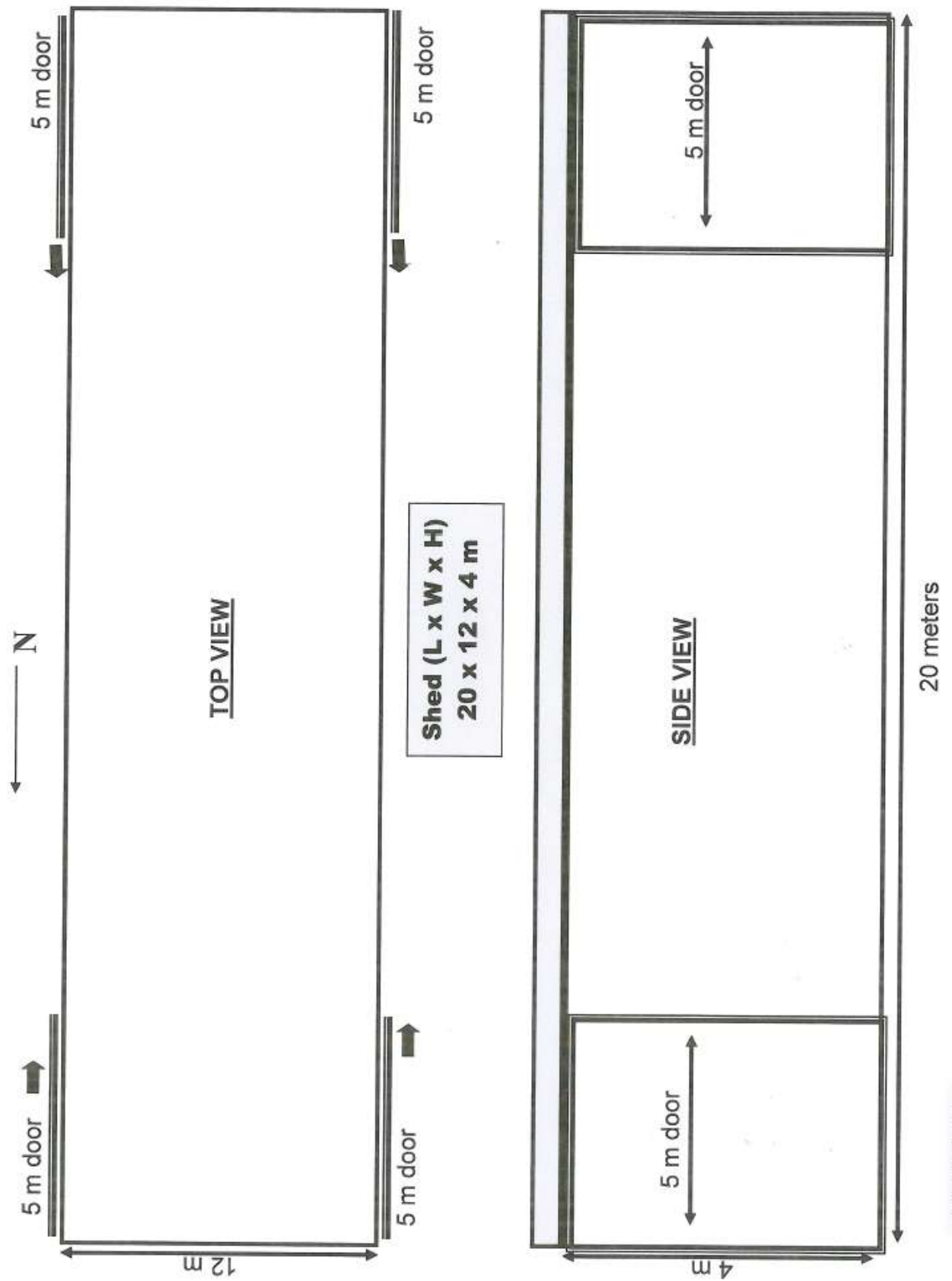
Property layout.

-  Trees.
-  GRASS AREAS.
-  House + Shed.
-  DRIVEWAYS + CARPARKS.

N. →
Shed
20x12x4m.

Shed layout.





5:58 pm Councillor Steve J Coates declared a financial interest in Agenda Item 11.2.3.1 'BHP Billiton Iron Ore (BHPBIO) Port Hedland Outer Harbour Development, Finucane Island – Environmental Scoping Document for Public Environmental Review (PER)' as he is a BHP Billiton Iron Ore employee and owns BHP Billiton shares. Councillor Coates left the room.

5:58 pm Councillor Arnold A Carter declared a financial interest in Agenda Item 11.2.3.1 'BHP Billiton Iron Ore (BHPBIO) Port Hedland Outer Harbour Development, Finucane Island – Environmental Scoping Document for Public Environmental Review (PER)' as he is and owns BHP Billiton shares. Councillor Carter left the room.

200809/036 Council Decision/Officer's Recommendation**Moved:** Cr A A Gear**Seconded:** Cr J E Ford

That Councillor K A Howlett be appointed Chair for the duration of Agenda Item 11.2.3.1 'BHP Billiton Iron Ore (BHPBIO) Port Hedland Outer Harbour Development, Finucane Island – Environmental Scoping Document for Public Environmental Review (PER)' is being considered by Council.

CARRIED 5/0

5:58 pm Councillor Kelly A Howlett assumed the Chair.

11.2.3 Environmental Health Services**11.2.3.1 *BHP Billiton Iron Ore (BHPBIO) Port Hedland Outer Harbour Development, Finucane Island – Environmental Scoping Document for Public Environmental Review (PER) (File No.: 802302G)***

Officer Darryal Eastwell
Manager Environmental Health Services

Date of Report 25 July 2008

Disclosure of Interest by Officer Nil

Summary

BHP Billiton Iron Ore (BHPBIO) are proposing an Outer Harbour Development to provide for an export capacity of an additional 200Mtpa of iron ore. Although exact detail has not been formulated for the proposal it is understood that a wharf/jetty will be built to load ships with iron ore approximately six (6) kilometres off Finucane Island, Port Hedland (see Attachment).

A total of five alternative port locations were considered within the region of Port Hedland. These options were evaluated based on criteria ranging from environmental, social and economic. The Outer Harbour Development on Finucane Island was chosen as the preferred option.

The Environmental Protection Authority (EPA) has advised Council that they have set a Public Environmental Review (PER) (eight-week review) level of assessment for the proposal.

In setting this level of assessment the EPA consider that the proposal is of local or regional significance that raises a number of significant environmental factors. The EPA has determined that the likely environmental impacts are sufficient to warrant formal assessment of the proposal under the provisions of the Environmental Protection Act (1986) with an eight (8) week review period.

Background

The Outer Harbor Development, if approved, will be located adjacent to BHPBIO's operations in Port Hedland and includes the construction of stockyards within the vicinity of the decommissioned Hot Briquetted Iron (HBI) plant at Boodarie and a jetty/wharf structure offshore from Finucane Island.

To support their application BHPBIO have prepared a draft Environmental Scoping Document which will be a precursor to the Public Environmental Review document.

The purpose of the scoping document is to highlight the key environmental factors relevant to the outer Harbour Development and the proposed scope of environmental investigations to address the potential environmental impacts.

The proponent has incorporated a risk-based approach by identifying potential impacts as high, medium or low potential risk/impact. Accordingly, the document provides most detail for those described as high or medium.

Environmental factors considered of high significance include:-

- Air quality
- Terrestrial noise and vibration
- Protected marine biota
- Marine water and sediment quality
- Intertidal and subtidal habitats
- Hydrodynamics and coastal process

Following the scoping document the company will prepare a Public Environmental Review document to examine the environmental effects of the outer harbour development proposal. It will describe the proposal, examine the likely environmental effects and proposed management procedures.

Consultation

The EPA has requested that the Town review the scoping document and identify any potential environmental issues or any other considerations that should be identified in the scoping document.

A copy of the document is available for Council's perusal.

Statutory Implications

These applications are administered through the Environmental Protection Act.

Policy Implications

Nil

Strategic Planning Implications

The proposed Outer Harbour Development was not considered in the Land Use Master Plan (LUMP)

Budget Implications

Nil

Officer's Comment

The comment period on the Draft Scoping Document was very short and any responses were required to be submitted to the EPA by Monday 21st July, 2008 however the Town will be given the opportunity to comment on the draft PER when it is released.

In reviewing the document, key environmental factors seem to be addressed however some more localized issues may need to be considered. These include:

- public access to the Finucane Island Boat Ramp
- traffic impacts;
- community impacts of growth proposed, including population growth, housing needs and associated impacts on government and community services.
- the need for safe passage areas to be included in the design structure of the wharf/jetty to accommodate sailing and recreational vessels.

Attachment

Conceptual Project Footprint Layout

Officer's Recommendation

That Council advises the Environmental Protection Authority of the need to consider the following localised environmental factors:

- a) public access to the Finucane Island Boat Ramp;
- b) traffic impacts;
- c) community impacts of growth proposed, including population growth, housing needs and associated impacts on government and community services; and
- d) the need for safe passage areas in the design structure of the wharf/jetty for BHP Billiton's Iron Ore Outer Harbour Development to accommodate sailing and recreational vessels in the Public Environmental Review document.

200809/037 Council Decision

Moved: Cr J E Ford

Seconded: Cr A A Gear

That Council advises the Environmental Protection Authority of the need to consider the following localised environmental factors:

- a) public access to the Finucane Island Boat Ramp;**
- b) traffic impacts;**
- c) community impacts of growth proposed, including population growth, housing needs and associated impacts on government and community services;**
- d) the need for safe passage areas in the design structure of the wharf/jetty for BHP Billiton's Iron Ore Outer Harbour Development to accommodate sailing and recreational vessels in the Public Environmental Review document; and**
- e) social impacts on the community of the proposed growth.**

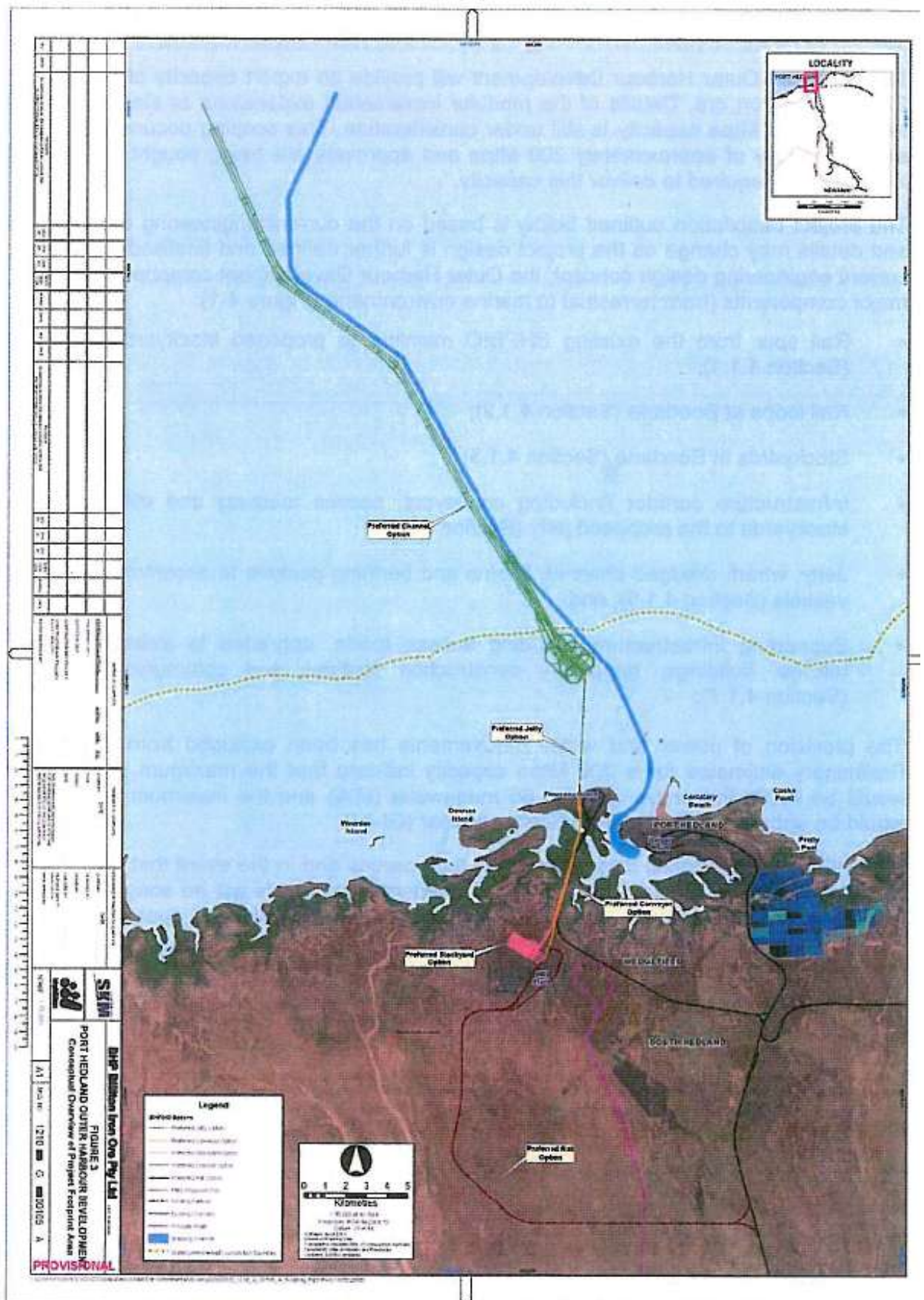
CARRIED 5/0

REASON: Council added clause e) to ensure the EPA would also be advised of the need to consider the social impacts on the community, of the proposed growth.

- 6:02pm Councillors Arnold A Carter and Steve J Coates re-entered the room and assumed their Chairs.
- 6:02 pm Councillor Kelly A Howlett, appointed Chairperson, advised Councillors Carter and Coates of Council's decision.
- 6:02pm Deputy Mayor Arnold A Carter resumed the Chair.

ATTACHMENT TO AGENDA ITEM 11.2.3.1

Figure 4-1 – Conceptual Project Footprint Layout



11.2.4 Community and Economic Development**11.2.4.1 *Town Entry Statement – Artwork Expression of Interest (File No.: 06/02)***

Officer **Julie Broad**
Manager Community and
Economic Development

Date of Report 22 August 2008

Disclosure of Interest by Officer **Nil**

Summary

This report presents the feedback from the public consultation process undertaken on the proposed new town entry statement.

Background

At its Ordinary Meeting held on 23 July 2008, Council resolved to seek public comment on the recommendation of its independent selection panel, formed to select the iconic artwork that will greet visitors and residents entering Hedland from the north.

The recommendation of the panel was that of the work by Jahne Rees which was the preferred work by five (5) of the six (6) panelists.

Consultation

Public comment was sought through advertising in the local North West Telegraph newspaper and posting the advertisement on Council's website.

Comment was invited by posting or returning the newspaper comment slip to Town of Port Hedland Civic Centre, by email, fax or via website comment slip.

In addition, it was advertised that the 4 maquettes were available for viewing at the Courthouse Arts Centre and Gallery.

Statutory Implications

Nil.

Policy Implications

Nil.

Strategic Planning Implications

KRA 3 Community Development
Goal 7 Arts & Culture
Strategy 3 Develop a unique entry statement to the Town

Budget Implications

The current budget provides (A/C 1201461) for this expenditure which is funded from the BHP reserve (A/C 1201397).

Officer's Comment

A total of eighteen (18) comments were received. These comments were all lodged at the Courthouse Gallery where the maquettes were on display. No comments were received through the other method of lodgement, i.e. email, mail, website.

A table of comments received together with a summary of comments is attached as per Attachment 2.

Of the eighteen (18) public comments received sixteen (16) preferred the works of Jahne Rees design. The remaining two (2) comments were in favour of Andrew Kay design.

Attachments

1. Advertisement in NorthWest Telegraph and on Council Website
2. Public Comment Schedule & Summary of comments

200809/038 Council Decision/Officer's Recommendation

Moved: Cr J E Ford

Seconded: Cr J M Gillingham

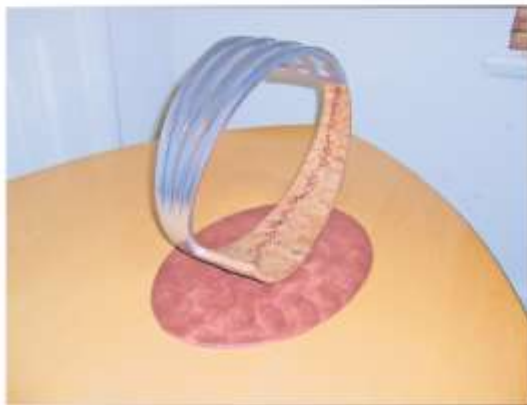
That Council appoints Jahne Rees to manufacture and install the entry statement artwork as specified in his submission to Council's independent advisory panel.

CARRIED 7/0



Port Hedland Artistic Entry Statement

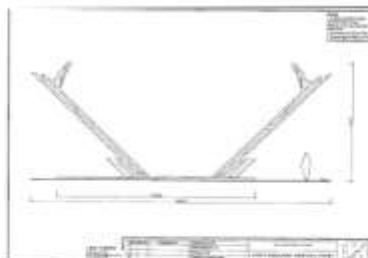
We are seeking community comment on the Artwork selection recommended by our assessment panel for the signature piece that will welcome residents and visitors into Hedland. The artwork will be sited next to the Visitors Bay on the Great Northern Highway, between the Airport and T-junction. The assessment panel, comprising highly qualified art industry members, architects, local artists and long term Hedland residents assessed artwork for Artistic Merit, Methodology, Technical Skills, Relevant Experience, Track Record, and Management skills and have recommended the work of Jahne Rees: SCAPE-ISM. The maquettes can be viewed at the Court House Art Gallery, and on-line at www.porthedland.wa.gov.au.



This iconic monument will stand 8 metres tall and is comprised of two elements, based on the red earth colour of the Pilbara, and stainless steel representing the ongoing refining of technology as well as humanity's striving achievement. These elements are linked and intertwined in what appears to be a continuous revolving wheel with details depicting tidal movement and the various human and natural interactions with the ancient land.. There are multiple interpretations of the relationship of the two forms, but the core idea of this artwork is about duality: the raw material contrasted to the processed, the landscape and the built form, the meeting of ocean and earth, the ancient and the new, the coexistence of two cultures, Aboriginal and Western, and contrasts of culture and land use. **Jahne Rees SCAPE-ISM (Recommended as preferred choice by Assessment Panel)**



Our approach has been to address the whole site and create a contemporary sculptural piece that pays homage to the Flat Back Turtle and also functions as a shelter / information bay. The sculpture is a series of turtle shell shapes linked together, rising in height and size to form a shelter. It is envisaged that stories relative not only to the Flat Back but also Port Hedland's history, Industry, Aboriginal Culture and the surrounding region are told in the shells. From the site there is not a sense of being near the coast. This is another reason to create something that is in stark contrast to the harsh interior. **Greg Healey and Gregg Mitchell GROUNDPLAY**



This work consists of two life-sized figures walking towards each other suggesting a possible meeting at ground level, this is a place where cultures meet to work together. On the ground large discs are inscribed with maps, one celestial map plots the Southern Cross, the other shows the region as a simplified diagram of land forms, sea and mangrove flats intertwined with roads, rail and paths. From a distance the work appears as a giant V, derived from the angles of huge piles of salt and iron ore, and gestures a welcome to the place. **Jon Tarry**



This design captures in an imaginative and artistic form the three main features of the town: The port and shipping, the rich historical heritage and abundant wildlife. The main feature of the artwork is the outline of the bow of a ship; this represents the major activity of the Town, the port and loading facilities. At the base of the bow is a sea green wave, which makes reference to the harbour and the rich sea life around the inlet. Fish shapes are shown swimming across the wave. **Andrew Kay**

Comments Slip:

Please post or drop this slip back to Nellie Mackay at the Civic Centre, Town of Port Hedland, PO Box 41, PORT HEDLAND, WA, 6721, fax to 9158 9399, or email to FACRS@porthedland.wa.gov.au. Comments are due by Wednesday 20th August 2008

PUBLIC ARTWORK ENTRANCE STATEMENT – TOWN OF PORT HEDLAND

Comment in favour of	Comment
Jahne Rees	I prefer Jahne Ree's Scapism as it tells a single, solid story as opposed to the other entrants where some messages are lost
Jahne Rees	By far the best portrayal of Hedland – Outstanding
Jahne Rees	For elegant symbolism I prefer the Jahne Rees – Scapism. To me it is combines the earth with all the background, history and mythology that goes with it, and arising from this is the modern technology, but not just linearly as an infinite cyclical loop portending hopes of sustainable development.
Jahne Rees	<i>No additional comment provided</i>
Jahne Rees	<i>No additional comment provided</i>
Jahne Rees	I prefer the Scapism by Jahne Rees design. It is a striking piece and represents strongly the Pilbara industry, but the addition of the historical, cultural and ecological motifs will make it uniquely "Pilbara" centric. They could choose to add a symbol of a Black Rock Stakes trolley now that the historic event is over
Jahne Rees	<i>No additional comment provided</i>
Jahne Rees	Love this design
Jahne Rees	<i>No additional comment provided</i>
Jahne Rees	Best design
Jahne Rees	Love this design
Jahne Rees	This entry is the most suitable because it is able to sit solidly in this environment
Jahne Rees	<i>No additional comment provided</i>
Jahne Rees	My choice is the piece by Jahne Rees because it is bold & striking; good form; duality idea great.
Jahne Rees	Best design
Jahne Rees	I think that Jahne Rees piece is appropriate for an entry statement for Port Hedland.

Comment in favour of	Comment
Andrew Kay	Like the concept of Andrew Kay – without the port, the Town would not be here. With relevant historical photos this could be a great entry statement. Suits the environment – working in industry. Visitors to the Town will understand the statement with ease. The Jahne Rees, although a higher score, requires a great deal of explanation which the average working man/woman would not appreciate.
Andrew Kay	Our first choice would be Andrew Kay’s work. It is in our opinion a perfect symbol of Port Hedland – unique with tying in the past in the stainless steel shapes.

SUMMARY	
ARTIST	Number of comments
Jahne Rees	16
Andrew Kay	2
Groundplay	0
Jon Tarry	0

11.3 ENGINEERING SERVICES**11.3.1 Director Engineering Services****11.3.1.1 *Monthly Report for July (File No.: 13/04/0001)***

Officer Terry Dodds
Director Engineering Services

Date of Report 18 August 2008

Disclosure of Interest by Officer Nil

Summary

Council's Engineering Directorate has provided an update on the projects that they are currently managing.

Background

The Engineering Department is currently managing over 60 projects. The format of the report has been modified to reflect a more project management focused approach to deliver.

Consultation

Engineering Services officers.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

The projects within the monthly report reflect the priorities of the Draft Plan for the Future.

Budget Implications

The projects listed in the Engineering Monthly report have been included in Council's 2008/09 budget.

Officer's Comment

Nil.

Attachments

1. Works Schedule
2. Recreation Update

200809/039 Council Decision/Officer's Recommendation

Moved: Cr A A Gear

Seconded: Cr J E Ford

That Council receives the Engineering Services monthly report for July 2008.

CARRIED 7/0

FINANCIAL PROGRAMME FOR ENGINEERING SERVICES FOR THE PERIOD 1 JULY 2008 TO 30 JUNE 2009

Cyclone
Watch/Season

Legend

	Concept & design development
	Approvals/Services

	Procurement/Tender
	Construction/works undertaken

Officer	A/c Number	A/c Description	Funding	YTD Expenditure (date updated)	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS
MES	1201441	Footpath Railings															Railings to be completed (spray painting) when equipment arrives. Depot staff to paint railings when spray unit arrives
MES	1201467	Throssel Street - BS	\$26,000 Black Spot 0708														Due to finish end of Sept.
MES	1201486	Wedgefield Upgrades - R2R Program	\$200,000 Roads to Recovery														Ongoing from safety audit, advise R2R of program Depot & period contract Currently being constructed (contractor breakdown, re-start beginning Sept).
MRS	1108269	Multi Purpose Sport & Recreation Facility Design	BHP														Stage 2: Source funds where applicable Stage 3: Approvals undertaken as part of arch. designs Stage 4: Tender for construction Stage 1: Report due OCM March 2009
AM	1210474	a/con upgrade															carry forward from last year due to delay in construction of a/c installation only. Delivery expected mid Aug. Roof will be inspected whilst ac is removed.
MID/MES	1201443	McGregor Street RRG (Condon street to Cooke Point road)	\$86,000 Regional Road Group														Program includes the extension of asphalt 2m towards skate carpark and asphalt overlay of McGregor street from Clarke street to Cooke Point road. Construction work to be undertaken by Council's period contractors Pioneer
MID/MES	1201455	Anderson Street RRG	\$16,000 Regional Road Group 0708, \$104,000 RRG														Frewer to Howe - drainage & asphalt overlay. Works undertaken by Council staff and period contractors. Pioneer
MES	1201464	Anderson Street Upgrade (West End Greening Stage 1)	NA (BHP 0708)														Finished (late propagated shrubs - end of March).
MID/MES	1201475	Port Hedland Footpath Const	\$192,500 BHP														Cooke Point, Styles, Bayman, Leeds, Pilkington. Contractor has confirmed that program will be completed prior to contract expiry on 31st December 2008. Services and obstructions to be checked as construction progresses (Working in Bayman, then Leeds).

MES	1201478	Reseals	NA																	Program to be reviewed since recent contractor price increase. Budget to be confirmed as varies from original submission (Check funding, possible misallocation). 5 year program.
MID/MES	1201444	Shoata Rd MRWA (fully funded by R2R)	\$139,000 Roads to Recovery																	Seal remainder of Hamilton to floodway. Depot crews carrying out preparation work (WE 22/8/08). Sealing by period contractors. To be completed prior to wet season.
AM	new	CBS security installation																		Conveyor concept complete. Internal works concept associated with othe terminal wrks conveyor approved w/out tender Aug. Other works quotes only determined by x-ray machine delivery date completed prior to 1 dec
MID/MES	1009481	Cemetery Upgrade (Entry signage, lintels, kerbing, plot markers)	NA		C															Program approved at July OCM. Includes entry signage, kerbing, plot markers and concrete lintels. Entry signage has been ordered. Works to be completed by Depot. Kerbing contractor due August. Kerbing contractor on hold to coincide with Throssel.
MID	1105424	Port Hedland Boat Ramp (potable water supply, lighting)	\$40,000 PHES																	PHPA & DEC objected to formal boat washdown bay. Potable water, signage and lighting repairs to be completed in August. Investigate partially funding self cleaning ablutions with remainder of budget, with installation approximately Nov/Dec. Plumbers/electrician liaising with PHPA re Channel marker lights
MID	1201481	Walkway/Park Lighting	\$90,000 BHP, \$90,000 SHNL,																	Program to be reviewed with consultation with Horizon Power and with reference to current development plans (22 August). May require tender if Horizon Power choose not to take over assets. Investigate solar lighting at Finucane boat ramp.
MID	1201487	Street Lighting Upgrades	\$150,000 BHP, \$150,000 SHNL, \$102,500 SHNL 0708, \$90,000 Pilbara Fund 0708																	Meeting with Horizon Power to be scheduled to review program (end August). Extent of works is limited pending the possibility of underground power installation in South Hedland. All works to be carried out by Horizon Power as street lighting is their asset.
DES	NEW	TWA project management																		Geotechnical investigations commenced. WWTW designed. Design of civil works commenced. Reports to briefing session (Sept 10) by DES.
MID/MES	1201453	Hamilton Road RRG	\$17,200 Regional Road Group (0708)																	Kerbing and asphalt overlay on section near Matt Dann/Club Hamilton. Undertaken by period contractors.
MRS	1108420	Recreation Facility Upgrade (Diamond 1 Backnet and Hawks clubrooms)	Carry Forward: BHP																	Completed Completed Completed Construction - D1 backnet
MID/MES	1004410	Septage Ponds (construct new septage ponds at SH Landfill)	NA		C															Design completed. To be constructed by Council staff utilising contractors where required. DEC approval not required due to concrete lining. Construction commencement pending burning of greenwaste (location)
MID/MES	1111446	Playground Equipment (Colin Matheson & Kevin Scott oval)	\$105,000 Lotteries, \$80,000 SHNL 0708		C															Shade structure contract has been awarded to Wild Terrain Designs. Building licence approvals in progress (12/8/08). Construction to commence in September. Retic locations to be confirmed. Remainder of budget allocated to paths, lighting and furniture - to be programmed upon finalisation of shade structure locations. Building licence application pending finalisation of designs. Cyclone certification error- rectified - caused delay.

MES	1204280	Pre Cyclone clean Up White Goods/Green																		Advertising and signage - WE 15/8/08. Starting pickup at beginning of Sept. NA Depot Greenwaste-Sept/Oct, Whitegoods-May/June
AM	1210478	RESA Extension																		ENESAR design. Surveyor to grid survey area period contract rates RADS carry forward from last year due to delay in construction
AM	1210477	Grading of drains																		internal/contract rates (tentative date). design main apron complete. Thorn reviewing GA apron design. May be possible to use existing poles. Quotes: TOPH to supply goods construct only internal/contract rates RADS
AM	1210476	Apron lighting																		design complete Review undertaken to ensure compatibility for future aircraft mix. Quotes: electrical only installation. Goods purchased dependant on flight testing availability timed for RESA as ENESAR only one in WA RADS
AM	1210475	PAPI																		design complete Review undertaken to ensure compatibility for future aircraft mix. Quotes: electrical only installation. Goods purchased dependant on flight testing availability timed for RESA as ENESAR only one in WA RADS
MES	1201483	Nth Circular Rd East Culverts RRG	\$14,400 Regional Road Group 0708, \$31,180 R2R 0708																	DBYD Culverts ordered due September, Depot to do concrete bases WE 22/8/08. Depot + contractors
MID/MES	1201476	South Hedland Footpath Const	\$205,000 BHP, \$205,000 SHNL, \$52,500 SHNL 0708																	Traine, Mauger, Stanley, Bottlebrush, Limpet, Pettit, Hawke, Mitchie, Smith, Acacia. Contractor has confirmed that program will be completed prior to contract expiry on 31st December 2008. Services and obstructions to be checked as construction progresses.
MRS/MID/MES	1201440	Cycleway development	BHP \$200,000, Council Funds \$330,000																	Path construction to be undertaken by Council's period contractor. Additional signage and linemarking work to be outsourced.
MID/MES	1201490	Sutherland Street Upgrade (PHES) - Nodes	\$300,000 PHES 0708																	Works to be undertaking by Council staff and contractors where required. Scope of works and quantity takeoff to be finalised. Water and power connection process is underway.
AM	NEW	Café Modifications																		Consultations with shopfitters in Perth. National Food Service investigating layout; design.
AM	NEW	Departure Lounge Modifications																		Design associated with CBS and Café Modifications tendered works complete project
AM	NEW	Solar Lights	Nil																	Grant funding in budget - locate & apply Dependant on type of installation

MID/MES	1201473	Drainage Construction	NA																	Site inspections carried out for Pedlar/Parker and Logue court drainage. Design required for Logue court. Both projects to pipe drainage to existing open drainage network. Port Hedland LIA drainage program to be investigated during the wet season to determine priorities. Works undertaken by Council staff.
MES	1110278	Sportsground Surface Repairs																		Marie Marland, Kevin Scott and MacGregor St ovals' surfaces require airating & other maintenance.
MID/P&G	1111265	Reticulation - Survey Pickup	NA																	Quotes to be sourced from surveyors for the pickup and documentation of park features, including boundaries, equipment, furniture, sprinklers, etc. Reticulation pipe locations to be added by Parks & Gardens staff.
MES	NEW	Floodwater Pump Upgrade - Elec Shelter																		Subcontractors
AM	1210473	Electrical upgrade																		design complete. Connell Wagner specifications Stage 2 of upgrade - ring main. Reading electrical engaged to review specifications prior to going to tender to ensure accuracy.
MRS/ME S	1109451	McGregor Street Oval Upgrade	Carry Forward: BHP																	Report from ROSS Planning presented at Aug OCM. Select item for installation (toilet?)Basic improvements selected, approvals sought To be determined
MRS	1108273	SH Sports Precinct Masterplan	Funds not yet received																	Brief created, obtain funds Work undertaken in consultation with architects
MES	1111282	Native Plant Nursery																		Establish and create removable structure and associated infrastructure. Staff went to Greening Australia HQ learning native plant propogation (Aug 12).
MRS	1108415	Skatepark Upgrade South Hedland (shade structure)	Council Funds																	Concepts - shadow studies etc Potentially - funds and suitability dependent
MRS	1108416	Sports Facility Upgrade Program (Sheds - McGregor Street and Marie Marland Reserve)	Carry Forward: BHP																	Sheds constructed offsite (hand over to Building) Sheds constructed on-site
MID/MES	1201450	Boulevard Tree Planting	\$165,000 BHP, \$165,000 SHNL, \$50,000 SHNL 0708																	Planting of street trees along both sides of Cottier drive. Connection with mains water is difficult and costly (\$200K) as no main line is present. Investigated alternative reticulation system. Planting of trees will be determined by weather conditions. Trip to Perth (JV & PJ) required.
MID	811494	Don Rhodes Mining Museum (lighting, fencing and crackerdust around exhibits)	\$150,000 BHP																	Program includes lighting, fencing and crackdust hardstand to exhibit areas. Quotes obtained for budget request to be confirmed. Construction timeframe pending contractor availability.

MID	1208443	Light Vehicle Replacement	NA																Vehicle specifications to be confirmed with each department prior to ordering vehicles. Vehicles to be supplied through approved dealers as per State Supply Contract.
MRS	1107413	Aquatic Centre Plant and Equipment	\$70,000 BHP																Priorities have been determined by the ToPH and YMCA, as per the YMCA audit undertaken, and submitted capital upgrade requests. Plant and equipment will be purchased as per the procurement policy, and in accordance with the Recreation Facility Audit, with preference for the items deemed most important.
MRS	1106430	GAC upgrades	Council Funds																Priorities have been determined by the ToPH and YMCA, as per the YMCA audit undertaken, and submitted capital upgrade requests. Plant and equipment will be purchased as per the procurement policy, and in accordance with the Recreation Facility Audit, with preference for the items deemed most important.
MRS	1107430	SHAC upgrades	Council Funds																Priorities have been determined by the ToPH and YMCA, as per the YMCA audit undertaken, and submitted capital upgrade requests. Plant and equipment will be purchased as per the procurement policy, and in accordance with the Recreation Facility Audit, with preference for the items deemed most important.
MID/MES		Schillaman Street Drainage	NA																Concept design has been prepared. To be tendered as design and construct, pending reviewing of current tender documentation to ensure compliance. Dial before you dig required plus liaison with Water Corp regarding visible water line. Construction timeframe pending wet season. Check funding: Questionable.
MRS/MES	1111437	Recreation Reserve Development	BHP \$600,000, Council Funds \$300,000																Reported to Aug OCM, basic amenities determined Quotes and services determined. Contractors det Tender / quotes obtained
MID/MES	1201458	Throssel Street Streetscape	NA																Designs are being prepared by Epcad. To be reviewed to ensure integration with South Hedland CBD upgrade proposals. Depending on final scope, works may be tendered or undertaken by Council staff.
MID	1111449 & 1111439	Park Upgrades & Marquee Park Development	\$1.3M BHP, \$800,000 SHNL, \$1.05M LG, \$100,000 other																McNally Newton Landscape Architects have commenced concept designs in collaboration with Council planning, development and maintenance staff. Park will include a water play area. Staff at Darwin's Leanyer Park to investigate designs and possible construction & maintenance issues (14-15/8/08)
MID/MES	1201439	Public Infrastructure - Bins, Seating, Shade etc	\$300,000 BHP, \$200,000 SHNL																Program to be prepared based on community survey results, minor works requests and parks survey. Investigate options of installing a self cleaning toilet at Finucane boat ramp and Port Hedland boat ramp. Minimum of \$400,000 to be spent in South Hedland as per SHNL funding agreement.
MID/MES	1201438	West End Greening stage 2	\$700,000 BHP																Scope and costings to be prepared based on original design. Includes painting of water tank, bore installation, additional shrubs and mulch, turf, pathways, shade structure and seating, drainage modifications. DES requested Excel resources for quotation for additional 12,000 shrubs.
MID/MES	1111435	Stairway to the Moon	\$50,000 FMGL, \$50,000 PHES, \$45,455 Pilbara Fund, \$25,000 Regional Partnerships, \$12,045 other																Epcad are finalising designs, specifications and structural details after comments received from Council staff. DEC, DPI & DIA approvals to be investigated. Building licence will be required for construction. Construction timeframe will be pending cyclone season.
MRS/DES	1109455	Colin Matheson clubrooms	BHP																Report Aug OCM. DES investigating options in Perth on 27/28 Aug. Determine type/loc/etc Tender for construction Construction prior to football season

MRS	1109450	Colin Matheson Oval Upgrade	Carry Forward: BHP																Report from ROSS Planning presented at Aug OCM. Determine which upgrades/additions will be implemented Tender for construction Construction prior to football season
MID/MES	1105410	Finucane Island Boat Ramp (widen ramp, increase gradient, reduce silt)	\$75,000 DPI																Survey work has commenced and will be completed mid August during low tide. Maunsell will then commence design to widen and raise ramp. Approval process (concept) to commence with DPI, DEC, PHPA and DIA. Depot will construct ramp when tides are low.
MID/MES	1111436	Bore Installations	\$60,000 BHP																Applications sent to Dept of Water in January, March and July 2008. In response to requests for further information, correspondence was sent to DOW in July clarifying the scope of works. A hydrogeological study may be required, pending further advice from DOW, which is yet to occur.
MES	1004410	Mulching Shed																	Get additional quotes plus original quote Subcontractors - Quotes sent to 6 suppliers 3 declined response by 11.07.08
MID/MES	1105426	Turtle Boardwalk	\$800,000 State																Structural elements of designs to be finalised by Epcad prior to tendering project. Contractor must be a registered builder (building licence required). DEC approval granted for native vegetation clearing. DIA approvals and conditions to be clarified. Construction to commence after turtle nesting season.
MRS	1107432	Pools Electrical Upgrades	Council Funds																Items identified in the Electrical Audit (earthing and general) will be collated for priority purposes. If possible, any work requiring closure of pool/s will be undertaken April 2009, for minimum disruption. Urgent repairs will be undertaken immediately pending contractor availability. Quotes sourced Sept 2008.
MID/MES	1201437	Hedditch - Forrest Circle Rd	NA																Seek quotes for consultant to prepare design. Will involve bridge design, services location. Liaise with Planning regarding road reserve dedication. Tender for construction.
MID/MES	1201433	SH link roads	NA																Include budget allocation for this project in Hedditch to Forrest link, pending actual budget requirements which will be determined after design is completed.
MES	1201436	Quartz Quarry road	\$98,593 Main Roads Direct Grant																Program includes sealing of Quartz Quarry road from Shoata intersection to existing seal on Great Northern Highway. Project on hold pending future realignment of Quartz Quarry road with the construction of a grade separation over FMG's rail network on GNH. Major changes to alignments due to main roads will negate project. Funds to be transferred to Shoata & Quartz Quarry intersection.
MID/MES	1201435	Cottier/Dale (Blackspot)	\$40,000 Black Spot																Full scope to be prepared January. Designs to be prepared for guardrail location, minor road realignment, etc.
MID/MES	1201434	Cottier/Kennedy (Blackspot)	\$40,000 Black Spot																Full scope to be prepared January. Designs to be prepared for guardrail location, minor road realignment, etc.
DCRS/MI D/MES	NEW	Town Entry Statement _Landscaping Only	\$75,000 BHP																DCRS is obtaining public mandate re entry statement. Once finalised, liaison will occur with successful artist re landscape design.

MES	1201457	Yandeyarra Road	\$60,000 Regional Road Group																	Formation & floodway improvements along full length of road to be undertaken by Council staff after cyclone season.
MES	1201489	Hillside/ Woodstock Road - RRG	\$60,000 Regional Road Group																	Formation & floodway improvements along full length of road to be undertaken by Council staff after cyclone season.
MCED/MRS	1104411	JD Hardie upgrade (capital purchases and building)	CF BHP \$72,000, PACC \$600,000, SHNL \$300,000, BHP \$1,814,800, Loan \$800,000																	MCED undertaking concept/architectural designs. MRS completing final capital items, including dividing nets, cricket nets and carpark. Dividing net has been ordered: due for installation in Sept 08. Cricket nets also examined then. Carpark to be surveyed and undertaken when truck available in South Hedland
DES	1004410	Excavator Shears																		Three quotes to be sourced in accordance with Council procurement policy
CEO	1105420	Spoil Bank Masterplan																		
?????	1111447	Building Upgrades																		Project/funding to be investigated.
CEO/DES/MRS	1111450	Turf Club Grandstand (on hold)																		?
MID	1201488	R2R Program - Wedgefield Upgrades and Shoata																		Programmed as per Council's 5 year plan - \$200,000 for Wedgefield upgrades (1201486) and \$139,000 for Shoata road (1201444). September budget review to reallocate funds to these accounts.
MID	1204289	Gt. Northern Hwy - Street Lighting (Main Roads project with Council contribution)	NA																	Main Roads has been advised of Council's contribution towards additional street lighting along Great Northern Highway between BP service station and FMG camp entrance. Project to be co-ordinated by Main Roads. Main Roads have not yet confirmed whether project has been scheduled.
DES	NEW	Shadesails - Pully system																		
DES/DCRS	NEW	Airport Housing																		To be advised - depends on Airport Masterplan
	NEW	Pinnacles Road Widening	Wedgefield Upgrades																	

ATTACHMENT 2 TO AGENDA ITEM 11.3.1.1

Recreation Services

JD Hardie Centre

Attendances

	Jul
Term Programs	
Kids Club	168
Jr Dodgeball	61
Little Athletics	29
Jr Netball	0
Jump Around	45
Jr Indoor Soccer	16
Jr Indoor Hockey	19
Sports Comp.	
Netball Participants	240
Volleyball Participants	112
Social Soccer	36
Basketball Participants	336
Badminton	0
Table Tennis	36
Belly Dancing	12
Miscellaneous	860
Birthday Parties (1)	12
Facility Hire	80
Holiday Program	28
Dodgeball Competition	0
Disco	0
Gym Visits ()	44
Total	2134

Aquatic Centres

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

- South Hedland Aquatic Centre

Closed as per management agreement

YMCA Update - Financials

Month	Actual	Budget	Variance
Income	\$0	\$0	\$0
Expenditure	\$39,958	\$40,751	\$793
Net	(\$39,958)	(\$40,751)	\$793

Year to date	Actual	Budget	Variance
Income	\$65,999	\$68,149	(\$2,150)
Expenditure	\$351,127	\$324,213	(\$26,064)
Net	(\$285,128)	(\$256,064)	(\$29,064)

- Gratwick Aquatic Centre

YMCA Update - Financials

Month	Actual	Budget	Variance
Income	\$5,219	\$5,474	(\$255)
Expenditure	\$46,004	\$46,373	\$369
Net	(\$40,785)	(\$40,899)	\$114

Year-to-Date	Actual	Budget	Variance
Income	\$82,227	\$116,400	(\$31,610)
Expenditure	\$330,297	\$357,556	\$27,259
Net	(\$248,070)	(\$241,156)	(\$6,914)

Attendances

	Swim	F/Room and Gym	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
Jun	89	378	0	0	0	0	35	502
Jul	129	377	0	0	0	0	38	544
TOTAL	9,941	1,775	1,518	483	133	672	4,015	18,357

11.3.1.2 Disposal of 963B Track Type Loader (File No.23:06/0018)

Officer Terry Dodds
Director Engineering Services

Date of Report 20 August 2008

Disclosure of Interest by Officer Nil

Summary

Council purchased a replacement for the 963B Track Type Loader (TTL), which was predominantly used at the Waste Management Facility, in June of this year. The machine purchased was a Komatsu PC300-8 excavator.

The successful tender was a 'no trade' exchange.

Background

As the TTL is considered superfluous to Council's needs it was advertised for outright sale.

Council received one bid from Pilbara Earthmoving and Contracting for \$23,755.

Consultation

Manager Engineering Services
Senior Mechanic

Statutory Implications

Section 3.58 Local Government Act: Disposing of property

Policy Implications

Nil

Strategic Planning Implications

KEY RESULT AREA 5 – ENVIRONMENT

Goal 1 – Waste Management

That the Town of Port Hedland is managing waste at a level commensurate with Best Practice for Local Governments of similar size and nature.

Budget Implications

The 2008/09 budget includes an estimated income of \$50,000 for the sale of the TTL. The only bid received is significantly lower than this estimate.

Officer's Comment

While the tender price received for the TTL is lower than projected, in its current condition, it is not likely to command a higher value offer.

The longer that Council retains the machine (and does not use it), the lower the value will be.

Officer's Recommendation

That Council accepts the tender from Pilbara Earthmoving & Contracting for the sum of \$23,755 (including GST) to purchase the 963B Caterpillar Track Type Loader.

6:12 pm Councillor Grant D Bussell left the room.

6:13 pm Councillor Grant D Bussell re-entered the room and assumed his chair.

200809/040 Council Decision

Moved: Cr G D Bussell

Seconded: Cr J E Ford

That Council:

- i) rejects the tender from Pilbara Earthmoving & Contracting for the sum of \$23,755 (including GST) to purchase the 963B Caterpillar Track Type Loader;**
- ii) tenders be re-advertised for the disposal of the 963B Caterpillar Track Type Loader in accordance with section 3.58 of the Local Government Act 1995.**

CARREID BY ABSOLUTE MAJORITY 7/0

REASON: Council considered the tendered price was too low to accept, and to re-tender the disposal of the piece of plant.

11.3.1.3 Restricted Access Vehicle Approval for Boodarie Road (File No.: 30/10/0001)

Officer **Jenella Voitkevich**
Manager Infrastructure
Development

Date of Report 21 August 2008

Disclosure of Interest by Officer Nil

Summary

This item seeks Council approval for the inclusion of Boodarie Road (road number 94) to the Restricted Access Vehicle network.

Background

Boodarie Road, commonly known as Boodarie Station Access Road, is a local government road located off the Great Northern Highway approximately 6km south-west of South Hedland.

Council has approved, under Delegated Authority, an extractive industry sand mining proposal for BJ Young Earthmoving. A separate application has been received from BJ Young Earthmoving requesting road train access on the first 5.3km of Boodarie Road. The process for this application involves a site inspection, Council approval and then approval from Main Roads WA who are the governing body of the Restricted Access Vehicle (RAV) network.

The approval for the use of land for sand quarrying purposes expires on 31 July 2018, however further information has been received from the applicant that suggests that the available materials will be exhausted over a shorter timeframe due to the large amounts of materials being sought for various construction projects in the Port Hedland region. BJ Young Earthmoving has advised in their request that there will be approximately 300 double and triple road train movements annually on Boodarie Road. The daily road train numbers will not be consistent and will vary depending on the amount of materials required for specific construction contracts in the area.

Consultation

Main Roads WA has advised that they have no initial objections to the proposal, pending formal assessment by Heavy Vehicle Operations.

Statutory Implications

Restricted Vehicle Access is governed by Main Roads WA Heavy Vehicle Operations, in accordance with the Road Traffic (Vehicle Standards) Regulations 2002.

Council is responsible for determining whether the road is suitable for road train use prior to assessment by Main Roads WA.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Approval of this application will result in nil budget implications. Any upgrades to the road, if required by Main Roads WA, will be borne by the applicant. BJ Young Earthmoving will be responsible for the maintenance of the relevant section of Boodarie Road through the duration of materials haulage.

Officer's Comment

Boodarie Road has been assessed for road train use on the following points in accordance with the Main Roads WA checklist:

Physical Constraints

- Bridges – not applicable.
- Overhead clearances – adequate.
- Turning at intersections – the intersection of Great Northern Highway may require minor modifications to allow access of triple road trains. This will be determined by Main Roads WA.
- Railway level crossings – not applicable.
- Pavement widths – Boodarie Road is an unsealed road that varies from 6.5m to 8.5m wide. The Main Roads guidelines require a sealed carriageway of 8.6m for triple road train access, based on a minimum of 8 road trains accessing the road daily. Although the expected annual vehicle movements average less than 1 vehicle per day, it is expected that larger volumes will be using the road for short periods of time, specific to a supply contract. The applicant will be required to widen the road where necessary, although sealing of the road will not be required due to the short haulage durations. There were 2 sections along the road where the width was reduced to 3.65m for a cattle grid. The applicant will be required to widen these sections and extend the grid.

Operational Constraints

- Entry lanes onto Main Roads and Highways – entry lane length and visibility is adequate, however no signage is present. Main Roads will advise the applicant if signage is required on Great Northern Highway to advise of road trains entering.

- Approach visibility – adequate.
- Signalised intersections – not applicable.
- Railway crossings – not applicable.
- Off-road parking – not applicable along this length of road.

Environmental Considerations

- Dust, noise, vibration and smell – these items were considered not applicable in this situation, as Boodarie Road is remotely located and road train use will not affect other residents.

Safety considerations

- Other road users – due to its location and current low traffic volumes, the introduction of road trains will not have a large impact on other road users.
- Dangerous goods – not applicable.
- Slowing and stopping – there are no sections of the route with narrow shoulders or deep drains that would cause concern if a road train had to slow or stop for overtaking, repairs or an emergency.

BJ Young Earthmoving has advised that they will be responsible for upgrades and maintenance of Boodarie Road in order to permit road train access. The inclusion of Boodarie Road on the RAV network is integral to their business, which will supply construction materials for various contracts in the Port Hedland region. Not allowing road trains will restrict access to single semitrailers only, therefore increasing cartage costs and construction delays.

Attachments

Nil

200809/041 Council Decision/Officer's Recommendation**Moved:** Cr A A Gear**Seconded:** Cr J E Ford

That Council approves the inclusion of Boodarie Road (road number 94) on the Restricted Access Vehicle network, subject to the following conditions:

- i) access is restricted to slk 0.00 (Great Northern Highway intersection) to slk 5.3;**
- ii) the application is assessed and approved by Main Roads WA Heavy Vehicle Operations;**
- iii) BJ Young Earthmoving shall be responsible for upgrades as required, including, but not limited to, intersection improvements, road widening and cattle grid extensions, to the satisfaction of Main Roads WA and Council's Director Engineering Services; and**
- iv) BJ Young Earthmoving shall be responsible for the maintenance of Boodarie road (slk 0.00 to 5.3) for the duration of materials haulage to the satisfaction of Director Engineering Services.**

CARRIED 7/0

11.4 GOVERNANCE AND ADMINISTRATION**11.4.1 Corporate Services****11.4.1.1 *Financial Reports to Council for period ended 30 June 2008 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Laura Jackson
Senior Finance Officer

Date of Report 17 August 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 30 June 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 30 June 2008, are the:

- Statements of Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 30 June 2008;
- Review of Transaction Activity.

Note: Interest Rates for investments are selected from those provided by three of the following financial institutions: National Australia Bank, BankWest, Westpac Bank, Citigroup 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 20 August 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 costs.

Voucher No's		Value	Pages		Fund No.	Fund Name	Description
From	To		From	To			
CHQ18255	18279	\$ -					Cheques Cancelled
CHQ18280	18340	\$ 167,931.93	1	8	1	Municipal Fund	
EFT22154	EFT22444	\$ 3,156,788.38	8	60	1	Municipal Fund	
PAY030608		\$ 230,913.90	60	60	1	Municipal Fund	
PAY170608		\$ 214,662.73	60	60	1	Municipal Fund	
BOQ270508		\$ 891.10	60	60	1	Municipal Fund	Finance Equipment
BOQ270608		\$ 891.10	60	60	1	Municipal Fund	Finance Equipment
		\$ 1,886,840.59	Cheques raised in July & backdated into June.				
			Tabled at next meeting				
	Muni Total	\$ 5,658,919.73					
300001481	300001491	\$ 5,220.00	60	61	3	Trust Fund	
300001498	300001503	\$ 3,700.00					
	Trust Total	\$ 8,920.00					
Sub-Total		\$ 5,664,139.73					
LESS: one-off pays		\$ -					
Total		\$ 5,664,139.73					

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

Policy Implications

2/003 Financial Statements – Copies for Councillors

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

- Monthly

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

- Quarterly

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

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

Strategic Planning Implications

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

Budget Implications

At the Special Meeting held on 9 July 2008, Council resolved to adopt Council's 2008/09 Budget, 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 12 which form part of the Statements of Financial Activity. Also Note 10 – June 2008 Bank Reconciliations.
- Pages 1 to 61. Detailed Financial Activity by Program.
- June 2008 Accounts for Payment
- Comparison Between 2006/07:2007/08 Utility & Fuel Costs

NOTE: The financial statements contain unaudited figures and are subject to change.

200809/042 Council Decision/Officer's Recommendation**Moved:** Cr G D Bussell**Seconded:** Cr S J Coates**That:**

- i) the:
- . **Statements of Financial Activity (represented by Schedules 2 to 14);**
 - . **Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 30 June 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**
- iii) **the list of Accounts paid during June 2008 under Delegated Authority, as presented and/or attached be received; and**
- iv) **Council notes that the 30 June 2008 financial statements presented may change due to the end of financial year audit process.**

CARRIED 7/0

11.4.1.2 Request to Write Off Legal Charges on Three (3) Properties; 12 Butler Way, Unit 14/24 Traine Crescent and 42 Pedlar Street (File No's; A155380, A100067 & A400500)

Officer Brie Holland
Senior Rates Officer

Date of Report 18 August 2008

Disclosure of Interest by Officer Nil

Summary

For Council to consider writing off legal charges for outstanding rates the following properties, owned by Keith and Mary Russell:

1. 12 Bulter Way;
2. Unit 14/24 Traine Crescent;
3. 42 Pedlar Street;

Background

On 3 August 2007 three (3) 2007/2008 Rates Notices were issued to Keith and Mary Russell, which included Rates and Emergency Services Levy (ESL) charges totaling \$3119.11.

All Ratepayers were given the option to either pay their Rates account in full by the 7th of September 2008, or to pay through four instalments on the dates of;

7 th	September	2007	1 st Instalment
9 th	November	2007	2 nd Instalment
11 th	January	2007	3 rd Instalment
14 th	March	2007	4 th Instalment

Mr and Mrs Russell chose to pay their rates through the instalments option. By 14 March 2008 Council had not received the fourth instalments on any of the three assessments. On 3 April 2008, the Russell's were given another 12 days (advised in writing) to pay their outstanding rates amount, or their account will be forwarded to the Council's debt collection agency, Dun and Bradstreet.

By 15 April, the Rates Department had not received a response, nor was payment received; therefore the outstanding rates were sent to Dun and Bradstreet to recover.

As a result of the debt recovery process, legal fees totaling \$515.85 were applied across the three property's accounts;

A155380	\$128.96
A100067	\$257.93
A400500	<u>\$128.96</u>
	\$515.85

On 1 July 2008, Council's Rates Department received a letter from Mrs Russell, explaining that reason for the late payment of rates was due to them being out of town on business, and therefore not receiving the reminder letters.

On 24 July 2008, Ms. Russell formally wrote to Council requesting that Council approve the reversal of legal charges (see letter attached).

Consultation Nil

Statutory Implications

- “6.12. Power to defer, grant discounts, waive or write off debts*
- (1) Subject to subsection (2) and any other written law, a local government may-*
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*
 - (b) waive or grant concessions in relation to any amount of money; or*
 - (c) write off any amount of money, which is owed to the local government.*
- * Absolute majority required.”*

Policy Implications

“2/004 RATING

Outstanding rate accounts for which satisfactory arrangements to pay have not been made within 69 (sixty nine) days after issue of the original assessment, shall then be forwarded to a debt collection agency appointed by the Chief Executive Officer, or relevant appointed Officer.”

Strategic Planning Implications Nil

Budget Implications

Legal charges are a recoverable charge on the property under the Local Government Act 1995, and has already been raised as income. If Council decides to write off the charges, Council's income will be reduced by \$515.85.

Officer's Comment

Council's payment options and installment plans are the same for all ratepayers in the district. The due dates are printed on the original rate notice, and Ratepayers are advised to contact Council to make alternative arrangements, if they cannot meet these dates.

Council's rates department has followed Council's established procedure in the collection of overdue rates, which has resulted in a cost Council, in the form of legal charges. Like all properties, all legal fees are charged to respective property so other ratepayers do not pay for these costs.

In Mrs Russell's letter, dated 1 July 2008, she clearly explains the reason for the late payment because "I was unable to pay these rates until I received my assessment notice when I return [from business]".

Mrs Russell also expects Council to now waiver legal costs simply because she was out of town when the rates were due and payable and did not make any alternative arrangement to pay them.

Council Officers have no way of knowing the whereabouts of all ratepayers in or out of the district, and can only rely on advice from ratepayers if there contact address changes. This was not done, and therefore reminder notices sat unopened and not responded to, resulting in the Rates Department progressing to legal recovery and incurring cost to Council.

Based on this evidence the Officer cannot support Mrs Russell request, on the following grounds:

1. Council made reasonable attempts to ensure the ratepayer had an opportunity to pay the rates; and
2. As a result of due process charges have be made on the property; and
3. Had the ratepayer made some alternative arrangement or just contacted Council, these charges could have been avoided.

Should Council decide to waive the charges, it will create a precedent for other ratepayers not to pay their rates on time by claiming to be "out of town" when the notices and reminders letters are sent. If the majority of rates are not paid as per council adopted due dates, Council's cash flow, and therefore the provision of services could be seriously affected in the future.

Though the Officer is sympathetic to the Russell's circumstances, neither party would have incurred any costs if they had contacted Council prior to leaving town.

Attachments

1. Letter dated 1 July 2008, from Mary Russell.
2. Letter dated 24 July 2008, from Mary Russell.

200809/043 Council Decision/Officer's Recommendation

Moved: Cr K A Howlett

Seconded: Cr A A Gear

That Council does not approve Mr and Mrs Russell's request to write off the Legal charges applied to Assessments A155380, A100067 & A400500.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.4.1.2

1 July 2008

Chris Adams
Town of Port Hedland

Via Email

snrratesofficer@porthedland.wa.gov.au

Dear Mr Adams,

LEGAL ACTION FOR LATE PAYMENT OF RATES

I have today received a letter dated 17 June 2008 advising me that legal action has been discontinued against 42 Pedlar Street South Hedland.

I immediately called the rates officer as I did not know anything about legal action taken against my property. On discussing the matter with Brian, the Rates Officer, I discovered that it was due to late payment of rates and similar action had been taken against my other properties at 12 Butler Way and Unit 14/24 Traine Crescent. I have not received any correspondence about the other two properties. Brian advised me that several letters had been sent to me on various dates none of which I have received. He also advised that charges have been applied against these accounts due to the legal action. As you can imagine, I am not happy to pay charges for something I knew nothing about.

I understand that my payment of rates was late for which I apologise, however, due to our business we spend a lot of time away from Port Hedland and I was unable to pay the rates until I received my assessment notice when I returned. Brian advised that reminders had been sent to me; however, I did not receive these and paid the account on the original bill when I got back to Hedland.

I have experienced a lot of difficulty over the past few years not receiving some rate notices and also have made late payments because I have been away. In the past I have had an arrangement where by the rates could be charged directly to my credit card when they became due. This was discontinued due to a change in Council policy. I also requested that the rate notices be sent to me by email but was advised that this was not possible. Brian has today advised me that in future notices will be sent to me by email to which I have access no matter where I am. This will enable me to pay my accounts in a timely matter.

Given that I have not received correspondence sent to me and that I was unable to pay my rates until I received the assessment notice when I returned from business out of town, I request that consideration be given to reversing the charges currently placed on my account. I consider it unfair to be charged fees for legal action about which I knew nothing about.

Yours sincerely,

MARY RUSSELL

KEITH, MARY & NATHANAEL RUSSELL
P O BOX 2208, SOUTH HEDLAND WESTERN AUSTRALIA
TELEPHONE/FACSIMILE +61 8 9140 2070

ATTACHMENT 2 TO AGENDA ITEM 11.4.1.2

24 July 2008

The Mayor
Town of Port Hedland

Via Email

snrratesofficer@porthedland.wa.gov.au

Dear Mr Martin,

LEGAL ACTION FOR LATE PAYMENT OF RATES

I have today received a letter dated 7 July 2008 from Brie Holland, Senior Rates Officer, in response to the attached letter dated 1 July 2008.

Further to this correspondence, I am writing to request that Council approve the reversal of legal charges given the circumstances outlined therein.

Going forward, I have decided to pay my rates in a single payment to ensure that this failure to pay on time is avoided in the future.

I apologise for any inconvenience caused by late payment of my rates.

Thank you for consideration of this matter.

Yours sincerely,



Mary Russell

11.4.1.3 Housing Options (File No.:)

Officer **Matthew Scott**
Director Corporate
Services

Date of Report **18 August 2008**

Disclosure of Interest by Officer **Nil**

Summary

A request for Council to endorse several housing initiatives as discussed with Councillors during the August Briefing Session.

Background

At the August Council Briefing Session some alternative housing options were discussed with the Councilors present, in an attempt to make access to accommodation easier and therefore reduce staff turnover due to the high cost of accommodation in both Port and South Hedland.

At the presentation, the following options were discussed:

1. Increasing the housing allowance from \$8,000 to \$12,000 per annum;
2. Providing free accommodation to an employee who's partner was prepared to provide day care services to other employee children;
3. Council becoming guarantor to 50% of the housing deposit required for a long term employee to purchase a house.

At the presentation, Council was advised of its inability to pay a "living away from home" allowance, as the nature and type of employment in a Local Council (not temporary in nature) would not meet the Australian Tax Office guidelines.

Though the Councilors present seemed to agree with the above three proposals, given that less than half of the Council was present, it is believed that formal endorsement to progress the three proposal is required.

Consultation

Council's Auditors, UHY Haines Norton, provided advice on the availability of a "living away from home" allowance in Local Government context.

Statutory Implications **Nil**

Policy Implications **Nil**

Budget Implications

Increasing the Housing Allowance from \$8,000 to \$12,000 only currently affects two employees. It is believed that this will not have significant effect on the total Salary & Wages Budget, \$9.9 million. All other proposals will require further research and the need to be properly priced before the budgetary implications can be established.

Officer's Comment

As Council is aware, there is a housing crisis in the District. Not only is the private sector being affected by this crisis, but Council is also losing staff a regular basis because of it.

Currently Council has 31 houses, fully utilised in accommodating its' specialist and management staff. In this year's budget, Council has the following housing construction program:

1. Completion of the executive house at Counihan Crescent
2. 8 Town houses being built in Morgan Street
3. 5 Dwellings being built at the Airport

However in the interim Council will need to look at other options to fill the gap to retain staff, who do not currently receive housing.

Housing Allowance

Currently Council pays \$8,000 to staff that choose not to take up the Staff Housing. It is proposed to increase this to \$12,000, simply to make it a more viable choice for other staff. If Council is required to rent a house on open market, it will cost Council at least \$33,800 pa (based on \$650 a week rental). Given that the \$8,000 allowance is taxable, the employee only receives \$5,600 after tax. Increasing the allowance to \$12,000 will increase the after tax figure to \$8,400, which will not necessary allow the staff member to rent a house individually, but may make it more attractive to house share.

Currently, Council has only two staff who receive the housing allowance; however the current level of the housing allowance isn't an attractive alternative to the current housing options.

Staff Day Care

Not only is the Town experiencing a housing affordability crisis, but there also is significant lack of child day care places in the district. Many of the female staff, who leave the Town on Maternity Leave, find it difficult to return to work due to the lack of Child Care. To try and resolve both issues, it has been suggested that providing free housing to a staff member whose partner was prepared to offer day care services to staff.

Council would need to retrofit the house to meet day care requirements, however for the price of house (say \$35,000 per annum) council would have:

1. 1 staff employee housed;
2. Several staff based daycare positions; and
3. Several skilled staff back in the work force.

Bank Guarantor Offer

Given the skyrocketing house prices in the district, many staff find it difficult to enter the property market due to the large deposit required (usually 20% of house price). It is proposed that for long term employees, Council become guarantor for 50% of the deposit required, similar to a scheme available through some major mining companies. Council would remain guarantor for a minimum of five (5) years, to allow the employee to establish some equity in the property. This would require a three way relationship between the Town, the employee and the bank, and additional research is required before a full proposal is available to Council.

200809/044 Council Decision/Officer's Recommendation

Moved: Cr A A Gear

Seconded: Cr J M Gillingham

That Council endorses:

- i) **the increase of Housing Allowance, in lieu of housing provision for Senior and specialist staff, from \$8,000 to \$12,000 per annum; and**
- ii) **the development of a policy to provide free accommodation to staff who's partners provide day care services to Town of Port Hedland staff; and**
- iii) **further investigation into the proposal of the Town of Port Hedland being guarantor of 50% of the housing deposit required for long term staff.**

CARRIED 7/0

11.4.2 Governance**11.4.2.1 Adoption of the Plan for the Future 2008-2013 (File No.:)**

Officer Chris Adams
Chief Executive Officer

Date of Report 20 August 2008

Disclosure of Interest by Officer Nil

Summary

Over the past six months Council has been preparing its revised Plan for the Future (previously called the Strategic Plan). The plan was presented at the last Council meeting but was deferred as additional comments/feedback was tabled by the Hedland Youth Leadership Council. These comments have now been included in this report.

Background

Council is statutorily required to prepare and adopt a 'Plan for the Future'. Over the past three years the Town of Port Hedland has fulfilled this requirement through the development and subsequent adoption of the Town's Strategic Plan.

Council current Plan for the Future was adopted in February 2006. As many of the strategies listed within this plan have been completed a review and update was necessary. The process for undertaking the review included:

- a) Undertaking the Town 3rd Annual Community survey.
- b) Hosting workshops with Council staff and Councillors
- c) Calling for public input via press releases and media coverage

At its May meeting, Council resolved (in part) to actively seek community feedback on the Draft Plan with all comments/suggestions that are received being tabled at a Council meeting.

Subsequent to this decision the following actions have been undertaken:

1. Document has been widely distributed internally within Council for staff feedback.
2. Community feedback has been encouraged via press releases, public advertisements and radio coverage/interviews.
3. Two public meetings have been held (Total of 16 people in attendance).

As a result of these actions some community feedback has been received. A summary of this feedback is included in the Officer’s Comments section of this report.

Consultation

As per above.

Statutory Implications

Nil.

Policy Implications

Nil.

Strategic Planning Implications

The Plan for the Future is the key planning document for the Town of Port Hedland. It sets out the vision for the Town along with actions that the Town is planning to undertake over the coming financial year to move towards delivery of this vision.

Budget Implications

The strategies within the Draft Plan for the Future have been cross-referenced against the Town’s adopted 2008/09 budget. Some changes to the draft plan have been recommended to reflect the resource allocation directions made by Council as a component of the budget deliberations.

Officer’s Comment

The feedback comments that have been received regarding the Draft Plan for the Future have been tabled below along with an officer’s comment and a recommended action.

Feedback	Officers Comment	Recommendation
No mention of volunteerism in the Plan. Council should be supporting volunteers.	Agreed – A new initiative within Council’s 08/09 budget is the engagement of a Community Development Officer who can assist in undertaking this task in collaboration with Council’s recreation and events staff.	No change recommended as following strategy is already included in draft plan. Support community groups who are operating community events through training, support, advice and, where necessary, financial support.
Need to link the plan	FMG’s Plan is yet to	No change

<p>closely with FMG's new Community Development Plan</p>	<p>be considered by Council. Issue is adequately covered by strategy that States that Council will <i>Work with resource agencies (inc FMG) to develop community infrastructure and a stronger community.</i></p>	<p>recommended</p>
<p>Artworks – Need a policy/theme developed, rather than just plonking artworks all over Town.</p>	<p>Agreed. Item is already included within an existing strategy listed in the Arts and Cultural Goal.</p>	<p>No change recommended.</p>
<p>Broadband Access: Council should be lobbying for improved Broadband access and mobile phone coverage within the Town</p>	<p>Agreed but issue is not specifically a Local Govt responsibility. Council can/will raise this issue with Federal politicians when opportunities arise but is not a significant enough issue for the LGA to rate a specific mention within the Plan for the Future</p>	<p>No change recommended</p>
<p>HACC/Aged Care: Any transfer of HACC services and/or the Stevens St Aged Care Facility should not be to the detriment of the service users or Council ratepayers.</p>	<p>Agreed. Council officers are negotiating on this basis.</p>	<p>No change recommended.</p>

Courthouse: Should include a café within the facility.	Council has indicated a preference for the facility to be more self-sustaining from a financial perspective. Café option will be considered as a component of this.	No change recommended.
Trees: Need to protect trees that have been planted. History shows that Council/staff have cut down trees in public places that were planted by prior Councils.	Agreed.	Additional wording has been included in the Parks and Gardens goal area to reflect the feedback.
Housing: Too much focus on land release – not enough focus on attraction of builders.	Agree	Add in an additional strategy that states: <i>Promote and support initiatives that attract new developers, builders and/or tradespeople to the Town</i>

The Hedland Youth Leadership Council’s (HYLC) feedback is tabled below. While the suggestions are greatly appreciated and officers agree with the vast majority of the comments that have been made by HYLC, few changes have been recommended to the Draft Plan for the Future as many of the comments are;

- a) already implied or stated within the plan;
- b) operational or action related rather than being strategic in nature; and/or
- c) not currently funded in the Council’s 2008/09 budget

Feedback	Officers Comment	Recommendation
Childcare: Affordability of Child care for youth community members	Agree with HYLC sentiments.	No change recommended as existing strategy proposes development/implementation of a consolidated plan which will include this issue.

<p>JD Hardie Centre: HYLC raised suggestions re operations and functions of the centre</p>	<p>Agree with HYLC sentiments.</p>	<p>No change recommended as existing strategy proposes converting the centre into a more youth focused facility. HLYC suggestions are incorporated within this action.</p>
<p>HYLC Representation: Formalised HYLC representation on Council</p>	<p>Not possible as Council are elected community members. Can continue with HYLC being present at Council meetings and briefings.</p>	<p>No change recommended.</p>
<p>Youth Involvement: Ensure youth specific consultation as a feature of Council planning processes</p>	<p>Agree</p>	<p>No change recommended. Draft plans states that whole community should have opportunity for involvement (which includes HYLC)</p>
<p>Events: Scheduled events/functions regularly with the help of HYLC as a key youth stakeholder.</p>	<p>Agree</p>	<p>No change recommended as current strategy says that Council will work with key stakeholders to develop a range of functions/events</p>
<p>Youth Plan: Town of Port Hedland to establish a Youth Plan.</p>	<p>No funds or resources have been provided for this purpose in the 2008/09 budget.</p>	<p>No change recommended. To be considered as component of budget review processes.</p>
<p>Youth Resources: TOPH to establish a youth specific position and program</p>	<p>Item discussed as a component of 2008/09 budget. Position was not funded in</p>	<p>No change recommended. To be considered as component of budget review processes.</p>

<p>Youth Resources: Establish a youth specific budget for activities.</p>	<p>Council has progressively been increasing its resource and time commitment to youth related activities including extra funds in the 2008/09 budget.</p>	<p>No change recommended.</p>
<p>Councillors: Nominate a Councillor dedicated to the youth of Hedland</p>	<p>The role of all Councillors is to represent ALL of the community. The TOPH does not currently use a portfolio system for Councillors.</p>	<p>No change recommended.</p>
<p>Sports Fees: Review the fee structure for sports within Hedland. Look at cutting fee structures to make it affordable for all youth to participate</p>	<p>Council does not charge for the use of sports fields and has tried to keep user fees for pools and JD Hardie Centre down to a minimum when setting its 2008/09 fees and charges structure.</p>	<p>No change recommended.</p>
<p>Inclusion: Promote diversity of participation within sports.</p>	<p>Agree but strategy is operation in nature rather than a strategic action.</p>	<p>No change recommended.</p>
<p>Health: Promote a youth specific health program based at the JD Hardie Centre (Educate and help youth with sexual health, dental health, personal hygiene and GP services.</p>	<p>Council has agreed to turn the JD Hardie Centre into a more youth focused facility. The business plan for this development recommends the inclusion of these services by other agencies. Council role needs to be the provision of space so that these services can successfully operate from the facility.</p>	<p>No change recommended.</p>

<p>Crime: Develop a mechanism to report and make a profile on crime in Hedland as a quality basis to community.</p>	<p>Council's Community Safety and Crime Prevention Plan includes a number of strategies that aim to improve both the perception and reality of crime within the Town.</p>	<p>No change recommended.</p>
<p>Crime: In partnership with stakeholders promote pro-social behaviors through diversionary activities.</p>	<p>Agree. Council can assist.</p>	<p>Add new strategy that states 'work in partnership with government and other stakeholders to develop additional 'pro-social' diversionary activities for young people.</p>
<p>Arts: Establish a minimum annual youth arts festival/exhibition, diversity arts programs to include music theatre, dance, pottery and photography.</p>	<p>The courthouse art gallery has progressively increased the number and variety of arts development programs that it operates. Further expansion in this area is planned.</p>	<p>No change recommended.</p>
<p>Arts: Establish a Port Hedland's Arts Competition for all youth in the communities (South Hedland based)</p>	<p>Arts competitions are not the core business of Council and competitions already exist within the Town.</p>	<p>No change to plan recommended. Write to HARTZ to suggest inclusion of youth category/ies within future HARTZ arts competitions.</p>
<p>Leadership: Develop programs to build leadership capacity of HYLCC and other leadership groups within the community.</p>	<p>Suggestion is covered through draft strategy that states "investigate options to develop new and emergent leaders within our community"</p>	<p>No change recommended.</p>

Leadership: Identify long standing leaders as well as acknowledge their contribution as local heroes in the community.	Council supports the active citizenship awards annually that recognize a variety of community leaders.	No change recommended.
Leadership: Establish leadership scholarships for TOPH staff and community to undertake leadership short courses	Suggestion is covered through draft strategy that states “investigate options to develop new and emergent leaders within our community”	No change recommended.

In addition to the above suggestions, staff has recommended some changes to the plan as a result of the adoption of the Town’s budget. These changes have been recommended as some strategies that were in the advertised draft have not been funded in Council’s budget which will subsequently impact on our ability to deliver the strategy.

Strategy	Rationale
Playground upgrade program – delete	Program no longer exists as it has been incorporated into Park Improvement Program
Community vegetable garden – delete	No funds provided for this initiative within the 2008/09 budget.
Develop an off-road vehicle area - delete	Safety and liability issues identified and discussed with Council . No funds provided for this project in 2008/09 budget
Bulk Rubbish - Amend	Council has resolved to have a bulk rubbish collection and a green waste collection in 2008/09. Strategy amended to reflect this decision.
Compliance Audits - Delete	To effectively undertake comprehensive compliance audits/activity additional resources are required. No additional funds provided for this project in 2008/09 budget.
Turtle Management Plan - Delete	Neither Council nor DEC have committed funds towards this project in 2008/09. Can possibly get others to undertake the work as a component of development proposals.
Enterprise Bargaining	As the agreement is complete it

Agreement	seems superfluous to include in the Plan for the Future.
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These issues can be re-examined at the quarterly reviews of the plan and potentially re-included if/when resources become available.

Attachments

Revised Draft of the Plan for the Future that incorporates above listed changes.

Officer's Recommendation

That Council:

- i) adopts the attached 2008-2013 Town of Port Hedland: Plan for the Future; and
- ii) receives quarterly reports on the progress being made on the implementation of the plan.

200809/045 Council Decision

Moved: Cr K A Howlett

Seconded: Cr G D Bussell

That Council:

- i) **adopts the attached 2008-2013 Town of Port Hedland: Plan for the Future, ensuring the re-inclusion of the following two (2) strategies:**
 - a) **KRA 1, Goal 2 – Strategy 7. Investigate the development of a Community Vegetable Garden; and**
 - b) **KRA 3, Goal 2 – Strategy 4. Explore opportunities for the development of an appropriate off-road/recreational driving area that is away from sensitive beach and dune areas; and**
- ii) receives quarterly reports on the progress being made on the implementation of the plan.

CARRIED 7/0

REASON: Council sought to ensure the strategies relating to a Community Vegetable Garden and an off-road/recreational driving area is included in the Plan For The Future document.

ATTACHMENT TO AGENDA ITEM 11.4.2.1



DRAFT

Plan for the Future 2008 - 2013

20/08/08 Version

Introduction

The 2008-2013 Town of Port Hedland *Plan for the Future* has been developed to provide strategic guidance to Council, Council staff and the community on the key roles and functions that the Town of Port Hedland will be undertaking over the upcoming five years. The plan articulates the Goals and Strategies that the Town intend on implementing. The Plan, along with the Council Five Year Financial Plan and Annual Plan and Budget are the key resource planning documents for the Council.

The plan has been developed based upon feedback that has been obtained from the community from a variety of sources. An extensive consultation process was undertaken which included:

Community Survey: Since 2005, the Town has undertaken an Annual community survey of its residents and ratepayers. The survey determines both the level of importance and level of satisfaction of residents and ratepayers with services and facilities that are provided by the Town. Survey respondents are also asked to provide feedback on what they think the Town should be focussing on over the coming 12 months. Comparative analysis of results from previous years is undertaken to determine trend analysis. The *Plan for the Future* attempts to address many of the initiatives and issues that were identified in the 2007 Community Survey.

Council Workshop: Councillors and Executive level staff participated in a two-day workshop to discuss key strategic directions and actions that the Town Councillors believed are critical over the coming years.

Community Input: Once adopted as a Draft, the Plan was circulated widely within the community with comments being sought. Two public forums were also held. All comments were tabled and considered by Council with adjustments being made to the plan where it was deemed appropriate by the elected members.

Staff Input: Managers at the Town have been given the opportunity to provide their input the key strategies that they believe should occur. All staff will be given the opportunity to contribute and comment on the draft document once it has been endorsed by Council.

Linkages to the Town's Budget

Prior to endorsement as the *Plan for the Future*, all strategies within the plan were costed and considered within the Town 2008/09 Annual Budget and the Town's Five Year Financial Plan. Projects that have been included in the final plan are those that are able to be fully funded (through Council and/or other resources) and can be undertaken within the prescribed timeframe.

Plan Structure

The Structure of the plan is as follows:

Vision Statement – Encapsulates the Council's vision for what the Town of Port Hedland should be like in the future for all residents.

Mission Statement – Indicates the roles that Council sees itself playing to achieve the Vision Statement.

Key Result Areas (KRA) – Six Key areas indicate the areas that the Council believes are the most critical roles and functions of the Town.

Goals – **24** Goal Statements have been identified. The goals are definitive statements outlining where Council would like to be at the conclusion of the Plan for the Future in 2013.

Strategies: **107** Strategies have been listed. The strategies are the specific actions that Council intends on undertaking in the July 2008 to June 2010 period. Each strategy aims to progress towards the achievement of the stated goal. The primary officer responsible for achieving the strategy and the proposed completion date for the project has also been identified.

While all strategies that are listed are important and must be implemented, **CRITICAL SUCCESS STRATEGIES** have been identified in each KRA area. Critical success strategies are the projects that have been identified as being imperative to achievement of Council Vision for the Town. In total, **22** critical success strategies have been identified.

Reviewing the Plan

The strategies within the Plan for the Future will be reviewed on a quarterly basis with a report being presented to Council on the status of the implementation of the Plan.

The community survey process that was initially undertaken in September 2005 will continue to be undertaken annually to determine whether the actions and strategies that Council has undertaken over the proceeding 12 months have changed community perception of Council service levels and facility standards.

Vision Statement

Port Hedland: A significant regional centre where people enjoy the lifestyle and natural environment and are proud to call home

Mission Statement

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

KEY RESULT AREA 1 – INFRASTRUCTURE

The Town of Port Hedland is responsible for the provision and maintenance of a range of municipal infrastructure including:

- Roads, footpaths, and drainage
- Parks, gardens and verges
- Port Hedland International Airport
- Lighting

CRITICAL SUCCESS STRATEGIES that have been identified for infrastructure are:

1. Ensure that the Port Hedland Road Project (Auslink Road) progresses in a timely manner.
2. Implement the Town's Park Improvement Program, with a specific focus on the development of new and/or upgraded park infrastructure in South Hedland.
3. Developing and implementing an Airport Master Plan
4. Pursuing the development of Underground Power in South Hedland.

Goal 1 - Roads, Footpaths and Drainage

To have developed network of road, footpaths and verges that are well maintained.

Strategy	Primary Officer Responsible
1. Ensure that Councils core community infrastructure assets are being managed appropriately through the Implementation of the following Council Five-Year programs: <ul style="list-style-type: none"> o Footpath development program o Resealing program o Kerb development/replacement program o Drainage upgrade Program o Playground upgrade Program 	DES
2. Actively seek to obtain funding from Main Roads and other sources to progressively upgrade roads within the District. Implement all funded works in a timely manner.	MTS
3. Undertake road works in South Hedland to improve road permeability.	DES
4. Progressively implement the recommendations from road safety audits that have been completed.	MTS
5. Implement high priority strategies that are listed in the Town's Cycle Plan.	MRS
6. Ensure that the Port Hedland Road Project (Auslink Road) progresses in a timely manner.	CEO
7. Work with DPI to develop a more effective public transport system within the Town.	CEO

Goal 2 - Parks & Gardens

That Council's parks are recognised by the community as being well maintained, well utilised, safe and accessible.

Strategy	Primary Officer Responsible
1. Work in partnership with other stakeholders to implement the Town's Park Improvement Program, with a specific focus on the development of new and/or upgraded park infrastructure in South Hedland.	DES
2. Implement Council's street tree planting policy by: <ul style="list-style-type: none"> ▪ Developing treed boulevards along major thoroughfares. ▪ Actively encouraging the planting and maintenance of verge trees in accordance with Council policy. ▪ Ensuring that no trees are removed from public places by Council without the prior consent of Council. 	DES MTS
3. Continue to upgrade the appearance of the Town's cemeteries.	MW/DES
4. Review existing maintenance levels at all parks and reserves and present costed options for alternate maintenance regimes.	DES
5. Investigate alternate, 'non-mains' watering systems for parks and gardens and implement more efficient watering systems where feasible.	CEO
6. Work with key stakeholders to develop a Native Tree Nursery.	MCED
7. Investigate the development of a Community Vegetable Garden.	

Goal 3 – Airport

That the Port Hedland International Airport is recognised as a leading regional airport in the area of passenger and freight movements and customer satisfaction.

Strategy	Primary Officer Responsible
1. Develop a comprehensive Airport Master Plan and commence implementation of key initiatives that are identified.	AM
2. Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising, freight and any other means.	AM
3. Upgrade terminal facilities including baggage screening and departure lounges.	AM
4. Develop a Transient Workforce Accommodation Camp on Airport Land.	DES

Goal 4 – Lighting

To have a well lit community that people feel safe to walk around during the evening hours.

Strategy	Primary Officer Responsible
1. Actively pursue the implementation underground power throughout South Hedland.	CEO
2. Work with key stakeholders to fast track the implementation of projects listed within the Council's Walkway Lighting program and the Street Lighting development programs.	MTS
3. Work with Horizon Power to ensure that regular audits of the functionality of streetlights and other public lighting are undertaken, with faulty lights being repaired in a timely manner.	DES
4. Ensure that opportunities for solar lighting are considered in all lighting projects.	DES

DRAFT

KEY RESULT AREA 2 – COMMUNITY PRIDE

To achieve the Council's Mission of making the Town a 'significant regional centre where people enjoy the lifestyle and natural environment and are proud to call home' Council needs to work closely with its residents to develop and enhance the level of pride that community member have in living in the Town. To achieve this Council is planning on focussing its efforts on addressing issues of litter reduction, the development of community events and the implementation of townscape development initiatives.

CRITICAL SUCCESS STRATEGIES that have been identified for the Community Pride are:

1. The implementation of initiatives that reduce the prevalence of litter within the Township.
2. Development of the Townscape of the South Hedland Central Business District
3. Increased number and attendance at both Council and community managed events.

Goal 1 – Litter

That the Town of Port Hedland is seen by residents and visitors as a clean and tidy place.

Strategy	Primary Officer Responsible
1. Work with community groups to develop community programs and initiatives that reduce litter and improving the appearance of Port and South Hedland.	MCED
2. Conduct both a bulk rubbish collection and a green waste collection service.	DES
3. Review legislative alternatives that are available to Council to improve the visual appearances of untidy properties within Town. Implement agreed initiatives.	MCED
4. Work with key stakeholders to commence implementation of the South Hedland CBD Structure Plan to significantly improve the appearance and vitality of this area.	CEO/MP
5. Regularly report on the litter collection and waste minimisation activities that are being undertaken and regular report on the amount of litter and broken glass that is being collected.	DES

Goal 2 – Events

That the Town annually hosts a series of well attended community events.

Strategy	Primary Officer Responsible
1. Play an integral role in the coordination, operation and communication of community events via a range of strategies including: <ul style="list-style-type: none"> • Managing and operating at least six major community events per annum. • Supporting community groups who are operating community events through training, support advice and, where appropriate, financial support. • Coordination and wide-scale communication of the community events calendar 	MCED
2. Work with community groups to implement neighbourhood competitions and events (eg. Tidy Towns, Best Maintained Business, Best Gardens, Street Parties, Xmas Lights, etc.)	MCED
3. Develop a well known, all inclusive calendar of community events.	MCED
4. Explore and actively seek to attract 'draw card' events to the Town of Port Hedland.	MCED

Goal 3 – Townscape

That both Port and South Hedland are recognised as being attractive and well maintained.

Strategy	Primary Officer Responsible
1. In conjunction with industry, business and the community, develop improved verge and streetscape treatments throughout the Town.	DES
2. Review, update and continue to implement Council's 5year Civic Buildings Cyclical Maintenance and Capital Development Plan.	MBS
3. Provide additional shade through the installation of trees and formal shade structures in strategic locations.	MTS

KEY RESULT AREA 3 – COMMUNITY DEVELOPMENT

The development of a more vibrant, sustainable community is a key responsibility of the Town of Port Hedland. Community Development areas that Council has identified as being critical to achieving this goal are

- Youth and Children;
- Sports and Leisure;
- Healthy Community;
- Community Safety and Crime Prevention; and
- Arts and Culture

CRITICAL SUCCESS STRATEGIES that have been identified for the Community Development area are:

1. Development of a range of facilities and activities for local young people including the upgrade of the JD Hardie Centre.
2. Development of new and improved sporting facilities including a new multi-purpose sports facility in South Hedland.
3. Improving boating facilities
4. Implementation of the Town's Community Safety & Crime Prevention Plan
5. Installation of public art throughout the Town that illustrates the uniqueness and significance of the Town.

Goal 1 - Youth & Children

That parents and young people in the Town have access to a range of facilities and services that is comparable to a metropolitan area.

Strategy	Primary Officer Responsible
1. Work with stakeholders to develop a consolidated plan to improve the availability of Child Care (both centre based and Family Day Care) places available with the Town. Implement key initiatives in a timely manner.	MCED
2. Convert the JD Hardie Centre into a more youth focused facility.	MCED/MRS
3. Establish regular formalised consultation mechanisms between Council and Young People	MCED
4. Ensure that the community has an opportunity to become involved in Council infrastructure projects such as park developments, tree planting, event planning, etc.	MCED
5. Work with key youth stakeholders to ensure that a range of events/functions are available for local youth including recreation, leisure, adventure and art/craft activities.	MCED
6. Work with stakeholders on initiatives that improve both the perception and the quality of education within the Town.	MCED

Goal 2 - Sports & Leisure

That the community has access to sports and leisure facilities at or above the quality that they would be able to access in the metropolitan area.

Strategy	Primary Officer Responsible
1. Progressively implement the recommendations of the Sports Facility Audit with a particular focus on: <ul style="list-style-type: none"> • The development of a multi-purpose sports facility at Kevin Scott Reserve • Upgrading all existing facilities to an appropriate standard. • The development of additional quality facilities at Colin Matheson Oval, McGregor Street Reserve and the South Hedland Bowling & Tennis club 	MRS
2. Provide improved boating facilities at Finucane Island and the Town Boat Ramp.	MTS
3. Identify and implement opportunities to sustainably upgrade programs and services at the Town Aquatic facilities.	MRS
4. Explore opportunities for the development of an appropriate off-road/recreational driving area that is away from sensitive beach and dune areas.	MEH
5. Review library operations and locations develop a plan for the future operations of libraries in the Town.	MLIS

Goal 3 - Health

That the community has access to high quality health services and facilities and the Town is taking appropriate preventative measures to ensure a healthy environment.

Strategy	Primary Officer Responsible
1. Work with DHW to ensure that the new South Hedland Hospital proceeds in a timely manner.	CEO
2. Regularly liaise with stakeholders regarding health care issues and actively seek to ensure that health services improve in accordance with community expectations.	CEO
3. Review Environmental Health service levels to the Town of Port Hedland and develop a Local Public Health Plan based on risk management principals.	MEH
4. Monitor commercial and industrial activities that have potential negative impact on the community, and actively seek Department of Environment and Conservation enforcement of regulatory standards.	MEH
5. Review the Town's Disability Service Plan and undertake actions to improve access to services and all facilities.	MCED

Goal 4 - Community Safety & Crime Prevention*That Town of Port Hedland is recognised as a safe place to live*

Strategy	Primary Officer Responsible
1. Work with partners to engage a Community Safety & Crime Prevention Coordinator/Facilitator whose primary responsibility is to ensure the timely implementation of initiatives listed in the Town of Port Hedland Community Safety & Crime Prevention Plan.	DCRS
2. In conjunction with the Police and other stakeholders, develop initiatives that discourage street drinking, littering, graffiti and other anti-social behaviour in public places and implement appropriate actions.	DCRS
3. Adopt a community based emergency risk management process for the Town, and co-ordinate the development of response plans to natural disasters through the Local Emergency Management Advisory Committee (LEMAC)	MCED
4. Install CCTV and/or other appropriate security measures for identified crime and safety 'hot spots'.	DCRS
5. Work in partnership with government and other stakeholders to develop additional 'pro-social' diversionary activities for young people.	MCED/MRS

Goal 5 - Arts & Culture*That the Town is recognised as a location where arts and culture is promoted and quality art work is produced.*

Strategy	Scheduled Completion Date
1. Initiate the development of Board of Management to manage and operate Council funded facilities within the Courthouse Arts Centre & Gallery precinct.	DCRS
2. Develop a public art policy/strategy and install public art in key locations within the Town.	MCED
3. Develop a unique entry statement to the Town.	MCED
4. Undertake initiatives that both increase patronage levels and improve the financial performance of the Matt Dann Theatre.	MCED
5. Actively pursue the development of additional arts and cultural facilities within the Town including a new commercial cinema and an aboriginal arts facility.	DCRS

KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT

While the Town of Port Hedland is currently experiencing resource driven 'boom times' the Town Council recognises that a diverse, well planned business community is needed to create a sustainable economic base for the future. Council believes that the Town needs to become more than just a mining/port Town. To achieve this support is required for other industries including tourism, agriculture, light industrial and small business operators.

CRITICAL SUCCESS STRATEGIES that have been identified for the Economic Development area are:

1. Fast-tracking the release of additional industrial, commercial and residential land within the Town.
2. Partnering with major resource industries to ensure that industry growth leads to community growth.
3. The development of Council policies and/or business incentives that assist in attracting and retaining businesses within the Town.
4. The development of appropriate accommodation options for the variety of market segments that visit the Town of Port Hedland.

Goal 1 – Tourism

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

Strategy	Primary Officer Responsible
1. Work with stakeholders to transform the look and feel of the historical heart of Port Hedland to make it more attractive and informative for visitors.	CEO
2. Redevelop the visitor entry bays on the northern and southern roads entrances to the Town.	MCED
3. Ensure that the proposed new Port Hedland hotel project proceeds in a timely manner.	CEO
4. Identify sites for the development of new caravan park/eco tourism facilities (both permanent and temporary). Implement key priority projects.	DCRS
5. Implement both the Turtle Boardwalk project and the Stairway to the Moon project and work with stakeholders to identify other tourism product development initiatives.	MTS

Goal 2 – Mining

That the Town has developed strong working relationships with the mining industry that are achieving sustainable outcomes for the local community.

Strategy	Primary Officer Responsible
1. Partner with BHP, FMG, Dampier Salt, Newcrest Mining and others mining companies to develop community infrastructure and a stronger community.	CEO
2. Review all mining and port development proposals to ensure that any negative impacts on the community due to either construction or operational activities are minimised.	CEO/DCRS

Goal 3 - Business Development

That the Town of Port Hedland is recognised as local government authority that works closely with businesses to achieve sustainable economic growth and a broad economic base.

Strategy	Primary Officer Responsible
1. Work with the BEC, PHCCI and others to investigate the potential development of a Business Incubator and/or other small business development initiatives within the Town.	MCED
2. Develop Council policies and/or incentives that assist in attracting and retaining businesses within the Town of Port Hedland.	MCED

Goal 4 - Land Development Projects

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

Strategy	Primary Officer Responsible
1. Fast-track the release and development of commercial, industrial and residential land in a sustainable manner including: <ul style="list-style-type: none"> • Pretty Pool Developments • South Hedland New Living developments • Landcorp's Various Industrial Land release programs. • Moore St Development and West end Developments • South Hedland CBD Developments • Redevelopment of the Port Hedland Telstra/Water Corporation Site. 	CEO/DCRS
2. Promote and support initiatives that attract new developers, builders and/or tradespeople to the Town	CEO
3. Work with the DPI to identify additional crown land that can be released for development in a timely manner.	MP
4. Commence the development of a marina/safe boating harbour.	CEO
5. Ensure that the infill sewerage program in Port Hedland is completed within the prescribed project timeframe.	CEO
6. Progress implementation of the Town of Port Hedland Staff Housing Strategy with the aim of making staff housing more self-supporting.	CEO
7. Review options for the development of Council office space and depot accommodation for the Town of Port Hedland.	DCS

Goal 5 - Town Planning & Building

That Town Planning and Building control policy and practices within the Town are facilitating the rapid development of a sustainable community.

Strategy	Primary Officer Responsible
1. Work with key stakeholders to ensure that the Land Use Master Plan is implemented.	MP
2. Develop Local Planning Scheme No 6.	MP
3. Develop Structure Plans for key precinct areas with a particular focus on the Spoilbank/Hospital/Hotel Precinct.	MP
4. Seek State Government Commitment to addressing all outstanding Native Title issues within the Town of Port Hedland.	CEO

KEY RESULT AREA 5 – ENVIRONMENT

The Town of Port Hedland needs and wants to part of the global response to climate change. The Council recognises that by acting locally it can assist in the slowing down of global warming.

CRITICAL SUCCESS STRATEGIES that have been identified for the Environment area are:

1. Implementing sustainable waste re-use and recycling initiatives.
2. The development of a Native Tree Nursery in conjunction with other stakeholders.
3. Minimising Councils use of energy and water.

Goal 1 – Waste Management

That the Town of Port Hedland is recognised as a regional leader in Waste Management.

Strategy	Primary Officer Responsible
1. Progressively develop the South Hedland Landfill Facility in accordance with the Landfill Strategic Plan.	MW
2. In conjunction with other Pilbara Regional Council, implement the Pilbara Regional Waste Management Strategy with a particular focus on opportunities for the development of sustainable reuse and/or recycling of waste materials.	DES
3. Implement a green waste/mulching program that aims to service both Council and the community's need for mulch.	MW
4. Actively pursue the relocation of the Wedgefield Tox Free facility to a location that does not have the land use conflicts that the existing facility currently presents.	MP
5. Support water re-use initiatives including residential grey water reuse.	MEHS

Goal 2 - Natural Resources

That the Town of Port Hedland is managing its unique environment and using its resources sustainably.

Strategy	Primary Officer Responsible
1. Continue to monitor and report on the level of Council's energy, fuel and water use.	MF
2. Ensure that all available non-potable wastewater is being re-used appropriately on Council reserves and school ovals.	DES
3. Investigate alternate watering regimes (other than mains water) for Council's open space areas.	DES
4. Review opportunities to make the Port Hedland International Airport more energy and natural resource efficient.	AM
5. Ensure that 'environmental friendliness' is considered as a major factor within Council's fleet management processes.	MTS
6. Advocate for a permanent DEC presence within the Town of Port Hedland.	CEO

KEY RESULT AREA 6 – GOVERNANCE

The Town of Port Hedland has developed to become a medium/large sized West Australian Local Government Authority. Council recognises that, as a significant business, it must have the governance structures, systems and procedures in place to lead this community to a bigger, better, brighter and more sustainable future.

CRITICAL SUCCESS STRATEGIES that have been identified for Council's Governance include:

1. Sustainably progressing with the development and implementation of Local Government services to indigenous communities in accordance with State/Federal Government Bilateral agreement on indigenous communities.
2. The development of strategies to attract and retention staff.
3. The development of innovative communication mechanisms with its constituents including the development of a series of neighbourhood barbecues.

Goal 1 – Leadership

That the community acknowledges that the Town is leading the future development and management of the municipality in an effective and accountable manner.

Strategy	Primary Officer Responsible
1. Ensure that Councillors and staff are aware of industry best practice and actively engage in learning opportunities.	CEO
2. Investigate options to develop new and emergent leaders in our community.	MCED
3. Work with other Pilbara Regional Council to implement agreed actions that achieve measurable benefits to the Town of Port Hedland community.	CEO

Goal 2 - Traditional Owners and Aboriginal People

That traditional owners and aboriginal are informed about, and involved with, the provision of Council services and facilities

Strategy	Primary Officer Responsible
1. Work with the State and Federal Government to sustainably progress the implementation of the 2006 Bilateral Agreement on Services to Indigenous Community.	DRCS
2. Work with relevant agencies to implement an appropriate action plan to address community visitors including the development of a managed campground.	DRCS
3. Conduct Council visits of aboriginal communities to ensure that there is knowledge and understanding of issues.	CEO

Goal 3 – Communication

That Town of Port Hedland is recognised by residents and ratepayers as being an open, informative, accountable local government that listens to community views and keeps stakeholders informed.

Strategy	Primary Officer Responsible
1. Continue to promote Council's successes to the community and seek community views on Council activities via: <ul style="list-style-type: none"> • Newsletters and advertisement in the local newspaper. • Regular press releases and timeslots on local radio. • Shopping centre displays • Other appropriate means. 	CEO
2. Redevelop and regularly update the Town of Port Hedland website, ensuring that it is both interactive and contemporary.	MCS
3. Install community notice boards that advertise local services and events.	MCED
4. Host a series of Council funded 'Neighbourhood Barbecues' as a mechanism of hearing issues and concerns from local areas.	CEO

Goal 4 - Systems Development

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

Strategy	Primary Officer Responsible
1. Continually review and update Council's financial managements systems, policies and procedures to ensure that they remain contemporary, accurate and user friendly.	MFS
2. Develop branding and corporate style guidelines for all Council facilities, events and communications with the public to aid in the community's recognition of the services and facilities that the Town provides.	CEO
3. Develop a comprehensive system for the management of Council leases.	DCS
4. Upgrade the town's record keeping and filing structures to industry best practice standards.	MCS
5. Regularly hold OH&S meeting that review incidents and near misses and develop pro-active responses to incident/hazard management.	MCS
6. Examine alternatives that improve staff attraction and retention rates.	CEO

Goal 5 - Policy & Legislation

That Council is responding to the communities needs and desires through appropriate policy and legislative responses.

Strategy	Primary Officer Responsible
1. Progressively review all Council Policies with the aim of reviewing all policies at least once in every two years.	EXEC
2. Progressively review and amend (where necessary) each of Council's Local Laws and ensure that they are being appropriately enforced.	DCS
3. Work with key agencies to review and develop Council policies in relation fire prevention and fire management	MEH

DRAFT

14.3.2.2 *Transient Workforce Accommodation – Proposed Guidance Note for Prospective Developers (File No.:)*

Officer Chris Adams
Chief Executive Officer

Date of Report 14 August 2008

Disclosure of Interest by Officer Nil

Summary

Over the last six months Council staff has regularly been approached by developers with concepts and draft proposals to develop transient workforce accommodation (TWA) facilities. Council direction is required on what advice should be provided to these developers.

Background

There is a multitude of very large scale infrastructure projects planned to be constructed within the Town of Port Hedland over the next five (5) to ten (10) years. Accommodation for construction workforces will be a significant issue unless appropriate accommodation is planned and developed in the very near future.

The Town has three approved TWA's within close proximity to the Town that have a total of approximately 1100 beds (Pundulmurra, Wedgefield ESS and the FMG Airport Camp). The Town has also supported the development of a 1,200 person camp facility at the Port Hedland International Airport and other facilities such as hotels, motels and caravan parks are being used as de facto TWA's.

Preliminary feedback from major resource companies suggests that even with the approved, planned and current 'de facto' arrangements, there is likely to be a significant shortfall in construction workforce accommodation within the Town of Port Hedland unless additional facilities are constructed in the near future.

Developers and proponents have approached Council with nine different alternatives for TWA constructions. These sites are:

- Golf Course
- Adjacent to the existing Club Hamilton
- On the Western side of TAFE
- In the Western area of the South Hedland CBD
- Extension of the Pundulmurra College accommodation
- Extension of Wedgefield ESS site
- Extension of the FMG Airport Camp
- The new 1200 person Airport Camp

- Various proposals around 12 mile.

A map of the sites has been attached to this report

In addition to the above sites, Councillors have informally indicated support for higher quality TWA facilities to be developed in the CBD/West End of Port Hedland.

Consultation

This issue was discussed during the development of the Town’s Land Use Master Plan and was discussed with Councillors at the August Council briefing session.

Statutory Implications

Both the Land Use Master Plan (LUMP) and Town Planning Scheme No 5 (TPS5) provide direction in relation to the location and development style of TWA’s.

The LUMP’s recommendation in relation to TWA’s is:

“Provide opportunities for transient workforce accommodation in or near the town centres of South Hedland and the West End, in appropriate, low maintenance unit types that meet the needs of transient shift workers.”

TPS5 indicates that TWA’s are potentially permissible in some TPS zones and cannot be included within other zones.

TWA Discretionary Zones	TWA Prohibited
Residential Areas:	Town Centre
Urban Development Zones	Commercial
Airport	Tourism
Strategic Industry sites	Mixed Business
Rural Areas	Industrial
	Rural Residential
	Community
	Health
	Educational

The issue that has arisen is that the style and nature of TWA developments is evolving quickly. TWA proposals being presented to Council staff from proponents vary significantly from traditional ‘donga style camps’ to high quality residential style apartments.

The proposed guidance note will have no specific statutory power but will provide preliminary direction to prospective TWA developers prior to them investing time and effort in them developing their proposals.

Policy Implications

Nil.

Strategic Planning Implications

The Towns Draft Plan for the Future includes the following statements within the Economic Development Key Result Area that are relevant to this matter:

Goal 2, Strategy 2: Review all mining and port development proposals to ensure that any negative impacts on the community due to either construction or operational activities are minimised.

Goal 5, Town Planning & Building: Work with key stakeholders to ensure that the Land Use Master Plan is implemented.

Budget Implications

Nil.

Officer's Comment

Council staff has been placed in a somewhat precarious position as they have been asked by proponents to provide advice on whether Council is likely to support specific TWA proposals. This has proven to be somewhat difficult as the size, scope and nature of TWA development proposal has changed from the traditional model of TWA development. To assist both potential developers and Council staff it is recommended that Council provide guidance on its preferred directions in relation to construction related accommodation within the Town.

Attachments

1. Map illustrating locations of proposed TWA's
2. Proposed TWA Guidance Note

Officer's Recommendation

That Council endorses the attached Guidance Note for Potential Transient Workforce Accommodation (TWA) developers.

200809/046 Council Decision

Moved: Cr A A Gear

Seconded: Cr K A Howlett

That Standing Orders be suspended.

CARRIED 7/0

6:42 pm Deputy Mayor advised Standing Orders were suspended.

200809/047 Council Decision**Moved:** Cr A A Gear**Seconded:** Cr J M Gillingham**That Standing Orders be resumed.*****CARRIED 7/0***

6:44 pm Deputy Mayor advised Standing Orders were resumed.
Councillors in attendance included:

- Deputy Mayor Arnold A Carter
- Councillor Grant D Bussell
- Councillor Steve J Coates
- Councillor Jan E Ford
- Councillor Arthur A Gear
- Councillor Jan M Gillingham
- Councillor Kelly A Howlett

200809/048 Council Decision/Officer's Recommendation**Moved:** Cr S J Coates**Seconded:** Cr J M Gillingham

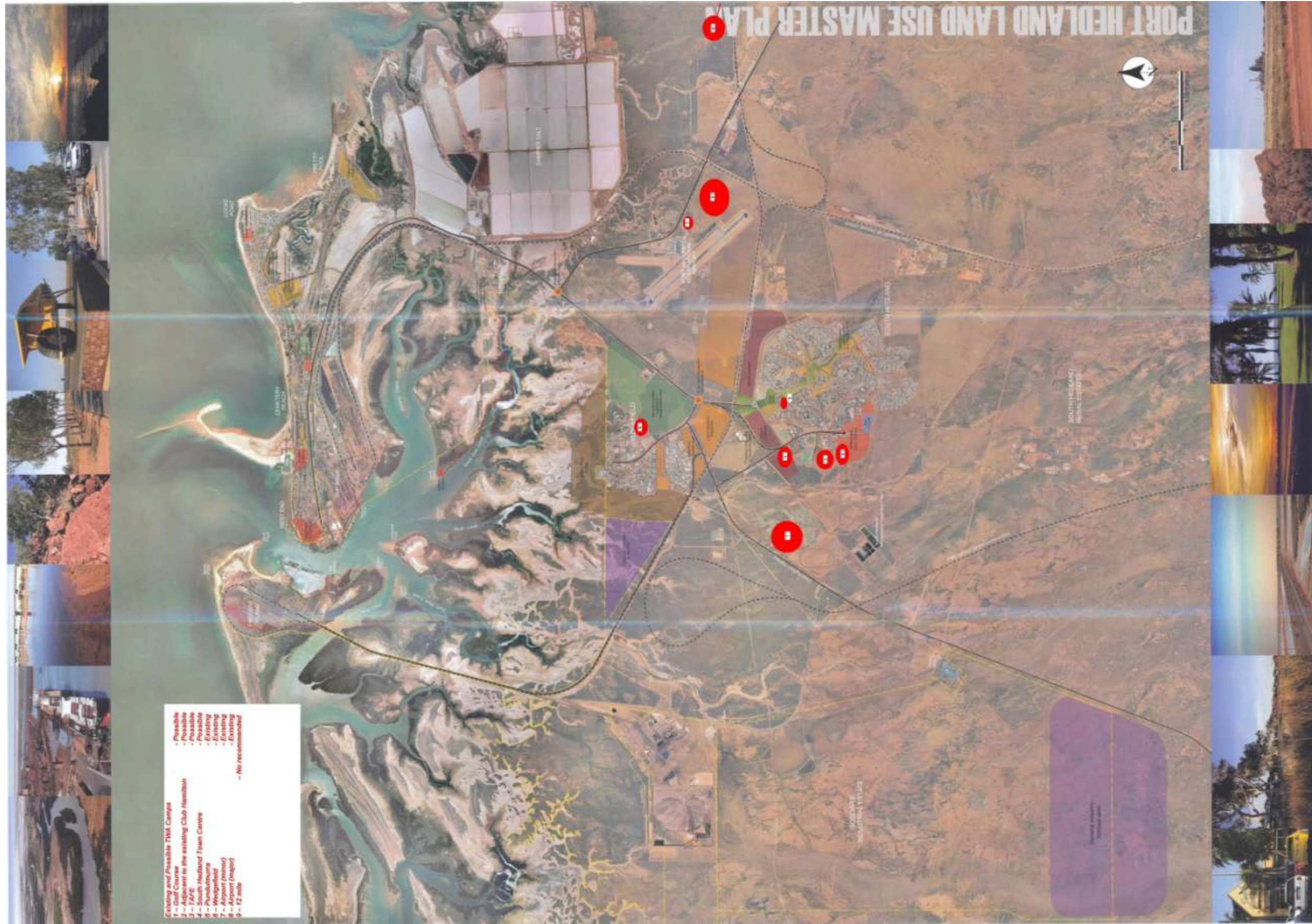
That Council endorses the attached Guidance Note for Potential Transient Workforce Accommodation (TWA) developers with the inclusion of an additional Key Principle as follows:

“- Town Centre Development Focus

The Town is focused on continually increasing the vibrancy and sustainability of the Town's Central Business Districts. Proponents are encouraged to demonstrate how their proposed development(s) will assist in improving the Town Centre.”

CARRIED 7/0

REASON: Council resolved for the Guidance Note for Potential Transient Workforce Accommodation developers to include its focus of increasing the vibrancy and sustainability of the central business district.



*ATTACHMENT 2 TO AGENDA ITEM 12.3.2.2***GUIDANCE NOTE FOR POTENTIAL DEVELOPERS OF TRANSIENT WORKFORCE ACCOMMODATION (TWA) – August 2008***Background*

The Town of Port Hedland acknowledges that additional temporary accommodation will be required for construction workforces and is eager to support appropriate development proposals. Council is committed to ensuring that appropriate accommodation is available for the expected influx of permanent and temporary residents of the Town in a timely manner.

Key Principals

While traditional statutory planning and building approval issues need to be addressed, key issues that Council would like addressed by proponents when preparing development applications are:

- **Community benefit**
The Town is interested in ensuring that the community as a whole benefits from the development of temporary accommodation. Proponents are encouraged to demonstrate how the community will benefit from the development proposals, in the construction, operational and post operational phases. The proponent is required to demonstrate that service and infrastructure demands are sufficiently self contained so as not to detract from the Town's existing provisions.
- **Integration**
Where possible, efforts should be made to integrate the facilities, infrastructure and services offered at temporary facilities into the Town environment. The Council is not supportive of developing camps/ that are not closely linked with the existing community. The integration should also involve the residents of the camp into the Town's. This issue is closely linked with the Community Benefit and should be addressed over the similar phases of the development.
- **Quality**
Whilst acknowledging that timely provision of accommodation is critical, the Town is eager to ensure that quality of urban design and visual amenity are not compromised in the haste to build the necessary accommodation.
- **Safety**
Council is committed to ensuring that facilities that are constructed are safe for both the occupants and the general community.

TWA Styles

The nature and type of TWA's is evolving rapidly. TWA facilities are no longer simply 'donga camps'. While Council is supportive of a range of temporary accommodation styles, it has a preference for certain types of facilities to be located in specific locations for Town planning reasons. The Town does not support the proliferation of TWA's on the fringes and outskirts of the Township.

Listed below is a summary of the types of TWA's styles along with the locations that Council considers these facilities may be most appropriate.

1. Mining/Rail Camps:

Characteristics

Short term construction camps for infrastructure such as rail and/or mining operations that are being built outside of the Township

Possible/Preferred locations

Greater than 50kms from Port Hedland otherwise other 'in-town' accommodation should be sought.

2. Student Education Accommodation Facilities

Characteristics

Facilities for students undertaking training or further education.

Possible/Preferred locations

Pundulmurra College
South Hedland TAFE

3. Traditional Donga Camps:

Characteristics

Short term accommodation to address 'spikes' in construction workforce numbers.

Facilities are removed at the end of construction spike.

Possible/Preferred locations

Port Hedland International Airport
Or where it can be demonstrated that the issues of this Guidance Note can be appropriately addressed with particular reference to streetscape, landscaping and setbacks.

4. Higher quality, more permanent accommodation facilities (inc hotels/motels)

Characteristics

Facilities designed and built for permanent purpose.

High quality self-contained units

TWA is a transitional use of the land and facilities with other residential or tourism uses planned for the developments after construction period ends.

Possible/Preferred locations

Port and South Hedland CBD areas. –
Port Hedland Golf Course (resort style)

5. Building Construction Camp

Characteristics

Short term construction camp for builders who are building major facilities (civic buildings, hotels, hospitals, etc.)

Possible/Preferred locations

Not the Town's preferred option. All other alternates should be explored/exhausted prior to implementation.

Potentially allowable on specific larger scale building construction projects with a construction period of no longer than 18 months.

For further information or advice on transient workforce accommodation within the Town of Port Hedland please contact the Town's Planning Department on 9158 9300

11.4.2.3 Fortescue Metals Group: Community Development Plan (File No.:)

Officer Chris Adams
Chief Executive Officer

Date of Report 20 August 2008

Disclosure of Interest by Officer Nil

Summary

Fortescue Metals Group (FMG) is seeking Council's support for the revised and updated community development plan.

Background

FMG is currently seeking approvals from the State Government to expand its operations from 45mtpa to 120mtpa. As a part of the approvals process, the Railway and Port (The Pilbara Infrastructure Pty Ltd) State Agreement Act requires the preparation of a new community development plan. This plan will be reviewed and considered by the Minister for Planning and Infrastructure. FMG is required to consult with the Town on the development of the new community development plan.

FMG's previous community development plan was approved by the Minister in late 2006. The Town of Port Hedland considered the previous Community development plan in October 2005 where Council resolved the following:

"That Fortescue Metals Group be advised in writing that Council:

- i) supports the proposed Community Development Plan, and understands the document will continue to evolve through annual consultation and as such is never considered final; and*
- ii) accepts the opportunity to be involved in the annual evaluation of the Community Development Plan, and seeks to retain the ability at any time to request a specific review of one or more of the objectives and subsequently make amendments when a need/issue arises in agreement with Fortescue Metals Group and Western Australian Government."*

The key outcomes proposed in the new community development plan are:

1. Training and guaranteed employment for indigenous and non-indigenous people living in the Pilbara

2. Regional development and local procurement of goods and services.
3. Contribution towards community services
4. Regionally based workforce
5. Commitment to best practice in environmental management.

The 2008 version of FMGL's Community Development Plan remains very similar to the 2005 version that was endorsed by Council. The project description has changed but the vast majority of the Community Development Plan remains identical to the 2005 version of the document.

The changes that have been made between the 2005 and 2008 document include:

- Consultation arrangements: The 2008 plan makes a commitment that FMG/TPI will work with the Town to establish a preliminary set of KPI's and performance measures against the strategies listed within the plan by 15 May 2009. Furthermore, the plan commits to reviewing the strategies within the plan prior to the 2010/2011 financial year. This document commits FMG to giving 'due consideration' to the allocation of resources to the plans implementation.
- Dispute Resolution Clause: The dispute resolution clause has been removed from the 2008 version of the document. The 2005 version said that where the Town and the company did not agree, independent mediation would be sought. If this process were to fail, Ministerial intervention would be sought.
- Contribution to Community Services and Facilities: Some minor wording changes have been made and four new strategies have been listed:
 - (1) Actively advocate with the Council on the following projects:
 - South Hedland Town Centre Development
 - Multipurpose recreation centre for South Hedland
 - Port Hedland Marina Project
 - (2) Actively support advocacy associated with the \$20B Infrastructure Australia fund.
 - (3) Establish a Port Hedland based industry forum through which major industry and contractor companies as well as smaller, local businesses can coordinate the allocation of their resources to best meet the needs of the community.
 - (4) Develop and implement an advocacy program to support community and economic development through Fortescue's relationship with senior State and Federal Government elected representatives, appointed officials and senior industry representatives.
- Regionally Based Workforce: Strategies, measures and targets remain identical with the exception of the removal of the following strategy from the 2008 version of the plan.
 - Include length of time spent residing in the Pilbara as a selection criterion for employee promotion.

The outcomes, strategies, measures and targets listed in the 2008 Community Development Plan in relation to training and employment of indigenous people, regional development and local procurement of goods and services and commitment to best practice in environmental management remain almost identical to those listed in the 2005 version of the plan.

Consultation

FMG has met with some individual Councillors and staff to discuss the plan and has presented the draft community development plan to the August Council briefing session.

During the Council briefing session Councillors expressed some concerns with the proposed plan. Particular concerns were raised regarding the commitment (or perceived lack thereof) to community facilities and infrastructure.

Statutory Implications

Clause 9 of the Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004 states:

- (1) *In this clause, the term “community and social benefits” includes:*
 - (a) *training and guaranteed employment for indigenous and non-indigenous persons living in the Pilbara region of the said State;*
 - (b) *regional development and local procurement of goods and services;*
 - (c) *contribution to community services and facilities; and*
 - (d) *a regionally based workforce.*

- (2) *The Company acknowledges the need for community and social benefits flowing from this Agreement.*

- (3) *The Company agrees that, prior to the time at which it submits any proposals pursuant to clause 10, and, if required by the Minister, prior to the time at which it submits any additional proposals pursuant to clause 12 or 13, it shall:*
 - (a) *consult with the relevant local government or local governments with respect to the need for community and social benefits in relation to the developments proposed;*
 - (b) *following such consultation, prepare a plan which describes the Company’s proposed strategies for achieving community and social benefits in connection with the developments proposed, and such plan shall include a process for regular consultation by the Company with the relevant local government or local governments in respect of the strategies; and*

(c) submit to the Minister the plan prepared pursuant to subclause (3)(b) and confer with the Minister in respect of the plan.

(4) The Minister shall within one month after receipt of a plan submitted under subclause (3)(c), either notify the Company that the Minister approves the plan as submitted or notify the Company of changes which the Minister requires be made to the plan. If the Company is unwilling to accept the changes which the Minister requires it shall notify the Minister to that effect and either party may refer to arbitration hereunder the question of the reasonableness of the changes required by the Minister.

(5) The effect of an award made on an arbitration pursuant to subclause (4) shall be that the plan submitted by the Company pursuant to subclause (3)(c) shall, with such changes required by the Minister under subclause (4) as the arbitrator determines to be reasonable (with or without modification by the arbitrator), be deemed to be the plan approved by the Minister under this clause.

(6) During the continuance of this Agreement, the Company shall implement the plan approved or deemed to be approved by the Minister under this clause.

(7) The Company shall report to the Minister about the results of its periodic ongoing consultation with the relevant local government or local governments in accordance with the plan approved or deemed to be approved by the Minister under this clause and as soon as practicable after each such consultation takes place.

(8) At the request of either of them made at any time and from time to time, the Minister and the Company shall confer as to any amendments desired to any plan approved or deemed to be approved by the Minister under this clause and may agree to amendment of the plan or adoption of a new plan. Any such amended plan or new plan will be deemed to be the plan approved by the Minister under this clause.

Policy Implications

Nil

Strategic Planning Implications

The Town's Draft Plan for the Future includes the following statements that are relevant to this matter:

KRA 4: Economic Development

Goal 2: Mining – That the Town has developed strong working relationships with the mining industry that are achieving sustainable outcomes for the local community.

Strategy 1: Partner with BHPB, FMGL, Dampier Salt, Newcrest Mining and other mining companies to develop community infrastructure and a stronger community.

Strategy 2: Review all mining and port development proposals to ensure that any negative impacts on the community due to either construction or operational activities are minimised.

Budget Implications

There is no direct impact on Council's budget from the Community Development Plan.

The Plan does make financial and other commitments in the form of:

- Significant funding commitments (nett of Government contributions) towards training and employment of indigenous people.
- Commitment to buy at least 60% of goods and services from West Australian companies.
- Committing that 100% of FMG/TPI employees will reside within the Town of Port Hedland.

In the 'community services and facilities' section of the plan the commitments are less tangible with the only commitments being commitment to company representation on key community groups and financial contributions to the community being 'as defined' – with definition provided.

Officer's Comment

FMGL's achievements in a relatively short space of time have been impressive. They have managed to construct a huge amount of infrastructure and have successfully met the vast majority of their commitments.

The company has implemented many of the strategies that were listed in its 2005 Community Development plan and would seem to have been successful in progressing towards achieving many of their stated community development targets. In particular the company has undertaken many projects in the areas of indigenous employment and regionally based workforce that are starting to make a difference to the Town of Port Hedland community.

In the officers opinion, the revised Community Development Plan is marginally better than the 2005 version. When realised, the commitments made in the areas of indigenous employment, local procurement, and locally based employees will undoubtedly assist Council in achieving its goal of building a more sustainable township. While these commitments are exceptional, the proposed 2008 Community Development Plan fails to make any tangible contributions or commitments on behalf of FMG in the area of community services and facilities other than commitments to 'be involved' and 'advocate' of behalf of Council/community.

This level of commitment was deemed to be reasonable for a fledgling company trying to set up a major resource project in 2005, but FMG's size, structure and impact on the community has grown significantly since this time – yet their formal commitments to assist resolving community service and community facility provision shortages within the Town have remained relatively unchanged.

While it is acknowledged that FMGL has a large amount of debt to repay and that the company is not generating a profit at this stage, the company is planning a massive expansion of its operations which will involve billions of dollars of expenditure. A key component of industry growth needs to be growth in community facilities and services. While this is not the primary purpose of FMG's business, they need to contribute towards the development of community services and facilities as a component of their growth. Without these services and facilities they will not be able to meet their growth targets or community development targets as they will invariably struggle to attract and retain necessary staff. The development of community services and infrastructure should be a core consideration for all developers within the Town of Port Hedland – not a secondary matter, or a matter that is left solely the responsibility of the three tiers of government.

Attachments

Copy of correspondence received from FMGL dated 20 August 2008 (including revised version of proposed Community Development Plan).

Officer's Recommendation

That Council advises Fortescue Metals Group (FMG) and the Minister for Planning and Infrastructure that:

- i) the Town of Port Hedland remains very supportive of FMG's expansion plans and wants to continue to build a strong working partnership with the company to ensure that its growth leads to sustainable growth and development within the Town of Port Hedland; and
- ii) while Council strongly supports FMG's growth, it does not support the revised Community Development Plan at this point in time as it does not adequately address the growing community service and community facility needs that will arise as a result of FMG's projected growth. Council would like to work closely with FMGL to revise this section of the plan to more closely align it with the Council's philosophy, aims and objectives in relation to community development.

OR

- ii) Council is prepared to support the FMG's proposed Community Development Plan on the proviso that:
- FMG commits to reviewing its financial contribution and current planned expenditure on community development activities in 2008/09 and beyond with the view to ensuring that its expenditure aligns more closely with the Town's priorities and plans in relation to community development.
 - FMG formally commits to providing financial support towards the development of community services and facilities within the Town of Port Hedland in the 2009/10 year and beyond in partnership with other government agencies and industry bodies.

OR

- ii) Council supports FMG's proposed Community Development Plan and looks forward to regularly reviewing and updating the company's commitments and contributions in relation to community development.

6:48 pm Councillor Grant Bussell left the room.

6:49 pm Councillor Grant Bussell re-entered the room and assumed his chair.

200809/... Council Decision

Moved: Cr G D Bussell

Seconded:

That Standing Orders be suspended.

MOTION LAPSED FOR WANT OF SECONDER

200809/049 Council Decision/Officer’s Recommendation

Moved: Cr A A Gear

Seconded: Cr J M Gillingham

That Council advises Fortescue Metals Group (FMG) and the Minister for Planning and Infrastructure that:

- i) the Town of Port Hedland remains very supportive of FMG’s expansion plans and wants to continue to build a strong working partnership with the company to ensure that its growth leads to sustainable growth and development within the Town of Port Hedland; and**
- ii) Council is prepared to support the FMG’s proposed Community Development Plan on the proviso that:**
 - FMG commits to reviewing its financial contribution and current planned expenditure on community development activities in 2008/09 and beyond with the view to ensuring that its expenditure aligns more closely with the Town’s priorities and plans in relation to community development.**
 - FMG formally commits to providing financial support towards the development of community services and facilities within the Town of Port Hedland in the 2009/10 year and beyond in partnership with other government agencies and industry bodies.**

CARRIED 5/2

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

Record of Vote:

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

ATTACHMENT TO AGENDA ITEM 11.4.3.3



Fortescue Metals Group Ltd
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Western Australia 6004
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Website: www.fmg.com.au

Our Ref: 1.08.120

20/08/08

Mr Chris Adams
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Chris

RE: FORTESCUE COMMUNITY DEVELOPMENT PLAN APPROVAL

As you are aware, Fortescue Metals Group is seeking Government approvals on an expedited basis that will support the expansion of our operations from 45 million tonnes per annum to 120 million tonnes per annum.

As part of this approvals process, Fortescue's Railway and Port State Agreement requires the preparation of a new Community Development Plan ("new Plan") that addresses a range of stipulated outcomes. The existing and current Community Development Plan was approved by Minister MacTiernan in late 2006.

As part of our expansion approvals we are required to consult with the Town of Port Hedland on the new Plan.

In meeting this obligation, Fortescue's Community Development team has been consulting with the Council staff since early May and, more recently, Council members both on an individual basis and through an informal Council briefing session last week.

We believe that all improvements suggested by Council Staff and Members through this process have now been successfully incorporated into the Plan.

Since the Council briefing session last week, Fortescue has made additional amendments that were suggested by Council members, as follows:

Section 4 – Continuing Consultation Arrangements of the Plan:

Annual evaluation of the community development plan will be jointly undertaken by the Town of Port Hedland and TPI. This provides an opportunity to establish and review Key Performance Indicators (KPI's) and Performance Measures (PM's) established by TPI and the Council against the Outcomes and Strategies identified in the plan.

TPI and the Town of Port Hedland will establish a preliminary set of KPI's and PM's against the strategies in the Plan by May 15 2009. These KPI's and PM's will form the basis of future annual reviews.

The New Force in Iron Ore

Town of Port Hedland supports the Community Development Plan submitted by TPI on the condition that Council's support of the Plan may be withdrawn following a review of the Plan conducted by TPI and Council prior to the second anniversary of the date of this resolution.

The purpose of the review referred to in the preceding paragraph will be to assess:

- a) the suitability of the Plan to achieve the "community and social benefits" referred to in clause 9 of the State Agreement; and*
- b) the contribution of resources by TPI prior and subsequent to the date of the review.*

Outcome 3 Contribution to Community Services and Facilities:

- 1. Actively advocate with the council on the following projects:
 - a. South Hedland Town Centre development*
 - b. The Multipurpose recreation centre for South Hedland*
 - c. The Port Hedland Marina project**
- 2. Actively supporting advocacy associated with the \$20 billion Australian Infrastructure Fund.*
- 3. Establish a Port Hedland based industry forum through which major industry and contractor companies as well as smaller, local businesses can coordinate the allocation of their resources to best meet the needs of the community.*

We believe this forum will place necessary local focus on the joint allocation of available resources within the Port Hedland community.

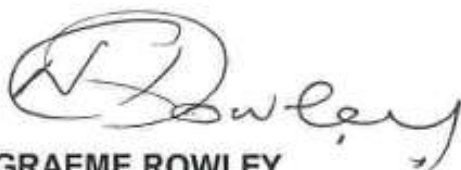
These amendments have been incorporated into the final version of the new Plan, which is attached to this correspondence.

Fortescue now seeks Council endorsement of the new Community Development Plan at its meeting next Wednesday, 27 August 2008.

Endorsement by Council at this meeting is necessary if Fortescue is to meet its expedited timeframes for project approval.

Yours sincerely

FORTESCUE METALS GROUP LTD



GRAEME ROWLEY
Executive Director Operations

Enc: TPI Community Development Plan 19 August 2008



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THE PILBARA INFRASTRUCTURE PTY LTD

Community Development Plan

19 August 2008

1. PROJECT DESCRIPTION

Fortescue Metals Group Ltd (Fortescue) is developing the Pilbara Iron Ore and Infrastructure Project in the Pilbara region of Western Australia.

The initial project comprises:

- An open access port facility on the western side of Port Hedland Harbour at Anderson Point. The twin 750 m shipping berths will allow for two 250,000 DWT vessels to be berthed. One berth will be serviced by a wharf and shiploader while the other is a parking berth only, which will be upgraded for future product demand.
- An open access railway approximately 255 kms in length that connects the port to mining operations.
- Mining operations at Cloud Break in the Chichester Ranges approximately 120 km north west of Newman. Initial production is 45 million tonnes per annum of iron ore.

During 2008, work commenced on expansion of the project including:

- Production of between 120 and 160 mt/a of iron ore from the Chichester Ranges;
- Based on expansion of output at Cloud Break;
- A new minesite at Christmas Creek; and
- Additional production from new mining areas in the eastern Chichester Ranges.

The project is being developed under two State Agreements being:

1. The Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement, which deals with the planning, construction and operation of the railway and port facilities, and



2. The Iron Ore (FMG Chichester Pty Ltd) Agreement, which deals with the mining aspects of the project.

The Pilbara Infrastructure Pty Ltd (TPI) is a wholly owned subsidiary of Fortescue, and is responsible for developing the railway and port facilities.

The rail and port components of the project, to be developed by TPI, will deliver the following benefits:

- The railway and port facilities are to be available to other parties under open access arrangements;
- Construction of the railway and port facilities represents significant investment into the State's economy (approximately \$2 billion).
- Full payment of rates to local government;
- Fortescue's no fly-in fly-out policy for employees who are working in Port Hedland; and
- Generation of significant direct and indirect employment opportunities through materials purchase, construction and operation.

The mining components of the project, which are to be developed by FMG Chichester, will deliver the following additional benefits:

- Payment of royalties to the State government on mined iron ore;
- Employment in mine construction and in the ongoing operation of the iron ore mining phase; and
- Secondary processing obligations once specific iron ore production triggers are reached.

2. BACKGROUND TO THE PLAN

Clause 9 of the Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement obliges TPI to establish a Community Development Plan (CDP).

The intent of the CDP is to promote the sustainable growth of Pilbara communities by ensuring that the operation of TPI's rail and port facilities delivers community and social benefits.



The community and social benefits that must be addressed in the CDP include:

- Training and guaranteed employment for local residents;
- Local purchasing of goods and services and regional development;
- Contribution to community services and facilities; and
- Regionally based workforce.

TPI is strongly committed to excellence in environmental management, which will also be addressed in this plan.

3. ACHIEVEMENT OF DESIRED OUTCOMES

Results of the CDP commitments are to be measured through agreed performance indicators.

The TPI recognizes that some of the strategies outlined in the CDP require the involvement of government agencies and the allocation of funding towards the achievement of these strategies will be subject to normal budgetary processes.

4. CONTINUING CONSULTATION ARRANGEMENTS

From time to time, additional objectives will arise and TPI acknowledges that nothing in this CDP precludes discussion initiated by local government or TPI.

Commitments may be amended or additional schedules included, following agreement between local government and TPI.

Annual evaluation of the community development plan will be jointly undertaken by the Town of Port Hedland and TPI. This provides an opportunity to establish and review Key Performance Indicators (KPI's) and Performance Measures (PM's) established by TPI and the Council against the Outcomes and Strategies identified in the plan.

TPI and the Town of Port Hedland will establish a preliminary set of KPI's and PM's against the strategies in the Plan by May 15 2009. These KPI's and PM's will form the basis of future annual reviews.

Further, prior to the beginning of Financial Year 2010/2011 the Town of Port Hedland and TPI will conduct a review of the strategies identified in the Plan, this review will give due consideration to the allocation of resources to the Plan's implementation and will be linked to Council's ongoing support of the Plan.



The Town of Port Hedland and TPI may, at any time, request a specific review of one or more of the commitments and make amendments through agreement with the other party.

An annual report on the outcomes of the CDP will be included in TPI's annual report and provided to the Town of Port Hedland and to the Minister responsible for the State Agreement.

5. OUTCOMES, STRATEGIES AND PERFORMANCE INDICATORS

A series of strategies have been developed which are designed to achieve the community and social benefits required under the Railway and Port Agreement. Performance measures and targets are to be put in place to enable evaluation of the success of the Plan and to facilitate reporting.

Each of the outcomes is explained below:



OUTCOME 1

Training and guaranteed employment for indigenous and non-indigenous people living in the Pilbara.

Strategies

1. Develop in partnership with relevant federal, state and local government and other community organisations, initiatives and projects to assist the long term unemployed and unskilled job seekers (including indigenous members of the community).
2. Develop and enact partnerships with central government agencies in structuring and delivering employment and training programmes in accordance with the needs of the local community.
3. Establish Fortescue Vocational Training and Employment Centre program ("VTEC") which will guarantee the employment of people who successfully complete required training.
4. Work to meet a target for employment of Aboriginal people equal to 20% of Fortescue's total employment base – Aboriginal people, especially those with connections to Pilbara land, will be given preference in employment.
5. Employ Aboriginal people in the following roles:
 - Aboriginal Employment and Training Coordinator; and
 - Environmental Officer or Technician
6. Join with other organisations in developing local solutions to unemployment (including the provision of necessary skills and experience).

Performance Measures and Targets

MEASURE

Indigenous employees as % of total
 Graduates of VTEC subsequently gaining employment
 Funding commitment from FMG per annum (net of Government grants):

TARGET

20%
 100%

Year 2008	\$ 250,000
Year 2009	\$ 500,000
Year 2010	\$ 750,000
Year 2011 onwards	\$1,000,000



OUTCOME 2

Regional development and local procurement of goods and services.

Strategies

1. Provide the following assistance to Pilbara businesses in tendering for Fortescue contracts:
 - 10% pricing preference;
 - Information sessions about Fortescue's contracting policies and procedures;
 - Conduct local industry information sessions to outline the scope of the project, timing factors and supplier requirements;
 - Develop and maintain data base of tendering opportunities for local businesses;
 - Where possible, ensure that design specifications take local capability and standards into account and that potential local suppliers are not designed out or otherwise unreasonably precluded from the chance to participate in the project;
 - Delegation of certain purchasing decisions to regional level; and
 - Skills enhancement program – work with local businesses to identify skill deficiencies which may inhibit the ability of local businesses to provide required goods or services and work with relevant State and Commonwealth agencies to develop programs to fill identified skills gaps.
2. Identify and build connections with government agencies involved in the regional development of the Pilbara.
3. Work with relevant government agencies to jointly develop plans and projects to address local and regional wide issues and collaboratively implement them. This work is to include partnering with local and regional communities and agencies to address economic development, business diversity and leadership capacity.
4. Form partnerships with relevant government and non-government agencies with the objective of stimulating local business and employment so as to encourage and strengthen the capacity of local small businesses and enterprises and to improve prospects for economic and community growth.
5. Develop a suitable measure to determine the extent to which the objective of local content targets have been met at the operational phase.

Performance Measures and Targets

MEASURE

WA content
Regional content

TARGET

60%
To be determined
after 12 months
operational
experience



OUTCOME 3

Contribution to community services and facilities.

Strategies

1. Actively advocate with the council on the following projects:
 - a. South Hedland Town Centre development
 - b. The Multipurpose recreation centre for South Hedland
 - c. The Port Hedland Marina project
2. Actively supporting advocacy associated with the \$20 billion Australian Infrastructure Fund.
3. Establish a Port Hedland based industry forum through which major industry and contractor companies as well as smaller, local businesses can coordinate the allocation of their resources to best meet the needs of the community.
4. Encourage all employees to act in accordance with Fortescue's Community Policy (Attachment 1) and corporate values.
5. Ensure Fortescue is represented on key community groups in Port Hedland.
6. Work with Pilbara community organisations and communities to prioritise community challenges and resourcing needs.
7. Promote community development and resource allocation opportunities available from Fortescue to the local community.
8. Ensure community (including traditional Aboriginal owner) representation on any proposed Fortescue resource allocation committee.
9. Provide regular communication and feedback to the local community through:
 - a. locally accessible Fortescue shop front located (in the region);
 - b. employment of community liaison staff; and
 - c. operation of a community complaints resolution process.
10. Development and implement an advocacy program to support community and economic development through Fortescue's relationship with senior State and Federal Government elected representatives, appointed officials and senior industry representatives.

Performance Measures and Targets

MEASURE

Company representation on key community groups
Financial contributions to community

TARGET

100%
As defined



OUTCOME 4

Regionally based workforce.

Strategies

1. Require all TPI employees who work in Port Hedland to reside in the town.
2. Ensure that any contract briefs include reference to TPI's undertaking for a regionally based workforce and require contractors to outline how they will maximise Pilbara based employment.
3. Implement a comprehensive housing policy that clearly states TPI's role in the provision of housing for employees and contractors.
4. Work with relevant local authorities and non-profit housing agencies to identify and implement opportunities to meet the community's accommodation and housing needs.
5. Provide high quality housing for employees.
6. Work to minimise any impacts, from housing TPI's workforce, upon the local housing market,

Performance Measures and Targets

MEASURE

TARGET

Hedland residents as per cent of total TPI employees who work in Port Hedland	100%
FIFO employees as per cent of total TPI employees	0



OUTCOME 5

Commitment to best practice in environmental management.

Strategies

1. Comply with all environmental laws, regulations and licenses.
2. Work with relevant agencies and stakeholders to address cumulative impacts of industry/operations wherever possible and achieve improved environmental best practice standards wherever possible (including dust and noise management strategies).
3. Work with the Department of Environment to promote, establish and support dust emission monitoring and reduction initiatives in the local community.
4. Support the implementation of a Port Hedland Air Shed Cumulative Dust Management Plan in partnership with government, industry and other agencies.
5. Work with government and other agencies to support strategies to address dust and amenity issues in Port Hedland.
6. Identify opportunities for Aboriginal people's involvement in Fortescue's land management program.

Performance Measures and Targets

MEASURE

Compliance with laws, regulations and licences
Environmental complaints resolved satisfactorily
Environmental Dust emissions

TARGET

100%
80%
NEPM or
alternative
government
endorsed
measure for iron
ore



ATTACHMENT 1

THE PILBARA INFRASTRUCTURE PTY LTD
OUR COMMITMENT TO THE PILBARA COMMUNITY
(Community Policy)

TPI is committed to supporting the Pilbara region today, tomorrow and in the long term. In particular, we will:

- Be open, honest and consistent in our dealings with the community
 - Try to resolve any concerns with the operation of our business - the first time that they are raised with us
 - Work to meet the needs of the local community as we meet our own needs
 - Endeavour to share our success with the Pilbara communities on which we depend
-

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**12.1 Governance****12.1.1 *Tender 08/03: Morgans Street Housing Project (File No.:*)**

Officer Chris Adams
Chief Executive Officer

Date of Report 25 August 2008

Disclosure of Interest by Officer Nil

Summary

Tenders have been received for the development of eight (8) units on Council Reserve at Morgan Street, Port Hedland.

Background

At its April Council meeting Council considered a report on various staff housing initiatives and resolved (in part) to:

1. Immediately proceed with the tender process for the design and construction contract for the development of eight (8) units at the Morgan St site.
2. Note/signal its intent to utilise loan funds in the 2008/09 Budget to fund the Morgan St development program (Preliminary estimate of \$4M)

Subsequent to this the following actions were undertaken:

A feature survey was completed on the block.

Tender documents were developed and advertised in both the West Australian Newspaper and the North West Telegraph.

Tenders closed at 2pm on Wednesday 20th of August.

The tenders called for the bidders to submit a lump sum price for the development of eight dwellings comprising a minimum of six two bedroom, two bathroom units and two one bedroom, one bathroom units. Minimum room sizes and other features were stipulated within the brief. Tenderers were advised that two storey developments were preferred.

Tenders were opened by the Deputy Mayor, CEO, Manager of Building and the Regulatory Services Executive Assistant. Five bids were in the tender box at the time of closing.

These bids included bids from:
Pilbara Constructions
Custom Constructions
Capricorn Homes – 3 separate bids

The tender selection criteria advertised within the tender document were:

Lump Sum Price	40%
Experience	10%
Submitted design	30%
Local Supplier	10%
Timeframe submitted for completion	<u>10%</u>
	<u>100%</u>

Consultation

Council's Staff Housing working Group has considered various alternatives for the delivery of staff housing. This project was supported by this working group and was subsequently reported to Council and endorsed as a project through the 2008/09 Budget process.

Statutory Implications

The tender process was undertaken in compliance with the Local Government Act and the Local Government (Functions and General) Regulations.

“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.”*

Strategic Planning Implications

The following strategy from Council's Draft Plan for the Future is relevant to this matter:

Develop and progress implementation of the Town of Port Hedland Staff Housing Strategy with the aim of making staff housing more self-supporting.

Budget Implications

Council has allocated a budget of \$4M for this project within its 2008/09 budget. All tender bids that were received were significantly lower than the budget amount.

While the construction costs are lower than budget, funds will be required for head works costs, service connections, application fees, variations and other incidental costs. Even with these costs, it is anticipated that the project can be delivered for well under the Council's budgeted amount

Officer's Comment

All tenders were assessed against the tender documentation to determine whether they were compliant with the tender specification. All submitted tenders in the tender box were opened and checked against the tender criteria and were found to be substantially in compliance and accepted as complying bids. One tender was received by courier 22.5 hours after tenders had closed. This tender was returned unopened with an explanation as to why it was not accepted.

Comments regarding the various elements of the tender assessment have been placed below:

Price (40%)

Tenders were assessed using the standard Council formula for construction projects (Lowest price/tendered price x weighting). Weighting was also given to amount of internal floor area that was being provided for this tendered price. Tenderers were also scored on the allowances that they made for provisional items (tiling, kitchen appliances, landscaping, etc.) Tenderers who included higher provisional amounts scored higher in this criterion.

Pilbara Constructions scored well in this area despite being the highest tender received as the detailed breakdown of the provisional sums and description of work proposed enabled an assessment to be made where all finishing work was included with quality fixtures and fittings nominated. Pilbara Constructions are offering a substantially larger product than that offered by other tenderers.

Experience (10%)

Contractors were required to provide details of similar projects that they had completed within the last ten years. All tenderers are experienced builders who have undertaken similar works. All have received building approvals from the Town of Port Hedland in the past 12 months and are experienced with dealing with local building regulations and conditions.

Pilbara Constructions Pty Ltd are the most experienced builders in this type of construction with a proven track record in Port Hedland, and hence scored the highest mark in this category.

Custom Constructions rated slightly lower as, whilst they have experience in this area, they have not completed the volume of work when compared to Pilbara Constructions.

Capricorn Homes are a new builder to Port Hedland with one dwelling under construction. They scored the lowest score because they have neither the previous volume or record as yet in Port Hedland, having relocated from the eastern states.

Submitted Design (30%)

Tenderers were required to provide a range of floor plans and perspectives within their tender documents. Tenders were scored on the overall design of the facility (scale and size). Additionally the tenders were assessed based on their response to the following questions that were asked in the tender brief.

- Detail any environmentally sensitive design components that have been included within the design.
- How have the issues of dust mitigation and noise been addressed within the design?
- What specific features of the design add to the visual amenity of the area?

Both Pilbara Constructions and Custom Construction scored very closely. A detailed examination of the designs and statements were undertaken with Pilbara Constructions being judged to be a marginally more suitable design.

Local Supplier (10%)

In accordance with Council policy preference was given to local contractors/local suppliers.

Timeframe Submitted for Completion (10%)

Tenderers were required to provide proposed key milestone dates for the project (assuming that they were successful). Tenderers with the shortest construction timeframe were rated more highly in this criteria.

Timeframes submitted ranged from 26 to 50 weeks.

Attachments

Tender Assessment Matrix
Copy of plans of preferred tenderer

200809/050 Council Decision/Officer's Recommendation

Moved: Cr A A Gear

Seconded: Cr S J Coates

That Council:

- i) awards Tender 08/03 Design and Construction of Units at Lots 364 and 365, Morgans Street, Port Hedland to Pilbara Constructions for the tender price of \$3,626,265 (gst exclusive);**
- ii) permits the Town of Port Hedland seal be affixed and Mayor and Chief Executive Officer be authorised to sign the Tender documentation, in accordance with section 3.57 of the Local Government Act 1995.**

CARRIED 7/0

Morgans St Housing Tender Evaluation

	Custom Constructions	Capricorn - Island Resort	Capricorn - Dampiera	Capricorn - Pilbara Resort	Pilbara Constructions
<i>Lump Sum Price - Value For Money (40%)</i>					
- Total Price (20)	20	16.3	15.5	19.5	14
- Gross Floor Area provided (15)	10	12	10	7.5	15
- Allowance for PC items (5)	3.75	2.5	2.5	2.5	5
<i>Experience (10%)</i>					
- Experience in undertaking similar works (10)	7	5	5	5	10
<i>Design (30%)</i>					
- Size & Scale (10)	10	6.5	7.5	7.5	9
- Enviro Sustainability (5)	2.5	3.75	3.75	3	5
- Dust/Noise Mitigation (5)	2.5	3	3	3.75	5
- Improve visual amenity (10)	10	6.5	7.5	7.5	7
<i>Local Supplier (10)</i>	8	7	7	7	10
<i>Timeframe for Completion (10)</i>	10	5	5	5	8.5
TOTAL	83.75	67.55	66.75	68.25	88.5

	Pilbara Construction	Custom Construction	Capricorn Homes "Dampiera"	Capricorn Homes "Island Resort Style"	Capricorn Homes "Pilbara Resort Style"
	<i>Checked / Submitted</i>	<i>Checked / Submitted</i>	<i>Checked / Submitted</i>	<i>Checked / Submitted</i>	<i>Checked / Submitted</i>
Tender Documents					
Total Price (Inc' GST & PS)	\$3,988,891.00	\$2,788,500.00	\$3,603,141.00	\$3,416,257.00	\$2,861,445.00
Total Living Area m ²	826.8m ²	722m ²	713.6m ²	757.6m ²	608m ²
Cost / m ² (Excluding C'ports & Patios)	\$4,824.00	\$3,862.00	\$5,049.00	\$4,509.00	\$4,706.00
Checklist	Yes ✓	No X	No X	No X	No X
Tender Form (6.0)	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓
Bill Of Quantities (7.0)	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓
Tender price	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓
Provisional Sums	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓
<i>Gas Hotplates</i>	<i>\$5,120.00</i>	<i>\$6,400.00</i>	<i>\$3,192.00</i>	<i>\$3,192.00</i>	<i>\$3,192.00</i>
<i>Gas Wall Oven</i>	<i>\$4,640.00</i>	<i>\$10,400.00</i>	<i>\$7,992.00</i>	<i>\$7,992.00</i>	<i>\$7,992.00</i>
<i>Range Hood</i>	<i>\$4,760.00</i>	<i>\$3,200.00</i>	<i>\$5,600.00</i>	<i>\$5,592.00</i>	<i>\$5,592.00</i>
<i>Floor Tiling</i>	<i>\$38/m²</i>	<i>\$45/m²</i>	<i>\$40/m²</i>	<i>\$40/m²</i>	<i>\$40/m²</i>
<i>Plumbing Fittings</i>	<i>\$103,200.00</i>	<i>\$16,000.00</i>	<i>\$22,000.00</i>	<i>\$22,000.00</i>	<i>\$22,000.00</i>
<i>Landscaping</i>	<i>\$172,150.00</i>	<i>\$80,000.00</i>	<i>\$40,000.00</i>	<i>\$40,000.00</i>	<i>\$40,000.00</i>
<i>*Extra-Fencing & Gates (Not Included)</i>		<i>\$60,500.00</i>			
<i>*Extra- Entry Statement & Let' Boxes (Not Included)</i>		<i>\$2,000.00</i>			
<i>*Extra's <u>Not Incl'</u></i>					
<i>Total - Exlcuding Floor Tiles</i>	<i>\$289,870.00</i>	<i>\$116,000.00</i>	<i>\$78,792.00</i>	<i>\$78,792.00</i>	<i>\$78,792.00</i>
Insurance Declaration (8.0)	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓
Safety Agreement (9.0)	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓
Schedule Of Capability (10)	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓
Risk Management Plan (11)	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓

Financial Particulars (12)	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓
Current Commitments (13)	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓
Non Collusive (14)	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓
Acquaintance With Environs (15)	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓
Statement Of Conformance (16)	Yes ✓	Yes ✓	Yes ✓	Yes ✓	*No X
Time Table (18.2)	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓
Construction Time- Weeks	38 x weeks	26 x weeks	50 x weeks	50 x weeks	50 x weeks
18.3		Yes ✓	Yes ✓	Yes ✓	Yes ✓
Environmental Design Criteria	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓
Dust & Noise Mitigation	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓
Visual Amenity	Yes ✓	Yes ✓	Yes ✓	Yes ✓	Yes ✓

DESIGN & CONSTRUCTION OF EIGHT (8) UNITS



SITE PLAN
NOT TO SCALE

LOT 364 & 365 MORGAN STREET, PORT HEDLAND



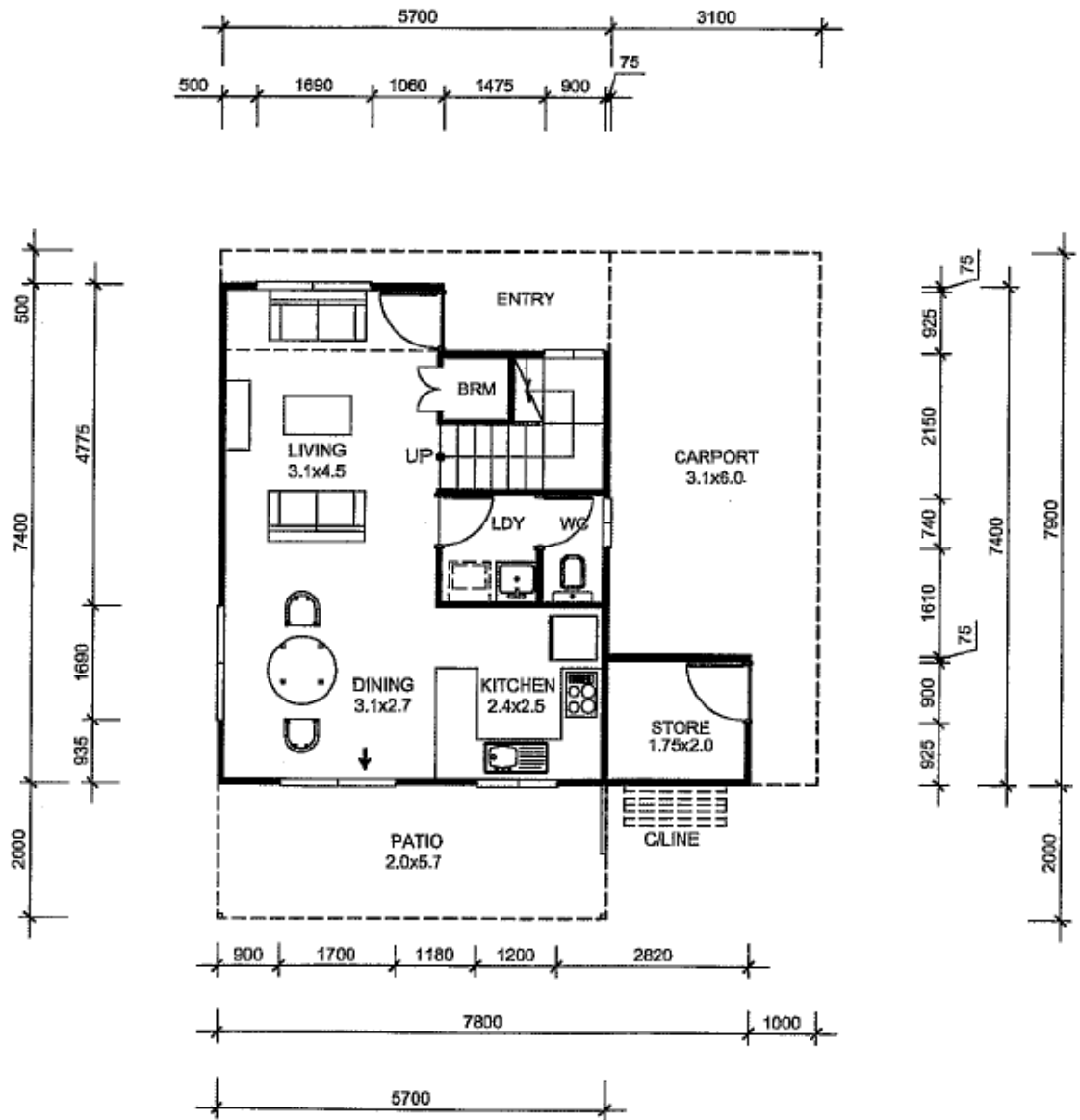
DESIGN & CONSTRUCTION OF EIGHT (8) UNITS



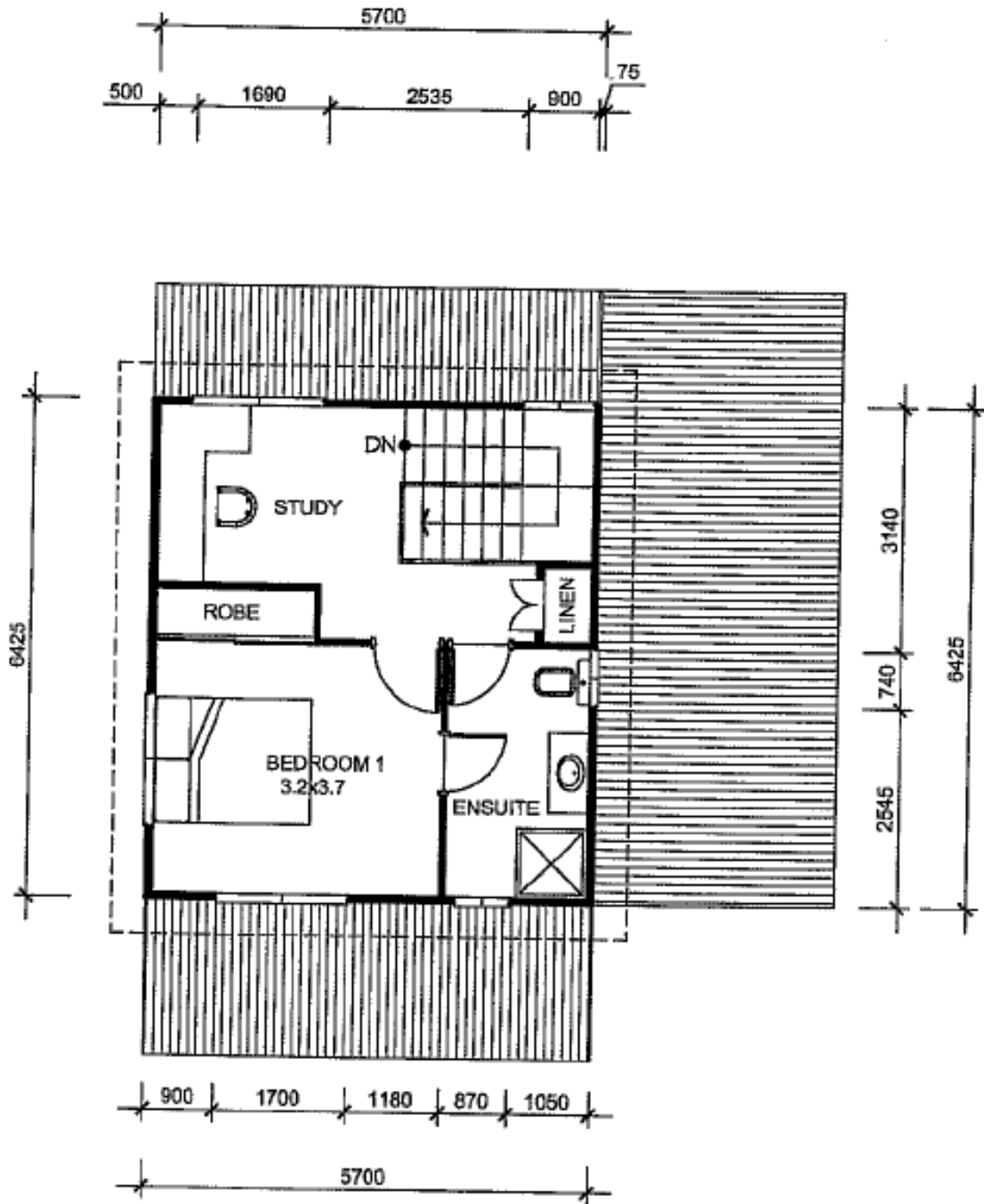
MORGAN STREET ELEVATION (NORTH)
NOT TO SCALE
NOTE - FOR CLARITY FENCE SHOWN DASHED

LOT 364 & 365 MORGAN STREET, PORT HEDLAND

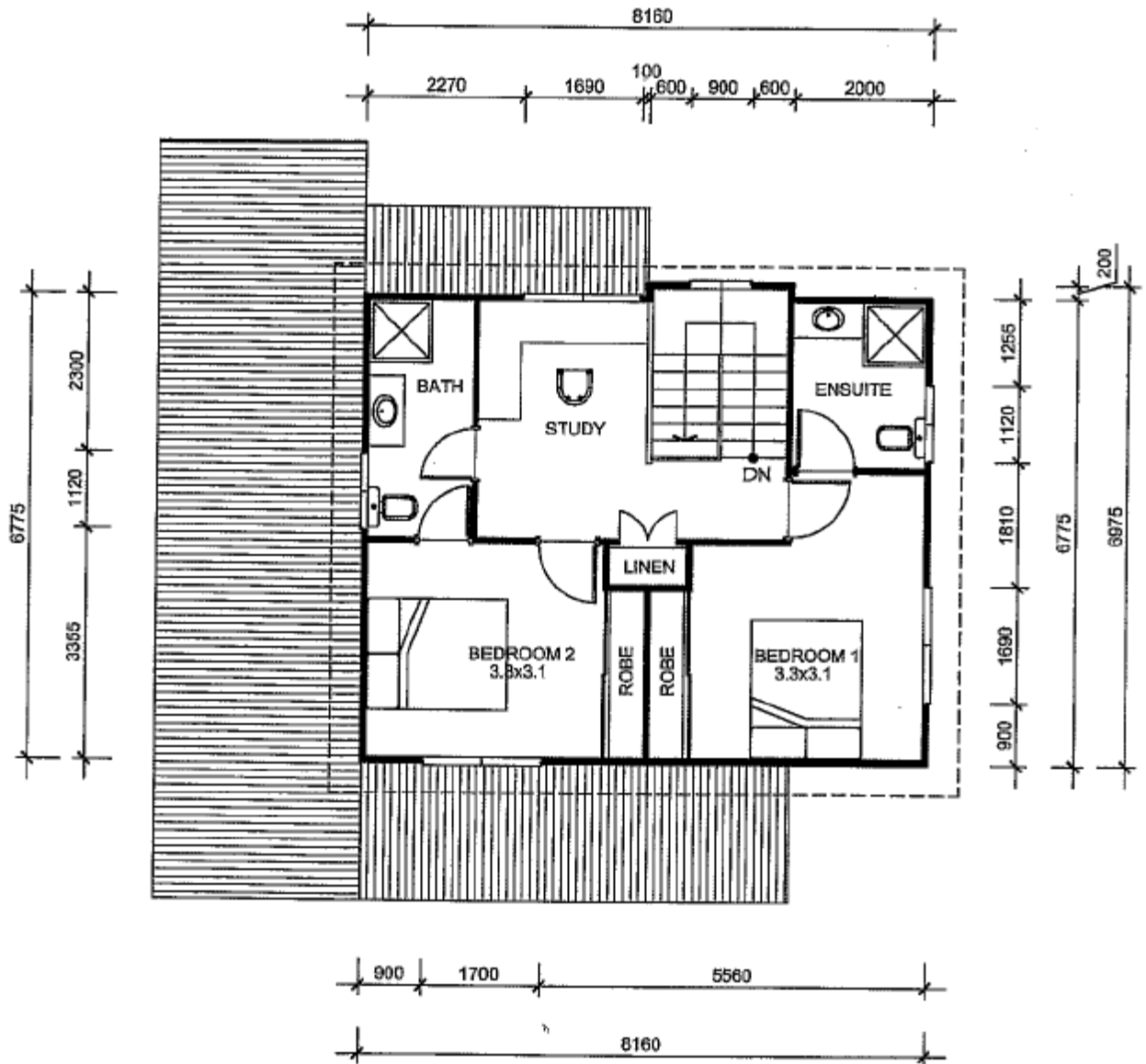




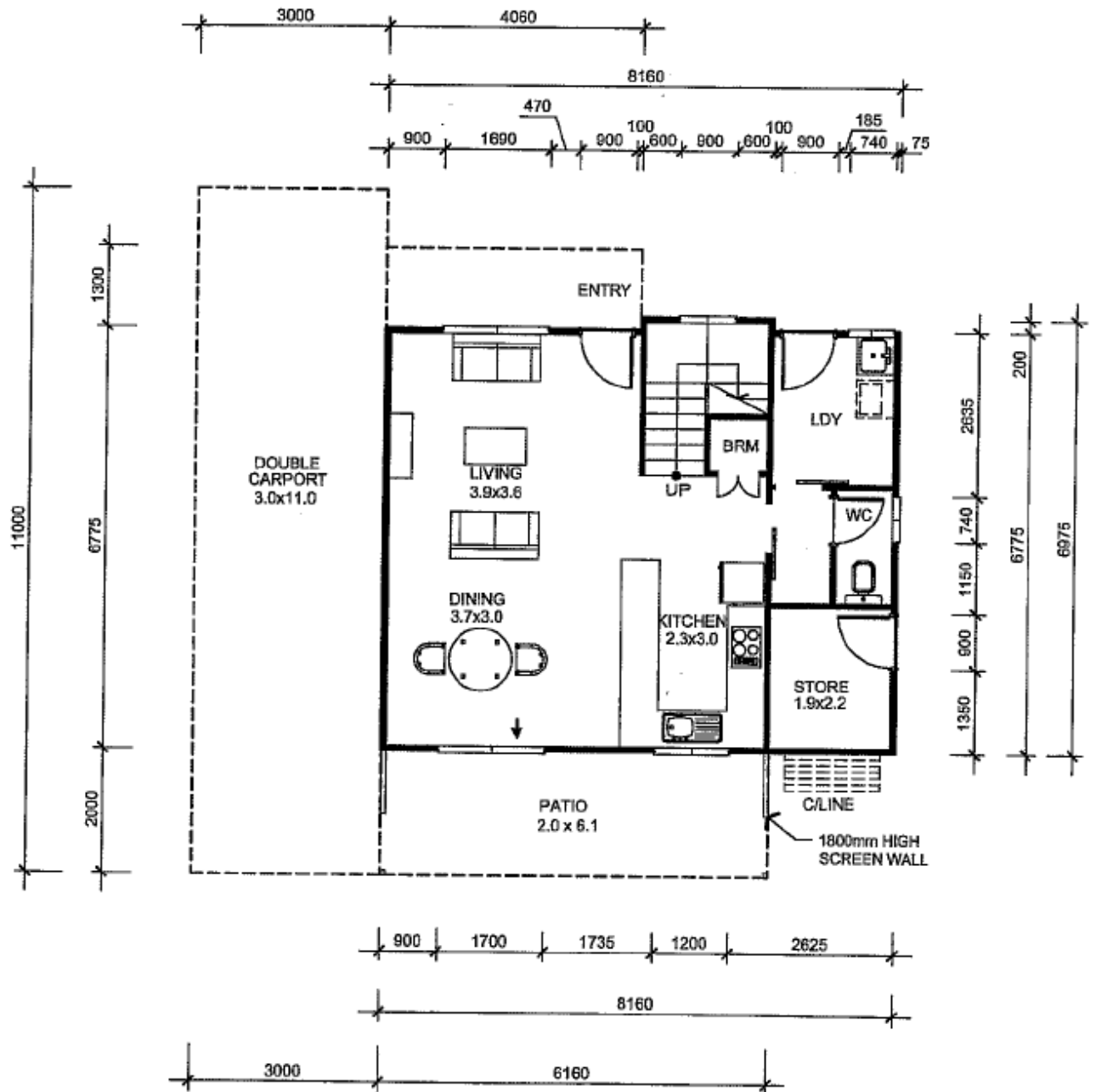
1 BED RM + STUDY RESIDENCE
GROUND FLOOR PLAN SCALE 1:100



1 BED RM + STUDY RESIDENCE
FIRST FLOOR PLAN SCALE 1:100



TYPE 1
2 BED RM + STUDY RESIDENCE
UPPER FLOOR PLAN SCALE 1:100



TYPE 1
2 BED RM + STUDY RESIDENCE
GROUND FLOOR PLAN SCALE 1:100

12.2 Regulatory and Community Services**12.2.1 Tender – Management of Courthouse Art Centre and Gallery (File No.:ART-012)**

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 26 August 2008

Disclosure of Interest by Officer Nil

Summary

For Council to consider the submissions received for Tender 08/04 – Management and Operation of the Courthouse Arts Centre and Gallery.

Background

At its Ordinary Meeting held on 23 July 2008 Council resolved:-

- “1. to call tenders for the management and operation of the Courthouse Arts Centre for a period of 12 months;
2. that the tenders shall be on the basis of a fixed price tender with an operating fee of \$280,000;
3. that the selection criteria and weightings shall be –
 - a) Experience and in an understanding of current gallery management best practice - 40%
 - b) Understanding of current operations of the Courthouse Arts Centre - 25%
 - c) Demonstrated experience in professional development of artists, especially indigenous artists – 25%
 - d) Understanding of and participation in the Hedland community – 10%
4. that PACDAC be invited to have a representative on the tender evaluation panel for this tender.”

In line with this resolution, tenders were called for the Management and Operation of the Courthouse Art Centre and Gallery for the period 1 September 2008 to 31st August 2008 for a total lump sum tender price of \$280,000 (exclusive GST).

Tender 08/04 closed on 20th August 2008 at 2pm and one (1) submission was received as follows:-

- FORM Contemporary Craft and Design Inc (conforming tender).

Consultation

A representative from PACDAC received a copy of the tender submission received and was invited to attend a meeting to discuss the tender submission prior to the recommendation being presented to Council. That meeting was held on 25 August 2008.

Statutory Implications

This tender was called in accordance with the Local Government Act (1995):

“3.57. Tenders for providing goods or services.

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

Policy Implications

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

Strategic Planning Implications

KRA 3 – Community Development

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

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

Budget Implications

Council’s 2008/09 Budget, excluding provision for an external management contract and building related costs that Council would retain, provides for a net operating loss of \$198,680 for the Courthouse Arts Centre. As the external management contract responsibilities, for which provision has been made, would fall to the successful tenderer a total tender price of up to \$283,680 could be met within the adopted budget. The tender schedule stipulated a Total Lump Sum Tender Price of \$280,000 (exclusive of GST).

Officer's Comment

One (1) tender bid was received for this project. The table below lists the evaluation criteria used to assess the tenders as per the tender documentation:

Criteria	Weight
Experience and in an understanding of current gallery management best practice	40%
Understanding of current operations of the Courthouse Arts Centre	25%
Demonstrated experience in professional development of artists, especially indigenous artists	25%
Understanding of an participation in the Hedland community	10%
TOTAL	100%

The following matrix shows the rating of the tender submission as per the evaluation criteria:

Criteria	Weighting	FORM Contemporary Craft and Design Inc
Experience	40%	30
Understanding of current operations	25%	20
Demonstrated experience	25%	13
Understanding of Hedland community	10%	5
TOTAL	100%	68%

The representative from PACDAC expressed concern that FORM did not have, what he considered, a good track record in dealing with their constituents, the Aboriginal and Torres Strait Islander artists of Hedland, but acknowledged the tender was worthy of Council's consideration and that the establishment of a twelve month management agreement was a reasonable means of "maintaining" the gallery operations while council and PACDAC clarified issues around the joint venture agreement.

Attachments

Nil

200809/051 Council Decision/Officer's Recommendation**Moved:** Cr J E Ford**Seconded:** Cr A A Gear**That Council:**

- i) awards Tender 08/04: Management and Operation of the Courthouse Arts Centre and Gallery to FORM Contemporary Craft and Design Inc for the Total lump sum price of \$280,000 exclusive of GST;**
- ii) the period of management being from 1 September 2008 to 31 August 2009;**
- iii) permits the Town of Port Hedland seal be affixed and Mayor and Chief Executive Officer be authorised to sign a Management Agreement between the Town of Port Hedland and FORM Contemporary Craft and Design Inc.**

CARRIED 7/0

7:07 pm

Councillor Jan E Ford declared a financial interest in Agenda Item 12.2.2 'Town Planning Appeal – DR 240 of 2008 – Process Minerals International Pty Ltd and Town of Port Hedland – Negotiated Outcome – Lot 842 Great Northern Highway, Port Hedland' as she is the Principal of a Real Estate Agency of which the proponent has been a client. Councillor Ford left the room.

12.2.2 Town Planning Appeal – DR 240 of 2008 – Process Minerals International Pty Ltd and Town of Port Hedland – Negotiated Outcome – Lot 842 Great Northern Highway, Port Hedland (File No.:116960G)

Officer Richard Bairstow
Manager Planning

Date of Report 26 August 2008

Disclosure of Interest by Officer Nil

Summary

Council has been invited by the State Administrative Tribunal (SAT) to reconsider its decision in regard to the Process Minerals International (PMI) determination made in May 2008.

The resolution contains conditions which have been agreed to by PMI, and reflect the directions of the Council's Delegation at the SAT mediation meeting held in Port Hedland on the 21 August 2008.

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

Background

Council considered the Planning Consent for PMI at its Ordinary Meeting held on 28 May 2008, where it resolved:

“That Planning Consent be REFUSED to Process Minerals International Pty Ltd for the construction of a STORAGE FACILITY/DEPOT/LAYDOWN FACILITY – Stage 1 and 2, and including an Incidental SINGLE HOUSE at Lot 842 Great Northern Highway, Port Hedland, as outlined in the Application received 9 November 2007 (Applications 2007/368 and 2007/369) and indicated on the approved plans, subject to the conditions advised Jan 2008, as follows:

1. *The Town of Port Hedland does not object to the stockpiling of manganese ore on lot 842 subject to:
 - i. *Ore stockpiles being relocated to the rear of the lot; and*
 - ii. *Should the adjacent lot 5909 become available to the applicant, ore stockpiles being relocated to lot 5909.**
2. *The applicant will landscape the street frontage to lot 842.*
3. *All ore stockpiles are to be relocated to land at the new bulk cargo jetty at Finucane Island when the Port Authority makes appropriate land available.*

4. *Should the Port Authority not make appropriate land available within 3 years, the applicant will seek an alternative acceptable stockpiling site.”*

“REASON: Council refused this application as it felt the development would make the stockpiling of ore at the site more permanent, and Council’s stated preference is for only temporary use of this site until such time that the Utah Point Common User facilities have been constructed.”

This resolution was against the recommendation provided by the administration, which read:

“That Planning Consent be GRANTED to Process Minerals International Pty Ltd for the construction of a STORAGE FACILITY/ DEPOT/LAYDOWN FACILITY – Stage 1 and 2, and including an Incidental SINGLE HOUSE at Lot 842 Great Northern Highway, Port Hedland, as outlined in the Application received 9 November 2007 (Applications 2007/368 and 2007/369) and indicated on the approved plans, subject to the following conditions:

GENERAL

1. *The dwelling is only to be used by a person, and associated household, having care of buildings, plant, equipment or land used for the purpose of STORAGE FACILITY/DEPOT/LAYDOWN AREA on the subject lot.*
2. *This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise, this approval to remain valid for twelve (12) months only.*
3. *Prior to the submission of an application for a building licence, the applicant is to demonstrate the accuracy of the estimated project cost, with adjustment of planning application fees as required, to the satisfaction of the Manager Planning*
4. *Within 60 days of this approval, the developer is to: submit and have approved a waste management plan to the satisfaction of the Manager Planning, and seal the driveway from the lot boundary to the approved weighbridge. all to the satisfaction of the Manager Planning;*
5. *Landscaping and reticulation to be established in accordance with the approved detailed plans within 60 days of this approval, and thereafter maintained to the satisfaction Manager Planning.*

6. *No human habitation is permitted other than in the approved SINGLE HOUSE.*
7. *All stormwater shall be collected and disposed of to the specification of Council's Engineering Services, to the satisfaction of the Manager Planning Services.*
8. *All dust, sand, and stockpiled materials, to be contained on site with the use of suitable dust suppression techniques, to the satisfaction of the Manager Planning.*
9. *A total of seven (7) car-parking bays are to be constructed in accordance with this approval.*
10. *Car parking bays to be a minimum of 5.4m x 3.0m and constructed, drained, and sealed; to be line marked and served by a paved access way, with a minimum width of 5.8 metres, in accordance with Appendix 8 of Council's Town Planning Scheme No. 5.*

FOOTNOTES

11. *You are advised that this is a Planning Approval only, and the Developer is responsible for complying with all relevant building, health, and engineering requirements.*
12. *The applicant is advised that all signage erected on the subject land is to comply with the Town of Port Hedland Signs, Hoardings and Bill Postings Local Law.*
13. *The applicant is advised that any signage to be erected outside the lot boundaries is to be designed, erected, and maintained, to the satisfaction of Main Roads Western Australia.*
14. *The applicant is advised that the crossover from the Great Northern Highway is to be designed, constructed, and maintained, to the satisfaction of Main Road Western Australia.*
15. *With regard to condition 1, the applicant is advised that the dwelling is approved as a Single House, as it exceeds the definition for a "Caretaker's Dwelling" as defined in the Town of Port Hedland Town Planning Scheme No. 5*
16. *The applicant is advised that, pursuant to the Town of Port Hedland Town Planning Scheme No. 5, section 6.13.6, Council may require the construction of additional car parking bays where it is of the opinion that additional bays are required to maintain appropriate safety, convenience, and amenity standards.*

17. *Application is to be made for the installation of an approved apparatus for the treatment of effluent, to the satisfaction of the Manager of Planning and the specification of the Manager of Environmental Health.*
18. *Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.*
19. *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.”*

The applicant was advised of Council's decision and subsequently appealed to the SAT. The SAT considered the matter and made the following orders in relation to the appeal:

“On the application heard before Senior Member David Parry on 11 July 2008, it is ordered that:

1. *The matter is referred to mediation to commence at the Town Office at McGregor Street, Port Hedland, at 12 noon on 21 August 2008 for a duration of 6 hours.*
2. *The Mayor or President of the respondent is invited to attend and/or nominate one or more Councillors and/or the chief executive officer of the respondent to attend the mediation.*
3. *By 11 August 2008 the respondent must file with the Tribunal and provide to the applicant a statement of all issues it says arise for determination in the proceedings.”*

In consideration of the SAT orders Council, at its Ordinary July Council meeting, resolved:

“That Council:

- i) *advises the State Administrative Tribunal's that the issues that it would like considered in the determination of the appeal are:*
 - a) *Health concerns of caretakers dwellings being located within close proximity to manganese stockpiles.*
 - b) *Amenity concerns of the proposed developments.*

- c) *Approving further industrial uses pertaining to manganese storage/stockpiling at Lot 842 which is not good and orderly planning of the Town of Port Hedland.*
 - d) *Compliance with original agreement never met*
 - e) *Lack of regulatory authority within Port Hedland by the Department of Environment and Conservation; and*
 - f) *Traffic impact*
- ii) *advises the State Administrative Tribunal letter that the following Councillors will attend the mediation meeting commencing 12 noon on 21 August 2008 at the Council Offices:*
- a) *Cr Arnold Carter*
 - b) *Cr Jan Ford*
 - c) *Cr Arthur Gear*

CARRIED 8/0

REASON: Council indicated that it remained opposed to this development proposal and subsequently nominated its representatives to attend the mediation meeting with the State Administrative Tribunal on 21 August 2008."

On the 21 August 2008 the SAT held a mediation meeting within the Civic Centre. The Town was represented by the Mayor, Deputy Mayor, and Councillor Gear, with the Chief Executive Officer and Manager Planning Services also in attendance.

The Council Delegation proposed to the SAT that if the following matters could be addressed to the satisfaction of Council, then they believed Council would approve the development subject to conditions. The matters were:

- Landscaping;
- Size and operation of the Care Taker's Dwelling;
- The need for the stock piles to be relocated from Lot 842 to Lot 5909.

Subsequent to the meeting the Administration, under the direction of the SAT and Council Delegation to SAT negotiated the list of conditions as detailed within the recommendation. The resolutions reflect the position that was negotiated by Councillors at the SAT mediation. The resolution also contains a second part and was recommended by the Council Delegation, and states that both PMI and the Town should continue to work together to ensure that both parties work to achieve the requirements of the Supreme Court Deed of Agreement that was previously struck between the parties.

Consultation

Nil

Statutory Implications

The SAT acts in accordance with the powers of the State Administrative Tribunal Act 2004, and the orders have been set in accordance with the Standard Orders, as made at Directions Hearings, and adopted by the Rules Committee on 17 June 2008.

Policy Implications

Nil

Strategic Planning Implications

During the development of the Town's Land Use Master Plan there were extensive discussions about the appropriateness (or otherwise) of various potential locations for industrial uses. The Council and the community indicated a strong preference towards having centrally located common user facilities at the Port Hedland Port Authority and did not support the 'spreading out' of industrial uses.

Budget Implications

There are no Budget implications as a result of the appeal process other than the use of staff time/resources to attend mediation meetings and tribunal hearings.

Officer's Comment

Council effectively has two alternatives to deal with this matter. It can either:

- a) Reconsider the application and approve the proposed development. This would negate the current SAT process; or
- b) Refuse the application and have the matter determined by the SAT.

If Council elects to continue to contest this appeal it is likely that the matters will be determined in favour of the appellant and that Council would be significantly restricted in its ability to impose conditions and would be unable to impose any advice/foot notes.

The resolution as imposed addresses the concerns raised by the Council Delegation at the SAT mediation with the exception of the relocation of the stockpiles from the front of the lot to the rear lot. It was agreed that this matter was sufficiently covered by the Deed of Agreement. Further it was acknowledged by all that any development on Lot 5909 would be dealt with by the appropriate Planning Approval at that time.

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

Attachments

- 1 Location Plan
- 2 Site Plan
- 3 Care Taker's Dwelling - Floor and Elevation plans

200809/052 Council Decision/Officer's Recommendation**Moved:** Cr G D Bussell**Seconded:** Cr S J Coates**That Council:**

1. In accordance with Order 3 of the State Administrative Tribunal, and pursuant to the State Administrative Tribunal Act 2004 Clause 31(1), reconsiders the Planning Application from Process Minerals International Pty Ltd for the construction of a STORAGE FACILITY/DEPOT/LAYDOWN FACILITY – Stage 1 and 2, including an Incidental Care Taker's Dwelling at Lot 842 Great Northern Highway, Port Hedland, and approves the application, as indicated on the attached plans, subject to the following conditions:
 - a) The Care Taker's Dwelling is only to be used by a person having care of buildings, plant, equipment or land used for the purpose of STORAGE FACILITY/DEPOT/LAYDOWN AREA on the subject lot.
 - b) No human habitation is permitted other than in the approved Care Taker's Dwelling, and the habitable area within this dwelling is restricted to a maximum of 50m².
 - c) 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.
 - d) Prior to the submission of an application for a building licence the applicant is to demonstrate the accuracy of the estimated project cost, with adjustment of planning application fees as required, to the satisfaction of the Manager Planning.

- e) A detailed landscaping and reticulation plan (including the first 3m to any road frontage) to be submitted and approved by the Manager Planning within 30 days of the date of this approval. 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.**
- f) Landscaping and reticulation to be established in accordance with the approved detailed plan within 120 days of the date of this approval, and thereafter maintained to the satisfaction Manager Planning.**
- g) Within 60 days of this approval the developer is to submit and have approved a waste management plan to the satisfaction of the Manager Planning.**
- h) All dust, sand, and stockpiled materials, to be contained on site with the use of suitable dust suppression techniques, to the satisfaction of the Manager Planning.**
- i) A total of seven (7) on-site car-parking bays are to be constructed in accordance with this approval.**
- j) Car parking bays to be a minimum of 5.4m x 3.0m and constructed, drained, and sealed to be line marked and served by a paved access way, with a minimum width of 5.8 metres, in accordance with Appendix 8 of Council's Town Planning Scheme No. 5.**
- k) Within 180 days the access way shall be constructed to the standards specified by the Town's Manager Technical Service, and sealed in bitumen from the lot boundary to the approved weighbridge so as to prevent debris being dragged onto the road. The remainder of the access road shall be graded and treated with commercial dust suppressant so as to prevent the creation of a dust nuisance.**

FOOTNOTES

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

- m) The applicant is advised that all signage erected on the subject land is to comply with the Town of Port Hedland Signs, Hoardings and Bill Postings Local Law.**
- n) The applicant is advised that any signage to be erected outside the lot boundaries is to be designed, erected, and maintained, to the satisfaction of Main Roads Western Australia.**
- o) The applicant is advised that the crossover from the Great Northern Highway is to be designed, constructed, and maintained, to the satisfaction of Main Road Western Australia.**
- p) The applicant is advised that, pursuant to the Town of Port Hedland Town Planning Scheme No. 5, section 6.13.6, Council may require the construction of additional car parking bays where it is of the opinion that additional bays are required to maintain appropriate safety, convenience, and amenity standards.**
- q) Application is to be made for the installation of an approved apparatus for the treatment of effluent, to the satisfaction of the Manager of Planning and the specification of the Manager of Environmental Health.**
- r) Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**
- s) 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.”**

2. **Directs the Chief Executive Officer, or his nominated representative, to liaise with Process Minerals International Pty Ltd to ensure that both parties comply with the requirements of the Deed of Settlement between the Town and Process Minerals International Pty Ltd.**

CARRIED 6/0

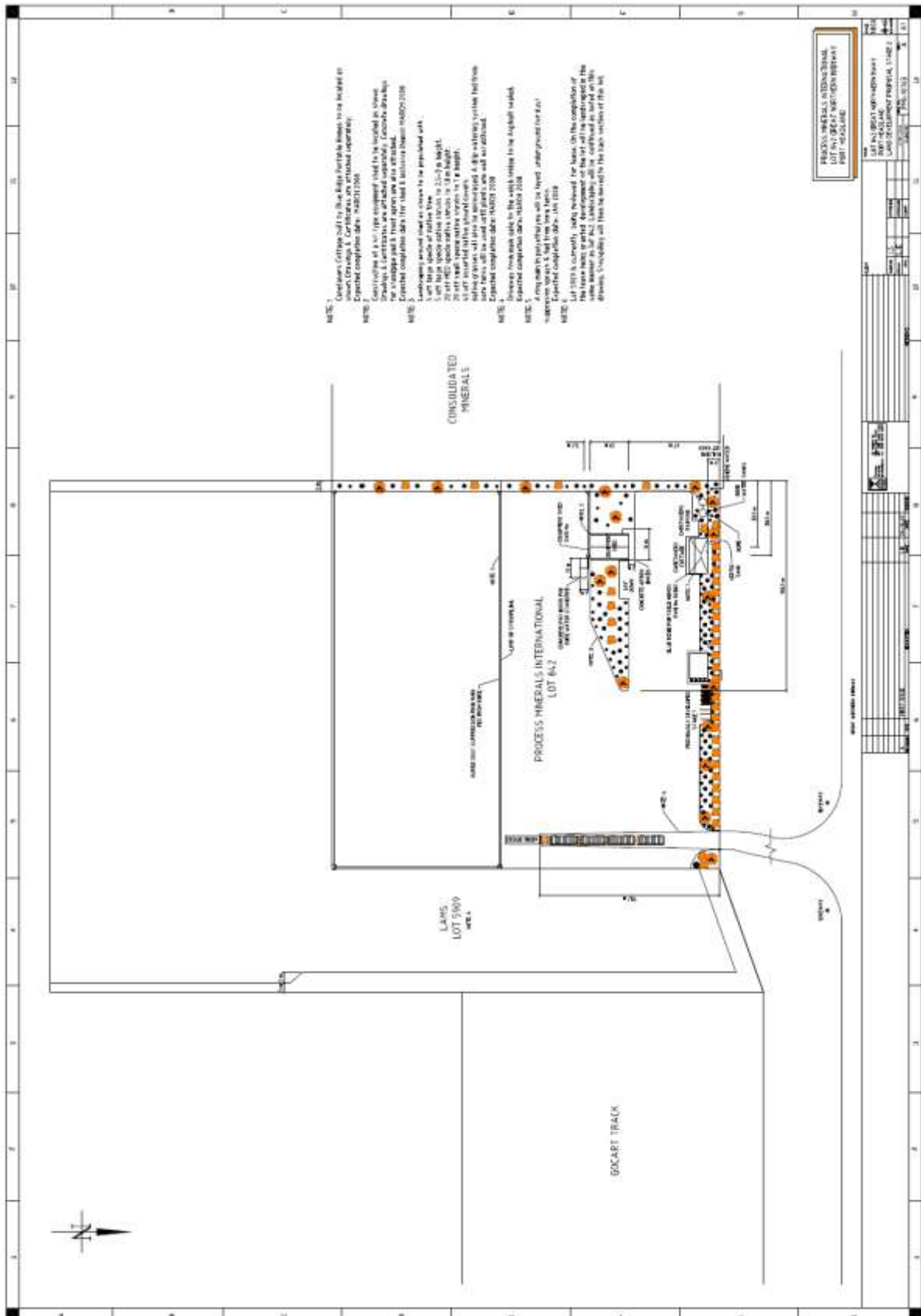
7:11 pm Councillor Jan Ford re-entered the room and assumed her chair.

Deputy Mayor advised Councillor Ford of Council's decision.

ATTACHMENT 1 TO AGENDA ITEM 12.2.2



ATTACHMENT 2 TO AGENDA ITEM 12.2.2



ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

ITEM 14 CONFIDENTIAL ITEMS

Nil.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 24 September 2008, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 7:12 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 24 September 2008.

CONFIRMATION:

MAYOR

DATE