



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING
OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 27 JANUARY 2010

AT 5.30 PM

IN COUNCIL CHAMBERS
MCGREGOR STREET, PORT HEDLAND

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*Matthew Scott
Acting Chief Executive Officer*

OUR COMMITMENT

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

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ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 5:29 pm and acknowledged the traditional owners, the Kariyarra people.

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

Mayor Kelly A Howlett
Councillor Arnold A Carter
Councillor Stan R Martin
Councillor George J Daccache
Councillor Jan M Gillingham
Councillor Steve J Coates
Councillor David W Hooper
Councillor Michael (Bill) Dziombak

Mr Matthew Scott	Acting Chief Executive Officer and Director Corporate Services
Mr Russell Dyer	Director Engineering Services
Mr Paul Martin	Director Community Development
Mr Andy Taylor	Acting Director Regulatory Services
Ms Gaye Stephens	Executive Assistant
Members of the Public	18
Members of the Media	0

2.2 Apologies

Nil

2.3 Approved Leave of Absence

Nil

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on
Wednesday 9 December 2009***3.1.1 Mr Chris Whalley*

Does the Council know that the Management of the Port Hedland Boulevard Shopping Centre are interested in possibility extending their existing parking areas to encompass the dust bowl in front of the Hedland Christian Church along Anderson Street that I have previously had concerns with?

Council has previously advised the Department of Planning and Infrastructure, who submitted an enquiry in March 2006, that there is no objection to these lots being used for the purpose of car parking provided compliance to TPS5 was observed. To date no application has been received for these lots to be used for car parking. This may be as result of the numerous easements for services on these lots, it may not be practicable to use them for car parking.

3.1.2 Mr Adrian Hatwell

In relation to the Multi Purpose Recreation Centre being built, which I am aware that the plans for this centre has been compiled for many years however as I have only been here for two years I have only just seen the plans and after consulting with other residents of Hedland and staff members of the Council's Recreation department, I would like to know why this multi million dollar project only contains one full sized basketball/netball court?

Is there an option in the building design to add an additional indoor, air conditioned basketball / netball court to the centre at a later date or is there enough land outside the centre to build another enclosed court that will be air conditioned?

The proposed Multi Purpose Recreation Centre currently includes a 1 x internal full-size regulation size basketball court (including run-off). Whilst ideally the internals would include provision for additional internal courts, Council resolved and it's Ordinary Council Meeting in December 2008 and May 2009 to include a minimum of 3 x external covered courts, in addition to the external netball courts that already exist at this site. Increasing the internal court numbers has been calculated at a considerable extra cost, both in terms of design and construction. The most recent cost estimate received for the construction of this facility is \$37.5 million (excluding GST), which is approximately 6% over the Town of Port Hedland's confirmed budget of \$35.3 million.

As this currently exceeds the budget, further savings are being identified and will be included within the final QS report.

Should it be deemed that additional external courts are required (on top of the 3 covered external and 6 existing netball courts), there is sufficient space to allow this to occur.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 9 December 2009

3.2.1 Councillor J M Gillingham

In relation to the statement made by Mr Van Uden about extra police needed, maybe we can investigate the option of having a security guard service in place with a small fee paid through rates similar to that in practice in the City of Stirling, where Security guards can be called to investigate the problem first and then pass on information to Police of the situation reported.

Council does not currently have resources allocated for the development/instigation of a Community Security Patrol service. This concept has been referred to the Town's Community Safety and Crime Prevention Working Group for their consideration. This group will consider this suggestion (along with other proposed crime prevention strategies) and present budget bids for Council's consideration as a component of the 2010/11 Budget process.

3.3 Questions from Public at Special Council Meeting held on Monday 21 December 2009

Nil.

3.4 Questions from Elected Members at Special Council Meeting held on Monday 21 December 2009

Nil.

3.5 Questions from Public at Special Council Meeting held on Tuesday 12 January 2010

Nil.

3.6 Questions from Elected Members at Special Council Meeting held on Tuesday 12 January 2010

Nil.

ITEM 4 PUBLIC TIME**4.1 Public Questions**

5:32 pm Mayor opened Public Question Time

4.1.1 Mr Chris Whalley

In relation to the HBI, has Council received any recent information, or been informed recently by BHP Billiton Management, as to when the HBI industrial infrastructure will be demolished?

Mayor advised that BHP is currently undertaking the demolition of the HBI site. She added that BHP have recently appointed new contractors for the demolition on the HBI infrastructure site; and that Mr Whalley's question will be taken on notice for Council to receive an update from BHP Billiton on how the demolition is progressing.

4.1.2 Mr Shane Sear

If the statement made in the last paragraph on Page 72 [Agenda Item 11.1.2.3 'Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Facilitate the Creation and Implementation of the Wedgefield Industrial Estate Development Plan'] reads "It is important to note that the proposed WIEDP has been developed to facilitate the expansion of Wedgefield for Light and Transport related industries in accordance with the LUMP. It will not provide for noxious uses and general industry uses."; if this is to be believed, why is it proposed to rezone part of the land between existing land and the transport zone to "industry"?

Mayor advised that 'noxious' uses are a use outside of the 'light industry' and 'transport' [zoning], and they have been deemed in accordance with LUMP [Land Use Master Plan] to be better suited to the [area].

NOTE: Mr Sear explained that the report says "It is important to note that the proposed WIEDP has been developed to facilitate the expansion of Wedgefield for Light and Transport related industries in accordance with the LUMP. It will not provide for noxious uses and general industry uses."

Mayor advised this is a typo [typographical] error, and advised it should actually read "heavy industrial uses".

As the statement which says that the land that is to be considered at tonight's Council Meeting, that Wedgefield will not get further industry, or general industry land; is the proposal for Council rezoning land to industry?

Mayor confirmed this is correct. Council has a strategy and are actively encouraging further industry development, and business development, in the Town; so it probably has been worded a little bit confusingly, but certainly it is not providing for noxious uses and heavy industry uses, which are separate [matters] and will be considered separately from this.

Why hasn't Wedgefield been dealt with completely under the long awaited Town Planning Scheme Number 6, instead of the proposed amendments?

Mayor advised this question will be taken on notice.

When might the public expect Town Planning Scheme Number 6?

Mayor advised this question will be taken on notice.

5:35 pm Mayor closed Public Question Time

4.2 Public Statements

5:35 pm Mayor opened Public Statement Time

4.2.1 Mr Shane Sear

Mr Sear made a statement in relation to land zoning at Wedgefield and Council's proposed Town Planning Scheme Number 6.

4.2.2 Mr Barry Collins

Mr Collins made a statement relating to Agenda Item 11.1.2.5 'Proposed SINGLE HOUSE – R Code Variation – Open Space Reduction, Lot 624 Styles Road, Pretty Pool'.

5:41 pm Mayor closed Public Statement Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 Councillor George J Daccache

In relation to the Shed on McGregor Street which is used by Brewers Baseball Club, are there any plans to demolish or fix those facilities?

Mayor advised this question will be taken on notice.

5.2 *Councillor Steve J Coates*

In relation to antisocial behaviour occurring in the Avocet Brace area in South Hedland, can I pass on details to Mayor and Deputy Mayor to address issues with relevant Real Estate Agent(s), and State Government Departments, such as WA Police, Department of Housing, etc.

Mayor confirmed yes.

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

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

Cr K A Howlett	Cr J M Gillingham
Cr A A Carter	Cr S J Coates
Cr S R Martin	Cr D W Hooper
Cr G J Daccache	Cr M (Bill) Dziombak

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 9 December 2009

200910/216 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S R Martin

That the Minutes of the Ordinary Meeting of Council held on Wednesday 9 December 2009 be confirmed as a true and correct record of proceedings.

CARRIED 8/0

7.1.1 Ordinary Council Meeting held on 9 December 2009: Item 11.2.2.5 'Hire Car Development – Allocation of Blocks and Leasing Arrangements (Council Decision 200910/194)

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

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

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

Voting Requirements

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

NOTE: Mayor called for a show of hands from Councillors to consider the revocation of resolution 200910/194. The following Councillors indicated their intent to do so:

Councillor Arnold A Carter

Councillor Stan R Martin

Councillor M (Bill) Dziombak

200809/217 Council Decision

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council revokes Council Decision 200910/194 of Agenda Item 11.2.2.5 'Hire Car Development - Allocation of Blocks and Leasing Arrangements' of its Ordinary Meeting held on Wednesday 9 December 2009, and recorded on page 127 of those Minutes, as follows:

“That Council:

- i) authorise the Chief Executive Officer or his delegate to relinquish existing leases with Avis, Budget, Hertz and Thrifty car rental companies; and

- ii) authorise the Chief Executive Officer his delegate to enter into negotiations with Avis, Budget, Thrifty, Hertz, McLarens and Europcar into lease agreements by private treaty in accordance with section 3.58(3) of the Local Government Act 1995, with the following terms and conditions:
- a) **the lease term being for ten years plus ten year option;**
 - b) **the lease rental being based on the current market value and increased annually by CPI; and**
 - c) **the lease being re-valued every five (5) years to market value.**

subject to any submissions being received by Council“

CARRIED BY ABSOLUTE MAJORITY 8/0

200910/218 Council Decision

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council:

- i) authorise the Chief Executive Officer or his delegate to relinquish existing leases with Avis, Budget, Hertz and Thrifty car rental companies; and
- ii) authorise the Chief Executive Officer or his delegate to enter into negotiations with Avis, Budget, Thrifty and Hertz, into lease agreements by private treaty in accordance with section 3.58(3) of the Local Government Act 1995, with the following terms and conditions:
 - a) **the lease term being for ten years plus ten year option;**
 - b) **the lease rental being based on the current market value and increased annually by CPI;**
 - c) **the lease being re-valued every five (5) years to market value; and**
- iii) extend the development of the hire car area for additional hire car operators within six (6) months.

CARRIED 8/0

7.2 Confirmation of Minutes of Special Meeting of Council held on Monday 21 December 2009

200910/219 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That the Minutes of the Special Meeting of Council held on Monday 21 December 2009 be confirmed as a true and correct record of proceedings.

CARRIED 8/0

7.3 Confirmation of Minutes of Special Meeting of Council held on Tuesday 12 January 2010

200910/220 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That the Minutes of the Special Meeting of Council held on Tuesday 12 January 2010 be confirmed as a true and correct record of proceedings.

CARRIED 8/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Mayor Howlett's Activity Report for the December 2009/January 2010 period to date follows:

December 2009

Thursday, 3rd December

- Attended International Disability Day luncheon and launch of Wheelies Activity Support Network website (<http://lms.cucr.h.uwa.edu.au/map/>)
- Attended SK8 Park Sizzle, South Hedland Skate Park

Friday, 4th December

- Participated in Councillors/Managers Workshop Day
- Attended BHPBIO End of Year BBQ Dinner and Drinks, All Councillors, Chief Executive Officer and all Directors

Saturday, 5th December

- Mayor Coffee Session (Shana's Cafe, Port Hedland)
- Participated in Hedland Riders Annual Christmas Toy Run
- Attended TOPH Annual Christmas Function, Cr Gillingham and Cr Hooper

Monday, 7th December

- National Tidy Towns Judges Visit, Cr Carter

Tuesday, 8th December

- National Tidy Towns Judges Visit

Wednesday, 9th December

- Attended Spoilbank Project Working Group Meeting, Cr Gillingham, Chief Executive Officer
- Attended BHPBIO/Council Joint Projects Working Group Meeting, Cr Daccache and Cr Carter and Chief Executive Officer
- Attended PHIA TWA Implementation Working Group Meeting, Cr Daccache, Cr Carter, Cr Gillingham, Chief Executive Officer
- Chair December Ordinary Council Meeting

Thursday, 10th December

- Meeting with resident Jim Lyons
- Attended Pundulmurra Student Awards

Friday, 11th December

- Presented Awards To Category Winners 2009 Christmas Lights Competition, Cr Carter and Cr Daccache
- Attended PHPA Board Meeting, Chief Executive Officer
- Meeting with WACHS Chief Operating Officer Jeff Moffet and WACHS Regional Director Tina Chinery, Chief Executive Officer
- Presented Awards At 2009 Town of Port Hedland/SHNL Volunteer of the Year Awards and Outdoor Movie Screening

Saturday, 12th December

- Attended Spirit Radio/North West Telegraph Kids Christmas Pool Party (SHAC)
- Meeting with PHGC Committee members and 9 holes golf
- Attended St John Baptist Catholic Church South Hedland Christmas Social Event

Monday, 14th December

- Attended Tjalka Boorda Community Cyclone Cleanup Meeting with concerned residents re: playgrounds in South Hedland
- Attended Airport Working Group Meeting, Cr Carter and Cr Gillingham

Tuesday, 15th December

- Meeting Cooke Point Dune Works (Roger Richardson), Manager Environmental Health Services

- Attended Community Safety and Crime Prevention Working Group Plan Update Workshop, Cr Daccache, Manager Environmental Health Services
- Attended PHCCI 2010 Directory Launch, Cr Dziombak, Cr Carter, Cr Daccache, Cr Hooper, Cr Gillingham

Sunday, 20th December

- Attended C3 Church Christmas Spectacular
- Attended Hedland Community Carols By Candlelight

Monday, 21st December

- Chair Special Meeting Council

Tuesday, 22nd December

- Meeting GP Housing Project Anglican Church Bill Ross and Phil Knight, BHPBIO Patrik Mellberg, Chief Executive Officer
- TOPH (various Depts/locations) Staff Christmas Gift Presentations, Chief Executive Officer

January 2010

Wednesday, 6th January

- Hedland Art Studio/Gallery Proposal Meeting with Wangka Maya Pilbara Aboriginal Language Centre, Director Community Development

Monday, 11th January

- Matt Dann Cultural Centre staff Christmas gift presentations, Chief Executive Officer
- Meeting with Dept Training and Workforce Development Director General Dr Ruth Shean, Director Community Development
- Meeting with WA Police Commander Fred Gere, Inspector Kim Massam and Snr Sargent Richard Moore, Chief Executive Officer

Tuesday, 12th January

- Attended Celebrate Hedland! Inc Committee Meeting, Cr Carter, Cr Gillingham
- Chair Special Meeting Council

Thursday, 14th January

- Meeting with FMG Kevin McLean, Vicki James, Michael Gallagher, Chief Executive Officer
- Interview with Curtin University Media Students at Hedland Community Radio

Friday, 15th January

- Meeting Hedland Art Studio/Gallery Proposal with Wangka Maya Pilbara Aboriginal Language Centre, BHPBIO and Form, Director Community Development
- Attended Meet Author/Illustrator Workshop South Hedland Library

Tuesday, 19th January

- Interview Spirit Radio re: Celebrate Hedland! Inc inaugural Annual General Meeting
- Attended Celebrate Hedland! Inc Annual General Meeting, Cr Carter, Cr Gillingham and Cr Hooper

Wednesday, 20th January

- Interview North West Telegraph re: Strategic Planning Weekend, Cr Carter
- Meeting Jaxon Mark Kepplinger and Katrina Update SHNL Infill Program

Tuesday 26th January

- Soroptimist International – Port Hedland Breakfast (all 140 tickets to event sold)
- Celebrate Hedland! Inc. Australia Day Celebrations held in the evening at Marrapikurinya Park (one of best Australia Day events held, with estimated 3,000-3,500 attending)

Mayor also advised of:

1. Letter received from the Hon Brendon Grylls, MLA, Minister for Lands (dated 4 December 2009) regarding the finalisation of the Land Rationalisation Plan for the Town of Port Hedland; and advising that the Department of Regional Development and Lands is reviewing both Council's relating Resolution (200910/041) and the Draft Port Hedland Public Land Rationalisation Plan and will work together with the Town to progress the release of the identified land. The Minister also requested Mayor to keep him advised of progress; and that delays from the State Department are not acceptable.
2. Letter received from Mr Ian Ashby, President Iron Ore, BHP Billiton (dated 4 December 2009) confirming \$15million commitment to Wallwork Road Grade bridge project.
3. Letter received 27 January 2010 from Hon Donna Faragher, JP, MLC, Minister for Environment; Youth advising approval of grant of \$1,000 for the 2010 National Youth Week, 'Hedland's National Youth Week 2010' Project.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 Councillor Steve J Coates

Councillor Coates advised of the very successful clean-up efforts made at 80 Mile Beach Caravan Park, to assist with the rehabilitation and clean up of the park following damage from recent cyclone.

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

10.1 Petition presented on behalf of Mrs Samira Zoghbi

A petition (signed by 133 residents in South Hedland) seeking a playground and park to be included in the Parks Improvement Program was presented.

Officer's Comment

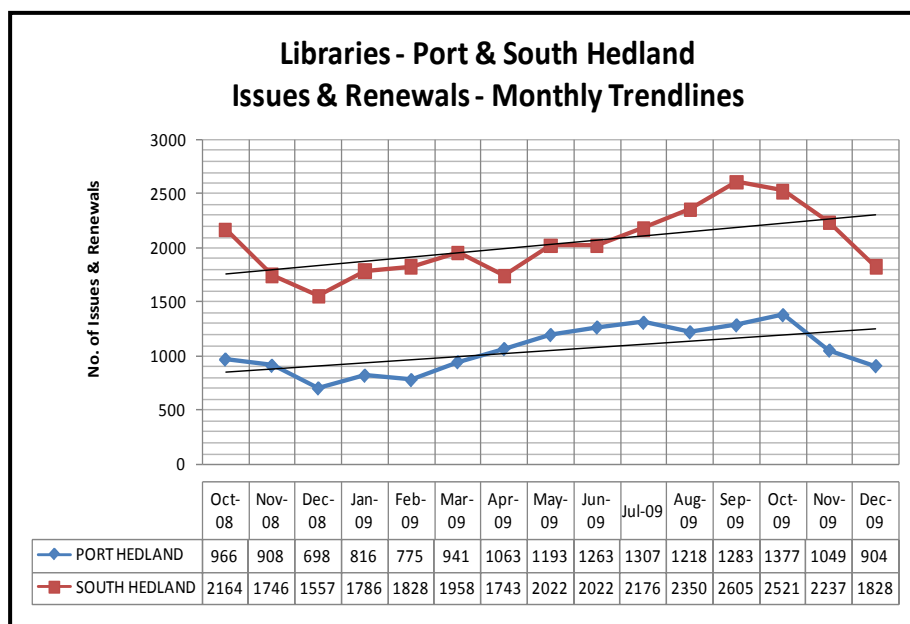
Nil

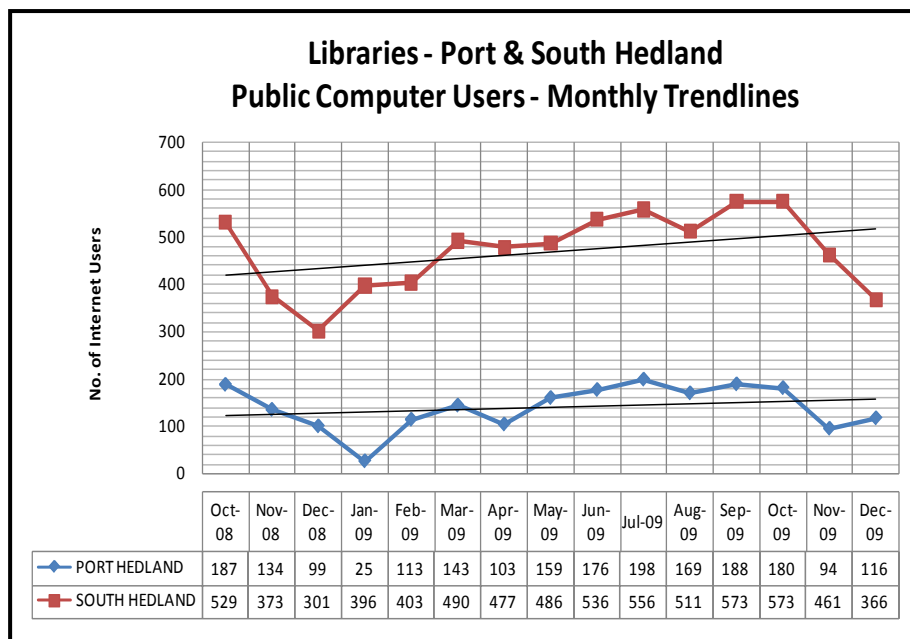
Library and Information Services

PORT HEDLAND LIBRARY	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09
Issues & Renewals	1307	1218	1283	1377	1049	904
Reservations	47	50	65	105	52	50
New Borrowers	20	17	28	33	14	10
Public Computer Users	198	169	188	180	94	116
Door Count	969	994	1098	946	759	579
Reference Enquiries	95	56	91	61	46	65
General Enquiries	57	32	38	9	33	17
Technical/Computer	13	7	19	8	3	6
SOUTH HEDLAND LIBRARY	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09
Issues & Renewals	2176	2350	2605	2521	2237	1828
Reservations	44	39	39	110	91	51
New Borrowers	43	70	62	69	34	39
Public Computer Users	556	511	573	573	461	366
Door Count	2085	2267	2444	2447	2002	1669
Reference Enquiries	146	138	152	140	123	111
General Enquiries	121	99	94	69	91	98
Technical/Computer	41	59	60	43	44	43
Local History Enquiries	Commenced Sept 09		8	7	7	9

The Library service was closed from December 24th and re-opened on Monday January 4th 2010, in line with the Council Christmas closure.

Library patrons were offered an extended loan period and increased loan capacity over this holiday period.

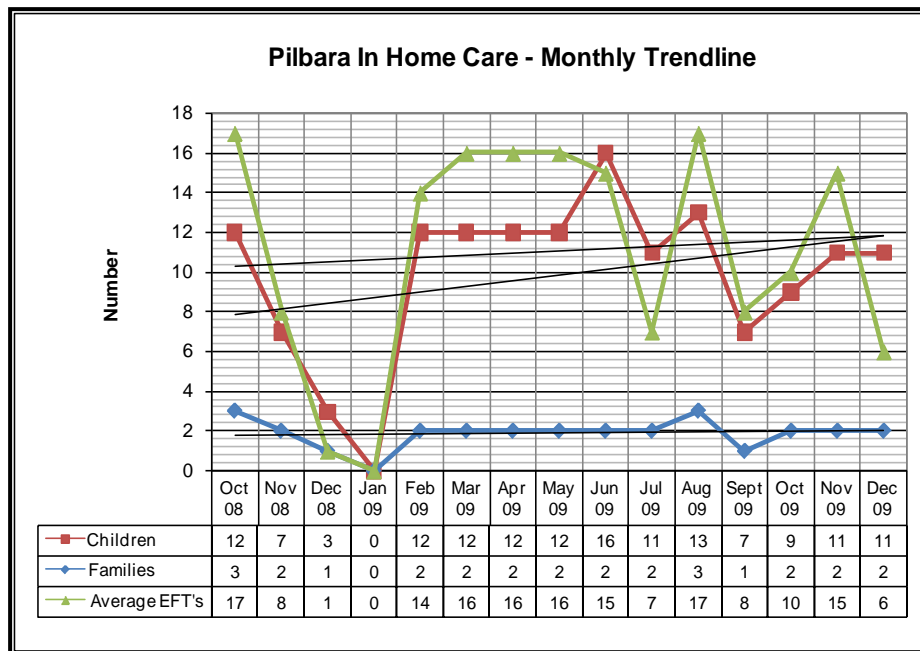
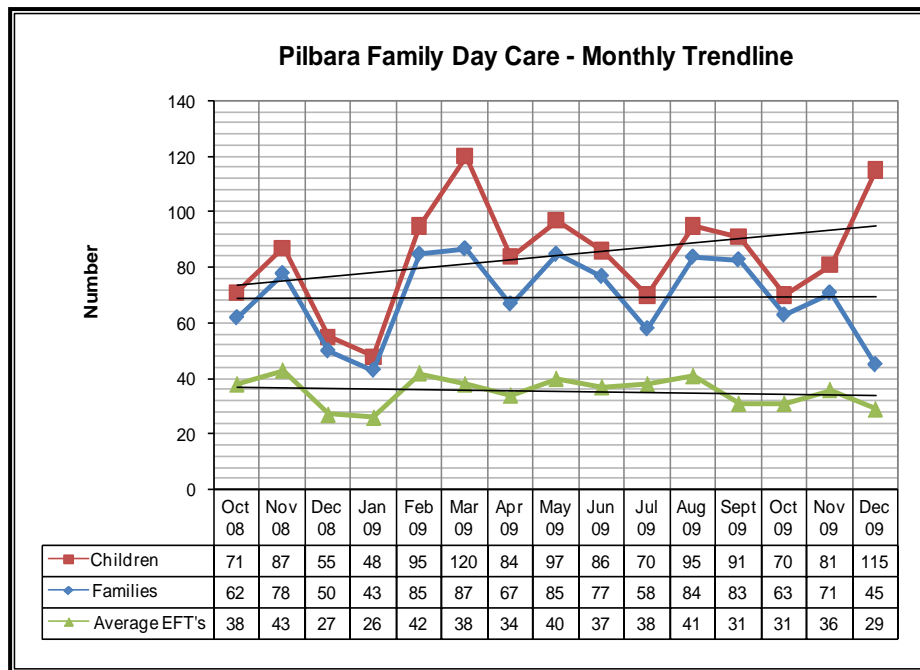




Pilbara Family Day Care (PFDC)

Location	Carers currently within Scheme	Carers currently going through licensing
South Hedland	3	2
Wickham	-	-
Karratha	4	-
Newman	4	-
Tom Price	1	-
Paraburdoo	2	-
Point Samson	-	-
TOTAL	14	2

National Childcare Accreditation Council (NCAC) has determined that Pilbara Family Day Care is accredited in accordance with the requirements of Family Day Care Quality Assurance. Excellent results were received with 4 of the 6 quality control areas receiving a “High” assessment and the remaining 2 receiving “Good”. Accreditation of PFDC is current until 18 May 2012.



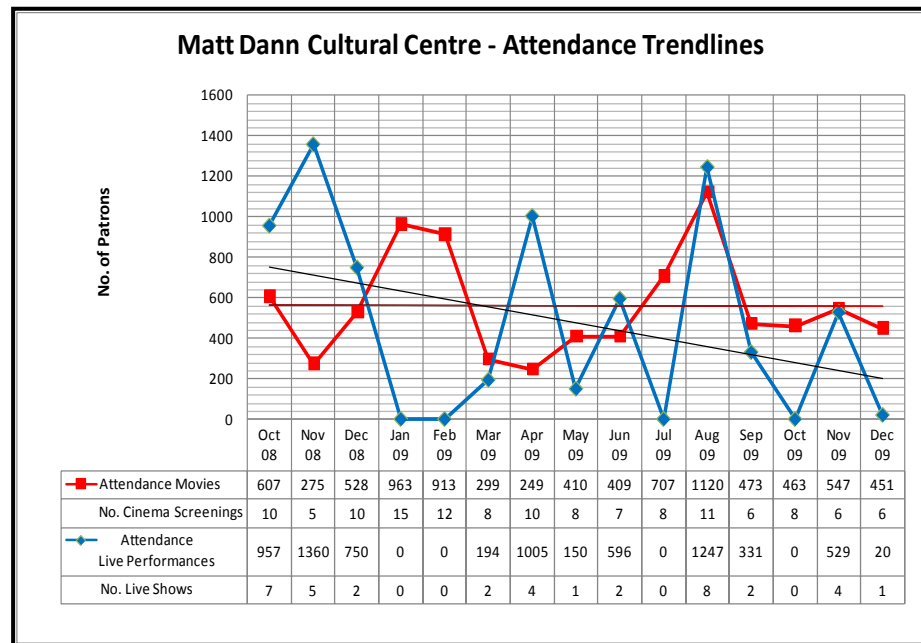
Events and Matt Dann Cultural Centre (MDCC)

During December, other than the movies shown, which are depicted in the table below, several special events were also held due to Christmas concerts and parties. These included:-

- Baler Graduation – 60 people
- 2 x business Christmas Parties – 40 people
- C3 Christmas service on 20/12/09 – 300 people
- Business Meeting (McDowell) – 100 people
- Birthday Party – 6 people.

Of the 6 movies shown during December one was held by Port Hedland High School which showed "A Christmas Carol" this movie attracted 200 people.

The Live show for December was the High School Music Concert with 20 attendees.

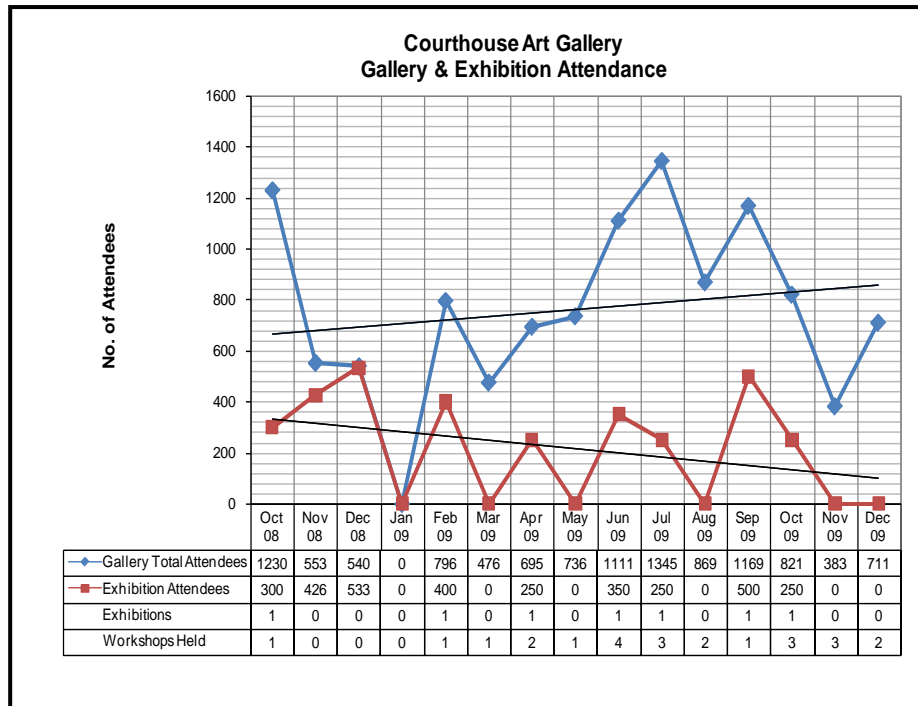


Courthouse Gallery

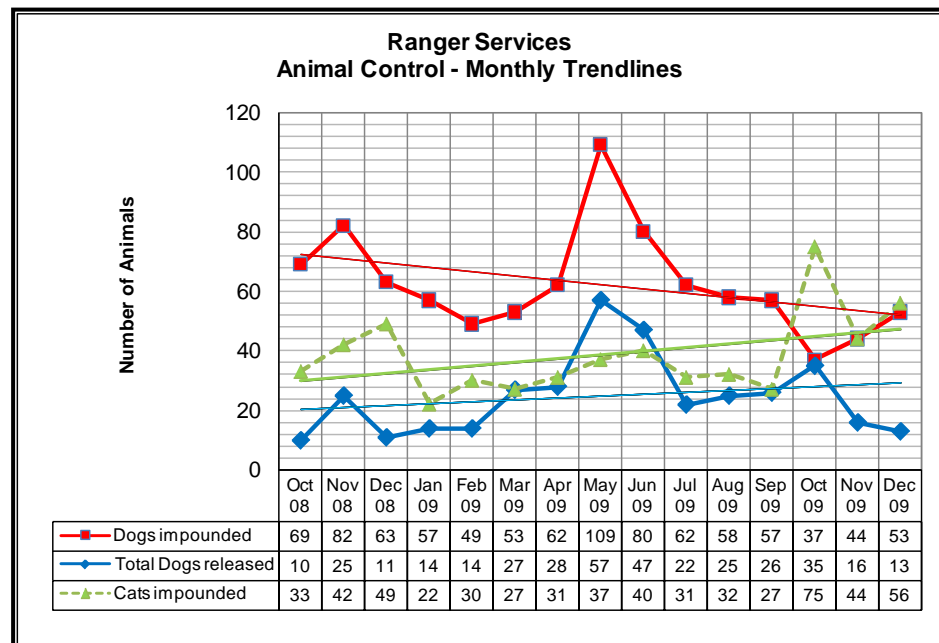
Workshops and fees held during the month of December were as follows:-

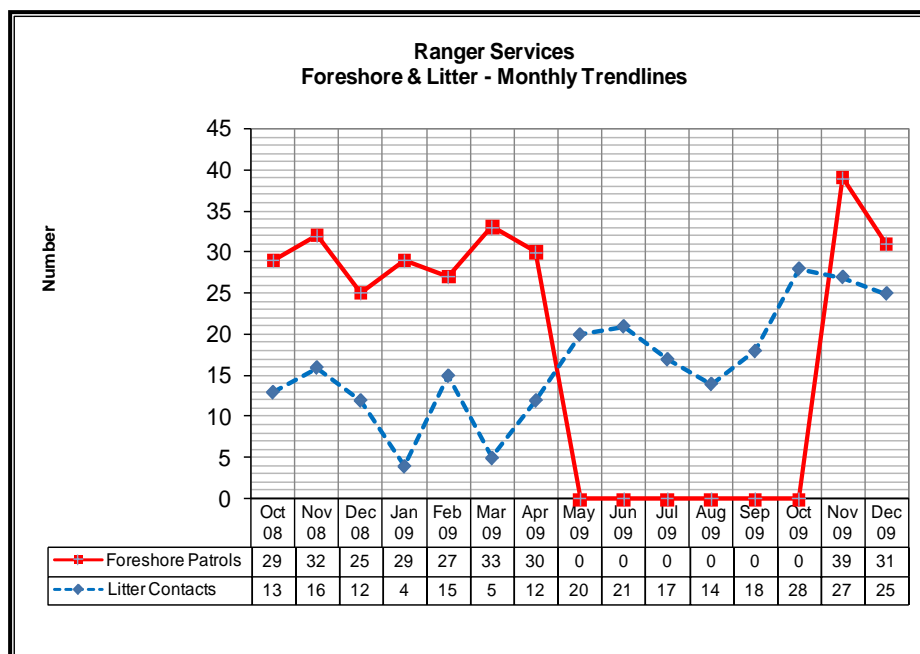
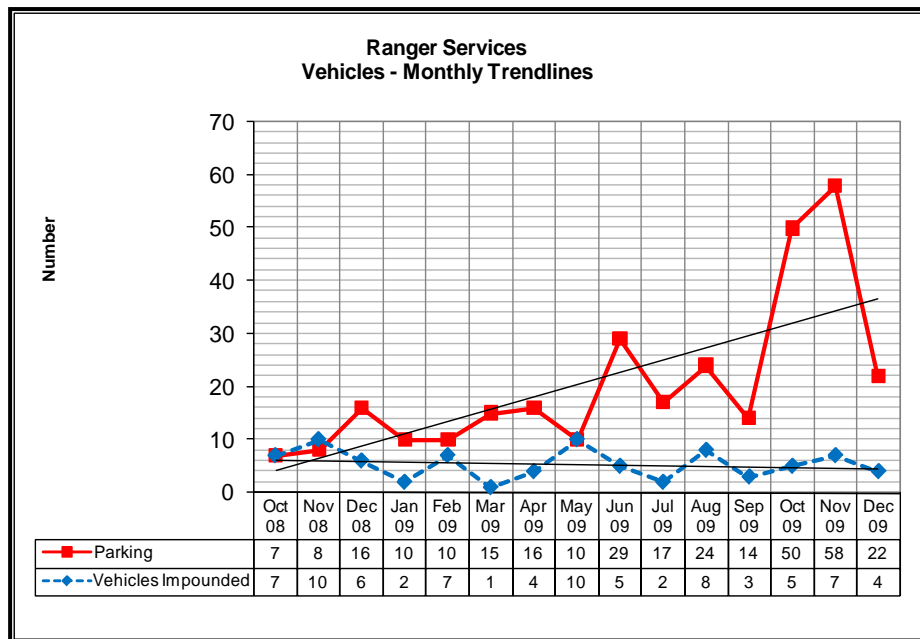
- 1 x week long artist skills development workshop as part of the continuing *Let's Get Started!* Program (external to the Gallery) free-of-charge.
- 2 x professional development workshops held at the gallery for local artists in preparation for an exhibition in February 2010. These sessions are free-of-charge..

A function was held for the Tidy Towns National Judges also during December with 50 people in attendance.



Environmental Health Services – Ranger Statistics



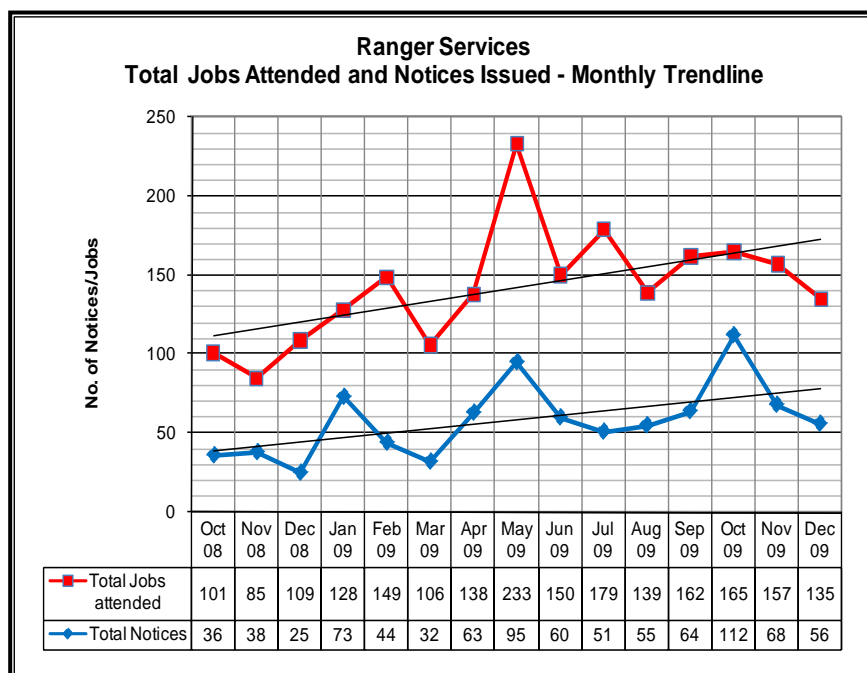


NOTE: Dedicated foreshore patrols conducted in Turtle season only.

As an indication of the extent of works which the following table covers, “Total Jobs”, the following ranger related areas are covered:

- Dogs - complaints, attacks, barking complaints, wandering at large, surrender of dogs
- Feral cat pickups and cat complaints
- Dead dog and cat pickups on roads and roadside
- Applications for a third dog property inspections
- Fox trapping
- Injured wildlife
- Injured or maimed cattle

- Snake calls
- Animal welfare complaints
- Littering complaints including litter on verge
- Drinking and littering in parks and reserves
- Off road vehicle complaints
- Parking complaints
- Abandoned vehicles
- Caravan and camping complaints
- Issue of fire permits
- Firebreak property inspections
- Fire related calls



Plan for the Future 2008-2013 Progress Report

Council's Community & Regulatory Services Directorate has provided an update on the projects that they are currently managing (48 of the 110 strategies defined) in line with the current Plan for the Future 2008-2013. The attached report provides an update on the progress and status of the strategies within the C&RS Directorate.

Attachments

Plan for the Future Works Programme for Community & Regulatory Services for the period 1 July 2000 to 30 June 2010.

200910/221 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council receives the Community & Regulatory Services Report for December 2009.

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.1.1.1

PLAN FOR THE FUTURE WORKS PROGRAMME FOR COMMUNITY & REGULATORY SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010																
Legend		Cyclone Watch/Season														
Commenced Project																
Milestones																
Project Completed																
On-going project																
Officer	Plan for the Future Key Result Area / Goal / Strategy	A/c No.	Strategy	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS
MCED	KRA 1 - Infrastructure Goal 2 - P&G Strategy 7		Investigate the development of a Community Vegetable Garden.	Start June 2009												Working with YIC and community group to implement garden at SH Shopping Centre - Josh Byrne is involved in project, ToPH represented by CDO and Parks & Gardens. Staff met with YIC to progress this. No further action from YIC at this stage - we have advised we are ready to assist when required. <i>Exploring community garden options with Yandeyarra community.</i>
MCED	KRA 2 - Community Pride Goal 1 - Litter Strategy 1		Work with community groups to develop community programs and initiatives that reduce litter and improving the appearance of Port and South Hedland.	Start Jan 2009												Litter forms distributed to all Council vehicles. Ongoing. Liquor Accord identifying problem spots in Hedland with action from Engineering and Rangers as needed to clean up drinking spots in particular.
DCRS	KRA 2 - Community Pride Goal 1 - Litter Strategy 3		Review legislative alternatives that are available to Council to improve the visual appearances of untidy properties within Town. Implement agreed initiatives.	Start Feb 2009												Subject to further review in light of changes to litter collection procedures in Town. March 2010.
MCED / MRS	KRA 3 - Community Development Goal 1 - Youth & Children Strategy 2		Convert the JD Hardie Centre into a more youth focused facility.	Start July 2008					to call tenders							<i>Meeting scheduled for 19 January for Architect and key staff to finalise and sign off detailed design documentation and drawings. This will be followed by a Working Group meeting. Tenders are expected to be called mid February 2010.</i>
MCED	KRA 3 - Community Development Goal 1 - Youth & Children Strategy 6		Work with Stakeholders on initiatives that improve both the perception and the quality of education within the Town.													Ongoing. Via Education Forum and strong HSHS involvement in HYSAG.
MEH	KRA 3 - Community Development Goal 2 - Sports & Leisure Strategy 4		Explore opportunities for the development of an appropriate off-road/recreational driving area that is away from sensitive beach and dune areas.	Start Feb 2009	Compl May 2009											Report presented to the May meeting and officers to continue to seek new off road areas – complete
MLIS	KRA 3 - Community Development Goal 2 - Sports & Leisure Strategy 5		Review library operations and locations develop a plan for the future operations of libraries in the Town.		Report OCM											<i>Methodology for producing Library Service Plan has been developed. Councillor Briefing session/workshop to be held 4 February to discuss methodology and issues.</i>
MEH	KRA 3 - Community Development Goal 3 - Health Strategy 3		Review Environmental Health service levels to the Town of Port Hedland and develop a Local Public Health Plan based on risk management principals.	Start Dec 2008												<i>RFR projects completed for MEH. Plan will now be finalised.</i>
MCED	KRA 3 - Community Development Goal 3 - Health Strategy 5		Review the Town's Disability Service Plan and undertake actions to improve access to services and all facilities.	DAIP Plan Completed 2009					Annual Report Sent to DCS							<i>DAIP report completed for Council's annual report. Community consultation group, International Day with People with Disabilities celebrated with lunch in Gratwick Hall. Disabilities "assigned" to participants and feedback on experience provided to group. Launch of web site on spinal injuries through CUCRH.</i>
DCRS/ MEH	KRA 3 - Community Development Goal 4 - CSCP Strategy 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.													<i>Community surveys currently being undertaken with the community and key stakeholders with a view of developing a new CSCP Plan.</i>

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Officer	Plan for the Future Key Result Area / Goal / Strategy	A/c No.	Strategy	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS
DCRS	KRA 3 - Community Development Goal 4 - CSCP Strategy 4		Install CCTV and/or other appropriate security measures for identified crime and safety "hot spots".	Start July 2008	Order placed for Tower		Mtg held for SOW St II									Orders placed for supply and installation of antenna as alternative to use of Telstra tower - WAPol approved pending signing of MOU. Tender for Stage 2 - head-end works at airport now not required as present contractor for stage 1 is preferred WALGA supplier.
MCED / MRS	KRA 3 - Community Development Goal 4 - CSCP Strategy 5		Work in partnership with government and other stakeholders to develop additional "pro-social" diversionary activities for young people.	Start Jan 2009												Young Leaders program successfully completed with presentation dinner. Planning underway for National Youth week in April.
DCRS	KRA 3 - Community Development Goal 5 - Arts & Culture Strategy 1		Initiate the development of Board of Management to manage and operate Council funded facilities within the Courthouse Art Centre and Gallery precinct.	Start 2007			Tender closes Oct									New Management Agreement drafted for Courthouse Art Centre by FORM for 2010-2014 and currently being reviewed. Port Hedland Visitors Centre Tender closed Dec 09 with one tender being received. GM Services tender accepted by Council at December Special meeting for period 2010-2014. Agreement executed.
MCED	KRA 3 - Community Development Goal 5 - Arts & Culture Strategy 2		Develop a public art policy/strategy and install public art in key locations within the Town.	Start July 2007			Plan appln being developed									Touring Guide to public art being developed with MIS.
MCED / MIS / MES	KRA 3 - Community Development Goal 5 - Arts & Culture Strategy 3		Develop a unique entry statement to the Town. MIS developing landscaping for this project	Start Aug 2008			Install Due									Completed.
MCED	KRA 3 - Community Development Goal 5 - Arts & Culture Strategy 4		Undertake initiatives that both increase patronage levels and improve the financial performance of the Matt Dann Theatre.	Start July 2008	Complete Mar 2009											Review of MDCC structure underway with new Director Community Development to provide increased capacity. Industry consultant will be contracted to review business unit.
DCRS	KRA 3 - Community Development Goal 5 - Arts & Culture Strategy 5		Actively pursue the development of additional arts and cultural facilities within the Town including a new commercial cinema and an aboriginal arts facility.	Start Aug 2008	Complete June 2009											Wangka Maya commenced consultancy for new Arts Centre. Mayor and DCD liaising with Wangka Maya and other stakeholders to ensure scope of works being adhered to.
MCED	KRA 4 - Economic Development Goal 1 - Tourism Strategy 3		Redevelop the visitor entry bays on the northern and southern roads entrances to the Town.	Start Oct 2008	Complete May 2009											Northern approach bay completed - new Hedland locality map to be purchased and installed. Southern bay options being investigated.
DCRS	KRA 4 - Economic Development Goal 1 - Tourism Strategy 5		Identify sites for the development of new caravan park/eco tourism facilities (both permanent and temporary). Implement key priority projects.	Start Aug 2008												Feature survey of land adjacent to Cooke Point Caravan Park completed. Item raised at Council meeting of January 09 to initiate proceedings to acquire land for use as Caravan Park. Matter laid on the table.
MCED	KRA 4 - Economic Development Goal 3 - Business Development Strategy 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.	start Jan 2009												Role of MCD on small business development working party with CCI, PDC, SBDC & industry will be devolved to new ME&LD.
MCED / DCRS	KRA 4 - Economic Development Goal 3 - Business Development Strategy 2		Develop Council policies and/or incentives that assist in attracting and retaining businesses within the Town of Port Hedland.													Policy development work with Planning on home based small business will be devolved to ME&LD, now position has commenced.

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Officer	Plan for the Future Key Result Area / Goal / Strategy	A/c No.	Strategy	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS
MP	KRA 4 - Economic Development Goal 4 - Land Development Projects Strategy 3		Work with the DPI to identify additional crown land that can be released for development in a timely manner.	Start Dec 2009	Complete May 2009											Land Rationalisation Plan finalised and approved by Council November 2009 for public release. Details sent to Minister requesting assistance to fast track land releases.
MP	KRA 4 - Economic Development Goal 5 - Town Planning & Building Strategy 2		Develop Local Planning Scheme No. 6	Start Feb 2009												Further changes to the Model Scheme Text have resulted in the project being parked until the changes are verified.
MP	KRA 4 - Economic Development Goal 5 - Town Planning & Building Strategy 3		Develop Structure Plans for key precinct areas with a particular focus on the Spoilbank/Hospital/Hotel Precinct.	Start Jan 2009	Mtg to prioritise		Scoping of project									Spoil Bank and Pretty Pool design concepts published in NWT 13/1/10. Public consultation at Port and South Hedland Shopping Centres scheduled for 4 February 2010.
DCRS	KRA 6 - Governance Goal 2 - Traditional Owners & Aboriginal people Strategy 1		Work with the State and Federal Government to sustainably progress the implementation of the 2006 Bilateral Agreement on Services to Indigenous Community.	Start July 2008												Currently awaiting outcomes of service level review by State & Federal Government Agencies.
DCRS	KRA 6 - Governance Goal 2 - Traditional Owners & Aboriginal people Strategy 2		Work with relevant agencies to implement an appropriate action plan to address community visitors including the development of a managed campground.	Start Aug 2008	Complete June 2009											Advice has been sought from AAWG as to site needs and design requirements. Access to land to be secured through DPI.
MCED	KRA 6 - Governance Goal 3 - Communication Strategy 3		Install community noticeboards that advertise local services and events.	Start Dec 2009	Complete June 2009											Community noticeboards installed and functioning well. Project completed.
ONGOING KRA'S																
MP / CEO	KRA 2 - Community Pride Goal 1 - Litter Strategy 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.						earthworks commence							Structure Plan has been forwarded to WAPC for endorsement. Council has support the land activities (vesting, subdivision, amalgamations etc) to facilitate the Town Centre Development. LandCorp and the Administration continue to work with key stakeholders (partners) to implement the recommendations of the structure plan.
MCED	KRA 2 - Community Pride Goal 2 - Events Strategy 1		Play an integral role in the coordination, operation and communication of community events via a range of strategies including:- Managing and operating at least six major community events per annum supporting community groups who are operating community events through training, support advice and, where appropriate, financial support.													Next major Festival Australia Day evening in Marapikurrinya Park . AGM of Celebrate Hedland Inc! to be held on 19 January 2010. Membership sought to engage community members in event planning.
MCED	KRA 2 - Community Pride Goal 2 - Events Strategy 2		Work with community groups to implement neighbourhood competitions and events (eg Tidy Towns, Best Maintained Business, Best Gardens, Street Parties, Xmas Lights etc)		Judging											Program of Community Pride activities currently under construction for 2010.
MCED	KRA 2 - Community Pride Goal 2 - Events Strategy 3		Develop a well known, all inclusive calendar of community events.													New web page proposed that uses different language and this will provide improved functionality for construction of better community calendar.

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DCRS	KRA 6 - Governance Goal 2 - Traditional Owners & Aboriginal people Strategy 2		Work with relevant agencies to implement an appropriate action plan to address community visitors including the development of a managed campground.	Start Aug 2008	Complete June 2009											Advice has been sought from AAWG as to site needs and design requirements. Access to land to be secured through DPI.
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MCED	KRA 2 - Community Pride Goal 2 - Events Strategy 4		Explore and actively seek to attract "draw card" events to the Town of Port Hedland.													<i>Celebrate Hedland will drive sponsorship and event planning for major events for 2010.</i>
MBS	KRA 2 - Community Pride Goal 3 - Townscape Strategy 2		Review, update and continue to implement Council's 5 year Civic Buildings Cyclical Maintenance and Captial Development Plan.													Ongoing.
MCED	KRA 3 - Community Development Goal 1 - Youth & Children Strategy 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.													<i>Accreditation received for PFDC with high to good results in all areas. Item for Council Ordinary Meeting 27 January to be presented giving options for the future running of PFDC.</i>
MCED	KRA 3 - Community Development Goal 1 - Youth & Children Strategy 3		Establish regular formalised consultation mechanisms between Council and Young People.													<i>HYLC in summer break. Will recommence meetings in February 2010. Monthly report from HYLC will be included in Councillors Information Bulletin from January 2010.</i>
MCED	KRA 3 - Community Development Goal 1 - Youth & Children Strategy 4		Ensure that the community has an opportunity to become involved in Council infrastructure projects such as park developments, tree planting, event planning etc.													<i>Youth consultation formalised through HYLC on projects in October: SH Town Square; Youth Directory; event planning is an ongoing HYLC agenda item.</i>
MCED	KRA 3 - Community Development Goal 1 - Youth & Children Strategy 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.													<i>Continue to engage HYLC and graduates from Young Leaders program in planning young activities.</i>
MEH	KRA 3 - Community Development Goal 3 - Health Strategy 4		Monitor commercial and industrial activities that have potential negative impacts on the community, and actively seek Department of Environment and Conservation enforcement of regulatory standards.													Ongoing .Working relationship with the DEC in Karratha has been established.
DCRS	KRA 3 - Community Development Goal 4 - CSCP Stragegy 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.													Litter forms distributed to all Council vehicles and media release advising of initiative and form availability for the public.
MEH	KRA 3 - Community Development Goal 4 - CSCP Strategy 3		Adopt a community based emergency risk management process for theTown, and co-ordinate the development of response plans to natural disasters through the Local Emergency Management Committee (LEMC)													<i>A new booklet titled "Cyclones & You. Be Aware - Be Prepared" has been published and distributed.</i>

PLAN FOR THE FUTURE WORKS PROGRAMME FOR COMMUNITY & REGULATORY SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010																
Legend		Cyclone Watch/Season														
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Officer	Plan for the Future	A/c No.	Strategy	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS
DCRS / CEO	KRA 4 - Economic Development Goal 2 - Mining Strategy 2		Review all mining and port development proposals to ensure that any negative impacts on the community due to their construction or operational activities are minimised.													Ongoing
CEO / DCRS	KRA 4 - Economic Development Goal 4 - Land Development Projects Strategy 1		Fast track the release and development of commercial, industrial and residential land in a sustainable manner including: Pretty Pool Developments South Hedland New Living development various industrial land release programs Moore St and West end Developments South Hedland CBD Developments Redevelopment of the Port Hedland Telstra/Water Corporation site.													Land Rationalisation Plan (LRP) developed and Council priorities for land release have been communicated to Minister for Lands. South Hedland CBD due for commencement by Landcorp. <i>Council item Nov 09 endorsed Residential LRP. Details forwarded to Minister requesting assistance to fast track release.</i>
MP	KRA 4 - Economic Development Goal 5 - Town Planning & Building Strategy 1		Work with key stakeholders to ensure that the Land Use Master Plan is implemented.													Ongoing.
MP	KRA 5 - Environment Goal 1 - Waste Management Strategy 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.													Ongoing. Will be picked up in Town Planning Scheme No., 6.
MEH	KRA 5 - Environment Goal 1 - Waste Management Strategy 5		Support water re-use initiatives including residential re-use water reuse.													Ongoing.
MCED	KRA 6 - Governance Goal 1 - Leadership Strategy 2		Investigate options to develop new and emergent leaders in our community.													<i>Young Leaders Program successfully completed for 2009. Planning for 2010 program underway with HYSAG Curtin Graduate school of business and teamworks development Australia. YLP projects to be presented to Briefing in February and March.</i>
MEH	KRA 6 - Governance Goal 5 - Policy & Legislation Strategy 3		Work with key agencies to review and develop Council policies in relation to fire prevention and fire management.													A close working relationship with the fire services in Hedland has been established. Currently in process of negotiating on purchase of new Ranger vehicle which will double as a fire response unit as was approved in 09/10 budget.

C&RS - Royalties for Regions Projects Schedule																
Legend																
Commenced Project		Project Completed														
Milestones		On-going project														
Officer	Description	A/c Number	R4R	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	COMMENTS
2008/09 FUNDING																
MBS	Civic Centre Ballustrade	406450	73,000													Completed
										P/O raised		Work underway				
MBS	Toilet Block for Civic Centre	1010311	150,000							Complete						Completed
MEH	5 x lids for Re-use Tanks	1011410	150,000							Tender awarded	Project to commence	Complete				Completed
MEH	Foreshore Protection/Restoration Project	1105425	90,000								Complete					Completed
MBS/MIS	New records facility at Airport	406451	96,000							Quotes requested		Work underway				Completed
2009/10 FUNDING																
MC&ED	J D Hardie Centre Undertake Stage 1 & Stage II development of project. Preliminary QS estimate for project is \$6.5M excluding external works	1104411 & 1104413	2,600,000									Call Tenders				Meeting scheduled for 19 January for Architect and key staff to finalise and sign off detailed design documentation and drawings. This will be followed by a Working Group meeting. Tenders are expected to be called mid February 2010.
DCRS	CCTV Stage I CCTV Stage II	503498 503496	110,000 500,000													Orders placed for supply and installation of antenna as alternative to use of Telstra tower - WAPol approved pending signing of MOU. Tender for Stage 2 - head-end works at airport now not required as present contractor for stage 1 is preferred WALGA supplier.
MBS	Public Toilets at boat ramps (x2), Cemetery Beach Park (x2) and the Port Hedland Skate Park (x1)	1010311 & 1010410	600,000													Quotes received and item to Council Ordinary meeting for 27 January for approval to commence.

11.1.1.2 Delegated Planning, Building and Environmental Health Approvals and Orders for October 2009 (File No.: 18/07/0002 and 07/02/0003)

Officer Nellie Mackay
Executive Assistant
Community and Regulatory
Services

Date of Report 13 January 2010

Disclosure of Interest by Officer Nil

Summary

This item relates to the Planning and Building approvals and Environmental Health Orders considered under Delegated Authority for the month of December 2009. A list of current legal actions is also incorporated.

Background

A listing of Planning, Building and Environmental Health approvals and Orders issued by Council's Planning, Building and Environmental Health Services under Delegated Authority for the month of December 2009 are attached to this report. Further to Council's request a listing of current legal actions is also 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

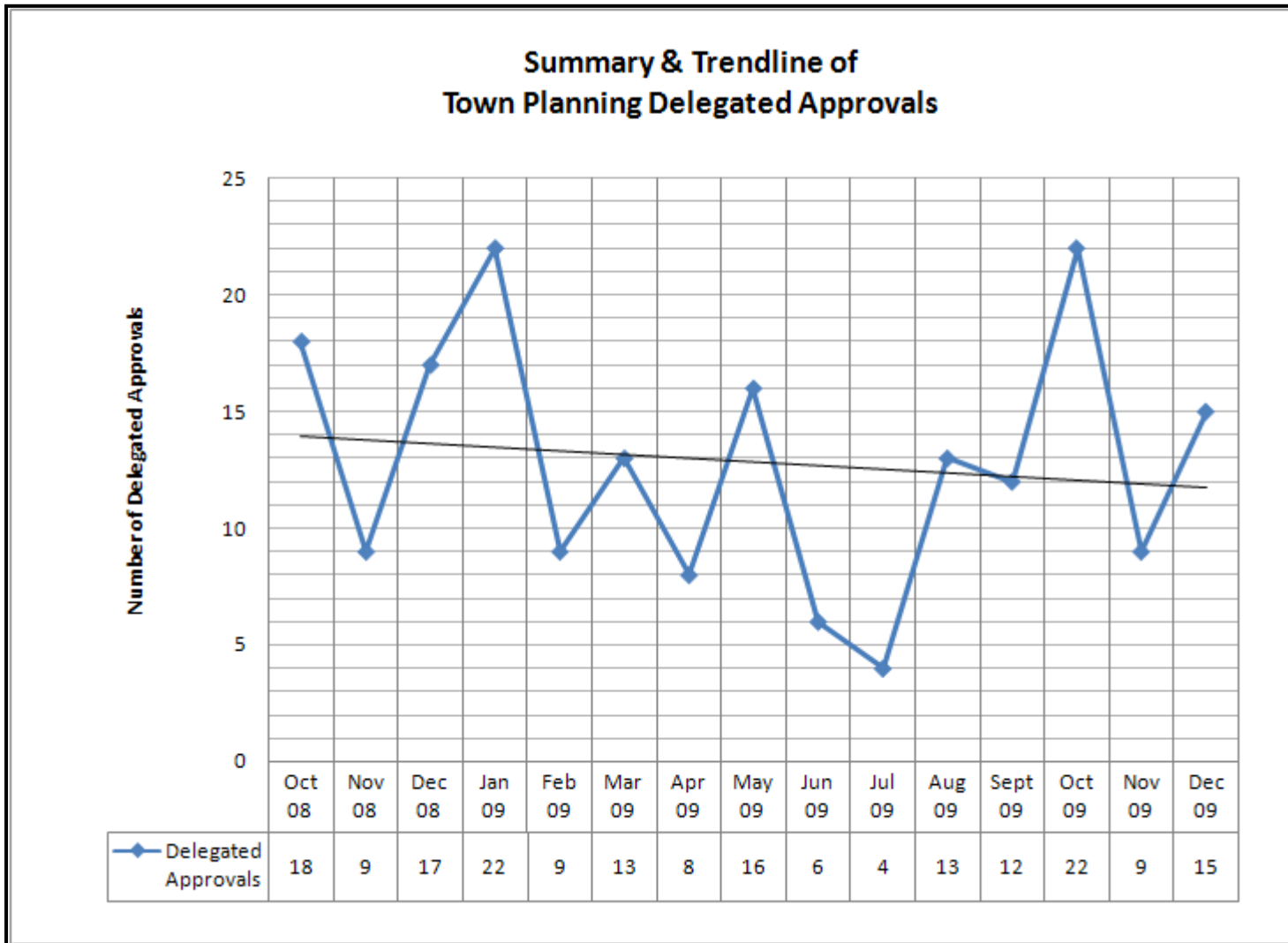
Budget Implications Nil

Officer's Comment Nil

DELEGATED PLANNING APPROVALS FOR DECEMBER 2009

PLANNING APPROVALS							
Application Number	Application Date	Date Determined	Description	Lot	Address	Applicants Name	Owners Name
2009/254	18/05/2009	18/12/2009	AGRICULTURE - HORSE STABLES, FEED SHED & 40FT SEA CONTAINER	5	17-21 GREENFIELD STREET SOUTH HEDLAND RURAL ESTATE 6722	Kevin Arthur Hall	KEVIN ARTHUR HALL
2009/386	13/07/2009	11/12/2009	CHANGE OF USE - INDUSTRY LIGHT - SODA WATER BLASTING & ABRASIVE BLASTING USING GARNET	5782	20 MUNDA WAY WEDGEFIELD 6724	BARRY BAUGHEN	BRIAN GORDON BANKS
2009/478	20/08/2009	02/12/2009	INDUSTRY LIGHT - Commercial showrooms, factory and office	3	3 TRIG STREET WEDGEFIELD 6724	Tim Salter	IVAN YUJNOVICH
2009/501	28/08/2009	09/12/2009	GROUPED DWELLING - 3x additional 2 storey units proposed to existing single house	100	30 WEAVER PLACE SOUTH HEDLAND 6722	Mark Van Den Brink	RICHARD JAMES FAUNTLEROY
2009/520	10/09/2009	04/12/2009	SHOWROOM/WAREHOUSE - extension to existing	5539	27 MOORAMBINE STREET	Harold Tracey	ANTHONY JOSEPH ATKINS
2009/676	14/10/2009	24/12/2009	INDUSTRY EXTRACTIVE - Proposed landfill facility on old airstrip (M45/925) Wodgina mine site (M45/29)	1	G45/00029 GENERAL PURPOSE LEASE WODGINA MINE VIA PT HEDLAND 6721	Enrico Chedid	TALISON/WODGINA PROPERTIES PTY LTD
2009/678	14/10/2009	11/12/2009	HOME OCCUPATION - Hairdressing	5674	22 LANGLEY GARDENS PORT HEDLAND 6721	Sonja Tomerini	DAVID BARRY WATSON ATF THE WATSON TRUST
2009/689	21/10/2009	24/12/2009	SINGLE HOUSE - R CODE VARIATION - within front setback	581	4 COOPER PLACE PORT HEDLAND 6721	Paul O'Reilly	STEPHEN REGINALD BYERS
2009/702	30/10/2009	07/12/2009	SINGLE HOUSE - R CODE VARIATION - Patio on side boundary	1270	16 CRAIG STREET PORT HEDLAND 6721	Paul Robinson	MICHAEL JOHN WADE
2009/740	24/11/2009	24/12/2009	SINGLE HOUSE - R CODE VARIATION - FRONT SETBACK	798	5 KIMBERLEY AVENUE SOUTH HEDLAND 6722	Jeremy Hearn	KEIRON JEREMY BENSON
2009/752	08/12/2009	08/12/2009	LICENCE ACTIVITIES - Liquor Licensing Act 1988 - Certificate of Local Planning Authority - Section 40	2444	LOT 2444 GREAT NORTHERN HIGHWAY (BHP CAMP) PORT HEDLAND 6722	Tracy Abraham	TOWN OF PORT HEDLAND
2009/761	10/12/2009	10/12/2009	LICENCE ACTIVITIES - Section 40 - Liquor Licensing Act 1988 - Certificate of Local Planning Authority - Turner River Camp	1	L1SA RAILWAY CORRIDOR VIA PORT HEDLAND 6721	Tracy Abraham	PILBARA INFRASTRUCTURE PTY LTD
2009/765	12/12/2009	24/12/2009	GROUPED DWELLING - 2x grouped dwelling	5291	LOT 5291 BROWN PLACE SOUTH HEDLAND 6722	A Chamberlain	CLARENCE ADOLPH WHITEHEAD
2009/769	17/12/2009	24/12/2009	SINGLE HOUSE - ancillary accommodation	2674	29 LIMPET CRESCENT SOUTH HEDLAND 6722	THOMAS PATRICK GORDON SMALL	THOMAS PATRICK GORDON SMALL
2009/776	22/12/2009	24/12/2009	SINGLE HOUSE - R - Code variation	684	71 DOWDING WAY PORT HEDLAND 6721	Custom Constructions	GRANT ANDREW BEATON

DELEGATED PLANNING APPROVALS FOR DECEMBER 2009



DELEGATED BUILDING APPROVALS FOR DECEMBER 2009

BUILDING LICENCES						
Licence Number	Decision Date	Locality	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
80746	03.12.2009	SOUTH HEDLAND	Outbuilding	7,500	4	Class 10a
80748	04.12.2009	SOUTH HEDLAND	Patio and Refurbishment	25,000	80	Class 10a
80749	04.12.2009	SOUTH HEDLAND	Patio and Refurbishment	25,000	80	Class 10a
80752	07.12.2009	SOUTH HEDLAND	Carport	18,500	36	Class 10a
80756	08.12.2009	SOUTH HEDLAND	Patio	30,000	26	Class 10a
80759	10.12.2009	SOUTH HEDLAND	Outbuilding	18,000	36	Class 10a
80758	10.12.2009	SOUTH HEDLAND	Outbuilding	18,700	24	Class 10a
80768	17.12.2009	SOUTH HEDLAND	Outbuilding	5,000	9	Class 10a
80764	17.12.2009	SOUTH HEDLAND	2 x Patio Refurbishment	40,000		Class 10a
85063	04.12.2009	PORT HEDLAND	Swimming Pool A/G	5,000		Class 10b
85064	21.12.2009	SOUTH HEDLAND	Swimming Pool A/G	1,000		Class 10b
80743	01.12.2009	SOUTH HEDLAND	Dwelling	220,000	173	Class 1a
80744	02.12.2009	SOUTH HEDLAND	2 X Grouped Dwellings	320,000	110	Class 1a
80745	03.12.2009	SOUTH HEDLAND	Dwelling	480,000	244	Class 1a
80747	04.12.2009	SOUTH HEDLAND	Dwelling	363,619	176	Class 1a
80730	08.12.2009	SOUTH HEDLAND	Dwelling	650,000	441	Class 1a
80754	08.12.2009	SOUTH HEDLAND	Dwelling	380,000	300	Class 1a
80755	08.12.2009	SOUTH HEDLAND	Dwelling	380,000	300	Class 1a
80760	10.12.2009	SOUTH HEDLAND	1 x New Single Dwelling	447,152	162	Class 1a
80757	10.12.2009	PORT HEDLAND	9 x Grouped Dwellings	2,450,000	1116	Class 1a
80761	11.12.2009	SOUTH HEDLAND	Dwelling	373,822	176	Class 1a
80762	16.12.2009	SOUTH HEDLAND	Dwelling	373,822	176	Class 1a
80766	17.12.2009	SOUTH HEDLAND	Dwelling	485,000	249	Class 1a
80767	17.12.2009	SOUTH HEDLAND	Dwelling	470,000	243	Class 1a
80765	17.12.2009	SOUTH HEDLAND	Dwelling	529,684	293	Class 1a
80770	18.12.2009	SOUTH HEDLAND	Dwelling	485,141	274	Class 1a
82013	18.12.2009	SOUTH HEDLAND RURAL EST	Dwelling	200,000	196	Class 1a
80773	19.12.2009	SOUTH HEDLAND	Dwelling	373,822	176	Class 1a
80774	19.12.2009	SOUTH HEDLAND	Dwelling	373,822	176	Class 1a

DELEGATED BUILDING APPROVALS FOR DECEMBER 2009 (Continued)

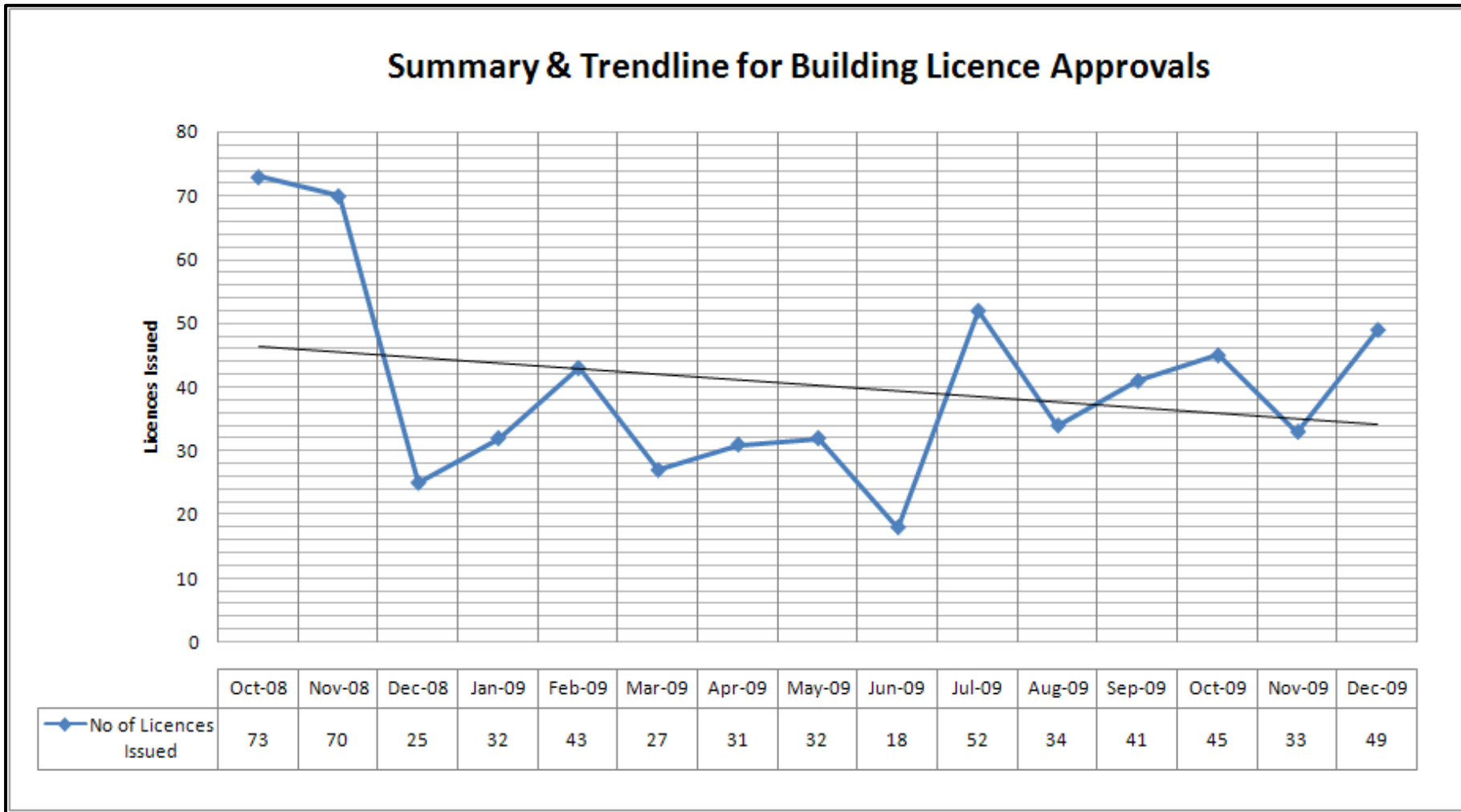
BUILDING LICENCES Cont'd...						
Licence Number	Decision Date	Locality	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
80775	19.12.2009	SOUTH HEDLAND	Dwelling	373,822	176	Class 1a
80776	19.12.2009	SOUTH HEDLAND	Dwelling	405,201	176	Class 1a
80778	21.12.2009	SOUTH HEDLAND	Dwelling	474,498	235	Class 1a
80779	21.12.2009	SOUTH HEDLAND	Dwelling	485,981	249	Class 1a
80777	21.12.2009	SOUTH HEDLAND	2 x Grouped Dwellings	726,850	379	Class 1a
80781	23.12.2009	WEDGEFIELD	Dwelling	212,736	124	Class 1a
80780	22.12.2009	PORT HEDLAND	14 x Transportable Accommodation Buildings	1,200,000	847	Class 1b
80753	07.12.2009	PORT HEDLAND	1 x Office	16,500	89	Class 5
80771	19.12.2009	PORT HEDLAND	Internal Fitout to Existing Office	823,642		Class 5
80750	04.12.2009	PORT HEDLAND	Permanent Wet Mess	3,514,500	710	Class 6
80751	04.12.2009	WEDGEFIELD	Warehouse	1,300,000	1212	Class 7b
80772	19.12.2009	WEDGEFIELD	Temporary Workshop	60,000	112	Class 8
80729	04.12.2009	WEDGEFIELD	1 x Relocated Workshop	180,000	450	Class 8
42		TOTAL ESTIMATED CONSTRUCTION VALUE		\$19,323,314		

DELEGATED BUILDING APPROVALS FOR DECEMBER 2009 (Continued)

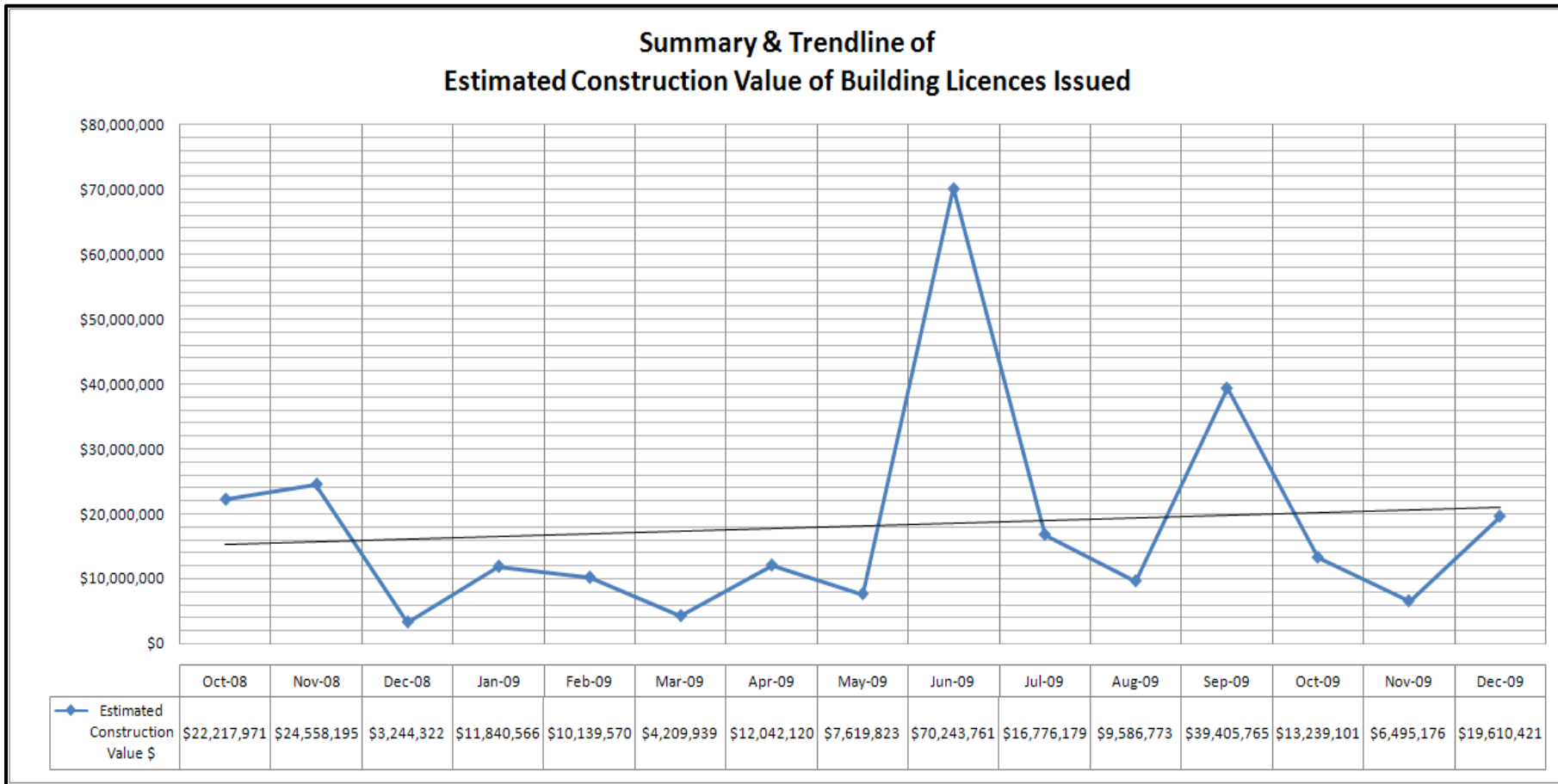
DEMOLITION LICENCES				
Licence Number	Approval Date	Locality	Description of Work	Estimated Construction Value (\$)
83051	08.12.2009	WEDGEFIELD	Site Office	20000
83053	11.12.2009	PORT HEDLAND	Dwelling	46966
83052	14.12.2009	PORT HEDLAND	Dwelling	46034
83054	22.12.2009	PORT HEDLAND	Dwelling	41832
83057	22.12.2009	PORT HEDLAND	Dwelling	49400
83055	22.12.2009	PORT HEDLAND	Dwelling	42922
83056	22.12.2009	PORT HEDLAND	Dwelling	39953
7			Total	\$287,107

SUMMARY				
Number of Licences	Licence Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
7	Demolitions	\$287,107		
25	Dwellings	\$13,234,972	7167	\$1,847
9	Class 10a	\$187,700	295	\$636
2	Class 10b	\$6,000	0	
6	Commercial	\$5,894,642	2573	\$2,291
0	Other	\$0		
49		\$19,610,421		

DELEGATED BUILDING APPROVALS FOR DECEMBER 2009 (Continued)



DELEGATED BUILDING APPROVALS FOR DECEMBER 2009 (Continued)



DELEGATED ENVIRONMENTAL HEALTH ORDERS FOR DECEMBER 2009

Current Health Orders under Delegated Authority by Environmental Health Services

(Fauntleroy/Mills)	Building Unfit for Human Habitation
207a & 207b Athol Street, Port Hedland (I Yujnovich)	<ul style="list-style-type: none">~ SAT hearing occurred 11/8/09. Residences to be restored in accordance with Structural Engineers Report.~ Site meeting on 14/9/09 identified degree of concern that required works outlined in the RSA may not be completed by next scheduled SAT hearing of 17/9/09.~ Hearing listed for 17/9/09 has been vacated and relisted for 22 October 2009.~ Application to SAT by Yujnovich to defer 22/10. Approved and relisted for SAT hearing 26/11/09.~ SAT gave extension until 4 February 2010.

CURRENT LEGAL MATTERS BEING UNDERTAKEN AS AT DECEMBER 2009

CURRENT LEGAL MATTERS					
File No.	Address	Issue	First Return Date	Current Status	Officer
WEDGEFIELD					
121670G	Lot 3 Trig Street (J Yujnovich)	Non-compliance with planning conditions	~ First return date 21/1/09	~ Court hearing date 14/4/09 ~ Adjourned until 25/5/09. ~ Adjourned to 6/7/09 ~ Trial 23/11/09 ~ Due to length of trial, Court adjourned trial on 23/11 for a mention in Perth on 11/12/09 for a trial date to be set in Perth. ~ Set for trial allocation in Perth on 16 February 2010.	MP
803175G	Lot 1402 (34) Pinnacles Street (National Tyres)	Illegal Residential dongas and office		~ Instruction & Docs sent to Solicitors 15 April 09 ~ Further information required prior to prosecution notice to be filed/served.	MP
124590G	Lot 1029 (4) Ridley Street (Carey Gardner Engineering)	Illegal Residential dongas		~ Instruction & Docs sent to Solicitors 4 September 09	MP
125890G	Lot 3787 (2) Munda Way (Macpherson, Pilbara Earthmoving)	Illegal Residential dongas		~ Instruction & Docs sent to Solicitors 7 September 09	MP
REDBANK					
116770G	Lot 134 Roche Road (Western Desert)	Illegal laydown area	~ First Return date 21/1/09	~ Adjourned to 27/2/09 ~ Hearing on 27/2/09 adjourned to 28/4/09 ~ Adjourned until 29/5/09. ~ Court hearing date 29/5/09 adjourned until 6/7/09 ~ Entered into a plea to be heard 4/8/09 - adjourned ~ Court 31/8/09 - matter adjourned ~ Matter adjourned to 21 September 09 ~ Allocated for Court 12 October 09 ~ Adjourned until 30/10/09. ~ 30/10/09 Found guilty and fined \$15,000 with \$1,000 costs. Arrangements being made for payment of fine. ~ Invoiced 9/11/09. Finance Dept chasing up payment.	MP
SOUTH HEDLAND RURAL ESTATE					
1554422G	Lot 11 (39-41) Greenfield St Outlook Contracting	Illegal development and storage of heavy vehicles		~ 11/8/09 fined \$20,000 plus court costs \$700 ~ 21/9/09 case reinstated by Outlook Contracting on grounds of not receiving summons for court appearance on 11/8/09. Fines withheld until court resolved. ~ Court date to set a hearing date 25/1/2010.	MP
154412G	Lot 2 (5-7) Quartz Quarry Road (Macpherson - Sunsatin P/L t/as Pilbara Earthmoving)	Earth Moving business & repairs being operated from the property	~ First return date 21/1/09	~ Adjourned to 27/2/09 ~ Adjourned to 20/4/09 ~ Adjourned to 15/6/09 ~ Adjourned to 7/7/09 for plea ~ Listed for Trial 16/11/09 ~ Early listing application 30/10/09 to vacate 16/11. ~ Trial of 16/11/09 vacated until 22/4/2010.	MP

CURRENT LEGAL MATTERS BEING UNDERTAKEN AS AT DECEMBER 2009 (continued)

CURRENT LEGAL MATTERS Cont'd...					
File No.	Address	Issue	First Return Date	Current Status	Officer
SOUTH HEDLAND					
	Nil				
PORT HEDLAND					
400330G	83 Athol Street (P Oldenhuis)	Health - Asbestos removal	~ First Return date 25/2/09	~ No appearance by Mr Oldenhuis ~ Court hearing date 28/4/09 adjourned until 29/5/09. ~ Plea hearing date 13/7/09 ~ Trial 16/11/09 heard to 7pm. ~ Decision handed down 23/11 - guilty and issued \$250 in fines and \$4250 in costs. ~ <i>Fine registered with FER by Solicitors as not paid by due date.</i>	MEH
108970G	40 Morgans Street (Pilbara Earthmoving)	Health - Asbestos removal	~ First Return date 14/12/09	~ First Return date 14/12/09 ~ <i>Plea hearing date set for 1/2/2010.</i>	MEH

Attachments

Nil

200910/222 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S R Martin

That the Schedule of Planning and Building approvals, Environmental Health Orders issued by Delegated Authority and the listing of current legal actions for the month of December 2009 be received.

CARRIED 8/0

11.1.2 Planning Services**11.1.2.1 *Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone Lots 2115, 2116 and 2117 to Tourism and Lots 1693 and 2119 to Urban Development in South Hedland (File No.: 18/09/0029)***

Officer	Leonard Long Planning Officer
Date of Report	21 December 2009
Application Number	2009/755
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from Taylor Burrell Barnett, Town Planners on behalf of APC Pty Ltd and Taryc Pty Ltd and the Town of Port Hedland to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the zoning of Lot 2115 (Black Rock Caravan Park), Lots 2116 and 2117 from "Community" to "Tourism" and Lots 1693 and 2119 from "Community" to "Urban Development".

Background

The Black Rock Caravan Park (Lot 2115), was previously approved through Town Planning Scheme No. 4, in which scheme the land was identified as a reserve for "Public Purposes". However, through the proclamation of Town Planning Scheme No. 5, the land on which the caravan park is developed was zoned "Community", a zoning that does not permit "Movable Dwelling" or "Holiday Accommodation".

At its Ordinary Meeting on 12th December 2007, Council adopted the *Town of Port Hedland Land Use Master Plan (LUMP)* as the Town's Local Planning Strategy. The Western Australian Planning Commission (WAPC) subsequently endorsed this strategy on 23rd September 2008.

The Land Use Master Plan makes inter alia the following recommendation, which would encourage the rezoning of Lots 2116 and 2117:

"Identify sites for new tourist accommodation facilities, with the focus on quality hotel development and expanded caravan and camping facilities, including expansion of the Cooke Point and Black Rock caravan parks."

In April 2009, Council received a Planning Application relating to redevelopment of additional changes at the site. This development was approved with the following consultation being included in the Council Approval:

“The applicant/owner shall within 30 days of the date of this approval submit a scheme amendment initiation request, to the satisfaction of the Manager Planning”.

The recently completed Land Rationalisation Plan, which was endorsed by Council at its Ordinary Meeting on 25th November 2009, identifies Lots 1693 and 2119, as *“ideal for residential development but requires to be rezoned”*.

The proposed rezoning of Lots 2115, 2116, 2117, 2119 and 1693, are all consistent with previous Council resolutions.

Consultation

Should Council resolve to initiate this amendment to TPS 5, the documentation is to be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to section 81 of the Planning and Development Act 2005 (PDA).

Following approval from the EPA to advertise the amendment, Council is then required pursuant to section 83 of the PDA to consult persons likely to be affected by the amendment, and also advertise the amendment for a minimum of 42 days pursuant to section 84 of the PDA.

At the completion of this consultation, Council is to consider all submissions and determine whether to adopt the amendment, adopt the amendment with modifications, or not adopt the amendment.

Statutory Implications

The *Planning and Development Act 2005* and the *Town Planning Regulations 1967* provide Council the authority to amend its Local Planning Scheme and establish the procedure required to make this amendment.

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4 – Economic Development
Goal 1 - Tourism

Strategy 4 - Identify sites for the development of new caravan park/eco tourism facilities (both permanent and temporary).

Goal 4 - Land Development Projects

Strategy 2 - Work with the DPI to identify additional crown land that can be released for development in a timely manner.

Goal 5 - Town Planning & Building

Strategy 1 - Work with key stakeholders to ensure that the Land Use Master Plan is implemented.

Budget Implications

The applicant has paid the prescribed application fee of \$1,711.00 for the initiation request. This fee has been paid into account 1006326.

Officer's Comment

The proposed scheme amendment is a result of either Council requirements or through recommendations of Council approved plans i.e. Land Use Master Plan and the Land Rationalisation Plan.

The amendment to the zoning of Lot 2115 (Black Rock Caravan park) to "Tourism" will bring the zoning into compliance with the current use. With the inclusion of Lot 2116 and 2117 which is also proposed to be amended to "Tourism", which amendment would enable the possible further development and expansion of the caravan park as envisaged by the Land Use Master Plan.

Furthermore, the Land Rationalisation Plan has identified numerous lots within Port and South Hedland, with development potential, of which Lot 2119 and 1693 form part. The amendment of the current zoning to "Urban Development" will enable, through a development plan, the development of the lots for residential purposes, further alleviating the current housing shortage being experienced in the Town.

Attachments

Attachment 1 - Town of Port Hedland Town Planning Scheme No. 5, Amendment No. 25, Map

200910/223 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council:

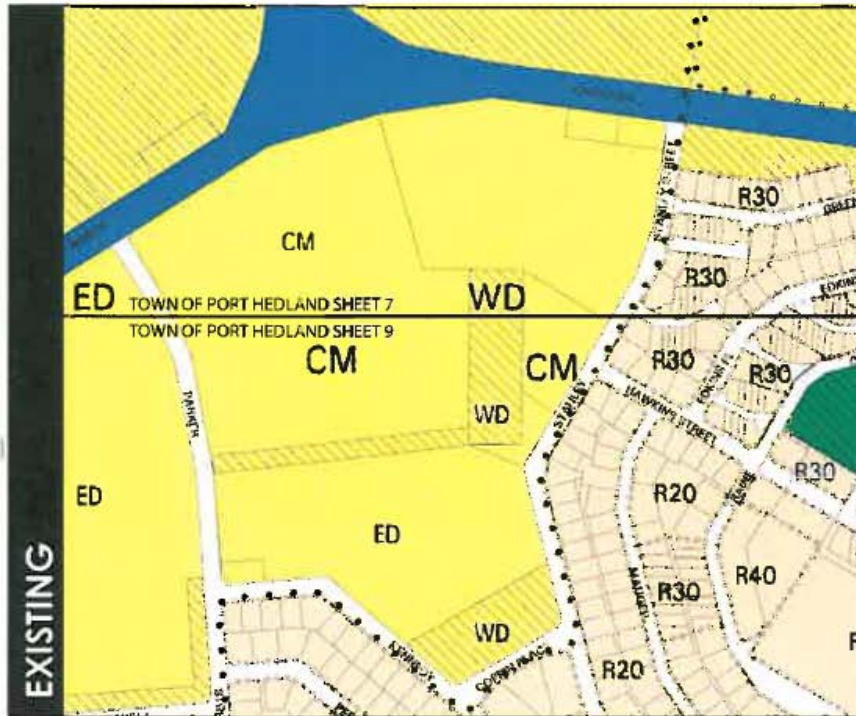
- i) Initiate a Town Planning Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 by:
 - a) **Rezoning Lots 2115, 2116 and 2117 North Circular Road from "Community" to "Tourism" as depicted on the amendment map;**
 - b) **Rezoning Lots 2119 Stanley Street and 1693 Parker Street from "Community" to "Urban Development" as depicted on the amendment map;**
- ii) Advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.

CARRIED 8/0

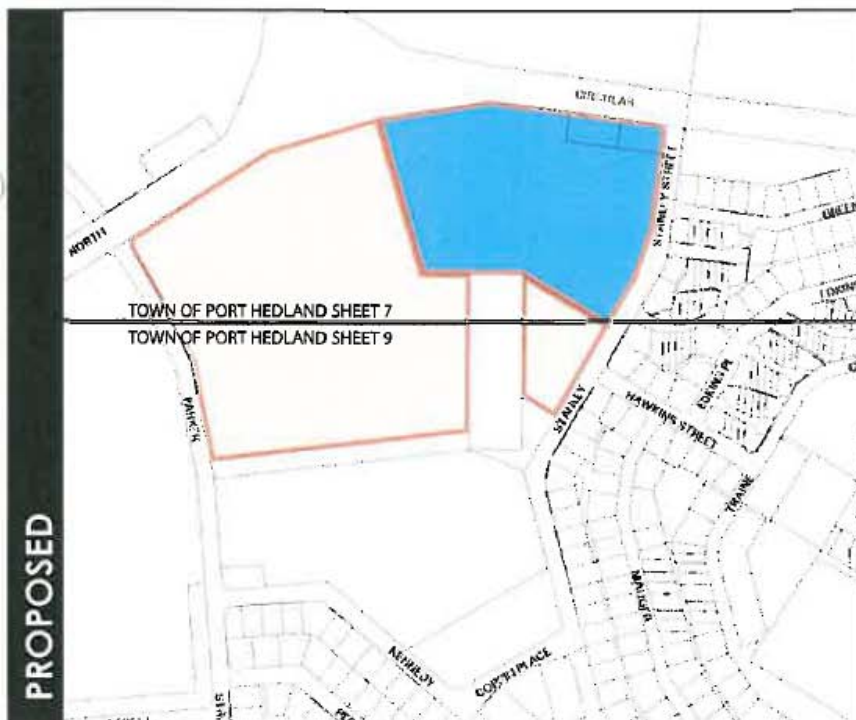
ATTACHMENT TO AGENDA ITEM 11.1.2.1

ATTACHMENT 1 – AMENDMENT MAP.

TOWN OF PORT HEDLAND



Town of Port Hedland
Town Planning Scheme No.5
Amendment NoXX



LEGEND

- DISTRICT ROAD
- LOCAL ROAD
- OTHER PUBLIC PURPOSES DENOTED AS FOLLOWS:
WD: WATER AND DRAINAGE
- PARKS AND RECREATION
- RESIDENTIAL
- URBAN DEVELOPMENT
- TOURISM
- COMMUNITY DENOTED AS FOLLOWS:
CM: COMMUNITY
ED: EDUCATION
- R CODES
- SPECIAL CONTROL AREAS
- DEVELOPMENT PLAN AREAS

11.1.2.2 Proposed Grouped Dwelling and Rectory Development on Lot 1724 (9) Padbury Place, Port Hedland. (File No: 803206G)

Officer	Leonard Long Planning Officer
Date of Report	4 January 2010
Application No.	2009/502
Disclosure of Interest by Officer	Nil

Summary

An application has been received from Brink Design & Associates on behalf of the Diocese of N.W Australia Port Hedland Anglican Church, to construct in addition to the existing church, 4 double storey group dwellings as well as a Rectory on Lot 1724 (9) Padbury Place, Port Hedland.

The proposed development is not in line with the current zoning of the property being "Community". Therefore, from a town planning perspective the application is not supported.

Background

Site Description

The lot is located on the northern side of McGregor Street, and measures approximately 4067m². Vehicular access to the lot is obtained via Padbury Place. No vehicular access is currently possible from McGregor Street due to the existing gradient.

The lot is currently developed with a church, a rectory and associated outbuildings. The predominant use is as a "Place of Worship" as defined in the Town Planning Scheme.

Proposal

The applicant is proposing to demolish the existing rectory and construct a new rectory on the eastern side of the existing church. And in addition it is proposed to construct 4 double storey group dwellings on the north part of the lot.

Access to the development is proposed via McGregor Street, with no access proposed via Padbury Place.

Consultation

The application has been circulated internally to obtain comments. The Building Surveyor has provided the following comments:

“A minimum of 6m separation between the existing church and proposed rectory is required, alternatively fire rated construction is required.”

No external consultation has been undertaken, however should the application be considered favourably, a condition will be imposed requiring the adjoining owners to comment on the proposed retaining walls.

Statutory Implications

The development of land must be done in accordance with the Port Hedland Town Planning Scheme No. 5. The current zoning of the lot being “Community”, permits “Group Dwelling” development as an “IP” use.

In terms of the Port Hedland Town Planning Scheme No. 5, an “IP” is defined as follows:

“the development is not permitted unless the use to which it is put is incidental to the predominant use as decided by Council.”

It is clear that the predominant use of the lot is for a “Place of Worship”, and that any subsequent use of the lot will have to be incidental to this use.

Therefore, to comply with the statutory requirements of the Port Hedland Scheme No. 5, and be consistent with previous decisions, any further development of the lot must be incidental to a “Place of Worship”.

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4: Economic Development

Goal 5 - Land Development Projects

Strategy 2: Commence undertaking Town Planning and Building compliance audits throughout the whole of the Town on a precinct by precinct basis and initiate appropriate actions to ensure that higher levels of compliance are achieved.

Budget Implications

An application fee of \$7,000 has been received as per the prescribed fees approved by Council. This application fee has been deposited into the following planning account: 10063260.

Officer's Comment

Applicants Justification

The applicant has provided the following justifications to support the application:

"9 September 2009

As you are aware the caveat on Lot 1724 Padbury Place was lifted 9/CARRIED 8/09 as advised by Mr Tom Stephens MLA. This project will need a \$3.2 million loan to replace the old rectory with a new modern building and also to provide 4 new quality 3 bedroom, 2 storey units for church purposes.

This massive loan means that the church intends to rent these units for a period of up to 10 years or less if the loan can be paid off sooner.

A local real estate agent has been appointed as sole rental agent for the 4 units and is seeking letters of intent from quality tenants.

The Anglican parish of Port Hedland is planning to use the 4 units as housing for future staff members and for the benefit of the wider community. This is a significant undertaking from the parish but we are looking to better assist our community in the long term."

From the above justification it must be noted that the church, in order to finance the proposed development, will be required to rent the 4 units on the open market for up to 10 years or until such time as the loan is paid. Therefore, it is clear that the proposed development does not comply with the statutory requirement of Town Planning Scheme No. 5, which requires "Group Dwelling" developments to be incidental to the main use which has been established to be a "Place of Worship".

This view has been conveyed to the applicant who has provided the following further justification:

"8 December 2009

Thank you for your response to our letter of 11 September 2009, and for the consideration you afforded us in the meeting held in your office of 6 November. In response to that I write to make the following submission on behalf of the leadership (Vestry) of Hedland Anglican Church.

Background

By way of background, HAC has been serving the community of Port Hedland and region for over 100 years, with a resident minister since 1967 and providing:

Regular & Occasional Services

Pastoral and Gospel Ministry to the town and region

Chaplaincy Service & CRE Lessons in the Schools

Missionary and Support services through the Seafarers' Centre.

This has only been possible during the past 50 years with financial support from a home missionary society within the Anglican Church of Australia.

The block of land at Lot 1724 (9) Padbury Place (St Matthew's Church and Rectory) has been the subject of discussion by our members who believe that the size of the block could be better used to serve the community and the objectives of the church.

The often expressed concern in our town is the lack of housing and escalating rental costs led the Vestry to propose the use of some of the land to help alleviate this need. The proposal includes the re-location and erection of a Minister's residence (Rectory) and the church parking area, the existing sites for those giving way to the proposed housing construction.

Purpose

The purpose of our proposal is for the local Anglican Church to become sustainable in its own right obviating the need for outside missionary support, and to ensure that the church can service the spiritual and welfare needs of a growing community.

To provide affordable quality housing for people of the town employed in service industries, rather than directly with resource companies which don't supply subsidized rent, as well as to accommodate ancillary church workers from time to time.

Project

To construct 4 residential units to the north of the Church, a rectory to the east of the church, and a parking area between the church and the residential units.

It is our hope to build the Rectory with monies gifted and granted through the Church, without the need for repayment. It is expected that the costs of the units and the parking area will need to be met from borrowed funds, supplemented by fund raising among individual and corporate stakeholders of the expansion of Port Hedland, with the possibility of funds provided by a separate church project in South Hedland.

Short Term

To provide rental housing at 75 % - 80% of rental market value to provide for repayment of loan monies over a 10 to 15 year term. Ideally the units would be leased to a Port Hedland employer (government department or agency or if necessary a resource or contracting company) requiring multiple accommodation for staff, to provide on-going and consistent occupancy. Rental income after maintenance and operating costs would be for loan repayment.

Long term

To provide affordable rental housing for community purposes (workers not covered by subsidized rental – small business employees and managers, government employees, and any other residents essential to the sustainability of the town), and Church use as required (e.g. Associate Minister, School Chaplain, Seafarers' Chaplin, Children's & Youth Worker.)

Rental Return

Proceeds from the units in the long run would be applied to the costs of ministry and mission conducted by Hedland Anglican Church, to obviate the need for outside support, and to allow for expansion to meet the needs of a growing community.

The overall purpose of the project, with the short and long term goals and dispersment of any proceeds will be enshrined in a constitution to be drawn up by the Church leadership."

The further justification still does not demonstrate how the proposed development will comply with the statutory requirements of the Town Planning Scheme, No. 5.

Zoning Implications

In terms of the Port Hedland Town Planning Scheme No. 5, Lot 1724 is zoned "Community". Under this zoning, group dwellings are only permitted if they are incidental to the predominant use as decided by Council. In this regard it is clear what the predominant use would be, the lot is only developed with a Church and a Rectory, and is only used as such. Therefore, the predominant use would be "Place of Worship", requiring that any group dwelling development be incidental thereto.

The applicant has not been able to sufficiently provide justification to demonstrate that the group dwellings will be incidental to the "Place of Worship".

In the view of Officers, approval of this application would be contrary to the requirements of the Port Hedland Town Planning Scheme No. 5.

Development Controls

The Port Hedland Town Planning Scheme No. 5, has a number of prescribed development controls. These controls are the basis on which any development must be undertaken to ensure that development is done in a controlled and sustainable manner.

Should the proposed development be approved it would restrict the size of the church to 92 seats, which is derived from the amount of parking being provided for church purposes. In this regard it must be considered that, as the population of Port Hedland grows so will the congregation size resulting in a further demand on parking, a demand that will not be able to be met. The Engineering Unit has indicated that the road verge within the vicinity of the church is not sufficiently wide enough to be able to accommodate additional parking bays.

Precedent

It is important to ensure that all development is done in terms of the statutory requirements of the Port Hedland Town Planning Scheme No. 5.

The applicant has indicated and it is acknowledged that there is the need for additional residential development. However, the approval would place Council in a precarious position as a result of approving uses which are not permitted within the Port Hedland Town Planning Scheme No. 5. This would result in an undesirable precedent being created and would imply that any property can be developed to any use as long as there is a need, regardless if development complies with the Town Planning Scheme, resulting in a dysfunctional town.

Development Solutions

While staff and Councillors are doing everything in their powers to address the obvious need for additional residential development, such developments must be in an orderly manner and within the statutory requirements of the scheme, in order to retain the credibility of the Town Planning Scheme.

While the Application in its current format is not supported, the following solutions have been put forward to the applicant to assist in achieving the development.

1. Rezone the entire lot to residential with the appropriate density coding, this will enable the church, should they wish to relocate/develop the entire lot for residential purposes,
2. Subdivide the lot, and to rezone the portion that is to be developed for group dwellings to residential with the appropriate density coding,

3. Investigate and develop accordingly, the lot the Church owns in South Hedland which is already zoned for residential purposes.

The applicant is aware of these alternatives, but has opted to pursue the application as submitted.

Should Council decide to approve the application contrary to the Port Hedland Town Planning Scheme No. 5, such application should be subject to the following conditions:

1. This approval relates only to the proposed 4 double storey grouped dwellings, rectory and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
2. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
3. Amended plans being submitted to and approved by the Town incorporating the following amendments:
 - a. The proposed setback of the rectory is to take the adjoining lots setbacks into consideration,
 - b. The first floor outdoor living areas as well as the proposed studies are to comply with the provisions of Section 6.8 "*Privacy Requirements*" of the Residential Design Codes,
 - c. The carports of the proposed group dwellings are to be amended to comply with Appendix 8, of the Port Hedland Town Planning Scheme No. 5, and
 - d. The site plan is to indicate vehicular movement, with specific regard to turning movement of vehicles on the proposed ramp area,all to the satisfaction of the Manager Planning.
4. A minimum of 23 on-site car bays are to be provided solely for "Place of Worship", to the satisfaction of the Manager Planning.
5. The carparking bays and accessway shall be designed and constructed in accordance with the requirements of Town Planning Scheme No. 5 – Appendix 8
6. The church is restricted to a maximum of 92 seats.

7. All fencing shall be installed in accordance with the Residential Design Codes and/or the Dividing Fences Act and prior to the occupation of the dwelling(s) all to the satisfaction of the Manager Planning.
8. Fences must be reduced to no higher than .75m when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two streets intersect.
9. The minimum distance between the edge of the roof and the lot boundary shall be no less than 750mm.
10. A detailed landscaping plan to be submitted and approved by the Manager Planning within 30 days of the commencement of site works. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
11. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.
12. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site
13. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.
14. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the dwelling(s).
15. The private yard areas shall be nominated and suitably screened from adjoining dwellings and the street, prior to the development first being occupied.
16. Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details signed by a practicing Structural Engineer, must be submitted for approval. When retaining walls in excess of 0.5 metres in height abut common boundaries, the Town must be provided with written approval of the affected landowners (where applicable).

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. This approval should not be construed that the Town will support a survey strata or green title subdivision application for the development. Assessment has been based on a 'Grouped Dwelling' containing common property.
3. You are advised that drawings submitted for a Building Licence are to be properly drawn and signed by a practicing structural engineer. It should be noted that two storey dwellings must be accompanied by a completed Certificate of Structural Sufficiency.
4. You are advised that a minimum of 6m separation is required between the existing church and proposed Rectory or fire rated construction is to be used.
5. In relation to Condition 13 &14 please contact the Manager Infrastructure Development 9158 9350 for further details.
6. 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 Annual Recurrence Interval 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.
7. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

Attachments

- 1 Locality Plan
- 2 Site Plan
- 3 Floor Plan
- 4 Elevations

Officer's Recommendation

That Council:

1. Refuses the application submitted by Brink Design & Associates on behalf of the Diocese of N.W Australia Port Hedland Anglican Church, to construct 4 double storey group dwellings as well as a Rectory on Lot 1724 (9) Padbury Place, Port Hedland, for the following reasons:
 - a. The proposed "Group Dwellings" is contrary to the zoning of the lot;
 - b. The proposed development of "Group Dwellings" cannot be considered incidental to the main use which has been determined to be a "Place of Worship"; and
2. Advises the Applicant that the Town would consider supporting the development if it were consistent with the Town Planning Scheme. To achieve this, the Applicant should either:
 - a. Rezone the entire lot to residential with the appropriate density coding, this will enable the church, should they wish to relocate/develop the entire lot for residential purposes;
 - b. Subdivide the lot, and to rezone the portion that is to be developed for group dwellings to residential with the appropriate density coding,
 - c. Investigate and develop accordingly, the lot the Church owns in South Hedland which is already zoned for residential purposes.

Alternative Recommendation

That Council approves the application submitted by Brink Design & Associates on behalf of the Diocese of N.W Australia Port Hedland Anglican Church, to construct 4 double storey group dwellings as well as a Rectory on Lot 1724 (9) Padbury Place, Port Hedland, subject to the following conditions:

1. This approval relates only to the proposed 4 double storey grouped dwellings, rectory and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
2. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.

3. Amended plans being submitted to and approved by the Town incorporating the following amendments:
 - a. The proposed setback of the rectory is to take the adjoining lots setbacks into consideration,
 - b. The first floor outdoor living areas as well as the proposed studies are to comply with the provisions of Section 6.8 "*Privacy Requirements*" of the Residential Design Codes,
 - c. The carports of the proposed group dwellings are to be amended to comply with Appendix 8, of the Port Hedland Town Planning Scheme No. 5, and
 - d. The site plan is to indicate vehicular movement, with specific regard to turning movement of vehicles on the proposed ramp area,

all to the satisfaction of the Manager Planning.
4. A minimum of 23 on-site car bays are to be provided solely for "Place of Worship", to the satisfaction of the Manager Planning.
5. The carparking bays and accessway shall be designed and constructed in accordance with the requirements of Town Planning Scheme No. 5 – Appendix 8
6. The church is restricted to a maximum of 92 seats.
7. All fencing shall be installed in accordance with the Residential Design Codes and/or the Dividing Fences Act and prior to the occupation of the dwelling(s) all to the satisfaction of the Manager Planning.
8. Fences must be reduced to no higher than .75m when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two streets intersect.
9. The minimum distance between the edge of the roof and the lot boundary shall be no less than 750mm.
10. A detailed landscaping plan to be submitted and approved by the Manager Planning within 30 days of the commencement of site works. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
11. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.
12. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site

13. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.
14. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the dwelling(s).
15. The private yard areas shall be nominated and suitably screened from adjoining dwellings and the street, prior to the development first being occupied.
16. Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details signed by a practicing Structural Engineer, must be submitted for approval. When retaining walls in excess of 0.5 metres in height abut common boundaries, the Town must be provided with written approval of the affected landowners (where applicable).

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. This approval should not be construed that the Town will support a survey strata or green title subdivision application for the development. Assessment has been based on a 'Grouped Dwelling' containing common property.
3. You are advised that drawings submitted for a Building Licence are to be properly drawn and signed by a practicing structural engineer. It should be noted that two storey dwellings must be accompanied by a completed Certificate of Structural Sufficiency.
4. You are advised that a minimum of 6m separation is required between the existing church and proposed Rectory or fire rated construction is to be used.
5. In relation to Condition 13 &14 please contact the Manager Infrastructure Development 9158 9350 for further details.
6. 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 Annual Recurrence Interval 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.
7. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

200910/224 Council Decision/Alternative Recommendation

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council approves the application submitted by Brink Design and Associates on behalf of the Diocese of N.W Australia Port Hedland Anglican Church, to construct 4 double storey group dwellings as well as a Rectory on Lot 1724 (9) Padbury Place, Port Hedland, subject to the following conditions:

1. This approval relates only to the proposed 4 double storey grouped dwellings, rectory and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
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 - c. **The carports of the proposed group dwellings are to be amended to comply with Appendix 8, of the Port Hedland Town Planning Scheme No. 5, and**
 - d. **The site plan is to indicate vehicular movement, with specific regard to turning movement of vehicles on the proposed ramp area,**

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

CARRIED 8/0

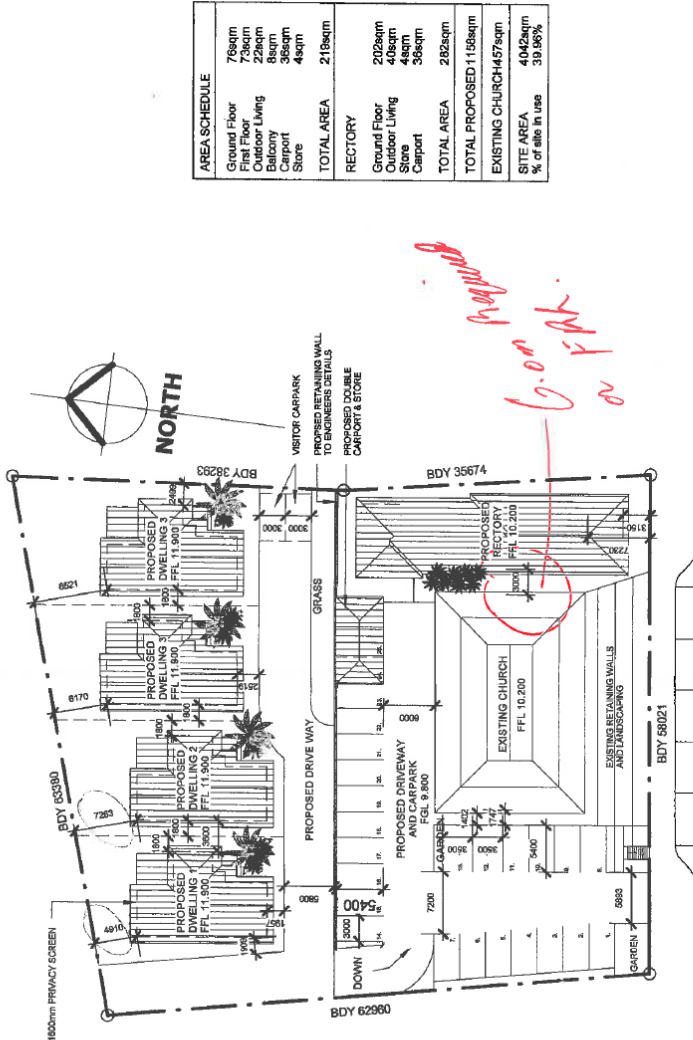
REASON: Council endorsed the application to construct 4 double storey grouped dwellings as well as a Rectory on Lot 1724 (9) Padbury Place, Port Hedland, as the development benefits the community by providing low cost accommodation for use by the Church, the Seafarers Centre and medical specialists associated with the Anglican Church.

ATTACHMENT 1 TO AGENDA ITEM 11.1.2.2



ATTACHMENT 2 TO AGENDA ITEM 11.1.2.2

ATTACHMENT - 2
SITE PLAN



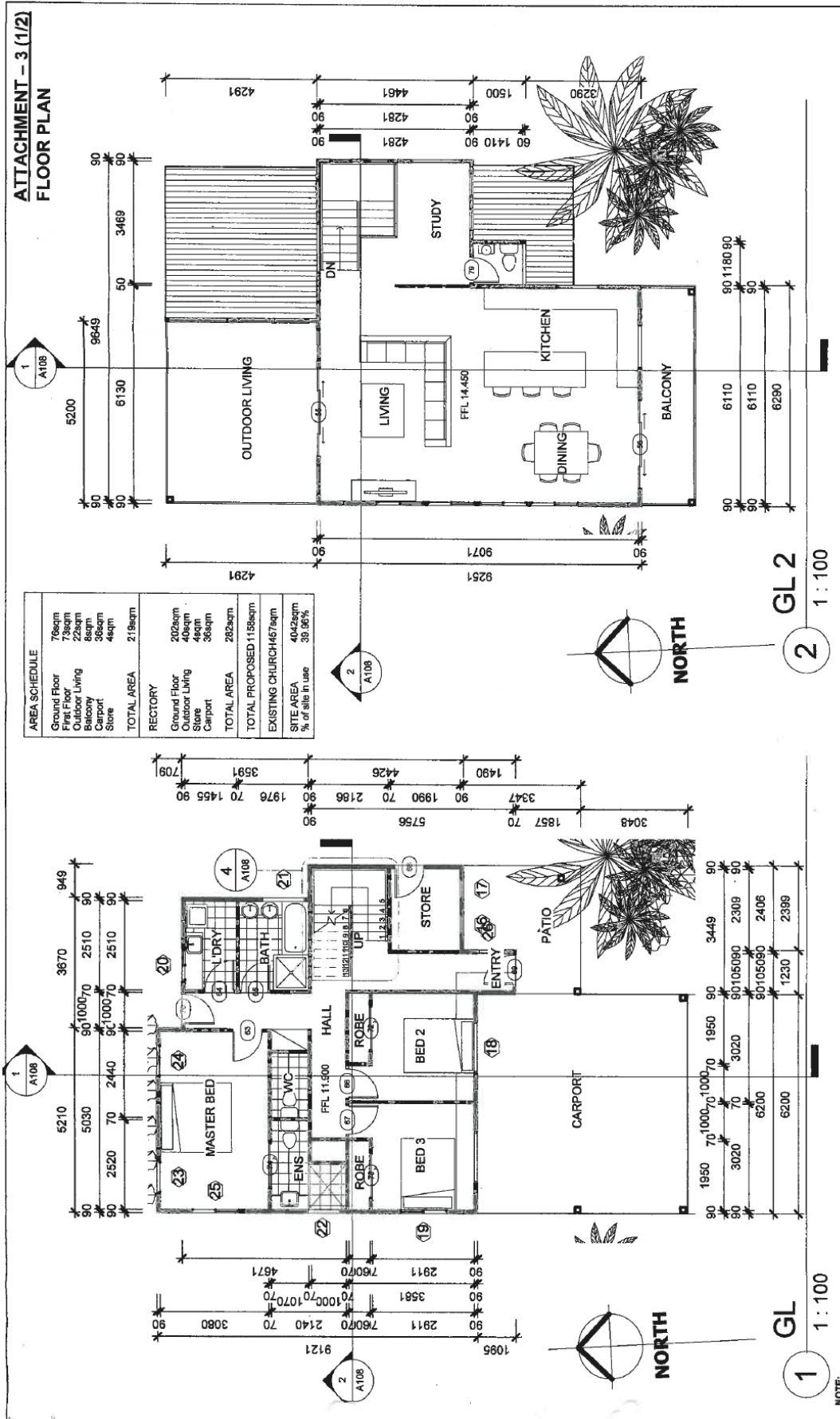
AREA SCHEDULE	
Ground Floor	78sqm
First Floor	23sqm
Carport	23sqm
Balcony	8sqm
Carport	36sqm
Store	4sqm
TOTAL AREA	218sqm
RECTORY	
Ground Floor	202sqm
Outdoor Living	40sqm
Store	4sqm
Carport	36sqm
TOTAL AREA	282sqm
TOTAL PROPOSED	1156sqm
EXISTING CHURCH	457sqm
SITE AREA	4042sqm
% of site in use	39.56%

Site
1 : 500

NOTE: All structural members including beams, lintels, supports and footings are the responsibility of the builder and/or builder's engineer. Confirm size and position of all structural members before commencement of site works. All measurements to be checked on site before building commences.

 <p>ph: 0425 761 506 bda.design@westnet.com.au 2/14 St. St. PERTH WA</p>		SITE PLAN	
		129 - A - A101	
No.	Description	Date	Scale
			1:500
DIOCESE OF N.W. AUSTRALIA - PORT HEDLAND ANGLICAN CHURCH 9 Padbury Place PORT HEDLAND WA PROPOSED 4 DWELLINGS AND RECTORY			Drawn by MB Date 04/22/09

ATTACHMENT 3 TO AGENDA ITEM 11.1.2.2



AREA SCHEDULE	
Ground Floor	76sqm
First Floor	73sqm
Outdoor Living	22sqm
Balcony	5sqm
Carport	4sqm
Store	4sqm
TOTAL AREA	218sqm
RECTORY	
Ground Floor	202sqm
Outdoor Living	40sqm
Store	4sqm
Carport	36sqm
TOTAL AREA	282sqm
TOTAL PROPOSED	1158sqm
EXISTING CHURCH	467sqm
SITE AREA	4042sqm
% of site in use	39.36%

ATTACHMENT - 3 (1/2)
FLOOR PLAN

GL 2 1 : 100

GL 1 1 : 100

NOTE:
All structural members including beams, lintels, supports and footings are the responsibility of the builder and/or builder's engineer. Confirm size and position of all structural members before commencement of fitworks. All measurements to be checked on site before building commences.

No.	Description	Date

FLOOR PLANS

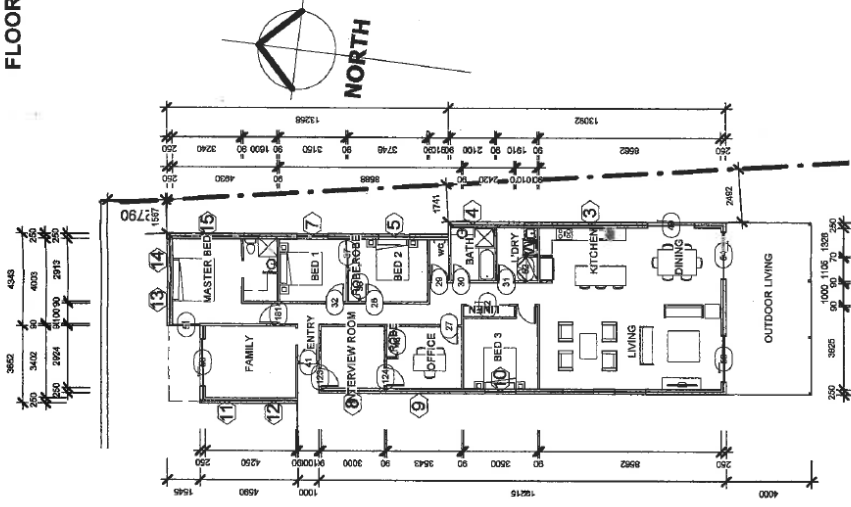
DIOCESE OF N.W. AUSTRALIA - PORT HEDLAND
ANGLICAN CHURCH
9 Padbury Place PORT HEDLAND WA

PROPOSED 4 DWELLINGS AND RECTORY

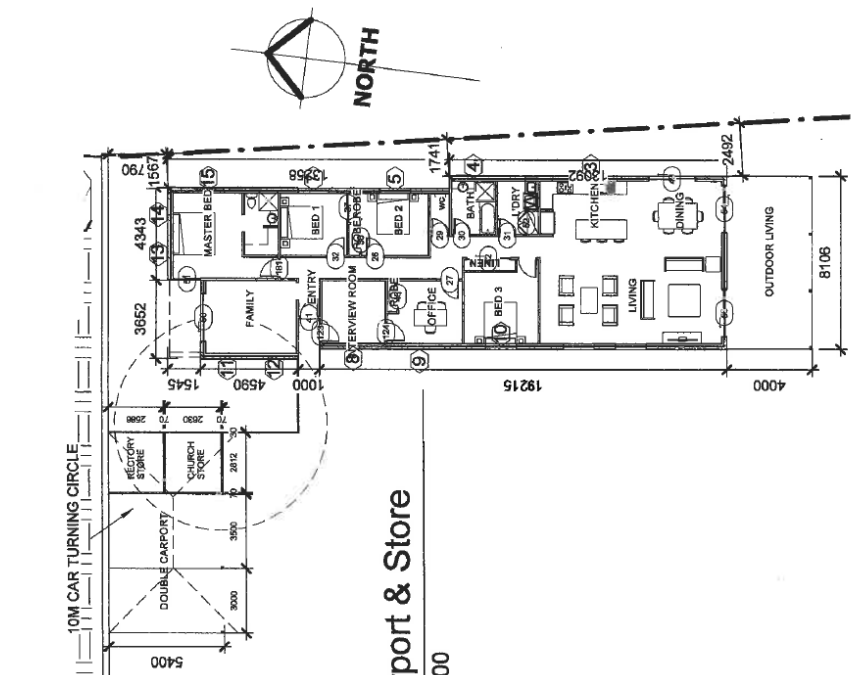
Date: 04/23/09
129 - A - A102
Drawn by: MB
Scale: 1 : 100

BDA design
ph: 0425 751 506
bda.design@westnet.com.au
-114.82.151.151

ATTACHMENT - 3 (2/2)
FLOOR PLAN



3 Ground floor 2
1 : 200



1 Ground Floor
1 : 200

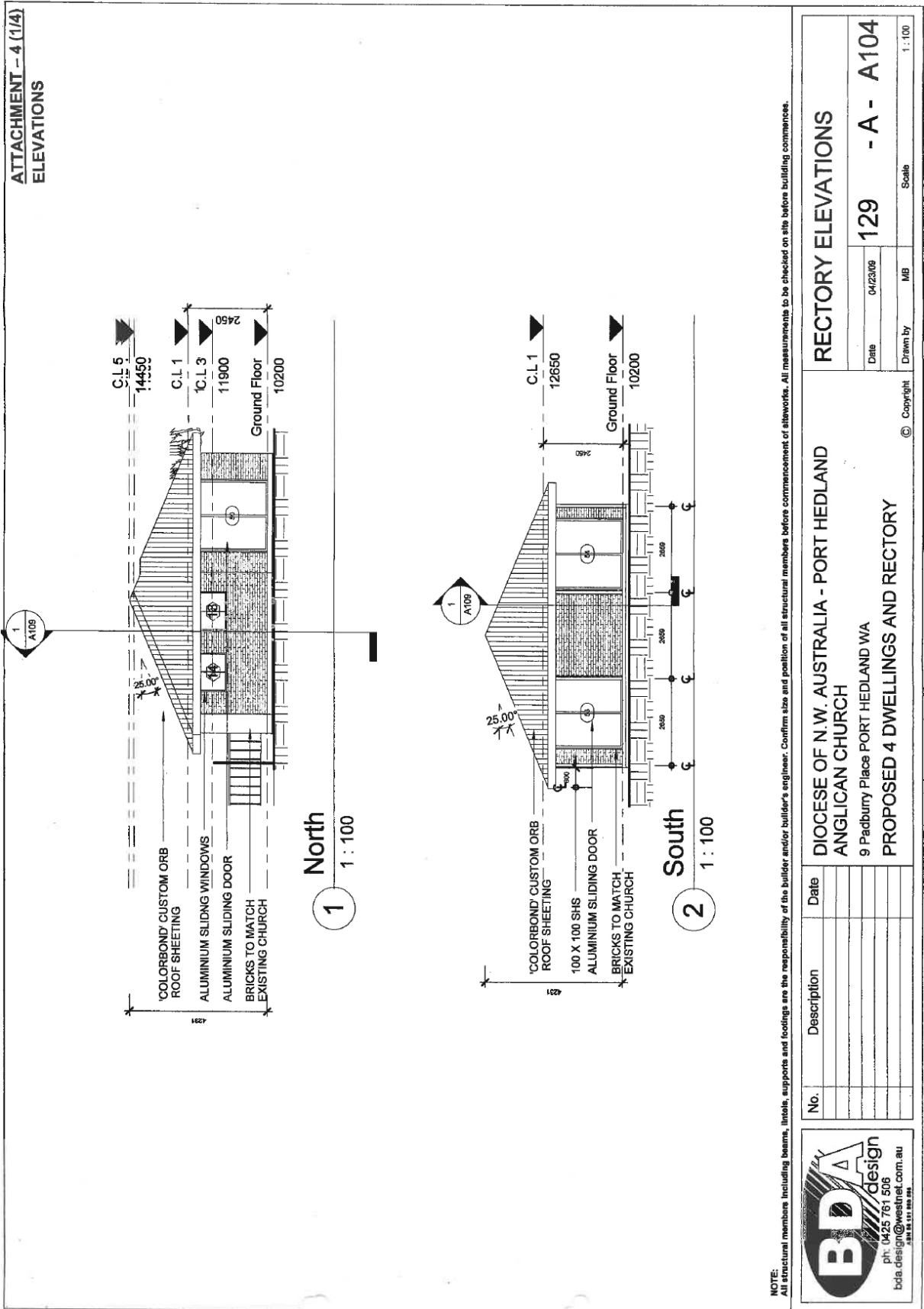
AREA SCHEDULE	
Ground Floor	78sqm
First Floor	73sqm
Outdoor Living	22sqm
Balcony	8sqm
Carport	38sqm
Store	4sqm
TOTAL AREA	219sqm
RECTORY	
Ground Floor	202sqm
Outdoor Living	41sqm
Store	4sqm
Carport	38sqm
TOTAL AREA	285sqm
TOTAL PROPOSED 1158sqm	
EXISTING CHURCH 467sqm	
SITE AREA	624sqm
% of site in use	33.96%

2 Carport & Store
1 : 200

NOTE: All structural members including beams, lintels, supports and footings are the responsibility of the builder and/or builder's engineer. Confirm size and position of all structural members before commencement of site works. All measurements to be checked on site before building commences.

		FLOOR PLANS	
		Date	04/23/09
No.	Description	Date	129 - A - A103
DIOCESE OF N.W. AUSTRALIA - PORT HEDLAND ANGLICAN CHURCH 9 Padbury Place PORT HEDLAND WA PROPOSED 4 DWELLINGS AND RECTORY		Drawn by MB Scale 1 : 200	Copyright © Scale 1 : 200

ATTACHMENT 4 TO AGENDA ITEM 11.1.2.2

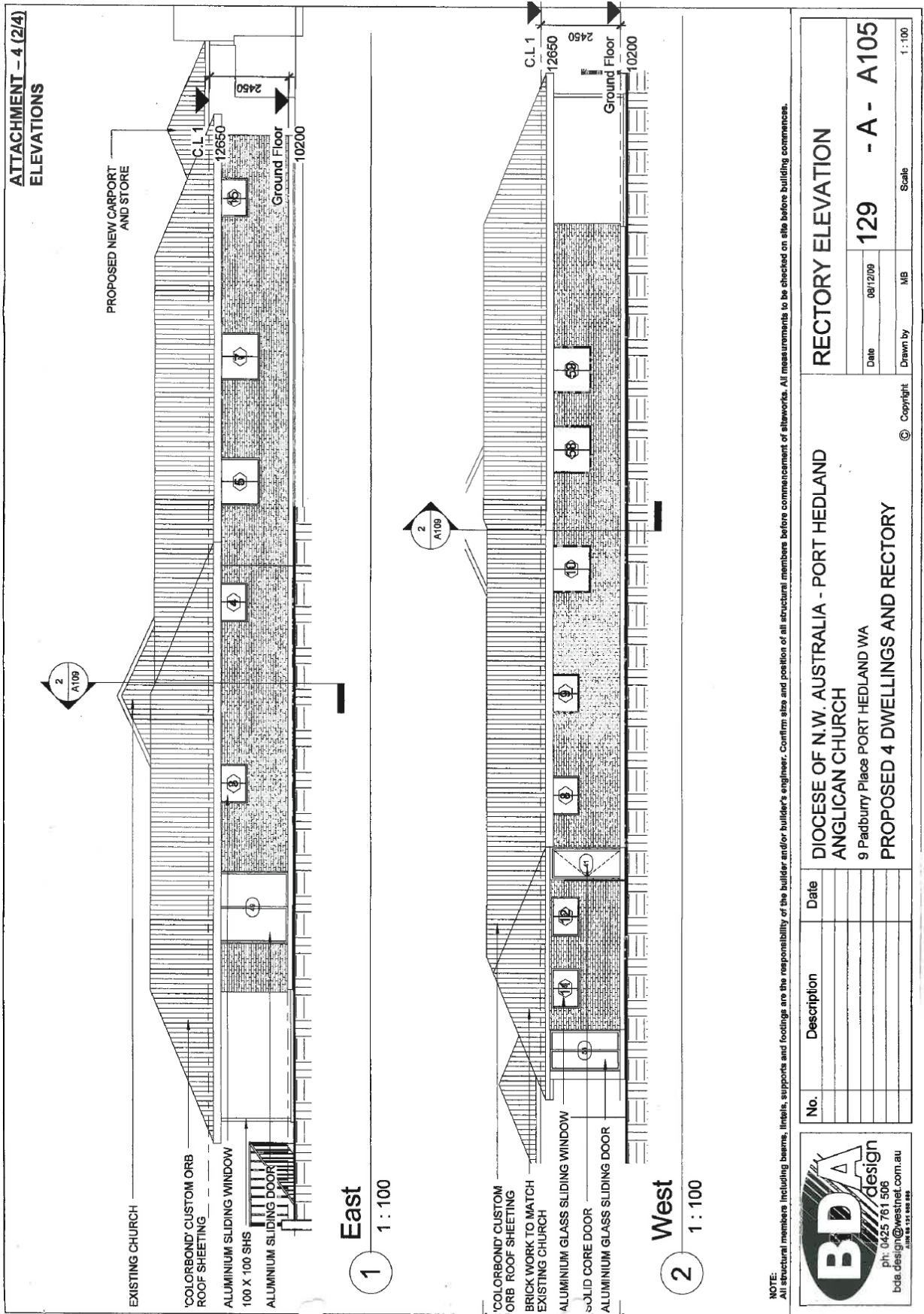


RECTORY ELEVATIONS	
Date	04/23/09
Drawn by	MB
Scale	1 : 100

DIOCESE OF N.W. AUSTRALIA - PORT HEDLAND
ANGLICAN CHURCH
9 Padbury Place PORT HEDLAND WA
PROPOSED 4 DWELLINGS AND RECTORY

No.	Description	Date

BDA
design
ph: (0425 761 506
bda.design@westnet.com.au
A191 18 117 881 098



NOTE: All structural members including beams, lintels, supports and footings are the responsibility of the builder and/or builder's engineer. Confirm size and position of all structural members before commencement of site works. All measurements to be checked on site before building commences.

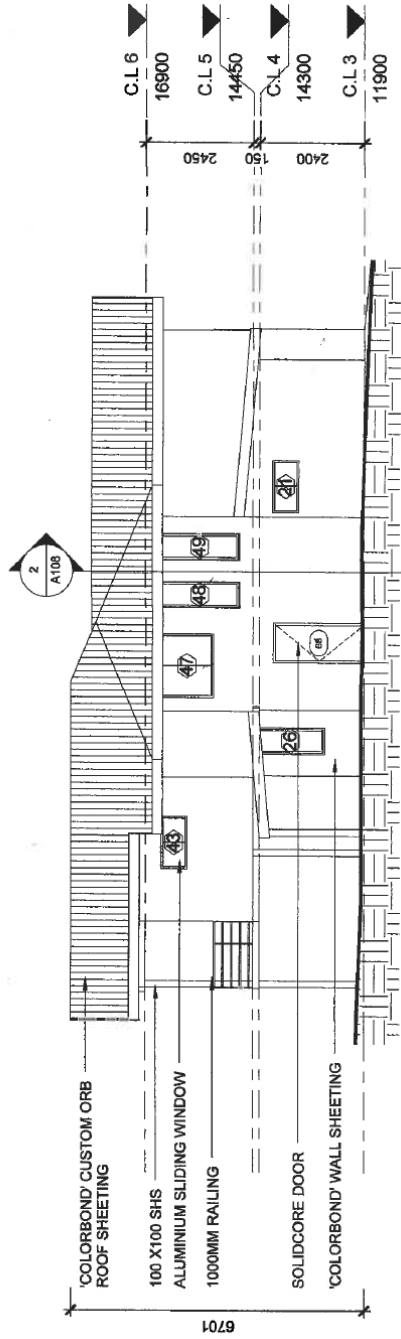
ph: 0425 781 506
bda.design@westnet.com.au
1300 65 131 506 505

No.	Description	Date

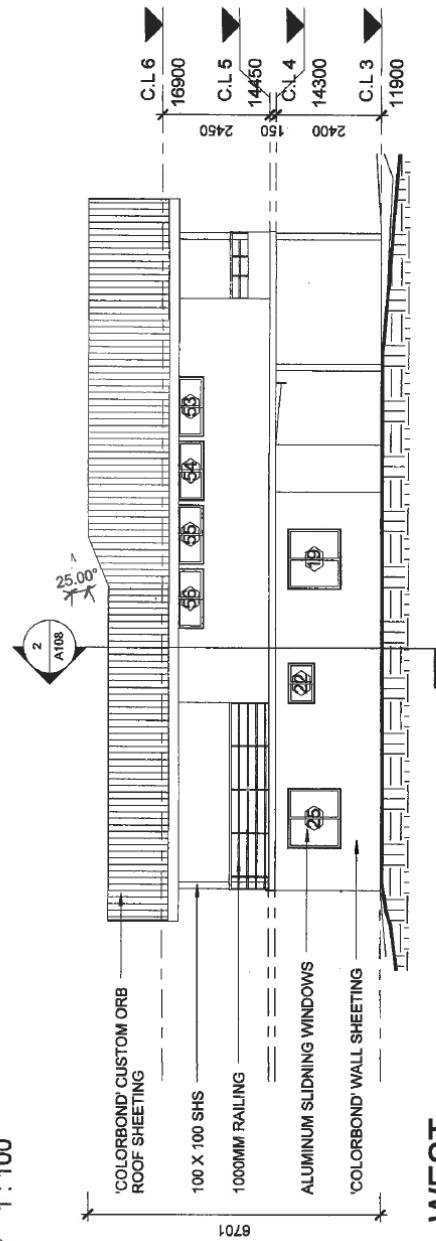
**DIOCESE OF N.W. AUSTRALIA - PORT HEDLAND
ANGLICAN CHURCH**
9 Padbury Place PORT HEDLAND WA
PROPOSED 4 DWELLINGS AND RECTORY

RECTORY ELEVATION		
Date	08/12/09	129 - A - A105
Drawn by	MB	Scale
		1 : 100

**ATTACHMENT - 4 (3/4)
ELEVATIONS**



1
EAST
1 : 100

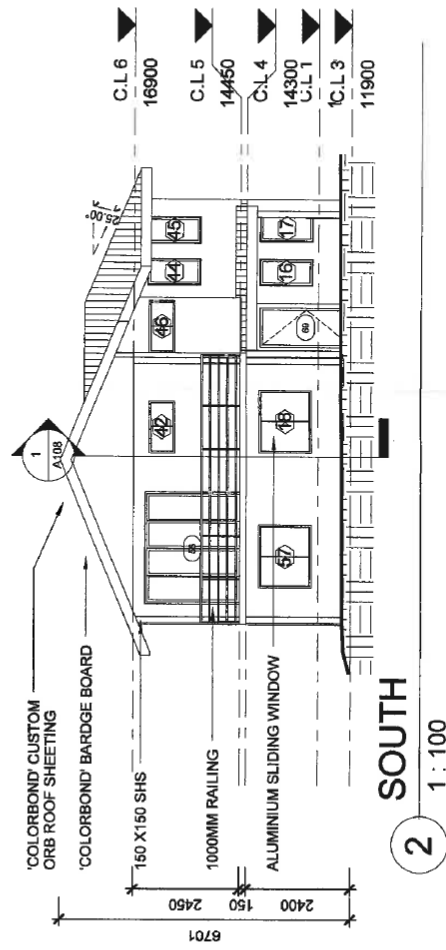
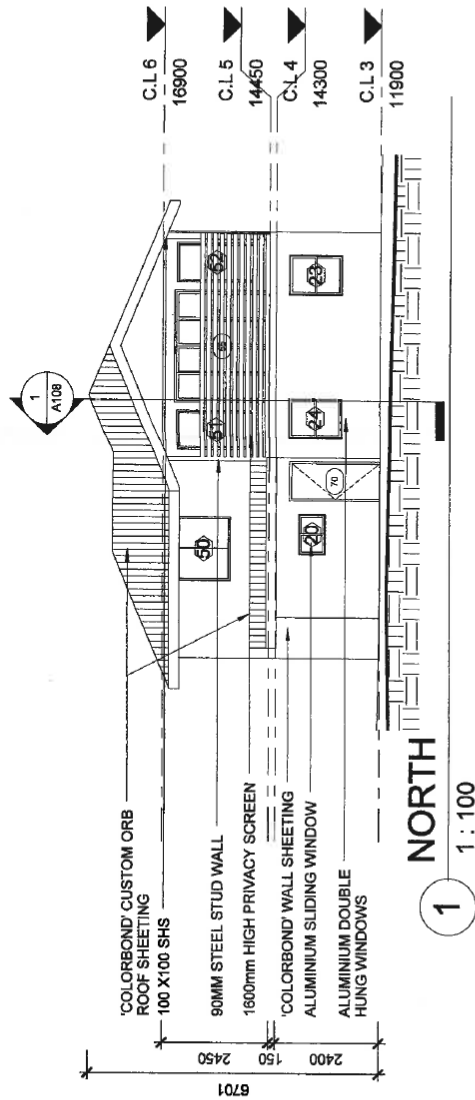


2
WEST
1 : 100


NOTE: All structural members including beams, inlets, supports and footings are the responsibility of the builder and/or builder's engineer. Confirm size and position of all structural members before commencement of fitworks. All measurements to be checked on site before building commences.

 <p>ph: 0425 761 506 bda.design@westnet.com.au EST. 02.01.04</p>		<p>ELEVATIONS</p> <p>129 - A - A106</p>	
No.	Description	Date	09/12/09
<p>DIOCESE OF N.W. AUSTRALIA - PORT HEDLAND ANGELICAN CHURCH 9 Padbury Place PORT HEDLAND WA PROPOSED 4 DWELLINGS AND RECTORY</p>		Drawn by	MB
		Copyright	©
		Scale	1 : 100

**ATTACHMENT - 4 (4/4)
ELEVATIONS**



NOTE: All structural members including beams, lintels, supports and footings are the responsibility of the builder and/or builder's engineer. Confirm site and position of all structural members before commencement of fitworks. All measurements to be checked on site before building commences.

 <p>ph: 0425 761 506 bda.design@westnet.com.au A 100 05 01 008 004</p>		<p>ELEVATIONS</p>	
		Date	04/23/09
No.	Description	Date	129 - A - A107
		Drawn by	MB
		Scale	1:100

**DIOCESE OF N.W. AUSTRALIA - PORT HEDLAND
ANGELICAN CHURCH**
9 Padbury Place PORT HEDLAND WA
PROPOSED 4 DWELLINGS AND RECTORY

11.1.2.3 Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Facilitate the Creation and Implementation of the Wedgefield Industrial Estate Development Plan (File No.: 18/09/0031)

Officer	Luke Cervi Planning Officer
Date of Report	4 January 2010
Application Number	2009/756
Disclosure of Interest by Officer	Nil

Summary

This report outlines the changes proposed to the Town of Port Hedland Town Planning Scheme No.5 (TPS5) to facilitate the creation and implementation of the Wedgefield Industrial Estate Development Plan (WIEDP) which has been prepared to coordinate the strategic expansion of Wedgefield for light and transport related industrial purposes. The proposed changes consist of the following:

1. Inserting the 'Wedgefield Industrial Estate Development Plan (WIEDP) into Appendix 5 of TPS5.
2. Modifying the 'Airport Development Plan Area' in Appendix 5 of TPS5 by excluding land to be included in the WIEDP
3. Creating a 'Light Industry' zone
4. Creating a 'Transport Industry' zone
5. Rezoning land in accordance with the WIEDP
6. Including additional definitions and/or changes to existing definitions

Background

The Land Use Master Plan (LUMP) was adopted by Council to guide the growth and development of the Town over the next 20-25 years. Section 3.2 of the LUMP identified a short supply of four types of industrial land within Port Hedland being noxious uses, transportation-related businesses, light industry and mixed businesses.

The LUMP established the following policies for industrial development:

- 2.4(a) Contain the spread of industrial uses in well planned, orderly precincts that are located to take advantage of existing infrastructure wherever possible, to support existing industrial development, and to avoid conflicts with adjacent land uses.*

2.4(b) Identify appropriate locations for different types of industrial uses, promoting synergies among related businesses and avoiding conflicts between noxious and light industrial uses.

2.4(c) Establish high standards of design and construction quality and landscape development to protect the “view from the road” on Great Northern Highway and the entries to South Hedland, Wedgefield and the Port area.

Furthermore the LUMP made the following recommendation in regard to Wedgefield:

Rezone the Wedgefield Special Control Area to Light Industry, making noxious uses “non-conforming”, and converting existing general industrial uses to “additional uses” for a period of ten years from the date that new land suitable for general industrial use is released for development. Following this 10-year period, all general industrial uses in Wedgefield also become non-conforming.

The WIEDP has been prepared to coordinate the strategic expansion of Wedgefield for light and transport related industrial purposes.

Consultation

Extensive consultation with LandCorp, Main Roads Western Australia, Port Hedland Port Authority, Department of Planning, Department of Environment and Conservation and Horizon Power has been undertaken in the preparation of the WIEDP. Public consultation will occur if Council decides to initiate the amendment.

Statutory Implications

The *Planning and Development Act 2005* and the *Town Planning Regulations 1967* provide Council the authority to amend its Local Planning Scheme and establish the procedure required to make this amendment.

Draft State Planning Policy 4.1 – State Industrial Buffer (amended) is also relevant to this proposal.

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4 – Economic Development
Goal 4 – Land Development Projects

Strategy 1 - Fast-track the release and development of commercial, industrial and residential land in a sustainable manner including:

- 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.

Key Result Area 4 – Economic Development

Goal 5 – Town Planning & Building

Strategy 1 - Work with key stakeholders to ensure that the Land Use Master Plan is implemented.

Budget Implications

A fee of \$1,650 to initiate the Scheme Amendment has been received.

Officer's Comment

The LUMP identified a short supply of four types of industrial land within Port Hedland being:

- noxious uses – including operations that generate excessive noise, odour, dust or other negative impacts;
- transportation-related businesses – that operate over-sized equipment and need immediate access to various kinds of specialised services such as refueling and tyre replacement depots, truck washes or maintenance yards;
- light industry – including construction yards, prefabricators and mechanical maintenance and repairs – similar to the array of small businesses that make up much of Wedgefield; and
- mixed businesses – including showrooms, warehousing, car and boat sales yards – the type of large scale retail and service activities that are inappropriate in a town centre.

The new zones to be created are Light Industry and Transport Development. The intent of the Light Industry zone is to provide land for the purpose of generally small scale industrial development, which exhibit a high standard of design and environmental performance in terms of amenity, noise, emissions and generation of vehicular traffic. The purpose of the Transport Development zone is to accommodate the operation of over-sized equipment and services supporting the transport industry.

It is important to note that the proposed WIEDP has been developed to facilitate the expansion of Wedgefield for Light and Transport related industries in accordance with the LUMP. It will not provide for noxious uses and general industry uses.

It is acknowledged that there is pressure to release land for these purposes, however, this land is not appropriate for such purposes. Permitting noxious and general industry uses would conflict with policy 2.4(a) and 2.4(b) of the LUMP and the recommendation for Wedgefield, which are as follows:

- *2.4(a) Contain the spread of industrial uses in well planned, orderly precincts that are located to take advantage of existing infrastructure wherever possible, to support existing industrial development, and to avoid conflicts with adjacent land uses.*
- *2.4(b) Identify appropriate locations for different types of industrial uses, promoting synergies among related businesses and avoiding conflicts between noxious and light industrial uses.*
- *Rezone the Wedgefield Special Control Area to Light Industry, making noxious uses “non-conforming”, and converting existing general industrial uses to “additional uses” for a period of ten years from the date that new land suitable for general industrial use is released for development. Following this 10-year period, all general industrial uses in Wedgefield also become non-conforming.*

It is further noted that caretaker dwellings will not be permitted within either of the new zones in the interim. Whilst it is intended to eventually allow caretakers dwellings as a SA (planning permit required) use, current land use conflicts relating to existing noxious and general industries in the area need to be resolved first. This is highlighted within the LUMP and is consistent with current controls under TPS5.

As new zones are being created, the zoning table will need to be changed to include the new zones. In doing this, it is also proposed to include some new/amended definitions (e.g. Container Park, Distribution Centre, Fuel Depot, etc) into TPS5 to assist in categorising and controlling land use. These new definitions will also need to be included in the zoning table for the existing zones.

Options

Council has the following options in dealing with the matter:

1. Initiate the Scheme Amendment.
2. Refuse to initiate the Scheme Amendment

Attachments

1. Proposed Zoning Plan – TPS5. Wedgefield Industrial Estate
2. Land Use Master Plan (LUMP) Wedgefield Industrial Estate

3. Indicative Power Supply Plan – Wedgefield Industrial Estate
4. Wedgefield Industrial Estate Development Plan
5. Proposed Development Plan Areas
6. Scheme Amendment Map indicating Existing and Proposed Zonings

200910/225 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council Initiate a Town Planning Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 by:

1. Rezoning Lots 300, 301, 5871 and 5872 Schillaman Street currently zoned "Transient Workforce Accommodation R20" and Lot 5858 Schillaman Street reserved "Parks and Recreation" to "Industry" zone as depicted on the amendment map;
2. Rezoning the land generally bound by Great Northern Highway, Pinga Street, and the boundary of the Port Hedland Port Authority land currently reserved for "Other Purpose – Infrastructure", "Parks and Recreation" and "Local Road" and "State and Regional Road" and "Transient Workforce Accommodation R20" to "Transport Development" zone as depicted on the amendment map;
3. Rezoning the land generally bound by Wallwork Road, The Port Hedland – Goldsworthy Railway, Cajarina Road and Great Northern Highway currently reserved for "Other Purpose – Infrastructure" and "State and Regional Road" to "Light Industry" zone as depicted on the amendment map; and
4. Amending the Scheme text by:
 - i) **Inserting section "3.1 (c) iv. Transport Development"**
 - ii) **Inserting section "3.1 (c) v. Light Industry"**
 - iii) **Amending section 3.2.3 to read "Notwithstanding the provisions of 3.2.2, development may only be permitted within the Urban Development, Industrial Development or Transport Development zones where:**
 - (a) A Development Plan has been adopted for the subject land and the development is in accordance with the plan: or
 - (b) Council has resolved that a Development Plan is not required."

- iv) **Inserting section “5.2.1 (g) Transport Development zone”**
- v) **Inserting section “5.2.1 (h) Light Industry zone”**
- vi) **Amending section 6.7.1 to read “In determining applications for planning approval within the Strategic Industry, Industry, Industrial Development, Transport Development and Light Industry zones, Council shall have regard to any relevant Council Policy Statement adopted under Part V of the Scheme.”**
- vii) **Amending section 6.7.2 to read “In considering planning applications within the Strategic Industry, Industry, Industrial Development, Transport Development and Light Industry zones, Council shall have regard for the:**
 - (a) compatibility of uses,
 - (b) potential impact of the proposal on the efficient and effective operations of the existing and planning industry, infrastructure or public purpose, and
 - (c) risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use.”
- viii) **Amending section 6.7.8 to read “When considering applications for planning approval in the Industry, Industrial Development, Transport Development and Light Industry zones Council shall require any buildings to:**
 - (a) Be set back a minimum of six metres from the front boundary,
 - (b) Cover no more than fifty percent of the lot,
 - (c) Include building facades comprised of materials to Council’s satisfaction,
 - (d) Include on-site car parking, wholly or partly within the setback area, with a minimum of one car parking bay for each person employed or normally engaged on the site plus three visitor bays, unless otherwise stipulated in Appendix 7 or section 6.13,
 - (e) Provide for the storage or materials not within the front setback unless for a temporary period as determined by Council, and
 - (f) Have regard for any other development standard contained in the Policy Manual.”

ix) Inserting as section 6.7:**“Transport Development Zone**

- 6.7.15** The purpose of the Transport Development zone is to accommodate the operation of over-sized equipment and services supporting the transport industry.
- 6.7.16** When considering applications within the Transport Development zone, in addition to the requirements of 4.5, Council must have regard to the following:
- (a)** the purpose of the zone;
 - (b)** consideration to the size of vehicles, with a preference for larger vehicles;
 - (c)** preference to industries supporting the transport and heavy vehicle industry.
- 6.7.17** All development requirements related to the Industry zone also apply to the Transport Development zone.
- 6.7.18** Council may prepare, or require to be prepared, a Development Plan for land within the Transport Development zone. The provisions of sub-clauses 5.2.2 to 5.2.11 of the Scheme shall apply in relation to the adoption, approval, modification and implementation of any such plan. Although subdivision and development may take place prior to the Scheme maps being amended to reflect the details of Development Plans; the Scheme maps should be amended as soon as practicable following the creation of lots and Crown reserves.
- 6.7.19** The Development Plan shall address the matters outlined in Appendix 6.

Light Industry Zone

- 6.7.20** The purpose of the Light Industry zone is to accommodate for a range of generally small scale industrial development, which exhibit a relatively high standard of design and environmental performance in terms of amenity, noise, emissions and generation of vehicular traffic.

6.7.21 All development requirements related to the Industry zone also apply to the Light Industry zone.

6.7.22 Council may prepare, or require to be prepared, a Development Plan for land within the Light Industry zone. The provisions of subclauses 5.2.2 to 5.2.11 of the Scheme shall apply in relation to the adoption, approval, modification and implementation of any such plan.

6.7.23 The Development Plan shall address the matters outlined in Appendix 6.”

- x) Amending section 6.14.5 to read “Within the Industry, Industrial Development, Transport Development and Light Industry zones, any outside area which Council considers may become untidy or is currently untidy when visible from the street shall be screened by a wall, fence or planting, including gates where access is required, to the satisfaction of Council.”
- xi) Renumbering the subsequent sections accordingly;
- xii) Inserting the following rows and columns in the Zoning Table and renumbering the Use Classes accordingly:

ZONING TABLE		Transport	Light
		Developme	Industrv
Residential			
1	Aged or Dependent Persons Dwelling	~	~
2	Ancillary Accommodation	~	~
3	Caretaker’s Dwelling	~	~
4	Grouped Dwelling	~	~
5	Holiday Accommodation	~	~
6	Home Occupation	~	~
7	Hotel	~	~
8	Motel	~	~
9	Movable Dwelling	~	~
10	Multiple Dwelling	~	~
11	Residential Building	~	~
12	Rural Settlement	~	~
13	Single House	~	~
14	Transient Workforce Accommodation	~	~
Industry			
15	Abattoir	~	~

16	Agriculture	~	~
17	Arts and Crafts Centre	~	~
18	Intensive Agriculture	~	~
19	Fuel Depot	AA	~
20	Harbour Installation	AA	~
21	Hire Service (Industrial)	P	AA
22	Industry – Cottage	~	P
23	Industry – Extractive	~	~
24	Industry – General	~	~
25	Industry – Light	~	P
26	Industry – Noxious	~	~
27	Industry – Rural	SA	~
28	Industry – Service	~	AA
29	Industry – Resource Processing	~	~
30	Industry - Transport	AA	~
31	Infrastructure	AA	AA
32	Stockyard	~	~
33	Storage Facility/Depot/Laydown Area	SA	~
34	Container Park	P	~
35	Distribution Centre	P	AA
36	Transport Depot	P	~
37	Truck Stop	SA	~
Commerce			
38	Aerodrome	~	~
39	Display Home Centre	~	AA
40	Dry Cleaning	~	P
41	Market	~	AA
42	Motor Vehicle and/or Marine Repair	AA	AA
43	Motor Vehicle and/or Marine Sales or Hire	SA	AA
44	Motor Vehicle and/or Marine Service Station	AA	SA
45	Motor Vehicle and/or Marine Wrecking	~	~
46	Motor Vehicle Wash	AA	AA
47	Office	IP	IP
48	On-site Canteen	IP	IP
49	Outdoor Display	IP	IP
50	Reception Centre	~	~
51	Restaurant (includes café)	~	~
52	Restricted Premises	~	AA
53	Shop	~	~
54	Showroom	~	AA
55	Take-away Food Outlet	~	SA
56	Warehouse	AA	P
Health, Welfare & Community Services			
57	Carpark	P	AA
58	Child Care Service	~	~
59	Community Use	~	~
60	Consulting Rooms	~	~
61	Education Establishment	~	AA

62	Emergency Services	~	AA
63	Funeral Parlour	~	AA
64	Hospital	~	~
65	Juvenile Detention Centre	~	~
66	Medical Centre	~	~
67	Nursing Home	~	~
68	Place of Animal Care	~	SA
69	Place of Public Meeting, Assembly or Worship	~	~
70	Prison	~	~
71	Public Mall	~	~
72	Public Utility	P	P
Entertainment, Recreation & Culture			
73	Equestrian Centre	~	~
74	Entertainment Venue	~	SA
75	Private Recreation	~	AA
76	Public Recreation	~	AA

The symbols used in the zoning table have the following meanings:

- P** The development is permitted by the Scheme
- AA** The development is not permitted unless the Council has granted planning approval
- SA** The development is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 4.3
- IP** The development is not permitted unless the use to which it is put is incidental to the predominant use as decided by Council
- ~** A development that is not permitted by the Scheme

- xiii) Inserting the following definitions in Appendix 1 – Definitions

“container park” means land, including outbuildings, used for the receiving, interim storage and forwarding of containers used for the transporting of equipment, goods and products, materials or similar either by sea, road or rail transport.

“distribution centre” means regional premises, building and land, used for the receipt and wholesale distribution of retail goods and products by air, sea, road or rail to retail, showroom and warehouse outlets.

“fuel depot” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail.

“industry – transport” means an industry which involves road, rail, air or sea freight transportation and includes supporting transport related industries providing services including fabrication and/or engineering of parts and components to the transport industry.

“transport depot” means land and buildings used or intended to be used for the transfer of goods or persons from one motor vehicle to another motor vehicle for hire or reward, or for the storage of goods delivered by road transport, and includes the maintenance, repair, garaging, parking or storage of such vehicles.

“truck stop” means land used for the parking of motor vehicles used for carrying goods, and may include facilities for ancillary accommodation of drivers and the retail sale of petroleum products and convenience goods, but excludes the garaging, management, and repair of any motor vehicle.

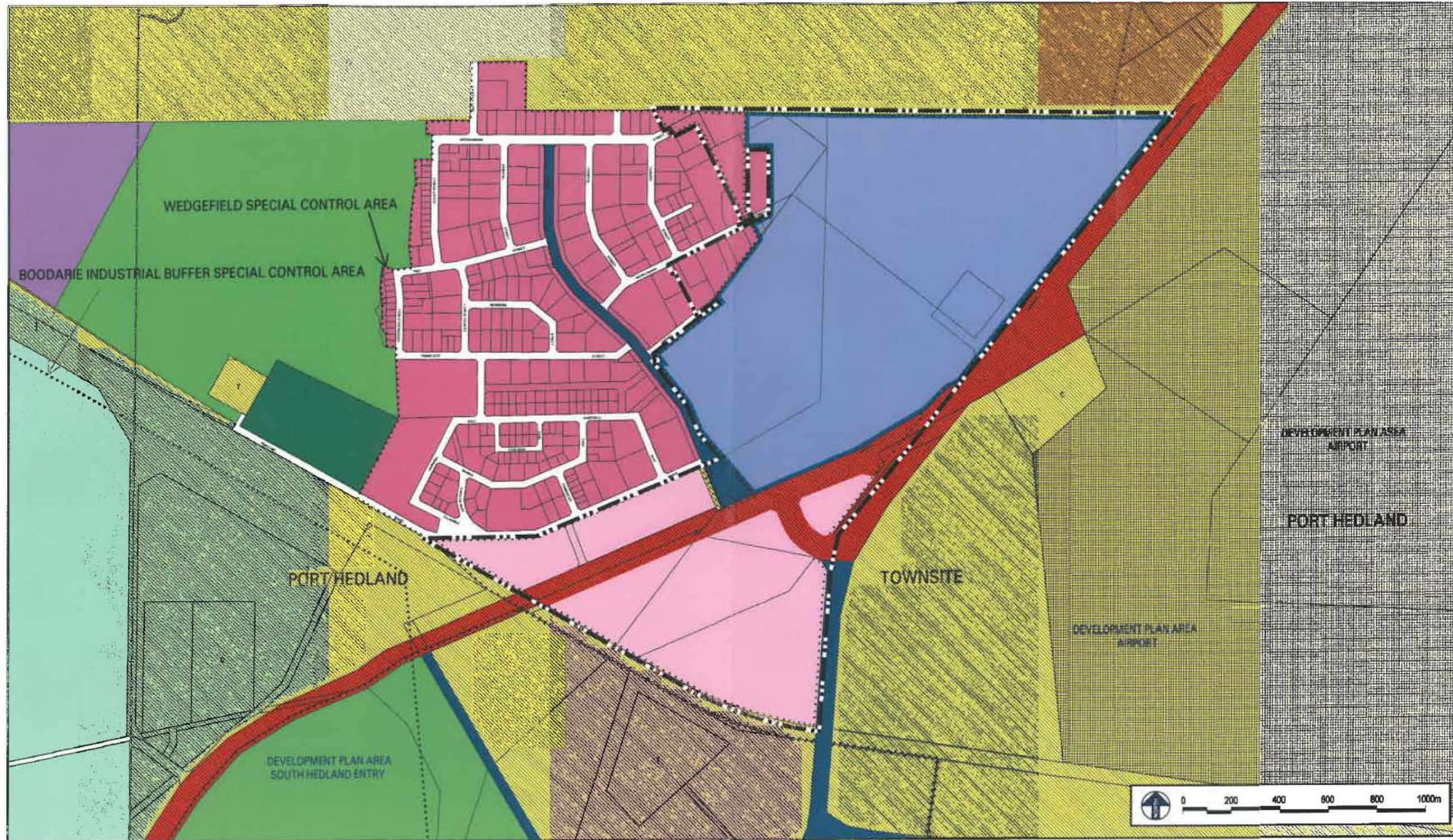
- xiv) Amending the “storage facility/depot/laydown area” definition in Appendix 1 - Definitions to read:

“storage facility/depot/laydown area” – any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling of prefabricated components of products and includes milk depots, earthworks contracting yards and salvage yards.

- xv) Amending Appendix 5 – Development Plan Areas to show the “Wedgefield Industrial Estate” as per the modified Appendix 5 – Development Plan Areas plan; and

- xvi) Amending the Scheme Maps accordingly.

CARRIED 8/0



**PROPOSED ZONING PLAN - TPS 5
WEDGEFIELD INDUSTRIAL ESTATE**

LEGEND

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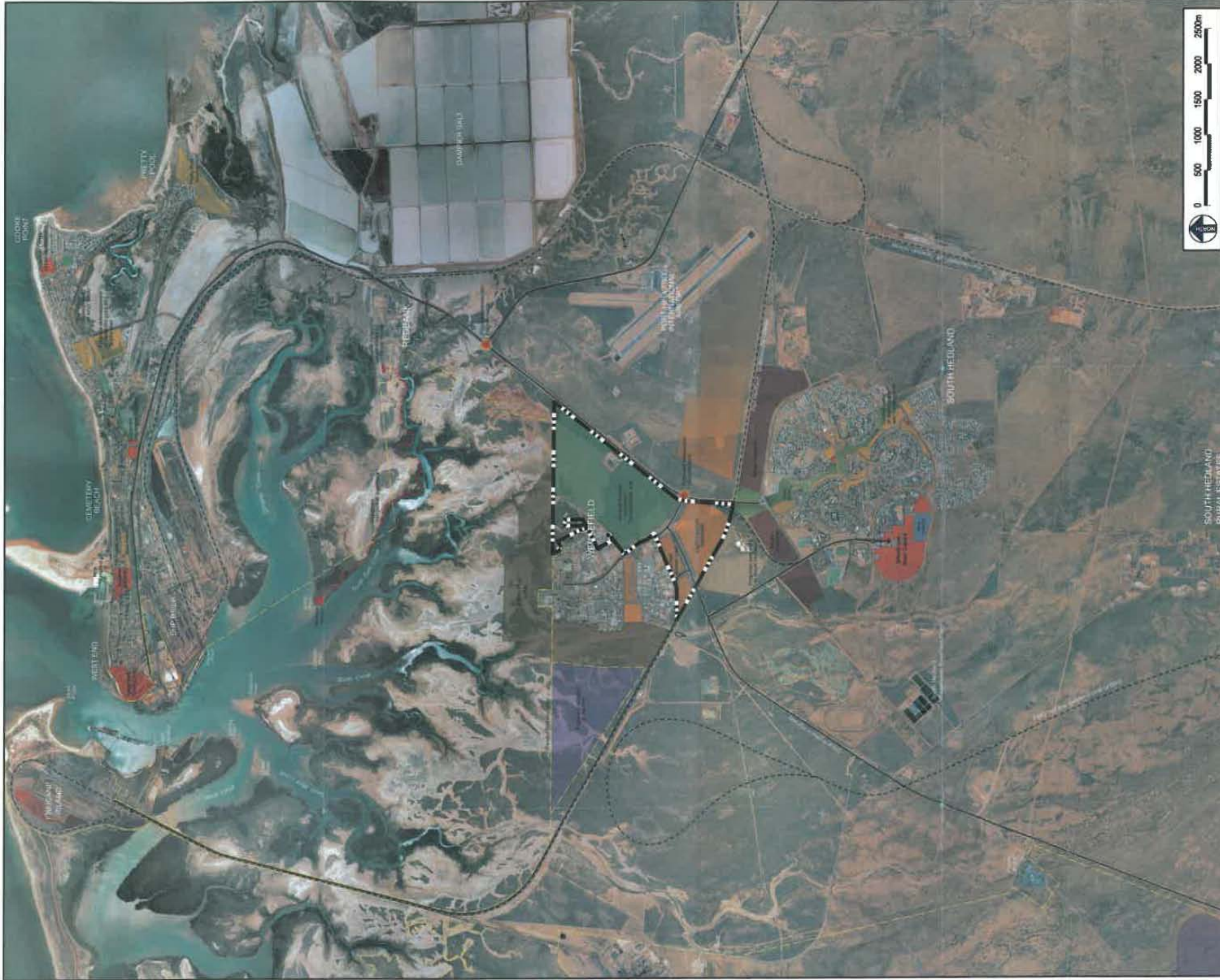
LOCAL SCHEME RESERVES		ZONES	
COMMERCIAL PURPOSES	TRANSIT WORKSPACE ACCOMMODATION	RESIDENTIAL	INDUSTRIAL
LOCAL ROAD	AIRPORT	LIGHT INDUSTRY	STRATEGIC INDUSTRIAL
STREET PUBLIC PURPOSES	COMMUNITY	TRANSPORT DEVELOPMENT	RURAL
OTHER PUBLIC PURPOSES	STATE AND REGIONAL ROAD	OPEN SPACE	
PORT HEDLAND	DISTRICT ROAD	OPEN SPACE	

LOCAL SCHEME BOUNDARY	SPECIAL CONTROL AREAS
LOCAL GOVERNMENT BOUNDARY	DEVELOPMENT PLAN AREAS
PROPERTY - LAND ACT	NO EDGE

LandCorp	CLIENT
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27 November 2009	DATE
3414_1-7-002c_DP.dgn	PLAN No
c	REVISION
T.C.	PLANNER
R.F.	DRAWN
N.T.	CHECKED

RPS koltasz smith
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PLAN 8



--- Wedgefield Industrial Estate Development Plan Area

**LAND USE MASTER PLAN (LUMP)
WEDGEFIELD INDUSTRIAL ESTATE**

PLAN 9

RPS koltaszsmith

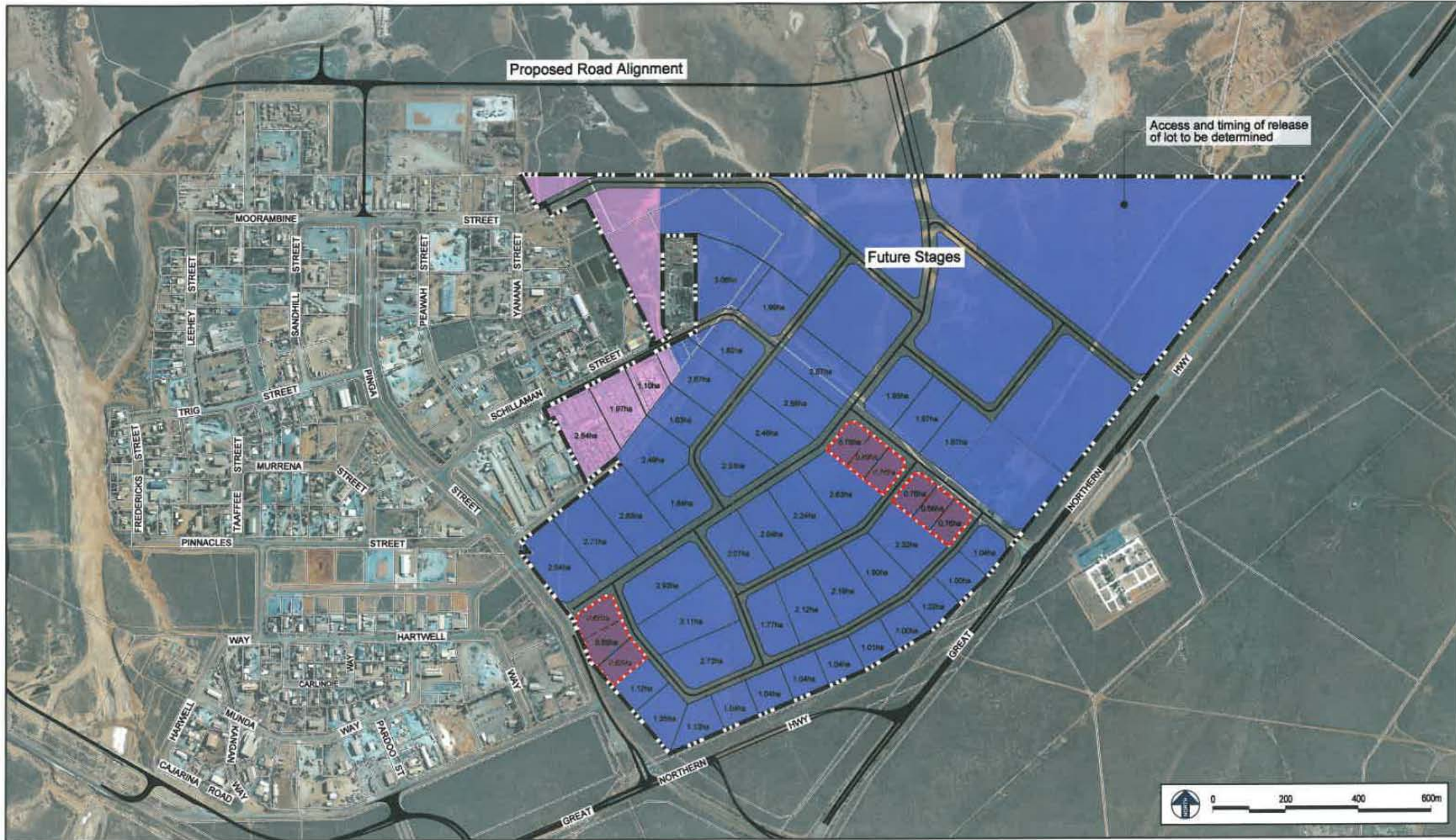
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LandCorp	CLIENT
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b	REVISION
T.C.	PLANNER
R.F.	DRAWN
N.T.	CHECKED

Image supplied by Town of Port Hedland
Projection MGA Zone 56

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Access and timing of release of lot to be determined

Future Stages

Proposed Road Alignment

**INDICATIVE POWER SUPPLY PLAN
WEDGFIELD INDUSTRIAL ESTATE**

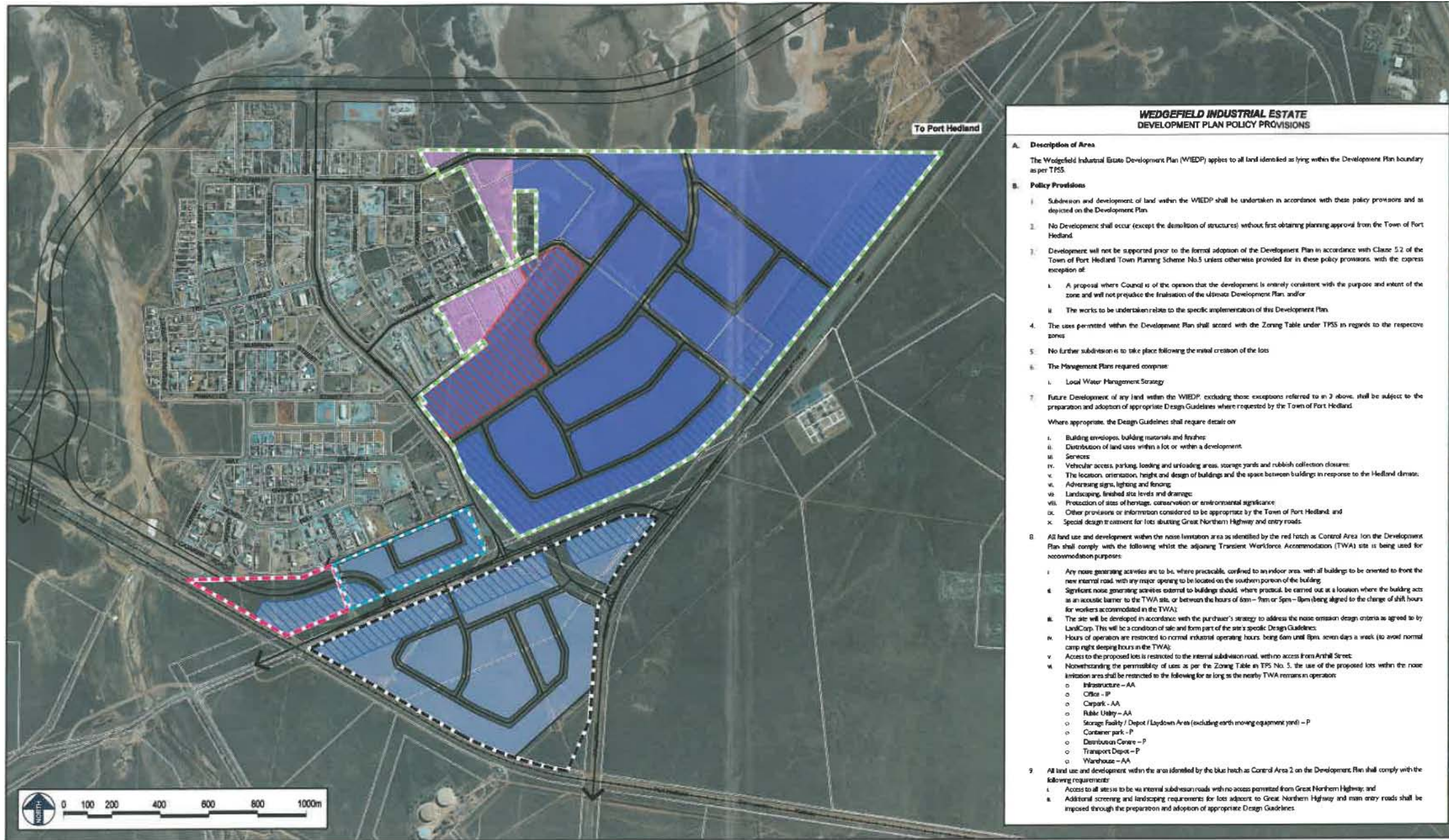
- LEGEND**
- Wedgfield Industrial Estate Development Plan Area
 - 100KVA / ha Power Supply
 - Transport Development
 - Industry

Base data supplied by Landgate & Main Roads, Projection MGA Zone 50
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T.C.	PLANNER
R.F.	DRAWN
N.T.	CHECKED

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PLAN 12



**WEDGEFIELD INDUSTRIAL ESTATE DEVELOPMENT PLAN
WEDGEFIELD INDUSTRIAL ESTATE**

Base data supplied by Landgate
Aerial Photography dated October 2008, accuracy +/- 4m, Projection MGA Zone 50
Areas and dimensions shown are subject to final survey calculations.
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LEGEND

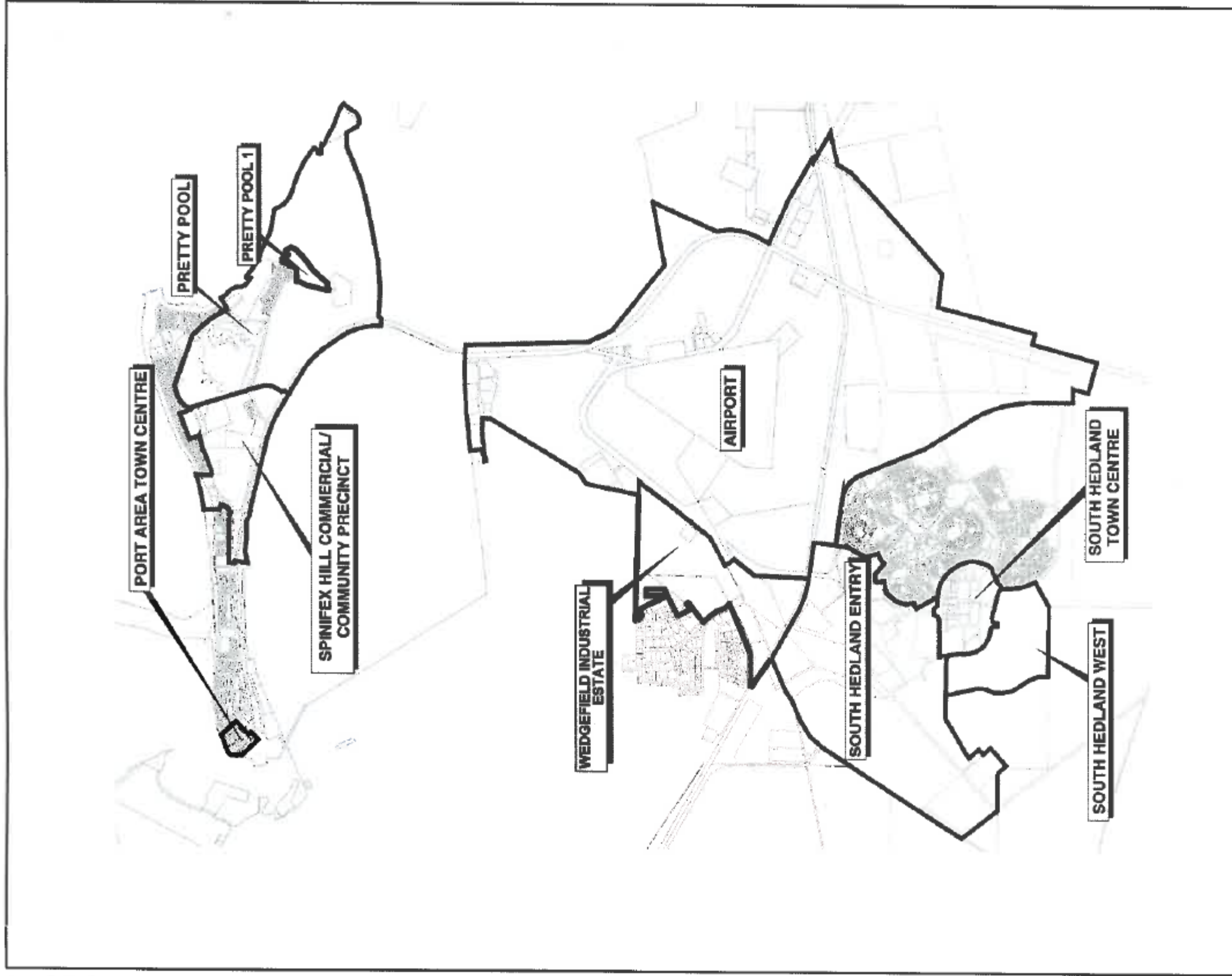
<ul style="list-style-type: none"> --- LIA 3 --- LIA 4 --- LIA 5 --- TRANSPORT DEVELOPMENT 	<ul style="list-style-type: none"> □ LIGHT INDUSTRY □ TRANSPORT DEVELOPMENT □ INDUSTRY □ CONTROL AREA 1 □ CONTROL AREA 2
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LandCorp	CLIENT
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2 December 2009	DATE
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	REVISION
T.C.	PLANNER
M.H.	DRAWN
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PLAN 14



PLAN 5

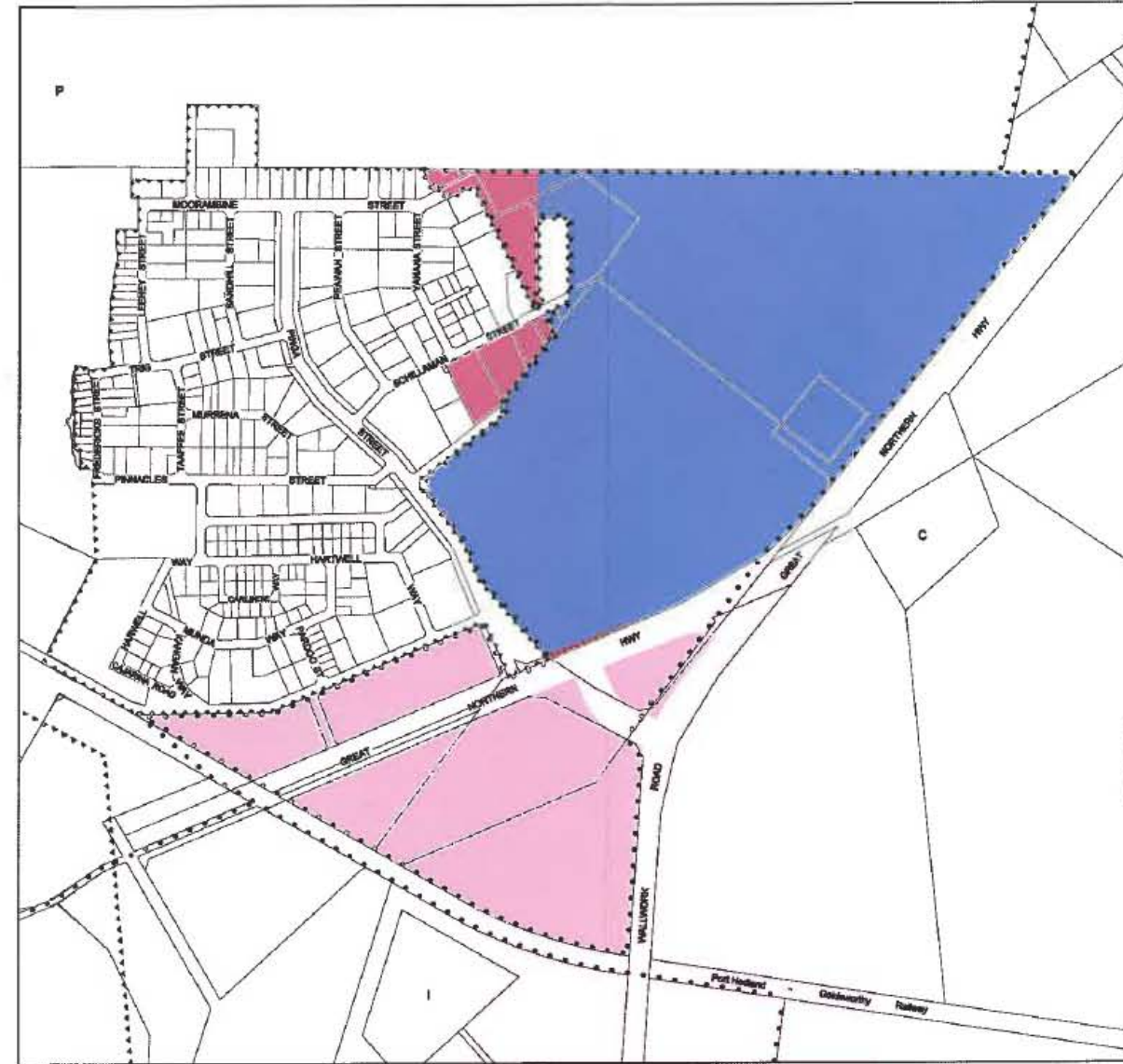
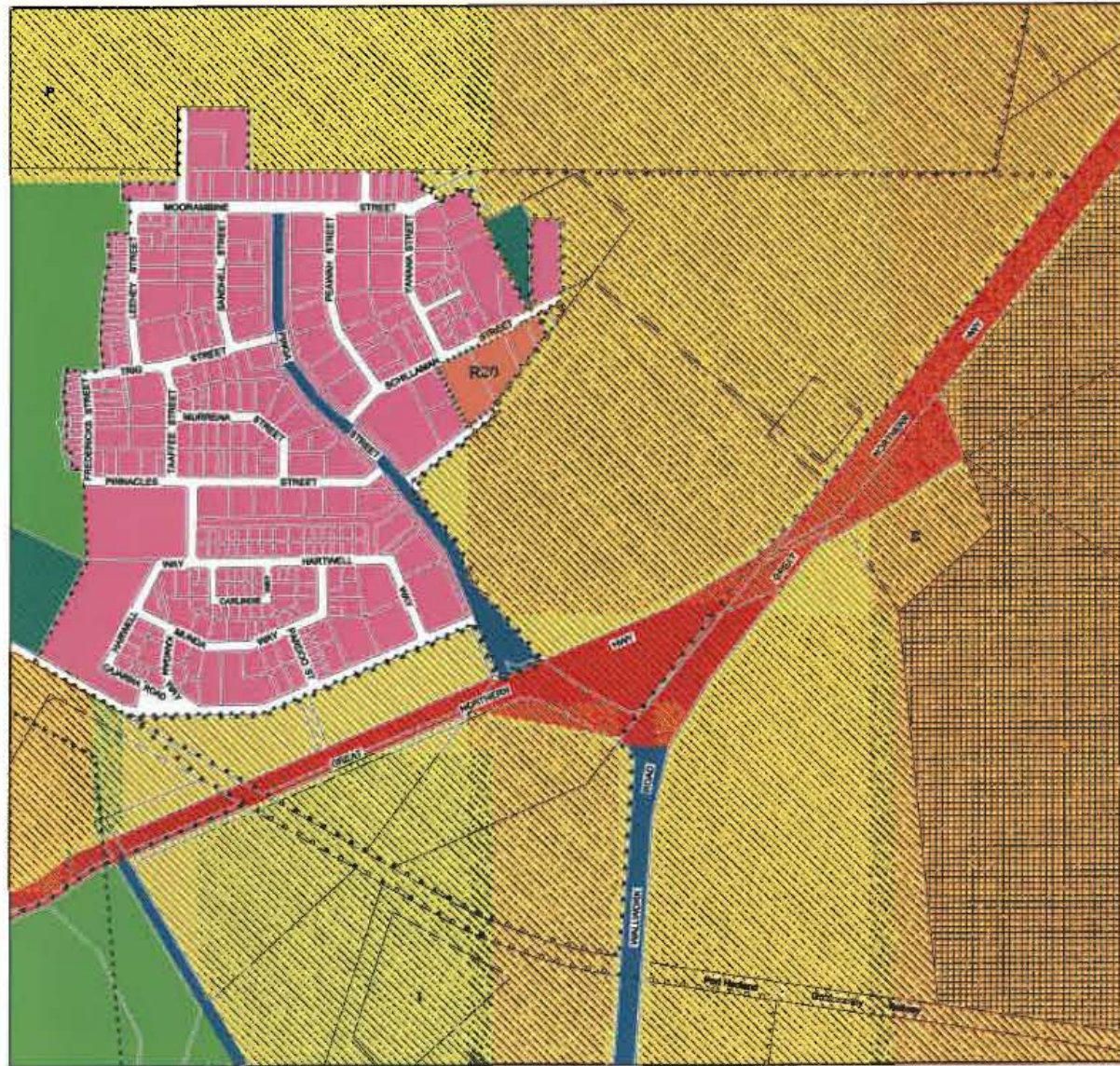
PROPOSED DEVELOPMENT PLAN AREAS

PORT HEDLAND



SCHEME AMENDMENT MAP

TOWN OF PORT HEDLAND TOWN PLANNING SCHEME No.5 AMENDMENT No. ?



EXISTING ZONING

PROPOSED ZONING

LEGEND

LOCAL SCHEME RESERVES

- CONSERVATION RECREATION AND NATURAL LANDSCAPES
- LOCAL ROAD
- PARKS AND RECREATION
- STATE AND REGIONAL ROAD

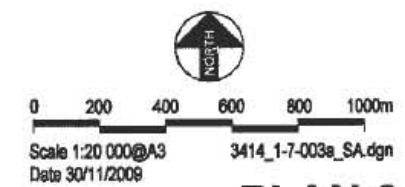
- DISTRICT ROAD
 - OTHER PUBLIC PURPOSES
 - OTHER PUBLIC PURPOSES
- Denoted as follows:
- C CEMETERY
 - P PORT FACILITIES
 - I INFRASTRUCTURE

ZONES

- TRANSIENT WORKFORCE ACCOMMODATION
 - AIRPORT
 - COMMUNITY
- Denoted as follows:
- CM COMMUNITY
 - ED EDUCATION
 - H HEALTH

OTHER

- TRANSPORT DEVELOPMENT
- INDUSTRY
- LIGHT INDUSTRY
- R20 R-CODES
- SPECIAL CONTROL AREAS
- DEVELOPMENT PLAN AREAS
- NO ZONE



PLAN 6

11.1.2.4 Proposed Amendment No. 28 to the Town of Port Hedland Town Planning Scheme No. 5 – Increased Densities in Town Centre Zone (File No.: 18/09/0035)

Officer	Luke Cervi Planning Officer
Date of Report	11 January 2010
Application Number	2010/11
Disclosure of Interest by Officer	Nil

Summary

This report outlines the proposed text change to the Town of Port Hedland Town Planning Scheme No.5 (TPS5) to facilitate the implementation of the South Hedland Town Centre Development Plan (SHTCDP) and in particular residential development at a level greater than R50.

Background

The SHTCDP has been developed in response to the recommendations of the Land Use Master Plan. The Hon. Minister for Planning and Infrastructure directed LandCorp, in conjunction with the Town of Port Hedland, to commission a Development Plan as the precursor to encouraging significant public and private investment in the revitalisation process of the SHTC.

The SHTCDP was considered by Council at its meeting on 28 May 2008 and subsequently endorsed by WAPC on 10 November 2009.

Consultation

Extensive consultation with many government and private organisations as well as public consultation occurred prior to the adoption of the SHTCDP. If Council decides to initiate the amendment, further consultation will be undertaken in accordance with the requirements of TPS5.

Statutory Implications

The *Planning and Development Act 2005* and the *Town Planning Regulations 1967* provide Council the authority to amend its Local Planning Scheme and establish the procedure required to make this amendment.

Clause 5.2.3 of TPS No. 5 states that:

“Development of land shall be generally consistent with the requirements of endorsed development plans, subject to compliance with the Scheme.”

The SHTCDP proposes a maximum residential density of R80 within the SHTC. This conflicts with section 6.6.5 of TPS5 which states:

“The density of residential development in the Town Centre shall not exceed R50.”

Put simply, the above provision provides that in instances where an adopted Development Plan includes development requirements which are inconsistent with the provisions of TPS5, the provisions of TPS5 shall prevail.

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 2 – Community Pride

Goal 1 – Litter

Strategy 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.

Key Result Area 4 – Economic Development

Goal 4 – Land Development Projects

Strategy 1 - Fast-track the release and development of commercial, industrial and residential land in a sustainable manner including:

- 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.

Key Result Area 4 – Economic Development

Goal 5 – Town Planning & Building

Strategy 1 - Work with key stakeholders to ensure that the Land Use Master Plan is implemented.

Budget Implications

A fee of \$1,650 to initiate the Scheme Amendment has been received.

Officer's Comment

Council has committed significant time, effort and resources towards the improvement and revitalisation of the SHTC. As stated within the LUMP, the Development Plan is a precursor to encouraging significant public and private investment in the revitalisation process of the SHTC.

Increasing residential density assists in activating public spaces and is an integral aspect of the SHTCDP and thinking behind the revitalisation of the West End (which includes the Port Area Town Centre). Currently Section 6.6.5 of TPS5 restricts residential density within the Town Centre zone (South Hedland and the Port Area Town Centre) to R50. The SHTCDP outlines the need to amend Clause 6.6.5 of TPS No. 5 to read as follows:

“The density of residential development in the Town Centre Zone shall not exceed R50 in the absence of an approved Development Plan and R80 where shown in an approved Development Plan endorsed by the Town of Port Hedland and the Western Australian Planning Commission”.

It is proposed to amend Clause 6.6.5 of TPS No. 5 to read as follows:

“Residential densities in the Town Centre zone shall not exceed R50 in the absence of a Development Plan approved in accordance with the provisions of Clause 5.2.”

This proposal differs from that identified within the SHTCDP for the following reasons:

1. The maximum density specified in the R Codes is R160.
2. Although the SHTCDP only proposes densities up to R80 at this point, there may be a desire or need for higher densities in the future.
3. High Densities are best located where utilities are available and in close proximity to services and other facilities. These are general attributes of Town Centres.
4. Given that Council has initiated the West End Scheme Amendment with a minimum Residential R30 coding, it may wish to incorporate similar provisions within the Port Area Town Centre.

R50 will continue to apply as the maximum density in the absence of an approved Development Plan. However, the proposed alternative wording will enable Council to consider higher densities through the Development Plan process on their merits and not be restricted by unnecessary arbitrary constraints.

Options

Council has the following options in dealing with the matter:

1. Initiate the Scheme Amendment.
2. Refuse to initiate the Scheme Amendment

*Attachments**Proposed Scheme Amendment*

200910/226 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S J Coates

That Council Initiate a Town Planning Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 by:

- a) Amending the Scheme text by replacing:

“6.6.5 The density of residential development in the Town Centre shall not exceed R50.”

with;

“6.6.5 Residential densities in the Town Centre zone shall not exceed R50 in the absence of a Development Plan approved in accordance with the provisions of Clause 5.2.“

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.1.2.4

Town of Port Hedland

Proposed Scheme Amendment

January 2010

Prepared for

LandCorp

Prepared by



Town Planning, Project Management,
Urban Design and Development Consulting

A.C.N. 009 161 139

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BURSWOOD WA 6100

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Figure 1 South Hedland Town Centre Development Plan

I. INTRODUCTION

This submission, prepared on behalf of LandCorp, seeks support to amend the Town of Port Hedland Town Planning Scheme No. 5 (TPS No. 5) to allow for residential development above a density coding of R50 within the 'Town Centre' zone where it is consistent with an adopted Development Plan.

The amendment is sought in light of the adoption of the South Hedland Town Centre Development Plan (SHTCDP) by the Western Australian Planning Commission (WAPC). The SHTCDP allows residential development up to a density code of 'R80' in the 'Town Centre' zone.

This amendment will ensure development can be undertaken in accordance with the SHTCDP by permitting development in the 'Town Centre' zone to exceed 'R50' in appropriate circumstances. It will also allow greater housing choice in the Town of Port Hedland in appropriately planned locations.

2. SOUTH HEDLAND TOWN CENTRE DEVELOPMENT PLAN

A Development Plan currently exists for the area defined as the South Hedland Town Centre in TPS No. 5, titled the South Hedland Town Centre Development Plan (SHTCDP). The SHTCDP was formally adopted by the Town of Port Hedland at its May 2008 Ordinary Council Meeting, subject to modifications, and finalised in September 2008. This final version was endorsed by the WAPC on the 10th November 2009 (refer **Figure 1 – South Hedland Town Centre Development Plan**).

The SHTCDP includes a mix of medium and high density housing ranging from 'R30' to 'R80'. The SHTCDP highlights the importance of higher residential density to the enhancement of the Town Centre:

"Whilst the Master Plan incorporates some limited traditional residential development throughout the town centre, the introduction of medium and high density residential, together with areas of mixed use will add to the revitalisation of the SHTC by bringing significant numbers of people into the core. In addition, retail viability and housing choice are important outcomes from this type of development."

Clause 6.6.5 of TPS No. 5 restricts density in the 'Town Centre' to 'R50'. This provision will impede on the implementation of the adopted SHTCDP. In recognising the limitations of TPS No. 5, the SHTCDP outlines the need to amend Clause 6.6.5 of TPS No. 5 to read as follows:

"The density of residential development in the Town Centre Zone shall not exceed R50 in the absence of an approved Development Plan and R80 where shown in an approved Development Plan endorsed by the Town of Port Hedland and the Western Australian Planning Commission".

3. TOWN PLANNING SCHEME NO. 5 PROVISIONS

3.1 TOWN CENTRE ZONE

All dwelling types (i.e. single house, grouped dwelling, and multiple dwelling) dealt with by the Residential Design Codes of Western Australia (Variation 1) may be permitted within the 'Town Centre' zone in accordance with the TPS No. 5 Zoning Table.

The following provisions specifically apply to development in the 'Town Centre' zone:

"6.6.1 Development within the Town Centre zone shall be in accordance with the development plan or development plans approved in accordance with the provisions of Clause 5.2".

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

3.2 RESIDENTIAL PLANNING CODES

Clause 6.2 of TPS No. 5 relates to the application of the Residential Planning Codes (or Residential Design Codes of Western Australia) within the Scheme area.

Clause 6.2.6 of TPS No. 5 provides that:

"The density for residential development on land not within the residential zone shall be determined by Development Plans where approved in accordance with the Scheme."

The other provisions listed in Clause 6.2 are not relevant to this amendment proposal.

3.3 DEVELOPMENT PLANS

All land zoned 'Town Centre' is either located in the 'South Hedland Town Centre' or 'Port Area Town Centre' Development Plan areas identified in Appendix 5 of TPS No. 5. Council may require the preparation of a Development Plan for these areas in accordance with the provisions of Clause 5.2 of TPS No. 5.

Clause 5.2.3 of TPS No. 5 provides that:

"Development of land shall be generally consistent with the requirements of endorsed development plans, subject to compliance with the Scheme."

Put simply, the above provision provides that in instances where an adopted Development Plan includes development requirements which are inconsistent with the provisions TPS No. 5, the provisions of TPS No. 5 shall prevail.

The SHTCDP allows for residential development to a density coding of 'R80', however the provisions of TPS No. 5 restrict residential development in the 'Town Centre' zone to 'R50'. Notwithstanding the SHTCDP density provisions, residential development in the SHTCDP area therefore can not exceed a residential density of 'R50' under the current provisions of the Scheme.

4. PROPOSED AMENDMENT

4.1 PROPOSED TEXT

It is proposed to amend Clause 6.6.5 of TPS No. 5 to read as follows:

“6.6.5 Residential densities in the Town Centre zone shall not exceed R50 in the absence of a Development Plan approved in accordance with the provisions of Clause 5.2.”

4.2 JUSTIFICATION

The proposed scheme amendment allows for Development Plans to control density provisions in the ‘Town Centre’ zone without being restricted by specific Scheme provisions. Development Plans require detailed planning and design to be undertaken and are therefore considered to be a more appropriate mechanism to prescribe residential density requirements. This is reflected in the detail of the SHTCDP which considers the importance of higher density in the South Hedland Town Centre to support a vibrant and commercially viable activity centre.

The proposed scheme text includes a maximum density coding of ‘R50’ where a Development Plan has not been adopted. This provides Council and landowners with guidance for the preparation and consideration of development applications on land in the ‘Town Centre’ zone where a Development Plan has not been prepared or adopted. It also reflects the current TPS No. 5 provisions whilst removing the ambiguity in relation to density in Development Plan areas.

The proposed scheme text is more appropriate than the text provided in the SHTCDP as it allows Council to consider residential development beyond a density of ‘R80’ where it has been demonstrated to be appropriate through the preparation of, or amendment to a Development Plan.

5. CONCLUSION

This proposed amendment to the Town of Port Hedland Town Planning Scheme No. 5 allows for residential development in 'Town Centre' zoned areas to be determined through the detailed planning and design undertaken in the preparation of a Development Plan such as the South Hedland Town Centre Development Plan. It also ensures appropriate residential development requirements are in place in the absence of a Development Plan in the 'Town Centre' zone.

Council is therefore requested to initiate the proposed Scheme Amendment.

Rpt 2957-1 TPS Amd 080110

11.1.2.5 Proposed SINGLE HOUSE – R Code Variation – Open Space Reduction, Lot 624 Styles Road, Pretty Pool (File No.: 804242G)

Officer	Luke Cervi Planning Officer
Date of Report	5 January 2010
Application No.	2009/704
Disclosure of Interest by Officer	Nil

Summary

Council has received an application from Barry Collins Master Builders Pty Ltd, to construct a single house on Lot 624 Styles Road, Pretty Pool. The proposal includes a variation to the open space requirement.

The application is referred to Council for determination at the request of the applicant.

Background

The Site

The site is zoned Urban Development under the Town of Port Hedland Planning Scheme No. 5 (TPS 5) and is coded R20. The area of the site is 561m². All adjoining and adjacent properties fall within the same zone and coding. The site is currently vacant.

The Proposal

The proposed single house is a 4 bedroom 2 bathroom single storey dwelling covering an area of 298m² excluding eaves. It is generally consistent with TPS 5 and the R Codes except in regard to open space.

Consultation

The application has been forwarded to the Town's Building Services section who has indicated that they have no objection to the proposal; however a Building Licence would be required.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

The proposed application has no implications for Strategic Planning.

Budget Implications

An application fee of \$1,435.50 was paid on lodgement and deposited into account 10063260.

Officer's Comment

The proposal does not meet with the Acceptable Development Standard A1 of section 6.4.1 - Open Space Provision, of the R Codes. When an Acceptable Development Standard is not complied with, Council must consider the proposal against the Performance Criteria. The Performance Criteria of section 6.4.1 – Open Space Provision states:

“Sufficient open space around buildings

- *To complement the building;*
- *To allow attractive streetscapes;*
- *To suit the future needs of residents, having regard to the type and density of dwelling.”*

In this regard the applicant has provided their justification (see attachment 5) for the proposed variation. In the justification, the applicant advises of options he looked at to make the building comply once he became aware of the issue. This justification doesn't really address the performance criteria but could be loosely fitted into the category of future needs of the residents (dot point 3).

The concerns of the officer relate to the future needs of residents. Outdoor living is a significant component of the Pilbara lifestyle. By enclosing the area the open space is lost. In this instance the remaining open space would have limited functionality due to the dimensions and accessibility.

The design of the dwelling has many positive attributes but the enclosing of the alfresco is questionable. It is considered that the functionality of the alfresco and other open space is better if the alfresco were to be unenclosed. Furthermore, if the alfresco area were unenclosed, the open space requirements are met and the development could proceed without the need for planning approval.

The applicant has advised of concerns regarding insects if the alfresco were to remain unenclosed due to an inability to incorporate appropriate screens with the bi fold door feature proposed between the living room and alfresco area. Whilst this is a fair concern, alfresco/outdoor areas are always going to have issues with how to deal with insects. Enclosing the alfresco would be converting it to an indoor living area. The bi fold door feature should be seen as an opportunity to convert the living area into a quasi outdoor living area, not as justification to convert the alfresco to indoor living.

The enclosing of the alfresco and subsequent reduction of open space whilst relatively minor (3%) would have a negative impact for future residents by reducing the amount and usability of open space and is therefore not supported.

Options

Council has the following options for dealing with the matter:

1. Approve the application.
2. Refuse the application.

It is recommended that the application be refused. The applicant would still be able to proceed with the proposal and would not need planning approval if it is amended so that the alfresco is unenclosed.

Attachments

1. Locality Plan
2. Site Plan
3. Elevation Plan
4. Floor Plan
5. Applicants justification for variation

Officer's Recommendation

That Council **REFUSES** the planning application submitted by Barry Collins, for a SINGLE HOUSE – R Code variation at Lot 624, 74 Styles Road, Pretty Pool on the following ground:

1. The proposal does not comply with section 6.4.1 – Open Space provisions, of the Residential Design Codes of Western Australia as:
 - a) It does not comply with Acceptable Development Standard A1 in that 50% of the site is not provided as open space; and
 - b) It does not comply with the Performance Criteria as the open space will not suit the future needs of residents.

200910/227 Council Decision

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council approves the planning application by Barry Collins, for a single house – R Code variation at Lot 624, 74 Styles Road, Pretty Pool subject to the following conditions:

1. This approval relates only to the SINGLE HOUSE – R CODE VARIATION – open space reduction, as indicated on the approved plans. It does not relate to any other development on this lot.
2. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
3. Clothes drying facilities that are suitably screened so as not to be visible from Styles Road must be provided to the satisfaction of the Manager Planning.
4. The minimum distance between the edge of the roof and the lot boundary shall be no less than 750mm.
5. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.
6. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the dwelling.
7. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.
8. All fencing must be installed in accordance with the Residential Design Codes and/or the Dividing Fences Act and prior to the occupation of the dwelling all to the satisfaction of the Manager Planning.

FOOTNOTES:

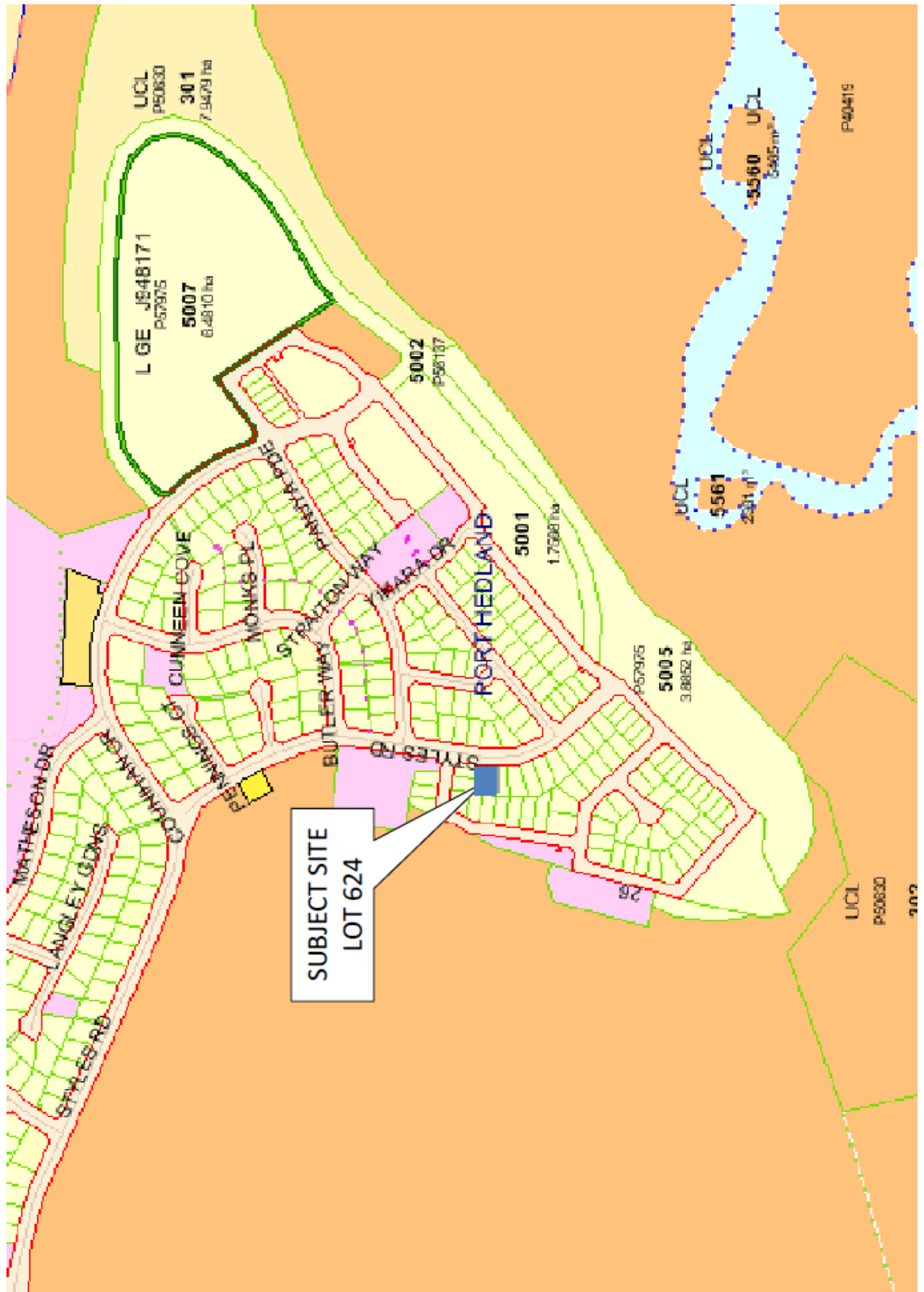
1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.

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

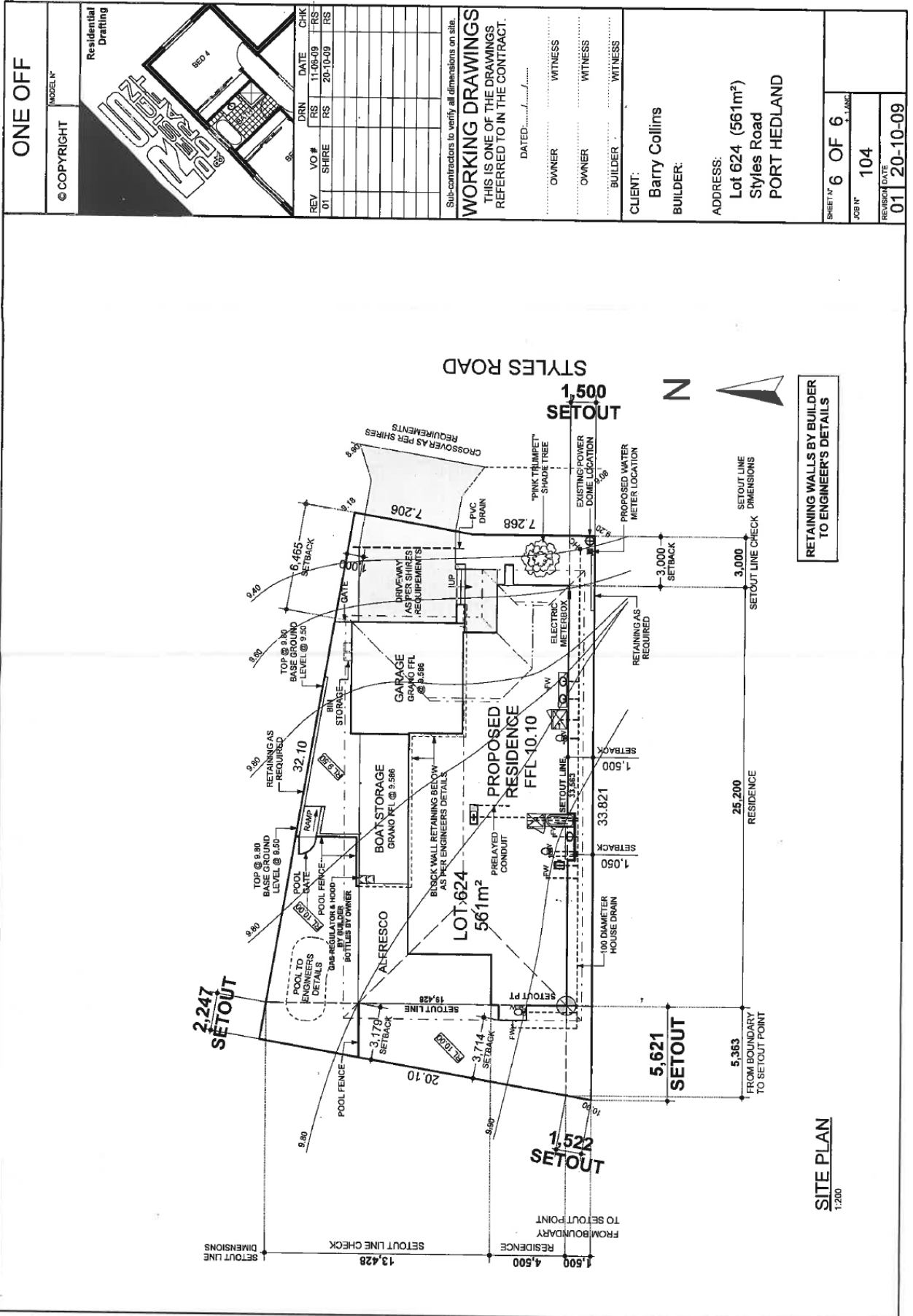
CARRIED 8/0

REASON: Council deemed the application submitted by Mr Barry Collins, for a single house at 74 Styles Road, Pretty Pool with the inclusion of a covered alfresco area as appropriate for the residential area.

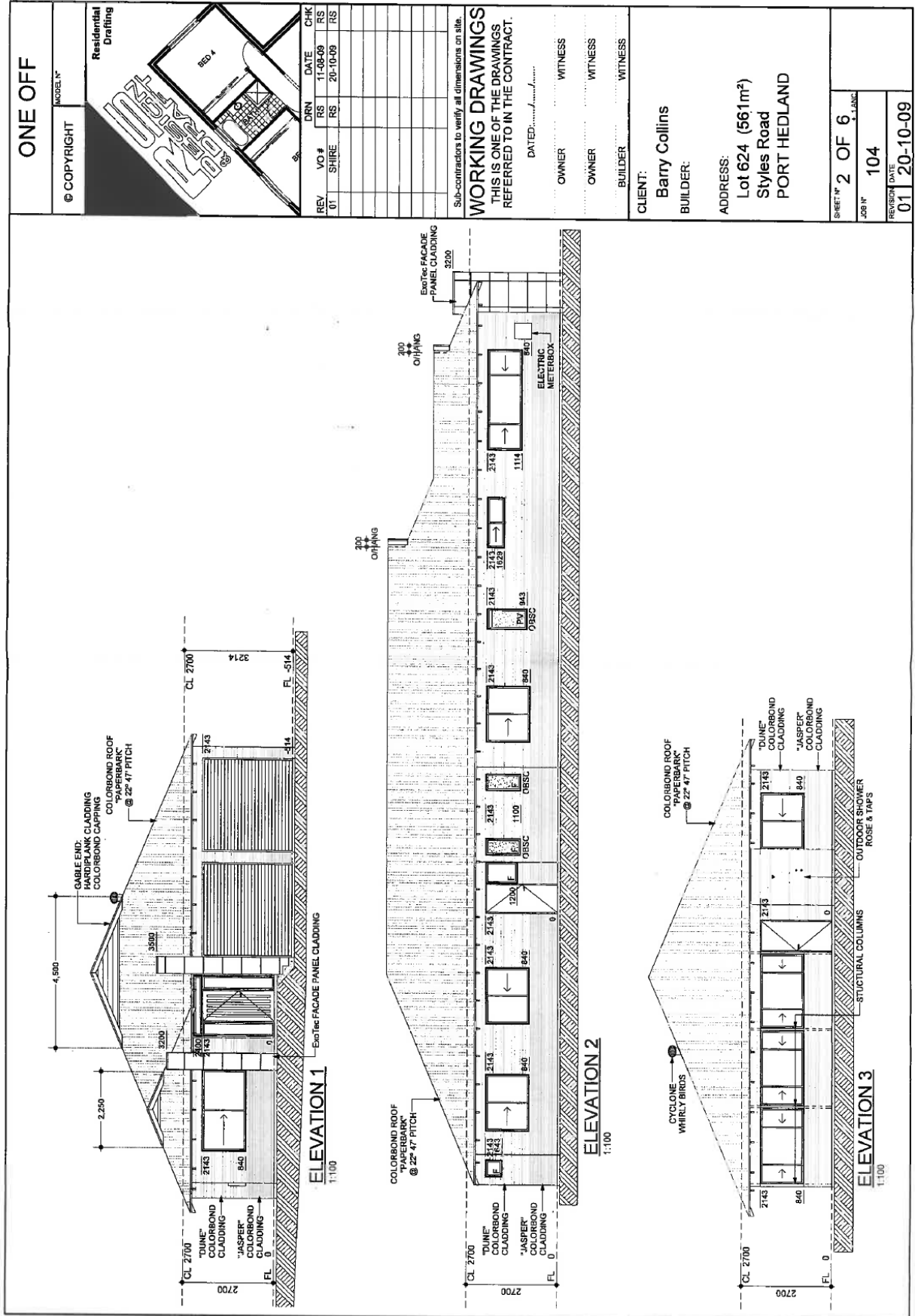
ATTACHMENT 1 TO AGENDA ITEM 11.1.2.5

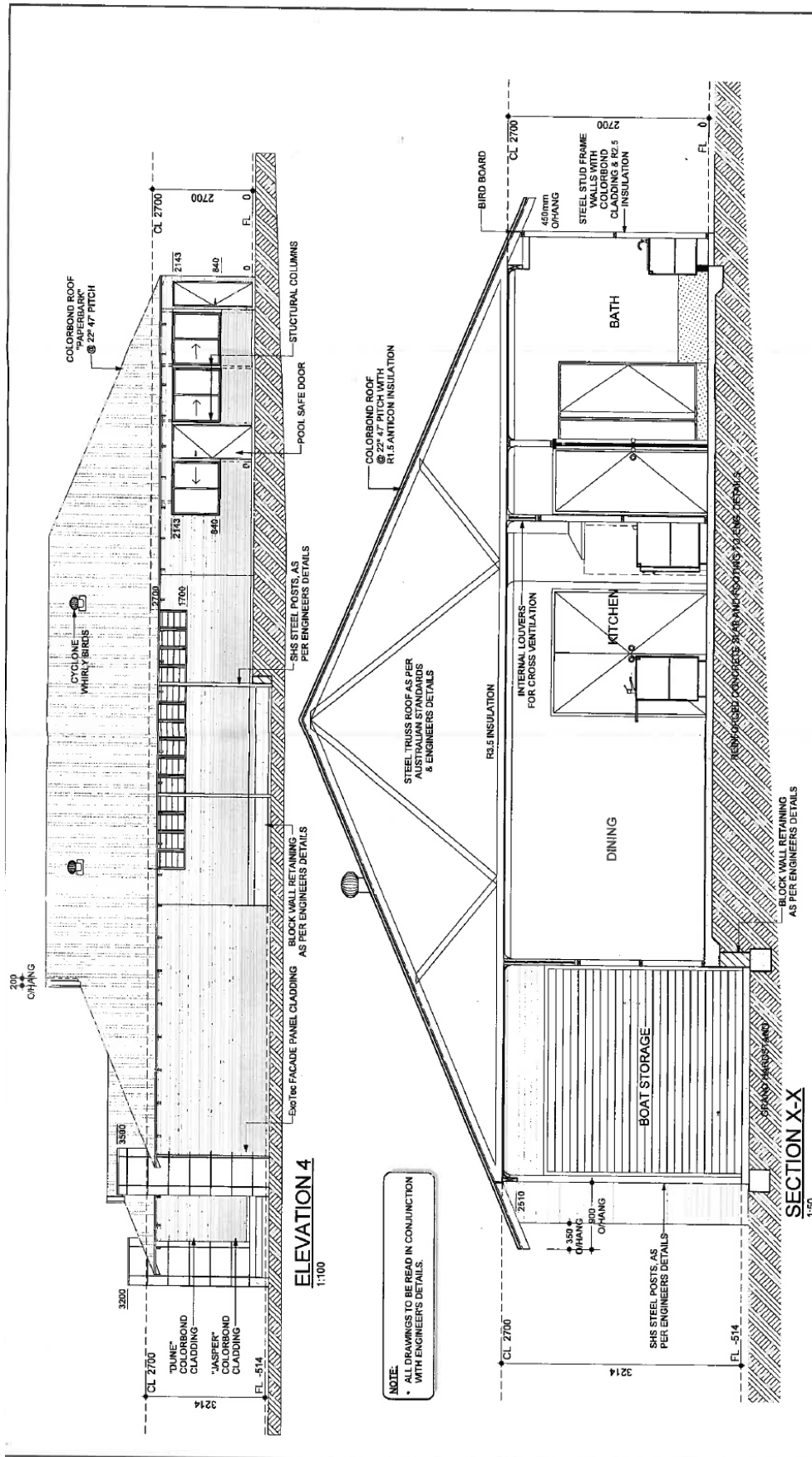


ATTACHMENT 2 TO AGENDA ITEM 11.1.2.5



ATTACHMENT 3 TO AGENDA ITEM 11.1.2.5





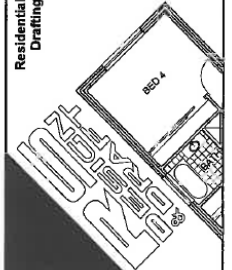
NOTE:
 * ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS.

REVISION	01
DATE	20-10-09
MODEL N°	ONE OFF
SHEET N°	3 OF 6
JOB N°	104

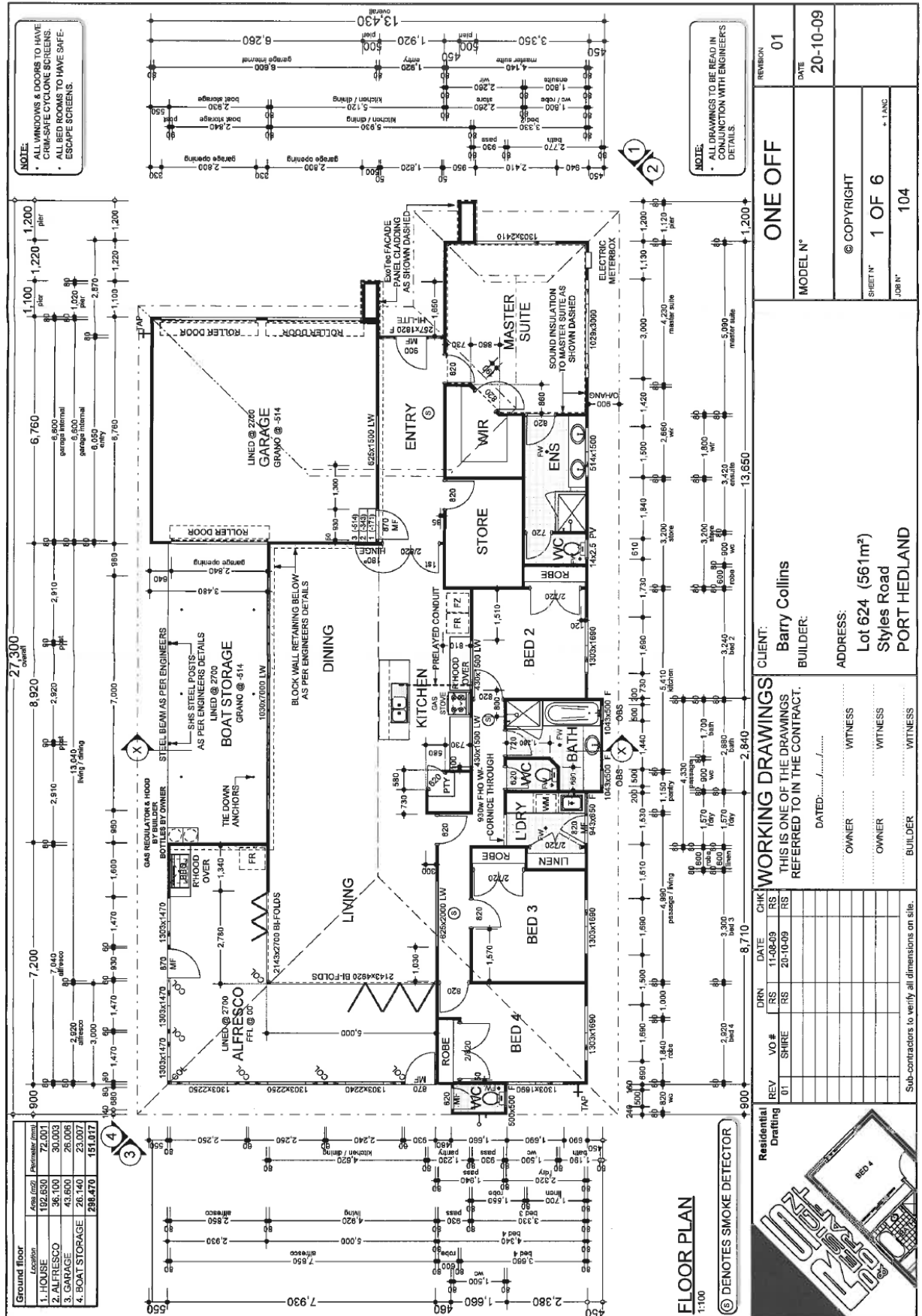
CLIENT: Barry Collins
 BUILDER: Barry Collins
 ADDRESS: Lot 624 (561m²)
 Styles Road
 PORT HEDLAND

WORKING DRAWINGS
 THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.
 DATED:
 OWNER WITNESS
 OWNER WITNESS
 BUILDER WITNESS

DRN	DATE	CHK
RS	11-06-09	RS
RS	20-10-09	RS



ATTACHMENT 4 TO AGENDA ITEM 11.1.2.5



ATTACHMENT 5 TO AGENDA ITEM 11.1.2.5

BARRY COLLINS MASTER BUILDERS PTY LTD

ABN 86 009 183 537

Reg Builder No 5927
No 11153
2 Lawler Grove
Winthrop WA 6150
Perth, Western Australia
Tel: (08) 9332 6322
Fax: (08) 9310 1080
Mobile 0408 902 146

Town of Port Hedland

Attention: Mr Luke Cervi
Town Planning Officer

Subject: Planning Approval for Lot 624
Styles Rd, Pretty pool, Port Hedland.

Dear Luke

Thank you for seeing me on the 15th October 09, regarding the above Lot 624 and the general discussions that we had.

The major problem that I have is planning approval for my house that I propose to build, that is it does not meet the R Codes of Western Australia.

This being the minimum 50% open spaces for low-density housing R 20 Code

The plans that I am submitting have the open space area as 47%

When submitting my plans to sub contractors for quotations, one of the them said the open space was not 50% and I should contact the Port Hedland Town Planners to see if 47% was to be accepted, before I advance with engineer drawing for quoting and council building approval

As per my discussions with you, I have tried to reduce the size of the house by the 3%

The enclosed boat shed and garage being under the main roof and being calculated into the building size,

I cannot reduce the size of the garage as that is the minimum internal size allowed.

If the boat storage roof were removed the boat storage area would be counted as the main building, as the boat storage area has three side walls and therefore is not allowed as open space.

The only way to achieve open space is to remove the walls and roller doors to the garage, changing garage to a carport

Change garage to a carport then this would be classified open space and therefore create 25% extra open space.

The boat storage area has tie down anchors so prior to a cyclone storm arriving, the boat will be able to be tied down securely and not have to be relocated to a safe place. The garage is fully enclosed.

This I have done to protect my vehicles and other items that could be stored in there, from theft and from storm damage when a cyclone occur.

To change from garage to carport, would create the lack of vehicles security /cyclone protection.

This would not be a preferred option for me.

The area that you suggested that may be able to reduce the building area was maybe the Alfresco area

The removal of the windows to the alfresco and leave the 840mm dato wall.

When designing the house my plan was to achieve an area that was able to be useable for all seasons.

The bi-fold doors to the living area where designed at times to be completely open so the alfresco could be incorporated into the living area, or by keeping them closed the alfresco could be a separate outdoor area.

With the bi-fold doors open and the windows to the alfresco open this would allow for a cross ventilation of the house with the use of internal louvers (see plan 3 of 6) allowing cool breeze morning and afternoon to flow through to the bed rooms and living areas.

If the windows to the alfresco were removed I would have a problem with fly and insect's as the bi-fold doors cannot have insect screens, but more importantly if cyclone screens are required and I don't at this stage know how I can achieve cyclone screens to the bi-fold doors

I have tried to reduce the size of bed rooms and living area's of the house to achieve the open space requirements

All the change's that I contemplated, the design of the house was severely compromise

To summarize if the double garage was to change to a carport, or the removal of the windows to the alfresco to achieve the extra 3% open space, my thought would be that the house would certainly lose the design aspect that I have tried to achieve.

I therefore respectfully request that Town Planning and Port Hedland Council accept the open space of 47% be accepted in lieu of the required 50% to the proposed plans at lot 624 Styles Road Pretty Pool.

Thank You

Barry Collins
23.10.09

11.1.2.6 Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone Lot 510 Fairlead Bend, Lot 534 and 535 Keel Close, Lot 549 Banksia Street, Lot 568, 569 and 580 Mooring Loop, Lot 616 Demarchi Road and Lot 8006 Kennedy Street in South Hedland (File No.: 18/09/0030)

Officer	Leonard Long Planning Officer
Date of Report	8 January 2010
Application Number	2009/677
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from Taylor Burrell Barnett, Town Planners on behalf of the South Hedland New Living Project (SHNL) to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the zoning of various lots in the following manner:

Lot number	Current Zoning	Proposed Zoning
510 Fairlead Bend	Urban Development R – 20	Residential R – 30
534 Keel Close		Residential R – 30
535 Keel Close		Residential R – 30
549 Banksia Street		Commercial
568 Mooring Loop		Residential R – 30
569 Mooring Loop		Residential R – 30
580 Mooring Loop		Residential R – 30
616 Demarchi Road		Residential R – 30
8006 Kennedy Street		Parks & Recreation (Reserve)

Background

The Demarchi subdivision was approved by Council in June 2007, subject to a number of amendments and conditions, of which inter alia the following:

“Develop Design Guidelines for the proposed Local centre that is supported by suitable professional justification demonstrating that the proposed developments location, lot size, tenancy mix, design criteria and zoning is sustainable and reflects best practice in these areas.”

The final subdivision comprised of 112 lots, of which all are currently zoned “Urban Development” R - 20.

The applicant has requested that a number of lots be re-coded to R – 30 which decision he has indicated to be:-

“primarily based on the principle of economic land use, strong streetscape interface and the integration of medium density dwelling opportunities into the fabric of predominantly single residential community.”

The Land Use Master Plan (LUMP) identifies Lot 549 Banksia Street or adjacent land for the possible development of a commercially zoned site. Therefore, the request to initiate the rezoning of Lot 549 Banksia Street is in line with what has been envisaged in the LUMP.

Consultation

Should Council resolve to initiate this amendment to TPS 5, the documentation is to be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to section 81 of the Planning and Development Act 2005 (PDA).

Following approval from the EPA to advertise the amendment, Council is then required pursuant to section 83 of the PDA to consult persons likely to be affected by the amendment, and also advertise the amendment for a minimum of 42 days pursuant to section 84 of the PDA.

At the completion of this consultation, Council is to consider all submissions and determine whether to adopt the amendment, adopt the amendment with modifications, or not adopt the amendment.

Statutory Implications

The *Planning and Development Act 2005* and the *Town Planning Regulations 1967* provide Council the authority to amend its Local Planning Scheme and establish the procedure required to make this amendment.

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4 – Economic Development

Goal 4 - Land Development Projects

Strategy 4 - Fast Track the release and development of commercial, industrial and residential land in a sustainable manner including:

- 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.

Goal 5 - Town Planning & Building

Strategy 1 - Work with key stakeholders to ensure that the Land Use Master Plan is implemented.

Budget Implications

The applicant has paid the prescribed application fee of \$1,650 for the initiation request. This fee has been deposited into account 1006326.

Officer's Comment

The proposed recoding from R 20 to R 30 is partially supported by Council's planning staff. Increasing from low density to medium density along main arterial roads such as Murdoch Drive will promote public transportation routes and create a buffer between the arterial and the low density uses. Increased density adjacent to community facilities such as parks also ensures better utilisation of such facilities.

Therefore, Council's Town Planning s support the recoding from R 20 to R 30 of Lot 616 Demarchi Road Lot 580, 569 and 568 along Mooring Loop, and Lot 534 and 535 Keel Close adjacent to the park. However, it is recommended that Lot 545 Banksia Street also be included as this lot comprises the same planning criteria and benefits as the other lots along the park being included in this request.

In regard to Lot 510 Fairlead Bend, the opinion is held that the increase in density holds no town planning merit and has not been suitably justified by the applicant. The lot is not located along a main arterial or community facility and densification of the lot would result in an unwanted scattered pattern of densification. In order to facilitate proper and orderly planning it is important to ensure that densification is done in an orderly manner.

With regard to the proposed commercial site, it is acknowledged that the LUMP has identified Lot 549 Banksia Street or the adjacent lot for a possible neighbourhood convenience centre, and in addition to this the applicant has provided a retail study that indicates that a convenience centre of approximately 250m² would be sustainable.

However, reference is made to Table 1 of Element 7 of the Liveable Neighbourhoods document which reads as follows:

“Town (district) centres

Town (district) centres provide a community focus with a compatible mix of uses that satisfy weekly needs and have a wide range of employment generating non-retail commercial, service businesses, similar light industries, medical centres and community service employment. There may also be some institutional anchors such as TAFE and council offices.

This type of centre should be supported by six to nine “walkable neighbourhoods” clustered together, with a denser mixed use core, to provide a base population of around 18,000 to 25,000 people. For smaller town centres this may be less, but for large town (district) centres may be up to 30,000 people.

Typically these centres have a retail floor space of 15,000m², to 25,000m² with two or three anchor stores (usually including two competing supermarkets), and diverse specialties, arrange to front street forming the urban core of the mixed use centre.”

Notwithstanding the findings of the retail study, the above extract would indicate that to sustain a Town (District) Centre, the town should have a base population of around 18,000 to 25,000 people, a population that the town has not yet achieved.

Therefore there is still a concern that the neighbourhood centre will not be able to sustain itself. However, it must be noted that the proposed “Commercial” zoning does permit residential development. The opinion is held that any proposed development of the site will have to comprise of both commercial and residential uses in a mixed use development form to ensure that such development is sustainable, taking into consideration the high cost associated with renting either commercial or residential buildings.

Prior to any development of the site a development application will be required to be considered. As part of such application it will be required that the commercial component be restricted to a maximum area of 250m² as proposed by the applicants retail study, and it will further be required to include residential uses in the overall development.

Options:

Taking the above into consideration the Council has the following options when considering the initiation request.

1. Approve the initiation request as follows:
 - a. Lot 534, 535 Keel Close Lot 568, 569 and 580 Mooring Loop and Lot 545 Banksia Street and Lot 616 Demarchi Road from "Urban Development" R 20" to "Residential" R 30,
 - b. Lot 549 Banksia Street from "Urban Development" R 20 to "Commercial",
 - c. Lot 8006 Kennedy Street from "Urban Development" to "Parks & Recreation" (Reserve).

or

2. Approve the initiation request as is. However, it must be noted that this would include Lot 510 Fairlead Bend, which would result in a precedent allowing scattered type densification.

Attachments

1. Town of Port Hedland Town Planning - Scheme No. 5, Amendment No. 23, Map (to be amended)
2. Plan showing lot numbers.

200910/228 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council:

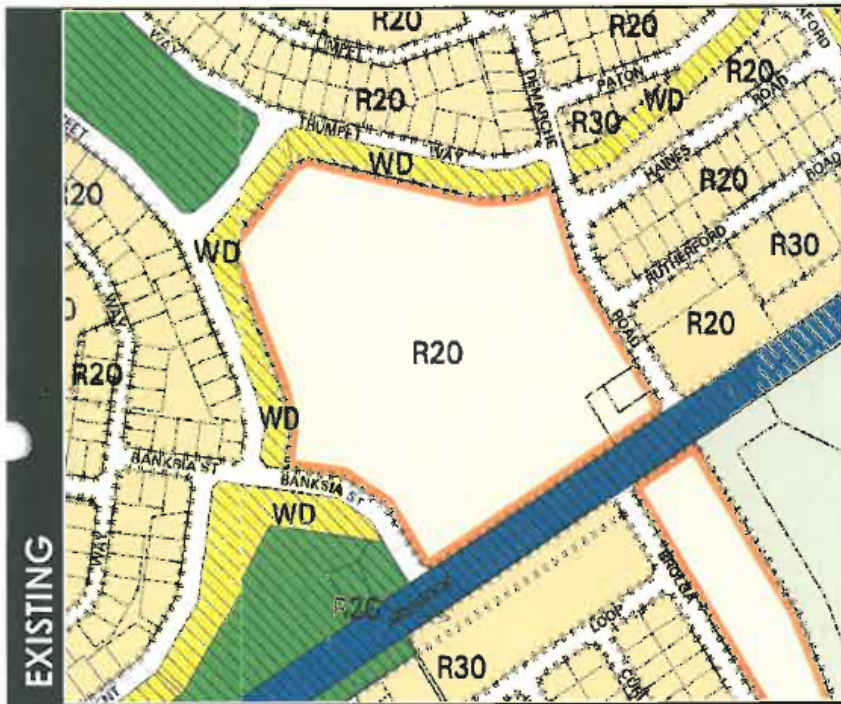
- i) Initiate a Town Planning Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 by:
 - a) **Rezoning Lot 534, 535 Keel Close, Lot 568, 569 and 580 Mooring Loop, Lot 545 Banksia Street and Lot 616 Demarchi Street from "Urban Development" R 20 to "Residential" R 30 as depicted on the amendment map (to be amended);**
 - b) **Rezoning Lot 549 Banksia Street from "Urban Development" R 20 to "Commercial" as depicted on the amendment map; and**
 - c) **Rezoning Lot 8006 Kennedy Street from "Urban Development" R 20 to "Parks & Recreation" (Reserve) as depicted on the amendment map; and**

- ii) Advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.2.6

TOWN OF PORT HEDLAND



Town of Port Hedland
Town Planning Scheme No.5
Amendment No.23



LEGEND

LOCAL SCHEME RESERVES

- District Road
- Parks and Recreation
- Other Purposes
- Local Roads

ZONE

- Residential
- Urban Development
- Commercial

OTHER

- R-Codes

ATTACHMENT 2 TO AGENDA ITEM 11.1.2.6



TYPE: FREEHOLD
PURPOSE: SUBDIVISION
PLAN OF:

LOTS 501-515, 519-580, 585-593, 595-610, 604, 604A, 605, 606, 607, 608 AND EASEMENTS

DISTRICT: FOREST
TOWNSHIP: FOREST
S.S.A.: YES

D.P.J. FILE NO.: 501-515, 519-580, 585-593, 595-610, 604, 604A, 605, 606, 607, 608
LOCAL AUTHORITY: TOWN OF PORT HEDLAND
LOCAL AUTHORITY: TOWN OF PORT HEDLAND

FIELD BOOK: 105350
DATE: 08/04/09

SURVEYOR'S CERTIFICATE - Reg 54
 I, the undersigned, being a duly qualified and licensed Surveyor, do hereby certify that the above is a true and correct copy of the original plan as deposited with me, and that the same is in accordance with the provisions of the Survey Act 1934 and the Survey Regulations 1935.

Surveyor: M. P. MURPHY
 200/111 15-02-01 100007
 200/111 15-02-01 100007

SCALE: 1:1200 @ A2
APPROVED BY: M. P. MURPHY
DATE: 08/04/09

WESTERN AUSTRALIAN PLANNING DEPARTMENT No. 63683

APPROVED: REGINA IN

DATE:

DEPOSITED PLAN
63683
 SHEET 1 OF 3 SHEETS

SPECIAL SURVEY AREA SUBDIVISION

SCALE 1:1200 @ A2
 ALL DIMENSIONS ARE METRES

SURVEY CARRIED OUT UNDER REG 50A
 SPECIAL SURVEY AREA GUIDELINES
 FOR SURVEY INFORMATION
 SEE SHEETS

ALL DIMENSIONS / CORNER SURVEY MARKS
 USE ONLY THE SURVEY SHEET/S WHEN RETERRACING
 THE TRUE FINAL POSITION AND TYPE OF ALL SURVEY
 MARKS PLACED PERTINENT TO THIS PLAN.

SHEET	PURPOSE	STANDARD REFERENCE	ORDER	LAND DIVISION	REPORT TO	COMMENTS
①	EASEMENT (Inter-tenement Easement)	SEC 50, REG 5, P. 4.0, ACT	THIS PLAN	LOT 506	ELECTRICITY NETWORKS CORPORATION	
②	EASEMENT (Inter-tenement Easement)	SEC 50, REG 5, P. 4.0, ACT	THIS PLAN	LOTS 505, 512-515	WATER CORPORATION	
LOT 506	RESERVE FOR RECREATION	SEC 50, REG 5, P. 4.0, ACT	THIS PLAN	LOTS 501, 502, 503, 504, 507, 508, 509, 510, 511, 514, 515		RETAINING WALLS
	NOTIFICATION	SEC 79A OF THE T.L.A.	DOE			



6.03 pm Councillor S J Coates declared a financial interest in Agenda Item 11.1.2.7 'Proposed Partial Closure of Reserve 45407 – Cone Place, South Hedland' as he is employed by BHP Billiton and owns BHP Billiton shares.

Councillor Coates left the room.

6.03 pm Councillor G J Daccache declared a financial interest in Agenda Item 11.1.2.7 'Proposed Partial Closure of Reserve 45407 – Cone Place, South Hedland' as owns BHP Billiton shares.

Councillor Daccache left the room.

6.03 pm Councillor A A Carter declared a financial interest in Agenda Item 11.1.2.7 'Proposed Partial Closure of Reserve 45407 – Cone Place, South Hedland' as owns BHP Billiton shares.

Councillor Carter left the room.

11.1.2.7 Proposed Partial Closure of Reserve 45407 – Cone Place, South Hedland (File No.: 804422G)

Officer	Luke Cervi Planning Officer
Date of Report	11 January 2010
Application Number	2009/668
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from the Department of Regional Development and Lands to close a portion of a Reserve 45407 that adjoins Lot 12, 27a Cone Place, South Hedland.

Background

The request is on behalf of the landowner of 27a Cone Place (BHP Billiton) and it is proposed to amalgamate the land with 27a Cone Place.

The land being requested is a portion of Lot 6011 being part of Reserve 45407 vested to the Town of Port Hedland for Pedestrian Access Way (PAW) and Public Utility Services. The vesting of this land to Council was accepted in 1998 after public consultation.

Consultation

Consultation with adjoining landowners and service providers was undertaken prior to the acceptance of the vesting in 1998. At that time it was identified that the land contains both water and sewer mains and was being actively used as a public walkway.

Statutory Implications

The closure of Roads and PAW's is dealt with under Section 58 of the *Land Administration Act 1997* which is administered by State Land Services. Section 9 of the *Land Administration Regulations 1998* identifies the information a Local Government must provide when requesting a road be closed.

The sale of Crown land is dealt with by Part 6 of the *Land Administration Act 1997* which is administered by State Land Services.

Policy Implications

Nil

Strategic Planning Implications

The following sections of Council's Plan for the Future 2008-2013 are considered relevant to the proposal:

Key Result Area 1 – Infrastructure

Goal Number 1 – Roads, Footpaths and Drainage

Strategy 1 – Ensure that Council's core community infrastructure assets are being managed appropriately through the implementation of the following Council Five-Year programs:

- Footpath development program
- Resealing Program
- Kerb development/replacement program
- Drainage upgrade program
- Playground upgrade program

Budget Implications

Nil

Officer's Comment

The reserve contains water and sewer infrastructure as well as a footpath with public lighting which is understood to be actively used for pedestrian purposes to access Baler Primary School.

The section of the reserve proposed to be closed is considered an essential part of the pedestrian network given that the reserve provides the most direct pedestrian route between Baler Primary School and the JD Hardie Centre (being the future Youth Centre). The land also still contains water and sewer mains which need to be protected.

Options

Council has the following options for responding to the request to close part of Reserve 45407:

1. Support the request.
2. Object to the request.

It is recommended that Council object to the request to close part of Reserve 45407.

Attachments

1. Aerial Photo
2. Site Plan

200910/229 Council Decision/Officer's Recommendation

Moved: Cr S R Martin

Seconded: Cr M Dziombak

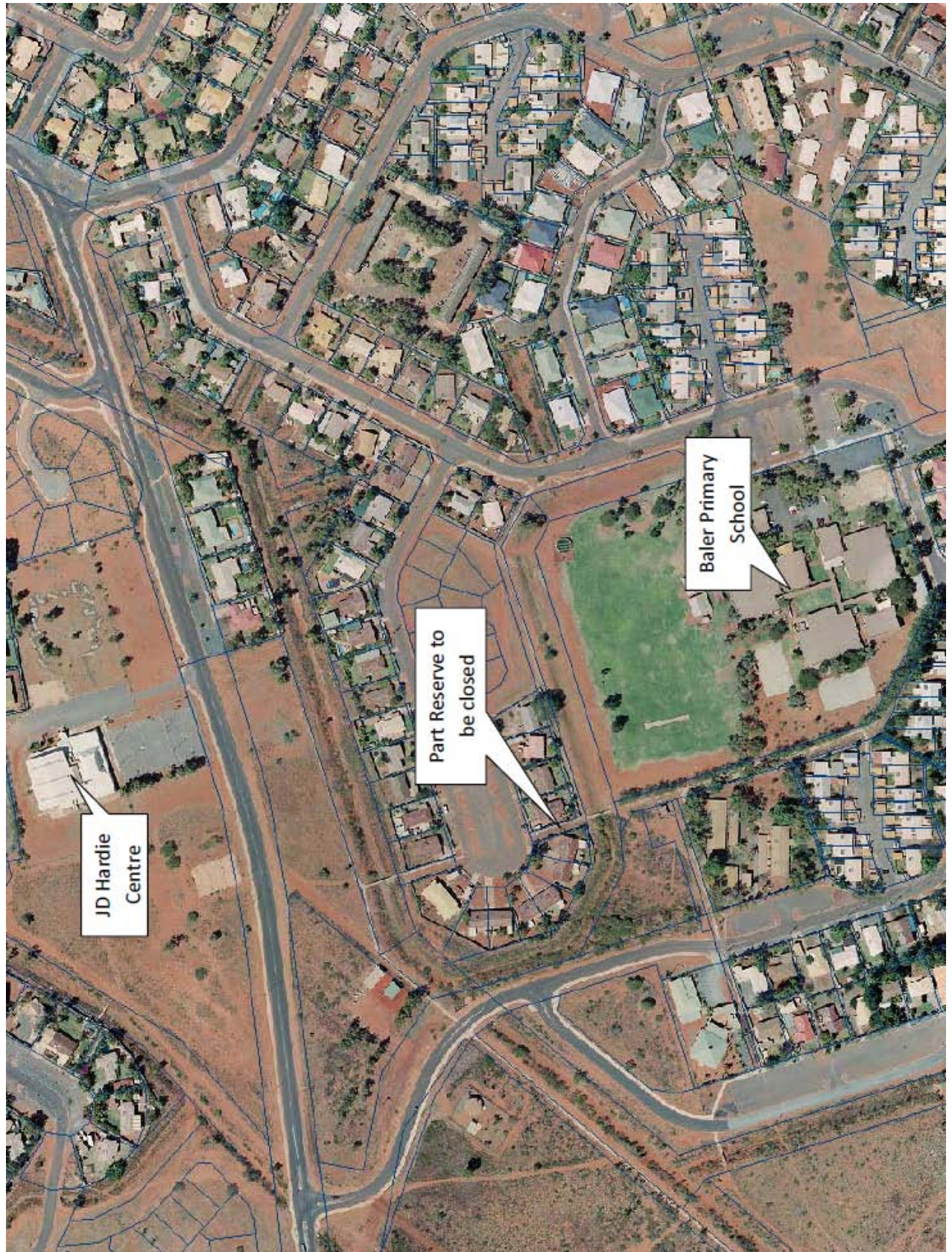
That Council advises the Department of Regional Development and Lands that:

- i) Council does not support the partial closure of Reserve 45407 – Pedestrian Accessway and Public Utilities, for the following reasons:
 - a) **The land contains water and sewer mains;**
 - b) **The land forms part of the most direct pedestrian route between Baler Primary School and the JD Hardie Centre which is to be converted to a Youth Centre.**

CARRIED 5/0

6:05pm Councillors Arnold A Carter, Steve J Coates and George J Daccache re-entered the room and assumed their chairs. Mayor advised Councillors of Council's decision.

ATTACHEMENT 1 TO AGENDA ITEM 11.1.2.7



ATTACHEMENT 2 TO AGENDA ITEM 11.1.2.7



11.1.2.8 Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone Lot 503 South Hedland from “Community – Education” to “Urban Development” (File No.: 18/09/0033)

Officer	Leonard Long Planning Officer
Date of Report	27 January 2009
Application Number	2010/3
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from Roberts Day Planning on behalf of Rapley Wilkinson to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* (TPS5) to rezone approximately 12 hectares west of the South Hedland TAFE (known as Lot 503) from Community – Education to Urban Development. The change in zone will facilitate the preparation of a Development Plan over the site to guide the development of Transient Workers Accommodation (TWA), medium density residential development, community facilities and any other land uses deemed appropriate through the Development Plan process.

Background

The subject land forms the western portion of a wider parcel of land including the South Hedland TAFE that was previously Reserve 38751 and under the management of the Department of Education and Training (DET). To facilitate the development of the TWA, the Department of Regional Development and Lands (DRDL) has transferred management of the lot to the Department of Planning under the Land Administration Act and is in the process of creating separate lots. The subject land is proposed as Lot 503 and is currently subject to dealing (ie finalisation of a new Certificate of Title).

DRDL has awarded a lease over the land for the planning and construction of the TWA, medium density residential, community facilities and any other land uses as deemed appropriate through planning processes. DRDL requires the development of the site to achieve a number of objectives including:

- provide for TWA to address short-term demand;
- contribute to a strong town centre;
- integrate with surrounding activities;
- be a quality development;

- contribute positively to the safety and wellbeing of the community; and
- develop or contribute to community facilities that will benefit the broader community during and after the development and improve road connectivity.

It is expected that the site will return to its original state at the end of the TWA's lifespan, with facilities, infrastructure and/or other assets gifted to the DET if required.

The planning of the site will be achieved through the preparation of a Development Plan. DRDL has appointed an Evaluation Panel (consisting of DPI - Ruth Durack, Town of Port Hedland – Richard Bairstow and LandCorp – Aaron Grant) to assess the Development Plan and provide a recommendation to the Council. DRDL have provided Guidance Notes for the development of the site and the Town provides guidance on TWA development through Guidance Notes for Potential Developers of Transient Workforce Accommodation (TWA) - August 2008.

Clause 5.2 of TPS5 identifies the land within a "Development Plan Area – South Hedland Entry" under Appendix 5. This provides the Council with the authority to require preparation of a Development Plan prior to considering subdivision or development proposals against the Precinct Objectives outlined in Clause 5.3.

While Clause 5.2 facilitates the preparation of a Development Plan over the site to guide future development and subdivision, Clause 6.9 of TPS5 (Community Zones) requires the Council to consider the purpose of the zone in considering applications for planning approval.

As such, the intended land use and development of the land would not be consistent with the objectives of the Community zone and a more appropriate zone should be applied to the land to facilitate proper and orderly planning over both the short and long-term.

It is proposed that the Urban Development zone be applied to the land. Clause 6.4 of TPS5 states that the purpose of the Urban Development zone is to:

"identify land where detailed planning and the provision of infrastructure is (sic) required prior to the further subdivision and development of the land. This planning should be documented in the form of a Development Plan";

A Development Plan shall address matters set out in Appendix 6 (Matters to be Addressed by Development Plans) of the Scheme, such as – services, road/paths, heritage, open space, environment, drainage, demand for development, staging and so forth; and

A Development Plan may require additional conditions and these shall be outlined in Appendix 10.

Appendix 6 also requires Development Plans in the Urban Development zone to address:

- location and density of housing, including lot and dwelling yields, population outcomes, net density and detailed subdivision standards relating to solar access, efficient use of water resources, design features and density rationale; and
- demand for commercial and community facilities, generated by the development and implications for the provision of these within the site or elsewhere.

TPS5 Zoning Table provides for a range of land uses under the Urban Development zone with the focus on residential development (including TWA's), health and community land uses, but limited commercial and industrial development. This provides a general outline of the range of land use desired for the Urban Development zone and its intended purpose. It is possible however, to modify and tailor the permissibility of land uses to provide for the desired range of uses over the site through the preparation of the Development Plan itself.

Clause 6.5 (Transient Workforce Accommodation) provides the Council with the ability to require TWA development to:

- comply with the Residential Planning Codes (R-Codes) and the Residential zone (Clause 6.3);
- vary the requirements of the R-Codes for TWA's;
- demonstrate 'normalisation' of land uses over time;
- make agreements relating to conversion and rehabilitation of sites.

Overall, TPS5 provides a very a robust set of provisions to guide and manage the land use and development of the site through a Development Plan over the short and long-term, including the ability to insert Development Plan conditions directly into the Scheme (ie Appendix 10).

As such, the application of an Urban Development zone is considered the most suitable mechanism to facilitate development of the desired mix and scale of land uses through a Development Plan, rather than the Transient Workforce Accommodation zone, Residential zone or Town Centre zone, all of which could permit some mixed arrangement of TWA/residential/community land uses. The application of an Urban Development zone will also be able to provide for changes in land use and development across the site over time.

Consultation

Should Council resolve to initiate this Scheme amendment, the documentation will be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to section 81 of the Act.

Following approval from the EPA to advertise the amendment, Council is then required pursuant to section 83 of the Act to consult persons likely to be affected by the amendment, and also advertise the amendment for a minimum of 42 days pursuant to section 84.

At the completion of this consultation, Council is to consider all submissions and determine whether to adopt the amendment, adopt the amendment with modifications, or not adopt the amendment.

Statutory Implications

The *Planning and Development Act 2005* and the *Town Planning Regulations 1967* provide Council the authority to amend its Local Planning Scheme and establish the procedure required to make this amendment.

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4 - Economic Development

Goal 4 - Land Development Projects

Strategy 1 - Fast-track the release and development of commercial, industrial and residential land in a sustainable manner including:

- 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 Development
- Redevelopment of the Port Hedland Telstra/Water Corporation Site.

Budget Implications

As this amendment is being initiated by a private entity, it is subject to the standard application fee and all costs associated with advertising will be borne by the applicant.

All officer assessment will be accommodated within existing budgets.

Officer's Comment

As the land will cater for a diversity of land uses including TWA, medium density residential development and community facilities, and will transition to other land uses over time as demand for TWA and residential development changes, the application of an Urban Development zone is considered the most appropriate zone.

The zone requires a Development Plan to be prepared for the site and adopted by the Council and the Western Australian Planning Commission to guide land use, development and subdivision. TPS5 contains provisions that require a wide number of matters to be addressed by a Development Plan, including the ability to insert conditions into Appendix 10 of the Scheme if required. As such, the application of the Urban Development zone will provide the Council with sufficient authority and ability to guide detailed land use and development proposals for the land in the short and long-term.

Attachments

Locality Plan

Town of Port Hedland Town Planning Scheme No. 5 Amendment
No. 26 Map
Copy of Deposited Plan 64542

200910/230 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council pursuant to Section 75 of the Planning and Development Act 2005 (as amended), initiate a Town Planning Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 by:


- i) Rezoning Lot 503 South Hedland (as indicated on Deposited Plan 64542) from the current zone "Community - Education" to "Urban Development";
- ii) Amending the Scheme Map accordingly.

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.2.8



LOCATION PLAN

 SUBJECT LAND

LOT 503 FORREST CIRCLE, SOUTH HEDLAND



ATTACHMENT 2 TO AGENDA ITEM 11.1.2.8

SCHEME AMENDMENT MAP

TOWN OF PORT HEDLAND
Town Planning Scheme No. 5
Amendment No. 26



EXISTING ZONING

LEGEND

LOCAL SCHEME RESERVES

- PARKS AND RECREATION
- DISTRICT ROAD
- OTHER PUBLIC PURPOSES DENOTED AS FOLLOWS:
 - WD WATER AND DRAINAGE

ZONES

- URBAN DEVELOPMENT
- COMMERCIAL
- TOWN CENTRE
- RURAL
- COMMUNITY DENOTED AS FOLLOWS:
 - ED EDUCATION

OTHER

- ▲ ▲ ▲ SPECIAL CONTROL AREAS
- • • DEVELOPMENT PLAN AREAS



PROPOSED ZONING



MAP 01401 LCA Site Assessment

11.1.2.9 Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone Lot 5867 Wedge Street , Port Hedland from “Industry” to “Town Centre” (File No.: 802013G)

Officer	Leonard Long Planning Officer
Date of Report	12 January 2010
Application Number	2010/4
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from Property Development Solutions on behalf of Wedge Street Investments Pty Ltd to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the zoning of Lot 5867, Wedge Street, Port Hedland from “Industry” to “Town Centre”.

Background

Site

The lot is located on the northern side of Wedge Street approximately 50m south of its intersection with Anderson Street, and measures 5,314m². The lot is currently vacant and has been so for a number of years.

Surrounding Zoning

The lot falls on the periphery of the existing “Town Centre” zone with only the lot to the east and north being zoned “Industrial”.

Proposal

It is proposed to rezone the lot from “Industry” to “Town Centre” to enable the lot to be developed for mixed business purposes.

Consultation

Should Council resolve to initiate this amendment to TPS 5, the documentation is to be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to section 81 of the Planning and Development Act 2005 (PDA).

Following approval from the EPA to advertise the amendment, Council is then required pursuant to section 83 of the PDA to consult persons likely to be affected by the amendment, and also advertise the amendment for a minimum of 42 days pursuant to section 84 of the PDA.

At the completion of this consultation, Council is to consider all submissions and determine whether to adopt the amendment, adopt the amendment with modifications, or not adopt the amendment.

Statutory Implications

The *Planning and Development Act 2005* and the *Town Planning Regulations 1967* provide Council the authority to amend its Local Planning Scheme and establish the procedure required to make this amendment.

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4 – Economic Development

Goal 4 - Land Development Projects

Strategy 1 - Fast track the release and development of commercial, industrial and residential land in a sustainable manner including:

- 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.

Budget Implications

The applicant has paid an application fee of \$1,650.00. This fee has been deposited into account 1006326.

Officer's Comment

Proposal

The proposed scheme amendment will result in the lot being developed in accordance with the permitted uses within the "Town Centre".

The development of the lot for "Town Centre" purposes would include commercial uses on the ground floor with possible residential uses above. Furthermore, Council has developed the lot to the west as a park (Leap Park), the development of the proposed lot for "Town Centre" purposes would result in the better utilization of the park.

In this regard prior to any development taking place a development application will have to be submitted, during which any proposed development will be encouraged to take advantage of the park (Leap Park).

Therefore, the rezoning of the lot and the subsequent development thereof would have a positive effect on the town centre. The development will result in the provision of additional commercial and possible residential units.

Dust and Noise Impact

The lot is located within close proximity to the Port operations and may therefore be exposed to elevated dust and noise levels.

The Council through amendment scheme 22 (West End) is in the process of obtaining a dust management report. Whilst the report is not directly related to this application, it will provide Council with a recommendation on how to manage any dust issues, should residential development be proposed. Any recommendations coming out of the report will be taken into consideration during the development application process to ensure that any residential development will comply with the recommendation.

In addition hereto the proposed amendment scheme will be forwarded to the Environmental Protection Authority, who will determine the level of assessment required.

Potential Increase of Residential Units.

The approval of the scheme amendment to "Town Centre", would permit the lot to be developed for, inter alia, residential purposes. This will however, from a planning point of view, be restricted to a mixed business development form, which comprises of ground floor commercial with residential development above, a development type that is conducive to a town centre.

In terms of the Town Planning Scheme, residential development within a "Town Centre" zoned is restricted to an R50 density coding.

Attachments

Town of Port Hedland Town Planning Scheme No. 5,
Amendment No. 27, Map

200910/231 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

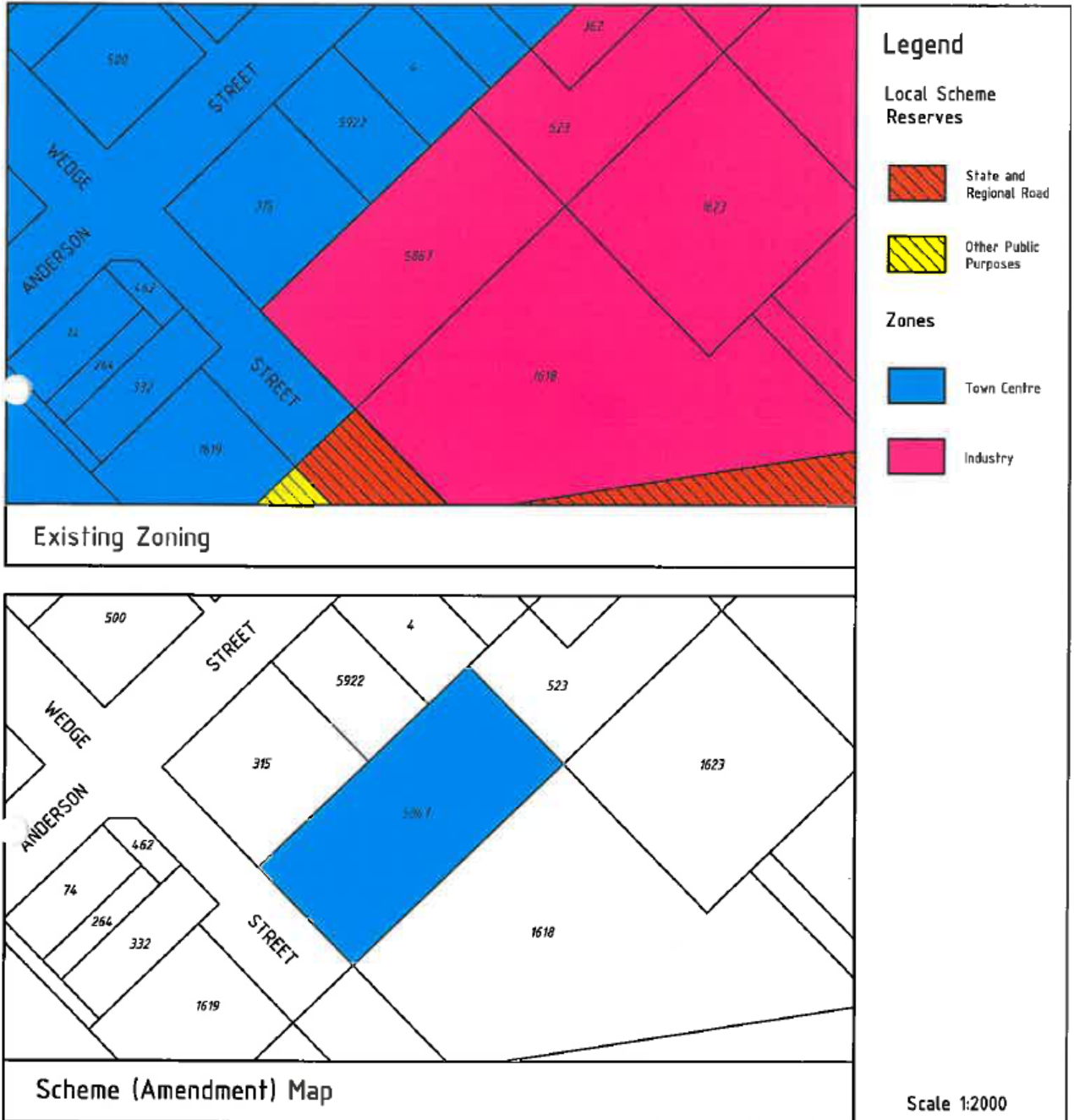
- 1) Initiate a Town Planning Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 by:
 - a) **Rezoning Lot 5867 Wedge Street Port Hedland from "Industry" to "Town Centre" as depicted on the amendment map;**
- 2) Advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.1.2.9

Town of Port Hedland
Town Planning Scheme No.5

ATTACHMENT 1
Amendment No. 27. Map



11.1.2.10 Procedure for Resolving Compliance Matters Within the Town of Port Hedland (File No.: 18/02/0002)

Officer	Leonard Long Acting Manager Planning Services
Date of Report	14 January 2010
Disclosure of Interest by Officer	Nil

Summary

This report is to provide Council with an outline of what the current approved procedure is in attending to compliance related matters and to how this procedure is proposed to be modified.

The modified procedure is presented to Council for endorsement.

Background

At the time that the current procedure was adopted the Town's then Strategic Plan 2007 – 2012 contains a goal that stated:

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

It is imperative that Council has an endorsed procedure for handling compliance related matters. This provides the Administrative Staff with the confidence in knowing that they have the support of Council to pursue compliance matters until such matters have been resolved albeit ultimately through the legal system.

Current Compliance Matters

Currently the Planning Unit has approximately 150 compliance matters, of which the majority have been reported by members of the public, with a number being identified whilst conducting compliance inspections.

Due to the limited resources not all these matters can be dealt with simultaneously, therefore a database has been created and the matters dealt with in the most appropriate way.

Of these matters there are a number that have progressed to a stage where they are now been handed over to the Councils Solicitors to have them dealt with by the courts.

Whilst it is not the aim to get to this stage the reality is that not all property owners are willing to work with the unit to achieve a suitable outcome.

Current Approved Procedure

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

“That Council:

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

Compliance Matter Resolution Procedure

Objective

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

What is a compliance matter/complaint?

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

Procedural Steps

- 1. Site inspection*

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

- 2. Background search*

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

- 3. Councillors advised of compliance matters to be initiated*

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

Councillors of these issues/matters as soon as is practicable.

4. *Initial contact*

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

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

5. *Follow-up letter*

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

6. *Commencement of formal statutory process*

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

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

The advice to Council is to include any updates and/or relevant information gathered, and will

provide adequate time for Councillors to obtain clarification of any concerns.

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

...3. Directs the Chief Executive Officer or his nominated officer to resolve any future compliance related matters/issues in accordance with the procedure."

Consultation

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

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 2: Community Pride

Goal Number 1: Litter

Strategy 3 - Review legislative alternatives that are available to Council to improve the visual appearances of untidy properties within Town.

Budget Implications

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

Officer's Comment

In order to facilitate good orderly planning it is important to ensure that development takes place in an orderly manner. By ensuring that good and orderly planning is maintained will result in a positive impact from an amenity and streetscape. This concept has been recognized by Council through its strategic plan.

The endorsement of the proposed amended procedure will provide staff, Council and the public with a clear and impartial process by which compliance matters will be dealt with.

Proposed Amended Procedure:

1. Receive written complaint or identify non-compliance matter,
2. Site Inspection

Establish if there is a matter to be dealt with.
3. Background search

Establish any relevant history. This search will include all Council records and other areas where necessary.
4. Initial contact

Contact the owner by suitable means and arrange a meeting on site, such meeting is to be conducted by two Council Officers. The purpose of the meeting is to discuss the following and the way forward:

 - a) What the issue/matter/breach/non-compliance is.
 - b) The options available to bring the issue/matter/breach/non-compliance, into compliance with the Port Hedland Town Planning Scheme No. 5.
 - c) The procedure that will be followed while the issue/matter/breach/non-compliance is still being conducted.
 - d) Advise the owner that it will be required to take photographs of the issue/matter/breach/non-compliance and extend an invitation to the owner to be present when photographs are taken, if declined advise that owner that photographs will then be taken from outside the property.
5. Issue 30 day notice

After the initial contact is made, a notice is sent out to the owner describing the issue/matter/breach/non-compliance and requesting that they rectify the matter within 30 days of the date of the letter.

Should the owner at this stage provide the Town with a plan as to how the owner intends to bring the issue/matter/breach/non-compliance into compliance with Port Hedland Town Planning Scheme No. 5. The plan is to be discussed with the CHIEF EXECUTIVE OFFICER/Director Regulatory Services to ascertain if such a plan will be accepted.

6. Issue 14 day notice

After the expiry of the 30 day notice in stage 5, a site visit is to be conducted to ascertain if the issue/matter/breach/non-compliance is still occurring on the site, and photographs taken.

Again should the owner at this stage provide the Town with a plan as to how the owner intends to bring the issue/matter/breach/non-compliance into compliance with Port Hedland Town Planning Scheme No. 5. The plan is to be discussed with the CHIEF EXECUTIVE OFFICER/Director Regulatory Services to ascertain if such a plan will be accepted.

7. Issue 7 day notice

After the expiry of the 14 day notice in stage 6, a site visit is to be conducted to ascertain if the issue/matter/breach/non-compliance is still occurring on the site, and photographs taken.

Should the owner at this stage provide the Town with a plan as to how the owner intends to bring the issue/matter/breach/non-compliance into compliance with Port Hedland Town Planning Scheme No. 5. The plan is to be discussed with the CHIEF EXECUTIVE OFFICER/Director Regulatory Services to ascertain if such a plan will be accepted.

8. Advise Council that the matter will be handed over to the Solicitors for Legal action.

Copies of all notices (30, 14 and 7 day notices) including photographs are forwarded to the Town's Solicitor to proceed with legal action. At this stage photographs are to be taken on a monthly basis.

9. Advise Council of the outcome of the matter.

The procedure has been formulated in such a way that should the owner be prepared to work with the Town in an manner acceptable to the Chief Executive Officer/Director Regulatory Services to resolve the issue/matter/breach/non-compliance, the Chief Executive Officer/Director Regulatory Services has the discretion to extend the time in which the issue/matter/breach/non-compliance can be resolved.

It is important for Council to endorse the amended procedure and to allow the officers to deal with the compliance matters, confidently knowing that they have the Councils support. Council needs to be able to remain at a distance and allow the compliance

procedure to be followed. This will ensure that Council cannot be accused of being selective or bias against any one individual. The procedure is recommended to be endorsed by Council.

Attachments

Nil

Officer's Recommendation

That Council:

1. Endorses the following procedure for dealing with compliance related matters:

- a) Receive written complaint or identify non-compliance matter,
- b) Site Inspection
Establish if there is a matter to be dealt with.
- c) Background search
Establish any relevant history. This search will include all Council records and other areas where necessary.
- d) Initial contact
Contact owner by suitable means and arrange a meeting on site, such meeting is to be conducted by two Council Officers. The purpose of the meeting is to discuss the following and the way forward:
 - i) What the issue/matter/breach/non-compliance is.
 - ii) The options available for the rectification of the issue/matter/breach/non-compliance.
 - iii) The procedure that will be followed while the issue/matter/breach/non-compliance is still being conducted.
 - iv) Advise the owner that it will be required to take photographs of the issue/matter/breach/non-compliance and extend an invitation to the owner to be present when photographs are taken, if declined advise that owner that photographs will then be taken from outside the property.
- e) Issue 30 day notice

After the initial contact is made, a notice is sent out to the owner describing the issue/matter/breach/non-compliance and requesting that they rectify the matter within 30 days of the date of the letter.

Should the owner at this stage provide the Town with a plan as to how the owner intends to bring the issue/matter/breach/non-compliance into compliance with Port Hedland Town Planning Scheme No. 5. The plan is to be discussed with the Chief Executive Officer/Director Regulatory Services to ascertain if such a plan will be accepted.

f) Issue 14 day notice

After the expiry of the 30 day notice in stage 5, a site visit is to be conducted to ascertain if the issue/matter/breach/non-compliance is still occurring on the site, and photographs taken.

Again should the owner at this stage provide the Town with a plan as to how the owner intends to bring the issue/matter/breach/non-compliance into compliance with Port Hedland Town Planning Scheme No. 5. The plan is to be discussed with the Chief Executive Officer/Director Regulatory Services to ascertain if such a plan will be accepted.

g) Issue 7 day notice

After the expiry of the 14 day notice in stage 6, a site visit is to be conducted to ascertain if the issue/matter/breach/non-compliance is still occurring on the site, and photographs taken.

Should the owner at this stage provide the Town with a plan as to how the owner intends to bring the issue/matter/breach/non-compliance into compliance with Port Hedland Town Planning Scheme No. 5. The plan is to be discussed with the Chief Executive Officer/Director Regulatory Services to ascertain if such a plan will be accepted.

h) Advise Council that the matter will be handed over to the Solicitors for Legal action.

Copies of all notices (30, 14 and 7 day notices) including photographs are forwarded to the Town's Solicitor to proceed with legal action. At this stage photographs are to be taken on a monthly basis.

2. Advise Council of the outcome of the matter; and
3. Requests the Chief Executive Officer or his nominated officer to resolve any future compliance related issue/matter/breach/non-compliance in accordance with the above procedures.

200910/232 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Agenda Item 11.1.2.10 'Procedure for Resolving Compliance Matters Within the Town of Port Hedland' lay on the table for further discussion including incorporation of legal opinion.

CARRIED 8/0

REASON: Council laid Agenda Item 11.1.2.10 'Procedure for Resolving Compliance Matters Within the Town of Port Hedland' on the table to enable further discussion on the matter including the incorporation of legal opinion.

11.1.3 Environmental Health Services**11.1.3.1 Application for Trading in Streets and Public Places
– Operation of a Hotdog Van (File No.: 19/04/001)**

Officer Michael Cuvalo
Coordinator Environmental
Health Services

Date of Report 12 January 2010

Disclosure of Interest by Officer Nil

Summary

A request has been received to operate a mobile hotdog trailer at locations around the Pier Hotel on Friday and Saturday nights.

Background

An application for Trading in Streets and Public Places has been received from Mr Jeffery Pass to operate a hotdog trailer at one of four suggested locations on Friday and Saturday nights between the hours of 11:00pm and 1:30am.

Locations for Operation

Four locations on Anderson Street and The Esplanade were nominated where the applicant feels operation of a hotdog trailer would be appropriate (refer Attachment 1). Suggested locations are as follows:- (Photographs of locations are included in Attachment 2):

- A) Rear access lane behind Hedland Emporium
- B) Anderson Street side of Hedland First National
- C) Rear entrance of Hedland First National
- D) Vacant property on The Esplanade (near RSL Community Shop)

Description of Hotdog Vending Setup and Equipment

The setup will comprise of a mobile hotdog trailer which is fully self contained and includes hot water for hand and utensil washing, a Bain Marie equipped with gas burners and liquid waste collection tank which is compliant with Health requirements (refer Attachment 3).

Consultation

The applicant has obtained letters of consent from both Hedland First National and Hedland Emporium which show their consent for the hotdog vendor to operate on the locations listed above (See attachments 4 and 5).

Comment has been received from Richard Moore of the Port Hedland Police Station who stated they do not support the application due to the potential for intoxicated people congregating for extended periods in areas already prone to criminal acts such as violence, vandalism and antisocial behavior. When asked whether the Police would support a trial period he stated that, again, he would not support the application.

Statutory Implications

Section 7, 8 and 9 of the Town of Port Hedland Local Law – Trading in Public Places states:-

- “7. *In considering an application for a licence or renewal of a licence, the Local Government shall have regard to—*
- (a) any relevant policy statements;*
 - (b) the desirability of the proposed activity;*
 - (c) the location of the proposed activity;*
 - (d) the circumstances of the case;*
 - (e) the principles set out in the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995.*
8. *The Local Government may grant the licence or renewal, or may refuse to grant the licence or renewal and it may so be refused on any of the following grounds—*
- (a) the applicant is not a desirable or suitable person to hold the licence;*
 - (b) the applicant has committed a breach of this local law;*
 - (c) the needs of the district or a portion thereof for which the licence is sought is adequately catered for by established shops or by persons to whom licences have been issued; or*
 - (d) there is inadequate means of access to or from, or inadequate parking space for a person(s) trading in a public place; or*
 - (e) such other grounds as may be relevant in the circumstances.*
9. *The Local Government may issue a licence specifying such requirements terms and conditions as in the opinion of the Local Government are appropriate, including—*

- (a) *the place to which the licence applies; which in the event of mobile traders may include a predetermined approved route or area;*
- (b) *the days and hours when trading may be carried on;*
- (c) *the number, type, form and construction as the case may be of any stand, table, structure or vehicle which may be used for trading;*
- (d) *the particulars of the goods, wares, merchandise, produce, services or transactions which trading may be carried on;*
- (e) *the number of persons and the name of persons permitted to carry on trading, and any requirements concerning personal attendance at the place of trading and the nomination of assistants, nominees or substitutes;*
- (f) *whether and under what terms the licence is transferable;*
- (g) *any prohibitions or restrictions concerning the cause of any nuisance (as defined in the Health Act Section 182), the use of signs, the making of noise and the use of amplifiers, sound equipment, sound instruments and lighting apparatus;*
- (h) *any requirements on display of the licence holder's name and other details of the licence;*
- (i) *the care, maintenance and cleansing of the place of trading, and requirements for preparation of food;*
- (j) *the vacating of the place of trading when trading not taking place;*
- (k) *any requirements concerning the acquisition by the licence holder of public risk insurance;*
- (l) *the period, not exceeding 12 months, during which the licence is valid;*
- (m) *designation of any place or places wherein trading is totally or from time to time prohibited by the Local Government."*

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The following options are available to Council which include the approval of the application at the four various locations or the refusal of the application.

- i) Approve the application for the operation of a hotdog vendor at Location A described as entrance to rear access lane behind Hedland Emporium;
- ii) Approve the application for the operation of a hotdog vendor at Location B described as Anderson Street side of Hedland First National;
- iii) Approve the application for the operation of a hotdog vendor at Location C described as rear entrance to Hedland First National via Anderson Street;
- iv) Approve the application for the operation of a hotdog vendor at Location D described as vacant property next to the Returned Services League Community Shop;
- v) Refuse the application.

It is the officer's recommendation that the application be refused for reasons as stated by the Port Hedland Police. The potential for loitering of intoxicated people will only exacerbate problems that are already occurring in the area on Friday and Saturday night.

Though benefits of the business may include a deterrent of street crime due to a person being located in hotspots that can act to observe and report potential problems to Police and feeding the intoxicated which can reduce the level of drunkenness to an extent, these benefits could be outweighed by the fact that intoxicated people will be queuing in mass which is a known factor in instigating antisocial behavior. Though Mr Jeffery Pass has over 20 years experience in security within the entertainment industry, as his role will not be to provide security for the area the benefit of him being there will be limited.

Attachments

- 1 Map of suggested locations for operation;
- 2 Photographs detailing suggested locations;
- 3 Description and photographs of hotdog trailer;
- 4 Letter of consent from Hedland First National; and
- 5 Letter of consent from Hedland Emporium.

Officer's Recommendation

That Council:

- i) Refuse the application as submitted because of the potential for escalation of anti-social behaviour in the area; and
- ii) The applicant be advised that alternative locations and hours of operation would be considered for approval for the operation of a mobile hot dog trailer in a further application.

200910/233 Council Decision

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council approves the Application for Trading in Streets and Public Places from Mr Jeffery Pass for the operation of a hotdog vendor at location B described as Anderson Street side of Hedland First National for a four (4) week trial on nights between the hours of 11:00pm and 1:30am.

CARRIED 8/0

REASON: Council considered that all issues concerned with the application for Trading in Streets and Public Places submitted by Mr Jeffery Pass for the operation of a hotdog vendor were addressed in the Management Plan submitted by the applicant; and that a four (4) week trial would be an ample period for review.

ATTACHMENT 1 TO AGENDA ITEM 11.1.3.1

Attachment 1 - Map of suggested locations for operation



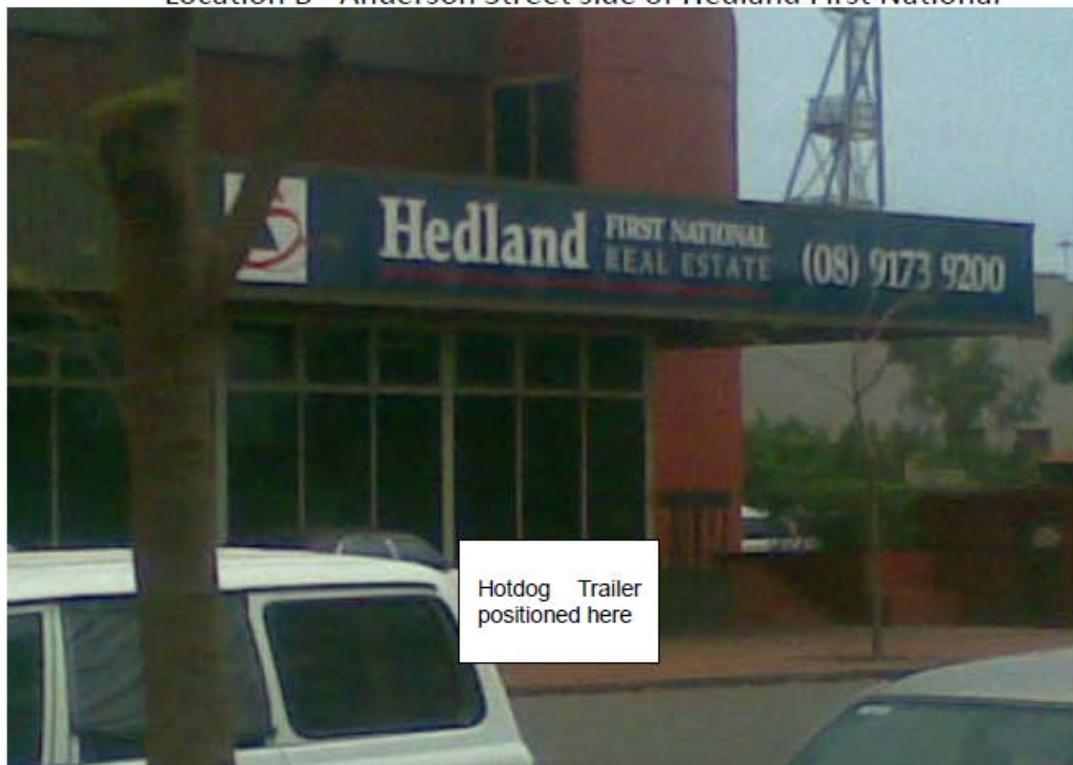
ATTACHMENT 2 TO AGENDA ITEM 11.1.3.1

Attachment 2 - Photographs detailing suggested locations

Location A - Rear access lane behind Hedland Emporium



Location B - Anderson Street side of Hedland First National



Location C - Rear entrance of Hedland First National
(Anderson Street)



Location D – Vacant property on The Esplanade (near RSL)



ATTACHMENT 3 TO AGENDA ITEM 11.1.3.1

Attachment 3 - Description and photographs of hotdog trailer

- Mobile hotdog trailer originally purchased and used for Sydney Olympic Games.
- Hot water and hand washing facility.
- Bain Marie complete with gas burners.



ATTACHMENT 4 TO AGENDA ITEM 11.1.3.1

Attachment 4 - Letter of consent from Hedland First National

Valuers, Real Estate Agents, Property Managers



2, 20 Wedge Street, Port Hedland WA 6721
Telephone: (08) 9173 9200 Facsimile: (08) 9173 2363
www.hfn.com.au

11/01/2010

TO WHOM IT MAY CONCERN

This is to confirm my support for the business venture being proposed by Jeff Pass, supplying hotdogs at a specific venue and at specific times in the West End. There is a serious shortage of facilities like this available in town, and it is my view that this service would be of value in supplying a service in offering food to people who are already in the vicinity at the weekends.

It could be argued that this food outlet could attract an antisocial element; however, there is no reason to conclude that that would be the case, and I also believe that the applicant is more than capable of managing any situation that could arise. We at Hedland First National have been utilizing his services in other areas for the past year and can vouch for his attention to detail, organizational abilities and personal integrity. Based on the evidence of how he manages his existing business any new venture Jeff undertakes will be well managed and professional.

As the Hedland First National office is located very closely to where Jeff wants to be positioned I have more reason than most to be concerned, should there be reason for concern. We have, over 18 months sustained over \$18,000 worth of vandalism to doors and window, including an office-breakin during the hours following the pubs closing on Friday and Saturday nights. A food vending outlet would stabilise the crowd by introducing the sobering element of eating and also providing a diversion to vandalism whilst waiting for taxis. I strongly suggest to Council that this application is favorably viewed and that the situation be monitored, as suggested, for a period of time. It is certainly worth trying and giving him a go.

Yours sincerely

A handwritten signature in black ink that reads 'Morag Lowe'. The signature is written in a cursive style with a large 'M' and a long horizontal stroke at the end.

Morag Lowe
Principal/Licensee

Correspondence:

Westskye Property P/L ATF Westskye Trust & Riverpark Homes P/L ATF Angus James Family Trust
T/A Hedland First National Real Estate ABN 42 759 657 213
PO Box 391, Port Hedland WA 6721
email: admin@hfn.com.au



ATTACHMENT 5 TO AGENDA ITEM 11.1.3.1

Attachment 5 - Letter of consent from Hedland Emporium

Hollywood Transfers
Trading as Hollywood Hotdogs
21 Harper Street
Port Hedland WA 6721

Hedland Emporium
1 The Esplanade
Port Hedland WA 6721

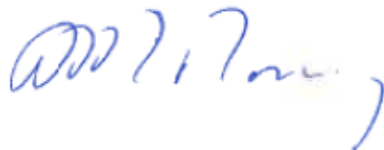
12 January 2009

Jeff and Kathryn,

In response to your request to use the rear access lane, behind the Hedland Emporium on a Friday and/or Saturday night, to operate a mobile food service I hereby give my authority for you to do so.

Regards,

Des Maloney



11.1.3.2 Timed Parking in Port Hedland CBD (File No.: 19/02/0002)

Officer	Victor Birt Senior Ranger
Date of Report	15 January 2010
Disclosure of Interest by Officer	Nil

Summary

For Council to consider introducing “time limited” parking in Port Hedland Central Business District (CBD).

Background

During 2009, Ranger Services received a number of complaints from businesses operating in the Port Hedland CBD (Wedge and Edgar Street) regarding lack of the other parking for their customers and members of the public, which was being used by employees of neighbouring businesses.

To accommodate this issue, the Town’s Ranger Services, in consultation with Town planning and the Director, Regulatory and Community Services, investigated and installed a number of “Time Limited” parking signs in various locations in the West End in December 2009/January 2010. Since the installation of the signs, Ranger Services has undertaken a basic survey of the businesses affected to see if they in fact agree or disagree with the use of timed parking as a way to resolve this ongoing issue.

The results of the survey are as follows:

Street	Agree with timed parking	Disagree with timed parking
Wedge Street	15	4
Anderson Street	1	3
Edgar Street	0	8

Due to Christmas/New Year festive season, many businesses on these streets were closed, and therefore did not participate in the survey.

Although the parking signs have been installed, there has been no actual enforcement or fines imposed until such time as Council endorses the use of “Time Limited” parking signs in these areas. The locations are indicated in the attached map.

Consultation

A door to door survey of all affected businesses in the Port Hedland CBD was conducted on the 15 January 2010, with the results provided above.

Statutory Implications

Town of Port Hedland Local Laws Relating to Parking 3 April 1998

Local Government Act 1995, Miscellaneous provisions Part 9
Enforcement and legal proceedings Division 2

9.47. Proof of certain matters not required

In proceedings under this Act instituted by or under the direction of a local government, until evidence is given to the contrary, proof is not required of—

- (a) the persons constituting the council or any committee of it;*
- (b) the authority of a local government or any of its employees to prosecute, or the authority of an employee or other person to represent the local government in the proceedings;*
- (c) the election, appointment, or employment of the mayor or president, the CEO, or any other employee of the local government;*
- (d) the presence of a quorum of the council or a committee when a resolution was passed, an order was made, or anything else was done;*
- (e) the fact that a place is within a parking region; or*
- (f) the establishment or provision of a parking facility.”*

Policy Implications

Nil

Strategic Planning Implications Nil

Budget Implications

Cost of signs \$1,740 and 10 man hours in installation/erection

Officer's Comment

The installation of parking signs throughout the CBD was intended to resolve the issue of limited parking being available for customers, which has been raised by several businesses in the area.

The subsequent survey of local businesses seems to indicate a preference for “time limited” parking on Wedge Street, but not on Anderson or Edgar Streets. Council should note that several businesses in the area (i.e. Tranquility Day Spa), have actually contributed to Council for the provision of parking, as part of their planning approval process.

Council does have the option to consider a “trial” of timed parking in Anderson Street to ascertain if the use and enforcement of these signs actually reduces the parking issues in the Port Hedland CBD.

If Council decides to remove some or all of the time limited parking signs, the signs can be redeployed in other locations, or stored to replace damaged existing signs.

Attachments

1. Westend Parking Survey
2. Plan where new time limited parking has been installed.

Officer’s Recommendation

That Council:

- i) Endorse the installation and enforcement of “time limited” parking on Wedge Street, as indicated on the attached map;
- ii) Removes the “time limited” parking signs on Anderson and Edgar Streets;
- iii) Reviews the effectiveness of “time limited” parking in the Port Hedland CBD in six months time; and
- iv) Advises all businesses located in the Port Hedland CBD of Council’s decision, and subsequent reports on “Time Parking” in this zone.

200910/234 Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council:

- i) Endorse the installation and enforcement of one (1) hour “time limited” parking on Wedge Street, as indicated on the attached map;
- ii) Removes the “time limited” parking signs on Anderson and Edgar Streets;
- iii) Reviews the effectiveness of time limited parking in the Port Hedland CBD in six (6) months in conjunction with the completed report and findings of the West End Parking Management Plan; and

- iv) Advises all businesses located in the Port Hedland CBD of Council's decision, and subsequent reports on "Time Parking" in this zone.

CARRIED 8/0

REASON: Council amended:

1. *Clause i) of the Officer's Recommendation to ensure the enforcement of one (1) hour time limited parking on Wedge Street; and*
2. *Clause iii) to ensure a review of time limited parking in the Port Hedland CBD would be undertaken in six (6) months time, together with the completed report and findings of the West End Parking Management Plan.*

11.1.4 Building Services*11.1.4.1 Information Update on Port Hedland International Airport Housing Project (File No.: 800280B)*

Officer Andy Taylor
Manager Building Services

Date of Report 14 January 2010

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to provide Council with an update on the progress of this project.

Background

Council, at the Ordinary Meeting held in September 2009 resolved the location of the proposed dwellings at the airport environs. Also, in response to this decision, administrative work commenced to enable tender documents to be produced.

Consultation

Chief Executive Officer.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

As this report is for information there are no current budget implications.

Officer's Comment

Before tenders can be called for the supply and location of dwellings on the airport lot, the exact location needs to be surveyed and services availability identified for each dwelling such as power, water, effluent disposal and telephone, etc.

To this end, prior to the Christmas break, a land surveyor was engaged to undertake a feature survey for this purpose.

This need arose as the airport (Lot 2444) is a super lot without the required services identified as being available for the proposed dwellings at the nominated location(s).

The feature survey is expected to be available after Monday 18 January 2010, and when to hand, approvals will be sought from Horizon Power, Water Corporation and Telstra.

A further update/report will be made to Council as work progresses with this project.

Attachments

Nil

200910/235 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council receives and note the information contained within this report.

CARRIED 8/0

11.1.4.2 Purchase of Automatic Public Toilets for Cemetery Beach Park, Port Hedland Boat Ramp, Port Hedland Skate Park, Finucane Island Boat Ramp, South Hedland (location to be confirmed) (File No.: 05/11/0002)

Officer	Andy Taylor Manager Building Services
Date of Report	14 January 2010
Disclosure of Interest by Officer	Nil

Summary

The purpose of this report is to seek Council approval to purchase automated public toilets without the usual tender process being observed.

Background

Council's Partnerships Projects 2009/10 under public amenity enhancement allocated the sum of \$750,000 for the purchase and installation of public toilets. These funds have come from the following sources:

Town of Port Hedland	\$150,000
Royalties for Regions Funding	<u>\$600,000</u>
	\$750,000

It is proposed to install toilets in the following locations:

- Cemetery Beach Park
- Port Hedland Boat Ramp
- Port Hedland Skate Park
- Finucane Island Boat Ramp
- South Hedland (location to be confirmed)

Consultation

Chief Executive Officer.
Director Regulatory Services.

Statutory Implications

Part 4, Section 11(2)(f) of the Local Government (Functions and General Regulations 1996, states (in part):

11. *Tenders to be invited for certain contracts*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Part if -*

...(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or”

Policy Implications

2/007 Procurement Policy

This policy requires all purchases in excess of \$100,000 to be made through the tender process

Strategic Planning Implications

Nil.

Budget Implications

A quotation has been received from W.C. Convenience Management Pty Ltd for the supply and delivery of the required toilets for the total amount of \$602,298-00 plus GST.

Additional costs will be incurred during the installation being:-

- Water and electrical connection
- Excavation and reinstatement of services run in
- Construction of concrete pads and footings
- Construction of access path (where required)

These costs in total are estimated to be \$150,000

The total amount budgeted for by Council for these projects is \$750,000, pursuant to the funds allocated in Council's Partnerships Projects 2009/10.

There will be ongoing costs associated with the maintenance of these toilets such as:

- Power
- Water
- Consumables
- Cleaning
- Building Maintenance

These ongoing costs will be included as part of the annual building maintenance/cleaning budget for each year.

Officer's Comment

If approved, these five toilets will be in addition to the existing three automated toilets previously purchased by Council. As with the past purchases, there is still only one supplier of this type of product in Australia.

Part 4 Regulation 11(2) of the Local Government (Functions and General) Regulations 1996 is cited as permitting the acquisition of goods of a specialised nature, where only one supplier is available, without observing the tender process.

This purchase meets the provisions of the regulations in that there is only one supplier and on each of the previous occasions automated toilets have been purchased without calling tenders.

Attachments

Nil.

200910/236 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council:

- i) Resolve to set aside the provisions of Policy 2/007 Procurement Policy in the purchase of five automated public toilets
- ii) Pursuant to Part 4 Regulation 11(2)(f) Local Government (Functions and General) Regulations 1996 authorise the Chief Executive Officer to place an order with W.C. Convenience Management Pty Ltd for the supply and delivery of automated public toilets in the amount of \$602,298.00 plus GST.

CARRIED 8/0

11.1.4.3 Civic Centre Options for Additional Office Space (File No.: 05/11/0002)

Officer Andy Taylor
Manager Building Services

Date of Report 14 January 2010

Disclosure of Interest by Officer Nil

Summary

Report seeks Council consideration of alternatives to resolve short term/medium term office accommodation issues that are being experienced by the Town of Port Hedland.

Background

Staffing numbers at the Town of Port Hedland have grown and are likely to continue to grow rapidly over the coming years as the Town progressively transforms into a city. The existing Civic Centre office space is currently unable to accommodate Council's administrative staff meaning that several staff are now located at the Port Hedland International Airport (PHIA) . This is clearly less than desirable as the PHIA office isn't particularly accessible for the members of the public and the separation of staff needs does not assist in developing a unified approach to service delivery and customer service.

At its November 2009 meeting Council considered a report on this matter and resolved to:

"...i) Request a further report on design a cost estimates for both of the following short term office refurbishment expansion options:

- Converting a portion of the current backstage area into storage and office space.*
- Installing a temporary office space in the area adjacent to eastern end of the Civic Centre.*

ii) Prepare and widely distribute an options paper that seeks community feedback on their preferred direction/location for the Council offices in the longer term with the following options being canvassed:

- Option 1: Expanding the existing Civic Centre office building.*
- Option 2: Selling the Civic Centre building and building/leasing a new Council office facility in the West End of Port Hedland.*
- Option 3: Selling the Civic Centre building and building/leasing a new Council office building in the South Hedland CBD.*

- *Option 4: Any other option/alternative as identified by the public.*
- iii) *investigates the ownership, and possible alternative to purchase the Civic Centre property, providing a report on these to Council at a future Ordinary Meeting; and*
- iv) *commits to making a decision on the matter within six (6) months.”*

An options paper on the future location of the Civic Centre is being developed and community consultation is scheduled for February 2010. Discussions have been held with DPI – State Land Services regarding the potential purchase on land on which the Civic Centre sits. This report focuses on the short/medium term options available to Council.

Option 1: Conversion of Rear of Gratwick Hall Stage into Office Space

This option was considered but discounted for the following reasons:

- The cost of constructing a separating wall and access doors between the hall and the proposed office area.
- Staff access from the existing office via the rear stairs.
- The location of the return air grille to the main air-conditioning system, any wall constructed would impede the A/C operation to Gratwick Hall.
- The reduction of usable rear stage area for the operation of Gratwick Hall was seen as an issue.
- The installed lift system would not be able to be used.
- The intrusion of noise and music to the proposed office area when the hall was being used.

Option 2: Install Temporary Office Space on Land that Abuts the Civic Centre (near Gratwick Swimming Pool)

This option was considered and appeared initially to have merit, but for the following reasons is not recommended:

- The first floor balcony overhang prevents the donga from being located hard against the Civic Centre to permit internal access.
- Without connectivity to the existing Civic Centre building, customer service is likely to be difficult.
- Locating staff in a temporary building does not solve the issue of staff segregation.
- Impact upon amenity. The locating of dongas around the Civic Centre would detracts from the overall appearance of the building.

Option 3: Convert Council Chambers

The existing Council Chambers space is relatively unused with use currently limited to between 5 and 10 hours per month. The chamber area could be converted into office space with an area remaining for use as a meeting/dining room.

This option is appealing to staff but does mean that Council meetings would need to be held elsewhere. Informal discussions with some councilors have indicated an interest in this option with Council meetings being held in either:

- Gratwick Hall; or
- In a newly constructed temporary Council chambers that could be located between the Civic Centre and the Gratwick Swimming Pool. This could be achieved but issues such as maintaining rear access to the Civic Centre, disabled access, toilets, amenity impacts, impact on car parking and security would need to be considered.

or

- A suitable venue hired from a commercial operator, such as the All Seasons Port Hedland, or The Esplanade.

Option 4: Continue to Utilise the PHIA as Staff Office Space

This is effectively the 'do nothing' option. This alternative is not supported by the Town's Executive Team as:

- The separation of staff is not good for the development of a strong Council team.
- Separating staff makes for poorer customer service.
- Duplication of administrative staff and customer service areas is required.
- Records, communications and IT are more problematic when the staff are divided into multiple locations.
- There is insufficient staff and customer parking available at the building.
- The accommodation of staff at the airport is not in keeping with the Town's long term plans for the PHIA.

Consultation

Chief Executive Officer.

Directors

Informal discussions with Councillors

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

While not explicitly mentioned in the Town's 2008-2013 Plan for The Future, the following statements contained within the plan are relevant to the provision of appropriate office space for staff:

- Goal: That the Towns internal systems are structured in a manner that assists in providing timely, accurate information to the community.
- Strategy: Examine alternatives that improve staff attraction and retention rates.

Budget Implications

The estimated capital cost implications of each option are listed below:

Option 1: Rear of Gratwick Hall

Very expensive as significant work would be required to upgrade airconditioning, construct appropriate fire separation and install carpets and partitioning and other works

TOTAL COST: Estimated at >\$100,000.

Option 2: Office Space adjacent to Civic Centre/Gratwick Pool.

The annual hire costs of a temporary building are estimated at \$22,000 with approximately \$40,000 required for transportation, installation, IT, electrical and fit out.

TOTAL COST: Estimated at \$65,000 in first Year and \$25,000 each year thereafter

Option 3a: Conversion of Chambers into Office Space (use Gratwick Hall as Chambers in Future)

A quote for \$11,000 has been received to develop the wall structures indicated in the Attachment. In addition, work would be required to upgrade IT, electrical and minor fit out works

TOTAL COST: Estimated at \$45,000

Option 3b: Conversion of Chambers into Office Space (install temporary building for use as Council Chambers)

Costs are largely the same as Option 3a with the exception that a temporary building would need to be leased or purchased (as per Option 2)

TOTAL COST: Estimated At \$110,000

Option 4: Use PHIA Office Space

This is the lowest cost option with only minor fit-out works being required. Some car parking modifications may also be necessary.

TOTAL COSTS: Estimated at \$10,000

While Council currently has no funds specifically allocated to undertake office renovations of this magnitude, some work is considered necessary in order to ensure that staff is accommodated appropriately.

Council did not allocate \$262,100 of surplus funding that was identified as a component of the September Budget review, meaning that sufficient funds are available to undertake any of the options listed above should Council so wish.

Officer's Comment

After considering the options and costs discussed above, staff believe that the most appropriate option in the short/medium term for the accommodation of staff is to convert the current Council Chambers to office space and meeting room, with Council meetings being held in either Gratwick Hall or a purpose built temporary building that would be located adjacent to the Civic Centre.

The benefits of this option are seen as:

- The most cost effective option for the short term creation of office space.
- Existing Civic Centre, kitchen and bar facilities are still being used.
- All staff is able to be accommodated within the one building.
- Eliminates the need for duplication of customer service and more complex records management, administrative and IT systems.

Attachments

Proposed Floor Plan – Council Chambers

Officer's Recommendation

That:

- i) Council approve the conversion of the existing Council Chambers into staff office accommodation in accordance with the attached plan.
- ii) At the conclusion of the works listed above, Council meetings be held at in the Gratwick Hall, or in a purpose built temporary building adjacent to the Civic Centre
- iii) Council allocate a total of \$45,000 or \$110,000 towards these works (depending on which option is selected) from the \$262,100 surplus that was identified through the Council's September Budget Review process

200910/237 Council Decision

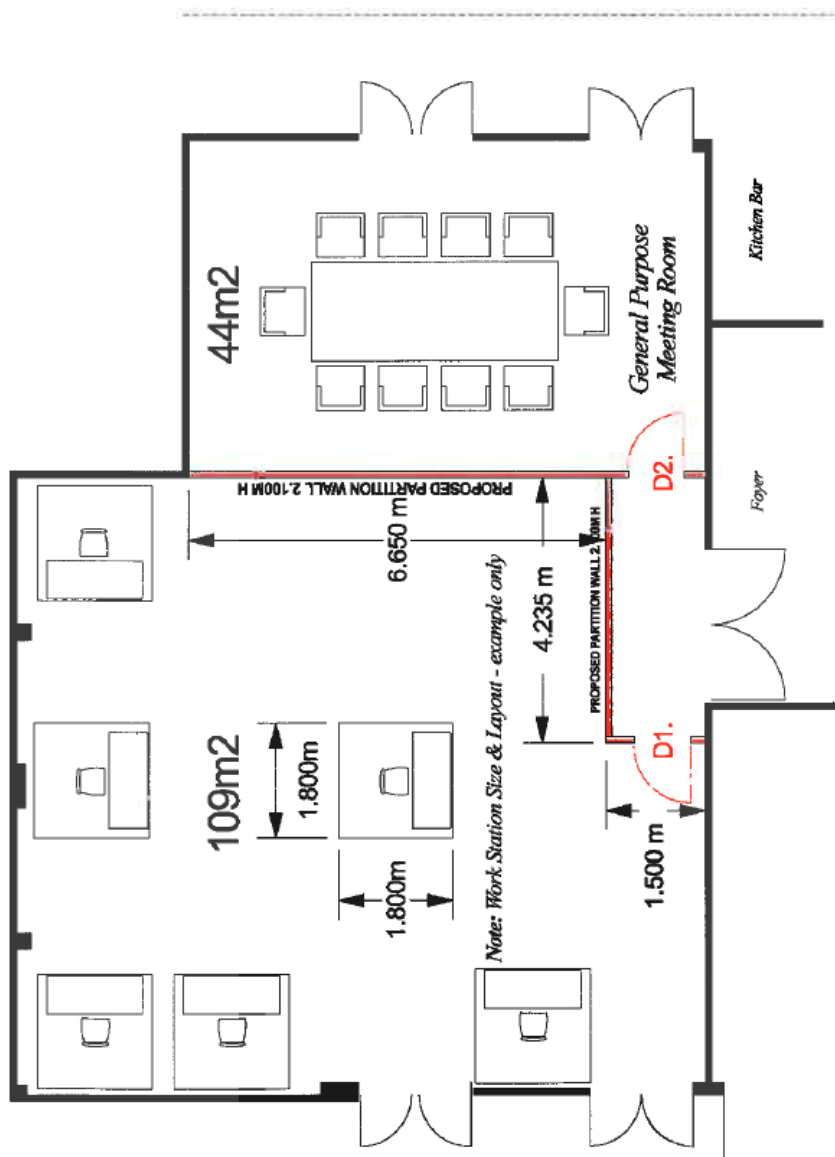
Moved: Cr S R Martin

Seconded: Cr J M Gillingham

That Council lay Agenda Item 11.1.4.3 'Civic Centre Options for Additional Office Space' on the table until further consultation with Councillors to discuss options is undertaken.

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.1.4.3



**Proposed Council Chamber
Alterations**
January 2010

11.2 ENGINEERING SERVICES**11.2.1 Director Engineering Services***11.2.1.1 Engineering Services Monthly Report (File No.: 13/04/0001)*

Officer Russell Dyer
Director Engineering
Services

Date of Report 15 January 2010

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 attached report is project management focused.

Consultation

Engineering Services officers.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

The projects within the monthly report reflect the priorities of the Town's Plan for the Future 2008-2013.

Budget Implications

The projects listed in the Engineering Monthly report have been included in Council's 2009/10 budget.

Officer's Comment

Nil.

Attachments

1. Works Schedule
2. Airport PAX numbers

200910/238 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council receives the Engineering Services monthly report for December 2009.

CARRIED 8/0

FINANCIAL PROGRAMME FOR ENGINEERING SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010

ALL CONTRACT WORK IS TO BE SUPERVISED BY THE MES

Legend - Current Project Phase

	Concept
	Development
	Implementation
	Finalisation
	Project completed and acquitted

Cyclone Watch/Season

A/c Number	Scope	Construction Responsibility	Current Project Phase	Month Update	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1111437	Recreation Reserve Redevelopment Scope: Upgrade of oval and irrigation at Colin Matheson Oval	COUNCIL / CONTRACTORS		Turf installation delayed pending Water Corporation approval for meter upgrade and additional supply of water for establishment period. Agreement now signed with Water Corp. Meter scheduled for upgrade 18th Jan. New tank installed.												
1011410	Waste Water Re-Use System Scope: Included in Colin Matheson Oval upgrade			Commissioning of retic underway. Turf installation to commence 1st Feb. Old tank to be sealed to repair leak.												
1009480	Old Port Hedland Cemetery Scope: Landscaping and verge treatment along Sutherland street adjacent to Old PH Cemetery	COMPLETE		Complete												
1201487, 1201422 & 1201421 (R4R)	Street Lighting Upgrades Scope: 0809 stage 2 - Captains, Dongara, Dulverton, Koolama, Scadden, plus 0910	HORIZON POWER		Street lighting upgrades are progressing. Staff are currently auditing areas to review the program and prioritise additional streets for lighting upgrades. The main focus is on areas that will not be impacted by the future underground power project (ie streets that already have underground power).												
1105410	Finucane Island Boat Ramp shade Scope: Installation of 1 shade structure	CONTRACTOR		Complete												
1105410	Finucane Island Boat Ramp Scope: parking, solar lighting	CONTRACTOR		Staff are exploring options for solar lighting with budget remaining after reseal cost estimates (scheduled for April). Consideration will be made for location of future toilet.												
1105410	Finucane Island Boat Ramp Scope: Completion of ramp reconstruction	COMPLETE		Boat ramp construction works is complete. Funding acquittal documentation is being prepared pending receipt of engineering certification (slight delay due to Christmas break).												
1111446	Playground Shade Scope: Installation of shade at Daylesford and Marapikurrinya parks	CONTRACTOR		Complete												
1111446 & 1111403 (R4R)	Playground Equipment Scope: Marie Marland Reserve, Gratwick Aquatic Centre, PH Skate Park as per Dec Ordinary Council Meeting	CONTRACTOR		Request for design and quote has been sent to 3 playground companies for playground upgrades to Marie Marland Reserve, Gratwick Aquatic Centre and Port Hedland Skate Park. Some submissions have been received and will be reviewed by stakeholders prior to selection. PO to be raised end Jan, installation due April.												

FINANCIAL PROGRAMME FOR ENGINEERING SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010

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Cyclone Watch/Season

A/c Number	Scope	Construction Responsibility	Current Project Phase	Month Update	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1105424	Port Hedland Boat Ramp Scope: Asphalt seal to top of ramp	CONTRACTOR		Contractor breakdown has resulted in the delay of the completion of this project. Pending further advice from contractor regarding availability. Likely that this will now be completed approx. April.												
1009481	Cemetery Upgrade Scope: Main Cemetery, concrete lintels, replace plot markers, fencing, landscaping, to be reviewed	CONTRACTOR		Clean up, new rear fencing and replacement of side fencing is complete. Remainder of project scope delayed due to staffing vacancies. Project expected to recommence February.												
1201481 & 1201418 (R4R)	Walkway/Park Lighting Scope: Baler car park, Lions park, Koombana Lookout, Greene place and Civic Centre walkway	CONTRACTOR		The Environmental Protection Authority has advised that no further assessment or conditions are required for the installation of 'orange' HPS lights on the footpath between the Civic Centre and All Seasons Hotel (foreshore side). The quote is being reviewed in consideration of the lapsed time prior to issuing a purchase order to Horizon Power.												
1201439 & 1201412 (RFR)	Public Infrastructure Scope: Bins, seating, shade, water fountains, etc. Inc shade as per AAWG	CONTRACTOR		Slight project delays due to staff vacancy. Remainder of bus shelters arrived and scheduled for installation in January - Brolga, Brodie, Hedditch, Captains, Rason, Paton. Fire resistant bin surrounds (25 off) to be installed at various locations.												
1201450 & 1201415 (R4R)	Boulevard Tree Planting Scope: Planting of street trees to Murdoch drive	CONTRACTOR		Additional trees have been ordered to accommodate early planting in future programs. 2009/10 project scheduled to commence April.												
1201475 & 1201416 (R4R)	PH Footpath Construction Scope: Harper, Butler, Kingsmill, Anderson	CONTRACTOR		Complete. 5 year plan being reviewed in order to reschedule footpaths to this financial year due to budget surplus.												
1201476 & 1201417 (R4R)	SH Footpath Construction Scope: Clam, Cone, Dorrigo, Kwinana, Lovell and Mauger	CONTRACTOR		Complete. 5 year plan being reviewed in order to reschedule footpaths to this financial year due to budget surplus.												
1111436	Bore Installations Scope: Investigation and installation of bores at McGregor street and KSO re-use tanks	CONTRACTOR		Quotes being sourced from suitably qualified drilling contractors to undertake further pump tests to ascertain that the quantity and quality of water initially found at Kevin Scott Oval is sufficient to invest in a production bore												
1201458	Throssell Street Streetscape Scope: median planting, street trees, turf, banner poles, garden planting	COUNCIL		Tree planting towards Hamilton road to be completed to finalise project. Scheduled for February.												

FINANCIAL PROGRAMME FOR ENGINEERING SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010

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Cyclone Watch/Season

A/c Number	Scope	Construction Responsibility	Current Project Phase	Month Update	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1111448	Kevin Scott Oval Reservoir Flushing System Scope: Installation of flushing system to re-use water tanks (Tender 09/01)	CONTRACTOR		Complete. Funding acquittal pending receipt of invoices from contractor.												
1203440	Floodwater Pump Upgrade Scope: Design and installation of new electrical cabinet at West End Flood Pumps	CONTRACTOR		Consultants have been asked to submit price and availability of undertaking inspection of floodwater electrical cabinets and cost design and installation of new cabinets. Design component to be awarded mid January.												
1201411	Richardson street Parking Scope: Design and installation of street parking on Richardson street (kerbing, linemarking, tree planting)	COUNCIL/ CONTRACTORS		Consultation with MRWA have resulted in some minor design changes regarding pedestrian access and linemarking. Final plans are being revised prior to undertaking consultation with residents.												
1111435	Stairway to the Moon Scope: Viewing platform construction near Taylor street, dune rehab, interpretive signage, car park	CONTRACTOR		Tender documentation has been prepared pending approval and return of staff member from annual leave. Tender to be advertised February for awarding at March Ordinary Council Meeting.												
1201461	Town Entry Statement Scope: Landscaping component at GNH information bay sculpture	COUNCIL/ CONTRATOR		Complete.												
1201435	Limpet crescent (Blackspot) Scope: RSA, design and cost estimate for construction	DESIGN ONLY 09/10		Pending results from Road Safety Audit.												
1201486	Wedgfield Upgrades Scope: Pinga street/Cajarina intersection upgrades, turning lane and reconstruction	DESIGN ONLY 09/10		Pending results from MRWA post construction audit.												
1201457	Yandeyarra road Scope: Resheeting and formation improvements	COUNCIL		Staff with consult with Yandeyarra Community prior to finalising works scope. Scheduled to commence after cyclone season.												
1201473	Drainage Construction Scope: Survey, design and cost estimates for 5 year plan of PH LIA drainage improvements	DESIGN ONLY 09/10		Scope of work for Port Hedland LIA Drainage will not be finalised until February 2010. RFQ will be issued to appropriate contractors in Feb 2010												
1201452	North Circular road West	COUNCIL/ CONTRATOR		As per budget review - project identified and funded												

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Cyclone Watch/Season

A/c Number	Scope	Construction Responsibility	Current Project Phase	Month Update	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
	Scope: Forming and sealing of shoulders - 1m wide each side			through unallocated R2R funding. Scheduled for April/May when sealing contractors are available for 2nd visit												
1201453	Hamilton road Scope: Forming and sealing of shoulders - 1m wide each side (Nth Circular to GNH)	COUNCIL/ CONTRATOR		As per budget review - project identified and funded through unallocated R2R funding. Scheduled for April/May when sealing contractors are available for 2nd visit												
1201new3	Murdoch drive Scope: Forming and sealing of shoulders - 1m wide each side	COUNCIL/ CONTRATOR		As per budget review - project identified and funded through unallocated R2R funding. Scheduled for April/May when sealing contractors are available for 2nd visit												
1201new1	North Circular road East Scope: Form and sealing of shoulders. 2 projects - roundabout to Buttsweld, Buttsweld to Landfill	COUNCIL/ CONTRATOR		As per budget review - project identified and funded through unallocated Regional Road Group funding. Scheduled for April/May when sealing contractors are available for 2nd visit. LG contribution required which was reallocated from Reseals budget. Section from Buttsweld to Landfill complete												
1201new2	Athol street RRG Scope: Asphalt reseal - Thompson to Keesing	CONTRACTOR		Asphalt works completed. RRG funding acquittal to be completed on receipt of invoices.												
1201473	Drainage Construction Scope: Spot improvements	COUNCIL		Spot improvements to be assessed during wet season. Works scheduled - Cooke Point road (under path), McGregor street opposite Boulevard Shopping Centre.												
1201401	Manhilinha drive Reconstruction Scope: Repair potholes and apply Sam seal	CONTRACTOR		Works completed.												
1201478	Reseals Scope: To be reviewed	CONTRACTOR		First stage of reseals scheduled for 1 December Both stage 1 projects, asphalt and spray seals, have experience delays due to contractor breakdowns. Asphalt due back April/May												
1208443	Light Vehicle Replacement Scope: PH9639, PH9681, PH10018, PH9083, PH9689, PH9782, PH9383, PH9582, PH9912 plus new staff (director, compliance, youth co-ord)	PURCHASE		60% of the vehicles have been delivered, with the rest expected in January and February. It is expected that the first auction of replaced vehicles will be in February.												
1201480	Kerbing Construction	CONTRACTOR		Program 09/10 set												

FINANCIAL PROGRAMME FOR ENGINEERING SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010

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Cyclone Watch/Season

A/c Number	Scope	Construction Responsibility	Current Project Phase	Month Update	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
	Scope: To be reviewed															
1105421	Disabled Beach Access Scope: installation of disabled access to Finucane Island boat ramp shelters/beach	CONTRACTOR		Complete.												
1201438	West End Greening Stage 2 Scope: Shrub, tree planting and retic - Frewer to Short street	COUNCIL		Complete.												
1105426	Turtle Interpretive Loop Scope: Pavillion & nodes from Cemetery beach/GAC/All Seasons loop, interpretive signage	CONTRACTOR		Construction contract has been awarded to Environmental Industries. The tender specified that site works couldn't commence prior to March 2010 to minimise impact on turtle nesting as instructed by Care for Hedland. Preliminary works progressing (ordering of materials, contract signing, handover, etc)												
1111439 & 1111402 (R4R)	Marquee Park Development Scope: Development of an iconic park on Cottier drive, South Hedland. Water play, playgrounds, kiosk, cctv, caretaker, landscaping, etc	CONTRACTOR		Detailed design works progressing as scheduled. Variety has requested that TOPH submit a funding application for \$1.3M for the water play area. If successful (TBA March) this will increase the overall budget and allow for greater quality of features in the remainder of the park. DA to be submitted Jan.												
1201483	Nth Circular Rd East Culverts Scope: Widen culverts to A.S., install new headwall	CONTRACTOR		Quotes being sourced from contractors for construction of headwalls which will complete project.												
1201423 & 1201424 (R4R)	Shade Structures Scope: permanent shade structures at SH skate park and GAC	CONTRACTOR		Request for quotes have been sent to several consultants on Council's panel for the design of the SH skate park shade as per December Ordinary Council Meeting. Contract to be awarded end January. Project will be impacted by future SH CBD development in terms of styling and modifications to skate park. Close liaison with Landcorp required.												
1201437	Hedditch - Forrest Circle Rd Scope: Design and construction of road link from Hedditch to Forrest circle	COUNCIL/ CONTRACTOR		Design drawings have been received and will now be reviewed in conjunction with MRWA. Once finalised, road dedication processes will proceed in conjunction with construction tender preparation. Quotes requested from surveyors for dedication process.												
1201413 & 1201414	Murdoch drive Nodes Scope: Construction of 2 'nodes' along	COUNCIL/ CONTRACTOR		Design contract has been awarded. Expect this process to take 3 months including Council approval												

FINANCIAL PROGRAMME FOR ENGINEERING SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010

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Cyclone Watch/Season

A/c Number	Scope	Construction Responsibility	Current Project Phase	Month Update	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
(R4R)	pathway similar to Sutherland street			of design prior to tendering construction contract. Concept designs are expected within the next few weeks for comment prior to proceeding to detailed designs.												
1201420 (R4R)	Recycling Project Scope: Crushing concrete for re-use in footpaths	CAPITAL PURCHASE		Pending further investigations into viability of project, safety of using crushed glass in concrete products and potential opportunity to purchase crushing equipment. PDC have been approached to discuss scope of project (as funding body) and how to make changes that will still comply. Investigating purchase of machinery instead of original scope.												
1201447	Buttweld road Scope: Survey and design of road reconstruction	DESIGN ONLY 0910		Draft road safety audit has been received. Final design recommendations pending review of audit.												
1201489	Hillside-Woodstock road Scope: Resheeting and formation improvements	COUNCIL		Scheduled after cyclone season.												
1201419	Parks Upgrades Scope: Upgrade of existing parks (fencing, planting, seats, retic, etc) as per audit. Includes drainage swale	COUNCIL/ CONTRACTOR		Shay Gap - Works started, tree pruning and removal of dead wood. Ordered new bollards, awaiting arrival then will install. Footpath to ablution block completed. New signs ordered. Basketball hoop and backboard ordered. Streetscapes - Trees ordered, species are Pink Tabebuia, Yellow Tabebuia and Frangipani. Turf renovation program for all parks is organised, and will commence in January/February 2010. All effluent tank watering automatic systems to be upgraded and connected to council Central control System currently being installed.												
1202401	Depot Flammable Storage Cpb Scope: For workshop	Complete		Complete												
1111401	Replace Effluent Line Scope: SH Oval main reticulation line to be replaced with polypipe	CONTRACTOR		Works commenced in September utilising approved Panel contractor. Project will include as constructed plans for distribution on 'Dial Before You Dig' searches, project due to be complete by end of February 2010												
1102415	Civic Centre Verge Landscaping Scope: Retaining & native planting of steep embankment	COUNCIL		Plant species have been finalised and ordered, job implemented in the new year.												

FINANCIAL PROGRAMME FOR ENGINEERING SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010

ALL CONTRACT WORK IS TO BE SUPERVISED BY THE MES

Legend - Current Project Phase

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Cyclone Watch/Season

A/c Number	Scope	Construction Responsibility	Current Project Phase	Month Update	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1210410	Terminal Extensions	COUNCIL/DESIGN		Transferred to Economic Development department.												
1210403	Depot Development	COUNCIL/DESIGN		Transferred to Economic Development department.												
1210402	Parking/ Hire car development	COUNCIL		Construction works complete. Leasing arrangements to be carried out by Corporate Services/Economic Development.												
1210453	Northern Apron Extension	COUNCIL		Complete.												
1213420	Café Modifications	CONTRACTOR		Scope of works transferred to Lessee of Café.												
1210407	Common user Check-in Facilities	CONTRACTOR		Installation commenced 12/01/2010. Completion of installation and commissioning 22/01/2010												
1210405	Flight Information Display screens	CONTRACTOR		Quotes received from the only two system suppliers - Evaluation in progress - Installation to be instituted after the cafe walls have been resited and new conveyor systems installed.												
1210406	International Carousel	CONTRACTOR		Installation commenced 12/01/2010. Completion of installation and commissioning 22/01/2010												
1210271	Solar Lights-Landside	COUNCIL/CONTRACTOR		External pole fitted battery boxes manufactured and installed. Luminaires being manufactured to fit into existed light head covers with Australian designed lense to amplify LUX output with no additional heat generation. All goods should be delivered by the end												

FINANCIAL PROGRAMME FOR ENGINEERING SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010

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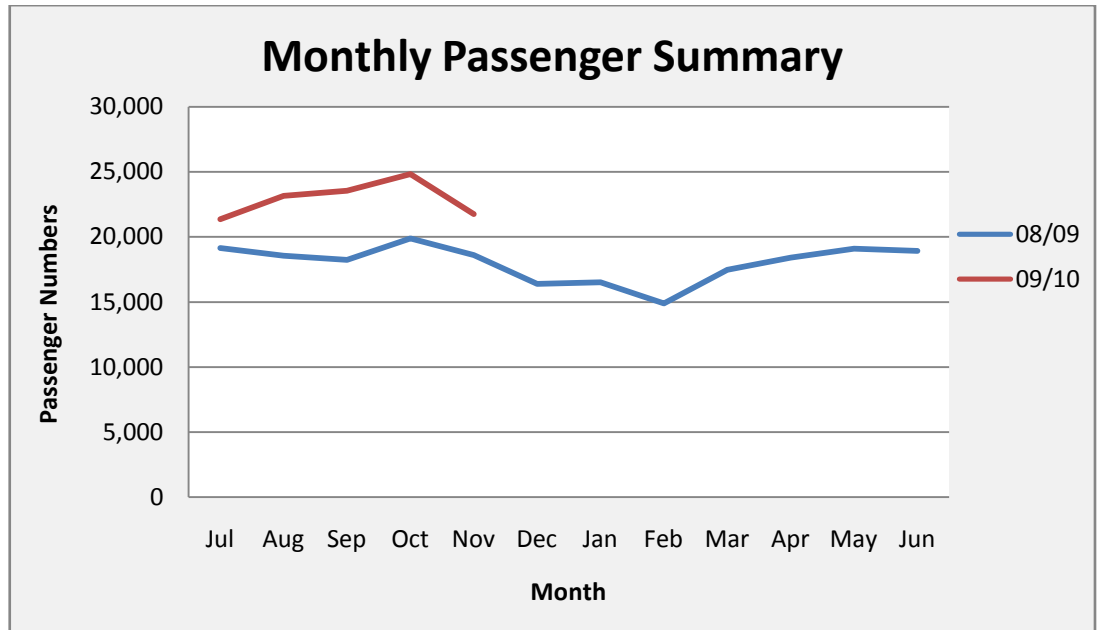
Cyclone Watch/Season

A/c Number	Scope	Construction Responsibility	Current Project Phase	Month Update	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
				of February.												
1210401	Taxiway and runway 18/36 Lighting.	CONTRACTOR		Minister approved ammended scope of works to install reticulated lighting and to upgrade centre line lighting on twy Alpha. Parts & equipment ordered. Completion date by 31/05/2010												
1210440	Automated Weather information Broadcast	COUNCIL/CONTRACTOR		AWIB received and radio type required for constant broadcast have been received. Conflict between BOM and Telstra appears resolved. Intallation will be completed end January. Frequency allocation 133.2mhz												
1210440	PA & CCTV	CONTRACTOR/DESIGN		Existing PA system repaired but is only temporary due to age. Quotes being sourced for new system - Terminal CCTV may well link in with FIDS application and New radio/fibre optic connection - This possibility being investigated with a view to reduced costs.												
1210473	Electrical Upgrades	CONTRACTOR		Dec OMC recommendation for Aurecon to review scope of works stage 1 , and review stage 2 and provide report for the way forward late Jan 2010. Report here mid Feb												
901424	Airport Housing	COUNCIL/DESIGN		Transferred to Economic Development department.												

ATTACHMENT 2 TO AGENDA ITEM 11.2.1.1

Port Hedland International Airport

Monthly Passenger Numbers



ATTACHMENT 3 TO AGENDA ITEM 11.2.1.1

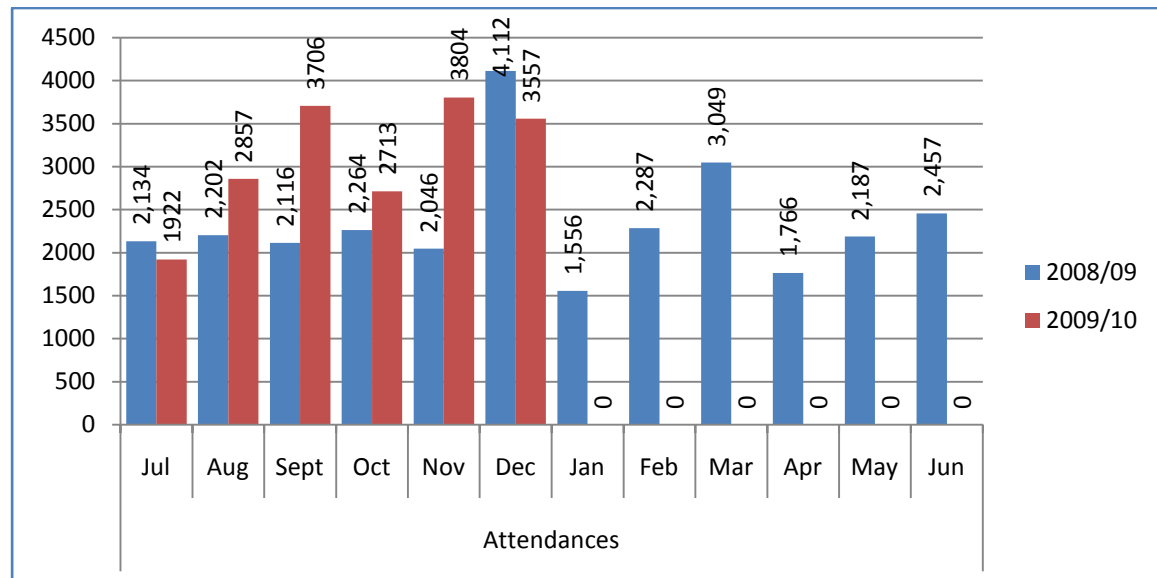
Recreation Services – Other Business Units

Recreation Services

. JD Hardie Centre

Attendances

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
07/08	1721	2228	2544	2273	2046	4087	0	1803	1751	1436	2140	1927	23,95
OCARRIED 8/09	2134	2202	2116	2264	2046	4112	1556	2287	3049	1766	2187	2457	28,17
09/10	1922	2857	3706	2713	3804	3557	0	0	0	0	0	0	18,55



	Jul	Aug	Sep	Oct	Nov	Dec	Total YTD
Term Programs							2,467
Kids Club	37	270	300	202	344	230	1,383
Jr Dodgeball	0	191	201	72	159	31	654
Little Athletics	0	13	0	0	0	0	13
Jr Basketball	0	0	0	0	0	0	0
Christmas Party	0	0	0	0	0	27	27
Gr8 Sk8	0	0	0	0	0	0	0
Circus Skills	0	0	0	21	24	0	45
Gym Fun	5	40	51	48	45	25	214
Jr Indoor Soccer	12	34	10	34	68	0	158
Jr Indoor AFL	0	0	0	0	0	0	0
Jr Indoor Hockey	0	0	0	0	0	0	0
Sports Comp.							4,585
Netball Participants	96	317	308	252	341	102	1,416
Volleyball Participants	140	271	194	218	309	51	1,183
Womens Netball	0	0	0	15	73	0	88
Teenage Friday night futsal	0	0	0	0	158	203	361
Indoor Soccer	42	296	335	205	332	80	1,290
Basketball Participants	28	237	239	22	0	0	526
Badminton	10	10	19	0	0	0	39
Table Tennis	12	12	19	0	0	0	43
Other							11,119
Fitness Classes	105	90	115	64	81	32	487
Belly Dancing	0	0	0	0	0	0	0
Miscellaneous		310	240	238	350	206	1,344
Birthday Parties (1)	54	0	12	13	54	32	165
Facility Hire	884	640	1286	897	1318	2323	7,348
Holiday Program	392	0	73	226	0	0	691
Dodgeball Competition	0	0	150	0	0	0	150
Disco	0	0	0	0	0	98	98
Gym Visits (29)	105	126	154	186	148	117	836
Total	1922	2857	3706	2713	3804	3557	

Aquatic Centres

The monthly reports in full from the YMCA for December 2009 can be obtained by contacting the Manager Recreation Services. A summary follows:

South Hedland Aquatic Centre

Financials

Month	Actual \$	Budget \$	Variance \$
Income	22,461	29,423	6,963
Expenditure	66,496	78,787	(12,291)
Net	44,035	49,364	(5,328)

Year to Date	Actual \$	Budget \$	Variance \$
Income	74,700	95,593	20,893
Expenditure	335,943	355,645	(19,702)
Net	(261,243)	(260,052)	1,191

Attendances

	Jul/ Aug	Sep	Oct	Nov	Dec	TOTAL
Adult		15	1,258	1,189	907	3,369
Child		45	1,696	1,008	804	3,553
UNDER 2's		1	170	141	77	389
Off Peak			261	304	253	818
Concession			100	61	102	263
Council			32	20	14	66
Spectator			222	191	65	478
User Groups		2	975	946	398	2,321
Coaches			14	31	7	52
Functions				903	1,581	2,484
YMCA Swim Lessons			245	412	219	876
School Attendance			10	221	59	290
Aqua Aerobics						0
Programs			334	12	46	392
Vacation Swimming						0
Family		10	467	248	255	980
Total Family Visits		40	1,868	992	1,020	3,920
Non Paying Spectator			287	412	252	951
Total		103	7,472	6,843	5,804	21,202

Centre Closed

Gratwick Aquatic Centre

Financials

Month	Actual \$	Budget \$	Variance \$
Income	32,645	24,370	(8,275)
Expenditure	66,363	69,837	(3,474)
Net	(33,718)	(45,467)	(11,749)

Year to Date	Actual \$	Budget \$	Variance \$
Income	134,424	129,178	(5,246)
Expenditure	356,806	359,461	(7,901)
Net	(222,382)	(230,283)	(2,655)

Attendances

	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL
Adult	82	255	703	1,622	1,513	1,130	5,305
Aqua Aerobics	0	0	0	77	92	48	217
Child	32	42	181	912	714	755	2,636
Coaches	1	17	22	28	23	13	104
Concession	7	7	24	86	108	89	321
Council	7	12	36	79	85	43	262
F Room (Health Club)	505	393	788	691	663	503	3,543
Off Peak	0	0	0	337	307	273	917
Programs	0	0	186	617	112	107	1,022
School Attendance	0	0	0	29	63	203	295
Spectator	9	53	194	306	177	86	825
Under 2's	2	5	54	256	252	110	679
User Groups	32	134	432	719	648	595	2,560
YMCA Swim Lessons	0	0	0	309	432	286	1,027
Family	4	11	96	328	267	224	930
Total Family Visits	16	44	384	1,312	1,068	896	3,720
Non Paying Spectator	0	0	0	309	432	286	1,027
TOTAL	693	962	3,004	7,689	6,689	5,423	24,460

11.2.2 Infrastructure Development**11.2.2.1 *Restricted Access Vehicle Approval for Pippingarra Road (File No.: 30/10/0001)***

Officer Anna Mazurkiewicz
Engineering Technical Officer

Date of Report 15 January 2010

Disclosure of Interest by Officer Nil

Summary

This item is to gain Council approval for the inclusion of Pippingarra Road (road number 301) to the Restricted Access Vehicle (RAV) network.

Background

Pippingarra Road is an unsealed local government road located off the Great Northern Highway approximately 15km north of Port Hedland. The road is most commonly used for access to various private roads, generally for mining or railway activities.

Council has received many requests for the inclusion of the road on the RAV network, generally by haulage companies contracted to BHPB, but also companies proposing new mining operations adjacent to the road.

The inclusion of Pippingarra road on the RAV network will allow road trains to access the road. This can be controlled and restricted depending on the conditions imposed on the inclusion, as stated in the recommendations below.

Consultation

Main Roads WA was present during the assessment of this road. They have indicated no objections to the inclusion of Pippingarra road on the RAV network subject to conditions as specified within this report.

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

Pippingarra road requires re-sheeting in some sections to improve the condition of the road and reduce ongoing maintenance costs. This is considered general maintenance and can be accommodated in Councils 2009/2010 budget.

Users of road trains will be required to enter into a maintenance agreement with Council prior to approval being granted; therefore additional road maintenance will be at no cost to Council.

Officer's Comment

Pippingarra Road (from SLK 0.00 to 40.30) 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 – not applicable
- Turning at intersections – end of road intersection with BHP access road will require treatment
- Railway level crossings – not applicable
- Pavement widths –Pippingarra Road is an unsealed road that is formed and gravel sheeted and varies in width from 9.5m to 10m. The intersection with Great Northern Highway is sealed for approximately 20m. This is adequate for road train use. The Main Roads guidelines require a sealed carriageway for triple road train access, based on a minimum of 8 road trains accessing the road daily. Road trains will only be utilized during haulage periods for specific projects; therefore it is unreasonable to require the whole road to be sealed. Instead, each road train user will be required to enter into a maintenance agreement with Council, including dust suppression.

Operational constraints

- Entry lanes onto Main Roads and Highways – adequate
- Approach visibility – adequate
- Signalised intersections – not applicable
- Railway crossings – not applicable
- Off-road parking – not applicable along this length of road

Community considerations

- Dust, noise, vibration and smell – these items were considered not applicable in this situation, as Pippingarra road is remotely located and road train use will not affect residents. Dust management will be addressed within the maintenance agreement.

Safety considerations

- Other road users – minimal impact due to remote location and low traffic volume.

- Advisory signs to be reinstated
- Dangerous goods – not applicable

The approval of Pippingarra road on the RAV network will significantly improve access for railway construction,; maintenance work and future develop in surrounding areas. Road train access has been assessed as suitable for triple road trains (category 10).

Attachments

Nil

200910/239 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council approve the inclusion of Pippingarra road (road number 301) on the Restricted Access Vehicle network (Category 10), subject to the following conditions:

- a) The application is assessed and approved by Main Roads WA Heavy Vehicle Operations;
- b) Road train users must enter into a maintenance agreement with the Town of Port Hedland for the duration of haulage including dust suppression;
- c) All operators must carry written approval from the Town of Port Hedland for use of the road;
- d) Headlights to be on at all times; and
- e) Road train advisory signs to be reinstated.

CARRIED 8/0

11.3 COMMUNITY DEVELOPMENT**11.3.1 Recreation Services***11.3.1.1 Port Hedland Tennis Club Wall (File No.: 26/02/0040)*

Officer Nicole Roukens
Sport and Recreation Officer

Date of Report 12 January 2010

Disclosure of Interest by Officer Nil

Summary

A large crack has appeared in a brick wall used as a practice wall at the Port Hedland Tennis Club. A structural engineer's report indicates that the wall will need to be replaced in the next 6 - 12 months. Responsibility for the replacement of the wall needs to be determined by Council, as both parties are claiming the other is responsible.

Background

The Port Hedland Tennis Club contacted the Town of Port Hedland regarding a large crack that appeared in the practice wall located along McGregor Street in Port Hedland.

The Town of Port Hedland engaged Robin Salter and Associates (RSA) to inspect the wall and provide a report on its structural integrity. RSA inspected the wall on 19 November 2009 and provided the following feedback:

- The wall will need to be replaced in the next six (6) months to a year.
- At present the wall poses no real safety concerns to the public but would need to be immediately re-inspected if a cyclone passed through Port Hedland.

At the site visit, RSA indicated that they would recommend demolishing the current wall and, if required, building a new wall using different materials in its place.

No current lease can be located for the Port Hedland Tennis Club. Anecdotal evidence indicates that a lease agreement existed in the past however this cannot be located, and by all accounts, likely expired between 2002 - 2003. With no current lease in place responsibility for the repair or the replacement of the wall cannot be determined.

In phone conversations with the Port Hedland Tennis Club they have indicated that the club would like the wall repaired or replaced for use by members.

Consultation

- Director Engineering Services
- Manager Recreation Services
- Sport and Recreation Officer
- Club Project and Development Officer
- Brendon Scott, Robin Salter and Associates
- David Tremlett, Treasurer, Port Hedland Tennis Club

Statutory Implications

Local Government Act 1995 (in part) states:

“3.58. Disposing of property

- (1) In this section —
“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;
“property” includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) Except as stated in this section, a local government can only dispose of property to —
(a) the highest bidder at public auction; or
(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
(a) it gives local public notice of the proposed disposition —
(i) describing the property concerned;
(ii) giving details of the proposed disposition; and
(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
and
(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
(a) the names of all other parties concerned;
(b) the consideration to be received by the local government for the disposition; and
(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) This section does not apply to —
(a) a disposition of land under section 29 or 29B of the Public Works Act 1902;*

- (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
- (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
- (d) *any other disposition that is excluded by regulations from the application of this section.”*

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

No current budget exists for demolishing and replacing the practice wall at the Port Hedland Tennis Club, however should Council deem it the responsibility of the Town of Port Hedland, funds would be obtained from the Port Hedland Sporting Grounds Maintenance account.

Officer's Comment

The Port Hedland Tennis Club has indicated that the wall is currently used by members to warm up and practice.

The large crack that has appeared in the wall will require repair or replacement work in the near future. RSA recommended the wall be demolished and a new wall using different material be built in its place. This will be a relatively expensive project and responsibility for replacement needs to be determined. This wall poses no structural importance to any other asset on the grounds, and is utilised only by members of the Port Hedland Tennis Association.

This is also the ideal opportunity to re-establish a lease with the Port Hedland Tennis Association for the tennis courts and club building located along McGregor Street in Port Hedland, detailing exact responsibility for items such as this.

As the Port Hedland Tennis Association are a single user sporting group with membership access, despite a lease not existing, it is considered reasonable to assume that certain responsibilities should fall back to the association. Standard leases indicate that assets on Council reserves are the responsibility of Council when they are of a structural or legal nature (electrical, etc.). This wall therefore falls outside these parameters. As this wall is utilised only by the Port Hedland Tennis Association members, it is recommended that the responsibility for replacement fall to the Port Hedland Tennis Association themselves.

Based on the report of the RSA, it is also that Council demolish the wall to ensure it poses no risk in the future.

Council therefore has three (3) options:

1. Demolish the existing practice wall and replace utilising Council funds;
2. Advise the Port Hedland Tennis Association that Council will remove the existing wall, but will not pay for replacement; or
3. Advise the Port Hedland Tennis Club that they are responsible for both removal and replacement of the wall

Attachments

Robin Salter and Associates Report

Officer's Recommendation

That Council:

- i) demolishes the practice wall at the Port Hedland Tennis Club based on the findings of the report by Robin Salter and Associates, using funds from the Port Hedland Sporting Grounds Maintenance;
- ii) authorised the Chief Executive Officer (or his nominated officers, Director Corporate Services and Manager Recreation Services) to liaise with the Port Hedland Tennis Association for the establishment of a lease; and
- iii) advises the Port Hedland Tennis Association that relevant approvals must be sought for replacement of the wall, and any associated costs will be borne by the Association.

Alternate Officer's Recommendation

That Council:

- i) demolishes the practice wall at the Port Hedland Tennis Club based on the findings of the report by Robin Salter and Associates, using funds from the Port Hedland Sporting Grounds Maintenance;
- ii) authorised the Chief Executive Officer (or his nominated officers, Director Corporate Services and Manager Recreation Services) to liaise with the Port Hedland Tennis Association for the establishment of a lease; and
- iii) construct a new practice wall at the Port Hedland Tennis Club at an estimated cost of \$20,000 with funds being sourced at the December budget review.

200910/240 Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council:

- i) demolishes the practice wall at the Port Hedland Tennis Club based on the findings of the report by Robin Salter and Associates, using funds from the Port Hedland Sporting Grounds Maintenance;
- ii) authorised the Chief Executive Officer (or his nominated officers, Director Corporate Services and Manager Recreation Services) to liaise with the Port Hedland Tennis Association for the establishment of a lease; and
- iii) advises the Port Hedland Tennis Association that Council will investigate options and costings for the replacement wall and report back to the Association in terms of replacement options and costing arrangements.

CARRIED 8/0

REASON: Council amended Clause iii) to enable investigation of options and costings for replacement of the wall as follows:

- iii) Advises the Port Hedland Tennis Association that Council will investigate options & costings for the replacement wall and report back to the Association in terms of replacement options and costing arrangements.*

ATTACHMENT TO AGENDA ITEM 11.3.1.1

TOWN OF PORT HEDLAND
PO BOX 41, PORT HEDLAND
WA 6721

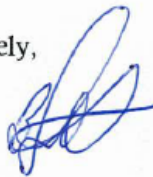
Our Ref: 2009-632/01

ATTN: Nicole Roukens,

RE: Port Hedland Tennis Club wall cracking issues

RSA confirm having inspected on 19th November 2009 the Port Hedland Tennis Club practice wall to review and provide advice on the cracking sustained to the wall due to foundation settlement issues. With the amount of cracking observed it would be estimated the wall would need to be replaced within the next 6 months to a year in RSA's opinion. RSA believe the wall at present poses no real safety concerns to the public but would need to be re inspected immediately if a cyclone passes through Port Hedland within the period prior to removal. Tennis Club & TOPH personnel should continue checks and inform RSA if the wall continues to deteriorate more rapidly than estimated.

Yours Sincerely,



Brendon Scott
30 November 2009



CONSULTING ENGINEERS
DESIGNERS AND
PROJECT MANAGERS

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11.3.1.2 Town Cycle Plan Update (File No.: 26/14/0002)

Officer Nicole Roukens
Sport and Recreation Officer

Date of Report 12 January 2010

Disclosure of Interest by Officer Nil

Summary

Council endorsed Year 1 recommendations of the Town Cycle Plan on 22 April 2009. The purpose of this report is to provide Council with an update on the progress of the project to date, and to request endorsement of minor alterations to the program.

Background

As part of the Town of Port Hedland's capital program in 2007/08, the Town of Port Hedland utilised Transplan's services to undertake a Town Cycle Plan, with the intention of gaining the following deliverables:

- A consolidated, costed, five-year recommendation on the future provision, and alteration to existing footpaths, of cycle ways and footpaths in Port and South Hedland;
- A report recommending locations of signposted cycle-ways for pedestrians and recreational cyclists within Port and South Hedland that link parks and other recreational reserves/areas of interest in a circuit fashion;
- A report recommending the process, legalities, location and design of a cycle-way between Port and South Hedland; and,
- A report detailing circuit potentials in Port and South Hedland for road cyclists.

Community and Council consultation was undertaken during the development of this plan to determine the needs and desires of the community, to allow an adequately formulated five-year plan.

At its Ordinary Meeting held on 22 April 2009, Council resolved as follows:

"That Council:

- i) undertakes all Year 1 recommendations as part of the 2009/10 financial year;*
- ii) seeks detailed quotes for the "Detailed Design of the Port to South Hedland Shared Path", as part of the Town Cycle Plan Year 1 recommendations;*

- iii) subject to the detailed quotes received being under Council's Tender Threshold (\$100,000), authorise the Chief Executive Officer or his nominated officer to enter into an agreement with a suitably qualified consultant to design the Port to South Hedland Shared Path; and*
- iv) collaborates with Main Roads WA to ensure information accuracy and reduction of risk."*

As per the resolution above, all work commenced to undertake the Year 1 program.

An overview on the progress on Year 1 recommendations of the Town Cycle plan can be seen in Table 1 overleaf.

Location	Type	Description	Progress / Update
YEAR 1			
Shared Paths			
South Hedland	Central Open Space Spine	North Circular Road to Coppin Place (behind Caravan Pk) - off-road	Coppin to Cottier – included in approved subdivision and for Marquee park. Cottier to drain pending development submission (SHNL) but will be required as a condition of approval
South Hedland	Central Open Space Spine	Coppin Pl to Cottier Rd - off-road	
South Hedland	Central Open Space Spine	Cottier Rd to drain - off-road	
Port Hedland	Pretty Pool	Matheson to Panja (loop)	COMPLETED
Port Hedland	Pretty Pool Connection: Styles Rd	Cooke Point Rd to Panja Pde (Pretty Pool)	COMPLETED
Port Hedland	Crawford St	McGregor St to Sutherland St	Quotes being sourced
Port Hedland	Coastal path: Taylor Street	Athol St to Goode St	COMPLETED
Port Hedland	Coastal path: Goode Street	Taylor St to McPherson St	COMPLETED
Port Hedland to South Hedland Path			
Porter Consulting Engineers have been contracted to complete a detailed design for a shared path between Port and South Hedland. Survey work has been completed and work on the detailed design has now begun. Final report due March 2010.			
On-road Circuits			
Port Hedland	Western Circuit (5,400m)	Pavement logos (every 200m).	If the Officer's recommendation is approved, work on the on-road circuits will be postponed to allow the proposed road safety study to be undertaken, with the circuits established as part of the road network redevelopment.
		Signs on posts (at every change of direction).	
Port Hedland	Eastern circuit (7,500m)	Pavement logos (every 200m).	
		Signs on posts (at every change of direction).	
Port Hedland	Combined Loop (Western + Eastern) (13,200m)	Pavement logos (every 200m).	
		Signs on posts (at every change of direction).	
		Pavement logos (every 200m).	
Port Hedland	Pretty Pool spur (7,000m)	Pavement logos (every 200m).	
		Signs on posts (at every change of direction).	
Port Hedland	all 3 (20,200m)	Pavement logos (every 200m).	
		Signs on posts (at every change of direction).	
South Hedland	South Hedland Loop (9,500m)	Pavement logos (every 200m).	
		Signs on posts (at every change of direction).	
		Map Panels (allowance for 5)	

Spot Improvements			
Port Hedland	Coastal Path	Parallel lines (denoting shared path route) at entrance to boat launching ramp at Capt. Bert Madigan Park	Consultation has begun with Main Roads and feasibility is currently being determined.
Port Hedland	Coastal Path	"Give Way" signage at Spoil Dump access road	
Port Hedland	Coastal Path	"Give Way" signage at Cemetery Beach park access road	
Port Hedland	Coastal Path	"Give Way" signage at beach access road (along Sutherland St)	
Port Hedland	"Bike lanes" on Anderson	Install edge lines on Anderson St between Short St and Wedge Street	To be undertaken as part of BHP work along Anderson St.
Bicycle parking			
U-shape bike racks have been ordered for a number of identified locations in Port and South Hedland. Quotes have been received for installation and a contractor will be selected shortly.			
Quotes are currently being sourced and locations selected for bike lockers.			

Consultation

During the development phase of the project, the following personnel were consulted:

Town of Port Hedland staff, including:

- Manager Recreation Services
- Chief Executive Officer
- Director Engineering
- Manager Planning
- Manager Infrastructure Development

Town Cycle Plan Working Group members, included:

- Cr Gear
- Cr Ford
- Cr Howlett
- Cr Bussell

Community members and stakeholders

Main Roads WA

As the project has moved into the implementation phase, the following personnel have been, and will continue to be, consulted:

Town of Port Hedland staff

- Manager Recreation Services
- Chief Executive Officer
- Director Engineering
- Manager Planning
- Manager Infrastructure Development
- Sports and Recreation Officer
- Project Development Officer
- Project Officer

Porter Consulting Engineers

Main Roads WA

Cycling WA

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 1 - Infrastructure

Goal 1 - Road, Footpaths and Drainage

Strategy 5 - Implement high priority strategies that are listed in the Town's Cycle Plan.

Budget Implications

Council currently has an allocation of \$771,670 for this project for the 2009/2010 financial year. \$121,246 has already been committed, with funds available for the remaining items to be completed.

It is proposed that the funds allocated towards the establishment of the road circuits and the Port to South Hedland path be carried forward to the 2010/2011 financial year for the commencement of the construction of the Port to South Hedland path.

Officer's Comment

A number of the recommendations included in Year 1 actions for the Town Cycle Plan are close to completion.

Due to the high rate of development in Port and South Hedland a number of the actions identified in the shared paths recommendations of the Town Cycle Plan have been superseded or have the potential to be linked in with other projects. If the Officer's Recommendation is endorsed, work on the Central Open Space Spine in South Hedland will be delayed to link in with future development in the area.

The Town of Port Hedland has been working with Main Roads to determine the suitability of the proposed on-road cycling circuits. A number of the routes proposed consist of relatively narrow roads, meaning the addition of bike lanes becomes difficult. However, as part of the 2010/2011 budget process, the Town's Engineering Department is looking to request funds for the completion of a Road Safety Study, which will allow for consideration of these circuits, as well as road alignment and construction. Should the circuits continue to form part of the Year 1 recommendations, Council runs the risk of undertaking the work this financial year, only to find that the Road Safety Study recommends realignment or changes to the road network.

It needs to be noted that the Footpath Construction Tender expired on the 31st December 2009, which is now currently under review, and will be re-tendered ready for the 2010/11 construction program. The addition of new footpaths as part of the Town Cycle Plan for Year 1 will therefore not likely be completed prior to the end of this financial year.

200910/241 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council:

- i) Consider the Road Safety Study as part of the 2010/11 budget process, and delay work on the on-road circuits to allow consideration of the recommendations to be included within this study;
- ii) Delay work on the Central Open Space Spine in South Hedland to link in with land development in the area; and,
- iii) Following the completion of the Year 1 recommendations, Council considers carrying forward all remaining funds to the 2010/2011 budget for construction of the Port to South Hedland path.

CARRIED 8/0

11.3.2 Community Services**11.3.2.1 Continuation of Operations of the Pilbara Family Day Care Scheme (PFDCS) (File No.: 03/01/0003)**

Officer Julie Broad
Manager Community
Development

Date of Report 18 January 2010

Disclosure of Interest by Officer

Manager Community Development is the Line Manager of PFDCS Co-ordinator

Summary

For Council to consider the options in continuing to host the Pilbara Family Day Care Scheme (PFDCS), an in-home and family day care program that operates across the Pilbara.

Background

The Pilbara Family Day Care Scheme has been managed by Council since its inception in 1994. It offers live-in or carer's-home-based childcare for up to 126 children through the work of 19 carers across the Pilbara.

Council has sought alternative providers to host the Pilbara Family Day Care Scheme (PFDCS) which is operating in all four Local Government areas of the Pilbara.

Negotiations had been conducted with the Pilbara Development Commission (PDC) on them taking on the management of the service. The PDC has now indicated that they are not in a position to auspice the PFDCS program, and have recommended that other agencies be considered.

Consultation

- Pilbara Development Commission
- Pilbara Early Learning Association
- Previous Director Community & Regulatory Services
- Director of Community Development
- Pilbara Family Day Care Scheme Coordinator
- Childcare Services Support Unit CEO
- Hedland centre based child care coordinators
- Local playgroups, carers and clients.
- National Childcare Accreditation Council Inc
- Program Coordinators in other WA areas

Statutory Implications

Management of the PFDCS must demonstrate compliance with:

- Child Care Services Act 2007
- Children and Community Services Act 2004
- Community Services (Family Day Care) Regulations 2006
- Financial Management Act 2006
- Working with Children (Criminal Record Checking) Act 2004
- All Accreditation requirements of the National Childcare Accreditation Council Inc

Policy Implications

Council as operator of the PFDCS must comply with all financial reporting requirements of the Commonwealth Department of Employment, Education and Workplace Relations (DEEWR), and all Occupational Health and Safety and Quality of Care standards requirements of the accrediting body, the National Childcare Accreditation Council Inc.

Strategic Planning Implications

Key Result Area 3 – Community Development

Goal Number 1 – Youth & Children

Strategy 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 within the Town. Implement key initiatives in a timely manner.

Budget Implications

The PFDCS is currently fully supported by Commonwealth funding. Operating revenue comprises operating grants for both In-Home Care (IHC) and Family Day Care (FDC), rural travel assistance, Childcare Benefits for FDC and IHC, and Scheme levies for both programs in GL accounts 815341 – 805392.

This funding covers all operating expenditure plus the administration costs paid to Council in GL accounts 805201 – 805299, and is projected to break even over the financial year.

An additional \$50,000 has been included for administrative support to the program in the 2009/10 budget. Potentially these funds, as well as providing administration and payroll support, could be directed to a review of the program and development of a Port Hedland Childcare Plan, which is within the guidelines of the scheme.

Officer's Comment

The PFDCS program runs at no cost to Council, and gains significant community goodwill from the clients of the program.

The PFDCS Program Co-ordinator, now based in Karratha, continues to provide the same level of service to carers and clients across the four LGA's as she provided from her Port Hedland base, with all program costs met by Commonwealth funding.

Commonwealth revenue from program activity in Port Hedland is received by both Council and the local carers in the program, which is a significant economic benefit to the Town.

Estimated income for a carer working in the PFDCS can range up to \$100,000 annually for a full-time carer, with an average annual income of carers in the PFDCS currently estimated as \$70,000-\$80,000.

In addition, the child places offered by the program allow many new parents to return to work on a part-time or full-time basis, thus further stimulating the local economy with their expenditure.

Thus there is significant economic as well as social benefit to focus efforts on growing the number of FDCS carers to increase the opportunities for families to choose this alternative to centre-based child care, which does not suit every family.

Issues for the Existing PFDCS Service Provision

The PFDCS is working to address home-based child care shortages across the Pilbara. 11 carers are currently engaged in family day care across the region, with 115 children offered care. This does not include the in-home care on stations throughout the area.

With the licensing requirements of the program, each carer can provide places for seven children, including their own. Thus increasing the number of family day care providers will offer significant numbers of child care placements, without the large capital costs of new facilities

Rates of pay for carers are not high compared to other industry benchmarks in the Pilbara, with an average hourly rate of \$12 per hour per child. Parents of children in the programs pay these costs, supplemented by Commonwealth funding.

Not all families prefer family day care, with some opting for referring the care provided by qualified child care professionals. Increasing the uptake of family day care providers is a cost-effective method of increasing child care availability without compromising existing child care services.

The increase in centre-based childcare places is a positive step for childcare in Port Hedland, but will not be able to meet the current demand for childcare places, as all existing centres have substantial waitlists for placement.

Centre-based child care places and waiting lists are currently:

Centre	Capacity	Waiting list Numbers	Av Waiting time
Len Taplin	64	40	Two years
Rose Nowers	28	37	6-12 months
Treloar	102	45	6-12 months
Keesing Street	118	Not yet full	nil

**Note: Has not officially opened*

The Pilbara Plan identifies a projected requirement of 575 additional child care places across the region, at a cost of \$69 million. For our town,

- Port Hedland - 100 places plus staff quarters
- South Hedland - 100 places plus staff quarters

Provision of additional places will definitely assist in reducing the waitlist for child care. However for most providers the limitations on offering places are due to staffing rather than infrastructure and facilities. There is a stipulated ratio of carers to children, dependent on the age of the child, so securing adequate numbers of qualified staff is an issue for all centre-based care.

To increase staffing, two items are considered required:

- Housing
- Upgrade of condition of facilities

BHP Billiton has already established a 118 place childcare facility in Keesing Street. The availability of housing for staff of the centre is an added attraction and will further impact on staffing of the other services.

This means to ensure even competition it would be appropriate to review and upgrade facilities and examine if housing could be provided on site.

Competition for staff in the Family Day Care Scheme and other Child Care Centres has been exacerbated by opening of this new private child care facility, which is attracting qualified existing carers from both centre-based and family day care services. This may continue if additional facilities are opened as planned in South Hedland.

There is a wages differential between existing child care centres and the new facility, of approximately \$4-5 per hour. This equates to almost \$10,000 per year for a full-time child care worker.

In addition, housing is offered, which in the current private rental market may equate to \$75,000 per year for a 3 bed/one bathroom house in Port Hedland.

This may result in the centres having to raise their fees so they can match the salary packages on offer from the BHP facility to retain staff. This same fee will also be levied on other members of the community, with significant impact on the affordability of child care and the ability to retain families in town.

If options are developed for some housing on existing childcare sites, this may reduce the need for fee increases.

In a recent letter to Mayor Howlett, Children's Services Support Unit (CSSU) CEO Karri Hillier raised concerns on the introduction of this element of competition to child care in Port Hedland:

"With the opening of the YMCA / BHP Childcare Centre [BHP Centre] other child care providers will have to compete with salaries and conditions offered by the BHP Centre. It is an ongoing challenge in the Pilbara to attract and retain staff with a very limited pool of qualified childcare staff available. Without being able to offer housing it is impossible to recruit from other geographical locations."

See Attachment 2: letter Children's Services Support Unit (CSSU)

Average employment expectancy in PFDCS in the Pilbara is 2.5 years compared with other schemes such as WA Wheatbelt which achieves reliably 10 to 20 year employment expectancy for carers.

One of the four carers in the PFDCS based in Port Hedland has left the scheme to work with the new Child Care Facility. PFDCS has lost 3 other carers in Hedland and 2 carers in Karratha in the past two months, due to changes in family circumstances. This turnover is normal for this time of year in the Pilbara.

Emerging Challenges for Child Care Provision

Changes in the National Standards for Child Care are currently mooted, which will see standardised regulations introduced across Australia to bring consistency across the industry in all States and Territories.

Increased licensing requirement for all carers will be introduced in parallel to these changes. By 2014 all child care providers must be qualified or enrolled in Certificate 3 in Child Care, and qualified in a Diploma in Early Childhood Studies for program Coordinators.

This will increase the professionalism of the industry and ensure quality standards are maintained, and hopefully that will be reflected in remuneration.

However it is an increased demand on people wishing to enter the child care industry. In addition to the very inflated cost of securing housing here, there are added costs of modifications to housing to meet the regulations of the Department for Communities Childcare Licensing Unit regulations. The costs of obtaining qualifications, restrictions on activities of other family members while children are in care, and the attractive wages of less onerous occupations in the Pilbara all impact on the uptake of carers in the program.

These issues must all be considered when striving to increase the number of carers in the PFDCS program.

Incentives for the PFDCS

A range of initiatives are suggested to increase uptake of carers into the scheme.

These include:

- Monetary grant to help set up the business.
- Contribution to the cost of making houses compliant with FDCS requirements
- Bonus payments for length of time in the scheme
- Recognition of contribution to community wellbeing and the social networks that keep families in town.

Funding these is outside the current funding scope but could be done as part of a larger childcare fund / program. It is proposed to develop a package of needs to include childcare including PFDCS.

Options for Future Program Management

Council's Plan for the Future and The Pilbara Plan documents both identify childcare as a significant community infrastructure driver.

The Pilbara Plan (page 19) includes:

“Childcare allows the primary caregiver to rejoin the workforce, thus increasing the size of the local labour force without the need for additional housing. This has direct productivity and cost savings benefits and, in fact, the resource industry places a value of \$1 million on every child care place that results in an additional employee.”

But of particular note and relevance to the PFDCS is:

“...improved child care services will reduce the overall labour turnover by adding to local amenity. In addition to this, there is the intangible benefit of the opportunity of work that is welcome by the primary caregiver, which results in a more balanced family structure and adds further to the stability of the workforce and the community at large.”

Alternative hosts have been considered and investigated for the Pilbara Family Day Care Scheme (PFDCS).

These include:

- Pilbara Development Commission
- Pilbara Regional Council
- Pilbara Early Learning Association
- YMCA
- An independently incorporated carer or program manager.

However, the issues of licensing, staffing and financial management of the program outlined above currently lessen its attractiveness to external agencies.

A lack of expertise in managing the program is also an issue for other agencies. Council's coordinator of the PFDCS is very experienced, having managed a child care centre and FDCS programs in WA and a director for Western Australia on the Board of Directors of Family Day Care Australia.

She is well regarded in the child care industry, and recently participated in a year-long state level review of the WA Child Care Regulations, with her board fees for this work adding to Council's revenue.

The Pilbara Early Learning Association (PELA), an incorporated body supported by the PDC, may be a suitable host for the program. However this association does not have any staff, with all functions carried out by a volunteer committee.

The YMCA, as new Centre-based Day Care providers in Port Hedland, may also be an option.

Given the acute shortage of child care places in the Pilbara, a further option is to retain the management of the program in-house.

This could be done on an interim basis until a focused marketing and improvement campaign is developed, then handing over a program with high numbers of workers will be easier.

Council has invested significant expenditure on infrastructure projects which benefit the community, such as parks and playgrounds, recreation and youth facilities, roads and pathways.

It may be justified to focus a major upgrade on existing childcare facilities.

The cost of setting up carers in the FDCS program is minimal compared to building new facilities.

The Pilbara Plan identifies the cost of providing 575 new child care places and staff accommodation at \$69 million, or \$120,000 per child care place.

If each FDACS carer offered even five places per home, allowing two places of the maximum of seven allowed under the scheme for their own children, this would require an additional 115 carers throughout the Pilbara. These carers would not require accommodation, as the program runs in their own homes.

At \$120,000 per child care place as quoted in the Pilbara Plan, each carer would equal a start up cost of \$120,000 x 5 child care places = \$600,000 to provide services equal to five places in centre-based child care.

\$600,000 savings per carer would generate a substantial pool of funds to establish an incentive program to attract new carers to the program. It is anticipated that when this is marketed together with the possible income generated to a fulltime carer of up to \$100,000 per year, the uptake will improve considerably. Current funding guidelines do not allow expenditure on these expenses.

Council's support to continue sponsoring the PFACS will demonstrate commitment to alleviating child care shortages.

Further support by providing a Council house to set up a family day care scheme would offer places of up to seven ToPH new parent employees, enabling them to return to Council roles. This would enable retention of their corporate expertise, and reduce the monetary and organisational cost of employee turnover. If the mining industry measure of \$1 million on every child care place that results in an employee returning to the workforce is used, this would equate to a \$7 million productivity gain to Council.

It is important to continue to support the FDACS as it is shown to be a cost effective means of providing this essential service. Effective child care strengthens children's wellbeing, builds resilience and builds confidence – all benefiting the wellbeing of the community as well as the child. Many families prefer this family day care modality of care, with its ability to provide more individualised care to children and their families.

Whichever mode of child care is chosen, it is important to the community that a range of child care options continue to be made available.

Based upon this, it is not a good time to be handing over the PFACS to another host agency. What is required is a review of the service and clear identification of the upgrade requirements of the centres currently owned by Council and leased to child care service providers in Port Hedland.

There is now great opportunity through a review and enhancement of the PFACS to supplement this work in an area largely not addressed by Council to date, but of critical importance to the community and industry of the town and its future.

It is proposed an application be made to Royalties for Regions to fund this study.

The Council could choose to do this at a local level and combine with other Pilbara shires at a regional level.

A regional study to assess Council's existing childcare facilities and programs, and the community's childcare demands and supply now and into the future, would inform Council's decision making on who is most appropriate to run the PFDCS into the future.

Although this is a Hedland issue, similar concerns are faced across the region. The benefits of doing something at a regional level are in economies of scale.

If the PFDCS is retained by council for twelve months, it is most likely the regional study would be completed by this time and it would then be timely to reconsider sponsorship of the PFDCS.

Attachments

1. Accreditation Certificate from the National Childcare Accreditation Council Inc.
2. Children's Services Support Unit Letter

200910/242 Council Decision/Officer's Recommendation

Moved: Cr S R Martin

Seconded: Cr A A Carter

That Council:

- i) Retain the management of the Pilbara Family Day Care Scheme (PFDCS) within Council for a twelve month period with further review at that time;
- ii) Make an application to the Royalties for Regions Scheme for a Port Hedland – specific project to identify:
 - a) **existing and projected future child care demand;**
 - b) **existing supply of child care places, both centre-based and in-home;**
 - c) **strategies to upgrade existing Council-owned centre-based childcare facilities (including housing);**
 - d) **strategies to increase the provision of child care places through the PFDCS; and**
 - e) **Cost Benefit analysis of provision of housing for a FDCS provider to care for Council employee children;**

and

- iii) Make an application to Royalties for Regions to the Pilbara Regional Council for a project to encompass a similar analysis of child care needs and availability across the Pilbara region.

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.3.2.1

RF204/VF1424

The National Childcare Accreditation Council Inc
is pleased to confirm that

Pilbara Family Day Care


Pilbara Family Day Care - Port Hedland Youth & Family CTR Keesing ST PORT HEDLAND WA 6721	Pilbara Family Day Care - Karratha 7 Smokebush Street Tambrey Estate KARRATHA WA 6714
--	--

is **Accredited** under
Family Day Care Quality Assurance
for family day care schemes.

The next *Self-study Report* from the service is due
18 May 2012

Services are also issued with a *Quality Profile Certificate* which provides a picture or
overview of the quality of care provided by the service. If you would like to view the
service's *Quality Profile Certificate* please ask your service's Coordinator.

This *Certificate of Accreditation* will remain valid until the service's next Accreditation
Decision.



June McLoughlin
Chairperson
National Childcare Accreditation Council
14 DECEMBER 2009
© Australian Government 2008

ACCRREDITED

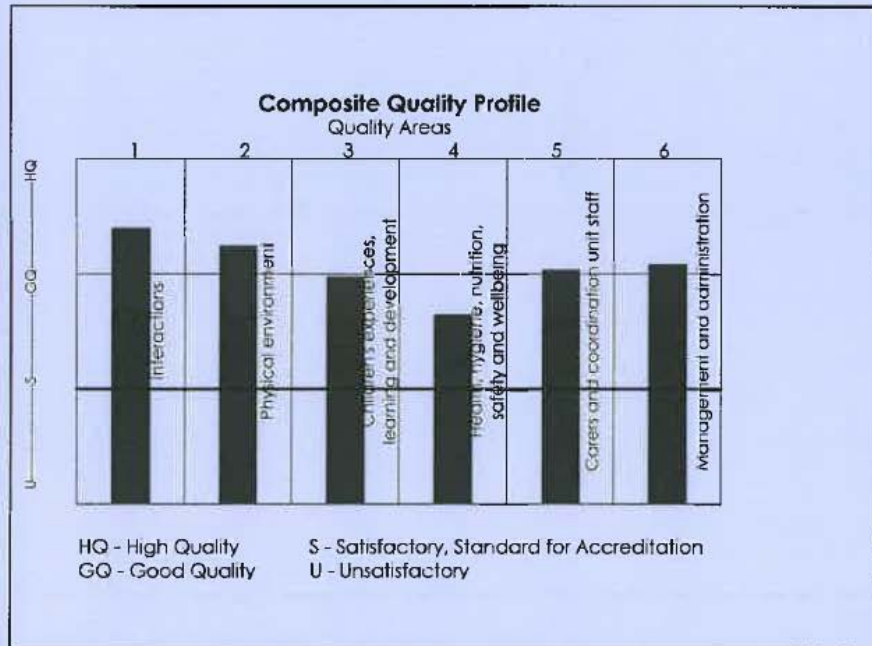
**Putting
Children
First**
NCAC
National Childcare
Accreditation Council Inc.

AN AUSTRALIAN GOVERNMENT INITIATIVE

QUALITY PROFILE

Pilbara Family Day Care
Youth & Family CTR
Keesing ST
PORT HEDLAND WA 6721

Accreditation Decision: December 2009
NCAC Ref.: RF204
Visit No: VF1424



Pilbara Family Day Care is Accredited

June McLoughlin
Chairperson
National Childcare Accreditation Council
14 December 2009



AN AUSTRALIAN GOVERNMENT INITIATIVE

ATTACHMENT 2 TO AGENDA ITEM 11.3.2.1



Suite 7, 16 Kearns Crescent, Ardross WA 6153
Ph: 08 9315 2222
Fax 08 9315 2122
Email: information@cssu.org.au
Web: www.cssu.org.au

Ms. Kelly Howlett
Mayor
Port Hedland Shire Council
P.O. Box 41,
Port Hedland, WA. 6721

4th December 2009

Dear Ms. Kelly,

The Children's Services Support Unit [CSSU] is a not-for-profit organisation that provides childcare throughout the State with many of our services currently operating in the Pilbara. Len Taplin Children's Services based in Port Hedland is one of our services.

Recently CSSU met with representatives from Rose Nowers Childcare Centre, Treloar Child Care Centres and from the TAFE. I was asked to write on behalf of this group to express our concern at being able to continue to offer affordable childcare in Port and South Hedland.

With the opening of the YMCA/BHP Childcare Centre [BHP Centre] other childcare providers will have to compete with the salaries and conditions offered by the BHP Centre. It is an ongoing challenge in the Pilbara to attract and retain staff with a very limited pool of qualified childcare staff available. Without being able to offer housing it is impossible to recruit from other geographical locations.

Locally based staff, working in our services, have already committed to the BHP Centre for higher wages and subsidised housing. To compete we will have no option but to offer similar wages and conditions and so charge the same fees as the BHP Centre. The BHP Centre will be charging \$500.00 per week per child compared with current providers that charge around \$375.00 per week per child.

This will impact significantly on the community. Not everyone has the benefit of receiving the salaries that mining companies offer. For the average worker, childcare will no longer be affordable. In turn this will affect the ability of the town to provide essential services [education, retail etc]. It may also affect the quality of care that can be offered. CSSU is

committed to working with local communities to find solutions for their childcare needs. In expressing my concerns I am hopeful that a solution to this dilemma may be found.

We would be happy to meet with you to discuss the matter further and look forward to hearing from you in the near future.

Yours sincerely,



Karri Hillier
Chief Executive Officer
Children's Services Support Unit



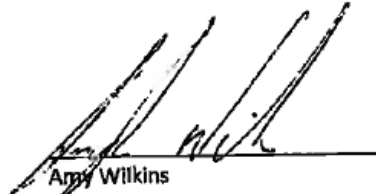
Rebecca Jones
Coordinator
Len Taplin Children Services



Chantal Stewart
Director
Treloar Childcare Centre



Roz Brabazon
Operations Manager
Rose Nowers Child Care Centre



Amy Wilkins
Coordinator
Rose Nowers Childcare Centre

11.4 GOVERNANCE AND ADMINISTRATION**11.4.1 Corporate Services****11.4.1.1 *Financial Reports to Council for Period Ended 30 November 2009 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Lee Crombie
Senior Finance Officer

Date of Report 14 January 2010

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 November 2009, 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 2008/09.

Background**1. *Financial Statements***

Presented (see attachments) in this report for the financial period ended 30 November 2009, 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 November 2009;
- Review of Transaction Activity.

Note: Interest Rates for investments are selected from those provided from the following financial institutions: National Australia Bank, BankWest, Commonwealth Bank, AMP, Westpac Bank, Big Sky, Citigroup and the Australian and New Zealand Bank.

2. *Utility and Fuel Costs*

Presented in graph form (see attached), is the 2009/10 monthly water, power and fuel costs compared with 2008/09.

3. *Schedule of Accounts Paid*

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on 27 January 2010 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			
CHQ19213	CHQ19298	206,439.34	1	13	1	Municipal Fund	
EFT27434	EFT27910	4552,994.15	13	99	1	Municipal Fund	
CMS091109	CMS091109	192.39	99	99	1	Municipal Fund	Photocopier Lease – Engineering Department
PAY031109	PAY031109	270,433.22	99	99	1	Municipal Fund	
PAY041109	PAY041109	551.21	99	99	1	Municipal Fund	
PAY171109	PAY171109	297,666.85	99	99	1	Municipal Fund	
PAY191109	PAY191109	908.42	99	99	1	Municipal Fund	
BOQ271109	BOQ271109	891.10	99	99	1	Municipal Fund	Finance Equipment
	Municipal Total	5,330,076.68					
3001732	3001757	7,590.00	99	103	3	Trust Fund	
	Trust Total	7,590.00					
	Sub-Total	5,337,666.68					
LESS: one-off pays	-						
Total		5,337,666.68					

Consultation

Nil

Statutory Implications*Financial Statements*

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

“34. Financial activity statement report - s. 6.4

- (1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail:*
- (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) *budget estimates to the end of the month to which the statement relates;*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*

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

In this regulation:

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

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

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

- “(1) Subject to subsection (2) and any other written law, a local government may –*
 - (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*
 - (b) *wave or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money, which is owed to the local government.*
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.”*

Policy Implications

2/003 Financial Statements – Copies for Councillors

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

<i>Monthly</i>	<i>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 Rates Summary Trail Balance Reserve Account Balances</i>
<i>Quarterly</i>	<i>Quarterly Budget Review Report on all Budgeted Grants of \$50,000 or more.</i>

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

Strategic Planning Implications

Key Results Area 5 Environment

Goal 2 Natural Resources

Strategy 1. Continue to monitor and report on the level of Council's energy, fuel and water use.

Budget Implications

At the Special Meeting held on 29 July 2009, Council resolved to adopt item 6.1.1.1 '2009/2010 Budget Adoption' en block, 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 – November 2009 Bank Reconciliations.
- Pages 1 to 49. Detailed Financial Activity by Program.
- November 2009 Accounts for Payment
- Comparison Between 2008/09:2009/10 Utility and Fuel Costs

200910/243 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S R Martin

That

- i) the:
 - a) **Statements of Financial Activity (represented by Schedules 2 to 14);**
 - b) **Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 30 November 2009; and**
 - c) **Review of Transaction Activity, as attached and/or presented be received;**
- ii) graphic representation of the Town's energy, water and fuel use as attached be received; and

- iii) list of Accounts paid during November 2009 under Delegated Authority, as presented and/or attached be received.

CARRIED 8/0

11.4.1.2 Financial Reports to Council for Period Ended 31 December 2009 (File Nos: FIN-008, FIN-014 and RAT-009)

Officer Lee Crombie
Senior Finance Officer

Date of Report 14 January 2010

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activities of the Town to 31 December 2009, 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 2008/09.

Background

1. *Financial Statements*

Presented (see attachments) in this report for the financial period ended 31 December 2009, are the:

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- Review of Transaction Activity.

Note: Interest Rates for investments are selected from those provided from the following financial institutions: National Australia Bank, BankWest, Commonwealth Bank, AMP, Westpac Bank, Big Sky, Citigroup and the Australian and New Zealand Bank.

2. *Utility and Fuel Costs*

Presented in graph form (see attached), is the 2009/10 monthly water, power and fuel costs compared with 2008/09.

3. *Schedule of Accounts Paid*

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on 27 January 2010 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			
CHQ19299	CHQ19325		Cheques cancelled – Printed Incorrectly				
CHQ19327	CHQ19327		1	1	1	Municipal Fund	Cheque cancelled
CHQ19338	CHQ19338		3	3	1	Municipal Fund	Cheque cancelled
CHQ19354	CHQ19359		4	4	1	Municipal Fund	Cheques cancelled
CHQ19365	CHQ19365		5	5	1	Municipal Fund	Cheque cancelled
CHQ19398	CHQ19398		10	10	1	Municipal Fund	Cheque cancelled
CHQ19326	CHQ19401	839,189.36	1	10	1	Municipal Fund	
EFT27911	EFT28402	3,391,444.14	10	73	1	Municipal Fund	
CMS071209	CMS091209	192.39	73	73	1	Municipal Fund	Photocopier Lease – Engineering Department
PAY011209	PAY011209	289,494.35	1	1	1	Municipal Fund	
PAY151209	PAY151209	282,812.97	73	73	1	Municipal Fund	
PAY291209	PAY291209	268,991.61	73	73	1	Municipal Fund	
BOQ271209	BOQ271209	891.10	73	73	1	Municipal Fund	Finance Equipment
	Municipal Total	5,073,015.92					
3001758	3001774	11,650.00	73	75	3	Trust Fund	
	Trust Total	11,650.00					
	Sub-Total	5,084,665.92					
LESS: one-off pays		-					
	Total	5,084,665.92					

Consultation

Nil

Statutory Implications*Financial Statements*

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- (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;*
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and
 - (b) *recorded in the minutes of the meeting at which it is presented.*
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- (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.*
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Policy Implications

2/003 Financial Statements – Copies for Councillors

“Apart from the financial reports that are required to be presented to Council 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*
- Rates Summary Trail 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 Manager, Financial Services or requested by Council by resolution.”

Strategic Planning Implications

Key Results Area 5 Environment

Goal 2 Natural Resources

Strategy 1. Continue to monitor and report on the level of Council's energy, fuel and water use.

Budget Implications

At the Special Meeting held on 29 July 2009, Council resolved to adopt item 6.1.1.1 '2009/2010 Budget Adoption' en block, 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 – December 2009 Bank Reconciliations.
- Pages 1 to 49. Detailed Financial Activity by Program.
- December 2009 Accounts for Payment
- Comparison Between 2008/09:2009/10 Utility and Fuel Costs

200910/244 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That

- i) the:
 - a) Statements of Financial Activity (represented by Schedules 2 to 14);
 - b) Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 31 December 2009; and
 - c) Review of Transaction Activity, as attached and/or presented be received;
- ii) graphic representation of the Town's energy, water and fuel use as attached be received; and

- iii) list of Accounts paid during December 2009 under Delegated Authority, as presented and/or attached be received.

CARRIED 8/0

11.4.1.3 Request for Debtor Write-Off Transpacific Industrial Solutions (File No.: .../...)

Officer Lee Crombie
Senior Finance Officer

Date of Report 11 January 2010

Disclosure of Interest by Officer Nil

Summary

For Council to consider writing off \$325.33 of tip fees charged to Transpacific Industrial Solutions.

Background

On 29 July 2009, Council adopted its 2009/10 Budget, which included changes in commercial landfill fees:

	2008/09	2009/10	% difference
Domestic/Industrial Waste	38.22	39.60	3.7%
Washdown Facility	16.00	16.60	3.7%
Hazardous Waste	54.29	56.30	3.7%
Medical Waste	38.22	39.60	3.7%

Given the slight delay in adopting the Budget (29/7/09) the majority of Landfill customers were issued with a letter dated 30 July 2009, advising them that all landfill fees had increased by 3.7% as of 1 July 2009. This letter stated that when the invoices were received, a table would be provided demonstrating the changes (letter attached).

On 4 November 2009, Council received a letter from Transpacific Industrial Solutions, objecting to the new fees being applied as of 1 July 2009 (letter attached).

Transpacific Industrial Solutions is the third company to dispute the increase in fees as of 1 July 2009. The other agenda items were put to Council on 23 September 2009 and 28 October 2009.

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.*

- (2) *Subsection*
 (1) *(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
 (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
 (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Should Council agree to write off these tip fees, Council income from the Tip will be reduced by \$325.33. The current budget for Tip fees (Account Number 1004328) is \$1,500,000.

Officer's Comment

Council has essentially two options with regards to this item, choosing to either:

- Not write off the difference; or
- Write off the difference
-

To date, Transpacific Industrial Solutions is the third business to formally complain regarding the CPI increase in fees at the South Hedland Landfill. As previously stated, the majority of Landfill customers were advised of the increase in fees when receiving their invoices after the adoption of the 2009/10 Fees. Transpacific Industrial Solutions has not advised of receipt or non receipt of this letter. It is also noted that weighbridge receipts (produced every time the weighbridge is used) were not updated with the new fees until mid August, which could have added to their confusion.

The amount of the write off is not significant, being only \$325.33. General Landfill charges for July 2009, was \$92,774.73. If however other customers were to complain, it would be expected that they (like Transpacific Industrial Solutions) would have contacted Council by now.

Both options have been included in the Officers recommendation for Council to consider.

Attachments

1. Letter from Council to majority of Landfill customers, dated 30 July 2009;
2. Letter from Transpacific Industrial Solutions, dated 29 October 2009;
3. Letter from Transpacific Industrial Solutions, dated 29 October 2009;

Officer's Recommendation

That the request from Transpacific Industrial Solutions to write off the difference between the 2008/09 and 2009/10 Tip Fees invoiced to Transpacific Industrial Solutions, totaling \$325.33 for the month of July 2009, be refused.

NOTE : SIMPLE MAJORITY VOTE REQUIRED

OR

That the request from Transpacific Industrial Solutions to write off the difference between the 2008/09 and 2009/10 Tip Fees invoiced to Transpacific Industrial Solutions, totaling \$325.33 for the month of July 2009, be approved.

NOTE : ABSOLUTE MAJORITY VOTE REQUIRED

200910/245 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache... **Seconded:** Cr S R Martin

That the request from Transpacific Industrial Solutions to write off the difference between the 2008/09 and 2009/10 Tip Fees invoiced to Transpacific Industrial Solutions, totaling \$325.33 for the month of July 2009, be approved.

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.4.1.3

TOWN OF
PORT HEDLAND

RECEIVED
24 AUG 2009



BY:.....

Our Ref:

Your Ref:

Enquiries:

Direct Line:

30 July 2009

Dear Customer

I write to inform you that the South Hedland Landfill fees and charges have increased by 3.7% and take effect from 01 July 2009, as approved by Council.

Please find attached an outline of all the new fees and charges for the 2009/2010 financial year relating to the landfill, for your information.

Attached to your invoice is a comparison that details the old rates that will appear on the weighbridge docketts you may have already received, along with the new rates that have been charged as they are applicable from 01 July 2009.

If you have any queries, please contact debtors on 9158 9300.

Regards

Natalie Octoman
Manager Financial Services

Encl.

ATTACHMENT 2 TO AGENDA ITEM 11.4.1.3



TRANSPACIFIC INDUSTRIAL SOLUTIONS PTY LTD

ADV 57 885 513 546

Karratha Operations: PO Box 864 Karratha WA 6714 Ph 08 9163 9346 Fax 08 9163 8733

29/10/09

Town of Port Hedland PO Box 41 PORT HEDLAND WA 6721

TOWN OF PORT HEDLAND RECORD No. OFFICER. 04 NOV 2009 FILE No. ACTION DATE

RE: Invoice 24675 – Debtor 7314

Dear Sir/Madam,

Attached is the invoice that has been issued for Transpacific Industrial Solutions detailing an amount of \$5,172.83 plus GST of \$517.28, total cost of \$5,690.11 for septic disposal.

I have attached weigh bridge dockets for the invoice, 21067/21206/21291/21342/21386, which detail that the charge for the disposal rate was \$32.57 per tonne, not \$35.83 per tonne you have detailed as the charge.

It is requested that you adjust the invoice to detail the amount per tonne on the weigh bridge dockets and reissue a correct invoice to Transpacific Industrial Solutions for \$4,981.86 plus GST of \$498.19, total cost \$5,480.50.

Regards,

Handwritten signature of Michael McCluskey

Michael McCluskey Branch Manager Transpacific Industrial Solutions Karratha

ATTACHMENT 3 TO AGENDA ITEM 11.4.1.3



TRANSPACIFIC INDUSTRIAL SOLUTIONS PTY LTD

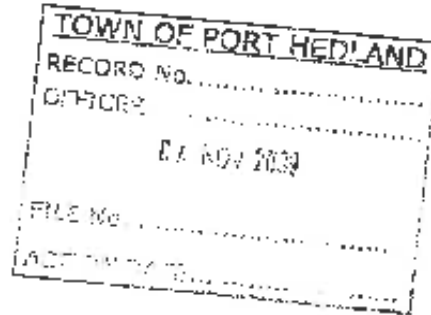
ABN 49 009 4 1346

Karratha Operations: PO Box 864 Karratha WA 6714 Ph: 08 91 83 2365 Fax: 08 91 83 8733

29/10/09

Town of Port Hedland PO Box 41 PORT HEDLAND WA 6721

RE: Invoice 25164 -- Debtor 7314



Dear Sir/Madam,

Attached is the invoice that has been issued for Transpacific Industrial Solutions detailing an amount of \$3,640.86 plus GST of \$364.09, total cost of \$4,004.95 for septic disposal.

I have attached weigh bridge dockets for the invoice, 21486/21545/21551/21631/21682, which detail that the charge for the disposal rate was \$32.57 per tonne, not \$35.83 per tonne you have detailed as the charge.

It is requested that you adjust the invoice to detail the amount per tonne on the weigh bridge dockets and reissue a correct invoice to Transpacific Industrial Solutions for \$3,506.50 plus GST of \$350.65, total cost \$3,857.15.

Regards,

Handwritten signature of Michael McCluskey, Branch Manager, Transpacific Industrial Solutions, Karratha

6.25 pm Councillor S J Coates declared a financial interest in Agenda Item 11.4.1.4 'Request to Refund Rates Paid on Mining Tenements; P45/02250 (A803253), G45/00029 (A803254), M47/00474 (A803307), M47/00475 (A803307) and AML45/235SA (A800100)' as he is employed by BHP Billiton and owns BHP Billiton shares.

Councillor Coates left the room.

6.25 pm Councillor G J Daccache declared a financial interest in Agenda Item 11.4.1.4 'Request to Refund Rates Paid on Mining Tenements; P45/02250 (A803253), G45/00029 (A803254), M47/00474 (A803307), M47/00475 (A803307) and AML45/235SA (A800100)' as owns BHP Billiton shares.

Councillor Daccache left the room.

6.25 pm Councillor A A Carter declared a financial interest in Agenda Item 11.4.1.4 'Request to Refund Rates Paid on Mining Tenements; P45/02250 (A803253), G45/00029 (A803254), M47/00474 (A803307), M47/00475 (A803307) and AML45/235SA (A800100)' as owns BHP Billiton shares.

Councillor Carter left the room.

11.4.1.4 Request to Refund Rates Paid on Mining Tenements; P45/02250 (A803253), G45/00029 (A803254), M47/00474 (A803307), M47/00475 (A803307) and AML45/235SA (A800100) (File No.: .../...)

Officer Brie Holland
Senior Rates Officer

Date of Report 11 January 2010

Disclosure of Interest by Officer Nil

Summary

Rates section requests that Council refund rates paid on the following five Mining Tenements, levied in error, during various financial periods on the accounts of;

P45/02250	Elazac Mining Pty Ltd	A803253
G45/00029	Talison/ Wodgina Properties Pty Ltd	A803254
M47/00474	Opus Exploration Pty Ltd	A803307
M47/00475	Opus Exploration Pty Ltd	A803308
AML45/235SA	BHP Billiton Minerals Pty Ltd	A800100

Background

The 2004/2005 rates accounts were created for five mining tenements believed to be within the Town of Port Hedland's boundaries. These included Prospecting License P45/02250 Elazac Mining Pty Ltd (A803253), General Mining License G45/00029 Talison/Wodgina Properties Pty Ltd (A803254), Mining Tenement M47/00474 Opus Exploration Pty Ltd (A803307), Mining Tenement M47/00475 Opus Exploration Pty Ltd (A803308) and Mining Tenement AML45/235SA BHP Billiton Minerals Pty Ltd (A800100).

On the 1 July 2009 all mining tenements within the Town of Port Hedland were revaluated by the Valuer General's Office. At reconciliation, five mining tenements (the abovementioned) were discovered not to appear in the revaluation.

The Senior Rates Officer sought confirmation that the tenements were non-active directly from the Valuer General's Office, through Valuation Officer Aleasha Kent (please refer to Attachment 1). Ms Kent confirmed that the two mining tenements P45/02250 and G45/00029 should not have created as they do not exist within the Town of Port Hedland boundaries. Ms Kent also confirmed that the two mining tenements M47/00474 and M47/00475 were legitimately ratable tenements however they ceased to exist by 11 November 2005, but were not deemed non-ratable for the following financial periods.

It was also confirmed that tenement AML45/235SA had been a duplication with a pre-existing assessment AML45/00235SA (please refer to email two).

P45/02250		Elazac Mining Pty Ltd
Date	Receipt No.	Amount
17/11/2009	186868	-\$ 174.12
10/09/2009	184816	-\$ 174.12
03/09/2008	175777	-\$ 630.00
18/03/2008	171281	-\$ 159.60
11/01/2008	169648	-\$ 159.60
13/11/2007	168288	-\$ 159.60
07/09/2007	166658	-\$ 159.74
05/10/2006	157389	-\$ 400.00
04/10/2005	147401	-\$ 205.00
30/09/2004	138252	-\$ 205.00
Total		-\$ 2,426.78

G45/00029		Talison Wodgina Properties Pty Ltd
Date	Receipt No.	Amount
16/09/2009	185045	-\$ 696.00
27/08/2008	175330	-\$ 670.00
20/09/2007	166566	-\$ 638.00
12/10/2006	157847	-\$ 435.00
13/10/2005	148105	-\$ 240.00
16/03/2005	142743	-\$ 56.45
13/01/2005	141216	-\$ 56.45
06/12/2004	140490	-\$ 56.45
27/09/2004	137817	-\$ 86.48
Total		-\$ 2,934.83

M47/00474		Opus Exploration Pty Ltd
Date	Receipt No.	Amount
26/10/2009	186155	-\$ 1,372.84
21/05/2009	181892	-\$ 2.93
21/04/2009	181258	-\$ 277.35
09/01/2009	179068	-\$ 277.35
31/10/2008	177469	-\$ 277.35
03/09/2008	175802	-\$ 317.54
07/09/2007	166122	-\$ 889.10
03/10/2006	157223	-\$ 715.88
19/07/2006	155136	-\$ 5.58
07/10/2005	147615	-\$ 272.36
Total		-\$ 4,408.28

M47/00475		Opus Exploration Pty Ltd
Date	Receipt No.	Amount
26/10/2009	186155	-\$ 2,978.69
21/05/2009	181892	-\$ 6.36
21/04/2009	181258	-\$ 602.95
09/01/2009	179068	-\$ 603.55
31/10/2008	177469	-\$ 603.25
03/09/2008	175802	-\$ 643.48
07/09/2007	166122	-\$ 1,916.84
03/10/2006	157223	-\$ 1,538.07
19/07/2006	155136	-\$ 12.35
07/10/2005	147615	-\$ 601.22
Total		-\$ 9,506.76

AML45/235SA		BHP Billiton Minerals Pty Ltd
Date	Receipt No.	Amount
05/10/2009	185561	-\$1,016.70
05/09/2008	176021	-\$ 836.66
14/02/2008	170498	-\$ 9.83
04/09/2007	165766	-\$ 663.97
12/01/2007	160258	-\$ 554.52
08/11/2005	149213	-\$ 358.87
05/10/2004	138535	-\$ 349.16
Total		-\$ 3,789.71

Tenements	Total Refunds
P45/02250	\$2,426.78
G45/00029	\$2,934.83
M47/00474	\$4,408.28
M47/00475	\$9,506.76
AML45/235SA	\$3,789.71
	\$23,066.36

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 Nil

Strategic Planning Implications Nil

Budget Implications

Should Council determine to refund all non legitimate receipted monies, Council will fore go \$23,066.36 in income.

Officer's Comment

When making its determination as to whether to refund the paid monies against all five mining tenements, Council may consider the fact that all rates charges from the dates specified were levied in administrative error. More specifically, the two mining tenements P45/02250 and G45/00029 should never have been created as rateable tenements as they did not exist within the boundaries of the Town of Port Hedland.

Council may also consider that the two mining tenements M47/00474 and M47/00475 should have been labeled as non-rateable on the date they ceased to be within the boundaries of the Town of Port Hedland, being 11 November 2005, but failed to be so. Finally AML45/235SA is a legitimate mining tenement however it is duplication to the current assessment A803281 and should not have been created.

Attachments

1. Email received, 29 October 2009
2. Email received, 11 January 2010

200910/246 Council Decision/Officer's Recommendation

Moved: Cr S R Martin

Seconded: Cr J M Gillingham

That Council approves to refund all receipted monies against the five mining tenements P45/02250, G45/00029, M47/00474, M47/00475 and AML45/235SA which amounts to \$23,066.36

Tenements	Total Refunds
P45/02250	\$2,426.78
G45/00029	\$2,934.83
M47/00474	\$4,408.28
M47/00475	\$9,506.76
AML45/235SA	\$3,789.71
	\$23,066.36

CARRIED BY ABSOLUTE MAJORITY 5/0

6:26pm

Councillors George J Daccache, Steve J Coates and Arnold A Carter re-entered the room and assumed their chairs. Mayor advised Councillors of Council's decision.

ATTACHMENT 1 TO AGENDA ITEM 11.4.1.5

Brie Holland

From: Aleasha Kent [Aleasha.Kent@landgate.wa.gov.au]
Sent: Thursday, 29 October 2009 11:10 AM
To: Brie Holland
Subject: RE: Confirmation that 4 mining tenements are not within the boundaries of the Town of Port Hedland

Hi Brie,

Please see you email below. I have responded in Pink for you.

Kindest Regards,

Aleasha Kent
Valuation Information Officer
Rural Section
Landgate

Ph: (08) 9429 8711
Fax: (08) 9429 8449

Email: aleasha.kent@landgate.wa.gov.au

-----Original Message-----

From: Lynette Anthony
Sent: Thursday, 29 October 2009 10:22 AM
To: Aleasha Kent
Subject: FW: Confirmation that 4 mining tenements are not within the boundaries of the Town of Port Hedland

Lynette Anthony
Valuation Information Officer
Metropolitan South/East
Landgate
(08) 9429 8597
Lynette.Anthony@landgate.wa.gov.au

-----Original Message-----

From: Brie Holland [mailto:snrratesofficer@porthedland.wa.gov.au]
Sent: Thursday, 29 October 2009 10:11 AM
To: Lynette Anthony
Subject: Confirmation that 4 mining tenements are not within the boundaries of the Town of Port Hedland

Hi Lynette,

Hopefully you are the person to contact in relation to confirming mining tenements within a town/shire.

Currently we are in the process of applying valuations to all mining tenements received on the 4th August 2009.

There are four tenements which we have been rating for many years, however they did not appear on the roll.

Could you please confirm that the following tenements are not the responsibility of the ToPH, and if so, what date did they stop existing within the ToPH boundaries;

- P45/2250 (received confirmation on the 01.07.04 by Paul Flanders (DPI) that this tenement was transferred from the East Pilbara Shire to the ToPH) - Tenement was never in the shire of Port Hedland, have spoken To DMP and they have confirmed this too.
- G45/29 (also received confirmation of this tenement on the 01.07.04) - Tenement was never in the shire of Port Hedland, have spoken To DMP and they have confirmed this too.
- M47/474 (last update to the UV on the schedule M2007/1) - Tenement was in your shire but was ceased in your shire on 11.11.2005.
- M47/475 (last update to the UV on the schedule M2007/1) - Tenement was in your shire but was ceased in your shire on 11.11.2005.

Kind regards

Brie Holland
Senior Rates Officer
Town of Port Hedland
T 9158 9334 F 9158 9399
E snrratesofficer@porthedland.wa.gov.au
W www.porthedland.wa.gov.au

ATTACHMENT 2 TO AGENDA ITEM 11.4.1.5

Brie Holland

From: Aleasha Kent [Aleasha.Kent@landgate.wa.gov.au]
Sent: Monday, 11 January 2010 1:26 PM
To: Brie Holland
Subject: RE: Confirmation that tenement does not exist

Hi Brie,

Yes they are both the same tenement but the only one that I have in my system is AML45/235SA as our system will only let me fill to 5 places after the /.

Kindest Regards,

Aleasha Kent
Valuation Information Officer
Rural Section
Landgate

Ph: (08) 9429 8711
Fax: (08) 9429 8449

Email: aleasha.kent@landgate.wa.gov.au

-----Original Message-----

From: Brie Holland [mailto:snrratesofficer@porthedland.wa.gov.au]
Sent: Monday, 11 January 2010 12:57 PM
To: Aleasha Kent
Subject: Confirmation that tenement does not exist

Hi Aleasha,

I believe that we have a double up in our system. Could you please confirm for me which tenement is live:

- AML45/235SA
- AML45/00235SA VEN: 1197335

Kind regards

**Brie Holland**

Senior Rates Officer | Town of Port Hedland | PO Box 41 Port Hedland WA 6721
Ph: (08) 9158 9334 Fax: (08) 9158 9399
Email: snrratesofficer@porthedland.wa.gov.au
Web: www.porthedland.wa.gov.au

11.4.1.5 Request to Waiver Penalty Late Fee of \$57.00 and Late Interest Fee of \$24.23 for Assessment A155380; Address 12 Butler Way, South Hedland (File No.: .../...)

Officer Brie Holland
Senior Rates Officer

Date of Report 11 January 2010

Disclosure of Interest by Officer Nil

Summary

For Council to consider the request to waive the late penalty fee of \$57.00 and late interest fee of \$24.23 on assessment A155380, 12 Butler Way, South Hedland.

Background

Ms Mary Russell wrote to Council on 3 December 2009 requesting a withdrawal of the late penalty fee of \$57.00 and late penalty interest of \$24.23 against her property's account at 12 Butler Way South Hedland. Ms Russell indicated in her letter that she should not be responsible for the fees as she was led to believe that she received confirmation that her accounts were paid in full, by the due date (please see attached letter).

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 Nil

Strategic Planning Implications Nil

Budget Implications

To write off the \$57.00 late penalty and \$24.23 late interest fees will directly reduce the rates income thus Council's revenue by \$81.23.

Officer's Comment

2009/2010 rates were due on 11 September 2009. Ms Russell paid her rates in full, for her two properties; 12 Butler Way and 14/24 Traine Crescent South Hedland, on the 11 September 2009. Ms Russell made the mistake however of paying both accounts against the one property, 14/24 Traine Crescent. Ms Russell discovered this mistake when she received a final notice for rates outstanding on the 12 Butler Way account on the 24 September 2009.

As stated in Ms Russell's letter she came into the Civic Centre personally on 14 September 2009 to confirm that her rates had been paid in full. Ms Russell stated that she was informed by a Town of Port Hedland staff member that her rates had been paid in full, for both accounts. Council's financial system does confirm that both properties rates were paid to the one assessment number on 11 September 2009.

It is correct to assume that it is the responsibility of the ratepayer to ensure they pay their rates on time and to the correct account. In this case, as stated in the letter, Ms Russell followed up with the Town personally to ensure her rates had been paid on both properties and according to her was given the incorrect information, which then led to a late penalty fee and interest.

Given the benefit of the doubt, if Ms Russell went to the length of personally visiting the Civic Centre to check that her rates had been paid, and was given the incorrect information, it should not be Ms Russell's responsibility to pay the late penalty interest or fees.

Attachments

Letter received, Ms Russell, 3 December 2009.

200910/247 Council Decision/Officer's Recommendation

Moved: Cr A A Carter ...

Seconded: Cr S R Martin

That Ms Russell's request to write off the \$57.00 late penalty and \$24.23 late interest fees on assessment A155380, 12 Butler Way, South Hedland be approved.

CARRIED BY ABSOLUTE MAJORITY 8/0

ATTACHMENT TO AGENDA ITEM 11.4.1.5

Brie Holland

From: Mary Russell [mary@goldeneagleairlines.com]
Sent: Thursday, 3 December 2009 1:59 PM
To: Brie Holland
Subject: PAYMENT OF RATES TO TOWN OF PORT HEDLAND
Attachments: image.pdf

Hi Brie,

Further to our conversation, here is the run down of contact that I have had with the Town of Port Hedland regarding payment of my rates.

On 11 September 2009 I paid rates for 14/24 Traine Crescent and 12 Butler Way in full by Bay. I have attached a copy of my BPay statement showing the payment and receipt numbers.

Further to this, given the amount of difficulty I have had with rate payments, I went to the Civic Centre on the following Monday to confirm that my payments had been received and as I had paid my rates in full, enter into the draw for full payment of rates. I do not recall the name of the person with whom I spoke (it may have been Simone), however, she went away to speak with someone. On her return she advised that in fact the payments had been received but I could not enter into the draw as I did not return my rates receipt on the Friday afternoon.

I was happy with that until I received a notice in the mail that the rates had not been paid. I called the Town of Port Hedland to speak with you, however, you were unavailable. Kaye took the call and noted down the payment receipt numbers for my rates and as I did not hear anything further, wrongly assumed that all was fine.

A few weeks ago I received a letter from the Town of Port Hedland saying that I was due a refund as I had overpaid my rates. I disregarded this letter as I knew that I had paid the correct amount.

Today, I received a final notice letter for non payment of rates on 12 Butler Way.

On discussion with you, you confirmed receipt of both payments; however, it would appear that I have used the incorrect reference number on payment of the rates for 12 Butler Way. You advised that you could see the receipt of both payments which had been allocated to 14/24 Traine and agreed to transfer the amount for 12 Butler Way to bring both accounts to order.

With regards to your suggestion that I may still have to pay interest, my view is that as the Town of Port Hedland was in receipt of the funds on the due date, no interest is due.

Should there be any further problems with this, please call me on 041 996 0011.

Could you also please confirm receipt of this email?

Kind regards,

Mary

Mary Russell
Golden Eagle Airlines

Mobile 041 996 0011
Email mary@goldeneagleairlines.com
Web www.goldeneagleairlines.com

This email has been scanned by the MessageLabs Email Security System.

11.4.1.6 2008/2009 Audit Management Report (File No.: .../...)

Officer Matthew Scott
Director Corporate Services

Date of Report 14 January 2010

Disclosure of Interest by Officer Nil

Summary

For Council to review the 2008/09 Audit Management Report and adopt various recommendations, which will be sent to the Department of Local Government, in accordance to the Local Government Act 1995 (the Act) and associated regulations.

Background

On the 21 December 2009, the Town's Auditor, Mr Greg Goodwin for UHY Haines Norton Chartered Accountants, signed off the Audit of the Financial Statements for 2008/09, which Council subsequently adopted as part of 2008/09 Annual Report on the 12 January 2010.

As part of the Audit process and to assure the users of the Annual Financial Statements, the Auditors provide an 'Auditors Opinion' on the validity of the information contained within them. For the 2008/09 Financial Statements and associated notes, the audit opinion was:

"In our opinion, the financial report of the Town of Port Hedland is in accordance with the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended), including:

- a) Giving a true and fair view of the Shire's financial position as at 30 June 2009 and of its performance for the year ended on that date; and*
- b) Complying with the Australian Accounting Standards (including the Australian Accounting interpretations), the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended)."*

Effectively this opinion should provide confidence to users (both internal and external) of the Financial Statements regarding the accuracy of the information contained within.

As part of the audit process, the Auditors also provide a 'Management Report'. This report does not discount the Audit Opinion, but provides the Auditor an opportunity to formally raise any issues or concerns observed during the audit that may, if left unresolved, adversely impact on the financial statements in the future.

In any private organisation this information would be not disclosed, however both the Audit Report (including opinion) and Management Report are provided to the Department of Local Government by the Auditor. Section 7.12A(4) of the Local Government Act 1995 requires a Council to review the management report and take appropriate actions (if necessary) in respect to any matter raised. A copy of the actions undertaken will need to be forwarded to the Department of Local Government.

In the 2008/09 Management Report (attached), the Auditor raised the following matters:

1. Council Minutes of Meetings not signed promptly; and
2. Tender Procedures not followed.

The Management Report also noted "Corrected Misstatements" and "Uncorrected Misstatements". Effectively, these are journals that have been requested by the auditors during the audit process. The majority of these only affect the Balance Sheet, which could not be determined during the audit process.

Consultation

A copy of the Management Report has already been supplied to the Audit and Finance Committee members, however due to the relatively few (2) matters raised, it was determined not to hold a formal meeting of the Committee to discuss them.

Statutory Implications

Section 7.12A of the Local Government Act (in part) states:

"7.12A. Duties of local government with respect to audits

- (1) *A local government is to do everything in its power to —*
 - (a) *assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and*
 - (b) *ensure that audits are conducted successfully and expeditiously.*
- (2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*
- (3) *A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —*

- (a) *determine if any matters raised by the report, or reports, require action to be taken by the local government; and*
 - (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government is to —*
- (a) *prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and*
 - (b) *forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.”*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

As mentioned in the background to this report, two matters were raised by the Auditor in the Management Report, which will be addressed separately in this section.

Council Minutes of Meetings Not Signed Promptly

As Council will note from the Management Report, there was several occasions when the Minutes were not signed by the Mayor (or Presiding member) at meeting they were confirmed at. To prevent this from recurring the Minute Taker will be responsible to ensure the Mayor signs the Minutes of the Previous Meeting at the end of the meeting of which those Minutes are confirmed, i.e. usually the next Ordinary Council Meeting.

Tender Procedures Not Followed

This relates to two occasions where Australian Civils was contracted with Council for work over \$100,000, however no tender was called. Council should note that it was the Town's own Finance Department that identified this error. This matter has been subsequently reported to both the Auditor and Council at the Special Meeting of Council on 13 May 2009.

Since this discovery all management and staff responsible for procurement have been reminded of the absolute requirement to tender out work estimated of \$100,000 or above. Additional scrutiny of accounts and purchase orders has been introduced to identify possible breaches of the Tender regulations.

Attachments

Management Report – Dated 21 December 2009.

200910/248 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

- i) Note the Management Report for 2008/2008 from the Town's Auditor, Mr. Greg Goodwin, from UHY Haines Norton; and
- ii) Provide a copy of this report to the Department of Local Government to demonstrate how the matters contained within the Management Report will be addressed.

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.4.1.6



Document #: ICR1989
 Date: 24.12.2009
 Officer: KELLY HOWLETT
 File: 12/01/0001

P. HARRISON
SCOTT
NMA

21 December 2009

The Mayor
 Cr K Howlett
 Town of Port Hedland
 PO Box 41
 PORT HEDLAND WA 6721

Dear Cr Howlett

MANAGEMENT REPORT FOR THE YEAR ENDED 30TH JUNE 2009

We advise that we have completed our audit procedures for the year ended 30th June 2009 and enclose our Audit Report.

We are required under the Local Government Audit Regulations to report certain compliance matters in our audit report. Other matters which arise during the course of our audit that we wish to bring to Council's attention are raised in this management report.

It should be appreciated that our audit procedures are designed primarily to enable us to form an opinion on the financial statements and therefore may not bring to light all weaknesses in systems and procedures, or all audit matters of interest to Council, which may exist. However, we aim to use our knowledge of the Shire's organisation gained during our work to make comments and suggestions, which, we hope, will be useful to you.

Council Minutes of Meetings Not Signed Promptly

During our review of the minutes of Ordinary Council meetings we noted the following instances where the minutes were signed by the person presiding at the meeting at which they were confirmed a significant amount of time after confirmation:-

- August and September 2008 – Signed in December 2008;
- December 2008 – Signed in April 2009;
- January and February 2009 – Signed in April 2009; and
- May and June 2009 – Signed in November 2009.

To help ensure compliance with S5.22(3) of the Local Government Act (1995) and to help ensure no alterations are made to minutes after they are confirmed, we recommend the minutes of Council meetings be signed and dated at the same time as they are confirmed by the person presiding at the meeting at which they are confirmed. It is also considered good practice to have each page of the minutes initialed.

Tender procedures not followed

Internal control review procedures conducted by Financial Management uncovered several purchases of goods and/or services in excess of \$100,000 for which tenders were not called as required by Council's Purchasing Policy.

To help ensure compliance with S3.57 of the Local Government Act (1995) together with Council's Purchasing Policy we recommend all staff having the authority to sign off purchase orders be reminded of the requirements of Council's Purchasing Policy.

We noted no other matters we wish to draw to Council's attention.

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**Corrected Misstatements**

We advise we have informed Shire management of certain misstatements which were corrected during the course of our audit and are reflected in the financial report. These corrected misstatements are attached at Appendix 1 to this letter.

Uncorrected Misstatements

We advise that we have informed Shire management of certain uncorrected misstatements above \$5,000 noted by us during the course of our audit that were determined to be immaterial both individually and in total, to the financial report taken as a whole. These uncorrected misstatements are also attached at Appendix 1 to this letter.

We take this opportunity to thank the Chief Executive Officer and all staff for the assistance provided during the audit.

Should you wish to discuss any matter relating to the audit or any other matter, please do not hesitate to contact us.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'G. Godwin', written over a faint, illegible printed name.

GREG GODWIN
PARTNER

**TOWN OF PORT HEDLAND
APPENDIX 1
FORMING PART OF THE MANAGEMENT REPORT
FOR THE YEAR ENDED 30 JUNE 2009**

Corrected Misstatements

	Dr (\$)	Cr (\$)
Buildings Muni	103,329.00	
Plant & Equipment – Municipal	323,006.00	
Buildings- Prov Depreciation	1.00	
Furniture-Prov Depreciation	48.00	
Plant & Equipment Airport	4,850.00	
Infrastructure Assets- Muni 1	13,067.00	
Furniture and Equipment Muni		94.00
Land, Municipal Account		13,067.00
Accumulation Account Airport		22,426.00
Plant-Prov Depreciation M/Fund		407,553.00
Plant-Prov Depreciation Airport		1,161.00
<i>Adjustment to balance general ledger to fixed asset register</i>		
Accrued Loan Interest	28,956.47	
Loan Liability- Current		28,956.47
<i>Adjusting interest accrued for year end</i>		
Stock on hand	25,349.08	
Muni Capital Accumulation		25,349.08
<i>Airport Café stock brought to account</i>		
SSL Principal- Current	24,104.37	
SSL Principal- Non Current	395,883.71	
Muni Capital Accumulation	12.18	
Loan Liability- Current		419,999.80
Loan Liability- Non Current		0.46
<i>Correct disclosure of loans</i>		



**TOWN OF PORT HEDLAND
APPENDIX 1
FORMING PART OF THE MANAGEMENT REPORT
FOR THE YEAR ENDED 30 JUNE 2009**

Uncorrected Misstatements

	Dr (\$)	Cr (\$)
Loan 107	31,275.80	
Bank		31,275.80
Loan 107	1,002.55	
Interest paid		1,002.55
<i>To correct effects of duplicate loan payment</i>		



**INDEPENDENT AUDIT REPORT
TO THE ELECTORS OF THE TOWN OF PORT HEDLAND**

Report on the Financial Report

We have audited the accompanying financial report of the Town of Port Hedland, which comprises the balance sheet as at 30 June 2009 and the income statement by nature or type, income statement by program, statement of changes in equity, cash flow statement, rate setting statement for the year ended on that date and a summary of significant accounting policies and other explanatory notes.

Council's Responsibility for the Financial Report

Council is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended). This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Council, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

Auditor's Opinion

In our opinion, the financial report of the Town of Port Hedland is in accordance with the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended), including:

- a giving a true and fair view of the Shire's financial position as at 30 June 2009 and of its performance for the year ended on that date; and
- b complying with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended).

55

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**INDEPENDENT AUDIT REPORT
TO THE ELECTORS OF THE TOWN OF PORT HEDLAND (continued)**

Other Matters

In accordance with the Local Government (Audit) Regulations 1996, we also report that:

- a) There are no matters that in our opinion indicate significant adverse trends in the financial position or the financial management practices of the Shire.
- b) No matters indicating non-compliance with Part 6 of the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) or applicable financial controls of any other written law were noted during the course of our audit.
- c) All necessary information and explanations were obtained by us.
- d) All audit procedures were satisfactorily completed in conducting our audit.

UHY HAINES NORTON
CHARTERED ACCOUNTANTS

A handwritten signature in blue ink, appearing to be 'G. Godwin', written over a horizontal line.

GREG GODWIN
PARTNER

Date: 21 December 2009
Perth, WA
Audit 2009 AO6

11.4.1.7 Shire of Roebourne – Coast to Coast Tour (File No.: ...)

Officer Matthew Scott
Director Corporate Services

Date of Report 21 January 2010

Disclosure of Interest by Officer Nil

Summary

For Council to consider sending a delegation from the Town of Port Hedland to the Shire of Roebourne's 'Coast to Coast tour', principally being held in Queensland, from 8-13 February 2010.

Background

The Shire of Roebourne is undertaking a Coast to Coast Economic Development Tour on the 8 February to the 13 February 2010. The tour will leave Perth and visit the following towns during the week:

- Gladstone;
- Rockhampton;
- Cairns;
- Darwin.

While in Cairns the tour will be attending the Economic and Regional Development Conference, organised by the Local Government Association of Queensland (LGAQ).

The Shire of Roebourne's delegation will include representatives from Rio Tinto, BHP Billiton, CME, Woodside, API and LandCorp.

The focus of the tour is on economic development, developing regional capacity and investment attraction.

Mayor Howlett and Councillor Martin, as members of the Regional Development Association Pilbara (RDA) have also been invited to attend. Both members have indicated a willingness to attend and have advised they would utilise their professional development allowance if necessary to attend.

On reading the proposed itinerary, it is believe that there may be benefit for a delegation from the Town of Port Hedland to attend this Tour (similar to the Town of Port Hedland's visit to Darwin in 2009), to witness firsthand how similar regional centres are managing economic growth and development.

Consultation Nil

Statutory Implications Nil

Policy Implications

Council's Policy 4/005 - Members Professional Development and Associated Travel and Accommodation (in part) states:

"At the beginning of each financial year, members will be advised on an equal amount available to be used individually for professional development (Conferences, Study Tours, seminars, conventions, etc.), as allocated in the Annual Budget. This amount will be referred to as the member's professional development allocation.

Excluded from this allocation will be the costs associated to attend the Annual Local Government Week, Joint Pilbara and Kimberley Zone Regional Council Meeting or travel required for specific Council business (statutory committee meetings, etc.).

Members have the ability to use their member's professional development allocation, on any form of professional development they deem appropriate in their role as a Councilor, without having to make a formal request of Council.

Members are to submit a six monthly report to Council (April and October), listing how their members professional development allocation has been utilised and benefits they and the town have derived from it utilisation.

At the end of each financial year any unused portion of the Members professional development allocation will be forfeited.

Members Professional Development Allocation costs include:

1. Conference, study tour, seminars, conventions, etc. registration fees;
2. Travel to and from conference, study, seminars, conventions, etc;
3. Accommodation;
4. Meals and incidentals as per policy;
5. All Travel and Accommodation daily allowances;
6. Any other costs approved by Council.
7. Laundry after three (3) days away from the Town of Port Hedland district.

Once a member's annual allocation has been expended, any additional professional development requires the prior approval of Council."

Strategic Planning Implications Nil**Budget Implications**

Should Council send a delegation on the Shire of Roebourne's Coast to Coast Tour, the estimated cost per person to attend is as follows:

Flights	\$2,600
Vehicle Hire/taxis	\$ 200
Accommodation (7 Nights)	\$1,400
Conference (Registration, tour & dinner)	\$1,050
Daily incidentals	\$ 350
Total per delegate	\$4,600

This cost would then need to be multiplied by the number of delegates, for a delegation of 2 members and one officer the cost would be 3 x \$4,600 = \$13,800.

The cost of the tour would need to be charged to General Ledger Account Number 401220 Councillor Conferences, which currently has a budget of \$95,000 and a actual expenditure to date of \$83,743 (Balance of \$11,256).

Officer's Comment

The Shire of Roebourne's proposed Coast to Coast Tour is similar to the Town of Port Hedland's recent tour to Darwin in late September 2009. The Darwin Tour was based on the recommendation from the State Premier. As a result of that tour, Council has developed a number of plans (currently out for public comment) for the (re)development of the Spoil Bank and Pretty Pool areas.

If Council approves a delegation to attend the Coast to Coast Tour, it is appropriate for the members involved to be accompanied by a Senior Officer. Given the Economic Development focus of the tour, it is recommended that Council's Economic Development Manager should attend.

Mayor Howlett and Councillor Martin have already agreed to utilise their professional development allowance to attend the tour, If however Council agrees to send a Town of Port Hedland delegation, the cost of the tour will not be included in the elected members professional development allowance (as with the Darwin Trip).

Attachment

Shire of Roebourne – Coast to Coast itinerary

Officer's Recommendation

That Council

- i) Agrees to send the following delegation from the Town of Port Hedland to the Shire of Roebourne's 'Coast to Coast Tour':
 - a) Mayor Kelly Howlett;
 - b) Councillor Stan Martin; and
 - c) Manager Economic and Community Development

to be held from 8-13 February 2010

- ii) the estimated expenditure of \$4,600 per elected member delegate be charged to Account Number 401220 'Conferences'.

200910/249 Council Decision

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council:

- i) Agrees to send the following delegation from the Town of Port Hedland to the Shire of Roebourne's 'Coast to Coast Tour':
 - a) **Mayor Kelly Howlett;**
 - b) **Deputy Mayor Arnold Carter**
 - c) **Councillor Stan Martin;**
 - d) **Councillor Michael (Bill) Dziombak;**
 - e) **Councillor George Dacache**
 - f) **Chief Executive Officer; and**
 - g) **Manager Economic and Land Development**

to be held from 8-13 February 2010

- ii) the estimated expenditure of \$4,600 per elected member delegate be charged to Account Number 401220 'Conferences'.

CARRIED 8/0

REASON: Council determined those delegates to attend the Shire of Roebourne's Coast to Coast Tour from the Town of Port Hedland.

ATTACHMENT TO AGENDA ITEM 11.4.1.7



Coast to Coast Economic Development Conference Tour February 8th – February 13th, 2010



"Exploring best practice economic development models in a regional context"

Everyone from the Prime Minister to the Premier and industry acknowledge it: the Pilbara is the powerhouse of the national economy and Karratha is the heart of the Pilbara, from every perspective – geographically, logistically, economically.

The Shire of Roebourne is strategically positioning itself to transform into a vibrant, sustainable, regional city of the North with a diverse demographic, enhanced economic opportunities and desirable social amenity and lifestyle which will attract people, families, businesses, professions and industry.

The Shire is committed to driving a positive change for its' community. It has progressed, through internal review and extensive community consultation, a strategic plan, facilitated by the strength of leadership, to effectively deliver infrastructure, facilities and services that meet the needs and aspirations of our community and local economy.

Strategies will include:

- Facilitating inclusive and engaged communities by initiating an outcomes focused service delivery model based on a place management strategy;
- Partnering with government agencies, the resource and private sectors and the community to:
 - Revitalise the town centre;
 - Improve infrastructure, utilities, facilities and services for the community;
 - Provide a diverse range of housing options with improved affordability and;
 - Enhance the availability of retail, commercial and industrial property.

In order to maximise and manage the benefits of growth in our region whilst diversifying economic opportunities, the Shire is developing an economic development strategy. To help inform this process, it is intended to investigate best practice economic development models, in cities with similar growth aspirations and/or economic contexts in a regional environment.

Karratha ☉ Dampier ☉ Wickham ☉ Roebourne ☉ Point Samson ☉ Cossack

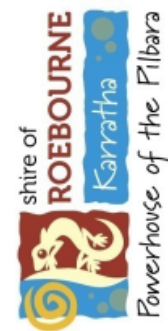


Coast to Coast
Economic Development Conference Tour



Monday, 8 th February	Tuesday, 9 th February	Wednesday, 10 th February	Thursday 11 th February	Friday 12 th February	Saturday, 13 th February
Perth Depart 07:35 QF650 Arrive Brisbane 14:00 Depart Brisbane 15:00 QF2340 Arrive Gladstone 16:05 Overnight Gladstone	Gladstone -Gladstone Economic Industry Development Board (GEIDB) -Gladstone Area Promotion and Development Limited (GAPDL) -Gladstone Regional Council Depart Gladstone 16:00 By road Arrive Rockhampton 17:30 Overnight Rockhampton	Rockhampton -Rockhampton Airport -Rockhampton Regional Council **OPTION ONE** Depart Rockhampton 08:35 QF2300 Arrive Townsville 10:35 Townsville City Council Townsville Enterprise Townsville State Development Area Depart Townsville 13:45 QF2316 Arrive Cairns 14:40 **OPTION TWO** Depart Rockhampton 08:50 QF2300 Arrive Cairns 11:50 Economic and Regional Development Conference Overnight Cairns	Cairns Economic and Regional Development Conference Overnight Cairns	Cairns Economic and Regional Development Conference Depart Cairns 12:45 JQ57 Arrive Darwin 14:45 Cullen Bay Overnight Darwin	Darwin TBA Depart Darwin 14:20 QF793 Arrive Perth 16:40





Overview of economic development regions, agencies and sites to be visited

Gladstone

Home to more than 56,000 people and the world's biggest alumina refinery, Gladstone boasts a diverse economic base which includes highly-successful industrial, tourism, agriculture, forestry and fishery industries. Boasting abundant natural resources including coal, oil shale, salt, limestone, magnesite, silica sands, mineral sands and more recently LNG, Gladstone has been identified as an area critical to the future growth and economic development of Australia.

Suggested agencies include:

Gladstone Economic Industry Development Board

The Gladstone Economic and Industry Development Board (GEIDB) is the Queensland Government authority established to facilitate investment attraction and project development in the Gladstone State Development Area (GSDA) and the Gladstone Region. The GEIDB is committed to further development of Gladstone, as a world-class major export hub.

Gladstone Area Promotion and Development Limited (GAPDL)

GAPDL is the lead economic, tourism and community development agency of the Gladstone Region with a charter to promote and develop the Gladstone Region. It is a non-for-profit organisation founded in 1983. The organisation was formed to meet a community and business need for a representative organisation to coordinate and promote tourism and economic growth, together with a goal of improving the city's image. The organisation represents a strong membership of some 360 organisations - authorities, industries, large and small firms, businesses and community organisations.

Gladstone Regional Council

The new Council was formed on the 15th March 2008 and includes the former Calliope Shire Council, Gladstone City Council, Miriam Vale Shire Council and Gladstone Calliope Aerodrome Board.

Rockhampton

Affectionately referred to as Australia's "Beef Capital", Rockhampton is home to more than 60,000 people and is a convenient gateway to the breathtaking Capricorn Coast to the east and Outback to the west. Straddling Queensland's longest river, Rockhampton is surrounded by significant mining and rural industries and is one of northern Queensland's busiest transport hubs. It boasts a first-class airport, servicing both domestic and international carriers, operated by the Rockhampton Regional Council.

Suggested agencies include:

Rockhampton Regional Council and Rockhampton Airport

Rockhampton Regional Council services a population 111,500. It owns and operates Rockhampton Airport. Rockhampton Airport was named Australian Airport of the Year for 2007 for its redevelopment, enhanced terminal building and environmental initiatives. Rockhampton Airport passenger numbers were estimated at over 700,000 in 2007/08.

Townsville

Townsville is Australia's biggest tropical city and with a population of about 170,000 it is one of Queensland's fastest growing cities. Referred to as the "Capital of the North" by locals, Townsville is the commercial and administrative centre of Far North Queensland and services the nearby mining, minerals processing, agricultural and pastoral industries. Townsville is working on a number of major projects including commercial redvelopments, upgraded port and rail access corridors, renewable energy corridors, Flinders Street and Townsville Port.

Suggested agencies include:

Townsville City Council

In 2008, history was made when the cities of Townsville and Thuringowa united with NQ Water to form the largest regional city in Queensland. Townsville City Council has sister city arrangements with six cities in the Asia-Pacific area.



Overview of Economic Development regions, agencies and sites to be visited cont.

Townsville Enterprise

Townsville Enterprise is the peak development, marketing and promotional organisation for Townsville and the North Queensland region. It is a not-for-profit organisation representing private enterprise and the public sector with members throughout the city of Townsville, and the shires of Charters Towers, Burdekin, Cassowary Coast, and Hinchinbrook. Townsville Enterprise is dedicated to creating economic growth in a responsible and sustainable way for the benefit of members, investors, visitors and residents.

Townsville State Development Area

The Queensland Government recently established the Townsville State Development Area (TSDA) to provide land close to the Townsville Port for industrial development. The Government has declared Townsville to be the new industrial development centre of Queensland. The TSDA has been designed to assist the Townsville region in achieving its potential as a major minerals processing centre, capturing the value-adding opportunities from the surrounding mining areas and generating significant new investment, economic growth and employment for the region and the State.

Darwin

By any economic measure, the Northern Territory economy has had a great couple of years. In the last financial year real economic growth is estimated to have been 7.2% - the highest rate of growth in Australia for the third straight year in a row. Major resource and infrastructure projects such as the Darwin LNG plant, Alcan alumina refinery expansion, Darwin City Waterfront development and new mineral developments, have been driving population and employment growth.

Suggested agencies include:

Cullen Bay Marina

Cullen Bay Marina is home to over 250 vessels encompassed by some of the best restaurants Darwin has to offer, and fringed by Darwins premium residential suburb Cullen Bay. The Marina provides extensive modern facilities for local and visiting crafts including yacht maintenance services, an internal slipway, an external fueling station, waste pump-out facilities and 24hr staffing and security to ensure that this facility is the safest and best serviced marina complex in the Northern Territory.

Karratha @ Dampier @ Wickham @ Roebourne @ Point Samson @ Cossack

6:28 pm Councillor G J Daccache declared a financial interest in Agenda Item 11.4.1.8 'Extension of Lease Area – Mia Mia, Port Hedland International Airport (Auzcorp)' as he is an employee of Auzcorp.

Councillor Daccache left the room.

11.4.1.8 Extension of Lease Area – Mia Mia, Port Hedland International Airport (Auzcorp) (File No.: .../...)

Officer Matthew Scott
Director Corporate Services

Date of Report 21 January 2010

Disclosure of Interest by Officer Nil

Summary

For Council to consider a proposal by Auzcorp to extend the area of their current lease at the Port Hedland International Airport (PHIA).

Background

On the 21 December 2009, the Lease between Auzcorp and the Town of Port Hedland at the PHIA for the former FMG transient workforce accommodation facility (now known as Mia Mia) was signed and sealed.

On the 12 January 2010, Council received a formal request from Auzcorp to extend the lease area by an additional 0.3 ha, being the area between the existing camp site and the road reserve. Auzcorp would like to utilise this area for an “exclusive use” car park to assist in servicing the Mia Mia Camp.

In their letter (attached) they advise Council that they are prepared lease the area under the existing terms of their current lease, at an “agreed rate per sq/m”.

The existing lease is currently 2.74 ha, and this proposed extension will increase the area to 3.048 ha (11% increase).

Consultation Nil

Statutory Implications

Local Government Act 1995

“3.58. Disposing of property

- (1) *In this section —*
- “dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
 - “property” includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) the highest bidder at public auction; or*
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local*

- government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) it gives local public notice of the proposed disposition —*
- (i) describing the property concerned;*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) the names of all other parties concerned;*
 - (b) the consideration to be received by the local government for the disposition; and*
 - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
- (a) a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27.] “

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

The current lease (2.74 ha) rental between Auzcorp and Town of Port Hedland is \$173,228 (\$6.30 p/m²) per annum. This rental was based on a valuation undertaken in 2008.

Should Council agree to this proposal, the minimum amount of additional rental income generated for the additional area would be \$19,472 per annum.

It is believe the land value has increased since 2008, and therefore it is recommended that the Town of Port Hedland utilise to services of qualified Valuer to determine the market rental value of the additional area.

Officer's Comment

The additional land requested by Auzcorp is located directly in front of their existing lease, and is of little use to any other party. Council officers have discussed the option of providing a licence of area instead of a lease, however Auzcorp has indicated a desire to have exclusive access to land for their client carparking requirements.

In order to proceed to extend the lease, Council it is necessary for Council to abide by the requirements of Section 3.58 of the Local Government Act, as this is deemed a form of disposal. Under this section, disposal can occur through either:

- Public Tender;
- Public Auction; or
- Private Treaty.

As the proposal area would be of little use to any other party, it is recommended that Council utilise the Private Treaty option, requiring only a public notice of the proposed disposal. Following the determination of an agreed value (market rate) for the area being received, the process of extending the lease area (by way of private treaty) can be implemented by the Town's administration.

Attachments

1. Letter from Mark Irving, Director of Operations – Auzcorp.
2. Plans showing existing Lease boundary.

200910/250 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

- i) Has additional area between the existing Mia Mia (Auzcorp) Transient Workforce Accommodation facility and the road reserve valued by a qualified valuer;
- ii) Authorise the Chief Executive Officer (or his nominated representative) to negotiate the extension to the lease with Auzcorp, based on the valuation referred to in Clause i); and

- iii) Subject to the Chief Executive Officer's negotiations with Auzcorp, enter into an agreement with Auzcorp to extend the existing lease from 2.74 ha to 3.048, in accordance with section 3.58(3) of the Local Government Act 1995.

CARRIED 7/0

6:29pm Councillor George J Daccache re-entered the room and assumed his chair. Mayor advised Councillor Daccache of Council's decision.

ATTACHMENT 1 TO AGENDA ITEM 11.4.1.8



12 January 2010

ABN 78 138 153 705

Mr Matthew Scott
 Director Corporate Services
 TOWN OF PORT HEDLAND
 PO BOX 41
 PORT HEDLAND WA 6721

Suite 39, 460 Stirling Highway
 PEPPERMINT GROVE WA 6011
 Ph +61 8 9286 7400
 Fx +61 8 9284 2142

Dear Mr Scott,

RE: DEFINING LEASE BOUNDARY OF AIRPORT CAMP – Lot 2444

We refer to the attached plans in describing what we believe to be the 'actual' lease area of the Airport Camp. In undergoing several surveys of the site our surveyors identified a number of discrepancies between the various plans available from FMG and the Town, being the only sources. Having resolved these as far as possible we believe the final proposal to be accurate.

We also refer to the original EOI from the Town of Port Hedland of a leasable area of 2.794 ha. This is consistent with our submission and describes the currently fenced 'site' area.

We propose that the revised area be included in the final lease area. For this Mia Mia Port Hedland International Airport Pty Ltd (MMPHIA) propose a fee be paid to the Town for the larger area in accordance with a current valuation by the Town.

The table below outlines the final proposal:

Item	Area	(Rate \$6.30 p/m ²)
Proposed Lease Area 'fenced'	2.74 ha	\$173,228 p/annum
Total Lease area required	3.048 ha	
Additional Area required and leased	(3.048 – 2.74) = 0.30 ha	To be advised by ToPH

Please refer to the following plans that describe the area:

- a) Annexure 1, Sketched Premises. Area described by Town in public Tender. 2.794ha. Area shaded is within the current physically fenced 'site' area that is set back from the entrance road.
- b) FMG plan 21/06/06. Lease boundary is shown in red with label. The boundary is shown beyond the 'site' area. This area also encompasses the entrance road. The lease boundary is shown at a distance of 170m from the rear boundary.
- c) Annexure A, from FMG Lease with the Town 13/06/06. Boundary is shown including the entrance road. Distance to front boundary is 177m from rear.
- d) Auzcorp Plan by McMullen Nolan 96149de -007A 10/11/2009. Describing the fenced 'site' area as confirmed by an existing peg found in the ground.



- e) Auzcorp Plan by McMullen Nolan 96149de -006A 10/11/2009. Describing the actual lease area as confirmed by 177m distance from rear fence to front boundary, and 231m distance of rear boundary. This area extends into Cadastral road boundary. Indicates the 'fenced' area and 'additional' area in Red sought by Auzcorp.

Whilst there is a discrepancy of 7m between the two FMG plans, it is described on the Towns most recent plan that the distance is 177m. We believe the discrepancy is resolved by the limitations of the cadastral road boundary that is indicated at a distance of 170m from the rear fence. Therefore we propose the actual lease area to end at this point.

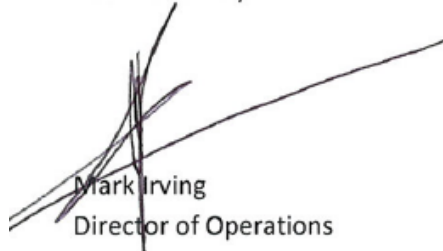
On this basis, please refer to the attached plan 96149E from our surveyors indicating the proposed lease area. We do not wish to include the side area of the additional lease area due to its impractical nature.

In conclusion MMPHIA propose that the additional areas as indicated in Red, beyond the 'site' area be leased to MMPHIA under the existing terms of the lease at an agreed rate per sq/m.

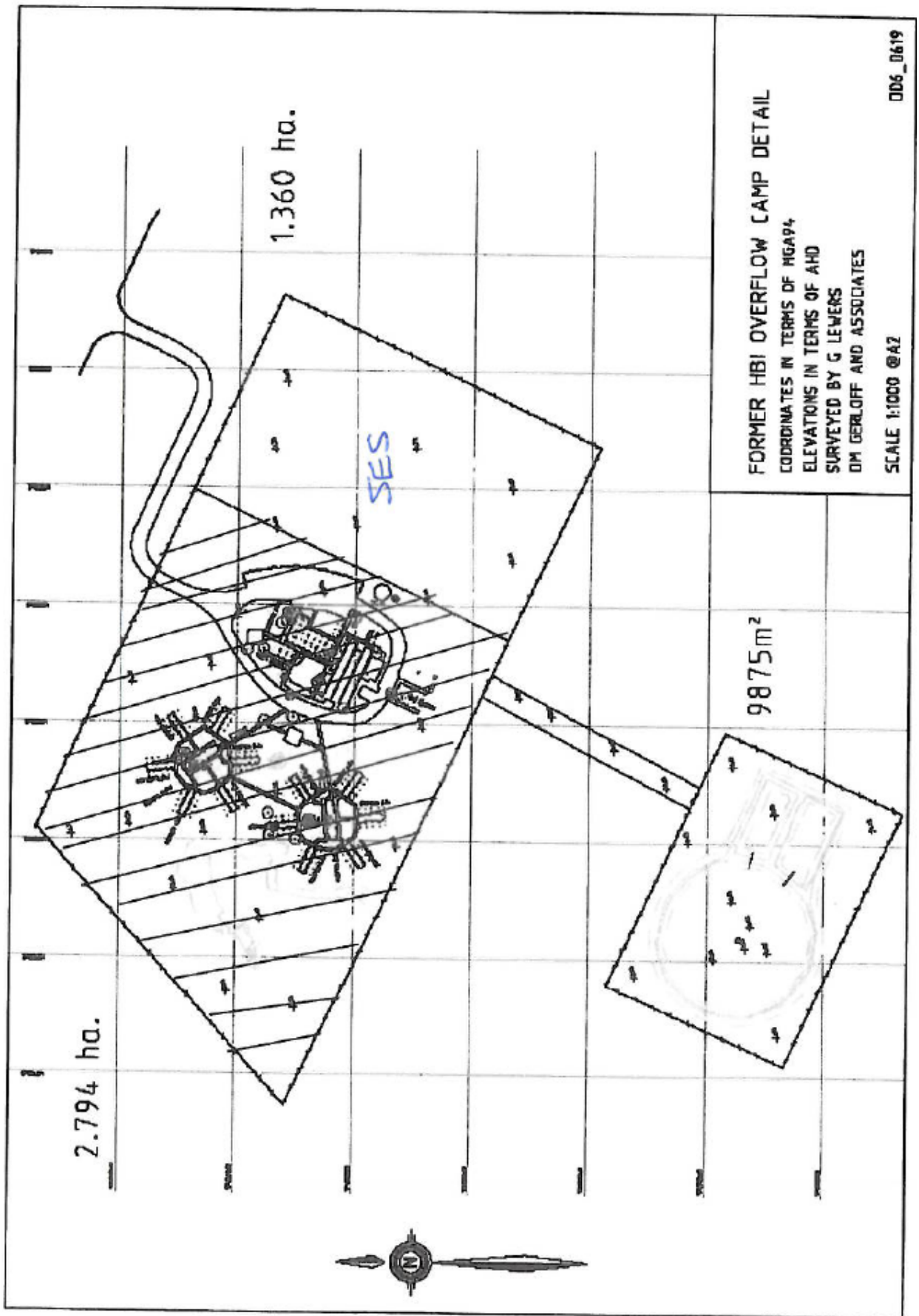
MMPHIA intend to utilise the area for additional car parking, landscaping and assist in directing water flow across the site facilities grounds.

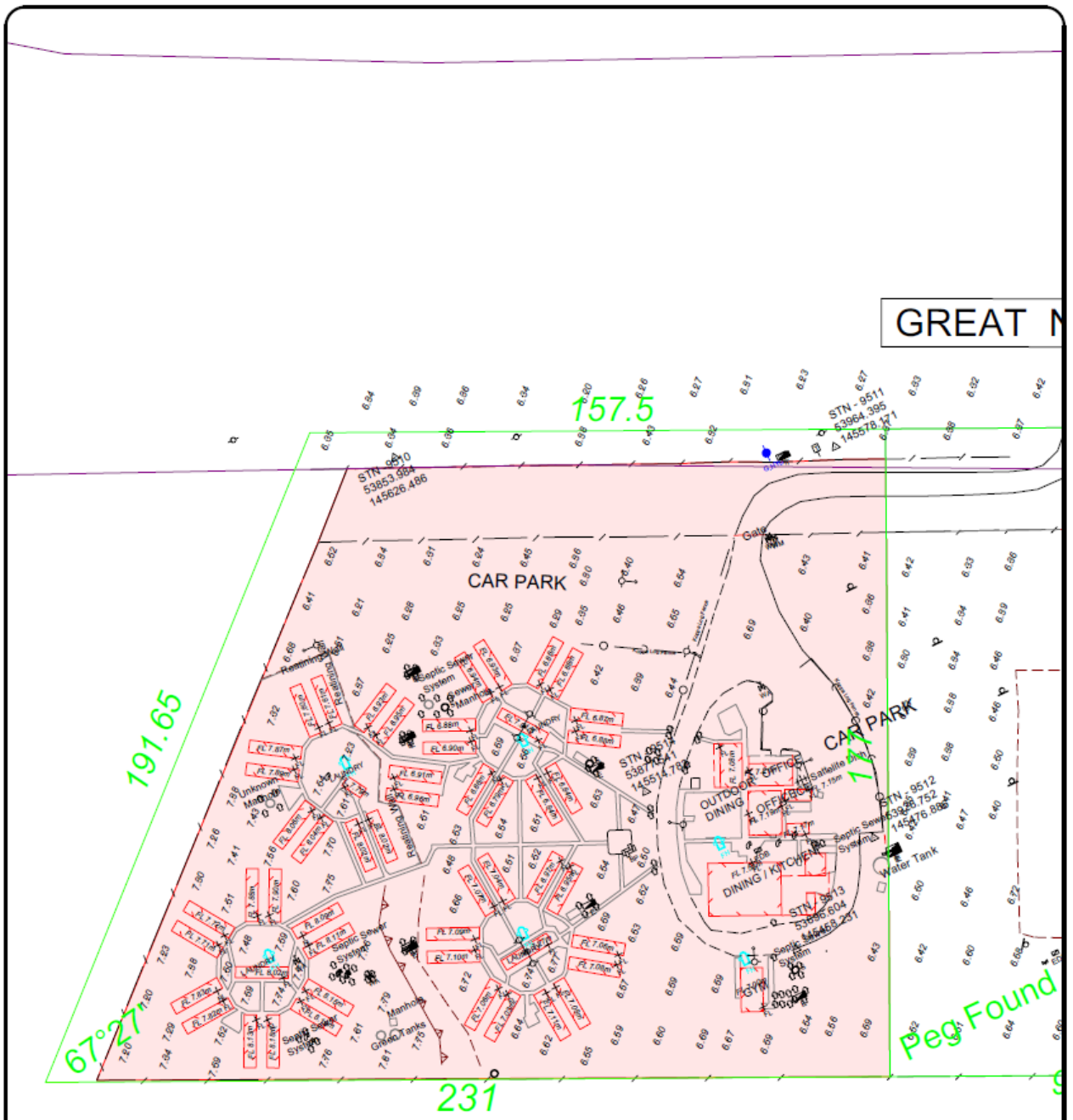
Can you please indicate what further information you require in order for this matter to be presented before the council meeting on the 27th January for approval.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Irving', is written over a printed name and title. The signature is somewhat stylized and overlaps the text below it.

Mark Irving
Director of Operations





Outside Fenced Area
30485.9 m²

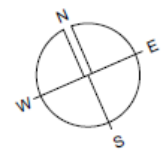
McMULLENOLAN
www.mapsurvey.com.au
Land Survey Hydrographic Survey 3D Laser Scanning 3D Visualisation
Mapping Solid Terrain Models Cartographics GIS



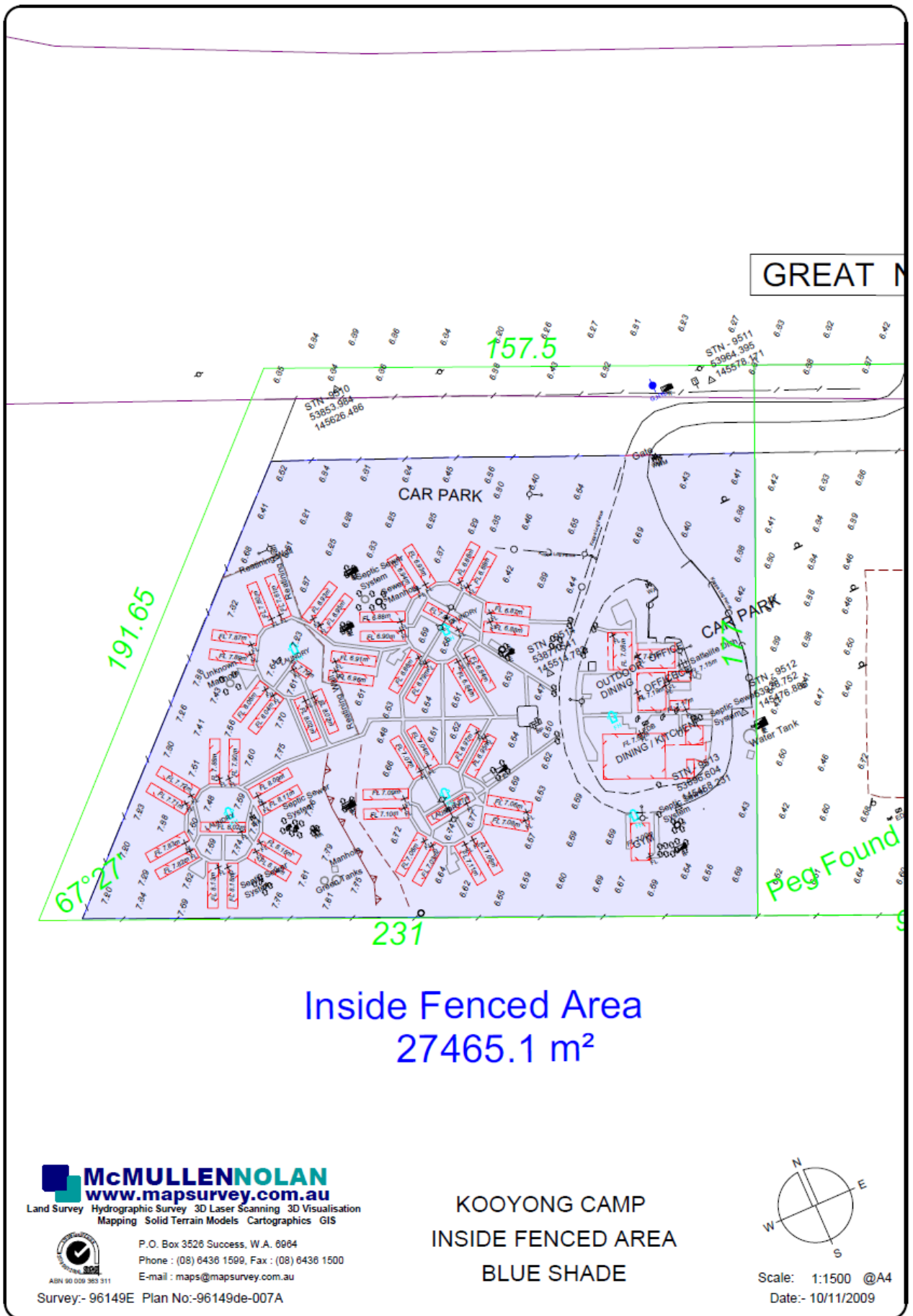
P.O. Box 3526 Success, W.A. 6964
Phone : (08) 6436 1599, Fax : (08) 6436 1500
E-mail : maps@mapsurvey.com.au

Survey:- 96149E Plan No:-96149de-006A

KOOYONG CAMP
OUTSIDE FENCED AREA
RED SHADE



Scale: 1:1500 @A4
Date:- 10/11/2009



11.4.2 Economic and Land Development**11.4.2.1** *Expansion of Reserves 29044 and 39832 Taylor Street - Cooke Point Caravan Park (File Nos.: 117920G and 130599G)*

Officer Richard Bairstow
Manager Economic and Land
Development

Date of Report 10 January 2010

Disclosure of Interest by Officer Nil

Summary

Approval is required from the Department for Planning and Infrastructure – State Land Services (DPI-SLS), to expand Reserve 29044, to create additional space for caravan park/camp grounds at the current Cooke Point Caravan Park. This is seen as an option to provide additional tourist accommodation within Port Hedland.

Background

Council has previously considered this matter at its Ordinary Meeting held on 28 January 2009, and resolved as follows:

That Agenda Item 11.2.1.4 ‘Expansion of Reserves 29044 and 39832 Taylor Street - Cooke Point Caravan Park’ lay on the table to enable Council to consider a more detailed map, prior to further consideration of the item.”

The matter has been additionally delayed due to leasing related issues. The leasing related issues have been resolved, and a more detailed map is provided as Attachment 1.

Previous History

Reserve 29044 was vested in the Town of Port Hedland on 27 August 1996 for the designated purpose of “Caravan Park”.

The Cooke Point Caravan Park, which is leased by Council to a private sector operator, is developed to its current capacity with little, if any, capacity for expansion.

Adjoining land, while partly low lying and unsuitable for permanent structures, has the potential to be developed for uses such as powered and unpowered caravan and camping sites for seasonal use. Such a development could assist in Port Hedland’s chronic undersupply of tourist accommodation during the winter caravanning season.

The land concerned is the land between the existing caravan park boundary and the sand dunes to the east and south east of the park, forming part of the recreation Reserve 39832. (Refer Attachment 2)

Should Council seek to have additional land included within Reserve 29044 it must resolve to do so, and make a formal request to Department of Planning and Infrastructure, State Land Services.

Consultation

- Tourism WA.
- MAKJap Consulting Engineers and Surveyors have completed a Feature Survey Plan (Attachment 1)
- Department for Planning and Infrastructure - State Land Services.

Statutory Implications

Part 4, Section 42 – Class A Reserves of the Land Administration Act 1997

Policy Implications

Policy 11/001 Tourism Policy states in part:

“... Initiate the provision of quality public amenities and facilities to cater for overnight stay”

Strategic Planning Implications

Key Result Area 4 – Economic Development

Goal 1 – Tourism

Strategy 4 – Identify sites for the development of new caravan park/eco tourism facilities (both permanent and temporary). Implement key priority projects.

Budget Implications

Council had allocated a budget of \$25,000 in the 2008/09 financial year for “Land Purchase Municipal (Caravan Park Extensions)”. The Feature Survey Plan already completed by MAKJap in December 2008 was at a cost of \$5,454.90 + GST.

Once DPI-SLS have considered the request, survey works will be completed in accordance with their instructions. The works required are anticipated to include the acquisition of existing cadastral data, linking up with a control station, surveying new area in accordance with the plan, drawing up plan, identifying lot number required, amalgamation of lots.

Officer's Comment

Additional tourist accommodation is currently required within the town. To include additional land within the existing Caravan Park Reserve, a resolution to do so must be adopted by Council, and plans of the proposed area forwarded to Department of Planning and Infrastructure – State Land Service, to enable them to issue survey instructions to our nominated survey company.

The area of land identified in the current survey forms the approximate boundary of potentially suitable land, however there are matters that need to be considered in future lease arrangements or development approvals over the land as it will be eventually defined.

These issues include:

- Dune Management
- Turtle Rookeries
- Storm Surge
- Public Access to the Coast
- Midge/Mosquito Management
- Storm Water and Effluent Management

While work will need to be done to address these issues, none of them are considered to be insurmountable at this stage.

Attachments

1. Detailed Plan of the Proposed Extension
2. Site Feature Survey

200910/251 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council:

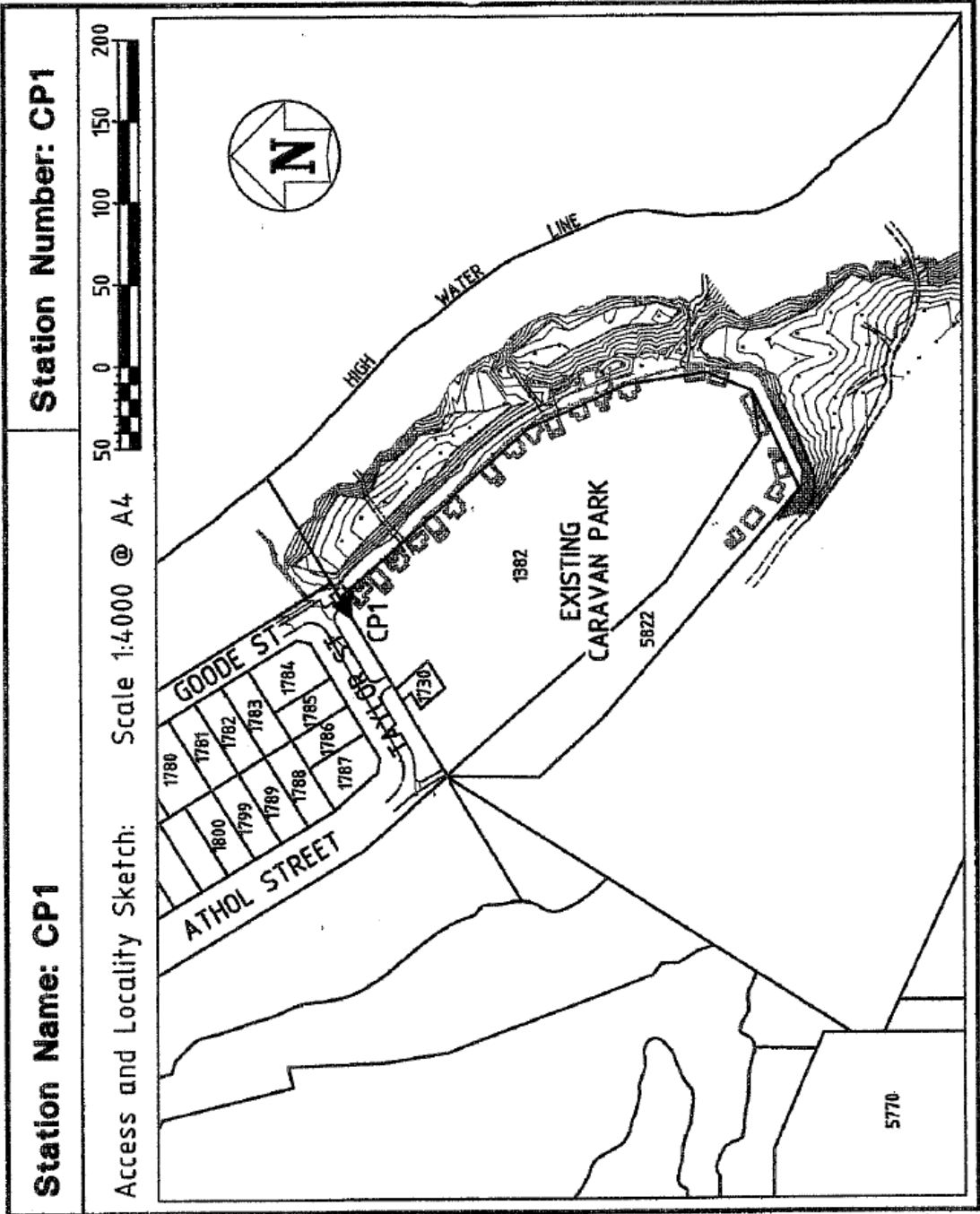
- i) pursues the expansion to the Cooke Point Caravan Park site by amalgamating part of Reserve 39832 with the existing Reserve 29044, for the purpose of creating additional space for caravan park/camp grounds; and
- ii) advise the Department for Planning and Infrastructure – State Land Service that Council has resolved to seek their approval to utilise part of Reserve 39832 for additional caravan/camp grounds, expanding the existing caravan park on Reserve 29044 and changing the vesting of part of Reserve 39832 from “Recreation” to “Caravan Park”.

CARRIED 8/0

ATTACHMENT 2 TO AGENDA ITEM 11.4.2.1

FORM TC4
benchmark
IN QUALITY
AS/NZS 5599:1

STATION SUMMARY
MAKJAP QUALITY SYSTEM



11.4.3 Governance*11.4.3.1 Code of Conduct (2010) (File No.: ...)*

Officer Chris Adams
Chief Executive Officer

Date of Report 17 December 2009

Disclosure of Interest by Officer Nil

Summary

Report seeks to update the Town's Code of Conduct.

Background

The Town's Code of Conduct was last reviewed/updated in July 2006. Since this date the Local Government (Rules of Conduct) Regulations (2007) have come into force. These regulations supersede many parts of the Town of Port Hedland's Code of Conduct making the current document somewhat out of date. A review and update process has been undertaken.

Consultation

The Rules of Conduct Regulations and the current Town of Port Hedland's Code of Conduct were discussed with Councillors at the Councillors Informal Briefing Session that was held on 4 December 2009. At this session Councillors discussed both the legislative requirements of the respective positions along with the 'house rules' that will operate within Council.

In addition to this, discussions have been held with Department of Local Government offices regarding best practice Codes of Conduct and copies of Codes of Conduct have been obtained from various other West Australian Local Government Authorities.

Statutory Implications

Section 5.103(1) of the Local Government Act (1995) requires each Local Government Authority to have a Code of Conduct (see extract below):

"5.103.Codes of conduct

- (1) Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees. "*

A Code of Conduct serves the purpose of being Council's policy and/or protocol in relation to dealing with specific matters. It is effectively the internal rules that the

In addition to the Code of Conduct, in 2007, the Local Government (Rules of Conduct) Regulations were gazetted. This legislation specifies the conduct and behavior that is expected of Councillors. When being sworn in as a Councillor, all Councillors swear to abide by this legislation.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The revised Code of Conduct more accurately considers the current legislative framework and provides clear direction on the roles, responsibilities and business framework for the operations of Council.

Attachments

Revised Town of Port Hedland Code of Conduct (2010)

200910/252 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

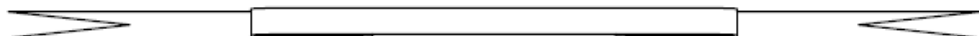
That Council endorse the Town of Port Hedland Code of Conduct 2010.

CARRIED 8/0

TOWN OF PORT HEDLAND



CODE OF CONDUCT



January 2010

1. PREAMBLE

This Code of Conduct establishes the standards of behaviour and professional conduct expected of the Town's elected members and staff in the performance of their respective functions and duties.

The Code is complementary to the principles adopted in the Local Government Act and associated regulations which incorporate four fundamental aims to result in:-

- a) Better decision-making by local governments;
- b) Greater community participation in the decisions and affairs of local governments;
- c) Greater accountability of local governments to their communities; and
- d) More efficient and effective local government.

The Code provides a guide and a basis of expectations of elected members and staff. It is a statement of the ethical and professional behaviour standards that are reasonably expected by the people of the Town of Port Hedland.

The Town of Port Hedland has a significant influence over the quality of life of people who live and visit the district. The community is therefore entitled to expect high standards of conduct from both elected representatives and staff members.

The Code is an important element of good governance of the Town by positively shaping the culture of the organization. It provides a mechanism for the establishment and maintenance of an ethical culture through a committed self-regulatory approach which enables members and officers to uphold the standard of conduct expected of them. Compliance with the code enhances the community's confidence in the integrity of the Local Government.

2. ROLES AND RESPONSIBILITIES

2.1 ROLE OF COUNCIL

The Role of Council is set out in Section 2.7 of the Local Government Act:

The Council:

- a) *Directs and controls the Town's Affairs.*
- b) *Is responsible for the performance of the Town's functions.*
- c) *Oversees the allocation of the Town's finances and resources; and*
- d) *Determines the Town's policies*

2.2 ROLE OF COUNCILLORS

Council members translate the community's needs and aspirations into the future direction of the Town. Councillors are leaders, policy makers and direction setters. Town of Port Hedland Councillors are part of a team in which the community has placed its trust to make decisions on its behalf. .

The Role of Council members is defined in Section 2.10 of the Local Government Act:

A Councillor:

- a) *Represents the interests of electors, ratepayers and residents of the district.*
- b) *Provides leadership and guidance to the community and the district.*
- c) *Facilitates communication between community and the Council.*
- d) *Participates in the Town's decision-making processes at Council meetings; and*
- e) *Performs such other functions as are given to a Councillor by this Act or any other written law.*

2.3 ROLE OF MAYOR

In addition to performing Councillors roles, the Mayor:

- a) *Presides at meetings in accordance with the Act and the Town's Standing Orders.*
- b) *Carries out civic and ceremonial duties on behalf of the Town.*
- c) *Speaks on behalf of the Town.*
- d) *Liaises with the CEO on the Town's affairs and the performance of its functions; and*
- e) *Performs other functions as are given to Mayor by the LG Act or other written law.*

2.4 ROLE OF DEPUTY MAYOR

The Deputy Mayor performs the functions of the Mayor when authorised to so by the Mayor.

2.5 ROLE OF CEO

Section 5.41 of the Local Government Act states that the CEO's functions are to —

- a) *Advise the Council in relation to the functions of a local government under this Act and other written laws;*
- b) *Ensure that advice and information is available to the Council so that informed decisions can be made;*
- c) *Cause Council decisions to be implemented;*
- d) *Manage the day to day operations of the local government;*
- e) *Liaise with the mayor on the local government's affairs and the performance of the local government's functions;*
- f) *Speak on behalf of the local government if the Mayor agrees;*
- g) *Be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);*
- h) *Ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- i) *Perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

3. BEHAVIOUR

3.1 GENERAL BEHAVIOUR PRINCIPALS

Council members and officers agree to act in manner that that portrays the highest standards of ethical conduct by always:

- a) *Acting with reasonable care and diligence;*
- b) *Acting with honesty and integrity;*
- c) *Acting lawfully;*
- d) *Avoiding damage to the reputation of the Town;*
- e) *Being open and accountable to the public;*
- f) *Basing decisions on relevant and factual information;*
- g) *Treating others with fairness and respect; and*
- h) *Not being impaired or affected by mind affecting substances.*

3.2 PERSONAL BEHAVIOUR

Members will:

- a) Act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- b) Perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
- c) Act in good faith in the interests of the Local Government and the community;
- d) Make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment;
- e) Always act in accordance with their obligation of fidelity to the Local Government; and
- f) Represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

3.3 HONESTY AND INTEGRITY

Members will

- a) Observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b) Bring to the notice of the Mayor any dishonesty or possible dishonesty on the part of any other member.
- c) Be frank and honest in their official dealing with each other.

3.4 PERFORMANCE OF DUTIES

While on Council business, members will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.

Members will exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

3.5 COMPLIANCE WITH LAWFUL ORDERS

Members will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.

Members will give effect and fully comply with the lawful policies of the Local Government, whether or not they agree with or approve of them.

3.6 CONFLICTS OF INTEREST

Council members and officers agree to scrupulously observing the obligations contained within the LG Act, Rules of Conduct and the Administration Regulations, regarding conflicts of interest. In addition, members and officers commit to the following:

- (a) Members and officers will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfillment of their public and professional duties;
- (b) The onus for identifying and disclosing a conflict of interest is on the member or officer;
- (c) Officers will not engage in secondary employment without first making disclosure to the CEO.
- (d) Members and officers will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality (other than purchasing a principal place of residence).
- (e) Officers will refrain from such partisan political activities which could cast doubt on or be perceived to affect the impartial conduct of their professional duties and obligations.

4. DEALING WITH INFORMATION AND PROPERTY

4.1 USE OF LOCAL GOVERNMENT RESOURCES

Members will:

- a) Be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- b) Use the Local Government resources entrusted to them effectively and economically in the course of their duties and
- c) Not use the Local Government's resources (including the services of Council staff) for private purposes, unless properly authorised to do so.

4.2 ACCESS TO INFORMATION

Members will be provided with access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.

Members will ensure that information provided will be considered and used properly to assist in the process of making reasonable and informed decisions on matters before the Council.

4.3 IMPROPER USE OF INFORMATION

Council members and officers must not make improper use of any information acquired in the performance by the member or officer to:

- a) Gain directly or indirectly an advantage for themselves or any other person; or
- b) To cause detriment to the Town or any other person.

4.4 CONFIDENTIAL INFORMATION

Council members and officers must not disclose any information which is derived from a confidential document or acquired in closed meeting of Council or at a committee meeting which is not open to the public.

4.5 IMPROPER USE OF POSITION

Council members and officers must not improper use of their position:

- a) To improperly influence other members or officers in the performance of their duties or functions
- b) To gain directly or indirectly an advantage for themselves or for any other person.
- c) To cause detriment to the Town or any other person

4.6 GIFTS

Members and Officers will comply fully with requirements pertaining to gifts as contained within the Local Government Act and Local Government Administration Regulations. In particular:

- a) All notifiable gifts (ie gifts under \$300) will be appropriately registered within the Town's gift register with 10 days of their receipt.
- b) Prohibited gifts (ie gifts over \$300) will not be accepted.

4.7 EXTERNAL REPRESENTATION, CONFERENCES, DELEGATIONS AND FORUMS

As part of their role, Members are often asked to represent the Council on external organizations or attend functions, training, delegations and/or conferences. It is important that Members:

- a) clearly understand the basis of their representation/attendance; and
- b) Provide regular written reports on the outcome of their representations/attendances.

5. CORPORATE OBLIGATIONS

5.1 MEDIA MANAGEMENT

- a) The Mayor is the spokesperson of Council and is the only person who is authorised to make public comment from the Town on any matter.
- b) From time to time, the Mayor may authorise public comment from by:
 - i. The Deputy Mayor or a Councillor;
 - ii. The CEO or a staff member who has specific knowledge pertaining to a particular topic.
- c) Members and staff will refrain from:
 - i. making any negative comments publicly regarding a resolution of Council.
 - ii. making any public comment on a matter that is before Council but no decision where a decision is yet to be made.
- d) In the event that a member of the public makes public comment on the actions of a particular Councillor, that Councillor may respond to the public comment on the proviso that:
 - i. The Mayor is made aware that a public response is going to be made.
 - ii. The member presents balanced response that does not reflect poorly on the Council or the Town.
 - iii. The provisions of item c) above are adhered to.

5.2 RELATIONSHIP BETWEEN MEMBERS AND STAFF

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Members and staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position Members need to:

- a) accept that their role is a leadership, not a management or administrative one;
- b) acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- c) refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility.

5.3 COMMUNICATION

As a representative of the community, Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. Members will actively seek the views of their constituencies regarding the policy and future direction of the Town.

5.3.1 *Communication with the Public*

Members acknowledge that:

- a) As a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- b) Information relating to decisions of the Council on approvals, permits and so on should only be communicated in an official capacity by a designated officer of the Council;
- c) As the primary function of a member is to be a leader, direct-setter and policy makers, members will not know the detail of every matter of business of the Town. Given this information of a technical nature should be conveyed by staff members who have specific skills, knowledge and expertise in that specific field.

5.3.2 *Members Communication with Staff*

Members and staff acknowledge that:

- a) In order for clear, consistent and accurate communication it is imperative that information is conveyed between members and staff in an appropriate manner.
- b) Issues, questions and clarifications from members should be directed through the CEO or a Director. Members should refrain from speaking directly with Managers or staff on operational issues as these staff may not have an overall organizational perspective on the particular issue. Conversely, Managers and staff should direct any communication that needs to be provided to Councillors through their Director or the CEO.

5.3.3 *Communication between Councillors*

Effective Councils have regular communication between elected members (both formal and informal.) Town of Port Hedland Councillors will actively pursue opportunities to discuss Town related policy and direction matters, so that well informed decisions are made that consider the views of various constituencies.

5.4 COMPLAINTS MANAGEMENT*5.4.1 Complaints to Councillors from the Public*

- a) When a written or verbal complaint relating to Town business is lodged with a Councillor by a member of the public, that Councillor shall forward the complaint to CEO so that he (or a designated officer) may respond to the issue. The CEO (or officers) response to the member of the public shall be timely in nature and shall be copied to all Councillors.

- b) Councillors may respond complaints/issues raised by members of the public by acknowledging receipt of the complaint and advising that the matter has (or will be) passed on to the CEO, but the member shall not respond by making any commitments or providing any formal advice on behalf of the Council.

5.4.2 Complaints/Issues identified by Council

Where a Councillor identifies an issue of a relatively minor nature (signage damage, potholes, graffiti, litter, etc.), they shall advise the CEO by completing a Request for Service Form.

If the issue is more significant, the Councillor shall advise the CEO of the issue so that an appropriate manner for addressing the matter can be ascertained.

5.5 RECORDS MANAGEMENT

All Members and Staff will fully comply with the requirements of the State Records Act and the Town's Records Keeping Plan.

In particular all correspondence, incoming and outgoing, pertaining to the business or operations of Council shall be appropriately stored in the Town's Central Records system. This includes email, direct mail and facsimiled correspondence

11.4.3.2 2006 Compliance Audit Return (File No.: ...)

Officer Chris Adams
Chief Executive Officer

Date of Report 14 January 2010

Disclosure of Interest by Officer Nil

Summary

The statutory compliance return for the 2009 Calendar year is presented for Council's consideration.

Background

Each year all Western Australian Local Government Authorities are required to undertake a compliance audit and forward the results to the Department of Local Government. The Compliance Audit Return is a self-assessment of the level of compliance with the Local Government Act and associated regulations. The audit covers both major systems and minor technical matters.

The Compliance Audit is one of the tools that Councils and the Department of Local Government use to monitor how the Council and the organisation functioned throughout the previous calendar year from a legislative compliance perspective. It identifies areas of non-compliance and lists areas where additional systems development may be required to ensure improved governance.

This year's audit process was carried out by the Town's Chief Executive Officer. The Chief Executive Officer discussed compliance matters with relevant Directors and Managers and sought evidence that compliance was achieved throughout the year.

A total of the 347 items were audited in the 2009 Compliance Audit process. A total of ten (10) non-compliances were identified. These are briefly tabled below:

Legislation	Non-compliance
LG Act S5.46(2)	While some review of delegated authority to the CEO/officers was undertaken in 2009 a full review of Delegated Authority was not completed.
Admin Reg 10(1)	Minutes of Council meetings and Audit and Finance Committee meetings were not always signed promptly.
Admin Reg 12(1)	Date and times of Audit and Finance Committee meetings were not advertised in advance.

Admin Reg 13	Minutes of Ordinary Council meetings were not always available with 10 working days of the meeting.
Admin Reg 13	Minutes of Audit and Finance Committee meetings were not always available within 5 working days of the meeting.
LG Act S3.52(4)	The Town does not have plans of the levels and alignments of all thoroughfares that it owns and manages.
LG Act S5.66(b)	Presiding member did not always advise persons present of the content of members written disclosures of interest at Council meeting.
LG Act S3.57 F&G Reg 11	Tender not called when project was >\$100,000. Item was identified internally and reported to Council at that time.
s245A(5)(aa) LG (Misc Prov) Act 1960	Not all private pools have been inspected at least once in the past four years
LG Act S5.54(1)(2)	Annual report was not adopted by 31 December 2009.
LG Act S5.67	A member remained in the Meeting after declaring a Financial Interest.

Consultation

The Chief Executive Officer met with relevant staff to discuss compliance matters. Advice has been sought from DLGRD on specific compliance issues.

Statutory Implications

Section 7.13(1)(i) of the Local Government Act 1995 states that:

“7.13.Regulations as to audits

(1) Regulations may make provision —

... (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —

- (i) of a financial nature or not; or*
- (ii) under this Act or another written law.”*

Regulation 14 of the Local Government (Audit) Regulations requires the following:

“14. Compliance audit return to be prepared

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*

- (3) *A compliance audit return is to be —*
- (a) *presented to the council at a meeting of the council;*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

[Regulation 14 inserted in Gazette 23 Apr 1999 p. 1724-5.]

Policy Implications

Nil

Strategic Planning Implications

The following Goal is included within the Governance KRA of the Strategic Plan.

“That the Town’s internal operating systems are structured in a manner that assists in providing timely accurate information to the community.”

The compliance audit is a significant management tool that is used to ensure that systems and structures are operating efficiently and effectively.

Budget Implications

As the Council conducted the compliance audit ‘in-house’ no costs were incurred.

Officer’s Comment

Council’s compliance systems and structures are generally well developed with a high degree of observance with the required statutes being evident. Having said that, the level of non-compliance identified is slightly higher than in previous years. While there were ten items of non-compliance found, they were generally relatively minor in nature. As some of these items have recurred from the 2008 compliance audit, action will need to be undertaken to address them as a matter of priority.

200910/253 Council Decision/Officer’s Recommendation

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That:

- i) Council adopt the findings of the 2009 Local Government Compliance Audit; and

- ii) The Department of Local Government be invited to the Town to run a 'refresher course' on compliance with elected members and senior staff prior to July 2010 with plenty notice be given

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.4.3.2

Department of Local Government and Regional Development - Compliance Audit Return



Port Hedland - Compliance Audit Return 2009

Caravan Parks and Camping Grounds					
No	Reference	Question	Response	Comments	Respondent
1	s21(1) Caravan Parks and Camping Grounds Act 1995	Did the local government inspect each caravan park or camping ground in its district within the period 1 July 2008 to 30 June 2009.	Yes		Chris Adams
2	Section 14(1) of the Caravans and Camping Grounds Act 1995	Did you keep a register of caravan park licenses. (For the return period)	Yes		Chris Adams
Cemeteries					
No	Reference	Question	Response	Comments	Respondent
1	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all burials in the cemetery, including details of the names and descriptions of the deceased persons and location of the burial. (For the return period)	Yes		Chris Adams
2	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all grants of right of burial in the cemetery, including details of assignments or bequests of grants. (For the return period)	Yes		Chris Adams
3	s40(2) Cemeteries Act 1986	Have plans been kept and maintained showing the location of all burials registered in as above.	Yes		Chris Adams
Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2009.	N/A		Chris Adams
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2009.	Yes	Port Hedland Airport TWA Lease	Chris Adams
3	s3.59(2)(a)(b)(c) F&G Reg 7,11	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2009.	Yes		Chris Adams
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2009.	Yes		Chris Adams
5	s3.59(5)	Did the Council, during 2009, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	Yes		Chris Adams
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes		Chris Adams
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		Chris Adams
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes		Chris Adams
5	s5.18	Has Council reviewed delegations to its committees in the 2008/2009 financial year.	No	Some minor amendments made throughout 2008/09. Full review scheduled for Q1 2010.	Chris Adams
6	s5.42(1), 5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Chris Adams
7	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO resolved by an absolute majority.	Yes		Chris Adams
8	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO in writing.	Yes		Chris Adams
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Chris Adams
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Chris Adams
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Chris Adams
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2008/2009 financial year.	No	Full review planned for Q1 2010	Chris Adams
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		Chris Adams

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		Chris Adams
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	Yes		Chris Adams

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Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Chris Adams
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	Yes		Chris Adams
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes		Chris Adams
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2009.	Yes		Chris Adams
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2009.	Yes		Chris Adams
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Chris Adams
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Chris Adams
10	s5.88(1)(2) Admin Reg 2	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Chris Adams
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Chris Adams
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Chris Adams
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Chris Adams
14	s5.66(b)	Did the person presiding at a meeting, on all occasions, when given a member's written financial interest disclosure by the CEO, bring its contents to the attention of persons present immediately before any matters to which the disclosure relates were discussed.	No	While disclosures have been made by the members in writing, the person presiding at the meeting has not always brought the contents of notice to the attention of the persons present.	Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
15	s5.71(a)	Did the CEO disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	Yes		Chris Adams
16	5.71(b)	Did an employee disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	Yes		Chris Adams
17	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes		Chris Adams
18	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes		Chris Adams
19	s5.66(a)	Did the CEO, on all occasions, where a council member gave written notice of a disclosure of interest before a meeting, cause that notice to be given to the person who presided at the meeting.	Yes		Chris Adams
20	s5.71	On all occasions were delegated powers and duties not exercised by employees that had an interest in the matter to which the delegated power or duty related.	Yes		Chris Adams

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	Yes		Chris Adams
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes		Chris Adams

Elections

No	Reference	Question	Response	Comments	Respondent
1	4.17(3)	Was approval sought from the Electoral Commissioner where council allowed a vacancy to remain unfilled as a result of a councillor's position becoming vacant under s2.32 and in accordance with s4.17(3)(a) & (b).	Yes	Approval sought (and granted) to run with 8 rather than 9 Council members.	Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
2	s4.20(2)	Did the local government appoint a person other than the CEO to be the returning officer of the local government for an election or all other elections held while that appointment applied, after having written agreement of the person concerned and the Electoral Commissioner.	No	CEO was returning officer	Chris Adams
3	s4.20(4)	Did the local government declare the electoral commissioner to be responsible for the conduct of an election, after having first obtained the written agreement of the electoral commissioner.	No	CEO was responsible for elect and was returning officer.	Chris Adams
4	s4.20(5)	Where a declaration has not already been made, was a declaration made under s4.20(4) prior to the 80th day before election day.	Yes		Chris Adams
5	s4.32(4)	Did the CEO, within 14 days after receiving a claim for enrolment, decide whether the claimant was eligible or not eligible under s4.30(1)(a)&(b) and accept or reject the claim accordingly.	Yes		Chris Adams
6	s4.32(6) Elect Reg 13	Did the CEO record on all occasions the decision in the owners and occupiers register in accordance with Regulation 13 of the Local Government (Elections) Regulations 1997 and give written notice of the decision to the claimant without delay, for eligibility to enrol.	Yes		Chris Adams
7	s4.35(2)	Did the CEO give written notice to the person before making a decision under subsection (1)(c) and allow 28 days for the person to make submissions on the matter.	Yes		Chris Adams
8	s4.35(3)	Did the CEO, after making a decision under subsection (1)(c), give written notice of it to the person.	Yes		Chris Adams
9	s4.35(5)	Did the CEO, on receipt of advice of the Electoral Commissioner's decision on an appeal, take any action necessary to give effect to that decision.	N/A	Not required as not Appeals made	Chris Adams
10	s4.35(6)	Did the CEO give written notice on all occasions to the person, where after considering submissions made under subsection 2, the CEO decided that the person was still eligible under s4.30 to be enrolled to vote at elections for the district or ward.	N/A		Chris Adams
11	s4.35(7)	Did the CEO, on all occasions, record any decision under subsection (1) or (6) in the register referred to in section 4.32(6).	Yes		Chris Adams
12	s4.39(2)	Did the CEO on or after the 70th day, but no later than the 56th day give statewide public notice of the time and date of the close of enrolments.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
13	s4.41(1)	Did the CEO prepare an owners and occupiers roll for the election on or before the 36th day before election day.	Yes		Chris Adams
14	s4.41(2)	Did the CEO certify that the owners and occupiers roll included the names of all persons who were electors of the district or ward under s4.30 at the close of enrolments.	Yes		Chris Adams
15	s4.43(1)	Where the CEO was returning officer (RO) and the rolls were not consolidated, did the RO delete the names of any person from the owners and occupiers roll whose name also appeared on the residents roll, on or before the 22nd day before election day.	Yes		Chris Adams
16	s4.47(1)	Where the CEO was returning officer (RO), did the RO give statewide public notice calling for nominations of candidates for the election on or after the 56th day but no later than the 45th day before election day.	Yes		Chris Adams
17	s4.47(2)(a)	Did the notice referred to in s4.47(1) calling for nominations specify the kind of election to be held and the vacancy or vacancies to be filled.	Yes		Chris Adams
18	s4.47(2)(b)	Did the notice referred to in s4.47(1) calling for nominations specify the place where nominations may be delivered or sent.	Yes		Chris Adams
19	s4.47(2)(c)	Did the notice referred to in s4.47(1) calling for nominations specify the period within which nominations have to be delivered or sent.	Yes		Chris Adams
20	s4.47(2)(d)	Did the notice referred to in s4.47(1) calling for nominations specify any other arrangements made for the receipt by the returning officer of nominations.	Yes		Chris Adams
21	s4.61(2)	Did the Council of the local government, where it decided to conduct the election as a postal election, make that decision by absolute majority.	N/A	Election was in person, Chris Adams	
22	s4.61(3)	Where a decision was made under s4.61(2) and a relevant declaration had not already been made, was that decision made prior to the 80th day before election day.	N/A		Chris Adams
23	s4.64	Where the CEO was returning officer (RO), did the RO give Statewide public notice (election notice) as soon as practicable after preparations for the election, but no later than on the 19th day before election day, in accordance with regulations that included details of how, when and where the election will be conducted and the names of the candidates.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
24	Elect Reg 7	Did a person, before acting as an electoral officer, make the required declaration as stated in local government election regulation 7.	Yes		Chris Adams
25	Elect Reg 8(2)	Where the CEO was returning officer (RO), did the RO prepare and adopt a Code of Conduct for the 2009 Ordinary Elections.	Yes		Chris Adams
26	Elect Reg 8(3)	Where the CEO was returning officer (RO), did the RO provide each electoral officer a copy or access to a copy of the electoral code of conduct for the 2009 Ordinary Elections.	Yes		Chris Adams
27	Elect Reg 13(1)	Has the relevant information as listed in Election Reg 13 been recorded in the owners and occupiers register.	Yes		Chris Adams
28	Elect Reg 13(4)	Did the CEO amend the register from time to time to make sure that the information recorded in it is accurate.	Yes		Chris Adams
29	Elect Reg 17	Did the local government keep an enrolment eligibility claim form, if accepted, a copy of a notice of acceptance for 2 years after the claim and notice expired, and a copy of a notice of rejection for 2 years after the claim was rejected.	Yes		Chris Adams
30	Elect Reg 26(4)	Did the CEO or an employee of the local government appointed as Returning Officer keep the deposit referred to in s4.49(d) separate from other money and credited to a fund of the local government.	Yes		Chris Adams
31	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	Yes		Chris Adams
32	Elect Reg 30G(3)	Did the CEO remove any "disclosure of gifts" forms completed by unsuccessful candidates from the electoral gift register in accordance with the period under regulation 30C and retain those forms separately for a period of at least 2 years.	Yes		Chris Adams
33	Elect Reg 30H	Has the electoral gift register been kept at the appropriate local government offices.	Yes		Chris Adams
34	Elect Reg 40	Has a postal voters register been kept of electors whose applications are under regulation 37(1)(b) and are accepted under regulation 38(1), which contains the enrolment details of each elector included on it and any ward in respect of which the elector is registered.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
35	Elect Reg 81	Was the report relating to an election under s4.79 provided to the Minister within 14 days after the declaration of the result of the election.	Yes		Chris Adams
Executive Functions					
No	Reference	Question	Response	Comments	Respondent
1	s3.18(3)(a)	Has the local government satisfied itself that the services and facilities that it provides ensure integration and co-ordination of services and facilities between governments.	Yes		Chris Adams
2	s3.32(1)	Was a notice of intended entry given to the owner or occupier of the land, premises or thing that had been entered.	Yes		Chris Adams
3	s3.50	Did the local government close a thoroughfare wholly or partially for a period not exceeding 4 weeks under the guidelines of 3.50.	No		Chris Adams
4	s3.18(3)(b)	Has the local government satisfied itself that the services and facilities that it provides avoid unnecessary duplication of services or competition particularly with the private sector.	Yes		Chris Adams
5	s3.18(3)(c)	Has the local government satisfied itself that the services and facilities that it provides ensure services and facilities are properly managed.	Yes		Chris Adams
6	s3.40A(1)	Where in the opinion of the local government a vehicle was an abandoned vehicle wreck, was it removed and impounded by an employee authorised (for that purpose) by the local government.	Yes		Chris Adams
7	s3.40A(2)	Where the owner of the vehicle was identified within 7 days after its removal under s3.40A(1), did the local government give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice.	Yes		Chris Adams
8	s3.40A(3)	Where notice was given under s3.40A(2) did it include a short statement of the effect of subsection (4)(b) and the effect of the relevant provisions of sections 3.46 and 3.47.	Yes		Chris Adams
9	s3.51(3)	Did the local government give notice of what is proposed to be done giving details fo the proposal and inviting submissions from any person who wishes to make a submission and allow a reasonable time for submissions to be made and consider any submissions made.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
10	s3.52(4)	Has the local government kept plans for the levels and alignments of public thoroughfares that are under its control or management, and made those plans available for public inspection.	No	Given age of infrastructure and size of municipality it is impracticable to have plans that show the levels and alignments of all public thoroughfares that are controlled/managed by the Town. Plans that are available are able to be viewed by the public.	Chris Adams
11	s3.32(2)	Did the notice of intended entry specify the purpose for which the entry was required.	Yes		Chris Adams
12	s3.32(3)	Was the notice of intended entry given not less than 24 hours before the power of entry was exercised.	Yes		Chris Adams
Finance					
No	Reference	Question	Response	Comments	Respondent
1	s5.53, Admin Reg 19B	Has the local government prepared an annual report for the financial year ended 30 June 2009 that contained the prescribed information under the Act and Regulations.	Yes		Chris Adams
2	s5.54(1), (2)	Was the annual report accepted by absolute majority by the local government by 31 December 2009.	No	Annual Report was not adopted until 12/1/10. DLG was advised of delay.	Chris Adams
3	s5.54(1), (2)	Where the Auditor's report was not available in time for acceptance by 31 December, was it accepted no more than two months after the Auditor's report was made available.	Yes		Chris Adams
4	s5.55	Did the CEO give local public notice of the availability of the annual report as soon as practicable after the local government accepted the report.	Yes		Chris Adams
5	s5.56 Admin Reg 19C(2)	Has the local government made a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).	Yes		Chris Adams
6	Admin Reg 19D	After a plan for the future, or modifications to a plan were adopted under regulation 19C, did the local government give public notice in accordance with subsection (2).	N/A	Plan for the Future was adopted in Aug 2008. Review of plan currently being undertaken.	Chris Adams
7	s5.94, s5.95	Did the local government allow any person attending the local government during office hours to inspect information, free of charge, listed in s5.94 of the Act and subject to s5.95 whether or not the information was current at the time of inspection.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
8	s5.96	Where a person inspected information under Part 5, Division 7 of the Act and requested a copy of that information, did the local government ensure that copies were available at a price that did not exceed the cost of providing those copies.	Yes		Chris Adams
9	s5.98 Admin Reg 30	Was the fee made available to elected members for attending meetings within the prescribed range.	Yes		Chris Adams
10	s5.98 Admin Reg 31	Was the reimbursement of expenses to elected members within the prescribed ranges or as prescribed.	Yes		Chris Adams
11	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it resolved by absolute majority.	Yes		Chris Adams
12	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it up to (or below) the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98 (5).	Yes		Chris Adams
13	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it resolved by absolute majority.	Yes		Chris Adams
14	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it within the prescribed range.	Yes		Chris Adams
15	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it resolved by absolute majority.	Yes		Chris Adams
16	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it within the prescribed range.	Yes		Chris Adams
17	s5.100 (1)	Did the local government pay a fee for attending committee meetings only to a committee member who was a council member or employee.	N/A	No fees paid for Committee meetings	Chris Adams
18	s5.100 (2)	Where the local government decided to reimburse a committee member, who was not a council member or employee, for an expense incurred by the person in relation to a matter affecting the local government, was it within the prescribe range.	N/A		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
19	s6.2	Did Council, prior to 31 August in the review period, adopt by absolute majority, a budget in the form and manner prescribed by Financial Management (FM) Reg 22 and the Act. (Please enter the date of the Council Resolution in the "Comments" column)	Yes		Chris Adams
20	s6.2	If 'no', was Ministerial approval sought for an extension.	N/A		Chris Adams
21	s6.3	Did the council prepare and adopt a budget in a manner similar to the annual budget with modifications as listed in section 6.3.	Yes		Chris Adams
22	FM Reg 33	Was the 2009/2010 budget forwarded to the Department of Local Government and Regional Development within 30 days of its adoption. (Please enter the date sent in the "Comments" column).	Yes	Budget Adopted on 29/7/09. Budget sent to DLG on 13/8/09 with confirmation from the Dept on the 18/8/09.	Chris Adams
23	s6.4(1) FM Reg 34	Did the local government prepare an annual financial report as prescribed.	Yes		Chris Adams
24	s6.4(1) FM Reg 34	Did the local government prepare other financial reports as prescribed.	Yes		Chris Adams
25	FM Reg 34	If the local government prepared other financial reports as prescribed in s6.4 (1) FM Reg 34, were they presented to Council and recorded in the minutes of the meetings in which they were submitted.	Yes		Chris Adams
26	s6.4(3)(b)	Was the annual financial report, prepared for the financial year ended 30 June 2009, submitted to the Auditor by 30 September 2009 or by the extended time allowed by the Minister or his delegate.	Yes		Chris Adams
27	FM Reg 51(2)	Was the annual financial report submitted to the Department of Local Government and Regional Development sent by the CEO within 30 days after receiving the Auditor's report.	Yes		Chris Adams
28	s6.8	Was expenditure that the local government incurred from its municipal fund, but not included in its annual budget, authorised in advance on all occasions by absolute majority resolution.	Yes		Chris Adams
29	s6.8(1)(c)	Did the Mayor or President authorise expenditure from the municipal fund in an emergency. (Please indicate circumstances in the "Comments" column)	N/A		Chris Adams
30	s6.8	In relation to expenditure that the local government incurred from its municipal fund that was authorised in advance by the mayor or president in an emergency, was it reported on all occasions to the next ordinary meeting of council.	N/A		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
31	s6.9 (1)	Does the local government's trust fund consist of all money (or the value of assets) that are required by the Local Government Act 1995 or any other written law to be credited to the fund.	Yes		Chris Adams
32	s6.9 (1)	Does the local government's trust fund consist of all money or the value of assets held by the local government in trust.	Yes		Chris Adams
33	s6.9(2)	Has the local government's trust fund been applied for the purposes of and in accordance with the trusts affecting it.	Yes		Chris Adams
34	s6.9(3)	Has money held in the trust fund, been paid to the person entitled to it, together with, if the money has been invested, any interest earned from that investment.	Yes		Chris Adams
35	s6.9(3)	Has property held in trust been delivered to the persons entitled to it.	N/A	No property held in trust	Chris Adams
36	s6.11(2)	Have all decisions to change the use or purpose of money held in reserve funds been by absolute majority.	Yes		Chris Adams
37	s6.11(2) FM Reg 18	Did the local government give one months public notice of the proposed change of purpose or proposed use of money held in reserve funds . (Notice not required where the local government has disclosed the change of purpose or proposed use of reserve funds in its annual budget or where the money was used to meet expenditure authorised under s6.8(1) (c) of the Act or where the amount to be used did not exceed \$5,000).	Yes		Chris Adams
38	s6.12, 6.13, 6.16 (1),(3)	Did Council at the time of adopting its budget, determine the granting of a discount or other incentive for early payment by absolute majority.	Yes		Chris Adams
39	s6.12, 6.13, 6.16 (1),(3)	Did Council determine the setting of an interest rate on money owing to Council by absolute majority.	Yes		Chris Adams
40	s6.12, 6.13, 6.16 (1),(3)	Did Council determine to impose or amend a fee or charge for any goods or services provided by the local government by absolute majority. (Note: this applies to money other than rates and service charges).	Yes		Chris Adams
41	s6.17(3)	Were the fees or charges imposed for receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate, limited to the cost of providing the service or goods.	Yes		Chris Adams
42	s6.17(3)	Were the fees or charges imposed for any other service prescribed in section 6.16 (2)(f), limited to the cost of providing the service or goods.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
43	s6.19	After the budget was adopted, did the local government give local public notice for all fees and charges stating its intention to introduce the proposed fees or charges and the date from which it proposed to introduce the fees or charges.	Yes		Chris Adams
44	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow and details of the proposal were not included in the annual budget for that financial year, did the local government give one month's local public notice of the proposal (except where the proposal was of a kind prescribed in FM Regulation 20).	Yes		Chris Adams
45	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow, was the Council decision to exercise that power by absolute majority (Only required where the details of the proposal were not included in the annual budget for that financial year).	Yes		Chris Adams
46	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, did the local government give one month's local public notice of the change in purpose. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21).	N/A	No change in borrowings during the period.	Chris Adams
47	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, was the decision on the change of use by absolute majority. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21)	N/A	No change in borrowings during the period.	Chris Adams
48	s6.32(1)(a)	Did Council determine by absolute majority to impose a general rate on rateable land within its district .	Yes		Chris Adams
49	s6.32(1)(b)(i)	Did Council determine by absolute majority to impose a specified area rate on rateable land within its district .	N/A		Chris Adams
50	s6.32(1)(b)(ii)	Did Council determine by absolute majority to impose a minimum payment on rateable land within its district .	Yes		Chris Adams
51	s6.32(1)(c)	Did Council determine by absolute majority to impose a service charge on rateable land within its district .	N/A		Chris Adams
52	s6.33(3)	Did Council obtain the approval of the Minister or his delegate before it imposed a differential general rate that was more than twice the lowest differential rate imposed.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
53	s6.34	Did Council obtain the approval of the Minister or his delegate before it adopted a budget with a yield from general rates that was plus or minus 10% of the amount of the budget deficiency.	N/A		Chris Adams
54	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in the district (unless the general minimum did not exceed \$200).	Yes		Chris Adams
55	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties, rated on gross rental value (unless the general minimum did not exceed \$200).	Yes		Chris Adams
56	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties rated on unimproved value (unless the general minimum did not exceed \$200).	Yes		Chris Adams
57	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in each differential rating category (unless the general minimum did not exceed \$200).	Yes		Chris Adams
58	s6.36	Did the local government before imposing any differential general rate, or a minimum payment applying to a differential rate category, give local public notice of its intention to do so containing details of each rate or minimum proposed.	Yes		Chris Adams
59	s6.36	Did the local government, before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so by extending an invitation for a period of 21 days or longer for submissions.	Yes		Chris Adams
60	s6.36	Did the local government before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so, detailing the time and place where the document describing the objects and reasons for each proposed rate and minimum payment may be inspected.	Yes		Chris Adams
61	s6.38(1) FM Reg 54	Where a local government imposed a service charge was it only imposed for a prescribed purposes of television and radio rebroadcasting, volunteer bush fire brigades, underground electricity, water, property surveillance and security.	N/A		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
62	s6.38	Was money received from the imposition of a service charge applied in accordance with the provisions of s6.38 of the Act.	N/A		Chris Adams
63	s6.46	Did Council, in granting a discount or other incentive for early payment of any rate or service charge, do so by absolute majority.	Yes		Chris Adams
64	s6.47	When a local government resolved to waive a rate or service charge or grant other concessions did it do so by absolute majority.	Yes		Chris Adams
65	s6.51	Did Council, in setting an interest rate on a rate or service charge that remained unpaid, do so by absolute majority.	Yes		Chris Adams
66	S6.76(6)	Was the outcome of an objection under section 6.76(1) promptly conveyed to the person who made the objection including a statement of the local government's decision on the objection and its reasons for that decision.	N/A	No objections received.	Chris Adams
67	FM Reg 5	Has efficient systems and procedures been established by the CEO of a local government as listed in Finance Reg 5.	Yes		Chris Adams
68	FM Reg 6	Has the local government ensured that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for conducting an internal audit or reviewing the discharge of duties by that employee.	Yes		Chris Adams
69	FM Reg 8	Did the local government maintain a separate account with a bank or other financial institution for money to be held in a municipal fund, trust fund or reserve accounts.	Yes		Chris Adams
70	FM Reg 9	On all occasions have separate financial records been kept for each trading undertaking and each major land transaction.	Yes		Chris Adams
71	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and other devices or methods by which goods, services, money or other benefits may be obtained.	Yes		Chris Adams
72	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of petty cash systems.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
73	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the debt was incurred by a person who was properly authorised, before any approval for payment of an account is made.	Yes		Chris Adams
74	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, before payment of the account.	Yes		Chris Adams
75	FM Reg 12	Have payments from the Municipal or Trust fund been made under the appropriate delegated authority.	Yes		Chris Adams
76	FM Reg 12	When Council are presented with a list detailing the accounts to be paid, have payments from the Municipal or Trust fund been authorised in advance by resolution of Council.	N/A		Chris Adams
77	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting include the payee's name.	Yes		Chris Adams
78	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund, that were recorded in the minutes of the relevant meeting, include the amount of the payment.	Yes		Chris Adams
79	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include sufficient information to identify the transaction.	Yes		Chris Adams
80	FM Reg 13	Did the list of accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include the date of the meeting of Council.	Yes		Chris Adams
81	FM Reg 19	Do the internal control procedures over investments established and documented by the local government enable the identification of the nature and location of all investments.	Yes		Chris Adams
82	FM Reg 33A	Did the local government, between 1 January and 31 March 2009, carry out a review of its annual budget for the year ended 30 June 2009.	Yes		Chris Adams
83	FM Reg 55	Does the local government's rate record include all particulars set out in the FM Regulations.	Yes		Chris Adams
84	FM Reg 56,57	Are the contents of the local government's rate notice in accordance with the FM Regulations.	Yes		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
85	FM Reg 56,57	Are the contents of the local government's reminder notice for instalment payments in accordance with the FM Regulations.	Yes		Chris Adams
86	FM Reg 68	Was the maximum rate of interest imposed 5.5% as prescribed under section 6.45(3).	Yes		Chris Adams
87	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		Chris Adams
88	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	Yes		Chris Adams
89	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Chris Adams
90	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes		Chris Adams
91	s7.3	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		Chris Adams
92	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2009 received by the local government within 30 days of completion of the audit.	Yes		Chris Adams
93	s7.9(1)	Was the Auditor's report for 2008/2009 received by the local government by 31 December 2009.	Yes		Chris Adams
94	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	Yes		Chris Adams
95	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	Yes		Chris Adams
96	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	Yes		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
97	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Chris Adams
98	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Chris Adams
99	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Chris Adams
100	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Chris Adams
101	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Chris Adams

Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A	No CEO recruitment undertaken during the period.	Chris Adams
2	s5.36(4) s5.37(3)	Were all vacancies for the position of CEO and for designated senior employees advertised.	Yes		Chris Adams
3	s5.36(4) s5.37(3) Admin Reg 18A(1)	Did the local government advertise for the position of CEO and for designated senior employees in a newspaper circulated generally throughout the State.	Yes		Chris Adams
4	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the remuneration and benefits offered.	Yes		Chris Adams
5	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the place where applications for the position were to be submitted.	Yes		Chris Adams
6	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees detail the date and time for closing of applications.	Yes		Chris Adams
7	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees indicate the duration of the proposed contract.	Yes		Chris Adams
8	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees provide contact details of a person to contact for further information.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
9	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	Yes		Chris Adams
10	s5.38	Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment.	Yes		Chris Adams
11	Admin Reg 18D	Where Council considered the CEO's performance review did it decide to accept the review with or without modification (if Council did not accept the review, the preferred answer is N/A & refer Q12).	Yes		Chris Adams
12	Admin Reg 18D	Where the Council considered the CEO's performance review, but decided not to accept the review, did it decide to reject the review (if Council accepted the review, the preferred answer is N/A refer Q11).	N/A		Chris Adams
13	s5.39	During the period covered by this Return, were written performance based contracts in place for the CEO and all designated senior employees who were employed since 1 July 1996.	Yes		Chris Adams
14	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date. This amount is the lesser of the value of one year's remuneration under the contract.	Yes		Chris Adams
15	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of the remuneration they would be entitled to had the contract not been terminated.	Yes		Chris Adams
16	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract or award.	Yes		Chris Adams
17	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the manner of assessment of an additional amount.	Yes		Chris Adams
18	s5.50(2)	Did the local government give public notice on all occasions where council made a payment that was more than the additional amount set out in its policy.	N/A	No additional payments made.	Chris Adams

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No	Reference	Question	Response	Comments	Respondent
19	S5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of employees of the local government entitled to an annual salary of \$100,000 or more.	Yes		Chris Adams
20	S5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of those employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000.	Yes		Chris Adams
21	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	Yes		Chris Adams
22	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A	No CEO recruitment undertaken during the period.	Chris Adams
23	Admin Reg 33	Was the allowance paid to the mayor or president for the purposes of s5.98 (5) within the prescribed range.	Yes		Chris Adams

Local Laws

No	Reference	Question	Response	Comments	Respondent
1	s3.12(2) F&G Reg 3	On each occasion that Council resolved to make a local law, did the person presiding at the Council meeting give notice of the purpose and effect of each proposed local law in the manner prescribed in Functions and General Regulation 3.	N/A	No new local laws made in 2009.	Chris Adams
2	s3.12(3)(a)	On each occasion that Council proposed to make a local law, did the local government give Statewide and local public notice stating the purpose and effect of the proposed local law	N/A		Chris Adams
3	s3.12(3)(a)	Did the local government give Statewide and local public notice stating details of where a copy of the local law may be inspected or obtained.	N/A		Chris Adams
4	s3.12(3)(b)	On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice, to the Minister for Local Government and Regional Development	N/A		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
5	s3.12(3)(b)	On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice where applicable, to the Minister who administers the Act under which the local law was made.	N/A		Chris Adams
6	s3.12(4)	Have all Council's resolutions to make local laws been by absolute majority.	N/A		Chris Adams
7	s3.12(4)	Have all Council's resolutions to make local laws been recorded as such in the minutes of the meeting.	N/A		Chris Adams
8	s3.12(5)	After making the local law, did the local government publish the local law in the Gazette.	N/A		Chris Adams
9	s3.12(5)	After making the local law, did the local government give a copy to the Minister for Local Government and Regional Development and where applicable to the Minister who administers the Act under which the local law was made.	N/A		Chris Adams
10	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice stating the title of the local law.	N/A		Chris Adams
11	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice summarising the purpose and effect of the local law and the day on which it came into operation.	N/A		Chris Adams
12	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice advising that copies of the local law may be inspected or obtained from its office.	N/A		Chris Adams
13	s3.16(1)	Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years.	Yes		Chris Adams
14	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice stating that it intended to review the local law.	Yes		Chris Adams
15	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice advising that a copy of the local law could be inspected or obtained at the place specified in the notice.	Yes		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
16	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice detailing the closing date for submissions about the local law.	Yes		Chris Adams
17	s3.16(3)	Did the local government (after the last day for submissions) prepare a report of the review and have it submitted to Council.	Yes		Chris Adams
18	s3.16(4)	Was the decision to repeal or amend a local law determined by absolute majority on all occasions.	Yes		Chris Adams

Meeting Process

No	Reference	Question	Response	Comments	Respondent
1	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council was it by Council resolution.	Yes		Chris Adams
2	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council, was it recorded in the minutes of the meeting at which the leave was granted.	Yes		Chris Adams
3	s2.25(3)	Where Council refused to grant leave to a member from attending 6 or less consecutive ordinary meetings of Council, was the reason for refusal recorded in the minutes of the meeting.	N/A	All applications for leave of absence were approved by Council.	Chris Adams
4	s2.25(2)	Was Ministerial approval sought (on all occasions) before leave of absence was granted to an elected member in respect of more than 6 consecutive ordinary meetings of council.	N/A	No requests for .6 consecutive months of leave of absence.	Chris Adams
5	s5.4	On all occasions when the mayor or president called an ordinary or special meeting of Council, was it done by notice to the CEO setting out the date and purpose of the proposed meeting;	Yes		Chris Adams
6	s5.5	On all occasions when councillors called an ordinary or special meeting of Council was it called by at least 1/3 (one third) of the councillors, by notice to the CEO setting out the date and purpose of the proposed meeting.	Yes		Chris Adams
7	s5.5(1)	Did the CEO give each council member at least 72 hours notice of the date, time, place and an agenda for each ordinary meeting of Council.	Yes		Chris Adams
8	s5.5(2)	Did the CEO give each council member notice before the meeting, of the date, time, place and purpose of each special meeting of Council.	Yes		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
9	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member needed for a quorum at a Council meeting	Yes		Chris Adams
10	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member required for absolute majorities.	N/A	No requests made	Chris Adams
11	s5.8	Did the local government ensure all Council committees (during the review period) were established by an absolute majority.	N/A	No new committees established.	Chris Adams
12	s5.10(1)(a)	Did the local government ensure all members of Council committees, during the review period, were appointed by an absolute majority (other than those persons appointed in accordance with section 5.10 (1)(b)).	Yes		Chris Adams
13	s5.10(2)	Was each Council member given their entitlement during the review period, to be appointed as a committee member of at least one committee, as referred to in section 5.9(2)(a) & (b) of the Act.	Yes		Chris Adams
14	s5.12(1)	Were Presiding members of committees elected by the members of the committees (from amongst themselves) in accordance with Schedule 2.3, Division 1 of the Act.	Yes		Chris Adams
15	s5.12(2)	Were Deputy presiding members of committees elected by the members of the committee (from amongst themselves) in accordance with Schedule 2.3 Division 2 of the Act.	Yes		Chris Adams
16	s5.15	Where the local government reduced a quorum of a committee meeting, was the decision made by absolute majority on each occasion.	N/A	No quorum reductions required during the period.	Chris Adams
17	s5.21 (4)	When requested by a member of Council or committee, did the person presiding at a meeting ensure an individual vote or the vote of all members present, were recorded in the minutes.	Yes		Chris Adams
18	s5.22(1)	Did the person presiding at a meeting of a Council or a committee ensure minutes were kept of the meeting's proceedings.	Yes		Chris Adams
19	s5.22(2)(3)	Were the minutes of all Council and committee meetings submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation.	Yes		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
20	s5.22(2)(3)	Were the minutes of all Council and committee meetings signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed.	Yes	Signing has been undertaken but, on occasion, signing has not been directly after Council meeting	Chris Adams
21	s5.23 (1)	Were all council meetings open to members of the public (subject to section 5.23(2) of the Act).	N/A	No new committees established.	Chris Adams
22	s5.23 (1)	Were all meetings of committees to which a power or duty had been delegated open to members of the public (subject to section 5.23(2) of the Act).	Yes		Chris Adams
23	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public, in accordance with the Act.	Yes		Chris Adams
24	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public recorded in the minutes of that meeting.	Yes		Chris Adams
25	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every ordinary meeting of Council.	Yes		Chris Adams
26	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every special meeting of Council.	N/A	No quorum reductions required during the period.	Chris Adams
27	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every meeting of a committee to which the local government has delegated a power or duty.	Yes		Chris Adams
28	Admin Reg 8	Was a period of 30 minutes allowed from the advertised commencement time before any Council or committee was adjourned due to the lack of a quorum.	Yes		Chris Adams
29	Admin Reg 9	Was voting at Council or committee meetings conducted so that no vote was secret.	Yes		Chris Adams
30	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in the case where an attempt to revoke or change the decision had been made within the previous 3 months but failed, by an absolute majority.	No	Signing has been undertaken but, on occasion, signing has not been directly after Council meeting. Issue identified by auditors.	Chris Adams
31	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in any other case, by at least one third of the number of officers of member (whether vacant or not) of the Council or committee.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
32	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made (in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority), by that kind of majority.	Yes		Chris Adams
33	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made in any other case, by an absolute majority.	Yes		Chris Adams
34	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include the names of members present at the meeting.	Yes		Chris Adams
35	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include where a member entered or left the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting.	Yes		Chris Adams
36	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each motion moved at the meeting, including details of the mover and outcome of the motion.	Yes		Chris Adams
37	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each decision made at the meeting.	Yes		Chris Adams
38	Admin Reg 11	Did the contents of the minutes of all Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision.	Yes		Chris Adams
39	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include a summary of each question raised by members of the public and a summary of the response given.	Yes		Chris Adams
40	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include in relation to each disclosure made under sections 5.65 or 5.70, where the extent of the interest has been disclosed, the extent of the interest.	Yes		Chris Adams
41	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of ordinary Council meetings.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
42	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public.	No	Public notice of dates and times for Audit Committee Meetings were not done.	Chris Adams
43	Admin Reg 12(2)	Did the local government give local public notice of any changes to the dates, time or places referred to in the question above.	N/A	No changes made	Chris Adams
44	Admin Reg 12(3) (4)	In the CEO's opinion, where it was practicable, were all special meetings of Council (that were open to members of the public) advertised via local public notice.	Yes		Chris Adams
45	Admin Reg 12(3) (4)	Did the notice referred to in the question above include details of the date, time, place and purpose of the special meeting.	Yes		Chris Adams
46	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all Council meetings within 10 business days after the Council meetings.	No	Some instances where minutes were not available within 10 days.	Chris Adams
47	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings.	No	Some instances where minutes were not available within 5 days.	Chris Adams
48	Admin Reg 14(1) (2)	Were notice papers, agenda and other documents relating to any Council or committee meeting, (other than those referred to in Admin Reg 14(2)) made available for public inspection.	Yes		Chris Adams
49	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (by means of audio, telephone or other instantaneous contact) as provided for in Administration Regulation 14A, did the Council approve of the arrangement by absolute majority.	N/A	No instantaneous communication used for meetings during the period.	Chris Adams
50	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (as provided for in Administration Regulation 14A) was the person in a suitable place as defined in Administration Regulation 14A(4)	N/A		Chris Adams
51	s5.27(2)	Was the annual general meeting of electors held within 56 days of the local government's acceptance of the annual report for the previous financial year.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
52	s5.29	Did the CEO convene all electors' meetings by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time, place and purpose of the meeting.	Yes		Chris Adams
53	s5.32	Did the CEO ensure the minutes of all electors' meetings were kept and made available for public inspection before the Council meeting at which decisions made at the electors' meeting were first considered.	Yes		Chris Adams
54	s5.33(1)	Were all decisions made at all electors' meetings considered at the next ordinary Council meeting, or, if not practicable, at the first ordinary Council meeting after that, or at a special meeting called for that purpose.	Yes		Chris Adams
55	s5.33(2)	Were the reasons for Council decisions in response to decisions made at all electors' meetings recorded in the minutes of the appropriate Council meeting.	Yes		Chris Adams
56	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Chris Adams

Miscellaneous Provisions

No	Reference	Question	Response	Comments	Respondent
1	s9.4	Has each person who received an unfavourable decision from Council, or from an employee of the local government exercising delegated authority, (that is appealable under Part 9 of the Act) been informed of his or her right to object and appeal against the decision.	Yes		Chris Adams
2	s9.29(2)(b)	On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO.	Yes		Chris Adams
3	s9.6(5)	Did the local government ensure that the person who made the objection was given notice in writing of how it has been decided to dispose of the objection and the reasons why.	Yes		Chris Adams

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Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	N/A	CEO is complaints officer	Chris Adams
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes		Chris Adams
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		Chris Adams
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Chris Adams
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Chris Adams
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) (c).	Yes		Chris Adams

Swimming Pools					
No	Reference	Question	Response	Comments	Respondent
1	s245A(5)(aa) LG (MiscProv) Act 1960	Have inspections of known private swimming pools, either been, or are proposed to be, carried out as required by section 245A(5)(aa) of the Local Government (Miscellaneous Provisions) Act 1960.	No	Significant work has been undertaken but not all pools have been checked within the prescribed 4yr period.	Chris Adams

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	No	Instance of breach identified internally, reported to Council. Auditors notified with corresponding note in Audit Management letter.	Chris Adams

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Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
2	F&G Reg 12	Has the local government, as far as it is aware, only entered into a single contract rather than multiple contracts so as to avoid the requirements to call tenders in accordance with F&G Reg 11 (1).	Yes		Chris Adams
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Chris Adams
4	F&G Reg 14(3)	Did all the local government's invitations to tender include a brief description of the goods and services required and contact details for a person from whom more detailed information could be obtained about the tender.	Yes		Chris Adams
5	F&G Reg 14(3)	Did all the local government's invitations to tender include information as to where and how tenders could be submitted.	Yes		Chris Adams
6	F&G Reg 14(3)	Did all the local government's invitations to tender include the date and time after which tenders would not be accepted.	Yes		Chris Adams
7	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers concerning detailed specifications of the goods or services required.	Yes		Chris Adams
8	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers of the criteria for deciding which tender would be accepted.	Yes		Chris Adams
9	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers about whether or not the local government had decided to submit a tender.	Yes		Chris Adams
10	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers on whether or not tenders were allowed to be submitted by facsimile or other electronic means and if so, how tenders were to be submitted.	Yes		Chris Adams
11	F&G Reg 14(3)(4)	Did the local government ensure all prospective tenderers had any other information that should be disclosed to those interested in submitting a tender.	Yes		Chris Adams
12	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
13	F&G Reg 15	Following the publication of the notice inviting tenders, did the local government allow a minimum of 14 days for tenders to be submitted.	Yes		Chris Adams
14	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) were held in safe custody.	Yes		Chris Adams
15	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) remained confidential.	Yes		Chris Adams
16	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were not opened, examined or assessed until after the time nominated for closure of tenders.	Yes		Chris Adams
17	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were opened by one or more employees of the local government or a person authorised by the CEO.	Yes		Chris Adams
18	F&G Reg 16 (3)(b)	Did the local government ensure members of the public were not excluded when tenders were opened.	Yes		Chris Adams
19	F&G Reg 16 (3)(c)	Did the local government record all details of the tender (except the consideration sought) in the tender register immediately after opening.	Yes		Chris Adams
20	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes		Chris Adams
21	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Chris Adams
22	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a brief description of the goods or services required.	Yes		Chris Adams
23	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of the decision made to invite tenders and if applicable the decision to seek expressions of interest under Regulation 21(1).	Yes		Chris Adams
24	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of any notice by which expressions of interest from prospective tenderers were sought and any person who submitted an expression of interest.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
25	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) any list of acceptable tenderers that was prepared under regulation 23(4)	N/A	No preferred tenderers list prepared for any contracts.	Chris Adams
26	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a copy of the notice of invitation to tender.	Yes		Chris Adams
27	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of each tenderer whose tender was opened.	Yes		Chris Adams
28	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of the successful tenderer.	Yes		Chris Adams
29	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the amount of consideration or the summary of the amount of the consideration sought in the accepted tender.	Yes		Chris Adams
30	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Chris Adams
31	F&G Reg 21(3)	On each occasion that the local government decided to invite prospective tenderers to submit an expression of interest for the supply of goods or services, did the local government issue a Statewide public notice.	Yes		Chris Adams
32	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include a brief description of the goods and services required.	Yes		Chris Adams
33	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include particulars of a person from whom more detailed information could be obtained.	Yes		Chris Adams
34	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include information as to where and how expressions of interest could be submitted.	Yes		Chris Adams
35	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include the date and time after which expressions of interest would not be accepted.	Yes		Chris Adams
36	F&G Reg 22	Following the publication of the notice inviting expressions of interest, did the local government allow a minimum of 14 days for the submission of expressions of interest.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
37	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	Yes		Chris Adams
38	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	Yes		Chris Adams
39	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	Yes		Chris Adams
40	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government prepare a proposed regional price preference policy (only if a policy had not been previously adopted by Council).	N/A	Policy previously prepared/adopted by Council.	Chris Adams
41	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government give Statewide public notice of its intention to have a regional price preference policy and include in that notice the region to which the policy is to relate (only if a policy had not been previously adopted by Council).	N/A	Policy previously prepared/adopted by Council.	Chris Adams
42	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice details of where a complete copy of the proposed policy may be obtained (only if a policy had not been previously adopted by Council).	N/A		Chris Adams
43	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions (only if a policy had not been previously adopted by Council).	N/A		Chris Adams
44	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice (only if a policy had not been previously adopted by Council).	N/A		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
45	F&G Reg 11A(1)	Has the local government prepared and adopted a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less or worth \$100,000 or less.	Yes		Chris Adams
46	F&G Reg 11A(3)(a)	Did the purchasing policy that was prepared and adopted make provision in respect of the form of quotations acceptable.	Yes		Chris Adams
47	F&G Reg 11(3)(b)	Did the purchasing policy that was prepared and adopted make provision in respect to the recording and retention of written information, or documents for all quotations received and all purchases made.	Yes		Chris Adams

COPY ONLY

11.4.3.3 Nomination for Port Hedland Air Quality Reference Group (File No.: ORG-096)

Officer Gaye Stephens
Executive Assistant

Date of Report 21 January 2010

Disclosure of Interest by Officer Nil

Summary

The Department of Environment and Conservation Pilbara Industry Regulation (DEC) is working towards increasing community participation in the Port Hedland Air Quality Reference Group (PHAQRG), by inviting relevant stakeholders in Port Hedland to be represented at its meetings. This report seeks endorsement of a Town of Port Hedland Council representative nominee.

Background

The Port Hedland Air Quality Reference Group (PHAQRG), was initiated by the Department of Environment and Conservation (DEC) in 2005 to bring together industry, regulators and the community to address air quality matters. The objectives of the Group is to –

- assist in the development and implementation of a consolidated dust monitoring and community reporting program for the Port Hedland area;
- provide a forum for information relating to air quality and the air shed of the region can be shared and discussed, i.e. new proposals, dust reduction initiatives, changes to legislation, results of studies, etc.;
- agree on outcomes and align decisions with respect to air quality management in Port Hedland, by representatives using the powers and influence of their respective organisation;
- provide a regular forum for dust monitoring results to be reviewed and improvement plans discussed;
- provide opportunities for site visits; and
- liaise with the Port Hedland Industry Council as it develops.

The following key stakeholders have been invited to nominate a representative:

- Town of Port Hedland (Council representation)
- Care for Hedland Organisation
- Port Hedland Chamber of Commerce
- Port Hedland Community Progress Association
- Wedgefield Association

Statutory Implications

Environmental Protection Act 1986
National Environment Protection Council (Western Australia) Act
1996

Policy Implications

Council's Policy 13/008 - Air Quality Control encompasses dust generation control measures to be applied in relation to the Town's works -

- by Engineering Services (trafficked areas and stockpiles)
- at Council Work Sites and Depot)

and in relation to conditions on all building permits; developers and/or contractors.

Strategic Planning Implications

KRA 3 - Community Development

Goal 5 – 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 5 - Monitor commercial and industrial activities that have potential negative impact on the community, and actively seek Department of Conservation enforcement of regulatory standards

Budget Implications

Nil

Consultation

- Mr Ben Drew, Regional Leader (Industry Regulation)
Department of Environment and Conservation (Pilbara)
- Manager Environmental Health Services
- Mayor Kelly Howlett

Officer's Comment

The PHAQRG meets twice each year, or on an as needs basis) in Port Hedland usually between 6pm and 8pm, The next meeting is planned to be held in March/April 2010.

It is recommended that Council nominate an elected member representative and proxy to ensure consistent attendance in the event the nominated representative is unable to attend. Mayor Kelly Howlett has indicated her willingness to represent Council on the PHAQRG.

A copy of the Minutes of these meetings be included in Council's Information Bulletin when received.

Attachments

Letter from Department of Environment and Conservation, dated 21 December 2009

Minutes of Port Hedland Air Quality Reference Group Meeting held on Wednesday 16 September 2009.

Officer's Recommendation

That Council advises the Regional Manager (Pilbara Region) of the Department of Environment and Conservation that Mayor Kelly Howlett is the Town of Port Hedland's Council representative, and Councillor _____ is the nominated Proxy on the Port Hedland Air Quality Reference Group.

200910/254 Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council advises the Regional Manager (Pilbara Region) of the Department of Environment and Conservation that Mayor Kelly Howlett is the Town of Port Hedland's Council representative, and Councillor George Daccache is the nominated Proxy on the Port Hedland Air Quality Reference Group.

CARRIED 8/0

REASON: Council nominated Councillor George Daccache as Proxy on the Port Hedland Air Quality Reference Group.

ATTACHMENT 1 TO AGENDA ITEM 11.4.3.3



Government of Western Australia
Department of Environment and Conservation

Your ref:
Our ref:
Enquiries: Ben Drew
Phone: 9182 2034
Fax: 9144 1118
Email: ben.drew@dec.wa.gov.au

Mayor Kelly Howlett
Town of Port Hedland Council
PO Box 41
PORT HEDLAND WA 6721



Document #: ICR2035
Date: 04.01.2010
Officer: KELLY HOWLETT = *KAYE SOMMER*
File: 11/02/0002

*M
Council
Robert*

Dear Kelly

Port Hedland Air Quality Reference Group – Invitation to nominate a representative

The Department of Environment and Conservation Pilbara Industry Regulation (DEC) is endeavouring to increase community participation in the Port Hedland Air Quality Reference Group (PHAQRG). This office is attempting to achieve this by inviting relevant stakeholders in Port Hedland to nominate a representative to attend scheduled meetings and provide a community voice.

PHAQRG was initiated by DEC in 2005 as a forum that brings together industry, regulators and the community to address issues around air quality. The aims of this group are as follows:

1. To assist in the development and implementation of a consolidated dust monitoring and community reporting program for the Port Hedland area;
2. To provide a forum where information in relation to air quality and the air shed of the region can be shared and discussed (e.g. new proposals, dust reduction initiatives, changes to legislation, results of studies being undertaken etc);
3. To agree on outcomes and align decisions with respect to air quality management in Port Hedland, by representatives using the powers and influence of their respective organisations;
4. To provide a regular forum for dust monitoring results to be reviewed and improvement plans discussed;
5. Provide opportunities for site visits; and
6. Liaise with the Port Hedland Industry Council as it develops.

With the development of the Port Hedland Industry Council, and progress towards the development of a Port Hedland Air Quality and Noise Management Plan by the Port Hedland Dust Management Taskforce (chaired by the Department of State Development), the PHAQRG will become a key forum for gaining an understanding of what actions are being taken to monitor, regulate and improve air quality in Port Hedland.

Community groups and other organisations accepting this invitation should be committed to regularly attending the PHAQRG Meetings. DEC requests that should a representative be unable to attend, a proxy be sent to ensure consistent attendance.



Government of **Western Australia**
Department of **Environment and Conservation**

Meetings are held biannually (or on an as needs basis) at venues in Port Hedland, usually between 6pm and 8pm.

If you have any further queries please contact Ben Drew on (08) 9182 2034 or ben.drew@dec.wa.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'AM', written over a horizontal line.

ALLISDAIR MACDONALD
REGIONAL MANAGER (PILBARA REGION)

21 December 2009

Pilbara Region
Lot 3 Crn Mardie & Anderson Roads, Karratha K1E WA 6714
Phone: (08) 9182 2000 Fax: (08) 9144 1118
PO Box 835, Karratha WA 6714

ATTACHMENT 2 TO AGENDA ITEM 11.4.3.3

Port Hedland Air Quality Reference Group Meeting

Wednesday, 16 September 2009
Port Hedland Port Authority Conference Room, Port Hedland

Minutes**1. Meeting commenced at 6:10pm****Attendance**

Ben Drew (Chair) – DEC Pilbara Region
Suzy Roworth – DEC Pilbara Region
John Sutton – DEC Air Quality Branch
Darryal Eastwell – Town of Port Hedland
Craig Wilson – Port Hedland Port Authority
Tony Webster – BHP Billiton Iron Ore
Diane Dowdell – Fortescue Metals Group
Brett McGuire – Fortescue Metals Group
Norman Galli – Consolidated Minerals
Sarah Edgar – Atlas Iron
Jeremy Sinclair – Atlas Iron

Apologies:

Emma Ryan-Reid – Newcrest
Adrian Blockley – DEC Air Quality Branch
Laura Tucker – Dampier Salt Limited
Grant Bussell – Town of Port Hedland
Kelly Howlett – Care for Hedland
Sarah Cumow – Pilbara Population Health

2. Review of action items from previous minutes

ACTION ITEM: Provide updates on the finalisation and outcomes of the various studies outlined above.

STATUS: Ongoing - Update provided by John Sutton (details outlined below).

ACTION ITEM: Provide letter to the PHAQRG that PHIC has been incorporated and include the council's objectives.

STATUS: Closed - Letter attached to the minutes from the February 2009 meeting.

ACTION ITEM: Provide air quality targets for companies where they exist to PHAQRG.

STATUS: Closed - The current targets for BHP Billiton and FMG were sent out with the minutes from the February 2009 meeting

ACTION ITEM: Finalise Terms of Reference with feedback from meeting and present at next meeting.

STATUS: Closed - Terms of Reference updated from feedback at last meeting and endorsed (details and discussion below). A copy of the endorsed TOR is attached to these minutes.

ACTION ITEM: Provide 3 monthly updates on action items and other developments relating to air quality in Port Hedland.

STATUS: Ongoing - The quarterly update was provided in May 2009 between meetings and provided an update on action items and any news regarding air quality in Hedland. This initiative will continue.

ACTION ITEM: Diane Dowdell (FMG) and Tony Webster (BHPB) to develop template presentation for dust results to make it easier for members to comprehend and compare air quality monitoring results.

STATUS: Deferred for consideration by Port Hedland Industry Council - This action item was discussed with both BHPB and FMG and it was determined that this was something that the Port Hedland Industry Council would be looking at as they develop their consolidated air quality monitoring network and reporting. In the meantime, dust monitoring results will be sent out 1-2 weeks prior to the PHAQRG meeting to allow time for stakeholders to analyse the data.

ACTION ITEM: Circulate company presentations at least 1-2 weeks prior to meetings to allow members to review more comprehensively and assist in discussion.

STATUS: Ongoing - Company presentations were circulated ~1 week prior to this meeting.

3. General Business

Department of State Development Taskforce Update

John Sutton (JS) provided an update on strategic planning for Port Hedland.

Following on from the EPA Bulletin No. 2 released earlier in 2009 in which the EPA stated:

"...that a coordinated government and industry approach to the development and execution of an integrated government and industry strategy (with explicit emission reduction strategies and explicit exposure reduction strategies) is required with strong and inclusive governance arrangements"

the Premier requested that the Department of State Development set up a Taskforce to develop a Strategic Dust Management Strategy. The strategy recognises that there are significant conflicting issues, namely continuing industry growth and air quality and noise levels, as well as the need for housing and planning in and around the greater Port Hedland area.

The Taskforce is made up of a number of senior representatives from the following organisations:

- Department of Environment and Conservation
- Department of Health
- Department of Mines and Petroleum
- Department of State Development
- Department of Planning and Infrastructure
- Department of Premier and Cabinet
- BHP Billiton
- Fortescue Metals Group
- Hancock Prospecting
- Town of Port Hedland
- Port Hedland Port Authority
- Pilbara Development Commission
- Landcorp

The Taskforce has reviewed existing work in the Port Hedland area (26 substantial reports regarding dust management and including proponent EPA applications and Health Studies) and a first draft of a Dust Management Strategy is due for submission to the Premier shortly. The expected outcomes of the Dust Management Strategy are unclear at present and JS suggested that despite the Strategy providing a strategic direction there will be some key areas in which there will need to be further progress, including:

- Air quality monitoring (collective air shed monitoring and regulatory boundary monitoring)
- Standardised requirements/conditions
- PM10 and PM2.5
- Understanding of meteorology and transport processes
- Other inputs such as NOx and SOx and broader air shed chemistry
- Consideration of other areas around Port Hedland including Wedgefield and South Hedland, not just focusing on the West-end of Port Hedland (i.e. need to deal with total air shed)
- Improved resolution of data
- Clear adaptive measures to see how we are progressing

Q: Where could money be invested in the short term by members of the Port Hedland Industry Council to get the most benefit?

A: JS responded by suggesting more and/or better located background sites and more monitoring along the east – west Port Hedland axis (not necessarily permanent).

Q: Will there be an action plan as part of the strategy?

A: JS responded by suggesting that following strategic direction, it would be appropriate and logical that an action plan be developed to ensure implementation. This is for the Taskforce to determine.

Q: Has there been any discussion about the role of the PHAQRG by the Taskforce?

A: The PHAQRG has been identified as a key stakeholder group and input from this group will be essential, particularly in partnership with the Port Hedland Industry Council.

ACTION ITEM: Continued updates will be provided via the next quarterly update and PHAQRG meeting.

ACTION ITEM: BD to request that a representative of the Taskforce present information or strategy at next PHAQRG meeting.

Port Hedland Industry Group (PHIC) Update

Craig Wilson (CW) provided the group with an update on PHIC.

Since the last PHAQRG meeting, PHIC has asked for Expressions of Interest in membership. Ten companies including the major proponents in Port Hedland have expressed interest and membership money is expected to be received shortly.

The first PHIC project has been identified as the development of a webpage for communicating air quality monitoring results. The webpage will report results from the various industry monitoring networks in Port Hedland. The webpage will be developed by an independent consultant.

With annual fees coming in, PHIC will be able to identify further projects to complete in the future. A key role of the PHAQRG will be to liaise with PHIC on these projects and provide advice and feedback. PHIC was advised that any project proposals developed should be presented to the group. Examples of this could be advising PHIC where new monitoring locations could go or providing information to the community. Providing advice on the monitoring network and areas for improvement was proposed as a topic for the next PHAQRG meeting.

There was also discussion about shared intellectual property (i.e. new players/ new projects may not need to conduct modelling of background as could already exist in the public arena). JS also suggested that PHIC needs to develop corporate knowledge, so that information/knowledge is not only sitting with consultants and therefore difficult and costly to access.

ACTION ITEM: Have item at next meeting regarding improvements to consolidated monitoring network.

DEC Pilbara Industry Regulation update

Ben Drew (BD) provided an update of current activities by DEC Industry Regulation regarding air quality.

Works Approvals

BHP Billiton Iron Ore has submitted a works approval application for Rapid Growth Project 6 which will result in an increase in throughput to 240 Mtpa at the Port Hedland Operations. Key infrastructure elements of this proposal are:

- Construction of a new wharf and Shiploaders 5 and 6 immediately south Nelson Point facilities
- Modification of South Yard, Car Dumper 2 and conveyors to feed Shiploaders 5 and 6
- Conversion of Tertiary Screening Building 2 and conveyors into Lump Rescreening Plant 3
- Provision of a direct shipped ore (DSO) route to Shiploaders 1 and 2
- Establishment of an environmental berm in the North Yard at Nelson Point

Key considerations for DEC when assessing the proposal include:

- Consistency with existing EPA approval for dust management at the Port Hedland Operation (i.e. Are the existing targets continuing to be met). Currently monitoring and modelling suggest BHPBIO are and will continue to meet the approved targets.
- The upgrades will continue to increase the volume of direct shipped ore from 6% (now) to 20% (RGP4) to 42% (RGP5 and RGP6). The soon to be completed Newman Hub Project will facilitate reduced ore handling at Port Hedland.
- BHPBIO will be decommissioning a significant amount of old equipment and replacing it with new equipment
- Construction of an environmental berm will have significant noise benefits
- Removal of two stockpiles closest to town
- Increased vegetation cover from rehabilitation of old stockpiles and unused areas
- Better traffic control (stop access to temporarily unused open areas and restrict use of curb)

DEC Pilbara is still waiting for advice from the EPA on this matter as well.

Port Assessment Program

BD reported that a Port Assessment was carried out by the DEC Inspection and Compliance Branch of Port Hedland export activities (focusing on manganese, chromite and copper and excluding iron ore). The Port Assessment Program is a state wide project investigating environmental and health risks, and to date has been conducted in Esperance, Geraldton and Bunbury. At those ports, Environmental Improvement Plans and reviews of licence conditions have taken place as a result.

At the time of the PHAQRG meeting, recommendations from the Port Assessment had not been made. Since then letters and a copy of the assessment report have been sent to the relevant stakeholders. As a result it has been recommended that DEC begin a review of the licence arrangements at the Port Hedland Port Authority. This process has begun. De-commissioning and rehabilitation of manganese and chromite operations (following the move to Utah Point) and improvements to infrastructure at the remaining PHPA Berth (copper loading) will also be dealt through this process. DEC will be meeting with PHPA, Consolidated Minerals and P&O in the coming month to ensure that the recommendations and necessary improvements are being made.

Updates on action items resulting from this will be provided in the quarterly update as well as at the next PHAQRG meeting.

ACTION ITEM: Provide updates and results of assessment and resultant actions in quarterly report and at the next PHAQRG meeting.

Oil Energy Corporation (OEC) Facility update

DEC Pilbara has increased its regulatory pressure on the OEC Waste Facility due to continuing odour complaints and poor recent inspection results. As a result OEC have begun an Environmental Improvement Process and is cooperating with the DEC. DEC is also investigating if any changes to licence conditions and a local soil sampling program are necessary.

ACTION ITEM: Update on OEC actions in quarterly report and next PHAQRG meeting.
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DEC Regional Office

There was some discussion regarding DEC presence in Port Hedland. At this stage there are no plans to locate regional DEC officers in Port Hedland. Although DEC recognises that there are some significant issues in Port Hedland, it believes that they can be effectively managed from Karratha. DEC Officers regularly visit Port Hedland to meet with proponents and conduct inspections and will continue to do so. DEC does recognize that there are issues in attending sites following a complaints or incident report, however this is an issue across the entire region, given its size and the distance between towns.

PHAQRG Members should be reminded that the DEC Office can be contacted during business hours on 9182 2000 for any complaint or pollution issue. DEC will respond to all complaints as deemed necessary to have an effective outcome. It should be noted that this does not necessarily require attendance to a site. The local DEC Duty Officer can be contacted on 9182 2088 after hours for emergencies or alternatively the Pollution Hotline can be contacted 24/7 on 1300 784 782.

PHAQRG Terms of Reference and role of the group

The updated Terms of Reference (attached to this email) were endorsed by the group. Changes that were suggested at the last PHAQRG meeting have been incorporated, including recognition that PHAQRG meets regulatory requirements/commitments for some of the members and the inclusion of the quarterly updates.

It is recognised that due to the uncertain strategic direction of dust management in Port Hedland, PHAQRG needs to be flexible when considering its role. The group has been recognised by both the Dust Management Taskforce and PHIC as being a vital communication and stakeholder reference group.

4. Industry Updates

BHPBIO (Refer to attached presentation)

BHPBIO monitoring demonstrated that overall both the PM10 and TSP levels are slowly improving (evidenced by the yearly average data and the total number of exceedences of their approved 70ug/m³ target). At this stage, BHPBIO are on track to meet the 2012 targets set by the EPA.

FMG (Refer to attached presentation)

FMG monitoring suggested that the current FNMG operations are not having a significant impact on air quality at Wedgefield. There is some concern that results from the monitoring station at Wedgefield are being impacted significantly by local activities in and around Wedgefield.

Cons Mins (Refer to attached presentation)

The monitoring data showed that annually the manganese levels are in exceedence of the World Health Organisation guideline values. This demonstrates the importance of the move to Utah Point. It also is consistent with the findings of the Port Assessment Program discussed earlier.

PHPA (Refer to attached presentation)

A dust management Strategy has been implemented by PHPA. A system of operational monitors and alarms have been installed at Berth 1 to provide early alert of dust events. Appropriate alarm levels are being developed

5. Further discussion

The issue of community participation in the PHAQRG was discussed and it was agreed that it needed to be revised and improved. As a result BD undertook to contact, as necessary, key community stakeholder groups in the Port Hedland and invite them to have a permanent representative. BD will also try and get a commitment to send a proxy in the event that a representative can not make it.

ACTION ITEM: BD to contact community stakeholder groups and invite membership of PHAQRG.

6. Next meeting proposed date

The next meeting will be held in 6 months time (~March 2010) unless there is a significant release from the Department of State Development Taskforce, in which case a meeting may be held earlier.

7. Meeting closed at 8:00pm

11.4.3.4 Neighbourhood BBQs: Feedback Received and Proposal for 2010 (File No.:...)

Officer Gaye Stephens
Executive Assistant

Date of Report 21 January 2010

Disclosure of Interest by Officer Nil

Summary

Neighbourhood BBQs were hosted by the Town throughout 2009 to provide Councillors the opportunity meet with residents to hear issues and concerns from each of the Town's Localities. This report provides Council with:

- a summary of feedback received from the BBQs held the various locations and actions taken; and
- a proposal for Neighbourhood BBQs for 2010.

Background

At its Ordinary Meeting held on 27 August 2008, Council adopted the Town of Port Hedland Plan for the Future 2008 - 2013. The Plan specifically states that the Town:

“Host a series of Council funded ‘Neighbourhood Barbeques’ as a mechanism of hearing issues and concerns from local areas.”

Neighbourhood Barbeques were adopted as a key component to improving communication with the residents of the Town.

Consultation

Neighbourhood BBQs were held in the following locations:

Locality	Date	Location for BBQ
Koombana	3 December 2008	Daylesford Park
Lawson	4 February 2009	South Hedland Primary School Oval
West End	4 March 2009	Marrapikurinya Park
Cassia	8 April 2009	Cassia Primary School Oval
Spinifex Hill	6 May 2009	Port Hedland Skate Park
Walnut Grove	3 June 2009	Shay Gap Memorial park
Cooke Point	1 July 2009	Colin Matheson Oval
Baler	12 August 2009	Baler Primary School Oval
Wedgefield	2 September 2009	Large Wheelbarrow
South Hedland Rural Estate	7 October 2009	Greenfield Street
Pretty Pool	4 November 2009	Pretty Pool Park

Councillors were available to speak with residents on a one-to-one basis. Representatives from WA Police, Department of Housing/South Hedland New Living, and Department of Indigenous Affairs, Hedland Youth Leadership Council and Care for Hedland Environmental Association and Youth Involvement Council were also invited to be involved; although their presence dwindled as the year's calendar of BBQs unfolded.

Residents of each locality are invited by invitation to each residential property in that locality, in the week leading up to the BBQ.

The focus of the BBQs is to encourage residents to liaise directly with Councillors, in particular to discuss ways in which Council and residents can work together to improve the livability of their local neighbourhood.

A feedback form (focusing on key result areas of the Town's Plan for the Future) was used to assist in the generation of conversation and recording of issues and concerns. This enabled the data to be summarised and prioritised for action by the Town; and to be forwarded to other agencies where appropriate, i.e. WA Police, Department of Housing, etc.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Plan for the Future 2008-2013 includes the following strategy:

Key Result Area 6 – Governance,
Goal 3 – Communication

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

Strategy 4. Host a series of Council funded 'Neighbourhood Barbeques' as a mechanism of hearing issues and concerns from local areas.

Budget Implications

Council may consider continuation and promotion of community events such as the Neighbourhood Barbeques and consider the continuation of funding future community events that engage the residents as part of its 2010/11 budget development process.

Officer's Comment

Although the average numbers of residents attending the BBQs (12-20 residents) was reasonably small (except for Koombana where it is estimated 80 residents attended), the overall response from those residents who did attend was positive in relation to having the opportunity to meet and liaise with Councillors.

Feedback to Residents from BBQs held in 2009

It is recommended that all residents be provided with feedback on the issues raised at last year's BBQs, and actions undertaken by the Town to remedy those issues in each of the localities.

A combined feedback brochure (similar format to the Town's Port in Progress) will be prepared for distribution to all residents in late February/early March 2010, which will include:

1. A summary of issues raised by residents in relation to the following Key Result Areas for the Town:
 - Infrastructure – roads, footpaths and drainage; parks and gardens; lighting
 - Community Pride – litter, neighbourhood events
 - Community Development – Youth and Children; Sports & Leisure; Community Safety and Crime Prevention; Housing
2. A summary of how each locality suggested their neighbourhood and Council could work together to improve the livability of their locality;
3. Demonstrated outcomes of works undertaken to date and future planned works to address the issues raised in points 1 and 2 above; and
4. The dates of upcoming Neighbourhood BBQs for a combination of localities throughout 2010.

Proposed Neighbourhood BBQ Format for 2010

A slightly altered format of Neighbourhood BBQs is proposed for this calendar year. It is recommended that Neighbourhood BBQs are held every two - three months, with a combination of localities being invited to attend. The BBQs will again focus on residents being able to meet in person and liaise with Councillors individually in a relaxed setting.

The Town's staff will continue to work with other key agencies such as Department of Housing (DoH)/South Hedland New Living, Department of Indigenous Affairs (DIA) and WA Police Service to have a representative attend each Neighbourhood BBQs throughout the Town as a way of consulting with the community on issues within particular areas.

The following Neighbourhood BBQs have been scheduled to engage residents of particular localities.

Locality	Date	Location for BBQ
Koombana and South Hedland Rural Estate	March 2010	Daylesford Park
Lawson and Walnut Grove	April/May 2010	Shay Gap Memorial Park
West End, Spinifex Hill and Cooke Point	July 2010	Civic Centre Gardens
Cassia and Baler	August 2010	Centenary Park
Wedgefield	September 2010	Large Wheelbarrow
Pretty Pool	October 2010	Pretty Pool Park

Attachments

Summary of comments received from residents at the 'Neighbourhood Barbeques' held in Koombana and Lawson areas of South Hedland.

200910/255 Council Decision/Officer's Recommendation

Moved: Cr A A Carter ...

Seconded: Cr J M Gillingham

That Council:

- i) notes the Neighbourhood BBQ's schedule for 2010:

Locality	Date	Location for BBQ
Koombana and South Hedland Rural Estate	March 2010	Daylesford Park
Lawson and Walnut Grove	April/May 2010	Shay Gap Memorial Park
West End, Spinifex Hill and Cooke Point	July 2010	Civic Centre Gardens
Cassia and Baler	August 2010	Centenary Park
Wedgefield	September 2010	Large Wheelbarrow
Pretty Pool	October 2010	Pretty Pool Park

and

- ii) notes the Summary of Comments Received from Residents at the Neighbourhood Barbeques held throughout 2009.

CARRIED 8/0

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**12.1 Infrastructure Development****12.1.1 *Inclusion of Buttweid Road on the 'Roads of Regional and Local Significance' List (File No.: 2CARRIED 8/04/0007)***

Officer Jenella Voitkevich
Manager Infrastructure
Development

Date of Report 22 January 2010

Disclosure of Interest by Officer Nil

Summary

This report is to approve the inclusion of Buttweid Road on to Main Roads WA's 'Roads of Regional and Local Significance' list. This will allow Buttweid Road to be applicable for Regional Road Group funding for future upgrade works.

Background

Buttweid Road (road number 231) is a local government distributor road that provides a direct link to North Circular road, South Hedland from the Great Northern Highway (Broome road). It is commonly used by BHP Billiton employees to access the Flashbutt railway facility and the Port Hedland to Newman railway access road; however it is also utilised for general commuter traffic.

Prior to 2007, Buttweid Road consisted only of the sealed road section from the Great Northern Highway to the BHP rail crossing. In April 2007 Council constructed and sealed the eastern section of Buttweid Road from the BHP railway crossing to North Circular Road, creating an all weather direct link to South Hedland.

Buttweid Road may be eligible to receive Local Roads Project funding through Main Roads WA (MRWA) Regional Road Group. The Regional Road Group is formed to distribute state funding to local governments within specific areas, such as the Pilbara. It is indicated in the State Road Funds to Local Government and also the Pilbara Project Prioritisation Guidelines that for a road to be eligible for Regional Road Group (RRG) funding it must be listed in either the Pilbara Roads 2025 Regional Road Development Strategy (reviewed every 5 years) or on the 'Roads of Regional and Local Significance' list.

The RRG Technical Working Group reviews all submissions for funding and once this has been done, it is then forwarded to the main RRG for endorsement/approval prior to sending to State

Advisory Committee for the final approval. This funding is granted on a 2/3 MRWA, 1/3 Local Government contribution basis. The inclusion of Buttsweld Road on the list does not guarantee that any funding will be approved, as it is scored and rated against all funding applications across the Pilbara region.

Consultation

The inclusion of Buttsweld Road on the 'Roads of Regional and Local Significance' list has been discussed at the Regional Road Group Technical Group meeting and approved in principle however requires a Council resolution to formalise the request.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Key Result Area 1 - Infrastructure

Goal 1 - Roads, Footpaths and Drainage

Strategy 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.

Budget Implications Nil

Officer's Comment

Buttsweld Road is becoming increasingly popular for vehicular traffic and is considered a distributor road. Buttsweld Road has been assessed against the 'Roads of Regional and Local Significance' checklist, with the following key criteria identified:

- Connects areas of significant population – connection from Great Northern Highway to South Hedland and is an alternative route from Port to South Hedland.
- Performs distributor function – alternative route to South Hedland.
- Connects major transport terminal to major route – alternative route from Port Hedland International Airport to South Hedland.
- Services a major resource or industrial site – provides access to BHP rail network and maintenance yard.
- Part of a regional heavy haulage route – although Buttsweld Road is not on the heavy haulage network, several requests have been made to include it although they have been denied due to the condition of the road. Approval of Buttsweld Road on this list will allow Council to apply for Regional Road Group funding which could be used to upgrade the road to a level suitable for heavy vehicle use.

- Connects region with significant tourist destination and gives travel time and distance savings – Buttsweld Road provides a shorter route from South Hedland to the Great Northern Highway, accessing many tourist opportunities north of Port Hedland.

It is recommended that Council requests Buttsweld Road to be included on Main Roads WA's 'Roads of Regional and Local Significance' list to enable access to Regional Road Group funding.

Attachments Nil

Officer's Recommendation

That Council approve the inclusion of Buttsweld Road on Main Roads WA's 'Roads of Regional and Local Significance' list

200910/256 Council Decision

Moved: Cr S J Coates **Seconded:** Cr S R Martin

That Council:

- i) approve the inclusion of Buttsweld Road on Main Roads WA's 'Roads of Regional and Local Significance' list; and
- ii) advise the Hon. Simon O'Brien, MLC, Minister for Transport and Main Roads WA the importance of ensuring that progress is made as soon as possible.

CARRIED 8/0

REASON: Council wished to raise the importance of ensuring that progress with upgrading Buttsweld Road is made as soon as possible with the Minister for Transport and Main Roads WA on the understanding of its quickly deteriorating condition and increasing use; in addition to it being included on Main Roads WA's 'Roads of Regional and Local Significance' list.

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

ITEM 14 CONFIDENTIAL ITEMS

Nil.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

200910/257 Council Decision

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That the following Applications for Leave of Absence:

- i) Councillor George J Daccache – tentative Leave of Absence from 1 – 15 March 2010 inclusive; and
- ii) Mayor Kelly A Howlett – Leave of Absence form 13 – 19 February 2010 inclusive.

be approved.

CARRIED 8/0

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 24 February 2010, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 6:38 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 24 February 2010.

CONFIRMATION:

MAYOR

DATE