



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

TO BE HELD ON

WEDNESDAY 9 JUNE 2010

AT 5.30 PM

IN COUNCIL CHAMBERS

McGREGOR STREET, PORT HEDLAND

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Chris Adams
Chief Executive Officer

OUR COMMITMENT

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

TABLE OF CONTENTS

ITEM 1	OPENING OF MEETING	5
1.1	OPENING	5
ITEM 2	RECORDING OF ATTENDANCE AND APOLOGIES.....	5
2.1	ATTENDANCE.....	5
2.2	APOLOGIES	5
2.3	APPROVED LEAVE OF ABSENCE.....	5
ITEM 3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	5
3.1	QUESTIONS FROM PUBLIC AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 26 MAY 2010.....	5
3.1.1	<i>Mr Parker</i>	5
3.2	QUESTIONS FROM ELECTED MEMBERS AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 26 MAY 2010	6
ITEM 4	PUBLIC TIME	6
4.1	PUBLIC QUESTIONS.....	6
4.2	PUBLIC STATEMENTS.....	7
ITEM 5	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	7
5.1	<i>Cr G J Daccache</i>	7
ITEM 6	DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING.....	7
ITEM 7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	7
7.1	CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 26 MAY 2010	7
ITEM 8	ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION.....	8
ITEM 9	REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION.....	10
9.1	<i>Councillor Steve Coates</i>	10
ITEM 10	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....	10
ITEM 11	REPORTS OF OFFICERS	11
11.1	REGULATORY AND COMMUNITY SERVICES.....	11
11.1.2	PLANNING SERVICES.....	11
11.1.2.1	<i>Proposed Storage Facility/Depot/Laydown Area – Manganese Storage on Lot 2 Forrest Location, Port Hedland. (File No.: 129011G)</i>	11
11.1.2.2	<i>Proposed Amendment 17 to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone Lot 6047, 6048 and 6049 Bell Street, Port Hedland from “Local Road Reserve” and “Other Purposes – Infrastructure Reserve” to “Industry”. (File No.: 18/09/0023)</i>	20
11.1.2.3	<i>Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5, Scheme Amendment No. 33, to Amend the Scheme Text of Appendix 8 – Minimum Car Parking Specifications. (File No.: 18/09/0041)</i>	28
11.1.2.4	<i>Proposed Single House – Shed (Outbuilding) Addition at Lot 965, 4A Pilkington Street, Port Hedland (File No: 116210G)</i>	34
11.1.2.5	<i>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)</i>	47
11.2	COMMUNITY DEVELOPMENT	52
11.2.1	<i>Council Support for Nindji Nindji Festival 2010 (File No.: 26/01/0007)</i>	52
11.2.2	<i>Establishment of a Community Funding and Donations Working Group</i>	57
11.3	GOVERNANCE AND ADMINISTRATION	60

11.3.1	FINANCE AND CORPORATE SERVICES.....	60
11.3.1.1	2010-11 Rates in the Dollar and Minimum Rates.....	60
11.3.1.2	Extension of Airport Café Lease (File No: 05/05/0060).....	68
11.3.2	ECONOMIC AND LAND DEVELOPMENT	74
11.3.2.1	Office Relocation – Recommendations (File No.: 08/02/0018)	74
11.3.3	GOVERNANCE	82
11.3.3.1	Town of Port Hedland Airport Committee – Minutes of Meeting held Thursday 20 May 2010 (File No.: 30/09/0037).....	82
11.3.3.2	Strategic Airlines - Contract.....	108
ITEM 12	LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL	112
12.1	COMMUNITY DEVELOPMENT.....	112
12.1.1	Tender for the Redevelopment of the JD Hardie Centre into a Youth Centre (Tender 10/18) 112	
ITEM 13	MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN	126
ITEM 14	CONFIDENTIAL ITEMS	126
ITEM 15	APPLICATIONS FOR LEAVE OF ABSENCE.....	126
ITEM 16	CLOSURE.....	126
16.1	DATE OF NEXT MEETING.....	126
16.2	CLOSURE.....	126

ITEM 1 OPENING OF MEETING**1.1 Opening**

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

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

Deputy Mayor Arnold A Carter
Councillor George J Daccache
Councillor Steve J Coates
Councillor Michael (Bill) Dziombak
Councillor David W Hooper
Councillor Stan R Martin

Mr Chris Adams	Chief Executive Officer
Mr Matthew Scott	Director Corporate Services
Mr Russell Dyer	Director Engineering Services
Mr Paul Martin	Director Community Development
Mr Terry Sargent	Director Regulatory Services
Ms Josephine Bianchi	Administration Officer - Governance
Members of the Public	3
Members of the Media	1

2.2 Apologies

Mayor Kelly A Howlett

2.3 Approved Leave of Absence

Councillor Jan M Gillingham

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on
Wednesday 26 May 2010****3.1.1 *Mr Parker***

What part of the act permits Chris Adams to tell a member of this community that they are not permitted to receive a response under the so called "Privacy Act" when indeed the question relates directly to genuine concerns regarding "public safety" and Council Building Regulations?

Director Regulatory Services advised that the CEO is referring to Building Regulations 1989 section 12(2):

“The owner or mortgagee of any building or any person authorised in writing by the owner or mortgagee may, during the normal office hours of the local government inspect any plan or other document relating to that building retained pursuant to sub regulation (1)”

Can you please provide me (a constituent of Port Hedland) with copies of all Drafts pertaining to the investigation so that I may forward my reports to the Office of Mr Colin Barnett, the Ombudsman and Barry Haase MP as I feel that nothing is being done other than being told blatant misguidance?

Director Regulatory Services advised that Council will not supply Drafts as these are documents that have not been yet finalised. However Council will advise Mr Parker of the results of the completed investigations.

In your position as Mayor of this town do you consider that a member of Council staff has a legal right to seek permission from yourself to address a constituent through the Council Chambers and then tell that constituent untruths in relation to supposed “Investigations”? In this sense do you feel confident in your ability to maintain honest and transparent reports from your Council staff?

The conduct of Council staff at Council meetings is prescribed by Council’s Standing Orders and the Local Government Act, which Council is bound to follow. This ensures that all statements made by Council staff at Council meetings are made in accordance with the Council’s Standing Orders and the Local Government Act.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 26 May 2010

Nil.

ITEM 4 PUBLIC TIME

4.1 Public Questions

5:30 pm The Deputy Mayor opened Public Question Time.

Nil

5:30 pm The Deputy Mayor closed Public Question Time.

4.2 Public Statements

5:30 pm The Deputy Mayor opened Public Statement Time.

Nil

5:30 pm The Deputy Mayor closed Public Statement Time.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**5.1 Cr G J Daccache**

What is happening with the cleaning up of the part of the highway that goes towards the airport?

Director Engineering Services advised that this stretch of road is under Main Road's jurisdiction, however he will speak to Main Roads to inform them of the road condition.

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

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

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 26 May 2010**

200910/432 Council Decision/Officer's Recommendation

Moved: Cr S R Martin

Seconded: Cr G J Daccache

That the Minutes of the Ordinary Meeting of Council held on Wednesday 26 May 2010 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Mayor Howlett's Activity Report for the May 2010 period to date as follows:

May 2010

Saturday, 22nd May

- Mayor Coffee Session (Shana's Cafe, Port Hedland)
- Attended Family Fun Day Activities At South Hedland Library
- Mayor Coffee Session (Muffin Break, South Hedland)
- Attended Opening Of Colin Matheson Oval – Rovers versus Swans Game with Cr Daccache

Sunday, 23rd May

- Attended Pilbara Regional Council Meeting Dinner (Karratha) with Cr Martin and Chief Executive Officer

Monday, 24th May

- Attended Pilbara Regional Council Meeting with Cr Martin and Chief Executive Officer
- Participated In Pilbara To Parliament Event Workshop (New Date for Event: 27th October 2010) with Cr Martin and Chief Executive Officer

Tuesday, 25th May

- Hosted Strategic Aviation Community & Business Information Event with Deputy Mayor Carter and Chief Executive Officer

Wednesday, 26th May

- Weekly Telephone Linkup Pilbara Development Commission's Chief Executive Officer and Town's Chief Executive Officer
- Attended Simultaneous Storytime South Hedland Library
- Weekly Media Meeting with Deputy Mayor
- Weekly Catchup Deputy Mayor and Mayor Meeting
- Chair Ordinary Council Meeting - 26 May

Thursday, 27th May

- Attended Australia's Biggest Morning Tea At South Hedland Library
- Attended Meeting Australia Bureau Statistics, Chief Executive Officer, Director Regulatory Development, Director Community Development, Director Corporate Services and Manager Economic and Land Development
- Meeting and Progress Report LandCorp with Aaron Grant
- Attended PDC and PHCCI Australian Bureau Statistics Information Evening, Deputy Mayor Carter, Cr Daccache and Cr Dziombak

Friday, 28th May

- Weekly Catchup Chief Executive Officer, Deputy Mayor and Mayor Meeting
- Attended Meeting Discussing Medical Services In Port Hedland, Deputy Mayor Arnold Carter, Chief Executive Officer and Director Community Development
- Attended First Children's Book Club Meeting At South Hedland Library

Saturday, 29th May

- Official Opening New Toll Ipec Depot Wedgefield
- Attended Farewell 'Bluey' Thompson at South Hedland Fire Brigade with Deputy Mayor Arnold Carter

Monday, 31st May

- Discussion Regarding Future Proposals For TOPH Aboriginal Affairs Working Group with Director Community Development
- Attended Daylesford Park Community BBQ, Cr Daccache, Chief Executive Officer, and Director Engineering Services.
- Official Launch "Home Away From Home" Book and 21st Birthday Celebrations at Hedland Well Women's Centre

June

Tuesday, 1st June

- Meeting With Airnorth David Ranger, CEO
- Official Launch Of New Airnorth Services, Cr Daccache, Cr Coates, Cr Dziombak, Chief Executive Officer, Director Community Development and Director Engineering Services

Wednesday, 2nd June

- Presented Congratulations Card 15yrs Service Don Henderson (Parks and Gardens)
- Attended Place Making Workshop (FORM) Courthouse Gallery
- Official Launch 2010 Regional Achievement Awards
- Chaired Informal Briefing Council, Deputy Mayor, Cr Daccache, Cr Hooper, Cr Coates, Cr Dziombak, Chief Executive Officer, Director Corporate Services, Director Community Development, Director Engineering Services and Director Regulatory Services
- Weekly Media Meeting with Deputy Mayor
- Weekly Catchup Deputy Mayor and Mayor Meeting

Thursday, 3rd June

- Attended LGMA Women In Local Government Conference 2010

Friday, 4th June

- Weekly Catchup Chief Executive Officer, Deputy Mayor and Mayor Meeting
- Attended LGMA Women In Local Government Conference 2010

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**9.1 *Councillor Steve Coates***

Cr S J Coates advised that he is now unable to attend the Western Australian Local Government Convention and Exhibition 2010 that will take place during the first week of August, and that Council may wish to appoint another delegate.

Chief Executive Officer advised that Council Decision 200910/390 dated 28 April 2010 in relation to Agenda Item 11.4.2.5 'Western Australian Local Government Convention and Exhibition 2010' will need to be revoked and reconsidered at the next Council Ordinary Meeting on 23 June 2010.

Cr S J Coates reminded Council of the meeting scheduled for Thursday 10 June 2010 at 4 Avocet Brace, South Hedland, starting at 4pm, to discuss recent criminal activities in the area and stressed the importance of attending this meeting.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

ITEM 11 REPORTS OF OFFICERS**11.1 Regulatory and Community Services****11.1.2 Planning Services****11.1.2.1 Proposed Storage Facility/Depot/Laydown Area –
Manganese Storage on Lot 2 Forrest Location, Port
Hedland. (File No.: 129011G)**

Officer	Leonard Long Manager Planning
Date of Report	31 May 2010
Application No.	2010/86
Disclosure of Interest by Officer	Nil

Summary

Council is has received an application from Bullbuck Pty Ltd on behalf of the owners Graham and Margaret Buckley, to store manganese on Lot 2 Forrest Location, for onward transportation to the harbour.

The application is forwarded to Council for consideration as the proposed use is considered an “AA” use, a use not permitted unless Council has granted planning approval. While the Director Regulatory Services has delegated authority to consider “AA” uses, this item has been referred to Council as previous, similar applications have been contentious.

Due to the location and the possible impact the storage of manganese could have on the surrounding uses, the application is being presented to Council and recommended for refusal.

Background*Site Location*

Lot 2 Forrest Location is located on the eastern side of the Great Northern Highway, approximately 20km out of Port Hedland, and measures approximately 30 hectares.

Current Zoning

In terms of the Port Hedland Town Planning Scheme No.5, Lot 2 Forrest Location is zoned “Rural” and lies on the border of the Port Hedland town site boundary.

Under a zoning of "Rural" the use of the lot for Storage Facility / Depot / Laydown Area is classed as an "AA" use, requiring Council approval.

Current Approved Uses

Lot 2 Forrest Location has a long history of applications being submitted, some of which were approved and others rejected.

The two approvals that are most pertinent to this application were submitted in May 2006, for a Storage Facility / Depot / Laydown Area – Road Train Depot. Through delegated authority the application was approved as applied for "Storage Facility / Depot / Laydown Area – Road Train Depot."

In addition to the above approved use, Council at its Ordinary Meeting on 26 September 2007 approved a "Rural Settlement" on the subject lot, restricting the number of dwellings to 9. Contained within the said approval as a footnote which has been carried over to all subsequent approval the applicant has been informed as follows:

"Be advised that whilst retrospective approval has been granted for the "Rural Settlement", that it is likely that Council will not support any extension of the industrial related uses on the site given the intension of the Draft Land Use Master Plan to encourage such uses to locate to suitably zoned and positioned land....."

Consultation

The application has been circulated internally for comments, and any significant comments have been included in this report.

Statutory Implications

In terms of the Port Hedland Town Planning Scheme No. 5, a use that is classified as an "AA" use, a use not permitted unless the Council has granted planning approval.

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4: Economic Development
Goal Number 5: Land Development Projects
Strategy 1: Work with key stakeholders to ensure that the Land Use Master Plan is implemented.

Budget Implications

The applicant has submitted the required application fee of \$254.00, which has been deposited into account 1006326 – Town Planning.

Officer's Comment

Location and Amenity

As mentioned the lot is located on Great Northern Highway, being the main arterial between Port Hedland and Broome, and acts as a gateway to the town.

The approval of manganese storage would have a negative impact on the amenity of the area and would not pose a welcoming entry statement to the Town of Port Hedland for visitors travelling west.

Strategic Plan

The Council has through its Strategic Plan identified Boodarie Industrial Estates as the preferred location for "*downstream processing operations capitalizing on the mineral resources of the region*".

Whilst this area has not yet been formally developed for industrial purposes, there are a number of leases in place permitting either sand mining or manganese storage.

The use of this area for "Mineral" type industries is supported as it is located sufficiently away from any residential uses. Although the area is also located adjacent to the Great Northern Highway, there is adequate distance between the highway and existing leases to ensure that there is no detrimental impact on the amenity aspect as viewed from the highway.

Environmental Impact

Lot 2 Forrest Location is located adjacent to the Beeringarra Creek; the storage of manganese on the lot in such close proximity to a natural creek line may have an environmental impact, considering that substantial flooding can take place during a cyclonic event.

Whilst the proposed use is considered inappropriate for the area, should Council resolve to approve the subject application it would be extremely important to ensure that the proposal be forwarded to the Department of Water and the Environmental Protection Authority prior to the use being commenced.

Surrounding Land Uses

In terms of the Port Hedland Town Planning Scheme No. 5, the land to the west of the subject property is zoned "Rural Residential". The land has the potential to be developed with lots of between 1 and 2 hectare.

Taking into consideration the size of the land there is a very real potential that the area attracts permanent residence.

Health Impact

As previously mentioned Council approved as part of the overall development a "Rural Settlement" for nine residential dwellings. Through additional applications this has increased to ten residential dwellings of which some have evolved into family homes.

It is the opinion that the storage of manganese could have a detrimental effect on the health of the residence within the rural settlement, as well as the potential residence to the west.

As mentioned before should Council resolve to approve the subject application it is important that the application first be forwarded to the Department of Health to ascertain if there would be any negative impact on the health of the surrounding residence.

Attachments

1. Locality Plan
2. Site Plan

Council Options

When considering the application Council has the following options:

Refuse the application for the following reasons:

- a. The use is not considered to be suitable for the area, and will not represent proper and orderly planning,
- b. The proposed use is not in line with the approved Strategic Plan (Land Use Master Plan),
- c. The use may have a detrimental impact on the environment, and
- d. The use may have a negative impact on the health of the residents on the lot and potential residences surrounding the lot.

Approve the application as submitted, subject to the following conditions:

- a. This approval relates only to the proposed manganese stockpiling. It does not relate to any other development on this lot.
- b. Carparking shall be provided on site in a location and number to accommodate 1 bay per employee and 1 visitor by per 10 employees.

- c. Prior to the commencement of the use the applicant must liaise with the Town of Port Hedland and Main Roads WA regarding upgrade of Network class if required. If required the applicant will be responsible for all costs associated with a Network upgrade, including road improvement costs.
- d. The applicant to undertake all recommendations and upgrades indentified by Main Roads WA and / or Manager Development Infrastructure, prior to the commencement of operations all to the satisfaction of the Manager Planning.
- e. The developer shall be responsible for all road maintenance during haulage campaigns to the specifications of the Manager Development Infrastructure and to the satisfaction of the Manager Planning
- f. Prior to the commencement of any works whatsoever a Dust Management Plan shall be submitted to the specifications of the Manager Environmental Health and to the satisfaction of the Manager Planning.
- g. The owner shall maintain a water allocation to the property, or secure a water supply for adequate dust control.
- h. All stockpiles on site shall be stabilised, using suitable dust suppression methods, so as to prevent the generation of a dust nuisance, to the satisfaction Manager Planning.
- i. Prior to the commencement of the use, the applicant is to obtain the approval of the Department of Water, and comply with any requirements to the satisfaction of the Manager Planning.
- l. Prior to the commencement of the use, the applicant is to obtain the approval of the Environmental Protection Authority, and comply with any requirements to the satisfaction of the Manager Planning.
- m. Prior to the commencement of the use, the applicant is to obtain the approval of the Department of Environment and Conservation, and comply with any conditions to the satisfaction of the Manager Planning.
- n. Within 30 days of this approval a detailed landscaping plan for the development site indicating a 10m wide landscaped area along Great Northern Highway, such landscaping plan is to include a suitable visual landscaping buffer in the form of a bund between the Great Northern Highway and the manganese stockpile and is to be approved by the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-

Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.

- o. Within 60 days of the approval of the landscaping plan, the landscaping and reticulation is to be established in accordance with the approved detailed plans.
- p. All fuel storage on site shall be in approved underground tanks, or in above ground tanks on a bunded hardstand area sufficient to contain any leaks, and constructed to Water and Rivers Commission specifications. This shall be achieved to the satisfaction Manager Planning.
- q. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning

FOOTNOTES:

- a. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
- b. Condition (i) is required due to the close proximity of the proposed storage area to the Beepringarra Creek.
- c. Condition (j) is required due to the possible dust implications that may result from the storage of manganese.
- d. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
- e. 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.
- f. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

200910/433 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

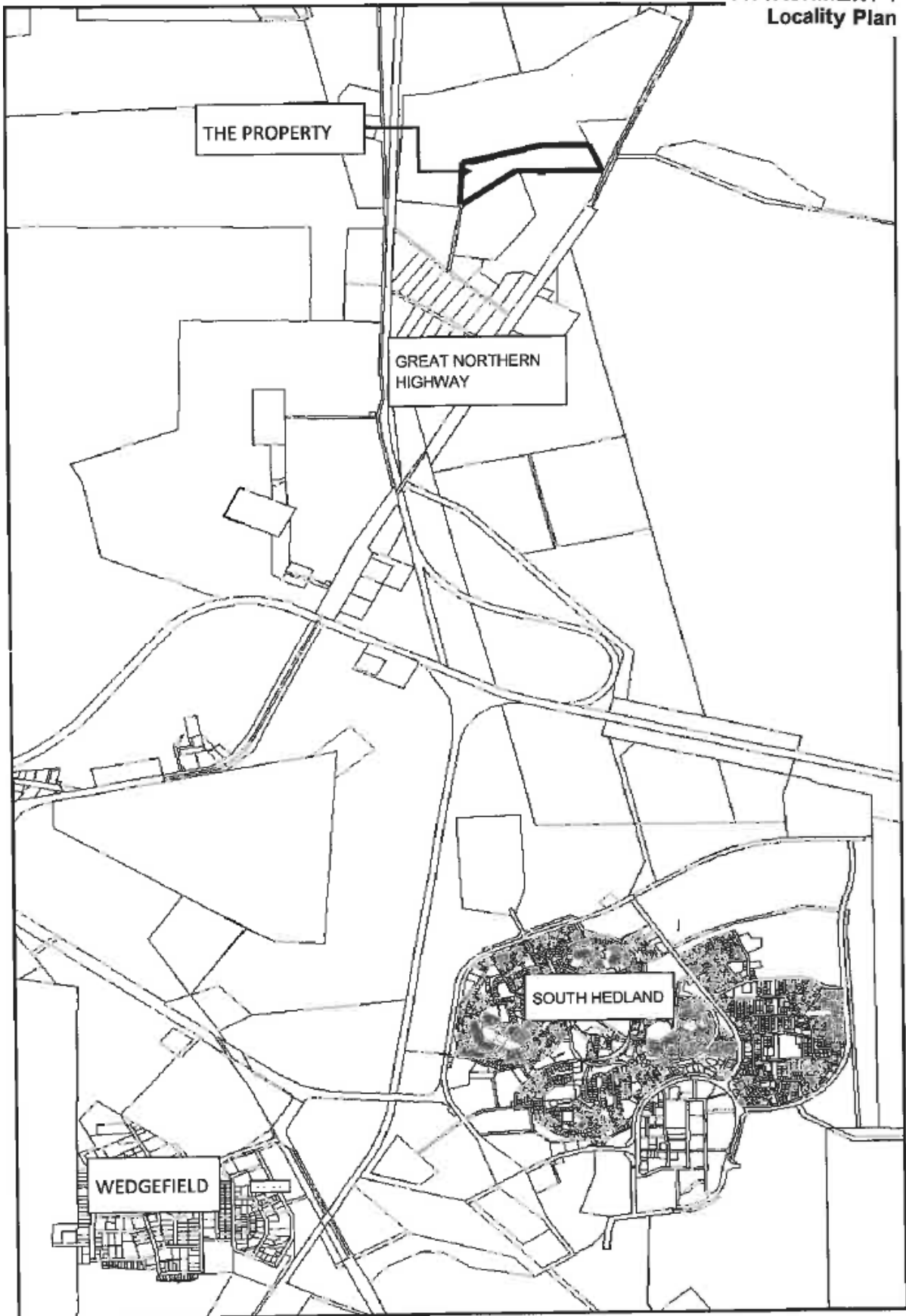
Seconded: Cr S R Martin

That Council:

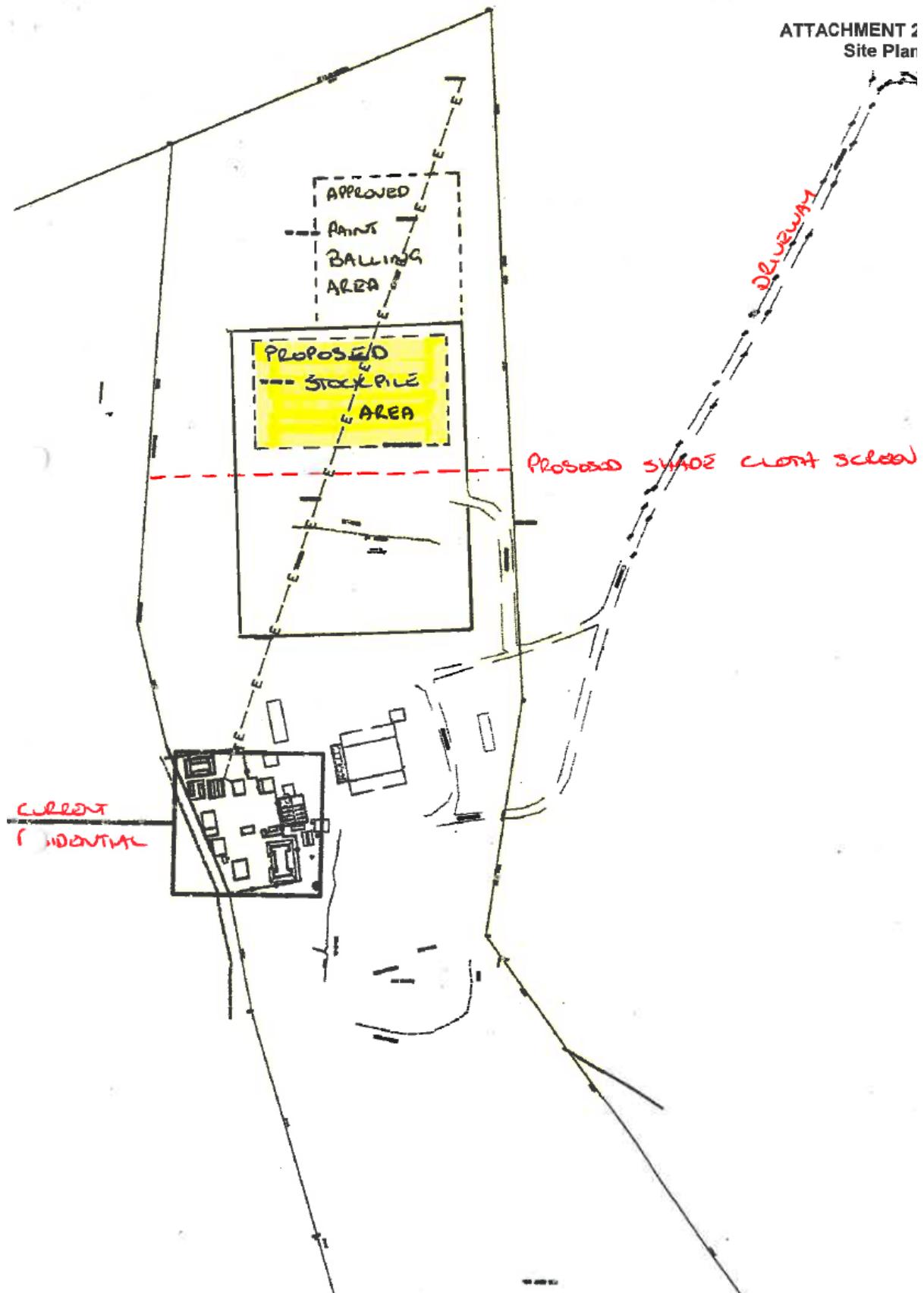
1. Refuses the application received from Bullbuck Pty Ltd on behalf of the owners Graham and Margaret Buckley, to store manganese on Lot 2 Forrest Location, for the following reasons:
 - a. **The use is not considered to be suitable for the area, and will not represent proper and orderly planning,**
 - b. **The proposed use is not in line with the approved Strategic Plan (Land Use Master Plan),**
 - c. **The use may have a detrimental impact on the environment, and**
 - d. **The use may have a negative impact on the health of the residents on the lot and potential residence surrounding the lot.**

CARRIED 6/0

ATTACHMENT 1
Locality Plan



ATTACHMENT 2
Site Plan



11.1.2.2 Proposed Amendment 17 to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone Lot 6047, 6048 and 6049 Bell Street, Port Hedland from “Local Road Reserve” and “Other Purposes – Infrastructure Reserve” to “Industry”. (File No.: 18/09/0023)

Officer	Leonard Long Manager Planning
Date of Report	25 May 2010
Application No.	2007/313
Disclosure of Interest by Officer	Nil

Summary

Council received a request from Whelans, on behalf of Grant Bussell of IBN Corporation, and at its Ordinary Meeting held on 27 February 2008, resolved to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5.

The application was subsequently forwarded to the Environmental Protection Authority (EPA) and advertised in accordance with the relevant legislation.

This report seeks Council’s approval to finalise the Scheme Amendment.

Background

Scheme Amendment 17, proposed to rezone Lot 6047, 6048 and 6049 Bell Street, Port Hedland, which have a combined area of 27 246m², from “Local Road Reserve” and “Other Purposes – Infrastructure Reserve” to “Industry”.

The IBN Corporation has an option with “State Land Services” to lease the land (with a view to purchasing). Approval of the lease is contingent upon the land being rezoned for industrial use, any necessary subdivision and development proposal will be subject to a further application.

Consultation

In accordance with the Town Planning Regulations 1967, the proposed scheme amendment has been advertised and circulated as follows:

- North West Telegraph – 10/02/2010 – 17/03//2010
- Written notification to - Water Corporation, Telstra and Horizon Power

The following comment from Water Corporation was the only submission received:

"I refer to your letter dated 8th February 2010, seeking the Corporation's comments with respect to the above scheme amendment.

The Corporation has no concerns with the proposed rezoning, however, notes that the land is located outside of any of its current sewer operating areas. Accordingly, appropriate arrangements will be required to be made, to collect, treat and dispose of any effluent generated from the future factory units. In the absence of any such arrangements, land uses permitted to operate on these sites, should be restricted to those of a "dry" nature, which do not generate wastewater."

Planning Department Comment:

Wedgefield currently does not have reticulated sewer and is serviced by septic tanks. To date no problems have been reported, it would therefore, be unreasonable to restrict the subject area to dry industrial uses that do not generate wastewater. Any intended disposal of wastewater will be the subject of a separate application to Councils Environmental Health Services.

Therefore, the application should be adopted without any modifications.

Statutory Implications

- Council is able to amend the Town Planning Scheme pursuant to part 5 of the Planning and Development Act 2005 (as amended)
- The Town Planning Regulations 1967 establish the procedure required to amend a Town Planning Scheme. The proposal is consistent with that procedure.

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 \$1,000 for the initiation of the amendment scheme.

Should Council resolve to adopt the amendment, the applicant will be invoiced for an additional \$1,711.00 as per Councils adopted Fees and Charges.

Officer's Comment

The adoption of the Scheme amendment and subsequent approval from Western Australian Planning Committee will result in the rezoning of land for much needed industrial purposes.

However, being across from the Port Hedland International Airport as well as a main arterial between Port Hedland and Broome, care must be taken in the visual impact additional industrial activities could have. In this regard the Council in February 2008 as part of their approval to initiate the scheme amendment requested that a Development Plan be prepared for this particular industrial area.

Council resolved that such Development Plan is to address the following aspects:

- Provision of a suitable buffer strip, including earthworks and landscaping provision, which adequately screens the proposed uses from the Highway Route, and contributes positively to the overall landscaping of the general area;
- Access arrangements are to be from Bell street;
- Any recommendations from Main Roads Western Australia (applicant to make direct contact) are to be reflected in the plan; and
- Any relevant requirements detailed within Town Planning Scheme No. 5.

Attachments

Scheme Amendment Documentation

200910/434 Council Decision/Officer's Recommendation**Moved:** Cr S R Martin**Seconded:** Cr M Dziombak**That Council:**

1. adopts the amendment to the Town Planning Scheme No.5, Scheme Amendment 17, without any modifications; and
2. forwards the following Schedule of Submission and recommendations to the Western Australian Planning Commission for the Minister's consideration:

Author	Date	Comment
Telstra	26/02/10	No Objection
Water Corporation	08/03/10	The Corporation has no concerns with the proposed rezoning, however, notes that the land is located outside of any of its current sewer operating areas. Accordingly, appropriate arrangements will be required to be made, to collect, treat and dispose of any effluent generated from the future factory units. In the absence of any such arrangements, land uses permitted to operate on these sites, should be restricted to those of a "dry" nature, which do not generate wastewater."

3. informs the applicant that the Development Plan as resolved by Council on 27 February 2008, is required to be approved by the WAPC prior to the scheme amendment documents being forwarded to the WAPC for final approval; and
4. after the required Development Plan, as resolved by Council on 27 February 2008 has been approved by the WAPC authorises the Mayor and Chief Executive Officer, to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council's seal in the event that the Minister for Planning and Infrastructure approves the Amendment without modification; and
5. invoices the applicant an amount of \$1,711.00 as per Council's adopted Fees and Charges.

CARRIED 6/0

**PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME
TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME No. 5
AMENDMENT No. 17**

The Town of Port Hedland under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

1. Reclassifying Lots 6047 & 6049 Bell Street, Port Hedland from "Local Road" reserve to "Industry" zone; and
2. Reclassifying Lot 6048 Bell Street, Port Hedland from "Other Purposes – Infrastructure" reserve to "Industry" zone; and
3. Amending the Scheme Maps accordingly.

ADOPTION

ADOPTED by resolution of the Council of the Town of Port Hedland at the Ordinary Meeting held on the 27th day of February 2008.

President

Chief Executive Officer

FINAL APPROVAL

ADOPTED for final approval by resolution of the Town of Port Hedland at the Ordinary Meeting of Council held on the day of 2009.

THE COMMON SEAL of the Town of Port Hedland was hereto affixed in the presence of

President

Date

Chief Executive Officer

Date

Recommended / Submitted for Final Approval

delegated under S.16 of PD Act 2005

Date

Final Approval granted

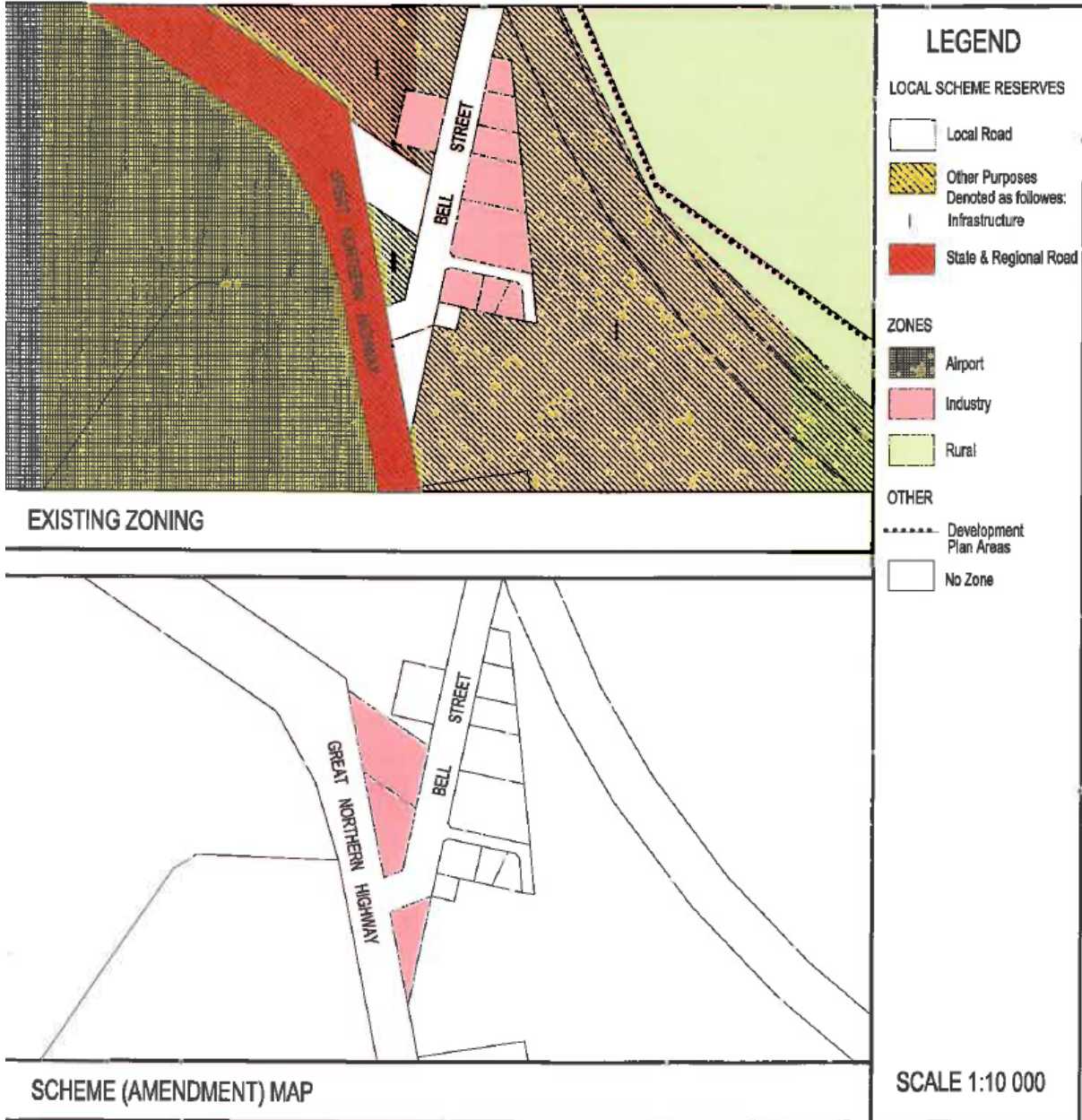
Minister for Planning

Date

TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME No. 5

-Amendment No. 17

Section 75, Planning and Development Act 2005 (as amended)



11.1.2.3 Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5, Scheme Amendment No. 33, to Amend the Scheme Text of Appendix 8 – Minimum Car Parking Specifications. (File No.: 18/09/0041)

Officer Leonard Long
Manager Planning

Date of Report 24 May 2010

Disclosure of Interest by Officer Nil

Summary

Council is requested to initiate a scheme amendment to reduce the width of parking bays as required by Appendix 8 of the Port Hedland Town Planning Scheme No. 5 (TPS 5), in order to bring TPS 5 in line with other local authorities in the Pilbara region.

Background

TPS 5, was gazetted in August 2001, included as Appendix 8 is car parking dimension requirements. These car parking dimensions are in its current form applicable to any development (residential & non-residential).

Provision of appropriate car parking is becoming a significant development issue within the town. The town Council's current car parking provisions are more onerous for developers than many other Local Government Authorities.

A Comparison of the Town's TPS 5 car parking dimensions has been undertaken with the surrounding shires (Roebourne Shire, Broome Shire and East Pilbara Shire). This comparison has revealed that although all the shires share many of the same characteristics as the Town of Port Hedland (i.e. resource driven being economies with a prevalence of 4wds and commercial vehicles), TPS 5 is the most onerous when dealing with car parking bay widths.

The Shires of Roebourne, Broome and East Pilbara all require parking bay widths to be a minimum of 2.7m wide and 5.4m deep, with 0.3m added for each side impediment. This would imply that the maximum parking bay width required would be 3.3m wide and 5.4m deep for 90 degree parking.

The ToPH currently requires a minimum of 3.0m wide bays with depth varying from 5.0m to 5.4m depending on the width.

Australian Standards

In terms of the Australian Standards AS2890.1 – 1993, parking dimensions are split into four categories, low (i.e residential parking), medium (i.e office, industrial), high (i.e shopping centres) and disabled.

These categories require the following widths:

- Low: 2.4m
Generally all-day parking
- Medium: 2.5m
Generally more than 2 hour parking but less than a full day.
- High: 2.6m
Generally short-term parking, including areas where children and goods are frequently loaded into vehicles.
- Disabled: 3.2m

Consultation

Should Council resolve to initiate this amendment to TPS 5 as recommended, 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 Environmental Protection Authority to advertise the amendment, Council is then required pursuant to section 83 of the *Planning and Development Act 2005* to consult persons likely to be affected by the amendment, and advertise the amendment for a minimum of 42 days pursuant to section 84 of the *Planning and Development Act 2005*.

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 Nil

Budget Implications

Should Council resolve to initiate the proposed Scheme Amendment, Council will be liable for the associated advertising cost, approximately \$1,000.00.

Officer's Comment

TPS 5, Car Parking Requirements

In terms of TPS 5, Appendix 8: *Minimum Car Parking Specifications* the minimum width for a car parking bay regardless of the use is 3m with an additional 0.3m for any side impediments, with a varying depth from 5.4m to 5.0m depending on the angle of the parking.

This equates to a minimum double garage or carport width of 6m, with a possibility of 6.6m depending on any side impediments.

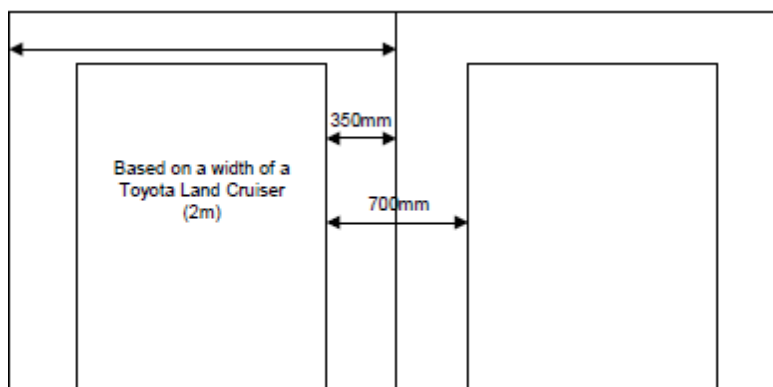
Constraints

From a residential development aspect there are a number of constraints associated with the required width stipulated in TPS 5. Due to densification and land costs, lots are becoming smaller making it increasingly difficult to provide a garage at 6.6m or carport at 6m (depending on side impediments). In addition, the high development costs experienced in the Pilbara, results in the required width adding unnecessary cost to the developer / owner.

A Survey of four large vehicle manufacturers (Ford, Mazda, Nissan and Toyota) has indicated that the width of a Toyota Land Cruiser which was the widest vehicle of the four compared was 1.97m.

Taking the width into consideration and the fact that most vehicles now have power steering making the manoeuvrability much easier around tight spaces, the need for car parking bays a metre wider than the actual vehicle is not essential.

If a car is parked in the middle of a 2.7m wide bay, there should be a minimum distance of 700mm between vehicles. This width is increased by a further 300mm if there is a side impediment (i.e bollard, wall etc). Compared with the most stringent Australian Standards which require a minimum width of a car parking bay to be 2.6m (high usage car parking bay), there would only be a minimum distance of 600mm between vehicles.



In terms of non-residential development land costs are at a premium when required to provide sealed parking bays at a minimum width of 3m the cost becomes astronomical.

Furthermore, the required car parking width could result in the cancellation of development due to not being able to provide the required amount of bays at the required widths.

Streetscape

In a residential context, not only is it far more desirable to have vehicles stored in a closed garage, but also has a safety aspect for the owner.

However, as mentioned currently the required widths are not always achievable either due to lots size or associated cost. This often results in vehicles being in the front yard or even on the verges which does not contribute to the streetscape and could also be a traffic safety hazard.

Proposal

In order to promote not only an attractive streetscape but also further development and at the same time be consistent with other Pilbara local authorities the following amendment is proposed:

“APPENDIX 8 – MINIMUM CAR PARKING SPECIFICATIONS

Where car parking is required or provided in conjunction with the use or development of land, the following specifications shall be met.

Parking Angle	Width of Bay	Depth of Bay	Aisle Width		Distance Along Kerb	Kerb Overhang	Total Depth (1 row, aisle + bay)	
			1 Way	2 Way			1 Way	2 Way
90°	2.7m	5.4m	5.4m	5.8m	3.0m	0.7m	10.8m	11.2m

60°	2.7m	5.7m	4.0m	5.8m	3.3m	0.6m	9.7m	11.5m
45°	2.7m	5.3m	2.9m	5.8m	4.1m	0.5m	8.2m	11.1m
30°	2.7m	5.0m	2.9m	5.8m	5.8m	0.3m	7.9m	10.8m
0° (Parallel)	2.7m	2.7m (Width)	3.0m	5.8m	6.3m	0m	6.0m	8.8m
			3.3m		6.1m	0m	6.3m	8.8m
			3.6m		5.9m	0m	6.6m	8.8m

1. *Bays situated adjacent to walls or other obstructions that affect door opening, shall be increased in width by 0.3m on the side of the obstruction.*
2. *The length of parallel parking bays may be reduced to 5.5m for end bays where free access is available.*
3. *For blind aisles, an aisle extension of 2m shall be provided to facilitate access.*
4. *Where aisles intersect, adequate truncations shall be provided to facilitate the movement of vehicles (Refer AS 2890.1 – 85 percentile vehicle swept path with 300mm clearance each side)”*

The proposed reduction in car parking bay widths will not result in the lowering of safety standards, but will assist residents / developers to achieve the required widths.

Options

When considering the proposal to initiate the scheme amendment, Council has the following three options:

1. Refuse the proposal to initiate a scheme amendment and retain the current requirement for car parking bay width of 3m,
2. Initiate the scheme amendment not as proposed (reduced to 2.7m) by amending the required car parking bay width to be in line with the Australian Standard (AS 2890.1 – 1993) which requires a minimum car parking bay width of 2.4m, or
3. Initiate the scheme amendment as proposed.

Attachments

1. Extract of Australian Standards AS 2890.1 – 1993
2. Proposed Scheme Text – Appendix 8 – Minimum Car Parking Specifications.
3. Scheme Documents

200910/435 Council Decision/Officer's Recommendation

Moved: Cr S R Martin

Seconded: Cr S J Coates

That Council:

1. 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 amending Appendix 8 – Minimum Car Parking Specifications as per Attachment 2,
2. Authorises the Director Regulatory Services to forward the Scheme Amendment documentation to the Environmental Protection Authority,
3. Authorizes the Director Regulatory Services to on receipt of permission from the Environmental Protection Authority to advertise the proposed scheme amendment and obtain comments from any relevant authority / person.

CARRIED 6/0

11.1.2.4 Proposed Single House – Shed (Outbuilding) Addition at Lot 965, 4A Pilkington Street, Port Hedland (File No: 116210G)

Officer	Luke Cervi Senior Planning Officer
Date of Report	21 May 2010
Application No:	2010/94
Disclosure of Interest by Officer	Nil

Summary

Council has received an application from the owner, W Ness seeking planning approval for a Single House – Shed addition at Lot 965, 4a Pilkington Street, Port Hedland (See Attachment 1 & 2).

The application is referred to Council as the Notice of Delegations requires outbuildings (sheds) that exceed 100m² to be referred to Council for determination.

Background

Previous Approval

The previous application submitted by the applicant in January 2009, was recommended for refusal by the Town Planning Department due to:

1. the application not being consistent with Section 6.10.1 of the Residential Design Codes, and
2. the proposal not being consistent with orderly and proper planning.

However, Council at its Ordinary Meeting of 28 January 2009, resolved to approve the application for a 121m² shed (outbuilding), subject to certain conditions of which condition 1, requires a single house to be completed within 12 months of the approval granted. As works have not yet commenced, the approval expired on 28 January 2010.

Draft Local Planning Policy 11

Since approval of the original shed application, Council at its Ordinary Meeting on 23 September 2009 supported the preparation of Draft Local Planning Policy 11 - Regional R Code Variations (LPP 11).

LPP 11 is significant to the proposal as it proposes to vary section 6.10.1 – Outbuildings, of the R Codes to be less onerous and better reflect the climate, lifestyle, built form, needs and expectations of the Port Hedland Community. The LLP 11 ensures that proper and orderly planning is maintained and that streetscapes and amenities are protected.

The current proposal requires a substantial variation from draft LPP 11, going against what was endorsed by Council when initiating LLP 11.

The Site

The site is located in a Residential R12.5/30 zone under the Town of Port Hedland Planning Scheme No. 5 (TPS5), and is one of a two lot strata measuring 639m², each strata lot being owned separately.

The subject site is currently vacant, as the previous dwelling was damaged by cyclone George and subsequently demolished.

The Proposal

A colorbond clad shed with an area of 121.5m² (13.5m x 9m), wall height of 3.5m and a ridge height of 4.46m. The shed is to be associated with a Single House that is to replace the damaged dwelling that has been demolished. No plans have been submitted or approved for the proposed replacement dwelling. It is proposed to build the shed first to enable storage of construction tools and materials required for the dwelling (See Attachment 3).

A residential shed is a non defined use within the planning scheme. However, it has been Council practice to assess sheds on vacant land as a Single House – Shed addition. When approving these applications it is required prior to obtaining a building licence for the proposed shed that a building licence for a Single House has been submitted and approved. In addition a condition is imposed requiring that a single dwelling is to be constructed and completed within 12 months or the shed to be removed.

Consultation

The application has been advertised to adjoining properties with no comments being received.

Statutory Implications

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

Policy Implications

Council has approved the initiation of LPP 11, this policy has already been advertised to the public and no objections or comments were received. Currently the draft policy is before the WAPC for approval after which it will be presented to Council for final adoption.

The standard R Code criteria for outbuildings states in part:

“6.10.1 – Outbuildings

A1 Outbuilding that:...

- iii. collectively do not exceed 60 sq m in area or 10% in aggregate of the site area, whichever is the lesser;*
- iv. do not exceed a wall height of 2.4 m;*
- v. do not exceed a ridge height of 4.2 m”*

The Standard R Code criteria is considered excessively onerous and therefore LPP 11 provides for variations that better reflect Port Hedland’s climate, lifestyle, built form, needs and expectations of its residents and to ensure that proper and orderly planning is maintained.

The LPP 11 criteria for outbuilding states in part:

“Notwithstanding Acceptable Development Standard A1 iii – v, outbuildings in the following zones that comply with the following shall be permitted:

Residential and Urban Development zones

*Collectively do not exceed 60 sq m in area or 10 per cent in aggregate of the site area, whichever is the greater;
do not exceed a wall height of 3.0 m;
do not exceed a ridge height of 4.8 m”*

The current proposal does not comply with two of the draft Acceptable Development Standards.

- a. The proposed size of the shed (outbuilding) equates to 19% (121.5m²) of the lot area, double of what Council has endorsed in LLP 11, and
- b. The wall height of the proposed shed (outbuilding) is 3.5m, 0.5m higher than what Council has endorsed in LLP 11

Strategic Planning Implications

The proposed development has no implications for Strategic Planning.

Budget Implications

An application fee of \$127 was paid on lodgement and deposited into account 1006326 – Town Planning Fees.

Officer's Comment

The proposal is inconsistent with the Residential Design Codes of Western Australia (R Codes) requirements for sheds (outbuildings). The R Codes specify acceptable development standards for a shed are met when the floor area is no greater than 60m², wall height is no greater than 2.4m and the ridge height is no greater than 4.2m.

However, Council has recognized the fact that not all the R Code requirements "should" be applied to the Pilbara for a number of reasons. Therefore, the Council has initiated Draft LPP 11, which identifies the Acceptable Development provisions which do not reflect the needs and expectations of the community and seeks to increase the size of sheds that are permitted, whilst still retaining the integrity of orderly and proper planning.

If adopted, LPP 11 will allow for sheds that are up to 3 metres wall height and 10% in aggregate of the site area.

The proposed shed seeks approval for 3.5m wall height and 121.5m², as the proposed shed exceeds both the current R – Codes and LLP 11 Acceptable Development criteria, Council needs to be satisfied that the performance criteria have been met if approval is to be given.

The performance criterion for a shed is:

Outbuildings (Sheds) that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

In this instance, it has been assessed that the performance criteria is not achieved. The dimensions of the shed are of a size more often seen within an industrial area as opposed to a residential area. The width of the shed is 13.5m being almost the entire width of the lot and the area covered would be approximately 19% of the site. This added with a wall height of 3.5m and ridge height of 4.46m would result in the shed being visually prominent particularly from neighbouring properties.

Whilst it is acknowledged that the shed would be located at the rear of the lot and it is proposed to have a house between the shed and the street, the shed is still likely to protrude above a single storey house and therefore be visible from the street.

Council has the following options of determining the application:

Option 1

Refuse the application.

Given these options and in consideration of the shed's size not being consistent with the draft LPP 11 and not appropriate or desirable within a residential zone, it is recommended that the application be refused.

Option 2

Approve the application subject to amended plans and conditions. Conditions could include:

- a) This approval relates only to the proposed Single House – Shed addition and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
- b) The Single House is to be completed within twelve (12) months of this approval or the outbuilding shall be removed and the area made good all at the owners expense and to the satisfaction of the Manager Planning.
- c) This approval to remain valid for a period of twelve (12) months.
- d) Prior to the submission of a Building Licence, amended plans being submitted to and approved by the Town of Port Hedland incorporating the following amendments:
 - i) The shed area reduced to no more than 64m²;
 - ii) The shed wall height reduced to no more than 3.0m; all to the satisfaction of the Manager Planning.
- e) The shed shall only be used for domestic storage and/or activities and not be used for commercial or industrial purposes or human habitation.
- f) Prior to the submission of a Building Licence, a landscaping plan is to be provided incorporating planting elements (creepers or trees), which are strategically located within the rear, northern and southern boundary setback areas to provide vertical elements to break the bulk of the shed and all be to the satisfaction of the Manager Planning.
- g) The colours of the proposed shed are to blend with those of the existing dwelling or environment to the satisfaction of the Manager Planning.
- h) Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.

FOOTNOTES:

- a) You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
- b) The applicant/owner is required to lodge an application for a Building Licence under the provisions of the Building Regulations and approval from the Town before commencing any works whatsoever.
- c) A building license will not be issued for the shed/outbuilding unless a license has also been issued for a residence on the subject lot.
- d) You are advised that drawings submitted for Building License are to be properly drawn and signed by a practising structural engineer.

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

Option 3

Approve the application as submitted with or without conditions. Conditions could include:

- a) This approval relates only to the proposed Single House – Shed addition and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
- b) The Single House is to be completed within twelve (12) months of this approval or the outbuilding shall be removed and the area made good all at the owners expense and to the satisfaction of the Manager Planning.
- c) A building license will not be issued for the shed/outbuilding unless a license has also been issued for a residence on the subject lot.
- d) This approval to remain valid for a period of twelve (12) months.
- e) The shed shall only be used for domestic storage and/or activities and not be used for commercial or industrial purposes or human habitation.
- f) Prior to the submission of a Building Licence, a landscaping plan is to be provided incorporating planting elements (creepers or trees), which are strategically located within the rear, northern and southern boundary setback areas to provide vertical elements to break the bulk of the shed and all be to the satisfaction of the Manager Planning.
- g) The colours of the proposed shed are to blend with those of the existing dwelling or environment to the satisfaction of the Manager Planning.
- h) Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.

FOOTNOTES:

- a) You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
- b) The applicant/owner is required to lodge an application for a Building Licence under the provisions of the Building Regulations and approval from the Town before commencing any works whatsoever.
- c) You are advised that drawings submitted for Building License are to be properly drawn and signed by a practising structural engineer.
- d) The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Average 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.
- e) Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

Attachments

1. Location Plan
2. Site and Elevation Plans
3. Applicant Letter

Officer's Recommendation

That Council

1. Refuse the Planning Application for a SINGLE HOUSE – Shed (Outbuilding) addition at Lot 965, 4a Pilkington Street, Port Hedland, from W Ness of PO Box 799, Port Hedland, on the following grounds:
 - a. The proposal is inconsistent with Section 6.10.1 (Outbuildings) of the Residential Design Codes of Western Australia in that it will detract from the streetscape and visual amenity of neighbouring properties.
 - b. The proposal is inconsistent with the Town of Port Hedland Planning Scheme 5 as it does not support orderly and proper planning and the preservation of amenity of the Pilkington Street locality.
 - c. The proposal is inconsistent with Draft Local Planning Policy 11- Regional R Code Variations

2. Advise the applicant that a shed that complies with the R Codes would be supported subject to a Building Licence application for the house being submitted to and approved by the Town.

200910/436 Council Decision

Moved: Cr D W Hooper

Seconded: Cr G J Daccache

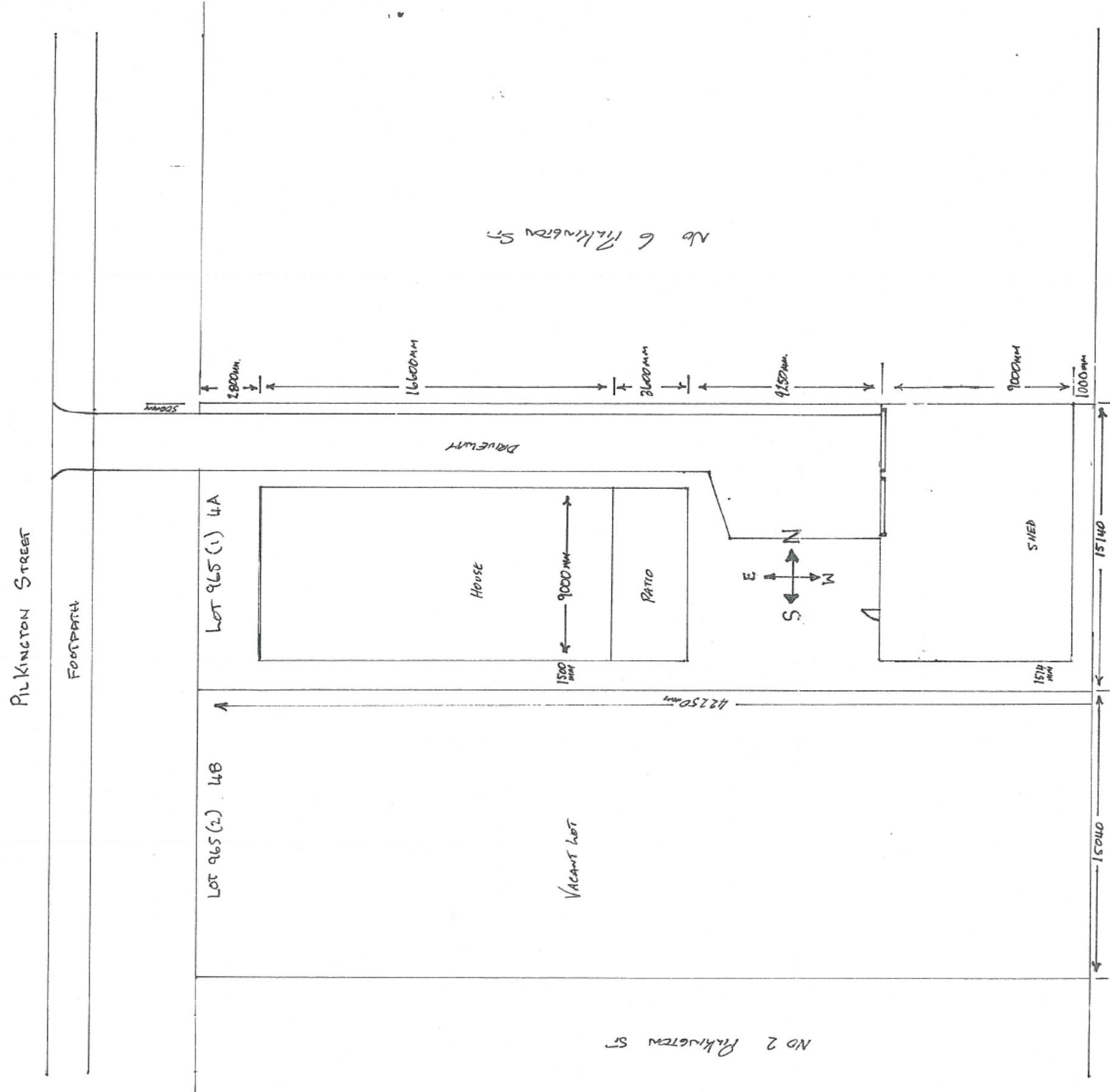
That Agenda Item 11.1.2.4 'Proposed Single House – Shed (Outbuilding) Addition at Lot 965, 4A Pilkington Street, Port Hedland' lay on table for consideration at next available Council meeting.

CARRIED 6/0

REASON: Council believes there needs to be more discussion from officers around timeframe issues relating to this matter.

4a Pilkington Street



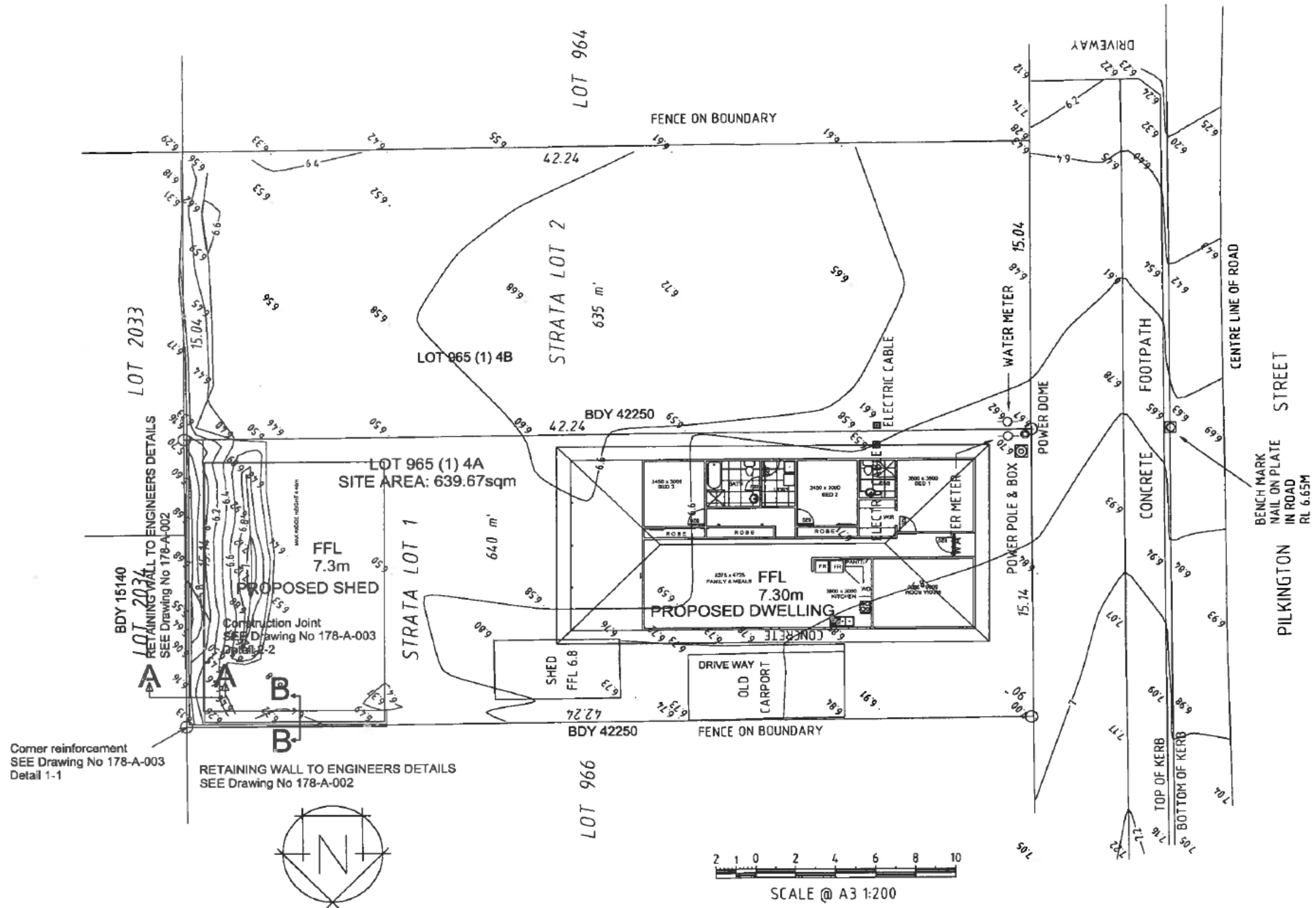


PLANNING APPLICATION FOR "SHED"

NOTE: HOUSE & PATIO DO NOT SHOW ROOF EAVES.

PROPOSED DEVELOPMENT: Block 640m²
LOT 965 (PART 1) NO 4A PILKINGTON ST
POET HEADLAND WA 6721
OWNER/DEVELOPER: WAYNE NESS.

SCALE 1:200



ITEM	SUB ITEM	REV'D	DESCRIPTION OR MATERIAL QUANTITY	REMARKS
BRINK DESIGN & ASSOCIATES PTY LTD				
PROPOSED DWELLING AND SHED FOR W.NESS LOT 965 4a PILKINGTON ST				
PROPOSED SITE LAYOUT				
SCALE	A1	REV. NO.	178-A-001	DATE
DESIGNER/ENDOR TO COMPLETE COMPANY: _____ DESIGNED BY: _____ DRAWN BY: _____ CHECKED BY: _____ APPROVED BY: _____ DATE APPROVED: _____			REVIEWER TO COMPLETE COMPANY: _____ NAME: _____ SIGNED: _____ DATE: _____	
DRAWING STATUS APPROVAL SIGNED DATE REV PRELIMINARY ONLY _____ QUOTATION ONLY _____ CONSTRUCTION MAY PROCEED _____ CONSTRUCTION MAY PROCEED EXCEPT AS NOTED _____ REVISE AND RESUBMIT _____				
REFERENCE DRAWING TITLE	DOCUMENT NO	NO	DATE	REVISION

Site :

4A Pilkington Street
 Port Hedland WA 6721
 Owner: Wayne Ness



Rear (East Side)

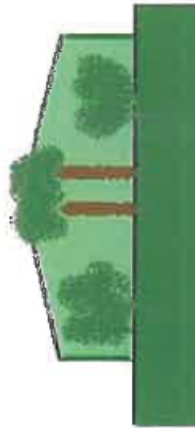
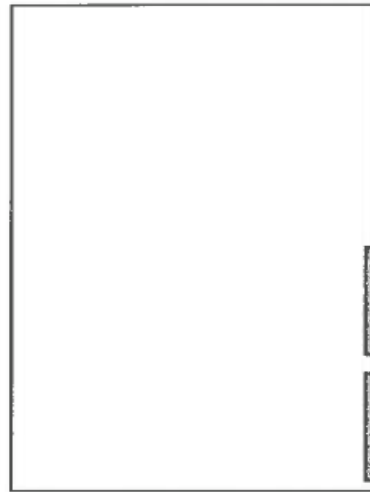
The use of Foxtails and Fan Palms provides good coverage with minimal foliage waste on the other side of the fence. These plants are widespread throughout the Pilbara and are a known well suited plant.

Considerations.
 Access to plants.
 Fire Risk; Bush Fire Act.
 White Ants
 Damage to foundations of shed and fence.
 Pensioners clothes lines at rear - Spoiling of there clean clothes through Bird activity, flowering and also allergies to be considered , hence less consideration of Climbing vines etc. Cyclones



Left End (North Side)

Left end is on Boundary as recommended suggestion from Town Planning prior to previous application.



Right End (South Side)

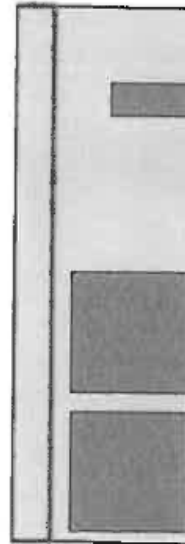
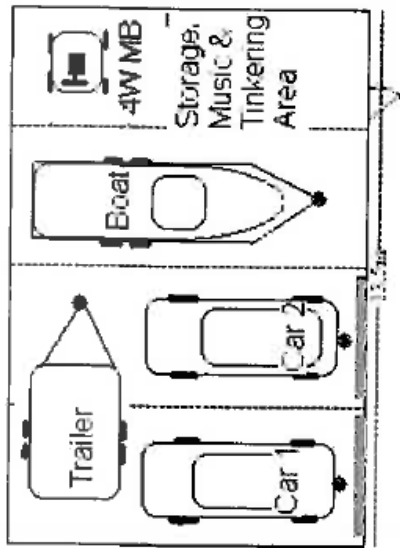


Front (West Side)

Shed Colours:
 Walls and Roller Doors: Pale Eucalypt
 Gutters and Flashings: Wilderness
 Roof: Galv

Colour of shed is approximate to actual color of walls and trims (Colours chosen after previously discussed with Town Planning and, the Neighbours.)

Proposed Shed for 4A Pilkington Street Port Hedland



Shed addition proposed prior to construction of single dwelling. (See plans)

Construction of new single dwelling:
The shed will provide suitable housing for materials of construction, tools and other personal belongings.

Theft has been evident in my area following the loss of my home and many belongings in Cyclone George. Still today I continue to have unauthorised visitors to the block, even when suitable fencing is erected.

After Completion of new single dwelling.
I propose some additional lifestyle choices of which I wish to protect from the elements, and unauthorised persons.

Property: 4 A Pilkington Street
Port Hedland WA 6721

Owner: Wayne Ness

Pilbara Lifestyle Choices.

11.1.2.5 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 Manager Planning
Date of Report	25 May 2010
Application Number	2010/4
Disclosure of Interest by Officer	Nil

Summary

Council at its Ordinary Council Meeting on 27 January 2010, resolved to initiate a Scheme Amendment to the *Town of Port Hedland Town Planning Scheme No. 5*, by amending the current zoning of Lot 5867 Wedge Street from “Industry” to “Town Centre”.

As a result the scheme amendment was forwarded to the Environmental Protection Authority for assessment. The Environmental Protection Authority has informed the Town as well as the applicant that a formal assessment of the Scheme Amendment is required.

However, the Environmental Protection Authority has indicated to both the Town and the applicant that should Council decide to modify Scheme Amendment No. 27 by the inclusion of more prescriptive scheme text that will provide a level of certainty that short-stay accommodation only would be permissible, a formal assessment may not be required.

Background

Scheme Amendment Modification

In order to negate the requirement of a formal assessment of the Scheme Amendment by the Environmental Protection Authority, the applicant has requested that the following uses normally be within a “Town Centre” zone be excluded:

- Aged or Dependent Persons Dwelling,
- Caretaker’s Dwelling,
- Grouped Dwelling,
- Home Occupation,
- Multiple Dwelling,
- Residential Building, and
- Single House.

By excluding these uses the zoning that would be applicable to this lot would not include any sort of permanent residential use. But will still allow the lot to be developed for such uses as has been envisaged in the Land Use Master Plan approved by Council.

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

Council's Planning staff has discussed the proposed planning solution with the proponents. The proponents then have indicated that they support the proposed modifications to the scheme amendment initiation documentation.

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", excluding any permanent residential uses.

The development of the lot for "Town Centre" purposes would include commercial uses on the ground floor with possible short-stay accommodation (tourist 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 tourist type units.

Dust and Noise Impact

The location of the lot being within close proximity to the Port operations, may exposed the development to elevated dust and noise levels.

This has been confirmed by the Environmental Protection Authority by indicating that should the residential uses remain as part of the scheme amendment that a formal assessment would be required.

Council has through the Land Use Master Plan, discourage development that could result in long term tenure with regard to residential housing. The applicant through his modified request will achieve what the Council has envisaged in the Land Use Master Plan.

Attachments

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

200910/437 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

Seconded: Cr S R Martin

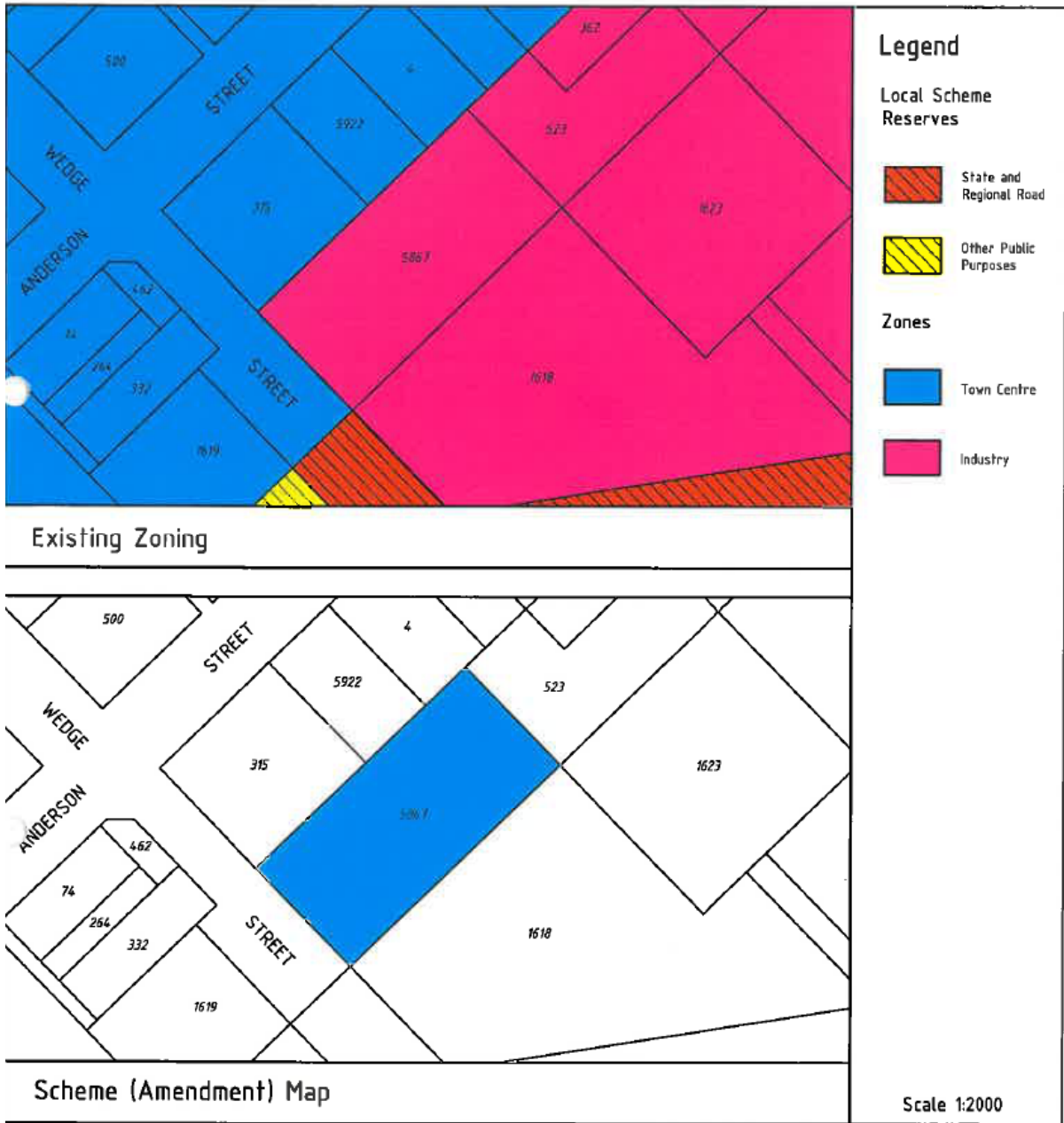
That Council:

- 1) Initiate a modified 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 and include Appendix 11 – Excluded Development and Uses, which will exclude the following uses;**
 - **Aged or Dependent Persons Dwelling,**
 - **Caretaker's Dwelling,**
 - **Grouped Dwelling,**
 - **Home Occupation,**
 - **Multiple Dwelling,**
 - **Residential Building, and**
 - **Single House.**
- 2) Advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.

CARRIED 6/0

Town of Port Hedland
Town Planning Scheme No.5

ATTACHMENT 1
Amendment No. 27. Map



11.2 Community Development**11.2.1 Council Support for Nindji Nindji Festival 2010 (File No.: 26/01/0007)**

Officer **Lorna Secrett**
Coordinator, Community and Cultural Development

Date of Report 9 June 2010

Disclosure of Interest by Officer Nil

Summary

This report requests that the Council provides financial support of \$4822 for the Nindji Nindji Festival 2010, through the in-kind usage of Town of Port Hedland staging equipment.

Background

A request has been received from Bob Neville, CEO of Bloodwood Tree Association Inc for usage of the Town of Port Hedland stage (Attachment 1) during the Nindji Nindji Festival. This request followed several communications by phone and email, where alternative options were explored including an offer to broker the use of a truck as a stage, as is a common event industry practice.

Consultation

- Mr Bob Neville, CEO Bloodwood Tree Association Inc
- Director Community Development
- Manager, Cultural Development and Libraries
- Events Coordinator

Statutory Implications Nil

Policy Implications

Policy 6/003 – Community Recreation Celebrations and Events outlines ‘an indication of the extent of support that the Council expects to be provided for community events.’ The following is specified as Council’s agreed support for the Nindji Nindji Festival:

“Nindji Nindji Festival – Bloodwood Tree Association – Provide sponsorship towards event. Use of Council Venue at no cost. Provision for up to 20 extra bins at no cost.”

Strategic Planning Implications

Key Result Area 2 – Community Pride

Goal 2 – Events

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

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.
- Coordination and wide-scale communication of the community events calendar

Budget Implications

This item will incur a cost to the Council of \$4822. It is recommended that this sum be assigned to 811273 - Community Pride Activities.

Officer's Comment

There are several aspects of this request for Council to consider being:

- The stage has predominantly been used for five community events associated with Celebrate Hedland Inc and has not been hired or lent to other community groups to date;
- In-kind usage of the stage is not specified in Council's Policy regarding support for the Nindji Nindji Festival;
- The stage is very labour intensive, taking 6 people an average of 4 hours to erect and 2 hours to dismantle and at this point only ToPH staff are qualified to set up the stage;
- A cost of approximately \$4822 for crane hire, use of casual staff and staff overtime is incurred by the ToPH, each time the stage is utilised; and
- Such costs for hire of the stage are not included in Council's Fees and Charges.

Council support for the Nindji Nindji Festival is supported by the staff, especially as the event is a key component of NAIDOC Week 2010. If Council does grant the request, it should be clear that this is a one-off situation.

Attachments

Email from Bob Neville, CEO Bloodwood Tree Association.

Officer's Recommendation

That Council:

1. Provides the stage to the Nindji Nindji Festival 2010 and becomes a sponsor of the event.
2. Assigns the cost of such sponsorship to 811273 - Community Pride Activities.
3. Notes that this is a one-off support to Nindji Nindji Festival 2010.

200910/438 Council Decision

Moved: Cr S J Coates

Seconded: Cr S R Martin

That Council:

1. provides the stage to the Nindji Nindji Festival 2010 and becomes a sponsor of the event;
2. assigns the cost of such sponsorship to 811273 - Community Pride Activities;
3. notes that this is a one-off support to Nindji Nindji Festival 2010; and
4. encourages the applicant to seek external funding from other community providers for future festivals and Council's officers to assist with this process.

CARRIED 6/0

REASON: Council encourages the organisers to seek external funding from future community providers for future festivals, and for Council officers to assist with this process.

BLOODWOOD TREE ASSOCIATION INC.

ABN: 93 975 267 470

P.O. Box 2099, 36 Roberts St, SOUTH HEDLAND WA 6722

Tele: 9172 3622

Facsimile: 9140 1474

E-mail: manager@bloodwoodtree.org.au



Nindji Nindji Family Cultural Festival 2010

The Nindji Nindji Family Cultural Festival® is a bi-annual event organised by Bloodwood Tree with assistance from many Aboriginal community groups and individuals. The Festival is planned to be a full day event involving local, regional, state and interstate artists. The event is designed to showcase local and regional arts, crafts, musical and dancing talents from different cultures within the Pilbara, with special emphasis on the Aboriginal and Torres Strait Islander cultures. The Festival will include song, dance and music from the many Pilbara Aboriginal cultures combined with other international cultures from within the region. Art and culture displays, food stalls, information displays and reconciliation messages will be a part of the Festival, with health & safety and in particular, drug and alcohol messages being displayed.

This will be Bloodwood Tree's sixth Nindji Nindji Festival, and the organisation is striving to bring about reconciliation and better outcomes for indigenous people in the Port Hedland area and the Pilbara region. The organisation has worked hard in being an ambassador for local indigenous people, working with other non-government groups while working together in partnership with both State and Federal Government agencies to help bring about that dream for our local Indigenous people – health, housing and work. The Nindji Nindji Festival is the *only* indigenous-owned event in the area and the only Port Hedland festival regularly staged. The local Indigenous people of our area have been disadvantaged in the past in areas of education, training, recreation, culture and general support, and this festival is an opportunity to engage in the future leaders of our town, region, State and Country, to bring about the best outcomes for the community as a whole.

The main project we are focusing on this year will be a showcase of Indigenous art created by the locals Indigenous to the Town of Port Hedland. This will involve using the Arts and Craft created by the Elderly and the local Indigenous people.

Project sessions will be set up at between now and July so that the local people and the elderly continue to create or commence creating beautiful masterpieces to go towards the showcase at the festival.

The artwork created will be displayed as though the individual is walking through a forest of tall trees and each tree will display a painting lit up by lights. The paintings will be positioned to lead the people through a pathway till they reach the end.

Each painting will also have a photo and information about the artist and a story of what their paintings represents.

Your involvement and support would be greatly appreciated.

If you are interested in supporting or participating in this project could please write a formal support letter from your organisation before the 16th April and email it to Rose Clanton at rose.clanton@bloodwoodtree.org.au, as a community and industry support make projects like this possible.

The Support letter should read... (Written under your letterhead)

(If you have supported BTA in previous years)

***(Organisation Name Here)* has supported Bloodwood Tree Association in previous years and believes this year's project to be an innovative and culturally appropriate project and we give our full support and involvement to Bloodwood Tree Association and the 2010 Nindji Nindji Family Cultural Festival.**

(If you are a first time supporter of the Nindji Nindji Family Cultural Festival)

***(Organisation Name Here)* believes this year's project to be an innovative and culturally appropriate project and we give our full support and involvement to Bloodwood Tree Association and the 2010 Nindji Nindji Family Cultural Festival.**

Once again your support and participation will be greatly appreciated.

Kind regards,

Rose Clanton
Administrator
Bloodwood Tree Association Inc
Ph: (08) 9172 3622
Fax: (08) 9140 1474
PO BOX 2099 South Hedland WA 6722



11.2.2 *Establishment of a Community Funding and Donations Working Group*

Officer	Bob Tomlins Acting Manager Recreation and Youth Services
Date of Report	2 June 2010
Disclosure of Interest by Officer	Nil

Summary

It is proposed that a Working Group of Council be established, in the first instance, to advise on the development of policy in regard to funding requests and donations made to Council by individuals and groups within the community.

The Working Group would subsequently consider funding requests made to the Council in the context of this framework and make recommendations to Council on their support or otherwise.

Background

Requests for project funding and donations presently received by the Town of Port Hedland include the following:

- Funding for community groups to assist in meeting their costs of delivering projects or events of benefit to their members and/or the broader community.
- In kind donations of facilities or equipment as a contribution towards projects or events of benefit to the community.
- A waiver or reduction in the fees charged by the Town for the use of its sporting and recreation facilities.
- Funding to assist young high achievers in sport or the arts to participate in development opportunities – often requiring travel to destinations within WA or interstate.

In responding to these requests, which can be received at any time, Council has no formal policy framework within which to make consistent decisions guided by identified objectives.

Consultation

Chief Executive Officer
Director Community Development

Statutory Implications	Nil
Policy Implications	Nil

Strategic Planning Implications*Key Result Area 3 - Community and Cultural - Goal 2 – Events:*

Supporting community groups who are operating community events through training, support, advice and where appropriate financial support.

Budget Implications

The proposal does not anticipate increased expenditure. The Council could allocate an amount of funds as part of the budget process from which any donations would be sourced.

Officer's Comment

The development of an appropriate policy would benefit from the advice offered by a Community Funding and Donations Working Group of Council. Elements of the policy would include the following:

- Activities and events to be funded
- Funding levels
- Eligibility criteria
- Information required from applicants
- Assessment criteria and process
- Acquittal requirements

The Working Group would subsequently consider such funding requests in the context of this framework on a regular basis and make recommendations to full Council.

A timely start could enable the Working Group to consider funding requests presently under consideration for inclusion in the 2010/11 budget – the lack of a formal policy framework notwithstanding.

Attachments

Nil

200910/439 Council Decision/Officer's Recommendation

Moved: Cr S J Coates

Seconded: Cr S R Martin

That Council:

1. establishes a Donations Working Group to oversee the development of a Community Funding and Donations Policy, to consider requests for such funding and make recommendations to Council.
2. nominates the following Council Representatives on its Donations Working Group:

Purpose/Aim:

To consider requests for donations from the community and make recommendations to Council.

Membership:

Mayor Kelly Howlett
Councillor A A Carter
Councillor M Dziombak
Councillor S Coates
Proxy Councillor S R Martin
Director Community Development
Manager Recreation and Youth Services
Manager Libraries and Cultural Development

Delegation: Nil

Tenure: On-going

Meetings: Bi-monthly (every two months)

CARRIED 6/0

11.3 Governance and Administration**11.3.1 Finance and Corporate Services****11.3.1.1 2010-11 Rates in the Dollar and Minimum Rates**

Officer **Natalie Octoman**
Manager, Financial Services

Date of Report 3 June 2010

Disclosure of Interest by Officer Nil

Summary

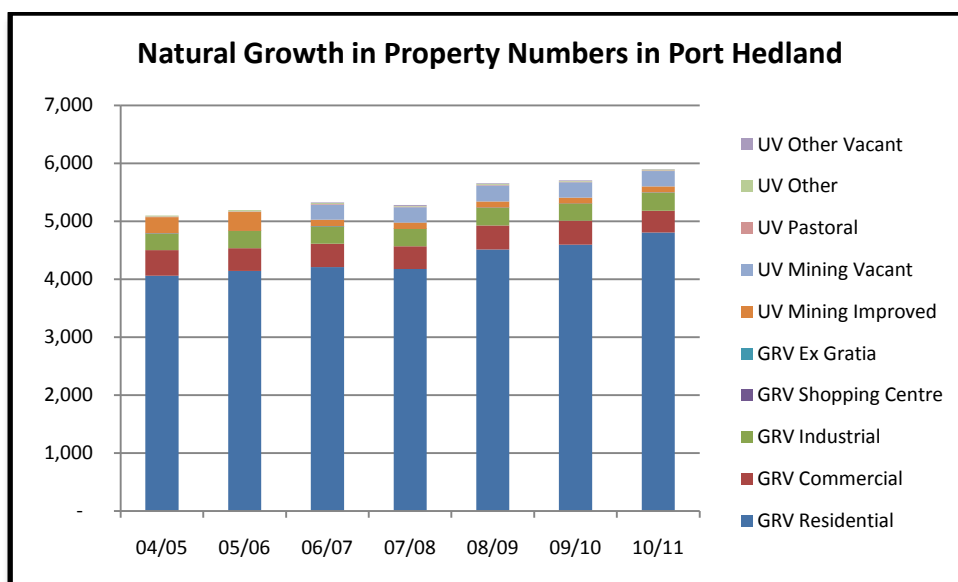
For Council to adopt various rates in the dollars and Minimum Rates so the required advertising can commence prior to budget adoption.

Background

As part of the annual Budget process Council must determine the rates in the dollar (RID) and the minimum rates (min) to be used in the following year. Due to advertising requirements (s.6.36), the rates in the dollars and minimum rates must be resolved prior to the budget being finalised.

At the 4th Budget Workshop rates were discussed with Councilors and consideration was made in relation to the natural growth that has occurred throughout the Town, the CPI rate, and the possible creation of a new rate category to capture "Mass Accommodation".

Natural growth of approximately 3.3% has occurred across the Town when comparing 5,708 rateable properties in 2009-10 to 5,901 rateable properties in 2010-11. This natural growth has been reasonably consistent since 2004-05 as demonstrated in the graph below. Growth impacts on the provision of services and infrastructure across the Town and it was recommended that the new rate in the dollar for 2010-11 should take this into consideration. Using the same rates in the dollar as the current financial year for comparison purposes, the natural growth would result in an increase in rates revenue of \$671,938 in 2010-11.



The Perth based CPI for the March 2010 quarter was 3.4%. If Council were to adopt the CPI rate as the increase for the rate in the dollar, this would result in an additional \$395,369 for 2010-11. It is recognized that the cost of living in the Pilbara is higher than that of Perth and it was proposed that the rate adopted by Council be higher than that for Perth.

A new rate category called Mass Accommodation was discussed and would have the following definition:

“Mass accommodation includes all properties exceeding 80 square metres within the district boundaries, approved and predominantly utilised for the following activities, as identified in Town Planning Scheme No. 5:

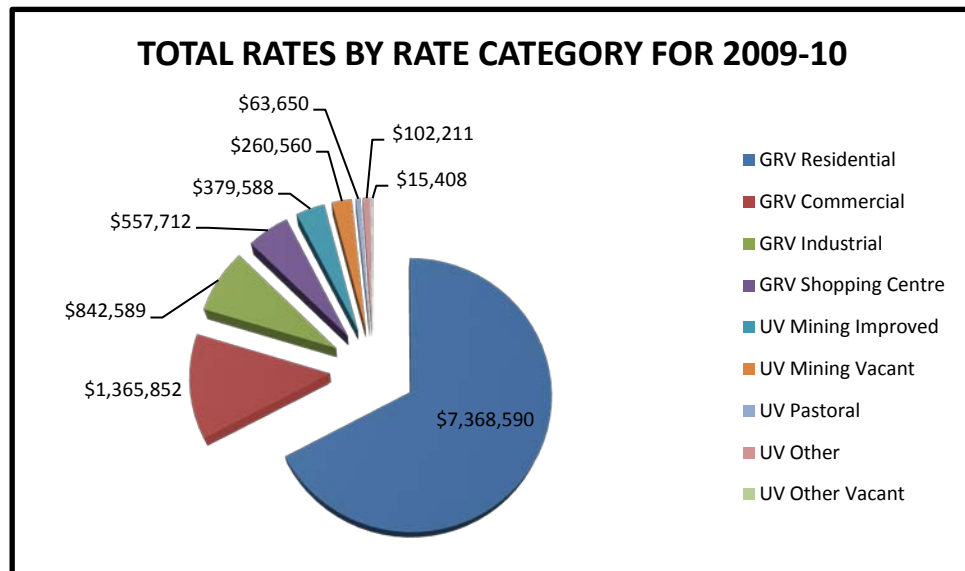
- *Holiday Accommodation*
- *Hotel*
- *Lodge*
- *Motel*
- *Transient Workforce Accommodation*
- *Tourism Development*
- *Tourist Resort.”*

This definition would capture the following 16 properties and generate approximately \$1,397,697 in rates using an 8.5280 rate in the dollar, being the same as that for the shopping centres:

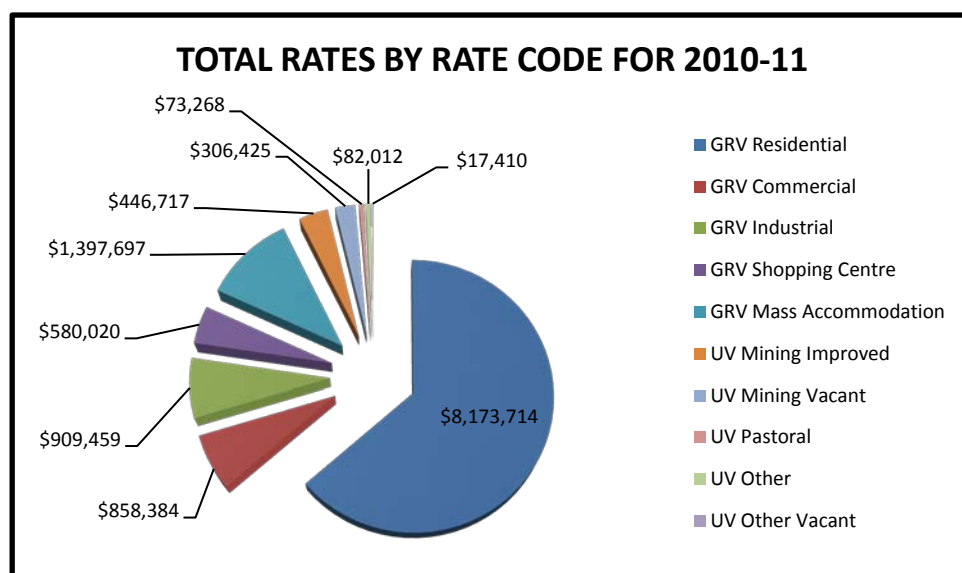
- Beachfront Village
- Mia Mia
- Pundulmurra Camp
- Port Haven
- Wedgefield Camp
- Esplanade Hotel
- All Seasons/Mercure
- Walkabout Hotel
- Pier Hotel

- Hamilton Motel
- Hospitality Inn
- South Hedland Motel
- Black Rock Caravan Park
- Cooke Point Caravan Park
- Port Hedland Caravan Park
- The Lodge.

The Draft Strategic Plan 2010-2015 incorporates the vision *“People will prefer to live in Port Hedland than Fly-In Fly-Out”*. Given the amount of profits that the Mass Accommodation properties currently generate from the fly-in fly-out population of the Town along with the services that need to be provided to this population group it is considered appropriate to establish a new rate code that would capture the those that are essentially being rated at a lower level and using more services than others in that rate code. While the predominant portion of the Town’s rates are paid by the residents, the next largest category is the commercial sector, which is clearly seen in the graph below that outlines total rates received by rate category for 2009-10.



After incorporating the new rate code for Mass Accommodation, the allocation of rates between the categories changes specifically to reduce those from the commercial sector – which is where the Mass Accommodation properties were previously captured. The proposed category would have the following effect on the rates received with a clear reduction in the GRV Commercial area, and a new segment for GRV Mass Accommodation.



The following rates in the dollar for each category are now proposed:

Rate Category	2009/10		2010/11		% increase/(decrease)	
	RID	Min	RID	Min	RID	Min
GRV Residential	4.1000	653	4.2640	800	4%	22.5%
GRV Commercial	4.8810	653	5.0762	800	4%	22.5%
GRV Industrial	4.1000	653	4.2640	800	4%	22.5%
GRV Shopping Centre	8.2000	653	8.5280	800	4%	22.5%
GRV Mass Accommodation	0	0	8.5280	800	100%	100%
GRV Ex Gratia	4.1000	653	4.2640	800	4%	22.5%
UV Mining Improved	23.6711	653	27.2218	800	15%	22.5%
UV Mining Vacant	23.6710	653	27.2217	800	15%	22.5%
UV Pastoral	11.8374	653	13.6130	800	15%	22.5%
UV Other	11.8374	653	13.6130	800	15%	22.5%
UV Other Vacant	11.8373	653	13.6129	800	15%	22.5%

Major changes to the rates are as follows:

GRV Differential Rates

As Councillors recognised that the cost of living is higher in the Pilbara than in Perth, instead of implementing a 3.4% CPI increase to all GRV Rates, it is recommended that an increase of 4% be set. This is slightly higher than the Perth rate, but not so high as to have a major impact on the GRV ratepayers.

UV Differential Rates

It is recommended that UV Minimum rates be increased by 15% across all rate categories on the basis that many of the valuations of properties had reduced over the past 12 months, and this increase would partially compensate for the reduction in rates that would have otherwise occurred if only a CPI increase of 4% was adopted.

UV Minimums

It is recommended that all minimums be uniformly increased to \$800 (22.5%). Councilors at the workshop felt that there should be a standard minimum across the district to reflect the minimum standard of services and activities available to all ratepayers within the district. The increase, while significantly more than CPI, is reflective of the amount of new services and infrastructure that are being developed.

As with the 2009-10 minimum rates, Council will need to apply to the Minister of Local Government and Regional Development (DLGRD) to impose the minimum rate for the UV Mining Vacant category, as more than 50% of the properties will be on minimums should these rates be adopted (s.6.35). It is believed that the DLGRD will support this request given what was approved in 2007-08, 2008-09 and 2009-10.

Consultation

The proposed rates in the dollars and minimum rates were discussed with Council in detail at the 4th Budget Workshop, held on the 2 June 2010.

Statutory Implications*Local Government Act 1995**6.33. Differential general rates*

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
- (a) *the purpose for which the land is zoned under a local planning scheme in force under the Planning and Development Act 2005;*
 - (b) *the predominant purpose for which the land is held or used as determined by the local government;*
 - (c) *whether or not the land is vacant land; or*
 - (d) *any other characteristic or combination of characteristics prescribed.*
- (2) *Regulations may —*
- (a) *specify the characteristics under subsection (1) which a local government is to use; or*
 - (b) *limit the characteristics under subsection (1) which a local government is permitted to use.*

6.36. *Local government to give notice of certain rates*

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) *A notice referred to in subsection (1) □*
 - (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
 - (b) *is to contain —*
 - (i) *details of each rate or minimum payment the local government intends to impose;*
 - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;*

and

- (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*
- (5) *Where a local government —*
 - (a) *in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
 - (b) *proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4), it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.*

6.35. *Minimum payment*

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*

- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
- (a) *50% of the total number of separately rated properties in the district; or*
 - (b) *50% of the number of properties in each category referred to in subsection (6),
on which a minimum payment is imposed.*
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*
- (a) *the number of separately rated properties in the district; or*
 - (b) *the number of properties in each category referred to in subsection (6),
unless the general minimum does not exceed the prescribed amount.*
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
- (a) *to land rated on gross rental value;*
 - (b) *to land rated on unimproved value; and*
 - (c) *to each differential rating category where a differential general rate is imposed.*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Based on current valuations the proposed rates in the dollar and minimum rates will generate \$12,845,105 in rate revenue for 2010-11 compared to \$10,956,159 in 2009-10.

Officer's Comment

Rating is Councils primary way of raising income to pay for the services it provides to the community. It is therefore extremely important that the rates imposed are reflective of where Council plan to allocate its resources in the coming year.

The Town of Port Hedland is a developing authority, in that much of the Towns resources are spent in developing infrastructure. Currently the district is experiencing high levels of growth due to the mining boom, which is placing extreme pressures on Council to fast track infrastructure development.

200910/440 Council Decision/Officer's Recommendation**Moved:** Cr S R Martin**Seconded:** Cr M Dziombak**That Council:**

1. Adopt for advertising the following 2010-11 Rates in the Dollar and Minimum rates:

Rate Category	2010/11	
	RID	Min
GRV Residential	4.2640	800
GRV Commercial	5.0762	800
GRV Industrial	4.2640	800
GRV Shopping Centre	8.5280	800
GRV Mass Accommodation	8.5280	800
GRV Ex Gratia	4.2640	800
UV Mining Improved	27.2218	800
UV Mining Vacant	27.2217	800
UV Pastoral	13.6130	800
UV Other	13.6130	800
UV Other Vacant	13.6129	800

2. Apply to the Minister of Local Government and Regional Development to approve Council in imposing a Minimum Rate for UV Mining Vacant which will result in more that 50% of the properties in these categories being subject to minimum rate.

CARRIED 6/0

11.3.1.2 Extension of Airport Café Lease (File No: 05/05/0060)

Officer	Matthew Scott Director Corporate Services
Date of Report	4 June 2010
Disclosure of Interest by Officer	Nil

Summary

For Council to consider extending Bloomoons Pty Ltd Airport Café Lease area so the licensed area can be increased.

Background

On the 5 February 2010, Council entered into a lease with Bloomoons Pty Ltd (Bloomoons) to lease the Airport Café at rate of \$307 per square metre. In accordance to their initial tender and subsequent lease, Bloomoons have renovated the café area, including the removal of an internal wall connecting the café to the rest of the airport terminal.

As a result of these renovations, there is now no fixed barrier identifying the licensed area of the café, causing licensing issues for Bloomoons, as patrons inadvertently move outside the licensed area while consuming alcohol.

Bloomoons have tried to resolve the issue with temporary rope barriers and additional security. However without any permanent physical barrier, it is becoming increasingly difficult to manage the situation, especially when several flights are departing around the same time (evening schedule).

Bloomoons have requested Council to support an application to the Director of Liquor and Gaming to increase their licensed area. However as this is outside their lease area, this application would be rejected. To resolve this issue Council would need to firstly increase their leased area and then provide Bloomoon's a letter of support to extend the licensed area. Attachment 1 is diagram showing the proposed increased lease area and ultimately the increase licensed area.

Consultation	Nil
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Statutory Implications

“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; and*
 - (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.*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

An increase of the leased area would result in additional rental being paid to the Town of Port Hedland. At this stage there are no actual dimensions to calculate the additional area, it is however believed the increase in rental (at \$307 per square metre) is likely to equate to approximately \$35,000 per annum.

Officer’s Comment

Given that the renovations to the airport café have actually created the licensing issue, Council has some responsibility to assist in resolving it. In order to increase the lease area, Council has 3 options under Section 3.58, being:

- Public Tender;
- Public Auction; or
- Private treaty.

- Given that Bloomoons already have a lease for the existing café area, a private treaty is the only reasonable format to increase the lease area. To achieve this, the following steps will be required:
 - a. Survey/measure the proposed additional area to calculate the exact area;
 - b. Seek a market valuation of the proposed additional area
 - c. Advertise the both the market value and the proposed consideration from Bloomoons
 - d. Council needs to review any submissions received during the advertising period.
 - e. Sign and executive an amendment to the existing lease.

Due to the advertising requirements of the private treaty process, it will take at least 1-2 months the actually formally amend the lease to include the new lease area. During this time Council could enter into a deed of agreement with Bloomoons to amend the lease. This may be sufficient for the Director of liquor and gaming to start the process to extend the license area.

In increasing the leased area, it is proposed to use the current lease rate per square meter of \$307. This rate was determined through the tender process, which resulted in Bloomoons securing the initial lease. Though potentially the market rate since the tender has probably increased, negotiating a new rate could take an excessive amount of time, increase the exposure of the Bloomoons to breaches of their liquor license, which could ultimately cease any liquor sales at the airport.

Attachments

1. Letter from Bloomoons requesting the lease extension, dated 3 June 2010
2. Diagram indicating proposed extended lease area

200910/441 Council Decision/Officer's Recommendation

Moved: Cr S R Martin

Seconded: Cr G J Daccache

That Council:

1. Agrees to dispose of by lease, the additional area, as indicated on the attached diagram at the Port Hedland International Airport, to Bloomoons Pty Ltd, as per section 3.58 of the Local Government Act 1995 (private treaty), at a rate of \$307 per square metre, and the same terms as the existing lease with Bloomoons Pty Ltd for the Airport Café; and

2. Authorises the Chief Executive Officer (or his delegate) to sign and execute the amendments to the existing leasing agreement, should no submissions from the public advertising be received by Council.

CARRIED 6/0



PO Box 776 PORT HEDLAND 6721
PHONE – (08) 9173 2783
FAX - (08) 9173 2100

ACN: 123 180 478
ABN: 58 317180 139

3 June 2010

Matthew Scott
Director Of Corporate Services
Town of Port Hedland
Po Box 41
Port Hedland
WA 6721


Dear Matthew,

As a consequence of the recent renovations at the airport bar and café, in particular, the removal of the wall which acted as the boundary of the licensed area, we are seeking to extend and enlarge the licensed area of the café and bar to the closest wall (international glass boundary wall).

The purpose of extending this licensed area is to avoid infringement issues with liquor licensing. Without a clear boundary of the licensed area, patrons are consuming alcohol outside the licensed area and this is in breach of our liquor license.

To apply to liquor licensing to extend the licensed area, we require a letter from the Landlord (TOPH) confirming their approval for Bloomoons to extend this area. After our discussions today, we understand that for you to write such a confirmation letter, we must first apply to increase our lease agreement area for the café and bar to incorporate this new area. Accordingly, we write to request to enlarge and extend our lease agreement area as per attached plan.

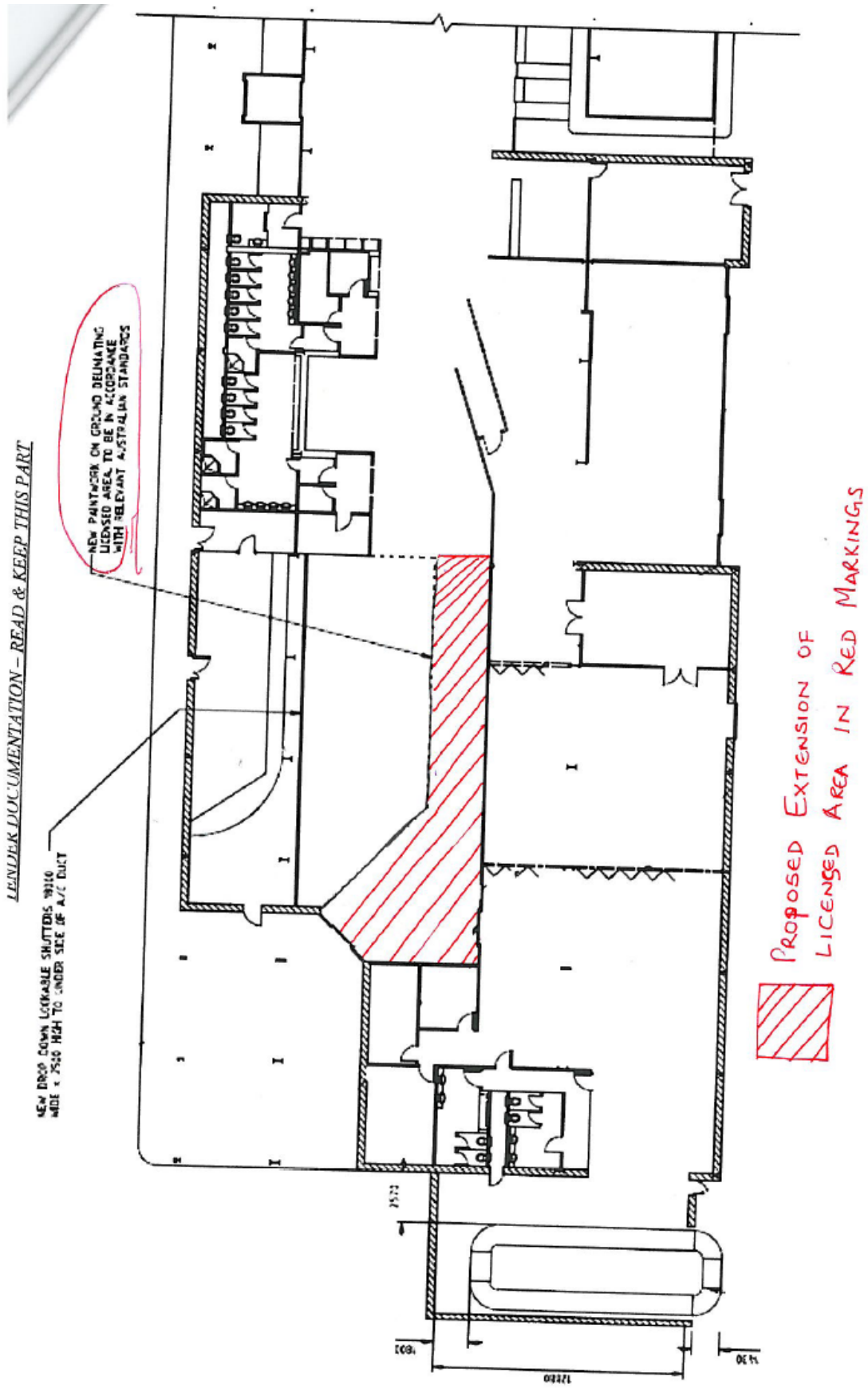
Yours faithfully,


Shelley Wood
General Manager

Trading As:



2 Anderson Street
Port Hedland WA 6721
Telephone: (08) 9173 2783
Facsimile: (08) 9173 2100
Email: gm@theesplandeporthedland.com.au
Web: <http://www.theesplandeporthedland.com.au>



11.3.2 Economic and Land Development**11.3.2.1 Office Relocation – Recommendations (File No.: 08/02/0018)**

Officer	Brie Holland Economic & Land Development Officer
Date of Report	2 June 2010
Project Reference	2
Disclosure of Interest by Officer	Nil

Summary

This report outlines five potential relocation sites (attachment 1) in South Hedland for the Town of Port Hedland Civic Centre. Option three, Lot 309 Hamilton Road is the recommended site based on a Matrix Selection Method.

Background

At the March 2010 meeting Council resolved its preference of the development of a new civic building and office space in the South Hedland CBD.

In order to continue the momentum regarding the relocation of the Town of Port Hedland Civic Centre the follow five site options are presented;

1. Site One: Proposed Lot 2, Library (attachment 2, map A)
2. Site Two: Skate Park (attachment 2, map A)
3. Site Three: Hamilton Road (attachment 3, map B)
4. Site Four: TAFE Site (attachment 4, map C)
5. Site Five: Proposed Lot 6, Leake Street extension (attachment 2, map A).
6. Site Six: If Council has another option.

Please note that the maps presented are not exact surveyed representations of potential development areas, rather they are an estimation of proposed sites.

The five sites were originally selected based on their location to the South Hedland proposed Central Business District. From there, a Matrix (attachment 5) was used as an evaluation tool to assess a number of criteria, imperative to the site selection process. The five potential sites were individually scored based on their fit to each of the criteria.

The score is a measure of the level of compliance or merit whilst the weighting identifies the relative level of importance of each evaluation criteria.

Based on this evaluation tool, the Hamilton Road site has been identified as the best position for the relocation site. In reference to the Matrix, the Hamilton Road site outweighed all other sites overall in relation to initial and future development area, whilst retaining an equal rating as a prominent site. The Matrix demonstrates the assumption that the other four sites may not have the capacity to facilitate the Council's future demands. For further a more detailed comparison of how the sites ranked, please refer to attachment 5.

Consultation

Public consultation undertaken regarding the preferred location of the Town of Port Hedland Civic Centre, as part of the previous March 2010 Council report.

The Matrix and plans were presented to the Town's Administration, Executive team 1 June 2010, and were supported.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

KRA- 4 Economic Development
Goal 4 Land Development Projects
Other Actions 3e. Civic Centre Redevelopment Project

Officer's Comment

It should be noted that at this stage, the exact area specifications are undefined in relation to new Civic Centre's as projected floor space, usage and projected staffing numbers are yet to be established. For the purpose of this recommendation the maps are presented a guide and not a specified survey. In order to clarify the new Civic Centre specifications it has been suggested that further consultancy with other Councils, like the Shire of Busselton, city of Geraldton, Greenough and Shire of Bunbury, should be undertaken in order to make a substantiated decision regarding the importance floor space, usage and projected staffing numbers on the Town's relocation decision. It is assumed that further consultancy would add support to the ultimate goal, being development of a high quality, appropriately sized new Civic building.

Attachments

1. Overview of South Hedland

2. Map A, Site options; 1: Proposed Lot 2 Library, 2: Skate Park and 5: Proposed Lot 6.
3. Map B; Site option: 3 Hamilton Road
4. Map C: Site option: 4 TAFE Site
5. Matrix

Officer's Recommendation

That Council:

1. Notes the results of the matrix and supports the Hamilton Road site as the preferred site for the relocation of the Town of Port Hedland Civic Centre.
2. Delegates to the CEO or his nominate representative the authority to negotiate a land access proposal for future Council's consideration.

200910/442 Council Decision

Moved: Cr S R Martin

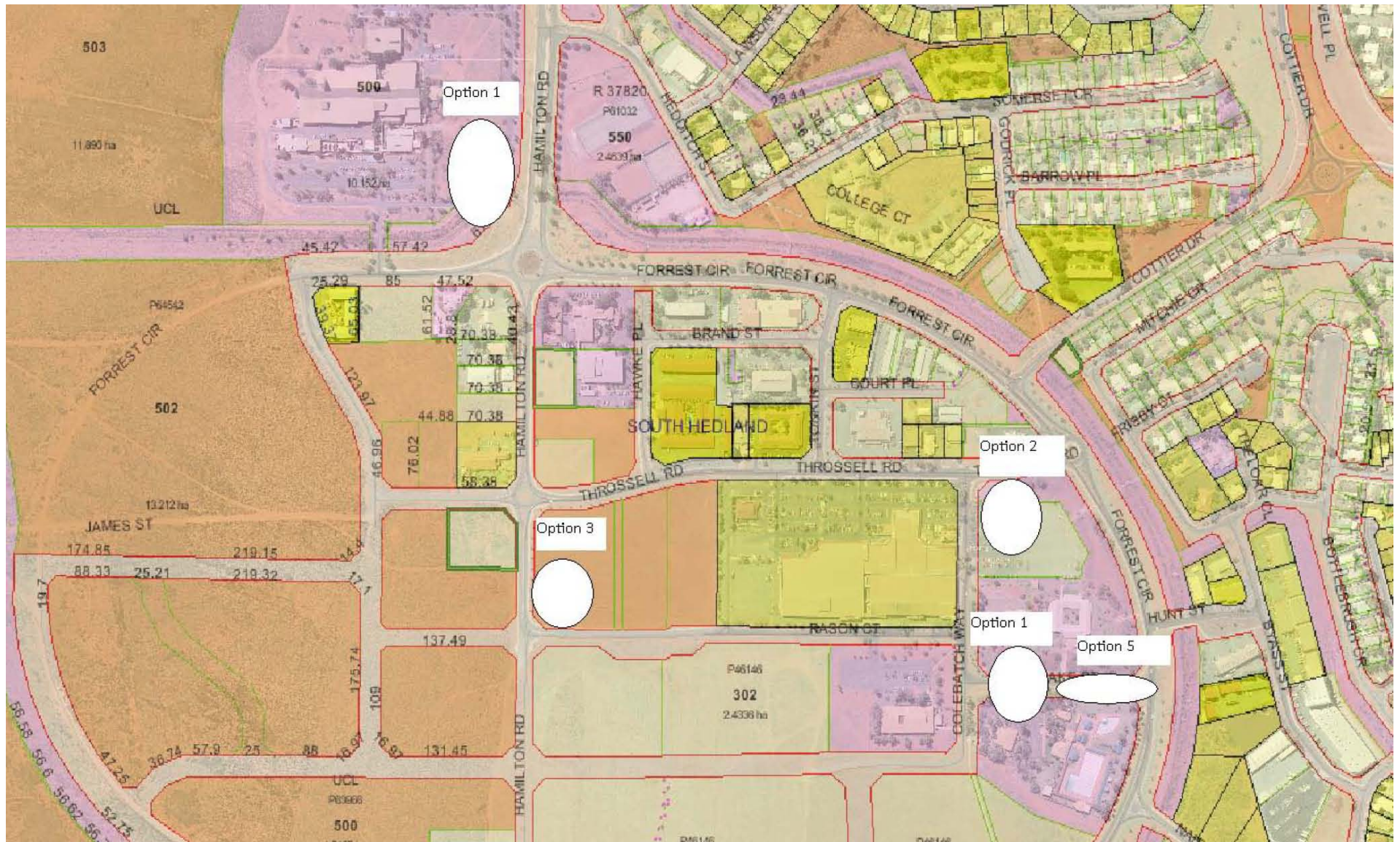
Seconded: Cr S J Coates

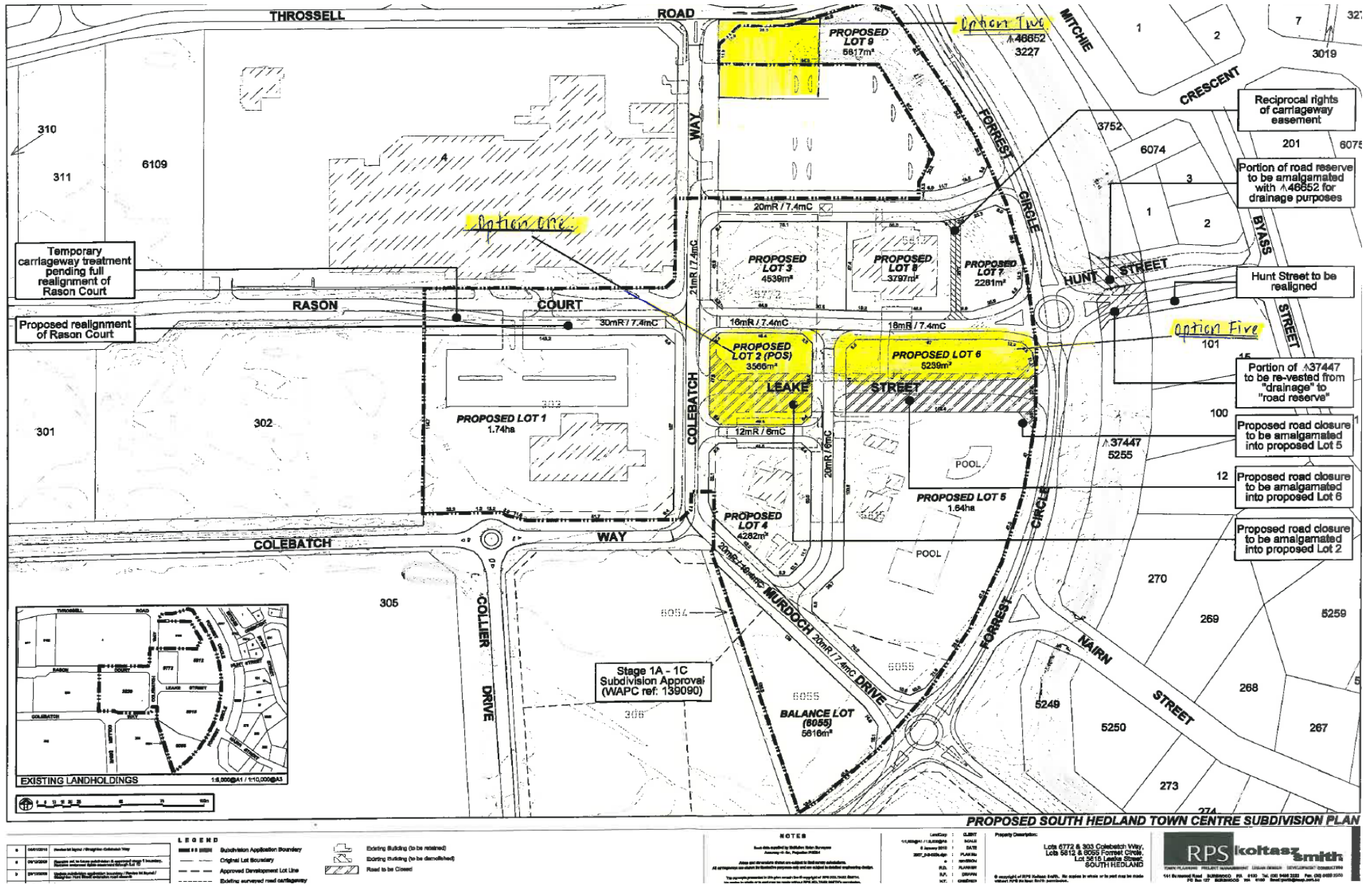
That Council:

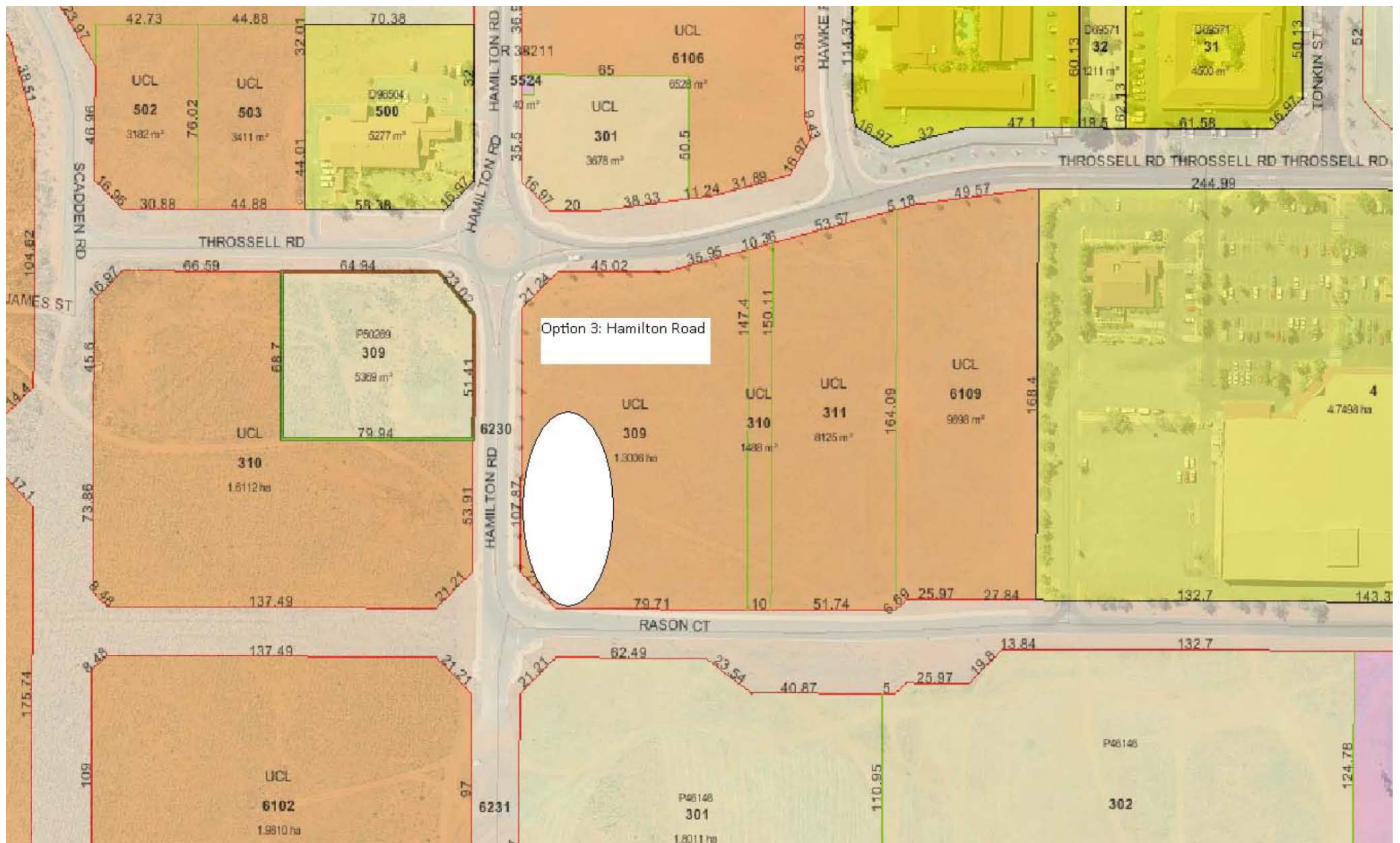
1. Notes the results of the matrix and supports the Hamilton Road site as the preferred site for the relocation of the Town of Port Hedland Civic Centre.
2. Delegates to the CEO or his nominate representative the authority to negotiate a land access proposal for future Council's consideration.
3. Keeps the community informed and consulted throughout the process and has Councillors carrying out site inspections.

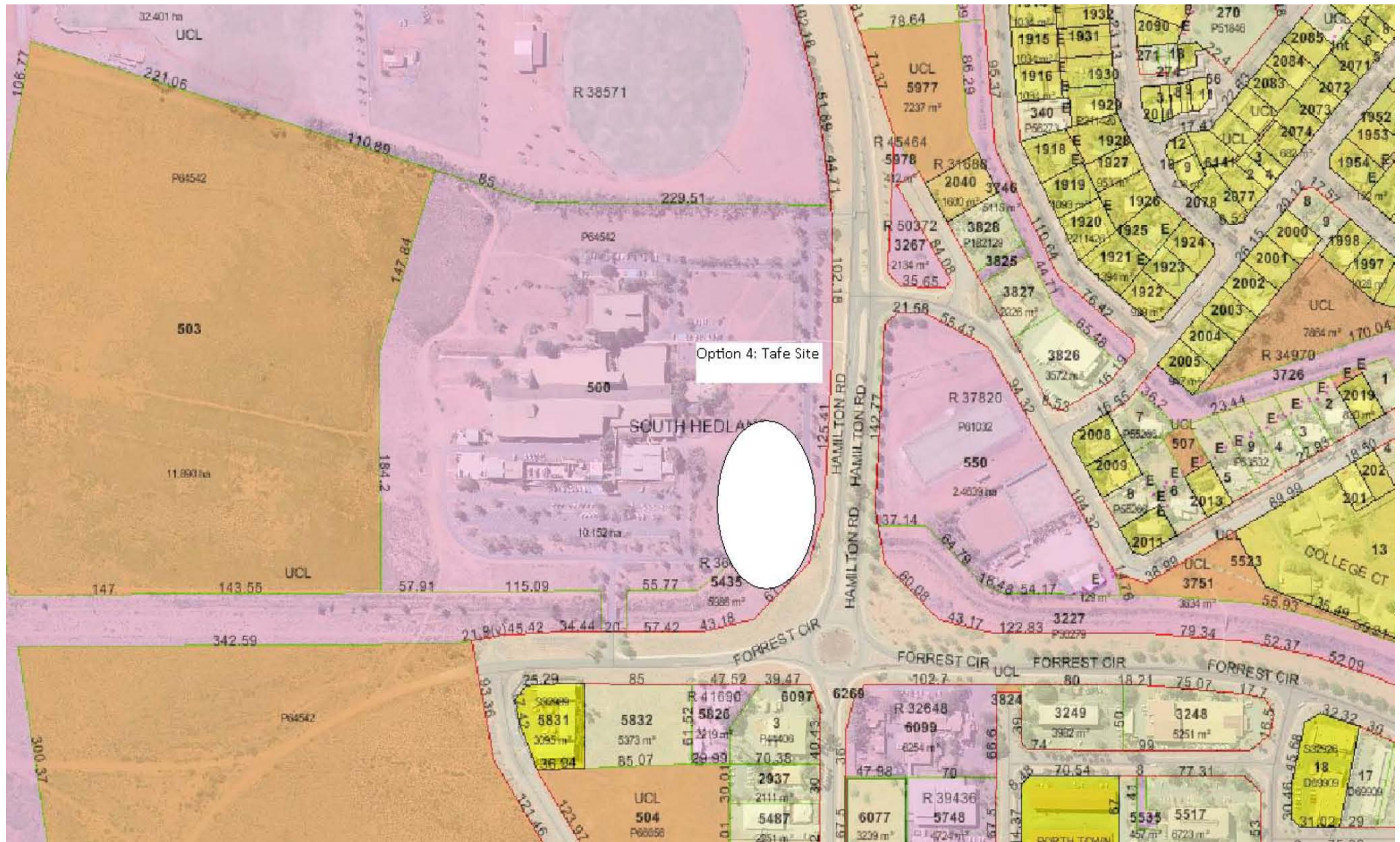
CARRIED 6/0

REASON: Council added Clause 3. To the Officer's Recommendation to ensure the community are consulted throughout the process, and Councillors undertake site inspections.









CRITERIA	Order	Weight	Option One		Option Two		Option Three		Option Four		Option Five		Option Six
			Proposed Lot 2 (Library Option)	Score ⁽¹⁾	Skate Park Option	Score ⁽¹⁾	Hamilton Road Option	Score ⁽¹⁾	TAFE Site Option	Score ⁽¹⁾	Proposed Lot 6 Option (Leake Street Extension)	Score ⁽¹⁾	Council Alternative TBA
Development area (initial size)	1	20	10	200	10	200	20	400	15	300	15	300	
<i>Current land ownership</i>	1												
• Vesting ToPH		8	8	64	8	64	0	0	0	0	8	64	
• Vesting other Government.		6	0	0	0	0	0	0	6	36	0	0	
• Freehold		10	0	0	0	0	0	0	0	0	0	0	
• Reserve		8	0	0	0	0	0	0	0	0	0	0	
• Unallocated Crown Land		4	0	0	0	0	4	16	0	0	0	0	
<i>Potential land ownership</i>													
• Freehold		10	10	100							10	100	
• Reserve		20		0			20	400	20	400			
• Lease		0		0	0	0							
Realignment with GNH bypass	2	10	5	50	5	50	10	100	10	100	5	50	
Prominence of site	2	15	15	225	15	225	15	225	15	225	5	75	
Ability to expand site	3	10	0	0	0	0	10	100	5	50	0	0	
<i>Community Accessibility</i>	3												
• Motor Vehicle		5	5	25	5	25	5	25	0	0	5	25	
• Pedestrian		10	10	100	10	100	5	50	5	50	10	100	
Parking shared	3	5	5	25	5	25	0	0	5	25	5	25	
Access to shopping centre	3	5	3	15	5	25	1	5	0	0	2	10	
<i>Outlook opportunity</i>	4												
• Town centre		10	10	100	10	100	5	50	0	0	5	50	
• Open space		5	3	15	1	5	5	25	3	15	3	15	
• Streetscape		5	5	25	5	25	5	25	5	25	1	5	
<i>Ability to combine with other users</i>	5												
• Within building		10	10	100	10	100	5	50	5	50	7	70	
• Surrounding area		5	10	50	10	50	8	40	8	40	8	40	
Total			109	1094	99	994	118	1511	102	1316	89	929	
Rank				3		4		1		2		5	

Table 1: Matrix

11.3.3 Governance**11.3.3.1 Town of Port Hedland Airport Committee – Minutes of Meeting held Thursday 20 May 2010 (File No.: 30/09/0037)**

Officer **Chris Adams**
Chief Executive Officer

Date of Report 4 June 2010

Disclosure of Interest by Officer Nil

Summary

For Council to note the Minutes of the Town of Port Hedland Airport Committee Meeting held on Thursday 20 May 2010.

Background

The Airport Committee was established under the provision of Section 5.8 of the Local Government Act (1995) by Council at its Special Meeting held on 10 March 2010; and appointment of community representatives on the Committee were formalised at its Ordinary Meeting held in April 2010.

The first meeting of the Airport Committee was held on Thursday 20 May 2010, and considered the following matters:

- Small Lot Transient Workforce Accommodation Lot 2444 Great Northern Highway – Port Hedland International Airport;
- Status of Port Hedland International Airport Development Plan; and
- Status of Car Hire Company Leases based at the Airport

Consultation

The schedule of meeting dates for the Committee was advertised as follows:

- North West Telegraph – Wednesday 12 and 19 May 2010
- Pilbara Echo – Sunday 9 and 16 May 2010
- Town's Website – 6 May 2010
- Town's weekly 'Council News @ Your Fingertips' e-news – 7 and 14 May 2010

Statutory Implications

Section 5.22 of the Local Government Act 1995 states:

"5.22. Minutes of council and committee meetings"

- (1) *The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*
- (2) *The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*
- (3) *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation."*

Policy Implications

Nil

Strategic Planning Implications

Council's current Plan for the Future includes the following statements that are relevant to this matter:

Goal 3 – Airport

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

Strategies

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

Budget Implications

Nil

Officer's Comment

A briefing has been scheduled for all Committee members on Friday 11 June 2010, to provide an overview of:

1. Requirements for declarations of Financial Interests; and
2. The Town's Standing Orders Local Law (for meetings); and
3. Informal updated status of matters affecting the Port Hedland International Airport.

The briefing will be followed by a tour of the Port Hedland International Airport operations by the Chief Executive Officer.

The Unconfirmed Minutes of the Airport Committee are presented to Council for its information.

Attachments

Minutes of Town of Port Hedland Airport Committee Meeting held on Thursday 20 May 2010.

200910/443 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

Seconded: Cr M Dziombak

That Council notes the Minutes of the Airport Committee Meeting held on Thursday 20 May 2010, that are to be confirmed at the next Airport Committee Meeting to be held on Thursday 17 June 2010, commencing at 5:30 pm.

CARRIED 6/0



Town of Port Hedland

MINUTES

OF THE

**AIRPORT COMMITTEE
OF THE TOWN OF PORT HEDLAND COUNCIL**

HELD ON

THURSDAY 20 MAY 2010

AT 5:30 PM

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

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town of Port Hedland for any act, omission, statement or intimation occurring during Council Meetings. The Town of Port Hedland disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Town of Port Hedland advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.

*Terry Sargent
Director Regulatory Services*

Airport Committee

The Committee be constituted as a formal committee of Council under the provision of Section 5.8 of the Local Government Act (1995)

Membership:

The membership of the committee be as follows:

Mayor Kelly A Howlett;
Councillor Arnold A Carter
Councillor W (Bill) Dziombak
Councillor Jan M Gillingham
Councillor Stan R Martin

Community Members:

- a) Janice Tucker;
- b) Serge Doumergue; and
- c) Doug Gould.

(Community Members appointed by Council at its Ordinary Meeting held 28 April 2010)

Quorum:

The quorum for the Committee be a minimum of 50% of its membership.

Delegation:

The Town of Port Hedland Airport Committee be given the following delegated authority to make decisions on behalf of Council:

- i) To determine whether a tender is required to be sought or not as specified in LG (F&G) Reg 11 f)
- ii) To choose tenderers for products services on behalf of the local government in accordance with LG (F&G) Reg 18.
- iii) Determine all Town Planning applications pertaining to the Town Planning Scheme No 5 that relate to Port Hedland International Airport without further reference to Council.
- iv) Undertake all Council statutory functions pertaining to Local Planning Schemes under Part 5 of the Planning and Development Act (2005) on Port Hedland International Airport land.
- v) Undertake all Council statutory functions pertaining to subdivision of land under Part 10 of the Planning and Development Act (2005) on Port Hedland International Airport land.
- vi) Provide direction and advice pertaining to the development of a Master Plan for the Port Hedland International Airport and the development of plans for a new airport terminal.

Tenure:

Ongoing. The following dates have been set and advertised in accordance with the Local Government Act 1995:

Date	Time	Location
20 May 2010	5.30pm	Port Hedland Civic Centre
17 June 2010	5.30pm	Port Hedland Civic Centre
15 July 2010	5.30pm	Port Hedland Civic Centre
19 August 2010	5.30pm	Port Hedland Civic Centre
16 September 2010	5.30pm	Port Hedland Civic Centre
21 October 2010	5.30pm	Port Hedland Civic Centre
18 November 2010	5.30pm	Port Hedland Civic Centre

(Adopted by Council at its Special Meeting held 10 March 2010)

Responsible Officer: Chief Executive Officer

MINUTES : AIRPORT COMMITTEE MEETING

20 MAY 2010

Table of Contents

ITEM 1	OPENING OF MEETING.....	7
1.1	OPENING	7
ITEM 2	RECORDING OF ATTENDANCE AND APOLOGIES.....	7
2.1	ATTENDANCE.....	7
2.2	APOLOGIES.....	7
2.3	APPROVED LEAVE OF ABSENCE	7
	ELECTION OF PRESIDING MEMBER AND DEPUTIES	7
	ELECTION OF CHAIRMAN	7
	ELECTION OF DEPUTY CHAIRMAN.....	8
ITEM 3	RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE	8
ITEM 4	PUBLIC TIME	8
4.1	PUBLIC QUESTIONS.....	8
4.2	PUBLIC STATEMENTS.....	8
4.2.1	<i>Richard Bolton</i>	8
ITEM 5	QUESTIONS FROM MEMBERS WITHOUT NOTICE	8
ITEM 6	DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING.....	9
ITEM 7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	9
ITEM 8	ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION.....	9
ITEM 9	PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS.....	9
ITEM 10	REPORTS OF OFFICERS	10
10.1	<i>Small Lot Transient Workforce Accommodation Lot 2444 Great Northern Highway - Port Hedland International Airport (File No.: 800290G)</i>	10
10.2	<i>Status of Port Hedland International Airport Development Plan (File No.: 30/21/0001)</i>	20
10.3	<i>Status of Car Hire Company Leases based at the Airport (File No.: -)</i>	23
ITEM 11	LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL.....	25
ITEM 12	MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN....	25
ITEM 13	CONFIDENTIAL ITEMS.....	25
ITEM 14	APPLICATIONS FOR LEAVE OF ABSENCE	25
ITEM 15	CLOSURE.....	25
15.1	DATE OF NEXT MEETING	25
15.2	CLOSURE.....	25

ITEM 1 OPENING OF MEETING**1.1 Opening**

The Director Regulatory Services (on behalf of the Chief Executive Officer) declared the meeting open at 5:30 pm and acknowledged the traditional owners, the Kariyarra people.

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

Councillor Arnold A Carter
Councillor W (Bill) Dziombak
Councillor Jan M Gillingham from 5:55 pm
Councillor Stan R Martin
Janice Tucker
Doug Gould

2.2 Apologies

Serge Doumergue

2.3 Approved Leave of Absence

Nil.

Election of Presiding Member and Deputies

NOTE: The members of a committee are to elect a presiding member and deputy presiding member from amongst themselves in accordance with Schedule 2.3, Divisions 1 and 2 of the Local Government Act 1995, as if the reference in that schedule were varied to relate to committees.

Election of Chairman

Nominations for position of Chairman were called for a period of two (2) years. Councillor Stan R Martin nominated Councillor Arnold A Carter for the position of Chairman.

Director Regulatory Services (on behalf of Chief Executive Officer) declared Councillor Arnold Carter as the Chairman of the Airport Committee, appointed unopposed.

Councillor Arnold A Carter assumed the Chair.

MINUTES : AIRPORT COMMITTEE MEETING

20 MAY 2010

Election of Deputy Chairman

Nominations for position of Deputy Chairman were called for a period of two (2) years. Councillor Arnold A Carter nominated Councillor Stan R Martin for the position of Deputy Chairman.

Councillor Arnold Carter declared Councillor Stan R Martin as Deputy Chairman of the Airport Committee, appointed unopposed.

NOTE: Councillor Carter (Chairman) welcomed all members to the newly established Airport Committee.

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE

Nil.

ITEM 4 PUBLIC TIME**4.1 Public Questions**

5:33 pm The Chair opened Public Question Time

Nil

5:33 pm The Chair closed Public Question Time

4.2 Public Statements

5:33 pm The Chair opened Public Statement Time

4.2.1 *Richard Bolton*

Mr Richard Bolton made a brief statement to the Committee in relation to the unlimited potential for development of the Port Hedland International Airport asset.

5:34 pm The Chair closed Public Statement Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil.

MINUTES : AIRPORT COMMITTEE MEETING**20 MAY 2010****ITEM 6 DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING**

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

Cr A A Carter	Janice Tucker
Cr S R Martin	Doug Gould
Cr M (Bill) Dziombak	

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil.

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Councillor Arnold Carter announced to the Airport Committee Members and member of public in attendance, that the newly established Committee has a big responsibility for the development of the Port Hedland International Airport's Master Plan.

ITEM 9 PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS

Nil.

MINUTES : AIRPORT COMMITTEE MEETING

20 MAY 2010

ITEM 10 REPORTS OF OFFICERS**10.1 *Small Lot Transient Workforce Accommodation Lot 2444 Great Northern Highway - Port Hedland International Airport (File No.: 800290G)***

Officer Terry Sargent
Director Regulatory
Services

Date of Report 10 May 2010

Disclosure of Interest by Officer Nil

Summary

To reconsider providing land at the Port Hedland International Airport on which small scale, shorter term Transient Workforce Accommodation could be developed

Background

Council considered this matter at its ordinary meeting on 28th April 2010 and referred the matter to the Airport Committee.

As noted in the report to Council, staff and elected members had been approached by companies, associated with, but not directly involved in infrastructure development in Port Hedland over the next few years.

It is becoming increasingly apparent that while large resource and construction companies are securing workers accommodation, medium to long term, in the larger TWA developments currently constructed, or planned, many smaller companies are currently unable to secure accommodation for their employees and subcontractors.

Council previously endorsed the concept of leasing land at the Port Hedland International Airport (on the northern side of the lot) to smaller companies in parcels of less than 5ha. Although no companies exercised that option at the time, demand for such lots appears to have resurfaced.

Statutory Implications

“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 —

MINUTES : AIRPORT COMMITTEE MEETING**20 MAY 2010**

- (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.*

Policy Implications

Nil

Strategic Planning Implications

Goal 2 KRA 4 strategy 3 of the current Draft Strategic Plan reads: "Actively pursue integration (rather than segregation) of FIFO workers into the local community"

To that end this proposal can be seen as having limited accordance with the Strategic Plan and is instead more of a "least worst" option that will allow Council to control the length of time such facilities operate.

The potential use of the land for industrial purposes need not be inhibited by the short to medium term use of a relatively small portion of the land for TWA development.

The proposal sits comfortably within KRA 1, Goal 3 of the current Strategic Plan, strategies 2 and 4 which state:

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

and

Develop transient workforce accommodation on airport land

Council has also developed a Guidance Note for TWA Developers which indicates how and where TWAs should be built. While building more TWA at the Port Hedland International Airport may be needed, it does not necessarily comply with Council's Guidance Note.

Budget Implications

Any land made available to companies for TWA development would be on the commercial basis of a commercial lease or license with associated fees but would also require the development of infrastructure.

This infrastructure would have residual value to Council, but those values have not been calculated at this stage.

MINUTES : AIRPORT COMMITTEE MEETING**20 MAY 2010**

The cost of servicing the land (power/water/sewage disposal/roads and intersection development can be borne by Council as an up-front cost and recovered from the tenants by way of higher annual fees or up front head works charges.

Alternatively, it can be left to the lessees to develop their own lots. This will likely result in infrastructure being uncoordinated and is less likely to realize a residual benefit in the future upon termination of the leases.

Officer's Comment

Land to the South Western part of lot 2444, accessed near the cemetery and obscured by the ridge running north – south behind the cemetery, is earmarked in the Airport master plan for future industrial use. This is unlikely to be developed for industrial purposes in the short to medium term.

Making this land available for TWA does not really meet Council's aim of improving the integration of transient workers into the town. However it should be noted that this provides what is probably the only opportunity for Council to "get ahead of the game" and ensure land is available so that smaller and mid-sized contractors are able to provide accommodation for their workers.

Small lots allowing the development of "camps" for 30 – 50 people could be developed on parcels of land less than 5,000m². This would be affordable and would provide a viable alternative to the illegal structures that are thought to be occupied by the operators by a number of industrial, transport and construction companies at present.

It should also be noted that while some earthworks, landscaping etc may have no residual value, there is an opportunity to have roads constructed, water and power distribution etc. that will ultimately be used when the leases expire and the land is made available for industrial/transport related uses. This could deliver significant savings to Council in the future.

Clearly any proposal to lease or dispose of property in this manner would need further, more detailed investigation of the development costs and market demand.

It is also possible that provision of water, power or the need to upgrade access to the nearby main road could prove to be a fatal flaw for such a project. This has not yet been determined.

Attachments

Master plan and Guidance Notes for Potential TWA Developers.

MINUTES : AIRPORT COMMITTEE MEETING

20 MAY 2010

AC200910/001 Airport Committee Decision

Moved: Cr S R Martin

Seconded: Cr B Dziombak

That Standing Orders be suspended.

CARRIED 5/0

5:36 pm Councillor Arnold Carter (Chairman) advised that Standing Orders were suspended.

AC200910/002 Airport Committee Decision

Moved: Cr S R Martin

Seconded: Cr B Dziombak

That Standing Orders be resumed.

CARRIED 5/0

5:44 pm Councillor Arnold Carter (Chairman) advised that Standing Orders were resumed.

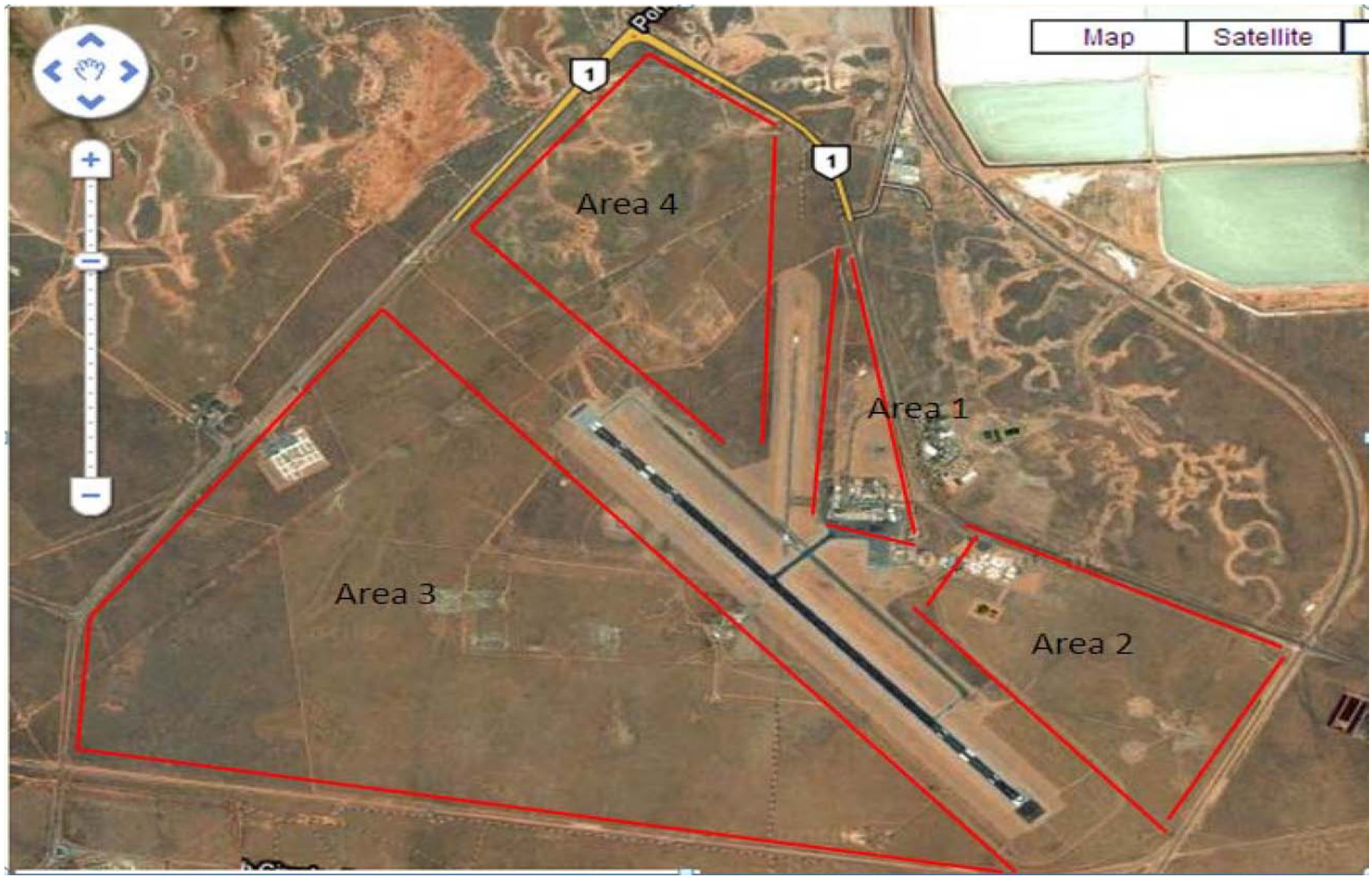
AC200910/003 Airport Committee Decision/Officer's Recommendation

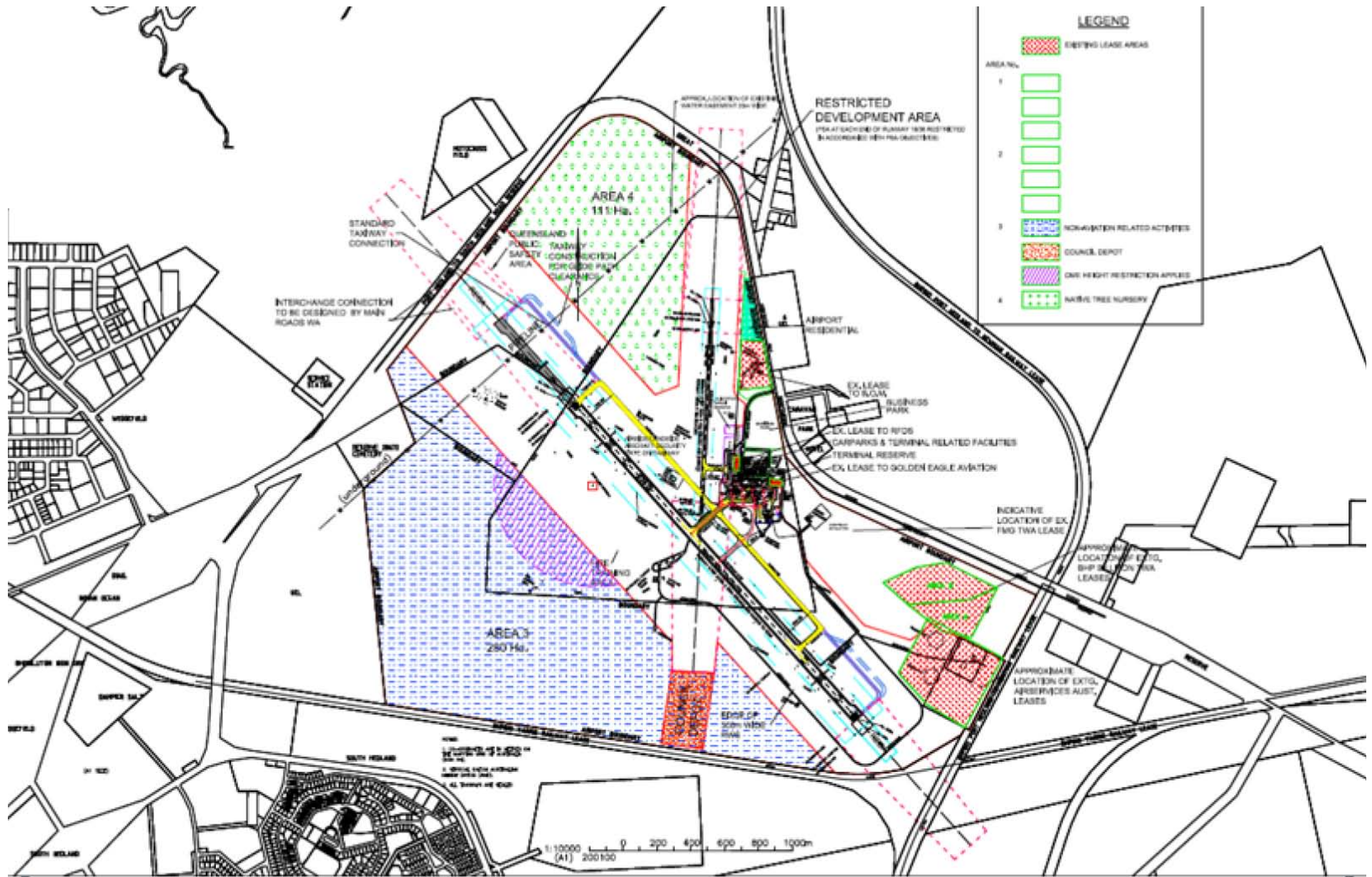
Moved: Cr B Dziombak

Seconded: Cr S R Martin

That the Airport Committee authorises the Chief Executive Officer or his delegate prepare a business plan for the development of small scale transient workforce accommodation, outlining potential sites, servicing costs and potential income generation at various locations on the Port Hedland International Airport.

CARRIED 5/0







**GUIDANCE NOTE FOR POTENTIAL DEVELOPERS
OF TRANSIENT WORKFORCE ACCOMMODATION (TWA)
– August 2008**

Background

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

Key Principals

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

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

MINUTES : AIRPORT COMMITTEE MEETING20 MAY 2010

Council is committed to ensuring that facilities that are constructed are safe for both the occupants and the general community.

TWA Styles

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

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

1. Mining/Rail Camps:

Characteristics

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

Possible/Preferred locations

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

2. Student Education Accommodation Facilities

Characteristics

Facilities for students undertaking training or further education.

Possible/Preferred locations

Pundulmurra College
South Hedland TAFE

3. Traditional Donga Camps:

Characteristics

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

Facilities are removed at the end of construction spike.

Possible/Preferred locations

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

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

Characteristics

Facilities designed and built for permanent purpose.

B

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

Possible/Preferred locations
Port and South Hedland CBD areas. –
Port Hedland Golf Course (resort style)

5. Building Construction Camp

Characteristics

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

Possible/Preferred locations

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

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

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

MINUTES : AIRPORT COMMITTEE MEETING

20 MAY 2010

10.2 Status of Port Hedland International Airport Development Plan (File No.: 30/21/0001)

Officer Terry Sargent
Director Regulatory
Services

Date of Report 18 May 2010

Disclosure of Interest by Officer Nil

Summary

To provide the Committee with an update on the status of the Port Hedland International Airport Development Plan.

Background

In 2008 Council called tenders for the development of an airport master plan and appointed Airport Master Planning Consultants (AMPC) undertake that project. AMPC subsequently delivered a plan in November 2008 which identified 4 distinct precincts, outside of the "airside" land that was required for operational purposes.

These were:

- Area 1 - Terminal and Business area
- Area 2 – TWA and Warehousing
- Area 3 – Light Industrial
- Area 4 – Low impact uses

Each precinct was defined in broad terms by potential future use and development of the land, but there was no in-depth investigation or detailed planning of the opportunities available to Council for the use and potential development of the land parcels .

In February 2010 Council resolved, after calling tenders, to appoint Whelan's Planning Consultants to prepare more detailed development plans to inform its future decision making over the non-airside land at the Port Hedland International airport.

The scope of works schedule accepted in the tender submission is attached (Attachment 1).

Statutory Implications

There are no direct statutory implications.

Policy Implications

Nil

Strategic Planning Implications

KRA1 Airport

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

Budget Implications

This report brings no direct budgetary implications

Officer's Comment

Whelans have consulted with Council staff from the outset of this project and are still aiming to present to ToPH in July/August for decision in August/September, subject to meeting schedules etc. in accordance with the accepted works schedule.

While the initial project milestones have been met, some delays in feedback from specialist consultants may require redrafting of some of the early to mid-project milestones.

Clarification has been sought from the consultant and more detailed information will be supplied within a week. It was hoped to have this data available for the meeting but this is not possible. This information will be supplied to committee members within a week.

Attachments

Scope of Works Schedule

AC200910/004 Airport Committee Decision/Officer's Recommendation

Moved: Cr S R Martin

Seconded: Janice Tucker

That the Airport Committee notes the report on the status of the Airport Master Plan.

CARRIED 5/0



smec urban

5.3 Table 2: Scope of Works Schedule:

TASK	COMPONENT	WEEK:																COMMENTS
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
1. INCEPTION MEETING	Project Inception Meeting																	Scoping Meeting with SMEC and ToPH representatives to finalise scope of work, within 21 days of acceptance of quotation.
2. RESEARCH	Data collection																	Reviewing the Airport Working Group's Recommendations This review will include reviewing all available background information and previous documentation (reports, studies, plans) including but not limited to: ToPH LUMP, ToPH TPS 5, All relevant leases, Caravan and Camping Regulations 1997, Land Administration Act 1997, PHIA Strategic Master Plan, November 2008, Infrastructure availability for all sites, including Power, Water, Sewer, Telecommunications and Transport. Particular emphasis will be paid to the susceptibility of the vacant land to flooding from cyclonic and storm surge events.
	Review literature																	
	Research																	
3. SITE INVESTIGATION																		Visit individual sites. Whelans and SMEC are familiar with sites, and this should take 1 day.
4. PREPARE DEVELOPMENT PLANS	Area 1																	Terminal Business Area Precinct / Business Area. Transient Workers Accommodation and Warehousing precinct, airport and commercial Light Industrial Area Low Impact Uses Area The draft report will contain an analysis of the key issues identified in Tasks 2 - 4. The Draft report will include recommendations and a schedule of implementation together with a spatial layout (master plan). Integration of new plan with the existing Strategic Master Plan by AMPC, November 2008 Presentation to Council outlining draft Plan, followed by 28 Days advertising.
	Area 2																	
	Area 3																	
	Area 4																	
5. DRAFT DEVELOPMENT MASTER PLAN	Prepare Draft Report																	The Draft report will include recommendations and a schedule of implementation together with a spatial layout (master plan).
	Prepare Master Plan																	
6. ADVERTISING	Undertaken by ToPH																	Integration of new plan with the existing Strategic Master Plan by AMPC, November 2008
7. FINAL MASTER PLAN	Revisions to Draft Master Plan																	Final report will include, but not be limited to: 1. Executive Summary and Recommendations 2. Background and Methodology 3. Analysis of opportunities and constraints for each precinct 4. Rationale for design of each precinct 5. Implementation guide for each precinct 6. Appendices
	Printing and binding																	
	Presentation of Final Master Plan																	

ToPH = Town of Port Hedland.

**10.3 Status of Car Hire Company Leases based at the Airport
(File No.: -)**

Officer Natalie Octoman
A/Director Corporate Services

Date of Report 19 May 2010

Disclosure of Interest by Officer Nil

Summary

Report updates Council on the status of leases at the Port Hedland International Airport.

Background

The Town has recently developed a new 16,000m² car park facility at the Port Hedland International Airport. The facility was constructed with the intent of relocating the existing car hire companies further away from the terminal, thus allowing additional space for public parking.

The Town agreed to lease four companies 4000m² of the newly constructed car park. The draft leases were forwarded to Hertz, Avis, Thrifty and Budget on March 26th for feedback. The companies were requested to provide feedback by 1 April so that any issues could be negotiated with the leases due to commence on 19 April.

A significant number of issues and objections were raised by the prospective lessees including:

- **Environmental Issues:** The lease includes clauses requiring the lessee to any environmental issues pertaining to fuel storage
- **Public Car Park:** The lease includes clauses that prevent the hire car companies using the public car bays without written consent, or to pay a fee not exceeding \$100 per day for each vehicle parked in the bays;
- **Fuel Tanks:** initial lease documents prevented the companies from installing fuel tanks on their leased sites.
- **Site Development:** The draft leases required the lessee to develop the site very quickly. Many indicated that this would not be possible.
- **Compensation:** Some lessees were/are seeking compensation from the Town for the proposed early termination of their current leases.
- **Demolition Costs:** Concern was raised re the lessees being responsible for demolition costs associated with their existing facilities.

MINUTES : AIRPORT COMMITTEE MEETING**20 MAY 2010**

Given the number of queries raised, the Town's solicitor was engaged to provide advice in order for the lease agreements to be negotiated appropriately.

While many of the above listed issues have been resolved, some remain outstanding with negotiations continuing.

Consultation

Correspondence with hire car companies
Legal advice

Statutory Implications

Nil

Strategic Planning Implications

The lease arrangements could potentially impact on the review of the parking options available at the airport and implementation of an agreed Airport Parking Plan.

Budget Implications

The new lease area is being charged out at the market rate as determined by a licensed valuer

Officer's Comment

The execution of the leases for the new car park has not occurred in the desired timeframe due to complications and complexities relating to the proposed lease arrangement. These issues are currently being negotiated and it is anticipated that these will be resolved in the next few weeks.

Attachments

Nil. A copy of the lease is available on request.

5:44 pm Councillor J M Gillingham entered the room and assumed her chair.

AC200910/005 Airport Committee Decision/Officer's Recommendation

Moved: Cr S R Martin

Seconded: Cr B Dziombak

That the Airport Committee notes the status of the car hire company leases based at the Port Hedland International Airport and the anticipated response from the Town of Port Hedland's solicitors in the next few weeks.

CARRIED 6/0

ITEM 11 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

Nil.

ITEM 12 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

ITEM 13 CONFIDENTIAL ITEMS

Nil.

ITEM 14 APPLICATIONS FOR LEAVE OF ABSENCE

AC200910/006 Airport Committee Decision

Moved: Cr S R Martin

Seconded: Cr B Dziombak

That the following Applications for Leave of Absence:

i) Councillor J Gillingham from 21 May to 23 June 2010

be approved.

CARRIED 6/0

ITEM 15 CLOSURE

15.1 Date of Next Meeting

The next Airport Committee Meeting of Council will be held on Thursday 17 June 2010, commencing at 5:30 pm

15.2 Closure

There being no further business, the Chairman declared the meeting closed at 6:05 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Airport Committee at its Ordinary Meeting of 17 June 2010.

CONFIRMATION:

CHAIR

DATE

11.3.3.2 Strategic Airlines - Contract

Officer	Chris Adams Chief Executive Officer
Date of Report	4 June 2010
Disclosure of Interest by Officer	Nil

Summary

Report seeks to address compliance and contractual issues pertaining to the proposed commercial arrangement between the Town of Port Hedland and Strategic Airlines.

Background

In an effort to attract air services from the Eastern States to Port Hedland the Town put together an 'attraction' package for airlines. While several airline companies indicated an interest in the package only one airline, Strategic Airlines, has formally indicated a willingness to commit to a service.

While negotiations have substantially progressed with Strategic and the service is almost certain to operate under the proposed conditions as previously agreed to by Council, there are some compliance and legal issues that need to be addressed. These issues include:

- **Tender Requirements:** There is an argument that, given that Council may possibly be liable for >\$100,000 in expenditure through this agreement a tender could/should be called prior to entering into the agreement. The counter position is that a tender is not required as "*the local government has good reason to believe, 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 supplier.*" (LG Functions & General Reg 11(2)(f))
- **Letter of Agreement:** Council has previously been provided with a draft letter of agreement pertaining to the proposed commercial arrangement between Strategic and the Town. The Town's Lawyers have reviewed this draft and have suggested a range of modifications pertaining to:
 - 'Locking in' the agreed direct operating cost of the service.
 - Better clarification of the service that is to be provided.
 - Better definition of revenue issues.
 - Better clarification of the nature of
 - Better clarification of marketing requirements of the parties

- Better clarification of financial/auditing requirement on behalf of Strategic.
- Better clarification/definition of default clauses.

The recommended changes do not change the intent of the agreement whatsoever. The changes simply place a higher level of legal agreement/understanding between the parties on the nature of the commercial agreement. Given this, it is recommended that the CEO be given the authority to negotiate the details of the agreement in accordance with the legal advice.

Consultation

Council put the airline attraction package out to several airline companies and held extensive discussions with numerous parties regarding the potential of new services to/from Port Hedland International Airport.

Statutory Implications

Council's legal advice indicates that:

- If Council believes that there is potentially more than one supplier for the service proposed, a tender could/should be called under the provisions of the Local Government Act.
- The local government act does not require a business plan for this type of commercial arrangement.
- The agreement does not constitute a partnership under the Partnership Act 1895.

Policy Implications

Nil

Strategic Planning Implications

Council's Draft Strategic Plan includes the following statements that are relevant to this matter:

- Vision Statement: Port Hedland will be a major distribution and transport hub for sea, air and road freight that will service the State and the Nation.
- Immediate Priorities: Actively seek extension of air services with a focus on additional interstate and international services

Budget Implications

Council has previously supported the airline attraction proposal and has indicated a willing to 'underwrite' services to a maximum of \$10000 per flight or 33% of the losses (whichever is the lessor). The contract documents seek to confirm this arrangement in an appropriate legal format.

Officer's Comment

Council attraction package has significantly assisted in attracting a new airline to fly into Port Hedland from both Brisbane and Melbourne. It is unlikely that this service would have come to fruition without this package. Contract documentation and legislative compliance issues need to be addressed prior to the finalisation of the proposed agreement.

Attachments

A copy of the legal advice is available to Councillors upon request

Officer's Recommendation

That Council:

1. Resolves not to call for tenders for its airline attraction package for Brisbane – Port Hedland and Port Hedland to Melbourne flights as the local government has good reason to believe, 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 supplier." (LG Functions & General Reg 11(2)(f))
2. Authorises the CEO (or his representative) to negotiate the finalization of the commercial agreement between the Town and Strategic Airlines in accordance with the legal advice that has been provided to the Town.
3. Authorises the CEO and the Mayor to sign the contractual agreements between Strategic Airlines and the Town of Port Hedland once the documentation (as outlined in Item 2 above) has been completed.

200910/444 Council Decision

Moved: Cr S R Martin

Seconded: Cr D W Hooper

That Council suspend Standing Orders.

CARRIED 6/0

5:45 pm Deputy Mayor advised Standing Orders were suspended.

200910/445 Council Decision

Moved: Cr S R Martin

Seconded: Cr S J Coates

That Council resumes Standing Orders.

CARRIED 6/0

5:47 pm Deputy Mayor advised Standing Orders were resumed.

200910/446 Council Decision/Officer's Recommendation

Moved: Cr S J Coates

Seconded: Cr D W Hooper

That Council:

1. Resolves not to call for tenders for its airline attraction package for Brisbane – Port Hedland and Port Hedland to Melbourne flights as the local government has good reason to believe, 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 supplier.” (LG Functions & General Reg 11(2)(f))
2. Authorises the CEO (or his representative) to negotiate the finalization of the commercial agreement between the Town and Strategic Airlines in accordance with the legal advice that has been provided to the Town.
3. Authorises the CEO and the Mayor to sign the contractual agreements between Strategic Airlines and the Town of Port Hedland once the documentation (as outlined in Item 2 above) has been completed.

CARRIED 6/0

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**12.1 Community Development****12.1.1 *Tender for the Redevelopment of the JD Hardie Centre into a Youth Centre (Tender 10/18)***

Officer **Paul Martin**
Director Community
Development

Date of Report 9 June 2010

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to provide a summary and assessment of submissions received for Tender 10/18 Redevelopment of the JD Hardie Centre into a Youth Centre to enable Council to award the tender.

Background

Council considered the Expressions of Interest from construction companies for this project at its Ordinary Meeting held on 24 March 2010 where it resolved the following:

“That Council

- i) Advise the following registrants that their submission for Expression of Interest 10/01: Construction of the Multi Purpose Recreation Centre has been successful:
 - a) Broad Construction Services*
 - b) Doric*
 - c) Pindan Contracting Pty Ltd;**
- ii) Invite successful registrants to submit a tender for the Construction of the Multi Purpose Recreation Centre;*
- iii) Advise the following registrants that their submission for Expression of Interest 10/01: Construction of the JD Hardie Youth Centre has been successful:
 - a) Broad Construction Services*
 - b) Doric*
 - c) Pilbara Constructions Pty Ltd**
- iv) Invite successful registrants to submit a tender for the Construction of the JD Hardie Youth Centre; and*

- v) *Advise all unsuccessful registrants of the outcome.*
- vi) *Invite unsuccessful tenderers to an informal debriefing session to discuss tender documentation*

Tender documentation was finalised and requests for tenders were issued on 21 April 2010 for a five (5) week period. A compulsory site meeting was held on 27 April 2010 at the JD Hardie Centre. All companies were in attendance. Tenders closed on Wednesday 26 May 2010.

Table 1(a) below indicates the lump sum price submitted by the tenderers.

Table 1(a)

Tenderer	Lump Sum Price (excluding GST)
Broad Construction Services	\$10,436,230
Doric	\$10,205,755
Pilbara Constructions Pty Ltd	\$ 9,956,475

An alternative tender was submitted by Broad Construction Services which proposed an alternative staging schedule to the one outlined in the tender documentation. This alternative tender also included an alternative price of \$10,187,974. This alternative tender was deemed to be compliant and was assessed as Broad's bid.

Value Management items

The tender included a list of 21 'Value Management' items. Tenderers were required to price all of these 21 items into their lump sum tender price. Each of these items were to be included in the project, if funds permitted or Council so desired. All of the items are highly desirable, but are not all 100% critical to the project and/or could be funded through some other means (i.e. Council's 5yr works programs or additional grants/3rd party contributions).

Subsequent to receiving tenders, Officers have reviewed the Value Management list to consider which items should be included in the Lump Sum Tender Price. The table below illustrates the Officer's recommendation.

Items to be included in Lump Sum Tender	Items to be Undertaken by TOPH	Items to be Excluded or done at a later date
Storeroom Extension	External paving	YIC Shed.
New Additional Toilets	Bitumen paved and parking area.	Grease trap and associated plumbing
Light fittings to existing hall	Lighting to car park	YIC kitchen
Higher quality lighting facilities throughout facility	Perimeter fence and gates.	Café Kitchen
Construction of Art and Design Room		Radio station fit out.
Extension to Mezzanine		Performance arts studio fit out.
Re-roof of lower area of JD Hardie Building		Operable wall in youth lounge replaced with solid wall.
Re-roofing to hall and mezzanine		Operable wall in multi-purpose area replaced with solid wall.
		Operable wall in office/admin area replaced with solid wall.

A detailed explanation of these items is included in Attachment 1.

Table 1(b) indicates the revised prices based on the inclusion/exclusion of the above items. These amounts have been used as the basis to assess price as part of the assessment process.

Table 1(b)

Tenderer	Lump sum price excluding value management items agreed by assessment panel(excluding GST)
Broad Construction Services	\$9,645,491
Doric	\$9,691,451
Pilbara Constructions Pty Ltd	\$9,349,715

Table 2 below indicates the evaluation criteria as described in the tender documentation.

Assessment Criteria	Percentage
Price	60
Construction Program	20
Management Plans	20
Total	100

The Price component of the assessment was determined using the Town’s standard formula for tender assessment, whereby the lowest price Tender (Tlp) is awarded a score of 60 for the price criterion. The remaining priced Tenders (Tslp) shall be awarded a score determined in the following manner:

$$Tslp \text{ Score} = 60 - [(\$Tslp - \$Tlp) \times 60] \div \$Tlp$$

Each non price criterion was awarded a score from 0-20.

A tender assessment panel was established comprising:

- Director Engineering Services
- Director Community Development
- Manager Building Services
- Acting Manager Recreation and Youth Services
- Thinc Projects Representative

The assessment panel met on Wednesday 26 May to review the tenders to ensure compliance. All tenders were deemed to be compliant.

The assessment panel met on Tuesday 1 June and scored the tenders against the criteria. This assessment resulted in the following scores and ranking as outlined in table 3.

Table 3

Tender	Price (/60)	Construction Program (/20)	Management Plans (/20)	Total (/100)
Broad Construction Services	58.42	13.73	9.53	81.68
Doric	58.17	4.54	10.35	73.06
Pilbara Constructions Pty Ltd	60	4.54	5.43	69.97

The panel had a number of questions of tenders, particularly relating to the staging plan and decided to provide all tenderers with the opportunity of an interview. Questions were developed and circulated in advance to the three companies.

Pilbara Constructions and Broad Construction Services took up the opportunity for a face to face interview. Doric advised they could not attend face to face within the timeframe required and therefore a telephone interview was conducted.

As a number of issues were clarified at the interview all companies were provided the opportunity to submit a revised price based on the clarifications that had been made. While Broad Construction and Doric reviewed their price in light of the discussions and clarifications, Pilbara Constructions chose not to submit an amended price.

Table 4 indicates the revised pricing received.

Table 4

Tenderer	Lump sum price excluding value management items agreed by assessment panel(excluding GST)
Broad Construction Services	\$9,395,491
Doric	\$10,079,558
Pilbara Constructions Pty Ltd	\$9,349,715

This revised pricing is then incorporated into a revised scoring table as outlined in table 5.

Table 5

Tenderer	Price	Construction Program	Management Plans	Total
Broad Construction Services	59.71	13.73	9.53	82.97
Doric	55.32	4.54	10.35	70.21
Pilbara Constructions Pty Ltd	60	4.54	5.43	69.97

Construction Program

Broad Constructions submitted a detailed construction program for the delivery of the project. Both Doric and Pilbara Constructions provided very little detail in respect to their construction program. A proposed staging plan and timeline was provided to the tenderers as part of the tender documentation. While Doric and Pilbara Construction confirmed acceptance with what was proposed in the Town's tender documentation, the timeline was only at a less detailed level and did not describe the program schedule in great detail. The panel, although satisfied with what was provided, expected further detail demonstrating understanding of the project. Doric and Pilbara Constructions did address this at the interview and offered a flexible approach to working with the Centre's operations during construction.

The tender documentation does provide for a detailed construction program to be agreed upon between the two parties within 14 days of tender award. Pilbara Constructions and Doric indicated it would be their intention to comply with this requirement.

Broad Construction Services provided significant detail associated with their construction program to the point of submitting an alternative tender proposing a new staging program at a cheaper cost and within less time. This program was reviewed at the interview and accepted by the panel. This is why they scored higher than Doric and Pilbara Constructions.

Management Plans

This criterion was to assess issues such as Occupational Health and Safety plans, employee relations plans, dust management plan and handover and commissioning plan. None of the tenderers provided sufficient information in this section. Doric provided the most comprehensive information which is most likely due to their size and experience.

Notwithstanding the lack of information provided the panel is confident all of the tenderers could (with some management) address these issues during construction.

Consultation

Chief Executive Officer
Director Engineering Services
Director Community Development
Manager Building Services
Acting Manager Recreation and Youth Services
Tenderers

Thinc Projects

Statutory Implications

This tender was called in accordance with Section 3.57 of the Local Government Act (1995) which states:

“3.57 Tenders for providing goods or services

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

Policy Implications

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

Local content was used as part of the assessment in the Expressions of Interest stage when companies identified their use of local subcontractors. Only those companies with a high level of local content progressed through the Expressions of Interest Stage.

Strategic Planning Implications

Key Result Area 3: Community Development

Goal 2: Sports and Leisure

Critical Success Strategy 1: Development of a range of activities for young people, including the upgrade of the JD Hardie Centre.

Budget Implications

Capital Costs

Council's allocated budget for the project is currently at \$8.5 million. This is made up of the following contributions:

BHPB	3,800,000
South Hedland New Living	800,000
Royalties for Regions	2,900,000
Newcrest Mining Partnership	200,000
TOPH – Loan	800,000
Total	8,500,000

The recommended tender is costed at approximately \$9.4M. In addition to this the project will incur:

- Project/contract management costs of approximately \$150,000.
- Civil construction works (car parking, footpaths, fencing, lighting, etc). These costs have been included within Council five year works plan and hence no additional funds are required.

Assuming the project is to proceed, a further \$1.05M is required (\$8.5M + \$1.05 = \$9.55M). It is recommended that the following strategies be used to access this additional funding:

- Interest from Royalties for Regions Reserve Fund: The Royalties for Regions Reserve Fund will have accrued interest of approximately \$700,000 by 30th June 2010. \$600,000 of this interest has been allocated to the Multipurpose Recreation Centre Project (MPRC). The Town's financial modeling indicates that a further \$440,000 of interest will be generated from this reserve in the 2010/11 Financial Year. The amount is less than the current financial year as reserve funds are scheduled to be spent on project developments.

As this interest can only be used on Royalties for Regions projects, it is recommended that \$250,000 of the Reserve interest be allocated to the JD Hardie Centre project, with the remaining interest staying as a contingency for the other two large construction projects that Council has planned (Marquee Park and Multipurpose Recreation Centre).

- Increase Council loan funding: Council's contribution towards the project is currently projected at \$800,000 (or 9.4% of total project costs). The \$800,000 contribution was proposed to come from loan funding that was to be paid off over 15 years. The annual principal and interest loan payments were scheduled to be \$83,450 per annum.

It is proposed to increase Council's loan contribution towards this project to \$1.55M, with the loan being repaid over 20 years. The annual principal and interest loan payments would be \$143,480 per annum, being an increase of \$60,000 per annum.

Assuming that the above is acceptable to Council, the funding for the project would now be accessed from the following:

BHPB	3,800,000
South Hedland New Living	800,000
Royalties for Regions	2,900,000
Newcrest Mining Partnership	200,000
TOPH – Loan	1,550,000
R4R Reserve interest	250,000
Total	9,550,000

Operating Costs

Council's 2009/10 nett operating loss for the JD Hardie Centre is approximately \$516,000 per annum.. At this stage, Council's 5 Year Financial Plan indicates that the new JD Hardie facility will operate at a similar deficit after the refurbishment is complete.

During the upcoming twelve (12) months the Business Plan that was previously prepared for the youth precinct will be updated to give better accuracy in relation to proposed new income and expenditure streams for the facility.

Officer's Comment

Following this assessment Officers believe Council has two main options:

1. Decide not to award the tender as it is over budget. If this option was chosen redrafting of the scope could be undertaken to bring the project back within budget. This would take approximately three months at which point tenders could be called again.

This option is not recommended as:

- a. The project is long-overdue and there is an expectation from funding partners and the community that the project is delivered in a timely manner
 - b. Delaying the project will result in project escalation costs which could negate the savings that may be achieved through a revision of project scope.
2. Award the tender. Within this option the Council has two options:
 - a. Award the tender to the lowest priced tenderer (ie Pilbara Constructions Pty Ltd) excluding the value management items identified.
 - b. Award the tender to the highest scoring tenderer (ie Broad Construction Services) excluding the value management items identified.

If Council chooses to award the tender to either Broad Construction Services or Pilbara Constructions Pty Ltd, it is going to have to allocate additional funds to the project budget.

Officers are recommending Council award the tender to Broad Construction Services as the highest scoring tenderer against the agreed tender selection criteria.

Attachments

Value Management items recommended by Panel.

Officer's Recommendation

That Council:

- i) Awards Request for Tender 10/18 for the Redevelopment of the JD Hardie Centre into a Youth Centre with the excluding value management items identified at Appendix 1 to Broad Construction Services for the amount of \$9,395,491 excluding GST;
- ii) Advises the unsuccessful tenderers of the outcome; and
- iii) Notes that the total amended project cost is \$9.55million (including Project management costs) with the project funding being contributed from the following sources:

BHPB	\$3,800,000
South Hedland New Living	\$800,000
Royalties for Regions	\$2,600,000
Newcrest Partnership	\$200,000
R4R Reserve Interest	\$250,000
TOPH – Loan	<u>\$1,550,000</u>
Total	\$9,550,000

200910/447 Council Decision

Moved: Cr S R Martin

Seconded: Cr S J Coates

That Council suspend Standing Orders.

CARRIED 6/0

5:48 pm Deputy Mayor advised Standing Orders were suspended.

200910/448 Council Decision

Moved: Cr S R Martin

Seconded: Cr G J Daccache

That Council resumes Standing Orders.

CARRIED 6/0

5:54 pm Deputy Mayor advised Standing Orders were resumed.

200910/449 Council Decision/Officer’s Recommendation

Moved: Cr G J Daccache

Seconded: Cr S J Coates

That Council:

- i) Awards Request for Tender 10/18 for the Redevelopment of the JD Hardie Centre into a Youth Centre with the excluding value management items identified at Appendix 1 to Broad Construction Services for the amount of \$9,395,491 excluding GST;
- ii) Advises the unsuccessful tenderers of the outcome; and
- iii) Notes that the total amended project cost is \$9.55million (including Project management costs) with the project funding being contributed from the following sources:

BHPB	\$3,800,000
South Hedland New Living	\$800,000
Royalties for Regions	\$2,600,000
Newcrest Partnership	\$200,000
R4R Reserve Interest	\$250,000
TOPH – Loan	<u>\$1,550,000</u>
Total	\$9,550,000

CARRIED 6/0

Appendix 1 - Description of Value Management Items

Those highlighted are being deleted from work of the tenderer and will be undertaken by other means.

1. External Paving to Building

- Delete preparation, supply & laying of concrete block paving to NW and SW corners.

2. Bitumen Paved Parking Area

- Delete bitumen paving.
- Contractor to cut area to finished level (topside of paving finished level).
- Delete kerbing to area EXCEPT kerbing that retains concrete paving to east end of building.

3. Lighting to Carpark.

- Delete carpark lighting, conduits and cabling.
- Contractor to provide electrical conduit to perimeter of building for future connection to carpark

4. Perimeter Fence & Gates

- Delete new perimeter fence and gates.
- Delete demolition of existing fence except where required to undertake works.

5. YIC Shed

- Delete supply and construction of new shed, concrete pad and services.

6. Storeroom Extension

- Delete extension of storeroom (G73) between grids 18 & 19.
- Contractor to retain new roof geometry.
- Contractor to grade earth to east to retain existing footings.

7. Grease Trap & Associated Plumbing (G11)

- Delete grease trap, associated plumbing, deep fryers and grill.
- Retain domestic stove.
- Delete mechanical ventilation for fryers, grill etc.
- Provide exhausting for stove to open air.

8. YIC Kitchen (G32)

- Delete bench work, stove, sink, hand basin, range hood and ductwork.
- Cap all services for future installation of kitchen.

9. New Toilets

- Delete all internal walls, sanitary fittings & fixtures and electrical fittings, fixtures and points.
- Cap drainage flush at floor level.

- Delete west wall and doors adjacent to grid 4. Replace with stud wall with single 920 door.
- Delete Mechanical.
- Provide exposed grid plasterboard ceiling (1200 x 600 tiles), surface mounted fluorescent lighting (1200mm), 2 x double GPO outlets in stud v
- Screed finish floor level with vinyl flooring.
- Area to be painted throughout.

10. Café Kitchen (G11)

- Provide domestic range hood vented to air and ducting in lieu of commercial range hood as documented.

11. Lights to Existing Hall (G72)

- Delete new light fittings as documented (G72).
- Retain existing light fittings (G72).

12. Light Fittings Throughout

- Schedule of cheaper light fittings?

13. Radio Station Area

- Delete all internal walls windows and doors, double glazed windows (W06, 15, 16, 17), glazed wall DW11, all ceilings, all floor finishes, electrical
- Install single glazed windows (W06, 15, 16, 17).
- Install exposed grid plasterboard ceiling.
- Install vinyl flooring.
- Install stud wall with one 920 door to deleted (DW11).
- Install surface mounted fluorescent lighting.
- Provide power and data: 6 x double GPO's, 6 x Data (location TBA).
- Modify mechanical ductwork to suit.
- Area to be painted throughout.

14. Performing Arts Room (G18)

- Delete cabinetry, ceiling, floor coverings, lighting grid, electrical/data.
- Install exposed grid plasterboard ceiling (1200 x 600 tiles).
- Install sheet vinyl flooring.
- Install surface mounted fluorescent lighting.
- Install 4 x double GPO's and 4 x double Data points.
- Area to be painted throughout.

15. Art & Design Room (G39)

- Delete all internal fit out (benches, cabinet works, sinks).
- Cap all services (sink drain flush with floor). Terminate hot/cold water service in ceiling.

16. Youth Lounge/Technology Room (G33, G34)

- Delete operable wall, D08/76 and door head beam.
- Replace with stud wall and one 920 door.

17. Multi Purpose Activity Area (G14, G15)

- Delete operable wall and door head beam.
- Retain existing door and window layout BUT replace door and window suites with new clear anodized aluminium & glazing as specified for new

18. Centre Office Administration & Meeting Room

- Delete operable wall and door head beam.
- Replace with stud wall and 920 door.

19. Mezzanine

- Delete extension to mezzanine.
- Locate plant room on existing mezzanine between grids 12 & 14,

20. Existing Roof (Lower Area)

- Delete changes to existing roof geometry/structure between grid 7 & 18 (between higher main hall area to north & existing southern ridge line)
- To area identified above replace all existing roof sheeting, flashings, capping, box gutter to match new as specified.

21. Roof to Hall & Mezzanine

- Delete new roof sheeting to existing hall and mezzanine.

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil

ITEM 14 CONFIDENTIAL ITEMS

Nil

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 23 June 2010, commencing at 5.30 pm.

16.2 Closure

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

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of _____

CONFIRMATION:

MAYOR

DATE