



**Town of Port Hedland**

**MINUTES**

**OF THE**

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

**HELD ON**

**WEDNESDAY 23 SEPTEMBER 2009**

**AT 5.30 PM**

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

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*Chris Adams  
Chief Executive Officer*

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## OUR COMMITMENT

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

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

The Mayor declared the meeting open at 5.29pm and acknowledged the traditional owners, the Kariyarra people.

*NOTE: Mayor observed one minute of silence in remembrance and memory of Mr Whitby.*

*Mayor also welcomed practicum placement students Emma Bennett and Liliana Balaguera from University WA to the Town of Port Hedland. Their placement is for two (2) weeks receive work related experience in recreation and local government, and with other community related bodies.*

5:30pm Councillor S J Coates left the room.

5:30pm Councillor S J Coates reentered the room and assumed his chair.

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

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

Mr Chris Adams	Chief Executive Officer
Mr Matthew Scott	Directory Corporate Services
Mr Russell Dyer	Director Engineering Services
Ms Tricia Hebbard	Governance Admin Officer

Members of Public	17
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Members of the Media	1
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**2.2 Apologies**

Nil

**2.3 Approved Leave of Absence**

Cr G J Daccache

**ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

**3.1 Questions from Public at Ordinary Council Meeting held Wednesday 26 August 2009**

Nil.

**3.2 Questions from Elected Members at Ordinary Council Meeting held Wednesday 26 August 2009**

Nil.

**ITEM 4 PUBLIC TIME**

**4.1 Public Questions**

5:31pm Mayor opened Public Question Time.

**4.1.1 *Mr Kim Ross – Hedland Riders***

*As the Hedland Riders Association was advised that if the shed building was restored after suffering damage from Cyclone George, that Council would restore power to the building; is this still the case?*

Mayor advised that with the redevelopment of the airport an area could be located in the Airport plan as this issue has not been discussed fully.

*Is Council aware that Hedland Riders have been waiting two years to have this power connection issue resolved?*

Director Corporate Services advised that representatives from Hedland Riders have attended meetings with Council and have been informed that the recent delay is that Horizon Power will need to provide a transformer; and that this issue should be dealt with through Council's Airport Working Group. The cost of this extra transformer will be in the vicinity of \$25,000- \$30,000 to connect. The long term plan chosen by Council's Airport Working Group was to have the shed area identified as a future depot site for the Town.

*Is Council aware that Hedland Riders have agreed to pay for the supply of the cable required and supply electricians needed for the task?*

Mayor advised that the issue could be discussed at the next meeting of Council's Airport Working Group.

Chief Executive Officer advised that as the Airport Working Group focuses on the whole airport site, it would be appropriate to arrange for Hedland Riders to meet with Director Corporate Services to discuss issues further.

5:35pm Mayor closed Public Question Time.

#### **4.2 Public Statements**

5:36pm Mayor opened Public Statement Time.

5:36pm Mayor closed Public Statement Time.

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

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

*I have received concerns from guests that have stayed at Pundulmurra Village that a bad odour is lingering near the rooms and smells alot like sewerage, can this be looked into?*

Chief Executive Officer advised that the matter will be referred to Council's Environmental Health Services to undertake an inspection.

*Has Council received any further information on the Local Government amalgamations?*

Director Corporate Services advised an Agenda Item on Local Government Reform is included in tonight's business papers for Council's consideration.

*Is there any progress with issues raised about the wash away area in Pretty Pool for Michelle Chill?*

Chief Executive Officer advised question will be taken on notice.

#### **5.2 Councillor Jan Gillingham**

*Email circulating which raises the interest of having a market at the South Hedland shops near Coles carpark. This idea would be on alternating dates to the current Yacht club markets.*

Chief Executive Officer advised this issue can be brought to the attention of Community services to action if needed.

*I would like to thank the Town of Port Hedland and staff for holding the 33<sup>rd</sup> Pilbara Music Festival here at Council's premise. The event was well attended with 2000 people coming from town and across the State. It was very successful well done to everyone.*

*I travelled with some St Cecillas music students to Kalarra House where residents and HACC clients were treated to music being played by these students. I would like to thank Kalarra House as they do an amazing job.*

*I also attended the Port Hedland Chamber of Commerce Business Awards nights and would like to say PHCCI held a fantastic evening held and congratulations to all the worthy winners.*

### **5.3 Councillor Grant Bussell**

*In relation the public question today about the Hedland Riders shed I don't remember exactly when we discussed this issue at the Airport Working group?*

Chief Executive Officer advised that it has been raised many times during the Airport Working group meetings, maybe when you have been absent.

*Concerns have been raised with me about the lack of long term parking in Wedge Street, has it always been this way?*

Chief Executive Officer advised yes 2 hour parking spaces are available and are sufficient.

*Where do employees from businesses in Wedge Street park for long periods of time?*

Chief Executive Officer advised it is the responsibility of employers to have ample parking for their employees and is not the responsibility of Council . There is sufficient parking behind a lot of the businesses in this area for employees.

### **5.4 Councillor Kelly Howlett**

*Can we please let the Hedland Riders know when the next Airport working group is being held and give them a timeframe for when the issue will be resolved.*

Chief Executive Officer advised Council will organise a meeting with the Hedland Riders representatives and with Councillors if they wish to be present, but the issue is not appropriate to be brought up through the Airport Working group as they focus on the whole site of airport land.

*Can we please give them a timeframe?*

Chief Executive Officer advised yes.

*Mark Marcormack has contacted me again raising concerns about Masters Way and the dimness of the globes in this area.*



Chief Executive Officer advised Council can advise Horizon Power of the dimness and request an upgrade of wattage, to Horizon, but we need to be reminded that costs increase using a higher wattage for street lights.

*Michelle Chill has asked me when will the construction yards in Pretty Pool will be moved?*

Chief Executive Officer advised question to be taken on Notice.

*Airport parking has changed a lot recently can we please have signage to make these changes in progress more aware to the public.*

Director of Engineering informed yes we have alternative parking signs up for the public and we have advised through notices of the changes that are occurring with the new car park. The new car park for hire vehicles will create more space for public car parking in another area.

*If the signs could be clear as I recently had to park and walk a long way with my luggage and it is an inconvenience to the public.*

*Last week a young child was hit by a passing vehicle along Throssell Rd, why do we not have a crossing in this area for pedestrians?*

Chief Executive Officer advised the area is one of the slowest zones in Port Hedland at a maximum limit of 40km zone.

Director of Engineering also advised that previously barriers and other safety measures were reviewed but were not needed due to the speed limit.

*Could Traffic calmers have been used to avoid this circumstance?*

Director of Engineering advised that traffic calmers were not required. Chief Executive Officer also added nor was a safety strip as the area is well sign posted as a 40 km zone.

## **5.5 Councillor Steve Coates**

*A rumor has been brought to my attention about the Sutherland Street Hospital site being sold for \$2 million to an individual person; do we know if any of this information is correct?*

Chief Executive Officer advised that the land is owned by the Crown and if the land were to be sold they would not need our approval and no we are not aware of any sale but I am sure they would inform us out of courtesy of their future plans for this site.

*Thank you for this information clears the rumor.*

**5.6 Councillor Jan Ford**

*I recently discussed with PDC CEO Mr Stephen Webster the great things Council saw in Darwin and he has offered to support any projects Council puts forward relating to Port and accommodation growth. Can we put together a list over the next two weeks while Stephen is away that we can prepare to submit to various agencies like State Government to seek support and funding?*

Chief Executive Officer advised yes, we will be using ideas and perspectives from Council's visit to Darwin in future planning cases.

**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, excluding late items.

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

**ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 26 August 2009**

**200910/074 Council Decision / Officers Recommendation**

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

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 26 August 2009 be confirmed as a true and correct record of proceedings with the following amendments:**

***Agenda Item 11.2.1.4 - (Page 52) Council Decision 200910/040 be recorded 200910/040a; and***

***Agenda Item 11.2.2.2 - (Page 65) Council Decision 200910/040 be recorded 200910/040b; and***

***Agenda Item 11.3.2.9 - (Page 193) Council Decision 200910/055 be recorded 200910/055a; and***

*Agenda Item 11.3.2.10 - (page 199) Council decision 200910/055 be recorded as 200910/055b; and*

*Agenda Item 11.3.3.3 - (page 215) Council decision 200910/057 be recorded as 200910/059*

**CARRIED 8/0**

**ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION**

Nil

**ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**

**9.1 *Councillor Kelly Howlett***

Councillor Howlett advised that Yandeyarra community members have participated well this month in cash for Trash. And Darwin was good.

**9.2 *Councillor Steve Coates***

Councillor Coates also added that the trip to Darwin was great with models and ideas, all initiatives that are transferable to Hedland. Even though the Palmerston Library based in Palmerston a city in its own right had great examples of what we could do with our Libraries and interactive technology. I intend to give a full report to the CEO by Friday.

In relation to the Horizon Power concerns raised by a resident at last Council meeting – I followed up the complaint about Tom Stephens office not acting on the complaint and I can advise that his office did indeed refer the matter on to Horizon Power the same day. Also if anyone wishes to relay any lighting concerns they can do so directly using the phone no. in the Local Directory on page 2 phone no. 1800 264 914 to report faults directly instead of using a third party, who you can also relay your concerns to.

**9.2 *Councillor Jan Ford***

Library amalgamation and tax free idea to be raised at Airport working group all up the trip to Darwin was great and it was just excellent to have State Government accompany us.

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

Nil



**Budget Implications**

**Nil**

**200910/075 Council Decision / Officers Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr J M Ford

**That the 'Status of Council Resolutions' Report as presented to the Council's Ordinary Meeting held on 23 September 2009 be received.**

***CARRIED 8/0***

Ordinary Council Meeting held 27 June 2007			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED?	EST. COMP. DATE
11.3.1.3	Don Rhodes Mining Museum Safety Audit	200607/354 Council Decision/Officer's Recommendation That Council: i) implements the following upgrade works: ...	DES	08/09 budget appr. \$150K. Pending re: decision to relocate Museum. Fencing Tender to be prepared for awarding in February 2009 (pending survey outcomes) – on schedule Tender Awarded to Boundaries WA.	Fencing and Lighting will be completed end June.	Yes ✓	April 09
11.4.1.9	Request for Lease Renewal – Air BP at PHIA	200607/366 Council Decision/Officer's Recommendation That Council: i) approves the disposal of land, being a portion of Port Hedland International Airport currently used by Air BP, by way of lease, by private treaty, as per s3.58(3) of the Local Government Act 1995, with the following terms;	DCS.	Val. received. Dft lease with BP Air. Waiting on sign off	No change. Queries received from BP – preparing response		
Ordinary Council Meeting held 26 September 2007			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED?	EST. COMP. DATE
11.3.3.5	Security Screening Operations PHIA	200708/031 Council Decision/Officer's Recommendation That Council: i) advise DOTARS that the Town of Port Hedland as owner and operator of Port Hedland International Airport is planning to become the Screening Authority for Port Hedland International Airport. ...	Airport Manager	Bus. Plan on hold pending comp. of check'd bag. to obtain true cost recovery. DOTARS advised informally. Formal advice (DOTARS & Qantas) pending bus. plan AM - Review of entire screening authority operation and liabilities as opposed alternate methods of revenue compensation currently being investigated. Requires much more attention to detail. In progress. DES – on hold.	Item going to OCM this month – completed by June and papers presented		30 October 2009
Special Council Meeting held 16 October 2007			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED?	EST. COMP. DATE

6.1.1.1	Scheme Amend. from "ResR12.5/30 , Other Public Purp- Cem, Parks & Rec. & Local Rd" to "ResR12.5/50 " & "Other Pub Purp – Comm Purp"	200708/037 Council Decision/Amended Officer's Recommendation That Council: 1) requests Koltasz Smith Town Planners to amend the application to reflect the proposed rezoning of Lot 1628 from "Other Public Purposes - Cemetery" to "Community - Community"; ...	MPS	EPA requested more info. Ltr of response sent 04.12.07. Awaiting response from EPA. Pending. Reminder letter sent to EPA April 09	No change.		
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Ordinary Council Meeting held 31 October 2007			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMP-LETED?	EST. COMP. DATE
11.2.2.3	Amendment to Delegation Register	200708/049 Council Decision That Council lay Agenda Item 11.2.2.3 'Amendment to Delegation Register' on table until Councillors have received an updated copy of Delegation Register; and following a proposed workshop with Council's management staff.	CEO	Updated. To be presented to Nov Informal Briefing.	Revisit after election in October		November 2009
Ordinary Council Meeting held 28 November 2007			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMP-LETED?	EST. COMP. DATE
11.4.1.2	Lease for the Port Hedland Youth and Family Centre	200708/092 Council Decision/Officer's Recommendation That Council agrees to dispose of the property on part reserve 34334 by way of lease to the Port Hedland Youth and Family Centre Inc as per section 3.58 (3) (private treaty) with the following conditions: ...	DCS	Valuation rec'd 17.09.08. Advertising to occur and sign off.	Draft Lease sent to PHY&FC Inc. - ongoing		
Ordinary Council Meeting held 23 January 2008			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMP-LETED?	EST. COMP. DATE
12.5	Lease of Part Reserve 31462 to the Port Hedland Turf Club	200708/160 Council Decision/Officer's Recommendation That: a) Council agrees to dispose of the property on part reserve 31462 by way of lease to the Port Hedland Turf Club as per section 3.58 (3) (private treaty) with the following conditions: ...	DCS	Survey received. Awaiting valuation.	No change.		

Ordinary Council Meeting held 28 February 2008			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED?	EST. COMP. DATE
12.1.1	Prop. Scheme Amend..No. 17 – “Local Rd Reserve” and “Other Purposes Infrastructure Res.” to “Ind”	200708/089 Council Decision/Officer’s Recommendation That Council: i) Initiate a Scheme amendment to the Town of Port Hedland Town Planning Scheme No 5 to rezone Lots 6047, 6048 & 6049 Bell Street, Port Hedland, from “Local Road Reserve” and “Other Purposes – Infrastructure Reserve” to “Industry” Zone, as outlined in the application received 4 February 2008. ...	MPS	Processing. Waiting on information from Applicant. Applicant preparing additional information May 2009.	Application has been forwarded to the EPA, awaiting comments.		October 2009
Ordinary Council Meeting held 24 September 2008			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED?	EST. COMP. DATE
11.4.1.2	Request for 100% Rate Concession for: SHOATA	200809/073 Council Decision/Officer’s Amended Recommendation That Council lays Agenda Item 11.4.1.2 ‘Request for 100% Rate Concession for Property: Lot 5164 Shoata Road, South Hedland Leased by South Hedland Owners and Trainers Association’ (SHOATA) on the table until such time as: ...	Senior Rates Officer	i) underway ii) Crs visiting SHOATA in person 25.01.09	Item included in Agenda for Ordinary Council Meeting in June 2009.		
11.4.1.4	Council Chambers : Table Configuration	200809/075 Council Decision That Council: i) authorise the CEO or his nominated officer to source a design of boardroom style Council table, preferably from a locally or regionally based cabinet maker, with the requirement to seat a minimum of 16 people; and a complimentary table being set aside from Council for use by the Hedland Youth Leadership Council and Media representatives; and ...	DCS	ii) quotes sourced and considering most effective/\$ saving mods.	Design has been distributed to Councillors and no formal response has been received from council		October 2009
12.1.1	Golden Eagle Airlines lease of the Airfreight Hanger at the PHIA	200809/083 Council Decision/Officer’s Recommendation That Council enters into a Lease Agreement with Golden Eagle Airlines for the Air Freight Hanger at the Port Hedland International Airport, in accordance with section 3.58(3) of the Local Government Act 1995, with the following terms and conditions in addition to Council’s standard lease: ...	DCS		Draft Lease with Golden Eagle Airlines – amended Agenda item for lease presented at last OCM.		



Ordinary Council Meeting held 22 October 2008			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMP-LETED?	EST. COMP. DATE
11.2.2.2	Scheme Amendment No. 21 – “Resid.R -20” to “Resid. R- 30”	That Council, subject to the applicable fee of \$1,650.00 (GST inc) being paid: i) initiates a Scheme amendment to the Town of Port Hedland Town Planning Scheme No 5 to rezone Lots 501, 502 and 503 Murdoch Drive, South Hedland from “Residential R - 20” to “Residential R - 30”, as outlined in the application received 25 August 2008; ...	Planning Officer	Pending application then formal documentation will be forwarded to EPA for approval. Waiting for WAPC to give approval to advertise.	Amendment scheme has been forwarded to WAPC for final approval.		
Ordinary Council Meeting held 26 November 2008			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMP-LETED?	EST. COMP. DATE
11.2.2.4	Subdivision – Creat’n of 19 Lots –Lot 500 Pinnacles St, Wedgefield	200809/119 Council Decision/Officer’s Recommendation That Council: 1. SUPPORTS the subdivision application for the creation of 19 lots on Lot 500 Pinnacles Street, Wedgefield. ...	Planning Officer	Pending receipt of AP from WAPC Status remains.	Comments as per council decision forwarded to WAPC and approved by WAPC		
11.4.1.4	PH Pony Club Lease Renewal	200809/139 Council Decision That Council agrees to dispose of the property on part reserve 31462 by way of lease to the Port Hedland Pony Club Inc. as per section 3.58 (3) (private treaty) with the following conditions: ...	DCS		Completed	✓	
11.4.1.5	Wirraka Maya Health Services Rates Exempt. Request	200809/141 Council Decision/Officer’s Recommendation That Council: i) lay the matter on the table until such time as Council has adopted a Policy regarding Rates Exemptions for Community Groups; and ...	DCS		Item was included in Agenda for OCM June 2009 and exemption was granted		
Ordinary Council Meeting held 10 December 2008			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMP-LETED?	EST. COMP. DATE
11.4.1.1	Port Hedland Golf Club Lease	200809/162 Council Decision That Council agrees to dispose of the property on part reserve 35915 by way of lease to the Port Hedland Golf Club Inc as per section 3.58 (3) (private treaty) with the following conditions: ...	DCS		Awaiting Valuation - Yes		

12.1.1	Tender 08/14: Colin Matheson Oval Redevel'ment	200809/167 Council Decision/Officer's Recommendation That Council: i) Reject all submitted tenders for 08/14: Colin Matheson Oval Redevelopment due to non-conformance, and advise all tenderers of this outcome; ...	MRS	Re-advertised. Tender 09/05 called for the design component. Presented to May OCM. Construction due Sept 2009.	Tender Awarded May OCM. Project commenced. (Superseded by May OCM Item 11.3.3.2)	✓	March 2010
14.1.1	Cooke Point Caravan Park Lease	200809/171 Council Decision/Officer's Recommendation That Council ADVISE Aspen Parks that the rent review has been undertaken in accordance with Clause 3.2(c) of their lease, and that Council is not willing to consider any lease fee reduction: ...	DCS	Negotiations continuing.	Legal negotiations continuing with dispute over lease conditions.		
Ordinary Council Meeting held 28 January 2009			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMP-LETED?	EST. COMP. DATE
11.2.1.3	Management of the Port Hedland Retirement Village	200809/179 Council Decision That Council: i) reach agreement with the joint venture partners, (the Port Hedland Retirement Village Inc. and Homeswest) prior to tenders being requested for the management of the Port Hedland Retirement Village; and ...	DRCS	Agreement reached, with details of transition process to be negotiated. Report to Council.	Further discussions occurring with SCC & DOH.		October 2009
11.2.1.4	Expansion of Reserves - Taylor Street - Cooke Point CP	200809/180 Council Decision That Agenda Item 11.2.1.4 'Expansion of Reserves 29044 and 39832 Taylor Street - Cooke Point Caravan Park' lay on the table to enable Council to consider a more detailed map, prior to further consideration of the item.	DRCS	Additional detail sought from surveyors.			November 2009
11.3.3.3	Hawks Rugby Club Rooms	200809/194 Council Decision/Officer's Recommendation That Council: i) provide alternative and temporary clubroom facilities for the users of the McGregor Street Sporting Reserves; ...	Sport and Recreation Officer	Temporary clubroom ordered. Awaiting arrival from Karratha	Completed		June 2009
11.4.2.2.	Spoilbank WG – Safe Boating Harbour Concept Design	200809/198 Council Decision/Officer's Recommendation That Council: i) accepts the Concept Plan for the proposed Safe Boating Harbour; and ...	CEO	Geotechnical investigations progressing.			

Special Council Meeting held 2 February 2009			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED?	EST. COMP. DATE
6.2.1.1	Munda Station – Public Access Road	200809/214 Council Decision/Officer's Recommendation That Council formally advise the Managers of Munda Station that: ...	DES	Waiting on confirmation of status of road from SLS and legal opinion. Councillors visited Munda Station on 10.05.09.	Refer July OCM	✓	
Ordinary Council Meeting held 25 February 2009			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED?	EST. COMP. DATE
11.1.2.3	Proposed Public Access Ways, Pretty Pool	200809/227 Council Decision/Officer's Recommendation That Council: i) Advise the Department for Planning and Infrastructure that Council does not object to the vesting of a Reserve for Recreation (Lot 8003 on Deposited Plan 55507) to the Town of Port Hedland. ...	Planning Officer	Lots have been vested. PAWS to be advertised May 2009.	Advertising proposed in June 09.		
11.2.4.1	Transfer of Home & Community Care (HACC) Services	200809/231 Council Decision/Officer's Recommendation That Council: i) authorises the Chief Executive Officer, or his nominee, to negotiate a draft lease agreement for the Home and Community Care (HACC) House and grounds (excluding the residence at 18 Logue Court, South Hedland) to Southern Cross Care, with the following key terms: ...	MCED	Transfer scheduled for 30 June 2009.	Completed 1 <sup>st</sup> July 2009	✓	June 2009
11.2.4.1	Turtle Interpretive Boardwalk – Change of Scope	200809/236 Council Decision That Council: i) endorses the construction of the proposed new Turtle Interpretive facility of which the revised scope for the Turtle Interpretive Loop, which includes: ...	MID	Meeting with design consultant 29.05.09 to discuss.	Refer June OCM. Detailed designs, specifications and engineering certification being finalized. Expect tender process to begin October		
11.3.2.3	Future Management of the PHVC and Courthouse Art Centre and Gallery	200809/243 Council Decision/Officer's Recommendation That Council: a) advises the current management bodies of the Port Hedland Visitor Centre and the Courthouse Art Centre and Gallery that its preferred future direction is for the two facilities to be managed under one single board of management with Council directing its contribution for the operation of both facilities to that Board; ...	CEO	Board structure to be developed Q3 2009.			

Special Council Meeting held 16 March 2009			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMP-LETED?	EST. COMP. DATE
6.3.2.1	Port Hedland: Tax Reform Initiatives	200809/258 Council Decision That Council: i) indicates its formal support for the concept of developing taxation incentives that assist in making Port Hedland a more attractive location for business development; and ...	CEO	PH Progress Association advised of decision. No expenditure until \$90K raised by Association.	Ongoing - no change		
Ordinary Council Meeting held 25 March 2009			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMP-LETED?	EST. COMP. DATE
11.1.2.2	Change of Use -Mgt Order 'Dreamers Corner'	200809/270 Council Decision/Officer's Recommendation That Council: i) request the Minister vest Lot 3267, Port Hedland, to the Town of Port Hedland for the purposes of Car Parking; and	Planning Officer	Awaiting response from DPI.	Awaiting Management order / vesting		July 2009
11.1.2.3	De-vesting of Reserve 46180 (Lot 6042 Masters Way) & Initiation of Scheme Amend - 'Parks & Rec' to 'Res R - 30"	200809/271 Council Decision That Council: i) delegates to the Chief Executive Officer or his nominated officer the ability to negotiate with the Department of Housing and Work's, South Hedland New Living Project for a land swap for the release of Reserve 46180 (Lot 6042) Masters Way of land of substantially greater size; ...	Planning Officer	Applicant to provide further information regarding intersection.	Awaiting information from New Living pertaining to land swap.		
11.1.3.1	Update Policy 13/006 – Permits To Camp On Priv Property	200809/272 Council Decision That Agenda Item 11.1.3.1 'Update Policy 13/006 – Permits To Camp On Private Property' lay on the table pending a presentation of options being presented to Council's Informal Briefing Session to be held on Tuesday 7 April 2009.	MEHS	Presentation to be organised	Policy Manual to be updated.	✓	
11.2.2.1	Tender 08/17 Don Rhodes Mining Museum – Installation of Fencing	200809/274 Council Decision/ Officer's Recommendation That Council awards Tender 08/17 Don Rhodes Mining Museum – Installation of Fencing to Plant and Locomotives to Boundaries WA (alternative tender) for the value of \$80,000, plus gst.	Project Officer, Infrast. Dev.	Contractor to commence June 09	Completed	✓	June 2009

11.3.1.3	Lease with BHP Billiton to Increase the CMO	200809/279 Council Decision That Council: i) offers to purchase the land, a portion of Lot 3263 Dempster Street Port Hedland, for one (1) dollar for community use; and	DCS	Negotiations continuing.	Still negotiating		
Ordinary Council Meeting held 22 April 2009			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMP-LETED?	EST. COMP. DATE
11.1.2.1	Dev. 15 X 4 Room Single Storey Units, at (Blackrock Caravan Park)	200809/297 Council Decision That Council approves the Planning Consent for the 15 single storey tourist's chalet units consisting of 4 rooms each, subject to the following conditions:	Planning Officer	Advised Applicant of Council's decision. Waiting for amended plans.	Permit has been issued.	✓	
11.2.2.1	Boulevard Tree Planting Program	200809/303 Council Decision/Officer's Recommendation That Council approves the prioritisation of the following streets in the Boulevard Tree Planting program, pending adoption of Council's budgets in future years: ...	MID	Construction commenced.	Works ongoing as per recommendation. 09/10 planting scheduled for April		
11.2.3.1	Town Cycle Plan Update	200809/304 Council Decision/Officer's Recommendation That Council: i) undertakes all Year 1 recommendations as part of the 2009/10 financial year; ...	MRS	Development phase.	Shared footpath construction underway in Port Hedland. Infrastructure to be purchased in October 2009.		5 year plan
12.2.1	Regional Aquatic Management Centre Tender 08/09	200809/316 Council Decision/Officer's Recommendation That Council advises the YMCA Inc. that: i) the tender submission in response to the Pilbara Regional Council Tender 08/09 – T1 [Town of Port Hedland element] by the YMCA Inc. for the Management and Operation of the Gratwick and South Hedland Aquatic Centres be accepted pending the following:	MRS	Completed.	Completed	✓	
Special Council Meeting held 13 May 2009			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMP-LETED?	EST. COMP. DATE

6.1.1.1	Request for Approval to Proceed with Civil Works Without Going Through a Public Tender Process	200809/321 Council Decision/Officer's Recommendation That Council: i) Authorise the engagement of AC Civils to undertake the Runway End Safety Area (RESA) extensions at the Port Hedland International Airport without going through a public tender process ...	CEO				
Ordinary Council Meeting held 27 May 2009			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMP-LETED?	EST. COMP. DATE
11.2.1.4	Advertising Junk Mail - Litter Prevention	200809/328 Council Decision/Alternate Recommendation That Council: i) continues to apply the provisions of the Litter Act to minimise the impact of improperly handled junk mail;	DRCS		Processes being worked on with MC&ED for the implementation of systems. Will be further assisted with the commencement of CDO late June 09.		October 2009
11.2.2.1	Proposed Amend to the TPS No. 5 to Rezone Residential Land in the West End	200809/329 Council Decision/Officer's Recommendation That Council: i) Initiate a Town Planning Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 by:	MPS		West End requires preparation of documents for EPA.		
11.2.2.2	Prop. Road Closures and Relinquishm't of Reserves 43115 & 34591 to Facilitate Wedgefield Expansion	200809/330 Council Decision/Officer's Recommendation That Council: i) In accordance with the Land Administration Act 1997 and Land Administration Regulations 1998, request the Department for Planning and Infrastructure – State Land Services:	PO			✓	
11.2.2.3	Proposed Partial Road Closure – Abydos Place, Wedgefield	200809/331 Officer's Recommendation/Council Decision That Council: i) Advise the applicant it supports the closure of that part of Abydos Place Road Reserve bounded by Lot 103; and	PO		Being advertised.		

11.2.2.4	Single House – R Code Variation – Shed and Carport Addition at Lot 4135, 33 Spoonbill Crescent, SH	200809/333 Council Decision/Officer’s Recommendation That Council: i) refuse application 2009/85 for a Single House – R Codes Variations (Shed and Carport addition) at Lot 4135, 33 Spoonbill Crescent, South Hedland on the following grounds:	PO			✓	
11.2.2.5	Single House – R Code Var – shed exceeding the R- Code Lot 17 (6 – 8) Manilinha Drive Turner River	200809/334 Council Decision/Officer’s Recommendation That Council: a) APPROVES the Planning Application for the construction of an outbuilding [(enclosed area of 5m x 12m x 3.5m)(unenclosed area 20m x 12m x 3.5m)], from Ken Whiteman of Lot 17 (6-8) Manilinha Drive Turner River Estate; and	PO			✓	
11.2.2.6	Twelve Mile – Various Developments	200809/335 Council Decision/Officer’s Recommendation That Council: i) advise Main Roads Western Australia that it supports the location of the existing access to Lot 2 Great Northern Highway at SLK 1618.47 on Great Northern Highway on the left hand side subject to:	PO			done	
11.2.2.7	Proposed Closure of PAW and part Road Reserve– John Way, SH	200809/336 Council Decision/Officer’s Recommendation That Council: i) advise the applicant: a) Council does not support the closure of the PAW for the following reasons:	PO		Advice to be issued in the next week.	done	
11.2.3.1	Review of Off Road Vehicle Area	200809/337 Council Decision That Council: i) supports continued Ranger patrols of beaches and sand dune areas to deter off-road vehicles from entering these areas;	MEHS		Ongoing. Ongoing -Delete	✓	

11.3.2.1	Tender 08/16: Design and Construction of Two (2) Groundwater Bores at McGregor Street & KSO	200809/339 Council Decision/Officer's Recommendation That Council approve the allocation of funding to engage a suitably qualified contractor to undertake investigative drilling at Kevin Scott Oval and McGregor Street Oval to determine whether a groundwater bore at each of these locations can be installed in the future.	PDO		Investigative drilling complete. Report indicates suitability of KSO pending further testing and approval from Dept of Water.	✓	June 2009
11.3.2.2	Tender 09-01 Design and Construction of the KSO Reservoir Flushing System	200809/340 Council Decision/Officer's Recommendation That Council: i) award Tender 09-01 Kevin Scott Oval Reservoir Flushing System to Water Dynamics for Tender 1 for the value of \$152,100 + gst.;	PDO		Refer August OCM.	✓	Oct 2009
11.3.2.3	Tender 09/02: Design and Construction of a Recycling Shed at the South Hedland Landfill	200809/341 Council Decision/ That Agenda Item 11.3.2.3 'Tender 09/02: Design and Construction of a Recycling Shed at the South Hedland Landfill' lay on the table pending further clarification of details for building, for consideration by Council at its next Ordinary Meeting.	PDO		Refer June OCM to abandon project	✓	
11.3.3.2	Tender 09/05 Colin Matheson Oval Design	200809/345 Council Decision/Officer's Recommendation That Council: i) awards Tender 09/05: Colin Matheson Oval Design to GHD for the value of \$66,205 plus GST; and,	MRS	Design phase nearing completion.	Construction due to be completed at the end of October 2009.		June 2010
11.4.1.2	Airport Lease Tender Scope and Evaluation Criteria	200809/347 Council Decision/Officer's Recommendation That Council: 1) Authorise the CEO (or his delegate) to commence the tender process to dispose of portion of Port Hedland lot 2444 (as per the attached diagram), by way of a tender, at the rental cost of \$6.30/m <sup>2</sup> pa + GST (indexed annual by Perth CPI), for a period of 5 years with the lease period commencing on the 11 September 2009.	DCS		Tender Awarded to Auzcorp		



11.4.1.4	Recognition of Land Under Roads	200809/349 Council Decision/Officer's Recommendation That Council elects to incorporate the following disclosure in the significant account policy notes of future financial statements until such time that the regulations are modified, or it is recommended to do so otherwise.	MFS		Referred to next Council meeting		May 2009
11.4.1.5	2007-08 Audited Financial Statements - Response to Management Report Items	200809/350 Council Decision/Officer's Recommendation That Council receives the response to the Management Report Items as outlined above.	MFS		Referred to next Council meeting		May 2009
11.4.2.1	Kerbside Recycling: Proposed Regional Tender	200809/351 Council Decision/Officer's Recommendation That Council advises the Pilbara Regional Council that: i) the Town of Port Hedland is proposing to consult widely with the local community prior to making a decision on whether to participate in the proposed Pilbara Kerbside Recycling Tender; and	CEO		PRC Meeting being held 27.06.09.		
11.4.2.3	Plan for the Future 2008 – 2013: Third Quarterly Review Update Report	200809/353 Council Decision/Officer's Recommendation That Council notes the third quarterly review of the Town of Port Hedland Plan for the Future 2008-2013.	EA		Next qtly review to be presented to Council's Ordinary Meeting July 2009.	✓	
11.4.2.4	Pilbara Regional Council: Future Role and Structure	200809/354 Council Decision That Council advise the Pilbara Regional Council that: 1) In relation to the responsibilities, roles and obligations of the PRC into the future:	CEO		PRC Meeting being held 27.06.09.		
11.4.2.5	Nomination for Pilbara Development Commission Board Membership	200809/355 Council Decision That Council advises the Pilbara Development Commission and the Minister for Local Government and Regional Development be advised of Council's nominations of Councillors Gear and Bussell for membership of the Board of Management for the Pilbara Development Commission.	EA		Advised PDC by letter 12.06.09. Nominations close 26.06.09	✓	

11.4.2.8	South Hedland 'Green Belt' Subdivision	200809/359 Council Decision/Officer's Recommendation That Council advise the South Hedland New Living (SHNL) project that:	CEO		SHNL advised. SHNL to present options to Council's Informal Briefing.	✓	
12.1.1	Wirraka Maya Health Service's 'Stop Family and Domestic Violence' Sign	200809/360 Council Decision That Council leaves the Wirraka Maya Health Service 'Family and Domestic Violence' sign in it's existing location.	CEO		July OCM decided Wirraka Maya Health Services sign to stay where it is	✓	
13.1	Council Support for the Continuation of the Hedland Cash for Trash Program	200809/363 Alternate Council Decision That Council: i) indicate its continued support for the Cash for Trash Initiative by committing to funding \$6/bag of aluminium cans and \$5/per bag of street litter collected by the Cash for Trash Scheme for the period up until the end of July 2009.	EXEC		Ongoing		
14.1.2	Confidential Item : Virgin Blue Australia: Request for Concessions	200809/370 Council Decision That Council advises Virgin Blue Australia: i) that it reiterates its previous decision 200809/218 resolved at its Special Meeting held on 2 February 2009, to Virgin Blue Australia, as follows:	CEO		July OCM agreed to give virgin Blue concessions after 12 months consecutive service		

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

**Officer** Nellie Mackay  
Executive Assistant  
Community & Regulatory  
Services

**Date of Report** 11 September 2009

**Disclosure of Interest by Officer** Nil

**Summary**

Report on activities for the month of August 2009 within the Community and Regulatory Services directorate for Council's information.

**Background**

Community & Regulatory Services Monthly report to Council.

**Consultation**

Nil

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Strategic Planning Implications**

Nil

**Budget Implications**

Nil

**Officer's Comment**

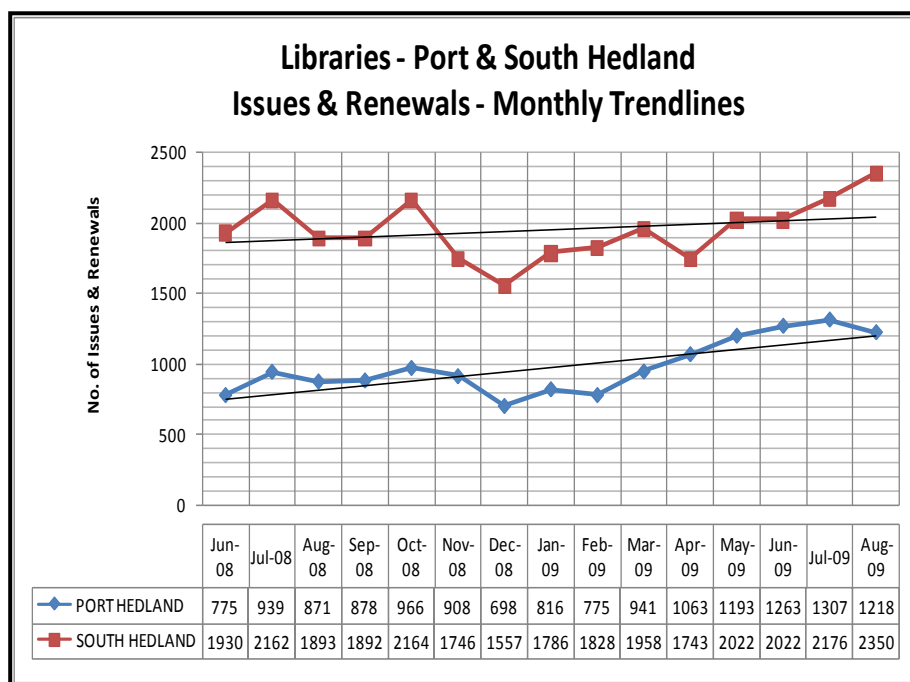
Nil

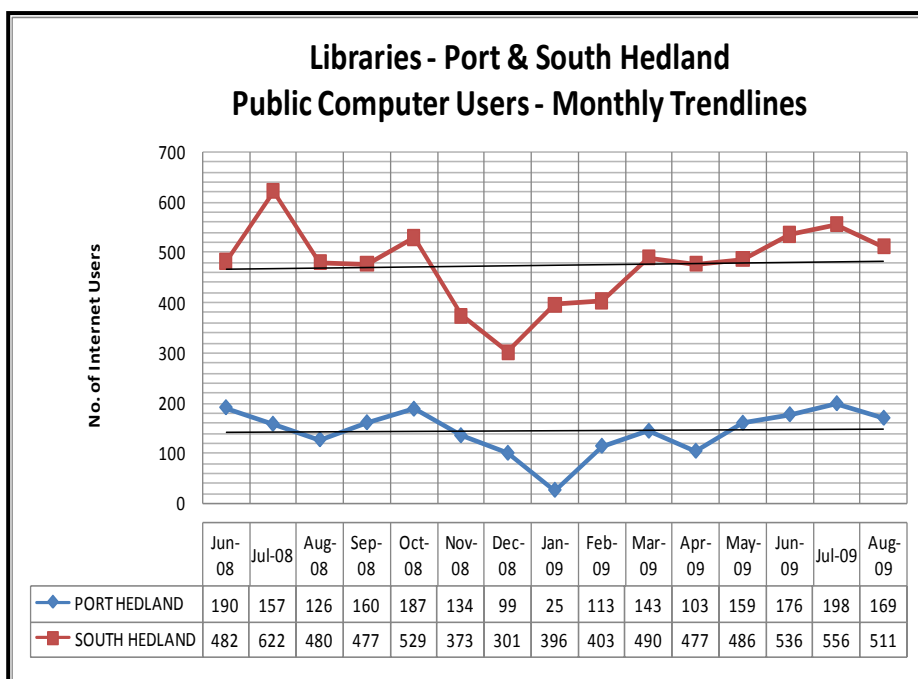
Library and Information Services

PORT HEDLAND LIBRARY	Mar-09	Apr-09	May-09	Jun-09	Jul-09	Aug-09
Issues & Renewals	941	1063	1193	1263	1307	1218
Reservations	23	29	25	37	47	50
New Borrowers	23	30	22	31	20	17
Public Computer Users	143	103	159	176	198	169
Door Count	New statistics )		851	865	969	994
Reference Enquiries	collected )		70	218	95	56
General Enquiries	effective May 2009 )		15	21	57	32
Technical/Computer	)		13	7	13	7
SOUTH HEDLAND LIBRARY	Mar-09	Apr-09	May-09	Jun-09	Jul-09	Aug-09
Issues & Renewals	1958	1743	2022	2022	2176	2350
Reservations	80	69	88	40	44	39
New Borrowers	69	66	72	66	43	70
Public Computer Users	490	477	486	536	556	511
Door Count	New statistics )		1603	1702	2085	2267
Reference Enquiries	collected )		74	214	146	138
General Enquiries	effective May 2009 )		34	136	121	99
Technical/Computer	)		37	37	41	59

Children’s Book Week Author visit occurred from August 24-27. Phil Kettle visited both primary and secondary schools in the local area including the School of the Air, Marble Bar District School, Strelley School at Warralong Community and a Storytime session at South Hedland Library. Approximately 400 students took part in the sessions with Phil. Feedback from the schools has been very positive particularly the remote centres that were visited.

The Acting Manager Library & Information Services will supply a report when formal feedback has been received from all schools that were visited.





*Pilbara Family Day Care (PFDC)*

Report for August unavailable due to Coordinator being on annual leave.

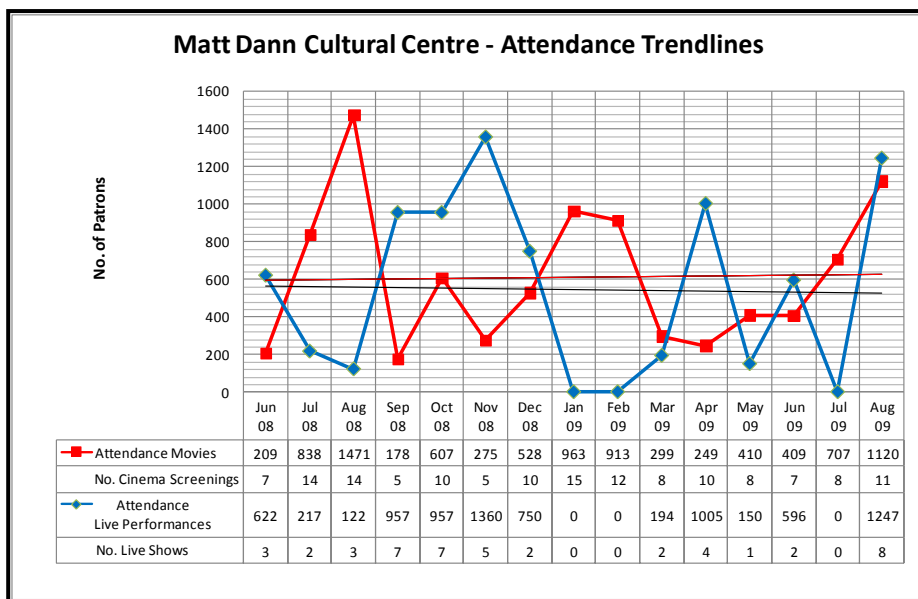
*Events and Matt Dann Cultural Centre*

Included within the 11 movie screenings was a private screening of “Terminator Salvation” which attracted 176 patrons.

Live Performances held in August were by comedian “Jimeoin On Ice” on Thursday 13<sup>th</sup> holding shows at 8pm and 10pm. A total of 401 patrons attended. Rhythms of Ireland visited Hedland on Monday 31<sup>st</sup> with a sellout show of 296 patrons. The performance was extremely well received and performers were applauded with a standing ovation at the completion of the evening.

Matt Dann Centre was also used as a venue hire for the High School production from 26-29 August with approximately 400 people attending.

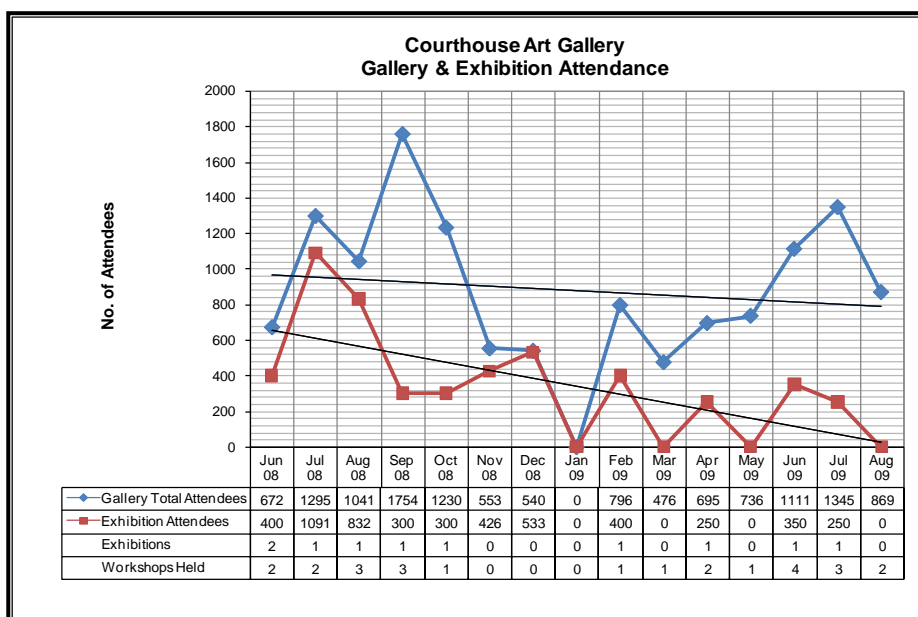
In addition the Centre was used for venue hire for two meetings, both having 150 people attend each booking.



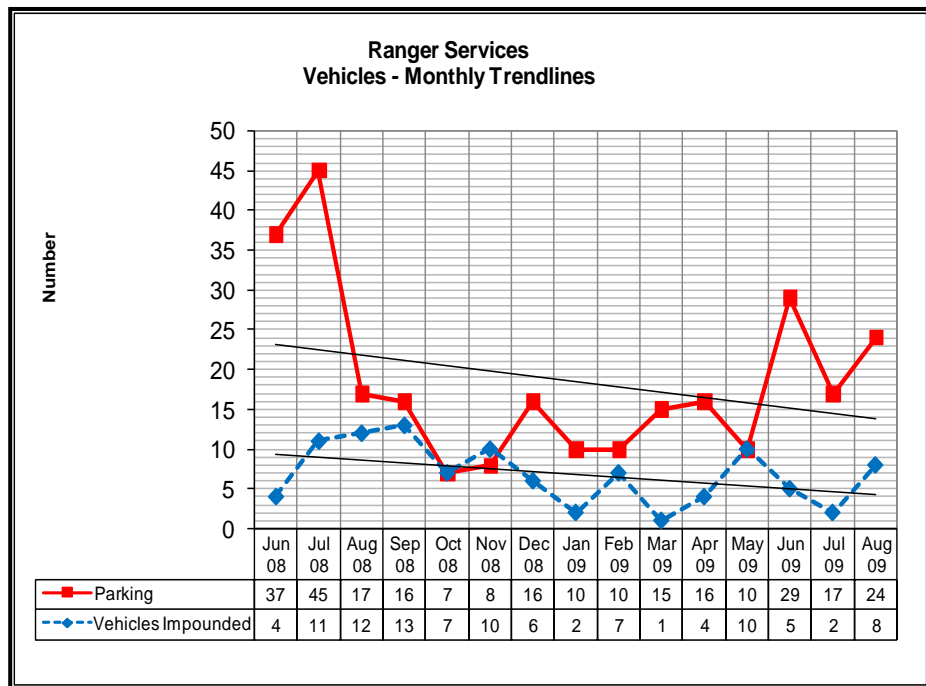
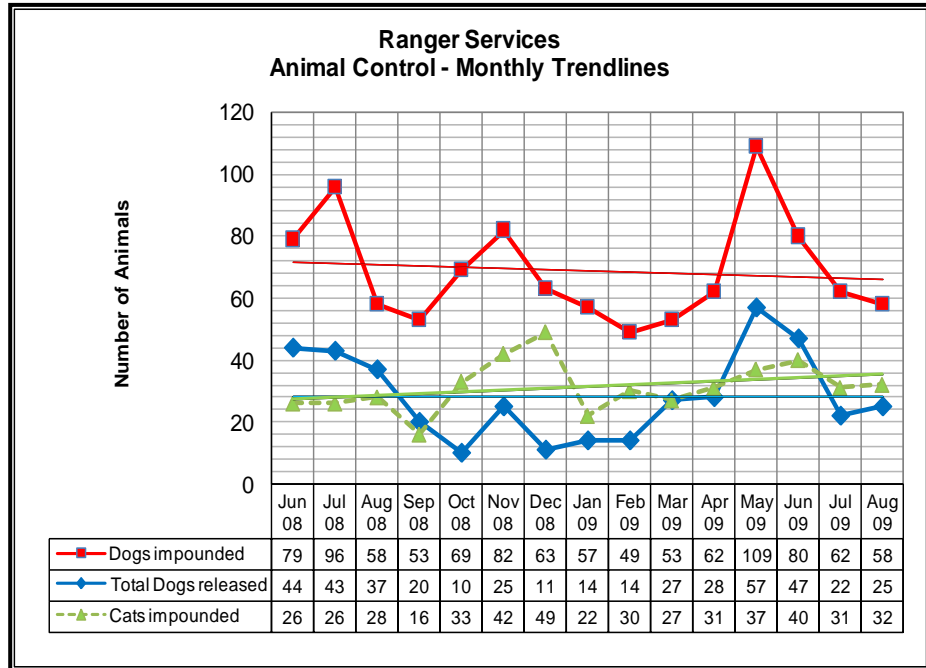
### Courthouse Gallery

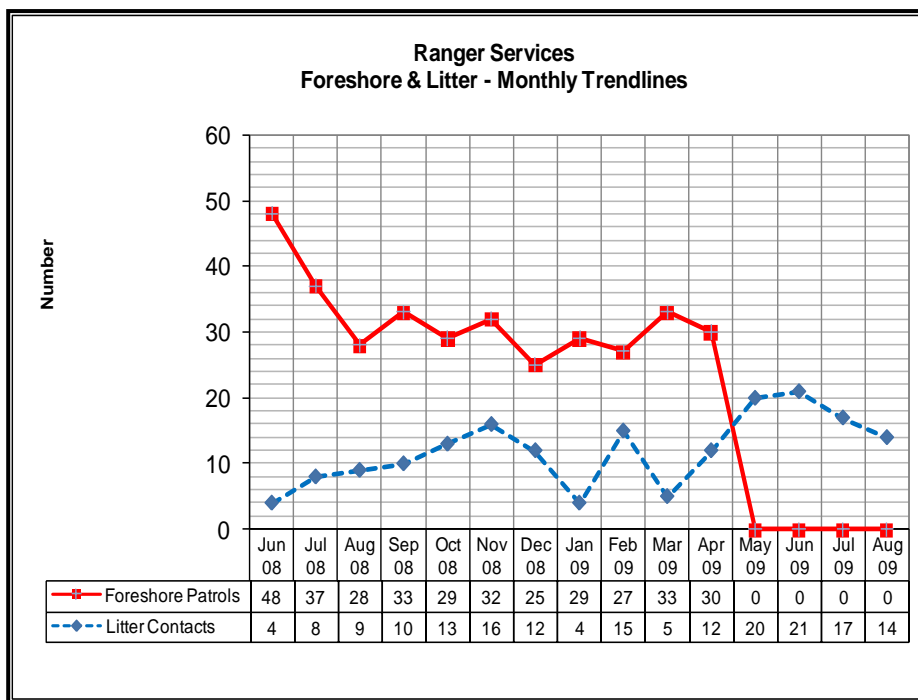
Functions and visits occurring at the gallery during August were

- BHPBIO governors visit (15)
- Tidy Towns judging held in the Courthouse Gallery gardens (15)
- Strelley school students (40) came to view the exhibition running
- Baler Primary School also viewed the exhibition and visited with Spinifex Hill Artists (18)
- Home & Community Care visit (10)
- P.H.otograph 2 workshops - 3<sup>rd</sup> weekend session occurred with 100 participants
- Let's Get Started Program with the Spinifex Hill Artists is still running with between 13-16 people at each session.



Environmental Health Services – Ranger Statistics



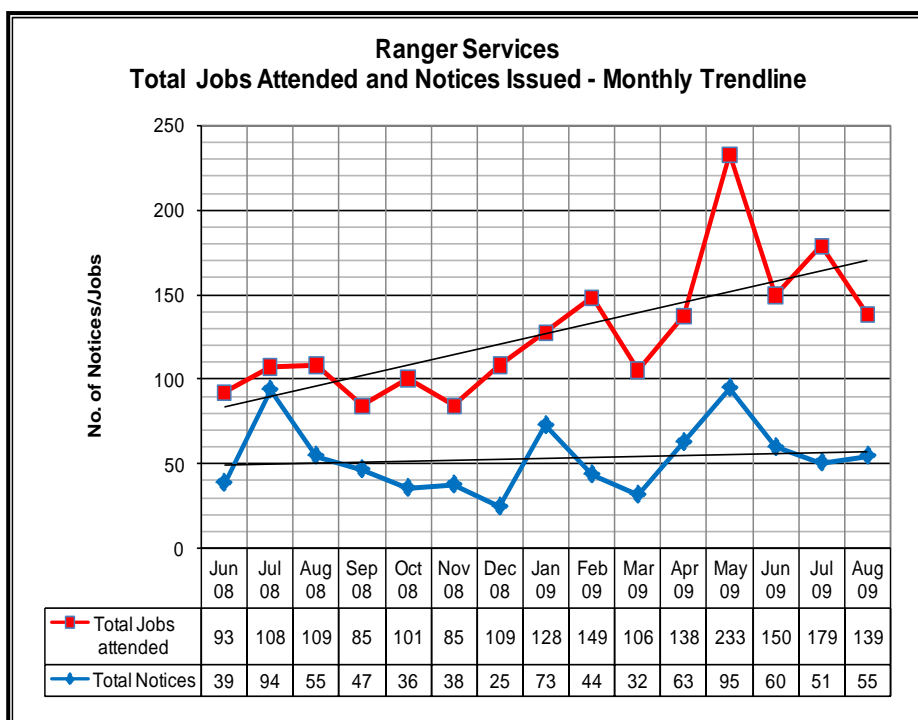


N.B. No dedicated foreshore patrols occurred as Turtle season has ended.

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

- Dogs - complaints, attacks, barking complaints, wandering at large, surrender of dogs
- Feral cat pickups and cat complaints
- Dead dog and cat pickups on roads and roadside
- Applications for a third dog property inspections
- Fox trapping
- Injured wildlife
- Injured or maimed cattle
- Snake calls
- Animal welfare complaints
- Littering complaints including litter on verge
- Drinking and littering in parks and reserves
- Off road vehicle complaints
- Parking complaints
- Abandoned vehicles
- Caravan and camping complaints
- Issue of fire permits
- Firebreak property inspections
- Fire related calls





*Plan for the Future 2008-2013 Progress Report*

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

**Attachments**

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

**200910/076 Council Decision / Officers Recommendation**

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

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

*CARRIED 8/0*



ATTACHMENT TO AGENDA ITEM 11.2.1.1

PLAN FOR THE FUTURE WORKS PROGRAMME FOR COMMUNITY & REGULATORY SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010																	
Legend				Cyclone Watch/Season													
	Commenced Project		Project Completed														
	Milestones		On-going project														
Officer	Plan for the Future Key Result Area / Goal / Strategy	A/c No.	Strategy	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS	
MCED	KRA 1 - Infrastructure Goal 2 - P&G Strategy 7		Investigate the development of a Community Vegetable Garden.	Start June 2009												Working with YIC and community group to implement garden at SH Shopping Centre - Josh Byrne is involved in project, ToPH represented by CDO and Parks & Gardens	
MCED	KRA 2 - Community Pride Goal 1 - Litter Strategy 1		Work with community groups to develop community programs and initiatives that reduce litter and improving the appearance of Port and South Hedland.	Start Jan 2009												Litter forms distributed to all Council vehicles. Ongoing.	
DCRS	KRA 2 - Community Pride Goal 1 - Litter Strategy 3		Review legislative alternatives that are available to Council to improve the visual appearances of untidy properties within Town. Implement agreed initiatives.	Start Feb 2009												Review commenced, to be completed in conjunction with pre-cyclone inspections October 09.	
MCED / MRS	KRA 3 - Community Development Goal 1 - Youth & Children Strategy 2		Convert the JD Hardie Centre into a more youth focused facility. 2008 capital works program managed by MRS. Youth Precinct development project now managed by MCED	Start July 2008												Detailed engineering, hydraulics and airconditioning design underway. Meeting with architect and working group 23/9/09	
MCED	KRA 3 - Community Development Goal 1 - Youth & Children Strategy 6		Work with Stakeholders on initiatives that improve both the perception and the quality of education within the Town.													Ongoing.	
MEH	KRA 3 - Community Development Goal 2 - Sports & Leisure Strategy 4		Explore opportunities for the development of an appropriate off-road/recreational driving area that is away from sensitive beach and dune areas.	Start Feb 2009	Compl May 2009											Report presented to the May meeting and officers to continue to seek new off road areas – complete	
MLIS	KRA 3 - Community Development Goal 2 - Sports & Leisure Strategy 5		Review library operations and locations develop a plan for the future operations of libraries in the Town.		Report OCM											Report to August meeting with initial recommendations. Detailed review to follow.	
MEH	KRA 3 - Community Development Goal 3 - Health Strategy 3		Review Environmental Health service levels to the Town of Port Hedland and develop a Local Public Health Plan based on risk management principals.	Start Dec 2008												Draft plan completed still being reviewed. This project will become a priority once RFR projects are completed.	
MCED	KRA 3 - Community Development Goal 3 - Health Strategy 5		Review the Town's Disability Service Plan and undertake actions to improve access to services and all facilities.	DAIP Plan Completed 2009												DAIP annual progress report to Disability Services Commission completed. monthly. Priority access issue - rear of Council building for after hours approved in 09/10 budget	
DCRS/ MEH	KRA 3 - Community Development Goal 4 - CSCP Strategy 1		Work with partners to engage a Community Safety & Crime Prevention Coordinator/Facilitator whose primary responsibility is to ensure the timely implementation of initiatives listed in the Town of Port Hedland Community Safety & Crime Prevention Plan.													Community Safety Crime Prevention Plan currently being reviewed by CSF in consultation with Working Group.	

PLAN FOR THE FUTURE WORKS PROGRAMME FOR COMMUNITY & REGULATORY SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010																
Legend		Cyclone Watch/Season														
Commenced Project																
Milestones																
Project Completed																
On-going project																
Officer	Plan for the Future Key Result Area / Goal / Strategy	A/c No.	Strategy	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS
DCRS	KRA 3 - Community Development Goal 4 - CSCP Strategy 4		Install CCTV and/or other appropriate security measures for identified crime and safety "hot spots".	Start July 2008												Orders placed for supply and installation of antenna as alternative to use of Telstra tower. Project scheduled for completion Nov 09.
MCED / MRS	KRA 3 - Community Development Goal 4 - CSCP Strategy 5		Work in partnership with government and other stakeholders to develop additional "pro-social" diversionary activities for young people.	Start Jan 2009												Portbound Festival very successful culmination of 2 week youth program
DCRS	KRA 3 - Community Development Goal 5 - Arts & Culture Strategy 1		Initiate the development of Board of Management to manage and operate Council funded facilities within the Courthouse Art Centre and Gallery precinct.	Start 2007	Comp Aug 2009											Tenders being called 19/9/09 with closing date of 14/10/09 for management of PHVC & Courthouse Arts Centre
MCED	KRA 3 - Community Development Goal 5 - Arts & Culture Strategy 2		Develop a public art policy/strategy and install public art in key locations within the Town.	Start July 2007												Small working group of SHNL, BHPBIO, TOPH MCED and MIS, Creating Communities will include community representation - advise on location and type of public art across town - map of public art locations and interpretation will be developed from budget approved for Community Pride activities 09/10.
MCED / MIS / MES	KRA 3 - Community Development Goal 5 - Arts & Culture Strategy 3		Develop a unique entry statement to the Town. MIS developing landscaping for this project	Start Aug 2008		Install Due										Artist has completed both the metal and concrete parts of entry statement artwork. Transport and installation of the pieces due shortly.
MCED	KRA 3 - Community Development Goal 5 - Arts & Culture Strategy 4		Undertake initiatives that both increase patronage levels and improve the financial performance of the Matt Dann Theatre.	Start July 2008	Complete Mar 2009											New ticketing system - 70-80% of bookings now being made online
DCRS	KRA 3 - Community Development Goal 5 - Arts & Culture Strategy 5		Actively pursue the development of additional arts and cultural facilities within the Town including a new commercial cinema and an aboriginal arts facility.	Start Aug 2008	Complete June 2009											Indigenous Art classes commenced with FORM. Workspace now obtained at Aboriginal Fellowship Church.
MCED	KRA 4 - Economic Development Goal 1 - Tourism Strategy 3		Redevelop the visitor entry bays on the northern and southern roads entrances to the Town.	Start Oct 2008	Complete May 2009											Information bay upgrade underway.
DCRS	KRA 4 - Economic Development Goal 1 - Tourism Strategy 5		Identify sites for the development of new caravan park/eco tourism facilities (both permanent and temporary). Implement key priority projects.	Start Aug 2008												Feature survey of land adjacent to Cooke Point Caravan Park completed. Item raised at Council meeting of January 09 to initiate proceedings to acquire land for use as Caravan Park. Matter laid on the table.
MCED	KRA 4 - Economic Development Goal 3 - Business Development Strategy 1		Work with the BEC, PHCCI and others to investigate the potential development of a Business Incubator and/or other small business development initiatives within the Town.	start Jan 2009												Ongoing.
MCED / DCRS	KRA 4 - Economic Development Goal 3 - Business Development Strategy 2		Develop Council policies and/or incentives that assist in attracting and retaining businesses within the Town of Port Hedland.													Deferred to October 2009.

PLAN FOR THE FUTURE WORKS PROGRAMME FOR COMMUNITY & REGULATORY SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010																	
Legend		Cyclone Watch/Season															
Commenced Project		Project Completed															
Milestones		On-going project															
Officer	Plan for the Future Key Result Area / Goal / Strategy	A/c No.	Strategy	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS	
MP	KRA 4 - Economic Development Goal 4 - Land Development Projects Strategy 3		Work with the DPI to identify additional crown land that can be released for development in a timely manner.	Start Dec 2009	Complete May 2009												Draft Residential Rationalisation Plan is being finalised for public release end of June. Budget request for Non-Residential component and Lands Officer to facilitate continued action in this goal area. DPI-SLS requested to release 30+ lots in Port and South Hedland.
MP	KRA 4 - Economic Development Goal 5 - Town Planning & Building Strategy 2		Develop Local Planning Scheme No. 6	Start Feb 2009													Budget request for human resources lodged for 09/10 period on Budget provided. Further changes to the Model Scheme Text have resulted in the project being parked until the changes are verified.
MP	KRA 4 - Economic Development Goal 5 - Town Planning & Building Strategy 3		Develop Structure Plans for key precinct areas with a particular focus on the Spoilbank/Hospital/Hotel Precinct.	Start Jan 2009	Mtg to prioritise		Scoping of project										Scoping of this project is proposed in October. Consultants to be selected in Nov and Project line developed from there.
DCRS	KRA 6 - Governance Goal 2 - Traditional Owners & Aboriginal people Strategy 1		Work with the State and Federal Government to sustainably progress the implementation of the 2006 Bilateral Agreement on Services to Indigenous Community.	Start July 2008													Currently awaiting outcomes of service level review by State & Federal Government Agencies.
DCRS	KRA 6 - Governance Goal 2 - Traditional Owners & Aboriginal people Strategy 2		Work with relevant agencies to implement an appropriate action plan to address community visitors including the development of a managed campground.	Start Aug 2008	Complete June 2009												Advice has been sought from AAWG as to site needs and design requirements. Access to land to be secured through DPI.
MCED	KRA 6 - Governance Goal 3 - Communication Strategy 3		Install community noticeboards that advertise local services and events.	Start Dec 2009	Complete June 2009												Community noticeboards in place, and events now advertised. <i>Illuminated boards in place PHIA, MDCC, JDHC, HSHS, PHVC, SHL, Civic Ctr.</i>
<b>ONGOING KRA'S</b>																	
MP / CEO	KRA 2 - Community Pride Goal 1 - Litter Strategy 4		Work with key stakeholders to commence implementation of the south Hedland CBD Structure Plan to significantly improve the appearance and vitality of this area.						earthworks commence								Structure Plan has been forwarded to WAPC for endorsement. Council has support the land activities (vesting, subdivision, amalgamations etc) to facilitate the Town Centre Development. LandCorp and the Administration continue to work with key stakeholders (partners) to implement the recommendations of the structure plan.
MCED	KRA 2 - Community Pride Goal 2 - Events Strategy 1		Play an integral role in the coordination, operation and communication of community events via a range of strategies including:- Managing and operating at least six major community events per annum supporting community groups who are operating community events through training, support advice and, where appropriate, financial support.														<i>Incorporation of "Celebrate Hedland!" advertised and application will be lodged 21/9/09. Planning underway for Heritage Marine Festival 24/10/09.</i>
MCED	KRA 2 - Community Pride Goal 2 - Events Strategy 2		Work with community groups to implement neighbourhood competitions and events (eg Tidy Towns, Best Maintained Business, Best Gardens, Street Parties, Xmas Lights etc)		Judging												<i>Awaiting judging of Tidy Towns.</i>
MCED	KRA 2 - Community Pride Goal 2 - Events Strategy 3		Develop a well known, all inclusive calendar of community events.														On-line and ongoing.

PLAN FOR THE FUTURE WORKS PROGRAMME FOR COMMUNITY & REGULATORY SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010																
Legend		Cyclone Watch/Season														
Commenced Project																
Milestones																
Project Completed																
On-going project																
Officer	Plan for the Future Key Result Area / Goal / Strategy	A/c No.	Strategy	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS
MCED	KRA 2 - Community Pride Goal 2 - Events Strategy 4		Explore and actively seek to attract "draw card" events to the Town of Port Hedland.													Ongoing. <i>Planning underway for next events - Heritage Marine Festival and Aust Day 2010.</i>
MBS	KRA 2 - Community Pride Goal 3 - Townscape Strategy 2		Review, update and continue to implement Council's 5 year Civic Buildings Cyclical Maintenance and Captial Development Plan.													Ongoing for presentation as part of budget process.
MCED	KRA 3 - Community Development Goal 1 - Youth & Children Strategy 1		Work with stakeholders to develop a consolidated plan to improve the availability of Child Care (both centre based and Family Day Care) places available with the Town. Implement key initiatives in a timely manner.													Started 2006 - Ongoing project. Options for other agencies to host PFDCS being investigated
MCED	KRA 3 - Community Development Goal 1 - Youth & Children Strategy 3		Establish regular formalised consultation mechanisms between Council and Young People.													Ongoing
MCED	KRA 3 - Community Development Goal 1 - Youth & Children Strategy 4		Ensure that the community has an opportunity to become involved in Council infrastructure projects such as park developments, tree planting, event planning etc.													Ongoing
MCED	KRA 3 - Community Development Goal 1 - Youth & Children Strategy 5		Work with key youth stakeholders to ensure that a range of events/functions are available for local youth including recreation, leisure, adventure and art/craft activities.													Ongoing - MCED mentor role for HYLK; chair of HYSAG
MEH	KRA 3 - Community Development Goal 3 - Health Strategy 4		Monitor commercial and industrial activities that have potential negative impacts on the community, and actively seek Department of Environment and Conservation enforcement of regulatory standards.													Ongoing .Working relationship with the DEC in Karratha has been established.
DCRS	KRA 3 - Community Development Goal 4 - CSCP Stragegy 2		In conjunction with the Police and other stakeholders, develop initiatives that discourage street drinking, littering, graffiti and other anti-social behaviour in public places and implement appropriate actions.													<i>Litter forms distributed to all Council vehicles and media release being prepared to advise of initiative and form availability for the public.</i>
MEH	KRA 3 - Community Development Goal 4 - CSCP Strategy 3		Adopt a community based emergency risk management process for theTown, and co-ordinate the development of response plans to natural disasters through the Local Emergency Management Committee (LEMC)													Ongoing with regular meetings being held with LEMC & Recovery members

PLAN FOR THE FUTURE WORKS PROGRAMME FOR COMMUNITY & REGULATORY SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010																
Legend		Cyclone Watch/Season														
Commenced Project																
Milestones																
Project Completed																
On-going project																
Officer	Plan for the Future	A/c No.	Strategy	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS
DCRS / CEO	KRA 4 - Economic Development Goal 2 - Mining Strategy 2		Review all mining and port development proposals to ensure that any negative impacts on the community due to other construction or operational activities are minimised.													Ongoing
CEO / DCRS	KRA 4 - Economic Development Goal 4 - Land Development Projects Strategy 1		Fast track the release and development of commercial, industrial and residential land in a sustainable manner including: Pretty Pool Developments South Hedland New Living development various industrial land release programs Moore St and West end Developments South Hedland CBD Developments Redevelopment of the Port Hedland Telstra/Water Corporation site.													Release of Pretty Pool Stage 4 completed. Ongoing release of residential land in South Hedland Concept plan for SH CBD endorsed by Council. Development of industrial land commenced <b>due for completion late 2009 and Mid 2010</b> Wilson St super lot released for tender July 08 Morgan St development to be released to market Early 2009. Preliminary discussions held with Telstra/Water Corp re release of land in Spinifex Hill/Cooke Point.
MP	KRA 4 - Economic Development Goal 5 - Town Planning & Building Strategy 1		Work with key stakeholders to ensure that the Land Use Master Plan is implemented.													Ongoing.
MP	KRA 5 - Environment Goal 1 - Waste Management Strategy 4		Actively pursue the relocation of the Wedgefield Tox Free facility to a location that does not have the land use conflicts that the existing facility currently presents.													Ongoing.
MEH	KRA 5 - Environment Goal 1 - Waste Management Strategy 5		Support water re-use initiatives including residential re-use water reuse.													Ongoing. ToPH recycles 100% of its wastewater received. A new "Re-use Waste Water Manual" has been developed from which a check list for compliance to our DOH approval has been raised and sent to the Manager of Works to ensure compliance with that approval. A comprehensive water sampling programme has been developed and monthly samples are taken for analysis. A comprehensive water sampling programme has been developed and monthly samples taken for analysis. Grey water re-use systems are approved by the Dept of Health and will be considered by the ToPH on application.
MCED	KRA 6 - Governance Goal 1 - Leadership Strategy 2		Investigate options to develop new and emergent leaders in our community.													<b>Young Leaders Program Adventure Challenge camp 18-20 Sept. Project work for course participants underway (Pretty Pool ablution block urban art &amp; DVD on Youth activities in Port Hedland)</b>
MEH	KRA 6 - Governance Goal 5 - Policy & Legislation Strategy 3		Work with key agencies to review and develop Council policies in relation to fire prevention and fire management.													A new Ranger vehicle which doubles as a fire response unit has been requested in the 09/10 budget for consideration. A close working relationship with the fire services in Hedland has been established.

C&RS - Royalties for Regions Projects Schedule

Legend																	
Commenced Project		Project Completed															
Milestones		On-going project															
Officer	Description	A/c Number	R4R	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	COMMENTS	
<b>2008/09 FUNDING</b>																	
MBS	Civic Centre Ballustrade	406450	73,000							P/O raised							<i>PO Issued, awaiting work to commence</i>
MBS	Toilet Block for Civic Centre	1010311	150,000							Complete							<i>Completed</i>
MEH	5 x lids for Re-use Tanks	1011410	150,000							Tender awarded	Project to commence						Tender awarded works to commence mid Aug according to Contractor.
MEH	Foreshore Protection/Restoration Project	1105425	90,000								Complete						Works completed and main invoice processed.
MBS/MIS	New records facility at Airport	406451	96,000							Quotes requested							<i>PO Issued, awaiting work to commence</i>
<b>2009/10 FUNDING</b>																	
MC&ED	J D Hardie Centre Undertake Stage 1 & Stage II development of project. Preliminary QS estimate for project is \$6.5M excluding external works	1104411 & 1104413	2,600,000									Call Tenders					Detailed engineering, hydraulics & airconditioning design underway. On target to call tenders by 25 September 2009.
MBS	Grandstand - McGregor Street Racecourse Construction of new community Facility	1111450 & 1109454	600,000														
DCRS	CCTV Stage II	503498 & 503496	500,000														<i>Orders placed for supply and installation of antenna as alternative to use of Telstra tower. Project scheduled for completion Nov 09.</i>
MBS	Public Toilets at boat ramps (x2), Cemetery Beach Park (x2) and the Port Hedland Skate Park (x1)	1010311 & 1010410	600,000														<i>Scope of works being developed - ongoing ATM</i>
MBS & MRS	Public Furniture: bins, bus shelters, water fountains, seats and public art, including shade as per AAWG	1201439 & 1201412	200,000														



**11.2.1.2 *Delegated Planning, Building & Environmental Health Approvals and Orders for July 2009 (File No.: 18/07/0002 & 07/02/0003)***

**Officer** Nellie Mackay  
Executive Assistant  
Community & Regulatory  
Services

**Date of Report** 11 September 2009

**Disclosure of Interest by Officer Nil.**

**Summary**

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

**Background**

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

**Consultation Nil.**

**Statutory Implications**

Town of Port Hedland Delegation Register 2005 outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council. This report is prepared to ensure Council is advised of the details of applications which have been dealt with under delegated authority.

**Policy Implications Nil.**

**Strategic Planning Implications Nil.**

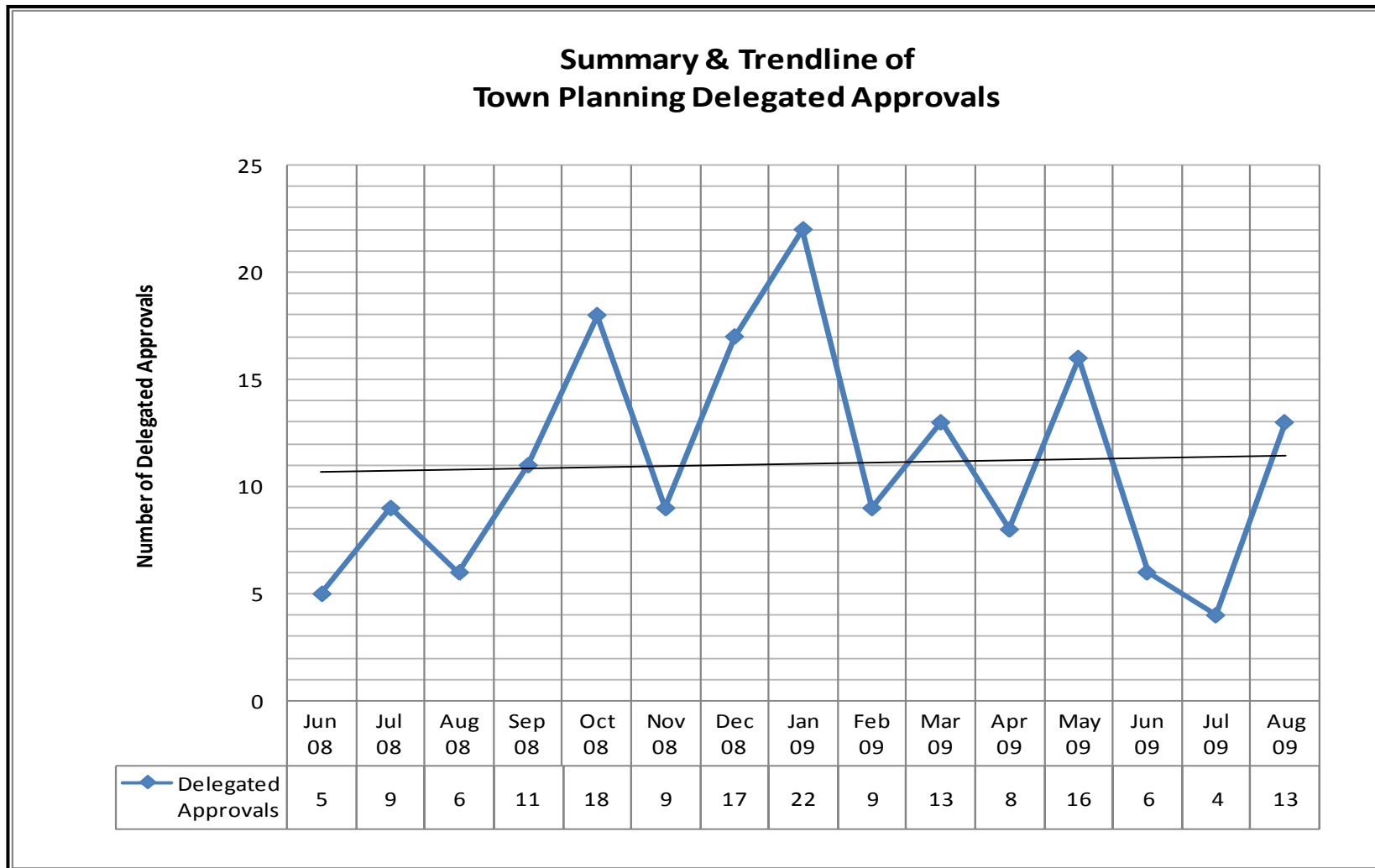
**Budget Implications Nil.**

**Officer's Comment Nil.**

**DELEGATED PLANNING APPROVALS FOR AUGUST 2009**

PLANNING APPROVALS							
Application Number	Application Date	Date Determined	Description	Lot	Address	Applicants Name	Owners Name
2008/272.01	29/06/2009	12/08/2009	INDUSTRY - LIGHT - OFFICE EXTENSION AND SKILLION ROOF	5887	4 MANGANESE STREET PORT HEDLAND	B CHAPMAN	SONJA GOBEL
2008/377	01/10/2008	20/08/2009	GROUPED DWELLINGS - 2 X 2 BEDROOM 1.5 BATHROOM DWELLINGS	25	UNIT 1-8/ 2 CATAMORE COURT SOUTH HEDLAND	CAPRICORN HOMES	BOAB VENTURE PTY LTD
2009/17	14/01/2009	27/08/2009	SHOP - CHANGES TO SHOP FRONT	16	12 WEDGE STREET PORT HEDLAND	E WILCOCK - HEDLAND NEWS & LOTTERIES	ERIN SANDRA WILCOCK
2009/206.01	19/08/2009	19/08/2009	OTHER CORRESPONDENCE - amended plans as per condition 3 of permit 2009/206	2291	6 HAWKINS STREET SOUTH HEDLAND	D Bourke	Department Of Housing
2009/297	04/06/2009	10/08/2009	INDUSTRY - LIGHT - SHED ADDITION	5881	17 MANGANESE STREET WEDGEFIELD	P TEAKLE	PARKREEF HOLDINGS PTY LTD
2009/303	12/06/2009	06/08/2009	GROUPED DWELLINGS - 2x 3 bedroom units	350	30 ROBERTS STREET SOUTH HEDLAND	J STOCKLINGER	DEPARTMENT OF HOUSING
2009/310	16/06/2009	31/08/2009	INDUSTRIAL LIGHT - PATIO ADDITION TO CARETAKERS DWELLING AND POOL	2445	32 MOORAMBINE STREET WEDGEFIELD	P & A MILLER	ANITA LOUISE MILLER
2009/353	29/06/2009	10/08/2009	SINGLE HOUSE - R CODE VARIATION - CARPORT - ZERO FRONT SETBACK & ZERO BOUNDARY SETBACK AND A PATIO	4	4 PETER WAY SOUTH HEDLAND	M BLACKWELL	RICHARD MARK TALBOT
2009/355	30/06/2009	11/08/2009	TAKE AWAY FOOD OUTLET - DRIVE THRU FEATURE BLADE AND ROOF AWNING ADDITION - MCDONALDS	4	9-31 THROSSELL ROAD SOUTH HEDLAND	A JENNINGS-LOWE	PERPETUAL TRUSTEES AUSTRALIA LIMITED
2009/380	08/07/2009	18/08/2009	GROUPED DWELLING - SHED ADDITION	389	59 STANLEY STREET SOUTH HEDLAND	G HOBBS	CHAOUKI ZOGHBI
2009/394	15/07/2009	31/08/2009	GROUPED DWELLING - 6x grouped dwellings	185	55 KINGSMILL STREET PORT HEDLAND	B Kemp	DALLAS ROBERT KEMP
2009/425	31/07/2009	18/08/2009	INDUSTRY - GENERAL - STEEL SHADE ROOF ON NE SIDE OF MAIN BUILDING 168M X 6.8M AND SE SIDE OF MAIN BUILDING 30.5M X 5.3M	999	1 SCHILLAMAN STREET WEDGEFIELD	A CLIFTON	FLUOR AUSTRALIA PTY LTD
2009/485	21/08/2009	18/08/2009	LICENCE ACTIVITIES - Approval of premises - Gaming and Wagering Commission Act 1987 - Section 55 - Bingo night at Cassia Primary School	5525	LOT 5525 BORONIA CLOSE SOUTH HEDLAND	CASSIA PRIMARY SCHOOL	CASSIA PRIMARY SCHOOL

**DELEGATED PLANNING APPROVALS FOR AUGUST 2009**



**DELEGATED BUILDING APPROVALS FOR AUGUST 2009**

BUILDING LICENCES						
Licence Number	Decision Date	Locality	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
80612	05.08.2009	SOUTH HEDLAND	REFURBISHMENT & NEW PATIO	\$40,000	80	Class 1a
80614	05.08.2009	SOUTH HEDLAND	DWELLING	\$395,000	226	Class 1a
80615	05.08.2009	SOUTH HEDLAND	DWELLING	\$455,000	262	Class 1a
80616	07.08.2009	SOUTH HEDLAND	DWELLING	\$295,000	131	Class 1a
80620	12.08.2009	SOUTH HEDLAND	DWELLING	\$380,000	188	Class 1a
80621	12.08.2009	SOUTH HEDLAND	DWELLING	\$380,000	276	Class 1a
80619	12.08.2009	SOUTH HEDLAND	DWELLING	\$380,000	257	Class 1a
80630	20.08.2009	PORT HEDLAND	DWELLING	\$686,840	170	Class 1a
80629	20.08.2009	SOUTH HEDLAND	DWELLING	\$403,000	176	Class 1a
80628	20.08.2009	SOUTH HEDLAND	DWELLING	\$546,000	256	Class 1a
80627	20.08.2009	SOUTH HEDLAND	DWELLING	\$305,000	121	Class 1a
80635	26.08.2009	PORT HEDLAND	5 X GROUPED DWELLINGS	\$885,000	417	Class 1a
80637	27.08.2009	SOUTH HEDLAND	DWELLING	\$525,000	270	Class 1a
80640	28.08.2009	SOUTH HEDLAND	DWELLING	\$407,052	227	Class 1a
80639	28.08.2009	PORT HEDLAND	4 x GROUPED DWELLINGS	\$1,400,000	416	Class 1a
80642	28.08.2009	SOUTH HEDLAND	DWELLING	\$405,695	227	Class 1a
80643	28.08.2009	PORT HEDLAND	DWELLING	\$495,906	225	Class 1a
80638	28.08.2009	SOUTH HEDLAND	DWELLING	\$407,052	227	Class 1a
80641	28.08.2009	SOUTH HEDLAND	DWELLING	\$413,583	227	Class 1a
82007	05.08.2009	SOUTH HEDLAND	SWIMMING POOL	\$20,000		Class 10b
85049	20.08.2009	SOUTH HEDLAND	SWIMMING POOL B/G	\$38,000		Class 10b
85051	28.08.2009	SOUTH HEDLAND	SWIMMING POOL B/G	\$26,000		Class 10b
85052	28.08.2009	PORT HEDLAND	SWIMMING POOL B/G	\$25,000		Class 10b

**DELEGATED BUILDING APPROVALS FOR AUGUST 2009 Cont'd...**

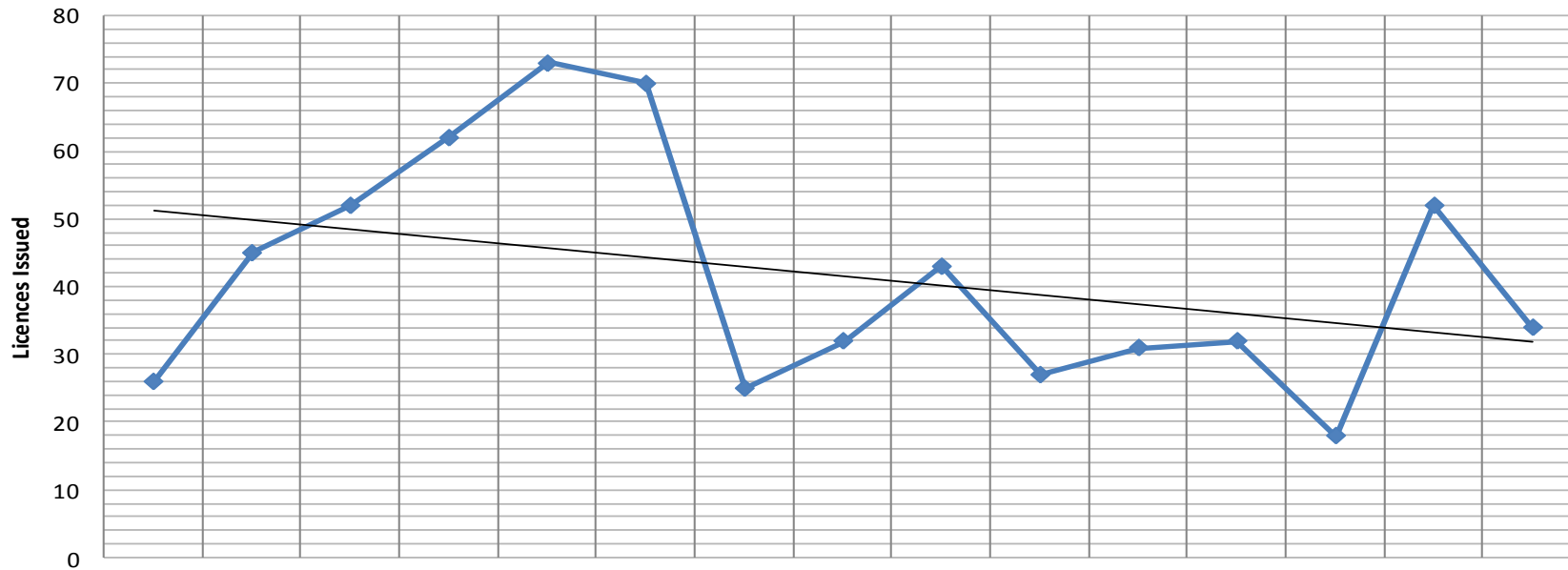
<b>BUILDING LICENCES Cont'd...</b>						
<b>Licence Number</b>	<b>Decision Date</b>	<b>Locality</b>	<b>Description of Work</b>	<b>Estimated Construction Value (\$)</b>	<b>Floor area square metres</b>	<b>Building Classification</b>
80611	04.08.2009	SOUTH HEDLAND	CARPORT AND VERANDAH	\$18,645	35	Class 10a
80613	05.08.2009	PORT HEDLAND	OUTBUILDING	\$55,000	360	Class 10a
80618	10.08.2009	SOUTH HEDLAND	PATIO	\$8,000	15	Class 10a
80622	14.08.2009	SOUTH HEDLAND	NEW PATIO AND REFURBISHMENT	\$40,000	90	Class 10a
80624	14.08.2009	SOUTH HEDLAND	NEW PATIO AND REFURBISHMENT	\$40,000	90	Class 10a
80625	14.08.2009	SOUTH HEDLAND	NEW PATIO AND REFURBISHMENT	\$40,000	90	Class 10a
80626	19.08.2009	SOUTH HEDLAND	OUTBUILDING	\$2,000	6	Class 10a
80632	20.08.2009	PORT HEDLAND	OUTBUILDING	\$11,000	28	Class 10a
80633	21.08.2009	PORT HEDLAND	OUTBUILDING	\$5,000	9	Class 10a
	12.08.2009	PORT HEDLAND	STRATA PLAN 58277			
80634	24.08.2009	SOUTH HEDLAND	OUTBUILDING	\$35,000	36	Class 10a
33	<b>TOTAL ESTIMATED CONSTRUCTION VALUE</b>			<b>\$9,568,773.00</b>		

<b>DEMOLITION LICENCES</b>				
<b>Licence Number</b>	<b>Approval Date</b>	<b>Locality</b>	<b>Description of Work</b>	<b>Estimated Construction Value (\$)</b>
83042	28.08.09	South Hedland	Demolition of Single Dwelling	\$18,000
			<b>Total</b>	<b>\$18,000</b>

**DELEGATED BUILDING APPROVALS FOR AUGUST 2009 Cont'd...**

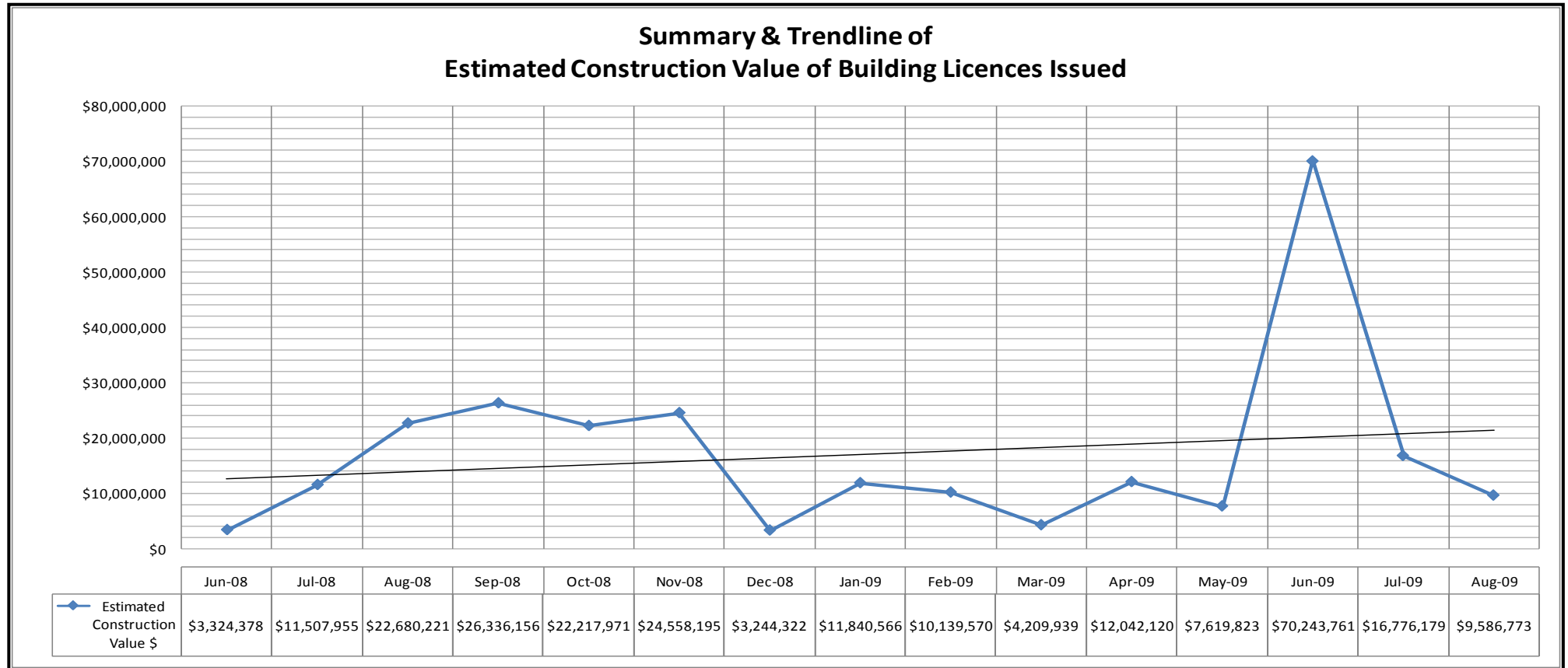
<b>SUMMARY</b>				
<b>Number of Licences</b>	<b>Licence Type</b>	<b>Estimated Construction Value</b>	<b>Floor Area in square metres</b>	<b>Average cost per square metre</b>
1	Demolitions	\$18,000		
19	Dwellings	\$9,205,128	4379	\$2,132
10	Class 10a	\$254,645	723	\$352
4	Class 10b	\$109,000		
0	Commercial	\$0	0	\$0
0	Other	\$0		
<b>34</b>		<b>\$9,586,773</b>		

### Summary & Trendline for Building Licence Approvals



	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09	Aug-09
◆ No of Licences Issued	26	45	52	62	73	70	25	32	43	27	31	32	18	52	34

DELEGATED BUILDING APPROVALS FOR AUGUST 2009 Cont'd...





*DELEGATED ENVIRONMENTAL HEALTH ORDERS FOR AUGUST 2009 Cont'd...*

<b>Current Health Orders under Delegated Authority by Environmental Health Services</b>	
30 Weaver Place, South Hedland (Fauntleroy/Mills)	Building Unfit for Human Habitation
207a & 207b Athol Street, Port Hedland (I Yujnovich)	~ SAT hearing occurred 11/8/09. Residences to be restored in accordance with Structural Engineers Report. ~ Site meeting on 14/9/09 identified degree of concern that required works outlined in the RSA may not be completed by next scheduled SAT hearing of 17/9/09. Adjournment for 3 weeks to next hearing will be sought to enable works to be completed.

## CURRENT LEGAL MATTERS BEING UNDERTAKEN AS AT AUGUST 2009

CURRENT LEGAL MATTERS					
File No.	Address	Issue	First Return Date	Current Status	Officer
<b>WEDGEFIELD</b>					
121670G	Lot 3 Trig Street (J Yujnovich)	Non-compliance with planning conditions	~ First return date 21/1/09	~ Court hearing date 14/4/09 ~ Adjourned until 25/5/09. ~ Adjourned to 6/7/09 ~ Listed for hearing 23/11/09	MP
803175G	Lot 1402 (34) Pinnacles Street (National Tyres)	Illegal Residential dongas and office		~ Instruction & Docs sent to Solicitors 15 April 09 ~ Further information required prior to prosecution notice to be filed/served.	MP
124590G	Lot 1029 (4) Ridley Street (Carey Gardner Engineering)	Illegal Residential dongas		<b>~ Instruction &amp; Docs sent to Solicitors 4 September 09</b>	MP
125890G	Lot 3787 (2) Munda Way (Macpherson, Pilbara Earthmoving)	Illegal Residential dongas		<b>~ Instruction &amp; Docs sent to Solicitors 7 September 09</b>	MP
<b>REDBANK</b>					
116770G	Lot 134 Roche Road (Western Desert)	Illegal laydown area	~ First Return date 21/1/09	~ Adjourned to 27/2/09 ~ Hearing on 27/2/09 adjourned to 28/4/09 ~ Adjourned until 29/5/09. ~ Court hearing date 29/5/09 adjourned until 6/7/09 ~ Entered into a plea to be heard 4/8/09 - adjourned ~ Court 31/8/09 - matter adjourned <b>~ Matter adjourned to 21 September 09</b>	MP
<b>SOUTH HEDLAND RURAL ESTATE</b>					
154412G	Lot 2 (5-7) Quartz Quarry Road (Macpherson - Sunsatin P/L t/as Pilbara Earthmoving)	Earth Moving business & repairs being operated from the property	~ First return date 21/1/09	~ Adjourned to 27/2/09 ~ Adjourned to 20/4/09 ~ Adjourned to 15/6/09 ~ Adjourned to 7/7/09 for plea <b>~ Listed for Trial 16/11/09</b>	MP
<b>SOUTH HEDLAND</b>					
	Nil				
<b>PORT HEDLAND</b>					
400330G	83 Athol Street (P Oldenhuis)	Health - Asbestos removal	~ First Return date 25/2/09	~ No appearance by Mr Oldenhuis ~ Court hearing date 28/4/09 adjourned until 29/5/09. ~ Plea hearing date 13/7/09 <b>~ Trial set for 16/11/09</b>	MEH



**Attachments**

**Nil.**

**200910/077 Council Decision / Officers Recommendation**

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

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

***CARRIED 8/0***

**11.2.2 Planning Services****11.2.2.1 *Proposed Local Planning Policy 11 – Regional R Code Variations (File No.: 18/01/0011)***

**Officer** Luke Cervi  
Planning Officer

**Date of Report** 7 August 2009

**Disclosure of Interest by Officer** Nil

**Summary**

This report recommends the preparation of a new Local Planning Policy that identifies areas where the *Residential Design Codes of Western Australia* (R Codes) do not adequately address local conditions.

**Background**

The R Codes provide the basis for controlling the siting and design of residential development throughout Western Australia. The R Codes came into effect on 4 October 2002 when they replaced the *1991 Residential Planning Codes of Western Australia (1991 Codes)*. The R Codes have since been amended on numerous occasions including a comprehensive review in April 2008.

The R Codes were automatically introduced by reference into all local government planning schemes that formerly included reference to the 1991 Codes (Section 6.2 of TPS5). They provide for 'Regional Exceptions' to some provisions subject to the adoption of a Local Planning Policy. In addition, any provision can be varied through a Local Planning Policy subject to WAPC consent being obtained prior to adoption.

**Consultation**

In preparing the proposed Local Planning Policy, consideration was given to the Design Guidelines that have been developed by Landcorp and Jaxon (South Hedland New Living) as well as variations implemented by neighbouring Council's (Shire of Roebourne and Shire of Broome).

Should Council wish to proceed with the proposed Local Planning Policy, WAPC consent will be required.

In this regard it has been established with the WAPC that the draft Local Planning Policy would be required prior to Council obtaining community input to ensure that the WAPC supports the proposed variations. This is required so as not to create a perception with

the community that the proposed variations would be supported by the WAPC.

With regard to community input, TPS 5, Section 5.1.4 prescribes the following consultation process:

Council,

- a. Shall publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving the details of
  - i. Where the draft Policy may be inspected,
  - ii. The subject and nature of the draft policy, and
  - iii. In what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made, an
- b. May publish a notice of the proposed policy in such other manner and carry out such other consultation as it considers appropriate.

As part of (b) above it has been recommended that the proposed Local Planning Policy also be advertised to adjoining Council's and organisations involved in preparing 'Design Guidelines' in the region.

### **Statutory Implications**

Section 5.1 of TPS5 enables the Council to make a Local Planning Policy and Part 5 of the R Codes enables variation to provisions of the R Codes where a Local Planning Policy exists.

Part 5 also identifies which provisions can be varied by a Local Planning Policy without the need for WAPC consent and which provisions do require WAPC consent to be varied. The proposed Local Planning Policy contains 9 variations of which 6 require WAPC consent.

### **Policy Implications**

The proposed Local Planning Policy would be known as Local Planning Policy 11 – Regional R Code Variations.

### **Strategic Planning Implications**

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

KEY RESULT AREA 2 – COMMUNITY PRIDE

Goal 3 – Townscape

Strategy 1 – In conjunction with industry, business and the community, develop improved verge and streetscape treatments throughout the Town.

#### KEY RESULT AREA 6 – GOVERNANCE

Goal 5 – Policy & Legislation

Strategy 1 – Progressively review all Council Policies with the aim of reviewing all policies at least once in every two years.

#### **Budget Implications**

In the event Council wish to proceed with the proposed Local Planning Policy, some advertising costs will be involved.

#### **Officer's Comment**

The proposed Local Planning Policy will vary some Acceptable Development Standards of the R Codes to better reflect the climatic, environmental and/or lifestyle needs and expectations of the Town's community.

It is considered that at least some of the proposed variations (particularly those proposed due to climatic issues) could be relevant to adjoining Council's and could develop as a standard for the Pilbara. Due to this potential it has been recommended that additional 'Notice' be given to adjoining Council's and other organisations that have been involved in developing 'Design Guidelines' in the region.

The variations proposed are a combination of more and less restrictive.

#### *Summary of more restrictive variations*

It is important to note that of those 5 provisions that will be more restrictive, 3 are already part of TPS5 and are only included into the Local Planning Policy so that all variations are available in the one document. Of the 2 'new' variations, 6.2.3 (carports within the front setback) is formalising what has been the existing practice of the Council. This in essence means the only 'new' more restrictive variation being proposed is 6.2.5 (fencing).

6.2.5 (fencing variation) proposes to apply the requirements of front fencing (i.e visually permeable above 1.2m in height) to all streets and to public reserves where passive surveillance is required. Passive surveillance is a key component of *Crime Prevention Through Environmental Design (CPTED) Guidelines*, which as the name suggests, encourages the design of buildings and neighbourhoods in a manner that discourages crime and antisocial behaviour. This proposed variation has been included in a number of the Design Guidelines applying to the South Hedland New Living project.

Again it is important to note that this would be the Acceptable Development Standard and proposal that do not comply with the standard can still be considered and approved through the Planning Permit process subject to meeting the Performance Criteria of the R Codes.

#### 6.2.3 – Setback of garages and carports

A3.4 Carports within the street setback area, provided that the width of carport does not exceed 50 per cent of the frontage at the building line and the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent.

Further to Acceptable Development Standard A3.4, all carports within a street setback area must:

1. be a minimum of 1.5 m from the boundary of any street frontage
2. be of flat roofed construction – to reduce bulk
3. not incorporate posts that are greater than 120 mm in diameter

#### 6.2.5 – Street walls and fences

A5 Front walls and fences within the primary street setback area that are visually permeable 1.2 m above natural ground level.

Acceptable Development Standard A5 shall also apply to the fencing of secondary or other streets within the street setback area and boundaries with public reserves where passive surveillance is required.

#### 6.5.3 – Design of Parking Spaces

A3.2 Spaces in accordance with AS2890.1.

Acceptable Development Standard A3.2 is removed. Parking spaces are to meet with the design standards identified within Section 6.13 and Appendix 8 of *The Scheme*.

#### 6.5.4 – Vehicular Access

A4.5 Formed driveways for multiple and grouped dwellings:

- With a minimum width of 4 m where the number of dwellings served is five or more, which may be reduced to 3 m where necessary to retain an existing dwelling; and
- Are designed to allow vehicles to pass in opposite directions at one or more points, where the number of dwellings served by the driveway is five or more.

Notwithstanding Acceptable Development Standard A4.5, design of two way access shall be in accordance with Schedule 8 of *The Scheme*.

#### 6.10.3 – Essential Facilities

A3.1 An enclosed, lockable storage area, constructed in a design and material matching the dwelling where visible from outside the dwelling, with a minimum dimension of 1.5 m with an



internal area of at least 4 sq m, for each grouped or multiple dwelling.

A single house must have a store room provided in accordance with Acceptable Development Standard A3.1 and Clause 6.3.7 of *The Scheme*.

Those variations that are less restrictive are:

*Summary of less restrictive variations*

Council also need to be satisfied that those variations that are less restrictive, including the 'open space' definition, are acceptable as no Planning Permit would be required for buildings that comply with the Local Planning Policy if adopted.

Any proposal that does not meet with the Local Planning Policy can still be considered and approved through the Planning Permit process subject to meeting the Performance Criteria of the R Codes.

6.2.1 – Setback of buildings generally

A1.1 Buildings setback from the primary street in accordance with table 1.

In relation to Acceptable Development Standard A1.1, where side and rear vehicle access is provided, setbacks of buildings from the primary street as specified in Table 1 of the Residential Design Codes may be halved.

6.3.1 – Buildings setback from the boundary

A1 iv Minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75 m into a set-back area and to be no closer than 0.75 m to a boundary.

Notwithstanding Acceptable Development Standard A1 iv, eaves overhang may be closer than 0.75 m to a boundary subject to conformity with the *Building Code of Australia*.

6.4.2 – Outdoor living areas

A2 An outdoor living area to be provided:

- to have at least two-thirds of the required area without permanent roof cover.

Acceptable Development Standard A2 dot point 5 is removed. Permanent roof cover is permitted.

6.10.1 – Outbuildings

A1 Outbuilding that:

- iii collectively do not exceed 60 sq m in area or 10 per cent 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

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

- Rural Residential zones

Collectively do not exceed 200 sq m in area or 2 per cent in aggregate of the site area, whichever is the greater;

Do not exceed a wall height of 4.2 m;

Do not exceed a ridge height of 6.0 m

#### Appendix 1 – Definitions

##### Open space

Notwithstanding the definition of ‘Open space’ in Appendix 1 – Definitions, of the R Codes, open space includes areas beneath eaves overhangs, verandahs or patios not more than 0.5 m above natural ground level, unenclosed on at least two sides and covering no more than 25 per cent of the site area or 125sqm whichever is the lesser.

#### **Attachments**

1. Proposed Local Planning Policy

#### **200910/078 Council Decision / Officers Recommendation**

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

#### **That Council:**

i) **Prepare a new Local Planning Policy to be known as Local Planning Policy 11 – Regional R Codes Variations;**

ii) **In accordance with Part 5.3.2 of the R Codes, request WAPC to provide comments on the proposed regional variations to the Acceptable Development Standards of the R Codes as identified within Draft Local Planning Policy 11 – Regional R Codes Variations;**

iii) **After obtaining WAPC comments give notice of the proposed Local Planning Policy in accordance with Section 5.1.4 of Town of Port Hedland Town Planning Scheme No. 5. as follows:**

**Publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving the details of:**

**Where the draft Policy may be inspected,  
The subject and nature of the draft Policy, and  
In what form and during what period (being no less than 21 days from the day the notice is published) submissions may be made, and**

**Publish a notice of the proposed policy in such other manner and carry out such other consultation as it considered appropriate.**

**iv) Give notice to adjoining Council's and other organisations involved in preparing 'Design Guidelines' in the region.**

**v) Subject to no material changes required due to either the consultation process or WAPC comments, forward Local Planning Policy 11 to the WAPC for final approval.**

**vi) After obtaining the WAPC final approval adopts Local Planning Policy 11, and publishes the adoption of the Local Planning Policy in accordance with Section 5.1.6 of TPS 5, as follows:**

**Publish notice of the Policy once in a newspaper circulating in the Scheme area.**

***CARRIED 8/0***

## ATTACHMENT 1 TO AGENDA ITEM 11.2.2.1

*Town of Port Hedland Town Planning Scheme No.5*  
*Local Planning Policy No. 11 – Regional R Code Variations*

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**TOWN OF PORT HEDLAND**  
**TOWN PLANNING SCHEME NO.5**  
**LOCAL PLANNING POLICY NO. 11 –**  
**REGIONAL R CODE VARIATIONS**

**1. PRELIMINARY**

**1.1 Authority to prepare and adopt a Local Planning Policy**

Clause 5.1 of the *Town of Port Hedland Town Planning Scheme No.5 (The Scheme)* allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Town.

This policy will be made effective once Council has completed the process provided by Clauses 5.1.4 – 5.1.7 inclusive of *The Scheme*.

**1.2 Relationship of this Policy to *The Scheme***

Pursuant to section 5.1.2 of *The Scheme*, if a provision of this Policy is inconsistent with *The Scheme*, *The Scheme* prevails to the extent of the inconsistency.

This Policy is not part of *The Scheme* and does not bind Council in respect of any application for planning approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

**2. APPLICATION OF THE POLICY**

This policy provides regional variances to the 'Acceptable Development Standards' of the *Residential Design Codes of Western Australia (R Codes)*.

In accordance with Section 6.2 of *The Scheme*, The R Codes apply to all residential development within the Town of Port Hedland.

**3.0 POLICY OBJECTIVES**

The objectives of this policy are to:

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*Town of Port Hedland Town Planning Scheme No.5  
Local Planning Policy No. 11 – Regional R Code Variations*

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1. Identify areas within the R Codes that do not appropriately address the climatic, environmental and/or lifestyle needs of the Port Hedland community.
2. Encourage variations that enhance the built form of buildings and the overall appearance of the Municipality.
3. Having regard to 1 above, vary the Acceptable Development Standards of the R Codes to address the climatic, environmental and/or lifestyle needs of the Port Hedland community.
4. Ensure any variations to the R Codes are in plain English and are easily understood.

#### 4.0 REGIONAL R CODE VARIATIONS

**Section:**

6.2.1 – Setback of buildings generally

**Original R Code provision:**

A1.1 Buildings setback from the primary street in accordance with table 1

**Variation:**

In relation to Acceptable Development Standard A1.1, where side and rear vehicle access is provided, setbacks of buildings from the primary street as specified in Table 1 of the Residential Design Codes may be halved.

**Reason for Variation:**

Due to the isolation of the Local Government Area, distance between residential areas and employment and lack of public transport, residents have a high reliance on motor vehicles. This combined with the large average household size (4.2 persons) compared to the state average (2.92 persons) results in an average of 2.7 vehicles per LGA household as opposed to 2.26 vehicles per WA household. In addition, climatic conditions make the provision of landscaping in street setback areas difficult to maintain. These factors contribute to the street setback area often being used for parking of vehicles and lacking landscaping.

By encouraging vehicle access to the rear of properties and allowing reduced street setbacks, it is envisaged that the streetscape amenity will be improved. Higher levels of landscaping are expected as a smaller area of street setback will enable easier care and maintenance. The reduced area will also limit the area available for parking in the front street setback and as access to the rear of the property is available it should be utilised as an alternative.

**Section:**

6.2.3 – Setback of garages and carports

**Original R Code provision:**

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*Town of Port Hedland Town Planning Scheme No.5  
Local Planning Policy No. 11 – Regional R Code Variations*

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A3.4 Carports within the street setback area, provided that the width of carport does not exceed 50 per cent of the frontage at the building line and the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent.

**Variation:**

Further to Acceptable Development Standard A3.4, all carports within a street setback area must:

1. be a minimum of 1.5 m from the boundary of any street frontage
2. be of flat roofed construction
3. not incorporate posts that are greater than 120 mm in diameter

**Reason for Variation:**

The Local Government has concerns about the potential conflicts that can arise between vehicles and pedestrians when appropriate sightlines are not provided for. This issue will be addressed by requiring carports in the street setback area be setback 1.5 m which is consistent with the requirements for garages and provides increased sightlines. To limit the obstruction created by carport posts, the diameter is to be limited to 120 mm.

The visual impact that is created by incursions into the street setback area can adversely impact on the streetscape. To minimise the potential for adverse streetscape impacts, carports are limited to those of flat roofed construction as they are considered less obtrusive due to the smaller bulk of these structures compared to pitched roofs. Pitched roofs will require a planning permit and need to be consistent with the performance criteria.

**Section:**

6.2.5 – Street walls and fences

**R Code provision:**

A5 Front walls and fences within the primary street setback area that are visually permeable 1.2 m above natural ground level.

**Variation:**

Acceptable Development Standard A5 shall also apply to the fencing of secondary or other streets within the street setback area and boundaries with public reserves where passive surveillance is required.

**Reason for Variation:**

Secondary or other streets often incorporate 1.8 m solid fencing on boundaries which obstruct surveillance and detract from the streetscape. Restricting secondary and other streets fencing as well as public reserves to be consistent with the primary street fencing will encourage passive surveillance and interaction with the streetscape.

**Section:**

6.3.1 – Buildings setback from the boundary

*Town of Port Hedland Town Planning Scheme No.5  
Local Planning Policy No. 11 – Regional R Code Variations*

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**R Code provision:**

- A1 iv Minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75 m into a set-back area and to be no closer than 0.75 m to a boundary.

**Variation:**

Notwithstanding Acceptable Development Standard A1 iv, eaves overhang may be closer than 0.75 m to a boundary subject to conformity with the *Building Code of Australia*.

**Reason for Variation:**

Environmentally sustainable development encourages eaves overhang in the municipality due to the extreme climatic conditions (eg 900 mm eaves overhang in Pretty Pool). As such, development where buildings meet with the Acceptable Development Standards for wall setback could need a permit solely due to encroachment of eaves overhang.

**Section:**

6.4.2 – Outdoor living areas

**R Code provision:**

- A2 An outdoor living area to be provided:
- to have at least two-thirds of the required area without permanent roof cover.

**Variation:**

Acceptable Development Standard A2 dot point 5 is removed. Permanent roof cover is permitted.

**Reason for Variation:**

The extreme climatic conditions experienced in the Local Government Area has lead to a desire and need by residents to predominately cover outdoor living areas to make them useable.

**Section:**

6.5.3 – Design of Parking Spaces

**R Code provision:**

- A3.2 Spaces in accordance with AS2890.1.

**Variation:**

Acceptable Development Standard A3.2 is removed. Parking spaces are to meet with the design standards identified within Section 6.13 and Appendix 8 of *The Scheme* (see attachment 1 of this policy).

**Reason for Variation:**

*Town of Port Hedland Town Planning Scheme No.5*  
*Local Planning Policy No. 11 – Regional R Code Variations*

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Due to the remoteness of the Local Government Area (LGA) and major employers within the LGA, the average vehicle for the LGA is larger than that identified within AS2890.1. As a result Council has consistently required parking spaces be designed to a level greater than that required by AS2890.1.

**Section:**  
6.5.4 – Vehicular Access

**R Code provision:**

A4.5 Formed driveways for multiple and grouped dwellings:

- With a minimum width of 4 m where the number of dwellings served is five or more, which may be reduced to 3 m where necessary to retain an existing dwelling; and
- Are designed to allow vehicles to pass in opposite directions at one or more points, where the number of dwellings served by the driveway is five or more.

**Variation:**

Notwithstanding Acceptable Development Standard A4.5, design of two way access shall be in accordance with Appendix 8 of *The Scheme* (see attachment 1 of this policy).

**Reason for Variation:**

To provide for greater traffic and pedestrian safety wider access has been required for two way access. The wider access enables access to and egress from the site simultaneously preventing traffic congestion on the street. Wider access also increases sightlines for both vehicular and pedestrian traffic.

**Section:**  
6.10.1 – Outbuildings

**R Code provision:**

A1 Outbuilding that:  
iii collectively do not exceed 60 sq m in area or 10 per cent 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

**Variation:**

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



*Town of Port Hedland Town Planning Scheme No.5*  
*Local Planning Policy No. 11 – Regional R Code Variations*

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**Rural and Rural Residential zones**

collectively do not exceed 200 sq m in area or 2 per cent in aggregate of the site area, whichever is the greater;  
do not exceed a wall height of 4.2 m;  
do not exceed a ridge height of 6.0 m

**Reason for Variation:**

To provide appropriate development standards for outbuildings that reflect Port Hedland's climate, lifestyle, built form and the needs and expectations of its residents.

**Section:**

6.10.3 – Essential Facilities

**R Code provision:**

A3.1 An enclosed, lockable storage area, constructed in a design and material matching the dwelling where visible from outside the dwelling, with a minimum dimension of 1.5 m with an internal area of at least 4 sq m, for each grouped or multiple dwelling.

**Variation:**

A single house must have a store room provided in accordance with Acceptable Development Standard A3.1 and Clause 6.3.7 of *The Scheme* (see attachment 2 of this policy).

**Reason for Variation:**

Provides for storage of outdoor items in times of cyclone reducing potential for debris.

**Section:**

Appendix 1 – Definitions

**R Code definition:**

Open space

**Variation:**

Notwithstanding the definition of 'Open space' in Appendix 1 – Definitions, of the R Codes, open space includes areas beneath eaves overhangs, verandahs or patios not more than 0.5 m above natural ground level, unenclosed on at least two sides and covering no more than 25 per cent of the site area or 125 sq m whichever is the lesser.

**Reason for Variation:**

The extreme climatic conditions experienced in the Local Government Area has lead to a desire and need by residents to predominately cover outdoor living areas to make them useable.

*Town of Port Hedland Town Planning Scheme No.5*  
*Local Planning Policy No. 11 – Regional R Code Variations*

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#### **5.0 REQUIREMENT FOR A PLANNING PERMIT**

Where residential development does not comply with the requirements of the R Codes as varied by this Local Planning Policy, a Planning Permit must be obtained.

A Planning Application form can be obtained from the Civic Centre located at McGregor Street, Port Hedland. Alternatively, the form can be downloaded from Council's website [www.porthedland.wa.gov.au](http://www.porthedland.wa.gov.au) under Town Planning which can be found under the Services & Facilities section. Should you require any assistance related to submitting a Planning Application, please contact Council's Planning Assistant on 08 9158 9321.

**11.2.2.2 Change of Use – Entertainment Venue (Gentleman’s Club), Lot 1003 (9) Trig Street, Wedgefield (File No.: 116290G)**

**Officer** Luke Cervi  
Planning Officer

Application No. 2009/407

Date of Report 13 August 2009

**Disclosure of Interest by Officer Nil**

**Summary**

An application has been received from Jessica White, for the Change of Use to an Entertainment Venue (Gentleman’s Club), at Lot 1003 (9) Trig Street, Wedgefield.

The application has been reported to Council for determination as during the consultation period an objection was received.

With regard to the type of use, the Pilbara Police District Office has provided the following comment on the legality of an Entertainment Venue (brothel).

*“..... commissioner of Police directed that WA Police would not police brothels under the provisions of either the Criminal Code or the Police Act 1892 unless evidence indicates the involvement of establishing criminal networks, juveniles, drugs, illegal immigrants or sexual servitude.....”*

**Background**

*The Site*

The site is included in the Industry zone under the Town of Port Hedland Town Planning Scheme No. 5 (TPS5), and is 4186m<sup>2</sup> in size. The surrounding lots all fall within the same zone. The lot is currently developed with a Workshop and Caretakers Dwelling.

*The Proposal*

The applicant proposes to modify the existing workshop to a Reception area and 4 ‘working rooms’ with associated amenities. However, in the interim it is proposed to use a section of the Caretakers Dwelling as ‘working rooms’ until renovations are complete. Upon completion the use of the Caretakers Dwelling will be reinstated. The hours of operation will be from 7pm until late daily.

**Consultation**

In accordance with TPS5, the proposal was advertised in the local newspaper and individual notices sent to neighbouring properties. The application was also referred to the Pilbara Police District Office, who offered the following advice:

*“My understanding is that this “gentleman’s club” will in fact operate as a brothel and in that regard, existing Criminal Code and Police Act provisions relating to prostitution are somewhat deficient. In November 2002 a high profile Perth brothel madam was charged by Police with keeping premises for prostitution under the provisions of the Criminal Code. The prosecution was not supported by the Director of Public Prosecutions who considered prostitution was not a significant issue of concern to the community and therefore did not justify the cost of a prosecution given the likely penalty to be imposed. A similar prosecution under the provisions of the Police Act 1892 was also not pursued by WA Police on the same basis, following advice from the State Solicitors Office.*

*Consequently, in January 2004 then commissioner of Police directed that WA Police would not police brothels under the provisions of either the Criminal Code or the Police Act 1892 unless evidence indicates the involvement of establishing criminal networks, juveniles, drugs, illegal immigrants or sexual servitude.*

*The WA Police continue to police street prostitution under the provisions of the Prostitution Act 2000, but the operation of brothels is not regulated unless there is evidence of the activities mentioned. WA Police welcome assistance from the Community in the form of information to properly assess and determine whether or not an investigation is warranted in accordance with the above criteria. In this regard you are encouraged to gather and provide as much information as possible to WA should you suspect it is occurring.”*

Two additional submissions were received during the consultation period.

**Statutory Implications**

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

**Policy Implications**

Nil

**Strategic Planning Implications**

Nil

### **Budget Implications**

An application fee of \$254 was paid on lodgment and deposited into account 1006326 – Town Planning Fees.

### **Officer's Comment**

The proposed site is zoned Industry under TPS5 and the proposal has been considered to best fit the definition of 'entertainment venue' under the Scheme. It is noted that Council previously considered a similar proposal under this definition.

An 'entertainment venue' is listed as an SA use in the Zoning Table of the Scheme. Clause 3.2.2 identifies SA uses as; uses that are not permitted without Council approval after giving notice through the advertising provisions included in clause 4.3 of the Scheme.

During the advertising period three submissions (see attachments) were received with one objecting to the proposal and two providing comments which included some controlling measures. The submissions include a number of matters that are outside the scope of planning and as such only matters considered relevant to planning have been summarised and addressed below:

#### *Submissions/Objections*

- Concerns regarding the premise obtaining a liquor licence  
The current application does not include a liquor licence and the applicant has advised that at this point there are no intentions to apply for a liquor licence. In the event an application for a liquor licence is submitted in the future, it would be considered on merit at such time and appropriate consultation undertaken.

- Security/Anti social behaviour  
The behaviour of clientele has been raised as a security concern by an adjacent business (Water Corp). It appears this concern is predominately associated with the presumption of alcohol consumption or destructive behaviour generally associated with the stereotypical client of this type of establishment. The submitter has requested that a security strategy form part of any approval if given and that hours be limited.

The applicant has advised that they will be installing on site security cameras however, a physical security presence such as a security guard is not proposed. The absence of a liquor licence application and installation of onsite security cameras at the proposed entertainment venue are strategies the applicant has proposed to discourage anti social/undesirable behaviour of clients. The applicant has advised that they consider it to be unreasonable to expect their business to provide a physical

security presence for the area. However, if all businesses in the area wanted to contribute to security patrols, the entertainment venue would participate.

In regard to operating hours, the applicant has advised that the intended hours are 7pm until late daily. The submitter has requested that the closing time be limited to midnight so as not to attract clients at times when passive surveillance is at its lowest. It is agreed that passive surveillance would be at its lowest after midnight. However, if the proposed entertainment venue is open after this time it could reasonably be contended that passive surveillance would be increased and in fact reduce the likelihood of criminal activity.

- **Scale of Operation**

It was requested in one of the submissions that the scale of operation be limited to that proposed (i.e 5 workers). A condition has been included that restricts the number of service rooms.

- **Carparking**

One submission expressed concern regarding parking on the verge. Under Appendix 7 of TPS5, an entertainment venue requires the following parking:

- 1 bay for every 2m<sup>2</sup> of open floor area,
- 1 bay for every 5m<sup>2</sup> of tables and/or chairs, and
- 1 bay for every 4 spectator/audience seats in rows.

All other areas and facilities at Council's discretion.

The gentleman's club is a facility that best fits into 'at Council's discretion'. It is noted that when Council previously considered a similar application, 10 bays were required. This would appear to be an adequate number and as there is ample room on site to provide these bays is not envisaged that verge parking would occur.

*Other considerations*

- **Caretakers Dwelling**

The existing caretakers dwelling includes the structure identified as 'Service Rooms' on attachment ... These service rooms are proposed to be used temporarily until such time as renovating of the existing workshop is complete and then they will revert back to being part of the caretakers dwelling. Given the number of compliance investigations relating to accommodation in Wedgefield it is considered appropriate to impose conditions and include advice notes that clearly identify that the only accommodation that will be permitted is the existing caretaker's dwelling.

**Summary**

It is considered that the type of business is best located within an industrial area such as the proposed site. Subject to appropriate

conditions, the proposal can appropriately address the concerns of objectors and minimize the potential for adverse impacts on the industrial function and amenity of the neighbourhood.

Furthermore, it has been indicated by the Pilbara Police District Office that the "Entertainment Venue" (gentleman's club) will not be policed unless it is established that the use involves - the establishment of criminal networks, juveniles, drugs, illegal immigrants or sexual servitude.

As the Pilbara District Police office has not indicated that the "Entertainment Venue" (gentleman's club) is an illegal use and cannot be approved, the recommendation is done purely from a Town Planning perspective.

### **Options**

Council has the following options for determining the application:

1. Approve the application with or without conditions.
2. Refuse the application.

It is recommended that the application be approved subject to conditions as contained in the officer's recommendation.

### **Attachments**

1. Site Plans
2. Locality Plan
3. Submissions

### **200910/079 Council Decision / Officers Recommendation**

**Moved:** Cr A A Carter      **Seconded:** Cr A A Gear

**That Council:**

**APPROVES the Planning Application for a CHANGE OF USE – Entertainment Venue (Gentleman's Club) at Lot 1003, 9 Trig Street, Wedgefield, as shown on the attached plans and subject to the following conditions:**

**This approval relates only to the proposed CHANGE OF USE – Entertainment Venue (Gentleman's Club) and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.**

**This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.**

**No accommodation is permitted on site other than within the existing Caretaker's Dwelling as approved by Council.**

**A minimum of 10 car bays are to be provided on-site to the satisfaction of the Manager Planning.**

**Areas designated for accessways and car bays must remain available for such purposes and not be obstructed in any way.**

**No advertising signage is to be displayed without the prior written consent of Council.**

**FOOTNOTES:**

**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.**

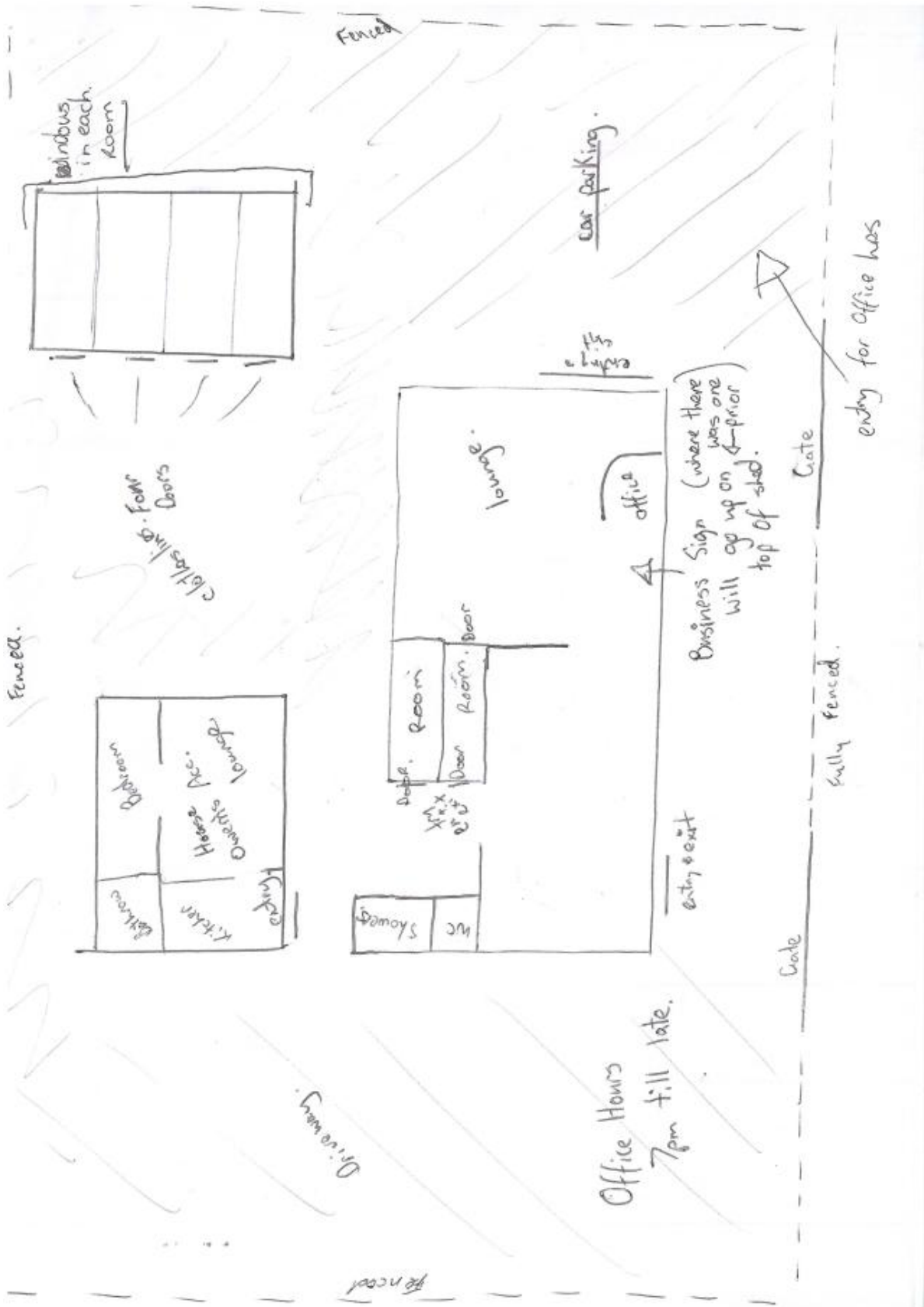
**The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the 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.**

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

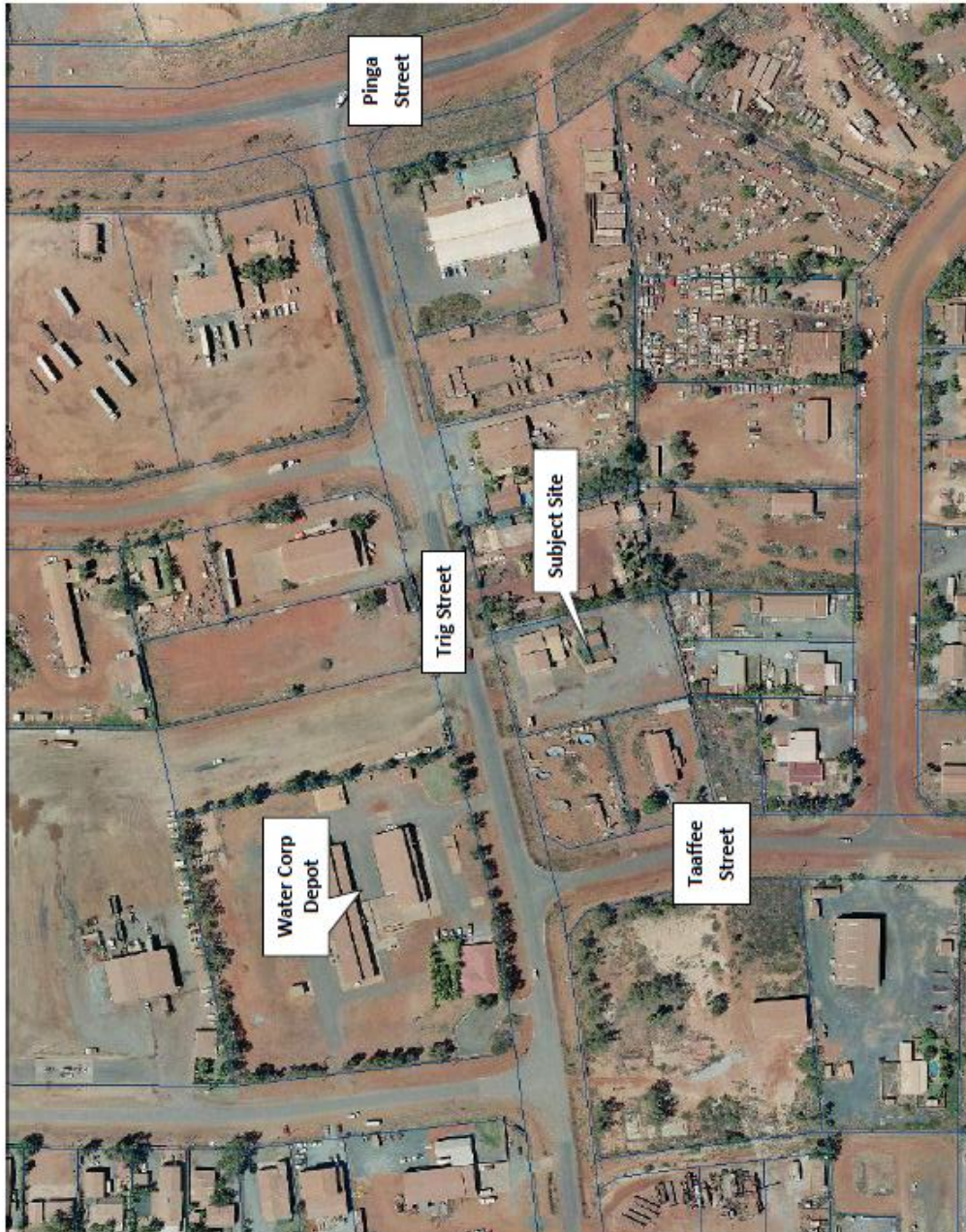
***CARRIED 8/0***



ATTACHMENT 1 TO AGENDA ITEM 11.2.2.2



**ATTACHMENT 2 TO AGENDA ITEM 11.2.2.2**



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.2

Joanne Woodward  
16 Pinnacles St  
Wedgefield 6721  
0415806027

<b>TOWN OF PORT HEDLAND</b>	
RECORD No. ....	.....
OFFICER.....	DCS / M/P.
11 AUG 2009	
FILE N. ....	.....
ACTION DATE.....	.....

11<sup>th</sup> August 2009

To Port Hedland town Shire

Att: M Scott

*A1162901 Lot 1003, a TRIG ST. -09-04262*

I Joanne Margret Woodward of 16 Pinnacles St Wedgefield, owner of Jems am putting my objection to the opening of a Gentleman's club at 9 Trigg St Wedgefield. The reasons for my objections are as follows.

I up until recently employed two people I believe are looking at opening the gentleman's club and they have been involved in a breach of customer confidentiality. It is my understanding they have contacted clients and asked them for financial assistance, I know this to be a fact as the clients have contacted me and told me of the situation. The two ladies involved have also to my understanding been taking down details from my paperwork and these matters have now been reported to South Hedland Police and will be investigated.

It is my understanding that the Gentleman's club is also applying for a liquor licence, I believe this to be a mistake, we offer our clients soft drinks, coffee, and water as when clients come it is usually after a night of drinking and it is my intention to look after my girls and not subject them to drunks for their own safety. Having alcohol available on site will only worsen the situation and under Port Hedland drinking policy it will be yet another place to obtain alcohol on Sunday evenings.

I have been running this business for 4 ½ years and have worked with the Police to keep a control on our girls and have had no problems. It is my belief if this Gentleman's Club is approved it will bring problems with drugs and alcohol with it. I am also concerned for my clients confidentiality, I'm sure you will appreciate the discretion we need to exercise, the fact they have stolen phone numbers is a huge concern to both myself and the clients, and I have also sought legal advice on this matter through my solicitor.

Joanne Woodward

*J. Woodward*

*11/8/2009.*

**11.2.2.3 Application to relocate the existing Transient Workforce Accommodation Kitchen Facility (Safe Haven) from Port Haven Accommodation Village to Pundulmurra Village being Lot 5954 Kennedy Street, South Hedland. (File No.: 802140G)**

<b>Officer</b>	Leonard Long Planning Officer
<b>Date of Report</b>	9 September 2009
Application No.	2009/397
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

The Town has received an application from Compass Group (Australia) Pty Ltd on behalf of Pilbara TAFE, to relocate the existing safe haven from the Port Haven Accommodation Village to Lot 5954 Kennedy Street being the Pundulmurra Village.

The application is before Council as the existing use of the Pundulmurra Village is deemed to be a “non-conforming use”.

As use of the lot does not comply with the uses permitted under the scheme, and the favourable consideration is inconsistent with proper and orderly planning, the application is not supported.

**Background**

In November 1996 Council granted its consent in terms of the Town of Port Hedland Town Planning Scheme No. 4, to the proposed “Housing and Hostel Project” on the subject lot.

Boodarie Iron (operated by BHP) subsequently entered into a MOU with the Minister for Training in February 2001, allowing BHP to accommodate its own workforce and those of other resource companies. The Town has been advised by Pilbara TAFE that BHP in September 2005 made the determination that they did not want to continue with the arrangement.

Pilbara TAFE has in correspondence to the Town indicated that since the arrangement between BHP and Pilbara TAFE has ended the situation remains the same, in that the Compass – ESS group is managing the facility on behalf of TAFE, and that the facility is available to the resource company’s workforce and TAFE apprentices to meet short-term accommodation requirements.

In terms of the Port Hedland Town Planning Scheme No. 5, Lot 5954 is zoned “Community – Education”, under which zoning the

use of the lot for “Transient Workforce Accommodation” is not permitted.

However, as this particular development was constructed while Town Planning Scheme No. 4 was in effect, and was a permitted use under TPS 4, Council at its Ordinary meeting held on 23 November 2005, resolved as follows:

*“That Council note that the use of Pundulmurra Accommodation Village for other than student accommodation is a non-conforming land use under Town Planning Scheme No. 5 and shall discontinue if:*

- a) The non-conforming use is discontinued for a period of six (6) months or more; and*
- b) The buildings required for the non-conforming use are destroyed to 75% or more of their value.”*

### **Consultation**

The proposed application has been forwarded to the relevant council departments, of which none raised any objection to the proposal.

### **Statutory Implications**

Compliance with Part VIII – Non Conforming uses, of the Town of Port Hedland Town Planning Scheme No. 5.

### **Policy Implications**

Although Council has no policy for the location of “Transient Workforce Accommodation” facilities. Council did in August 2008 put out guidance notes for potential developers of transient workforce accommodation.

Through the guidance notes a number of key issues have to be addressed by proponents when preparing development applications for transient workforce accommodation facilities, being;

- Town Centre Development Focus,
- Community Benefit,
- Integration,
- Quality, and
- Safety.

### **Strategic Planning Implications**

Nil.

### **Budget Implications**

An application fee of \$1,392.00 has been paid on submission of the application. The application fee has been paid into G/L Account 0010063260.

**Officer's Comment**

As indicated in the report to Council at its Ordinary meeting held on 23 November 2005, the use is considered a "Non-conforming use" in terms of the Port Hedland Town Planning Scheme No. 5.

In terms of Part VIII – NON-CONFORMING USES, of the Port Hedland Town Planning Scheme No. 5, clause 8.2 - EXTENSION OF NON-CONFORMING USE, which reads as follows Council approval, is required:

*"A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning approval of the Council under the Scheme and unless in conformity with any other provision and requirements contained in the Scheme."*

The use approved by Council at its ordinary meeting on 24 May 2006, granted planning consent to Compass Group Australia Pty Ltd on behalf of Pilbara TAFE to the Non-conforming uses – Hostel and Boarding House, subject to a number of conditions of which inter alia

- "b. the use of the buildings is limited to that of "Boarding House" which means: "a building in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper, for hire or reward, but does not include:*
  - i. Premises the subject of an Hotel, Limited Hotel or Tavern Licence granted under the provisions of the Liquor Act 1970 (as amended),*
  - ii. Premises used as a boarding school approved under the Education Act 1928 (as amended),*
  - iii. A single dwelling, attached, group or multiple dwelling unit, and*
  - iv. Any building that is the subject of a strata title issued under the provisions of the Strata Titles Act."*

It is therefore clear that the use of the premises for transient workforce accommodation is not in line with Council's resolution dated 24 May 2006.

Furthermore, Council has identified alternative locations for transient workforce accommodation villages to be constructed which would comply with the Council's guidance notes, in that the areas identified address,

- Town Centre Development Focus,
- Community Benefit,
- Integration,
- Quality, and
- Safety.

One of these areas, known as AREA A, which is located at the rear of the existing TAFE building in Forrest Circle, is currently being investigated by the Rapley Wilkinson and Compass Group Australia Pty Ltd, who are in a joint venture to develop the site for a transient workforce accommodation village.

Because the current use of Lot 5954, is contrary to the latest approval being that of 24 May 2006, the extension of the current situation by the approval of the relocation of the kitchen facility (safe haven) is not considered proper and orderly planning.

The Compass Group Australia Pty Ltd, should be encouraged to finalise any negotiations / requirements to access the land located at the rear of the existing TAFE building in Forrest Circle, and to relocate the entire Transient Workforce Accommodation camp to the site.

**In recognition of the above, the Council has the following two options:**

That Council:

1. Refuses the application, or
2. Approves the application subject to conditions

Should Council decide to proceed with option 2 and approve the application the following conditions need to be imposed:-

That Planning Consent be granted to the Compass Group Australia Pty Ltd on behalf of Pilbara TAFE to the Non-conforming uses – Hostel and Boarding House to relocate the kitchen facilities (safe haven) from the Port Haven Village to the Pundulmurra Accommodation Village at Lot 5954 Kennedy Street South Hedland, subject to the following conditions:

1. This approval relates only to the proposed kitchen facility (safe haven) and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
2. Prior to the relocation of the kitchen facility (safe haven), the applicant / owner shall submit plans and / or written explanation indicating how and when the overall development will be brought into conformity with Port Hedland Town Planning Scheme No. 5, to the satisfaction of the Manager Planning.

3. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
4. The colours of the proposed kitchen (safe haven) are to blend with those of the existing development or environment to the satisfaction of the Manager Planning.
5. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.
6. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services.
7. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.

**FOOTNOTES:**

1. Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9325.
  - a. It is a requirement under the Town of Port Hedland Eating House Local Laws that all food premises be licensed prior to beginning operations;
  - b. The applicant is advised that the construction and use of the proposed premises is required to comply with the Health (Food Hygiene) Regulations 1993;
  - c. Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.
2. The development is to comply with the Health (Public Buildings) Regulations 1992.

**Attachments**

1. Locality Plan
2. Council Resolution 26 May 06
3. Site Plan



***Officers Recommendation***

That Council:

**REFUSES** the application from Compass Group (Australia) Pty Ltd on behalf of Pilbara TAFE, to relocate the existing Kitchen facility (safe haven) from the Port Haven Accommodation Village to Lot 5954 Kennedy Street being the Pundulmurra Village, due to the following reasons:

- i) Additional capital investment would further entrench the existing development which is not in accordance with the Town Planning Scheme No. 5
- ii) This proposal is to service a currently illegal use (Transient Workforce Accommodation), a use which is not permitted within the zone.

**200910/080 Council Decision**

**Agenda Item 11.2.2.3- Application to relocate the existing Transient Workforce Accommodation Kitchen Facility (Safe Haven) from Port Haven Accommodation Village to Pundulmurra Village being Lot 5954 Kennedy Street, South Hedland. Was deferred**

**Moved: Cr A A Gear**

**Seconded: Cr A A Carter**

***CARRIED 8/0***

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.3



**200506/418 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr G D Bussell

That Planning Consent be granted to Compass Group Australia Pty Ltd on behalf of Pilbara TAFE to the Non-conforming uses – Hostel and Boarding House to renovation 24 of the accommodation buildings from six-bedroom to four-bedroom including en-suite units as part of the at lot 5954 Kennedy Street South Hedland as outlined in the Application received 21 March 2006 (Application No. 2006/37) and indicated on the approved plans, subject to the following conditions:

**GENERAL**

- a) Prior to the commencement of any works the applicant/owner shall submit plans and/or written explanation indicating how and when the subject development will be brought into conformity with Town Planning Scheme No. 5 to the satisfaction of the Manager Planning.
- b) The use of the buildings is limited to that of "Boarding House" which means: "a building in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper, for hire or reward, but does not include:
  - i) premises the subject of an Hotel, Limited Hotel or Tavern Licence granted under the provisions of the Liquor Act 1970 (as amended);
  - ii) premises used as a boarding school approved under the Education Act 1928 (as amended)
  - iii) a single dwelling, attached, group or multiple dwelling unit; and
  - iv) any building that is the subject of a strata title issued under the provisions of the Strata Titles Act."
- c) A minimum of 192 on-site carparking bays shall to be provided to the satisfaction of the Manager Planning.
- d) The development to comply with the provisions of Council's Town Planning Scheme No.5, the Health Act 1911, Building Code of Australia, Residential Design Codes and any other relevant Acts, Regulations, Local Laws and Council Policies (except where varied by this approval).

MINUTES : ORDINARY COUNCIL MEETING

24 MAY 2006

- e) This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).
- f) The buildings to comply at all times with the relevant provisions of the Health Act 1911 and the Town of Port Hedland Health Local Laws 2000 to the satisfaction of the Manager Environmental Health Services (EHS).

## DURING CONSTRUCTION

- g) The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity (EHS).
- h) Developers and/or contractors of developments which are likely to occur at times when prevailing winds will generate a dust nuisance to nearby residents, to take appropriate dust prevention measures by the damping with water of disturbed surfaces and/or hydromulching when necessary to the satisfaction of the Manager Engineering Services and Manager Environmental Health Services (EHS).
- i) The development must not interfere with property and effluent mains and/or effluent disposal systems (EHS).

## ADVICE TO DEVELOPER

- j) The applicant/owner is advised/reminded that the remaining living quarters are approved as "Hostel" accommodation which means: *a lodging house which is not open to the public generally but is reserved for use solely by students and staff of educational establishments, members of societies, institutes or associations*.
- k) In regard to Condition (c), the Town is prepared to negotiate on the carparking provisions subject to the applicant providing justification and written undertakings that the additional carparking will be provided if deemed necessary by the Town, all to the satisfaction of the Manager Planning.
- l) The development including buildings and carparking are required to comply with the requirements of the Building Codes Australia including but not limited to requirements dealing with disability.

**MINUTES : ORDINARY COUNCIL MEETING**

**24 MAY 2006**

- m) The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
  
- n) A Building Licence to be issued prior to the commencement of any on site works (BS).

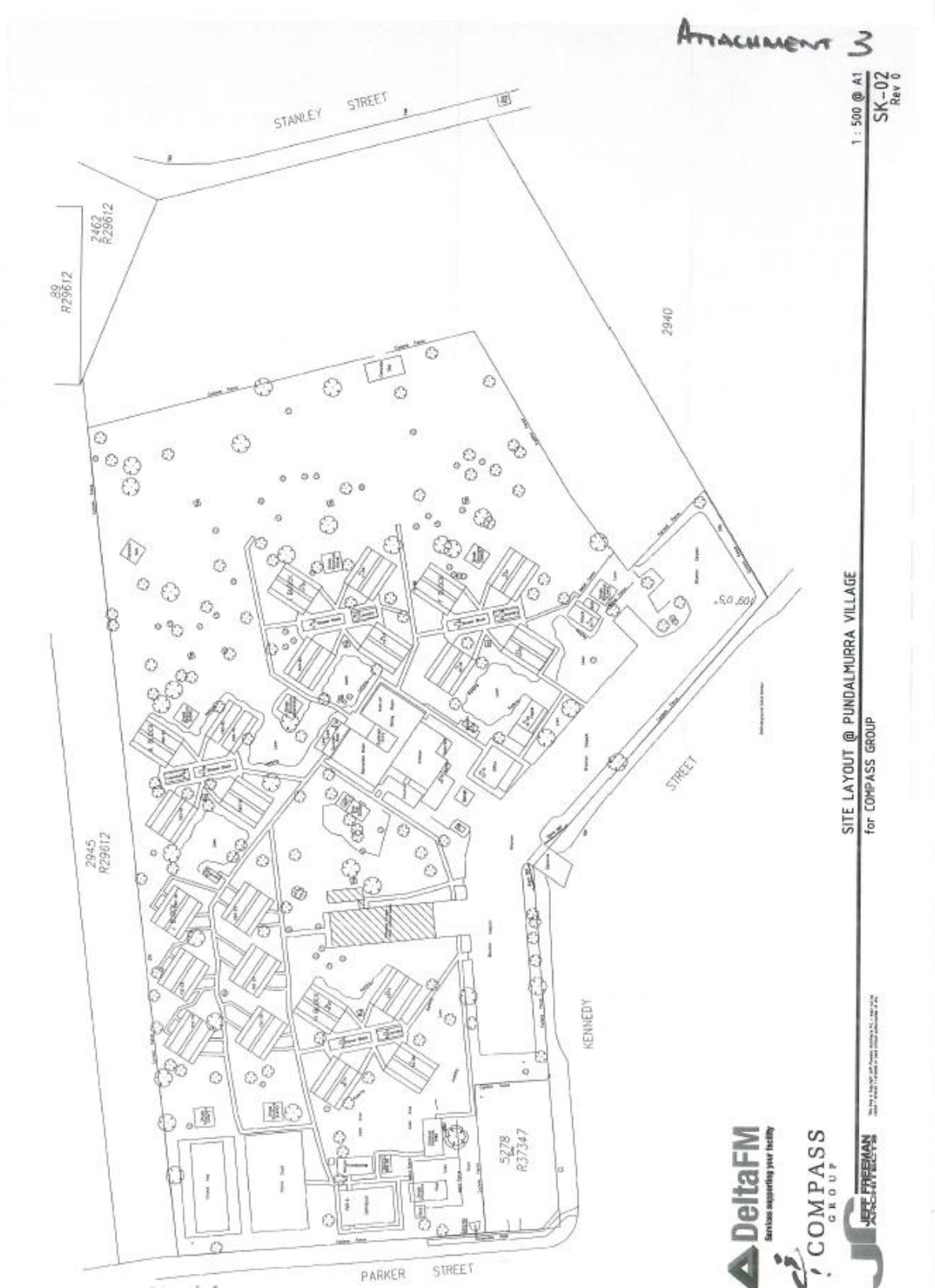
**CARRIED 5/2**

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

*Record of Vote:*

<b>FOR</b>	<b>AGAINST</b>
Cr G D Bussell	Cr S R Martin
Cr A A Carter	Cr A A Gear
Cr G J Daccache	
Cr D R Pike	
Cr S F Sear	

ATTACHMENT 3 TO AGENDA ITEM 11.2.2.3



SITE LAYOUT @ PUNDALPURRA VILLAGE  
for COMPASS GROUP



**11.2.2.4 Automatic Vesting of Reserves (File No. 18/07/0002)**

**Officer** Luke Cervi  
Planning Officer

**Date of Report** 9 September 2009

**Disclosure of Interest by Officer** Nil

**Summary**

To consider a proposal to streamline the process by which land is vested in the Town of Port Hedland.

**Background**

Council has received a letter from State Land Services that requests Council consider automatically accepting the vesting of land that is dedicated to the crown under Section 152 of the *Planning and Development Act 2005*.

**Consultation**

Nil.

**Statutory Implications**

Land dedicated to the crown under Section 152 of the *Planning and Development Act 2005* would automatically be vested to Council under Section 46 of the *Land Administration Act 1997* on final approval of subdivision.

**Policy Implications**

Nil.

**Strategic Planning Implications**

Nil.

**Budget Implications**

At the time land is vested to Council, Council becomes responsible for the management of that land. The management includes maintenance which needs to be incorporated into Council's operational budget.

**Officer's Comment**

The current process for the vesting of land created under section 152 of the *Planning and Development Act 2005* to Council is as follows:

1. A condition is imposed on a subdivision approval requiring the land for a specified purpose (i.e. recreation and drainage).
2. Upon registration of the subdivision plan with Landgate, the land becomes Crown land.
3. The now Crown land is vested to Council for the specified purpose.

**Attachments**

Nil.

**Officers Recommendation**

That Council advise State Land Services that it is willing to accept automatic management of Public Recreation and Drainage reserves created under Section 152 of the *Planning and Development Act 2005* subject to the reserve being designed and constructed to the specifications approved by the Town.

**200910/081 Council Decision**

**Moved: Cr A A Carter**

**Seconded: Cr A A Gear**

**That Council advise State Land Services that it is willing to accept automatic management of Public Recreation and Drainage reserves created under Section 152 of the *Planning and Development Act 2005* subject to the reserve being designed and constructed to the specifications approved by the Town prior to our acceptance.**

***CARRIED 8/0***



**11.2.2.5 Proposed SINGLE HOUSE – R Code Variation shed and carport addition, shed 12m x 7m x 4m and carport 12m x 5m x 3.2m, Lot 9 Manilha Drive, Turner River Rural Estates. (File No.: 800038G)**

<b>Officer</b>	Leonard Long Planning Officer
<b>Date of Report</b>	5 September 2009
<b>Application No.</b>	2009/307
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Council has received an application from Bradley William McCagh and Lee-ann Marie Gibbs, to construct a shed 12m x 7m x 4m with an attached carport of 12m x 5m x 3.2m on Lot 9 Manilha Drive, Turner River Rural Estates.

In terms of the delegations as approved by Council on 13 December 2006, the Director Regulatory and Community Services may not approve any shed that exceeds 100m<sup>2</sup> in extent.

The combined size of the proposed shed and carport measures 144m<sup>2</sup>, with the shed calculated at 84m<sup>2</sup> and the attached carport 60m<sup>2</sup>.

**Background**

*The Site*

The site is included in the Rural Residential zone under the Town of Port Hedland Planning Scheme No. 5 (TPS 5), and has an area of 10,019m<sup>2</sup>. All the properties within the Turner River Estate fall within the same Rural Residential zone.

The lot is currently undeveloped with only temporary structures located thereon (caravan and sea container).

*The Proposal*

The proposed shed (including the attached carport) has an area of 144m<sup>2</sup> and with a varying wall height of 4m for the shed and 3.2m for the attached carport.

The applicant has provided the following justification for the proposed shed with regard to the proposed size and height.

*“We Brad McCagh and Lee-ann Gibbs hereby declare that the shed we want to build on our block Lot 9 Manilinha Drive Port Hedland is solely for personal use only. It will house 2x4 wheelers, tractor mower, hilux ute, ford fairlane, and a boat and xw ford falcon. It will also be landscaped with neem trees and cotton woods.”*

In addition to the above justification the applicant has included a floor plan of the proposed shed indicating the proposed usage of the shed.

### **Consultation**

The application has been forwarded to the Towns Building Services section who have indicated that there is no objection to the proposed shed subject to the submission of a Building Licence application.

### **Statutory Implications**

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

### **Policy Implications**

Currently Council does not have any policy that would regulate the size of proposed sheds.

### **Strategic Planning Implications**

The proposed application has no implications for Strategic Planning.

### **Budget Implications**

An application fee of \$127.00 was paid on lodgement and deposited into account 10063260.

### **Officer's Comment**

The proposal would normally be determined under delegation of powers however, as the overall area of the outbuilding is in excess of 100m<sup>2</sup> (144m<sup>2</sup>), Council determination is required.

The proposal does not comply with the acceptable development standards of the Residential Design Codes of Western Australia (R Codes) for sheds (outbuildings). The R Codes specify acceptable development standards for a shed are met when the floor area is no greater than 60m<sup>2</sup>, wall height is no greater than 2.4m and the ridge height is no greater than 4.2m.

As the proposed shed exceeds these requirements 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, the following aspects need to be taken into consideration.

*Use:*

For the proposed shed to be assessed as a shed it needs to be demonstrated that the shed will be ancillary to the main use which in this instance would be a single house. A building licence application has already been submitted to the Town, and is currently pending approval. Furthermore, the applicant has demonstrated that the shed will be used for the storage of personal items which would deem the use of the shed to be subservient to the main use.

However, should Council resolve to approve the shed, a condition will be included to ensure that the lot is developed to its intended use “Single House”, whereby the applicant is given twelve (12) months to complete the construction of a single house on the lot.

*Height:*

The shed is proposed with a wall a height of 4m whilst the access to the shed via the attached carport is only proposed at 3.2m. On discussing the matter with the applicant (Brad McCagh) it was agreed that should Council resolve to approve the application the height of the proposed shed would be reduced to 3.5m, this would still allow for air circulation and the installation of fans.

*Location:*

The proposed shed will be constructed in such a location that it will front directly onto Manilha Drive, with the proposed dwelling being located behind the proposed shed to provide the owners with an unobstructed view of the bush land south of the property.

The Residential Design Codes, Performance Criteria for outbuildings reads as follows:

*“Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.”*

It is the opinion that by locating a shed (outbuilding) in front of a residential dwelling which would obscure the view of the dwelling from the street does not only have a negative impact from the

street but also have an effect on the surveillance potential of a dwelling. The Residential Design Codes, Performance Criteria for Surveillance of a street reads as follows:

*“Buildings designed to provide for surveillance between dwellings and the street.”*

In addition to the above by allowing sheds to be developed in front of single houses will detract from the intended character of such area in this instance rural residential and would more readily be associated with an industrial area.

In terms of the Port Hedland Town Planning Scheme No. 5, the Council in considering an application for planning approval, shall have due regard to the following:

*(j). the requirements of orderly and proper planning and the preservation of amenity of the locality.”*

Notwithstanding the above it is acknowledged that the applicant wants to retain the view of the bush land to the rear of the lot. However, it is the opinion that both the applicants' requirements as well as the Residential design Codes can be more appropriately dealt with if the proposed shed is constructed to the west of the proposed single house location. Although this will not be the most desirable outcome it will provide the applicant with an unobstructed view of the bush land and at the same time would present a far more acceptable streetscape whereby the use of the lot would be more easily associated with a rural residential character.

The relocation of the proposed shed has been discussed with the applicant. The applicant has in turn offered the following further justification on why the shed should remain as proposed.

*“I am writing to you in regards to the shed I want to build at Lot 9 Turner River. As I live in a rural estate we are building our house so the front of faces the bush. I want my shed at the back of the house which faces the front street. Other people have done it and have been council approved so why can't I ?. I don't want to build my shed to the side of the house where Mr. Long has recommended putting it, as eventually that area is going to be where my green house is going to go so I can grow my own vegetable garden.*

*I want to see by-laws and regulations that say I can't build my shed at the back of my house.*

*Regarding the shed height I am requesting 3.5m wall height to keep it cool, it will be cooler than 3.2m. I need it higher to put a bigger boat in it will be more of an advantage than 3.2m. You have recently approved a shed out here at 3.5m and I would like the same.*

*The shed will be fully landscaped with cottonwoods, neem trees, gum trees and a variety of wattles and fruit trees to*

*block it out from the road. The shed will be built in colourbond and the colour will be rivergum green as it will blend in nicely with the environment than any other colour.*

*Lot 1 has there shed on the street front and has been council approved and is blue with very little landscaping.*

*How can that be?*

*Why are there laws for some and different laws for other as we all live in the same estate."*

**In recognition of the above, Council has the following three options:**

That Council:

1. Refuses the application,
2. Approves the application subject to conditions, or
3. Approves the application as submitted.

It is recommended that the application be approved subject to the conditions detailed within the recommendation.

**Attachments**

2. Locality Plan
3. Site Plan
4. Elevation Plan
5. Floor Plan

**Officer's Recommendation**

**That Council APPROVES** the planning application submitted by Bradley William McCagh and Lee-ann Marie Gibbs, for a SINGLE HOUSE – R Code variation shed addition 12m x 7m x 3.5m(amended height) and attached carport 12m x 5m x 3.2m on Lot 9 Manilha Drive, Turner River Rural Estates, subject to the following conditions:

1. This approval relates only to the proposed shed 12m x 7m x 3.5m (amended height), proposed carport 12m x 5m x 3.2m and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
2. Prior to commencing works, the landowner is to prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that:

- a. The outbuildings / sheds shall only be used for domestic storage and / or activities and not be used for commercial or industrial purposes or human habitation
3. The Single House is to be completed within twelve (12) months of this approval or the outbuilding (shed and carport) shall be removed and the area made good all at the owners expense and to the satisfaction of the Manager Planning.
4. The shed shall only be used for domestic storage and/or activities as outlined by the owner in the application submission dated 7 July 2009, and not be used for commercial or industrial purposes or human habitation.
5. The colours of the proposed shed are to blend with those of the proposed dwelling or environment to the satisfaction of the Manager Planning.
6. The driveway and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005

Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.

Building plans submitted as part of the Building Licence application are to reflect the approved wall height of 3.4m with a ridge height of no higher than 4.2m.

Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site

**FOOTNOTE:**

- 1 You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
- 2 The 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.
- 3 You are advised that drawings submitted for Building License are to be properly drawn and signed by a practising structural engineer.

- 4 In regard to condition 5, it is noted that the proposed shed will be rivergum green. However, the condition is included to allow the applicant a range of colours that would also blend with those of the proposed dwelling or environment.
- 5 In relation to Conditions 6 & 7, please contact the Manager Infrastructure Development – 9158 9350 for further details
- 6 The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
- 7 Applicant is to comply with the requirements of WorkSafe Western Australia in the carrying out of any works associated with this approval.

**200910/082 Council Decision**

**Moved: Cr S J Coates      Seconded: Cr A A Carter**

**APPROVES the planning application submitted by Bradley William McCagh and Lee-ann Marie Gibbs, for a SINGLE HOUSE – R Code variation shed addition 12m x 7m x 3.5m(amended height) and attached carport 12m x 5m x 3.2m on Lot 9 Manilha Drive, Turner River Rural Estates, subject to the following conditions:**

- 1 This approval relates only to the proposed shed 12m x 7m x 3.5m (amended height), proposed carport 12m x 5m x 3.2m and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.**
- 2 Prior to commencing works, the landowner is to prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that:**

- a. The outbuildings / sheds shall only be used for domestic storage and / or activities and not be used for commercial or industrial purposes or human habitation
- 3 The Single House is to be completed within twelve (12) months of this approval or the outbuilding (shed and carport) shall be removed and the area made good all at the owners expense and to the satisfaction of the Manager Planning.
- 4 The shed shall only be used for domestic storage and/or activities as outlined by the owner in the application submission dated 7 July 2009, and not be used for commercial or industrial purposes or human habitation.
- 5 The colours of the proposed shed are to blend with those of the proposed dwelling or environment to the satisfaction of the Manager Planning.
- 6 The driveway and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005
- 7 Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.
- 8 Building plans submitted as part of the Building Licence application are to reflect the approved wall height of 3.4m with a ridge height of no higher than 4.2m.
- 9 Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site
- 10 Within 30 days of this approval, a detailed landscaping plan for the development site including the first 3m adjacent to the primary street (Manilinha Drive) shall be submitted to and approved by the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
- 11 Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation is to be established in accordance with the approved



detailed plans to the satisfaction of the Manager Planning.

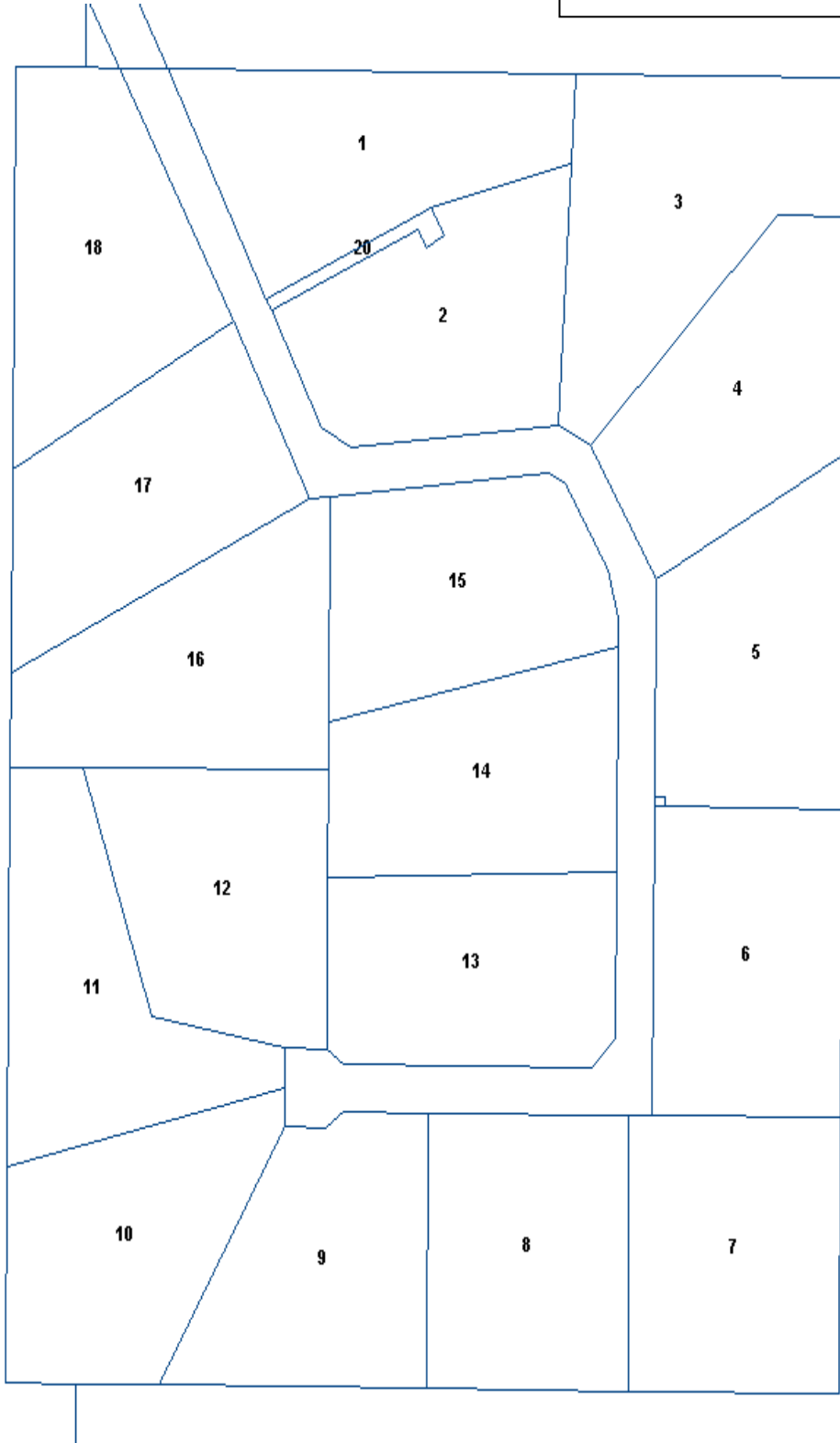
**FOOTNOTE:**

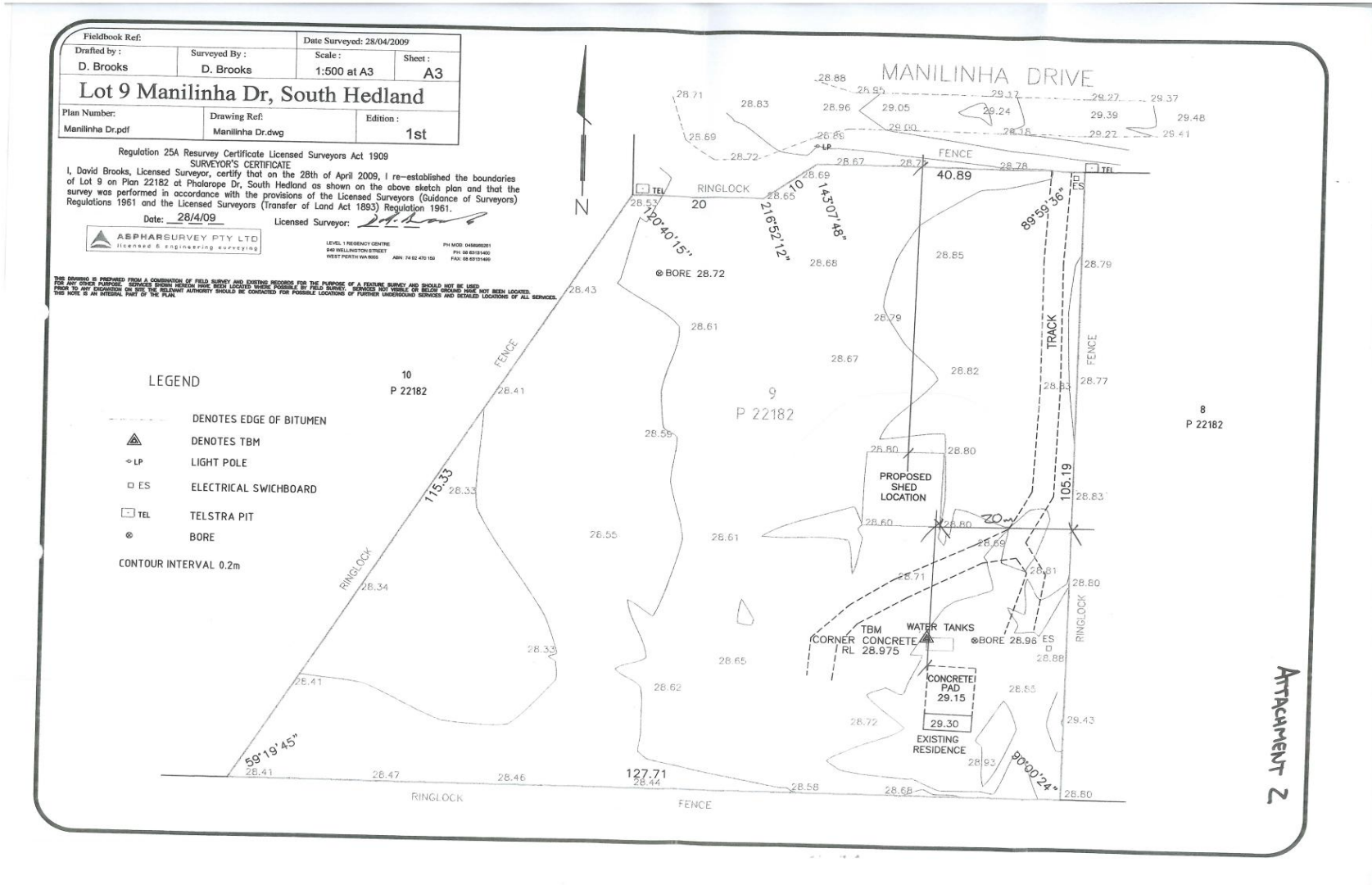
- 1 You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.**
- 2 The applicant/owner is required to lodge an application for a Building Licence under the provisions of the Building Regulations and approval from the Town before commencing any works whatsoever.**
- 3 You are advised that drawings submitted for Building License are to be properly drawn and signed by a practising structural engineer.**
- 4 In regard to condition 5, it is noted that the proposed shed will be river gum green. However, the condition is included to allow the applicant a range of colours that would also blend with those of the proposed dwelling or environment.**
- 5 In relation to Conditions 6 & 7, please contact the Manager Infrastructure Development – 9158 9350 for further details**
- 6 The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.**
- 7 Applicant is to comply with the requirements of WorkSafe Western Australia in the carrying out of any works associated with this approval.**

*CARRIED 8/0*

*ATTACHMENT 1 TO AGENDA ITEM 11.2.2.5*

Locality Plan





ATTACHMENT 3 TO AGENDA ITEM 11.2.2.5

**SPECIFICATIONS**

ITEM	QTY	UNIT
RAFTERS	6000	LINEAL FEET
COLUMNS	6	NO.
ROOF BRACES	12	NO.
WOOD STUDS	200	NO.
MILLWORK	100	SQ. FT.
CONCRETE	10	CY
CLADDING	100	SQ. FT.
FLASHING	100	NO.
DOOR	1	NO.
HEIGHT TO ROOF	8'00"	NO.
HANDED FOOTING	2	NO.

**NOTES:**  
 1. ALL DIMENSIONS UNLESS OTHERWISE NOTED.  
 2. MATERIALS SHALL BE IN ACCORDANCE WITH THE A.S.N.Z. STANDARDS.  
 3. ALL ROOFING SHALL BE IN ACCORDANCE WITH THE A.S.N.Z. STANDARDS.  
 4. ALL CONCRETE SHALL BE 20 MPa UNLESS OTHERWISE NOTED.  
 5. ALL WOODWORK SHALL BE 100% SOFTWOOD UNLESS OTHERWISE NOTED.

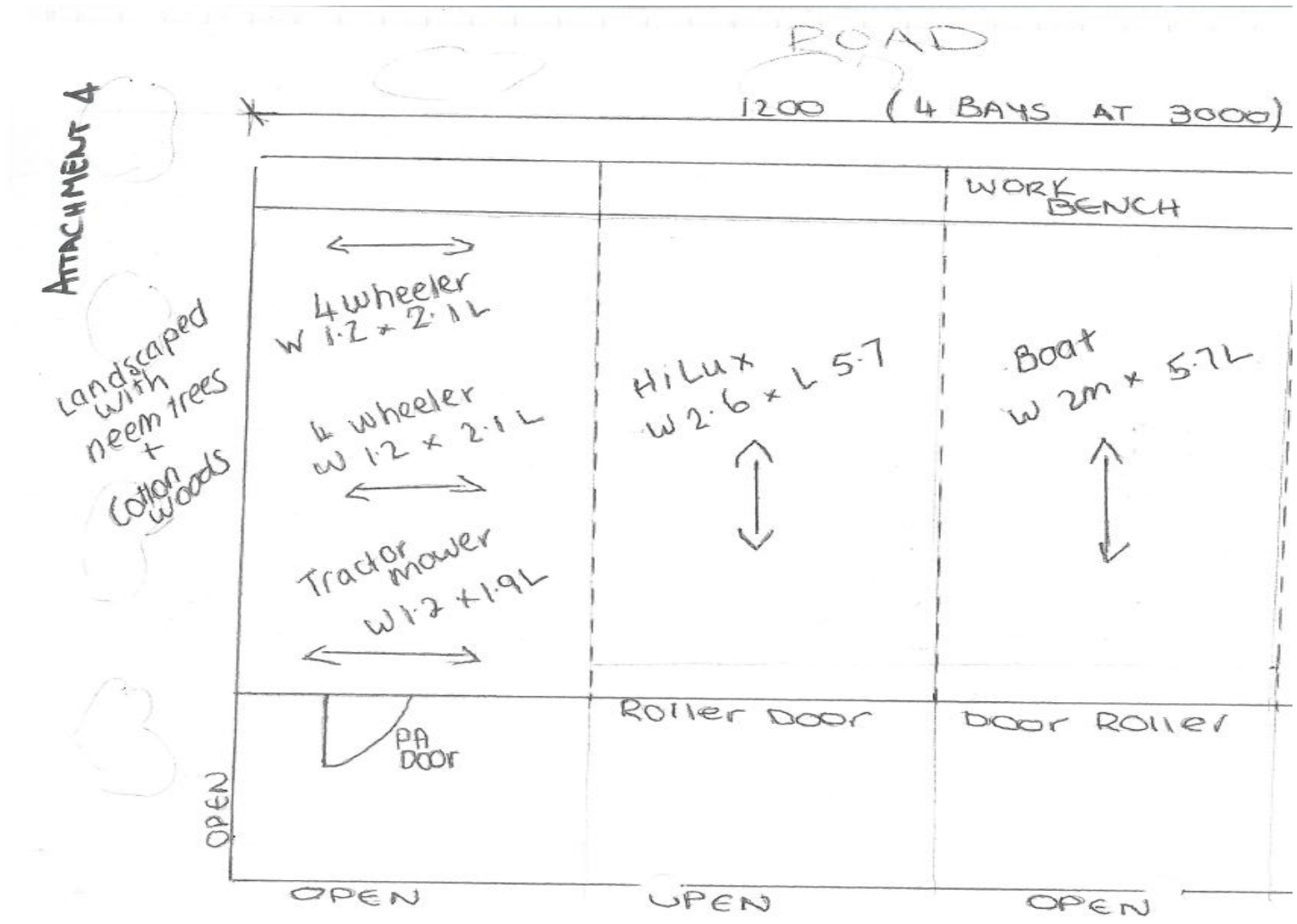
**CLIENT: BRAD MCGAGH**  
**ADDRESS: LOT 9 MANLBYA DRIVE, PORT HEDLAND**

**SUNSHINE CONSTRUCTION**  
 1/100 WOODSIDE RD, PORT HEDLAND, WA 69155  
 PH: 08 9429 5555 FAX: 08 9429 5554

**STRUCterre**  
 CONSULTING GROUP  
 8/110 ROYAL OAK DRIVE, MOUND, VIC 3083  
 PH: 03 9397 9300 FAX: 03 9397 9301 WWW.STRUCterre.COM.AU

**TYPE OF SHOP:**  
 FULLY ENCLOSED  
 OPEN SIDED

**SHEET: 1/1**



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

**Officer** Russell Dyer  
Director Engineering  
Services

**Date of Report** 16 September 2009

**Disclosure of Interest by Officer** Nil

**Summary**

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

**Background**

The Engineering Department is currently managing over 60 projects. The attached report is project management focused.

**Consultation**

Engineering Services officers.

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications**

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

**Budget Implications**

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

**Officer's Comment**

Nil.

**Attachments**

1. Works Schedule
2. Airport PAX numbers
3. Recreation Update

**200910/083.. Council Decision / Officers Recommendation**

**Moved:** AC

**Seconded:** JF

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

*8/0*





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

Cyclone Watch/Season

Legend - Current Project Phase

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	Implementation
	Finalisation
	Project completed and acquitted



A/c Number	Scope	Current Project Phase	Month Update	Jul y	Au g	Sep t	Oc t	No v	De c	Jan	Feb	Mar	Apr	Ma y	Jun e
1108420	Hawks Clubrooms Scope: Installation of temporary clubhouse at McGregor Street Reserve		Complete												
	Diamond 1 Backnet Scope: Replacement of backnet at Diamond 1 following Cyclone George		Project Commenced, with expected completion date October 9th. Old back net has been removed. Set up for cages and augering of holes with concrete being poured last week in September.												
1107430	SHAC Upgrade Scope: Design, purchase and installation of 7 x shade sails at SHAC		All orders placed, awaiting arrival. Shades will all be installed prior to end of September. Being installed 24th September												
	SHAC Upgrade Scope: Replacement of filters, installation of lockers and changetables.		Complete												
1106430	GAC Upgrade Scope: Replacement of filters and installation of shade structures		Complete												
1109451	McGregor Street Oval Upgrade Scope: Completion of Master Plan for McGregor St Reserve		Carry Forward Project. Final Master Plan completed. Stakeholder meeting to be scheduled prior to presentation to Council for endorsement or otherwise.												
1111437	Recreation Reserve Redevelopment Scope: Upgrade of oval and irrigation at Colin Matheson Oval		C/F Project. Designs being undertaken as approved at May 09 OCM. Turf report received, with tender currently open for supply and installation of turf. Final report due September 09, with construction expected to commence Oct 09												
1108269	Multi-Purpose Rec. Centre - Architectural Design		C/F Project. Architectural Designs being completed and due November												

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	Scope: Completion of Architectural Designs		2009. Schematic design endorsed by Council at OCM May 09. Negotiations occurring to reduce initial QS.												
1108420 1108421	Multi Purpose Recreation Centre - construction Scope: Construction of MPRC - Stage 1		Project due to commence following completion of architectural designs.												
1109455	Colin Matheson Clubrooms Scope: Design and Construction of Colin Matheson Clubrooms		C/F Project. D&C tender presented to OCM August, with all tenders rejected. Change in scope means that a new tender will be called Oct. 2009.\												
1201440	Cycleway Development Scope: Year 1 component of the Town Cycle Plan		C/F Project. Royalties for Regions application denied, so Town Cycle plan Year 1 only to be undertaken. Tender specifications being developed for the Design of the path from Port to South Hedland. Other projects being timelined. Cycle path in Pretty Pool (Counihan and Styles road) currently under construction.												
1107239	SHAC Design Scope: Detailed designs for complete upgrade at SHAC		Design component commenced, with presentation to the Sept Council Briefing informing Cr's of project. Audit has been completed, with recommendations to be received for Council feedback in late Sept.												
1109454	McGregor St Reserve Rehab Scope: Upgrading surfaces of sports fields		Staff are determining the works that are to be undertaken at McGregor St, which will be scheduled according to sporting schedules and availability of contractors.												
1104420	JD Hardie Centre P&E Scope: Updating of P&E at JDHC		Plant and Equipment Audit to be undertaken in December 2009, with orders placed in January.												

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1107430	SHAC Upgrades Scope: Minor upgrade works at SHAC		Priorities are being determined.												
1109456	Cricket Net Upgrades Scope: Upgrade to existing cricket nets in Port and South Hedland		Audit to be undertaken at each cricket net to determine requirements at each before quotes will be requested. Works will be undertaken outside the cricket season. (Commence Nov 09)												
NEW	Overhead Lighting Plan Scope: Commencement of recommendations as per OCM endorsement		Awaiting outcome of grant application to DSR for overhead lights at GAC. Quotes for temporary lighting at each aquatic facility are being sourced.												
1106413	GAC P & E Scope: Purchase of P & E at GAC		Completing 2008/09 project. Obtaining quotes for pool blanket covers.												
1104246	JDHC Minor Equipment Scope: Replacement program and purchases for equipment		Audit to be undertaken in December 2009, with orders placed in January.												
1104267	JDHC Recreation Programs Scope: Ongoing programming activities including sports, term and holiday program		Ongoing. Schedule currently being determined for Term 4 2009.												
1105236	GAC Gym Maintenance Scope: Quarterly audit and review of gym equipment and assets		Quarterly maintenance on schedule.												
1108263	Recreation Minor Projects Scope: All minor projects programmed for 2009/10 within the department		Schedule currently being developed for remainder of 2009/10, however projects continuously being undertaken.												

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1108264	Walk it Hedland Project Scope: Encouraging community members to become physically active		Project nearing completion. All funds will be expended by October 2009.												
1009480	Old Port Hedland Cemetery Scope: Landscaping and verge treatment along Sutherland street adjacent to Old PH Cemetery		Project complete pending receipt of final invoices.												
1201487 & 1201422 (R4R)	Street Lighting Upgrades Scope: 0809 stage 2 - Captains, Dongara, Dulverton, Koolama, Scadden, plus 0910		0809 lighting is complete pending receipt of final invoices. Quotes received from Horizon Power are currently under review, pending receipt of further quotes. Delamere and Kabbarli were upgraded by Horizon Power at no cost to Council therefore have been removed from the program.												
1201411	Richardson street Parking Scope: Design and installation of street parking on Richardson street (kerbing, linemarking, tree planting)		Traffic counters were set up on Richardson street to provide consultants with data to enable design of parking and traffic calming if required. Two design options to be provided - verge parking and centre of road parking. Designs to be reviewed to maximise parking												
1105410	Finucane Island Boat Ramp shade Scope: Installation of 1 shade structure		Order placed for additional shelter adjacent to existing. To be installed by Council staff in September												
1105410	Finucane Island Boat Ramp Scope: parking, solar lighting		Parking area reseal likely to occur in October when contractors are available.												
110541	Finucane Island Boat Ramp		Works to be completed 18th to 25th												

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0	Scope: Completion of ramp reconstruction		September at lowest tide.												
111144 6	<b>Playground Shade</b> Scope: Installation of shade at Daylesford and Marapikurrinya parks		Order placed for 5 shade shelters, to be installed by Council staff in September.												
110542 1	<b>Disabled Beach Access</b> Scope: installation of disabled access to Finucane Island boat ramp shelters/beach		Disabled access ramp to be installed near gazebo at Finucane Island Boat ramp in September.												
110542 4	<b>Port Hedland Boat Ramp</b> Scope: Installation of channel beacons, replace/repairs jetty railings		Port Hedland Port Authority has advised that they are replacing/repairing railings and ladders at boat ramp. Top of boat ramp (bitumen area) to be resealed with remaining project budget. Timeframes to be determined in consultation with sealing contractors and reseal program.												
100948 1	<b>Cemetery Upgrade</b> Scope: Main Cemetery, concrete lintels, replace plot markers, fencing, landscaping, to be reviewed		Internal consultation confirms the original proposed scope, plus to relocation of the rear fence to the actual boundary line. Consultation with external stakeholders to take place prior to presenting scope to Council for approval.												
120148 1 & 120141 8 (R4R)	<b>Walkway/Park Lighting</b> Scope: Baler car park, Lions park, Koombana Lookout, Greene place and Civic Centre walkway		Horizon Power has indicated that they will not take responsibility for assets in carparks and parks therefore staff will engage panel consultants to undertake design work prior to sourcing quotes for installation.												
111144 8	<b>Kevin Scott Oval Reservoir Flushing System</b> Scope: Installation of flushing system to re-use water tanks (Tender 09/01)		Additional budget approved at August OCM. Contractor has commenced flushing system and tank design.												

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1203440	<b>Floodwater Pump Upgrade</b> Scope: Design and installation of new electrical cabinet at West End Flood Pumps		Scoping and awarding of design component to be completed to include include mechanical and electrical investigations. Development due to commence late September.												
1201439	<b>Public Infrastructure</b> Scope: Bins, seating, shade, water fountains, etc. Inc shade as per AAWG		Works ongoing including installation of bus shelter, ordering of seating, bins, drinking fountains and additional shade. Liaising with other departments to determine other infrastructure needs.												
1111436	<b>Bore Installations</b> Scope: Investigation and installation of bores at McGregor street and KSO re-use tanks		Bore testing report indicates that water quality is suitable at Kevin Scott oval. Further testing is required to determine whether quantities are sufficient for bore use (to be carried out Sept/Oct). Early reports indicate that ground water is not suitable in Port Hedland.												
1201458	<b>Throssell Street Streetscape</b> Scope: median planting, street trees, turf, banner poles, garden planting		Banners have been ordered with both generic and specific events designs. Street trees and tree guards, reticulation conduits have been installed. Water meter connection ordered however installation is delayed therefore delayed grass installation until October.												
1201438	<b>West End Greening Stage 2</b> Scope: Shrub, tree planting and retic - Frewer to Short street		Shrub and tree planting complete. Scope of shrub planting has been reduced to remove any impact on Indigenous Heritage Site. Painting of water tank is scheduled and will complete project.												
1111435	<b>Stairway to the Moon</b> Scope: Viewing platform construction near Taylor street, dune rehab, interpretive signage, car park		Works on hold until further funding is secured.												

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110542 6	<b>Turtle Interpretive Loop</b> Scope: Pavillion & nodes from Cemetery beach/GAC/All Seasons loop, interpretive signage		Final designs and structural specifications being prepared.												
120143 7	<b>Hedditch - Forrest Circle Rd</b> Scope: Design and construction of road link from Hedditch to Forrest circle		Survey works completed. Design commenced.												
120146 1	<b>Town Entry Statements</b> Scope: Landscaping component at GNH information bay sculpture		Project is construction ready however can't progress until the installation of the sculpture at the Visitors Bay.												
111143 9 & 111140 2 (R4R)	<b>Marquee Park Development</b> Scope: Development of an iconic park on Cottier drive, South Hedland. Water play, playgrounds, kiosk, cctv, caretaker, landscaping, etc		Detailed design progressing. Confirmation has been received regarding the acquisition and layout of the site in conjunction with adjacent residential subdivision.												
120148 3	<b>Nth Circular Rd East Culverts</b> Scope: Widen culverts to A.S., install new headwall		Additional funding received by Main Roads for the installation of headwalls and finalisation of this project. Expect completion October.												
120143 5	<b>Cottier road (Blackspot)</b> Scope: Remove hazards (various) as per RSA		Review of potential Black Spot projects includes Wedgefield upgrades and Limpet crescent. Review ongoing - for discussion with MRWA												
120145 0 & 120141 5 (R4R)	<b>Boulevard Tree Planting</b> Scope: Planting of street trees to Murdoch drive		Additional trees to be ordered to accommodate early planting in future programs. 2009/10 project scheduled to commence April.												
120141 9	<b>Parks Upgrades</b> Scope: Upgrade of existing parks (fencing, planting, seats, retic, etc) as per audit. Includes drainage swale		Reviewing scope of works for scheduling and determining resource requirements.												

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111144 6 & 111140 3 (R4R)	<b>Playground Equipment</b> Scope: To be confirmed		Reviewing scope of works in consultation with sporting associations prior to presenting to Council for approval.												
120142 3 & 120142 4 (R4R)	<b>Shade Structures</b> Scope: permanent shade structures at SH skate park and other locations		Project development to commence October.												
120147 5 & 120141 6 (R4R)	<b>PH Footpath Construction</b> Scope: Harper, Butler		Construction of footpaths along Harper and Butler streets complete pending receipt of invoices. Program to be reviewed once final expenditure determined.												
120147 6 & 120147 1 (R4R)	<b>SH Footpath Construction</b> Scope: Clam, Cone, Dorrigo, Kwinana, Lovell and Mauger		Program has been reviewed, contractor to commence September.												
120141 3 & 120141 4 (R4R)	<b>Murdoch drive Nodes</b> Scope: Construction of 2 'nodes' along pathway similar to Sutherland street		Project development scheduled to commence October.												
120142 0 (R4R)	<b>Recycling Project</b> Scope: Crushing concrete for re-use in footpaths		Approaching R4R for modification of scope - as crushed concrete may not be compliant with AS for footpath construction it is proposed to use it as a base course (non structural).												
120240 1	<b>Depot Flammable Storage Cpb</b> Scope: For workshop		Finalising specification and procurement.												
111140 1	<b>Replace Effluent Line</b> Scope: SH Oval main reticulation line to be replaced with polypipe		Works to commence end of September utilising approval Panel contractor.												



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			Project will include as constructed plans for distribution on 'Dial Before You Dig' searches												
1102415	<b>Civic Centre Verge Landscaping</b> Scope: Retaining & native planting of steep embankment		Works commenced on project development including plant selection (native)												
1201401	<b>Manhilineha drive Reconstruction</b> Scope: Repair potholes and apply sand seal		Works scheduled in October when contractors are available.												
1011410	<b>Waste Water Re-Use System</b> Scope: Install flushing system following trial of new system at KSO		Pending completion and evaluation of stage 1 at Kevin Scott Oval.												
1201447	<b>Buttweld road</b> Scope: Survey and design of road reconstruction		Project development to commence October. Will potentially require additional resources to accommodate design costs which can be sourced from R2R at no cost to Council.												
1201489	<b>Hillside-Woodstock road</b> Scope: Resheeting and formation improvements		Scheduled after cyclone season.												
1201486	<b>Wedgfield Upgrades</b> Scope: Pinga street/Cajarina intersection upgrades, turning lane and reconstruction		Design to be prepared for road and intersection reconstruction for approval prior to construction												
1201457	<b>Yandeyarra road</b> Scope: Resheeting and formation improvements		Staff with consult with Yandeyarra Community prior to finalising works scope. Scheduled to commence after cyclone season.												
120147	<b>Drainage Construction</b> Scope: Spot improvements		Throssell road improvements (adjacent												

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3			to Wankga Maya) scheduled for October. Remainder of spot improvements will be determined during wet season.												
120147 3	<b>Drainage Construction</b> Scope: Survey, design and cost estimates for 5 year plan of PH LIA drainage improvements		Scope to be finalised and consultant engaged. To be commenced October												
120147 8	<b>Reseals</b> Scope: To be reviewed		First stage of reseals scheduled for October when contractors available												
120844 3	<b>Light Vehicle Replacement</b> Scope: PH9639, PH9681, PH10018, PH9083, PH9689, PH10069, PH9782, PH10290, PH9383, PH9582, PH9912		Quotes being finalised for new vehicles for Executive team and new fire fighting vehicle for Rangers. Remainder of program to be developed on commencement of Engineering Technical Officer.												
120148 0	<b>Kerbing Construction</b> Scope: To be reviewed		Program under review to include consideration of reseat and footpath program.												
121041 0	<b>Terminal Extensions</b>		Concept designs for extending terminal 50m East. Tender to be arranged (Including relocation of depot).												
121040 3	<b>Depot Development</b>		Concept designs for relocating Wedgefield depot to airport. Airport staff and depot will also need to be relocated to the Airservices workshop and office facility. Tender to be arranged as above.												
121040	<b>Parking/ Hire car development</b>		Construction area fenced, survey and												

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

Cyclone Watch/Season

Legend - Current Project Phase

	Concept
	Development
	Implementation
	Finalisation
	Project completed and acquitted



A/c Number	Scope	Current Project Phase	Month Update	Jul y	Au g	Sep t	Oc t	No v	De c	Jan	Feb	Mar	Apr	Ma y	Jun e
2			design levels for set out are done and construction will start early October.												
1210453	Northern Apron Extension		Earthworks commenced September 09. To facilitate the RFDS hangar extension. Requires resiting access gate 10												
1213420	Café Modifications		Concept design completed. Quotes being sourced to resite café walls. Funding to be carried forward from prior year.												
1210407	Common user Check-in Facilities		Orders issued to Glidepath for manufacture and installation. Manufacture and delivery time approx 11-12 weeks												
1210405	Flight Information Display screens		Quotes received from the only two system suppliers - Evaluation in progress												
1210406	International Carousel		Orders issued to Glidepath for manufacture and installation in tandem with the common user check-in facilities. Manufacture and delivery time approx 11-12 weeks.												
1210271	Solar Lights-Landside		Trial of landside 7.5 metre roadside solar power lights. R4R funded - Quotes sourced and goods ordered for manufacture. External pole fitted battery boxes manufactured for installation. Luminaires being manufactured to fit into existed light head covers with Australian designed lense to amplify												

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

Cyclone Watch/Season

Legend - Current Project Phase

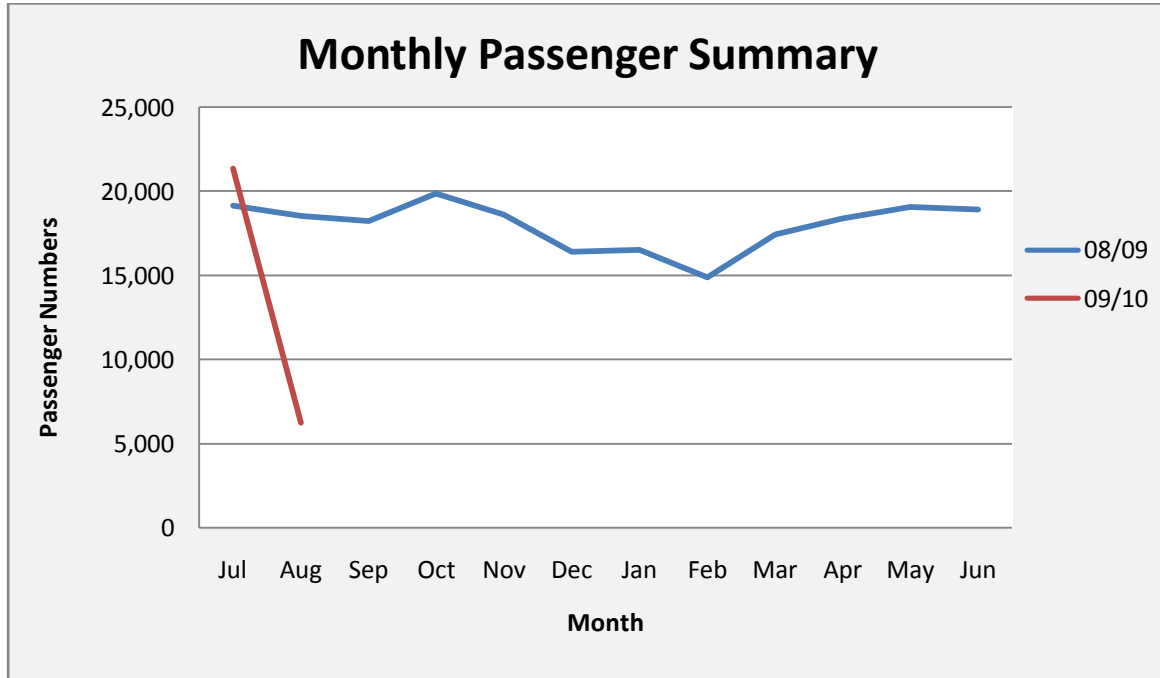
	Concept
	Development
	Implementation
	Finalisation
	Project completed and acquitted



A/c Number	Scope	Current Project Phase	Month Update	Jul y	Au g	Sep t	Oc t	No v	De c	Jan	Feb	Mar	Apr	Ma y	Jun e
			LUX output with no additional heat generation.												
121040 1	Solar Lights-Taxiway and runway		Approval for Solar installation to be sourced from CASA -												
121044 0	Automated Weather information Broadcast		Quotes sourced. Goods ordered and to be installed by end of October												
121044 0	PA & CCTV		Quotes being sourced												
121047 3	Electrical Upgrades		Stage 2 ring road connection. Tender to be arranged												
121047 7	Grading of Drains		On hold til weather compatible.												
901424	Airport Housing		Research for design and type being undertaken. Location and scope under discussion												

***Port Hedland International Airport***

Monthly Passenger Numbers



Please note that above graph excludes Pearl Aviation, Virgin Blue and Qantas passenger numbers for August 2009, as these were unavailable at the time the graph was compiled.

**11.3.2 INFRASTRUCTURE DEVELOPMENT****11.3.2.1 *Restricted Access Vehicle approval for Hillside-Woodstock road (File No.: 30/10/0001)***

**Officer** **Jenella Voitkevich**  
Manager Infrastructure  
Development

**Date of Report** 11 September 2009

**Disclosure of Interest by Officer** **Nil**

**Summary**

This item is to gain Council approval for the inclusion of Hillside-Woodstock road (road number 396) to the Restricted Access Vehicle (RAV) network.

**Background**

Hillside-Woodstock road is an unsealed local government road located off the Great Northern Highway approximately 160km south of South Hedland. The road is most commonly used for access to the BHP Billiton and Fortescue Metals Group railway systems and construction accommodation camps.

Council has received many requests for the inclusion of the road on the RAV network, generally by haulage companies contracted to BHPB or FMG projects, for the first 8.6km of road. Access of road trains to Hillside-Woodstock road has previously been denied due to the poor configuration at the intersection with Great Northern Highway. This has now been sufficiently upgraded at no cost to Council.

**Consultation**

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

**Statutory Implications**

Restricted Vehicle Access is governed by Main Roads WA Heavy Vehicle Operations, in accordance with the Road Traffic (Vehicle Standards) Regulations 2002. Council is responsible for determining whether the road is suitable for road train use prior to assessment by Main Roads WA.

**Policy Implications** **Nil**

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

**Budget Implications**

Approval of this application will result in nil budget implications. The road does not require upgrades to allow access to the RAV network. Users of road trains will be required to enter into a maintenance agreement with Council prior to approval being granted, therefore additional road maintenance will be at no cost to Council.

**Officer's Comment**

Hillside-Woodstock road (from SLK 0.00 to 8.60) has been assessed for road train use on the following points in accordance with the Main Roads WA checklist:

*Physical Constraints*

- Bridges – not applicable
- Overhead clearances – not applicable
- Turning at intersections – adequate
- Railway level crossings – adequate
- Pavement widths – Hillside-Woodstock road is an unsealed road that is formed and gravel sheeted and varies in width from 8.5m to 10m. The intersection with Great Northern Highway is sealed for approximately 200m. This is adequate for road train use. The Main Roads guidelines require a sealed carriageway for triple road train access, based on a minimum of 8 road trains accessing the road daily. Road trains will only be utilized during haulage periods for specific projects, therefore it is unreasonable to require the whole road to be sealed. Instead, each road train user will be required to enter into a maintenance agreement with Council, including dust suppression.

*Operational constraints*

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

*Community considerations*

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

*Safety considerations*

- Other road users – minimal impact due to remote location and low traffic volumes
- Dangerous goods – not applicable
- Slowing and stopping – there are no sections of the route with narrow shoulders or deep drains that would cause concern if a

road train had to slow or stop for overtaking, repairs or an emergency

The approval of Hillside-Woodstock road on the RAV network will significantly improve access for railway construction and maintenance work. It is intended that RAV access will only be approved for the first 8.6km of the road which encompasses the BHPB railway access and FMG rail camp access. Road train access has been assessed as suitable for triple road trains (category 10).

RAV access to the FMG railway access road is not suitable at this stage due to the road configuration which was constructed as a temporary detour during the rail construction. FMG are currently liaising with Council regarding the final realignment of this section of Hillside-Woodstock road which will be suitable for road train access.

**Attachments**

Nil

**200910/084 Council Decision / Officers Recommendation****Moved:** Cr A A Carter**Seconded:** Cr J M Ford**That Council:**

- iii) **Approve the inclusion of Hillside-Woodstock road (road number 396) on the Restricted Access Vehicle network (Category 10), subject to the following conditions:**
- a) **Access is approved for section SLK 0.00 (Great Northern Highway intersection) to SLK 8.6 (BHPB railway access road)**
  - b) **The application is assessed and approved by Main Roads WA Heavy Vehicle Operations**
  - c) **Road train users must enter into a maintenance agreement with the Town of Port Hedland for the duration of haulage**
  - d) **All operators must carry written approval from the Town of Port Hedland for use of the road**

*CARRIED 7/1*



**11.3.3 Port Hedland International Airport****11.3.3.1 Airport Bar & Café operations (File No.: 30/09/0027)**

**Officer** **Laura Jackson**  
Airport Landside Development  
Officer

**Date of Report** 10 September 2009

**Disclosure of Interest by Officer Nil**

**Summary**

To determine whether the operations of the Airport Bar and Café should be put to tender.

**Background**

The Town of Port Hedland has operated the Airport Bar & Café since 1st January 2008. Prior to this, the café was run under a management contract by the Australian Pearling Company for a period of just under two years.

There have been three council resolutions since the decision in November 2007 for the Town of Port Hedland to take over management of the café. These resolutions have related to the extension of the trial period for operating the Airport Bar and Café.

The most recent decision at the February 2009 Council meeting, resolved (200809/234)

*That Council:*

- i) continue to operate the café for a period of 12 months after the completion of the required upgrades has occurred;*
- ii) revisit the operation of the café after this period has passed (taking into consideration updated income and expenditure figures and other relevant information) and make a final decision on whether it is worthwhile for Council to continue to operate the café, or if it should be leased out to an external party.*

While preliminary planning work has been undertaken, the required upgrades have yet to be undertaken as other development priorities have arisen such as terminal modifications required to enable the introduction of Virgin Blue. While the upgrades are necessary to bring the facilities to a modern standard, there is some discussion/debate as to whether these works should be undertaken prior to or after potentially tendering out the management of the café. If the works were undertaken after a tender was let, the tenderer could have input into the scope of works. Alternatively, if potential tendering was delayed until after works have been

completed, tenderers would be clear on the exact facilities, services and space that would be available to them.

**Consultation**

Executive team  
Manager of Airport Operations  
Airport Working Group

**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;

(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;...”

**Policy Implications**

- Nil

**Strategic Planning Implications**

Key Result area1 Infrastructure, Goal 3 Airport

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**

Account 1210326: Leases and rentals. Income would increase. A set monthly lease value could be obtained plus a percentage of profit.

**Officer's Comment**

The view of Council's management team is that the operation of an airport bar and café is not a core business of Council. Administratively, the operation of the café causes great difficulties and increased costs in particular with the following:

- i) Staff availability to cover all rosters has been a problem with staff having to work additional hours, particularly when there are flight delays;
- ii) Council policies and procedures are restrictive to the commercial operations of the café; and
- iii) There are considerable difficulties with purchasing and procurement in an efficient and effective manner.

**Attachments**

Nil

**200910/085 Council Decision / Officers Recommendation**

**Moved:** Cr J M Ford

**Seconded:** Cr A A Carter

**That Council:**

- i) **Approve the disposal of the Airport Bar and Café by way of Public Tender (as per section 3.58(2)(b) of the Local Government Act 1995); and**
- ii) **Approve the CEO (or his delegate) to prepare and advertise a tender for the operations of the Airport Bar and Café with the following conditions:**
  - a. **A set monthly lease value (based on a per m2 rate) plus a percentage of nett revenue;**
  - b. **A lease term of 5 years; and**
  - c. **The possibility that the café will need to be re-sited once the master-plan of the terminal is complete.**
  - d. **A commitment by Council to spending \$100,000 on café upgrades in consultation with the successful contractor within six months of the tender being awarded.**

*CARRIED 8/0*

**11.3.3.2 Passenger Screening - Port Hedland International Airport**

**Officer** **Bob Couzens**  
Manager Airport

**Date of Report** 10 September 2009

**Disclosure of Interest by Officer** **Nil**

**Summary**

Report seeks Council's consideration of proposal for the Town to be the screening authority at the Port Hedland International Airport.

**Background**

Qantas is currently the designated screening authority for domestic services at the Port Hedland International Airport. This service involves baggage and passenger screening at the airport. Qantas contracted MSS Security to carry out the service on their behalf. Qantas (via MSS) screens its own services, Virgin Blue's services and the Skywest Bali service.

Qantas does this on a cost recovery basis, whereby a 'per passenger' charge is levied dependent on aircraft seating capacity. Qantas does not divulge either the cost per passenger for screening or the screening component that is levied on each airfare sold for passengers departing from the Port Hedland International Airport.

Qantas provides its own passenger screening equipment at the Port Hedland Airport which consists of

- 1 x Passenger Baggage X-Ray
- 1 x Input Roller Table
- 1 x Output Roller Table
- 2 x Walk through Metal Detector
- 3 x Lockable Work Benches & Cabinets
- ETD lockable workbench, cabinet and moveable trolley
- Ancillary equipment.

The space that Qantas uses is not leased to them and they currently pay no fees for use of the space.

Given the fact that we now have multiple airline companies flying into Port Hedland with several others showing an interest in entering into the Port Hedland market, it is considered appropriate to review the current screening arrangements.

**Statutory Implications**

Aviation Transport Security Act (2004)

Aviation Transport Security Regulations (2005)

**Budget Implications**

**Operating Revenue**

*Council currently receives no revenue and incurs no expenditure in relation to passenger screening. If the Town were to proceed with 'taking over' the screening authority role fees for the service would need to be introduced to cover both operational and capital costs that would be incurred. While further work is required, it is anticipated that the capital costs of purchasing the necessary equipment would be in the order of \$250,000.*

The 2009/10 budget includes no income or expenditure for this proposal. If Council were to proceed, it is recommended that proposal not commence until the 2010/11 financial year.

**Officer's Comment**

Qantas currently charges for screening services on an "available seat" basis. This means that in the case of Skywest and Virgin Blue, they are charged the seating capacity of their aircraft. With Qantas being in direct competition with these airlines this passenger screening charge could potentially be manipulated in Qantas favor.

Currently, Screening Charges applied at differing airports range from \$7.00 to \$25.00 Per Passenger.

**Officers Recommendation**

That

1. Council supports the concept of the Town becoming the Screening Authority at the Port Hedland International Airport
2. Council implement the following time line for the introduction of Town operated passenger screening.

Step	Description	Timeframe
Amend Transport Security Program	Review Transport Security Program and amend as required to meet obligations for screening authority role. Suggest engaging external security consultant for review.	April 2010
Apply for screening authority approval to Office of Transport Security.	Write to Office of Transport Security requesting approval for the Town of Port Hedland to become	April 2010

	Screening Authority.	
Airline consultation	Write to Qantas and advise of screening authority approval and intention to tender for screening' provider.	June 2010
Tender for Screening Provider	Call for tenders in regard to the provision of screening services at Port Hedland International Airport.	July/August 2010
Select successful tender for provision of screening contracts.	Provide Qantas in writing with 90 days notice of intention to assume screening role at Port Hedland International Airport utilising successful contractor.	August 2010
Commence screening of all passenger services at Port Hedland International Airport.	Successful contractor commence screening passengers at Port Hedland International Airport.	January 2011

- Council considers allocating the sum of \$250, 000 for the purchase of equipment required to operate the passenger screening service as a component of the 2010/11 budget (estimated at \$250,000).

**200910/086 Council Decision**

**Moved:** Cr A A Carter      **Seconded:** Cr A A Gear

**That**

- Council supports the concept of the Town becoming the Screening Authority at the Port Hedland International Airport**
- Council implement the following time line for the introduction of Town operated passenger screening.**

<b>Step</b>	<b>Description</b>	<b>Timeframe</b>
<b>Apply for screening authority approval to Office of Transport Security.</b>	<b>Write to Office of Transport Security requesting approval for the Town of Port Hedland to become Screening Authority.</b>	<b>April 2010</b>

<b>Amend Transport Security Program</b>	<b>Review Transport Security Program and amend as required to meet obligations for screening authority role. Suggest engaging external security consultant for review.</b>	<b>April 2010</b>
<b>Airline consultation</b>	<b>Write to Qantas and advise of screening authority approval and intention to tender for screening' provider.</b>	<b>June 2010</b>
<b>Tender for Screening Provider</b>	<b>Call for tenders in regard to the provision of screening services at Port Hedland International Airport.</b>	<b>July/August 2010</b>
<b>Select successful tender for provision of screening contracts.</b>	<b>Provide Qantas in writing with 90 days notice of intention to assume screening role at Port Hedland International Airport utilising successful contractor.</b>	<b>August 2010</b>
<b>Commence screening of all passenger services at Port Hedland International Airport.</b>	<b>Successful contractor commence screening passengers at Port Hedland International Airport.</b>	<b>January 2011</b>

**3. Council considers allocating the sum of \$250, 000 for the purchase of equipment required to operate the passenger screening service as a component of the 2010/11 budget (estimated at \$250,000).**

***CARRIED 8/0***

**11.4 GOVERNANCE AND ADMINISTRATION****11.4.1 Corporate Services****11.4.1.1 *Financial Reports to Council for Period Ended 31 July 2009 (File Nos: FIN-008, FIN-014 and RAT-009)***

**Officer** Lee Crombie  
Senior Finance Officer

**Date of Report** 14 September 2009

**Disclosure of Interest by Officer** Nil

**Summary**

The objective of this item is to present a summary of the financial activities of the Town to 31 July 2009, and to compare this with that budgeted for the period. With regard to the Town's Utility and Fuel Costs, a comparison is made with 2008/09.

**Background****1. *Financial Statements***

Presented (see attachments) in this report for the financial period ended 31 July 2009, are the:

- Statements of Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 31 July 2009;
- Review of Transaction Activity.

Note: Interest Rates for investments are selected from those provided from the following financial institutions: National Australia Bank, Bank West, Commonwealth Bank, Macquarie Bank, AMP, Westpac Bank, Big Sky, Citigroup and the Australian and New Zealand Bank.

**2. *Utility and Fuel Costs***

Presented in graph form (see attached), is the 2009/10 monthly water, power and fuel costs compared with 2008/09.



3. *Schedule of Accounts Paid*

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on 23 September 2009 for receipt, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and rendition of services, and verification of prices, computations and costs.

Voucher No's		Value \$	Pages		Fund No.	Fund Name	Description
From	To		From	To			
CHQ18963	CHQ18996				1	Municipal Fund	Cheques cancelled
CHQ18997	CHQ19061	186,048.72	1	10	1	Municipal Fund	
EFT26200	EFT26540	5,601,175.89	10	65	1	Municipal Fund	
CMS070709	CMS070709	192.39	65	65	1	Municipal Fund	Photocopier Lease – Engineering Department
CHA200709	CHA200709	31,275.80	65	65	1	Municipal Fund	Loan Payment
PAY140709	PAY140709	257,413.17	65	65	1	Municipal Fund	
PAY160609	PAY160609	259,282.53	65	65	1	Municipal Fund	
BOQ270709	BOQ270709	891.10	65	65	1	Municipal Fund	Finance Equipment
	Municipal Total	6,336,279.60					
3001664		32,711.18	65	68	3	Trust Fund	
	Trust Total	32,711.18					
	Sub-Total	6,368,990.78					
LESS: one-off pays		-					
	Total	6,368,990.78					

**Consultation**

Nil

**Statutory Implications**

*Financial Statements*

Regulation 34 of the Local Government (Financial Management Regulations), states as follows:

*“34. Financial activity statement report - s. 6.4*

*(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail:*

- (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
  - (b) *budget estimates to the end of the month to which the statement relates;*
  - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
  - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
  - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing:*
- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
  - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
  - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown:*
- (a) *according to nature and type classification;*
  - (b) *by program; or*
  - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be:*
- (a) *presented to the council:*
    - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
    - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;*  
*and*
  - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.*

*In this regulation:*

*“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;*

*“restricted assets” has the same meaning as in AAS 27.*

Section 6.12 of the Local Government Act 1995 (Power to defer, grant discounts, waive or write off debts) states:

*“(1) Subject to subsection (2) and any other written law, a local government may –*

- (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;*
  - (b) *waive or grant concessions in relation to any amount of money; or*
  - (c) *write off any amount of money, which is owed to the local government.*
- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.”*

### **Policy Implications**

#### 2/003 Financial Statements – Copies for Councillors

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

- **Monthly**  
Bank Reconciliation of the Municipal, Reserve and Trust Fund  
+90 day outstanding Sundry Debtors Report  
List of Accounts paid under Delegated Authority  
Register of Investments  
Rate Summary Trial Balance  
Reserve Account Balances
- **Quarterly**  
Quarterly Budget Review  
Report on all Budgeted Grants of \$50,000 or more.

Irregular Financial reports will be presented to Council on request.

#### Strategic Planning Implications

Key Results Area 5 Environment  
Goal 2 Natural Resources  
Strategy 1. Continue to monitor and report on the level of Council's energy, fuel and water use.

#### Budget Implications

At the Special Meeting held on 9 July 2008, Council resolved to adopt item ... Budget Adoption, which included Recommendation 12 as follows:

##### *“Recommendation 12*

*That Council adopts the following percentage or dollar value for determining and reporting material variances as follows:*

1. *10% of the Function amended budget; or*
2. *\$100,000 of the Function amended budget*

*whichever is the lesser, for the following categories of revenue and expenditure:*

- a. Operating Revenue*
- b. Operating Expenditure*
- c. Non-Operating Revenue*
- d. Non-Operating Expenditure”*

**Officer’s Comment**

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

*Period Variation*

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

*Primary Reason*

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

*Budget Impact*

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

**Attachments**

- Page 1–3 of 12. Schedule 2 being a Statement of Financial Activity
- Pages 4 to 12. Notes 3 to 12 which form part of the Statements of Financial Activity. Also Note 10 – July 2009 Bank Reconciliations.
- Pages 1 to 49. Detailed Financial Activity by Program.
- July 2009 Accounts for Payment
- Comparison Between 2008/09:2009/10 Utility & Fuel Costs

**200910/087 Council Decision / Officers Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr J M Ford

**That:**

- i) the:**
  - a) Statements of Financial Activity (represented by Schedules 2 to 14);**
  - b) Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 31 July 2009; and**

- c) Review of Transaction Activity,  
as attached and/or presented be received;
- ii) graphic representation of the Town's energy, water and  
fuel use as attached be received; and
- iii) the list of Accounts paid during July 2009 under  
Delegated Authority, as presented and/or attached be  
received.

*CARRIED 8/0*

**11.4.1.2 Debtor Write-Off Pilbara Logistics**

**Officer** **Matthew Scott**  
**Director Corporate**  
**Services**

**Date of Report** **14 September 2009**

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to consider writing off \$430.33 of tip fees charged to Pilbara Logistics.

**Background**

On the 29 July 2009, Council adopted it's 2009/10 Budget, which included changes in commercial landfill fees:

	2008/09	2009/10	% difference
Domestic/Industrial Waste	38.22	39.60	3.7%
Washdown Facility	16.00	16.60	3.7%
Hazardous Waste	54.29	56.30	3.7%
Medical Waste	38.22	39.60	3.7%

Given the slight delay in adopting the Budget (29/7/09) the majority of Landfill customers were issued with a letter, dated 30 July 2009, advising them that all landfill fees had increased by 3.7% as of 1 July 2009, and that when they received their invoice, a table would be provided demonstrating the changes (letter attached).

On the 27 August 2009, Council received a letter from Pilbara Logistics, objecting to the new fees being applied as of 1 July 2009 (letter attached). Pilbara Logistics also noted that they did not receive Council's advice to all Landfill users until the 24 August 2009, some 24 days after it was issued. This has resulted in Pilbara Logistics on charging the lower 2008/09 rates to their customers in July.

This letter was also copied to Hon. Tom Stephens MLA, who also sent a letter to Council, dated 28 August 2009, requesting Council to consider a compromise position of not imposing the new fees until the 1 August 2009.

**Consultation**

Nil

**Statutory Implications****Local Government Act 1995**

*6.12. Power to defer, grant discounts, waive or write off debts*

*(1) Subject to subsection (2) and any other written law, a local government may —*

*(a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;*

*(b) waive or grant concessions in relation to any amount of money; or*

*(c) write off any amount of money,*

*which is owed to the local government.*

*\* Absolute majority required.*

*(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*

*(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*

*(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

**Policy Implications**

Nil

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

Should Council agree to write off these tip fees, Council income from the Tip will be reduced by \$430.33. The current budget for Tip fees (A/c 1004328) is \$1,500,000.

**Officer's Comment**

Council has essentially 2 options with regards to this item, it can choose to either:

- 1) Not write off the difference; or
- 2) Write off the difference

To date, Pilbara Logistic is the only business to formally complain regarding the CPI increase in fees at the South Hedland Landfill. As previously stated, the majority of Landfill customers were advised of the increase in fees when receiving their invoices after the adoption of the 2009/10 Fees. Pilbara Logistic have disputed this, claiming this advice was not received by them until 24 August 2009, sometime after they had already on charged their customers. It is also noted that the weighbridge receipts (produced every time the weighbridge is used) were not updated with the new fees, until mid August, which could have added to their confusion.

The amount of the write off is not significant, being only \$430.33, however if Council does write these fees off, it could set a

precedent for other Landfill customers to claim a reduction in their July Account. General Landfill charges for July 09, was \$92,774.73. If however other customers were to complain, it would be expected that they (like Pilbara Logistics) would have contacted Council by now.

Both Options have been included in the Officers recommendation for Council to consider.

**Attachments**

Letter to majority of Landfill customers, dated 30 July 2009;  
Letter from Pilbara Logistics, dated 27 August 2009;  
Letter from Hon. Tom Stephens MLA, dated 28 August 2009.

**Officers Recommendation**

That Council:

Does not write off the difference between the 2008/09 and 2009/10 Tip Fees invoiced to Pilbara Logistics, totaling \$430.33 for the month of July.

(Simple Majority)

Or

Does write off the difference between the 2008/09 and 2009/10 Tip Fees invoiced to Pilbara Logistics, totaling \$430.33 for the month of July from account 1004328.

(Absolute Majority)

**200910/088 Council Decision**

**Moved:** Cr A A Gear      **Seconded:** Cr J M Ford

**That Council:**

**Does write off the difference between the 2008/09 and 2009/10 Tip Fees invoiced to Pilbara Logistics, totaling \$430.33 for the month of July from account 1004328.**

***CARRIED 8/0***



*ATTACHMENT 1 TO AGENDA ITEM 11.4.1.2*

**TOWN OF  
PORT HEDLAND**

**RECEIVED**  
**24 AUG 2009**



BY:.....

30 July 2009

Our Ref:

Your Ref:

Enquiries:

Direct Line:

Dear Customer

I write to inform you that the South Hedland Landfill fees and charges have increased by 3.7% and take effect from 01 July 2009, as approved by Council.

Please find attached an outline of all the new fees and charges for the 2009/2010 financial year relating to the landfill, for your information.

Attached to your invoice is a comparison that details the old rates that will appear on the weighbridge dockets you may have already received, along with the new rates that have been charged as they are applicable from 01 July 2009.

If you have any queries, please contact debtors on 9158 9300.

Regards

Natalie Octoman  
Manager Financial Services

Encl.

*ATTACHMENT2 TO AGENDA ITEM 11.4.1.2*

*Mailed to Natalie 28/08/2009.*

<b>TOWN OF PORT HEDLAND</b>	
RECORD No. ....	<i>09-05027</i>
OFFICER.....	<i>mf.</i>
02 SEP 2009	
FILE No. ....	<i>31/10/0005</i>
ACTION DATE.....	<i>u</i>



27<sup>th</sup> August 2009

Attention: Natalie Octoman  
Town of Port Hedland  
PO Box 41  
Port Hedland WA 6721

Dear Ms Octoman,

**RE: SOUTH HEDLAND LANDFILL FEES & CHARGES**

On 24<sup>th</sup> August 2009 we received your unreferenced correspondence dated 30<sup>th</sup> July 2009 regarding your increase in landfill fees and charges effective from 1<sup>st</sup> July 2009.

Firstly, 24 days seems to be a long time for delivery of this letter if it was indeed posted on 30<sup>th</sup> July 2009.

Secondly, we object strongly to having an increase in charges retrospectively applied, especially when we have already received priced weighbridge dockets based on the existing rates at the time.

Bearing in mind that we have already passed on the landfill costs to our clients for the month of July, it would be equally unfair and unprofessional for us to now apply a 3.7% increase on those charges. We would therefore be carrying the cost of council's delay in communicating these increases.

We request that council give consideration to applying the new charges effective from 1<sup>st</sup> August 2009.

We look forward to your favourable response in due course.

Yours faithfully,

Steele Paterson  
Commercial Manager  
Pilbara Logistics (WA) Pty Ltd

Cc Tom Stephens,  
South Hedland Shopping Centre, Shop 26a Throssell Rd  
South Hedland WA 6722

Office: (08) 9172 5100  
Fax: (08) 9172 3880  
Email: [port@pilbaralogistics.com.au](mailto:port@pilbaralogistics.com.au)

Unit 1/9 Bypass Street  
South Hedland WA 6722  
PO Box 2623  
South Hedland WA 6722

*ATTACHMENT 3 TO AGENDA ITEM 11.4.1.2*

**From:** Marsden, Belinda [mailto:Belinda.Marsden@mp.wa.gov.au]  
**Sent:** Friday, 28 August 2009 3:47 PM  
**To:** Chris Adams  
**Subject:** Correspondence from Tom Stephens

**Tom Stephens BA JP MLA**  
Member for Pilbara

PO Box 2667  
SOUTH HEDLAND WA 6722  
Telephone: 9140 1711 Facsimile: 9140 1525  
Email: [pilbara@mp.wa.gov.au](mailto:pilbara@mp.wa.gov.au)



Friday, 28 August 2009

Chris Adams  
CEO  
Town of Port Hedland  
[ceo@porthedland.wa.gov.au](mailto:ceo@porthedland.wa.gov.au)

Dear Chris,

The issue of a 3.7% increase in landfill levies by the Town of Port Hedland has been raised with us by the manager of a local business, Pilbara Logistics.

As I understand, Mr Patterson has written to the manager of Financial Services at the Town of Port Hedland in relation to the issue.

Pilbara Logistics has received correspondence from the ToPH on the 24 August 2009 to inform the company of the 3.7% increase in landfill levies which has been backdated from the 1 July 2009.

As Mr Patterson points out, the costs associated with the backdated increase will be borne by the company directly, as invoices for work completed by Pilbara Logistics for the month of July have already been completed.

It would appear there has been a delay in notifying this company of the change in levy and as a result the company have not been aware of the changes until it received council correspondence on the 24<sup>th</sup> of August 2009.

Will the council consider a compromised solution and apply the new charges to be effective from the 1<sup>st</sup> of August 2009 which allows the company time to notify current customers of the increase in follow on charges?

I look forward to a fast and effective outcome in this case.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Stephens'.

**Tom Stephens MLA**  
Member for Pilbara

**11.4.1.3 Local Government Reform Submission**

**Officer** **Matthew Scott**  
**Director Corporate**  
**Services**

**Date of Report** **14 September 2009**

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to consider and endorse the attached Local Government Reform Submission and associate reform strategies.

**Background**

On the 5 February 2009, the Hon John Castrilli MLA - Minister for Local Government, requested all Western Australian Local Governments, including the Town of Port Hedland, to advise him by the 31 August 2009 (extended to the 30 September) of their intentions with regard to Local Government reform and in particular to take up the opportunity to voluntary amalgamate and to reduce the total number of elected members within Council.

At the Ordinary meeting of Council, 22 July 2009, the Town of Port Hedland resolved the following, regarding Council's position regarding the reform process:

*That Council:*

- i) *Advise the Minister of Local Government, with regard to the current Local Government Structural Reform strategy and process, the following:*
  - a) **the Town of Port Hedland currently has nine (9) elected members, and currently has no plan to further reduce this number; and**
  - b) **the Town of Port Hedland will continue to work with the Pilbara Regional Council and member Councils to efficiently deliver services, through resource sharing opportunities as they materialise; and**
  - c) **due to nature, characteristics and distance between major Pilbara townsites, The Town of Port Hedland acknowledges little value in pursuing voluntary amalgamations with any of our current neighbouring Councils;**

Subsequent to this resolution, on the 23 July 2009, Council received the assessment from the Reform Checklist, issued to the Local Government Reform Steering Committee, in April 2009. In the Steering Committee, the Town of Port Hedland, like all Pilbara and Kimberly Councils was considered Category 3, being:

*"Significant structural reform including amalgamation/boundary adjustments and formalisation of regional groupings is required to*

*ensure long term community and organisational benefit in order that the needs of current and future generations are met.”*

This result was based on the Steering Committee identifying eight (8) areas where improvement was required, being:

1. Long term financial management planning;
2. Planning for assets and infrastructure
3. Numerous staff vacancies
4. Staff attraction and retention
5. Ability to attract employment to the district
6. Demographic change
7. Environmental or natural resource management
8. Resource optimal service delivery

The Committee also identified three (3) key strengths of the Town of Port Hedland, being:

1. Multiple examples of Private sector partnerships;
2. Strategic and corporate approach to community engagement and consultation
3. Identified opportunities for regional partnership arrangements

On review, the Administration, disagrees with this assessment, however there has been no opportunity for this assessment to be either formally challenged, amended or appealed.

Subsequent to the concerns raised from various Local Authorities, the Minister of Local Government extended the period for submissions to the 30 September 2009.

### **Consultation**

All Pilbara Council's have been consulted in developing the Town's submission.

### **Statutory Implications**

There is no legislative requirement for Council to actually submit a submission. However, given that this request is directly from the Minister of Local Government, there could be potential significant ramifications for any Council that did not submit a submission, especially with regards to State Funding, such as Royalties for Regions.

### **Policy Implications**

Nil

### **Strategic Planning Implications**

The Town of Port Hedland submission contains various reform strategies which, if adopted, will be required to be considered when Council reviews its Strategic Plan/Plan for the Future.

### **Budget Implications**

Nil

**Officer's Comment**

The Town of Port Hedland's Local Government Reform Submission, has been developed based on:

- Assessment from the Local Government Reform Steering Committee of council's reform checklist;
- Discussions with neighbouring Council Executives and Pilbara Councils resolved reform position;
- Discussions from the Local Government Week presentations, including presentations from the Premier, the Minister of Regional Development and the Minister of Local Government;
- Discussion within Council over the last six months.

The submission reiterates Council's July'09 resolution, and further qualifies the reasons behind this position. This being said, it is also believed that simply advising the Minister that the Council is not interested in voluntary amalgamation is not sufficient.

The aim of the Minister's Reform process is to make Local Government more effective and efficient. Though the current reform process is highly leveraged toward amalgamation, probably necessary in the Wheatbelt (51 Council's compared to the Pilbara's 4), all Council's should use this opportunity to review their operations and long term plans.

Currently it is all the Pilbara Councils' view that instead of amalgamation, better utilisation of the Pilbara Regional Council (PRC) will create similar benefits. As Council is aware, the Strategic Plan of the PRC is currently being reviewed. This may provide the perfect opportunity to incorporate resource sharing and joint procurement as a major role of the PRC. It is understood that this is precisely the position the majority of Pilbara Councils are advocating. Council will note that the Town's submission is highly geared to this position.

Council will also note the submission qualifies the assessment of the Reform Checklist. When the checklist was prepared, it was developed on the basis of little direction from the Department of Local Government. In hindsight, the Council's checklist could have included additional information, which may have changed the Town's final assessment. Much of the Town's submission focus is on the checklist assessment and provides additional information on the Council's real financial and sustainability position. Given that Council was not given an opportunity to have its Checklist assessment formally reviewed, it is hoped that this submission will correct the current view of the Town of Port Hedland by the Local Government Reform Steering Committee.

**Attachments**

Town of Port Hedland Local Government Reform Submission

**Officers Recommendation**

That Council:

- 1) Reaffirms its 22 July 2009 decision regarding Local Government reform, with following amendments:
  - a. the Town of Port Hedland currently has nine (9) elected members, which will be reviewed after the 2009 Local Government Election; and
  - b. the Town of Port Hedland will continue to work with the Pilbara Regional Council and member Councils to efficiently deliver services, through resource sharing and joint procurement opportunities as they materialise; and
  - c. due to the nature, characteristics and distance between major Pilbara town sites, The Town of Port Hedland believes there is little value in pursuing voluntary amalgamations with any of our current neighbouring Council's;
  
- 2) Adopts the following reform strategies to be considered when the current Strategic Plan/Plan for the Future is reviewed:
  - a. Review the size and membership of Council after the each Local Government Election;
  - b. Continue to work with the PRC and other Pilbara Councils to identify resource sharing and joint procurement opportunities;
  - c. Work with the PRC and other Pilbara Councils to determine and implement best practice in the areas of policies, procedures, local laws, and sustainability in the region;
  - d. Formalise and implement a 10 year financial plan as part of the Plan for the Future;
  - e. Continue to implement the PRC asset management framework project;
  - f. Ensure demographic change and environmental issues are incorporated into the development of Town Planning Scheme 6 (planned for 2010).
  - g. Continue to develop private sector partnerships;
  - h. Continue to take an community engagement and consultation approach to all significant projects;
  
- 3) Adopts the attached Town of Port Hedland Local Government Reform Submission and authorises it to be sent to the Minister of Local Government, the Hon John Castrilli MLA,

**200910/089 Council Decision**

**Moved:** Cr G D Bussell      **Seconded:** Cr K A Howlett

**That Council:**

**1) Reaffirms its 22 July 2009 decision regarding Local Government reform, with the following amendments:**

- a. the Town of Port Hedland currently has nine (9) elected members, which will be reviewed after the 2009 Local Government Election; and**
- b. the Town of Port Hedland will continue to work with the Pilbara Regional Council and member Councils to efficiently deliver services, through resource sharing and joint procurement opportunities as they materialise; and**
- c. due to the nature, characteristics and distance between major Pilbara town sites, The Town of Port Hedland believes there is little value in pursuing voluntary amalgamations with any of our current neighbouring Council's;**

**2) Adopts the following reform strategies to be considered when the current Strategic Plan/Plan for the Future is reviewed:**

- a. Review the size and membership of Council after the each Local Government Election;**
- b. Continue to work with the PRC and other Pilbara Councils to identify resource sharing and joint procurement opportunities;**
- c. Work with the PRC and other Pilbara Councils to determine and implement best practice in the areas of policies, procedures, local laws, and sustainability in the region;**
- d. Formalise and implement a 10 year financial plan as part of the Plan for the Future;**
- e. Continue to implement the PRC asset management framework project;**
- f. Ensure demographic change and environmental issues are incorporated into the development of Town Planning Scheme 6 (planned for 2010).**
- g. Continue to develop private sector partnerships;**
- h. Continue to take a community engagement and consultation approach to all significant projects;**



- 4) **Adopts the attached Town of Port Hedland Local Government Reform Submission (including a list of PRC achievements) and authorises it to be sent to the Minister of Local Government, the Hon John Castrilli MLA.**

*CARRIED 7/1*

## 11.4.2 Governance

**11.4.2.1 Proposed Major Land Transaction at Port Hedland International Airport. Initiation of Business Plan**

<b>Officer</b>	<b>Chris Adams</b> Chief Executive Officer
<b>Date of Report</b>	10 September 2009
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

The proposed lease of a portion of the Port Hedland International Airport to Auzcorp is considered a Major Land Transaction under section 3.59 of the Local Government Act. To comply with the Act, Council must prepare and consider a business plan for the transaction.

**Background**

The since 2006 Council has leased a portion of land at the Port Hedland International Airport to The Pilbara Infrastructure Pty Ltd (PIPL). This lease was developed via private treaty (in accordance with the LG Act) and expired on 10/9/09.

At its February 2009 meeting Council considered a report from officers that sought direction from Council on how it would like to progress with the lease or non-leasing of this land. At this meeting Council resolved the following:

- 1. That Council advises The Pilbara Infrastructure P/L that it will dispose, by way of Lease, the current leased land at the Port Hedland International Airport, by way of public tender, when the lease expires on the 10 September 2009; and*
- 2. Council authorises the Chief Executive Officer (or his nominee) to commence negotiations with Pilbara Infrastructure P/L regards to what assets will remain on site at the end of the lease; and*
- 3. Council authorises the Chief Executive Officer (or his nominee) to commence the tender process for the disposal of land, by way of lease for the land currently leased to The Pilbara Infrastructure P/L; and*
- 4. A report be presented to a future Council meeting that details the outcome of these negotiations.*

Subsequent to this decision PIPL approached Council seeking requesting reconsider of its decision. Council considered this proposal at its April 2009 meeting and resolved the following:

*That Council:*

- i) advise Fortescue Metals Group (FMG) that it will not revoke its decision to publically tender the FMG airport lease area, when the current lease expires (10 September 2009); and*
- ii) Invites FMG to submit a tender for the site, once a tender for lease has been called and advertised.*

Council considered a further report regarding the proposed tender process at its May 2009 meeting where it resolved:

*That Council:*

- 1) Authorises the CEO (or his delegate) to commence the tender process to dispose of portion of Port Hedland lot 2444 (as per the attached diagram), by way of a tender, at the rental cost of \$6.30/m<sup>2</sup> pa + GST (indexed annual by Perth CPI), for a period of 5 years with the lease period commencing on the 11 September 2009.*
- 2) Approve the following Tender Evaluation Criteria:*
  - a) Meeting tender scope (10%)*
  - b) Experience (5%)*
  - c) Quality of development (20%)*
  - d) Facility Transition and Project Delivery (15%)*
  - e) Financial Plan (10%)*
  - f) Residual improvements (20%)*
  - g) Community Benefits (20%)**TOTAL = 100%*

The tender process was undertaken and at a Special Council Meeting that was convened on 29<sup>th</sup> of July 2009 Council resolved:

*That Council:*

- i. advise the Auzcorp that they are the preferred tenderer for Tender 09/10 Land Lease available at the Port Hedland International Airport for Transient Workforce Accommodation; and*
- ii. authorise the Chief Executive Officer or his nominated officer to finalise a land lease with Auzcorp; and*
- iii. Receive a further report on leasing arrangements once negotiations/discussions have finalised.*

Negotiations regarding the lease have significantly progressed. The final lease will be presented to Council once all parties are satisfied with the terms contained within the lease and all technical compliance issues have been addressed.

During the lease discussions the issue of compliance with various provisions of the Local Government Act has been discussed. One particular provision that has arisen that was not initially anticipated is the LG Act provisions pertaining 'Major Land Transaction' under

the LG Act. Under these provisions any land transaction that is in excess of \$1M requires public consultation on an approved business plan. Staff did not initially believe that this particular proposal would invoke this statute as the rental being received over the lease period was less than \$1M.

While the lease fees payable are less than \$1M, several of the tenderers for the project offered other direct benefits to the town as a part of their tender bid. These other considerations lift the level of total consideration of the transaction to above the \$1M mark hence triggering the need to develop and advertise a business plan prior to proceeding.

### Consultation

The Local Government Act requires a minimum of six (6) weeks public consultation regarding proposed major land transactions. The statutory process for public consultation and subsequent consideration of comments by Council and the Minister for Local Government will commence after Council considers the business plan.

### Statutory Implications

*“3.59. Commercial enterprises by local governments*

*(1) In this section —*

*“acquire” has a meaning that accords with the meaning of “dispose”;*

*“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

*“land transaction” means an agreement, or several agreements for a common purpose, under which a local government is to —*

*(a) acquire or dispose of an interest in land; or*

*(b) develop land;*

*“major land transaction” means a land transaction other than an exempt land transaction if the total value of —*

*(a) the consideration under the transaction; and*

*(b) anything done by the local government for achieving the purpose of the transaction,*

*is more, or is worth more, than the amount prescribed for the purposes of this definition;*

*“major trading undertaking” means a trading undertaking that —*

*(a) in the last completed financial year, involved; or*

*(b) in the current financial year or the financial year after the current financial year, is likely to involve,*

*expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;*

*“trading undertaking” means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything*

*referred to in paragraph (a) or (b) of the definition of “land transaction”.*

- (2) *Before it —*
  - (a) *commences a major trading undertaking;*
  - (b) *enters into a major land transaction; or*
  - (c) *enters into a land transaction that is preparatory to entry into a major land transaction,*  
*a local government is to prepare a business plan.*
- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*
  - (a) *its expected effect on the provision of facilities and services by the local government;*
  - (b) *its expected effect on other persons providing facilities and services in the district;*
  - (c) *its expected financial effect on the local government;*
  - (d) *its expected effect on matters referred to in the local government’s current plan prepared under section 5.56;*
  - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
  - (f) *any other matter prescribed for the purposes of this subsection.*
- (4) *The local government is to —*
  - (a) *give Statewide public notice stating that —*
    - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;*
    - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
    - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

*and*
  - (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

*\* Absolute majority required.*

- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it*

*is of a kind for which the regulations require the Minister's approval.*

- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
  - (a) *prescribe any land transaction to be an exempt land transaction;*
  - (b) *prescribe any trading undertaking to be an exempt trading undertaking.”*

The Local Government (Functions and General) Regulations 1996 further prescribe this issue by mandating the following:

- “7. *Minimum value of major land transaction*  
*For a land transaction to be a major land transaction the total value of —*
  - (a) *the consideration under the transaction; and*
  - (b) *anything done by the local government for achieving the purpose of the transaction,**has to be more, or worth more, than either \$1 000 000 or 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.*  
*[Regulation 7 amended in Gazette 31 Mar 2005 p. 1054.]*
- 8. *Transactions that cannot be major land transactions*
  - (1) *A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —*
    - (a) *without intending to produce profit to itself; and*
    - (b) *without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.*
  - (2) *For the purposes of subregulation (1)(b) a person is given joint use of land if the land is to be jointly used for a common purpose by the local government and that person (whether or not other persons are also given joint use of the land).*
  - (3) *A transaction under which a local government disposes of a leasehold interest in land is an exempt land transaction for the purposes of section 3.59 of the Act if —*

- (a) *all or any of the consideration to be received by the local government under the transaction is by way of an increase in the value of the land due to improvements that are to be made without cost to the local government; and*
- (b) *although the total value referred to in the definition of “major land transaction” in that section is more, or is worth more, than the amount prescribed for the purposes of that definition, it would not be if the consideration were reduced by the amount of the increase in value mentioned in paragraph (a).*

*[Regulation 8 amended in Gazette 29 Aug 1997 p. 4867-8.]*

9. *Minimum expenditure involved in a major trading undertaking*
- (1) *For a trading undertaking to be a major trading undertaking the expenditure by the local government that —*
    - (a) *the undertaking involved in the last completed financial year; or*
    - (b) *the undertaking is likely to involve in the current financial year or the financial year after the current financial year,*  
*has to be more than either \$500 000 or 10% of the lowest operating expenditure described in subregulation (2).*
  - (2) *The lowest operating expenditure referred to in subregulation (1) is the lowest of —*
    - (a) *the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;*
    - (b) *the operating expenditure likely to be incurred by the local government from its municipal fund in the current financial year; and*
    - (c) *the operating expenditure likely to be incurred by the local government from its municipal fund in the financial year after the current financial year.*

*[Regulation 9 amended in Gazette 31 Mar 2005 p. 1054.]*

10. *Other matters of which details to be given in business plan*
- (1) *If a local government is required to prepare a business plan because of a major trading undertaking or major land transaction that it is to carry on or enter into jointly with another person —*
    - (a) *the business plan is to include details of the whole undertaking or transaction, even though the local government is not the only joint venturer; and*
    - (b) *the business plan is to include details of —*
      - (i) *the identity of each joint venturer other than the local government;*
      - (ii) *the ownership of, and any other interests in, property that is involved in, or acquired in the course of, the joint venture;*

- (iii) *any benefit to which a joint venturer other than the local government may become entitled under or as a result of the joint venture; and*
  - (iv) *anything to which the local government may become liable under or as a result of the joint venture.*
- (2) *In subregulation (1) —*  
*“joint venture” means the major trading undertaking or major land transaction that is to be jointly carried on or entered into;*  
*“joint venturer” means the local government or another person with whom the local government is to carry on or enter into the joint venture.”*

**Policy Implications**

Nil

**Strategic Planning Implications**

The following extracts from the Council's Plan for the Future are relevant to this matter:

This project is specifically listed within the Town's Adopted Plan for the Future 2008 -2013 as follows:

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

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

KRA 1: Infrastructure

Goal 3: Airport

Strategy 4: Develop a Transient Workforce Accommodation camp on Airport land.

KRA 4: Economic Development

Goal 4: Land Development Projects – That land is being released and developed to meet the needs of a growing community.

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

**Budget Implications**

The proposed TWA development comes at no direct cost to Council with no financial risk to Council being built into the transaction.

While the cost of preparing a business plan and undertaking the statutory consultation is minimal, some legal costs have been incurred in progressing the proposal. Council has allocated funds for legal costs in its 2009/10 budget and costs associated with this project can be accommodated within the budgeted amount.



**Officer's Comment**

Section 3.59 of the LG Act is designed to ensure that local governments take due care when contemplating entrepreneurial activity through either major business or land transaction.

While the Airport TWA proposal places absolutely no financial risk on Council, it falls within the range of transactions that requires S3.59 to be followed as the total value of the consideration of the transaction exceeds \$1,000,000.

Council has undertaken an open and transparent tender process. Through this process Council has been able to garner tender bids that offer significantly greater benefits to the community than Council has traditionally received from leasing the land.

**Attachments**

Proposed Leasing of Land at Port Hedland International Airport to Auzcorp Pty. Ltd.

**200910/090 Council Decision / Officers Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr J M Ford

**That Council:**

**Notes the contents of the attached Business Plan for the Proposed Leasing of Land at Port Hedland International Airport to Auzcorp Pty. Ltd and seeks public comment on the proposed major land transaction for a minimum of six (6) weeks in accordance with Section 3.59 of the Local Government Act 1995.**

*CARRIED 8/0*

*ATTACHMENT 1 TO AGENDA ITEM 11.4.2.1***BUSINESS PLAN****Proposed Leasing of Land at Port Hedland International Airport to Auzcorp Pty. Ltd.****Introduction**

The Town of Port Hedland is proposing to enter into a 5year leasing arrangement with Auzcorp Pty Ltd (Auzcorp) for 2.794 ha of land at the Port Hedland International Airport. The land is owned freehold by the Town of Port Hedland and has been intermittently used and developed as a Transient Workforce accommodation for n previous years.

As the total value of the consideration to Council for the duration of the lease exceeds \$1M, the Local Government Act (1995) requires the development of a business plan for this proposal. This Business plan has been developed in accordance with S3.59 of the Local Government Act (1995) and the associated Local Government (Functions and General) Regulations (1996). Public comment is sought on the proposal for a period of six weeks.

**Overall Assessment and Details of the Major Land Transaction**

*LG Act 3.59(3) and LG (F&G) Reg 10(1)(a)*

**Overall Assessment**

The Town of Port Hedland has identified that there is a significant shortage in accommodation within the Town. With huge expansions in resource related construction activity expected within the Town over the next 5-10 years this issue is likely to compound unless immediate action is taken. Resource companies have indicated that several thousand additional beds are required within the Town of Port Hedland in the very near future to accommodate projected workforce numbers. The Town has identified areas where it would prefer temporary accommodation to be constructed. The Port Hedland International Airport is one of those areas.

Over the past three years the subject land has been leased to the Pilbara Infrastructure Pty Ltd (PIPL) which is a fully owned subsidiary of Fortescue Metals Group. The previous lease arrangement was undertaken by private treaty after complying with all requirements of the Local Government Act.

On 25 February 2009 the Port Hedland Town Council considered a report on the future use and development of the land that was leased to PIPL. This report was prepared as the PIPL's lease with the Town expired on the 10<sup>th</sup> of September 2010 and there was no provision for a lease extension. At that meeting Council resolved:

***That:***

- 1. Council advises The Pilbara Infrastructure P/L that it will dispose, by way of Lease, the current leased land at the Port Hedland International Airport, by way of public tender, when the lease expires on the 10 September 2009; and**
- 2. Council authorises the Chief Executive Officer (or his nominee) to commence negotiations with Pilbara Infrastructure P/L regards to what assets will remain on site at the end of the lease; and**
- 3. Council authorises the Chief Executive Officer (or his nominee) to commence the tender process for the disposal of land, by way of lease for the land currently leased to The Pilbara Infrastructure P/L; and**
- 4. a report be presented to a future Council meeting that details the outcome of these negotiations.**

Council subsequently received correspondence from PIPL seeking Council's agreement to enter into a private treaty on this matter (ie not go to tender). Council considered this proposal at its Ordinary Meeting of Council, 22 April 2009, and resolved:

***That Council:***

- i) advise Fortescue Metals Group (FMG) that it will not revoke its decision to publically tender the FMG airport lease area, when the current lease expires (10 September 2009); and***
- ii) Invites FMG to submit a tender for the site, once a tender for lease has been called and advertised.***

A tender specification for the lease was prepared by Town of Port Hedland staff in conjunction with the Town's lawyers, McLeod's Barristers and Solicitors. The tender documents were advertised on 10 June 2009, with tenders closing on 8 July 2009. Four tenders were in the Towns tender box at the prescribed closing date/time. These tenders were assessed by a panel comprised of the Town's Director of Corporate Services, Director of Regulatory and Community Services and an Independent Consultant.

At its Special Meeting, 29 July 2009, Council considered the tender assessment report and resolved:

***That Council:***

- iv. advise the Auzcorp that they are the preferred tenderer for Tender 09/10 Land Lease available at the Port Hedland International Airport for Transient Workforce Accommodation; and***
- v. authorise the Chief Executive Officer or his nominated officer to finalise a land lease with Auzcorp; and***
- vi. Receive a further report on leasing arrangements once negotiations/discussions have finalised.***

**Details of the Project**

- Nature of Major Land Transaction: Leasing arrangement
- Location of Lease: Port Hedland International Airport.
- Nature of Tenure: Land is owned freehold by the Town of Port Hedland.
- Term of Lease: 5 years (no option)
- Rental Amount to Council: \$172,228 pa (reviewed annually).
- Project Capital Cost to Auzcorp: circa \$20M
- Lease Commencement: Prior to March 2010.
- Lease Completion: 5 years after commencement

**Identity of Joint Venturers***LG(F&G) Reg 10(1)(b)(i)*

The proposal is to enter into a lease between Town of Port Hedland and Auzcorp Pty Ltd (Auzcorp). Auzcorp is a privately funded company. The company has indicated that it proposes to build and manage the facility using its own resources and has not stipulated any other partners in the project.

**Ownership of Land Associated with the Joint Venture***LG(F&G) Reg 10(1)(b)(ii)*

The land associated with the proposed joint venture is a vbukadb ha portion of the 998ha Port Hedland International Airport site. The site is adjacent to the Great Northern Highway and is owned freehold by the Town of Port Hedland. The land is zoned Airport under the Town Planning Scheme No 5. TWA facilities are an AA use under the scheme, meaning that this style of development can be approved with the consent of Council.

The technical details of the land are:

Port Hedland Lot 2443 on Crown Plan 12197 and portion of Port Hedland Lot 2444 on Crown Plan 12197 being the whole of the Land in Certificate of Title Volume 2212 Folio 731.

**Benefits to Joint Venturers***LG(F&G) Reg 10(1)(b)(iii)***Benefits to Council**

Auzcorp's tender bid indicated that they would pay the Town the stipulated lease fee of \$173,228pa. In addition to the lease fee. This lease fee is reviewed annually. In addition to the lease fee, Auzcorp has committed to providing the following directly to the Town during the term of the lease:

- An annual cash donation of \$350,000pa.
- Provision of \$150,000 towards the construction of a public toilet block.
- 200 hours pa of free access to the training facilities that will be available on the leased site.
- Full local government rates.

The table below illustrates the **DIRECT** financial benefits to the Town through this proposed transaction:

	Lease Fees *	Cash Donation	Capital Contribution to Town Community Project (Toilet Block)	200 Hours Free Access to training Room to Town of Port Hedland **	Local Government Rates Payments	TOTAL
Year 1	173,228	350,000	150,000	10,000	acva	
Year 2	176,692	350,000	0	10,000	acac	
Year 3	180,226	350,000	0	10,000	avv	
Year 4	183,831	350,000	0	10,000	davava	
Year 5	187,508	350,000	0	10,000	acadcad	
<b>TOTAL</b>	<b>\$901,485</b>	<b>\$1,750,000</b>	<b>\$150,000</b>	<b>\$50,000</b>	<b>aacac</b>	

\* Assumes a 2% increase in lease fees per annum

\*\* Assumes an hourly rate of \$50 per hour for use of the rooms

**INDIRECT or NON-FINANCIAL** benefits to the Council/community from the proposed transaction are:

- The proposal will improve the availability of accommodation within the Town. Accommodation is currently critically short in supply.
- The proposal involves providing full community access to a range of facilities that are proposed to be constructed on the leased land including:
  - A training and conference centre
  - External catering services
  - A la carte restaurant and lounge bar
  - Lockers and showers for travelling
  - Coffee shop and business centre
  - Shuttle bus service
- Improvement of the visual amenity of the area through improved building design and upgraded landscaping of the area. These improvements become the Town's at the completion of the lease.
- Auzcorp will provide two complimentary rooms and meals for the pilots of the Royal Flying Doctor Services.
- The provision of four complementary rooms for apprentices (under the company's own 754 scheme which creates jobs for people within Australia, not to be confused with the Federal Government 457 scheme for overseas labour)
- Auzcorp has committed to partnering with local sporting communities.
- Auzcorp has committed to supporting the cultural affairs and activities in the Town.
- Auzcorp has committed to an apprenticeship development program and has committed to having 5% of their workforce as apprentices.
- Auzcorp has committed to having 10% local indigenous participation of the total workforce.
- Auzcorp has committed to have at least 20% of suppliers sourced locally.
- Auzcorp has committed to have a minimum 75% of the work force from local communities.
- Auzcorp have committed to ongoing training and development of the local workforce via succession planning and on the job training.

**Benefits to Auzcorp**

Auzcorp's tender bid indicated that it intends to spend circa \$20M on capital costs on the development with a further \$32M anticipated on operating, lease, financing costs and community contributions. Auzcorp's financial information provided in their tender submission indicate potential revenue of \$60M over the duration of the lease with a potential nett profit (over the 5 year period) of approx \$8M.

**Any Potential Local Government Liabilities**

*LG(F&G) Reg 10(1)(b)(iv)*

The Tender that the Town advertised sought proposals that were of no risk to Council. The nature of the proposal is that the proponent (ie Auzcorp) is responsible for all financial and other risks associated with the delivery of services and facilities on the land. There are no known potential local government liabilities from the proposed major land transaction.

**Expected Effect on the Provisions of Services and Facilities by the Local Government**

*LG Act 3.59(3)(a)*

The development is located approximately 10km (via road) from both Port and South Hedland. Auzcorp plans to integrate services and facilities proposed in the facility with the general Town community. While the facility is essentially 'self-contained' it will add to the social vibrancy of the Town by offering facilities and services that are currently in short supply within the municipality. The development is consistent with the Town's planning scheme and complies with the Town's Guidance Note for Developers of Transient Workforce Facilities

The provision of additional revenue streams to Council (through lease payments, cash donation and additional local government rates) will assist in enabling the Town to deliver improved facilities and services to the Town of Port Hedland Community.

There are no known or expected negative effects of the major land transaction on the provision of services and facilities by the Town of Port Hedland.

**Expected Effect on Other Persons Providing Services and Facilities within the District.**

*LG Act 3.59(3)(b)*

As there is a chronic shortage of accommodation in the Town it is not anticipated that this development will have any significant impact on existing accommodation service providers within the Town as it is anticipated that all existing accommodation facilities will be at, or near, capacity for the duration of the proposed lease.

The proponents have indicated that they are aiming to procure services/goods locally where possible. Additionally they have committed to local employment and indigenous employment.

There are no known negative effects of the proposal on other persons providing services and facilities within the district.

**Expected Financial Effect on the Local Government**

*LG Act 3.59(3)(c)*

The major land transaction requires no expenditure by the Town other than staff time and legal costs associated with the preparation of the lease and deed of covenant documents. The financial return of approximately \$bvsccbvs over the term of the lease will increase the nett operating income of the Town, which will consequently give additional funds to provide improved services and facilities for Town of Port Hedland residents.

**Expected Effect on the Town's Plan for the Future**

*LG Act 3.59(3)(d)*

This project is specifically listed within the Town's Adopted Plan for the Future 2008 -2013 as follows:

**General**

- Vision: Port Hedland: A significant regional centre where people enjoy the lifestyle and natural environment and are proud to call home.
- Mission: To enhance social and economic well-being through leadership and working in partnership with the community.

**Specific**

- KRA 1: Infrastructure
- Goal 3: Airport
- Strategy 4: Develop a Transient Workforce Accommodation camp on Airport land.
  
- KRA 4: Economic Development
- Goal 4: Land Development Projects – That land is being released and developed to meet the needs of a growing community.
- Strategy 1: Fast-track the release and development of commercial, industrial and residential land in a sustainable manner

Delivering this project will clearly assist the Town in the achievement of its adopted Plan for the Future

**Ability of the Local Government to Manage the Undertaking or the Performance of the Transaction**

*LG Act 3.59(3)(e)*

The proposed leasing arrangement will require Auzcorp to undertake all necessary actions to construct, manage and ultimately decommission the proposed facility. The Town is not required to do any significant further actions after the proposed lease documentation has been signed.

The Town is experienced in lease management and has the capacity to negotiate and manage an appropriate lease

arrangement.

**Conclusion**

The proposed TWA lease between Auzcorp and the Town is considered a Major Land Transaction under Section 3.59 of the Local Government Act as the total value of the consideration to the Town is in excess of \$1,000,000. As such, a business plan needs to be prepared and advertised for public comment. The Council subsequently needs to consider any submissions on the business plan before determining whether to proceed with the major land transaction or not.

In the view of the author, the proposed land transaction between Auzcorp and the Town of Port Hedland comes at an extremely low risk to Council (and the Town of Port Hedland community) with a significant 'up-side' in the form of additional income streams coming into the Towns operating budget.

PREPARED BY:

Chris Adams  
Chief Executive Officer  
Town of Port Hedland  
10 September 2009



**11.4.2 Governance****11.4.2.1 Vehicle Number Plates: PH 1**

**Officer** **Chris Adams**  
Chief Executive Officer

**Date of Report** 9 September 2009

**Disclosure of Interest by Officer**

Author has impartiality interest as, through this decision, he could potentially be seen as gaining a benefit.

**Summary**

Both the Mayor and Deputy Mayor have been approached by the owner of vehicle registration plate PH 1 with a proposal for the Town to purchase this registration plate.

**Background**

Like many municipalities, the Town of Port Hedland has a series of customized Port Hedland Town number plates (PH number plates). The PH 1 number plate is currently owned by an ex-Councillor and Freeman of the city, Ms Pam Gangell-Harding. Ms Gangell-Harding is leaving Port Hedland and has spoken to the Mayor and deputy Mayor about the potential of Council purchasing the number plates from her for a price of \$15,000.

The Mayor and Deputy Mayor have indicated an interest in this proposal and requested that the CEO prepare a report on this matter. They indicated that they are potentially interested in purchasing the number plates for the Town and placing the plates on the CEO's vehicle.

**Consultation**

Nil.

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Strategic Planning Implications**

Nil

**Budget Implications**

There are no specific funds put aside for the purchase of these plates in the Council's 2009/10 budget. If Council were to purchase them, funds would need to be found to accommodate the budget variation in the coming October budget review.

**Officer’s Comment**

It is reasonably common for the No 1 plates of each municipality to be owned by the Local Government Authority. Usual practice is for the number plates to appear on either the CEO’s vehicle or the Mayor’s vehicle.

In the majority of these instances it is understood that the Town acquired the number plate when they were initially put into circulation, hence the acquisition costs were relatively minor. The CEO/author of this report is not aware of any circumstances where a Town has purchased number plates from an individual on the ‘open market.’

**Attachments**

Nil

**Officers Recommendation**

That Council:

- Advises Ms Pam Gangell-Harding that the Town is willing to purchase vehicle number plate PH 1 for the price of \$15000 (inc GST).
- Allocate funds for this purchase as a component of the October Budget review.

OR

That Council advises Ms Pam Gangell- Harding that the Town thanks her for her offer but does not wish to purchase vehicle number plate PH1 from her at this time.

**200910/091 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr S J Coates

**That Council:**

- **Advises Ms Pam Gangell-Harding that the Town is willing to purchase the Town of Port Hedland Centenary (1897-1997) vehicle number plate 01 - PH for the price of \$15000 (inc GST).**
- **Allocate funds for this purchase as a component of the October Budget review.**

***CARRIED 5/4***

*NOTE: Cr K A Howlett requested the votes be recorded.*

*Record of Vote:*

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

**ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL****12.1 Recreation Services****12.1.1 *Tender 09/21: Supply and Installation of Turf at Colin Matheson Oval (File No.: Tender 09/21)***

**Officer** Nicole Roukens  
Sport and Recreation Officer

**Date of Report** 17<sup>th</sup> September 2009

**Disclosure of Interest by Officer** Nil

**Summary**

This report provides a summary of the tenders received for Tender 09/21: Supply and installation of Turf at Colin Matheson Oval.

**Background**

At its Ordinary Council Meeting on the 24<sup>th</sup> September 2008, Council resolved to:

- “...i) endorse the Colin Matheson Oval Recreation Reserve Redevelopment (turf and irrigation) as submitted by ROSS Planning;*
- ii) commence the tender process for the Colin Matheson Oval redevelopment, including irrigation, pumps and turf;*
- iii) inform ROSS Planning of the acceptance of this document; and,*
- iv) inform the community and all stakeholders of the recommendations that will be undertaken this financial year.*

In line with this resolution, tenders were called for the Design and Construction of the Colin Matheson Oval in November 2008, and upon presentation to Council at the Ordinary Council Meeting on the 10<sup>th</sup> December 2008, all submissions were rejected due to non-conformance.

It was subsequently resolved [in part] that Town of Port Hedland staff separate the design and construction component of this project, and

*“...commence the tender process for the design of the irrigation and oval geometry at the Colin Matheson Oval...”*

At the Council Meeting on the 27<sup>th</sup> May 2009 Council awarded the tender for the design of Colin Matheson Oval to GHD.

Tenders were subsequently called for the Supply and Installation of Turf at Colin Matheson Oval in September 2009. Four (4) bids were received, three (3) conforming. Tenders were received from:

- Lovegrove Turf Services
- Turfmaster
- DME Contractors
- Phoenix Landscaping Services

Phoenix Landscaping Services is non-conforming due to all required content not being submitted.

Please see the table below for an overview of the prices submitted:

Contractor	Price (excluding GST)
Turfmaster	\$302,200
DME Contractors	\$391,000
Lovegrove Turf Surfaces	\$876,800
Phoenix Landscaping Services	\$373,292

An alternative tender was submitted by Lovegrove Turf Services to install turf at Colin Matheson Oval using stolons from the Port Hedland Golf Club for a cost of \$98,900 (excluding GST). Stolons are 'off-cuts' from the grass as opposed to roll-on turf that was specified.

**Consultation**

Council’s Engineering staff has reviewed all tender bids prior to the recommendation being presented to Council.

**Statutory Implications**

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

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

**Policy Implications**

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

**Strategic Planning Implications**

Key Result Area 3: Community Development

Goal 2: Sports and Leisure

Strategy 1: Progressively implement the recommendations of the Sports Facility Audit with a particular focus on:

- ...upgrading all existing facilities to an appropriate standard
- The development of additional quality facilities at Colin Matheson Oval...

**Budget Implications**

The Colin Matheson Oval Redevelopment project is included in the Town’s 2009/10 budget. The table below indicates both the income and expenditure sources proposed for this project along with how surplus funds are proposed to be spent.

Income (in 2009/10 Budget)		Expenditure	
Reserve Developments	895,113	Colin Matheson Oval	
Irrigation Tank Upgrades	194,500	• GHD engineering design	66,205
Sportsground Repairs	47,000	• Site forward works	8,000
		• Earthworks including the removal of 7000m3 of unsuitable soil and replacing with screened soil from the Spoilbank to design levels for the installation of irrigation and grass.	350,000
		• Tender for the supply and installation including 240kl freshwater tank, pump station, filter installation and linked maxicom central control system as included in engineering design.	450,000
		• Replace globes at Colin Matheson	30,000
		• Lovegroves alternative tender to supply and install stolons from the Port Hedland golf course	98,000
		McGregor St Reserve upgrade	47,000
		Baler primary school re use tank flushing system – preliminary works	82,432
<b>TOTAL</b>	<b>1,136,613</b>		<b>\$1,136,613</b>

**Officer’s Comment**

Of the three conforming tenders received there were a number of concerns raised including:

- Turf Laying Regime: Lovegrove Turf Services has over 25 years of industry experience. The company indicated that the turf laying regime of 2,000m<sup>2</sup> per day was unrealistic due to the distance from the turf farm. Lovegrove's indicated that they would expect that turf could be laid at a rate of 5000-6000m<sup>2</sup> per week. If the grass was laid at this rate it will take approximately 4 weeks for the turf to be laid.
- Timing: The timing of the works has been done to coincide with the low-season for sporting activity within the Town. Lovegrove's indicated that at this time of the year the turf rolls will not be fresh and it's likely that they will 'brown off' during transport, which will weaken the turf and impact future health.

The alternative tender submitted by Lovegrove Turf Services proposes to establish the oval surface by using stolons from the Port Hedland Golf Club. This technique can be undertaken at a greatly reduced cost and has been proven to be effective elsewhere in the North West. Lovegrove's indicated that this method of grass establishment may be better suited to the area as the grass is already acclimatized to the environment and once established will be a better product.

While using stolons does not produce an immediate result, it is anticipated that because of the time of the year that the grass will grow at a high rate and be ready for the 2010 sporting seasons.

#### **200910/092 Council Decision / Officers Recommendation**

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

**That Council:**

- i) **reject all tenders submitted for Tender 09/21: Supply and Installation of Turf for Colin Matheson Oval;**
- ii) **source quotes for the installation of turf at Colin Matheson Oval using stolons from the Port Hedland Golf Course;**
- iii) **call tenders for the supply and installation of irrigation for Colin Matheson Oval to include freshwater flushing system; and**
- iv) **use the balance of income to upgrade McGregor Street Oval and commence work on the Baler Primary School tank flushing system.**

***CARRIED 8/0***

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

**ITEM 14      CONFIDENTIAL ITEMS**  
Nil

**ITEM 15      APPLICATIONS FOR LEAVE OF ABSENCE**

**200910/093 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr A A Gear

**That the following Applications for Leave of Absence:**

- . **Councillor Janet M Gillingham from 24September to 12 October 2009 inclusive; and**
- . **Councillor Steve J Coates from 4 October to 13 October 2009, inclusive; and from 26 October to 01 November 2009 inclusive**

**be approved.**

***CARRIED 8/0***

**ITEM 16      CLOSURE**

**16.1          Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 28 October 2009, commencing at 5.30 pm.

**16.2          Closure**

There being no further business, the Chairman declared the meeting closed at 6.39pm.

**Declaration of Confirmation of Minutes**

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 28 October 2009.

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE