



Town of Port Hedland

MINUTES

OF THE

SPECIAL MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

MONDAY 2 FEBRUARY 2009

AT 5.30 PM

IN COUNCIL CHAMBERS

McGREGOR STREET, PORT HEDLAND

Purpose of Meeting: To consider:

- . *Fly In Fly Out (FIFO) – Council Policy Position;*
- . *Esplanade Hotel Development – Planning Matters;*
- . *Munda Station: Public Access Road; and*
- . *Virgin Blue Australia: Request for Concessions.*

DISCLAIMER

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

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

Chris Adams
Chief Executive Officer

OUR COMMITMENT

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

TABLE OF CONTENTS

1.1	OPENING	5
ITEM 2	RECORDING OF ATTENDANCE AND APOLOGIES	5
2.1	ATTENDANCE	5
2.2	APOLOGIES	5
2.3	APPROVED LEAVE OF ABSENCE	5
ITEM 3	PUBLIC TIME	5
3.1	PUBLIC QUESTIONS	5
3.2	PUBLIC STATEMENTS	6
ITEM 4	QUESTIONS FROM MEMBERS WITHOUT NOTICE	6
ITEM 5	DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING.....	6
ITEM 6	REPORTS OF OFFICERS	7
6.1	GOVERNANCE AND ADMINISTRATION	7
6.1.1	GOVERNANCE	7
6.1.1.1	<i>Fly- In-Fly-Out: Council Policy Position (File No.: ...)</i>	7
6.2	ENGINEERING SERVICES	15
6.2.1	DIRECTOR ENGINEERING SERVICES	15
6.2.1.1	<i>Munda Station – Public Access Road (File No.: 28/05/0007)</i>	15
6.3	REGULATORY AND COMMUNITY SERVICES	21
6.3.1	PLANNING SERVICES.....	21
6.3.1.1	<i>Esplanade Hotel Development – Planning Matters (File No.: ...)</i>	21
6.4	GOVERNANCE AND ADMINISTRATION	21
6.4.1	GOVERNANCE.....	21
6.4.1.1	<i>Confidential Item : Virgin Blue Australia: Request for Concessions (File No.: ...)</i>	22
ITEM 7	CLOSURE.....	24
7.1	CLOSURE	24

ITEM 1 OPENING OF MEETING

1.1 Opening

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

ITEM 2 RECORDING OF ATTENDANCE AND APOLOGIES

2.1 Attendance

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

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

Members of Public	Nil
-------------------	-----

Members of the Media	Nil
----------------------	-----

2.2 Apologies

Cr K A Howlett

2.3 Approved Leave of Absence

Cr S J Coates

ITEM 3 PUBLIC TIME

3.1 Public Questions

5:35 pm Mayor opened Public Question Time.

Nil.

5:35 pm Mayor closed Public Question Time.

3.2 Public Statements

5:35 pm Mayor opened Public Question Time.

Nil

5:35 pm Mayor closed Public Question Time.

ITEM 4 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

ITEM 5 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 G J Daccache	

200809/209 Council Decision

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

That Council suspends Standing Orders.

CARRIED 7/0

5:38 pm Mayor advised that Standing Orders were suspended.

200809/210 Council Decision

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

That Council resumes Standing Orders.

CARRIED 7/0

5:50 pm Mayor advised that Standing Orders were resumed.

Some employees like working FIFO, as:

- It offers them the 'best of both worlds.' (i.e. high paid mining job whilst living in the City with all of the facilities and services available).
- The rosters being offered are increasingly becoming more family friendly with some employees indicating that they spend more time with family and friends under FIFO than they otherwise would have.
- Living permanently in a regional/remote setting is not desirable for them.
- Taxation benefits are available to FIFO workers that are not available to city based workers.

Local Government's have traditionally been very anti FIFO workforces. While the reasons for objecting to FIFO workforces have been many and varied, key concerns that have previously been raised include:

- Impact on community services: FIFO workers are traditionally less likely to be involved in community activities and engage in community events as their FIFO residence is not 'home'. They are less likely to be volunteers
- Impact on local businesses: As the vast majority of services and facilities are provided for FIFO workers there is less need for local businesses. (i.e. While the Town may have more people, there is less demand for mechanics with a FIFO workforce than a residential workforce as FIFO employees are less likely to have a car at their FIFO residence than residential based workforce). Evidence also suggests that FIFO employees are less likely to spend their wages/salary in their FIFO location, with much of their wages 'leaking' from the community. This is less prevalent with residential workforces.
- Change in demographics: FIFO people enter the community as individual people, rather than family groups. The proliferation of FIFO changes the demographic profile of the community as FIFO traditionally leads to a 'spike' in the number of younger males in the community and gap in children/youth in the community when compared to more 'normal' community demographic profiles. This has a significant impact on the delivery of 'normal' community and government services.

- Introduction of Undesirable Elements: FIFO workforces have tended to introduce higher levels of drug and alcohol use/abuse and an increase in associated crime and anti-social behavior. Anecdotal evidence indicates that these issues less prevalent than previously due to stricter drug and alcohol policies and more rigid controls being placed on FIFO employee behaviour.
- Financial impact on LGA's: Local governments still need to provide services and facilities for FIFO workers yet receive little or no income from them in the form of rates. Residentially based workforces incur higher rates which provide the LGA's with additional resources to deliver higher quality services and facilities.

Current Situation in the Town of Port Hedland

The Town is in a relatively fortunate position, whereby growth is still occurring when globally there is a significant downturn in the economy. While growth and expansion is occurring, the Town is not immune to economic pressures and major industry players within the Town are reviewing their method of operations to deliver optimum results for their shareholders. These methodology reviews have resulted in policy shifts in relation to FIFO which have the potential to impact on the demographic profile of the Town and adversely affect the social structure of the community.

Government Departments and smaller companies have also changed service delivery methods to become more FIFO or non-residential based workforce orientated.

Some of the recent decisions/actions that have been taken include:

- BHPBIO: BHPBIO have announced a significant expansion of their operation (US\$4.8B). The company has advised Council that up to 3000 contractors will be required to achieve their construction program and deadlines with the peak employment period being in mid 2010. The company's intent is for the vast majority of the construction workforce to be FIFO. At the conclusion of construction program many of the construction workers will leave but up to an additional 1300 operational workforce will be required to achieve the higher production targets. BHPBIO's current intention is to have much of this operational workforce as FIFO. This is a policy shift as currently the vast majority of BHPBIO's Port Hedland operational workforce is residentially based.

- Fortescue Metals Group (FMGL): FMGL has previously committed that all of their operational workforce in Port Hedland will be residentially based as opposed to FIFO. While this remains the company's long term plan, the current reality is that many of FMGL's operational workforce is FIFO and the company is in the process of diverting itself of many of its housing assets. Without housing assets, it is highly likely that FMGL's operational workforce will be FIFO until accommodation prices (both purchase and rental) reduce to a more affordable level.
- Local Businesses/Contractors: Several local contractors now employ FIFO workers. This includes companies that previously had fully residential workforces but now have been 'forced' to have FIFO due to lack of staffing availability and a lack of reasonably priced accommodation.
- Pilbara Development Commission (PDC): A senior staff member of the PDC has relocated to Perth to undertake their role. The position remains the same but the individual is now based in Perth as opposed to being permanently being based in Port Hedland.
- Port Hedland Port Authority (PHPA): The Port Authority has recently established a Perth office (in conjunction with the Dampier Port Authority). The PHPA's Port Development Manager is based in Perth.

Consultation

Councillors held a brief discussion regarding the Town's position on FIFO at its Informal Briefing that was held on Thursday 29 January 2009. This report has been prepared as a result of those discussions.

Statutory Implications **Nil**

Policy Implications

Council does not currently have a formal position in relation to FIFO. It does have adopted guidance notes for potential developers of Transient Workforce Accommodation facilities that state that Council's strong preference is that, if/when TWA are built they should be able to demonstrate:

- Town Centre Focus
- Whole of Community Benefit
- Community Integration
- Quality development
- Safety.

- Is detrimental to the establishment and continued operation of small businesses.
 - Is more likely to promote an unsustainable demographic framework for the Town.
 - Provides a drain on the Town's financial resources.
2. While the Town does not support FIFO, it recognises that the practice is:
- An appropriate manner of delivering large construction projects.
 - A valid and preferred work choice of some individuals.
 - Likely to become substantially more prevalent in the Town of Port Hedland unless combined efforts are made by all parties (industry and government) to provide affordable accommodation and better quality services and facilities for the community.

What the Town Council Will Do:

To ensure that the Town of Port Hedland is able to achieve its vision of becoming a significant regional centre where people enjoy the lifestyle and natural environment and are proud to call home, the Council will:

- Actively discourage industry, government and businesses from using FIFO workforces in, particularly for operational workforces.
- Lobby for increased leadership by government and industry on the issue of building a stronger, more sustainable Town of Port Hedland. This includes seeking commitments to reduce the level of FIFO for operational workforces.
- Actively lobby government to undertake legislative action that makes FIFO less attractive or available to industry, government and business.
- Ensure that any accommodation facilities that are built for FIFO workforces clearly demonstrate:
 - Town centre focus
 - Whole of community benefit
 - Community integration
 - Quality development
 - Safety
- Continue to closely partner with industry and government to build the community infrastructure and community services that are needed to help the Town achieve its vision.

200809/211 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr A A Gear

That Council adopts the following as its Policy position in relation to Fly-In-Fly-Out:

**“TOWN OF PORT HEDLAND
Fly-In-Fly-Out Policy Position****General:**

1. The Town of Port Hedland’s strong preference is for residentially based workforces as opposed to FIFO workforces. The Town’s preference is due to fact that, in its opinion, FIFO:
 - Is damaging to the provision of community services and facilities.
 - Is detrimental to the establishment and continued operation of small businesses.
 - Is more likely to promote an unsustainable demographic framework for the Town.
 - Provides a drain on the Town’s financial resources.
2. While the Town does not support FIFO, it recognizes that the practice is:
 - An appropriate manner of delivering large construction projects.
 - A valid and preferred work choice of some individuals.
 - Likely to become substantially more prevalent in the Town of Port Hedland unless combined efforts are made by all parties (industry and government) to provide affordable accommodation and better quality services and facilities for the community.

What the Town Council Will Do:

To ensure that the Town of Port Hedland is able to achieve its vision of becoming a significant regional centre where people enjoy the lifestyle and natural environment and are proud to call home, the Council will:

- Take a Pilbara-wide leadership position against FIFO in conjunction with other relevant stakeholders
- Actively discourage industry, government and businesses from using FIFO workforces in, particularly for operational workforces.

- Lobby for increased leadership by other levels of government and industry on the issue of building a stronger, more sustainable Town of Port Hedland. This includes seeking commitments to reduce the level of FIFO for operational workforces.
- Object to the construction of FIFO facilities that take infrastructure development/enhancement opportunities away from the Town such as plane landing strips and elaborate recreational and entertainment facilities in FIFO facilities.
- Actively lobby government to undertake legislative action that makes FIFO less attractive or available to industry, government and business. This includes, but is not limited to modifications to State Agreement Acts and Zone Tax Allowance provisions)
- Ensure that any accommodation facilities that are built for FIFO workforces clearly demonstrate:
 - Town centre focus
 - Whole of community benefit
 - Community integration
 - Quality development
 - Safety
- Continue to closely partner with industry and government to build the community infrastructure and community services that are needed to help the Town achieve its vision.

CARRIED 6/1

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

Record of Vote:

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

REASON: Council required to policy to include specific detail in relation to things Council will do.

6.2 ENGINEERING SERVICES

6.2.1 Director Engineering Services

6.2.1.1 *Munda Station – Public Access Road (File No.: 28/05/0007)*

Officer Terry Dodds
Director Engineering Services

Date of Report 30 January 2009

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to seek a Council resolution regarding the future public use of the Munda Station Road.

Background

The Munda Station Access Road (public road number 238) is 33 km long and is located on Munda Station, which is approximately 130km out of Port Hedland.

Cowrie Creek Road (public road number 295) and Munda Creek Road (public road number 369) connect with Munda Station Access Road and continue to the coast. In 1995 the Munda Station Road gate was locked, subsequently prevented members of the public from being able to access this road. The gate was apparently locked by the Station owners, as they were having issues with rubbish, fires, vandalism and stock theft.

A report was presented to Council at its Ordinary Meeting held on 26 November 2008, detailing reasons for the gate installation, issues with public access and road maintenance details. At that meeting Council resolved:

“That Council:

- i) permits Munda Station Access Road (#238) to function as a public road with semi-restricted access;*
- ii) enters into further discussions with the Leaseholder and Manager of Munda Station that aims to ensure that suitable public access is maintained, and invites the Leaseholder and/or Manager to an Informal Briefing of Council; and*

- iii) *continues to provide a minimum level of maintenance to Munda Station Access Road (#238.)”*

Consultation

- Engineering Staff

Statutory Implications

Although the station owners may have adequate reasons to justify the restriction of public access, the Road Traffic Act states:

- “92. Roads may be closed*
- (1) The Minister may, if he considers any road unsafe for public traffic, cause the same to be closed for such period as he considers necessary.*
 - (2) A local government for a period of one month may exercise a similar power with regard to any road under its control, but the exercise of such power shall not extend beyond such period, except with the approval in writing of the Minister.*
 - (3) No person shall drive, take, or use any vehicle on to or on any road while such road is closed under this section.”*

It should be noted that this process has not occurred to permit the closure of Munda Station Access road to the public.

The Land Administration Act also states:

- “58. Closure of roads*
- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
 - (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
 - (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
 - (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
 - (a) by order grant the request;*
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) refuse the request.”*

- “67. *Temporary closure of public access routes*
The Minister may, after consulting the relevant local government —
- (a) *by notice published once in a newspaper circulating generally in the State, close the whole or any part of a public access route for such period as is specified in that notice; and*
 - (b) *cause such signs and barriers to be placed on or near the public access route or part of the public access route closed under this subsection as are necessary to warn members of the public of that closure and of the duration of that closure.*
68. *Provision of means of passage through or over fences*
If the route of a public access route intersects with the line of a fence, the Minister must provide, or arrange with the relevant holder of an interest in the subject Crown land at the expense of the Minister to provide, a grid or other means of passage through or over that fence at the point of that intersection.
69. *Right to use public access routes*
Subject to this Division, a person may travel by any means along the whole or part of a public access route which is not closed under section 67.”
- “71. *Offences*
- (1) *A person must not without reasonable excuse create or place any obstruction across or on a public access route which, or the relevant part of which, is not closed under section 67.
 Penalty: \$2 000.*
 - (2) *A person using a public access route must not hinder or obstruct the proper care, control or management of the subject Crown land.
 Penalty: \$2 000.*
 - (3) *A person using a public access route must not camp —*
 - (a) *on the public access route; or*
 - (b) *without the consent of the holder of an interest in the subject Crown land, elsewhere on the subject Crown land.
 Penalty: \$1 000.”*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer’s Comment

Council officers have made several attempts to contact the Leaseholder and Manager of Munda Station to discuss the public access situation further. At the time of writing this report there has been no response.

There has been further concerns raised by the community that the gates on Munda Station Road are locked, restricting access to a public road. Under the Road Traffic Act, a road closure for a period of longer than one (1) month must be authorised by the Minister.

Council has several options at address this matter, they include:

1. Do nothing.
2. Open/Require Full Public Access: this option is not recommended at this stage as it is not 100% clear at this time whether the public roads go from the Highway to the coast.
3. Manage Access Arrangement: a managed access arrangement should be able to be negotiated with the station manager.
- 4 De-gazette the Road : to would make the road a private road.

It is suggested that further advice is sought prior to proceeding with a formal resolution to confirm the status of the road. In the interim it is suggested that a sign is installed on the gate with the contact details of the station owner to assist the community in requesting access to the road.

Attachments

Map indicating the location of public roads 238, 295 & 369.

200809/212 Council Decision

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

That Council suspends Standing Orders.

CARRIED 7/0

6:00 pm Mayor advised that Standing Orders were suspended.

200809/213 Council Decision

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

That Council resumes Standing Orders.

CARRIED 7/0

6:07 pm Mayor advised that Standing Orders were resumed.

200809/214 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham**That Council formally advise the Managers of Munda Station that:**

- i) Cowrie Creek Road (public road number 295); Munda Creek Road (public road number 369) and Munda Station Access Road (public road number 238) are public roads and, as such, are not legally allowed to be closed without appropriate consents being obtained;**
- ii) while the Council is aware of issues associated with having public access on public roads through the station property, Council's preference is the for public access to the roads to be available;**
- iii) Council is willing to work with the station managers to determine appropriate mechanisms to allow managed access to the station roads; this may include options such as requiring people to contact the station manager prior to accessing the road;**
- iv) they must contact Council's Engineering staff to commence discussions regarding options for managed access to the road within two (2) weeks; failure to make contact will result in the Town opening the road for full public access;**
- v) a public notice be placed in the North West Telegraph advising:
 - 1. Council does not support public access being prohibited; and**
 - 2. is actively pursuing discussions with Munda Station owners and/or management to enable public access where legally permitted.****

CARRIED 6/1

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

Record of Vote:

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

6.3 REGULATORY AND COMMUNITY SERVICES

6.3.1 Planning Services

**6.3.1.1 *Esplanade Hotel Development – Planning Matters
(File No.: ...)***

NOTE: This item has been withdrawn.

6.4 GOVERNANCE AND ADMINISTRATION

6.4.1 Governance

200809/215 Council Decision

Moved: Cr A A Gear

Seconded: Cr A A Carter

That the Meeting be closed to members of the public as prescribed in Section 5.23 (2) (c) and (d) of the Local Government Act 1995, to enable Council to consider Agenda Item 6.4.1.1 ‘Confidential Item: Virgin Blue Australia: Request for Concessions’

CARRIED 7/0

NOTE: Section 5.23 (2) of the Local Government Act 1995 states:

“(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

...(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

... (e) a matter that if disclosed, would reveal —

(i) a trade secret;

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;

... (h) such other matters as may be prescribed.”

6:10 pm Mayor advised that the meeting is closed to the public. Member of public left the room.

6.4.1.1 *Confidential Item : Virgin Blue Australia: Request for Concessions (File No.: ...)*

200809/216 Council Decision

Moved: Cr A A Gear

Seconded: Cr J M Gillingham

That Council suspends Standing Orders.

CARRIED 7/0

6:10 pm Mayor advised that Standing Orders were suspended.

200809/217 Council Decision

Moved: Cr A A Gear

Seconded: Cr J M Gillingham

That Council resumes Standing Orders.

CARRIED 7/0

6:30 pm Mayor advised that Standing Orders were resumed.

200809/218 Council Decision

Moved: Cr J E Ford

Seconded: Cr A A Carter

1. **Advises Virgin Blue Australia that it will provide the following incentives to secure Virgin Blues Airline Flights to Port Hedland International Airport:**
 - a) **Fit out of a service desk at the Port Hedland International Airport, to a maximum value of \$40,000, and**
 - b) **Support a 1st Flight function/Party to a maximum value \$2,000; and**
 - c) **A 50% reduction for landing fees for the first three (3) months of Virgin Blue Australia operations at the Port Hedland International Airport, refunded after twelve (12) months of continuous operations, for the provision of one (1) daily flight to the Port Hedland International Airport; or**
 - d) **A 50% reduction for landing fees for the first six (6) months of Virgin Blue Australia operations at the Port Hedland International Airport, refunded after twelve (12) months of continuous operations, for the provision of two (2) daily flights to the Port Hedland International Airport.**
2. **Approves the above incentives to be funded from the Airport Reserve; and**
3. **Will make Virgin Blue Australia the Town of Port Hedland airline of choice for business Travel (assuming seats are available).**

CARRIED BY ABSOLUTE MAJORITY 6/1

REASON: Council inserted additional clauses 1. c) and d) to provide greater incentive to Virgin Blue Australia to deliver a regular service to the Town of Port Hedland Community.

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

Record of Vote:

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

200809/219 Council Decision

Moved: Cr G J Daccache

Seconded: Cr A A Gear

That the Meeting be opened to members of the public.

CARRIED 7/0

6:39 pm Members of the public and media were invited to re-enter the room. Mayor advised public and media of Council's decision.

ITEM 7 CLOSURE

7.1 Closure

There being no further business, the Chairman declared the meeting closed at 6:40 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 25 February 2009.

CONFIRMATION:

MAYOR

DATE