



Town of Port Hedland

**UNCONFIRMED
MINUTES**

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MINUTES

OF THE

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

HELD ON

WEDNESDAY, 22 FEBRUARY 2006

AT 5.31 PM

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

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*Chris Adams
Chief Executive Officer*

OUR COMMITMENT

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

TABLE OF CONTENTS

ITEM 1	OPENING OF MEETING	6
1.1	OPENING	6
ITEM 2	RECORDING OF ATTENDANCE AND APOLOGIES.....	6
2.1	ATTENDANCE.....	6
2.2	APOLOGIES	6
2.3	APPROVED LEAVE OF ABSENCE	6
ITEM 3	RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE.....	6
3.2.1	<i>Councillor Grant D Bussell.....</i>	7
ITEM 4	PUBLIC TIME	7
4.1	PUBLIC QUESTION	7
4.1.1	<i>Mrs Jan Ford.....</i>	7
4.1.2	<i>Mr Chris Whaley</i>	7
4.2	PUBLIC STATEMENTS.....	8
ITEM 5	QUESTIONS FROM MEMBERS WITHOUT NOTICE	8
5.1	<i>Councillor Arthur A Gear.....</i>	8
5.2	<i>Councillor Trona M Young</i>	9
5.3	<i>Councillor George J Daccache</i>	10
5.4	<i>Councillor Jan M Gillingham</i>	10
5.5	<i>Councillor Grant D Bussell.....</i>	10
ITEM 6	DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING.....	12
ITEM 7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	12
ITEM 8	ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION.....	13
ITEM 9	REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION.....	15
ITEM 11	REPORTS OF OFFICERS.....	16
11.1	GOVERNANCE	16
11.1	<i>Status of Council Decisions (File No.: ADM-015).....</i>	16
11.2	REGULATORY AND COMMUNITY SERVICES	18
11.2.1	DIRECTOR REGULATORY AND COMMUNITY SERVICES.....	18
11.2.1.1	<i>Policy Review – Recreation Policies (File No.: ...-...)</i>	18
11.2.1.2	<i>South Hedland Football Club Outstanding Debt (File No.: ORG-008)</i>	31
11.2.1.3	<i>Request to Support Entry in Triple J's 'One Night Stand' Competition (File No.: AGR-068)</i> .	36
11.2.1.4	<i>Request to Waive Fees – The Rotary Club of Port Hedland Annual Ball (File No.: ...-...)</i>	40
11.2.1.5	<i>Request to Amend Schedule of Fees and Charges – Commercial Hire for Y@JD (File No.: ORG-016)</i>	44
11.2.1.6	<i>Donation of SBS Broadcasting Equipment (File Nos.: CMS-054 and AGR-029)</i>	47

11.2.1.7	<i>Establishment of Recreation Facilities Working Group (File No.: Rec/024)</i>	51
11.2.2	PLANNING SERVICES	55
11.2.2.1	<i>Delegated Planning Approvals for January 2006 (File No.: PLN-104)</i>	55
11.2.2.2	<i>Application for Extension of Planning Permission for Lot 1258 (7) Craig Street Port Hedland (Applicant Rick Hockey; Application 2005/51; File No.:119180G)</i>	57
11.2.2.3	<i>Request for Comment Regarding Subdivision of Lot 5876 Styles Road, Port Hedland (File No.:803357G)</i>	61
11.2.2.4	<i>Request for Consent to Grant Investigation Licence to The Pilbara Infrastructure Pty Ltd (File No.: ENV – 031)</i>	67
11.2.2.5	<i>Proposed Road Closure of Portion of Lawson Street South Hedland (File No.:VES 004)</i>	77
11.2.2.6	<i>Request for Addition to Town Planning Scheme 5 Amendment No. 7 (File No.: 803357G)</i> . 82	
11.2.2.7	<i>Request for Reconsideration Regarding Change of Use on Lot 842 Great Northern Hwy and Proposed Lease for Lot 5909 Great Northern Hwy (File No.: 803328G)</i>	90
11.2.2.8	<i>Location of Transportable Office at Lot 308 (19 – 21) Ridley Street, Wedgefield (File No.: 128320G)</i>	96
11.3	ENGINEERING SERVICES	103
11.3.1	DIRECTOR ENGINEERING SERVICES	103
11.3.1.1	<i>Upgrade of Signage on Port Hedland Heritage and Cultural Trail - Tender 05/11 Manufacture of Stainless Steel Plaques and Etching Designs (File No.: TEN 296; Tender 05/12 Manufacture of Metal Plate Stands (File No.: TEN 297); Tender 05/13 Removal of Existing and Installation of New Trail Signage (File No.: TEN 295)</i>	103
11.3.1.2	<i>Buttweld Road Upgrade (File No.: RDS-028)</i>	106
11.3.1.3	<i>Vehicle Policy Review (File No.: EQU-009)</i>	110
11.3.1.4	<i>Amendment to Council Policy 9/005 Crossovers (File No.: ...-...)</i>	117
11.4	GOVERNANCE AND ADMINISTRATION	132
11.4.1	CORPORATE SERVICES	132
11.4.1.1	<i>Financial Reports to Council for period ended 31 January 2006 (File Nos: FIN-008, FIN-014 and RAT-009)</i>	132
11.4.1.2	<i>Administration Policies (File No.: ADM-006)</i>	137
11.4.1.3	<i>Establishment of Local Laws Working Group (File No.: ...-...)</i>	143
11.4.1.4	<i>Write off re: Installation of Shade Shelter & Bus Shelters (File No.: ...-...)</i>	146
11.4.1.5	<i>Request to Write Off Debtors (File No.: Fin-005/Fin-100)</i>	150
11.4.1.6	<i>Council Advertising (File No.: PBR-011)</i>	153
11.4.1.7	<i>Budget Timetable (File No.: FIN-014)</i>	156
11.4.1.8	<i>New Policy - Councillor Attendance at Conferences (File No.: COU-014)</i>	158
11.4.1.9	<i>Audit & Finance Committee (File No.: ADM-089)</i>	162
11.4.2	GOVERNANCE	168
11.4.2.1	<i>Liquor Restrictions (File No.: CMS-057)</i>	168
11.4.2.2	<i>Strategic Land Use Plan for the Town of Port Hedland (File No.: PLN-001)</i>	175
11.4.2.3	<i>Port Hedland Underground Power Project – Billing Model (File No.: ECO-019)</i>	182
11.4.2.4	<i>Port Hedland Enhancement Scheme – Projects for Funding Endorsement (File No.: TWN-010)</i>	189
11.4.3	HUMAN RESOURCES	193
11.4.3.1	<i>Cancellation of Policy 3/016 - Redundancy/ Severance Payments (File No.: ADM-006)</i> ... 193	
11.4.3.2	<i>Variation to Existing Policy 3/006 – Staff Uniforms (File No.: ADM-006)</i>	195
ITEM 12	LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL	200
12.1	GOVERNANCE AND ADMINISTRATION	200
12.1.1	<i>Port Hedland Enhancement Scheme – Projects for Funding Endorsement (File No.: TWN-010)</i>	200
12.2	PLANNING SERVICES	204
12.2.1	<i>Application for Home Business – Licensed Reptile Farming at Lot 1919 (8) Roberts Street South Hedland (Applicant Donelle Bleakley, File No.: 404700G)</i>	204

ITEM 13	MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN	209
ITEM 14	CONFIDENTIAL ITEMS	209
14.1	<i>Chief Executive Officer's Probation and Annual Performance Review</i>	<i>210</i>
14.2	<i>Chief Executive Officer's Employment Package and Conditions of Employment.....</i>	<i>212</i>
14.3	<i>Directors Employment Package and Conditions of Employment.....</i>	<i>213</i>
ITEM 15	APPLICATIONS FOR LEAVE OF ABSENCE	213
ITEM 16	CLOSURE	214
16.1	DATE OF NEXT MEETING	214
16.2	CLOSURE.....	214

ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 5:31 pm and acknowledged the traditional owners, the Kariyarra people.

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

Mayor S R Martin
Cr A A Carter
Cr G D Bussell
Cr G J Daccache
Cr A A Gear
Cr J M Gillingham
Cr S F Sear
Cr T M Young

Mr Chris Adams
Mr Matthew Scott
Mr Terry Sargent

Mr Grant Logie
Ms Gaye Stephens

Members of the Public

Members of the Media

Chief Executive Officer
Director Corporate Services
Director Regulatory and
Community Services
Director Engineering Services
Executive Assistant

17 (Including Manager Human
Resources, Sport and
Recreation Officer, Senior
Rates Officer, Accounts
Officers and Finance
Clerical Officer)

2

2.2 Apologies

Nil.

2.3 Approved Leave of Absence

Cr D R Pike

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held
Wednesday 22 January 2006**

Nil.

3.2 Questions from Members at Ordinary Council Meeting held Wednesday 22 January 2006

3.2.1 **Councillor Grant D Bussell**

In reference to the Pretty Pool Development, have LandCorp forwarded a copy of their Environmental Review to Council?

LandCorp has provided Council with a copy of their Environmental Consultant's report and preliminary advice regarding:

- The environmental issues and factors relevant to the scheme amendment.
- The environmental documentation required to address those issues.
- Key findings of studies to date and their impact on the development.
- Modifications to the plan in order to address the issues identified.

A copy of the document can be viewed at the Civic Centre on request.

ITEM 4 PUBLIC TIME

4.1 Public Question

5:31 pm Mayor opened Public Question Time

4.1.1 **Mrs Jan Ford**

As President of Soroptimist International Port Hedland, this year we are celebrating International Women's Day Wednesday 8 March 2006, with a sundowner event for two hours from 5:30 to 7:30 on the Civic Centre Lawns to enable all women of the town of Port Hedland to join together and be inspired by famous, indigenous woman Associate Professor Colleen Haywood; we understand our need as a community group to pay for the use of the civic centre lawns, however can Council waive the cash payment 14 days in advance for the bond being \$1,050?

Mayor advised Councillors that they have the opportunity if they wish throughout tonight's meeting to move a motion on this matter.

4.1.2 **Mr Chris Whaley**

Is the Town of Port Hedland going to resolve a formal position on the potential of the Boodarie Industrial Estate as a hazardous waste precinct?

Chief Executive Officer advised this question was answered at Council's Ordinary Meeting held in January.

The Town is keen to work with the Care for Hedland Environmental Association's Stakeholder Reference Group; and then based on the findings of this Group, Council will be better informed to form its position.

Why has there to date, been no formal Town of Port Hedland Technical Officer involvement in the Hedland community reference group submission on the potential of the Boodarie Industrial Estate being a hazardous waste precinct, a process that is being coordinated by the Care for Hedland Group, despite a formal request at the January Ordinary Meeting?

Chief Executive Officer advised that the Town is happy for an officer to attend the next meeting.

Director Regulatory and Community Services advised Council has been given authority to make a submission up to one (1) month after the closing date for submissions.

Is the Town of Port Hedland going to refer the proposed Pretty Pool Residential Development Proposal to the Federal Department of Environment under the EPBC (Environmental Protection Biodiversity Conservation) Act?

Director Regulatory and Community services advised that there is no plan to refer the proposed Pretty Pool Residential Development to the Federal Department of Environment at this stage. There is an opportunity to refer the proposal in relation to endangered species.

5:36 pm Mayor closed Public Question Time

4.2 Public Statements

5:36 pm Mayor opened Public Statement Time

5:38 pm Mayor closed Public Statement Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 Councillor Arthur A Gear

How much does Council pay Western Power annually for street lighting?

Chief Executive Officer advised this question will be taken on notice to provide Council with the exact amount, however, in the interim he believes the amount is around \$150K.

Who conducts an audit on the services received for the amount paid?

Chief Executive Officer explained the amount paid for Council is per usage. For example, the more streetlights that are not working actually saves Council expenditure, however it is not desirable for street lighting to be not working.

What is the formula for calculating the amount Council pays?

Chief Executive Officer explained the billing process is based on user pays, effectively the same way in which residential users are charged for their power used. The more power Council uses, the more Council pays.

Mayor added he has recently been advised that unless a member of the public reports faulty street lighting, Western Power does not undertake an audit on street lighting.

5.2 Councillor Trona M Young

Could Council please have an update on the status of the Steven's Street light fitting. Has this matter been attended to?

Director Regulatory and Community Services advised that the defective pole has been removed, and new light fitting installed.

Can Council have an updated on the skate park in relation to it having been made safer to the best of Council's ability?

Director Regulatory and Community Services advised the Skate Park has been audited in relation to making it safer in the short term, resulting in a list of items that need to be fixed. However, it is proving difficult to acquire the appropriate trades people to undertake these works. It is currently being proposed that Council's Maintenance Officer for Home and Community Care be utilised to undertake these works. It is expected works will be complete in approximately two (2) weeks.

Included in tonight's Agenda items, Council is asked to submit comments relating to the release of lots at Pretty Pool, and Council has previously accepted the Pretty Pool Development for the purposes of advertising for community comment and feedback; is Council now being asked to comment without access to comments/feedback received?

Chief Executive Officer clarified that public comments were being sought in relation to the rezoning of land. The agenda item in relation to the proposed Pretty Pool Development being referred to by Councillor Young, is already zoned "R20" in Council's Town Planning Scheme. Council is being asked to provide comment on the subdivision design to the Department of Planning and Infrastructure.

Council is required to consider the subdivision tonight; not rezoning that has previously been approved to go through the statutory advertising process, which invites public comment.

Why wasn't this matter raised at the time of the Pretty Pool Development proposal being adopted by Council? Doesn't this make Council's previous decision meaningless?

Chief Executive Officer advised that the subdivision plan and the rezoning process are separate issues. The subdivision proposed is in accordance with current planning requirements. The rezoning proposal is seeking to change Council's Town Planning Scheme No. 5.

5.3 Councillor George J Daccache

Can my name be inserted in the Unconfirmed Minutes of the Audit and Finance Committee Meeting held on 8 February 2006, attached to tonight's Agenda.

Chief Executive Officer advised this amendment will be made prior to the Minutes being presented to the Committee for confirmation.

5.4 Councillor Jan M Gillingham

Is Council aware of any further works planned to be undertaken by MainRoads on the section of the Great Northern Highway (left hand lane) from the turnoff to Wedgefield, to the Great Northern Highway turnoff to Broome, as the very high temperature experienced last Thursday caused concerns?

Director Engineering Services advised that MainRoads have not advised of these or any future planned works, however he will enquire with MainRoads. In such hot and wet conditions, a sand cover is normally applied after resealing.

5.5 Councillor Grant D Bussell

In relation to the proposed Pretty Pool Development and LandCorp having provided Council with a copy of their Environmental Consultant's report and preliminary advice, including modifications to the plan in order to address the issues identified; are these modifications reflected in the map attached to tonight's Agenda Item?

Chief Executive Officer advised that this question will be taken on notice, as he is personally unaware of the nature of modifications.

In relation to Council giving input to the 3C, as asked last month, from a customer service point of view, shouldn't Council initiate attendance by a technical officer?

Chief Executive Officer advised if Council is advised when the next meeting occurs, Council staff representation will be arranged.

Mayor added that the last meeting of the Hedland community reference group was held while he was in Perth and was unable to attend.

When will a design for the Cemetery be tabled in Council?

Director Engineering Services advised costing for the project are planned to be completed for a meeting of the Cemetery Upgrade Group next Tuesday, with a further plan to present to the next Council informal briefing session.

Has Council written to the Department of Environment in Karratha regarding the landfill site in relation to the recommendations of the Waste Management study?

Director Engineering Services advised this information was forwarded to the Department of Environment some time ago.

In relation to the Temporary Worker's Accommodation development this side of the Airport, how and when will the temporary site convert to a subsequent use and be consistent with Section 6.5.3 of Council's Town Planning Scheme No: 5?

Chief Executive Officer advised the omission of the town planning requirement from the report was an administrative oversight that will be reviewed and reported to Council.

Could Council staff reporting on tendering also including information on whether tendering companies and businesses are locally-based, or based outside the Town?

Chief Executive Officer advised that Council's Procurement Policy requires the addition of 10% weighting to be applied to local tenderers, which should always be indicated in an Officer's report.

Is there any reason why the Finance and Audit Committee cannot meet after 5:30 pm?

Chief Executive Officer advised the Committee can meet whenever members are available.

At the last meeting of the Port Hedland Air Quality Reference Group stated that Council has not system for recording of environmental complaints, is that the case?

Director Regulatory and Community Services advised no.

What is the system for recording complaints?

Director Regulatory and Community Services advised that all complaints relating to Environmental Health matters are always recorded.

Could dust complaints be recorded?

Director Regulatory and Community Services explained how statistical and summary data, including complaints are being collated to report to Council monthly, commencing Council's Ordinary Meeting to be held in March.

What is the status of the cinema?

Mayor advised that negotiations are still underway between the Department of Land Administration and the Department of Planning and Infrastructure.

Is it likely that commercial land will be released in the Town Centre while the current mining boom continues?

Chief Executive Officer advised Council is actively pursuing the release of residential, commercial and any other land requirements throughout South Hedland.

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 tabled prior to commencement of the meeting.

Cr S R Martin	Cr A A Gear
Cr A A Carter	Cr J M Gillingham
Cr G D Bussell	Cr S F Sear
Cr G J Daccache	Cr T M Young

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 25 January 2006.

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on Wednesday 25 January 2006 be confirmed as a true and correct record of proceedings with the following amendments:

200506/274 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr S F Sear

That the Minutes of the Ordinary Meeting of Council held on Wednesday 25 January 2006 be confirmed as a true and correct record of proceedings with the following amendment:

- . Item 8 (page 14) 18 January 2006, delete “Consolidated Minerals”, insert “Process Minerals International;**

and

delete “proposal to change the use of leased land on Great Northern Highway from “Transport Depot” to “Stockpiling of Manganese”, insert “business operations and the current and proposed use of Lots 842 and 5909 Great Northern Highway for manganese transport and processing purposes”.

CARRIED 8/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

26 January 2006 – Mayor, CEO and Council Officers attended the Australia Day Breakfast hosted by Soroptimist International Port Hedland and presented the Premier’s Active Citizenship Awards.

26 January 2006 – Deputy Mayor, CEO and Council Officers attended the Australia Day Festival held on the Civic Centre Lawns, which included a spectacular fireworks display. Deputy Mayor officiated the Australia Day Citizenship Ceremony on behalf of Mayor.

27 January 2006 – Mayor, CEO, Council officers and community representatives (Cemetery Upgrade Group) attending a site visit at the cemetery.

1 February 2006 – Mayor and CEO met with Mark Hainsworth (Pilbara Development Commission) to overview outcome from the PDC’s Port Hedland Holding Yards Industry Survey.

1 February 2006 – Mayor and CEO met with Ruth Durak (Urban Design Centre) to overview BHPB/Mirvac Fini proposal for the development of a Strategic Land Plan

1 February 2006 – Mayor and Councillors attended Council’s Informal Briefing. Presentations and discussions included -

- State Underground Power Program Billing Methods
- proposal from BHP Billiton/Mirvac Fini relating to the development of a Strategic Land Plan

- presentation on Waste Water Reuse Scheme
- presentation on Aquatic Centre Contracts
- proposed Timeline for preparation of 2006/2007 Budget
- presentation on Playground Safety Audit and Works Schedule
- airport works – Bay 4 and Taxiway A & B

2 February 2006 – Mayor attended Local Emergency Management Advisory Committee.

3 February 2006 – Mayor, Councillor G Daccache, Councillor Des Pike, signatories to the Town of Port Hedland Community Safety and Crime Prevention Plan, representatives from the Office of Crime Prevention and interested community groups/organisations attended a community safety and crime prevention workshop (8:30am–4pm) in Council Chambers.

6 February 2006 – Mayor and CEO attended Council's Civic Reception/Welcome to new medical students (Rural Clinical School).

8 February 2006 – Mayor and Councillors, CEO attending the official commencement of works by FMG Limited, officiated by the Hon. Alannah MacTiernan, Minister for Infrastructure and Planning.

8 February 2006 – Mayor and Councillors attended Council's Informal Briefing. Presentations and discussions included –

- Review of Briefing Sessions, including times, topics, reviews, regulation
- Review of Council Committees and Working Groups
- Update on Golf Club Watering
- Overview of Street Lighting Program
- Overview of research undertaken to date in relation to Flood Mitigation Program Funding
- Overview of Vehicle Fleet Program and Policy, including changeover, vehicle types and usage
- an update was provided in relation to Skate Park matters;
- Contingency Plan for Bird Flu
- Councillor IT requirements
- overview of Community Safety and Crime Prevention Workshop held on Friday 3 Feb 2006

13 February 2006 – Mayor and CEO met the new Regional Manager of the Water Corporation

Mayor and CEO attended the PHES Steering Group Meeting

15 February 2006 – Mayor and Councillors, CEO and Directors attending the inaugural meeting of the Audit and Finance Committee meeting.

17 February 2006 – Mayor attended a Strategic Planning Workshop at the Youth Involvement Council Inc.

Mayor and CEO met with the newly appointed CEO of Western Power.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

Councillor Grant D Bussell provided a verbal update on the status of the Turtle Interpretative Centre Project.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS

Nil.

ITEM 11 REPORTS OF OFFICERS

11.1 Governance

11.1 *Status of Council Decisions (File No.: ADM-015)*

Officer Gaye Stephens
Executive Assistant

Date of Report 14 February 2006

Disclosure of Interest by Officer Nil

Summary

Informing Council of actions undertaken in relations to decisions of Council in the past month.

Background

This monthly report is presented to Council for information. The report advises Council how decisions have are being actioned by staff. Any Council Decision that has not yet been completely implemented will remain on the list until it has been completed.

Officers Comments

This report includes decisions from the following meetings:

- Ordinary Meeting held 24 August 2005;
- Special Meeting held 21 September 2005;
- Ordinary Meeting held 28 September 2005;
- Ordinary Meeting held 26 October 2005;
- Ordinary Meeting held 23 November 2005;
- Ordinary Meeting held 14 December 2005;
- Special Meeting held 19 December 2005; and
- Ordinary Meeting held 25 January 2005.

Statutory Implications

Section 2.7 of the Local Government Act states how Council is responsible for directing the local government's affairs:

- “2.7. *The role of the council*
- (1) *The council –*
 - (a) *directs and controls the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to –*
 - (a) *oversee the allocation of the local government's finances and resources; and*

(b) determine the local government's policies."

Policy Implications Nil

Strategic Planning Implications

KRA 6 – Governance

Goal 6 – Systems Development

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

Budget Implications Nil

200506/275 Council Decision/Officer's Recommendation

Moved: Cr T M Young

Seconded: Cr A A Carter

That the Officer's Report 'Status of Council Resolutions' as presented to the Council's Ordinary Meeting held on 22 February 2006 be received.

CARRIED 8/0

11.2 Regulatory and Community Services**11.2.1 Director Regulatory and Community Services****11.2.1.1 Policy Review – Recreation Policies (File No.: ...-...)**

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 12 February 2006

Disclosure of Interest by Officer Nil

Summary

As part of the ongoing review of Council's Policies, all policies relating to recreation services have been reviewed and amendments proposed.

Background

Although Council has reviewed its policy manual regularly, the recreation policies appear to have remained basically unchanged for several years. The comprehensive review recently completed by staff has identified a number of areas in which the policy is now redundant or has become outdated.

Consultation

Comment has been sought from the relevant Council officers, taking into account the feedback they have received from the community in relation to the existing policies. The policy review was discussed at the Council Briefing session on 11th January 2006

Statutory Implications

The adoption of appropriate policies is in accord with Council's obligations under Section 3.1(1) of the Local Government Act, which obliges Council to provide for " ...the good government of persons in its district"

Policy Implications

This report recommends that Council's Recreation Policies be amended.

Strategic Planning Implications

Goal 6, Strategy 1 of the Town of Port Hedland Strategic Plan 2006 – 2011 is to "Progressively review all Council Policies.

Budget Implications

It is not anticipated the proposed amendments will have any budgetary implications.

Officer's Comment

The findings of the policy review are summarised hereunder.

Policy 6/001 Commercial or Non Sporting Use of Recreation Reserves

"It is Council policy that the following recreation areas be made available for appropriate commercial or non sporting use subject to conditions as considered necessary by the Manager Recreation Services and subject to payment of fees set by Council from time to time:

i) South Hedland Oval

Any area outside of recognised sporting boundaries.

ii) Port Hedland Oval

Any area outside of recognised sporting boundaries.

*iii) Race-Course.**iv) Colin Matheson Oval*

Applications received to be referred to Manager Recreation Services."

Officer's Comments:

- Reference to South Hedland oval should specifically mention Marie Marland Reserve
- Reference to the non-existent position of Manager Recreation Services should refer to Director Regulatory and Community Services

Policy 6/002 Sponsorship, Community and Club signage on Council Recreation Reserves and Aquatic Centres

"Council policy supports the principle of sporting clubs and community groups raising funds by erecting signs on reserves, Council buildings on reserves and at the Aquatic Centres. Clubs and community groups are encouraged to utilise movable sponsorship signs to satisfy sponsors requirements.

Movable Sponsorship Signs

- . *These signs are typically placed on the clubs' reserve headquarters on the day of their game or event and removed at the conclusion of the game.*
- . *Sporting clubs and community groups should make written application to the Chief Executive Officer. This application will be forwarded to the Manager Recreation Services who is delegated the authority to approve up to ten movable sponsorship signs.*
- . *Application for the erection of more than ten movable signs on a reserve will be referred to Council for approval.*
- . *Movable sponsorship signs are only permitted to be displayed for a maximum of 8 hours per day.*
- . *All signs must be removed from the reserve, when the wind velocity exceeds 30km/hr.*
- . *The signs must be made with steel, timber or plastic frames or supports.*
- . *No sign must cause an obstruction to other reserve users.*
- . *The signs must not, in its construction or placement on the reserve, be dangerous.*
- . *The signs must not be erected, placed or maintained on or over a public street or thoroughfare.*
- . *The signs must include the sponsored clubs' name on at least some part of the sign.*
- . *The sign size must not exceed 4m² in area.*
- . *Appropriate storage must be in place for signs when not displayed.*
- . *Movable advertising signs that have reference to alcoholic products shall be removed at the end of each event.*

Fixed Signs

- . *There shall be no permanent advertising signs that have reference to alcoholic products.*
- . *Fixed sponsorship signs are those signs fixed securely to either a building on a reserve or to a perimeter fence and which remains in place permanently.*
- . *Sporting clubs and community groups wishing to erect fixed sponsorship signs should, in the first instance, apply in writing to the Chief Executive Officer. This application will be forwarded to the Manager of Building Services who is delegated authority to approve the application.*
- . *The Manager of Building Services in consultation with the Manager Recreation Services will consider the merits of an application; take into account the value of the sponsorship agreement in relation to the potential public inconvenience and possible unsightliness of the sign.*
- . *No Fixed Sponsorship signs are to be erected within a road reserve.*

- . *Fixed signage approval is for 12 months or the playing season for shared facilities. Clubs must reapply for each season or 12-month period.*
- . *All fixed sponsorship signs are to be removed at the expiration of the sponsorship agreement.*
- . *No fixed sponsorship signs will be permitted which cause obvious interference with the aesthetics of a reserve.*
- . *No fixed sponsorship signs will be permitted which obstruct a residents view.*
- . *Fixed sponsorship signs, whether attached to a building or as an arena sign are not to exceed 8m² in area. The maximum height of arena signs is not to exceed 1m.*
- . *The method of attachment of signs is to conform to the requirements of the Town of Port Hedland's Building Department; details will be supplied on application.*
- . *All fixed sponsorship signs must include the clubs name on at least 25% of the overall area of the sign.*

Single Event Temporary Signs

- . *Requests by Community or sporting groups to display signs to advertise an event should be made in writing to the Chief Executive Officer.*
- . *This application will be forwarded to the Manager Recreation Services who is delegated the authority to approve location, duration of display and sign specifications.*

General

- . *Clubs and community groups are encouraged to utilise movable sponsorship signs to satisfy sponsor requirements. This will limit the proliferation of fixed signs while still providing clubs with advertising exposure for their sponsors.*
- . *All signs shall be well maintained and in good order.*
- . *Signs should not be offensive and any objections to a sign will be referred to the Chief Executive Office for final ruling on installation.*
- . *Council shall have the power to remove any advertising sign."*

Officer's Comment:

- Reference to the non-existent position of Manager Recreation Services should refer to Director Regulatory and Community Services
- Requiring club names on sponsorship sign offers no advantage to either party
- The requirement to apply for approval annually for fixed signs has not been policed in the past and does not seem to have caused a problem

Policy 6/003 Erection of Buildings on Recreation Reserves

“All buildings erected on a Council Oval/Reserve shall be constructed of materials and design approved by Council.

Objectives of the Policy

To ensure uniformity and the aesthetic appeal of buildings on Council Ovals and Reserves.

Guidelines

- i) All buildings to be erected upon Council Ovals and Reserves shall be required to have Council approval.*
- ii) Plans and specifications for all buildings shall be submitted to the Manager Building Services for a Building Licence.*
- iii) A design with a description of the visible attributes of the building (artist impression preferably) shall be submitted for consideration by the Council.”*

Officer’s Comment

This policy simply restates requirements of building legislation.

6/004 Community Recreation Celebrations and Events

“Recreation is an aspect of a community’s way of life. Council will work in collaboration with the community to support the delivery of recreational events and celebrations for all which reflect the unique recreational identity of the town of Port Hedland. Council will encourage excellence and innovation, and inclusive community participation.

Council has delegated authority to the Chief Executive Officer to determine the level of assistance provided to community organisations and events within the constraints of annual budgets and staff resources. The following is an indication of the extent of support that the Council expects to be provided for community events.

Strategic Partnerships

Council is a co-organiser and a host of this event with another agency.

Council Support

Council support is provided to a community group/s in their presentation of a community recreation event or celebration. Council is not a co-host or organiser of this event.

Programmes

- . *Major Community Recreational Festivals/Celebrations*
- . *Recreation Events*

Major Community Recreational Festivals/Celebrations and Significant Events

Objective:

- . *To support an annual calendar of special community recreation events catering for all ages groups, socio economic and cultural backgrounds.*
- . *To make Port Hedland a vibrant and exciting place to live.*

Strategic Partnerships - Council is a co-organiser and a host of this event with another agency.

Annual Event	Partnership Agency	Assistance from Council
Blackrock Stakes	Chamber of Commerce	Council representation on Committee Use of Council equipment and facilities at no cost Use of Council venue at no cost for breakfast. Advertising Waiver stall hire for amusement fair. Assist with clean up after event

Council support

Objective:

- . *To support community organisations and group/s in their presentation of a community recreational event or celebration. Council is not a co-host or organiser of this event.*
- . *To make Port Hedland a vibrant and exciting place to live.*

Recreation

Event	Key Partner	Council Support
North West Games	Working Group of Council	Staff Resource to organise Council grants to sporting clubs Funding to support or host event Preparation of submissions Employ a games coordinator when hosting the event
Northern Regions Recreation Conference	Pilbara Recreation Association	Staff member on committee. Use of Council Venue at no cost Funding to support or host event
Masters Games		Staff member on committee. Use of Council Venues at no cost Funding to support or host event

Australia Day Sports Award	MLA L Graham	Advertising and photocopying event proceeding at no cost Coordinate of evaluations committee Certificates of merit, awards medal and scholarship.
Community Pool Open Days	Town of Port Hedland	Two days free entry per year to each pool as and when advertised.
Sports Group Forums	Department Sport and Recreation WA	Use of Council Venues at no cost Advertising, photocopying and postage at no cost Contribute to hosting event
Port Hedland Cup Day	Port Hedland Turf Club	Provision for 20 extra bins at no cost. Waiver all stall fees and street trading ground hire for one day. Ground hire included in race meeting fees. No additional hire charges. Staff member on Committee. Use of Council Flag to fly at event.
Premier Regional Lawn Bowls	PHTBA Mainstreet Committee Port and South Hedland Bowling Clubs	Provide sponsorship towards event. Staff member on Committee. Advertising/photocopying, fax and postage.
Common- Health Games	Office of Seniors Interest	Use of Council Venue at no cost Staff coordinate planning and event Advertising, Photocopying and Postage Bus and travel to event at no cost"

Officer's Comment

- Needs to be amended, as Australia Day Sports Awards form part of Australia Day festivities hosted by Council.

6/005 General Conditions of Use of Recreation Reserves

- "1. All bookings of recreation reserves including ovals and parks are to be made through Council's Recreation Department except for the Civic Centre Gardens which is covered by Policy 1/005.*
- 2. Payment of the appropriate hire rate, season user fees for sports groups and bond must be made in full, no less than 14 days prior to the event or season commencement. Loss of bond will result if the recreation reserve is not left in a clean and tidy condition satisfactory to the Manager Recreation Services or if cancellation occurs within a week of the event. Return of bond will endeavour to be made within 14 days of inspection.*

3. *The responsibility of the hirer is as follows:*
 - a) *All recreation reserves, buildings and facilities must be left free of litter and in a clean and tidy condition after use. Failure to do so will result in the hirer being charged the full cost of clean up and possibly being refused access to facilities in the future.*
 - b) *If during the season Council is required to clean up rubbish or the facilities the cost will be deducted from the bond and additional bond may be required.*
 - c) *If using change rooms, it is the responsibility of the hirer to provide all relevant cleaning materials and ensure that the change rooms, including toilets, are tidied after use.*
4. *Persons using Council recreation reserves are not to interfere in any way with the water pipes or related equipment. Disconnecting the water pipes causes flooding of playing areas as the pumps are operated automatically. Tampering with Council equipment or water pipes is an offence under the Town of Port Hedland Reserves and Foreshores Local Laws.*
5. *Council approval must be obtained before any alterations or additions to playing grounds or associated buildings or facilities can take place. (Refer to Policy 6/003)*
6. *One service vehicle per hirer or sports team is permitted to travel around the perimeter of the oval hired to deposit and retrieve equipment.*
7. *The above conditions may be varied by special arrangement with Council's Recreation Department.*
8. *Additional Conditions relevant to season bookings:*
 - a) *Season bookings will only be processed for associations and not for individual clubs.*
 - b) *A season booking does not provide exclusive hire and Council reserves the right to alter bookings from time to time for the good management of the reserve.*
 - c) *Utilities charges to cover Council costs will apply to hirers using power and water.*
9. *Any hirer having a debt to Council related to the use and occupancy of a Council Recreation Reserve that is outstanding for a period of more than 90 days shall be declined the use of the facility, including seasonal bookings, unless and until an acceptable debt repayment arrangement has been agreed as per Council policy and is adhered to."*

Officer's Comment:

- These conditions of use are more appropriately included in the terms of a hire agreement where they can be applied, and not in a policy.

6/006 Occasional Licences and Consumption of Liquor on a Recreation Reserve or Council Owned or Managed Facilities

"If a proposed event is to be conducted on a Council reserve, facility or in a public open space, Council will review the application taking into consideration the nature of the function, venue, social aspects, public safety and any other unique features. If approval is considered for consumption of Liquor on a Council Recreation Reserve or Managed Facility the following conditions will apply.

- 1. Consumption of liquor is not permitted unless an application to consume liquor form has been completed and written approval has been granted by the Director Community Services.*
- 2. Permission to sell liquor must be obtained from the Clerk of Courts by issue of a liquor permit following receipt of written approval from Council.*
- 3. No liquor is to be consumed at junior sports events.*
- 4. Consumption is restricted to one hour prior to and two hours after an approved event or match time and up to a maximum of six hours or otherwise as approved by the Chief Executive Officer. On all occasions extending over three hours food services must be available.*
- 5. No liquor consumption is permitted before 10.30am or after 11.00pm unless approved by the Chief Executive Officer.*
- 6. Consumption of liquor must only be undertaken in the licensed areas identified in the approval, unless otherwise specifically approved by the Chief Executive Officer.*
- 7. Where it is known or anticipated that more than 100 patrons will be in the licensed area then the permit holder is responsible for providing security at a rate of two registered security persons per one hundred patrons. Proof of contract to hire security persons must accompany the application.*

8. *Glass containers are not permitted on any recreation reserve unless approved by the Chief Executive Officer and only for special events whereby additional conditions will be in place on the hirer. Products in glass containers may be served (into plastic containers) by bar staff at the bar area.*
9. *Up to 10 applications for Occasional Licences per year for any one club/hirer will be supported for events, fixtures matches or training.*
10. *On all occasions' bottled water, non-alcoholic drinks and low alcohol products not greater than 3.5% must also be available.*
11. *Council will provide accredited Liquor Licensing training for club members on two occasions each calendar year. Club/Associations must have two representatives with accredited training or application to consume alcohol will not be considered. (Effective September 2003)*
12. *All applicants who are granted licences or permission to consume alcohol must comply with the Environmental Protection (Noise) Regulations 1997 and take all necessary steps to reduce excessive noise/disturbances, under the Liquor Licensing Act 1988.*

Under the Liquor Licensing Act (WA):

- . *It is an offence to undertake drinking contests, discounted or all you can drink admission tickets.*
- . *Children under the age of 18 years are not permitted into the approved consumption areas unless accompanied and supervised by their parents or legal guardian over the age of eighteen.*
- . *Council may make additional recommendations to the Director of Liquor Licensing that special conditions be imposed on any license.*
- . *The liquor license permit and the Council Approval must be produced on demand to Council Ranger or Police Officer."*

Officer's Comment:

- Reference to the non-existent position of Director Community Services should refer to Director Regulatory and Community Services.

- It would be more reasonable to allow alcohol consumption between noon and midnight.
- Reference to the Chief Executive Officer would more appropriately refer to Director Regulatory and Community Services.
- Approval to use glass should form part of the approval process without reference to the Chief Executive Officer.
- Quoted conditions from Liquor Act, Environmental Protection (Noise) Regulations and Health (Public Buildings) Regulations (Clauses 9,12, and 7 respectively) are superfluous.

6/007 General Conditions of Use of Aquatic Centres

- “1. Both Town of Port Hedland Aquatic Centres are designated as non-smoking recreation venues. Smoking is prohibited by staff and patrons in all areas within the fenced boundaries and the immediate entrance areas of each Centre.*
- 2. No alcohol is permitted at these Centres unless a private hire booking is approved and all requirements of Policy 6/006 Consumption of Liquor on Recreation Reserves can be met and adhered to.*
- 3. Season and casual bookings are made with the Centre Manager.*
- 4. Season bookings will be processed with associations or the combined users committee and not individual clubs.*
- 5. During normal weekday operating hours, a maximum of up to 50% of available lane space may be allocated for all sports club patrons. A minimum of 50% of lane space is to be allocated at all times for general public and non-sports club activities.*
- 6. During normal weekend operating hours all lane allocated is subject to variation by the Centre Manager subject to general patron demand.*
- 7. Council must approve all events and Carnival bookings if pool closure to the general public is sought, with a minimum of three (3) months’ notice required.”*

Officer’s Comment:

- These matters are more appropriately dealt with in the terms of a management contract or terms of use agreement.

Officer's Recommendation

That:

- i) Policy 6/001 be amended by -
 - a) deleting reference to "Manager Recreation Services" and replacing with "Director Regulatory and Community Services"; and
 - b) inserting after the term "South Hedland Oval" the words "and Marie Marland Reserve";
- ii) Policy 6/002 be amended by
 - a) deleting reference to "Manager Recreation Services" and replacing with "Director Regulatory and Community Services";
 - b) deleting the Clause "All fixed sponsorship signs must include the clubs name on at least 25% of the overall area of the sign"; and
 - c) deleting the Clause "Fixed signage approval is for 12 months or the playing season for shared facilities. Clubs must reapply for each season or 12-month period"
- iii) Policy 6/003 be deleted;
- iv) Policy 6/004 be amended by deleting "Australia Day Sports Awards";
- v) Policy 6/005 be deleted;
- vi) Policy 6/006 be amended by -
 - a) deleting references to "Director Community Services" and "Chief Executive Officer" and replacing with "Director Regulatory and Community Services";
 - b) deleting from Clause 5 the phrase "10:30am or after 11:00pm" and replacing with the phrase "12:00pm or after 12:00am"; and
 - c) deleting Clauses 7, 9 and 12; and
- vii) reformatting and renumbering of the policy document be carried out to accommodate amendments made.

200506/276 Council Decision

Moved: Cr T M Young

Seconded: Cr A A Gear

That Item 11.2.1.1 'Policy Review – Recreation Policies' lay on the table until further consideration by Council at its next informal briefing session.

CARRIED 8/0

REASON: Council sought further time to consider the proposed review of its Recreation Policies.

11.2.1.2 South Hedland Football Club Outstanding Debt (File No.: ORG-008)

Officer Bec Coxall
Sports and Recreation Officer

Date of Report 10 February 2006

Disclosure of Interest by Officer Nil

Summary

South Hedland Football Club have written to Council regarding the outstanding debt owed by their club, currently standing at \$7439.50. They have requested that Council allows the club to continue utilising the recreational facilities within South Hedland, and that they be allowed to pay the remainder of the debt off over the next four years.

Background

Since 2002, Swans Football Club have been accruing a debt to Council for overhead light use, user fees, clubroom facility use and other Council charges. In September 2004 the debt reached a high of \$12,978.00. Part payment of that amount was paid in November of that year to the value of \$2,000.

At the Ordinary Council Meeting held on 25th June 2003 an agenda item was presented by the then Manager Recreation Services on the status of the South Hedland outstanding debt. At that time the debt was at \$5,327.32, which Council carried over from the 2002 season.

The South Hedland Football Club requested that Council waive \$6,000 in club debt in recognition of development works (including two air conditioners) that were undertaken at the facility. At this Council Meeting, Council resolved that:

- "i) an amount of \$6,000 be included in the 2003/2004 budget for consideration by Council as part payment to the South Hedland Football Club for air conditioners installed at the South Hedland Oval facility with payment being subject to documentation identifying the purchase and ownership being provided to the Chief Executive Officer; and*
- ii) Council approve outside of Policy 6/007 use of the South Hedland Oval and facility to the South Hedland Football Club for the remainder of the current season in August 2003, while that club works with staff to clear all debt from this and the previous season."*

In the same football season, an agenda item was submitted for a second time by Mr Ian Lewis at the Ordinary Council Meeting held on 24th September 2003. This agenda related to the increase in debt owed to Council by the South Hedland Football Club, which was at \$9,860.

At this meeting, Council resolved that:

- “i) the South Hedland Football Club be advised in writing from Council, that there is no approval outside of Policy 6/007 General Conditions of Use of Recreation Reserves to enable future hiring of the Kevin Scott Oval and Clubroom venue;*
- ii) immediate clean up of the venue be arranged by Council, with all costs being added to the South Hedland Football Club debt;*
- iii) no application for hire or use of the venue by the South Hedland Football Club will be considered by Council until all outstanding debt is cleared; and*
- iv) a \$3,000 bond be applied for payment prior to any future agreement to any additional venue use by the South Hedland Football Club.”*

These resolutions do not appear to have been carried out.

In May 2005 Chief Executive Officer, Mr L. P Strugnell developed a payment plan. The plan stated as follows:

“...Council proposes that in the 2005 football season (from May until October inclusive), and seasons thereafter, the Swans make monthly payments of \$350 additional to the ongoing current charges... for the year. These additional payments will total \$2100 over the six months, and should ensure that the Club’s debt will be cleared within an acceptable time frame.”

This repayment schedule was based upon the repayment of \$2,000 to Council the previous year, and was therefore believed to be achievable by the Club. Following this letter to the Swans Football Club, further debt was accrued due to continuing use of the facility. A payment of \$722.20 was received in July 2005 to pay for Invoice 12243, and another payment was received in October to the value of \$3,064.70.

Whilst these payments covered the current charges for the 2005 football season, they did not meet the requirements of the payment plan that had been developed, and in 2005 the total reduction of the debt equalled \$501.50.

On February 2nd 2006, the Director Community and Regulatory Services and the Sports and Recreation Officer met with Trish Barron, the secretary for the Swans Football Club. When the situation regarding the outstanding debt was discussed, Trish indicated that the Swans aspired to continue to play in the North Pilbara Football League in 2006, and wanted to reduce their debt to a stage where there were no outstanding monies due to Council.

Consultation

Throughout 2005 and 2006 there has been internal consultation only between staff of the Town of Port Hedland and the South Hedland Football Club.

Statutory Implications

Nil

Policy Implications

Policy 6/007 states that;

“9. Any hirer having a debt to Council related to the use and occupancy of a Council Recreation Reserve that is outstanding for a period of more than 90 days shall be declined use of the facility, including seasonal bookings, unless and until an acceptable debt repayment arrangement has been agreed to as per Council policy and is adhered to.”

For Council to approve the continuation of the South Hedland Football Club at the Kevin Scott Oval, approval must be given to continue outside this policy.

Strategic Planning Implications

Nil

Budget Implications

There will be a small cost associated with carrying this debt over a period of up to four years, however refusal to permit the club to pay the debt off over time is likely to result in the club disbanding, in which case the current debt would likely remain unpaid. The following table traces the recent history of the Club's debt to Council over a period in which it cleared its outstanding debts with local businesses.

Swans Football Club Outstanding Debt

	Balance as of 05/04/2002	\$2,676.46
Year 2002	Invoices accrued for Power/Oval User Fees/Bingo Venue Hire	\$6,025.59
	Receipts Received	\$3,380.00
	Balance as of 05/12/02	\$5,322.05
Year 2003	Invoices accrued for Power/Oval User Fees	\$4,852.91
	Receipts Received	Nil
	Balance as of 05/11/03	\$10,174.96
Year 2004	Invoices accrued for Power/Oval User Fees	\$5,638.38
	Receipts Received	\$7,872.34
	Balance as of 02/12/04	\$7,941.00
Year 2005	Invoices accrued for Power/Oval User Fees	\$3,285.40
	Receipts Received	\$3,786.90
	Balance as of 18/10/05	\$7,439.50
Year 2006	Current Balance	\$7,439.50

Officer's Comment

The current committee of the South Hedland Football Club were not directly involved in the administration which accrued the debt incurred by their club, however, they appear to be making an effort to rectify the situation and repay the debt owed to Council.

The options for Council regarding this debt are to:

1. write off this debt
2. agree to a settlement arrangement, or
3. refuse to allow the South Hedland Football Club to continue utilising Council facilities.

The Swans are attempting to repay this debt, and have indicated that they will do so within the next four years (along with payment of current charges). This effort to repay the debt should be allowed to continue, providing the debt continues to be reduced by a specified amount.

Officer's Recommendation

That Council permit the South Hedland Football Club to continue to use Kevin Scott Oval and clubrooms outside Policy 6/007 provided that the club:

- i) pays \$2,000 off their outstanding debt each financial year (including the current financial year) before any bookings will be approved; and
- ii) pays all current charges throughout the season within 30 days of receipt of invoice.

200506/... Council Decision**Moved:** Cr G D Bussell**Seconded:** Cr J M Gillingham

That Council waive the outstanding debt of \$7,439.50 for outstanding fees owing from the South Hedland Football Club.

LOST 2/6

200506/277 Council Decision/Officer's Recommendation**Moved:** Cr T M Young**Seconded:** Cr A A Carter

That Council permit the South Hedland Football Club to continue to use Kevin Scott Oval and clubrooms outside Policy 6/007 provided that the club:

- i) pays \$2,000 off their outstanding debt each financial year (including the current financial year) before any bookings will be approved; and**
- ii) pays all current charges throughout the season within 30 days of receipt of invoice.**

CARRIED 6/2

6:15 pm Cr T M Young declared an impartiality interest in Agenda Item 11.2.1.3 'Request to Support Entry in Triple J's 'One Night Stand' Competition as she is the Chair of the community radio station that may be involved. Cr T M Young did not leave the room.

11.2.1.3 Request to Support Entry in Triple J's 'One Night Stand' Competition (File No.: AGR-068)

Officer Bec Coxall
Sports and Recreation Officer

Date of Report 12 February 2006

Disclosure of Interest by Officer Nil

Summary

Triple J radio station has a competition running: 'One Night Stand' where one community within Australia has the opportunity to win four bands performing in their area on the 12th April 2006. The competition stipulates that all entrants must have the support of their Local Council. Ms Sarah Cunningham of South Hedland would like to apply to have the event held in the Town of Port Hedland.

Background

Triple J's One Night Stand has been in existence for the past two years. The competition winner obtains access to four bands to conduct a concert in their local community. Triple J provides all of the band related effects such as lighting and staging, and will broadcast the entire show around Australia.

The bands for 2006 are Xavier Rudd, The Living End, The Herd and Kid Kenobi, and are all world-renowned artists.

Council support is required for every entry received by Triple J, and venue, power and the event has to be free. The judges require that every entrant have planning for parking, traffic, crowd control, volunteer groups, police and ambulance support and a risk assessment of the proposed site.

The proposed site for this event to occur is Kevin Scott Oval in South Hedland, with use of the attached clubrooms and toilets. Two days prior to the 12th April will be needed for set-up and organisation of the event.

The Sports and Recreation Officer and Events Coordinator are able to assist Ms Cunningham with the logistics and related preparation in an attempt to get the bands to the Town of Port Hedland. If Miss Cunningham's application were to be successful, Council would need to waive the fees set at Kevin Scott Oval for the overhead lights and clubroom and oval hire.

Cleaning would have to be arranged prior to the event and at the conclusion, as a major event such as this is likely to cause some litter issues within the area.

Other requests from the event organiser include the use of staff to assist in the organisation of the event.

The One Night Stand is an opportunity for Port Hedland to be recognised Australia wide, and coverage includes national radio and possible television broadcasts. If successful in obtaining the event, public liability insurance will need to be arranged. Council assistance may be required in this regard.

Consultation

The competition was advertised on the Triple J website and their radio station. All staff potentially involved have been consulted.

Statutory Implications

The event will be planned to conform to all requirements of the Health (Public Buildings) Regulations 1997

Policy Implications

The event is not specifically mentioned in Council's recreation policy

Strategic Planning Implications

Key Result Area 2 – Community Pride

Goal 2 – Events

Strategy 1. Actively support the development and operation of community events.

One of the measurements of this goal is for there to be at least six (6) community events held per annum.

Budget Implications

In the event of Miss Cunningham's entry in the Triple J's One Night Stand competition is successful, and Council approves the recommendation it will forego \$495.00 (account 1108324 - Oval and Reserve Hire Fees). Council will forego income at \$38.50 per bin, for bins used at the event. If staff is permitted to organise event during working hours, then wages are paid at the standard rate.

Officer's Comment

In supporting this event, the Town of Port Hedland will gain media coverage and knowledge of this town and the area. It is felt the benefits of supporting the event would outweigh the associated costs. In conjunction Ms Cunningham, the Sports and Recreation Officer and the Events Coordinator are able to organise all aspects of the

event in accordance with the entry requirements stipulated by Triple J.

Council's support with the event does not necessarily mean that the Town of Port Hedland will be the eventual winner, however it will allow the entry to be submitted and be a nominee for the event.

The entry includes a petition for the community to fill out, and petitions to other areas within the Pilbara and part of the Kimberley will also be involved. It is an opportunity for Port Hedland to become known as a town that provides community events for its members, and this event is free to all, and an alcohol free occasion.

It is anticipated that people from outlying communities will attend this event, encouraging expenditure within the town and coverage for local businesses. These local businesses will also have the opportunity to sponsor certain aspects of the event, and to gain further coverage and advertising.

Officer's Recommendation

That Council:

- i) supports Miss Sarah Cunningham's entry in Triple J's One Night Stand competition;
- ii) waives fees for proposed use of the Kevin Scott Oval for Triple J's One Night Stand on 12 April 2006, if Port Hedland is chosen to host the event;
- iii) supports Council's Sports and Recreation Officer and Events Coordinator participation in the organisation of the One Night Stand application to Triple J and event preparation;
- iv) provides appropriate cleaning and rubbish disposal associated with the One Night Stand at Kevin Scott Oval; and
- v) works with the event organisers to ensure that appropriate public liability insurance for all volunteers and staff is arranged.

200506/278 Council Decision

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Agenda Item 11.2.1.3 'Request to Support Entry in Triple J's 'One Night Stand' Competition' lay on table until further costings are received by Council.

CARRIED 5/3

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 J M Gillingham
Cr G J Daccache	Cr S F Sear
Cr A A Gear	
Cr T M Young	

REASON: Council sought further details on costings in the event of the 'One Night Stand' entry being successful.

6:20 pm Cr T M Young declared an impartiality interest in Agenda Item 11.2.1.4 'Request to Waive Fees – The Rotary Club of Port Hedland Annual Ball' as she is a member of the Rotary Club of Port Hedland. Cr T M Young did not leave the room.

11.2.1.4 Request to Waive Fees – The Rotary Club of Port Hedland Annual Ball (File No.: ...-...)

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 12 February 2006

Disclosure of Interest by Officer Nil

Summary

The Rotary Club of Port Hedland is holding its annual Rotary Ball on Saturday 18th March 2006 at Gratwick Hall. They are requesting a waiver of particular fees for the event.

Background

The President of The Rotary Club of Port Hedland has written to Council requesting the following:

- waive the hire fees of Gratwick Hall for setting up (Friday 17 March 2006 and Saturday 18 March 2006), and the morning of Sunday 19 March 2006 (Cleaning);
- waive the hire fees of Civic Centre Gardens for the evening of Saturday 18 March 2006; and
- waive the hire fees of the upstairs Training Room for Saturday 18 March 2006.

This request has been made with the following explanations:

- the Rotary Club needs time to set-up and clean up the event aside from the time already booked;
- it is difficult to get deliveries on Saturday and so they need access to the hall on Friday;
- the Civic Centre Gardens will only be used for 45 minutes and a bond has already been paid on the Gratwick Hall booking; and
- the training room has been used in past years for the buffet and display of silent auction items as the foyer is too small.

Consultation

Not applicable.

Statutory Implications Nil

Policy Implications

This event is not specifically mentioned in Council's Community Recreation Celebrations and Events policy.

Strategic Planning Implications Nil**Budget Implications**

If the request is supported Council will forego revenue of up to \$1,017.50, subject to which option Council chooses to exercise.

The fees from which the Rotary Club is seeking exemption are:

Friday Hire	\$275.00
Friday Night Hire	\$330.00
Saturday Hire	\$275.00
Sunday Morning (2 hrs)	\$110.00
Committee Room	\$110.00
Civic Centre Gardens	\$192.50

The Club has not sought exemption from the Saturday night hire fee of \$330.00.

Officer's Comment

The Annual Rotary Ball is one of the chief fundraising ventures organised by the Rotary Club of Port Hedland to raise funds for the Royal Flying Doctor Service and various community projects conducted throughout the year. It is also a significant contribution to the Port Hedland event calendar.

This will be the third year that the ball has been held at Gratwick Hall. In the past there have been no security issues or damage to the building.

Despite these merits, it must be noted that standard hire fees are imposed on all organisations in an attempt to recoup a margin of the costs of maintenance of the hire venue. In order for the policies and fee structure of the Town of Port Hedland to be maintained and respected a consistent approach must be taken towards all groups who wish to hire Council facilities, including not-for-profit groups.

The Civic Centre Gardens and Committee Room are considered to be separate venues from Gratwick Hall and therefore separate fees and charges apply. As such, running an event that utilises all of these venues causes the overall cost of hire to be significantly higher. In order to eliminate the need to have deliveries made at the Gratwick Hall on Friday 17 March, Council could allow the club to receive and store deliveries in the chambers if the hall is booked for an alternative use.

The options available to Council are:

1. That Council waive the Gratwick Hall and Civic Centre Gardens hire fees, as requested by the Rotary Club of Port Hedland (cost \$1,017.50).
2. That Council does not waive the Gratwick Hall and Civic Centre Gardens hire fees, as requested by the Rotary Club of Port Hedland (cost Nil). This is consistent with the position Council took in adopting the current Schedule of Fees and Charges and avoids setting a precedent, which could cause problems in the future.
3. That council offers a percentage reduction in the hire fees payable for the 2006 annual Rotary Ball.

In recognising that the past practice of not applying some of the hire fees (a discretion actually not open to staff) resulting in certain expectations being developed by groups such as the Rotary Club, Council may wish to offer a (for example) 50% reduction in the applicable fees. (Cost of 50% fee reduction \$673.75.)

Officer's Recommendation

That:

- i) the Rotary Club of Port Hedland be required to pay the fees applicable for the hire of Gratwick Hall for its annual Rotary Ball to be held on Saturday 18 March 2006; and
- ii) Council Chambers be made available for the receipt of deliveries for the Rotary Ball on the 17 March 2006, if required.

200506/279 Council Decision

Moved: Cr G D Bussell

Seconded: Cr A A Carter

That:

- i) **100% of proposed charges applicable for the hire of Gratwick Hall for its annual Rotary Ball to be held on Saturday 18.03.06, be waived;**
- ii) **100% exemption of payment of bond payable by Soroptimist International Port Hedland for its Women's Day sunset function to be held on 9 March 2006; and**
- iii) **Council Chambers be made available for the receipt of deliveries for the Rotary Ball on the 17 March 2006, if required.**

CARRIED BY ABSOLUTE MAJORITY 8/0

REASON: Council wished to waive the charges associated with The Rotary Club of Port Hedland's Annual Charity Ball to be held on 18 March 2006, and the Soroptimist International Port Hedland's International Women's Day function to be held in the Civic Centre Gardens on 8 March 2006.

11.2.1.5 Request to Amend Schedule of Fees and Charges – Commercial Hire for Y@JD (File No.: ORG-016)

Officer Bec Coxall
Sports and Recreation
Officer

Date of Report 12 February 2006

Disclosure of Interest by Officer Nil

Summary

The YMCA North West Area Manager Darren Beltman has written to Council requesting that both commercial and community rates be adopted for the utilisation of the halls / meeting rooms within the JD Hardie Centre.

A commercial business has raised the issue of hiring out the hall within the JD Hardie Centre, but currently only community rates are charged for hire of the facility.

Background

For the past three years the YMCA have had the management contract with the Town of Port Hedland to manage the JD Hardie Centre as a recreational and community facility within Port Hedland. The Schedule of Fees and Charges dictates the hire costs for rooms within the facility, however there are no commercial rates currently existing for the Y @JD.

Ozone Fitness has requested the use of the Sports Hall or Meeting Room to conduct fitness classes. National Competition policy stipulates that a Council supported/subsided facility cannot operate in direct competition with a private enterprise, unless they are being operated on an 'even playing field'. This is difficult as Council currently holds no data on which appropriate charges can be raised.

Ozone Fitness however is also a private business, and is requesting the use of the facility to conduct these classes – the primary service of their operation. The Y @JD therefore would purely be hiring out the facility for use to a business within the Town of Port Hedland.

Consultation

The matter has been the subject of discussions with the YMCA Regional Manager and Council staff.

Statutory Implications

Charging the premises at a suitable commercial rate would address Councils obligations under the National Competition Policy

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Adoption of a fee for commercial users will result in a small amount of additional income from the centre.

Officer's Comment

The Schedule of Fees and Charges, includes a dual charge – one for non-commercial use and one for commercial groups and use, in most Town of Port Hedland facilities and reserves. The distinction falls between those that are using the facility for a commercial purpose (they are making money off the project), or they are a non-for-profit group using the facility for a non-commercial purpose.

It seems reasonable for the JD Hardie Centre to have the same distinction between commercial and non-commercial user groups if there is demand for the facility.

Ozone Fitness operates as a business and is a commercial enterprise, therefore commercial rates should be charged if they use the facility. There is no commercial facility that would be suitable for Ozone to use, apart from that operated by their commercial competitor at the Edge Health and Fitness Centre.

As no current commercial rates exist for the JD Hardie Centre, the North West Area Manager of the YMCA has requested that the rates be based upon the "...comparison of a selection of Town of Port Hedland fees and charges that offer different rates for commercial and non-commercial groups..."

The average difference between all commercial and non-commercial groups is 64%. The fee structure proposed by the YMCA for the Y@JD therefore is as follows:

Meeting Room:	Current Non-Commercial	\$22.50 per hour
	Proposed commercial fee	\$37.00 per hour
Sports Hall:	Current Non-commercial	\$32.00 per hour
	Proposed commercial fee	\$53.00 per hour

The options available to Council are therefore:

1. Council makes the JD Hardie Centre available to commercial users at a rate of \$37.00 per hour for the Meeting Room and \$53.00 per hour for the Sports Hall; or
2. obtain an independent valuation of the JD Hardie Centre so that a commercial value can be obtained to strike a commercial users fee; or

3. retain the JD Hardie Centre for community use without making it available to commercial users.

Commercial use of the facilities should not override community access and it is important that Council does not subsidise any commercial users of the centre, who are in competition with other businesses in the Town of Port Hedland. While the formula proposed by the regional manager is perfectly reasonable, based on current fees for the other facilities, it is imperative that Council be certain it is not providing a commercial advantage to one business or, for that matter, discouraging competition between an existing monopoly business and a potential additional service provider. Obtaining an independent commercial valuation meets these objectives.

Mr David Owens of the National Competition Council was contacted by telephone and confirmed that charging a fee based on an independent commercial valuation would satisfy Council's obligations under the National Competition Policy.

Officer's Recommendation

That Council obtain an independent valuation of the JD Hardie Centre so that a commercial value can be obtained to strike a commercial users fee.

200506/280 Council Decision

Moved: Cr T M Young

Seconded: Cr A A Gear

That Council retain the JD Hardie Centre for community use without making it available to commercial users.

CARRIED 6/2

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 J M Gillingham
Cr G J Daccache	
Cr A A Gear	
Cr S F Sear	
Cr T M Young	

REASON: Council did not wish for a commercial valuation to be undertaken of Council's facility, instead retaining the facility solely for community use.

- 6:41 pm Cr T M Young declared an impartiality interest in Agenda Item 11.2.1.6 'Donation of SBS Broadcasting Equipment' as she is the Chair of the community radio station involved.
- 6:43 pm Cr T M Young left the room.
- 6:43 pm Cr A A Gear left the room.
- 6:48 pm Cr A A Gear re-entered the room and assumed his chair.

11.2.1.6 *Donation of SBS Broadcasting Equipment (File Nos.: CMS-054 and AGR-029)*

Officer John Cornelder
Manager Community Services

Date of Report 12 February 2006

Disclosure of Interest by Officer Nil

Summary

A request has been received from Hedland Community Radio to take possession of broadcasting equipment previously promised in 2002 as a Council donation to the then called Port Hedland Indigenous Media Aboriginal Corporation.

Background

In 2002 Council approved the donation of defunct SBS broadcasting equipment to the now defunct Port Hedland Indigenous Media Aboriginal Corporation (PHIMAC). Despite repeated requests by Council to PHIMAC to take possession of the equipment, the hand over never took place. As PHIMAC is now defunct, and the newly formed "Hedland Community Radio" (HCR) group has taken over all functions and liabilities, a request has been received from HCR to honour the original agreement and collect the defunct and surplus broadcast equipment.

The original Council Minute of 28th August 2002 stated the value of the equipment to be donated as at the year 2000. Please note that the equipment was obsolete and dated at the time. For the purpose of this report a separate column has been added to indicate the current value in 2006.

No	Expenditure SBS Equipment	Model	Purchase Price 1999	Depreciated Value 2000	Depreciated Value 2006	Assessed Commercial Value 2006
1	Satellite Receiver	SAD9225	\$ 3,630	\$ 1,600	\$1,110.92	Nil
1	Television Modulator/Ex citer	LPT- KTM4/S	\$ 7,300	\$ 5,600	\$2,234.08	Nil
1	Teko Power Amplifier 250 Watt	L4AMP2 50	\$33,196	\$22,500	\$159.25	\$500
1	Equipment Rack	Rack 2 mtrs	\$ 1,200	Nil	\$367.25	Nil
1	Connecting Cables/Conn ectors		\$ 250	Nil	\$76.51	Nil
1	Critical lightning protection on antenna cable		\$ 350	Nil	\$107.11	Nil
1	TV Antenna Horizontally Polarised	CBS6	\$ 5,890	\$ 3,260	\$1,802.57	Nil
40	Antenna Feeder Cable	LDF5/50	\$ 1,200	\$ 660	\$367.25	Nil
2	Antenna Connectors	L45W	\$ 250	\$ 250	\$76.51	Nil
	TOTAL		\$53,266	\$33,800	\$16,301.44	\$500

- It needs to be noted that part of the agreement with SBS in 2000, was a condition that SBS required 35.12% of any sale price of the equipment be reimbursed if any of the equipment was sold within 5 years of the establishment of the service. As this is now 2006, this clause is no longer applicable.
- The value in 2002, when the Council Motion to donate was adopted, would have been significantly less.
- The current value in 2006 is \$500 as antiquated equipment, with a possible resale value to an “enthusiast” willing to dismantle for parts of a maximum of \$2000.

Consultation

Geraldton Radio and TV (Mr Bruce Niuread, expert in radio transmission equipment).

Statutory Implications

Section 3.58 – Disposing of Property in accordance with the Local Government Act 1995 (as amended) specifically in reference to giving State Wide public notice of the proposed disposition for a period of fourteen (14) days.

*“Disposing of property
3.58.(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 Statewide public notice of the proposed disposition —*
 - (i) *describing the property concerned;*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3) (a) (ii) include —*
- (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.”*

Policy Implications

Nil

Strategic Planning Implications

Not addressed in Strategic Plan 2006-2011.

Budget Implications

The assessed residual value of the equipment is \$500. The depreciated value on Council’s Asset Register is \$16,301.44.

Officer's Comment

As this matter has been outstanding for some time, and as this matter has been already resolved by Council in 2002 by motion, and as the completely volunteer based "Hedland Community Radio" group has absorbed all chattels and debts of the now defunct Port Hedland Indigenous Media Aboriginal Corporation, it appears to be that a simple transfer of the original motion from PHIMAC to HCR is merely an administrative correction to reflect the current "status quo".

Considering the fact that the equipment is obsolete, has lost most of its value and is not of any real value to Council, whereas the Hedland Community Radio Group would be well served with this equipment in order to facilitate a valuable service to the community, combined with the fact that Council has received numerous requests from the current contractor at the Finucane Island Broadcasting site, who looks after the broadcasting equipment there situated, to remove this "junk" to free up space for legitimate equipment, there is no reason why Council's 2002 resolution to donate the equipment to a Community based broadcaster should not be transferred to the current applicant.

200506/281 Council Decision/Officer's Recommendation**Moved:** Cr A A Gear**Seconded:** Cr A A Carter**That:**

- i) Public Notice be given of Council's intention to dispose of SBS equipment to the Hedland Community Radio Group for a nil consideration, in accordance with section 3.58 of the Local Government Act;**
- ii) Council's budget be adjusted to reflect this not budgeted loss on Sale of Asset \$16,301.44;**
- ii) Hedland Community Radio Group acknowledge the Town Of Port Hedland as a sponsor of the new service; and**
- iii) Hedland Community Radio Group pay for all removal costs.**

CARRIED 7/0

6:45 pm Cr T M Young re-entered the room and assumed her chair.

6:45 pm Mayor advised Cr T M Young of Council decision.

**11.2.1.7 Establishment of Recreation Facilities Working Group
(File No.: Rec/024)**

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 15 February 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider the creation of a working group to review:

- a Recreation Facilities Audit of the Town of Port Hedland;
- make recommendations as to the location of a Recreation Centre to meet the needs identified in the audit findings; and
- to make specific recommendations as to the location of skate boarding facilities in Port Hedland and South Hedland

Background

It is proposed that the Recreation Facilities Working Group be established to consult with key stakeholders in relation to the provision of skateboarding facilities within the Town of Port Hedland and as the most efficient means of reviewing the findings of the recreation facilities audit.

The alternative to establishing a working group would require staff to review the findings of the proposed Recreation Facilities Audit and to consult on a one to one basis with key community representatives, and to prepare a potentially greater number of reports for Council consideration. The findings and recommendations of the Working Group will be presented to Council for consideration, which will achieve specified outcomes from Council's Strategic Plan in a more efficient manner.

Consultation

Council has been briefed on the issues relating to skate park facilities and received a petition on the matter from concerned youth. Similarly, the subject of a recreation facilities audit has been the subject of Councillor briefing.

Both matters have been the subject of discussions with the Department of Sport and Recreation, and potential funding bodies.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

KRA 3 (Community Development)

Goal 1 (Youth and Children)

Strategy 2 Review the provision of Skate ramps and Motor bike facilities

KRA 3 (Community Development)

Goal 1 (Sports and Leisure)

Strategy 2 Audit existing Facilities and develop a 5 year Sports Facility Capital Development Plan

KRA 3 (Community Development)

Goal 1 (Sports and Leisure)

Strategy 3. Undertake a feasibility study for the development of a new multipurpose sports facility

Budget Implications Nil

Officer's Comment

The establishment of the Recreational Facilities Working Group, with the input of key staff and community members will enable effective progression of the strategic plan objectives specified.

Officer's Recommendation

That:

- i) Council create a working group of three (3) Councillors, t two invited community representatives, called the Recreation Facilities Working Group, with the following terms of reference:
 - a) consider the provision of Skateboarding facilities in the Town of Port Hedland;
 - b) make recommendations to Council regarding the outcome of those considerations;
 - c) consider the findings of the Recreation Facilities Audit; and
 - d) make recommendations to Council regarding the location and nature of facilities to address needs identified in the Recreation Facilities Audit;

- ii) The Recreation Facilities Working Group be made up of the following members:
 - a) Cr _____
 - b) Cr _____
 - c) Cr _____

- d) Pilbara Meta Maya Recreation Officer, Mr Gavin Mitchell
 - e) A representative of the Youth Involvement Council
- iii) the Chief Executive Officer and appropriate staff attend meeting of the Recreation Facilities Working Group as ex officio members.

200506/282 Council Decision/Officer's Alternative Recommendation

Moved: Cr A A Carter **Seconded:** Cr T M Young

That:

- i) **Council create a working group of five (5) Councillors and four (4) invited community representatives, called the Recreation Facilities Working Group, with the following terms of reference:**
 - a) **consider the provision of skateboarding facilities in the Town of Port Hedland;**
 - b) **make recommendations to Council regarding the outcome of those considerations;**
 - c) **consider the findings of the Recreation Facilities Audit; and**
 - d) **make recommendations to Council regarding the location and nature of facilities to address needs identified in the Recreation Facilities Audit;**
- ii) **the Recreation Facilities Working Group be made up of the following members:**
 - a) **Cr G J Daccache;**
 - b) **Cr T M Young;**
 - c) **Cr A A Carter;**
 - d) **Cr A A Gear;**
 - e) **Cr D R Pike;**
 - f) **and two (2) interested community members; and**
 - g) **two representatives from South and Port Hedland sporting bodies being Jeannie Smith and Rick Hockey respectively**
- iii) **the Chief Executive Officer and appropriate staff attend meeting of the Recreation Facilities Working Group as ex officio members.**

CARRIED 7/1

NOTE: Cr T M Young 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 A A Gear	
Cr J M Gillingham	
Cr S F Sear	
Cr T M Young	

REASON: Council determined membership of the Recreation Facilities Working Group.

200506/283 Council Decision/Officer's Additional Recommendation

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

That:

- i) Council create a working group, called the JD Hardie Centre Working Group, to function for a short period to consider future uses of the JD Hardie Centre.
- ii) the JD Hardie Centre Working Group be made up of the following members:
 - a) Cr S R Martin
 - b) Cr A A Gear
 - c) Cr G D Bussell
 - d) Mr Gavin Mitchell, representing Pilbara Meta Maya
 - e) Ms Sue Harrison representing the Youth Involvement Council
- iii) the Chief Executive Officer and appropriate staff attend meetings of the JD Hardie Centre Working Group as ex officio members.

CARRIED 8/0

REASON: Council determined the establishment of a JD Hardie Centre Working Group, and its membership, to consider future uses of the JD Hardie Centre.

11.2.2 Planning Services**11.2.2.1 *Delegated Planning Approvals for January 2006 (File No.: PLN-104)***

Officer Sarah Hepburn
Administration Officer
Regulatory and Community
Services

Date of Report 1 February 2006

Disclosure of Interest by Officer Nil

Summary

This item relates to the Planning Applications considered under Delegated Authority for the preceding calendar month.

Background

A list of Planning Consents issued by Council's Planning Services under Delegated Authority for the month of January 2006 are attached to this report.

Consultation Nil

Statutory Implications

Town of Port Hedland Delegation Register 2004 outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

Nil

200506/284 Council Decision/Officer's Recommendation

Moved: Cr T M Young **Seconded:** Cr A A Gear

That the Schedule of Planning Consents issued by Delegated Authority for the month of January 2006 be received.

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.2.2.1

Date	App. No.	Address	Applicant	Owner	Development	Delegation	Comment
11.01.06	2005/120	26 Matheson Dve, PH	Pilbara Constructions Pty Ltd	BHP Billiton Iron Ore Pty Ltd	Alterations and Additions to Residence	40 (4)	
11.01.06	2006/3	6 Neptune Pl, PH	D. Stanley	Port Hedland Port Authority	Home Occupation (Embroidery & Dressmaking)	40 (9)	Renewal of previous approval
11.01.06	2005/140	77-95 Hamilton Road, SH	South Hedland Caravan Park	A. Ham	Shade Sail x 2	40 (6)	20.64m ² , covering BBQ and seating area
17.01.06	2005/128	50 Kingsmill St, PH	Fleetwood P/L	D. Essex	Grouped Dwelling	40 (5)	Already one grouped dwelling on site
23.01.06	2005/132	14 Leehey St, WF	Keyflash P/L ATF the A&S Olive Family Trust	As per applicant	Parasol Roof	40 (6)	Extension of existing shed roof to cover adjacent donga
23.01.06	2005/137	14 Leehey St, WF	Keyflash P/L ATF the A&S Olive Family Trust	As per applicant	Ablution Block	40 (1) (i)	Ablution to existing office
23.01.06	2005/141	Lot 724 Anderson St, PH	Airworks Media	Multiplex Capital Ltd	Satellite Dish	40 (1) (ii)	For in-store music at Woolworths, Boulevard Shopping Centre

8:02 pm Cr G J Daccache declared an impartiality interest in Agenda Item 11.2.2.2 'Application for Extension of Planning Permission for Lot 1258 (7) Craig Street Port Hedland' as he is a friend of the applicant.

8:02 pm Cr G J Daccache left the room.

11.2.2.2 Application for Extension of Planning Permission for Lot 1258 (7) Craig Street Port Hedland (Applicant Rick Hockey; Application 2005/51; File No.:119180G)

Officer Andrew Patterson
Planning Officer

Date of Report 24 January 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application to extend the 12-month planning permission for the construction of a carport at lot 1258 (7) Craig Street Port Hedland. (Map attached)

This item is presented for Council consideration as the original resolution to approve this application was made by Council at its Ordinary Meeting on 25 May 2005. Any variation to planning conditions imposed by Council will require a subsequent resolution to remove or vary that condition.

Background

The item was originally presented to Council due to the variations to the Residential Design Codes sought by the applicant.

Council approved this application on 25 May 2005 subject to conditions including a standard planning condition limiting the time allowed for the development.

The condition that the applicant is seeking to vary is condition e) of the original planning approval that states:

"e) this approval to remain valid for a period of twenty-four (24) months is development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS); ..."

The applicant is applying for an extension for his planning approval, as he did not receive structural certification from R JL Engineering Services for the project until 8 December 2005. Council received a copy of this certification with this application.

In addition, the applicant indicates that he has spent considerable time in relocating his family in Perth to facilitate his children's recent acceptance to Perth Modern School and been unable to progress the carport project as expected.

In applying to Council to extend the planning application for an additional twelve (12) months, the applicant indicates that he expects to be in a position to commence construction in September 2006 and complete the project within the original 24-month time period.

Consultation

Relevant parties were consulted with regard to the original planning application and as no objections were raised, no further consultation was conducted with regard to this subsequent item.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 states:

“4.6.3 Where Council grants planning approval, that approval:

- (a) Continues in force for two years, or such other period as specified in the approval, after the date on which the application is approved, and*
- (b) Lapses if the development has not substantially commenced and is in continuation before the expiration of that period.*

4.7.2 Upon written application being made by an owner of land the Council may vary any condition imposed on a planning approval or may extend the time for compliance of any condition so imposed.”

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Should Council resolve not to permit an extension of this planning consent, the applicant would be required to resubmit the application and pay the required fee of \$100.

Officer's Comment

This is a relatively minor modification requested to a valid planning consent and acceding to the applicant's request will not materially impact on the effect of the original approval.

200506/285 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That the application for an extension of time for Planning Permission at Lot 1258 (7) Craig Street, Port Hedland, (Applicant Rick Hockey) be approved subject to:

a) condition e) as imposed by Council in the Application received 19 April 2005 (Application 2005/51) be modified to read:

“e) this approval to remain valid for a period of twenty-four (24) months (PS); and”

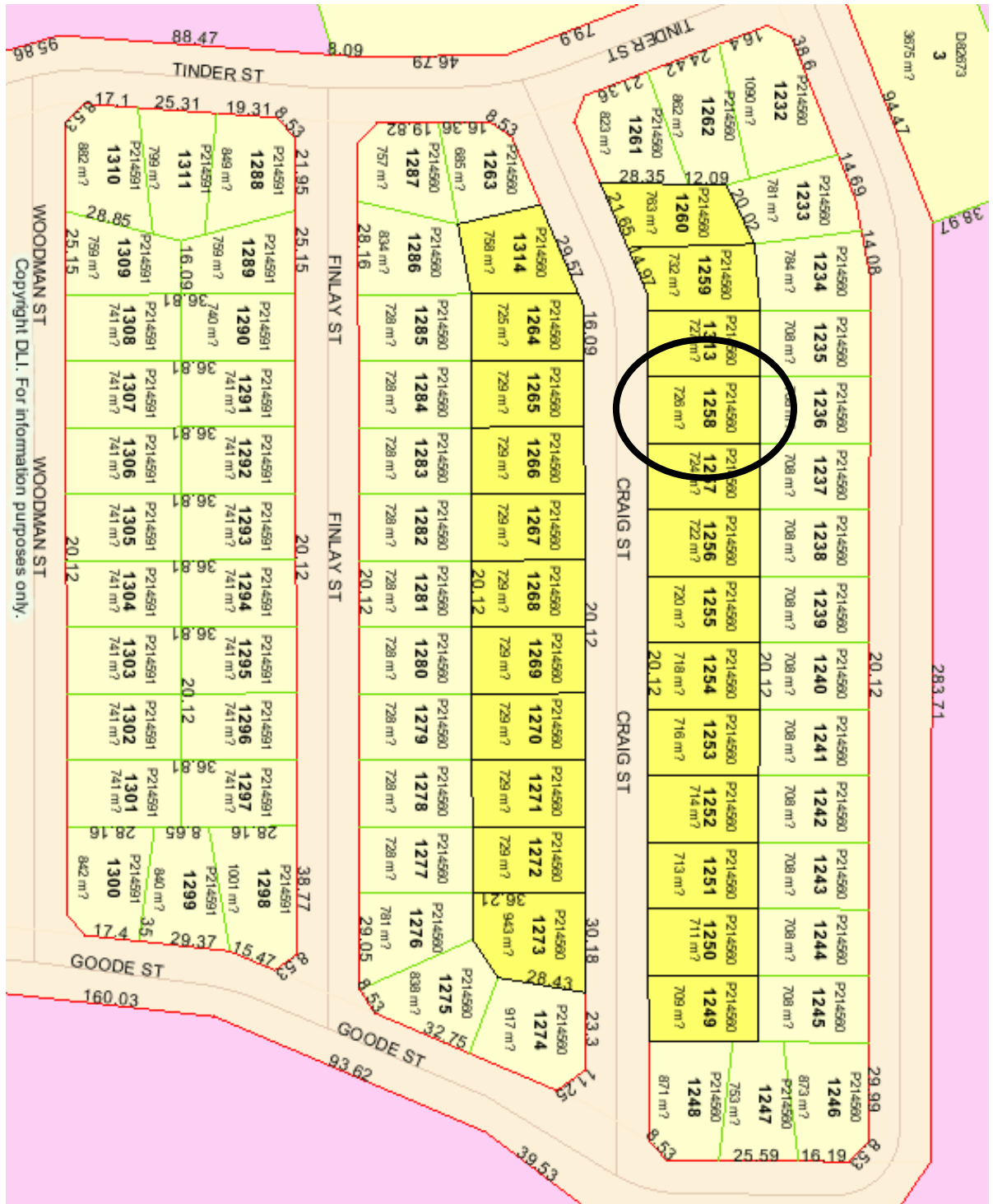
b) the applicant be advised in writing of this decision.

CARRIED 7/0

8:03 pm Cr G J Daccache re-entered the room and assumed his chair.

8:03 pm Mayor advised Cr G J Daccache of Council's decision.

ATTACHMENT TO AGENDA ITEM 11.2.2.2



WOODMAN ST
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11.2.2.3 Request for Comment Regarding Subdivision of Lot 5876 Styles Road, Port Hedland (File No.:803357G)

Officer Andrew Patterson
Planning Officer

Date of Report 2 February 2006

Disclosure of Interest by Officer Nil

Summary

Council has received a request for comment from the Western Australian Planning Commission regarding the proposed subdivision of lot 5876 Styles Road Port Hedland.

Background

This proposed subdivision is the first stage land release of the larger Pretty Pool proposal. The land the subject of this application is currently zoned "Urban Development" and therefore does not require rezoning or a scheme amendment in order to be subdivided.

The land is Unallocated Crown Land that is zoned "Urban Development R 20" in the Town of Port Hedland Town Planning Scheme No. 5. The land subject to this application comprises 4.2103 ha of the total lot size of 11.0203 ha.

Rezoning

While this land does not require rezoning prior to development, under section 5.2 of TPS 5, Council can require the developer to produce a Development Plan for the subdivision. This action is not recommended, as the land is currently the subject of a development plan that has been adopted by Council for advertising purposes.

Density

As the land is currently zoned to allow a maximum residential density of R 20, the subdivision is required to achieve an average lot size of 500 m² with a minimum size of 440 m². This development complies with this requirement, yielding three (3) lots below the average lot requirement, with the bulk of the lots within the range of 500 – 699 m².

Public Open Space Contribution

The public open space requirement (POS) required by the WAPC of 10% of the gross subdivided area (excluding land which is surveyed for schools, major regional roads, public utility sites, municipal use sites, or, at its discretion, any other nonresidential use site), would in this case be 4.2103 ha. Under this proposal 4.721 ha is designated as a POS contribution.

Therefore, the subdivision application complies with WAPC policy regarding POS.

Road and Lot Layout

The road and lot layout proposed by this subdivision application are essentially the same as the Revised Development Vision presented to Council at its Ordinary Meeting on 14 December 2005 (see attachment), where Council resolved:

- “...i) adopt the Revised Pretty Pool Development Plan for the purpose of public advertising in conjunction with the associated Town Planning Scheme No.5 Scheme Amendment; and*
- ii) refer the updated plan and documentation to the Environmental Protection Authority to assess the required level of environmental assessment.”*

Comment Period

In order for the WAPC to complete this assessment within the statutory 90-day timeframe, Council's comment on the proposal is required by 2 March 2006. If Council is unable to provide comment by this date, an interim reply outlining reasons for the delay and expected submission time is acceptable. Should the WAPC not receive any response, it will assume Council has no comment to offer.

Consultation

Council's Engineering and Building Services have offered no objection or comment to this proposal.

Council's Environmental Health Services do not object to the proposal but has requested that the developer ensure that existing and new drainage systems will not result in storm water pooling to cause mosquito breeding sites.

No external consultation was conducted for this item as an integral component of the subdivision assessment and approval system by the Western Australian Planning Commission involves seeking comment from:

- Agriculture Western Australia
- Department of Environment
- Fire and Emergency Services Authority
- Health Department of Western Australia
- Western Power
- Telstra
- Water Corporation

Statutory Implications

Section 13 of the *Land Administration Regulations 1998* prescribes the requirements for the Crown when entering joint ventures to develop and sell Crown land.

Division 1 and 2 of Part 6 of the *Land Administration Act 1997* outlines the process required for the sale of Crown Lands.

Section 20 of the *Town Planning and Development Act 1928* outlines the process required to subdivide land.

The Town of Port Hedland Town Planning Scheme No. 5 zones the land "Urban Development R 20." The TPS also outlines the requirements for a Development Plan, if required, in section 5.2 and Appendix 6 of the Scheme.

Policy Implications Nil

Strategic Planning Implications

Gaol 4 - Land Development Projects
That land is being released and developed to meet the needs of a growing community.
Strategy 1. Work with LandCorp to progressively develop Pretty Pool in a sustainable manner.

Budget Implications Nil

Officer's Comment

This subdivision application forms part of the Pretty Pool Development Plan. This section does not require the scheme amendment process in order to proceed as the land is appropriately zoned for this type of development under the Town of Port Hedland Town Planning Scheme No 5. Council may require a Development Plan be submitted under section 6.4 of TPS 5, however as this land is currently the subject of a Development Plan already adopted by Council for the purpose of advertising, this requirement is considered unnecessary.

Council will have further opportunity to comment on the subdivision of the land subject the Pretty Pool Scheme Amendment.

This is an opportunity at the first stage of development for Council to offer comment, or recommend to the WAPC any conditions it considers relevant.

200506/286 Council Decision/Officer’s Recommendation

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

That the Western Australian Planning Commission be advised that the proposed subdivision of Lot 5876 (No Street Address), Port Hedland into 71 lots in accordance with the plan dated 19 January 2006 (Application 130283) is supported, subject to the following conditions being placed upon any approval granted by the Commission:

- a) **the proposed public open space to be developed and maintained to Council’s satisfaction for a period of two (2) years;**
- b) **footpaths to be constructed to Council’s satisfaction on both sides of the proposed streets;**
- c) **all vehicle crossings to be designed and constructed to the satisfaction and specification of Council’s Engineering Services (ES); and**
- d) **a drainage management plan to be approved by the Town of Port Hedland Environmental Health Service, prior to commencement of development.**

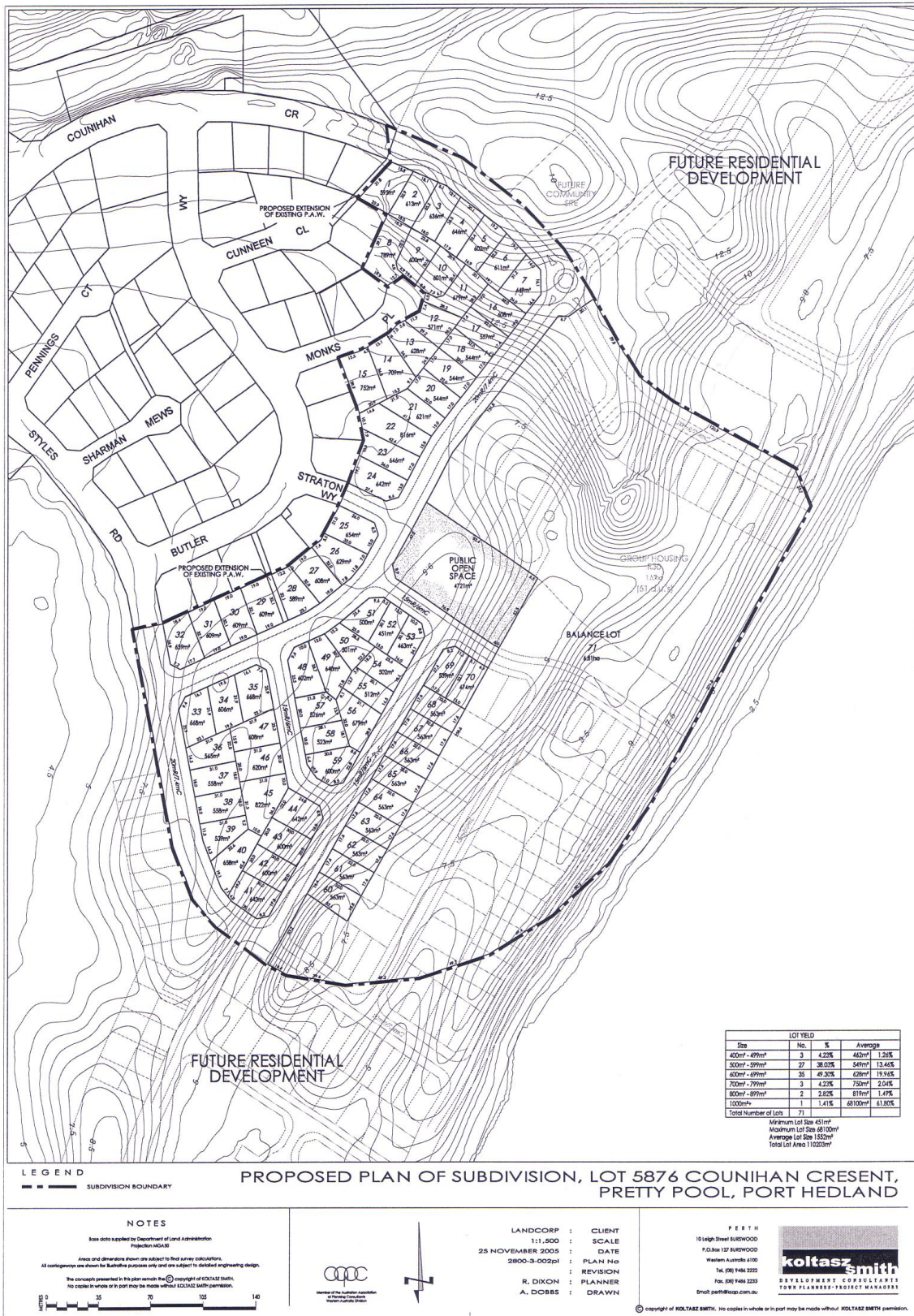
CARRIED 5/3

NOTE: Cr A A Gear 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 G J Daccache	Cr T M Young
Cr J M Gillingham	
Cr S F Sear	

ATTACHMENT TO AGENDA ITEM 11.2.2.3
ATTACHMENT 1



ATTACHMENT TO AGENDA ITEM 11.2.2.3
ATTACHMENT 2



DESIGN PRINCIPLES

- ✓ **Responsive street layout:**
 - Street layout to maximise dwellings facing north-west sea breeze
 - Access spine linking across site providing high degree of connectivity
 - Roundabouts assist traffic calming
 - Key vehicular and pedestrian links to neighbouring facilities and coast
 - Dual use paths provided along main linkage roads, through linkage POS and around Linear Park
 - Response to housing demand through a variety of lot product
 - ✓ **Sense of Place:**
 - Opportunity to develop 'Pilbara Style' built form
 - Active and interpretive beach front
 - Views to ocean, and landscape provided throughout development and road/path network
 - Opportunity for tourist and community cafe/bar meeting and activity area
 - ✓ **Public Open Space:**
 - Linear Park with passive, active, recreational and interpretive nodes
 - Open space linkage from existing residence to linear park network
 - Open space located within walking distance of residences
 - Linear POS as buffer between existing landscape conditions
- Environmental:**
- Application of water sensitive urban design principles
 - Development designed in the context of foreshore and mangal management, eg. turtle nesting, mangroves
 - Development above 100 year flood level (approx. 5.5m AHD)

Revised Development Vision - Pretty Pool
PORT HEDLAND



SEEK, APPRECIATE & ENJOY THE QUALITIES WITHIN THE LANDSCAPE

7:10 pm Cr G J Daccache declared an interest in Item 11.2.2.4 'Request to Consent to Grant Investigation Licence to The Pilbara Infrastructure Pty Ltd' as he owns FMG Limited shares.

7:10 pm Cr G J Daccache left the room.

11.2.2.4 Request for Consent to Grant Investigation Licence to The Pilbara Infrastructure Pty Ltd (File No.: ENV – 031)

Officer Andrew Patterson
Planning Officer

Date of Report 6 February 2006

Disclosure of Interest by Officer Nil

Summary

At its Ordinary Meeting on 25 January 2006, Council resolved that:

- “...i) Agenda Item ‘11.2.2.3 Request for Consent to Grant an Investigation Licence to the Pilbara Infrastructure Pty Ltd’ lay on the Table;*
- ii) a copy of Licence Application to be sealed and signed is to be circulated to Councillors prior to its consideration by Council; and*
- iii) clarification of any potential impact to current lessees of Reserve 35915 to be provided to Council.”*

This item is presented to address the two concerns expressed by Council in points ii) and iii).

Background

The Pilbara Infrastructure (TPI) is currently a wholly owned subsidiary company of the Fortescue Metals Group that exists in order to develop and operate the required railway from their mine sites to Port Hedland. FMG does not intend to remain the sole owner of this company and will open the proposed rail line to interested third party users.

This investigation is required under the applicant's State Agreement, the *Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004*, to facilitate the submission of a detailed proposal to the Minister with regard to its mining and associated activities.

To achieve this requirement FMG are planning to undertake investigation on various land, including three (3) reserves that are vested in Council.

In consultation with Council's Planning Officer, FMG has indicated that they have no intention of undertaking any works within any occupied lease area. Furthermore, FMG has indicated that they are prepared to excise the SHOTA land (Reserve 35915) from the investigation license area. An appropriate condition to facilitate this is included in the Officer's recommendations.

As indicated in the report submitted at Council's Ordinary Meeting held on 25 January 2006, neither of the other two (2) affected reserves is being used.

The Consent to Grant of Licence is attached to this agenda item.

Consultation

Council's Manager Administration has indicated that none of the Council controlled areas within the proposed lease area are currently subject to valid leases. The SHOTA lease is the only area currently under negotiation for a new lease to regulate their current use of the land.

Council's Planning Officer has consulted with the applicant regarding Council's concerns regarding this item with the outcome listed in the Background of this report.

Statutory Implications

The TPI State Agreement is contained in Schedule 1 of the *Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004*. Clause 4 of this agreement states:

"The State shall subject to the adequate protection of the environment (including flora and fauna) and the land affected (including improvements thereon), and subject to the Company furnishing to the Minister the written consents referred to in clause 7(3)(a), arrange for the issue of requisite authority under the LAA to allow the Company to enter upon Crown land as defined in the LAA (Including, if applicable, land the subject of a pastoral lease, but excluding land within the Port) with plant and equipment to carry out all works to the extent reasonably necessary for the purposes of undertaking its obligations under clause 5(1)."

- Clause 5(1) requires the Company to provide the Minister with appropriate reports of field and office investigations.
- Clause 32 (2) requires the Company to remove the railway and return the land as near as possible to the condition of

the land prior to the Agreement in respect to Cl.4 unless the Minister gives notice and the railway becomes the property of the State.

Clause 14 of the *Land Administration Act 1997* requires the Minister to consult with local governments prior to exercising any power conferred by this Act.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

As indicated on the attachments, a total area of 250 hectares is expected to be affected by this exploration license along the entire scope of operations. The proposed condition contained in the Officer's Recommendation will protect the only area where Council is the responsible authority and that is currently used. It is also noted that TPI is required to return the land to its current condition at the cessation of the State Agreement.

200506/287 Council Decision/Officer's Recommendation

Moved: Cr T M Young **Seconded:** Cr A A Gear

That Council resolve to:

- i) **authorise the Chief Executive Officer, and the Mayor to sign the Consent to Grant Licence and affix the Common Seal of the Town of Port Hedland to the supplied pro forma, subject to:**
 - a) **Lot 5164 (Reserve 35915) being excised from the exploration area; and**
- ii) **return the completed documents to The Pilbara Infrastructure.**

CARRIED 7/0

7:13 pm Cr G J Daccache re-entered the room and assumed his chair.

7:13 pm Mayor advised Cr G J Daccache of Council's decision.

ATTACHMENT TO AGENDA ITEM 12.2.2.4

1212-05 Copy to DCES



Fortescue Metals Group Ltd
 ACN: 002 594 872
 Fortescue House
 50 Kings Park Road West Perth
 Western Australia 6005
 PO Box 910, West Perth, Western Australia 6872

Telephone: + 61 8 9266 0111
 Facsimile: + 61 8 9266 0188
 Website: www.fmg.com.au

25 November 2005

Town of Port Hedland
 Civic Centre
 McGregor St
 PORT HEDLAND WA 6721

Dear Sirs

RECORD No	05-5117
OFFICER	Geo DLCS
28 NOV 2005	
FILE No	ENJ-031
ACTION DATE	KL

BY POST

RAILWAY INVESTIGATION LICENCE

You may be aware that on 10 November 2004, Fortescue Metals Group Ltd, The Pilbara Infrastructure Pty Ltd ("TPI") and the State of Western Australia entered into an agreement concerning among other things the development of a multi-user railway and associated roads and infrastructure in the Pilbara region of Western Australia ("TPI State Agreement"). Most of the clauses of the TPI State Agreement are not yet in operation but TPI hopes that they will be soon.

Clause 4 of the TPI State Agreement provides for the grant to TPI of an investigation licence to undertake geophysical, geological, geotechnical, engineering and environmental investigations in connection with its proposed railway and associated roads and infrastructure ("Investigation Licence").

For your reference, the TPI State Agreement is contained in Schedule 1 to the *Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004*. Of particular relevance are clauses 4, 5(1) and 7(3) of the TPI State Agreement, the relevant parts of which provide as follows:

"Initial obligations of the State

- 4. *The State shall subject to the adequate protection of the environment (including flora and fauna) and the land affected (including improvements thereon), and subject to the Company furnishing to the Minister the written consents referred to in clause 7(3)(a), arrange for the issue of requisite authority under the LAA to allow the Company to enter upon Crown land as defined in the LAA (Including, if applicable, land the subject of a pastoral lease, but excluding land within the Port) with plant and equipment to carry out all works to the extent reasonably necessary for the purposes of undertaking its obligations under clause 5(1)."*

"Initial obligations of the Company

- 5(1) *The Company shall continue field and office geological, geophysical, geotechnical, engineering and environmental investigations and studies and marketing and finance studies and other matters necessary for the purposes of clauses 7 and 8 and to enable it to finalise and to submit to the Minister the detailed proposals referred to in clause 10."*

"Railway Corridor

- 7(3) *The Company acknowledges that it shall be responsible for liaising with every title holder in respect of the land affected and for obtaining in a form and substance acceptable to the Minister all consents of each such title holder to, and all statutory consents required in respect of the land affected for:*

(a) *the issue of requisite authority under the LAA pursuant to clause 4 and the undertaking of the matters referred to in clause 5(1);*

(b) *.....*

For the purposes of this subclause (3), "title holder" means an management body (as defined in the LAA) in respect of any part of the affected land, a person who holds a mining or petroleum right (as defined in the LAA) in respect of any part of the affected land, a person who holds a lease or licence under the LAA in respect of any part of the affected land, a person who holds any other title granted under or pursuant to a Government agreement in respect of any part of the affected land, a person who holds a lease or licence in respect of any part of the affected land under any other Act applying in the said State and a person in whom any part of the affected land is vested, immediately before in respect of paragraph (a) the grant of the authority referred to therein and in respect of paragraphs (b) and (c) the provision of such consents to the Minister as referred to in clause 10(5)(b)."

The "LAA" is defined in the TPI State Agreement as the Land Administration Act 1997.

You will see that prior to seeking the Investigation Licence, TPI has agreed to furnish written consents from relevant "title holders" in accordance with clause 7(3) of the TPI State Agreement.

You have received this letter because TPI considers you to be a person from whom such a written consent is required.

TPI intends seeking the Investigation Licence over a corridor approximately 2 kilometres wide. This corridor essentially overlaps the area surveyed for TPI's Public Environmental Reviews, but excludes any spur to Mindy Mindy and does not extend south beyond Christmas Creek (TPI's Public Environmental Review corridor extended to Mount Nicholas). For your reference, the following maps are enclosed:

1. Map marked Annexure "A" which shows the area over which TPI intends seeking the Investigation Licence; and
2. Map marked Annexure "B" showing:
 - (I) the area(s) in relation to which you are a "title holder" shaded red; and
 - (II) the portion of that area in relation to which TPI intends seeking the Investigation Licence (shaded blue) and accordingly in relation to which your consent is being sought.

If you would like more detailed information, please advise me and I will be happy to assist.

To allay any concerns you may have, the Investigation Licence being sought by TPI will allow TPI to investigate areas suitable for its proposed railway and associated roads and infrastructure. It will not constitute any form of approval for the alignment or width of the Special Railway Licence which might ultimately be granted to TPI to construct and operate its proposed railway and associated roads and infrastructure. In this regard, any grant to TPI of a Special Railway Licence will require a further consent from all relevant "title holders"; see clause 7(3) (b) of the TPI State Agreement.

I formally request that you consent to the grant to TPI of the Investigation Licence by signing and returning the enclosed copy of this letter. Because TPI is endeavouring to "fast track" the construction and commissioning of its proposed railway and associated roads and infrastructure, I would be grateful if you could sign and return the enclosed copy of this letter as soon as possible.

Fortescue Metals Group Ltd

Page 3

The signed copy of this letter should be returned to the following address:

ATTENTION: JULIAN TAPP

The Pilbara Infrastructure Pty Ltd
PO Box 910
WEST PERTH WA 6872

Please find enclosed a stamped, self-addressed envelope for this purpose.

Should you agree to the issuing of an Investigation Licence to TPI, your consent should be executed in one of the following ways.

- A If you are a corporation:
 - (i) by affixing a common seal or signing in accordance with Section 127 of the Corporations Act 2001 (Cth); or
 - (ii) by duly appointed attorney under a power of attorney registered at the Department of Land Information (in which case, a copy of the relevant power of attorney and its corresponding Department of Land Information Registration Number must also be returned with the signed copy of this letter).
- B If you are a natural person, by signing in the presence of an independent adult witness who states his or her name and address.

If you have any comments or concerns about TPI's railway ultimately being located within TPI's preferred Rail corridor, you should forward those comments or concerns to Greg Sale, Project Officer, Department of Industry and Resources, 100 Plain Street, East Perth, WA 6004. His facsimile number is 9222 6156.

I look forward to hearing from you in relation to the matters raised above at your earliest convenience.

Yours sincerely
Fortescue Metals Group Ltd


Julian Tapp

cc: Dept for Planning and Infrastructure
cc: Department of Industry and Resources

NATURE OF PROPOSED GEOTECHNICAL INVESTIGATIONS

Geotechnical investigation activities resulting in ground disturbance fall into the categories of test pits for borrow material, water exploration bores and access tracks necessary to access these geotechnical investigation locations.

Test Pits for Borrow Material

Test pits of 5 metres x 5 metres may be required in order to identify potential areas for construction borrow pits.

Water Exploration Bores

Exploration water bore drill pads of 30 metres x 10 metres may be required to identify potential locations for production water bores.

Access Tracks Required for Geotechnical Investigations

Access tracks of 5 metres wide may be required to access the geotechnical investigation areas.

Summary

In summary it has been estimated that approximately 250 hectares of ground will be disturbed along the entire proposed railway corridor in order to complete the geotechnical investigations. Of this, the majority of the ground disturbance (~90%) will result from the clearing of access tracks, with the remainder being for the exploration water bores (~8%) and test pits (~2%).

oOo

CONSENT TO GRANT OF LICENCE
under the agreement set out in Schedule 1 to the *Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004*
("TPI State Agreement")

I/We the **Town of Port Hedland (ABN 19 220 085 226)** ("Title Holder") hold the rights and/or interest(s) specified below in the land specified below ("Land").

By signing this consent where provided below, I/We irrevocably consent to:

- (a) **(grant of licence)** the grant to The Pilbara Infrastructure Pty Ltd (ACN 103 096 340) ("**TPI**") of a licence under the *Land Administration Act 1997* to enter and carry out certain activities on the Land as contemplated by clause 4 of the TPI State Agreement; and
- (b) **(exercise of rights)** TPI by itself and by its employees, agents, contractors, consultants and invitees and any other persons acting with TPI's authority entering the Land and doing those things it is from time to time authorized to do on the Land, under the licence referred to in paragraph (a).

Rights/interest: Rights and interests of holder of Reserves 33593, 33848 & 35915

Land: That portion of Reserve 33593 / Lot 116 on Deposited Plan 176233, Reserve 33848 / Lot 3261 on Deposited Plan 18168, and Reserve 35915 / Lot 5164 on Deposited Plan 214200, that is affected by the area of TPI's proposed Investigation Licence as shown on the enclosed map marked Annexure "B"

EXECUTION CLAUSES

Please execute using one of the methods below. Please complete all required details.

SIGNED BY)
Town of Port Hedland)
ABN 19 220 085 226)
in accordance with Section 127)
of the Corporations Act 2001 (Cth):

Director/Sole Director & Sole Secretary

Director / Secretary

Name (please print)

Name (please print)

Fortescue Metals Group Ltd

Page 6

OR

THE COMMON SEAL OF)
Town of Port Hedland)
ABN 19 220 085 226)
was affixed in accordance with its)
constitution in the presence of:)

Director/Sole Director & Sole Secretary

Director / Secretary

Name (please print)

Name (please print)

OR

EXECUTED by)
Town of Port Hedland)
ABN 19 220 085 226)
by its attorney under power of attorney)
dated)
_____ (insert date) in the presence)
of:)

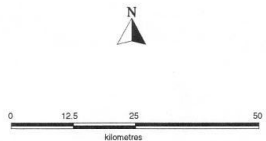
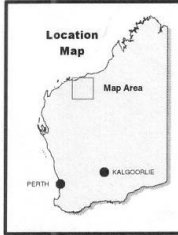
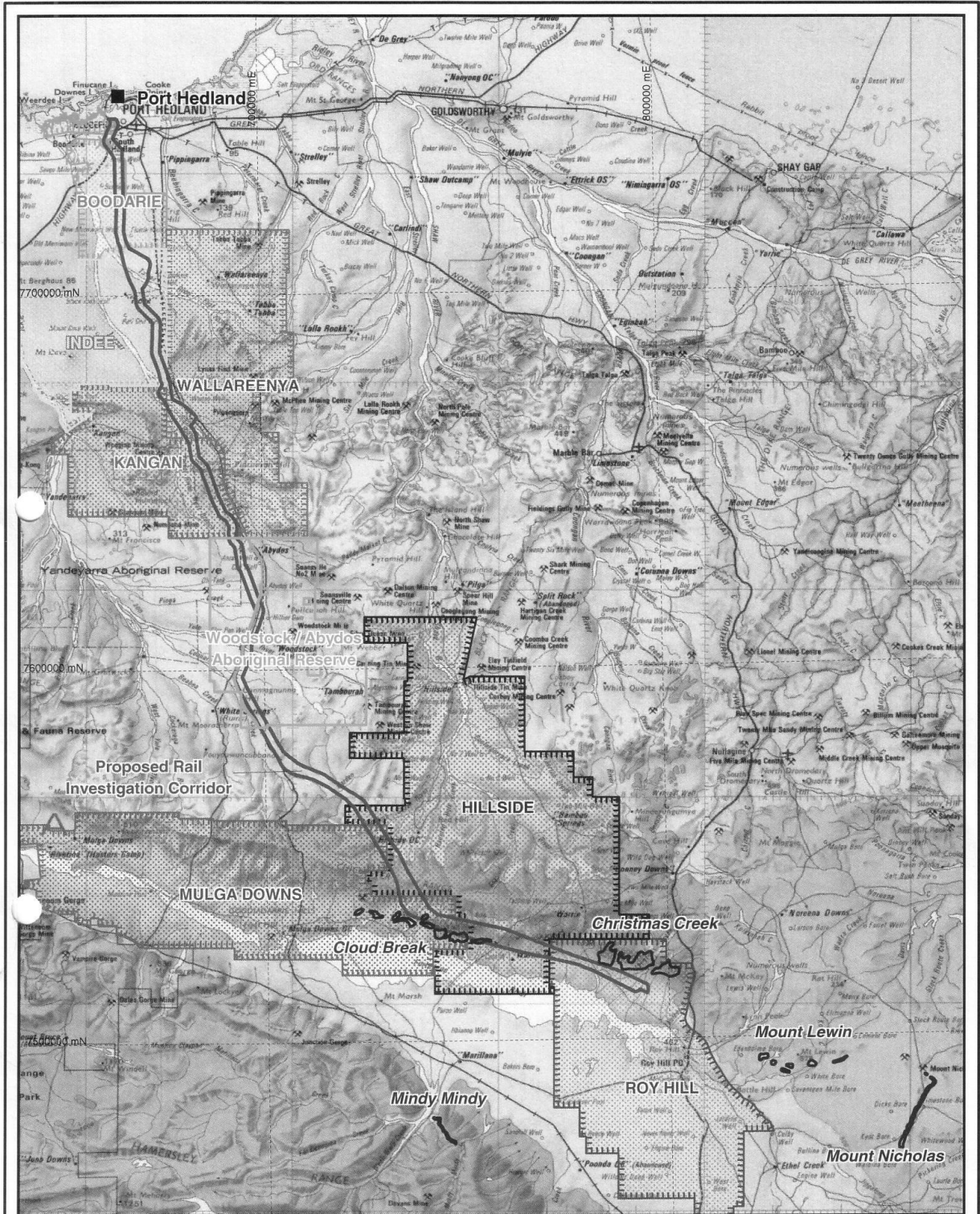
Signature of Attorney

Signature of Witness

Name of Attorney (please print)

Name of Witness (please print)

Address of Witness



Fortescue Metals Group Limited

ANNEXURE "A"
(AREA OF TPI'S PROPOSED INVESTIGATION LICENCE)

Author: G Matthews	Date: 10 Oct 05
Drawn: G Matthews	Revised:
Dwg No.: 05_160_1909_SDV_Index	Report No.:
Projection: MGA50	Scale: 1:1,250,000

11.2.2.5 Proposed Road Closure of Portion of Lawson Street South Hedland (File No.:VES 004)

Officer Andrew Patterson
Planning Officer

Date of Report 3 February 2006

Disclosure of Interest by Officer Nil

Summary

Council has received a request from the Department for Planning and Infrastructure (Land Asset Management Services) to initiate a road closure for a portion of Lawson Street South Hedland.

The land adjacent to the road subject of the proposed closure is Reserve 33928 that is vested with Council for the purpose of "Recreation, Public Utilities Services and Accessway."

Background

On 22 June 2005, Council resolved (in part) to seek:

"...approval to develop a reserve vested with the Town of Port Hedland (Reserve 33298) be granted to Youth Involvement Council Inc. for the additions to the existing Youth Centre; ..."

When the lot was being surveyed by LAMS in order to create the new reserve, the surveyor noted that the existing Youth Centre and basketball courts are encroaching on the Lawson Street road reserve.

In order to correct this anomaly and progress the creation of the new reserve, LAMS requires that the road reserve be closed to the extent of the encroachment and the land included in the Youth Centre Reserve.

LAMS have provided a survey diagram describing the proposed road closure, which is attached to this item, along with an aerial photograph of the road. The proposal is to close the road and extend the reserve up to the current fence line.

Consultation

Council's Engineering Services has offered no objection or comment to the proposal.

Should Council resolve to commence the road closure action, LAMS require written confirmation from Western Power, the Water Corporation and Telstra indicating that these organisations have no objection to the proposal.

In addition, there is a statutory requirement under section 58 of the *Land Administration Act 1997* to advertise the proposed road closure in a local newspaper with a minimum 35-day period allowed for public comment.

Statutory Implications

Section 58 of the Land Administration Act 1997 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.*
- (5) If the Minister grants a request under subsection (4) —*
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and*
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) When a road is closed under this section, the land comprising the former road —*
 - (a) becomes unallocated Crown land; or*
 - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.”*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Advertising is proposed in the Northwest Telegraph with costs arising being deducted from account 1006249 (Advertising – Town Planning). The cost is within budgetary provisions

Officer's Comment

As indicated on the attached photograph, the Lawson street road reserve is relatively large and the proposed section to be closed will have no impact on current traffic flows.

This measure is a required action to address an historical anomaly, as it is inappropriate to allow a building or basketball court to remain constructed on a road reserve.

200506/288 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

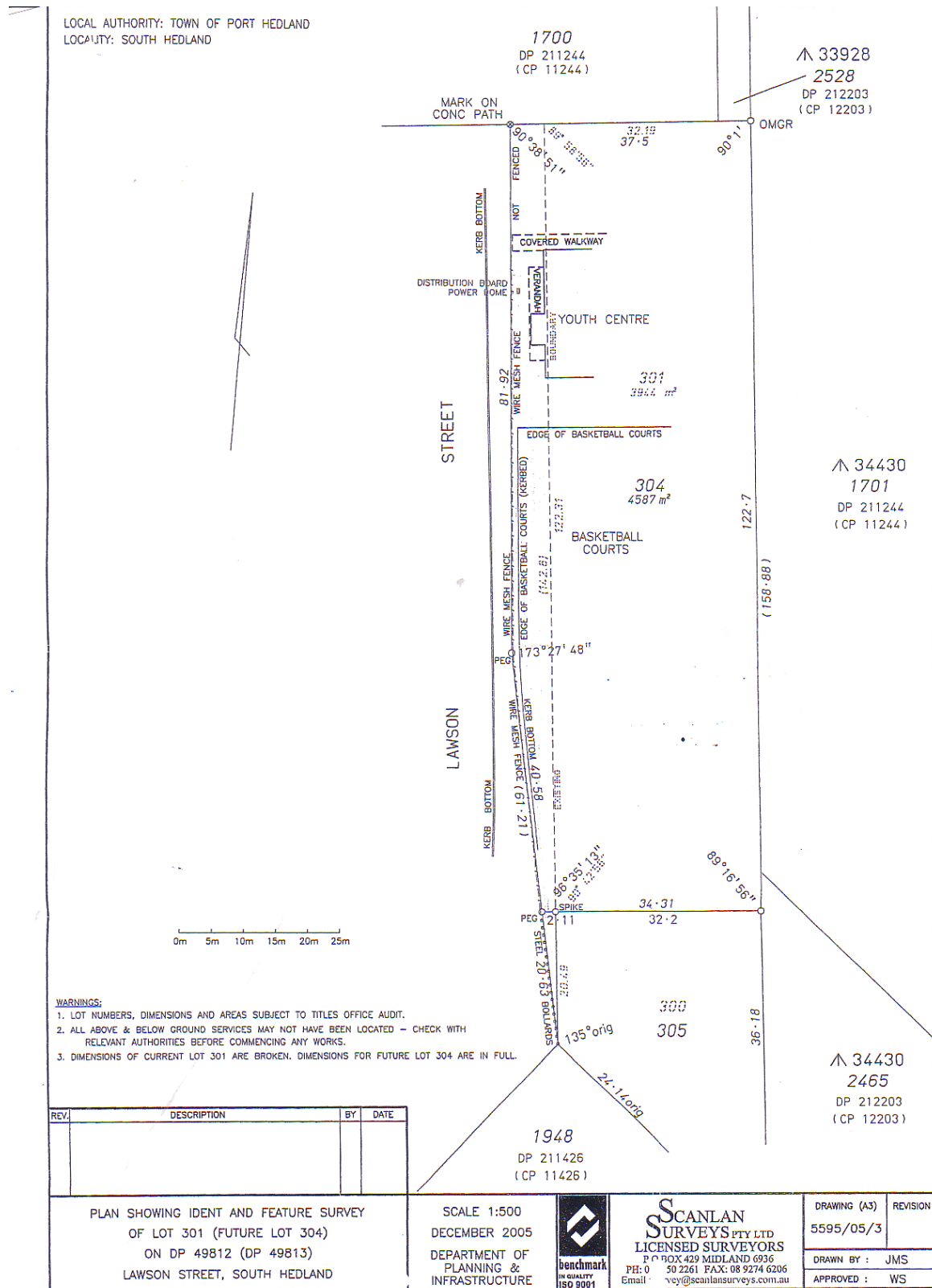
Seconded: Cr T M Young

That Council resolve to:

- i) **close the portion of the Lawson Street road reserve as indicated on the plan received by the Department for Planning and Infrastructure (Land Assets Management Services), drawing number 5595/03/05;**
- ii) **seek comment with relation to the road closure from**
 - a) **Western Power,**
 - b) **the Water Corporation,**
 - c) **Telstra.; and**
- iii) **advertise the proposed road closure in accordance with Section 58 of the Land Administration Act 1997.**

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 12.2.2.5
ATTACHMENT 1



PLAN SHOWING IDENT AND FEATURE SURVEY
OF LOT 301 (FUTURE LOT 304)
ON DP 49812 (DP 49813)
LAWSON STREET, SOUTH HEDLAND

SCALE 1:500
DECEMBER 2005
DEPARTMENT OF
PLANNING &
INFRASTRUCTURE



SCANLAN SURVEYS PTY LTD
LICENSED SURVEYORS
P O BOX 429 MIDLAND 6936
PH: 0 80 2261 FAX: 08 9274 6206
Email: vey@scanlansurveys.com.au

DRAWING (A3) 5595/05/3	REVISION
DRAWN BY : JMS	
APPROVED : WS	

ATTACHMENT TO AGENDA ITEM 12.2.2.5
ATTACHMENT 2



**11.2.2.6 Request for Addition to Town Planning Scheme 5
Amendment No. 7 (File No.: 803357G)**

Officer Andrew Patterson
Planning Officer

Date of Report 8 February 2006

Disclosure of Interest by Officer Nil

Summary

Council has received a request from Koltasz Smith on behalf of the Department of Environment to make an addition to the Scheme Amendment adopted by Council at its Ordinary Meeting on 28 September 2005.

Background

At its Ordinary Meeting on 28 September 2005, Council resolved (in part) to:

- “a) initiate an amendment to Town Planning Scheme No. 5 to rezone an area of land from ‘Rural’ and ‘Urban Development R20’ to ‘Urban Development’ to facilitate the subdivision and development of the land in accordance with the Revised Pretty Pool Development Plan;*
- b) advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority;*
- c) receive the Revised Pretty Pool Development Plan for the purpose of public advertising in conjunction with the associated Town Planning Scheme No.5 Scheme Amendment; “*

The attached flowchart indicates the process required to complete a town planning scheme amendment such as this.

A critical step in the amendment process is the referral of documentation to the EPA so that they can determine the level of assessment required.

Section 48A of the *Environmental Protection Act 1986* requires that all Town Planning Schemes and Scheme Amendments are to be assessed by the EPA. When the EPA has, in its opinion, all the required information to assess a scheme or amendment, it has a statutory 28 day period in which to determine whether a

formal level of assessment is required. If required, a formal assessment is conducted as outlined in the attached flowchart.

At this stage of the Pretty Pool land release, the EPA has not commenced its 28 day determination as it does not consider it has all the required information to determine whether to require a formal assessment. In order to avoid requiring a formal assessment, the EPA is proposing an addendum to the Scheme Amendment that will require the developer to initiate a number of management plans to address issues of concern to the Authority.

The EPA prefers this method, as it will achieve the environmental goals of the Authority without requiring the potential delays caused by a formal assessment. If adopted by Council, the additional clauses inserted into the Scheme Amendment will identify those areas of concern to the EPA and require the developer to address these concerns prior to development.

The EPA could, by requiring a formal level of assessment, require that all the appropriate environmental studies be completed prior to releasing the amendment for advertising, however this method provides an opportunity to progress to the advertising stage while still enabling the EPA to retain control of the environmental impact of the development.

In addition, by making the management plans integral to the Amendment when advertised, the consultation phase may progress with less comments submitted, as concerned parties can be assured that the environmental aspects of the development are to be fully addressed to the EPA's satisfaction.

On 5 January 2006, the EPA advised Council, and the developers of additional information the Authority would require prior to determining the necessity for setting a formal level of assessment of the proposed Scheme Amendment.

Following meetings involving the EPA, DPI, Clifton Coney Group, the Environmental Protection Authority (EPA) has requested the addendum to the Scheme Amendment in order to ensure that the environmental issues are addressed prior to development of the Pretty Pool site. The EPA proposes to achieve this by requiring the following actions:

Prepare a Foreshore Management Plan

Document planning uses within the foreshore area (e.g. conservation, recreation).

- Develop a vegetation rehabilitation program for the foreshore dune system involving:
- Planting native species in disturbed areas and monitoring success of dune rehabilitation;

- Closing vehicle access to the beach;
- Constructing and maintaining designated dual use paths;
- Maintain all public foreshore areas; and,
- Installing educative signage, where required, in foreshore areas.

Identify and manage important ecological corridors and reserves utilised by terrestrial fauna within the foreshore area.

Construct and maintain wall along the foreshore road.

Liaise with relevant stakeholders in relation to the implementation of the Plan.

Prepare a Turtle Management Plan

Develop a monitoring program for the Pretty Pool nesting population in cooperation with the existing turtle conservation program established by the CARE for Hedland Environmental Association. This program should include:

- Description of existing environment and habitat requirements;
- Counting and locating nesting activity to determine abundance and distribution; and,
- Conduct hatching 'Arena Experiments' to determine effects of light emissions.

Assess and manage issues associated with human activity at night and fox predation on nests.

Assess and maintain habitat quality for nesting activity.

Liaison with relevant stakeholders in relation to turtles in the region.

Prepare a Shorebird Management Plan

Develop a monitoring program for identifying important shorebird foraging and breeding areas adjacent to the proposed development site. This Plan should include the following:

- Conduct a preliminary study (Oct-Nov) to identify threatened avifauna within the development site and surrounding areas; and,
- Undertake periodical surveys of avifauna in the area in order to monitor potential displacement of bird populations.

Maintaining the foreshore habitat in conjunction with the implementation of the Foreshore Management Plan.

Install signs, where necessary, informing visitors of the ecology of various species in the area.

Liaison with relevant stakeholders in relation to turtles in the region.

Prepare a Mosquito and Midge Management Plan

Assess the threat/risk of pathogenic arboviruses in the Pretty Pool area

Determine the most appropriate methods for controlling mosquitoes and midges in the proposed development site. This should include:

- Determine the abundance and location of breeding sites in Four Mile Creek using single carbon dioxide insect baits; and
- Investigate the influences of tidal inundation and rainfall events on mosquito reproduction in Five Mile Creek.

Develop a strategy for controlling mosquito and biting midges (i.e. use of larvicide, adulticide residuals (e.g. Bistar products))

Develop Memorials/Notifications through the WAPC as warnings to residents

Prepare a Drainage and Nutrient Management Plan

Develop an infiltration system, which incorporates the principles of Water Sensitive Urban Design (WSUD). This should include:

- Developing of onsite treatment trains and infiltration basins to reduce runoff reaching the mangal;
- Use of nutrient stripping vegetation and litter removal devices in drainage system to minimise the nutrient and contamination input into the water ways; and,
- Use of non-irrigating indigenous species and minimising lawns areas.

Prepare a Mangrove Management Plan

Develop a management program for the construction of the two boardwalks (estuarine boardwalk and salt flat boardwalk). This program should include:

- Location and layout of boardwalks;
- Construction methods to minimise disturbance; and,
- Ongoing management and monitoring

Develop educational component to the boardwalk experience.

Consultation

Council's Planning Officer has consulted with the EPA, the Department for Planning and Infrastructure and Koltasz Smith with regard to this matter and established that all parties consider this an effective means to progress the Scheme Amendment.

Statutory Implications

Clause 7A1 of the *Town Planning and Development Act 1928* requires a local government to refer a proposed Town Planning Scheme or Scheme Amendment to the EPA for assessment along with such written information as required by the EPA to comply with section 48A of the EP Act.

Section 48A of the *Environmental Protection Act 1986* outlines the authority of the EPA and provides the procedure for assessing schemes and amendments.

Policy Implications Nil

Strategic Planning Implications

Goal 4, Strategy 1: Works with LandCorp to progressively develop Pretty Pool in a sustainable manner.

Budget Implications Nil

Officer's Comment

The EPA is proposing this addendum to the Scheme Amendment in order to satisfy itself that certain environmental requirements are met. Should Council resolve not to adopt this method, the EPA may require a formal assessment of the Scheme Amendment that will most likely extend the development process.

By exercising this proposed option, Council would guarantee that the environmental conditions required by the EPA could be addressed concurrently to the Scheme Amendment being advertised for public comment.

Officer's Recommendation

That Council resolve to:

- a) modify the Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 7 to read:

“Resolved that the Council, in pursuance of Section 7 of the Town Planning and Development Act, 1928 (as amended) amend the above Town Planning Scheme by:

- a) Rezoning Lot 5877 Counihan Crescent, and adjoining Crown Land as depicted on the Scheme Amendment Map from "Rural" to "Urban Development" Zone;
- b) Amending the Scheme Map accordingly; and
- c) Inserting a new clause 6.4.4 to read:

"6.4.4 Lots 5876 and 5877 Counihan Crescent, Pretty Pool

In addition to the requirements of Clause 6.4 and including those of Appendix 6, the following management plans will be required to be prepared for submission with a Development Plan over Lots 5876, 5877 and surrounding land:

- (a) Foreshore Management Plan;*
 - (b) Turtle Management Plan;*
 - (c) Shorebird Management Plan;*
 - (d) Mosquito and Midge Management Plan;*
 - (e) Drainage and Nutrient Management Plan; and*
 - (f) Mangrove Management Plan.";* and
- b) update the Scheme Amendment documentation accordingly.

200506/289 Council Decision

Moved: Cr T M Young

Seconded: Cr A A Gear

That Item 11.2.2.6 'Request for Addition to Town Planning Scheme 5 Amendment No. 7' lay on the table until the matter is considered by the Department of Environment.

CARRIED 8/0

REASON: Council wished for the proposal submitted to be referred to the Department of Environment and Protection for consideration, prior to Council's consideration.

ATTACHMENT TO AGENDA ITEM 12.2.2.7
ATTACHMENT

The site plan shows a coastal development with several key zones and features:

- Existing pretty pool carpark** (top left)
- beachside cafe/bar** (top left)
- coastal walk/exercise trail** (top left)
- controlled access to turtle nesting foreshore** (top left)
- pretty pool point viewing and interpretive platform** (top left)
- low impact group housing** (top center)
- group housing** (top center)
- active open space** (top center)
- recreation precinct** (top center)
- beachside cafe/bar** (middle left)
- key tourist site** (middle left)
- single residential** (middle left)
- estuarine sand walk** (middle left)
- cultural precinct** (middle left)
- group housing** (middle center)
- POS link** (middle center)
- single residential** (middle center)
- mangrove interpretive centre & walk** (middle right)
- Mangroves** (middle right)
- tidal creek** (middle right)
- adventure play** (bottom right)
- single residential** (bottom center)
- group housing** (bottom center)
- active open space** (bottom center)

DESIGN PRINCIPLES

Responsive street layout:

- Street layout to maximise dwellings facing north-west sea breeze
- Access spine linking across site providing high degree of connectivity
- Roundabouts assist traffic calming
- Key vehicular and pedestrian links to neighbouring facilities and coast
- Dual use paths provided along main linkage roads, through linkage POS and around Linear Park
- Response to housing demand through a variety of lot product

Sense of Place:

- Opportunity to develop 'Pilbara Style' built form
- Active and interpretive beach front
- Views to ocean and landscape provided throughout development and road/path network
- Opportunity for tourist and community cafe/bar meeting and activity area

Public Open Space:

- Linear Park with passive, active, recreational and interpretive nodes
- Open space linkage from existing residence to linear park network
- Linear POS as buffer between existing landscape conditions

Environmental:

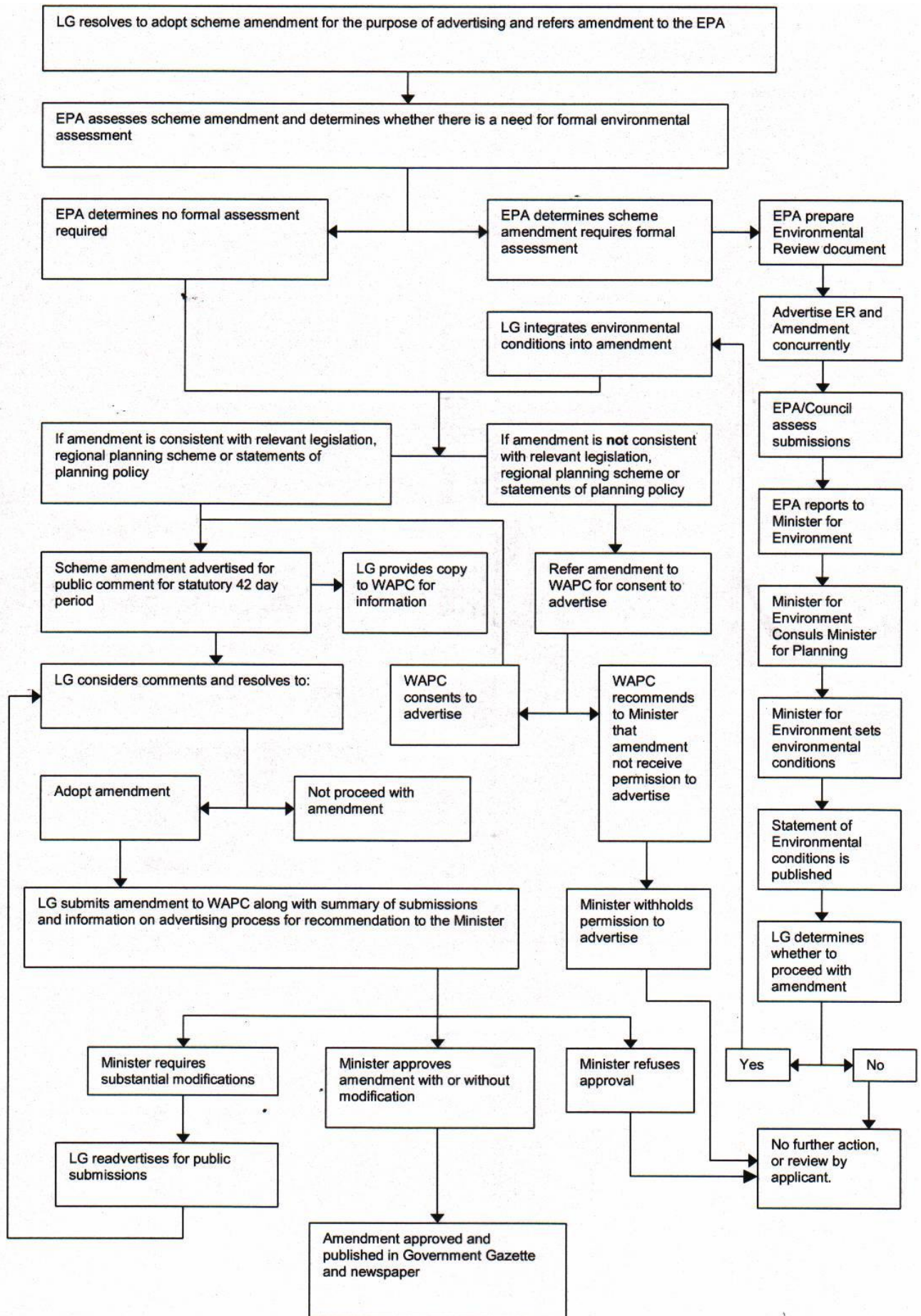
- Application of water sensitive urban design principles
- Development designed in the context of foreshore and mangal management, eg. turtle nesting, mangroves
- Development above 100 year flood level (approx 5.6m AHD)

Revised Development Vision - Pretty Pool
PORT HEDLAND

LANDCORP

SEEK, APPRECIATE & ENJOY THE QUALITIES WITHIN THE LANDSCAPE.

Scale 1:5000



11.2.2.7 Request for Reconsideration Regarding Change of Use on Lot 842 Great Northern Hwy and Proposed Lease for Lot 5909 Great Northern Hwy (File No.: 803328G)

Officer Andrew Patterson
Planning Officer

Date of Report 10 February 2006

Disclosure of Interest by Officer Nil

Summary

Council has received a request from Tony Ford Management Services on behalf of Wellard Properties Pty Ltd to reconsider its opposition to the stockpiling of Manganese ore on lot 842 and the proposed lease for lot 5909 for the purpose of processing ore.

Background

At its Ordinary Meeting in October 2005, Council resolved:

“That Council advise Land Asset Management Services (LAMS) that:

- i) Council does not support the proposed lease of Lot 842 Great Northern Highway and/or Lot 5909 for the purposes of Stockpiling of Ore as:
 - a) the proposed use is not consistent with the Town Planning Scheme reservation of Other Purposes – Infrastructure; and*
 - b) there are more appropriate locations within the Town of Port Hedland for this type of use.**
- ii) the current stockpiling of ore at the sites is not in accordance with Town Planning Scheme No 5 (TPS5) and that they should immediately commence discussions with the lessee to progress the removal of the ore to a location that is more appropriate under the TPS.”*

The proponent’s content that this decision is at odds with the Council Decision at its Ordinary Meeting held on 27 July 2006, where Council resolved:

“That Land Asset Management Services be advised that Council supports the proposed public release of Lot 5909 Great Northern Highway as a 10 year lease for the purposes of ‘Workshop and Storage’, subject to:

- a) *the successful lessee obtaining relevant Council approvals for the use and development of the land prior to occupation commencing;*
- b) *all use and development of the site to comply with the provisions of Council's Town Planning Scheme No. 5, the Health Act 1911, Building Code of Australia, and any other relevant Acts, Regulations, Local Laws and Council Policies; and*
- c) *Land Asset Management Services obtaining the written support of the Department of Industry and Resources for the proposed lease."*

Representatives of Wellard Properties and their consultant, Mr Ford, addressed Council at its Briefing Session on 18 January 2006 to outline their position and explain their purpose in seeking the additional lease to lot 5909.

The current leaseholders of lot 842 contend that they are operating within the original planning approval from Council and request that Council review the resolution of 28 October 2005.

The planning approval granted on 23 June 2004 included approval for "... establishment of a Storage Facility / Depot / Laydown Area (Road Train Depot) at Lot 842 Great Northern Highway, Port Hedland as outlined in the application dated 30 September 2003. That application did in fact refer to "hard stand Storage areas for Quarry/Mine products and associated materials."

Consultation

Relevant internal consultation took place prior to the submission of this item at Council's Ordinary Meeting on 26 October 2005 and has not been repeated.

Council is currently being requested for comment with regard to the proposed leases being considered by LAMS and therefore external consultation is not required in this instance.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 reserved the land for "Other Purposes – Infrastructure."

Section 14 of the *Land Administration Act 1997* requires that the Crown consult with a local government prior to exercising power under this Act. Section 48 of the Act enables the Crown to lease reserved land provided the proposed use is incidental or compatible with the current or future use of the reserve.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

As noted in the statutory implications, LAMS is only able to offer a lease in a reserved area where the purpose of the lease is compatible to the current or future use of the reserve. Notwithstanding that LAMS has indicated that is prepared to offer the lease as proposed by the applicant, it will give due regard to any recommendation by Council.

The issue as indicated by Council at its Ordinary Meeting on 26 October 2005 concerns amenity issues raised by this land use. In its deliberation of this item, Council specifically raised issues at the appropriateness of locating ore stockpiles adjacent to a major entry to the town. It is noted that the lots are located approximately 5 kilometres from the 'Broome Road' turnoff, with the ore stockpiles set back some distance from the road. If this issue is of significant concern to Council, a condition could be added that would require the lessee to ameliorate the visual amenity of the site.

Given the evidence presented by the applicant in claiming that the current use of the land to store manganese ore is consistent with a valid planning approval, it is not inappropriate for Council to reconsider its decision of October 2005.

Officer's Recommendation

That:

- i) Land Asset Management Services (LAMS) be advised in writing that Council does not oppose the change of lease of Lot 842 Great Northern Highway from "Transport Depot" to "Stockpiling of Ore," subject to:
 - a) the Lessee obtaining relevant Council approvals for any future use and development of the land prior to such use or development of the land;
 - b) all use and development of the site to comply with the provisions of Council's Town Planning Scheme No. 5, the Health Act 1911, Building Code of Australia, and any other relevant Acts, Regulations, Local Laws and Council Policies; and

- c) Land Asset Management Services obtaining the written support of the Department of Industry and Resources for the proposed lease; and
- ii) Land Asset Management Services (LAMS) be advised that Council supports the proposal that a lease for Lot 5909 be offered to the Lessee of Lot 842 for the purpose of "Workshop, Storage and Processing of Manganese," subject to:
 - a) the Lessee obtaining relevant Council approvals for the use and development of the land prior to use of the land;
 - b) all use and development of the site to comply with the provisions of Council's Town Planning Scheme No. 5, the Health Act 1911, Building Code of Australia, and any other relevant Acts, Regulations, Local Laws and Council Policies; and
 - c) Land Asset Management Services obtaining the written support of the Department of Industry and Resources for the proposed lease.

200506/290 Council Decision

Moved: Cr A A Carter

Seconded: Cr G D Bussell

That Council writes to Tony Ford Management Services advising that it upholds its opposition to the stockpiling of Manganese ore on Lot 842 Great Northern Highway and the proposed Lease for Lot 5909 Great Northern Highway, Port Hedland, (Council Decision 200506/148).

CARRIED 6/2

NOTE: Cr T M Young requested the votes be recorded:

Record of Vote

FOR	AGAINST
Cr S R Martin	Cr A A Gear
Cr A A Carter	Cr T M Young
Cr G D Bussell	
Cr G J Daccache	
Cr J M Gillingham	
Cr S F Sear	

REASON: Council indicated that id did not believe that the location was appropriate for the activities being proposed.

**ATTACHMENT TO AGENDA ITEM 11.2.2.7
ATTACHMENT 1**

05-01204

**TOWN OF
PORT HEDLAND**



Land Asset Management Services
PO Box 1575
MIDLAND WA 6936

Our Ref: RW:A116960G

Your Ref: 4627/965v3

Enquiries: Roy Winslow

Attn: Michelle Goodwin – Pilbara Team

Direct Line: (08) 9158 9326

Dear Michelle

Lot 842 Great Northern Highway

I refer to your letter dated 31 March 2005.

A site inspection of the land was undertaken on 5 April 2005. The site is currently being used for the stockpiling of manganese ore, prior to transport to and shipping through the Port of Port Hedland.

No structures are evident on the site. A 1.8m high link mesh fence has been constructed around the perimeter of the site and a lockable gate provided across the access point into the site.

The current use of the land is consistent with the 'storage facility / depot / laydown area' use as defined by Town of Port Hedland Town Planning Scheme No.5. The site was granted approval for a transport depot in 2004, although it is noted that the current use differs from what was envisaged by the applicant, who was the previous lessee.

Council's Environmental Health Services has no concerns relating to the stockpiling of the material on the site.

I have included photographs of the site taken today (5/4/05).

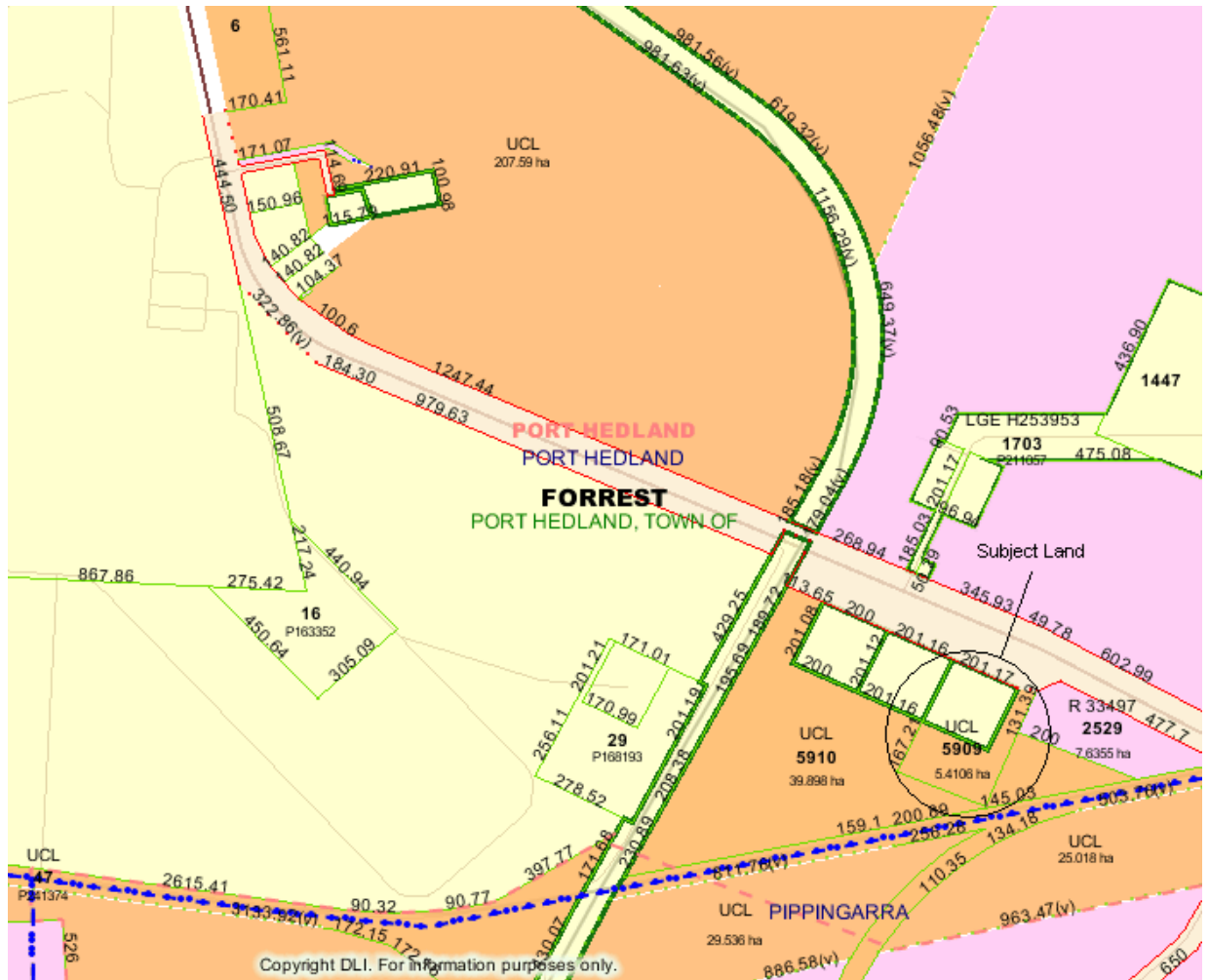
Please do not hesitate to contact me on 9158 9326 should you require additional information or if I can be of further assistance.

Yours sincerely

Roy Winslow
PRINCIPAL TOWN PLANNER

5 April 2005

**ATTACHMENT TO AGENDA ITEM 11.2.2.7
ATTACHMENT 2**



- 7:22 pm Cr Shane F Sear declared an impartiality interest in Agenda Item 14.2.2.8 'Location of Transportable Office at Lot 308 (19-21) Ridley Street, Wedgefield' as he is the President of the Wedgefield Association.
- 7:22 pm Cr S F Sear left the room.
- 7:22 pm Cr Stan R Martin declared an perceived impartiality interest in Agenda Item 14.2.2.8 'Location of Transportable Office at Lot 308 (19-21) Ridley Street, Wedgefield' lives on the same street as the of the applicant, but is not a direct neighbour.
- 7:22 pm Cr S R Martin did not leave the room.

11.2.2.8 *Location of Transportable Office at Lot 308 (19 – 21) Ridley Street, Wedgefield (File No.: 128320G)*

Officer Andrew Patterson
Planning Officer

Date of Report 14 February 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application to locate a transportable office at lot 308 (19 –21) Ridley Street Wedgefield.

“Office” is listed as an “IP” use in an industrial zone in the Town of Port Hedland Town Planning Scheme No. 5. This item is referred for Council consideration, as delegated officers do not have the authority to determine “IP” uses

Background

The land is zoned “Industry” and consists of 1515 m². The lot currently has approval to construct a 12.225 m x 11.18 m, shed that was approved under delegated authority on 13 September 2005. The proposed use for the shed and office is to operate a welding repair business.

The applicant is proposing to locate a 4.2 m x 9.3 m transportable office to operate in conjunction with the approved shed in which to run a welding business.

The approved shed is not yet constructed, as the applicant requires the office to be located on the lot before the shed as it is to be located to the rear of the lot and will not be accessible once the shed is erected.

Consultation

Building, Engineering and Environmental Health Services were consulted with regard to this application and have offered no objection to the proposal. Relevant conditions are included in the Officer's recommendation reflecting comments received.

No external consultation was required or conducted with regard to this application.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 zones the land "Industry" and requires that planning consent be granted prior to development of the land. Section 6.7 of TPS 5 states:

*"6.7 INDUSTRY
General Provisions*

6.7.1 In determining applications for planning approval within the Strategic Industry, Industry and Industrial Development zones, Council shall have regard to any relevant Council Policy Statement adopted under Part V of the Scheme.

6.7.2 In considering planning applications within the Strategic Industry, Industry or Industrial Development zones, Public Purpose or other reservations, or the industry buffers identified in the Policy Manual, Council shall have regard for the:

- (a) compatibility of uses,*
- (b) potential impact of the proposal on the efficient and effective operations of the existing and planned industry, infrastructure or public purpose, and*
- (c) risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use."*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Planning fees of \$100 have been deposited into account 1006326 – Town Planning Fees.

Officer's Comment

This is a relatively minor development that is permitted as incidental to the approved use for the land. This development complies with relevant sections of TPS 5.

Officer's Recommendation

That Planning Consent be granted to Christopher John Drazic for the locating of a transportable office at Lot 308 (19 – 21) Ridley Street as outlined in the Application received 25 January 2006 (Application 2006/10) and indicated on the approached plans, subject to the following conditions:

GENERAL

- a) 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);
- b) the construction of the proposed project to comply with the Building Code of Australia 1996 and all relevant Australian Standards (BS);
- c) this approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).

DURING CONSTRUCTION

- d) 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);
- e) 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 Council's Engineering Services and Environmental Health Services (EHS);
- f) the development must not interfere with property and effluent mains and/or effluent disposal systems (EHS);

USE OF DEVELOPMENT

- 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); and

ADVICE TO DEVELOPER

- h) a Building Licence to be issued prior to the commencement of any on site works (BS).

NOTE: The developer to take note that the area of this application may be subject to 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.

NOTE: The developer is advised that should plumbing fixtures be installed, they are to be connected to an approved waste disposal system to the satisfaction of Council's Environmental Health Services and/or the Health Department of Western Australia (EHS).

200506/291 Council Decision

Moved: Cr T M Young **Seconded:** Cr G J Daccache

That Planning Consent be granted to Christopher John Drazic for the locating of a transportable office at Lot 308 (19 – 21) Ridley Street as outlined in the Application received 25 January 2006 (Application 2006/10) and indicated on the approached plans, subject to the following conditions:

GENERAL

- a) **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);**
- b) **the construction of the proposed project to comply with the Building Code of Australia 1996 and all relevant Australian Standards (BS);**

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

DURING CONSTRUCTION

- d) 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);
- e) 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 Council's Engineering Services and Environmental Health Services (EHS);
- f) the development must not interfere with property and effluent mains and/or effluent disposal systems (EHS);

USE OF DEVELOPMENT

- 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); and

ADVICE TO DEVELOPER

- h) a Building Licence to be issued prior to the commencement of any on site works (BS).

NOTE: 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.

NOTE: The developer is advised that should plumbing fixtures be installed, they are to be connected to an approved waste disposal system to the satisfaction of Council's Environmental Health Services and/or the Health Department of Western Australia (EHS).

CARRIED 7/0

7:28 pm Cr G D Bussell left the room.

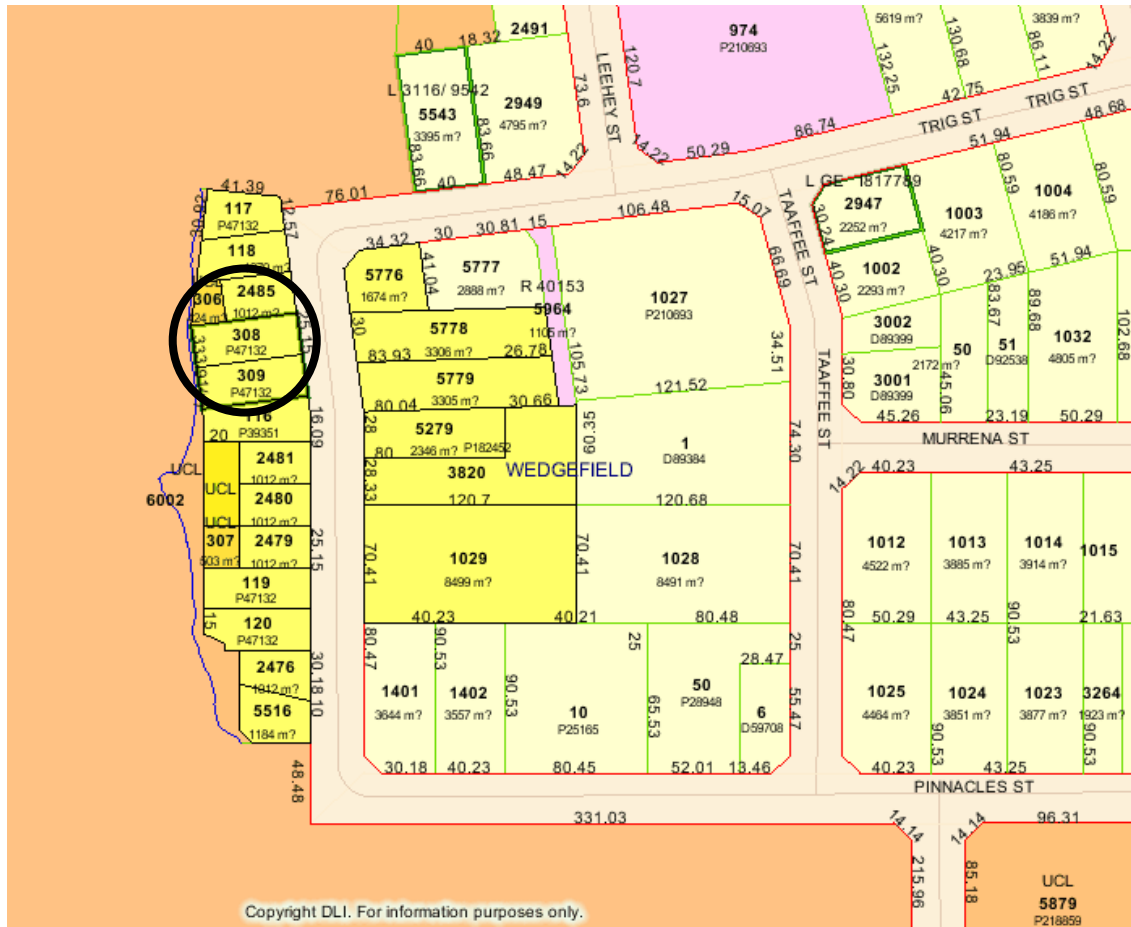
7:28 pm Cr G D Bussell re-entered the room and assumed his chair.

7:29 pm Cr S F Sear re-entered the room and assumed his chair.

7:29 pm Director Regulatory and Community Services left the room.

REASON: Council sought for "rising sea levels" to be included in the Notes.

ATTACHMENT TO AGENDA ITEM 12.2.2.8



11.3 ENGINEERING SERVICES

11.3.1 Director Engineering Services

11.3.1.1 Upgrade of Signage on Port Hedland Heritage and Cultural Trail - Tender 05/11 Manufacture of Stainless Steel Plaques and Etching Designs (File No.: TEN 296; Tender 05/12 Manufacture of Metal Plate Stands (File No.: TEN 297); Tender 05/13 Removal of Existing and Installation of New Trail Signage (File No.: TEN 295)

Officer Grant Logie
Director Engineering
Services

Date of Report 7 February 2006

Disclosure of Interest by Officer Nil

Background

Tenders were recently called for the upgrade of the signage on the Port Hedland Heritage and Cultural Trail. The scope of works has been divided into three separate tenders for plaque manufacture, plate stand manufacture and removal and installation of signage. The upgrade is a project of the Port Hedland Enhancement Scheme, a joint partnership between BHP Billiton, the State Government and Council.

The following tenders were received:

Tender 05/11 – Talbot Walsh (see table 1 below)

Tender 05/12 – No tenders received

Tender 05/13 – No tenders received

Table 1: Talbot Walsh Bill of Quantities

No	Item	\$ per Service (ex GST)	Cost (ex GST) \$
1.0	Manufacture and Supply of 42 – 316 Marine Grade Stainless Steel Plaques including etching of relevant information	\$880.00	\$36,960.00
2.0	All graphic artist work to enable images to be reproduced on plaques	\$100.00 (12 off)	\$1,200.00
Total Cost Carried to Tender Form			\$38,160.00
Total Cost carried to Tender From (inclusive GST)			\$41,976.00

Statutory Implications

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

Policy Implications

Procurement Policy 2/015.

Strategic Planning Implications

This item is an integral part of the Towns Strategic Plan (Community Pride – Goal 3 & Economic Development – Goal 1)

Budget Implications

The upgrade is a project of the Port Hedland Enhancement Scheme.

The Port Hedland Enhancement Scheme has budgeted an amount of \$40,000 (ex GST) for the signage component (Tender 05/11) of the project. The tendered price is below this amount.

Officer's Comment

Tenderers were assessed by Jane Hutcheon from the Pilbara Development Commission and subsequently reviewed by Council's Director Engineering Services, the evaluation was based on the evaluation criteria listed in the Tender documents as 16.1 Appendix A – Evaluation Criteria:

a) Price	60%
b) Experience	10%
c) Resources (eg. plant & equipment)	10%
d) Demonstrated Understanding of required tasks	10%
e) Local Supplier	10%

Table 2: Assessment of Evaluation Criteria

Company	Criteria (a)	Criteria (b)	Criteria (c)	Criteria (d)	Criteria (e)	Sub-total	Conforming
Talbot & Walsh	50	8	8	9	5	80%	Yes

200506/292 Council Decision/Officer's Recommendation

Moved: Cr T M Young

Seconded: Cr A A Carter

That:

- i) Tender 05/11 (Manufacture of Stainless Steel Plaques and Etching Designs) be awarded to Talbot and Walsh for the tendered price of \$38,160 (excluding GST); and**
- ii) the Pilbara Development Commission seek quotes for the work specified in the following tenders:**
 - a) Tender 05/12 Manufacture of Metal Plate Stands; and**
 - b) Tender 05/13 Removal of Existing and Installation of New Trail Signage**

for the upgrade of signage works on the Port Hedland Heritage and Cultural Trail.

CARRIED 8/0

- 7:30 pm Cr T M Young declared a financial interest in Item 11.3.1.2 'Buttweld Road Upgrade' as she owns BHP Billiton shares and her husband is employed by BHP Billiton.
- 7:30 pm Cr T M Young left the room.
- 7:30 pm Cr G J Daccache declared a financial interest in Item 11.3.1.2 'Buttweld Road Upgrade' as he owns BHP Billiton shares and is employed by BHP Billiton.
- 7:30 pm Cr G J Daccache left the room.
- 7:30 pm Cr A A Gear declared a financial interest in Item 11.3.1.2 'Buttweld Road Upgrade' as he is the Director of a company who contracts to BHP Billiton. Cr A A Gear did not leave the room as the Department of Local Government and Regional Development have exempted him to do so.

11.3.1.2 Buttweld Road Upgrade (File No.: RDS-028)

Officer Grant Logie
Director Engineering
Services

Date of Report 10 February 2006

Disclosure of Interest by Officer Nil

Summary

BHP Billiton is proposing to upgrade Buttweld Road on behalf of the Town of Port Hedland.

Background

Buttweld Road is a Town of Port Hedland sealed road that is primarily used by BHP Billiton Iron Ore (BHPBIO) for access to BHPBIO's Flashbutt facilities from Great Northern Highway.

Buttweld Road is currently listed in the Engineering Services Roads 2025 program as advised in the Roads Program Summary Council Briefing. It is proposed to continue Buttweld Road through to the South Hedland town site to create a more direct link to the Great Northern Highway.

BHP Billiton is proposing to upgrade Buttweld Road to improve access to their facilities. The proposed improvements include:

- Road widening to form a 7m wide seal
- Drainage improvements
- Design improvements and reconstruction to road curve radius

- Extend seal to railway line
- Intersection design improvements to Great Northern Highway
- New line marking, guide posts, signage and crash barrier

BHP Billiton will provide the Town of Port Hedland with a detailed Traffic Management Plan before commencing works.

Consultation

BHP Billiton has provided Engineering Services with detailed drawings indicating the extent of the proposed upgrades. These drawings have also been forwarded to Main Roads WA for their approval of the intersection upgrades to the Great Northern Highway.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Key Result Area 1 (Infrastructure)

Goal 1 - Roads, Footpaths and Drainage (To have developed network of road and footpaths that are well maintained).

Strategy 1 - Develop a comprehensive road maintenance and road development program that identifies Council's priorities and program for the next 10 years.

Key Result Area 4 – Economic Development

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

Strategy 1 - Work with BHP, FMG, Dampier Salt, Newcrest Mining and others mining companies to implement their Community Development Plans.

Strategy 2 - Actively seek contributions from mining companies towards the sustainable, development and operation of municipal services and infrastructure.

Budget Implications

The Buttweid Road upgrade is a BHP Billiton project (fully funded), therefore there is no implications on the Council's Budget.

Officer's Comment

Engineering Services have listed the upgrade of Buttweid Road and the adjoining unnamed track to North Circular Road in the Roads 2025 program. This will provide a direct link from South Hedland to Great Northern Highway, resulting in reduced travel

time and fuel costs for South Hedland commuters. The works program includes the upgrade of Buttsweld Road similar to the proposal from BHP Billiton.

The approval of BHP Billiton's Buttsweld Road upgrade proposal will not only reduce future development costs to the Town of Port Hedland, but will also significantly reduce construction time, as a portion of the Roads 2025 development would already be completed.

200506/293 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr S F Sear

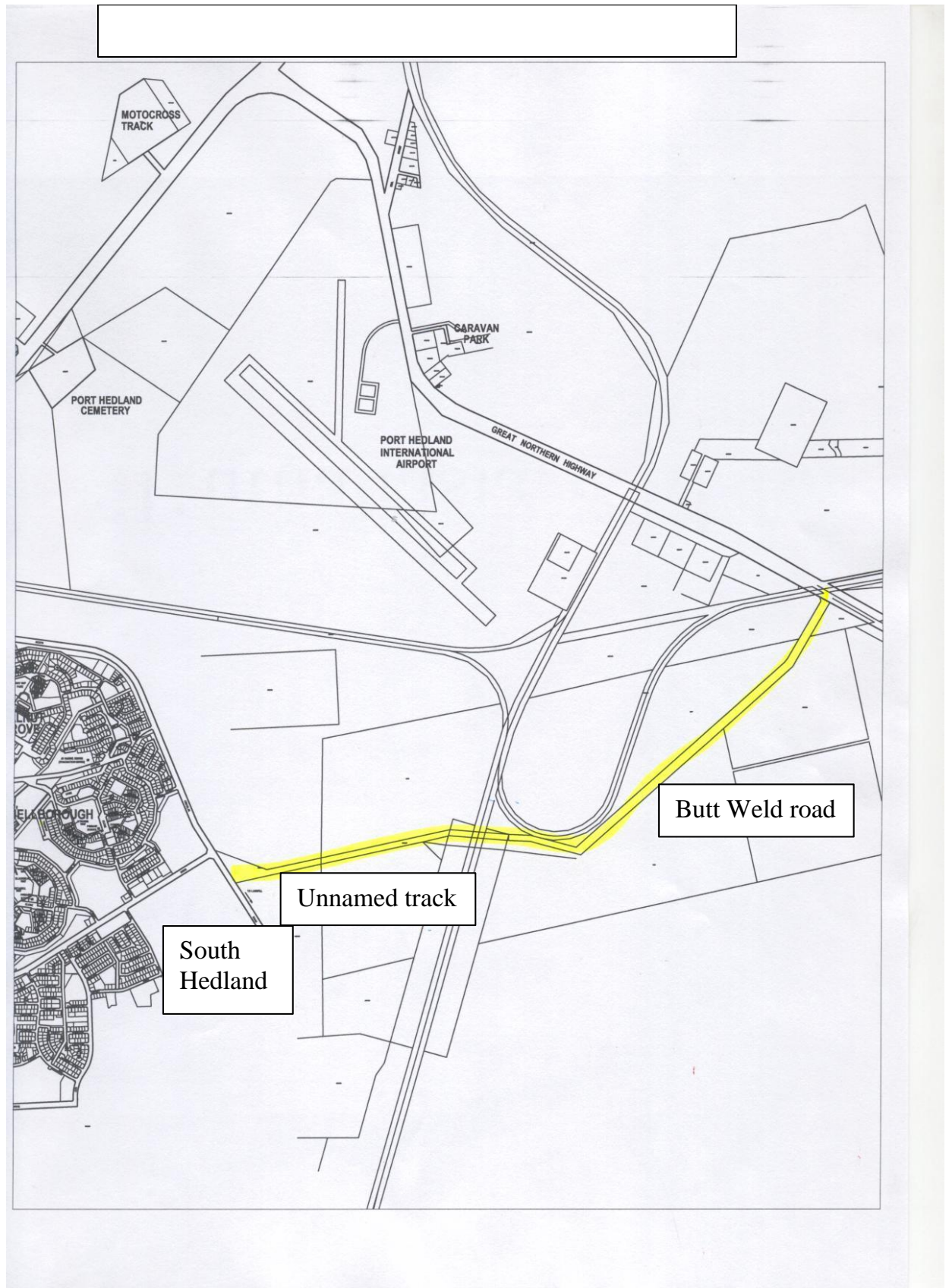
That Council approves BHP Billiton's Buttsweld Road upgrade proposal subject to the following:

- i) construction is in accordance with Drawings 075-C-0646/C to 075-C-0650/C (supplied by BHP Billiton to Council's Engineering Services);**
- ii) Great Northern Highway intersection designs are approved by Main Roads WA; and**
- iii) construction works are to be inspected and managed by Town of Port Hedland Engineering Services.**

CARRIED 6/0

- 7:31 pm Cr T M Young re-entered the room and assumed her chair.
- 7:31 pm Cr G J Daccache re-entered the room and assumed his chair.
- 7:31 pm Director Regulatory and Community Services re-entered the room and assumed his chair.
- 7:31 pm Mayor advised Cr T M Young and Cr G J Daccache of Council's decision.

ATTACHMENT TO AGENDA ITEM 11.3.1.2



11.3.1.3 Vehicle Policy Review (File No.: EQU-009)

Officer Grant Logie
Director Engineering
Services

Date of Report 10 February 2006

Disclosure of Interest by Officer Nil

Summary

To delete existing Council Policy 1/008 Vehicle Usage and replace with Council Policy 1/008 Vehicle Strategy Policy enabling a Vehicle replacement program to be undertaken within guidelines adopted by Council.

Background

At its Ordinary Meeting held on 26 October 2005, Council considered replacement of light fleet vehicles, and made modifications to vehicle changeover practices. At that meeting Council resolved (in part):

“...i) until such time that a comprehensive review of Fleet Management has been undertaken, the fleet changeover for Council owned light fleet be set at 100,000 km or 5 years; ...”

Engineering Services conducted research of vehicle policies from various Local Government Authorities as well as researching information from the ‘Red Book’ website (<http://www.redbookasiapacific.com/au/>) which provides industry information on the resale value of vehicles. It was identified that both the Shire of East Pilbara and the Shire of Roebourne vehicle policies reflected similar needs identified by the Town of Port Hedland and has been used as a basis for this policy.

The proposed revised policy covers the issues of –

- Vehicle Type
- Vehicle Changeover
- Private Use of Vehicles

Consultation

Consultation with the Shire of East Pilbara, Shire of Roebourne, local dealers and the Red Book website (<http://www.redbookasiapacific.com/au/>)

Statutory Implications Nil

Policy Implications

The proposed Vehicle Policy would replace existing policy 1/008 Motor Vehicle Usage.

Strategic Planning Implications Nil

Budget Implications

The proposed vehicle strategy policy would allow for Council to commence the process in preparing a five-year vehicle replacement program as part of the budget process. The proposed replacement program provides Council with significantly longer vehicle retention periods than had been previous practice.

Officer's Comment

The vehicle strategy proposed offers Council the best-cost benefits and will ensure that Council's Plan and Equipment are replaced in a timely manner.

Officer's Recommendation

That Council endorse the replacement of existing Council Policy 1/008 Vehicle Usage with Council Policy 1/008 Vehicle Policy, as follows:

"1/008 VEHICLE POLICY**Objective**

The objective of this policy is to ensure Councils vehicles, plant and equipment is replaced at a time, which optimises its use and minimises the whole of life cost.

Policy Provisions

In order to enable this policy to be implemented effectively and to eliminate the requirement to amend this policy each time vehicles, plant or equipment is replaced, Councils current list of plant has been separated into various categories and a replacement strategy for each category.

This Policy is intended to be the basis for the ongoing review of Council's annual and five-year replacement programme.

Plant Category	Type & Description	Replacement Strategy
Category A1	4WD Executive Vehicle Allocated to Chief Executive Officer	80,000 kms/ 3 yrs
Category A2	4WD Wagon Vehicle Allocated to Directors	80,000 kms/ 3 yrs
Category A3	4WD Vehicle Allocated to Managers who require a 4WD to undertake duties.	100,000 kms/ 3 yrs
Category A4	4 Cylinder Sedan / Hatch back Allocated to staff other than those mentioned in category A3	100,000 kms/ 3 yrs
Category A5	Utilities According to Councils requirements for staff	100,000 kms/ 3 yrs
Category A6	Grant Funded Vehicles According to requirements within the conditions of the grant.	100,000 kms/ 3 yrs
Category B	Heavy Plant including Loaders, Tractors, Water Trucks, Rollers	10,000 hrs/ 10 yrs
Category C	Heavy Trucks Trucks with greater than 6 tonne carrying capacity	200,000 kms/ 8 yrs
Category D	Medium Trucks Trucks with greater than 4 tonne carrying capacity but less than 6 tonne carrying capacity	150,000 kms/ 8 yrs
Category E	Light Trucks & Street Sweeper Trucks with less than 4 tonne carrying capacity	100,000 kms/ 5 yrs
Category F	Refuse Vehicles Side loaders, rear loaders and front-loading compactor trucks	Side loaders replaced every 4 years (Body & Cab Chassis) Rear & Front Loader cab chassis every 4 yrs, body every 8 yrs
Category G	Medium Equipment Trailers, Slasher, spay rig, fire fighting unit etc	10 yrs
Category H	Minor Equipment Including Generators, high pressure cleaners, ride on mowers plate compactors, brush cutters, edgers, chainsaws, small mowers, etc.	1,000 hrs / 3yrs

The above replacement strategy identifies the maximum expected life of the various vehicles, plant and equipment within each category.

There may be on occasion's opportunities to change items earlier or later, which would result in a saving to Council. Any such opportunities will be assessed on individual basis and submitted to Council for consideration.

Vehicle Category "A" Usage Policy

Council recognises the need for a vehicle policy, which reflects current industry practice, is flexible and provides benefits to the employees, which are competitive with both the private and public sector.

Definitions and applicable category of vehicle

Definition	Applicable Categories	Definition
Private Use Level 1	A1 CEO	Private use of vehicle within Western Australia as negotiated as part of the employees salary package
Private Use Level 2	A2 Directors	Private use of vehicle within Western Australia as negotiated as part of the employees salary package. No fuel card usage permitted during periods of annual leave.
Private Use Level 3	A3 Managers	Private use of vehicle within 300 km of the Port Hedland Town Centre. Contribution from employees toward FBT requirements. Small Logo sticker to be affixed to vehicle
Private Use Level 4	A4 Council Officers	Private use within town sites of Port Hedland, South Hedland and Wedgefield only as part of the employment/salary package. Contribution from employee towards FBT requirements. Large vehicle identification logo to be affixed to vehicle.
Commuter Use	All vehicles not included in the above. (Categories A5 – A7)	Use of vehicle directly between the employee's place of residence and place of work only. Commuter use may be provided to staff required to be "on call" or non-standard working hours. Large vehicle identification logo to be affixed to vehicle

Conditions of vehicle use shall be at the discretion of the Chief Executive Officer."

200506/294 Council Decision

Moved: Cr T M Young

Seconded: Cr G J Daccache

That Council endorse the replacement of existing Council Policy 1/008 Vehicle Usage with Council Policy 1/008 Vehicle Policy, as follows:

“1/008 VEHICLE POLICY

Objective

The objective of this policy is to ensure Councils vehicles, plant and equipment is replaced at a time, which optimises its use and minimises the whole of life cost.

Policy Provisions

In order to enable this policy to be implemented effectively and to eliminate the requirement to amend this policy each time vehicles, plant or equipment is replaced, Councils current list of plant has been separated into various categories and a replacement strategy for each category.

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Category A5	Utilities According to Councils requirements for staff	100,000 kms/ 3 yrs
Category A6	Grant Funded Vehicles According to requirements within the conditions of the grant.	100,000 kms/ 3 yrs
Category B	Heavy Plant including Loaders, Tractors, Water Trucks, Rollers	10,000 hrs/ 10 yrs
Category C	Heavy Trucks Trucks with greater than 6 tonne carrying capacity	200,000 kms/ 8 yrs
Category D	Medium Trucks Trucks with greater than 4 tonne carrying capacity but less than 6 tonne carrying capacity	150,000 kms/ 8 yrs
Category E	Light Trucks & Street Sweeper Trucks with less than 4 tonne carrying capacity	100,000 kms/ 5 yrs
Category F	Refuse Vehicles Side loaders, rear loaders and front- loading compactor trucks	Side loaders replaced every 4 years (Body & Cab Chassis) Rear & Front Loader cab chassis every 4 yrs, body every 8 yrs
Category G	Medium Equipment Trailers, Slasher, spay rig, fire fighting unit etc	10 yrs
Category H	Minor Equipment Including Generators, high pressure cleaners, ride on mowers plate compactors, brush cutters, edgers, chainsaws, small mowers, etc.	1,000 hrs / 3yrs

The above replacement strategy identifies the maximum expected life of the various vehicles, plant and equipment within each category.

There may be on occasion's opportunities to change items earlier or later, which would result in a saving to Council. Any such opportunities will be assessed on individual basis and submitted to Council for consideration.

Vehicle Category "A" Usage Policy

Council recognises the need for a vehicle policy, which reflects current industry practice, is flexible and provides benefits to the employees, which are competitive with both the private and public sector.

Definitions and applicable category of vehicle

Definition	Applicable Categories	Definition
Private Use Level 1	A1 CEO	Private use of vehicle within Western Australia as negotiated as part of the employees salary package
Private Use Level 2	A2 Directors	Private use of vehicle within Western Australia as negotiated as part of the employees salary package. No fuel card usage permitted during periods of annual leave.
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Commuter Use	All vehicles not included in the above. (Categories A5 – A7)	Use of vehicle directly between the employee's place of residence and place of work only. Commuter use may be provided to staff required to be "on call" or non-standard working hours. Large vehicle identification logo to be affixed to vehicle

Conditions of vehicle use shall be at the discretion of the Chief Executive Officer."

CARRIED 4/4

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

Record of Vote

FOR	AGAINST
Cr S R Martin	Cr G D Bussell
Cr G J Daccache	Cr A A Carter
Cr S F Sear	Cr J M Gillingham
Cr T M Young	Cr A A Gear

NOTE: Mayor advised his casting vote.

CARRIED 5/4

11.3.1.4 Amendment to Council Policy 9/005 Crossovers (File No.: ...-...)

Officer	Grant Logie Director Engineering Services
Date of Report	17 February 2006
Disclosure of Interest by Officer	Nil

Summary

It is proposed to amend the existing Crossover Policy to ensure that Engineering Services specifications and drawings are adhered to.

Background

Many local contractors and residents are unsure of the specifications relating to crossover construction. The existing Council Policy 9/005 Crossovers gives insufficient information to ensure that Engineering Services specifications and drawings are adhered to. This results in sub-standard crossover construction that is not approved by Engineering Services.

Existing Council Policy 9/005 Crossovers

Urban Areas and Rural Estates

- i) All crossovers shall be constructed to the approved Engineering specifications and drawings and to the satisfaction of the Manager Engineering Services. Owner/agent shall arrange for construction and liaise with Engineering for inspections.
- ii) The crossover shall be paved utilising bituminous surfacing, insitu concrete, paving bricks or blocks.
- iii) Council shall pay for one half the cost of one crossover per lot to a maximum of \$1,000 subject to the crossover being deemed to conform to the specifications.
- iv) The subsidy shall apply to industrial, commercial and grouped dwellings as well as single residential. In the case of strata titles, a subsidy shall apply to each individual crossover up to the number of dwellings.
- v) Crossovers, eligible for subsidy, may be claimed for at the subsidy rate that applies in the financial year construction is completed. Older crossovers in excess of twelve months old

shall have a reduced subsidy based on straight line depreciation, pro-rated over 15 years.

- vi) The reference a “standard crossover” shall mean a sealed or paved construction to a size conforming to Engineering Services’ standard widths, referred to in specifications and drawings.

Crossover Maintenance

Council shall not be responsible for maintenance of crossovers. Upon completion of construction, the maintenance and upkeep of the crossing to a safe and trafficable standard becomes the responsibility of the property owner.

Bonds

- i) Bonds for the construction or reconstruction of crossovers shall be required to be paid at time of issue of building licence. The Manager Engineering Services will set the amount of the bond based on the value of nearby Council owned infrastructure that could be damaged during the construction process.
- ii) Crossover construction/reconstruction shall be required as a condition of subdivision, development and/or as a condition of issue of building licence where it is deemed necessary by the Manager Engineering Services.
- iii) Construction /reconstruction of a crossover as a condition of the building licence shall not be required if the value of the licence is less than \$5,000, but shall apply to all building licences for structures accessible to vehicles regardless of the cost where it is deemed necessary by the Manager Engineering Services.
- iv) Council may construct the crossover in concrete if not constructed by the owner/agent within 6 months of practical completion or occupation of the building. The cost of such a crossover will be invoiced to the property owner and, if necessary, bond money will be used to settle the account.

Proposed New Council Policy 9/005 Crossovers

1.0 Definitions

“Act” without prejudice to the provisions of sections fourteen and fifteen of the Interpretation Act 1918, or to the other provisions of that Act, a reference to this or another Act extends to regulations, rules, by-laws, and other delegated legislation, if any, made under the Act to which the reference is made.

“Council” means the executive body of a municipality. In this case the Town of Port Hedland

“Engineering Services” means the department appointed for a municipality by its Council as are necessary to the proper carrying out of the local government of the municipality and the powers conferred and duties imposed upon the municipality and the council by the Local Government Act.

“Vehicle Crossing” (or Crossover) is the formalised access to an abutting property, constructed to required specifications. The two types of crossings are, 1: residential and 2: commercial.

“Residential” crossings are located in predominate residential areas as described

“Nature Strip”(or verge) is the section of road reserve between the edge of the edge of road and property boundaries. They provide space for grassing, planting, above and underground drainage, and public utility services. It also provides a buffer between the footpath and the edge of the traffic lane, and width in which to absorb level differences across the road reserve.

2.0 General – Urban Areas and Rural Estates

2.1 All crossovers shall be constructed to the attached Engineering specifications and drawings and shall be approved by the Engineering Services. Owner/agent shall arrange for construction and liaise with Engineering for inspections.

2.2 The crossover shall be paved utilising bituminous surfacing, insitu concrete, paving bricks or blocks.

2.3 Council shall pay for one half the cost of one standard width (refer 6.1) crossover per lot to a maximum of \$1,000 subject to the crossover being deemed to conform to the specifications. Application forms are available from Council’s offices at McGregor Street, Port Hedland or by phoning 9158 9700 and asking for form ES.VCS.V2. To be eligible for a subsidy applicants must arrange for inspection of crossover immediately before concrete is poured and after completion.

2.4 The subsidy shall apply to industrial, commercial and grouped dwellings as well as single residential. In the case of strata titles, a subsidy shall apply to each individual crossover up to the number of dwellings.

2.5 Crossovers, eligible for subsidy, may be claimed for at the subsidy rate that applies in the financial year construction is completed. Older crossovers in excess of twelve months old

- shall have a reduced subsidy based on straight line depreciation, pro-rata over 15 years.
- 2.6 The reference a “standard crossover” shall mean a sealed or paved construction to a size conforming to Engineering Services’ standard widths, referred to in Specifications and Drawings of this Policy.
- 2.7 Council shall not be responsible for maintenance of crossovers. Upon completion of construction, the maintenance and upkeep of the crossing to a safe and trafficable standard becomes the responsibility of the adjacent property owner.
- 2.8 This specification is made pursuant to Schedule 9.1 Clause 7 of the Local Government (Uniform Local Provisions) Regulations 1996 Clause 7, 12 – 16 inclusive.
- 2.9 Vehicle crossovers shall be constructed under the supervision and to the satisfaction of the Engineering Services Department of Council. Owners are responsible for notifying Council on the pre and post construction phase of the crossover, to ensure inspection by an Engineering Services Officer.
- 2.10 Protection of the works and the public shall be the responsibility of the owner/contractor who shall supply and install all necessary warning signs, barriers, lights, temporary bridges or any other thing necessary or as may be directed by Engineering Services.
- 2.11 The contractor covenants that it shall take out and maintain adequate public liability insurance. Minimum acceptable to Council will be five million dollars (\$5,000,000).
- 2.12 Any damage which may occur to Council’s facilities or to private property during the course of the works or arising from them shall be the sole responsibility of the owner, who shall be held responsible for the replacement or repair of such property, and for any other claim or liability arising out of the works.
- 2.13 A person wishing to construct a crossover should contact the relevant service authorities including (but not necessarily limited to) the Water Corporation, Western Power and Telstra. The Council shall not be responsible for any damage or interference with the crossover caused by service authorities. Dial “1100” before the commencement of construction, for the location of all services.
- 2.14 Location:

A crossover: -

- (a) May only be constructed where there are less than two (2) existing crossovers per lot frontage.
- (b) To any one lot shall not exceed 30% of the total verge frontage area where site conditions permit Engineering Services to determine otherwise.
- (c) Shall not be positioned within a corner truncation or closer than 7m from the property line intersection point at corner sites/where no truncation exists on corner lots.
- (d) Shall be constructed at 90 degrees to the kerb line.
- (e) Shall be positioned a minimum of 1m from the side boundary or truncation peg.
- (f) Shall be located to not cause interference to public utility facilities in the verge and to avoid trees.

2.15 Where the installation of a crossing requires the alteration or removal of a slab/in-situ footpath the contractor shall comply with the following;

- (a) **Slabs:** All slabs removed shall remain the property of the Town of Port Hedland and contact shall be made with Engineering Services to arrange receipt.
- (b) **In-situ Concrete:** Liase with Council's Works Manager to determine the life of the path. Paths constructed without reinforcement/ or to an insufficient thickness must be removed and the crossing constructed to the appropriate depth. If the footpath is constructed with reinforcement and to the relevant depth, construct the crossing to either side of the path with expansion joints at each edge.
- (c) Where the construction of a new-shared path is undertaken, Council policy requires the removal of any material other than plain grey concrete from driveway/crossovers and reinstatement with plain grey concrete to ensure uniformity of the path system. The section to be removed is to be the width of the path. The cost of reinstatement will be borne by the Council.

2.16 Crossovers abutting an open drain will require a piped culvert and headwalls as part of the works. The owner shall contact Council's Engineering Services Department to determine size of pipe. All pipes and headwalls shall be precast concrete from an accredited supplier. The pipe shall extend at least 1.5m beyond the edge of the crossing upstream and downstream to reduce scour erosion.

2.17 All materials used for the construction of vehicle crossovers shall be in accordance with this standard specification. Materials deemed inferior to those specified shall be liable to rejection and replacement without payment or compensation being made to the contractor for the supply, delivery, laying, placing, finishing, removal or disposal as directed by Engineering Services.

2.18 All surplus materials resulting from site preparation and construction of the vehicle crossing shall become the property of the contractor and shall be removed at the contractor's expense.

2.19 Where internal driveways are constructed prior to vehicle crossings, the property line levels and across to the street must be approved by Engineering Services. Failure to obtain this information from Council may lead to the property owner having to alter his internal driveway at his own expense.

3.0 Bonds

3.1 Bonds for the construction or reconstruction of crossovers shall be required to be paid at time of issue of building licence. The Director Engineering Services will set the amount of the bond based on the value of nearby Council owned infrastructure that could be damaged during the construction process.

3.2 Crossover construction/reconstruction shall be required as a condition of subdivision, development and/or as a condition of issue of building licence where it is deemed necessary by the Director Engineering Services.

3.3 Construction /reconstruction of a crossover as a condition of the building licence shall not be required if the value of the licence is less than \$5,000, but shall apply to all building licences for structures accessible to vehicles regardless of the cost where it is deemed necessary by the Director Engineering Services.

Council may construct the crossover in concrete if not constructed by the owner/agent within 6 months of practical completion or occupation of the building. The cost of such a crossover will be invoiced to the property owner and, if necessary, bond money will be used to settle the account.

4.0 Excavation and Sub-Grade Preparation

4.1 The crossings shall be excavated to the level lines and grade as per standard drawing (ES 07-1-0 to ES 07-14-0). Excavation shall be clearly and efficiently executed, watered and vibrator rolled to give a compaction of 95% of maximum density as determined by modified compaction test according to AS 1289 to provide for a sound base free from depression or any deleterious materials to give a minimum of 100mm depth of concrete pavement for residential crossings and 200mm depth of concrete for commercial crossings.

- 4.2 All grass, roots, other organic matter, clay or any other deleterious matter shall be removed for a depth of not less than 300mm below the finished subgrade level. Any relocation of, or alternations to the existing facilities and/or the removal of trees to make way for the crossing shall be the responsibility of the property owner. The removal of trees will need written authorisation from the Town of Port Hedland. The ratepayer must carry out removal and reinstatement of any reticulation system in the area of the proposed crossover.
- 4.3 The sub-grade shall be prepared and compacted to provide even compaction to a depth of 300mm. The area of compaction shall extend 150mm outside the formwork. The compaction shall be not less than 95% of the Modified Maximum Dry Density when tested in accordance with AS1289.5.2-1993, Methods of Testing Soils for Engineering Purposes – Soil Compaction and Density Tests – Determination of the Dry Density/Moisture Content Relation of a Soil Using Modified Compactive Effort.

Where in the opinion of the Town the subgrade is incapable of withstanding the anticipated loads, a subgrade base comprising 200mm compacted thickness of road base type material shall be placed prior to the base course. The sub-base shall be compacted to 95% MDD.

5.0 Construction Requirements

5.1 Concrete

5.1.1 Thickness:

- (a) Residential – An in-situ concrete crossover shall consist of a slab of a 100mm thick concrete placed on a compacted subgrade in accordance with these specifications.
- (b) Commercial – 200mm thick concrete or 150mm thick concrete with F72 mesh.

5.1.2 Concrete Strength:

25 Mpa @ 28 days. Maximum aggregate size shall be 20mm and slump shall not exceed 80mm

5.1.3 Expansion Joints:

To be provided wherever existing concrete joins new concrete, at kerb line, at property boundary, and at a maximum interval at 6 metres. The expansion joint shall be the full depth of the slab filled with plastic foam and sealed with butyl mastic or similar.

5.1.4 Contraction Joints:

Contraction joints shall consist of 12mm grooves evenly spaced, tooled into the surface of the slab at 2-3m centres.

5.1.5 Concrete Placement:

The base shall be thoroughly and evenly moistened, but not saturated, prior to placing concrete. Concrete shall be evenly placed to a depth specified and shovelled into position continuously and spaded especially at all edges to give maximum density. No break in operation shall be permitted from time of placing to finishing except as authorised by the Town.

5.1.6 Concrete Finish:

The surface of the slab shall be screeded to correct levels then broom finished to provide a dense uniform non-slip surface. The surface shall be free of depressions, jointing marks, honeycombed sections or dusty sections, which may cause excessive wear.

Crossovers may be constructed using coloured concrete and/or a Faux Brick/Stencilled Concrete application. Please seek the advice of an approved concrete contractor, specialising in these treatments. NOTE: Any treatment works, including colours and stencil types, are to be authorised by and to the satisfaction of Engineering Services.

5.2 Asphaltic Concrete E.G.: Hot Mix, spray seal

5.2.1 Asphaltic concrete (AC) crossovers shall comprise of compacted subgrade (Refer 2.4), crushed rock base course and AC surface course. The sides of the crossover shall be retained by timber or concrete kerbing as detailed on the drawings

5.2.2 The base course shall comprise a layer of sound crushed rock ("rock base") supplied from an approved quarry and compacted to the finished thickness shown on the drawings.

The base shall be placed so as not to disturb the subgrade, then graded to the required shape and levels, compacted to produce a layer of uniform thickness and density. The density shall be not less than 95% MDD.

5.2.3 The seal coat shall comprise of a minimum 20mm (+5-0) thickness of 5mm nominal dense grades mix AC for residential crossovers, and 25mm(+5-0) of 7mm nominal dense graded mix AC for commercial and industrial crossovers. The AC shall be applied over a tack coat of bitumen emulsion applied at a rate of 0.8 litre/m². AC shall be applied evenly and rolled with a smooth drum-vibrating roller to attain a smooth dense uniform surface.

5.3 Interlocking Clay Brick or Concrete Block Paving

NOTE: This specification applies only to single or multi-unit residential developments where traffic is predominantly of the passenger car type with occasional light service or commercial vehicles.

This specification does not apply to commercial applications where vehicle traffic loadings are far in excess of the domestic situation. Specifications for commercial crossing places are to be approved by Engineering Services.

5.3.1 Paver Type

Paving bricks shall be high performance clay brick or concrete pavers from an approved manufacturer.

5.3.2 Excavation:

The existing ground shall be boxed out and shaped to required dimensions and levels. Compaction of the ground shall be carried out using overlapping passes of a vibrating plate compactor. The excavation shall be firm, free from depressions and soft spots, and any deleterious material to be removed.

5.3.3 Bedding Layer:

The bedding layer shall be a minimum of 30mm loose screed thickness such that the final compacted thickness is a minimum 20mm.

The bedding layer shall be well-graded concreting sand passing a 5.0mm sieve and free of deleterious soluble salts and other contaminants. The sand should be of uniform moisture content and is to be spread over the compacted base course and screeded in a loose condition. Bricklayer's sand and single-sized dune sands are not suitable for the purpose.

5.3.4 Laying:

Pavers shall be laid on a prepared base comprising of crushed rock base overlaid with a bedding layer of clean course sand, in accordance with the following;

- (a) Brick pavers: 75mm minimum thickness on 125mm compacted sub-base
- (b) Concrete pavers: 75mm minimum thickness on 140mm compacted sub-base

5.3.5 Pattern:

Pavers shall be laid in accordance with the suppliers recommended pattern. Refer to standard drawings.

5.3.6 Edge Restraints:

An edge restraint shall be provided by the placing of a 150mm x 150mm in-situ concrete strip along the perimeter of the crossing. The base course must be compacted beneath the edge restraint and extend 100mm beyond the edge restraint.

5.4 Kerbing

5.4.1 Residential (refer to standard drawings):

All barrier and semi-mountable kerbing **must** be removed for the full width of the crossover at the road seal edge. The kerb and seal are to be neatly cut and removed so as not to damage the road surface. A new mountable kerb shall be installed in line with existing kerbing.

The crossover shall commence flush with the edge of new kerb and rise a minimum of 150mm to a point 1m behind the face of the kerb (height to be confirmed at time of construction with the Town of Port Hedland). Beyond that point the crossover may be graded to match the level of the property boundary or internal driveway. A layback shall be installed at the extremities of the opening.

5.4.2 Rural (refer to Town of Port Hedland Services standard drawings):

The crossover shall commence flush with the edge of seal and rise a minimum of 150mm to a point 1m behind the face of the kerb (height to be confirmed at time of construction with Engineering Services). Beyond that point the crossover may be graded to match the level of the property boundary or internal driveway. A layback shall be installed at the extremities of the opening.

6.0 Crossover Dimensions

6.1 Width at Property Line:

	Min (m)	Max (m)	Standard (m)
Residential	2.4	8.0	3.0
Commercial	2.4	10.0*	3.0
		<i>Crossovers exceeding max. do not attract a subsidy</i>	<i>Subsidy is calculated on the standard width</i>

*May be determined on site by the Town of Port Hedland.

6.2 Maximum Width at Kerb line (excluding wing returns):

Residential – 8 metres
Commercial – 10 metres

- 6.3 Wing Dimensions (layback):
Varies due to crossover width. Refer to Engineering Services standard drawings.
- 6.4 Length:
Determined by width of road reserve.

Consultation

Local contractors and residents have contacted the Town of Port Hedland with their concerns and recommendations to the existing Council Policy for Crossovers. If the policy is adopted by Council, the Town will write to all contractors and their major clientele advising of the new policy.

Statutory Implications

The additional information added to the existing Policy is made pursuant to Schedule 9.1 Clause 7 of the Local Government (Uniform Local Provisions) Regulations 1996 Clause 7, 12 – 16 inclusive:

- “7. Encroaching on public thoroughfare — Sch. 9.1 cl. 3(2)*
- (1) A person who is the owner or occupier of land and, without lawful authority —*
- (a) erects on the land a structure that encroaches upon a public thoroughfare; or*
- (b) permits a tree or other plant growing on the land to encroach upon a public thoroughfare, commits an offence if the person fails to remove the structure or plant, to the extent that it is encroaching, when requested by the local government to do so.*
- (2) The penalty for an offence against subregulation (1) is a fine of \$1 000 and a further \$50 for each day or part of a day during which the offence continues.”*

“12. Crossing from public thoroughfare to private land or private thoroughfare — Sch. 9.1 cl. 7(2)

- (1) Upon the application of the sole owner, or a majority of the owners, of private land the local government may, subject to regulation 14(2) —*
- (a) approve the construction, under the supervision of, and to the satisfaction of, the local government, of a crossing giving access from a public thoroughfare to —*
- (i) the land; or*
- (ii) a private thoroughfare serving the land;*
- or*
- (b) agree to construct for the applicant a crossing giving access from a public thoroughfare to —*
- (i) the land; or*

- (ii) *a private thoroughfare serving the land.*
- (2) *A person is not to construct a crossing for vehicles from a public thoroughfare that is a Government road as defined in section 5(1) of the Road Traffic Act 1974 to —*
 - (a) *land on which premises have been or are about to be constructed; or*
 - (b) *a private thoroughfare serving the land, unless the construction of the crossing has been approved by the local government under subregulation (1) and the crossing is constructed in accordance with the approval.*

Penalty: \$1 000.

13. Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3)

- (1) *A local government may, subject to regulation 14(2), give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.*
- (2) *If the person fails to comply with the notice, the local government may construct or repair the crossing as the notice required and recover 50% of the cost of doing so as a debt due from the person.*
- (3) *A person to whom a notice is given under subregulation (1) commits an offence if the person fails to comply with the notice.*
- (4) *The penalty for an offence under subregulation (3) is \$1 000.*

14. Role of Commissioner of Main Roads in some cases — Sch. 9.1 cl. 7(2)

- (1) *This regulation applies to a crossing for vehicles from a public thoroughfare that is a Government road as defined in section 5(1) of the Road Traffic Act 1974 to —*
 - (a) *land on which premises have been or are about to be constructed; or*
 - (b) *a private thoroughfare serving the land.*
- (2) *A local government cannot —*
 - (a) *under regulation 12 construct or approve the construction of; or*
 - (b) *under regulation 13(1) require the construction of, a crossing to which this regulation applies unless the local government has consulted with the Commissioner and the Commissioner has approved the construction of the crossing.*
- (3) *If a person —*
 - (a) *constructs a crossing to which this regulation applies other than in accordance with approval given by the Commissioner under this regulation; or*
 - (b) *modifies a crossing to which this regulation applies in such a way that it is not in accordance with approval given by the Commissioner under this regulation, the*

Commissioner may, by notice in writing, require the person to bring the crossing into accordance with the approval, if approval was given, or remove the crossing and restore the place where the crossing was to its former condition.

- (4) *If the person fails to comply with the notice, the Commissioner may do anything required by the notice to be done and recover the cost of doing it as a debt due from the person.*
- (5) *A person to whom a notice is given under subregulation (3) commits an offence if the person fails to comply with the notice.*
- (6) *The penalty for an offence under subregulation (5) is \$1 000.*
- (7) *In this regulation —*
“Commissioner” *means the Commissioner of Main Roads.*

15. Contribution to cost of crossing — Sch. 9.1 cl. 7(4)

- (1) *Where —*
 - (a) *a local government —*
 - (i) *under regulation 12 constructs or approves the construction of; or*
 - (ii) *under regulation 13(1) requires the construction of, a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land;*
 - (b) *the crossing is the first crossing in respect of the land; and*
 - (c) *the crossing is a standard crossing or is of a type that is superior to a standard crossing, the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost.*
- (2) *In subregulation (1) —*
“first crossing”, *in respect of land, means the first crossing to the land or a private thoroughfare serving the land constructed under regulation 12 or section 358² of the Local Government Act 1960 as in force at any time before 1 July 1996;*
“standard crossing” *means, subject to any local law as to what is or is not a standard crossing, a crossing of a kind that the local government, by resolution, decides is a standard crossing.*

16. Objections and appeals against decisions about crossings
Part 9, Division 9.1, applies to —

- (a) *a decision of a local government made upon an application under regulation 12 or a decision by the Commissioner of Main Roads under regulation 14(2) relating to the application;*
- (b) *a notice given by a local government under regulation 13(1); or*

- (c) *a notice given by the Commissioner of Main Roads under regulation 14(3), and the applicant or person to whom the notice was given, as the case requires, is an affected person for the purposes of applying that Division.”*

Policy Implications

Amendment to Council Policy 9/005 Crossovers.

Strategic Planning Implications

KEY RESULT AREA 6 – GOVERNANCE

Goal 6 - Policy & Legislation

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

Strategy 1 - Progressively review all Council Policies.

Budget Implications

Nil

Officer's Comment

It has become apparent that Engineering Officers within Council in the past have expressed varied opinions on what is considered acceptable standards of crossover construction and approval procedures. To ensure that our current specifications are adhered to it is necessary to include this information in Council Policy. This will also ensure that specifications cannot be altered without seeking Council Resolution.

Engineering Services are currently implementing procedures to ensure a uniform standard of Infrastructure Construction. Amending Council Policy will ensure public awareness of our Crossovers Specifications and Drawings.

Officer's Recommendation

That Council approve the proposed new Council Policy 9/005 Crossovers.

200506/295 Council Decision

Moved: Cr A A Gear

Seconded: Cr T M Young

That Council approve the proposed new Council Policy 9/005 Crossovers with the following Clause 5.2.2, for two (2) coat seals being included:

“5.2.2 Spray seal crossovers shall comprise of 14 mm and 10 mm aggregate. 14 mm aggregate is to be spread at a rate of 100 square metres per cubic metre of aggregate, within tolerance of + 10 square metres per cubic metre. 10mm aggregate is to be spread at a rate of 120 square metres per cubic metre of aggregate, within tolerance of + 10 square metres per cubic metre. Typical spray rates will range between 0.7 and 1.9 litres per m².”

CARRIED 8/0

REASON: Council sought for the inclusion of a standard relating to a two (2) coat seal for crossovers to be inserted by Director Engineering Services.

11.4 GOVERNANCE AND ADMINISTRATION**11.4.1 Corporate Services****11.4.1.1 *Financial Reports to Council for period ended 31 January 2006 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Stephen Carstairs
Accountant

Date of Report 14 February 2006

Disclosure of Interest by Officer Nil

Summary

The Statement of Financial Position indicates that from 30 June 2005 Council's Net Assets had increased from \$105,967,048 to \$112,369,105 at 31 January 2006. Council's attention is drawn to the Town of Port Hedland's unrestricted cash, which was \$7,748,126 at 31 January 2006.

The summary sheet for the Statements of Financial Activity (Functions 3 – 14) indicated that actual operating revenue (\$16,713,628) at 31 January 2006 was not appreciably different (variance was 106%) from budgeted revenue (\$15,713,752) for the same period. Further, actual (\$10,372,548) and budget (\$11,710,651) operating expenses were also similar (variance was 89%). Contrasting with this, actual capital income and expenditure varied substantially (19% and 36% respectively) from that budgeted for 31 January 2006.

Rates outstanding at 31 January 2006 (\$1,392,478), was less than that (\$1,527,825) at the same time in 2005.

Background**1. *Schedule of Accounts Paid***

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on 22 February 2006 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 costings.

Voucher No's			Pages		Fund	Fund Name	Description
From	To	Value	From	To	No		
EFT 14911	15119	\$1,108,825.27	1	71	1	Municipal Fund	
16152	16152	\$ 79.92	71	71	1	Municipal Fund	
16153	16153	-	71	71	1	Municipal Fund	Cancelled
16154	16162	\$ 40,808.49	71	75	1	Municipal Fund	
16163	16163	-	75	75	1	Municipal Fund	Cancelled
16164	16178	\$ 39,091.61	75	78	1	Municipal Fund	
16179	16179	-	78	78	1	Municipal Fund	Cancelled
16180	16224	\$ 63,793.84	78	84	1	Municipal Fund	
PAY030106		\$ 28,197.52	84	84	1	Municipal Fund	
PAY170106		\$ 150,331.46	84	84	1	Municipal Fund	
	Municipal Total	\$1,,431,128.11					
301236	301243	\$ 6280.00	84	85	3	Trust Fund	
	Trust Total	\$ 6280.00					
TOTAL		\$1,437,408.11					

2. *Financial Statements*

Presented (see attachments) in this report for the financial period ended 31 January 2005, are the:

- . Statement of Financial Position;
- . Statements of Financial Activity – see Functions 3 to 14; and
- . Review of Transaction Activity – here the reader is referred to the December 2005 Budget Review presented at this Council Meeting, otherwise the statements of financial activity do not indicate material variations from the 2005/06 Budget,

as they were at the time of reporting.

3. *Investments*

Council's Investment Register and reconciliation of Municipal, Trust and Reserve Funds is presented as an attachment.

Interest Rates for investments are based on the best rate given by the National Australia Bank, BankWest, Commonwealth Bank of Australia and the Australian and New Zealand Bank.

4. *Rate Receipts Received Year to Date*

The Schedule of Rate Receipts to 31 January 2006 is attached.

The combined 2005/06 rates and services outstanding as per the attached schedule was \$1,392,478.

Consultation

The following Council Officers contributed to the final form of this agenda item:

Matthew Scott (DCS)
Linda Nickoll (Accounts)
Lenore Postans (Rates)

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.

Policy Implications

Council Policy 2/005 Financial Statements - Copies to Councillors, requires that statements shall be issued in the form of:

“Quarterly: *In accordance with Local Government (Financial management) Regulations 1996, plus detailed schedules 2 – 17 Municipal Fund.*

Other Months: *Schedules of operating Income and Expenditure and Capital Income and Expenditure as adopted in the Annual Budget. (July, August, October, November, January, February, April, May).*

Monthly: Bank Reconciliations for each account operated by Council.”

Policy 2/014 'Investment Policy' sets guidelines and authority levels for Council investments.

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

As at 31 January 2006 Council's cash position was strong. It is anticipated that livelier capital expenditure in the period 01 February to 30 June 2006 will erode this cash.

200506/296 Council Decision/Officer's Recommendation

Moved: Cr A A Carter **Seconded:** Cr S F Sear

That:

- i) **the list of Accounts paid under Delegated Authority as presented be received;**
- ii) **the -**
 - . **Statement of Financial Position;**
 - . **Statements of Financial Activity (represented by Functions 3 to 14); and**
 - . **Review of Transaction Activity – see December 2005 Budget Review item this Council Meeting, otherwise the statements of financial activity do not indicate material variations from the 2005/06 Budget, for the period to 31 January 2006 as presented be received;**
- iii) **the Register of Investments and Municipal, Trust and Reserve Bank Reconciliations as at 31 January 2006 as attached be received; and**
- iv) **the Rates Summary Trial Balance for the month ending 31 January 2006, as attached be received.**

CARRIED 8/0

11.4.1.2 Administration Policies (File No.: ADM-006)

Officer Matthew Scott
Director Corporate Services

Date of Report 25 January 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider amending Administration Policies

Background

At the December Briefing Session, Councillors were presented with a review of the Administration Policies. From the feedback received at the briefing session, Director Corporate Services prepared several recommendations for Council to consider at the January Ordinary Meeting of Council, to either amend or delete certain policies. At this meeting Council resolved the bulk of these recommendations, with the exception for changes for the following policies:

- Execution of Documents; and
- Media

The reason given for not changing these policies was that Council wanted additional information prior to considering these matters. This report is to provide this information, so Council can make an informed decision on amending these policies.

Consultation

As these policies are primary for internal administration processes, no public consultation has occurred. However verbal advice has been sourced from the Department of Local Government and Regional Development (DLGRD) and the Western Australian Local Government Association (WALGA) to ensure that recommendations are consistent with industry practice and that compliance with the Local Government Act 1995 is retained.

As mentioned previously, this item has already been raised with Council at the December 2005 briefing session and January 2006 Ordinary Meeting of Council, which were both open to the public.

Statutory Implications

Section 2.7 of the Local Government Act 1995.

2.7. The role of the council

- (1) *The council;*
 - (a) *directs and controls the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to;*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

Policy Implications

Policies

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

In order to fully explain the changes recommended, this commentary will focus on the two recommended changes separately.

Policy 1/000 Execution of Documents

Currently this policy reads as follows:

"Policy 1/000 Execution of Documents

For a document/contract to be validly executed, the common seal shall be affixed to the document and the Mayor and the Chief Executive Officer attest the affixing of the seal.

Once Council has authorised entering into a legal contract, the Chief Executive Officer shall arrange for the appropriate documents to be prepared taking into account any specific requirements of Council. The document/s may then be executed by the Mayor and the Chief Executive Officer without further reference to Council.

Contracts of Employment for Senior Employees be referred to Council prior to their signing and sealing."

The proposed changes were to modify the policy to read as follows:

"The Chief Executive Officer will report to Council all documents that have been executed using the Town of Port Hedland Seal."

Under the previous Local Government Act (1960-82), section 189, stated that a document was not validly executed, unless the Municipal Seal was affixed and signed by the Mayor (or President) and the Clerk (now the CEO). When the current Local Government Act (1995) was introduced this section was specifically replaced by Section 9.49, which states:

“A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.”

This change was made, as it was no longer practical for all local government documents to be signed under seal. Also the evolution of Contract Law in Common Law, saw that if a person acted in good faith, an agreement was still enforceable, even though a document did not contain the common seal.

Though not entrenched in statute, it is traditional for both the Mayor and CEO to sign any document that has the common seal. The reasoning for this is so both the Council (through the Mayor) and the Administration (through the CEO) are represented in the execution of a formal document. Given that it is industry practice, it is believed that this should not be formalised in policy, thus making paragraph one of the current policy obsolete.

Paragraphs two and three are also believed to be obsolete if the CEO is to report to Council each time the Seal is used. If the Council can review or query any document on the report from the CEO, then it is reasonable to believe that the CEO would make sure that Council was aware of any agreement prior to it being listed as being signed and sealed, especially if it was a contentious issue and the fact the Mayor (who represents Council), would be aware of it, as a co-signee.

Given that under section 9.49, a document (including all legal documents) can be authenticated without seal, paragraph two is obsolete. Section 5.37, Local Government Act 1995, requires the CEO to report to Council the appointment or dismissal of all “Senior employees”. Therefore Paragraph three is also obsolete.

Advice from DLGRD, confirms this position, as it was stated that the use of seal only increases the formality of executing a document or agreement, without necessarily increasing the agreed parties responsibilities or obligations. Council already performs an oversight of financial management, through receiving reports and reconciliations. The proposed process is no different and, according to the DLGRD, current industry practice.

Alternatively the proposed new paragraph could be added to the existing policy, if Council feels that the original policy, though not relevant, needs to still exist.

Policy 1/000 Media

The proposed amendment to this policy was to include the following paragraph:

“Councillors and Staff will refrain from making any negative comments publicly regarding a resolution of Council.”

The current policy does not currently prevent a Councillor or a staff member from making negative public comments once Council has made a formal resolution or position on a matter. This seems strange, if, as an organisation, the Council and administration want to present a unified position to residents, ratepayers and other third parties. Negative comments, once the Council has made a decision, simply undermines the effective delivery of that decision, and further erodes the public confidence in the local authority.

This amendment is not intended to prevent free speech, however any debate of an issue before Council should be made prior to Council making a decision, not afterwards. Individuals will always have differing opinions on every subject or matter before Council, however as an organisation, once the Body Corporate (Council) has made a decision, it is the obligation and responsibility of both members and officers to promote the decision, not to continue the debate, effectively ignoring the “umpires decision”.

Councillors have a means of indicating their support or non-support of Council decision through standing orders (recording votes) and through the election process. Staff should never make public comment without first liaising with the CEO.

This policy would prevent Members or staff from politicising Council decisions that they are not supportive of. By having this in policy will give a clear indication to all that this organisation is prepare to work and operate as a unified team.

Officer’s Recommendation

That Council:

1. delete Policy 1/000 Execution of Documents and create a new policy “Execution of Documents” with the following statement:

“The Chief Executive Officer will report to Council all documents that have been executed using the Town of Port Hedland Seal.”

or

amend Policy 1/000 Execution of Documents by adding the following paragraph:

“The Chief Executive Officer will report to Council all documents that have been executed using the Town of Port Hedland Seal.”

and

- ii) amend Policy 1/000 Media, by adding the following paragraph:

“Councillors and Staff will refrain from making any negative comments publicly regarding a resolution of Council.”

200506/297 Council Decision

Moved: Cr A A Gear

Seconded: Cr T M Young

- 1. **delete Policy 1/003 Execution of Documents and create a new policy “Execution of Documents” with the following statement:**

“The Chief Executive Officer will report to Council all documents that require the Town of Port Hedland Common Seal to be affixed, prior to them being executed.”

and

- ii) **amend Policy 1/004 Media, by adding the following paragraph:**

“Councillors and Staff will refrain from making any negative comments publicly regarding a resolution of Council.”

CARRIED 7/1

NOTE: Cr T M Young 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 A A Gear	
Cr J M Gillingham	
Cr S F Sear	
Cr T M Young	

REASON: Council chose the first option of Clause 1 presented by the Officer, being to delete Policy 1/000 Execution of Documents and create a new policy "Execution of Documents" with the following statement: "The Chief Executive Officer will report to Council all documents that have been executed using the Town of Port Hedland Seal."

11.4.1.3 Establishment of Local Laws Working Group (File No.: ...-...)

Officer Matthew Scott
Director Corporate Services

Date of Report 22 February 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider the creation of a workgroup to review and amend the Town of Port Hedland's Local Laws.

Background

Creating, amending and policing Local Laws is one of the major legislative powers of a Local Authority. Currently Council has 16 Local Laws, however there has not been a formal review of these laws for a number of years. Like all legislation, Local Laws can become out dated and/or too complex to effectively police.

In January 2006, Council was briefed on the status of all it's local laws, and from this briefing, there was a general expression that a working party of Councillors should be created to review each Local Law in detail and make recommendations to Council.

Consultation

Council was briefed on the Town's Local Law at the January Briefing Session, to ensure that Councillors knew the current status of all local laws. Though the public have not been consulted, should the working party recommend any changes to any Local Law, the Local Government Act 1995, requires Council to seek public submission, as part of the amendment process.

Statutory Implications

Section 3.5. 'Legislative power of local governments' of the *Local Government Act 1995* states as follows:

"Section 3.5. Legislative power of local governments

- (1) A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*
- (2) A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.*

- (3) *The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*
- (4) *Regulations may set out :*
 - (a) *matters about which, or purposes for which, local laws are not to be made; or*
 - (b) *kinds of local laws that are not to be made, and a local government cannot make a local law about such a matter, or for such a purpose or of such a kind.*
- 5) *Regulations may set out such transitional arrangements as are necessary or convenient to deal with a local law ceasing to have effect because the power to make it has been removed by regulations under subsection (4).”*

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 6 – Governance

Goal 6 – Policy and Legislation

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

Strategy 2 – Review and amend Council’s Local Laws.

Budget Implications

Changing Local Laws required advertising in various newspapers and publishing in the formal Government Gazette. An estimate on change to a Local Law cost \$1,000 to \$2,00, plus Council officer time.

Officer’s Comment

As discussed previously, creating local laws is the major legislative power of Local Government, and therefore regular reviews are required to ensure currency and relevance.

By creating a working party, Council will ensure that community needs are considered, while officers can provide advice on the practicalities of current and proposed local laws. From this process Council will have confidence that all aspects have been considered prior to committing to a long and costly amendment process.

Officer’s Recommendation

That:

- i) Council create a working group called the Local Law Working Group, with the following terms of reference:
 - a) review the Town of Port Hedland Local Laws; and

- b) make recommendations to Council regarding the outcome of this review.
- ii) the Local Law Working Group be made up of the following members:
 - a) Cr _____
 - b) Cr _____
 - c) Cr _____
 - d) Cr _____
- iii) the Chief Executive Officer, or his nominated officer, and appropriate staff attend meeting of the Local Law Working Group as ex official members.

200506/298 Council Decision

Moved: Cr T M Young **Seconded:** Cr A A Gear

That:

- i) **Council create a working group called the Local Law Working Group, with the following terms of reference:**
 - a) review the Town of Port Hedland Local Laws; and
 - b) make recommendations to Council regarding the outcome of this review.
- ii) the Local Law Working Group be made up of the following members:
 - a) Cr G D Bussell
 - b) Cr S F Sear
 - c) Cr G J Daccache
 - d) Cr A A Carter
- iii) the Chief Executive Officer, or his nominated officer, and appropriate staff attend meeting of the Local Law Working Group as ex official members.

CARRIED 8/0

REASON: Council nominated members of the Local Law Working Group, being Councillors G D Bussell, S F Sear, G J Daccache and A A Carter.

- 7:53 pm Mayor Stan R Martin declared a financial and impartiality interest in Agenda Item 14.4.1.4 Write off re: Installation of Shade Shelter & Bus Shelters' as he is the Chairperson of the funding body.
- 7:54 pm Mayor left the room.
- 7:54 pm Cr A A Carter assumed the Chair.

11.4.1.4 Write off re: Installation of Shade Shelter & Bus Shelters (File No.: ...-...)

Officer Matthew Scott
Director Corporate Services

Date of Report 13 February 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider writing off \$12,469, of \$49,674.90 (GST Inc.), invoice number 12049, invoiced to the Pilbara Development Commission (PDC) for the installation of five shade shelters and two bus shelters.

Background

Late in 2004, Council agreed with the Pilbara Development Commission (PDC) to use Port Hedland Enhancement Scheme Funds to construct five shade shelters and two bus shelters along Sutherland Street. Initially a quote was received from BG Scott Carpentry, 10 January 2005, estimating the job to cost \$24,750 (GST inc) to complete the requested works.

At that time it was decided that Council should do the installation, which would be billed to the PDC. Though the PDC had agreed to let Council administer the project, PDC received a copy of the quote from BG Scott Carpentry, thus creating a expectation with the PDC that the job should cost the Port Enhancement Scheme approximately \$25,000.

On the 29 June 2005, after completing the job we raised invoice number 12049, to the PDC for \$49,674.90 for the works completed on Sutherland Street. Obviously on receipt of the invoice, the PDC queried the difference between the actual cost and a quote from BG Scott Carpentry, \$24,924.90.

This resulted in various letters between the PDC and the Chief Executive Officer to first explain the difference and try to reach a negotiated settlement.

After much negotiation the PDC has agreed to accept a \$12,455.90 reduction in the original invoice to settle Council claim. On this basis, Council will receive \$37,219, instead of the original \$49,674.90, approximately the half way point between the quote from BG Scott Carpentry and Council's actual cost.

Consultation

There has been various letters between the Chief Executive Officer and the PDC, resulting in the above-mentioned compromise.

Statutory Implications

Section 6.12 of the Local Government Act 1995, states as follows:

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

- (1) Subject to subsection (2) and any other written law, a local government may -
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*
 - (b) waive or grant concessions in relation to any amount of money; or*
 - (c) write off any amount of money, which is owed to the local government.**
- * Absolute majority required.*
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
 - (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
 - (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power. “*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

If Council resolves to write off \$12,455.90, this will be applied against the Provision for Doubtful Debts, which currently has a balance of \$24,980 as per the 04/05 Annual Financial Statements. The provision is a balance sheet account, and therefore has no direct affect of the 05/06 Municipal Budget.

However, the provision for Doubtful Debts is reviewed as part of the audit process, based on the level of debt and it's ability to be recovered.

Any net increase or decrease of the provision is charged to the Operating Statement, which can affect the Municipal Surplus.

Officer's Comment

Resolving this dispute between Council and the PDC has taken considerable time and resources.

There is no distinct reason for the vast difference between the quote from BG Scott Carpentry and the actual cost, however Council should note that the quote from BG Carpentry did not include:

1. The costs of earthworks required due to the unstable ground the structures are built on; and
2. The cost of traffic management.

Regardless of the above issues, the PDC has indicated that it will not pay Council the \$49,674.90 (GST Inc) as initially invoiced. It has indicated it will pay \$37,219, which given the circumstances, is believed to be a reasonable compromise.

Council has basically two options to resolve this matter:

1. Accept the offer from PDC to receive \$37,219 and write off \$12,455.90; or
2. Pursue the original invoice of \$49,674.90 through legal channels.

Of the two options, option 1 is recommended due to following reasons:

1. If pursued through the courts, there is no guarantee of the outcome, except for additional legal costs;
2. The Council and PDC should be seen by the community to be working together. A prolonged legal action may strain the relationship between Council and the PDC, resulting in less benefits for the Town of Port Hedland community, which is neither parties best interest.

Regardless of Council's decisions, steps have now been taken by both the Administration and the PDC to prevent this from reoccurring.

200506/299 Council Decision/Officer's Recommendation

Moved: Cr T M Young **Seconded:** Cr G J Daccache

That Council write off \$12,455.90 (GST inc) from invoice 12049 and apply the write off to the Provision of Doubtful Debts.

CARRIED BY ABSOLUTE MAJORITY 7/0

7:58 pm Mayor re-entered the room and assumed his chair.

7:58 pm Cr A A Carter advised Mayor of Council's decision and assumed his chair.

11.4.1.5 Request to Write Off Debtors (File No.: Fin-005/Fin-100)

Officer J Roberts
Accounts Officer

Date of Report 8 February 2006

Disclosure of Interest by Officer Nil

Summary

Requesting for Council to write off debtors over 90 days that are deemed to be unrecoverable or raised in error.

Background

The following outstanding debtors have been forwarded to our debt collection agency Dun & Bradstreet and have been identified as uneconomical to pursue:

Debtor No	Date	Invoice No	Description	Amount \$	Reason
6613 Raelene Whitehurst	08/01/04	8008	Repayment of wages paid in advance 17-23 December 2004	184.00	D&B unable to locate and deemed uneconomical to continue.
6927 Jet Club	26/11/04	10502	Airport Landing Fees October 2004	584.39	D&B unable to locate and deemed uneconomical to continue
6515 B to Z Contractors	28/04/04 01/06/04 23/07/04	8751 9142 9487	Landfill Tipping Fees	186.55 352.65 82.35	D&B unable to locate and deemed uneconomical to continue
6868 Deborah Dickerson	11/05/05		Dog Poundage Fees – April 05	250.00	D&B unable to locate and deemed uneconomical to continue
6868 Bill Preston	16/03/05	11228	Clean up Rocks – 7 Draper PI South Hedland	247.50	D&B unable to locate and deemed uneconomical to continue
6899 Midroc Aviation NZ	11/05/05	11597	Landing Fees January 2005	83.58	D&B unable to locate and deemed uneconomical to continue
6839 Chris Walker	23/12/04	10694	Reimbursement of Electricity of 1 Frisby Crt	251.85	Administration Error – Account should have been Chris Taylor
6659 D by 3 Contractors	18/06/04	9319	Airport – Reimbursement of ASIC Card	50.00	D&B unable to locate and deemed uneconomical to continue

Consultation

Prior to legal action commencing, both the Department Manager involved and the Acting Manager of Finance were informed of the status of account. All debtors having outstanding accounts were notified by overdue reminder notice, and by legal action intent notice before being referred to Dun & Bradstreet.

Statutory Implications

Section 6.12 of the Local Government Act 1995 provides that Council may resolve to write off any amount of money as debt, which is owed to the Local Government.

“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

2/012 Sundry Debt Collections

Strategic Planning Implications Nil

Budget Implications

The proposed write off equate to \$2,706.87. Generally these would be written off to relevant sub function in which the original income was raised. However given their age, and that they were raised in the last financial year, these write-offs should be applied to the Provision for Doubtful Debts. This is a balance sheet account, and therefore does not directly affect the Municipal Budget.

The Provision is reviewed annually, and net adjustment is applied to the Municipal budget at that stage.

Officer's Comment

In any organisation or business it is not preferable to write off debt. Essentially this write-off is a loss of income, which any organisation requires to survive. In saying this, there are times when the cost of collecting the debt can exceed the debt itself, and a decision must be made to either pursue or extinguish the debt.

The Debts included in this report are reasonably minor, and all have been sent to the Town's Debt collector for collection. On their advice, further attempts to simply locate the debtors, let alone collect the money owed will exceed any benefit to the Council.

It is therefore recommended that Council follow this advice and proceed to write-off these minor debts. If the debtor becomes known to the Council after this occurs, Council can still attempt to recover the debts, if appropriate.

200506/300 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

That Council write-off the following debts and apply the write-off to the Provision of Doubtful debts:

Debtor No	Invoice No	Amount \$
6613		
Raelene Whitehurst	8008	184.00
6927		
Jet Club	10502	584.39
6515		
B to Z Contractors	8751	186.55
	9142	352.65
	9487	82.35
6868		
Deborah Dickerson	11619	250.00
6868		
Bill Preston	11228	247.50
6899		
Midroc Aviation NZ	11597	83.58
6839		
Chris Walker	10694	251.85
6659		
D by 3 Contractors	9319	50.00

CARRIED BY ABSOLUTE MAJORITY 8/0

11.4.1.6 Council Advertising (File No.: PBR-011)

Officer Matthew Scott
Director Corporate
Services

Date of Report 9 February 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider the cost differences between Marketforce Productions and the North West Telegraph as requested by Council.

Background

Council staff have over the past 12 months been using Marketforce Productions for the placement of advertising in both the West Australian and the North West Telegraph. A number of Councillors and the Chief Executive Officer have been approached directly by the North West Telegraph to use them rather than the WALGA approved contract.

At the Ordinary Meeting held on 28 October 2005, Council resolved:

"That:

- i) a full quote of services be invited by both North West Telegraph and Marketforce Productions; and*
- ii) the Agenda Item 'Council Advertising' lay on the table pending receipt of full quotes by both North West Telegraph and Marketforce Productions to be considered by Council."*

As a result of this staff have investigated the cost associated with both service providers.

Consultation

Both the North West Telegraph and Marketforce Productions have been asked to submit prices for advertisements in both early news (general articles/sport/arts, etc.) and the classifieds (Tender, Positions Vacant, etc.) section of the North West Telegraph.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications N/a**Budget Implications**

Advertising costs are located in several Council Budget line items. The list below indicates the location and quantity of budgeted advertising expenditure.

General Ledger Account Number	Budget Allocation
402249	\$750
404287	\$33,080
407249	\$5,000
502249	\$1,500
805249	\$2,000
812249	\$4,080
1006249	\$2,000
1118249	\$17,580
Total	\$65,990

Officer's Comment

Requests for quotations were sent to Marketforce and North West Telegraph. The prices received were per column centimetre and are detailed below:

	North West Telegraph	Marketforce Productions
Early news	\$3.28	\$3.06
Classifieds	\$4.17	\$4.17
Guaranteed bookings over a period of time	Negotiated	Negotiated with NWT

For example, if an advertisement was to be placed in the classified section and was 2 columns by 10cm the cost would be $2 \times 10 \times \$4.17 = \83.40 with the North West Telegraph.

In the case of Market force they offer a 7.5% early payment discount and Council receives a 20% rebate on all advertising placed through this service. Therefore the cost of the equivalent advertisement through Marketforce is:

$\$83.40 - \$6.26 (7.5\%) = \$77.14$
less 20% rebate $77.14 - 16.68 = \$60.46$ i.e. a saving of \$22.94.

The saving to Council over a financial year by using Marketforce for both local and state advertising is approximately \$18,147 as detailed below:

	Marketforce Productions
Total Advertising	\$65,990
-7.5% early payment discount	\$4,949
-20% WALGA advertising rebate	\$13,198
Total Yearly Advertising	\$47,843
Total Saving to Council	\$18,147

It should also be noted that given the total cost of advertising is over \$50,000 this service could be tendered under the Local Government (Functions and General) Regulations. Section 3.57(11) allows for an exemption if the service is purchased through WALGA.

Council should also note that should an advertisement be placed through Marketforce the North West Telegraph still receives the fees associated with the advertisement being placed in the paper.

200506/301 Council Decision/Officer’s Recommendation

Moved: Cr A A Carter **Seconded:** Cr T M Young

That Council:

- i) offer the North West Telegraph the option to match the discounts available to Council through Marketforce Productions as detailed in this report for a 12 month period. As part of this proposal the NWT detail how they will provide the same level of service through their accounts department. Should this be achieved, Council place all local advertisements through the NWT for a period of 12 months;
- ii) should the North West Telegraph decline this offer or not be able to match the discounts available, Council put all advertising through Marketforce Productions.

CARRIED 8/0

11.4.1.7 Budget Timetable (File No.: FIN-014)

Officer Matthew Scott
Director Corporate
Services

Date of Report 22 February 2006

Disclosure of Interest by Officer Nil

Summary

For Council to adopt the Budget Timetable for 2006/07.

Background

At the February Briefing Session, the Director of Corporate Services presented Council with the proposed budget timetable for the preparation and adoption of the 2006/07 Budget. This item is to formalise Council's acceptance of that timetable.

Consultation

As mentioned, Council was briefed on the proposed budget timetable at the February Briefing Session.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications**Budget Implications**

The Budget is one of the most important documents created by a Local Authority, as it determines the Rates the following year. Therefore it is imperative that the Budget receive due consideration by both Council and Administration.

Officer's Comment

As discussed, the budget is an important document to all Local Authorities, and therefore effective planning is the foundation for an effective and efficient budget.

The proposed budget timetable recommends that Council adopt the 2006/07 budget in July, thus maximising the time available for Council to commence and complete projects within the 2006/07 financial year. Based from this adoption date, a timetable can be prepared on the necessary steps to create and document the Budget for this adoption date. Once adopted all staff will

schedule their specific budget responsibilities to meet the proposed deadline.

200506/302 Council Decision/Officer’s Recommendation

Moved: Cr T M Young

Seconded: Cr S F Sear

That Council adopt the 2006/07 budget timetable as presented in the following table:

Date(s)	Forum	Issue	Responsibility
31/01/2006	Exec Meeting	Financial Plan/5 year Plan guidelines	Exec
1/02/2006	Briefing Session	Budget Timetable Presented	DCS
6/02/2006-17/02/2006		Five Year Plan Preparation	Managers
21/02/2006	Exec Meeting	Review Five Year Plan	Exec
22/02/2006	Ordinary Council Meeting	Adopt Budget Timetable	Council
6/03/2006 - 17/03/2006		Fees & Charges to Managers/New Requests	Managers
8/03/2006	Briefing Session	Present Financial Plan	DCS
22/03/2006	Ordinary Council Meeting	Adopt Financial Plan	Council
4/04/2006	Exec Meeting	Review New Requests & Score	Exec
5/04/2006	Budget Workshop	Fees & Charges, Five Year Plan, Loans & Reserves	Exec/Council
17/04/2006-21/04/2006		Budget Review/Operating Budget Build	Managers/ Exec
3/05/2006	Budget Workshop	New Items (Red, Yellow, Green), Rates, Muni Budget	Exec/Council
7/06/2006	Budget Workshop	Final Budget Workshop, Salaries & Traffic Light	Exec/Council
8/06/06 - 14/07/2006		Prepare Budget Document	DCS
26/07/2006	Ordinary Council Meeting	Adopt Budget	Council

CARRIED 8/0

**11.4.1.8 New Policy - Councillor Attendance at Conferences
(File No.: COU-014)**

Officer Matthew Scott
Director Corporate
Services

Date of Report 22 February 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider adopting a policy on Councillor attendance of conferences.

Background

Being informed and updated on local government issues and practices is an important responsibility of all elected members. One way to maintain this knowledge, as well as to keep in contact with fellow councillors from other local authorities is by attending the various and numerous conferences offered throughout the year. This being a fact, currently there are little to no guidelines on which or how many conferences, Councillors can attend.

In the annual budget Council allocated \$36,500 for Councillors to attend conferences. This includes the costs of the conference, airfares, and accommodation. Simply dividing this by the number of Councillors, equates to approximately \$4,055 per Councillor. Though this may seem fairly simplistic, should each Council attend two one week conferences in Perth, during the year, \$4,055 could easily be spent on accommodation and airfares, let alone the actual cost of the conference itself, which averages \$500-1,000.

Though from a budgetary perspective, Councillor conference attendance is not an issue, there should be some guidelines in place in how many conferences an individual Councillor should attend, to ensure fairness and equity amongst the elected members.

Consultation

Though there has been no consultation on this matter, it is believed to guidelines or policy on Councillor attendance of conferences is good industry practice, as it ensures:

1. Councillors are not restricted from attending necessary and important conference and training opportunities;

2. that conference attendance is fairly and equitably allocated amongst the elected members;
3. Councillors are accountable for their attendance of conferences by both Council and the general public at large.

Statutory Implications

Section 2.7 of the Local Government Act 1995, states as follows:

“ 2.7. The role of the council

(1) The council -

(a) directs and controls the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to -

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.”

Policy Implications

This item proposes a new policy.

Strategic Planning Implications Nil

Budget Implications Nil

Council has \$36,500 allocated in General Ledger Account 401220 for conferences; as of 31 January 2006 \$14,834 had been spent, principally for the attendance of Councillors for Local Government Week held in August 2005.

Officer's Comment

At the moment there are no guidelines in place regarding the attendance of conferences by Councillors. In recent years there has been increased media attention on conference attendance by elected officials, in all levels of government, questioning the validity or worth to the relevant agency. To ensure that Town of Port Hedland is not tarnished by this image, it is appropriate that the Council have a policy concerning the attendance of conferences by councillors.

By having a policy, Councillors can also ensure that attendance of conferences is shared fairly and equitable within the Council. There are also instances, for example local government week, where all council should have a right to attend, rather than seek permission.

The proposed policy is believed to be fair and equitable, and removes the need for Council to spend time discussing who should attend what conference. The aim of the policy is to ensure relevant Councillors are attending relevant conference and the Council and public can determine the benefits or outcomes achieved from each conference.

200506/303 Council Decision/Officer's Recommendation

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

That Council adopt the following policy:

"4/005 COUNCILLOR CONFERENCE ATTENDANCE

The Council recognises the need for Councillors to attend conferences to provide:

- 1. general knowledge for Council and Councillors on local government and regional matters, issues and practices; and**
- 2. detailed knowledge on specific Council and local government matters, issues and practices in areas where a Councillor is a member of relevant committee or working group.**

To enable Councillors to obtain this knowledge, all Councillors will be entitled, at no cost to themselves, to attend the following:

- 1. an Annual Local Government Sector conference, hosted by either the Department of Local Government and Regional Development (DLGRD) or the Western Australian Local Government Associated (WALGA), for example, "Local Government Week"; and**
- 2. Joint Pilbara and Kimberley Zone Regional Council Meetings; and**
- 3. with approval of the mayor, one other conference of their choosing, which is relevant to their membership of a committee or Working Group of Council; and**
- 4. any conference as decided by resolution of Council.**

Conference costs paid on behalf of Councillors, by Council shall include:

1. enrolment cost of the conference and conference material;
2. transport to and from the locale of the conference
3. transport to and from the conference to the Councillors accommodation;
4. accommodation expenses as per Council policy; and
5. miscellaneous or sundry expenses as approved by the mayor or Council prior to attending the conference.

At the conclusion of any conference, attended by a Councillor, unless jointly by a majority of Councillors, a Councillor (or Councillors) will make a report on the conference to subsequent Ordinary Meeting of Council within 2 months of attending the conference. “

CARRIED 8/0

11.4.1.9 Audit & Finance Committee (File No.: ADM-089)

Officer Matthew Scott
Director Corporate Services

Date of Report 16 February 2006

Disclosure of Interest by Officer Nil

Summary

For the Council to consider the recommendations from the Audit and Finance Committee Meeting, held on Wednesday 15 February 2006.

Background

As Council is aware, the Audit and Finance Committee was formed at the January Ordinary Meeting of Council. The inaugural meeting of this Committee was held on Wednesday 15 February, where the following matters were discussed:

- 2004/2005 Management Report; and
- 2004/2005 Carried Forward Surplus; and
- December 2006 Budget Review.

The unconfirmed minutes of the Committee have been included in this Agenda for Council to note. Of the items discussed at this meeting, a number of recommendations were resolved, which need now need to be considered by Council. As some these matters relate to operational matters (particularly the Budget Review), to ensure actions occur in timely manner, it is believed that outcomes of the Audit and Finance Committee Meeting be presented to the February Ordinary Meeting of Council for consideration.

In summary, the following items were resolved by the Committee to be brought to Council:

04/05 Management Report

1. That the Committee receive the Auditors Management Letter, dated 19 December 2005.
2. That the Director Corporate Services, in consultation with the Auditor, provide options on expanding the audit scope, prior to the 2005/06 interim commencing, for the Committee and Council to consider.

04/05 Carried Forward Surplus

1. That the Committee confirm the 2004/05 Actual Carried Forward surplus of \$3,035,705 and adjust the Budget accordingly.
2. That the Director Corporate Services, reconcile the net current assets to monthly statement of financial activity on a monthly basis.

December Budget Review

1. That the Committee recommend the proposed budget adjustment, listed in schedule A, to Council.
2. That the Committee recommends to Council that of the resulting \$456,792 budget surplus, the adjustment occur:
 - . \$238,360 be transferred to the Leave Reserve;
 - . \$100,000 be allocated for Playground equipment;
 - . \$50,000 be allocated for a Road Audit;
 - . \$15,000 be allocated for the construction of a ramp to assist access to the Court House Gallery; and
 - . \$53,432 remains as unallocated surplus.

The above decisions were not significantly different from the officer's recommendations put to the committee, except for the following:

04/05 Management Report

The Committee felt that the Committee and Council should consider the options of expanding the audit scope, instead of just the Committee as recommended.

December Budget Review

On review of Schedule A, a \$200,000 typographical error was discovered, effectively increasing the budget surplus by an additional \$200,000. After some debate, the Committee decided to recommend to fully fund the current liability for staff entitlements, provide some funds to construct an access ramp at the Court House Gallery, and the balance of the Budget Surplus to be left unallocated.

Council must now consider endorsing the Audit and Finance Committee's resolutions, as the Committee has no delegated authority, especially matters requiring an absolute majority of Council.

Consultation

The purpose of a Committee is to let a subset of Council consider a specific matter in detail and make recommendations to Council.

As the Audit and Finance Committee is a formal Council Committee, the Committee meeting is open to the public and the agenda is available to the public, through the Council's website.

Although only committee members have voting rights, all Councillors are invited to attend and can participate in any debate if invited to do so. This being the case, it is believed there has been adequate consultation regarding the matters discussed in this item.

Statutory Implications

Section 5.17 of the Local Government Act 1995, states:

"5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate –*
 - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —*
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
 - (ii) any other power or duty that is prescribed;*
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*
 - (i) the local government's property; or*
 - (ii) an event in which the local government is involved.*
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

Section 6.8 of the Local Government Act 1995, states:

"6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) is authorised in advance by resolution*; or*

(c) *is authorised in advance by the mayor or president in an emergency.*

* Absolute majority required.

(1a) *In subsection (1) —*

“additional purpose” means a purpose for which no expenditure estimate is included in the local government's annual budget.

(2) *Where expenditure has been incurred by a local government —*

(a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*

(b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

Policy Implications

Nil

Strategic Planning Implications

Budget Implications

This item proposes to significantly amend the Council’s budget. The proposed adjustments are listed separately in Schedule A, with the net adjustments resulting in a \$53,432. There are no plans on allocating this budget surplus, however it is available to Council, should it be required during the remainder of the financial year.

Officer’s Comment

Apart from the actions to be implemented from the 2004/05 Management Report (as listed in the Audit and Finance Committee Agenda and Unconfirmed Minutes), the significant outcome of the February Committee Meeting is the proposed budget adjustments.

The proposed amendments and past adjustments during the 2005/06 Financial Year can be summarised as follows:

Original Budget Surplus	0
September Budget Review	+\$105,810
04/05 Carry Forward Adjustment	-\$237,030
Proposed December Budget Review	+\$588,010
Net Budget +Surplus/-Deficit	+\$456,790

Council must consider how this surplus is to be allocated. The Audit and Finance Committee has recommended that the surplus be allocated as follows:

\$238,360	Leave Reserve;
\$100,000	Playground equipment;
\$50,000	Road Audit;
\$15,000	Access ramp Court House Gallery;
\$403,360	Total

This will result in \$53,430 (456,790-403,360) unallocated. This unallocated surplus does not disappear, if it remains unutilised by the end of the Financial Year, it will be carried over to the new financial year, as part of the 05/06 Carry Forward surplus. This may assist Council in funding some projects next year, rather than from rates raised.

200506/304 Council Decision/ Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr S F Sear**That**

- i) Council receive the Auditor's Management Letter, dated 19 December 2005;**
- ii the Director Corporate Services, in consultation with the Auditor, provide options on expanding the audit scope, prior to the 2005/06 interim budget review commencing, for the Audit and Finance Committee and Council to consider;**
- iii) Council confirm the 2004/05 Actual Carried Forward surplus of \$3,035,705 and adjust the budget accordingly;**
- iv) the Director Corporate Services reconcile the net current assets to monthly statement of financial activity on a monthly basis;**
- v) Council approve the budget adjustments, as listed in schedule A (attached); and**
- vi) Council allocate the resulting \$456,790 budget surplus, as follows:**
 - a) \$238,360 be transferred to the Leave Reserve;**
 - b) \$100,000 be allocated for Playground equipment;**
 - c) \$50,000 be allocated for a Road Audit;**
 - d) \$15,000 be allocated for the construction of a ramp to assist access to the Court House Gallery; and**
 - e) \$53,430 remains as unallocated surplus.**

CARRIED 7/1

NOTE: Cr T M Young 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 A A Gear	
Cr J M Gillingham	
Cr S F Sear	
Cr T M Young	

11.4.2 Governance**11.4.2.1 Liquor Restrictions (File No.: CMS-057)**

Officer Chris Adams
Chief Executive Officer

Date of Report 3 February 2006

Disclosure of Interest by Officer Nil

Summary

Purpose of report is for Council to consider undertaking community consultation regarding the effectiveness and community support for the liquor restrictions that have been placed by the Director of Liquor Licensing on licensees throughout the Town of Port Hedland over the past three (3) years.

Background

During the December and January Council Briefing sessions, Councillors discussed the effectiveness, impact and fairness of the current liquor restrictions within the Town of Port Hedland.

The Town has had liquor restrictions in one form or another since 1996. A brief history of the liquor restrictions is tabled below:

Year	Action
1996	Voluntary restrictions established
2002	Section 64 inquiry under the Liquor License Act
Jan 2004	12 month trial liquor restrictions established
Jan 2005	Liquor restrictions continue pending findings of a review by the National Drug Research Institute
Sept 2005	Research findings released
Nov 2005	Decision of Director of Liquor Licensing handed down extending liquor restrictions for a further two years.

Put simply, the current liquor restrictions prohibit the following activities:

- Selling take-away alcohol on Sundays.
- Selling wine casks, fortified wine and flagons over 2 litres.
- Selling spirits in containers over 750mls.
- Externally promoting full strength beer, UDL's 2 litre wine casks or spirits.
- Linking the sale of full strength beer, UDL's 2 litre wine casks or spirits with prizes, contests or customer incentives.

The restrictions were kept in force based upon the findings of a research project that was undertaken by National Drug Research Institute (NRDI). In summary the findings of this report were that:

- Wine consumption per capita has fallen but spirits consumption has risen. Full strength beer consumption remains similar to previous levels.
- Emergency admissions to hospital declined in 2002 but mandatory restrictions have not further reduced admission levels.
- There was a significant decline in ambulance related trauma when voluntary restrictions were put in place but there has not been any further reduction since then.
- The restrictions have had little impact on night time assault levels.
- Police attendances at disturbances declined significantly after compulsory restrictions were put in place.
- Community concern regarding heavy drinking and public drinking and disturbance has reduced.

Consultation

Community consultation was undertaken as a component of the NRDl's research. As result of this research, one of the primary conclusions of the Director of Liquor Licensing was that:

"The restrictions were derived from an extensive community consultation process and there is scant indication that the community wants any of the measures reversed."

In its informal discussions regarding this matter, there was an indication from some Councillors that they believed that this statement was inaccurate. Councillors commented that while there was likely to be support for some of the liquor restrictions they believed that the community would not support some of the existing restrictions.

Given these comments it is recommended that Council undertake a community consultation program to determine community opinion on this matter. This consultation should include:

- Random community survey.
- Survey of licensees
- Survey of relevant government agencies, indigenous organisations and interested not-for-profit groups
- Request for public submissions.

The results of the information gathered could be collated, a Council position identified, with this position being formally submitted to the Director of Liquor Licensing.

Statutory Implications

Section 64 of the *Liquor Licensing Act 1988* (Part 3 – Licences and permits, Division 6 – Conditions, generally) gives the Director

of Liquor Licensing authority to impose, vary or cancel conditions of liquor licenses. Section 64 states as follows:

- “64. Power of licensing authority to impose, vary or cancel conditions*
- (1) Subject to this Act, in relation to any licence, or to any permit, the licensing authority may at its discretion impose conditions —*
 - (a) in addition to the conditions specifically imposed by this Act; or*
 - (b) in such a manner as to make more restrictive a condition specifically imposed by this Act, and may vary or cancel any condition previously imposed by the licensing authority, having regard to the tenor of the licence or permit and the circumstances in relation to which the licensing authority intends that it should operate.*
 - (2) The power conferred by subsection (1) may, subject to compliance with section 31(6)(b), be exercised at any time, but a condition takes effect on —*
 - (a) the date of the grant of the licence or the issue of the permit in relation to which it was imposed; or*
 - (b) such other date as is specified in the notice setting out the particulars, or in the endorsement or revised version of the licence or permit made, under section 31(6), whichever is the later.*
 - (3) Without derogating from the generality of the discretion conferred on the licensing authority, the licensing authority may impose conditions which it considers to be in the public interest or which it considers desirable in order to —*
 - (a) ensure that the noise emanating from the licensed premises is not excessive;*
 - (b) minimize the offence, annoyance, disturbance or inconvenience that might be caused to those who reside or work in the vicinity of the licensed premises, or to persons in or making their way to or from a place of public worship, hospital or school, in consequence of activities on the licensed premises or the conduct of those making their way to or from the licensed premises;*
 - (ba) ensure that local laws of a local authority under the Local Government Act 1995 or by-laws of an Aboriginal community under the Aboriginal Communities Act 1979 are complied with;*
 - (c) ensure that the safety, health or welfare of persons who may resort to the licensed premises is not at risk;*
 - (ca) ensure that liquor is sold and consumed in a responsible manner;*
 - (cb) ensure that all persons involved in conducting business under the licence have suitable training for attaining the primary objects of this Act;*

- (cc) *minimize harm or ill-health caused to people, or any group of people, due to the use of liquor;*
- (cd) *limit or prohibit the sale of liquor on credit;*
- (d) *ensure public order and safety, particularly where circumstances or events are expected to attract large numbers of persons to the premises or to an area adjacent to the premises;*
- (e) *limit —*
 - (i) *the kinds of liquor that may be sold;*
 - (ii) *the manner in which or the containers, or number or types of containers, in which liquor may be sold;*
 - (iii) *the days on which, and the times at which, liquor may be sold;*
- (f) *prohibit persons being, or limit the number of persons who may be, present on, or on any particular part of, the licensed premises or any area which is subject to the control or management of the licensee and is adjacent to those premises;*
- (g) *prohibit the provision of entertainment, or limit the kind of entertainment that may be provided, on, or in an area under the control of the licensee adjacent to, the licensed premises;*
- (ga) *prohibit promotional activity in which drinks are offered free or at reduced prices, or limit the circumstances in which this may be done;*
- (gb) *prohibit any practices which encourage irresponsible drinking;*
- (h) *otherwise limit the authority conferred under a licence or permit; or*
- (j) *require action therein specified to be undertaken by the licensee —*
 - (i) *within a time or at times therein specified; or*
 - (ii) *on occasions or in circumstances therein specified, in relation to the licensed premises or any part of those premises, the conduct of the business carried on under the licence, or otherwise in the public interest;*
- (k) *prevent improper arrangements or practices calculated to increase any subsidy payable; or*
- (m) *ensure compliance with the requirements of, or with terms fixed or conditions imposed by or under, this Act.*
- (4) *If there is an inconsistency between a condition imposed under this Act and a requirement of, or made under, any other written law, the condition or requirement which is more onerous for the licensee shall prevail.*
- (5) *A condition may be imposed under this section which varies the obligation imposed by section 108(2)(a).*
- (6) *A condition imposed under this section may relate to —*
 - (a) *any aspects of the business carried on under the licence; and*

- (b) *any activity carried on at the licensed premises, at any time and whether or not related to the business carried on under the licence.*
- (7) *Where a condition imposed under this section in relation to a licence has been contravened the licensing authority may —*
- (a) *impose a more restrictive condition in relation to that licence; or*
- (b) *impose on the licence holder a monetary penalty not exceeding \$500 for each day on which the contravention continues, which shall be payable to the Crown by that person, or both.”*

Policy Implications

Nil

Strategic Planning Implications

While reviewing the Liquor Restrictions is not specifically listed within the Council's 2006-2011 Strategic Plan, the following goal from within the governance section of the plan is relevant to this matter:

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

Budget Implications

The cost of undertaking the proposed community consultation are minimal and can be absorbed within Council existing budget resources.

Officer's Comment

Liquor restrictions are relatively common throughout the state, whether they be via a voluntary liquor accord or via restrictions that are mandated under legislation. The restrictions for each town vary depending on their individual circumstances.

The Town of Port Hedland's restrictions would seem to be focusing on:

- Encouraging a 'day off' alcohol.
- Minimising the consumption of full strength beer and high alcohol content products

Evidence suggests that since the Town's liquor restrictions have come into place, there has been a reduction in some of the anti-social behaviour that is often attributed to alcohol consumption. While acknowledging this fact, the impact that each of the

individual restrictions is having on alcohol related impacts is unknown and hence subject to some community debate.

Given that there would seem to be some community concern regarding the style and nature of some (or all) of the liquor restrictions and that the Director of Liquor Licensing is not aware of such concerns, it is recommended that broad scale community consultation be undertaken to determine statistical data on the communities opinion on this issue.

Officer's Recommendation

That:

- i) Council undertake community consultation on the level of community support and perceived effectiveness of the current Town of Port Hedland Liquor Restrictions.
- ii) The community consultation include:
 - a) A random community survey
 - b) Survey of Licensees
 - c) Survey of relevant government agencies, indigenous organisations and interested not-for-profit groups
 - d) Request for public submissions.

200506/305 Council Decision

Moved: Cr T M Young

Seconded: Cr G J Daccache

That:

- i) **Council undertake community consultation on the level of community support and perceived effectiveness of the current Town of Port Hedland Liquor Restrictions.**
- ii) **The community consultation include:**
 - a) **A random community survey**
 - b) **Survey of Licensees**
 - c) **Survey of relevant government agencies, indigenous organisations and interested not-for-profit groups**
 - d) **Request for public submissions**

and

- iii) **The Office of Racing, Gaming and Liquor be requested to expedite answers in relation to questions previously asked by Council.**

CARRIED 8/0

REASON: Council requested the Office of Racing, Gaming and Liquor be asked to expedite answers in relation to questions previously asked of the Office of Racing, Gaming and Liquor by Council.

- 8:14 pm Cr T M Young declared a financial interest in Item 11.4.2.2 'Strategic Land Use Plan for the Town of Port Hedland' as she owns BHP Billiton shares and her husband is employed by BHP Billiton.
- 8:14 pm Cr T M Young left the room.
- 8:14 pm Cr G J Daccache declared a financial interest in Item 11.4.2.2 'Strategic Land Use Plan for the Town of Port Hedland' as he owns BHP Billiton shares and is employed by BHP Billiton.
- 8:14 pm Cr G J Daccache left the room.
- 8:14 pm Cr A A Gear declared a financial interest in Item 11.4.2.2 'Strategic Land Use Plan for the Town of Port Hedland' as he is the Director of a company who contracts to BHP Billiton. Cr A A Gear did not leave the room as the Department of Local Government and Regional Development have exempted him to do so.

11.4.2.2 Strategic Land Use Plan for the Town of Port Hedland (File No.: PLN-001)

Officer Chris Adams
Chief Executive Officer

Date of Report 6 February 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider progressing with the development of a long-term strategic land use plan for the Town of Port Hedland.

Background

Mirvac Fini and BHP Billiton have recently entered into a national partnership agreement. While Council is not privy to the details of the partnership agreement, it would seem that BHP Billiton's objectives from the agreement are to develop the communities that they are major stakeholders in to encourage employee attraction and retention. Mirvac Fini objectives would seem to be focused on broadening their range of development from a primarily metropolitan focus to one that includes high quality developments in regional settings.

One of the first projects that has been identified by the Mirvac Fini/BHP Billiton partnership is the need for development of a long-term strategic land use plan for the Town of Port Hedland. The development of such a plan is a necessary pre-cursor to strategic development of land.

Given this need, the partnership has engaged one of Western Australia's leading land use planning and urban design consultants, the Urban Design Centre (UDC), to undertake this task.

BHP Billiton and Mirvac Fini acknowledge that planning for future land uses within the Town is a local government responsibility and are eager for the Town to play the key role in coordinating and managing this process. While both partners clearly would like to be involved with the project, they have indicated that for the project to be successful their role needs to be one of 'interested, active participant – not the project driver'

If the project is to proceed, it will commence within the next month with the project taking approximately 12 months to complete. It is proposed to manage the project via a Steering Group or Committee with reports back to Council on a regular basis. For the project to be successful the community will need to be extensively involved with the plan development process.

Consultation

The Mayor and Council's Chief Executive Officer were informally briefed on this matter in August 2005 along with briefings on other potential BHP/Mirvac Fini developments. At that meeting BHP Billiton and Mirvac Fini were advised of Council's requirement to develop a Local Planning Strategy with an indication that there may be some synergies between the BHP/Mirvac Fini 'Master Plan' project and the Town's Land Planning Scheme requirements.

Council was not involved in the development of the partnership between BHP and Mirvac Fini and was not involved with the briefing or appointment of the UDC to undertake this project. Council was not advised of the status of the project until it was advised on the 27th of January.

Statutory Implications

The Town Planning and Development Act (1928) requires the review of Town Planning Schemes every five (5) years. To remain compliant, the Town of Port Hedland's Scheme requires review in 2006.

A pre-cursor to the development of a Town Planning Scheme is the development of a Local Planning Strategy (LPS). LPS's are long term (15-20 years) land use planning documents. These documents effectively form the framework for the development of the TPS. The revised TPS's are the five-year land use planning framework for the municipalities.

Policy Implications

As a component of the development of a Local Planning Strategy the Town's development aspirations are considered in context with existing State and local planning policies. Where necessary, positions are put to potentially amend policy to reflect the community's development wishes/desires.

Strategic Planning Implications

The Town's 2006-2011 Strategic Plan includes the following statements that are relevant to this matter.

"KRA 4 Economic Development

Goal 5 – Town Planning and Building

That long-term land use and development within the Town of Port Hedland is well planned. Council's policies, procedures and practices are assisting in the improving the visual amenity of the town.

Strategy 2 – Develop the Town of Port Hedland Local Planning Strategy as a pre-cursor to the development of Town Planning Scheme No 6."

Budget Implications

The Development of Local Planning Strategies is tending costing regional centres over \$100,000 to complete. The project that is being proposed by the UDC is essentially a Local Planning Strategy with more detail being provided – particularly on urban design elements.

The cost of engaging UDC to undertake the project is approximately \$250,000. The BHP Billiton/Mirvac Fini partnership has indicated that it will pay for the costs of the project.

Officer's Comment

Council has three key decisions to make relating to this matter. They are:

- Does Council want to be involved with this project?
- If yes, what structure should be used to facilitate the progression of the project and the development of the plan?
- Who are the key stakeholders that should be represented on the Steering Committee for the project?

Does Council want to be involved with this project?

While the project has not been instigated in a traditional manner, it does present significant opportunities for the Council. Statutorily Council is required to develop a Local Planning Strategy (LPS) and a new Town Planning Scheme in the foreseeable future. While this project is not specifically set up as a Local Planning Strategy document it can be moulded to achieve this outcome. If Council were to elect to not proceed with the project it would be required to develop an LPS – probably using its own funds. If managed and coordinated properly the project provides Council with the opportunity to develop necessary planning document at no cost to Council.

What Structure?

The UDC proposal suggests that the project be led by a steering committee which reports to the Town Council. The steering committee would seek information and canvas options with working group/s and or the community via a variety of community consultation mechanisms.

The alternative management structure for the plan is a formal committee of Council.

A Committee of Council could be established under Section 5.8 of the local Government Act to manage the project. This committee could potentially be given delegated authority to make decisions on specific matters. The negatives to project being managed by a formal committee of Council include:

- Administratively more cumbersome
- Committee would be bound by the Local Government Act requirements, Standing Orders, Disclosure of Interest requirements, etc. making it potentially daunting for individuals who are not used to this level of formality.
- Very formal structure that potentially stifles discussion and debate.

Given the above matters it is recommended that the project be operated by a Steering Committee that regularly reports back to Council on the projects progress. The committee would not be given the authority to make decisions on behalf of the Council

Who should be on the Committee?

For the project to be successful, it must be supported by Council, the State Government (as it will need to be endorsed by the WAPC) and the community in general. To achieve this the steering committee should include a broad representation from these groups. It is recommended that the committee include five Council representative (3 Councillors and 2 staff), three

industry/business representatives, four government representatives and two general community representatives.

Officer's Recommendation

That:

- i) Council agree to proceed with the development of a long-term, strategic land use plan for the Town of Port Hedland using resources provided by the BHP Billiton/Mirvac Fini Partnership;
- ii) the development of the plan be managed by the a project Steering Committee who has the specific tasks of:
 - . Coordinating the development of the plan.
 - . Managing and coordinating appropriate community consultation
 - . Consultant management;

(NOTE: The committee has no delegated authority to make decisions on behalf of Council

- iii) the Steering Committee include the following representation:

Council Representatives

Mayor (Chair)

Cr _____

Cr _____

Chief Executive Officer - Town of Port Hedland

Manager Planning Services – Town of Port Hedland

Government Representatives

Pilbara Development Commission

Department of Planning and Infrastructure

LandCorp

Department of Housing and Works

Industry/Business Representatives

BHP Billiton

Fortescue Metals Group

Port Hedland Chamber of Commerce and Industry

2 x Community Representatives

To be selected via an expression of interest process.

and

- iv) letters be sent to each of the nominated agencies seeking confirmation of their representative to be on the Steering Committee; and

- v) the expressions of interest for the positions of community representatives be advertised in the North West Telegraph with Council considering the submissions after the closing date.

200506/306 Council Decision/Revised Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

1. Council agree to proceed with the development of a long-term, strategic land use plan for the Town of Port Hedland using resources provided by the BHP Billiton/Mirvac Fini Partnership, subject to Council retaining the management and direction of this project at all times.
2. The development of the plan be facilitated by the a project Steering Committee who has the specific tasks of:
 - . Coordinating the development of the plan.
 - . Managing and coordinating appropriate community consultation
 - . Consultant management

(NOTE: The committee has no delegated authority to make decisions on behalf of Council.)

3. The Steering Group be required to provide a written report to Council on the current status of the project after each Steering Committee meeting has been held
4. Council advise BHP Billiton, Mirvac Fini and the UDC that Council's involvement in the project is subject to Council retaining the right to terminate the agreement by resolution of Council if so deemed necessary.
5. The Steering Committee include the following representation:

Council Representatives

Mayor (Chair)

Cr G J Daccache

Cr S F Sear

Cr G D Bussell

Cr A A Carter

Chief Executive Officer - Town of Port Hedland

Manager Planning Services – Town of Port Hedland

Government Representatives

Pilbara Development Commission

**Department of Planning and Infrastructure
LandCorp
Department of Housing and Works**

**Industry/Business Representatives
BHP Billiton
Fortescue Metals Group
Port Hedland Chamber of Commerce and Industry**

**Community Group Representatives
Wedgefield Association
West End Action Group
Care for Hedland Environmental Association Inc.**

**2 x Community Representatives
To be selected via an expression of interest process.**

- 6. That letters be sent to each of the nominated agencies seeking confirmation of their representative to be on the Steering Committee.**
- 7. The expressions of interest for the positions of community representatives be advertised in the North West Telegraph with Council considering the submissions after the closing date.**
- 8. That Council call for quotations from consultants who have experience in the preparation of Local Planning Strategies to assist Council in reviewing and analysing the direction and products of the draft Land Use Master Plan at all stages of the project development.**

CARRIED 5/1

8:25 pm Cr G J Daccache and Cr T M Young re-entered the room and assumed their chairs.

8:25 pm Mayor advised Councillors G J Daccache and T M Young of Council Decision.

REASON: Council nominated Council representatives on the Steering Committee along with additional Council representation.

11.4.2.3 Port Hedland Underground Power Project – Billing Model (File No.: ECO-019)

Officer Chris Adams
Chief Executive Officer

Date of Report 13 February 2006

Disclosure of Interest by Officer Nil

Summary

Council needs to consider the most appropriate billing schedule for ratepayers who receive the benefits of the Port Hedland Underground Power project.

Background

Council has considered the Port Hedland underground power project on several occasions. Council's most recent decisions regarding this project are listed below:

September 2005

"That Council:

- i) advise Western Power and the Office of Energy that Council is willing to commit to the Port Hedland State Underground Power Project;*
- ii) the Common Seal be affixed and the Mayor and Chief Executive Officer be authorised to sign and to execute the Project Agreement Documentation on Council's behalf; ..."*

August 2005

That Council:

- (i) Advise Western Power that:
 . In-principal, it supports the progression of the Port Hedland State Underground Power Program subject to the following conditions:
 - i. The Town being successful with its grant application for \$1,000,000 to the Pilbara Fund*
 - ii. The Towns maximum contribution to the project being capped at \$6,000,000 (less the \$1million Pilbara Fund Grant).*
 - iii. All of Council's contribution to the project being provided in the 2006/07 financial year.**

- . *A final decision on whether Council will proceed with this development is likely to be made at Council's Ordinary Meeting on September 28*
- (ii) *Request officers to further develop options for the potential charging of ratepayers based on the following assumptions:*
 - . *Charging will be based on the basis of a flat rate connection fee plus a per kilowatt charge based on the estimated power usage of the property.*
 - . *Council receiving a \$1,000,000 grant from the Pilbara Fund with 50% of the grant funds being used to pay for Council's charges associated with the SUPP program and the remaining 50% being used to subsidise owner/occupiers charges.*
 - . *Ratepayers being given the option of repaying their SUPP charge over a five-year period.*
- (iii) *Continue to advocate for the installation of conduit for Fibre Optic communication networks as a component of the SUPP project. ..."*

External consultants, Alliance Power and Data, have been developing a comprehensive billing model for the project that reflect Council's decisions on the matter. Put simply, the model works by establishing a baseline cost per property (which is a combination of a connection fee and a per kVA fee) then providing access to a series of rebates for eligible ratepayers.

A range of assumptions has been made to develop the model. The model is flexible enough to allow modifications to the assumptions and billing methodology if required.

The accuracy of the assumptions within the model will affect the accuracy of the billing. For example, the model anticipates that 36.1% of residents will be eligible for an owner/occupier rebate (total of 380 of the 1054 affected properties). This assumption is based on 2001 census data. If the number of rebates claimed is higher than 36.1% Council would not collect all of its costs. Conversely if less than 36.1% of residents claim the rebate Council will collect more money than is required.

While the assumptions within the model are reasonable, there is a degree of subjectivity within them. Given this, it is recommended that Council undertake an exercise whereby it 'sure's up' the models accuracy by actively seeking feedback from affected residents on which rebates they are likely to claim.

Consultation

It is proposed to send a brief survey to all affected ratepayers to determine which rebates (if any) they will be applying for.

The information from the survey responses can be used to give a greater degree of accuracy to the billing model. The proposed timeline for the completion of the survey is as follows:

23/2/06 Mail survey to ratepayers
9/3/06 Reminder notice to ratepayer to return survey
16/3/06 Final Reminder notice
24/3/06 Last day for surveys to be returned

A copy of the proposed survey to residents has been attached.

Statutory Implications

Regulation 54 of the Local Government Financial Management regulations states that:

“For the purposes of section 6.38(1) the services for which a local government may impose a service charge are the provision of: ...

(c) Underground Electricity...”

Policy Implications

Once ratepayer invoices have been raised for their contributions towards underground power the payments will be considered a sundry debt to Council with the provisions of Council's debt recovery policy applying.

Strategic Planning Implications

While the underground power project is not specifically mentioned in the 2006-2011 Strategic Plan the following statements are included within the plan that are relevant to this matter:

- That the central business districts and main thoroughfares of both Port and South Hedland are attractive and well maintained.

Budget Implications

The Council's 50% contribution towards the underground power project is \$5,931,055. This cost is defrayed somewhat through successful Council grant application to the Pilbara Fund (\$1,000,000) and the Port Hedland Enhancement Scheme (\$780,000). The grant amounts will be used to provide a series of rebates to ratepayers including:

- Ratepayer rebate;
- Owner Occupier Rebate;
- Small Business Rebate;
- Pensioner/Low Income Earner Rebate; and a
- Community Group Rebate

It is anticipated that the rebates will decrease costs to the majority of ratepayers to a level that is at or below the level paid by metropolitan residents who have been through the underground power program.

Officer's Comment

While the vast majority of residents supported the concept of undergrounding power in Port Hedland, there was extensive concern regarding the cost to ratepayers for the service. Minimising costs to ratepayers through rebate schemes will defray some of the costs. It is important that Council's billing model is accurate, equitable and fully defensible. To achieve these outcomes it is recommended that a further survey be undertaken to determine the level of rebates that individuals are likely to apply so that the billing model can be adjusted where necessary to ensure accuracy and reliability.

200506/307 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr A A Gear**That:**

- i) Council send a survey to all ratepayers within the Port Hedland Underground Power project area to determine:**
 - a) the total quantum of residents who are eligible for**
 - . Ratepayer rebate;**
 - . Owner Occupier Rebate;**
 - . Small Business Rebate;**
 - . Pensioner/Low Income Earner Rebate; and a**
 - . Community Group Rebate;**
 - b) The number of residents who intend paying their contribution 'upfront', the number that intend paying by instalments and the number intending to pay their contribution over a five year period; and**
- ii) the results of the survey be presented to the first available Council meeting after they have been collated and analysed.**

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.4.2.3**UNDERGROUND POWER PROGRAM****IMPORTANT INFORMATION FOR RATEPAYERS**

Works have commenced on the Port Hedland Underground Power program. Through this program all power services in Port Hedland will be 'undergrounded'. This will lead to a more reliable power service to Port Hedland and will lead to an improvement in the visual amenity of the Town.

The works are being undertaken through the State Underground Power Program (SUPP) with the funding coming from the Office of Energy (25%), Western Power (25%) and the Town of Port Hedland (50%). The total value of underground power works being undertaken exceeds \$11million with all works scheduled to be completed by the end of 2006.

The Town of Port Hedland contribution towards the project will be obtained from ratepayers who receive the benefit of the underground service. This includes your property. The contributions towards this project will be billed via an addition to your 2006/07 Local Government Rates Notice. Please note that the billing of ratepayers for the provision of underground power to existing residential is a standard practice across West Australia.

To minimise the cost of the provision of underground service to ratepayers, the Town of Port Hedland has successfully applied for \$1.75million of grant funds from the Pilbara Fund and the Port Hedland Enhancement Scheme. These grant funds will be used to provide a variety of rebates to ratepayers.

To ensure that the billing for this service is accurate as possible, Council is seeking feedback from residents on the rebates that they may be eligible to receive. This information is being gathered via a short survey to ratepayers who benefit from the underground power program

ALL affected ratepayers should complete this survey and return it by Friday 24th of March. Failure to complete and return this survey by the due deadline may result in your exclusion from access to the rebates.

If you have any queries regarding this matter please contact Council on 9158 9315.

Stan Martin
MAYOR – TOWN OF PORT HEDLAND

ATTACHMENT TO AGENDA ITEM 11.4.2.3 (CONTINUED)

**UNDERGROUND POWER PROGRAM
Ratepayer Rebate Survey**

Feedback is sought from ratepayers who will benefit from the Port Hedland Underground Power Program on the type of rebates that they will apply for when they receive their bill for the underground power project. Please note that you will be required to provide evidence demonstrating your eligibility for the rebate prior to it being provided.

Ratepayer Name _____
 Ratepayer Address _____
 Property Address _____

Please tick the boxes next to the areas of rebate that you are eligible to claim

- 1. Owner/Occupier Rebate
 Rebate available to ratepayers who's primary place of residence (as at 1/3/06) is the address listed in the property address listed above
- 2. Pensioner/Low Income Earner Rebate
 Available to ratepayers who eligible for registration as a pensioner under the Rates and Charges (Rates and Deferment) Act 1992. (See Details Overleaf)
- 3. Community Group Rebate
 Available to ratepayers who use the property primarily for community purposes.
- 4. Small Business Rebate
 Available to business owners who use the property for small business purposes. For the purpose of the rebate, small business is defined as having fewer than 20 employees or a turnover of less than \$1million per annum.

5. Council is offering ratepayers the option of repaying their contribution towards underground power upfront, in quarterly payments or over five years. Please tick one of the following boxes:

- I will be paying my contribution towards underground power in a lump sum payment
- I will be paying my contribution towards underground power in four quarterly payments (interest charges apply)
- I will be paying my contribution towards underground power over five years (interest charges apply)

Please return this survey by Friday 24th of March by one of the following means:

Mail - Using the reply paid envelop provided.

Fax - (08) 9173 1766

In Person - Civic Centre, 41 McGregor St Port Hedland

Failure to reply to this survey by the due deadline may result in exclusion from access to the rebates.

Requirements for Eligibility for Pensioner/Low Income Earner Rebate

To access the Pensioner/Low Income Earner Rebate ratepayers must fulfil the following requirements from the Rates and Charges (Rates and Deferment) Act 1992.

- (1) *A person is eligible to apply to the administrative authority to have their entitlement as regards any land registered if a prescribed charge is payable on that land, on sufficient evidence of eligibility being accepted by the administrative authority under section 26, so long as*
- (a) *that person receives under the Social Security Act 1991 of the Commonwealth -*
- (i) *an age pension;*
 - (ii) *a disability support pension;*
 - (iii) *a wife pension;*
 - (iv) *a carer pension;*
 - (v) *a widow B pension; or*
 - (vi) *a sole parent pension;*
- or*
- (aa) *that person is 60 years of age or more and receives, under the Social Security Act 1991 of the Commonwealth -*
- (i) *a job search allowance;*
 - (ii) *a newstart allowance;*
 - (iii) *a sickness allowance;*
 - (iv) *a special benefit; or*
 - (v) *any other allowance, benefit or concession of a kind prescribed for the purposes of this section,*
- and has been receiving continuously for the last 12 months a social security pension or a social security benefit under that Act or a service pension under Part III of the Veterans' Entitlements Act 1986 of the Commonwealth; or*
- (b) *that person under Part III of the Veterans' Entitlements Act 1986 of the Commonwealth receives* □
- (i) *a service pension;*
 - (ii) *a wife's service pension; or*
 - (iii) *a carer's service pension;*
- and*
- (c) *unless the person is permanently blind, the person does not possess income or assets of a value in excess of that permitted by any prescribed means test applicable.*
- (2) *Subject to this Act, a person is eligible to apply to the administrative authority to have their entitlement as regards any land registered if a prescribed charge is payable on that land, on sufficient evidence of eligibility being accepted by the administrative authority under section 26, so long as under the Veterans' Entitlements Act 1986 of the Commonwealth that person is*
- (a) *a veteran to whom, by reason of incapacity or blindness, a pension under section 24 or section 25 or a pension to which an extreme disablement adjustment applies under section 22(4) of that Act is payable;*
 - (b) *a veteran to whom or in respect of whom there is payable a pension or an allowance because that veteran has suffered or is suffering from pulmonary tuberculosis; or*
 - (c) *a person who may, under section 86(1) of that Act, be provided with treatment under Part V of that Act as a dependant of a deceased veteran, regardless of the income or assets of that person.*
- (3) *Subject to this Act, a person is eligible to apply to the administrative authority to have their entitlement as regards any land registered if a prescribed charge is payable on that land, on sufficient evidence of eligibility being accepted by the administrative authority under section 26, so long as by virtue of the operation of Part II of the Veterans' Entitlements (Transitional Provisions and Consequential Amendments) Act 1986 of the Commonwealth, that person is a person to whom is payable a pension as*
- (a) *the widow of a member of the Forces;*
 - (b) *the unmarried mother of a deceased unmarried member of the Forces; or*
 - (c) *the widowed mother of a deceased unmarried member of the Forces.*
- (4) *Subject to this Act, a person who is the holder of both a seniors' card and a Commonwealth seniors health card is eligible to apply to the administrative authority to have their entitlement as regards any land registered if a prescribed charge is payable on that land, on sufficient evidence of eligibility being accepted by the administrative authority under section 26.*

11.4.2.4 Port Hedland Enhancement Scheme – Projects for Funding Endorsement (File No.: TWN-010)

Officer Chris Adams
Chief Executive Officer

Date of Report 3 January 2013

Disclosure of Interest by Officer Nil

Purpose

To seek Council endorsement for:

- an allocation of \$80,000 from the Port Hedland Enhancement Scheme fund to replace bus shelters in Port Hedland and install shaded seating at Koombana Lookout;
- an allocation of \$17,000 from the Port Hedland Enhancement Scheme fund to install concrete picnic tables and benches under pergolas on the Spoilbank; and
- an allocation of \$100,000 from the Port Hedland Enhancement Scheme fund to provide remedial infrastructure at the Old Port Hedland Cemetery.

Background*Replace Port Hedland Bus Shelters and Install Shaded Seating at Koombana Lookout*

As part of the Port Hedland Enhancement Scheme, five new shaded seating structures and two replacement bus shelters have been installed on Sutherland Street. The installation of the structures has received positive feedback from the community.

In October 2005 Council endorsed a Port Hedland Enhancement Scheme project to replace existing bus shelters in Port Hedland and to install shaded seating at Koombana Lookout.

The Scheme worked with the Town of Port Hedland to undertake an audit of bus shelters on the Port Hedland bus route. The audit identified six existing bus stops with shade shelters. It was recommended that an additional bus shelter should be located at Tjalka Boorda on Cooke Point drive, on the opposite side of the road to the existing bus stop.

The estimated cost for the supply and installation of seven bus shelters and two shaded seating structures at Koombana Lookout is \$80,000.

Installation of Concrete Picnic Tables and Benches under Pergolas on the Spoilbank

Three pergolas were installed on the Spoilbank to provide additional shade for beach goers and to complement existing pergolas that were previously installed by the Town of Port Hedland.

To further enhance those facilities it has been recommended that concrete tables and benches be installed under each shelter.

The estimated costing for the supply and installation of concrete picnic tables and benches beneath the six pergolas on the Spoilbank is up to \$17,000.

Old Port Hedland Cemetery

In October 2005 Council endorsed a project under the Enhancement Scheme to upgrade the Old Port Hedland Cemetery.

A working group, which includes representatives from the Town of Port Hedland, Wangka Maya Link Up, and Australians for Reconciliation, Department of Indigenous Affairs and the Pilbara Development Commission, has been formed to progress the project. Wangka Maya Link Up has undertaken extensive community consultation and planning for the installation of descriptive infrastructure in the cemetery grounds.

The working group agreed that the proposed works for the Cemetery should be consistent with the plans developed by Wangka Maya Link Up and in line with the recommendations of the Town of Port Hedland's Interpretation Plan for the Old Port Hedland Cemetery, which was commissioned by Council in November 2003.

The works include:

- Repair and repaint of existing pipe fence and entrance arbour.
- Installation of a gazebo and balustrade, seating and concrete pad.
- Installation of memorial wall with signage that incorporates a list of names, a map of grave sites and interpretive information.
- Installation of gravel pathway to the gazebo site from side access on Stephens Street.
- Production of a brochure for promotional and information purposes.
- Installation of numbered plaques to be placed on existing gravestones as location markers.

The estimated costing for the works is up to \$100,000.

The Old Port Hedland Cemetery is a listed Indigenous Heritage Site and any works will require the approval of the Minister of Indigenous Affairs. Staff from Indigenous Affairs has agreed to provide advice with the heritage approval process.

The area of the cemetery identified for development is the far South West corner of the site, which will provide a measure of privacy and ensure minimal disturbance of registered burial sites in the vicinity.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Key Result Area 1 – Infrastructure

Goal 2 – Parks and Gardens

Strategy 3. Work with the community to upgrade the appearance of the Town's cemeteries.

Key Result Area 4 – Economic Development

Goal 4 – Land Development Projects

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

Strategy 3. Identify the preferred use and development of the Port Hedland Spoilbank.

Budget Implications

Projects are funded by the Port Hedland Enhancement Scheme, which is equally funded by the State Government and BHP Billiton. Council will be responsible for maintenance after constructed.

The proposed projects have been considered by the Port Hedland Enhancement Scheme Steering Group, who have recommended their progression. Once complete, these projects will enhance Port Hedland, assisting in achieving both Council's and the Port Hedland Enhancement Scheme's objectives.

200506/308 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr T M Young

It is recommended that the Town of Port Hedland Council endorses the Port Hedland Enhancement Scheme Steering Group's recommendation to allocate:

- i) \$80,000 from the Port Hedland Enhancement Scheme fund to the Town of Port Hedland to replace bus shelters in Port Hedland and install shaded seating at Koombana Lookout;**
- ii) \$17,000 from the Port Hedland Enhancement Scheme fund to the Town of Port Hedland to install concrete picnic tables and benches under six pergolas on the Spoilbank; and**
- iii) \$100,000 from the Port Hedland Enhancement Scheme fund to the Town of Port Hedland to provide remedial infrastructure at the Old Port Hedland Cemetery.**

CARRIED 8/0

11.4.3 Human Resources**11.4.3.1 Cancellation of Policy 3/016 - Redundancy/ Severance Payments (File No.: ADM-006)**

Officer Chris Adams
Chief Executive Officer

Date of Report 30 January 2005

Disclosure of Interest by Officer Nil

Summary

To amend the Council Redundancy/Severance Payments policy to reflect the recent amendments to the Town of Port Hedland Enterprise Agreement 2005.

Background

Previously Council adopted Policy 3/016 – Redundancy/ Severance Payments to outline the redundancy payments applicable to employees upon termination due to redundancy.

The existing policy provisions have been incorporated into the Town of Port Hedland Enterprise Agreement 2005.

Consultation

All staff were consulted and agreed with the variation to the Redundancy/Severance Payments Policy during the Enterprise Agreement negotiations.

Statutory Implications

The Local Government Act 1995 – Section 5.50 requires Council to adopt a Policy relating to payments to employees in excess of their contract or award. As the Redundancy provisions are already contained in the Enterprise Agreement, the statutory requirement under the Act is no longer required.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

There are no budget implications as the cost to Council has not changed.

Officer's Comment

Permission has been sought from the Council to cancel the existing redundancy and severance policy as the existing provisions have already been included in the Enterprise Agreement and therefore the policy is no longer required.

Having the existing redundancy payments specified in a Council policy also restricts the Chief Executive Officer's ability to negotiate a variation to the redundancy provisions through Enterprise Agreement negotiations with staff.

200506/309 Council Decision/Officer's Recommendation

Moved: Cr T M Young

Seconded: Cr G J Daccache

It is recommended that the existing Redundancy/Severance Payment Policy Number 3/016 is deleted from the Council Policy Manual.

CARRIED 8/0

**11.4.3.2 Variation to Existing Policy 3/006 – Staff Uniforms
(File No.: ADM-006)**

Officer Chris Adams
Chief Executive Officer

Date of Report 30 January 2005

Disclosure of Interest by Officer

Eligible to clothing allowance under the Town of Port Hedland Enterprise Agreement 2005.

Summary

To amend the Council Staff Uniform policy to reflect the recent amendments to the Town of Port Hedland Enterprise Agreement 2005.

Background

Council's existing Policy 3/006 refers to Staff Uniforms.

The employees of the Town of Port Hedland and Chief Executive Officer agreed to vary the provisions of the existing policy within the Town of Port Hedland Enterprise Agreement 2005.

Consultation

All staff were consulted and agreed with the variation to the Staff Uniform Policy during the Enterprise Agreement negotiations.

Statutory Implications

There are no statutory implications apart from the policy needing to reflect the Enterprise Agreement that is an industrial instrument.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

The cost to Council has reduced for uniforms through the negotiated EBA Agreement.

Officer's Comment

Approval from Council is sought to vary the existing policy 3/006 to reflect the agreement reached under the Enterprise Agreement.

The agreement reached under the Town of Port Hedland Enterprise Agreement 2005 is as follows:

- Indoor Employees – Maximum \$700.00 per annum inclusive of GST for the first year of employment for full time employees and a maximum of \$400.00 every year thereafter.
- Outdoor Employee – Five pairs of socks per annum in addition to existing entitlements and one cold weather jacket every three years.
- Part-time Employees – Maximum of \$450.00 per annum inclusive of GST for the first year and a maximum of \$250.00 every year thereafter.

200506/310 Council Decision/Officer's Recommendation

Moved: Cr T M Young

Seconded: Cr A A Carter

That the existing policy 3/006 Staff Uniforms be deleted and replaced with the following:

“3/006 STAFF UNIFORMS

The Council shall supply employees with a uniform in accordance with guidelines set out below. The Chief Executive Officer has been granted delegated authority to determine what is a suitable uniform.

The contribution by the Town of Port Hedland towards uniforms shall be determined and outlined in the Town of Port Hedland Enterprise Agreement 2005 or it's successor agreement (s).

Temporary or Casual employees may also be entitled to a uniform on a pro-rata basis at the discretion of the relevant Director in accordance with departmental budget provisions.

It is compulsory for all employees to wear a uniform if supplied. Personal protective equipment will be supplied on an as needs basis.

All indoor employees being provided with a uniform shall complete a reimbursement agreement, to the effect that on leaving Council's employment:

a) Within three months of commencement.

Reimbursement to Council of the full clothing cost.

b) Between three to six months from commencement.

Reimbursement to Council of 50% of the full clothing cost.

c) After six months of commencement.

No requirement for reimbursement.

DEPOT AND WORKS PERSONNEL

All clothing required for the job is supplied by Council and carries the Council's logo. Five sets of clothing will be provided each year being one of the following combinations:

- . 5 cotton pants, 5 cotton shirts and 5 pairs of socks; or
- . 5 cotton bib and brace, 5 cotton shirts and 5 pairs of socks; or
- . 5 cotton pants, 5 fluorescent shirts and 5 pairs of socks; or
- . 5 cotton bib and brace, 5 fluorescent shirts and 5 pairs of socks.

One (1) cold weather jacket will be supplied upon commencement and then every three years thereafter. Staff electing against wearing fluorescent shirts will be required to wear a fluorescent safety vest.

CLOTHING AGREEMENT

I acknowledge
having received the following clothing:

No.	Item	Value
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

and accept that I will, on leaving Council’s employment,

- a) **Within three months of the date of this appointment:
Approve the deduction of the full costs of supplying these items.**
- b) **Between three and six months of the date of this agreement:
Approve the deduction of 50% of the costs of supplying these items.**
- c) **After six months of the date of this agreement:
I acknowledge there is no requirement of me to contribute towards the clothing received.**

Signed:

Dated:

Witness:

CARRIED 8/0

200506/311 Council Decision

Moved: Cr T M Young **Seconded:** Cr S F Sear

That the meeting be adjourned for a period of five (5) minutes.

CARRIED 8/0

8:30 pm Mayor adjourned the meeting.

200506/312 Council Decision

Moved: Cr A A Gear

Seconded: Cr A A Carter

That the meeting resume.

CARRIED 7/0

8:37 pm Mayor declared the meeting resumed.

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**12.1 Governance and Administration****12.1.1 *Port Hedland Enhancement Scheme – Projects for Funding Endorsement (File No.: TWN-010)***

Officer Chris Adams
Chief Executive Officer

Date of Report 3 January 2013

Disclosure of Interest by Officer Nil

Purpose

To seek Council endorsement for an additional allocation of up to \$300,000 from the Port Hedland Enhancement Scheme fund for the project to upgrade Cemetery Beach Park, the ocean side of the Civic Centre and Pretty Pool Park

Background

Project to upgrade Cemetery Beach Park, the ocean side of the Civic Centre and Pretty Pool Park

A series of projects to improve the Port Hedland foreshore were initiated as Stage One of the Port Hedland Enhancement Scheme, including the upgrade of Cemetery Beach and Pretty Pool Parks and the ocean side of the Civic Centre.

Saleeba Adams Architects were engaged by the Department of Housing and Works to develop designs and costings for the park upgrades. During the development of the designs, the architect liaised with CALM to reduce the impact on the local Flatback turtle habitat from new park lighting.

Council endorsed the final designs and costings for the project in December 2004, subject to all documentation being submitted for building approval. The Minister for the Kimberley, Pilbara and Gascoyne and BHP Billiton Iron Ore approved an allocation of approximately \$2.2M from the Scheme fund for the project, which included \$1,818,474 for the construction works associated with the upgrade (exclusive of GST).

In February 2005, the documentation was submitted to the Council for building approval at which time Council's Manager Engineering Services raised some issues with the engineering specifications. To expedite the process, Council's Manager Engineering Services and the Mayor attended a meeting in Perth with the architects, relevant consultants and members of the Steering Group to discuss the specification issues.

At the meeting the Mayor and Council's Manager Engineering Services advised the Port Hedland Enhancement Scheme Steering Group that the lighting design was not sufficient to meet Council's duty of care for public safety and required substantial changes.

Officer's Comment

Considerable time has been spent on redesigning the lighting in consultation with CALM and turtle specialists to ensure that the lighting meets the Council's requirements, whilst minimising the impact on the turtle habitat and on securing the appropriate environmental approvals for the project from the Commonwealth and State governments.

As a result, the commencement of the works has been delayed for over twelve (12) months and the latest estimates prepared for the architect by the quantity surveyor have costed the works at approximately \$2.9M, which includes \$2,568,833 for the construction works associated with the upgrades (exclusive of GST). The new estimates represent an increase of \$750,359 for the construction works across the three (3) park sites and include added costs for additional lighting and regional loading of 40%.

The Town's Director Engineering Services, and the Manager of the Port Hedland Enhancement Scheme attended a meeting in Perth on Monday 20 February 2006, with the architect and a representative from the Department of Housing and Works to discuss options to reduce the cost of the works. This included the removal of project works that were identified by the members of the Port Hedland Enhancement Scheme Steering Group, and at an informal meeting of the Council members that was held at the Pilbara Development Commission on Tuesday 14 February 2006 to discuss the project.

The following changes to the project were agreed which could realise savings of up to \$500,000:

Civic Centre

- . Remove all works from the back of the swimming pool (northern end) including lighting, landscaping, limestone wall and footpath.
- . Remove works associated with the construction of concrete delivery access way.
- . Palms identified for relocation to be removed completely and replaced with new palms/trees.

Note:

1. Works to upgrade the car park at the eastern end of the swimming to remain in contract.

2. Hardstand area for the location of the stage container to be considered as a variation during works.
3. Footpath extension between Sutherland Street and back of Civic Centre to be considered as a variation during works.
4. Council to install post/wire fence at the back of swimming pool (northern end) to fence off dune.

Cemetery Beach Park

- . Remove beach access boardwalk (turtle walk).
- . Remove landscaping from car park roundabout - to be replaced with some public art works not included in this contract .
- . Remove requirement for replacement toilet - cleanup of existing toilet to be considered as a variation during works.
- . Replace timber boardwalk to viewing platform with concrete.
- . Change out all wood bollards with galvanised steel with caps.

Note:

1. Grass swale already a grass swale.
2. No requirement to remove stone pitching.
3. No shade structures to be removed.

Pretty Pool Park.

- . Remove all works associated with construction of new car park and swale including pedestrian crossover.
- . Cleanup of existing toilet to be considered as a variation during works.
- . Change out all wood bollards with galvanised steel with caps.

Note:

1. Shower at end of access road will not be included as removal of new toilets from contract removed requirement for plumbing works - could prove to be too expensive. Consider including shower when toilets upgraded.
2. Works to upgrade access road to remain in contract to address gradient issues and provide clean finish to park works.
3. The installation of bollards at the end of the access road not to be included in contract.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Key Result Area 1 – Infrastructure
Goal 2 – Parks and Gardens

To have a variety of well maintained and well utilised Parks and Gardens that meet the various needs of park users.

Budget Implications

Nil

200506/313 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Council endorses the Port Hedland Enhancement Scheme Steering Group's recommendation to the Minister for the Kimberley, Pilbara and the Gascoyne and BHP Billiton Iron Ore for an additional allocation of up to \$300,000 for the project to upgrade the Cemetery Beach and Pretty Pool Parks and the ocean side of the Civic Centre.

CARRIED 8/0

12.2 Planning Services**12.2.1 *Application for Home Business – Licensed Reptile Farming at Lot 1919 (8) Roberts Street South Hedland (Applicant Donelle Bleakley, File No.: 404700G)***

Officer Andrew Patterson
Planning Officer

Date of Report 22 February 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application to commence a home business for licensed reptile farming at Lot 1918 (8) Roberts Street, South Hedland.

The land subject to the application is zoned “Residential” and “Home Occupation” is listed as an “AA” use on the zoning table of Town Planning Scheme No. 5.

This item is presented for Council consideration in accordance with the Delegation Register requirement that all contentious proposals be referred to Council. The matter is being treated as urgent as if the applicant fails to hold a valid home occupancy permit, licensing that is required from CALM to undertake the business may be revoked.

Background

Council considered a request for a home occupation (Reptile Keeping) at its Ordinary Meeting on 23 February 2005 where it resolved to grant permission, subject to conditions.

This application is proposed for the same address, but for a different applicant and for the purpose of “farming” rather than “keeping.” This application is for a Home Business rather than a Home Occupation due to the area required for the operation is greater than the 20 m² allowed for a home occupation.

The applicant is applying for a Category 4 pet herpetofauna license that allows the keeping of fauna that the Minister considers is not dangerous and —

- is not commonly kept as a pet;
- is rare but not threatened or endangered in the wild;
- has specialised feeding or housing requirements;
- is not resilient to handling; or

- is otherwise suitable to be kept only by a person over 18 years of age with prior experience in keeping pet herpetofauna.

Licensing

This proposed use is regulated and licensed by CALM and the applicant is subject to an interview and verbal exam to determine the applicant's knowledge of reptile husbandry. The applicant is required to demonstrate an ability to identify and handle all reptiles subject to the licence. In addition, the facilities proposed for the housing and breeding of fauna are inspected to ensure they are both appropriate and secure.

Should the applicant be successful in obtaining appropriate licensing from CALM, a Regional Wildlife Officer will conduct ongoing inspections as required. The licence holder is also required to submit quarterly information to CALM providing sales and shipping information.

Operation

The applicant is proposing to operate a reptile taking and farming business in order to supply licensed reptile dealers. All sales are conducted off-site, with most deliveries conducted via mail.

As noted, the facilities are inspected by CALM with respect to suitability and security, as no taken fauna are permitted to be released back into the wild. Established procedures exist to reduce the chances of any animal escaping captivity.

Consultation

In accordance with Policy 12/001 Home Occupation Policy, landowners within a 50 metre radius from the proposed home occupation were notified by mail of the proposal on 12 January 2006, and an advertisement placed in the *Northwest Telegraph* on 18 January 2006. No comments were received with regard to this proposal.

CALM officers have been consulted with regard to this application.

Statutory Implications

The *Wildlife Protection Act 1950* requires that any farming or taking of native fauna is licensed and regulated.

The *Wildlife Conservation (Reptiles and Amphibians) Regulations 2002* outline procedures for licensing takers and farmers and establishes the fees incurred by the licensee.

Policy Implications

The Town of Port Hedland Policy 12/001 – Home Occupation Policy requires that any home occupation meet the following criteria:

- Not employ more than two (2) people not members of the occupier's household;
- Will not cause injury or adversely affect the amenity of the occupier's household;
- Does not occupy an area greater than 50m²;
- Not involve the retail sale, display or hire of goods of any nature;
- In relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- Not involve the use of an essential service of greater capacity than normally required in the locality.

Strategic Planning Implications

Nil

Budget Implications

Home Occupation Fee of \$150 deposited in Account 1006324 (Home Occupation Permits).

Advertising fees of \$79.20 deducted from Account 1006249 (Advertising – Town Planning).

Officer's Comment

Under the previous licence holder, Mr A Hogg, this home business has been running at this address with Council approval since February 2005. During this time, Council has received no complaints regarding the operation of this business, indicating that this is not an incompatible land use for this area.

200506/314 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr S F Sear

That Planning Consent be granted to Donelle Bleakley for the conduct of a Home Business (Licensed Reptile Farming) at Lot 1918 (8) Roberts Street, South Hedland as outlined in the Application received 4 January 2006 (Application 2006/5) and subject to the following conditions:

GENERAL

- a) **this Home Business is applicable to the applicant only. It is not transferable to any other party and is only for the 2006 calendar year. After this time an application for renewal of the Home Occupation/Home Business is required;**
- b) **the Home Business to occupy a space no greater than 50sqm;**
- c) **advertising is limited to one (1) sign not exceeding 0.2sqm in area (i.e. 40cm x 50cm);**
- d) **not more than one (1) commercial vehicle to be housed at the property in conjunction with the Home Occupation;**
- e) **all appropriate approvals and/or licences for the conduct and location of the Home Business are to be sought from and issued by the Department of Conservation and Land Management; and**
- f) **no retail sales are permitted on the property at any time/**

ADVICE TO APPLICANT

NOTE 1: The applicant is advised that Council may refuse to renew the permit or may rescind the permit at any time, if the business operation contravenes the conditions of this approval or Council's Home Occupation Policy.

CARRIED 7/1

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

Record of Vote

FOR	AGAINST
Cr S R Martin	Cr A A Gear
Cr A A Carter	
Cr G D Bussell	
Cr G J Daccache	
Cr J M Gillingham	
Cr S F Sear	
Cr T M Young	

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

ITEM 14 CONFIDENTIAL ITEMS

8:41 pm Chief Executive Officer declared a financial interest in Agenda Items 14.1 'Chief Executive Officer's Probation and Annual Performance Review' and 14.2 'Chief Executive Officer Employment Package and Conditions of Employment' and both items relate to the Chief Executive Officer's employment at Council.

8:41 pm Chief Executive Officer left the room.

8:41 pm Director Corporate Services declared a financial interest in Agenda Item 14.3 'Directors' Employment Package and Conditions of Employment' as it relates to the Director's employment at Council.

8:41 pm Director Corporate Services left the room.

8:41 pm Director Regulatory and Community Services left the room.

8:41 pm Director Engineering Services left the room.

200506/315 Council Decision

Moved: Cr T M Young

Seconded: Cr A A Gear

That the Meeting be closed to members of the public as prescribed in Section 5.23 (2) (a) of the Local Government Act 1995, to enable Council to consider the following confidential items:

- . **14.1 Chief Executive Officer's Probation and Annual Performance Review;**
- . **14.2 Chief Executive Officer's Employment Package and Conditions of Employment; and**
- . **14.3 Directors Employment Package and Conditions of Employment**

as the items deal with Chief Executive Officer and Director Employment conditions.

CARRIED 8/0

NOTE: Section 5.23 of the Local Government Act 1995 states:

"5.23. Meetings generally open to the public

...(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 –

(a) a matter affecting an employee or employees; ...”

8:42 pm Members of the public and media left the room.

14.1 Chief Executive Officer’s Probation and Annual Performance Review

200506/316 Council Decision

Moved: Cr T M Young

Seconded: Cr A A Gear

That the Standing Orders be suspended in accordance with Clause 20.8 of the Standing Orders Local Law, as follows:

“Suspension of Standing Orders

20.8 In cases of urgent necessity any of the standing orders may be suspended on a motion carried by an absolute majority of the members.”

CARRIED BY ABSOLUTE MAJORITY 8/0

8:43 pm Mayor suspended standing orders.

200506/317 Council Decision

Moved: Cr G D Bussell

Seconded: Cr S F Sear

That the Standing Orders be resumed.

CARRIED BY ABSOLUTE MAJORITY 8/0

8:58 pm Mayor advised standing orders were resumed.

200506/318 Council Decision

Moved: Cr A A Carter

Seconded: Cr T M Young

That:

- i) Council formally advises the Chief Executive Officer that he has successfully completed his probationary period;**
- ii) Council establish the CEO Performance Review Working Group in accordance with existing Policy 3/019 to coordinate the Chief Executive Officer's Annual Performance Appraisal process; and**
- iii) the membership of the CEO Performance Review Working Group be:**

Mayor;

Deputy Mayor;

Cr T M Young; and

Manager Human Resources. (Support Role Only).

CARRIED BY ABSOLUTE MAJORITY 8/0

REASON: Council wished to advise CEO of his successful completion of his probationary period; and appointed Cr T M Young as a member of the CEO Performance Review Working Group.

14.2 Chief Executive Officer’s Employment Package and Conditions of Employment

200506/319 Council Decision

Moved: Cr G D Bussell **Seconded:** Cr J M Gillingham

That the Standing Orders be suspended in accordance with Clause 20.8 of the Standing Orders Local Law, as follows:

“Suspension of Standing Orders

20.8 In cases of urgent necessity any of the standing orders may be suspended on a motion carried by an absolute majority of the members.”

CARRIED BY ABSOLUTE MAJORITY 6/2

NOTE: Cr T M Young requested the votes be recorded:

Record of Vote

FOR	AGAINST
Cr S R Martin	Cr A A Gear
Cr A A Carter	Cr T M Young
Cr G D Bussell	
Cr G J Daccache	
Cr J M Gillingham	
Cr S F Sear	

8:58 pm Mayor suspended standing orders.

200506/320 Council Decision

Moved: Cr G D Bussell **Seconded:** Cr T M Young

That the Standing Orders be resumed.

CARRIED BY ABSOLUTE MAJORITY 8/0

9:14 pm Mayor advised standing orders were resumed.

200506/321 Council Decision

Moved: Cr T M Young **Seconded:** Cr G D Bussell

That Item 14.2 ‘Chief Executive Officer’s Employment Package and Conditions of Employment’ lay on the table for further consideration by Council.

CARRIED 8/0

REASON: Council sought more time to consider this item.

14.3 Directors Employment Package and Conditions of Employment

200506/322 Council Decision

Moved: Cr A A Carter **Seconded:** Cr T M Young

That Item 14.2 'Directors Employment Package and Conditions of Employment' lay on the table for further consideration by Council.

CARRIED 8/0

REASON: Council sought more time to consider this item.

200506/323 Council Decision

Moved: Cr T M Young **Seconded:** Cr A A Gear

That the Meeting be opened to members of the public.

CARRIED 8/0

9:19 pm Members of the Public and Council staff were invited re-enter the room.

NOTE: Chief Executive Officer, three (3) Directors, one (1) Member of the the Public and Council staff re-entered the meeting.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

200506/324 Council Decision/Officer's Recommendation

Moved: Cr A A Gear **Seconded:** Cr T M Young

That the following Applications for Leave of absence:

. **Cr S F Sear – 27 February 2006 to 5 March 2006 inclusive; and**

. **Cr J M Gillingham – 11 – 20 March 2006 inclusive**

be approved.

CARRIED 7/0

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 22 March 2005, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 9:20 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 22 March 2006.

CONFIRMATION:

MAYOR

DATE