



Town of Port Hedland

MINUTES

OF THE

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

HELD ON

WEDNESDAY, 26 APRIL 2006

AT 5.30 PM

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

**UNCONFIRMED
MINUTES**

"WITHOUT PREJUDICE"

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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.

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ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 5.32pm 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

Arrive 5.43 pm - Item 7

2.2 Apologies

Cr T M Young
Cr D R Pike

2.3 Approved Leave of Absence

Nil.

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

Nil.

3.2 Questions from Members at Ordinary Council Meeting held Wednesday 22 March 2006**3.2.1 *Councillor Des Pike***

Who is responsible for maintaining fire hydrants in the Town of Port Hedland?

Mayor advised he is unaware which agency is responsible for maintaining fire hydrants within the Town of Port Hedland District.

Fire and Emergency Services Authority (FESA) is the agency responsible for maintaining fire hydrants within the Town of Port Hedland District.

Has there been a maintenance audit done in the last two (2) years? If no, could an audit be initiated please?

FESA has undertaken regular inspections.

3.2.2 Councillor Grant Bussell

Can Council investigate the cost and suitability of solar powered street lighting again?

This will be considered as part of the 2006/07 budget process.

ITEM 4 PUBLIC TIME

4.1 Public Question

5.34 pm Mayor opened Public Question Time

4.1.1 Mr Ian Halliburton

Has the Council made any progress in the matter of BHP paying council rates for their properties in Hedland?

Due to lobbying by the four Pilbara Council's the State Government has commissioned a study into the effect of non-payment of rates by mining companies on local government financial sustainability. The Department of Industry and Resources is progressing this study and we are advised that the report will be presented to Cabinet in the 2nd half of 2006.

Has BHP made an offer of \$3,000,000 in lieu of paying rates? Would this have conditions on how the Council could use it?

The \$3 million contribution from BHP Billiton is not a payment in lieu of rates. The payment is a sustainability partnership agreement between the Town and BHP Billiton to improve the Town's facilities. A steering committee (involving BHPB and Council representatives) has been established to identify which projects should be funded. This committee will put its recommendations to Council for its consideration. The projects that will be funded are limited to capital related projects that are within the Town's Strategic Plan.

Is the Council aware that the State Agreement for FMG's Railway and Port facilities has the same exemption for FMG to pay Council rates as the current BHP agreement?

FMG Limited have indicated to Council that they are planning to pay rates for all mining leases and other properties owned by the company within the Town of Port Hedland.

Mayor advised that the wording of the state agreement for FMG regarding payment of rates had changed from that of the BHPBIO Agreement.

Mr Halliburton tabled correspondence signed by Clive Brown stating that the wording was the same as the BHP Agreement.

Has the Council discussed this with the local member of the Government?

Council has held extensive discussions with the local member and several members of parliament regarding this issue.

4.1.2 Mr Chris Whalley

In Port and South Hedland, a number of street names for the roads are missing, does Council have any plans to replace with new road signs?

Director Engineering Services advised that street signs are being replaced. Replacement signs need to be ordered from the supplier hence the delay in replacing them. Further that Council received reports on a daily basis that street signs have been removed.

4.1.2 Mr Bob Neville

In relation to the Liquor survey, was a check completed on the validity of the returned surveys as to ratepayers and residents on the electoral role? If so, what was the outcome please? If not, can this be completed?

Chief Executive Officer advised that the survey was confidential and respondents remained anonymous. Therefore it is not possible to check against the electoral role.

The survey results indicated that 61% of the respondents had lived in the Town for greater than 6yrs with only 2% living in the town for less than a year.

In relation to the petition signed by some 30 people for presentation to Council on Wednesday evening, have the names been verified as ratepayers/residents on the electoral role and if so, how many of the 30 are on the electoral role please?

Chief Executive Officer advised that the names have not been verified, as it is not necessary. A person that signs a petition has the right to the opinion without being on the electoral role.

5.40 pm Mayor closed Public Question Time

4.2 Public Statements

5.41 pm Mayor opened Public Statement Time

5.42 pm Mayor closed Public Statement Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 Councillor George Daccache

Requested Council recognised Clare Allen Journalist with the North West Telegraph on her recent "WA Youth Award" in the Regional Print Media Category from the Office of Children and Youth.

Chief Executive Officer advised a suitable acknowledgement would be arranged.

5.2 Councillor Grant Bussell

Can Council provide a civic reception for former Councillor of 9 years, Katarina Vernham?

Chief Executive Officer advised a civic reception was at the Mayor's discretion.

Mayor advised an appropriate acknowledgement would be arranged.

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 J M Gillingham
Cr G D Bussell	Cr G J Daccache
Cr S F Sear	Cr A A Carter

5.43 pm Cr A A Gear entered the room.

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 22 March 2006.****200506/360 Council Decision/Officer's Recommendation**

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

That the Minutes of the Ordinary Meeting of Council held on Wednesday 22 March 2006 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Nil.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**9.1 *Councillor George Daccache***

Provided a written report on a Sports Conference that he had attended (via email).

9.2 *Councillor Grant Bussell*

Provided a written report on a WALGA Sustainable Asset Management course that he had attended (via email).

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS**10.1 *Petition Objecting to Current Liquor Restrictions imposed on the Town of Port Hedland***

The following petition (attached) is signed by 30 people:

"We the under signed object to the current liquor restrictions imposed on the Town of Port Hedland. The vast majority of People residing in the town are law abiding citizens who do not cause any liquor related problems. Why should be penalized because of the small minority who cause the problems."

200506/361 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

That the following petition:

“We the under signed object to the current liquor restrictions imposed on the Town of Port Hedland. The vast majority of People residing in the town are law abiding citizens who do not cause any liquor related problems. Why should be penalized because of the small minority who cause the problems.”

be noted and considered as a component of Agenda Item 11.4.3.7 of tonight's Agenda.

CARRIED 7/0

ATTACHMENT TO AGENDA ITEM 10.1

We the under signed object to the current liquor restrictions imposed on the Town Of Port Hedland. The vast majority of People residing in the town are law abiding citizens who do not cause any liquor related problems. Why should we be penalized because of the small minority who cause the problems.

(This would be used as a protest. To be taken seriously you must sign your name once and only once)

THANK YOU

	NAME	ADDRESS	SIENATURE
1	James Harris	9 Rawlings close Port Hedland	[Signature]
2	K. PICKERING	PORT HEDLAND	[Signature]
3	A. LUDLOW	2/1 WILKINSON ST PORT HEDLAND	[Signature]
4	M. ZIELEMAN	31 WAMBARA WAY STY 1999	[Signature]
5	D. FENWICK	3/10 ROYAL ST PORT HEDLAND	[Signature]
6	P. THOMAS	17 LEEHEY ST WEDGFIELD	[Signature]
7	V. Dymofinsek	4 FINLAY ST PH Hedland	[Signature]
8	P. CAZALY	3A PATON RD	[Signature]
9	H. McARTHUR	1112 LAWSON APARTMENTS	[Signature]
10	JASON BROWNING	2 ACTON ST PORT HEDLAND	[Signature]
11	T. Mortimore	9 Clam Court S. Hedland	[Signature]
12	K. STEVENS	15 ABALOWE WAY S. HED	[Signature]
13	A. ANTONY	U76 Port Cooke Holiday PK	[Signature]
14	C. BERLAND	28 MAUGER RL	[Signature]
15	P. Keneaf	10 Schulliman St	[Signature]
16	GARETH TREMENEKKE	22A BAKER CLOSE	[Signature]
17	MARREN LOGAN	199 LOCKE POINT CARAVAN PARK	[Signature]
18	J. McArthur	53 MOORE ST Port Hedland	[Signature]
19	CHRISTIAN SABOU	3 Wambaran South Hedland	[Signature]
20	Gemma Lee Seben	3 Wambiri St South Hedland	[Signature]
21	REHMAN	C/O PORT HEDLAND	[Signature]
22	Schneider	C/O PORT HEDLAND	[Signature]
23	Angela Langdon	411/17 Welsh St SH	[Signature]
24	Bob Chirony	11 PERSE WAY STIL HED	[Signature]
25	Matthew Cropper	103 Anderson St Port Hedland.	[Signature]
26	Shaun Tremenecker	108 SUTHERLAND ST PORT HEDLAND	[Signature]
27	TODD VAN NUNSFLET	135 ANDERSON ST PH	[Signature]
28	Scott Mc Brian	34B BARRAGAN ST PH	[Signature]
29	Wendy	7 SUTHERLAND ST PH	[Signature]
30	James Walsh	151 ANDERSON ST PH	[Signature]

Feedback and comments on the Liquor Restrictions can be forwarded in writing to Chief Executive Officer by email to council@porthedland.wa.gov.au, or addressed to Town of Port Hedland, PO Box 41, Port Hedland WA 6721. Comments and feedback will be received until 7 April 2006.

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 31 March 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 28 September 2005;
- Ordinary Meeting held 26 October 2005;
- Ordinary Meeting held 23 November 2005;
- Ordinary Meeting held 14 December 2005;
- Ordinary Meeting held 25 January 2006;
- Ordinary Meeting held 22 February 2006; and
- Ordinary Meeting held 22 March 2006.

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

200506/362 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

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

CARRIED 7/0

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
<p>Ordinary Meeting held 28 September 2005</p>				
10.2.2.3	Revised Pretty Pool Development Plan	<p>200506/101 Council Decision That Council resolve to:</p> <p>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;</p> <p>b) advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority;</p> <p>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;</p> <p>d) invite Landcorp to a meeting with Council to address the issues of</p> <ul style="list-style-type: none"> . permeability/road layout; . open space window; . alienation of public land; . commercial and tourism site locations; and . management planning to reduce impacts on flatback turtle populations; and <p>e) the final plans be returned to Council for consideration after the public consultation period and prior commencement of the project, in accordance with the Local Government Act 1995 and association regulations.</p>	<p>RESPONSIBLE OFFICER: Planning Officer</p> <p>EPA to set level of assessment prior to advertising. Amendment still with Dept of Environment for assessment. Awaiting confirmation from Dept. of Environment</p>	
10.2.3.6	Hire Car Operations	<p>200506/108 Council Decision/Officer's Recommendation That:</p> <p>i) the Chief Executive Officer and the Airport Manager commence negotiations with Hire Car operators regarding the possible relocation and consolidation of facilities; and</p> <p>ii) a report be presented for Council's consideration following negotiations being undertaken with Hire Car operators, and drainage investigations being completed at the Port Hedland International Airport.</p>	<p>RESPONSIBLE OFFICER: Airport Manager</p> <p>Meeting arranged 16.02.06. As per briefing to Council in March Letters have been sent to Hire Car Operators Ongoing discussions. Still awaiting replies.</p>	
10.2.3.7	Lease of Portion of Terminal for Check In, Office, Baggage Handling and Managers Lounge: Qantas Airways Limited	<p>200506/109 Council Decision That:</p> <p>i) a lease agreement be offered to Qantas Airways Limited for the Terminal Check-In areas, lounge, office and baggage make up area being approximately 255sqm for a fee of set at market rate as determined by the Valuer General, ex GST per month for a period of five years commencing on 1 July 2002 and expiring 30 June 2007 with an option of renewal for a further term of five (5) years commencing 1 July 2007 and expiring on 30 June 2012;</p> <p>ii) if the above offer is accepted, Council's intention to enter into the abovementioned lease agreement with Qantas Airways Limited be advertised in accordance with Section 3.58 of the Local Government Act 1995;</p> <p>iii) Qantas be advised that:</p> <p>a) rental payments are exclusive of GST and the difference in rental payments received from 1 July 2002 to present and those payable is recovered; and</p> <p>b) CPI increases are to be calculated for the period</p>	<p>RESPONSIBLE OFFICER: Airport Manager</p> <p>Response received from Qantas. Seeking legal advice. A report will be presented to May Ordinary Meeting.</p>	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
10.2.5.1	Monitoring of Cemetery Beach and Pretty Pool Beach	200506/113 Council Decision/Officer's Recommendation That Council: i) endorse Ranger Services to perform ad hoc patrols of the foreshore reserves on a regular basis during flatback turtle breeding season; ii) acknowledge and approve of the lawful actions being undertaken by Authorised Officers, following any offenders being caught riding or driving on the foreshore area, including any infringements being issued; and iii) considers installing barriers along Cemetery Beach to prevent off-road vehicle access.	RESPONSIBLE OFFICER: Senior Ranger Items i) and ii) are completed. Item iii) pending. Co-ordinator Ranger Services commenced 15.03.06. A report will be presented to May Ordinary Meeting.	Est. Completion April
Ordinary Meeting held 26 October 2005				
10.1.3.6	Proposed Scheme Amendment – Portion of Crowe Street Road Reserve	200506/151 Council Decision That Agenda Item 10.1.3.6 'Proposed Scheme Amendment – Portion of Crowe Street Road Reserve' requesting for rezoning of portion of Crowe Street Road Reserve from 'Local Road' to 'Residential R12.5/50' lay on the table pending further information being provided to Council, including – i) any potential obstruction to public access the intended purpose for the scheme amendment rezoning may cause; and ii) advice on the affect of legal ownership that the requested rezoning may have.	RESPONSIBLE OFFICER: Planning Officer Still pending. Awaiting purchase of land prior to considering scheme amendment.	
10.2.2.1	Lease of Southern Aircraft Hangar and Surrounding Land at Port Hedland International Airport	200506/154 Council Decision/Officer's Recommendation That: i) Council advertise its intention to dispose of the Southern Apron Hangar as per the requirements of Section 3.58 of the Local Government Act 1995; ii) if no objections are received during the advertising period, a lease agreement be entered into with Polar Aviation Pty Ltd for the Southern Apron Hangar and Land at an initial cost of \$7,000 + gst per annum; iii) the Common Seal be affixed and the Mayor and Chief Executive Officer be authorised to sign the Lease Agreement; and iv) if the transportable building located on the Western Edge of the leased are is not removed by the current lessee, that Council dispose of this building.	RESPONSIBLE OFFICER: Airport Manager Lease negotiations are still in progress.	
10.2.2.2	School of the Air Request to Lease Airport Building	200506/155 Council Decision/Officer's Recommendation That: i) Council advertise its intention to dispose of Building 158 (ex Air BP) as per the requirements of Section 3.58 of the Local Government Act 1995; ii) if no objections are received during the advertising period, a lease agreement be entered into with Port Hedland School of the Air at the valuation rate. iii) the Mayor and Chief Executive Officer be authorised to sign and execute Lease Agreement documents once it has been prepared.	RESPONSIBLE OFFICER: Airport Manager Advertising completed. No objection received. Still Awaiting valuation report.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
10.3.2.2	Pretty Pool Stables (Reserve 31462 – Lot 5770 Styles Road, Port Hedland	200506/159 Council Decision That Council: i) extend the leases on Reserve 31462 until 30 April 2006 to allow lessee's to submit a request for certification of unauthorised works and remove any structures as required in the Building Surveyors report above; ii) all tenants be notified of the requirements to formalise/remove structures as per building surveyors report and deadline of 30 April 2005; iii) this extension be given on the understanding there will be no more extensions, no more works undertaken and should certification/removal not occur by 30 April 2006 the lease will become void and the tenant removed. For those that comply Council will offer a lease of five years with another five year option at Council's discretion; iv) that all living arrangements on the reserve cease immediately and should this not occur Council cease discussions and have the tenant removed; and v) In the event that leases are terminated, then public advertising of Council's intention to lease relevant sections of Reserve Number 31462, in accordance with Section 3.58 of the Local Government Act be undertaken.	RESPONSIBLE OFFICER: Manager Administration Ltrs sent to lessees via Registered Post 15.11.05 Have until 30 April 06 to comply. Item to May Ordinary Meeting.	
10.3.2.3	Pretty Pool Stables Reserve 31462 – Lot 5770 Styles Road, Port Hedland - Request Received from Port Hedland Turf Club	200506/160 Council Decision/Officer's Recommendation That Council: i) consider entering into lease negotiations with the Port Hedland Turf Club for Lease Area 6 of Reserve 31462 subject to removal of the existing unauthorised structures; and ii) in accordance with the proposed Tenancy Policy, the lease be for a term of five years (5) with a further option of five (5) years at Council's acceptance.	RESPONSIBLE OFFICER: Manager Administration PH Turf Club given permission to enter and construct. Awaiting valuation report.	
Ordinary Meeting held 23 November 2005				
10.4.3.5	Pretty Pool Stables (Reserve 31462 – Lot 5770 Styles Road, Port Hedland	200506/201 Council Decision/Officer's Recommendation That Council: a) consider entering into lease negotiations with G & W Brooks for Lease Area 4 of Reserve 31462 subject to removal of the existing unauthorised structures; b) accept the lease be for a term of five years (5) with a further option of five (5) years, in accordance with the proposed Tenancy Policy; and c) resolve this matter as a one-off allowance limited to Reserve 31462 and stipulate that no other leases that prohibit transfer of ownership are impacted or subject to the precedent of this transfer.	RESPONSIBLE OFFICER: Manager Administration Awaiting finalisation of Turf Club Lease. Lessees have until 30 April to comply. Awaiting valuation report.	May 2006

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
10.2.1.2	South Hedland Refuse Facility Fees and Charges	200506/177 Council Decision That: i) Council endorse in principle: a) Setting commercial refuse disposal fees based on volume or weight, whichever is the lesser charge b) Setting a significantly reduced disposal charge for clean fill and suitable cover material; ii) Council consult with major commercial users of the South Hedland Refuse Disposal Site to obtain their views on the most appropriate disposal fee structure and investigate the operating cost structure and useful life of the tip; and iii) a draft fee structure reflecting these principles and the outcomes of the consultation be prepared for consideration during the 3 rd quarter budget review process. 200506/178 Council Decision/Officer's Recommendation Domestic Waste disposal charges for "Private Residents; Non-Commercial" be deleted until a tip pass scheme is implemented and appropriate amended fees adopted.	RESPONSIBLE OFFICER: Director Engineering Services Obtaining information from adjoining Councils'. Consulting with Local Businesses. Report compiled. To be included at April Briefing Session. Component of 2006/07 budget process.	✓ COMPLETED
10.4.3.3	Proposed Rodeo and Equestrian Facility - Lot 5213 (Reserve 37971) off Great Northern Highway, Port Hedland.	200506/199 Council Decision/Officer's Recommendation That: a) the following amendments be made to the draft lease for Mr Frank Edwards on Reserve 37971 (Lot 5213 Great Northern Highway, Port Hedland): ... b) the term of the lease be amended to read - "Term of Lease - For a period of ten (10) years with an option of a further five (5) at the discretion of Council"; and c) the amended lease document be signed by Council and the common seal be affixed.	RESPONSIBLE OFFICER: Manager Administration Awaiting valuation report, will then be advertised.	April 2006
Ordinary Meeting held 14 December 2005				
		200506/212 Council Decision/Officer's Recommendation That Council: i) agree to Whelans request to enter into a bonded legal agreement with the landowner of Lot 11 (29-37) Keesing Street, Port Hedland to enable the clearance of the following conditions imposed by the Western Australian Planning Commission (WAPC): ...	RESPONSIBLE OFFICER: Planning Officer Awaiting alternative solution proposal from Whelans. Legal docs received and being addressed by staff. Assessed and approved, awaiting signing by applicant.	April 2006
10.2.4.1	Adoption of 2005-2006 Fire Management Plan	200506/217 Council Decision That: i) Council adopt the 2005-2006 Fire Management Plan; and ii) a report being presented to Council to consider reforming the Bushfire Advisory Group as either a Working Group or a Committee.	RESPONSIBLE OFFICER: Director Regulatory and Community Services Item to May Ordinary Meeting	May 2006

MINUTES : ORDINARY COUNCIL MEETING

26 APRIL 2006

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
10.2.4.2	Impounded Shopping Trolleys	200506/218 Council Decision That Council rejects the offer of \$4,500 in lieu of impounding fees for the shopping trolleys currently held at the depot and commences disposal by public tender of the impounded trolleys in accordance with the provisions of the Local Laws in January 2006.	RESPONSIBLE OFFICER: Director Regulatory and Community Services Letters sent. Trolleys to be advertised for sale.	May 2006
Ordinary Meeting held 25 January 2006				
11.4.1.2	Water Corporation Loan	200506/259 Council Decision/Officer's Recommendation That Council: i) advertise the proposed loan for one month, as per section 6.20, the Local Government Act 1995; and ii) a report be presented to Council at its next available meeting from Director Corporate Service, detailing any submissions received from the abovementioned advertising.	RESPONSIBLE OFFICER: Director Corporate Services Item to March Ordinary Meeting.	✓ COMPLETED
11.4.2.2	Proposed Lease - Part Lot 2444 Great Northern Highway, Port Hedland.	200506/264 Council Decision/Officer's Recommendation That: i) Council dispose of part Lot 2444 Great Northern Highway, Port Hedland to The Pilbara Infrastructure Pty Ltd by lease in accordance with Section 3.58 of the Local Government Act 1995; ii) Council receive a valuation of the proposed leased area by a qualified independent valuer; iii) Council delegate authority to the Chief Executive Officer to negotiate a lease with The Pilbara Infrastructure Pty Ltd subject to the following conditions: ...	RESPONSIBLE OFFICER: Manager Administration Advertising occurring April. Finalising lease document with solicitors.	May 2006
11.4.3.1	Newcrest Mining Partnership Agreement	200506/265 Council Decision/Officer's Recommendation That Council: i) approve the establishment of the Newcrest Mining/Council Joint Projects Working Group with the expressed purpose being to: a) Discuss joint initiatives that may be appropriate between Newcrest Mining and Council; and b) Recommend projects to Council for funding from the Newcrest Mining/ToPH Strategic Plan Implementation Reserve. Note: The working group has no delegated authority to make decisions on behalf of the Council. ii) establish a new reserve account entitled Newcrest Mining Limited/ToPH Strategic Plan Implementation Reserve with the expressed purpose of the reserve being to use the funding for strategic projects as recommended by the Newcrest Mining Limited/Council Joint Projects Working Group; and iii) endorse the signing and sealing of the funding agreement between Newcrest Mining and Council as proposed.	RESPONSIBLE OFFICER: Chief Executive Officer Ltr send 8.02.06 Reply received. MOU signed by ToPH, awaiting signature by PHPA.	
13.4	Town of Port Hedland's Aboriginal Employment Strategies	200506/272 Council Decision That the Chief Executive Officer be directed to report to Council the current proportion of aboriginal employees at the Town of Port Hedland and prepare recommendations on aboriginal employment strategies and targets over the course of the new Plan for the Future/Strategic Plan.	RESPONSIBLE OFFICER: Chief Executive Officer Report to April Ordinary Meeting.	✓ COMPLETED
Ordinary Meeting held 22 February 2006				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.1.7	Establishment of Recreation Facilities Working Group	200506/282 Council Decision/Officer's Alternative Recommendation 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: ... ii) the Recreation Facilities Working Group be made up of the following members: ... iii) the Chief Executive Officer and appropriate staff attend meeting of the Recreation Facilities Working Group as ex officio members.	RESPONSIBLE OFFICER: Director Regulatory and Community Services Working Group formed and meeting regularly.	✓ COMPLETED
11.2.2.5	Proposed Road Closure of Portion of Lawson Street South Hedland	200506/288 Council Decision/Officer's Recommendation 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 ... iii) advertise the proposed road closure in accordance with Section 58 of the Land Administration Act 1997.	RESPONSIBLE OFFICER: Planning Officer Advertising in progress and awaiting comment from SP's.	May 2006
11.4.2.1	Liquor Restrictions	200506/305 Council Decision 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: ... and iii) The Office of Racing, Gaming and Liquor be requested to expedite answers in relation to questions previously asked by Council.	RESPONSIBLE OFFICER: Chief Executive Officer 800 surveys distributed. Closing date 7.4.06 Report to April Ordinary Meeting.	April 2006
11.4.2.3	Port Hedland Underground Power Project – Billing Model	200506/307 Council Decision/Officer's Recommendation 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 ... 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.	RESPONSIBLE OFFICER: Chief Executive Officer Report to April Ordinary Meeting.	April 2006
Ordinary Meeting held 22 March 2006				
11.2.1.2	Policy Review – Recreation Policies	20050/338 Council Decision The following Policies be adopted: "6/001 COMMERCIAL OR NON SPORTING USE OF RECREATION RESERVES 6/002 Sponsorship, Community and Club signage ON Council Recreation Reserves and Aquatic Centres 6/003 COMMUNITY RECREATION CELEBRATIONS AND EVENTS 6/004 OCCASIONAL LICENCES AND CONSUMPTION OF LIQUOR ON A RECREATION RESERVE OR COUNCIL OWNED OR MANAGED FACILITIES	RESPONSIBLE OFFICER: Director Regulatory and Community Services	✓ COMPLETED

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.2.2	Proposed Construction of Three Group Dwellings at Lot 2023 (2) Leeds Street, Port Hedland	200506/340 Council Decision/Officer's Recommendation That Planning Consent be granted to Hodge and Collard on behalf of the Port Hedland Port Authority for the construction of three (3) group dwellings at Lot 2023 (2) Leeds Street Port Hedland as outlined in the Application received 6 February 2006 (Application 2006/14) and indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Planning Officer	✓ COMPLETED
11.2.2.3	Request for Comment Regarding the Proposed Lease for Lots 5827 and 5828 Anderson Street	200506/341 Council Decision/Officer's Recommendation That Council inform the Department for Planning and Infrastructure (Land Asset Management Services) that it does not object to the proposed lease of lots 5827 and 5828 Anderson Street Port Hedland for the purpose of car parking subject to: a) any development on the land complying to the Town of Port Hedland Town Planning Scheme No. 5; and b) the applicant being advised that the adjacent road reserve is subject to a proposed stormwater drainage system and any development is not to compromise this use.	RESPONSIBLE OFFICER: Planning Officer	✓ COMPLETED
11.2.2.4	Notification of Application for Exploration Licence	200506/342 Council Decision/Officer's Recommendation That Council defer this item pending further information on the nature of exploration proposed as a component of the Licence.	RESPONSIBLE OFFICER: Planning Officer Awaiting comment from FMG.	
11.2.2.5	Proposed Pedestrian Access Way (PAW) Closure At Lot 1699 (18-20) Logue Court South Hedland	200506/343 Council Decision/Officer's Recommendation That Council: i) Resolve to close the pedestrian access way between lots 1699 and 2091 Logue Court, South Hedland; ii) advertise the proposed road closure in accordance with section 58 of the <i>Land Administration Act 1997</i> ; iii) request advise from relevant service providers with regard to required easements; iv) provide any easements as required by service providers; v) amalgamate the closed Pedestrian Access Way with Lot 1699 Logue Court, South Hedland; and vi) allocate \$3000 from unallocated funds to account 901400 (Purchase of Land) for the purchase of the PAW if required.	RESPONSIBLE OFFICER: Planning Officer Advertising in progress.	
12.2.2.6	Proposed Additional Units at lot 100 Court Place South Hedland (The Budget Motel)	200506/344 Council Decision/Officer's Recommendation That Planning Consent be granted to Alan Bloore on behalf of Vaulken Pty Ltd for the construction of 32 Motel Units at Lot 12 – 17 Court Place as outlined in the Application received 8 February 2006 (Application 2006/17) and indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Planning Officer	✓ COMPLETED

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
12.2.2.7	Request for Scheme Amendment to Rezone Lot 5197 (21) Harper Street Port Hedland From Residential R 15 to Residential R	200506/345 Council Decision/Officer's Recommendation That a) Council initiates the scheme amendment rezoning lot 5197 (21) Harper Street Port Hedland from Residential R 15 to Residential R 30; and b) all costs relating to the amendment be borne by the applicant.	RESPONSIBLE OFFICER: Planning Officer Awaiting documentation from Whelans on behalf of applicant.	
11.2.3.1	Performance Agreement Country Arts WA and Matt Dann Cultural Centre	200506/346 Council Decision/Officer's Recommendation That Council authorises the use of the seal of the Town of Port Hedland for the purpose of validating the purchase of the show 'Sensitive New Age Cowpersons' from Country Arts WA.	RESPONSIBLE OFFICER: Manager Community Services Document signed and sealed.	✓ COMPLETED
11.2.4.1	HACC Logo Sub- Licence	200506/347 Council Decision/Officer's Recommendation That Council authorises the use of the seal of the Town of Port Hedland for the purpose of validating the sub-licence agreement with the Department of Health relating to the use of the HACC logo by the Town of Port Hedland Home and Community Care Program.	RESPONSIBLE OFFICER: Manager Human Services Document signed and sealed	✓ COMPLETED
11.2.5.1	Proposed Boodarie Industrial Hazardous Waste Precinct	200506/348 Council Decision/Officer's Recommendation That Council submits an objection to the 3C in regards to the proposed Boodarie Hazardous/Industrial Waste Precinct Site on the following grounds: ...	RESPONSIBLE OFFICER: A/Senior Environmental Health Services Letter sent.	✓ COMPLETED
11.2.6.1	Appointment of Fire Control Officers	200506/349 Council Decision/Officer's Recommendation That: i) Council appoint Peter Kenneth Wilden to the position of Chief Bush Fire Control Officer; ii) Council appoint Mal Blythe as Deputy Chief Bush Fire Control Officer; and iii) Colin Mathie and Daniel Hendriksen be appointed as operational Fire Control Officers.	RESPONSIBLE OFFICER: Co-ordinator Ranger Services	✓ COMPLETED
11.2.6.2	Authorisation of Co-ordinator of Ranger Services	200506/350 Council Decision/Officer's Recommendation That Peter Kenneth Wilden be authorised or appointed as appropriate, pursuant to the following provisions: ...	RESPONSIBLE OFFICER: Co-ordinator Ranger Services Being gazetted	✓ COMPLETED

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.3.2.1	Tender 06-01 Supply and Installation of Security Fencing and Boundary Fencing to PHI Airport	200506/352 Council Decision That: i) Council not accept the tenders from Broome Boundaries/Pilbara Boundaries and Menzies Contracting for Tender 06-01 Supply and Installation of Security Fencing and Boundary fencing to Port Hedland International Airport; and ii) Council undertake negotiations with the two (2) non-conforming tenders, to seek a suitable outcome to ensure that appropriate fencing works can be completed this financial year within the budgeted ex-penditure.	RESPONSIBLE OFFICER: Airport Manager Negotiations completed. Works to commence late April 06. Purchase Order raised with Menzies Contracting.	✓ COMPLETED
11.4.1.2	Five Year Financial Plan	200506/354 Council Decision/Officer's Recommendation That Council: i) Formally recognise the Strategic Plan as the Town's "Plan for the Future" as required under Section 5.56 of the Local Government Act 1995; ii) directs the Director, Corporate Services to prepare a draft 06/07 Operational Budget for Council's considerations using the following assumptions: ... iii) review the assumptions listed above annually prior to developing the relevant subsequent budget for the next Five Years; and iv) the Executive team develop a five year maintenance and capital plan for the next five years for Council's consideration as part of the 06/07 Budget Process.	RESPONSIBLE OFFICER: Director Corporate Services	✓ COMPLETED
11.4.1.3	Request to Write Off Debtors	200506/355 Council Decision/Officer's Recommendation That Council Write off the following debts and apply the write off to the Provision of Doubtful debts: ...	RESPONSIBLE OFFICER: Director Corporate Services	✓ COMPLETED
11.4.1.4	Water Corporation Loan	200506/356 Council Decision/Officer's Recommendation That Council: i) enter into a agreement with the Water Corporation to borrow \$650,000, repayable over 5 years, with no interest payable; ii) the \$325,000 Pilbara Fund contribution be placed in a Reserve Account 'Wastewater Treatment Reserve', with the purpose of repaying the loan from the Water Corporation; and iii) consider transferring \$65,000 per annum to the Wastewater Treatment Reserve over the next five (5) years in it's Budget considerations.	RESPONSIBLE OFFICER: Director Corporate Services Awaiting signing of documents.	✓ COMPLETED
11.4.2.1	Annual General Meeting of Electors held on 8 February 2006	200506/357 Council Decision/Officer's Recommendation That: i) the decisions from the Annual General Meeting of Electors held on Wednesday 8 February 2006 be received; and ii) following the appointment of the Senior Ranger on Tuesday 15 March 2006, the provision of a dedicated off road vehicle recreation area be investigated and a report be provided to Council's Ordinary Meeting to be held in June.	RESPONSIBLE OFFICER: Director Regulatory and Community Services Co-Ordinator Ranger Services	✓ COMPLETED
11.4.2.2	Port Hedland Enhancement Scheme – Projects for Funding Endorsement	200506/359 Council Decision/Officer's Recommendation That Council endorses the Port Hedland Enhancement Scheme Steering Group's recommendation to seek an allocation of the following funds from the Port Hedland Enhancement Scheme Fund: ...	RESPONSIBLE OFFICER: Chief Executive Officer	✓ COMPLETED

11.2 REGULATORY AND COMMUNITY SERVICES

11.2.1 Director Regulatory and Community Services

11.2.1.1 Monthly Report – Regulatory and Community Services (File No.: ADM-071)

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 10 April 2006

Disclosure of Interest by Officer Nil

Summary

For Council’s information.

Background

Regulatory and Community Services Monthly Report to Council.

Consultation

Nil.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer’s Comment

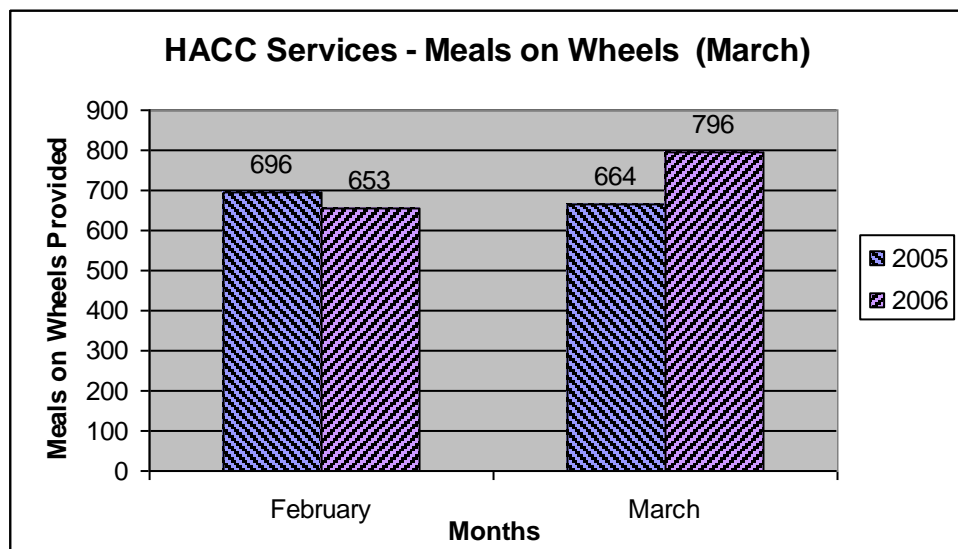
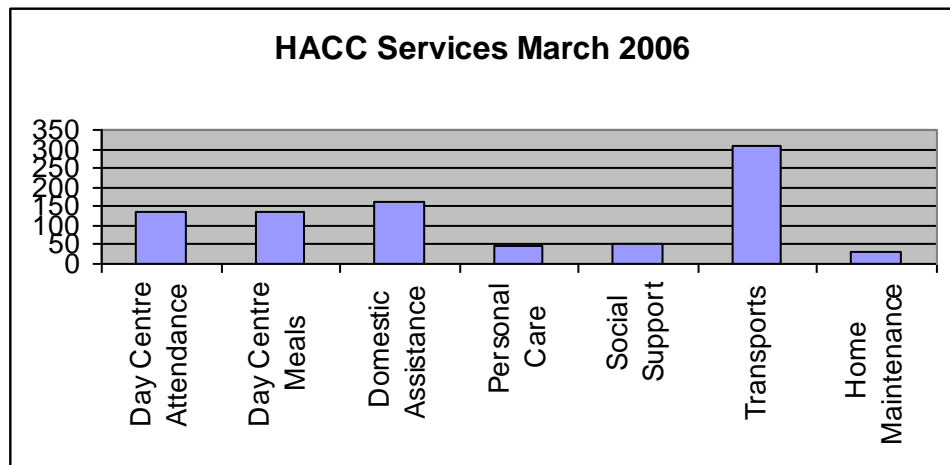
. Library and Information Services

Port Hedland Library	March-06
Issues and Renewals	1212
Reservations	35
New Borrowers	22

South Hedland Library	March-06
Issues and Renewals	2124
Reservations	123
New Borrowers	27

Human Services

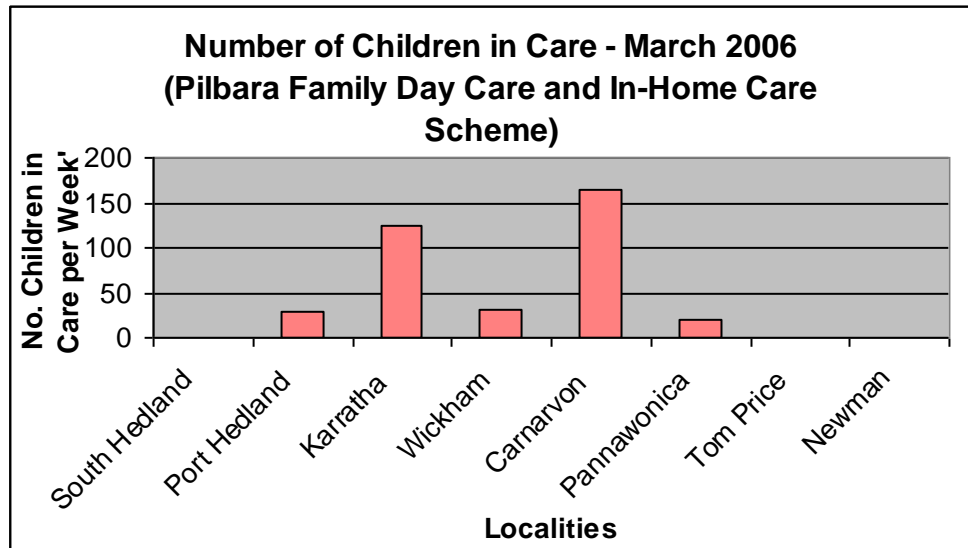
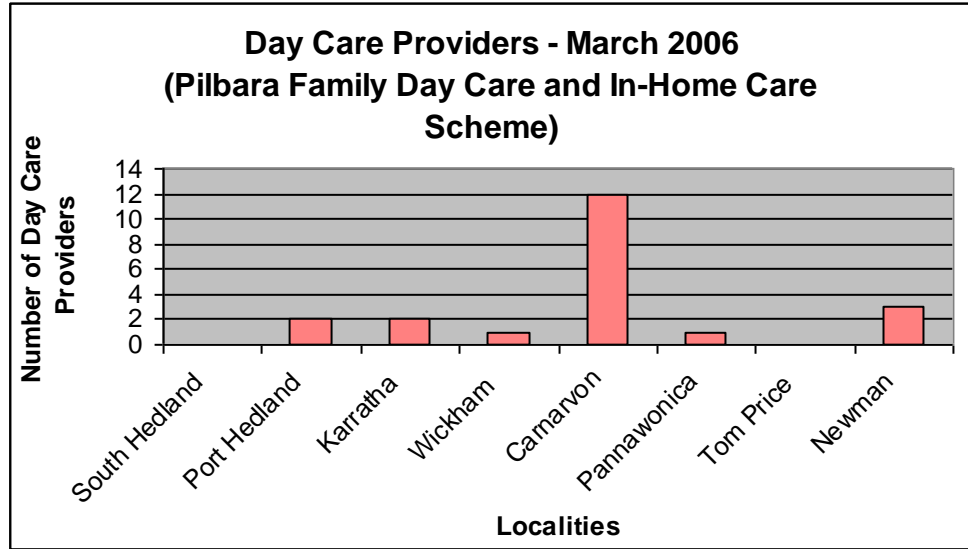
HACC Programme



Mirtanya Maya

- Currently 8 permanent residents and 2 respites.
- Respite occupancy of beds for March is 100%.

Pilbara Family Day Care

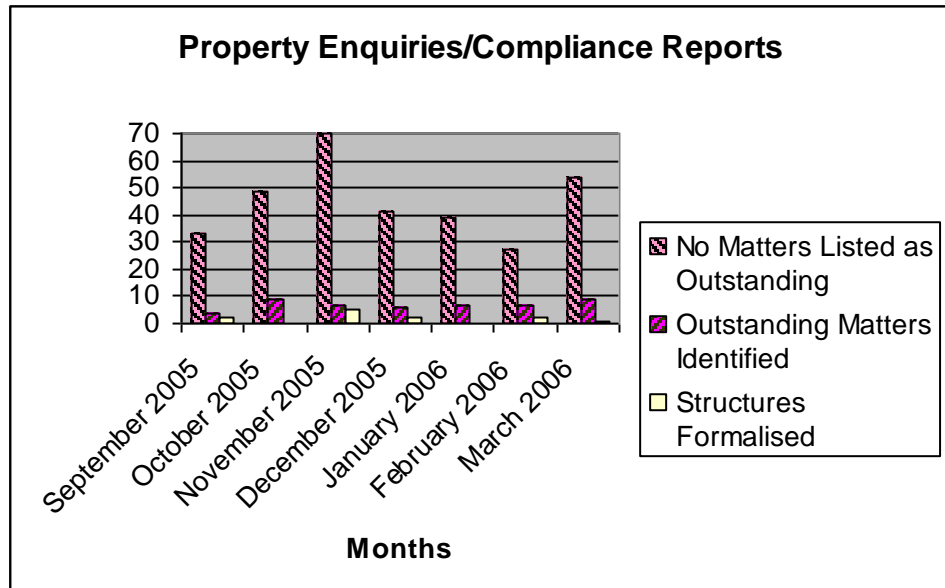
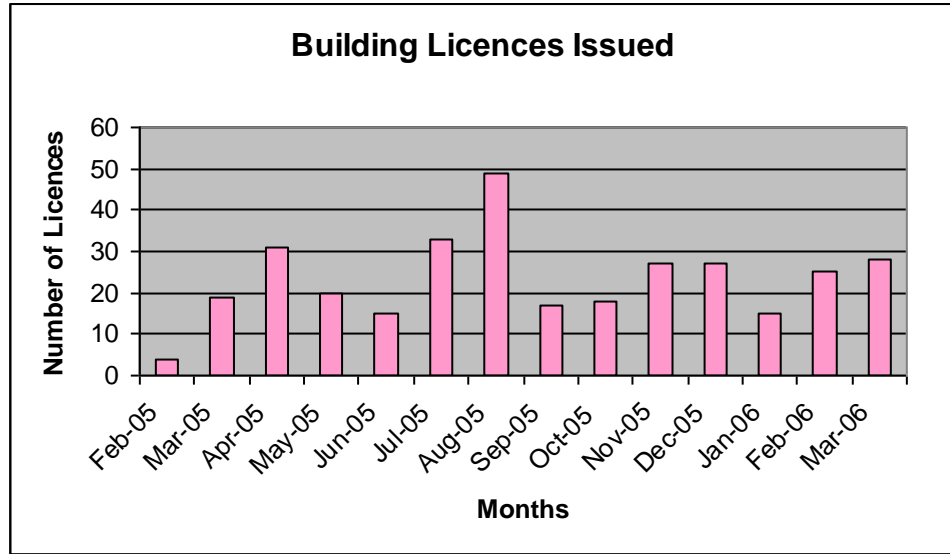


An information day about the Family Day Care Scheme was held in the South Hedland Shopping Centre on 7 April 2006, to raise the profile of the scheme. Four (4) individuals expressed interest in becoming a Day Care provider in the Hedland area.

Hedland Volunteer Resource Centre

The Hedland Volunteer Resource Centre has been recommenced recently, with promotional stall located at the South Hedland Shopping Centre on 7 April 2006, to promote the Volunteer Resource Centre.

Building Services



Status of Building Licenses for Valuer General's Office

Building Licence Applications Received in 2004

Total Building Licence applications received in 2004: 416
 Building Licences approved in 2004: 410
 Building Applications not approved: 6

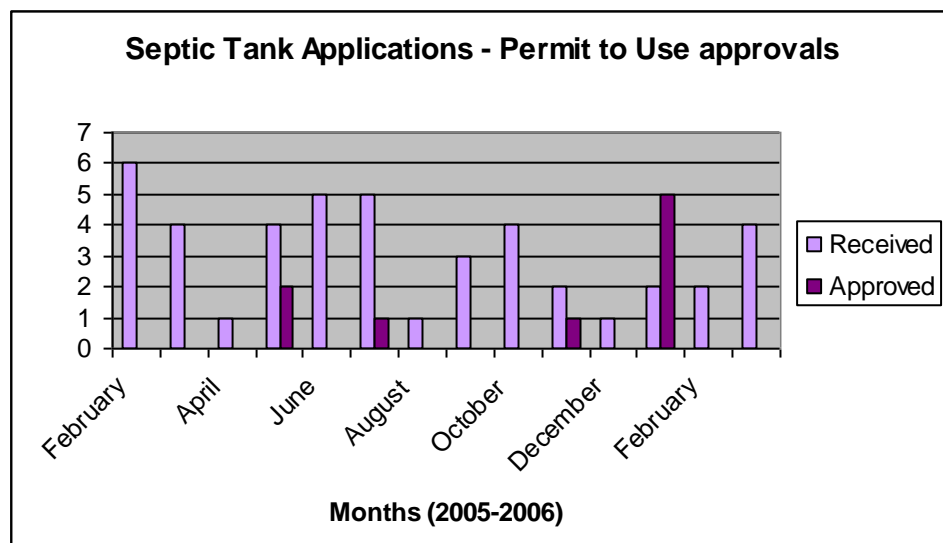
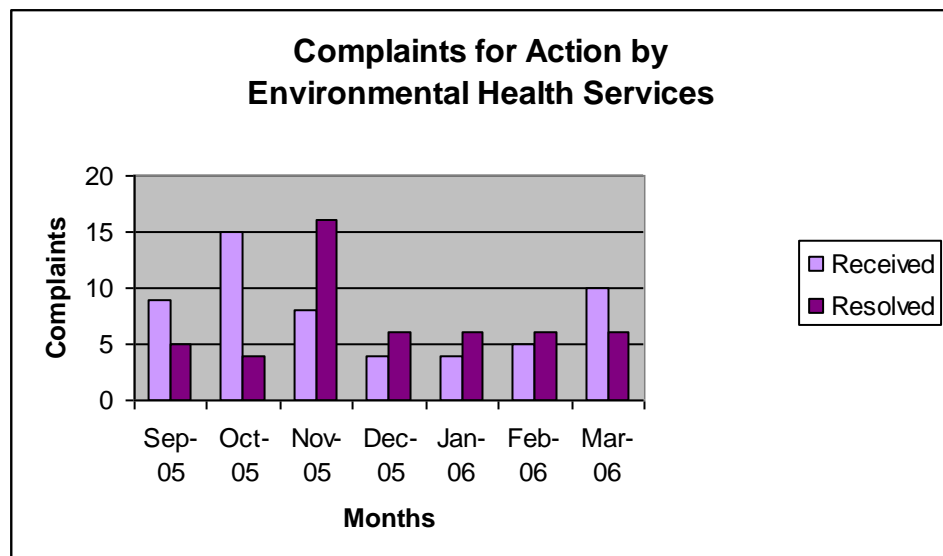
2004	Running Total as at 25/3/06
Licences copied & sent to VGO	277
Licences not required to be sent	111
Licences expired – structure not built	10
More information required	8
Not complete – building in progress	3

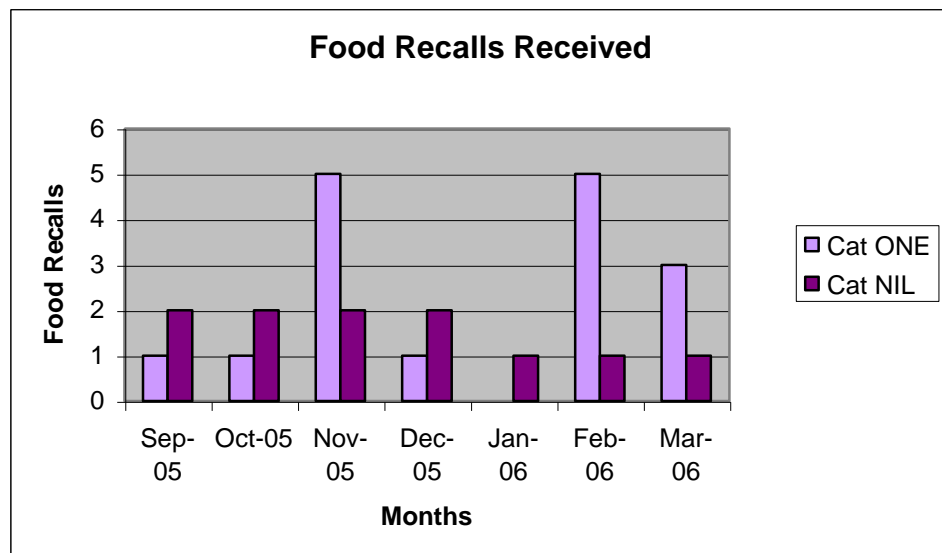
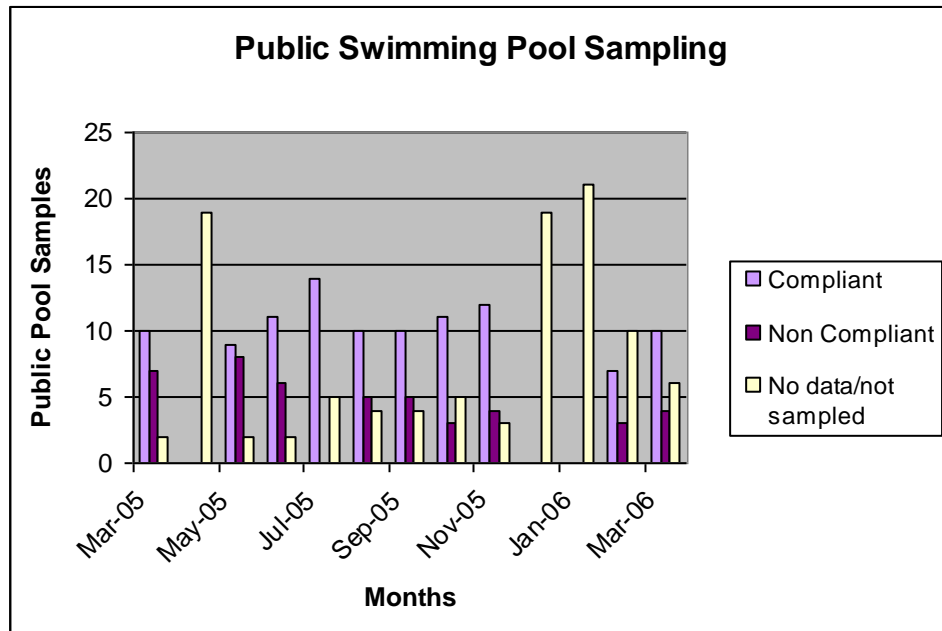
Building Licence Applications Received in 2005

Total Building Licence applications received in 2005:	386
Building Licences approved in 2005:	289
Building applications not approved or withdrawn:	3
Approved in 2006:	21
Building applications received in 2005 that are pending:	73

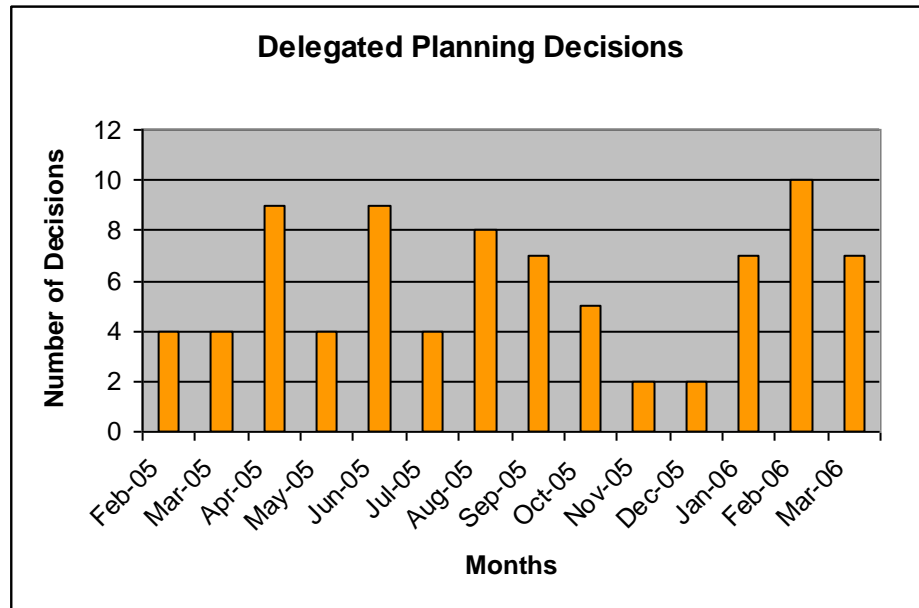
2005	Running Total as at 25/3/06
Licences copied & sent to VGO	62
Licences not required to be sent	99
Structure not built	0
More information required	160
Not complete – building in progress	0

Environmental Health Services

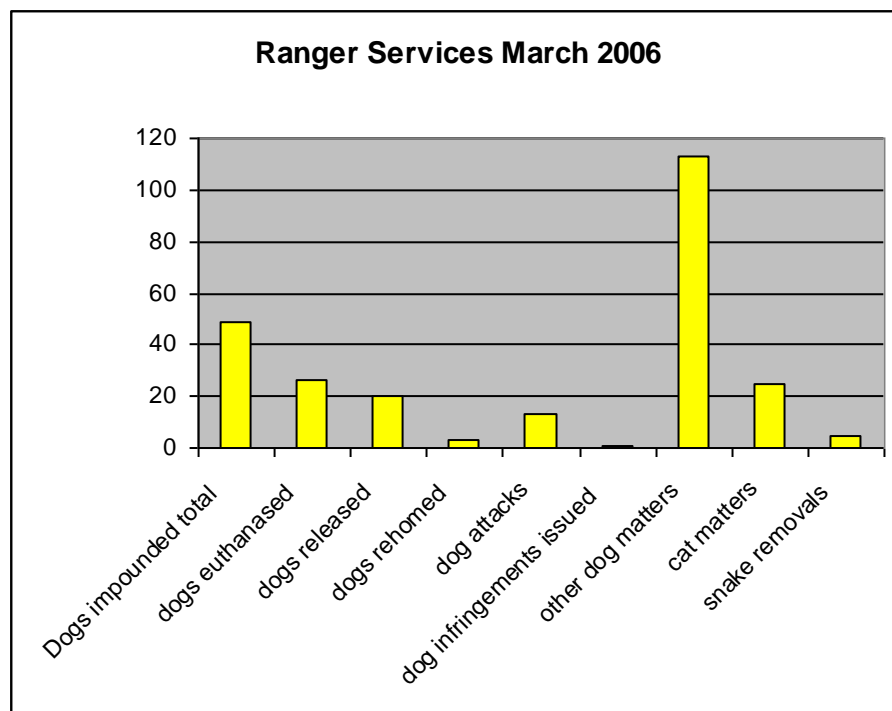


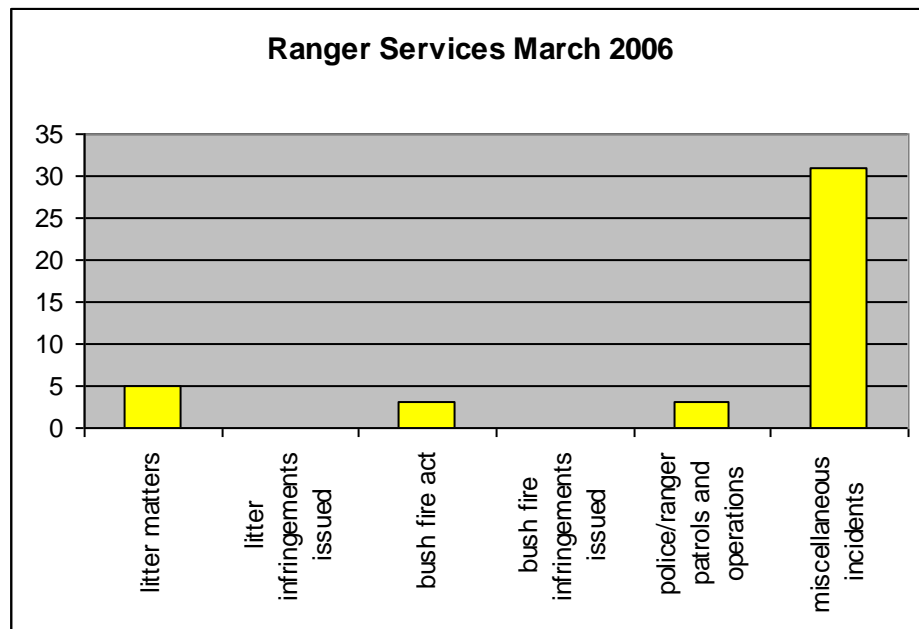
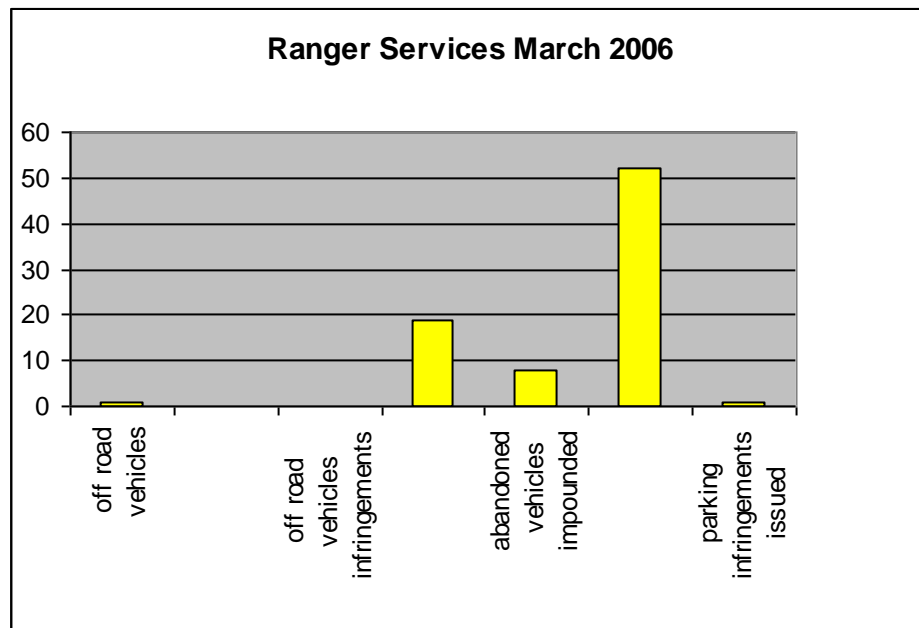


Planning Services



Ranger Services





Arts, Recreation and Community Activities

Matt Dann Cultural Centre

Events	March 2006	Year to Date
Cinema	11	109
Live (e.g. Theatre)	0	9

Attendance	March 2006	Year to Date
Cinema	576	3665
Live (e.g. Theatre)	0	1502

The *Perth International Arts Festival* was held from 11 February 2006 to 5 March 2006, with 2,296 patrons attending it at the Matt Dann Cultural Centre during this time.

Courthouse Arts Centre and Gallery

	March 2006
Exhibitions held	2
Attendance at Exhibitions	280
Total Attendance	600

*Events Coordination**Events Calendar*

The community has been invited to submit their events to the 'Port Hedland Calendar of Events'. The calendar will be updated continuously and has been listed on the Town of Port Hedland website.

Welcome to Hedland Night

Preparations have begun. The details are as follows:

When: Friday 26 May 2006

Time: 5.30pm – 9.30pm

Where: Centenary Park and Lotteries House, South Hedland

*Sports and Recreation**Responsible Service of Alcohol*

Course held 8 April 2006, in accordance with Council Policy, with attendance of 14 confirmed.

President's Breakfast

Has been rescheduled to 12 April 2006 due to Cyclone Glenda. Commencing at 6:45 am, the breakfast is open to all presidents and committee members from all sporting organisations and clubs to act as a communication point between these associations and the Town of Port Hedland. 42 people are confirmed to attend.

The morning's agenda includes discussions and presenters on:

Recreation Facilities Audit

Other future upgrades and changes

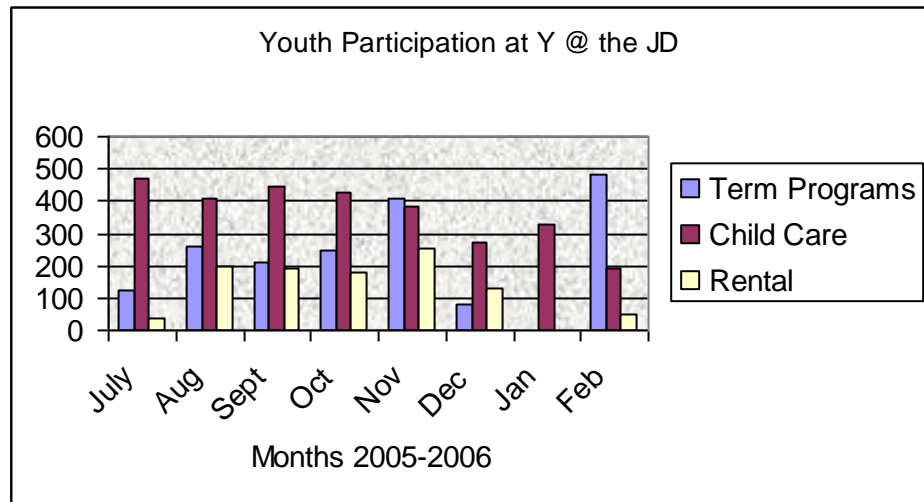
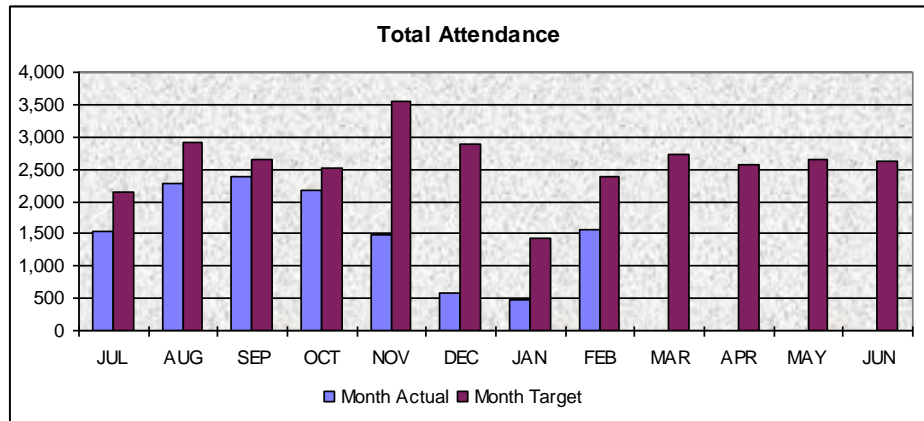
Funding opportunities

Events and Bookings

Strategic Plan

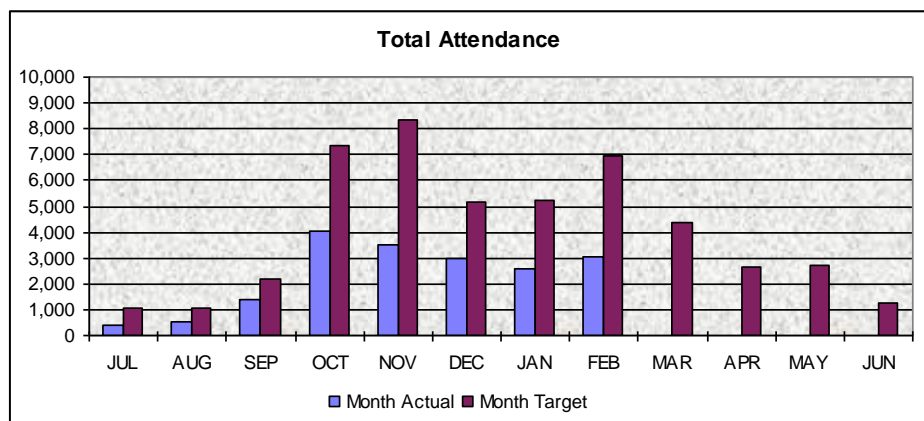
Working with Children Checks

- Y at the JD



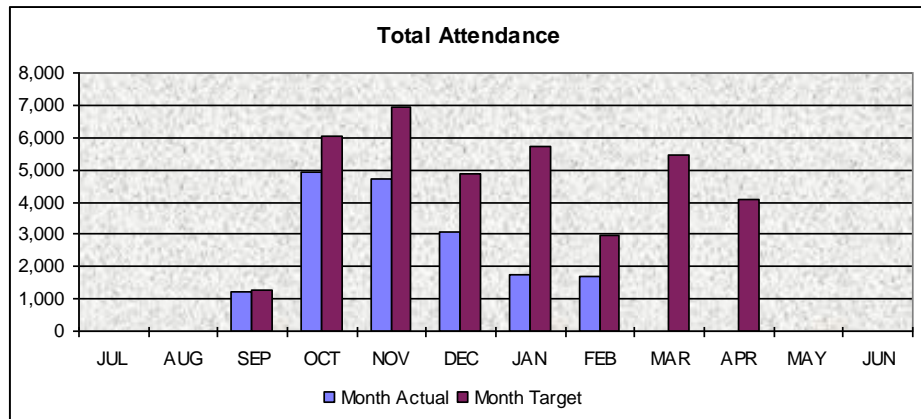
March and April attendance figures will be available in the next report to Council.

Gratwick Memorial Pool



March and April attendance figures will be available in the next report to Council.

South Hedland Aquatic Centre



March and April attendance figures will be available in the next report to Council.

Officer’s Recommendation

That Council receives the Regulatory and Community Services Report for April 2006.

200506/363 Council Decision/Officer’s Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council receives the Regulatory and Community Services Report for April 2006.

CARRIED 7/0

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

Officer Sarah Hepburn
Administration Officer
Development & Regulatory
Services

Date of Report 5 April 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 March 2006 are attached to this report.

Consultation Nil

Statutory Implications

Town of Port Hedland Delegation Register 2005 outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment Nil

Officer's Recommendation

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

200506/364 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

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

CARRIED 7/0

ATTACHMENT TO AGENDA ITEM 11.2.2.1

Date	App. No.	Address	Applicant	Owner	Development	Delegation	Comment
9/3/06	2006/8	6 Neptune Pl, Port Hedland	D. Stanley	Port Hedland Port Authority	Home Business (Embroidery & Dressmaking)	40 (9)	Operated as an approved home occupation since 2004. Complied with Policy 12/001.
9/3/06	2006/11	83 Athol St, Port Hedland	G. Ness	L. Butson	Home Business (Pilbara Funeral Services)	40 (9)	One response received from advertisement of proposal – letter of support from L. Butson.
13/3/06	2006/26	2 Pinnacle St, Wedgefield	G & M Sweetman	Purcell Nominees	Change of Use (Shop)	40 (1)(b)	This change of use is an additional use. For the sale and storage of plums/fruit.
16/3/06	2006/30	Lot 1 Manilha Dve, Port Hedland	McGrath Homes	C & P Lesley	Single House	40 (1)(a)	Planning approval required as land is zoned Rural Residential.
29/3/06	2006/19	48 Limpet Crescent, South Hedland	P Wise	P Wise	Rear Patio (with nil side setback)	40 (6)	Advertised to adjoining neighbour on side with nil setback – no response received.
29/3/06	2006/29	43 McPherson Street, Port Hedland	Pilbara Constructions P/L	BHP Billiton Iron Ore P/L	Outbuilding (Patio, Carport & Enclosure to Carport)	40 (4), (6) & (7)	Carport has a setback of 2.9m (100mm greater reduction than permitted) and so required planning approval.
30/3/06	2006/31	Lot 1 Darlot St, Port Hedland	N Peran	Wiseplan Investments P/L	Washdown Bay	40 (1) (a)	12 x 10m hardstand area, with discharge into the sewer.

11.2.2.2 Proposed Placement of Two (2) Transportable Structures for Use as an Office and Conference Room at Lot 1406 (P51) Wilson Street, Port Hedland (File No.: 803054G)

Officer Andrew Patterson
Planning Officer

Date of Report 17 March 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Broad Construction on behalf of the Port Hedland Port Authority to place two 6 x 3 metre transportable structures at lot 1406 (part 51) Wilson Street Port Hedland. The proposed structures are to be used as an office and a conference room.

This item is referred for Council consideration, as Delegated Officers do not have the authority to determine applications on reserved land.

Background

The land subject to this application consists of sub lot 51, which comprises part of lot 1406 and is reserved for "Other Purposes – Port Facilities." The land is vested in the Port Hedland Port Authority.

As the land is reserved rather than zoned, section 2.3 of Town Planning Scheme No. 5 establishes the matters to be considered by Council with regard to this application. These consist of:

Where an application for planning approval is made with respect to land within a reservation, the Council shall:

- a) have regard to the ultimate purpose intended for the reservation,
- b) have regard for the intentions of agencies with responsibility for managing and developing the reservation, and
- c) confer with the organisations it considers relevant to the reservation and the proposed use or development.

This proposed use is considered incidental to the predominant use for the land, which is for a fabrication workshop; this predominant use is consistent with the Port Facilities reservation.

The Port Authority is the only agency responsible for managing and developing this reservation and has consented to the development insofar as they have signed the application form.

As the Port Authority has signed the application, it is seen that they have been consulted with regard to the application and offer no objection to the proposal.

As the area is reserved rather than zoned, no provisions exist in the current Town Planning Scheme with regard to required setbacks or other regulatory requirements. In this instance the Building Code of Australia will regulate setbacks from boundaries and other structures when issuing a building licence for the works.

With regard to visual amenity, it is noted that this is an industrial site adjacent to the Port facilities, with the proposed offices set back sufficiently from the street frontage. This development is unlikely to have any significant detrimental effect on the existing visual amenity of the area.

Consultation

Building Services: building licence be issued prior to site works.

Environmental Health Services: consideration of dust and noise generation during construction; the development not to interfere with mains or effluent disposal systems.

No external consultation was conducted for this application due to the limited impact two additional transportable offices is likely to have on this site.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 reserves the land for "Other Purposes – Port Facilities" and establishes the matters to be considered by Council for development on reserved land.

Policy Implications

Nil.

Strategic Planning Implications

Nil.

Budget Implications

Planning fees of \$237.68 have been deposited into account 1006326 – (Town Planning Fees), reflecting an estimated development cost of \$28 500.

Officer's Comment

This is a relatively minor development that is proposed to enhance an existing development. The use is consistent with surrounding uses and the development is unlikely to have any detrimental impact on the amenity of the surrounding land.

Officer's Recommendation

That Planning Consent be granted to Broad Construction on behalf of the Port Hedland Port Authority for the construction of two (2) transportable structures for use as an office and conference room at Lot 1406 (P51) Wilson Street Port Hedland as outlined in the Application received 8 February 2006 (Application 2006/20) and indicated on the approved plans, subject to the following conditions:

GENERAL

- a) 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).
- b) 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).
- c) The development must not interfere with property and effluent mains and/or effluent disposal systems (EHS).
- d) The development to comply with the provisions of Council's Town Planning Scheme No.5, the Health Act 1911, Building Code of Australia, Residential Design Codes and any other relevant Acts, Regulations, Local Laws and Council Policies (except where varied by this approval).
- e) This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).

ADVICE TO DEVELOPER

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

- g) 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.
- h) The developer is advised that this property is situated in close proximity to a working port and associated industry and that prospective owners and occupiers of the development are advised of this fact.

200506/365 Council Decision**Moved:** Cr A A Gear**Seconded:** Cr G D Bussell

That Council defer item 11.2.2.2 Proposed Placement of Two (2) Transportable Structures for use as an Office and Conference Room at Lot 1406 (P51) Wilson Street, Port Hedland pending further information on who will occupy the buildings and if the buildings are rateable.

CARRIED 7/0

REASON: Council sought further clarification on the occupier of the building, why the buildings are to be constructed on Port Hedland Port Authority land and if the buildings are rateable.

ATTACHMENT TO AGENDA ITEM 11.2.2.2



11.2.2.3 *Application to Convert 144 Single Bedroom Units into 96 Self-Contained (En-suite) Units at Lot 5954 (Reserve 31664) Parker Street, South Hedland (File No.: 802140G)*

Officer Andrew Patterson
Planning Officer

Date of Report 3 April 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Compass Group Australia (ESS Services) Pty Ltd on behalf of Pilbara TAFE to modify 24 of the existing accommodation units from six-bedroom units to four-bedroom en-suite units.

Background

The land subject to this application is zoned "Community – Education" in the Town of Port Hedland Town Planning Scheme No. 5 and "Transient Workforce Accommodation" is not a permitted use for this land.

Council addressed this non-conforming land use at its Ordinary Meeting on 23 November 2005 (Item 10.2.2.9) where Council acknowledged that the use would continue unless:

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

The attached chart indicates BHP Billiton's projected short-term housing requirements, and reveals an expected shortfall of more than 100 rooms by March 2007. While the attached charts show a projected drop in demand by May 2007, this is potentially misleading as other construction and maintenance projects are expected to maintain or further increase the demand for transient workforce accommodation.

Other housing options have been investigated by the applicant, include:

- The currently vacant detention centre located on Robinson Street.
- Instigating a Living Away From Home Allowance (LAFHA)

Of these, the detention centre is not considered appropriate due to its location and the scope of works required to renovate the facility to an appropriate standard. It is also uncertain whether the Immigration Department would release the facility for commercial use.

The LAFHA option is also not preferred, due to the high social cost inflicted on the residential population and the increasing pressure on rental and housing prices likely to result.

The applicant has acknowledged that this application does not provide a long-term solution to providing transient workforce accommodation and is actively seeking alternative sites to develop specifically for this purpose.

In considering this application, Council is to consider section 8.2 of TPS 5, which states:

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

At face value, this statement appears somewhat unclear, particularly with regard to the last phrase, as by its very nature, a non-conforming use cannot be in conformity with any other provisions and requirements in the Scheme. One interpretation of this section then could be that any proposed development is to conform to any other provision in the Scheme excepting the non-conforming use.

As per the agreement with Pilbara TAFE, eight of the existing accommodation units will remain unaltered, as these have been identified as being primarily for student accommodation.

Under section 6.5.3 of TPS 5, Council could require, along with this application plans indicating how and when this development will convert to a conforming use under the Scheme.

Consultation

Engineering Services offered no objection to the proposal

Building Services have offered no objection to the proposal and advised that a building licence is required.

Environmental Health Services has not objected to the proposal but has indicated concerns with regard to the proximity to OEC

and sewage treatment lagoons. These concerns are reflected in the Officer's comments.

Public consultation is not required by the Scheme.

Statutory Implications

Town Planning Scheme No. 5 zones this land as "Community – Education" and lists "Transient Workforce Accommodation as a prohibited use in this zone.

Section 8.2 of TPS 5 states:

"8.2 EXTENSION OF NON-CONFORMING USE

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

Policy Implications

Nil.

Strategic Planning Implications

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 3: Work closely with mining companies to minimise the negative impacts of short-term construction activities.

Budget Implications

Planning fees of \$2410 deposited to account 1006326 (Town Planning Fees) reflecting an estimated development cost of

Officer's Comment

The two significant sections of TPS 5 Council should consider with regard to this application are section 8.2, quoted above, and the zoning table. While the zoning table unambiguously prohibits the current use, section 8.2 could give Council the ability to approve this application. In determining this application, Council is able to determine which provision in the Scheme it considers dominant and which determination will achieve Council's longer-term strategic goals.

With regard to the ambiguous nature of s. 8.2 of TPS 5, Council could consider that as this proposal will reduce the maximum occupancy of the Pundulmurra facility, granting planning permission will marginally reduce the impact of this non-conforming use.

The issue ESS is seeking to address with this application is to bring the Pundulmurra facility up to the same standard as the Wedgefield accommodation. Should Council grant this application, the total number of rooms available for transient workers would diminish, however the remaining rooms will become more acceptable to potential customers.

With respect to the authority of Council to require the developer to describe, to Council's satisfaction how and when this development will subsequently convert to a conforming land use, Council should consider the current and future needs for transient workforce accommodation in Port Hedland. While this application potentially opens the door for Council to require the use of this land to conform to TPS 5 zoning, Council's strategic goals for the Town also require consideration.

Land available for transient workforce accommodation is currently limited in Port Hedland. Notwithstanding that the current use of lot 5954 does not conform with the current town planning scheme, the fact remains that there are no other sites specifically identified and available for transient workforce accommodation.

Officer's Recommendation

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

GENERAL

- a) Prior to development the proponent shall submit plans to Council's satisfaction indicating how and when this development will convert to a conforming use under the Town Planning Scheme No. 5.
- b) 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).

- 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).
- d) The buildings to comply at all times with the relevant provisions of the Health Act 1911 and the Town of Port Hedland Health Local Laws 2000 to the satisfaction of Council's Environmental Health Services (EHS).

DURING CONSTRUCTION

- e) 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).
- f) 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).
- g) The development must not interfere with property and effluent mains and/or effluent disposal systems (EHS).

ADVICE TO DEVELOPER

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

200506/366 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr G D Bussell

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

GENERAL

- a) **Prior to development the proponent shall submit plans to Council's satisfaction indicating how and when this development will convert to a conforming use under the Town Planning Scheme No. 5.**
- b) **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).**
- 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).**
- d) **The buildings to comply at all times with the relevant provisions of the Health Act 1911 and the Town of Port Hedland Health Local Laws 2000 to the satisfaction of Council's Environmental Health Services (EHS).**

DURING CONSTRUCTION

- e) **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).**
- f) **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).**
- g) **The development must not interfere with property and effluent mains and/or effluent disposal systems (EHS).**

ADVICE TO DEVELOPER

- h) 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.
- i) A Building Licence to be issued prior to the commencement of any on site works (BS).
- j) The developer is advised that the approved use of this development is a Transient Workforce Accommodation facility, and that any other use, such as providing accommodation to non-commercial residents, excepting bona fide students of Pundulmurra TAFE, is in breach of any planning approval and may be liable to prosecution.

CARRIED 6/1

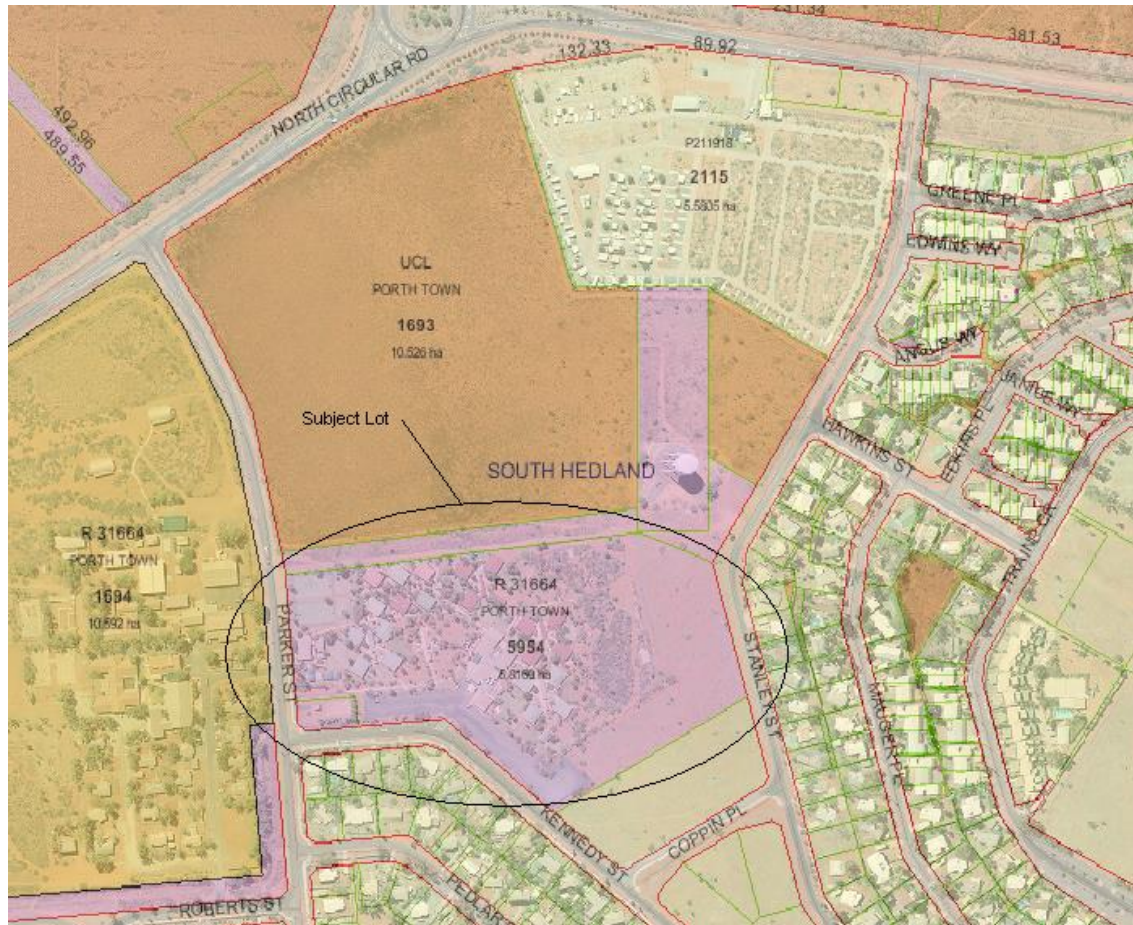
NOTE : Cr A A Gear requested the votes be recorded.

Record of Vote:

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

REASON: Council wanted to ensure that the buildings would only be used for Transient Workforce Accommodation (new conditions).

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.3



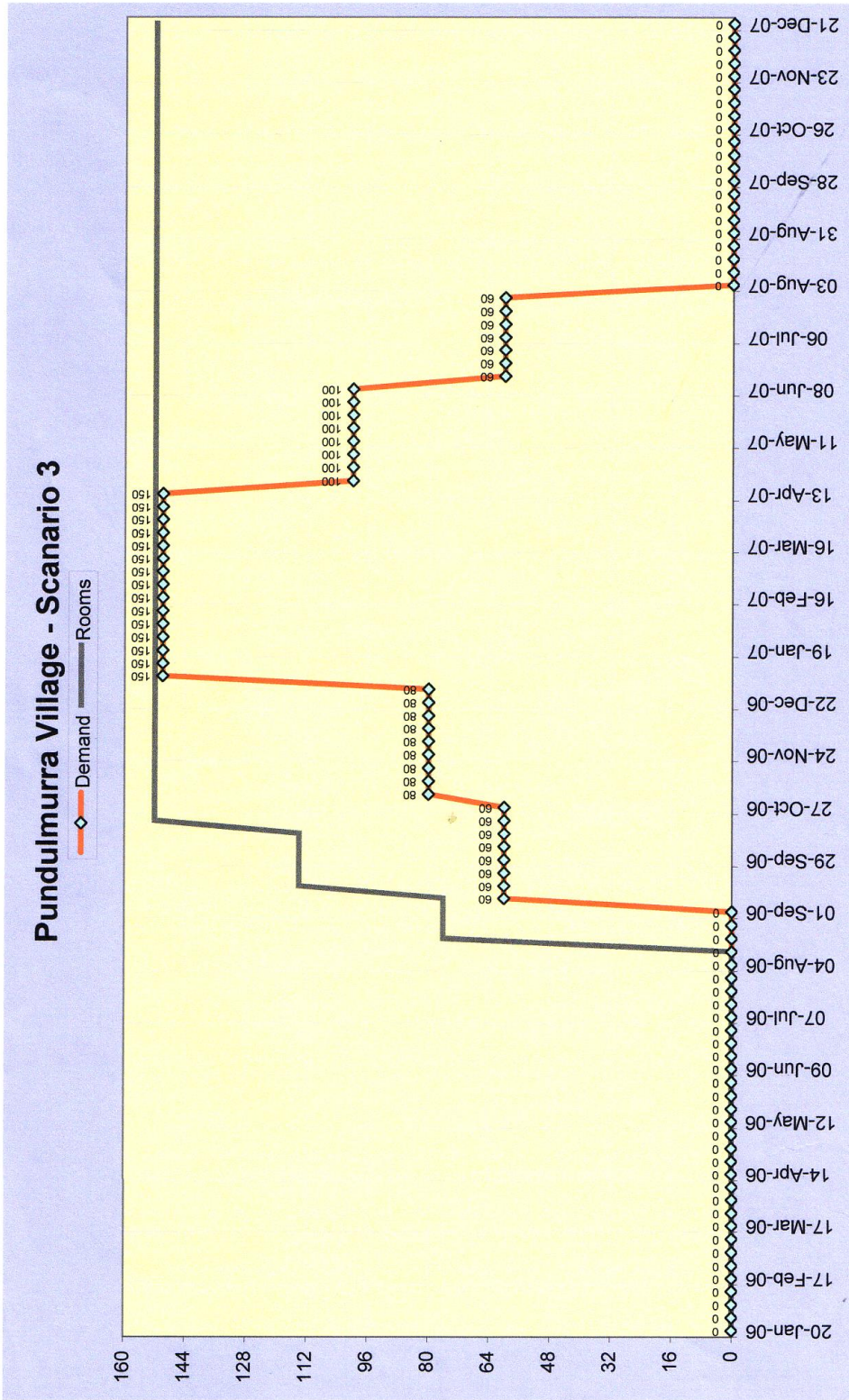
ATTACHMENT 2 TO AGENDA ITEM 11.2.2.3

06-01332

MPD JV

BHP Billiton Iron Ore - Asset Development Projects

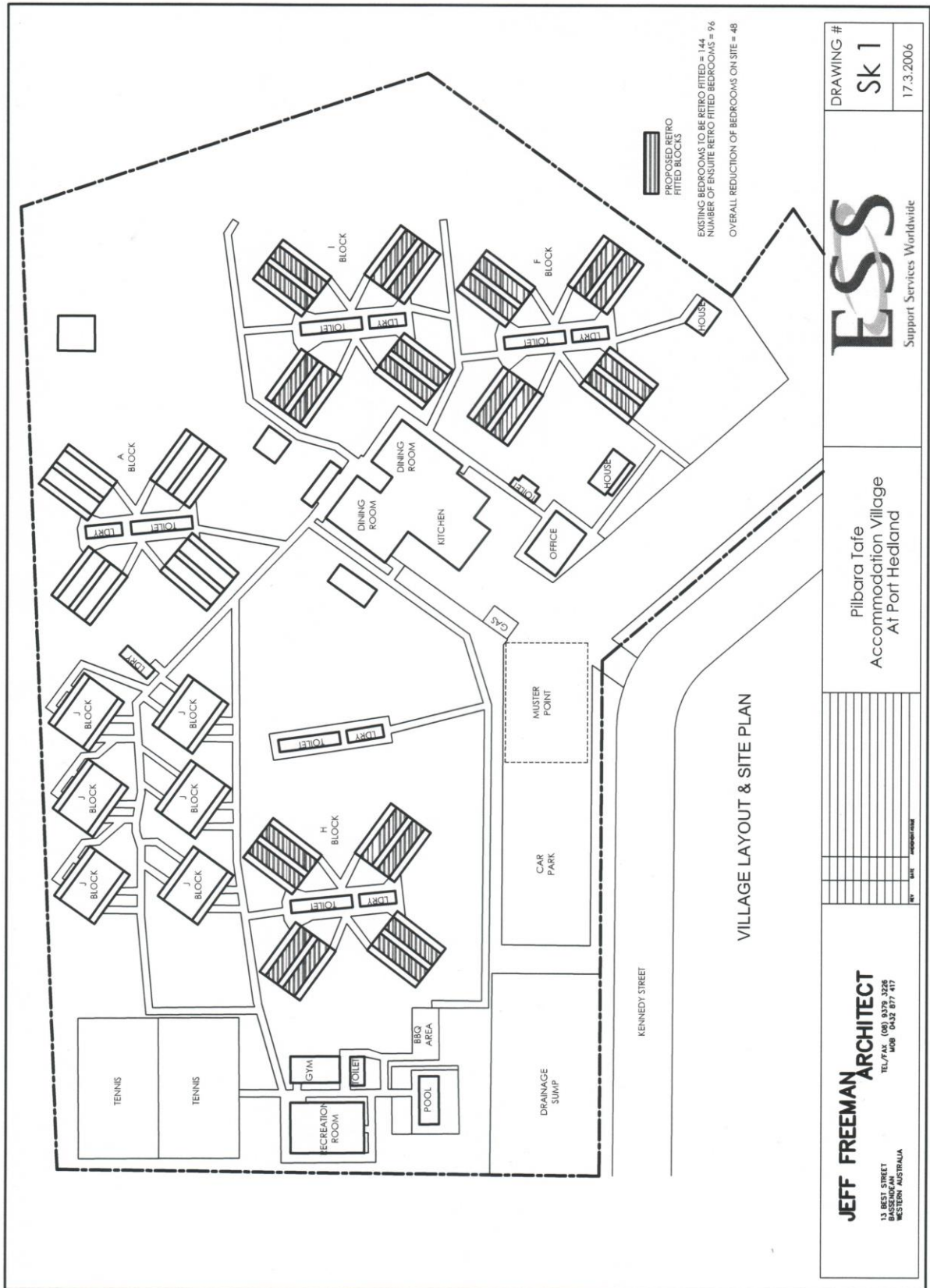
RAPID GROWTH PROJECT - PORT HEDLAND ACCOMMODATION



Prepared for MPDJV by:
KEN EMPSON ASSOCIATES PTY LTD

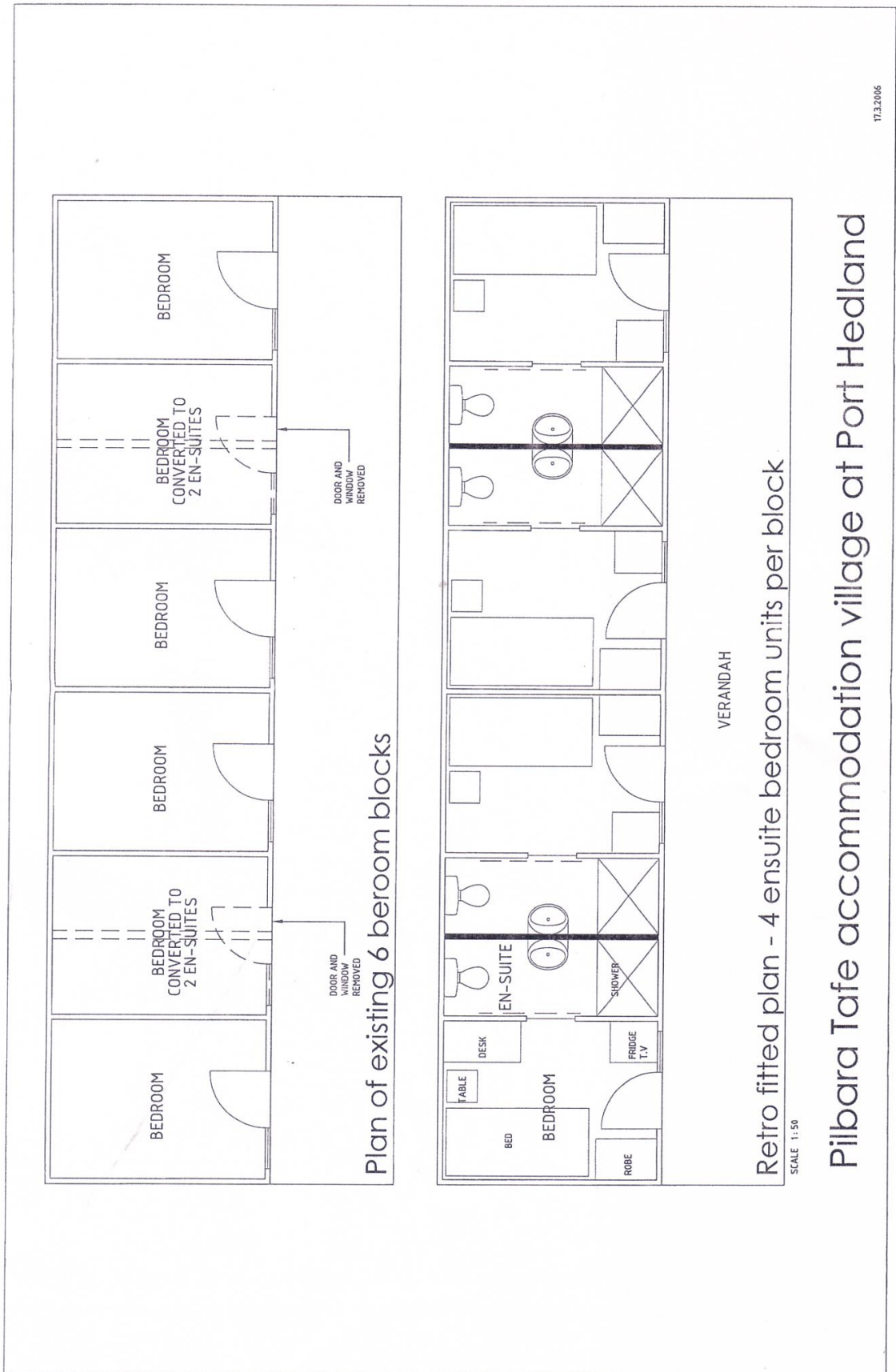
16/03/2006

ATTACHMENT 3 TO AGENDA ITEM 11.2.2.3



<p>JEFF FREEMAN ARCHITECT 13 BEST STREET BASSENDEN WESTERN AUSTRALIA TEL./FAX (08) 9379 3228 MOB 0432 877 417</p>	<p>ESS Support Services Worldwide</p> <p>Pilbara Tafe Accommodation Village At Port Hedland</p>
DRAWING # Sk 1 17.3.2006	

ATTACHMENT 4 TO AGENDA ITEM 11.2.2.3



Pilbara Tafe accommodation village at Port Hedland

- 6.03 pm Cr G J Daccache declared a financial interest in 11.2.2.4 Application to Construct 200 Transient Workforce Accommodation Rooms at Lots 5871 and 5872 Schillaman Street, Wedgefield. Cr G D Daccache is an employee of BHP & owns BHPB shares.
- 6.04 pm Cr G D Daccache left the room.

11.2.2.4 *Application to Construct 200 Transient Workforce Accommodation Rooms at Lots 5871 and 5872 Schillaman Street, Wedgefield (File No.: 119510G and 119511G)*

Officer Andrew Patterson
Planning Officer

Date of Report 6 April 2006

Disclosure of Interest by Officers Nil

Summary

Council has received an application from Greg Rowe and Associates on behalf of the Compass Group to construct an additional 200-bedroom transient workforce accommodation facility at lots 5871 and 5872 Schillaman Street, Wedgefield.

The land is zoned “Transient Workforce Accommodation” and this use is listed as a permitted use on the zoning table of the Town of Port Hedland Town Planning Scheme No. 5.

Delegated Officers have the authority to determine “P” uses and this application is referred to Council due to the large scope or works proposed and the potential impact of the development on the Town of Port Hedland.

Background

This application is submitted in response to increased housing requirements for workers contracted to BHP Billiton, who are required for upcoming maintenance and construction projects. Attached are graphical representations of these estimations.

Granting a single planning approval for an application covering multiple lots is not considered good planning practice. As each lot is capable of individual sale, all requirements regarding parking provision etc should not be borrowed from other lots. ESS has been contacted regarding this matter and has indicated that they do not object to this application being limited to the Stage 1 units that are contained exclusively on lot 5871.

Existing Development

ESS has advised that the existing transient workforce accommodation village has a capacity of 599 bedrooms with associated laundry, recreation and mess facilities. The existing accommodation is contained on lots 300 and 301 Schillaman Street. This proposal intends to integrate with the existing village, providing a similar standard of accommodation.

ESS has also indicated that the Wedgefield facility does not service BHP Billiton workers exclusively, and that a set number of rooms are reserved for the use of other workers' accommodation.

Previous Planning Approval

The most recent planning approval for TWA at Schillaman Street was granted under delegated authority on 18 May 2005 for an additional 144 rooms on lots 300 and 301. Also identified on the approved plans were "Stage 3 (Future)" plans for an additional 72 rooms. A site visit has revealed that the Stage 3 units are at or near completion.

Notwithstanding that the Stage 3 plans were identified on the approved plans, these have not been formally assessed by Council and are therefore considered unauthorized structures. ESS has been made aware of this situation and is expected to formalise these additional units. Council is able to grant planning approval for existing developments under section 4.10 of TPS 5. As this development is on a separate lot to the current application, it is a separate issue and is noted here only for information.

Parking Requirements

TPS 5 requires the following number of parking bays for Transient Workforce Accommodation:

- 1 bay for every 2 beds (in the case of communal accommodation), or
- 1 bay per bedroom unit, and
- 1 oversized vehicle parking bay for every 10 beds (minimum 2 bays)

As this application is limited to addressing the 112 proposed units on lot 5871, the required parking is 56 car bays, and 12 oversized bays. This application proposes 63 car bays on lot 5871, and no oversized bays. As this approval is not considering any of the proposed Stage 2 units, sufficient land is available on this lot to accommodate the required parking.

Council has received an number of recent complaints of parking in the road reserve outside the existing TWA facilities, however it is not yet determined whether this is due to a current shortfall in required parking or simply the convenience in parking outside designated parking areas. As this issue relates to existing development however it is more appropriate to address this as a compliance issue through existing regulatory processes.

ESS has advised the Town of Port Hedland that the Water Corporation allows long-term parking of TWA vehicles on a fenced-off portion of lot 1797. This is not a formal agreement and is therefore subject to cancellation with no notice and therefore this parking is not included in the assessed parking.

Council is able to grant planning approval for a development that does not provide required car parking under section 6.13.5 of TPS 5 should Council be of the opinion that this would not result in lowering any safety standards. Council could also require payment of cash-in-lieu of car parking, using the funds for the construction of public car parking areas.

Health/Odour Issues

Environmental Health Services have raised concerns regarding the impact of nuisance odours of this development. The existing accommodation village on Schillaman Street is currently the source of complaints regarding the odours emanating from OEC. Since January this year Council's EHS has received 16 written complaints from village residents complaining that the odours are causing nausea, vomiting and headaches.

It is noted that the new units are proposed closer to OEC than the existing units and will expose up to an additional 200 people to the odours. Whilst OEC have undergone a licence review that has imposed more stringent conditions on their activities, it is unknown whether this will reduce the odour to a level accepted by the residents in the area.

In light of this assessment, Council's EHS has indicated that they do not support this application.

Consultation

Environmental Health Services have not supported this application, with comments reflected in this report and subsequent Officer's recommendation.

Building Services have not objected to the application and requested a Building License Application prior to site works. In addition, Building Services have advised that a minimum separation of three metres is recommended between the proposed structures.

While they have not been consulted specifically with regard to this application, Toxfree, the parent company to OEC, has previously written to the Town of Port Hedland expressing concern regarding transient workforce accommodation proposed at lot 5872 Schillaman Street. Toxfree have noted that complaints generated due to these incompatible land uses are likely to be exacerbated by extending the accommodation use.

As lot 5872 is Crown land, LAMS have previously been advised that the Department of Health have requested formal consultation with regard to the leasing of this land for accommodation purposes.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 zones the land "Transient Workforce Accommodation" and allows this as a permitted use on the zoning table.

Policy Implications

Nil

Strategic Planning Implications

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 3: Work closely with mining companies to minimise the negative impacts of short-term construction activities.

Goal 5 – Town Planning & 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 1: Develop appropriate solutions to land use conflicts that are evident at Wedgefield and at the 'West End.'

Budget Implications

Planning application fee of \$9,500 have been deposited in account 1006326 (Town Planning Fees) reflecting an estimated development cost of \$6,000,000.

Officer's Comment

With regard to the parking issue, the cash-in-lieu option could provide the developer with the ability of accessing additional car parking. It is noted that lot 5873 is Crown land that is vested in Council for "Community Purposes." As this is not a permitted use in a Transient Workforce Accommodation zone, Council could seek to amend the vesting order to allow for the development of the site into car parking.

Another option could be to allow the developer to demonstrate to Council that the number of car parking bays required by TPS 5 is excessive in this case, and that the proposed number of parking bays will be sufficient for the number of accommodation units. Should Council adopt this opinion, conditions could be included in the planning permission that enable Council to impose additional parking bays should they be required at any future date.

With regard to the odour issue, when imposing conditions to an approval, Council can add conditions that require the developer to acknowledge the conflicting land uses and their potential impact, and advise potential residents of the situation. While this is unlikely to reduce the number of complaints, it will formally advise both the management and residents of the facility of the odour problem.

Conditions are included in the Officer's recommendation that will require the developer to provide written acknowledgement that they are aware that this development will further intrude into an area significantly affected by odour [Condition o)]. In addition, the developer could be required to post notice in each habitable room that the facility is adjacent to a significant source of odours that is managed by a Department of Environment License.

Officer's Recommendation

That Planning Consent be granted to Compass Group Australia Pty Ltd for the construction of 112 self-contained transient workforce accommodation units at Lots 5871 Schillaman Street Wedgefield as outlined in the Application received 27 March 2006 (Application No. 2006/38) and indicated on the approved plans as "Stage One", 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) 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).

PRIOR TO ISSUE OF BUILDING LICENCE

- c) Detailed plans and specifications relating to the disposal of stormwater for the development being submitted and approved by Council's Engineering Services (ES).
- d) Details of any fill or drainage on the site to be in accordance with plans and specifications submitted to and approved by Council's Engineering Services (ES).
- e) All vehicle crossings to be designed and constructed to the satisfaction and specification of Council's Engineering Services (ES).
- f) Additional garbage storage facilities to be provided or current facilities to be deemed adequate to the satisfaction of Council's EHS.
- g) A minimum of 56 car parking spaces and 12 oversized bays are to be provided in conjunction with the proposed development in accordance with Appendix 7 of Council's Town Planning Scheme No.5. Otherwise a cash in lieu of car parking contribution negotiated with Council's Director Technical Services is required in accordance with clause 6.13.3 of Council's Town Planning Scheme No.5 (PS).
- h) The proponent is to prepare and implement a mosquito management plan for the sewerage treatment ponds located on Lot 1621 Schillaman Street, Wedgefield to the satisfaction of Council's Environmental Health Service.

DURING CONSTRUCTION

- i) The road reserve and associated facilities shall be kept free of all vehicles, machinery and activities associated with the development unless written approval is obtained from Council's Engineering Services (ES).
- j) 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).
- k) 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).

- l) The Recreation Room must comply with the Health (Public Buildings) Regulations 1992 to the satisfaction of Council's Environmental Health Services (EHS).

PRIOR TO OCCUPATION

- m) An approved effluent re-use system is to be installed to the satisfaction of Council's EHS (EHS).
- n) Approval to be obtained from Council's Environmental Health Services and the Department of Health for the additional discharge of sewage into the existing effluent disposal system (EHS).
- o) Approval to be obtained from Council's Environmental Health Services prior to occupation of the accommodation (EHS).
- p) The owner to enter into a formal agreement with Council stating that:
 - i) They are aware of the potential impacts of emissions and odours associated with being located in proximity to all, or particular developments, within the Wedgefield Industrial Area, and
 - ii) Council is not liable for any damage caused by exposure to emissions, risks or hazards and no legal action shall be taken against Council in this regard (PS).
- q) The developer is to install and maintain notices in each habitable room to the effect that the development is located on land affected by odours generated by an adjacent sewage treatment facility and an industrial incinerator that is licensed by the Department of Environment (PS).

USE OF DEVELOPMENT

- r) Use of the recreation room must comply with the Health (Public Buildings) Regulations 1992 to the satisfaction of Council's Environmental Health Services (EHS).
- s) The buildings to comply at all times with the relevant provisions of the Health Act 1911 and the Town of Port Hedland Health Local Laws 2000 to the satisfaction of Council's Environmental Health Services (EHS).

ADVICE TO DEVELOPER

- t) 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.
- u) A Building Licence to be issued prior to the commencement of any on site works (BS).

200506/367 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham

That Planning Consent be granted to Compass Group Australia Pty Ltd for the construction of 112 self-contained transient workforce accommodation units at Lots 5871 Schillaman Street Wedgefield as outlined in the Application received 27 March 2006 (Application No. 2006/38) and indicated on the approved plans as "Stage One", 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) **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).**

PRIOR TO ISSUE OF BUILDING LICENCE

- c) **Detailed plans and specifications relating to the disposal of stormwater for the development being submitted and approved by Council's Engineering Services (ES).**
- d) **Details of any fill or drainage on the site to be in accordance with plans and specifications submitted to and approved by Council's Engineering Services (ES).**

- e) **All vehicle crossings to be designed and constructed to the satisfaction and specification of Council's Engineering Services (ES).**
- f) **Additional garbage storage facilities to be provided or current facilities to be deemed adequate to the satisfaction of Council's EHS.**
- g) **A minimum of 56 car parking spaces and 12 oversized bays are to be provided in conjunction with the proposed development in accordance with Appendix 7 of Council's Town Planning Scheme No.5. Otherwise a cash in lieu of car parking contribution negotiated with Council's Director Technical Services is required in accordance with clause 6.13.3 of Council's Town Planning Scheme No.5 (PS).**
- h) **The proponent is to prepare and implement a mosquito management plan for the sewerage treatment ponds located on Lot 1621 Schillaman Street, Wedgefield to the satisfaction of Council's Environmental Health Service.**

DURING CONSTRUCTION

- i) **The road reserve and associated facilities shall be kept free of all vehicles, machinery and activities associated with the development unless written approval is obtained from Council's Engineering Services (ES).**
- j) **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).**
- k) **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).**
- l) **The Recreation Room must comply with the Health (Public Buildings) Regulations 1992 to the satisfaction of Council's Environmental Health Services (EHS).**

PRIOR TO OCCUPATION

- m) **An approved effluent re-use system is to be installed to the satisfaction of Council's EHS (EHS).**
- n) **Approval to be obtained from Council's Environmental Health Services and the Department of Health for the additional discharge of sewage into the existing effluent disposal system (EHS).**

- o) Approval to be obtained from Council's Environmental Health Services prior to occupation of the accommodation (EHS).**
- p) The owner to enter into a formal agreement with Council stating that:
 - i) They are aware of the potential impacts of emissions and odours associated with being located in proximity to all, or particular developments, within the Wedgefield Industrial Area, and**
 - ii) Council is not liable for any damage caused by exposure to emissions, risks or hazards and no legal action shall be taken against Council in this regard (PS).****
- q) The developer is to install and maintain notices in each habitable room to the effect that the development is located on land affected by odours generated by an adjacent sewage treatment facility and an industrial incinerator that is licensed by the Department of Environment (PS), and display contact details of the Department of Environment on the notice in case of complaint.**
- r) The proponent is to employ an Environmental Specialist to undertake an independent assessment of the odours and emissions and implement appropriate measures as necessary following the completion of the assessment.**

USE OF DEVELOPMENT

- r) Use of the recreation room must comply with the Health (Public Buildings) Regulations 1992 to the satisfaction of Council's Environmental Health Services (EHS).**
- s) The buildings to comply at all times with the relevant provisions of the Health Act 1911 and the Town of Port Hedland Health Local Laws 2000 to the satisfaction of Council's Environmental Health Services (EHS).**

ADVICE TO DEVELOPER

- t) 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.
- u) A Building Licence to be issued prior to the commencement of any on site works (BS).

CARRIED 4/2

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

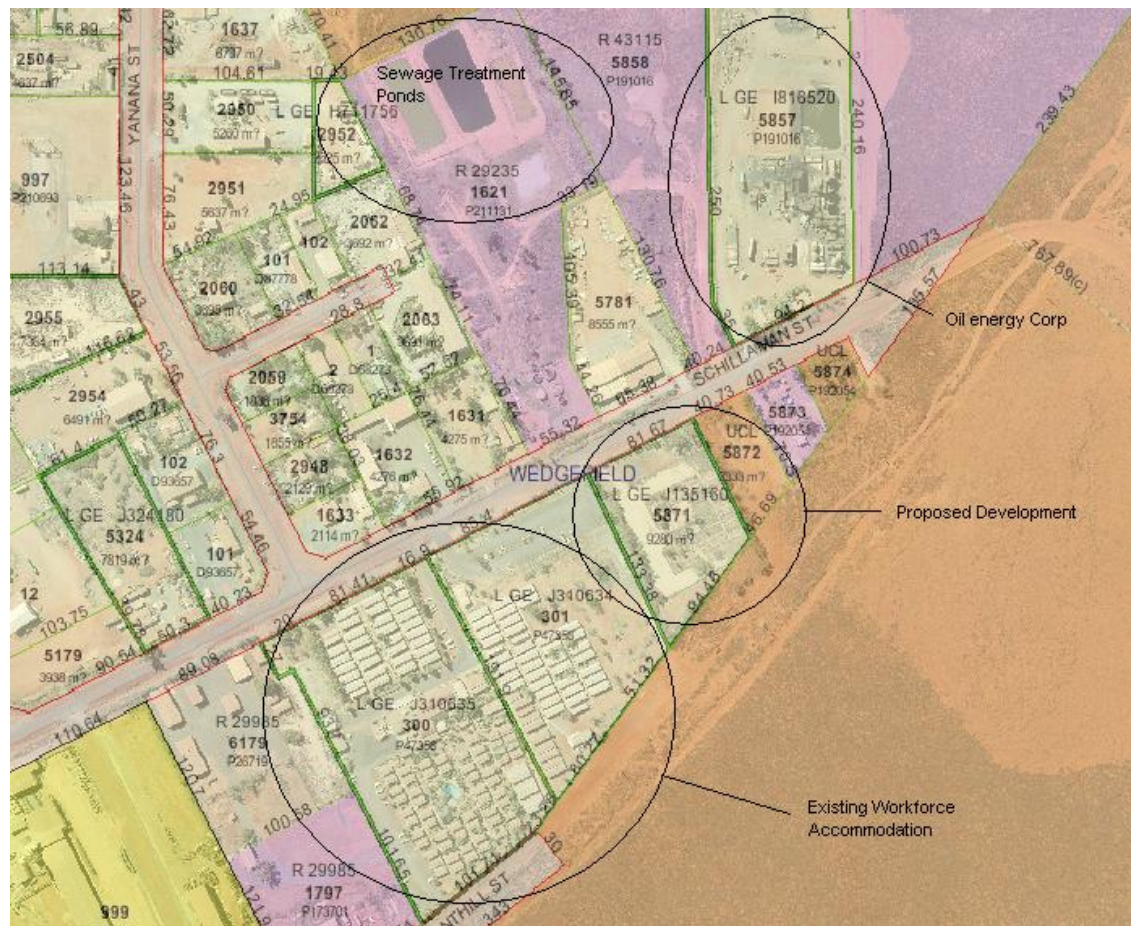
FOR	AGAINST
Cr A A Carter	Cr G D Bussell
Cr S F Sear	Cr A A Gear
Cr GJ Daccache	
Cr J M Gillingham	

6.16 pm Cr G D Daccache re-entered the room and assumed his chair.

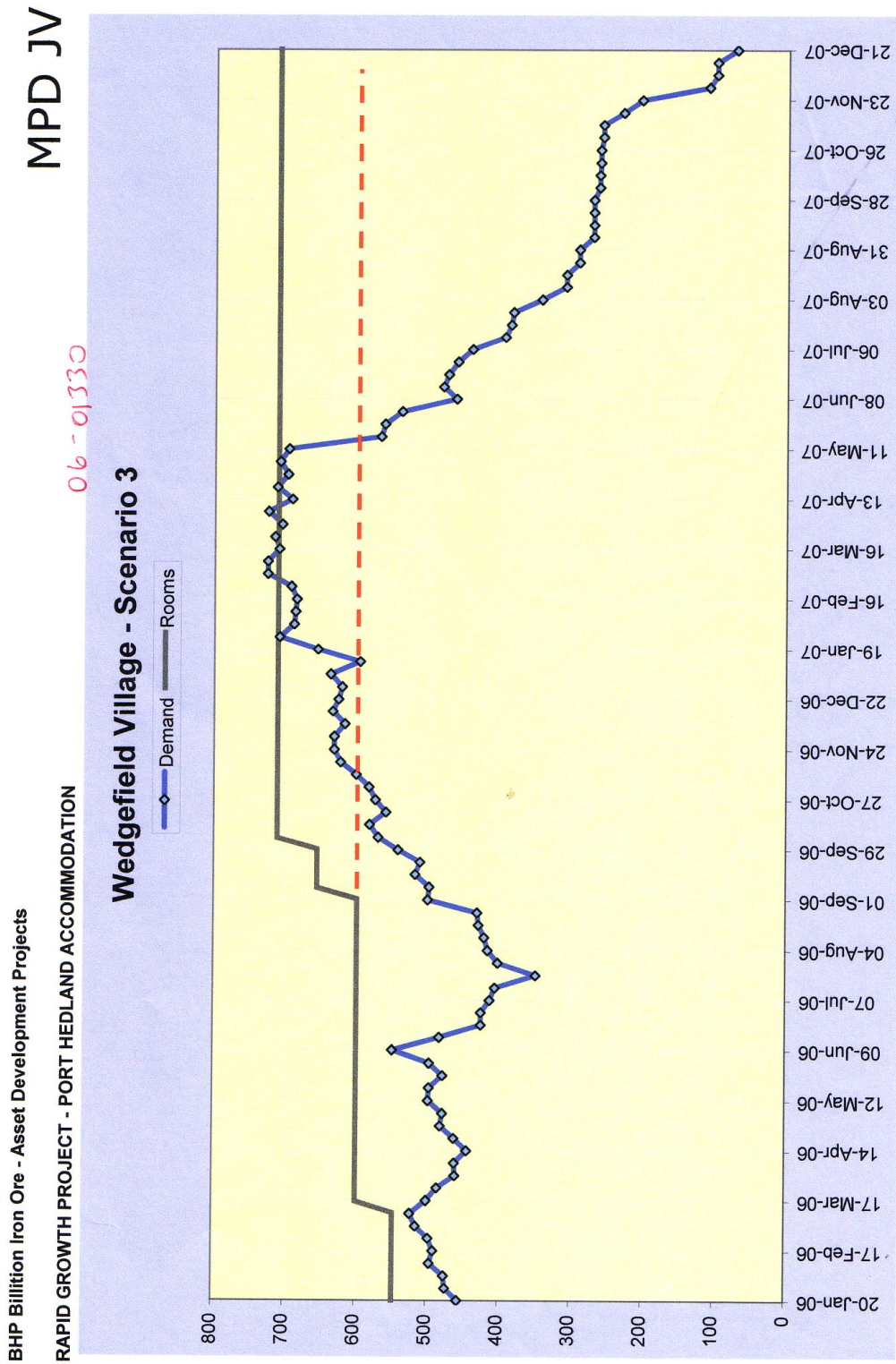
6.16 pm Mayor advised Cr G J Daccache of Council decision.

REASON: Council added additional conditions relating to odour/health (Items q and r) to better clarify Council's stance on this issue.

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.4



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.4



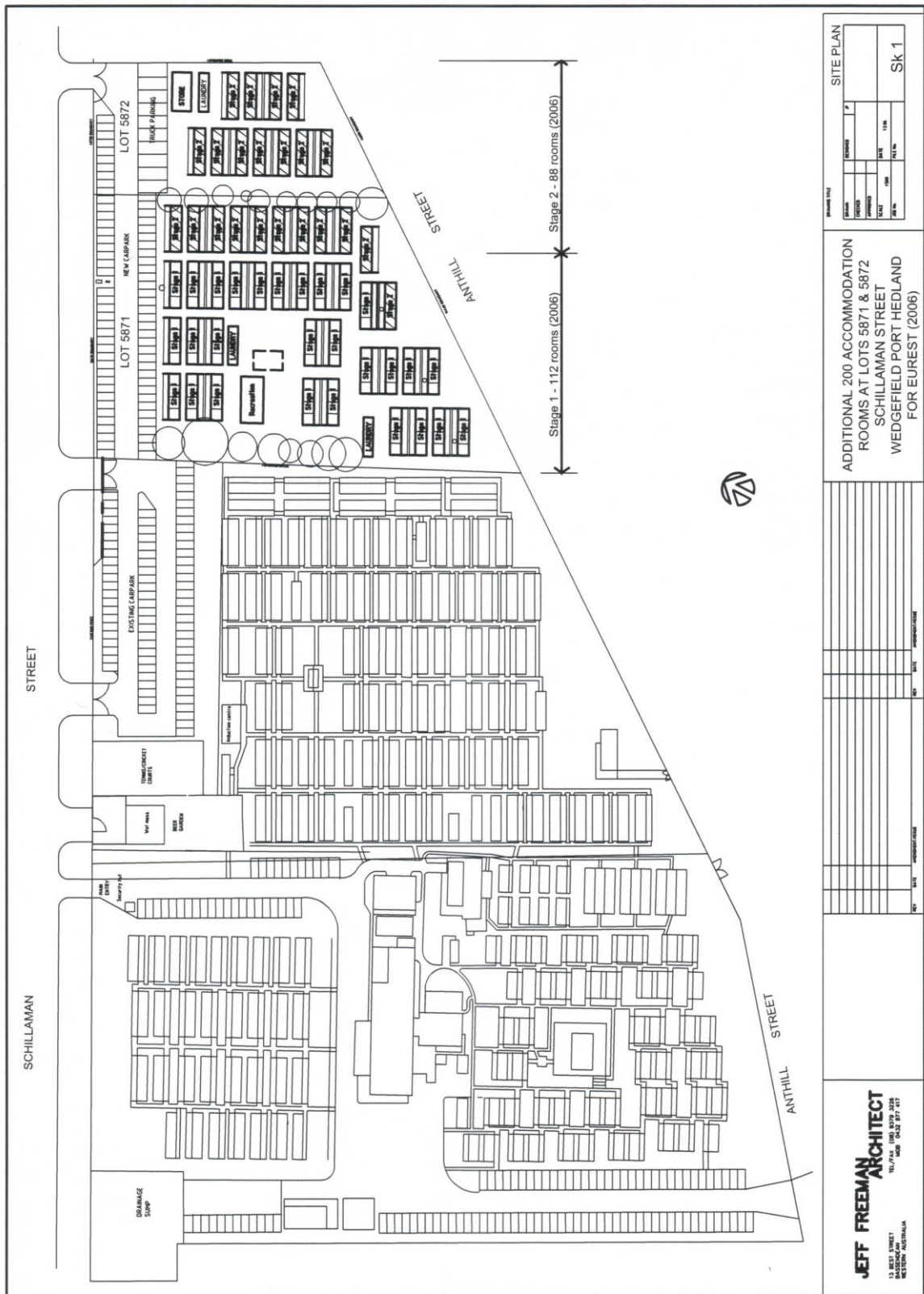
BHP Billion Iron Ore - Asset Development Projects

RAPID GROWTH PROJECT - PORT HEDLAND ACCOMMODATION

Prepared for MPD JV by
KEN EMPSON ASSOCIATES PTY LTD

16/03/2006

ATTACHMENT 3 TO AGENDA ITEM 11.2.2.4



DATE: 11/04/06

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	11/04/06	JF
2	REVISED	11/04/06	JF
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ADDITIONAL 200 ACCOMMODATION ROOMS AT LOTS 5871 & 5872
 SCHILLAMAN STREET
 WEDGEFIELD PORT HEDLAND
 FOR EUREST (2006)

NO.	DESCRIPTION	DATE	BY
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JEFF FREEMAN ARCHITECT
 13 BECK STREET
 MARDIN
 WESTERN AUSTRALIA
 TEL: 08 9428 8747
 FAX: 08 9428 8748

ADDITIONAL 200 ACCOMMODATION ROOMS AT LOTS 5871 & 5872
 SCHILLAMAN STREET
 WEDGEFIELD PORT HEDLAND
 FOR EUREST (2006)

ATTACHMENT 5 TO AGENDA ITEM 11.2.2.4

CONSTRUCTION NOTES (REGION D, CATEGORY 2)
 CHASSIS: 14.4m x 3.5m STEEL SHED BASE PAINTED RED OXIDE PRIMER (2 OFF)
 FLOOR: 90 x 40mm @ 300 C/S. DOUBLE JOIST @ 1200 C/S BOLTED AND
 15mm T&G PLYWOOD GULED AND NALLED TO FLOOR JOISTS.
 FLOOR COVERING: 23mm VINYL FLOOR COVERING, COLOUR: 'SILE GREY'
 WALLS: 23mm VINYL FLOOR COVERING, COLOUR: 'SILE GREY'.
 OPENINGS AS PER C/O'S SPECIFICATION.
 CEILING HEIGHT: 2.400m.
 INTERNAL CLADDING: 18mm PLYWOOD TO WALLS WITH PVC JOINT MOLLIES
 MIRAGE FEASR. PLYWOOD TO CEILING WITH PVC JOINT MOLLIES.
 PAINTED MOTT. LAMBS TONGUE INCLUDING TO CORNICE.
 INSULATION: RELO BATT'S TO WALLS AND CEILING CAVITY.
 EXTERNAL CLADDING: COLORBOND METAL CLAD OVER BRANING PLYWOOD TO WALL.
 ROOF COVER: ZINC ALUME ROOF SHEETING WITH COLORBOND. COLOUR: 'BLUE RIDGE'
 ROOF CONSTRUCTION: 250 x 90mm @ 600 C/S INCL. 40mm TIMBER PURLINS
 TO CEILING WITH 250 x 90mm @ 600 C/S INCL. 40mm TIMBER PURLINS
 ELECTRICAL: TO COMPLY WITH AS/NZS 3000:2000 STANDARD AND AMENDMENTS.
 PLUMBING: TO COMPLY WITH RELEVANT AUSTRALIAN STANDARDS.

WINDOW SCHEDULE
 W1. 1000(H) x 1100(W) ALUMINIUM FRAMED, POWDERCOAT FINISH
 COLOUR: 'SILE GREY'.
 W2. 1000(H) x 1100(W) ALUMINIUM FRAMED, POWDERCOAT FINISH
 COLOUR: 'SILE GREY'.

LEGEND
 1. WIDE SCREEN TELEVISION (85cm) WITH SURROUND
 2. WIDE SCREEN TELEVISION (55cm)
 3. LOUNGE CHAIRS (8 OFF)
 4. LAMINATED BENCH TOP 1200L x 600W x 50MM WITH
 CHROME LEGS UNDER. (2 OFF) (2 OFF)
 5. 300 LITRE DOMESTIC FRIDGE
 6. CLASSICAL CABINETS (2 OFF) WITH CHROME LEGS
 7. DART BOARD STATION ON COMPETITION BOARDS.
 8. TABLE TENNIS TABLE ON 4 LEGS
 9. EAST CHAIRS (4 OFF)
 10. DONAUT FAN
 11. STAINLESS STEEL EXTRUDER WITH BRACKETS & SPONGE (1 OFF)
 12. TISSUE WIPER

DOOR SCHEDULE
 D1. 2040 x 870 x 40mm METAL CLAD DOOR WITH METAL FRAME
 C/W ENTRANCE DOOR FURNITURE. COLOUR: 'SILE GREY'
 D2. 2040 x 870 x 40mm METAL CLAD DOOR WITH METAL FRAME
 C/W ENTRANCE DOOR FURNITURE. COLOUR: 'SILE GREY'
 AND SET IN TO 'BANK'.

ELECTRICAL LEGEND
 LIGHT SWITCH @ 1200 AFL
 DOUBLE GPO @ 1200 AFL (U.O.N.)
 ISOLATOR SWITCH
 TV POINT (PREWIRED C/O'N) TO MIN. 1800 TTL
 UNDER P/O'S @ 1500 AFL.
 TELEPHONE / DATA POINT @ 1200 AFL.
 EXTERNAL BULKHEAD LIGHT @ 2200 AFL
 HARD WIRED SMOKE DETECTOR WITH BATTERY
 BACKUP/BATTERY MOUNTED (100 BELOW CEILING).
 AIR CONDITIONING UNIT
 AC - CONDENSER UNIT - FC - FAN COIL UNIT
 MAIN ELECTRICAL SWITCHBOARD
 PE - PHOTO ELECTRIC CELL

CONSTRUCTION NOTES (REGION D, CATEGORY 2)
 CHASSIS: 14.4m x 3.5m STEEL SHED BASE PAINTED RED OXIDE PRIMER (2 OFF)
 FLOOR: 90 x 40mm @ 300 C/S. DOUBLE JOIST @ 1200 C/S BOLTED AND
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 PLUMBING: TO COMPLY WITH RELEVANT AUSTRALIAN STANDARDS.

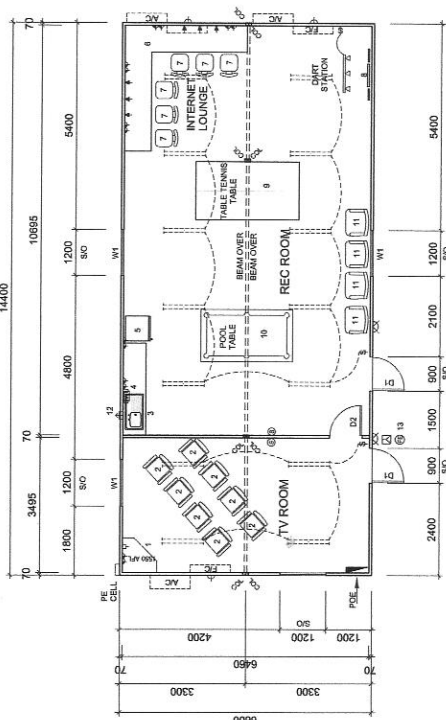
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WINDOW SCHEDULE
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 COLOUR: 'SILE GREY'.
 W2. 1000(H) x 1100(W) ALUMINIUM FRAMED, POWDERCOAT FINISH
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LEGEND
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 6. CLASSICAL CABINETS (2 OFF) WITH CHROME LEGS
 7. DART BOARD STATION ON COMPETITION BOARDS.
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 DOUBLE GPO @ 1200 AFL (U.O.N.)
 ISOLATOR SWITCH
 TV POINT (PREWIRED C/O'N) TO MIN. 1800 TTL
 UNDER P/O'S @ 1500 AFL.
 TELEPHONE / DATA POINT @ 1200 AFL.
 EXTERNAL BULKHEAD LIGHT @ 2200 AFL
 HARD WIRED SMOKE DETECTOR WITH BATTERY
 BACKUP/BATTERY MOUNTED (100 BELOW CEILING).
 AIR CONDITIONING UNIT
 AC - CONDENSER UNIT - FC - FAN COIL UNIT
 MAIN ELECTRICAL SWITCHBOARD
 PE - PHOTO ELECTRIC CELL



KEY PLAN

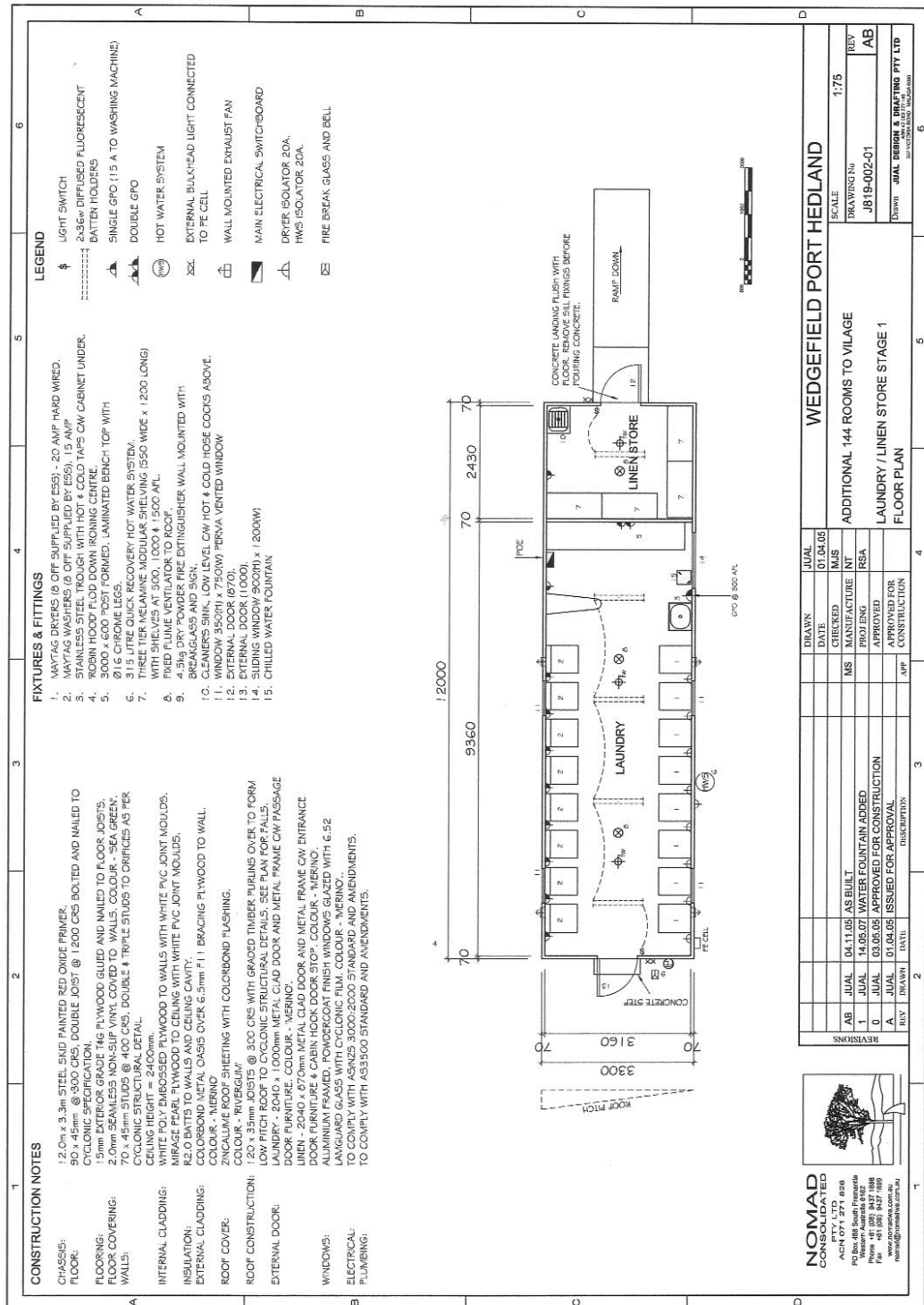
MANAGEMENT COMPANY PTY LTD.
 BOODINGTON GOLD MINE
 RECREATION / TV ROOM

PRELIMINARY FOR CHECKING PURPOSES

JUAL CONSULTING PTY LTD
 301 WATSON ROAD, WA-1000
 (61) 8 948 8484

NO.	DATE	BY	FOR	REVISIONS
1	11/04/06	JUAL	FOR APPROVAL	
2	11/04/06	JUAL	FOR APPROVAL	
3	11/04/06	JUAL	FOR APPROVAL	
4	11/04/06	JUAL	FOR APPROVAL	
5	11/04/06	JUAL	FOR APPROVAL	
6	11/04/06	JUAL	FOR APPROVAL	
7	11/04/06	JUAL	FOR APPROVAL	
8	11/04/06	JUAL	FOR APPROVAL	
9	11/04/06	JUAL	FOR APPROVAL	
10	11/04/06	JUAL	FOR APPROVAL	
11	11/04/06	JUAL	FOR APPROVAL	
12	11/04/06	JUAL	FOR APPROVAL	
13	11/04/06	JUAL	FOR APPROVAL	
14	11/04/06	JUAL	FOR APPROVAL	
15	11/04/06	JUAL	FOR APPROVAL	
16	11/04/06	JUAL	FOR APPROVAL	

ATTACHMENT 5 TO AGENDA ITEM 11.2.2.4



11.2.2.5 Application to Construct a Motel Accommodation Complex at lot 2053 (77-95) Hamilton Road South Hedland (File No.: 127990G)

Officer Andrew Patterson
Planning Officer
and
Chris Adams
Chief Executive Officer

Date of Report 21 April 2006

Disclosure of Interest by Officer Nil

Summary

Council consideration of an application from Allerding Burgess on behalf of Alldelta Investments Pty Ltd to construct a 455 room, single-storey motel development at lot 2053 (77-95) Hamilton Street, South Hedland is required.

Background

The subject land consists of 7.413 hectares and is zoned "Tourism" in the Town of Port Hedland Town Planning Scheme No. 5. The use "Motel" is listed as an "AA" use on the zoning table.

This site is currently developed as the South Hedland Caravan Park and is in the process of being purchased by the proposed developer. This land is not subject to any precinct objectives, Policy Statements or a Development Plan adopted under the Town Planning Scheme.

While officers have the delegated authority to determine "AA" uses, this item is presented for Council consideration due to the large scope of works proposed and the potential impact of this development on the Town of Port Hedland.

This proposed development comprises:

- 455 single storey motel units
- An 800 m² restaurant capable of seating up to 500 customers
- A 300 m² alfresco seating area adjacent to the restaurant
- An additional swimming pool adjacent to the alfresco area
- 548 car parking bays

Of the existing South Hedland Caravan Park development, the swimming pool, reception area and manager's residence are proposed to be retained. Existing trees are also to be retained where possible and integrated into landscaping and buffer areas.

TPS5 stipulates that transient workforce accommodation is a prohibited use within a tourism zoned land and motel developments are an "AA" or discretionary use.

The TPS5 definitions of Motel and Transient Workforce Accommodation are:

Motel: Any land or buildings providing accommodation in a similar manner to a hotel but in which special provision is made for patrons with motor vehicles and may include an entertainment venue, restaurant or sell liquor.

Transient Workforce Accommodation: Dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas.

The application has applied as a motel development and has indicated that the facility will be used as permanent motel facility for the Town.

Compliance Issues

The parking requirements for a motel development required under Appendix 7 of TPS 5 comprise:

- 1 bay for each accommodation unit
- 1 bay for every 5 units for visitors, and
- 1 bay for every staff member present at one time

This development would therefore require 455 bays for residents, an additional 91 bays for visitor parking plus additional bays for employee parking (Total of 546 bays plus additional bays for employee parking). The current application proposes a total of 548 bays, which allows for two employee parking bays.

Consultation

External Consultation

While the TPS does not require this application to be externally advertised, given the size and magnitude of the development, it could be argued that community consultation is appropriate for this development. Should Council elect to undertake community consultation on this development, it needs to be aware that statutorily, an application that has been advertised needs to be considered by Council within 90 days of the receipt of the application. If this application is to be advertised, the statutory period for Council to make a decision expires on the 12th of July 2006.

Note: No external community consultation has been undertaken on this proposal to date.

Internal

Engineering Services has not objected to this proposal.

Building Services has not objected to the proposal and advised that a building license is required.

Environmental Health Services has not objected to the proposal subject to a number of conditions that are reflected in the Officer's Recommendations.

As the South Hedland Fire Station is located adjacent to this land, FESA has been advised by telephone of the proposal and have indicated that they have no specific concerns with this development due to its location, however they would prefer that the shared boundary fencing consist of a solid wall. FESA may be able to require the construction of a solid fence under the Dividing Fences Act 1961 and so no condition regarding this matter is included in the Officer's Recommendation.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 zones that land as "Tourism" and determines the number of required parking bays

Policy Implications

Nil.

Strategic Planning Implications

While there are no specific references to this development with the Town's Strategic Plan, the following statements are relevant to this issue:

Tourism Goal: That the Town's profile as a tourism destination is lifted and visitor nights in the town have significantly increased.

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

Mining Strategy: Work closely with mining companies to minimise the negative impacts of short-term construction activities.

Budget Implications

Planning Application fees of \$13,500 have been deposited into account 1006326 (Town Planning Fees), reflecting an estimated project cost of \$10,000,000.

Officer's Comment

Nature of Development

A significant issue that needs to be considered is the definition of proposed development. While the applicant has applied for the development of a "Motel" the development could potentially be defined as "Transient Workforce Accommodation". This view is supported by the fact that FMG has indicated a desire to rent/hire all 455 rooms once they are constructed in lieu of developing a construction camp. An argument against this position is the fact that the vast majority of Motel accommodation in the Town of Port Hedland is currently being used by mining companies to temporarily accommodate employees and this proposal is no different from the current situation.

From a planning perspective, the issue that requires Council's consideration relates to whether the proposed use/development of the site is consistent with the TPS5 definition of a Motel or Transient Workforce Accommodation.

Council has three options in relation to this matter.

Option 1 - Approve the Application

Council could approve the application for development subject to conditions. These conditions could include reference to the requirement for the site to be used as a motel at all times, as opposed to transient workforce accommodation. This may be able to be achieved by conditioning any approval to require rooms to be available for tourists and traveling members of the public.

Option 2 - Refuse the Application

Council could elect to refuse the application on the basis that it believes that the development is more accurately defined as transient workforce accommodation than a Motel development. Transient workforce accommodation is prohibited in Tourism zones under TPS5.

Option 3 - Defer the Application

Council could defer consideration of the application pending community consultation with neighbouring property owners/users and the general public.

In this instance officers have recommended the approval of the development subject to a range of conditions being met. Particular conditions of relevance include requirements to ensure that the site is developed and used as a motel

This recommendation is made partly on the basis that the current use of motel and other forms of short-term accommodation available within the Town of Port Hedland (caravan parks, lodging houses, backpackers accommodation, etc.) are currently being utilised to some extent by transient workers. While it is likely that the development will initially have a degree of temporary construction workforce renting the available room space, if the facility is designed, constructed and used as a motel there is not a strong planning justification for refusing this application.

Council should consider this application on its own merits as a motel development, and not as a transient workforce accommodation facility and condition the approval such that it is developed and utilised as a motel.

Should Councilors require additional information as to the building materials proposed for this development, Council's Planning Services have additional material available on request regarding these details.

Officer's Recommendation

That Planning Consent be granted to Alldelta Investments Pty Ltd for the construction of 455 Motel Units at Lot 2053 Hamilton Road as outlined in the Application received 4 April 2006 (Application No. 2006/45) and indicated on the approved plans, subject to the following conditions:

GENERAL

- a) The use and development of the site shall be for Motel as opposed to Transient Workforce Accommodation. To achieve this, a minimum of 20% of the rooms shall be available for rent to the traveling public/tourists/business people as opposed to fly-in-fly-out workforces.
- b) 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).
- 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).

PRIOR TO ISSUE OF BUILDING LICENCE

- d) Car parking bays to be minimum of 5.4m x 3.0m; constructed, drained and sealed; to be line marked and served by a paved access way, with a minimum width of 5.8 metres in accordance with Appendix 8 of Council's Town Planning Scheme No.5 and to the satisfaction of Council's Engineering Services (ES).
- e) A minimum of 548 car parking spaces are to be provided in conjunction with the proposed development in accordance with Appendix 7 of Council's Town Planning Scheme No.5. Otherwise a cash in lieu of car parking contribution negotiated with Council's Director Regulatory and Community Services is required in accordance with clause 6.13.3 of Council's Town Planning Scheme No.5 (PS).
- f) Additional garbage storage facilities to be provided or current facilities to be deemed adequate to the satisfaction of Council's EHS.

DURING CONSTRUCTION

- g) The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity (EHS).
- h) Developers and/or contractors of developments which are likely to occur at times when prevailing winds will generate a dust nuisance to nearby residents, to take appropriate dust prevention measures by the damping with water of disturbed surfaces and/or hydromulching when necessary to the satisfaction of Council's Engineering Services and Environmental Health Services (EHS).
- i) The development must not interfere with property and effluent mains and/or effluent disposal systems (EHS).
- j) The development to be connected to the Water Corporation deep sewerage service (EHS).
- k) Front walls and fences within the primary street setback area to be visually permeable 1.2m above natural ground level (PS).
- l) Visitors and employees car parking area(s) to be marked as being for the exclusive use of visitors or employees and signage directing visitors to the parking area(s) to be erected to the satisfaction of Council's Planning Services (PS).

PRIOR TO OCCUPATION

- m) Approval must be obtained from Council's EHS and the Department of Health prior to the installation of the swimming pool (EHS).
- n) Areas for the preparation of food shall comply with the requirements of the Health (Food Hygiene) Regulations 1993 to the satisfaction of Council's Manager Environmental Health Services (EHS).
- o) Landscaping as shown on the approved plans to be established to the satisfaction of Council's Planning Services (PS).
- p) A landscaping plan to be prepared and landscaping established for the development to the satisfaction and specification of Council's Parks and Gardens and Planning Services (PG/PS).

USE OF DEVELOPMENT

- q) Pool must comply with the Health (Swimming Pools) Regulations 1964 to the satisfaction of Council's Environmental Health Services (EHS).
- r) The buildings to comply at all times with the relevant provisions of the Health Act 1911 and the Town of Port Hedland Health Local Laws 2000 to the satisfaction of Council's Environmental Health Services (EHS).

ADVICE TO DEVELOPER

- s) 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.
- t) Footpath deposits, kerb deposits, and crossover specifications and policies to be to the satisfaction of Council's Manager Engineering Services.
- u) The Developer is to apply for a Building Licence to be issued prior to the commencement of any on site works (BS).

200506/368 Council Decision

Moved: Cr A A Carter

Seconded: Cr S F Sear

That Item 11.2.2.5 – Application to construct a Motel Accommodation Complex at lot 2053 (77-95) Hamilton Road South Hedland

- i) be put to further Community Consultation for a period of (14) fourteen days, and**
- ii) at the end of the Community Consultation period a Special Meeting be called to expedite the matter.**

CARRIED 4/3

NOTE: Cr G J Daccache requested the votes be recorded.

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

REASON: Council felt that in a development of this size and nature, the community should be consulted.

ATTACHMENT 1 TO AGENDA ITEM 12.2.2.5







ATTACHMENT 2 TO AGENDA ITEM 12.2.2.5



ATTACHMENT 3 TO AGENDA ITEM 12.2.2.5



 AllerdingBurgess Town Planning, Urban Design & Advocacy	 SCALE 1:100 ORIGINAL PLAN SIZE: A4	 NORTH  Australian Association of Planning Consultants	MOTEL ROOM LAYOUT PLAN
	DRAWING NUMBER: BAT SOU DA		DATE: 03.04.2006
310A Newcastle Street, Perth W.A. 6000 PH: (08) 9328 5858 FAX: (08) 9328 5859 www.planningwa.com			

- 6.38 pm Cr S F Sear declared an interest in Agenda Item 11.2.2.6 Proposed Six Group Dwellings at Lot 3513 (11-15) Kabbarli Loop, South Hedland and Agenda Item 11.2.2.7 Proposed 980 m² Storage Shed at Lot 12 (7) Byass Road, South Hedland. Interest Financial and Client.
- 6.39 pm Cr S F Sear left the room.

11.2.2.6 *Proposed Six Group Dwellings at Lot 3513 (11-15) Kabbarli Loop, South Hedland (File No.: 803198G)*

Officer Andrew Patterson
Planning Officer

Date of Report 5 April 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Trend Developments to construct six brick veneer, single storey dwellings at lot 3513 (11-15) Kabbarli Loop South Hedland.

The land consists of 4357 m² and is zoned Residential R 30 in the Town of Port Hedland Town Planning Scheme No. 5.

Background

Residential Design Code Compliance

The residential density permitted for this land requires a minimum of 270 m² per dwelling, averaging 300m² across the site. This proposal provides for a minimum lot size of 452 m² and an average of 544 m² over the site.

R30 density requires a four metre front setback for each dwelling. However, s. 3.2.1 A1 (ii) allows grouped dwellings coded R15 or higher with main frontages to a communal street to have a reduced setback of 2.5 metres or 1.5 metres to a verandah. Units 3 and 7 are the only units to have a setback less than four metres, however each unit complies with the Acceptable Development provision with a setback of greater than 1.5 metres to the front verandah.

No fencing is proposed within the front setbacks of the proposed units and so permeability is not assessed.

Pursuant to section 3.5.1 of the R Codes, this development will require the provision of one visitor's parking bay, however no such bays are indicated on the submitted plans.

The applicant has not provided any details of excavation or fill required for the development, or indicated the finished floor levels of the dwellings. A site inspection reveals that the lot is generally flat and excavation or fill requirements are likely to be limited to less than 500mm. In light of this, there are unlikely to be any planning implications. Should stormwater drainage plans require fill greater than 500 mm, an appropriate condition is included in the Officer's recommendation.

This application complies with all other relevant aspects of the Residential Design Codes and the Town of Port Hedland Town Planning Scheme No. 5.

Consultation

Building Services offer no objection to the proposal and require a Building Licence.

Environmental Health Services offer no objection to the proposal subject to: consideration of dust and noise generation during construction; development not to interfere with mains or effluent disposal systems; development to connect to deep sewer.

Engineering Services offer no objection to the proposal subject to the applicant submitting and implementing stormwater drainage designs and specifications to Council's satisfaction and that the proposed crossover is constructed to Council specifications.

No external consultation is required for this item under TPS 5 or Council Policy.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 zones the land as "Residential R 30"

Policy Implications

Nil.

Strategic Planning Implications

Nil.

Budget Implications

Planning fees of \$2195 have been received and deposited to account 1006326 (Town Planning Fees) reflecting a development cost of \$1 080 000.

Officer's Comment

This application is proposing to develop housing well below the permitted density and so avoids a great number of compliance issues often associated with group dwellings.

The only issues from a planning perspective are the lack of details of proposed fill or excavation, which can be assessed if required prior to the application for a building licence, and the provision of a visitor's car parking bay, which is included as a planning condition in the Officer's Recommendation.

200506/369 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Planning Consent be granted to Trend Developments for the construction of six (6) group dwellings at Lot 3513 (11-15) Kabbarli Loop South Hedland as outlined in the Application received 17 March (Application 2006/35) and indicated on the approved 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) **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).**

PRIOR TO ISSUE OF BUILDING LICENCE

- c) **Detailed plans and specifications relating to the disposal of stormwater for the development being submitted and approved by Council's Engineering Services (ES).**
- d) **Details of any fill or drainage on the site to be in accordance with plans and specifications submitted to and approved by Council's Engineering Services (ES).**
- e) **All vehicle crossings to be designed and constructed to the satisfaction and specification of Council's Engineering Services (ES).**

- f) A store room, externally accessible only and not less than 4sqm in internal floor area to be constructed in a manner similar to the main dwelling in accordance with Council's Town Planning Scheme No.5 and the Residential Design Codes to the satisfaction of Council's Planning Services (PS).**
- g) A minimum of one (1) car parking spaces are to be provided in conjunction with the proposed development in accordance with Appendix 7 of Council's Town Planning Scheme No.5 for the purpose of visitor parking.**

DURING CONSTRUCTION

- h) 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).**
- i) 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).**
- j) The development must not interfere with property and effluent mains and/or effluent disposal systems (EHS).**
- k) Front walls and fences within the primary street setback area to comply with clause 3.2.5 of the Residential Design Codes in relation to being visually permeable 1.2m above natural ground level (PS).**
- l) Visitors car parking area(s) to be marked as being for the exclusive use of visitors and signage directing visitors to the parking area(s) to be erected to the satisfaction of Council's Planning Services (PS).**
- m) Airconditioner units to be located so as not to create a noise nuisance to bedroom areas of adjoining dwellings (PS).**

PRIOR TO OCCUPATION

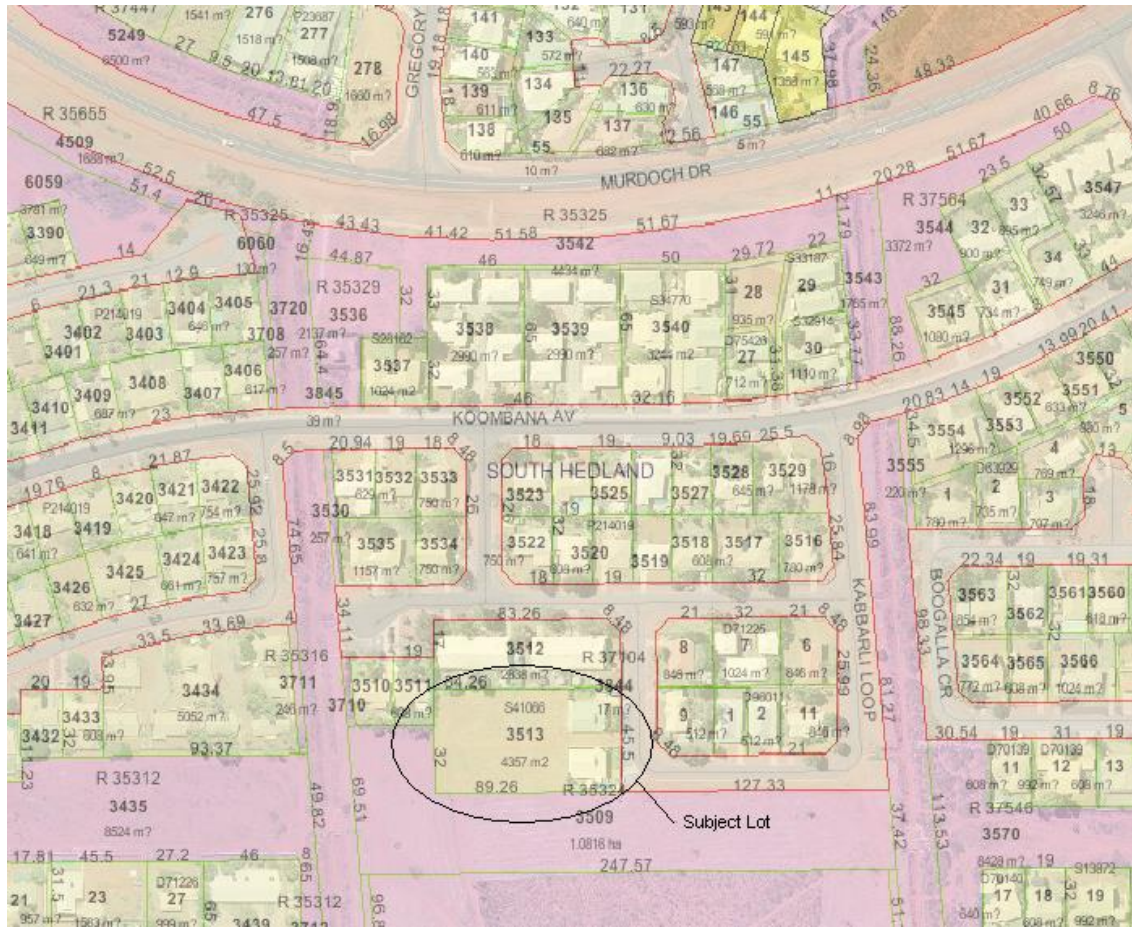
- n) Provision for mail delivery to the development to be to the satisfaction and specification of Australia Post.
- o) A unit numbering plan being prepared and implemented to the satisfaction of Council's Planning Services (PS).

ADVICE TO DEVELOPER

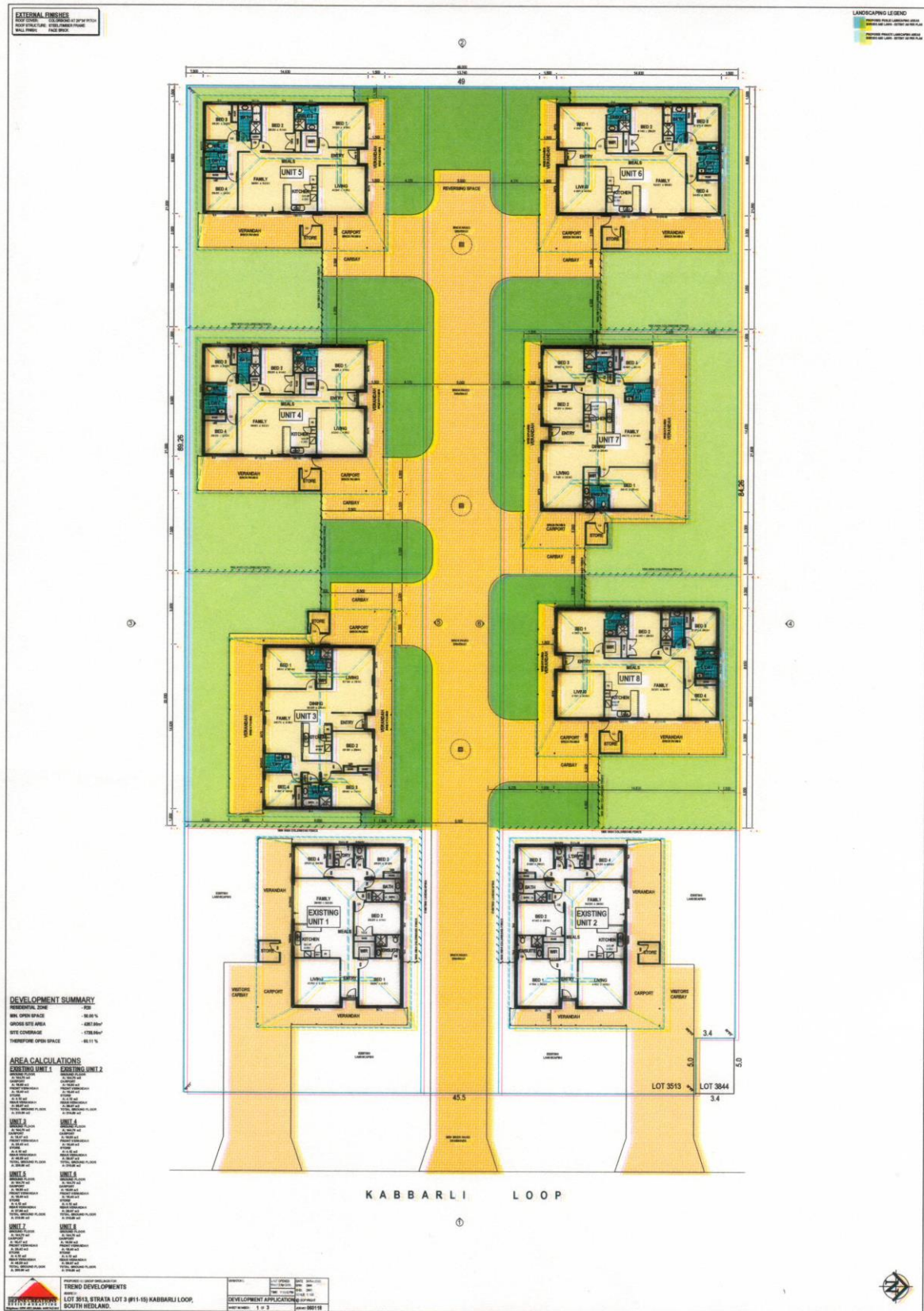
- p) The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level 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.
- q) A Building Licence to be issued prior to the commencement of any on site works (BS), and
- r) The developer is advised that any grey water re-use system to be employed in the proposed development is to be of a type approved for use by the Health Department of Western Australia and installed to the satisfaction of Council's Environmental Health Services.

CARRIED 6/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.6



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.6



11.2.2.7 Proposed 980 m² Storage Shed at Lot 12 (7) Byass Road, South Hedland (File No.: 120702G)

Officer Andrew Patterson
Planning Officer

Date of Report 4 April 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Pilbara Constructions to construct a 35 m x 28 m x 6.6 m shed at lot 12 (7) Byass Street South Hedland.

The land is zoned "Mixed Business" and "Light Industry" is listed as an "AA" use on the Town of Port Hedland Town Planning Scheme No. 5 zoning table. Pilbara Constructions owns the subject lot.

Delegated Officers have the authority to determine "AA" uses, however this item is presented for Council consideration due to the proposed front fence that contravenes the Crime Prevention Through Environmental Design (CPTED) principles adopted in the Strategic Plan 2006-2011.

Background

Notwithstanding that this application is proposed as a storage shed, the use is determined as "Light Industry" as the developer intends to use the facilities for the purpose of running a building business.

The proposed shed is located a minimum of three metres from the rear and side boundaries and 58 metres from the front boundary. The Town of Port Hedland currently have no planning requirements regulating side and rear setbacks in non-residential zones.

Car Parking

It is noted that this application proposes an open carport for six parking bays with a minimum front setback of 3.8 metres. Section 6.6.3 of TPS 5 requires a six metre front setback in commercial zones, but does allow parking within this area. As the proposed carport is an open structure that will have limited impact on the visual amenity of the streetscape it is considered to comply with this requirement.

With regard to the number of car parking bays required for this development, the Town of Port Hedland Town Planning Scheme No. 5 requires that "Light Industry" be provided with:

- 1 bay for every 100 m² of unenclosed space used for such purposes, and
- 1 bay for every 50 m² enclosed space or
- 1 space for each employee, whichever is the greater

Based on this requirement, for the enclosed space alone, a minimum of 20 car parking bays are required for this development. Additional bays are required should any of the unenclosed space be used for industrial purposes.

It is noted that the application proposes that much of the remaining yard be paved with 25 mm asphalt over 150 mm compacted roadbase. Notwithstanding that only six bays are noted on the submitted plans, additional uncovered bays could be marked on the sealed area in order to provide the required number of bays.

Council is also able to approve a development with fewer than the required number of bays under s. 6.13.5 of TPS 5.

Streetscape

In the Town of Port Hedland Strategic Plan 2006-2011 adopted 25 January 2006, Key result Area 3, Goal 6, Strategy 3, Council determined to implement Crime Prevention Through Environmental Design (CPTED) principles into the assessment of planning applications.

One of these principles involves "Target Hardening" where properties use design techniques to make them less attractive to antisocial behavior. The application of this principle applicable to this application involves the construction of a solid, 1.8 metre front fence.

In residential areas, fencing within the street setback is addressed in the Residential Design Codes that require fencing higher than 1.2 metres to be visually permeable. This concept also applies to non-residential areas where visually permeable fencing increases the natural surveillance of both the street and the lot, acting as a deterrent to anti-social behavior.

In addition to increasing levels of passive surveillance, visually permeable fencing can improve the visual amenity of the existing streetscape. An appropriate condition ('J') is included in the Officer's recommendations to require the applicant to modify the submitted plans to include visually permeable fencing 1.2 metres above ground level.

Consultation

Environmental Health Services have not opposed this application subject to a number of conditions regulating the construction and use of the development.

Building Services have not opposed the development subject to the applicant obtaining a building licence prior to commencement of site works.

No external consultation is required for this application under TPS 5 or considered necessary for its determination.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 zones the land as "Mixed Business" and establishes the parking and front setback requirements required by the development.

Policy Implications

Nil.

Strategic Planning Implications

Key Result Area 3 – Community Development

Goal 6 – Community Safety

Strategy 3 – Introduce Crime Prevention Through Environment Design (CPTED) principals into the assessment of planning and building applications.

Budget Implications

Application fee of \$816.50 submitted and deposited into account 1006326 (Town Planning Fees) reflecting an estimated development cost of \$355 000.

Officer's Comment

A site inspection of this lot has revealed that the applicant has already constructed the proposed fence. Notwithstanding that a reticulated landscaping strip is planned in front of the wall, thus in part ameliorating its visual impact, this does not address the relevant CPTED principle. It is noted that other examples of more appropriate fencing are evident on the street.

Contrary to CPTED principles, public opinion in Port Hedland is generally that high, solid fencing is an effective means of protecting property and reducing crime. The Draft Designing Out Crime: Planning Guidelines Outline released for public comment by the WAPC and West Australian Office of Crime Prevention in July 2005 lists extensive Australian and international research

indicating that solid fencing can be a contributor to high crime levels. This publication is available at the WAPC website.

South Hedland in particular has a strong tradition of high, solid fencing and it is expected that a period of education and enforcement be required to break this tradition. The end result, if coordinated with other government and private sector initiatives, and with community involvement should lead to a more attractive townscape with a greater sense of place and resulting lower crime rates.

As this is a recently adopted strategy, Council could determine that in this instance, it is more appropriate to grant approval to this application as submitted, and prepare a local planning policy that will provide developers with clear guidelines with regard to implementing CPTED principles.

200506/370 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Planning Consent be granted to Pilbara Constructions Pty Ltd for the construction of a Storage Shed and Carport at Lot 12(7) Byass Road South Hedland (Application 2006/28) and indicate on the approved 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) **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).**
- c) **No materials to be stored in the front setback area. This area may be used for car parking or landscaping only.**
- d) **Doors and/or walls are not to be erected on the carport at any time.**
- e) **A three (3) metre wide permanent and reticulated landscaping strip being provided along the front boundary of the property to the satisfaction of Council's Parks and Gardens and Planning Services (PG/PS).**
- f) **Front walls and fences within the primary street setback area to be visually permeable 1.2m above natural ground level (PS).**

PRIOR TO ISSUE OF BUILDING LICENCE

- g) Detailed plans and specifications relating to the disposal of stormwater for the development being submitted and approved by Council's Engineering Services (ES).**
- h) All vehicle crossings to be designed and constructed to the satisfaction and specification of Council's Engineering Services (ES).**
- i) On site parking to be provided, totaling 20 car parking spaces (PS).**
- j) Car parking bays to be minimum of 5.4m x 3.0m; constructed, drained and sealed; to be line marked and served by a paved access way, with a minimum width of 5.8 metres in accordance with Appendix 8 of Council's Town Planning Scheme No.5 and to the satisfaction of Council's Engineering Services (ES).**

DURING CONSTRUCTION

- k) 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).**
- l) 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).**
- m) An approved effluent disposal system to be installed to the satisfaction of Council's Environmental Health Services and/or the Health Department of Western Australia (EHS).**

USE OF DEVELOPMENT

- n) **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).**
- o) **Appropriate dust suppression measures being taken at all times where any operation on the site is likely to generate a dust nuisance to nearby residents to the satisfaction of Council's Engineering Services and Environmental Health Services (ES/EHS).**
- p) **No accommodation is permitted in the building without further approval from Council.**

ADVICE TO DEVELOPER

- q) **A Building Licence to be issued prior to the commencement of any on site works (BS).**
- r) **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.**
- s) **Approval from the Water Corporation is required prior to the establishment of any land use, which involves the storage, or use of any chemical, petroleum or other substance or any process, which is capable of producing any waste or discharge.**
- t) **Where petrol, benzene or other inflammable or explosive, or grease, oil or greasy/oily matter which is likely to be discharged, a sealed wash down area and a petrol and oil trap to be installed and to be connected to either an approved leach drain or to the sewer, with the Water Corporation's approval.**
- u) **Footpath deposits, kerb deposits, and crossover specifications and policies to be to the satisfaction of Council's Manager Engineering Services.**
- v) **The developer and/or operator are advised that the operations must be conducted in accordance with the Environmental Protection (Unauthorised Discharges) Regulations 2004.**

CARRIED 6/0

6.41 pm Cr S F Sear re-entered the room and assumed his chair.

6.41 pm Mayor advised Cr S F Sear of Council decisions.

ATTACHMENT TO AGENDA ITEM 11.2.2.7



11.2.3 Arts, Recreation and Community Activities**11.2.3.1 JD Hardie Centre Recommendation (File No.: 26/05/0012)**

Officer Bec Coxall
Sports and Recreation
Officer

Date of Report 10 April 2006

Disclosure of Interest by Officer Nil

Summary

In order to call tenders for the management of the JD Hardie Centre a draft management agreement needs to be prepared. The matter is being considered by the JD Hardie Centre Working Group, but without Council authorisation to proceed the tender process will be delayed.

Background

The JD Hardie Centre is currently under a management agreement with the YMCA Inc and is utilised primarily as a user pays premise (as part of Council's agreement). The YMCA manages all sports programmes and competitions plus a fitness centre. As the agreement with the YMCA has currently expired, the Town of Port Hedland will be required to either call tenders or manage the facility in its own right, as soon as possible. There is some urgency as Council is currently in breach of its statutory obligations because the cost of managing the facility exceeds the amount at which Council is required to call tenders.

At the Ordinary Council Meeting on 22nd February 2006, Council resolved in part to "... 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 ..."

The working group has met twice, with four options being discussed and researched. These options were:

Option 1:

Refurbish the JDH as the primary recreational facility for Town of Port Hedland community members (currently being utilised primarily in this manner) and create a new youth centre near the town hub

Option 2:

Use the existing building as a Youth and/or drop-in centre with an emphasis on 'at risk' youth, but available for all youth, and create a new multi-purpose recreational facility in a central location

Option 3:

Re-develop the JDH as a multi-purpose facility for both youth services and recreation

Option 4:

Use the JDH and the surrounds for a different purpose – outsource/sell/lease etc (however area is vested as a recreational reserve) and create either two separate recreation and youth facilities, or a joint facility in a more central location.

The JD Hardie Centre is currently utilised primarily as the central recreation facility in Port Hedland for organised sport. As part of Council's Strategic Plan, a study will be undertaken for the feasibility and development of a new multi-purpose sports facility within Port Hedland. This sports facility will most likely house the majority of organised sport, however in the meantime, the JD Hardie Centre will need to remain as the facility for these programmes, so the community still has access to appropriate services.

For the facility to be utilised as a joint service, both user-pays and free youth facilities will need to be provided. These activities will need be timetabled to effectively utilise the facility.

Within Hedland, the Youth Involvement Council (YIC) has funding to provide a service for "at risk youth". It is therefore imperative not to duplicate these services already offered, and also to engage all youth within the community, including those that do not necessarily fall into the 'at risk youth' bracket. It is also important to engage those that may not choose to be involved in team / structured activities.

Research has indicated that youth are most likely to utilise a service that is semi-structured, where they feel safe and where they can make their own decisions to attend. Any change that is to occur at the JD Hardie Centre needs to be planned for the long term, and the Working Group has been considering the future of Hedland and the youth in their discussions.

The agreed position of the working group is that the JD Hardie Centre continues to operate as the primary recreational facility for organised sport in Hedland, whilst incorporating semi-structured

activities and services for those less than 18 years of age (Option 2).

The Working Group suggested that other agencies be involved in terms of representatives being on premises so that services can be accessed by all youth – providing a central location for all services. Not only will this allow youth to have a central location for accessible services, it reduces the staff levels need from a contractor point of view for unstructured supervision needs.

To utilise the JD Hardie Centre in this way, require the development of a new management agreement and fee structure that is markedly different from that which is currently in use.

Consultation

A survey was developed and distributed via the primary schools, high school and other organisations to ensure a broad range of youth were consulted in the process of determining the services that are sought after by this age bracket. These results were then taken to the Working Group party to discuss the most preferred options and to make recommendations to Council. At the time of this agenda item, more than 50% of the distributed surveys had been returned (300 were directly given to the youth).

The YMCA has also been consulted for their knowledge and background of managing sports facilities. The Youth Involvement Council has representatives on the Working Group, and can therefore also give their input to the recommendations to Council

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 3 – Community Development

Goal 2 – Sports and Leisure

Strategy 1: Review the services provision and management model and the JD Hardie Recreation Centre and implement Council's preferred direction.

Budget Implications

Nil

Officer's Comment

While the JD Hardie Centre Working Group has not concluded its deliberation, there is broad consensus on a preferred direction, which will allow staff to develop a scope of works, the outline of an agreement and tender documents to call tenders for the management of the centre. (Including the provision of an in-house bid).

If the process can proceed on the basis of consultation with the working group without reference back to Council before tenders are invited, it will be possible to have a new management agreement in place by July 2006.

Officer's Recommendation

That:

- i) Council invite tenders for the Management of the JD Hardie Centre;
- ii) tender documents reflect the agreed position of the JD Hardie Centre Working Group. Namely that the JD Hardie Centre continues to operate as the primary recreational facility for organised sport in Hedland (until the completion of a replacement facility), whilst incorporating semi-structured activities and services for those less than 18 years of age;
- iii) in preparing the tender documents, staff continue to consult with the JD Hardie Centre Working Group; and
- iv) the tender process include the submission of an in-house bid for management of the JD Hardie Centre.

NOTE : SIMPLE MAJORITY VOTE REQUIRED

200506/371 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G D Bussell

That Item 11.2.3.1 J D Hardie Centre Recommendation be referred back to the JD Hardie Centre Working Group for their further consideration.

CARRIED 7/0

REASON: Council wished the JD Hardie Centre Working Group to advise a recommendation on the Tender to Council.

- 6.44 pm Cr G J Daccache declared an interest in Agenda Item 11.2.3.2 'Finalisation of Arts, Heritage and Culture Alliance ('The Alliance') Agreement Between BHP Billiton Iron Ore and Councilor Cr G J Daccache is an employee of BHPB & owns BHPB shares.
- 6.45 pm Cr G J Daccache left the room.

11.2.3.2 *Finalisation of Arts, Heritage and Culture Alliance ('The Alliance') Agreement Between BHP Billiton Iron Ore and Council (File No.: .../...)*

Officer Claire Roberts
Events Coordinator

Date of Report 8 April 2006

Disclosure of Interest by Officer Nil

Summary

The final details of the Arts Alliance Agreement between BHP Billiton Iron Ore and Town of Port Hedland are currently being finalised. The agreement will require signatures/seals from the two parties to be formalised.

Background

Since 1998, the Town of Port Hedland and BHP Billiton Iron Ore have undertaken extensive community consultation regarding the formation of a strong arts, culture and heritage focus in Port Hedland.

In response to the community needs identified in this process, a partnership between BHP Billiton Iron Ore and the Town of Port Hedland has been developed, known as the Arts, Heritage and Culture Alliance ('The Alliance').

The intent of the Alliance is to sustain the three key facilities of the Town of Port Hedland (the Matt Dann Cultural Centre, the libraries, and the Courthouse Gallery and Arts Centre), and to develop further the current activity of the arts community in the visual, literary and performing arts fields.

From this, the following focus areas have been proposed:

-
- Appointment of an Events Coordinator by the Town of Port Hedland
- Expenditure on significant events that hold an arts, heritage and culture focus
- Development of a grants program allowing small quick-response and one-off funds for arts, culture and heritage organisations
- Capital expenditure on arts, culture and heritage
- Introduction of a skills development program for arts, culture and heritage organisations
- BHP Iron Ore Billiton has provided \$1.2 million dollars towards the achievement of these objectives.

- Some of these funds have been distributed, with the remaining to be allocated in coming years according to the attached table.

A committee will be formed to administer the grants program and advise on the progress of The Alliance Agreement. This committee will consist of two representatives from the Town of Port Hedland (including the Events Coordinator), two representatives from BHP Billiton Iron Ore and three representatives from the community representing arts, culture and heritage. This will protect the Alliance from being administered in favour of any particular interest group.

At present the fine details of the Arts Alliance Agreement are being finalised. The agreement will then need to be signed by Town of Port Hedland and BHP Billiton Iron Ore.

Consultation

-
- BHP Billiton Iron Ore
- Community members from the areas of arts, culture and heritage

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 2 – Community Pride

Goal 2 – Events

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

Strategy 4: Develop skills of community groups through a targeted training programs and information sessions

Key Result Area 3 – Community Development

Goal 7 – Arts and Culture

Strategy 1: Review the Town's Cultural Plan and implement appropriate strategies

Budget Implications

The value of the Alliance funding is \$1.2 million over three years

Officer's Comment

The establishment of a committee to administer the grants program and advise on the progress of The Alliance Agreement will ensure that funds allocated through the grant program will be distributed according to community needs. It will also allow for transparency in the decision making process and ensure that the focus on arts, culture and heritage is maintained.

The structure of the committee will ensure that there is no disproportionate representation or influence from special interest groups on the decision making process.

Given the time period that has lapsed since this process was initiated and the high community expectation that the Arts Alliance be implemented it is essential that the agreement be signed in the immediate future. This will provide access to the funds so that the specified projects can be undertaken.

Officer's Recommendation

That the Mayor and CEO be authorised to sign the finalised Arts Alliance Agreement with BHP Billiton Iron Ore on behalf of the Town of Port Hedland

200506/372 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That the Arts Alliance Agreement with BHP Billiton Iron Ore and the Town of Port Hedland

- i) be circulated to Councillors for review, and**
- ii) if no objection is received from any Councillor within three (3) days, the Mayor and CEO be authorised to sign and affixed the common seal to the Arts Alliance Agreement with BHP Billiton Iron Ore.**

CARRIED 6/0

REASON: Council wished to peruse a copy of the Agreement before authorizing the signing of the document.

6.50 pm Cr G J Daccache re-entered the room and assumed his chair.

6.50 pm Mayor advised Cr G J Daccache of Council decision.

ATTACHMENT TO AGENDA ITEM 11.2.3.2

Proposed Alliance funding Schedule

REVISED AS OF 11 APRIL

	2005/2006	2006/2007	2007/2008	2008/2009	Not determined	Total
Facilities	150 000	150 000	150 000			450 000
Events Coordinator	50 000	70 000	70 000	20 000		210 000
Events	5 000	80 000	80 000	35 000		200 000
Grants		30 000	30 000	20 000		80 000
Capital						240 000
Skills		10 000	10 000			20 000
Total						1200 000

11.2.3.3 *Request by Pilbara Music Festival Committee to Waive Bond (File No.: ART-005)*

Officer John Cornelder
Manager Arts,
Recreation and
Community Activities

Date of Report 5 April 2006

Disclosure of Interest by Officer Nil

Summary

A request has been received by the organizing Committee of the Pilbara Music Festival for Council to waive the bond for their concerts both for the Pilbara Music Festival in September as well as the usual Christmas Concert.

Background

Council is the official Patron of the Pilbara Music Festival, and as such has a specific policy supporting this event.

Policies 2005, adopted by Council on 25.01.2006 refers to the Pilbara Music Festival as follows in Policy 7/003 "Community Cultural Celebrations and Events":

Event	Organising Agency	Council Support
Choir Festival Concert	Pilbara Music Festival	Use of Matt Dann Centre at no cost
Pilbara Music Festival	Pilbara Music Festival	- Event Patron - Use of Gratwick Hall, Training Room, Council Chamber and Matt Dann Centre at no cost - Access to council photocopier and fax machine at no cost - Rehearsal access to grand pianos at no cost - 2 Gold Award Prizes
Family Variety and Christmas and Easter Concerts	Pilbara Music Festival	- Use of Gratwick Hall, the Courthouse and Matt Dann at no cost - Access to council photocopier and fax machine at no cost

The policy does not mention a waiver of a bond, as required in Council's schedule of Fees and Charges. It can, however, be understood that by using the words "at no cost" implies that such costs have been waived.

The applicable bonds are as follows:

- Courthouse Arts Centre and Gallery \$100
- Matt Dann Cultural Centre (no alcohol) \$110
- Gratwick Hall \$250

Consultation

Pilbara Music Festival Committee
Director Corporate Services

Statutory Implications

Nil

Policy Implications

Policy 7/003 "Community Cultural Celebrations and Events".
(quoted above)

Strategic Planning Implications

Key Result Area 2:"Community Pride"

Goal 2 "Events" : That the Town annually hosts a series of well attended community events

Strategy 1: "Actively support the development and operation of community events"

Budget Implications

The bond is refundable after any event at which the venue is left undamaged and in good order. The bond would however be applied towards the cost of repairs in the event of any damage occurring.

Officer's Comment

The Pilbara Music Festival is an annual event, taking place on Easter, in September, and at Christmas.

It is extremely well received by the community and contributes to the cultural life and vitality of the region. In the past there has never been any suggestion or circumstance, which caused any bond not to be refunded. In fact anecdotal reports indicate that the used venues are often left in a better condition than how they were found.

Despite these merits, it must be noted that standard hire and bond 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 (including not-for-profit groups) who wish to hire Council facilities.

The request for exemption of bond monies refer to 3 different venues:

- Gratwick Hall;
- Matt Dann Cultural Centre; and
- Courthouse Arts Centre and Gallery.

The options available to Council are:

1. That Council waive Bond monies associated with the use “at no cost” of the Gratwick Hall, The Matt Dann Cultural Centre, and the Courthouse Arts Centre and Gallery.
2. That Council does not waive the Bond Fees for the Gratwick Hall, The Matt Dann Cultural Centre and Courthouse Arts Centre and Gallery, as requested by the Pilbara Music Festival Committee.

Option 2 is not consistent with the position Council took at its Ordinary Meeting held 22 February 2006, when it resolved that “100% exemption of payment of bond payable by Soroptimist International Port Hedland for its Women’s Day sunset function”.

It is important however, that Council adopt a consistent position, which promotes the responsible use of Council properties. To this end the lodgement of refundable bonds is important. The matter is however entirely a matter for Council deliberation.

200506/373 Council Decision/Officer’s Recommendation

Moved: Cr A A Carter

Seconded: Cr G D Bussell

That Council does not waive the Bond Fees for the Pilbara Music Festival Committee for use of the Gratwick Hall, the Matt Dann Cultural Centre and the Courthouse Arts Centre and Gallery.

CARRIED 7/0

11.2.3.4 Request to Waive Fees Associated With Set-up and Pack-up for Hedland Senior High School Senior Ball (File No.: BLD-044)

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 21 April 2006

Disclosure of Interest by Officer Nil

Summary

Hedland Senior High School is holding their annual Senior Ball on Saturday 6 May 2006 at Gratwick Hall. They have paid the applicable hall hire fees, but are requesting a waiver of particular fees for the set-up and pack-up of the event.

Background

The Chairperson of the Hedland Senior High School Ball Committee has written to the Council and then had further discussion with the Events Coordinator with the following request:

- Waive the hire fees of Gratwick Hall for setting up (Saturday 6 May 2006), and the morning of Sunday 7 May 2006 (Cleaning)

This request has been made with the following explanations:

- Hedland Senior High School needs time to set-up and clean up the event aside from the time already booked
- Students have fundraised extensively for the event, and have borrowed money from the school, however it appears they will fall short of their fund raising target

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 \$385.

The fees from which the Hedland Senior High School Ball Committee are seeking exemption are:

Saturday Hire	\$275.00
Sunday Morning (2 hrs)	\$110.00

Officer's Comment

The Hedland Senior High School Ball is the highlight of the Hedland Senior High School social calendar, and is highly anticipated by staff and students alike. It is a unique event for the students that is not replicated in Port Hedland.

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

The ball committee has undertaken extensive fundraising efforts in the lead-up to the ball, with the full intention to cover all costs. Despite this, they have been unable to reach their target, which has resulted in this request. They have been able to pay for the hire of the hall for the actual event.

Presently there are no bookings on the day of Saturday 6 May or Sunday 7 May 2006. As such, no other community group or business will be inconvenienced at this point in time if the hall is used by the high school.

The ball generates business in the town, as students spend a lot of money locally in preparation for the night.

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 and schools.

Council has two options:

1. Waive fees for the set-up and cleaning of the Hedland Senior High School Senior Ball; or
2. Require the Hedland Senior High School Senior Ball Committee to pay for the hire of Gratwick Hall for the day of Saturday 6 May and for two hours on Sunday 7 May 2006.

200506/374 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That the Hedland Senior High School Ball Committee be required to pay the fees applicable for the hire of Gratwick Hall for the annual Hedland Senior High School Ball to be held on Saturday 6 May 2006.

CARRIED 7/0

11.2.3.5 Recreation Facilities Working Group (File No: 26/07/0005)

Officer Bec Coxall
Sports and Recreation
Officer

Date of Report 21 April 2006

Disclosure of Interest by Officer Nil

Summary

Potential locations of the future skate parks in Port and South Hedland have been identified and presented to the community by the Recreation Facilities Working Group. Recommendations from the group are presented for Council's consideration

Background

At the Ordinary Council Meeting held on 22 February 2006 it was resolved 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."*

The initial meeting of the Recreation Facilities Working Group (RFGW) identified two potential locations to present to the community for the new skate park in South Hedland, namely the:

- JD Hardie Centre - Cottier Drive
- South Hedland Shopping Centre - Throssell Road

An existing skate park is presently located at the South Hedland Shopping Centre, however, previous consultation within the community has identified that the skate park needs to be upgraded to provide a safer facility for all users.

The RFGW identified three potential locations to present to the community for the Port Hedland skate park, namely:

- Colin Matheson Oval
- Near the Scout Hall
- Near the Hockey/Soccer/Rugby Oval (near Trembath Street).

Consultation

The RFGW consisted of representatives from both Port and South Hedland sporting bodies, and any interested community members, to provide a community and recreation perspective on the recommendations.

Other consultation undertaken for the skate park's location were as follows:

South Hedland Skate Park

- Tenants from the South Hedland Shopping Centre were questioned regarding the effect of a skate park at the Shopping Centre, and whether they preferred the facility to be relocated to the JD Hardie Centre or remain at its current location;
- Centre Management of the South Hedland Shopping Centre regarding potential issues with the location of the current skate park, and any potential redevelopments that may be occurring at the Shopping Centre that may have impacted upon a new skate park;
- Youth from a broad age range from all Primary and High School's within Port and South Hedland; and
- The youth from the Youth Involvement Council.

Port Hedland Skate Park

- Youth from all Primary and High School's within Port and South Hedland;

- Sport and recreation organisations/associations that utilise any of the three potential locations were consulted for the effects that a skate park may have on their sport, and if they had preferences for a particular location.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 3 – Community Development

Goal 2 – Youth and Children

Strategy 1: Review the provision and location of Skate Ramps and Motorbike facilities.

Budget Implications

Nil

Officer's Comment

Approximately 300 surveys were distributed to the youth of the Port and South Hedland, with 141 having been returned (by 21 April 2006).

South Hedland Skate Park:

The results indicated that of all respondents, 50% wanted the skate park to remain in the current location at the South Hedland Shopping Centre, whilst the other 50% wanted it relocated to the JD Hardie Centre. However, it is important to note that Hedland Senior High School have not yet returned their surveys, and will likely be strongly in favour of the current location based on anecdotal evidence.

Most verbal consultation with both youth and other community members has indicated that the Shopping Centre is the preferred location for the skate park.

A South Hedland location analysis was undertaken and presented to the RFWG in regards to the new skate park location with the following terms of reference:

- Proximity to Main Road
- Proximity to Residents
- Supervision
- Access to park by Users

- Access to Toilets
- Proximity to Schools

The South Hedland Shopping Centre was the preferred location in this analysis.

Of the 28 tenants at the South Hedland Shopping Centre, 21 were questioned in regards to the location of the current skate park, with 14 of that 21 preferring the skate park to remain at the Shopping Centre, and 7 preferring the skate park to move to the JD Hardie Centre. The Management at the South Hedland Shopping Centre indicated that there have been no shopper complaints in regards to the location of the skate park, and that future redevelopment will not impact upon a new skate park.

The RFWG therefore identified the South Hedland Shopping Centre as the preferred location within South Hedland.

Port Hedland Skate Park:

None of the sporting organisations questioned in regards to a skate park in Port Hedland were concerned with a skate park located at any of the three locations identified, and indicated that there would not be an impact on their sport should the reserve they utilise be selected for the skate park.

A location analysis was also undertaken for the area, with the aforementioned terms of reference. The Scout Hall was the preferred location in this analysis.

The RFWG, after discussion, therefore selected the area near the Scout Hall as the preferred location for the skate park in Port Hedland.

200506/375 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That:

- i) the site for development of a South Hedland Skate park be the existing site and adjoining drainage reserve, adjacent to the South Hedland Shopping Centre on Throssell Road, South Hedland; and**
- ii) the site for development of a Port Hedland Skate park is land adjacent to the Scout Hall on McGregor Street, Port Hedland.**

CARRIED 7/0

11.2.4 Environmental Health Services**11.2.4.1 Application for Temporary Accommodation - Port Hedland Turf Club Inc. (File No.:LEG-017/LSE-072)**

Officer Laura Tucker
Acting Senior
Environmental Health
Officer

Date of Report 3 April 2006

Disclosure of Interest by Officer Nil

Summary

The Port Hedland Turf Club has applied for a temporary accommodation permit for the Port Hedland Turf Club from 14 April 2006 to 31 August 2006.

Background

An application has been received by Council from the Port Hedland Turf Club in relation to temporary accommodation on Lot 1607 McGregor Street, Port Hedland. The application is for a caretaker to reside in a caravan for the period 14 April 2006 to 31 August 2006. Given that in previous racing seasons trainers generally stay with their horses further discussion was held with the Turf Club and it was agreed to amend the application to accommodate up to a maximum of 12 persons.

At the Ordinary Council Meeting held on 23 March 2005, Council resolved the following:

“That a Temporary Licence be granted to the Port Hedland Turf Club Inc. for the period from the 18 April 2005 to the 18 August 2005 on Lot 2915 McGregor Street, Port Hedland upon the payment of the minimum fee of \$100.00 as set out in item 3 of schedule 3 of the Caravan Parks and Camping Grounds 1997 and subject to the following conditions;

- i) the temporary licence is for the accommodation of:
 - a) a caretaker van; and*
 - b) a maximum of five (5) additional vans, units camps or the like which must be occupied by trainers or strappers for which horses have been stabled at Lot 2915 McGregor Street, Port Hedland;**
- ii) no dogs are to be kept on the reserve;*

- iii) *applicable power, water and waste charges as determined by the Recreational Services Officer are paid;*
- iii) *the area where the caravans are located i.e.: adjacent to the stables is maintained in a clean and tidy state; and*
- iv) *a maximum of twelve persons are to be accommodated at the temporary site.”*

Consultation

Town Planning

No Planning Application has been sought, as the proposed use is consistent with the purpose of the reserve.

Statutory Implications

Caravan Parks and Camping Grounds Regulations 1997

Regulation 11(2) states:

- “(2) *Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
 - (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
 - (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or ...”*

Regulation 54 states:

- “54. *Temporary licence*
A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence. ...
 - (2) *A local government is to endorse on a temporary licence or a facility as conditions of the licence —*
 - (a) *the maximum number of sites that may be used at the facility;*
 - (b) *the maximum number of sites of particular types that may be used at the facility; and*
 - (c) *the services and facilities that are to be provided.”*

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Minimum licence fee for a Temporary Licence of \$100, as specified under Item 3 of Schedule 3 of the Regulations to be deposited into account 702329 – Licences Caravan Parks, subject to approval been granted.

Officer's Comment

Given the nature of the racing industry the trainers and caretakers of the horses prefer to be accommodated with their horses.

Under Regulation 11 of the Caravan Parks and Camping Grounds Regulations 1997 approval must be obtained from the Local Government or the Minister, if the required period is greater than three (3) months, to camp in an area other than a caravan park.

The Department of Local Government and Regional Development advises that the Minister will only grant Ministerial Approval under Regulation 11(2) on a very limited basis and only once in exceptional circumstances. The DLGRD recommends that where a Local Government is aware of regular events, such as the North West Turf Racing event, that they utilise the powers granted to them under Regulation 54 to grant a 'Temporary Licence' and set strict conditions on the licence.

Environmental Health Services have no objection to the proposal as the current facilities on the site are adequate. Furthermore, no complaints have been received from the community in relation to previous licences issued for temporary accommodation.

200506/376 Council Decision/Officer's Recommendation**Moved:** Cr G J Daccache**Seconded:** Cr A A Gear

That a temporary licence be granted to the Port Hedland Turf Club for the period from 27 April 2006 to 31 August 2006 on Lot 1607 McGregor Street, Port Hedland upon the payment of the minimum fee of \$100 as set out in Item 3 of Schedule 3 of the *Caravan Parks and Camping Ground Regulations 1997* and subject to the following conditions:

- i) **The temporary licence is for the accommodation of:**
 - a) **A caretaker van; and**
 - b) **A maximum of five (5) additional vans, unit camps or the like which must be occupied by trainers or strappers for which horses have been stabled at Lot 1607 McGregor Street, Port Hedland;**
- ii) **The above mentioned vans must be located in an approved location, as to the satisfaction of Council's Environmental Health Services;**
- iii) **no accommodation is permitted in sheds on the site;**
- iv) **a maximum of twelve (12) persons are to be accommodated on the site;**
- v) **all ablution facilities are to be in a clean and maintained state, to the satisfaction of Council's Environmental Health Services, prior to occupation of the site and during the licence period;**
- vi) **no dogs are to be kept on the reserve;**
- vii) **applicable power, water and waste charges as determined by Council's Sports and Recreation Officer are paid;**
- viii) **the area where the caravans are located, i.e. adjacent to the stables, is to be maintained in a clean and tidy state; and**
- ix) **no fires are to be ignited without a permit issued under the *Bush Fires Act 1954*.**

CARRIED 7/0

11.2.5 Ranger Services**11.2.5.1 Request to Waive of Fees – Impounded Vehicle (File No.: ...-...)**

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 11 April 2006

Disclosure of Interest by Officer Nil

Summary

Council has been approached by an officer of the Department of Indigenous Affairs seeking a waiver of fees levied in respect of the towing and impounding of a vehicle, which was owned by his client.

Background

In the last quarter of 2005 Council and a number of government agencies worked together to effect the removal of several illegal camps that had been built in the Two Mile area adjacent to the South Hedland town site. The programme was a success and all residents of the camps were ultimately relocated to more suitable housing with family or in Homeswest accommodation.

While the informal partnership with the agencies was very effective in enabling a smooth transition to more suitable housing, there were a couple of minor difficulties experienced in meeting the needs of the agencies involved.

In seeking to have the last campsite cleared before the end of the year, a small Hino bus, registration (Victorian) RQV - was impounded which belonged to the occupier of the camp, and contained some of his effects. The occupant had a belief that he would have more time to remove the vehicle before it would be impounded.

Statutory Implications

Local Government Act 1995 Clause 6.12 states in part

*“...a local government may -
(b) waive or grant concessions in relation to any amount of money
Which is owed to the local government”*

Policy Implications

There are no policy implications

Strategic Planning Implications

KRA 6 – Governance

Goal 4 Traditional Owners and Aboriginal People

Strategy 4 “Work with relevant agencies to implement an appropriate action plan to address aboriginal community visitors”.

Budget Implications

The total value of fees to be waived is \$385.00 . The potential return from disposal of the vehicle is likely to be less than the disposal costs.

Officer’s Comment

The Hino bus was impounded in accordance with standard council procedure, however it must be acknowledged that the owner was dealing primarily with the Department of Indigenous Affairs at the time and with his limited communication skills and the deficiencies of the informal partnership between the agencies it is likely he did have an honest but mistaken belief that he would be allowed more time to remove the vehicle before it would be impounded. There can be little doubt this mistaken belief arose in part from the less than perfect communication between agencies.

It is also important to note that waiving the fees will assist in strengthening the partnership between agencies, as it will assist in the Department of Indigenous Affairs’ dealings with one of their clients.

In the interests of presenting a seamless multi agency approach to this problem it is recommended that Council waive the fees relating to towing and impounding of the Hino bus, Registration Number RQV – 443, provided it is collected prior to 30 June 2006

200506/377 Council Decision/Officer’s Recommendation

Moved: Cr A A Gear

Seconded: Cr A A Carter

That Council waive the fees relating to towing and impounding of the Hino bus, Registration Number RQV – 443, provided it is collected prior to 30 June 2006

CARRIED 7/0

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

Officer Grant Logie
Director Engineering
Services

Date of Report 11 April 2006

Disclosure of Interest by Officer Nil

Summary

For Council's Information.

Background

Engineering Services monthly report to Council.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment***Engineering Services Works***

PROJECT	STATUS
South Hedland Cemetery Upgrade	Designs presented to Council for comment. Designs presented to community for comment.
Playgrounds	New playground equipment (including rubber softfall) ordered for South Hedland Aquatic Centre and Shay Gap Park. Expected to be installed mid May.
Bus Shelter Relocations	Designs completed to Main Roads WA Standards for bus bay relocations on Cooke Point Drive. Positive comments received from Hedland Bus Lines.
Concessional Loading Scheme	MRWA notified ES of one application for the Concessional Loading Scheme in Wedgefield LIA and Gilbert Road: Highrock Contracting (no objections)
Black Spot Funding	Mark Taylor of Taurus Designs has been commissioned to complete design work for Throssell road, North Circular/Murdoch roads and North Circular/Hamilton road. MakJap to complete survey plans.
Roads to Recovery Funding	Work has commenced on the upgrade of Boat Ramp Road (Finucane Island) Drainage works have commenced.
South Hedland Skate Park	Concept design completed and distributed for comments.
Sutherland Street	Work has commenced on the footpath upgrade, partially complete.

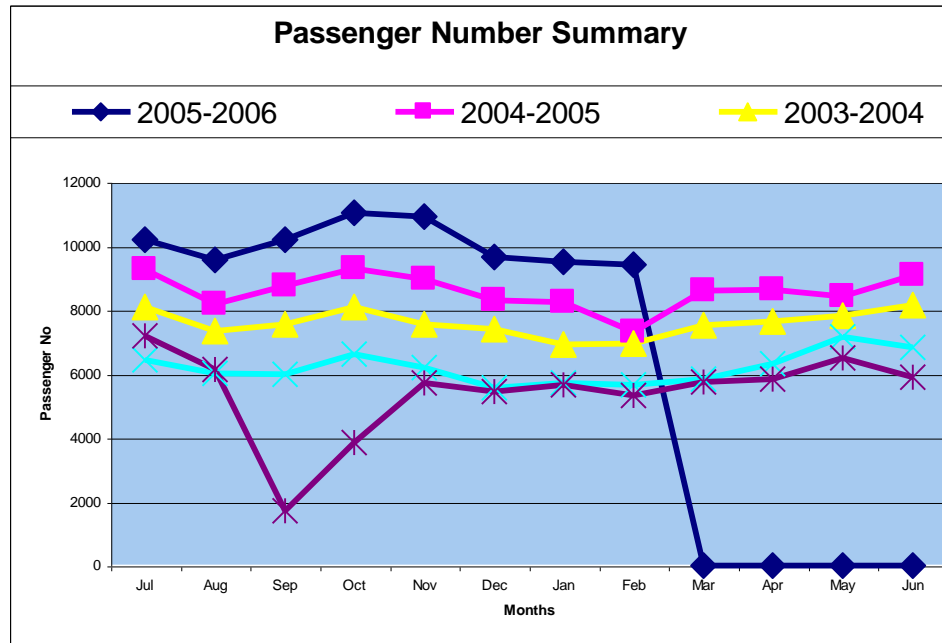
Footpath Upgrade	Awaiting relocation of pipe by Water Corp. Crash Barrier has been ordered.
Regional Road Group Funding	Materials for the road safety barrier on Hamilton Road have been received, awaiting contractor to install.
Landfill	Detail Site Survey has been completed and submitted to Harold McKenzie to complete the Strategic Waste Management Plan.
Walkway Lighting	05/06 Walkway Lighting Upgrade Program in South Hedland is complete. Engineering services to remove previous lighting.
Litter Collection	Council staff are carrying out Litter Collection. A review is scheduled.
Sutherland Street Foreshore	Dune restoration works are underway. Materials for fencing replacement received, work has commenced.
Goode Street Foreshore	Materials have been ordered for fencing replacement, awaiting delivery. Some walkways have been closed due to extensive erosion caused by Cyclones.
Kerbing Construction	Kerbing construction works partially complete. Contractors returning in May to complete 05/06 Program.
Footpath Construction	Footpath construction partially completed on Sutherland Street, Anderson Street. Richardson Street footpath is complete. Contractors to complete 05/06 program after the Easter break.
Bell Street/LIA	Work has commenced & 50% of work has been completed to date. Work delayed due to rain.
Yandeyarra & Woodstock Road	Road opening works completed however extensive damage caused by flooding has caused works crews to revisit the areas. Further rain will necessitate further work.
Pinnacle Street	Drainage works still underway, awaiting materials. Delayed due to rain.
Drainage Construction	Survey completed and design work commenced for drainage construction on Anderson Street.
Heritage Trail	Tenders were awarded and work has commenced on the upgrade of the Heritage Trail signage (Port Hedland Enhancement Scheme project). The project includes the removal of existing trail signage and the supply and manufacture of stainless steel plaques for the new signage.
Graffiti Management	Equipment ordered for the management & reporting of graffiti as per Graffiti Vandalism Grant. Equipment will also be used to report faults in infrastructure
5 Year Programming	Commencement of programming future works for road construction, drainage construction, footpath construction, kerbing maintenance, road reseals, street and walkway lighting and playgroup equipment replacement.

Parks and Gardens

Ovals Maintenance	Verti-mowing and decompaction of ovals. Preparation of Port Hedland Oval for races has commenced.
Slashing	Slashing currently being undertaken at Port Hedland vacant blocks and South Hedland Schools.

Port Hedland International Airport

Passenger Number Summary



Passenger numbers for February remained strong rather than dipping, as was the case last year. The January publication of Airport Statistics from BTRE has, following lobbying by the PHIA, Port Hedland recorded in this publication for the first time. In the calendar year to January 2005 Port Hedland-Perth rated at #48 in Australia in passenger numbers at 104,400 or 13.9% over the previous period. Our figures show 111,874.

The difference between BTRE and our figures is as a result of PHIA adding International, Children pax as well as rounding of Statistics. Our Pax figures for January 2006- 9,500.

Skywest pax numbers continue to decline since July 2005.

Information source BTRE January 2006

Route	Ranking In Aust	Pax Numbers	Available Seats	Load Factors	Aircraft Movements
Port Hedland-Perth	47	8,700	15,400	56.6	141
Karratha- Perth	31	20,000	30,000	66.3	252
Kalgoorlie-Perth	35	13,900	25,100	52.1	234
Broome-Perth	33	13,000	20,700	67.3	180

Significant Aircraft Movements

- Qantaslink B717 overnigher due break down 9th March
- Skippers Aviation Brasilia divert due rain at Shay Gap 14th March
- WA Government Citation with Minister of Housing 14th March

- International Air Monarch B737-200 to/from Singapore with freight 15th March
- International Medivac flight Falcon 20 to/from Jakarta 18th – 19th March
- International departure of HS 748 to Maldives 21st March

200506/378 Council Decision/Officer's Recommendation

Moved: Cr A A Gear

Seconded: Cr G J Daccache

That Council receives Engineering Services Report for March 2006.

CARRIED 7/0

11.3.1.2 *Tender 06/02 One (1) Steel Drum Vibrating Combination Roller (File No.: 23/08/0001)*

Officer Grant Logie
Director Engineering
Services

Date of Report 10 April 2006

Disclosure of Interest by Officer Nil

Summary

Tenders were recently called for the supply and delivery of one (1) Steel Drum Vibrating Combination Roller.

Background

A Steel Drum Vibrating Combination Roller will be used for a variety of applications including rolling sections of the airport runaway as required. Engineering Services will also use the combination roller to complete unsealed road and shoulder maintenance, road construction projects and other infrastructure construction and maintenance projects that are identified in Council's Strategic Plan.

Tenders were received from one (1) Tenderer, TJ & FL Pohner Pty Ltd, as per Table 1 below:

Table 1:

Tenderer	Description	Price
TJ & FL Pohner PTY Ltd	Pohner Engineering multi-wheeled smooth drum combination roller as per tender specifications	\$77,700.00
	Delivery	\$6363.64
Sub-Total		\$84,063.64
GST		\$8,406.36
Total		\$92,470.00

TJ & FL Pohner also provided a list of optional extras, which included:

- Sheeps foot attachment - \$9,900 (including GST)
- Manual hand pump - \$770 (including GST)
- Tyre puncture proof - \$660 per set (including GST)
- Tyre solid fill - \$3,850 per set (including GST)
- Spare wheel, carrier & winch - \$1,100 fitted to roller (including GST)

Consultation

Extensive research was carried out within the Engineering Department to determine the required functions and specifications

of a Steel Drum Vibrating Combination Roller, as detailed in the Tender Specifications.

Statutory Implications

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

Policy Implications

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

Strategic Planning Implications

Nil.

Budget Implications

Current General Ledger Account Number 1210440 Plant & Equipment - \$90,000

The total purchase amount is \$81,731 (+ GST) plus registration (refer Officer's Recommendations below). The tendered amount falls within our expected budget.

Officer's Comment

TJ & FL Pohlner's tendered price did not include registration and stamp duty due to the company being located in Victoria (as stated in completed Tender documents 'Areas of Non-conformance'). The Roller will have to be registered in Western Australia upon arrival. The reason for non-conformance is justified therefore it is determined that the tender submitted is conforming.

TJ & FL Pohlner has provided a list of several other Local Government Councils they have supplied with Vibrating Rollers.

Table 2 below indicates the evaluation criteria as per tender documentation:

Price	80%
Previous History (Reliability)	10%
Local Supplier Preference	10%
Total	100%

Table 3 below indicates the weighting applied to tenderers as per tender evaluation criteria:

Tenderer	Price (80%)	History (10%)	Local (10%)	Total (100%)
TJ & FL Pohlner	80%	5%	0%	85%

200506/379 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That:

- i) **Council award Tender 06-02 to TJ & FI Pohlner Pty Ltd for the following:**
 - a) **Supply and delivery of Steel Drum Vibrating Combination Roller - \$77,700; and**
 - b) **Supply and delivery of accessories being manual hand pump (\$700) and spare wheel, carrier and winch (\$1,000 fitter to roller);**

- ii) **Engineering Services to fulfill registration and stamp duty requirements upon equipments arrival in Western Australia. Stamp duty calculates to 3% of market value, \$2,331. Registration cannot be estimated until licensing inspection.**

for the total price \$81,731 (+ GST).

CARRIED 7/0

- 7.04 pm Director Corporate Services, Director Regulatory and Community Services and Director Engineering Services declared an interest in 11.3.1.3 Tender 06/03 Supply of New Vehicle(s) With or Without Trade In; and/or Purchase of Vehicle(s) for Disposal. Director Corporate Services, Director Regulatory and Community Services and Director Engineering Services are provided with the vehicles as part of their Employment Contract.
- 7.05 pm Director Corporate Services left the room.
- 7.05 pm Director Regulatory and Community Services left the room.
- 7.05 pm Director Engineering Services left the room.

11.3.1.3 *Tender 06/03 Supply of New Vehicle(s) With or Without Trade In; and/or Purchase of Vehicle(s) for Disposal (File No.: 23/08/0002)*

Officer Chris Adams
Chief Executive Officer

Date of Report 10 April 2006

Disclosure of Interest by Officer Nil

Summary

Tenders were recently called for the supply of new vehicles with or without trade in; and/or purchase of vehicles for disposal.

Background

Tenders were recently called for The Supply of new vehicle(s) with or without trade in; and or purchase of vehicle(s) for disposal. The vehicle prices include nominated accessory prices and all prices include GST with details of the nominated accessories provided in Table 1 below.

The tendered prices submitted are as described in Table 2 below, with the comparative weighting of the prices submitted described in Table 3.

Table 1

Town of Port Hedland Vehicle Reference →	VEL006 Director Engineering Services (DES)	VEL007 Director Community & Regulatory Services (DCRS)	VEL048 Director Corporate Services (DCS)
Model:	4x4	4x4	4x4
Body:	Wagon	Wagon	Wagon
Transmission:	5 speed Manual	5 speed Automatic	5 speed Automatic
Cylinders:	Four/Six	Four/Six	Four/Six
Fuel Type:	Diesel	Diesel	Diesel

Table 2

VEL006 - Director Engineering

Tenderer	Vehicle Type	Trade In vehicle	Trade in Value	New Supply Price	Changeover Value
Pilbara Motor Group	Prado GX Turbo - Manual	PH9080 - Toyota Camry Sportivo	22000	45233	23233
Landmark Hyundai	Hyundai Terracan CRDi Highlander-Auto	Not Submitted	Not Submitted	45520	

VEL007 - Director Community & Regulatory Services

Pilbara Motor Group	Prado GX Turbo - auto	PH9038 - Holden Berlina	17000	47697	30697
Landmark Hyundai	Hyundai Terracan CRDi Highlander-Auto	Not Submitted	Not Submitted	45520	

VEL048 - Director Corporate Services

Pilbara Motor Group	Prado GX Turbo - auto	1BGZ949	24000	47697	23697
Landmark Hyundai	Hyundai Terracan CRDi Highlander-Auto	Not Submitted	Not Submitted	45520	
Allison Jane Smith	Outright Purchase of Vehicle for Disposal	1BGZ949 - Landrover Discovery	16553	Not Submitted	Not Applicable

Staff Comment

Tender received by Landmark Hyundai was deemed non conforming due to the following documents not being received:

- Schedule A4 – Tender form 1
- Schedule A5 – Non Collusive Tender Declaration
- Schedule A6 – Statement of Conformance

In addition the tender by Landmark Hyundai did not conform to the specified requirements as stipulated in the tender documents in relation to one vehicle with a tendered price for Automatic being received and a manual being stipulated in the tender documents see Table 1.

The tendered vehicles from Pilbara Motor Group fully met the specified requirements as stipulated in the tender documents.

Item 6.1 of the General Conditions of Tendering state in relation to Non-conformance:

“At the discretion of Council an incomplete or improperly prepared Tender may constitute grounds for its rejection. However at the discretion of the Tender Evaluation personnel constituted for a specific tender, a Tenderer may

be requested to clarify a tender in any respect before final consideration provided that no variation to the Tender Sum offered. The Principal reserves the right to accept or reject a non-conforming tender irrespective of its price.”

Staff determined that the non conforming tender by Landmark Hyundai should be accepted as the areas of non-conformance were relatively minor.

Based on accepting tender documents from the three tenderers the following weighting for supply was prepared.

Table 3

VEL006 - Director Engineering

Weighting for Supply

Supplier	Price 80%	Previous History 10%	Local Supply 10%	Total
Pilbara Motor Group	80.00	10.00	10.00	100.00
Landmark Hyundai	79.50	0.00	10.00	89.50

VEL007 - Director Community & Regulatory Services

Weighting for Supply

Supplier	Price 80%	Previous History 10%	Local Supply 10%	Total
Pilbara Motor Group	76.35	10.00	10.00	96.35
Landmark Hyundai	80.00	0.00	10.00	90.00

VEL048 - Director Corporate Services

Weighting for Supply

Supplier	Price 80%	Previous History 10%	Local Supply 10%	Total
Pilbara Motor Group	76.35	10.00	10.00	96.35
Landmark Hyundai	80.00	0.00	10.00	90.00

Of the tenders received only Pilbara Motor Group included option to trade in vehicles nominated for disposal.

The Conditions of Tendering state under item 5.2

“The Principal subject to clause 7.1 point 6 of the General Conditions of Tendering:

The principal subject to clause 7.1 of the general conditions of tendering will consider an offer for the supply of a new vehicle with a trade in over the offer to supply of a new vehicle without a trade in where no suitable offer for outright purchase of a used vehicle was considered”

In addition to Pilbara Motor Group achieving the highest weighting as no offers for purchase of used vehicles were made this clause would deem that Pilbara Motor Groups tender be given preference.

Statutory Implications

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

Policy Implications

Procurement Policy 1/010

Strategic Planning Implications

Budget Implications

The total capital expense is \$140,627 with trade-in income totalling \$63,000.

Account	Income	Expense
406399	25,000	
406440		50,000
With savings identified in the following accounts for the shortfall.		
502399	30,000	
406440		77,053
1004397	5,000	
4004440		30,000
1208396	3,000	
Total	\$63,000	\$157,053

200506/380 Council Decision/Officer's Recommendation

Moved: Cr A A Gear

Seconded: Cr A A Carter

That:

- i) **various light fleet vehicles be purchased from Pilbara Motor Group in accordance with tender submitted:**

Vehicle Make & Model	Vehicle Price	Supplier
Prado GX Turbo - Manual	45,233	Pilbara Motor Group
Prado GX Turbo - Auto	47,697	Pilbara Motor Group
Prado GX Turbo - Auto	47,697	Pilbara Motor Group

- ii) **various light fleet vehicles be sold to Pilbara Motor Group in accordance with tender submitted:**

Vehicle	Plant Number	Price	Dealer
VEL-006	406271	17,000	Pilbara Motor Group
VEL-007	406272	24,000	Pilbara Motor Group
VEL-048	406273	22,000	Pilbara Motor Group

CARRIED 6/1

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

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

- 7.08 pm Director Corporate Services re-entered the room.
- 7.08 pm Director Regulatory and Community Services re-entered the room.
- 7.08 pm Director Engineering Services re-entered the room.
- 7.08 pm Mayor advised Director Corporate Services, Director Regulatory and Community Services and Director Engineering Services of the decision.

11.3.2 Port Hedland International Airport**11.3.2.1 *Airservices Australia, Navigation Aid Life Extension Project (NAVEX) (File No.: AIR LSE 108)***

Officer Rod Evans
Airport Manager

Date of Report 10 April 2006

Disclosure of Interest by Officer Nil

Summary

To seek Council approval to lease a portion of land at Port Hedland International Airport for the installation of a Doplar VHF omni-direction radio range (DVOR) monitor antenna as a part of the NAVEX program and seek early occupation of the site.

Background

Airservices Australia has an extensive Facilities Lease over a number of sites at Port Hedland International Airport and one of these sites houses the current VOR.

A proposed new installation at Port Hedland is part of an extensive program of capital works Airservices Australia has recently commenced where a large number of ground based radio navigation aids around the country are being upgraded under a project called the Navigation Aid Life Extension Project (NAVEX). These works will involve the installation of a large metal elevated ground plane known as the counter poise on which the antennas are installed.

An additional small lease is required to accommodate the VOR navigation aid monitor antenna. The monitor antenna is mounted on a single 10m pole to be installed 80m from the DVOR.

The lease area required is a 10m X 10 m site. Airservices have requested a peppercorn lease expiring on 30 September 2016, to align the lease with their current Facilities Lease at Port Hedland Airport.

Consultation

Airservices Australia has provided minimal opportunities to consult on this matter. Council staff were only informed officially of this matter on 28 March 2006. Airservices Australia indicated that they wished to commence initially on 1 April, and now have a revised start date of 1 May 2006.

Council's Building and Planning departments have been part of the consultation process since the 28 March 2006.

Statutory Implications

Local Government Act 1995

“3.58. Disposing of property ...

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

Policy Implications

Nil

Strategic Planning Implications

Goal 3 Airport

Strategy 3 - Actively pursue the generation of income from a variety of sources at the Airport.

Budget Implications

If Council was to provide a peppercorn rent it is expected that this would have a negligible effect on the budget. While commercial market rent for the property is also likely to be minimal, statutory requirements require Council to obtain a recent valuation and advertise the proposed lease prior to implementing a formal lease.

Officer's Comment

The land requested is unlikely to be used for any other operational reasons apart from navigational purposes due to its close proximity to the movement areas and other navigational aids. The VOR navigation aid is seen as an essential facility and is used by aircraft to safely navigate to and from the airport.

Whilst allowing occupation of the land prior to the formal process is not always recommended, if this is not provided for this project, the works will not proceed for several months.

200506/381 Council Decision/Officer Recommendation**Moved:** Cr A A Carter**Seconded:** Cr G J Daccache**That:**

- i) **Council advertise its intention to dispose a 10m x 10m section of land approximately 80 metres from the current VOR site as per the requirements of Section 3.58 of the Local Government Act 1995;**
- ii) **if no objections are received during the advertising period, a lease agreement be entered into with Airservices Australia for this portion of land at a peppercorn rent, expiring on the 30th September 2016, for the purpose of a monitoring antenna for the DVOR only;**
- iii) **all costs associated with the development of this lease be borne by Air Services Australia; and**
- iv) **early occupation of the site to Airservices Australia will only be granted subject to the following:**
 - a) **Airservices providing written confirmation that they would accept the terms of this proposed lease provided to them.**
 - b) **The intent would be to charge a peppercorn rent and a term aligning with their current Facilities Lease.**
 - c) **Airservices Australia would be liable for all costs associated with the lease.**

CARRIED 7/0

11.3.2.2 Conduct of Parachuting Operations (File No: 30/08/0010)

Officer Rod Evans
Airport Manager

Date of Report 7 April 2006

Disclosure of Interest by Officer Nil

Summary

To seek Council's view on considering a fee reduction or dispensation of Fees and Charges for Parachuting Operations at Port Hedland International Airport.

Background

Correspondence has been received from Pete's Parachuting from Wickham, regarding approval for parachuting operations and the waiving or reduction of fees in April or May 2006.

Pete's Parachuting have conducted similar operations over the past several years at Port Hedland International Airport, and more recently April 2005 without incident.

Consultation

Discussions have been held with the Director Engineering Services regarding the principle of the waiving of landing fees.

Council has in the past waived landing fees and PSC charges most notably on the International RPT Services.

The RFDS also do not pay landing fees.

Statutory Implications

There are several CASA Instruments that relate to Parachuting Operations at RPT Airport:

- Instrument No CASA 09/04
- Instrument No 278/97
- Compliance with relevant CASA/Australian Parachute Federation requirements.
- "Certificate of Currency" remaining valid with the Australian Parachute Federation.

Policy Implications

Fees and Charges for this type of operation are \$17.60 incl GST per landing. Dependant on aircraft type used, this would equate to approx \$25.00 per landing.

It is expected at least 10 landings or more may be undertaken at a total cost of approx \$300.00.

There is currently no allowance for dispensation or waiving of fees by Council Officers under Council's Fees and Charges.

Strategic Planning Implications

Nil

Budget Implications

Only a minor effect would apply to the budget if Council resolved to provide dispensation to the request.

General Ledger Account 1210324 Landing Charges

Officer's Comment

Council has 3 options to consider:

1. Apply Council's current Fees and Charges.
2. Provide a Dispensation on the Fees and Charges.
3. Waive the Fees and Charges.

Pete's Parachuting is a private business and will be operating from a business premise from the airport.

200506/382 Council Decision/Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr G J Daccache

That Council not support the waiving or dispensation of Landing Fees at Port Hedland International Airport for Pete's Parachuting.

CARRIED 7/0

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

Officer Stephen Carstairs
Accountant

Date of Report 12 April 2006

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activity of the Town to 31 March 2006, and to compare this with budget expectations.

The summary sheet for the Statements of Financial Activity (see Function 2) indicated that actual operating revenue (\$20,195,278) at 31 March 2006 was not appreciably different (variance was 111%) from budgeted revenue (\$18,219,738) for the same period. Further, actual (\$13,519,160) and budget (\$14,655,293) operating expenses were also similar (variance was 92%). In March 2006 non-operating revenue and expenditure varied less from budget (105% and 74% respectively) than in January and February 2006.

As at 31 March 2003 Council's unrestricted cash amounted to \$10,321,428 (see Reconciliation of Statement of Financial Activity to Current Assets).

Rates outstanding at 31 March 2006 (\$743,796), was less than that (\$866,811) 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 26 April 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 15317	15544	\$799,177.39	1	70	1	Municipal Fund	
16290	16366	\$ 118,391.86	70	81	1	Municipal Fund	
PAY110406		\$ 605.30	81	81	1	Municipal Fund	
PAY140306		\$ 2,786.05	81	81	1	Municipal Fund	
PAY140306		\$ 3,639.74	81	81	1	Municipal Fund	
PAY140306		\$ 190,376.41	81	81	1	Municipal Fund	
PAY280206		\$ 159,964.68	81	81	1	Municipal Fund	
PAY280306		\$ 1,553.96	81	81	1	Municipal Fund	
PAY280306		\$ 2,219.49	81	81	1	Municipal Fund	
PAY280306		\$ 2,591.48	81	81	1	Municipal Fund	
PAY280306		\$ 175,116.62	81	81	1	Municipal Fund	
	Municipal Total	\$1,456,422.98					
301254	301255	\$ 740.00	81	82	3	Trust Fund	
	Trust Total	\$ 740.00					
TOTAL		\$1,457,162.98					

2. Financial Statements

Presented (see attachments) in this report for the financial period ended 31 March 2006, are the:

- Statements of Financial Activity – see Functions 2 to 14;
- Reconciliation of Statement of Financial Activity to Current Assets for the Period 31 March 2006;
- Review of Transaction Activity – the gap between actual non-operating revenue and expenditure compared with budget for 31 March 2006 (105% and 74% respectively) appears to be closing. In the third week in April Council's senior staff will review actual expenditure to budget for the year to 31 March 2006. The statements of financial activity presented here do not indicate material variations from the 2005/06 Budget.

3. Investments

Council's Investment Register and reconciliation of Municipal, Trust and Reserve Funds at 31 March 2006 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 March 2006 is attached.

The combined 2005/06 rates and services outstanding as per the attached schedule was \$743,796.

Consultation

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

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 March 2006 Council's cash position was strong. It is anticipated that continued lively capital expenditure in the period 1 April to 30 June 2006 will erode this cash.

200506/383 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr A A Gear**That:**

- i) **the list of Accounts paid under Delegated Authority as presented be received;**
- ii) **the -**
 - . **Statements of Financial Activity (represented by Functions 2 to 14);**
 - . **Reconciliation of Statement of Financial Activity to Current Assets for the Period 31 March 2006; and**
 - . **Review of Transaction Activity – the gap between actual non-operating revenue and expenditure compared with budget for 31 March 2006 (105% and 74% respectively) appears to be closing. In the third week in April Council's senior staff will review actual expenditure to budget for the year to 31 March 2006. The statements of financial activity presented here do not indicate material variations from the 2005/06 Budget,**
as attached and presented be received;
- iii) **the Register of Investments and Municipal, Trust and Reserve Bank Reconciliations as at 31 March 2006 as attached be received; and**
- iv) **the Rates Summary Trial Balance for the month ending 31 March 2006, as attached be received.**

CARRIED 7/0

11.4.1.2 *Audit and Finance Committee – Finance Policies* (File Nos.: ADM-086, FIN-014)

Officer Matthew Scott
Director Corporate
Services

Date of Report 26 April 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider adopting the revised Finance Policies (attached) as recommended by the Audit & Finance Committee

Background

As Council is aware, the Administration is currently reviewing all of Council's policies, as required by the Local Government Act. Recently the Audit & Finance Committee considered the revised Finance policies, as prepared by the Finance Service Department.

Currently the Council has the following Finance Policies (attached for reference):

Policy Number	Policy Description
2/001	Budget Amendments
2/002	Budget Management – Capital Acquisitions
2/003	Budget Strategy
2/005	Financial Statements – Copies for Councillors
2/006	Depreciation - Assets
2/007	Capitalisation Policies
2/008	Rating of Council Facility Leases
2/009	Local Purchasing
2/010	Charitable organisations
2/011	Rating Policy
2/012	Sundry Debt Collection
2/013	Annual Budget Funding
2/014	Investment Policy
2/015	Procurement Policy

After reviewing these policies, the Financial Services Team made the following conclusions regarding each of the policies:

Policy Number	Conclusion
2/001	The Act clearly prescribes when a budget amendment can occur and who can approve it.
2/002	This is impractical as Council cannot determine when many major projects can occur during the year. Monthly budgets will assist however in monitoring cash flow needs.
2/003	Budget Strategy should be based on Strategic and Five Year Plans.
2/005	Quarterly reports are no longer required, as the Act lists what the minimal reporting requirements of Council are.
2/006	Depreciation of Asset is one of many accounting policies of Council. Should be a reflection of Significant Accounting policies
2/007	Capitalisation policy, again this should be reflective of the Significant Accounting policies in the Annual Statements and Annual Budget document.

2/008	N/A – Rating
2/009	Local Purchasing should be incorporated into the procurement policy
2/010	N/A – Rating
2/011	Needs to be updated to reflect current and best practice
2/012	Needs to be updated to reflect current and best practice
2/013	Is incorporated in the budget process, not required
2/014	Extremely complex and irrelevant in some areas, needs a complete and separate review.
2/015	Needs to be updated to reflect current and best practice

Effectively, staff believe that all the policies should be deleted and replaced with policies that reflect both current industry practices, while maintaining sufficient controls required for prudent financial accountability.

The Financial Service team developed the following policies (attached):

Policy Number	Policy Description
2/001	Significant Accounting Policies
2/002	Budget Strategy
2/003	Financial Statements – for Councillors
2/004	Rating
2/005	Sundry Debt Collection
2/006	Investment
2/007	Procurement
2/008	Fines Enforcement
2/009	Salary Sacrifice

The draft policies were reviewed by the Town’s Auditor, prior to being presented to the Audit & Finance Committee for consideration.

At the recent Audit & Finance Committee meeting, unconfirmed minutes included in this agenda, the policies were endorsed with the following amendments:

1. Policy 2/003, Financial Statements, amended to include a quarterly report to Council detailing the progress of all grants of \$50,000 or above,
2. Policy 2/007, Procurement, had one sentence removed, concerning authorised officers, and a third recovery action included requiring officers to reimburse Council, should they breach the policy.

Consultation

The Policies have been reviewed by the Town’s Auditors and the Audit and Finance Committee, which have endorsed the adoption of these policies.

Statutory Implications

Local Government Act 1995

“2.7. The role of the council

11.4.1.3 *Owner's Request to Have Proceeding Costs to Recover Rates and Service Charges, Levied by the Town in 2005/06 for Unit 6 Number 2 Limpet Crescent, South Hedland, Waived (File Nos: LIM-06G)*

Officer Stephen Carstairs
Manager Finance

Date of Report 11 April 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider wavering the legal costs charged to Unit 6 Number 2 Limpet Street, South Hedland for the issue of a summons for unpaid rates.

Background

On or about the 24 March 2006, Council, through its debt collection agency, issued a summon on the owner of Unit 6, Number 2 Limpet Street, South Hedland for unpaid rates. On receiving the summons the owner, Mr Adrian Hogg, complained to Council that he should not have received a summons, as he had never received a rates notice, and was unaware any rates were owed. On investigation, it was subsequently discovered that when the property has transferred to Mr Hogg, his settlement agent had advised Council of the wrong mailing address, hence all rate notices and demands for payments were being sent to the wrong address.

The following is a list of the sequence of events surrounding the summons:

- 17 November 2004, the Town received from First Choice Conveyancing an "Account Enquiry and Advice of (Property) Sale" for Unit 6 Number 2 Limpet Street South Hedland (hereafter referred to as A130515), detailing the buyer's forwarding address as PO Box 53 PORT HEDLAND 6721 (see Attachment).
- 10 December 2004, the sale of the property was completed, and the Town's Rates Book was updated to reflect the change of ownership and postal address for the new owner.
- 2 September 2005, a 2005/06 Rates Notice was issued on behalf of the Town to the Owner at the aforementioned PO Box.
- 24 October 2005, a Final Notice was issued from the Town to the Owner at the aforementioned PO Box.
- 5 December 2005 the first Notice of Intention to Issue a Summons was forwarded by the Town's Debt Collection

Agency to the Owner at the aforementioned PO Box. This correspondence returned to the Town's Debt Collection Agency as "Left Address".

- 14 December 2005, Council resolved to authorise its Debt Collection Agency to "take appropriate action, including legal action," to recover rates and service charges for a number of properties including A130515 (see Minute 10.4.1.1).
- 8 February 2006 a second Notice of Intention to Issue a Summons was forwarded by the Town's Debt Collection Agency to the Owner at Unit 6 Number 2 Limpet Crescent (see Dun & Bradstreet correspondence dated 10 April 2006). This correspondence did not return to the Town's Debt Collection Agency as uncollected, and the Owner did not respond to the notice.
- 23 March 2006 a Summons was ordered and on 24 March 2006 a claim was filed by the Town's Debt Collection Agency and sent for service (see Report Order – (debtor Code) 1394028, excerpt of Dun & Bradstreet Debt History, attached).
- 31 March 2006, the Chief Executive Officer received a letter from the Owner requesting that the legal costs incurred on the rates debt amounting to \$134.80 be waived, as in the Owner's view the Owner had not received any rates related correspondence due to an administrative error on the part of the Town (see attached).

Council should note that Mr Hogg, has a second property in Port Hedland, however all correspondence for this property is being directed to a real estate agent, and the 05/06 rates for this property were paid on or about the 30 November 2005.

Consultation

Nil.

Statutory Implications

Section 6.41 of the Local Government Act 1995 (as amended) – Service of rate notice states:

"6.41. Service of rate notice

- (1) A local government is required to give to-*
 - (a) the owner of rateable land; and*
 - (b) the owner or occupier, as the case requires, of land on which a service charge is imposed, a rate notice stating the date the rate notice was issued and incorporating or accompanied by the details and particulars prescribed.*
- (2) The rate notice is to be given-*
 - (a) as soon as practicable after-*
 - (i) the rate record of the land is completed; or*

- (ii) *the rate record of the land is amended, if that amendment results in a change in the amount of rates or service charges payable on that land;*
- or*
- (b) *where an election has been made under section 6.45 to pay rates or service charges by instalments, not less than 28 days before each instalment is due.*
- (3) *Notwithstanding sections 75 and 76 of the Interpretation Act 1984 service of the rate notice is deemed to have been effected if delivered to the address shown in the rate record for the owner at the time of delivery.”*

Section 9.50 of the Local Government Act 1995 (as amended) – Giving documents to persons generally states:

“9.50. Giving documents to persons, generally

Unless otherwise stated in this Act, a document may be given to a person in any of the ways provided for by sections 75 and 76 of the Interpretation Act 1984.”

Section 75 and 76 of Interpretations Act 1984 states:

“75. Service of documents by post

- (1) *Where a written law authorises or requires a document to be served by post, whether the word “serve” or any of the words “give”, “deliver”, or “send” or any other similar word or expression is used, service shall be deemed to be effected by properly addressing and posting (by pre-paid post) the document as a letter to the last known address of the person to be served, and, unless the contrary is proved, to have been effected at the time when the letter would have been delivered in the ordinary course of post.*
- (2) *Where a written law authorises or requires a document to be served by registered post, whether the word “serve” or any of the words “give”, “deliver”, or “send” or any other similar word or expression is used, then, if the document is eligible and acceptable for transmission as certified mail, the service of the document may be effected either by registered post or by certified mail.*
- (3) *Subsections (1) and (2) apply unless the contrary intention appears and subsection (2) does not apply where a written law requires the production of an acknowledgement signed by a person to whom a document was addressed to the effect that the document was delivered to that person.*

76. Service of documents generally

Where a written law authorises or requires a document to be served, whether the word “serve” or any of the words “give”, “deliver”, or “send” or any other similar word or expression is used, without directing it to be served in a particular manner,

service of that document may be effected on the person to be served-

- (a) by delivering the document to him personally; or*
- (b) by post in accordance with section 75(1); or*
- (c) by leaving it for him at his usual or last known place of abode, or if he is a principal of a business, at his usual or last known place of business; or*
- (d) in the case of a corporation or of an association of persons (whether incorporated or not), by delivering or leaving the document or posting it as a letter, addressed in each case to the corporation or association, at its principal place of business or principal office in the State.”*

Section 6.56 of the Local Government Act 1995 (as amended) – Rates or service charges recoverable in court states:

“6.56. Rates or service charges recoverable in court

- (1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.*
- (2) Rates or service charges due by the same person to the local government may be included in one writ, summons, complaint, or other process.”*

Policy Implications

“2/011 RATING POLICY

Rates Collection

A copy of the rate assessment marked “Notice of Intention to Summons” shall be issued 45 (forty five) days after issue of the original assessment, allowing 14 (fourteen) days for payment of the account.

Outstanding rate accounts for which satisfactory arrangements to pay have not been made within 69 (sixty nine) days after issue of the original assessment, shall then be forwarded to a debt collection agency appointed by the Chief Executive Officer, or relevant appointed Officer.

Rates remaining unpaid shall be recovered by notices of summons issued by Council’s debt collection agency, as approved by Chief Executive Officer, or relevant appointed Officer.

The debt collection agency will proceed on behalf of Council to recover the outstanding rate or service charges as well as the recovery costs, if any for that recovery, in a court of competent jurisdiction.

Should the Rates and Charges remain outstanding after issue of summons within limitations of the court system, the debt collection agency shall proceed to recover the debt by the issue of a warrant of execution through local court. This shall be executed by the instruments of the court system by initiating a Goods Warrant and then progress to a Land Warrant, as required to recover the debt. (Note: local court is local to debt collection agency not the local authority)."

Strategic Planning Implications Nil

Budget Implications

The Owner has requested that the following costs of proceeding to recover the rates for A130515 be waived:

Court filing fee	\$95.20
Service fee	\$37.50
Travelling fee	\$2.10
TOTAL	\$134.80

Other proceeding costs, incurred or pending, to recover the rates and service charges for A130515 include:

Solicitor fee (incurred)	\$96.00
Bailiff fee (pending)	\$10.00

Should Council determine to waiver all the costs of proceeding to recover rates and service charges for A130515, the full cost borne by the other ratepayers of the Town would be \$240.80.

Officer's Comment

In essence, Mr Hoggs claim for a waver, centres around his belief that it is Council's fault for not having the correct postal address for his property, resulting in him not receiving a rates notice, and therefore the resulting summons.

When the property was transferred to Mr Hogg, Council Officers processed the information from Mr Hogg's settlement agent in good faith that it was correct. As with all other Councils, rate records are never amended unless there is formal written advice from the owner, his/her agents, or a government agency (i.e. Valuer General Office). In this case, this process has clearly been followed, and until the summons was issued, Council had received no information to the contrary that the postal address was in fact wrong.

Council has two options in resolving this issue:

1. Accept responsibility for the error and waiver the resulting legal fees.
2. Not accept responsibility, and continue to recover the additional legal fees.

Given the amount of legal fees, \$240.80, are not significant, Council could take option 1, without incurring any major costs or affecting the municipal budget. This would also satisfy Mr Hogg, as the summons would be lifted, and his claim that the Council was at fault would be vindicated.

However, regardless of the amount, Council should consider the precedent that this decision may create. Council has acted on the advice of Mr Hogg's settlement agent. Surely Mr Hogg's settlement agent has a duty of care to ensure information concerning their client is correct. As it is clear that the settlement agent's correspondence has created the error, why is Mr Hogg not taking actions against his settlement agent, rather than Council?

Also, Mr Hogg's statement that he did not pay his rates, as he had not received a rate notice should be questioned. As stated previously, Mr Hogg has a second property in the district, which the rates were paid on time. It is curious why Mr Hogg would not query why he had received a rate notice for one property, but not the other. As a responsible property owner, is he not also at fault for not querying why he had not received a rate notice. The adoption, issuing and follow up of outstanding rates has been widely advertised. Had Mr Hogg contacted Council prior to the summons, querying why he had not received a rate notice, the error would have been identified and corrected, without incurring any additional costs.

Given that Council has followed due process and the legal costs are a result of the action of a third party, Council should not waiver the Legal Fees. If Mr Hogg feels aggrieved by this outcome, he should take appropriate action against his settlement agent, not Council. Accepting this claim sets a dangerous precedent, which could result in future claims with significant implications on the municipal budget, and therefore in principal should not occur.

200506/385 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

Seconded: Cr A A Carter

That Council does not waiver any proceeding costs for the recovery of rates and service charges for Unit 6 Number 2 Limpet Crescent South Hedland.

CARRIED 5/2

NOTE: Cr S R Martin requested the votes be recorded.

Record of Vote:

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

11.4.1.4 Port Hedland State Underground Power Program – Billing Model for Underground Power Connection (File No.: ...-...)

Officer Matthew Scott
Director Corporate Services

Date of Report 11 April 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider the outcomes of the State Underground Power Program (SUPP) Billing Model and decide on the rebates available for Ratepayers in the Port Hedland area.

Background

Council is currently in a joint venture with Western Power and the Office of Energy to connect all Port Hedland properties with underground power. The total cost of the project is \$11,862,110, with Council contribution of 50% (\$5,931,055). Effectively this cost needs to be passed on to the property owners that will benefit from the underground project, thus requiring a supplementary bill be issued, as part of the 2006/07 rates notice.

Since agreeing to the project, Council has been successful in accessing the following funds to reduce the costs to property owners:

Pilbara Fund	\$1,000,000
Port Hedland Enhancement Scheme	\$750,000
Total	\$1,750,000

With these grants, Council need only to collect \$4,181,055 (\$5,931,055-\$1,750,000) from property owners to finance its share of project costs.

How Council collects these funds has been the subject of several briefing sessions. At these briefing sessions Council has given following directions:

- Minimum payment of \$500 per property, no maximum;
- Provide 100% rebates for Council properties, pensioners and not for profit organisations;
- Include the properties in Pretty Pool (161), which are already connected to underground power, however the access line for Pretty Pool will be under grounded as part of the project;
- Pretty Pool ratepayers to contribute a flat \$500 per property; and

- Gross contribution per property to be based on a set connection fee plus a charge per kVA capacity of the premise (i.e. higher KVA capacity, higher cost), less any rebates that may apply.

Since these initial assumptions, and after receiving a model produced for Council by Alliance Power and Data, some additional assumptions now need to be considered by Council. These are:

- Connection charge = \$1733.00 (advised by Western Power)
- KVA Charge = \$288 per KVA (based on total calculated KVA capacity)
- Assume that a normal Household capacity is 6 kVA;
- A single connection is divided among group dwellings, if the dwelling capacity is under 6 kVA, (for example a group of flats) as these are likely to have one central connection.

Based on these assumptions the gross charge (prior to rebate) for an average household would be:

Connection	\$1,733
KVA charge (6x\$288)	\$1,728
Total Gross Payable	\$3,461

To reduce the amount payable, Council has informally decided to various rebates, utilising the grant funding (\$1,750,000) and the additional funds generated from Pretty Pool (\$80,500).

The possible rebates discussed with Council are:

- 100% rebate for Council, Pensioners and Not for Profit Organisations;
- Partial rebates for Owner/Occupiers, small businesses, and all property owners.

Based on these discussions, the total funds available for each rebate is:

Rebate	Funding Source	Amount Available
Council Properties	Pilbara Fund	\$251,789
Owner Occupiers	Pilbara Fund	\$748,211
Pensioners	PHES	\$101,863
Not for Profit	PHES	\$169,415
Small Business	PHES	\$71,808
General Ratepayer	PHES + Pretty Pool contribution	\$487,414
Total		\$1,830,500

To obtain an indication of the quantum of the rebates required, Council issued a survey to all property owners to indicate which rebates would be applied for. Given the excellent response by property owners the following notional rebates have been calculated:

Rebate	Amount Available	Estimated Properties	Rebate per property
Owner Occupiers	\$748,211	397	\$1,885
Small Business	\$71,808	50	\$1,436
General Ratepayer	\$487,414	1468	\$332

Though the survey has given indication of the number of properties that would probably apply for the rebate, until the bills are sent and properties owners make an application for the rebate, the total properties affected by each rebate cannot be 100% accurately calculated. As Council is aware, there is high transfer/sale rate for Port Hedland Properties, and therefore there is a significant chance that a number of properties that have indicated certain rebates, may not be eligible when the bills are sent.

Based on the above assumptions, the net bill for all types of properties can be calculated. For example, an average family owned and occupied house net bill would be equate to:

Connection	\$1,733
KVA charge (6x\$288)	\$1,730
Total Gross Payable	\$3,463
Less Owner Occupier rebate	-\$1,885
Less General rebate	-\$332
Net payable	\$1,246

As an indication of the spread of possible bills the following table provides the net payable for a number of different properties:

Property	Net Payable
Council, Pensioners, Not For Profit	\$0
1 Unit in Block of 12	\$961
Average Household	\$1,246
Small Business	\$2,845
Investment Property	\$3,131
Medium Business (25 kVA)	\$8,601
Block of 12 Units	\$11,568

Consultation

Port Hedland residents have been surveyed regarding the underground project. The initial response has been overwhelming, and has provided Council with usable sample set to determine the amount of rebates required.

Statutory Implications

Section 6.38 of the *Local Government Act 1995* applies:

“6.38. Service charges

- (1) A local government may impose on :*
 - (a) owners; or*
 - (b) occupiers,*
of land within the district or a defined part of the district a service charge for a financial year to meet the cost of providing a prescribed service in relation to the land.
- (2) A local government is required to:*
 - (a) use the money from a service charge in the financial year in which the charge is imposed; or*
 - (b) to place it in a reserve account established under section 6.11 for the purpose of that service.*
- (3) Where money has been placed in a reserve account under subsection (2)(b), the local government is not to :*
 - (a) change the purpose of the reserve account; or*
 - (b) use the money in the reserve account for a purpose other than the service for which the charge was imposed,*
and subsections (2), (3) and (4) of section 6.11 do not apply to such a reserve account.
- (4) A local government may only use the money raised from a service charge :*
 - (a) to meet the cost of providing the specific service for which the service charge was imposed or*
 - (b) to repay money borrowed for anything referred to in paragraph (a) and interest on that money.*
- (5) If a local government receives more money than it requires from the service charge imposed under subsection (1)(a) it :*
 - (a) may, and if so requested by the owner of the land, is required to, make a refund to the owner of the land which is proportionate to the contributions received by the local government; or*
 - (b) is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to any land on which the service charge was imposed against future liabilities for rates or service charges in respect of that land.*
- (6) If a local government receives more money than it requires from the service charge imposed under subsection (1)(b) it is required to make a refund to the person who paid the service*

charge which is proportionate to the contributions received by the local government.”

Local Government (Financial Management) Regulations 1996 (in part) state:

- “54. *Service charge - prescribed services - s. 6.38(1)*
For the purposes of section 6.38(1), the services for which a local government may impose a service charge are the provision of -
- (a) television and radio rebroadcasting;*
 - (b) volunteer bush fire brigades;*
 - (c) underground electricity;*
 - (d) property surveillance and security; and*
 - (e) water.*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Council's initial contribution to the project is \$5,931,055, which needs to be collected from property owners. This amount is reduced by funds provided by the Pilbara Fund and Port Hedland Enhancement Scheme to \$4,181,055.

This contribution will be paid on the completion of the project, however the reimbursement from property owners could take 5 years. It is recommended that initially the \$4,181,055 be funded from a self supporting loan, being repaid as the funds are collected from property owners over 5 years., reducing this

Officer's Comment

The State Underground Power Project is a major exercise for Western Power, the Town of Port Hedland and the residents affected. Allocating the cost of the project to residents is extremely complex and will never satisfy all affected parties.

The rebates that have been calculated, are based on the information received to date, and comparing this data with Bureau of Statistic information and very conservative assumptions. In essence, the administration has tried to minimise the effect on pensioners, not for profit organisations and owner-occupiers, being parties that have the less ability to absorb this cost. Also by providing a 100% rebate for Council properties, non Port Hedland residents will not contribute at all to the project.

The suggested charging model is the administration's attempt to fairly charge property owners and meet Councils needs.

The proposed rebates are currently only notional values, but give an indication what all affect properties will pay, which allow Council staff to answer current enquiries regarding the project.

Once these charges and notional rebates have been resolved by Council, the administration will need to develop a process on how these fees will be paid and rebates issued. As Council has previously agreed to let property owners take 5 years to pay their contribution, decisions will need to be made on how these payments will interact with rates, which are generally payable on shorter timeframe and different interest and instalment charges.

In the interim it is important that Council provide a clear position in:

- How the charges will be calculated?
- What funds will be available for rebates?

Given that the underground power is a service charge, the charges and rebates available will need to be disclosed in the 06/07 Budget Document. Once the budget is adopted these will be difficult to amend and it is important that the final figures are as accurate as possible. Ultimately there will be a difference between the project cost and contributions received, however the effect on individual properties should be minimised where possible. Council has a number of options in resolving this difference, but until this difference can be quantified, Council should not decide in advance how this is managed.

200506/386 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

That as part of its consideration in the 2006/07 Annual Budget, Council

- i) set a service charge for the undergrounding of power for Port Hedland residents only of:**
 - a) Connection fee of \$1733.00 per connection; and**
 - b) A KVA charge of \$288 per KVA capacity of each premise on the property;**
- ii) set the connection for group dwellings, where kVA capacity for each unit is less than 6 kVA to be divided between each unit within that property;**
- iii) set a standard service charge of private pool properties of \$500 per property;**
- iv) set a minimum charge of \$500 per other properties, unless the property is subject to 100% rebate;**
- v) Provide the following notional rebates:**

- a) **100% rebate for Council Properties, Pensioners and Not for Profit Organisations**
- b) **Owner Occupier rebate of \$1,885 per property;**
- c) **Small Business rebate of \$1,436 per property; and**
- d) **General Ratepayer rebate of \$332 per property**

CARRIED 6/1

11.4.2 Administration**11.4.2.1 Funeral Directors Licence – Hedland Funeral Services (File No.:LND-001, ADM-070, CAJ-3756)**

Officer Danielle Cowan
Manager Administration

Date of Report 5 April 2006

Disclosure of Interest by Officer Nil

Summary

Council officers have received an application from Hedland Funeral Services to conduct funerals at Council's Cemetery, North West Coastal Highway. The assessment of this application is presented for Council consideration.

Background

Section 17 of the Cemeteries Act provides that where an application has been made and the appropriate fee paid, an applicant who satisfies the Council that he is of good repute and fit to hold a Funeral Directors Licence and has suitable facilities and equipment for handling and storing dead bodies and conducting funerals, shall be entitled to be issued with a Funeral Directors Licence.

Consultation

The application has be referred to Councils Environmental Health and Planning departments.

Statutory Implications

Cemeteries Act 1986
Town of Port Hedland Cemeteries Local Law 2000

Policy Implications

1/021 Licencing of Funeral Directors

Strategic Planning Implications Nil**Budget Implications**

Licence Application Fee - \$150.00

Officer's Comment*Mortuary and Viewing Room Facilities and Vehicles*

The applicant has advised that they have the approval of the Port Hedland Regional Hospital to utilise their Mortuary, Viewing Room and Chapel facilities. These facilities have been inspected by Councils Environmental Health Officer and are deemed suitable and of an acceptable standard.

Operation of Business

As part of this process the applicant was asked to submit an application to Carry on a Home Occupation/Mobile Business or Home Office. When assessed by the planning department the applicant was advised that as the land is zoned 'industry' and there is already a business operating that involves storage and office facilities, separate planning permission was not required for the funeral business. It should be noted that should the applicant relocate a further approval may be necessary.

Public Liability

As part of the licencing requirements a certificate of currency has been provided.

Policy

The application received from Hedland Funeral Directors is in accordance with Councils Licensing of Funeral Directors policy and as such there is no reason why the Council should not issue a license for the 2005/06 financial year.

Officer's Recommendation

That in accordance with the Cemeteries Act 1986 and the Town of Port Hedland Cemeteries Local Law, Hedland Funeral Directors be issued a Funeral Directors Licence for the 2005/06 year.

200506/387 Council Decision/Officer's Recommendation

Moved: Cr A A Gear

Seconded: Cr G J Daccache

That in accordance with the Cemeteries Act 1986 and the Town of Port Hedland Cemeteries Local Law, Mr John Eyden of Hedland Funeral Directors be issued a Funeral Directors Licence for the 2005/06 year.

REASON: Agenda had omission, should have included "Mr John Eyden of" in the recommendation.

11.4.3 Governance**11.4.3.1 Land Use Master Plan – Consultant to Assist Council (File No.: ...-....)**

Officer Chris Adams
Chief Executive Officer

Date of Report 24 March 2006

Disclosure of Interest by Officer Nil

Summary

For Council to select a consultancy firm to assist it with the review of documentation prepared in the course of the development of the Town of Port Hedland Land Use Master Plan project.

Background

At its meeting held on 22 February 2006, Council resolved to establish a Working Group to oversee the coordination of the development of a Land Use Master Plan for the Town of Port Hedland. A component of this resolution by Council required expressions of interest being called from Town Planning consultants to undertake a peer review of documentation that is produced by the Urban Design Centre during the various stages of project development.

A brief was circulated to five town planning consultancy firms who have recent Town Planning experience within the Town of Port Hedland. Three firms provided bid responses by the quotation deadline (20 March 2006).

All three bids were very competitive, with all firms indicating that they have the ability, experience and expertise required by Council to undertake the task. A brief summary of the bids has been placed below:

Koltasz Smith

Are currently undertaking planning works for the Pretty Pool Development project for LandCorp. Have extensive experience in Strategic and Statutory Planning. Are offering the services of three planners to undertake various roles in the reviewing process. Hourly rate for planners varies between \$88/hr and \$144/hr

Landvision

Have extensive experience in the Pilbara including the development of the Town of Port Hedland Planning Scheme No 5, Wedge Street Townscape Design. Are offering the services of two planners who have extensive experience in Port Hedland. Price is \$165/hr per planner.

SMEC Australia

Have undertaken similar projects in the Kimberley and have visited Port Hedland on numerous occasions. Are offering a team of a Senior Planner (\$100/hr), an Urban Designer (\$160/hr) and an Urban Designer/Architect (\$100/hr).

The bids submitted by the firms have been assessed based upon the criteria advertised in the quotation documents (see below).

	Price (60%)	Experience (20%)	Local Content/ Knowledge (20%)	Total
Koltasz Smith	60	15	18	93
LandVision	42	20	20	82
SMEC	56	15	15	86

Note: Price determined using formula of lowest price/tender price x weighting.

Consultation

The development of the Land Use Master Plan will include extensive consultation with Council and the community

Statutory Implications

Nil

Policy Implications

The calling for quotations for this project has been undertaken in accordance with Council's Procurement Policy.

Strategic Planning Implications

The following statement from Council's Strategic Plan 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 the Land Use Master Plan is being undertaken primarily by the Urban Design Centre. Funds for this element of the work are being provided by a consortium involving Mirvac Fini and BHP Billiton.

Council's current budget has an allocation of \$5,000 in within the Town Planning Budget for Local Planning Strategy and TPS Preparation. Given that the Master Plan project is in its infancy, it is not expected that expenditure in the 2005/06 year will exceed this amount

In addition to the 2005/06 budget allocation Council has a Planning Projects Reserve Account, which has a balance of \$15,347. Council may wish to consider transferring funds from this account to the operational budget to pay for the costs associated with the development of this project in the 2006/07 financial year.

Officer's Comment

Council has received quotations from three high quality Town Planning consultancy firms to undertake the peer review role for the Land Use Master Plan process. Based upon an assessment of the tenders against the stipulated selection criteria, it is recommended that Council select Koltasz Smith to undertake this role for Council.

200506/388 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council accept the quotation from Koltasz Smith to undertake the Strategic Planning Review Services for the Town of Port Hedland Land Use Master Plan project.

CARRIED 6/1

11.4.3.2 Council Committees and Working Groups (File No.: ADM-...)

Officer Chris Adams
Chief Executive Officer

Date of Report 24 March 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider abandoning some of the Committees of Council that have been established under the provisions of the Local Government Act (1995)

Background*Committees*

Over the past 12 months Council has established a number of Committees of Council and Working Groups to manage/coordinate specific issues on behalf of Council. The formal committees that have been established include:

Committee	Roles (as determined by Council)
Audit and Finance Committee	Statutory committee required by LG Act. Undertakes: Part 7, the Local Government Act 1995; Review the recommendations of the BDO Report; Review the operations of the: Matt Dann Cultural Centre Courthouse Arts Centre and Gallery the Y@ JD Centre; Liaise with Auditor:
Airport Committee	In conjunction with the Airport Manager – Review and upgrade the Airport Business Plans as required; Review all lease arrangements and contracts; and Review of operations, security and other issues.
Strategic Planning Committee	To: Review the document 'Strategic Plan 2003/2007 and determine its relevance. Prepare a very detailed plan, taking into account all the studies and reports previously undertaken, that will clearly indicate how the Council sees the development of the Town over the longer term How the various components can be financed, maintained and meet the expectations of the community.
Community Safety and Crime	To: Implement, monitor and review the Town of Port Hedland Safer Community and Crime Prevention Plan.

Prevention Committee	Provide a medium for communication, liaison and interaction between the community and key stakeholders committed to the Town of Port Hedland Safer Community and Crime Prevention Plan.
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The statutorily required Audit and Finance Committee meets regularly to discuss financial and budget related matters. None of the other committees have formally met since their inception

Working Groups

At its meeting held 27 September, Council resolved:

“That:

- 1. Council agree to the establishment of working groups on specific issues on an as needs basis.*
- 2. Council specifically detail the aims and purpose of the group, the membership of the group and the tenure of the group as a component of the establishment of each working group.*
- 3. As a standard practice, no delegated authority be provided to Council committees unless specifically deemed necessary by the Council.*
- 4. Minutes of working groups and advisory committees be provided to Council as a component of the Monthly Council information Bulletin.”*

Council has eight working groups that are at various stages of operational activity. These have been briefly outlined below:

Working Group	Role	Status
Staff Housing	Develop a long term plan for the provision of staff housing	Operational. Plans being developed
Cemetery	Plan and implement cemetery upgrades	Operational. Plans near finalisation
Y@JD	Determine the future use and development of the JD Hardie Recreation Centre	Operational. Likely to be complete within two months.

Recreation Facilities	Develop Skate Facilities, undertake sports facility audit and identify feasibility and location for a new recreation centre	Operational. Projects being developed/ implemented.
Local Laws	Review Council's Local Laws	Has not met yet.
Land Use Master Plan	Coordinate the development of the Land Use Master Plan	Operational. First meeting held.
Townscape	Yet to be formed	Specifically listed in the Strategic Plan.

There primary differences between Committees of Council and Working Groups are:

- Committees have the ability to make binding decisions on behalf of Council if the Council authorises them to do so. Working groups have no formal status and therefore have no authority to make decisions on behalf of the Council.
- Committees are established under the Local Government Act and therefore are bound to follow disclosure of interest requirements, standing orders and other legislative requirement. Working groups are not bound by these requirements.
- Committee meetings are formally constituted meetings that must be advertised and open to the public (unless otherwise provided for within the Local Government Act). Working groups are not bound by these requirements.

Consultation

The purpose of operating Committees of Council and Working Groups is to allow a greater level of discussion and debate about topical issues and projects that otherwise is provided at formal Council meetings.

Statutory Implications

The Local Government Act (1995) and Local Government (Administration) Regulations detail specific requirements for the establishment and operation of Committees of Council. Working groups have no formal status under the Act or regulations. The most relevant section of the Administration regulations is:

“5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.”*

Policy Implications

Nil

Strategic Planning Implications

The following statement from the Council's Strategic Plan is relevant to this matter.

KRA 6 - Governance

Goal 3 – Communication: That Town of Port Hedland is recognised by residents and ratepayers as being an open, informative, accountable local government that listens to community views and keeps stakeholders informed.

Budget Implications

Nil

Officer's Comment

In the view of the staff, formal Committees of Council serve little or no purpose if they have no delegated authority to make binding decisions on behalf of the Council. They are administratively more difficult and time consuming to operate and serve no real value – particularly if the decisions from the meeting need to be re-debated at a subsequent Council meeting. Officers only support the establishment of formal committees of Council if they are statutorily required and/or they are given formal delegated authority to make decisions on behalf of the Council

Working Groups that have specific roles, purposes and duration are supported by staff. Informal working group gatherings including staff, Councillors and community representatives allows more in-depth analysis and discussion to occur on specific, topical issues. The outcomes from these groups can be reported to Council for formal debate and decision.

To be effective the working groups must have a specific purpose and role and ideally should be disbanded once they have fulfilled that role. The critical issue that needs to be managed with Working Groups is to ensure that decisions are not being made by the group that they do not have the authority to make.

The other form of meeting that is supported by staff is the informal briefings to Council that are currently occurring on a monthly basis.

200506/389 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

Seconded: Cr A A Carter

That Council

1. **disband the following Committees of Council:**
 - a) **Strategic Planning Committee;**
 - b) **Airport Committee; and**
 - c) **Community Safety and Crime Prevention Committee;**
2. **continue to establish Working Groups as necessary, to deal with specific issues and projects affecting Council;**
3. **establish a Community Safety and Crime Prevention Working Group with the following terms of reference:**

Aim/Purpose:

To develop and implement a Community Safety and Crime Prevention Plan that addresses safety and crime prevention issues in our community.

Membership:

Cr S R Martin

Cr G J Daccache

Cr A A Gear

Signatories to the 2003 – Community Safety Plan

Interested community groups and non-government agencies

CEO and/or relevant staff representatives

Tenure:

Ongoing working group. Must report regularly back to Council on the issues and operations of the group.

Delegated Authority:

No delegated authority is provided to the group to make decisions on behalf of Council.

CARRIED 7/0

**11.4.3.3 Employment Strategies for Local Indigenous People
(File No.: ...-...)**

NOTE: Cr G J Daccache requested it be noted in the minutes that he is employed by BHP Billiton and owns BHPB shares. Did not leave the room.

Officer Chris Adams
Chief Executive Officer

Date of Report 31 March 2006

Disclosure of Interest by Officer Nil

Summary

Report details current status of indigenous employment within the Town of Port Hedland staffing structure and outlines current initiatives that staff are working on to assist in improving indigenous employment levels within the municipality.

Background*Indigenous Employment - General*

The Australian Bureau of Statistic reported the Town of Port Hedland's estimated resident population as at 30 June 2005 as being 12,335. Various reports place the percentage of indigenous Port Hedland residents at somewhere between 12% and 17% (equating to 1,480 - 2,100 people).

Statistics indicate that Port Hedland's indigenous population has a higher level of unemployed or underemployed when compared to the rest of the population. Numerous government and industry-based initiatives are attempting to address this situation through a combination of job creation schemes, training, education and the development of ancillary support services that are barriers to employment.

The most significant proposal that is currently being developed is the development of a Regional Partnership Agreement. The proposed agreement specifically focuses on issues and employment creation for indigenous residents. The key outcome from the agreement (as expressed in the draft document) are listed as follows:

- Increased employability and jobs for Indigenous people from the Port Hedland region.
- Increased business enterprises for Indigenous people from the Port Hedland region.

- Prosperous Indigenous individuals, families and communities that endure beyond the life of mining in the region.
- A strong partnership between industry and government that works with Indigenous people locally to generate solutions to complex issues in the Port Hedland region.
- A working group to progress implementation.
- A methodology for working together that includes regional frameworks and the promotion of best practice.

The key themes and issues that have been identified as critical components of the draft agreement are:

- Coordination, Motivation and Mentoring
- Drivers Licences
- Child Care
- Drug and Alcohol Support
- Housing
- Youth Pathways

While all of the above key themes are relevant to the Town, the issues where the town is most likely to have significant input into are in relation to child care, housing and youth pathways.

Proposed signatories to the document once it has been completed are:

- Kariyarra People
- BHP Billiton Iron ore
- Newcrest Mining Ltd
- Ngarda Civil and Mining
- Bloodwood Tree Association
- Hedland CDEP
- Pilbara Job futures
- Australian Government
- State Government of Western Australia
- Town of Port Hedland

The respective parties are currently reviewing the draft Regional Partnership Agreement document. At this stage the obligations of the various parties have been drafted, but many of the targets, timeframes, commitments and measurements are yet to be developed and/or agreed to. Further information on this Agreement will be presented to Council as the negotiations progress. Copies of the current draft version are available to Councillors upon request.

Town of Port Hedland – Employment Structure

The Town of Port Hedland is a significant employer of residents within the Town. Currently the Town has 89 EFT employees.

11 of these employees are indigenous (12.35%). The employees currently work in a variety of locations including engineering, parks and gardens, administration and Mirtanya Maya Aged Care hostel. The Town does not currently have any targets, policies or procedures in relation to the employment of indigenous people.

Consultation

Negotiations regarding the Regional Partnership Agreement have been progressing for several months. The aim is to have the agreement signed off prior to the end of the current financial year.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Council's Strategic Plan specifically indicates that Council should be assisting in improving employment of indigenous residents. The following extracts from the Strategic Plan are relevant to this matter:

KRA 6 – Governance

Goal 2 – Traditional Owners and Aboriginal People

Strategy 2 – Work with key stakeholders to improve the level of aboriginal employment within the Town and investigate options for increasing aboriginal employment within the Town of Port Hedland corporate structure.

Budget Implications

There are no specific budget implications at this point in time. Depending on the nature of commitments that Council agrees to in the final Regional Partnership Agreement, costs may be incurred.

Officer's Comment

Regional Partnership Agreement

The Regional Partnership Agreement is an ambitious document that is attempting to 'tie down' commitments from all three levels of government, major resource industries and non-government organisations relating to what they will do to improve indigenous employment within the Town of Port Hedland. For the agreement to be successful there will need to be a commitment to resources and regular reviews, monitoring and reporting of the achievement (or otherwise) of agreed goals, strategies and milestones. At this

stage, all of the key parties are committed to the project and are eager to see it come to fruition.

Indigenous Employment within the Town of Port Hedland Corporate Structure

While Council has no specific targets, policies or procedures in relation to indigenous employment the rate of indigenous employment is relatively high. Given that the employment of indigenous people is relatively high and that there seem to be few barriers to local indigenous people gaining employment within the Council, it is not recommended that develop specific targets or policies on this matter at this point in time.

While specific policies are not in place at this point in time, it is recommended that Council investigate the development of traineeship programs in the areas of ranger services, parks and gardens, engineering works and administration. These do not necessarily need to be targeted specifically at indigenous people, but are likely to be attractive job roles to many indigenous residents.

Additionally, it is suggested that annual reviews of the level of indigenous employment within the Town be undertaken and reported to Council

200506/390 Council Decision/Officer's Recommendation

Moved: Cr A A Gear

Seconded: Cr G J Daccache

That Council:

- 1) **note the current status of the Draft Regional Partnership Agreement and seek a more detailed update at the May 2006 Council Briefing Session; and**
- 2) **note the current status of Indigenous Employment with the Town of Port Hedland Corporate structure, and**
 - i) **agree to investigate the provision of traineeships within the areas of ranger services, parks and gardens, engineering works and administration (within budget limitations)**
 - ii) **seek an annual report to Council on the status of indigenous employment within the Town of Port Hedland's corporate structure.**

CARRIED 7/0

**11.4.3.4 Strategic Plan - Quarterly Review Update Report
(File No.: ...-...)**

Officer Chris Adams
Chief Executive Officer

Date of Report 11 April 2006

Disclosure of Interest by Officer Nil

Summary

Council's Strategic Plan is reviewed and updated on a quarterly basis to ensure that projects are 'on-track' and to allow opportunities to reconsider and update the plan to reflect Council and community priorities.

Background

In January 2006 Council adopted the 2006-2011 Town of Port Hedland Strategic Plan. The Plan identifies the six key result areas for Council's operations along with 26 Goal areas and 109 specific strategies that are planned to be implemented in the 2006 calendar year.

A review of the current status of the implementation of the 109 strategies has been undertaken (see attachment). In general significant progress has been made towards the implementation of the strategies listed with the plan. No projects have been identified as being superfluous or unnecessary at this point in time. Key highlights for the first quarter of 2006 include:

- Commencement of extensive footpath development program in line with the newly developed 5yr Footpath program.
- Completion of the Playground Safety Audit.
- Implementation of a regular litter collection service throughout the Town.
- Awarding of the South Hedland New Living Tender.
- Establishment of Working Groups to progress the development of Skate Ramps, Sports Facilities and the South Hedland Cemetery.
- Progression of the review of services and facilities that are available to Visitors to Port Hedland.
- Signing of the BHP Billiton and Newcrest Mining Partnership Agreements.
- Development of a Draft 5yr Financial Plan for the Town.

The review identified some strategies and/or projects that have become Council and/or community priorities that are not currently listed in the plan.

These are:

- Liquor Restrictions Review
- Underground Power Implementation
- Turtle Interpretative Facilities

It is recommended that the plan be modified to include specific strategies on these items.

Consultation

The Town's Strategic Plan was developed after significant consultation with the community to determine its priorities. The consultation included:

- Comprehensive community survey
- Request for submissions
- Advertisements and press articles
- Shopping centre display

A full review of the Strategic Plan is scheduled for the final quarter of 2006. As a result of this review strategies will be developed for the 2007 calendar year that assist Council in achieving the goals it has set for itself.

Statutory Implications

The Local Government Act requires each municipality to develop a 'Plan for the Future'. Council has determined that its plan for the future is the Town's Strategic Plan coupled with the 5yr Financial Plan.

Policy Implications

Nil

Strategic Planning Implications

The Strategic Plan is the key resource planning document for Council. Regular reviews of the direction of the plan are necessary to ensure that Council's scarce resources are being utilised in the most appropriate manner.

Budget Implications

The Strategic Plan is the key document that is being used to frame the Council's 5yr Financial Plan and the 2006/07 Council budget.

Officer’s Comment

The Strategic Plan is the Council’s most important document. It sets the direction for Councillors and staff in relation to what goals Council wants to achieve and how intends on achieving these things through the implementation of targeted strategies. To ensure that the Plan remains relevant and up-to-date, it is imperative that the Plan is regularly reviewed and updated to reflect Council and community priorities.

200506/391 Council Decision/Officer’s Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council:

1. **note the first quarter review of the 2006 Town of Port Hedland Strategic Plan; and**
2. **modify the Strategic Plan to include the following strategies:**

Strategy	Primary Officer Responsible	Scheduled Completion Date
Work with Western Power to implement the Port Hedland Underground Power Project in a manner that is fair and equitable to ratepayers.	CEO	Dec 2006
Identify the level of community support for the Town’s Liquor Restrictions and advocate for changes that are needed/wanted by the community.	CEO	Jun 2006
Work with the PDC and relevant stakeholder to develop appropriate turtle interpretive facilities.	CEO	Dec 2006

CARRIED 7/0



Strategic Plan 2006 – 2011 Quarterly Review – April 2006

KEY RESULT AREA 1 - INFRASTRUCTURE

Goal 1 - Roads, Footpaths and Drainage

To have developed network of road and footpaths that are well maintained.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Develop a comprehensive road maintenance and road development program that identifies Council's priorities and program for the next 10 years.	DES	Apr 06	Feb 06	5 year plan complete. Funding scenarios to be investigated	
2. Undertake Road Safety audits on identified roads on a precinct basis.	DES	Dec 06	Mar 06	Road Safety Audits have been programmed for Wedgefield and will be performed by Connell Wagner. Further audits for budget consideration	
3. Lobby for the progression of infill sewerage program by the State Government.	CEO	Jun 07	Nov 06	Letter written to Water Corp. Have advised that ToPH is not high priority. Need to determine lobbying strategy.	
4. Work with Main Roads to develop a tree planting program along major roads within the Township	DES	Dec 06	Mar 06	Currently working with Main Roads WA to develop a tree planting program along GNH & Wilson street	
5. Develop and implement a comprehensive street lighting program.	DES	May 06	Feb 06	Western Power have initiated street lighting audits and programming. A 5 year program for walkway lighting has been developed and implemented	Mar 06
6. Review Council's policy and contribution towards maintenance and development of verges and street trees.	MP	Jul 06		Not commenced.	
7. Progressively develop and upgrade footpaths in accordance with a comprehensive footpath maintenance, upgrade and extension program.	WM	Ongoing	Jan 06 – Ongoing	A 5 year program has been developed for footpath construction and maintenance. The 05/06 construction program has commenced.	Ongoing

Goal 2 - Parks & Gardens

To have a variety of well maintained and well utilised Parks and Gardens that meet the various needs of park users

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Undertake a playgrounds audit and upgrade playgrounds in accordance with audit recommendations.	WM	Jun 06	Nov 05 – ongoing	Audits have been completed and upgrades have been programmed and implemented	Ongoing
2. Develop of a hierarchy of parks (including the identification of appropriate development and maintenance standards for each park – including shade, reticulation, BBQ's and play equipment)	DES	Jun 06	Mar 06	Working to identify the development and maintenance requirements of parks	Jun 06
3. Work with the community to upgrade the appearance of the Town's cemeteries.	DES	Nov 06	Jan 06	A proposal has been presented to the Council for the upgrade of the South Hedland Cemetery. Comments are being sought from the community.	

Goal 3 – Airport

To have an International Airport that has high passenger numbers and positive customer feedback.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Develop a comprehensive 5year Airport Capital Upgrade Plan	AM	Apr 06	March 06 April 2007	Initial capex plan outlined to council in recent briefing for 2006/2007 year. Comprehensive review of Airport Business plan scheduled.	
2. Implement the Airport Business Plan	AM	Ongoing	Ongoing	Business plan adopted by Council in 2005 outlines 5 year capex. This will be revisited as a part of a Master Plan to be developed	Ongoing
3. Actively pursue the generation of income from a variety of sources at the Airport.	DCS	Jun 07		Awaiting Business Plan report.	
4. Implement the initiatives recommended in the Port Hedland International Airport Traffic Movement and Car Park Master Plan.	AM	Jun 06	Jan 06	Design nearing completion. Expected to be completed over 2005/2006 and 2006/2007 subject to budget	Jan 07

KEY RESULT AREA 2 – COMMUNITY PRIDE

Goal 1 – Litter

That the Town of Port Hedland is seen by residents and visitors as a clean and tidy place.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Implement a regular litter collection service throughout the town as a service to the public.	WM	Apr 06	Dec 05	Carrying out litter collection services. Will seek direction from the Council regarding the future of litter collection (employ staff or tender)	
2. Develop community programs and initiatives that are aimed at reducing litter and improving the appearance of Port and South Hedland.	MCS	Ongoing		Clean up Australia Day held. Further initiatives to be planned and scheduled.	
3. Work with key stakeholders to address dust issues.	CEO	Ongoing	Ongoing	Mtgs held with BHPB and PDC to discuss potential expenditure items. Items discussed at April Briefing Session.	Ongoing
4. Review pre-cyclone clean-up options.	DES	Aug 06	Mar 06	Pre-cyclone clean-ups are to be reviewed by Council for budget consideration	
5. Develop a graffiti removal policy and program.	DES	Jun 06	Dec 05	Developing a program to identify and removed graffiti. An order has been placed for electronic system as per funding.	Jun 06
6. Review the quantum, location and collection frequency of public rubbish bins within the Town.	DES	Sep 06	Mar 06	Purchasing 'fire proof' bins to trial in high traffic areas. Bins are to be installed at parks and bus stops for a trial period	Ongoing

Goal 2 – Events

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

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Actively support the development and operation of community events.	MCS	Ongoing	Mar 06	Clean Up Australia Day held. Welcome to Hedland Night in progress. Events calendar developed and posted on website.	Ongoing
2. Develop a range of neighbourhood competitions and events (e.g. Tidy Towns, Best Maintained Business, Best Gardens, Street Parties).	MCS	Ongoing	Ongoing	Registered for Tidy Towns. Submission in progress (due 31 July)	Ongoing
3. Develop an awards nights for high achievers in our community – including individuals, clubs and Community groups.	MCS	Dec 06	July 06	Planning will commence August 2006	Dec 06
4. Develop skills of community groups through a targeted training programs and information sessions.	MCS	Ongoing	Ongoing	Funds allocated in Arts Alliance Agreement	Ongoing

Goal 3 – Townscape

That the central business districts and main thoroughfares of both Port and South Hedland are attractive and well maintained.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Re-establish townscape working groups to: Identify and implement townscape improvements Plan and implement new town entry statements. Review signage throughout the town.	DES	Sep 06	Jun 06	Advertisements will be placed the form a Townscape Working Group in the near future.	Sep 06
2. Implement planned upgrade works for Edgar and Wedge Streets.	DES	Aug 06	Mar 06	Upgrades are partially completed. Working with the PDC re: design and contracting of the remaining works	Aug 06
3. In conjunction with the Department of Housing and Works, implement the South Hedland New Living project.	CEO	Ongoing	Mar 06	Contractor selected. Preliminary mtgs held. Works scheduled for 2 nd ¼ of 2006.	2011
4. Develop a 5year Civic Buildings Cyclical Maintenance and Capital Development Plan that covers all buildings owned and managed by the Town.	MBS	Jun 06	Mar 06	Draft plan has been developed to be considered by Council during 06/07 budget process.	May 06

KEY RESULT AREA 3 – COMMUNITY DEVELOPMENT

Goal 1 - Youth & Children

That parents and young people in the Town have access to a range of facilities and services that is comparable to a metropolitan area.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Work with stakeholders to ensure adequate Child Care options (both centre based and Family Day Care) are available within the Town.	DRCS	Jun 07	Mar 06	Consultation has commenced and promotional program has been developed and implemented. More work scheduled to identify and address need.	Sep 06
2. Review the provision and location of Skate Ramps and Motorbike facilities.	DRCS	Apr 06	Mar 06	Matter under consideration by Recreational Facilities Working Group.	Jul 06
3. Develop and implement a Youth Plan that specifies the Council role in youth services and resources that Council is willing to commit.	MHS	Dec 06	July 06	Planned to commence July 2006.	Dec 06
4. Establish consultation mechanisms between Council and Young People	MCS	Apr 06	Mar 06	Extensive consultative network established through Recreation Facilities Working Group. Will be formalised by June	Jun 06
5. Work with private enterprise to develop a private cinema complex.	CEO	Jun 07	2005	Land released. Letter of support provided. Due diligence currently being undertaken.	Jun 07

Goal 2 - Sports & Leisure

That the community has access to sports and leisure facilities at or above the quality that they would be able to access in the metropolitan area.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Review the services provision and management model at the JD Hardie Recreation Centre and implement Councils preferred direction.	DRCS	Feb 06	Mar 06	Working Group formed and considering the matter.	Jul 06
2. Audit existing sports facilities and develop a 5 year Sports Facility Capital Development Plan that specifies development levels proposed at all sport facilities.	DRCS	Jun 06	Apr 06	Working Group has distributed consultants brief with quotes closing 19.04.06.	Sep 06
3. Undertake a feasibility study and for the development of a new multipurpose sports facility.	DRCS	Dec 06	Apr 06	Works are component of Consultant's Brief (above).	Sep 06
4. Upgrade facilities at boat launching locations.	DES	Jun 07	Feb 06	Investigating design & funding options. Work has commenced to improve road access to Finucane Island boat ramp.	Jun 07
5. Upgrade the facilities at South Hedland Aquatic Centre.	MBS	Jun 06	Mar 06	On target for completion Jun 06. Orders placed for major works.	Jun 06
6. Review the operation of the Gratwick Swimming Pool and South Hedland Aquatic Centres.	DRCS	Feb 06	Feb 06	Completed operational needs assessment in process of developing specifications for management contracts for pools. Item to April Council Meeting.	Jun 06
7. Review library operations and locations develop a plan for the future operations of libraries in the Town of Port Hedland.	MLS	Dec 06	Jul 06	Will commence July.	Dec 06

Goal 3 – Aged

That the town has facilities and services that make it attractive for people to continue residing in the Town after they retire.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Successfully manage the transition from Mirtanya Maya to the new State Government Aged Care Facility.	MHS	Jul 06	Nov 05	Regular meeting being held with State and Federal Governments to determine contractual and transactional arrangements.	Oct 06
2. Support the development of facilities at the Stephens St Aged Care Facility.	MHS	Jul 06	Ongoing	Discussions re Lease and development issues are progressing.	Dec 06
3. Seek additional funding for the operation of Council's HACC services and promote existing services.	MHS	Ongoing	Ongoing		Ongoing

Goal 4 – Disability

That the Town is recognised as an accessible location for people with disabilities.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
Review the Town's Disability Service Plan and undertake necessary actions to improve access to services and facilities	MHS	Jun 06	Mar 06	Has commenced and is on target for completion.	Jun 06

Goal 5 - Health

That the community has access to high quality health services and facilities and the Town is taking appropriate preventative measures to ensure a healthy environment.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Play an integral role in the community campaign for improved access to GP's and other health specialists.	CEO	Ongoing	Ongoing	GP levels have increased. Improved housing now available. Monitoring of situation is required.	Ongoing
2. Take an active involvement in planning for the development of the new Port Hedland Regional Hospital and the future use of the existing hospital site.	CEO	Jun 07	Feb 06	Preliminary design meetings held. Community consultation scheduled for April/May 2006.	2005
3. Review Environmental Health service levels in towns and communities and develop an Environmental Health Business Plan based on risk management principals.	MEH	Dec 06	Apr 06	Will commence in April when MEH commences appointment.	Dec 06
4. Review options for the development of a mosquito program.	MEH	Oct 06	Apr 06	Will commence in April when MEH commences appointment.	Oct 06
5. Work with key agencies to develop and implement the Pilbara Aboriginal Health Plan	DRCS	Ongoing	Dec 05	Initial work has commenced on developing partnerships.	Ongoing

Goal 6 - Community Safety

That the incidence of crime has decreased and the perception of community safety within the Town of Port Hedland has increased.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. In conjunction with other stakeholders, develop and implement a new Community Safety/Crime Prevention Plan.	CEO	Ongoing	Feb 06	Workshop held. Awaiting data from various agencies to develop a revised plan to be presented to Council May 2006.	Ongoing
2. Coordinate the development of response plans to natural disasters through the Local Emergency Management Advisory Committee (LEMAC)	WM	Ongoing	Mar 06	Developing a recovery plan for inclusion in our Emergency Management Plan.	Ongoing
3. Introduce Crime Prevention Through Environment Design (CPTED) principals into the assessment of planning and building applications.	MP	Dec 06	Apr 06	CPTED being considered in applications. Policy principles to be developed..	Ongoing

Goal 7 - Arts & Culture

That the Town is recognised as a location where arts and culture is promoted and quality art work is produced.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Review the Town's Cultural Plan and implement appropriate strategies.	DCRS	Dec 06	Jul 06	Scheduled to commence July 06	Dec 06
2. Review the short, medium and long term location and management model for the Courthouse Art Gallery	DCRS	Mar 06	Mar 06	Consultants engaged and will report April/May	May 06
3. Work with stakeholders to identify feasibility of developing a local art/craft market.	MARC	Jun 06	May 06	Will commence May 06.	Jun 06

KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT

Goal 1 – Tourism

That the Town's profile as a tourism destination is lifted and visitor nights in the town have significantly increased.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Work with the Visitor Centre committee to review services and facilities that are available to tourists.	CEO	Mar 06	Feb 06	Review progressing to be presented to Council in Apr 2006.	May 06
2. Work with community groups to establish tourist facilities at the Wedgefield 'Big Wheelbarrow'	CEO	Dec 06	April 06	Preliminary discussions held regarding Car Park issues.	Dec 06
3. Work with the Pilbara Regional Council to review the role that Pilbara Council's play in tourism.	CEO	Aug 06	Mar 06	Consultant's brief drafted.	Dec 06
4. Work with the Port Hedland Visitor Centre to identify the short, medium and long term plan for the development of visitor servicing facilities within the Town	CEO	Jun 06	Feb 06	Component of Visitor Centre Review Project.	May 06

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	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Work with BHP, FMG, Dampier Salt, Newcrest Mining and others mining companies to implement their Community Development Plans.	CEO	Ongoing	Ongoing	Ongoing discussions relating to projects.	Ongoing
2. Actively seek contributions from mining companies towards the sustainable, development and operation of municipal services and infrastructure.	CEO	Ongoing	Ongoing	Signed funding agreements with BHPB and Newcrest Mining Limited. Preliminary discussions with Dampier Salt have been held.	Ongoing
3. Work closely with mining companies to minimise the negative impacts of short-term construction activities.	CEO	Ongoing	Ongoing	Discussions with FMG and BHPB re: minimising impact of proposed construction programs.	Ongoing

Goal 3 - Business Development

That the Town of Port Hedland is recognised as local government authority that works closely with businesses to achieve sustainable economic growth.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Establishment a Community Foundation.	DCS	Jun 07	Jan 06	Partnership Agreements with BHPB and Newcrest will develop to become foundation once they have become more established.	2007
2. Work with key stakeholders to develop a Town of Port Hedland Business and Personnel Attraction/Retention plan.	MHR	Dec 06	Jun 06	To commence in 2 nd half of 2006.	Dec 06
3. Work with the Pilbara Development Commission and the local chamber of commerce to assess the feasibility and need for a community bank in South Hedland.	DCS	Sep 06	Dec 05	Initial meeting with PDC and PHCCI. Awaiting PDC to create a working committee.	Dec 06
4. Work with relevant stakeholders to coordinate a workshop with business and industry to discuss/debate the future of business development and economic growth in the Town	CEO	Dec 06	Jun 06	Not yet commenced.	Dec 06

Goal 4 - Land Development Projects

That land is being released and developed to meet the needs of a growing community.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Work with LandCorp to progressively develop Pretty Pool in a sustainable manner.	CEO	Ongoing	Nov 05	Planning and design works progressing. Stage 1 release scheduled for late 2006.	Ongoing
2. Facilitate the release of more residential and industrial land.	CEO	Ongoing	Ongoing	Project being driven by LandCorp. Data collection exercise being undertaken as a precursor to valuation exercise on potential options	Ongoing
3. Identify the preferred use and development of the Port Hedland Spoilbank.	CEO	May 06	Aug 05	Preliminary project completed. Council/PHES approved master planning project in March 06.	Nov 06

Goal 5 - Town Planning & 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	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Develop appropriate solutions to land use conflicts that are evident at Wedgefield and at the 'West End'.	MP	Dec 06	Apr 06	Will commence in May with commencement of MP. Component of Land Use Master Plan process.	Dec 07
2. Develop the Town of Port Hedland Local Planning Strategy as a pre-cursor to the development of Town Planning Scheme No 6.	MP	Jun 07	Apr 06	Land Use Master Plan is first step of developing Planning Scheme.	Dec 07
3. Actively pursue the resolution of all outstanding Native Title issues within the Town of Port Hedland via a global negotiated settlement.	CEO	Jun 07	Nov 05	State has responded to Council/PNTS that it does not want to be involved at this stage. Initial meeting with PNTS/Kariyarra People to discuss smaller ILUA scheduled for late April 06.	Jun 07
4. Undertake audits and compliance/education programs to improve levels of compliance with the Town Planning Scheme and other legislation relating to the built environment.	DRCS	Jun 06	Mar 06	Has commenced, but is behind schedule due to work undertaken to reduce backlog of work for VGO in relation to old building licences.	Sep 06

KEY RESULT AREA 5 – ENVIRONMENT

Goal 1 – Waste Management

That the Town of Port Hedland is managing waste at a level commensurate with Best Practice for Local Governments of similar size and nature.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Completion Date
1. Review the management and short, medium and long-term development plan for Landfill sites within the Town.	DES	Jun 06	Dec 05	Consultant employed to develop a Waste Management plan for Landfill sites. Preliminary works have commenced.	Dec 06
2. In conjunction with other Pilbara Council's, investigate options for sustainable reuse and/or recycling of waste materials and implement actions where appropriate.	DES	Aug 06	Feb 06	Pilbara Regional Council has agreed to develop a regional Waste Management Plan, as a component of 06/07 works.	Jun 07

Goal 2 - Natural Resources

That the Town of Port Hedland is managing its unique environment and using its resources sustainably.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Review and implement the Port Hedland Coastal Management Plan.	MP	Jun 07	May 06	Will commence in May with commencement of MP.	Aug 06
2. Monitor and regularly report on Council's energy and water use.	DCS	Ongoing	Ongoing	No action to date.	Ongoing
3. Work with relevant community groups, individuals and agencies to develop a Town of Port Hedland Tree Planting Guide.	DES	Jul 06	Mar 06	Reviewing the existing Council Policies regarding verge treatment and tree planting. To be presented to Council.	Jun 06
4. Develop and implement a sustainable, comprehensive street tree planting program.	WM	Dec 06	Mar 06	Reviewing the current street tree-planting program.	Dec 06
5. Expand the non-potable wastewater re-use program through the ovals and parks.	DES	Jun 06	Jan 06	The Water Corporation is currently upgrading the existing wastewater re-use system. Works scheduled to commence May 06. Behind schedule.	Aug 06
6. Advocate for the provision of additional State Government resources to coordinate efforts on environment related matters and monitor compliance of environmental conditions that have been set on businesses, industry and the general community.	DCRS	Ongoing	Ongoing	Letters sent to the Department of Environment. Unfavourable response to date.	Ongoing

KEY RESULT AREA 6 – GOVERNANCE

Goal 1 – Leadership

That the community acknowledges that the Town is leading the future development and management of the municipality in an effective and accountable manner.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Undertake team-building exercises with Councillors and staff.	CEO	Ongoing	Ongoing	Regular Manager's Meeting held. Engaged MODAL to undertake organisational culture training in 2 nd qtr of 2006.	Ongoing
2. Develop a consolidated training plan for Staff and Councillors.	MHR	Apr 06	Apr 06	Staff performance reviews completed. Training plan for staff to be developed from data contained in plan.	Jun 06
3. Work with other Pilbara Regional Council to implement agreed actions that achieve measurable benefits to the Port Hedland community.	CEO	Ongoing	Ongoing	Strategic planning session held 28.11.05. Five projects currently active.	Ongoing

Goal 2 - Traditional Owners and Aboriginal People

That traditional owners and aboriginal are informed about, and involved with, the provision of Council services and facilities

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Work with the State and Federal Government to develop Memorandum of Understanding's with remote communities regarding service provision levels.	CEO	Jun 07	Jan 06	Discussions held with ICC re: municipal service provision to communities. Awaiting further information/proposal from ICC prior to progressing.	Jun 07
2. Review Council's agreement with the Kariyarra people with the aim of putting the existing Indigenous Land Use Agreement (ILUA) into action.	CEO	Jun 07	Jan 06	Initial meeting scheduled for late April 06.	Jun 07
3. Work with key stakeholders to improve the level of aboriginal employment within the Town and investigate options for increasing aboriginal employment within the Town of Port Hedland.	CEO	Ongoing	Ongoing	Report to April 06 Council Meeting re: regional partnership agreement and Council employment of indigenous people.	Ongoing
4. Work with relevant agencies to implement an appropriate action plan to address aboriginal community visitors.	DRCS	Dec 06	Ongoing	Project being co-ordinated for DIA. Awaiting further funding. No tolerance approach to itinerant camping is working.	Jun 06

Goal 3 – Communication

That Town of Port Hedland is recognised by residents and ratepayers as being an open, informative, accountable local government that listens to community views and keeps stakeholders informed.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Regularly disseminate Council news to the community and seek community views on Council activities via a monthly Newsletter or a column in the local newspaper.	CEO	Apr 06	Mar 06	PR/Media group of staff formed to facilitate communication of Council news to the community, via weekly Media Releases, Quarterly Newsletter (May, Aug, Nov and Feb) and recommencement of a regular column in the local newspaper.	Ongoing
2. Update and regularly review the Town's website.	ITC	Apr 06	Jan 06	Internet group of staff has been formed, to regularly review the Town's website, however is yet to meet. Media Releases, Council documents and Events Calendar updated regularly. More work required.	Ongoing
3. Establish a regular timeslot on local radio to discuss relevant Town issues.	CEO	Mar 06	Jan 06	Preliminary discussions held. More work to be done.	June 06
4. Establish a series of community notice boards that advertise local services and events.	CEO	Aug 06	Jul 06	No action to date.	Aug 06
5. Develop shopping centre displays on topical public issues.	CEO	Ongoing	Jan 06	Display held on strategic plan development,	Ongoing

Goal 4 - Financial Management

That the Shire's financial management is user friendly, transparent, well planned and well managed.

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Develop a comprehensive 5year Financial Plan for the Town of Port Hedland which identifies Councils rating strategy, capital works program and proposed operational expenditure.	DCS	Apr 06	Feb 06	5 Year Plan concepts and assumptions adopted by Council Mar 06. More work required to finalise the document.	Jul 06
2. Undertake quarterly budget reviews throughout the organisation and report results to Council.	CEO	Ongoing	Ongoing	Being undertaken and reported to Council.	Ongoing
3. Actively seek increases in financial contributions towards the operation of Town of Port Hedland from the State Government and other funding sources.	CEO	Ongoing	Ongoing	Updated Submission sent to Grants Commission.	Ongoing
4. Establish systems for greater community input into Council budget processes.	MF	Jun 06	Apr 06	Developed new Item Request Form incorporating strategic planning requirements.	Jun 06
5. Review and update financial management systems in line with legislation, best practice and audit recommendations.	MF	Ongoing	Mar 06	Finance policies revised and approved by Audit and Finance Committee – to be considered by Council in April.	Ongoing
6. Undertake a comprehensive review of the Towns fees and charges structure.	MF	Apr 06	Mar 06	Fees and Charges reviewed as part of first Budget Workshop. Revised fee structure to second budget workshop.	May 06

Goal 5 - Systems Development

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

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Regularly monitor and review customer service systems and structures and upgrade where appropriate.	MA	Ongoing	Ongoing	Changes made to front reception counter to improve customer focus.	Ongoing
2. Develop a comprehensive system for the management of Council leases.	MA	Aug 06	Mar 06	Audit of Leases occurring. Further work required.	Oct 06
3. Develop an Information Technology (IT) plan for the Town of Port Hedland.	ITC	Apr 06	Mar 06	Audit Report received and works program being developed.	May 06
4. Upgrade the town's record keeping and filing structures to industry best practice standards.	MA	Jun 07	Jan 06	Record Keeping Plan reviewed with new targets established currently progressively implementing key words for Council.	Dec 06
5. Increase awareness of occupational health and safety via training of Safety Health and Environment Committee members and other staff.	MHR	Sep 06	Ongoing.	Regular meetings with Committee. Training being scheduled.	Ongoing

Goal 6 - Policy & Legislation

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

Strategy	Primary Officer Resp.	Scheduled Completion Date	Commenced (incl. 'Start Date')	Status	Likely Complet'n Date
1. Progressively review all Council Policies.	CEO	Ongoing	Ongoing	Being presented to Council monthly.	Ongoing
2. Review and amend Council's Local Laws.	DCS	Dec 06	Mar 06	Working Group has been formed, but is yet to meet.	
3. Work with Agencies and Traditional Owners to develop strategies to address issues with itinerants	DRCS	Jun 07	Sep 06	Scheduled for commencement Q4 2006.	Jun 07
4. Review service levels and resources provided to the Town's Ranger Services.	DRCS	Jun 06	Apr 06	On target for planned completion date.	June 06
5. Work with key agencies to review and develop Council policies in relation fire prevention and fire management	MEH	Dec 06	May 06	Will commence in May with commencement of MEH.	Dec 06

Legend – Primary Officer Responsible Abbreviations

- AM – Airport Manager
- CEO – Chief Executive Officer
- DCS – Director Corporate Services
- DES – Director Engineering Services
- DRCS – Director Regulatory and Community Services
- ITC – Information Technology Coordinator
- MA – Manager Administration
- MHS – Manager Human Services
- MB – Manager Building Services
- MARC – Manager Arts, Recreation and Culture
- MEH – Manager Environmental Health
- MF – Manager Finance
- MHR – Manager Human Resources
- MLS – Manager Library Services
- MP – Manager Planning
- WM – Works Manager

11.4.3.5 Funding for Turtle Interpretive Projects (File No.: ...-...)

Officer Chris Adams
Chief Executive Officer

Date of Report 10 April 2006

Disclosure of Interest by Officer Nil

Summary

Council direction is required on its preference for the allocation of available funds for turtle interpretative facilities

Background

The State Government has allocated \$1,000,000 for the development of turtle interpretive facilities within Port Hedland. The funds are being administered by the Pilbara Development Commission (PDC) with the Department of Conservation and Land Management (CALM) providing technical and project management support. Council's role in this matter is that of a group that is being consulted by the State Government.

The PDC has established a working group to manage the design of the proposed facilities. The working group has met on several occasions to discuss what facilities and/or structures which are potentially appropriate uses of the funding. At the group's most recent meeting CALM's Regional Manager presented a range of concept designs for consideration by the group. These concepts were subsequently discussed at a Council Briefing session in March 2006.

While several concepts have been discussed on what the funds could/should be spent on, the two most predominant ideas are:

- **Passive Development:** Encompassing walkways, boardwalks, interpretative signage, shelters, etc.
-
- **Turtle Interpretative Centre:** Developing a building, which has a tourist, research and community focus.

There have been several suggestions made at the Working Group that the project be developed in stages with initial works focusing on the passive works (listed above), with future stages potentially encompassing the development of a building.

As a member of the Working Group involved in this project Council needs to form an opinion on its preferred direction for the expenditure of the funds.

Consultation

The PDC's Working Group is providing input and advice on the desired nature, design and location of the proposed facilities. This group includes representations from environmental groups, tourism groups, traditional owners and relevant State Government Departments

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

The development of turtle interpretive facilities is not specifically mentioned in the Town's Strategic Plan.

Budget Implications

From preliminary discussions, it is clear that while the State Government has committed capital funds towards the project, it is not willing to commit operational funds towards the management and/or maintenance of the facility(ies) that are developed as a result of the project. There is an expectation that Council and/or the community will pay for these costs. Given this, Council needs to consider the operational costs of any structures that are built with the funding that is available with a view to minimising costs.

Officer's Comment

Flatback turtles nesting on the Port Hedland town beaches are a unique feature of this area. The allocation of funds for the development of facilities to capitalise on this unique feature is a significant opportunity for the Town to develop facilities that showcase this unique attraction in an environmentally sensitive manner.

While this is an opportunity that should not be missed, Council needs to be mindful of the ongoing recurrent costs of any development. As it is highly likely that the Town will be required to pay for the maintenance and management of any structures that are built through this funding, Council preference should be on lower key facilities such as footpaths, boardwalks and signage.

Officer's Recommendation

That Council advise the Pilbara Development Commission's Turtle Interpretative Facilities Working Group that:

- i) if the Town of Port Hedland is required to manage and maintain any facilities that are developed as a result of the current funding availability, Council's preference is that the focus of works be on the development of passive interpretative facilities such as interpretive boardwalks, signage, shade structures, etc.; and
- ii) Council is interested in exploring the development of shared facilities between the Port Hedland Visitor Centre and a new Turtle Interpretative Centre as a component of the development of a new Port Hedland Visitor Centre in the next 3-5 years.

200506/392 Council Decision

Moved: Cr G D Bussell

Seconded: Cr A A Carter

That the two matters in the Officer's Recommendation be considered separately.

CARRIED 7/0

REASON: Council wished to decide on the two matters separately.

200506/393 Council Decision

Moved: Cr G D Bussell

Seconded: Cr J M Gillingham

That the Council advise the Pilbara Development Commissions Turtle Interpretive Centre Working Group that the preferred vision for the facility is the development of a landmark building (similar to the Bunbury Dolphin Interpretive Centre).

CARRIED 7/0

REASON: Council preferred the vision for the facility is the development of a landmark building is compared to the proposed boardwalk structures.

200506/394 Council Decision/Officer's Recommendation

Moved: Cr G D Bussell

Seconded: Cr S F Sear

That Council advise the Pilbara Development Commission's Turtle Interpretive Centre Working Group that it supports the exploration of options for additional tenants for the new building to share the operating costs.

CARRIED 7/0

REASON: Council wished to reduce operating costs.

200506/395 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Council advise from the Pilbara Development Commissions Turtle Interpretive Centre Working Group that it supports the concept of a portion of the \$1m funding being put aside for recurrent expenditure.

CARRIED 7/0

REASON: Council wished to reduce ratepayer funding for a tourist/environmental facility.

11.4.3.6 Upgrade and Redevelopment Works at the Port Hedland Youth and Family Centre - Pilbara Regional Development Scheme Funding Agreement (File No.: CMS-044, GRT-017)

Officer Gaye Stephens
Executive Assistant

Date of Report 11 April 2006

Disclosure of Interest by Officer Nil

Summary

To progress the successful Pilbara Regional Development Scheme Funding Application for upgrade and redevelopment works at the Port Hedland Youth and Family Centre.

Background

As a result of successful funding from the Pilbara Regional Development Scheme, upgrade and redevelopment works were undertaken at the Port Hedland Youth and Family Centre.

Officer's Comment

A Financial Assistance Agreements (FAA) for Pilbara Regional Development Scheme Funding to assist financially towards the approved works undertaken at the Port Hedland Youth and Family Centre, requires the Town of Port Hedland Common Seal to be affixed and to be signed by the Mayor and Chief Executive Officer.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Although there are no specific strategies included in Council's Strategic Plan relating to the Port Hedland Youth and Family Centre, the following Goals are applicable:

Key Result Area 3 – Community Development

Goal 1 – Youth and Children

That parents and young people in the Town have access to a range of facilities and services that is comparable to a metropolitan area.

Goal 2 – Sports & Leisure

That the community has access to sports and leisure facilities at or above the quality that they would be able to access in the metropolitan area.

Budget Implications

The cost of the project (excluding GST), is funded by the Pilbara Regional Development Scheme. There are sufficient funds available in Council's budget to cover the GST component of the project.

200506/396 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That approval be granted for the Mayor and Chief Executive Officer to sign and duly affix the Town of Port Hedland Common Seal to the following Pilbara Regional Development Scheme's Financial Assistance Agreement (FAA) for upgrade and redevelopment works undertaken at the Port Hedland Youth and Family Centre.

CARRIED 7/0

11.4.3.7 *Town of Port Hedland Liquor Restrictions – Results of Community Survey (File No.: CMS-057)*

Officer	Chris Adams Chief Executive Officer
Date of Report	13 March 2019
Disclosure of Interest by Officer	Nil

Summary

To advise Council of results of the recent community consultation on Liquor restrictions and seek a formal Council position on how it would like to progress this matter.

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.

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."

Comments from Councillors indicated concern with this statement on the basis that they believed that there was significant community concern regarding the restrictions and that many people would like the restrictions altered or removed. As a result, Council initiated community consultation to determine the level of community support for the restrictions via a community survey.

A total of 280 responses were received in response to Councils consultation. In summary the results found that:

- The majority of respondents do not believe that current restrictions are assisting in reducing alcohol related harm.
- The majority of respondents do not support the continuation of most of the existing restrictions
- Current restrictions that are least supported for continuation are
- Restrictions on external promotions of certain products that are linked to and prizes, contests or competitions (Only 26% support)
- Restrictions on advertising of products (Only 27% support)
- Restricting takeaway sales on Sunday (Only 33% support)
- Prohibiting the sale of alcohol in containers of 750ml (Only 34% support)

A detailed report outlining the results of the community consultation on this matter has been appended to this report. In addition to the results from the community consultation, Pilbara Population Health called a liquor accord meeting, which was

attended by 19 people. The liquor restrictions were discussed at length at the meeting with the consensus being:

- There was general support for the need for some level of restriction on the Town.
- There was/is confusion on what restrictions (both mandatory and voluntary) exist within the Town of Port Hedland.
- The Police and Pilbara Population Health are strongly in favour of maintaining existing liquor restrictions.
- There was little or no support for the continuation of restrictions relating to advertising and/or promotions. If any reductions to existing restrictions were to be made, this is the only area that may receive support from the Police and/or Population Health.
- There was support for the continuation of restrictions relating to the sale of cask wine and spirits in over 750ml bottles.
- There was very conflicting views on the need for, and effectiveness of, current Sunday trading restrictions in relation to takeaway alcohol.

Consultation

The recent community consultation that has been undertaken on this issue included:

- Random community survey.
- Survey of licensees
- Survey of relevant government agencies, indigenous organisations and interested not-for-profit groups
- Request for public submissions.

Statutory Implications

The Director of Liquor licensing sets the liquor restrictions that are imposed in Port Hedland under provisions available within the Liquor Licensing Act.

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

Nil

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 there has been some impact, the effectiveness of the individual restrictions in reducing alcohol related harm is questionable.

Councils community based research indicates that, in general, the community does not support the existing liquor restrictions. Having said that, the comments received from respondents would indicate that the community recognises that there are a minority of people in Port Hedland who have serious alcohol related problems. There seems to be an attitude from many of the respondents that something should be done to rectify the problem but 'non-offenders' should not be adversely affected through the imposition of restrictions that affect them.

Clearly there is no simple solution to this problem, but restrictions that are not supported by the community and are seen as having little or no effect on reducing alcohol related harm should be eliminated.

200506/397 Council Decision/Officer's Recommendation**Moved:** Cr G J Daccache**Seconded:** Cr A A Carter**That:**

- i) **Council writes to the Director of Liquor Licensing seeking the immediate revocation of the following restrictions on the basis that they are not supported by the Port Hedland community and are not assisting in reducing alcohol related harm:**
 - a) **the restriction that prohibits any external promotion of which advertises the price of full strength "mainstream" packaged beer (i.e. regular beer with over 3.5% ethanol by volume); Ready to Drink spirit mixes; 2 litre wine casks; or spirits) whether the price is discounted or not; and**
 - b) **the restriction that prohibits the link of the sale of full strength beer, Ready to Drink spirit mixes; 2 litre wine casks; or spirits with prizes, contests or customer incentives; and**
- ii) **the Director of Liquor Licensing be invited to the Town of Port Hedland to discuss alternatives to the existing liquor restrictions with the Town Council, licensees and the general community.**

CARRIED 7/0

11.4.3.8 Western Australian Local Government Association – Daylight Savings Survey (File No.: GOV-004)

Officer Gaye Stephens
Executive Assistant

Date of Report 21 April 2006

Disclosure of Interest by Officer Nil

Summary

The Western Australian Local Government Association is seeking feedback from Council on –

- whether it supports or does not support the introduction of Daylight Savings Time in Western Australia; and
- to determine if Daylight Saving Time is a Local Government issue that Council would like the Western Australian Local Government Association to pursue.

Background

The following InfoPage relating to Daylight Savings was received from WALGA:

“Recent articles in the media have raised the issue of Western Australia’s lack of daylight saving reform and the potential impact on the West Australian economy and community. Western Australia along with Queensland and the Northern Territory are the only States and Territory not to utilise DST.

In response to these concerns a number of Councils have requested feedback from Local Governments to ascertain whether WALGA should develop a Local Government policy position in relation to daylight savings.

At present 70 out of 268 nations utilise Daylight Saving Time (DST) in at least some portion of the country, including Australia. Japan is the only major industrialized country not to have introduced DST.

Background – Daylight Savings Time in Australia

In Australia, DST was first introduced during World War I from 1 January 1917 to 25 March 1917 and during World War II for three summers, beginning on 1 January 1942, under Commonwealth legislation which, due to wartime emergency, was binding to all States.

Western Australia did not use DST during the summer of 1943.

In 1967, Tasmania experienced a drought which depleted their reserves of water. The State Government introduced DST that summer as a means of saving power and water. Tasmanians reacted favourably to DST and the Tasmanian government has declared DST each summer since 1968. After persuasion by the Tasmanian Government, all states (except WA and the Northern Territory) passed legislation in 1971 for a trial season of DST. The following year New South Wales, South Australia and Victoria joined Tasmania for regular DST. Queensland did not do so until 1989 and only then for a trial period of one summer. In response to the problems caused by the lack of DST uniformity, a Private Members Bill, the National Measurement (Standard Time) Amendment Bill 1991, was introduced to Federal Parliament in May 1991 by Ron Edwards, the former Member for Stirling (1983 – 1993) in WA. The aim of the Bill was to define a national system of time zones and DST for Australia and its external territories.

In March 1992, the Federal Government decided to not proceed with the bill, and the setting of time zones and daylight saving remains the responsibility of the State and Territory Governments. At present New South Wales, Victoria, Tasmania, South Australia and the ACT use DST.

Western Australia – Daylight Savings Time Referenda

In Western Australia there have been three referenda that have rejected the implementation of DST, the most recent being 13 years ago.

The first DST referendum was held on 8th March 1975 and posed the question:

Are you in favour of the standard time in the State being advanced one hour from the last Sunday in October in year until the first Sunday in March next following?

The outcome was the proposal to make DST permanent after a trial period was rejected.

The second DST referendum was on 7 April 1984 and posed the question:

Are you in favour of the standard time in the State being advanced one hour from the last Sunday in October in each year until the first Sunday in following March?

The proposal to make DST permanent was again rejected.

A third referendum was held on 4 April 1992 and posed the question:

Are you in favour of the standard time in the State being advanced one hour from the last Sunday in October 1992 until the first Sunday in March 1993 and in a similar fashion for each year thereafter?

Again the proposal to make DST permanent was rejected.

At present the Queensland State government is holding two e-petition the first which support the introduction of DST began on 12 October 2005 and is due to be completed on 12 March 2006. At present 58, 733 e-petitions have been signed in support of the introduction of DST. The second began on 31 October and is again due to be completed on 12 March 2006. This petition wants to top the introduction of DST and 6,862 e-petitions have been signed. Further information on this process can be obtained by accessing the Queensland Government website www.qld.gov.au and enter 'e-petitions' as a search criteria.

Your Feedback Sought

There has been great debate on the issue with a number of positive and negative being highlight.

The positives are generally associated with economic, environmental and lifestyle gains especially those involve din business with the Eastern States. Supporters highlight how daylight saving aligns working and living hours with the sunlight in the hope of reducing community energy consumption.

Those opposed to DST highlight that the benefits are linked more closely to those living in cities, than those living in rural and remote areas. Negatives are also closely associated with those in the construction and building industry, small business and agricultural and farming industry.

The WA Local Government Association team is seeking your thoughts on this issue to ascertain whether is a matter of importance for Local Government in Western Australia. A Fax Back is attached and your timely comments would be appreciated."

WALGA's Seisha Fogarty-Pryor, Policy Team Community has advised the Town of Port Hedland can respond by 27 April 2006 (after the deadline date of 21 April 2006) to enable Council to consider this matter.

Consultation

Western Australian Local Government Association

Statutory Implications

Nil.

Policy Implications

Nil.

Strategic Planning Implications

Nil.

Budget Implications

Nil.

Officer's Comment

Council has the following options to consider:

1. respond to the Western Australian Local Government Association's Daylight Savings Time Survey, advising *"that Council does not support the introduction of Daylight Savings Time in Western Australia.;*
2. respond to the Western Australian Local Government Association's Daylight Savings Time Survey, advising *"that Council does support the introduction of Daylight Savings Time in Western Australia.;*
3. respond to the Western Australian Local Government Association's Daylight Savings Time Survey, advising *"that Council neither supports nor opposes the introduction of Daylight Savings Time in Western Australia, as it is an issue for the boarder community, and the broader community should have the opportunity to provide comment.;"* or
4. do not respond to the Western Australian Local Governemnt Association's Daylight Savings Time Survey.

Officer's Recommendation

That the Western Australian Local Government Association be advised in writing as follows:

"that Council does/does not support the introduction of Daylight Savings Time in Western Australia; and Daylight

Saving Time is/is not a Local Government issue that members would like WALGA to pursue.”

or

“that Council neither supports nor opposes the introduction of Daylight Savings Time in Western Australia, as it is an issue for the boarder community, and the broader community should have the opportunity to provide comment”

200506/398 Council Decision

Moved: Cr A A Carter

Seconded: Cr A A Gear

That

- i) Council does not support the introduction of Daylight Savings Time in Western Australia, and**
- ii) Daylight Savings is not a Local Government issue that members would like WALGA to pursue**

CARRIED 6/1

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

Nil.

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

8.00 pm Cr J M Gillingham left the room.

200506/399 Council Decision

Moved: Cr A A Carter

Seconded: Cr A A Gear

That the meeting be adjourned for a period of ten (10) minutes to allow Councillors time to review additional information that had been provided regarding Confidential Items.

CARRIED BY ABSOLUTE MAJORITY 7/0

8:01 pm Mayor adjourned the meeting.

200506/400 Council Decision

Moved: Cr G D Bussell

Seconded: Cr A A Gear

That the meeting be resumed.

CARRIED BY ABSOLUTE MAJORITY 8/0

8:12 pm Mayor advised the meeting was resumed.

NOTE: All Members returned to the room including Cr J M Gillingham. There were no members of the public present in the Public Gallery.

ITEM 14 CONFIDENTIAL ITEMS**200506/401 Council Decision****Moved:** Cr A A Gear**Seconded:** Cr G J Daccache

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 Legal Matter – Wellard Industries, and**14.2 Landfill Organisational Restructure*****CARRIED 7/0***

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; ...”

8:13 pm No Members of the public or media were in the room.

14.1 Confidential Matter : Legal Matter – Wellard Industries (File No.: GREA842, 116960G)**200506/402 Council Decision****Moved:** Cr A A Carter**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 7/0

8:19 pm Mayor suspended standing orders.

200506/403 Council Decision

Moved: Cr G J Daccache **Seconded:** Cr A A Gear

That the Standing Orders be resumed.

CARRIED BY ABSOLUTE MAJORITY 7/0

8:36 pm Mayor advised standing orders were resumed.

200506/404 Council Decision

Moved: Cr G D Bussell **Seconded:** Cr A A Carter

That Council seek a second legal opinion on Wellard Industries legal matter currently being considered by Council.

CARRIED 7/0

200506/405 Council Decision

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

That the Chief Executive Officer be empowered to write to Land Asset Management Services (LAMS) and Department of Planning and Infrastructure (DPI) to advise of Council's position on this matter and indicate that no further action should be taken to rescind existing leases and/or use rights until such time that Council has further considered this matter.

CARRIED 7/0

14.2 ***Confidential Matter : Landfill Organisational Restructure***

200506/406 Council Decision

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

That Council:

- i) offer the Mr John Gibbs the option of;**
 - a) accepting redeployment to the position of the Weighbridge Operator, with his existing salary being guaranteed for the next 12 months after such time he will revert to Level 5 under the MEU Award; or**
 - b) accepting a redundancy offer in accordance with the provisions of the Town's Enterprise Bargaining Agreement.**

- ii) if Mr Gibbs accept the redundancy, offer:
 - a) a small function to thank Mr Gibbs for his service;
 - b) assistance be provided for resume writing;
 - c) an employment reference be provided;
 - d) ability to access the Employee Assistance Program; and
 - e) up to one day paid time off.

CARRIED 5/2

200506/407 Council Decision

Moved: Cr A A Carter

Seconded: Cr A A Gear

That the Meeting be opened to members of the public.

CARRIED 7/0

8.47 pm No Members of the Public entered the room.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

Cr J M Gillingham requested leave of absence from 10 May 2006 to 19 June 2006.

200506/408 Council Decision/Officer's Recommendation

Moved: Cr A A Gear

Seconded: Cr A A Carter

That Leave of Absence be granted to Cr J M Gillingham from 10 May 2006 to 19 June 2006 inclusive.

CARRIED 7/0

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 24 May 2006, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 8.50 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 24 May 2006.

CONFIRMATION:

MAYOR

DATE