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Town of Port Hedland

MINUTES

OF THE

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

HELD ON

WEDNESDAY, 26 JULY 2006

AT 5.30 PM

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

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*Chris Adams
Chief Executive Officer*

OUR COMMITMENT

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

TABLE OF CONTENTS

ITEM 1	OPENING OF MEETING	5
1.1	OPENING.....	5
ITEM 2	RECORDING OF ATTENDANCE AND APOLOGIES.....	5
2.1	ATTENDANCE.....	5
2.2	APOLOGIES	5
2.3	APPROVED LEAVE OF ABSENCE	5
ITEM 3	RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE.....	5
3.1.1	<i>Mr Bob Neville</i>	5
3.1.2	<i>Miss Kelly Howlett</i>	8
ITEM 4	PUBLIC TIME	9
4.1	PUBLIC QUESTION	9
4.2	PUBLIC STATEMENTS.....	9
ITEM 5	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	9
ITEM 6	DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING	9
ITEM 7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	9
ITEM 8	ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION.....	10
ITEM 9	REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION.....	10
9.1	CR G J DACCACHE	10
ITEM 10	PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS	11
10.1	MR FRED DAVIS	11
ITEM 11	REPORTS OF OFFICERS.....	13
11.1	GOVERNANCE.....	13
11.1	<i>Status of Council Decisions (File No.: ADM-015)</i>	13
11.2	REGULATORY AND COMMUNITY SERVICES	29
11.2.1	DIRECTOR REGULATORY AND COMMUNITY SERVICES	29
11.2.1.1	<i>Monthly Report – Regulatory and Community Services (File No: ADM-091)</i>	29
11.2.1.2	<i>Display of Vehicles for Private Sale (File No.: RAN-007 & RAN 008</i>	38
11.2.1.3	<i>Off Road Vehicles (File No.:RAN-026)</i>	44
	PLANNING SERVICES.....	47
11.2.2.1	<i>Delegated Planning Approvals for June 2006 (File No.: PLN-104)</i>	47
11.2.2.2	<i>Proposed Construction of a 175 m² Shed at Lot 1 Manilinha Drive, Port Hedland (File No.: 800025G)</i>	51
11.2.2.3	<i>Request to Place Two 3 m x 6 m Signs on Road Reserves in South Hedland (File No.: 111407G)</i>	56
11.2.2.4	<i>Proposed Pretty Pool Design Guidelines (File No.: 18/14/0001)</i>	61

11.2.2.5	<i>Request for In Principle Support for Temporary Access Road to FMG Port Construction Site (File No.: 18/12/0003)</i>	73
11.2.3	HUMAN SERVICES – HOME AND COMMUNITY CARE	80
11.2.3.1	<i>Town of Port Hedland Home and Community Care - Variation to the 2005/2006 Service Agreement (File No.: AGR/012)</i>	80
11.3	ENGINEERING SERVICES	82
11.3.1	DIRECTOR ENGINEERING SERVICES.....	82
11.3.1.1	<i>Monthly Report – Engineering Services (File No.: 13/04/0001)</i>	82
11.3.2	PORT HEDLAND INTERNATIONAL AIRPORT	85
11.3.2.1	<i>Airservices Australia Agency Agreement (File No: 30/03/0001)</i>	85
11.4	GOVERNANCE AND ADMINISTRATION	92
11.4.1	CORPORATE SERVICES - FINANCE	92
11.4.1.1	<i>Financial Reports to Council for Period Ended 30 June 2006 (File Nos: FIN-008, FIN-014 and RAT-009)</i>	92
11.4.1.2	<i>Write Off Debtors (File No.: Fin-005/Fin-100)</i>	97
11.4.1.3	<i>Withdrawal of Caveat Lot 3158 Mitchie Crescent, South Hedland (File No.: RAT-009, A405140g)</i>	100
11.4.1.4	<i>Amendment to Council Policy 2/007 Procurement (File No.: ADM-086)</i>	102
11.4.1.5	<i>Banking Services (File No.: FIN-007)</i>	105
11.4.1.6	<i>2006/07 Budget Adoption (File No.: ...-...)</i>	108
11.4.2	GOVERNANCE.....	119
11.4.2.1	<i>Arts & Cultural Precinct Proposal (File No.: ART-001, TOU-002, BLD-047 and CMS-025)</i>	119
11.4.2.2	<i>Review of Council's Code of Conduct (File No.: ADM-053)</i>	126
11.4.2.3	<i>Port Hedland Cattle Yards (File No.: ECO-021)</i>	143
11.4.2.4	<i>Liquor Restrictions – Response (File No.: CMS-057)</i>	147
11.4.2.5	<i>Street Names for Pretty Pool Subdivision (File No.: 18\14\0001)</i>	154
11.4.2.6	<i>Port Hedland Enhancement Scheme – Projects for Funding Endorsement (File No.: TWN-010)</i>	157
11.4.2.7	<i>Local Government Week 2006 – Second WALGA Voting Delegate (File No: ADM-028)</i>	159
11.4.2.8	<i>Amendment to Council Representation on Council Committees/Working Groups, and Representation on External Organisations (File No.: ADM-070)</i>	161
ITEM 12	LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL	163
ITEM 13	MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN	163
ITEM 14	CONFIDENTIAL ITEMS	163
ITEM 15	APPLICATIONS FOR LEAVE OF ABSENCE	163
ITEM 16	CLOSURE	163
16.1	RECORD OF THANKS	163
16.2	DATE OF NEXT MEETING.....	163
16.3	CLOSURE	164

ITEM 1 OPENING OF MEETING**1.1 Opening**

The Deputy Mayor declared the meeting open at 5.40pm and acknowledged the traditional owners, the Kariyarra people.

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

Cr A A Carter	Deputy Mayor
Cr G D Bussell	
Cr G J Daccache	
Cr A A Gear	Arrive 5.42 pm - Item 6
Cr J M Gillingham	
Cr D R Pike	
Cr S F Sear	
Mr Chris Adams	Chief Executive Officer
Mr Matthew Scott	Director Corporate Services
Mr Grant Logie	Director Engineering Services
Mr Terry Sargent	Director Regulatory and Community Services
Mrs Heather Logie	A/Executive Assistant
Members of Public	11

2.2 Apologies

Mayor S R Martin

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 28 June 2006****3.1.1 Mr Bob Neville**

It has been determined that planning for the installation of a reticulation system for the Marie Marland Reserve in South Hedland has been ongoing since at least November 2005, why were the main users of this reserve; primarily the Port Hedland Softball Association, Cougars Rugby League Club and the Port

Hedland Baseball Association, not consulted about the plans during this time?

The clubs were given the information Council had as soon as it was available. In March 2006 club officials of all clubs were told the Water Corporation would be undertaking works on the grounds and that information would be distributed as soon as anything more was known. When the Water Corporation and their contractor presented their works plan to Council staff, negotiations occurred to minimise impacts within the contracts limits. Clubs were then contacted to advise of work plans and where possible to offer alternative venues.

Why were fixtures for both the Port Hedland Softball Association and the Cougars Rugby League Club accepted by Council prior to the sports' season start in May 2006, along with a letter furnished by Council to the Clerk of Courts giving permission for liquor to be consumed on the Marie Marland Reserve on the dates when the ground is to be closed for reticulation works?

As already indicated in relation to the previous question, the Council did not know the dates of reticulation works until the week in which the clubs were advised. At the time fixtures were "accepted" Council had no indication when or even if there would be any disruption to club fixtures.

The President of the Port Hedland Softball Association, Shane Jamieson, received a telephone call from Council on the 6th June 2006, notifying him that the works were due to commence in a few weeks, why was the Port Hedland Softball Association not notified of the maintenance works at the first opportunity (the first written notice was received on the 12th June)?

Shane Jamieson (and all other relevant sporting associations) received verbal communication about the proposed venue closures within two days of the dates being confirmed. The initial dates provided to all Associations were then amended (and communicated via letter) to minimise disruption. Port Hedland Softball Association were provided an alternative reserve for the two weeks Marie Marland Reserve was closed.

Why has Council not offered the sporting bodies any assistance to set up new playing grounds, including erection of safety fences and nets and marking of grounds, for the 2-3 weeks they cannot play on the Marie Marland Reserve?

The Director Regulatory and Community Services and Council's Recreation Officer did speak with representatives of several clubs and asked them to contact Council if there was assistance required in order to reschedule fixtures etc. To date the Clubs have all made their own arrangements without seeking any assistance from Council.

As the works were contracted out and involved the Water Corporation of Western Australia, will Council furnish the Port Hedland Softball Association with the details of the contract, and in particular the date the contract to complete the works was finalised?

The works were undertaken by a contractor on behalf of the Water Corporation. Council is not involved in that process and does not have a copy of the works contract.

As advised in previous correspondence to the clubs Council had to have this work undertaken in order for the Dept of Health to allow the continued use of treated effluent for irrigation and to access the very favourable funding arrangements offered by the Water Corporation, which effectively enables the work valued at approx \$1.3 million to be done at no cost to Council.

Why was the reticulation works scheduled during the busiest sporting time of the entire year?

Council has been advised that this is the time when specialist contractors and equipment is available. Council officers tried but were unable to negotiate alternative time.

Does the Port Hedland Softball Association have to remove the existing safety nets, back-nets shade structures, etc. prior to the reticulation works commencing?

Works have now been completed, and no structures were removed from Marie Marland Reserve.

Will the Council pay for any damage to any Port Hedland Softball Association safety equipment or shade structures due to the reticulation works?

No damage has occurred to any safety equipment, however if subsequent damage has been found, please alert Council staff.

Prior to installing the reticulation system on the Marie Marland Reserve, will Council and the Water Corporation and the contractor consult with the sporting groups in relation to the placement of the sprinkler heads to ensure they do not create a safety hazard to the players of all three codes of sport?

The reticulation system has been designed to facilitate the highest level of safety and best turf management practices

Will Council tonight consider partially compensating the Port Hedland Softball association for lost income, mobilisation costs, light usage and inconvenience caused to the executive and all players of their sport by waiving the user fees and any lighting costs attributed to the reticulation works?

As mentioned in relation to an earlier question, clubs have been invited to seek assistance from council. Any requests arising from this will be considered on their merit.

Will the Council allow the executive of the Port Hedland Softball Association to join with them and the Water Corporation to inspect the completed works prior to any sport being played on the Marie Marland Reserve, to ensure no safety issues have arisen from the reticulation works or any damage caused to infrastructure?

A representative from each Association was invited to meet with the Town of Port Hedland and Water Corporation to do final inspections of the grounds.

Are Councillors aware that as late as Monday this week the contractors turned off all power to the Marie Marland Reserve, again without any consultation with the sporting groups, which caused further costs to sporting clubs through loss of perishable items stored in refrigerators within the designated kiosks?

No. Council officers were told by the contractors, on the day of the outage, that power was being turned off, without being advised this would impact fridges, etc.

3.1.2 Miss Kelly Howlett

[Question relating to Application for Planning Approval for 52 Additional Transient Workforce Accommodation Units at Lot 300 Schillaman Street, Wedgefield, Ordinary Council Meeting held 24 May 2006]

In regards to condition 'p)' has this condition been inspected as completed? If yes, are the signs in place effectively saying "live here at your own risk", or if no, when will this normally 'prior to occupation' condition be completed?

This condition has been discussed with the applicant and the site inspected. The applicant is in the process of complying with the condition and enforcement will be dealt with by the Manager Planning via his normal processes.

In regards to condition 'q)' [condition q) being 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] has this normally prior to occupation condition been completed? If so, who was/were the Environmental Specialist who conducted the independent assessment; and can the public request a copy given that any recommendations/management measure may have a flow on effect to nearby properties that are in the same area; If no, when will this normally 'prior to occupation' condition be completed?

This condition has been discussed with the applicant and the site inspected. Compliance will be dealt with by the Manager Planning in the same manner as any other approval conditions. The timeframe and nomination of an Environmental Specialist for the assessment process is yet to be resolved with the applicant but the Managers of Planning and Health are in discussions with the applicant. As failure to meet this condition potentially renders the approval void, it is anticipated that the condition will be met in a timely manner.

3.2 Questions from Members at Ordinary Council Meeting held Wednesday 24 May 2006

Nil.

ITEM 4 PUBLIC TIME

4.1 Public Question

Nil.

4.2 Public Statements

Nil.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

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

5.42 pm Cr A A Gear entered the Room.

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

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

The following Member verbally declared to have given due consideration to matters contained in the Business Paper presented before the meeting with the exception of the attachments.

Cr A A Gear	
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ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 28 June 2006.**Officer's Recommendation**

That the Minutes of the Ordinary Meeting of Council held on Wednesday 28 June 2006 be confirmed as a true and correct record of proceedings with the following amendment:

- . Item 2.1 Attendance (page) – delete “Manager Building Services”, insert “Manager Planning Services”.
- . Item 11.4.2.2 (page 168) - delete "Application 2006/112" and replace with "Application 2006/6.1".

NOTE: SIMPLE MAJORITY VOTE REQUIRED

200506/483 Council Decision

Moved: Cr S F Sear

Seconded: Cr J M Gillingham

That the Minutes of the Ordinary Meeting of Council held on Wednesday 28 June 2006 be confirmed as a true and correct record of proceedings with the following amendment:

Item 3.1.2 Miss Kelly Howlett (Page 8)

Answers from questions raised by Miss Kelly Howlett be included in full.

- . **Item 2.1 Attendance (page) – delete “Manager Building Services”, insert “Manager Planning Services”.**
- . **Item 11.4.2.2 (page 168) - delete "Application 2006/112" and replace with "Application 2006/6.1".**

CARRIED 7/0

REASON: Council sought corrections to the Minutes of the Ordinary Meeting of Council held on 28 June 2006 to be made.

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Nil.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**9.1 Cr G J Daccache**

Advised of his attendance at the Recreation Facilities Working Group meeting held on Tuesday 25 July 2006, further that various local Sporting Bodies were well represented.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS**10.1 Mr Fred Davis**

Representative of the Port Hedland Cricket Association, provided a written hand out for Councillors requesting that they consider the matters raised.

Commenting that the proposed Recreation Facilities Audit Draft Report had an important impact on the Pt Hedland Cricket Association. It was a great opportunity to get the arrangement for cricket right or the sport would be left behind. That the Port Hedland Cricket Association was seeking similar considerations to that of other sporting bodies in Port Hedland.

Chairman thanked Mr Davis for his presentation and advised that Councillors would comment once they had read the information.

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 13 July 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 14 December 2005;
- Ordinary Meeting held 22 February 2006;
- Ordinary Meeting held 22 March 2006;
- Ordinary Meeting held 26 April 2006;
- Ordinary Meeting held 24 May 2006; and
- Ordinary Meeting held 28 June 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

200506/484 Council Decision/Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr G J Daccache

That the Officer's Report 'Status of Council Resolutions' as presented to the Council's Ordinary Meeting held on 26 July 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> <ul style="list-style-type: none"> a) initiate an amendment to Town Planning Scheme No. 5 to rezone an area of land from 'Rural' and 'Urban Development R20' to 'Urban Development' to facilitate the subdivision and development of the land in accordance with the Revised Pretty Pool Development Plan; b) advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority; c) receive the Revised Pretty Pool Development Plan for the purpose of public advertising in conjunction with the associated Town Planning Scheme No.5 Scheme Amendment; d) invite LandCorp to a meeting with Council to address the issues of <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 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>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 DoE. Developer and DoE still in negotiation. Copy of ltr from DoE to developer received 300606 outlining outstanding issues.</p>	
10.2.3.6	Hire Car Operations	<p>200506/108 Council Decision/Officer's Recommendation That:</p> <ul style="list-style-type: none"> i) the Chief Executive Officer and the Airport Manager commence negotiations with Hire Car operators regarding the possible relocation and consolidation of facilities; and 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>RESPONSIBLE OFFICER: Airport Manager</p> <p>Valuations on proposed new area being considered. Awaiting valuation.</p>	
<p>Ordinary Meeting held 26 October 2005</p>				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
10.1.3.6	Proposed Scheme Amend't – Portion of Crowe St 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. Letter sent to applicant requiring compliance with previous Council resolution, or Council will determine application lay on table.	
10.2.2.1	Lease of Southern Aircraft Hangar and Surrounding Land at PHIA	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. Dft Lease to Polar Aviation May 06. Awaiting response.	
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.	August 06
Ordinary Meeting held 14 December 2005				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
		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: Council has been advised by McLeods that this matter is being discontinued and no further action will be taken.	✓ COMPLETED
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 Ltrs sent. Trolleys to be advertised for sale.	July 06
Ordinary Meeting held 22 February 2006				
11.2.2.5	Proposed Rd 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. Comments received and Minister requested to close PAW.	✓ COMPLETED
Ordinary Meeting held 22 March 2006				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.2.5	Proposed Pedestrian Access Way (PAW) Closure At Lot 1699 (18-20) Logue Crt. SH	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 Public submission period completed 11.05.06 with no submissions received. Request will be made to Minister to close PAW in accordance with delegation 40(12). Awaiting comment from service providers prior to requesting closure. SLS has requested evidence of advise from other adjoining landowners indicating if they have interest in acquiring land.	
12.2.2.7	Request for Scheme Amend. to Rezone Lot 5197 (21) Harper St, PH	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 Contacted Whelans, documentation was mailed 120706	

MINUTES : ORDINARY COUNCIL MEETING

26 JULY 2006

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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 Research commenced. Report to July Ord CI Mtg.	July 06
Ordinary Meeting held 26 April 2006				
11.2.3.1	JD Hardie Centre Recomm.	200506/371 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Sports and Recreation Officer Currently with JD Hardie Centre WG	July 2006
Ordinary Meeting held 24 May 2006				
11.2.2.4	Municipal Heritage Inventory Review	200506/415 Council Decision/Officer's Recommendation That Council: i) distribute the Town of Port Hedland Municipal Inventory of Heritage Places Review 2006 for the purpose of public advertising; ii) advertise in the North West Telegraph that copies of the Draft Heritage Inventory will be available for viewing until 28 June 2006 at the: a) Port Hedland Library b) South Hedland Library c) Dalgety House d) Courthouse Art Gallery; iii) provide a copy of the Draft Heritage Inventory to the Port Hedland Historical Society with a request for comment to be received by the Town of Port Hedland before 28 June 2006; and iv) forward all submissions to the consultant for assessment and inclusion into the Municipal Heritage Inventory.	RESPONSIBLE OFFICER: Planning Officer Copies distributed, advertisement in next available edition of NWT. Modified closing date for submission to 210706. Will report to consultant after this date. Report to Ord Council Mtg to be held August 06	Aug 06

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.4.1	Proposed Vehicular Access Restrictions Pretty Pool & Cemetery Beach	200506/422 Council Decision/Officer's Recommendation The Coordinator Ranger Services continues to liaise with the Care for Hedland Environmental Group as they seek community feedback over the exclusion of vehicles from beaches at Pretty Pool and Cemetery Beach.	RESPONSIBLE OFFICER: Director Regulatory and Community Services Report to Ord Council Mtg to be held August 06.	Aug 06
12.2.4.2	Re-estab. Bushfire Advisory Committee or WG	200506/423 Council Decision/Officer's Recommendation That: i) Council transfers the responsibilities of Bush Fire Advisory Committee (BFAC) to the Local Emergency Management Advisory Committee (LEMAC); and ii) that the Local Emergency Management Plan be referred to LEMAC for review, and then be returned to Council for further consideration.	RESPONSIBLE OFFICER: Co-ordinator Ranger Services	✓ COMPLETE
11.4.2.4	Resignation of Cr Young	200506/434 Council Decision That : i) the Agenda Item 'Resignation of Trona Young' lay on the table until Council's Ordinary Meeting to be held in June 2006, to ensure full Council is present to consider this matter; ii) during this period the community be canvassed for their opinion; and iii) a letter of appreciation be forwarded to Cr T M Young for her services to Council.	RESPONSIBLE OFFICER: Chief Executive Officer Report to June 06	✓ COMPLETE
11.4.2.6	Sustainable Air Service to Port Hedland	200506/436 Council Decision That: i) Council strongly supports the retention of two RPT air service carriers to the Town of Port Hedland; ii) the Town encourages their organisations to take appropriate steps to ensure that both Qantas and Skywest continue to fly the Perth-Port Hedland air route; and iii) the following practice be established when booking of airfares for staff/Councillors for Town of Port Hedland business. a) Quotation to be sought for flights from travel agency with specific request for quotations for both Skywest and Qantas flights. b) the preferred Airline utilised for Council and staff be Skywest; except in exceptional circumstances authorised by the Chief Executive Officer, can Council staff and elected members fly with airlines other than Skywest Airlines; and iv) a Airline Retention Working Group be formed immediately with the purpose of developing actions and strategies that assist in retaining Skywest Airlines operations within the Town of Port Hedland District v) the Airline Retention Working Group consist of the following members: Cr S R Martin, Cr A A Carter, Cr A A Gear, Cr G D Bussell, Chief Executive Officer	RESPONSIBLE OFFICER: Chief Executive Officer Report to June Ord. Council Mtg	✓ COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
14.1	Confidential Matter – Qantas Lease	200506/442 Council Decision That Council’s lawyers be requested to draft correspondence to Qantas advising – i) Council does not enter into an agreement with Qantas; and ii) commencing 1 July 2006 Council intends on developing a lease with Qantas for use of the Port Hedland International Airport with the rent being set at the value established by an independent valuer; for review by Councillors prior to dispatch to Qantas.	RESPONSIBLE OFFICER: Chief Executive Officer Correspondence drafted by Lawyer	August 06
14.2	Confidential Matter : Legal Matter – Wellard Industries	200506/443 Council Decision/Officer’s Recommendation That Council rescind Council decisions 200506/149 (October 2005) and 200506/290 (February 2006) relating to Council objection to the storage of manganese ore on Lot 842 and the proposed leasing of Lot 5909. 200506/444 Council Decision/Officer’s Recommendation That Council write to LAMS advising that: - Council does not object to the proposed changing of the purpose of the lease on Lot 842 Great Northern Highway from ‘Transport Depot’ to ‘Stockpiling of Ore’ - Council does not object to the proposed leasing of Lot 5909 to Wellard Properties for the purposes of ‘Stockpiling of Ore’ providing that: i) Current legal action against the Town of Port Hedland by Wellard Properties is ceased with no claim for costs incurred being made by either party. ii) A formal agreement is entered into between Council and Wellard Properties that includes the following commitments: a) Wellard Properties commits to actively pursuing the relocation of the stockpiling of manganese ore to a more appropriate site. Should such land become available, on terms and conditions acceptable to Wellard Properties, Wellard Properties commits to commencing relocation of the stockpiling operation to this site within a reasonable time period. b) Stockpiling of manganese ore shall primarily be confined to the rear of the properties with the front of the property being used for storage of plant and equipment. Wellard Properties shall progressively relocate the existing stockpiles from the front of the property the rear of the property as the site preparation works to Lot 5909 are completed following finalisation of formal lease documentation. c) Wellard Properties shall landscape the road frontage area by the planting of fast growing trees to act as screen to the property. Landscaping shall be discussed with the Local Authority prior to implementation. Additional tree planting shall be undertaken around the lease area.	RESPONSIBLE OFFICER: Chief Executive Officer Discussions with Lawyers	August 06
Ordinary Meeting held 28 June 2006				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.1.2	Display of Vehicles for Private Sale	200506/448 Council Decision/Officer's Recommendation That: i) Council's Ranger Services be directed to enforce the Town of Port Hedland parking Local Laws prohibiting the display of vehicles for sale on roads; ii) Ranger Services review the application of the Local Law over a three (3) month period and report back to Council on any problems or inconvenience caused to the public by its application; and iii) that Council investigate alternative sites for the sale of cars.	RESPONSIBLE OFFICER: Director Regulatory and Community Services Item to Council's July Ord. Mtg.	July 06
11.2.2.2	Application to Construct a Caretaker's Dwelling at Lot 502 (2-6) Byass St, SH	200506/450 Council Decision/Officer's Recommendation That Planning Consent be granted to George Anagnostopoulos on behalf of Manday Investments for the construction of a Caretaker's Dwelling at lot 502 (2-6) Byass Street as outlined in the Application received 1 May 2006 (Application Number 2006/53) and indicated on the approved plans, subject to the following conditions:	RESPONSIBLE OFFICER: Planning Officer	✓ COMPLETE
11.2.2.3	Proposed Scheme A'ment to Rezone Portion of Lot 313 Anderson St, PH from "ResR12.5/50" to "Public Purposes – Telecommunications"	200506/451 Council Decision/Officer's Recommendation That Council initiates a scheme amendment to the Town of Port Hedland Town Planning Scheme No. 5 to rezone a portion of Lot 313 Anderson Street, Port Hedland from "Residential R12.5/50" to "Public Purposes – Telecommunications" as outlined in the application received 4 May 2006.	RESPONSIBLE OFFICER: Planning Officer Applicant advised of resolution. Applicant to prepare and submit relevant documentation of signing and referral to EPA.	
11.2.2.4	Proposed Closure of Pedestrian Access Way From Court Place to Throssell Rd, SH	200506/453 Council Decision/Officer's Recommendation That Council: i) advise the Department of Planning and Infrastructure (State Land Service) it is prepared to accept a vested reserve over the southern portion of the Pedestrian Access Way located between Lots 10 and 3241 Throssell Road, South Hedland; and ii) advertise the proposed closure of the unconstructed pedestrian access way between Lots 10 and 3241 Throssell Road, South Hedland in accordance with section 58 of the <i>Land Administration Act 1997</i> .	RESPONSIBLE OFFICER: Planning Officer	✓ COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP- DATE
11.2.2.5	Variation to Approved Plans for 45 Grouped Dwellings at Lot 3263 Dempster St PH	200506/454 Council Decision/Officer's Recommendation That Council note the planning approval granted to Hodge and Collard Architects on behalf of BHP Billiton Minerals for the construction of retaining walls and variations to the building setbacks of the 45 Grouped Dwellings at lot 3263 Dempster Street Port Hedland as outlined in the Application received 26 May 2006 (Application 2005/30.1) and indicated on the approved plans subject to the following conditions:	RESPONSIBLE OFFICER: Planning Officer	✓ COMPLETE
11.2.2.6	Proposed Pretty Pool Design Guidelines	200506/455 Council Decision/Officer's Recommendation That Council seek public comment on the proposed guidelines by advertising and actively seeking comments from developers, builders and the local real estate industry.	RESPONSIBLE OFFICER: Planning Officer Development Guidelines sent and placed on web site.	✓ COMPLETE
11.2.2.7	Request for Comment Regarding Subdivision of Lot 5876 Styles Road Port Hedland	200506/456 Council Decision/Officer's Recommendation That: i) upon the receipt of the application for Stage 2 of the Pretty Pool subdivision the Western Australian Planning Commission be advised that the proposed subdivision of Lot 5876 (No Street Address), Port Hedland into 34 lots in accordance with the plan dated 9 June 2006 is supported, subject to the following conditions being placed upon any approval granted by the Commission: a) footpaths to be constructed to Council's satisfaction on both sides of the proposed streets; b) all vehicle crossings to be designed and constructed to the satisfaction and specification of Council's Engineering Services (ES); and c) a drainage management plan to be approved by the Town of Port Hedland Environmental Health Service, prior to commencement of development ii) Council's Manager Planning and LandCorp investigate alternative lots designs and potential options for the open space requirement and any findings be referred to Council for further consideration.	RESPONSIBLE OFFICER: Planning Officer Formal referral from DPI yet to be received.	August 06
11.2.3.1	Request for Fee Waiver of CC Gardens	200506/458 Council Decision/Officer's Recommendation That Acacia Support Centre and Youth Involvement Council be required to pay the fees applicable for the hire of the Civic Centre Gardens for The Butterfly Project group session.	RESPONSIBLE OFFICER: Events Co-ordinator	✓ COMP.
11.2.3.2	Public Movie Showings at Matt Dann Cultural Centre	200506/459 Council Decision That: i) provided a privately operated cinema within the Town of Port Hedland screens at least two (2) current release films per week, the Council will cease to screen movies excepting a) those of an "art house" nature, and b) one per registered community associations for fundraising purposes, not exceeding the maximum of 6 screenings per year, at the Matt Dann Cultural Centre which the private operator chooses not to screen; and ii) this commitment will be reviewed after a period of two years and extended indefinitely unless there is significant evidence that the community wishes to see the current services resumed.	RESPONSIBLE OFFICER: Director Regulatory and Community Services Ltr sent.	✓ COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP- DATE
11.2.4.1	Final Payment Of Progress Certificate No.: 9 – HACC House Const.	200506/460 Council Decision/Officer's Recommendation That: i) Council accept the offer from Jaxon Construction Pty Ltd for the amount of \$2,000.00 being deducted from Progress Certificate No 9; and ii) Council authorise the payment of \$6,460.10 including GST, being the final payment for works at HACC House to Jaxon Construction Pty Ltd.	RESPONSIBLE OFFICER: Manager Building Services	✓ COMPLETE
11.3.1.2	Road Reserve Dedication for Buttweid Rd Extension	200506/462 Council Decision/Officer's Recommendation That Council approve the dedication of Reserve 36097 as Road Reserve.	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMP.
11.3.1.3	Draft Waste Management Plan	200506/463 Council Decision That Agenda Item 11.3.1.3 'Draft Waste Management Plan' lay on table until such time Council has received copies of the draft Waste Management Plan document for perusal.	RESPONSIBLE OFFICER: Director Engineering Services Councillors to provide comment.	
11.3.1.4	South Hedland Cemetery Upgrade	200506/464 Council Decision/Officer's Recommendation That Council proceed with the South Hedland Cemetery Upgrades using the plan developed by staff and the South Hedland Cemetery Upgrade Committee.	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMP.
11.3.1.5	Progress on Council's Litter Collection	200506/465 Council Decision/Officer's Recommendation That Council continues to employ two (2) full-time labourers to carry out litter collection throughout the Town.	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMP.
11.3.1.6	Emergency Mgt A'ments	200506/466 Council Decision/Officer's Recommendation That the Town of Port Hedland endorse the Local Emergency Management Arrangements as provided to minimise the effects of emergency incidents on people living and visiting the municipality.	RESPONSIBLE OFFICER: Director Engineering Services	✓ COMP.
11.3.2.1	Traffic Mgt Plan Stage 2	200506/467 Council Decision/Officer's Recommendation That: i) Council proceeds with stage 2 of the Port Hedland International Airport Traffic Management Plan; and ii) Council pre-commit \$150,000 for Stage 2 of the Traffic Management Plan from the 2006/2007 budget, with funds being sourced from Council Airport reserve.	RESPONSIBLE OFFICER: Airport Manager	✓ COMP.
11.4.1.2	Write Off Debtors	200506/469 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: Accounts Officer	✓ COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.1.3	Write Off Debtor Horizon Airlines	200506/470 Council Decision/Officer's Recommendation That Council write off the following debt and apply the write off to the account 1210295- Airport Debt Write Off.	RESPONSIBLE OFFICER: Accounts Officer	✓ COMP.
11.4.1.4	Audit and Finance Committee – Budget Amendment	200506/471 Council Decision/Officer's Recommendation Recommendation 1 That: Council adopt the following percentage or dollar value for determining and reporting material variances as follows: 1. 10% of the Function amended budget; or 2. \$100,000 of the Function amended budget whichever is the lesser, for the following categories of revenue and expenditure: a. Operating Revenue b. Operating Expenditure c. Non Operating Revenue d. Non Operating Expenditure Recommendation 2 That: i) Council amend the current amended budget as per attachment A, which will result in the Budget surplus becoming \$3,359,190, (including Council's contribution for purchasing a piano of \$15,000). ii) this surplus not be allocated, but be carried forward to: a) fund projects of which grant revenue was received in 2005/06; and b) be allocated in 2006/07 to projects which were considered by Council for the 2006/07 budget, but were not included due to funding restrictions.	RESPONSIBLE OFFICER: Director Corporate Services	✓ COMPLETE
11.4.1.5	Withdrawal of Caveat Lot 44 Paton Rd, SH	200506/472 Council Decision/Officer's Recommendation That Council authorise the Common Seal to be affixed to the WITHDRAWAL OF CAVEAT Form W1 for Lot 44 Paton Road, South Hedland and be signed by the Mayor and the Chief Executive Officer.	RESPONSIBLE OFFICER: Director Corporate Services	✓ COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE																											
11.4.1.6	General and Minimum Rates 2006/07	<p>200506/473 Council Decision/Officer's Recommendation</p> <p>That Council:</p> <p>i) advertise the following proposed Rates in the dollar and Minimum rates in accordance with Section 6.36 of the Local Government Act:</p> <table border="1" data-bbox="600 379 1462 643"> <thead> <tr> <th>Rate Category</th> <th>Rate in Dollar \$</th> <th>Minimum Rate \$</th> </tr> </thead> <tbody> <tr> <td>GRV Residential</td> <td>10.7899</td> <td>\$600</td> </tr> <tr> <td>GRV Commercial</td> <td>10.7899</td> <td>\$600</td> </tr> <tr> <td>GRV Industrial</td> <td>10.7899</td> <td>\$600</td> </tr> <tr> <td>GRV Shopping Centre</td> <td>10.7899</td> <td>\$600</td> </tr> <tr> <td>GRV Ex Gratia</td> <td>10.7899</td> <td>\$600</td> </tr> <tr> <td>UV Mining</td> <td>11.7287</td> <td>\$600</td> </tr> <tr> <td>UV Pastoral</td> <td>8.992</td> <td>\$600</td> </tr> <tr> <td>UV Other</td> <td>9.7739</td> <td>\$600</td> </tr> </tbody> </table> <p>ii) seek Ministerial approval to impose a minimum rate for UV mining and UV other that will affect more than 50% of properties in those differential categories.</p>	Rate Category	Rate in Dollar \$	Minimum Rate \$	GRV Residential	10.7899	\$600	GRV Commercial	10.7899	\$600	GRV Industrial	10.7899	\$600	GRV Shopping Centre	10.7899	\$600	GRV Ex Gratia	10.7899	\$600	UV Mining	11.7287	\$600	UV Pastoral	8.992	\$600	UV Other	9.7739	\$600	RESPONSIBLE OFFICER: Director Corporate Services	✓ COMPLETE
Rate Category	Rate in Dollar \$	Minimum Rate \$																													
GRV Residential	10.7899	\$600																													
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UV Other	9.7739	\$600																													
11.4.2.1	Request for Lease of Part Lot 2444 Great Northern Highway	<p>200506/474 Council Decision/Officer's Recommendation</p> <p>That:</p> <p>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;</p> <p>ii) the disposal of this land be conditional upon:</p> <p>a) The Pilbara Infrastructure Pty Ltd paying the previous valuation fees incurred by Council of \$2,695.00; and</p> <p>b) The Pilbara Infrastructure Pty Ltd be solely responsible for the cost of the upgrade and expansion in capacity of the effluent ponds;</p> <p>c) The Pilbara Infrastructure Pty Ltd are responsible for the cost of any other development costs associated with this lease;</p> <p>iii) Council delegate authority to the Chief Executive Officer to negotiate lease conditions with The Pilbara Infrastructure Pty Ltd.</p> <p>iv) the Chief Executive Officer negotiate the lease with the following minimum conditions:</p> <p>a) a term of twelve months plus a further twelve month option;</p> <p>b) lease rental be no less than market value.</p> <p>c) rental to be increased annually by CPI – Perth;</p> <p>d) all improvements to the land to be approved in writing by Council;</p> <p>v) the proposed lease be advertised in accordance with Section 3.58 of the Local Government Act 1995. Should no submission be received, the Chief Executive Officer execute the lease document.</p>	RESPONSIBLE OFFICER: Manager Administration Verbally advised, formal documentation to be sent.	✓ COMPLETE																											

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.2.2	Proposed Construction of Transient Workforce Accom. at lot 2444 Great Northern Hwy	200506/475 Council Decision/Officer's Recommendation Planning Consent be granted to Spotless Services Australia Ltd for the construction of a Transient Workforce Accommodation Village at Lot 2444 Great Northern Highway Port Hedland as outlined in the Application received 16 June 2006 (Application 2006/112) and indicated on the approved plans (including the future expansion), subject to the following conditions:	RESPONSIBLE OFFICER: Manager Planning Verbally advised, formal documentation to follow.	✓ COMPLETE
11.4.3.1	BHP Billiton Exploration License	200506/476 Council Decision That Council advise the Department of Industry and Resources and BHP Billiton that it is willing to withdraw its objection to BHP Billiton's Exploration License application (ref 45/2834) if there is agreement that the license approval includes the following condition: "The excision of any portion of land that encroaches on the Port Hedland Town Site by the confirmation of a legal binding letter from BHP Billiton."	RESPONSIBLE OFFICER: Chief Executive Officer Verbally advised, ltr to follow.	✓ COMPLETE
11.4.3.2	DOIR - State Agreement Acts Impact on Rates Study	200506/477 Council Decision/Officer's Recommendation That Council: i) writes to the Hon John Bowler, MLA, Minister for Resources and Assisting the Minister for State Development indicating that the Town of Port Hedland strongly believes that the current study being undertaken by the Department of Industry and Resources on the Impact of State Agreement Act on Local Government, needs to be undertaken in a open and transparent manner, with affected local government authorities being given the opportunity to make meaningful contributions throughout the study development process; and ii) Indicate to the Pilbara Regional Council that the Town of Port Hedland believes that this is an issue that the PRC should be advocating for on behalf of all Pilbara residents.	RESPONSIBLE OFFICER: Chief Executive Officer Ltr sent.	✓ COMPLETE
11.4.3.3	Future of Pilbara Regional Council	200506/478 Council Decision/Officer's Recommendation That Council's nominated Pilbara Regional Council (PRC) representatives advise the PRC that: i) the Town of Port Hedland supports the proposal to wind-up the formal PRC and re-establish the body as Voluntary Regional Council (VRC); and ii) the VRC must demonstrate they can make a beneficial contribution to all Pilbara Councils.	RESPONSIBLE OFFICER: Chief Executive Officer	✓ COMP.
11.4.3.4	Skywest Working Group Recommendations	200506/479 Council Decision/Officer's Recommendation That Council: i) advise the Port Hedland Chamber of Commerce and Industry that that Council is keen to work closely with that association to develop and instigate initiatives to ensure two RPT jet air services remain in Port Hedland and that Council is willing to contribute up to \$10,000 on a dollar-for-dollar basis with the Association to achieve this result; and ii) advise Skywest that it is willing to waive 50% of the in-bound and outbound passenger service charges for the 1/7/06 – 31/10/06 period or when average weekly passenger lode factors reach 50%, whichever is the earlier.	RESPONSIBLE OFFICER: Chief Executive Officer	✓ COMPLETE
11.4.3.5	2005 LG Compliance Return	200506/480 Council Decision/Officer's Recommendation That Council adopt the findings of the 2005 Local Government Compliance Audit.	RESPONSIBLE OFFICER: Chief Executive Officer	✓ COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.2.6	Resignation of Cr Trona Young	200506/481 Council Decision/Officer's Recommendation That Council write to Electoral Commissioner requesting that the Commissioner utilise powers granted his office under Section 4.17(3) of the <i>Local Government Act</i> to allow the Town of Port Hedland to operate with eight Councillors (as opposed to the current nine) until the next ordinary local government elections.	RESPONSIBLE OFFICER: Chief Executive Officer	✓ COMP.
12.1.1	Proposed Const'n of an 8m x 4m Office with Ablution Facilities & a Patio Add'n to Existing Shed at Lot 3813 Pardoo St, WF	200506/482 Council Decision/Officer's Recommendation That Planning Consent be granted to Shane and Amanda Ginbey for the construction of an Office and Patio adjacent to existing Shed at Lot 3813 (1) Pardoo Street Wedgefield as outlined in the Application received 15 May 2006 (Application Number 2006/64) and indicated on the approved plans, subject to the following condtions:	RESPONSIBLE OFFICER: Planning Officer	✓ COMPLETE

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-091)***

Officer Sarah Hepburn
Administration Officer
Development &
Regulatory Services

Date of Report 17 July 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	June 2005
Issues and Renewals	1176
Reservations	21
New Borrowers	36
Internet Users	143

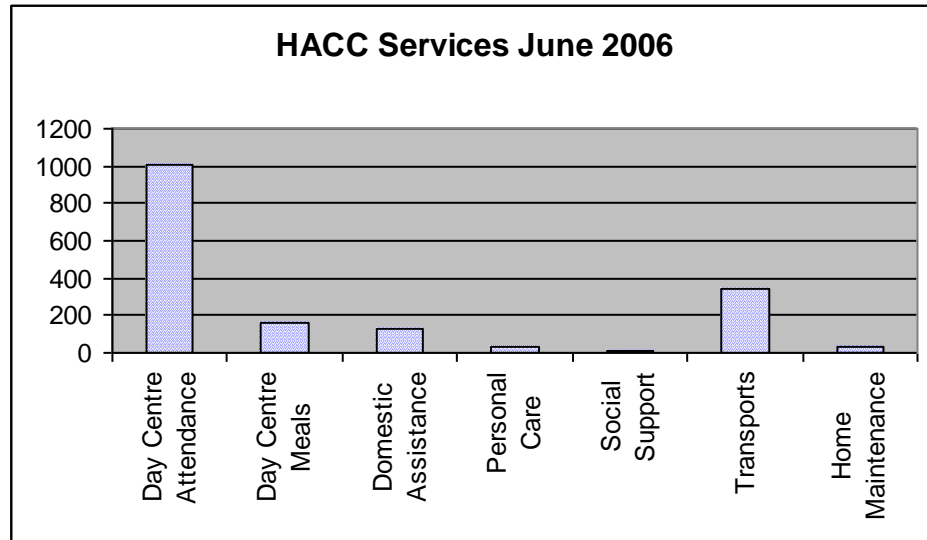
South Hedland Library	June 2005
Issues and Renewals	2144
Reservations	105
New Borrowers	31
Internet Users	310

The Better Beginnings family literacy program aimed at children from birth to two years old took on an added dimension this month with the introduction of Rhyme Time sessions at both libraries for parents with babies.

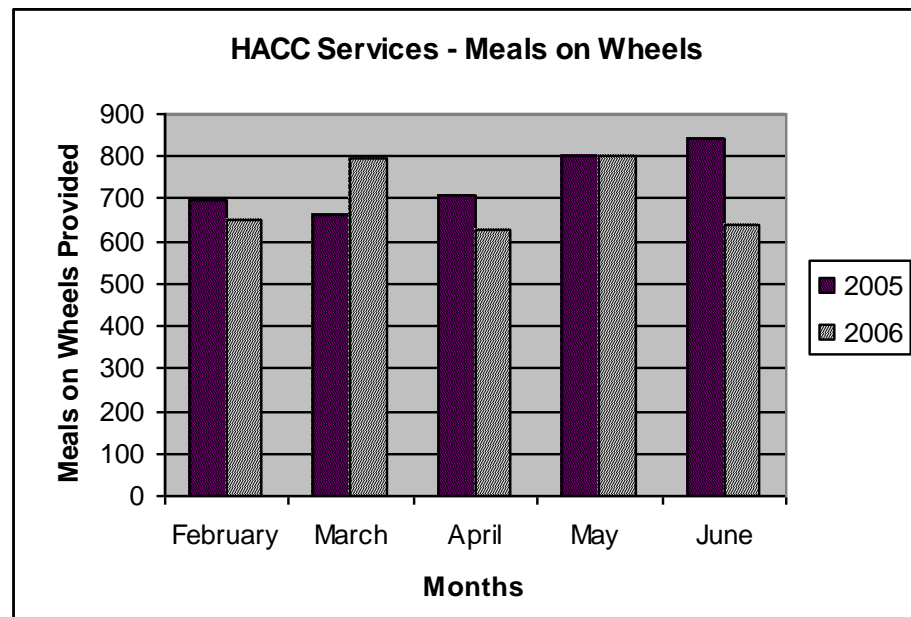
Rhyme Time is a twenty minute session held once a month where parent and child sings songs and rhymes to introduce babies and young children to early literacy. Better Beginnings is supported by the State Government of Western Australia, Rio Tinto, WA Future Fund and Western Australian Local Government. The Town of Port Hedland has been actively involved in the program for the past six months

Human Services

HACC Programme



There was an increase in the hours for Centre Based Day Care due to training for clients participating in the Senior Olympic Games.



Mirtanya Maya

Occupancy of 7 permanent residents for long term low residential care. The 2 respite beds have been maintained at full capacity for June.

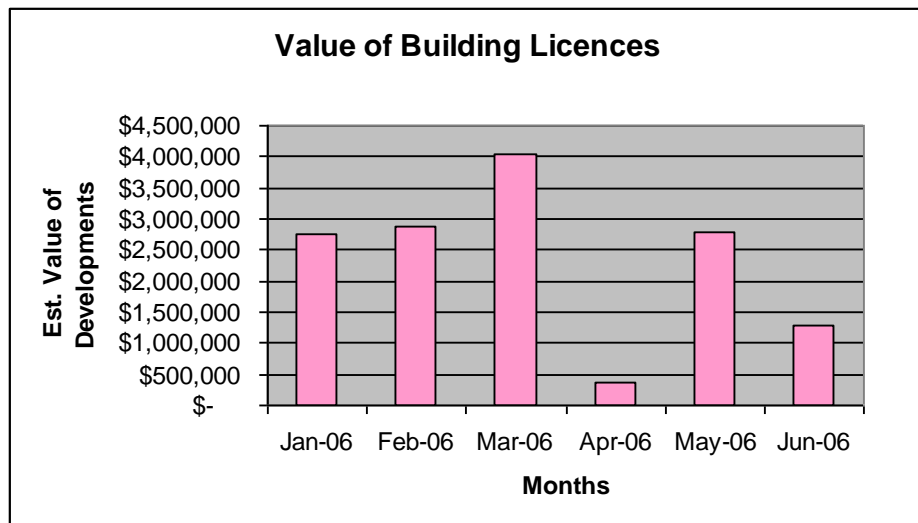
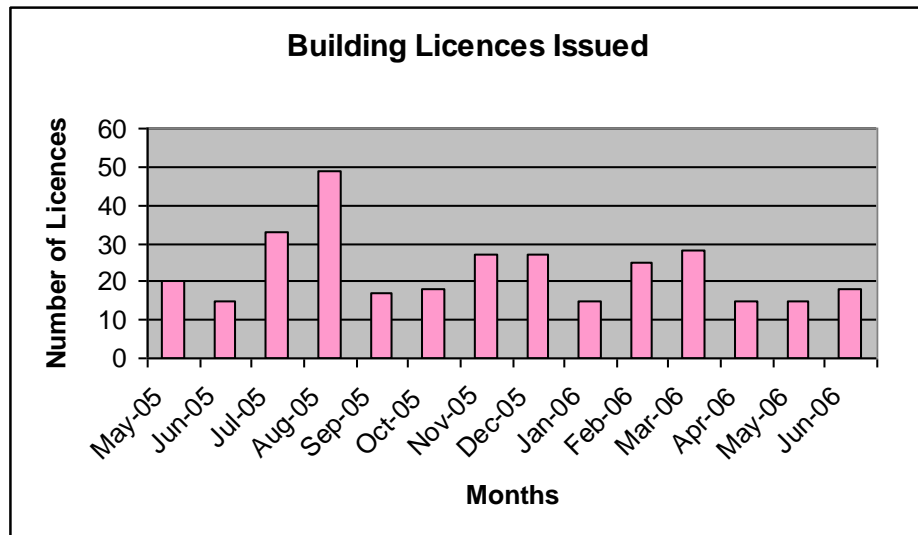
Pilbara Family Day Care

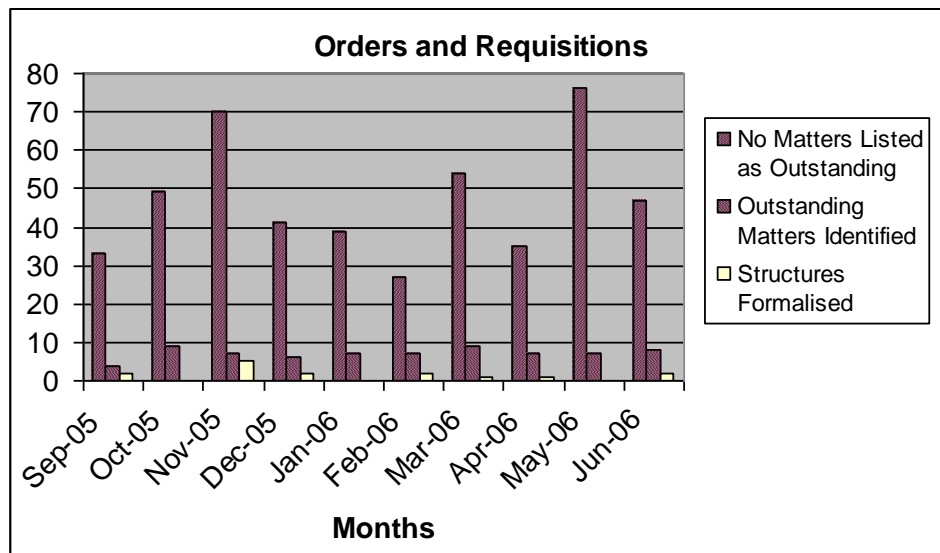
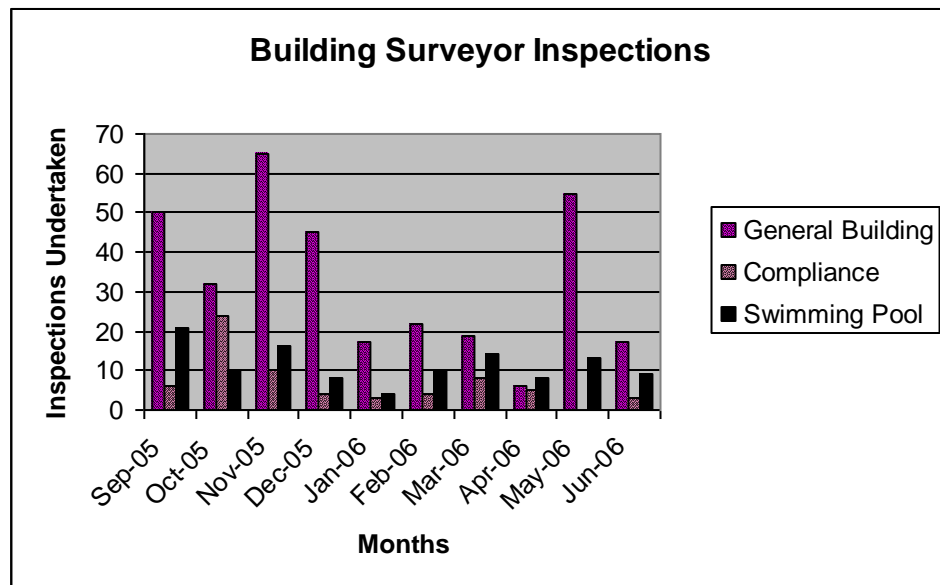
Interviews have been completed for the Pilbara Family Day Care Scheme Coordinator. Successful applicant is Maureen Allert and is scheduled to commence on the 14th August 2006.

Hedland Volunteer Resource Centre

Renewal of 2006 - 2007 funding agreement between the Federal Government and the Town of Port Hedland Volunteer Resource Centre is unlikely to be renewed. A formal response regarding this is anticipated by the end of July.

Building Services





Status of Building Licenses for Valuer General’s Office

Building Licence Applications Received in 2004

Total Building Licence applications received in 2004: 417
 Building Licences approved in 2004: 411
 Building Applications not approved: 6

2004	Running Total as at 25/6/06
Licences copied & sent to VGO	278
Licences not required to be sent	110
Licences expired – structure not built	10
More information required	10
Not complete – building in progress	3

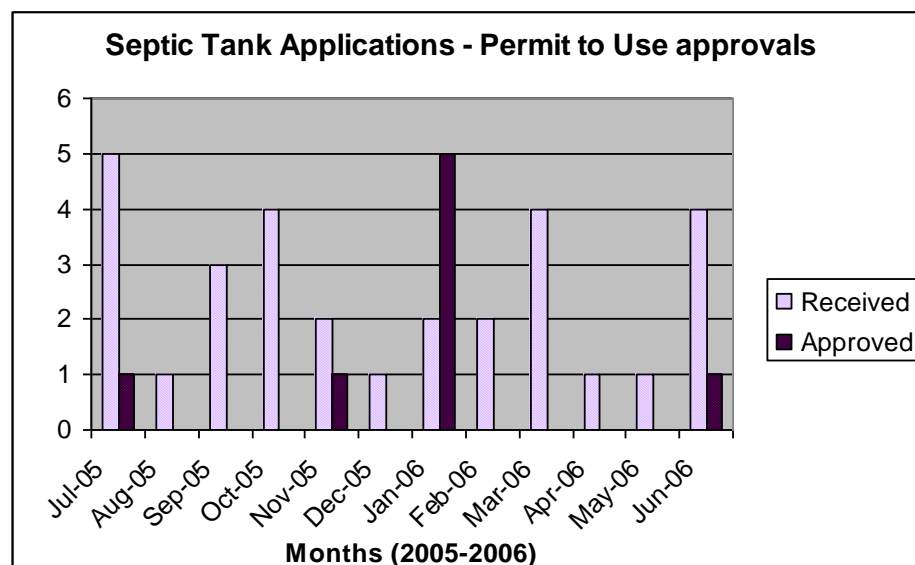
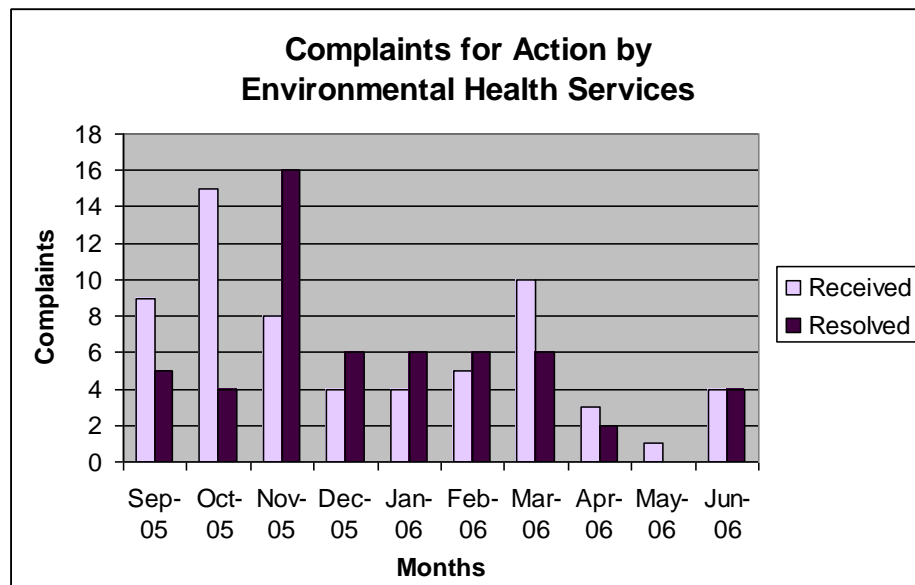
Building Licence Applications Received in 2005

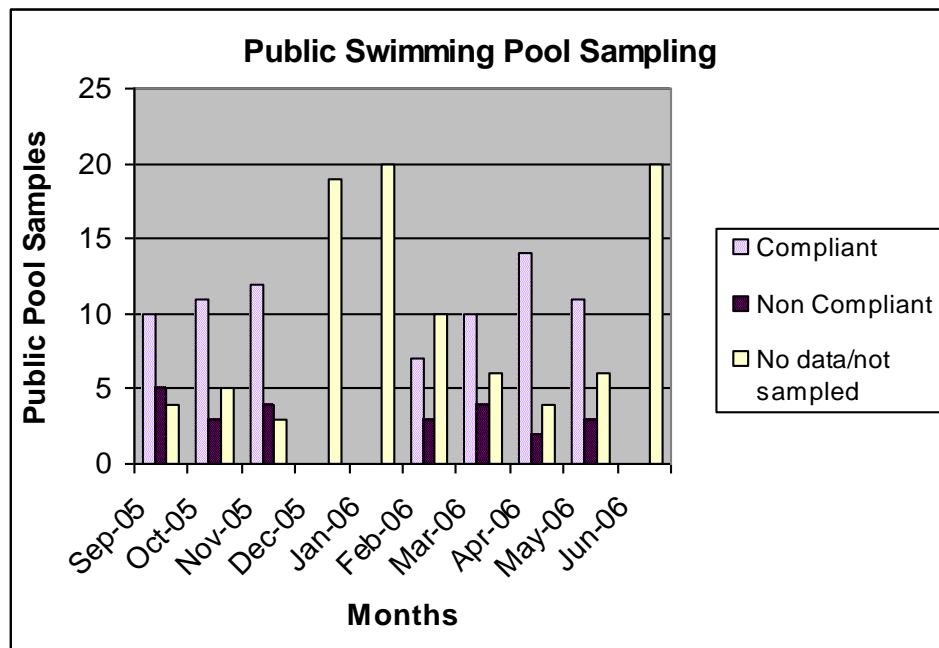
Total Building Licence applications received in 2005: 377
 Building Licences approved: 315

Building applications not approved or withdrawn: 31
 Approved in 2006: 16
 Building applications received in 2005 that are pending: 31

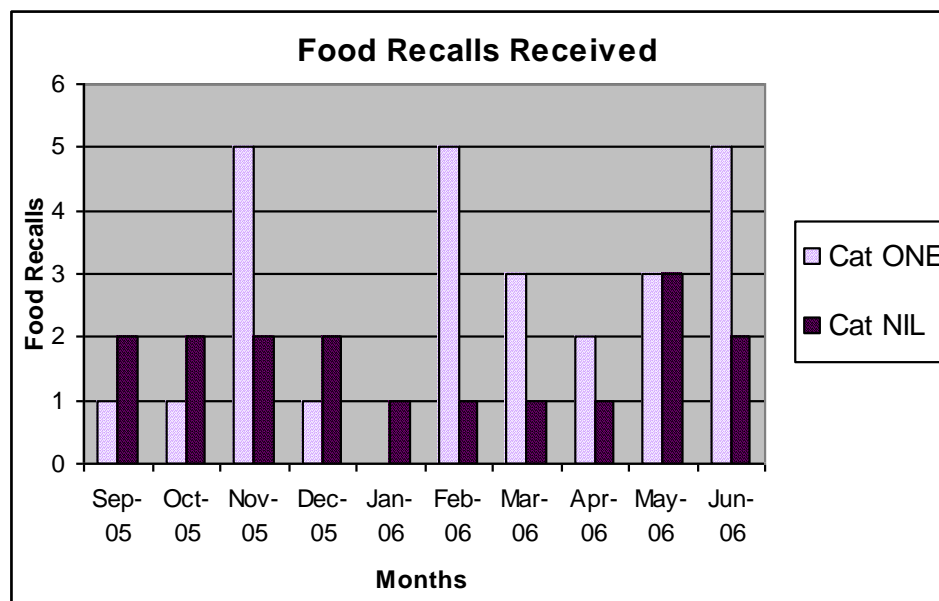
2005	Running Total as at 25/6/06
Licences copied & sent to VGO	83
Licences not required to be sent	94
Structure not built	0
More information required	138
Not complete – building in progress	0

Environmental Health Services

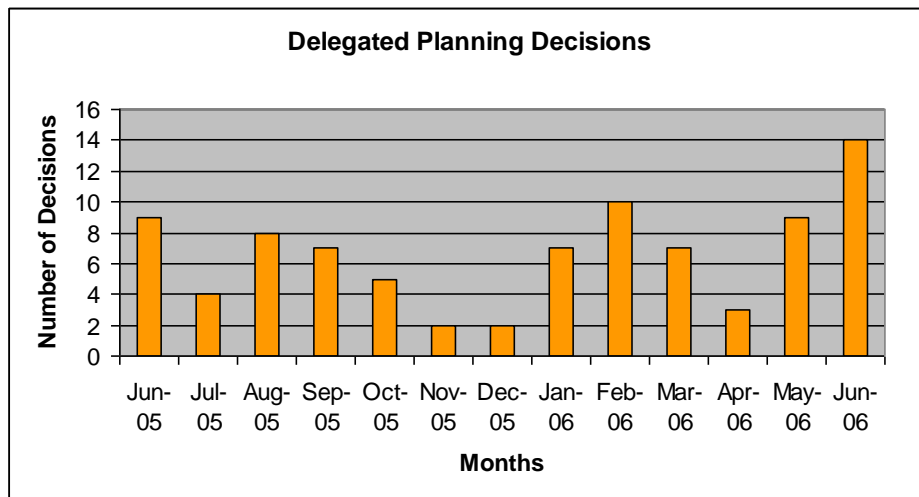




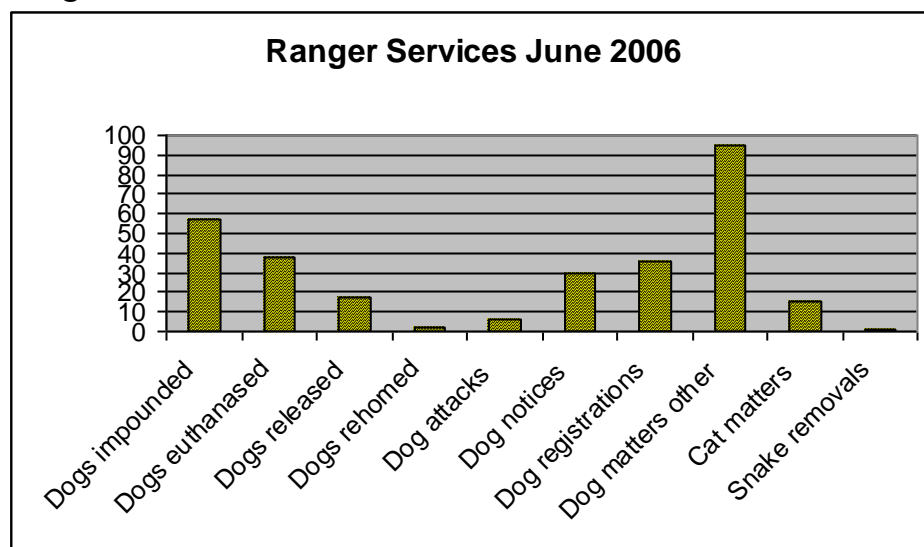
Swimming Pool sampling was not undertaken for the month of June due to the suppliers of the sampling bottles having none in stock.



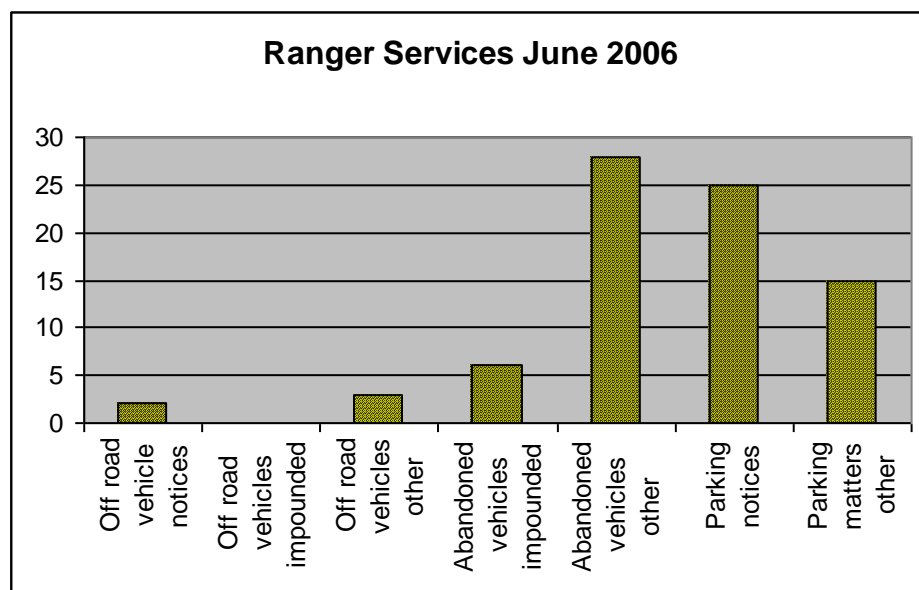
Planning Services

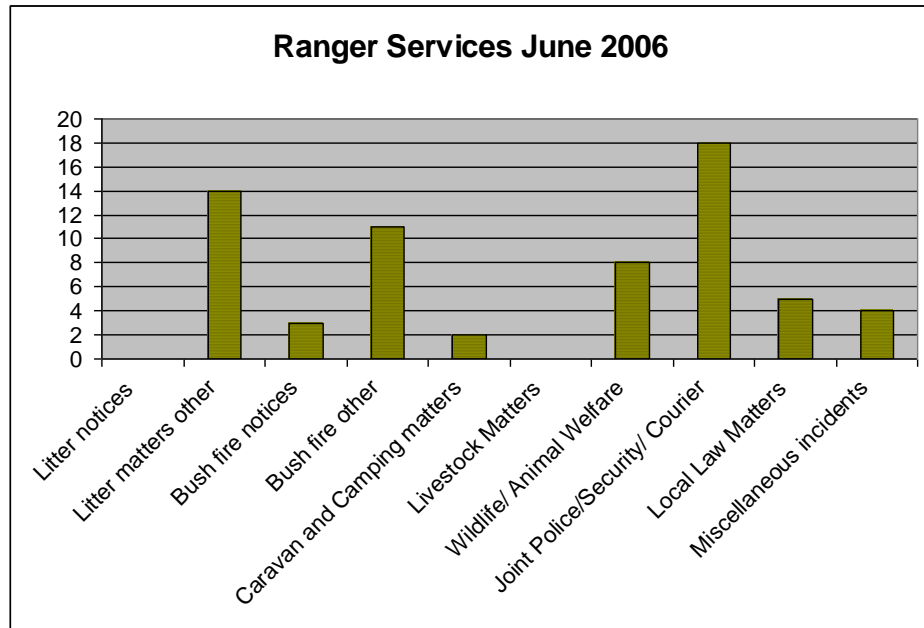


Ranger Services



1





Arts, Recreation and Community Activities

Matt Dann Cultural Centre

Events	June 2006	Year to Date
Cinema (sessions)	14	140
Live (e.g. Theatre)	2	13

Attendance	June 2006	Year to Date
Cinema	286	4741
Live (e.g. Theatre)	452	2126

Courthouse Arts Centre and Gallery

	June 2006
Exhibitions held	1
Workshops Held	1
Attendance at Exhibitions	200
Total Attendance	911

Events Coordination

. *Picnic in the Park*

‘Picnic in the Park’ was held on Sunday 9 July 2006. The family fun day was jointly organised by Town of Port Hedland and Pilbara Development Commission to ‘farewell’ Cemetery Beach Park before redevelopment works commenced. The day featured a free sausage sizzle, free bouncy castle, free facepainting and other children’s activities and live entertainment.

The event was extremely successful, with at least 350 people in attendance over the three-hour period.

. *Arts Alliance*

The Alliance Advisory Committee met for the first time on Thursday 6 July 2006. At the meeting, the guidelines for The Alliance Small Grant Program were discussed. It is anticipated that the committee will adopt the guidelines in the coming weeks. The first round of the Alliance Small Grants Program will be launched on 1 August 2006.

. *Pilbara Development Commission Stage*

Investigations into legislative requirements, transport and storage of the stage are ongoing.

Pilbara Development Commission is currently working on a Memorandum of Understanding so that the stage may be handed over to Council. Once the MOU is signed, a policy and fee structure for use of the stage by community groups will be established.

Sports and Recreation

. *New Staff*

An Indigenous Sports Development Officer is now working under the Town of Port Hedland banner. Gavin Mitchell has moved from Pilbara Meta Maya, and is an employee of the Department of Sport and Recreation, but will work from Council offices.

Gina Engelke is also working out of Council's offices as the Active After School Sport's Coordinator for the Australian Sports Commission. Both Gavin and Gina are working from converted space within the South Hedland Library building.

. *Water Corporation Upgrade*

The Water Corporation and the Town of Port Hedland joint reticulation upgrade is nearing completion at both the Town Oval and Marie Marland Reserve. Sprinklers will need to be installed at both venues, however all underground pipe works have been concluded. The Hockey/Soccer/Rugby Oval is due to be finished by the 28th July.

200506/485 Council Decision/Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr G D Bussell

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

CARRIED 7/0

11.2.1.2 Display of Vehicles for Private Sale (File No.: RAN-007 & RAN 008)

Officer Darryal Eastwell
Manager Environmental
Health Services

Date of Report 13 July 2006

Disclosure of Interest by Officer Nil

Summary

Due to the unsightly, damaging and potentially dangerous practice of parking vehicles for sale outside the Caltex service station in Hamilton Road, South Hedland, Council at its Ordinary Council Meeting held on 28 June 2006 resolved, in part, that:-

“Council’s Ranger Services investigate alternative sites for the sale of cars”.

Background

As a result of this resolution Council’s Ranger Services has been investigating the use of alternative sites that would minimise the unsightly nature of this practice, risk of damage to road users and public property and still give sellers reasonable exposure.

Consultation

Council’s Engineering Service was consulted in relation to the traffic safety issues affecting each site considered. Comments are included with the consideration of each site.

Statutory Implications

The Town of Port Hedland Parking Local Laws addresses this issue in:-

Vehicles exposed for sale

Section 2.13 A person shall not park or stand a vehicle or permit a vehicle to remain parked in a parking station or on a road for the purpose of exposing the vehicle for sale.

Parking or Standing on Private Property

Section 5.4 (1) A person shall not park or stand a vehicle or permit a vehicle to remain parked on land that is not a road or a parking station without the consent of the occupier of the land.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Once a site is identified appropriate traffic management measures will need to be installed at Council's cost.

Officer's Comment

Four sites were identified for possible use as a car park in which cars could be displayed for sale being:

Area 1

An area of land off Hedditch Street fronting Hamilton Road which is opposite the South Hedland Veterinary Clinic (across the road from South Hedland Oval - Unallocated Crown Land - Lot 3267).

The vehicle owners that were using the road verge outside Caltex Service Station are currently now utilising this area off Hedditch Street. During the past month regular patrols of this area have identified an average of three to five assorted vehicles parked in this area on a daily basis, and is considered an appropriate area for this activity.

This land is currently owned by the State Land Services as unallocated crown land and has good exposure to passing traffic with minimal disruption to other road users. It has very good access without disrupting traffic on Hamilton Street. Should Council decide to utilise this area a vesting order would need to be obtained to use the land as a car park.

Area 2

Council managed land inside the Kevin Scott Oval Reserve, South Hedland (Reserve No. 31895 Lot 5530).

This could be managed to minimise the risk to traffic safety but has the potential to clash with recreation activities on the reserve and was considered to have restricted visual access making it unattractive to potential users of the site.

Area 3

An area of land on the Western side of McDonalds (Unallocated Crown Land, Lot 6109 Throssell Street, South Hedland).

While being a high profile area with manageable traffic impacts, access to this area would require modification to curbs. It was also considered inappropriate as the area is expected to be subject to further development in the future.

Area 4

An area of land immediately to the southern side of South Hedland Aquatic Centre off Forrest Circle. (Unallocated Crown Land, Lot 6055).

This site was considered reasonably safe from a traffic management aspect and quite accessible with some modification to curbs. It was also reasonably high profile but does not have the passing traffic that the other sites have, so would be the least attractive site for potential sellers.

Mr Peter Little from Council's insurers (MIBS) has verbally advised that once issues of tenure and approval for the land use are satisfied the use would be able to be covered by Council's public liability cover.

200506/486 Council Decision/Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr J M Gillingham

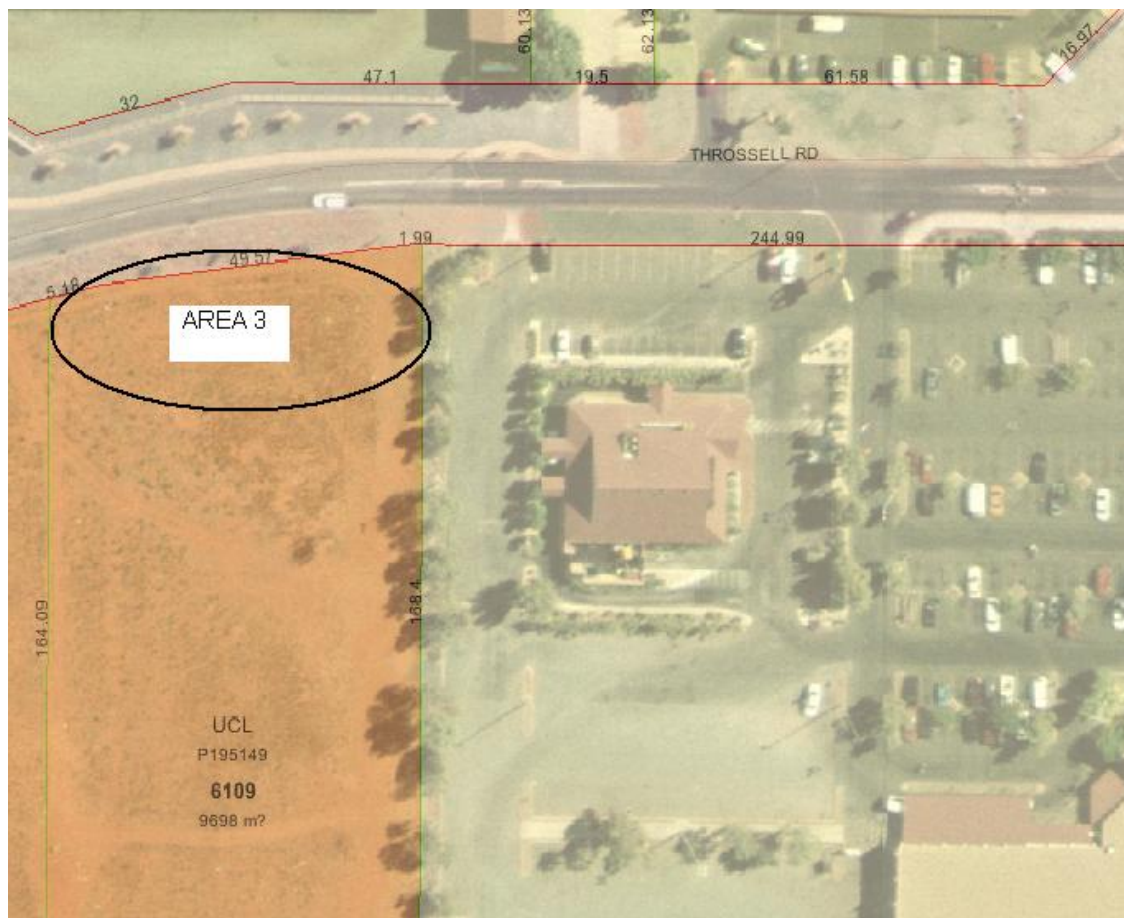
That Council seeks a vesting order to permit Unallocated Crown Land Lot 3267 South Hedland (Area 1 an area of land off Hedditch Street fronting Hamilton Road) to be used as a car park.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.1.2



ATTACHMENT 2 TO AGENDA ITEM 11.2.1.2



ATTACHMENT 3 TO AGENDA ITEM 11.2.1.2



11.2.1.3 Off Road Vehicles (File No.:RAN-026)

Officer Terry Sargent
Director Community &
Regulatory Services

Date of Report 17 July 2006

Disclosure of Interest by Officer Nil

Summary

Since commencing approximately four months ago the Co-ordinator Ranger Services has reviewed the issues affecting the recreational use of off road vehicles in the Town of Port Hedland.

Background

Council has only one designated off Road vehicle area (Deep Water) Res. 38848, Lot 2914 North Circular Rd, South Hedland.

Consultation

Councils Ranger Service has been liaising with the Care for Port Hedland Group to assist in formulating methods to help exclude off road vehicles from the beaches at Pretty Pool and Cemetery Beach and maintains regular contact with the WA Police Service in relation to off road vehicle usage.

Statutory Implications

Control of Vehicles (Off Road Areas) Act 1978
Town of Port Hedland Local Law (Reserves and Foreshore) 1999

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

The Deep Water Off Road Vehicle Area seems to have come into a state of disrepair and become unsafe when rubbish was allowed to accumulate in the reserve. It then became a 'popular' spot for people wanting to illegally dump rubbish. Council placed obstacles to limit access to the area but these have not really made the place safe to use.

Monitoring and maintenance of that location, while requiring some effort, is not complex and the site will be cleaned and restored for public use as soon as possible. Ongoing monitoring of the area will occur to determine the best way of managing the potential littering of the area.

The Deep Water area will not, on its own, provide a suitable location for all the potential off road vehicle users in the Town of Port Hedland, some of who live in Wedgefield, Pretty Pool, Port, or for that matter, on the other side of South Hedland. Many would not have access to trailers or suitable means of getting their vehicle to Deep Water.

Off road vehicle usage has been a problem in several locations throughout the Town of Port Hedland. However, with the exception of the beaches where environmental considerations are more significant, it is generally the case that such vehicles operate without causing a nuisance, except when they are being irresponsibly driven near built up areas. There is no evidence to suggest this sort of conduct, by a small minority is likely to be improved by provision of additional designated area(s) for off road vehicle use. Neither is there strong evidence to suggest that significant nuisance is being caused by recreational off road vehicle use, outside for those areas.

NOTE: The exclusion of vehicles from beaches between the Port and Pretty Pool is the subject of a separate plan still under development.

In these circumstances the most effective approach is to concentrate resources in areas where potential nuisance could occur while not actively pursuing off road vehicle users outside those areas, except in instances where they are being a nuisance or an obvious danger to themselves or other members of the public.

Suitable publicity and activity by the Rangers would then encourage people using off road vehicles to use areas where they do not cause a nuisance.

200506/487 Council Decision/Officer's Recommendation

Moved: Cr A A Gear

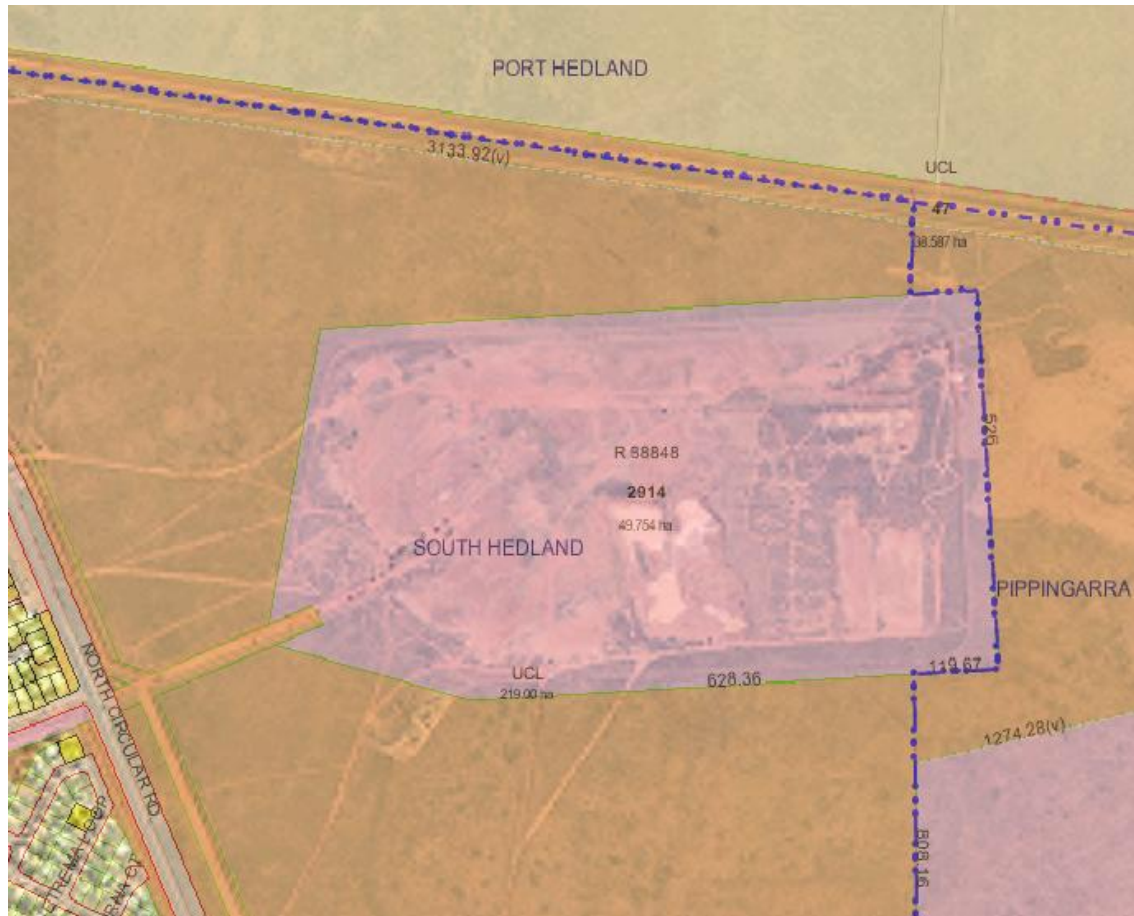
Seconded: Cr G D Bussell

That Council:

- i) takes appropriate action to make the Deep Water Off Road Vehicle Area safe for use;**
- ii) increases the level of surveillance and enforcement activity to control off road vehicle use around Cemetery Beach, Pretty Pool beach and built up areas; and**
- iii) provides suitable advice to the public as to which areas off road vehicles will be actively excluded from.**

CARRIED 7/0

ATTACHMENT TO AGENDA ITEM 11.2.1.3



Planning Services

Cr G J Daccache declared a financial interest in 11.2.2.1
Delegated Planning Approvals for June 2006
Cr G D Daccache is an employee of BHP & owns BHPB shares.

Cr G D Daccache did not leave the room.

11.2.2.1 Delegated Planning Approvals for June 2006 (File No.: PLN-104)

Officer Sarah Hepburn
Administration Officer
Development & Regulatory
Services

Date of Report 17 July 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 June 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

200506/488 Council Decision/Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr D R Pike

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

CARRIED 7/0

ATTACHMENT TO AGENDA ITEM 11.2.2.1

Date	App. No.	Address	Applicant	Owner	Development	Zoning	Delegation	Comment
7/6/06	2005/30.1	Lot 3263 Dempster St, PH	Hodge and Collard Architects P/L	BHP Billiton Pty Ltd	GROUPED DWELLING - Added Retaining Walls and Setback Variations	R50	40 (7)	Modification of an existing planning approval - adding retaining walls that are required to raise the level of the site to avoid potential flooding issues, and modify a number of boundary setbacks to accommodate the proposed retaining walls.
21/6/06	2005/48.1	65 Throssell Rd, SH	Paradigm Architects	Crown	COMMUNITY USE - Aboriginal Language and Community Centre (Renewal)	Town Centre	40 (1) (a)	The application was previously assessed. As this is a renewal the application was not reassessed or the conditions varied.
6/6/06	2006/15	1 Sutherland St, PH	R. Glasson	R. Glasson & R. Williams	SINGLE HOUSE - Two Storey Dwelling	R12.5/30	40 (1) (a)	Single house to be sited 0.1 m closer to the front boundary
7/6/06	2006/33	5 Wedge St, PH	Hedland Food Pty Ltd A T F The Hedland Food Unit Trust	BHP Billiton Pty Ltd	RESTAURANT (INCLUDES CAFE) - Change of use to cafe	Town Centre	40 (1) (a)	
14/6/06	2006/49	34 Gratwick St, PH	M Vrancic	M Vrancic & L Jones	CODES VARIATION - SINGLE HOUSE - Elevated patio addition	R12.5/30	40 (1) (a)	The proposal is for a raised patio area. The proposal was advertised to the two affected owners (either side) with no response from either.
29/6/06	2006/56	24 Weaver Pl, SH	D A & C A New	C New	Home Occupation Renewal (Beauty and Massage)	R20	N/A	No delegated report required as a renewal of an existing approval
26/6/06	2006/65	61 Kingsmill St, PH	China Blue (Aust) Pty Ltd ATF The Edwards Family Trust	China Blue (Aust) Pty Ltd ATF The Edwards Family Trust	GROUPED DWELLING - 2 x patio additions	R12.5/50	40 (1) (a)	Two patio additions to an existing Grouped Dwelling

12/6/06	2006/71	1 Warralong Wy, SH	Pilbara Constructions Pty Ltd	BHP Billiton Pty Ltd	CODES VARIATION - SINGLE HOUSE - Front setback for Carport addition	R30	40 (7)	The proposal is to replace the roofing on an existing carport and cover an existing car bay.
12/6/06	2006/72	9 Warralong Wy, SH	Pilbara Constructions Pty Ltd	BHP Billiton Pty Ltd	CODES VARIATION - SINGLE HOUSE - Front setback for Carport addition	R30	40 (7)	The proposal is to replace the roofing on an existing carport and cover an existing car bay.
12/6/06	2006/73	6 Warralong Wy, SH	Pilbara Constructions Pty Ltd	BHP Billiton Pty Ltd	CODES VARIATION - SINGLE HOUSE - Front setback for Carport addition	R30	40 (7)	The proposal is to replace the roofing on an existing carport and cover an existing car bay.
12/6/06	2006/74	23 Warralong Wy, SH	Pilbara Constructions Pty Ltd	BHP Billiton Pty Ltd	CODES VARIATION - SINGLE HOUSE - Front setback for Carport addition	R30	40 (7)	The proposal is to replace the roofing on an existing carport and cover an existing car bay.
12/6/06	2006/75	25 Warralong Wy, SH	Pilbara Constructions Pty Ltd	BHP Billiton Pty Ltd	CODES VARIATION - SINGLE HOUSE - Front setback for Carport addition	R30	40 (7)	The proposal is to replace the roofing on an existing carport and cover an existing car bay.
20/6/06	2006/76	162 Paton Rd, SH	C Walls	C Walls	CODES VARIATION - SINGLE HOUSE - 1500mm high solid colourbond fence	R20	40 (1) (a)	A front fence, 1.5m high.
26/6/06	2006/77	11 Steamer Ave, SH	A Paine	A Paine & K Bowen	CODES VARIATION - SINGLE HOUSE - Side setback for Carport addition	R20	40 (4)	6 m x 8.5 m x 3.5 m carport with a proposed side setback of 1 metre in place of the required 1.5 metre setback

11.2.2.2 Proposed Construction of a 175 m² Shed at Lot 1 Manilinha Drive, Port Hedland (File No.: 800025G)

Officer Andrew Patterson
Planning Officer

Date of Report 28 June 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Chris Rodger as the owner of lot 1 Manilinha Drive Port Hedland for the construction of a 17.5m x 10m x 3m shed for the purpose of storing motor vehicles and hobby woodworking tools.

The land consists of 1.0506 hectares and is zoned 'Rural Residential'.

This item is referred for Council consideration, as Delegated Officers do not have the authority to determine applications for outbuildings greater than 100 m².

Background

This proposal complies with the setback requirement of the Draft Local Planning Policy No. 4 – South Hedland Rural Estate that establishes the building envelopes for Rural Residential lots in the Town of Port Hedland. This proposed shed is to be set back 10 metres from the side boundary and greater than 50 metres from the front boundary.

The Town of Port Hedland Town Planning Scheme gives no requirements specific to this development.

Consultation

Environmental Health Services have not objected to this proposal subject to the shed not being used for any accommodation and the applicant being advised that the structure is not to interfere with leach drains or septic tanks, and that any installed plumbing is to be connected to an approved disposal system.

Building Services have not objected to the proposal subject to the applicant submitting an application for a building licence prior to commencing site works.

No public advertising has been conducted with regard to this application as this is not required by TPS 5 or any adopted policy, and the scope of works is not considered significant enough to warrant this action.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 zones this land 'Rural Residential'.

Section 4.1.3 (f) of TPS 5 excludes "ancillary outbuildings" from requiring planning approval where constructed on a lot in which a single house is a "P" use. While a single house is a "P" use in a Rural Residential zone, planning approval is required for this application due to the size of the shed.

Policy Implications

Council has a Draft Local Planning Policy, LPP 04 – South Hedland Rural Estate. Notwithstanding that this policy purports to apply only to the South Hedland Rural Estate, and that it is not yet a formally adopted policy, the provisions of this policy are used as an assessment guide for this application.

Draft Local Planning Policy 02 – Residential Outbuildings allows for the construction of outbuildings in a Rural Residential zone with a floor space up to 250 m² without the need for planning approval, provided the outbuilding complies with all other policy requirements. As this policy has not yet been formally adopted, planning approval is required for this development.

Strategic Planning Implications Nil

Budget Implications

Planning fees of \$100 received and deposited into account 1006326 (Town Planning Fees) reflecting an estimated development cost of \$25,000.

Officer's Comment

Should Council formally adopt the two relevant policies, an item of this nature would not require formal planning assessment and would progress immediately to the application for a building licence.

The size and use of the proposed shed are considered appropriate in a Rural Residential zone, and the amenity of the area is unlikely to be significantly adversely affected by this development.

200506/489 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache **Seconded:** Cr G D Bussell

That Planning Consent be granted to Christopher Rodger for the construction of a SHED at lot 1 Manilha Drive Port Hedland as outlined in the Application received 23 May 2006 (Application 2006/69) and indicated on the approved plans, subject to the following conditions:

GENERAL

- a) **No accommodation is permitted in the building which is the subject of this approval without further approval from Council.**
- b) **The walls of the shed to be clad in a material or painted in a colour of natural or earth tonings to complement the surroundings, and/or adjoining developments, in which it is located to the satisfaction of Council's Manager Planning.**

ADVICE TO DEVELOPER

NOTE 1: A Building Licence to be issued prior to the commencement of any construction works (BS).

NOTE 2: 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).

NOTE 3: This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).

NOTE 4: The approval of Council's Environmental Health Services is required with regards to building any structure a minimum of 1.8 metres from existing leach drains and 1.2 metres from septic tanks.

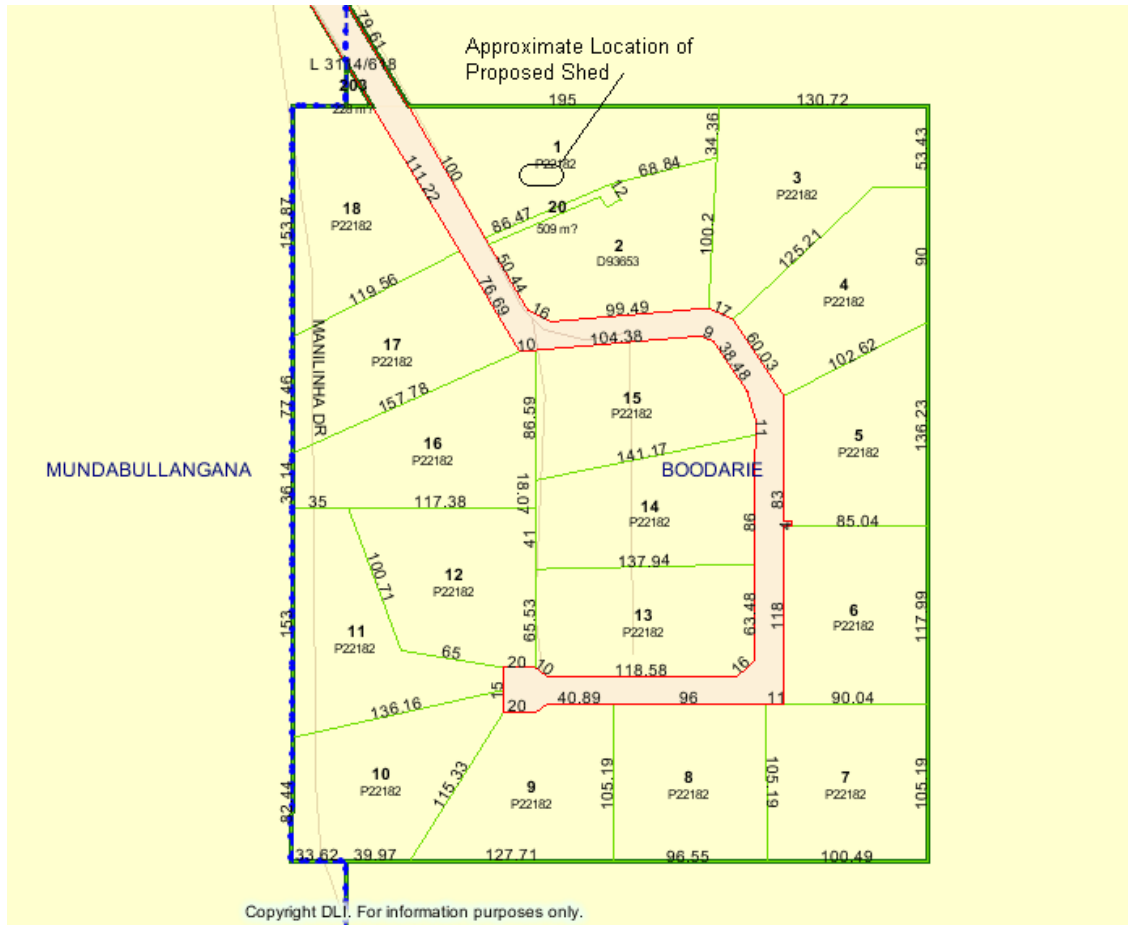
NOTE 5: The developer is advised that should plumbing fixtures be installed, they are to be connected to an approved waste disposal system to the specification of Council's Environmental Health Services and/or the Health Department of Western Australia.

NOTE 6: The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

NOTE 7: 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.

CARRIED 7/0

ATTACHMENT TO AGENDA ITEM 11.2.2.2



11.2.2.3 Request to Place Two 3 m x 6 m Signs on Road Reserves in South Hedland (File No.: 111407G)

Officer Andrew Patterson
Planning Officer

Date of Report 11 July 2006

Disclosure of Interest by Officer Nil

Summary

Council has received a request from Taylor Burrell Barnett Town Planning and Design on behalf of the Department of Housing and Works (DHW) to erect two 3 m x 6 m signs in the road reserve at the intersection of North Circular Road and Parker Street South Hedland and the drainage reserve at the intersection of Forrest Circle and Cottier Drive South Hedland.

This item is referred for Council consideration at the proposal contravenes Council's *Policy 14/0001 Signs Placed on Council Controlled Land*. In addition, this application exceeds provisions of Council's *Signs, Hoardings and Bill Posting Local Law*. Council approval is also required for this development to be approved on Council-controlled land.

Background

The New Living Project is an initiative of the Department for Housing and Works and is an urban renewal project that aims to revitalise South Hedland.

The Department of Housing and Works is proposing to erect 22 signs throughout South Hedland advertising the New Living Project, two of which are over-sized signs requiring planning approval.

Local Law Compliance

Under the *Signs, Hoardings and Bill Posting Local Law*, the applicant requires planning approval for this development as the proposal exceeds the requirements for pylon signs (s. 5.16.1 (a)) as the sign measures six metres wide, in excess of the allowed 3 metres, and the bottom edge of the sign is 1.2 metres from ground level in place of the required 2.75 metres. Pylon signs are also to be located a minimum of 1.8 metres from a side boundary except where the lot is located on an intersection. As these signs are to be located on the road reserve, they exceed this provision of the local law.

A provision exists under s. 3.1.2 (b) of the *Signs, Hoardings and Bill Posting Local Law* allowing Council to grant planning approval to any application for a sign licence that exceeds provisions of the local law. This provision would therefore allow Council to approve this application.

Policy Compliance

Under Council's Policy 14/001 Signs Placed on Council Controlled Land, no sign is permitted on Council controlled land, except under provision of Policy 6/002 Sponsorship, Community and Club signage on Council Recreation Reserves and Aquatic Centres. As these signs do not fit the definition of allowable signs under Policy 6/002, this proposal contravenes both policies.

The objective of the policy manual is:

- to provide the staff with precise guidelines in which to act in accordance with Council's wishes;
- to enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council.

As the purpose of a Council Policy is to direct Officer's determination of submitted applications, an application that contravenes any policy generally results in a recommendation of refusal. However, where Council considers that permitting the application would not prejudice sound planning, and that the proposal meets the objective of a policy, notwithstanding that it may contravene one or more policy provisions, it can still grant approval of that proposal.

Previous Applications

Council considered an application at its Ordinary Meeting on 28 September 2005 where planning permission was refused for the construction of an illuminated pylon sign proposed within the road reserve on Throssell Road. This application was refused, as the proposed sign was to be a permanent structure for commercial advertising and would have set a new precedent for signage along Throssell Road.

This application differs from the September 2005 application in that the signs are for community information purposes and should be removed at the completion of the New Living Project.

Consultation

Engineering Services have not objected to the proposal.

Building Services have not objected to the proposal and advised that a building licence is required for the proposed development.

Statutory Implications

Council's Local Law (Signs, Hoardings and Bill Postings) includes the following relevant sections relating to this application:

- 3.1.1 Requires the applicant to obtain a Sign Licence in addition to any planning approval.
- 3.1.2 Requires the applicant to seek planning approval where the proposed sign exceeds the provisions of the Local Law.
- 3.3 This section lists types of signs that are exempt from seeking a licence or planning but does not exclude the signs subject to this application.
- 3.5.2 Requires that every licensed sign must have the licence number displayed on the sign.
- 4.1 Establishes restrictions relating to the erection and maintenance of signs
- 4.5 Requires every sign, unless otherwise permitted to provide clear headway of at least 2.75 m
- 5.16 Establishes the specific requirements for a pylon sign.

Policy Implications

Council's Policy 14/001 – Signs Placed on Council Controlled Land states:

“No signage permitted on land under control of Council except under provisions of Policy 6/002.”

Council Policy 6/002 Sponsorship, Community and Club signage on Council Recreation Reserves and Aquatic Centres is not relevant in this instance as the land subject to the application does not comprise recreational reserve, and the signage does not comprise sponsorship, community or club signage.

Strategic Planning Implications

KEY RESULT AREA 2 – COMMUNITY PRIDE

Goal 3 – Townscape

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

Strategy 3.

In conjunction with the Department of Housing and Works, implement the South Hedland New Living project.

Budget Implications

Planning fees of \$100 have been deposited into account 1006326 (Town Planning Fees) reflecting an estimated \$5000 development cost for each sign.

Officer's Comment

As noted in the background of this item, this application contravenes Council policy regarding advertising on Council controlled land. However, as the nature of the proposed advertising is for public information rather than commercial gain, and the signs may be removed at the completion of the Project, Council may consider that the merits of the signage allow for approval of this application.

Should Council resolve to approve this application, conditions should be included relating to the removal of the signs at the conclusion of the New Living Project. As the specific sites of the signs is also not indicated on the submitted plan, the exact location of both signs, if approved, should be determined in consultation with Council's Director Engineering Services.

Officer's Recommendation

That Planning Consent be granted to Taylor Burrell Barnett Town Planning and Design for the construction of two (2) twin pylon signs in the road reserve at the intersection of North Circular Road and Parker Street South Hedland, and the drainage reserve at the intersection of Forrest Circle and Cottier Drive South Hedland as outlined in the application received 1 June 2006 (Application Number 2006/78) and indicated on the approved plans, subject to the following conditions:

GENERAL

- a) The applicant is to determine the precise location of the approved signs in consultation with Council's Director Engineering Services
- b) The developer is to maintain the signs to the satisfaction of Council's Manager Planning at no cost to Council.
- c) The developer is to remove the signs at the conclusion of the New Living Project and restore the land to the satisfaction of Council's Manager Planning.

ADVICE TO DEVELOPER

NOTE 1: The applicant is advised that a Building Licence application is to be submitted to Building Services prior to commencing site works.

NOTE: SIMPLE MAJORITY VOTE REQUIRED

200506/490 Council Decision**Moved:** Cr G D Bussell**Seconded:** Cr S F Sear

That Planning Consent be granted to Taylor Burrell Barnett Town Planning and Design for the construction of two (2) twin pylon signs in the road reserve at the intersection of North Circular Road and Parker Street South Hedland, and the drainage reserve at the intersection of Forrest Circle and Cottier Drive South Hedland as outlined in the application received 1 June 2006 (Application Number 2006/78) and indicated on the approved plans, subject to the following conditions:

GENERAL

- a) **The applicant is to determine the location of the approved signs in consultation with Council's Director Engineering Services**
- b) **The developer is to maintain the signs to the satisfaction of Council's Manager Planning at no cost to Council.**
- c) **The developer is to remove the signs at the conclusion of the New Living Project and restore the land to the satisfaction of Council's Manager Planning.**

ADVICE TO DEVELOPER

NOTE 1: The applicant is advised that a Building Licence application is to be submitted to Building Services prior to commencing site works.

CARRIED 7/0

REASON: Council wished less definition and more consultation be involved in the location of the approved signs.

11.2.2.4 Proposed Pretty Pool Design Guidelines (File No.: 18/14/0001)

Officer Andrew Patterson
Planning Officer

Date of Report 13 July 2006

Disclosure of Interest by Officer Nil

Summary

At its Ordinary Meeting on 28 June 2006, Council considered a set of Draft Design Guidelines submitted by Jones Coulter Young Architects and Urban Planners on behalf of LandCorp.

At this meeting Council resolved to seek comment from other interested parties prior to determining a response to the Design Guidelines. The purpose of this item is to report on the outcome of the public consultation.

Background

When Council considered these Design Guidelines at its Ordinary Meeting on 28 June 2006, it resolved:

“That Council seek public comment on the proposed guidelines by advertising and actively seeking comments from developers, builders and the local real estate industry.”

In response to this resolution, copies of the Design Guidelines were posted to:

- Goldman Constructions
- Jaxon Construction
- Fleetwood Corporation
- McGrath Homes
- Pilbara Constructions
- Hedland First National Real Estate
- Jan Ford Real Estate
- Ray White Real Estate

The design guidelines were also posted on Council's web site and a press release resulted in a newspaper article in the North West Telegraph published 5 July 2006. An advertisement seeking public comment was also included in the 5 July 2006 edition of the North West Telegraph.

At the time of writing this item, two submissions have been received in response to the public consultation. As the deadline for submissions is 26 July 2006, additional submissions are expected and will be tabled at Council's Ordinary Meeting on this date.

Council can consider the merits of incorporating any comments received into either the Design Guidelines, or Local Planning Policy where appropriate.

The two responses received to date include:

From Councillor Grant Bussell:

1. Need to promote the use of ceiling fans
Officers Comment: While comments could be included in the Design Guidelines to promote the use of ceiling fans, it would be inappropriate to include this as a required element in a Policy, as this element would be difficult to enforce.
2. Contention about the real benefit of double glazing
Officers Comment: The most recent version of the proposed design guidelines has removed this requirement.
3. Shading of air con units to help reduce load.
Officers Comment: This potentially could be included in the Design Guidelines, or as a required element in a Policy.
4. No approved greywater systems in operation currently.
Officers Comment: The use of greywater recycling systems in Port Hedland is not encouraged at this time as domestic waste water is treated and reused for reticulating public open space.
5. Need to manage sewerage discharges, and chemicals/fertilisers
Officers Comment: This item is more appropriately addressed with environmental legislation and conditions
6. Make the section on xeriscaping more user-friendly.
Officers Comment: This comment will be relayed to the Design Guidelines authors for reconsideration of this section.

A general response from Mr. Tony Ford, Chairman Velocity Constructions Pty Ltd, supporting the proposed Design Guidelines as the Guidelines will encourage climate and lifestyle appropriate design.

Mr. Ford claims that complying with the Guidelines will not add significantly to the cost of development and does not support the use of transportable housing, as this has not previously been permitted in Pretty Pool.

It is noted that investigation into this matter has not revealed any formal policy or other governing instrument controlling the existing development at Pretty Pool. While there is an assumption that certain types of housing or building materials were not permitted in Pretty Pool, there is no evidence supporting this assumption.

Statutory Implications

Should Council adopt the Design Guidelines for Pretty Pool as a Local Planning Policy under Town Planning Scheme No. 5, section 5.1 of the Scheme, particularly section 5.1.3 that states:

A local Planning Policy is not part of the Scheme and does not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Policy Implications

Nil

Strategic Planning Implications

KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT

Goal 4 - Land Development Projects

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

Strategy 1:

Work with LandCorp to progressively develop Pretty Pool in a sustainable manner.

Strategy 2:

Facilitate the release of more residential and industrial land.

Budget Implications

Nil

Officer's Comment

As noted when this item was first presented to Council at its Ordinary Meeting on 28 June 2006, Council has a number of options for dealing with the proposed Design Guidelines, including:

Option 1 -- Adopt the required elements of the guidelines as a policy under Town Planning Scheme No. 5.

This option provides the greatest level of control for Council regarding this development. Should Council elect to pursue this option, the required elements of the Design Guidelines would form a Local Planning Policy adopted under the Town Planning Scheme.

Prior to formally adopting the Local Planning Policy, Council would act in accordance with s. 5.1.4 – 5.1.10 of TPS 5 and advertise the Policy for comment. The draft Local Planning Policy, containing the required elements of the Design Guidelines is attached to this report.

This option would allow for the greatest control over the character of the built environment of Pretty Pool as each application for planning or building approval would be assessed against the policy. Non-required elements would remain as guidelines, but have no statutory authority.

Option 2 -- Adopt the entire document as a set of design guidelines.

Adopting the entire document will have a similar effect as adopting the required elements as policy. However, including the surrounding documentation and justification may have the effect of confusing the required with the non-required elements. For ease in administration, this is not a recommended option.

Option 3 -- Recommend that LandCorp adopt the design guidelines with required elements enforced via restrictive covenants on the land, or some other appropriate legal device.

While this option may be possible, the Town of Port Hedland has been advised that LandCorp is unlikely to impose restrictive covenants on land titles and will only control development with initial assessment of building applications.

The advantage for Council with this option is that the Town of Port Hedland is not involved with compliance to the Design Guidelines in any formal sense, however Council would then also lose the ability to vary any requirements, or grant exemptions to the guidelines as it sees fit. In addition, once LandCorp withdraws from the development process, any controls will effectively be lost unless Council then implements its own Local Planning Policy.

Option 4 -- Not adopt the design guidelines and not recommend that LandCorp adopt the document, allowing market forces to determine the outcome of residential development in Pretty Pool, subject to existing statutory and policy instruments.

Council has an opportunity to implement some level of control for the development of the built form of the new residential development in Pretty Pool. While this option provides the least amount of work for Council and Staff it is considered that pursuing this option will result in a lost opportunity to ensure that this new subdivision achieves a new standard of residential development in Port Hedland.

By implementing a higher level of control, Council would encourage developers to construct more environmentally sensitive designed structures that better reflect the climate and conditions experienced in Port Hedland.

In following a general trend in home ownership in Port Hedland, it is expected that a relatively large proportion of the new development in Pretty Pool will comprise some form of rental tenure. As evident throughout Port and South Hedland, the design and quality of rental housing is often not of a desirable standard. Implementing some form of design guidelines will complement Council's existing regulatory framework and provide an opportunity to establish high quality appropriate housing as standard development.

Of these options, the Option 1 is considered to carry the most merit as it provides Council with some specific controls over the development in Pretty Pool, and gives clear guidance to developers. It is important to note that Council would be able to make exemptions to the policy where it considered a particular application meet the strategic goal for the subdivision while not achieving any specific requirement.

In addition, Council is able to modify or cancel the policy at its discretion should it consider the Local Planning Policy has become an impediment to development.

Adopting the required elements of the Design Guidelines as a Local Planning Policy is most likely to give Council the ability to regulate the development of Pretty Pool. An adopted policy will also provide guidance for developers and potentially expedite the planning approval process.

Officers Recommendation

That Council adopts the Pretty Pool Design Guidelines Policy and advertises the draft policy for public comment in accordance with section 5.2 of Town Planning Scheme No. 5.

200506/491 Council Decision/Alternative Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr A A Gear

That Council adopts the Pretty Pool Design Guidelines Policy and advertises the draft policy for public comment in accordance with section 5.2 of Town Planning Scheme No. 5.

With the following inclusions;

- 1) All structures shall utilise a fixture that recesses the bulb into the fixture and directs the light downward.
- 2) All external lights shall utilise the following: low pressure sodium vapour, yellow or orange bug lights, red light emitting diode (LED), amber incandescent of less than 40-watts or less or other such lights that have been documented to not cause disorientations to nesting sea turtles or hatchlings as approved by the Town of Port Hedland.
- 3) The following are prohibited: pole mounted fixtures, non-directional and flood fixtures and fixtures that do not conform to the design guidelines and/or have not been approved by the Town of Port Hedland.
- 4) Shade trees - "other species indigenous to the Pilbara" approved by Council's Planning Services
- 5) No second hand transportable buildings; and
- 6) Allow visually permeable front fencing

CARRIED 7/0

DESIGN GUIDELINES FOR PRETTY POOL

DRAFT

Adopted

TOWN OF PORT HEDLAND
PHONE 9158 9300
Civic Centre, McGregor Street
PO Box 41
Port Hedland WA 6721

1

TABLE OF CONTENTS

1.0 Policy Purpose & Context

2.0 Policy Objectives

3.0 Policy Area

4.0 Built Form Expression

5.0 Shading and Breezes

6.0 Ceiling Heights

7.0 Front setback

8.0 Corner Lots

9.0 Outdoor Eating Areas

10.0 Roofs and Windows

11.0 Turtle Sensitive Design

12.0 Air Conditioning Management

13.0 Garages

14.0 Front Fences

15.0 Gardens

1.0 POLICY PURPOSE & CONTEXT

1.1 POLICY PURPOSE

The purpose of the policy is to ensure the character and design of residences in Pretty Pool are consistent with the vision created in the Pretty Pool Guidelines. This vision is one where the built form will set a new bench mark for housing in the Port Hedland region. The intention is that housing will better respond to the climate and will reduce energy consumption.

This policy will play an important role in ensuring that the quality of the Pretty Pool built form and will provide surety for both the community and the private developer by setting a number of required standards.

All development in the Town of Port Hedland is required to comply with City Planning Scheme No.X.

This policy is adopted by the Council as a Planning Policy under City Planning Scheme No.X.

1.2 CONTEXT**2.0 POLICY OBJECTIVES**

2.1 OBJECTIVES

The key objectives addressed by the Pretty Pool Design guidelines are as follows:

- i. To achieve an attractive and cohesive development
- ii. To achieve an architectural character relevant and identifiable to the Pilbara
- iii. That climate and sustainability are to be the main driving factors for the design of new residences in the new Pretty Pool development
- iv. Houses in the Pretty Pool subdivision are environmentally sustainable and would require less energy to run on

3.0 POLICY AREA

This policy is applicable to the new Pretty Pool development as per plan attached.

4.0 BUILT FORM EXPRESSION

New residences built at Pretty Pool provide an opportunity to establish a distinct architectural character relevant and identifiable to the Pilbara. As such houses are encouraged to use local materials to give the colour and feel of the Pilbara region. This may include the use of local stone, rammed earth or stabilized concrete walls.

A colour palette relevant to the climate is also encouraged. These may be the reds and ochres of the earth, the green of the trees, along with ocean colours, whites, blues, purple haze and ocean greens.

5.0 BREEZES AND SHADING

The two most critical aspects to good environmental design in the Pilbara are keeping the direct sun off the buildings and allowing cool breezes to ventilate the house. As such the following design guidelines are mandatory

- Houses must be orientated to catch the cool breezes.
- Large openings must be located on the north to north west and east to south east sides of the house
- Breeze diagram must be included with any submission for design approval
- At least one breeze wall located within the house.
- At least two sides of the house must be surrounded by a verandah of minimum width 1800mm.
- Sides of the house with no verandah must be shaded by an eave of at least 900mm.

6.0 CEILING HEIGHTS

All ceilings must have a minimum 2700mm above floor level to all habitable areas. Where this is not possible the ceiling should be a minimum of 2400mm above floor level provided all main living areas have raked / cathedral type ceilings.

7.0 FRONT SETBACK

The minimum front setback can be 2m to an average of 4m

8.0 CORNER LOTS

Houses situated on corner lots must address both street frontages. This can be done with the use of windows, doors and other openings, and by continuing the architectural treatment to the front around to the side of the house. No blank facades are permitted to either street.

9.0 OUTDOOR EATING AREAS

- All residences shall have a shaded outdoor area adjacent to the main living area with a minimum width of 2.6m and a minimum area of 20m².

10.0 WINDOWS AND ROOFS

- All windows must have some form of shading or awning structure.
- Minimum insulation required in the roof is R3.5
- Roofs must be light coloured to reduce heat absorption.
- If a steel roof is used it must be one of the following colours:
Headland, manor red, sandbank, classic cream, surfmist, paperbark, dune, shale grey, windspray, bushland, pale eucalypt, wilderness or zinc alume.

11.0 TURTLE SENSITIVE LIGHTING

- Each house may have a maximum of one front door light, one back door light and one garage light
- All external lighting must have a yellow or red filter
- All external lighting must be shielded by an opaque guard and directed downwards. Use of multi directional external light fixtures is prohibited.
- All fluorescent and flood lighting is forbidden.
- External pole mounted lighting is prohibited.
- All external front door and garage lights must be on motion switches which activate the light source when approached and turn off automatically after a set duration.
- Lighting for outdoor eating / living areas must be shielded with screens and all fluorescent and flood lighting is prohibited.

12.0 AIR CONDITIONING MANAGEMENT

- Sound levels of all external air conditioning units must be a maximum of 35dBA in accordance with the Environmental Protection (Noise) Regulations 1997
- Roof mounted air conditioners must be located to the rear of your roof where they cannot be viewed from the street, and not easily seen from the neighbouring properties.

13.0 GARAGES

- Triple garages are not permitted except in tandem
- Provision must be made for vehicle access through to the rear of the property.
- Cross overs must remain in position as constructed.

14.0 FRONT FENCES

- Front fences are not permitted.

- Low boundary fences are permitted forward of the front facade to a maximum of 600mm high.

15.0 FRONT GARDENS

- At least one shade tree from the species list provided is to be planted at the front of the house.
- The buyer is required to landscape the zone between to front facade and the front boundary.
- All species of palm tree are restricted to the rear of the property.
- All planting bed soil must be treated with soil conditioners and have 100% garden mulch.

PROCESS

These provisions will apply when assessing applications for building licence in the new Pretty Pool development. Town officers will assess compliance with this policy and any requests for variations will require approval of Council.

11.2.2.5 Request for In Principle Support for Temporary Access Road to FMG Port Construction Site (File No.: 18/12/0003)

6.08 pm Cr G J Daccache declared a financial interest in 11.2.2.5 Request for In Principle Support for Temporary Access Road to FMG Port Construction Site.

Cr G D Daccache is an employee of BHP & owns BHPB shares.

6.10 pm Cr G D Daccache left the room.

Officer Andrew Patterson
Planning Officer

Date of Report 17 July 2006

Disclosure of Interest by Officer Nil

Summary

Council has received a request from the Fortescue Metals Group (FMG) for 'in principle' support for the construction of a private access road to their port facilities construction site.

This item is presented for Council consideration, as the proposed road alignment will cross Crown land that is vested in the Town of Port Hedland.

Background

In March 2006, FMG proposed to construct a 2310 metre long, 7 metre wide access road extending from Pinnacles Road Wedgefield west of Ridley Street and connecting to FMG's construction site. Following initial feedback from the Town of Port Hedland, this road has now been modified to the current proposed alignment.

As proposed, the access road will originate with a T-intersection at Cajarina Road, progressing parallel to the existing BHP road before turning north to access the construction site. The road will consist of a 2 kilometer long, 7 metre wide road contained within a 30 metre wide corridor.

The road will pass through the following land:

- Lot 2514 (Reserve 32643) that is vested in Horizon Power for the purpose of a sub-station and zoned "Industry";
- Lot 3261 (Reserve 33848), that is vested in the Town of Port Hedland for the purpose of "Recreation – Equestrian Activities," and zoned "Parks and Recreation";
- a portion of Unallocated Crown Land (UCL) that is zoned "Conservation Recreation and Natural Landscapes"; and

- land that is reserved for “Other Purposes – Infrastructure” that currently contains the Finacune Island Road and BHPB railway.

Lot 3261 that is vested in the Town of Port Hedland is currently unused and contains a number of dilapidated and unauthorised structures.

Council’s Director Corporate Services has advised that \$10,000 is proposed in the Draft 2006/07 Budget to remove these structures.

As Lot 3261 is vested in the Town of Port Hedland for the purpose of “Recreation – Equestrian Activities,” the construction of a road over this reserve would require modification of the vesting order to enable approval of the road through this land. Alternatively, Council could consider divesting itself of the vesting order and returning the land to the Crown.

FMG currently access their construction site via Finacune Island Road with BHP Billiton (BHPB) granting access to this road until 31 July 2006. FMG have advised the Town of Port Hedland that BHPB has formally advised FMG that this access agreement will not be extended.

FMG has indicated that the traffic loads predicted for this temporary road during the construction phase will consist of:

- Abnormal loads (multi-wheel low beds with axle loads less than the Road Act limits) – 120 vehicles;
- Deliveries (steel/concrete/building stone and materials) – average 5 per day;
- Construction workers (average 250 per day, peaking at 800, with majority bussed in from collection points) – maximum 30 buses and 50 light vehicles per day.

Port Authority Strategic Planning

The Port Hedland Port Authority (PHPA) has been consulted in regard to this proposal and has advised that the proposed road is generally compatible with their development goals.

As part of planned development at Harriet Point, the Port Authority would require an access road capable of bearing road train traffic. The alignment of the proposed FMG access road conforms to the required PHPA road and will therefore most likely have a longer lifespan than the two years use proposed by FMG.

Town of Port Hedland Strategic Planning

The existing Finucane Island Road is a private road that is open to public users with the permission of BHPB. This road is not constructed to Australian Standards with regard to its dimensions

and close proximity to the railway and unlikely to be gazetted as a public road.

Should FMG construct the proposed road, its long-term use is likely to be part of an upgraded public access road to the Finacune Island boat ramp and as a road train route accessing future port facilities.

Another access issue raised by this proposed road concerns the ABC mast located at lot 5165. This lot is located to the north of the proposed access road and is currently accessed from Finacune Island Road. Should the FMG access road be an exclusive access road as proposed, access to the ABC mast is likely to be inhibited.

Consultation

Council's Director Engineering Services has offered no objection to the proposal and recommended the following conditions be included in any Council approval:

- Cajarina Road to be upgraded to a hot mix pavement to accommodate additional traffic loads;
Note: Council's recently completed Wedgefield Road Safety Audit identifies the road intersection at Cajarina Street as being in fair to good condition, however additional vehicle movements, particularly heavy vehicles, will adversely affect the expected lifespan of this road.
- The proposed intersection of Cajarina Road with the FMG access road to be constructed to Main Roads Western Australia design standards, especially with regard to sight distances from Finacune Island Road;
- Intersection of Cajarina Road with FMG access road to be illuminated to Australian Standards;
Note: the Wedgefield Road Safety Audit identified insufficient lighting at intersections on Cajarina Road as being a potential safety hazard.
- The FMG access road to be sealed to seven (7) metre width.

Note: FMG is not planning to seal the proposed road west of the culvert crossing at South Creek, however due to projected traffic loads and types of traffic movements, sealing is recommended for the full road length.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 reserves the land for "Industry," "Conservation Recreation and Natural Landscapes," and "Other Purposes – Infrastructure."

Section 85 of the *Road Traffic Act 1974* authorises a local government to claim for damages for a road damaged by excessive loads carried on a particular road.

Section 79 of the *Land Administration Act 1997* authorises the Minister responsible for the Act to lease Crown land for any purpose.

Policy Implications

Nil.

Strategic Planning Implications

KEY RESULT AREA 1 - INFRASTRUCTURE

Goal 1 - Roads, Footpaths and Drainage

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

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

Budget Implications

Should this proposed be constructed, Council should require that FMG contribute to the upgrading and maintenance of Cajarina Road to accommodate the increased traffic loads and contribute to making good any damage or extra wear attributed to their use of Cajarina Road.

Officer's Comment

Should Council consider that this is an acceptable proposal, relevant conditions to the "in principle" support could be included to protect Council's road assets. The applicant could also be required to improve or maintain Cajarina Road as required due to the increased traffic load.

Notwithstanding that FMG are proposing to construct this road as temporary infrastructure, the strategic interests of the Port Hedland Port Authority, BHPB and the Town of Port Hedland are more likely met if the access road become a permanent feature in the medium to long term.

FMG are proposing that the access road be for their exclusive use, however as noted in this report, other users, such as the ABC are likely to require access to this road to continue to service existing infrastructure. Should Council support this application, a condition requiring that FMG consider reasonable requests for access to the road as required.

200506/492 Council Decision/Officer's Recommendation**Moved:** Cr D R Pike**Seconded:** Cr S F Sear

That Fortescue Metals Group (FMG) be advised in writing that Council gives 'in principle' support for its application for the construction of a temporary access road from Cajarina Road, Wedgefield as outlined in the application dated 14 July 2006 and indicated on the submitted plan subject to:

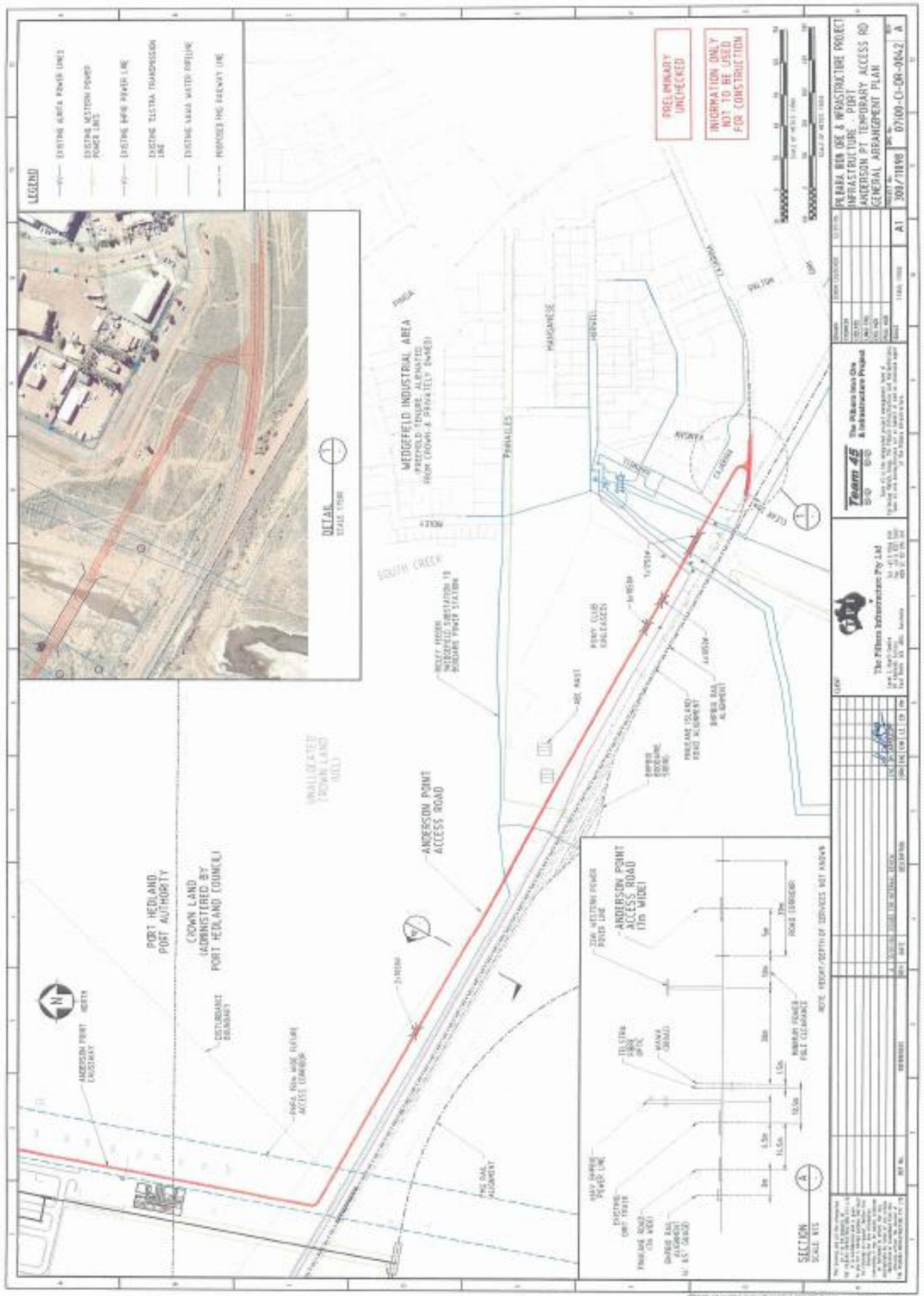
- i) the applicant obtaining appropriate tenure for all required land;**
- ii) the applicant obtaining all necessary environmental, heritage and Native Title approvals prior to undertaking any site works;**
- iii) the applicant hotmix asphalt Cajarina Road to a standard satisfactory to Council's Engineering Services;**
- iv) FMG granting any reasonable request for access to the private road as required;**
- v) the proposed intersection of Cajarina Road and the FMG access road to be designed and constructed to MRWA standards; and**
- vi) the proposed FMG access road to be sealed to 7 metre width.**

CARRIED 6/0

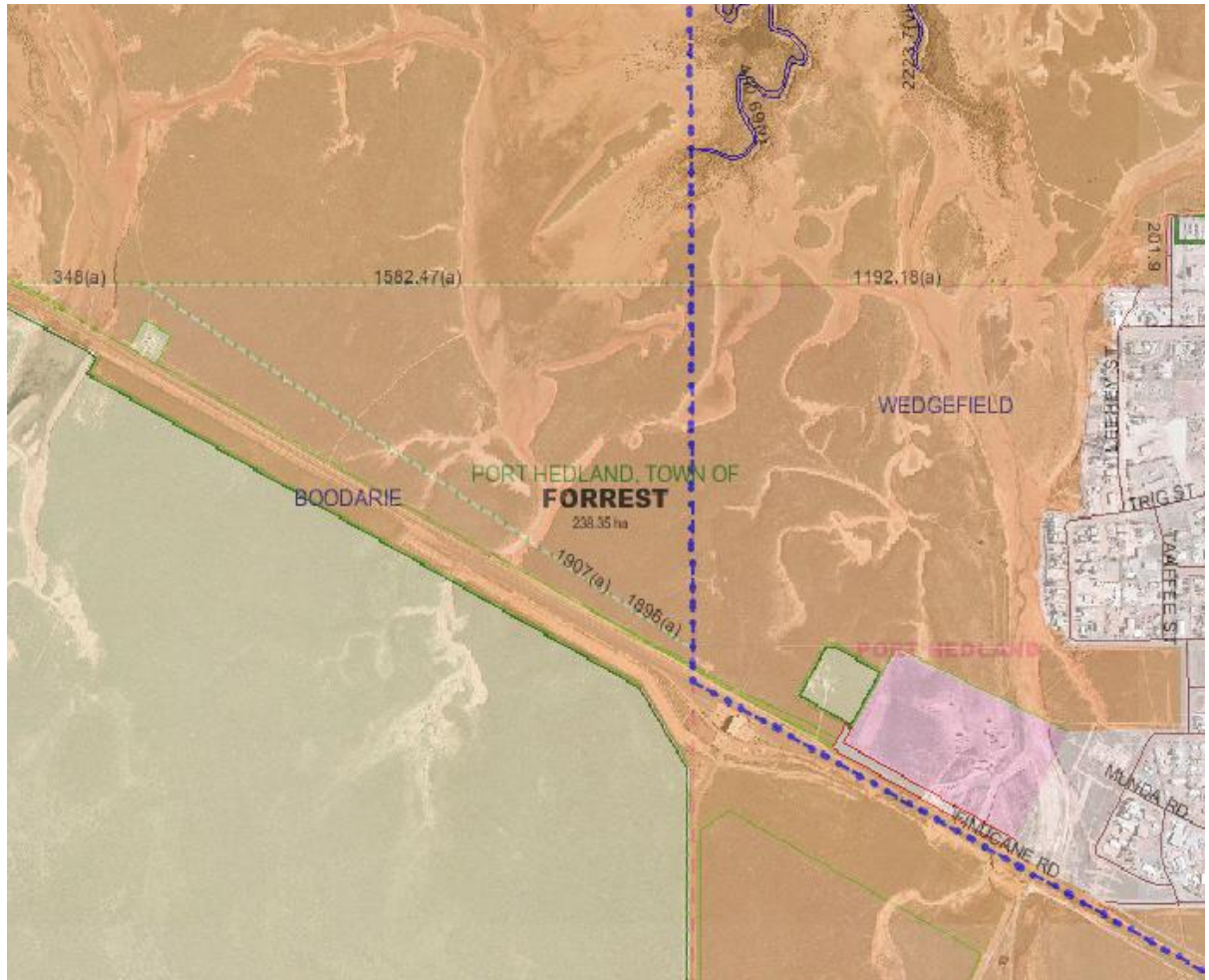
6.10 pm Cr G D Daccache re-entered the room and assumed his chair.

6.10 pm Deputy Mayor advised Cr G J Daccache of Council decision.

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.5



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.5



11.2.3 Human Services – Home and Community Care**11.2.3.1 *Town of Port Hedland Home and Community Care - Variation to the 2005/2006 Service Agreement (File No.: AGR/012)***

Officer Deborah Craigie
Manager Human
Services

Date of Report 17 July 2006

Disclosure of Interest by Officer Nil

Summary

A variation to the agreed funding level associated with cost indexations has necessitated a Deed of Variation from the Western Australian Health Department for the 2005/2006 HACC Service Agreement.

Background

The Town of Port Hedland HACC Programme is fully funded by the Commonwealth and State Governments on a 60 / 40 basis to provide HACC services. Funding for the programme is arranged through a service agreement between the state and the Town of Port Hedland.

In the 2005 / 2006 financial year, a 2.2% cost increase has been applied to the HACC base funding by Department of Health to cover increased operational costs. In order to receive that increase the agreement between the State and Town of Port Hedland must be varied.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Aligns with the Strategic Plan Item 3.3.3. but this report simply recognises additional funding that will become available to defray increased costs of providing the HACC services.

Budget Implications

Variation will increase 2006/07 budget revenue and will be adjusted accordingly at the September quarterly budget review.

Officer's Comment

The "Deed of Variation to the Service Agreement for the Provision of Home and Community Care Services between the State of Western Australia and the Town of Port Hedland" dated 2005/2006 relates to indexed funding increases for salaries and other related operational on-costs associated with the operation of the HACC programme. The deed of variation simply facilitates the provision of additional funds for Council to provide HACC services

200506/493 Council Decision/Officer's Recommendation**Moved:** Cr G D Bussell**Seconded:** Cr S F Sear

That the Mayor and Chief Executive Officer be authorised to sign and affix the Town of Port Hedland Common Seal to the "Deed of Variation to the Service Agreement for the Provision of Home and Community Care Services between the State of Western Australia and the Town of Port Hedland" dated 2005/2006

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 17 July 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***

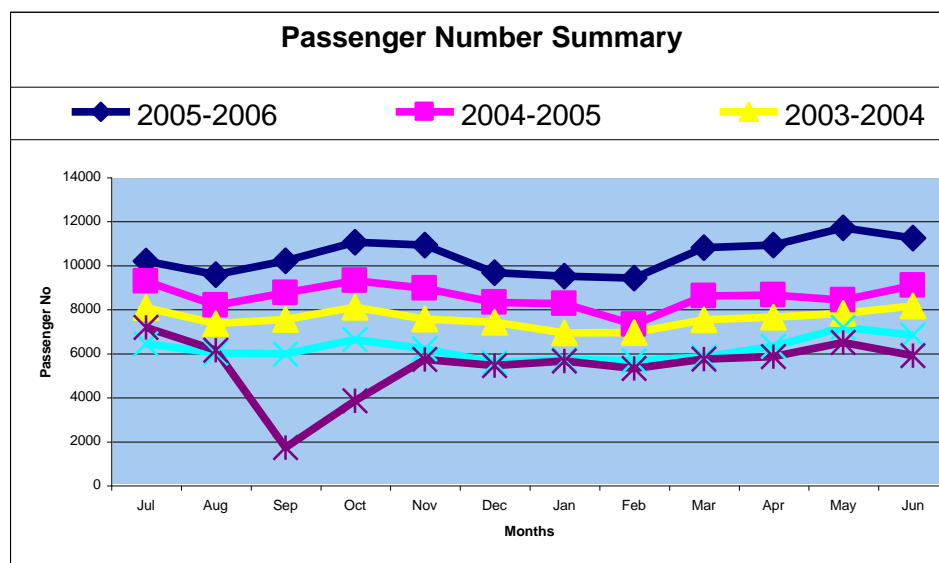
PROJECT	STATUS
South Hedland Cemetery Upgrade	Received Council approval to proceed with upgrade. Shade shelters ordered. Cemetery Upgrade Committee meeting scheduled for July 06.
Airport Upgrade	Traffic management improvements are continuing. Estimated completion date of end of August.
Playgrounds	Installation of new playground equipment and installation of rubber soft fall complete. Currently seeking quotes for 06/07 playground equipment replacement program.
Black Spot Funding	Throssell road, North Circular/Hamilton and North Circular/Murdoch projects have been delayed due to contractor unavailability. Survey work has commenced for these projects.
Roads to Recovery Funding	Received funding for extension of Butt Weld Road to North Circular Road. Corresponding with Department for Planning and Infrastructure for land use approval. Surveyor contracted to locate boundaries.

Regional Road Group Funding	Installation of guardrail on Hamilton Road commenced. Application for Hillside-Woodstock Road for resheeting and formation improvements.
Landfill	Draft Waste Management Strategic Plan presented to Council – awaiting their comments prior to proceeding.
Bell Street/LIA	Preparation and sealing completed.
Boat Ramp Road	Preparation and sealing completed.
Richardson Street	Preparation and sealing completed.
Anthill Road	Preparation and sealing completed.
Wedgefield Upgrade	Wedgefield Road Safety Audit received from Connell Wagner. Staff are currently preparing a detailed schedule of works for the Wedgefield Upgrade Program based on the safety audit findings.
Flood Damage	Crews are currently repairing gravel roads that have received significant flood damage during this years cyclone season. Funding applications have been submitted for opening and reinstatement works.
Line marking	Line marking completed at South Hedland Aquatic Centre and Library.
Concessional Loading Scheme	Approval for Pilatti Transport.

Parks and Gardens

Ovals Maintenance	Maintenance ongoing.
Drainage Maintenance	Maintenance ongoing.
Slashing	Open area slashing in South Hedland, Wedgefield and Redbank ongoing.
Reticulation Upgrades	The Water Corporation is upgrading reticulation on sports grounds that are currently reticulated by waste water. Contractors commenced upgrades in early June.

Airport



The financial year 2005-2006 has seen a record year (based on past 10 years) with in excess of 125,000 passengers using Port Hedland International Airport. This is approx 22% up on the 2004-2005 financial year. This also meets Strategic Plan, Goal 3 Airport, Measurement, "Airport Passenger numbers to exceed 120,000 by 2011.

Information source BTRE April 2006

Route	Ranking In Aust	Pax Numbers	Available Seats	Load Factors	Aircraft Movements
Port Hedland-Perth	48	10,201	14,411	70.8	127
Karratha-Perth	31	22,146	30,483	72.7	234
Kalgoorlie-Perth	38	15,055	23,995	62.7	220
Broome-Perth	34	18,505	29,374	63.0	211

Significant Aircraft Movements

09-06-06	3 x PC9's	RAAF 2FTS
12-06-09	Beech 1900	Overnight Parking
16-06-09	Citation IV	Passing Through
16-06-09	2 x Hawk Jets	RAAF 79sqn
18-06-06	2 x Aero-commanders	International departing to Surabaya
20-06-06	3 x Air Tractors	International departing to Cocos Island and Portugal
25-06-06	Challenger 604	International Departure to Male
30-06-06	Challenger 604	International Departure to Male

Other

The Civil Aviation Safety Authority (CASA) conducted the Annual Safety Audit on the 30th-31st May 2006. No Request for Actions (RCA's) were issued for this audit, as opposed to 3 last year.

The Department of Transport and Regional Services (DoTARS) conducted the Annual Security Audit (Restricted) on the 22 –23 May 2006. Only 2 minor issues were identified, which have now been rectified.

200506/494 Council Decision/Officer's Recommendation

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

That Council receives the Engineering Services Report for June 2006.

CARRIED 7/0

11.3.2 Port Hedland International Airport**11.3.2.1 *Airservices Australia Agency Agreement (File No: 30/03/0001)***

Officer Rod Evans
Airport Manager

Date of Report 14 July 2006

Disclosure of Interest by Officer Nil

Summary

To seek Council's approval to enter into an Agency Agreement with Airservices Australia.

Background

Airservices Australia has requested that the Town of Port Hedland consider becoming the agent at Port Hedland International Airport, and enter into a contract with them for the provision of services for their facilities.

Consultation

Director Engineering Services
Airservices Australia

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Goal 3 Airport, Strategy 3

Actively pursue the generation of income from a variety of sources at the Airport

Budget Implications

It is expected that a minimal increase in income approx \$2,500 would be derived dependant on the need for callouts.

General Ledger Account No 1210352 'Other Sundry Income'

Officer's Comment

Airservices Australia is the provider of a range of Navigational Facilities around Australia.

As a part of their role in providing these services, they require an agent on the ground at relevant airports to provide a service to reset Navigational Aids and carry out minor maintenance, and be available for callouts as required.

Council agreed to operate this agency for 12 months at its July 2005 meeting.

As these facilities are located on the airside areas of the airport, and with the ongoing changes to security requirements, it is a requirement that we continue to retain control over access to these strategic sites.

Other Council run airports such as Newman, Albany and Esperance have entered into similar agreements in the past.

The contract is for payment of a retainer, with a cost for callouts both during and after hours based on an hourly rate and is for a period of 12 months expiring on the 30th June 2007.

It is proposed that the Qualified Reporting Officers undertake these tasks as a part of their normal duties, and be available for callouts as a part of normal rostered duties.

Any costs incurred out of hours would be covered by the call out costs agreed.

It is proposed to increase the fee by CPI of 4% from last financial year.

200506/495 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

Seconded: Cr A A Gear

That:

- i) Council resolve to enter into 'Contract for the Provision of Services' with Airservices Australia to the 30th June 2007;**
- ii) the Contract for the Provision of Services with Airservices Australia to stipulate that the initial set up fee from Air Services Australia to the Town of Port Hedland be set at \$1,560.00 excluding GST, and an hourly rate of \$26.00 excluding GST during normal working hours and an hourly rate of \$52.00 excluding GST for outside of normal working hours, with a minimum of 3 hours for outside of normal working hours; and**
- iii) the Common Seal be affixed and the Mayor and Chief Executive Officer be authorised to sign the Contract**

CARRIED 7/0

ATTACHMENT TO AGENDA ITEM 11.3.2.1

CONTRACT FOR PROVISION OF SERVICES TO AIRSERVICES AUSTRALIA

This Contract is made between the following parties:

1. Airservices Australia, a body corporate established under the Air Services Act of 1995, having its address for notices Kleinig Avenue, Redcliffe WA 6104 (**AIRSERVICES**)
2. Town of Port Hedland, PO Box 41, Port Hedland, WA 6721 ABN: 19220085226 (**CONTRACTOR**)

The parties wish to enter into a contract for the provision by the Contractor to Airservices of certain services.

The parties agree, in consideration of, among other things, the mutual promises contained in this Contract:

1 Definitions

(a) In this Contract:

Contract means this document and the Schedules;

Contract Period means the period beginning 1st July 2006 and ending on 30th June 2007;

Day means calendar day;

Dollars and **\$** both mean the lawful currency of Australia;

Effective Date means the date on which both parties sign the Contract and, if the parties sign on different days, the later date is the Effective Date;

Fee means the amount for each Service set out in Schedule 1;

GST means a goods and services tax or similar value added tax imposed in relation to a supply (or deemed supply) of any goods, property, service or any other thing as defined in *A New Tax System (Goods and Services Tax) Act 1999*.

Services means the services and other obligations specified in Schedule 1 to be performed by the Contractor under this Contract;

Site means Airservices' premises specified in Schedule 1; and

Subcontractor means a person that, for the purposes of this Contract, provides services directly to the Contractor or indirectly to the Contractor through another person;

Tax Invoice has the meaning given to it in the GST Act.

2 Scope and contracted requirement

- (a) The Services are to be performed by the Contractor during the Contract Period.
- (b) The Contractor will provide the Services for the Fees.
- (c) Airservices will provide the Contractor, if required, with appropriate access to the Site to provide the Services, adequate working space and facilities and access to, and use of, all necessary information to provide the Services.
- (d) The Contractor and each of his or her employees and agents, when using Airservices' premises or facilities must comply with all security and safety regulations in effect at those premises in regard to those facilities, or as notified to the Contractor by Airservices. The Contractor and each of his or her employees and agents, when using

Airservices' premises or facilities, must comply with Airservices' occupational health and safety policies and procedures and with occupational health and safety legislation, and the Contractor acknowledges that it has read and understood such policies, procedures and legislation.

3 Fees and payment

- (a) The Fees for providing the Services under the Contract are calculated in accordance with the provisions of Schedule 1.
 - (b) Upon completion of the Services, or any part of the Services as provided for in Schedule 1, the Contractor will provide Airservices with a Tax Invoice for the provision of those Services and Airservices will, subject to clauses 3(c) and 3(d), pay the invoice amount to the Contractor 28 days after the date of the invoice.
 - (c) Airservices is only liable to pay the invoice amount referred to in clause 3(b) if the amount claimed in the invoice is due for payment and if the invoice is accompanied by documentation that provides evidence that the amount specified in the invoice is in accordance with the Contract and, in particular, provides a full and detailed description of the work carried out.
 - (d) Airservices is only obliged to pay for the Services that it is satisfied in its absolute discretion have been performed satisfactorily and have been performed in accordance with the Contract.
 - (e) Invoice amounts will be inclusive of any bank, financial institution or transaction fees, charges, levies or taxes and any such fees, charges, levies or taxes will be borne by the Contractor.
- 4 GST**
- (a) Any amount referred to in this Contract is exclusive of GST unless it is expressly included.
 - (b) If GST is imposed on any supply (or deemed supply) made under or in connection with this Contract, then the consideration for that supply is increased by an amount equal to the amount of that consideration multiplied by the

- rate at which GST is imposed in respect of that supply.
- (c) The party that makes the supply must provide to the recipient of that supply a GST tax invoice as required by the relevant legislation.

5 Services

- (a) It is a condition of the contract that the Contractor must:
- (1) provide the Services with due skill, care, competence and diligence expected of a contractor experienced in work of the same type as the Services; and
 - (2) ensure that the Services are carried out in accordance with established procedures, requirements and other standard practices.
- (b) The Contractor warrants that:
- (1) the Services are fit for the purposes for which they are sought;
 - (2) any materials that the Contractor uses to perform the Services are free from defects in design, performance and workmanship; and
 - (3) all work performed under this contract will be carried out and completed in a proper and workmanlike manner and in the most cost-effective manner.
- (c) The Contractor must make good any defect resulting from faulty workmanship or defective materials at no cost to Airservices.

6 Indemnity and insurance

- (a) The Contractor must indemnify Airservices, its officers, employees and agents against:
- (1) loss of, or damage to, property of Airservices;
 - (2) claims by any person in respect of personal injury or death;
 - (3) claims by any person in respect of loss of, or damage to, any property; and
 - (4) costs and expenses including the costs of defending or settling any claim referred to in this clause 6,
- arising out of or as a consequence of any work under or breach of the Contract by the Contractor, its officers, agents or Subcontractors, or the Contractor's negligence.
- (b) The Contractor is responsible for holding and maintaining all necessary insurance policies in relation to the provision of the Services including, but not limited to, workers' compensation insurance, public liability insurance, professional indemnity and any

other insurances required by law or regarded necessary in sound commercial practice and the Contractor must, on the date of this Contract and thereafter upon request, produce satisfactory evidence to Airservices that:

- (1) the Contractor has effected and maintained such insurance policies; and
- (2) such insurance policies are sufficient to cover any loss or damage that Airservices may suffer as a result of non-performance or partial performance of any obligation of the Contractor under the Contract.

7 Termination

- (a) Airservices may terminate the Contract by providing the Contractor with 30 days written notice that the Contract is to be terminated.
- (b) In the event of notice of termination being given by Airservices to the Contractor under clause 7(a), the Contractor will be paid for Services provided up to and including the date of termination together with such reasonable compensation to meet any commitments, liabilities or expenditure reasonably and properly incurred by the Contractor in connection with the Contract to the extent to which the commitments, liabilities or expenditure represent an unavoidable loss by Airservices as a result of the termination.
- (c) Termination pursuant to clause 7(a) will not affect or prejudice any rights which have accrued to either party up to and including the date of termination.

8 Subcontract

The Contractor will not, without the prior written approval of Airservices, subcontract the performance of any part of the Services and, in giving written approval, Airservices may impose such terms and conditions, as it thinks fit.

9 Negation of employment

- (a) The Contractor will not represent itself, and shall ensure that its employees do not represent themselves, as being employees, partners or agents of Airservices.
- (b) The Contractor shall not by virtue of this Contract be or for any purpose be deemed to be an employee, partner or agent of Airservices.

10 Governing law and jurisdiction

This Contract is governed by the laws of the State of Western Australia.

representations, communications, contracts, statements and understandings, whether oral or in writing, relating to its subject matter.

11 Entire agreement and variation

The Contract represents the entire agreement of the parties and supersedes all prior

Executed as an agreement:

**Signed for
Airservices Australia**
in the presence of:

Witness
K.B. WHITE

Name (please print)
4/7/06

Date

Harry Briggs

Name (please print)
4/7/06

Date

By executing this Agreement the signatory warrants that the signatory is duly authorised to execute such instruments on behalf of Airservices Australia.

**Signed for
The Contractor**
in the presence of:

Witness

Name (please print)

Date

Name (please print)

Date

By executing this Agreement the signatory warrants that the signatory is duly authorised to execute such instruments on behalf of the Contractor.

SCHEDULE 1

Site PORT HEDLAND

- Non-Directional beacon (NDB)
- Distance Measuring Equipment (DME)
- VHF Omni Range (VOR)
- Satellite Ground Station (SGS)
- Tower Equipment Room (TWER)
- Tower Power House (TWPHS)
- Aerials
- Satellite Dishes
- Masts/Towers
- Building/Shelters
- Compound/Fences

Services

- If the Services described in this Schedule relate to an Airport that requires an Aviation Security Identity Card (ASIC) the Contractor or anyone acting for them must obtain and maintain an ASIC for the full period of the Agreement. Details of ASIC requirements should be obtained from the Airport owner/operator.
- At the request of Technical staff, attend, inspect and report on the status of the equipment indicators and alarms, and perform simple technical functions under direction when required.
- Visit all sites covered by this agreement at a minimum of **at least every 2 months** to ensure all the services listed have been performed and that the site is secure.
- Record all site visits and Contractor activity in the respective site logbooks.
- Notify Airservices immediately if the the growth of weeds and other unwanted vegetation within the compound or designated area is excessive or poses a fire hazard.
- Report on any matters that may be of concern, eg unauthorised entry or vandalism, fire, flood, adjacent building development, conditions of access road, etc.
- Ensure that all compounds are secure from public access by checking at every visit that fences are intact and gates are kept locked except for the entry and exit of Airservices staff.
- Check that all signs at the site are secure, intact and have not been removed, vandalised or badly weathered.
- Arrange transport for visiting staff from aerodrome to site and return, as and when required. Hire vehicles utilised by Airservices staff will be at Airservices expense.
- If required, the Contractor shall take delivery of any goods for Airservices and ensure their safekeeping.
- Whilst carrying out the duties defined in this schedule, adhere to safe working practices as advised and instructed. Details of hazards listed on the Site Manifest should be noted.
- The Contractor must normally be accessible by telephone, to enable contact by Technical staff when required. If the Contractor is to be unavailable for a period exceeding 24 hours they are to notify the Technical Manager.
- If the Contractor nominates a person to act in his/her absence, the Contractor must ensure that the acting Contractor fully understands the responsibilities of the Contractor, the Agreement Conditions, and the contents of the Site Manifest.
- If a matter of concern as outlined in the above schedule has to be reported during normal working hours (Mon to Fri 8am to 4pm) use reverse charge call to:

Understood & Accepted

Manager FMS
Technical Maintenance Centre
Perth
Phone (08) 9476 8710
Mobile 0417 998 006

Outside normal hours, or for urgent problems, use reverse charge call to:
Technical Customer Interface (TCI)
Melbourne Airport
Phone: (03) 9235 7444

The TCI will either relay a message to the Technical staff or advise the Contractor of a "call out" number.

Fee's and Invoices

- An intial setup fee of \$ 1,500.00 (excluding GST) per annum will be applicable; invoiced as a lump sum at the commencement of the Agreement.
- Further invoices based on actual Services provided will be sumitted calculated using the applicable rates below; invoiced at the completion of a particular Service or group of Services.
 - Hourly Rate during normal working hours \$25.00/hour (excluding GST)
 - Hourly Rate outside of normal working hours \$50.00/hour (excluding GST)
- All invoices should be addressed to the person/address below and clearly state the Site and the Service/s provided.
- Mike Collins
- GPO Box X 2212
- Perth 6847

Understood & Accepted

11.4 GOVERNANCE AND ADMINISTRATION**11.4.1 Corporate Services - Finance****11.4.1.1 *Financial Reports to Council for Period Ended 30 June 2006 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Stephen Carstairs
Accountant

Date of Report 18 July 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 30 June 2006, and to compare this with budget forecasts for the period.

As at 30 June 2006 Council's surplus non-restricted cash position was very positive, Council having a projected carried forward figure of some \$3.4 million (also see 2006/07 Budget item this meeting).

Rates outstanding at 30 June 2006 (\$175,567), was less than that (\$310,323) 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 18 June 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 15972	16261	\$1,991,957.82	1	101	1	Municipal Fund	Cancelled
16537	16650	\$566,605.49	101	121	1	Municipal Fund	
16651	16651	-	121	121	1	Municipal Fund	
16652	16670	\$111,731.01	121	124	1	Municipal Fund	
PAY 060606		\$187,942.23	124	124	1	Municipal Fund	
PAY 200606		\$1,557.93	124	124	1	Municipal Fund	
PAY 200606		\$190,532.15	124	124	1	Municipal Fund	
	Municipal Total	\$3,050,326.63					
301265	301271	\$3,800.00	124	125	3	Trust Fund	
	Trust Total	\$3,800.00					
TOTAL		\$3,054,126.63					

2. Financial Statements

Presented (see attachments) in this report for the financial period ended 30 June 2006, are the:

- Statements of Financial Activity – see Functions 2 to 14;
- Reconciliation of Statement of Financial Activity to Current Assets for the Period 30 June 2006; and
- Review of Transaction Activity.

3. Investments

Council’s Investment Register and reconciliation of Municipal, Trust and Reserve Funds at 30 June 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 30 June 2006 is attached.

As per the attached schedule the combined 2005/06 rates and services outstanding was \$175,566.52.

5. *Sundry Debtors Outstanding for 90 Days.*

On 30 June 2006 11 Sundry Debtors had debts outstanding (totaling \$14,531.68) to the Town for 90 days or more (see Table 1. June 2006 Sundry Debtors at 90 Days). Some 3 of those debtor amounts were minor and have been identified for Council to consider writing off (see item to this meeting).

Consultation

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

Julie Roberts (Sundry Debtors)
Linda Nickoll (Accounts for Payment)
Sesina Granquist (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

2/003 Financial Statements – Copies for Councillors

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

Monthly Bank Reconciliation of the Municipal,
Reserve and Trust Fund
+90 day outstanding Sundry Debtors Report
List of Accounts paid under Delegated Authority
Register of Investments
Rates **Summary** Trail Balance
Reserve Account Balances

Quarterly Quarterly Budget Review
Report on all Budgeted Grants of \$50,000 or more.

Irregular Financial reports will be presented to Council, as deemed necessary by the Director Corporate Services or the Manager Financial Services, or as requested by Council by resolution.

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

As at 30 June 2006 Council's surplus non-restricted cash position was very positive, Council having a projected carried forward figure of some \$3.4 million (also see 2006/07 Budget item this meeting).

200506/496 Council Decision/Officer's Recommendation**Moved:** Cr S F Sear**Seconded:** Cr G J Daccache**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 30 June 2006; and
Review of Transaction Activity,

as attached and presented be notionally received, Council having full knowledge that the statements may be subject to minor change during the 2005/06 Annual Financial Report audit process;**
- iii) **the Register of Investments and Municipal, Trust and Reserve Bank Reconciliations as at 30 June 2006 as attached be received; and**
- iv) **the Rates Summary Trial Balance for the month ending 30 June 2006, as attached be received.**
- v) **the Sundry Debtors Outstanding for 90 days as at month end 30 June 2006, as attached be received.**

CARRIED 7/0

11.4.1.2 Write Off Debtors (File No.: Fin-005/Fin-100)

Officer Paula Maguire
Accounts Officer

Date of Report 12 July 2006

Disclosure of Interest by Officer Nil

Summary

Request for Council to write off debtors over 90 days that are deemed to be unrecoverable or raised in error.

Background

The following outstanding debts are accounts that have been identified as small balances, interest charges and uneconomical to pursue.

Debtor No	Date	Invoice No	Description	Amount \$	Reason
4757 BHP Billiton	31.03.06	MAR06JR	Interest Charges	0.01	Interest Charges
5514 Pilbara Community & Aged Service Care	31.03.06	MAR06JR	Interest Charges	0.13	Interest Charges
906 Port Hedland Netball Assoc.	31.03.06	MAR06JR	Interest Charges	5.61	Interest Charges
Total				5.75	

Consultation

Prior to legal action commencing, the Department Manager involved and the Manager of Finance was informed of the status of account. Overdue reminders notices have been sent along with monthly statements.

Statutory Implications

Section 6.12 of the Local Government Act 1995 provides that Council may resolve to write off any amount of money as debt, which is owed to the Local Government.

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

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

- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*
- (b) *waive or grant concessions in relation to any amount of money; or*
- (c) *write off any amount of money, which is owed to the local government.*

* Absolute majority required.

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power."*

Policy Implications

2/012 Sundry Debt Collections

Strategic Planning Implications

Nil

Budget Implications

The proposed write offs equate to \$5.75. These write-offs should be applied to the Provision of Doubtful Debts. This is a balance sheet account and therefore does not directly affect the Municipal Budget.

The Provision is reviewed annually, and net adjustment is applied to the Municipal budget at that stage.

Officer's Comment

In any organisation or business it is not preferable to write off debt. Essentially this write off is a loss of income, which any organisation requires to survive. In saying this, there are times when the cost of collecting the debt can exceed the debt itself and a decision must be made to either pursue or extinguish the debt.

The Debts included in this report are reasonably minor and any further attempts to collect the money will exceed any benefit to Council.

It is therefore recommended that Council proceed to write off these minor debts. If the Council knows the debtor after this occurs, Council can still attempt to recover debts, if appropriate.

200506/497 Council Decision/Officer's Recommendation**Moved:** Cr D R Pike**Seconded:** Cr J M Gillingham**That Council write off the following debts and apply the write off to the Provision of Doubtful Debts:**

Debtor No	Invoice No	Amount \$
4757 BHP Billiton	MAR06JR	0.01
5514 Pilbara Community & Aged Service Care	MAR06JR	0.13
906 Port Hedland Netball Assoc.	MAR06JR	5.61
Total		5.75

CARRIED 7/0

11.4.1.3 Withdrawal of Caveat Lot 3158 Mitchie Crescent, South Hedland (File No.: RAT-009, A405140g)

6.15 pm Cr A A Gear declared a proximity interest in 11.4.1.3 Withdrawal of Caveat Lot 3158 Mitchie Crescent South Hedland. Cr A A Gear resides in the street.

6.15 pm Cr A A Gear left the room.

Officer Matthew Scott
Director Corporate Services

Date of Report 9 July 2006

Disclosure of Interest by Officer Nil

Summary

For Council to approve the use of The Town Seal to lift a Caveat on Lot 3158 Mitchie Crescent, South Hedland.

Background

Council lodged a caveat on the above property on 14th January 2002 to protect outstanding accounts applicable to the property totalling \$224.86 at that time. Account now has an outstanding balance of \$679.73 as at 9th July 2006 PLUS penalty interest that will continue to accrue at \$0.20 per day. The owners need the caveat lifted in order to proceed with the sale of the property to Wayne Alan SANDERS and Megan Elizabeth SANDERS on 25th July 2006.

Consultation

Credipac – TPA (Council’s previous Debt Collector and agent responsible for Lodging the Caveat)
Bunbury Settlement Services, Vendor’s Settlement Agent

Statutory Implications

Transfer of Land Act

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

Council has previously resolved that all items requiring the use of The Seal be put to Council prior to The Seal being used. (Minute 200506/297)

As the property cannot be settled until the caveat is lifted, there is some urgency in this matter. Credipac, on Council's behalf will attend settlement and will hand over the Withdrawal of Caveat in exchange for a cheque covering all outstanding monies and their fees for attending settlement and processing the withdrawal of Caveat.

6.16 pm Cr G D Bussell left the room.

200506/498 Council Decision/Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr D R Pike

That Council authorise the Common Seal to be affixed to the WITHDRAWAL OF CAVEAT Form W1 for Lot 3158 Mitchie Crescent, South Hedland, and be signed by the Mayor and the Chief Executive Officer.

CARRIED 5/0

6.17 pm Cr A A Gear re-entered the room and assumed his chair.

6.17 pm Deputy Mayor advised Cr A A Gear of Council decision.

6.17 pm Cr G D Bussell re-entered the room.

11.4.1.4 **Amendment to Council Policy 2/007 Procurement (File No.: ADM-086)**

Officer Matthew Scott
Director Corporate
Services

Date of Report 26 July 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider amending Policy 2/007 to reduce the requirement from two verbal quotes to one verbal quote for purchases less than \$500.

Background

At the Ordinary Meeting of Council held on the 26 April 2006, Council adopted a number of Financial Policies, recommended by the Audit and Finance Committee. Included in these policies was policy 2/700 Procurement, which introduced the following quoting requirements for Council purchases.

Purchase Value	Quotes Required (minimum)
\$1.00 to \$1000	2 Verbal Quote
\$1,000 to \$5,000	2 Written Quotes
\$5,000 to \$49,999	3 Written Quotes
\$50,000 and over	Tender

Since the adoption of these requirements, Council officers have experienced difficulty in meeting these requirements, especially for minor purchases under \$500. There have been numerous examples, where the time taken to source 2 quotes is significant, or of the unwillingness of suppliers to quote on minor goods. Given these issues, Council staff request the policy requirements be reduced for minor purchases (less than \$500).

Consultation

Council was advised of this issue at the July Briefing Session, of which Councilors present indicated that it should be considered at the next Ordinary Council Meeting.

Statutory Implications

Local Government Act 1995

*2.7. The role of the council
(1) The council :*

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

Policy Implications

If resolved policy 2/007 would be amended with the following table:

Purchase Value	Quotes Required (minimum)
Less than \$500	1 Verbal Quote
\$500 to \$1000	2 Verbal Quotes
\$1,000 to \$5,000	2 Written Quotes
\$5,000 to \$49,999	3 Written Quotes
\$50,000 and over	Tender

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

Council procurement process has been under enormous scrutiny over the last 2 years, with it being a major discussion point in recent audit reports. Given this level of interest, Council has tightened its control over purchasing by reducing the number of authorised Officers able to purchase goods and services.

At the recent interim audit, Council purchasing was again reviewed by the Auditors, whereupon it was noted that there was no evidence of quotes being received as per Council policy. This has since been resolved by the introduction of a quote sheet that will accompany the payment voucher.

However on review, the quoting requirements now seem over restrictive. Given the current economical environment in Port Hedland, many suppliers either enjoy a localised monopoly or are in such demand that they can choose not to provide quotes, without fear of losing work.

It would therefore seem counter productive to make purchasing for small items, overly bureaucratic. Both the Council and administration are actively working to resolve the issues surrounding procurement, however the practicalities also need to be considered, of which this amendment would address.

200506/499 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache **Seconded:** Cr S F Sear

That Council amend policy 2/007 Procurement, with the requirement of only one verbal quote for purchases under \$500, as follow:

Purchase Value	Quotes Required (minimum)
Less than \$500	1 Verbal Quote
\$500 to \$1000	2 Verbal Quotes
\$1,000 to \$5,000	2 Written Quotes
\$5,000 to \$49,999	3 Written Quotes
\$50,000 and over	Tender

CARRIED 7/0

11.4.1.5 Banking Services (File No.: FIN-007)

Officer Matthew Scott
Director Corporate
Services

Date of Report 26 July 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider supporting a survey of South Hedland and Wedgefield residents on the level of banking services currently available to them.

Background

As Council is aware, the majority of banking services within the district are centralised in the Port Hedland CBD, where all the town's banks are based. South Hedland and Wedgefield residents, with the exception of ATM access, are required to travel to Port Hedland for all other banking services.

This has prompted some concern from organizations such as the Chamber of Commerce, Wedgefield Association, Pilbara Development Commission and this Council. In the Towns current Strategic Plan within the Key Result Area 4 - Economic Development, Goal 3, Strategy 3 states:

“work with the Pilbara Development Commission and the local Chamber of Commerce to assess the feasibility and need of a community bank in South Hedland”

In the last 6 months several meetings have been held to discuss banking needs within the town. However, rather than pushing directly for a community bank, which can be difficult to establish and also to remain economically viable, it has been suggested that a community survey should first be done.

The Pilbara Development Commission has indicated that grant funding for a survey may be available, should an organization choose to organize and administrate the survey.

Consultation

Currently the Pilbara Development Commission and the Port Hedland Chamber of Commerce have had meetings with the Council representatives to discuss perceived local banking issues.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Key Result Area 4 - Economic Development
Goal 3 - Business Development
Strategy 3

Budget Implications Nil

Officer's Comment

Council has a fundamental responsibility to ensure that basic services are available for residents. Access to banking services should be seen as a basic service in any community. However there are varying degrees of service people now expect. In this information age, banking services have significantly changed. Most people now do their banking remotely, either over the telephone or internet, at Automatic Teller Machines (ATM) and therefore have little direct person to person interaction with their bank.

Though this is the case particularly for personal banking, business banking still requires access to deposit cash and other services. Again this is also evolving, however at a slower pace.

Council has little influence on where a bank chooses to locate itself. Like all private enterprises, banks make commercial decisions, to maximise the wealth of its shareholders. This can mean, as in the case in Port Hedland, that the physical location of the banks can prove to be inconvenient to some residents (i.e. South Hedland and Wedgefield). To resolve this problem would prove expensive, either in subsidising the move of one bank or creating a community bank. Either option would require significant financial resources, and therefore it would be prudent to ensure that such an approach would resolve the issue.

Currently, neither Council nor the Pilbara Development Commission understands the banking needs of the community. Given the changes in banking over the last decade, people may simply not know what services are currently available to them or how to access these services. Therefore it is a reasonable proposal for a survey to be undertaken to identify the community needs. The survey might produce a result that could commercially justify changes within the currently established banks in town.

Though there have been numerous discussions regarding banking services, especially when the banks left South Hedland, on review it now doesn't seem to be a high priority within the community.

There certainly hasn't been an ongoing community outrage, as the Town has experienced with other issues such as crime, lack of housing or alcohol. Therefore it is questionable whether the Town becomes directly involved in the banking issue. If particular sections of the community have issues regarding banking, then it may be more appropriate for their representative organizations to take a leading role in this issue. Council can certainly provide assistance, but it should not be seen as pursuing something to benefit only a subsection of the community.

200506/500 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache **Seconded:** Cr G D Bussell

That Council:

- i) support the concept of a community survey on the banking needs of South Hedland and Wedgefield residents;**
- ii) encourages a local community organization, such as the Chamber of Commerce or Wedgefield Association, to manage the Community Survey on banking needs; and**
- iii) provide administrative support for the organisation that accepts to manage the community survey on banking needs.**

CARRIED 7/0

11.4.1.6 2006/07 Budget Adoption (File No.: ...-...)

Officer Matthew Scott
Director Corporate
Services

Date of Report 26 July 2006

Disclosure of Interest by Officer Nil

Summary

For Council to adopt the 2006/07 Annual Budget.

Background

The attached budget and Officer Recommendations are based on the four budget Workshops held on 5 April, 3 May, 7 June and 27 June 2006.

Consultation

The Budget has been prepared in accordance with the Towns' Strategic and Financial (Plan for the future) plans, which takes into account the results from the 2005 Community Survey. Community input was sought on these proposed rates via an advertisement in both local and statewide newspapers, with a supporting press release. At time of writing this report, no submissions have been received concerning the proposed rates.

Statutory Implications

Local Government Act 1995

6.2 . Local government to prepare annual budget

(1) *Not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.*

** Absolute majority required.*

(2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for principal activities accepted by a local government under section 5.58 and to prepare a detailed estimate for the current year of -*

(a) The expenditure by the local government;

(b) the revenue and income, independent of general rates, of the local government; and

(c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

- (3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
- (4) *The annual budget is to incorporate -*
 - (a) *particulars of the estimated expenditure proposed to be incurred by the local government;*
 - (b) *detailed information relating to the rates and service charges which will apply to land within the district including -*
 - (i) *the amount it is estimated will be yielded by the general rate; and*
 - (ii) *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*
 - (c) *the fees and charges proposed to be imposed by the local government;*
 - (d) *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;*
 - (e) *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;*
 - (f) *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - (g) *such other matters as are prescribed.*
- (5) *Regulations may provide for -*
 - (a) *the form of the annual budget;*
 - (b) *the contents of the annual budget; and*
 - (c) *the information to be contained in or to accompany the annual budget.”*

Policy Implications

The Budget document has been developed in accordance with Council Policy 2/001 Significant Accounting Policies

Strategic Planning Implications

The Budget has been developed with reference to the 2006-2011 Strategic Plan. Cross referencing of strategies with budget allocations has been undertaken to ensure that funds have been allocated to achieved the objectives and goals of the plan.

Budget Implications

The Annual Budget is the primary means for a Local Government to manage and allocate its financial resources. The Budget also provides the ability to impose rates, which is the primary means for a Council to raise income to fund the upcoming year's projects.

Should Council not adopt the budget at this time, the issuing of rates will be delayed and alternate means of funding major projects in 2006/07 will need to be investigated.

Officer's Comment

General

The primary planning document for developing the 2006/07 budget for the Town of Port Hedland has been the Five Year Financial Plan, which along with the Strategic Plan forms the basis for the Town's Plan for the Future. By developing a Five Year Plan, Council has forecasted both its revenue and expenditure streams for the next five years, allowing both Council and community to predict what funds are available for future new projects, while ensuring sufficient funding for ongoing services and programmes.

Since developing the Five Year Financial Plan, Council staff developed a basic operating budget based essentially on assumptions of CPI growth, current staffing levels and consistent levels of service delivery. Councillors and staff were also provided the opportunity to present requests for new projects, which Council has considered over the last two budget workshops. Finally, Council prioritised all new projects, and discretionary funds were allocated accordingly.

Operating Budget

The Operating Budget is currently inline with the five year plan. Variations to the assumptions in the plan have occurred due to:

- EBA - Council's EBA provides for a greater than CPI increase in 06/07. This increase is offset by the elimination of Council's income protection insurance.
- Underground Power – Council's \$5.9m contribution to the project is included in the operating budget, including the collection of fees for this service. This includes artificially inflates both operating income and expenditure in 06/07.

Non Operating Budget

The Non Operating Budget has increased by approximately \$2.0 million when compared with 2005/06, resulting from the restriction of loan funds associated with the underground power project. Through budget process, new capital projects include:

\$2.3m upgrading buildings and other facilities
\$1.7m in new equipment
\$1.3m in waste services
\$1.2m new & upgrading roads

\$0.9m at the airport
\$0.9m on parks
\$0.5m on footpaths
\$0.2m on drains

The projects have been prioritised based on the community survey and Strategic Plan, and will greatly enhance the amenity of the Town for all residents.

Rates

Obviously Council must impose rates to balance the budget, and as costs increase, rates need to increase accordingly. In the Five Year Financial Plan, Council has decided to increase rates to a maximum of CPI for the next 5 years, even though the Western Australian Local Government Association (WALGA) has recommended that all Councils should raise rates by 6.7%, factoring in increases in the construction industries. Though total rates have increased by 4.2% (WA CPI), 92% of ratepayers will experience a rate increase of less than CPI. There have been increases in the unimproved valued properties (Mining, Pastoral & Other), as Council has viewed these areas as being underrated.

Council has also decided to modify minimum rates. Initially, Council wanted to standardise minimums to \$600. A technicality in the Local Government Act, has forced Council to reduce the minimum for UV properties to \$400. Though this reduces total rates received by approximately \$50,000, it does provide better parity in minimums compared to previous years.

Other Income

Other Income has also been significantly reviewed as part of the budget process. Council's Schedule of Fees & Charges have been fully reviewed with a number of irrelevant fees now deleted, whilst other fee structures have been completely changed. Net Fees have been increased, in response to the Five Year Financial Plan. These will need to be constantly reviewed to ensure full cost recovery where possible.

Loans and Reserve Funds

Council has also decided to take out three (3) new loans in 2006/07. One interest free loan is for the upgrading of waste water treatment, which will be initially funded by the Water Corporation and grant funding received from the Pilbara Development Commission (PDC).

The other 2 loans are to fund the cash flow needs of the underground power project. These loans will be funded from resident's payment to Council, which residents may choose to pay over 5 years.

Council will also need to establish a new reserve for the underground power project, which will essentially be used to clear funds collected against project costs. The Local Government Act requires this process, as any excess funds collected (if any) must be returned to property owners at the completion of the project.

Overall, Council's proposed balanced budget intends to achieve a significant amount of progress for the Town of Port Hedland in 2006/07. It is the administrations view that the budget targets are achievable, and is focused on meeting the needs of the community. Both Council and staff have put a considerable amount of effort and resources in putting the budget together, which is fair and equitable to all sections of the Port Hedland community.

200506/501 Council Decision/Officer Recommendation

Moved: Cr G J Daccache **Seconded:** Cr S F Sear

Recommendation 1

That Council impose general and differential rates on Gross Rental Values and on Unimproved Values as permitted by the Local Government Act 1995 for the financial year 2006/07 as follows:-

General Rates – Gross Rental Values	Cents in \$
Residential	10.7899
Commercial	10.7899
Industrial	10.7899
Shopping Centre	10.7899
Ex Gratia	10.7899
Differential Rates – Unimproved Valuations	Cents in \$
Mining Improved	12.1196
Mining Unimproved	12.1195
Pastoral	8.9920
Other	9.7739
Other Unimproved	9.7738

And for the purpose of general and differential rating, the following rate zone categories apply:

Residential
Includes all properties within the Town boundaries, classified for residential use in Town Planning Scheme No.5, Port Hedland.

Commercial

Includes all properties within the Town boundaries, classified for commercial use (excluding properties classified as Shopping Centre) in Town Planning Scheme No.5 Port Hedland.

Industrial

Includes all properties within the Town boundaries, classified for industrial use in Town Planning Scheme No.5 Port Hedland.

Shopping Centre

Includes properties located as Lot 4 Throssell Road, South Hedland and Lot 724 Wilson Street Port Hedland.

Ex Gratia

Includes all Government properties within the Town boundaries leased by the Commonwealth to third parties.

Mining

Includes all properties that currently operate under a mining lease tenure, and the land is significantly improved.

Mining Unimproved

Includes all properties that currently operate under a mining lease tenure, and the land is not significantly improved.

Pastoral

Includes all properties that currently operate under a pastoral lease tenure.

Other

Includes all properties that don't meet the criteria of any other rate zoning category and are significantly improved.

Other Unimproved

Includes all properties that don't meet the criteria of any other rate zoning category and are not significantly improved.

Recommendation 2

That Council, in accordance with section 6.32 of the Local Government Act 1995, impose minimum rates according to the purpose for which the land is zoned or used and whether or not it is improved land as follows:-

General Rates – Gross Rental Values	\$
Residential	600.00
Commercial	600.00

Industrial	600.00
Shopping Centre	600.00
Ex Gratia	600.00

Differential Rates – Unimproved Valuations

Mining Improved	400.00
Mining Unimproved	400.00
Pastoral	400.00
Other	400.00
Other Unimproved	400.00

Recommendation 3

That Council, in accordance with regulation 64(2) of the Local Government (Financial Management) regulations 1996, nominate the following instalment dates for the payment of rates for the 2006/07 financial year:-

Date 29 September 2006	Payment in full or
	1st instalment
Date 1 December 2006	2nd Installment
Date 2 February 2007	3rd Installment
Date 13 April 2007	4th Installment

Recommendation 4

That in accordance with Section 6.47 of the Local Government Act 1995, full rating concessions be granted to the following:

- i) **A130114 - Sub Lot of 5812 Reserve 39012, South Hedland - Lotteries House**
- ii) **A127580 - Portion 6 Anderson St, Port Hedland - Business Enterprise**
- iii) **A406870 - Lot 2916 Stanley St, South Hedland - Youth Involvement Centre**
- iv) **A106284 - 9 Hamilton St, South Hedland - Benara Maya Hostel**
- v) **A130290 - Lot 5915 McGregor St, Port Hedland - Freemasons Homes for Aged**
- vi) **A156300 - Lot 4508 Shoata Rd, South Hedland - Port Hedland Pistol Club**
- vii) **A156260 - Location 118 of Forrest Location - Port Hedland Speedway Club**
- viii) **A802207 - Lot 2466 Lawson St, South Hedland - Youth Involvement Centre**
- ix) **A156550 - Lots 55,56,57 McKay St, Port Hedland - Volunteer Marine Rescue Service**
- x) **A113872 - Lot 43, 10 Steamer Ave, South Hedland - Baptist Church Manse**

and that 50% rating concessions be granted on the following:-

- i) A154780 - 4 Treloar St, South Hedland - Treloar Child Care Centre
- ii) A402430 - Lot 2513 Dempster St, Port Hedland - Len Taplin Centre
- iii) A802155 - Lot 5164 Shoata Rd, South Hedland - South Hedland Owners & Trainers

Recommendation 5

That Council, in accordance with Section 6.51 of the Local Government Act 1995, impose interest at 11% per annum calculated on a daily basis on rates and service charges, excluding underground power service charge and sundry debtors, remaining unpaid (excluding eligible pensioners opting to defer the payment of their rates) if no instalment option taken.

Recommendation 6

That Council, in accordance with section 6.45(3) of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, impose administration fees as follows (excluding eligible pensioners and Underground power service charges):

Payment of rates and service charges by instalments - \$10.00 plus interest at 5.5% per annum calculated daily.

Payment of rates and service charges by alternative instalments arrangement - \$50.00 per arrangement plus interest at 5.5% per annum calculated daily.

Recommendation 7

That the following Refuse Collection Charges under Section 41 of the *Health Act 1911*, be imposed for the 2006/07 year:

- i) an Annual Classic Collection Charge of \$170.00 for one (1) service per week, verge collection of waste from a 240 litre Mobile Garbage Bin; and
- ii) an Annual Premium Collection Charge of \$343.00 for one (1) service (i.e. per bin emptied of waste each week) for the collection of waste from a 240 litre Mobile Garbage Bin, where the bin is manually picked up from the property, emptied and returned.

Recommendation 8

That Council adopts the proposed fees and charges for 2006/07 as contained within pages of Section 2 of the 2006/07 Budget Document (Attached).

Recommendation 9

That Council, in accordance with section 6.20 of the Local Government Act 1995, raises the following loans in 2006/07:

Waste Water Reuse Loan (interest free)	\$650,000
Underground Power Loan (1)	\$1,045,250
Underground Power Loan (2)	\$1,045,250

Recommendation 10

That Council adopts the following Councillor fees and allowances for 2006/07:

Meeting Fees (x1 for Councillors, x2 for Mayor)	\$ 7,000
Communication Allowance	\$ 1,200
IT Allowance (or access to a laptop)	\$ 1,000
Mayoral Allowance	\$20,000
Deputy Mayor Allowance	\$ 5,000

Recommendation 11

That Council, in accordance with Section 6.38 of the Local Government Act 1995 impose a service charge for the undergrounding of power lines in the Port Hedland town area, as per the Horizon Power/Town of Port Hedland underground power project (stages A & B) and Pretty Pool properties, with the following charges, rebates and payment options:

Charges

Connection charge per Property	\$1,733.00; and
Charge on KVA Capacity of each property	\$286.36 per Kva
Minimum charge	\$500.00

Group dwellings with a KVA of less than 6 KVA, the connection charge will be divided between the dwellings on the property.

The connection charge will be waived if the property owner can demonstrate that the underground power has been connected privately to the dwelling/building by an appropriately registered/licenced electrician.

Rebates

1. Council Properties, eligible Pensioners and Not for Profit community groups 100%
2. Small Businesses \$1,771.62(per property)
3. Owner/Occupied properties \$2,200.98(per property)
4. General Property owner rebate \$ 388.86 (per property)

All rebates except for the general property owner rebate will be subject to eligibility tests as follows:

Pensioner Rebate Test

Eligible pensioner as per the Rates and Charges (Rebates and Deferments) Act 1992.

Not for Profit Rebate Test

A Not for Profit Community Group, established for the betterment of the Port Hedland Community and unrestrictive membership conditions.

Owner/Occupier Rebate Test

Able to demonstrate ongoing accommodation at the prescribed property by presentation of a current Utility Account, where the service address and the owner's residential address can be matched (only one Owner/Occupier Rebate available per person).

Small Business Rebate Test

Must satisfy all of the following conditions:
Business is located in a commercially zoned area;
Business employs less than 20 employees;
Business turnover is less than \$1,000,000 per annum;
and
Business supplies locally.

Instalments

1. One Payment, due on the 29 September 2006; or
2. Five payments over five years due on the date that the first installment for rates is due and payable in each year.

Properties opting for option 2 will be subject to a nominal interest charge equal to cost of Council in loans funds to fund the project.

Recommendation 12

That Council, in accordance with Section 6.11 of the Local Government Act 1995, creates, deletes and merges the following reserves with the following purposes:

Creates

Underground Power Reserve – For any excess funds received from the underground power service charge which is in excess of any claims relating to the project costs.

Deletes

**HACC Assets Replacement Reserve
NW Games 2004 Reserve
Port Hedland Tennis Club Reserve**

Merges

Landfill Site Development Reserve and Waste Collection Reserve into the Waste Management Reserve – To fund Council's waste management facilities, including landfill and waste collection operations.

Airport Capital Works Reserve, Airport Staff Housing Reserve and Airport Employees Leave Reserve into the Airport Reserve – To fund the ongoing and future operation and upgrading of the Port Hedland International Airport.

Recommendation 13

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

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

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

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

Recommendation 14

That Council adopts the Statutory Annual Budget for the year ending 30 June 2007, including the Rate Setting Statement requiring \$8,703,650 rates to be raised (as presented).

CARRIED BY ABSOLUTE MAJORITY 7/0

The Chairman thanked Staff, in particular the Finance Department for their approach prior to Council's adoption of the 2006/07 Budget. The Chairman advised that the Council's early adoption of the budget was due to the informative pre Budget planning Meetings between Staff and Councillors.

11.4.2 Governance**11.4.2.1 Arts & Cultural Precinct Proposal (File No.: ART-001, TOU-002, BLD-047 and CMS-025)**

Officer Chris Adams
Chief Executive Officer

Date of Report 6 July 2006

Disclosure of Interest by Officer Nil

Summary

This document provides an overview of a proposal to develop a consolidated Arts and Tourism Precinct in the centre of Port Hedland.

Background

Throughout the first half of 2006, various arts, tourism and cultural development projects have been mooted for the of Wedge/Edgar Street area. The initial trigger for the development proposals was the review of the Visitor Centre, but the project/s have now evolved to a point where there is general recognition that synergies exist between the Visitor Centre and the Courthouse Art Gallery which potentially provide a framework to significantly improve the cultural, heritage and tourism infrastructure in the west end of Port Hedland.

There has been a variety of planning and design work commissioned to progress a variety of projects in the precinct. A brief summary of the projects that are components of the vision has been listed below:

4.1 Visitor Centre:

The Port Hedland Enhancement Scheme (PHES) allocated \$20,000 for the development of a business model for the improvement of the Port Hedland Visitor Centre facility. The review (undertaken by FORM) identified that capital improvements were required along with an increased focus on tourism related retail to underpin the financial sustainability of the operations.

The proposed capital works for the building focus on using the existing building space better by removing internal walls, creating more sales space and the development of a new service counter.

Councillors have previously been provided with a copy of FORMs detailed report on the Visitor Centre. A copy of the

proposed interior design for the facility has been attached to this report.

4.2 Courthouse Art Gallery Upgrade

The current review of the Gallery has focused on:

- . The appropriateness of the building layout.
- . Analysis of management and service provision
- . Synergies and operational efficiencies that may be achieved
- . Recommendations for capital and management improvements

A capital improvement plan has been completed that includes an extensive renovation of the interior of the building. The renovations focus on opening up the building by removing some of the interior walls making the building more open plan. Other recommended changes focus on reception areas, benches, shelving and display spaces and cosmetic changes (painting, sealing of floors, tiling, etc). A copy of the proposed floor plan has been included in Appendix II.

In addition to the capital developments proposed, FORM has recommended changes to the services, programming and marketing of the Gallery facility. These recommendations are contained with a 19 page review document that is available upon request.

4.3 Park Development

FORM has successfully applied for \$330,000 from BHPB to undertake open space development in the linear park between the gallery and the Visitor Centre. In addition to this, an opportunity has arisen to link the existing linear park to Anderson St via a disused reserve. The DPI has offered to transfer the vesting of the reserve to Council for the purposes of Parks and Recreation and BHPB has indicated a willingness to contribute \$150,000 from the \$400,000 that they have set aside for greening the town (dust mitigation money) to facilitate the development/upgrade of this area.

Landscape Architects EPCAD have developed a concept design for this park development. The landscape design focuses on creating a usable green open space links between Wedge, Edgar and Anderson Streets. A copy of EPCAD's concept Landscape design has been attached.

4.4 Gallery - Disability Access

The Town of Port Hedland Disability Access Plan indicates that disability access needs to be upgraded at all Council venues. The disability access at the Courthouse Gallery is particularly poor. As a component of the December Mid Year Budget review, Council allocated \$15,000 to improve this situation. This work has not been undertaken as preliminary designs indicated that the budget would not be sufficient and it was felt that the works should be considered in conjunction with other proposed developments. It is proposed to construct the Disabled Access as a component of the upgrade to the Art Gallery with the new entrance being from the side of the building rather than the Edgar St frontage.

4.5 Public Toilet:

Council has approved the expenditure of \$100,000 on the development of an Exceloo in or around Wedge Street. As yet the preferred location for the development has not been identified. This decision needs to be considered in conjunction with other planning and development decisions that are being touted for Wedge and Edgar Streets. On the 5th of July, Councillors were invited to 'walk the site' to review potential site locations and identify a preferred location for the new toilet facility.

While there are five distinct projects listed above, the projects need to be developed in a coordinated manner so that the facilities and services offered compliment each other. To facilitate this project management of the individual components needs to be coordinated.

Ongoing Management

In addition to the coordination of the capital development, there is potential for increased coordination of management of the facilities (Courthouse Art Gallery and Visitor Centre). Currently the Visitor Centre is managed by the Port Hedland Visitor Centre Committee. This group is a non-for-profit community based organisation who oversees the management and operations of the facility. One of the primary sources of the groups funding is a \$180,000pa contribution that the Town of Port Hedland has been providing to the group.

The Court House Art Gallery is currently managed by the Town of Port Hedland with staff being Council employees. Operating as a local government entity creates some management issues particularly in relation to procurement of art. Council's draft 06/07 Budget indicates that the Gallery facility is expected to operate at a deficit of \$110,000 for the financial year.

Potential exists to develop a professional board of management to run both facilities. The Board would be a professional group who would be given the responsibility of managing the facilities (through employed staff) and growing the businesses. Some of the perceived benefits of the Board structure are:

- More entrepreneurial and/or business focus than currently is the case.
- Contacts at high levels within funding bodies and decision making authorities
- Higher profile
- Opportunity to regularly review the businesses to identify joint opportunities
- Less constraints from a legislative perspective as LG Act requirements would not apply

At this point in time the board proposal is conceptual only. Some preliminary thoughts on how the board structure may operate are listed below.

Potential Structure/Membership

- Councillor/s
- TOPH CEO or Director
- High Level Industry Representatives (BHP, FMG, RIO etc.)
- Australia's North West Tourism Organisation Board Member
- Arts Industry Representative/s
- Local Community Representatives

Operations

- Council provides board with annual operating subsidy to run both businesses. Board determines how to effectively utilise resources
- Operating subsidy progressively reduces over a period of time as businesses grow and develop (i.e. \$300,000 Year 1, \$250,000 Year 2, \$200,000 Year 3)
- Accounts for both businesses remain separate
- Board employs professional staff to operate the businesses and report on achievement of pre-determined performance indicators/goals

Clearly there would need to be discussions and negotiations with existing management bodies (including the PHVC Committee, PACDAC and HARTZ) to ensure that any potential transfer to a new management arrangement is seamless. These discussions are yet to be held.

Consultation

Throughout the development of the proposals for the various individual projects there has been a number of discussions with key stakeholders. This has included discussions with:

- Port Hedland Visitor Centre (Committee and Staff)
- PACDAC
- HARTZ
- Pilbara Development Commission
- BHP Billiton
- Councillors and Council staff

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

The Towns Strategic Plan includes the following statements that are relevant to this matter:

KRA4 – Economic Development

Goal 1 – Tourism

Strategy -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

KRA 3 – Community Development

Goal 7 – Arts & Culture

Strategy - Review the short, medium and long term location and management model for the Courthouse Art Gallery

KRA 3 – Community Development

Goal - Disability

Strategy - Review the Town’s Disability Service Plan and undertake necessary actions to improve access to services and facilities

Budget Implications

While the development of the Arts and Tourism precinct needs to be seen as a whole, it can be broken down into discrete projects. Capital funding sources that have been identified for the 2006/07 year for the various projects have been listed below:

Project/Funding Source	\$
Gallery Upgrade (Including Disabled Access)	
- Arts Alliance Capital Fund (yet to be confirmed)	\$210,000
- Council Budget Contribution (06/07)	
- Disabled Access Ramp (05/06 C/O project)	\$50,000
	\$15,000

Visitor Centre Upgrade - PHES (Yet to be approved)	\$250,000
Park Development - BHP Contribution - BHP Dust Abatement Fund	\$330,000 \$150,000
Public Toilet Provision - PHES Contribution (confirmed)	\$100,000
TOTAL	\$1,105,000

Officer's Comment

There is a significant opportunity to upgrade Tourism and Cultural facilities in the centre of Port Hedland at very little cost to ratepayers. While the upgrades would undoubtedly improve the visual amenity of Council's assets the primary benefits from the proposal would be opportunities to improved efficiencies, economies of scale and coordinated management.

200506/502 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

Seconded: Cr J M Gillingham

Visitor Centre

That:

- a) **Council request that the Port Hedland Enhancement Scheme allocate \$250,000 for the upgrade of the Port Hedland Visitor Centre as recommended in the review undertaken by FORM.**
- b) **Assuming that the request is supported, the project implementation be directly managed by FORM.**

Art Gallery

That Council:

- c) **Approve the proposed upgrade of the Courthouse Art Gallery**
- d) **Utilise \$210,000 from the BHP/Council Arts Alliance plus \$65,000 included within Council's 2006/07 Budget to pay for the upgrade.**
- e) **Staff develop tender documentation to undertake the project and advertise for contractors to undertake the works in accordance with the Local Government Act.**

Park Development

That Council:

- f) Approve the concept plan (as prepared by EPCAD) for the development of linear open space between Wedge, Edgar and Anderson Streets and seek 100% funding for the development of the park from grant funds and industry contributions.**
- g) Request that FORM undertake the project management of the works in consultation with Council's engineering staff.**

Public Toilet

That:

- h) Council seek tenders for the supply and construction the proposed Wedge Street self-cleaning public toilet facility.**
- i) The toilet be located in the car park area adjacent to the ANZ bank and the Port Hedland Visitor Centre.**

Facility Management

- j) Progress discussions with the Port Hedland Visitor Centre Committee and other key stakeholders regarding the potential establishment of a Board of Management to manage both the Visitor Centre and the Courthouse Art Gallery**

***SIMPLE MAJORITY/
ABSOLUTE MAJORITY ITEM C) CARRIED 6/1***

11.4.2.2 Review of Council's Code of Conduct (File No.: ADM-053)

Officer Chris Adams
Chief Executive Officer

Date of Report 11 July 2006

Disclosure of Interest by Officer Nil

Summary

The statutory period for Council to review its Code of Conduct has elapsed. This report seeks Council consideration of the revised Code of Conduct Document.

Background*Compliance Issues*

The Council's most recent compliance audit identified a non-compliance in relation to the review of Council's Code of Conduct. The non-compliance was in relation to Section 5.103(2) of the Local Government Act which states:

"A local government is to review its code of conduct within 12 months after each ordinary election day and make such changes to the code as it considers appropriate."

Council's last ordinary election was in May 2005 and no formal review of the Code of Conduct have been undertaken since this time. The Council's last review of the Code of Conduct was undertaken in April 2004.

Changes to Legislation

Over the past three years the State Government, via Department of Local Government and Regional Development (DLGRD), have been proposing the implementation of Local Government (Official Conduct) Amendment Bill. This purpose of the bill is to Amend the Local Government Act to provide a disciplinary framework to deal with individual misconduct by local government Council members. At present, apart from prosecution, the only avenue for action in response to inappropriate behaviour is against the whole Council. The Bill provides detailed provisions enabling regulations to be made prescribing the uniform rules of conduct for Council members. The rules will cover the following areas:

- Standards of general behaviour;
- Use of information;
- Securing unauthorised advantages or disadvantages;
- Disclosing certain interests; and
- Restriction and disclosure of certain gifts.

Advice from the DLGRD indicates that it is anticipated that the bill will be passed in August 2006 with the subsequent regulations being developed soon thereafter. Once the regulations have been developed it is anticipated that the requirement for each individual local government to have its own Code of Conduct for Councillors will be eliminated.

Proposed Changes to the Town of Port Hedland Code of Conduct

The Council's current Code of Conduct relates to Elected Members, Committee Members and Staff. It is proposed to separate the document into two documents:

- A staff Code of Conduct
- A Councillor Code of Conduct

The primary reasons for the recommended separation are a desire to:

1. Encapsulate all staff related matters into the Staff Code of Conduct. Currently these are separated between Council Policies, Management Policies, the EBA and the Code of Conduct; and
2. Simplify the Council's Code of Conduct and make it 100% relevant to the Councillors. The current code of conduct includes issues that are not relevant to Councillor such as staff recruitment, involvement in political parties and standard of dress.

Attached to this report is the proposed new Council Code of Conduct along with a marked up version of the previous version that enables Council to identify the changes that are proposed.

Consultation Nil

Statutory Implications

Under the provisions of the Local Government Act, Council is required to review its Code of Conduct.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

While Council is required to review its Code of Conduct, it is anticipated that the document will largely become redundant in the relatively near future as the Official Conduct Bill and subsequent regulations will supercede the Code requirements.

Having said that, reviewing the Code has been a useful exercise to separate the requirements of Council from the requirements of staff. It also serves as an opportunity for Councillors to identify and 'sign on to' a document that specifies the level of diligence, transparency and professionalism expected of elected members

200506/503 Council Decision/Officer's Recommendation**Moved:** Cr S F Sear**Seconded:** Cr G D Bussell**That Council adopt the attached Code of Conduct for Elected Members.*****CARRIED 7/0***

TOWN OF PORT HEDLAND



CODE OF CONDUCT

FOR ELECTED MEMBERS,



July 2006

PREAMBLE

The Code of Conduct provides elected members in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

The Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in :-

- (a) better decision-making by local governments;
- (b) greater community participation in the decisions and affairs of local governments;
- (c) greater accountability of local governments to their communities; and
- (d) more efficient and effective local government.

The Code provides a guide and a basis of expectations for elected members. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

ROLE OF ELECTED MEMBERS

A Councillor's primary role is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Councillor's public life.

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives.

In fulfilling the various roles, elected members' activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Councillors and on Local Governments.

1. CONFLICT AND DISCLOSURE OF INTEREST**1.1 Conflict of Interest**

- (a) Members will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Members will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- (c) Members who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

1.2 Financial Interest

Members will adopt the principles of disclosure of pecuniary interest as contained within the Local Government Act.

1.3 Disclosure of Interest

- (a) Members will disclose, in a written return or at the relevant meeting, the interests which might be in conflict with their public or professional duties.
- (b) Whenever disclosure is required, recommended in this Code, or otherwise seems appropriate, it will be made promptly, fully, and in writing within the register provided.

1.4 Interests Affecting Impartiality

- (a) "Interest" means an interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected but does not include an interest as referred to in section 5.60.
- (b) Members will disclose any interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member.
- (c) Members will disclose any interest in any matter to be discussed at a Council or Committee meeting in respect of which the member has given, or will give, advice.
- (d) A disclosure of an interest under subparagraph (b) or (c) is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the minutes of that meeting.

2. PERSONAL BENEFIT

2.1 Use of Confidential Information

Members will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

2.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

2.3 Improper or Undue Influence

Members will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

2.4 Gifts and Bribery

(a) "Gift" does not include –

- (i) a gift from a relative as defined in section 5.74(1);
- (ii) a gift as defined in regulation 30A of the *Local Government (Elections) Regulations 1997*;

"Token gift" means a gift of, or below, a value of \$199;

"Hospitality" means a meal or series of meals, which may include beverages with those meals, to a total of less than \$50.

(b) Members will not seek (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token kind, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with the Local Government or their performance of any duty or work which touches or concerns the Local Government.

(c) If any gift, reward or benefit is offered and/or accepted (other than gifts of a token kind, or moderate acts of hospitality), disclosure will be made in a prompt and full manner and in writing in the appropriate register.

(d) Members will not accept a gift, other than a token gift, from a person who is undertaking, or is likely to undertake, business -

- (i) that requires the person to obtain any authorisation from the Local Government;
- (ii) by way of contract between the person and the Local Government; or
- (iii) by way of providing any service to the Local Government.

(e) The Chief Executive Officer will maintain a register of token gifts as reported by members and staff.

(f) Members who accept a gift or hospitality from a person referred to in sub-paragraph 2.4(b) will, subject to sub-paragraph 2.4(g), record -

- (i) the names of the persons who gave, and received, the token gift or hospitality;
- (ii) the date of receipt of the token gift or hospitality; and
- (iii) a description, and estimated value, of the token gift or hospitality.

and forward this detail to the Chief Executive Officer for recording in the register kept for this purpose.

(g) Hospitality in accord with sub-paragraph 2.4(a), need not be reported and recorded in accord with sub-paragraph 2.4(f).

3. CONDUCT OF MEMBERS**3.1 Personal Behaviour**

- (a) Members will:
- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
 - (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
 - (iii) act in good faith (ie. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
 - (iv) make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
 - (v) always act in accordance with their obligation of fidelity to the Local Government.
- (b) Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

3.2 Honesty and Integrity

Members will

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member.
- (c) be frank and honest in their official dealing with each other.

3.3 Performance of Duties

- (a) While on Council business, members will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
- (b) Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

3.4 Compliance with Lawful Orders

- (a) Members will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer.
- (b) Members will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

3.5 Administrative and Management Practices

Members will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

3.6 Corporate Obligations**(a) Communication and Public Relations**

(i) As a representative of the community Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Members should acknowledge that:

- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- information of a confidential nature ought not be communicated until it is no longer treated as confidential;
- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.
- Members will refrain from making any negative comments publicly regarding a resolution of Council.

3.7 Relationships between Members and Staff

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Members and staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position Members need to:

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility

3.8 Appointments to Committees

As part of their representative role Members are often asked to represent the Council on external organisations. It is important that Members:

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

4. DEALING WITH COUNCIL PROPERTY**4.1 Use of Local Government Resources**

Members will:

- (a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the Local Government resources entrusted to them effectively and economically in the course of their duties and
- (c) not use the Local Government's resources (including the services of Council staff) for private purposes, unless properly authorised to do so.

4.2 Travelling and Sustenance Expenses

Members will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provision of the Local Government Act.

4.3 Access to Information

- (i) Members will be provided with access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.
- (ii) Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

TOWN OF PORT HEDLAND



CODE OF CONDUCT

FOR ELECTED MEMBERS,
~~COMMITTEE MEMBERS~~
~~AND STAFF~~



~~April 2004~~ July 2006

PREAMBLE

The ~~Model~~ Code of Conduct provides elected members ~~and staff~~ in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

The ~~Model~~ Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in :-

- (a) better decision-making by local governments;
- (b) greater community participation in the decisions and affairs of local governments;
- (c) greater accountability of local governments to their communities; and
- (d) more efficient and effective local government.

The Code provides a guide and a basis of expectations for elected members ~~and staff~~. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

ROLE OF ELECTED MEMBERS

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In fulfilling the various roles, elected members' activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Councillors and on Local Governments.

1. CONFLICT AND DISCLOSURE OF INTEREST

1.1 Conflict of Interest

- (a) Members ~~and staff~~ will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) ~~Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.~~
- (c) Members ~~and staff~~ will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- (d) Members ~~and staff~~ who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

~~(e) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.~~

~~An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti discriminatory legislation.~~

1.2 Financial Interest

Members ~~and staff~~ will adopt the principles of disclosure of pecuniary interest as contained within the Local Government Act.

1.3 Disclosure of Interest

- (a) Members ~~and appropriate staff~~ will disclose, in a written return or at the relevant

meeting, the interests which might be in conflict with their public or professional duties.

- (b) Whenever disclosure is required, recommended in this Code, or otherwise seems appropriate, it will be made promptly, fully, and in writing within the register provided.

1.4 Interests Affecting Impartiality

- (a) ~~"Employee" has the meaning given by section 5.70.~~

"Interest" means an interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected but does not include an interest as referred to in section 5.60.

- (b) Members ~~and staff~~ will disclose any interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member ~~or employee~~.
- (c) Members ~~and staff~~ will disclose any interest in any matter to be discussed at a Council or Committee meeting in respect of which the member ~~or employee~~ has given, or will give, advice.
- (d) A disclosure of an interest under subparagraph (b) or (c) is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the minutes of that meeting.

2. PERSONAL BENEFIT

2.1 Use of Confidential Information

Members ~~and staff~~ will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

2.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

2.3 Improper or Undue Influence

Members ~~and staff~~ will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

2.4 Gifts and Bribery

(a) "Gift" does not include –

- (i) a gift from a relative as defined in section 5.74(1);
- (ii) a gift as defined in regulation 30A of the *Local Government (Elections) Regulations 1997*;

"Token gift" means a gift of, or below, a value of \$199;

"Hospitality" means a meal or series of meals, which may include beverages with those meals, to a total of less than \$50.

(b) Members ~~and staff~~ will not seek ~~or accept~~ (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token kind, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with the Local Government or their performance of any duty or work which touches or concerns the Local Government.

(c) If any gift, reward or benefit is offered ~~and/or accepted~~ (other than gifts of a token kind, or moderate acts of hospitality), disclosure will be made in a prompt and full manner and in writing in the appropriate register.

(d) Members ~~and staff~~ will not accept a gift, other than a token gift, from a person who is undertaking, or is likely to undertake, business -

- (i) that requires the person to obtain any authorisation from the Local Government;
- (ii) by way of contract between the person and the Local Government; or
- (iii) by way of providing any service to the Local Government.

(e) The Chief Executive Officer will maintain a register of token gifts as reported by members and staff.

(f) Members ~~and staff~~ who accept a ~~token~~ gift or hospitality from a person referred to in sub-paragraph 2.4(b) will, subject to sub-paragraph 2.4(g), record -

- (i) the names of the persons who gave, and received, the token gift or hospitality;
- (ii) the date of receipt of the token gift or hospitality; and
- (iii) a description, and estimated value, of the token gift or hospitality.

and forward this detail to the Chief Executive Officer for recording in the register kept for this purpose.

(g) Hospitality in accord with sub-paragraph 2.4(a), need not be reported and recorded in accord with sub-paragraph 2.4(f).

3. CONDUCT OF MEMBERS AND STAFF

3.1 Personal Behaviour

(a) Members ~~and staff~~ will:

- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
 - (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
 - (iii) act in good faith (ie. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
 - (iv) make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
 - (v) always act in accordance with their obligation of fidelity to the Local Government.
- (b) Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

3.2 Honesty and Integrity

Members ~~and staff~~ will

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member, ~~and in the case of an employee to the Chief Executive Officer.~~
- (c) be frank and honest in their official dealing with each other.

3.3 Performance of Duties

- (a) While on ~~duty, staff~~ Council business, members will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
- (b) Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

3.4 Compliance with Lawful Orders

- (a) Members ~~and Staff~~ will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer.
- (b) Members ~~and Staff~~ will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

3.5 Administrative and Management Practices

Members ~~and staff~~ will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

3.6 Corporate Obligations

~~(a) Standard of Dress~~

~~Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.~~

~~(b) Communication and Public Relations~~

~~(i) All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.~~

~~(ii) (1) As a representative of the community Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Members should acknowledge that:~~

- ~~• as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;~~
- ~~• information of a confidential nature ought not be communicated until it is no longer treated as confidential;~~
- ~~• information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;~~
- ~~• information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.~~
- ~~• Members will refrain from making any negative comments publicly regarding a resolution of Council.~~

3.7 Relationships between Members and Staff

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Members and staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position Members need to:

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility

3.8 Appointments to Committees

As part of their representative role Members are often asked to represent the Council on external organisations. It is important that Members:

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

4. DEALING WITH COUNCIL PROPERTY

4.1 Use of Local Government Resources

Members ~~and staff~~ will:

- (a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the Local Government resources entrusted to them effectively and economically in the course of their duties and
- (c) not use the Local Government's resources (including the services of Council staff) for

private purposes ~~(other than when supplied as part of a contract of employment)~~, unless properly authorised to do so, ~~and appropriate payments are made (as determined by the Chief Executive Officer).~~

4.2 Travelling and Sustenance Expenses

Members ~~and staff~~ will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provision of the Local Government Act.

4.3 Access to Information

- (i) ~~Staff will ensure that m~~Members ~~are given~~will be provided with access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.
- (ii) Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

11.4.2.3 Port Hedland Cattle Yards (File No.: ECO-021)

Officer Chris Adams
Chief Executive Officer

Date of Report 10 July 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider options for the future use and management of the Port Hedland Cattle Yards

Background

The Port Hedland Cattle Yards were upgraded in 1998 using funds obtained from the Department of Commerce and Trade Regional Headworks Scheme along with financial contributions from the Shire of Roebourne, Shire of Ashburton, the Town of Port Hedland and several Pilbara based businesses. Subsequent upgrades were undertaken in 2001 using a variety of funding sources.

In December 2004 and January 2005 the Town of Port Hedland passed various resolutions regarding its preferred direction for the Cattle Yards. The resolutions clearly indicated that at that time the Town of Port Hedland did not want to continue operating the Cattle Yards.

Currently the Council's position is that the Cattle Yards will only be operated in emergency situation. No emergency situations that have warranted the re-opening of the facility have occurred in the past 18 months.

In May 2005, the Pilbara Regional Council considered an item on this matter and resolved:

"That the Pilbara Development Commission and the Department of Agriculture facilitate meetings with key stakeholders to determine the future of the cattle industry and requirements of the Town of Port Hedland Cattle Yards."

Surveys were distributed to pastoralists in November 2005 seeking feedback on their preferred direction for the yards. 80% of pastoralists indicated that they supported the retention of the Cattle Yards in one form or another. A full copy of the results of the survey is available upon request. At the conclusion of the report the PDC indicated that there are four potential options worthy of consideration (see below). No preference was put on any particular option.

Option 1.

Due to the maintenance and ongoing management of R33593 not being identified as a core business component for the Town of Port Hedland, pathways need to be progressed to transfer the Management Order from the Town of Port Hedland, for the care, control and management of the reserve to another agency, authority or industry group, possibly, as a education and training facility.

Option 2.

The Management Order issued to the Town of Port Hedland for R33593 has an option to lease for a twenty one year term. Expression of Interests for another agency, authority or industry group could be sought under a tender process, with a view to leasing the Port Hedland Public Holding Yard Facility to a third party.

Option 3.

The Management Order issued to the Town of Port Hedland for R33593 be transferred to the Pilbara Regional Council (PRC) for the care, control and management of the yards in consideration of the view the Port Hedland Public Holding Yards are a regional facility and are not a facility exclusive to the Town of Port Hedland.

Option 4.

That the Port Hedland Public Holding Yard Facility be dismantled with available components recycled to facilitate the building of an extended race and temporary holding yards at Port Hedland Port Authority subject to agreement by the Board of the Port Authority.

Options 3 & 4 have been actively canvassed over the past six months. The PRC and its member Council's have rejected the proposal to manage the facility. The PHPA has also indicated that it is not willing to assume management of the facility at this stage.

Options 1 & 2 are similar in nature. It is recommended that Council advertise a tender for the care, control and management of Reserve 33593 (Port Hedland Cattle Yards). This will enable Council to determine the level of interest in private and public organisations operating the facility.

Consultation

Consultation on this matter has included:

- The PDC surveyed all Pilbara pastoralists to determine whether they supported the concept of re-opening the Cattle Yards.
- Each of the four member Councils of the PRC has considered this matter.
- The PHPA has discussed the matter.
- The Town's CEO has received enquiries from two external organisations indicating an interest in assuming management of the facility. Neither of these groups has formally submitted a proposal to Council.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

The management of the Cattle Yards is not included in the Town's Strategic Plan. Previous Council resolutions on this matter indicate that Council's most recent position on this issue is that the operation of the facility is not the core business of Council.

Budget Implications

The Town of Port Hedland currently has a Cattle Yards Reserve which currently has \$28,437. As an attraction to potential bidders, it could be advertised that this reserve would be made available to the successful tenderer for the specific purpose of upgrades and developments on the Reserve

Previous experience would suggest that the operation of the Cattle Yards has the ability be cost neutral (or even make a surplus) as it is able to charge fees to pastoralists who use the facility.

Officer's Comment

The Cattle Yards are currently an asset that is not being utilised. Evidence suggests that there is potentially a market for the re-opening of the yards but at this stage there is no particular group or individual who has indicated an interest in assuming management of the Reserve and/or the operations of the facilities.

Given that Council does not want to re-establish this business as a Town of Port Hedland operation, it is recommended that Council call tenders for the management and operations of the Port Hedland Cattle Yards (R33593)

Officer's Recommendation

That Council advertise a Tender for the Care, Control and Management of the Port Hedland Cattle Yards (R22593) with the key terms of the Tender being:

- a) Offering a 15 year term (5years + 5years + 5years)
- b) Offering access to funds available within Council's Port Hedland Cattle Yards Reserve for upgrades and developments of the Reserve.

NOTE: SIMPLE MAJORITY VOTE REQUIRED

200506/504 Council Decision

Moved: Cr D R Pike

Seconded: Cr A A Gear

That Item 11.4.2.3 Port Hedland Cattle Yards lay on the table.

CARRIED 7/0

REASON: Council wished to determine funding commitment from other parties.

11.4.2.4 Liquor Restrictions – Response (File No.: CMS-057)

Officer Chris Adams
Chief Executive Officer

Date of Report 17 July 2006

Disclosure of Interest by Officer Nil

Summary

After significant community consultation, at its Ordinary Council Meeting held on 22 February 2006, Council resolved to write to the Director of Liquor Licensing requesting modification to two of the existing liquor restrictions within the Town of Port Hedland. The Director has responded to this request in the negative

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.

As a result, Council initiated community consultation to determine the level of community support for the restrictions via a community survey. This community survey was undertaken randomly via mail. The survey technique was unbiased and largely asked similar questions to an in-person survey that had previously been undertaken by the Curtin University.

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)

Based on the feedback Council resolved:

“That:

- 1) *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.*
 - 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.*
- 2) *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.”*

The Director has responded to this request indicating that he is not willing to address/change the existing liquor restrictions at this time.

Consultation

As previously indicated, Council canvassed the community very widely on this issue with the overwhelming response being one of lack of support for the existing restrictions. Despite this Council did not call for an abolition of the restrictions. Council’s request was to simply delete restrictions that:

- Were not supported by the community;
- Were not supported by the Police or the Department of Health; and
- Were not seen to assisting with reducing alcohol related harm in the community

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

The Director of Liquor Licensing response to Council's request is quite scathing in that he accuses Council of being somewhat backward in its approach to addressing liquor related issues, indicating that he would have expected the Town to be at the forefront of proceedings to minimise alcohol related harm. Furthermore he indicates his disappointment that the Town has determined to take an alternate direction in this instance. This response is unusual as Council was simply expressing the views of its constituency – clearly a role for the local government to fulfill.

The Director also derides Council for failing to respond to a request for comment on the proposed restriction when requested in November 2005. This is once again an unusual statement as the Department of Gaming Racing and Liquor has continually failed to provide Council with responses to its requests for information on the statistical basis for establishing the liquor restrictions. Some of this information has been made available through Professor Mitfords alcohol related research but many of the questions asked by Council remain unanswered by the Department.

Council has not stated that it does not support the liquor restrictions per se, all it has said is that there are specific restrictions that do not have community support and do not seem to be having any impact in reducing alcohol related harm. Council's approach was balanced in that it:

- Sought the opinion of the community;
- Sought the opinion of key stakeholders; and
- Considered all of the information available and recommended changes that it felt were appropriate.

Council has a number of manners in which to progress this matter. These options include:

Option 1 - Do Nothing

The Director has indicated that the restrictions will be reviewed in November 2007. Council can elect to nothing further until this review is undertaken. Given that the Directors is very firm in his response, it may prove to be fruitless to take this issue any further at this point in time.

Option 2 – Request a Meeting with the Director

After its decision to request changes to the Liquor restrictions, Council's letter to the Director requested a meeting with the Director, local licensees and the community to discuss this matter. The Director has not specifically stated that he will not attend a meeting at this time but did indicate that he was reluctant to do so due to the absence of any new information. If Council feels strongly enough in this matter, Council could re-request that he meet with the Council to discuss this issue.

Option 3 – Politicise the Issue

Council's approach to date on this issue has been one of listening to the community and raising the matters through standard administrative channels (i.e. the Department of Racing Gaming and Liquor). Council has not raised this matter at a political level. Given that the Labor Party has indicated that it is proposing to make changes to the State's Liquor Licensing Laws, it may be an opportune time to discuss this matter with local members of parliament and various government Ministers and/or opposition members.

Prior to considering Option 3 it is recommended that Council attempt to meet with the Director of Liquor Licensing to discuss this matter properly and see if a reasonable solution can be met that considers both the communities need/desire and the need to minimise alcohol related harm in Port Hedland without having to enter into political debate on the matter.

200506/505 Council Decision/Officer's Recommendation**Moved:** Cr D R Pike**Seconded:** Cr S F Sear

That Council write to the Director of Liquor Licensing indicating that:

- i) it is disappointed with his response to Council's request for him to modify the existing Liquor Restrictions in Port Hedland;**
- ii) Council's position has been determined on the basis of very broad, unbiased community and key stakeholder consultation on the issue;**

- iii) the community and key stakeholders do not support the retention of some of the existing restrictions as they are not assisting in reducing alcohol related harm; and
- iv) Council requests an urgent meeting with the Director of Liquor Licensing to discuss this matter in more detail.

CARRIED 7/0

ATTACHMENT TO AGENDA ITEM 11.4.2.4



Department of Racing, Gaming & Liquor
Government of Western Australia

Your Ref : CA CMS-057
Our Ref : L45/15/35-05
Enquiries: Mr Peter Minchin
Telephone: 9425 1866

Mr C Adams
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

INFO
BULLOCKS

RECORD No.	06-2649
OFFICER	CEO
21 JUN 2006	
FILE No.	CMS-057
ACTION DATE	12

Dear Mr Adams

LIQUOR RESTRICTIONS: PORT HEDLAND

It was with regret that I read your letter of 8 May 2006 in which you advised of Council's resolution to write to me seeking immediate revocation of two of the liquor restrictions in Port Hedland and South Hedland.

It is my experience that local government authorities are usually at the forefront of proceedings to minimise alcohol-related harm in the community and I am disappointed that the Town of Port Hedland has determined to take a different direction in this instance.

As you may be aware, there has been regular consultation between this office and the Town of Port Hedland since liquor restrictions were first imposed in the town in 2002. In fact, prior to my 10 November 2005 decision that imposed the existing liquor restrictions as conditions of all liquor licences in Port Hedland and South Hedland, I wrote to the Town of Port Hedland seeking comments on the *Evaluation of Liquor Licensing Restrictions in the Western Australian Community of Port Hedland* by Associate Professor Richard Midford. Unfortunately the Town did not respond to my letter, despite Associate Professor Midford identifying how the town viewed its alcohol problems and how it has been affected by various advertising and sales restrictions that date back to the late 1990s.

While it is unrealistic to expect that every person in a community will support restrictions, the true indication of the value of liquor restrictions is whether or not they are reducing alcohol-related harm.

Overall, the report by Associate Professor Midford indicates that since the introduction of restrictions there has been a significant decline in disturbances requiring police attendance and in the per capita consumption of wine. There has also been a reduction on the demand for emergency services. Also of importance is the fact that in comparison to Roebourne, consumption levels in Hedland have effectively remained stable, whereas consumption levels in Roebourne have increased by approximately 20 per cent.

Level 1, 87 Adelaide Terrace, East Perth, Western Australia, 6004
Postal Address: PO Box 6119, East Perth, Western Australia, 6892
Tel: (08) 9425 1888 Facsimile: (08) 9325 1636 Country Callers: 1800 634 541
Email: rgl@rgl.wa.gov.au Web Site: www.rgl.wa.gov.au

2 of 2

The report further indicated that community support for the restrictions has remained unchanged and the general community has not felt greatly inconvenienced. Importantly, there must be a realisation in the community that liquor restrictions on their own will not solve all the alcohol-related problems in the town.

In my view, Associate Professor Midford's report evidences that the liquor restrictions in Port Hedland and South Hedland, whether mandated or voluntary, have contributed to the minimisation of harm caused to people, or any group of people, due to the use of liquor and therefore the continuation of the restrictions is in the public interest.

In this respect, I am of the view that the public interest should always be given precedence over the private interests of individuals.

As indicated in my decision of 8 November 2005, it is hoped that the continuation of liquor restrictions will serve as a stimulus for local groups to look at a broader range of strategies that may be implemented at a local level to complement the restrictions in order to improve the quality of life for all members of the community in the Town of Port Hedland. In this regard, I would be interested in being advised of what complementary strategies Council has implemented.

Nonetheless, I believe the existing restrictions need more time to fully assess their effectiveness before considering whether they should be varied. Accordingly, in the absence of any further information, I do not propose to review the liquor restrictions currently in place in the Town of Port Hedland until 2007, at which time I would welcome the opportunity to discuss with Council the appropriateness of the restrictions and to consider various alternatives.

Thank you for writing to me on this important issue.

Yours sincerely



Peter Minchin
DIRECTOR OF LIQUOR LICENSING

16 June 2006

11.4.2.5 Street Names for Pretty Pool Subdivision (File No.: 18\14\0001)

Officer Chris Adams
Chief Executive Officer

Date of Report 17 July 2006

Disclosure of Interest by Officer Nil

Summary

Council has received a proposal from LandCorp for potential street names for the Pretty Pool subdivision. Council comment is requested on the proposal.

Background

LandCorp are releasing additional residential blocks in the Pretty Pool area with works being scheduled to commence in the near future. LandCorp have discussed potential street names for the new areas in the subdivision with traditional owners from Port Hedland. Based on these discussions the following list of potential street names have been proposed by LandCorp:

Yikara – meaning Mangrove
Jipurr – meaning Oyster
Jarpull – meaning Mudcrab
Nyangku – meaning Conch
Yurutu – meaning Anadera
Panjya – meaning Sandhills
Kuyurakarru – meaning Mud flats
Jakarli – meaning Baler shell
Panany – meaning reef

Consultation

LandCorp have advised that the list of names have been prepared in consultation with the Karriyarra people.

Statutory Implications

The responsibility for approving street names lies with the Geographic Names Committee. The Geographic Names Committee, supported by the State Government's Department of Land Information, administers the naming of towns, suburbs and roads, plus geographical features such as hills, rivers, and lakes.

Place name information is held within the GEONAMA data set, which is updated on a daily basis. Covering the entire state, the data set includes information on the position, origin, meaning and classification of a name.

Policy Implications

Council does not currently have a policy on the naming of streets.

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

The existing streets in the Pretty Pool area are largely named after prominent individuals or families who have lived in Port Hedland and contributed to the development of the town. While understanding the rationale behind LandCorp's recommended street names, the naming of the new streets with aboriginal names for items that are endemic to the area would not be consistent with the previous practice in the locality.

Council can choose to:

- Accept the street names proposed by LandCorp for the new residential development in Pretty Pool;
- Advise LandCorp that the Council's preference is to continue the previous practice of naming streets in Pretty Pool after prominent individuals or families in the Port Hedland community and request them to reconsider the proposed street names and provide Council with an alternate list; or
- Advise LandCorp that the Council will determine the street names for the new streets and advise the Geographic Names Committee in due course.

Officer's Recommendation

For Council's consideration.

200506/506 Council Decision

Moved: Cr D R Pike

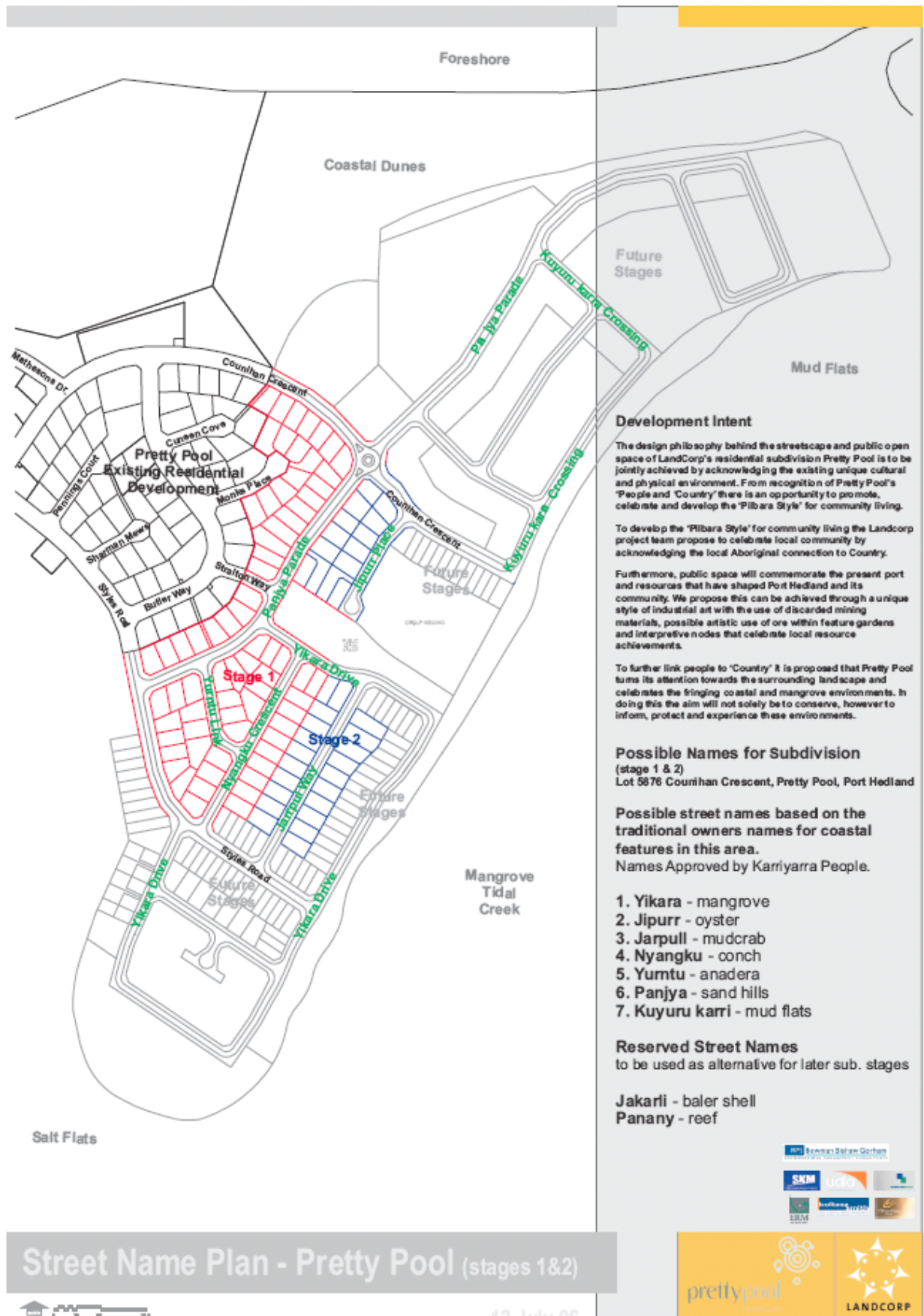
Seconded: Cr A A Gear

That Item 11.4.2.5 Street Names for Pretty Pool Subdivision lay on the table.

CARRIED 7/0

REASON: Council wanted more time to consider all options.

ATTACHMENT TO AGENDA ITEM 11.4.2.5



Development Intent

The design philosophy behind the streetscape and public open space of LandCorp's residential subdivision Pretty Pool is to be jointly achieved by acknowledging the existing unique cultural and physical environment. From recognition of Pretty Pool's 'People and Country' there is an opportunity to promote, celebrate and develop the 'Pilbara Style' for community living.

To develop the 'Pilbara Style' for community living the Landcorp project team propose to celebrate local community by acknowledging the local Aboriginal connection to Country.

Furthermore, public space will commemorate the present port and resources that have shaped Port Hedland and its community. We propose this can be achieved through a unique style of industrial art with the use of discarded mining materials, possible artistic use of ore within feature gardens and interpretive nodes that celebrate local resource achievements.

To further link people to 'Country' it is proposed that Pretty Pool turns its attention towards the surrounding landscape and celebrates the fringing coastal and mangrove environments. In doing this the aim will not solely be to conserve, however to inform, protect and experience these environments.

Possible Names for Subdivision

(stage 1 & 2)
Lot 5876 Courihan Crescent, Pretty Pool, Port Hedland

Possible street names based on the traditional owners names for coastal features in this area.

Names Approved by Karriyarra People.

1. Yikara - mangrove
2. Jipurr - oyster
3. Jarpull - mudcrab
4. Nyangku - conch
5. Yumtu - anadera
6. Panjya - sand hills
7. Kuyuru karri - mud flats

Reserved Street Names

to be used as alternative for later sub. stages

- Jakari - baler shell
- Panany - reef



Street Name Plan - Pretty Pool (stages 1&2)



12 July 06



11.4.2.6 Port Hedland Enhancement Scheme – Projects for Funding Endorsement (File No.: TWN-010)

Officer Chris Adams
Chief Executive Officer

Date of Report 3 January 2013

Disclosure of Interest by Officer Nil

Purpose

To seek Council endorsement for an allocation of up to \$10,000 from the Port Hedland Enhancement Scheme fund to undertake works to insert bus bays on Cooke Point Drive near entrance to Tjalka Boorda Community.

Background*Insertion of bus bays on Cooke Point Drive*

In October 2005 the Town of Port Hedland Council endorsed a Port Hedland Enhancement Scheme project to replace existing bus shelters in Port Hedland.

An audit of bus shelters on the Port Hedland bus route was undertaken and a recommendation was made that an additional bus shelter would be installed at Tjalka Boorda on Cooke Point drive, on the opposite side of the road to the existing bus stop.

In consultation with engineering staff from the Town of Port Hedland a further recommendation has been made to undertake works to install bus bays for the two bus shelters servicing Tjalka Boorda on Cooke Point Drive. The bus bays will provide the facility for buses to pull off Cooke Point Drive to pick up and drop off passengers, assist in traffic management and ease congestion associated with bus movement.

The Town of Port Hedland engineering division has provided a cost estimate of \$5,000 per cut out bus bay, which will include all earthworks, sealing and lines markings.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

200506/507 Council Decision/Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr A A Gear

That Council endorses the Port Hedland Enhancement Scheme Steering Group's recommendation to allocate:

- i) an amount of up to \$10,000 from the Port Hedland Enhancement Scheme fund to the Town of Port Hedland to undertake works to insert bus bays on Cooke Point Drive near entrance to Tjalka Boorda Community.**

CARRIED 7/0

**11.4.2.7 Local Government Week 2006 – Second WALGA
Voting Delegate (File No: ADM-028)**

Officer Gaye Stephens
Executive Assistant

Date of Report 18 July 2005

Disclosure of Interest by Officer Nil

Summary

To determine Council's second voting delegate at the WALGA AGM during Local Government Week 2006.

Background

At its Ordinary Meeting held 24 May 2006, Council resolved as follows:

"That:

- i) Mayor Stan R Martin, and Councillors Grant D Bussell, George J Daccache, Arthur A Gear, Jan M Gillingham and Shane F Sear attend Local Government Week 2006;*
- ii) Mayor Stan R Martin and Councillor Arthur A Gear represent Council as voting delegates at the Western Australian Local Government Association's Annual General Meeting, being held on Sunday 6 August 2006 during Local Government Week; and*
- iii) Mayor Stan R Martin and Councillor Arthur A Gear attend the Pilbara Regional Council Meeting being held during Local Government Week."*

Both Councillors Arthur Gear and Shane Sear are not available to attend Local Government Week.

Officer's Comment

As Councillor Arthur Gear was Council's nominated voting delegate at the Western Australian Local Government Association's Annual General Meeting, being held on Sunday 6 August 2006, a replacement voting delegate is required.

Statutory Implications Nil

Policy Implications

Council Policy 1/014 Travel and Accommodation, point (ix), states:

“Determinations of attendances to Local Government Week shall be subject to Council consideration annually by way of resolution.”

Strategic Planning Implications Nil

Budget Implications

The costs associated with attendances to Local Government Week 2005 will be costed to General Ledger Account Number 401220 'Conferences'.

Officer's Recommendation

That Mayor Stan Martin and Councillor _____ represent Council as voting delegates at the Western Australian Local Government Association's Annual General Meeting, being held on Sunday 6 August 2006 during Local Government Week.

200506/508 Council Decision

Moved: Cr G D Bussell **Seconded:** Cr D R Pike

That Mayor Stan Martin and Cr G D Bussell represent Council as voting delegates at the Western Australian Local Government Association's Annual General Meeting, being held on Sunday 6 August 2006 during Local Government Week.

CARRIED 7/0

11.4.2.8 Amendment to Council Representation on Council Committees/Working Groups, and Representation on External Organisations (File No.: ADM-070)

Officer Gaye Stephens
Executive Assistant

Date of Report 18 July 2004

Disclosure of Interest by Officer Nil

Summary

There is a need for Council to reconsider Councillor representation on Committees, Working Groups and external organisations affected by the resignation of Councillor Trona Young.

Background

Cr Trona M Young submitted her resignation from Council effective from the 9 May 2006. Direction was sought from Council in relation to when a replacement Councillor will be found

At its Ordinary Meeting held 28 June 2006, Council resolved as follows:

“That Council write to Electoral Commissioner requesting that the Commissioner utilise powers granted his office under Section 4.17(3) of the Local Government Act to allow the Town of Port Hedland to operate with eight Councillors (as opposed to the current nine) until the next ordinary local government elections.”

In the absence of Councillor Trona Young, there is a need to reconsider representation on Committees, Working Groups and external organisations affected by the resignation of Councillor Trona Young, as follows:

Port Hedland Retirement Village (Inc)

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

Meetings of the Port Hedland Retirement Village (Inc) meet approximately every six (6) weeks, and at other time when urgent need arises. The meetings are usually held at approximately 5pm.

The Port Hedland Retirement Village (Inc) will be informed in writing of Council's replacement representatives. Where appropriate, the external organisation and the Council representative/s are to determine the extent of representation required e.g.; attendance at all meetings, attendance at meetings only when necessary, and acting as a contact person.

Staff Recommendation

That:

- i) the following Councillor representation on External Committees be amended to read:

“7.4 Port Hedland Retirement Village (Inc)

Councillor _Cr J M Gillingham _____”; and

- ii) the Committee of the Port Hedland Retirement Village (inc) be advised in writing.

200506/509 Council Decision

Moved: Cr G J Daccache **Seconded:** Cr S F Sear

That:

- i) the following Councillor representation on External Committees be amended to read:**

“7.4 Port Hedland Retirement Village (Inc)

Councillor J M Gillingham; and

- ii) the Committee of the Port Hedland Retirement Village (inc) be advised in writing.**

CARRIED 7/0

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

Nil.

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

ITEM 14 CONFIDENTIAL ITEMS

Nil.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

200506/510 Council Decision

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

That Cr G J Daccache be granted leave of absence from 31 July 2006 to 15 August 2006.

CARRIED 7/0

200506/511 Council Decision

Moved: Cr G J Daccache **Seconded:** Cr S F Sear

That Cr J M Gillingham be granted leave of absence from 3 August 2006 to 14 August 2006.

CARRIED 7/0

ITEM 16 CLOSURE

16.1 Record of Thanks

The Chairman advised that Claire Allen Reporter for the North West Telegraph was leaving Port Hedland and thanked her for her professionalism in Journalism when reporting Council matters. On behalf of Council the Chairman wished Claire Allen all the best for the future.

16.2 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 23 August 2006, commencing at 5.30 pm.

16.3 Closure

There being no further business, the Chairman declared the meeting closed at 6.33 PM

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 23 August 2006.

CONFIRMATION:

MAYOR

DATE