



Town of Port Hedland

MINUTES

OF THE

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

HELD ON

WEDNESDAY, 23 AUGUST 2006

AT 5.30 PM

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

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*Chris Adams
Chief Executive Officer*

**UNCONFIRMED
MINUTES**

“WITHOUT PREJUDICE”

Minutes are provided on the strict understanding that all terms whether deemed expressed or implied do not purport to record the proceedings of Council until confirmed by resolution of Council.

OUR COMMITMENT

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

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 16.2 CLOSURE 155

ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 5:30 pm and acknowledged the traditional owners, the Kariyarra people.

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

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

(from 5:44 pm)

Mr Chris Adams
Mr Matthew Scott

Chief Executive Officer
Directory Corporate
Services

Mr Grant Logie

Director Engineering
Services

Mr Terry Sargent

Director Regulatory and
Community Services
Executive Assistant

Ms Gaye Stephens

Members of Public

8 (including Manager
Planning Services, Event's
Co-ordinator and Sport and
Recreation Officer)

Members of the Media

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2.2 Apologies

Nil.

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 26 July 2006**

Nil

3.2 Questions from Members at Ordinary Council Meeting held Wednesday 26 July 2006

Nil.

ITEM 4 PUBLIC TIME

4.1 Public Question

4.1.2 Miss Kelly Howlett

In regards to the Item 11.2.2.3 'Application for Planning Approval for 52 Additional Transient Workforce Accommodation Units at Lot 300 Schillaman Street, Wedgefield' has any legal advice since been sought for condition 'o' [condition o) being prior to occupation the owner enter into a formal agreement with Council stating that: i) they are aware of the potential impacts of emissions and odours associated with being located in proximity to all, or particular developments, within the Wedgefield industrial area; ii) Council is not liable for any damage caused by exposure to emissions, risks or hazards and not legal action shall be taken against Council in this regard]?

Director Regulatory and Community Services advised no such advice has been obtained yet.

Why not, when Care for Hedland Association Inc's. legal advice indicates that this condition would not stand up in a Court of Law?

Director Regulatory and Community Services advised that Council would have nothing to gain from seeking legal advice, as Council staff do not anticipate any problem, hence, such action is not warranted.

Council is not in a position to change or withdraw the item, which would mean seeking legal advice would be an unnecessary cost burden to the public.

Has the formal agreement between the Town of Port Hedland the proponents as per condition 'o)' been formally concluded?

Director Regulatory and Community Services advised the formal agreement has not been concluded, and it is currently in the hands of the proponent.

If not, what timeframe do you put on this condition being completed?

Director Regulatory and Community Services advised planning approval is granted for a period of twenty-four (24) months.

Isn't that period for development 'prior to occupation'?

In this instance, approval was granted by Council which formalises an existing development.

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?

Director Regulatory and Community Services advised this question will be taken on notice, as he is unaware if Council staff have undertaken an inspection.

In regards to condition 'q)' [condition q) being the proponent is to employ an Environmental Specialist to undertaken 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? Has the environmental specialist been employed yet to undertake this independent assessment?

Director Regulatory and Community Services advised this question will be taken on notice.

Would the Town of Port Hedland consider using their own environmental health services department to independently survey occupants of ESS accommodation units to independently and anonymously determine if there are any ill effects being observed by people staying in these units directly opposite a toxic incineration plant, such as nausea and headaches?

Director Regulatory and Community Services advised such works fall outside the scope of Council's Environmental Health Officers.

Do you want us to run around and do it?

Director Regulatory and Community Services advised that such a survey is outside of the planning approval conditions and also outside Council's responsibility. Council staff are prepared to discuss with Care for Hedland any concern they have.

Isn't Council responsible for management of any noise complaints received, likewise any Human Health complaints received?

Director Regulatory and Community Services advised that Council officer's are authorised under some Acts, but have no jurisdiction under others. This matter is better to be referred to the Department of Environment and Conservation.

5:44 pm Councillor Jan Gillingham entered the room.

Given the publicly reported metal contamination of soil material that was removed two days after independent sampling, as apparent fire break materail; and give the level of arsenic, lead and mercury contamination of the soil, the material should have been disposed of at an appropriately licensed landfill facility; a) Does Council have tip records for disposal of such material at the landfil on 25 and 26 June 2006?; and b) Would Council consider extending an amnesty to Oil Energy to find out where the material was dumped, as given the contamination levels it would be a real concern if this material was used as housing block material and/or was dumped in a river?

Director Corporate Services advised this question will be taken on notice.

5:46 pm Mayor closed Public Question Time

4.2 Public Statements

5:46 pm Mayor closed Public Question Time

Nil.

5:46 pm Mayor closed Public Question Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 Councillor Arthur A Gear

A meeting of the Housing Working Group is included in the Mayor's Report presented tonight, what is the status of the Moore Street housing proposal and Council's Pretty Pool block?

Director Corporate Services advised the first meeting of the Housing Working Group has been held at which the Group determined to review valuations, and options relating to Moore Street and Council's vacant block at Pretty Pool to be investigated and reported back to the Working Group. Following this a report will be presented to Council.

In relation to Council's request to the Electoral Commission, has Council received a response?

Chief Executive Officer advised the Electoral Commissioner has accepted Council's position to continue Council with eight (8) Councillors and one vacancy until the next Ordinary Council elections to be held in October 2007.

What is the status of being able to process EFTPOS payment at Council's Depot facility?

Director Corporate Services advised the location for an EFTPOS facility is being finalised. Chief Executive Officer added that the 2006/07 budget allocation for Depot Renovations includes the installation of EFTPOS.

Has Council been notified of any contagious diseases that have been detected at the chicken farm?

Director Regulatory and Community Services advised that chicken testing has been undertaken and reported as required. There have been no reportable results taken, such as Murray Valley Encephalitis virus.

Can John Fielding's new replacement in the Department of Health be invited to meet with Council informally?

Chief Executive Officer advised this can be arranged for Council's next informal briefing session to be held in September.

5.2 Councillor Des R Pike

When does the lease for Oil Energy Corporation expire?

Chief Executive Officer advised this question will be taken on notice.

As the last shipment from Finucane Island has been made, can I suggest that a notice be published to thank all associated with Finucane Island for their contributions to the Town of Port Hedland community?

Chief Executive Officer advised this can be included in the next edition of Council's monthly Town Talk to be published in the North West Telegraph in September.

5.3 Councillor Grant D Bussell

Does Council have an Environmental Protection budget which has money available to reimburse the Care for Hedland Association Inc.'s expenses incurred to develop their report on Oil Energy?

Director Regulatory and Community Services advised Council does not have a specific budget for this purpose, and doing this could potentially set a dangerous precedent.

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

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

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

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

**7.1 Confirmation of Minutes of Ordinary Meeting of Council held
on Wednesday 26 July 2006.**

200607/001 Council Decision/Officer's Recommendation

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

**That the Minutes of the Ordinary Meeting of Council held on
Wednesday 26 July 2006 be confirmed as a true and correct
record of proceedings.**

CARRIED 8/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

27 July 2006 – Mayor and Councillor Pike attended the South Hedland Cemetery Upgrade Meeting.

Mayor and Councillors Gear and Bussell attended a briefing at Pundulmurra to determine the future uses of the JD Hardie Centre in terms of management and agreements.

28 July 2006 – Mayor, Councillors Carter and Pike attended the initial Housing Working Group Meeting with the purpose to develop a consolidated long term plan for the provision of staff housing.

31 July 2006 – Mayor attended Regional Cabinet in Karratha (PDC Chairman).

31 July 2006 – Deputy Mayor Arnold Carter officiated a Citizenship Ceremony.

1 August 2006 - Mayor attended Regional Cabinet in Karratha (PDC Chairman).

1 August 2006 - Councillors Carter, Bussell, Daccache and Sear attended the inaugural Staff Housing Working Group Meeting with the purpose to review Council's Local Laws and make recommendations to Council regarding the outcome of the review.

4 August 2006 to 9 August 2006 – Mayor, Councillors Bussell, Daccache and Gillingham attended Local Government Week in Perth, including the Pilbara Regional Council meeting, sessions with guest speakers, and elected member development programs.

4 August 2006 - Mayor, Councillors Daccache and Gillingham also attended the Local Government Leaders Lunch hosted by the Chamber of Minerals and Energy.

7 August 2006 - Mayor and Councillors also joined LandCorp on a tour to various projects within Perth and its surrounds, including LandCorp's Harvest Lakes village.

8 August 2006 – the Australian Bureau of Statistics conducted the 2006 Census.

9 August 2006 – Mayor and Chief Executive Officer met with Suellen Shea and Megan Wendt from the Office of Crime Prevention to discuss methods of delivery of the Community Safety and Crime Prevention Plan.

16 August 2006 – Councillor Pike (proxy for Councillor Gear) attended the BHPB Community Consultative Group Meeting.

22 – 24 August 2006 – Council's representatives on the Land Use Master Plan Steering Group (LUMP) (Mayor, Councillors Bussell, Daccache and Sear) have been attended workshops on specific themes relating to the future development of Port Hedland. The workshops were designed to help the LUMP Group to clarify the opportunities and constraints and identify feasible options, within each subject area.

Infrastructure Theme Workshop
South Hedland Theme
Wedgfield Theme Workshop

23 August 2006 – Mayor and Councillors attended a briefing provided by Ms Susan Worley from the Department of Environment and Conservation.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

Councillors Daccache, Gillingham and Bussell provided feedback on their attendance at the Western Australian Local Government Association's 2006 Local Government Week and thanked Council for the opportunity to attend.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS

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

200607/512 Council Decision/Officer's Recommendation

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

That the 'Status of Council Resolutions' Report as presented to the Council's Ordinary Meeting held on 26 July 2006 be received.

CARRIED 8/0

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
Ordinary Meeting held 28 September 2005				
10.2.2.3	Revised Pretty Pool Dev. Plan	200506/101 Council Decision That Council resolve to: a) initiate an amendment to Town Planning Scheme No. 5 to rezone an area of land from 'Rural' and 'Urban Development R20' to 'Urban Development' to facilitate the subdivision and development of the land in accordance with the Revised Pretty Pool Development Plan; b) advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority; c) receive the Revised Pretty Pool Development Plan for the purpose of public advertising in conjunction with the associated Town Planning Scheme No.5 Scheme Amendment; 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.	RESPONSIBLE OFFICER: Planning Officer 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.	
10.2.3.6	Hire Car Operations	200506/108 Council Decision/Officer's Recommendation That: 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.	RESPONSIBLE OFFICER: Airport Manager Valuations on proposed new area being considered. Awaiting valuation.	
Ordinary Meeting held 26 October 2005				

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. Applicant has written to CI re: seeking the services of a surveyor. If still unsuccessful in 2 mths, will withdraw application.	
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				
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

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
Ordinary Meeting held 22 March 2006				
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 Ltr sent to SLS requesting the Min to close PAW.	
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 Report to August Ord CI Mtg	
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.	✓ COMPLETED
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	✓ COMP.
Ordinary Meeting held 24 May 2006				

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
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 Submissions being collated and report prepared for consultant.	Aug 06
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 CI Mtg Aug 06	Aug 06
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

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
14.2	Confidential Matter : Legal Matter – Wellard Industries	<p>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.</p> <p>200506/444 Council Decision/Officer’s Recommendation That Council write to LAMS advising that:</p> <ul style="list-style-type: none"> - 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’ <p>providing that:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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				
11.2.1.2	Display of Vehicles for Private Sale	<p>200506/448 Council Decision/Officer’s Recommendation That:</p> <ul style="list-style-type: none"> 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	✓ COMPLETED

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.2.3	Proposed Scheme A'ment to Rezone Portion Lot 313 Anderson St, PH from R12.5/50 to "Public Purposes – Telecom."	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. Documents submitted to EPA for assessment prior to advertising.	
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
11.3.1.3	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 Report to Aug Ord CI Mtg.	
Ordinary Meeting held 26 July 2006				
11.2.1.2	Display of Vehicles for Private Sale	200506/486 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Manager Environmental Health Services In progress.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.1.3	Off Road Vehicles	200506/487 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Regulatory and Community Services	✓ COMPLETED
11.2.2.2	Proposed Construction of a 175 m ² Shed at Lot 1 Manilinha Drive, PH	200506/489 Council Decision/Officer's Recommendation That Planning Consent be granted to Christopher Rodger for the construction of a SHED at lot 1 Manilinha 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:	RESPONSIBLE OFFICER: Planning Officer	✓ COMP.
11.2.2.3	Request to Place Two 3m x 6m Signs on Road Res. in SH	200506/490 Council Decision 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:	RESPONSIBLE OFFICER: Planning Officer	✓ COMPLETED
11.2.2.4	Proposed Pretty Pool Design Guidelines	200506/491 Council Decision/Alternative Officer's 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. 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	RESPONSIBLE OFFICER: Planning Officer Advertising commenced 23.08.06	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP- DATE
11.2.2.5	Request for In Principle Support for Temporary Access Road to FMG Port Construction Site	200506/492 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Planning Officer	✓ COMPLETED
11.2.3.1	Town of Port Hedland HACC - Variation to the 2005/06 Service Agreement	200506/493 Council Decision/Officer's Recommendation 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	RESPONSIBLE OFFICER: Manager Human Services	✓ COMPLETED
11.3.2.1	Airservices Australia Agency Agreement	200506/495 Council Decision/Officer's Recommendation That: i) Council resolve to enter into 'Contract for the Provision of Services' with Airservices Australia to the 30 th 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	RESPONSIBLE OFFICER: Airport Manager Awaiting signature of Mayor, prior to affixing common seal.	
11.4.1.2	Write Off Debtors	200506/497 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.
11.4.1.3	Withdrawal of Caveat Mitchie Cres., SH	200506/498 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Corporate Services	✓ COMP.
11.4.1.4	Amend't to Policy 2/007 Procurement	200506/499 Council Decision/Officer's Recommendation That Council amend policy 2/007 Procurement, with the requirement of only one verbal quote for purchases under \$500, as follow:	RESPONSIBLE OFFICER: Director Corporate Services	✓ COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.1.5	Banking Services	200506/500 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Corporate Services Ongoing	
11.4.1.6	2006/07 Budget Adoption	200506/501 Council Decision/Officer's Recommendation	RESPONSIBLE OFFICER: Director Corporate Services	✓ COMP.
11.4.2.1	Arts & Cultural Precinct Proposal	200506/502 Council Decision/Officer's Recommendation 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	RESPONSIBLE OFFICER: Chief Executive Officer Ongoing	✓ COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.2.2	Review of Council's Code of Conduct	200506/503 Council Decision/Officer's Recommendation That Council adopt the attached Code of Conduct for Elected Members.	RESPONSIBLE OFFICER: Chief Executive Officer	✓ COMP.
11.4.2.3	Port Hedland Cattle Yards	200506/504 Council Decision That Item 11.4.2.3 Port Hedland Cattle Yards lay on the table.	RESPONSIBLE OFFICER: Chief Executive Officer Ongoing	
11.4.2.4	Liquor Restrictions – Response	200506/505 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Chief Executive Officer Ltr sent	✓ COMPLETED
11.4.2.5	Street Names for Pretty Pool Subdivision	200506/506 Council Decision That Item 11.4.2.5 Street Names for Pretty Pool Subdivision lay on the table.	RESPONSIBLE OFFICER: Chief Executive Officer	
11.4.2.6	Port Hedland Enhancement Scheme – Projects for Funding Endorsement	200506/507 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Chief Executive Officer Awaiting response from PDC.	
11.4.2.7	LG Week 06 – 2nd WALGA Voting Delegate	200506/508 Council Decision 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.	RESPONSIBLE OFFICER: Chief Executive Officer	✓ COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.2.8	Amend't to CI Reps on CI Comm./ WGs & External Orgs.	200506/509 Council Decision 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.	RESPONSIBLE OFFICER: Executive Assistant	✓ COMPLETED

11.2 REGULATORY AND COMMUNITY SERVICES

11.2.1 Director Regulatory and Community Services

11.2.1.1 *Monthly Report – Regulatory and Community Services (File No: ADM-091)*

Officer Sarah Hepburn
Administration Officer
Development &
Regulatory Services

Date of Report 17 August 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	July 2006
Issues and Renewals	1064
Reservations	24
New Borrowers	21
Internet Users	129

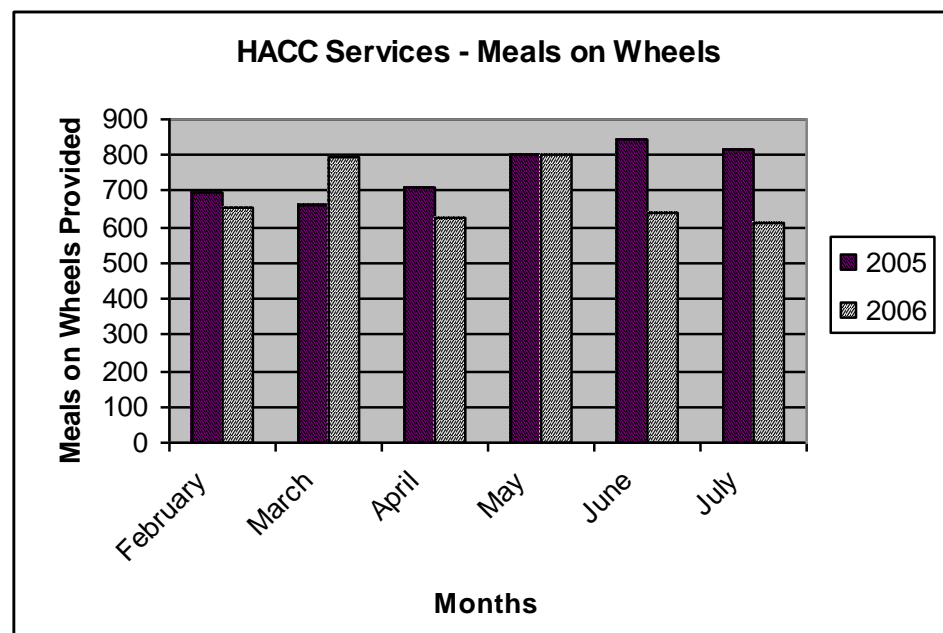
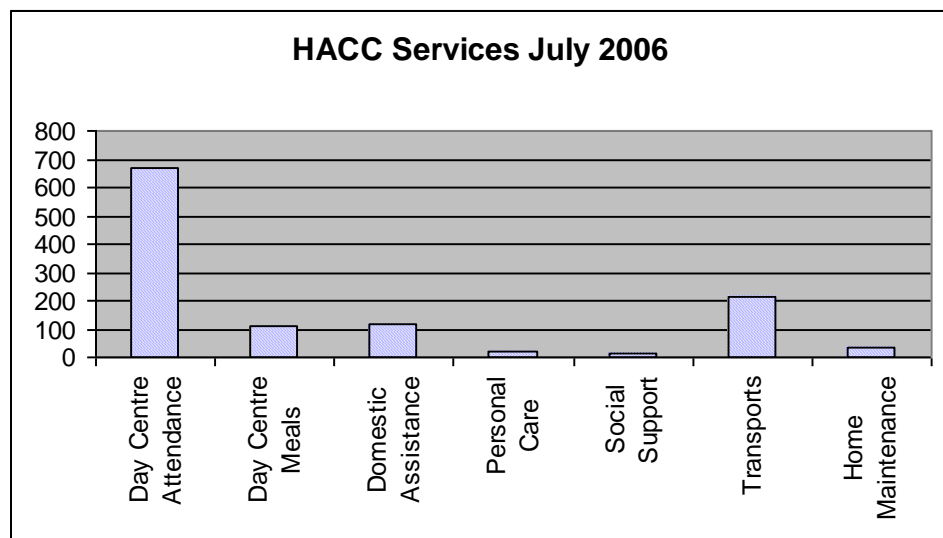
South Hedland Library	July 2006
Issues and Renewals	2299
Reservations	86
New Borrowers	60
Internet Users	369

Children's Book Week : 28 August – 1 September 2006

The program for children's book week in Port Hedland has been finalised with Perth-based author Mark Greenwood scheduled to visit schools in the area and conduct workshops in Port and South Libraries with years 6 and 7 students. A conversation with the Author session for adults will take place at South Hedland Library on Tuesday 29 August at 6.30 pm. Funding for the author visit has been obtained through the Children's Book Council (WA Branch).

Human Services

HACC Programme



Mirtanya Maya

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

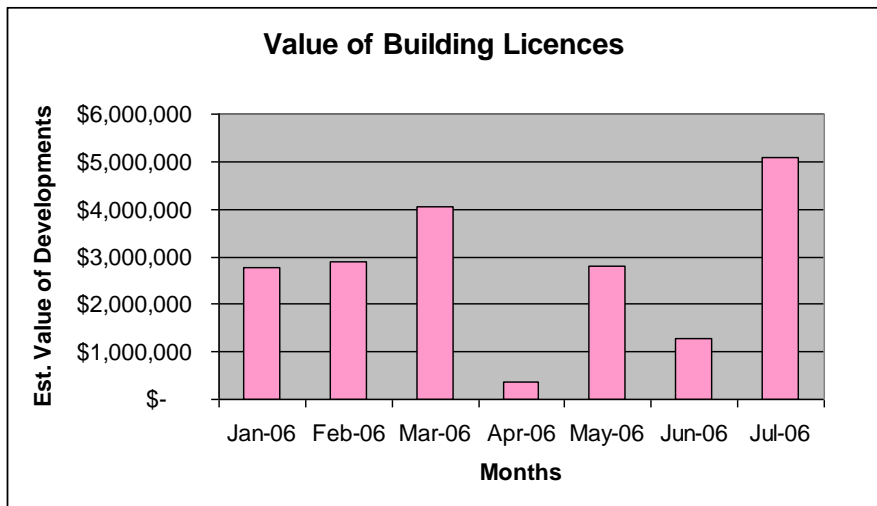
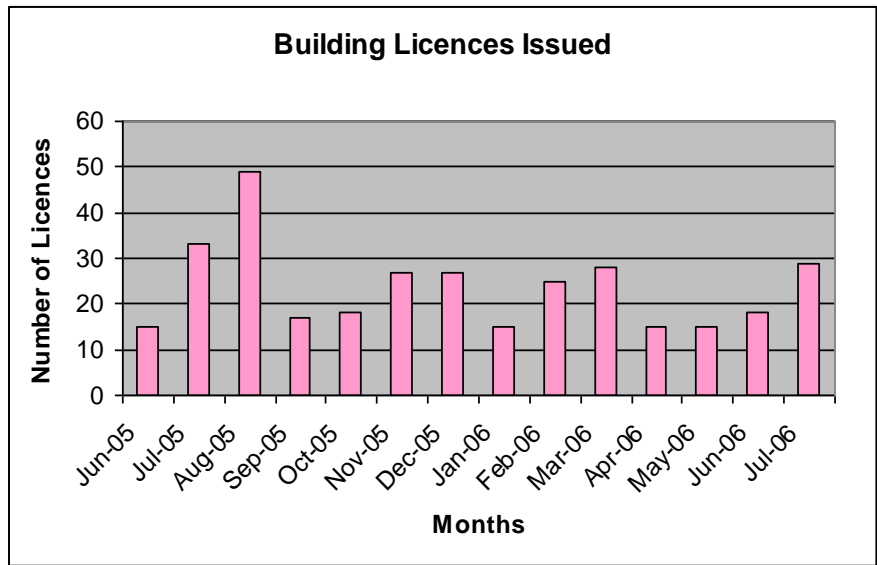
Pilbara Family Day Care

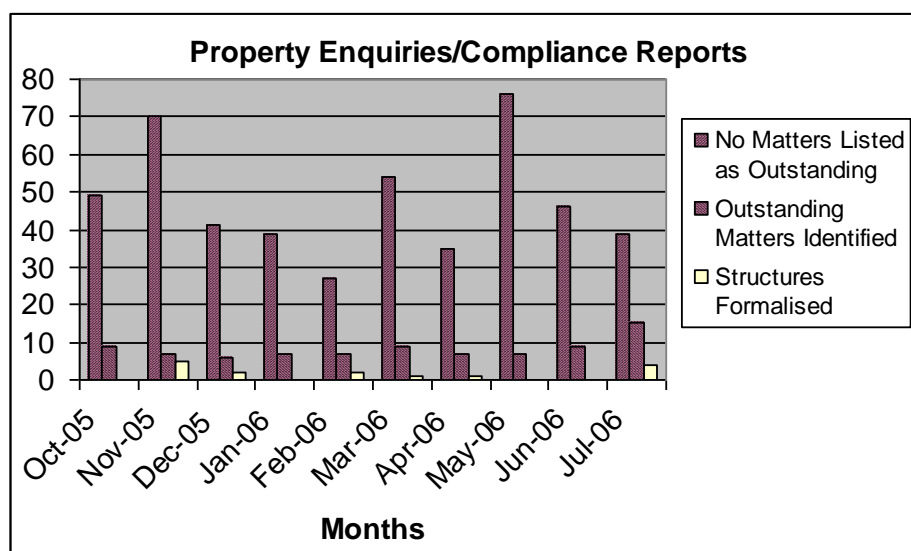
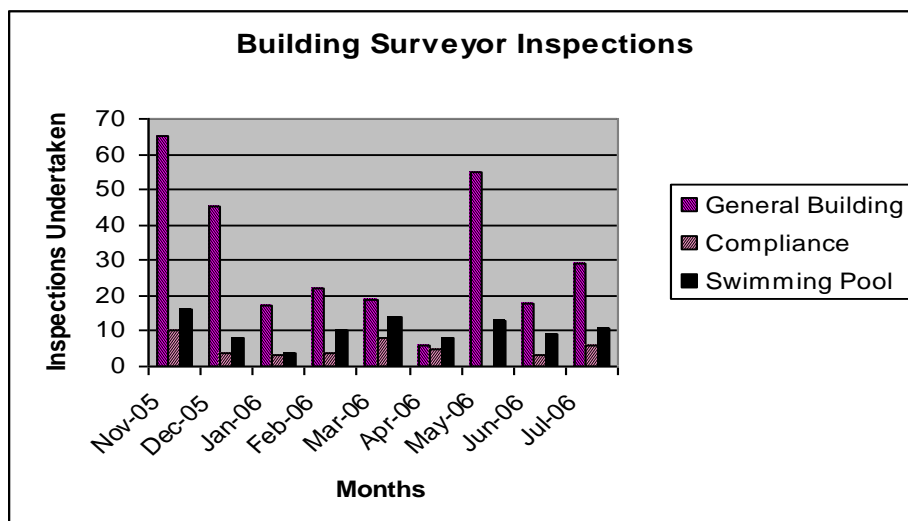
The Pilbara Family Day Care Scheme Coordinator will commenced on 14 August 2006. The Hedland Kids Matter which promotes Family Day Care was launched at the Well Woman's Centre on Friday 11 August 2006.

Hedland Volunteer Resource Centre

A formal response has been received from the Federal Government advising that funding for 20 hours to operate the Volunteer Resource Centre will not be renewed. Without funding this service will need to be closed.

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: 404
 Building Applications not approved: 6

2004	Running Total as at 25/07/06
Licences copied & sent to VGO	240
Licences not required to be sent	106
Licences expired – structure not built	0
More information required	19

Building Licence Applications Received in 2005

Total Building Licence applications received in 2005: 377
 Building Licences approved: 317
 Building applications not approved or withdrawn: 31

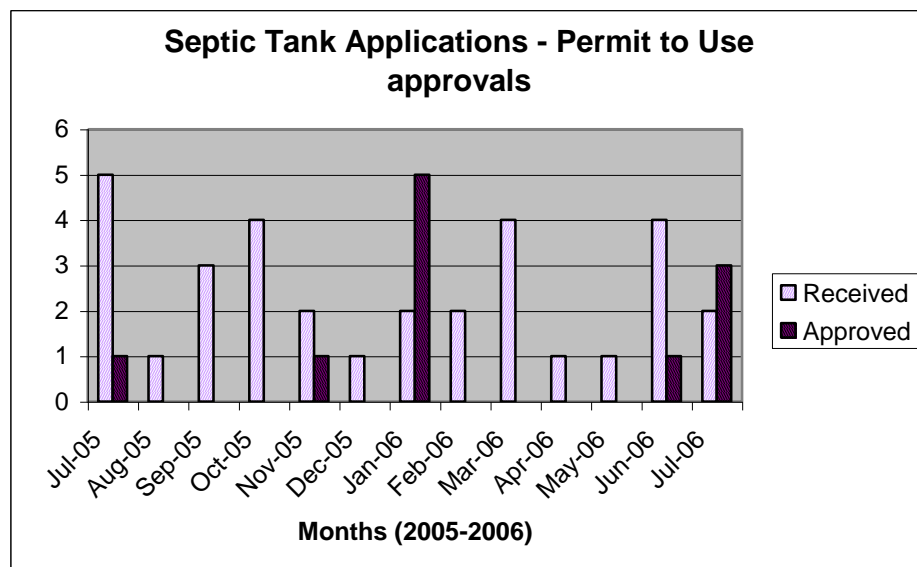
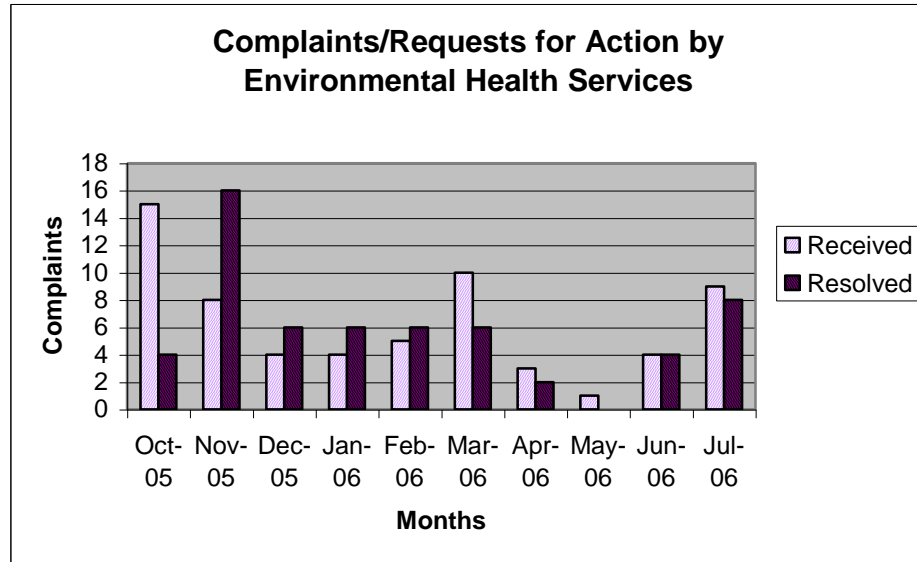
Approved in 2006:

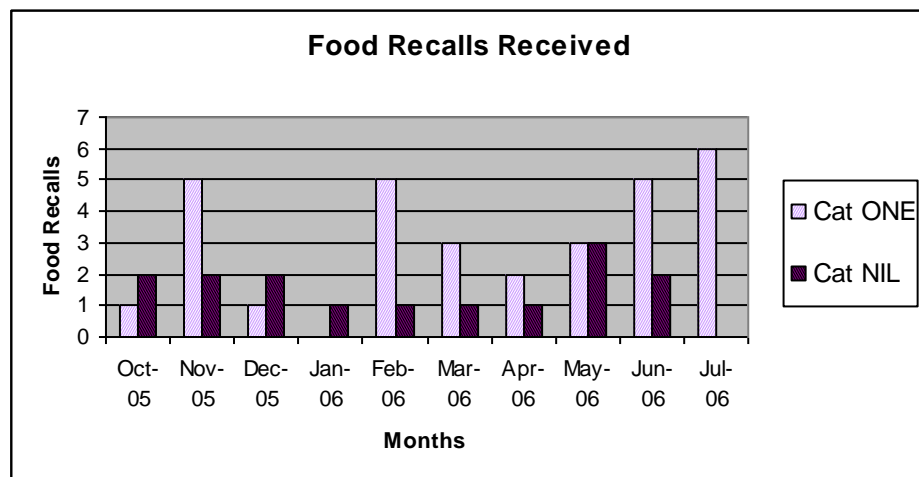
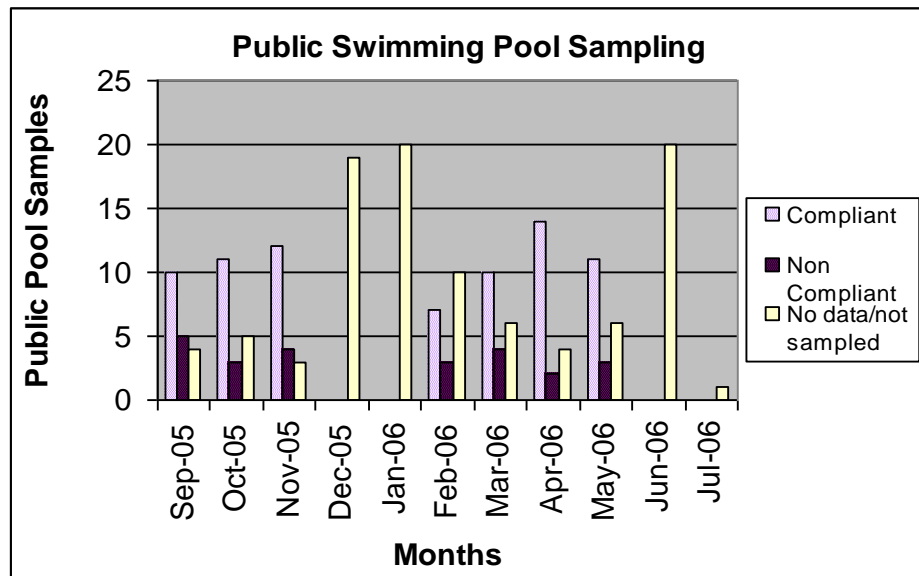
16

Building applications received in 2005 that are pending: 38

2005	Running Total as at 25/07/06
Licences copied & sent to VGO	75
Licences not required to be sent	1118
Structure not built	0
More information required	124

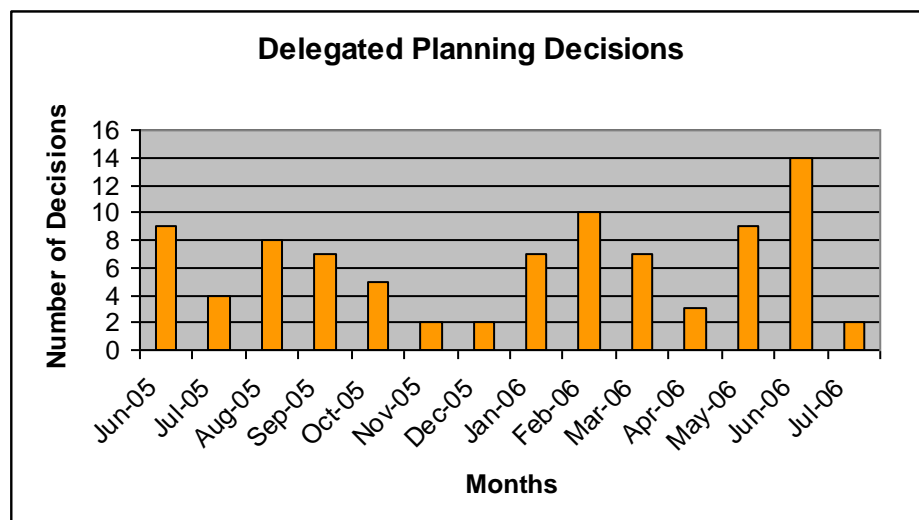
Environmental Health Services



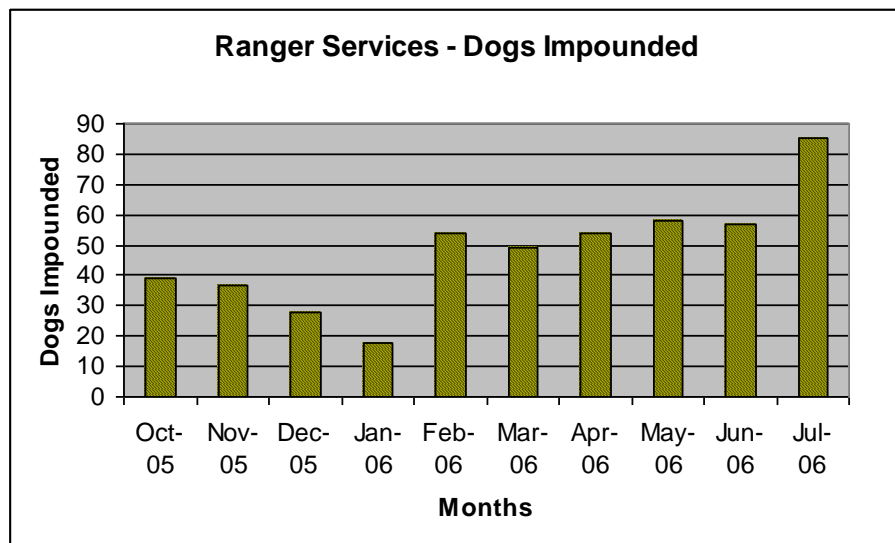
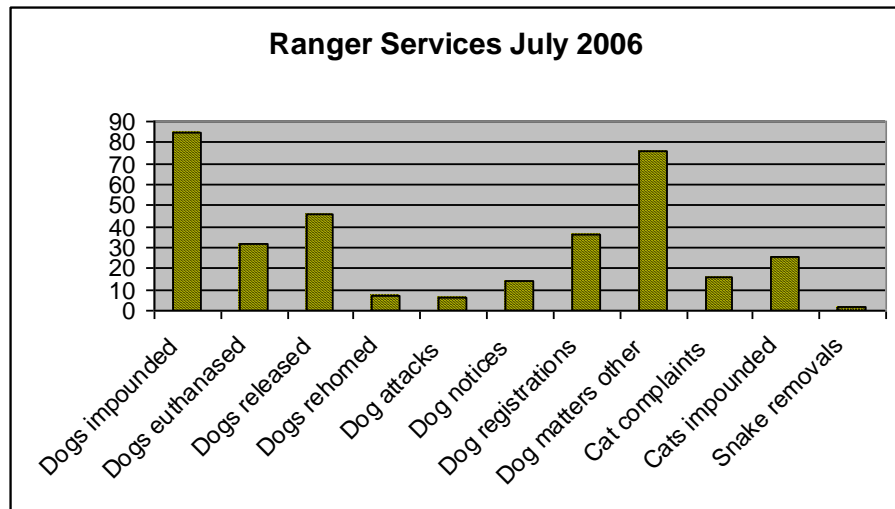
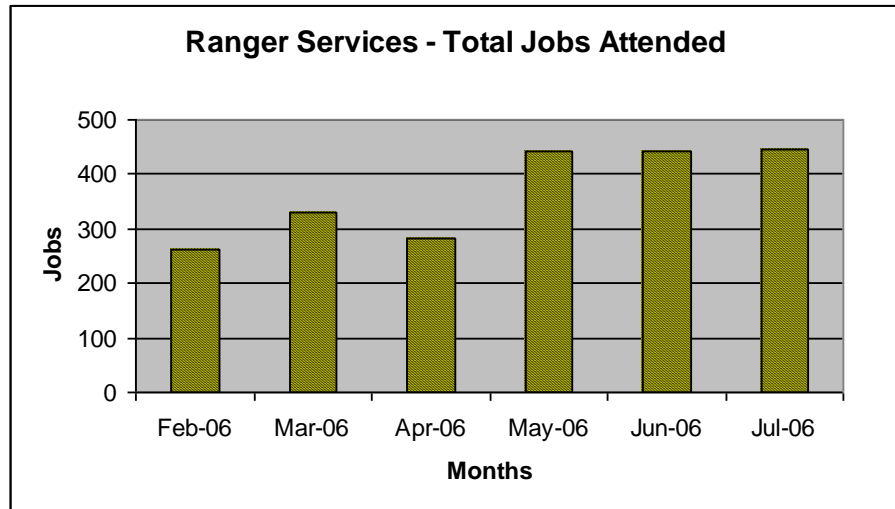


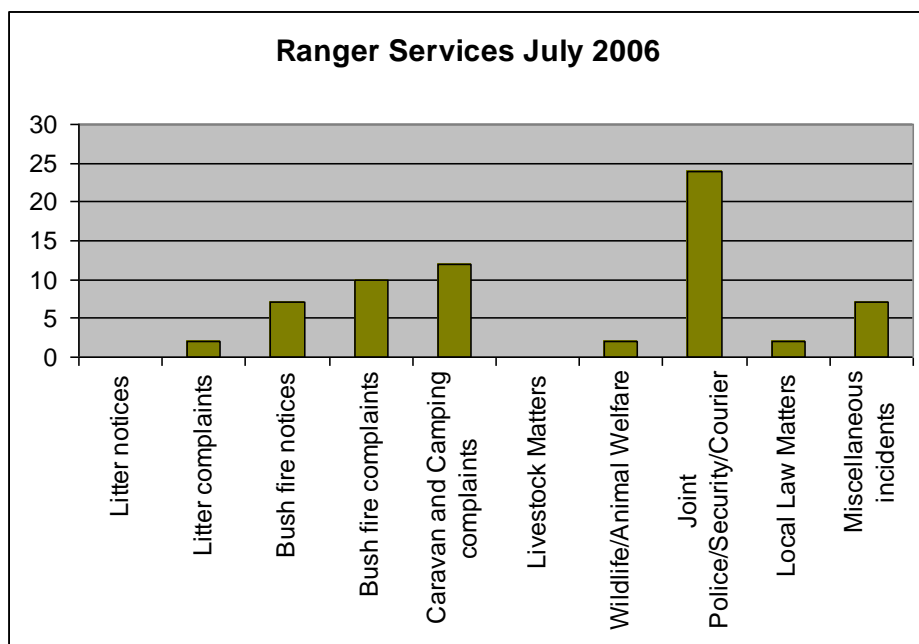
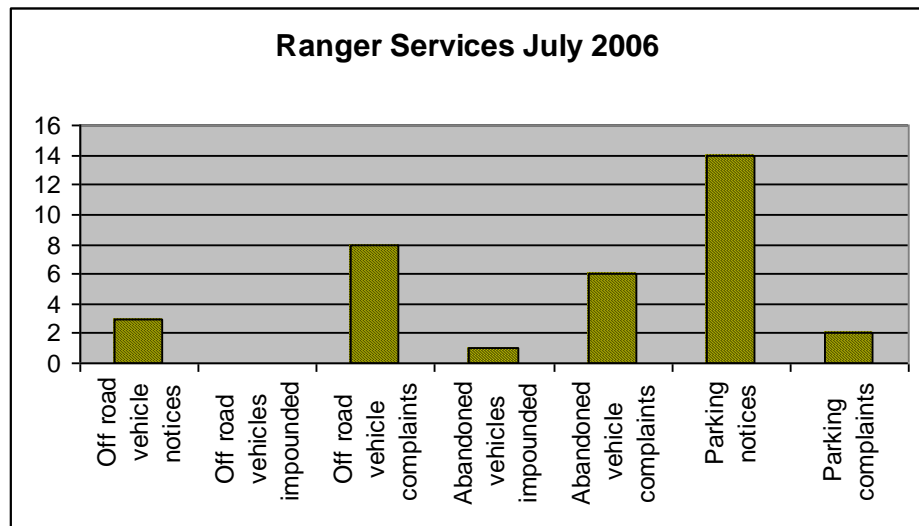
From 30 June 2006 the Department of Health will no longer be broadcasting “non action” food recalls. They are listed on the website www.foodstandards.gov.au, but will no longer be included in this report.

Planning Services



Ranger Services





Arts, Recreation and Community Activities

Matt Dann Cultural Centre

Events	July 2006	Year to Date
Cinema (sessions)	20	20
Live (e.g. Theatre)	0	0

Attendance	July 2006	Year to Date
Cinema	1083	1083
Live (e.g. Theatre)	0	0

Tom Stephens presented the Matt Dann with a cheque from the Lottery West performance Arts grants for \$30,000.00, which was a direct result from an application submitted earlier this year by the Centre.

The school holiday program was a great success with a large number of families using the centre.

Ken Robbins from Entertainment Services, visited the Matt Dann Cultural Centre to service the projector and check other equipment and, also conducted training with the technical staff and Coordinator over the 4-day visit.

Courthouse Arts Centre and Gallery

	July 2006
Exhibitions held	1
Attendance at Exhibitions	107
Workshops held	3
Total Attendance	865

Events Coordination

. *Pilbara Development Commission Mobile 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.

. *Creative Volunteering Workshops*

Two skills development workshops were held for the community recently. On Monday 14th August 2006 Town of Port Hedland hosted 'Resources and Funding' and then on Tuesday 15th August hosted 'Special Events'. The one day workshops are an initiative of Country Arts WA under their 'creative volunteering...no limits' program. The workshops were the first in the plan to address Key Result Area 2 – Community Pride (Goal 2 – Events, Strategy 4).

. *Risk Management Workshop*

On Tuesday 5th September 2006 Town of Port Hedland will hold two 3-hour sessions on How to Compile a Risk Management Plan. The sessions will be open to the community at no cost, and participants will receive information on the importance of risk management plans (at events and in general), guidelines on how to write one and information about community group insurance. The sessions will be presented by Local Government Insurance Services (LGIS).

. *Airport Mock Emergency Exercise*

Volunteers are currently being recruited for the airport mock emergency exercise that will be held on Saturday 26th August 2006. Volunteers are sought to play the role of casualty, observer or concerned family member.

The Alliance

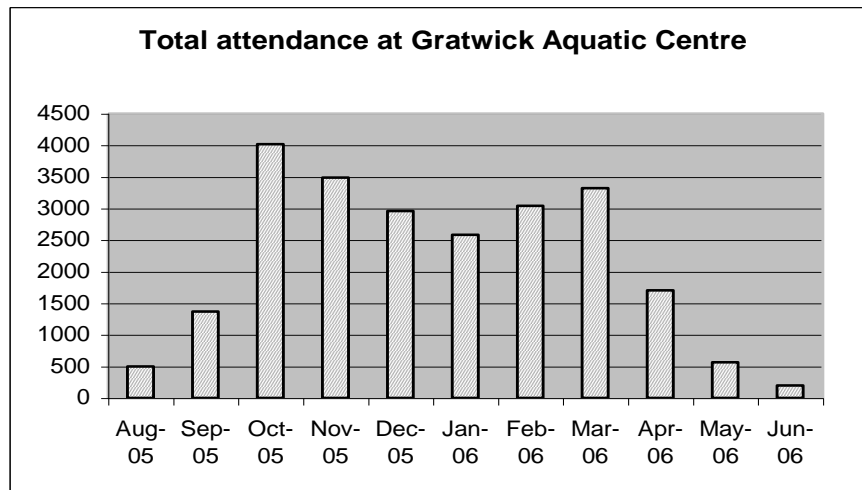
The Alliance Small Grants Scheme: Round 1 was launched on 1 August 2006. Grants of up to \$1,000 are available for projects that support the creation of a community in which artistic, cultural and heritage aspirations flourish. The round closes on 30 August 2006. The Alliance Advisory Committee will meet again on 13th September 2006 to process applications and identify a strategy for the direction of the arts in Port Hedland.

What's On Where: The Port Hedland Calendar of Events

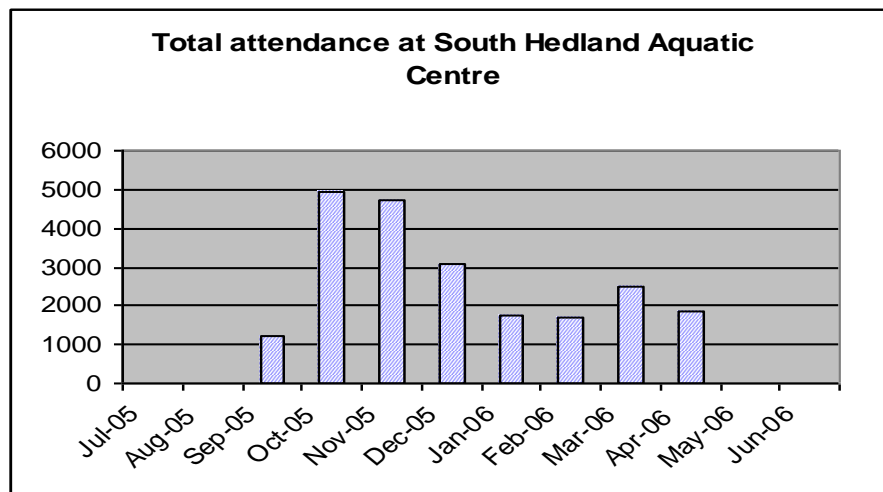
What's On Where: The Port Hedland Calendar of Events is receiving increasing numbers of submissions for event listings. It is available on the Town of Port Hedland website (www.porthedland.wa.gov.au).

Sports and Recreation

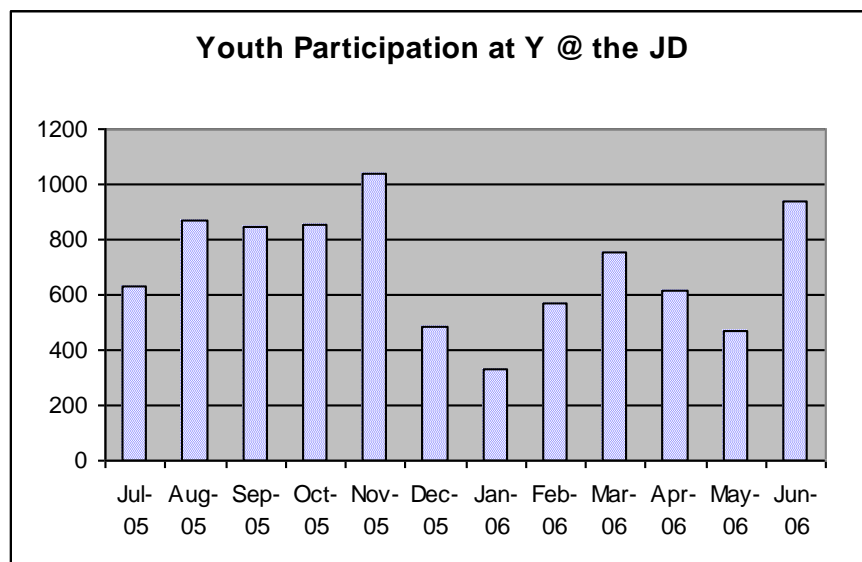
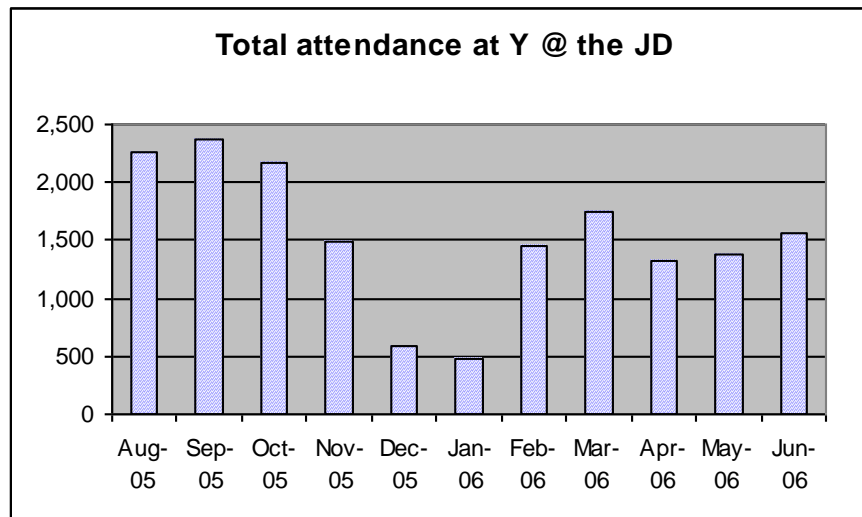
Gratwick Aquatic Centre



South Hedland Aquatic Centre



Y @ JD



North West Basketball Cup

The Town of Port Hedland with assistance from Pilbara Meta Maya organised the first North West Basketball Cup, held over the weekend of the 21st – 23rd July and the JD Hardie Centre. 35 teams competed in 4 age brackets, with teams traveling from far North as Kununurra and South from Burringurrah Community. Each team played a minimum of five games, with those eventually making it through to the final playing seven.

The results for each division were:

U/16 Female	Hedland Renegades
U/16 Male	Roebourne Wizards
Open Female	Roebourne - Yirramagardu
Open Male	Yandeyarra Buccs

A team for the national game in Sydney has been selected from this tournament, so the North West will be well represented with some exceptional talent.

Recreation Facilities Audit

The Draft Report has been submitted by CCS Strategic Management, and has been open for community feedback for the past three weeks. The Draft Report audits all existing recreational facilities within the Town of Port Hedland to develop a five-year Sports Facility Capital Development Plan that includes development proposals at all sporting facilities.

The Draft Report also includes the recommendation for a Multipurpose Recreation Facility inclusive of costs and indicative scales of development.

New Casual Recreation Assistant

The Town of Port Hedland has employed Sarah Cunningham for a two month period as a Casual Recreation Assistant to assist the Recreation Officer with upcoming projects and developments. Sarah was employed at the Y @ JD for three years, and so will bring expertise for Recreation Facility Management with her.

Athletes Visit to Port Hedland

On the 16th August Kylie Wheeler (Heptathlon) and Kim Mickle (Javelin) will visit Port Hedland thanks to the Department of Sport and Recreation. The two athletes will visit four schools in the area to assist in athletics Physical Education classes, to give motivational speeches and to promote the healthy lifestyle message to the youth of Hedland.

200607/002 Council Decision/Officer's Recommendation

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

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

CARRIED 8/0

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

Officer Ayla Stewart
Administration Officer
Development & Regulatory
Services

Date of Report 10 August 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 July 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

200607/003 Council Decision/Officer's Recommendation

Moved: Cr G D Bussell **Seconded:** Cr S F Sear

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

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.2.2.1

Date	App. No.	Address	Applicant	Owner	Development	Zoning	Delegation	Comment
10/07/06	2006/66	3 Rawlings Close, PH	Pilbara Construction Pty Ltd	BHP Billiton Pty Ltd	SINGLE HOUSE – Carport Enclosed, Carport and Patio additions	R15	40.1. (a)	The application is to enclose an existing carport, build a new carport and a new patio.
10/07/06	2006/68	Lot 2 Forrest Location, PH	Graham David Buckley	Graham David Buckley	STORAGE FACILITY/DEPOT/LAY DOWN AREA – Roadtrain Depot	Rural	40 (1)(b)	Construction of a 45 m x 40 m shed for use as a road-train depot

**11.2.2.2 Proposed Additional Multiple Dwellings at Lot 2594
(4) Clam Court, South Hedland (File No.:
CLAM:2594G/A100330G)**

Officer Richard Bairstow
Manager Planning

Date of Report 23 August 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Koltasz Smith, on behalf of the owners Kedi Trading Pty, Ltd, Cusack Properties P/L, GB & KM Clancy to upgrade the existing 24 units and develop an additional 23 Units on Lot 2594 (4) Clam Court, South Hedland (See Attachment No. 1 to 5).

Background

The land is zoned "Residential" and "Multiple Dwellings" are listed as an "SA" use on the Town Planning Scheme No. 5 (TPS5) zoning table. This land was previously used for Multiple Dwellings.

Although Council Officers have the delegated authority to determine "SA" uses, this item is presented for Council consideration due to an objection been received.

The site was recoded from R20 to R30/60 as Amendment No. 6 to TPS5 and this was gazetted on the 13 January 2006.

Throughout their planning and development process, Koltasz Smith has advised Council of their progress and requested comment on a number of aspects of their development that has facilitated a generally efficient planning process.

Consultation

The proposal was advertised in accordance with clause 4.3 with letters to adjoining owners and a newspaper advertisement.

The letters were sent on the 10 July with responses required by the 15 July following a newspaper advertisement on the 26 April 2006. At the close of advertising 1 submission of objection had been received.

A summary of the grounds of objection follows:

Objection	Applicant's response	Administration Comment
Significant increase in the volume of traffic – 24 hours	The applicant advised that these matters were dealt with at the rezoning stage.	Traffic will be increased within the area however the road network is design to cater for these increases
Increased traffic and increased residents will mean and increased level of noise		Noise issues (other than traffic) are dealt with by the Environmental Protection (Noise) Regulations 1997.
Verge carparking		This matter has been dealt with by a condition requiring all carparking to be contained internally on-site.
Removal of significant trees		The applicant proposes to significantly upgrade the landscaping of the site. Conditions of a approval also reflect this requirement.
Negative impact on property values surrounding the development		This is not a planning consideration.

In summary the objections are largely based around the density of the development. As Council has previously support a recoding of the lot from R20 to R30/60 the issues of increased density should have been addressed at that point in time. It will be discussed in the Officer's Comments about the development at the higher of the two R-codes.

Comments were obtained from Building Services, Engineering Services and Environmental Health Services via internal referrals which are included in the recommendations.

Statutory Implications

Part One of the Town Planning and Development Act 1928 (TPDA 1928) establishes the legislative authority of the Town Planning Scheme.

The Town of Port Hedland Town Planning Scheme No. 5 zones the subject land and permits this development at Council's discretion.

As a residential development the application is subject to the requirements of the Residential Design Codes of Western Australia (R-Codes). The applicant has requested a number of variations to the Acceptable Development Criteria and therefore these variations have been assessed under the Performance Criteria and details of this assessment are contained in the Officer's Comment section under the sub heading of assessment.

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.

Budget Implications Nil

Officer's Comment

The immediate use of this land is considered consistent with other potential uses identified for this site. The development of a multiple dwelling development is unlikely to prejudice any other adjoining development.

Assessment

The applicant has requested a number of variations to the requirements of the TPS5 and R-Codes a summary these variations, the applicant's justification and the officer's comments follows:

Higher Density Code

Clause 6.2.5 of the TPS5 states that Council shall only approve development at a higher code if it is satisfied that:

“(i) The particular site is suitable to accommodate on-site effluent disposal or a sewer line connected to a wastewater treatment plant which has approval of the Water Corporation; and...”

(NOTE: The development is connected to sewer.)

“(ii) The development is in accordance with any design guidelines adopted by Council; or...”

(NOTE: There are no development guidelines for this area.)

“(iii) In the absence of adopted guidelines, addresses the impact on adjoining development and the streetscape and amenity of the surrounding locality.”

(NOTE: The issues of impacts on adjoining development, streetscape and the amenity of the surrounding locality have been assessed and discussed at length with the applicant. Some of these issues were also raised in the letter of objection.)

It is considered however that these issues have been addressed sufficiently by design changes already incorporated within the development including the relocation of balconies to internally facing as opposed to over looking the adjoining lots and the redesigning of storerooms on the boundary to minimise their impact.

In regard to other issues the applicant has provided suitable justification and/or conditions have been included in the recommendation to address issues such as the primary street fencing and landscaping to create a streetscape improvement. It should be noted that the streetscape will be largely unaffected by this development as the primary street units already exist. Other Residential Design Code matters have also been dealt with by conditions within the recommendation, however these are considered to be fairly standard conditions.

The application is recommended for approval subject to those conditions detailed within the recommendation.

Officer's Recommendation

Planning Consent be granted to Koltasz Smith, on behalf of the owners Kedi Trading Pty, Ltd, Cusack Properties P/L, GB & KM Clancy to upgrade the existing 24 units and develop an additional 23 Units on Lot 2594 (4) Clam Court, South Hedland as outlined in the Application received 15 March 2006 (Application 2006/32) and indicated on the approved plans, subject to the following conditions:

GENERAL

- a) 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).
- b) The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction Manager Planning.

PRIOR TO SUBMISSION OF BUILDING LICENCE

- c) Planning Application Fees being paid by the applicant, these are based on the estimate cost of development. The estimate shall be justified by the applicant to the satisfaction of the Manager Planning.

d) Amended plans being submitted to and approved by the Town incorporating the following amendments:

- i) The primary street fence shall be designed to a high architectural standard and be relocated/redesigned to comply with Clause 3.2.5 of the R-Codes. Additional fencing inside the boundary maybe used to screen the drying area but must be setback at least 3m from the front boundary and screen by 1.8m high dense vegetation;
- ii) Windows to habitable rooms in upper floors of proposed building 'C' to be suitably screen/relocated to comply with Clause 3.8.1(ii);
- iii) Communal accessway(s) between the street, communal carparking and individual dwellings is to be provided in accordance with Clause 3.5.5 (A5.1, A5.2 & A5.3); and
- iv) Access above ground level to all Multiple Dwellings shall be totally protected from the weather

to the satisfaction Manager Planning

e) All fencing other than that referred to in condition 4(a) shall be installed in accordance with the Residential Design Codes and/or the Dividing Fences Act and prior to the occupation of the dwelling(s) all to the satisfaction of the Manager Planning.

f) A detailed landscaping plan (including common areas and verge) to be submitted and approved the Manager Planning. The plan to include location, and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001. Verge treatments are to be in accordance with Council's Verge Treatment Policy 9/008.

g) Design levels of all proposed development are to be included on the Building Licence and to the satisfaction Manager Planning.

h) The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:

- i) The delivery of materials and equipment to the site;
- ii) The storage of materials and equipment on the site;
- iii) The parking arrangements for the contractors and subcontractors;
- iv) Impact on traffic movement;
- v) Operation times including delivery of materials; and
- vi) Other matters likely to impact on the surrounding residents;

to the satisfaction Manager Planning.

DURING CONSTRUCTION

- i) The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity.
- j) A minimum of 70 carparking including 2 disable bays and 8 visitor bays to be provided on site.
- k) All carparking and accessways are to be provided in accordance with the Town of Port Hedland's Town Scheme requirements with the exception of disable bays which are required to be a minimum of 3.8m wide.
- l) The crossovers shall be designed and constructed to the residential specifications as defined by the Town of Port Hedland's Engineering Department and to the satisfaction of the Manager Planning, before occupation of dwellings.
- m) Developers and/or contractors of developments which are likely to occur at times when prevailing winds will generate a dust nuisance to nearby properties, to take appropriate dust prevention measures by the damping with water of disturbed surfaces and/or hydromulching when necessary to the satisfaction Manager Planning.
- n) A Rubbish Collection Strategy / Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy / plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy / plan shall be incorporated into the building licence plans. The approved strategy / plan shall be implemented to the satisfaction Manager Planning.
- o) The development to be connected to the Water Corporation deep sewerage service (EHS).

USE OF DEVELOPMENT

- p) Landscaping and reticulation to be established in accordance with the approved landscaping plans prior to the development first being occupied and thereafter maintained to the satisfaction Manager Planning
- q) All car parking is to be maintained on-site and no verge parking is permitted without the prior approval of the Town.

- r) The operations to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity (EHS).

ADVICE TO DEVELOPER

- s) 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).
- t) Be advised that the dwellings with the kitchen and laundry area sharing the same space will need to be redesigned to separate these facilities.
- u) A Building Licence to be issued prior to the commencement of any on site works (BS).
- v) The existing site levels and design levels of all proposed development, including levels on top of the kerb at the crossover, are to be shown on the Building Licence submission.
- w) Please note for future reference that levels, contours, retaining walls, drainage and sewer lines, etc. must be shown on development plans to ensure a proper assessment can be made. Failure to provide this information may require design changes at the Building Licence stage, resulting in possible delays and inconvenience.
- x) This approval should not be construed that the Town will support a survey strata or green title subdivision application for the development. Assessment has been based on a 'Multiple Dwelling' containing common property. A subdivision application for Survey Strata without common property or green title subdivision will need to meet the minimum and average site areas for the dwelling type, as prescribed in the Residential design Codes.
- y) Be advised that the pool must comply with the Health (Swimming Pools) Regulations 1964.
- z) The applicant/owner is required to install pool safety devices (i.e. self latching doors, barrier fencing etc) to the dwelling as required under legislation.

- aa) The accommodation buildings to comply at all times with the relevant provisions of the Health Act 1911 and the Town of Port Hedland Health Local Laws 2000 to the satisfaction of Council's Environmental Health Services (EHS).
- bb) The development must not interfere with property and effluent mains and/or effluent disposal systems (EHS).
- cc) The developer to take note that the area of this application may be subject to tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
- dd) The developer is advised that any grey water or effluent re-use system to be employed in the proposed development is to be of a type approved for use by the Health Department of Western Australia and installed to the satisfaction of Council's Environmental Health Services.
- ee) Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

200607/004 Council Decision

Moved: Cr A A Gear **Seconded:** Cr G D Bussell

Planning Consent be granted to Koltasz Smith, on behalf of the owners Kedi Trading Pty, Ltd, Cusack Properties P/L, GB & KM Clancy to upgrade the existing 24 units and develop an additional 23 Units on Lot 2594 (4) Clam Court, South Hedland as outlined in the Application received 15 March 2006 (Application 2006/32) and indicated on the approved plans, subject to the following conditions:

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- a) **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).**
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PRIOR TO SUBMISSION OF BUILDING LICENCE

- c) Planning Application Fees being paid by the applicant, these are based on the estimate cost of development. The estimate shall be justified by the applicant to the satisfaction of the Manager Planning.**
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 - iv) Access above ground level to all Multiple Dwellings shall be totally protected from the weather to the satisfaction of Manager Planning.**
- e) All fencing other than that referred to in condition 4(a) shall be installed in accordance with the Residential Design Codes and/or the Dividing Fences Act and prior to the occupation of the dwelling(s) all to the satisfaction of the Manager Planning.**
- f) A detailed landscaping plan (including common areas and verge) to be submitted and approved the Manager Planning. The plan to include location, identified significant local trees and other species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001. Verge treatments are to be in accordance with Council's Verge Treatment Policy 9/008.**
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 - iii) The parking arrangements for the contractors and subcontractors;**
 - iv) Impact on traffic movement;**
 - v) Operation times including delivery of materials; and**
 - vi) Other matters likely to impact on the surrounding residents;**
- to the satisfaction Manager Planning.**

DURING CONSTRUCTION

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- o) The development to be connected to the Water Corporation deep sewerage service (EHS).**

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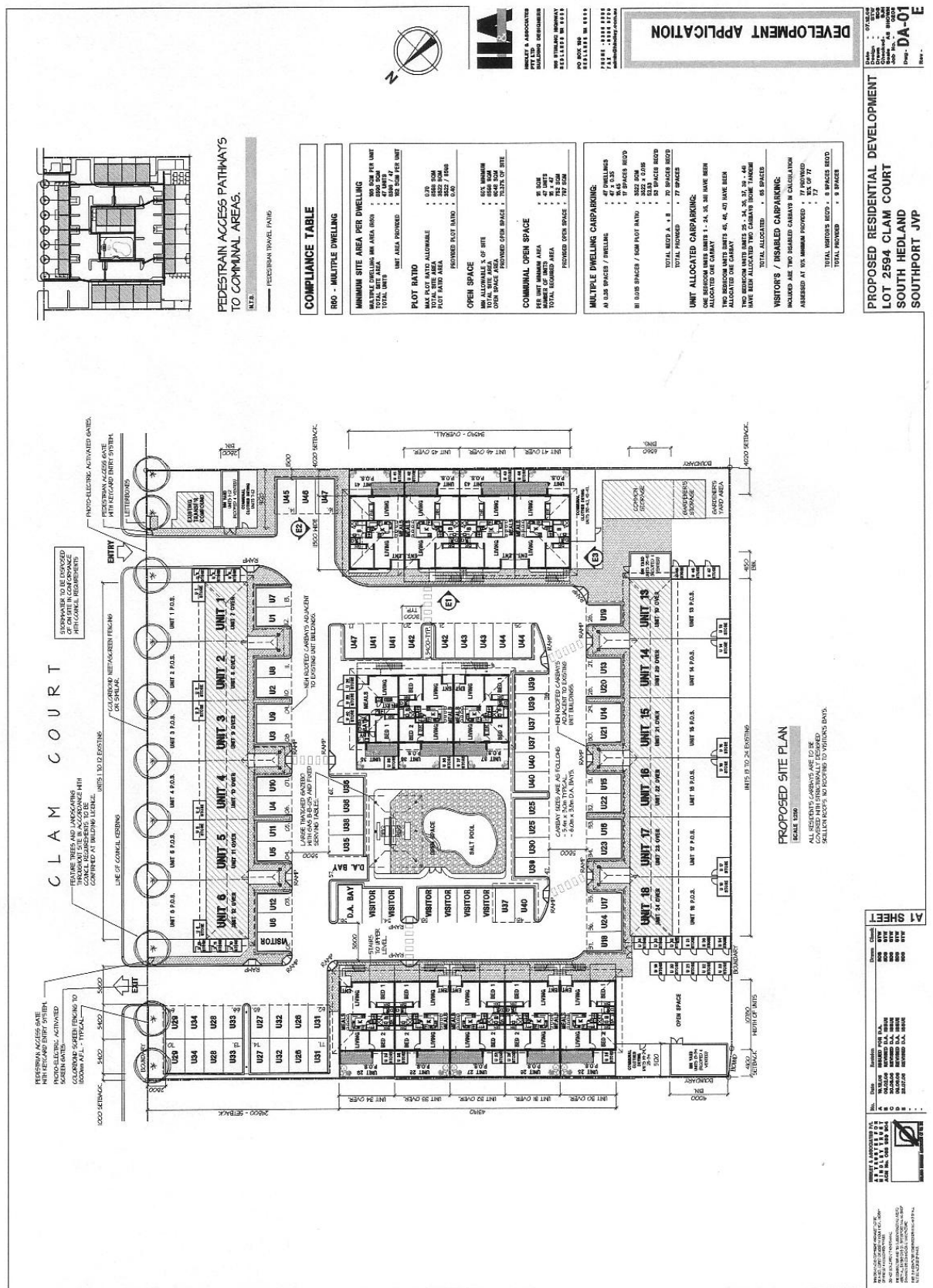
A subdivision application for Survey Strata without common property or green title subdivision will need to meet the minimum and average site areas for the dwelling type, as prescribed in the Residential design Codes.

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- cc) The developer to take note that the area of this application may be subject to tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
- dd) The developer is advised that any grey water or effluent re-use system to be employed in the proposed development is to be of a type approved for use by the Health Department of Western Australia and installed to the satisfaction of Council's Environmental Health Services.
- ee) Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

CARRIED 8/0

REASON: Council sought to include identified significant local trees and other species to Clause f).

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.2



DEVELOPMENT APPLICATION

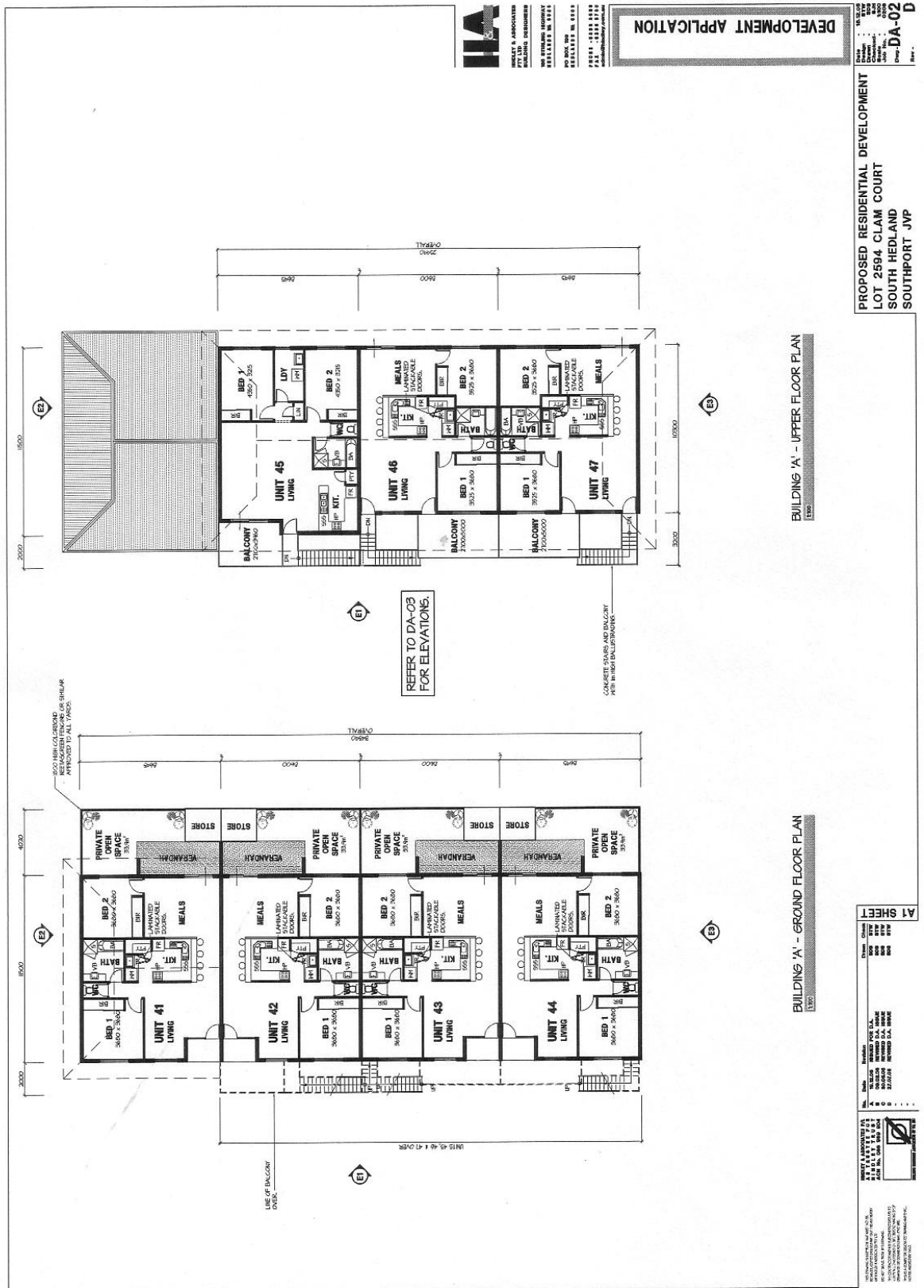
DA-01

PROPOSED RESIDENTIAL DEVELOPMENT
LOT 2594 CLAM COURT
SOUTH HEDLAND
SOUTHPORT JVP

A1 SHEET

DATE: 2006/08/23
SCALE: 1:500
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

ATTACHMENT 2 TO AGENDA ITEM 11.2.2.2



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.2

PROPOSED ELEVATION - E1

PROPOSED ELEVATION - E2

PROPOSED ELEVATION - E3

DEVELOPMENT APPLICATION

PROPOSED RESIDENTIAL DEVELOPMENT
LOT 2594 CLAM COURT
SOUTH HEDLAND
SOUTHPORT JVP

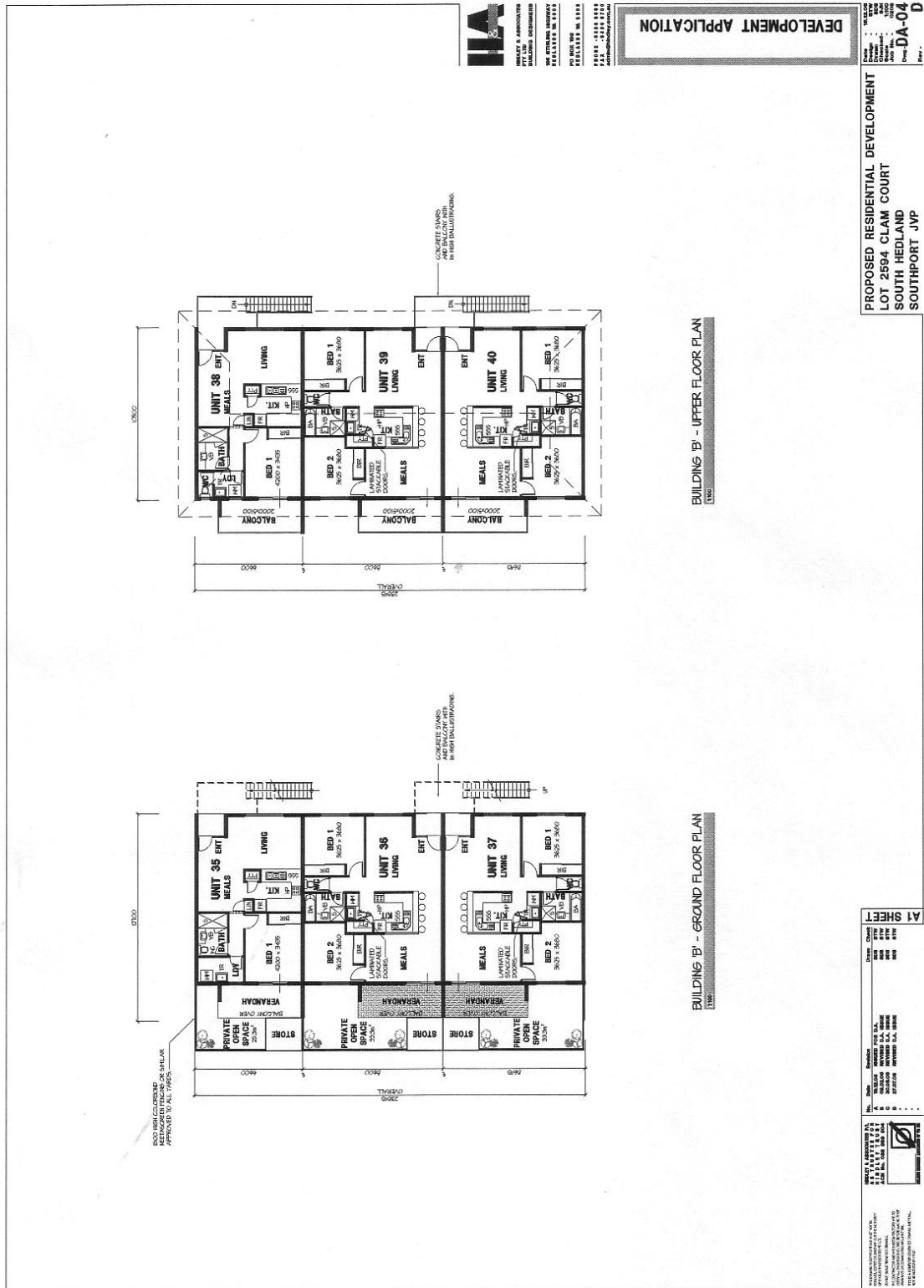
NOTE THESE ELEVATIONS ARE GENERAL IN NATURE AND WOULD FORM THE BASIS FOR THE ARCHITECTURAL STYLE OF THE THREE BUILDINGS.

A1 SHEET

IA
 INDIANA ASSOCIATES
 ARCHITECTS
 1000 W. 10TH AVENUE
 SOUTHPORT, IN 46350
 TEL: 219.339.1111
 FAX: 219.339.1112
 WWW.IAARCHITECTS.COM

DATE: 08/18/06
PROJECT: 2594 CLAM COURT
SCALE: AS SHOWN
DATE: 08/18/06
BY: JVA
CHECKED: JVA
DATE: 08/18/06
APP.: JVA
DATE: 08/18/06

ATTACHMENT 4 TO AGENDA ITEM 11.2.2.2



ATTACHMENT 5 TO AGENDA ITEM 11.2.2.2



11.2.2.3 Revised Pretty Pool Development Plan (Applicant Koltasz Smith on Behalf of Landcorp, Application Number 2006/93, File No. PLN-109)

Officer Richard Bairstow
Manager Planning

Date of Report 23 August 2005

Disclosure of Interest by Officer Nil

Background

An application has been received for a revised amendment to that endorsed by Council on the 28 September 2005. It represents the same proposal, but the area has been reduced to reflect feedback from the Department of Environment and Conservation (DoEC) that a "Southern Extent" (See Attachments 1 & 2) proposal could potentially be processed separately, while matters of greater environmental significance continue being assessed under Amendment No 7.

Background

As advised the current application is the same as that considered by Council in September 2005, as Report 10.2.2.3.

The subject site consists of approximately 22ha of undeveloped land, immediately east of the existing Pretty Pool residential neighbourhood, and approximately 3.3 kilometres east of the Port Hedland townsite.

The subject site consists of:

- Lot 5876 comprising 11.2 hectares
- Additional Crown Land at the south-western extents comprising a further 10.8ha

The applicant proposes to continue with the original amendment so as to develop the remaining that does not form part of this application. (See Attachments 1 & 2)

Officer's Comment

The application is the same as that previously endorsed by Council in September last year except the area has been reduced to address the requirements of the Department of Environment and Conservation (DEC). As advised in September last year "the proposed Revised Pretty Pool Development Plan (RPPDP) addresses all of the issues raised by the Town.

The process for a scheme amendment and adoption of the RPPDP involves advertising, which provides for input and comments by the community, interested parties and relevant government departments." For this reason the current documents was not referred for comments however, any submissions (including any additional internal) made on the proposal are required to be considered by Council, prior to the proposal being finalised.

The scheme amendment is referred to the DEC as the first step in the process. It is understood that DEC will support this modified proposal and continue to assess the original proposal for the balance of the land.

Statutory Implications

Requires a formal amendment to the Town of Port Hedland Town Planning Scheme No. 5 in accordance with the Town Planning and Development Act 1928.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Recommendation

That Council:

- 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; and
- c) adopt the Revised Pretty Pool Development Plan for the purpose of public advertising in conjunction with the associated Town Planning Scheme No.5 Scheme Amendment.

200607/005 Council Decision/Officer's Recommendation

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

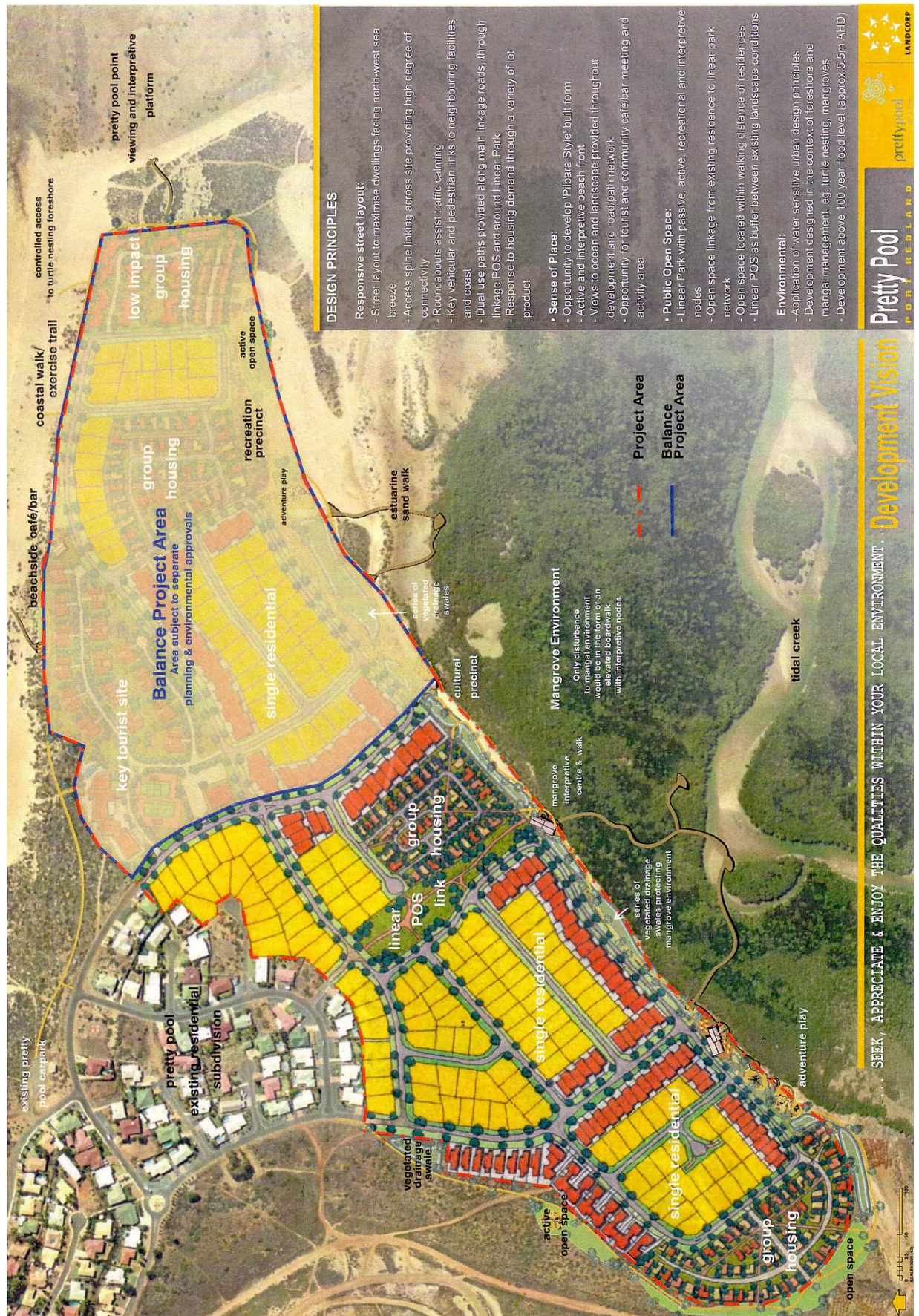
That Council:

- 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 the area of land adjacent to 'Balance Project Area' 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; and**
- c) **adopt the Revised Pretty Pool Development Plan (excluding the 'Balance Project Area') for the purpose of public advertising in conjunction with the associated Town Planning Scheme No.5 Scheme Amendment.**

CARRIED 8/0

REASON : Council amended Clause a), ensure the area of land referred to as the 'Balance Project Area' (refer Attachment 1 to Agenda Item 11.2.2.3) is not included in Council's decision.

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.3



DESIGN PRINCIPLES

Responsive street layout:

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

Sense of Place:

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

Public Open Space:

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

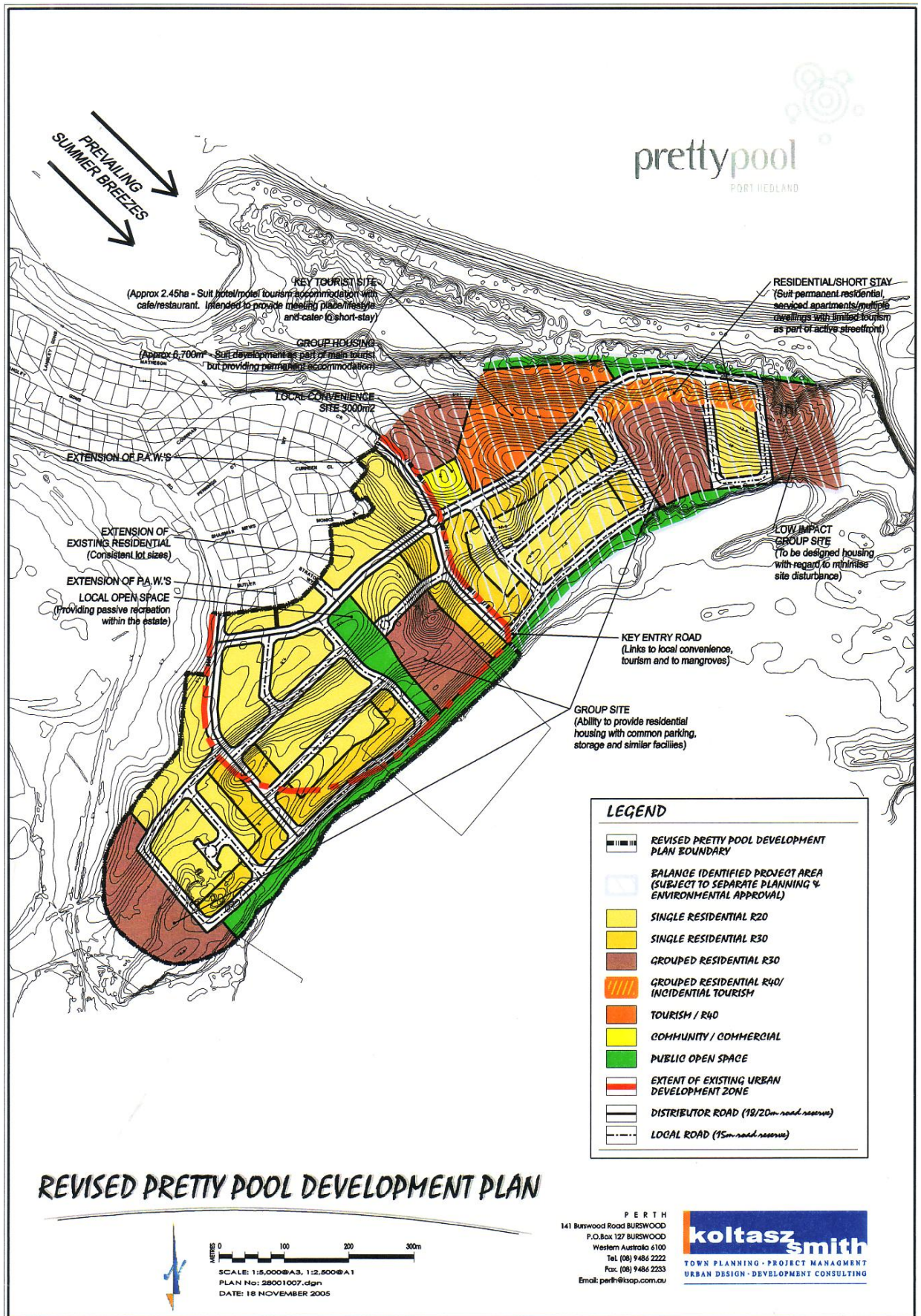
Environment:

- Application of water sensitive urban design principles
- Development designed in the context of foreshore and mangal management eg. turtle nesting, mangroves
- Development above 100 year flood level (approx. 5.5m AHD)

Pretty Pool
 POR HEDLAND
 pretty pool LANDCORP

SEEK, APPRECIATE & ENJOY THE QUALITIES WITHIN YOUR LOCAL ENVIRONMENT. **Development Vision**

ATTACHMENT 2 TO AGENDA ITEM 11.2.2.3



11.2.2.4 Proposed Vesting of Crown Land in the Town of Port Hedland for the Purpose of Recreation (File No.: 111407G)

Officer Andrew Patterson
Planning Officer

Date of Report 11 July 2006

Disclosure of Interest by Officer Nil

Summary

The Town of Port Hedland has received a request from the Department for Planning and Infrastructure (State Land Services) to accept the vesting of lot 122 Cottier Drive South Hedland for the purpose of "Recreation."

The land comprises 1767 m² and is zoned "Residential R 30" in the Town of Port Hedland Town Planning Scheme No 5.

This item is presented for Council consideration, as Delegated Officers are not authorised to accept responsibility for additional land assets.

Background

The land subject to this proposal was identified as the Public Open Space (POS) contribution for the subdivision of lot 5472 Paton Road South Hedland.

In approving this subdivision on 29 May 1997, the Western Australian Planning Commission (WAPC) imposed the following relevant conditions:

- "5. The proposed reserve(s) shown on the plan submitted by the applicant, being shown on the diagram of Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act (as amended), such land to be ceded free of cost and without any payment of compensation by the Crown.*
- 6. 883m², in a position to be agreed between the subdivider and the Local Government, being shown on the Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act (as amended), such land to be ceded free of cost and without any payment of compensation by the Crown."*

The following "Advice to Applicant" is also included in the WAPC approval:

“4. In respect to Condition 6 of this approval, the Commission hereby approves of a cash-in-lieu contribution in accordance with section 20C of the Town Planning and Development Act, 1928 (as amended).”

A search through Council files has not revealed whether the applicant complied with condition 6, regarding the placement of the POS. As the subdivision was approved in 1997, these records are likely to be located in archived files that would require significant expenditure of time and resources to locate.

The land subject to the management request consists of 1767 m² with dimensions of approximately 119 m x 15 m. Given the dimensions of the proposed recreation reserve, and its location adjacent to a main road with a speed limit of 80 kmph, the proposed vesting may not be particularly appropriate in this instance.

Consultation

Engineering Services have not objected to this proposal and requested a condition that prior to the vesting, all rubbish and litter is to be removed from the land. Engineering Services has also advised that this land is currently utilised as a component of the stormwater drainage system.

Statutory Implications

Should Council resolve to accept the vesting, the Town of Port Hedland would become the responsible authority for maintaining the land.

Policy Implications

Nil

Strategic Planning Implications

Budget Implications

Maintenance of the vested land will become the responsibility of the Town of Port Hedland with costs absorbed into the existing budget.

Officer's Comment

Given that this land consists of a 15 metre wide strip of land located adjacent to a major road reserve, it is considered inappropriate to accept a vesting for the land for recreational purposes.

As noted in the background to this item, Engineering Services have identified this land as an existing component of the South Hedland stormwater drainage system.

It is therefore considered that a more appropriate use for the land is to accept a management order for the land for use as a drainage reserve.

200607/006 Council Decision/Officer's Recommendation

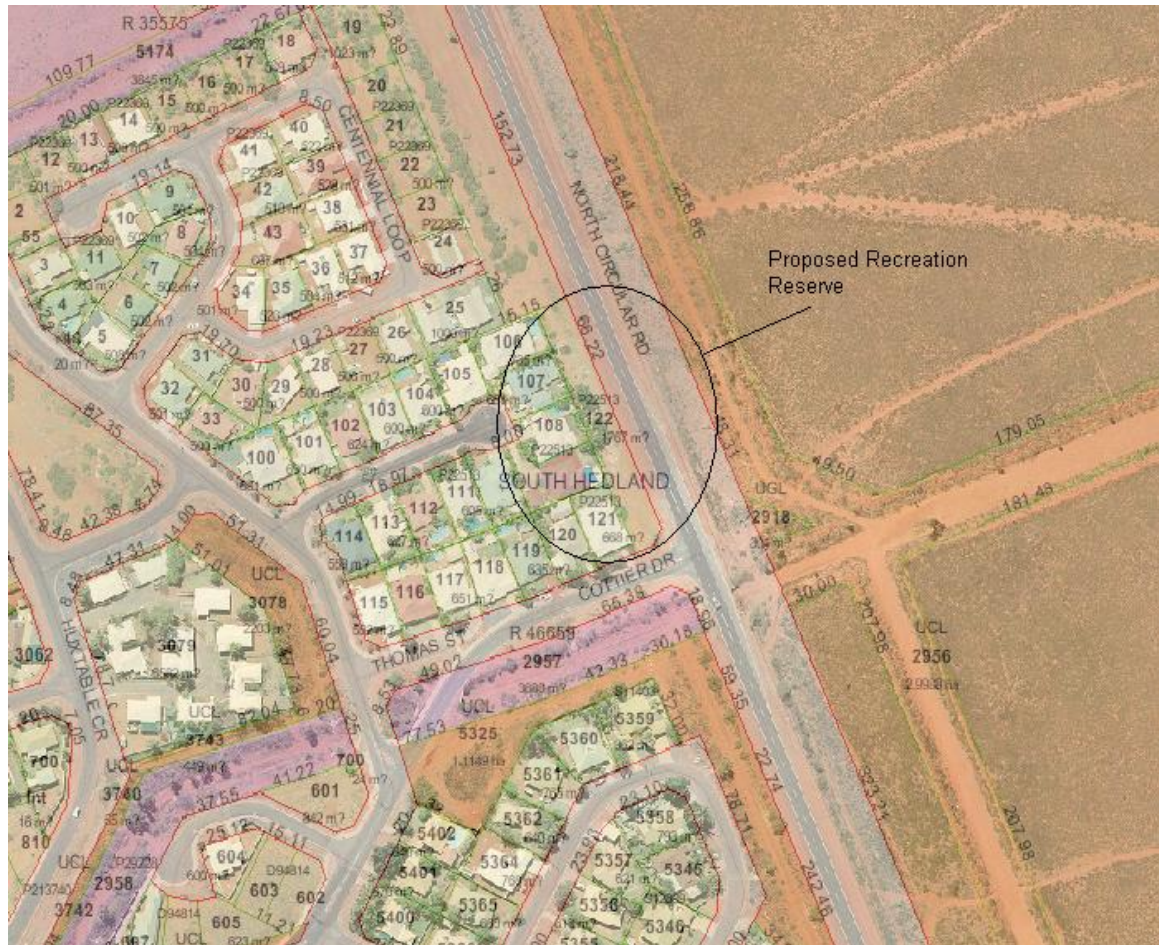
Moved: Cr A A Carter **Seconded:** Cr A A Gear

That Council advises the Department for Planning and Infrastructure (State Land Services) that:

- i) **it is NOT prepared to accept the management of lot 122 Cottier Drive South Hedland for the purpose of RECREATION as the land is not considered suitable for a recreation reserve due to its physical dimensions and close proximity to a main road; and**
- ii) **it is prepared to accept the management of lot 122 Cottier Drive South Hedland for the purpose of DRAINAGE.**

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.2.2.4



6:20 pm Mayor Stan Martin declared a financial interest in Agenda Item 11.2.2.5 'Proposed Scheme Amendment to Allow the Development of Grouped Dwellings at Lot 501 Byass Street, South Hedland' as he is the Builder acting for the Owner.

Mayor Stan Martin left the room.

Deputy Mayor Arnold Carter assumed the Chair.

11.2.2.5 Proposed Scheme Amendment to Allow the Development of Grouped Dwellings at Lot 501 Byass Street, South Hedland (File No.: 803000G)

Officer Andrew Patterson
Planning Officer

Date of Report 13 August 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Whelans Town Planners on behalf of Stan R Martin Building Contractors who is acting on behalf of the owner of lot 501 Byass Street to initiate a Town Planning Scheme Amendment that will allow Council to approve the development of Grouped Dwellings on this lot.

Background

This land consists of 2348 m² and is zoned "Mixed Business" in the Town of Port Hedland Town Planning Scheme No. 5. "Grouped Dwellings" and "Multiple Dwellings" are listed as prohibited uses in this zone.

Section 3.2.7 of the Town of Port Hedland Town Planning Scheme No. 5 states:

"Notwithstanding anything contained in the zoning table, the land specified in Appendix 2 may be developed or used for the specific additional development categories listed in Appendix 2, in addition to any development categories permissible in the zone in which the land is situated, subject to the conditions set out in Appendix 2 with respect to that land. (Council shall not permit any further caretakers' dwellings in the Wedgefield Special Control Area.)"

The applicant is proposing to add lots 501 and 502 into Appendix 2 of TPS 5 in order to permit a specific development on a specific area of this lot.

Both lots 501 and 502 are subject to this application as the applicant intends to amalgamate the two lots to ensure sufficient car parking bays are available for this development should it be supported by Council.

Lot 501 is currently developed with a commercial building that extends to lot 502 Byass Street. This commercial complex is currently leased for a mechanical workshop, a real estate agent and a hairdresser on lot 501, and a second hand dealer, a clothing retailer, a furniture showroom and a vacant tenancy on lot 502.

The purpose of this amendment is to allow an additional use to lot 501 that would allow the development of Multiple Dwellings on the second storey of the existing building. The applicant has included a conceptual floorplan that describes ten two-bedroom units that could be developed in this space.

Should Council resolve to initiate this amendment, the applicant would prepare a Development Plan that could be adopted as part of the amendment to ensure the residential component of the land is developed only on the upper floor of the existing building.

The Residential Design Codes of Western Australia (the R Codes) address mixed use development, noting their increased popularity in the Western Australia due largely to an increased interest in inner-city living, the influence of immigrants who come from traditions utilising different residential types and the influence of Livable Neighborhoods, which generally encourages mixed-use development.

According to the R Codes, the benefits of mixed-use developments include:

- Enhanced security by extending the hours of activity and occupation of an area.
- Optimising the use of car parking areas through reciprocal use of bays (commercial through the day, and residential at night)
- Optimising the use and economic return of the land.
- Enabling people to live and work in the same area.
- Encouraging social interaction.
- Potentially providing more affordable housing, especially on the rental market.

In addition to this explanatory text, the R Codes provide a set of Acceptable Development and Performance Criteria regulating residential development in a Mixed Use area. Any application for planning approval to develop this lot subsequent to any adopted Scheme Amendment will be assessed in accordance with these provisions.

Should this amendment be adopted into Town Planning Scheme No. 5, the current permitted uses on this lot, and surrounding lots may require protection. Under the current Town Planning Scheme, uses such as “light industry,” “dry cleaning” and “motor vehicle repair” may be permitted in a “Mixed Business” zone. Should Council approve this amendment, conditions could be included to ensure that residential development did not become the predominant use of the land in this zone.

As much of the land in the “Mixed Business” zone is currently undeveloped, there is a potential for approval of this amendment to set a precedent that encourages residential development in a zone that is set aside for commercial uses. This outcome may be avoided by emphasising that any approved scheme amendment is to apply to the second storey of any development, and that use and amenity issues of any future development within this zone

Consultation

Council’s Environmental Health Services have expressed concern over the potential for noise and odor to become a nuisance to potential residents. In addition, EHS have noted that additional light-spill may become a nuisance as light levels are generally higher in a mixed use than a residential area.

Council’s Building Services have not objected to this proposal and advised that a building licence is required prior to any development or retro-fitting of the existing building for residential uses.

Statutory Implications

Section 75 of the Planning and Development Act 2005 enables Council to amend its Town Planning Scheme. Section 25 of the Town Planning Regulations 1967 outlines the procedure for amending a Town Planning Scheme.

Policy Implications

Nil.

Strategic Planning Implications

KEY RESULT AREA 3 – COMMUNITY DEVELOPMENT

Goal 6 - Community Safety

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

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

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 2. Facilitate the release of more residential and industrial land.

Budget Implications

Should Council resolve to initiate this Scheme Amendment, fees of \$1000 are required from the applicant, with a further \$1500 required should Council adopt the amendment following the advertising for public submissions on the proposed amendment.

Officer's Comment

The two major areas of concern with regard to this proposed Scheme Amendment are concerned with use and amenity issues.

As raised by Environmental Health Services, the amenity of any residents of residential development in a Mixed Business zone are likely to be affected by current permitted uses. While there should be an assumption that living in a Mixed Use zone will not afford the same amenity as living in a residential area, there is likely to be the potential for incompatible land uses developing as a result of making this amendment. For example, Council could potentially receive complaints from residents with regard to odors should a dry-cleaning business locate in a commercial unit on the ground floor.

With regard to the impact of this proposed amendment on land use, a significant concern is the impact this development could have on future uses on this and surrounding lots. Should this building be developed for residential use as proposed, any future application to develop land for uses that are incompatible with residential due to light or other emissions, or noise factors will have to consider this residential component.

200607/007 Council Decision/Officer's Recommendation

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

That Council:

- i) **initiate an Amendment to Town Planning Scheme No. 5 to rezone Lots 501 and 502 Byass Street South Hedland from "Mixed Business" to "Mixed Business" with an Additional Use for Multiple Dwellings; and**

- ii) advise the applicant accordingly and request the applicant to prepare the amendment document in accordance with this resolution.

CARRIED 6/1

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

Record of Vote:

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

6:29 pm Mayor Stan Martin re-entered the room and assumed his chair.

Deputy Mayor Arnold Carter advised Mayor Stan Martin of Council's decision.

Deputy Mayor Arnold Carter resumed his chair.

11.2.3 Human Services – Home and Community Care**11.2.3.1 Town of Port Hedland Pilbara Family Day Care Scheme - Variation to Family Day Care Funding Agreement (File No.: AGR-012)**

Officer Deborah Craigie
Manager Human Services

Date of Report 17 July 2006

Disclosure of Interest by Officer Nil

Summary

The Department of Families, Community Services and Indigenous Affairs (FCSIA) has offered to extend the current funding Agreement for a period of three months to September 30 2006 at the 2005 –2006 funding level and seeks to vary the terms and conditions under the existing funding agreement. The variations will be a requirement of the new funding agreement which will take effect from the 1st October 2006.

Background

The Australian Government announced in the 2006-07 Federal Budget legislation to uncap Family Day Care places. The changes include the removal of existing regional boundaries in place for Family Day Care services and carers and the removal of the cap on the number of Family Day Care places available. This in effect will provide greater flexibility for service providers, carers and families. The intention to move to funding based on actual usage was also confirmed.

As a result of the legislative changes to Family Day Care Schemes it is necessary to vary the existing funding agreement between the Town of Port Hedland and the Commonwealth of Australia represented by Families, Community Services and Indigenous Affairs.

Consultation

Department of Families, Community Services and Indigenous Affairs.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Aligns with the Strategic Plan Item 3.3.3.

Budget Implications

The variations proposed to the Funding Agreement by the Department will be based on the number of actual Family Day Care providers currently under the Scheme. Adjustments to the budget will occur at the September quarterly budget review.

Officer's Comment

The Department of Families, Community Services and Indigenous Affairs seeks variations to the existing funding agreement by the following changes. These are really of a technical nature and do not have any negative impact on Council's ability to manage the Pilbara Family Day Care Scheme. Copies of the original agreement and the proposed variations can be provided on request.

- "1. Vary Item 2.5 of the Schedule as follows:
Replace the word 'The' in the second sentence with the words
'From 1 October 2005 to 30 June 2006 the'
immediately before the words 'service will be delivered within the Pilbara or as agreed with the Department'.
Replace the word 'The' in the third sentence with the words 'From 1 October 2005 to 30 June 2006 the'
immediately before the words Pilbara Family Day Care Scheme.*
- 2. Vary Item 2.7 of the Schedule by deleting '30 June 2006' and inserting 30 September 2006'.*
- 3. Vary Item 2.10 of the Schedule as follows:
Delete the words 'within the approved area' from the first dot point.
Delete the words 'within the service's allocation limit' from the second dot point.*
- 4. Vary Item 5 (a) of the Schedule as follows:
Delete '2005 – 06' and insert '1 October 2005 to 30 June 2006' in the first sentence of the second paragraph. Delete the words, 'the funding amount below is an estimate of the total funding to be paid during this Funding Agreement, and may be revised due to variations in occupied places', from the second paragraph.
Delete in '2005 – 2006' and insert 'during this Funding Agreement' in the sixth paragraph.
Insert a third column to the first and second tables and insert the following words in the first row of each:
2006-07 Financial Year
(1/7/06 to 30/9/06)
(Estimate)*

5. Vary Item 5 c of the Schedule as follows:
Insert a fifth row in the tables and insert '1 July 2006 (within 10 working days)' in the Payment Date column.

Delete the words: 'As at 1 July 2005, there are 100 Family Day Care places allocated to Pilbara Family Day Care Scheme. If the number of occupied places remains lower than the number of allocated places by more than 15% or 30 places (whichever is the lessor) over a period of 12 months, the Funding Recipient may be required to return a portion of unoccupied allocated places to the Department.'

6. Vary Item 6 of the Schedule as follows:
Delete '30 June 2006' and insert '30 September 2006' in the second paragraph in Item 6.2 (a) (i)
Delete '30 June 2006' and insert '30 September 2006' in the first column of the table in Item 6.2 (a) (i); and

The Parties agree that:

- (a) *the variations set out in the Letter of Variation take effect from the date on which the Letter of Variation is signed by the Funding Recipient and the Commonwealth;*
- (b) *any terms used in the Letter of Variation which have their initial letter(s) capitilised shall have the meaning ascribed in the Agreement; and*
- (c) *there are no amendments to the Agreement other than the amendments expressly set forth above in the Letter of Variation, and the Agreement shall remain in full force and take effect and unamended in all other respects."*

200607/008 Council Decision/Officer's Recommendation

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

That:

- i) **the Funding Agreement between the Commonwealth of Australia and the Town of Port Hedland in relation to the Pilbara Family Day Care Scheme under the Child Care Support Programme, be endorsed by Council subject to the following:**

***"1. Vary Item 2.5 of the Schedule as follows:
Replace the word 'The' in the second sentence with the words
'From 1 October 2005 to 30 June 2006 the' immediately before the words' service will be delivered within the Pilbara or as agreed with the Department'.***

- Replace the word 'The' in the third sentence with the words 'From 1 October 2005 to 30 June 2006 the' immediately before the words Pilbara Family Day Care Scheme.*
2. *Vary Item 2.7 of the Schedule by deleting '30 June 2006' and inserting 30 September 2006'.*
 3. *Vary Item 2.10 of the Schedule as follows:
Delete the words 'within the approved area' from the first dot point.
Delete the words 'within the service's allocation limit' from the second dot point.*
 4. *Vary Item 5 (a) of the Schedule as follows:
Delete '2005 – 06' and insert '1 October 2005 to 30 June 2006' in the first sentence of the second paragraph. Delete the words, 'the funding amount below is an estimate of the total funding to be paid during this Funding Agreement, and may be revised due to variations in occupied places', from the second paragraph.
Delete in '2005 – 2006' and insert 'during this Funding Agreement' in the sixth paragraph.
Insert a third column to the first and second tables and insert the following words in the first row of each:
2006-07 Financial Year
(1/7/06 to 30/9/06)
(Estimate)*
 5. *Vary Item 5 c of the Schedule as follows:
Insert a fifth row in the tables and insert '1 July 2006 (within 10 working days)' in the Payment Date column.

Delete the words: 'As at 1 July 2005, there are 100 Family Day Care places allocated to Pilbara Family Day Care Scheme. If the number of occupied places remains lower than the number of allocated places by more than 15% or 30 places (whichever is the lessor) over a period of 12 months, the Funding Recipient may be required to return a portion of unoccupied allocated places to the Department.'*
 6. *Vary Item 6 of the Schedule as follows:
Delete '30 June 2006' and insert '30 September 2006' in the second paragraph in Item 6.2 (a) (i)
Delete '30 June 2006' and insert '30 September 2006' in the first column of the table in Item 6.2 (a) (i); and*

The Parties agree that:

- (a) the variations set out in the Letter of Variation take effect from the date on which the Letter of Variation is signed by the Funding Recipient and the Commonwealth;*
- (b) any terms used in the Letter of Variation which have their initial letter(s) capitalised shall have the meaning ascribed in the Agreement; and*
- (c) there are no amendments to the Agreement other than the amendments expressly set forth above in the Letter of Variation, and the Agreement shall remain in full force and take effect and unamended in all other respects.”*

and

- ii) the Mayor and the Chief Executive Officer sign the variations to the Agreement and that the Common Seal of the Town of Port Hedland be affixed to the document.**

CARRIED 8/0

11.2.3.2 Transference of places to another provider Division 16 - Mirtanya Maya (File No.: CMS-034)

Officer Deborah Craigie
Manager Human Services

Date of Report 8 August 2006

Disclosure of Interest by Officer Nil

Summary

As the new aged care facility, Kalarra House, draws closer to completion it is necessary to transfer the 12 residential care places currently in use at Mirtanya Maya and the 24 provisionally allocated places from the Town of Port Hedland to the Western Australian Country Health Service for occupancy at the at the new aged care facility.

Background

The Town of Port Hedland and West Australian Country Health Service entered into a joint venture agreement on the 4th May 2004 to combine the 36 Mirtanya Maya residential cares places with the 20 residential care places from Yulunya Nursing Home to be used for high and low level residential care at Kalarra House.

In order to transfer places from one aged care provider to another, the Aged Care Act 1997 requires a 'Transference of Places to Another Provider - Division 16' form to be completed and submitted to the Commonwealth Department of Health and Ageing advising of the intention to transfer residential aged care places to another provider.

Consultation

Western Australian Country Health Services
Commonwealth Department of Health and Ageing
Project Development Officer – Kalarra House Aged Care Facility

Policy Implications

Required by the Aged Care Act 1997

Strategic Planning Implications

Goal 3, Strategy 3.3.1 Successfully manage the transition from Mirtanya Maya to the new State Government Aged Care Facility.

Budget Implications

Nil.

Officer's Comment

The completion of the 'Transference of Places to Another Provider - Division 16' form is part of the primary process required by the Commonwealth Department of Health and Ageing to transfer residential care places from one provider to another.

This is basically an administrative matter, but required Council approval in order for the document to be sealed.

200607/008 Council Decision/Officer's Recommendation

Moved: Cr A A Carter **Seconded:** Cr G D Bussell

That the Town of Port Hedland Common Seal be affixed, and Chief Executive Officer and Mayor be authorised to sign the Commonwealth Department of Health and Ageing's 'Transference of Places to Another Provider Division 16' form, in order to advise the Department of the Council's intention to transfer aged care places to another provider.

CARRIED 8/0

11.2.4 Environmental Health Services**11.2.4.1 Funeral Directors Licence – Pilbara Funeral Services
(File No.:05/08/0002)**

Officer Darryal Eastwell
Manager Environmental
Health Services

Date of Report 2 August 2006

Disclosure of Interest by Officer Nil

Summary

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

Background

Pilbara Funeral Services were issued with a Funeral Directors Licence on 26 May 2006 (part thereof licenced only for 2006), which expired on 31 July 2006 and as such have applied for a renewal of this licence.

Consultation

The application has been referred to Councils Manager Administration and Manager Planning.

Statutory Implications

Cemeteries Act 1986
Town of Port Hedland Cemeteries Local Law 2000

Policy Implications

13/012 Licensing of Funeral Directors

Strategic Planning Implications Nil

Budget Implications

Licence Application Fee - \$150.00

Officer's Comment

Mortuary and Viewing Room Facilities and Vehicles

The applicant has advised that they have the approval of the Port Hedland Regional Hospital to utilise their Mortuary, Viewing Room and Chapel facilities.

Town Planning

The applicant has a current Home Occupation licence to conduct this business.

Public Liability

As part of the licencing requirements a certificate of currency has been provided, which expires on 1 May 2007. A condition will be placed on the licence to ensure that the insurance is kept current at all times.

Policy

The application received from Pilbara Funeral Directors is in accordance with Councils Licensing of Funeral Directors policy.

200607/009 Council Decision/Officer's Recommendation

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

That in accordance with the Cemeteries Act 1986 and the Town of Port Hedland Cemeteries Local Law, Mr Gavin Ness of Pilbara Funeral Services be issued a Funeral Directors Licence for the 2006/07 year.

CARRIED 7/1

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

Record of Vote:

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

11.2.4.2 Funeral Directors Licence – Hedland Funeral Services (File No.:05/08/0002)

Officer Darryal Eastwell
Manager Environmental
Health Services

Date of Report 2 August 2006

Disclosure of Interest by Officer Nil

Summary

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

Background

Hedland Funeral Services were issued with a Funeral Directors Licence on 26 May 2006 (part thereof licenced only for 2006), which expired on 31 July 2006 and as such have applied for a renewal of this licence.

Consultation

The application has been referred to Council's Manager Administration and Manager Planning.

Statutory Implications

Cemeteries Act 1986
Town of Port Hedland Cemeteries Local Law 2000

Policy Implications

13/012 Licensing of Funeral Directors

Strategic Planning Implications Nil

Budget Implications

Licence Application Fee - \$150.00

Officer's Comment

Mortuary and Viewing Room Facilities and Vehicles

The applicant has advised that they have the approval of the Port Hedland Regional Hospital to utilise their Mortuary, Viewing Room and Chapel facilities.

Town Planning

The premises currently have planning approval for the operation, and is approved for storage and an office.

Public Liability

As part of the licencing requirements a certificate of currency has been provided, which expires on 31 July 2007.

Policy

The application received from Hedland Funeral Directors is in accordance with Councils Licencing of Funeral Directors policy.

Officer's Recommendation

200607/010 Council Decision/Officer's Recommendation

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

That in accordance with the Cemeteries Act 1986 and the Town of Port Hedland Cemeteries Local Law, Mrs Christine Hunt of Hedland Funeral Services be issued a Funeral Directors Licence for the 2006/07 year.

CARRIED 8/0

11.2.5 Ranger Services**11.2.5.1 Authorisation of Training Ranger (File No.: RAN-001)**

Officer Peter Kenneth Wilden
Co-ordinator Ranger
Services

Date of Report 13 August 2006

Disclosure of Interest by Officer Nil

Summary

Mr Todd Quatermaine has been recruited as Training Ranger for the Town of Port Hedland commencing on 4 September 2006, and requires Council authorisation in various capabilities under a multitude of legislation requirements.

Background

Authorisation of Rangers in various capabilities under a multitude of legislation allows those officers to carry out their duties, and have full protection of the various Acts and Regulations, to which they are required to enforce.

Rangers are required to be authorised under the following Acts and Regulation to carry out their functions:

- Caravan Parks and Camping Act 1995 appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.
- Caravan Parks and Camping Ground Regulations 1997, appointed as Authorised Persons for the purpose of Section 17(1), 23(11), and 23(2) of the Regulation and to prosecute on behalf of Council.
- Dog Act 1976 and Regulations (as amended) appointed as Authorised Persons for the purpose of the Act and authorised to effect the registration of dogs.
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.
- Litter Act 1979 and Regulations appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.

- Bush Fires Act and Regulations appointed as Bush Fire Control Officer and Authorised officer to prosecute on behalf of Council for the purpose of the Act.
- Local Government Act (Miscellaneous Provisions) 1960 Part XX as Poundkeeper and Ranger.

Statutory Implications

The Town of Port Hedland Rangers have authority to enforce and prosecute in relation to the following Acts and the protection of those Acts and Regulations in the day-to-day duties of the officers:

The Dog Act 1976
Caravan Parks and Camping Act 1995
Caravan Parks and Camping Grounds Regulations
Local Government Act 1995
Litter Act 1979
Bush Fires Act 1954

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment Nil

200607/011 Council Decision/Officer's Recommendation

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

That Todd Quartermaine be authorised or appointed as appropriate, pursuant to the following provisions:

- i) **the Dog Act 1976 (as amended) and Regulations as an Authorised Person and prosecute on behalf of Council for the purpose of the Act;**
- ii) **the Dog Act 1976 (as amended) as a Registration Officer to effect the registration of dogs;**
- ii) **the Caravan Parks and Camping Act 1995 as an Authorised Person and to prosecute on behalf of Council for the purpose of the Act;**
- iii) **the Caravan Parks and Camping Grounds Regulations appointed as an Authorised Person under sections 17(1), 23(11), and 23(2) and to prosecute on behalf of Council for the purpose of the Regulation;**

- iv) the Local Government Act 1995 and Town of Port Hedland Local Laws;
- v) the Control of Vehicles (Off Road Areas) Act 1978 and Regulations as an Authorised Officer and to prosecute on behalf of Council for the purpose of the Act;
- vi) the Local Government Act (Miscellaneous Provisions) 1960 Part XX as a Poundkeeper and Ranger.
- vii) the Litter Act 1979 and Regulations as an Authorised Officer and to prosecute on behalf of Council for the purpose of the Act; and
- viii) the Bush Fires Act 1954 (as amended) and Regulations as a Fire Control Officer for the purposes of Fire Prevention.

CARRIED 8/0

6:35 pm Councillor Arthur Gear declared an interest in Agenda Item 11.2.5.2 'Authorisation of Dog Registration Officers – Dog Act 1976' as he is related to one of the employees.

Councillor Arthur Gear left the room.

11.2.5.2 Authorisation of Dog Registration Officers – Dog Act 1976 (File No. :RAN-001)

Officer Peter Wilden
Co-ordinator Ranger
Services

Date of Report 27 July 2006

Disclosure of Interest by Officer Nil

Summary

Council is to consider the appointment of Dog Registration Officers for the Town of Port Hedland.

Background

Council allows for the registration of dogs at both the Town of Port Hedland's Civic Centre as well as the South Hedland Library. The Dog Act 1976 requires that all persons that register dogs be authorised under the said Act to carry out this function.

Consultation

Not Applicable

Statutory Implications

Dog Act 1976 (as amended)

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Authorisation of officers will need to be advertised in the Government Gazette, which will incur a cost to Council.

Officer's Comment

It is a legal requirement that any officer that affects the registration of dogs be authorised. Authorisation of officers also gives the Council and staff legal protection while carrying out this function while acting in good faith.

The following library staff members act in a capacity that requires them to be authorised as Dog Registration Officers:

Cristina Rodriguez - Logie
Janine Dhu

As the following staff member has left the employ of the Town of Port Hedland their authorisation must be cancelled:

Tracey Dhu

200607/012 Council Decision/Officer's Recommendation

Moved: Cr D R Pike **Seconded:** Cr A A Carter

That:

- i) **the following staff members be authorised as Dog Registration Officers for the Town of Port Hedland pursuant to the Dog Act 1976:**

Cristina Rodriguez Logie and Janine Dhu

- ii) **this authorisation be advertised in the Government Gazette; and**

- iii) **Tracey Dhu authorisation as a Dog Registration Officer is to be cancelled.**

CARRIED 7/0

6:35 pm Councillor Arthur Gear re-entered the room and assumed his chair.

Mayor advised Councillor Gear of Council's decision.

11.2.5.3 Consultation on the Proposed Vehicular Access/ Restrictions Pretty Pool and Cemetery Beach (File No.: RAN-027)

Officer Peter Wilden
Co-ordinator Ranger
Services

Date of Report 3 August 2006

Disclosure of Interest by Officer Nil

Summary

At the May 2006 Ordinary Council Meeting Council resolved as follows "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"

Background

In line with Councils resolution, ongoing consultation has been undertaken between the Chairperson of the Care for Hedland Environmental Group, Ms Kelly Howlett and the Coordinator of Ranger Services Mr. Peter Wilden. The discussions are based around seeking possible solutions to excluding vehicles from Pretty Pool and Cemetery Beach.

Consultation

During talks with Ms Howlett she expressed her desire to initiate a comprehensive community consultation with relevant stakeholders, Local Government, traditional owners, and users of the beaches and the Port Hedland Motor Bike Riders Club for ideas relating to the project.

The consultation is likely to include the following.

- Public displays and local shopping centers and local libraries (comment period 6 weeks)
- Local newspaper advertising (coinciding with the 6 week public comment period)
- Public meetings and Informative and awareness raising letter and pamphlet drops of beach usage and the threat to native wildlife and dune erosion caused by motor vehicles.
- Meetings organised with user groups (i.e. Hedland Senior High School, Youth Involvement Centre, Hedland Riders Association and Port Hedland Motorcycle Club).

Ms Howlett expressed that the community consultation process should be started in early to mid September, after the Cemetery Beach enhancement work had been completed.

As the installation of physical barriers along Cemetery Beach and at Pretty Pool will be impacted by the Port Hedland Enhancement Scheme upgrading works and the Pretty Pool Subdivision respectively, the installation of bollards, etc. will be undertaken by Council's Engineering Services (funded by Care for Hedland Association Inc.) in consultation with the project managers of each of these projects.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

It is considered that their needs to be a program initiated for the education of the public in relation to areas to be excluded from vehicular use.

It is hoped that this program will streamline the implementation process.

200607/013 Council Decision/Officer's Recommendation

Moved: Cr D R Pike **Seconded:** Cr G J Daccache

That Council receives and notes this report.

CARRIED 8/0

11.2.6 Arts, Community and Recreation Services**11.2.6.1 Request for Permission to Affix Plaque in Leap Park
(File No BLD-044)**

Officer Claire Roberts
Events Co-ordinator

Date of Report 13 July 2006

Disclosure of Interest by Officer Nil

Summary

Wangka Maya Pilbara Aboriginal Language Centre has written to Council requesting permission to affix a plaque commemorating the 1946 Pilbara Aboriginal Pastoral Worker's Strike to a rock in Leap Park (Anderson Street, Port Hedland).

Background

In the first week of May 2006 Wangka Maya Pilbara Aboriginal Language Centre (henceforth referred to as Wangka Maya) held a week of activities commemorating the 60th anniversary of the 1946 Pilbara Aboriginal Pastoral Worker's Strike.

As part of the celebrations, a plaque was presented to Wangka Maya by the Maritime Union of Australia. The plaque reads as follows:

“1946 Pilbara Aboriginal Pastoral Workers Strike

commemorating
the solidarity between worker's unions and Pilbara Aboriginal
people who went on Strike on

1st May 1946

Together Unions and Aboriginal people stood up for wages, better conditions and human rights for Pilbara station workers.

Aboriginal people walked off traditional land. Unions blockaded the loading of wool bales at Port Hedland wharf, raised funds and provided food for the Strikers to support their cause.

Aboriginal people found strong friends in the Unions when others looked away. Together they took just and brave action that changed the course of Australian history.”

The plaque is 20cm x 15cm.

Wangka Maya have written to Council requesting that the plaque be affixed to an existing rock alongside the Leap Park Strike Sculpture in Leap Park, on Anderson Street

Wangka Maya will cover all costs associated with the installation of the plaque.

Leap Park is zoned as 'Town Centre'. A map is attached.

Consultation

Internal consultation with Building and Planning Services.

Statutory Implications

Nil

Policy Implications

This particular type of signage is not specifically mentioned in any of Council's policies.

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

A prominent interpretive sign explaining the history of the 1946 Strike and its relevance to Port Hedland already accompanies the sculpture. This information is more detailed than that on the plaque proposed by Wangka Maya. As such, the Wangka Maya plaque is not necessary to enhance the visitor's understanding or appreciation of the sculpture and its meaning.

Wangka Maya and the Maritime Union did not contribute to the production of the Strike Sculpture or park. A plaque erected in the park and near the sculpture on the behalf of either organisation implies some sort of contribution when this is not the case.

Allowing Wangka Maya to affix the plaque will set a precedent for other community groups and business organisations wishing to commemorate causes that are just as worthy.

On the other hand, Wangka Maya's interest in promoting the history of Port Hedland to locals and visitors alike is highly commendable.

Rather than placing the plaque near the Strike Sculpture in Leap Park, it might be suggested that they investigate the possibility of creating a separate memorial or display, either publicly or privately, and use the plaque as interpretive signage for the project.

Council has two options:

1. Allow Wangka Maya to affix the plaque to a rock in Leap Park at their own expense
2. Refuse permission for Wangka Maya to affix the plaque in Leap Park

Officer’s Recommendation

That Council refuses permission for Wangka Maya to affix the plaque to a rock in Leap Park.

200607/014 Council Decision

Moved: Cr G J Daccache **Seconded:** Cr D R Pike

That Council allow Wangka Maya to affix a commemorative plaque to the rock in Leap Park at no expense to Council.

CARRIED 6/2

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

Record of Vote:

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

REASON: Council resolved to allow Wangka Maya to affix the commemorative plaque to the rock in Leap Park.

ATTACHMENT TO AGENDA ITEM 11.2.6.1



11.2.6.2 Request for Council Policy – Promoting Smoke-Free Recreation Areas (File No.: 26/08/0001)

Officer Béc Coxall
Sports and Recreation
Officer

Date of Report 2 August 2006

Disclosure of Interest by Officer Nil

Summary

Correspondence was received from Ms Sarah Jones (letter attached) in regards to the lack of tobacco control at Kevin Scott Oval in South Hedland during sporting events. She has requested that the Town of Port Hedland investigate introducing some control at recreation reserves.

Background

Ms Jones contacted the Town of Port Hedland in June indicating that the lack of tobacco control for recreation events should be investigated.

Once the letter was received, the Manager Arts, Recreation and Community, drafted a policy in regards to this issue with the following terms of reference:

“General Conditions of use of Recreation Reserves”

All Recreation Reserves owned by the Town of Port Hedland or managed on behalf of the Town of Port Hedland are designated as non-smoking recreation venues within boundaries described as follows:

1. Smoking is prohibited by staff and patrons during sporting events for which the reserves have been booked, as follows:

- No smoking is permitted on any of the grassed areas within the boundaries of the playing fields*
- No smoking is allowed within 10 metres of access to a clubhouse, or ablution block entrance*
- Designated smoking areas are those areas outside the small boundary fence on the reserve*
- The officially designated licensed area is also a designated smoking area”*

This draft policy was electronically sent to All Council Staff, all sporting contacts and community members on the Sports and Recreation Database for their feedback, with 18 responses in total. Selections of these responses are:

“No chance, CAN'T beleive (sic) what I read. Who WOULD police this????????????? Can't stop glass on ovals never mind smoking.”

“I believe if you try to implement this policy you will find a lot of people moving away from playing, watching or helping out in junior and senior sports.”

“My only concern would be who is going to police it. I think you would get some strong opposition from some sporting clubs in this area as they do not have the resources to police such a policy.”

“...I think it is a great initiative, especially at Junior sports.”

“I think the Town of Port Hedland would be better off encouraging sport rather than discouraging it. The Town of Port Hedland hasn't exactly covered itself in glory in promoting sports of late. “

“I believe the policies should be “Association adopted” in their own manner, and in line with their State governing bodies... As far as spectators are concerned, we can only designate NON-SMOKING areas for spectators – while the rest of the spectator area will be difficult for anyone to police!”

“Sport is struggling to survive in Port Hedland as it is, more restrictions are going to really help it go down. At present the bad management of the reticulation situation will ensure we suffer dearly. (At least there is fair notification of this proposal.)”

“Maybe giving up sport altogether is the option in Port Hedland, this seems to be the path that the shire is leading us all on.”

“Hopefully this proposed policy to Council will be supported and endorsed.”

“In these heady days of unrealistic expectations we should err on the side of reasonableness. Smoking is not against the law, so to endeavour to ban smoking anywhere near a playing reserve or clubhouse would be more than a little unreasonable in my view.”

The overall response to the policy is tabled below.

Enforce Policy	Do Not Enforce Policy / Encourage Association to Enforce No-Smoking
8	10

Consultation

Electronic consultation took place with all staff and Councillors, and approximately 110 sporting and community contacts within the Sports and Recreation Database.

Statutory Implications

Nil

Policy Implications

- The adoption of this policy would alter Policy 6 to read:

“General Conditions of use of Recreation Reserves”

All Recreation Reserves owned by the Town of Port Hedland or managed on behalf of the Town of Port Hedland are designated as non-smoking recreation venues within boundaries described as follows:

1. Smoking is prohibited by staff and patrons during sporting events for which the reserves have been booked, as follows:

- *No smoking is permitted on any of the grassed areas within the boundaries of the playing fields*
- *No smoking is allowed within 10 metres of access to a clubhouse, or ablution block entrance*
- *Designated smoking areas are those areas outside the small boundary fence on the reserve*
- *The officially designated licensed area is also a designated smoking area”*

Strategic Planning Implications Nil

Budget Implications

It is not anticipated that the inclusion or rejection of this policy will alter the budget in any way.

Officer's Comment

The detrimental effects of passive smoking are public knowledge, and in an environment where a participant in a sporting event is breathless, these damaging effects can be increased if inhaling second-hand smoke.

The participation in Sport and Recreation within Port Hedland is very high, for both social and health reasons, however the feedback received from community members indicate that a ban on smoking from the Town of Port Hedland's perspective may not be the most effective way to encourage a smoke-free sporting environment.

Council has four options:

1. Adopt the proposed policy and enforce a smoking ban within all playing areas during organised sport bookings;
2. Alter the proposed policy;
3. Not adopt the proposed policy and encourage all sporting associations to adopt their own policy in terms of promoting a smoke-free playing area; or
4. Not adopt the proposed policy.

It is recommended that Council adopt option 3:

200607/015 Council Decision/Officer's Recommendation

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

That:

- i) **Council does not adopt the proposed policy as follows:**

“General Conditions of use of Recreation Reserves”

All Recreation Reserves owned by the Town of Port Hedland or managed on behalf of the Town of Port Hedland are designated as non-smoking recreation venues within boundaries described as follows:

1. ***Smoking is prohibited by staff and patrons during sporting events for which the reserves have been booked, as follows:***
 - ***No smoking is permitted on any of the grassed areas within the boundaries of the playing fields***
 - ***No smoking is allowed within 10 metres of access to a clubhouse, or ablution block entrance***
 - ***Designated smoking areas are those areas outside the small boundary fence on the reserve***
 - ***The officially designated licensed area is also a designated smoking area”;***
- ii) **all sporting associations be encouraged to adopt their own policy in terms of promoting a smoke-free playing area; and**
- iii) **Mrs Sarah Jones be advised in writing of Council's decision.**

CARRIED 6/2

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

Record of Vote:

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

NOTE: SIMPLE MAJORITY VOTE REQUIRED

Mr Chris Adams
Chief Executive Officer
Town of Port Hedland
McGregor Street
Port Hedland 6721

1 June 2006

Dear Mr Adams

I am writing to express my concerns over the current lack tobacco control at Town of Port Hedland's Kevin Scott Oval in South Hedland.

As you are no doubt aware this oval is the venue for the weekly Touch competition as well as various other sports. The Touch competition draws a number of spectators including adults and many children. It is unfortunate that some of these spectators smoke.

As a touch rugby player myself, there is nothing worse than coming off the field, gasping for air to have my lungs filled with someone else's tobacco smoke. It seems ridiculous and ironic that in such a healthy environment, when engaging in physical activity, we should have to be exposed to this.

As an employee of the health service, I am well versed with the side effects of second hand smoke. **There is no safe level of exposure to second-hand smoke.** Exposure to second-hand smoke is a significant cause of death, illness and discomfort. In the short-term, non-smoking adults exposed to second-hand smoke suffer from irritation of the eyes, nose and throat, headaches and coughs.

In the longer term, a number of comprehensive reviews have confirmed that exposure to second-hand smoke increases a non-smoker's risk of lung cancer, heart disease and respiratory illnesses, including bronchitis and emphysema.

Last year and more recently I have spoken to the Town of Port Hedland's Sport and Recreation Officer, about this issue and I was informed that it be recommended to be put to Council. However the issue continues to occur every week.

Surely the Town of Port Hedland supports a healthy environment and has a smoke-free policy for their sporting venues, which is communicated to the relevant associations (in this case the Touch Association) that use their facilities? If so, who enforces the implementation of the policy?

I look forward to your response.

Yours sincerely

Sarah H M Jones

cc.Sport and Rec Officer
Parks & Gardens
Hedland Touch Association

11.2.6.3 JD Hardie Centre Management Contract (File No.: 26/05/0012)

Officer Bec Coxall
Sports and Recreation
Officer

Date of Report 8 August 2006

Disclosure of Interest by Officer Nil

Summary

After deliberation, the JD Hardie Centre Working Group recommends that Council does not outsource the management of the JD Hardie Centre (currently managed by the YMCA). It is recommended that the facility has a joint use as a recreation and youth centre, where the Town of Port Hedland manages recreation, and the primary tenants for the youth sector managed by the Youth Involvement Council (YIC). YIC have approached the Town of Port Hedland with this offer (letter attached).

Background

The JD Hardie Centre is currently under a management agreement with the YMCA Inc and is utilised primarily as a user pays premise (as part of Council's agreement). The YMCA manages all sports programmes and competitions plus a fitness centre. As the agreement with the YMCA has currently expired, the Town of Port Hedland will be required to determine the future of the JD Hardie Centre in terms of management. The current choices are to either call tenders for the management of the facility or manage the facility in its own right.

At the Ordinary Council Meeting on 22 February 2006, Council resolved in part to:

"... create a working group, called the JD Hardie Centre Working Group, to function for a short period to consider future uses of the JD Hardie Centre ..."

The JD Hardie Centre Working Group has met on numerous occasions to discuss the Management options and expected outcomes of the Centre. Currently, the JD Hardie Centre is utilised primarily as the central recreation facility in Port Hedland for organised sport. It has however, through consultation for the Strategic Plan, been determined that the need for youth facilities is a high priority.

As part of Council's Strategic Plan, a study has been undertaken for the feasibility and development of a new multi-purpose sports facility within Port Hedland, where the majority of organised sport will likely be housed once the building is complete.

In the meantime however, a facility will need to be available for organised sport until the new multi-purpose recreational facility is constructed. By allowing a co-operative between both youth and recreational services, the JD Hardie Centre can be accessible by all community members, and meeting various goals that are outlined in the Strategic Plan.

The Youth Involvement Council (YIC) currently has funding to provide a service for at risk youth, which operates from the Lawson Street Youth Centre in South Hedland. This building can only house approximately 40 people at any one time due to space restrictions, and there are approximately 700 youth in the Hedland area. Ultimately this means there are a number of youth unable to access this facility.

YIC's current services include the Drop in Centre – located at Lawson Street, the Youth Accommodation Program – in Stanley Street and the Mingle Mob Program. This creates management difficulties for the staff at YIC, and can cause greater difficulty in terms of access. It therefore seems reasonable for YIC to be able to utilise the JD Hardie Centre as a youth centre, whilst the Town of Port Hedland retains the Recreational Services currently offered.

YIC has offered a joint partnership with the Town of Port Hedland with \$600,000 in funding secured to expand the current YIC Lawson Street facility, which can be transferred to the JD Hardie Centre.

The Town of Port Hedland would work in conjunction with YIC in a timetabled fashion; all recreation programmes would be slotted into a venue, and YIC would utilise the facility at all other times, including all the services that are auspiced with YIC including the Youth Accommodation Program and Mingle Mob.

Consultation

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

A survey was distributed to youth via primary schools and approximately 150 were returned. These survey results were then taken to the Working Group party to discuss the most preferred option for future uses of the JD Hardie Centre.

Relevant Council staff have also been consulted.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 3 – Community Development

Goal 2 – Sports and Leisure

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

Budget Implications

The YMCA is currently under a contract whereby the Town of Port Hedland pays a monthly operational subsidy of \$17,581 (\$210,972 per annum). If a tender is not awarded for the management of the facility, this expenditure will not occur. However, additional staff would need to be employed to continue the existing recreational services that are currently offered at the JD Hardie Centre, and the wages and employment types would need to be determined.

An agreement between YIC and the Town of Port Hedland would also need to be developed to determine type of occupancy and income / expenditure.

Officer's Comment

As outlined in the Strategic Plan, youth within Hedland are a priority, and therefore providing a service for the youth in the community is imperative. The Youth Involvement Council has a proven relationship with at-risk-youth and would like to expand their services offered to allow more youth access to their facility. By moving their operation into the JD Hardie Centre, the youth of Hedland are advantaged by a larger and more diverse facility than what is currently at Lawson Street.

It is also important to continue the recreation services that are currently offered at the JD Hardie Centre, as recreation is an integral component of the Hedland lifestyle, as well as a healthy lifestyle option. By offering a joint service whilst the new Multi-Purpose Recreational Facility is in discussion, community members can benefit from both services.

The option to outsource the JD Hardie Centre was discussed in length with the JD Hardie Centre Working Group, as well as the type of services that would be on offer. By allowing YIC to manage the youth services (a service they already offer effectively within the community despite the area constraints), with the Town of Port Hedland ensuring recreational services continue, the JD Hardie Centre should be able to operate as a cooperative between the two.

Staff currently employed by the YMCA at the Y @ JD all have the knowledge and expertise of the programmes currently offered, and all are local. This allows for a potential changeover of staff from the YMCA to the Town of Port Hedland and continuation of most current services.

200607/016 Council Decision/Officer's Recommendation

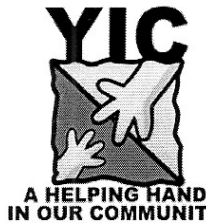
Moved: Cr A A Carter **Seconded:** Cr D R Pike

That:

- i) management of the JD Hardie Centre not be tendered,**
- ii) during the interim period, whilst the Multi-Purpose Recreation Facility is in discussion, the JD Hardie Centre be managed by Council;**
- iii) three (3) months notice of Council's intention to resume management of the JD Hardie Centre be provided to the YMCA;**
- iv) employment of staff currently employed by the YMCA be considered; and**
- v) discussions commence with the Youth Involvement Council over future management of the facility as a co-operative with the Town of Port Hedland.**

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.2.6.2



Youth Involvement Council Inc.

We gratefully acknowledge partial funding from State Departments of Community Development & Corrective Services and support from the Town of Port Hedland.

ABN 17 342 353 411

Chris Adams
Chief Executive Officer
Town of Port Hedland
P.O. Box 41
Port Hedland, 6721
Western Australia

12th July 2006

RE: **PROPOSAL TO RELOCATE YOUTH INVOLVEMENT COUNCIL AND ITS SERVICES TO Y @ THE JD.**

Dear Chris,

The Management of the Youth Involvement Council Inc (YIC) writes to you to advise that we agree in principle with the proposal that has been put forward to relocate all of YIC services to the Y @ the JD. YIC is interested in entering into a joint venture/partnership arrangement, with the terms being explored through the development of a Business Management Plan for the use of the facility.

YIC Management encourages the Town of Port Hedland to consider YIC to be the preferred provider to deliver and potentially manage this facility. We believe that this is viable and as a service that has been coordinating and facilitating "at risk" youth activities for the past decade we will bring with us:

- Proven expert knowledge in the Youth field
- Proven financial stability and accountability
- Proven program success with all objectives and performance indicators achieved better than requested
- Three year recurrent funding for programs currently facilitated
- Stable & reliable staff
- Proven community support and contacts

This offer from YIC brings with it approximately \$600,000 in funding secured to expand the current YIC Lawson Street facility (due to otherwise commence immediately) and subject to approval for variation from funding bodies. We propose that this funding be amalgamated with Town of Port Hedland funding (\$300,000) for the suitable fit-out and development of the facility for the purposes of a Multi-Agency Drop-In Centre, with associated Administration and Accommodation requirements.

YIC Management makes this in principle agreement with the following conditions:

1. A Business Plan is developed in consultation with the Town of Port Hedland and the current YIC Management Committee. The Business Plan will include an analysis of the financial viability of the centre, other potential service providers in addition to YIC and the work required to upgrade the facility including repairing any current building defects.

Administration
PO Box 2543, South Hedland WA 6722
Ph: (08) 91401272 Fax (08) 9172 1009
Email: manager@yic.com.au

YAP (Youth Accommodation Program)
Ph: (08) 91 401668, Fax (08) 9172 5594
Email: senior.housing@yic.com.au

Lawson Street Youth Centre
Ph: (08) 9140 2637
Fax: (08) 9172 1009
Email: senior.yc@yic.com.au

Mingle Mob
Ph: (08) 9172 3623
Fax: (08) 9172 1009
Email: senior.mm@yic.com.au

www.yic.com.au

2. That **all** YIC staff and services are managed, located and facilitated from the Y @ the JD complex. This includes:
 - Drop in Centre – currently located at Lawson Street
 - Youth Accommodation Program – currently at Stanley Street (for future planning)
 - Mingle Mob – Youth Street Outreach Program
3. That there is a separate modernized administration building built to accommodate senior staff and run the service administration from.
4. Town of Port Hedland supports that, subject to examination of the Business Plan and YIC's acceptance, one proposal could be that YIC will manage the facility including all financial and administrative processes.
5. TOPH will support YIC to actively encourage and support involvement from private industry and State and Federal Government agencies to be located on site in order to assist with case management of individual youth and their families. These groups will support the placement of their staff to be located on site during work hours as part of the drive to have this become the Youth Hub of South Hedland.
6. For these services to operate from this complex, individual departments will be required to contribute towards administration and operational costs.
7. TOPH will contribute the current operational budget that they provide the Y @ the JD who will fully manage these funds accordingly.
8. The management structure of the facility will be determined during the development of the Business Plan.

This is a significant decision for the current YIC Committee and is one that is not taken lightly. By doing this YIC believes that a new level of engagement with the youth of Port Hedland will now be possible given the now increased availability of the Y@JD. YIC looks forward to working in a spirit of cooperation and a high level of coordination with all stakeholders to achieve an improved future for the youth of this town.

Yours truly,

Raymond Fischer
Chairperson
Youth Involvement Council Inc

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 August 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***

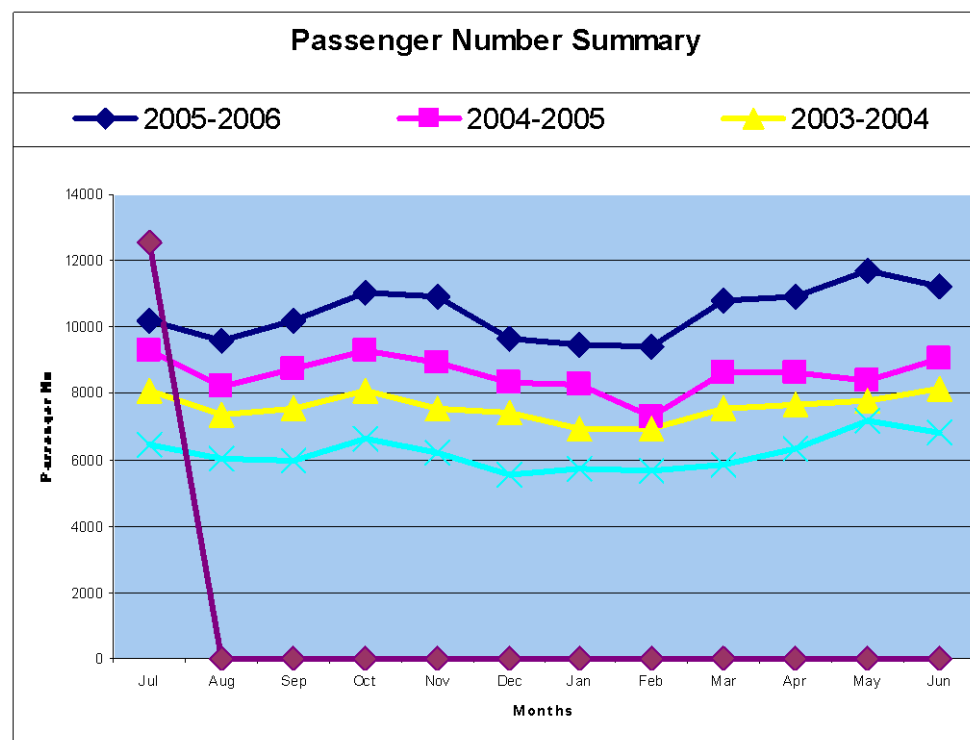
PROJECT	STATUS
<i>South Hedland Cemetery Upgrade</i>	Cemetery Upgrade Committee meeting held in July 06. Painting of ablution block complete. Replacement fencing received. Works continuing to program.
<i>Airport Upgrade</i>	Traffic management improvements are continuing. Resealing of airport roads and car park are now complete.
<i>Playgrounds</i>	New playground equipment (including rubber softfall) ordered for Colin Matheson Oval. Expected installation date mid September. Old equipment to be removed by Engineering Services prior to installation.
<i>Black Spot Funding</i>	Throssell Road, North Circular/Hamilton and North Circular/Murdoch project has been delayed due to contractor unavailability. Survey work is currently taking place for these projects. Survey for North Circular/Murdoch

	has been forwarded to Taurus Designs for intersection improvements.
<i>Roads to Recovery Funding</i>	Butt Weld Road to North Circular Road boundaries have been surveyed by contractors.
<i>Regional Road Group Funding</i>	Installation of guardrail on Hamilton Road continuing. Application for Hillside-Woodstock Road for resheeting and formation improvements has been approved.
<i>Landfill</i>	Draft Waste Management Strategic Plan presented to Council – awaiting their comments prior to proceeding.
<i>Walkway Lighting</i>	Funding application submitted for further improvements to walkway lighting.
<i>Reseals</i>	06/07 Reseal Program has commenced.
<i>Kerbing Construction</i>	Engineering Services to commence removal of old kerbing in preparation for the 06/07 Kerbing Construction Program. Contractors will commence late August.
<i>Footpath Construction</i>	06/07 Footpath Construction Program is due to commence early September.
Wedgefield Upgrade	Schedule of works has been prepared based on road hierarchy system. Consulting with Taurus Designs for triple road train turning radius standards.
Concessional Loading Scheme	Approval for I R Cumming Pty Ltd.
Local Recovery Plan	With the introduction of the Emergency Management Act in December 2005, Local Government has been given the function to manage an emergency affecting a community in it's district. In response to this requirement the Town of Port Hedland has established a Local Recovery Coordination Committee as a working group of Council and the committee is in the process of finalising a Local Recovery Plan as required by the Act.

Parks and Gardens

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

Airport



Information Source BTRE May 2006

Route	Ranking In Aust	Pax Numbers	Available Seats	Load Factors	Aircraft Movements
Port Hedland-Perth	46	11,127	15,685	70.9	137
Karratha- Perth	29	25,199	34,716	72.6	262
Kalgoorlie-Perth	35	17,132	27,133	63.1	243
Broome-Perth	32	21,623	32,210	67.1	225

Significant Aircraft Movements

02-07-06	ATR42	International Arrival Maldives
14-07-06	SAAB 340	International Arrival Maldives
	4 x BAE Hawks	79sqn Perth to Darwin
	1 x PC9	2fts
	2 x Aerocommanders	International Arrival Cocos Island
20-07-06	HS 125	International Departure Jakarta
21-07-06	4 x BAE Hawks	79sqn Darwin to Perth
29-07-06	HS748	International Departure Nigeria

Other

Airservices Australia completed the installation and flight testing of the new Doppler VOR.

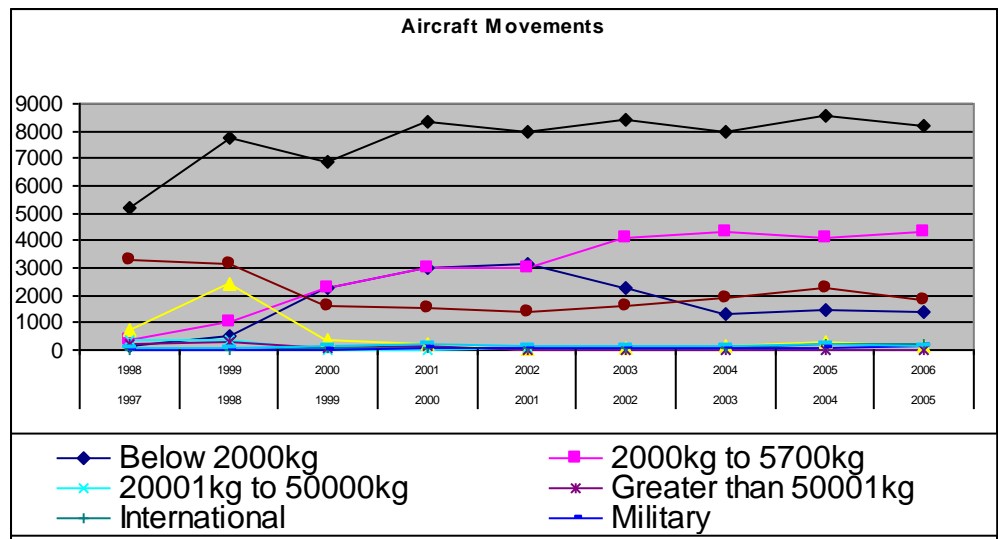
Australian Federal Police, Regional Rapid Deployment Team (RRDT) stationed at airport 27 and 28 July 2006

The Aircraft Movements Chart details annual aircraft movements at Port Hedland International Airport since 1997/1998.

An aircraft movement statistic is a landing and takeoff consisting of 2 movements. In the late 1980's approx 20,00 aircraft movements were experienced, however over the past 5 years movements have remained constant at approx 8,000 to 8,500 annually.

Some interesting notes to this chart:

- RPT movements have reduced, however passenger numbers have grown
- 2,000kg to 5,700kg movements have grown due in part to RFDS and Pearl Aviation Kingair aircraft based at the airport.
- Significant loss of aircraft movements in the 5,700kg to 20,000kg range since the late 1990's.
- A halving of military aircraft movements



Officer's Recommendation

200607/017 Council Decision/Officer's Recommendation

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

That Council receives the Engineering Services Report for July 2006.

CARRIED 8/0

11.3.1.2 *Tender 06/06 Wedge and Edgar Street Streetscape Enhancements (File No.: 23/08/0001)*

Officer Grant Logie
Director Engineering
Services

Date of Report 11 August 2006

Disclosure of Interest by Officer Nil

Summary

Tenders were recently called for the construction of streetscape enhancements on Wedge and Edgar streets.

Background

Engineering designs and specifications were prepared by Worley Parsons for the enhancements of Wedge and Edgar street Streetscape. The upgrade is a project of the Port Hedland Enhancement Scheme, a joint partnership between BHP Billiton, the State Government and Council. The project involves construction of pedestrian crossovers, car park construction, definition of existing car parking including kerbing, road reconstruction and definition, footpath construction, signage, line marking and tree planting. The estimated cost of the project, as provided by Worley Parsons is \$315,000.

Tenders were received from one (1) Tenderer, Works Infrastructure, as per Table 1 below:

Table 1:

Tenderer	Description	Price
Works Infrastructure	Concrete kerbing	\$88,268.18
	Footpath construction	\$195,631.09
	Earthworks	\$119,140.76
	Roadworks	\$442,796.78
	Signage	\$6,834.52
	Drainage	\$62,688.77
	Linemarking	\$13,314.00
Sub-Total		\$928,674.10
GST		\$92,867.41
Total		\$1,021,541.51

Consultation

The Pilbara Development Commission (PDC) has worked extensively with Worley Parsons for the design, engineering, documentation and cost analysis for this project.

Statutory Implications

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

Policy Implications

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

Strategic Planning Implications

Key Result Area 2 – Community Pride
 Goal 3 – Townscape
 Strategy 2 – Implement planned upgrade works for Edgar and Wedge streets

Budget Implications

New income and expenditure accounts to be raised in order to complete this project.

Officer’s Comment

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

Price	60%
Experience	10%
Resources (eg. Plant and equipment)	10%
Demonstrated understanding of required tasks	10%
Local Supplier	10%
Total	100%

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

Tenderer	Price (60%)	Experience (10%)	Resources (10%)	Understanding (10%)	Local (10%)	Total (100%)
Works Infrastructure	0%	10%	10%	5%	10%	35%

Works Infrastructure’s tendered amount is \$613,674.10 over the allocated budget for this project and is therefore unacceptable.

Engineering Services propose to re-assess the contract documentation and specifications. A detailed schedule of works will be prepared and cost estimates produced utilizing Council staff and contractors to complete the project. Once accurate estimates are received, Engineering Services shall present this to the Port Hedland Enhancement Scheme and Council for comment prior to undertaking the contract management and construction of the project.

200607/018 Council Decision/Officer's Recommendation

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

That:

- i) Council rejects all Tenders for 06/06 Wedge and Edgar street Streetscape Enhancements.**
- ii) Engineering Services to re-assess the contract documentation and specifications and then prepare a detailed schedule of works and cost estimates to present to Council and the Port Hedland Enhancement Scheme in order to complete the project in-house.**

CARRIED 8/0

11.3.1.3 Waste Management Plan (File No.: 31-08-0002)

Officer Grant Logie
Director Engineering
Services

Date of Report 11 August 2006

Disclosure of Interest by Officer Nil

Summary

Adoption of the Waste Management Plan for the South Hedland Landfill Facility prepared by consultant Harold McKenzie.

Background

Engineering Services presented Council with a draft Waste Management Plan for the South Hedland Landfill Facility at the Ordinary Council Meeting held on 28th June 2006.

Council resolved that:

“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.”

Council sought an opportunity to read the complete Draft Waste Management Plan, instead of the summary provided, prior to receiving the document.

Council received a complete copy of the Draft Waste Management Plan as requested. The following comments have been received:

- More attention to be given to recycling, particularly allocation of space for community recycling centre
- Consultant to provide a summary, priority listing and approximate costs of resolving issues identified
- Verification of current Waste Levy amount (1.4.3)
- Verification of current rate charges for refuse collection (2.1)
- Verification of waste quantities disposed of at Landfill (3.5)
- Verification of number of residents in each area and distance from Landfill (4.6)
- Plan to include actual budget amounts for 2005/06 (7.2)
- Plan to be revised to identify issues that have been resolved since original consultation

Consultation

- Harold C McKenzie AdipCE, EWS, FIEAust, CPEng (Specialist Consultant in Solid Waste Management)
- Councillors and Council staff

Statutory Implications

Environmental Protection Act – 1986 (Part 7A – Landfill Levy, Part 7B – Waste Management Operations).

Health Act – 1911 (Part 4 – Sanitary Provisions).

Health (Asbestos) Regulations – 1992 (Part 4 – Disposal of material containing asbestos).

Environmental Protection (Noise) Regulations – 1997

Environmental Protection Amendment Regulations (for control of the storage and disposal of tyres) – 1991

Environmental Protection (Liquid Wastes) Regulations – 1996

Environmental Protection (Controlled Waste) Regulations – 2001 (Part 2 – Licensing, Part 3 – Transportation and Disposal of controlled waste).

Environmental Protection (Rural Landfill) Regulations – 2002

Strategic Planning Implications

Key Result Area 5 – Environment

Goal 1 – Waste Management

Strategy 1 – Review the management and short, medium and long-term development plan for Landfill sites within the Town.

Budget Implications

Nil.

Officer's Comment

Engineering Services recommend that consultant Harold McKenzie receives notice of the comments listed above and that the draft Waste Management Plan is finalised. Council to accept the draft Waste Management Plan with comments listed above.

200607/019 Council Decision/Officer's Recommendation

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

That:

- i) the draft Waste Management Plan is accepted; and**
- ii) Mr Harold McKenzie, Specialist Consultant in Solid Waste Management, is advised in writing of the following comments to enable him to finalise the Waste Management Plan:**

- a) More attention to be given to recycling, particularly allocation of space for community recycling centre
- b) Consultant to provide a summary, priority listing and approximate costs of resolving issues identified
- c) Verification of current Waste Levy amount (1.4.3)
- d) Verification of current rate charges for refuse collection (2.1)
- e) Verification of waste quantities disposed of at Landfill (3.5)
- f) Verification of number of residents in each area and distance from Landfill (4.6)
- g) Plan to include actual budget amounts for 2005/06 (7.2)
- h) Plan to be revised to identify issues that have been resolved since original consultation.

CARRIED 8/0

11.3.1.4 Pre-Cyclone Clean Up 2006/07 (File 08/09/0002)

Officer Grant Logie
Director Engineering
Services

Date of Report 17 August 2006

Disclosure of Interest by Officer Nil

Summary

To determine the extent of pre-cyclone clean up for the 2006/2007 cyclone season.

Background

Each year, in accordance with the Town of Port Hedland's *Tropical Cyclone & Storm Surge Emergency Management Plan* and Council Policy 9/004 *Pre-Cyclone Clean*, a free pre-cyclone clean up service will be provided by Engineering Services prior to commencement of cyclone season (1 November 2006).

Previous pre-cyclone clean up services have varied from full clean ups including domestic waste, to clean ups for green waste only. Due to limited resources, last years pre-cyclone clean up was restricted to green waste in the Port and South Hedland areas only.

Consultation

Engineering staff.

Statutory Implications

Emergency Management Act 2005

"Section 36. Functions of local government

(a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district ..."

Policy Implications

Council Policy 9/004 Pre-Cyclone Clean, states:

"Each year, and in accordance with the Town of Port Hedland's Tropical Cyclone & Storm Surge Emergency Management Plan, a free Pre- Cyclone Clean-Up service will be provided by Engineering Services."

Strategic Planning Implications

Key Result Area 2 – Community Pride

Goal 1 – Litter, Strategy 4 – Review pre-cyclone clean up options

Budget Implications

General Ledger Account 1204280 Pre-cyclone Clean up
\$110,000

Officer's Comment

Council has approved a budget of \$110,000 (General Ledger Account 1204280) for 2006/07 pre-cyclone clean up. Engineering Services propose to provide a green waste collection only to all of the Hedland area, including Port Hedland, South Hedland, Wedgefield and Redbank. A clean up service will also be provided to aged pensioners or residents with special needs upon application and after providing proof that assistance is required. This service will assist with the removal of general waste that may present a hazard during a cyclonic event.

The dates for pre-cyclone clean up will be advertised as the following:

- Port Hedland, including Tjalku Boorda – Monday 18th September to Friday 22 September
- South Hedland, including Redbank, Tjalka Wara and Airport – Monday 25 September to Friday 29 September
- Wedgefield – Monday 2 October to Friday 6 October
- Additional service upon application – Monday 9 October to Friday 13 October

Residents will be notified that general domestic waste may be disposed of at the South Hedland Landfill facility free of charge (as per schedule of Fees and Charges).

200607/020 Council Decision/Officer's Recommendation

Moved: Cr A A Carter **Seconded:** Cr D R Pike

That:

- i) **a pre-cyclone clean up of green waste only be provided to all of the Hedland area, including Port Hedland, South Hedland, Wedgefield and Redbank; and**

- ii) an additional pre-cyclone cleanup service be provided to aged pensioners or residents with special needs upon application and after providing proof that assistance is required. This service will assist with the removal of general waste that may present a hazard during a cyclonic event.

CARRIED 8/0

11.3.1.5 Budget Amendment - Working Together to Manage Emergencies Local Grants Scheme Funding for LEMAC (File No.:09-11-0001)

Officer Andriena Ciric
Engineering Technical
Assistant

Date of Report August 2006

Disclosure of Interest by Officer Nil

Summary

Council approval is sought to amend the 2006/07 budget to include funding received from the 'Working Together to Manage Emergencies Local Grants Scheme'.

Background

This report is provided in my capacity as Executive Officer of the Local Emergency Management Committee.

During the 2004 Federal Election Campaign, the Australian Government announced a new policy initiative "Working Together to Manage Emergencies" in recognition of the need to develop self-reliance at both the community and local government level in order to enhance community safety.

This funding arrangement provides \$49 million over four years to support communities, local governments and volunteer organisations in the development of strategies to improve community safety and to improve training for volunteers involved in emergency management.

The Town of Port Hedland Local Emergency Management Committee established under section 38(1) of the Emergency Management Act 2005 identified the need to equip the Emergency Operations Centre (EOC)/Emergency Coordination Centre (ECC) with a telephone recording system to reduce the administrative burden placed on volunteers during an emergency situation and ensuring compliance with the legal requirements of recording certain information such as time, date and nature of the call. This equipment will also allow for the recording of UHF, VHF and mobiles of emergency services personnel to assist in reporting and post incident analysis. Currently all telephone calls to the coordination centre are manually logged by volunteers.

An application to the "Working Together to Manage Emergencies Local Grants Scheme was made to purchase a telephone recording system as outlined above.

On the 2 August 2006, Attorney General Mr Phillip Ruddock announced that the application by the Town of Port Hedland was successful, and provided funding of \$16,500 to purchase the Telephone recording system and provide training to relevant Emergency Services personnel.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications \$16,500

Officer's Comment

The successful funding requires Council endorsement for inclusion in the budget.

200607/021 Council Decision/Officer's Recommendation

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

That the following budget amendments be made to the 2006/07 budget to administer the receipt of 'Working Together to Manage Emergencies Local Grants Scheme funding of \$16,500, for the Local Emergency Management Committee to purchase a telephone recording system and to provide training to relevant Emergency Services personnel:

- i) income account 'LEMAC Local Grants Scheme Funding' for the value of \$16,500 be created; and**
- ii) expenditure account 'Furniture and Equipment' for the value of \$16,500 be created.**

CARRIED BY ABSOLUTE MAJORITY 8/0

11.3.2 Port Hedland International Airport**11.3.2.1 Australian Airports Association (AAA) AGM, Conference and Technical Workshop (File No.: 30/09/0003)**

Officer Rod Evans
Airport Manager

Date of Report 3 August 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider sending a Councilor representative to the AAA Annual General Meeting (AGM) and Conference in Cairns from 15 to 17 October 2006.

Background

The Annual AGM and Technical Workshops of the Australian Airports Association are to be held in Cairns from the 15 to 19 October 2006. It comprises of a two day conference, followed by two days of Technical Workshops.

It has been past practice for a Councilor to attend the AAA AGM and Conference to keep Councilors aware of issues affecting the operations of airports.

Consultation

Chief Executive Officer
Director Engineering Services

Statutory Implications

Nil

Policy Implications

Policy 3/004 Conferences and Study Tours.

“v) If it is considered beneficial for the Mayor and/or a Councillor/s to accompany Directors and Service Managers to any State or Federal Conference, such attendance shall be at the discretion of the Council and will only occur if adequate funds are available on the Budget.”

Strategic Planning Implications

Nil

Budget Implications

GL Account 1210220 - \$16,000

Costs:

Conference & Dinner Attendance - \$985 incl. GST
Plus Airfares and accommodation

Officer's Comment

The AAA AGM and Convention is the pre-eminent conference in Australia for Airport Operators.

The two day conference program has a number of presentations and panel discussions on issues that affect Port Hedland such as asset management, regional aviation- its past, present and future. There will also be presentations from CASA on the regulatory process and how they see it progressing. The keynote address by the Head of the Office of Transport Security on the overview of the current security regime and what may reasonably be expected in the future is also of interest given Port Hedland Airport's increasing usage as an entry and exit point for Australia and our standing status as one of the higher level security controlled airports in Australia.

In the ever-changing safety and security environment, this AGM and Convention is a critical opportunity to learn from others and talk directly with those creating and implementing policy.

Officer's Recommendation

That Councilor _____ attend the Australian Airports Association Annual General Meeting and Convention to be held in Cairns from 15 to 17 October 2006.

200607/022 Council Decision

Moved: Cr D R Pike **Seconded:** Cr G J Daccache

That Councilor Arnold A Carter attend the Australian Airports Association Annual General Meeting and Convention to be held in Cairns from 15 to 17 October 2006.

CARRIED 8/0

11.3.2.2 Expression of Interest for Advertising Options at the Port Hedland International Airport (File No.: 30/09/0016)

Officer Rod Evans
Airport Manager

Date of Report 3 August 2006

Disclosure of Interest by Officer Nil

Summary

To seek Council approval for an Expression of Interest (EOI) for advertising at the Port Hedland International Airport.

Background

There has been a series of requests over the past 6 months to install advertising at the Airport by a range of organisations.

Advertising at Airports can take many forms such as backlit signs, plasma screens, and static placards to name a few.

Over the years a wide range of advertising signs have been installed at the Airport in a rather random fashion.

With the increase in passenger numbers at the Airport, a number of commercial organisations are looking for advertising opportunities and also the installation of an ATM machine.

Consultation

Director Engineering Services
Manager Building
WA Billboards
Multi Media Plus
DNC Advertising
ATM Solutions
Other Airport Owners

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

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

Budget Implications

Income GL Account 1210350 - \$4,000

Dependant on the final approval of Council, the advertising income has the potential to increase, which would assist in meeting the objectives of the Strategic Plan.

Officer's Comment

A range of advertising currently takes place at the Airport which include:

- WA Billboards have a freestanding backlit sign located in the arrivals hall. This panel is used solely for Road Safety Campaign purposes.
- WA Billboards also has a large 6m x 3m double-sided freestanding billboard structure located near crash gate 5 opposite Bell Street. Again this sign is primarily used for campaigns for the Office of Road Safety.
- A large backlit sign is located in the International Customs area.
- A number of small A4 size signs are located in some of the toilet cubicles.
- The Lodge has a small placard sign located above the public phone area with a free courtesy phone supplied.
- Carlindie Cabs has a small placard sign located above the public phone area with free courtesy phone supplied.
- The Walkabout has a small placard sign located above the public phone area with free courtesy phone supplied
- Port Hedland Taxis are currently in the process of arranging a free courtesy phone and placement of a sign similar to Carlindie Cabs.

The 10 Baggage trolleys have advertising for MacDonald's.

- Approximately 15 large framed photos are placed at several locations in the check in, departure lounge and arrivals hall. These are the works of a local photographer. These photographs were recently rotated by the photographer and it is not known what arrangement has been in place prior. No income is received.
- A number of tourist and informational signs of the region are also located throughout the terminal.

- A wide range of statutory signs are also placed throughout the terminal.

This EOI relates to signage, which forms part of any commercial arrangements with others and does not include statutory and informational signs.

The only income currently received is from WA Billboards for a billboard structure and McDonald's for baggage trolleys. Although these agreements have expired, income is still received on a month-to-month basis.

This EOI will allow for a more formal agreement for all advertising at the airport to ensure consist professional approach and standard of advertising.

Existing facilities such as courtesy phones will be accommodated in this process.

A number of sites have been identified to rationalise advertising at the Airport.

- The Baggage Carousel
- The area above the public and courtesy phone.
- The recesses next to the departure doors for Qantaslink and Skywest Airlines.
- Within the airport land fronting Great Northern Highway and Wallwork Road.

There are a number of options for Council to consider:

1. The current arrangements be left in place with Council receiving minimal income from this source.
2. Not permit any further advertising opportunities at the PHIA.
3. Accept individual requests from adverting companies as they are offered and on the format that is offered. This would result in a haphazard, inconsistent approach which as can be seen from other airports is not effective.
4. Seek further information and proposals from advertisers who have already made requests to Council.
5. Advertise an EOI seeking advertising options and methods to provide the best deal for Council.

There is a wide and varied range of advertising mediums available. In order to provide an organized and consistent approach to advertising and in order to maximize the return for Council, it is proposed to advertise for expressions of interests to provide an overall advertising plan for the Airport. A report on the outcomes will then be presented to Council.

200607/023 Council Decision/Officer's Recommendation

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

That

- i) the CEO or his nominated delegate be authorised to develop an Expression of Interest calling for an advertising plan and options for Port Hedland International Airport using one or a combination of advertising mediums available;**
- ii) the Expression of interest be advertised in the Australian and West Australian Newspapers; and**
- iii) following the close of expression of interests, a report be presented to Council for further consideration.**

CARRIED 7/1

11.3.2.3 Extensions to Licensed Outside Area of Airport Café and Bar (File No.: 30/09/0027)

Officer Rod Evans
Airport Manager

Date of Report 14 July 2006

Disclosure of Interest by Officer Nil

Summary

To seek Council approval to extend the outside bar and smoking area of the Airport Café and Bar.

Background

Correspondence has been received from the operators of the Airport Café and Bar, the Australian Pearling Company, seeking Council approval to extend the outside licensed bar and smoking area of the airport café. The Airport Bar and Café is currently subject to a Management Agreement.

Consultation

Director Engineering Services
Liquor Licensing Act
Airport Café and Bar operator
Manager Building Services

Statutory Implications

Liquor Licensing Act 1988

“Section 72 (Requirement for consent of an owner or lessor, and objections by an owner, lessor, lessee or mortgagee

(1) Subject to subsection (2) —

(a) the licensing authority shall not grant an application for —

(i) the grant or transfer of a licence;

(ii) variation or cancellation of any condition imposed on a hotel licence and requiring the provision of residential accommodation;

(iii) approval to a proposed alteration to, or redefinition of, the licensed premises; or

(iv) an extended area permit in respect of any place which is to be comprised within the licensed premises,

unless the applicant satisfies the licensing authority that the owner, and where the licensed premises or proposed licensed premises are occupied, or are to be occupied, under a lease, the lessor, has consented to the application”

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

As Council receives no income for the Airport Bar and Café, it is proposed that any works and costs associated with this proposal be met by the proponent which will ensure no adverse effect on the budget

Officer's Comment

The ongoing growth in passenger numbers to Port Hedland has resulted in larger aircraft servicing the Airport resulting in a greater patronage of the airport and associated facilities.

The only area in which smoking is allowed in the Café is the outside licensed area. The existing area has not been changed for a number of years.

The request from the proponents would require approval from the Liquor Licensing Board as well as the owner of the property, which is the Town of Port Hedland.

Subject to liquor licensing approval, 2 sections of fencing would be required to be fitted to extend the area. A building license would not be required in this instance

The extension of the area will increase the capacity of the outside licensed area as well as accommodating more smoking patrons thus increasing the return to the Airport Bar & Café.

Council receives no income from this facility under the Management Agreement. Therefore, it is recommended that the proposal be supported provided there is no cost to Council.

Officer's Recommendation

That Council supports the proposed extensions for the external smoking/licensed area at Port Hedland International Airport, as submitted by the operators of the Airport Café and Bar, the Australian Pearling Company, subject to:

- i) no costs are borne by Council in relation to the proposed extensions;
- ii) the Australian Pearling Company seeks the necessary approvals from Liquor Licensing and provides the Council with evidence of this approval before proceeding with any works; and

- iii) any proposed fencing is to be submitted Council for approval by Manager Building Services, prior to the commencement of installation; and

200607/024 Council Decision

Moved: Cr S F Sear **Seconded:** Cr D R Pike

That Council supports the proposed extensions for the external smoking/licensed area at Port Hedland International Airport, as submitted by the operators of the Airport Café and Bar, the Australian Pearling Company, subject to:

- i) no costs are borne by Council in relation to the proposed extensions;
- ii) the Australian Pearling Company seeks the necessary approvals from Liquor Licensing and provides the Council with evidence of this approval before proceeding with any works; and
- iii) any proposed fencing is to be submitted Council for approval by Manager Building Services, prior to the commencement of installation; and
- iv) at the termination of the lease, the extension is removed at the cost of the lessee or transferred to Council at no cost.

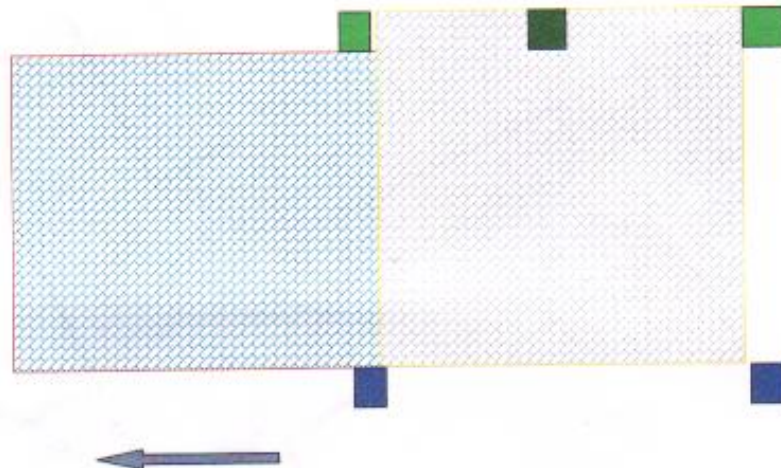
CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.3.2.3

Port Hedland Council
Airport Manager

Airport Café/Bar
Port Hedland International Airport
17/5/06

Dear Sir,
Due to public demand, we wish to extend the outside smoking area.
The extended area would approximately double the present area. The area we have in mind would extend to the next set of steel uprights.
However the fence would have to be mounted on the east side of the back two columns to allow for clear access to the drain in the floor.



Yellow line area is the proposed new area
Black area is a drain in the floor
Blue and Green boxes are the columns
The arrow points to north for this diagram.

The diagram is not to scale,
Please could you assist us by letting us know what procedure we have to follow?
If you require any further information, please do not hesitate to contact us.

Yours Faithfully

Max Landells

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

Officer Stephen Carstairs
Accountant

Date of Report 18 August 2006

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activity of the Town to 31 July 2006, and to compare this with budget forecasts for the period.

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 23 August 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 16262	16480	\$2,333,143.32	1	72	1	Municipal Fund	
16671	16671	\$54.00	72	72	1	Municipal Fund	
16672	16673	-	72	72	1	Municipal Fund	Cancelled
16674	16718	\$372,260.02	72	78	1	Municipal Fund	
16719	16719	-	78	78	1	Municipal Fund	Cancelled
16720	16759	\$189,231.87	78	87	1	Municipal Fund	
PAY 040706		\$194,251.16	87	87	1	Municipal Fund	
PAY 070706		\$54,561.50	87	87	1	Municipal Fund	
PAY 180706		\$194,799.58	87	87	1	Municipal Fund	
PAY 210706		\$15,446.41	87	87	1	Municipal Fund	
PAY 210706		\$15,446.61	87	87	1	Municipal Fund	
	Municipal Total	\$3,353,747.86					
301272	301274	\$735.00	1	1	3	Trust Fund	301272
	Trust Total	\$735.00					
TOTAL		\$3,354,482.86					

2. Financial Statements

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

- Statements of Financial Activity – see Functions 2 to 14 (not including Depreciation for July 2006);
- Reconciliation of Statement of Financial Activity to Current Assets for the period ending 31 July 2006; and
- Review of Transaction Activity

3. Investments

Council's Investment Register and reconciliation of Municipal, Trust and Reserve Funds at 31 July 2006 is presented as an attachment.

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

4. *Rate Receipts Received Year to Date*

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

The combined rates and services outstanding as at 31 July 2006 was \$91,702.56, which was favourable compared to the same time in 2005 (\$216,938).

5. *Sundry Debtors Outstanding for 90 Days.*

On 31 July 2006 12 Sundry Debtors had debts outstanding (totaling \$19,125.02) to the Town for 90 days or more. A table itemising these debtor transactions has not been included for Council's consideration. However, some of those debtor amounts were minor and have been presented to Council to consider writing off (see item to this meeting).

Consultation

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

Paula Maguire (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
Rate Summary Trial Balance
Reserve Account Balances

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

Irregular Financial reports will be presented to Council, 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 only 5 days had passed between adoption of Council's 2006/07 Budget and the compilation of these reports, this officer identified nothing positive or adverse to comment on.

200607/025 Council Decision/Officer's Recommendation

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

That:

- i) the list of Accounts paid under Delegated Authority as presented be received;
- ii) the -
 - i) Statements of Financial Activity (represented by Functions 2 to 14 and not including Depreciation for July 2006);
 - ii) Reconciliation of Statement of Financial Activity to Current Assets for the Period 31 July 2006; and
 - iii) 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 31 July 2006 as attached be received; and
- iv) the Rates Summary Trial Balance for the month ending 31 July 2006, as attached be received.

CARRIED 8/0

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

Officer Paula Maguire
Accounts Officer

Date of Report 17 August 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
7084 Annie Hird	30.04.06	Apr06JR	Interest Charges	0.14	Interest Charges
1551 Greg Stoney	30.04.06	Apr06JR	Interest Charges	0.15	Interest Charges
5514 Pilbara Community & Aged Care Services	30.04.06	Apr06JR	Interest Charges	0.22	Interest Charges
6826 Ashburton Air Services	30.06.06	15110	Airport Landing Charges	24.75	Invoice raised in error
7221 Child Flight Pty Ltd	30.06.06	15106	Airport Landing Charges	70.40	Invoice raised in error
7183 Brian Scoffell	20.06.06	14792	Airport Landing Charges	22.35	Invoice raised in error
Kate Gardiner	14.12.05	N/a	Library Books not returned	193.30	D & B advise Unecono mical to pursue
Total				311.31	

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 \$311.31. 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, of 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 the 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.

200607/026 Council Decision/Officer's Recommendation

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

That Council writes off the following debts and apply the write off to the Provision of Doubtful Debts:

Debtor No	Date	Invoice No	Description	Amount \$	Reason
7084 Annie Hird	30.04.06	Apr06JR	Interest Charges	0.14	Interest Charges
1551 Greg Stoney	30.04.06	Apr06JR	Interest Charges	0.15	Interest Charges
5514 Pilbara Community & Aged Care Services	30.04.06	Apr06JR	Interest Charges	0.22	Interest Charges
6826 Ashburton Air Services	30.06.06	15110	Airport Landing Charges	24.75	Invoice raised in error
7221 Child Flight Pty Ltd	30.06.06	15106	Airport Landing Charges	70.40	Invoice raised in error
7183 Brian Scoffell	20.06.06	14792	Airport Landing Charges	22.35	Invoice raised in error
Kate Gardiner	14.12.05	N/a	Library Books not returned	193.30	D & B advise Unecon omical to pursue
Total				311.31	

CARRIED BY ABSOLUTE MAJORITY 8/0

**11.4.1.3 Write Off Rates and Penalty Charges Lot 5873 (17)
Schillaman Street, Wedgefield (File No.: A130510g)**

Officer Matthew Scott
Director Corporate Services

Date of Report 3 July 2006

Disclosure of Interest by Officer Nil

Summary

For Council to approve the write off of rates on L5873 (17) Schillaman St Wedgefield, formally leased by the Lions Club of South Hedland.

Background

The Lions Club of South Hedland, leased from the Town of Port Hedland the property known as Lot 5873 (17) Schillaman St, Wedgefield. The Lions Club ceased to operate in Hedland during late 2004. The first instalment of \$248.43 was paid on 29 September 2004 in good faith. The remaining three instalment amounts of \$215.85 each, were not paid and penalty interest then accrued.

All avenues of collecting the outstanding rates, including follow-up with Lions in Perth have proved unsuccessful.

It was believed the local Rotary Club of Port Hedland was going to take over the lease and all debts, but zoning did not allow for this to happen, thus causing the delay in requesting the write off.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Reduction in Rates Revenue of \$647.55 and Penalty charges Revenue of \$23.55, a total of \$671.10.

Officer's Comment

Given that the Lions Club has ceased operations and further attempts to collect the rates by another party is unlikely to be successful, Council has no option other than to write off the debt.

200607/027 Council Decision/Officer's Recommendation

Moved: Cr A A Carter **Seconded:** Cr G J Daccache

That the write off the outstanding amount of \$647.55 in rates and \$23.55 in Penalties, a total of \$671.10 on Lot 5873 (17) Schillaman Street, Wedgefield be approved.

CARRIED BY ABSOLUTE MAJORITY 8/0

11.4.1.4 Proposed Change to Civic Centre Office Opening Hours (File No.: BLD-001)

Officer Matthew Scott
Director Corporate
Services

Date of Report 15 August 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider amending the opening and closing hours of the Administration building.

Background

As Council is aware the Administration Centre/Civic Centre is currently opened between 8:00am to 5:00pm. However, in previous years the cashiers box was only opened between 9:00am to 4:00pm to enable the cashiering staff time to prepare and complete the end of day balancing during normal working hours.

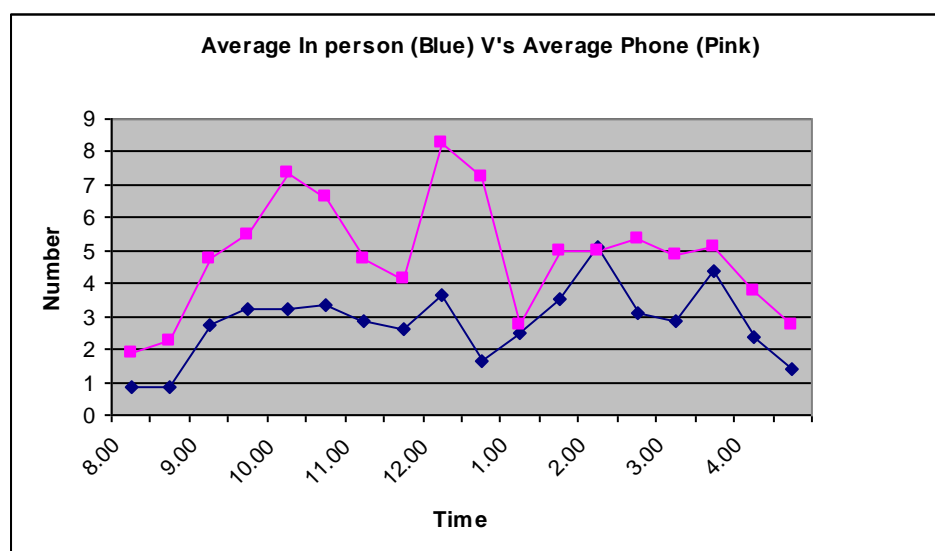
Recently, in order to improve customer service, the cashier box has been closed, which has enable two staff to attend customer enquiries and receive payments, instead of separate staff doing these services separately (i.e. 1 attending customer queries, while another receives payment). This has improved customer service at the front counter, however it has created a problem of not providing any time for opening and end of day balancing for the cashier, as customers can still access the front counter from 8:00am to 5:00pm.

In order to properly prepare for the days cashiering, staff are starting early and on difficult balancing days, finishing late into the evening.

A survey has been conducted on when customers actually come to the front counter, which has indicated that there is minimal customers actually requiring the front counter during 8:00-9:00am and 4:00pm to 5:00pm.

Consultation

A collection of usage statistics over a period of eight days (as graphed below) demonstrates in person usage between 8.00am and 9.00am and 4.00pm and 5.00pm is minimal, approximately 6% of usage.



Statutory Implications

- Nil.

Strategic Planning Implications

Key Result Area 6 - Governance

Goal 5 – Systems Development

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

Budget Implications

Nil.

Officer's Comment

The current practice of having cashiering hours reflecting opening hours is an inefficient use of Customer Service Officers time. Once the doors are open, reception staff are effectively limited to duties that can be done from reception. Officers have other duties such as copying plans and faxing that has a need to take them away from reception resulting in limited staff available to assist with in person enquiries.

To accommodate staff working arrangements payments are limited to 4.00pm due to the requirement to balance daily takings.

Given officers are providing a 'one stop shop' approach it is not effective between 8.00 and 9.00am and 4.00pm and 5.00pm to only partly assist with enquiries. To provide customer service to an acceptable level it is necessary to have Civic Centre Office hours reflect cashiering hours ie 9.00am to 4.00pm.

The proposal does not affect customers from calling the Council, as the telephone reception will stay the same (8:00am to 5:00pm). Generally most customers will ring council before physically attending council to ensure the responsible officer is available to meet their query.

200607/028 Council Decision/Officer's Recommendation

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

That:

- i) **Council amend opening hours of the front Counter at the Civic Centre from 9.00am to 4.00pm; and**
- ii) **this amendment be published in the North West Telegraph**

CARRIED 8/0

11.4.2 Administration Services**11.4.2.1 Lease Option - Pearl Aviation Australia Pty Ltd Lot 2444 Great Northern Highway, Port Hedland. (File No.: 05/05/0046)**

Officer	Danielle Cowan Manager Administration
Date of Report	2 August 2006
Disclosure of Interest by Officer	Nil

Summary

Pearl Aviation Australia Pty Ltd have requested Council consider granting them a further term of renewal for five years as detailed in their lease agreement.

Background

Council signed a commercial lease agreement with Pearl Aviation commencing 1 July 2001 for use of part of the Airport Terminal Building. This lease was for a five year term expiring 30 June 2006 with a five year option expiring 30 June 2011.

Officer's Comment

The renewal of term clause in the lease agreement states that if there has not at any time during the Initial Term been any breach or non-observance or non-performance of any of the Lessee's Covenants the Lessor must grant to the Lessee an extension of the Term for the Extended Term containing the same covenants and provisions as are expressed and implied in the lease.

Staff have not received any complaints with regard to the operation of Pearl Aviation, they have paid their rent promptly and have provided a copy of their current Public Liability Insurance in accordance with their lease agreement.

Consultation	Nil
Statutory Implications	Nil
Policy Implications	Nil
Strategic Planning Implications	Nil
Budget Implications	CPI Increase to lease

200607/029 Council Decision/Officer's Recommendation

Moved: Cr D R Pike **Seconded:** Cr G J Daccache

That:

- i) in accordance with the Lease agreement with Pearl Aviation Australia Pty Ltd effective 1 July 2001 a further term of five years be granted on the same terms and conditions as the existing lease agreement, except the rental charge be adjusted to reflect CPI; and**
- ii) the option be signed and sealed by Council.**

CARRIED 8/0

11.4.2.2 Lease Option - Rose Nowers Child Care Centre Lot 2791 Boronia Close, South Hedland. (File No.: 05/05/0018)

Officer	Danielle Cowan Manager Administration
Date of Report	2 August 2006
Disclosure of Interest by Officer	Nil

Summary

Rose Nowers Child Care Centre Incorporated have requested Council consider granting them a further term of renewal for five years as detailed in their lease agreement.

Background

Council signed a peppercorn lease agreement with the Rose Nowers Child Care Centre Incorporated commencing 1 April 2000 for the purposes of a Day Care Centre. This lease was for a five year term with a five year option.

The renewal of term clause in the lease agreement states that if there is no outstanding breach or non-observance of any of the Lessee's Covenants and if in the meantime the Lessor's right of re-entry has not otherwise arisen, then the Lessor must at the cost of the Lessee grant to the Lessee a renewal of the Term for the further period specified on the same terms and conditions contained in the Lease.

Staff have not received any complaints with regard to the operation of the Child Care Centre and Rose Nowers Child Care Centre have provided a copy of their current Public Liability Insurance in accordance with their lease agreement.

Consultation

Nil

Statutory Implications	Nil
Policy Implications	Nil
Strategic Planning Implications	Nil
Budget Implications	Nil

Officer's Comment

Given the tenant is satisfactorily managing the facility and have provided current insurances there is no reason why Council should not renew this further option.

200607/030 Council Decision/Officer's Recommendation

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

That:

- i) in accordance with the lease document, Rose Nowers Child Care Centre Incorporated be granted a further term of five years on the same terms and conditions as the existing lease agreement, except the rental charge be adjusted to reflect CPI; and
- ii) this extension be signed and sealed by Council.

CARRIED 8/0

11.4.2.3 Lease Variation - Chalkwest Pty Ltd (Budget Rent A Car) Part Lot 2444 Great Northern Highway, Port Hedland. (File No.: 05/05/0036)

Officer Danielle Cowan
Manager Administration

Date of Report 2 August 2006

Disclosure of Interest by Officer Nil

Summary

Chalkwest Pty Ltd trading as Budget Rent a Car have acquired additional area surrounding their initial leased area that requires formalisation by way of a lease variation.

Background

At the Ordinary Meeting of 25 August 2004 Council resolved to advertise a lease with Chalkwest for an area of 155.3 m² with a rental of \$5,286.12 p.a. for a period of five years with a further two options of renewal for five years, commencing 1 July 2007 and 1 July 2012.

This lease was advertised with no objections received and is operating in accordance with the lease conditions. To date the original lease documents have not been executed in accordance with the resolution of 25 August 2004.

Since this time a fence has been installed enclosing a further 20m x 27m area (540 sqm). Using the 2002 valuation of \$8.58 sqm this area would yield an additional \$4,633.20 p.a. It should be noted that no Council approval was sought for this extension.

Consultation

Advertising as required by Section 3.58 of the Local Government Regulations (Functions and General)

Statutory Implications

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

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Additional income of at least \$4,633.20 p.a.

Officer's Comment

The additional area was fenced in approximately December 2004. Given that the unauthorised extension has been in place for such a considerable time with no complaints and is being used in accordance with the intent of the lease it would be short-sighted to have the land reinstated to its previous use. However, this said, the land is being used exclusively by Budget at no cost.

Council has two options with regard to this lease:

1. Given that no approval was granted for the lease area to be extended, Council direct the lessee to remove the fence and cease operations of the business from the additional land; or
2. Formalise the existing use by a variation to the lease which would involve having the extra area valued, advertising Council's intent to dispose of land and then entering into a lease variation with the tenant

Given there has been no demand for the stated parcel of land it would be more beneficial to Council to vary the lease to specify the land and be compensated accordingly.

Officer's Recommendation

That:

- i) Council dispose of an area of approximately 540 sqm of part Lot 2444 Great Northern Highway, Port Hedland to Chalkwest Pty Ltd by lease in accordance with Section 3.58 of the Local Government Act 1995 as a variation to the current lease;
- ii) Council delegate authority to the Chief Executive Officer to negotiate lease conditions with Chalkwest Pty Ltd;
- iii) the Chief Executive Officer negotiate the lease with the following minimum conditions:
 - a) A term to coincide with the existing lease arrangement;
 - b) Lease rental be no less than market value.
 - c) Rental to be increased annually by CPI – Perth;
 - d) All improvements to the land to be approved in writing by Council;
- iv) should no submission be received, the Chief Executive Officer execute the lease document;

- v) the lease variation be signed and sealed by Council.
- vi) Should Chalkwest Pty Ltd refuse to enter into a lease variation the Chief Executive Officer be given authority to have the fence removed and ensure the use ceases.

200607/031 Council Decision

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

That Agenda Item 11.4.2.3 'Lease Variation - Chalkwest Pty Ltd (Budget Rent A Car) Part Lot 2444 Great Northern Highway, Port Hedland.' Lay on the table, pending the completion of outstanding matters, including revaluation as resolved by Council (Agenda Item 10.2.3.6) at it's Ordinary Meeting held in September - Agenda Item 10.2.3.6.

CARRIED 8/0

REASON: As Council is unsure of the status of the current lease, Council resolved to lay this item on the table pending the completion of outstanding matters from when Council considered Agenda Item 10.2.3.6 at it's Ordinary Meeting held in September 2006.

11.4.2.4 Sub Lease Approval - TS Pilbara and Returned and Services League (RSL) - Reserve 30768 - Lot 5550 Sutherland Street, Port Hedland. (File No.: 05/05/0019)

Officer	Matthew Scott Director Corporate Services
Date of Report	4 August 2006
Disclosure of Interest by Officer	Nil

Summary

The TS Pilbara have for a number of years allowed the Returned Services League (RSL) to occupy a portion of land on their lease area and are now seeking Council approval to formalise this arrangement in accordance with their lease agreement.

Background

In approximately 1989 the current RSL building was relocated from Goldsworthy and has been in use since this time as a gathering place in accordance with the lease purpose of 'recreation'.

Staff have recently had enquiries from the RSL regarding gaining a liquor licence, however this is not possible until tenure over the land is achieved and compliance issues are resolved.

Consultation

Nil

Statutory Implications

Town Planning Scheme No. 5
Building Code of Australia
Health (Public Buildings) Regulations

Policy Implications Nil

Strategic Planning Implications

Key Result Area 3 – Community Development

Goal 2 - Sports & Leisure

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

Goal 3 – Aged

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

Budget Implications

Nil

Officer's Comment

The application was referred to Councils development departments with the following comments being received:

Planning - Planning Approval required for both the Building and Use

Building – All works are required to comply with the Building Code of Australia. An unauthorised works approval for this building will be required.

Environmental Health - The building needs to comply with the Health (Public Buildings) Regulations 1992

Staff have not received any complaints with regard to the operation of the RSL Club and have been provided with a copy of current Public Liability Insurance for both TS Pilbara and the RSL in accordance with their lease agreement.

There are two issues in relation to this application. The first being unauthorised works. Both the planning and building departments will require formal application from the RSL for the use and construction of the building. This can be addressed once tenure is formalised and is a requirement of clause 3.12 Comply with Acts in the lease conditions.

The other issue is the tenure of the land which up to this point has not been formalised. This can be rectified by Council agreeing to the sub lease which will then provide a path forward to rectify the outstanding development issues.

200607/032 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr S F Sear

That in accordance with the Lease agreement with TS Pilbara Council endorse the sub lease between TS Pilbara and the Returned Services League and have the document signed and sealed.

CARRIED 8/0

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

Nil

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

NOTE: Director Corporate Services to forward copy of motion on notice received from Councillor Grant Bussell for consideration by Council at it's next Ordinary Meeting.

ITEM 14 CONFIDENTIAL ITEMS

200607/033 Council Decision/Officer's Recommendation

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

That the Meeting be closed to members of the public as prescribed in Section 5.23 (2) (a) of the Local Government Act 1995, to enable Council to consider the following confidential items:

14.1 Review of Existing Management and Council Policies Relating to Employee Conditions

CARRIED 8/0

NOTE: Section 5.23, Clause (a) of the Local Government Act 1995 states:

*“5.23. Meetings generally open to the public
...(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –
(a) a matter affecting an employee or employees; ...”*

7:05 pm Members of the public left the room.

14.1 Review of Existing Management and Council Policies Relating to Employee Conditions**200607/035 Council Decision**

Moved: Cr D R Pike **Seconded:** Cr G J Daccache

That Item 14.1 Review of Existing Management and Council Policies Relating to Employee Conditions lay on the table to enable further consideration by Council at its September briefing session.

REASON: Council sought further consideration of the document prior to changing the policies.

200607/036 Council Decision

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

That the Meeting be opened to members of the public.

CARRIED 8/0

7:14 pm Members of the Public re-entered the room.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE**200607/037 Council Decision**

Moved: Cr G J Daccache **Seconded:** Cr A A Carter

That the following application for Leave of Absence:

- . Councillor Jan Gillinham, from 5-10 September 2006 inclusive, as she will be involved with the Pilbara Music Festival.**

CARRIED 8/0

ITEM 16 CLOSURE**16.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 27 September 2006, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 7:17 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 27 September 2006.

CONFIRMATION:

MAYOR

DATE