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MINUTES**

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Town of Port Hedland

MINUTES

OF THE

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

HELD ON

WEDNESDAY, 27 SEPTEMBER 2006

AT 5.32 PM

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

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*Chris Adams
Chief Executive Officer*

OUR COMMITMENT

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

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ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 5:32 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

(from 5:40 pm)

Cr S F Sear

Mr Chris Adams

Chief Executive Officer

Mr Terry Sargent

Director Regulatory and

Community Services

Ms Gaye Stephens

Executive Assistant

Members of Public

5 (including Manager
Planning Services and
Manager Finance)

Members of the Media

Nil

2.2 Apologies

Cr D R Pike

2.3 Approved Leave of Absence

Nil.

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held
Wednesday 23 August 2006****3.1.1 Miss Kelly Howlett**

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?

Council staff have inspected the rooms to which condition p) is applicable in the normal course of their duties. They have established that suitable notices, complying with this requirement were provided in each room and the condition is deemed to have been complied with.

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?

A suitable consultant has been engaged as required under Condition q) to which the question refers and arrangements are in place to provide air monitoring results to Council's Environmental Health Services.

Given the publicly reported metal contamination of soil material that was removed two days after independent sampling, as apparent fire break material; and given 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 landfill 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?

The proprietors of Oil Energy Corporation advise that the potentially contaminated material which was removed from outside their fence line was processed through the Oil Energy Plant and any waste material was disposed of in accordance to their licensing requirements.

3.2 Questions from Members at Ordinary Council Meeting held Wednesday 23 August 2006

3.2.1 Councillor Des R Pike

When does the lease for Oil Energy Corporation expire?

A Lease is in place between Oil Energy and the State of Western Australia, of which the first term expires on the 31 December 2007; and there is an option for a second term for another 5 years.

ITEM 4 PUBLIC TIME

4.1 Public Question

5:32 pm Mayor opened Public Question Time.

Nil.

5:32 pm Mayor closed Public Question Time.

4.2 Public Statements

5:32 pm Mayor opened Public Statement Time.

Nil.

5:32 pm Mayor closed Public Statement Time.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**5.1 Councillor George Daccache**

I believe Council has inadvertently placed a levy on children's junior sports, and as such can Council review this situation?

Chief Executive Officer advised the matter of charging junior sports was raised at a budget briefing session held for Councillors. The junior sports charges equate to 16.5 cents per training session, and 33 cents per game, which averages to an increase in junior sports fees of less than \$15. Although these charges have not been set by Council in previous years, such charges remain lower than those of neighbouring Councils.

If Council would like to review its junior sports charges a report can be presented to Council.

Cr A A Carter added that charging junior sports at 50% of adult charges, equated to less than a can of soft drink.

5.2 Councillor Jan Gillingham

On behalf of Betty Mathews, I raise community concerns in relation to late night road rage in and around Cooke Point in the early hours of the morning, can Council slow traffic down in this area?

Chief Executive Officer advised the matter will be raised with Council's Engineering Services and the WA Police.

What is the possibility of a new road for haulage of trucks to ensure community traffic is safer; additionally I believe delays of up to about 15 minutes are being experienced with extra trains now crossing the Goldsworthy Joint Venture railway line on Wallwork Road?

Chief Executive Officer advised these matters have been raised by the Land Use Master Plan Working Group, with three (3) alternative routes being considered. At some stage in the near future Council will need to consider these alternatives.

5.3 Councillor Grant Bussell

In relation to condition 'p)' when Council granted planning approval to ESS [Planning Approval for 52 Additional Transient Workforce Accommodation Units at Lot 300 Schillaman Street, Wedgefield], can Council be advised of the text on the signs that are displayed in the rooms?

Director Regulatory and Community Services advised the text on the signs in the room can be provided to Councillor Bussell.

5:40 pm Cr A A Gear entered the room and assumed his chair.

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], will the consultant's report be made public?

Director Regulatory and Community Services advised it is Council's responsibility to see that conditions are met in planning approvals which have been granted, hence it is not usual practice to release such reports. Director Regulatory and Community Services added he will investigate with the applicant if a consultant's report can be released to the public.

As the zoning 'Urban Development' for Pretty Pool, is not in my copy of the Town Planning Scheme No. 5, can Councillors have an up to date copy provided?

Chief Executive Officer advised this should occur as part of the process when amendments are made to the Town Planning Scheme. There have been seven (7) amendments over the past six (6) months. An updated copy of the Town Planning Scheme No. 5 will be distributed to elected members.

5.4 Councillor Arthur Gear

Has the construction of demountable buildings along the southern end of Kennedy Street in South Hedland been approved by Council?

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

Why isn't the proposal by Earthex for a 'lake' development near Pretty Pool in tonight's Agenda?

Chief Executive Officer advised that the lake development proposal was discussed at Council's informal briefing session, and a letter of 'in principle' support has been sent to the developers.

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 S F Sear
Cr G J Daccache	

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 23 August 2006.

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on Wednesday 23 August 2006 be confirmed as a true and correct record of proceedings.

200607/038 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr S F Sear

That the Minutes of the Ordinary Meeting of Council held on Wednesday 23 August 2006 be confirmed as a true and correct record of proceedings, with the following amendment

- . **Item 8 (page 13) 1 August 2006 - delete “Councillors Carter, Bussell, Daccache and Sear attended the inaugural Staff Housing Working Group Meeting” and insert “Councillors Carter, Bussell, Daccache and Sear attended the inaugural Local Laws Working Group Meeting”**

CARRIED 7/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

24 August 2006 – Council’s representatives on the Land Use Master Plan Steering Group (LUMP) (Mayor - unavailable, Councillors Bussell, Daccache and Sear) 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.

West End
Cooke Point/Pretty Pool

25 August 2006 – Mayor attended the opening of the Newman Training Centre (PDC Chairman)

28 August 2006 – Mayor attended BHP Billiton function to officiate the last shipment for the Goldsworthy Joint Venture operations at Finucane Island at Marapikurrinya Park

29 August 2006 - Mayor attended Tender Opening for boundary fencing at the Port Hedland International Airport.

29 August 2006 – Mayor and Councillors attended a workshop on Designing Out Crime principles.

31 August 2006 – Mayor attended the launch of Rio Tinto launch of ‘Women of the Pilbara’ website, which celebrates the contribution women have made to the Pilbara.

1 September 2006 - Mayor attended a reception for the Archbishop of Perth, Roger Herft at the Seafarer’s Centre.

2 September 2006 – Mayor and Deputy Mayor attended a 'friends and supporters function' on board the tall ship Leeuwin II at the Port Hedland Public Jetty.

4 September 2006 – Mayor and Chief Executive Officer met with Dr Ruth Shean, Director General of the Disability Services Commission.

5 September 2006 – Mayor and Chief Executive Officer attending the Blessing of Presentation House by the Most Reverent Justin Bianchini, Bishop of Geraldton.

5 September 2006 – Mayor attended a special meeting of the Port Hedland Chamber of Commerce and Industry.

6 September 2006 – Mayor and Chief Executive Officer attending the Pilbara Co-ordinating Taskforce Meeting.

8 September 2006 – Mayor met with Tim Shakleton, the newly appointed Chief Executive Officer of the Royal Flying Doctor Service.

Mayor and Chief Executive Officer met with Megan Wendt and Suellen Shea from the Office of Crime Prevention to discuss the latest draft of the Community Safety Plan.

8 September 2006 – Deputy Mayor presented the 'Best Work by a Pilbara Artist', at the Hedland Art Award 2006 opening night.

11 September 2006 – Mayor and Chief Executive Officer met with the Department of Industry and Resources Board, Acting Chief Executive Officer of the Pilbara Development Commission and Port Hedland Chamber of Commerce and Industry representatives.

Mayor and Councillors met with board members of the Department of Industry and Resources in the afternoon.

12 September 2006 – Mayor and Chief Executive Officer attended the Port Hedland Enhancement Scheme Steering Group at the Pilbara Development Commission.

Mayor also met with Lynda Dorrington, the Executive Director of FORM Contemporary Craft and Design (FORM). (PDC Chairman)

13 September 2006 – Mayor attended a meeting at the Pilbara Area Consultative Committee offices in Karratha (PDC Chairman)

13 September 2006 – Mayor and Councillors attended the Informal Briefing Session. Presentations and discussions included:

- . Presentation on current development plans of Port Hedland Port Authority (PHPA) by Andre Bush, Chief Executive Officer of the PHPA
- . Presentation by BHP Billiton on the Review and Public Submission Process for Compliance with Section 46 Amendment to Conditions of Approval – Environmental, in relation to dust management and Finucane Island and Nelson point operations.
- . Code of Conduct
- . Hire Car Leases at the Port Hedland International Airport
- . Strategic Plan Review Process
- . Pretty Pool Development, including land area and street names

15 September 2006 – Mayor and Councillors and Chief Executive Officer met with the Hon. Jon Ford, Minister for Local Government and the Pilbara. Mayor also attended appointments with the Hon. Jon Ford, Minister for Local Government and the Pilbara (PDC Chairman).

Mayor attended the launch of the Martu Archives at the Western Desert Lands Aboriginal Corporation.

18 September 2006 – Mayor attended a PDC Board Teleconference (PDC Chairman).

18 September 2006 – Mayor, Director Regulatory and Community Services, and Council staff met (teleconference) with Professor Fiona McKenzie from Curtin University in relation to BHP Billiton Community Investments.

Mayor met with Suwandi Alibe from the Australian Indonesian Friendship Group to receive correspondence from the Indonesian Consulate.

Deputy Mayor attended the Tender Opening for Tender 06/16 – Courthouse Art Centre and Gallery Renovations.

19-22 September 2006 – Mayor attended Regional Development Council Meetings in Perth (PDC Chairman).

20 September 2006 – Council's representatives on the Land Use Master Plan Steering Group (LUMP) (Mayor - unavailable, Councillors Bussell, Daccache and Sear) 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.

Natural Environment and Open Space
Public Facilities

Deputy Mayor attended The Alliance Committee Meeting

21 September 2006 – Council's representatives on the Land Use Master Plan Steering Group (LUMP) (Mayor - unavailable, Councillors Bussell, Daccache and Sear) attended workshops on specific themes relating to the future development of Port Hedland.

Nodes and Town Centres
Tourism and Other Development Opportunities

22 September 2006 – Deputy Mayor, Councillors Bussell and Gillingham attended a meeting with the Hon. A. MacTiernan, Minister for Planning and Infrastructure.

22 September 2006 – Deputy Mayor and Chief Executive Officer attending the Land Ballot for Pretty Pool.

Deputy Mayor and Director Corporate Services met with the US Consul General, Mrs Robin McLellan.

25 September 2006 – Mayor and Councillors attending the Hedland Senior High School Assembly.

25 September 2006 – Mayor, Councillor Sear and Chief Executive Officer attending the Regional Roads Group Meeting via videoconference.

27 September 2006 – Mayor and Chief Executive Officer attended a meeting of the Land Use Master Plan Steering Committee via teleconference.

Deputy Mayor attended the Tender Opening for Tenders 06/10-06/14, 06-17-06/19 Heavy Plant.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 *Councillor George Daccache*

Cr G J Daccache advised elected members that they are able to view information he received when he attended a workshop with Council's Works Manager, to discuss upcoming changes to waste management, including Waste Avoidance and Resource Recovery (WARR) Bill and WARR Levy Bill, Zero Waste Plans (ZWP) and Container Deposit Systems/Levy. The workshop was hosted by Western Australia Local Government Association, in conjunction with the Department of Environment and Conservation.

**ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/
SUBMISSIONS**

Nil

- (a) *oversee the allocation of the local government's finances and resources; and*
- (b) *determine the local government's policies.”*

Policy Implications

Nil

Strategic Planning Implications

KRA 6 – Governance

Goal 6 – Systems Development

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

Budget Implications

Nil

200607/039 Council Decision/Officer’s Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That the ‘Status of Council Resolutions’ Report as presented to the Council’s Ordinary Meeting held on 27 September 2006 be received.

CARRIED 7/0

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	200607/101 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 ... 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 Copy of ltr from DoE to developer received 300606 outlining outstanding issues. Awaiting response from EPA and DPI re: Coastal Engineering issues.	
10.2.3.6	Hire Car Operations	200607/108 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 Discussed at CI briefing session 130906. Further discussions required DES/Hire Car Operators.	
Ordinary Meeting held 26 October 2005				
10.1.3.6	Proposed Scheme Amend't – Portion of Crowe St Road Reserve	200607/151 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.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
10.2.2.1	Lease of Southern Aircraft Hangar and Surrounding Land at PHIA	200607/154 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. Draft Lease being considered.	
10.2.2.2	School of the Air Request to Lease Airport Building	200607/155 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 Draft Lease being considered.	August 06
Ordinary Meeting held 14 December 2005				
10.2.4.2	Impounded Shopping Trolleys	200607/218 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 Have been advertised.	July 06
Ordinary Meeting held 22 March 2006				
11.2.2.5	Proposed Pedestrian Access Way (PAW) Closure At Lot 1699 (18-20) Logue Crt. SH	200607/343 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.	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
12.2.2.7	Request for Scheme Amend. to Rezone Lot 5197 (21) Harper St, PH	200607/345 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 Sept Ord CI Mtg	
Ordinary Meeting held 24 May 2006				
11.2.2.4	Municipal Heritage Inventory Review	200607/415 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	200607/422 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 Discussions ongoing	✓ COMPLETE
14.1	Confidential Matter – Qantas Lease	200607/442 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 Report to Sept Ord CI Mtg	August 06

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
14.2	Confidential Matter : Legal Matter – Wellard Industries	200607/443 Council Decision/Officer’s Recommendation That Council rescind Council decisions 200607/149 (October 2005) and 200607/290 (February 2006) relating to Council objection to the storage of manganese ore on Lot 842 and the proposed leasing of Lot 5909. 200607/444 Council Decision/Officer’s Recommendation That Council write to LAMS advising that ... providing that: ...	RESPONSIBLE OFFICER: Chief Executive Officer Awaiting reply from Wellards re: acceptance of CI decision.	
Ordinary Meeting held 28 June 2006				
11.2.2.3	Proposed Scheme A’ment to Rezone Portion Lot 313 Anderson St, PH from R12.5/50 to “Public Purposes – Telecom.”	200607/451 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	200607/456 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	200607/463 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 Dft Mgt plan accepted.	✓COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
Ordinary Meeting held 26 July 2006				
11.2.1.2	Display of Vehicles for Private Sale	200607/486 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	✓COMP.
11.2.2.4	Proposed Pretty Pool Design Guidelines	200607/491 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; ...	RESPONSIBLE OFFICER: Planning Officer	✓COMP.
11.3.2.1	Airservices Australia Agency Agreement	200607/495 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; ...	RESPONSIBLE OFFICER: Airport Manager Document signed and sealed.	✓COMP.
11.4.1.5	Banking Services	200607/500 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 Mtg to consider PNTS proposal re: community bank.	✓COMP.
11.4.2.1	Arts & Cultural Precinct Proposal	200607/502 Council Decision/Officer's Recommendation Visitor Centre ... Art Gallery ... Park Development... Public Toilet... Facility Management ...	RESPONSIBLE OFFICER: Chief Executive Officer	✓COMPLETE
11.4.2.3	Port Hedland Cattle Yards	200607/504 Council Decision That Item 11.4.2.3 Port Hedland Cattle Yards lay on the table.	RESPONSIBLE OFFICER: Chief Executive Officer Tender being Drafted	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.2.5	Street Names for Pretty Pool Subdivision	200607/506 Council Decision That Item 11.4.2.5 Street Names for Pretty Pool Subdivision lay on the table.	RESPONSIBLE OFFICER: Chief Executive Officer Item discussed at CI briefing session 130906. LandCorp to present names.	
11.4.2.6	PHES – Projects for Funding Endorsement	200607/507 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	✓COMP.
Ordinary Meeting held 23 August 2006				
11.2.2.2	Proposed Additional Multiple Dwellings at Lot 2594 (4) Clam Court, SH	200607/004 Council Decision 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:	RESPONSIBLE OFFICER: Manager Planning	
11.2.2.3	Revised Pretty Pool Development Plan	200607/005 Council Decision/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 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.	RESPONSIBLE OFFICER: Manager Planning	
11.2.2.4	Proposed Vesting of Crown Land in the ToPH for the Purpose of Recreation	200607/006 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Planning Officer	

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP. DATE
11.2.2.5	Proposed Scheme Amendment to Allow the Development of Grouped Dwellings at Lot 501 Byass St, SH	200607/007 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Planning Officer	
11.2.3.1	ToPH Pilbara Family Day Care Scheme - Variation to FDC Funding Agreement	200607/008 Council Decision/Officer's Recommendation 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: ... 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.	RESPONSIBLE OFFICER: Manager Human Services	✓ COMPLETE
11.2.3.2	Transference of places to another provider	200607/008 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Manager Human Services	✓ COMP.
11.2.4.1	Funeral Directors Licence – Pilbara Funeral Services	200607/009 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Manager Environmental Health Services	✓ COMPLETE
11.2.4.2	Funeral Directors Licence – Hedland Funeral Services	200607/010 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Manager Environmental Health Services	✓ COMPLETE
11.2.5.1	Authorisation of Training Ranger	200607/011 Council Decision/Officer's Recommendation That Todd Quartermaine be authorised or appointed as appropriate, pursuant to the following provisions: ...	RESPONSIBLE OFFICER: Co-ordinator Ranger Services	✓ COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.2.5.2	Authorisation of Dog Registration Officers – Dog Act 1976	200607/012 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Co-ordinator Ranger Services	✓COMP.
11.2.5.3	Consultation on the Prop. Vehicular Access/Rest. Pretty Pool & Cemetery Beach	200607/013 Council Decision/Officer's Recommendation That Council receives and notes this report.	RESPONSIBLE OFFICER: Co-ordinator Ranger Services	✓COMP.
11.2.6.1	Request for Permission to Affix Plaque in Leap Park	200607/014 Council Decision That Council allow Wangka Maya to affix a commemorative plaque to the rock in Leap Park at no expense to Council.	RESPONSIBLE OFFICER: Events Co-ordinator Wanka Maya advised	✓COMP.
11.2.6.2	Request for Council Policy – Promoting Smoke-Free Recreation Areas	200607/015 Council Decision/Officer's Recommendation That: i) Council does not adopt the proposed policy as follows: ... 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.	RESPONSIBLE OFFICER: Sports and Recreation Officer	✓COMPLETE
11.2.6.3	JD Hardie Centre Management Contract	200607/016 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Sports and Recreation Officer YMCA Contract terminates on 1 December 2006	✓COMPLETE

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.3.1.2	Tender 06/06 Wedge and Edgar St Streetscape Enhancem'ts	200607/018 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Engineering Services Tenderers notified. Assessment in progress.	
11.3.1.3	Waste Management Plan	200607/019 Council Decision/Officer's Recommendation 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	RESPONSIBLE OFFICER: Director Engineering Services Info. To be compiled and forwarded to consultant.	September 06
11.3.1.4	Pre-Cyclone Clean Up 2006/07	200607/020 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Engineering Services Advertised. Signs erected.	✓COMP.
11.3.1.5	Budget Amendment - Working Together to Manage Emergencies Local Grants Scheme Funding for LEMAC	200607/021 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Engineering Technical Assistant	✓COMPLETED

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.3.2.1	AAA AGM, Conference & Technical Workshop	200607/022 Council Decision 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.	RESPONSIBLE OFFICER: Airport Manager	✓COMP.
11.3.2.2	EOI for Advertising Options at the Port Hedland International Airport	200607/023 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Airport Manager To be advertised September 06	
11.3.2.3	Extensions to Licensed Outside Area of Airport Café and Bar	200607/024 Council Decision 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.	RESPONSIBLE OFFICER: Airport Manager Letter sent September 06	✓COMPLETE
11.4.1.2	Write Off Debtors	200607/026 Council Decision/Officer's Recommendation That Council writes off the following debts and apply the write off to the Provision of Doubtful Debts: ...	RESPONSIBLE OFFICER: Accounts Officer	✓COMP.
11.4.1.3	Write Off Rates and Penalty Charges Lot 5873 (17) Schillaman St, W'field	200607/027 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Corporate Services	✓COMP.
11.4.1.4	Proposed Change to Civic Centre Office Opening Hours	200607/028 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Corporate Services	✓COMP.

ITEM	REPORT TITLE	COUNCIL RESOLUTION DETAILS	ACTION TO DATE (Date – Action)	EST. COMP-DATE
11.4.2.1	Lease Option - Pearl Aviation Australia Pty Ltd Lot 2444 G't Northern Hwy, PH	200607/029 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Manager Administration Ltr to be sent.	
11.4.2.2	Lease Option - Rose Nowers Child Care Centre Lot 2791 Boronia Close, SH.	200607/030 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Manager Administration Ltr to be sent.	
11.4.2.3	Lease Variation - Chalkwest Pty Ltd (Budget Rent A Car) Pt Lot 2444 G't Northern Hwy, PH	200607/031 Council Decision 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.	RESPONSIBLE OFFICER: Manager Administration Discussed at CI briefing session 130906. Further negotiations required with DES	
11.4.2.4	Sub Lease Approval - TS Pilbara & RSL - Res.30768 - Lot 5550 Sutherland St, PH	200607/032 Council Decision/Officer's Recommendation 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.	RESPONSIBLE OFFICER: Director Corporate Services	✓COMPLETE
14.1	Review of Existing Mgt & Council Policies Relating to Employee Conditions	200607/035 Council Decision 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.	RESPONSIBLE OFFICER: Chief Executive Officer Discussed at CI briefing session 130906. Report to Sept. Ord CI Mtg.	

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 19 September 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

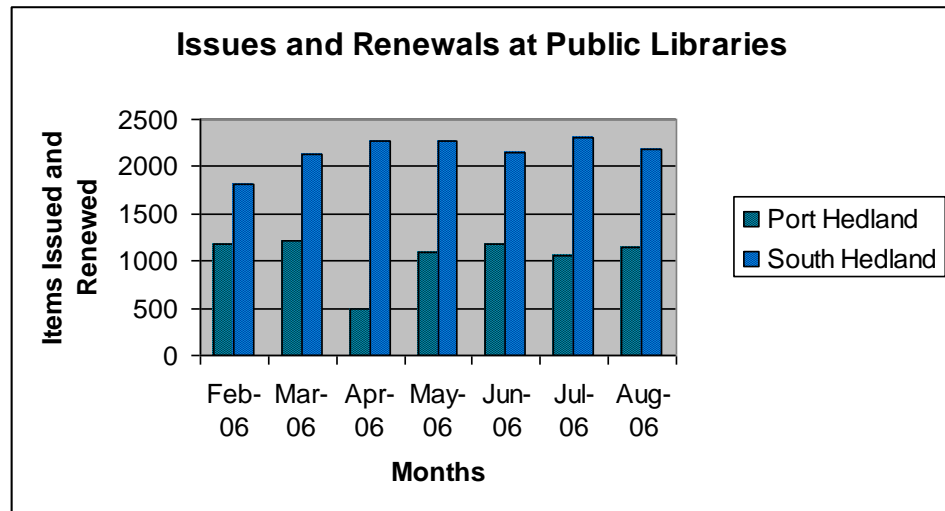
Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment**. *Library and Information Services***

Port Hedland Library	August 2006
Issues and Renewals	1145
Reservations	28
New Borrowers	26
Internet Users	129

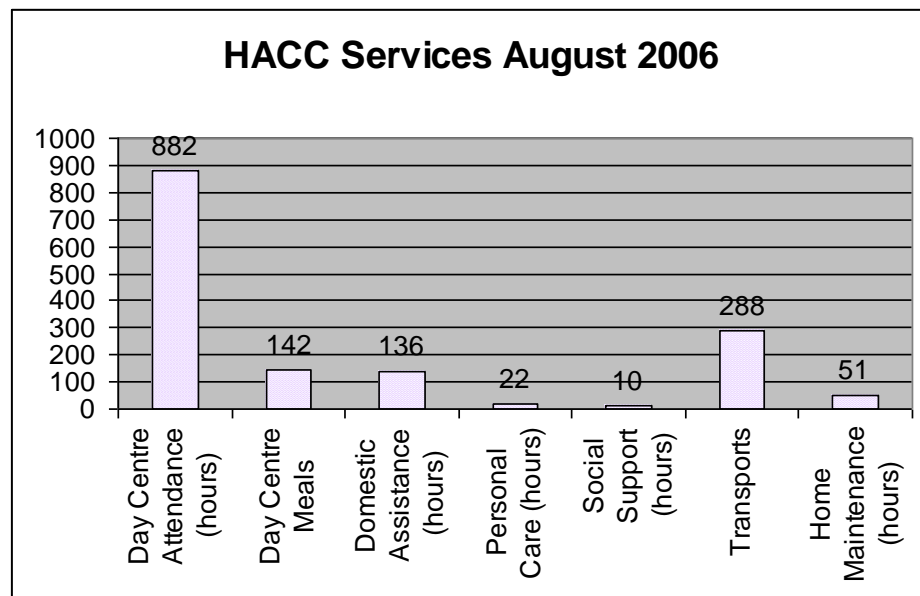
South Hedland Library	August 2006
Issues and Renewals	2176
Reservations	99
New Borrowers	36
Internet Users	325

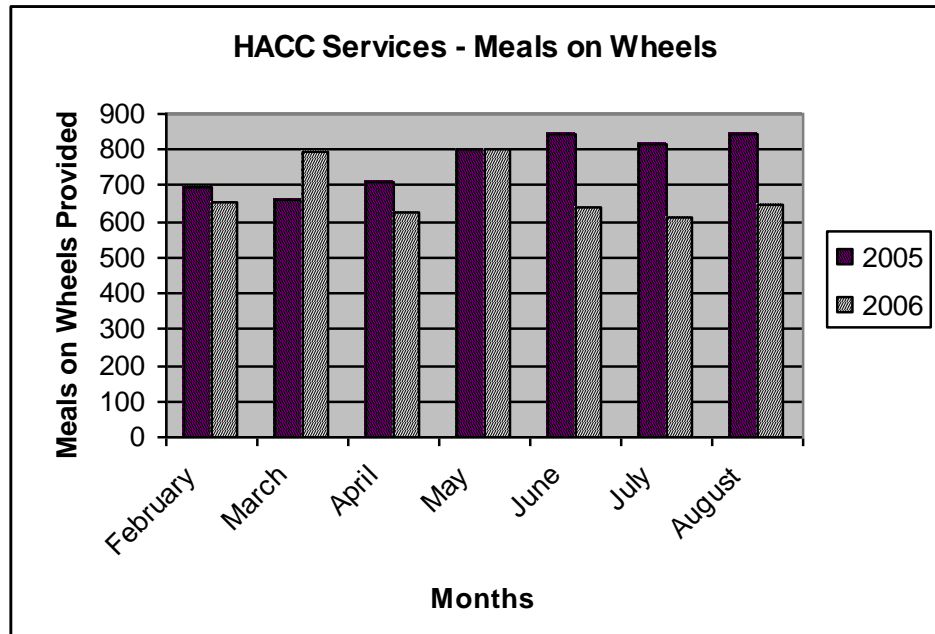


Port Hedland was host for the annual 2-day conference attended by staff from public libraries in the Pilbara, State Library of Western Australia consultants and Finding MY Place program State Coordinator. Two special participants were library staff from Cocos Island. This was the first time that the Indian Ocean Territory was represented at a Regional Conference. Topics covered included the Better Beginnings early literacy program, Finding MY Place, marketing ideas for your library, Indigenous projects and publications in the Pilbara and the Christmas/Cocos Islander oral history project

Human Services

HACC Programme





Total HACC hours of services provided for August - 2181
 Total HACC hours provided for 05/ 06 to date - 6608

Tjalkju Wara (12 mile) Aboriginal Corporation have withdrawn having their HACC Services to the community, subsequently there are no HACC services for the 7 elders who reside there. In the interim the WA Country Health Service has requested the Town of Port Hedland HACC Program provide the meals on wheels to the community.

Mirtanya Maya

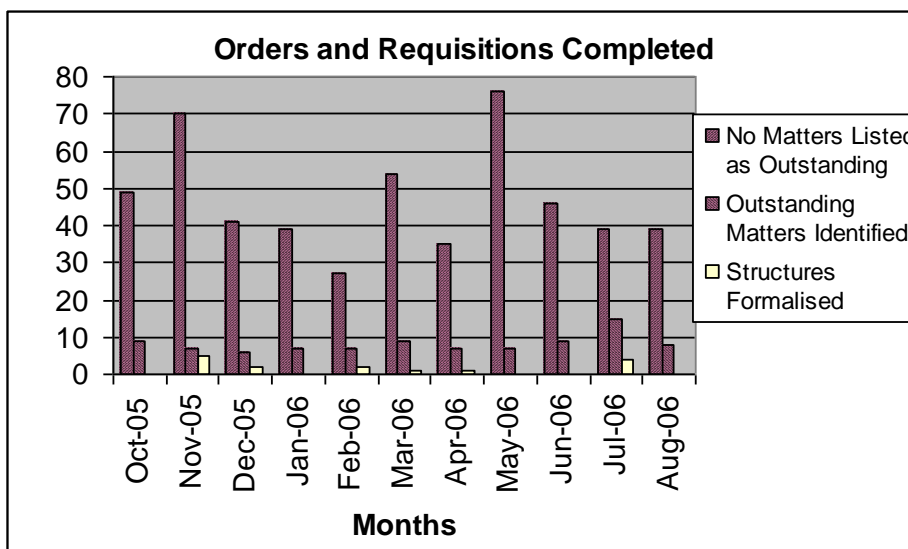
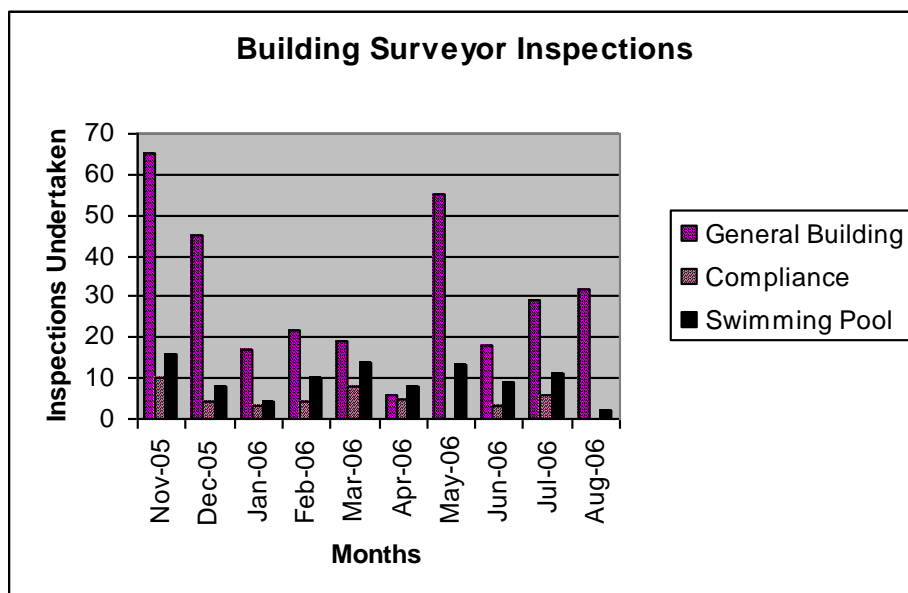
There was an occupancy of 7 permanent residents for long term low residential care, with 1 resident in respite care. 23 days were spent with occupied respite beds.

Pilbara Family Day Care and In Home Care

Total of family day care child care hours - 1,794
 Total of children cared for in Family Day Care - 196
 Total no of children in In Home Care 108

Building Services

Due to software issues the building licence issued information for August is unavailable. This information is expected to be provided in the next report.



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

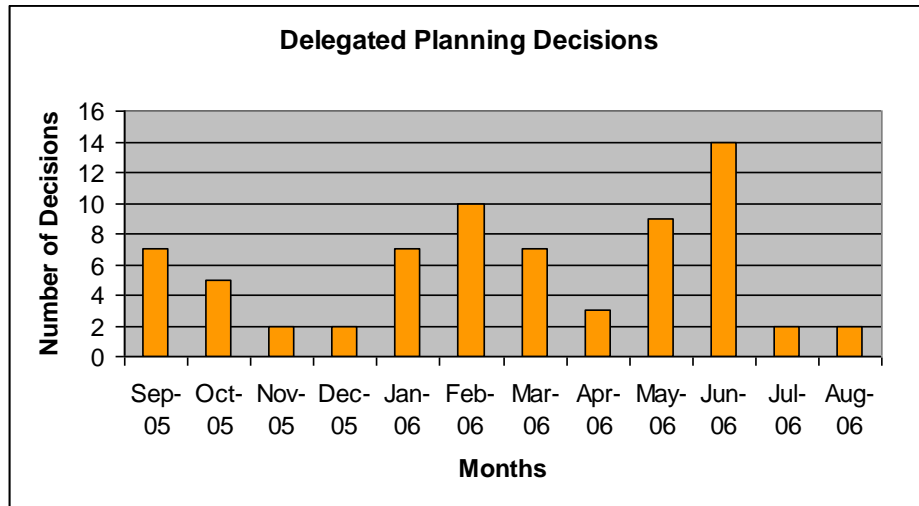
2004	Running Total as at 25/08/06
Licences copied & sent to VGO	243
Licences not required to be sent	109
More information required	13

Building Licence Applications Received in 2005

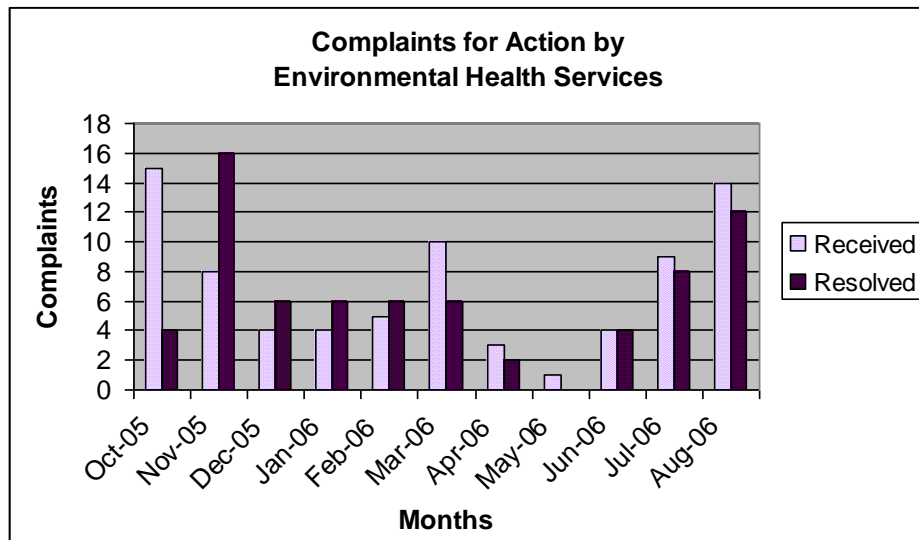
Total Building Licence applications received in 2005: 377
 Building Licences approved: 315
 Building applications not approved or withdrawn: 31
 Building applications received in 2005 that are pending: 19

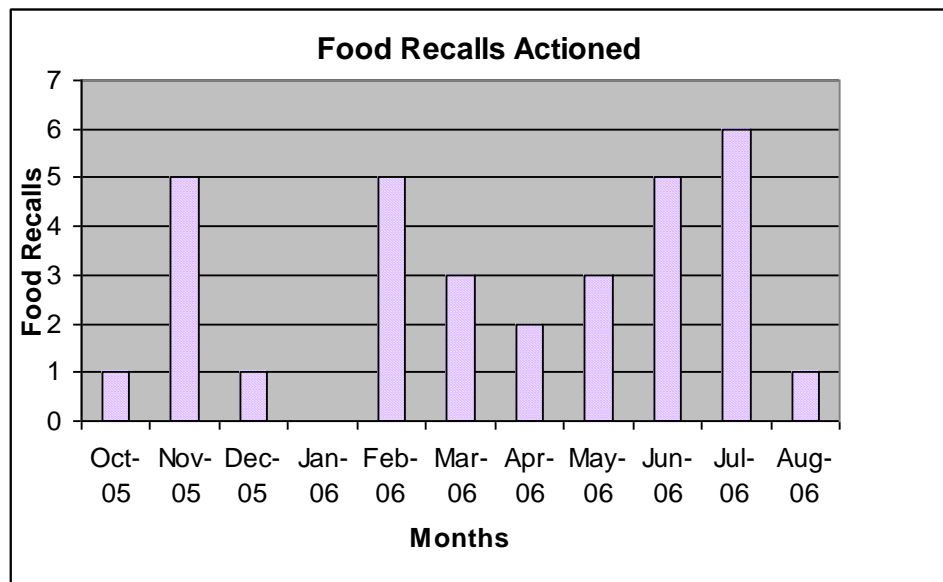
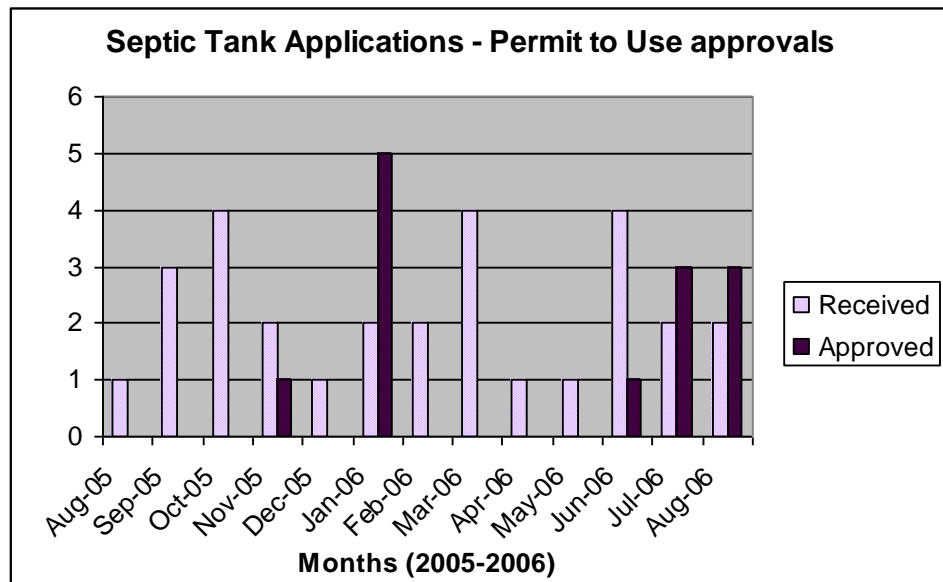
2005	Running Total as at 25/08/06
Licences copied & sent to VGO	96
Licences not required to be sent	126
More information required	95

Planning Services

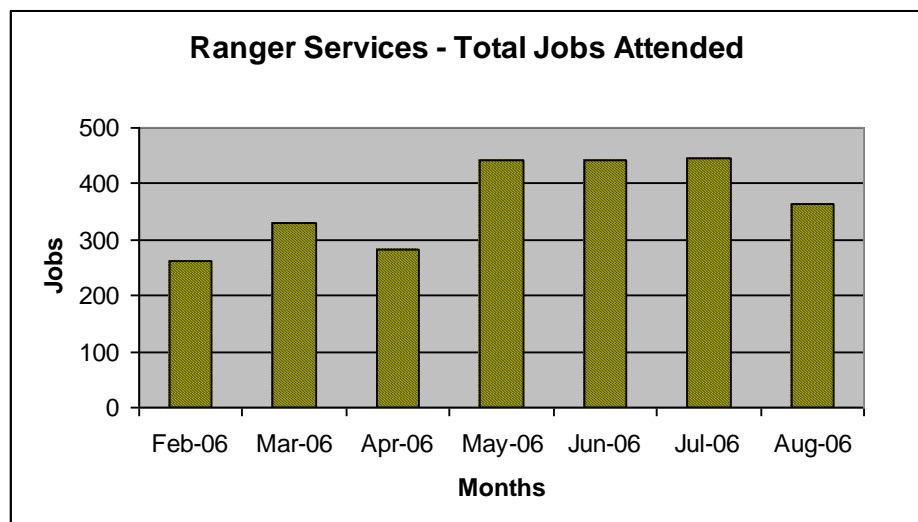


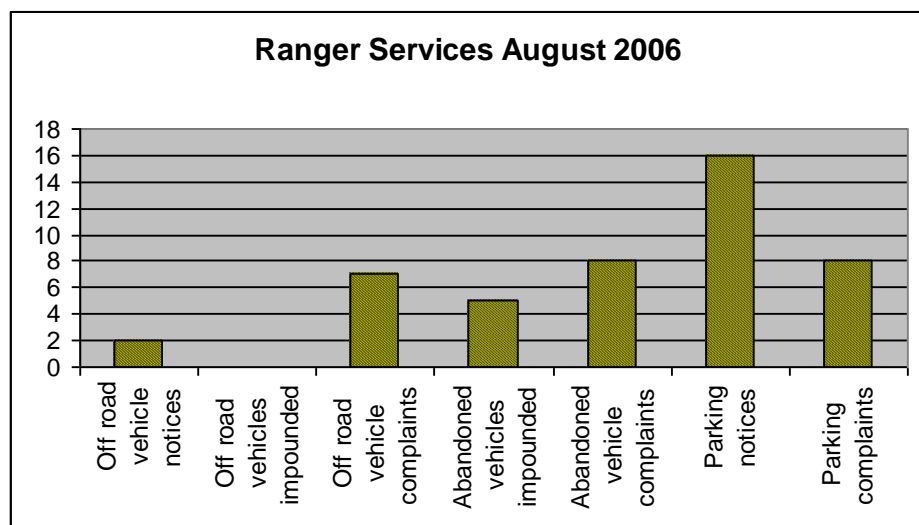
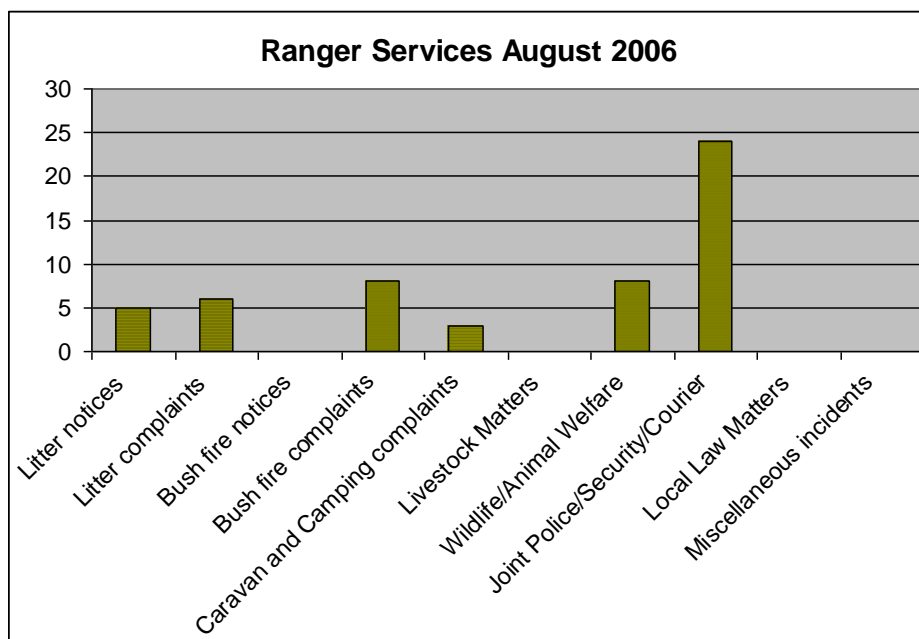
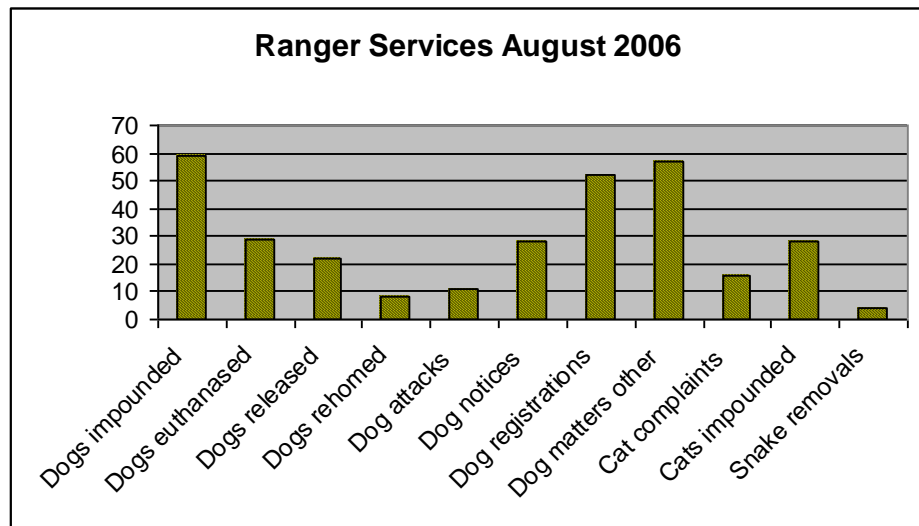
Environmental Health Services

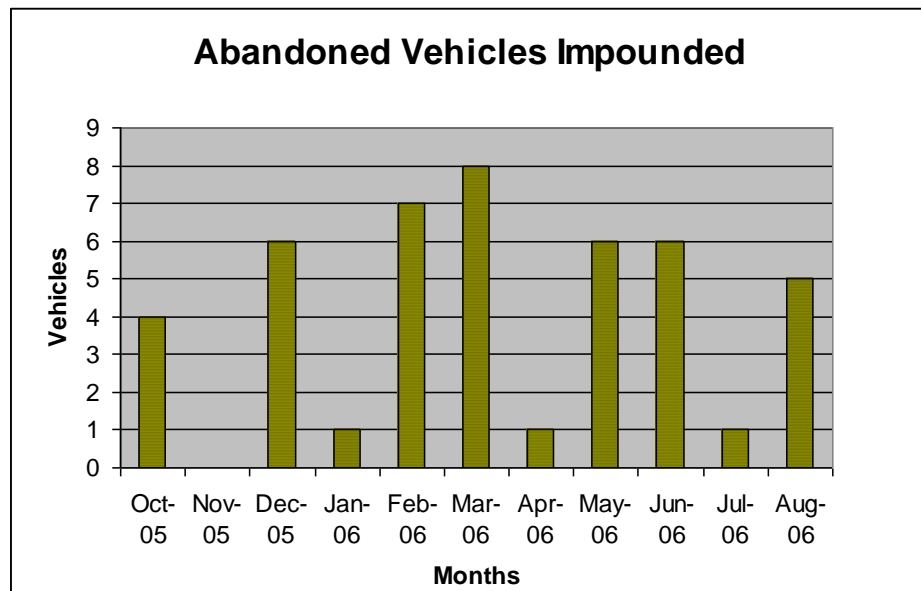




Ranger Services







Arts, Recreation and Community Activities

Matt Dann Cultural Centre

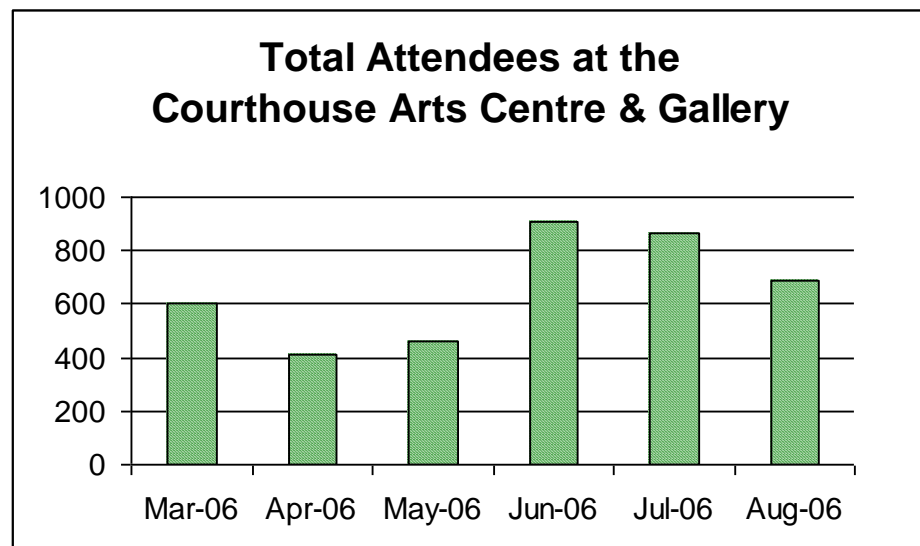
Events	August 2006	Year to Date
Cinema (sessions)	13	33
Live (e.g. Theatre)	1	1

Attendance	August 2006	Year to Date
Cinema	1030	2113
Live (e.g. Theatre)	298	298

Matt Dann Cultural Centre held the first movie marathon for a long time last month and the response was fantastic with a full house for both movies. The live show 'La La Luna' was a sell out night, unfortunately having to turn patrons away. The University of Notre Dame debate evening was hosted at the Matt Dann Cultural Centre, with positive feedback received from the organizers regarding both the venue and the service they received.

Courthouse Arts Centre and Gallery

	August 2006
Exhibitions held	1
Attendance at Exhibitions	280
Workshops held	0
Total Attendance	689



Events Coordination

Skills Development Workshops

The following workshops were recently held for community members:

Creative Volunteering: Resources and Funding
Creative Volunteering: Special Events
Risk Management for Events

On average, each workshop had 9 participants, representing an average of 7 community organisations.

The Alliance

The Alliance Small Grants Scheme: Round 1 was launched on 1st 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. Four eligible applications have been received. The successful applications will be presented for endorsement at the September Ordinary Council meeting.

The Alliance Advisory Committee will meet again on 20 September 2006 to identify and recommend which events in Port Hedland should receive Alliance funding.

Airport Mock Emergency Exercise

35 volunteers recently participated in the mock emergency exercise held on Saturday 26th August 2006. Volunteer feedback on the event was extremely positive.

Sports and Recreation

Athletes Visit to Port Hedland

On the 16th August Kylie Wheeler (Heptathlon) and Kim Mickle (Javelin) visited Port Hedland, thanks to the Department of Sport and Recreation. The two athletes visited 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.

South Hedland Aquatic Centre Grand Opening

The Grand Opening of the South Hedland Aquatic Centre will take place on the 1st October to unveil the redevelopments that have taken place over the off-season. A new shade sail, upgraded ablution facilities and new diving blocks will be opened on the 1st, with free entry to the facility for all the community.

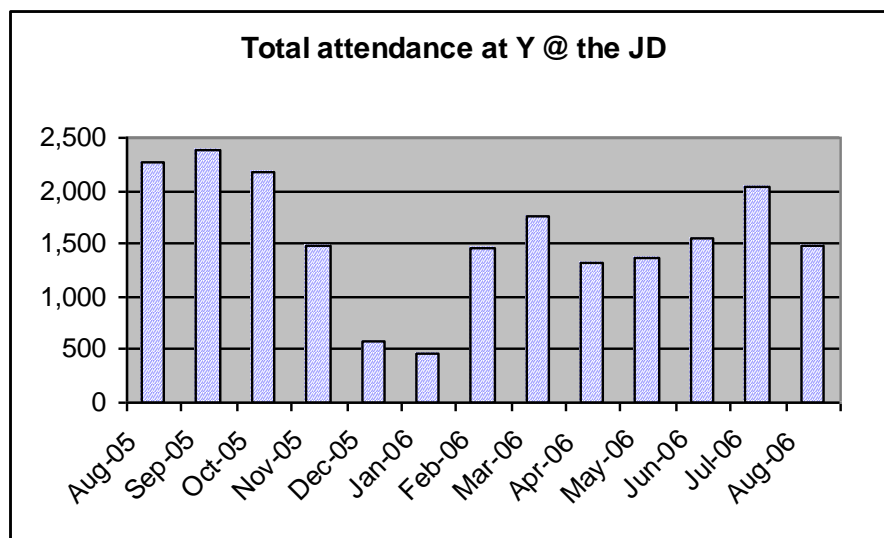
JD Hardie Centre

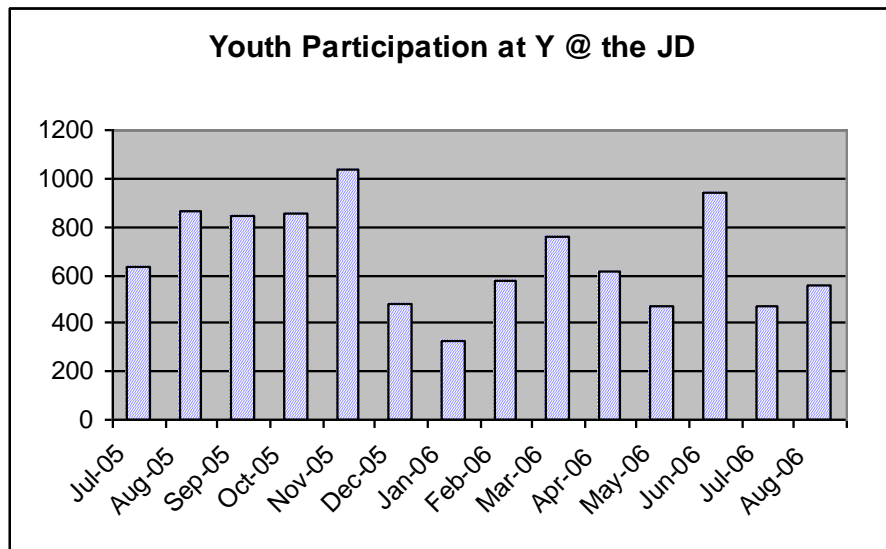
The YMCA have been notified that the JD Hardie Centre management will cease on the 26th November 2006. The YMCA have undertaken the management of the facility for the past four years, and have developed numerous recreation and community programs.

Aquatic Centres

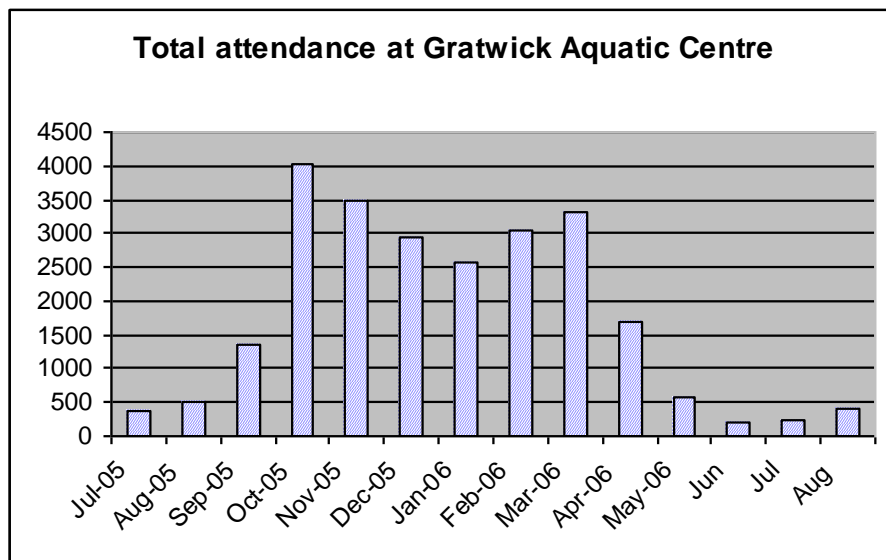
The Tender for Gratwick and South Hedland Aquatic Centre has been released, and will close on the 3rd October 2006. The tender calls for the management of the two facilities for a period of two years, with an option for a further two years.

Y at the JD

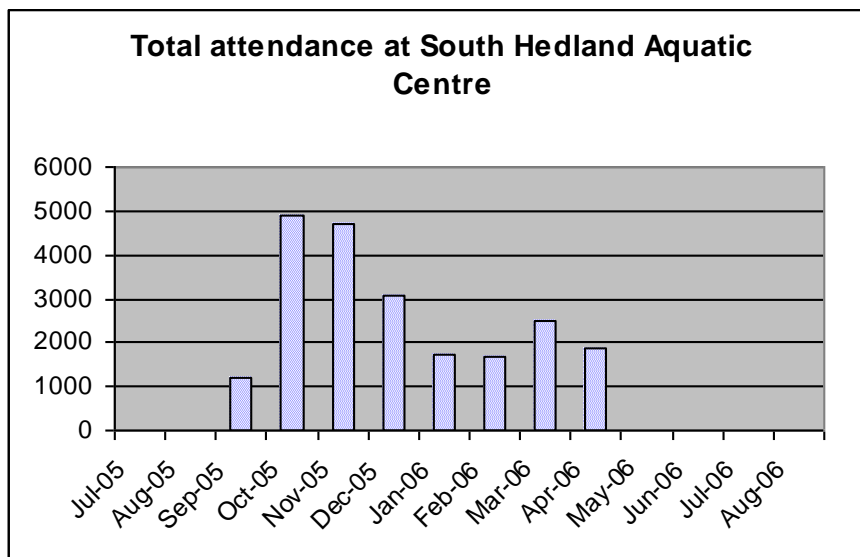




Gratwick Memorial Pool



South Hedland Aquatic Centre



200607/040 Council Decision/Officer's Recommendation

Moved: Cr S F Sear

Seconded: Cr G D Bussell

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

CARRIED 7/0

**11.2.1.2 Tender 06/16 Courthouse Art Gallery Renovations
(File No.: 05/09/0001)**

Officer Terry Sargent
Director Community and
Regulatory Services

Date of Report 18 September 2006

Disclosure of Interest by Officer Nil

Summary

This document is a summary of the tenders received for the Courthouse Art Gallery renovations.

Background

The Courthouse Art Gallery renovation forms an integral part of the development of the Arts and Cultural Precinct in the west end of Port Hedland. This project proposes to significantly improve the cultural, heritage and tourism infrastructure of the Wedge and Edgar street area of Port Hedland.

The Arts and Cultural Precinct development project includes improvements to the Visitor Centre, Courthouse Art Gallery, park development and public facilities. The proposed Courthouse Art Gallery renovation focuses on opening up the layout of the building by removing internal walls to create an open plan. Other works include upgrades to the reception area, benches, shelving, display spaces, painting, floor sealing and tiling.

At the Ordinary Meeting held on 26th July 2006 Council approved the upgrade of the Courthouse Art Gallery. The estimated cost of the project is \$260,000, with a further \$15,000 being allocated to improve disabled access to the facility, which will be completed separately to the renovation works.

Tenders were received from one (1) Tenderer, with the results listed in Table 1 below:

Tenderer	\$ (excluding gst)
FORM Contemporary Craft and Design Inc.	\$200,000.00

Consultation

The recommendation below was decided after consultation with Council staff.

Statutory Implications

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

- 3.57. Tenders for providing goods or services*
- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) Regulations may make provision about tenders.*

Policy Implications

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

Strategic Planning Implications

KRA 3 – Community Development
 Goal 7 – Arts & Culture
 Strategy - Review the short, medium and long term location and management model for the Courthouse Art Gallery

Budget Implications

At the Ordinary Meeting held on 26th July 2006 Council approved the following budget for the Courthouse Art Gallery renovations:

Project/Funding Source	\$
Gallery Upgrade	
- Arts Alliance Capital Fund	\$210,000
- Council Budget Contribution (06/07)	\$50,000
Total	\$260,000

Officer’s Comment

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

Price	60%
Experience	10%
Local Supplier	10%
Availability/ Ability to meet prescribed timeframe	20%
Total	100%

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

Tenderer	Price (60%)	Experience (10%)	Local (10%)	Availability (20%)	Total (100%)
FORM	60%	10%	0%	20%	90%

FORM have been involved in the development of the Arts and Cultural Precinct since the initiation of the project.

They have demonstrated a high understanding of the requirements of the project and have prepared design concept plans and assessments to enable implementation of the project. FORM have already been contracted to complete the upgrade of the Port Hedland Visitor Centre, utilizing the same contractors as proposed for the Courthouse Art Gallery renovations.

200607/041 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham

That Tender 06/16 Courthouse Art Gallery Renovations to be awarded to FORM Contemporary Craft and Design Inc. for the lump sum price of \$200,000 (excluding GST).

CARRIED 7/0

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

Officer Ayla Stewart
Administration Officer
Development & Regulatory
Services

Date of Report 19 September 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 August 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

200607/042 Council Decision/Officer's Recommendation

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

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

CARRIED 7/0

ATTACHMENT TO AGENDA ITEM 11.2.2.1

Date	App. No.	Address	Applicant	Owner	Development	Zoning	Delegation	Comment
08.08.06	2006/84	13 Lawson Street, SH	Janice Bentley	Edward Bentley	CODES VARIATION - SINGLE HOUSE - patio addition	R20	40 (4)	Codes Variation of single house – patio addition.
29.08.06	2006/98	1 Mitchie Crescent, SH	Taylor Burrell Barnett	Department of Housing & Works	CHANGE OF USE - Display Home	R20	40.1 (b)	Change of use – Display home

5: 55 pm Cr G J Daccache declared a financial interest in Agenda Item 11.2.2.2 'Application to Amend Town Planning Scheme No 5 to Rezone Lot 5197 Harper Street, Port Hedland from Residential R15 to R30' as he owns BHP Billiton shares and is employed by BHP Billiton.

Cr G J Daccache left the room.

11.2.2.2 Application to Amend Town Planning Scheme No 5 to Rezone Lot 5197 Harper Street, Port Hedland from Residential R15 to R30 (File No.: 101770G)

Officer Andrew Patterson
Planning Officer

Date of Report 8 August 2006

Disclosure of Interest by Officer Nil

Summary

Following assessment of the proposed scheme amendment by the Environmental Protection Authority (EPA) and the required statutory public advertising, Council has received one submission relating to this proposed amendment.

This item is submitted for Council consideration as Delegated Officers may only forward proposed Scheme Amendments to the WAPC where no submissions are received during the statutory advertising period.

This application was originally submitted by Whelans Town Planners on behalf of BHP Billiton.

Background

At its Ordinary Meeting on 22 March 2006, Council resolved:

"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."*

Following submission of the amendment documentation to the EPA for assessment, the Town of Port Hedland has been advised that this proposed amendment to TPS 5 does not require formal assessment under the *Environmental Protection Act 1986* and therefore the EPA provides no advice or recommendations with regard to this proposal.

The proposed Scheme amendment was advertised for public comment in the *Northwest Telegraph* on 5 July 2006, with the submission period closing 10 August 2006. Only one submission was received during this time.

The submission does not oppose this proposed rezoning, but raises concerns with potential privacy issues resulting from further residential development on the site.

In the submission, the supplicant raised concerns that, should a similar dwelling be constructed at lot 5197 subsequent to the proposed rezoning, the upper storey balcony may have views of the dwelling directly across the street.

It is noted that, should the lot be rezoned to allow the construction of an additional dwelling on the lot, it would need to conform to provisions of the *Residential Design Codes* and may also require planning approval under the Town Planning Scheme.

Privacy issues are addressed in section 3.8 of the *R Codes* and the Acceptable Development standard comprises a minimum boundary setback of 7.5 metres for a balcony with a floor level of greater than 0.5 metres above natural ground.

Consultation

No additional internal or external consultation has occurred in relation to this item, as appropriate level consultation occurred prior to this item being presented at Council's 22 March 2006 Ordinary Meeting.

Statutory Implications

Under the *Planning and Development Act 2005*, where Council has initiated a scheme amendment and advertised the proposed amendment in accordance with the process described in the *Town Planning Regulations 1967*, Council is to consider any submissions prior to submitting the amendment documentation to the WAPC for determination.

Policy Implications

Nil.

Strategic Planning Implications

KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT

Goal 4 - Land Development Projects

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

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

Budget Implications

Fees of \$1000 are required from the applicant should Council initiate a Scheme amendment, with an additional fee of \$1500 required once the amendment is adopted and submitted for determination by the WAPC. BHP Billiton has been invoiced for fees totaling \$2500 (invoice no. 15350) on 22/08/2006 with this sum to be deposited into account 1006326 (Town Planning Fees).

Officer's Comment

As noted in the background to this item, the only submission received by Council does not object to the proposal, and relates to potential development of the site. Any development of this site will have to conform to the Residential Design Codes that specifically address overlooking and privacy issues.

In an urban area, it is unlikely that any development will achieve total visual and acoustic privacy for and from all neighboring properties. It is the goal of the *R Codes* and the Town Planning Scheme to achieve the best possible outcome by balancing the rights and expectations of both developers/owners and adjoining neighbors.

200607/043 Council Decision/Officer's Recommendation

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

That:

- i) **Amendment No.8 to Town Planning Scheme No.5 be adopted without modification;**
- ii) **the following Schedule of Submissions and recommendations be forwarded to the Western Australian Planning Commission for the Minister's consideration:**

Name	Address	Submission
TN and MH Brodie	28 Harper Street Port Hedland	Supplicant does not oppose rezoning, however is concerned with potential overlooking issues should a 2-storey dwelling be constructed opposite their home.

and

- iii) the Mayor and Chief Executive Officer be authorised to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council's seal in the event that the Minister for Planning and Infrastructure approves the Amendment without modification.

CARRIED 4/2

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

Record of Vote:

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

5:57 pm Cr G J Daccache re-entered the room and assumed his chair.

Mayor advised Cr G J Daccache of Council's decision.

11.2.2.3 Request to Divest a Portion of Lot 5209 (Reserve 28372) (File No.: 130151G)

Officer Andrew Patterson
Planning Officer

Date of Report 4 September 2006

Disclosure of Interest by Officer Nil

Summary

Council has received a request from TAHL Northern Hotels Pty Ltd to divest itself of a portion of lot 5209 (Reserve 28372) in order that this land may become unallocated Crown land and subject to subsequent sale and amalgamation into an adjoining lot.

This land currently comprises a portion of the Koombana Lookout and is zoned "Community" in the Town of Port Hedland Town Planning Scheme No. 5.

Background

Notwithstanding that this land is currently vested in the Town of Port Hedland for the purpose of "Parks and Recreation," the portion of land subject to this request is generally not maintained to the standard of the rest of the Reserve, due largely to the slope and orientation of this portion of land.

The applicant has indicated that this portion of land, should it be purchased and amalgamated into lot 1 Lukis Street, would be included in a planned expansion of the All Seasons Hotel.

Should Council resolve to divest itself of the portion of lot 5209 as requested by the applicant, a formal request with a survey diagram, prepared at the applicant's cost, describing the divesting will be submitted to the Department for Planning and Infrastructure (State Land Services).

Should State Land Services agree to the proposal, the portion of land will become unallocated Crown land and subject to application to purchase and amalgamate into an adjoining lot. It is noted that the only adjoining freehold land is lot 1 Lukis Street, the site of the All Seasons Hotel.

While there are no reports of anti-social behavior in this portion of land, it is generally hidden from overlooking and has limited surveillance from Lukis Street, the Lookout or the All Seasons Hotel.

With regard to any future development of this land, it is noted that 'Hotel' is listed as a prohibited use on the Town of Port Hedland Town Planning Scheme No. 5 Zoning Table in a "Community" zone, and that should the applicant wish to develop the land for this use subsequent to purchase and amalgamation, the land will require rezoning prior to the submission of any application for planning approval.

Consultation

Horizon Power, Telstra and the Water Corporation have been consulted regarding this application and all have advised in writing that there are no underground assets in this land that require protecting.

Engineering Services have not objected to the application.

Statutory Implications

Section 51 of the Land Administration Act 1997 states:

"51. Cancellation, etc. of reserves generally

Subject to sections 42, 43 and 45, the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve."

Sections 42, 43 and 45 refer to "A" Class Reserves. Reserve 28372 is a "C" Class Reserve.

Policy Implications

Nil.

Strategic Planning Implications

KEY RESULT AREA 1 - INFRASTRUCTURE

Goal 2 - Parks & Gardens

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

Strategy 2. Develop of a hierarchy of parks (including the identification of appropriate development and maintenance standards for each park – including shade, reticulation, BBQ's and play equipment)

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.

Budget Implications

The applicant has been advised, and subsequently provided written confirmation that this proposed land divesting and potential purchase is to be at no cost to Council. Accordingly, any incurred costs, such as advertising, will be invoiced to the applicant as required.

While this land is currently vested in the Town of Port Hedland, it is owned by the Crown and any proceeds from its sale would proceed to the State.

Officer's Comment

This land is not currently used for any legitimate recreational purpose, and would require significant works in order to bring it to a similar standard as the adjoining maintained land. As the Town of Port Hedland currently has no plans to develop this land, and as it is of little recreational value or amenity value, developing the land as part of the existing hotel is considered an appropriate use.

200607/044 Council Decision/Officer's Recommendation

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

That:

- i) the applicant be advised that it is prepared to divest itself of a portion of lot 5209 (Reserve 38272) subject to:**
 - a) the applicant submitting a survey diagram describing the land subject to this approval;**
 - b) the applicant making application to the Department for Planning and Infrastructure (State Land Services) to purchase the subject land;**
 - c) the applicant granting any easements in respect of this land to any Service Provider at no cost; The process to be at no cost to Council; and**
- ii) the Department for Planning and Infrastructure (State Land Services) be advised that it wishes to excise a portion of lot 5209 (Reserve 38272).**

CARRIED 7/0

6:00 pm Cr G J Daccache declared a financial interest in Agenda Item 11.2.2.4 'Proposed Temporary Construction Access Road to FMG Port Construction Site' as he owns FMG shares.

Cr G J Daccache left the room.

11.2.2.4 Proposed Temporary Construction Access Road to FMG Port Construction Site (File No.: ORG – 153)

Officer Richard Bairstow
Manager Planning

Date of Report 27 September 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from the Pilbara Iron Ore and Infrastructure Project (Pilbara 45) for the construction of a private access road and temporary diversion road to their port facilities construction site.

Background

The proposal is the same as that supported in principle by Council at its 26 July 2006 meeting as Report 11.2.2.5 (see attachment No. 1). The proposal includes an additional temporary diversion road (see attachment No. 2) around some aboriginal heritage issues that are in the process of being addressed.

Consultation

Council's Director Engineering Services has offered no objection to the proposal and recommended conditions Council could attach to any approval. These comments are reflected in the Officer's Recommendation.

Statutory Implications

The Town of Port Hedland Town Planning Scheme No. 5 reserves the land for "Conservation Recreation and Natural Landscapes," and "Park and Recreation."

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

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

Policy Implications

Nil

Strategic Planning Implications**KEY RESULT AREA 1 - INFRASTRUCTURE****Goal 1 - Roads, Footpaths and Drainage**

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

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

Budget Implications

Nil

Officer's Comment

The Council has already endorsed the proposal in principle and this is a formalization of that process via the application for planning consent.

The proposed conditions will sufficiently protect the interest of the Town and surrounding residents of Wedgefield. The conditions cover such matters as dust suppression, construction standards and protection and upgrading of existing roads and infrastructure.

In addition, conditions are recommended in regard to time constraints on the usage of the road.

200607/045 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

That Planning Consent be granted to Pilbara Iron Ore and Infrastructure Project for the construction of a Temporary Access Road and Temporary Road Diversion Road at Lots 2514 (R32643), 3261 (R33848), 5165 and associated Unallocated Crown Land as outlined in the Application received 30 August 2006 (Application 2006/113) and indicated on the approved plans, subject to the following conditions:

- i) the applicant obtaining appropriate tenure for all required land prior to commencing works on the subject portion of land all to the satisfaction of the Manager Planning;**
- ii) the applicant obtaining all necessary environmental, heritage and Native Title approvals prior to undertaking any site works;**

- iii) the applicant, prior to the opening of the proposed construction road, shall design, construct and/or upgrade in hotmix to MRWA standards unless otherwise varied by a condition of this approval (including but not limited to lighting if nighttime traffic is proposed) the proposed construction route (including but not limited to Temporary Access Road, Temporary Road Diversion Road, Cajarina Road, Dalton Road and associated intersections) all to the satisfaction of the Manager Planning;**
- iv) the proposed Temporary Access Road shall be sealed in hotmix to a minimum width of 7 metres to the specification of the Council's Engineering Services and to the satisfaction of the Manager Planning;**
- v) Fortescue Metals Group shall grant access to the Temporary Access Road, and/or Temporary Road Diversion Road as requested by potential users with legitimate reasons for their requests;**
- vi) the applicant, prior to the opening of the proposed construction road, shall provide to the Town written confirmation from Main Road Western Australia (MRWA) that it supports the proposed traffic movements (including vehicle sizes and numbers) from Great Northern Highway onto Dalton Road;**
- vii) prior to the commencement of works on the temporary diversion road the applicant shall:
 - a) secure all tenure and approvals for the subject works;**
 - b) ensure all construction is approved by the Town (detailed construction plans will be required to achieve this);**
 - c) provide a written commitment from FMG that any reasonable request for access to the subject road will be granted;**
 - d) provide a written commitment from FMG that the road will be removed and the affected area made good at the expiration of ninety days; and**
 - e) provide a Dust Management Plan for the subject temporary road, implemented to the satisfaction of the Manager Planning.****
- viii) the temporary diversion road shall be used for a period not more than 90 days from the date of this letter, and then removed, and the area made good all to the satisfaction of the Manager Planning.**

NOTE 1: In regard to conditions 3 and 4, and subject to a written request from the Pilbara Iron Ore and Infrastructure Project and a written acceptance of the following: "The construction access road shall be sealed to a width of 7m (for safety reasons) from the Cajarina Road intersection up to and including the South Creek culverts to the specification of the Council's Engineering Services, and a Council approved Dust Management Plan implemented for the unsealed portion of the road to the causeway for a period of up to 12 months."

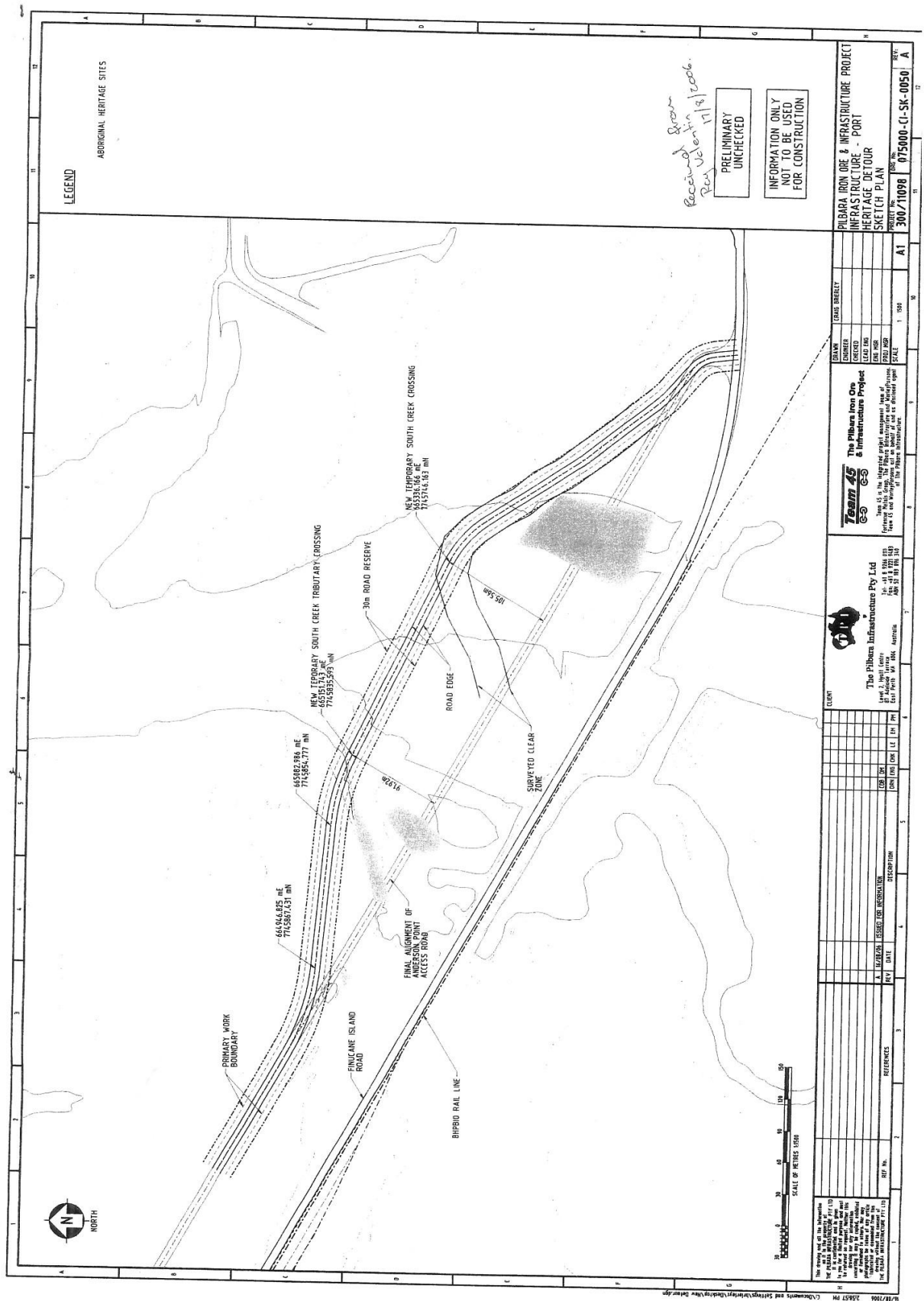
NOTE 2: The applicant is advised that during the 12-month period FMG shall negotiate with Department Planning Infrastructure – State Land Services, BHP Billiton, Port Hedland Port Authority (PHPA) and Town of Port Hedland (ToPH) the ultimate vesting, location, design and construction of the portion of the permanent Finucane Island access road between Cajarina Road and the FMG site access.

NOTE 3: If these negotiations referred to in footnote 2, are not resolved to the satisfaction of the Town of Port Hedland then the construction access shall be constructed and sealed in accordance with the conditions 3 and 4.

CARRIED 6/0

6:01 pm Cr G J Daccache re-entered the room and assumed his chair. Mayor advised Cr G J Daccache of Council's decision.

ATTACHMENT 2 TO AGENDA ITEM 11.2.2.4



Revised from 11/18/2006.
Peter Venter 11/18/2006.

PRELIMINARY
UNCHECKED

INFORMATION ONLY
NOT TO BE USED
FOR CONSTRUCTION

PILBARA IRON ORE & INFRASTRUCTURE PROJECT
INFRASTRUCTURE - PORT
HERITAGE DETOUR
SKETCH PLAN

PROJECT No. 075000-CI-SK-0050 A

DRAWN	DATE
CHECKED	DATE
APPROVED	DATE
SCALE	1:500

Team 45
The Pilbara Iron Ore & Infrastructure Project

Team 45 is the lead design consultant for the Pilbara Iron Ore & Infrastructure Project. The project is a joint venture between Pilbara Iron Ore Pty Ltd and Infrastructure Pty Ltd. The project is located in the Pilbara region of Western Australia.

The Pilbara Infrastructure Pty Ltd
Level 2, West Gate
East Perth WA 6004, Australia
Tel: +61 8 9411 1111
Fax: +61 8 9411 1112

NO.	DATE	DESCRIPTION
1		
2		
3		
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REF. NO.	REFERENCES
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Scale of metres 1:500

0 10 20 30 40 50 60 70 80 90 100

11.2.2.5 Request to Construct an Additional Fuel Storage Tank at the BP Fuel Depot at the Port Hedland International Airport (File No.: 800290G)

Officer Andrew Patterson
Planning Officer

Date of Report 12 September 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application for planning approval from Air BP – BP Australia to construct an additional fuel storage tank at their existing fuel depot at the Port Hedland International Airport. The tank is required to add to the existing storage capacity at the depot.

The land is zoned “Airport” and “Storage facility/depot/laydown area” is listed as an “IP” use on the Town of Port Hedland Town Planning Scheme No. 5 zoning table.

This item is referred for Council consideration as Delegated Officers do not have the authority to determine “IP” uses.

Background

In conversation with Council’s Planning Staff, the applicant has advised that this development is required to maintain sufficient jet fuel reserves to adequately service existing air services.

The proposed use is consistent with existing uses on this land, and the development is unlikely to significantly impact the amenity of adjacent land.

Consultation

Airport Staff have provided the following comments with regard to this application:

The Airport does not object to the addition of the new tank provided:

- That all relevant Acts and Regulations are complied with.
- The fuel storage facility is considered as a landside security zone for the purposes of the *Aviation Transport Security Act 2004* and the *Aviation Transport Security Regulations 2005 as amended*. The facility is required to comply with appropriate signage and restriction of unauthorised access to premises.

- The bunding provided at the facility must be able to contain the additional capacity in case of spill or rupture.
- A copy of the emergency management plan for the facility to be provided to the Airport Operations c/- Town of Port Hedland
- Statement of Compliance of the facility with relevant standards including but not limited to *AS-1940 Storage and Handling of Flammable and Combustible Liquids* be provided to Airport Operations c/- Town of Port Hedland.
- Under no circumstances are triples to be used on any airport roads for the transport of fuel. Maximum allowed - doubles.

Building Services have not objected to the proposal and advised that, as the proposed structure is not classified as a building, a building licence is not required.

Statutory Implications

This land is zoned "Airport," and the proposed use, "Storage facility/depot/laydown area" is listed in the Town of Port Hedland Town Planning Scheme No. 5.

As noted by Airport Staff, this proposed development is regulated by the Aviation Transport Security Act 2004 and the Aviation Transport Security Regulations 2005 as amended.

Section 6.11 of Air BP's lease agreement with the Town of Port Hedland states:

"6.11 Town Planning

The Lessee must not do or permit to be done anything in breach of any applicable town planning scheme zoning or as a result of which the zoning or permitted use of the Premises for their present purposes under any Act by-law order of scheme relating to town planning may be cancelled or otherwise prejudiced or altered."

Policy Implications

Nil

Strategic Planning Implications

KEY RESULT AREA 1 - INFRASTRUCTURE

Goal 3 – Airport

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

Budget Implications

Fees of \$195.50 have been received and deposited into account no. 1006326 – Town Planning Fees, reflecting a development cost of \$85 000.

Officer's Comment

As this is an extension of an existing land use, and is unlikely to have any significant detrimental amenity impact on the surrounding area, approval of this application is recommended.

200607/046 Council Decision/Officer's Recommendation

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

That Planning Consent be granted to Air BP Australia Ltd on behalf of the Town of Port Hedland for the construction of a 100,000 litre fuel tank at lot 2444 as outlined in the Application received 30 August 2006 (Application No. 2006/116) and indicated on the approved plans, subject to the following conditions:

GENERAL

- i) The applicant is to submit a Statement of Compliance of the facility with relevant standards including but not limited to AS-1940 Storage and Handling of Flammable and Combustible Liquids.**
- ii) A copy of the Emergency Management Plan for this facility to be submitted to the Town of Port Hedland.**

ADVICE TO DEVELOPER

NOTE 1: The applicant is advised that the fuel storage facility is considered a landside security zone for the purposes of the Aviation Transport Security Act 2004 and the Aviation Transport Security Regulations 2005 as amended and the facility is required to comply with appropriate signage and the restriction of unauthorised access to the premises.

NOTE 2: The applicant is advised that triple road trains are not permitted on any internal airport roads for the transport of fuel.

NOTE 3: The development to comply with the provisions of Council's Town Planning Scheme No.5 and any other relevant Acts, Regulations, Local Laws and Council Policies (except where varied by this approval).

NOTE 4: This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only (PS).

NOTE 5: The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

CARRIED 7/0

ATTACHMENT TO AGENDA ITEM 11.2.2.5



11.2.2.6 Proposed Construction of Three Grouped Dwellings at Lot 2023 (2) Leeds Street, Port Hedland (File No.: 803291G and 803292G)

Officer Andrew Patterson
Planning Officer

Date of Report 14 September 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Hodge and Collard Architects on behalf of the Port Hedland Port Authority to construct three single-storey McGrath Homes at lot 2023 Leeds Street Port Hedland.

The land is the subject of an incomplete subdivision (see attached diagram), with this proposal to be located on the created lots 1 and 2. These two lots are to be amalgamated into a single lot to accommodate this proposal.

This land consists of 1636 m² and is zoned Residential R 30 in the Town of Port Hedland Town Planning Scheme No. 5. "Grouped Dwellings" is listed as an "P" use on the TPS 5 zoning table.

This item is referred for Council consideration as Delegated Officers do not have the authority to determine applications for more than two grouped dwellings.

Background

At its Ordinary Meeting on 22 March 2006, Council considered a planning application for a similar development of three grouped dwellings at this address where Council granted planning approval, subject to conditions.

The applicant has advised that due to the estimated cost of the approved development, an alternative proposal has been submitted with an alternative construction type.

Compliance Issues

Section 3.2.5 of the R Codes requires that all fencing within the primary street setback is visually permeable where greater than 1.2 metres above natural ground level. No fencing is illustrated in the submitted plans and so this element is not assessed.

An appropriate condition is included in the Officer's recommendation to ensure compliance with this requirement.

The land subject of this application consists of lot 1 Leeds and Lot 2 Bayman Streets. The applicant has advised that these two lots are to be amalgamated to form a single lot consisting of 1637 m². It is noted that unit 2 of the proposed development is located crossing the boundary between the two lots that is in contravention of s. 3.3.1 of the R Codes. An appropriate condition is included in the Officer's recommendation to ensure that the amalgamation process is completed prior to the construction of the non-compliant dwelling.

The design of the proposed double carports indicates a proposed width of 5.6 metres. Appendix 8 of TPS 5 requires that car parking bays be a minimum of 3 metres, with an additional 0.3 metres width where bays are located adjacent to a wall or other obstruction. The applicant has been advised of this requirement and an appropriate condition is included in the Officer's recommendation to ensure compliance with this Scheme requirement.

This application complies with all other relevant sections of TPS 5 and the R Codes.

Consultation

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

Environmental Services have not objected to the application subject to consideration of dust and noise generation during construction.

No external consultation is required for this application and was not undertaken as this proposal closely conforms to the existing residential development in the adjoining development.

Statutory Implications

The *Town of Port Hedland Town Planning Scheme No. 5* zones the land and establishes the required dimensions of car parking bays.

The Residential Design Codes of Western Australia is a State Planning Policy that is published under Part 4 of the Planning and Development Act 2005.

Policy Implications

Nil.

Strategic Planning Implications

Nil

Budget Implications

Planning fees of \$2140 have been deposited into account 1006326 – Town Planning Fees, reflecting an estimated development cost of \$1 050 000.

Officer's Comment

This application requires minor modifications in order for it to comply with relevant sections of the town planning scheme and the R Codes, all of which are adequately rectified with planning conditions.

While battleaxe residential blocks are generally not preferred due to streetscape and CPTED principles, the shape and size of this block does not easily allow for an alternative site layout.

This development, should Council resolve to approve the application, should lead to residential development that is in keeping with the surrounding development.

200607/047 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

That Planning Consent be granted to Hodge and Collard Architects on behalf of Port Hedland Port Authority for the construction of three (3) GROUPED DWELLINGS at lot 1 Leeds Street and Lot 2 Bayman Street Port Hedland as outlined in the Application received 21 July 2006 (Application No. 2006/90) and indicated on the approved plans, subject to the following conditions:

GENERAL

- i) The applicant is to submit an endorsed Diagram of Survey to the Town of Port Hedland prior to commencing any site works.**
- ii) A store room, externally accessible only and not less than 4sqm in internal floor area to be constructed for each dwelling accordance with Council's Town Planning Scheme No.5 and the Residential Design Codes (PS).**
- iii) Front walls and fences within the primary street setback area to comply with clause 3.2.5 of the Residential Design Codes in relation to being visually permeable 1.2m above natural ground level (PS).**
- iv) Car parking bays to be minimum of 5.4m x 3.0m plus an additional 0.3 metres wide where the bay is adjacent to a wall or any other obstruction in accordance with Appendix 8 of Council's Town Planning Scheme No.5.**

- v) **Air conditioner units to be located so as not to create a noise nuisance to bedroom areas of adjoining dwellings (PS).**
- vi) **Footpath deposits, kerb deposits, and crossover specifications and policies to be to the satisfaction of Council's Manager Planning Services.**
- vii) **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).**
- viii) **Developers and/or contractors of developments which are likely to occur at times when prevailing winds will generate a dust nuisance to nearby residents, to take appropriate dust prevention measures by the damping with water of disturbed surfaces and/or hydromulching when necessary to the satisfaction of Council's Engineering Services and Environmental Health Services (EHS).**

ADVICE TO DEVELOPER

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

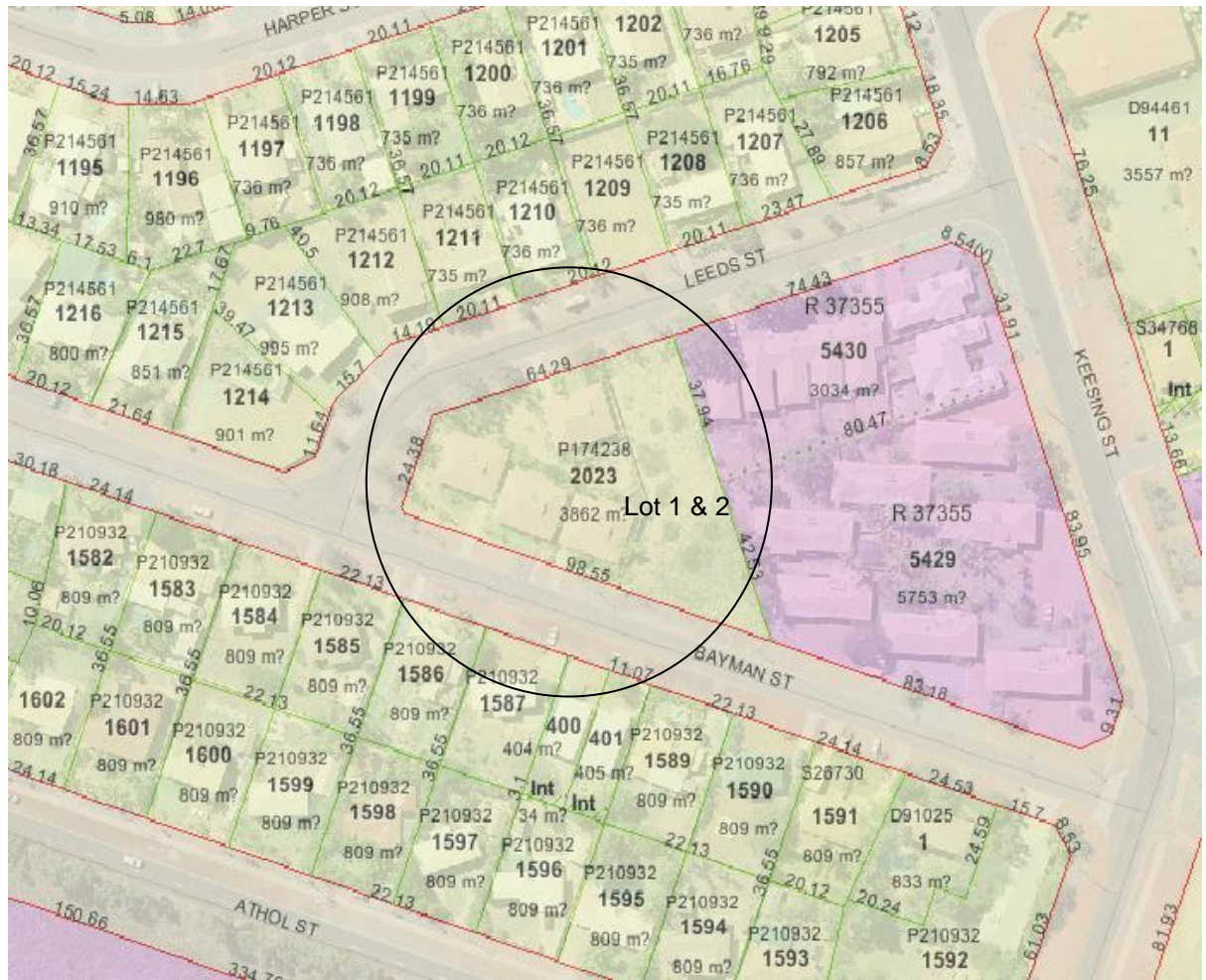
NOTE 2: The development to comply with the provisions of Council's Town Planning Scheme No.5, the Health Act 1911, Building Code of Australia, Residential Design Codes and any other relevant Acts, Regulations, Local Laws and Council Policies (except where varied by this approval).

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

NOTE 4: The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.6



6:04 pm Cr S F Sear declared a financial interest in Agenda Item 11.2.2.7 'Request to Rezone a Portion of Lot 2202 (4) Reynolds Place, South Hedland From Residential R20 to R30' as the applicant is a client of his.

Cr S F Sear left the room.

11.2.2.7 *Request to Rezone a Portion of Lot 2202 (4) Reynolds Place, South Hedland From Residential R20 to R30 (File No.: .../...)*

Officer Andrew Patterson
Planning Officer

Date of Report 12 September 2006

Disclosure of Interest by Officer Nil

Summary

Council has received a request from Define Creations - Design & Drafting on behalf of the landowner, Trend Developments to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5 (TPS 5) to rezone a portion of lot 2202 (4) Reynolds Place South Hedland from Residential R 20 to R 30.

Background

On 17 February 1999, the Town of Port Hedland was advised by the then DOLA (now DLI) that a recreation reserve had been amalgamated into lot 2202 Reynolds Place (see attachment).

When Town Planning Scheme No. 5 was gazetted August 2001, the amalgamated recreational reserve was zoned "Residential R 30, where the original lot 2202 retained its original residential density of R 20.

On 4 July, Council received an application to develop lot 2202 with 17 grouped dwellings, four of which were to be contained on the original lot 2202, with the balance on the previous recreational reserve. During the assessment of this application, it was noted that the R 20 zoned portion of the lot would not achieve the required minimum lot sizes per dwelling as per the Residential Design Codes.

On being advised of this situation, the applicant has responded by requesting Council to initiate a Scheme Amendment that will result in a uniform residential density for this lot.

Should Council resolve to initiate this amendment, the following variations to the development standards applicable to this land will become applicable:

R Code Variation	R 20	R 30
Site area per dwelling:		
- minimum	500 m ²	300 m ²
- average	440 m ²	270 m ²
Minimum Open Space	50%	45%
Minimum Front Setbacks	6 metres	4 metres

It is noted that the application for planning approval received by Council for this lot achieves an average site area per dwelling of 416 m² and provides for a total of 58 % open space. The front setbacks are proposed at a minimum of 2 metres, and average to 4 metres as permitted under the R Codes for R 30 development.

As the portion of land subject to this application comprises the street frontage to the lot, the visual impact resulting in this proposed scheme amendment would be limited to the front setbacks of any dwellings constructed subsequent to the amendment.

Consultation

Should Council resolve to initiate this proposed scheme amendment, the proposal will be referred to the Environmental Protection Authority and advertised in accordance with the *Town Planning Regulations 1967* and the *Planning and Development Act 2005*.

Statutory Implications

Council is able to amend the Town Planning Scheme pursuant to part 5 of the *Planning and Development Act 2005*.

The *Town Planning Regulations 1967* establish the procedure required to amend a town planning scheme.

Policy Implications

Nil.

Strategic Planning Implications

Nil.

Budget Implications

Fees of \$1000 have been deposited into account 1006326 – Town Planning Fees.

Officer's Comment

Zoning a single residential lot with two different density codes is an unusual situation that requires a scheme amendment to rectify. It is difficult to see any real benefit in retaining the current zoning.

Should Council initiate this scheme amendment, and the proposal be endorsed by the Western Australian Planning Commission, it is likely that the submitted development application will be submitted to a subsequent Council Meeting for determination with a recommendation of a conditional approval.

200607/048 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That

i) Pursuant to section 75 of the *Planning and Development Act 2005* (as amended), Council resolves to amend Town of Port Hedland Town Planning Scheme No.5 by:

a) rezoning the portion of lot 2202 Reynolds Place South Hedland currently zoned Residential R 20 to Residential R 30; and

b) amending the Scheme Map accordingly;

the Mayor and Chief Executive Officer be authorised to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended);

ii) the proposed amendment be numbered Amendment No.12 of *Town of Port Hedland Town Planning Scheme No.5* and be forwarded to the Environmental Protection Authority for assessment in accordance with section 81 of the *Planning and Development Act 2005* prior to advertising in accordance with the *Town Planning Regulations 1967*; and

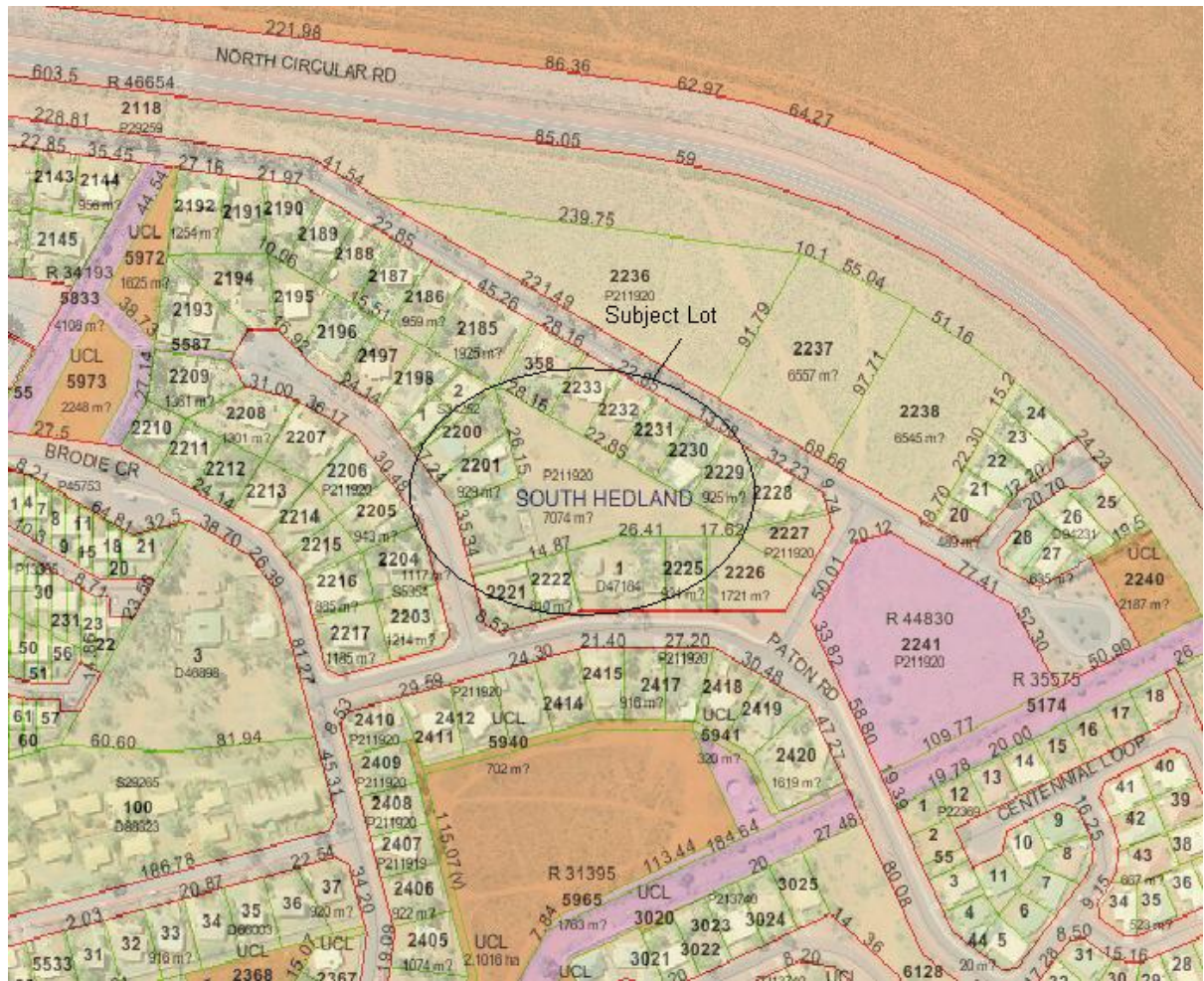
iii) the applicant be advised that all costs associated with advertising and preparing the amendment will be borne by the applicant.

CARRIED 5/1

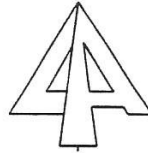
6:06 pm Cr S F Sear re-entered the room and assumed his chair.

Mayor advised Cr S F Sear of Council's decision.

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.7



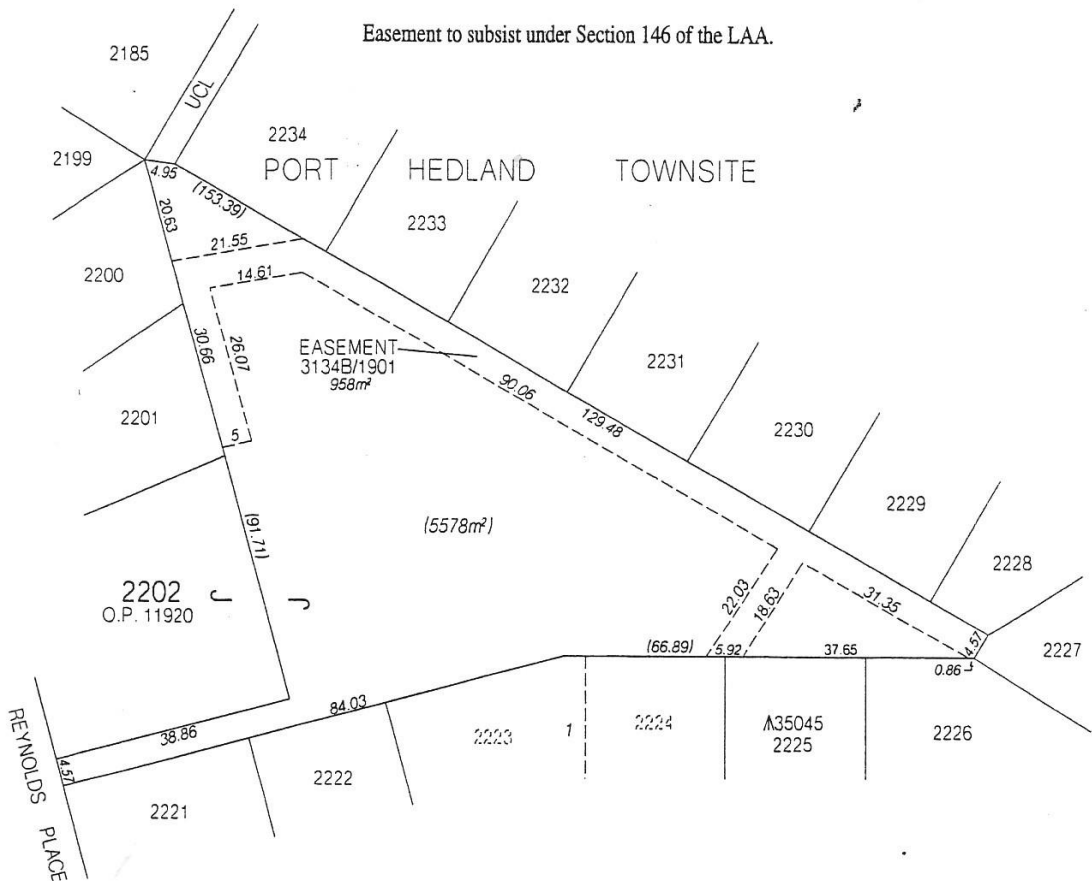
ATTACHMENT 2 TO AGENDA ITEM 11.2.2.7



SCALE 1:1000
P.P. BL66 (2) 26.24
Ref. DIA. 90650
CORR. 3209/990v2
CF 11/08/1998

Amalgamation of Land

Easement to subsist under Section 146 of the LAA.



[Signature]
SKETCH & AREA EXAMINED
for Manager, Statutory Services

11.2.2.8 Proposed Partial Road Closure of Traine Crescent, South Hedland (File No.: 07/02/0002)

Officer Andrew Patterson
Planning Officer

Date of Report 5 September 2006

Disclosure of Interest by Officer Nil

Summary

Council has received a request from Taylor Burrell Barnett on behalf of the Department for Housing and Works to close a portion of Traine Crescent South Hedland in order to facilitate the subdivision and development of lot 2336 Traine Crescent.

Background

As noted on the attached map, Traine Crescent flares out as it approaches Dale Street, with the road reserve expanding to 42 metres at its easternmost extremity. As evident at other sites in South Hedland (for example, Mauger Place), the unusually wide road reserves were originally designed to accommodate the construction of additional parking bays located at the rear of the Radburn style housing where the rear of the dwelling is constructed facing the street frontage. As this residential design is no longer favored, and is unlikely to be reinstated, the purpose for this additional car parking area is unnecessary.

Should Council approve this partial road closure, no structural works are required to realign the road as only the parking area of the road reserve will be closed, and a total of up to 1836 m² will become available for residential uses. If developed at the existing residential density of R 30, this road closure may release on aggregate an additional six lots.

Should Council support the road closure, and the section of Traine Crescent be closed by the Honorable Minister for Lands, the affected portion of land would become unallocated Crown land subject to sale to the Department of Housing and Works for inclusion into the planned subdivision of Lot 6176 Traine Crescent.

Consultation

Pursuant to section 58 of the *Land Administration Act 1997*, and section 9 of the *Land Administration Regulations 1998*, a road closure must be publicly advertised for a minimum of 35 days with service providers consulted prior to requesting that the Honorable Minister for Lands close the road reserve.

Statutory Implications

The closure of any portion of a road reserve is actioned through section 58 of the *Land Administration Act 1997* and section 9 of the *Land Administration Act 1998*.

Policy Implications

Nil

Strategic Planning Implications

KEY RESULT AREA 2 – COMMUNITY PRIDE

Goal 3 – Townscape

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

Strategy 3 - In conjunction with the Department of Housing and Works, implement the South Hedland New Living project.

Budget Implications

Fees of \$110 have been deposited into account 1006326 – Town Planning Fees as per Council's Fees and Charges. All additional costs incurred for advertising will be invoiced to the applicant.

Officer's Comment

Closing this road would enable the effective use of currently underutilised land for residential purposes that would comprise a greater asset to the Town of Port Hedland. Closing this portion of Traine Crescent in conjunction with the development of the adjoining residential land presents an opportunity to partially redress the products of the abandoned Radburn-style residential subdivision design.

200607/049 Council Decision/Officer's Recommendation

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

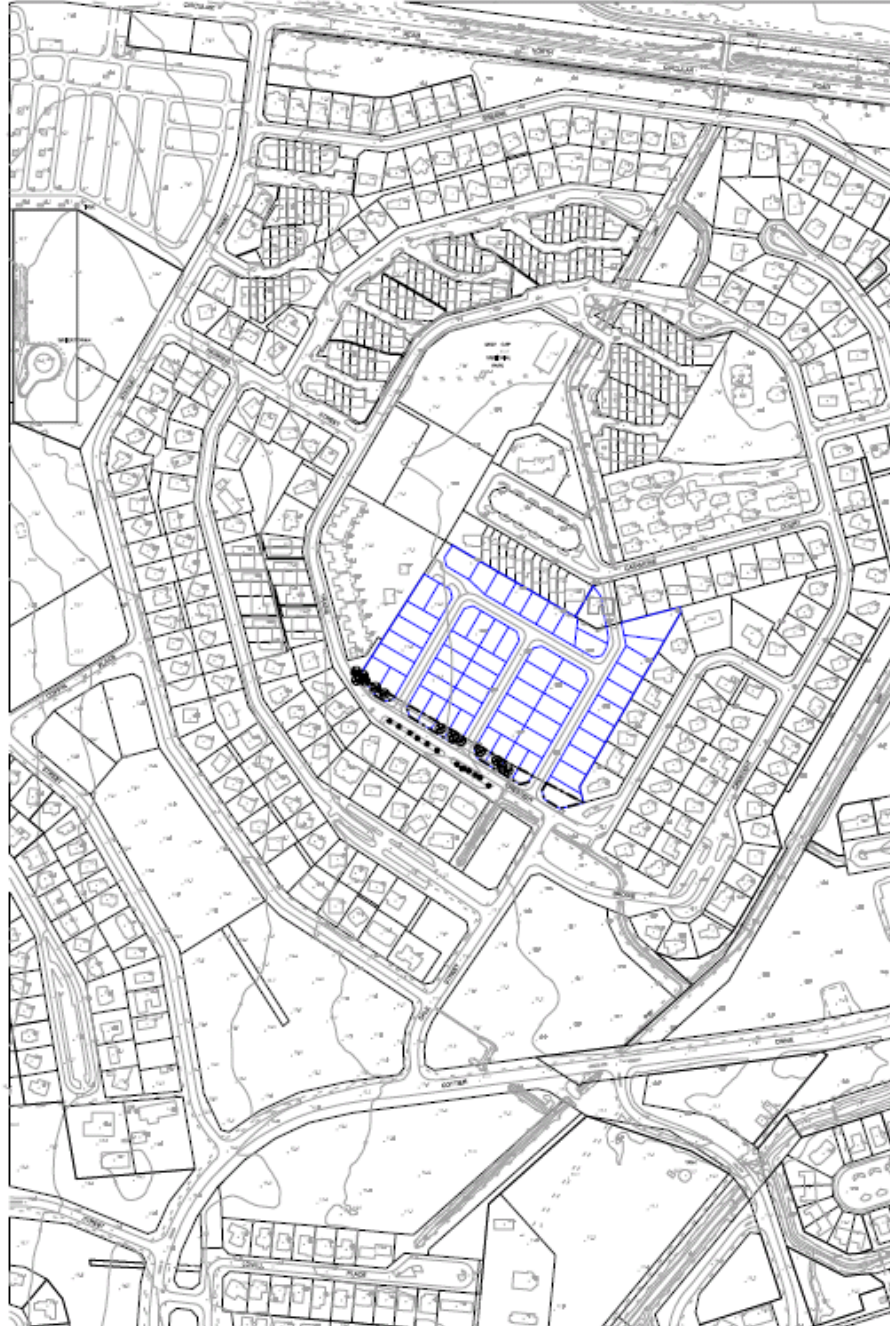
That Council:

- i) **advertise the proposed closure of the portion of Traine Crescent South Hedland identified in the application received from Taylor Burrell Barnet on 30 August 2006 pursuant to section 58 of the *Land Administration Act 1997*, and section 9 of the *Land Administration Regulations 1998*;**
- ii) **request that the Honorable Minister for Lands to close the portion of Traine Crescent South Hedland; and**

- iii) advise the applicant that all costs associated with advertising the road closure will be borne by the applicant.

CARRIED 7/0

ATTACHMENT TO AGENDA ITEM 11.2.2.8



104-1011
Locality Plan
ROAD CLOSURE
SOUTH HEDLAND

CLIENT	CITY
JARON	20/09/2006
PLAN NUMBER	SCALE
CLOSED	NIS
SHEET NO.	CHECKED BY
02	02
10	10

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6:11 pm Cr S R Martin declared a financial interest in Agenda Item 11.2.2.9 'Proposed Earthworks for Pretty Pool Subdivision – Stage One' as he was advised this afternoon verbally by Hedland First National that he was successful in securing a residential block in the Pretty Pool ballot.

Cr S R Martin left the room.

Deputy Mayor A A Carter assumed the Chair.

11.2.2.9 Proposed Earthworks for Pretty Pool Subdivision – Stage One (File No.: 803357G)

Officer Andrew Patterson
Planning Officer

Date of Report 18 September 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Koltasz Smith on behalf of LandCorp to commence preliminary earthworks related to Stage One of the Pretty Pool subdivision. This application requires planning approval as the applicant proposes that the extent of the earthworks extends beyond the boundaries of the approved subdivision into land that is currently subject to a Scheme amendment in order to rezone to residential land.

Background

The Western Australian Planning Commission (WAPC) approved a subdivision application for Lot 5876 Counihan Crescent, subject to conditions, on 4 May 2006.

The conditions included in this approval relevant to this application include:

- “8. *The land being graded and stabilised.*
9. *The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being granted free of cost.”*

The Town of Port Hedland is the responsible authority for providing written advice to the WAPC that these conditions are satisfactorily fulfilled.

As part of fulfilling these conditions and preparing the land for the approved subdivision, the applicant is proposing to extend the

works area outside the approved subdivision into land that is currently subject to a Town Planning Scheme Amendment.

The works proposed outside the approved subdivision area involve cutting and filling and follow the subdivision layout proposed in the Scheme Amendment proposal.

The applicant has advised that the eastern works are required to rework the contours, presumably in anticipation of a Scheme Amendment and subdivision approval, and the works to the west are required for battering and drainage.

In addition to being outside the subdivision area, a drainage retention basin is proposed outside the proposed Scheme Amendment area. As this land comprises unallocated Crown land and has not been cleared of Native Title, the applicant will need to acquire some form of tenure over the land prior to commencing works.

Consultation

Engineering Services have not objected to this proposal.

Due to the nature of this application, the Care For Hedland Environmental Association was consulted with regard to this application. Care for Hedland has objected to this proposal for the following reasons:

Granting approval to this application may set an undesirable precedent for future land development.

The impact of the works with regard to possible erosion and stability are not satisfactorily established. RPS BBG environmental consultants are preparing a Drainage Management Plan but this is not yet complete and so the implications of the proposed works cannot be satisfactorily assessed.

As there is no certainty as to when the land subject of this application will be developed, the Association prefers that this land remain undisturbed rather than removing the vegetation that currently stabilises the land.

Statutory Implications

The applicant may require a clearing permit from the Department for Conservation and Environment under the *Environmental Protection Act 1986* and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

Policy Implications

Nil.

Strategic Planning Implications

KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT

Goal 4 - Land Development Projects

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

Strategy 1. Work with LandCorp to progressively develop Pretty Pool in a sustainable manner.

Budget Implications

Application fees of \$184 have been deposited into account 1006326 – Town Planning Fees, reflecting an estimated development cost of \$80 000.

Officer's Comment

While not stated in the application, the purpose of this application is most likely to make the most effective use of available works personnel.

The concerns raised by the Care for Hedland Association are significant, particularly as the final footprint is not yet established. An appropriate condition is included in the Officer's recommendation to ensure that, should the amendment not include the land proposed to be disturbed by this application, this land would be required to be rehabilitated to the satisfaction of Council's Manager Planning at the applicant's cost.

With regard to the location of a retention basin outside the amendment area, as this land is unallocated Crown land, the applicant would be required to obtain some form of tenure over the land, such as a licence, or by purchasing from the Crown, prior to commencing site works. As Council cannot impose a condition that is subject to the actions of a third party, this is included as an advice note only.

200607/050 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S F Sear

That Planning Consent be granted to Koltasz Smith on behalf of LandCorp for EARTHWORKS at lot 300, 5876 and 5877 Styles Road as outlined in the Application received 15/08/2006 (Application No. 2006/102) and indicated on the approved plans, subject to the following conditions:

- i) the applicant to submit an approved drainage management plan as required by condition 12 of the subdivision application for lot 5876 Counihan Crescent Port Hedland (Application Number 130283) to the Town of Port Hedland prior to the commencement of site works;**

- ii) the applicant is advised to obtain appropriate tenure to all land subject to this approval;
- iii) the applicant to restore all disturbed land to its current state in the event it is not rezoned as proposed in the Town of Port Hedland Town Planning Scheme No. 5 Amendments 7 and 10 to the satisfaction of the Manager Planning; and
- iv) all works are to be at no cost to Council.

CARRIED 4/2

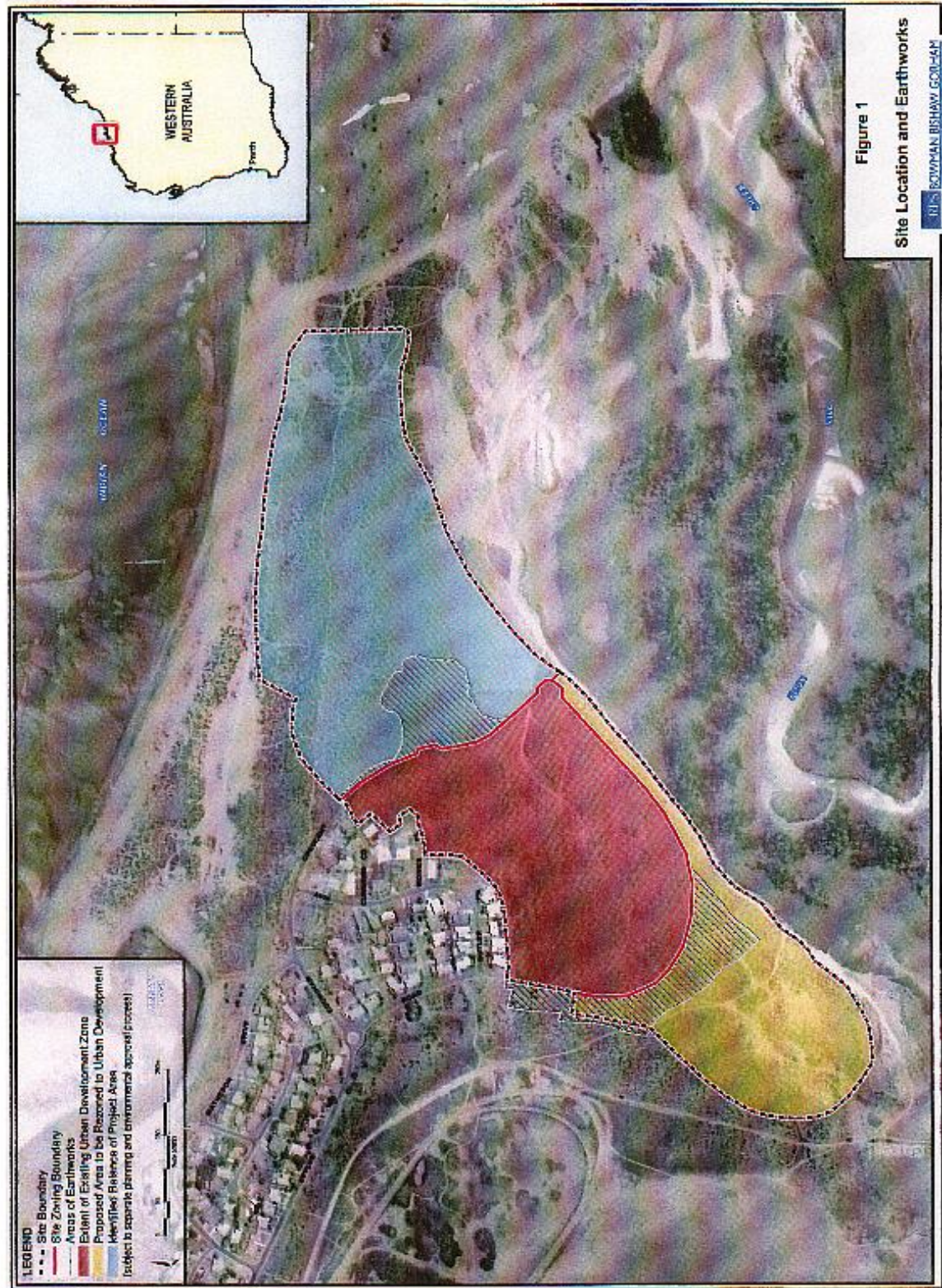
NOTE : Cr A A Carter requested the votes be recorded.

Record of Vote:

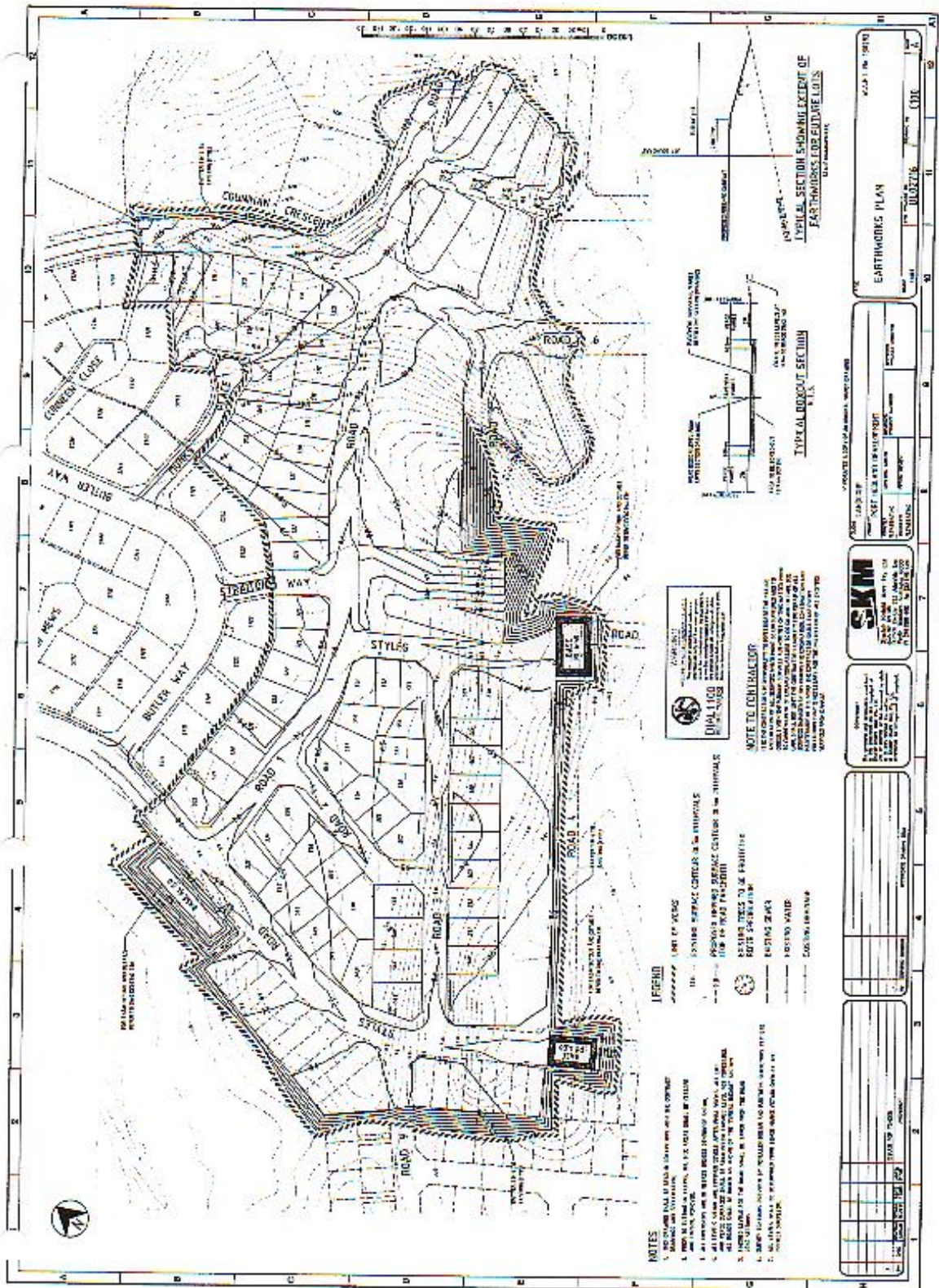
FOR	AGAINST
Cr A A Carter	Cr G D Bussell
Cr G J Daccache	Cr A A Gear
Cr J M Gillingham	
Cr S F Sear	

6:14 pm Cr S R Martin re-entered the room and assumed the Chair.
 Cr A A Carter advised Cr S R Martin of Council's decision.
 Cr A A Carter resumed his chair.

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.9



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.9



11.2.3 Environmental Health Services

6:15 pm Cr G J Daccache declared a financial interest in Agenda Item 11.2.3.1 'BHP Billiton 0 Revision of Dust Management Program' as he owns BHP Billiton shares and is employed by BHP Billiton.

Cr G J Daccache left the room.

11.2.3.1 BHP Billiton - Revision Of Dust Management Program (11/08/0002)

Officer Darryal Eastwell
Manager Environmental
Health Services

Date of Report 13 September 2006

Disclosure of Interest by Officer Nil

Summary

BHP Billiton Iron Ore has prepared a proposal to revise its Dust Management Programme. Council and members of the public have the opportunity to provide comment before the Environmental Protection Authority considers this proposal.

Background

BHP Billiton is seeking amendments to the Ministerial Conditions of approval for their Dust Management programme for its operations at Finucane Island and Nelson Point.

Any changes to Ministerial conditions are administered under section 46 of the Environmental Protection Act.

To assist in this process the Company has prepared an Environmental Review Document, which describes the past environmental performance, predicted future performance and revised and more stringent performance targets for dust and water –use efficiency.

The Town has been supplied with a copy of the review document, a summary document and a briefing document that is available for Councillor perusal.

Consultation

The revised Conditions proposed in the review document reflect the feedback obtained by the company during extensive consultation with the community and authorities over the past 18 months.

Statutory Implications

Any changes to Ministerial conditions are administered under section 46 of the Environmental Protection Act.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

It is appropriate that the Town of Port Hedland make a submission. The report itself is a lengthy and detailed document that outlines strategies and Company commitments to maintain continuous improvement in dust management, water-use efficiency and community engagement.

A review of the document by Council staff was generally supportive of the more stringent control measures to be applied but identified a number of areas that were worthy of specific comment.

In July 2006 the Department of Health released preliminary results of a Dust Review, which they coordinated. Some of the recommendations to come out of this document included increased dust mitigation and improved monitoring and transparency of results. It is felt that these recommendations should be re-iterated in the submission by Council.

One potential weakness identified in the company's dust monitoring programme is the location of monitoring stations. Subject to noise considerations it is considered that dust monitors need to be located in areas where they give a true indication of the dust levels that residents are exposed to and these results need to be readily accessible.

The Town should also express support for the relocation of activities that have the potential to cause dust emissions e.g., ore crushing activities, as this will have potential to significantly improve the amenity of Port Hedland.

Officer's Recommendation

That Council writes to the Environmental Protection Authority to comment on the Section 46 document produced by BHP Billiton

Iron Ore to amend its Ministerial conditions of approval for their Dust Management programme for Finucane Island and Nelson Point Operations to include the following:

- i) the Department of Health's recommendations requiring increased dust mitigation, improved monitoring and transparency of results are to be considered when assessing the document;
- ii) subject to noise considerations, dust monitors need to be located in areas where they give a true indication of the dust levels that residents are exposed to and these results need to be readily accessible; and
- iii) the Town of Port Hedland supports any initiative to relocate activities that have the potential to cause excessive dust emissions including ore crushing activities and loading facilities.

200607/051 Council Decision

Moved: Cr G D Bussell

Seconded: Cr A A Gear

That Council writes to the Environmental Protection Authority to comment on the Section 46 document produced by BHP Billiton Iron Ore to amend its Ministerial conditions of approval for their Dust Management programme for Finucane Island and Nelson Point Operations to include the following:

- i) **the Department of Health's recommendations requiring increased dust mitigation, improved monitoring and transparency of results are to be considered when assessing the document;**
- ii) **subject to noise considerations, dust monitors need to be located in areas where they give a true indication of the dust levels that residents are exposed to and these results need to be readily accessible; and**
- iii) **the Town of Port Hedland supports any initiative to relocate activities that have the potential to cause excessive dust emissions including ore crushing activities and loading facilities.**
- iv) **the Town supports the application of the National Environmental Protection Measure (NEPM) standard for pM10 ambient dust until such time that scientific-based evidence indicates clearly that it is not applicable in Port Hedland.**

CARRIED 6/0

REASON: Council added clause iv) as follows:

“iv) the Town supports the application of the National Environmental Protection Measure (NEPM) standard for pM10 ambient dust until such time that scientific-based evidence indicates clearly that it is not applicable in Port Hedland.”

as it felt that reference to the NEPM standard is/was appropriate until such time that an alternate method is scientifically proven.

NOTE: Council requested that it be recorded in the Minutes that the above decision does not imply that Council supports the Department of Health’s recommendation to de-densify the west end of Port Hedland.

6:21 pm Cr G J Daccache re-entered the room and assumed his chair.

Mayor advised Cr G J Daccache of Council’s decision.

11.2.3.2 Trapping of Ferral Animals (File No.: -)

Officer Darryal Eastwell
Manager Environmental
Health Services

Date of Report 8 September 2006

Disclosure of Interest by Officer Nil

Summary

Rio Tinto Minerals Asia Pacific Port Hedland operation (Dampier Salt Limited) is currently developing and eradication program for feral animals (cats and foxes) at their sea water intake areas.

They would like to extend their programme for trapping foxes to include known turtle nesting sites at Pretty Pool beach. The area to be trapped is shown on an aerial map in attachment 1.

Background

Dampier Salt Limited recently held discussions with the Care For Hedland Environmental Association with regard to their turtle-nesting monitoring program. The group expressed concern over the predation of turtle eggs by foxes that occurred last nesting season. Dampier Salt Limited is keen to extend their trapping area to include known turtle nesting sites at Pretty Pool beach.

Dampier Salt Limited subsequently wrote to the Town outlining their proposed trapping programme and seeking Council permission to extend the programme to include known turtle nesting sites in the Pretty Pool Beach area.

It is proposed that a small number of cage type traps will be placed in the dunes near Pretty Pool Beach, baited each evening and collected each morning. An employee of the company will humanely destroy any trapped feral animals and any domestic animals caught in the traps will be handed over to Council's Ranger Services as soon as possible. Any destroyed animals will be disposed of at the Council's refuse disposal site.

A meeting was held between Mr Paul Simper from Dampier Salt, Ms Kelly Howlett, Care For Hedland Environmental Association and Council's Health and Ranger Services to discuss the proposal.

The Care For Hedland Environmental Association Inc. is fully supportive of the initiative in an attempt to minimise disturbance of turtle eggs by predatory feral animals during the nesting season. (December –March).

The proposal was discussed with a Department of Environment Conservation (formerly CALM) representative who was aware of the plan and supported it. Dampier Salt Ltd intends to submit a copy of the proposal to that Department and report the results of the programme.

Consultation

Department of Environment Conservation
Care For Hedland Environmental Association
ToPH Ranger Services

Statutory Implications

The Dog Act provisions apply if domestic animals are caught during the trapping programme.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Council would forgo a small amount of revenue (perhaps \$200) if it waives disposal charges for the disposal of feral animal carcasses.

Officer's Comment

Council's Health and Ranger services are also fully supportive of the proposal provided the following precautions are undertaken.

1. Local Residents are made aware that the programme is being undertaken.
2. Any domestic animals that are captured are to be delivered to our Rangers and dealt with under the Dog Act and Cat Local Laws.
3. The Job Safety Analysis for euthanasing any captured feral animals are to be followed at all times.
4. The Department of Environment endorse the programme

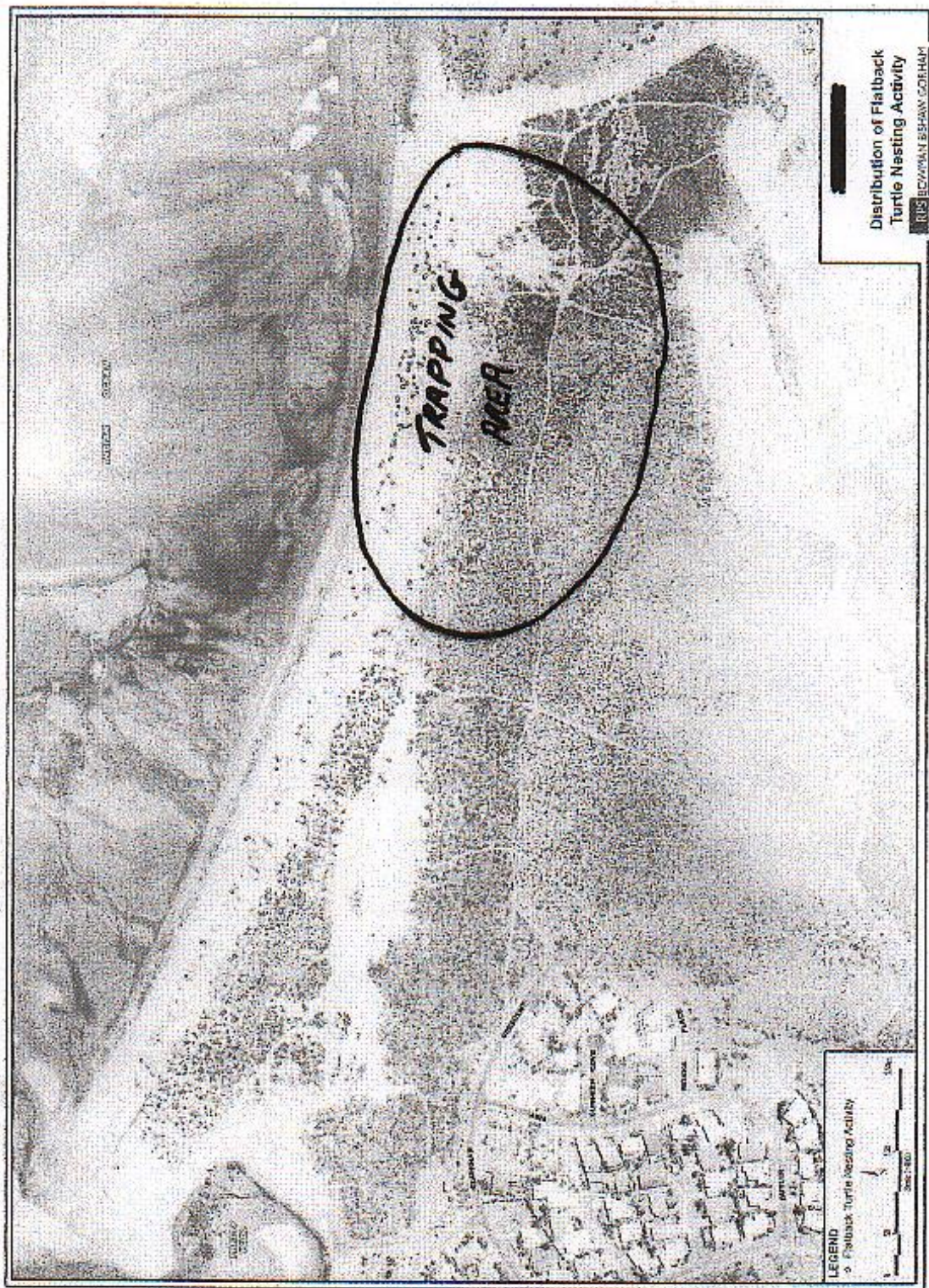
200607/052 Council Decision/Officer's Recommendation**Moved:** Cr A A Gear**Seconded:** Cr G D Bussell

That Council advise Rio Tinto Minerals Asia Pacific Port Hedland Operations (Dampier Salt Limited) it has no objection to feral foxes being trapped at the Pretty Pool Beach area from December 2006 to March 2007 provided:

- i) Local residents in the Pretty Pool residential area are made aware that the programme is being undertaken in the form of a letter drop.**
- ii) The Department of Environment & Conservation endorses the proposal and the programme is conducted in accordance with any conditions set by the Department.**
- iii) The doors of any traps left on the site are not to be open between dawn and dusk.**
- iv) Any domestic animals that are trapped are to be delivered to Council's Ranger Services to be dealt under the provisions of the Dog Act.**
- v) Any feral animals captured are to be euthanased in a humane manner and in accordance with Dampier Salt's Job Safety Analysis on their property. No animals are to be euthanased in a public area.**
- vi) Euthanased animals are to be disposed of at Council's refuse disposal site free of charge.**

CARRIED 7/0

ATTACHMENT TO AGENDA ITEM 11.2.3.2



11.2.6 Arts and Community Services**11.2.6.1 *The Alliance Small Grants Scheme : Round 1 (File No.: 15/01/001)***

Officer Claire Roberts
Events Co-ordinator

Date of Report 21 September 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider applications that have been received for The Alliance Small Grants Scheme.

Background

The Alliance Small Grants Scheme has been developed as a key element of the The Alliance partnership agreement between Town of Port Hedland and BHP Billiton Iron Ore. Grants are available to individuals and community groups to encourage and support the creation of a community in which artistic, cultural and heritage aspirations will flourish and be sustained.

The Alliance Small Grants Scheme will be advertised four times a year, with a maximum amount of \$1,000 available per organisation.

Requests were received from five applicants for this funding round.

The Alliance Advisory Committee has considered the applications and the recommendation is that two of the applications were to be approved, with two to be rejected and one to have further information submitted.

The Alliance Advisory Committee approved the following applications:

1. Cooke Point Playgroup
(Multicultural Appreciation through Play:
purchase of multicultural toys)
Amount requested: \$560
Grant amount approved: \$560
2. Hedland Community Living Association
(Inclusive Art: funding of art classes targeted
at people with a disability)
Amount requested: \$1,000
Grant amount approved: \$1,000

3. Pilbara and Kimberley Care Inc.
(Symbols of Life Experience Shared Project: art program)
Amount requested: \$1,000
Grant amount approved: \$1,000

Funding is not recommended for:

1. David Hooper
(Mudflat Art Exhibition)

The application was submitted late and did not provide essential information, had no sponsoring incorporated organisation and had no financial details attached.

2. Port Hedland Primary School P&C
(Purchase of marimba – musical instrument)

For the reason that the application did not score strongly on the criteria: existing equipment in place, limited target group, no clear contribution to Alliance ambition.

While the application is complete, the committee is seeking further clarification on the incorporation certificate, as well as confirmation on where program will be located.

TOTAL APPROVED: \$2,560

Consultation

The Alliance Small Grants Scheme: Round 1 was advertised through the North West Telegraph on 3 August 2006 and 9 August 2006.

The Alliance Advisory Committee

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Not specifically identified in the strategic plan.

Budget Implications

Grants approved to the value of \$2 560.00.

Officer's Comment

For information of Council, this is a key component of The Alliance partnership agreement.

200607/053 Council Decision/Officer's Recommendation

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

That following grants as part of The Alliance Small Grants Scheme: Round 1:

i)	Cooke Pointe Playgroup	\$560
ii)	Hedland Community Living Association	\$1,000
iii)	Pilbara & Kimberley Care	\$1,000

be approved.

CARRIED 7/0

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

Officer Grant Logie
Director Engineering
Services

Date of Report 14 September 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>	Cracker dust in cemetery car park completed. Contractors are currently installing shelters. Reticulation, tree planting and pruning of trees complete.
<i>Airport Upgrade</i>	Kerbing installed in new long term car park. Raised pedestrian crossings installed. New footpath installed to link long term car parks with main car park.
<i>Playgrounds</i>	Removal of old playground equipment at Colin Matheson Oval has commenced. Installation of new playground equipment and rubber softfall commences on 24 th September. New playground equipment has been ordered for Daylesford Park. Engineering Services will remove old playground equipment prior to installation.

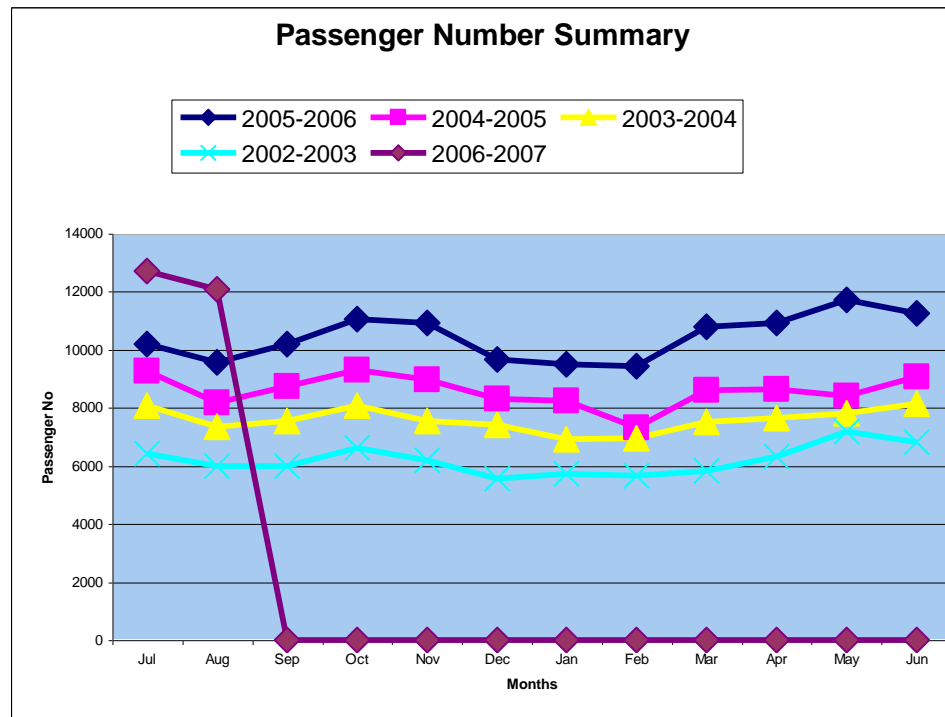
PROJECT	STATUS
<i>Black Spot Funding</i>	Throssell Road, North Circular/Hamilton and North Circular/Murdoch. Survey for North Circular/Murdoch has been forwarded to Taurus Designs for intersection improvements.
<i>Roads to Recovery Funding</i>	Buttweld road extension – site for road extension has been cleared. Contractors are currently carting materials to the site for road formation.
<i>Regional Road Group Funding</i>	Installation of guardrail on Hamilton Road complete.
<i>Landfill</i>	Comments have been sent to consultant for finalising of the Waste Management Plan.
<i>Walkway Lighting</i>	Horizon Power to provide quotes for upgrade of walkway lighting as per program. HP to take over assets of lights.
<i>Reseals</i>	Contractors have completed the first section of works for the 06/07 reseal program. Hotmix sealing contractors due beginning of October.
<i>Kerbing Construction</i>	Contractors have commenced works and are expected to finish by mid September. Council staff to backfill verge after installation of kerbing.
<i>Footpath Construction</i>	Footpath contractors have commenced the first stage of works for the 06/07 Footpath Construction Program.
Wedgefield Upgrade	Schedule of works has been prepared based on road hierarchy system. Consulting with Taurus Designs for triple road train turning radius standards.
Heavy Plant	Specifications and tenders prepared for Heavy Plant purchase and replacement
Pre-cyclone cleanup	Determined details for pre-cyclone clean up (green waste only plus assistance for disabled and aged pensioners). Commenced advertising.
Graffiti	Implementation of Graffiti Management System for reporting graffiti.

Parks and Gardens

Reticulation Upgrades	Parks & Garden crew are receiving training for the new reticulation systems recently installed on sports grounds.
Tree Pruning	Tree pruning in Port Hedland, South Hedland and Wedgefield has commenced in preparation for the cyclone season.

Airport

Regular Passenger Transport Services Passenger Information as at 30 August 2006



The first two months of the 2006/2007 financial year has seen the growth in passengers using the schedule services increase. In July we had a total of 12323 passengers and as can be seen August is a traditionally lower month with 11,758 passengers.. The international service is still being supported with the route change through Broome with an estimated 360 passengers for the month of July.

The Bureau of Transport & Regional Economics (BTRE) recently released the official aviation statistics for June 2006. BTRE states that the traffic growth on the Perth- Port Hedland route had increased 30.3 % compared with June 2005. Passenger Movements for the year to June 2006 also increased by 24.6%. The below table provides a comparison between the major regional airports in WA for the month of June 2006.

Route	Ranking In Aust	Pax Numbers	Available Seats	Load Factors	Aircraft Movements
Port Hedland-Perth	47	10700	15100	71	132
Karratha - Perth	29	24400	33100	73.9	247
Kalgoorlie -Perth	35	15900	27200	58.5	240
Broome-Perth	31	24200	30800	78.7	214

Source : BTRE June 2006

Significant Aircraft Movements

Date	Aircraft	Details
2/8/06	Challenger 604	RAAF Flight
3/8/06	Challenger 604	RAAF Flight
	VH- EXG Citation	Corporate Jet Dom
7/8/06	Dornier 228	International Inbound from South Africa

Other

Qantas has reintroduced a lunchtime flight Monday to Friday effective as of 11 September 2006.

Skywest has announced a change in schedule effective as of 18 September 2006. Port Hedland now has a scheduled RPT service to Broome. Following the withdrawal of Skywest from Karratha the weekday services to and from Port Hedland are now direct from/to Perth.

The traffic management improvements at the airport are nearing completion.

200607/054 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council receives the Engineering Services Report for August 2006.

CARRIED 7/0

11.3.2 Port Hedland International Airport

6:26 pm Cr S F Sear declared an impartiality interest in Agenda Item 11.3.2.1 'Tender 06-08 Provision of Cleaning Services Port Hedland International Airport' as a tenderer is a client of his.

Cr S F Sear left the room.

11.3.2.1 *Tender 06-08 Provision of Cleaning Services Port Hedland International Airport (File No.: 23/08/0007)*

Officer Eleanor Whiteley
Acting Airport Manager

Date of Report 15 September 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider submissions received for Tender 06-08-Provision of Cleaning Services Port Hedland International Airport.

Background

The current tender for the provision of cleaning services for the airport expired on 30 August 2006. Advertisements calling for tenders for the provision of cleaning services for the Terminal and other Town of Port Hedland buildings were placed in the North West Telegraph and the West Australian on 23 August 2006. The advertised closing date and time for Tender 06-08 was on 12 September 2006 at 2:00 pm.

The areas to be cleaned under the specifications are the Terminal (International & Domestic Areas), the Airport Offices in the Operations Building and the Airport Depot office. The contract is for a period of 1 year extendable by 1 year. All consumables are to be supplied by the contractor.

Following the close of the tender on 12 September August 2006 at 2.00pm the tender box was opened in the presence of the A/CEO, Deputy Mayor Carter, Manager Administration. Tenders were received from:

Kestrel Contracting Pty Ltd trading as Pilbara Dustbusters
Butterfly Cleaning Services

The Town of Port Hedland did not submit a tender.

Summary of the Tenders

	Butterfly Cleaning Services		Kestrel Contracting Pty Ltd	
	Ex GST	Inc GST	Ex GST	Inc GST
Location 1 Terminal Building - Domestic	\$125,000.00	\$137,500.00	\$60,195.01	\$66,214.51
Location 2 Terminal - International Area	\$25,000.00	\$27,500.00	\$10,727.25	\$11,799.96
Location 3 Operations Building- (Town of Port Hedland Offices, boardroom, stairwell, foyer area & building entrance	\$50,000.00	\$55,000.00	\$7,563.60	\$8,319.96
Location 4 Airport Depot office	\$25,000.00	\$27,500.00	\$3,781.74	\$4,159.92
TOTAL per annum	\$225,000.00	\$247,500.00	\$82,267.60	\$90,494.35

Consultation

Manager, Administration Services
Tender 5/10 Provision of Cleaning Services Town of Port Hedland
Airport Manager, City of Kalgoorlie-Boulder

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

\$70,000 was provided in the 2006/2007 budget.
G/L Account 1211262 Building Cleaning.

Officer's Comment

All tenders received conformed with the tender documentation.

The table below lists the evaluation criteria used to assess the tenders as per the tender documentation:

Value for Money	60%
Previous Performance	20%
Compliance with Cleaning Schedule	10%
Local Preference	10%
Total	100%

The following matrix shows the rating of each tender submission as per the evaluation criteria.

	Value for Money (60%)	Previous Performance (20%)	Compliance with Cleaning Schedule (10%)	Local Preference (10%)	Total (max 100%)
Butterfly Cleaning Services	25%	10%	10%	10%	55%
Kestrel Contracting	50%	15%	10%	0%	85%

Both submissions received are outside the current budgetary allocation of \$70,000 for 2006/2007.

The \$70,000 budget figure was determined using the previous airport cleaning contract. The increase in the cost of the provision of cleaning services for the airport is reasonable given that cleaners must be on site during flight times and that the required standard and level of cleaning as also increased.

Airport Revenue for 2006/2007 will increase given the introduction of the new services. The next formal budget review will incorporate these anticipated changes.

Officer’s Recommendation

That:

- i) the tender submission from Kestrel Contracting Pty Ltd trading as Pilbara Dustbusters for Tender 06/08 – Provision of Cleaning Port Hedland International Airport be accepted;
- ii) general ledger expenditure account 1211262 Building Cleaning be increased from \$70,000 to \$85,000; and
- iii) general ledger income account 1210234 be increased from \$780,000 to \$840,000.

Amended Recommendation

That:

- i) the tender submission from Kestrel Contracting Pty Ltd trading as Pilbara Dustbusters for Tender 06/08 – Provision of Cleaning Port Hedland International Airport be accepted;
- ii) general ledger expenditure account 1211262 Building Cleaning be increased from \$70,000 to \$85,000; and
- iii) general ledger income account 1210234 be increased from \$780,000 to \$840,000; and
- iv) \$45,000 be transferred to Port Hedland International Airport's Reserve Fund.

200607/055 Council Decision/Amended Officer's Recommendation

Moved: Cr A A Gear

Seconded: Cr A A Carter

That:

- i) **the tender submission from Kestrel Contracting Pty Ltd trading as Pilbara Dustbusters for Tender 06/08 – Provision of Cleaning Port Hedland International Airport be accepted;**
- ii) **general ledger expenditure account 1211262 Building Cleaning be increased from \$70,000 to \$85,000; and**
- iii) **general ledger income account 1210234 be increased from \$780,000 to \$840,000.**
- iv) **\$45,000 be transferred to Port Hedland International Airport's Reserve Fund.**

CARRIED 6/0

6:28 pm Cr S F Sear re-entered the room and assumed his chair.

Mayor advised Cr S F Sear of Council's decision.

11.3.2.2 Tender 06-09 Supply and Installation of Security and Boundary Fencing Port Hedland International Airport (File No.: 32/08/0006)

Officer Rod Evans
Airport Manager

Date of Report 30 August 2006

Disclosure of Interest by Officer Nil

Summary

For Council to consider submissions received for Tender 06-09 "Supply and Installation of Security and Boundary Fencing Port Hedland International Airport."

Background

In 2005-2006 Council called for tenders for the supply and installation of security and boundary fencing at Port Hedland International Airport. Due to budgetary constraints only half of the boundary fencing was completed in the 2005/2006 financial year. Provision was made in the 2006/2007 to complete the fencing upgrade at the airport. The specifications for Tender 06-01, the previous tender, were reviewed and no changes were made to the tender specifications. Advertisements calling for tenders were placed in the North West Telegraph on 9 August 2006 and the West Australian 5 August 2006. The advertised closing date and time for Tender 06-09 was on 29 August 2006 at 2:00pm.

On 29 August 2006 at 2.00pm the tender box was opened in the presence of the Chief Executive Officer, Mayor, Manager Administration and the Airport Manager. Tenders were received from:

Boundaries WA
Menzies Contracting
Porky's Enterprises
Southern Wire

The tender consisted of two parts. The first part related to the security fencing requirements and Part B related to the boundary fencing requirements. Information received from the tenderers is summarised below.

Part A

Part A of the tender called for a per section pricing for the supply and installation of security fencing.

Price of Part A

Name	Total Lump Sum Tender Price (inc GST)
Boundaries WA	\$ 48,305.43
Menzies Contracting	\$ 92,015.00
Porky's Enterprises	\$ 72,550.74
Southern Wire	\$ 25,877.50

Part B Boundary Fencing Section 5

Part B of the tender called for a per 100 metre rate for the supply and installation of approximately 5km of fencing; removal of 1.55km approx of existing boundary fencing as well as the supply and installation of 7 gates (including 1 double gate). The rates provided are as follows.

Rate for the supply & Installation of boundary fencing:

Boundaries WA	\$2150.05 ex GST	(\$2365.05 inc GST)
Menzies Contracting	\$1800 ex GST	(\$1980 inc GST)
Porky's Enterprises	\$3869.51 ex GST	(\$4256.46 inc GST)
Southern Wire	\$1490.91 ex GST	(\$1640 inc GST)

Rate for the removal of existing fencing:

Boundaries WA	\$385 ex GST	(\$423.50 inc GST)
Menzies Contracting	\$322.73 ex GST	(\$355 inc GST)
Porky's Enterprises	\$1000 ex GST	(\$1100 inc GST)
Southern Wire	\$863.64 ex GST	(\$950 inc GST)

Rate for the Supply & Installation of Gates:

Boundaries WA	\$1010 ex GST	(\$1111 inc GST)
Menzies Contracting	\$1000 ex GST	(\$1100 inc GST)
Porky's Enterprises	\$2500 ex GST	(\$2750 inc GST)
Southern Wire	\$1454.55 ex GST	(\$1600 inc GST)

Summary of Total Price of Part B:

	Boundaries WA		Menzies Contracting		Porky's Enterprises		Southern Wire	
	\$ Ex GST	\$ Inc GST	\$ Ex GST	\$ Inc GST	\$ Ex GST	\$ Inc GST	\$ Ex GST	\$ Inc GST
Installation of 5km Boundary Fence	97730	107502.50	90000	99000	193475.50	212823.05	74545.50	82000
Removal 1.55km existing fence	5425.00	5967.50	5002.31	5502.50	15500	17050	13386.42	14725
Installation of 7 gates	6427.33	7070	7000	7700	17500	19250	10181.85	11200
TOTAL Part B	109582.33	120540	102002.31	112202.50	226475.50	249123.05	98113.77	107925

Total Cost of Part A and Part B:

Name	Amount inc GST
Boundaries WA	\$ 168845.43
Menzies Contracting	\$ 204217.50
Porky's Enterprises	\$ 321673.79
Southern Wire	\$ 133802.50

Consultation

Director Engineering Services
Previous Tender (Ten 06-01)

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

\$150,000 was provided in the 2006/2007 budget.
G/L Account 1210453 Airport Infrastructure.

Officer's Comment

All tenders received conformed with the tender documentation.

The table below lists the evaluation criteria used to assess the tenders as per the tender documentation

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

The following matrix shows the rating of each tender submission as per the evaluation criteria.

	Price (60%)	Experience (10%)	Resources (10%)	Understanding (10%)	Local (10%)	Total (max100%)
Boundaries WA	0%	10%	10%	10%	10%	35%
Menzies Contracting	0%	10%	10%	10%	0%	30%
Porky's Enterprises	0%	10%	10%	5%	0%	25%
Southern Wire	60%	10%	10%	5%	0%	85%

The Southern Wire tender of \$133,802.50 is within the 2006/2007 budgetary allocation of \$150,000.

200607/056 Council Decision/Officer's Recommendation

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

That the tender submission from Southern Wire for Tender 06/09 – Security and Boundary Fencing Port Hedland International Airport be accepted.

CARRIED 7/0

11.3.3 Recreation Services**11.3.3.1 Recreation Facilities Audit Draft Report (File No.: 26/07/0005)**

Officer Bec Coxall
Sports and Recreation
Officer

Date of Report 11 August 2006

Disclosure of Interest by Officer Nil

Summary

The Recreation Facilities Audit Draft Report has been submitted to Council for adoption. The report audited all existing facilities within the Town of Port Hedland to develop a five year Sports Facility Capital Development Plan and the scale of development for a multi-purpose recreational facility.

Background

At the Ordinary Council Meeting held on 22 February 2006, Council resolved as follows:

“That:

- i) Council create a working group of five (5) Councillors and four (4) invited community representatives, called the Recreation Facilities Working Group, with the following terms of reference:
 - a) consider the provision of skateboarding facilities in the Town of Port Hedland;*
 - b) make recommendations to Council regarding the outcome of those considerations;*
 - c) consider the findings of the Recreation Facilities Audit; and*
 - d) make recommendations to Council regarding the location and nature of facilities to address needs identified in the Recreation Facilities Audit;**
- ii) the Recreation Facilities Working Group be made up of the following members:
 - a) Cr G J Daccache;*
 - b) Cr T M Young;*
 - c) Cr A A Carter;*
 - d) Cr A A Gear;*
 - e) Cr D R Pike;*
 - f) and two (2) interested community members; and**

- g) *two representatives from South and Port Hedland sporting bodies being Jeannie Smith and Rick Hockey respectively*

- iii) *the Chief Executive Officer and appropriate staff attend meeting of the Recreation Facilities Working Group as ex officio members."*

The Recreation Facilities Working Group (RFGW) selected CCS Strategic Management to conduct the Recreation Facilities Audit, and the draft report was submitted to the RFGW on 24 July 2006.

All Councillors and relevant staff were invited to a RFGW meeting to hear the final report from CCS Strategic Management, where they were invited to give their feedback and obtain any further information. A community forum was then held for all interested community and sporting members on Tuesday 25 July 2006. After this meeting, the report was opened for public feedback until the 10 August 2006. All community feedback is attached.

In line with Council's Strategic Plan that outlines the development of a five-year Capital Development Plan, the Draft Report indicates priority year and approximate dollar amount for each recommendation. The plan also includes provisions for a new multi-purpose recreational facility to be considered in South Hedland.

Consultation

CCS Strategic Management met with a representative from almost all sporting associations within Hedland at their respective facility. All community members were then invited to two Community Forums – one for the initial consultation and one for the Final Draft Report. The attendance for each of these was approximately 25.

The Draft Report was advertised in the North West Telegraph as being open for public copy, and hard copies were located at both South and Port Hedland Library and the Civic Centre. The recommendations were also emailed to approximately 110 sporting contacts within the Sport and Recreation database. All Council Staff were also invited to give their feedback. Hard copies of the recommendations were also mailed to the contact address of every sporting association in Hedland.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

KRA 3 - Community Development

Goal 1 - Youth and Children

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

KRA 3 - Community Development

Goal 1 - Sports and Leisure

Strategy 2: Audit existing Facilities and develop a 5-year Sports Facility Capital Development Plan that specifies development levels proposed at all sport facilities.

KRA 3 - Community Development

Goal 1 - Sports and Leisure

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

Budget Implications

Adoption of the Recreation Facilities Audit Draft Report will involve the acceptance of the recommendations outlined. There has been an indication of the approximate total costs for these recommendations to occur, outlined below:

	06/07	07/08	08/09	09/10	10/11	Future
Approx. Cost	\$433,000	\$2,590,989	\$28,856,458	\$4,207,245	\$1,358,615	\$11,150,448

These costs are based upon every recommendation within the Recreation Facilities Audit occurring, and give an indication of the magnitude of the projects. It is likely that many of these projects will be externally funded via state / federal government grants, corporate bodies and the sporting clubs themselves.

The elevated costs displayed in the 2008/09 financial year are based upon the construction of the Multi-Purpose Recreation Facility. It needs to be noted that these estimates are based on an increase of 10% per annum, plus a location allowance of 60% for Port Hedland, so may not be completely accurate.

Within the Recreation and Culture Budget there is still \$30,000 available from BHP Billiton Iron Ore earmarked for the feasibility and design of the multi-purpose facility.

Officer's Comment

The Recreation Facilities Draft Report was open for community and Council consideration for over a fortnight. Most responses received were in favour of the report, however there were some issues that were raised in regards to the recommendations. The main issues are listed below with the full quotes responses from all included in attachment 1.

“...it would be more appropriate if the second baseball diamond... on MM Reserve [Marie Marland Reserve] would be positioned in the south east corner... rather than the north west corner...”

The recommendations within the report are based on the most favourable locations for each sport on each piece of grass. As mentioned in the report, the placements of each sport is a concept only. There should not be a major issue moving the boundary of a baseball diamond within the perimeter of grass, however when the concept plans get developed for the area, this will all be considered. The placement of overhead lights and other factors such as reticulation will need to be taken into account.

“...I would have concerns... of that field [McGregor Street Reserve], as it covers the original rubbish tip and may have some environmental concerns, while the ‘sinking’ of the ground has been a regular ‘feature’ of that field.”

Discussions with both the Engineering and the Planning Department have indicated that an independent study would need to occur to determine the level (if any) the grounds are sinking. Measures may need be put in place to reduce the impact on the playing fields.

“Baseball would still require CM [Colin Matheson] Oval as a training ground for a Port based team – and/or McGregor Street.”

Within the recommendations, baseball has been included at McGregor Street.

“...why the recommendation to move all sports away from CM Oval with the exception of one football club? Surely costs would dictate that all CM Oval can still be used for training and as a club house with existing facilities, with ALL Hedland home games for both Swans and Rovers played at the major facility in South Hedland?”

Colin Matheson Oval (CMO) is located in a highly dense residential area, and as such is used as much as a local park as a regional level facility. The recommendation states that the clubrooms are developed for oval users, and that the Rovers Football Club is encouraged to be involved. CMO would still be available for all sporting associations to utilise.

By maintaining a football club in both Port Hedland and South Hedland, intra-town competition is maintained within the football code, which is the current set-up in Hedland. The sheer volume of usage at CMO and Kevin Scott Oval in South Hedland per week indicates that two round playing ovals under lights are a necessity for the Hedland community.

“...would the ultimate not be to have top-class bowls and tennis facilities at the major venue...”

The South Hedland Bowls and Tennis Club in South Hedland, in its own right, provides an alternative to the multi-recreational facility. The Club itself can elect to move their facilities to the multi-purpose facility, and was discussed at the RFWG meetings to quite an extent. By allowing them to maintain their current area, two recreational and licensed facilities would be accessible in South Hedland, giving the public the right to choose.

With the aim of the Recreation Facilities Audit to amalgamate to increase the quality of facilities, the South Hedland Bowls and Tennis Club is already sustaining a dual-use service. The level of support from Council is reliant on the number of users at each location.

“Cricket needs TWO PLAYING FIELDS WITH LIGHTS...”

The current reserve the Port Hedland Cricket Association utilises for their matches is the Town Oval on McGregor Street, which does not allow the association access to clubrooms, change rooms or overhead lights. The recommendations propose that a cricket pitch is accommodated in both Port Hedland at the McGregor Street Reserve (with overhead lights), and in South Hedland at Marie Marland Reserve (with no overhead lights).

The recommendations, as outlined in the report, include pitches that are not on other sports' playing areas. This reduces friction between sports that do not have to play with a pitch in the middle of their oval. By not placing a pitch on a large area of grass, it also allows for the area to be used for any sport that only requires an area of grass.

The recommendations within the report place a pitch in both Port and South Hedland, which gives more opportunity for intra-town competition that what currently exists at the moment. By installing overhead lights at McGregor Street, this also gives the opportunity for night matches as well as day matches, a prospect that is currently not possible.

Through discussion with the Director Regulatory and Community Services, if the Port Hedland Cricket Association would like overhead lights installed at Marie Marland Reserve for cricket, they are more than welcome to approach Council with the request, however the association would need to contribute to this upgrade. The rationale behind this audit is to amalgamate facilities and reduce duplication. By providing two facilities that are capable of hosting night cricket in Hedland, duplication has occurred. Whilst the same argument was used for the Colin Matheson Oval and Kevin Scott Oval (two round ovals under lights), the volume of users indicate that this is essential, whereas two ovals purely for cricket is not.

“...I feel the SH Aquatic Centre should be considered [for heating] as well due to its higher child occupancy...”

Installing heating at both pools would ultimately be the most favourable option for community members that reside in each town. However, due to the larger size of South Hedland Aquatic Centre (SHAC) and the depth of the pool (the deeper end was originally a dive bowl), the costs for the pool blankets would be higher, with a less effective result.

The number of lap swimmers at Gratwick Aquatic Centre is also higher than at SHAC, and during the winter months, these swimmers are the main patrons of the pool. With the Civic Centre located adjacent to Gratwick Aquatic Centre, the solar panels for the pool (as recommended for 2008/09) have a convenient and safe location.

All of the recommendations within the report need to be read as just that – recommendations. With the adoption of this report and the recommendations, sporting associations and clubs will still be able to approach Council for support or adjustment of the report at a later date. In line with the Strategic Plan, the recommendations for the acceptance of the policies and the Sports Facility Capital Development Plan will lead to a higher quality and more regionally acceptable sporting facilities.

Officer’s Recommendation

That the Recreation Facilities Audit be adopted, including all recommendations and policies be adopted.

200607/057 Council Decision

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

That the Recreation Facilities Audit be received subject to:

- i) further financial and legal discussions; and**
- ii) the Strategic Plan guidelines.**

CARRIED 7/0

REASON: Council determined to receive the Recreation Facilities Audit subject to further financial and legal discussions and outcomes of the Strategic Plan, which is due to be reviewed.

ATTACHMENT 1 TO AGENDA ITEM 11.2.6.1

Recreation Facilities Audit Draft Report**Community Feedback****Written Responses:****1. Hedland Touch Association**

“On behalf of Hedland Touch Association we have no problem with the draft in its intirety (sic) as long as we have communication all the way”

2. North West Regional Gymnastics Association

“Very impressed with the Recreation Facilities Audit and pleasing to see pervious (sic) recommendations have been taken into account. Once again it is clearly evident that the town is crying out for a multi-purpose sports Centre and all stops need to be pulled out to make sure the town is successful in gaining funding. We have a window of opportunity for the town to once again become proud of its sporting amenities.

“The challenge is how to raise the money for this capital project. One of the main leverage we can use is that we do not have an adequate evacuation Centre. The multi -purpose sports Centre could double as an evacuation Centre.. This would be a great investment for the town.”

3. Port Hedland Baseball Association

“The concept in principle is sound and reflects what has been consulted and reported on over the past decade or so and would have both mine and baseball's support.

“However there are a couple of comments I would like to submit.

“Firstly, in relation to baseball (and possibly softball), it would be more appropriate if the second baseball diamond (fully lit) on MM Reserve would be positioned in the south east corner of MM Reserve, rather than the north west corner. This could then, within the same lighting system and with a shift of the cricket, accommodate both sports closer to the new proposed facility. In relation to baseball it would also negate the requirement of a fully lit diamond in Port Hedland. The original plan was to place the second baseball (and night softball) ground in the SE corner, utilising the outfield areas for soccer and hockey.

“In relation to the grounds at McGregor Street, I would have concerns, unless alleviated, of that field, as it covers the original rubbish tip and may have some environmental concerns, while the "sinking" of the ground has been a regular "feature" of that field. Baseball would still require CM Oval as a training ground for a Port based team - and/or McGregor Street.

“The question also has to be asked as to why the recommendation to move all sports away from CM Oval with the exception of one football club? Surely costs would dictate that CM Oval can still be used for training and as a club house with existing facilities, with ALL Hedland home games for both Swans and Rovers played at the major facility in South Hedland? This is the direction that baseball would certainly want to go - and surely teams would rather play next door to a \$22 million facility with the backing of the majority of the community?!! Two comments here - the facilitator himself even made the statement in relation to clubs' "own patch of dirt not being sustainable", while the Eagles and Dockers share Subiaco as a major playing venue.

“The last issue would be the SH bowls and tennis clubs - again can we sustain another clubhouse and can the community support two major facilities - would the ultimate not be to have top-class bowls and tennis facilities at the major venue - again increasing revenue and sustainability?”

4. Port Hedland Cricket Association

1. *“It is hoped that Council is able to give extra weight to that excellent Report and that some/most of the recommendations do not suffer a similar fate to the 1996 and 2002 Strategic Recreation Plans, which appeared to run out of puff, for whatever reason. For example, the 2002 Report by Jill Powell and Associates included floodlighting of playing fields as an issue. We urge Council to act responsibly and adopt as many recommendations as possible so that the sporting and recreational needs of the community are provided, in an economically responsible manner. That might not include facilities such as double story club rooms, as lobbied by one body*
2. *“Shared use of playing facilities is another issue. Numerous Councils across the state allow or insist on cricket and football to co-exist and use the same playing field (during winter for football and summer for cricket). The opposition I have heard here is that this is not the best option. Cricket facilities are so poor here at this time that the best option is not something we seek. Cricket needs TWO PLAYING FIELDS WITH LIGHTS*

so that we can compete during summer months, in a day-night competition. Page 15, last para of 3.3 states "the one sport which would benefit most significantly from lighting is cricket, allowing them to play in summer in reasonable conditions. The recommendations of this report seek to establish one field capable of hosting night competition for cricket".

"This is a recommendation we vigorously oppose, as while one wicket would allow 4 teams to compete on Friday-Saturday nights, there is no room for the junior competition, who inform that they also wish to compete in summer under lights. Again, we respectfully request 2 wickets under lights to cope with the demand.

3. *"The issue of poor playing surfaces: (see 3.2, p14, top dot point). At the Racecourse Oval this might be improved, given the recent sprinkler installations, however maintenance is the challenge.*
4. *"p17, reference to Y@JD, the report mentions cricket, this should read Indoor Cricket.*
5. *"p.28, Question 19, Point 3. The % totals only add up to 50%.*
6. *"P29, Q 20. Those who responded to the survey and indicated level of acceptance as "Adequate" and "Excellent" in relation to Cricket Ovals and Cricket Nets obviously do not play cricket. Please come down to our games on a weekend and talk to our members.
"On that same page (bottom 929) we must comment on the statement made:
That we are living in 2006 and not 1976 when most groups started and are holding onto their "empires".
"It might be that some other sports enjoy that privilege; however cricket is not one of them. Our "empire", if it ever existed, has crumbled.*
7. *"P47. The report indicates that cricket is to be introduced to Marie Marland Reserve. Whilst we agree that a wicket is crucial to South Hedland following the dubious decision to remove cricket from South Hedland some 10 years ago, our Association requests consideration of providing lights for that Oval, as previously argued.*

"Again, can our Association emphasise that the report contains many positive strategies, however we respectfully suggest that some negative outcomes have not been identified. Hopefully Council will act decisively on this report and redress some of the historical errors."

5. Officer to Tom Stephens MLA

"I found the draft report of the Recreation facilities very informative and Mj (sic) has mentioned a few comments regarding some of the proposals and I feel the priority should be also to inform the public at every opportunity as acceptance comes with knowledge especially for us living in our 1976 empires. .

"1. The idea of heating the Gratwick Pool is fantastic for winter months but I feel the SH Aquatic centre should be considered as well due to its higher child occupancy as the report points out.

2. Combining many grassed sports is great idea as the TOPH is looking at quality and providing more assistance to groups to be more professional and competitive and to have more pride in owning facilities.

3. In regards to the Motocross, Speedway alot (sic) of their problems for attendance is media coverage, maybe a billboard could be erected in two prominent places to make public aware of upcoming events, especially if they amalgamate.

4. One thing to take into consideration is even though we currently have lots of grassed areas, we still have problems with different sports clashing for the fields for playing, practice, under lights etc. This needs to be structured very effciently (sic) to avoid differences."

Verbal Responses:**1. South Hedland Bowls and Tennis Club**

"Sounds very positive, but finances may be hard to acquire. If the multipurpose facility is also an Evacuation Centre then funds may be able to be sourced from the SES, as the facility will have all necessary requirements for an emergency evacuation centre."

2. Rebels Softball Club

"Looks promising, and the developments will be a big improvement for Port Hedland."

3. Fortescue Metals Group

"I thought the recommendations were positive for all of Hedland and made logical sense in terms of amalgamation. The dollar amount is daunting, but all solutions seem to be practical."

11.3.3.2 Port Hedland Skatepark Location (File No: 26/07/0005)

Officer Bec Coxall
Sports and Recreation
Officer

Date of Report 15 September 2006

Disclosure of Interest by Officer Nil

Summary

The proposed location for the Port Hedland skatepark has been identified as the area adjacent to the Scout Hall In McGregor Street Port Hedland. It has since been re-assessed, and an alternative location proposed in the area near the hall at the Hockey/Soccer/Rugby Oval on McGregor Street.

Background

At the Ordinary Council Meeting held on the 22nd February 2006 it was resolved that:

- "i) Council create a working group of five (5) Councillors and four (4) invited community representatives, called the Recreation Facilities Working Group, with the following terms of reference:*
 - a) consider the provision of skateboarding facilities in the Town of Port Hedland;*
 - b) make recommendations to Council regarding the outcome of those considerations;*
 - c) consider the findings of the Recreation Facilities Audit; and*
 - d) make recommendations to Council regarding the location and nature of facilities to address needs identified in the Recreation Facilities Audit;*

- ii) the Recreation Facilities Working Group be made up of the following members:*
 - a) Cr G J Daccache;*
 - b) Cr T M Young;*
 - c) Cr A A Carter;*
 - d) Cr A A Gear;*
 - e) Cr D R Pike;*
 - f) and two (2) interested community members; and*
 - g) two representatives from South and Port Hedland sporting bodies being Jeannie Smith and Rick Hockey respectively*

- iii) the Chief Executive Officer and appropriate staff attend meeting of the Recreation Facilities Working Group as ex officio members."*

The Recreation Facilities Working Group (RFWG) identified three potential locations to present to the community for the Port Hedland skatepark, namely:

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

After discussions within the RFWG, the group resolved that the optimum location was the area adjacent to the Scout Hall, and this was recommended to Council at the Ordinary Council Meeting held on 26th April 2006. Council accepted (in part) that...

- "ii) the site for development of a Port Hedland Skate park is land adjacent to the Scout Hall on McGregor Street, Port Hedland."*

It has since been identified through the recommendations contained in the Recreation Facilities Audit that the Hockey/Soccer/Rugby Ovals should be the chief playing fields for recreation within Port Hedland, and that the Town Oval (including Town Oval West) should have the majority of current users moved to other locations. Due to these recommendations, it may be appropriate to relocate the Port Hedland skatepark to the Hockey / Soccer / Rugby Oval so that the majority of passive and organised recreation can therefore take place at the one location.

A location analysis was undertaken with the RFWG where various locations within Port Hedland were examined for their suitability. The Scout Hall had a weighting of 83% and the Hockey / Soccer / Rugby Ovals finished with 78%.

A survey was also undertaken with the youth of Port Hedland in regards to skatepark locations in the area, and participants were asked to identify their preferred location between Colin Matheson Oval, the Hockey/Soccer/Rugby Oval or the area near the Scout Hall.

The responses indicate that of the respondents, more would use a skatepark facility at the Hockey/Soccer/Rugby Oval than at the Scout Hall.

Consultation

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

Other consultation undertaken for the skatepark location included youth from a broad range from all Primary and High School's within Port and South Hedland. Sport and Recreation Organisations/Associations that utilise any of the three potential locations were also approached.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 3 – Community Development

Goal 2 – Youth and Children

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

Budget Implications

There is not expected to be any difference in development costs at either the current or alternative location.

Officer's Comment

The recommendation of the Recreation Facilities Audit is that the majority of recreation be housed and played at the Hockey/Soccer/Rugby Oval (including baseball, cricket, hockey, rugby, t-ball and soccer) and it seems rational to construct the skatepark at this location also. This will provide enhanced safety for children at the site as it has been identified that the passive surveillance by other users of the area is a factor in improving safety, compared to areas with infrequent passing traffic etc.

The audit recommendation is supported by the findings of the youth survey. Approximately 300 surveys were distributed to the youth of Port Hedland, with 229 being returned. Of those that responded, there was a strong inclination towards the skatepark to be located at the Hockey/Soccer/Rugby Oval.

Officer's Recommendation

That the proposed indicative site for the Port Hedland Skatepark be changed from the area adjacent the Scout Hall in McGregor Street to an area at the Hockey/Soccer/Rugby Oval on McGregor Street.

200607/058 Council Decision

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

That

- i) **the residents of McGregor Street be surveyed in relation to the proposed indicative site for the Port Hedland Skatepark to be changed from the area adjacent the Scout Hall in McGregor Street, to an area at the Hockey/Soccer/Rugby Oval on McGregor Street; and**
- ii) **subject to no objections being received in writing, the proposed site for the park be changed from the area adjacent the Scout Hall in McGregor Street to an area at the Hockey/Soccer/Rugby Oval on McGregor Street.**

CARRIED 7/0

REASON: Council resolved to survey the residents in McGregor Street prior to proposing the indicative site for the Port Hedland Skatepark be changed from the area adjacent to the Scout Hall, to an areas at the Hockey/Soccer/Rugby Oval in McGregor Street.

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

Officer	Stephen Carstairs Accountant
Date of Report	11 September 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 August 2006, and to compare this with budget forecasts for the period.

Background**1. *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 and August 2006);
- Notes (1 to 9) to and forming part of the Statements of Financial Activity for the period ending 31 August 2006;
- Note 8(b), eleven sundry debts totalling \$83.00 for Council to consider writing off; and
- Review of Transaction Activity

Note: 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.

2. *Schedule of Accounts Paid*

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on 27 September 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 No	Fund Name	Description
From	To	Value	From	To			
EFT 16481	16691	\$1,755,597.29	1	70	1	Municipal Fund	
16760	16765	\$7,278.42	70	71	1	Municipal Fund	
16766	16766	-	71	71	1	Municipal Fund	Cancelled
16767	16782	\$15,747.74	72	78	1	Municipal Fund	
16783	16783	-	73	73	1	Municipal Fund	Cancelled
16784	16787	\$6,584.36	73	73	1	Municipal Fund	
16788	16788	-	74	74	1	Municipal Fund	Cancelled
16789	16796	\$27,006.31	74	75	1	Municipal Fund	
16797	16801	-	75	75	1	Municipal Fund	Cancelled
16802	16834	\$48,274.76	75	81	1	Municipal Fund	
16835	16835	-	81	81	1	Municipal Fund	Cancelled
16836	16845	\$7,175.42	81	83	1	Municipal Fund	
PAY 010806		\$185,583.59	1	1	1	Municipal Fund	
PAY 010806		\$185,583.59	1	1	1	Municipal Fund	
PAY 010806		-\$185,583.59	1	1	1	Municipal Fund	**See notes below
PAY 150806		\$189,282.60	83	83	1	Municipal Fund	
PAY 290806		\$190,012.91	83	83	1	Municipal Fund	
	Municipal Total	\$2,432,543.40					
3001275	3001283	\$3,550.00	83	84	3	Trust Fund	
	Trust Total	\$3,550.00					
TOTAL		\$3,354,482.86					

**System generated Payroll Journal that was corrected with General Journal Batch 6702 on 01/08/06.

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.

200607/059 Council Decision/Officer’s Recommendation

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

That:

- i) the -
 - . **Statements of Financial Activity – see Functions 2 to 14 (not including Depreciation for July and August 2006);**
 - . **Notes (1 to 9) to and forming part of the Statements of Financial Activity for the period ending 31 August 2006;**
 - . **Note 8(b), eleven sundry debts totalling \$83.00 for Council to consider writing off; and**
 - . **Review of Transaction Activity**

as attached and presented be notionally received, Council having full knowledge that the statements may be subject to minor change during the 2005/06 Annual Financial Report audit process;

- i) **the list of Accounts paid under Delegated Authority as presented be received; and**
- iii) **Council resolves to write off sundry debts as follows:**

Debtor Reference	Amount \$	Invoice No	Date
473	0.38	14089	13.03.06
635	0.01	13191	15.11.05
5514	0.22	14164	30.03.06
6847	0.79	13846	17.02.06
7084	0.28	13796	07.02.06
7130	10.35	14045	13.03.06
7130	0.01	14045	13.03.06
7134	43.10	14076	13.03.06
7134	0.16	14076	13.03.06
7153	0.80	14733	14.06.06
D6153	26.90	13917	23.03.06
Total	\$83.00		

CARRIED BY ABSOLUTE MAJORITY 7/0

11.4.1.2 Rating of land used for Charitable Purposes (File No.: -)

Officer Matthew Scott
Director Corporate
Services

Date of Report 4 September 2006

Disclosure of Interest by Officer Nil

Summary

For Council to respond to the Minister of Local Government and Regional Development's proposed amendments to the Operation of Section 6.26(2)(g) of the Local Government Act 1995, rating of land used for charitable purposes.

Background

Under section 6.26(2)(g), land used for Charitable Purposes can be deemed by a Local Government as non-rateable (exempt). Determining whether the land is used for charitable purposes is at the discretion of Council, however there has been little to no guidance provided to Local Authorities on what constitutes "charitable purposes", and therefore how this section is to be applied. Due to this unclear definition, many Council's have had to defend expensive legal actions, after denying "Charitable Purpose" status to community groups.

In recent years the Courts have widened the definition of "Charitable Purposes", to the extent that many Council's are no longer prepared to contest applications for rate exemptions. In the "BindiBindi v Shire of Ashburton" case, the courts expanded the definition of "Charitable Purpose" to include land used by "an aboriginal corporation with the objective of the advancement of aboriginal people with a membership of around 25% of the local aboriginal population. Case law also suggests that the pursuit of profit does not necessarily invalidate a claim for exemption (Uniting Church Homes (Inc) and the City of Stirling, 2005).

Recently the Minister requested the Local Government Advisory Board to investigate the operation of the Section 6.26(2)(g). From this investigation the board resolved a number of recommendations (attached), of which the Minister has now requested Local Government feedback.

Council now has an opportunity to participate in this debate, which directly affects the Town's ability to raise rates.

Consultation

Statutory Implications

Local Government Act 1995

6.26. *Rateable land*

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
 - (a) *land which is the property of the Crown and —*
 - (i) *is being used or held for a public purpose; or*
 - (ii) *is unoccupied, except —*
 - (I) *where any person is, under paragraph (e) of the definition of “owner” in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or*
 - (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of “owner” in section 1.4 occupies or makes use of the land;*
 - (b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;*
 - (c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;*
 - (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;*
 - (e) *land used exclusively by a religious body as a school for the religious instruction of children;*
 - (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999;*
 - (g) *land used exclusively for charitable purposes;*
 - (h) *land vested in trustees for agricultural or horticultural show purposes;*
 - (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Administration and Audit Act 1985) by that company and used solely for the storage of grain where that*

- company has agreed in writing to make a contribution to the local government;*
- (j) land which is exempt from rates under any other written law; and*
 - (k) land which is declared by the Minister to be exempt from rates.*
- (3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*
- (4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
- (5) Notice of any declaration made under subsection (4) is to be published in the Gazette.*
- (6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Rates is the primary form of income for a local authority, and therefore anything that increases the number of non rateable properties directly influences the level of rates needed to be imposed on the remainder of the community.

Currently Council does not provide an exemption under section 6.26(g) to any property. Instead this Council has waived rates (100% or 50%) on a number of properties used by community groups as part of the budget process.

Council should also be advised that the proposed changes will increase costs associated in administrating and monitoring current and potential future non-rated land.

Officer's Comment

The definition of "Charitable Purposes" has caused much frustration to all tiers of government in Australia. In 2000, the Prime Minister established an independent enquiry into definitional issues relating to charitable, religious and community not-for-profit organisations. Though recommendations were made in 2001, none of these have been implemented.

The problem with the term “Charitable Purposes” is that generally organisations are motivated to acquire this status to achieve tax relief; based on the belief that these organisations are providing services, generally expected from a government. Many organisations have subsequently abused this status for monetary gain, while increasing the tax liability for the rest of the community.

Initially, “Charitable Purposes” was left up to individual Councils to determine. As property values increase, many “community based” organisations are prepared to challenge Council’s decision on rate exemption status. Generally this takes the form of legal action, which in recent time has actually expanded the notion of what is a “Charitable Purpose” rather than restrict it.

From the Local Government Advisory Board report, issued in November 2005, the Minister has now invited comment on the recommendations proposed. A complete listing of the recommendations are attached, however the following is summarised responses to the eight recommendations:

- 1) Rating Independent Living Units (ILU) owned and operated by religious, charitable and other NFPO’s.

Support the recommendation, as currently all premises within a property are given a rates exemption, even though an ILU may be rented out to generate extra income.

- 2) Exemption for properties receiving care subsidies in accordance with the Aged Care Act 1997.

Support the recommendation, as this will provide guidance and will require Age Care facilities to meet the standards of the Aged Care Act 1997.

- 3) Exemption for properties used for crisis accommodation or housing people with a disability.

Support the recommendation in principal, however “crisis accomodation” and “people with a disability” would need to be qualified.

- 4) Request the LGAB to further investigate community housing.

Support recommendation, as there is significant impact on regional Western Australia with Indigenous communities.

- 5) Exemption for vacant land held for a future charitable purpose.

Not supported. This recommendation provides motivation for large organisations to land bank, not to develop land. Also this will be costly to manage and monitor.

- 6) Legislate that incidental and ancillary “non-charitable” land use does not jeopardise overall exemption.

Support recommendation, as long as guidance is provided to determine the extent of incidental and ancillary used before charitable purpose is extinguished.

- 7) Legislate the ability to part rate a property with regard to charitable purpose.

Support recommendation. This may clarify the overall ability of a Local authority to part rate properties, if necessary, within the district.

- 8) Requirement of organisations claiming rate exemption to provide relevant documentation to allow Councils to make a considered decision.

Support recommendation, however “relevant documentation” will need to be qualified.

200607/060 Council Decision/Officer’s Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council provideS the following responses to the Minister of Local Government and Regional Development in response to the Local Government Advisory Board Report – Operation of Section 6.26(2)(g):

- i) Support recommendations 1,2,4,6,7.**
- ii) Support in principal, with further qualification, recommendations 3 & 8.**
- iii) Do not support recommendation 5.**

CARRIED 7/0

11.4.1.3 Request to Write Off Tip Fees - CDEP

Officer	Stephen Carstairs Manager Finance
Date of Report	4 September 2006
Disclosure of Interest by Officer	Nil

Summary

For Council to consider waiving Hedland Community Development and Employment Programme (CDEP) Aboriginal Corporation's Landfill tipping charges.

Background

In keeping with CDEP's objective to train and explore employment opportunities for Indigenous participants, Hedland CDEP often undertakes community and other clean-up jobs which require them to dump chargeable waste at the Town's Landfill facility (see Hedland CDEP letter dated 24 August 2006 and attached). Hedland CDEP indicated in their letter that as part of their funding agreement with the Department of Education and Workplace Relations that often they are not able to charge for these clean-up services.

Hedland CDEP is asking that Council consider waiving current tipping charges, and to also consider waiving like charges that may be incurred by them in the future.

Consultation**Statutory Implications**

Local Government Act 1995

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.

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

During 2004/05 the Town issued CDEP with two tipping fee invoices totalling \$179.45, and in 2005/06 two invoices totalling \$461.05 were issued to them. At the time of writing Hedland CDEP had incurred Landfill weighbridge tickets totalling \$194.10 to 28 August 2006, however no invoice had been issued for this.

Officer's Comment

In deriving its decision, Council may give due consideration to the following:

Hedland CDEP is a non-profit Aboriginal Corporation; and Given that Hedland CDEP are not able to on-charge all Landfill tipping charges, this may impact on Hedland CDEP's ability to provide clean-up services to their community and community organisations.

Officer's Recommendation

That:

- i) Council determines to waiver current and future Hedland CDEP Landfill tipping charges; or
- ii) Council determines to not waiver current and future Hedland CDEP Landfill tipping charges.

200607/061 Council Decision/Officer's Recommendation

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

That Council determines not to waiver current and future Hedland Community Development Employment Projects (CDEP) Landfill tipping charges, but invites CDEP to re-apply to Council on a project-by-project basis where there is a significant community benefit.

CARRIED 7/0

REASON: Council did not want to waive all CDEP tip fees, but wanted to retain the ability to waive fees for specific projects that CDEP may do on behalf of Council or the community.

ATTACHMENT TO AGENDA ITEM 11.4.1.3

Hedland CDEP
PO Box 3040
South Hedland, WA, 6722
ABN: 19 087 588 024



ATTENTION
CEO
Chris Adam
PO Box 41
PORT HEDLAND
WA 6721

24th August 2006

Dear Chris

INVOICES FOR WASTE DISPOSAL
51007, 50971, 50961, 50952, 50944

I am writing to you with regards to a number of Invoices issues to Hedland CDEP Aboriginal Corporation for waste disposal.

I am aware that there is a charge for industrial waste, however I would like to ask whether it is possible to waiver any fees charged to our organization now or in the future due to the fact we are a non-profit Aboriginal Corporation.

All of our activities provide training and employment opportunities for Indigenous participants, and we often undertake community and other clean-up jobs requiring us to dump waste. We often do not issue Invoices for these jobs as they are part of our funding agreement with the Department of Education and Workplace Relations. If we were to be charged each time we had to dump waste, it would impact on our ability to continue to provide such services to communities and community organisations.

If you could consider our circumstances in your decision I would be grateful.

If you have any queries please don't hesitate to call me.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michaela Andersen", written over a horizontal line.

Michaela Andersen
CDEP Projects Manager
Office Ph 91725005
Mobile Ph 0427 980 690
E-mail michaela.hcdep@westnet.com.au

11.4.1.4 Underground Power Charge Adjustment (File No.:)

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

Summary

For Council to consider adjusting the underground power service charge to a number of specific properties.

Background

At the 2006/07 Budget Adoption, Council resolved a service charge on Port Hedland properties affected by the Underground Power Project, partnered by the Town of Port Hedland and Horizon Power (previously Western Power).

The Charges were on a model developed on information from Horizon Power. One of the outcomes of this model was a \$500.00 per property charge on certain properties that, although having the underground power infrastructure already, still required connection to the remaining power grid, which was part of the underground power project.

Properties affected by this situation included all of the "Pretty Pool" residences and properties on Barker & Rawlings Street, in Cooke Point.

Since the 2006/07 rate notices were issued, it has been discovered that a number of other properties share a similar situation, however they have been charged the full service charge. When the model was in development, it seems this information was omitted in error from data received from Horizon Power or the modelling consultant Alliance Power & Data. A subsequent investigation by Horizon Power has identified 39 Properties that had the underground power infrastructure in existence prior to the project.

The 39 properties affected are listed below:

- a) 8, 9, 10, 11, 12, & 13 Nereus Court
- b) 1, 2, 3, 4, 5, & 6 Thetis Place
- c) 1, 2, 3, 4, 5, & 6 Oceanus Court
- d) 1, 2, 3, 4, 5, 6, 8, & 10 Neptune Place
- e) 7, 9, 11, 13, 15, 16, 19, & 21 Thompson Place
- f) 52, 53, 54 Clark Street
- g) Lot 1414 & 1415 Wilson Street

This mistake has resulted in a number of disgruntled ratepayers calling both the Town and Horizon Power, believing their circumstances warrants an adjustment to their underground power account.

Consultation

Horizon Power has confirmed that the above listed properties have currently got underground power infrastructure and now only need to be connected to the rest of the power grid.

The Town of Port Hedland has written to all affected residents advising that this item would be considered by Council at its Ordinary Meeting in September.

Statutory Implications

Local Government Act 1995

- 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) *wave or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money, which is owed to the local government.*

** Absolute majority required.*

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

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Currently \$136,298.56 has been raised as service charges for these properties, assuming that 50% may be eligible for an owner occupier rebate (\$2200), Council was expecting to collect \$92,300. If Council resolve to on-charge \$500.00 per property, the collection will be \$19,000, resulting in a short fall of \$73,300.

This difference may be offset if fewer properties claim rebates compared to budget, but is unreasonable to assume this at this early stage of the collection process.

Alternatively, Council could request Horizon Power to be funded from the contingency budgeted within the project budget. Currently the project is expected to come under budget, with both Council and Horizon Power sharing unexpended funds at the end of the project.

Horizon Power has been advised of Council's requirement to refund any excess service charges should the project come under budget.

Officer's Comment

The data used for modelling purposes was based on the Alliance power & data, of which the consultant used to develop the initial model originally presented to Council. The underground power infrastructure was installed as part of the initial development 20+ years ago, thus there was no corporate knowledge within the organisation of this potential situation.

Given that these properties need now only to be connected to the new underground power grid, it seems equitable that these properties should be treated in a similar manner as Pretty Pool and Rawlings/Barker Street residents. This would obviously require a waiver of the original underground power service Charge, \$3,451.16, and a new charge of \$500.00 being issued.

Should Council resolve this recommendation, Council needs to consider how to fund this short fall to be collected. When Council considered the payment model, Council decided very early into the process that residents outside the project area would not have to contribute (directly or indirectly, through rates). Given this short fall (\$73,300), Council may need to reconsider this decision, unless other funding sources are accessed.

Discussions have commenced with the other project partners concerning this issue. Given Council had no option but to rely on information provided from project partners, there is a reasonable argument that Council should have to absorb 100% this short fall. As discussed in the Budget Implications section, the project is currently expected to be under budget, thus providing some latitude for the project to absorb the cost.

In summary, Council needs to make two decisions.

1. Decide whether or not to amend the service charge to affected properties to \$500.00.
2. Amend the budget to reflect the decision to amend the service charge.

The first decision requires a prompt decision, as the affected rate payers are currently uncertain on what they should pay, and may result in them not paying their rates and other charges until this is resolved. The second decision, though significant, does not require resolution as immediate as the first.

As mentioned, discussions are occurring with Horizon Power, who is currently managing the project. Another option is for Council to wait until the majority of rebate applications have been considered thus providing a clearer picture on Council's capacity to pay its share of the project costs. Another option is to see the outcome of the 1st Budget review in October, where any surplus funds identified may also be utilised for the short fall.

200607/062 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr S F Sear**That Council:**

- i) **amend the Service Charge for underground power to \$500.00 to the following properties:**
 - a) **8, 9, 10, 11, 12, & 13 Nereus Court**
 - b) **1, 2, 3, 4, 5, & 6 Thetis Place**
 - c) **1, 2, 3, 4, 5, & 6 Oceanus Court**
 - d) **1, 2, 3, 4, 5, 6, 8, & 10 Neptune Place**
 - e) **7, 9, 11, 13, 15, 16, 19, & 21 Thompson Place**
 - f) **52, 53, 54 Clark Street**
 - g) **Lot 1414 & 1415 Wilson Street**
- ii) **that the 2006/07 Budget not be amended until after the September quarterly review, and discussions with Horizon Power have be finalised; and**
- iii) **that the Director, Corporate Service prepare a report for a future Council meeting detailing options for Council to fund the short fall resulting from (1).**

CARRIED BY ABSOLUTE MAJORITY 6/1

11.4.2 Governance**11.4.2.1 Council Meeting Dates (File No.: ADM-015)**

Officer Gaye Stephens
Executive Assistant

Date of Report 21 September 2006

Disclosure of Interest by Officer Nil

Background

The Local Government (Administration) Regulations require that at least once each year "...a local government is to give local public notice of the dates on which and the time and place at which the ordinary meetings and committee meetings are to be held in the next 12 months".

Council has determined its meeting dates up to and including the October Ordinary Meeting and will need to consider meeting dates for the next 12 months.

Statutory Implications

Council is required to determine at least once each year, its meeting program and this is to be set and advertised in local newspaper.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Budget allocation for advertising Council Meetings is included in Administration General Expenses, General Ledger Account Number 402249 'Advertising'.

Officer's Comment

Council has previously determined that it will meet on the fourth Wednesday of each month.

It is recommended the December 2006 meeting occurs on the second Wednesday, being 13 December 2006.

Easter in 2007 occurs on Friday 8 April 2007 (Good Friday) and Monday 11 April 2007 (Easter Monday) and therefore has no effect on the March or April meetings.

Officer's Recommendation

That the Ordinary Council Meeting be held at 5:30 pm in Council Chambers on the following dates:

Wednesday 25 October 2006
Wednesday 22 November 2006
Wednesday 13 December 2006
Wednesday 24 January 2007
Wednesday 28 February 2007
Wednesday 28 March 2007
Wednesday 25 April 2007
Wednesday 23 May 2007
Wednesday 27 June 2007
Wednesday 25 July 2007
Wednesday 22 August 2007
Wednesday 26 September 2007

and be advertised accordingly.

200607/063 Council Decision

Moved: Cr S F Sear

Seconded: Cr J M Gillingham

That the Ordinary Council Meeting be held at 5:30 pm in Council Chambers on the following dates:

Wednesday 25 October 2006
Wednesday 22 November 2006
Wednesday 13 December 2006
Wednesday 24 January 2007
Wednesday 28 February 2007
Wednesday 28 March 2007
Tuesday 24 April 2007
Wednesday 23 May 2007
Wednesday 27 June 2007
Wednesday 25 July 2007
Wednesday 22 August 2007
Wednesday 26 September 2007

and be advertised accordingly.

CARRIED 7/0

REASON: Council resolved to meet on Tuesday 24 April 2007, instead of on Anzac Day, Wednesday 25 April 2007.

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**12.1 Planning Services**

6:49 pm Cr S F Sear declared a financial interest in Agenda Item 11.2.2.7 'Request to Rezone a Portion of Lot 2202 (4) Reynolds Place, South Hedland From Residential R20 to R30' as the applicant is a client of his.

Cr S F Sear left the room.

12.1.1 *Proposed 17 Grouped Dwellings at Lot 2202 Reynolds Place, South Hedland (File No.: 121050 G)*

Officer Andrew Patterson
Planning Officer

Date of Report 26 September 2006

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Trend Developments to construct 17 grouped dwellings at lot 2202 Reynolds Place South Hedland.

This lot is the subject of another report included in this agenda (Item 11.2.2.7) requesting a scheme amendment to rezone the entire lot to Residential R 30.

This item is referred for Council consideration as delegated Officers do not have the authority to determine applications for more than two grouped dwellings.

Background

Due to the scheme amendment proposed over this lot, this assessment will address only those dwellings proposed on the land zoned Residential R 30. As the balance of this land requires rezoning to accommodate the number of dwellings and associated setbacks, the affected dwellings will be excluded from the assessment and any subsequent approval and will require a separate application should the amendment be approved.

Residential Design Codes Assessment

Density: R 30 development requires an average site area of 300 m² per dwelling. The subject land comprises 5578 m² on which 13 dwellings are proposed, achieving an average of 429 m² per dwelling.

Setbacks: in areas coded R 15 or higher, dwellings that present a main frontage to communal street require a minimum setback of 2.5 metres, or 1.5 metres to a porch or verandah. Each of the dwellings assessed in this report achieves a minimum of 1.67 metres setback from the communal street to the front verandahs.

Street Surveillance: as per the R Codes, and established CPTED principles, each dwelling presents a minimum of one window from a habitable room to the communal street. In addition, no solid fencing is proposed within the front setbacks, offering unobstructed views from the communal street to the dwelling façade.

Boundary Setbacks: the side boundaries to units 3, 4, 5 and 9 do not meet the Acceptable Development Standards of the R Codes, proposing a 1 metre setback in place of 1.5 metres. This variation is assessed under Performance Criteria as the setback variation for units 3, 5 and 9 apply to the storeroom only, and the variation for unit 4 applies to the family/dining room where any potential residents will be aware of the variation prior to taking occupancy.

Open Space: this application complies with the open space and outdoor living requirements of the R Codes.

Car Parking: two bays are required for each dwelling, with an additional three spaces for visitor use. Two parking bays are proposed at each dwelling, with an additional four visitor bays. TPS 5 (Appendix 8) requires that each parking bay be a minimum 3 metres wide, with an additional 0.3 metres provided on each obstructed side. Unit 6 is the only proposed dwelling that complies with the TPS 5 specifications with regard to the obstruction clause and an appropriate condition is included in the Officer's recommendation requiring compliance with this clause. The additional carport width will not affect the setback requirements, as a carport is an open-sided structure.

Pedestrian Access: The Acceptable Development provisions of the R Codes require that where an accessway serves more than ten dwellings, provision be made for a separate pedestrian access designed in accordance with AS 1428.1,2001. No such access is proposed and the width restrictions of the Reynolds Place frontage make including such an access problematic. An alternative to a separate entrance is to utilise a Performance Criteria assessment, that ensures safe and comfortable pedestrian access through the use of adequate lighting and by ensuring adequate sight lines are maintained. An appropriate condition is included in the Officer's recommendation requiring this lighting.

Incidental Development: as per TPS 5 and R Code requirements, each dwelling is provided with a store room with a minimum size of 4 m². A hardstand bin pickup area is also proposed at the Reynolds Place frontage.

Consultation

Environmental Health Services have not objected to this proposal subject to consideration of dust and noise generation during construction.

Building Services have not objected to this application and advised that a building licence is required for this development.

No external consultation is required for this application, and none has been undertaken as there is very limited impact on the streetscape or any individual neighbour.

Statutory Implications

The *Town of Port Hedland Town Planning Scheme No. 5* zones that land, and in concert with the *Residential Design Codes of Western Australia 2001* establishes the standards used to assess this application.

Policy Implications

Nil.

Strategic Planning Implications

Nil.

Budget Implications

Fees of \$4825 have been received and deposited into account 1006326 – Town Planning Fees, reflecting an estimated development cost of \$2 550 000.

Officer's Comment

The dimensions and existing easements do not allow for easy development of this lot. Notwithstanding these limitations however, this application achieves compliance with Scheme and R Code requirements excepting the issue of the four dwellings proposed on the R 20 zoned portion of land.

200607/064 Council Decision/Officer's Recommendation**Moved:** Cr A A Gear**Seconded:** Cr A A Carter

That Planning Consent be granted to Trend Developments for the construction of 13 GROUPED DWELLINGS at lot 2202 Reynolds Place South Hedland as outlined in the Application received 04/07/2006 (Application No. 2006/86) and indicated on the approved plans, subject to the following conditions:

GENERAL

- i) Units 1, 2, 16 and 17 are excluded from this approval as marked in red ink on the approved plans.**
- ii) Developers and/or contractors of developments which are likely to occur at times when prevailing winds will generate a dust nuisance to nearby residents, to take appropriate dust prevention measures by the damping with water of disturbed surfaces and/or hydromulching when necessary to the satisfaction of Council's Engineering Services and Environmental Health Services (EHS).**
- iii) Car parking bays to be a minimum of 3.0 m x 5.4 m for each bay with an additional 0.3 metres width where any bay is located adjacent to a wall or other obstruction.**
- iv) Doors and/or walls are not to be erected on the carports at any time.**
- v) Visitors car parking area(s) to be marked as being for the exclusive use of visitors and signage directing visitors to the parking area(s) to be erected to the satisfaction of Council's Manager Planning (PS).**
- vi) Airconditioner units to be located so as not to create a noise nuisance to bedroom areas of adjoining dwellings (PS).**
- vii) Prior to commencing siteworks, the developer is to submit a landscaping plan addressing the Reynolds Place street frontage, and including sufficient letterboxes for this development to the satisfaction Manger Planning.**

- viii) The applicant is advised that all works on the proposed site of units 1, 2, 16 and 17 is to be limited to the construction of a driveway serving the approved units and the landscaping plan approved by the Manager Planning. The applicant is further advised that a separate pedestrian access is to be constructed in conjunction with the driveway in accordance with Australian Standard (AS 1428.1,2001) and clause 3.5.5 (A5.1) of the Residential Design Codes of Western Australia 2001.
- ix) A detailed landscaping plan to be submitted and approved by the Manager Planning within 30 days of the dwellings being occupied. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Policy 10/001
- x) All stormwater shall be collected and disposed of in a manner acceptable to the Manager Planning.
- xi) A Rubbish Collection Strategy/Management Plan shall be submitted to and approved by the Town prior to the commencement of works. Any alterations to the approved plans required as a result of the Strategy / Plan shall be implemented into the building licence plans. The approved Strategy/Plan shall be implemented to the satisfaction of the Manager Planning.
- xii) The driveways and crossover shall be designed and constructed to the residential specifications and to the satisfaction of the Manager Planning prior to the occupation of the dwellings.

ADVICE TO DEVELOPER

- xiii) The developer is to comply with the requirements of Worksafe Western Australia in the carrying out of works associated with this approval.
- xiv) You are advised that this Planning Approval does not obviate the developer from the responsibility to comply with all relevant building, health and engineering requirements

- xv) In relation to Condition XX, the applicant is to comply with the Town of Port Hedland's Refuse Disposal Requirements for Multi Residential Developments (for further information please contact Council's Engineering Services on 9158 9700). In no case shall a bin collection point be located more than 40 metres from each dwelling unless a satisfactory management plan is submitted to and approved by the Town of Port Hedland demonstrating the manner in which rubbish bins for dwellings located greater than 40 metres from the collection point will be transported to and from the collection point on collection day.
- xvi) The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
- xvii) 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).
- xviii) 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).
- xix) A Building Licence to be issued prior to the commencement of any on site works (BS).
- xx) 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).

CARRIED 6/0

6:53 pm Cr S F Sear re-entered the room and resumed his chair

Mayor advised Cr S F Sear of Council's decision.

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

13.1 ***Councillor Grant D Bussell – Care For Hedland Association Inc. Reimbursement***

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

Move that Council reimburses Care for Hedland for expenses incurred in testing polluted soil in Wedgefield, and thanks Care for Hedland for their contribution to the protection of Port Hedland's natural environment.

Officers Comment

Care for Hedland had significant concerns about the condition of soil adjacent to the Tox Free incinerator in Wedgefield and independently sent soil samples off for testing to a laboratory for analysis. The tests indicated elevated levels of some heavy metals. Council can either elect to refund or not refund Care For Hedland (CFH) the cost of undertaking the work. While we are yet to receive an invoice it is understood that the costs of the testing were approximately \$1,000.

The pros and cons of refunding the testing costs have been briefly listed below:

Advantages:

- There was considerable community concern and CFH's actions have assisted in raising a community issue and have sparked action in relation to testing by the Department of Environment and Conservation (DEC).
- The costs are relatively low and could be absorbed within a budget area via a budget adjustment.
- Council has an obligation to assist in the management and healthy maintenance of the environment within its district. Refunding the costs is a demonstration of Council's willingness to work with the community to protect the environment and residents health.

Disadvantages:

- Soil testing a DEC responsibility – not a Local Government responsibility. A more appropriate approach may have been seeking testing from the DEC rather than commissioning independent tests.
- While the testing was undertaken in a qualified laboratory, the sampling and testing methodology was not undertaken in a particularly scientific manner meaning that the results are not conclusive. Council would effectively be paying for tests that tell us that there is a potential issue but do not tell us why there is an issue.

- Council has not specifically budgeted for this type of testing. The Care For Hedland group could potentially access reimbursement from the DEC
- Refunding the costs potentially sets a precedent whereby future tests and/or expenditure is occurred which a) not authorised by a Council officer and b) not necessarily the responsibility of the Local Government. (For example, a sporting club could undertake a termite inspection of a Council facility then demand Council reimburse them for the costs. While the action may have been warranted, the process is not in accordance with legislative local government procurement processes.)

Moved: Cr G D Bussell

Seconded: Cr A A Gear

Move that Council reimburses Care for Hedland for expenses incurred in testing polluted soil in Wedgefield, and thanks Care for Hedland for their contribution to the protection of Port Hedland's natural environment.

LOST 2/5

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

Record of Vote:

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

**13.2 *Councillor Grant D Bussell – Expressions of Interest
: Port Hedland International Airport***

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

Move that Council prepares separate IFRS compliant accounts for the Airport and seeks expressions of interest in the Australian Financial Review and the Straits Times for the possible sale of the airport.

Officers Comment

This matter was briefly discussed as a component of the 2006/07 Council budgeting process. While there is potentially some merit in pursuing this matter, there is extensive preliminary preparatory work necessary prior to undertaking a meaningful expression of interest process. This preparatory work includes:

- Identifying the quantum of land that we are proposing to dispose of and the method of disposal (sale, tender, private treaty, lease, etc.).
- Developing a Masterplan for the airport that identifies current conditions and future development opportunities and/or options. This document could potentially serve as a 'sales document' for the airport.
- Seeking an independent financial assessment of the value of the land and the airport business operations.
- Identifying business model/s for the future operation of the Port Hedland International Airport that are potentially attractive and/or suitable to the Council.
- Considering the opportunity costs of selling the airport. (i.e. Council owns very little land currently with the Airport being the last significant tract of land owned by the organisation. Do we want to sell the land now or hold onto it for strategic reasons.)
- Considering the Town Planning outcomes that Council is willing to permit to occur on the land by any new developer.
- Identifying the return on investment that Council is seeking from the proposal.
- Advising and/or negotiating with existing leaseholders regarding any potential changes.
- Discussing this matter with staff who are potentially affected by the change.

The action being proposed in the Notice of Motion is a significant financial and operational decision of the Council. Advertising an Expression of Interest at this time is considered to be very premature and is likely not to achieve the result that Council is chasing as preliminary works have not been undertaken.

If Council is keen to pursue this matter it is recommended that Council commission the development of a comprehensive Master Planning process for the airport. Additionally an independent financial evaluation of the Port Hedland International Airport operations should also be undertaken which investigates alternatives for ownership, management and operations of the airport.

Amended Motion

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

Move that Council prepare separate International Financial Reporting Standards (IFRS) compliant accounts for the Airport and engage a consultant to explore alternate management and ownership options for the Port Hedland International Airport.

LOST 2/5

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

Record of Vote:

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

ITEM 14 CONFIDENTIAL ITEMS**200607/065 Council Decision/Officer's Recommendation**

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

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

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

14.2 Legal Issue – Qantas Lease.

CARRIED 7/0

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; ...

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”

7:08 pm Members of the public left the room.

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

200607/066 Council Decision/Officer's Recommendation

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

That:

- i) Council endorse the attached Code of Conduct and Policy Manual for Employees without modification;**

- ii) endorse the deletion all of the following Council policies:**
 - 3/001 - Defence Force Leave**
 - 3/002 - Council Contribution to Staff Functions**
 - 3/005 - Staff Protections from the Sun**
 - 3/006 - Staff Uniforms**
 - 3/008 – Staff Housing**
 - 3/009 - Training of Council Employees**
 - 3/010 - Equal Opportunity and Harassment**
 - 3/011 - Employee Assistance Program**
 - 3/012 - English as a Second Language**
 - 3/013 - Safety Health and Environment**
 - 3/014 - Paid Leave on Voluntary Service**
 - 3/015 - Relocation Expenses for Local Recruits**
 - 3/017 - Christmas Closedown**
 - 3/018 - Superannuation**
 - 3/021 - Prescription Safety Glasses**
 - 3/022 - Terminating Employees Payment Policy**

- iii) Endorse the deletion of all of the following Management policies:**
 - Alcohol and Drug Use**
 - Annual and Long Service Leave**
 - Authorising Correspondence**
 - Computer and Communication Usage Policy**
 - Conditions of Computer Use Agreement**
 - Consultative Committee Policy**
 - Disciplinary Procedures Policy**
 - Dispute Settlement Procedure Policy**
 - Employee Health and Fitness Policy**
 - Grievance Policy and Procedures**
 - Higher Duties Policy**
 - Mobile Phone Policy**
 - Study Leave Assistance Policy**
 - Travel Cost Policy**
 - Work Hours Policy**
 - Workplace Bullying Policy**

CARRIED BY ABSOLUTE MAJORITY 7/0

14.2 Legal Issue - Qantas Lease**Officer's Recommendation**

That:

- i) Council's lawyers write to Qantas advising that the Town of Port Hedland is willing to sign and seal a lease document for the use of the Port Hedland International Airport for the period from 1 July 2002 – 30 June 2007 (with a potential five year extension) subject to the lease documentation including a rent review provision whereby rental is set at market rental from 1 July 2007.
- ii) Assuming that Qantas agrees with the above, the Mayor and Chief Executive Officer be authorised to sign and seal the lease documentation.

200607/067 Council Decision

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

That:

- i) **Council's lawyers write to Qantas advising that the Town of Port Hedland is willing to sign and seal a lease document for the use of the Port Hedland International Airport for the period from 1 July 2002 – 30 June 2007 (with a potential five year extension) subject to the lease documentation including a rent review provision whereby rental is set at market rental from 1 July 2007 subject to:**
 - a) **a rent valuation review to be carried out on a bi-annual basis with Consumer Price Index (CPI) applicable yearly; and**
 - b) **a valuation to be determined by an independent valuer selected by Council;**
- ii) **assuming that Qantas agrees with the above, the Mayor and Chief Executive Officer be authorised to sign and seal the lease documentation.**

CARRIED BY ABSOLUTE MAJORITY 7/0

REASON: Council resolved that should Qantas agree to enter a lease for use of the Port Hedland International Airport for the period from 1 July 2002 – 30 June 2007, there be a provision in the lease to ensure:

a) a rent valuation review to be carried out on a bi-annual basis with Consumer Price Index (CPI) applicable yearly; and

b) a valuation to be determined by an independent valuer selected by Council.

200607/068 Council Decision

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

That the Meeting be opened to members of the public.

CARRIED 7/0

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

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

200607/069 Council Decision

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

That the following applications for Leave of Absence:

- . Councillor Jan Gillinham, from 29 September to 23 October 2006 inclusive;
- . Councillor George Daccache, from 13 to 19 October 2006 inclusive;

be approved.

CARRIED 7/0

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 26 October 2006, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 7:15 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 25 October 2006.

CONFIRMATION:

MAYOR

DATE