



Town of Port Hedland

MINUTES

OF THE

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

HELD ON

WEDNESDAY 27 FEBRUARY 2008

AT 5.30 PM

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

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*Chris Adams
Chief Executive Officer*

OUR COMMITMENT

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

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ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 5:30pm 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 S J Coates
Cr G J Daccache
Cr J E Ford
Cr A A Gear
Cr J M Gillingham
Cr K A Howlett

(from 5:31pm)

Mr Chris Adams
Mr Terry Dodds
Mr Matthew Scott
Terry Sargent

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

Ms Gaye Stephens

Members of Public 4

Members of the Media 1

2.2 Apologies

Nil.

2.3 Approved Leave of Absence

Nil.

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held
Wednesday 23 January 2008**

3.1.1 Paul Reibel

On page 101 of tonight's [23 January 2008] agenda, it states that practical completion inspections have been completed for Traine Avenue and Dale and Stanley Street developments, does this mean that all the work on the development was done to an acceptable standard and accepted by the Town?

Director Engineering Services advises that practical completion inspections have been undertaken at Dale/Brodie development with Ertech, Parson Brinckerhoff, Council and South Hedland New Living. Overall the standard of work was acceptable, with room for further improvement.

Minor outstanding items include footpath handrails, footpath connections, replace Telstra cover, and repair minor damage to road surface and stone pitching to drainage outlet.

ITEM 4 PUBLIC TIME**4.1 Public Questions**

5:30 pm Mayor opened Public Question Time.

Nil.

5:31 pm Mayor closed Public Question Time.

5:31 pm Councillor Arthur A Gear entered the room and assumed his chair.

4.2 Public Statements

5:31 pm Mayor opened Public Statement Time.

4.2.1 Mr Shane Sear – Item 11.4.1.5 Request by Water Corporation to Write Off Rates

Mr Sear indicated that he felt that the Water Corporate should be made to pay rates on the property as it was leased to a third party and the Water Corporation had not advised Council of the cessation of the lease.

5:34 pm Mayor closed Public Statement Time.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**5.1 Councillor Arthur A Gear**

The company I work for in the Redbank locality was recently served with a Notice of Breach [of land use in a Residential zone under the Town Planning Scheme], since the Notice was served there are two additional light industries planning to set up in the same residential zoning; can Council head them off before action by the companies is undertaken?

Director Regulatory and Community Services advised all owners of land in Redbank will be formally advised in writing of their obligations under the Town Planning Scheme No 5, and that the use is for rural residential purposes only.

5.2 Councillor Jan M Gillingham

Can Council do something in relation to the unsightly view of Western Desert property at Redbank that is very visible from the main road?

Director Regulatory and Community Services advised that this matter is currently being dealt with.

There is currently only one (1) doctor at the Edgar Street Medical Centre, with the next available appointment being not until Tuesday; can Council ask the Centre what the status is of the Centre attracting additional doctor(s)?

Chief Executive Officer advised staff will speak to the Edgar Street Medical Centre to ascertain their plans for attracting general practitioner(s).

5.3 Councillor Grant D Bussell

What is the answer to my question last month [Is there anything Council can do at the approach to the Red Bank Bridge when heading to South Hedland, in relation to the accumulation of salt on the side of the road? Does Council have any scope to force the company to clean up, or re-instate a tidal flow in the area to flush it?}, which was taken on notice?

Chief Executive Officer advised the Town is awaiting a response from Main Roads in relation to the matter.

Can Council request Dampier Salt to assist?

Chief Executive Officer confirmed yes.

5.4 Councillor Kelly A Howlett

There is a dire need for the provision of mulch in Hedland currently, particularly due to the soon closure of Dirt Cheap; given that much attention is going into town pride, encouraging people to garden and be house proud, can Council please look to provide mulch for sale to the community at the community rate?

Director Engineering Services advised that he has spoken with Council's Works Manager to get the ball rolling in relation to making mulch. Council's staff is considering financial models to ensure the viability of the Town providing and/or selling mulch to the community.

How soon can we start supplying mulch, as a Port Hedland school is looking to have mulch transported from Perth?

Director Engineering Services advised he will liaise with the Chief Executive Officer and provide advice, including a plan of action, to Council at its Informal Briefing Session to be held in March.

Can you do up a report of options for Council to sell much?

Director Engineering Services confirmed yes. And added that Council may be able to assist the school in the interim measure.

Are you able to do up a report of options available for fast tracking of development of a cinema/entertainment complex in South Hedland?

Chief Executive Officer advised a report will be presented to Council's Ordinary Meeting to be held in March.

In light of a recent report provided by Hedland First National regarding demand for light industrial land can Council write to the Hon. A MacTiernan, MLA Minister for Planning and Infrastructure highlighting the demand and need to make more industrial land available?

Chief Executive Officer advised that the Town is holding regular discussions with the Minister for Planning and Infrastructure and LandCorp in relation to the Town's drastic needs for light industrial land. LandCorp has engaged Sunderland Solutions for internal project management services to assist with feasibility investigations into the proposed delivery of industrial land.

Chief Executive Officer added he can write to the Minister again if it is the will of Council.

Given Council has not received a response from Sunderland Solutions, can Council seek commitments from LandCorp on priorities and timelines for industrial land release in the Hedland area, which provide a definitive plan of attack from LandCorp; with the expressed desire that this process to be fast tracked to meet current and projected future demand; and offering that if LandCorp is unable to assist, then Council can take it on?

Chief Executive Officer advised Sunderland Solutions were asked to present to Council's Informal Briefing in February, but were not in a position to make a presentation at that time.

Sunderland Solutions are being invited again to present at Council's Informal Briefing Session in March, in the event they are unable to do this, then a letter will be sent to LandCorp and the Minister to seek action on this issue.

5.6 Councillor Arnold A Carter

Didn't the Council make mulch available free of charge after Cyclone George?

Chief Executive Officer confirmed yes.

5.7 Councillor Arthur A Gear

On behalf of an aboriginal member of the community, can Council please investigate what's happening at Karlarra House in relation to issues with visitations?

Chief Executive Officer advised the Town will contact Karlarra House in relation to the query, and advised it is probably in relation to only utilising 42 of the available beds due to lack of staffing issues.

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, excepting the late items.

Cr S R Martin	Cr J E Ford
Cr A A Carter	Cr A A Gear
Cr G D Bussell	Cr J M Gillingham
Cr S J Coates	Cr K A Howlett
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 January 2008

That the Minutes of the Ordinary Meeting of Council held on Wednesday 23 January 2008 be confirmed as a true and correct record of proceedings.

200708/166 Council Decision

Moved: Cr A A Carter

Seconded: Cr J E Ford

That the Minutes of the Ordinary Meeting of Council held on Wednesday 23 January 2008 be confirmed as a true and correct record of proceedings, with the following amendments:

- . **Item 2.1 (page 7) Members of Public – delete “Nil”, insert “7”.**

CARRIED 9/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Nil.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 *Councillor Arthur A Gear*

Councillor Gear

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS

10.1 Petition for recycling of glass, aluminium and plastics in Port and South Hedland

200708/167 Council Decision

Moved: Cr A A Carter

Seconded: Cr G D Bussell

That the following petition:

“I would like to see recycling of glass, aluminium and plastics commenced in Port (and South) Hedland:”

be noted and the Mayor respond to Ms Lisa Norman who submitted the signed petition on behalf of Council advising that Council agrees in principle.

CARRIED 8/1

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

Record of Vote:

FOR	AGAINST
Cr S R Martin	Cr A A Gear
Cr G D Bussell	
C A A Carter	
Cr S J Coates	
Cr G J Daccache	
Cr J Ford	
Cr J M Gillingham	
Cr K A Howlett	

ITEM 11 REPORTS OF OFFICERS

11.1 Status of Council Decisions

There is no report on the updated status of Council Decisions.

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 Nellie Mackay
Executive Assistant
Community and
Regulatory Services

Date of Report 15 February 2008

Disclosure of Interest by Officer Nil

Summary

Report on activities within the Regulatory and Community Services directorate for Council's information.

Background

Regulatory and Community Services Monthly Report to Council.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

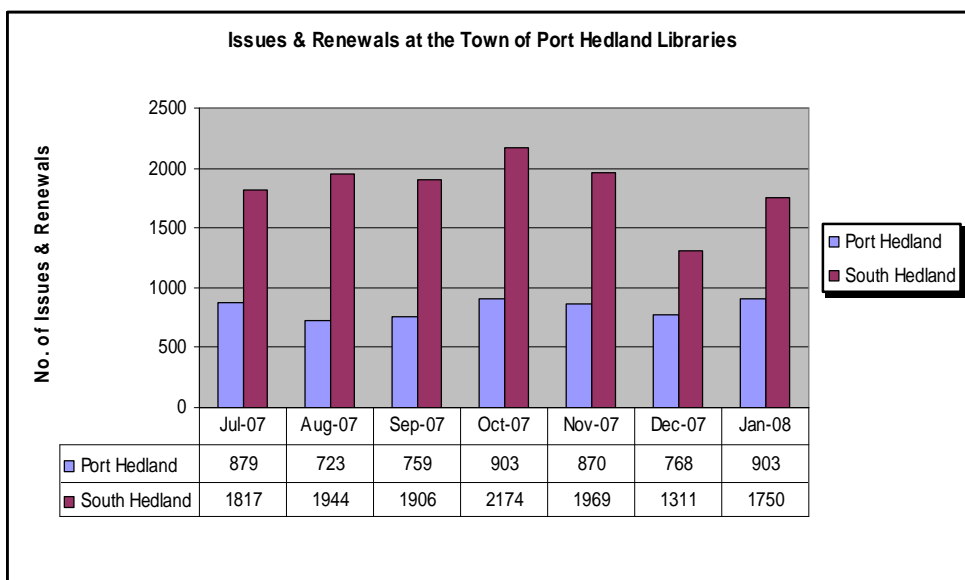
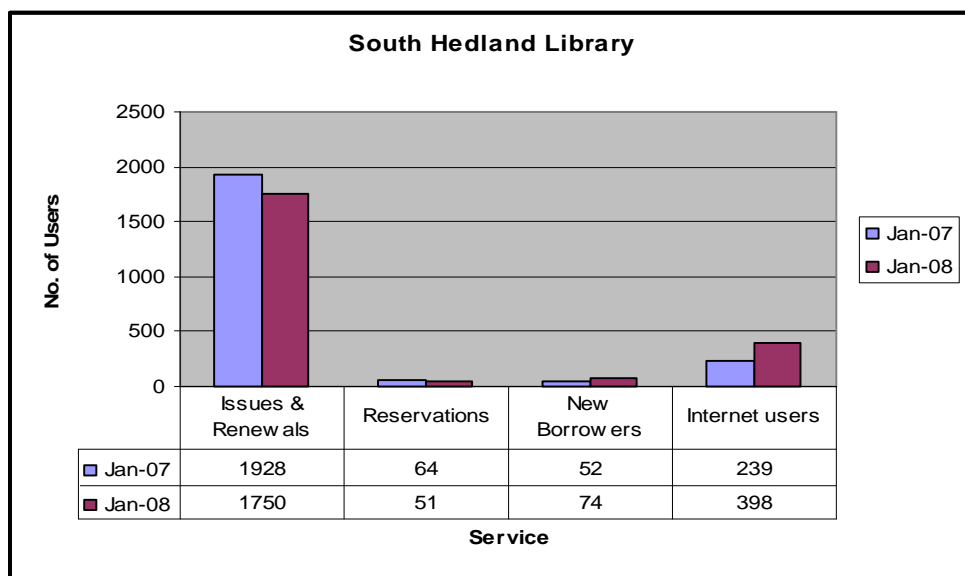
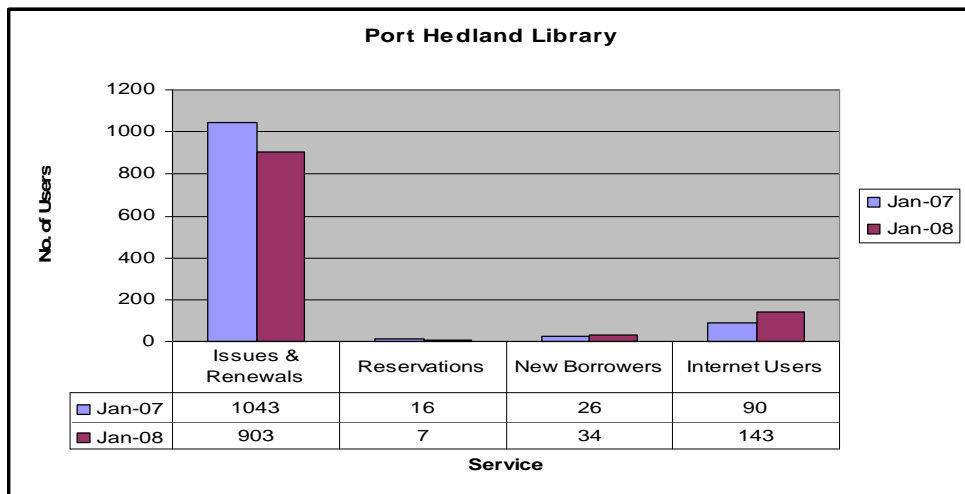
Strategic Planning Implications Nil

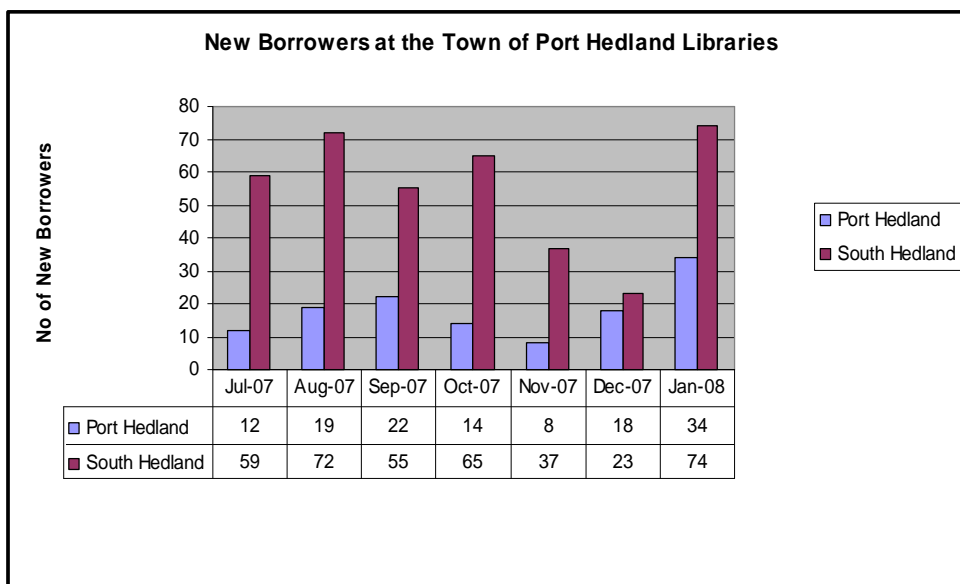
Budget Implications Nil

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

Port Hedland Library	Aug 2007	Sept 2007	Oct 2007	Nov 2007	Dec 2007	Jan 2007
Issues and Renewals	723	759	903	870	768	903
Reservations	19	14	17	12	14	7
New Borrowers	19	22	14	8	18	34
Internet Users	133	105	135	176	111	143

South Hedland Library	Aug 2007	Sept 2007	Oct 2007	Nov 2007	Dec 2007	Jan 2007
Issues and Renewals	1944	1906	2174	1969	1311	1750
Reservations	77	90	115	60	54	51
New Borrowers	72	55	65	37	23	74
Internet Users	416	349	445	415	297	398

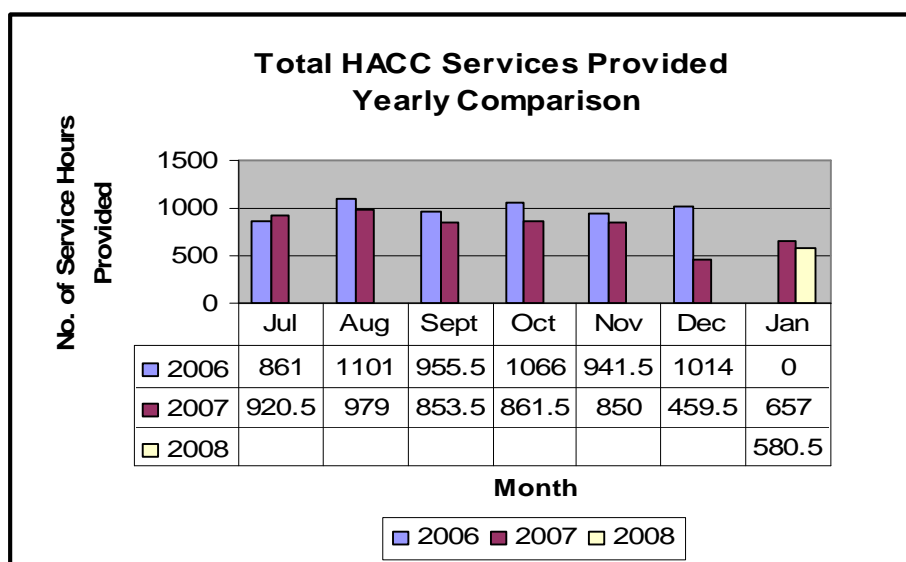


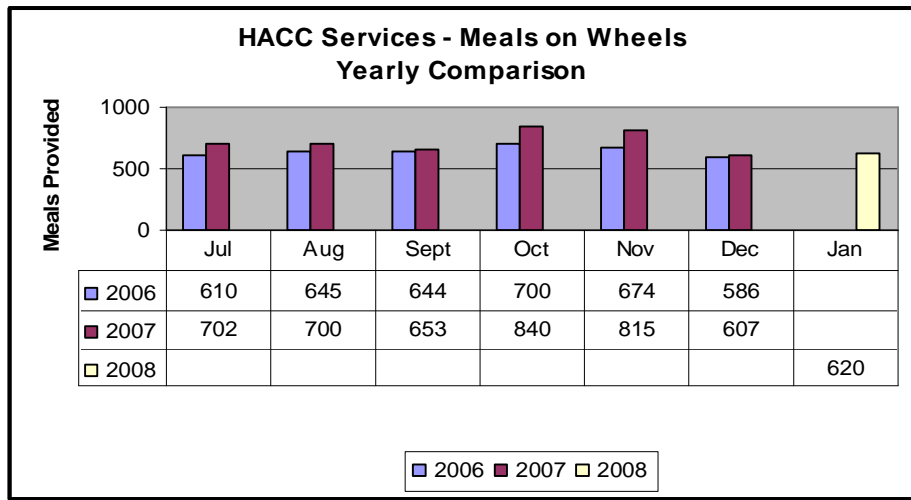


Human Services

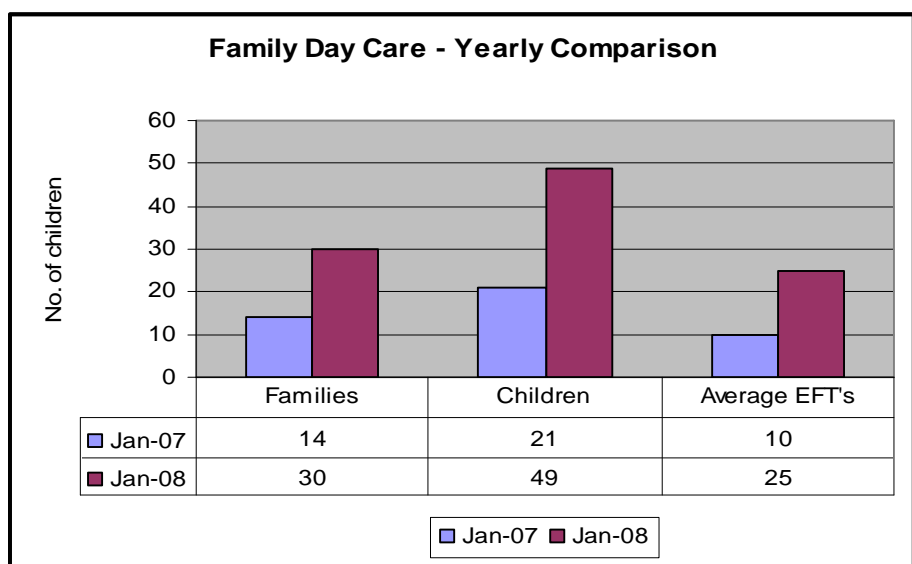
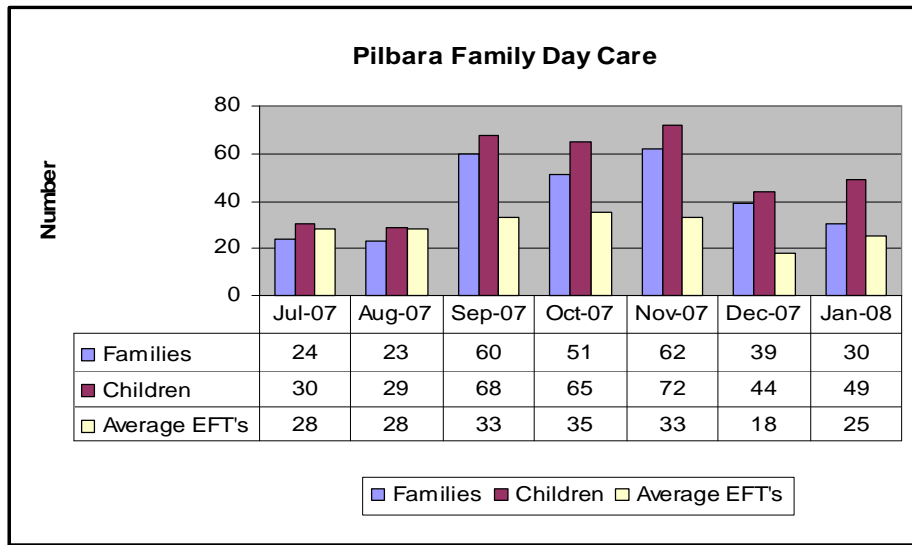
HACC Programme

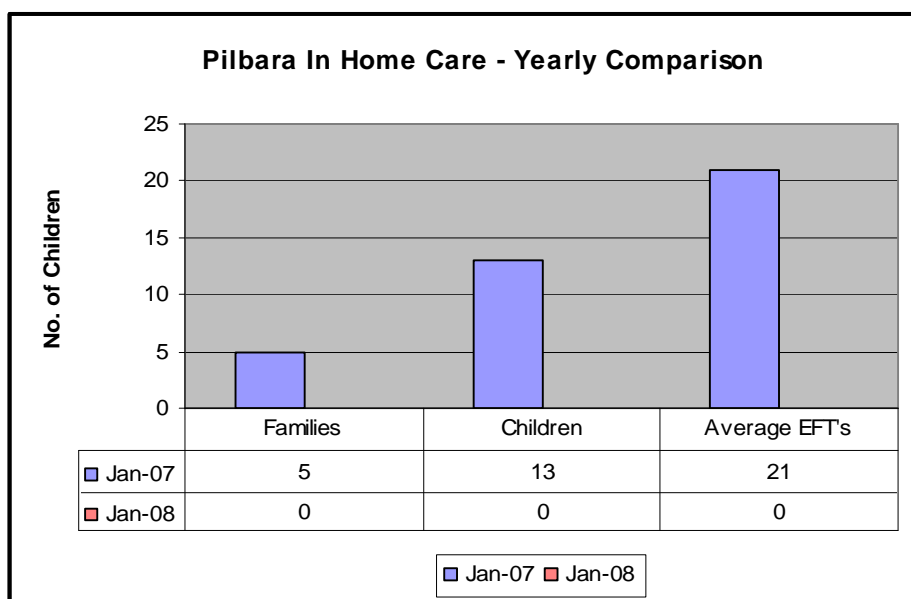
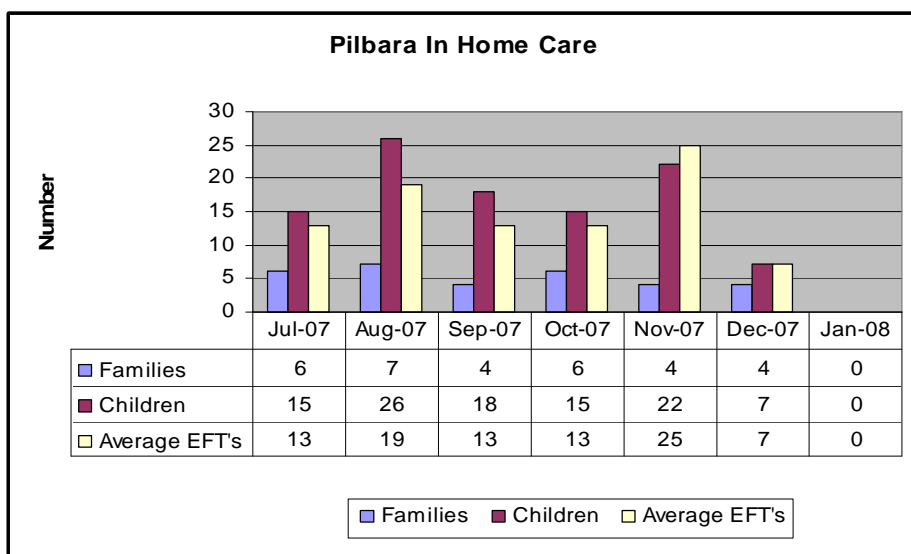
HACC Service Hours for December 2007	
Meals On Wheels	620
Day Centre Attendance (hours)	456
Day Centre Meals	73
Domestic Assistance (hours)	51
Personal Care (hours)	17
Social Support (hours)	29
Transport (one way)	147
Home Maintenance (hours)	27.5
Total HACC service provided (hours)	580.5
Total HACC service provided (hours) YTD	580.5
Assessment	2
Accidents/Incidents	0





Pilbara Family Day Care





Licence Status

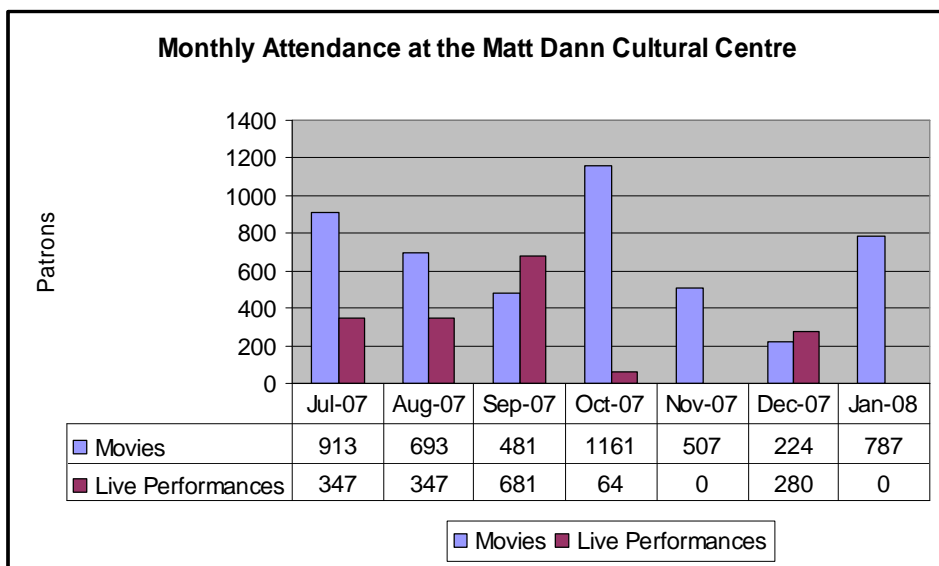
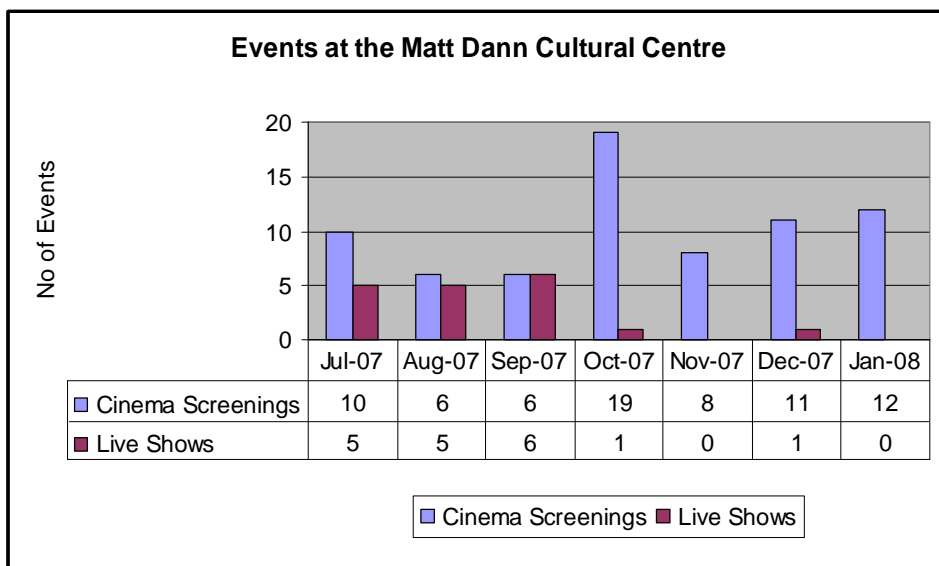
- Current: 2 in South Hedland; 1 in Wickham; 4 in Karratha; 4 in Newman; 1 in Tom Price and 1 in Paraburdoo
- In process of Licensing: 1 in Karratha; 1 in Tom Price; 1 in Port Hedland and 1 in Newman

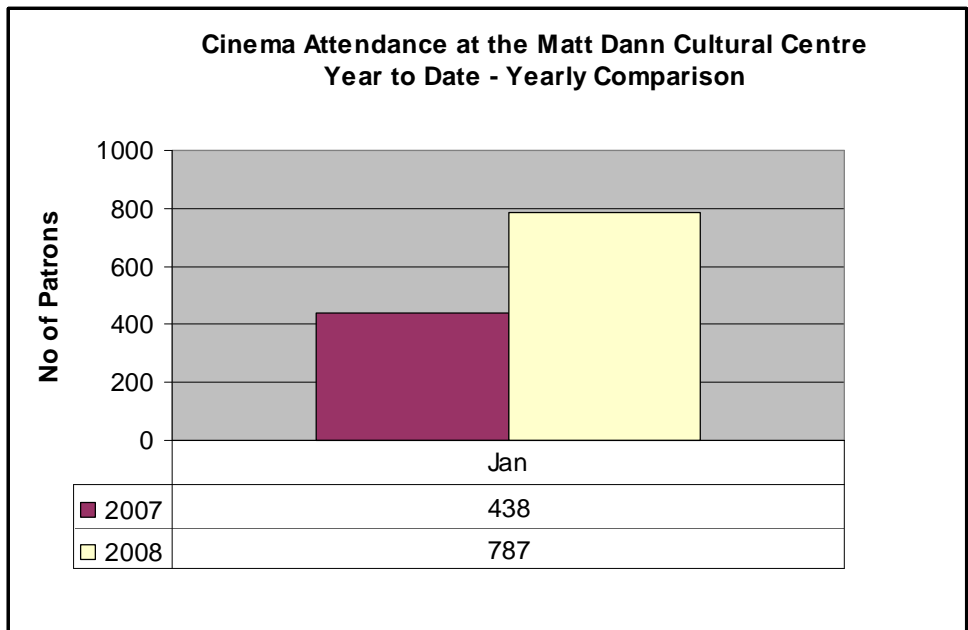
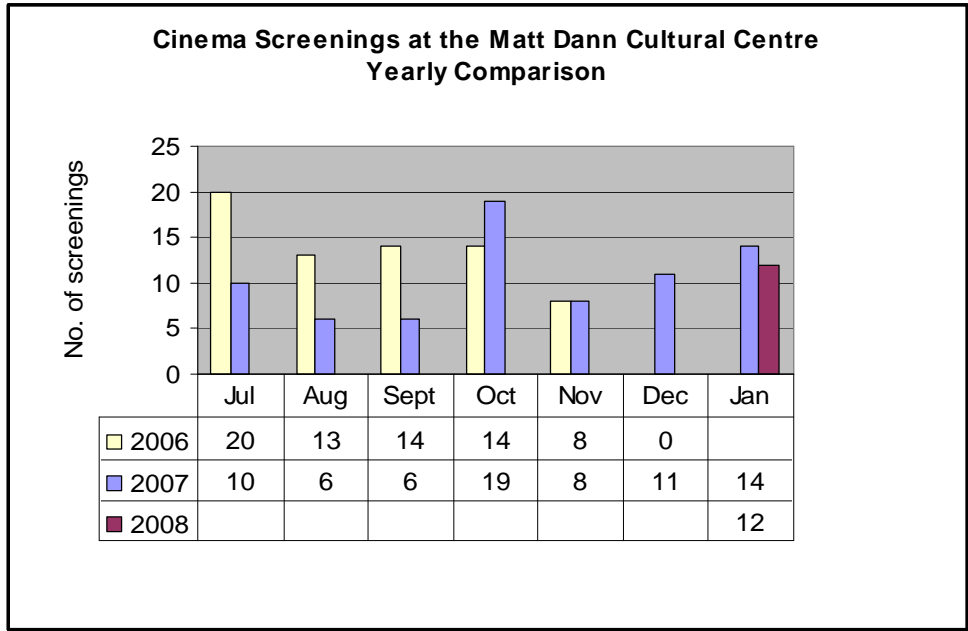
The majority of Carers have been on leave this month, so numbers are way down. No In Home care was used during January. It is exciting to note that we have a Carer going through licensing in Port Hedland at last.

The move of the co-ordinator, Maureen Allert, to the Youth & Family Centre in Keesing Street has been a good one. Maureen is already making contact with a Lot of new mums and planting the seeds for FDC.

Although the co-ordinators position does not encompass Centre Based Care she advises that Centres in Hedland are experiencing staffing problems. The lack of qualified and unqualified staff will result in some Centres not working to capacity because of child staff ratios and the rate of pay being offered. This is an ongoing issue throughout the state.

Matt Dann Cultural Centre



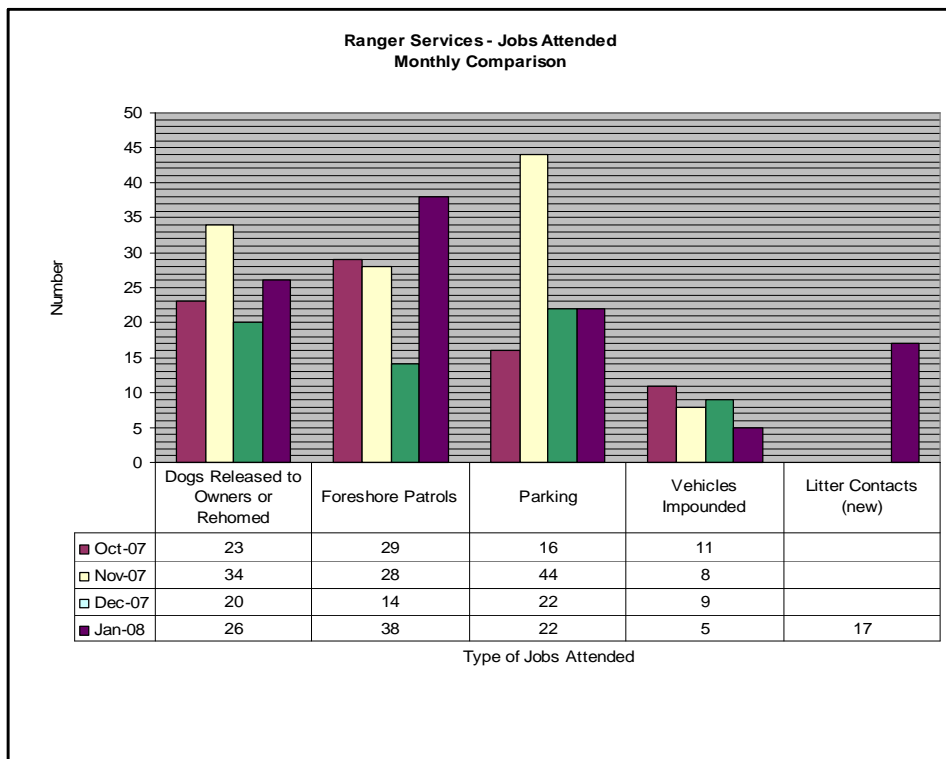
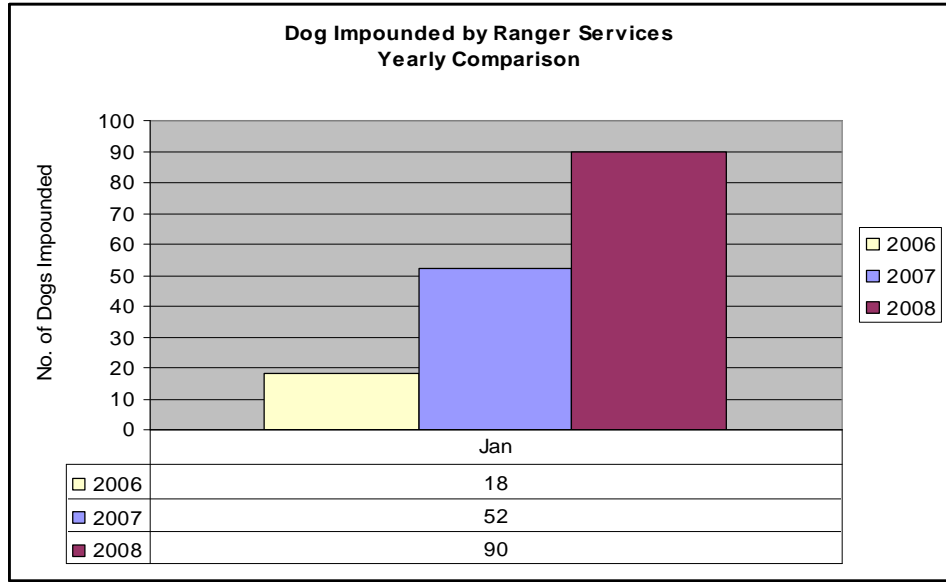


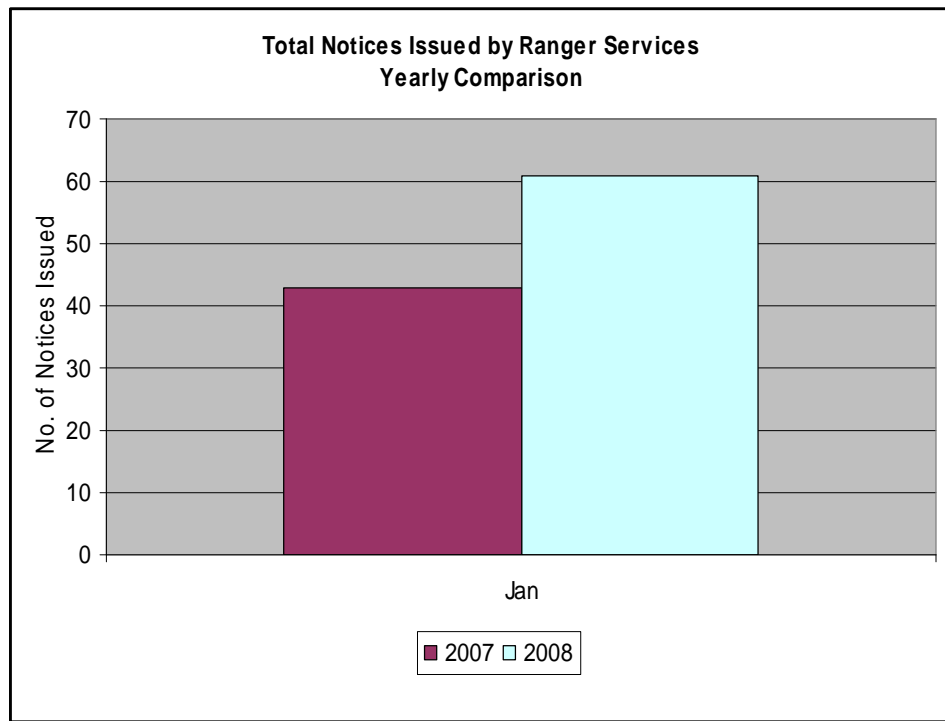
Courthouse Arts Centre and Gallery

The Courthouse Arts Centre and Gallery was closed for the month of January 2008.

Environmental Health Services

Ranger Services





Litter Contacts are made up of the majority of contacts ranger services had made with members of the public who have been found littering in parks and reserves predominantly in South Hedland.

In all instances rangers have stayed onsite till the litter has been picked up, this litter has predominantly been associated with drinking activities and dealt with under Town of Port Hedland Local Laws (Reserves & Foreshores) and the Litter Act.

Targeting problem areas proactively is seeing a slow decline in litter, but is also useful in educating members of the community.

200708/068 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Council receives the Regulatory and Community Services Report for February 2008.

CARRIED 9/0

11.2.1.2 Request to Incorporate Lots 5211, 5212 and 5214-5222 into Reserve 37971 – Drovers Rest Area, Great Northern Highway (File No.: 130563G)

Officer Terry Sargent
Director Regulatory and
Community Services

Date of Report 7 February 2008

Disclosure of Interest by Officer Nil

Summary

This report is prepared to seek Council's view on a request to have a number of leasehold lots (Lots 5211, 5212, and 5214 - 5222 inclusive), in the Drovers Rest area included within Lot 5213 (Reserve No. 37971) Great Northern Highway Port Hedland, which is currently used as the Rodeo site.

Background

Council has been approached by Mr Frank Edwards who leases Lot 52213, Reserve No 37971 from Council to operate as a rodeo. The land is vested in Council for the purpose of "Park and Recreation".

Mr Edwards is concerned that many of the lots in the vicinity of the rodeo are currently vacant and present a fire hazard. He also expressed a need to have access to additional land in order to graze the livestock necessary to operate the rodeo effectively.

To this end he has sought a grazing lease over the land from State Land Services (DPI). In summary he advises that leasing the land from DPI as individual lots would be too expensive to justify the use for grazing purposes. He states that DPI have indicated a willingness to have the land included in reserve 37971, with Council's support.

Mr Edwards asserts that the cost of having water and electricity services provided to the site make it uneconomic to have the land developed for any other purpose.

Consultation

No external consultation has been undertaken in relation to this request.

Council's Planning Services have previously advised State Land Services that it did not support such a proposal because of insufficient detail as to the proposed use of the land. Council

officers were also concerned at the prospect of 11 potential rural residential sites being lost from the market.

Statutory Implications

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

Policy Implications

There are no policy implications

Strategic Planning Implications

There are no implications arising from Council's Strategic Plan but the removal of potential residential land to be used for grazing, clearly has strategic implications for Council.

Budget Implications

There should be no budget implications related to this matter.

Officer's Comment

Mr Edwards' proposal has some clear benefits to the operation of the rodeo and fire safety within the area. While it is acknowledged that alternative fire control measures could be taken, grazing is recognised as being effective in preventing weed outbreaks etc.

In addition to the benefits of grazing the land, inclusion of adjoining lots into reserve 37971 will reduce the cost of providing services to the rodeo complex.

The other effect of including the surrounding lots within reserve 37971 is the effective loss of land which could potentially provide 11 additional rural residential lots. While Mr Edwards asserts this will be non-viable because of the servicing costs, this claim has not been tested and in the current market conditions may prove to be incorrect.

Council would appear to have two options:-

- to support Mr Edwards in having lots 5211, 5212, and 5214 - 5222 inclusive, included within reserve 37971, and having the current lease amended, all at Mr Edwards' expense. Should this option be supported then Mr Edwards should be advised that any use at, or development on the subject land will require an approval from Council, or;
- rejecting Mr Edwards' request and encourage the State Land Services to promote the availability of the land for rural residential development.

Attachments

Site Map

Officer's Recommendation

That Council:

- i) supports Mr Edward's request and seeks to have Lots 5211, 5212, and 5214 - 5222 inclusive, included within Reserve 37971. and amends the lease over the land accordingly at Mr Edward's expense;
- ii) advises Mr Edwards that any use at, or development on the subject land will require an approval from Council,

OR

That Council rejects Mr Edwards' request and encourages the State Land Services to promote the availability of the land for rural residential development.

200708/... Council Decision

Moved: Cr A A Carter

Seconded: Cr J E ford

That Council rejects Mr Edward's request and encourages the State Land Services to promote the availability of the land for rural residential development.

LOST 2/7

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

Record of Vote:

FOR	AGAINST
C A A Carter	Cr S R Martin
Cr J Ford	Cr G D Bussell
	Cr S J Coates
	Cr G J Daccache
	Cr A A Gear
	Cr J M Gillingham
	Cr K A Howlett

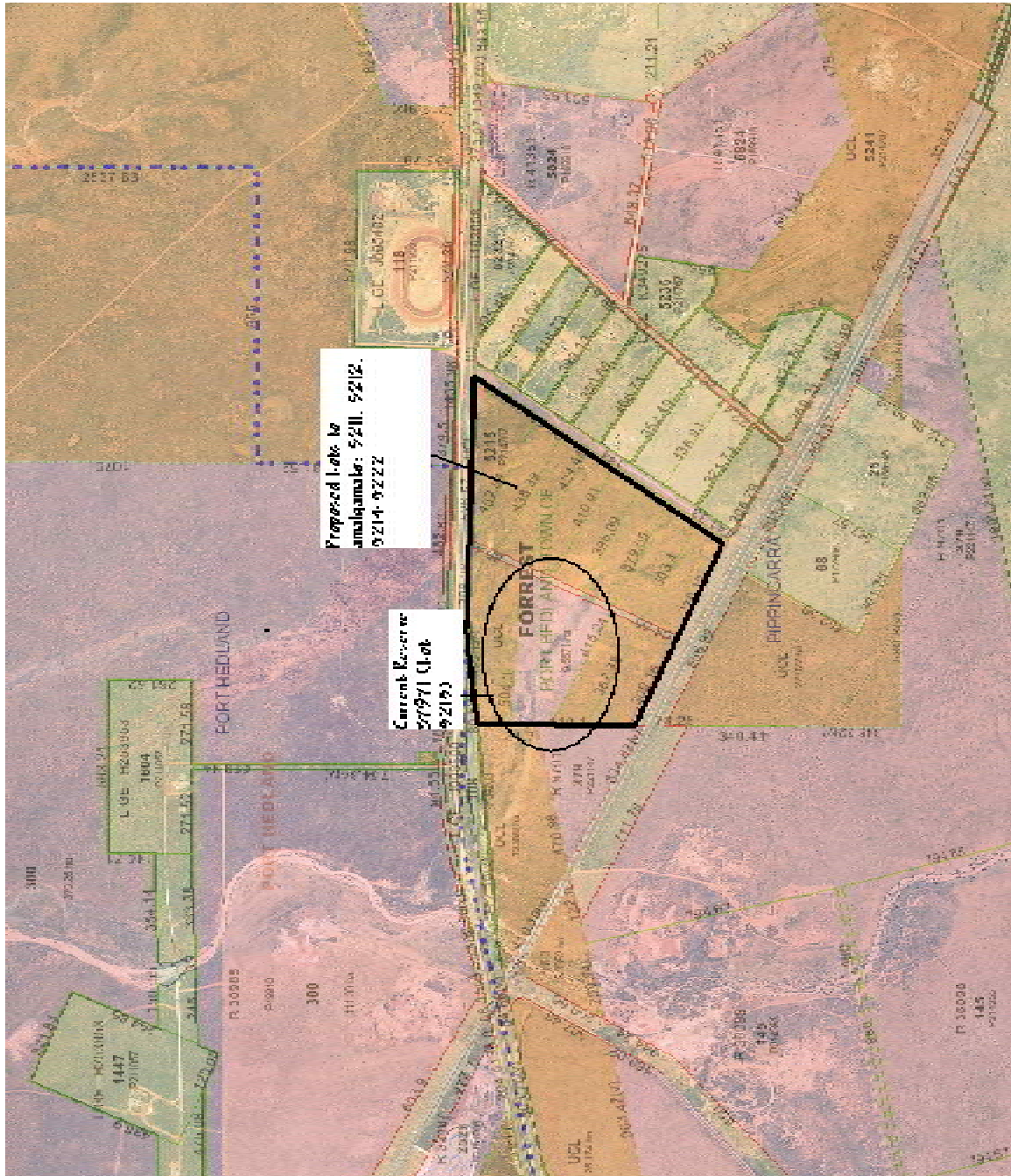
200708/069 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr A A Gear**That Council:**

- i) supports Mr Edward's request and seeks to have Lots 5211, 5212, and 5214 - 5222 inclusive, included within Reserve 37971; and**
- ii) advises Mr Edwards that any use at, or development on the subject land will require an approval from Council.**

CARRIED 9/0

REASON: Council supported Mr Edward's request to have Lots 5211, 5212, and 5214 - 5222 inclusive, included within Reserve 37971, which is currently leased to him. Council withdrew the section of the Officer's Recommendation relating to lease modifications, as Council indicated a desire to consider those modifications separately once the lots had been amalgamated.

ATTACHMENT 1 TO AGENDA ITEM 11.2.1.2



11.2.2 Planning Services**11.2.2.1 Delegated Planning & Building Approvals January 2008 (File Nos.: 18/07/0002 & 07/02/0003)**

Officer Nellie Mackay
Executive Assistant
Community and Regulatory
Services

Date of Report 15 February 2008

Disclosure of Interest by Officer Nil

Summary

This item relates to the Planning and Building Applications considered under Delegated Authority for the month January 2008.

Background

A list of Planning and Building Consents issued by Council's Planning and Building Services under Delegated Authority for the month of January 2008 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. This report is prepared to ensure Council is advised of the details of applications that have been dealt with under delegated authority.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment Nil

200708/070 Council Decision/Officer's Recommendation

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

That the Schedule of Planning Consents issued by Delegated Authority for the month of January 2008 be received.

CARRIED 9/0

ATTACHMENT TO AGENDA ITEM 11.2.2.1

DELEGATED PLANNING APPROVALS FOR JANUARY 2008

Applic No	Applic date.	Date Determined	Description	Applicants Name	Owners Name	Address	Deleg.
2007/266	22/10/2007	24/01/2008	EQUESTRIAN CENTRE - Rodeo - Boundary Fence Addition & Sea Container	Frank Edwards	TOWN OF PORT HEDLAND	LOT 5213 GREAT NORTHERN HIGHWAY PORT HEDLAND	No
2007/323	13/11/2007	04/01/2008	SINGLE HOUSE - (Double Storey) R-Code Variation	Craig Wright	CRAIG STEPHENSON WRIGHT	24 PANJYA PARADE PORT HEDLAND 6722	No
2007/337	26/11/2007	10/01/2008	NOXIOUS INDUSTRY - Metal Coating; and GENERAL INDUSTRY - Abrasive Blasting	Keith Jones - Robil Engineering	ATL MANAGEMENT PTY LTD	7 YANANA STREET WEDGEFIELD 6724	No
2007/358	10/12/2007	10/01/2008	STORAGE FACILITY/DEPOT/LAYDOWN AREA - Industrial Shed & Office	Colin Wilkinson Developments Pty Ltd	COLIN WILKINSON INVESTMENTS PTY LTD	MANGANESE STREET WEDGEFIELD 6721	No
2007/370	13/12/2007	08/01/2008	MOTEL - 4 X Unit Addition STAGE 1 - All Seasons Motel	JONES LANG LASALLE NSW	TAHL NORTHERN HOTELS PTY LTD	1 LUKIS STREET PORT HEDLAND 6721	No
2007/373	17/12/2007	10/01/2008	SUBDIVISION - Survey Strata - 1 Lot into 2 Lots	Jonathan Jackson - Whelans (WA) Pty Ltd	ROSSETTI & SON INVESTMENTS PTY LTD	11 STANLEY STREET WALNUT GROVE 6722	No
2007/375	20/12/2007	29/01/2008	SINGLE HOUSE - Outbuilding	ALAMO HOLDINGS PTY LTD	ALAMO HOLDINGS PTY LTD	16 TRUMPET WAY SOUTH HEDLAND 6722	Yes
2008/2	04/01/2008	08/01/2008	SINGLE HOUSE - Shed Addition exceeding height	GERDUS LIEBENBERG	GERDUS LIEBENBERG	5 BARROW PLACE SOUTH HEDLAND 6722	No
2008/3	04/01/2008	08/01/2008	TRANSCIENT WORKFORCE ACCOMMODATION - addition 3 x sea containers and associated 3 x verandahs & extension to Core Farm Verandah	Jeff Gidman	ATLAS IRON LTD	E45/ 02330 MINING TENEMENT VIA PORT HEDLAND 6721	No
2008/4	07/01/2008	09/01/2008	STORAGE FACILITY/DEPOT/LAYDOWN AREA - Patio Addition	Dean ELari	RENEE MARIE ELLISS	11 HARWELL WAY WEDGEFIELD 6724	No
2008/6	08/01/2008	10/01/2008	STORAGE FACILITY/DEPOT/LAYDOWN AREA - Addition of Caretakers Cottage	NC Cinquina	GORDON CHARLES GODWIN	UNIT A 4 TRIG STREET WEDGEFIELD 6724	No

DELEGATED BUILDING APPROVALS FOR JANUARY 2008

Licence No.	Decision Date	Suburb	Description of Work	Builders Name	Estimated Value
71126	08.01.2008	PORT HEDLAND	Garage	Vincent Baker	\$10,000
71184	11.01.2008	SOUTH HEDLAND	Shed	Owner Builder	\$12,000
71201	08.01.2008	SOUTH HEDLAND	Garage	Owner Builder	\$15,000
71223	08.01.2008	SOUTH HEDLAND	Patio	Owner Builder	\$11,000
71228	11.01.2008	PORT HEDLAND	Carport - Patio - Additions	Vathjunker Contractors Pt	\$100,000
71231	08.01.2008	SOUTH HEDLAND	Patio + Int. Alterations	Jaxon Construction Pty Ltd	\$30,000
71232	08.01.2008	SOUTH HEDLAND	Patio + Int. Alterations	Jaxon Construction Pty Ltd	\$30,000
71244	10.01.2008	SOUTH HEDLAND	Patio	Dean Elari	\$14,000
71267	08.01.2008	PORT HEDLAND	Retaining wall	Works Infrastructure	\$20,000
71273	09.01.2008	SOUTH HEDLAND	Internal Alterations to Existing Dwelling	Jaxon Construction Pty Ltd	\$30,000
71278	14.01.2008	SOUTH HEDLAND	Balcony Extension to Existing Units	Pilbara Constructions Pty	\$305,000
71288	22.01.2008	SOUTH HEDLAND	Carport	Owner Builder	\$15,000
71295	23.01.2008	SOUTH HEDLAND	Stable	Aaron Cotton	\$5,000
71297	31.01.2008	PORT HEDLAND	49 x Transportable Buildings	Auzcorp Building Company	\$4,350,000
72006	03.01.2008	SOUTH HEDLAND	Swimming Pool - Above Ground	Owner Builder	
75034	08.01.2008	SOUTH HEDLAND	Swimming Pool - Below Ground	Ramsey Poolscales	\$16,000
75036	25.01.2008	SOUTH HEDLAND	Swimming Pool - Below Ground	Owner Builder	\$30,000
75038	25.01.2008	SOUTH HEDLAND RURAL EST	Swimming Pool - Secondhand	Owner Builder	\$10,000
75039	21.01.2008	PORT HEDLAND	Swimming Pool	Barrier Reef Pools	\$30,000
75040	18.01.2008	SOUTH HEDLAND	Swimming Pool	Barrier Reef Pools	\$28,000
75042	03.01.2008	PORT HEDLAND	Swimming Pool - Below Ground	Bruce Tilka	\$27,000
Total Number of Approvals		21		TOTAL ESTIMATED VALUE	\$5,088,000

Demolition Licences – Nil
 Strata Approvals – Nil
 Sign Approvals - Nil

11.2.2.2 Application for Retrospective Planning Approval for Private Recreation – Ablution Facility at Lot 1 (Reserve 8214) McGregor Street Port Hedland (File No.: 803179G)

Officer Andrew Patterson
Planning Officer, and
Bec Pianta
Manager Recreation

Date of Report 6 February 2008

Disclosure of Interest by Officer Nil

Summary

Council has received an application from the Port Hedland Turf Club for the retrospective planning approval for an ablution facility erected at Reserve 8214 – the Port Hedland Race Track.

This item is presented to determine whether Council:

- (i) as the land owner, determines that the amenity block is an acceptable development; and
- (ii) If the application is acceptable, to determine the application for planning approval.

Background

Reserve 8214 comprises 43.114 hectares and is reserved for “Parks and Recreation” in the Town of Port Hedland Town Planning Scheme No. 5 (TPS 5). The reserve is vested by the Crown in the Town of Port Hedland with a management order for the purpose of “Recreation.”

The ablution block consists of a single transportable structure fixed to a concrete footing and connected to existing sewerage, water and electricity infrastructure located on the reserve. The structure is located adjacent to an existing ablution facility at the location indicated on the attached plans.

This development however has not been constructed following any consultation with the agency responsible for the reserve (the Town of Port Hedland) and was initially connected to service infrastructure without any required permission.

This item is presented to Council (as landowner/manager) to determine if the Town of Port Hedland is willing to assess this retrospective planning application.

It is a requirement that all applications for planning approval be signed by the appropriate landowner, which in this case is the Town of Port Hedland. Should Council determine that the building is constructed to appropriate standards and with appropriate materials in a suitable location, it is proposed that the application be determined under delegated authority.

The relevant Town Planning Scheme provisions for this application are:

“2.2 Development and use of Reservations

A person shall not carry out any development on, other than the erection of a boundary fence defined or accepted by Council, or change the use of a reservation without first applying for and obtaining the written approval of the Council.

2.3 Matters to be Considered by Council

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

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

The current purpose for the reservation is for “Parks and Recreation,” and the construction of ablution facilities is generally considered appropriate for such a reservation.

Should Council determine otherwise, the application will not be accepted or determined. The plans will be returned and the applicant will be required to remove the unauthorised structure without recourse to any avenue of appeal.

Previous Planning Approvals

Council considered an application for planning approval for a stable and shed at its Ordinary Meeting on 26 March 1997. No other approvals have been located on file.

The lack of planning approval for other structures located on site may need to be addressed via a planning and building services audit, however it is recommended that pending strategic plans affecting the land be determined first.

Consultation

Nil

Statutory Implications

Crown Land is vested under section 46 of the *Land Administration Act 1997*.

The Town of Port Hedland Town Planning Scheme No. 5 Reserves the land for "Parks and Recreation."

Management Order H 105765 XE grants control and management of Reserve 8214 to the Town of Port Hedland for the purpose of "Recreation."

Policy Implications

Nil

Strategic Planning Implications

KRA 1 - Goal 2

Strategy 5 - Review existing maintenance levels at all parks and reserves and present costed options for alternate maintenance regimes.

KRA 2 - Goal 3

Strategy 4 - Review, update and continue to implement Council's 5 year Civic Buildings Cyclical Maintenance and Capital Development Plan.

KRA 3 - Goal 2

Strategy 1 - Progressively implement the recommendations of the Sports Facility Audit with a particular focus on:

- Upgrading existing facilities to an appropriate standard.
- The development of additional quality facilities
- The development of a multi-purpose sports facility

Strategy 5 - Improve maintenance standard of the ovals and sports facilities in accordance with the recommendations within the Sports Facility Audit and recommendations from Turf experts.

Budget Implications

Should Council resolve to consider this request and subsequently approve the planning application, the ablution block will become a Council asset. Council will then become responsible for care and maintenance.

Planning fees of \$117.00 have been received for this application, reflecting a development cost of less than \$50,000.

Officer's Comment*Planning Officer Comment*

As noted earlier, this item is not presented for Council to determine the application, but to determine whether, as the landowner, Council should agree to permit the application to be submitted and considered.

Should Council determine to consider the application and approve this development, subject to the structure being in good repair, the Town of Port Hedland will acquire the asset for use at future large events at reserve 8214. The asset is provided without any "up front" cost to Council.

Furthermore, while the building is currently fixed to the land, as the structure is of a transportable nature, Council could relocate the building should the location prove unsatisfactory at any later date.

Notwithstanding these benefits Council officers hold the following concerns:

1. This land is currently the subject of a number of strategic plans, being the Land Use Master Plan and the Recreation Reserve Redevelopment Master Plan. It is therefore considered pre-emptive to consider development on this land prior to these plans being finalised and adopted.
2. While ablution facilities are appropriate at a recreation reserve, the other existing facilities appear sufficient for nearly all events held at the reserve. Hedland Cup Day is the only regular exception, and transportable ablution facilities are hired for this event. The permanent construction of a building required once per year is not considered good planning, particularly in anticipation of anticipated maintenance costs and the availability of transportable ablutions as an alternative.
3. Should it be determined that additional permanent ablutions are required, the location of these is more likely to be better located away from existing facilities to spread services more evenly over the site.
4. The subject building is clearly demonstrated as a vandalism target that is not sufficiently hardened and will require significant modification to repair and secure from further damage.
5. The subject building makes no positive visual impact on the site
6. Significant repairs would be required prior to making the building serviceable.

Should Council resolve to accept the application and approve the development, it is recommended that the following matters be addressed in any imposed conditions:

1. The building should be repaired to a satisfactory condition prior to Council accepting responsibility for it;

2. The building should be hardened to protect from future vandalism (e.g. screens to protect windows, secure doors, external anti-graffiti paint);
3. Access ramp to be modified, if required, and hand rails installed comply with relevant Australian Standards;
4. Sewerage, electricity and water connections to be certified as compliant with the relevant standards.

Attachments

1. Location Plan
2. Exterior Photographs
3. Interior Photograph

Officer's Recommendation

That Council:

- i) advises the applicant in writing that it is not prepared to sign the planning application for PRIVATE RECREATION – Ablution facilities as received 19 November 2007 (Application 2007/342); and
- ii) advises the applicant that the ablution block and associated development is to be removed at the applicant's expense within 60 days of this advice.

OR

That Council authorises the Chief Executive Officer to sign the planning application for PRIVATE RECREATION – Ablution facilities as received 19 November 2007 (Application 2007/342) and authorises Council's planning service to deal with the application under delegated authority.

OR

That Council authorises the Chief Executive Officer to sign the planning application for PRIVATE RECREATION – Ablution facilities as received 19 November 2007 (Application 2007/342) and authorises Council's planning service to deal with the application under delegated authority, **subject to** suitable repairs and upgrade works being undertaken at the Port Hedland Turf Club's expense, to ensure the building meets the standards recommended by Council's Sports Facilities Audit 2006. .

200708/071 Council Decision/Officer's Recommendation

Moved: Cr A A Gear

Seconded: Cr G J Daccache

That Council authorises the Chief Executive Officer to sign the planning application for PRIVATE RECREATION – Ablution facilities as received 19 November 2007 (Application 2007/342) and authorises Council's planning service to deal with the application under delegated authority, *subject to* suitable repairs and upgrade works being undertaken at the Port Hedland Turf Club's expense, to ensure the building meets the standards recommended by Council's Sports Facilities Audit 2006.

CARRIED 9/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.2



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.2



East Elevation



West Elevation



North Elevation



South Elevation

ATTACHMENT 3 TO AGENDA ITEM 11.2.2.2



North Elevation (Interior)

**11.2.2.3 Proposed Amendment to the Town of Port Hedland
Town Planning Scheme No. 5 – Catamore Court,
South Hedland (File No.: 18/09/0024)**

Officer Andrew Patterson
Planning Officer

Date of Report 11 February 2008

Disclosure of Interest by Officer Nil

Summary

As a result of negotiations among the Town of Port Hedland, the South Hedland New Living Project (SHNL) and BHP Billiton, Council is requested to commence the rezoning of the following land:

Land ID	Ownership	Current Zoning	Proposed Zoning
Portion Catamore Court road reserve	Crown – to be purchased by ToPH	Local Road	R 30
Part Lot 2354	Crown – to be purchased by ToPH	Local Road	R 30 and Local Road
Part Lot 2355	ToPH	R 20	R30 and Local Road
Part Lot 5573	Crown – to be purchased by ToPH	R 20	R 30 and Local Road
Part Lot 1	ToPH	Parks and Recreation	R 30

Background

Council is requested to initiate a scheme amendment to rezone a number of land parcels to allow for the residential development of the underdeveloped land adjacent to Shay Gap Park.

The subject land contains a number of lots and unallocated Crown land and has been identified as a joint venture development site by the SHNL.

While Council is yet to finalise negotiations relating to the development contributions and final Lot yield, it is proposed to commence the rezoning process while negotiations continue.

Current Use

The building at Lot 2355 Catamore Court has recently been demolished in anticipation of this rezoning and development with this structure being derelict and in poor condition prior to being removed.

Lot 2354 is currently used as a car parking area on a very limited basis by adjacent landowners, however the vulnerable location does not encourage any regular or long-term used. All adjacent dwellings accommodate adequate parking within the Lot boundaries.

The portion of Lot 1 Traine Crescent subject to this application comprises a section of the Shay Gap Park that is owned freehold by the Town of Port Hedland. This section of the park is currently undeveloped and contains no park or playground infrastructure.

Traffic Permeability

One of the significant benefits of this project is the opportunity to complete the extension of Catamore Court through to Traine Crescent, intersecting with Hawkins Place. This road extension is appropriately zoned and anticipates this connection.

Standard subdivision practice is generally to avoid uncontrolled four-way intersections, however this matter is more appropriately assessed at the subdivision stage.

Consultation

Engineering Services support this application.

Should Council initiate this Scheme Amendment, additional consultation is required prior to final adoption.

Statutory Implications

Amendments to a town planning scheme are subject to section 75 of the *Planning and Development Act 2005* and the associated *Town Planning Regulations 1967*.

Policy Implications

Local Planning Policy No. 4 – Residential Road Reserves

Strategic Planning Implications

KRA 1 - Goal 2

Strategy 1 – In conjunction with the South Hedland New Living Project and the Land Use Master Plan, develop a Park Improvement Program that identifies which parks should be more intensively developed and which parks could potentially be surplus to community requirements.

Strategy 2 – Review, update and continue to progressively implement, the Town's Five-Year Playgrounds Upgrade program.

Strategy 5 – Review existing maintenance levels at all parks and reserves and present costed options for alternate maintenance regimes.

KRA 2 - Goal 3

Strategy 3 – Work closely with the Department of Housing and Works to implement the South Hedland New Living project.

KRA 3 - Goal 6

Strategy 3 – In conjunction with the Police and other stakeholders, examine legislative and other options to discourage street drinking, littering and other anti-social behaviour in public places and implement appropriate actions.

KRA 4 - Goal 4

Strategy 2 – Work with the South Hedland New Living Project to ensure that sustainable development lots consistent with the principles of Council are made available within South Hedland within a timely manner.

Budget Implications

Should the EPA consent to this proposed amendment being advertised, the cost of newspaper and on-site signage will be invoiced from account 1006249 – Advertising.

Officer's Comment

This scheme amendment and subsequent subdivision and residential development presents a number of significant benefits for the Town of Port Hedland, including:

1. Currently unused and undeveloped land will become available for residential use. This includes areas of unallocated Crown land (lots 2354 and 5573), the site of the long-disused and recently demolished Baler Primary School building and the large car parking area in Catamore Court. Disused land in urban areas tends to attract antisocial behaviour at worst, and at best is a maintenance liability for the Town of Port Hedland.

2. The rationalisation and continuation of Catamore Court to intersect with Traine Crescent and Hawkins Street provides an excellent opportunity to provide increased traffic permeability and improve the legibility for South Hedland in general.
3. The new subdivided land, developed with appropriate urban design will provide excellent opportunities for passive surveillance of Shay Gap Park. Passive surveillance is a CPTED basic tenet and will lead to a reduction in anti-social behaviour in the park, and provide an added layer of protection for new park and playground infrastructure.
4. As the landowner of Lot 2355 Catamore Court, and Lot 1 Traine Crescent, this project is an effective way of utilising Council assets and will add to the Town of Port Hedland staff housing assets.

Attachments

1. Rezoning Map
2. Location Plan
3. Proposed Subdivision

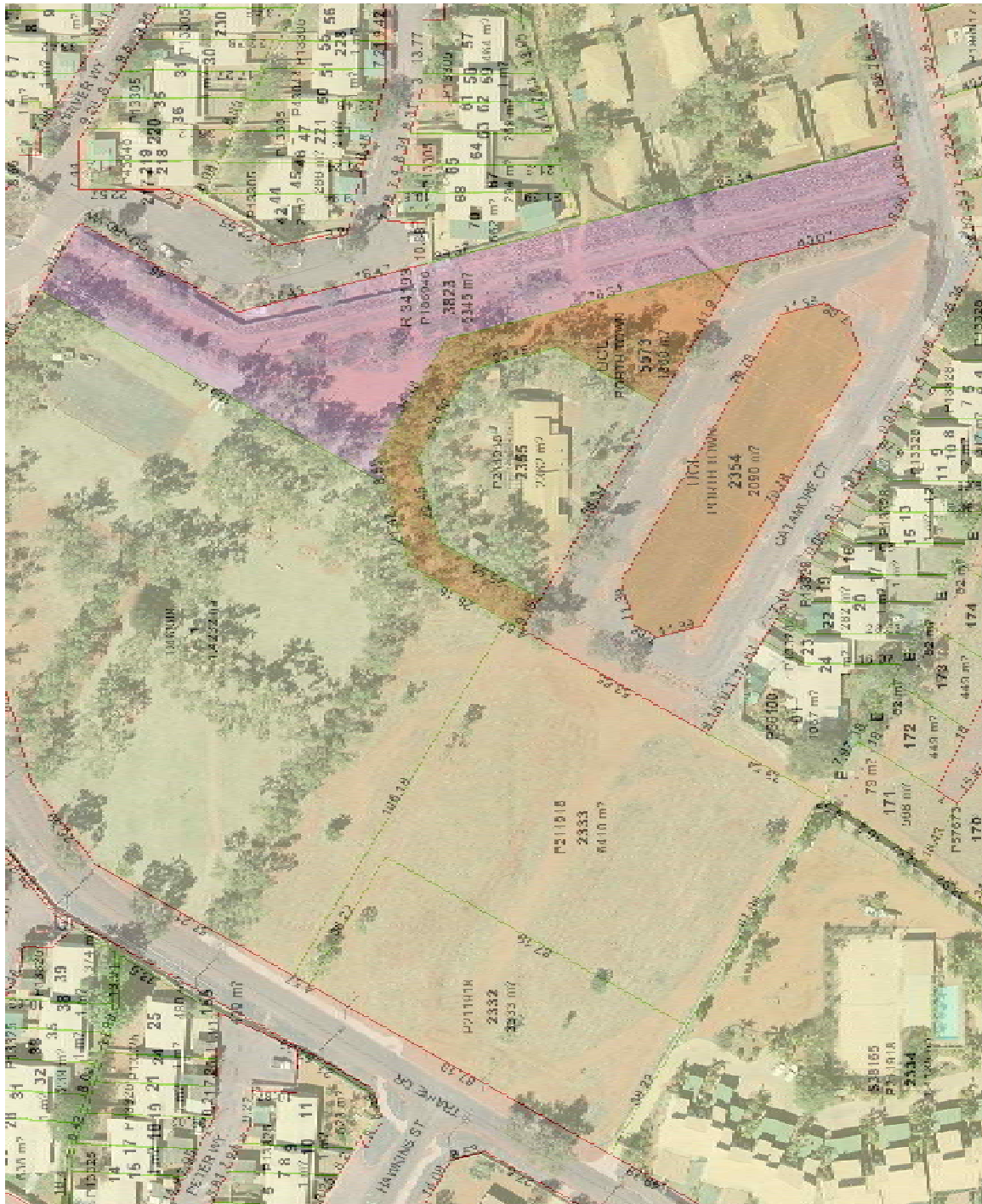
200708/072 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr G J Daccache**That:**

- i) pursuant to section 75 of the Planning and Development Act 2005 (as amended), Council resolves to amend the *Town of Port Hedland Town Planning Scheme No. 5* by:
 - a) rezoning Lot 2354 from "Local Road" to "Residential R 30" as depicted on the Scheme Amendment Map;
 - b) rezoning Lot 2355 from "Residential R 20" to "Residential R 30" as depicted on the Scheme Amendment Map;
 - c) rezoning the Catamore Court Road Reserve from "Local Road" to "Residential R 30" as depicted on the Scheme Amendment Map;
 - d) rezoning Lot 5573 from "Residential R 20" to "Residential R 30" as depicted on the Scheme Amendment Map;
 - e) rezoning Lot 1 Traine Crescent from "Parks and Recreation" to "Residential R 30" as depicted on the Scheme Amendment Map; and
 - f) amending the Scheme Map accordingly; and

- ii) the proposed amendment be numbered Amendment No. 18 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*.

CARRIED 9/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.2.3



ATTACHMENT 2 TO AGENDA ITEM 11.2.2.3



ATTACHMENT 3 TO AGENDA ITEM 11.2.2.3

TOWN OF PORT HEDLAND



11.2.2.4 Town of Port Hedland Park Improvement Plan (File No.: 21/05/0005)

Officer Richard Bairstow
Manager Planning

Date of Report 5 February 2008

Disclosure of Interest by Officer Nil

Summary

Council, at its ordinary meeting on the 26 September 2007, approved the Parks Improvement Plan for public advertising. This advertising has been completed, with submissions and the plan being referred back to Council for final endorsement.

The report recommends Council's endorsement of the proposed plan, hierarchy, and locations associated with the parks.

Background

While there have been significant improvements in the Town's park infrastructure over the past few years, the Town's parks are not particularly well developed. Council's community survey results indicate that the community expects a better standard of facility from park and playgrounds than they currently receive. Council has recognised this community demand and, in conjunction with BHPB and the State Government, significant resources have been allocated to addressing this issue.

The objective of the Park Improvement Plan is to develop or redevelop, in a rational and sustainable way, the existing and future park opportunities within the Town of Port Hedland (refer Attachment No. 1). The Park Improvement Plan sets out a logical hierarchy and framework for the development and upgrade of open space, in a manner that can better meet community demand, and can be maintained within Council's existing resources.

The coordinated development of Parks, in both Port and South Hedland is considered a key step in the continued renewal of the Town. The outcomes should allow Council and other contributing groups/organizations to best utilise and direct resources in accordance with the five-year development plan and development procedure.

When all park opportunities are overlaid (see Attachment No. 1), it is evident that residents of both Port and South Hedland are provided with walking access to a park within 200m to 600m of any residence. The exceptions are Wedgefield, where it is acknowledged that service provisions are not provided as it's an industrial area, and Redbank, where it's considered that informal recreation opportunities already sufficiently service the area.

Consultation

The plan was advertised between November 2007 and January 2008, both in the local paper and the Council's website. During this period no comments were received.

This may be in part due to the extensive consultation process associated with the Land Use Master Plan.

Policy Implications

There are no policy implications for current policies. Once adopted, it is proposed that the Park Improvement Plan will effectively become the park development policy for Council.

Strategic Planning Implications

KRA 1 – Infrastructure

Goal 1 – Roads, Footpaths, and Drainage

Strategy 8. Investigate and report on the feasibility and cost of design alternatives (including piping and development as Parks) of some of the existing open drains in South Hedland.

Goal 2 – Parks & Gardens

Strategy 1. In conjunction with the South Hedland New Living Project and the Land Use Master Plan, develop a Park Improvement Program that identifies which parks should be more intensively developed and which parks could potential be surplus to community requirements.

Strategy 2. Review, update and continue to progressively implement, the Town's Five-Year Playgrounds Upgrade program.

Strategy 5. Review existing maintenance levels at all parks and reserves and present costed options for alternate maintenance regimes.

KRA 2 – Community Pride

Goal 1 – Litter

Strategy 7. Work with key stakeholders to develop plans and strategies to significantly improve the appearance and vitality of the South Hedland Town Centre area.

Goal 3 – Townscape

Strategy 3. Work closely with the Department of Housing and Works to implement the South Hedland New Living project.

KRA 3 – Community Development

Goal 1 – Youth & Children

Strategy 5. Ensure that the community has an opportunity by become involvement in Council infrastructure projects such as park developments, tree planting, event planning, etc.

Budget Implications

Whilst there are no direct implications for the Budget as a result of this report, Council has allocated significant funds for park development within the 2007/08 budget.

Officer's Comment

The plan only provides the location and hierarchy of parks within Port and South Hedland. Several supporting documents are either in production, or will be produced as a result of the adoption of this Policy.

Future consultation should be undertaken to encourage the involvement of the community as individuals, groups (Community and Special interest), business, and industries, to become involved in the planning and development of the specific parks.

If developed to its full potential, the proposed hierarchy and location of parks will provide excellent access for residents to good quality parks.

Hierarchy and Locations

- Local Parks (See Attachment No. 2)
- Local Park at 200m catchment radius
- Neighbourhood Parks (See Attachment No. 3)
- Neighbourhood Park at 600m catchment radius
- District Parks (See Attachment No. 4)
- District Park at least two for the locality (Active - Kevin Scott oval in South and Passive – Spoil Bank area in Port)
- Specialist Parks (See Attachment No. 5)

In most instances the fully developed plan will exceed the standard for “livable neighbourhoods” used throughout the state.

The next steps from here are:

1. Complete the development of the type 1 – 3 local parks in South Hedland;
2. Undertake a comprehensive public consultation program in association with the likely development standards and locations of the types 1 – 3 Local Parks;
3. As an extension to the Parks Improvement Plan Policy, identify development standards for the Neighbourhood and District Parks in both Port and South Hedland, with potentially a development theme or other suitable method of individualization being adopted for each park;
4. Negotiate with the Education Department and others regarding the Koombana Park site; and

5. Develop a 5-year plan in regard to the development of Local, Neighbourhood, and District Parks.

These processes need to involve everyone from the Community (individuals and groups), Council (Councillors and staff), and Industry, to ensure the communities “buy in” to the project and its’ ultimate success. It is recommended the Policy be adopted without modification.

Attachments

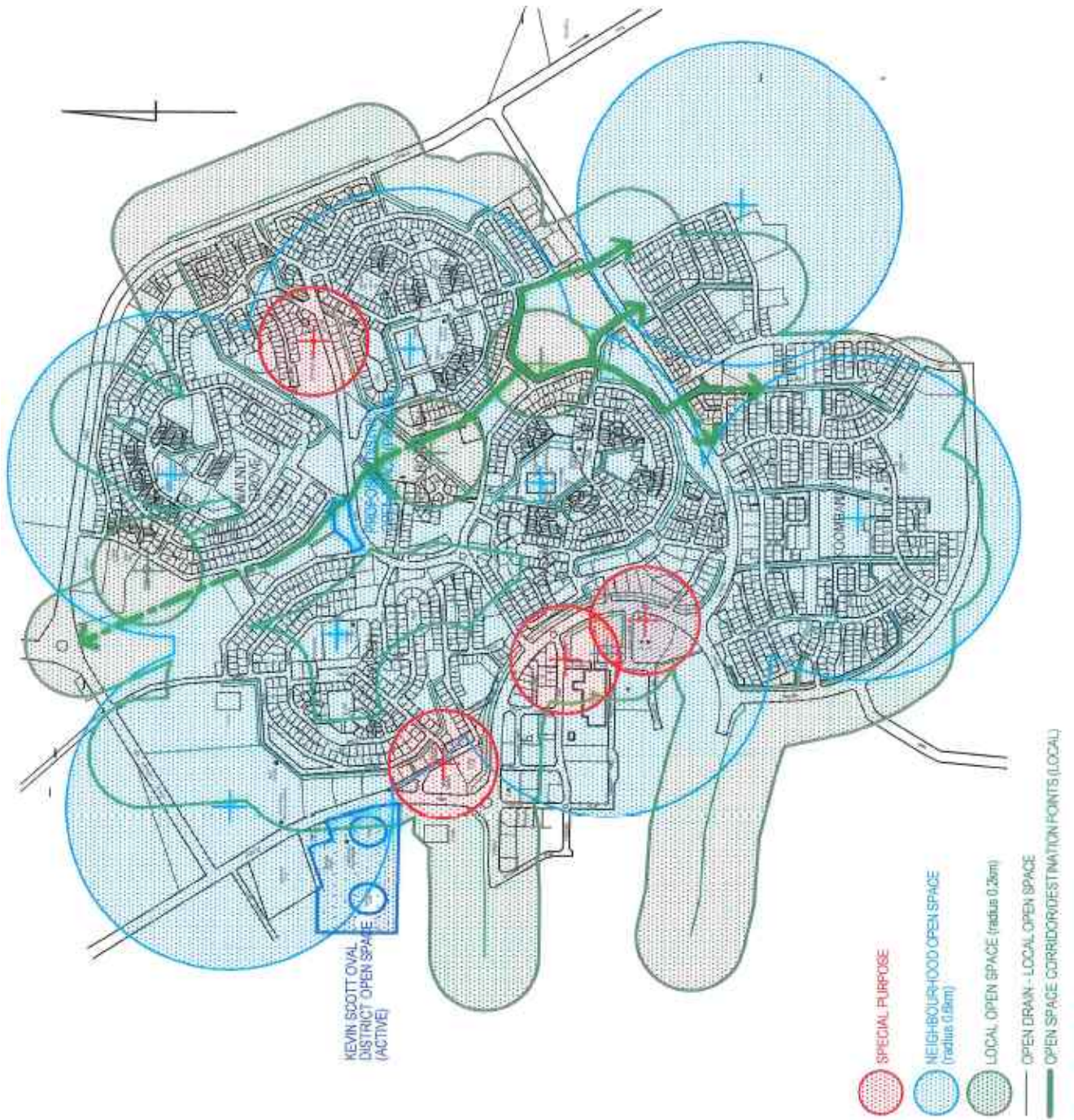
- 1 Overall Park Coverage – Port and South
- 2 Local Parks
- 3 Neighbourhood Parks
- 4 District Parks
- 5 Specialist Parks

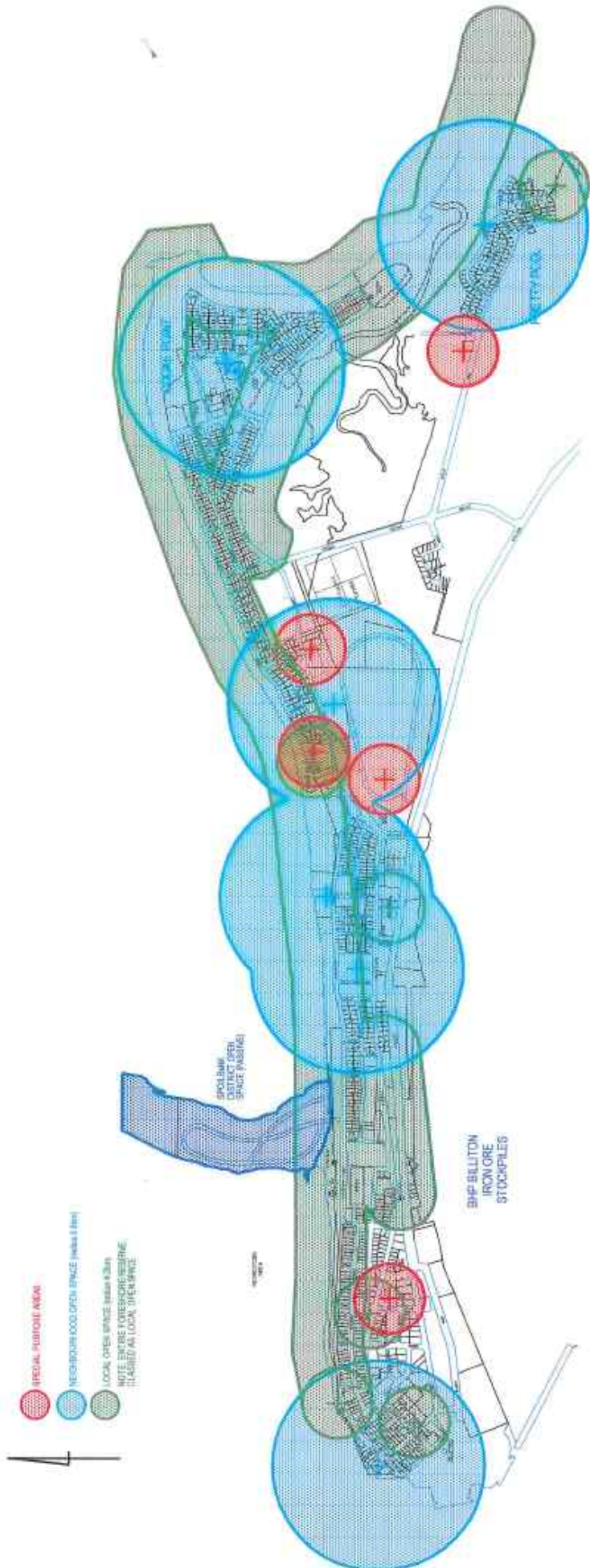
200708/073 Council Decision/Officer’s Recommendation**Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham**That Council:**

1. **adopts the Parks Improvement Plan Policy without modification.**
2. **a Public Notice of the Parks Improvement Plan Policy be advertised in the local newspaper and a copy of the Policy be forwarded to the Western Australian Planning Commission.**

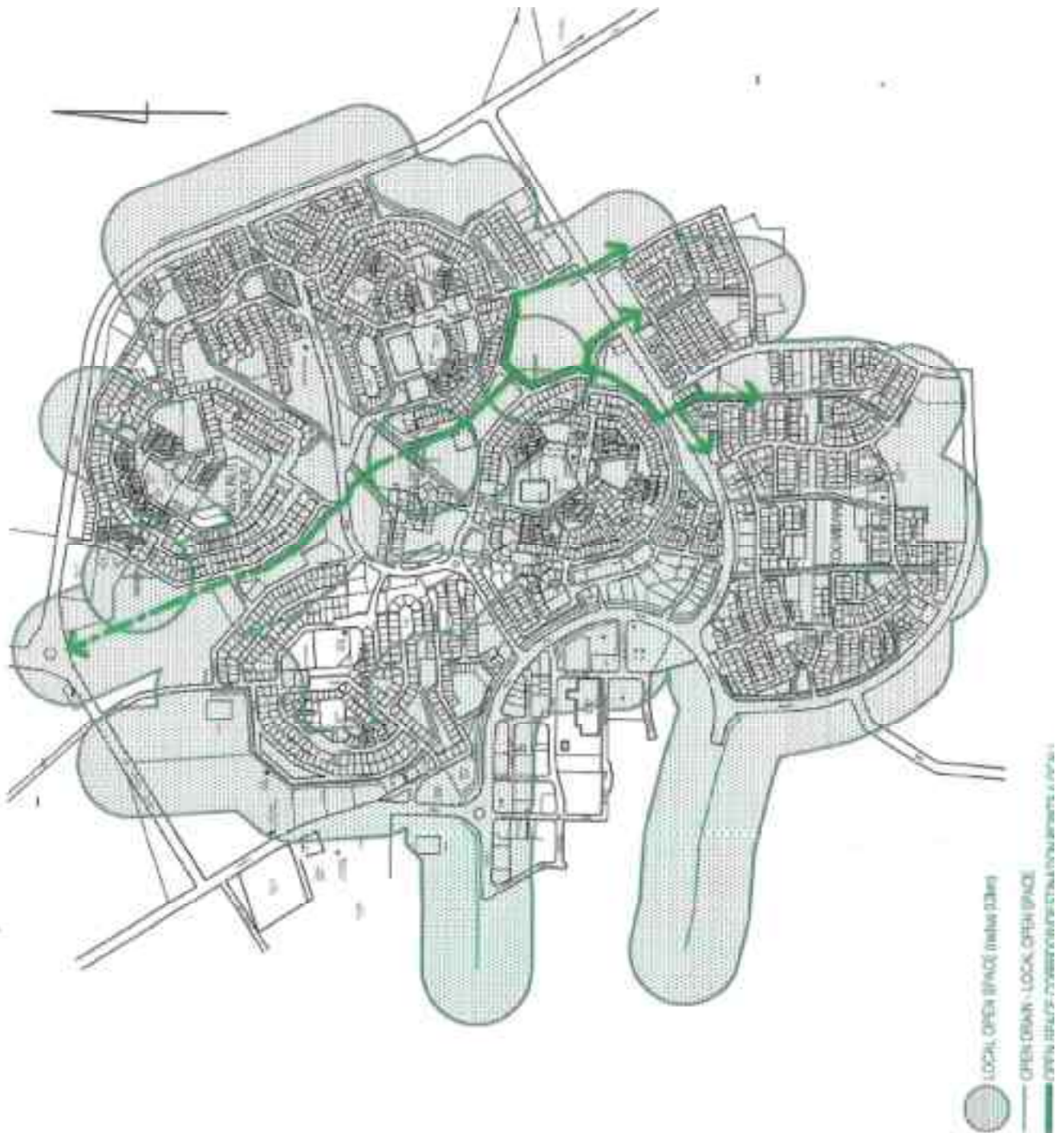
CARRIED 9/0

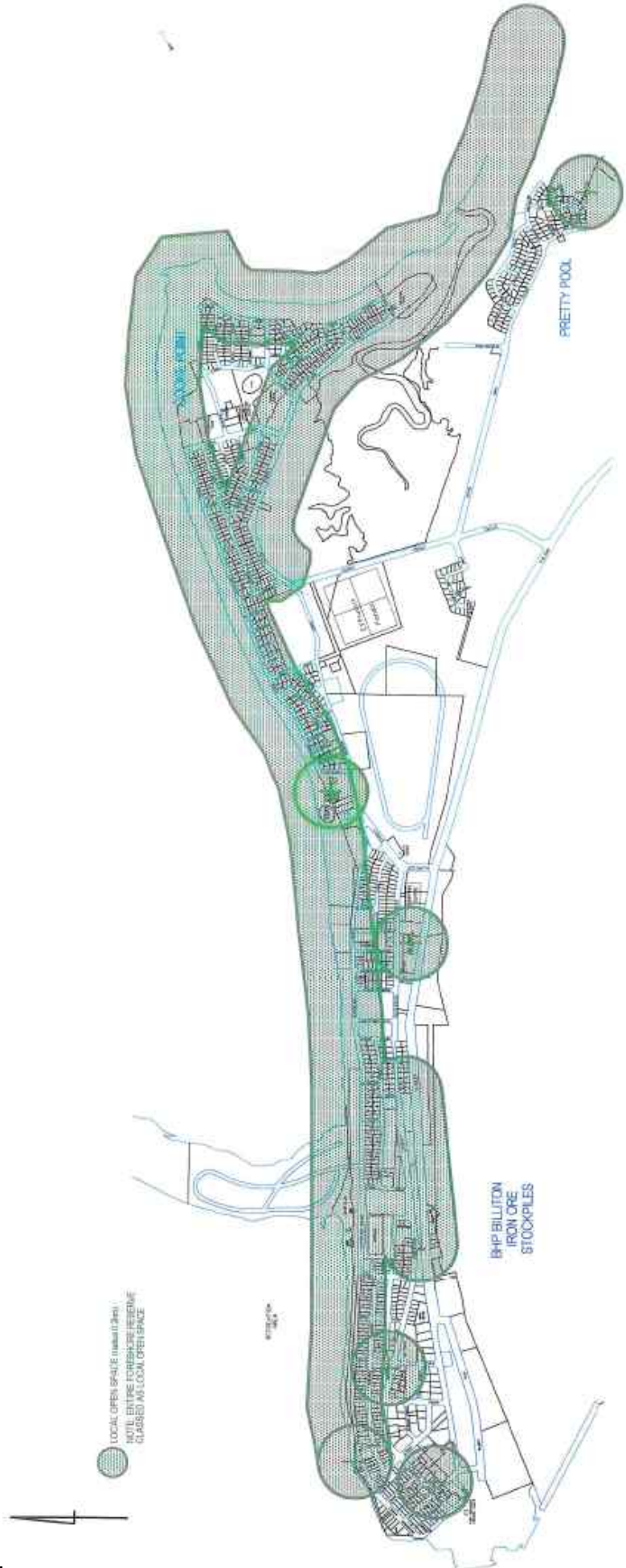
ATTACHMENT 1 TO AGENDA ITEM 11.2.2.4



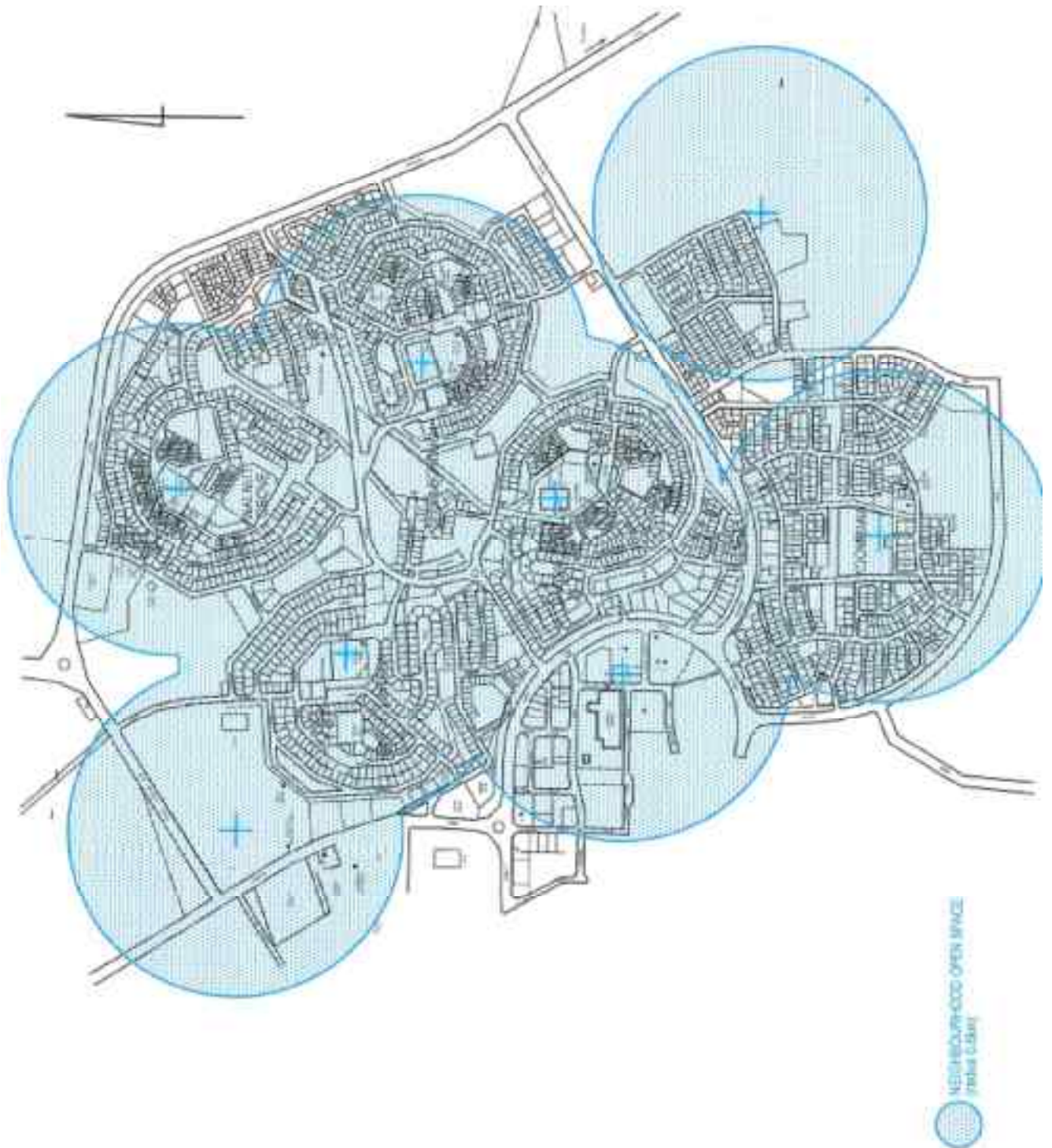


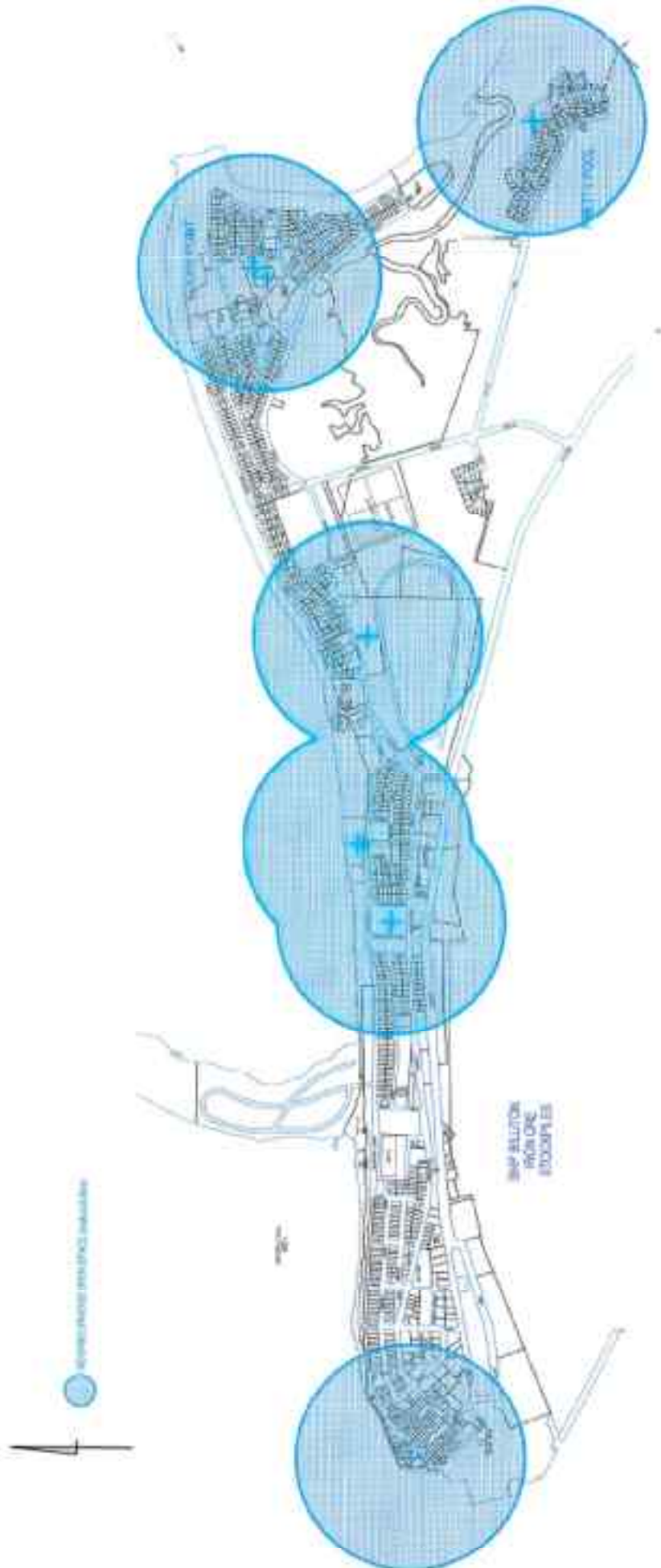
ATTACHMENT 2 TO AGENDA ITEM 11.2.2.4





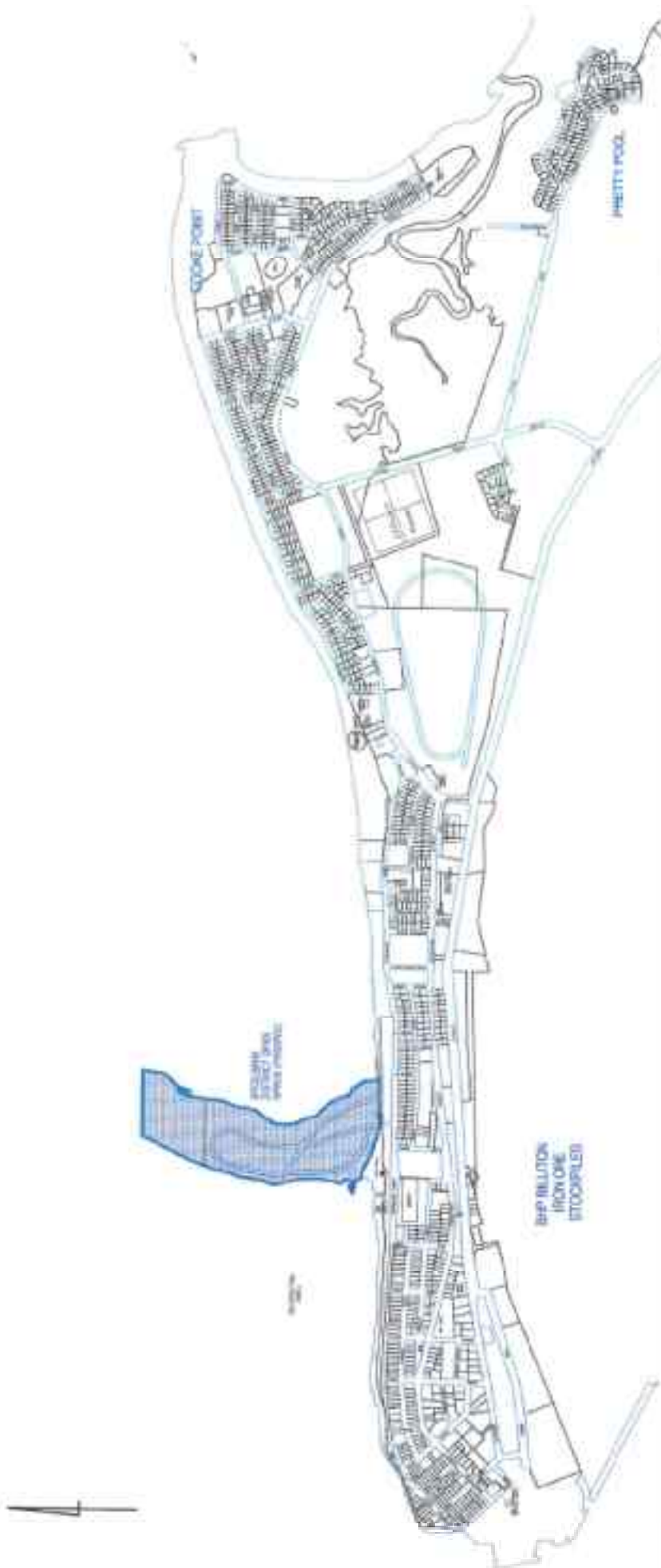
ATTACHMENT 3 TO AGENDA ITEM 11.2.2.4



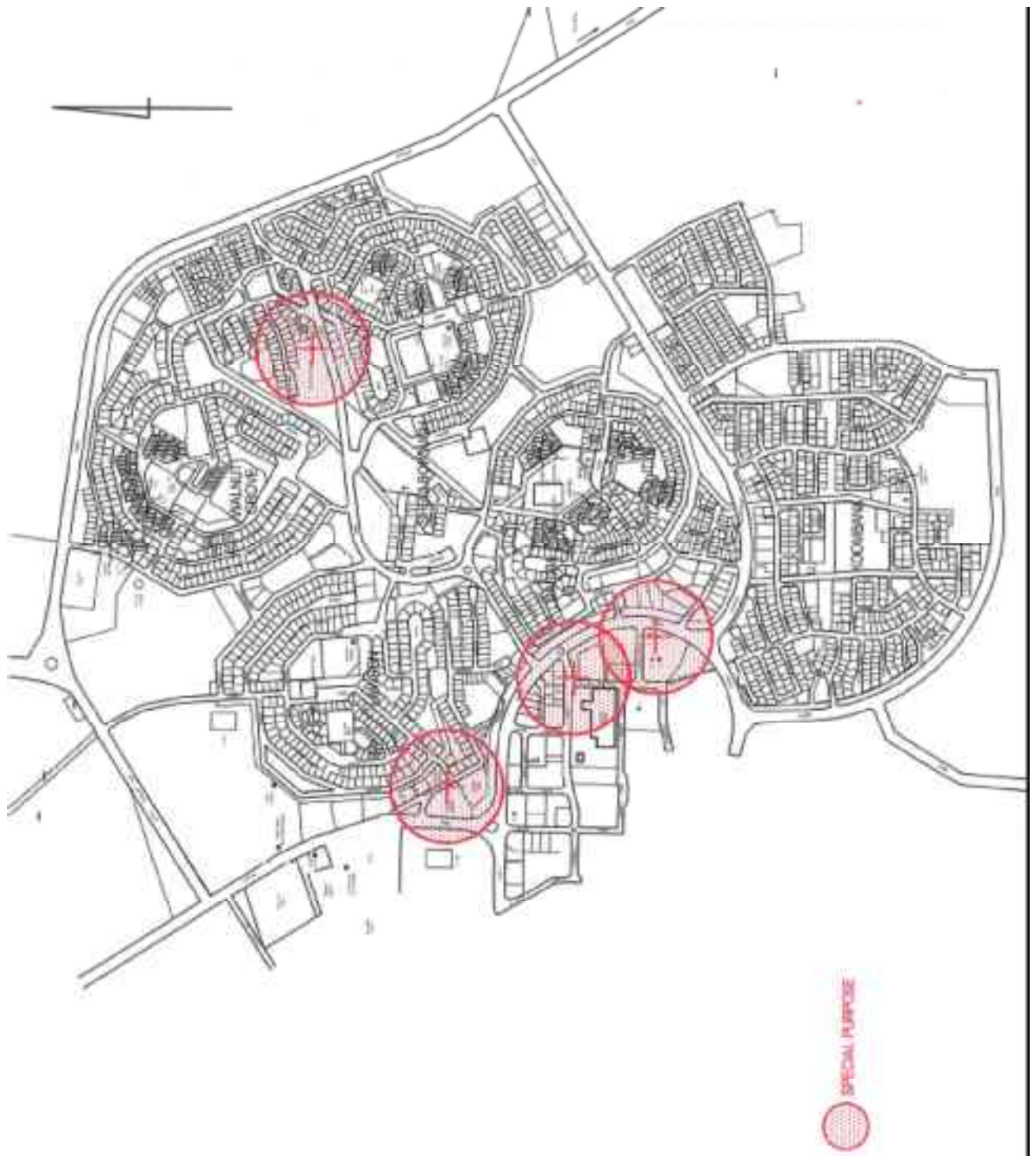


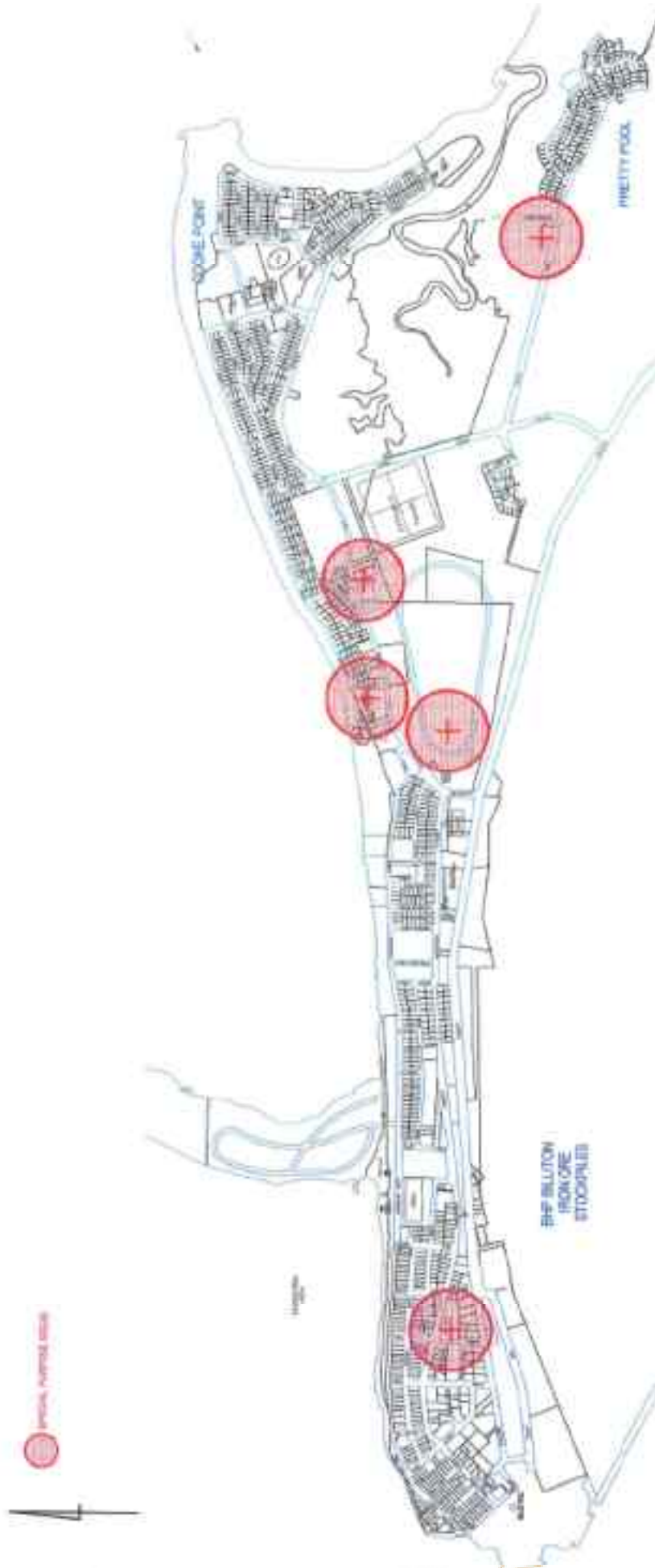
ATTACHMENT 4 TO AGENDA ITEM 11.2.2.4





ATTACHMENT 5 TO AGENDA ITEM 11.2.2.4





11.2.2.5 **Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 – Home Occupations (File No.: 18/09/0019)**

Officer Andrew Patterson
Planning Officer

Date of Report 23 January 2008

Disclosure of Interest by Officer Nil

Summary

At its Ordinary Meeting on 28 February 2007, Council initiated Amendment 13 to the *Town of Port Hedland Town Planning Scheme No.5* (TPS 5). This amendment is to modify the way applications for home occupations are assessed under the Scheme.

In preparing this amendment for final adoption, analysis of the amendment text revealed that significant modifications would be required prior to submitting the amendment for endorsement by the Western Australian Planning Commission. It is now proposed to rewrite the amendment and readvertise.

Background

The resolution in the report to Council's February 2007 Ordinary Meeting includes aspects of both a proposed scheme amendment, and a new home occupation policy. This item will address only the scheme amendment component with a separate agenda item to consider adopting the new policy.

The purpose of this amendment is to draw much of the regulatory framework currently existing in Policy 12/001 – Home Occupation Policy into TPS 5, placing assessment and enforcement into a more structured environment.

This amendment proposes the following textual amendments:

1. Delete the Definition for "Home Occupation" from Appendix 1 of the TPS 5;
2. Delete the use class "Home Occupation" the TPS 5 zoning table;
3. Insert the following definitions into Appendix 1 of the TPS 5:

"Home Business means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling that:

- (a) employs a maximum of 2 people that are not members of the occupier's household;
- (b) will not cause injury to or adversely affect the neighbourhood amenity;
- (c) does not occupy an area greater than 50 square metres or 50% of the dwelling area, whichever is the greater;
- (d) does not display a sign exceeding 0.2 square metres on land zoned residential;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) does not result in traffic difficulties caused by the inadequate provision of parking facilities, or a significant increase in traffic volumes in the neighbourhood;
- (g) does not involve the presence, use or calling of a vehicle greater than 3.5 tonnes tare weight; and
- (h) does not involve the use of an essential service of greater capacity than normally required in the zone.

Home Office means a business, service or profession carried out in a dwelling that does not:

- (a) cause injury to, or adversely affect, the neighbourhood amenity;
- (b) occupy an area greater than 30 m²;
- (c) operate after 10 pm or before 6 am on any normal weekday;
- (d) operate on weekends or public holidays;
- (e) involve the delivery of any goods or materials:
 - . on weekends or public holidays; or
 - . between the hours of 7 pm and 6 am;
- (f) entail greater than one delivery of goods or materials per day, or three deliveries within any seven day period;
- (g) cause the emission of light, noise, odour, electrical interference, vibration, smoke, water or other waste products;
- (h) entail clients or customers travelling to and from the lot;
- (i) involve the cleaning, repair or maintenance of any vehicle at the premises;
- (j) require the regular storage of more than one commercial vehicle at the premises provided it is stored behind the building setback line;
- (k) involve the use of any vehicle with a tare weight of greater than 1.5 tonnes;
- (l) involve any advertising signs on the premises;
- (m) require any external change to the appearance of the building; or
- (n) employ any person who is not a member of the occupier's household.

Mobile Business means a business, service or profession where:

- (a) all work is conducted at the client's home or business premises;

- (b) storage of materials (including tools but excluding vehicles) is limited to no more than 30m²;
- (c) any associated office space at the premises is limited to a maximum of 20m²;
- (d) the business does not cause injury to, or adversely affect, the neighbourhood amenity;
- (e) no commercial vehicle is taken to or from the Lot between the hours of 10:00 pm and 6:00 am on normal weekdays;
- (f) no commercial vehicle is taken to or from the Lot on a weekend or public holiday;
- (g) no goods or materials are delivered to the Lot on any weekend or public holiday;
- (h) no more than one delivery of goods or materials are delivered to the Lot on any day, and no more than three deliveries within any seven day period;
- (i) the occupation will not result in the emission of light, noise, odour, electrical interference, vibration, smoke, water or other waste products;
- (j) no client or customer will travel to or from the lot;
- (k) no motor vehicle is cleaned, repaired or maintained at the premises;
- (l) no more than one vehicle is regularly stored on the premises providing it is stored behind the building setback line;
- (m) no vehicle used in conjunction with the mobile business has a tare weight of greater than 1.5 tonnes;
- (n) no advertising is erected on the premises;
- (o) no person is employed that is not a member of the household;
- (p) no external changes are required to any building.

4. Insert the following use classes in the TPS 5 zoning table:

	Residential	Urban Development	Transient Workforce Accommodation	Town Centre	Commercial	Tourism	Mixed Business	Airport	Strategic Industry	Industry	Industrial Development	Rural	Rural Residential	Community	Health	Education
Home Business	A A	A A	A A	A A	~	A A	~	~	~	~	~	A A	A A	~	~	~
Home Office	P	P	P	P	~	P	~	~	~	~	~	P	P	~	~	~
Mobile Business	P	P	P	P	~	P	~	~	~	~	~	P	P	~	~	~

5. Amend the zoning table to change the use class "Office" to an "~" use in a Residential zone.

6. Inserting the following clause into TPS 5 section 4.1.3:

“4.1.3 Unless otherwise referred to the planning approval of Council is not required for the following development of land:

...

(k) The operation of a mobile business or home office from a residence, in a zone in which it is a use that is a permitted (P) use, except as otherwise required by the Scheme.”

A detailed discussion of each of these changes is included in the Officer's comment section of this report.

Consultation

Should Council initiate this proposed amendment, the amendment and supporting documentation will be submitted to the Environmental Protection Authority (EPA) for assessment in accordance with the *Town Planning Regulations 1967*. Following EPA assessment, the amendment will be advertised pursuant to relevant legislation.

Statutory Implications

Any amendment to a Town Planning Scheme is to be in accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.

Policy Implications

Policy 12/001 – Home Occupation Policy
Draft Local Planning Policy No. 6 – Operating a Business from Home.

Strategic Planning Implications

KRA 4 - Goal 3

Strategy 4 - Consider the development of Council policies and/or incentives that assist in attracting and retaining businesses within the Town of Port Hedland.

Goal 5

Strategy 6 - Review all existing Town Planning Policies and develop a range of contemporary policies that are appropriate for the Town of Port Hedland.

Budget Implications

Advertising fees are expected to cost approximately \$140, and will be invoiced from account 1006249 – Advertising.

Officer's Comment

This proposed amendment would bring TPS 5 closer into alignment with the *Model Scheme Text* (MST). The MST is the framework for all Local Planning Schemes and is included as Appendix B of the *Town Planning Regulations 1967*. The proposed definitions are modified versions of those in the MST. The versions proposed provide a detailed explanation of each of the three types of businesses (Home Business, Home Office and Mobile Business). This detail is recommended to enable clarity to potential applicants and ease of assessment for Council's Town Planning staff.

An assessment of each part of the proposed amendment is included below:

1. and 2. Delete the definition for "Home Occupation" from Appendix 1 and remove the use class from the zoning table

The use "home occupation" is proposed to be changed to "Home Business" as this term is considered more descriptive of these activities. To achieve this, the current definition and reference in the zoning table must be removed.

3. Inserting these new definitions gives greater flexibility in assessing and determining each use class separately. The definitions are structured in such a way that the two lower order uses (mobile business and home office) have the greatest restrictions placed on them. As it is proposed that these two land uses not require formal planning approval, only requiring registration, it is imperative that strict controls regarding all aspects that are likely to impact on neighbourhood amenity be implemented.

Should a potential home office or mobile business exceed any of the restrictions, the land use will come under the definition of a "home business," requiring planning approval.

4. Once the new definitions are included in the Scheme text, it is required to include these use classes on the zoning table to indicate where these uses may be considered, and where they will be restricted. Zones where home-based businesses may not be considered are proposed with the following rationale:

Notwithstanding that a number of residential uses are permitted in a Commercial zone, it is considered that all commercial uses should be limited to appropriately constructed buildings and not extend into dwellings.

All other zones where home-based businesses are not permitted do not permit the construction of individual dwellings and so no appropriate building will be available to house such occupations.

5. The TPS 5 zoning table currently lists "Office" as an "SA" use, making this a discretionary use, subject to advertising. With this new regulatory and assessment regime, it is considered that the construction of purpose-built offices in a residential zone is inappropriate. Under current Scheme provisions, a developer could propose the construction of a multi-storey office complex in a residential zone. This is not considered proper and orderly planning as an office building should be located in a commercial or business zone where adverse amenity impacts (e.g. increased traffic) will not impose themselves on surrounding dwellings.

Home-based offices will be permitted in a residential zone, only where it is clearly demonstrated where the residential use will remain the predominant use rather than vice versa.

Attachments

Nil.

200708/074 Council Decision/Officer's Recommendation**Moved:** Cr A A Gear**Seconded:** Cr J M Gillingham**That Council:**

1. **advises the Western Australian Planning Commission that it does not wish to proceed with the Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 13;**
2. **pursuant to section 75 of the Planning and Development Act 2005 (as amended), Council resolves to amend the *Town of Port Hedland Town Planning Scheme No. 5* by:**
 - i) **deleting the Definition for "Home Occupation" from Appendix 1 of the TPS 5;**
 2. **deleting the use class "Home Occupation" the TPS 5 zoning table;**
 3. **inserting the following definitions into Appendix 1 of the TPS 5:**

"Home Business means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling that:

 - (a) **employs a maximum of 2 people that are not members of the occupier's household;**
 - (b) **will not cause injury to or adversely affect the neighbourhood amenity;**
 - (c) **does not occupy an area greater than 50 square metres or 50% of the dwelling area, whichever is the greater;**

- (d) does not display a sign exceeding 0.2 square metres on land zoned residential;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) does not result in traffic difficulties caused by the inadequate provision of parking facilities, or a significant increase in traffic volumes in the neighbourhood;
- (g) does not involve the presence, use or calling of a vehicle greater than 3.5 tonnes tare weight; and
- (h) does not involve the use of an essential service of greater capacity than normally required in the zone.

Home Office means a business, service or profession carried out in a dwelling that does not:

- (a) cause injury to, or adversely affect, the neighbourhood amenity;
- (b) occupy an area greater than 30 m²;
- (c) operate after 10 pm or before 6 am on any normal weekday;
- (d) operate on weekends or public holidays;
- (e) involve the delivery of any goods or materials:
 - . on weekends or public holidays; or
 - . between the hours of 7 pm and 6 am;
- (f) entail greater than one delivery of goods or materials per day, or three deliveries within any seven day period;
- (g) cause the emission of light, noise, odour, electrical interference, vibration, smoke, water or other waste products;
- (h) entail clients or customers travelling to and from the lot;
- (i) involve the cleaning, repair or maintenance of any vehicle at the premises;
- (j) require the regular storage of more than one commercial vehicle at the premises provided it is stored behind the building setback line;
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- (l) involve any advertising signs on the premises;
- (m) require any external change to the appearance of the building; or
- (n) employ any person who is not a member of the occupier's household.

Mobile Business means a business, service or profession where:

- (a) all work is conducted at the client's home or business premises;

- (b) storage of materials (including tools but excluding vehicles) is limited to no more than 30m²;**
- (c) any associated office space at the premises is limited to a maximum of 20m²;**
- (d) the business does not cause injury to, or adversely affect, the neighbourhood amenity;**
- (e) no commercial vehicle is taken to or from the Lot between the hours of 10:00 pm and 6:00 am on normal weekdays;**
- (f) no commercial vehicle is taken to or from the Lot on a weekend or public holiday;**
- (g) no goods or materials are delivered to the Lot on any weekend or public holiday;**
- (h) no more than one delivery of goods or materials are delivered to the Lot on any day, and no more than three deliveries within any seven day period;**
- (i) the occupation will not result in the emission of light, noise, odour, electrical interference, vibration, smoke, water or other waste products;**
- (j) no client or customer will travel to or from the lot;**
- (k) no motor vehicle is cleaned, repaired or maintained at the premises;**
- (l) no more than one vehicle is regularly stored on the premises providing it is stored behind the building setback line;**
- (m) no vehicle used in conjunction with the mobile business has a tare weight of greater than 1.5 tonnes;**
- (n) no advertising is erected on the premises;**
- (o) no person is employed that is not a member of the household;**
- (p) no external changes are required to any building.”;**

3. inserting the following use classes in the TPS 5 zoning table:

	Residential	Urban Development	Transient Workforce	Town Centre	Commercial	Tourism	Mixed Business	Airport	Strategic Industry	Industry	Industrial Development	Rural	Rural Residential	Community	Health	Education
Home Business	A A	A A	A A	A A	~	A A	~	~	~	~	~	A A	A A	~	~	~
Home Office	P	P	P	P	~	P	~	~	~	~	~	P	P	~	~	~
Mobile Business	P	P	P	P	~	P	~	~	~	~	~	P	P	~	~	~

4. amend the zoning table to change the use class “Office” to an “~” use in a Residential zone;
5. inserting the following clause into TPS 5 section 4.1.3:
 “4.1.3 Unless otherwise referred to the planning approval of Council is not required for the following development of land: ...
 (k) The operation of a mobile business or home office from a residence, in a zone in which it is a use that is a permitted (P) use, except as otherwise required by the Scheme.”; and
6. the proposed amendment be numbered Amendment No. 17 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*.

CARRIED 8/1

11.2.2.6 Proposed Advertising of the South Hedland Town Centre Development Plan (File No.: 18/12/0010)

Officer Richard Bairstow
Manager Planning

Date of Report 15 February 2008

Disclosure of Interest by Officer Nil

Summary

A Master Plan incorporating a Development Plan for the South Hedland Town Centre (SHTC) has been submitted by Koltasz Smith Town Planners for adoption by Council, for the purposes of advertising in accordance with the requirements of Town Planning Scheme No. 5 (TPS5).

Background*Development Area*

The Development Plan covers approximately 100 hectares of land within the designated 'Development Plan Area – South Hedland Town Centre' (See Attachment). Approximately 72 hectares is zoned 'Town Centre' and the remaining 28 hectares is zoned 'Rural' under TPS5.

History

Over the years several attempts have been made to develop a Development Plan for the South Hedland Town Centre. A search of Council's records indicates that in 1996 a Development Plan by Feilman Planning Consultants was believed to have been endorsed by Council. It is evident however that the Plan was not adhered to, with numerous developments compromising its structure.

In early 2002, Land Vision completed a plan that was never adopted and Taylor Burrell Barnett were appointed, but never engaged, to develop a plan.

Most recently, and in response to the recommendations of the Land Use Master Plan, the Hon. Minister for Planning and Infrastructure directed LandCorp, in conjunction with the Town of Port Hedland, to commission a Development Plan as the precursor to encouraging significant public and private investment in the revitalisation process of the SHTC.

The South Hedland Town Centre Development Plan (SHTCDP) incorporates two components:

- The Master Plan, which is a comprehensive plan to guide the long-term physical development of a particular area; and
- The Development Plan, which is the statutory map and written text, which formalises the Plan.

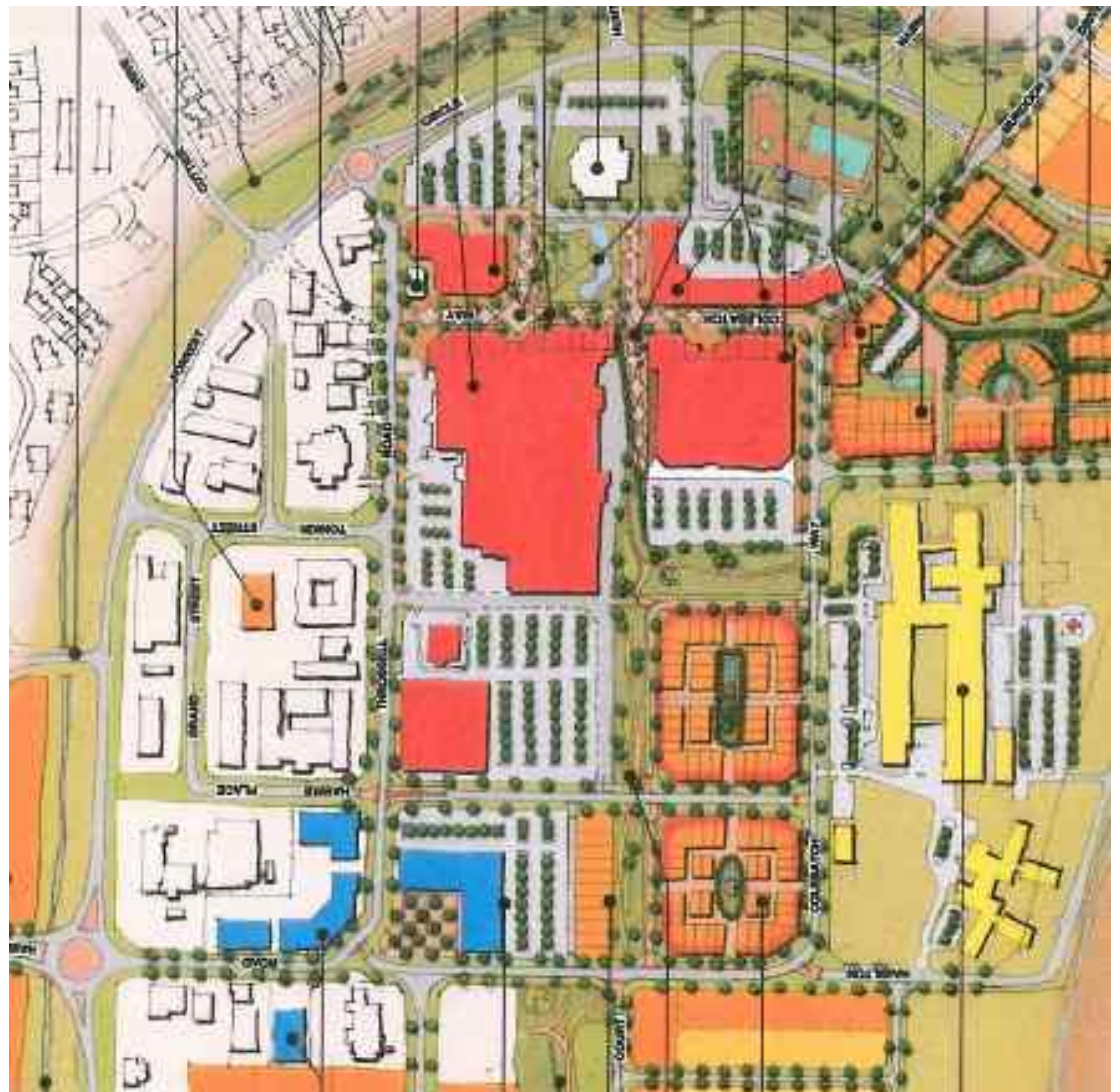
For the purposes of this report all documentation will be referred to as the Development Plan.

Development Plan – Options

The South Hedland Town Centre Development Plan (SHTCDP) provides five options as a result of the investigation, assessment and consultation process. A summary of these follows:

1. *Option 1: “Colebatch Way”*

The Colebatch Way option assumes that the SHTC revitalisation hub would take place along Colebatch Way, drawing on the established Throssell Road, and taking advantage of the vacant land potential to the south.



2. *Option 2: "Throssell Road"*

The Throssell Road option envisages redevelopment along this road to "reactivate" the street at a pedestrian level to the extent that it would evolve into a more enclosed, shop front based "Main Street".

3. *Option 3: "Tonkin Street"*

The Tonkin Street option assumes a new "north-south" link could be created which draws on the existing access used from Forrest Circle into Tonkin Street.

4. *Option 4: "Hamilton Road"*

The Hamilton Road option was included as it is recognised as the main regional entry to the SHTC. The Land Use Master Plan recognises this as part of the proposed realignment of Wallwork Road.

5. *Option 5: "Rason Court"*

The Rason Court Option provides a new east-west focus centrally within the SHTC, and without the existing pattern of car dominated development along Throssell Road.

Following the review and discussion of the five options with the Town, LandCorp and key stakeholders, including community groups and Macquarie Bank, Option 1 – Colebatch Way was considered the most likely to succeed. This option has been used as the basis for drafting a Development Plan layout.

Colebatch Way Development Plan – Design Principles

The applicant advised that the following design principles were applied in the preparation of the preparation of the SHTCDP.

General Principles

- More seamless connections to the suburban and natural surroundings;
- Improved walkability within and to the town centre core;
- A rich and diverse set of public areas, both active streetscapes and walkways;
- A strong mix of residential, retail, and offices;
- Places for recreation activity in civic spaces and new open space areas;
- Housing choice for a variety of incomes and ages;

Community Principles

- High degree of legibility building on the existing street network

- High levels of passive surveillance of public areas through buildings addressing the street;
- Recognition of the existing linkages to the landscape;
- Strengthening of the medical precinct by promoting mixed use development on the ground floor and apartments above areas adjacent to the hospital;
- Increased residential densities close to the Town Centre encouraging pedestrian movement;
- Lower residential densities interfacing with the existing landscape to the west;

Commercial Principles

- Main street design incorporating a compact Town Square (Centennial Park);
- Specialty shops fronting Colebatch Way creating a continuous active street front (no blank walls);
- Recognising the importance of the corner of Throssell Street and Colebatch Way, and the activation of the corner through commercial fronts
- Public Open Space
- Incorporation of Centennial Park within a revitalised Town Square; and
- Landscaped improvement of the exterior drainage swale surrounding the Town Centre into a usable open space and to improve pedestrian access.

Colebatch Way Development Plan – Key Elements

- Main Street

The key element of the Colebatch Way Plan is the revitalisation of the SHTC by the creation of a “Main Street” as the activity heart. This will be accomplished by realigning and reconstructing the street pavement together with widened footpaths, extensive use of shading and street trees to create lively walkways, and places to stop and spend time.

- Main Street Built Form
- Residential and Mixed Use Development
 - Southern End of Colebatch Way
 - North of Regional Hospital
 - West of Hamilton Road
- Commercial Development
- Other Infill Development Opportunities
 - Regional Hospital
 - Department of Housing and Works
 - Cinemas/Restaurant Development
 - The South Hotel
 - Throssell Road, Skate Park and Forrest Circle landscaping

- Movement Networks
 - Pedestrian and Cyclist Movements
 - Vehicle Movements
 - Central Park and Landscaping

Consultation

The applicant has undertaken consultation as part of the investigation and planning process (See Part 5.3 and Appendix 4 of the SHTCDP). This report recommends that Council formalise this process in accordance with the statutory requirements of the Town Planning Scheme No. 5 (TPS5).

The TPS5 requires that Development Plans be advertised in accordance with the requirements of sub clauses 4.3.3 and 4.3.4 which state:

“4.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall:

- (a) determine a submission period of not less than 14 days which is appropriate to the potential impact of the development and takes into account calendar events which may detract from the effective advertising of the proposal or the preparation of submissions,*
- (b) determine the level of notice required as one or more of the following:*
 - (i) serving notice of the proposed development, adequately describing and illustrating the proposal, on the owners and occupiers as likely to be affected by the granting of planning approval, stating that submissions may be made to the Council within the submission period,*
 - (ii) publishing notice of the proposed development, adequately describing and illustrating the proposal, in a local newspaper circulating in the Scheme area stating that submissions may be made to the Council within the submission period, which may be 14 days or longer as determined by Council pursuant to subclause 4.3.3 (a), and*
 - (iii) erecting a sign or signs displaying notice of the proposed development, adequately describing and illustrating the proposal, in a conspicuous position on the land for the duration of the submission period,*
- (c) give notice of the proposed development in accordance with its determination pursuant to subclause 4.3.3 (b).*

4.3.4 The Council may require that further plans, sketches, scale models, photographs or other similar aids to explain the proposal, are deposited at the offices of the Council for viewing during normal office hours for the duration of the submission period. All costs associated with the advertising and display of a proposed development shall be borne by the applicant.”

Statutory Implications

Clause 5.2 Development Plans of TPS5 provides Council the opportunity to prepare or require others prior to prepare a development plan prior to considering a subdivision or development proposal. It also outlines the procedure and requirements for development plan submissions.

More specifically, the requirement for a development plan is dealt with by subclause 5.2.1 (a) of TPS5, with the subject land identified in Appendix 5 as the “South Hedland Town Centre”.

Policy Implications

The South Hedland Town Centre Development Plan, upon endorsement, is required to be included in the ToPH Local Planning Policy Manual as a policy statement.

Strategic Planning Implications

KRA 4 – Economic Development,
Goal 5 – Town Planning & Building
Strategy 2. Work closely with the State Government and Resource Companies to ensure that key projects/action identified with the Land use Master Plan are acted upon in a timely manner

Budget Implications

This report will result in no implications for the budget as all advertising costs are borne by the applicant.

Officer’s Comment

The SHTCDP is an important step in the revitalization of South Hedland. The Town of Port Hedland’s Land Use Master Plan identifies the South Hedland Town Centre as a priority development opportunity, with the key objectives of:

- Establishing the town centre as the “heart”, or community focus, of South Hedland, including a variety of land uses that will serve all of Port Hedland, and generate public activity throughout the day and at night;
- Introducing a mix of new housing types suitable for tourists, short-term workers and permanent residents who choose to live in a more vibrant, urban environment;

- Integrating the new hospital into the town centre area and providing locations for related medical services and convenient housing options for hospital staff; and
- Improving the quality and diversity of retail services in Port Hedland, in a setting that adds opportunities for social interaction and entertainment to the shopping experience.

In recognition of the Land Use Master Plan, and her professional knowledge and experience, Ruth Durack of the Urban Design Centre (UDC) was asked to act on behalf of the Town and provide a review and recommendations on the Draft development plan. The latest plan is considered to have addressed a number of UDC's original recommendations. However at short notice (Plan has only been with Council for a little under 2 weeks) the UDC has provided the following assessment:

"The revisions that have been made to this latest version are a major improvement on the preliminary version and I think the project team did a great job in making substantial changes in such a short time frame. There are several remaining issues, however, which I think warrant further consideration before the plan is published for public comment. These include:

- . *The two intersections on Hamilton Street which have been designed for continuous traffic flow from north to east, rather than simple, three- or four-way intersections. In the "urban" environment that this town centre is attempting to achieve, the street system should be, as far as possible, a simple, interconnected network of streets that distributes traffic evenly throughout the area and slows traffic speeds through a series of intersections on all streets. Creating an exaggerated hierarchy of "major" and "minor" traffic routes — as proposed in the concept plan — only serves to concentrate traffic volumes and increase traffic speed on specific streets which then become greater barriers to pedestrian movement.*
- . *Reducing the scale of the park on Colebatch Way is a major improvement, but failing to extend Rason Court to the existing bridge across the drainage channel on the east seems a missed opportunity for another connection between the town centre and existing neighbourhoods. Making Rason Court a "normal" street, will also provide better access for the hotel site on the south side of the square, improve surveillance of the public space (especially at night), strengthen connections between Colebatch Way and parking locations on the west, and add future flexibility to the movement network of the Town Centre.*

- . *Similarly, the east—west pedestrian connection through the Town Centre to South West Creek would be strengthened as an interesting walk through a developed corridor rather than a wide, unsheltered open space—the landscape development and maintenance of which becomes a significant obligation for the Town of Port Hedland. Making this section of the east—west axis a street also provides for better surveillance of the walkway, extends the movement system grid, and sets up future development opportunities.*

- . *In the north—south direction, extension of Hawke Place to Colebatch Way in front of the hospital is an important improvement to the permeability of the area. The suggested new street just west of the Shopping Centre, however, is another such connection that could also be very easily extended—through State owned, undeveloped land—to the front entry to the hospital.”*

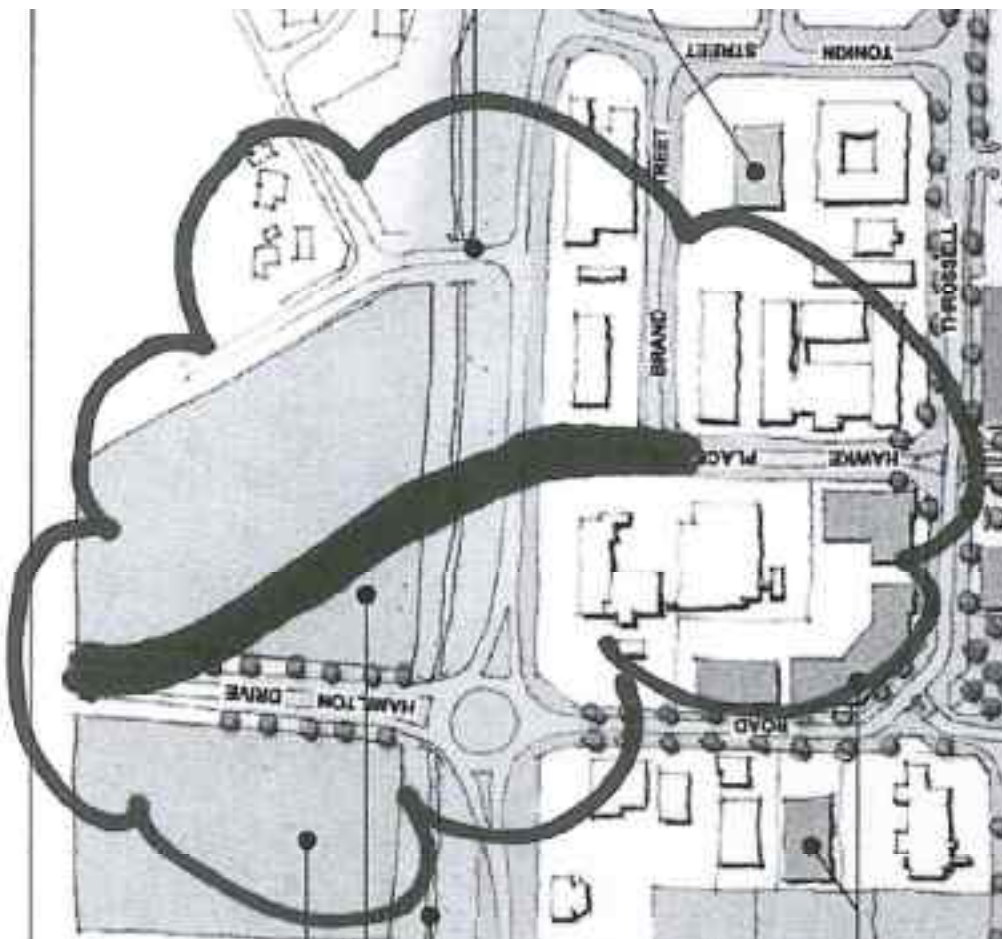
The UDC has requested the opportunity to discuss these comments with the Town and the consultant team.

In addition to UDC's comments, a planning assessment of the Development Plan has raised the following matters which are recommended to be investigated and determined whether appropriate or not:

1. Realignment of Hamilton Road to join with Hawke Place;
2. Connect Cottier Drive with Colebatch Way;
3. Develop Throssell into a “Main Street” between Hawk Place and Colebatch Way;
4. Connect Rason Court to a realigned Hunt Street; and
5. Realignment of Hamilton Road right the way round the back of the SHTC, TAFE and Club Hamilton to link with Collier Drive, south of the hospital site.

The following points are provided in support of each design element changes outlined above:

1. *Realignment of Hamilton Road to join with Hawke Place*

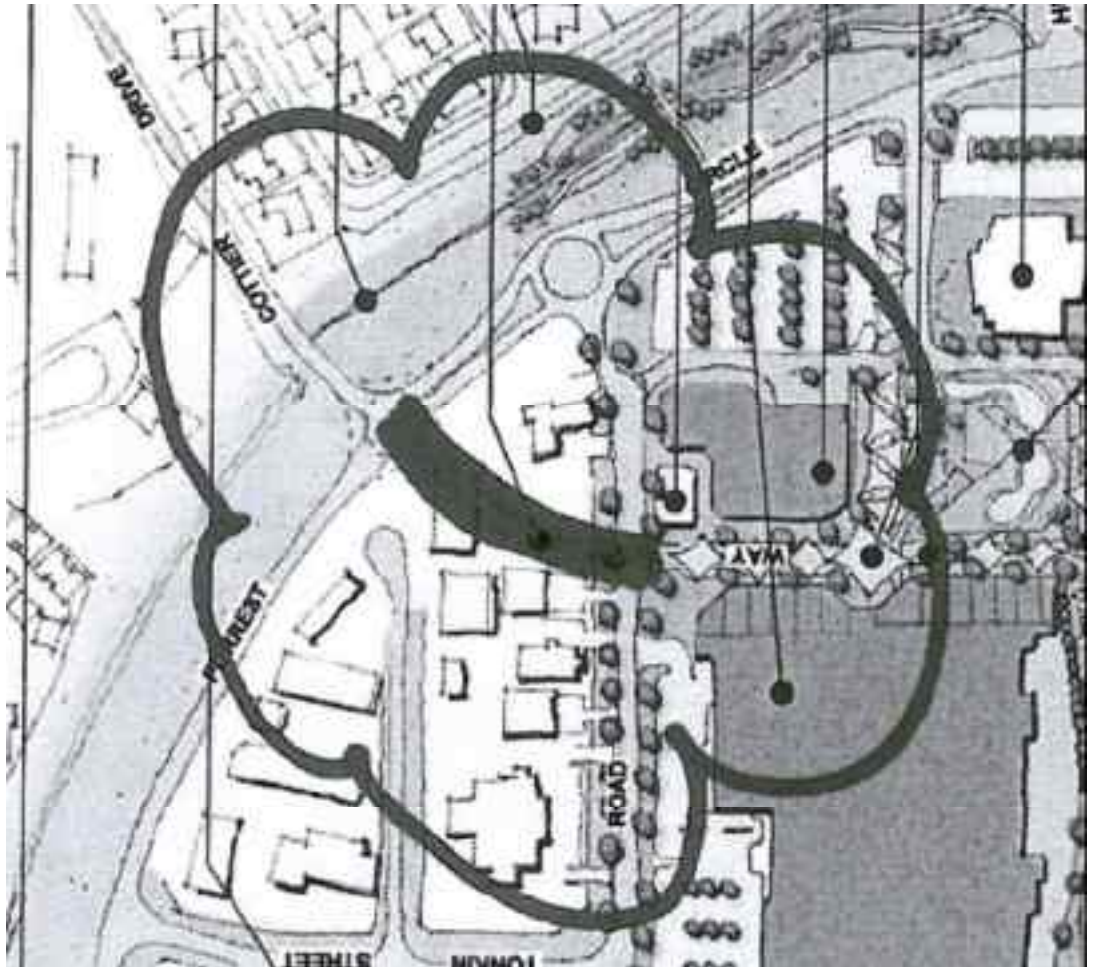


Advantages

- Capitalises on what could be considered as an entry to a civic precinct, with the new upgraded Police Station, Court House and MRWA building; and
- Reduces the length of Throssell Road that would be required to be activated if considered as a “Main Street” opportunity.

Disadvantages

- Requires relocation of Tennis/Bowling Club (could be included with the new recreation facility); and
- Capital costs in its development.

2. *Connect Cottier Drive with Colebatch Way*

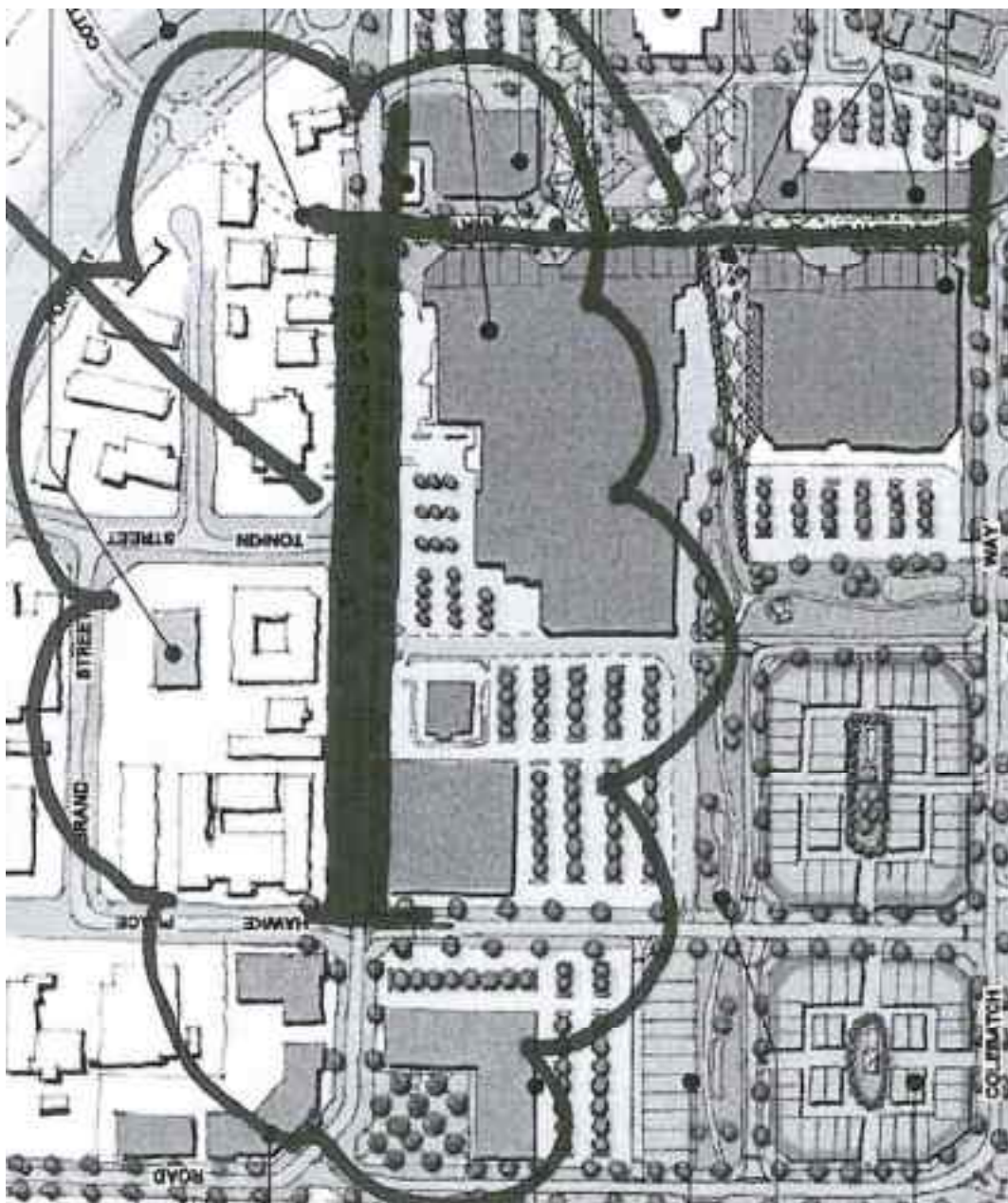
Advantages

- Creates an appropriate and desirable north-east entry to the SHTC;
- Could be made feasible by developer contributions and/or land swaps;
- Reduces the length of Throssell Road which would be required to be activated if Considered as a “Main Street” opportunity; and
- Creates excellent access to the existing car park in Colebatch Way and Centenary Park, which currently provides the most appropriate site for Community Events such as the “Welcome to Hedland Night”.

Disadvantages

- Would require the removal of one of the new budget hotel buildings;
- Capital costs in its development

3. *Develop Throssell into a "Main Street" between Hawke Place and Colebatch Way*



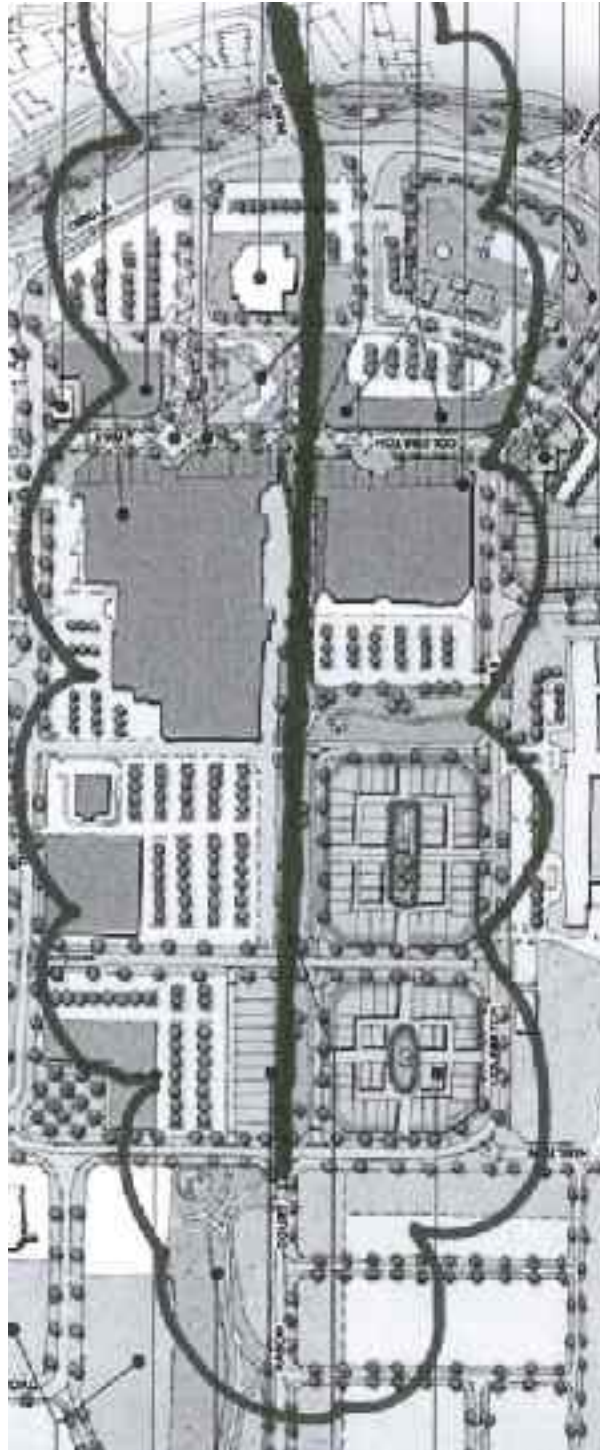
Advantages

- Creates a "Main Street" in the main street;
- With the inclusion of points 1 and 2 the Throssell "Main Street" will be of a similar length to that recommended in the Colebatch Way option;
- Removes the reliance on one landowner to be the instigator/initiator of the revitalisation process. This has already commenced in Throssell with the development of the South Hotel, which is an ideal "Main Street" anchor; and
- Allows the shopping centre the opportunity to redevelop without the constraints of the existing building.

Disadvantages

- Not all land owners may commit to the process; and
- Not all existing developments are ready for redevelopment;

4. *Connect Rason Court to a Realigned Hunt Street*



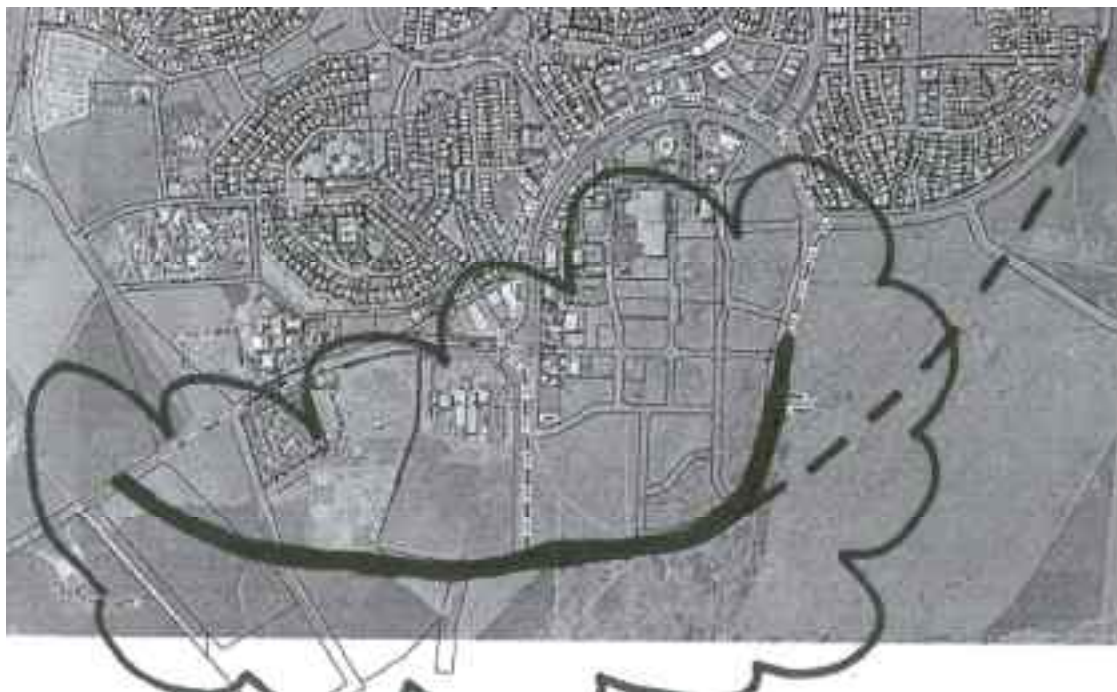
Advantages

- Creates excellent east west vehicular and pedestrian permeability; and
- Addresses existing parking problems in Hunt Street;

Disadvantages

- Capital costs in its development

5. *Realignment of Hamilton Road right the way round the back of the SHTC, TAFE and Club Hamilton to link with Collier Drive, south of the hospital site*



Advantages

- Recognises the importance of Hamilton as the connection road to SHTC whilst also providing access to the new recreation facility, TAFE, Hospital, creating a flood levee to South Creek and a western edge to the South Hedland Town Centre;
- Enables the division between the South Hedland High School and TAFE to be greatly diminished; and
- Links can be made with Throssell Road, Rason Court and Colebatch Way for the east west permeability.

Disadvantages

- Significant capital costs in its development

In consideration of the advantages and disadvantages of the five (5) options, whilst the applicant is only requesting the Council to endorse the Plan for public advertising, a concern exists regarding this request. A general planning principle is that only plans that are considered to be satisfactory to the Council should be advertised.

Given the concerns raised, and the potential impact on the design, Council has four options:

1. Endorse the current plan for advertising;
2. Endorse the current plan for advertising and incorporate the changes as part of the submissions process;
3. Defer advertising to allow the concerns raised to be addressed by the applicant; or
4. Endorse the current plan, subject to the concerns raised within this report being addressed, and, if required, amendments to the plan being made prior to the plan being released for public comment.

As outlined in the Consultation section of this report Council is only required to advertise the SHTCDP for a minimum period of 14-days, however given the complex nature of the plan and the long-term ramifications for the South Hedland Town Centre it is recommended that a minimum period of 30-days is provided to allow submissions to be lodged by all including relevant Government Agencies. The officer's recommendation has been prepared to reflect this advertising period and documentation referrals.

Attachments

Development Plan Area – South Hedland Town Centre

Officer's Recommendation

That Council:

- i) endorses the South Hedland Town Centre Plan for advertising in accordance with subclause 5.2.8, 4.3.3 and 4.3.4 of Town Planning Scheme No. 5, requires the South Hedland Development Plan to be advertised in accordance with the following requirements:
 - a) the submission period shall be 30 days from the date of this decision;
 - b) the applicant in consultation with the Chief Executive Officer or nominated representative shall conduct a public meeting/workshop with invitations being extended to all land owners, shop owners and members of the general public and government or private agencies. As a key component of the public meeting/workshop the following design alternatives shall be highlighted:
 - . realignment of Hamilton Road to join with Hawke Place;
 - . connect Cottier Drive with Colebatch Way;
 - . develop Throssell into a "Main Street" between Hawke Place and Colebatch Way;
 - . connect Rason Court to a realigned Hunt Street; and
 - . realignment of Hamilton Road right the way round the back of the SHTC, TAFE and Club Hamilton to link with Collier Drive, south of the hospital site;
 - c) the referral of the Development Plan and supporting documentation to relevant government agencies for comment with a request that any comments be received within the designated advertising period or it will be considered that the agency has no comment; and
 - d) any additional consultation methods that the Chief Executive Officer or his nominated representative may consider relevant to the advertising of this plan; and
- ii) at the conclusion of the advertising period the South Hedland Town Centre Development is referred back to Council for final adoption and initiation of required Scheme Amendments.

200708/075 Council Decision**Moved:** Cr G D Bussell**Seconded:** Cr A A Gear

That Council defers the advertising of the South Hedland Town Centre Plan, until an Informal Briefing of Council can be held with LandCorp and Ms Ruth Durack, Director of the Urban Design Centre to discuss options.

CARRIED 5/4

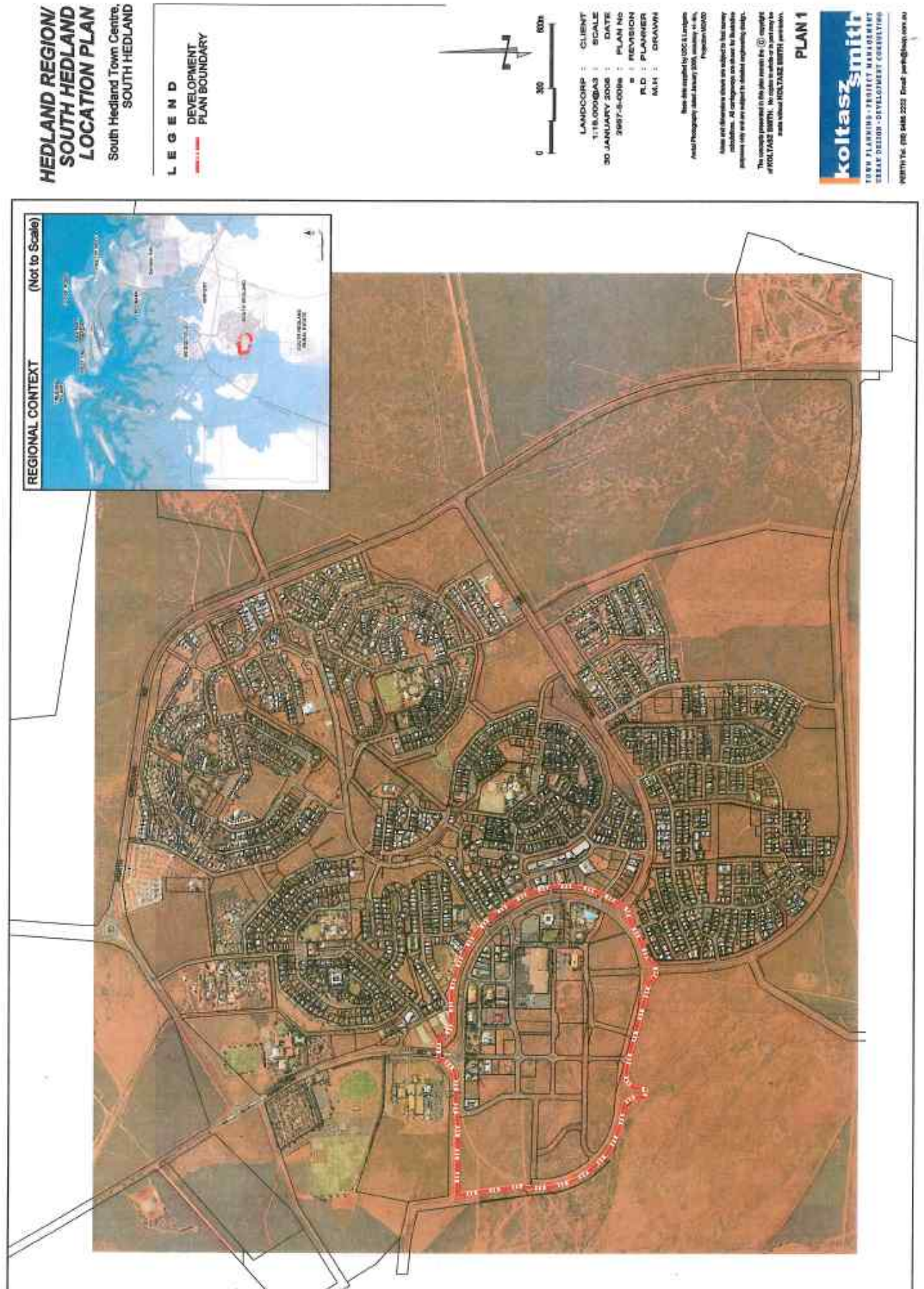
REASON: Council sought to have further discussion on the South Hedland Town Centre Plan at an Informal Briefing Session.

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

Record of Vote:

FOR	AGAINST
Cr G D Bussell	Cr S R Martin
C A A Carter	Cr G J Daccache
Cr A A Gear	Cr J M Gillingham
Cr S J Coates	Cr K A Howlett
Cr J Ford	

ATTACHMENT TO AGENDA ITEM 11.2.2.6



11.3 ENGINEERING SERVICES

11.3.1 Director Engineering Services

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

Officer Terry Dodds
Director Engineering Services

Date of Report 11 February 2008

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
Black Spot Funding	Throssell Road Widening continues from Hawke Place to Post Office Entrance Driveway – Footpath poured from Hamilton Roundabout to Hawke Place – contractors are currently moving old light poles and installing new light poles on Southern Side of roadway. Work will continue regardless of the light pole removals. Completion date dependent on external service providers: likely 6/08
Landfill	Washdown Bay Design issued to Contractor for Quotes. Separator purchased and awaiting installation. Project completion likely 4/08

Wedgefield Upgrades R2R	Culvert extension at intersections and Asphaltting of Intersections to be carried out during next contractor visit after cyclone season.
Flood Gate Pumps	Testing completed and All operational
Road Safety Audit	Road Safety Audit for South Hedland, Port Hedland and Wedgefield has been forwarded to Main Roads.
Shade sails	Shade sails at Pretty Pool and Cemetery Beach Parks - training for EWP needs to be completed before Shade sails can be removed. Investigating wire rope pulley system for long-term ease of use.
Heavy Plant Equipment	All Heavy Equipment has been ordered – not anticipated to arrived until later in the year. The excavator and attachments (to replace the track type loader), has been advertised.

Parks & Gardens

PROJECT	STATUS
Garden Maintenance	Garden Maintenance crews are continuing with programmed works
Park Maintenance	Park maintenance crews are maintaining park programme on a fortnight basis. (This information will be used to help create an in-depth asset management plan for all of council’s parks.)
Sportsground Maintenance	Lawn Doctor has completed aeration-levelling and report to be issued w/e 25/1/08. Investigation into alternative water supply/filtering for Col Matheson Oval commenced.
Training	Staff continued with the ‘Growing and Propagating Native Plants’ training.
Litter Crew	Only working Monday – Friday no weekend cleanup until further advised: budget constraints.

Technical Services/Projects

PROJECT	STATUS
Playground development	Tender 06/61 Design & Construction of Playground Shade Structures has been advertised and will close on 5 th March 2008. Project includes picnic settings and shade structures over playgrounds at Colin Matheson Oval and Kevin Scott Oval. Tender submissions to be presented to Council at March meeting, subject to time constraints.

West End Greening	Excel Resources have commenced preliminary works for landscaping along Anderson Street. Tree and shrub planting scheduled for April after reticulation and water tank installation (subject to contract being signed).
Cemetery Upgrade	Approvals for funding application have been delayed due to changes within the Federal Government. Decision expected March 2008. No works can commence until funding is secured.
Turtle Boardwalk	Council has responded to DEC query regarding details of the Turtle Interpretive Boardwalk and the clearing permit required. Emphasis was made on receiving approvals as soon as possible to ensure project is completed prior to the 2008/09 turtle-nesting season.
Light Fleet Replacement	Auction to sell redundant vehicles is postponed until May 2008 to ensure that all vehicles have been replaced and further sales are not required.
Sutherland Street Nodes	Designs and specifications are being prepared into tender documents. Anticipate advertising end February and presenting to Council at April meeting.
South Hedland New Living subdivision developments	Practical completion inspections have been undertaken at Dale/Brodie development with Ertech, Parson Brinckerhoff, Council and South Hedland New Living. Overall the standard of work was acceptable, with room for further improvement. Minor outstanding items include footpath handrails, footpath connections, replace Telstra cover, and repair minor damage to road surface and stone pitching to drainage outlet.
BHP West End Verge Treatments	BHP has proposed to undertake verge treatment works in Port Hedland's West End. Areas proposed for works include Anderson street, Edgar street, Richardson street, Wedge street, The Esplanade and Captain Bert Madigan park. Works will be approved in accordance with Council's verge treatment policy and in consultation with Engineering staff. Any proposals outside of Council policy will be presented to Council for approval. Anticipated completion date is end of June 2008.
Bus Shelters	Six new bus shelters have been installed in South Hedland on Masters Way, Daylesford close, Koombana Avenue, Logue Crescent, Kennedy Street and Stanley Street.
Throssell Road streetscape	Initial designs have been received which require much further development prior to finalising.

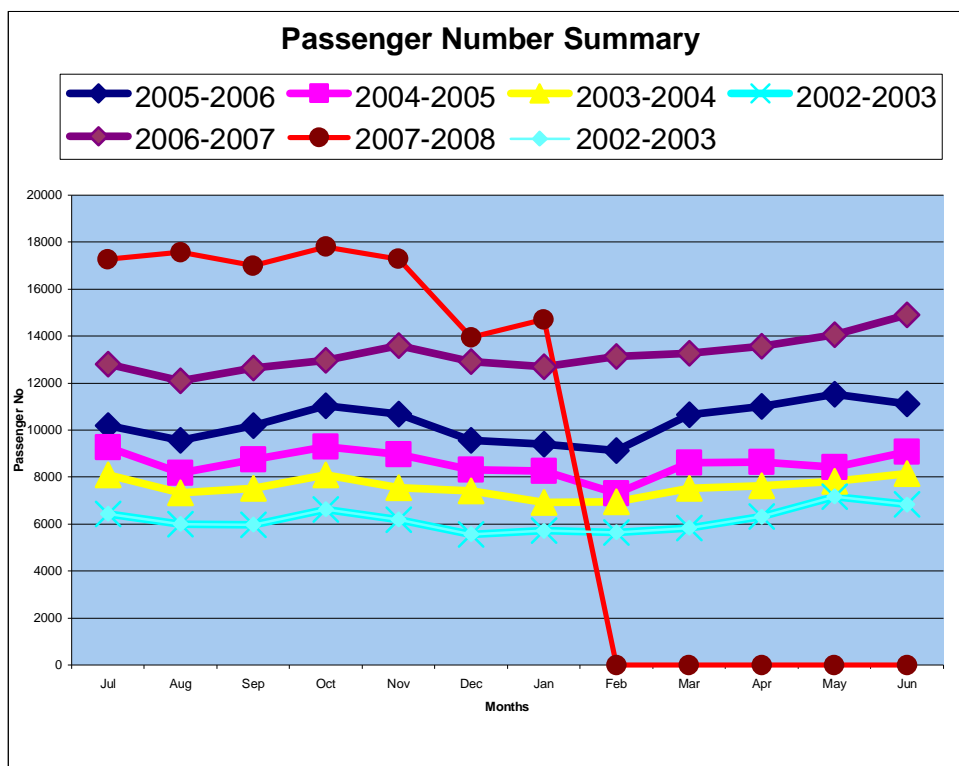
Street Lighting upgrades	Street lighting upgrades have been completed in Stanley Street, Greene Place and Kennedy Street in South Hedland. Horizon Power contractors are currently upgrading lighting on Brodie Crescent and Traine Crescent. Further upgrade locations include Paton Road, Trumpet Way and Bottlebrush Crescent.
Asset Management	Staff are finalising footpath data for inclusion in Council's new asset management program. Data includes footpath locations, dimensions, construction type, condition, hierarchy and costs and involves physical inspection of all footpaths.

Port Hedland International Airport

PROJECT	STATUS
Sewerage Upgrade	Project reviewed. Quote obtained and works proposal with contractor being finalised. Works expected to commence March, finish date prior to 26 th of March.
Apron Lighting Upgrade	Suppliers of Stage 1 equipment contacted to provide quotes on equipment. Works to be undertaken at end of cyclone season.
Precision Approach Path Indicator Installation (Lighting)	Ongoing. Works to be undertaken at end of current cyclone season.
Front Reserve Drainage	Works at airport entrance completed. Works from service road to Air BP to be completed when engineering crew back to full levels at completion of leave. Manager Works to liaise with main Roads regarding culvert across highway.
Master Plan	Ongoing. Presentation to Working Group, separate item to Council.
Airport Revaluation	Draft report received 28/12/07. Final report by w/e 25/1/08. Consultant has offered to speak to explain answers to any questions.
Runway End Safety Area Extensions	Ongoing. Works to be undertaken at end of cyclone season.
4 Lot development	Refer to sewerage upgrade works.
Boundary Fencing	Tender advertised.
Air conditioning	Ongoing.
TWA	Separate report to Council

Passenger Numbers

Passenger Numbers for month ending January 2008. At time of writing Skywest figures not available.



Airline Performance Information

The Bureau of Transport & Regional Economics (BTRE) published the following official on time performance information for December 2007 for Port Hedland. A total of 91 flights occurred (81 Qantaslink, 10 Skywest)

Airline	On time Departures	On Time Arrivals
Skywest	3 (30%)	6 (60%)
Qantaslink	62 (76.5%)	67 (82.7%)

Itinerant International Movements

No real significant single international movement. Corporate jet traffic continues to be steady

BALI International Service

Islandbound holidays and Skywest have announced that an extra service on Sundays from Port Hedland to Denpasar will commence April 2008 for a period of 6 months. Aircraft will overnight in Port Hedland on the Saturday evening.

Recreation Services*Projects 2007/08*

PROJECT	STATUS
Multi-Purpose Sports Feasibility Study	Completed.
Recreation Facility Design	Tender being developed. Working Group Meeting to be held to determine tender specifications. Tender due to be advertised late February 2008.
Port Hedland Skatepark	Construction complete. Additional structures to be installed including shade, seating and synthetic turf. Grand Opening scheduled for February 22 nd
South Hedland Skatepark	Construction complete. Landscaping completed, concrete seats installed. Additional structures to be installed including shade and seating. Grand Opening scheduled for February 21 st .
Town Cycle Plan	Draft report received. Working Group Meeting scheduled to discuss the initial report. Draft will be presented to the Council Briefing in March, before being opened for community consultation.
JD Hardie Centre Facility Upgrade	Works commenced. Internal painting completed, with further upgrades to occur including change room and ablution upgrades, crèche changes, meeting room upgrades etc. All major and minor works to be completed by June 2008.
Gratwick Aquatic Centre Gym	Commenced. Strength equipment purchased with the cardiovascular equipment soon to be purchased (under lease agreement). Fit-out due to be completed in March 2008.
Aquatic Centre Lighting Audit	Commenced. Draft report received, although awaiting further information before presenting to Council. Indicative costs will be used as part of a proposed five-year upgrade plan.
McGregor Street Carpark	Completed.
McGregor Street Oval Redevelopment	Recreation Reserve Redevelopment Master Plan commenced. Final report due to Council in March 2008. Consultants have met with the Working Group, Council staff and the community in a series of meetings and forums, and expect to have a draft to Council in February.
Colin Matheson	This project is being undertaken in conjunction

Oval Redevelopment	with McGregor Street Reserve Master Plan. Additional works are being scheduled for the reserve to ensure its integrity, with research being undertaken for permanent turf improvements. Currently investigating alternative water supply and new filtering system to alleviate continual water supply problems, and sprinkler blockages. Turf maintenance in accordance with report has commenced.
Sports Facility Upgrade Program	All components commenced. Shade structures at various reserves have been purchased, with construction due to be completed March 2008. Shared structures currently being constructed off-site, with first shed to be completed March 2008. Kevin Scott Oval viewing area is awaiting one final quote to be received. Seats have been purchased. Construction due to be completed May 2008.
Recreation Upgrades	All recreation upgrades are near complete, with the Diamond 1 back net and the Hawks demolition the remaining two items. An independent engineering report is being developed for the Hawks Clubrooms, with recommendations on the future of the shed to be determined by Council.
Walk It Hedland	A new joint project between the Town of Port Hedland and Pilbara Population Health. To fund the program grant applications were submitted to BHP Billiton Iron Ore and Healthways. BHP Billiton Iron Ore have approved the initial funding, with a decision from Healthways still pending.
Diamond 1 Back-Net	Engineered designs are being developed prior to requesting quotes.

Events

EVENT	STATUS
Australia Day Sports Awards	Awards were presented at the Australia Day Breakfast hosted by the Soroptimists. All nominees were given double passes to attend
Port and South Hedland Skatepark Grand Openings	The South Hedland Skatepark will be officially opened Thursday 21 st February, with professional skaters, entertainment, a skating competition and demonstrations all to take place. Port Hedland Skatepark will be similar, and will be opened on the 22 nd February. Proceedings commence at 4pm. All invites sent, and order of events confirmed.

Presidents Breakfast	The next President’s Breakfast is scheduled for March 2008, and will be used as a tool to introduce the new Sports and Recreation Officer to the Port Hedland sporting community.
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Facility Report

FACILITY	DAMAGE
JD Hardie Centre	Locking mechanisms have seized, and will be replaced.

Education/Training/Certifications

NAME	REPORT
Professional Development	The Recreation Programmer attended a 10-day National Basketball Championships for Professional Development.
Professional Development	The Manager Recreation Services has just been accepted into Deakin University to undertake post-graduate studies on a part-time, external basis.

Other

Post – Cyclone Repairs

Remaining items:

- Gratwick Aquatic Centre shade – funds have been obtained from the insurers and municipal funds. Timeframes are now being sources from contractors.

Staff Movements

The Sports and Recreation Officer has resigned, with his last day of employment Friday 22nd February. Nicole Roukens has been employed to replace Matt Jackson, and will commence on the 12th March.

Kasey Wehr has been employed at the JD Hardie Centre as a Sports and Recreation Trainee. The position has been created to enhance local professionals within the area of Sports and Recreation. Kasey works two days per week, attends Hedland Senior High School two days per week, and will complete a Certificate II and III in Sports and Recreation through the Royal Life Saving Society.

Aquatic Centres

The second Aquatic Advisory Committee has been undertaken, with representatives from the YMCA, Town of Port Hedland and community attending. Minutes are available for perusal by contacting the Recreation Department.

The monthly reports in full from the YMCA can be obtained by contacting the Manager Recreation Services.

South Hedland Aquatic Centre

YMCA Update

Financials

Month	Actual	Budget	Variance
Income	13,311	16,126	(2,815)
Expenditure	65,470	54,069	(11,401)
Net	(52,159)	(37,943)	(14,216)

Year to date	Actual	Budget	Variance
Income	13,311	16,126	(2,815)
Expenditure	65,470	54,069	(11,401)
Net	(52,159)	(37,943)	(14,216)

Attendances

	Swim	Aqua/Ed	School	Aqua	Prog.	Misc.	TOTAL
Jan	1590	158	0	0	0	1791	3539
TOTAL	1590	158	0	0	0	1791	3539

Gratwick Aquatic Centre

YMCA Update

“Vacswim were forced to cancel Aquatic Education lessons scheduled for the holiday period due to a shortage of local Instructors. This heavily impacted the forecast attendances as the occupancy was by far better than recent years, according to Vacswim.

“The YMCA was able to offer an additional Aquatic Education program throughout January. Over 70 children were able to take part in this vital service.

“Lawn mowing schedules have continued every fortnight at both centre’s as staff are rotating through the schedule.

“The shade structure which sustained damage during Tropical Cyclone George is still damaged and a response is eagerly awaited from the Insurance Company.

“A Bronze Medallion requalification was held for current staff.

“Gratwick Aquatic Centre hosted a free entry open day on Australia Day. The day was a success being accident free and over 300 people came through the centre.”

Financials

Month	Actual	Budget	Variance
Income	19,070	21,515	(2,445)
Expenditure	50,737	55,374	4,637
Net	(31,667)	(33,859)	2,192

Year to date	Actual	Budget	Variance
Income	19,070	21,515	(2,445)
Expenditure	50,737	55,374	4,637
Net	(31,667)	(33,859)	2,192

Attendances

	Swim	F/Room	Aqua/Ed	School	Aqua	Prog.	Misc.	TOTAL
Jan	3421	43	221	0	61	331	783	4860
TOTAL	3421	43	221	0	61	331	783	4860

JD Hardie Centre

Promotion

- Regular emails to all sporting contacts to ensure knowledge of new programs and 2008 programming timetable
- Advertisement in the North West Telegraph advising of the new programming timetable

Programs

No programs were scheduled for January due to closure of the centre for renovations. Programs to recommence February 4th 2008

Facility Hire

No facility hire's were undertaken during January 2008 due to closure of the centre.

Attendances

Nil

Attachments

Nil

6:36 pm Councillor A A Gear left the room

200708/076 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council receives the Engineering Services Monthly Report for January 2007.

CARRIED 8/0

11.3.2 Recreation Services

11.3.2.1 Responsible Service of Alcohol Training for Sporting Groups - Amendment to Policy 6/006 'Occasional Licences and Consumption of Liquor on a Recreation Reserve or Council Owned or Managed Facilities' (File No.: 26/07/0006)

Officer Bec Pianta
Manager Recreation Services

Date of Report 11 February 2008

Disclosure of Interest by Officer Nil

Summary

As part of Council Policy, the Town of Port Hedland is obliged to provide accredited Liquor Licensing training twice per year. This report is to request an amendment to Clause 11 of Policy 6/006 'Occasional Licences and Consumption of Liquor on a Recreation Reserve or Council Owned or Managed Facilities'. The alteration will allow for the Town of Port Hedland to support an abridged, non-accredited course, currently offered by the Pilbara Population Health Services Team. This course is recognised within the state of WA for occasional liquor licenses and is deemed appropriate for the type of liquor licenses requested by the majority of sporting users within the Town.

Background

At the Ordinary Council Meeting on the 23rd January 2008, Council resolved that:

"Agenda Item 11.3.2.2 'Responsible Service of Alcohol Training for Sporting Groups' lay on the table pending further clarification."

REASON: Council seeks further clarification in relation to who is able to undertake Responsible Service of Alcohol Training from Sporting Groups."

The proposed policy has been reworded to ensure comprehension and understanding of the potential policy.

Consultation

Recreation Services
Director Engineering Services
Pilbara Population Health Drug Services Team

Statutory Implications Nil

Policy Implications

Clause 11 or Policy 6/006 currently states:

“11. Council will provide accredited Liquor Licensing training for club members on two occasions each calendar year. Club/ Associations must have two representatives with accredited training or application to consume alcohol will not be considered. (Effective September 2003).”

The adoption of this policy would alter Policy 6/006, Clause 11 to read:

“11. Council will provide in-kind support for liquor licensing training (i.e. venue hire, catering, etc.) by a relevant body, on a minimum of two occasions each year. Council will only consider approving requests for the sale of alcohol when the applicant has undertaken the Liquor Licensing training.”

Strategic Planning Implications Nil

Budget Implications

Council currently has \$5,800 available for Liquor Training. Should Council accept the Officer's Recommendation, Council will be able to utilise some of these funds to support the Pilbara Population Health courses, and absorb the remaining funds.

Officer's Comment

In the 2006/07 financial year, Council spent \$7,190 on the provision of accredited courses within Hedland. Occasional liquor licenses are regulated differently than occasional or restricted licenses, and it is therefore not deemed essential for this level of training to be offered. The accredited training, currently offered by the Town of Port Hedland, allows participants to become accredited bar managers; a qualification not required for occasional licenses.

Council therefore has two (2) options:

1. Accept the proposed changes to the policy.
2. Dismiss the suggested changes and provide training as per the existing Council policy.

Attachments Nil

200708/077 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

Seconded: Cr J E Ford

That Council amends Policy 6/006 'Occasional Licences and Consumption of Liquor on a Recreation Reserve or Council Owned or Managed Facilities' with the following change to Clause 11:

"11. Council will provide in-kind support for liquor licensing training (i.e. venue hire, catering, etc.) by a relevant body, on a minimum of two occasions each year. Council will only consider approving requests for the sale of alcohol when the applicant has undertaken the Liquor Licensing training."

CARRIED 8/0

11.3.2.2 Club Development Officer Proposal (File No.: 26/08/0003)

Officer Bec Pianta
Manager Recreation Services

Date of Report 13 February 2008

Disclosure of Interest by Officer Nil

Summary

The Town of Port Hedland has the opportunity to employ a Club Development Officer within the Recreation Department. State Government funding is available through the Department of Sport and Recreation (DSR), and, pending commitment of funds from the Town of Port Hedland, the position could be created in the short-term. The position would assist in supporting the development of quality sports and recreation programs, activities and facilities within the Town.

Background

The Club Development Officer Scheme is managed by the Department of Sport and Recreation (DSR) and has existed since 2001. The DSR offers funding for a Local Government Organisation to employ a Club Development Officer through this scheme, which has been developed to enhance club and association skill, relationships with the relevant State Sporting body and to ensure quality provision of recreation for community members.

It is widely recognised by providers of sport and recreation and all levels of government that community clubs play a critical role in developing communities, however a standardised, coordinated and focused approach has been lacking. This funding opportunity is specifically aimed at building the capacity of community based sporting and recreation clubs.

The Club Development Officer scheme operates by providing the Local Government Organisation with grant funds to the maximum value of \$150,000 over a three-year period. The Club Development Officer would be employed directly by the Town of Port Hedland, operating under the Enterprise Bargaining Agreement and all relevant policies and procedures. The DSR would consider additional funding to cover the following should they be deemed necessary:

- Resources
- Professional development
- Guidance

In accordance with the guidelines for the grant through the Club Development Officer Scheme, it would be expected that the following outcomes would be achieved:

- Develop clubs and associations through the identification and development of management plans, both short, medium and long term, based on the demographics specifically related to the Port Hedland environment;
- Assist club administrators to meet industry standards, provide a safe and participative environment and increase physical activity levels;
- Facilitate the creation of management systems within clubs, to ensure procedures and policies are accurate and beneficial; and,
- Assist in the identification and application of funding opportunities.

It is anticipated that should this position be approved it will be offered at a Level 4 Step 1. The breakdown of costs would therefore be as follows:

	Year 1	Year 2	Year 3	TOTAL
DSR Funding	\$ 50,000	\$50,000	\$50,000	\$150,000
ToPH Funding	\$ 74,232	\$45,893	\$49,773	\$169,898
BUDGET TOTAL	\$124,232	\$95,893	\$99,773	\$319,898

A detailed breakdown of the expenditure items for the three years' are tabled below.

Wages	\$161,870
Port Hedland Allowance	\$ 23,754
Employee costs (superannuation, annual leave, administration, training, uniforms, etc)	\$ 32,374
Vehicle costs	\$ 59,900
Housing costs	\$ 42,000
TOTAL	\$319,898

Consultation

Department of Sport and Recreation
 Recreation Services
 Manager Corporate Support
 Chief Executive Officer
 Director Engineering Services

Statutory Implications	Nil
Policy Implications	Nil
Strategic Planning Implications	Nil

Budget Implications

Should Council commit the funds toward the employment of the Club Development Officer, an additional \$169,898 over the next three years will be required.

Officer's Comment

The Club Development Officer Scheme grant applications have closed, however the DSR has indicated that an application from the Town of Port Hedland would likely be supported. Currently, there are no Club Development Officers employed in either the Pilbara or the Kimberley. After various discussions with the Pilbara regional DSR office and other Shires within the region, it has been recommended that a Club Development Officer become part of the Town of Port Hedland recreation team. A Club Development Officer in Port Hedland would be a positive step towards enhancing the existing relationship with the DSR, in building the capacity of the sporting clubs and associations within the town and enhancing the quality of sporting administration. Presently, the Town of Port Hedland does not employ a dedicated Club Development Officer, and is therefore limited in its capacity to assist in the development of healthy and sustainable clubs.

The Town of Port Hedland would be demonstrating its commitment to building the capacity of community based sporting and recreation clubs through such practices as the employment of a Club Development Officer. The Town of Port Hedland is in a phase of rapid expansion that is highly likely to continue. With the increasing demands on quality infrastructure and community facilities, human resources are limited in the area of Club Development, which is considered to be an integral component in strong and sustainable communities.

The Town specifically requires a Club Development Officer to ensure the integrity, sustainability and maintenance of strong and healthy clubs. The support offered by the Club Development Officer will provide the Sports and Recreation Officer with the time to enhance other aspects of recreational and sporting attributes within Port Hedland, and allow for the continued growth of participation in passive and active recreation.

It is important to note that during the selection process for the Sports and Recreation Officer position, a suitable applicant for the position was recognised. This person has indicated that they are available to start immediately should the position become available.

Council therefore has two (2) options:

1. Approve the request for \$169,898 over the next three years' for the employment of a Club Development Officer (pending funding from the State Government).
2. Reject the request for dedicated funds towards the employment of a Club Development Officer.

Officer's Recommendation

That Council:

- i) submits a grant application to the Department of Sport and Recreation for \$150,000 over the next three years as part of the Club Development Officer Scheme; and
- ii) approves the request for \$169,898 for 2008 – 2010 for the employment of a Club Development Officer, subject to receiving \$150,000 from the Department of Sport and Recreation.

6:41 pm Councillor A A Gear re-entered the room and assumed his chair.

200708/078 Council Decision

Moved: Cr A A Carter

Seconded: Cr J E Ford

That:

- i) **a grant application to the Department of Sport and Recreation for \$150,000 over the next three years as part of the Club Development Officer Scheme not be submitted at this time; and**
- ii) **the request for \$169,898 for 2008 – 2010 for the employment of a Club Development Officer, subject to applying for and receiving \$150,000 grant funding from the Department of Sport and Recreation, be considered by Council as part of its 2008/09 budget process.**

CARRIED 9/0

REASON: Council resolve not to progress the employment of a Club Development Officer at this time, preferring to consider all Council staffing requirements as part of its 2008/09 budget process.

11.3.3 Port Hedland International Airport**11.3.3.1 *Port Hedland International Airport: Airport Working Group (File No.: .../...)***

Officer Eleanor Whiteley
Airport Manager,
Terry Dodds
Director Engineering
Services

Date of Report 15 February 2008

Disclosure of Interest by Officers Nil

Summary

For Council to consider the recommendations of the Airport Working Group meeting held on Thursday 14 February 2008.

Background

The first meeting of the Airport Working Group was held on Thursday 14 February 2008 to discuss the progression of the development of the Airport Master Plan and the Airport Transient Workforce Accommodation (TWA) project.

Airport Master Plan

The Airport Manager, outlining works undertaken to date and possible development options for the International Airport, made a brief presentation to the meeting.

Working Group members were asked to provide comment on the prepared Consultant's brief in preparation for seeking quotes for the technical portions of the Strategic Master Plan, which have been adopted and are part of the revised consultants brief.

The Plan will identify the location, size, design and approximate cost of infrastructure as required, providing a framework for the immediate and future direction to the Town, ensuring the PHIA Master Plan blends into the surrounding LUMP and strategic direction of the general precinct.

At the conclusion of this project, the Town aims to be in a position where it can call for tenders for the detailed design development of the highest priority infrastructure works based on need, nett return ratios and other market considerations.

Airport Transient Workforce Accommodation (TWA) Project

Council's Director Engineering Services made a brief presentation to the meeting, outlining the concept plan for the development and the critical engineering components of the development.

The working group was advised that Council had two options relating to the development

- Council develop the civil infrastructure, or
- External development

The Airport Working Group resolved to recommend to Council that an external party carry out the TWA site development and that tender documents be prepared accordingly.

Council's Solicitors, within the following brief, are reviewing the type and method of contract/lease within the Working Group's intentions as follows:

The TWA Tender needs to be a 'Tender for Lease and Development of 12 hectares of Airport Land for a Ten Year period'. Tenderers need to be aware that the successful lessee will be required to provide a minimum of 1200 bed accommodation facility on the land available. The Town will specify the minimum development requirements (i.e. what is the minimum that do they have to do). Furthermore, Tender documents and evaluation criteria will be based on the outcomes that the Town is seeking (i.e. broad range of tenants).

A legally binding evaluation process including rental structures, experience, quality and amenity, timeframe, construction logistics, site management, client tenure, infrastructure handed over at termination and contractual communication requirements is also in the process of being drafted.

Consultation

Nil

Statutory Implications

Section 3.58 – Disposing of Property in accordance with the Local Government Act 1995 (as amended)

“3.58. Disposing of property

(1) In this section ³/₄

}dispose~ includes to sell, lease, or otherwise dispose of, whether absolutely or not;

}property~ includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to ³/₄

(a) the highest bidder at public auction; or

- (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender. “*

Policy Implications

Nil

Strategic Planning Implications

KRA 1 Infrastructure - Goal 3 Airport

Strategy 2. Develop a comprehensive Master Plan for the development of the Port Hedland International Airport as the precursor to determining long-term development and management alternatives for the facility.

Strategy 3. Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising and any other means.

Budget Implications

No implications for 2007/2008 budget.

Officer's Comment*Airport Master Plan*

The Airport Working Group notes Council is seeking quotes to be obtained from appropriately qualified consultants.

Airport Transient Workforce Accommodation

The Airport Working Group seeks approval from Council to call appropriate tenders for the design, build, operate and eventual transfer of assets of a 1200 person TWA at the Port Hedland International Airport.

Officer's Recommendation

That Council:

- i) notes that quotes are being sought from appropriately qualified consultants for the Airport Strategic Master Plan development; and
- ii) advertises for tenders for the lease and development of Transient Workforce Accommodation at the Port Hedland International Airport site, in accordance with Section 3.58 of the Local Government Act 1995.

200708/079 Council Decision

Moved: Cr K A Howlett

Seconded: Cr S J Coates

That Council:

- i) notes that quotes are being sought from appropriately qualified consultants for the Airport Strategic Master Plan development;
- ii) advertises for tenders for the lease and development of Transient Workforce Accommodation at the Port Hedland International Airport site, in accordance with Section 3.58 of the Local Government Act 1995; and
- iii) proponents be requested to develop a plan for a transient workforce accommodation facility for up to maximum of 1,200 beds.

CARRIED 7/2

REASON: Council seeks for the transient workforce accommodation facility being proposed for land at the Port Hedland International Airport to be limited to a maximum of 1,200 beds.

11.4 GOVERNANCE AND ADMINISTRATION**11.4.1 Corporate Services****11.4.1.1 *Financial Reports to Council for Period Ended 31 December 2007 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Stephen Carstairs
Manager Finance

Date of Report 19 February 2008

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activities of the Town to 31 December 2007, and to compare this with that budgeted for the period. With regard to the Town's Utility and Fuel Costs, a comparison is made with 2006/07.

Background**1. *Financial Statements***

Presented (see attachments) in this report for the financial period ended 31 December 2007, are the:

- Statements of Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 31 December 2007;
- Review of Transaction Activity.

Note: Interest Rates for investments are selected from those provided by the following three financial institutions: National Australia Bank, BankWest, and the Australian and New Zealand Bank.

2. *Utility and Fuel Costs*

Presented in graph form (see attached), is the 2007/08 monthly water, power and fuel costs compared with 2006/07.

3. *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 February 2008 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 and Value			Pages		Fund No	Fund Name	Description
From	To	Value	From	To			
CHQ17851	17927	\$238,278.20	1	18	1	Municipal Fund	
17885	17885	\$0	11	11	1	Municipal Fund	Cancelled
17914	17914	\$0	17	17	1	Municipal Fund	Cancelled
EFT20429	20713	\$2,866,144.08	18	110	1	Municipal Fund	
PAY 041207		\$194,933.01	110	110	1	Municipal Fund	
PAY 181207		\$202,840.31	110	110	1	Municipal Fund	
One-off PAY		\$2,171.98			1	Municipal Fund	
	Municipal Total	\$3,504,367.58					
3001410	3001419	\$9,430.00	110	111	3	Trust Fund	
	Trust Total	\$9,430.00					
	Sub-Total	\$3,513,817.58					
Less	One-off Pay	-\$2,171.98					
	TOTAL	\$3,511,645.60					

Consultation

Nil

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.”

Section 6.12 of the Local Government Act 1995 (Power to defer, grant discounts, waive or write off debts) states:

- “(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

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

Point one of Goal 2 (Natural Resources) in Key Results Area 5 (Environment) of the Strategic Plan 2007-2012, requires that the Town's energy and water use is monitored and reported to Council.

Budget Implications

At its 25 July 2007 Ordinary Meeting Council resolved to adopt item 11.4.1.2 2007/08 Budget Adoption, which included Recommendation 12 as follows:

"Recommendation 12

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

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

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

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

Officer's Comment

For the purpose of explaining Material Variance (Expense/Revenue Up or Down, and see attachment Schedule 2) a three-part approach was taken:

Period Variation

Relates specifically to the value of Variance between the Budget and Actual figures for the period of the report.

Primary Reason

Identifies the primary reasons for the period Variance. As the report is aimed at the higher level analysis, minor contributing factors are not reported.

Budget Impact

Forecasts the likely \$ impact on the Amended Annual Budget position. It is important to note that figures in this part are 'indicative only' at the time of reporting, and that circumstances may subsequently change.

It is requested that the reader note, that given the January 2008 Financial Reports have not been presented at this meeting for Council's consideration as required by Financial Management Regulation 34 (4), they will be presented at Council's Ordinary Meeting to be held in March 2008.

Attachments

- Page 1–3 of 12. Schedule 2 being a Statement of Financial Activity
- Pages 4 to 12. Notes 3 to 9 which form part of the Statements of Financial Activity. Also Note 10 – December 2007 Bank Reconciliations.
- Pages 1 to 47. Detailed Financial Activity by Program.
- December 2007 Accounts for Payment
- Comparison Between 2006/07:2007/08 Utility & Fuel Costs

6:49 pm Councillor Kelly A Howlett left the room.

200708/080 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That:

- i) **the:**
- . **Statements of Financial Activity (represented by Schedules 2 to 14);**
 - . **Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 31 December 2007; and**
 - . **Review of Transaction Activity, as attached and/or presented be received;**
- ii) **graphic representation of the Town's energy, water and fuel use as attached be received; and**
- iii) **the list of Accounts paid to during December 2007 under Delegated Authority, as presented and/or attached be received.**

CARRIED 8/0

11.4.1.2 Audit and Finance Committee (File No.:)

Officer Matthew Scott
Director Corporate
Services

Date of Report 22 February 2008

Disclosure of Interest by Officer Nil

Summary

For Council to consider the recommendation made by the Audit and Finance Committee, at it's meeting held on 18 February 2008, regarding the Annual Financial Report and Council's Investment Policy.

Background

The Audit and Finance Committee is a statutory Committee of Council, principally formed to recommend to the Council the appointment of Council's Auditors, but also used to review any major financial management items before being sent to Full Council for endorsement.

At the 18 February 2008 Meeting, the Committee reviewed the:

- 2006/07 Annual Financial Statements and associated notes, and the Audit report and Management Report; and
- A proposal to amend Councils Investment Policy.

At the meeting the Committee made the following (unconfirmed) resolutions:

"That the Audit and Finance Committee:

- 1. Receive the audited 2006/07 Annual Statements and associated notes, the Audit Report and Management Report; and*
- 2. Recommend to Council the inclusion of the audited 2006/07 Annual Statements and associated notes, and audit report in the 2006/07 Annual Report."*

and

That the Committee recommend the deletion of Policy 2/014 and replacement with the new investment policy (attached) to Council, with the inclusion of the Mayor Co-authorising any single investment of \$1,000,000 or above.

The Committee also wished to thank Council's Finance Department on the outcome the 2006/07 Financial Report and subsequent Auditors Report.

Though the Committee was satisfied with proposed Investment Policy, on the 21 February 2008, the Department of Local Government issued Local Government Operational Guideline No.19 Investment Policy, on the request of the Local Government Minister. This was in response to several Local Governments losing significant municipal funds in poor and ill-advised investment opportunities. Based on the new operational guidelines, it is recommended the Audit and Finance Committee review the proposed policy in light of the new operational guidelines.

A copy of the unconfirmed Minutes of the Audit and Finance Committee Meeting are attached Council's information/reference.

Consultation Nil

Statutory Implications

Policy Implications

Council's current investment policy 2/014 is extremely complex, resulting the Council only investing in Cash Bills and Term Deposits. The revised Policy, which Council was briefed on in November 2007, should allow some flexibility with regard to Investments, however still requires Council investment principal to be guaranteed. It is now proposed the Audit and Finance Committee reviews the Local Government Operational Guideline No. 19 Investment Policy and report to Council.

Strategic Planning Implications Nil

Budget Implications

The 2006/07 Audited Financial Statements produce an Actual Cash Surplus of \$1,919,703. Currently Council's Amended Budget is based on a budgeted carried forward surplus of \$1,946,730. The \$27,027 short fall will need to be accommodated in the December Budget review, as this is still required to fund uncompleted non-operating (capital) projects from the previous year.

Officer's Comment

The unconfirmed Minutes of the Audit and Finance Committee provide detail reports on the items considered by the Committee.

Upon receipt of the Local Government Operational Guideline No.19 Investment Policy on 21 February 2008, the Audit and Finance Committee's recommendation in relation to Council's investment policy has been removed from the Officers Recommendation, to enable reconsideration of the policy by the Committee.

200708/081 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council adopts and includes the 2006/07 Financial Statements and Associated Notes, and Audit Report in the 2006/07 Annual Report.

CARRIED 8/0

11.4.1.3 2006/07 Annual Report (File No.: ...-...)

Officer Matthew Scott
Director Corporate Services

Date of Report 18 February 2008

Disclosure of Interest by Officer Nil

Summary**Summary**

For Council to Adopt the Annual Report for 2006/07 and the date of the Annual Meeting of Electors

Background

Given that the Annual Financial Statements and Associated Notes for 2006/07 have now been finalised and Audit Report presented, Council must now adopt the Annual Report for 2006/07, which in turn will, requires Council to convene the Annual Meeting of Electors.

The Annual Report is the final report for the 2006/07 and effectively is the Council's report card to the Community. The contents of the Annual report are prescribed by the Local Government Act 1995, and associated regulations and must contain:

1. A report from the Mayor; and
2. A report from the CEO; and
3. An overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
4. The financial report for the financial year; and
5. Information relation to the payments made to employees;
6. The auditor's report for the financial year; and
7. A report must be made under section 29(2) of the *Disability Services Act 1993*; and
8. Such other information as may be prescribed.

Once the Council adopts the Annual Report, the Council can advertise the report (14 days notice) and convene the Annual Meeting of Electors, no more than 56 days after the Council adopts the Annual Report.

Due to the local newspaper being published each Wednesday, the earliest a local notice can be advertised is Wednesday, 5 March 2008. Once advertised for 14 days the earliest the Annual Meeting of Electors could be is 19 March 2008.

However given Council's Ordinary Meeting for March is scheduled on the following Wednesday, 26 March 2008, it would be logical have the both meetings on the same day.

Consultation

Advice has be sourced from the Department of Local Government to ensure the contents of the Annual Report meet statutory requirements

Statutory Implications

Local Government Act 1995

“5.54. Acceptance of annual reports

(1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

(2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

5.27. Electors' general meetings

(1) *A general meeting of the electors of a district is to be held once every financial year.*

(2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*

(3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.29. Convening electors' meetings

(1) *The CEO is to convene an electors' meeting by giving $\frac{3}{4}$*

(a) at least 14 days' local public notice; and

(b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.

(2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.”*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

The Annual Report and its contents are a statutory requirement, which Council needs to adopt, if it wishes to have the Annual Electors Meeting with the statutory timeframe. Council has the option to choose the date and time of this meeting, however it is recommended to have the meeting on Wednesday 26 March 2008, starting at 7:30 pm, following the Ordinary Meeting of Council.

200708/082 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham**That Council:**

- i) adopts the 2006/07 Annual Report as presented;**
- ii) advertises the 2006/07 Annual Report and Annual Meeting of Electors giving at least 14 days' local public notice in accordance with Section 5.29 of the Local Government Act; and**
- iii) hold the Annual Meeting of Electors on the 26 March 2008, Commencing at 7:30 pm at the Port Hedland Civic Centre.**

CARRIED 8/0

11.4.1.4 Request to Write Off Debtors (File No.: Fin-005/Fin-100)

Officer	Paula Maguire Accounts Officer
Date of Report	11 February 2008
Disclosure of Interest by Officer	Nil

Summary

A request of Council to authorise the write off of debtor accounts over 90 days, which are deemed to be unrecoverable.

Background

The following outstanding debts are accounts that have now been outstanding for numerous years and are deemed uneconomical to pursue.

Ramirez Contracting:

This debt dates back to 2001 and relates to landfill tipping fees. The debt initially was referred to Dun & Bradstreet that eventually went to summons. The client then filed a "Notice of Intention to Defend" the Towns action for recovery of the debt, arguing that he was not responsible for the debt as he was incarcerated at the time it was incurred. Correspondence was received from the Towns solicitor that outlined the costs involved in pursuing the matter further. Some of these costs were set but some of the costs were undeterminable as they were contingent on if the matter progressed to a trial. At the time, no further action by the Town was taken and so Dun & Bradstreet closed the case.

Russell Graeme Thomas:

This debt has been outstanding since November 2003 and relates to damage to a Council footpath. The debt initially was referred to Dun & Bradstreet but was unable to progress further due to inability to locate debtor. The Skip Trace conducted at the time determined that the debtor was residing at an extremely remote aboriginal community. It was pointed out that even if the debtor was located on the reserve that it was unlikely that he had assets or means to pay the debt. Consequently, legal action was deemed unsuccessful and Dun & Bradstreet closed the case.

Peter Murray Edwards:

This debt dates back to 2004 and relates to graffiti damage to Town property.

However as Mr Edwards was a juvenile, Council was unable to serve a summons to progress its claim through the Courts. The Town has since contacted the Courts to determine the prospect of progressing this matter further once the debtor had reached adulthood. However, this has proved difficult given the privacy issues involved.

Consultation Nil

Statutory Implications

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

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

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

Policy Implications

2/012 Sundry Debt Collections

Strategic Planning Implications Nil

Budget Implications

The proposed write offs equates to:

1.	Ramirez Contracting:	\$1,933.30
2.	Russell Graeme Thomas:	\$4,376.00
3.	Peter Murray Edwards:	\$ 80.00
	Total	\$6,389.30

This write-off should be applied to the Provision of Doubtful Debts. This is a balance sheet account and therefore does not directly affect the Municipal Budget.

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

Officer’s Comment

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

The debts included in this report relate back to between three (3) and seven (7) years ago and further attempts to collect the money will exceed any benefit to the Council.

It is recommended that Council proceed to write off these debts. Council records will be updated, should these debtors attempt to purchase goods and services in the future, at which time Council could still attempt to recover debts, before any additional credit is given.

Attachments:

- Related documents – Ramirez Contracting
- Related documents – Russell Graeme Thomas
- Related documents - Peter Murray Edwards

200708/083 Council Decision/Officer’s Recommendation

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

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

i) Ramirez Contracting:

Debtor No	Invoice No	Amount
5508	D01148	915.60
	D01224	166.75
	D01269	71.05
	D01384	344.10
	D01433	299.05
	D01534	215.95
TOTAL		\$1,933.30

ii) Russell Graeme Thomas

Debtor No	Invoice No	Amount
6588	7525	\$4,376.00

and

iii) **Peter Murray Edwards**

Debtor No	Invoice No	Amount
6834	10572	\$80.00

CARRIED BY ABSOLUTE MAJORITY 8/0

11.4.1.5 Request to Write Off Rates, Bin Charges and Interest Penalty Incorrectly Levied on 3 Schillaman Street Wedgefield (File No; A402510)

Officer Brie Holland
Senior Rates Officer

Date of Report 7 February 2008

Disclosure of Interest by Officer Nil

Summary

Council is requested to write off the 2006/2007 and 2007/2008 Rates and penalty interest charges in arrears and current levied in error, on the account of the Water Corporation (Assessment A402510 at 3 Schillaman Street Wedgefield).

Background

The 2006/2007 and 2007/2008 Rates notices issued to the Water Corporation, which included Rates totaling \$5,485.53. On the 12th of December 2007 Council received a letter from the Water Corporation, c/- Property Officer, Dominic Papalia. The letter detailed the lease dates of the property, 3 Schillaman Street Wedgefield (letter attached). As a result, the Rates department discovered that the property was only rateable specifically from 1st of March 2001 to 30th of September 2001; and from 17th November 2006 to 16th December 2007. Any non-leased periods outside these dates, the property should have been labeled as non-ratable.

The Rates department has calculated that the Water Corporation is entitled to \$1,545.57 refund in their rates, and as a consequence Council is requested to approve the write off the current and arrears Rates charges and penalty interest totaling \$5,485.53, so a \$1,545.57 refund can be raised.

Consultation Nil

Statutory Implications

Water Corporation Act 1995 states (in part):

“75. Exemption from rates

No local government rate or charge is to be imposed or levied on any land vested in, or under the management and control of, the corporation that is used or reserved exclusively for the purpose of providing works, undertakings or facilities necessary to the performance of the functions of the corporation.”

Local Government Act 1995 states (in part):

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

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

(a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money;*

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money, which is owed to the local government.

** Absolute majority required.”*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Should Council determine to write off the penalty interest, Council will fore go \$5,485.53 in income that is not expected to have a material effect on the budget.

Officer’s Comment

When making its determination as to whether to write off the charges or not, Council may consider that the Water Corporation owned property is deemed non-rateable, unless it is leased, according to the *Water Corporation Act 1995*. The property-leased dates were not taken into consideration during the present and past Rating periods, hence the Water Corporation has been rated in error.

Attachments

Copy of letter from the Water Corporation dated the 12th of December 2007.

Officer’s Recommendation

That Council approves to write off the total of \$5,485.53 being Rates and related accrued interest charges issued to the Water Corporation in error for Assessment A402510 at 3 Schillaman Street, Wedgefield for the 2006/2007 and 2007/2008 rating periods.

6:51 pm Councillor Kelly A Howlett re-entered the room and assumed her chair.

200708/084 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr G J Daccache

That the request to write off the total of \$5,485.53 being Rates and related accrued interest charges issued to the Water Corporation in error for Assessment A402510 at 3 Schillaman Street, Wedgefield for the 2006/2007 and 2007/2008 rating periods, lay on the table pending clarification/legal advice in relation to the lease of the property.

CARRIED 9/0

REASON: Council Sought clarification in relation to the leasing period of the property by the water corporation, prior to considering this write off.

ATTACHMENT TO AGENDA ITEM 11.4.1.5.

Enq: Dominic Papalia
Ph: 9420 3254



12th December 2007

Town of Port Hedland
Att: Rates Department
PO Box 41
Port Hedland WA 6721

LOT 1797 & 6179

RECORD No.	06-13643
OFFICER	SDG
19 DEC 2007	
FILE No.	402510G
ACTION DATE	

629 Newcastle Street
Leederville 6007
Western Australia
PO Box 100
Leederville 6902
Perth Western Australia
Tel (+61 8) 9420 2420
www.watercorporation.com.au
ABN 28 003 434 917

Dear Brie Holland

Re: 3 Schillaman Street, Port Hedland
Assessment Number: A402510

I am currently assisting Margot D'Monte from this office on a number of issues and I refer specifically to the above mentioned property.

As discussed with you during our phone conversation on the 10th December 2007 we have been assessed and charged rates and fees for the property during periods that we did not have a lessee on the property.

With reference back to 2001 we leased out a portion of the property for a period commencing on the 1st March 2001 and concluding on the 30th September 2001 so we are liable for assessment for this period.

The property was then vacant for a period through to the 17th November 2006 when we entered into a lease agreement covering a portion of the property for a period terminating on the 16th December 2007 again this is the only period we should have been assessed and charged.

As you can see the property has been vacant and there for not assessable during the period commencing the 1st October 2001 through to the 16th November 2006. I would appreciate your review of our account and request that you issue us with an updated statement taking into account the periods that the property was vacant, if applicable please issue us with a refund cheque for any credit amount calculated.

Should you have any queries, please do not hesitate to contact me on 9420 3254 or Margot D'Monte on 9420 2232

Yours sincerely,

Dominic Papalia
Property Officer
Corporate Real Estate Branch
Water Corporation

11.4.1.6 Request to Write Off Rates and Interest in Arrears on Mining Tenement M45/1037(File No; A803295)

Officer	Brie Holland Senior Rates Officer
Date of Report	7 February 2008
Disclosure of Interest by Officer	Nil

Summary

Council is requested to write off the 2006/2007 Rates and penalty interest in arrears, accrued through the Mining Tenement, levied in error on the account of Raymond William Thackwell (Assessment A803295 at M45/1037).

Background

The 2006/2007 Rates notice was issued to Raymond William Thackwell, which included Rates and Emergency Services Levy (ESL) charges of \$638.00. It was discovered by the Rates department that in the 2005/2006 rating period the Tenement was pending and the Rates were reversed. Unfortunately, the property was not labeled non-rateable and was subsequently rated for the 2006/2007 period.

It has been confirmed by Council's Rates staff, through the Department of Industry and Resources, that the Mining Tenement was still pending, thus non-rateable from the date of 13 September 2004, (see email attachment). Given that the Rates charges remained outstanding for twelve months, penalty interest (\$35.34) for non-payment of Rates had been accruing.

Given that the majority of this interest and Rates charges relate to the previous financial year, it is recommended that Council approve the write off of the remaining arrears debt of the \$473.70.

Consultation Nil

Statutory Implications

Local Government Act 1995 states (in part):

- “6.12. Power to defer, grant discounts, waive or write off debts*
- (1) Subject to subsection (2) and any other written law, a local government may-*
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*
 - (b) waive or grant concessions in relation to any amount of money; or*

- (c) *write off any amount of money,
which is owed to the local government.
* Absolute majority required.*"

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Should Council determine to write off the penalty interest, Council will fore go \$473.70 in income, which is not expected to have a material effect on the budget.

Officer's Comment

When making its determination as to whether to write off the charges or not, Council may consider that the Mining Tenement M45/1037 should have been classified as Non-Ratable during the 2006/2007 Rating period, and that the Rates charges and subsequent Penalty interest were levied in error.

Attachment

Email from Department of Industry and Resources

200708/085 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G D Bussell

That Council approves to write off the total of \$473.70. Mining Tenement Rated lease Rates and related accrued interest charges issued to Raymond William in error for Mining Tenement M45/1037 (Assessment A803295 at M45/1037) for the 2006/2007 rating period.

CARRIED BY ABSOLUTE MAJORITY 8/1

ATTACHMENT TO AGENDA ITEM 11.4.1.6

Brie Holland

From: VIELHAUER, Peter [peter.vielhauer@doir.wa.gov.au]
Sent: Thursday, 7 February 2008 11:16 AM
To: Brie Holland
Subject: RE: Confirmation of dead mining tenement (date of)

Hi Brie

Mining Lease Application M45/1037 is a Section 49 conversion of Prospecting Licence P45/2335. When M45/1037 is granted P45/2335 will expire.
MLA 45/1037 was lodged on 13/09/2004 and remains pending since then. It could still be many months before it gets granted.

Regards

Peter Vielhauer

Peter Vielhauer
Tenure Officer
Tenure & Native Title Branch
Mineral Titles Services Division
DEPARTMENT OF INDUSTRY AND RESOURCES
100 Plain Street, East Perth, Western Australia 6004
Tel: +61 8 9222 3357 Fax: +61 8 9222 3452
peter.vielhauer@doir.wa.gov.au
www.doir.wa.gov.au

From: Brie Holland [mailto:snrratesofficer@porthedland.wa.gov.au]
Sent: Wednesday, 6 February 2008 3:17 PM
To: VIELHAUER, Peter
Subject: Confirmation of dead mining tenement (date of)

Hi Peter,

Hope you are traveling well today.

I was wondering if I could please have confirmation from you - in writing (email is fine) what date the Mining lease of M45/1037 was dead during the financial periods of 06/07 and 07/08? I know that at this point in time it is pending, but I just need that confirmation for Council records.

Thank you for your time

Brie Holland
Senior Rates Officer
Town of Port Hedland
PH: (08) 9158 9300
FX: (08) 9173 1766
E : snrratesofficer@porthedland.wa.gov.au

11.4.1.7 Request to apply Owner/Occupier Rebate on Underground Power Charge and to Write-off Legal Fees on Property 107 Anderson Street Port Hedland (File No; A128300)

Officer	Brie Holland Senior Rates Officer
Date of Report	13 February 2008
Disclosure of Interest by Officer	Nil

Summary

It is requested that Council approve the application of the Owner/Occupier rebate for the service charge of Underground Power on the account of Trevor John Watson (Assessment A128300 at 107 Anderson Street Port Hedland).

As the matter has become a debt collector issue with the Council's debt collector Dun & Bradstreet, Council is also requested to consider writing off the legal fees applied to the account in the pursuit of the Underground Power charges.

Background

Effective from 1 July 2006 every owner of a property in the Port Hedland, Spinifex Hill, Cooke Point and Pretty Pool were responsible for the cost of Underground Power service charges. The Town of Port Hedland collected the fees by the way of adding a service charge to each owner's rates, on behalf of Horizon Power.

Council offered a rebate of \$2,200.98 per property; of which the Owner was required prove they were also the primary Occupier by submitting rebate application forms.

It was revealed in early April 2007 that Mr Watson had not applied for the Owner/Occupier rebate, even though his settlement papers had stated he was an Owner/Occupier on the 12 May 2006. On the 03 April 2007 Mr. Watson was sent a Final Notice due 17 April 2007 in relation to his outstanding Underground Power fee of \$2,200.98 as he still had not sent Council his application for rebate.

Mr Watson was called on the 24 May 2007 and advised that the rebate application was to be received by Council by 28 May 2007; otherwise the outstanding debt would be forwarded to Council's debt collector Dun & Bradstreet. Instead of proceeding with Legal action, it was decided by Council's staff to leave the debt for the 2007/08 rating period.

On the 12 November 2007 a letter was sent to Mr Watson requesting that he pay the outstanding Underground Power charges in full within fourteen days or his account would be forwarded to Dun & Bradstreet. Council's Rates Department had not received a rebate application from Mr Watson by the time specified and on the 11 December 2007, Mr. Watson's outstanding Underground Power charge was referred to Dun & Bradstreet to Issue a Notice of Intention to Claim. By the 16 January 2008 Mr Watson was issued a Notice of Claim (Summons).

On 31 January 2008 Dun & Bradstreet's agent Michelle Stevens contacted Council's Rates Department, and advised that Mr Watson was under the impression that he had paid his rates in full. It was correct that he had paid his 2007/08 Rates of \$1,599.44 in full, however the Underground Power charge remained outstanding.

Council's Rates staff called Mr Watson to inform him that his Underground Power charge was still outstanding and that all he had to do was send Council proof that he was a Owner/Occupier on the 1 July 2007 and to send across the Owner/Occupier declaration form. Council received all documentation on 3 February 2008 (see attached documentation).

Within Mr Watson's documentation, he also sent a letter addressed to Council's Chief Executive Officer (see attached). Within this letter he states that he submitted all this documentation in 2006. Council has no records against the property file, or memo's of this. All documentation that came through to Council was signed off as approved and processed by the employee at the time.

As Legal proceedings have taken place to the Summons stage, a total of \$257.93 in legal fees has been applied to Mr Watson's Rates account.

Consultation Nil

Statutory Implications

Local Government Act 1995 states (in part):

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

- (1) *Subject to subsection (2) and any other written law, a local government may-*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*
 - (b) *waive or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money, which is owed to the local government.*

** Absolute majority required."*

“6.38. Service charges

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

** Absolute majority required.”*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Should Council determine to grant the Underground Power Owner/Occupier rebate (\$2,200.98) and write off the Legal fees (\$257.93), Council will fore go \$257.93 in income, which is not expected to have a material effect on the budget.

Officer's Comment

This matter is presented to Council due to the length of time it has taken for Mr Watson to send the rebate application forms into Council. Even though he mentioned on his letter addressed to Council's Chief Executive Officer that he had sent the documentation back in 2006, Council has no record of this occurring at any time during 2006.

When making its determination as to whether to grant the Underground Power rebate, Council may consider that no actual 'cut off date' was ever specified on the Horizon power rebate application form.

Additionally, as Council considers writing off the associated Legal costs, Council are advised it has taken the Issuing of a Summons in order for Mr Watson to respond with sending Council the correct Rebate application information.

Attachment

Copy of letter to Council's Chief Executive Officer, dated 3 February 2008.

200708/086 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr G D Bussell

That Council:

- i) **approves the Owner/Occupier rebate for the amount of \$2,200.98, being for the service charge of Underground Power on the account of Trevor John Watson (Assessment A128300 at 107 Anderson Street Port Hedland); and**
- ii) **rejects Mr Watson's request to waive legal fees (totalling \$257.93) accrued.**

CARRIED BY ABSOLUTE MAJORITY 9/0

ATTACHMENT TO AGENDA ITEM 11.4.1.7

Trevor Watson
107 Anderson Street
PORT HEDLAND WA 6721

3rd February 2008

CEO
Town Of Port Hedland
PORT HEDLAND WA 6721


Dear Sir/Madam,

I do not owe you or the Town Of Port Hedland any monies.

I have attached copies of the documentation I submitted in 2006 regarding the Owner/Occupier Connection Rebate to which I am entitled.

As the original documentation was not processed I have been advised to resubmit this documentation.

Yours faithfully,



Trevor Watson

LOT 740 Anderson

RECORD No.	06-14380
OFFICER	M/E/SRO.
R FFR 2008	
FILE No.	128300 G
ACTION DATE	

11.4.2 Governance**11.4.2.1 Glass Reduction Strategies (File No. ...)**

Officer Chris Adams
Chief Executive Officer

Date of Report 22 February 2008

Disclosure of Interest by Officer Nil

Summary

At its January Ordinary Council meeting Council resolved to lay this item on the table lay on the table to enable further discussion on the matter by Councillors.

The matter is now presented to Council with an alternate solution.

Background

At the October Ordinary Council meeting the following resolution was passed:

“That staff prepare a report for Council proposing a strategy or strategies to address the issue of broken glass in South Hedland and specifically addressing mechanisms to place a deposit on single serve glass alcohol containers (stubbies, whether or not they are sold singly or in multiple packs), including voluntary mechanisms (through the Accord process) or mandatory mechanisms (through a local law).”

Broken glass is a significant issue in many local government authorities. A range of strategies are implemented to attempt to address this situation including:

- Community based initiatives;
- Increased municipal service delivery (litter collection and street sweeping); and/or
- Enforcement regimes.

Effective campaigns include elements of all three strategies.

Prior to reviewing/pursuing additional alternatives to address the issue of glass and/or litter, it is prudent to consider some of the strategies that are currently being undertaken. These have been briefly summarised below:

Street Sweeping

Council has a street sweeper operating at least 76 hours per fortnight (usually more). The street sweeper aims to get through all town streets at least fortnightly.

The South CBD streets are swept daily and areas that have been identified as 'hot spots' for glass are swept more regularly. Sweeping is also undertaken at the shopping centres on a contract basis and works are undertaken in specific locations when the public raises complaints. This level of service is far higher than many other local government authorities.

The 'Green Machine Street Sweeper' focuses in Port Hedland CBD. Periodically a broom sweeper is attached to a tractor or bobcat to sweep all paths. A new vacuum style machine is currently on order and is expected to arrive in January. It is expected that this machine will significantly assist in addressing the issue of glass and litter.

Litter Collection

Council has a full-time litter collection crew of three people. This crew focuses its efforts on parks and open spaces (cleaned at least daily) and major thoroughfares. While attempts are made to address other areas, resource constraints mean that efforts tend to focus on main public thoroughfares as opposed to local streets and drainage reserves.

Bin Provision

Additional bins have been installed throughout Port and South Hedland over the past two years. These have been well received.

Community Initiatives

Council supports a range of community initiatives to address litter including the Tidy Towns Committee, the Street Blitz Competition and others. Council has a standing initiative of offering \$2 per bag of rubbish collected for community groups as a fund-raising initiative. This initiative is currently not well advertised or known and rarely used.

Enforcement

The Town Rangers enforce the Litter Act and do give out fines to individuals/companies who are observed littering. Primarily these fines have been for unsecured loads, whereby rubbish is blowing from trailers/utilities onto the road.

Legislative Options to Address this Issue

The Council resolution calls for review of legislative options available to address this issue. Listed below are four alternate approaches that could be considered to address this matter.

Container Deposit System

The concept of a container deposit system similar to that that exists within South Australia has been mooted in Western Australia for several years. Similar systems operate in America (11 states), throughout Canada and within some European countries. Despite lobbying from various areas and a number of reviews, the WA State Government has yet to endorse container deposit legislation. Research from South Australia demonstrates that the system has been successful in improving recycling and street amenity.

It should be noted that packaging industry representatives object to the proposal and prefer additional focus on recycling plants rather than container deposit legislation.

Liquor Accord

The Port Hedland Liquor Accord (the Accord) meets bi-monthly to discuss liquor licensing issues and current trends/issues in alcohol use and abuse within the Town of Port Hedland. The Accord has developed a voluntary accord agreement that all licensees have agreed to abide by. The accord includes statements regarding various items including:

- Responsible Serving of Alcohol training for bar staff
- No drinking competitions
- No free drinks or 'two for one' promotions
- No happy hours
- Food and non-alcoholic beverages to be available.
- No shooters
- Licensees to close within 2 hours of Cyclone Yellow Alert

A further voluntary restriction regarding the limitation of the sale of glass could potentially be included within the voluntary accord if the licensees and other stakeholders supported the concept. It should be noted that the existing restrictions are not mandatory. Voluntary restrictions regarding the sale of glass products would only work with the support of all licensees.

Mandated Liquor Restrictions

The Director of Liquor Licensing is currently undertaking a review of the existing liquor restrictions that are imposed on all licensees within the Town. The existing restrictions are aimed at reducing alcohol related harm – particularly violence, crime and hospitalisation rates. Restrictions on glass aimed at improving street amenity do not directly relate to these aims and are therefore unlikely to be made mandatory without extensive, broad scale community support. Given that the issue has not been raised by others in the current review, it is unlikely that restrictions on the sale of glass will be included in the restrictions that are due to be handed down shortly.

Local Law Review

The Towns Reserves and Foreshores Local Law (adopted in 1999) includes the following provision.

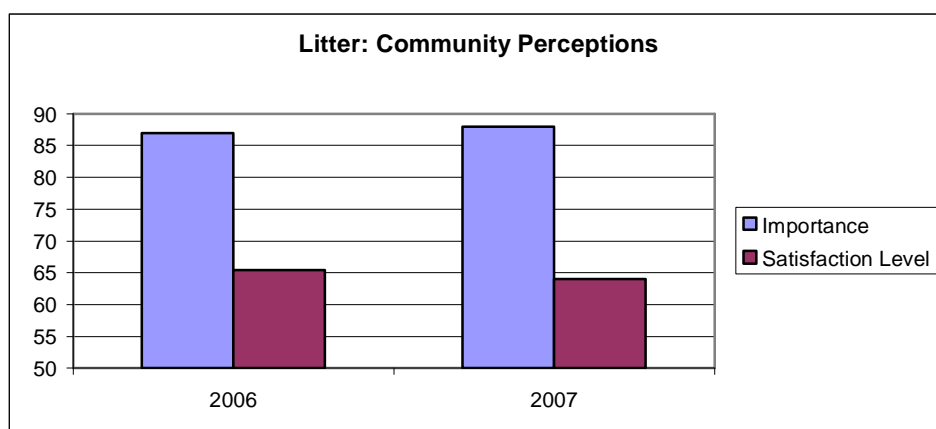
“4(i) On a reserve or a foreshore a person other than an employee of the Council executing his/her normal duties, shall not deposit or leave any rubbish, refuse, offal, paper, bottles, broken glass, china or litter of any kind whatsoever except in a receptacle provided for the purpose. (Modified Penalty = \$100)”

This clause and penalty is rarely invoked as previous experience has demonstrated that is very difficult, time consuming and/or costly to implement. Issues regarding enforcing this law include:

- Rangers do not have the power to compel individuals to provide their name and/or address making issuing a fine difficult. Note: This is not a problem with parking or dogs, as registration exists.
- To record an offence, officers need to have evidence that a specific person placed the rubbish there. While this sounds simple, getting sufficient evidence to legally prove that a specific individual left the rubbish can be problematic.
- Many people who receive litter infringement fines fail to pay them. This leads to a lengthy legal and/or fines collection process that often fails to achieve the desired outcome.

Consultation

For the past two years the issue of litter has been rated as one of the key issues for Council and the community to address. The following graph illustrates the level of importance placed on litter and the level of community satisfaction.



The graph shows that, despite a significant increase in resources into this area, the gap between importance and satisfaction is not reducing.

A range of comments were received from the public re this issue in the recent community survey. These included:

- 56 comments regarding rubbish
- 68 comments regarding crime and anti-social behaviour
- 8 comments specifically about glass

In general the comments can be summarised into the key themes of more Council resources/attention on this issue, greater enforcement by police and/or rangers and identification of specific hotspots where rubbish/glass is prevalent.

Positive comments were also received complimenting Council and/or staff on their attempts to address this issue.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

The following strategies from the Litter Goal area within the Town's Strategic Plan are directly related to this issue:

Strategy - Review and report on legislative alternatives that are available to Council to improve the visual appearances of untidy properties within Town.

Strategy - Work with key stakeholders to develop plans and strategies to significantly improve the appearance and vitality of the South Hedland Town Centre area.

Budget Implications

Council's 2007/08 budget included the following allocations specifically related to litter/glass:

Litter collection crew	\$290,000
Street Sweeping & Footpath Sweeping	<u>\$229,800</u>
TOTAL	\$519,800

In addition, a portion of the Rangers time is spent on this matter along with contributions from Council's community services area towards community activities/events.

The imminent arrival of the new vacuum street sweeper (costing approx \$100,000) is likely to lead to an increase in operation costs as this machine is deployed to attempt to address some of the hotspot areas of litter and rubbish.

Officer's Comment

As mentioned earlier in the report, the issue of glass reduction in public places will require a multi-faceted approach if any impact is going to be made. In the area of enforcement three clear alternatives are available to Council being voluntary restrictions under the Liquor Accord, mandated restrictions under the Liquor Licensing Act or via modifications to the Towns Reserves and Foreshores Local Law.

200708/087 Council Decision/Officer's Recommendation**Moved:** Cr A A Gear**Seconded:** Cr A A Carter**That Council:**

- i) **raises the issue of container deposit legislation at the next Pilbara Regional Council (PRC) meeting seeking consent from Council to develop a concerted, co-ordinated lobbying campaign with other interested groups on the introduction of container deposit legislation within Western Australia;**
- ii) **actively promotes \$5 per bag rubbish collected as a fundraising initiative to local schools and community groups;**
- iii) **undertakes and support a concerted community litter education campaign beginning on Clean Up Australia Day, with other local stakeholders, around identified target litter streams staged throughout the course of 2008;**
- iv) **investigates and implements methods for localised public space/event collection of cans and glass in Port and South Hedland (i.e. can cages and glass bins, differing colours clearly labeled that potentially can be emptied, etc. by school/community groups for fundraising purposes)**
- v) **reviews current litter laws and investigate ways in which they may be broadcast and enforced more effectively;**
- vi) **writes to WA Police detailing measures to address litter issues locally and seek their support during identified campaign periods to enforce littering laws; and**

- vii) raises the issue of potential voluntary restrictions on sale of glass with licensees at the next Port Hedland Liquor Accord meeting with a further report on this matter be presented to Council after these discussions have been held.

CARRIED 9/0

6:59 pm Councillor George J Daccache declared an impartiality interest in Agenda Item 11.4.2.2 'Tropical Cyclone George Relief Fund Application for Cooke Point Recreational Club', as he is a Committee Member of the Cooke Point Recreational Club.

11.4.2.2 Tropical Cyclone George Relief Fund Application for Cooke Point Recreational Club (File No.: 09/02/0005)

Officer Chris Adams
Chief Executive Officer

Date of Report 18 February 2008

Disclosure of Interest by Officer Nil

Summary

The Cooke Point Recreational Club has applied to the Cyclone George Relief Fund (CGRF) to assist in funding the costs of repairing the fencing, concrete wall and car park light pole that were damaged during Tropical Cyclone George.

Background

At the September 26th Ordinary Council Meeting it was decided that Council:

- “...i) endorse the Chief Executive Officer, on behalf Cyclone George Relief Fund Committee, to be granted delegated authority to make binding decisions on the expenditure of external funding obtained for the Cyclone George Relief Fund received after the 31 July 2007; and*
- ii) the Cyclone George Relief Committee is to be disbanded; and*
- iii) create a Reserve Account ‘Cyclone Emergency Support’ for the purpose of emergency relief support only.”*

During January the Town of Port Hedland re-advertised the Cyclone George Relief Fund in North West Telegraph seeking further applications for assistance.

The Cooke Point Recreational Club sought consideration for the reinstatement of fencing (\$24,600), brick wall (\$6,240) and replacement of carpark light pole (\$3,800).

Given the size and nature of claim by the Cooke Point Recreational Club it was considered appropriate to seek Council direction regarding the claim and suitable response to the claim.

Consultation

Chief Executive Officer
Emergency Services Officer

Statutory Implications	Nil
Policy Implications	Nil
Strategic Planning Implications	Nil

Budget Implications

Although Council administers the Cyclone George Relief Fund, funds received and drawn from the Cyclone George Relief Fund do not impact on Council's Budget. Sufficient funds are available within the fund to manage this claim

Officer's Comment

The application from the Cooke Point Recreation Club is not inconsistent with the type of claims already funded, however there are some concerns in that it appears the brick wall and fencing were in very poor condition prior to the cyclonic event and the club have not provided any evidence that the light pole was damaged by a cyclone rather than vehicle impact or other cause.

In these circumstances it would be reasonable for Council to consider one of the following options

- accept and fund the claim as presented;
- accept the claim and fund according to the estimated residual value of the infrastructure at the time it was damaged; or
- reject the claim.

In other instances claims have been funded based on considerations such as the loss that the householder might suffer in light of the applicable insurance policy excess. In this instance the value of the infrastructure itself and the likelihood that it would have been replaced irrespective of the cyclone is a consideration.

Applications to the Cyclone George Relief Fund for repairs to public infrastructure have been reasonably common with funds being granted to the following groups:

Port Hedland Turf Club (\$20,000)
Replace shade cloth, running rail and labour costs associated with refuse removal. Total project costs \$35,296

Port Hedland Golf Club (\$10,000)
Repairs to greens that were washed/blown away during the cyclone. Total project cost was \$12,000 plus labour costs which were provided by the Club.

Port Hedland Yacht Club (\$10,270)
Repairs to carparking and boat ramp. CGRF paid for materials.

Rose Nowers Child Care Centre (\$17,926)
Replacement of damaged shade structure. Funded in full by CGRF.

South Hedland Bowling Club (\$20,000)
Replacement of rainwater tank and concrete footings. Total project cost was \$28,173.

Speedway (\$20,000)
Allocation for repairs to retaining walls, fencing, track and other infrastructure. Total cost unknown, but will be significantly above \$20,000.

Based on a visual examination of the facility, it would seem that Cyclone George did cause damage to the old, somewhat dilapidated fencing. It seems likely that the cyclone also damaged the brick wall and light pole. Given this, it would seem appropriate to provide some assistance to the Cooke Point Recreation Club. The primary issue is "What amount is appropriate to provide?"

Given the poor condition of the infrastructure prior to the Cyclone, and the fact that other clubs that have significant income generation potential that did not receive full funding (like the South Hedland Bowling Club and the Port Hedland Turf Club) it is recommended that partial funding be approved to the Cooke Point Recreation Club.

200708/088 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr A A Gear

That Council approve a grant of \$20,000 to the Cooke Point Recreation Club from the Cyclone George Relief fund to partially fund repairs to fencing (\$24,600), brick wall reinstatement (\$6,240) and replacement of carpark light pole (\$3,800).

CARRIED 8/0

6:59 pm Councillor George J Daccache re-entered the room and assumed his chair. Mayor advised Councillor Daccache of Council's decision.

ATTACHMENT TO AGENDA ITEM 11.4.2.2



Cooke Point Recreation Club Inc.

29th January 2008

9 Keesing Street
Port Hedland 6721

Town of Port Hedland
McGregor Street
Port Hedland

Attention: Andriena Ciric

Re: Cyclone George Relief Funding

Dear Andriena,

The committee of the Cooke Point Recreation Club wish to apply for assistance funding to assist with repairs caused as a result of Severe Tropical Cyclone George.

The club has made a claim to our insurers which have agreed to pay for repairing damaged roof sheeting only.

This has left several items to be repaired and we trust that the relief fund will be able to assist us in making those repairs good.

The Cooke Point Recreation Club is a "Not for Profit" organisation that has been established for over 30 years. The club seeks to provide members and their guests with a comfortable facility that is able to offer a varied field of recreational activities that include Tennis, Lawn Bowls, Darts, Snooker and 8 Ball, along with being able to provide a friendly family based atmosphere where members and their guests can dine in comfort.

The impact of Sever Tropical Cyclone George destroyed our tennis court fencing and nets, bent carpark lighting poles and blew over a concrete block wall. Unfortunately the club's insurers did not cover for these damages.

The photos below demonstrate the damage that was done.



Cooke Point Recreation Club Inc



Damaged sections of the tennis court fencing have been removed for safety reasons



Cooke Point Recreation Club Inc.



The above pole was bent during Cyclone George



Cooke Point Recreation Club Inc.



Further damage to tennis court fencing and fence poles



Cooke Point Recreation Club Inc.



Concrete block wall blown over during Cyclone George



Cooke Point Recreation Club Inc.

As the photos above show, we have a reasonable amount of damage that has yet to be repaired. Listed below are budget amounts that we have obtained from local contracting companies for the rectification of the above.

Tennis Court Fence repair and replacement	\$24,600.00
Car park lighting pole replacement	\$ 3,800.00
Remove and re build concrete wall	\$ 6,240.00

Whilst we appreciate that the above is a lot of money and that the relief fund probably won't be able to pay for all of the works that are required, any assistance that you are able to provide will be greatly appreciated by the committee and members of the Cooke Point Recreation Club.

Thanking you in advance,

Aaron Ludlow
President

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

12.1 Planning Services

7:01 pm Councillor Grant D Bussell declared a financial interest in Agenda Item 12.1.1 'Proposed SCHEME AMENDMENT No. 17 – "Local Road Reserve" and "Other Purposes Infrastructure Reserve" to "Industry"', as he is employed by IBN Corporation. Councillor Grant D Bussell left the room.

12.1.1 Proposed SCHEME AMENDMENT No. 17 – “Local Road Reserve” and “Other Purposes Infrastructure Reserve” to “Industry” (File No.: 18/09/0023)

Officer Richard Bairstow
Manager Planning

Date of Report 24 February 2008

Disclosure of Interest by Officer Nil

Summary

A request for an amendment to Town Planning Scheme No. 5 (TPS5) has been submitted by Whelans, on behalf of Grant Bussell of IBN Corporation, for the rezoning of Lots 6047, 6048 & 6049 Bell Street, Port Hedland (See Attachment No. 1) from “Local Road Reserve” and “Other Purposes – Infrastructure Reserve” to “Industry” Zone.

Background

The applicant for this proposal, Whelans Town Planners, is acting on behalf of IBN Corporation.

The subject Land comprises three lots; Lots 6047, 6048 & 6049 Bell Street, Port Hedland, which are 1.2ha, 8874m² and 6,372m² respectively. Two lots are located on the north side of the Bell Street/ Great Northern Highway intersection and the third is on the southern side.

The land is Unallocated Crown Land.

The IBN Group has an option with State Land Services to lease the land (with a view to eventually purchasing the property). Approval of the lease is contingent upon the land being rezoned for industrial use, any necessary subdivision and development approvals being obtained from the relevant authorities, native title clearance and the approval of Main Roads Western Australia (MRWA) whose primary concern is that the development not be accessed from the Highway.

Consultation

No internal consultation has been undertaken at this stage, however it is considered that any issues can be addressed as part of the advertising process.

Should Council resolve to initiate this proposed Scheme amendment, section 81 of the *Planning and Development Act 2005* requires the amendment documentation be submitted to the EPA for assessment.

Should the EPA determine that the proposed amendment does require formal assessment, the amendment is to be advertised for public comment, with all submissions considered prior to any final adoption of the amendment and submission to the WAPC for assessment.

Statutory Implications

The *Planning and Development Act 2005* allows a local government to amend its town planning scheme.

The *Town Planning Regulations 1967* establishes the process required to amend a town planning scheme.

Policy Implications

Nil.

Strategic Planning Implications

Nil.

Budget Implications

Applicant will be invoiced \$1000 for the initiation of the amendment. These funds will be deposited in account 1006326.

Officer's Comment

The applicant originally proposed to rezone the land to light industry which is consistent with the intentions of the Land Use Master Plan. The decision was taken, however, to recommend to the applicant that a rezoning to industry would be less problematic, and achieve the same results on the ground, with requirements for buffer setbacks and specific earthwork and landscaping requirements to be imposed as part of a development plan requirement for the subject lots and surrounding land.

- The rezoning of the lots to light industry was problematic because:
- Scheme doesn't currently contain such a zone, therefore one would need to be added;
- Following this use classes and use permissibility codes would also need to be added to the zoning table;
- Such a rezoning would create a split zone in the Bell Street area;
- A split zoning is undesirable, and it is unlikely the remaining lots could be rezoned to light industry, as 5 of the other 7 lots are currently developed for transport related uses; and

- Given the above, it is considered appropriate that such a change to the Scheme be dealt with as part of the Scheme 6 review.

Council's Manager Planning believes that, it is appropriate to rezone the lots to industry at this time whilst informing the applicant it is likely, as part of the Scheme 6 review, that the area will be rezoned to light industry. The applicant has indicated that this is an acceptable outcome. The recommendation has included wording to be sent to the applicant reflecting the above.

It is noted, however, that the applicant has indicated the proposed uses are factory units and service station uses. It is recommended that the applicant be advised Council is unlikely to support an application for a Service Station given the need for such a use to front and gain access from the Highway. Also, it is expected that MRWA would hold concerns over any such direct access. Further, any such direct access would reduce the effectiveness of any earthworks and landscaping treatments to the highway, which are required, to screen the industrial activities associated with the lots. The recommendation includes additional advice to the applicant.

The initiation of the proposed amendment is recommended subject to the development of the lots will need to be in accordance with an overall development plan for the lots and surrounding lands. This development plan is to be prepared by the applicant at the applicant's cost and address the following issues:

1. Provision of a suitable buffer strip, including earthworks and landscaping provision, which adequately screens the proposed uses from the Highway route, and contributes positively to the overall landscaping of the general area;
2. Any access arrangements are to be from Bell Street;
3. Any recommendations from Main Roads Western Australia (applicant to make direct contact) are to be reflected in the plan; and
4. Any relevant requirements detailed within Town Planning Scheme No. 5.

200708/089 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr J E Ford**That Council:**

- i) Initiate a Scheme amendment to the Town of Port Hedland Town Planning Scheme No 5 to rezone Lots 6047, 6048 & 6049 Bell Street, Port Hedland, from "Local Road Reserve" and "Other Purposes – Infrastructure Reserve" to "Industry" Zone, as outlined in the application received 4 February 2008.**
- i) Advises the applicant:**
 - a) That the development of the lots will need to be in accordance with an overall development plan for the lots and surrounding lands. This development plan is to be prepared by the applicant at the applicant's cost and address the following issues:**
 - 1) Provision of a suitable buffer strip, including earthworks and landscaping provision, which adequately screens the proposed uses from the Highway route, and contributes positively to the overall landscaping of the general area;**
 - 2) Any access arrangements are to be from Bell Street;**
 - 3) Any recommendations from Main Roads Western Australia (applicant to make direct contact) are to be reflected in the plan; and**
 - 4) Any relevant requirements detailed within Town Planning Scheme No. 5;**
 - b) That the proposed use of a Motor Vehicle and/or Marine Service Station is unlikely to be supported by Council if direct frontage is proposed to Great Northern Highway, or Council and Main Road Western Australia if direct access is proposed to Great Northern Highway; and**
 - c) That in the medium term, the subject lots and those that surround it will be rezoned to "light industry" in accordance with the recommendations of the Land Use Master Plan.**

CARRIED 8/0

7:02 pm Councillor Grant D Bussell re-entered the room and assumed his chair. Mayor advised Councillor Bussell of Council's decision.

12.2 Corporate Services**12.2.1 Request for Fee Waiver of Gratwick Hall – Annual Charity Rotary Ball (File Nso.: BLD/044, 26/01/0004 and ORG-143)**

Officer Matthew Scott
Director Corporate
Services

Date of Report 27 February 2008

Disclosure of Interest by Officer Nil

Summary

Council has received a request from the Rotary Club of Port Hedland to waive fees associated with holding the Annual Rotary Charity Ball 2008, to be held on the evening of Saturday 19 April 2008 in Gratwick Hall. The Club is requesting Council to consider waiving fees to assist the event.

Background

The Rotary Club of Port Hedland has written to the Council requesting the waiver of fees Gratwick Hall, access to the front foyer and the use of the Council's Upstairs Meeting Room (which is generally not available in the evenings) the day prior to, and the day after the event.

The Club is requesting Council to consider the following for the event:

- waiving Gratwick Hall hire fees for the Friday 18 and Saturday 19 April 2008, prior to the event, to enable delivery of equipment, function set up, decorating and sound checks for entertainment, prior to the Ball;
- waiving Gratwick Hall hire fees for the morning of Sunday 20 April 2008 to enable the collection of equipment and once over clean of the floors;
- permission to use the Meeting Room for catering purposes; and
- permission to use the front entrance for guests of the ball.

Mr Brad Anderson, President of the Rotary Club of Port Hedland advises:

“...in the past years we have had no issues with security or damage to the building at all, and have left the building in better condition than when we have arrived.”

This is a charity event held by The Rotary Club of Port Hedland as a non profit organization for the benefit of the community. We organize this event to raise money to put back into our community, this year funds will go back to stocking of the [Hedland Senior] High School Library, and would certainly appreciate the assistance of the Town of Port Hedland in the running of this event.

In return [the] Town of Port Hedland will be acknowledged in the Evening Program and have the TOPH logo included in the power point presentation.”

At its Ordinary Meeting held on 28 February 2007, Council resolved as follows:

“That:

- ...ii) the request by the Rotary Club of Port Hedland for particular fees for the set-up and pack-up of the event be waived, for the Annual Rotary Charity Ball on Saturday 24 March 2007 in Gratwick Hall, be granted; and*
- iii) the Chief Executive Officer, or his nominated officer, prepare a draft policy on waiver of fees for Council’s consideration during the 2007/08 budget process.*
- iv) Council advise in writing to community groups that have previously applied to Council for fees to be waived in the past, including Soroptimist International Port Hedland and the Rotary Club of Port Hedland, that Council will be reviewing the Schedule of Fees and Charges in relation to venue hire for community groups. “*

Council reviewed its Schedule of Fees and Charges as part of the 2007/08 budget process and adopted the following facility hire charges (GST inclusive):

<i>“...Community Facilities</i>	
<i>Discounts – Hire fees – All facilities</i>	
<i>Community Groups</i>	<i>25%</i>
<i>Junior Community Groups</i>	<i>50%</i>
<i>Not for Profit, no Alcohol, and Open to Public no charge</i>	<i>100%</i>
 <i>Bond – All Events/All Facilities (unless stated otherwise)</i>	
<i>...Non Commercial – Alcohol</i>	
<i>\$1,000</i>	
 <i>...Gratwick Hall</i>	
<i>Hourly Rate (Minimum 2 hours)</i>	<i>\$40</i>
<i>Daily rate with air-conditioning</i>	<i>\$315</i>
<i>Nightly rate with air-conditioning</i>	<i>\$380</i>
<i>All Day</i>	<i>\$570</i>

...Upstairs Training Room
 Hourly Rate (Minimum 2 hours) \$20
 Daily (8am – 5pm Weekdays only) \$130”

The Rotary Annual Charity Ball is well attended by the local community and is an opportunity for Rotary to highlight its community-based activities.

Consultation

Not applicable

Statutory Implications Nil

Policy Implications

The Rotary Club of Port Hedland’s Annual Ball is not specifically listed in Council’s Community Recreation Celebrations and Events policy.

Strategic Planning Implications Nil

Budget Implications

If the request is supported. Council will forego revenue of up to \$1,188.75 in hire fees. The bond equates to a further \$1,000. Should there be no damage to Council facilities or follow-up clean up required, the bond amount would be fully refundable.

As The Rotary Club of Port Hedland’s Annual Ball is not an alcohol free event, and there is an entry/ticket charge for patrons to attend, the Club is seeking exemption of the following hire fees:

Gratwick Hall	
Friday 18 April (all day)	\$570 less 25%
Saturday 19 April (all day)	\$570 less 25%
Sunday 20 April (daily rate)	\$315 less 25%
Upstairs Training Room	
Daily (8am – 5pm Weekdays only)	\$130*less \$25%
<i>NOTE: Due to the video equipment set up in the Upstairs Meeting Room, it is normally only available for hire during office hours.</i>	
Bond – Non Commercial – Alcohol	\$1,000

Officer's Comment

It is noted to Council that standard fee hires are charged to all organisations in an endeavour to recoup the marginal costs of maintenance of the hire venue. In order for and fee structure of the Town of Port Hedland to be maintained and respected, a consistent approach is taken towards all groups who wish to hire Council facilities.

Although Council does not have a policy on waiving of hire fees for community events, it did review its schedule of fees and charges as part of the 2007/08 budget process and set discounts for the following groups/events:

- Community Groups – 25% discount;
- Junior Community Groups – 50% discount; and
- Not for Profit, no Alcohol, and Open to Public no charge – 100% discount.

Waiving these fees may set a precedent for other community groups and not for profit organisations to seek exemption of hire fees, and therefore will materially reduce the amount of income the Council will be able to generate from the hire of maintenance expensive fixed assets such as community halls and gardens.

It is deemed the Club will be able to absorb costs related to venue hire of \$1,188.75 (plus \$1,000 refundable bond), as they are not overly onerous.

Council has two (2) options:

1. Waive the hire fees as requested resulting in a reduction of income to Council of \$1,188.75.
2. Not waive the hire fees as requested by The Rotary Club of Port Hedland.

Attachments

- Letter of request from The Rotary Club Port Hedland.

Officer's Recommendation

That Council:

- i) permits The Rotary Club of Port Hedland to utilise the Upstairs Meeting Room and the Civic Centre's front entrance on the evening of the Annual Rotary Charity Ball being held on Saturday 19 April 2008; and
- ii) advises the Club that its request of Council to waive its Schedule of Fees and Charges totalling \$1,188.75 as follows:

Gratwick Hall Hire Fees	
Friday 18 April (all day)	\$427.50
Saturday 19 April (all day)	\$427.50
Sunday 20 April (daily rate)	\$236.25; and
Upstairs Training Room Hire Fees	\$97.50

be declined.

OR

That Council:

- i) permits The Rotary Club of Port Hedland to utilise the Upstairs Meeting Room and the Civic Centre's front entrance on the evening of the Annual Rotary Charity Ball being held on Saturday 19 April 2008; and
- ii) advises the Club that its request of Council to waive its Schedule of Fees and Charges totalling \$1,188.75 as follows:

Gratwick Hall Hire Fees	
Friday 18 April (all day)	\$427.50
Saturday 19 April (all day)	\$427.50
Sunday 20 April (daily rate)	\$236.25; and
Upstairs Training Room Hire Fees	\$97.50

be approved.

200708/090 Council Decision/Officer's Recommendation

Moved: Cr K A Howlett

Seconded: Cr G J Daccache

That Council:

- i) **permits The Rotary Club of Port Hedland to utilise the Upstairs Meeting Room and the Civic Centre's front entrance on the evening of the Annual Rotary Charity Ball being held on Saturday 19 April 2008; and**
- ii) **advises the Club that its request of Council to waive its Schedule of Fees and Charges totalling \$1,188.75 as follows:**

Gratwick Hall Hire Fees	
Friday 18 April (all day)	\$427.50
Saturday 19 April (all day)	\$427.50
Sunday 20 April (daily rate)	\$236.25; and
Upstairs Training Room Hire Fees	\$97.50

be approved.

CARRIED BY ABSOLUTE MAJORITY 7/2

ATTACHMENT TO AGENDA ITEM 12.2.1

To Terry Sargent
Manager Administration
Town of Port Hedland

Dear Terry,

The Rotary Club of Port Hedland would like to make application to the Town of Port Hedland for the waiving of certain fees associated with the hire of the Gratwick Hall on Friday 18th and Saturday 19th of April 2008 for the Annual Rotary Charity Ball and for the use of the training room and front entrance for the building for the duration of the event. The fees we request to have waived refer to the use of the room the day prior and after the event

Gratwick Hall Fees

We have currently booked the Hall from 6.00pm to 1.00am as we have in previous years

As I am sure you would agree setting up for a function catering for 160 people including decorating hall and sound checks for entertainment all takes time. With the event happening on Saturday it is often difficult to get deliveries on the day and they often require delivery the day prior. Along with this the ability to set up the room the day before allows for any unforeseen circumstances to be addressed.

The use of the Hall on the Sunday in the past has usually been until 10.00am. Generally the Sunday is to collect equipment and do a once over clean of the floors.

Front Foyer Access

As with previous years we wish to have guests arrive through the front entrance having been greeted by the Naval and Army Cadets on the red carpet. As they enter the foyer they will see the Royal Flying Doctor Service and Rotary Paraphernalia

Training Room

We have used the video room in past years for the buffet as the foyer is too small to allow setup of food service and the display of the silent auction items. It has come to our attention that this room will not be made available after 5.00pm. **We would request that this room be made available for use on the evening.**

Summary

To recap, The Rotary Club of Port Hedland would request that the Town of Port Hedland assist us in the following ways as they have in the past.

- Waive the Gratwick Hall fees for the Friday and Saturday Prior to the event.
- Waive the Gratwick Hall fees for the Sunday morning.

- Allow use of the Video Room for catering purposes
- Allow use of front entrance (provided security in place)

Terry, in past years we have had no issues with security or damage to the building at all, and have left the building in better condition than when we have arrived.

This is a charity event held by The Rotary Club of Port Hedland as a non profit organization for the benefit of the community. We organize this event to raise money to put back into our community, this year funds will go back to the stocking of the High School Library, and would certainly appreciate the assistance of the Town of Port Hedland in the running of this event.

In return Town of Port Hedland will be acknowledged in the Evening Program and have the TOPH logo included in the Power point presentation.

In closing I would like to thank the Town of Port Hedland for their consideration of this matter.

Yours sincerely
Brad Anderson
President
Rotary Club of Port Hedland

200708/091 Council Decision/Officer's Recommendation

Moved: Cr G D Bussell

Seconded: Cr A A Gear

That the meeting be ajourned for a period of five (5) minutes to enable elected members to read Late Agenda Item.

CARRIED 9/0

7:20 pm Mayor adjourned the meeting.

200708/092 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J E Ford

That the meeting be resumed.

CARRIED 9/0

7:26 pm Mayor advised the meeting be resumed.

7:26 pm Councillor Jan E Ford declared a financial interest in Agenda Item 12.2.2 'Request to Waiver Part Bin Charge for Address 2/9 Masters Way South Hedland (Assessment No. A152352G)' as her Real Estate Agency is the acting agent for the proponent. Councillor Ford left the room.

12.2.2 **Request to Waiver Part Bin Charge for Address 2/9 Masters Way South Hedland (Assessment No. A152352G)**

Officer Brie Holland
Senior Rates Officer

Date of Report 7 February 2008

Disclosure of Interest by Officer Nil

Summary

For Council to consider the request to reduce the bin charge payable on Assessment A152352, 2/9 Masters Way, SOUTH HEDLAND, by Mr. Greg Bone.

Background

In 2007, Mr. Bone requested Council to replace his bin, as it had been stolen, through his Managing Agent Jan Ford Real Estate.

On the 18th of October 2007 Mr. Bone was invoiced \$200.00 for replacement bin as per Policy 13/010. Mr. Bone has subsequently refuted the charge, as the Bin Request form used by Jan Ford Real estate was out of date and stated the Bin Replacement fee at only \$143.00.

Consultation Nil

Statutory Implications

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

- (1) Subject to subsection (2) and any other written law, a local government may -*
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*
 - (b) waive or grant concessions in relation to any amount of money; or*
 - (c) write off any amount of money, which is owed to the local government.*
- * Absolute majority required.*

Policy Implications

Policy 13/010 'Application for Bin Replacement Charges' states:

“That where a bin is requested to be replaced by a person with authority to make that request, as a result of being stolen, burnt or otherwise damaged from nuisance, the replacement fee is charged.

That where a bin is requested to be replaced by a person with authority to make that request, as a result of damage attributable to the collection truck or normal wear and tear, the replacement fee is not charged.

That where an assessment is required to be made to determine whether a charge should be rendered, that assessment be conducted by a person duly authorised for the purposes of the Health Local Laws 1999."

Policy 2/004 Rating (in part) states:

"Concessions

All rate concessions will be considered by Council during the budget process. Rate concessions will not be proposed to Council outside of the budget process, unless due to extraordinary circumstances and authorised by the Chief Executive Officer."

Strategic Planning Implications Nil

Budget Implications

Council's services and charges are raised to provide sufficient services to the Town of Port Hedland. Should total services and charges income be reduced Council's total expenditure would exceed total income, requiring Council to reduce services to maintain a balanced budget.

Officer's Comment

Council's Fees and Charges are public information, and therefore verification of the appropriate fee from outside organisations is easy to access.

Council has effectively two choices, being:

- Decline Mr. Bone's request
- Partially reduced/write off the current services charge (\$57)

Reducing Mr Bone's bin service charge would not have an individual material effect on the Council Budget. However it would set a potential unaffordable precedent, which other ratepayers could use to justify future claims to reduce rates and service charges by the Council. Should significant claims be received based on situations similar to Mr. Bone, Council would need to seriously consider reducing services to all ratepayers and residents to maintain a balanced budget.

Attachments Nil

Officer's Recommendation

Decline Mr. Bone's request to reduce his replacement bin charge from \$200.00 to \$143.00 on assessment A152352 2/9 Masters Way South Hedland.

200708/... Council Decision**Moved:** Cr A A Carter**Seconded:** Cr A A Gear

That Mr Bone's request to reduce his replacement bin charge from \$200 to \$143 on assessment A152352 for 2/9 Masters Way South Hedland be rejected.

LOST 3/5

200708/093 Council Decision**Moved:** Cr G J Daccache**Seconded:** Cr G D Bussell**That:**

- i) **Mr Bone's request to reduce his bin replacement charge from \$200 to \$143 on assessment A152352 for 2/9 Masters Way South Hedland be approved;**
- ii) **a report be presented to Council to review its Policy 13/010 Application for Bin Replacement Charges'; and**
- iii) **formally advise local Real Estate Agencies to be advised of current bin replacement charges.**

CARRIED 5/3

REASON: Council indicated a desire to review its policy on bin replacement and ensure that local real estate agents had correct information.

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

ITEM 14 CONFIDENTIAL ITEMS

Nil.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE**200708/094 Council Decision**

Moved: Cr A A Carter

Seconded: Cr G D Bussell

That the following Applications for Leave of Absence:

- . **Councillor Grant D Bussell – from 28 February to 11 March 2008, inclusive;**
- . **Councillor Jan E Ford – from 8 to 15 March 2008, inclusive;**
- . **Councillor Jan M Gillingham – from 8 to 17 March 2008, inclusive; and**
- . **Councillor Kelly A Howlett – from 12 to 17 March 2008, inclusive**

be approved.

CARRIED 9/0

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

The next Ordinary Meeting of Council will be held on Wednesday 26 March 2008, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 7:40 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 26 March 2008.

CONFIRMATION:

MAYOR

DATE