

Budget Implications

There are no anticipated budget implications as the deletion of items should balance the costs associated with additional tree and shrub planting.

Officer's Comment

To further enhance the buffer zone and reduce inappropriate use of the area BHPB have proposed to vary the scope by:

- Planting additional trees and shrubs within the existing defined areas
- Deleting pathways
- Deleting park furniture
- Deleting rock swales and drainage modifications (no longer required if pathways are deleted)

The park furniture has already been delivered to the Depot, however these can be allocated to another Council project. The installation of pathways and drainage modifications have not been awarded to a contractor as the intention was to complete the works in-house, therefore there are no contractual implications if the works are deleted. The costs associated with the three deleted components will be adequate to accommodate tree and shrub purchases, reticulation modification and installation costs.

The deletion of pathways, furniture and rock swales will reduce ongoing maintenance costs to Council, however the inclusion of additional planting will not increase costs significantly as they will be located within the existing defined area.

Site works have commenced for the reticulation and shrub planting within the existing scope. Varying the scope will not cause any delays to the project and it is anticipated that the project will be completed mid July 2009.

BHPB will be providing additional landscaping to the southern section of the reserve (adjacent to Wilson street) in the future.

Attachments

1. West End Greening stage 2 – original stage 2 scope
2. West End Greening stage 2 – proposed layout

200809/382 Council Decision/Officer's Recommendation

Moved: Cr K A Howlett

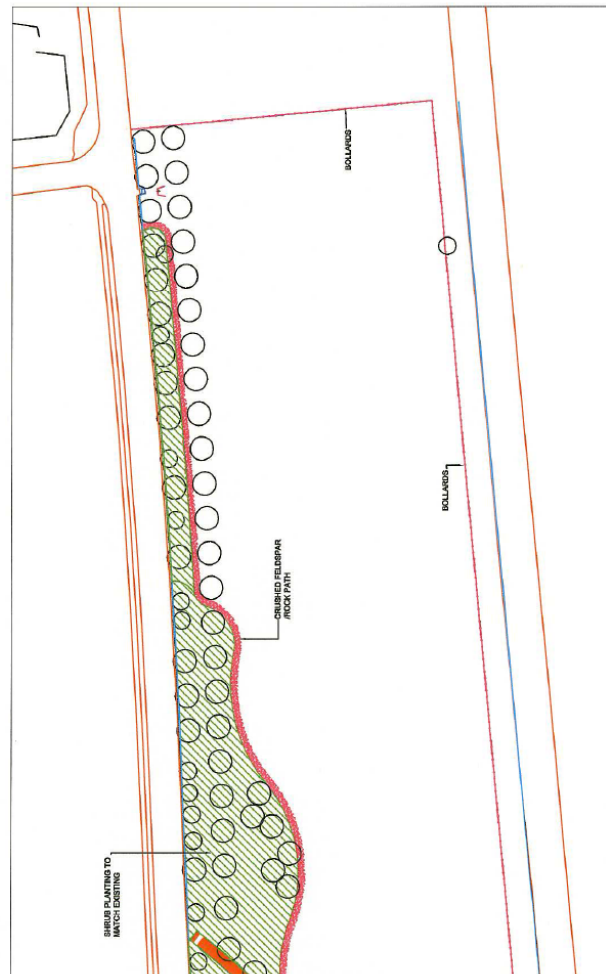
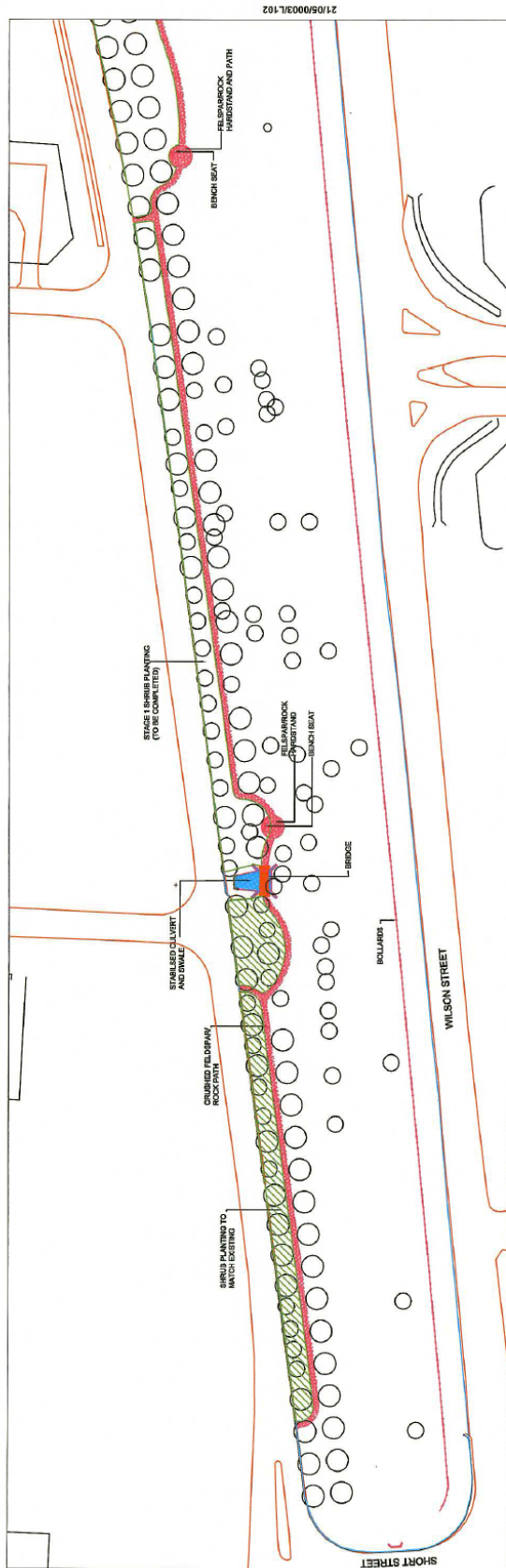
Seconded: Cr J M Gillingham

That Council approves the following scope variation to the West End Greening (stage 2) Project:

- a) planting additional trees and shrubs within the existing defined areas;
- b) deletion of pathways;
- c) deletion of park furniture; and
- d) deletion of rock swales and drainage modifications.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.3.2.1



SE	SW	NE	EW

Town of Port Hedland
 100 Beach Road, Port Hedland, WA, 6721
 PO Box 4, Port Hedland, WA, 6721
 Phone: (81) 9148 8800
 Fax: (81) 9108 8809
 Email: info@porthedland.wa.gov.au

Species	Qty	Size	Chk
AGAVE	8	15cm	500
EMERGENT	1	15cm	500
EMERGENT	1	15cm	500
EMERGENT	1	15cm	500
EMERGENT	1	15cm	500

West End Greening Project - Stage 2
 Lot 6043 Anderson street, Port Hedland
 Surface Treatment and Planting
 Date: November 2008
 Scale: 1:100 (Plan)
 Drawing: 1105/0003/L1
 Drawn: J. V. 0



NO.	DATE	BY	ISSUE

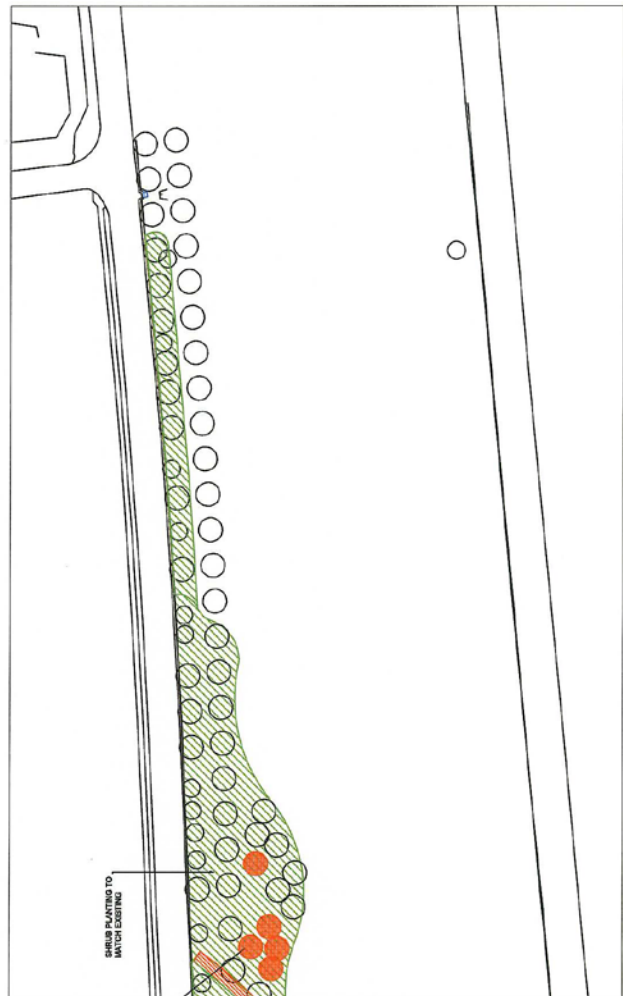
Town of Port Hedland
 100 Beach Road, Port Hedland, WA, 6721
 PO Box 41, Port Hedland, WA, 6721
 Phone: (08) 9158 8300
 Fax: (08) 9158 8309
 Email: info@porthedland.wa.gov.au

West End Greening Project - Stage 2
 Lot 6045 Anderson Street, Port Hedland

Surface Treatment and Planting
 Drawing No: 10200001103
 Scale: 1:500 @ A4
 Date: 15/06/09
 Designer: J. Traversa

Revised: **0**

ATTACHMENT 2 TO AGENDA ITEM 11.3.2.1



Project No.	2105/0003A.102
Project Name	West End Greening Project - Stage 2
Client	Town of Port Hedland
Project Location	Let 6049 Anderson Street, Port Hedland


McGee Road, Port Hedland, WA, 8721
 PO Box 47, Port Hedland, WA, 8721
 Tel: (08) 9328 2000
 Fax: (08) 9328 3039
www.porthedland.wa.gov.au

West End Greening Project - Stage 2
Let 6049 Anderson Street, Port Hedland

Surface Treatment and Planting
 Date: 26/06/09
 Drawn: J. Anderson
 Checked: J. Anderson
 Scale: 1:1000

Species	Qty	Size	Qty
Shrub	6150	150m	600
Shrub	6500	150m	600
Shrub	4550	170m	600
Shrub	15700	150m	600



DATE	1/27/2009	SCALE	AS SHOWN
DRAWN BY	DP	CHECKED BY	DP
 Town of Port Hedland 106 Seaside, Seaside, WA, 8721 PO Box 4, Port Hedland, WA, 8721 Phone: (08) 9193 8300 Fax: (08) 9198 0900 Email: enquiries@porthedland.wa.gov.au			
West End Greening Project - Stage 2			
Surface Treatment and Planting Lot 6043 Anderson Street, Port Hedland			
Date:	1/27/2009	Drawing No.:	15C/2009/172
Scale:	AS SHOWN	Sheet No.:	1
Drawn: J. VENTURA Check: J. VENTURA			

11.3.2.2 *Turtle Interpretive Loop (File No.: 08/02/0009)*

Officer Jenella Voitkevich
Manager Infrastructure
Development

Date of Report 15 June 2009

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to provide clarification on the structural design of the Turtle Interpretive Loop and to seek Council approval to progress with designs and tender process.

Background

The Turtle Interpretive Loop is a \$1 million project that has been funded by the State Government and administered by the Pilbara Development Commission (PDC).

At the Ordinary Council Meeting held on 25 February 2009 a revised scope for the Turtle Interpretive Loop project was presented to Council. Council resolved:

“That Council:

- i) endorses the construction of the proposed new Turtle Interpretive facility of which the revised scope for the Turtle Interpretive Loop, which includes:*
 - create a Turtle Interpretive Loop connecting Cemetery Beach Park with the Crawford Street beach access and the Civic Centre Gardens;*
 - install four interpretive nodes at different intervals with the major node at Cemetery Beach Park being an interpretive facility marking the start of the loop;*
 - major node will provide a defined access point to the beach and meeting area for turtle volunteers;*
 - interpretive signage about the flatback turtle and dune flora and fauna along the Sutherland Street section and a turtle logo to identify the loop; and*
- ii) notes that once complete, the Town of Port Hedland will assume responsibility for maintaining and upkeep of the facility.”*

Work has commenced to finalise the designs and specifications for the project to enable the tender process to begin, however Council has raised concerns regarding the structural integrity and durability of the major node at Cemetery Beach.

Consultation

- Council Engineering and Building Services staff
- Epcad Pty Ltd (engaged for design work)

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Key Result Area 4 – Economic Development

Goal 1 – Tourism: That the Town's profile as a tourism destination is lifted and visitor nights in the town have significantly increased.

Strategy 5: Implement both the Turtle Boardwalk project and the Stairway to the Moon project and work with stakeholders to identify other tourism product development initiatives.

Budget Implications

Further to the Officer's comments below, the inclusion of stainless steel fixings and minor design modifications to comply with engineering requirements will result in minor adjustments to the cost of the major node component. This should not affect the overall project budget, however revised estimates will be prepared once the design is finalized, pending the outcome of this report.

Officer's Comment

Epcad Pty Ltd has been engaged to undertake the design documentation, including tender specification for the project. The designs are currently in the final draft format, pending structural engineering certification.

The major component of the project is the construction of an interpretive node/pavilion structure at Cemetery Beach Park. Concerns have been raised regarding the structural integrity and durability of this node and consideration of the use of a masonry structure in lieu of framing has been undertaken. This was discussed at a meeting with Epcad Pty Ltd and Council's Engineering and Building Services staff with the following comments offered:

- It would be inappropriate to use limestone block work or other types of masonry so close to the beach where storm surge may be an issue. This would create problems such as undermining of footings, as observed along the footpath link to the lookout deck at Cemetery Beach.
- Masonry structures may also experience high levels of deterioration caused by the exposure to high wind and salt conditions.
- A framed design creates a visually light and permeable structure that will withstand periodic inundation.

- The platform of the major node was originally designed using aluminium rather than steel for two reasons. Firstly to reduce the impact of corrosion in the coastal environment and secondly to reduce any potential orientation problems for nesting turtles that may be caused by the magnetic properties of steel.
- All fixings can be specified as stainless steel to further reduce any corrosion concerns to joints, as recommended by the Epcad's structural engineers.
- The pavilion design has also been specified with aluminium where structurally appropriate and where materials are available (such as roof material).
- Aluminium components will require almost no maintenance at all in the first 5 years and very little in the following 5-10 years. Regular high pressure cleaning of the structure will ensure a maximum lifespan, as is required of the playground equipment located nearby.
- Any corrosion or structural concerns will be easily identified in the aluminium structure due to the permeable nature of the design. It may be more difficult to detect problems with a masonry structure.

After consideration of the above comments it is recommended that the current design of aluminium framing, with a few modifications such as stainless steel fixings, poses less risk to the durability and integrity of the structure than masonry.

Attachments

Attachment 1 – Turtle Interpretive Loop Masterplan 1 of 4

Attachment 2 – Detailed drawings 4 of 4 (specific to major node)

200809/383 Council Decision/Officer's Recommendation

Moved: Cr K A Howlett

Seconded: Cr J E Ford

That Council:

- i) approves the Turtle Interpretive Loop 'Major Node/Pavilion' to be constructed using a framed design including aluminium and stainless steel components; and
- ii) approves the Turtle Interpretive Loop project to proceed to the Tender stage.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.3.2.2

Crawford Street Node links beach access, and carpark with the Turtle Interpretive Loop. Signage will explain the route and purpose of the Loop.

Lookout Node along path has potential for informative signage. Access to Koombana Lookout to provide an aerial viewpoint of Cemetery Beach.

Final location of Lookout Node to tie-in with access from All Seasons Hotel. Node area along footpath to include seating and interpretive panels.

Existing footpath routes along Fort Hedland foreshore.

Major Interpretation Node on foredune to include signage, shelter, seating and shoreline access. Final location to be agreed onsite.

Cemetery Beach Node with interpretive signage to encourage participation and learning. Boardwalk from Cemetery Beach Node to Major Interpretation Node to meet universal access standards.

Signage will include graphics and factual information about the importance of the foreshore to turtles. It will also include information on turtle anatomy, predators and breeding procedures. This will be produced in partnership with the local community to ensure accuracy and integrity.

Signage will include the following information:
 - Location of the foreshore
 - Importance of the foreshore to turtles
 - Information on turtle anatomy, predators and breeding procedures
 - Information on turtle conservation
 - Information on turtle sightings

Signage will include the following information:
 - Location of the foreshore
 - Importance of the foreshore to turtles
 - Information on turtle anatomy, predators and breeding procedures
 - Information on turtle conservation
 - Information on turtle sightings

Signage will include the following information:
 - Location of the foreshore
 - Importance of the foreshore to turtles
 - Information on turtle anatomy, predators and breeding procedures
 - Information on turtle conservation
 - Information on turtle sightings

Signage will include the following information:
 - Location of the foreshore
 - Importance of the foreshore to turtles
 - Information on turtle anatomy, predators and breeding procedures
 - Information on turtle conservation
 - Information on turtle sightings

Signage will include the following information:
 - Location of the foreshore
 - Importance of the foreshore to turtles
 - Information on turtle anatomy, predators and breeding procedures
 - Information on turtle conservation
 - Information on turtle sightings

Signage will include the following information:
 - Location of the foreshore
 - Importance of the foreshore to turtles
 - Information on turtle anatomy, predators and breeding procedures
 - Information on turtle conservation
 - Information on turtle sightings

Signage will include the following information:
 - Location of the foreshore
 - Importance of the foreshore to turtles
 - Information on turtle anatomy, predators and breeding procedures
 - Information on turtle conservation
 - Information on turtle sightings

Signage will include the following information:
 - Location of the foreshore
 - Importance of the foreshore to turtles
 - Information on turtle anatomy, predators and breeding procedures
 - Information on turtle conservation
 - Information on turtle sightings

Signage will include the following information:
 - Location of the foreshore
 - Importance of the foreshore to turtles
 - Information on turtle anatomy, predators and breeding procedures
 - Information on turtle conservation
 - Information on turtle sightings

Signage will include the following information:
 - Location of the foreshore
 - Importance of the foreshore to turtles
 - Information on turtle anatomy, predators and breeding procedures
 - Information on turtle conservation
 - Information on turtle sightings

Signage will include the following information:
 - Location of the foreshore
 - Importance of the foreshore to turtles
 - Information on turtle anatomy, predators and breeding procedures
 - Information on turtle conservation
 - Information on turtle sightings

Signage will include the following information:
 - Location of the foreshore
 - Importance of the foreshore to turtles
 - Information on turtle anatomy, predators and breeding procedures
 - Information on turtle conservation
 - Information on turtle sightings

Job No. B0709
 Page 1 of 4
 February 2009

TURTLE INTERPRETIVE LOOP



ATTACHMENT 2 TO AGENDA ITEM 11.3.2.2

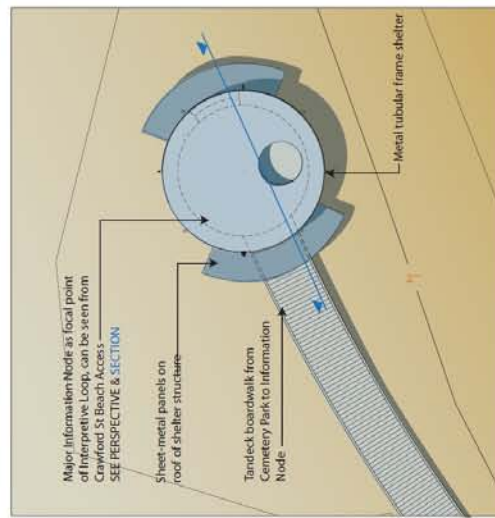


Perspective: Eye-Level View from Shoreline

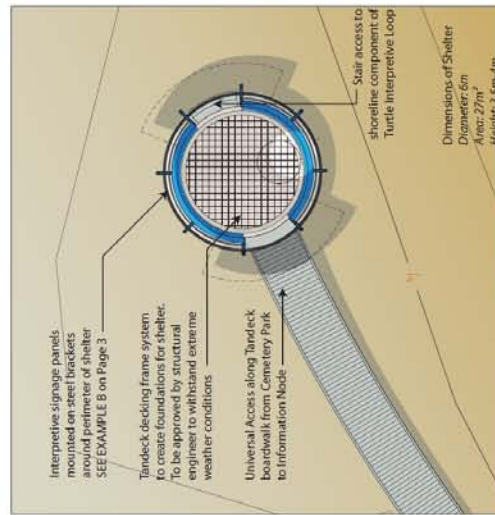


Section: Major Interpretive Node

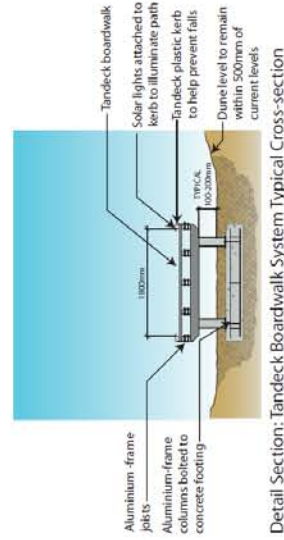
- LEGEND**
- 1... Tubular metal frame to provide louvre-style shade
 - 2... Laser-cut signage
 - 3... Tandek steps on metal frame
 - 4... Metal frame supports
 - 5... Sheet metal roofing on metal frame with airtight opening
 - 6... Angled interpretive signage mounted on metal brackets
 - 7... Lower interpretive signage angled upwards to allow easy reading and uninterrupted views between the two sign panels
 - 8... Tubular balustrade underneath signage to protect children
 - 8... Tandek boardwalk on metal frame system



Detail Plan A: Node Roof Plan



Detail Plan B: Major Information Node Floor Plan



Detail Section: Tandek Boardwalk System Typical Cross-section



Job No. B0709
Page 4 of 4
February 2009

TURTLE INTERPRETIVE LOOP



11.3.2.3 Stairway to the Moon Viewing Platform (File No.: 21/05/0010)

Officer Lynne Nanini
Project Development Officer

Date of Report 16 June 2009

Disclosure of Interest by Officer Nil

Summary

This report is to provide Council with a progress update in relation to the Stairway to the Moon Viewing Platform.

Background

A viewing platform will be constructed in the dune foreshore adjacent to the intersection of Goode Street and Taylor Street, Port Hedland.

The platform will accommodate approximately 120 people for the viewing of the Stairway to the Moon phenomenon that occurs in this location when the tide and moon create a visual effect of a stairway along the beach to the moon.

The platform will improve viewing opportunities and protect the dune vegetation on the foreshore.

The main goal of the project is to provide a facility to enable residents and visitors to watch the "Stairway to the Moon" phenomenon whilst ensuring that the future environmental impacts caused by tourism upon the dune environment are minimised. It will also encourage a sense of community, increase capacity building and improve people's perceptions about Port Hedland as a place to live and visit.

The idea of Stairway to the Moon Viewing Platform was originally conceived by Rotary (Port Hedland) approximately 6 years ago and was then handed to the Port Hedland Visitors Centre for further development.

The initial conceptual planning for the Stairway to the Moon Viewing Platform was undertaken by the Port Hedland Visitors Centre (PHVC) in response to the number of people that view the natural phenomenon each year.

The Project was officially handed over to the Town of Port Hedland at the end of March 2008.

Project Progress and Timeframes to Date

- Revised design drawings and specifications completed by Epcad Pty Ltd (8th September 2008).
- A native vegetation clearing permit that was submitted to the Department of Environment and Conservation approved. (16th October 2008).
- Royalties for Regions Funding applied for. Requested \$202,045 for funding of developmental and implementation stages (including construction of car park, footpaths) (25th March 2009). The funding amount is the estimated budget deficit for this project.
- Coastwest Grant applied for. Requested \$150,000 for Heritage Survey, platform construction, dune rehabilitation, publicity and interpretive signage (1st April 2009). This is the maximum grant available and would only be required if the Royalties for Regions funding is not available.
- Heritage Survey undertaken by Marrapikurinya/Anthropos Australis. (15th May 2009).
- EPCAD reviewed estimated cost calculations of construction of Stairway to the Moon Viewing Platform as submitted in September 2008. Prices have remained the same. (5th June 2009).
- Draft Heritage Survey Report received by the ToPH. No archaeological or ethnographic sites found within the survey area, pursuant to the Aboriginal Heritage Act. Have further been advised that sub-surface skeletal and other cultural material could be found throughout the survey area during construction and appropriate Stop Work Procedures should be developed and implemented by the ToPH during the implementation stage. (8th June 2009). Monitors will be required on site during construction.
- Advised by the Town's Planning Department that planning approval will need to be applied for and obtained. The platform would be regarded as 'public recreation' and car spaces would need to be provided at the time of construction. (12th June 2009).

Consultation

- Council staff
- Department of Indigenous Affairs
- Marapikurinya Pty Ltd
- Anthropos Australis
- EPCAD Pty Ltd

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

KRA 2 – Community Pride

Goal 2 – Events

Strategy 3 – Develop a well known, all inclusive calendar of community events

Strategy 4 – Explore and actively seek to attract ‘draw card’ events to the Town of Port Hedland

Goal 3 – Townscape

Strategy 1 – In conjunction with industry, business and the community, develop improved verge and streetscape treatments throughout the Town.

KRA 4 – Economic Development

Goal 1 – Tourism

Strategy 5 – Implement both the Turtle Boardwalk project and the Stairway to the Moon project and work with stakeholders to identify other tourism product development initiatives

Budget Implications

A total of \$272,955 has been allocated towards this project (held in account 1111435). \$53,238 has been spent, including commitments, to date. This leaves \$219,717 remaining. It is estimated that the full project budget will be \$475,000 which includes items such as parking, dune rehabilitation and interpretive signage that was omitted from the original design. Funding will be sought for the outstanding budget and will be considered in the 2009/10 budget process.

Officer’s Comment

With Environmental and Heritage clearances now received, the Infrastructure Development Department will work closely with the Planning Department to ensure that the appropriate planning approvals are met, particularly in relation to the adequate provision of car parking. The Planning Department have advised that car parking must be adequate for 1 car park per 4 visitors to the platform. This will require 31 car park spaces in the vicinity of the platform. Bus spaces and disabled car parking must also be provided. Additionally, the car parking must be provided simultaneously as the construction of the viewing platform.

Designs and specifications will still need to be reviewed by Council engineering, planning and building officers prior to scoping the construction Tender documents.

Currently, the Infrastructure Development Department is awaiting the outcome of 2 funding applications that were submitted in March/April 2009. Both of these funding applications are due to be announced late June/ early July and if successful would allow the project to be completed.

A funding shortfall is currently stalling the project as there is not enough funding to construct the platform, let alone construct the car park, allow for dune rehabilitation and installation of interpretive signage. Until funding becomes available, the Infrastructure Development Department will continue to develop the project to a point where it is ready to proceed with the Tender process for the construction of the platform. The footpath and the car parking facilities will be constructed by the Town of Port Hedland.

Should funding become available, it is anticipated that the project will be completed by December 2009.

Attachments

Nil

200809/384 Council Decision Officer's Recommendation

Moved: Cr K A Howlett

Seconded: Cr G D Bussell

That Council acknowledges the progress of the Stairway to the Moon Viewing Platform project, and includes the erection of a sign advising 'Stage 2 – Car park coming'.

CARRIED 7/0

11.3.2.4 Tender 09/02: Design and Construction of a Recycling Shed at the South Hedland Landfill (File No.: 31/10/0008)

Officer Lynne Nanini
Project Development Officer

Date of Report 16 June 2009

Disclosure of Interest by Officer Nil

Summary

This report is to provide Council with further information in relation to the recently advertised Tender 09/02: Design and Construction of a Recycling Shed at the South Hedland Landfill.

Background

Tenders were called for the Design and Construction of a Recycling Shed at the South Hedland Landfill in December 2008. At the January 2009 Council meeting it was decided to reject all tenders received and re-advertise the Tender in accordance with the resolution made.

The re-advertising of the Design and Construction of the Re-cycling Shed at the South Hedland Landfill was undertaken during April both in the North West Telegraph and The West Australian.

The scope of works as prescribed within the tender documentation included, but was not limited to:

- Concept and final design, indicating dimensions (length, width, height and opening clearances), elevations, material selection and location on site.
- The preparation of construction drawings to enable Building Licence approval, including structural engineering certification;
- Provision of documentation for Council building and planning approvals;
- Fabrication and onsite construction of a recycling shed at the South Hedland Landfill, as per Building Licence conditions; and
- The provision of a builder's warranty on the constructed recycling shed at the South Hedland Landfill.

It was also noted that the size of the recycling shed was to be determined by the contract budget of \$190,000 (excluding GST) and tenderers were requested to adhere to this budget in their submission.

Although tender documentation was distributed to eleven (11) contractors, submissions were only received from three (3) tenderers;

- Kingsmill Enterprises Pty Ltd;
- Western Australian Building Group; and
- AngWA

After assessment, it was recommended to Council to award the Tender to the Western Australian Building Group to undertake the design and construction of the re-cycling shed at the South Hedland Landfill.

However, at its Ordinary Meeting held on 27 May 2009, Council resolved as follows:

“That Agenda Item 11.3.2.3 ‘Tender 09/02: Design and Construction of a Re-cycling Shed at the South Hedland Landfill’ lay on the table pending further clarification of details for building, for consideration by Council at its next Ordinary Meeting.”

Consultation

Council staff.

Statutory Implications

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

“3.57. Tenders for providing goods or services.

- 1. A local government is required to invited tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services.*
- 2. Regulations may make provisions about tenders.”*

Policy Implications

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

Strategic Planning Implications

Key Result Area 5: Environment

Goal 1: Waste Management

Strategy 1, 2:

- Progressively develop the South Hedland Landfill Facility in accordance with the Landfill Strategic Plan
- In conjunction with the Pilbara Regional Council, implement the Pilbara Regional Waste Management Strategy with a particular focus on opportunities for the development of sustainable reuse and/or recycling of waste materials.

Budget Implications

A total of \$190,000 has been allocated towards this project (held in account 1004410).

Officer’s Comment

With the success of the 'Trash for Cash' project and the strong possibility of this program continuing in the future – it may be worthwhile to abandon the Design and Construction of the Re-cycling Shed in its current format until further consultation has been undertaken with all concerned stakeholders to determine the potential future uses and consequently the necessary size to make the shed useful.

As a result, it is recommended that further consultation and liaison with all stakeholders, including the Council, the Care for Hedland Association and other key stakeholders is undertaken to ascertain their future needs are met in the construction of a re-cycling shed at the landfill.

If the Shed was built in its current format – storage of recycled goods would only be permitted. If sorting was to take place by any volunteer organisation, then the building purpose would change and this would require approval by the Council's Building Services Department and include the fitting retrospectively of ablution facilities and the approval of fire management plans.

In its current design, the shed does not allow for any of these facilities. It is recommended in lieu of the likely continuation of the 'Trash for Cash' program in Hedland, it would be worthwhile to re-examine the future needs of the facility and undertake extensive consultation with key stakeholders to agree on the final project scope.

Attachments Nil

200809/385 Council Decision/Officer's Recommendation

Moved: Cr K A Howlett **Seconded:** Cr J E Ford

That Council:

- i) reject all Tenders submitted for Tender 09/02 Design and Construction of a Recycling Shed at the South Hedland Landfill;
- ii) abandons the project in its current format due to the change in scope of the project; and
- iii) undertakes more consultation and liaison with key stakeholders to ascertain future needs that will influence the design of the re-cycling shed;

CARRIED 7/0

11.3.2.5 *Throssell Road Streetscaping (File No.: 28/01/0013)*

Officer Lynne Nanini
Project Development Officer

Date of Report 17 June 2009

Disclosure of Interest by Officer Nil

Summary

This report is to provide Council with a progress update in relation to the Throssell Road Streetscaping Project.

Background

Throssell Road is a local road connecting Hamilton Road with Forrest Circle. This road accesses the major shopping area for South Hedland providing access to the South Hedland Plaza, McDonalds, The Lodge Motel and a number of other businesses along its length.

An original concept design was undertaken by Epcad and forwarded to the Town of Port Hedland in August 2008 for consideration. After examining this concept plan, it was agreed that the plans could be improved and presented to council with added features and ideas to enhance the street.

Council staff from the Engineering Directorate met and discussed landscaping and streetscaping ideas for Throssell Road which would overall lift the appearance of the main street of South Hedland. These ideas were presented to Council at a briefing session on 21 January 2009, with Council providing general consensus to approve the recommendations.

Recommendations included:

- Both sides of Throssell Street will be lined with appropriate trees – creating an avenue of shade
- Greening of the median islands located in Throssell Road
- It is proposed that in the median islands greater than 3m wide and allowing 10m distance between planting, that shade trees are also planted. Trees planted will be mature and they will be surrounded by compacted stone/ or annual flowering shrubs. This will again add to the avenue of tree effect
- For the median islands less than 3metres, it will not be possible to install trees, instead it is proposed that banner poles are installed with community banners erected and interchanged. (The trees would be unable to be installed here due to road safety considerations)
- The low rise brick wall running parallel to the footpath which was originally constructed as part of a CDEP program for the SHES back in the late 1990's will be upgraded
- Part of the upgrade would include the rendering of the brick wall with textured cement and will be different colours of the Pilbara – representing the sands and changing colours of the region

- The wall at the entrance to the South Hedland Shopping Centre Car park would also be rendered
- Native shrub planting (similar plants to what have been installed at the West End Greening Stage 1) will continue to be planted in the area parallel to the footpath and on the tavern side of the road parallel to the footpath
- Both footpaths will be cleaned and re-stencilled to lift the area and provide a contrast to the green shrub planting
- A new bus shelter will replace the old shelter – which will provide more shade, seating and table. A couple of bins will be provided as well. The bus shelter will be open sided allowing breezeway and lack of surface areas to be vandalized. Due to land area restrictions, it may be that the roof of the bus shelter overhangs part of the footpath and the bus bay

Consultation

- Council staff
- Business owners and operators on Throssell Road

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

KRA 1 – Infrastructure

Goal 1 – Roads, Footpaths and Drainage. To have developed a network of roads, footpaths and verges that are well maintained.

KRA 2 – Community Pride

Goal 3 – Townscape

Strategy 1 – In conjunction with industry, business and the community, develop improved verge and streetscape treatments throughout the Town.

Strategy 3 – Provide additional shade through the installation of trees and formal shade structures in strategic locations.

KRA 4 – Economic Development

Goal 1 – Tourism

Budget Implications

The adopted budget for 2008/09 originally allocated \$285,000 (account number 1201458) plus a further \$181,000 was allocated to the project from the Australian Government's Regional and Local Community Infrastructure Program.

The total project budget is \$466,000. The full budget will be expended on completion of the project.

Officer's Comment

Project Progress and Timeframes to Date:

Activity	Progress
Native shrubs for verge areas near TAB, Chicken Treat	Have been ordered 05/05 – awaiting delivery
Dwarf Bougainvillea for South Hedland Shopping Centre garden bed	Ordered 05/05 – delivered to ToPH 03/06/09
65 Pongamia shade trees for median islands/verge planting	Ordered 06/02 – delivered 30/04
Roll on grass for verge areas	Has been ordered 19/05 – awaiting delivery
Bollards, 4 park range seats for new bus shelter	Ordered – estimated delivery 01/07
Mulch, soil conditioner for verge, garden bed areas	Ordered 15/05 – delivered 08/06
Tree guards for tree planting	Ordered 19/05 – estimated delivery 01/07
Cut and fill – clearing for preparation to garden beds & verges	Commenced 17/06 – expected completion 22/06
Planting of trees, shrubs in median island	Estimated to commence 22/06

Procurement is still continuing in relation to the bus shelter and banner poles. Design of the banners is currently being co-ordinated by the Events Co-ordinator and the Publicity Officer.

It is estimated that the design of the reticulation and connection to water services will be undertaken over the next four weeks – with lawn and shrubs planted shortly thereafter. It is likely that the ToPH Parks and Gardens staff will undertake the installation of the reticulation and lawn and the planting of shrubs in lieu of external contractors, pending availability and quotes received.

The low rise brick wall running parallel to the footpath on the South Hedland Shopping Centre side of Throssell Rd has presented some problems in relation to what was originally proposed in the upgrade. After consulting with the original contractor responsible for installing the wall and 2 local contractors it was ascertained that the wall is in too poor a condition to render. The bricks are disintegrating and any removal of the sealer to apply the render will be impossible.

Council has received a quote to remove and modify the existing wall, supply and install capping, texture paint as well as graffiti coating to the wall for \$129,000. Another option that may be considered is the removal of the current wall and the re-construction of it in limestone blocks with a graffiti coating. This would be similar to what has been achieved at the nodes along Sutherland Street. All options are currently being considered by staff and will depend on budget implications.

It is expected that the majority of implementation works will be undertaken during July/August – with the project fully completed by September 2009.

200809/386 Council Decision/Officer's Recommendation

Moved: Cr K A Howlett

Seconded: Cr J E Ford

That Council acknowledges the progress of the Throssell Road Streetscaping project.

CARRIED 7/0

11.4 GOVERNANCE AND ADMINISTRATION

11.4.1 Corporate Services

200809/387 Council Decision/Officer's Recommendation

Moved: Cr S J Coates

Seconded: Cr J M Gillingham

That Council consider Agenda Item 11.4.1.6 'South Hedland Owners & Trainers Association (Inc.) Rates Exemption Request (File No.: A802155), prior to Agenda Item 11.4.1.1 'Automatic Teller Machine at the Port Hedland International Airport (File No.: ...)'.

CARRIED 7/0

NOTE: Council considered Agenda Item 11.4.1.6 'South Hedland Owners & Trainers Association (Inc.) Rates Exemption Request (File No.: A802155), prior to Agenda Item 11.4.1.1 'Automatic Teller Machine at the Port Hedland International Airport (File No.: ...)'.

11.4.1.6 South Hedland Owners & Trainers Association (Inc.) Rates Exemption Request (File No; A802155)

Officer Brie Holland
Senior Rates Officer

Date of Report 17 June 2009

Disclosure of Interest by Officer Nil

Summary

For Council to consider increasing the rates exemption on the following property owned by the Crown and leased by the South Hedland Owners & Trainers Association (Inc.); Lot 254 Shoata Road South Hedland for the financial periods of 2008/09 and 2009/10.

Background

The South Hedland Owners and Trainers Association (SHOATA) wrote to Council in the 4th of September 2008 requesting a 100% concession on their rates (see letter attached).

On the 12th of September 2008 Council received another letter from the SHOATA outlying its expenditures and revenue of the Association's starting from the 1st of March 2008 (see letter and spreadsheet attached).

SHOATA currently receive a 50% concession on their rates.

Council at its meeting held on 24th of September 2008 considered their request and adopted to lay the decision on the table.

Since September 2008 Council has been developing a Community Rating policy which has had several community workshops. Since these workshops Council has indicated a desire to further amend the proposed policy and therefore SHOATA's request cannot be considered under the current proposed policy framework.

At the June briefing session Council resided that because the Community Rating Policy had not been approved that SHOATA's rates exemption request will be addressed separately at the June 2009 Council meeting.

Consultation Nil

Statutory Implications

Local Government Act 1995 (in part) states:

“6.26. Rateable land

... (2) The following land is not rateable land —

... (g) land used exclusively for charitable purposes; ...”

“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

Rating Policy 2/004 (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 authorized by the Chief Executive Officer.”

Strategic Planning Implications Nil

Strategic Planning Implications Nil

Budget Implications

If Council chooses to award an increase to SHOATA's rate concession greater than 50%, the 2008/09 rates raised will have to be written off depending on the percentage, which will directly affect the Council's revenue, reducing it by \$10,580.90 (see below table) and impacting on the Provision for Doubtful Debts, along with those anticipated for 2009/10.

Officer's Comment

This request by SHOATA for an additional rating concession (currently receives 50%) has been outstanding for most of the 2008/09 financial year.

During this time, representatives from SHOATA have strongly argued that as a community organisation, the benefits and services SHOATA provides the Port Hedland community should entitle their organisation further rates concessions.

SHOATA does provide community activities, including:

1. Public equestrian events; and
2. Gymkhana and Youth horse riding activities; and
3. Social events for members and the public.

These services aside, SHOATA does provide land and facilities for its members to stable and train race horses (hence the name South Hedland Owners and Trainers Association). Horse racing is a professional activity, and it is also understood that horses stabled at SHOATA do participate in local and regional race meets. Council needs to consider whether this commercial activity outweighs the wider benefits that SHOATA provides the community.

It is understood that the majority of Councillors have meet with representatives from SHOATA, and are familiar with the SHOATA claims. Issues of inconsistencies with other organisation will be addressed, once Council adopts a community rating policy.

Given arguments for and against SHOATA receiving further concessions, the officer has provided two alternative recommendations for Council to consider.

Attachments

1. Letter dated 4th September 2008, from the South Hedland Owners and Trainers Association (Inc.)
2. Letter & Spreadsheet dated 12th September, 2008, from the South Hedland Owners and Trainers Association (Inc.)

Officer's Recommendation

That Council does not approve to increase the rates exemption on the properties leased by the South Hedland Owners and Trainers Association (Inc.).

NOTE: SIMPLE MAJORITY VOTE REQUIRED

Officer's Alternate Recommendation

That Council:

- i) approves an increase in rate exemption on the properties leased by the South Hedland Owners and Trainers Association (Inc.), as follows:
 - a) SHOATA receives _____% in rate concession for both the 2008/09 and 2009/10 financial years; and
 - b) a total of \$_____ being written off for the 2008/09 financial year is approved;
- ii) notes that when the Community Rating Policy is established, all properties will be reviewed to ensure compliance.

200809/388 Council Decision

Moved: Cr K A Howlett

Seconded: Cr S J Coates

That Council:

- i) approves an increase in rate exemption on the properties leased by the South Hedland Owners and Trainers Association (Inc.), as follows:
 - a) **SHOATA receives 100% in rate concession for both the 2008/09 and 2009/10 financial years; and**
 - b) **a total of \$10,580.90 being written off for the 2008/09 financial year is approved;**
- iii) reviews the rates exemption after one year or until a Community Rating policy has been established.

CARRIED BY ABSOLUTE MAJORITY 7/0

REASON: Council resolved to grant a 100% rate concession in 2008/09 and 2009/10 financial years; and approved \$10,580.90 being written off for the 2008/09 financial year.

NOTE: Council resumed the order of business sequentially and considered Agenda Item 11.4.1.1 'Automatic Teller Machine at the Port Hedland International Airport (File No.: ...)'



**SOUTH HEDLAND OWNERS
AND
TRAINERS ASSOCIATION (INC)**

PO BOX 2046, SOUTH HEDLAND, WA 6722

4th September, 2008

REF: SHOATA RATES

TO: Rates Officer Town of Port Hedland

Dear sir/madam,

It has come to the attention of the SHOATA Committee that we are paying rates on one of the blocks at SHOATA which has been rated as a 3 bedroom house for the purpose of Caretaker Accommodation/Clubrooms.

The house in question has not been lived in for over 6 years and does not get used as clubrooms and/or caretaker accommodation. The club wishes to have this removed from your records so that we do not have to pay any rates at all as we are a non-profit Association and cannot afford this cost.

I have faxed, as page 2, a copy of the rates notice. I will also post a signed copy of this letter for confirmation.

Your help in attending to this matter is appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Murray'.

Philip Murray
SHOATA Committee member

0438 722291

ATTACHMENT 2 TO AGENDA ITEM 11.4.1.6



SOUTH HEDLAND OWNERS
AND
TRAINERS ASSOCIATION
(INC)

PO BOX 2046
SOUTH HEDLAND
WA 6722

September 12th, 2008.

Dear Council members,

I am writing on behalf of the SHOATA Committee, requesting that our club be exempt from TPH Rates. We recently received a rates notice (A802155) asking for \$10, 500.

SHOATA consists of local recreational race horse trainers and travelling race horse trainers of which roughly make up half the race fields during the local race season, Show riders and leisure riders. Our club charges membership to cover the costs of water, power and insurance required to maintain our lease and some minor maintenance. I have also attached a brief summary of our current financial position. Put simply, our club simply cannot afford to pay the rates as set by the TPH.

Our inquiries have led us to believe that the Golf Club which is right next door to us is exempt from rates and that the Port Hedland Pony Club (which has a similar purpose to SHOATA) does not pay rates as well.

We respectfully request that the TPH Council look favourably upon our request to exempt SHOATA from paying rates to maintain a long standing sporting body in this town.

Yours sincerely

Philip J. Murray

Committee Member

SHOATA INCOMING & OUTGOING MONIES March 2008 - August 2008			
1 March - 31 March	Opening Balance 3975.67	Closing Balance 5237.61	
INCOMING	OUTGOING		
Members Accounts 3751.00	Water Account 1294.26		
	Power Account 1165.05		
1 April - 30 April	Opening Balance 5237.61	Closing Balance 6359.83	
INCOMING	OUTGOING		
Members Accounts 1133.02	Bank Fee 10.80		
1 May - 30 May	Openign Balance 6359.83	Closing Balance 5200.66	
INCOMING	OUTGOING		
Members Accounts 1497.16	Power 991.06		
	Elders Insurance 302.56		
	Equestrian Federation Aus 330.00		
	Equestrian Events Insurance 1024.67		
1 July - 31 July	Opening Balance 5174.20	Closing Balance 4945.16	
INCOMING	OUTGOING		
Members accounts 696.97	Power 826.45		
	Elders Insurance monthly debit 91.66		
1 August - 29 August 2009	Opening Balance 4945.16	Closing Balance 2010.10	
INCOMING	OUTGOING		
Members Accounts 100.00	Power 883.15		
	Water Account TOPH 2053.70		
	Elders Insurance Monthly Debit 91.66		

11.4.1.1 Automatic Teller Machine at the Port Hedland International Airport (File No.: ...)

Officer	Matthew Scott Director Corporate Services
Date of Report	15 June 2009
Disclosure of Interest by Officer	Nil

Summary

For Council to consider a request from Westpac to install an Automatic Teller Machine (ATM) at the Port Hedland International Airport (PHIA).

Background

Recently, Council has expressed having an ATM installed at the Port Hedland International Airport. Rather than Council purchase and operate its own ATM, inquiries were made with all local banks to see if they would be interested in providing this service.

On the 20 May 2009, Council received a proposal from Westpac to install and operate a Westpac ATM at the airport (see attached). To implement this proposal Council will need to enter into a three (3) year exclusive license agreement, where Westpac provides and maintains the ATM, with Council providing power and data connection, and ongoing power consumption.

At the end of the agreement, Westpac have verbally confirmed that the agreement could be renewed, depending on demand during the initial three (3) years.

Consultation

Council wrote to all major banks seeking interest in providing an ATM. Westpac was the only bank to formally respond to these requests.

Statutory Implications	Nil
Policy Implications	Nil
Strategic Planning Implications	Nil

Budget Implications

Based on estimates from both the PHIA and Westpac, to install and operate the ATM would cost Council the following:

Initial power and data installation	\$5,000.00
Ongoing power consumption (pa)	\$500.00

In 2008/09 Council has approved \$540,000 (subject to third Budget Review) for electrical upgrades at the PHIA. Currently, Council is likely to be carrying forward \$343,000 into 2009/10. Given amount of electrical work budgeted it is believed this account should be able to accommodate this minor expenditure (\$5,000).

In the 2009/10 Draft Budget, Council is currently budgeting \$192,000 for power costs at the PHIA. It is believed this budget should be able to cover the ongoing annual power cost of the unit.

Officer's Comment

As previously stated, all banks were given the option to locate an ATM at the PHIA. The National Bank did verbally express an interest, however as yet has not provided Council with any written or formal proposal.

Westpac's proposal does include an exclusivity clause, effectively meaning on Westpac can operate an ATM at the PHIA during the agreement. Westpac has verbally confirmed that this clause is a non-negotiable element of their proposal.

Regardless of the exclusivity issue, Westpac's offer is still reasonably attractive. Effectively Westpac is covering the initial cost of the ATM (+\$50,000) and the ongoing costs of maintaining and cash servicing. Cash servicing (keeping the machine full of cash) was considered the highest risk and cost if Council choose to own and operate a ATM itself.

Council could reject Westpac offer, and seek further proposals from other organizations. In considering this, Council should note it has taken three (3) months to receive one formal proposal at this stage.

Attachment

Proposal letter from Westpac, dated 20 May 2009.

200809/389 Council Decision/Officer's Recommendation

Moved: Cr K A Howlett

Seconded: Cr J E Ford

That Council authorises the Chief Executive Officer, or his nominated officer, to enter into a three (3) license agreement (attached) with Westpac to install and exclusively operate an automatic teller machine at the Port Hedland International Airport.

CARRIED 7/0

ATTACHMENT TO AGENDA ITEM 11.4.1.1

Level 2, 60 Martin Place
Sydney NSW 2000
Tel: (02) 8254 7666
Fax: (02) 8253 3682
Email: sheyder@westpac.com.au

ATM Distribution

20th May 2009

Attn Chris Adams
Chief Executive Officer
Town of Port Hedland
PO Box 41
Port Hedland WA 6721

Offer for Provision of ATM Services – Port Hedland Airport

Dear Chris,

Following on from discussions with your representative Matthew Scott and our Regional Manager, Carl Cockerham, we thank you for providing this opportunity to present our proposal for installation of a Westpac ATM at Port Hedland Airport.

In this submission, we have attempted to provide an outstanding value proposition for both the Town of Port Hedland and Westpac, by offering a competitive pricing arrangement, outstanding service and support, and next-generation ATM hardware.

1. Term of Agreement

We propose that the term of this agreement be three years with a further three year option.

Town of Port Hedland will allow Westpac ATM exclusivity throughout the term of this agreement at Port Hedland Airport.

2. Location of ATM

In a mutually agreeable location at Port Hedland Airport.

3. Commencement date

Commencement date will be the date of installation of the ATM.

4. Rental Structure

Rental at this location to be Nil.

5. ATM Specifications

Westpac proposes to install the latest generation ATM at Port Hedland Airport.

The preferred model is as follows;

- NCR Free Standing Lobby ATM Model 6622

6. ATM Signage

Standard Westpac signage to be installed. Please advise if there are any opportunities to install any additional signage e.g. under awning signage etc.

7. Cards Accepted

The Westpac ATM network accepts 100% of cards issued by all major banks and financial institutions.

8. Maintenance

Westpac maintains constant monitoring of its entire network, 24 hours a day, and seven days a week. All faults & cash servicing will be the responsibility of Westpac and its contracted service agents.

Technicians are available between 7am and 10pm seven days a week for major fault resolution.

9. Installation Costs

All installation costs will be the responsibility of Westpac except for the provision and supply of power & data to the ATM.

10. Installation of Power & Data Services

Town of Port Hedland will install power and data at their cost as follows:

- Power – to consist of 20amp dedicated power, 6mm, 2 core + earth
- Data – 10 pair cable or cat 5

Ongoing power consumption to be paid for by the lessor.

11. Relocation

Town of Port Hedland will be responsible for any relocation costs in the term of the agreement between Westpac should you wish to change the location of the ATM once it has been installed.

Each party is to be responsible for their own costs incurred in the preparation of the licence document, with Westpac to pay any stamping and registration charges. The licence will commence on the date of installation

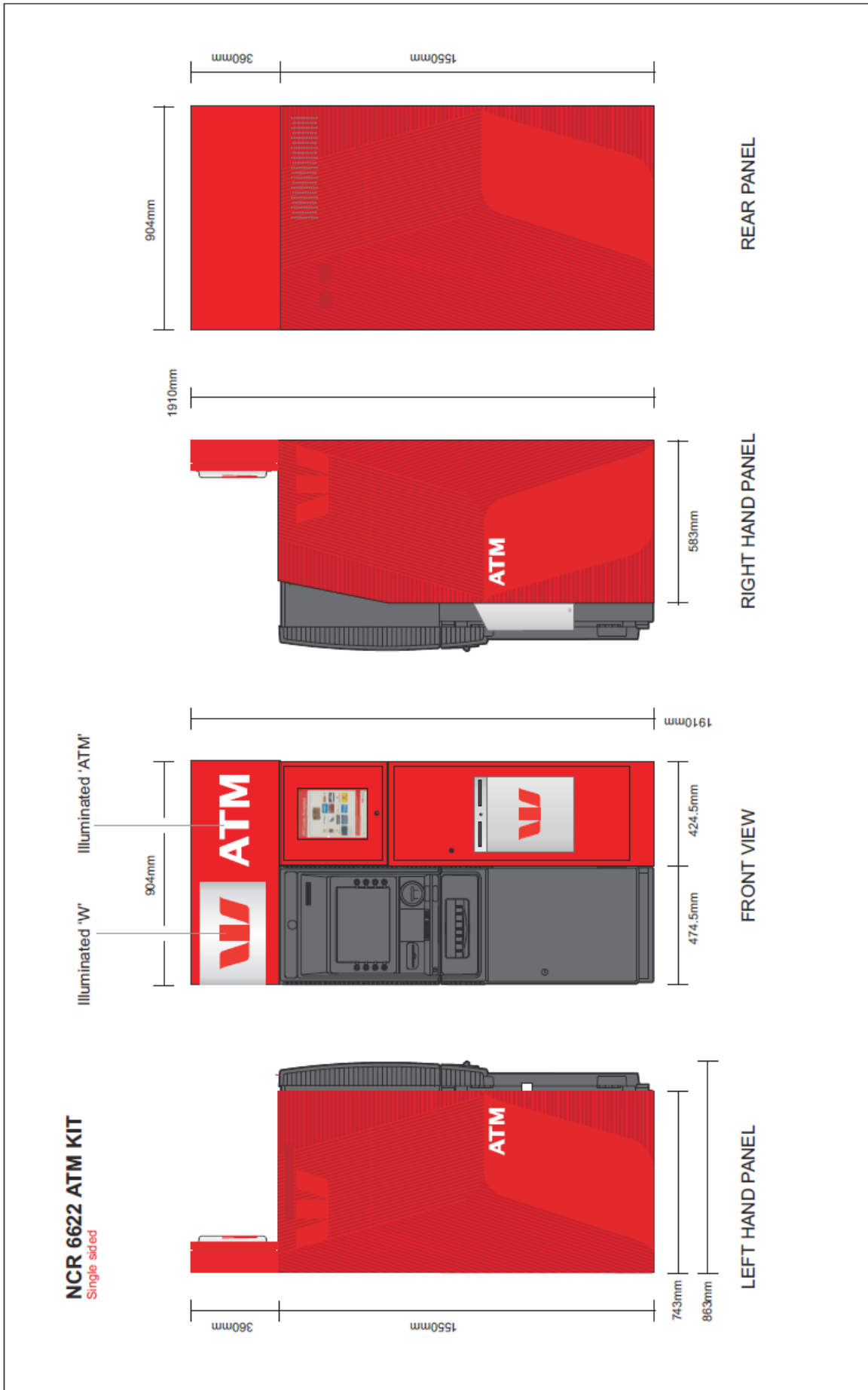
This installation will be subject to a site visit ensuring that the area is suitable for the ATM. To assist in the processing of the installation, we request the completion of the attached documentation.

Once again, we thank you for the opportunity to provide this ATM offer. If you have any further queries, please contact me on (02) 8254 7666

Yours sincerely,

Susan Heyder
ATM Portfolio Manager

Site Name :		Port Hedland Airport	
Full Address :			
On - Site Contact:			
Phone No :		Fax No :	
Mobile No :		Email address:	
Alternate Contact :			
Phone No :		Fax No :	
Owners Name:			
Address :			
Phone No :		Postcode :	
Phone No :		Fax No :	
Access Hours: CUSTOMERS <input type="checkbox"/> 24 hours Other Monday Tuesday Wednesday Thursday Friday Saturday Sunday		SERVICE PROVIDER <input type="checkbox"/> 24 hours Other Monday Tuesday Wednesday Thursday Friday Saturday Sunday	
MDF (Main Distribution Frame)		Please advise location in premises where MDF is located:	
Signage		<u><i>Please advise if there are any opportunities for additional signage as follows:</i></u>	
<input type="checkbox"/> Directional signage <input type="checkbox"/> Pylon <input type="checkbox"/> Other – please specify			
Lessor:	Signed:	Dated:	
:	Signed:	Dated :	
Please complete and sign this supporting documentation to assist with the finalisation of the ATM installation.			



Please note that original source file colour shifts may occur through software and printer setting interference. The colour representation shown in this artwork may not visually represent the nominated colour. It is the customer's responsibility to check the nominated colour reference for accuracy.

PROJECT WESTPAC ATM - NCR 6622 ATM SURROUND (FINAL)		CONSTRUCTION DRAWING REFERENCES		AMENDMENTS		DWN	CHK	DATE	DRAWING TYPE
DESCRIPTION GENERAL CONSTRUCTION		JOB NO. A3 DO NOT SCALE		LEVEL					PRELIMINARY
<small>THE DESIGN IS THE PROPERTY OF THE DESIGNER. IT IS TO BE USED ONLY FOR THE PROJECT AND NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY DAMAGE OR LOSS OF PROFITS OR BUSINESS ARISING FROM THE USE OF THIS DESIGN.</small>		DESIGNER ALBERT SMITH GROUP A division of the ALBERT SMITH GROUP Pty Ltd 180 100 1000 www.albertsmith.com.au		ORIGINAL ISSUE		TS		23-02-09	DRAWING NUMBER
									WESTP013-05
									ISSUE
									Ø

11.4.1.2 2009/10 Rates in the Dollar & Minimum Rates (File No.: ...)

Officer Natalie Octoman
Manager Financial
Services

Date of Report 16 June 2009

Disclosure of Interest by Officer Nil

Summary

For Council to adopt various rates in the dollars and Minimum Rates so the required advertising can commence prior to budget adoption.

Background

As part of the annual Budget process Council must determine the rates in the dollars (RID) and the minimum rates (min) to be used in the following year. Due to advertising requirements (s.6.36), the rates in the dollars and minimum rates must be resolved prior to the budget being finalised.

The major impact on rates notices for 2009-10 will be as a result of the revaluation of GRV (Gross Rental Value) properties by the Valuer General's Office. This occurs every 3-4 years whereas Unimproved Valuations (UV) occurs annually. Market conditions have had a significant impact on the GRVs with an average increase of 193.9%, while UVs have reduced by 8.9%. The revaluation has made it difficult to maintain increases in line with CPI without providing a large reduction in rates to other rate categories.

At the 3rd Budget Workshop rates were discussed with Council with following outcomes:

Rate Category	08/09		09/10		% Change	
	RID	Min	RID	Min	RID	Min
GRV Residential	11.6356	630	4.1000	653	-65%	3.7%
GRV Commercial	11.6356	630	4.8810	653	-58%	3.7%
GRV Industrial	11.6356	630	4.1000	653	-65%	3.7%
GRV Shopping Centre	11.6356	630	8.2000	653	-30%	3.7%
GRV Ex Gratia	11.6356	630	4.1000	653	-65%	3.7%
UV Mining Improved	18.9369	630	23.6711	653	25%	3.7%
UV Mining Vacant	18.9369	630	23.6710	653	25%	3.7%
UV Pastoral	9.6976	630	11.8374	653	22%	3.7%
UV Other	10.5409	630	11.8374	653	12%	3.7%
UV Other Vacant	10.5408	630	11.8373	653	12%	3.7%

Major changes to the rates are as follows:

UV Minimums

All minimums have been uniformly increased to \$653 (3.7%). Councilors at the workshop felt that there should be standard minimum across the district to reflect the minimum standard of services and activities allowable to all ratepayers within the district. The 3.7% is reflective of the Perth CPI rate as at December 2008.

GRV Mining Rates

These rates in the dollar were again increased by 25%, on the basis that much of Council infrastructure is being developed to meet the demands of the mining industry; however rates generation is limited due to the impacts of the State Agreement in place with many major mining companies

Remaining Rates in the Dollars

At the workshop it was decided by Council that all rates must at least be increased by CPI to maintain, in real terms, the level of services and activities currently provided to the community. Due to the effects of inflation, the purchasing power of Council is annually eroded, and if CPI increases are not maintained, Council, at some stage would be required to make massive increases to correct this reduction in income. While the CPI for Perth for the March 2009 quarter is 2.2%, Council did not believe this to be reflective of the CPI for the Pilbara region, which given the resource boom, is believed to be considerably higher, however this is not currently calculated by the Australian Bureau of Statistics. Council considered that the December 2008 quarter CPI for Perth of 3.7% was more appropriate and in general, rates and fees be increased using this rate.

As with the 2008-09 minimum rates, Council will need to apply to the Minister of Local Government and Regional Development (DLGRD) to impose the minimum rate for the UV Mining Vacant category, as more than 50% of the properties will be on minimums should these rates be adopted (s.6.35). It is believed that the DLGRD will support this request given similar percentages exist, as to what was approved in both 2007-08 and 2008-09.

Consultation

The proposed rates in the dollars and minimum rates were discussed with Council at both the informal briefing session and the 3rd Budget Workshop, held on the 10 June 2009 and 15 June 2009 respectively.

The proposed rates will be advertised for public comment. Any comments that are received will need to be considered by Council prior to adopting the 2009/10 budget.

Statutory Implications

Local Government Act 1995

“6.36. Local government to give notice of certain rates

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) *A notice referred to in subsection (1) —*
 - (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
 - (b) *is to contain —*
 - (i) *details of each rate or minimum payment the local government intends to impose;*
 - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;*

and

 - (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*
- (5) *Where a local government —*
 - (a) *in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
 - (b) *proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4), it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.”*

“6.35. Minimum payment

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
 - (a) *50% of the total number of separately rated properties in the district; or*
 - (b) *50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.*

- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*
- (a) *the number of separately rated properties in the district; or*
 - (b) *the number of properties in each category referred to in subsection (6),*
unless the general minimum does not exceed the prescribed amount.
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
- (a) *to land rated on gross rental value;*
 - (b) *to land rated on unimproved value; and*
 - (c) *to each differential rating category where a differential general rate is imposed.”*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Based on current valuations the proposed rates in the dollar and minimum rates will generate \$10,956,463 in revenue for Council in 2009/10. This is an \$897,933 increase from the amount raised in 2008/09.

Officer's Comment

Rating is Councils primary way of raising income to pay for the services it provides to the community. It is therefore extremely important that the rates imposed are reflective of where Council plan to allocate its resources in the coming year.

The Town of Port Hedland is a developing authority, in that much of the Towns resources are spent in developing infrastructure. Currently the district is experiencing high levels of growth due to the mining boom, which is placing extreme pressures on Council to fast track infrastructure development.

Attachments Nil

Officer's Recommendation

That Council:

- I) Adopt the following 2009/10 Rates in the Dollar and Minimum rates for advertising, in accordance with Section 6.36 of the Local Government Act 1995:

Rate Category	09/10	
	RID	Min
GRV Residential	4.1000	653
GRV Commercial	4.8810	653
GRV Industrial	4.1000	653
GRV Shopping Centre	8.2000	653
GRV Ex Gratia	4.1000	653
UV Mining Improved	23.6711	653
UV Mining Vacant	23.6711	653
UV Pastoral	11.8374	653
UV Other	11.8374	653
UV Other Vacant	11.8374	653

and

- 2) apply to the Minister of Local Government and Regional Develop to approve Council in imposing a Minimum Rate for UV Mining Vacant which will result in more that 50% of the properties in these categories being subject to minimum rate.

200809/390 Council Decision

Moved: Cr G J Daccache

Seconded: Cr S J Coates

That Council:

- D) Adopt the following 2009/10 Rates in the Dollar and Minimum rates for advertising, in accordance with Section 6.36 of the Local Government Act 1995:

Rate Category	09/10	
	RID	Min
GRV Residential	4.1000	653
GRV Commercial	4.8810	653
GRV Industrial	4.1000	653
GRV Shopping Centre	8.2000	653
GRV Ex Gratia	4.1000	653
UV Mining Improved	23.6711	653
UV Mining Vacant	23.6710	653
UV Pastoral	11.8374	653
UV Other	11.8374	653
UV Other Vacant	11.8373	653

and

- 2) apply to the Minister of Local Government and Regional Develop to approve Council in imposing a Minimum Rate for UV Mining Vacant which will result in more that 50% of the properties in these categories being subject to minimum rate.

CARRIED 7/0

NOTE: The following administrative errors were corrected in the table at the time Council considered the Item.

Rate Category	09/10	
	RID	Min
UV Mining Vacant	23.6710	653
UV Other Vacant	11.8373	653

11.4.1.3 Membership of the Port Hedland Community Foundation (File No.: ...)

Officer Matthew Scott
Director Corporate Services

Date of Report 15 June 2009

Disclosure of Interest by Officer Nil

Summary

For Council to consider membership of, and a board position on the proposed Port Hedland Community Foundation, currently being developed by Big Sky Credit Union Ltd (Big Sky).

Background

Council has lobbied for full banking services to be made available to the residents and businesses in South Hedland. This led to the formation of the Port Hedland Community Banking Steering Committee, and ultimately Big Sky opening a full service bank branch at the South Hedland Shopping Centre.

As part of their commitment to South Hedland, Big Sky has offered to create a community foundation, open to other organisations to join, for the distribution of 50% (currently valued around \$30,000 per annum) of the South Hedland Branch's profit to community projects.

After several meetings with the Steering Committee, Big Sky has developed a draft constitution for their proposed foundation (attached). As per this constitution, a company limited by guarantee would be created as the vehicle to distribute Big Sky's (and other organisations) contributions to the community, while also accessing possible tax benefits and concessions.

A company limited by guarantee is a form of company, created under the Corporations Act 2001, where the only liability of members is their guarantee to contribute a nominal amount should the company be wound up.

As a principal advocate in bringing full banking services back to South Hedland, Big Sky has offered the Town of Port Hedland to be a foundation member, and potentially a board member of this new Community Foundation.

Consultation

The Port Hedland Community Bank Steering Committee has been heavily involved in bringing banking services to South Hedland.

The committee has also been involved in discussions concerning the community foundation with representatives from Big Sky. Council's current representative on the Committee is Councillor Bussell.

Statutory Implications

Corporations Law 2001

"198A Powers of directors

- (1) The business of a company is to be managed by or under the direction of the directors.*
- (2) The directors may exercise all the powers of the company except any powers that this Act or the company's constitution (if any) requires the company to exercise in general meeting."*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

As of yet there has been no agreement of what the membership fees to the Community Foundation will be, as these cannot be resolved until the foundation is properly constituted. If however these fees are like other foundations (\$5-\$500), this would not be considered to have a significant impact on Council's overall budget.

Officer's Comment

The Town of Port Hedland has been instrumental in providing full banking services to South Hedland residents, especially through its representation on the Community banking steering committee. To continue this presence and to ensure contributions flow into needed "community projects", it is believed, Council should not only be a member of the foundation, but have a seat on the Foundation's Board of Directors.

By having an automatic seat on the Foundation's Board, Council can ensure that there is always a community presence on the foundation, and that foundation projects can be potentially tied in with other Council initiatives.

Being a company director does come with statutory responsibilities, as defined in the Corporations Act 2001. Company directors effectively run the company on behalf of members (and or shareholders), and therefore must ensure they can fulfill their statutory obligations; failure to do so can lead to prosecution under the Corporations Act. Potential directors should consider these requirements before accepting any board position.

Attachments

Draft Constitution – Port Hedland Community Foundation.

Officer's Recommendation

That Council advises Big Sky Credit Union Ltd that the Town of Port Hedland:

- i) intends to be a foundation member of the proposed Port Hedland Community Foundation;
- ii) requests the proposed constitution of the Port Hedland Community Foundation to be amended to allow the Town of Port Hedland to appoint one (1) Director to the Board (similar to the current clause 15.2); and
- iii) nominates Councillor _____ to be the Town of Port Hedland representative on the Port Hedland Community Foundation Board of Directors.

200809/391 Council Decision

Moved: Cr K A Howlett

Seconded: Cr S J Coates

That Council advises Big Sky Credit Union Ltd that the Town of Port Hedland:

- i) intends to be a foundation member of the proposed Port Hedland Community Foundation;
- ii) requests the proposed constitution of the Port Hedland Community Foundation to be amended to allow the Town of Port Hedland to appoint one (1) Director to the Board (similar to the current clause 15.2); and
- iii) nominates Councillor Grant Bussell to be the Town of Port Hedland representative on the Port Hedland Community Foundation Board of Directors.

CARRIED 7/0

NOTE: Council nominated Councillor Grant Bussell to be the Town of Port Hedland representative on the Port Hedland Community Foundation Board of Directors.

11.4.1.4 Wangka Maya: Pilbara Aboriginal Language Centre Rates Exemption Request (File No.: A803501)

Officer Brie Holland
Senior Rates Officer

Date of Report 16 June 2009

Disclosure of Interest by Officer Nil

Summary

For Council to consider a rates exemption on the following property, owned by the Crown and leased to the Wangka Maya; Lot 309 Hamilton Road, South Hedland for the 2008-09 and 2009-10 financial years.

Background

Early February 2009 Council received a letter from Wangka Maya (see attachment one) requesting Council consideration for an exemption from paying rates. Their application was postponed given the development of a Community Rating Policy. At the last informal Council briefing on 10 June 2009, it was decided that each rates exemption would be considered individually until the new Policy is adopted.

The initial letter dated 12th of February 2009, requested a rates exemption on the basis that the Wangka Maya: Pilbara Aboriginal Language Centre is a non-profit organisation that is registered with the Australian Taxation Office as a public benevolent institution (see attachment two).

Generally, the Australian Taxation Office deems an organisation to be a public benevolent institution if its objective and activities directly involve providing compassionate or 'benevolent' relief to needy members of the public. In other words the organization is labelled "non-profit", that is, it is carried on without purpose of private gain and its funds and assets are used solely to advance its objectives.

Consultation Nil

Statutory Implications

Local Government Act 1995 (in part) states:

"6.26. Rateable land
...(2) The following land is not rateable land —
...(g) land used exclusively for charitable purposes; ..."

"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

Rating Policy 2/004 (in part) states:

“Charitable Organisations

As per the Local Government Act 1995 (as amended), charitable status of any organisation, must be applied for by an organisation, prior to the status being evaluated.

To qualify for recognition as charitable organisation, an organisation must meet general guidelines for recognition, as identified by the Department of Local Government and Regional Development and/or the West Australian Local Government Association.

Recognition of a charitable organisation will be authorized in writing by the Chief Executive Officer.

The status of all charitable organisations will be reviewed every two years.

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 authorized by the Chief Executive Officer.”

Strategic Planning Implications Nil

Budget Implications

If Council chooses to award Wangka Maya 100% rates concession for 2008/09 and 2009/10 as proposed, the rates raised for the current year (Assessment A803501) will have to be written off, which will directly affect the Council’s revenue, reducing it by \$4,413.07 in 2008-09 and \$5,456.96 in 2009/10. Rates written off will also impact on the provision for doubtful debts.

Officer’s Comment

The Local Government Act 1995 states that land is non-rateable if it is used exclusively for charitable purposes. The definition of ‘charitable purposes’ is still yet to be clearly defined by law, which is the cause of a lot of inconsistent rate exemptions. Council is in the process of developing a formal Community Rating policy to reduce inconsistencies, and is considering rates concessions on an ad hoc basis until such time as the new Policy is endorsed.

The current Rating Policy 2/004 states that all rate concessions will be considered by Council during the budget process. While the letter from Wangka Maya was not received until the 12th of February 2009, the centre only commenced being rateable (as notified by the Valuer Generals Office) from the 1st of November 2008, and consideration for exemption should be made from this date.

Wangka Maya is an organisation that has a clear aim to "...work with the Pilbara Indigenous community to preserve and promote Aboriginal language, culture and history". The centre has been recognised as a leading Aboriginal language and resource centre in Australia and with this in mind the centre could be viewed similarly to a cultural historical society and given special rights to be non-rateable.

It should be noted that Wangka Maya do not own the property to which they carry out their non profit activities. The property is owned by the Crown therefore Wangka Maya wouldn't ever profit from selling the parcel of land. Not only does the centre operate on limited Government funding the style of its operations does not allow the centre to generate a high level of income.

Attachments

Attachment 1: Letter dated 9th of February 2009.

Attachment 2: Statement dated, 30th of August 2000.

200809/392 Council Decision/Officer's Recommendation

Moved: Cr K A Howlett

Seconded: Cr J E Ford

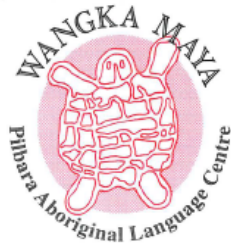
That Council;

- i) approves a 100% rates exemption on the property leased by the Wangka Maya: Pilbara Aboriginal Language Centre for the 2008/09 and 2009/10 financial years or until such time as the Community Rating Policy is endorsed by Council;
- ii) approves the write off of rates for the 2008/09 financial year of \$4,413.07; and
- iii) reviews the rates exemption after one year or until a Community Rating policy has been established.

CARRIED BY ABSOLUTE MAJORITY 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.4.1.4

24/03/0002 09/00445



ABN 40 151 070 124

PO Box 2736
South Hedland
WA 6722

PH: (08) 917 22 344

FAX: (08) 917 22 355

Email: wangkamaya@kisser.net.au

lot 309 Hamilton Rd.

RECORD No.	09-00698
OFFICER	[Signature]
12 FEB 2009	
FILE No.	803501G
ACTION DATE	[Signature]

TO: The Council of the Town of Port Hedland
ATT: Brie Holland
PO Box 41
Port Hedland WA 6721

RE: Rates Assessment for Wangka Maya Pilbara Aboriginal Language Centre

Wangka Maya requests that council considers our application for exemption from rates.

Wangka Maya is a public benevolent institution (see attached ATO endorsement) which aims to work with the Pilbara Indigenous community to preserve and promote Aboriginal language, culture and history. Wangka Maya Link Up also assists in the reunion of those people taken away from their families under previous government policies.

We operate under limited government funding to meet these goals. We are conscious that every dollar we spend on administration and on-costs such as rates is money no longer available to spend on our goals in language work, culture, history and reunions.

Late last year Wangka Maya moved into its new building, which was funded through grants from government and Lotterywest. We aim to make our new building an asset to the local Indigenous and non-Indigenous community and to become well-known as the place to visit to learn about local Aboriginal culture and language. Our work also improves relations between the Indigenous and non-Indigenous communities by improving understanding and increasing knowledge through cultural awareness.



Please contact us if you need more information to consider our application.



Nadine Hicks
Acting Manager
Wangka Maya Pilbara Aboriginal Language Centre

9 February 2009

ATTACHMENT 2 TO AGENDA ITEM 11.4.1.4



Australian Taxation Office

Date of Issue
30 August 2000

Endorsement as a deductible gift recipient

Endorsement as a deductible gift recipient under Subdivision 30-BA of the *Income Tax Assessment Act 1997* is provided as detailed below.

Name	WANGKA MAYA PILBARA ABORIGINAL LANGUAGE CENTRE
Australian Business Number	40 151 070 124
Endorsement date of effect	1 July 2000
Provision for gift deductibility	item 1 of the table in section 30-15 of the <i>Income Tax Assessment Act 1997</i>
Item(s) in Subdivision 30-B of the <i>Income Tax Assessment Act 1997</i>	4.1.1 public benevolent institution

The fact that you have been endorsed, together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar.

Endorsement imposes certain obligations on the endorsed entity. The obligations include the maintenance of a gift fund, advising the ATO when entitlement to endorsement ceases, and inclusion of certain details on receipts. Each of these is explained in the ATO publication *Giftpack*. These obligations are imposed by sections 30-125, 30-160 and 30-228 of the *Income Tax Assessment Act 1997*.

A handwritten signature in black ink that reads 'Michael Carmody'.

Michael Carmody
Commissioner of Taxation and
Registrar of the Australian Business Register

11.4.1.5 Wirraka Maya Health Service Health Services Aboriginal Corporation Rates Exemption Request (File No; A106282, A113807 & A116100)

Officer Brie Holland
Senior Rates Officer
Date of Report 17 June 2009
Disclosure of Interest by Officer Nil

Summary

For Council to consider a rates exemption on the following three properties, owned by the Wirraka Maya Health Service Health Services Aboriginal Corporation; 1-5 Hamilton Road South Hedland, 3 Daylesford Close South Hedland and 9 Morgans Street Port Hedland for the financial periods of 2008-09 and 2009-10.

Background

The Wirraka Maya Health Service Health Service Aboriginal Corporation sent a letter to Council in early June 2008 seeking a rate exemption for three properties they own listed below on the basis that they are registered as a public benevolent institution (see attachment one);

- 1-5 Hamilton Road South Hedland
- 3 Daylesford Close South Hedland
- 9 Morgans Street Port Hedland

Council at its meeting held on 13th of October 2008 considered their request and adopted the following resolutions;

- “...i) lay the matter on the table until such time as Council has adopted a policy regarding rates exemptions for Community Groups; and*
- ii) waive any interest or penalty charges (if any) on assessments A106282, A113807 and A116100 until such time the matter has been dealt with.”*

On the 15th of October 2008 Wirraka Maya Health Service provided Council with a letter from the Australian Taxation Office stating that it is a public benevolent institution (see attachment two).

In general terms, a community-based organisation will be deemed a public benevolent institution, by the Australian Taxation Office, if its objects and activities relate solely to the provision of assistance or benefits to needy members of the public.

This means the organisation is labelled "non-profit", that is, it is carried on without purpose of private gain and its funds and assets are used solely to advance its objectives.

It is understood that Wirraka Maya Health Service Health Service is mainly funded through Medicare payments, (received from the Federal government), for patient services, and direct Federal and State Grants for the provision of providing health services for Indigenous Australians.

The properties requested for the exemption is the medical centre itself (Hamilton Road) and two residential properties for housing staff. Rates have been paid on these properties since the properties were initially developed.

Consultation Nil

Statutory Implications

Local Government Act 1995 (in part) states:

“6.26. Rateable land

...(2) The following land is not rateable land —

...(g) land used exclusively for charitable purposes; ...”

“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

Rating Policy 2/004 (in part) states:

“Charitable Organisations

As per the Local Government Act 1995 (as amended), charitable status of any organisation, must be applied for by an organisation, prior to the status being evaluated.

To qualify for recognition as charitable organisation, an organisation must meet general guidelines for recognition, as identified by the Department of Local Government and Regional Development and/or the West Australian Local Government Association.

Recognition of a charitable organisation will be authorized in writing by the Chief Executive Officer.

The status of all charitable organisations will be reviewed every two years.

Concessions