



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 22 JUNE 2011

AT 5.30 PM

IN COUNCIL CHAMBERS

McGREGOR STREET, PORT HEDLAND

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*Paul Martin  
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 5.33pm and acknowledged the traditional owners, the Kariyarra people.

**ITEM 2      RECORDING OF ATTENDANCE AND APOLOGIES**

## 2.1          Attendance

Mayor Kelly A Howlett  
Councillor Arnold A Carter  
Councillor Stan R Martin  
Councillor George J Daccache  
Councillor Jan M Gillingham  
Councillor Michael (Bill) Dziombak

Mr Paul Martin	Chief Executive Officer
Ms Suma George	Manager Finance
Mr Russell Dyer	Director Engineering Services
Mr Leonard Long	Manager Planning
Mr Gordon MacMile	Director Community Development
Ms Deb Summers	Manager Organisational Development
Ms Louise Roux	Administration Officer Governance

Members of the Public	2
Media	1

## 2.2          Apologies

Nil.

## 2.3          Approved Leave of Absence

Councillor Steve J Coates  
Councillor David W Hooper

**ITEM 3      RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

## 3.1          Questions from Public at Ordinary Council Meeting held on Wednesday 8 June 2011.

Nil.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 8 June 2011.

*3.2.1 Councillor Arnold Carter*

*Councillor Carter advised that last Sunday afternoon a wake took place at Cemetery Beach Park. The lady who arranged the wake told Councillor Carter that she got charged \$750 from the Town for the use of the park for a very short service. Councillor Carter asked for a clarification around this matter as he believes that the amount the Town charged seems too high.*

The hiring of Council facilities and reserves attracts a fee and bond and these charges are adopted by Council annually as part of the budget process. In this particular case, the applicant requested the use of Cemetery Beach Park for a wake whereby a \$500 bond was applicable, which is refundable after Council staff inspect the park and confirm that the park is left in an acceptable condition. The condition of the park has been confirmed as acceptable and the bond is currently in the process of being refunded. The Community Funding and Donations Policy adopted by Council indicates that there is an automatic fee waiver if a booking is for a not for profit organisation that host an alcohol free event and is open to the public free of charge to attend. As the applicant applied to consume alcohol on a Council reserve, the applicant did not qualify for the automatic 100% fee waiver. There would normally be a \$320 hiring fee, but a 25% discount was applied as the wake was considered to be open to the community, therefore \$240 was charged.

The applicant was also advised by Council officers that if they wished to apply for a refund of the hiring fee, that this may be considered by the Donations Working Group. The applicant was then offered any assistance that may be required to complete the application form.

**ITEM 4 PUBLIC TIME**

5:35pm Mayor opened Public Question Time

4.1 Public Question Time

*4.1.1 Mr Chris Whalley*

*Given that the JD Hardie Centre will be officially open next Tuesday 28 June and given that the youth centre is for all young people in our town including aboriginal young people, does Council know if ABC North West Radio will be sending an announcer to South Hedland to publicise the opening on ABC Regional Radio?*

Mayor advised that she is not aware of the ABC North West Radio sending an announcer at this stage but that enquiries can be made.

*Will Council be planting a tree that was chopped down 2 months ago at the top end of Wedge Street Port Hedland directly opposite BHP Community Centre?*

Mayor advised that this question is taken on notice.

#### 4.1.2 *Judith Enright*

*Last month, May 2011, I complained to Council about Aboriginal children on scooters were having joy rides hanging onto the back of the local bus. Has Council Taken this matter further?*

Mayor advised that Council has spoken to the South Hedland Police and that Police have now increased their patrols in the area. Council has also been spreading the word and doing some media work to make sure that this behaviour is discouraged.

5:37pm Mayor closed Public Question Time

5:37pm Mayor opened Public Statement Time

4.2 Public Statement Time

#### 4.2.1 *Mr Ford Murray*

*Mr Ford Murray representing Fortescue Metals Group referred to one aspect regarding public rooms included in Item 12.3 'Proposed Short Stay Accommodation on Lot 2053 Hamilton Road, South Hedland. (File No.: 127990G)' up for consideration at this Council meeting. Mr Ford indicated that Fortescue Metals Group has previously expressed concerns and wants to reinforce that it is very challenging to provide rooms for the public during the construction phase which is scheduled between now and July 2013. Accordingly Fortescue Metals Group request that condition 5 from the Hamilton Item be removed.*

*Regarding Infrastructure Fortescue Group is requesting that Condition 6 be amended by deleting the words "an additional 89 rooms (additional 20%) and adding the words "up to 100 rooms"*

### *Background*

*The original Hamilton Motel contained a 20% general public room availability condition which equates to approx 91 rooms. There was agreement with Council officers at the time of approval that this would not apply during construction periods. Hence we proposes Condition 5 be removed*

*As part of the already approved DA for the site on the other side of Hudson Rd, Council agreed to an additional allocation of 10 rooms post 1 July 2013, in addition to the existing Hamilton 91 rooms.*

*The result of this decision was that a total of 101 rooms would be made available to the general public out of the total available rooms. Post construction.*

*Hence we propose that Condition 6 be amended by deleting the words "an additional 89 rooms (additional 20%) and adding the words "up to 100 rooms".*

Mayor indicated that the document handed out by Mr Ford Murray will be considered as part of Late Item 12.3 'Proposed Short Stay Accommodation on Lot 2053 Hamilton Road, South Hedland. (File No.: 127990G)'.

#### *4.2.2 Mr Chris Whalley*

*Mr Whalley asked whether following his previous request a letter has been sent by Council to GWN TV Studios and ABC Regional Radio to consider installing a new television and radio studios in Port Hedland as he has not heard any feedback as yet; and if so if he could get a copy of this correspondence.*

Mayor advised that letters have been sent to ABC and GWN and that in the first instance copies will be provided to Mr Whalley and the matter will also be followed up.

5:39 Mayor closed Public Statement Time

## **ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

### *5.1 Councillor Jan M Gillingham*

*Councillor J M Gillingham advised that she attended the 11 June Family Day event at the Andrew McLaughlin Centre where a Tae Kwon Do exhibition took place.*

*During this exhibition a number of kids from the audience were asked to join in a on a few Tae Kwon Do manoeuvres, which left them feeling rather emotional. Councillor Gillingham received a few phone calls from concerned parents following this event. For this reason and in view of the fact that the Tae Kwon Do club will be going back to the JD Hardie Centre, can Council check and ensure that the Tae Kwon Do club is utilising the correct procedures?*

## 5.2 *Councillor B Dziombak*

*Councillor Dziombak enquired as to whether Council will have the opportunity to discuss accommodation issues with Minister Grylls during his visit next Tuesday 28 June to announce the opening of the JD Hardie Centre? Councillor Dziombak believes that if the town is going to grow into a city accommodation shortages need to be addressed swiftly. In view of this could Council have a forum to discuss and address this critical issue?*

Chief Executive Officer advised that next Tuesday the Minister will receive a tour of the sites where the major projects are taking place and accommodation shortage is one of the issues that will be raised with him.

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

Mayor K A Howlett	Cr A A Carter
Cr S R Martin	Cr M (Bill) Dziombak
Cr J M Gillingham	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 8 June 2011

### **201011/419 Officer's Recommendation/Council Decision**

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

That the Minutes of the Ordinary Meeting of Council held on Wednesday 8 June 2011 be confirmed as a true and correct record of proceedings.

*CARRIED 6/0*

**ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION**

Mayor Howlett's Activity Report for the June 2011 period to date as follows:

Friday, 3<sup>rd</sup> June

- Meeting With Greg Rowe and Orica Australia + DPD

Sunday, 5<sup>th</sup> June

- Attended Sam & Lita Christening Lunch

Tuesday, 7<sup>th</sup> June

- Weekly Mayor Chat Spirit Radio
- Attended PDC Board Meeting – Tom Price
- 

Wednesday, 8<sup>th</sup> June

- Attended TOPH Informal Workshop South Hedland CBD + Cr Dziombak + Cr Coates + CEO + DPD
- Attended TOPH Council Budget Workshop + Deputy Mayor + Cr Dziombak + Cr Coates + CEO + DCORP + DPD + A/DCD + DENG
- Attended TOPH Donations Working Group Meeting + Deputy Mayor + Cr Coates + Cr Dziombak + Cr Gillingham + A/DCD + MCD + A/MRS
- Attended Informal Council Briefing + CEO + Deputy Mayor + Cr Coates + Cr Hooper + Cr Daccache + Cr Dziombak + Cr Gillingham + A/DCD + MCD + A/MRS
- Chair OCM

Thursday, 9<sup>th</sup> June

- Meeting Mirvac + Deputy Mayor
- Meeting Community Garden + CDO
- Weekly Media Meeting
- Attended TOPH JD Hardie Centre Working Group Meeting + A/DCD + MCD + YO

Friday, 10<sup>th</sup> June

- Attended Minister O'Brien Multi User Port Facility Announcement + PO
- Meeting With Minister O'Brien and Chris Adams (PCO)
- Lunch At Kevin Scott Oval & TOPH Outdoor Team + DENG

Saturday, 11<sup>th</sup> June

- Participated South Hedland Street Blitz
- Attended Andrew McLaughlin Centre Family Fun Day
- Attended 2011 Phillipino Association Evening + Cr Gillingham

Monday, 13<sup>th</sup> June

- Flight To Perth
- Attended Meeting With All Pilbara Shire Presidents/Mayor + WALGA Re: Rates & Mining Operations
- Attended Meeting With All Pilbara Shire Presidents/Mayor + Department State Development Re: Rates & Mining Operations
- Attended Informal Catch Up Meeting All Pilbara Shire Presidents/Mayor + PRC CEO

Tuesday, 14<sup>th</sup> June

- Weekly Mayor Chat Spirit Radio
- Meeting CO Pilbara Regiment Liaison Visit + CEO
- Visited HSHS Veggie Patch Project
- Regular FMG Update Meeting + Deputy Mayor + CEO
- Orica Australia Pipingarra Site Visit + Deputy Mayor + CEO
- Attended PHCCI Business After Hours Event – Port Hedland Visitor Centre

Wednesday, 15<sup>th</sup> June

- Volunteered At HSHS School Breakfast Program
- LandCorp Board Visit + Deputy Mayor + Cr Dziombak + Cr Gillingham + CEO + DPD
- Informal Discussion TOPH Submission PER BHPBIO Proposed Outer Harbour Development + Deputy Mayor + Cr Dziombak + CEO + DPD
- Meeting CEO & EA Monthly Priorities
- Meeting With Port Hedland Police OIC Richard Moore
- Meeting Sid Michaels Australia Electoral Commission
- Attended Port Hedland City Growth Plan Stakeholder Meeting + Cr Dziombak + DPD

Mayor also advised that this past fortnight has been very busy with the City Growth Plan focus group sessions. A number of Councillors and members public have been in attendance and the Mayor is looking forward to the outcomes. There will be another two forums on 6 and 7 July and the Mayor would like to encourage all members of the community to come along and have their say in shaping our future city.

On Friday 10 June Minister Simon O'Brien came to town to make an announcement regarding the multi use of the port facility. The Mayor is looking forward to working with the Minister and ensure that our town gets some very good facilities for the port.

Mayor advised that Defence Minister Stephen Smith made an important announcement today regarding the potential push for defence resources to be deployed in the North West. Hopefully we will get some in Port Hedland.

The Mayor thanked all Town of Port Hedland staff for setting up the very successful Gearing Up event which had 150 people in attendance.

Mayor was involved in the Sponsors Day for the 2011 BHP Billiton Iron Ore Port Hedland Golf Comp. The Mayor's team did better than CEO's team and 53 golfers were in attendance from New Zealand and the Eastern states and praised the course.

Today Mayor attended Rose Nowers Early Learning Centre AGM. The building works are really progressing well at the centre in Boronia Place. Also, if anybody knows of anybody who is available, the centre needs more committee members.

## **ITEM 9      REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**

### *9.1            Councillor J M Gillingham*

Councillor Gillingham advised that she attended the very successful Family Day event at the Andrew McLaughlin Centre.

### *9.2            Councillor M Dziombak*

Councillor Dziombak advised that last Tuesday the Port Hedland Chamber of Commerce had its monthly business after hours function and launched the Hedland Economic Summit to be held on the 6 October 2011. The Chambers had a fantastic response from its members in terms of sponsorship and attendance. On the 6 October the Chambers will be unveiling the first ever scaled model of Port Hedland with the vision of increasing its developments when the town turns into a city.

## **ITEM10     PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil



## Background

The Land Use Master Plan (LUMP) endorsed by the Western Australian Planning Committee (WAPC) in September, supported a three-tiered planning approach, comprising of:

Tier One – Land Use Master Plan (Completed)

Tier Two – Planning Scheme Control = adoption of Scheme Amendment 22.

Tier Three – Design Guidelines: Local Planning Policy = building design and maintenance

Council at its Ordinary Meeting on the 27<sup>th</sup> May 2009, resolved to initiated an amendment to the *Town of Port Hedland Town Planning Scheme No. 5, proposing* to rezone land and create a new residential zone in the West End. Further to Councils May resolution to initiate the scheme amendment Council in June 2009, resolved to amend the initiated scheme amendment through the following minor changes:

Relocation of the requirements of the new residential zone to another section of the scheme.

Minimum subdivision size to be incorporated into the West End Residential requirements.

Amendment to the 'Location and Site Description'.

Minor grammatical/terminology corrections

As a result of the referral to the EPA, Council was required to prepare an Environmental Review Report to confirm that the amendment would appropriately deal with environmental factors relating to the area affected by the amendment, primarily dust.

The Environmental Review Report was subsequently endorsed by Council in September 2010, and forwarded to the EPA. Both the Scheme Amendment and Environmental Review were simultaneously advertised seeking public comment.

In addition to the Environmental Review Report, the "*Port Hedland Air Quality and Noise Management Plan*" (PHAQaNMP) was developed to assist the EPA in assessing the proposed Scheme Amendment. The PHAQaNMP provides a number of recommendations that need to be taken into consideration and included into either the Scheme Amendment or a Local Planning Policy.

## Consultation

In accordance with the Town Planning Regulations 1967, the proposed scheme amendment has been advertised and circulated as follows:

- North West Telegraph: 22/12/10 – 2/2/2011.
- Written notification to: Telstra, Horizon Power and
- Water Corporation, Main Roads Western Australia & Port Hedland Port Authority.

As a result of the above advertising, submissions were received from Main Roads Western Australia, BHP Billiton, Dolphin Designs and KM Venn.

The Submission from Main Roads Western Australia requested further information from Council whereas the other submissions are summarised as follows:

- 'Permanent Residents' should be discouraged from residing in the amendment area.
- Design controls have not been clearly identified.
- Conflicting purposes/objectives between TPS5, R Codes, BCA and Energy Efficiency
- Need for outcome focus and flexibility in design

Planning Unit Comments:

BHP Billiton would like to see 'permanent residents' included in clause 6.6.1 which identifies the purpose of the zone. The wording is requested to be changed from:

"The purpose of the West End Development Zone is to establish a predominantly residential zone in which dwellings are designed and constructed in such a way as to be unsuitable for occupation by families with children or by elderly persons."

To:

*"The purpose of the West End Residential Zone is to establish a residential zone in which dwellings are designed and constructed in such a way as to be unsuitable for occupation by **permanent residents** and families with children or by elderly persons."*

A key objective behind the amendment was to 'Discourage the long-term residency by families with children or elderly persons' being those considered 'at risk' by the Department of Health.

The submission would like to see this taken to another level with dwellings being designed so as to be unsuitable for permanent residents. This is considered to be a significant change to the intent of the amendment and would necessitate further changes and re-advertising. For example, uses which allow permanent occupation should then be 'prohibited' uses. To achieve the objective of discouraging families with children or elderly persons, the amendment has precluded uses from the amendment area that service these persons (for example, 'Child Care Service' and 'Nursing Home' are prohibited). 'Grouped Dwelling' and 'Multiple Dwelling' by definition allow permanent occupation, these would need to be prohibited uses to meet the amended objective for the zone as proposed through the submission.

- Design controls have not been clearly identified.
- Conflicting purposes/objectives between TPS5, R Codes, BCA and Energy Efficiency
- Need for outcome focus and flexibility in design

These matters were also identified within the Environmental Review Report and Port Hedland Dust Task Force report recommendations. It is proposed to address these matters by the development and adoption of a Local Planning Policy that will provide design and maintenance standards for buildings within the West End Residential Zone.

### **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

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

### **Officer's Comment**

Amendment 22 was prepared to support the recommendations of Council's Local Planning Strategy (Land Use Master Plan). Primarily, the objectives of the Amendment were to:

- Discourage the long-term residency by families with children or elderly persons;
- Add vibrancy to both the subject land and the nearby commercial area; and
- Maximize opportunities for workers in nearby employment nodes to reside close to work opportunities and commercial and entertainment facilities.

The amendment required a level of assessment be set by the EPA. Due to the elevated dust levels within the amendment area, the EPA determined that an Environmental Review was required. The scope of works for the Environmental Review were:

- Determine suitable land uses within the subject area of Amendment 22, to meet the dust levels recommended by the Taskforce.
- Determine which land uses could be permitted within the subject area of Amendment 22, that would not be adversely impacted by elevated dust levels.
- Provide an analysis of the potential total population permitted by the proposed amendment compared with the total population permitted by the current zoning. This is required to determine if there is potential that the proposed amendment will lead to a greater number of residents being exposed to elevated dust levels.
- Determine the most appropriate residential density, dwelling type and design criteria that will enable future dwellings in the amendment area to meet the recommended air quality levels in the Port Hedland Dust Taskforce Management Report.
- Determine the most appropriate dwelling type (eg single residential, group dwelling or apartment) in the amendment area that can be designed to meet the recommended air quality criteria specified in the Port Hedland Dust Taskforce Management Report.
- Demonstrate that the proposed Residential Planning Code density (R Code), Building Codes of Australia and scheme provisions prescribed in Amendment No.22 will ensure that dwellings will be designed and developed to meet the air quality standards recommended in the Port Hedland Dust Management Report.
- Provide specific detail on proposed building and infrastructure design that will assist in effective mitigation of elevated dust levels on an on-going basis. It is recommended that dwellings are designed to minimize exposure to fugitive dust. These should include, but not be restricted to:

- Dwelling type and design that would achieve air quality standards.
- Filtering air conditioning plant that has the required filtering capability required to handle dust particles of fraction size PM10.
- Air tight window seals (hermetically sealed).
- Closed eaves.
- High pitched roofs to encourage dust run-off.

The Environmental Review recommended some changes to the Scheme Amendment to ensure the environmental factor of dust was appropriately mitigated. As such the following changes are recommended to the scheme amendment:

1. R-Code density capped at R80 as opposed to unlimited cap identified during initiation of the scheme amendment.
  - a. To meet with the recommendation of the Dust Taskforce.
  - b. A cap of R80 also provides incentive for land to be developed for short stay accommodation as opposed to permanent accommodation and 'Multiple Dwellings' as opposed to 'Grouped Dwellings'. This will assist in discouraging the occupation of buildings by families with children and elderly persons considered most at risk.
2. Inclusion of a clause within the West End Residential Zone that states:

*"When considering an application for planning approval, Council shall have regard to the purpose of the zone and recommendations of any formal risk study undertaken by or endorsed by the Department of Health."*

- a. To ensure that Land Use decisions remain consistent with the best available information on the impacts of iron-oxide rich dust on human health.

As noted above one of the recommendations that came out of the Environmental Review, was to meet the following Dust Task Force Recommendations:

Planning Control	Recommendation	Control Mechanism
Density	Minimum R30 Maximum R80	Scheme Amendment
Maximum Dwelling Size	110m <sup>2</sup>	Scheme Amendment
Maximum No. of	2	Scheme

Bedrooms		Amendment
Single Dwellings	Prohibited Use Existing single dwellings to be listed as "Additional Uses"	Scheme Amendment
Grouped Dwellings	Any new subdivision / amalgamation to be designed to permit development of grouped dwellings	Scheme Amendment
Building Design Guidelines	CA and MJ Lommers Pty Ltd report recommendations	Local Planning Policy
Aged or Young Persons Facilities	Prohibited Use	Scheme Amendment
Notification of Potential Health Concerns on the Certificate of Title		Local Planning Policy

In regard to the notification of potential health concerns, the Department of Health has recommended the following wording:

***"This land is located within an area identified as being impacted on or affected by dust from Port activities"***

The Department of Health advises that children, the elderly and people with pre-existing respiratory and cardiovascular health conditions or predisposed to the same should not reside on this land other than on a temporary basis as they are at increased risk of worsening or developing respiratory and/or cardiovascular related health conditions. Further information can be obtained from Town of Port Hedland."

From a planning perspective the following amendments are recommended:

*".....basis as they are at increased risk of worsening .....,*

The research that has been done on this matter isn't definitive enough to make this statement. The wording should be:

*".....basis as they may be at increased risk of worsening .....,*

"Further information can be obtained from the Town of Port Hedland".

All studies into the possible impact dust may have on the area has been commissioned by the Department of Health and not the Town of Port Hedland. The Department is currently conducting further investigations into the dust and would be in a far better position than the Town to answer any queries. The wording should be:

“Further information can be obtained from the Department of Health.”

Due to the complexity of the recommendations associated with the building design and maintenance identified as the most effective way of reducing exposure to elevated dust levels by occupants of the West End, as well as the possibility that through ongoing studies / investigations both the memorial and the building design and maintenance as currently recommended may vary. It is considered appropriate to develop a Local Planning Policy which can respond to change in a shorter timeframe and provide flexibility by focusing on outcomes as opposed to a statutory rule.

The Environmental Review Report was clear in the need to incorporate Scheme Provision or develop a Local Planning Policy that incorporates building design and maintenance standards to limit exposure to elevated dust levels. The need for a Local Planning Policy was also identified by the LUMP, which requires the development of a Local Planning Policy as *“Tier Three – Design Guidelines: Local Planning Policy”*.

### **Options**

When considering the application Council has the following options:

1. Adopt the Scheme Amendment subject to modifications as recommended by the Environmental Review Report and as initiated discourages the long term residency by families with young children or elderly persons.

This is the recommended option, and is consistent with the Environmental Review Report.

2. Adopt the Scheme Amendment subject to modifications as recommended by the Environmental Review Report, and as requested by BHP Billiton amend the proposed wording of the West End Residential Zone.

A key component to achieving the recommendations of the Environmental Review Report, which is to discourage long term residency within the West End, is to impose appropriate design and maintenance standards for buildings.

It is proposed that this be achieved through the development of a Local Planning Policy rather than inclusion into the scheme.

3. Adopt the Scheme Amendment as initiated.

Council can decide to adopt the Scheme Amendment as initiated which includes a minimum R30 density and no maximum density. This option is unlikely to gain Ministerial Approval.

4. Abandon the Scheme Amendment.

This option would see current planning controls remaining on the land. This enables single dwellings and dwellings suitable for children and the elderly to continue to be developed.

5. Modify the Scheme Amendment.

Council could decide to substantially modify the amendment. Whilst the objectives of the amendment are being met for the residential land in the West End, the proposed amendment fails to address the 'dust' issue and its impacts on other zones in the 'dust' impact area such as the "Town Centre" and "Mixed Business" zones. An example is that 'Child Care Centre' remains an "AA" use within the "Town Centre" and "Mixed Business" zones which due to proximity, are impacted more by the 'dust' issue than the "Residential" zone.

In hindsight a "Special Control Area" incorporating the area impacted by the 'dust' may have been better equipped to address the 'dust' issue in a holistic manner. Should Council wish to proceed with this option, significant time would be required to make the modifications and undertaken consultation with the community, government departments and other stakeholders.

Due to the considerable amount of time and resources as well as general community support for the amendment, option 1 is recommended.

**Attachments**

1. Initiated Scheme Amendment Documentation
2. Revised Scheme Amendment Documentation

Officer's Recommendation

That Council:

1. Adopts Scheme Amendment 22, to Town of Port Hedland Town Planning Scheme No. 5 subject to the modifications as identified in ATTACHMENT 2 (Option 1).
2. Forwards all required documentation to the Western Australia Planning Commission for Ministerial Consent in accordance with the Town Planning Regulations 1967 (as amended).
3. Authorises the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council's seal in the event that the Minister for Planning approves the Amendment.
4. Prepares a Local Planning Policy to provide building design and maintenance standards that limit exposure to elevated dust levels experienced in the West End. The Local Planning Policy is to include the relevant memorial wording to be standard with all new development notifying owners / tenants of potential health concerns.

**201011/420 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr J M Gillingham

That Council:

1. Adopts Scheme Amendment 22, to Town of Port Hedland Town Planning Scheme No. 5 subject to the modifications as identified in ATTACHMENT 2 (Option 1).
2. Forwards all required documentation to the Western Australia Planning Commission for Ministerial Consent in accordance with the Town Planning Regulations 1967 (as amended).

3. Authorises the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council's seal in the event that the Minister for Planning approves the Amendment.
4. Prepares a Local Planning Policy to provide building design and maintenance standards that limit exposure to elevated dust levels experienced in the West End. The Local Planning Policy is to include the relevant memorial wording to be standard with all new development notifying owners / tenants of potential health concerns.
5. Supports retention of existing "Use Rights" for people residing in existing "Single Residential" dwellings within the subject scheme amendment area.

*CARRIED 4/0*

*REASON: Council believes that it is appropriate to support the retention of existing "Use Rights" for people residing in existing "Single Residential" dwellings within the subject scheme amendment area.*

5:49 pm Councillors G J Daccache and M Dziombak re-entered the room and resumed their chairs.

Mayor advised Councillors G J Daccache and M Dziombak of Council's decision.

*ATTACHMENT 1 TO AGENDA ITEM 11.1.2.1***PLANNING AND DEVELOPMENT ACT 2005****RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME****Town of Port Hedland****Local Planning Scheme No. 5****Amendment No. 22**

**RESOLVED** that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

1. Rezoning the land bounded by Anderson, Withnell, Sutherland and Taplin Streets, and The Esplanade, Port Hedland currently zoned "Residential" to "West End Residential", with an applied density code of "Minimum R30" as depicted on the amendment map;
2. Rezoning the land bounded by Withnell, McKay and Anderson Streets, and The Esplanade, Port Hedland from "Residential" to "Town Centre" as depicted on the amendment map;
3. Amending the Scheme text by:
  - i) Inserting section "3.1 (a) iv. West End Residential"
  - ii) Inserting in section 6.3:
    - 6.3.8 The purpose of the West End Residential Zone is to establish a residential zone in which dwellings are designed and constructed in such a way as to be unsuitable for occupation by families with children or by elderly persons.
    - 6.3.9 Development within the West End Residential Zone shall be in accordance with any local planning policy, development plan or design guideline adopted by Council for this zone.
    - 6.3.10 Notwithstanding anything contained within the Residential Design Codes, all residential development in the West End Residential Zone, other than the development identified in section 6.6.8, shall comply with the following:
      - a) The maximum plot ratio area for all dwellings is 110 m<sup>2</sup>
      - b) No dwelling shall have greater than two (2) bedrooms or rooms capable of being used as bedrooms
    - 6.3.11 Notwithstanding Section 6.1.1 of the Residential Design Codes of Western Australia, Council shall not recommend approval for the creation of lots that are less than 600m<sup>2</sup>, unless the lots are developed or it is demonstrated that the lots can be developed for grouped or multiple dwellings.
    - 6.3.12 The West End Residential Zone has no prescribed maximum residential density. The R30 minimum density coding is prescribed to ensure efficient use of available land and prevent the development of additional single dwellings within this zone.

6.3.13 When considering an application for planning approval within the West End Residential Zone, Council shall consider impact on streetscape, building setbacks from the boundary, open space and outdoor living provision, car parking provision and any other matter it deems appropriate prior to determining the application.

6.3.14 Council shall require as a condition of any planning approval granted for land in the West End Residential Zone, and prior to the commencement of any associated works, that the landowner prepare a notification, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that:

a) The Western Australian Department of Health has advised in a preliminary investigation that it does not support medium density residential development in this area due to a potential causal link between the dust generated by nearby ore mining processes and port facilities, and increased likelihood of respiratory health impacts;

b) Seniors, children, and persons with existing heart or lung disease appear to be at an elevated risk of dust-related health impacts;

Should additional information be required in regard part 'a' or 'b', the prospective landowners should contact the Western Australian Department of Health."

6.3.15 Where any lot is listed in Appendix 2 – Additional Development and Uses with the additional use of "Single Dwelling," clause 6.3.10 shall not apply.

iii) Inserting the following column in the Zoning Table:

**Town of Port Hedland TPS 5  
Zoning Table**

ZONING TABLE		West End Residential																		
<b>Residential</b>																				
1	Aged or Dependent Persons Dwelling	~																		
2	Ancillary Accommodation	~																		
3	Caretaker's Dwelling	AA																		
4	Grouped Dwelling	AA																		
5	Holiday Accommodation	SA																		

ZONING TABLE		West End Residential																		
6	Home Occupation	AA																		
7	Hotel	SA																		
8	Motel	SA																		
9	Movable Dwelling	~																		
10	Multiple Dwelling	AA																		
11	Residential Building	AA																		
12	Rural Settlement	~																		
13	Single House	~																		
14	Transient Workforce Accommodation	SA																		
<b>Industry</b>																				
15	Abattoir	~																		
16	Agriculture	~																		
17	Arts and Crafts Centre	SA																		
18	Intensive Agriculture	~																		
19	Harbour Installation	~																		
20	Hire Service (Industrial)	~																		
21	Industry – Cottage	SA																		
22	Industry – Extractive	~																		
23	Industry – General	~																		
24	Industry – Light	~																		
25	Industry – Noxious	~																		
26	Industry – Rural	~																		
27	Industry – Service	~																		
28	Industry – Resource Processing	~																		
29	Infrastructure	AA																		
30	Stockyard	~																		



ZONING TABLE		West End Residential																		
53	Community Use	SA <sup>1</sup>																		
54	Consulting Rooms	SA																		
55	Education Establishment	SA <sup>1</sup>																		
56	Emergency Services	~																		
57	Funeral Parlour	~																		
58	Hospital	~																		
59	Juvenile Detention Centre	~																		
60	Medical Centre	~																		
61	Nursing Home	~																		
62	Place of Animal Care	~																		
63	Place of Public Meeting, Assembly or Worship	~																		
64	Prison	~																		
65	Public Mall	~																		
66	Public Utility	AA																		
<b>Entertainment, Recreation &amp; Culture</b>																				
67	Equestrian Centre	~																		
68	Entertainment Venue	~																		
69	Private Recreation	SA <sup>1</sup>																		
70	Public Recreation	AA <sup>1</sup>																		

The symbols used in the zoning table have the following meanings:

- P The development is permitted by the Scheme
- AA The development is not permitted unless the Council has granted planning approval
- SA The development is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 4.3

IP The development is not permitted unless the use to which it is put is incidental to the predominant use as decided by Council

~ A development that is not permitted by the Scheme

<sup>1</sup> Notwithstanding anything contained in *Appendix 1 – Definitions*, no land use shall be approved within the West End Residential Zone that is intended for use either exclusively or primarily by children or elderly persons.

4. Amending the Scheme Map accordingly.

Dated this 27th day of May 2009..

.....  
Chief Executive Officer

**ATTACHMENT 2 AGENDA ITEM 11.1.2.1****PLANNING AND DEVELOPMENT ACT 2005****Town of Port Hedland  
Local Planning Scheme No. 5  
Amendment No. 22**

**The Town of Port Hedland under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:**

1. Rezoning the land bounded by Anderson, Withnell, Sutherland and Taplin Streets, and The Esplanade, Port Hedland currently zoned "Residential" to "West End Residential", with an applied density code of "Minimum R30/R80" as depicted on the amendment map;
2. Rezoning the land bounded by Withnell, McKay and Anderson Streets, and The Esplanade, Port Hedland from "Residential" to "Town Centre" as depicted on the amendment map;
3. Amending the Scheme text by:
  - i) Inserting section "3.1 (a) iv. West End Residential"
  - ii) Inserting under section "6.3 Residential Zone," and above clause 6.3.1 the subheading "General Provisions"
  - iii) Following clause 6.3.7 inserting the subheading "West End Residential"
  - iv) Inserting the following clauses under the subheading "West End Residential"
    - 6.3.8 The purpose of the West End Residential Zone is to establish a residential zone in which dwellings are designed and constructed in such a way as to discourage occupation by families with children or by elderly persons.
    - 6.3.9 Development within the West End Residential Zone shall be in accordance with any local planning policy, development plan or design guideline adopted by Council for this zone.
    - 6.3.10 Notwithstanding anything contained within the Residential Design Codes, all residential development in the West End Residential Zone shall comply with the following:
      - a) Permanent residential development must be at a minimum yield equivalent to R30 density for all land and any individual lot included within the development application.
      - b) The maximum plot ratio area for all dwellings is 110 m<sup>2</sup>
      - c) No dwelling shall have greater than two (2) bedrooms or rooms capable of being used as bedrooms
    - 6.3.11 When considering an application for planning approval within the West End Residential Zone, Council shall consider the purpose of the zone and recommendations of any formal risk study undertaken by or endorsed by the Department of Health.
    - 6.3.12 Notwithstanding Clause 6.1.1 of the Residential Design Codes of Western Australia 2008, Council shall not recommend approval for the creation of lots that are less than 600 m<sup>2</sup> unless the lots are already developed or it is demonstrated that the lots may be developed for grouped or multiple dwellings.



ZONING TABLE		West End Residential																		
21	Industry – Cottage	SA																		
22	Industry – Extractive	~																		
23	Industry – General	~																		
24	Industry – Light	~																		
25	Industry – Noxious	~																		
26	Industry – Rural	~																		
27	Industry – Service	~																		
28	Industry – Resource Processing	~																		
29	Infrastructure	AA																		
30	Stockyard	~																		
31	Storage Facility/Depot/Laydown Area	~																		
<b>Commerce</b>																				
32	Aerodrome	~																		
33	Display Home Centre	SA																		
34	Dry Cleaning	~																		
35	Market	SA																		
36	Motor Vehicle and/or Marine Repair	~																		
37	Motor Vehicle and/or Marine Sales or Hire	~																		
38	Motor Vehicle and/or Marine Service Station	~																		
39	Motor Vehicle and/or Marine Wrecking	~																		
40	Motor Vehicle Wash	~																		
41	Office	SA																		
42	On-site Canteen	~																		
43	Outdoor Display	~																		



ZONING TABLE		West End Residential																		
68	Entertainment Venue	~																		
69	Private Recreation	SA <sup>1</sup>																		
70	Public Recreation	AA <sup>1</sup>																		

The symbols used in the zoning table have the following meanings:

- P The development is permitted by the Scheme
- AA The development is not permitted unless the Council has granted planning approval
- SA The development is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 4.3
- IP The development is not permitted unless the use to which it is put is incidental to the predominant use as decided by Council
- ~ A development that is not permitted by the Scheme
- <sup>1</sup> Notwithstanding anything contained in *Appendix 1 – Definitions*, no land use shall be approved within the West End Residential Zone that is intended for use either exclusively or primarily by children or elderly persons.

4. Amending the Scheme Map accordingly.

Dated this ..... day of ..... 20.....

.....  
Chief Executive Officer

*11.1.2.2 Proposed Scheme Amendment 38 to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone Lot 2 (21) McGregor Street, Lot 5474 Thompson Street, and Lot 4 McGregor Street Port Hedland from Part "Other Public Purposes - Telecommunications" and Part "Residential R15" to "Urban Development" (File No.: 118540G & 121638G)*

**Officer** **Leonard Long**  
Manager Planning

Date of Report 13 June 2011

Application Number 2011/17

**Disclosure of Interest by Officer Nil**

### **Summary**

In December 2010, Council received a request from Watson Properties PH Pty. Ltd. on behalf of the current landowners Telstra (Lot 2), Department of Regional Development & Lands (Lot 5474) and MG Hilzinger to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5*. The purpose of the scheme amendment was to amend the zoning of Lots 2 (21) & 4 McGregor Street and Lot 5474 Thompson Street, Port Hedland from Part "Other Public Purposes – Telecommunications" and Part "Residential R15" to "Urban Development".

In January 2011, Council resolved to initiate Scheme Amendment No. 38. The statutory requirements of the scheme have been completed and the report is now before Council to consider the adoption thereof.

The adoption of Scheme Amendment No. 38, is supported by the Planning Department.

### **Background**

Lot 5474 is currently zoned "Residential R15", Lot 2 and Lot 4 are reserved for "Other Public Purposes – Telecommunication". The land falls within a Special Control Area due to the Waste Water Treatment Plant Buffer.

The land has long been identified as a potential development site, however, is currently constrained by State regulations pertaining to the nearby Waste Water Treatment Plant.

In this regard it has been announced that the Waste Water Treatment Plant will be relocated, allowing the land to be developed.

In terms of the clause 6.4 of the Port Hedland Town Planning Scheme No. 5, an area zoned "Urban Development" requires that a "Development Plan" be prepared. The applicants are working closely with the Lead Consultants for the Port Hedland City Growth Plan and have advised that a "Development Plan" will be submitted shortly.

### **Legislative Consultation**

In accordance with the Town Planning Regulations 1967, the proposed scheme amendment has been advertised and circulated as follows:

North West Telegraph: 13 April 2011 – 4 May 2011

Written Notification to:

Telstra

Horizon Power

Main Roads WA

Water Corporation

Dept Environment & Conservation (DEC)

Written notification to all adjoining property owners

Display of site notices on each of the subject sites

As a result of the above advertising, submissions were received from:

- Horizon Power: No Objection
- Water Corporation: No objection in principal subject to the following advice (Summarised):
  - The interim buffer requirements to remain in place,
  - Requirement of a service infrastructure compliant with normal servicing standards, and
  - Current pressure on water demand.
- Main Roads WA: No objection, with the following
- submissions (Summarised):
  - Safety Concerns and level of service for the Port Hedland Road / Cooke Point Drive Intersection,
  - Additional traffic as a result of the proposed development.

DEC: (Summarised)

- Concerns regarding the potential impact on turtle nesting at Cemetery Beach and Pretty Pool Beach,
- Town of Port Hedland should investigate the potential impact to marine turtles, and
- Does not endorse accommodation in close proximity to the WWTP.

#### Applicants Response to Submissions Received.

Copies of all the submissions received have been forwarded to the applicant for a response. The applicants' response has been summarised as follows:

#### Water Corporation

##### Port Hedland Waste Water Treatment Plant:

- The applicant has been in regular discussions with Water Corporation, Landcorp, Pilbara Cities and the Department of Regional Development & Lands,
- The development of the site will be guided by the program for decommissioning the WWTP,
- The construction of the proposed development should not be stopped until the WWTP has been decommissioned. This will allow new housing stock to be on the market as soon as the WWTP has been decommissioned.

##### Proposed Development Approach:

- The concern of the 1:100 year storm surge and the proposed design is not intrinsic to Council's decision to rezone the land, and can be resolved through the "Development Plan"

##### East Pilbara Water Scheme Amendment Restrictions:

- It is expected that an agreement can be reached with respect to the timing and staging of the proposed development.
- The initial proposal illustrated a high density development, however, this is unlikely to be the preferred option.
- 

#### Main Roads

Main Roads comments are based on the initial high density proposal, as mentioned this is unlikely to be the preferred option. Any concerns of Main Roads can be resolved through the "Development Plan".

### Department of Environment & Conservation

- The concerns relating to the potential impact on turtle nesting areas at Cemetery Beach and Pretty Pool can be dealt with through a “Development Plan”.
- With regard to the proximity of the development to the WWTP, the development will occur concurrently with the decommissioning of the WWTP.

### Planning Departments Response to Submissions Received.

The comments and concerns raised by the various organisations are relevant, however, should not prevent the adoption of the subject scheme amendment.

The zoning that is being applied for “Urban Development” requires that a “Development Plan” be submitted and approved by Council prior to any development taking place.

Appendix 6 of the Port Hedland Town Planning Scheme No. 5, provides a list of matters that need to be investigated and considered when preparing a “Development Plan”.

All the matters identified by the various organisations will be better addressed as part of the “Development Plan”, where the applicant will be required to obtain endorsement from various organisations including those that have provided submissions.

### **Statutory Implications**

The *Planning and Development Act 2005* and the *Town Planning Regulations 1967* provide Council the authority to amend its Local Planning Scheme and establish the procedure required to make this amendment.

### **Policy Implications**

Nil

### **Strategic Planning Implications**

Result Area 4: Economic Development

Goal 4: Land Development Projects

Immediate Priorities:

- Fast-track the release and development of commercial, industrial and residential land.

- Develop and maintain a register of development sites and project opportunities within the municipality. Promote this register widely.
- Undertake Council operated land and building projects including:
  - Catamore Court housing development
  - Airport housing
  - Land Rationalisation Land Projects
  - Relocation of the Wedgefield Depot to the Airport
  - Civic Centre Redevelopment Project
  -
- Regularly update the community on the status of key land development projects.

### **Budget Implications**

The applicant has paid the second instalment of the prescribed application fee of \$1,769.20.

### **Officer's Comment**

The adoption of the scheme amendment with the proposed zoning of "Urban Development" will enable the land to be developed in accordance with a "Development Plan" to be submitted and approved by Council.

The Development Plan will identify how the land will developed and will also address any concerns that have been raised by the various organisations.

### **Proposed Development**

The applicant initially proposed a high density development ranging from 2 storeys to 7 storeys (being 6 storeys above ground level parking). Through further consultation with various agencies the applicant is now favouring a lower density development, which will be reflected in the "Development Plan".

### **Relationship with the Port Hedland City Growth Plan**

The applicant has been in regular contact with the Towns Lead Consultant on the City Growth Plan (Growth Plan), to ensure that any proposal that is being considered will be in line with that of the Growth Plan. The details of the proposed development will be captured in the required "Development Plan" which will be forwarded to the Lead Consultants for comment.

The ultimate development of the subject land from a planning perspective requires Council approval for two distinct phases:

Phase 1: – Rezone the land to Urban Development.

The Urban Development zone provides flexibility for the land to be developed for a number of purposes including residential, commercial, etc. Rezoning the land will provide added certainty to the landowner/developer that the land will be able to be developed.

Phase 2 – Adopt a Development Plan.

The Development Plan will identify and provide guidance as to how the land is developed. It will be during this phase that the concerns raised by various agencies will be addressed in detail.

Having regard to the current constraint of the land due to the Waste Water Treatment Plant, the planning for the development will have to be done in parallel to the relocation of the Waste Water Treatment Plant which is expected to take 18 – 24 months.

The adoption of the subject scheme amendment will in no way prejudice to Council's or other agencies ability to control the development ensuring proper and orderly planning is maintained.

Options

Council has the following options when considering the request:

Adopt the Scheme Amendment without any modifications.

This will provide the developer with the confidence that the development of the land will be considered by Council.

Adopt the Scheme Amendment with modifications.

Depending on what the proposed modifications are, the developer may decide not to pursue the potential development.

Abandon the Scheme Amendment.

The abandonment of the scheme amendment would effectively stop the proposed development and may deter other developers from developing in the Town.

Option 1, is recommended by the Planning Department.

**Attachments**

Scheme Documents

**201011/421 Officer's Recommendation/Council Decision****Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham

That Council:

1. Adopts Scheme Amendment 38, to the Town of Port Hedland Town Planning Scheme No. 5, without any modifications.
2. Forwards all required documentation to the Western Australia Planning Commission for Ministerial Consent in accordance with the Town Planning Regulations 1967 (as amended)
3. Authorises the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council's seal in the event that the Minister for Planning approves the Amendment
4. Notifies the applicant that with regard to clause 6.4.2 of the Port Hedland Town Planning Scheme No. 5, Council requires a Development Plan to be submitted and approved prior to any development taking place.

*CARRIED 6/0*

*ATTACHMENT 1 TO AGENDA ITEM 11.1.2.2*

**PLANNING AND DEVELOPMENT ACT 2005  
TOWN OF PORT HEDLAND  
TOWN PLANNING SCHEME NO. 5  
AMENDMENT NO. 38**

RESOLVED that Council pursuant to Section 75 of the Planning and Development Act 2005 (as amended), initiate a Town Planning Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 by:

1. Rezoning Lot 4 Tindale Street and Lot 2 McGregor Street, Port Hedland from 'Other Public Purpose (Telecommunications)' to 'Urban Development';
2. Rezoning Lot 5474 Thompson Street, Port Hedland from 'Residential' to 'Urban Development';
3. Amending the Scheme Map accordingly.

Dated this        day of

.....  
MAYOR

.....  
CHIEF EXECUTIVE OFFICER



*11.1.2.3 Development Assessment Panels - Panel Nominations (File No.: .../...)*

Officer Eber Butron  
Director Planning &  
Development

Date of Report 14 June 2011

Disclosure of Interest by Officer Nil

Summary

As part of the Planning Reforms being implemented throughout the state, Development Assessment Panels are being established. The Panels are decision making bodies comprising of elected Local Government and independent professionals.

The purpose of this report is for Council to select its nominated Panel representative.

Background

Development Assessment Panels (DAP's) are being established throughout the state. One is to be established for the Pilbara the DAP's will have the power to determine applications for development approvals, instead of Council. It is understood that DAP's will consist of five (5) panel members comprising of a Chairperson (a specialist member), two specialist members and two (2) local government representatives.

Council are required to nominate elected representatives to sit on the DAP's. Council are required to nominate two (2) local DAP members as well as two (2) alternate local DAP members who can represent Council in the absence of either of the nominated local DAP members.

Consultation

Nil

Statutory Implications

The nominated local members will form part of DAP empowered to determine applications for development approval in accordance the Planning & Development Act 2005. They will consider applications exceeding \$7,000,000. Applicants can choose whether Council or DAP determines their applications for developments between \$3,000,000 - \$7,000,000.

### Policy Implications

Nil

### Strategic Planning Implications

Nil

### Budget Implications

It is understood that elected Council members would not attract sitting fees as their role on the panel is considered in keeping with their position. Therefore, it is understood time, travel & accommodation costs that may be incurred would be borne by Council.

The DAP process will establish a new fee to be paid by Developers that is intended to fund (partially or entirety) the proposed DAP process. It is understood Developers will still be required to pay the traditional planning application fees.

Given that Council is responsible for the travel costs of those representing Council the DAP, it is proposed to make an allocation in the 2011/12 budget for this course.

### Officer's Comment

Council is required to elect two (2) elected local DAP representatives and two (2) alternate local DAP representatives.

### Attachments

Planning and Development (Development Assessment Panels) Regulations 2011 – attached separately

### 201011/422 Officer's Recommendation/Council Decision

**Moved:** Cr A A Carter      **Seconded:** Cr M Dziombak

That Council:

1. Nominates Mayor Kelly Howlett and Councillor Arnold A Carter as their local DAP representatives
2. Nominates Councillor Bill Dziombak and Councillor George Daccache as their alternate DAP representatives.
3. Establishes a new GL Account to monitor the costs associated with the DAP and allocate and initial \$20 000 in the 2011/12 Budget.

*CARRIED 6/0*

*11.1.2.4 Dedication of Road and Proposed Street Name –  
'Anchor Street', South Hedland  
(File No.: 28/17/0001)*

Officer	Caris Vuckovic Lands Officer
Date of Report	30 June 2011
Application No.	2011/231
Disclosure of Interest by Officer	Nil

### **Summary**

The Town has received a request from McMullen Nolan Group to dedicate a portion of Lot 9003 Captains Way as Road Reserve and endorse the proposed name for the road created as a result of the Stage 2 Collier subdivision.

This report is before Council to consider as the Director Planning and Development Services has no delegation to consider such matters.

### **Background**

The proposed road will connect Minderoo Avenue and Centaur Avenue as part of the Stage 2 Collier Subdivision which was approved under Delegation on 13<sup>th</sup> September 2010.

The applicant has sought recommendation from Planning Services for a suggested street name.

Consultation has occurred with Landgate's Geographic Names Committee (GNC), who have provided a list of names from the Town of Port Hedland's reserve register list. As the connecting road is short in length, GNC have recommended opting for a street name that is no more than five or six letters in length.

After taking into account the general theme of the area, being mainly nautical, the following names fall into GNC's guidelines:

1. Anchor
2. Bridge
3. Deck
4. Winch
5. Port

### Consultation

The Towns Engineering services have advised that they have no objection to the proposal.

Landgate's Geographic Names Committee (GNC) has advised that these names are in keeping with their Principles, Guidelines and Procedures.

### **Statutory Implications**

The naming or renaming of roads must be dealt with as per Part 2, Division 3, Section 26A of the *Land Administration Act 1997*.

### **Policy Implications**

Nil

### **Strategic Planning Implications**

Nil

### **Budget Implications**

Nil

### **Officer's Comment**

Geographic Names Committee have indicated that they are supportive of the proposed street name "Anchor Street".

The road name recommended to the applicant is in keeping with the Geographic Names Committee Principles, Guidelines and Procedures and is in keeping with the general theme of the area, being mainly nautical.

As the name has not been utilised within the Town, the name "Anchor Street" is recommended for approval.

### *Options*

Council has the following options for responding to the request:

1. Support the request for the use of Anchor Street for the newly created road as indicated on Attachment 1.

The approval of the applicants request will result in the newly created road being named as per Part 2, Division 3, Section 26A of the *Land Administration Act 1997*.

2. Reject the request for the use of Anchor Street for the newly created road as indicated on Attachment 1.

Should Council choose to refuse the applicants request, the applicant will need to seek an alternative name for the newly created road.

### **Attachments**

1. Site Plan

### **201011/423 Officer's Recommendation/Council Decision**

**Moved:** Cr A A Carter

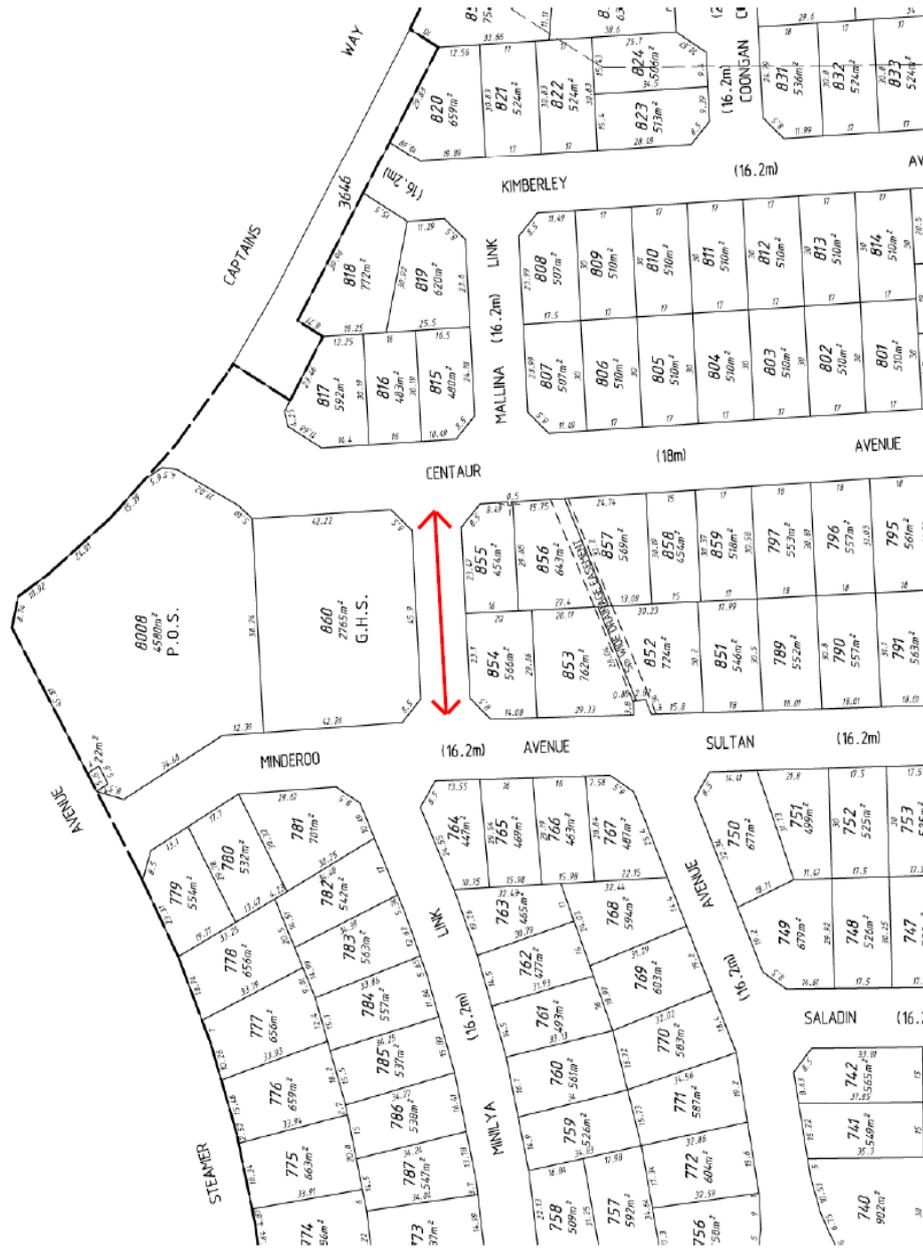
**Seconded:** Cr J M Gillingham

That Council:

1. Supports the use of Anchor Street for the newly created road as indicated on Attachment 1;
2. Delegates the Director Planning and Development to forward the approved road name to the Geographic Names Committee for final approval;
3. Advises the applicant that any cost associated with the required road signage will be at the cost of the applicant;
4. Advises the applicant that the proposed street sign is to be to the specifications of Councils Engineering Services and to the satisfaction of Councils Manager Planning.

*CARRIED 6/0*

ATTACHMENT 1 TO AGENDA ITEM 11.1.2.4



*11.1.2.5 Delegated Planning, Building & Environmental Health Approvals and Orders for April 2011 (File No.: 18/07/0002 & 07/02/0003)*

Officer	Cassandra Woodruff Executive Assistant Planning & Development
Date of Report	13 June 2011
Disclosure of Interest by Officer	Nil

### **Summary**

This item relates to the Planning and Building approvals and Environmental Health Orders considered under Delegated Authority for the month of May 2011. A list of current legal actions is also incorporated.

### **Background**

A listing of Planning, Building and Environmental Health approvals and Orders issued by Council's Planning, Building and Environmental Health Services under Delegated Authority for the month of May 2011 are attached to this report. Further to Council's request a listing of current legal actions is also attached to this report.

### **Consultation**

Nil.

### **Statutory Implications**

Town of Port Hedland Delegation Register 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 which have been dealt with under delegated authority.

### **Policy Implications**

Nil.

### **Strategic Planning Implications**

Nil.

**Budget Implications**

Nil.

**Officer's Comment**

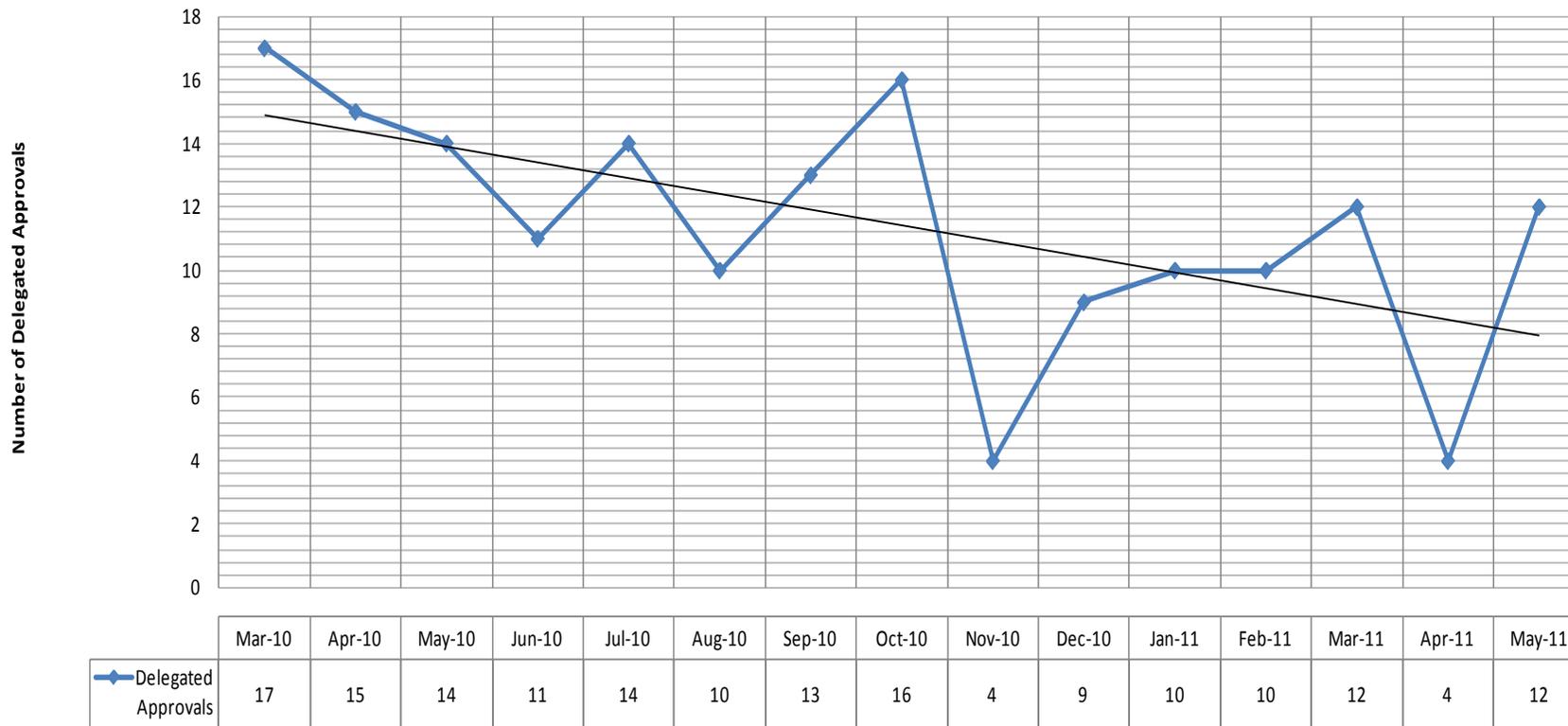
Nil.

## DELEGATED PLANNING APPROVALS FOR MAY 2011

<b>PLANNING APPROVALS - DELEGATED AUTHORITY - MAY 2011</b>					
<b>Applic No</b>	<b>Applic date</b>	<b>Date Determined</b>	<b>Description</b>	<b>Location</b>	<b>Development Value</b>
2010/79.02	21/02/2011	05/05/2011	STORAGE FACILITY/DEPOT/LAYDOWN AREA - CATLEX STREET SIGNAGES	PORT HEDLAND	\$ 42,000.00
2010/269	16/11/2010	08/05/2011	MULTIPLE DWELLING - 8 MULTIPLE DWELLINGS	PORT HEDLAND	\$ 2,000,000.00
2011/90	24/02/2011	12/05/2011	TWO SINGLE STOREY GROUPED DWELLING - R CODE VARIATION (RETAINING WALL)	PORT HEDLAND	\$ 297,435.60
2011/100	01/03/2011	05/05/2011	PROPOSED OFFICE AND REPLACEMENT OF TOILET BLOCK AND CONTROL BUILDING	WODGINA MINE VIA PORT HEDLAND	\$ 607,487.00
2011/111	28/02/2011	05/05/2011	OPEN SIDED COVERED CAR PARK	WEDGEFIELD	\$ 15,000.00
2011/118	11/03/2011	04/05/2011	HOLIDAY ACCOMMODATION - REDEVELOPMENT OF EXISTING HOLIDAY ACCOMMODATION FACILITY	PORT HEDLAND	\$ -
2011/148	30/03/2011	20/05/2011	SINGLE HOUSE - RCODE VARIATION - WALL BOUNDARY	PORT HEDLAND 6721	\$ 450,000.00
2011/152	30/03/2011	25/05/2011	GROUPED DWELLINGS - 8 x SINGLE BEDROOM WITH SINGLE BATHROOM UNITS	PORT HEDLAND	\$ 1,800,000.00
2011/153	01/04/2011	20/05/2011	GROUPED DWELLING - 3 GROUPED DWELLING	SOUTH HEDLAND	
2011/156	05/04/2011	03/05/2011	GROUPED DWELLING - 2 x GROUPED DWELLINGS	SOUTH HEDLAND	\$ 700,000.00
2011/180	21/04/2011	19/05/2011	SINGLE DWELLING - R - CODE VARIATION - SIDE SETBACKS FOR SHED	SOUTH HEDLAND	\$ 19,000.00
2011/210	11/05/2011	24/05/2011	HOME BUSINESS - RECEPTION AREA	PORT HEDLAND	\$ -

DELEGATED PLANNING APPROVALS FOR MAY 2011

Summary & Trendline of  
Town Planning Delegated Approvals

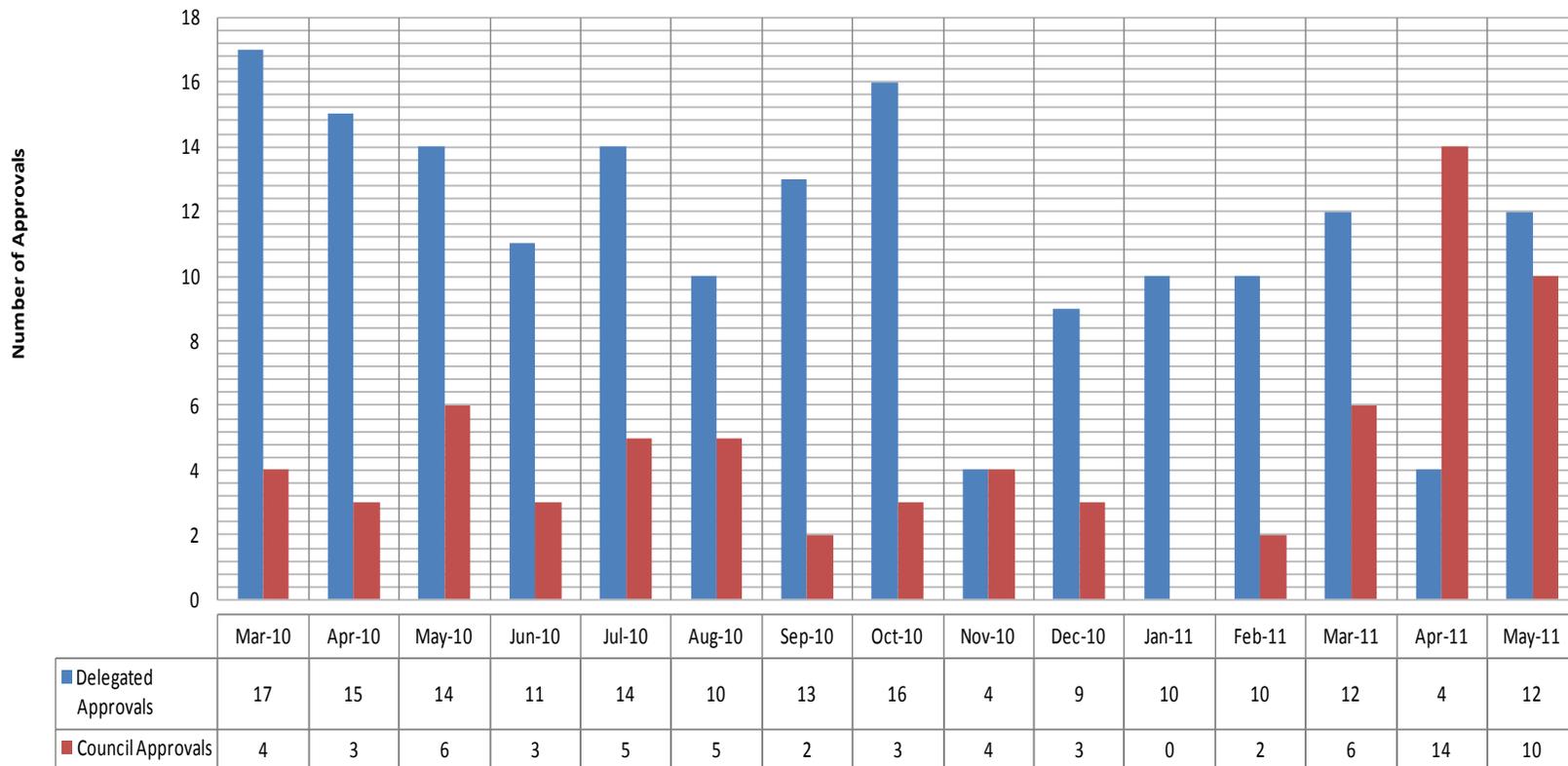


\* PLEASE NOTE THE ABOVE STATISTICS FOR 2010 HAVE BEEN UPDATED DUE TO A PLANNING ADMINISTRATION ERROR

\* STATISTICS FOR APRIL 2011 ARE LOW DUE TO 14 APPROVALS BEING GRANTED BY COUNCIL

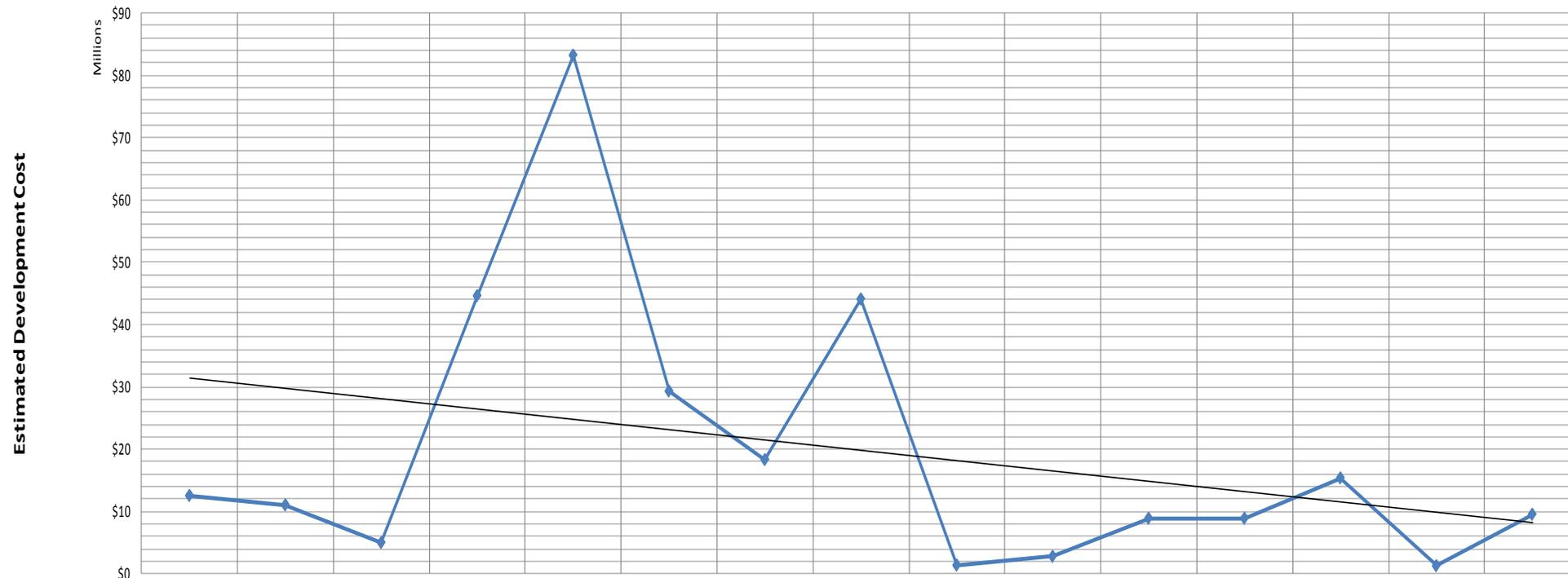
DELEGATED PLANNING APPROVALS FOR MAY 2011

Summary & Trendline of  
Town Planning Council & Delegated Approvals



DELEGATED PLANNING APPROVALS FOR MAY 2011

Summary & Trendline of  
Town Planning Delegated Approvals  
Estimated Development Costs



	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11
Delegated Approvals - Estimated Development Cost \$	\$12,556,310	\$11,038,934	\$4,991,141.90	\$44,596,526	\$83,181,140	\$29,307,640	\$18,304,771	\$44,073,350.26	\$1,379,636.36	\$2,799,000.00	\$8,903,647.00	\$8,903,647.00	\$15,369,649.00	\$1,281,500.00	\$9,530,922.60

\* PLEASE NOTE THE ABOVE STATISTICS FOR 2010 HAVE BEEN UPDATED DUE TO A PLANNING ADMINISTRATION ERROR  
 \* STATISTICS FOR APRIL 2011 ARE LOW DUE TO 14 APPROVALS BEING GRANTED BY COUNCIL DELEGATED BUILDING APPROVALS FOR MAY 2011

**BUILDING LICENCES**

<b>Licence Number</b>	<b>Decision Date</b>	<b>Locality</b>	<b>Description of Work</b>	<b>Estimated Construction Value (\$)</b>	<b>Floor area square metres</b>	<b>Building Classification</b>
100260	26.05.2011	SOUTH HEDLAND	Ancillary Accommodation	\$ 151,836	60	Class 1b
100237	03.05.2011	SOUTH HEDLAND	1 x Carport	\$ 19,200	37	Class 10a
100240	03.05.2011	SOUTH HEDLAND	1 x Carport	\$ 19,200	37	Class 10a
100241	03.05.2011	SOUTH HEDLAND	Carport	\$ 7,079	36	Class 10a
100238	03.05.2011	SOUTH HEDLAND	1 x Carport	\$ 18,250	20	Class 10a
100239	03.05.2011	SOUTH HEDLAND	1 x Carport	\$ 19,200	37	Class 10a
100242	04.05.2011	SOUTH HEDLAND	1 x Outbuilding	\$ 19,724	48	Class 10a
100243	06.05.2011	SOUTH HEDLAND	1 x Temporary Hire Crib & 1 x Temporary	\$ 30,000		Class 10a
100244	09.05.2011	SOUTH HEDLAND	Pergola Roof Construction	\$ 5,000		Class 10a
100246	10.05.2011	PORT HEDLAND	1 x Freestanding Patio	\$ 17,100	19	Class 10a
100249	18.05.2011	PORT HEDLAND	1 x Carport	\$ 15,000	108	Class 10a
100250	18.05.2011	PORT HEDLAND	Temporary Toilet Block	\$ 10,000	54	Class 10a
100253	20.05.2011	PORT HEDLAND	Jockey Facility Change Room	\$ 105,211	36	Class 10a
100254	24.05.2011	SOUTH HEDLAND	1 x Patio	\$ 16,000	45	Class 10a
100257	25.05.2011	SOUTH HEDLAND	1 x Outbuilding	\$ 19,500	60	Class 10a
100256	25.05.2011	PORT HEDLAND	Carport	\$ 14,000	18	Class 10a
105042	02.05.2011	PORT HEDLAND	Above Ground Swimming Pool	\$ 1,500		Class 10b
102025	03.05.2011	PORT HEDLAND	1x Retaining Wall	\$ 4,000		Class 10b
100265	31.05.2011	VIA PORT HEDLAND	Telecommunications	\$ 200,000		Class 10b
100248	13.05.2011	SOUTH HEDLAND	Single Dwelling	\$ 397,000	155	Class 1a
100251	18.05.2011	SOUTH HEDLAND	1 x Single Dwelling	\$ 467,991	156	Class 1a
100252	19.05.2011	WEDGEFIELD	1 x Caretaker Dwelling	\$ 153,419	60	Class 1a
100255	24.05.2011	SOUTH HEDLAND	1 x New Single Dwelling	\$ 450,000	198	Class 1a
100263	31.05.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Carpo	\$ 481,327	130	Class 1a 10a and 10b
100262	31.05.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio & 1 x Fen	\$ 481,327	130	Class 1a 10a and 10b
100264	31.05.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Carp	\$ 481,327	130	Class 1a 10a and 10b

## DELEGATED BUILDING APPROVALS FOR MAY 2011 Cont'd...

**BUILDING LICENCES**

<b>Licence Number</b>	<b>Decision Date</b>	<b>Locality</b>	<b>Description of Work</b>	<b>Estimated Construction Value (\$)</b>	<b>Floor area square metres</b>	<b>Building Classification</b>
100245	09.05.2011	PORT HEDLAND	1x Single Dwelling	\$ 442,955	171	Class 1a and 10a
100258	25.05.2011	SOUTH HEDLAND	Additions and Alterations	\$ 145,000	100	Class 1a and 10a
100247	12.05.2011	VIA PORT HEDLAND	21 x 3 Single Occupancy Units 1 x Laund	\$ 4,400,000	998	Class 1b
100261	27.05.2011	PORT HEDLAND	1 x Laundry 1 x Outbuilding 1 x Restau	\$ 2,860,000	810	Class 6
100259	25.05.2011	WEDGEFIELD	1 x Workshop & 1 x Office	\$ 160,000	500	Class 8
102026	18.05.2011	PORT HEDLAND	Footings & Screwpile Construction	\$ 330,000		Class 10a
<b>Total</b>			<b>32</b>	<b>\$ 11,942,146</b>		

## SUMMARY

No of Licences	Licence Type	Estimated Construction Value	Floor Area in square metres	Average cost per
1	Demolitions	\$20,000		
9	Dwellings	\$3,500,346	1,230	\$2,846
15	Class 10a	\$664,464	555	\$1,197
3	Class 10b	\$205,500	0	
4	Commercial	\$7,571,836	2,368	\$3,198
	Other			
32		<b>\$11,962,146</b>	<b>4,153</b>	

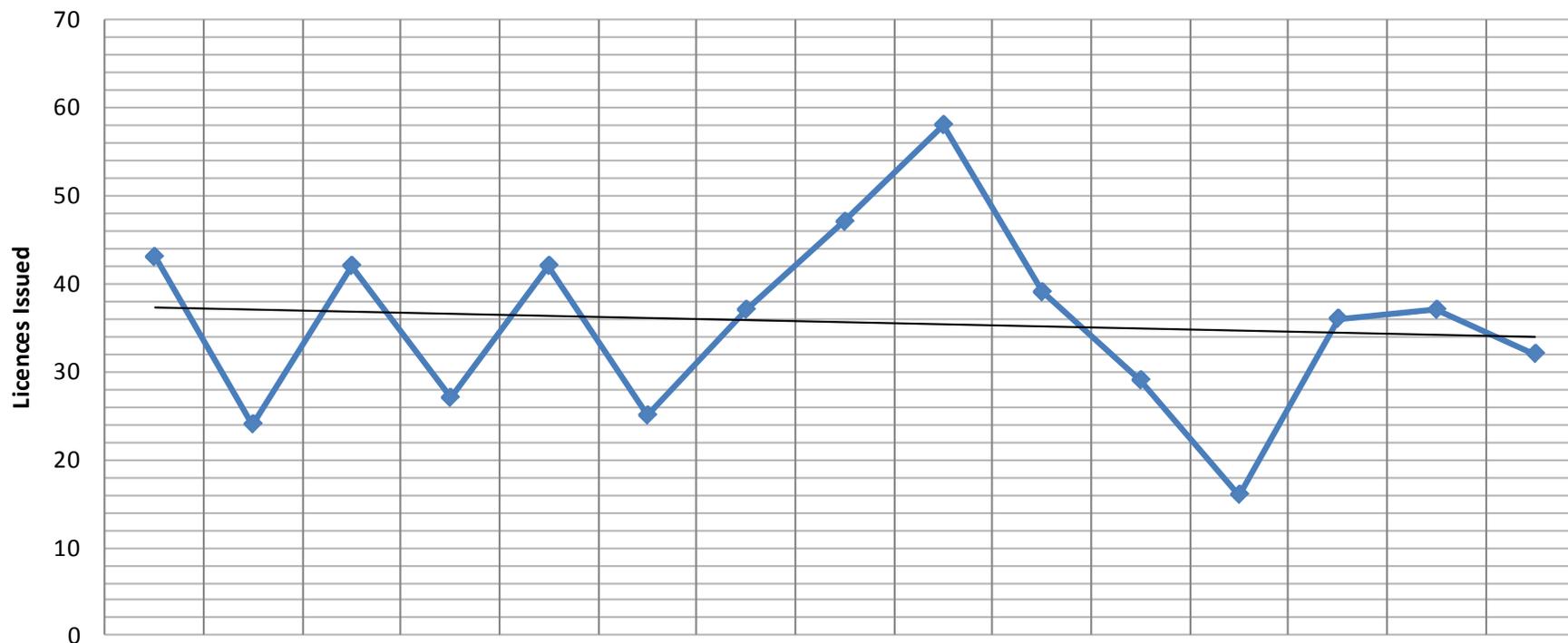
## DELEGATED BUILDING APPROVALS FOR MAY 2011 Cont'd...

**DEMOLITION LICENCES**

<b>Licence Number</b>	<b>Approval Date</b>	<b>Locality</b>	<b>Description of Work</b>	<b>Estimated Construction Value (\$)</b>
103043	10.05.2011	PORT HEDLAND	Demolition	\$ 20,000.00
<b>Total</b>		<b>1 Demolition Licences Issued</b>		<b>\$ 20,000.00</b>

DELEGATED BUILDING APPROVALS FOR MAY 2011 Cont'd...

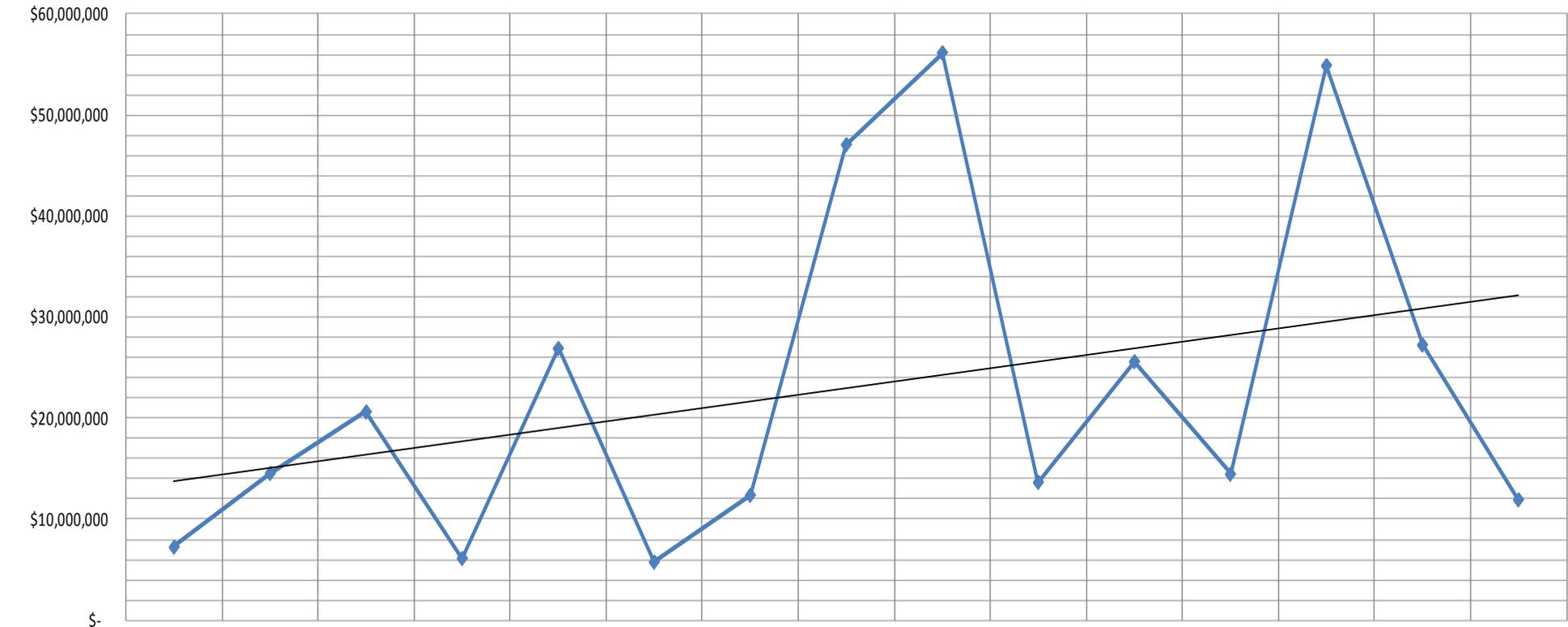
### Summary & Trendline for Building Licence Approvals



	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11
◆ No of Licences Issued	43	24	42	27	42	25	37	47	58	39	29	16	36	37	32

DELEGATED BUILDING APPROVALS FOR MAY 2011 Cont'd...

**Summary & Trendline of  
Estimated Construction Value of Building Licences Issued**



	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11
Estimated Construction Value \$	\$7,270,113	\$14,556,866	\$20,627,998	\$6,148,261	\$26,906,773	\$5,788,656	\$12,388,683	\$47,059,201	\$56,141,035	\$13,670,432	\$25,604,162	\$14,473,282	\$54,872,646	\$27,255,020	\$11,942,146

## CURRENT LEGAL MATTERS BEING UNDERTAKEN AS AT MAY 2011

CURRENT LEGAL MATTERS					
File No.	Address	Issue	First Return Date	Current Status	Officer
<b>WEDGEFIELD</b>					
121670G	Lot 3 Trig Street (J Yujnovich)	Non-compliance with planning conditions	~ First return date 21/1/09	<ul style="list-style-type: none"> <li>~ Trial set down for 13 &amp; 14 September 2010 in Perth. ToPH witnesses to attend.</li> <li>~ Magistrate has found J Yujnovich guilty sentencing will be in +/- 3 weeks</li> <li>~ Fine imposed of approx \$20,000</li> <li>~ Fine paid in full</li> <li>~ <b>No improvement made to property</b></li> <li>~ <b>Letter requesting commitment to remove materials prepared by Geoff Owen</b></li> <li>~ <b>If commitment not received within 14 days of issue further proceeding to commence</b></li> </ul>	MP
124590G	Lot 1029 (4) Ridley Street (Carey Gardner Engineering)	Illegal Residential dongas		<ul style="list-style-type: none"> <li>~ Instruction &amp; Docs sent to Solicitors 4 September 09</li> <li>~ With the appointment of of Compliance Officer, the matter will now progress</li> <li>~ <b>Compliance in the Wedgefield area is on hold until alternative solutions to housing can be found</b></li> </ul>	MP
<b>REDBANK</b>					
116770G	Lot 134 Roche Road (Western Desert)	Illegal laydown area - <b>Second Offence</b>		<ul style="list-style-type: none"> <li>~ Referred to Council Solicitors</li> <li>~ Notices have been issued</li> <li>~ Extension granted to February</li> <li>~ Magistrate has moved matter to be heard in Perth 28th March</li> <li>~ Matter has been heard and found guilty, fined \$20,000 plus \$2500 in legal costs</li> <li>~ <b>Memeorial has been placed against the property</b></li> </ul>	MP
<b>SOUTH HEDLAND RURAL ESTATE</b>					
<b>SOUTH HEDLAND</b>					
<b>PORT HEDLAND</b>					
400330G	83 Athol Street (P Oldenhuis)	Health - Asbestos removal	~ First Return date 25/2/09	<ul style="list-style-type: none"> <li>~ No appearance by Mr Oldenhuis</li> <li>~ Court hearing date 28/4/09 adjourned until 29/5/09.</li> <li>~ Plea hearing date 13/7/09</li> <li>~ Trial 16/11/09 heard to 7pm.</li> <li>~ Decision handed down 23/11 - guilty and issued \$250 in fines and \$4250 in costs.</li> <li>~ Fine registered with FER by Solicitors as not paid by due date.</li> <li>~ Fine unpaid to date. Warrant of execution issued 19th June 2010, issued under S45 (2) &amp; Part 7 of the Fines, Penalties and Infringement Notices Act 1994</li> <li>~ Waiting on report from FER from the South Hedland Magistrates Court</li> </ul>	MEH

**Attachments**

Nil.

**Officer's Recommendation**

That the Schedule of Planning and Building approvals, Environmental Health Orders issued by Delegated Authority and the listing of current legal actions for the month of May 2011 be received.

**201011/424 Council Decision**

**Moved:** Cr AA Carter    **Seconded:** Cr Jm Gillingham

That Council:

1. Receive the Schedule of Planning and Building approvals, Environmental Health Orders issued by Delegated Authority and the listing of current legal actions for the month of May 2011; and
2. Request that the name of people listed in the Schedule of Planning and Building approvals, Environmental Health Orders issued by Delegated Authority be included in future reports.

*CARRIED 6/0*

*REASON: Council believes that due to the high monetary values involved in the licences included in the Schedule of Planning and Building approvals, Environmental Health Orders issued by Delegated Authority, the names of people that are given licenses need to be added to this report.*

*11.1.2.6 Proposed Street Names for Wedgefield Industrial Estate, Wedge field (File No.: 28/17/0001)*

**Officer** **Caris Vuckovic**  
Lands Officer

Date of Report 30 June 2011

Application No. 2011/222

**Disclosure of Interest by Officer Nil**

Summary

The Town has received a request from the RPS Group to endorse the proposed names for the new roads that have been created as a result of the Wedgefield Industrial Estate subdivision, which was approved by the Western Australian Planning Commission 19<sup>th</sup> April 2011.

This report is before Council to consider as the Director Planning and Development Services has no delegation to consider such matters.

**Background**

As mentioned the subdivision of the Wedgefield Industrial Estate resulted in the creation of the new roads. The applicant has proposed the following road names:

Hematite Drive  
Metallic Loop  
Furnace Road  
Commodity Road  
Tailings Elbow  
Phosphorus Street  
Molten Way  
Alloy Way  
Quarry Road  
Silicon Road  
Steel Loop

The applicant has provided a list of alternative names, should the proposed names not be suitable. The suffixes for the roads may be changed. They are listed as follows:

Sinter  
Ore  
Mill  
Miner(s)

Geology  
Mining  
Industry  
Blast  
Extraction

### **Consultation**

The Towns Engineering services have advised that they have no objection to the proposal.

### **Statutory Implications**

The naming or renaming of roads must be dealt with as per Part 2, Division 3, Section 26A of the *Land Administration Act 1997*.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The road names provided by the applicant are in keeping with the general theme of the area, being mainly industrial, and are well associated with the local industry.

As the names have not been utilised within the Town, the following names are recommended for approval:

Hematite Drive  
Metallic Loop  
Furnace Road  
Commodity Road  
Tailings Elbow  
Phosphorus Street  
Molten Way  
Alloy Way  
Quarry Road  
Silicon Road

### *Options*

Council has the following options for responding to the request:

1. Support the request for the use of Hematite Drive, Metallic Loop, Furnace Road, Commodity Road, Tailings Elbow, Phosphorus Street, Molten Way, Alloy Way, Quarry Road and Silicon Road for the newly created roads as indicated on Attachment 1.

The approval of the applicants request will result in the newly created roads being named as per Part 2, Division 3, Section 26A of the *Land Administration Act 1997*.

2. Reject the request for the use of Hematite Drive, Metallic Loop, Furnace Road, Commodity Road, Tailings Elbow, Phosphorus Street, Molten Way, Allow Way, Quarry Road and Silicon Road for the newly created roads as indicated on Attachment 1.

Should Council choose to refuse the applicants request, the applicant will need to seek alternative names for the newly created roads.

### **Attachments**

1. Street Name Plan

### **201011/425 Officer's Recommendation/Council Decision**

**Moved:** Cr G J Daccache

**Seconded:** Cr A A Carter

That Council:

1. Supports the use of Hematite Drive, Metallic Loop, Furnace Road, Commodity Road, Tailings Elbow, Phosphorus Street, Molten Way, Allow Way, Quarry Road and Silicon Road for the newly created roads as indicated on Attachment 1;
2. Delegates the Director Planning and Development to forward the approved road names to the Geographic Names Committee for final approval;
3. Advises the applicant that any cost associated with the required road signage will be at the cost of the applicant;

4. Advises the applicant that the proposed street signs are to be to the specifications of Councils Manager Engineering and to the satisfaction of Councils Manager Planning;

*CARRIED 6/0*

ATTACHMENT 1 OF AGENDA ITEM 11.1.2.6



**11.2 Engineering Services**

5:5.2pm Councillors A A Carter, G J Daccache and M Dziombak declared a Financial interest in Agenda Item 11.2.1 'Purchase of a Water Truck to Assist Boulevard Tree Planting Program' as they are BHP Billiton shareholders with shares over the statutory limit.

Councillors A A Carter, G J Daccache and M Dziombak left the room.

Chief Executive Officer advised that the Minister for Local Government has granted this Council approval to consider Agenda Item 11.2.1 'Purchase of a Water Truck to Assist Boulevard Tree Planting Program (File No.: 21/05/0007)' with a reduced quorum of (3) three.

*11.2.1 Purchase of a Water Truck to Assist Boulevard Tree Planting Program (File No.: 21/05/0007)*

**Officer** **Anthony Williams**  
Project Development  
Officer

Date of Report 23 May 2011

**Disclosure of Interest by Officer Nil**

**Summary**

This item is to obtain Council approval for the purchase of a truck to aid the watering of trees planted as part of the Boulevard Tree Planting project.

**Background**

Council currently has a Boulevard Tree Planting program that commenced in 2009. To date 650 trees have been planted and another 300 trees are due to be delivered during the next 3 months. The project scope does not include irrigation due to the cost implications for the irrigation system itself and the water connection. In some locations it is also difficult to connect to mains water. The establishment period for the trees is relatively short, therefore it was deemed unnecessary to install irrigation when it would only be required for approximately 2 years before the trees could sustain themselves on ground and rain water.

The trees planted as part of the Boulevard Tree Planting project are currently being watered by contractors. It is recommended to purchase a water truck so that these works can be undertaken internally.

### **Consultation**

- Council Workshop staff
- Council Parks & Gardens staff

### **Statutory Implications**

If the purchase of a water truck is approved by Council, it will be sourced from a WALGA preferred supplier in accordance with the Local Government (Functions and General) Regulations 1996, part 4, division 2:

*Tenders for providing goods or services (s. 3.57)*

*11. Tenders to be invited for certain contracts*

*(2)Tenders do not have to be publicly invited according to the requirements of this Division if—*

*(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;*

*(b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA*

### **Policy Implications**

The process for purchasing the water truck will be in accordance with the Councils Procurement Policy (2/007).

### **Strategic Planning Implications**

Key Result Area 2 – Community Pride

- Goal 1 - Townscape: That Councils parks are recognized by the community as being well maintained, well utilized, safe and accessible
  - Immediate Priorities 1 – Undertake projects that upgrade the appearance of verges and streetscapes along major thoroughfares within the District

### **Budget Implications**

The current budget for the Boulevard Tree Planting project is \$508,697 (account 1201450). This has been funded by the Town of Port Hedland, South Hedland New Living and BHP Billiton Iron Ore.

Current budget expenditure is \$241,926.80 plus \$96,516.14 in committed purchase orders, leaving a balance of \$170,254.06. The budget relating to external funding has been spent or is committed.

To date we have spent over \$90,000 (2010/11) on contractors for tree watering. The proposal is to allocate \$140,000 of the boulevard tree planting budget to purchase a watering truck, allowing the remaining budget to complete the planting program.

### **Officer's Comment**

In consideration of the contractor expenditure on tree watering, investigations were carried out on an option for Council to purchase a water truck fit for purpose. Quotes have been sourced for a truck with the appropriate specifications and attachments. An allocation of \$140,000 will be sufficient to purchase a truck that achieves these objectives. The water truck would have a replacement timeframe of 10 years according to Council's vehicle replacement policy. With ongoing verge improvement programs and an approximate trade value of \$30,000 at the end of this period, it is clear that using Council's own resources to water the street trees has strong financial merit.

Although the proposed water truck would be dedicated to street tree watering, it also has the versatility to be used for road construction, vegetation spraying & dust suppression jobs, with a potential saving on current plant hire and contractor fees.

Additional costs associated with the purchase of a water truck include staff to operate the truck and water supply costs. New staff would not be required to operate the vehicle. This can be undertaken by current staff within the verge tree maintenance budget. Tests have been undertaken on the quality of recycled water in the Landfill's septage ponds and determined that with minimal treatment (chlorine dosing in the water truck tank) the water will be suitable for use on the street trees. The appropriate attachments and specifications to ensure compliance with the Department of Health requirements have been included in quotes received to date.

In consideration of the advantages of watering the street trees utilizing Council's own resources it is recommended that Council approve the purchase of a fit for purpose water truck from existing budgets.

**Attachments**

Nil

**201011/426 Officer's Recommendation/Council Decision**

**Moved:** Cr JM Gillingham    **Seconded:** Cr S Martin

That Council:

1. Approve the purchase of a watering truck to assist with the boulevard tree planting program to a maximum value of \$140,000 from existing account 1201450 (Boulevard Tree Planting); and
2. Notes that the purchase of the watering truck would be sourced from a WALGA preferred supplier in accordance with the Local Government (Functions and General) Regulations 1996, part 4, division 2

*CARRIED 3/0*

5:53 pm      Councillors A A Carter, G J Daccache and M Dziombak re-entered the room and resumed their chairs.

Mayor advised Councillors A A Carter, G J Daccache and M Dziombak of Council's decision.

5:52pm Councillors A A Carter, G J Daccache and M Dziombak declared a Financial interest in Agenda Item 11.2.2 'Future Status of Rail Crossing of the Great Northern Highway at Straight Line Kilometre 1604.25 (File No.: 28/01/0006)' as they are BHP Billiton shareholders with shares over the statutory limit

Councillors A A Carter G J Daccache and M Dziombak left the room.

Chief Executive Officer advised that the Minister for Local Government has granted this Council approval to consider Agenda Item 11.2.2 'Future Status of Rail Crossing of the Great Northern Highway at Straight Line Kilometre 1604.25 (File No.: 28/01/0006)' with a reduced quorum of (3) three.

*11.2.2 Future Status of Rail Crossing of the Great Northern Highway at Straight Line Kilometre 1604.25 (File No.: 28/01/0006)*

Officer Russell Dyer  
Director Engineering

Date of Report 14 June 2011

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to obtain a Council decision on the future status of rail crossing on the Great Northern Highway (GNH) at Straight Line Kilometre (SLK) 1604.25, just south of Wedgefield.

In considering this item, the Town of Port Hedland (ToPH) Council decision could impact on the construction schedule and funding arrangements for Wallwork Road Bridge.

Background

Through discussions at various Rail/Road Working Group Meetings regarding the future status of the existing rail crossing at SLK 1604.25, Main Roads Western Australia (MRWA) confirmed that it intends to realign the GNH to the west and north of Wedgefield.

As part of the design of the realignment of the GNH, MRWA current design provides for grade-separation of the realigned GNH over the BHP Billiton Iron Ore (BHPBIO) rail lines by means of a two-span road-over rail bridge.

Following completion of this realignment of the GNH, MRWA intend that the section of the existing road from SLK 1600 (near the BHP Access Road) to SLK 1609 (near the intersection with Port Hedland Road) will become a local road under the control of the ToPH.

MRWA have no plans to request any changes to the existing rail crossing of the GNH at SLK 1604.25 before the realigned GNH is commissioned, subject to BHPBIO not substantially increasing rail traffic at the crossing.

#### Consultation

- BHP Billiton Iron Ore
- Town of Port Hedland
- Main Roads Western Australia
- Department of State Development

#### Statutory Implications

Nil

#### Policy Implications

- 12/004 Road Names

#### Strategic Planning Implications

#### Key Result Area 1 – Infrastructure

##### Goal 1.1– Roads , Footpaths and Drainage

To have a developed network of road, footpaths  
And verges that are well maintained.

- Strategy 1.1.3 Construct a bridge on Wallwork Road to improve traffic access between Port and South Hedland.
- Strategy 1.1.4 Ensure that the \$200M Port Hedland Road Project progresses in a timely manner.

#### Budget Implications

Nil

#### Officer's Comment

When this project was originally mooted, it was anticipated that a two lane bridge over two BHPBIO rail lines would be constructed at Wallwork Road with a further bridge being required at the road /rail interchange at GNH at SLK 1604.25.

A variety of road network design investigations have been held over the past 18 months through the Department of State Development facilitated Road/Rail Working Group. These investigations have resulted in significant changes to the proposed scope of works.

It is now proposed to build one of the following two options being two lanes over four rails, or four lanes over four rails both without Mechanically Stabilised Earth (MSE) walls, depending on final Quantity Survey (QS) and Tender submissions received for Wallwork Road Bridge Project.

MRWA has confirmed that the revised road network design is supported by all key stakeholders and eliminates the need for the proposed bridge at SLK 1604.25 on the GNH.

BHPBIO had previously committed \$15M towards the Wallwork Road Bridge and \$9M towards the proposed GNH Bridge at SLK 1604.25, however after considering the revised road network design the Rail/Road working group requested that BHPBIO allocate the total \$24M towards the Wallwork Road Bridge Project.

BHPBIO have confirmed that the allocation of \$24M towards the grade separation at Wallwork Road is supported; however they required greater certainty around the outcome and schedule for the grade separated crossings.

MRWA have since advised BHPBIO that the realignment of GNH to the west and north of Wedgefield has included in the design a grade separation by means of a two-span road over Rail Bridge, and the project is scheduled for completion by June 2014. The revised road network design means they will not require any changes at GNH SLK 1604.25.

The ToPH staff through the Rail/ Road working group has supported the above outcomes and now request Council to formally adopt this position. This will not require an at grade separation of the existing GNH at SLK 1604.25 when the section of existing road from SLK 1600 (near the BHP Access Road) to SLK 1609 (near the intersection with the Port Hedland Road) becomes a local road under the control of the ToPH.

If Council do not support the officer's recommendation then the original funding previously committed by BHPBIO would be \$15M towards the Wallwork Road Bridge and \$9M towards a Bridge at SLK 1604.25 on the GNH.

### **Attachments**

1. Map Great Northern Highway Realignment

### **201011/427 Officer's Recommendation/Council Decision**

**Moved:** Mayor K Howlett

**Seconded:** Cr S Martin

That Council:

1. Agree that the revised road network design eliminates the need for a proposed bridge at SLK 1604.25 on the GNH.
2. Will retain the rail crossing at SLK 1604.25 on the GNH as at grade crossing, when the section of road from SLK 1600 to SLK 1609 of the GNH become a local road under the control of the ToPH.

*CARRIED 3/0*

5.55 pm Councillors A A Carter, G J Daccache and M Dziombak re-entered the room and resumed their chairs.

Mayor advised Councillors A A Carter, G J Daccache and M Dziombak of Council's decision.



**11.3 Community Development****11.3.1 *Outcomes of Feasibility Study into High Profile Event in Port Hedland (File No.: 03/02/0005)***

Officer Lorna Secrett  
Manager Community  
Development

Date of Report 15 June 2011

Disclosure of Interest by Officer Nil

**Summary**

Council is requested to note the outcomes of the feasibility study into a high profile event in Port Hedland.

Based on a proposed annual commitment from Council of \$500,000 the total event costs each year are projected to be approximately \$1.4 million in Year 1. In order for Year 1 cost of the event to be achievable, additional funding support is approximately \$900,000 is required to be secured.

Council is requested to note the outcomes of the feasibility study and to authorise Officers to seek additional funding support for the proposed event and report back to Council in August 2011.

**Background**

The Council's Strategic Plan 2010 – 15 includes actions to 'Actively seek to attract 'draw card' entertainers and events to the Town of Port Hedland' and to 'Actively seek to attract or establish a nationally significant event to Port Hedland.'

Council conducted a Request for Proposal (RFP) process for a feasibility and business development plan on the potential of presenting a high profile event featuring an international household name performer in the Town.

Sunset Events were engaged in March 2011 to develop the feasibility plan for presentation to the Council.

Key points proposed / identified in the feasibility study prepared by Sunset Events are listed below:

*Vision Statement*

To stage an annual music event of international standard in Port Hedland which delivers social, economic and environmental benefits throughout the year and positions Port Hedland as the regional centre for the Pilbara and an attractive and vibrant place in which to live.

*Site Assessment*

During the site assessment stage of the feasibility study, a unique opportunity was identified that is contained within the confidential attachment.

It is expected that the unique site opportunity will not be ready for 2012, however a range of potential sites exist in Port Hedland that would be suitable and allow the commencement of the event, which will still deliver the considerable community and economic benefits to the Town from inception.

*Potential Style of Performer*

The proposed event would aim to become established as a nationally recognised concert catering to a broad demographic of 18-40 year olds.

*Timing and Suggested Dates*

In order to maximize the opportunity to secure a top quality headline performer each year it is proposed that the dates remain flexible. Largely due to weather it is proposed that the event window would be between April and October each year.

*Suggested Budget*

Event costs have been developed through an extensive audit which included local available supply and transport costs at approximately \$1.5 million per annual event, with the first event cost at approximately \$1.4 million.

Refer to the draft budget in Appendix "B" of the Feasibility Study (confidential attachment) for a detailed breakdown and discussion of these costs.

*Staffing and Volunteers*

Refer to the staffing cost matrix contained in Appendix "B" of the Feasibility Study (confidential attachment) and proposed staffing levels relevant to the scale of initial events.

It is anticipated that volunteers from the Town of Port Hedland will provide key resources to the event.

The proposed approach will be to ask a number of clubs and community groups to supply volunteers in exchange for a donation.

### *Accommodation*

It has been assumed that with sufficient notice of the likely date for the event (prior to release to the public) sufficient accommodation will be able to be secured within the Town of Port Hedland.

Many staff and patrons will intend to camp, with this needing to be factored into suitable site selection and infrastructure. Planning for the provision of accommodation has been set out in Section 3 of the Feasibility Study (confidential attachment).

### Consultation

Extensive consultation has been undertaken across a broad range of stakeholders. Meetings and discussions were held with the following industry representatives, state government departments and bodies:

- Landcorp
- Pilbara Cities
- Pilbara Development Commission
- Port Hedland Port Authority
- BHP Billiton Iron Ore
- Fortescue Metals Group
- Atlas Iron
- Port Hedland Chamber of Commerce and Industry.

The consultation has affirmed strong support for the proposal, with stakeholders indicating that they would favourably consider a sponsorship approach and/or commitment to infrastructure requirements of the event.

The following community groups were engaged in exploring meaningful ways for involvement, at the event, around the event (in the weeks leading up to and after) and all year round.

- Youth Involvement Council
- Hedland Youth Leadership Coalition
- Care for Hedland Inc
- FORM

The table at Attachment 1 details ideas generated from this engagement; it is intended that other groups will participate during the development of the event, including sporting groups as part of a volunteering/fund raising program.

Internal consultation has been held with the following staff:

- Chief Executive Officer
- Acting Director Community Development
- Manager Organisational Development
- Coordinator Community and Cultural Development
- Event Coordinator
- Coordinator Sport and Recreation
- Environmental Health Officer
- Club Development Officer
- Senior Project Officer – Engineering
- Matt Dann Production Coordinator
- Community Development Officer

Discussions with WALGA Procurement Section have been held with regard to the RFT for Provision of a High Profile Event in the Town of Port Hedland.

#### Statutory Implications

The Request for Proposal for a Feasibility Study under which Sunset Events were engaged to undertake the study was issued on the basis that supplier input is required on specifications of the total solution, as prescribed in Section 5.4.4 of the WALGA Procurement Handbook. The Request for Proposal documentation specified that the Town of Port Hedland reserved the right to enter into further discussion with the successful respondent towards Stage Two, being the staging of the event.

Advice has been sought from the West Australia Local Government Association (WALGA) on the best procurement approach to progress this project.

Due to the budget and nature of the proposal, the advice received from WALGA is that should Council authorise the event to proceed, engagement of the lead contractor / organizer for the event should go out to a public process through a Request for Tender (RFT), before a contract to manage the event is entered into.

This report and attachment is confidential as it relates to *'information that has a commercial value to a person'* under Section 5.23 2(ii) of the Local Government Act 1995.

#### Policy Implications

Any subsequent RFT authorised by Council will be conducted in accordance with the Procurement Policy, as amended in June 2011 and 2/011 Tender Policy.

### Strategic Planning Implications

The ToPH Strategic Plan (2010 -2015) includes the following Actions:

#### Goal 2 – Events

That the Town annually hosts a series of well attended community events.

1. Actively seek to attract 'draw card' entertainers and events to the Town of Port Hedland.
2. Actively seek to attract or establish a nationally significant event to Port Hedland.

### Budget Implications

The event has been estimated at approximately \$1.4 million in Year 1. The feasibility study proposal recommends that the Council allocate a sum of \$500,000 in the 2011/12 budget as its potential contribution to the event. This contribution is proposed to be conditional on the balance of funding being sourced from other parties.

Subject to Council approval, the intention is to now seek the balance (\$900,000) of additional funding support to allow the event to proceed in 2012. A report on the outcome of this funding effort will be report to Council in August 2011. Based on the success of securing additional funding support, Council can then consider whether the event is to be staged.

Should other / external party funding exceeds the balance required (ie is greater than \$900,000), then the contribution from Council will be reduced by the same amount. The sponsorship commitment to the event from Council, under the conditions proposed in the feasibility study is for a period of 5 years. The annual contribution from Council is proposed to remain constant at \$500,000.

Under the feasibility proposal, Council would auspice the event in all relationships with corporate partners, suppliers and Government agencies and will have full audit rights of the accounts for the event.

As the event develops and achieves greater audience numbers, it is intended that the agreement with the lead event contractor would be reviewed to further offset costs of the event to the Town.

#### Officer's Comment

The Town of Port Hedland presents four annual quality community events to its residents and visitors. These events are free to the public and feature quality entertainment and associated activities including market stall programs, competitions and workshops.

The scope of these events has been to a large extent fully realised within the context of a community event and strategically Council now wishes to work with a major presenter to develop a ticketed event, featuring a high profile international act.

The feasibility study has drawn a high level of support from all stakeholders, with the common view that the time is right for the Town to develop its social infrastructure and programs in this direction.

An iconic event with an international drawcard performer will:

- Increase the profile of Port Hedland
- Act as a platform for the development of Port Hedland as the regional centre of the Pilbara
- Promote the town as a tourism destination of significance and renown by highlighting the unique industrial and marine environment of Port Hedland
- Leave a year-round legacy of broader cultural and community benefits for the town by stimulating existing community and cultural participation in and around the event and providing a stimulus for this continued activity throughout the year.

Key stakeholders were firmly of the view that Council should 'own' the event and auspice the project. This arrangement not only guarantees transparency and accountability of the funding model, but also ensures that community engagement and benefits will be supported and delivered by the Town.

It should be noted in difference to the proposed feasibility study, Council officers would be responsible primarily for managing key corporate partner relationships and engaging local community and business involvement.

All other event organizational logistics (including the engagement of non-partner sponsorship) will be the responsibility of the lead event contractor.

The next step is proposed to be the sourcing and confirmation of additional funding required for the event to potentially proceed in 2012.

Following consideration of these endeavours, Council may be requested to support the commencement of a procurement process through a Request for Tender, using information which does not impact on the intellectual property which has been supplied in the feasibility study.

### **Attachments**

1. Feasibility Study on High Profile Event in Port Hedland (distributed separately as Confidential).

### **Officer's Recommendation**

That Council:

1. Note the outcomes of the feasibility study on a high profile event in Port Hedland
2. Considers an amount of \$500,000 in the 2011/12 Budget, which is conditional on the sourcing of other funding up to a total amount of \$1.5 million towards the event
3. Authorises Officers to seek additional funding support for the proposed event
4. Notes that a further report will be provided in August 2011 regarding the outcomes of efforts to secure funding for the proposed event.)
5. Endorses that the report and recommendation are made public, with the attached Feasibility Study remaining confidential due to the commercial nature of the information contained.

### **201011/428 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr

That Council:

1. Note the outcomes of the feasibility study on a high profile event in Port Hedland; and

2. Considers an amount of \$500,000 in the 2011/12 Budget, which is conditional on the sourcing of other funding up to a total amount of \$1.5 million towards the event; and
3. Authorises Officers to seek additional funding support for the proposed event; and
4. Notes that a further report will be provided in August 2011 regarding the outcomes of efforts to secure funding for the proposed event. If the event does not receive funding then Council is to withdraw the conditional funding of \$500,000 from this years' budget estimates; and
5. Endorses that the report and recommendation are made public, with the attached Feasibility Study remaining confidential due to the commercial nature of the information contained.

*CARRIED 5/1*

Record of votes

FOR	AGAINST
Mayor K Howlett	Cr S R Martin
Cr A A Carter	
Cr J M Gillingham	
Cr M (Bill) Dziombak	
Cr G J Daccache	

*REASON: Council believes that additional clarification was required regarding the withdraw of the conditional funding of \$500,000 from this years' Town of Port Hedland budget estimates, should the high profile event not receive funding.*

*11.3.2 Multi Purpose Recreation Centre – Adoption of Interim Management Plan (File No.: 26/13/0015)*

Officer Gordon MacMile  
Director Community  
Development

Date of Report 17 June 2011

Disclosure of Interest by Officer Nil

Summary

The Multi Purpose Recreation Centre (MPRC) construction at Kevin Scott Oval in South Hedland is progressing well, currently on program for completion in May 2012.

Council previously considered the options available and gave in-principal endorsement for the future management of the facility to be undertaken by contract management, allowing for the (draft) MPRC Management Plan to be further developed.

Council is requested to endorse the Multi Purpose Recreation Centre Interim Management Plan included as Attachment A and other key recommendations regarding the facility's operation including authorising the Chief Executive Officer to call for Request for Tender (RFT) on Contract Management of the Multi Purpose Recreation Centre in the Town of Port Hedland.

Background

In November 2010, the Town of Port Hedland awarded the responsibility of the development of the Management Plan for the MPRC to CCS Strategic Management (CCS), to determine financial, human resource, asset management requirements for the Centre.

The preparation of the management plan progressed to a critical point where an 'in-principal' decision was made by Council to endorse the position of contract management for the Multi Purpose Recreation Centre, based on an initial term of 3 plus 2 years (OCM 25 May 2011).

In deciding to contract manage the MPRC, Council considered the practical challenges of operating a major recreation facility in Port Hedland including the following additional considerations and capacity to:

- Recruit skilled / experienced individuals in the areas of:
  - Leisure facility management
  - Fitness centre operations
  - Sport and recreation programming
  - Crèche and children's services operations
  - Facility maintenance
- Provide an appropriate back-up to key staff in times of annual leave, illness and staff turnover to ensure service continuity
- Offer an attractive employment package and accommodation for these suitably skilled and experienced personnel given the housing market conditions in Port Hedland
- Develop a local labour supply for high volume / high turnover positions that require a specific qualification or certification, e.g. instructors, referees, coaches, childcare workers, - largely in the absence of the core demographic for these positions (secondary school and university students, housewives and transient workers)
- Retain adequate control over the various management decisions and ensure the community is being fairly and equitably serviced
- Mitigate and appropriately manage operational risk including financial exposure.

With these critical considerations completed, the draft MPRC Management Plan is presented for consideration.

#### Consultation

The management options have been discussed with the following:

##### *Internal*

- Director Community Development
- Manager Libraries and Cultural Development
- Manager Recreation and Youth Services
- Town of Port Hedland Recreation team

##### *External*

- Potential independent management (contract) providers: YMCA, Belgravia Leisure and Bluefit Leisure.

### Statutory Implications

Based on Council's decision to contract manage the MPRC, the requirements under the Local Government Act (1995) in regard to tendering will apply:

*“3.57. Tenders for providing goods or services:*

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

### Policy Implications

Nil

### Strategic Planning Implications

Key Result Area 3 – Community Development

Goal 2 – Sports and Leisure

Immediate Priority 1 – Build the Multi Purpose Recreation Centre

### Budget Implications

The draft budget (based on a direct management model) for the operations of the MPRC presented (OCM 25 May 2011) a potential operating deficit of approximately \$800,000 per annum.

Below is a comparative summary of contract management companies and their potential management fee that would apply in excess of the MPRC annual operating deficit.

Characteristic / Provider	YMCA of Perth	Belgravia Leisure	BlueFit Leisure
Head Office	Carlisle, WA	Bayswater , Vic	Sydney, NSW
Facilities managed (total)	382	70	30
- Dry recreation centre	Yes	Yes	Yes
- Aquatic centre	Yes	Yes	Yes
- Early learning centre	Yes	No	No
- Accommodation	Yes	No	No
- Golf course	No	Yes	Yes
- Health clubs and spas	Yes	Yes	Yes
- Indigenous experience	Yes	Yes	No
Number of staff	7,000	3,500	600
Regional / resource towns	Yes	Yes	No
24/7 operations	No	No	No
RTO status	Yes	No	Yes
Estimated management fee	\$55,000 in addition to budget deficit	Not disclosed at this stage	\$80,000-100,000 + 6% income

Additional Notes:

*YMCA*

Currently operate ToPH Aquatic Centres and previously the JD Hardie Centre. It currently runs an early learning centre in Port Hedland (and Newman) with support from BHP Billiton. Experienced in accommodation management and is in the process of setting up backpackers and NFP accommodation in Port Hedland

*Belgravia*

Currently operates a variety of centres in Perth and has now set up an international arm to manage a new complex in Abu Dhabi offering equestrian, shooting, motor sports, wakeboarding and paintball along with conference facilities. Belgravia Leisure has ability to partner in the capital development, extension or refurbishment of major leisure facilities with the backing of the Belgravia Group.

*BlueFit*

Mostly provides services to aquatic centres but also operates golf courses, health clubs and dry centres including squash courts. Operates the BlueFit Foundation, a not for profit organisation offering a number of programs for underprivileged children, keeping them active whilst also providing support and guidance at a personal level.

In general terms all 3 companies have the experience and would appear to have the interest and capacity to successfully manage the MPRC.

*Officer's Comment**The Contracting Process*

The process of calling tenders for the management of the facility invites the market place to respond and offer its best solution. Usually (and in this instance it would be critical) the development of the tender specification for a facility management contract would address the wide variety of issues detailed in this management plan and indicate a suite of performance measures. The largely unknown factor is the management fee the operator would charge and the budget that they would be prepared to accept and a performance outcome.

*MPRC Interim Management Plan*

The MPRC Interim Management Plan has been developed by CCS Strategic Management to a level that allows Council to understand how key aspects of the facility's operation will be undertaken and the potential implications for the Town of Port Hedland.

Certain elements of the Management Plan cannot be completed however until the contract management tender process has been completed, awarded by Council and final operational negotiations agreed between the successful contractor and the Town of Port Hedland.

It is anticipated that the Request for Tender process will be completed and reported for Council consideration by October / November 2011.

**Attachments**

1. Multi Purpose Recreation Centre (draft) Interim Management Plan (CCS Strategic Management) - attached under separate cover

**201011/429 Officer's Recommendation/Council Decision****Moved:** Cr A A Carter**Seconded:** Cr G J Daccache

That Council:

1. Adopts the Multi Purpose Recreation Centre Interim Management Plan
2. Authorises the Chief Executive Officer to conduct a Request for Tender (RFT) process for the Contract Management of the Multi Purpose Recreation Centre based on an initial term of 3 years plus a 2 year option
3. Notes that tender specifications will be prepared for the management of the MPRC based on the details contained within the Management Plan adopted
4. Notes that a further report will be provided by end of October 2011 regarding the Request for Tender process.

*CARRIED 6/0*

*11.3.3 Marquee Park – Adoption of Interim Management Plan (File No.: 21/05/0011)*

Officer Gordon MacMile  
Director Community  
Development

Date of Report 25 May 2011

Disclosure of Interest by Officer Nil

Summary

Marquee Park is designed to be a level 1 district park in South Hedland and scheduled for completion in September / October 2011.

Council is requested to endorse the Marquee Park Interim Management Plan included as Attachment A and other key recommendations regarding the facility's operation.

Background

The Town of Port Hedland is constructing a feature (district level) park in South Hedland. Marquee Park will be a tremendous asset to the South Hedland and broader Town of Port Hedland community. On completion it will provide a unique social gathering place and free water play and BBQ facilities supported by traditional play areas for both young and older children. The kiosk and cafe will facilitate social interaction and add to the experience of a visit to Marquee Park.

The project originates from research undertaken through the Town's Land Use Master Plan process and through feedback received from Council's annual community surveys in 2006 and 2007.

These research and community consultation programs identified that public open space provision was below average and that the community expects far better quality parks than those that currently exist in the Town.

The development of this major Park will assist in transforming Port and South Hedland into a vibrant regional centre, where people want to live, work and play.

The aim of the project is to develop and deliver one of the best community parks in the Northwest and for the park to become a

positive icon for the Hedland community. The project is the most significant immediate term infrastructure program planned by the Town.

The design of the Marquee Park includes the following facility components:

- Playground equipment for all ages
- A water play area
- 'Kickabout' open space
- A mini-performance area
- Kiosk and outdoor eating area
- Free-formed play area
- Imaginative play garden
- Native style feature garden
- Ablution facilities
- On-site and street parking, including drop off area
- BBQ and seating facilities
- CCTV installation
- Cycle and walkway links associated with Council's park improvement plans open space corridor
- Caretakers facility

In June 2011, the Town of Port Hedland awarded the responsibility of the development of the Management Plan for Marquee Park to Tredwell Management.

The Management Plan addresses all facets of the operation of the Park from identifying potential management strategies, investigating and benchmarking relevant facilities, user groups and other target markets, recommending fees and charges, annual operational budgets, staffing structure and staffing levels required, the range of programs and services to be offered (if applicable), cleaning and maintenance strategies, management reporting requirements and performance indicators.

The management plan benchmarks similar facilities and operations where relevant. The Plan reflects a solution that will be effective in the Pilbara and more particularly Port Hedland.

#### Consultation

##### *Internal*

- Director Community Development
- Manager Infrastructure Management
- Town of Port Hedland Recreation team

##### *External*

- Fortescue Metals Group Limited

#### Statutory Implications

Nil

#### Policy Implications

Nil

#### Strategic Planning Implications

#### Key Result Area 3 – Community Development

#### Goal 2 – Sports and Leisure

Other Actions - Develop plans for future recreation and leisure facility upgrades to accommodate population growth.

#### Budget Implications

Based on the key assumptions outlined in the “Officer’s Comment” section of this report, a five year operating forecast has been prepared using a range of information sources including the costs of operating similar water parks throughout Australia, costing prepared by the park design team and the consulting team’s own market research.

A scenario analysis was conducted for the operational forecast which looked at the ‘conservative case’, ‘likely case’ and ‘worst case’. The cost of operating the park was estimated to be in the order of \$250,000 (best case) to \$380,000 (worst case) with a likely scenario of **\$315,000** in year one, increasing to \$306,000 (best case) to \$460,000 (worst case) with a likely scenario of **\$382,000** in year five.

It is not anticipated that any revenue will be generated by Marquee Park however it should be recognised in the accounts the value of the rent foregone to accommodate the pool manager which is estimate to be in the order of \$75,000 per annum.

The major costs associated with operating the park will be the maintenance of the grounds and water playground area including plant and equipment, electricity for floodlighting and plant operation, water quality inspections and water use. A contingency of 10% has also been included to cover unforeseen costs such as vandalism and breakages. A cost escalation of 5% has also been included from year 2 onwards.

The financial forecast model has assumed that the operation of the kiosk will be conducted by the operators of the Cafe and that when the cafe is handed back to Council it will be operating at cost neutral and this is based on discussion with FMG who indicated this is their aim.

The financial forecast also assumes that the park maintenance services are contracted out to a private parks management and maintenance firm.

The table (Attachment 2) to this report outlines the five year operational forecast for Marquee Park.

Officer's Comment

#### *Benchmarking of Relevant Facilities*

As part of the preparation of the Management Plan, Tredwell Management completed a benchmark assessment of similar relevant facilities throughout the country including:

Geraldton Water Playground  
Craigie Leisure Centre  
Maylands Waterworld  
Hervey Bay – Wetside Park  
The Strand Water Park  
The Rocks Riverside Park.

The summary of benchmark findings indicated that the most similar facility to that being developed at South Hedland is the Geraldton Water Playground. This facility is freely accessible to the public and is a standalone facility set in a significant public park environment. This facility is not directly supervised however daily maintenance and inspections of facilities and water testing is conducted.

The other facilities investigated tended to have additional features such as a static wave, water bodies or advanced playground equipment or very high levels of visitations which requires some level of active supervision.

All facilities had some form of surveillance including CCTV and/or flood lighting and this tended to reduce levels of vandalism and anti-social activity.

### *Key Directions and Management Recommendations*

To guide the future operation of the new facility a vision and mission statement and a series of governance and management principles and guidelines have been established within the draft management plan. These directions should be adhered to when operating the new facility and any planning and decision relating to the new facility should also be consistent with these directions.

#### “Vision”

An highly utilised iconic park with a sense of place and adventure providing a hub for a mix of social and leisure experiences for the entire community in particularly families and children.

#### “Mission”

To provide a district level park that contributes to the recreation and social needs of people residing in the Town of Port Hedland and provides an attraction for locals and visitors alike. .

#### “Principles and Goals”

- Freely accessible open space that encourages use by all people within the community
- A safe and secure public leisure facility for people to visit
- A well presented and high quality park that the community is proud to be associated with
- A park that encourages people to bring their family and friends along to celebrate their special events and functions
- A park that showcases the local culture and traditions of the Pilbara and the Town
- A park that attracts tourists to the Town of Port Hedland area.

#### “Key Performance Indicators”

A number of key performance indicators have been set to measure the overall performance of the park these need to be monitored regularly and reported against at least annually.

- Visitations – locals and tourists (samples recorded throughout the year)
- Customer satisfaction levels (annual survey)
- Cost efficiency (adherence to budget)
- Aesthetic appearance (regular report from grounds maintenance)

*Consultant's Recommendations*

- a. That the Town of Port Hedland (ToPH) contract out the grounds management including splash pad maintenance, mowing and edging, cleaning, daily water testing, routine equipment and facility inspections of the Marquee Park to a suitably qualified and experienced parks management and maintenance firm.
- b. That the ToPH support FMG's establishment of a cafe style facility within Marquee Park and require as part of their leasing arrangement that they are responsible for the operation of the kiosk component and provide a communication point for emergency situations during the cafe hours of operation.
- c. That the appointment of a full time caretaker is not supported however the residence is utilised to accommodate the manager of the local swimming pool/s.
- d. That supervision staff are not required however this should be monitored and if usage is deemed to be at very high levels then supervision should be considered at peak times.
- e. That the swimming pool manager residing onsite is responsible for monitoring the CCTV during non-operating periods and is also available for assistance during emergency situations such as plant and equipment malfunctions and failures.
- f. That the operating hours for the splash pad are 10am to 6pm April & May, 10am to 5pm June to August, 10am to 6pm September to November; and 10am to 8pm December to March.
- g. It is recommended that the facility is closed for one full day mid week to conduct maintenance.

*Marquee Park Interim Management Plan*

The Marquee Park Interim Management Plan has been developed by Tredwell Management to a level that allows Council to understand how key aspects of the facility's operation will be undertaken and the potential implications for the Town of Port Hedland.

Certain elements of the Management Plan cannot be completed however until final decisions have been made regarding the potential development of a café on the Marquee Park site and the management arrangements / implications can be fully integrated.

Further clarification is also required in relation to the organizational capacity and approach (either in-house or contract) to the maintenance of the Marquee Park grounds.

### **Attachments**

1. Marquee Park (draft) Interim Management Plan (Tredwell Management) – Attached seperately
2. Marquee Park – 5 year Operational Forecast

### **201011/430 Officer's Recommendation/Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr G J Daccache

That Council:

1. Adopts the Marquee Park Interim Management Plan
2. Notes that further reports will be provided regarding the proposed café development and operation within the Marquee Park site.

*CARRIED 6/0*

**Marquee Park – Adoption of Interim Management Plan  
Attachment 2: Draft Operational Financial Model – 5 year forecast**

Forecast Operating Statement - 5 Year															
Expenses Type	Year 1			Year 2			Year 3			Year 4			Year 5		
	Scenario			Scenario			Scenario			Scenario			Scenario		
	Conservative	Likely	Best Case												
Insurance	\$6,000	\$5,000	\$4,000	\$6,300	\$5,250	\$4,200	\$6,615	\$5,513	\$4,410	\$6,946	\$5,788	\$4,631	\$7,293	\$6,078	\$4,862
Electricity	\$54,000	\$45,000	\$36,000	\$56,700	\$47,250	\$37,800	\$59,535	\$49,613	\$39,690	\$62,512	\$52,093	\$41,675	\$65,637	\$54,698	\$43,758
Water	\$33,600	\$28,000	\$22,400	\$35,280	\$29,400	\$23,520	\$37,044	\$30,870	\$24,696	\$38,896	\$32,414	\$25,931	\$40,841	\$34,034	\$27,227
Chemicals	\$19,200	\$16,000	\$12,800	\$20,160	\$16,800	\$13,440	\$21,168	\$17,640	\$14,112	\$22,226	\$18,522	\$14,818	\$23,338	\$19,448	\$15,558
Maintenance - Buildings	\$12,000	\$10,000	\$8,000	\$12,600	\$10,500	\$8,400	\$13,230	\$11,025	\$8,820	\$13,892	\$11,576	\$9,261	\$14,586	\$12,155	\$9,724
Maintenance - Grounds/Water Playground	\$174,720	\$145,600	\$116,480	\$183,456	\$152,880	\$122,304	\$192,629	\$160,524	\$128,419	\$202,260	\$168,550	\$134,840	\$212,373	\$176,978	\$141,582
Inspections [Water]	\$43,680	\$36,400	\$29,120	\$45,864	\$38,220	\$30,576	\$48,157	\$40,131	\$32,105	\$50,565	\$42,138	\$33,710	\$53,093	\$44,244	\$35,396
<b>Total</b>	<b>\$343,200</b>	<b>\$286,000</b>	<b>\$228,800</b>	<b>\$360,360</b>	<b>\$300,300</b>	<b>\$240,240</b>	<b>\$378,378</b>	<b>\$315,315</b>	<b>\$252,252</b>	<b>\$397,297</b>	<b>\$331,081</b>	<b>\$264,865</b>	<b>\$417,162</b>	<b>\$347,635</b>	<b>\$278,108</b>
Contingency 10%	\$34,320	\$28,600	\$22,880	\$36,036	\$30,030	\$24,024	\$37,838	\$31,532	\$25,225	\$39,730	\$33,108	\$26,486	\$41,716	\$34,763	\$27,811
<b>Grand Total</b>	<b>\$377,520</b>	<b>\$314,600</b>	<b>\$251,680</b>	<b>\$396,396</b>	<b>\$330,330</b>	<b>\$264,264</b>	<b>\$416,216</b>	<b>\$346,847</b>	<b>\$277,477</b>	<b>\$437,027</b>	<b>\$364,189</b>	<b>\$291,351</b>	<b>\$458,878</b>	<b>\$382,398</b>	<b>\$305,919</b>
<b>Assumptions</b>															
Kiosk is operated by FMG															
CCTV Monitoring by tenant/police															
Maintenance - Grounds/Water Playground to be conducted by contractors 'Likely scenario' = [1x8 hour day + 6x1 hour day] x 52 weeks x 2 people+machinery @ \$100/hour															
Inspections include water quality and security monitoring															
Cafe handover after year three to Council and is operating at cost neutral															
Cost escalation	5%														

*11.3.4 JD Hardie Youth Centre – Adoption of Interim Management Plan (File No: 03/01/0023)*

Officer Tony Mosley  
Coordinator Youth  
Services

Date of Report 13 June 2011

Disclosure of Interest by Officer Nil

Summary

This agenda item provides an Interim Management Plan for the JD Hardie Youth Centre (JDHYC), which also takes into account the previously considered business plan prepared by Creating Communities. The Interim Management Plan provides Council with an update on the JD Hardie Youth Centre project to assist in the consideration of the future management and operational aspects of the JD Hardie Youth Centre. Council is requested to endorse the JDHYC Interim Management Plan included at Attachment A and other key recommendations regarding the facility's operation.

Background

The Concept Design Brief and Business Plan for the Youth Centre were accepted at the OCM of 28 May 2008.

Council further endorsed (OCM 22 July 2009) the Hedland Youth Plan which included the Project "Development of a Youth Precinct to provide a one stop shop of youth services, activities and programs". The OCM held on 9 December 2009 endorsed the calling for tenders for the construction of the "Hedland Youth Zone". Within that Agenda Item, the Council Officer had also advised that:

"For this project to proceed Council will need an awareness and understanding that operational losses are expected following the redevelopment of the Youth Zone and construction of the Multi-Purpose Recreation Centre facility, in terms of operation and management."

At the Ordinary Council meeting of 8 September 2010 adopted revised terms of reference for the JD Hardie Youth Centre Working Group.

The revised terms of reference are as follows:

*Scope*

Planning the nature and operation of the Youth Zone within the framework of the Hedland Youth Plan (HYP) 2009-2014 and the Hedland Youth Precinct Business Plan (April 2008) – building in the expectations of today's young people and the broader community.

*Purpose*

To consider and advise Council in relation to the following:

- Enhancing the vision for the Youth Zone – namely, identifying the contribution it will make towards the well-being and growth of local young people.
- 
- The opportunities to be offered young people that will achieve this vision – projects, services, events, opportunities to participate.
- 
- The management and staffing structures required to deliver these opportunities – including (as appropriate) the roles of the Town of Port Hedland, agency tenants, young people and others.

Consultation

*Recent Consultations*

Director: Community Development  
Previous a/ Director: Community Development  
Manager Investment and Business Development  
Manager: Community Development  
JD Hardie Youth Centre Working Group members

*Previous Consultations*

Participants of ToPH Aboriginal Consultation on Youth Issues  
Community members, including some Aboriginal Elders  
Limited number of Youth Centres operated by LGAs and PCYCs  
ToPH Youth Service Providers  
ToPH Youth Survey 2010  
Creating Communities: Andrew Watt  
National Council of Social Service staff  
Consultant to PDC: Dr Bruce Walker  
ToPH Indian Families Informal Support Network  
Frontier Services – Migrant Services Officer  
Smith Family School Student Support Worker  
Statutory Implications

(In part) - LOCAL GOVERNMENT ACT 1995 - Section 3.58

“3.58. *Disposing of property*

(1) *In this section —  
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 —*

(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.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition — (i) describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

*and*

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

*[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]*

#### Policy Implications

The ToPH Policy Manual provides the following policies which are related to this agenda item.

8/001 Community Service Provision

8/009 Access Policy for people with Disabilities, their families and carers

#### Strategic Planning Implications

#### Key Result Area 3 – Community Development

#### Goal 1 Youth and Children

Immediate Priority 1: Convert the JD Hardie Centre into an integrated Youth Centre.

Immediate Priority 3: Attract and retain young people in our Town through operating a series of events, information and activities.

### Budget Implications

There are a number of budget implications as outlined in the attached Interim Management Plan. As there are two distinct phases of the JD Hardie Youth Centre, the budgets for 2011/2012 and 2012/2013 will have significant differences between them. Phase 1 proposes a budget that is essentially 'business as usual', with the ToPH Recreation Services operating the Centre, with the commencement of tenants throughout Phase 1.

A marked increase in utility and maintenance costs can be expected for the remainder of 2011/2012, due primarily to an increase in size of the JDHYC and the activity of tenants and visitors, although a range of costs will be recovered as part of the tenancy agreements.

A budget was proposed for the Centre in the JDHYC Business Plan prepared by Creating Communities as accepted at the OCM of 28 May 2008, however some differences have been noted between that estimated by the JDHYC Business Plan budget and those which have been the actual operational costs.

This is therefore likely to alter the budget implication advice provided at the OCM of 9 December 2009, which gave a worst case scenario of an annual operating cost loss as a Youth Centre of \$630,283 and a best case scenario loss of \$525,554.

It should also be noted that the budget estimates in the JDHYC Business Plan as accepted by Council (May 2008) were based on all elements of the Concept Design Brief and the Business Plan being completed as part of the construction phase. However, the 'value management items' that were excluded from the tender awarded at the OCM of 9 June 2010 have had a direct impact on this estimated budget.

There are other site costs yet to be funded. These include landscaping, completion of the works on the car park, JDHYC fit out and external CCTV. Council officers will be seeking a range of grants and sponsorship towards funding these items.

The proposed annual budget detailed in the Interim Management Plan (attached) for Phase 1 (2011/12) sport and recreation operation estimates a deficit of approximately \$521,000.

The annual operational budget in Phase 2 – youth centre operation will largely be influenced by the decisions made by Council in allocating tenant space and the resultant impact on programs delivered as the Centre.

It is estimated that this Phase 2 operational budget will be presented to Council in October 2011, following completion of the expression of interest process for tenable space at JDHYC and the contract management process associated with the MPRC and expanded to include the potential management of the JDHYC in Phase 2 (2012 onwards).

#### Officer's Comment

Although the construction of the JDHYC building is completed, operation as a Youth Centre from June 2012 will be a significant project in itself. The work with the community, workers and users of the Centre is still ahead and is difficult to know what exactly will be provided in terms of specific youth programs and services from the JDHYC from June 2012. This will only begin to be known once youth service providers, with their staff skills sets and programs, have been accepted by Council as tenants of the JDHYC.

The costing provided in the JDHYC Business Plan as developed by Creating Communities can be seen as an indication of what the operational cost could be, but as yet additional costs have been identified and remains subject to a number of Council decisions including that of tenancies.

There are three types of possible management models provided in the Interim Management Plan.

The model of management by staff employed by the Town of Port Hedland with input from a community advisory group such as the JDHYC Working Group is considered to be the recommended approach and critically important at least during Phase 1 for three key reasons;

- The tenants (type and mix), and what services and activities they can offer, is unknown at this stage
- The model provides Council and its officers a greater degree of opportunity and flexibility with regards to operational aspects of the Youth Centre so as to best meet the community needs
- To contract out the operational management of the JDHYC during Phase 1 would make it difficult to specify what would be required of any contract operator

#### Attachments

1. JDHYC Interim Management Plan (draft) – attached separately
- 1C. Creating Communities Business Plan - attached separately
- 1D. JD Hardie lease (draft) - attached separately
- 1E. Valuers Report - attached separately

**Officer's Recommendation**

That Council:

1. Endorses the Interim Management Plan as a guide for Phase 1 (2011-2012) operation of the JD Hardie Youth Centre
2. Endorses the principle of the JD Hardie Centre being directly managed by staff employed by the Town of Port Hedland during Phase 1 (2011 – 2012)
3. Notes that the tender specification for the contract management of the MPRC will be expanded to invite proposals for the complementary management of the JD Hardie Centre and subsequently the operation of the Town of Port Hedland's two aquatic centers when the current contract term expires
4. Authorises officers to commence an Expression of Interest process for tenancies at the JDHYC, with recommendations for tenancies to be provided in a report to Council in September 2011
5. Endorses Phase 1 of the ToPH Management of JDHYC, and the establishment of an Advisory Group to be developed with membership being open to tenants and users of the JDHYC, and that the Advisory Group meets at least quarterly with officers and elected members of Council.
6. Authorises officers to develop an Operational Plan for the JDHYC during Phase 1 that takes into account tenants' own service capacity, identifies any gaps between tenant service capacity and the community needs for the JDHYC, and the operational management options and budget implications from July 2012.
7. Request Officers develop a proposed timeframe and estimated cost for works including the "value management items", and all external works for the JDHYC not yet undertaken.

**201011/431 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr M Dziombak

That Council:

1. Endorses the Interim Management Plan as a guide for Phase 1 (2011-2012) operation of the JD Hardie Youth Centre
2. Endorses the principle of the JD Hardie Centre being directly managed by staff employed by the Town of Port Hedland during Phase 1 (2011 – 2012)

3. Authorises officers to commence an Expression of Interest process for tenancies at the JDHYC, with recommendations for tenancies to be provided in a report to Council in September 2011
4. Endorses Phase 1 of the ToPH Management of JDHYC, and the establishment of an Advisory Group to be developed with membership being open to tenants and users of the JDHYC, and that the Advisory Group meets at least quarterly with officers and elected members of Council.
5. Authorises officers to develop an Operational Plan for the JDHYC during Phase 1 that takes into account tenants' own service capacity, identifies any gaps between tenant service capacity and the community needs for the JDHYC, and the operational management options and budget implications from July 2012.
6. Request Officers develop a proposed timeframe and estimated cost for works including the "value management items", and all external works for the JDHYC not yet undertaken.

*CARRIED 6/0*

*REASON: Council believes that at this stage it is not convenient to have only one manager to operate the swimming pools, the Multi Purpose Recreation Centre and JD Hardie Youth Centre, they need to be managed separately.*

**11.4 Governance and Administration**

## 11.4.1 Finance and Corporate Services

5:50pm Councillor G J Daccache declared an Impartiality Interest in Agenda Item 11.4.1.1 'Rates Exemption Policy Review' as his wife is on the Cooke Point Recreation Club Committee.

Councillor G J Daccache did not leave the room.

**11.4.1.1 Rates Exemption Policy Review (File No.: .../...)**

Officer Jodie McMahon  
Coordinator, Financial  
Services

Date of Report 16 June 2011

Disclosure of Interest by Officer Nil

**Summary**

For Council to consider adopting the proposed Rates Exemption Policy and Rates Concession Policy to ensure compliance with the Local Government Act and to assist in assessing applications for rates concessions from community groups.

**Background**

Each year community based organisations that are classified as a charity or not for profit group are able to apply to Council for a concession on their rates for the upcoming financial year. This process is currently administered under the current Rates Exemption Policy, please refer to Attachment 1.

Following correspondence from Pilbara Meta Maya Regional Aboriginal Corporation and legal advice from McLeods Barristers & Solicitors it has been recommended that the current Rates Exemption Policy be revised.

The current policy states that the application is based on Section 6.26 Rateable Land Part 2 (g) of the *Local Government Act 1995* and that Council approves or denies applications for concessions providing either a 50% or 100% concession on their rates payable.

Upon seeking advice from McLeods Barristers & Solicitors, the current policy has incorrectly referenced section 6.26(2)(g) as the means for Council to determine the provision of concessions to community groups.

Section 6.26(2)(g) of the *Local Government Act 1995* applies to rateable land and provides automatic exemption from rates should the organisation fall within the specified categories. Council only has the power to waiver rates at their discretion under section 6.47 of the *Local Government Act 1995*.

On 23 June 2010 Council approved the following concessions for the 2010/11 and 2011/12 financial years from 38 submissions made to Council:

Council decision 200910/470

Organisation	Assessment No. & Address	Council Approval %
Volunteer Marine Rescue Services Port Hedland	(A156550) 10 McKay Street, Port Hedland	100%
South Hedland Lotteries House Inc	(A130114) 2 Leake Street, South Hedland	100%
Frontier Services / Uniting Church (UCA Assembly Ltd)	(A113927) 22 Beroona Loop, South Hedland	100%
Frontier Services / Uniting Church (UCA Assembly Ltd)	(A400610) 10 Smith Court, South Hedland	100%
Hedlands Women's Refuge Inc	(A802446) 23 Boronia Crescent, South Hedland	100%
Treloar Child Care Centre Inc	(A154780) 4 Treloar Child Care Centre Inc	50%
Port Hedland Peace Memorial Seafarers Centre inc	(A803051) Cnr Wedge & Wilson Street, Port Hedland	100%
Youth Involvement Council Inc	(A406870) 69 Stanley Street, South Hedland	100%
Youth Involvement Council Inc	(A802207) Lot 2466 Lawson Street, South Hedland	100%
Port Hedland Speedway Club	(A156260) Lot 118 NW Costal Highway, South Hedland	100%
Bloodwood Tree Association Inc	(A106284) 9 Hamilton Road, South Hedland	100%
South Hedland Owners & Trainers Ass.	(A802155) Lot 254 Shota Road, South Hedland	100%
Wirraka Maya Health Services Aboriginal Corp.	(A106282) 1-5 Hamilton Road, South Hedland	100%
Port Hedland Golf Club	(A156490) Lot 5164 Shota Road, Port Hedland	100%
Port Hedland Pony Club	(A130005) 29 Johnson Lane, Port Hedland	100%
Port Hedland Turf Club	(A130286) Lot 5653 Styles Road, Port Hedland	50%
Pilbara Family Violence Prevention Service	(A401480) 32 Demarchi Road, South Hedland	100%
Baptist Churches of Western Australia	(A113872) 10 Steamer Avenue, South Hedland	100%
Bloodwood Tree Association Inc	(A109930) 36 Roberts Street, South Hedland	100%
Bloodwood Tree Association Inc	(A130239) reserve 41690 Lot 5826 Forrest Circle South Hedland	100%
Wangka Maya Pilbara Aboriginal Language Centre	(A803501) 67 Throssell Road, South Hedland	100%
Grandlodge of Western Australia Freemasons Homes for the Aged Inc	(A130290) 7 McGregor Street, Port Hedland	100%
Port Hedland Retirement Village	(A156730) Lot 2032 Stevens Street, Port Hedland	100%

After reviewing all applications received under the proposed new policies one additional property has been assessed as being exempt under the section 6.26(2)(g), being Pilbara Meta Maya Aboriginal Corporation office and workshop. All other applications have now been assessed as either exempt, concessions provided or not applicable for concessions. Please see assessments below:

Organisation	Assessment No. & Address	Council Approval %	Concession or Exemption	Reason
Volunteer Marine Rescue Service Port Hedland	A156550	100%	Concession	Not Charitable purposes
South Hedland Lotteries House Inc	A130114	100%	Concession	Provided to not for profit organisations, charging rent
Frontier Services / Uniting Church (UCA Assembly Ltd)	A113927	100%	Concession	Not solely used for Charitable purposes
Frontier Services / Uniting Church (UCA Assembly Ltd)	A400610	100%	Concession	Not solely used for Charitable purposes
Treloar Child Care Centre Inc	A154780	50%	Concession	Not used for Charitable purposes
Port Hedland Peace Memorial Seafarers Centre inc	A803051	100%	Concession	Not Charitable purposes
Youth Involvement Council Inc	A406870	100%	Concession	Not Charitable purposes
Youth Involvement Council Inc	A802307	100%	Concession	Not Charitable purposes
Port Hedland Speedway Club	A136260	100%	Concession	Not Charitable purposes
Bloodwood Tree Association Inc	A106284	100%	Concession	Not Charitable purposes
South Hedland Owners & Trainers Ass.	A802155	100%	Concession	Not Charitable purposes
Wirraka Maya Health Services Aboriginal Corp.	A106282	100%	Concession	Not Charitable purposes
Port Hedland Golf Club	A156450	100%	Concession	Not Charitable purposes
Port Hedland Pony Club	A130000	100%	Concession	Not Charitable purposes
Port Hedland Turf Club	A130238	50%	Concession	Not Charitable purposes
Pilbara Family Violence Prevention Service	A401480	100%	Concession	Residential
Baptist Churches of WA	A113872	100%	Exempt	Classified as a Manse
Hedland's Women's Refuge Inc	A802446	100%	Exempt	Women's Refugee
Bloodwood Tree Association Inc	A109930	100%	Exempt	Charitable Purposes
Bloodwood Tree Association Inc	A130239	100%	Exempt	Charitable Purposes
Pilbara Meta Maya Aboriginal Corporation	A127380	0%	Exempt	Office and Workshop
Wangka Maya Pilbara Aboriginal Language Centre	A803501	100%	Exempt	Charitable purposes, enhancement of the community
Bloodwood Tree Association Inc	A106253	0%	N/A	Vacant Land
Port Hedland Pistol Club	A136300	0%	Concession	Not Charitable purposes
Frontier Services / Uniting Church	A804533	0%	N/A	Residential
Frontier Services / Uniting Church	A804134	0%	N/A	Residential
Pilbara Meta Maya Aboriginal Corporation	A402100	0%	N/A	Residential
Wirraka Maya Health Services Aboriginal Corp.	A113807	0%	N/A	Residential
Cooke Point Recreation Club	A102540	0%	N/A	Commercial
Pilbara Meta Maya Aboriginal Corporation	A117380	0%	N/A	Residential
Pilbara Meta Maya Aboriginal Corporation	A410037	0%	N/A	Residential
Pilbara Meta Maya Aboriginal Corporation	A402170	0%	N/A	Residential
Pilbara Meta Maya Aboriginal Corporation	A111740	0%	N/A	Vacant land
Pilbara Meta Maya Aboriginal Corporation	A100150	0%	N/A	Rental
Wirraka Maya Health Services Aboriginal Corp.	A800350	0%	N/A	Residential
Grandlodge of Western Australia Freemasons Homes for the Aged Inc	A130290	100%	Exempt	Charitable purposes
Port Hedland Retirement Village	A156730	100%	Exempt	Charitable purposes

An application from the Cooke Point Recreation Club, A102540, has been received for consideration by Council to provide concession for the upcoming financial year 2011/12. On review of this application is clear that the organisation is in direct competition with service providers established in the private sector within the Town of Port Hedland and are therefore as per the policy, not eligible for a rates concession.

Consultation

McLeods Barristers & Solicitors

Statutory Implications

Section 6.26 Rateable Land

*“6.26 Rateable Land*

*(1) Except as provided in this section all land within a district is rateable land.*

*(2) The following land is not rateable land –*

*a. Land which is the property of the Crown and –*

- i. Is being used or held for a public purpose; or*
- ii. Is unoccupied except –*

*1. Where any person is, under paragraph (e) of the definition of the **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land which does not exceed 10 hectares or a miscellaneous licence held under that Act; or*

*2. where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*

*b. land in the district of a local government while it is owned by the local and is used for the purposes of that local government other than for purposes of trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government.*

*c. land in the district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;*

*d. land used or held exclusively by a religious body as a place of public worship, or a place of residence of a minister or*

*religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; land used exclusively by a religious body as a school for the religious instruction of children;*

- e. land used exclusively as a non-government school within the meaning of the School Education Act 1999;*
- f. land used exclusively for charitable purposes;*
- g. land vested in trustee for agricultural or horticultural show purposes;*
- h. land owned by Co-operative bulk handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;*
- i. land which is exempt from rates under any other written law; and*
- j. land which is declared by the Minister to be exempt from rates.*

*(3) If Co-operative Bulk handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*

*(4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*

*(5) Notice of an declaration made under subsection (4) is to be published in the Gazette.*

*(6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable benevolent, religious or public nature.*

*[Section 6.26 amended by No. 36 of 1999 s.247; No. 77 of 2006 Sch. 1 cl. 102*

*6.47 Concessions*

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge, or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

*\* Absolute majority required.*

### Policy Implications

3/011 Community Rating Policy

Strategic Planning Implications

Nil

### Budget Implications

Rates are Council's primary means of raising income to cover operational costs and approving these two policies will impact Council's budget.

While the current concessions have been incorporated in the budget for the 2010/11 financial year totaling \$134,961.00, the proposed changes to the policy will result an additional property being exempt under section 6.26(2)(g) and therefore increasing the total concessions for the 2011/12 financial year.

Applying the proposed policies, the additional property falling under the exemption of 6.26(2)(g) will affect the both the 2010/11 and the 2011/12 budget. This property is A127380, Pilbara Meta Maya Workshop and will impact the budget with the exemption of rates being \$2,882.00. Upon adoption of the policies Council will be required to waiver the above fees as well as interest incurred totaling \$588.31.

Financial Year	Current Implication (\$)	Additional Implication (\$)	Total Implication (\$)
2010/11	\$ 134,961.00	\$3,470.31	\$138,431.31

### Officer's Comment

Upon seeking advice from McLeods Barristers & Solicitors, they have advised that the Town's current policy has incorrectly referenced section 6.26(2)(g) as the means for Council to assess applications in order to provide concessions to community groups.

Section 6.26(2)(g) of the *Local Government Act 1995* applies to rateable land and provides automatic exemption from rates should the organisation fall within the specified categories. Council only has the power to waiver rates at their discretion under section 6.47 of the *Local Government Act*.

After taking into consideration the recommendations from McLeods it is proposed that Council have two policies. The first being for the exemption of rates under s6.26(2)(g) of the *Local Government Act 1995*, and the second being to provide guidance in the assessment of applications for potential concessions under section 6.47 of the *Local Government Act 1995*.

By having two policies that clearly separate the areas of the Act applicable, it will ensure that Council is not only complying with the requirements of legislation, but provide Council with a much clearer and transparent process when applications are assessed.

### **Attachments**

1. Current Rates Exemption Policy
2. Rates Exemption Policy (Non Rateable Land) – Draft
3. Application form for Rates Exemptions
4. Rates Concession Policy (Rateable Land) – Draft
5. Application form for Rates Concession
6. Pilbara Meta Maya, Correspondence
7. McLeods Barristers & Solicitors, Correspondence (Distributed separately as a confidential item)

### **201011/432 Officer's Recommendation/Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr M Dziombak

That Council:

1. Adopts the proposed Rates Concession Policy for Rateable Land and the Rates Exemption Policy for Non Rateable Land.
2. Notes that advice will be provided to all Community Groups that applied for concessions upon approval of the new policies.
3. Notes that the additional exemption for A127380 must be granted of \$2882.00.
4. Approves the waiver of interest on A127380 due to acceptance of exemption of \$588.31.
5. Declines the rates concession for A102540, Cooke Point Recreation Club.

*CARRIED BY ABSOLUTE MAJORITY 6/0*

## ATTACHMENT 1 OF AGENDA ITEM 11.4.1.1



## RATES EXEMPTION POLICY

### 1. Introduction

This policy will provide an administrative framework for assessing applications for the exemption of general Rates from not for profit community based organisations.

### 2. Purpose and Application of the Policy

#### 2.1 Purpose

In accordance with Section 6.26 Rateable Land, Part 2 (g) of the Local Government Act 1995,

*"The following land is not rateable land –  
(g) land used exclusively for charitable purposes."*

The purpose of the Policy is to implement a clear standard to which those who are classified as a charity or not for profit community based organisation are exempt from paying Rates to the Town of Port Hedland.

### 3. Provisions

- All applications for exemption must be in writing on the prescribed form and contain a declaration as to the accuracy of the information contained therein.
- An application will be required to be lodged every two years and is to be assessed in accordance with this policy.
- Council may request information from an organisation on a yearly basis if, Council considers this appropriate.
- Applications must be submitted by 1 of June of any year to be considered for the next two financial years. Applications lodged after this date may be considered for the second financial period only.

### 4. Policy

It is the policy of the Town of Port Hedland that any concession of rates in respect of any rateable land in the Council area will be available only when the applicant satisfies the requirements under the *Local Government Act 1995* and, where appropriate, the requirements of this Policy.

Rates concessions will only be provided to community groups or associations that operate as a body corporate or an Incorporated Association and not to an individual person.

The Town of Port Hedland will provide a 100% concession with respect to any organisation that has acquired "Charitable Status" or equivalent from the Australian Taxation Office.

Rates concessions for residential properties not used in the primary service delivery of the community group or association's activities or service will not be eligible for a concession.

Community groups or association, that in the opinion of Council, provide activities, which are not core activities, and in direct competition to established private operators within the district, will not be eligible for a rates concession."

Council's concessional percentage ranges from 50% to 100% on an ad hoc basis.

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*ATTACHMENT 2 OF AGENDA ITEM 11.4.1.1*

## Rates Exemption Policy (Non Rateable Land)

## 1. Introduction

This policy will provide an administrative framework for assessing any application for properties to be classified as not rateable land on the ground of being used for charitable purposes.

## 2. Purpose and Application of the Policy

In accordance with s6.26 (2)(g) of the *Local Government Act 1995*

## 6.26(2)(g)

*The following land is not rateable –*

*(g) Land used exclusively for charitable purposes*

The purpose of this policy is to identify a process to be followed by any organisation that wishes to claim that land it uses is not rateable land by virtue of the application of section 6.26(2)(g) of the *Local Government Act 1995* and to provide guidance on when land is rateable under section 6.26(2)(g)

## 3. Provisions

- a. All applications for exemption under s6.26(2)(g) of the *Local Government Act 1995* must be in writing on the prescribed form and contain a declaration as to the accuracy of the information contained therein,
- b. An application will be required to be lodged every two years and is to be assessed in accordance with this policy,
- c. Council may request information from an organisation on a yearly basis if, Council considers this appropriate,
- d. Council may request additional information from an organisation making application if it considers it necessary to do so,
- e. Information requested under paragraph d. above is not limited to, but typically include copies of the Constitution of the organisation, recent financial statements of the organisation and information demonstrating precisely how any land the subject of the application is used,
- f. For land to be treated as newly recognised not rateable land under section 6.26(2)(g), or if a new application for exemption is required under paragraphs b. or c. above, an application must be made by 1 June for the rating year that precedes the rating year to which the applications relates.

## 4. Policy

Determination of whether land is 'used exclusively for charitable purposes' for the purpose of section 6.26(2)(g) of the *Local Government Act 1995* is made by reference to the common law on charitable purposes. Council is only able to grant an exemption from rates under section 6.26(2)(g) if an applicant demonstrates that the land in question is being used exclusively for charitable purposes according to criteria that has been developed by case law on this subject.

The essential elements for an exemption under section 6.26(2)(g) are:-

- a. It is the use of the land that is in question, not whether the body in question has a charitable purpose,
- b. The use in question must be for charitable purposes as that is defined by common law; and
- c. The land must be used exclusively for a charitable purpose.

Charitable purpose is defined at common law by reference to the *Charitable Uses Act 1601 (UK)*. It is generally considered that to be a charitable purpose by reference to that Act the purpose must fall within one of the following four headings:

- a. Relief of poverty,
- b. Advancement of education,
- c. Advancement of religion, and
- d. Other purposes beneficial to the community not falling under any of the preceding headings

For the last heading in d. above to apply the use must be both:

- i. beneficial to the community, and
- ii. falls within the 'spirit and intendment' of the preamble to the *Charitable Uses Act*.

attachment 3 of agenda item 11.4.1.1



## APPLICATION FOR RATES EXEMPTION

Section 6.26 of the *Local Government Act 1995*

### Privacy

The personal information collected on this form will only be used by the Town of Port Hedland for the sole purpose of providing requested and related services. Information will be stored securely by the Town and will not be disclosed to any third parties without your express written consent.

**Instructions:** Please print clearly in the spaces provided and fill out the attached checklist.

This application form is to be used by organisations seeking a rates exemption, pursuant to Section 6.26 of the *Local Government Act 1995*. The provision of this exemption will result in a decision to be prepared, and you will be advised of the outcome in due course. Please attach any additional documents requested, as failure to do so may result in the application being refused.

### 1. PROPERTY OWNER DETAILS

Organisation:			
Property Owner:			
Postal Address:			
Telephone:		Postcode:	
Mobile:		Facsimile:	
Email:			

### 2. APPLICANT DETAILS

Contact Person:			
Position Title:			
Postal Address:			
Telephone:		Postcode:	
Mobile:		Facsimile:	
Email:			

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**3. PLEASE ANSWER THE FOLLOWING QUESTIONS BY TICKING THE APPROPRIATE BOX**

YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	Are you the owner or lessee and occupier of the land with the rate notice being issued in the organisation's name?
<input type="checkbox"/>	<input type="checkbox"/>	Is your organisation an Incorporated body? If so, please provide the certificate of incorporation.
<input type="checkbox"/>	<input type="checkbox"/>	Is your organisation considered not for profit?
<input type="checkbox"/>	<input type="checkbox"/>	Is the organisation considered a Public Benevolent Institution for taxation purposes? If so, please provide the relevant Taxation information.
<input type="checkbox"/>	<input type="checkbox"/>	Does the organisation own or lease the rateable land? (If leased, is the lessee responsible for rates under the lease agreement)? If so, please provide a certificate of the lease.
<input type="checkbox"/>	<input type="checkbox"/>	Is the organisation exempt from the payment of rates under Legislation other than the Local Government Act? If so, please provide details of the specific Legislation.

**4. DOCUMENT REQUIREMENTS**

Please provide a copy of (in addition to those specified in Section 3):

- Organisation's Constitution
- Written statement, outlining the nature of the organisation's operations. It should include the following details:
- Use and occupancy of the property
  - Type of service provided (e.g. food, accommodation etc)
  - Frequency of service provision (e.g. full-time, daily, weekly etc)
  - Whether payment is received for the service
- Floor plan of the leased property area, if only part of the property is to be exempt
- Copies of the current years audited financial or other statements for the organisation to the satisfaction of Council.

**5. AUTHORISATION**

- By signing this application, I hereby certify that the information provided is true and correct to the best of my knowledge.
- I understand that Applications must be submitted by 1 June of any year to be considered for the next two financial years. Applications lodged after this date may be considered for the second financial year only.
- Organisations who are granted a rates exemption by Council will be asked to reapply every financial year, if Council considers this appropriate.
- I have read and understand the *Town's Rates Exemption Policy*.

Name:			
Position:			
Organisation:			
Signed:		Date:	

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*ATTACHMENT 4 OF AGENDA ITEM 11.4.1.1*

## Rates Concession Policy (Rateable Land)

## 1. Introduction

This policy will provide an administrative framework for assessing an applications requesting the waiving or granting concession from rates to 'not for profit' community based organisations occupying rateable land.

## 2. Purpose and Application of the Policy

In accordance with section 6.47 of the *Local Government Act 1995*

*6.47 Concessions*

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

The purpose of the policy is to identify a process to be followed by any 'not for profit' community based organisation providing a benefit to the community from rateable land for the relief from rates.

## 3. Provisions

- a. All applications for exemption must be in writing on the prescribed form and contain a declaration as to the accuracy of the information contained therein.
- b. An application will be required to be lodged every two years and is to be assessed in accordance with this policy.
- c. Council may request information from an organisation on a yearly basis if, Council considers this appropriate,
- d. Council may request additional information from an organisation making an application if it considers it necessary to do so,
- e. Information requested under paragraph c. above is not limited to, but may typically include copies of the Constitution of the organisation, recent annual financial statements of the organisation and information demonstrating precisely how any land the subject of an application is used,
- f. An application must be made by 1 June of the rating year that precedes the rating year to which the application relates.

## 4. Policy

It is the policy of the Town of Port Hedland that any concession of rates in respect of any rateable land in the Council area will be available only when the applicant satisfies the requirement of this Policy.

Rates concessions will only be provided to community groups or associations that operate as a body corporate or an Incorporated Association and not to an individual.

The Town of Port Hedland will determine what is of benefit to the community for the purpose of this policy.

Rates concessions for residential properties not used in the primary service delivery of the community group or association's activities or services will not be eligible for a concession.

Community groups or associations, that in the opinion of the Council, provide activities, which are not core activities, and are in direct competition with a service provided by any established private operator within the district, will not be eligible for a rates concession.

The percentage ranges from 50% to 100% of the rates that are payable. Whether a concession is granted in response to an application or, if a concession is granted, the percentage of the rates that may be waived, is entirely at the discretion of Council and the granting of a concession in any year, will not guarantee that any future concessions will be granted.

## ATTACHMENT 5 OF AGENDA ITEM 11.4.1.1

**APPLICATION FOR RATES CONCESSION**Section 6.47 of the *Local Government Act 1995***Privacy**

The personal information collected on this form will only be used by the Town of Port Hedland for the sole purpose of providing requested and related services. Information will be stored securely by the Town and will not be disclosed to any third parties without your express written consent.

**Instructions:** Please print clearly in the spaces provided and fill out the attached checklist.

This application form is to be used by organisations seeking a rates exemption, pursuant to Section 6.47 of the *Local Government Act 1995*. The provision of this concession will result in a decision to be prepared, and you will be advised of the outcome in due course. Please attach any additional documents requested, as failure to do so may result in the application being refused.

**1. PROPERTY OWNER DETAILS**

Organisation:			
Property Owner:			
Postal Address:			
Telephone:		Postcode:	
Mobile:		Facsimile:	
Email:			

**2. APPLICANT DETAILS**

Contact Person:			
Position Title:			
Postal Address:			
Telephone:		Postcode:	
Mobile:		Facsimile:	
Email:			

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**3. PLEASE ANSWER THE FOLLOWING QUESTIONS BY TICKING THE APPROPRIATE BOX****YES NO**

- Are you the owner or lessee and occupier of the land with the rate notice being issued in the organisation's name?
- Is your organisation an Incorporated body? If so, please provide the certificate of incorporation.
- Is your organisation considered not for profit?
- Are you a not for profit organisation that undertakes particular sporting, community or recreational activities for the benefit of juniors and rely on player fees and community fundraising only?
- Are you a not for profit organisation that undertakes particular sporting, community or recreational activities and charge entrance fees for viewing or participating?
- Are you a not for profit organization that undertakes particular sporting, community or recreational activities and hold a liquor license?
- Is the organisation considered a Public Benevolent Institution for taxation purposes?  
If so, please provide the relevant Taxation information.
- Does the organisation own or lease the rateable land? (If leased, is the lessee responsible for rates under the lease agreement)?  
If so, please provide a certificate of the lease.
- Is the organisation exempt from the payment of rates under Legislation other than the Local Government Act?  
If so, please provide details of the specific Legislation.
- Is your organization applying for a 50% rates exemption? or
- Is your organization applying for a 100% rates exemption?

**4. DOCUMENT REQUIREMENTS**

Please provide a copy of (in addition to those specified in Section 3):

- Organisation's Constitution
- Written statement, outlining the nature of the organisation's operations. It should include the following details:
- Use and occupancy of the property
  - Type of service provided (e.g. food, accommodation etc)
  - Frequency of service provision (e.g. full-time, daily, weekly etc)
  - Whether payment is received for the service
- Floor plan of the leased property area, if only part of the property is to be exempt
- Copies of the current years audited financial or other statements for the organisation to the satisfaction of Council.

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**5. AUTHORISATION**

- By signing this application, I hereby certify that the information provided is true and correct to the best of my knowledge.
- I understand that Applications must be submitted by 1 June of any year to be considered for the next two financial years. Applications lodged after this date may be considered for the second financial year only.
- Organisations who are granted rates concession by Council will be asked to reapply every two financial years, or on a yearly basis, if Council considers this appropriate.
- I have read and understand the Town's *Rates Concession Policy*.

Name:			
Position:			
Organisation:			
Signed:		Date:	

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ATTACHMENT 6 OF AGENDA ITEM 11.4.1.1

Your ref: TR Various

5 August 2010

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

COPY



Pilbara Meta Mays  
Regional Aboriginal Corporation

ABN: 63 954 974 254

PO Box 2680  
SOUTH HEDLAND WA 6722

Lot 2954 Yanana Street  
WEDGEFIELD WA 6721

Telephone: (08) 9172 5155

Office Fax: (08) 9172 3309

RAESP Fax: (08) 9140 2625

email: [admin@metamaya.com.au](mailto:admin@metamaya.com.au)

web: [www.metamaya.com.au](http://www.metamaya.com.au)

Contractors For:

Remote Area Essential Services

Environmental Health

Housing Management

In Home Practical Support

Delivering Quality Services to  
Community

Dear Sir or Madam,

Re: **Applications for Rates Exemption Pursuant to Section 6.26(2)(g) of the Local Government Act 1995**

Thank you for your letter of 29 July last.

We note your advice that our various (seven in total) applications were declined at the council meeting held 23 June last, for the stated reason "Residential property". You further refer to council's policy and section 6.47 of the *Local Government Act 1995* (the Act), as a basis for exercising "council's discretion with regard to concessions".

We take issue on two fronts. Firstly, the property we occupy at lot 2954 Yanana Street Wedgefield, is not residential but is in fact industrial and is the workshop and offices of our organisation. We therefore submit that council has not assessed this application in accordance with council policy and therefore should be reconsidered.

Secondly, and of much greater import, it is our submission that council does not have any discretion in respect to section 6.26 of the Act. That is, once it is determined that the land is not rateable in accordance with that provision, an exemption applies and council has no discretion whether or not to grant an exemption. As is clear from our applications, we claim exemption pursuant to section 6.26(2)(g) of the Act as the land used exclusively for charitable purposes.

Details of the subject properties:

1. 1 Chunking Crescent, South Hedland – currently used to provide staff housing;
2. 1 Limpet Crescent, South Hedland – currently used to provide staff housing;
3. 52 Somerset Crescent, South Hedland – currently used to provide staff housing;
4. 41 Brodie Crescent, South Hedland – currently rented to aboriginal tenants at minimal rent;
5. 7 Arabella Street, South Hedland – currently used to provide staff housing;

## ATTACHMENT 6 OF AGENDA ITEM 11.4.1.1

6. 3 Yanaha Street, Wedgefield – Corporate offices and workshop; and
7. 95 Bottlebrush Crescent, South Hedland – vacant land.

As you may be aware we are not for profit providers of essential (water, electricity and wastewater), housing management (tenancy, repairs and maintenance), in home practical support and environmental health services to aboriginal communities in the Pilbara, Gascoyne and Murchison Regions. We provide these services under contract to the Western Australian Government on what is generally regarded as a shoe string budget. In support of our said applications we have previously forwarded to you copies of the following:

1. PMMRAC Certificate of Incorporation;
2. Australian Taxation Office *Notification of Endorsement as a Public Benevolent Institution* dated 3 April 2009; and
3. PMMRAC Corporate Rules (as adopted on 26 May 2009) - I refer you to Rule 3 (Objectives), Rule 14.1 (Application of Funds & Property) and Rule 19 (Winding Up).

You will note that we have been granted Charitable Institution status by the Australian Taxation Office (ATO) and have received ATO endorsement as a Public Benevolent Institution. In the light of the above submission, we seek that council now reconsiders all of our applications for rates exemption. We await your further advices.

Yours Sincerely,



Ian Retherford

Chief Executive Office

*11.4.1.2 Financial Reports to Council for Period Ended 31 May 2011 (File Nos: FIN-008, FIN-014 and RAT-009)*

Officer	Greg de Kwant Finance Officer
Date of Report	31 May 2011
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 May 2011, 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 2009/10, and the water costs for the month of May have been identified by area.

### **Background**

#### *1. Financial Statements*

Presented (see attachments) in this report for the financial period ended 31 May 2011, 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 May 2011;
- Review of Transaction Activity.

Note: Interest Rates for investments are selected from those provided from the following financial institutions: National Australia Bank, Bank West, Commonwealth Bank, AMP, Westpac Bank, Big Sky, Citigroup and the Australian and New Zealand Bank.

#### *2. Utility and Fuel Costs*

Presented in graph form (see attached), is the 2010/11 monthly water, power and fuel costs compared with 2009/10.

#### *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 the 22<sup>nd</sup> of June 2011 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 costs.

Voucher No's		Value \$	Pages		Fund No.	Fund Name	Description
From	To		From	To			
NMF010411	NMF010411	\$569.14	1	1	1	Municipal Fund	Photocopier Lease x2 –SH Library & JD
NMF010411	NMF010411	\$1,244.32	1	1	1	Municipal Fund	Photocopier Lease x2 – Regulatory Services
NMF020511	NMF020511	\$569.14	2	2	1	Municipal Fund	Photocopier Lease x2 –SH Library & JD
NMF020511	NMF020511	\$1,244.32	2	2	1	Municipal Fund	Photocopier Lease x2 – Regulatory Services
NMF050511	NMF050511	\$284.57	102	102	1	Municipal Fund	Photocopier Lease x1 – Community Development
NMF060511	NMF060511	\$284.57	102	102	1	Municipal Fund	Photocopier Lease x1 – Community Development
CHQ20506	CHQ20536		1	5	1	Municipal Fund	
CHQ20537	CHQ20537		-	-	1	Municipal Fund	Cheque Cancelled
CHQ20538	CHQ20569		5	10	1	Municipal Fund	
CHQ20570	CHQ20573		-	-	1	Municipal Fund	Cheque Cancelled
CHQ20574	CHQ20593	\$326,440.65	10	12	1	Municipal Fund	
EFT34532	EFT35071	\$8,912,473.18	12	102	1	Municipal Fund	
PAY030511	PAY030511	\$319,383.58	12	12	1	Municipal Fund	
PAY170511	PAY170511	\$347,266.40	103	103	1	Municipal Fund	
PAY310511	PAY310511	\$333,452.12	103	103	1	Municipal Fund	
CAL060411	CAL060411	\$4.95	102	102	1	Municipal Fund	Caltex Direct Debit
CAL150411	CAL150411	\$2075.90	103	103	1	Municipal Fund	Caltex Direct Debit
CMS070411	CMS070411	\$192.39	102	102	1	Municipal Fund	Photocopier Lease - Engineering Department
CMS090511	CMS090511	\$192.39	102	102	1	Municipal Fund	Photocopier Lease - Engineering Department
WOW180411	WOW180411	\$1,824.52	103	103	1	Municipal Fund	Woolworths Direct Debit
WOW181210	WOW181210	\$1,548.87	103	103	1	Municipal Fund	Woolworths Direct Debit
BOQ270411	BOQ270411	\$891.10	103	103	1	Municipal Fund	Monthly payment fo equipment
BOQ270511	BOQ270511	\$891.10	103	103	1	Municipal Fund	Monthly payment fo equipment
	Municipal Total	\$10,250,833.21					

3002067	3002073	\$5,356.80	103	104	3	Trust Fund	
3002075	3002076	\$51,244.90	104	104	3		
	Trust Total	\$56,601.70					
	Sub-Total	\$10,307,434.91					
LESS: one-off pays		-					
	Total	\$10,307,434.91					

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

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 on request.

#### Strategic Planning Implications

#### Key Results Area 5 Environment

#### Goal 2 Natural Resources

Strategy 1. Continue to monitor and report on the level of Council's energy, fuel and water use.

### **Budget Implications**

At the Special Meeting held on 7 July 2010, Council resolved to adopt item 6.1.1.1 '2010/2011 Budget Adoption' en block, which included Recommendation 13 as follows:

#### *"Recommendation 13*

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

- 1. 10% of the Function amended budget; or*
- 2. \$100,000 of the Function amended budget whichever is the lesser, for the following categories of revenue and expenditure:*
  - a. Operating Revenue*
  - b. Operating Expenditure*
  - c. Non-Operating Revenue*
  - d. Non-Operating Expenditure"*

### **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.

**Attachments**

- Page 2–4. Schedule 2 being a Statement of Financial Activity
- Pages 5 to 16. Notes 3 to 11 which form part of the Statements of Financial Activity. Also Note 10 – May 2011 Bank Reconciliations.
- Pages 17 to 70. Detailed Financial Activity by Program.
- Pages 71 to 73. Comparison Between 2010/11:2009/10 Utility & Fuel Costs
- May 2011 Accounts for Payment  
All attached under separate cover

**201011/433 Officer's Recommendation/Council Decision****Moved:** Cr A A Carter**Seconded:** Cr M Dziombak

That Council note the:

- i)
  - a) **Statements of Financial Activity (represented by Schedules 3 to 14);**
  - b) **Notes (1 to 11) to and forming part of the Statements of Financial Activity for the period ending 31 May 2011; and**
  - c) **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 noting that the water usage has also been identified for the month of May by area;
- iii) Notes that the water usage by area will be expanded to incorporate year-to-date amounts in the next report to Council; and
- iv) List of Accounts paid during May 2011 under Delegated Authority, as presented and/or attached be received.

*CARRIED 6/0*

## 11.4.2 Governance

*11.4.2.1 Review of Delegation Register (File No.: .../...)*

Officer Josephine Bianchi  
Governance Coordinator

Date of Report 14 June 2011

Disclosure of Interest by Officer Nil

## Summary

This report seeks Council's adoption of the 2011/12 Delegation Register.

## Background

Council is statutorily required to review its Delegated Authority Register at least once in every 12 month period.

Council last reviewed the Town's Delegation Register on 23 June 2010.

Delegated Authority Registers indicate the level of decision-making that can be undertaken by staff and those decisions that must be made by Council.

## Consultation

Town of Port Hedland Auditors (UHY Haines Norton)  
Department Local Government  
WALGA  
Chief Executive Officer and Executive  
Manager Organisational Development

## Statutory Implications

Section 5.42 'Delegation of some power and duties to CEO' and 5.43 'Limits on delegations to CEO, state as follows:

*"5.42. Delegation of some powers and duties to CEO*

*(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

*\* Absolute majority required.*

*(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.  
[Section 5.42 amended by No. 1 of 1998 s. 13.]*

*5.43. Limits on delegations to CEO*

*A local government cannot delegate to a CEO any of the following powers or duties —*

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor;*
  - (i) such other powers or duties as may be prescribed.*

*[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.] “*

*5.42. Delegation of some powers and duties to CEO*

- (1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

*5.43. Limits on delegations to CEO's*

*A local government cannot delegate to a CEO any of the following powers or duties —*

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (h) any power or duty that requires the approval of the Minister or the Governor; or*
- (i) such other powers or duties as may be prescribed.*

- 5.44. *CEO may delegate powers and duties to other employees*
- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
  - (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
  - (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
    - (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
    - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate,**are subject to any conditions imposed by the local government on its delegation to the CEO.*
  - (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
  - (5) *In subsections (3) and (4) — “conditions” includes qualifications, limitations or exceptions.*
- 5.45. *Other matters relevant to delegations under this Division*
- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
    - (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
    - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
  - (2) *Nothing in this Division is to be read as preventing —*
    - (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
    - (b) *a CEO from performing any of his or her functions by acting through another person.*
- 5.46. *Register of, and records relevant to, delegations to CEO's and employees*
- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
  - (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
  - (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.”*

#### Policy Implications

Town of Port Hedland Policy Manual and Local Laws apply.

### Strategic Planning Implications

The Town's current Strategic Plan includes the following statement that is relevant to this matter:

Goal 5 - Systems Development: That the Town's internal operating systems are structured in a manner that assists in providing timely accurate information to the community.

### Budget Implications

Nil

### Officer's Comment

An annual review of the Delegation Register has been undertaken for adoption by Council as required under the Local Government Act. Following advice from the Department of Local Government other changes to the Delegation Register have also been incorporated into this revised document

This new register combines delegations and subdelegations into the one document instead of the previous two and also reflects all delegations and sub delegations now being allocated to the position rather than the name of the person currently in the position.

### **Attachments**

2011/12 Delegated Authority Register – Attached separately

### **201011/434 Officer's Recommendation/Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr G J Daccache

That Council adopts the attached 2011/12 Delegated Authority Register.

*CARRIED BY ABSOLUTE MAJORITY 6/0*

*11.4.2.2 Town of Port Hedland Adoption of Electoral Code of Conduct for Ordinary 2011 Elections (File No.: .../...)*

Officer Josephine Bianchi  
Governance Coordinator

Date of Report 14/06/ 2011

Disclosure of Interest by Officer Nil

Summary

This report seeks approval from Council to engage the Electoral Commission to conduct a postal Election for the 2011 Town Port Hedland Ordinary Elections, to be held on Saturday 15 October 2011, supported by (2) polling places (Port Hedland and South Hedland) to allow hand delivery of electors postal forms.

Background

Council elections occur every two (2) years on the third Saturday in October. This year, Council will be holding an election for the remaining vacant Council positions (4 seats).

Under the Local Government Act 1995 there are predominately two ways in which to conduct an election, the first being a voting in person election and the second being a postal election.

Voting in person is an election at which the principal method of casting votes is by voting in person on Election Day, but at which votes can also be cast in person before Election Day, or posted or delivered, in accordance with regulations. This method of election can be undertaken by the local authority itself or on its behalf by the Electoral Commission.

Postal Election is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before the Election Day. If a postal election is chosen as the preferred method, under section 4.62 of the Local Government Act, at least one polling place in the district must still be provided to allow people to return their postal voting forms in person from 8am to 6pm. This method of election can only be undertaken by the Electoral Commission on behalf of the local government.

Historically the Town of Port Hedland has always held in person elections which were managed internally. The two main reasons for this have been the lower cost and the interaction that takes place on Election Day between electors and candidates, making this a significant community event.

However, based on statistics provided by the Electoral Commission it would suggest that the postal method would provide Council with a greater participation rate, especially in a fast growing town such as Port Hedland, with an increasing number of residents and potential electors. Further to this, most local governments are engaging the Electoral Commission to manage elections, regardless of being in person or postal, to ensure a level of transparency with respect to the whole process.

#### Consultation

WA Electoral Commission  
Chief Executive Officer  
Relevant Town of Port Hedland officers  
Department Local Government  
Councillors at a briefing session

#### Statutory Implications

Local Government Act 1995 states (in part)

*“4.20. CEO to be returning officer unless other arrangements are made  
(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

*\* Absolute majority required.*

*“4.61. Choice of methods of conducting the election*

*(1) The election can be conducted as a —*

*“postal election” which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or*

*“voting in person election” which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.*

*(2) The local government may decide\* to conduct the election as a postal election.*

*\* Absolute majority required.*

*(3) A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*

*(4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral*

*Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.*

*(5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.*

*(6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.*

*(7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.”*

*“4.62. Polling places required*

*(1) For every election in a district or a ward the returning officer is to ensure that there will be at least one polling place in the district that is open between 8am and 6pm on election day.*

#### Policy Implications

Nil.

#### Strategic Planning Implications

Nil.

#### Key Result Area 6

The Town of Port Hedland has developed to become a medium/ large sized West Australian Local Government Authority. Council recognizes that, as a significant business, it must have the governance structures, systems and procedures in place to lead this community to bigger, better, brighter and more sustainable future.

#### Goal 1 – Leadership

That the community acknowledges that the Town is leading the future development and management of the municipality in an effective and accountable manner.

#### Budget Implications

In the Draft 2011/12 Budget, Council has budgeted \$30,000 for the 2011 Town of Port Hedland Ordinary Elections.

The estimated cost for the 2011 election provided to the Town of Port Hedland by the Electoral Commission for a postal election managed by them is \$25,200 inc GST. This estimate also includes the cost for two polling places to allow hand delivery of electors' postal forms within the district, one in Port Hedland (Civic Centre) and one in South Hedland (South Hedland Library).

Costs not incorporated in this figure include mandatory advertising costs which are estimated at \$4,500.

The cost of conducting an in person election managed internally would be in the vicinity of \$20,500. This cost is inclusive of all the preparation work that the in house returning officer will have to undertake for over a month prior to the commencement of Election time.

#### Officer's Comment

Councils who have recently changed from in person to postal elections show significantly increased percentage of participation as demonstrated by the table below:

District	2007 % In person Participation	2009 % Postal Participation
Coorow	47.72%	55.9%
Irwin	35.88%	60.3%
Moora	27.84%	48.8%
Shark Bay	58.30%	65.7%

Major advantages of postal voting are identified as being:

- There are virtually no barriers to voting, which encourages participation
- Elections are seen to be conducted by the impartial WAEC
- Casting a vote at home is convenient, particularly for shift workers who may not be able to attend the election day or early voting for in person elections
- Those without access to transport are not prevented from voting
- Postage paid envelopes are used for the return of ballot papers
- A WAEC elected returning officer from local government business conducts the election
- Statutory requirements are fulfilled and disputes are handled by the WAEC

As it is important to ensure that the 2011 Ordinary elections are conducted in a way that allows maximum and meaningful community participation it is recommended that the Council engage the Electoral Commission to conduct the Town of Port Hedland 2011 Ordinary Elections as a Postal Election.

Should Council decide to engage the Electoral Commission to conduct the 2011 Ordinary Elections as postal it is important to note that community involvement within the electorate can also be maintained through the provision of the (2) polling places, one at the Civic Centre in Port Hedland and one at the Library in South Hedland.

To ensure compliance with statutory timeframes, in principal written agreement has already been received from the Electoral Commissioner to conduct the 2011 ordinary elections by postal vote, should this be Council's decision.

The next step in the process is to declare the Electoral Commissioner responsible for the conduct of the election.

#### Attachments

1. Letter from Warwick Gately AM, Electoral Commissioner, dated 25 May 2011
2. Election timetable 2011

#### Officer's Recommendation

That Council:

1. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.
2. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2011 ordinary elections together with any other elections or polls which may also be required; and
3. Engage the Electoral Commissioner to make provision for (2) two polling places – at the Civic Centre in Port Hedland and at the Library in South Hedland – to give electors the opportunity to hand in their postal votes.

#### 201011/434 Council Decision

**Moved:** Cr A A Carter

**Seconded:** Cr G J Daccache

That Council:

1. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.
2. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2011 ordinary elections together with any other elections or polls which may also be required; and
3. Engage the Electoral Commissioner to make provision for (3) three polling places – at the Civic Centre in Port Hedland, at the Library in South Hedland and at Yandeyarra Station – to give electors the opportunity to hand in their postal votes.

*CARRIED BY ABSOLUTE MAJORITY 6/0*

## ATTACHMENT 1 TO AGENDA ITEM 11.4.2.2

Fax sent by : 92148479

WA ELECTORAL

26-05-11 08:08

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LGE 028



WESTERN AUSTRALIAN Electoral Commission

Mr Paul Martin  
Chief Executive Officer  
Town of Port Hedland  
PO Box 41  
PORT HEDLAND WA 6721

Dear Mr Martin

**2011 Local Government Ordinary Election**

As requested at your meeting with Chris Avent and Phil Richards at the Western Australian Electoral Commission on 19 May 2011, please find enclosed in this letter a cost estimate and my agreement to conduct the Town of Port Hedland 2011 Ordinary Election as a postal election.

The estimated cost for the 2011 election is \$24,000 inc GST, which has been based on the following assumptions:

- 5,600 electors;
- response rate of approximately 40%;
- 4 vacancies;
- A local Returning Officer being appointed and
- count to be conducted at the offices of the Town of Port Hedland.

Costs not incorporated in this estimate include:

- non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising);
- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and
- one local government staff member to work in the polling place on election day.

114591

Level 2, 111 St Georges Terrace, PERTH WA 6000 GPO Box F316 PERTH WA 6814  
Telephone: (08) 9214 0400 Facsimile: (08) 9226 9577 Email: [waeo@waec.wa.gov.au](mailto:waeo@waec.wa.gov.au)  
Website: [www.waec.wa.gov.au](http://www.waec.wa.gov.au)



Fax sent by : 92148479

WA ELECTORAL

26-05-11 00:00

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The Commission is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis and you should note that this is an estimate only and may vary depending on a range of factors including the cost of materials or number of replies received. The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election you will be advised as early as possible.

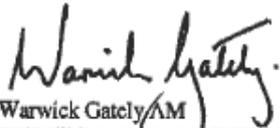
In accordance with section 4.20(4) of the *Local Government Act 1995*, I agree to be responsible for the conduct of the 2011 Ordinary Elections. My agreement is subject to the proviso that the Town of Port Hedland also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

If the Town of Port Hedland wishes to have the election conducted as a postal election, Council will now need to pass the following two motions by absolute majority:

- Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2011 ordinary elections together with any other elections or polls which may also be required; and
- Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

I look forward to conducting this election for the Town of Port Hedland.

Yours sincerely

  
Warwick Gately AM  
ELECTORAL COMMISSIONER

25 May 2011

ATTACHMENT 2 TO AGENDA ITEM 11.4.2.2



**ELECTION TIMETABLE**  
Local Government Ordinary Election 15 October 2011

Days to Polling Day	Local Government Act	References to Act/Regs	Day	Date
60	Last day for agreement of Electoral Commissioner to conduct postal election.	LGA 4.20 (2)(3)(4)	Wed	27/07/2011
60	A decision made to conduct the election as a postal election cannot be rescinded after the 60th day.	LGA 4.61(5)	Wed	27/07/2011
70	Electoral Commissioner to appoint a person to be the Returning Officer of the Local Government for the election.	LGA 4.20 (4)	Sat	6/08/2011
70 to 56	Between the 70th/56th day the CEO is to give Statewide public notice of the time and date of close of enrolments. Preferred date Wednesday 10 August 2011	LGA 4.39(2)	Sat to Sat	6/08/2011 to 20/08/2011
56	Advertising may begin for nominations from 56 days and no later than 45 days before election day. Preferred date Wednesday 24 August 2011	LGA 4.47(1)	Sat	20/08/2011
56	Last day for for the CEO to advise the Electoral Commissioner of the need to prepare a residents roll.	LGA 4.40(1)		20/08/2011
50	Close roll 5.00 pm	LGA 4.39(1)	Fri	26/08/2011
45	Last day for advertisement to be placed calling for nominations.	LGA 4.47(1)	Wed	31/08/2011
44	<b>Nominations Open</b> First day for candidates to lodge completed nomination paper, in the prescribed form, with the Returning Officer. Nominations period is open for 8 days.	LGA 4.49(a)	Thu	1/09/2011
38	If a candidate's nomination is withdrawn not later than 4.00 pm on the 38th day before election day, the candidate's deposit is to be refunded.	Reg. 27(5)	Wed	7/09/2011
37	<b>Close of Nominations</b> 4.00 pm on the 37th day before election day.	LGA 4.49(a)	Thu	8/09/2011
36	CEO to prepare an owners & occupiers roll for the election. Electoral Commissioner to prepare residents roll.	LGA 4.41(1) LGA 4.40(2)	Fri	9/09/2011
30	Lodgement of Country election packages with Australia Post. Commencing		Thu	15/09/2011
25	Lodgement of Metropolitan election packages with Australia Post. Commencing		Tue	20/09/2011
22	The preparation of any consolidated roll under subregulation (1) be completed on or before 22nd day before election day.	Reg. 18(2)	Fri	23/09/2011
19	Last day for the Returning Officer to give Statewide public notice of the election. Preferred date Wednesday 14 September 2011	LGA 4.64(1)	Mon	26/09/2011
19	Commence processing returned election packages	Approx	Mon	26/09/2011
0	<b>Election Day</b> Close of poll 6.00 pm	LGA 4.7	Sat	15/10/2011

Roll Close

Nominations Open

Nominations Close

Election Day

Post Election Day	Post Declaration	References to Act/Regs	Day	Date
5	Election result advertisement.	LGA 4.77	Thu	20/10/2011
14	Report to Minister. The report relating to an election under section 4.79 is to be provided to the Minister within 14 days after the declaration of the result of the election.	Reg.81	Sat	29/10/2011
28	An invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.	LGA 4.81(1)	Sat	12/11/2011

**ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL****12.1 Donations Working Group: Recommended Endorsements of Funding Sponsorship Requests Received (File No.: 02/05/0003)**

Officer Lorna Secrett  
Manager Community  
Development  
Gordon MacMile  
Director Community  
Development

Date of Report 22 June 2011

Disclosure of Interest by Officer Nil

**Summary**

This report presents to Council the recommendations from the Town of Port Hedland Donations Working Group meeting of the 22 June 2011.

**Background**

*The Donations Working Group met on the 22 June 2011 to consider applications received. The following applications were considered:*

- Community Solutions Inc.: \$1717.90 in-kind support through the waiving of venue hire and staffing fees for Youth on Health Festival on 29 August 2011.
- C3 Church: \$1830.20 in-kind support through waiving of venue hire and staffing fees for the C3 Men's Conference on 2 July 2011
- Dylan Brown: \$500 cash support for young baseball player from Port Hedland to travel to the US with the Perth Heat Development Squad
- Kris Brown: \$500 cash support for young baseball player from Port Hedland to travel to the US with the Perth Heat Development Squad
- Port Hedland Primary School P&C: \$466.56 cash support to reimburse hire fees for Gratwick Hall for the Night at the Races that took place on 14 May 2011
- Port Hedland Police: \$1,446.80 in-kind support for waiving of hire fees for the Town Oval for the Twenty20 Cricket Match and for the Gratwick Hall for the WA Police Legacy Ball in August 2011

- Hedland Senior High School: \$214.50 cash support to reimburse hire fees for Gratwick Hall for the Shooting Goals & Kicking Goals fundraiser that took place on 27 March 2011
- Kimberlea Cooper: \$500 cash support for local Water Polo player to represent WA in the Australian Country Water Polo Championships
- Hedland Senior High School: \$2000 cash Contribution towards taking students to an 'ARTSaway Camp' in Perth between the 25th & 30th June 2011
- South Hedland Primary School P & C: \$2000 cash to assist in the purchase of a fridge & chest freezer to store foodbank food
- SAFE Hedland Inc.: \$1547.75 cash to assist in the purchasing of SAFE Hedland Inc branded promotional material to sell at the Spinifex Spree on 22 – 23 July 2011 as a fundraising venture
- Youth Involvement Council: \$3841 in kind support through waiving of venue hire and staffing fees for the JD Hardie Centre for the NAIDOC Basketball Tournament & Disco on 8 – 10 July 2011
- Team Magic: \$2000 cash to assist in sending 'Team Magic' Basketball team to Adelaide for the 6<sup>th</sup> Annual National Aboriginal Torres Strait Islander Basketball Championship 14 – 19 Sept 2011
- Hedland Senior High School: \$2000 cash and additional in-kind support to assist with the school's Vegetable Garden 'My Garden Rules' project.
- JaBaT Dance Inc.: \$2808 in kind support through waiving of venue in-house sound and lighting fees and staffing costs for the JaBaT End of Year Production on 25 and 26 November 2011
- FORM Contemporary Craft & Design: \$2000 cash support to assist in bringing Frill-neck Lizards stilt walkers and roving performance to the West End Markets on the 25 June 2011
- Cassia Primary School P&C: \$2000 cash support to assist in the purchasing of book boxes and books for all the classrooms
- Hedland SES Unit: \$2000 cash support to assist in paying for sound/lighting for the Hedland SES Orange Ball to be held at the Gratwick Hall on the 25 June 2011

### Consultation

Donations Working Group  
Director Community Development  
Acting Director Community Development  
Manager Community Development  
Recreation Coordinator

### Statutory Implications

Nil

### Policy Implications

Community Funding and Donations Policy applies to this report.

### Strategic Planning Implications

Key result area 2: Community Pride

Goal 2 – Events

- c. Supporting Community groups who are operating community events, through training, support, advice and, where appropriate, financial support.

### Budget Implications

Should the Officer Recommendation be adopted \$12,515.66 will be allocated from GL Account 813274.

It is estimated that this would leave a negative balance of -\$1,638.48 in the account. This is an estimated figure given that previously approved donations have included 'up to' amounts which may not be fully expended.

### Officer's Comment

Officers received and assessed the applications against the criteria contained in the Community Donations Policy at close of submissions on 31 May 2011. At its scheduled meeting on 8 June, members of the Working Group expressed their concern that, should all applications be approved, GL Account 813274 would be over expended by approximately \$14,000. Officers were requested to prioritise the applications and convene another meeting. Due to availability of members, this further meeting was held on 22 June 2011 and applications were recommended for approval as detailed in the Officer Recommendation.

Attachments

Nil

**201011/435 Officer's Recommendation/Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr M Dziombak

That Council:

1. Endorses the recommendations from the Donations Working Group meeting of 22 June 2011, being:
  - a. **Community Solutions Inc.: \$1717.90 in-kind support through the waiving of venue hire and staffing fees for Youth on Health Festival on 29 August 2011.**
  - b. **C3 Church: \$1830.20 in-kind support through waiving of venue hire and staffing fees for the C3 Men's Conference on 2 July 2011**
  - c. **Port Hedland Primary School P&C: \$466.56 cash support to reimburse hire fees for Gratwick Hall for the Night at the Races that took place on 14 May 2011**
  - d. **Port Hedland Police: \$160 in-kind support for waiving of hire fees for the Town Oval for the Twenty20 Cricket Match in August 2011**
  - e. **Kimberlea Cooper: \$500 cash support for local Water Polo player to represent WA in the Australian Country Water Polo Championships**
  - f. **Hedland Senior High School: \$2000 cash contribution towards taking students to an 'ARTSaway Camp' in Perth between the 25th & 30th June 2011**
  - g. **Youth Involvement Council: \$3841 in kind support through waiving of venue hire and staffing fees for the JD Hardie Centre for the NAIDOC Basketball Tournament & Disco on 8 – 10 July 2011**
  - h. **Team Magic: \$2000 cash to assist in sending 'Team Magic' Basketball team to Adelaide for the 6<sup>th</sup> Annual National Aboriginal Torres Strait Islander Basketball Championship 14 – 19 Sept 2011**

*CARRIED 6/0*

12.2 *Proposed "Moveable Dwellings" on Lot 9000 Wedge Street, Port Hedland (File No.: 127990G)*

Officer	Eber Butron Director Planning & Development
Application No	2011/267
Date of Report	15 June 2011
Disclosure of Interest by Officer	Nil

### Summary

Lot 9000 Wedge Street is Crown Land vested with the Town of Port for "Local Road" purposes. An application has been received from Bloomoons Pty Ltd (**the applicant**), to permit 6 "Moveable Dwelling" to house 24 builders and contractors to be located on the lot.

The applicant is applying for "Moveable Dwellings", however the design of the buildings, do not comply with the definition of a "Moveable Dwelling", nor is the use of "Moveable Dwellings" permitted with the "Town Centre" zone.

Therefore the planning section considers this proposed development item as an ancillary use portent to the construction of the proposed hotel development. The application in this context is supported by the planning section and recommended for approval.

### Background

Lot 9000 Wedge Street was originally known as Lot 501 The Esplanade. The applicant through negotiations with the Town subdivided Lot 501 Wedge Street, of which portion was amalgamated with the applicants lot now known as Lot 100 The Esplanade, with the remainder of the lot now being described as Lot 9000 Wedge Street, Port Hedland.

### Property Location (ATTACHMENT 1)

The subject site is located on the north western corner of Wedge Street and The Esplanade, Port Hedland, and measures 1807m<sup>2</sup>.

### Ownership

As eluded to the subject site is Crown Land, vested to the Town of Port Hedland for "Local Road" purposes.

As a consequence the Town is required to sign the application form. In this regard the Chief Executive Officer has signed the application form to enable the application to be submitted to Council for consideration.

#### Proposal

The applicant is proposing to place 6 “ancillary construction Dwellings” on the subject lot, each consisting of 4 en-suite bedrooms. The applicant has calculated the parking requirement using the “TWA” car parking standards, as per Appendix 7 of the Port Hedland Town Planning Scheme No. 5.

The applicant has indicated that the build time for the proposed phase 2 of the Esplanade Hotel will be 44 weeks, after which the “Moveable Dwellings” will be removed.

#### Consultation

The use being applied for is considered to be an ancillary use; as such the application has not been circulated to the surrounding property owners.

#### Statutory Implications

The land must be developed in accordance with the Town of Port Hedland Town Planning Scheme No. 5, and the “*Planning and Development Act, 2005*”.

If council were to be of the opinion that the proposed development is not ancillary to the construction to the hotel and instead is a standalone use, such as a TWA, then it is considered approval of the subject application will be in direct conflict with the following clauses within the Port Hedland Town Planning Scheme No. 5.

“Part IV – Use and Development of Land”.

Clause 4.1.2,

“Unless otherwise varied by the planning approval of Council, and this variation is exercised by the discretion of the Council in accordance with the Scheme, all development is to be in accordance with the provisions of the Scheme.”

Clause 4.5,

“The Council, in considering an application for planning approval, shall have due regard to the following:

the provisions of this Scheme and any relevant town planning Scheme operating in the district including any regional planning scheme.”

However, councils planning section considers the proposal to be an ancillary use to the overall construction of the property development, that being a hotel. The proposal is ancillary to the construction aspect of the hotel development. Similar to on-site construction facilities such as site offices, amenity blocks, stockpiling, storage, assembly areas, e.t.c, it may be argued that the construction workers accommodation component is also an ancillary use as it is only established as a minor ancillary component to the primary development during the construction of the development.

### **Policy Implications**

Nil

### **Strategic Planning Implications**

Nil

### **Budget Implications**

An application fee of \$496 has been received as per the prescribed fees approved by Council.

### **Officer's Comment**

#### **Proposed Use**

The applicant has applied for "Moveable Dwellings", in terms of the Port Hedland Town Planning Scheme No. 5, a "Moveable Dwelling" is defined as follows:

"a caravan under the Road Traffic Act 1974 (as amended), or other dwelling constructed and maintained on its own chassis and wheels and capable of mobility at all times, although it may be stabilised by jacks, provided with skirtings or designed and constructed to permit independent occupancy for dwelling purposes."

It is clear from the plans provided by the applicant that the proposed dwellings are not "Moveable Dwellings", but would rather be classified as "dongas". Further, in terms of the Port Hedland Town Planning Scheme No.5, the use "Moveable Dwelling" is not permitted within the Town Centre.

The applicant has indicated that the "dongas" will be used by their builders and contractors during the construction of phase 2 of the Esplanade Hotel. The best fit use that can be associated with the proposal is a "Transient Workforce Accommodation" camp, which is defined by the Port Hedland Town Planning Scheme as follows:

“dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas.”

However, a “Transient Workforce Accommodation” camp is also a non-permitted use.

It is clear from the application submitted and through discussions with the applicant that the proposed structures are specifically to accommodate construction workers engaged directly for the development of the hotel site. The proposed structures will only be erected to the like of the hotel construction. As the proposed structures are considered a minor component of the overall hotel development they are considered ancillary construction dwellings. As referred to previously these structures should be considered summarily to other ancillary construction facilities such as onsite offices, car parking of construction vehicles, assembly areas, temporary amenity blocks, etc.

Ancillary structures relevant to the construction of the development do not generally require planning approval; they normally require obtaining relevant building and health approvals. However given the nature of the proposed development and the need to manage these structures appropriately it is prudent to assess the application on planning merits.

#### Need

The Town is experiencing a major shortage in the provision of both permanent residential stock and accommodation for the contractors. The shortage of accommodation within the town is impacting on the development projects such as this and therefore the town growing into a city. It is imperative for the future development of the Town that a sustainable solution be found.

#### Orderly and Proper Planning

Port Hedland Town Planning Scheme No.5, provides a number of matters to be considered by Council in considering an application for planning approval. Clause 4.5(j), reads as follows:

“the requirements of orderly and proper planning and the preservation of amenity of the locality.”

The Town is experiencing unprecedented growth which is expected to continue for a number of years. Currently within the “West End” alone the Town has approved a number of large developments which, have either commenced or are in the final planning stages before commencement.

All developers are experiencing the same pressures and difficulties in providing accommodation for contractors.

The approval of the application may create a precedent and may lead to an influx of similar applications from developers. This would lead to the proliferation of uncoordinated "Transient Workers Accommodation" camps throughout Port Hedland.

Whilst the type of use is desperately needed, its location must be carefully considered. The proliferation of such uses in an uncontrolled manner could have a detrimental effect on the future development of the Town. Such uses are often not aesthetically acceptable and could discourage investors from investing in areas inundated with construction camps.

For this reason it is imperative that council develop a local planning policy that appropriately manages ancillary construction facilities.

#### Alternative Solution

As noted there is a desperate need for accommodation similar to that being proposed. This needs to be addressed as soon as possible if the Town wants to be able to achieve its goal of becoming a city.

From a planning perspective the airport land, south of the runway currently owned freehold by the Town would be the most logical location for a camp of this nature. The size of the land will enable the placement of a potential camp to be such that it is not visible to the general public. The current zoning of the land "Airport" permits the use of the land for "Transient Workforce Accommodation", making the potential delivery of such a camp in a relatively short timeframe possible.

The provision of such a camp, that is not available to the large mining companies but rather reserved for small business at a reasonable rental would not only encourage development in the Town but could lead to a reduction in development costs.

The possibility of developing a Local Planning Policy has also been considered as a short term measure, until an appropriate location has been found and is ready to be developed.

#### Statutory Requirements

Another approach to alleviate any question with this style development would be to initiate a planning scheme amendment to permit "Transient Workforce Accommodation" within the "Town Centre" zone, a use which the Planning Department would strongly recommend against.

However as the proposed development is considered to be a ancillary use it is not considered necessary to amend the planning scheme accordingly. Development of a local planning policy to regulate and manage ancillary construction uses should suffice.

### **Options**

Council refuses the application.

Council can opt to refuse the application. This would not address the issue of the shortage of accommodation in the town and would lead to limited future growth.

Initiate an amendment to the Port Hedland Town Planning Scheme No. 5, to permit "TWA" uses within the "Town Centre" zone.

Whilst this is an option it is not considered necessary to initiate a scheme amendment.

The development of a Local Planning Policy to address ancillary construction facilities, facilitating the temporary construction accommodations that are to be ancillary to the development already approved by Council.

The development of a Local Planning Policy has merit, and should be investigated and progressed by council.

4. Approve the proposed development as an ancillary use.

The proposal is ancillary to the construction aspect of the hotel development. Council may approve the development subject to conditions.

### **Attachments**

1. Locality Plan
2. Proposed Plans

### **Officer Recommendations**

That Council:

- a. Approves the proposed development application lodged by Bloomoons Pty Ltd over Lot 9000 Wedge Street Port Hedland, to permit 6 ancillary construction dwelling to house 24 construction workers specific to the development of the proposed hotel site. Subject to the following conditions:

1. This approval relates only to the 24 rooms required during construction, considered "ANCILLARY" to the planning approval 2009/45 (Hotel / Shop extension), as indicated on the approved plans. It does not relate to any other development on this lot.

2. This approval to remain valid for a period of ten (10) months or the construction period whichever comes first.
  3. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
  4. The construction site including the above “Ancillary” use is to be located and / or screened so as not to be visible from outside the site.
  5. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from outside the site.
  6. Prior to the submission of a Building Licence application a management plan detailing how it is proposed to manage and include the following:
    - i. Effluent disposal arrangements;
    - ii. The parking arrangements for the contractors and subcontractors;
    - iii. Impact on traffic movement;
    - iv. Operations management plan addressing any potential conflict between the ancillary constructions facilities.
    - v. An occupational health and safety plan to appropriately manage the site this would particularly include detail in addressing health and safety issues/conflicts between accommodation areas and other construction operations.
    - vi. Operation times including delivery of materials; and
    - vii. Other matters likely to impact on the surrounding residents;
    - viii. to the satisfaction of Councils Manager Planning.
  7. All ancillary construction facilities on site are to be removed after this approval lapses. The subject site is to be rehabilitated to council’s satisfaction.
- b. Requests that the Director Engineering Services and the Director Planning and Development investigates the feasibility of providing a adequate “Transient Workforce Accommodation” camp on the airport land south of the runway, and report back to Council at the first Council meeting in August 2011.

- c. Requests the Director Planning and Development to investigate the possibility in preparing a Local Planning Policy to permit construction camps within the Town for a period not exceeding 12 months.

### **201011/436 Council Decision**

**Moved:** Cr M Dziombak

**Seconded:** Cr A A Carter

That Council:

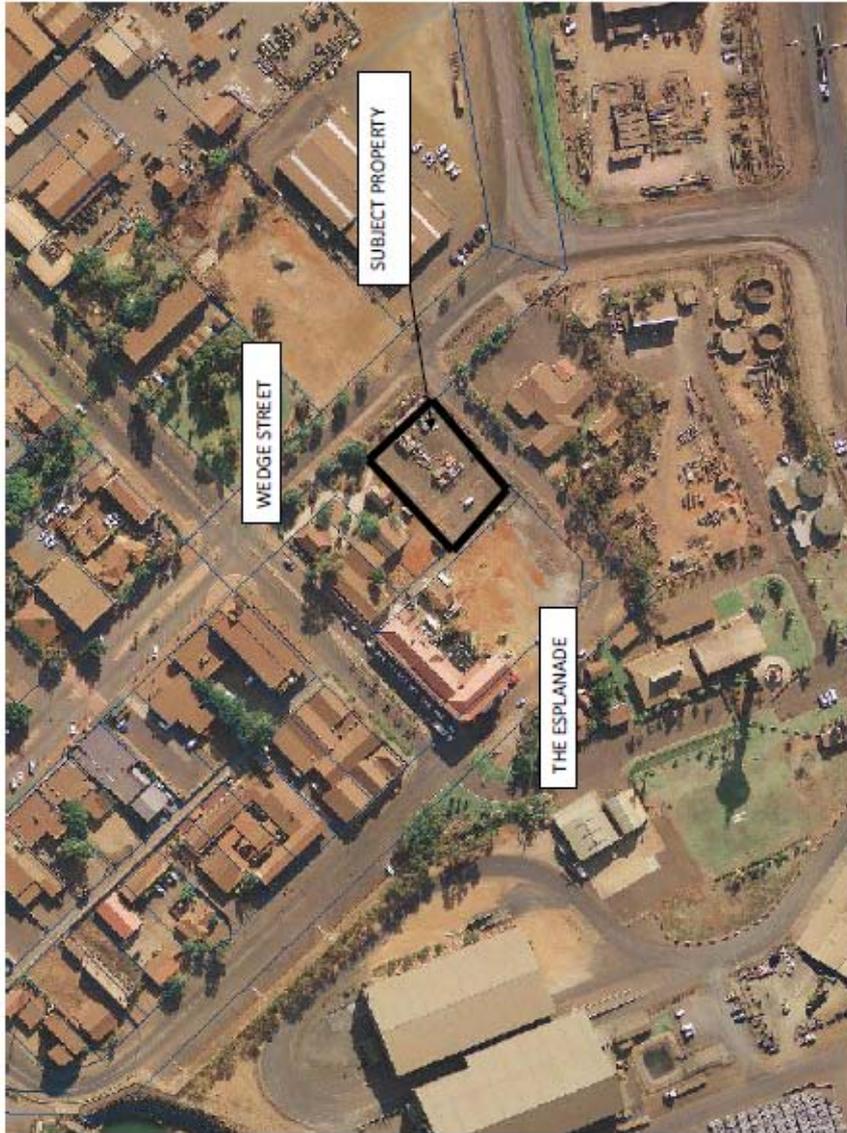
- a. Approves the proposed development application lodged by Bloomoons Pty Ltd over Lot 9000 Wedge Street Port Hedland, to permit 6 ancillary construction dwelling to house 24 construction workers specific to the development of the proposed hotel site. Subject to the following conditions:
1. **This approval relates only to the 24 rooms required during construction, considered “ANCILLARY” to the planning approval 2009/45 (Hotel / Shop extension), as indicated on the approved plans. It does not relate to any other development on this lot.**
  2. **This approval to remain valid for a period of ten (10) months or the construction period whichever comes first.**
  3. **The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
  4. **The construction site including the above “Ancillary” use is to be located and / or screened so as not to be visible from outside the site.**
  5. **Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from outside the site.**
  6. **Prior to the submission of a Building Licence application a management plan detailing how it is proposed to manage and include the following:**
    - i. **Effluent disposal arrangements;**
    - ii. **The parking arrangements for the contractors and subcontractors;**
    - iii. **Impact on traffic movement;**
    - iv. **Operations management plan addressing any potential conflict between the ancillary constructions facilities.**

- v. **An occupational health and safety plan to appropriately manage the site this would particularly include detail in addressing health and safety issues/conflicts between accommodation areas and other construction operations.**
  - vi. **Operation times including delivery of materials; and**
  - vii. **Other matters likely to impact on the surrounding residents;**
  - viii. **to the satisfaction of Councils Manager Planning.**
- 7. All ancillary construction facilities on site are to be removed after this approval lapses. The subject site is to be rehabilitated to council's satisfaction.**
- b. Requests that the Director Engineering Services and the Director Planning and Development investigates the feasibility of providing a adequate "Transient Workforce Accommodation" camp on the airport land south of the runway, and report back to Council at the first Council meeting in August 2011.
  - c. Requests the Director Planning and Development to investigate the possibility in preparing a Local Planning Policy to permit construction camps within the Town for a period not exceeding 12 months.
  - d. Request the Chief Executive Officer to contact the Minister for Lands to expedite the allocation and delivery of suitable land for key worker accommodation purposes.

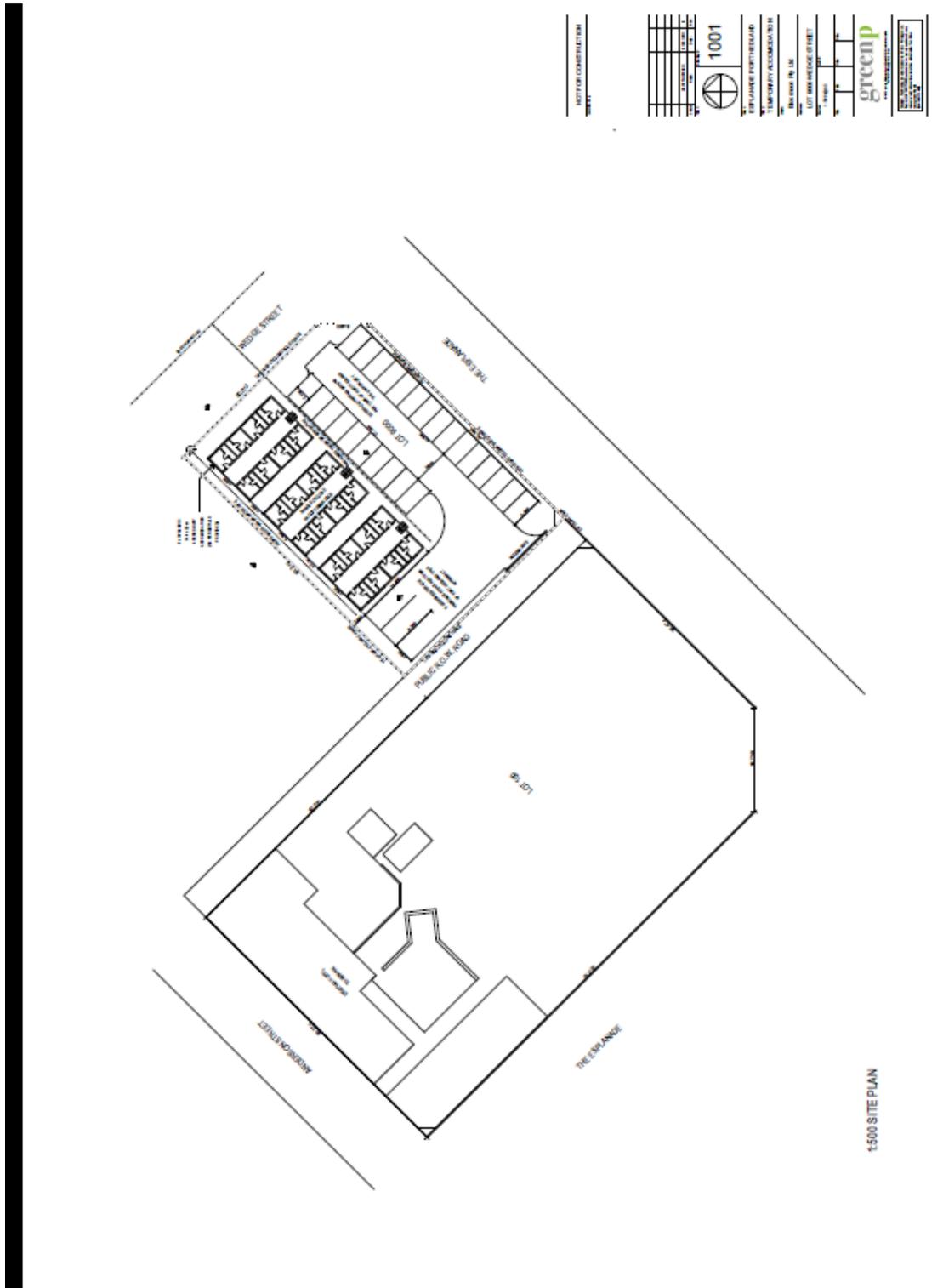
*CARRIED 6/0*

*REASON: Council believes that key worker accommodation in town is extremely critical at this point in time.*

ATTACHMENT 1 TO AGENDA ITEM 12.2

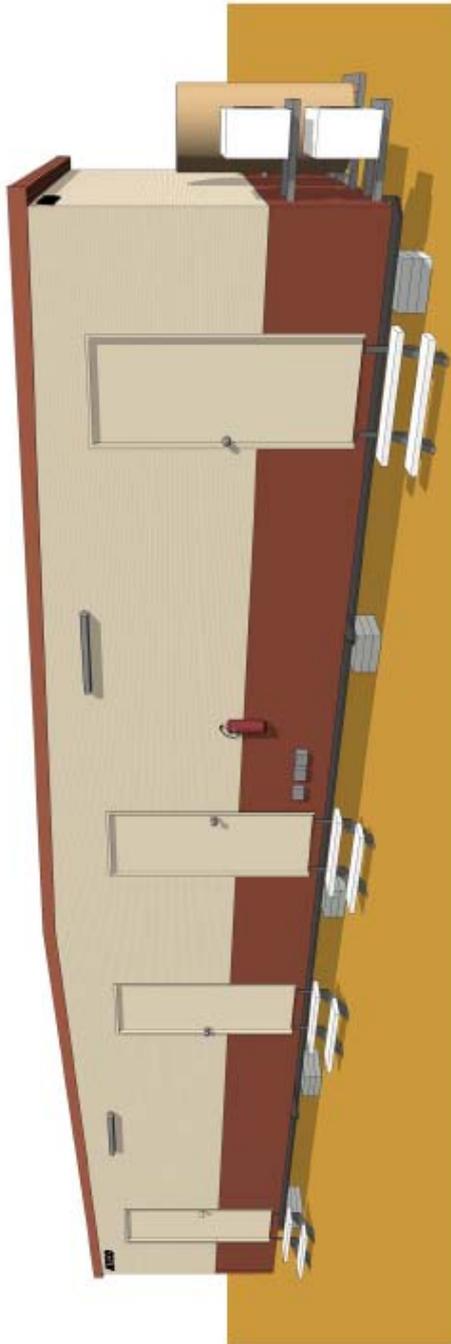


ATTACHMENT 2 OF AGENDA ITEM 12.2



1500 SITE PLAN

ATTACHMENT 2(A) OF AGENDA ITEM 12.2



WW-314S

14.4 x 3.3m 4 Person VIP Accommodation  
ATCO Structures & Logistics



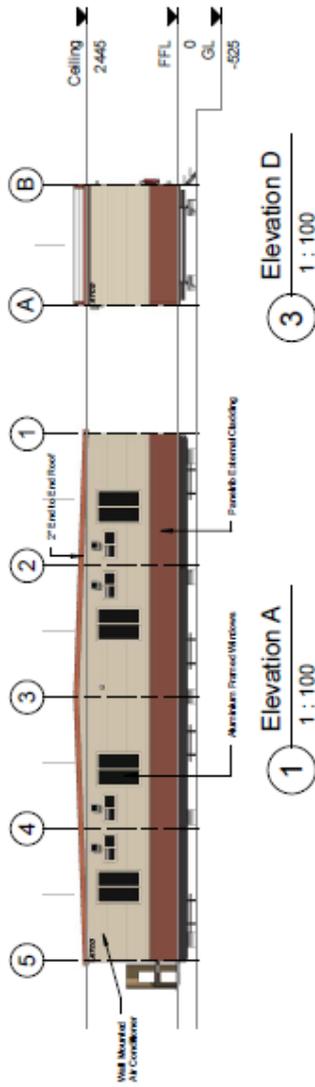
**ATCO** Structures & Logistics

Phone: 1800 70 70 77

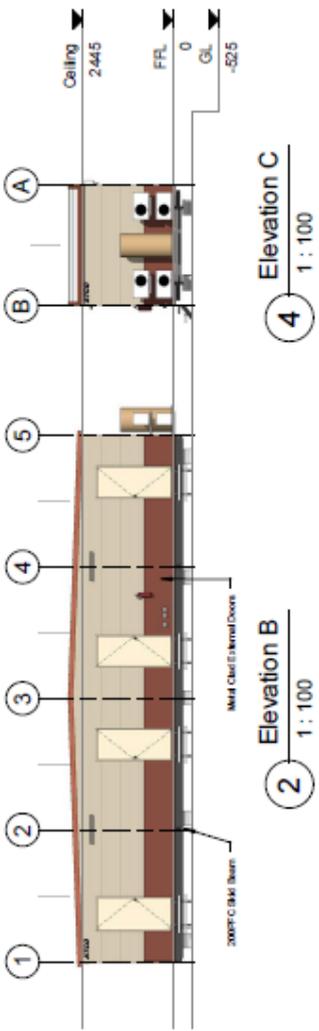
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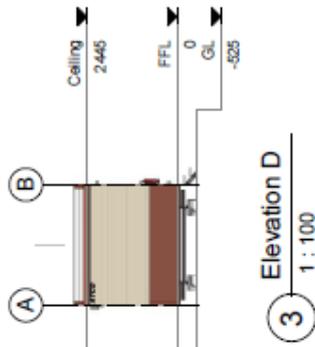




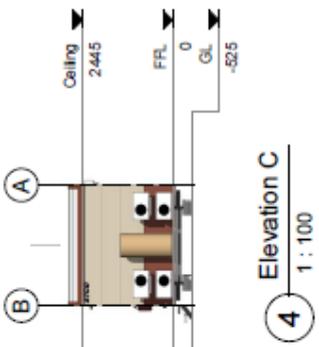
1 Elevation A  
1 : 100



2 Elevation B  
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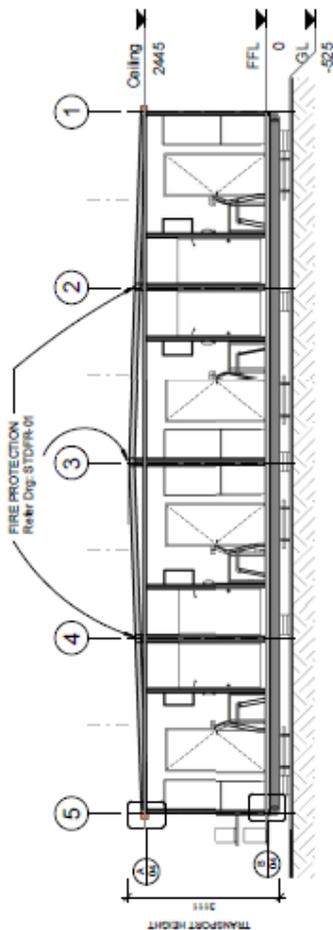
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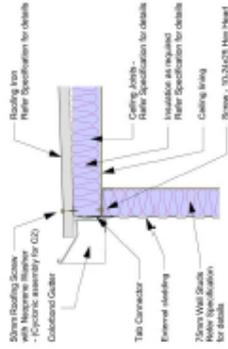
4 Elevation C  
1 : 100

<p><b>ATCO Structures &amp; Logistics</b>                  Building License Number: 7619 337                  AEP Number: 71 823 302 209                  BRISBANE • STONEY • MELBOURNE • NEWCASTLE • TOWNSVILLE • WICKHAM • GLADSTONE                  CANADA • USA • CHINA • PERU • UNITED ARAB EMIRATES • UNITED KINGDOM                  THE DRAWINGS ARE THE PROPERTY OF ATCO STRUCTURES &amp; LOGISTICS PTY. LTD. IT IS NOT TO BE REPRODUCED OR COPIED WITHOUT WRITTEN PERMISSION FROM THAT BODY.</p>	Phone: 1800 70 70 77	144 x 3.3m 4 Person VIP Accommodation ATCO Structures & Logistics	TITLE Elevations DRAWING NUMBER WW-314S-03	DESIGN WORKLOAD Date: 14/03/2010
	BRISBANE - STONEY - MELBOURNE - NEWCASTLE • TOWNSVILLE • WICKHAM • GLADSTONE CANADA • USA • CHINA • PERU • UNITED ARAB EMIRATES • UNITED KINGDOM THE DRAWINGS ARE THE PROPERTY OF ATCO STRUCTURES & LOGISTICS PTY. LTD. IT IS NOT TO BE REPRODUCED OR COPIED WITHOUT WRITTEN PERMISSION FROM THAT BODY.	Scale: 1:50 Date: 14/03/2010	Grid: A-B Grid: 1-5	Designer: AB Checker: AB Date: 14/03/2010

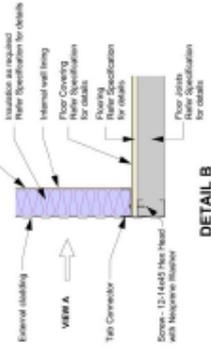
All walls shall be 200 UREA 1. Vertical connections between joints, wall studs shall be braced either via a double w/4x4 stud or a wood member design and braced above studs.



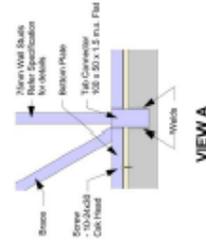
Section 1  
1:75



DETAIL A



DETAIL B



VIEW A

Connection Details  
2 1:10

Wind Class.	Roof Type	Wind Class.	Fixings
N3	Any	N3/C2	Table @ 1500 CS, Screw @ 000 CS
C2	Any	C2	Table @ 1500 CS, Screw @ 000 CS
N3	Shed to Gable	N3/C2	Table @ 1500 CS, Screw @ 000 CS
C2	Shed to Gable	C2	Table @ 1500 CS, Screw @ 000 CS
N3	Any	N3	Table @ 1500 CS, Screw @ 000 CS
C2	Any	C2/C3	Table @ 1500 CS, Screw @ 000 CS

Wind Class.	Joint Material	Joint Centres	Wind Class.	Purlin Centres	Purlin Material
N3	U07510	611mm	N3	U07510 / U07512	900 / 1050
C2	U07512	611mm	C2	U07510 / U07512	900 / 1050

**ATCO Structures & Logistics**

144 x 3.3m 4 Person VIP Accommodation  
ATCO Structure & Logistics

Phone: 1800 70 70 77

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THESEALING

DESIGN WINLOAD

Sectional View  
UNIVERSITY  
WV-314S-04

DATE: 15/06/11  
DRAWN: JAP/210



6pm Councillors G J Daccache and M Dziombak declared a Financial Interest in Agenda Item 12.3 'Proposed "Short Stay Accommodation" on Lot 2053 Hamilton Road, South Hedland. (File No.: 127990G)' as they are FMG shareholders with shares over the statutory limit.

Councillors G J Daccache and M Dziombak left the room.

Chief Executive Officer advised that the Minister for Local Government has granted this Council approval to consider Agenda Item 12.3 'Proposed "Short Stay Accommodation" on Lot 2053 Hamilton Road, South Hedland' with a reduced quorum of (4) four

### **12.3 *Proposed "Short Stay Accommodation" on Lot 2053 Hamilton Road, South Hedland. (File No.: 127990G)***

**Officer** **Leonard Long**  
Manager Planning

Application No 2011/254

Date of Report 13 June 2011

**Disclosure of Interest by Officer Nil**

#### **Summary**

An application received by Greg Rowe and Associates, on behalf of Fortescue Metals Group Ltd (FMG) to change the current use of "Motel" (Club Hamilton) to "Short Stay Accommodation" and to increase the amount of rooms from 456 rooms to 900 rooms.

The proposed use "Short Say Accommodation" is a "AA" use in terms of the current zoning "Tourism". Whilst the Director Planning and Development has delegated authority to consider the application, it is consider a significant application and should be considered by Council.

The application is supported by the Planning Department subject to conditions.

#### **Background**

At its Ordinary meeting of 25 May 2011, Council approved the development of 700 TWA units on the adjoining parcel of land (proposed to be created by way of a partial road closure). It is proposed the applicant will withdraw this planning approval upon Council approving this development application currently before Council for its consideration.

Further, the buildings previously approved by Council on the adjoining land are to be built as part of this new application.

### Property Location (ATTACHMENT 1)

The site is located on the south western corner of Hamilton Road and Hudson Way, South Hedland and measures 4.73ha.

#### *Ownership*

The site is currently owned by Karribi Developments Pty Ltd, a subsidiary company of Fortescue Metals Group (Ltd).

#### *Proposal*

It is proposed to substantially upgrade the existing "Club Hamilton" and to increase the amount of rooms from 456 rooms to 900 rooms.

This will be achieved by replacing the single storey units facing the outer boundaries with double storey units.

The proposed "Short Stay Accommodation Facility" will consist of a total of 900 accommodation units and associated facilities.

Each accommodation unit consists of a single bedroom and en-suite bathroom. The existing kitchen / restaurant will also be upgraded to be able to accommodate the additional people.

### **Consultation**

The application has been discussed and circulated internally with the following units, with any requirements captured in the report:

- Engineering
- Environmental Health

### **Statutory Implications**

The land must be developed in accordance with the Town of Port Hedland Town Planning Scheme No. 5.

### **Policy Implications**                      NIL

### **Strategic Planning Implications**

Key Result Area 4: Economic Development

Goal 2: Mining

Strategy 3:

Actively pursue integration (rather than segregation) of FIFO workers into the local community.

Goal 4: Land Development Projects

Strategy 1:

Fast-track the release and development of commercial, industrial and residential land.

#### Budget Implications

An application fee of \$31,350.00 has been received as per the prescribed fees approved by Council.

#### **Officer's Comment**

##### *Planning Considerations*

##### *Need*

It is well known that there is a shortage of accommodation within the Town of Port Hedland both for industry and tourism, a shortage which is expected to increase in the future due to a number of large projects being undertaken by the mining and port sectors.

The proposed development will provide accommodation for 900 people, of which it is recommended that 20% (180 rooms) be retained for the general public / tourists. These rooms are to be allocated and managed by the Port Hedland Visitors Centre or the Port Hedland Chamber of Commerce.

##### *Desirability*

There are a number of factors that make the proposed development desirable. The location of the proposed development being within close proximity of the Multipurpose Recreational Centre, Matt Dan Cultural Centre and South Hedland Town Centre will provide a higher population resulting in an increased spending power. This in turn may attract additional business development to the South Hedland Town Centre realising the goal of the South Hedland Town Centre Development Plan. The close proximity allows easy access via road and pedestrian access ways.

The proposed development will be located at the intersection of Hamilton Road and Hudson Way. Hamilton Road is one of the main arterials leading to the South Hedland Town Centre. It is important to ensure that the design of the buildings and associated landscaping facing Hamilton Road and Hudson Way are of a high standard and does not impact negatively on the streetscape leading into the town centre.

##### *Landscaping and Streetscape*

The prominent location of the development requires the development to achieve a high standard / quality of streetscape to both Hamilton Road and Hudson Way.

Through previous negotiations with the developer an acceptable design has been agreed on. The proposed design will dramatically improve the current streetscape.

To ensure ongoing maintenance of the landscaping within the Hamilton Road and Hudson Way road reserves, it is recommended that the developer be required to enter into a memorandum of understanding with the Town, for the maintenance of the landscaping within the road reserves for the duration of the development.

#### *Passive Surveillance*

Through the design of the development the developer has achieved an acceptable amount of passive surveillance of the public areas (Road Reserves). This will encourage the use of pedestrian access ways along the Hamilton Road.

#### *Rooms Reserved for Tourist / General Public*

Under the current approval, granted by Council in April 2006, for the existing 456 "Motel" rooms the owner is to ensure that a minimum of 20%, (91 rooms) of the rooms shall be available for rent to the travelling public / tourists / business people as opposed to fly-in-fly-out workers. It is recommended that the 20% be made applicable over the entire development resulting in the provision of 180 rooms for the general public.

The applicant has indicated that rooms reserved for the general public will only be made available as from 1<sup>st</sup> July 2013, due to the high demand for rooms during the construction / project phase. It must be emphasised that the original condition of approval requiring 20%, 91 rooms must be complied with at all times. And that an additional 89 rooms be made available to the general public as from 1<sup>st</sup> July 2013. Should Council resolved to allow the applicant to provide the total 20% of the rooms as from 1<sup>st</sup> July 2013, it would effectively remove 91 rooms from what is currently available to the general public.

#### ***Development Controls***

##### **Car Parking**

In terms of the Port Hedland Town Planning Scheme No.5, the parking requirement for "Short Stay Accommodation" is to be determined by Council. In this regard a "TWA" facility is the best fit use, on which to base the parking requirement.

Using the "TWA" requirement as a guide to calculate the parking requirement for a "Short Stay Accommodation" facility, the developer will be required to provide a minimum of 990 parking bays, of which a minimum of 10 bays shall be reserved for oversized vehicles.

Should Council resolve to require as in the previous approval 20%, 180 rooms to be made available to the general public, this component of the development will require 216 parking bays (180 bays / room & 36 visitor bays) in addition to what is required for the "Short Stay Accommodation" facility.

The applicant has provided a parking assessment study prepared by Transcore Pty Ltd. The parking assessment acknowledges that employees are transported daily from the facility to their workplaces and back by bus (40 seats) and mini-bus (10 and 15 seats) twice a day, with a number of employees and contractors using their own vehicles. The assessment does not take into consideration the existing 20%, 91 rooms required to be available to the general public through the current approval. The assessment also fails to address any requirement of oversized parking albeit buses or large contractor vehicles. Currently it is often found that during the change of shift cycle a number of large vehicles are required to park on the Hudson Way road verge waiting to collect employees. It is also not unknown to have large vehicles parked over night on the Hudson Way road verge. The parking assessment concludes that the development will be required to provide 326 parking bays on-site.

It is the Planning Departments opinion that the current parking assessment does not satisfactorily address all the parking issues. Should Council resolve to support the change of use and increased amount of rooms, an additional / amended parking study is to be provided in which all aspects are covered, i.e. oversized bays, visitor parking and general public parking.

### **Attachments**

1. Locality Plan
2. Proposed Plans - Attached separately
3. Potential future use

### **Officer Recommendations**

That Council:

- A. Approves the Application submitted by Greg Rowe and Associates on behalf of Fortescue Metals Group Pty Ltd for the "Change of Use" from "Motel" to "Short Stay Accommodation" and for the construction of an additional 444 "Short Stay Accommodation" units on Lot 2053 corner Hamilton Road and Hudson Way, South Hedland, as indicated on the approved plans (2011/54/drg/01 – 2011/54/drg/13), subject to the following conditions:

1. This Approval is subject to the withdrawal of Planning Application 2009/117.01, approved by Council on 25<sup>th</sup> May 2011.
2. This approval relates to the “Short Stay Accommodation” facility with a maximum of 900 rooms, and other associated buildings, as indicated on the approved plans 2011/54/drg/01 – 2011/54/drg/13. It does not relate to any other development on the land.
3. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
4. The development shall only be used for the purposes, which are related to “Short Stay Accommodation”. In terms of the Port Hedland Town Planning Scheme No. 5, “Short Stay Accommodation” is defined as:

“means a building or group of buildings forming a complex, designed for the accommodation of short-stay guest and which provides on-site facilities for the convenience of guests and for the management of the development, where occupation by any person is limited to a maximum three months in any 12 month period.”
5. The development shall make 91 rooms (as per existing approval and associated conditions being 20%) available to the general public and / or tourists which are to be immediately available, these rooms are to be allocated and managed by the Port Hedland Visitors Centre or the Port Hedland Chamber of Commerce.
6. As from 1 July 2013, an additional 89 rooms (additional 20%) shall be made available to the general public and / or tourists, these rooms are to be allocated and managed by the Port Hedland Visitors Centre or the Port Hedland Chamber of Commerce.
7. Prior to the submission of a building licence application the developer (FMG) is to provide a parking assessment to the satisfaction of Councils Manager Planning. (Read with footnote 1)
8. At all times, all vehicle parking (both small – cars etc. and heavy – trucks etc.) associated (patron and visitor) with the “Short Stay Accommodation” facility shall be contained within the development area (i.e. no verge parking is permitted) to the satisfaction of Councils Manager Planning.

9. Access to the proposed development shall be restricted to Hudson Way to the specifications of Council's Manager Infrastructure Development and to the satisfaction of Councils Manager Planning.
10. The driveways and crossovers shall be designed and constructed to specifications of Councils Manager Infrastructure Development, and to the satisfaction of Councils Manager Planning.
11. The minimum floor level shall be determined by a suitably qualified Engineer and approved by Councils Manager Infrastructure Development at the applicants cost.
12. The development must be connected to the reticulated main sewer, or such other system as may be approved on a temporary basis by the Western Australian Department of Health and Councils Manager Environmental Health.
13. Prior to or simultaneous to the submission of a building licence application the developer / owner is to submit for approval a stormwater disposal plan to be designed to the specifications of Council's Manager Infrastructure Development, and to the satisfaction of Councils Manager Planning.
14. An Erosion Prevention and Sediment Control plan is to be submitted prior to the commencement of any works to Councils Manager Planning.
15. Prior to the submission of a Building Licence application or such further period as may be agreed by Council's Manager Planning, a detailed landscaping and reticulation plan including the Hudson Way and Hamilton Road, road verge(s), including an entry statement on the corner of Hudson Way and Hamilton Road must be submitted to Councils Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
16. Within 60 days of the approval of the landscaping plan, or such further period as may be agreed by Councils Manager Planning, landscaping and reticulation is to be established with the use of mature shrubs and trees in accordance with the approved detailed plans to the satisfaction of Councils Manager Planning.

17. Within 30 days of the approval of the landscaping plan, the developer is to provide a maintenance schedule for the landscaping on the Hudson Way and Hamilton Road, road verges to the satisfaction of Councils Manager Planning.
18. Within 30 days of the approval of the landscaping plan, the developer is to enter into a memorandum of understanding (MOU) for the maintenance of the landscaping on the Hudson Way and Hamilton Road, road verges to the satisfaction of Councils Manager Planning. The MOU is to remain in place for the extent of the approved "Short Stay Accommodation" facility.
19. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.
20. Appropriate dust suppression measures shall be taken at all times where any operation on the site is likely to generate a dust nuisance to nearby land uses to the specifications of Council's Manager Infrastructure Development and Councils Manager Environmental Health to the satisfaction Councils Manager Planning
21. A Rubbish Collection Strategy/Management Plan shall be submitted to, and approved by the Town, prior to the approval of the building licence. The strategy/plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction of Councils Manager Planning.
22. In regard to condition 21, any garbage storage area shall be screened from public view to the satisfaction of Councils Manager Planning.
23. Waste receptacles are to be stored in a suitable enclosure to the specifications of Council's Health Local Laws 1999, and to the satisfaction of Councils Manager Planning.
24. Waste disposal and storage is to be carried out in accordance with Council's *Health Local Laws 1999*.
25. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.

26. The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
- (a) The delivery of materials and equipment to the site;
  - (b) The storage of materials and equipment on the site;
  - (c) The parking arrangements for the contractors and subcontractors;
  - (d) Impact on traffic movement;
  - (e) Operation times including delivery of materials; and
  - (f) Other matters likely to impact on the surrounding residents;
- to the satisfaction of Council's Manager Planning.

## FOOTNOTES:

1. With regard to condition 7, a parking assessment / study is to consider the requirement for large vehicle parking associated with the potential contractors on site, and parking associated with the 180 rooms reserved for the general public.
2. You are reminded that this is a Planning Approval and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
3. It is a requirement under the *Food Act 2008* that all food premises be registered prior to beginning operations.
4. The Applicant is advised that the construction and use of the premises is required to comply with the *Food Regulations 2009* and the *Food Safety Standards*.
5. The developer to take note that the area of this Application may be subject to rising sea levels, tidal surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
6. The Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

**201011/437 Council Decision****Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham

That Council:

A. Approves the Application submitted by Greg Rowe and Associates on behalf of Fortescue Metals Group Pty Ltd for the "Change of Use" from "Motel" to "Short Stay Accommodation" and for the construction of an additional 444 "Short Stay Accommodation" units on Lot 2053 corner Hamilton Road and Hudson Way, South Hedland, as indicated on the approved plans (2011/54/drg/01 – 2011/54/drg/13), subject to the following conditions:

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4. **The development shall only be used for the purposes, which are related to "Short Stay Accommodation". In terms of the Port Hedland Town Planning Scheme No. 5, "Short Stay Accommodation" is defined as:**  
  
**"means a building or group of buildings forming a complex, designed for the accommodation of short-stay guest and which provides on-site facilities for the convenience of guests and for the management of the development, where occupation by any person is limited to a maximum three months in any 12 month period."**
5. **The development shall make 10 rooms (as per existing approval and associated conditions being 20%) available to the general public and / or tourists which are to be immediately available, these rooms are to be allocated and managed by the Port Hedland Visitors Centre or the Port Hedland Chamber of Commerce.**

6. **As from 1 July 2013, an additional 89 rooms(additional 20%) shall be made available to the general public and / or tourists, these rooms are to be allocated and managed by the Port Hedland Visitors Centre or the Port Hedland Chamber of Commerce.**
7. **Prior to the submission of a building licence application the developer (FMG) is to provide a parking assessment to the satisfaction of Councils Manager Planning. (Read with footnote 1)**
8. **At all times, all vehicle parking (both small – cars etc. and heavy – trucks etc.) associated (patron and visitor) with the “Short Stay Accommodation” facility shall be contained within the development area (i.e. no verge parking is permitted) to the satisfaction of Councils Manager Planning.**
9. **Access to the proposed development shall be restricted to Hudson Way to the specifications of Council's Manager Infrastructure Development and to the satisfaction of Councils Manager Planning.**
10. **The driveways and crossovers shall be designed and constructed to specifications of Councils Manager Infrastructure Development, and to the satisfaction of Councils Manager Planning.**
11. **The minimum floor level shall be determined by a suitably qualified Engineer and approved by Councils Manager Infrastructure Development at the applicants cost.**
12. **The development must be connected to the reticulated main sewer, or such other system as may be approved on a temporary basis by the Western Australian Department of Health and Councils Manager Environmental Health.**
13. **Prior to or simultaneous to the submission of a building licence application the developer / owner is to submit for approval a stormwater disposal plan to be designed to the specifications of Council's Manager Infrastructure Development, and to the satisfaction of Councils Manager Planning.**
14. **An Erosion Prevention and Sediment Control plan is to be submitted prior to the commencement of any works to Councils Manager Planning.**

- 15. Prior to the submission of a Building Licence application or such further period as may be agreed by Council's Manager Planning, a detailed landscaping and reticulation plan including the Hudson Way and Hamilton Road, road verge(s), including an entry statement on the corner of Hudson Way and Hamilton Road must be submitted to Councils Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**
- 16. Within 60 days of the approval of the landscaping plan, or such further period as may be agreed by Councils Manager Planning, landscaping and reticulation is to be established with the use of mature shrubs and trees in accordance with the approved detailed plans to the satisfaction of Councils Manager Planning.**
- 17. Within 30 days of the approval of the landscaping plan, the developer is to provide a maintenance schedule for the landscaping on the Hudson Way and Hamilton Road, road verges to the satisfaction of Councils Manager Planning.**
- 18. Within 30 days of the approval of the landscaping plan, the developer is to enter into a memorandum of understanding (MOU) for the maintenance of the landscaping on the Hudson Way and Hamilton Road, road verges to the satisfaction of Councils Manager Planning. The MOU is to remain in place for the extent of the approved "Short Stay Accommodation" facility.**
- 19. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.**
- 20. Appropriate dust suppression measures shall be taken at all times where any operation on the site is likely to generate a dust nuisance to nearby land uses to the specifications of Council's Manager Infrastructure Development and Councils Manager Environmental Health to the satisfaction Councils Manager Planning**

- 21. A Rubbish Collection Strategy/Management Plan shall be submitted to, and approved by the Town, prior to the approval of the building licence. The strategy/plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction of Councils Manager Planning.**
- 22. In regard to condition 21, any garbage storage area shall be screened from public view to the satisfaction of Councils Manager Planning.**
- 23. Waste receptacles are to be stored in a suitable enclosure to the specifications of Council's Health Local Laws 1999, and to the satisfaction of Councils Manager Planning.**
- 24. Waste disposal and storage is to be carried out in accordance with Council's *Health Local Laws 1999*.**
- 25. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
- 26. The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
  - (a) The delivery of materials and equipment to the site;**
  - (b) The storage of materials and equipment on the site;**
  - (c) The parking arrangements for the contractors and subcontractors;**
  - (d) Impact on traffic movement;**
  - (e) Operation times including delivery of materials; and**
  - (f) Other matters likely to impact on the surrounding residents;**to the satisfaction of Council's Manager Planning.**

## FOOTNOTES:

1. With regard to condition 7, a parking assessment / study is to consider the requirement for large vehicle parking associated with the potential contractors on site, and parking associated with the 180 rooms reserved for the general public.
2. You are reminded that this is a Planning Approval and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.

3. It is a requirement under the *Food Act 2008* that all food premises be registered prior to beginning operations.
4. The Applicant is advised that the construction and use of the premises is required to comply with the *Food Regulations 2009* and the *Food Safety Standards*.
5. The developer to take note that the area of this Application may be subject to rising sea levels, tidal surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
6. The Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

*CARRIED 4/0*

*REASON- Council has changed the number of rooms to the general public and / or tourists which are to be made immediately available from 91 to 10 in line with the presentation given earlier this evening by FMG representative.*

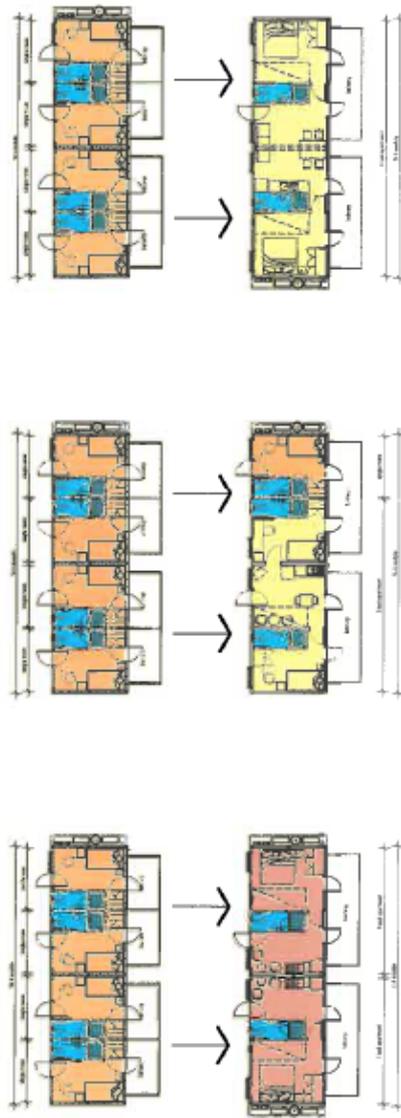
Councillors G J Daccache and M Dziombak re-entered the room and resumed their chairs.

Mayor advised Councillors G J Daccache and M Dziombak of Council's decision.

ATTACHMENT 1 OF AGENDA ITEM 12.3



ATTACHMENT 3 OF AGENDA ITEM 12.3



3

ACCOMMODATION CONVERSION OPTIONS  
SKZ25  
REV 1  
1. 2008.04.01

CLUB HAMILTON MOTEL EXPANSION  
for FMC



**ITEM 13      MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN**

Nil.

**ITEM 14      CONFIDENTIAL ITEMS**

Nil.

**ITEM 15      APPLICATIONS FOR LEAVE OF ABSENCE****201011/438 Council Decision**

**Moved:** Cr A A Carter    **Seconded:** Cr Jan Gillingham

That the following leave of absence:

- Councillor George Daccache from 3 July to 7 July 2011
- Councillor Jan Gillingham from 11 July to 22 July 2011

be approved

*CARRIED 6/0*

**ITEM 16      CLOSURE**

## 16.1      Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 13 July 2011, commencing at 5.30 pm.

## 16.2      Closure

There being no further business, the Chairman declared the meeting closed at 6.07 pm.

**Declaration of Confirmation of Minutes**

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of \_\_\_\_\_

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE