



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING
OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 28 JULY 2010

AT 5.30 PM

IN COUNCIL CHAMBERS
McGREGOR STREET, PORT HEDLAND

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*Chris Adams
Chief Executive Officer*

OUR COMMITMENT

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

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ITEM 1 OPENING OF MEETING

1.1 Opening

The Mayor declared the meeting open at 5:34 pm 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 George J Daccache
 Councillor Steve J Coates
 Councillor Michael (Bill) Dziombak
 Councillor David W Hooper
 Councillor Jan M Gillingham
 Councillor Stan R Martin

Mr Chris Adams	Chief Executive Officer
Mr Russell Dyer	Director Engineering Services
Mr Paul Martin	Director Community Development
Mr Terry Sargent	Director Regulatory Services
Ms Gaye Stephens	Executive Assistant

Members of the Public	17
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Members of the Media	1
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2.2 Apologies

Nil.

2.3 Approved Leave of Absence

Nil.

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

3.1 Questions from Public at Ordinary Council Meeting held on Wednesday 14 July 2010

Nil

- 3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 14 July 2010

Nil

ITEM 4 PUBLIC TIME

- 4.1 Public Questions

5:34 pm Mayor opened Public Question Time

4.1.1 Mr Frank Parker

What Act gives this Council the right to deny a constituent of this community an honest and transparent answer to a straightforward question; especially one which is in direct relation to Council legislation and safety?

Mayor advised this question will be taken on notice.

What action and communication has been had, in order for Bloodwood Tree Association to take an appeal to SAT [State Administration Tribunal]? What is that Association appealing against?

Mayor advised this question will be taken on notice.

4.1.2 Ms Louise Newberry Starling

How did the Town of Port Hedland issue a Vendor's Licence to a business from Broome to sell from the roadside products that are in direct competition and opposition to my commercial enterprise which I conduct from Redbank? Does the Town of Port Hedland have a set policy regarding small business? If so, can this policy be reviewed to ensure local small businesses are considered before issuing of similar permits in the future? If not, can the Town of Port Hedland implement and adopt a policy about small business at the earliest convenience to not only assist, encourage and support local small businesses, but to avoid any repetition of the damage caused to my business with this permit being issued?

Mayor advised that the Town issued the particular Licence as a 'once-off' occurrence. She added that Council does have a policy in relation to this matter and it will be reviewing this. Prior to this incident, roadside traders can be approved if they are proposing to trade greater than 500 metres in distance of a similar business. Mayor also advised that Council appreciates the impact that such traders may have on local businesses. The Town supports local business through its financial contributions to the Business Enterprise Centre, and the Port Hedland Chamber of Commerce and Industry.

Will a policy be reviewed?

Mayor confirmed yes, and it will be circulated widely for public comment and feedback.

5:40 pm Mayor closed Public Question Time

4.2 Public Statements

5:41 pm Mayor opened Public Statement Time

4.2.1 *Mr Frank Parker*

Mr Parker made a statement to Council advising the Town that the Director General of the Department of Indigenous Affairs, the Honourable Dr Kim Hames (Minister for Indigenous Affairs), Senator Alan Eggleston, and Barry Haase MHR, Federal Member for Kalgoorlie are all aware of the issues in relation to safety and building regulations; and the Department for Indigenous Affairs is undertaking an audit.

5:43 pm Mayor closed Public Statement Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 *Councillor Jan Gillingham*

As the stage area for performers and dance groups at the Spinifex Spree wasn't very big, which is perhaps why some groups didn't participate in the show; can Council please ensure that all the stage is available at future events?

Mayor advised this question will be taken on notice, and also referred to the Celebrate Hedland! Inc. Committee for its consideration.

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

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

Mayor K A Howlett	Cr S J Coates
Cr A A Carter	Cr J M Gillingham
Cr S R Martin	Cr M (Bill) Dziombak
Cr G J Daccache	Cr D W Hooper

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 14 July 2010

201011/027 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S R Martin

That the Minutes of the Ordinary Meeting of Council held on Wednesday 14 July 2010 be confirmed as a true and correct record of proceedings.

CARRIED 8/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Mayor Howlett's Activity Report for the July 2010 period to date as follows:

Saturday 10th July

Visit To Hedland Kart Club (Bryce Watson)

Sunday, 11th July

- Attended Sea Sunday Celebrations at Port Hedland Seafarer's Centre, with Deputy Mayor Carter and Cr Gillingham
- Flight to Perth for Meetings

Monday, 12th July

- Attended WALGA's Pre-Meeting Breakfast Re: Servicing Remote Indigenous Communities, with Chief Executive Officer and Director Community Development
- Attended Department Local Government Municipal Services to Indigenous Communities Forum, with Chief Executive Officer and Directory Community Development
- Attended Meeting FMG re: Community Development Plan with Chief Executive Officer
- Attended Meeting LandCorp and Mirvac re: Port Hedland Hotel Site and development with Chief Executive Officer

Tuesday, 13th July

- Return Flight from Perth
- Meeting with Port Hedland Port Authority Chief Executive Officer (Andre Bush) with Chief Executive Officer

Wednesday, 14th July

- Weekly Catch-up Meeting Mayor and Deputy Mayor
- Weekly Media Meeting with Deputy Mayor
- Attended Tender Opening MPRC with Deputy Mayor, Chief Executive Officer and Director Community Development

- Meeting with Doric Management Group with Chief Executive Officer and Manager Economic and Land Development
- Chaired Ordinary Council Meeting July

Thursday, 15th July

- Fortnightly Mayor/Shire President Phone Link Up
- Attended Meeting with Hon Bill Marmian and Chief Executive Officer
- Spirit Radio Interview re: 2010 Exercise Falcon and Gearing Up Session
- Meeting with Local Resident (Phil) re: Native Plant/Botanical Garden
- Hosted Gearing Up Session July 2010

Friday, 16th July

- Guest Speaker at LandCorp Business Breakfast with Deputy Mayor Carter, Councillors Dziombak and Gillingham, Chief Executive Officer, Director Community Development and Manager Economic and Land Development
- Meeting FMG (Vicki James) Re: Community Development Plan
- Meeting (Phone Link Up) Hedland's Future Today document updating with Chief Executive Officer and Director Community Development
- Interview re: Resources and Regions Conference 28th September 2010 Brisbane

Monday, 19th July

- Meeting CEO Recruitment Working Group with Deputy Mayor Carter and Councillors Martin, Dziombak, Gillingham and Daccache
- Weekly Meeting Mayor and Deputy Mayor

Tuesday, 20th July

Spirit Radio Interview: Spinifex Spree

Wednesday, 21st July

- Attended Hedland Playgroup Open Day at Lotteries House
- Attended Tender Openings
- Weekly Media Meeting and Deputy Mayor
- Chair Donations Working Group with Deputy Mayor Carter, Cr Martin, Director Community Development and Manager Community and Library Services
- Conducted Drawing of Annual Fundraising Raffle Port Hedland Golf Club

Thursday, 22nd July

- Chaired Phone Link Up For Federal Government Sports Grant Funding Selection Committee (Hon Barry Haase)
- Attended Ranger Services and Police BBQ

Friday, 23rd July

- Weekly Catch-up Meeting with Chief Executive Officer and Deputy Mayor
- ABC NW Radio Interview: Spinifex Spree
- Planning Session for Aboriginal Affairs Forum scheduled for Monday 26th July 2010
- Opening 2010 Spinifex Spree Event

Mayor also advised that she met with South Hedland New Living representatives this afternoon, who confirmed that they will construct a neighbourhood park in the vicinity of Captains Way South Hedland, similar in quality to Shay Gap Memorial Park. It is expected this park will be opening in May next year.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 Councillor J M Gillingham

Councillor Gillingham advised that the Neighbourhood BBQ held in Wedgefield on Monday 26 July was very well attended by local residents/businesses in the area. A lot of concerns were raised by those in attendance and Cr Gillingham sought to support of Council to work towards addressing those concerns raised.

9.2 Councillor S J Coates

Councillor Coates also advised Council that he attended the Neighbourhood BBQ held in Wedgefield; and the Spinifex Spree event held last Friday and Saturday, which was very well attended by the community.

9.3 Councillor D W Hooper

Councillor Hooper attended the 'Sod Turning' opportunity with Honourable Brendon Grylls, Minister for Regional Development, on Saturday morning to mark the commencement of constructions works at the JD Hardie Centre site.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10.1 Whelans re: Proposed Rezoning of Lot 126 Great Northern Highway

Mr Keith Williams from Whelans made a presentation on the proposed development for Lot 126 Great Northern Highway ('Brookdale'), and sought Council's reconsideration of the proposed rezoning of the site to enable future Rural Residential land release.

10.2 Cameco re: Kintyre Joint Venture Project

Mr Ron Matthews, Managing Director of Cameco Australia Pty Ltd briefed Council on the progress of the Kintyre Joint Venture, including agreements/communications between the Martu people, Native Title holders of the land and the Joint Venture, and the status of its uranium exploration program.

ITEM 11 REPORTS OF OFFICERS**11.1 Regulatory Services**

11.1.2 Planning Services

11.1.2.1 Delegated Planning, Building and Environmental Health Approvals and Orders for June 2010 (File No.: 18/07/0002 and 07/02/0003)

Officer	Cassandra Woodruff Executive Assistant Regulatory Services
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Date of Report	14 July 2010
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Disclosure of Interest by Officer	Nil
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Summary

This item relates to the Planning and Building approvals and Environmental Health Orders considered under Delegated Authority for the month of June 2010. 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 June 2010 are attached to this report. Further to Council's request a listing of current legal actions is also attached to this report.

Consultation	Nil
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Statutory Implications

Town of Port Hedland Delegation Register 2005 outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council. This report is prepared to ensure Council is advised of the details of applications which have been dealt with under delegated authority.

Policy Implications	Nil
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Strategic Planning Implications	Nil
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Budget Implications	Nil
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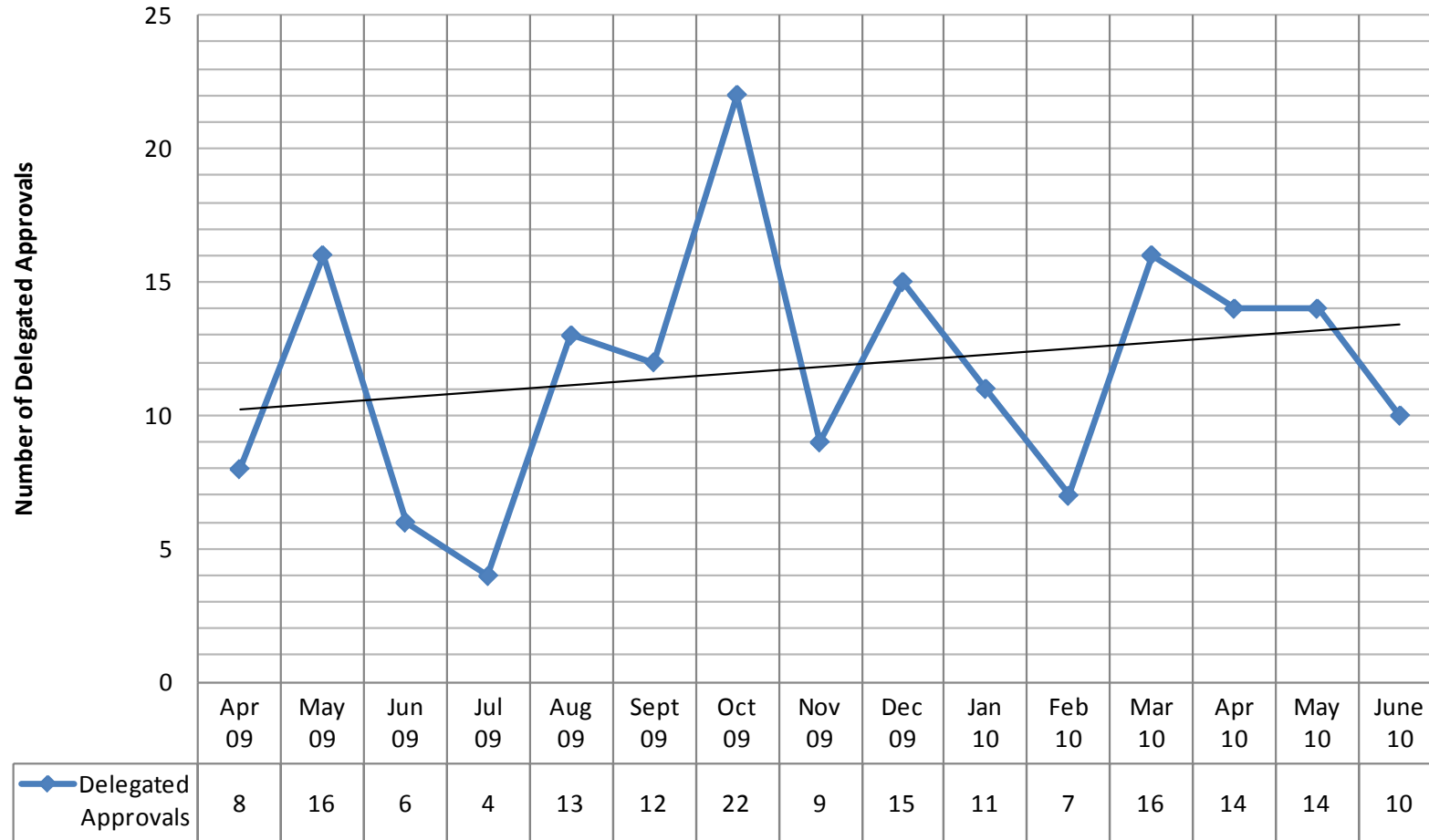
Officer's Comment	Nil
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DELEGATED PLANNING APPROVALS FOR JUNE 2010

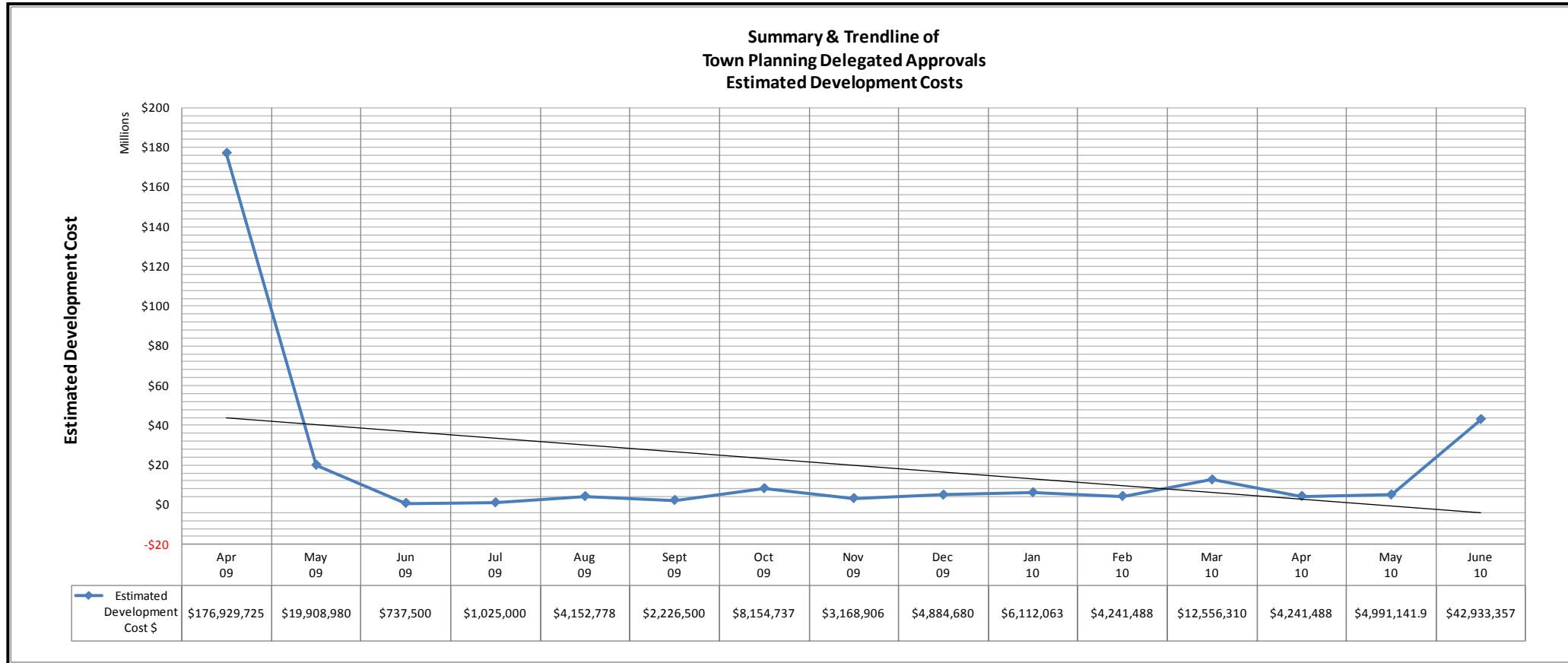
PLANNING APPROVALS - DELEGATED AUTHORITY - JUNE 2010								
Applic No	Applic date	Date Determined	Description	Lot	Address	Owners Name	Applicants name	Development Value
2010/78	25/03/2010	11/06/2010	CHANGE OF USE - Motorvehicle and/or marine sales and hire	3756	20 CAJARINA ROAD WEDGEFIELD 6724	ANDREA DEAN EYDEN	Pilbara Boats & Bikes	\$ -
2010/79	13/04/2010	11/06/2010	STORAGE FACILITY / DEPOT / LAYDOWN AREA - Redevelopment	6098	WILSON STREET PORT HEDLAND 6722	PORT HEDLAND PORT	Ben Doyle	\$ 40,000,000
2010/96	10/05/2010	22/06/2010	INDUSTRY - LIGHT - Workshop/Office	1808	18 MOORAMBINE STREET WEDGEFIELD	Napier Holdings Pty Ltd Atf	Peter Wade	\$ -
2010/97	10/05/2010	10/06/2010	SINGLE HOUSE - R CODE VARIATION - primary street setback	611	31 NIX AVENUE SOUTH HEDLAND 6722	CLINTON MARK HACKETT	Clinton Hackett	\$ 320,000
2010/104	17/05/2010	20/06/2010	INDUSTRY - LIGHT - Workshop and office	5890	10 MANGANESE STREET WEDGEFIELD	TJR BUILDING PTY LTD		\$ -
2010/111		21/06/2010	SINGLE HOUSE - R- Code variation to front setback	622	3 JIPURR STREET PORT HEDLAND 6721	GRAHAM DAVID BUCKLEY	Owen Hightower	\$ 555,428
2010/114	21/05/2010	23/06/2010	SINGLE HOUSE- R-CODE VARIATION - Garage and Primary Street Setback	543	77 STYLES ROAD PORT HEDLAND 6721	PORT HEDLAND PORT	Owen Hightower	\$ 555,428
2010/115	21/05/2010	21/06/2010	SINGLE HOUSE - R-Code variation to front setback	713	48 DOWDING WAY PORT HEDLAND 6721	PORT HEDLAND PORT AUTHORITY	Owen Hightower	\$ 712,830
2010/116	24/05/2010	28/06/2010	SINGLE HOUSE - R-Code variation to front setback	716	54 DOWDING WAY PORT HEDLAND 6721	PORT HEDLAND PORT AUTHORITY	Owen Hightower	\$ 789,671
2010/126	04/06/2010	28/06/2010	INDUSTRY - LIGHT - Proposed building development for the	5894	18 MANGANESE STREET WEDGEFIELD	GOLDMAN CONSTRUCTIONS	David Goldman	\$ -

DELEGATED PLANNING APPROVALS FOR JUNE 2010

**Summary & Trendline of
Town Planning Delegated Approvals**



DELEGATED PLANNING APPROVALS FOR JUNE 2010



Note: April 2009 Estimated Development Cost included \$150,000,000 for Port Haven development and \$25,000,000 for RPG5.

DELEGATED BUILDING APPROVALS FOR JUNE 2010

BUILDING LICENCES						
Licence Number	Decision Date	Locality	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
80936	04.06.2010	SOUTH HEDLAND	8 x New Patio	\$ 105,376	10	Class 10a
80905	11.06.2010	PORT HEDLAND	1 x New Outbuilding	\$ 35,000	60	Class 10a
80939	18.06.2010	SOUTH HEDLAND	1 x New Outbuilding	\$ 35,000	65	Class 10a
80940	18.06.2010	SOUTH HEDLAND	1 x New Outbuilding	\$ 35,000	60	Class 10a
80943	20.06.2010	WEDGEFIELD	1 x New Transportable Crib Room	\$ 30,000	36	Class 10a
80948	23.06.2010	PORT HEDLAND	1 x Transportable Ablution Block	\$ 15,000	3	Class 10a
80946	23.06.2010	PORT HEDLAND	1 x New Patio	\$ 18,400	40	Class 10a
80947	23.06.2010	SOUTH HEDLAND	1 x New Patio	\$ 19,500		Class 10a
80949	24.06.2010	SOUTH HEDLAND	1 x New Outbuilding	\$ 37,000	44	Class 10a
80955	30.06.2010	SOUTH HEDLAND	1 x New Outbuilding	\$ 4,200	4	Class 10a
80935	03.06.2010	SOUTH HEDLAND	2 x New Patio and Refurbishments	\$ 45,000	80	Class 10b
85091	03.06.2010	SOUTH HEDLAND	1 x Above Ground Swimming Pool	\$ 3,000	23	Class 10b
85092	15.06.2010	PORT HEDLAND	1 x New Below Ground Swimming Pool	\$ 25,000	18	Class 10b
80938	17.06.2010	PORT HEDLAND	Entry Canopy 2 x Shade Structures	\$ 435,600		Class 10b
85094	24.06.2010	SOUTH HEDLAND	1 x New Below Ground Swimming Pool	\$ 32,500		Class 10b
80952	28.06.2010	PORT HEDLAND	1 x New Single Dwelling	\$ 712,830	259	Class 1a
80928	01.06.2010	PORT HEDLAND	1 x New Single Dwelling	\$ 580,173	186	Class 1a
80937	11.06.2010	PORT HEDLAND	1 x New Single Dwelling	\$ 338,696	172	Class 1a
80942	20.06.2010	SOUTH HEDLAND	1 X NEW DWELLING	\$ 57,000	58	Class 1a
80944	21.06.2010	SOUTH HEDLAND	1 x New Single Dwelling	\$ 437,000	182	Class 1a
80951	28.06.2010	PORT HEDLAND	1 x New Single Dwelling	\$ 712,830	259	Class 1a
80950	28.06.2010	SOUTH HEDLAND	1 x New Single Dwelling	\$ 450,000	170	Class 1a
80954	29.06.2010	PORT HEDLAND	1 x New Single Dwelling	\$ 555,428	268	Class 1a
80953	29.06.2010	PORT HEDLAND	1 x New Single Dwelling	\$ 555,428	268	Class 1a
80941	20.06.2010	WEDGEFIELD	1 x New Workshop and Office	\$ 852,500	1308	Class 7b

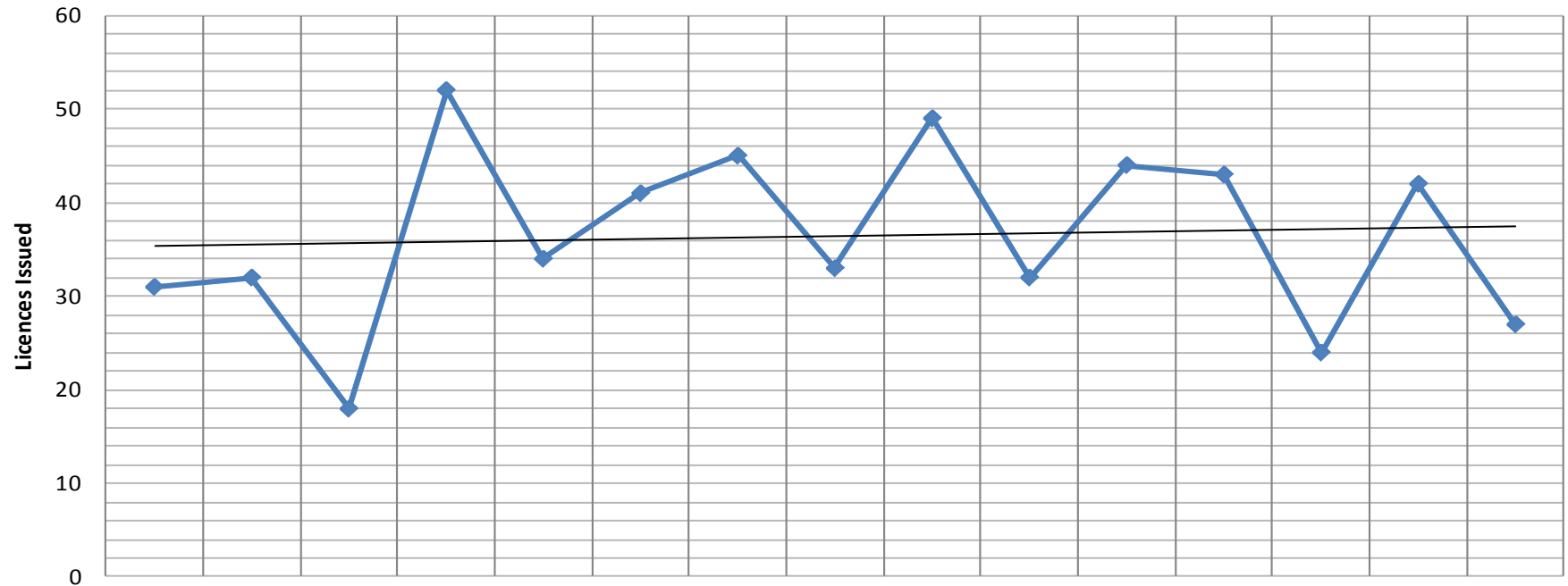
DELEGATED BUILDING APPROVALS FOR JUNE 2010 Cont'd...

SUMMARY				
Number of Licences	Licence Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
2	Demolitions	\$20,800		
9	Dwellings	\$4,399,385	1,822	\$2,415
10	Class 10a	\$334,476	322	\$1,039
5	Class 10b	\$541,100		
1	Commercial	\$852,500	1,308	\$652
	Other	\$0		
27		\$6,148,261		

DEMOLITION LICENCES				
Licence Number	Approval Date	Locality	Description of Work	Estimated Construction Value (\$)
83067	01.06.2010	PORT HEDLAND	Demolition of Dwelling	19800
83068	01.06.2010	PORT HEDLAND	Demolition of Shed	1000
				\$ 20,800

DELEGATED BUILDING APPROVALS FOR JUNE 2010 Cont'd...

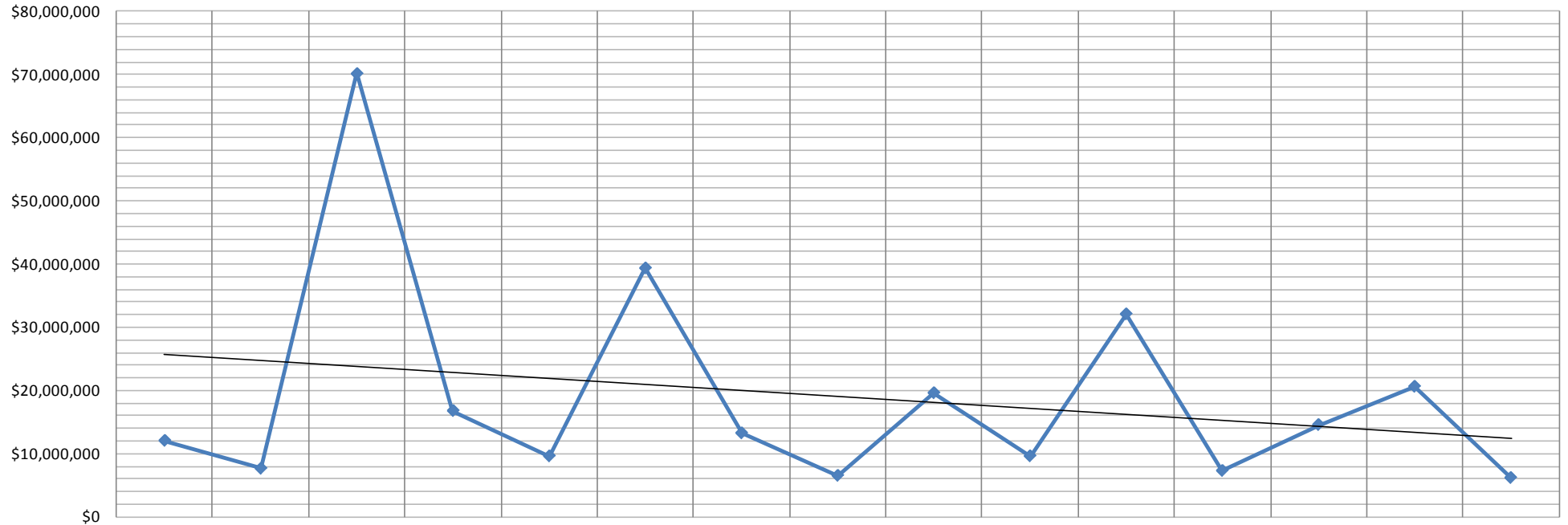
Summary & Trendline for Building Licence Approvals



	Apr-09	May-09	Jun-09	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10
◆ No of Licences Issued	31	32	18	52	34	41	45	33	49	32	44	43	24	42	27

DELEGATED BUILDING APPROVALS FOR JUNE 2010 Cont'd...

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



	Apr-09	May-09	Jun-09	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10
Estimated Construction Value \$	\$12,042,120	\$7,619,823	\$70,243,761	\$16,776,179	\$9,586,773	\$39,405,765	\$13,239,101	\$6,495,176	\$19,610,421	\$9,595,165	\$32,119,507	\$7,270,113	\$14,556,866	\$20,627,998	\$6,148,261

DELEGATED ENVIRONMENTAL HEALTH ORDERS FOR JUNE 2010

Current Health Orders under Delegated Authority by Environmental Health Services	
30 Weaver Place, South Hedland (Fautleroy/Mills)	Building Unfit for Human Habitation

CURRENT LEGAL MATTERS BEING UNDERTAKEN AS AT JUNE 2010

CURRENT LEGAL MATTERS					
File No.	Address	Issue	First Return Date	Current Status	Officer
WEDGEFIELD					
121670G	Lot 3 Trig Street (J Yujnovich)	Non-compliance with planning conditions	~ First return date 21/1/09	~ Court hearing date 14/4/09 ~ Adjourned until 25/5/09. ~ Adjourned to 6/7/09 ~ Trial 23/11/09 ~ Due to length of trial, Court adjourned trial on 23/11 for a mention in Perth on 11/12/09 for a trial date to be set in Perth. ~ Set for trial allocation in Perth on 16 February 2010. ~ Trial set down for 13 & 14 September 2010 in Perth. ToPH witnesses to attend.	MP
803175G	Lot 1402 (34) Pinnacles Street (National Tyres)	Illegal Residential dongas and office		~ Instruction & Docs sent to Solicitors 15 April 09 ~ Further information required prior to prosecution notice to be filed/served. ~ Inspection to be done to ascertain if issue is to commence. ~ Matter has been listed and will be dealt with in due course	MP
124590G	Lot 1029 (4) Ridley Street (Carey Gardner Engineering)	Illegal Residential dongas		~ Instruction & Docs sent to Solicitors 4 September 09 ~ With the appointment of of Compliance Officer, the matter will now progress ~ Matter has been listed and will be dealt with in due course	MP
REDBANK					
116770G	Lot 134 Roche Road (Western Desert)	Illegal laydown area - Second Offence		~ Referred to Council Solicitors	MP
SOUTH HEDLAND RURAL ESTATE					
1554422G	Lot 11 (39-41) Greenfield St Outlook Contracting	Illegal development and storage of heavy vehicles		~ 11/8/09 fined \$20,000 plus court costs \$700 ~ 21/9/09 case reinstated by Outlook Contracting on grounds of not receiving summons for court appearance on 11/8/09. Fines withheld until court resolved. ~ Court date to set a hearing date 25/1/2010. ~ Trial date set for 9/7/2010. ~ Matter Finalised, awaiting decision courts decision	MP
154412G	Lot 2 (5-7) Quartz Quarry Road (Macpherson - Sunsatin P/L t/as Pilbara Earthmoving)	Earth Moving business & repairs being operated from the property - Second Offence		~ Referred to Council Solicitors	MP

CURRENT LEGAL MATTERS BEING UNDERTAKEN AS AT JUNE 2010

CURRENT LEGAL MATTERS Cont'd...					
File No.	Address		First Return Date	Current Status	Officer
SOUTH HEDLAND					
	Nil				
PORT HEDLAND					
400330G	83 Athol Street (P Oldenhuis)	Health - Asbestos removal	~ First Return date 25/2/09	<ul style="list-style-type: none"> ~ No appearance by Mr Oldenhuis ~ Court hearing date 28/4/09 adjourned until 29/5/09. ~ Plea hearing date 13/7/09 ~ Trial 16/11/09 heard to 7pm. ~ Decision handed down 23/11 - guilty and issued \$250 in fines and \$4250 in costs. ~ Fine registered with FER by Solicitors as not paid by due date. ~ Fine unpaid to date. 	MEH

Attachments**Nil****201011/028 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr S R Martin

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 June 2010 be received.

CARRIED 8/0

11.1.2.2 Tenders for the Supply of Temporary Office Accommodation Units at the Port Hedland Civic Centre (File No.:)

Officer	Terry Sargent Director Regulatory and Community Services
Date of Report	20 July 2010
Disclosure of Interest by Officer	Nil

Summary

Quotations have been sought for the supply of temporary office accommodation at the Port Hedland Civic Centre in accordance with resolution of Council.

Because the quotations exceed the threshold at which Council is legally bound to call tenders it is proposed that tenders be invited as soon as possible.

Background

In order to accommodate increased staff numbers and to allow the centralisation of staff currently working from temporary spaces at the airport and other remote offices, Council resolved to provide funds in the 2010/2011 budget which allows for the hire of transportable offices and amenity buildings adjacent to the Civic Centre.

Upon obtaining quotations from the available suppliers it has become apparent that the cost of hire over the two or three year period until a new office is constructed, will exceed the \$100,000 threshold at which Council is obliged to call tenders.

Consultation

Nil

Statutory Implications

This request for tender is recommended in accordance with the Local Government Act (1995):-

“3.57. Tenders for providing goods or services

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

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Council has made no budgetary provision for the management of the Port Hedland Retirement Village, which generates its own revenue with the aim of financial sustainability.

Officer's Comment

While clearly the calling and assessment of tenders will call several weeks delay, it is a necessary part of meeting Council's obligations in these circumstances. Accordingly it is recommended that Council call tenders for office and amenities building to accommodate an additional 20 persons at the Civic Centre for a three year period.

Because the buildings proposed are of a standard type and must meet the provisions of the BCA so it is proposed that the assessment criteria for the tenders be limited to:

Price	50%
Demonstrated ability to deliver on time	25%
Local experience	25%

Attachments

Nil

201011/029 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

- i) call tenders for office and amenities building to accommodate an additional 20 persons at the Civic Centre for a three (3) year period in accordance with Section 3.57 of the Local Government Act 1995; and
- ii) tenders be assessed against the following criteria :

Price	50%
Demonstrated ability to deliver on time	25%
Local experience	25%

CARRIED 8/0

11.1.2 Planning Services

11.1.2.1 Proposed Amendment of Scheme Amendment 30 to the Port Hedland Town Planning Scheme No. 5, for the Rezoning and Re-Coding of Various Lots Within South Hedland (File No.: 18/09/0037)

Officer Leonard Long
Manager Planning

Date of Report 17 July 2010

Disclosure of Interest by Officer Nil

Summary

Council has received a request from Taylor Burrell Barnett on behalf of the Department of Housing (South Hedland New Living) to request Council to re-consider its resolution to retain an area of park on Lot 6042 Masters Way.

Background

At the Ordinary Council meeting held on 24th March 2010, Council resolved to initiate Scheme Amendment 30, subject to a number of changes. One of which was to include / retain a "Parks and Recreation" POS of 2292m² on Lot 6042 Masters Way.

The applicant has indicated it would like re-consideration of this position on the grounds that:

- Retaining the park is not in keeping with the Park Improvement Plan,
- The resolution makes this project financially unviable, and
- This park will not be required when other parks are built in and around this site in the near future.

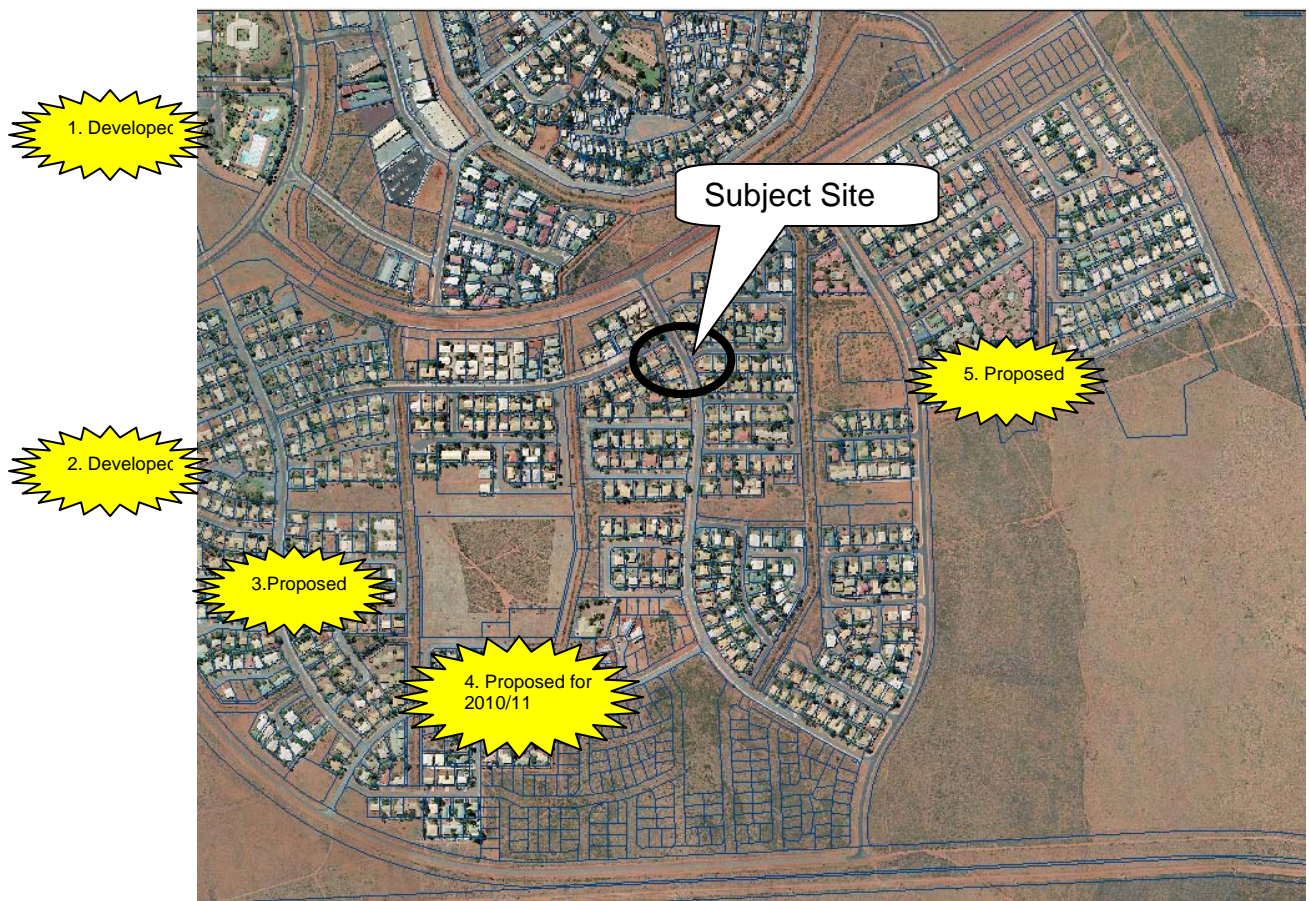
The aim of this scheme amendment was to enable the Department of Housing (South Hedland New Living) to develop the lots in accordance with the intent of the Land Use Master Plan (LUMP). Insisting on retaining this particular area as a park will prevent that from occurring.

Koombana Park Developments

Currently within, or near the Koombana area, Council has:

1. Developed Centenary Park,
2. Developed Daylesford Park,

3. Sourced partial funding for the neighbourhood park identified in the "Parks Improvement Plan in Koojarra Crescent "Koombana" park, of which a large portion has been allocated to the Department of Housing (South Hedland New Living),
4. Council through the subject scheme amendment approved a request from Department of Housing (South Hedland New Living) to zone portion of a lot adjoining Steamer Avenue as a reserve for "Parks and Recreation" purposes. The Department of Housing has confirmed that they intend to construct this park during the 2010/11 financial year. The development of this park is considered one of the Department of Housings priorities.
5. Identified the area for an additional neighbourhood park south of Osprey Drive, which will be required once development in the area takes place.



NB. All houses within Koombana will be less than 500m from public open space and in the SW area will be serviced with developed open space well in excess of the expectation of Councils Parks Improvement Plan.

Park Improvement Plan

The objective of the Park Improvement Plan is to develop or redevelop, in a rational and sustainable way, the existing and future park opportunities within the Town of Port Hedland.

The Park Improvement Plan sets out a logical hierarchy and framework for the development and upgrade of open space, in a manner that can better meet community demand, and can be maintained within Council's existing resources.

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

Within the current framework of South Hedland, once all parks identified in the Park Improvement Plan have been developed ensures that residents in South Hedland are provided with walking access to a park within 200m to 600m of any residence.

Considering the objectives of the Park Improvement Plan, of which Lot 6042 Masters Way, is not included, Council on 23rd January 2009, resolved to:

"a. notify Department for Planning and Infrastructure (State Land Services) that Council has no objection to the cancellation of Reserve 46180 (Lot 6042 Masters Way) for the purpose of recreation, and the sale of the lot to the Department of Housing and Works." in the Park Improvement Plan,

Consultation

Nil

Statutory Implications

Should Council wish to re-consider its decision such must be made in accordance with the Local Government (Administration) Regulations 1996.

Voting Requirements

1. To consider – 1/3 of members (3).
2. To revoke – absolute majority.

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4: Economic Development.

Goal 4: Land Development Projects.

Strategy 1: Fast track the release and development of commercial, industrial and residential land in a sustainable manner including:

- Pretty Pool Developments

- South Hedland New Living developments
- Landcorp's Various Industrial Land release programs
- Moore Str Development and West end Developments
- South Hedland CBD Developments
- Redevelopment of the Port Hedland Terlstra / Water Corporation Site.

Budget Implications

Nil

Officer's Comment

The applicant has requested re-consideration of the requirement of retaining a particular area of Lot 6042 Masters Way for park purposes.

The development of Lot 6041 Masters Way is heavily reliant on the inclusion of the entire Lot 6042 Masters Way. The requirement to retain an area of 2292m² for park has caused the developers to reconsider the development.

This may result in the land remaining vacant for some time while the Department of Housing (South Hedland New Living) reconsiders their development options. With the ever increasing housing shortage experienced in the Town, it would not constitute good orderly planning to have land suitable for residential development lying vacant. Given that retaining the park makes the development financially unviable, other parties will not take on this development project.

Should Council wish to reconsider the item the following action is proposed:

1. Rescind its decision 200910/321 of Agenda Item 11.2.2.10, "Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone and Re-Code various lots within South Hedland. (File No. 18/09/0037), held on 24th March 2010 and recorded on page 101 of those minutes.

Reconsidering the item excluding Councils requirement for a 2 292m² park to be retained on Lot 6041 Masters Way, would enable the Department of Housing (South Hedland New Living) to progress with Scheme Amendment 30, and the ultimate development of the land included therein.

Options

The following options are available to Council to deal with the item:

1. Resolve not to grant the request from Taylor Burrell to re-consider the decision 200910/321 of Agenda Item 11.2.2.10

- . This would result in Lot 6041 and Lot 6042 Masters Way remaining undeveloped. In order to obtain an optimal development it would be beneficial to develop both lots together.
2. Resolve to exclude Lot 6041 and Lot 6042 from Scheme Amendment 30.

Whilst this would allow the scheme amendment to progress, the exclusion of these lots from the overall scheme amendment will impact on the financial modeling of other Department of Housing development projects, potentially delaying the provision of housing within the Town.

3. Grant the request from Taylor Burrell to re-consider the decision 200910/321 of Agenda Item 11.2.2.10, by removing the requirement to provide a 2 292m² park on Lot 6042 Masters Way. This will result in timely provision of land in a well planned, balanced subdivision.

Considering the Town is experiencing and is likely to continue experiencing a shortage in residential housing supply, as well as the amount of parks currently and proposed to be provided within this locality. It is recommended that the condition requiring a park to be retained on Lot 6042 Master Way be removed.

Attachments

1. Decision 200910/321 of Agenda Item 11.2.2.10
2. Scheme Amendment 30 Maps,

Officer's Recommendation

That Council:

1. GRANTS the request from Taylor Burrell Barnett on behalf of the Department of Housing (South Hedland New Living) to re-consider its requirement to include a park on Lot 6042 Masters Way.
2. RESCINDS decision 200910/321 of Agenda Item 11.2.2.10 "Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5, to Rezone and Re-code various lots within South Hedland. (File No. 18/09/0037)" held on 24th March 2010 and recorded on page 101 of those minutes that states:

"That Council:

- a) APPROVES the request from Taylor Burrell Barnett, Town Planners on behalf of the South Hedland New Living Project (SHNLP) in the following amended format, to initiate an amendment to the Town of Port Hedland Town Planning Scheme No.5, to amend the zoning / coding as listed below.

Lot Number	Current Zoning	Proposed Zoning
Lot 253 Rutherford Rd	Rezone from "Residential R20" to "Residential" R30 as depicted on the amendment map.	
Lot 100 Paton Rd	Rezone from "Residential R20" and "Residential R30" to "Local Road" and "Residential" R30 as depicted on the amendment map.	
Lot 6041 Masters Way	Rezone a portion of Lot 6041 from "Parks & Recreation" to "Residential R20" and "Parks & Recreation" with a POS of 2,292m ² as depicted on the amendment map (to be amended)	
Lot 6042 Masters Way	Rezone Lot 6042 from "Residential" R30 to "Residential" R20 as depicted on the amendment map (to be amended)	
Closed portion of Kangaroo Place	Rezone from "Local Road" to "Residential" R20 as depicted on the amendment map.	
Closed portions of Kennedy Street and Cottier Drive (Round- about)	Rezone from "Residential" R20, "Local Road" and "other purposes – Water & Drainage" to "Residential" R30 and "Local Road" as depicted on the amendment map.	
Portion of closed road (Smith Street)	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.	
Portion of closed road (Baler Road)	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.	
Portion of closed Road (Huxtable Crescent) & portion of Lot 6128 Paton Rd	Rezone from "Residential" R20 and "Local Road" to "Residential" R20 and "Residential" R30 and "Local Road" as depicted on the amendment map.	
Portion of Greene Place, Lot 2241 & 2240	Rezone from "Parks & Recreation", "Local Road" and "Residential" R20 to "Residential" R30 as depicted on the amendment map.	

Lot 5554 Cassia Place	Parks & Recreation	Residential R 20
Closed portions of Jibson Court / Brown Place	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.	
Lots 3098, 3097, 3735, 3092, 3093, 3094, 3095, 3096 Jibson Court / Brown place	Rezone from "Residential" R20 to "Residential" R30 and "Other Public Purposes – Water & Drainage" as depicted on the amendment map. (to be amended)	
Lots 1, 2, 3101, 3102, 3103, 3104, 3105, 3106, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 6081 and 6083 Lovell Place	Rezone from "Residential" R20 to "Residential" R30 to be depicted on a amendment map	
Lots 5977 and 2939 Hamilton Rd	Rezone from "Parks & Recreation" , "Local Road" to "Urban Development" R50 as depicted on the amendment map (to be amended)	
Lots 6177 & 6108 Stanley & Cottier	Rezone from "Residential" R30 to "Parks & Recreation" and "Community" as depicted on the amendment map.	
All lots bound by Steamer Avenue, Captains Way, Masters Way, Collier Drive and Beroona Loop.	Rezone from "Urban Development" R20 to "Residential" R20, "Urban Development" to "Residential" R30 and "Urban Development" "Parks & Recreation Reserve" as depicted on the amendment map	

- b) Initiates the amendment as proposed in (a) above subject to any portion of roads included in the amendment scheme being closed prior to the final adoption of Amendment Scheme No. 30.
- c) Advises the applicant that a Development Plan for Lot 5977 and 2939 Hamilton Road is to be submitted and approved by Council prior to the development thereof.
- d) Advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.”
3. APPROVES the request from Taylor Burrell Barnett, Town Planners on behalf of the South Hedland New Living Project (SHNLP) in the following amended format, to initiate an amendment to the Town of Port Hedland Town Planning Scheme No.5, to amend the zoning / coding as listed below.

Lot Number	Current Zoning	Proposed Zoning
Lot 253 Rutherford Rd	Rezoned from “Residential R20” to “Residential” R30 as depicted on the amendment map.	
Lot 100 Paton Rd	Rezoned from “Residential R20” and “Residential R30” to “Local Road” and “Residential” R30 as depicted on the amendment map.	
Lot 6041 and Lot 6042 Masters Way	Rezoned a portion of Lot 6041 from “Parks & Recreation” to Lot 6042 from “Residential” R30 to “Residential” R20 as depicted on the amendment map (to be amended)	
Closed portion of Kangaroo Place	Rezoned from “Local Road” to “Residential” R20 as depicted on the amendment map.	
Closed portions of Kennedy Street and Cottier Drive (Roundabout)	Rezoned from “Residential” R20, “Local Road” and “other purposes – Water & Drainage” to “Residential” R30 and “Local Road” as depicted on the amendment map.	
Portion of closed road (Smith Street)	Rezoned from “Local Road” to “Residential” R30 as depicted on the amendment map.	
Portion of closed road (Baler Road)	Rezoned from “Local Road” to “Residential” R30 as depicted on the amendment map.	
Portion of closed Road (Huxtable Crescent) & portion of Lot 6128 Paton Rd	Rezoned from “Residential” R20 and “Local Road” to “Residential” R20 and “Residential” R30 and “Local Road” as depicted on the amendment map.	

Portion of Greene Place, Lot 2241 & 2240	Rezone from "Parks & Recreation", "Local Road" and "Residential" R20 to "Residential" R30 as depicted on the amendment map.	
Lot 5554 Cassia Place	Parks & Recreation	Residential R 20
Closed portions of Jibson Court / Brown Place	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.	
Lots 3098, 3097, 3735, 3092, 3093, 3094, 3095, 3096 Jibson Court / Brown place	Rezone from "Residential" R20 to "Residential" R30 and "Other Public Purposes – Water & Drainage" as depicted on the amendment map. (to be amended)	
Lots 1, 2, 3101, 3102, 3103, 3104, 3105, 3106, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 6081 and 6083 Lovell Place	Rezone from "Residential" R20 to "Residential" R30 to be depicted on a amendment map	
Lots 5977 and 2939 Hamilton Rd	Rezone from "Parks & Recreation", "Local Road" to "Urban Development" R50 as depicted on the amendment map (to be amended)	
Lots 6177 & 6108 Stanley & Cottier	Rezone from "Residential" R30 to "Parks & Recreation" and "Community" as depicted on the amendment map.	
All lots bound by Steamer Avenue, Captains Way, Masters Way, Collier Drive and Beroona Loop.	Rezone from "Urban Development" R20 to "Residential" R20, "Urban Development" to "Residential" R30 and "Urban Development" "Parks & Recreation Reserve" as depicted on the amendment map	

- b) Initiates the amendment as proposed in (a) above subject to any portion of roads included in the amendment scheme being closed prior to the final adoption of Amendment Scheme No. 30.
- c) Advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority."

NOTE: to revoke the decision made in accordance with the Local Government (Administration) Regulations 1996:

“10. Revoking or changing decisions made at Council or Committee meetings – s5.25(e)

- 1. If a decision has been made at a council or committee meeting then any motion to revoke or change the decision must be supported –*
 - (a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover; or*
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover*
- 2. If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made –*
 - (a) In the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority;*
 - (b) In any other case, by an absolute majority.*
- 3. This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

Voting Requirements

1. To consider – 1/3 of members (3).
2. To revoke – absolute majority.

NOTE: Mayor called for a show of hands in favour to consider the revoking of Resolution 200910/321 of Agenda Item 11.2.2.10 “Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5, to Rezone and Re-code various lots within South Hedland. (File No. 18/09/0037)” held on 24th March 2010 and recorded on page 101 of those Minutes. The following Councillors indicated their intent to do so;

*Cr A A Carter
Cr M Dziombak
Cr J M Gillingham*

201011/030 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr S R Martin

That Council:

1. GRANTS the request from Taylor Burrell Barnett on behalf of the Department of Housing (South Hedland New Living) to re-consider its requirement to include a park on Lot 6042 Masters Way.
2. RESCINDS decision 200910/321 of Agenda Item 11.2.2.10 "Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5, to Rezone and Re-code various lots within South Hedland. (File No. 18/09/0037)" held on 24th March 2010 and recorded on page 101 of those minutes that states:

"That Council:

- a) **APPROVES** the request from Taylor Burrell Barnett, Town Planners on behalf of the South Hedland New Living Project (SHNLP) in the following amended format, to initiate an amendment to the Town of Port Hedland Town Planning Scheme No.5, to amend the zoning / coding as listed below.

Lot Number	Current Zoning	Proposed Zoning
Lot 253 Rutherford Rd	Rezone from "Residential R20" to "Residential" R30 as depicted on the amendment map.	
Lot 100 Paton Rd	Rezone from "Residential R20" and "Residential R30" to "Local Road" and "Residential" R30 as depicted on the amendment map.	
Lot 6041 Masters Way	Rezone a portion of Lot 6041 from "Parks & Recreation" to "Residential R20" and "Parks & Recreation" with a POS of 2,292m ² as depicted on the amendment map (to be amended)	
Lot 6042 Masters Way	Rezone Lot 6042 from "Residential" R30 to "Residential" R20 as depicted on the amendment map (to be amended)	
Closed portion of Kangaroo Place	Rezone from "Local Road" to "Residential" R20 as depicted on the amendment map.	
Closed portions of	Rezone from "Residential" R20, "Local Road" and "other purposes – Water &	

Kennedy Street and Cottier Drive (Round-about)	Drainage” to “Residential” R30 and “Local Road” as depicted on the amendment map.	
Portion of closed road (Smith Street)	Rezone from “Local Road” to “Residential” R30 as depicted on the amendment map.	
Portion of closed road (Baler Road)	Rezone from “Local Road” to “Residential” R30 as depicted on the amendment map.	
Portion of closed Road (Huxtable Crescent) & portion of Lot 6128 Paton Rd	Rezone from “Residential” R20 and “Local Road” to “Residential” R20 and “Residential” R30 and “Local Road” as depicted on the amendment map.	
Portion of Greene Place, Lot 2241 & 2240	Rezone from “Parks & Recreation”, “Local Road” and “Residential” R20 to “Residential” R30 as depicted on the amendment map.	
Lot 5554 Cassia Place	Parks & Recreation	Residential R 20
Closed portions of Jibson Court / Brown Place	Rezone from “Local Road” to “Residential” R30 as depicted on the amendment map.	
Lots 3098, 3097, 3735, 3092, 3093, 3094, 3095, 3096 Jibson Court / Brown place	Rezone from “Residential” R20 to “Residential” R30 and “Other Public Purposes – Water & Drainage” as depicted on the amendment map. (to be amended)	
Lots 1, 2, 3101, 3102, 3103, 3104, 3105, 3106, 3109, 3110,	Rezone from “Residential” R20 to “Residential” R30 to be depicted on a amendment map	

3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 6081 and 6083 Lovell Place	
Lots 5977 and 2939 Hamilton Rd	Rezone from "Parks & Recreation" , "Local Road" to "Urban Development" R50 as depicted on the amendment map (to be amended)
Lots 6177 & 6108 Stanley & Cottier	Rezone from "Residential" R30 to "Parks & Recreation" and "Community" as depicted on the amendment map.
All lots bound by Steamer Avenue, Captains Way, Masters Way, Collier Drive and Beroona Loop.	Rezone from "Urban Development" R20 to "Residential" R20, "Urban Development" to "Residential" R30 and "Urban Development" "Parks & Recreation Reserve" as depicted on the amendment map

- b) Initiates the amendment as proposed in (a) above subject to any portion of roads included in the amendment scheme being closed prior to the final adoption of Amendment Scheme No. 30.
- c) Advises the applicant that a Development Plan for Lot 5977 and 2939 Hamilton Road is to be submitted and approved by Council prior to the development thereof.
- d) Advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority."
3. APPROVES the request from Taylor Burrell Barnett, Town Planners on behalf of the South Hedland New Living Project (SHNLP) in the following amended format, to initiate an amendment to the Town of Port Hedland Town Planning Scheme No.5, to amend the zoning/coding as listed below.

Lot Number	Current Zoning	Proposed Zoning
Lot 253 Rutherford Rd	Rezone from "Residential R20" to "Residential" R30 as depicted on the amendment map.	
Lot 100 Paton Rd	Rezone from "Residential R20" and "Residential R30" to "Local Road" and "Residential" R30 as depicted on the amendment map.	
Lot 6041 and Lot 6042 Masters Way	Rezone a portion of Lot 6041 from "Parks & Recreation" to Lot 6042 from "Residential" R30 to "Residential" R20 as depicted on the amendment map (to be amended)	
Closed portion of Kangaroo Place	Rezone from "Local Road" to "Residential" R20 as depicted on the amendment map.	
Closed portions of Kennedy Street and Cottier Drive (Roundabout)	Rezone from "Residential" R20, "Local Road" and "other purposes – Water & Drainage" to "Residential" R30 and "Local Road" as depicted on the amendment map.	
Portion of closed road (Smith Street)	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.	
Portion of closed road (Baler Road)	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.	
Portion of closed Road (Huxtable Crescent) & portion of Lot 6128 Paton Rd	Rezone from "Residential" R20 and "Local Road" to "Residential" R20 and "Residential" R30 and "Local Road" as depicted on the amendment map.	
Portion of Greene Place, Lot 2241 & 2240	Rezone from "Parks & Recreation", "Local Road" and "Residential" R20 to "Residential" R30 as depicted on the amendment map.	
Lot 5554 Cassia Place	Parks & Recreation	Residential R 20
Closed portions of Jibson Court / Brown Place	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.	
Lots 3098, 3097, 3735, 3092, 3093, 3094, 3095, 3096 Jibson Court / Brown place	Rezone from "Residential" R20 to "Residential" R30 and "Other Public Purposes – Water & Drainage" as depicted on the amendment map. (to be amended)	

Lots 1, 2, 3101, 3102, 3103, 3104, 3105, 3106, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 6081 and 6083 Lovell Place	Rezone from “Residential” R20 to “Residential” R30 to be depicted on a amendment map
Lots 5977 and 2939 Hamilton Rd	Rezone from “Parks & Recreation” , “Local Road” to “Urban Development” R50 as depicted on the amendment map (to be amended)
Lots 6177 & 6108 Stanley & Cottier	Rezone from “Residential” R30 to “Parks & Recreation” and “Community” as depicted on the amendment map.
All lots bound by Steamer Avenue, Captains Way, Masters Way, Collier Drive and Beroona Loop.	Rezone from “Urban Development” R20 to “Residential” R20, “Urban Development” to “Residential” R30 and “Urban Development” “Parks & Recreation Reserve” as depicted on the amendment map

- b) Initiates the amendment as proposed in (a) above subject to any portion of roads included in the amendment scheme being closed prior to the final adoption of Amendment Scheme No. 30.
- c) Advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.”

CARRIED 8/0

ATTACHMENT 1
Council Resolution dated 24 March 2010 (Scheme Amendment 30)

MINUTES : ORDINARY COUNCIL MEETING

24 MARCH 2010

11.2.2.10 Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to Rezone and Re-Code various lots within South Hedland.
(File No.: 18/09/0037)

Officer Leonard Long

Manager Planning

Date of Report

11 March 2010

Application Number

2010/53

Disclosure of Interest by Officer Nil**Summary**

Council has received a request from Taylor Burrell Barnett, Town Planners on behalf of the South Hedland New Living Project (SHNLP), to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the zoning/coding as listed below.

Background

The applicants presented the proposals to the Council at its briefing session on 10 March 2010, explaining their desired outcomes of the various rezoning/up coded lots would be.

In this regard the majority of the required outcomes are agreed between council staff and the applicant, however in some instances the mechanisms that are proposed need to be amended to ensure a suitable outcome for all. The proposed changes are:

Lot Number	Current Zoning	Proposed Zoning
Lot 253 Rutherford Rd	Residential R 20	Residential R 30
Lot 100 Paton Rd	Residential R 20	Residential R 30 & Local Road
Lot 6042 Masters Way & portion of closed road (Kangaroo Place)	Parks & Recreation & Local Road	Residential R30 & Residential R 20
Kennedy/Cottier Roundabout	Residential R 20, Local Road & other purposes – Water & Drainage	Residential R 30 & Local Road
Portion of closed road (Smith Street)	Local Road	Residential R 30
Portion of closed road (Baler Road)	Local Road	Residential R 30
Portion of closed Road (Huxtable Crescent) & Lot 6128 Paton Road	Residential R 20 & Local Road	Residential R 20, Residential R 30 & Local Road

MINUTES : ORDINARY COUNCIL MEETING24 MARCH 2010

Portion of Greene Place & Lot 2241 & 2240	Parks & Recreation, Local Road & Residential R 20	Residential R 30
Lot 5554 Cassia Place	Parks & Recreation	Residential R 20
Various lots Brown Place and Jibson Court	Local Road & Residential R 20	Residential R 30 & Other Public Purposes – Water & Drainage
Lot 5977 Hamilton Rd	Parks & Recreation	Commercial
Lots 6177 & 6108 Stanley & Kennedy	Residential R 30	Parks & Recreation & Community
Collier POS group dwelling site	Urban Development R 20	Parks & Recreation & Residential R 30

A number of the portions of land proposed to be rezoned form part of closed roads as approved by Council.

Other lots included in the application have been identified in the Land Rationalisation Plan as requiring a rezoning to facilitate their development. The applicant has also proposed to up code a number of lots, which will enable the more efficient development of the land and potentially increase the dwelling yield.

Consultation

Should Council resolve to initiate this amendment to TPS 5 as recommended, the documentation is to be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to section 81 of the *Planning and Development Act 2005* (PDA).

Following approval from the EPA to advertise the amendment, Council is then required pursuant to section 83 of the PDA to consult persons likely to be affected by the amendment, and advertise the amendment for a minimum of 42 days pursuant to section 84 of the PDA.

At the completion of this consultation, Council is to consider all submissions and determine whether to adopt the amendment, adopt the amendment with modifications, or not adopt the amendment.

The Planning Department has discussed the proposal with the applicant and whilst the required outcomes are supported, there are a number of concerns regarding the avenue being used to achieve the desired outcomes. A number of amendments to the applicant's proposals have been made with one of the proposals being opposed as it would conflict with the approved "Parks Improvement Plan".

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

Key Result Area 4: Economic Development

Goal 4: Land development projects

Strategy 1:

Fast-track the release and development of commercial, industrial and residential land in a sustainable manner including:

- Pretty Pool developments
- South Hedland New Living developments
- Landcorp's Various Industrial land release programs
- Moore St development and West End developments
- South Hedland CBD developments
- Redevelopment of the Port Hedland Telstra/Water Corporation Site.

Budget Implications

The applicant has paid the prescribed application fee of \$1,711 for the initiation request. This fee has been deposited into account 1006326.

Officer's Comment

Most of the proposed Scheme Amendments/up-coding are supported. However, alternative Amendments are proposed which would still allow the applicant to achieve the desired outcome and at the same time provide the Town with confidence that the proposed developments would be done in a sustainable manner. In addition the applicant has proposed a scheme amendment and up-coding that is not supported. The proposal is in conflict with Councils "Parks Improvement Plan".

As the proposals have been presented to the elected members at the Council briefing session on 10 March 2010, the only proposals that will be dealt with in detail are those that staff are recommending that amendments be made or are suggesting that the amendment be refused.

Proposals supported without any amendments:

1. Lot 253 Rutherford Road,
2. Cottier Drive & Kennedy Street (portion of closed roads),

MINUTES : ORDINARY COUNCIL MEETING24 MARCH 2010

3. Smith Street (portion of closed road),
4. Baler Road (portion of closed road),
5. Lot 100 Paton Road,
6. Kangaroo Place (portion of closed road),
7. Huxtable Crescent (portion of closed road),
8. Lot 6128 Paton Road,
9. Greene Street (portion of closed road),
10. Lot 2241 McDonald Street,
11. Jibson Court & Brown Place (portion of closed roads),
12. Lot 5554 Cassia Place,
13. Lots 6108 & 6177 Kennedy Street (Marquee Park),

Although the applicant has not provided detailed justifications for all the proposals, they have been assessed by this department as follows:

The above proposals are supported, as they either form part of a larger subdivision which is consistent with the existing zoning/coding of the adjoining properties resulting in the better utilization of land currently not used or able to be developed on its own.

Others are located along main arterials, from a Planning perspective medium density development inter alia along main arterials should be encouraged. The development of medium density developments along main arterials provides a number of desirable outcomes:

- The development creates a buffer between the main arterial and related noise and the low density developments. Although this would result in a higher number of people being exposed to the noise levels of the main arterial, the type of dwellings constructed are smaller and more affordable and in most instances appeal to the younger generation or first time home owners not requiring a large home.
- Increased passive surveillance of main arterials which are often constructed with a pedestrian walkway adjacent to it. Although not all the lots mentioned above have a pedestrian walkway located adjacent to it, with the current development trend/demand it is likely that pedestrian walkways will be developed.
- Due to the developments being located adjacent to main arterials it provides the home owner relatively easy access to public facilities through the use of public transportation routes. Again in this regard there may not currently be a route adjacent to the development but as the Town grows so will the demand on additional transportation routes. This strategy allows for a minimum amount of none residential traffic within a low density residential as the transportation routes would be located on the periphery of the low density areas.

Proposal supported subject to amendments:

1. Lot 6042 Masters Way,

The applicant has proposed to rezone Lot 6042 from its current zoning of "Parks & Recreation" to "Residential" R30.

The subdivision approved by the Western Australian Planning Commission (WAPC) in September 2009, approved lot sizes that are consistent with an R20 coding. Through discussions with the applicant it has been ascertained that the higher coding is sought so to enable reduced setbacks and open space requirements.

However, the opinion is held that the justification to allow the higher coding in order to achieve less restrictive development controls is not sufficient to require an up coding. The same outcome can be achieved through the submission of a Development Application, allowing council to determine the matter.

Therefore, an alternative is recommended to rezone both Lot 6041 and 6042 Masters Way to "Residential" R 20, this will reflect the actual density of the development, without having an impact on the desired outcome.

2. Lot 5977 & 2939 Hamilton Road,

The applicant has requested that a "Commercial" zoning be permitted on these lots in order to promote a mixed use development that would be able to have a commercial interface with Hamilton Road with the possibility of residential development above, while maintaining a residential character toward Roberts Street.

From a planning perspective this concept is supported and encouraged. However, the officers have concerns about the type of uses allowable under a "commercial" zone which may have a negative impact on the surrounding properties.

In order to facilitate the development as proposed by the applicant and at the same time ensuring that the development does not have a negative impact on the surrounds; it is considered more appropriate to zone the lots "Urban Development". This will enable Council to request a development plan that would be able to control any potential development.

Proposal not supported:

1. Collier Drive

In addition to zoning the existing development from "Urban Development" as required by the Port Hedland Town Planning Scheme No. 5, the applicant is proposing to create a reserve for "Parks & Recreation" purposes, and to rezone the land directly south "Residential" R 30.

Council through its approved "Parks Improvement Plan" identified a portion of land adjacent to Koojarra Crescent for the development of a park, as the neighbourhood park servicing this area. The development of an additional small park in this area is potentially counterproductive and while it will be an attractive feature when approached from Captains Way or Steamer Avenue, it will also impose an additional long term cost on the Town.

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The applicant has provided little through the justification that would deem the proposed location more desirable or functional. Council officers have already started the preliminary work on the design work for the proposed park.

Therefore with due regard to the above the Council has a number of options:

- (a) Initiate the request as requested by Taylor Burrell Barnett, Town Planners on behalf of the South Hedland New Living Project (SHNLP), or
- (b) Initiate the request by Taylor Burrell Barnett in an amended format, that will still achieve the desired outcome, at the same time ensuring good orderly planning is being maintained.

Attachments

Attachment 1 - Scheme No. 5, Amendment No. 30, Maps (to be amended)

Officer's Recommendation

That Council:

- a) APPROVES the request from Taylor Burrell Barnett, Town Planners on behalf of the South Hedland New Living Project (SHNLP) in the following amended format, to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the zoning / coding as listed below.

Lot Number	Current Zoning	Proposed Zoning
Lot 253 Rutherford Rd	Rezone from "Residential R20" to "Residential" R30 as depicted on the amendment map.	
Lot 100 Paton Rd	Rezone from "Residential R20" and "Residential R30" to "Local Road" and "Residential" R30 as depicted on the amendment map.	
Lot 6041 and 6042 Masters Way	Rezone from "Parks & Recreation" and "Residential" R30 to "Residential R20" as depicted on the amendment map (to be amended)	
Closed portion of Kangaroo Place	Rezone from "Local Road" to "Residential" R20 as depicted on the amendment map.	
Closed portions of Kennedy Street and Cottier Drive (Roundabout)	Rezone from "Residential" R20, "Local Road" and "other purposes – Water & Drainage" to "Residential" R30 and "Local Road" as depicted on the	

MINUTES : ORDINARY COUNCIL MEETING24 MARCH 2010

	amendment map.	
Portion of closed road (Smith Street)	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.	
Portion of closed road (Baler Road)	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.	
Portion of closed Road (Huxtable Crescent) & portion of Lot 6128 Paton Road	Rezone from "Residential" R20 and "Local Road" to "Residential" R20 and "Residential" R30 and "Local Road" as depicted on the amendment map.	
Portion of Greene Place, Lot 2241 & 2240	Rezone from "Parks & Recreation", "Local Road" and "Residential" R20 to "Residential" R30 as depicted on the amendment map.	
Lot 5554 Cassia Place	Parks & Recreation	Residential R 20
Closed portions of Jibson Court / Brown Place	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.	
Lots 3098, 3097, 3735, 3092, 3093, 3094, 3095, 3096 Jibson Court / Brown place	Rezone from "Residential" R20 to "Residential" R30 and "Other Public Purposes – Water & Drainage" as depicted on the amendment map. (to be amended)	
Lots 1, 2, 3101, 3102, 3103, 3104, 3105, 3106, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 6081 and 6083 Lovell Place	Rezone from "Residential" R20 to "Residential" R30 to be depicted on a amendment map	
Lots 5977 and 2939 Hamilton Rd	Rezone from "Parks & Recreation", "Local Road" to "Urban Development" R50 as depicted on the amendment map (to be amended)	
Lots 6177 & 6108 Stanley & Cottier	Rezone from "Residential" R30 to "Parks & Recreation" and "Community" as depicted on the amendment map.	
All lots bound by Steamer Avenue, Captains Way, Masters Way, Collier Drive and Beroona Loop.	Rezone from "Urban Development" R20 to "Residential" R20 as depicted on the amendment map (to be amended)	

MINUTES : ORDINARY COUNCIL MEETING24 MARCH 2010

- b) Initiates the amendment as proposed in (a) above subject to any portion of roads included in the amendment scheme being closed prior to the final adoption of Amendment Scheme No. 30.
- c) Advise the applicant that a Development Plan for Lot 5977 and 2939 Hamilton Road is to be submitted and approved by Council prior to the development thereof.
- d) Advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.

200910/321 Council Decision/Alternative Recommendation**Moved:** Cr S J Coates**Seconded:** Cr M Dziombak

That Council:

- a) APPROVES the request from Taylor Burrell Barnett, Town Planners on behalf of the South Hedland New Living Project (SHNLP) in the following amended format, to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the zoning / coding as listed below.

Lot Number	Current Zoning	Proposed Zoning
Lot 253 Rutherford Rd	Rezone from "Residential R20" to "Residential" R30 as depicted on the amendment map.	
Lot 100 Paton Rd	Rezone from "Residential R20" and "Residential R30" to "Local Road" and "Residential" R30 as depicted on the amendment map.	
Lot 6041 Masters Way	Rezone a portion of Lot 6041 from "Parks & Recreation" to "Residential R20" and "parks and recreation" with a POS of 2292m ² as depicted on the amendment map (to be amended)	
Lot 6042 Masters Way	Rezone Lot 6042 from "Residential" R30 to "Residential R20" as depicted on the amendment map (to be amended)	
Closed portion of Kangaroo Place	Rezone from "Local Road" to "Residential" R20 as depicted on the amendment map.	
Closed portions of Kennedy Street and Cottier Drive (Roundabout)	Rezone from "Residential" R20, "Local Road" and "other purposes - Water & Drainage" to "Residential" R30 and "Local Road" as depicted on the amendment map.	

MINUTES : ORDINARY COUNCIL MEETING24 MARCH 2010

Portion of closed road (Smith Street)	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.	
Portion of closed road (Baler Road)	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.	
Portion of closed Road (Huxtable Crescent) & portion of Lot 6128 Paton Road	Rezone from "Residential" R20 and "Local Road" to "Residential" R20 and "Residential" R30 and "Local Road" as depicted on the amendment map.	
Portion of Greene Place, Lot 2241 & 2240	Rezone from "Parks & Recreation", "Local Road" and "Residential" R20 to "Residential" R30 as depicted on the amendment map.	
Lot 5554 Cassia Place	Parks & Recreation	Residential R 20
Closed portions of Jibson Court / Brown Place	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.	
Lots 3098, 3097, 3735, 3092, 3093, 3094, 3095, 3096 Jibson Court / Brown place	Rezone from "Residential" R20 to "Residential" R30 and "Other Public Purposes – Water & Drainage" as depicted on the amendment map. (to be amended)	
Lots 1, 2, 3101, 3102, 3103, 3104, 3105, 3106, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 6081 and 6083 Lovell Place	Rezone from "Residential" R20 to "Residential" R30 to be depicted on a amendment map	
Lots 5977 and 2939 Hamilton Rd	Rezone from "Parks & Recreation", "Local Road" to "Urban Development" R50 as depicted on the amendment map (to be amended)	
Lots 6177 & 6108 Stanley & Cottier	Rezone from "Residential" R30 to "Parks & Recreation" and "Community" as depicted on the amendment map.	
Lots bound by Steamer Avenue, Captains Way, Masters Way, Collier Drive and Beroona Loop.	Rezone from "Urban Development" R20 to "Residential" R20, "Urban Development" to "Residential" R30 and "Urban Development" to "Parks and Recreation Reserve" as depicted on the amendment map	

MINUTES : ORDINARY COUNCIL MEETING24 MARCH 2010

- b) Initiates the amendment as proposed in (a) above subject to any portion of roads included in the amendment scheme being closed prior to the final adoption of Amendment Scheme No. 30.
- c) Advise the applicant that a Development Plan for Lot 5977 and 2939 Hamilton Road is to be submitted and approved by Council prior to the development thereof.
- d) Advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.

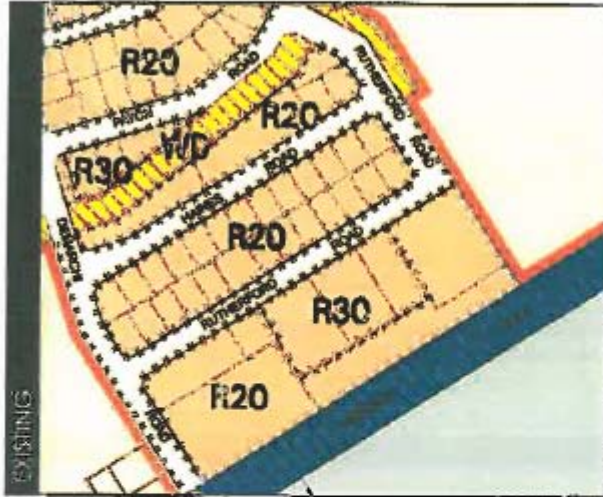
CARRIED 8/0**REASONS:**

1. *As Council recently received a petition for more parks Council indicated the development of this area reflects the resident's requirement for peaceful enjoyment*
2. *Due to the lack of public parks within the Koombana area the proposed park will fulfil the requirement.*
3. *With the development of a park (as noted above) the higher coding will result in optimal utilization of the park and provide passive surveillance.*



ATTACHMENT 2.
 Scheme No. 5, Amendment 30 Maps (to be amended)
 1/13

3.1 LOT 253 RUTHERFORD ROAD



LOCAL SCHEME RESERVES

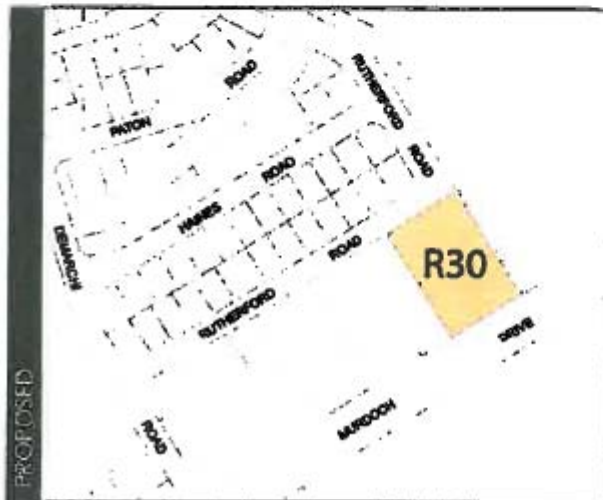
- LOCAL ROADS
- OTHER PUBLIC PURPOSES
DESIGNED AS FOLLWS
 W/D
- DISTRICT ROAD

ZONE

- RESIDENTIAL
- URBAN DEVELOPMENT
- RURAL

OTHER

- R-CODES



ZONE

- RESIDENTIAL

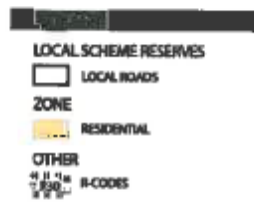
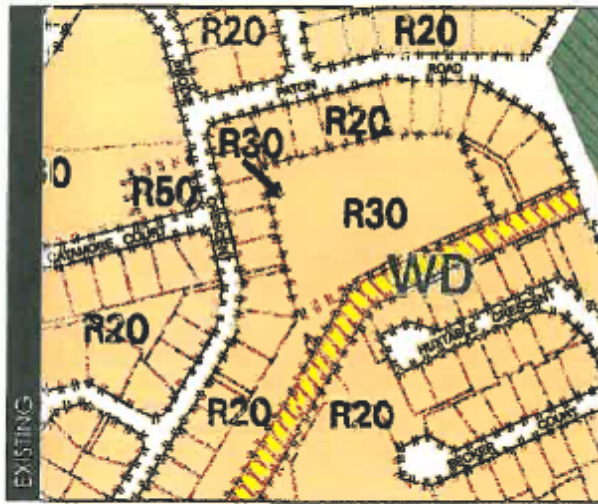
OTHER

- R-CODES

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ATTACHMENT 2.
Scheme No. 5, Amendment 30 Maps (to be amended)
2/13

3.2 LOT 100 PATON ROAD



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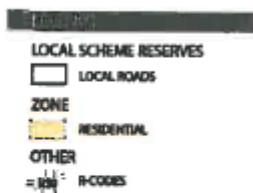
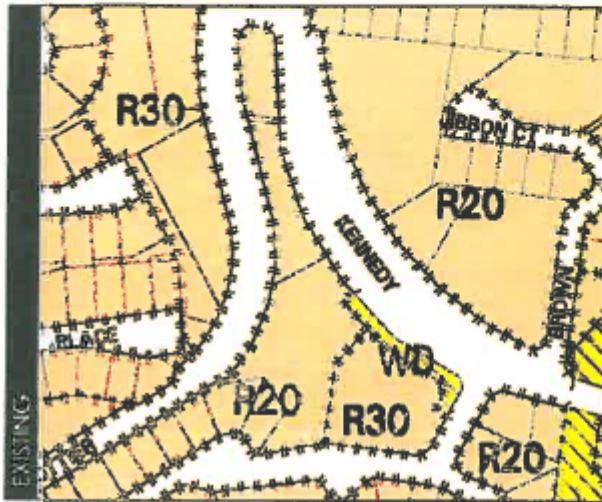
ATTACHMENT 2.
 Scheme No. 5, Amendment 30 Maps (to be amended)
 3/13


3.3 LOTS 6041 AND 6042 MASTERS WAY



ATTACHMENT 2.
 Scheme No. 5, Amendment 30 Maps (to be amended)
 4/13

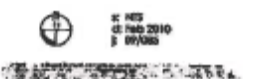
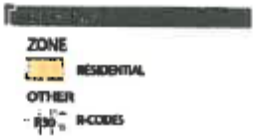
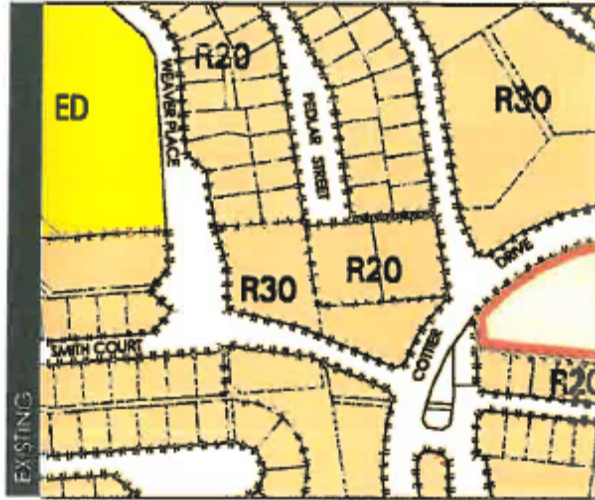
3.4 COTTIER/KENNEDY ROUNDABOUT




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 J. STUBBS

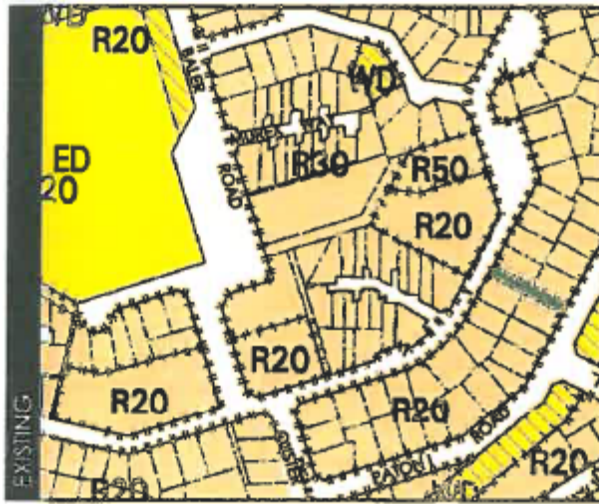
ATTACHMENT 2.
Scheme No. 5, Amendment 30 Maps (to be amended)
5/13

3.5 SMITH STREET CLOSED ROAD RESERVE



ATTACHMENT 2.
Scheme No. 5, Amendment 30 Maps (to be amended)
 6/13

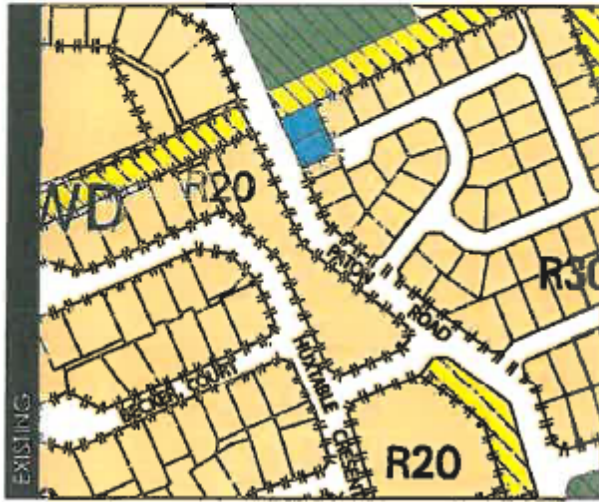
3.6 BALER ROAD CLOSED ROAD RESERVE



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 25 Feb 2010
 P. 07/085

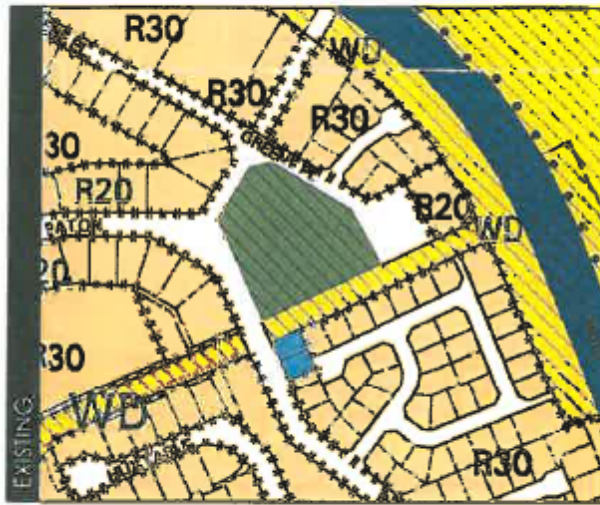
ATTACHMENT 2.
Scheme No. 5, Amendment 30 Maps (to be amended)
 7/13

3 7 LOT 6128 PATON ROAD AND HUXTABLE CRESCENT CLOSED ROAD RESERVE



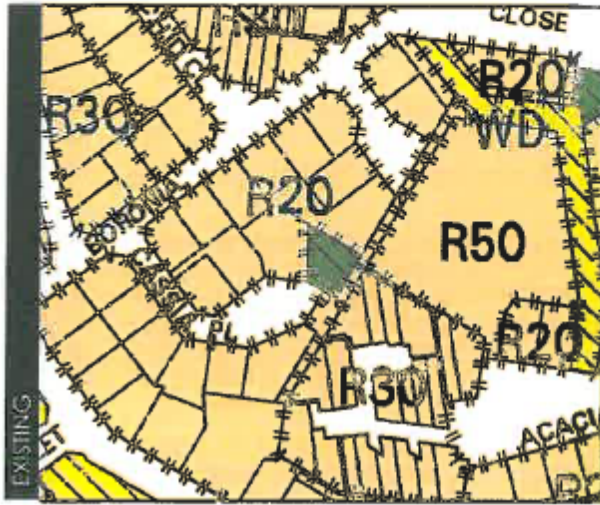
ATTACHMENT 2.
Scheme No. 5, Amendment 30 Maps (to be amended)
 8/13

3 8 MCDONALD STREET



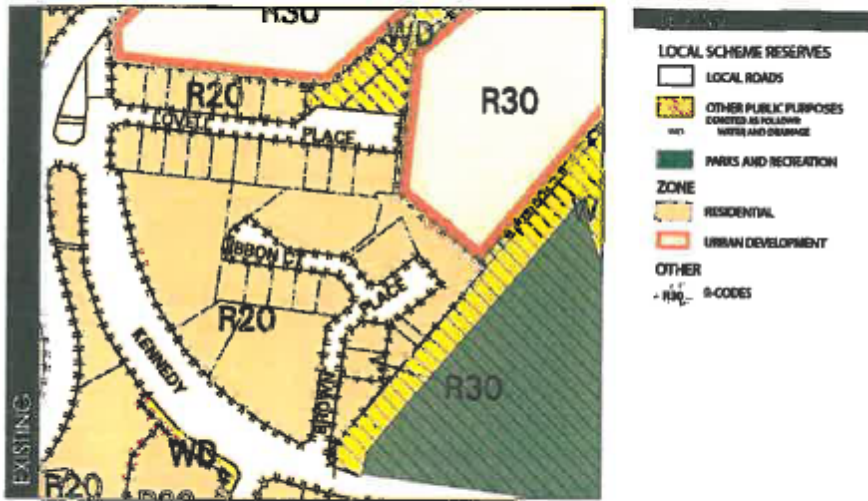
ATTACHMENT 2.
Scheme No. 5, Amendment 30 Maps (to be amended)
9/13

3 9 LOT 5554 CASSIA PLACE



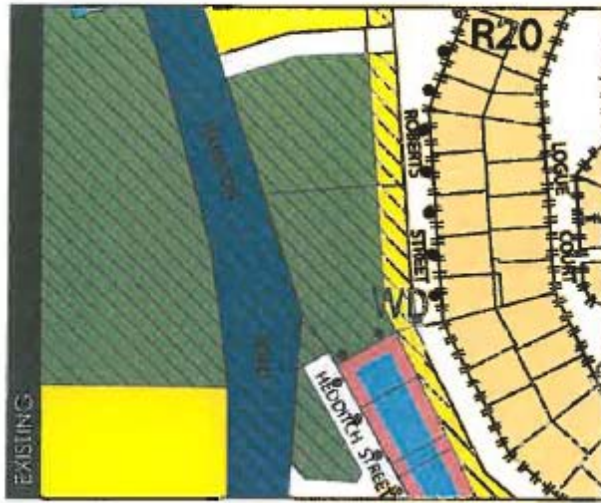
ATTACHMENT 2.
Scheme No. 5, Amendment 30 Maps (to be amended)
 10/13

3.10 CLOSED PORTIONS JIBSON COURT AND BROWN PLACE ROAD RESERVES



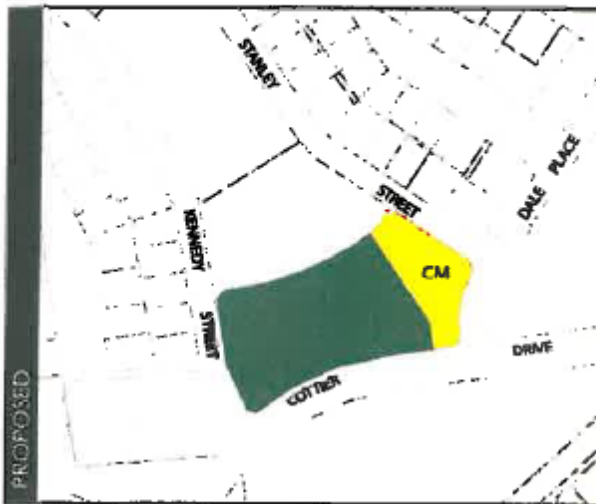
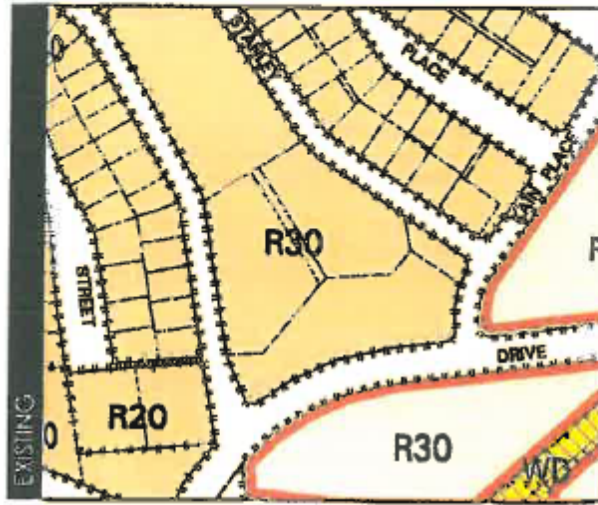
ATTACHMENT 2.
Scheme No. 5, Amendment 30 Maps (to be amended)
11/13


3 11 LOT 5977 HAMILTON ROAD



ATTACHMENT 2.
 Scheme No. 5, Amendment 30 Maps (to be amended)
 12/13

3.12 LOTS 6108 & 6177 KENNEDY STREET

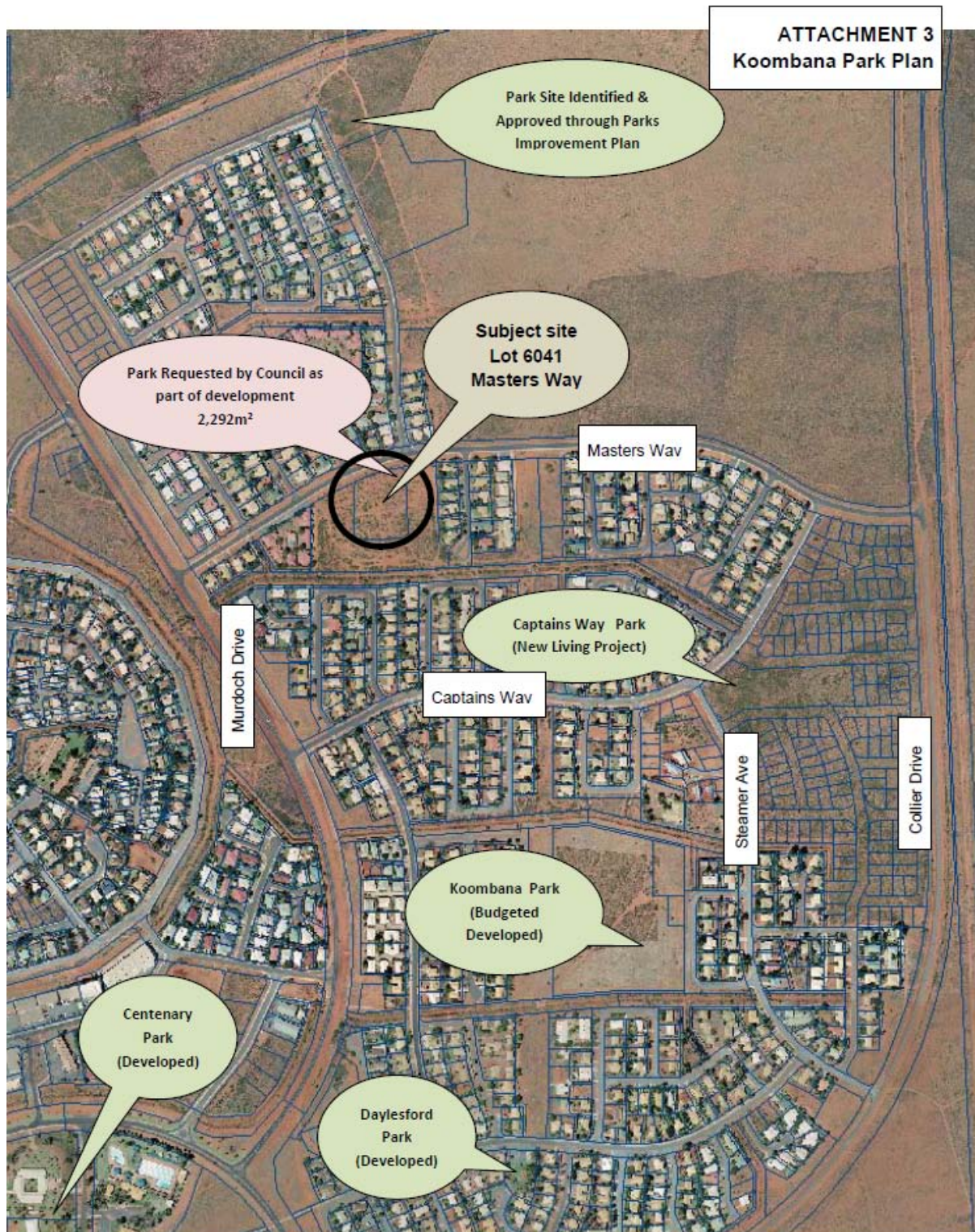



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 28 Feb 2010
 J. O'NEILL

ATTACHMENT 2
 Scheme No. 5, Amendment 30 Maps (to be amended)
 13/13

3 13 COLLIER DRIVE





11.1.2.2 Proposed Temporary Builder's Yard at Lot 54 (8) McKay Street Port Hedland (File No.: 128500G)

Officer	Ryan Djanegara Planning Officer
Date of Report	15 July 2010
Application No.	2010/145
Disclosure of Interest by Officer	Nil

Summary

The Town has received an application from Wightman Building Company on behalf of the landowner, Meville Robert Veitch, to construct a temporary builders yard at Lot 54 (8) McKay Street Port Hedland.

The temporary builders yard is required for a period of 10 months to facilitate the construction of an approved mixed use development on Lot 41 (19) Edgar Street Port Hedland.

This item is referred to Council for determination as the proposed use is considered a "Use Not Listed", for which the Director Regulatory Services does not have delegations to determine.

Background

Location and Area

The subject is located along McKay Street and measures approximately 1012m². The site is currently vacant.

Current Zoning

In terms of the Port Hedland Town Planning Scheme No. 5 the land is zoned "Town Centre"

Previous Approvals

On the 29th June 2007, the Council approved the proposed construction of a mixed use development consisting of 4 multiple dwellings and 5 office units, which has since expired

Proposal

The applicant proposes the construction of a temporary builders yard on Lot 54 (8) McKay Street Port Hedland to facilitate the construction of an approved mixed use development on Lot 41 (19) Edgar Street Port Hedland.

The site will be used for storage of building materials for approximately 10 months. The applicant proposes to utilize the right of way (ROW) at the rear of the property to access Lot 41 Edgar Street.

Consultation

The application has been advertised externally in accordance with section 4.3.1 of the Port Hedland Town Planning Scheme No. 5. The adjoining neighbours raised no objection to the proposal.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

The following sections of Council's Plan for the Future 2008-2013 are considered relevant to the proposal:

Key Result Area 4: Economic Development

Goal Number 4: Land Development Projects

Strategy 1: Fast-track the release and development of commercial, industrial and residential land in a sustainable manner.

Budget Implications

An application fee of \$127.00 has been received as per the prescribed fees approved by Council. This application fee has been deposited into the following planning account: 10063260

Officer's Comment

Whilst the use proposed a "builder's yard" would not generally be supported within the "Town Centre" area, the proposal is only for a period of 10 months, and is required for the construction of an approved mixed business development on Lot 41 Edgar Street approximately 100 metres away.

The main issues relating to the assessment of the application is the effect on the amenity and traffic safety the proposed use may have on the surrounding area.

Amenity

The lot that is proposed to be used as the "builder's yard" is currently vacant with direct frontage onto McKay Street with access from the rear via the Right of Way lane.

In order to protect the amenity of the developments along McKay Street a condition will be imposed to ensure the “builder’s yard” is adequately screened from the street.

The ability to use a separate builder’s yard is better in terms of site safety and will reduce the potential to have materials dumped on the Anderson Street road reserve.

Whilst the lot is located within the “Town Centre” area, the immediate area is not yet developed to the extent of other areas in the “Town Centre”. Therefore, the impact the use would have on the amenity of the area would be less than what the alternative of trying to accommodate the building material on Lot 41 Edgar Street during construction would have.

Traffic Implications

The location of both the construction site and the builders yard allows the builder to make use of the R.O.W at the rear of the lot to move building material between the two lots. This will ensure that the impact on surrounding traffic patterns would be minimal if at all.

The only time that traffic may be impacted on is during deliveries of material to the proposed builders yard. In this regard a condition will be imposed to ensure that all deliveries to the lot are restricted to on the lot and not permitted in the road reserve.

Option

The Council has the following options in response to the application:

1. Approve the application subject to conditions.
2. Refuse the application.

It is recommended that Council approve the proposal subject to conditions as this will facilitate the construction of Lot 41 (19) Edgar Street Port Hedland with a minimal impact on the surrounding area.

Attachments

1. Locality Map
2. Site Plan

201011/031 Council Decision/Officer’s Recommendation

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council APPROVES the application submitted Wightman Building Company on behalf of the landowner, Meville Robert Veitch, to construct a temporary builders yard at Lot 54 (8) McKay Street Port Hedland subject to the following conditions:

1. This approval relates only to the proposed “USE NOT LISTED” – Temporary Builders Yard and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
2. The approval is only valid for a period of 12 months or such further period as agreed by the Manager Planning.
3. The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of Council.
4. This approval does not permit residential habitation within the Temporary Builder's Yard at any time.
5. At all times, all vehicle parking (both small - cars etc and heavy - trucks etc) associated with the “builders yard” shall be contained within the lot boundaries (i.e. no verge parking is permitted) and all to the satisfaction of the Manager Planning.
6. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
7. All dust and sand to be contained on site with use of appropriate dust suppression measures being 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 Engineering Services and Environmental Health Services and to the satisfaction Manager Planning.
8. No retail or wholesale trade to be permitted from the premises or site.

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

3. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

CARRIED 8/0

Attachment 1 – Locality Map



Attachment 2 – Site Plan



9/6/2010

Dear Leonard Long,

Re: Application for Planning Approval

Site: 8 McKay St, Port Hedland

Wightman Building Company is applying to use the above site for a lay down facility for drop offs, pick ups and temporary storage for the construction project located on Lot 41 Edgar St which is about to commence.

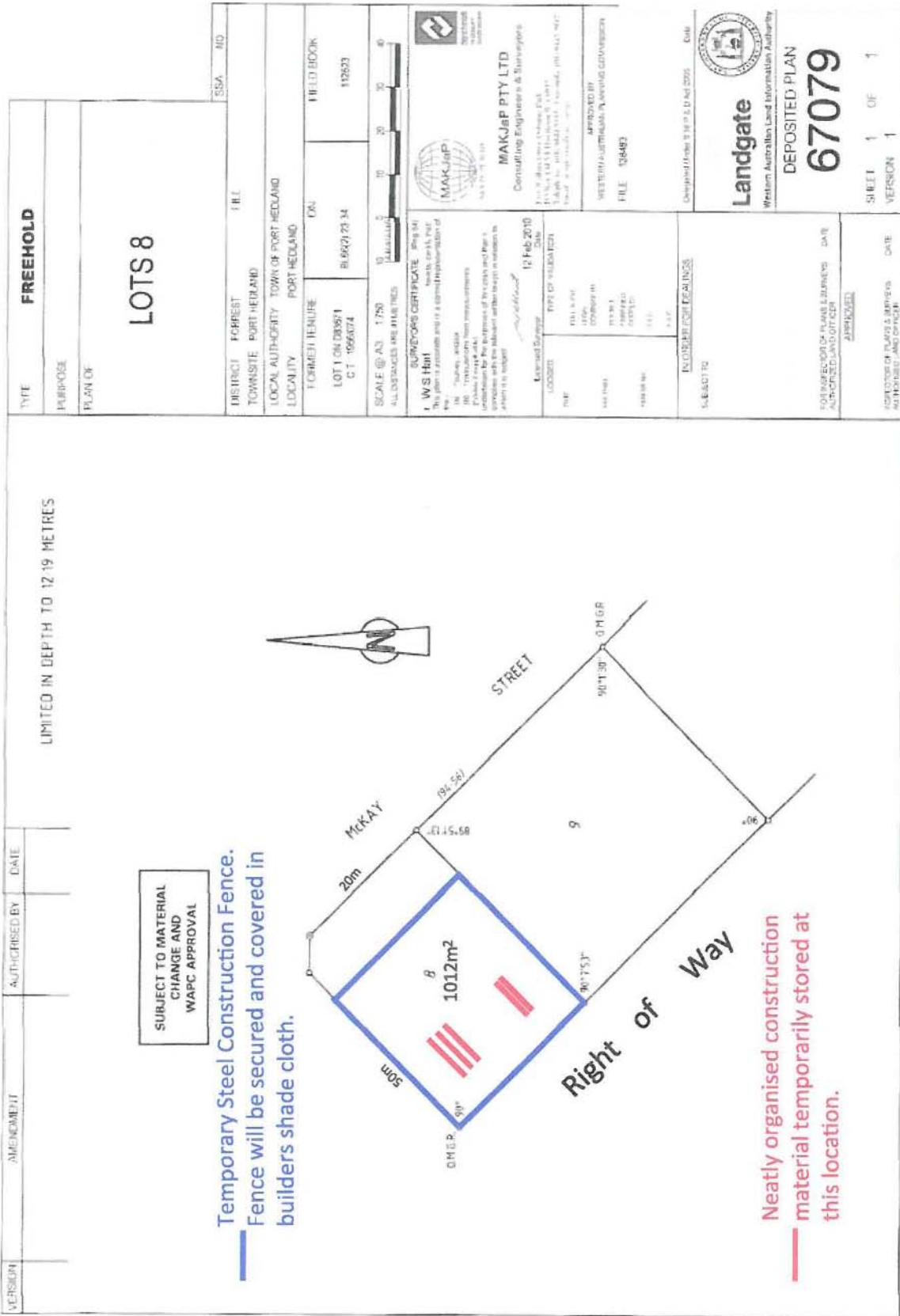
As shown on the attached site plan, the proposed area to be used for the lay down facility will be securely fenced off with the appropriate signage. Access between McKay St and Edgar St will be through the right of way to the rear of both properties. This will enable easy access at all times of the day, while minimising the disturbance to the general motor and pedestrian traffic.

The temporary use of 8 McKay St for this purpose is expected to be no more than 10 months. After the project is complete everything will be removed and the site will be returned to how it was before.

Kind Regards,


Gary Wightman

Attachment 2 – Site Plan



SUBJECT TO MATERIAL CHANGE AND WAPC APPROVAL

— Temporary Steel Construction Fence. Fence will be secured and covered in builders shade cloth.

— Neatly organised construction material temporarily stored at this location.

LANDGATE COPY OF ORIGINAL NOT TO SCALE Fri Jun 4 09:34:52 2010 JOB 34585728

11.1.2.3 Proposed Amendment 24 to the Town of Port Hedland Town Planning Scheme No. 5 to Facilitate the Wedgefield Industrial Estate, and the Adoption of the Wedgefield Industrial Estate Development Plan. (File No.: 18/09/0031)

Officer	Leonard Long Manager Planning
Date of Report	22 July 2010
Application No.	2009/756
Disclosure of Interest by Officer	Nil

Summary

At the Ordinary Council Meeting Held on 11 July 2010, Council resolved to lay this matter on the table, in order to allow further discussion of certain issues. The Director Regulatory Services has provided further information to Councillors. In light thereof the report seeks Council's approval to finalise both the Scheme Amendment and the development plan.

Background

The proposed Scheme Amendment deals with those issues that will be changed with the Scheme documentation. There has been some concern over the impact that the Scheme change may have over existing Caretakers dwellings. The additional use rights that currently permit caretakers residence are not addressed in the proposed Scheme Amendment, because they remain unchanged (i.e. approved additional uses remain approved).

The intent of the amendment is to:

1. Facilitate the release of land for industrial purpose; and
2. Progress planning regulation in accordance with Council's Land Use Master Plan (LUMP).

In January 2010, Council received a request from Taylor Burrell Barnett, on behalf of LandCorp to initiate Scheme Amendment 31 and to facilitate The Wedgefield Industrial Estate Development Plan.

Council subsequently granted the request to initiate the Scheme and facilitate the development plan at its Ordinary Meeting held on 27th January 2010.

The development plan has been advertised in accordance with the Port Hedland Town Planning Scheme No. 5 and the Scheme Amendment forwarded to the Environmental Protection Authority (EPA) and advertised in accordance with the relevant legislation.

The Land Use Master Plan (LUMP) was adopted by Council to guide the growth and development of the Town over the next 20 – 25 years. Section 3.2 of the Land Use Master Plan identified a short supply of four types of industrial land within Port Hedland; being noxious uses, transport related business, light industry and mixed business.

The Land Use Master Plan established the following policies for industrial development:

“2.4(a) Contain the spread of industrial uses in well planned, orderly precincts that are located to take advantage of existing infrastructure wherever possible, to support existing industrial development, and to avoid conflicts with adjacent land uses.

2.4(b) Identify appropriate locations for different types of industrial uses, promoting synergies among related businesses and avoiding conflicts between noxious and light industrial uses.

2.4(c) Establish high standards of design and construction quality and landscape development to protect the “view from the road” on Great Northern Highway and the entries to South Hedland, Wedgefield and the Port Area.”

Furthermore the Land Use Master Plan made the following recommendations in regard to Wedgefield:

“Rezone the Wedgefield Special Control Area to Light Industry, making noxious uses “non-conforming”, and converting existing general industrial uses to “additional uses” for a period of ten years from the date that new land suitable for general industrial use is released for development. Following this 10 year period, all general industrial uses in Wedgefield also become non-conforming.”

The Scheme Amendment and development plan is a direct result of what has been envisaged by Council through the Land Use Master Plan.

Consultation

Scheme Amendment

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

- North West Telegraph – 26 May 2010 and 9 June 2010
- Notification on information board at the Civic Centre 26 May 2010 until 30 June 2010
- Written notification to - Telstra, Water Corporation, Port Hedland Port Authority, LandCorp and Horizon Power

Development Plan

The proposed Development has been advertised in accordance with clause 4.3 of the Port Hedland Town Planning Scheme No. 5 in the North West Telegraph on 15 May 2010.

As a result of the above advertising/circulation, the following comment from Water Corporation was the only submission received:

“With respect to the Amendment above, although the Water Corporation doesn’t object in principle this proposed rezoning can’t fully be supported at this point in time as the Water Corporation is currently revising the water planning for Port Hedland, South Hedland and Wedgefield.”

Planning Department Comment

Whilst the concerns of the Water Corporation are noted, the area has officially been identified since September 2008 for industrial purposes. Should Council resolve to adopt both the scheme amendment and the development plan, development in the area will still be sometime away.

Given the enormous demand for both residential and industrial land the Town cannot afford to wait for services to be installed and should rather by way of adopting the scheme amendment and the development plan encourage the installation of services sooner rather than later.

Therefore, the application should be adopted without any modifications.

Statutory Implications*Scheme Amendment*

- Council is able to amend the Town Planning Scheme pursuant to part 5 of the Planning and Development Act 2005 (as amended)
- The Town Planning Regulations 1967 establish the procedure required to amend a Town Planning Scheme. The proposal is consistent with that procedure.

Development Plan

Town Planning Scheme No. 5, requires that Development Plans be advertised in accordance with the requirements of sub clauses 4.3.3 and 4.3.4 which state:

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

- (a) determine a submission period of not less than 14 days which is appropriate to the potential impact of the development and takes into account calendar events which may detract from the effective advertising of the proposal or the preparation of submissions,*

- (b) *determine the level of notice required as one or more of the following:*
- (i) *-serving notice of the proposed development, adequately describing and illustrating the proposal, on the owners and occupiers as likely to be affected by the granting of planning approval, stating that submissions may be made to the Council within the submission period,*
 - (ii) *publishing notice of the proposed development, adequately describing and illustrating the proposal, in a local newspaper circulating in the Scheme area stating that submissions may be made to the Council within the submission period, which may be 14 days or longer as determined by Council pursuant to subclause 4.3.3 (a), and*
 - (iii) *erecting a sign or signs displaying notice of the proposed development, adequately describing and illustrating the proposal, in a conspicuous position on the land for the duration of the submission period,*
- (c) *give notice of the proposed development in accordance with its determination pursuant to subclause 4.3.3 (b).*

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

Policy Implications

Scheme Amendment

Nil

Development Plan

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

Strategic Planning Implications

Key Result Area 4: Economic Development

Goal 4 :Land Development Projects

Strategy 1: Fast-track the release and development of commercial, industrial and residential land in a sustainable manner including:

LandCorp's Various Industrial Land Release programs....

Budget Implications

The applicant has paid \$1,650 for the initiation of the amendment scheme.

Should Council resolve to adopt the amendment, the applicant will be invoiced for an additional \$1,711.00 as per Councils adopted Fees and Charges.

Officer's Comment

The Land Use Master Plan identified a short supply of four types of industrial land within Port Hedland being:

- and service activities that are inappropriate in a town centre. noxious uses – including operations that generate excessive noise, odour, dust or other negative impacts;
- transportation-related businesses – that operate over-sized equipment and need immediate access to various kinds of specialised services such as refueling and tyre replacement depots, truck washes or maintenance yards;
- light industry – including construction yards, prefabricators and mechanical maintenance and repairs – similar to the array of small businesses that make up much of Wedgefield; and
- mixed businesses – including showrooms, warehousing, car and boat sales yards – the type of large scale retail

The new zones to be created are Light Industry and Transport Development. The intent of the Light Industry zone is to provide land for the purpose of generally small scale industrial development, which exhibit a high standard of design and environmental performance in terms of amenity, noise, emissions and generation of vehicular traffic. The purpose of the Transport Development zone is to accommodate the operation of over-sized equipment and services supporting the transport industry.

It is important to note that the proposed Wedgefield Industrial Development Plan has been developed to facilitate the expansion of Wedgefield for Light and Transport related industries in accordance with the Land Use Master Plan. It will not provide for noxious uses and general industry uses. It is acknowledged that there is pressure to release land for these purposes, however, this land is not appropriate for such purposes. Permitting noxious and general industry uses would conflict with policy 2.4(a) and 2.4(b) of the LUMP and the recommendation for Wedgefield, which are as follows:

- 2.4(a) Contain the spread of industrial uses in well planned, orderly precincts that are located to take advantage of existing infrastructure wherever possible, to support existing industrial development, and to avoid conflicts with adjacent land uses.

- 2.4(b) Identify appropriate locations for different types of industrial uses, promoting synergies among related businesses and avoiding conflicts between noxious and light industrial uses.
- Rezone the Wedgefield Special Control Area to Light Industry, making noxious uses “non-conforming”, and converting existing general industrial uses to “additional uses” for a period of ten years from the date that new land suitable for general industrial use is released for development. Following this 10-year period, all general industrial uses in Wedgefield also become non-conforming.

Attachments

Scheme Amendment Documentation
Development Plan

Officer’s Recommendation

That Council:

1. Adopts the amendment to the Town Planning Scheme No.5, Scheme Amendment 24, without any modifications,
2. The following Schedule of Submission and recommendations be forwarded to the Western Australian Planning Commission for the Minister’s consideration:

Author	Date	Comment
Telstra		No comment
Water Corporation		<p>“With respect to the amendment above, although the Water Corporation doesn’t object in principle this proposed rezoning can’t fully be supported at this point in time as the Water Corporation is currently revising the water planning for Port Hedland, South Hedland and Wedgefield.</p> <p>Water Currently the Water Corporation is assessing the issues of limited capacity in the water source and water supply scheme within Port Hedland, South Hedland and Wedgefield. This area subject to this rezoning has been included in the review of the Water Supply Scheme, the extent and timing of upgrades are yet to be determined to cater for the proposed new developments and these upgrades may require funding.</p>

		Waste Water The existing adjoining Wedgefield industrial area is not served by a sewer scheme. The Water Corporation recommends that development in Industrial areas in country towns are developed without a connection to the reticulated wastewater scheme for the town as there is a high risk of contamination of the scheme because of the relatively low volumes within these country wastewater schemes.”
Horizon Power		No comment
Port Authority		No comment

3. Forward all required documentation to the Western Australia Planning Commission for Ministerial Consent in accordance with the *Town Planning Regulations 1967* (as amended):

“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 and Infrastructure approves the Amendment without modification.”

4. Invoices the applicant an amount of \$1,711.00 as per Councils adopted Fees and Charges.
5. Endorses the South Hedland Town Centre Development Plan subject to the following modifications:
- a. The Development Plan is to incorporate the land to the north of the subject area south of the proposed Highway.
6. Advises RPS Koltasz Smith Town Planners that subject to the revised plan being received and approved by the Chief Executive Officer or his nominated representative that the Development Plan will be:
- a. Included within the Town of Port Hedland Local Planning Policy Manual in accordance with Clause 5.2.2 of Town Planning Scheme No. 5; and
- b. Forwarded to the Western Australian Planning Commission for the adoption in accordance with Clause 5.2.7 of Town Planning Scheme No. 5;

201011/032 Council Decision/Alternate Recommendation**Moved:** Cr A A Carter**Seconded:** Cr S R Martin

That Council:

1. Adopts the amendment to the Town Planning Scheme No.5, Scheme Amendment 24, as indicated by the shaded area on Attachment 3, without any modifications,
2. The following Schedule of Submission and recommendations be forwarded to the Western Australian Planning Commission for the Minister's consideration:

Author	Date	Comment
Telstra		No comment
Water Corporation		<p>“With respect to the amendment above, although the Water Corporation doesn't object in principle this proposed rezoning can't fully be supported at this point in time as the Water Corporation is currently revising the water planning for Port Hedland, South Hedland and Wedgefield.</p> <p>Water Currently the Water Corporation is assessing the issues of limited capacity in the water source and water supply scheme within Port Hedland, South Hedland and Wedgefield. This area subject to this rezoning has been included in the review of the Water Supply Scheme, the extent and timing of upgrades are yet to be determined to cater for the proposed new developments and these upgrades may require funding.</p> <p>Waste Water The existing adjoining Wedgefield industrial area is not served by a sewer scheme. The Water Corporation recommends that development in Industrial areas in country towns are developed without a connection to the reticulated wastewater scheme for the town as there is a high risk of</p>

		contamination of the scheme because of the relatively low volumes within these country wastewater schemes.”
Horizon Power		No comment
Port Authority		No comment

3. Forward all required documentation to the Western Australia Planning Commission for Ministerial Consent in accordance with the *Town Planning Regulations 1967* (as amended):

“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 and Infrastructure approves the Amendment without modification.”

4. Invoices the applicant an amount of \$1,711.00 as per Councils adopted Fees and Charges.
5. Endorses the South Hedland Town Centre Development Plan subject to the following modifications:
- a. **The Development Plan is to incorporate the land to the north of the subject area south of the proposed Highway.**
6. Advises RPS Koltasz Smith Town Planners that subject to the revised plan being received and approved by the Chief Executive Officer or his nominated representative that the Development Plan will be:
- a. **Included within the Town of Port Hedland Local Planning Policy Manual in accordance with Clause 5.2.2 of Town Planning Scheme No. 5; and**
 - b. **Forwarded to the Western Australian Planning Commission for the adoption in accordance with Clause 5.2.7 of Town Planning Scheme No. 5;**

CARRIED 8/0

REASON: Council clarified the areas affected by the proposed amendment (30) to the Town Planning Scheme No. 5, as reworded in Clause 1 of the Alternate Recommendation.

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO. 5 – AMENDMENT NO. 24

RESOLVED that the local government, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

1. Rezoning Lots 300, 301, 5871 and 5872 Schillaman Street currently zoned “Transient Workforce Accommodation R20” and Lot 5858 Schillaman Street reserved “Parks and Recreation” to “Industry” zone as depicted on the amendment map.
2. Rezoning the land generally bound by Great Northern Highway, Pinga Street, and the boundary of the Port Hedland Port Authority land currently reserved for “Other Purpose – Infrastructure”, “Parks and Recreation” and “Local Road” and “State and Regional Road” and “Transient Workforce Accommodation R20” to “Transport Development” zone as depicted on the amendment map.
3. Rezoning the land generally bound by Wallwork Road, The Port Hedland – Goldworthy Railway, Cajarina Road and Great Northern Highway currently reserved for “Other Purpose – Infrastructure” and “State and Regional Road” to “Light Industry” zone as depicted on the amendment map.
4. Amending the Scheme text by:
 - i). Inserting section “3.1 (c) iv. Transport Development”
 - ii). Inserting section “3.1 (c) v. Light Industry”
 - iii). Amending section 3.2.3 to read “Notwithstanding the provisions of 3.2.2, development may only be permitted within the Urban Development, Industrial Development or Transport Development zones where:
 - (a) A Development Plan has been adopted for the subject land and the development is in accordance with the plan; or
 - (b) Council has resolved that a Development Plan is not required.”
 - iv). Inserting section “5.2.1 (g) Transport Development zone”
 - v). Inserting section “5.2.1 (h) Light Industry zone”
 - vi). Amending section 6.7.1 to read “In determining applications for planning approval within the Strategic Industry, Industry, Industrial Development, Transport Development and Light Industry

zones, Council shall have regard to any relevant Council Policy Statement adopted under Part V of the Scheme.”

vii). Amending section 6.7.2 to read “In considering planning applications within the Strategic Industry, Industry, Industrial Development, Transport Development and Light Industry zones, Council shall have regard for the:

- (a) compatibility of uses,
- (b) potential impact of the proposal on the efficient and effective operations of the existing and planning industry, infrastructure or public purpose, and
- (c) risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use.”

viii). Amending section 6.7.8 to read “When considering applications for planning approval in the Industry, Industrial Development, Transport Development and Light Industry zones Council shall require any buildings to:

- (a) Be set back a minimum of six metres from the front boundary,
- (b) Cover no more than fifty percent of the lot,
- (c) Include building facades comprised of materials to Council’s satisfaction,
- (d) Include on-site car parking, wholly or partly within the setback area, with a minimum of one car parking bay for each person employed or normally engaged on the site plus three visitor bays, unless otherwise stipulated in Appendix 7 or section 6.13,
- (e) Provide for the storage of materials not within the front setback unless for a temporary period as determined by Council, and
- (f) Have regard for any other development standard contained in the Policy Manual.”

ix). Inserting as section 6.7:

Transport Development Zone

6.7.15 The purpose of the Transport Development zone is to accommodate the operation of over-sized equipment and services supporting the transport industry.

6.7.16 When considering applications within the Transport Development zone, in addition to the requirements of 4.5, Council must have regard to the following:

- a) the purpose of the zone;
- b) consideration to the size of vehicles, with a preference for larger vehicles;
- c) preference to industries supporting the transport and heavy vehicle industry.

6.7.17 All development requirements related to the Industry zone also apply to the Transport Development zone.

6.7.18 Council may prepare, or require to be prepared, a Development Plan for land within the Transport Development zone. The provisions of subclauses 5.2.2 to 5.2.11 of the Scheme shall apply in relation to the adoption, approval, modification and implementation of any such plan. Although subdivision and development may take place prior to the Scheme maps being amended to reflect the details of Development Plans; the Scheme maps should be amended as soon as practicable following the creation of lots and Crown reserves.

6.7.19 The Development Plan shall address the matters outlined in Appendix 6.

Light Industry Zone

6.7.20 The purpose of the Light Industry zone is to accommodate for a range of generally small scale industrial development, which exhibit a relatively high standard of design and environmental performance in terms of amenity, noise, emissions and generation of vehicular traffic.

6.7.21 All development requirements related to the Industry zone also apply to the Light Industry zone.

6.7.22 Council may prepare, or require to be prepared, a Development Plan for land within the Light Industry zone. The provisions of subclauses 5.2.2 to 5.2.11 of the Scheme shall apply in relation to the adoption, approval, modification and implementation of any such plan.

6.7.23 The Development Plan shall address the matters outlined in Appendix 6.

- x). Amending section 6.14.5 to read "Within the Industry, Industrial Development, Transport Development and Light Industry zones, any outside area which Council considers may become untidy or is currently untidy when visible from the street shall be screened by a wall, fence or planting, including gates where access is required, to the satisfaction of Council."

xi). Renumbering the subsequent sections accordingly;

xii). Inserting the following rows and columns in the Zoning Table and renumbering the Use Classes accordingly:

ZONING TABLE		Transport Development	Light Industry
Residential			
1	Aged or Dependent Persons Dwelling	~	~
2	Ancillary Accommodation	~	~
3	Caretaker's Dwelling	~	~
4	Grouped Dwelling	~	~
5	Holiday Accommodation	~	~
6	Home Occupation	~	~
7	Hotel	~	~
8	Motel	~	~
9	Movable Dwelling	~	~
10	Multiple Dwelling	~	~
11	Residential Building	~	~
12	Rural Settlement	~	~
13	Single House	~	~
14	Transient Workforce Accommodation	~	~
Industry			
15	Abattoir	~	~
16	Agriculture	~	~
17	Arts and Crafts Centre	~	~
18	Intensive Agriculture	~	~
19	Fuel Depot	AA	~
20	Harbour Installation	AA	~
21	Hire Service (Industrial)	P	AA
22	Industry – Cottage	~	P
23	Industry – Extractive	~	~
24	Industry – General	~	~
25	Industry – Light	~	P
26	Industry – Noxious	~	~
27	Industry – Rural	SA	~
28	Industry – Service	~	AA
29	Industry – Resource Processing	~	~
30	Industry - Transport	AA	~
31	Infrastructure	AA	AA
32	Stockyard	~	~
33	Storage Facility/Depot/Laydown Area	SA	~
34	Container Park	P	~
35	Distribution Centre	P	AA
36	Transport Depot	P	~
37	Truck Stop	SA	~
Commerce			
38	Aerodrome	~	~
39	Display Home Centre	~	AA
40	Dry Cleaning	~	P
41	Market	~	AA

42	Motor Vehicle and/or Marine Repair	AA	AA
43	Motor Vehicle and/or Marine Sales or Hire	SA	AA
44	Motor Vehicle and/or Marine Service Station	AA	SA
45	Motor Vehicle and/or Marine Wrecking	~	~
46	Motor Vehicle Wash	AA	AA
47	Office	IP	IP
48	On-site Canteen	IP	IP
49	Outdoor Display	IP	IP
50	Reception Centre	~	~
51	Restaurant (includes café)	~	~
52	Restricted Premises	~	AA
53	Shop	~	~
54	Showroom	~	AA
55	Take-away Food Outlet	~	SA
56	Warehouse	AA	P
Health, Welfare & Community Services			
57	Carpark	P	AA
58	Child Care Service	~	~
59	Community Use	~	~
60	Consulting Rooms	~	~
61	Education Establishment	~	AA
62	Emergency Services	~	AA
63	Funeral Parlour	~	AA
64	Hospital	~	~
65	Juvenile Detention Centre	~	~
66	Medical Centre	~	~
67	Nursing Home	~	~
68	Place of Animal Care	~	SA
69	Place of Public Meeting, Assembly or Worship	~	~
70	Prison	~	~
71	Public Mall	~	~
72	Public Utility	P	P
Entertainment, Recreation & Culture			
73	Equestrian Centre	~	~
74	Entertainment Venue	~	SA
75	Private Recreation	~	AA
76	Public Recreation	~	AA

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

xiii). Inserting the following definitions in Appendix 1 – Definitions

“container park” means land, including outbuildings, used for the receiving, interim storage and forwarding of containers used for the transporting of equipment, goods and products, materials or similar either by sea, road or rail transport.

“distribution centre” means regional premises, building and land, used for the receipt and wholesale distribution of retail goods and products by air, sea, road or rail to retail, showroom and warehouse outlets.

“fuel depot” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail.

“industry – transport” means an industry which involves road, rail, air or sea freight transportation and includes supporting transport related industries providing services including fabrication and/or engineering of parts and components to the transport industry.

“transport depot” means land and buildings used or intended to be used for the transfer of goods or persons from one motor vehicle to another motor vehicle for hire or reward, or for the storage of goods delivered by road transport, and includes the maintenance, repair, garaging, parking or storage of such vehicles.

“truck stop” means land used for the parking of motor vehicles used for carrying goods, and may include facilities for ancillary accommodation of drivers and the retail sale of petroleum products and convenience goods, but excludes the garaging, management, and repair of any motor vehicle.

xiv). Amending the **“storage facility/depot/laydown area”** definition in Appendix 1 - Definitions to read:

“storage facility/depot/laydown area” – any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling of prefabricated components of products and includes milk depots, earthworks contracting yards and salvage yards.

xv). Amending Appendix 5 – Development Plan Areas to show the **“Wedgefield Industrial Estate”** as per the modified Appendix 5 – Development Plan Areas plan.

xvi). Amending the Scheme Map accordingly.

Dated this.....day of.....201

PLANNING AND DEVELOPMENT ACT 2005**TOWN OF PORT HEDLAND****TOWN PLANNING SCHEME NO. 5****AMENDMENT NO. 24**

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 local planning scheme by:

1. Rezoning Lots 300, 301, 587i and 5872 Schillaman Street currently zoned "Transient Workforce Accommodation R20" and Lot 5858 Schillaman Street reserved "Parks and Recreation" to "Industry" zone as depicted on the amendment map.
2. Rezoning the land generally bound by Great Northern Highway, Pinga Street, and the boundary of the Port Hedland Port Authority land currently reserved for "Other Purpose – Infrastructure", "Parks and Recreation" and "Local Road" and "State and Regional Road" and "Transient Workforce Accommodation R20" to "Transport Development" zone as depicted on the amendment map.
3. Rezoning the land generally bound by Wallwork Road, The Port Hedland – Goldworthy Railway, Cajarina Road and Great Northern Highway currently reserved for "Other Purpose – Infrastructure" and "State and Regional Road" to "Light Industry" zone as depicted on the amendment map.
4. Amending the Scheme text by:
 - i). Inserting section "3.1 (c) iv. Transport Development"
 - ii). Inserting section "3.1 (c) v. Light Industry"
 - iii). Amending section 3.2.3 to read "Notwithstanding the provisions of 3.2.2, development may only be permitted within the Urban Development, Industrial Development or Transport Development zones where:
 - (a) A Development Plan has been adopted for the subject land and the development is in accordance with the plan: or
 - (b) Council has resolved that a Development Plan is not required."
 - iv). Inserting section "5.2.1 (g) Transport Development zone"
 - v). Inserting section "5.2.1 (h) Light Industry zone"
 - vi). Amending section 6.7.1 to read "In determining applications for planning approval within the Strategic Industry, Industry, Industrial Development, Transport Development and Light Industry

zones, Council shall have regard to any relevant Council Policy Statement adopted under Part V of the Scheme."

vii). Amending section 6.7.2 to read "In considering planning applications within the Strategic Industry, Industry, Industrial Development, Transport Development and Light Industry zones, Council shall have regard for the:

- (a) compatibility of uses,
- (b) potential impact of the proposal on the efficient and effective operations of the existing and planning industry, infrastructure or public purpose, and
- (c) risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use."

viii). Amending section 6.7.8 to read "When considering applications for planning approval in the Industry, Industrial Development, Transport Development and Light Industry zones Council shall require any buildings to:

- (a) Be set back a minimum of six metres from the front boundary,
- (b) Cover no more than fifty percent of the lot,
- (c) Include building facades comprised of materials to Council's satisfaction,
- (d) Include on-site car parking, wholly or partly within the setback area, with a minimum of one car parking bay for each person employed or normally engaged on the site plus three visitor bays, unless otherwise stipulated in Appendix 7 or section 6.13,
- (e) Provide for the storage of materials not within the front setback unless for a temporary period as determined by Council, and
- (f) Have regard for any other development standard contained in the Policy Manual."

ix). Inserting as section 6.7:

Transport Development Zone

6.7.24 The purpose of the Transport Development zone is to accommodate the operation of over-sized equipment and services supporting the transport industry.

6.7.25 When considering applications within the Transport Development zone, in addition to the requirements of 4.5, Council must have regard to the following:

- d) the purpose of the zone;
 - e) consideration to the size of vehicles, with a preference for larger vehicles;
 - f) preference to industries supporting the transport and heavy vehicle industry.
- 6.7.26 All development requirements related to the Industry zone also apply to the Transport Development zone.
- 6.7.27 Council may prepare, or require to be prepared, a Development Plan for land within the Transport Development zone. The provisions of subclauses 5.2.2 to 5.2.11 of the Scheme shall apply in relation to the adoption, approval, modification and implementation of any such plan. Although subdivision and development may take place prior to the Scheme maps being amended to reflect the details of Development Plans; the Scheme maps should be amended as soon as practicable following the creation of lots and Crown reserves.
- 6.7.28 The Development Plan shall address the matters outlined in Appendix 6.

Light Industry Zone

- 6.7.29 The purpose of the Light Industry zone is to accommodate for a range of generally small scale industrial development, which exhibit a relatively high standard of design and environmental performance in terms of amenity, noise, emissions and generation of vehicular traffic.
- 6.7.30 All development requirements related to the Industry zone also apply to the Light Industry zone.
- 6.7.31 Council may prepare, or require to be prepared, a Development Plan for land within the Light Industry zone. The provisions of subclauses 5.2.2 to 5.2.11 of the Scheme shall apply in relation to the adoption, approval, modification and implementation of any such plan.
- 6.7.32 The Development Plan shall address the matters outlined in Appendix 6.
- x). Amending section 6.14.5 to read "Within the Industry, Industrial Development, Transport Development and Light Industry zones, any outside area which Council considers may become untidy or is currently untidy when visible from the street shall be screened by a wall, fence or planting, including gates where access is required, to the satisfaction of Council."

- xi). Renumbering the subsequent sections accordingly;
- xii). Inserting the following rows and columns in the Zoning Table and renumbering the Use Classes accordingly:

ZONING TABLE		Transport Development	Light Industry
Residential			
1	Aged or Dependent Persons Dwelling	~	~
2	Ancillary Accommodation	~	~
3	Caretaker's Dwelling	~	~
4	Grouped Dwelling	~	~
5	Holiday Accommodation	~	~
6	Home Occupation	~	~
7	Hotel	~	~
8	Motel	~	~
9	Movable Dwelling	~	~
10	Multiple Dwelling	~	~
11	Residential Building	~	~
12	Rural Settlement	~	~
13	Single House	~	~
14	Transient Workforce Accommodation	~	~
Industry			
15	Abattoir	~	~
16	Agriculture	~	~
17	Arts and Crafts Centre	~	~
18	Intensive Agriculture	~	~
19	Fuel Depot	AA	~
20	Harbour Installation	AA	~
21	Hire Service (Industrial)	P	AA
22	Industry – Cottage	~	P
23	Industry – Extractive	~	~
24	Industry – General	~	~
25	Industry – Light	~	P
26	Industry – Noxious	~	~
27	Industry – Rural	SA	~
28	Industry – Service	~	AA
29	Industry – Resource Processing	~	~
30	Industry - Transport	AA	~
31	Infrastructure	AA	AA
32	Stockyard	~	~
33	Storage Facility/Depot/Laydown Area	SA	~
34	Container Park	P	~
35	Distribution Centre	P	AA
36	Transport Depot	P	~
37	Truck Stop	SA	~
Commerce			
38	Aerodrome	~	~
39	Display Home Centre	~	AA
40	Dry Cleaning	~	P
41	Market	~	AA

42	Motor Vehicle and/or Marine Repair	AA	AA
43	Motor Vehicle and/or Marine Sales or Hire	SA	AA
44	Motor Vehicle and/or Marine Service Station	AA	SA
45	Motor Vehicle and/or Marine Wrecking	~	~
46	Motor Vehicle Wash	AA	AA
47	Office	IP	IP
48	On-site Canteen	IP	IP
49	Outdoor Display	IP	IP
50	Reception Centre	~	~
51	Restaurant (includes café)	~	~
52	Restricted Premises	~	AA
53	Shop	~	~
54	Showroom	~	AA
55	Take-away Food Outlet	~	SA
56	Warehouse	AA	P
Health, Welfare & Community Services			
57	Carpark	P	AA
58	Child Care Service	~	~
59	Community Use	~	~
60	Consulting Rooms	~	~
61	Education Establishment	~	AA
62	Emergency Services	~	AA
63	Funeral Parlour	~	AA
64	Hospital	~	~
65	Juvenile Detention Centre	~	~
66	Medical Centre	~	~
67	Nursing Home	~	~
68	Place of Animal Care	~	SA
69	Place of Public Meeting, Assembly or Worship	~	~
70	Prison	~	~
71	Public Mall	~	~
72	Public Utility	P	P
Entertainment, Recreation & Culture			
73	Equestrian Centre	~	~
74	Entertainment Venue	~	SA
75	Private Recreation	~	AA
76	Public Recreation	~	AA

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

xiii). Inserting the following definitions in Appendix I – Definitions

“container park” means land, including outbuildings, used for the receiving, interim storage and forwarding of containers used for the transporting of equipment, goods and products, materials or similar either by sea, road or rail transport.

“distribution centre” means regional premises, building and land, used for the receipt and wholesale distribution of retail goods and products by air, sea, road or rail to retail, showroom and warehouse outlets.

“fuel depot” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail.

“industry – transport” means an industry which involves road, rail, air or sea freight transportation and includes supporting transport related industries providing services including fabrication and/or engineering of parts and components to the transport industry.

“transport depot” means land and buildings used or intended to be used for the transfer of goods or persons from one motor vehicle to another motor vehicle for hire or reward, or for the storage of goods delivered by road transport, and includes the maintenance, repair, garaging, parking or storage of such vehicles.

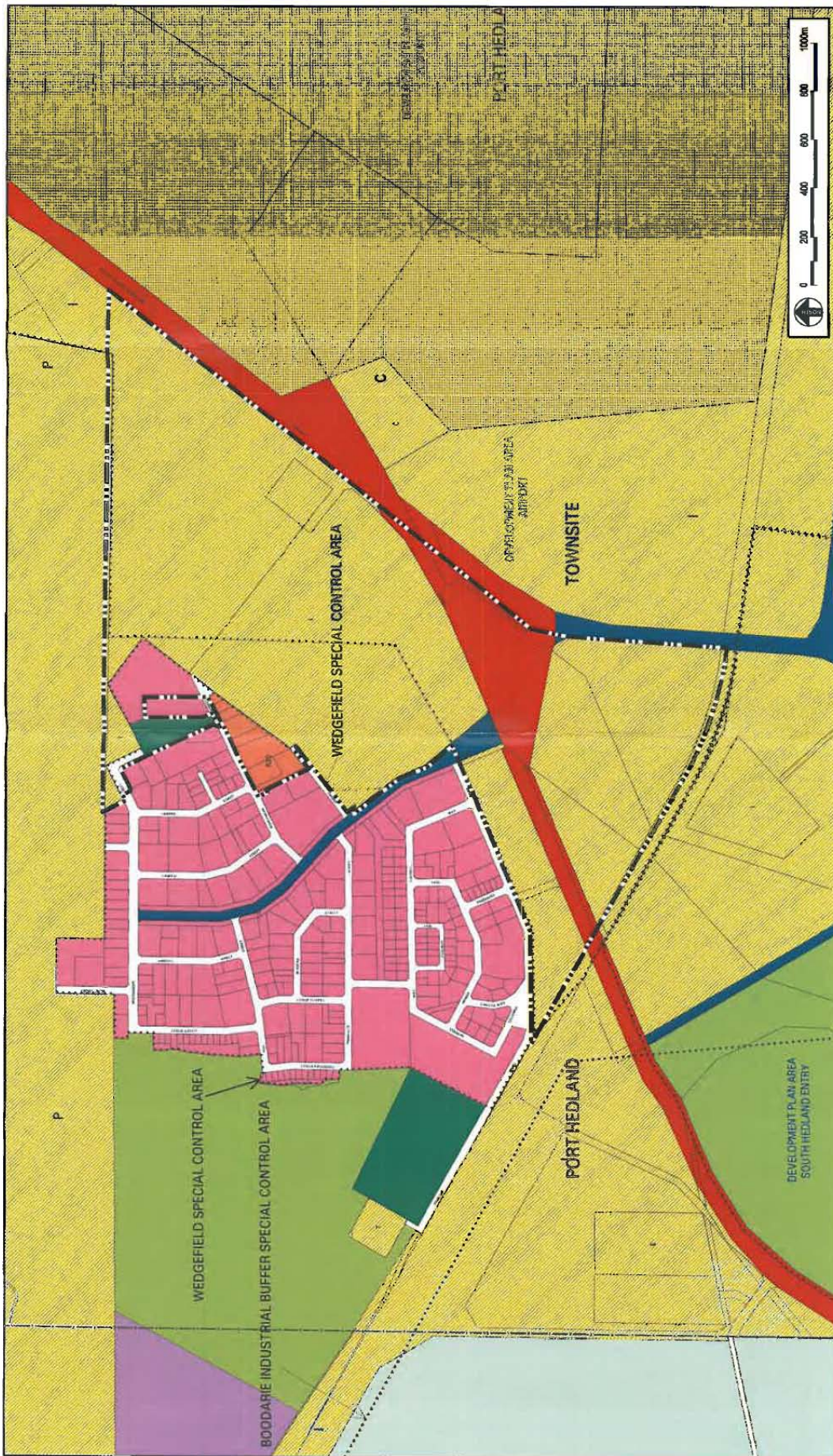
“truck stop” means land used for the parking of motor vehicles used for carrying goods, and may include facilities for ancillary accommodation of drivers and the retail sale of petroleum products and convenience goods, but excludes the garaging, management, and repair of any motor vehicle.

xiv). Amending the **“storage facility/depot/laydown area”** definition in Appendix I - Definitions to read:

“storage facility/depot/laydown area” – any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling of prefabricated components of products and includes milk depots, earthworks contracting yards and salvage yards.

xv). Amending Appendix 5 – Development Plan Areas to show the **“Wedgefield Industrial Estate”** as per the modified Appendix 5 – Development Plan Areas plan.

xvi). Amending the Scheme Map accordingly.



EXISTING ZONING PLAN
WEDGEFIELD INDUSTRIAL ESTATE

PLAN 3

RPS koltasz smith

TOWN PLANNING PROJECT MANAGEMENT URBAN DESIGN DEVELOPMENT CONSULTING
 141 Burwood Road BURWOOD WA 6100 TEL (08) 9488 2222 FAX (08) 9488 2293
 PO Box 127 BURWOOD WA 6100 Email: rps@rpsks.com.au

CLIENT	LiveCorp
SCALE	1:15,000@A3
DATE	27 November 2008
PLAN No	9414_1-107@_BA.dwg
REVISION	b
PLANNER	T.G.
DRAWN	R.F.
CHECKED	N.T.

OTHER

LOCAL SCHEME RESERVES	LOCAL SCHEME RESERVES
LOCAL SCHEME RESERVES	LOCAL SCHEME RESERVES
LOCAL SCHEME RESERVES	LOCAL SCHEME RESERVES
LOCAL SCHEME RESERVES	LOCAL SCHEME RESERVES

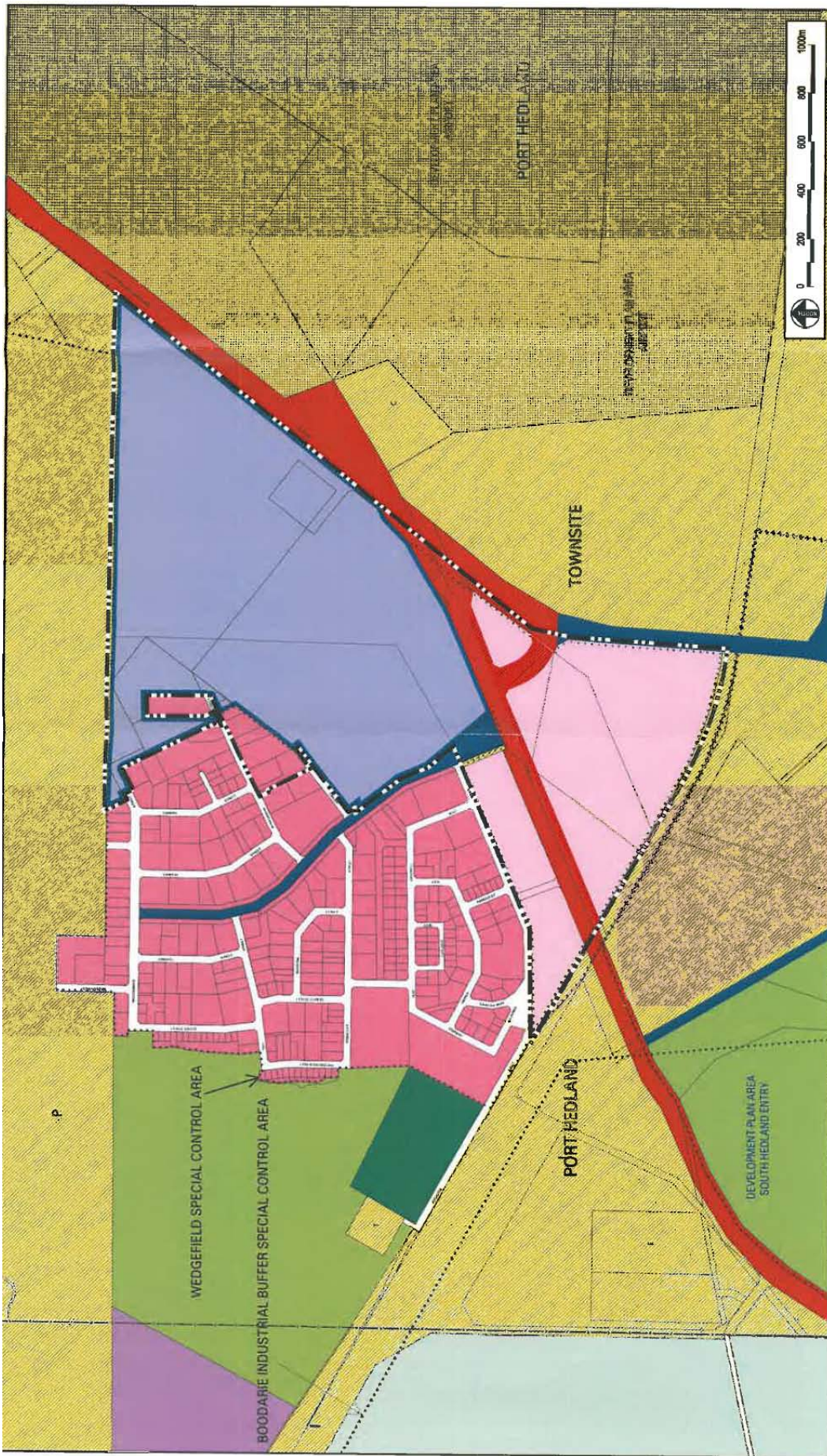
ZONES

LOCAL SCHEME RESERVES	LOCAL SCHEME RESERVES
LOCAL SCHEME RESERVES	LOCAL SCHEME RESERVES
LOCAL SCHEME RESERVES	LOCAL SCHEME RESERVES
LOCAL SCHEME RESERVES	LOCAL SCHEME RESERVES
LOCAL SCHEME RESERVES	LOCAL SCHEME RESERVES

LEGEND

LOCAL SCHEME RESERVES	LOCAL SCHEME RESERVES
LOCAL SCHEME RESERVES	LOCAL SCHEME RESERVES
LOCAL SCHEME RESERVES	LOCAL SCHEME RESERVES
LOCAL SCHEME RESERVES	LOCAL SCHEME RESERVES
LOCAL SCHEME RESERVES	LOCAL SCHEME RESERVES

Base data supplied by Landgate
 Aerial Photography dated October 2008, accuracy +/- 4m, Projection MGA Zone 50
 Areas and dimensions shown are subject to final survey calculations.
 All cartographies are shown for illustrative purposes only and are subject to detailed engineering design.
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PROPOSED ZONING PLAN - TPS 5
WEDGEFIELD INDUSTRIAL ESTATE

PLAN 4

RPS koltas smith

TOWN PLANNING PROJECT MANAGEMENT VISUAL DESIGN DEVELOPMENT CONSULTING
 141 Burrumood Road, BURBROOD, WA 8103, Tel: (08) 9480 2222, Fax: (08) 9488 2233
 PO Box 127, BURBROOD, WA 8100, Email: rps@rpsks.com.au

CLIENT	SCALE	DATE	PLAN No
Landsorp	1:10,000/AS	18 November 2009	3414-1-0196-04-000
			REVISION
			T.C. PLANNER
			L.W. DRAWN
			N.T. CHECKED

OTHER

AS SHOWN ON THE LATEST RELEASED ASSESSED VALUATION MAPS

AS SHOWN ON THE LATEST RELEASED LOCAL GOVERNMENT PLANNING SCHEMES

AS SHOWN ON THE LATEST RELEASED LOCAL GOVERNMENT ZONING SCHEMES

AS SHOWN ON THE LATEST RELEASED LOCAL GOVERNMENT DEVELOPMENT PLAN AREAS

LEGEND

Wedgefield Industrial Estate Development Plan Area

ZONES

- Industrial
- Community
- Residential
- Public Open Space
- Water

LOCAL SCHEME RESERVES

- Local Government
- State Government
- Commonwealth Government
- Other

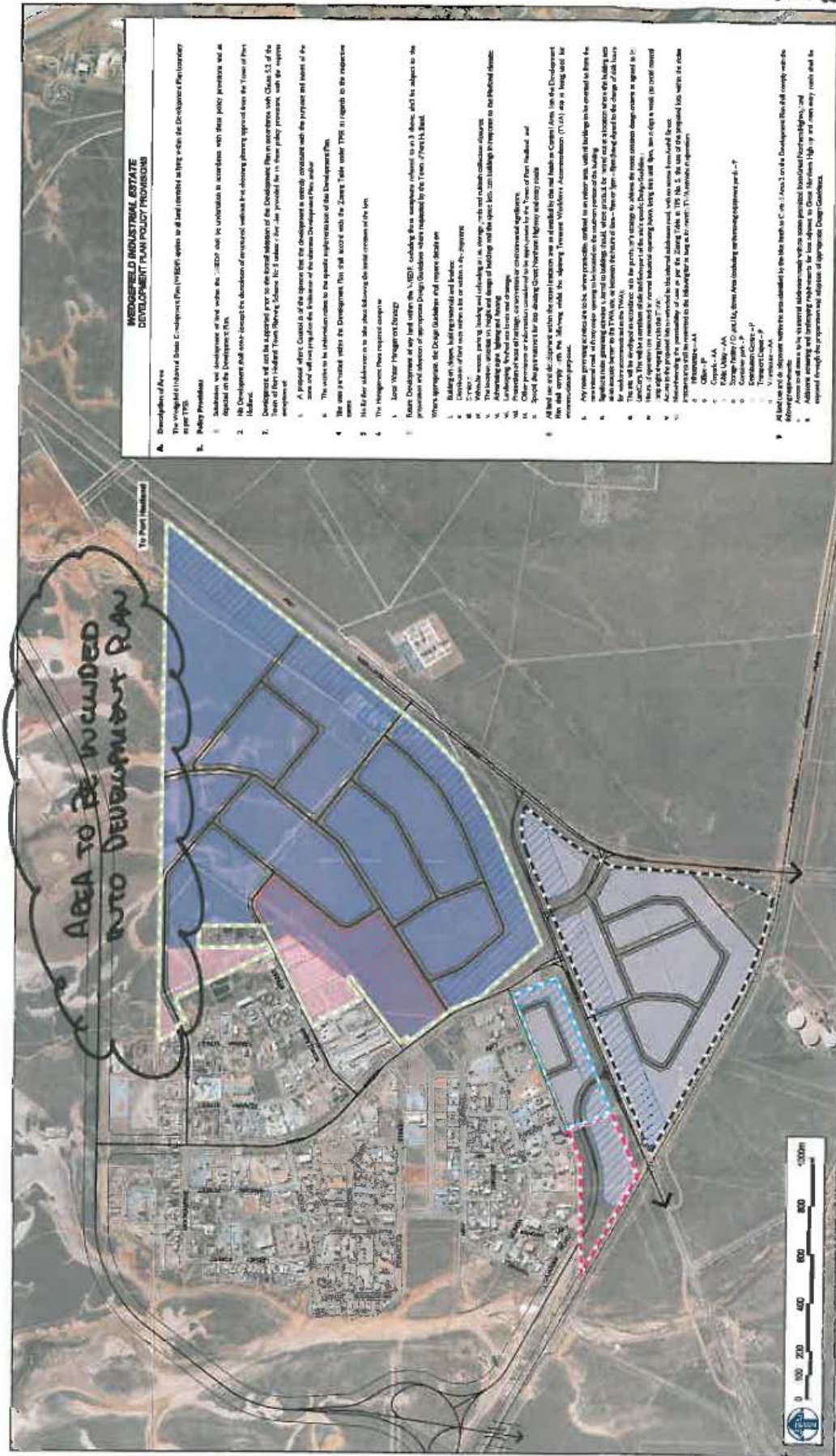
Base data supplied by Landsorp, Projection MOA Zone 60

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ATTACHMENT 2



WEDGEFIELD INDUSTRIAL ESTATE DEVELOPMENT PLAN POLICY PROVISIONS

A. Description of Area
The Wedgefield Industrial Estate, comprising 150000 sqm of land (indicated as being within the Development Plan boundary in the 1998 Plan).

B. Policy Provisions

1. Development of the site within the 'DEVELOPMENT PLAN' shall be undertaken in accordance with these policy provisions and as detailed in the Development Plan.
2. Development shall occur through the submission of a development plan in accordance with Clause 5.2 of the Development Plan.
3. Development shall occur through the submission of a development plan in accordance with Clause 5.2 of the Development Plan.
4. The site is included within the Development Plan in accordance with the provisions of the Development Plan and as detailed in the Development Plan.
5. The site is included within the Development Plan in accordance with the provisions of the Development Plan and as detailed in the Development Plan.
6. The site is included within the Development Plan in accordance with the provisions of the Development Plan and as detailed in the Development Plan.

C. Policy Provisions

1. Local Urban Planning Strategy
2. Urban Development of any land within the 'DEVELOPMENT PLAN' shall be undertaken in accordance with these policy provisions and as detailed in the Development Plan.
3. Development shall occur through the submission of a development plan in accordance with Clause 5.2 of the Development Plan.
4. The site is included within the Development Plan in accordance with the provisions of the Development Plan and as detailed in the Development Plan.
5. The site is included within the Development Plan in accordance with the provisions of the Development Plan and as detailed in the Development Plan.
6. The site is included within the Development Plan in accordance with the provisions of the Development Plan and as detailed in the Development Plan.

PLAN 14

RPS koltasz smith

1411 Richmond Road, PO Box 107, BUSBYWOOD, WA 6107. info@rpsks.com.au

Lead/Co-Ord	CLIENT
T. J. O'DRISCOLL	1115, O'DRISCOLL
2 December 2008	DATE
SH-14-0006-CP-01	PLAN No
REVISION	T.C. / PLANNER
M.K.	DRAWN
N.T.	CHECKED

WEDGEFIELD INDUSTRIAL ESTATE DEVELOPMENT PLAN
WEDGEFIELD INDUSTRIAL ESTATE

LEGEND

- LIA 3
- LIA 4
- LIA 5
- TRANSPORT DEVELOPMENT
- LIGHT INDUSTRY
- TRANSPORT DEVELOPMENT
- INDUSTRY
- CONTROL AREA 1
- CONTROL AREA 2

These data supplied by Landcom
Aerial Photography dated October 2003, accuracy +/- 4m, Projection UTM, Zone 50
Areas and boundaries shown are subject to final survey adjustment
All developments are shown for illustrative purposes only and are subject to detailed engineering design
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11.1.2.4 Proposed Permanent Closure of Portion of Catamore Court Road Reserve, South Hedland. (File No.: 28/01/0017)

Officer	Luke Cervi Senior Planning Officer
Date of Report	16 July 2010
Application No.	ICR6091
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from Taylor Burrell Barnett, Town Planners on behalf of the South Hedland New Living project to permanently close a portion of the Catamore Court Road Reserve, South Hedland.

The road closure is required to facilitate the subdivision of the land.

Background

Council resolved at its Ordinary meeting on 27 June 2007 to support the road closure of a portion of Catamore Court to facilitate the subdivision of the land. That request inadvertently omitted to include the 109m² that is now being requested to be closed.

Consultation

Section 58(3) of the Land Administration Act 1997 states:

“A local government must not resolve to make a request under subsection (1) until a period of 35 days has lapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.”

Statutory advertising period is designed to allow all interested parties, including public service providers, to comment on the proposals prior to Council permanently closing a road reserve.

If Council resolves to initiate the Road Closure, it will be advertised in accordance with the Act.

Statutory Implications

Section 58 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998*, establishes the procedure for closing a road.

The subsequent sale of the Crown Land is undertaken by State land Services on behalf of the Minister in accordance with Part 6 of the *Land Administration Act 1997*.

The Town of Port Hedland Delegation 40(12) states:

“The Director Regulatory Services may forward Road Closure Applications direct to the Department of Land Administration in the event of:

- i) There being no comment received during the statutory advertising period; and*
- ii) The proposal being of an uncontentious nature”*

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

The application fee of \$115.00 has been received in accordance with Council's adopted Town Planning Fees and Charges, and deposited into account 0010063260.

Officer's Comment

This land is identified for development on the land Rationalisation Plan. This small parcel of land was inadvertently omitted by the consultant from a previous road closure request that was supported by Council. Approving the road closure will facilitate its development for residential purposes in accordance with the Land Rationalisation Plan and will not have a detrimental impact on the function of the road.

Attachments

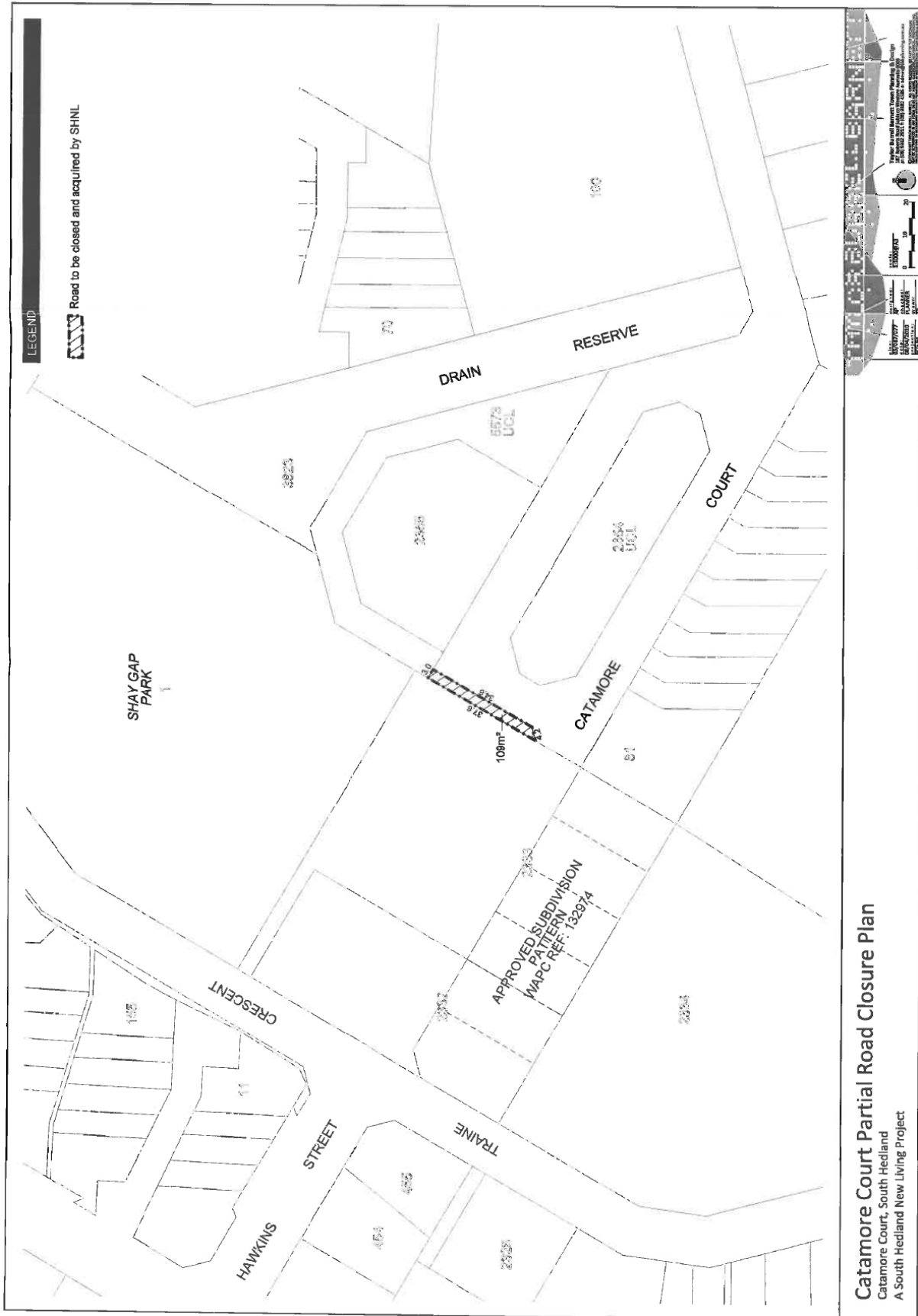
Proposed Road Reserve Closure Plan.
Proposed subdivision plan.

201011/033 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham

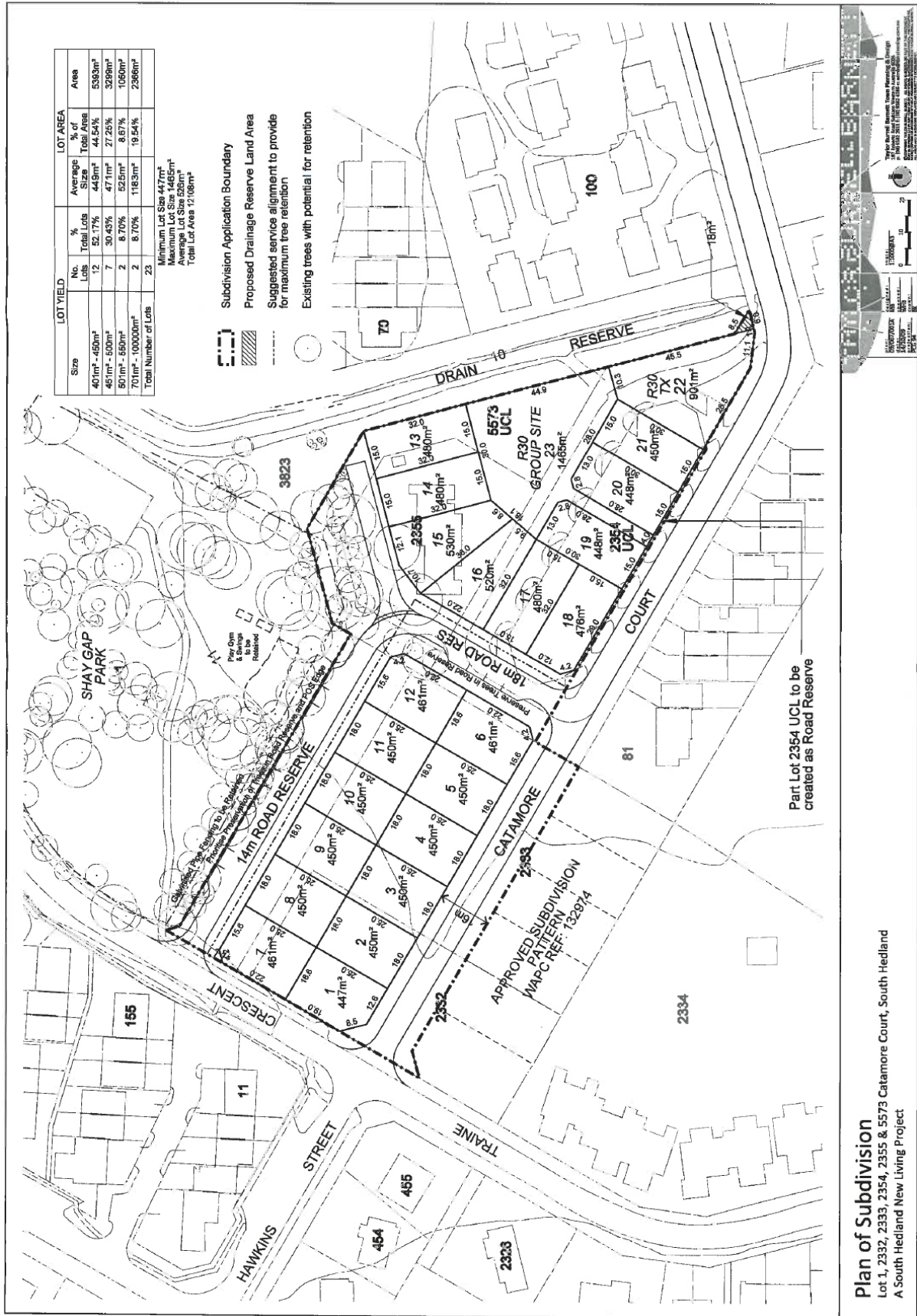
That Council:

1. APPROVES the request from Taylor Burrell Barnett, Town Planners on behalf of the South Hedland New Living project to permanently close a portion of Catamore Court road reserve, South Hedland, with the following conditions:
 - a. **The proposed Road Closure being advertised for a period of 35 days pursuant to section 58(3) of the *Land Administration Act 1997*,**
 - b. **No objections being received during the advertising period,**
2. Advises the applicant that all costs incurred for the advertising of this proposal shall be the responsibility of the applicant.

CARRIED 8/0



Catamore Court Partial Road Closure Plan
Catamore Court, South Hedland
A South Hedland New Living Project



11.1.3 Ranger Services

11.1.3.1 Authorisation of Rangers – Authorised Officers (File No.19/09/0001)

Officer Peter Wilden
Coordinator Ranger Services

Date of Report 7 July 2010

Disclosure of Interest by Officer Nil

Summary

Request to Authorise newly employed personnel to carry out their duties and have full protection of the various Acts and Regulations, to which they are required to enforce.

Background

Eldride Edwards and Chris Scott have been recruited as Trainee Rangers and Daniel Hendrikson as team Leader Ranger Services for the Town of Port Hedland commencing July and August

Consultation

Nil

Statutory Implications

The Town of Port Hedland Rangers are required to ensure compliance and on occasion prosecute in relation to the above mentioned Acts and Regulations in the day-to-day duties of the Officers.

Policy Implications

Nil

Strategic Planning Implications

KRA 2 – Social
Increase Community Safety, amenity and sense of belonging.
Action Plan 6.5 – Provide 12 hr/day, 7-day/week Ranger Services coverage

Budget Implications

Nil

Officer's Comment

It is a legislative requirement that Council authorise Rangers to undertake certain responsibilities.

Authorisation allows Rangers to carry out their duties and have full protection of the various Acts and Regulations, which they are required to enforce.

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

Caravan Parks and Camping Act 1995 and Regulations 1997 appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act and Regulations.

Dog Act 1976 appointed as Authorised Persons for the purpose of the Act and authorised to affect the registration of dogs.

Control of Vehicles (Off Road Areas) Act 1978 and Regulations 1997 appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.

Litter Act 1979 and Regulations 1981 appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.

Bush Fires Act 1954 Regulations 1978 and Bush Fire Infringements 1978 appointed as Bush Fire Control Officer and Authorised officer to prosecute on behalf of Council for the purpose of the Act.

Local Government Act (Miscellaneous Provisions) 1960 Part XX as Poundkeeper and Ranger.

Attachments

Nil

201011/034 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council:

1. approves Messrs Eldride Edwards, Chris Scott and Daniel Hendrikson be authorised or appointed as appropriate, pursuant to the following provisions:
 - i) **The Dog Act 1976 (as amended) and Regulations 1976 as an Authorised Person and prosecute on behalf of Council for the purpose of the Act;**
 - ii) **The Dog Act 1976 (as amended) as a Registration Officer**

to effect the registration of dogs;

- iii) The Caravan Parks and Camping Act 1995 section 17 (1), 23(11), as an Authorised Person and to prosecute on behalf of Council for the purpose of the Act and Regulations 1997.**
 - iv) The Local Government Act 1995, Local Government Parking for Disabled Persons Regs 1988 and Town of Port Hedland Local Laws;**
 - v) The Control of Vehicles (Off Road Areas) Act 1978 and Regulations 1997 as an Authorised Officer and to prosecute on behalf of Council for the purpose of the Act;**
 - vi) The Local Government Act (Miscellaneous Provisions) 1960 Part XX as a Poundkeeper and Ranger.**
 - vii) The Litter Act 1979 and Regulations 1981 as an Authorised Officer and to prosecute on behalf of Council for the purpose of the Act; and**
 - viii) The Bush Fires Act 1954 (as amended) and Regulations 1978 and Bush Fire Infringement Regs 1978 as a Fire Control Officer for the purposes of Fire Prevention; and**
2. the appointment of Messrs Kevin Allen and Brendon Lions be cancelled herewith.

CARRIED 8/0

11.2 Engineering Services

Nil.

11.3 Community Development

11.3.1 Community and Library Services

**11.3.1 Report on Disability Access and Inclusion Plan 2008/09
(File No.: 03/01/0022)**

Officer Sheila Cleaver
Community Development
Officer

Date of Report 20 July 2010

Disclosure of Interest by Officer Nil

Summary

The Town of Port Hedland is required to report activity against its Disability Access and Inclusion Plan (DAIP) to the Disability Services Commission (DSC) by 31 July 2010. This report outlines progress achieved this year against the Town's DAIP and seeks Council approval to submit this information to the DSC.

Background

Section 29 of the Disability Services Act (1993) requires all public authorities to report on the implementation of their Disability Access and Inclusion plan. Local Government Authorities are required to report on the status of their Plan in their Annual Report, and to the Disability Services Commission.

To oversee the outcomes of the plan, a committee comprising relevant ToPH officers and representatives from community and government agencies meets bi monthly.

Consultation

Disability Access and Inclusion Plan Committee
Relevant ToPH officers across all Directorates

Statutory Implications

Section 29 of the Disability Services Act (1993) requires all public authorities to report on the implementation of their Disability Access and Inclusion plan. Local Government Authorities are required to report on the status of their Plan in their Annual Report, and to the Disability Services Commission.

Policy Implications

Policy 8/003 – Access Policy for people with disabilities, their families and carers outlines the Town of Port Hedland commitment to ‘recognising a community for its diversity and supports the participation of all of its members towards making a richer community life.’

Policy 9/002 – Access to persons with Disabilities – Footpath and Kerb Heights

Strategic Planning Implications

Key Result Area 3 – Community Development

Goal 3 – Health

That the community has access to high quality health services and facilities and the Town is taking appropriate preventative measures to ensure a healthy environment.

5. Review the Town’s Disability Service Plan and undertake actions to improve access to services and all facilities.

Budget Implications

Budgetary implications associated with the activities in this plan have been included in the various Directorates budgets.

Officer’s Comment

Attachments to this report include the Town of Port Hedland DAIP 2008/09 and the progress report against that plan for the Disability Services Commission. Some highlights of the activities report include:

1. The DAIP Committee met bi-monthly, hosted and chaired by the Town of Port Hedland;
2. The Draft Library Services Plan included objectives to increase access to services and resources to disadvantaged community members;
3. The transfer of Home and Community Care Services to Southern Cross Care occurred without disruption to service, maintaining the existing staff and premises;
4. JD Hardie Centre staff were trained in the use of special equipment designed to improve fine and gross motor skills;
5. Disabled access was increased to various Council facilities including Cemetery Beach Park and Finucane Island boat ramp; and

6. A Disability Access and Inclusion workshop was held for staff in 2009 and will be incorporated as part of the induction and orientation of all new staff.

This year, an extensive review of the DAIP Plan is planned in consultation with the committee to ensure its ongoing relevance, inclusion of new Council facilities and to broaden its focus to include community members disadvantaged by circumstances other than physical or intellectual disability.

Attachments

Attachments to this report include the Town of Port Hedland DAIP 2008/09 and the progress report against that plan for the Disability Services Commission.

201011/035 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

Seconded: Cr J M Gillingham

That Council:

1. Receives the attached progress report;
2. Submits the attached report to the Disability Services Commission by July 31 2010; and
3. Includes the DAIP activity report in its Annual Report 2009/10

CARRIED 8/0



TOWN OF PORT HEDLAND

DISABILITY ACCESS & INCLUSION PLAN 2008/09

Vision Statement

Port Hedland: A significant regional centre where people enjoy the lifestyle and natural environment and are proud to call home

Mission Statement

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

Our Goal in Disabilities Access and Inclusion:

To provide leadership for the Port Hedland community by encouraging and promoting the inclusion and participation of people with disabilities, their families and carers within Council's services, facilities and functional areas.

Background

The Town of Port Hedland adopted a Disability Service Plan in February 1996 to ensure that Council's services, facilities and functions are promoted to people with disabilities and that people with disabilities can access and participate fully in Council's facilities, functions and services. The document was updated regularly until 2003, and a major review undertaken in 2008.

The Disability Services Act (1993) requires all public authorities, including Local Government Authorities; to prepare and implement a Disability Access and Inclusion Plan to ensure that people with disabilities can access their services and facilities.

Section 29 of the Disability Services Act (1993) requires all public authorities to report on the implementation of their Disability Access and Inclusion plan. Local Government Authorities are required to report on the status of their Plan in their Annual Report, and to the Disability Services Commission.

As soon as practicable after each 1 July the Commission must give the Minister a report on the effectiveness of disability access and inclusion plans, and the extent to which they have been complied with, during the year that ended on the preceding 30 June.

The Disability Discrimination Act (1992) protects any person considered under the Act to be disabled who is discriminated against because of their disability or imputed disability and any person who is an 'associate' of a person with a disability and that associate is discriminated against because of the other person's disability.

The Town of Port Hedland has developed a Plan for the Future for 2007-2012 through public consultations via Elected Member Planning days, community surveys and workshops.

While the whole of the Plan for the future is relevant to the Disability Access and Inclusion Plan, the key focus of this work is encompassed in the Community Development portfolio.

Key Results Area 3: Community Development The development of a more vibrant, sustainable community is a key responsibility of the Town of Port Hedland.

Goal 3: Health: That the community has access to high quality health services and facilities and the Town is taking appropriate preventative measures to ensure a healthy environment.

Strategy 5: Review the Town's Disability Service Plan and undertake actions to improve access to services and all facilities.

The Plan is subject to annual review and may be amended and extended as priorities and needs change.

Key Achievements from the Disability Access & Inclusion Plan to date:

- Installation of a lift in the Civic Centre Upgrade
- Staff training in disability awareness and inclusion – now scheduled to occur on commencement and annually
- Production of a Booklet in conjunction with the Disability Services Commission: *Services Available to People with Disabilities, their Families and Carers in the Town of Port Hedland*.
- Life skills and social programmes for people with disabilities established through Home and Community Care
- Extensive consultation with people with disabilities on the Port Hedland Public Transport Study
- Civic Centre Reception Counter upgrade.

What does the Disability Access & Inclusion Plan Contain?

The plan includes:

- Information on Council functions, facilities and services (both in-house and contracted);
- A policy statement about Council's commitment to addressing the issue of inclusion and participation for people with disabilities, their families and carers;
- A description of the process used to develop, monitor, revise and implement the plan and the consultation mechanism with people with disabilities, their families, carers, disability organisations and relevant community groups;
- The identification of objectives and strategies to overcome barriers that people with disabilities identified during the consultation process;
- Identification of the officers responsible for the proposed strategies and completion dates;
- A method of review and evaluation of the plan; and
- Information about how the plan is being communicated to staff and people with disabilities.

1. RESPONSIBILITY FOR THE PLANNING PROCESS

A Disability Service Planning committee of Council was established in June, 1995 comprising of one Councillor, two people with a personal knowledge of disability issues, one person with professional knowledge of disability issues, and six Council officers, to oversee the development, implementation, review and evaluation of the plan.

In September 2008 Council re-established a Disability Access and Inclusion Community Consultation Group. This group is overseeing the revision, monitoring and implementation of the Disability Access and Inclusion Plan.

2. FUNCTIONS, FACILITIES AND SERVICES (BOTH IN-HOUSE AND CONTRACTED, PROVIDED BY THE TOWN OF PORT HEDLAND)

The Town of Port Hedland provides:

Services to Property Including:

- Construction and maintenance of roads, shared paths and cycle facilities;
- Land drainage and development;
- Waste Management
- Litter control and street cleaning;
- Planting and caring for trees;
- Numbering of buildings and lots;
- Street lighting;
- Emergency management including bush fire and cyclone preparedness, response and recovery procedures

Services to the Community Including:

- Ownership and management of outdoor active and passive recreational facilities; (see attached list)
- Ownership and Management of parks (see attached list)
- Ownership and Management of 2 cemeteries – the South Hedland Cemetery and the Pioneer and Pearlers Cemetery
- Ownership of the Gratwick Aquatic Centre and the South Hedland Aquatic Centre. The Aquatic Centres are managed by the YMCA.
- Ownership and Management of the South Hedland Library and the Port Hedland Library
- Ownership and Management of the Port Hedland International Airport;

- Ownership and management of the JD Hardie Recreation Centre
- Ownership of the Cooke Point Youth and Family Centre
- Ownership of community recreation facilities (see attached list)
- Ownership of the Port Hedland Retirement Village
- Sponsorship of the Pilbara Family Day Care Scheme;
- Citizenship ceremonies;
- Planning for services for people in the community;
- Ownership of the Town of Port Hedland Home and Community Care Service;
- Joint Management with DET of Matt Dann Cultural Centre;
- Ownership of the Courthouse Arts Centre and Gallery, contracted management of the CHAG
- Sponsorship of the Port Hedland Visitors Centre and Information services.

Regulatory Services Including:

- Planning of road systems, sub-divisions and town planning scheme;
- Building approval for any construction, addition or alteration to a building;
- Ranger services;
- Environmental Health Services.

General Administration Including:

- The provision of general information to the public;
- Lodging of complaints;
- Payment of rates.

Processes of Government Including:

- Ordinary and Special Council and Committee meetings;
- Electors meetings and Election of Council members.

3. Council Facilities in Port/South Hedland & Finucane Island

FACILITY	Owned by	Managed by	Leased by
Port Hedland			
Gratwick Aquatic Centre	ToPH	YMCA	
Port Hedland Youth & Family Centre	ToPH	PHY&FC Committee	Lease in process
Port Hedland Library	ToPH	ToPH	
Courthouse Arts Centre and Gallery	ToPH / PACDAC	ToPH / PACDAC / FORM	
Port Hedland Visitors Centre	ToPH	PHVC	
Clubs/Associations			
Port Hedland Tennis Club	ToPH	Tennis Club	Lease in process
Hedland Canine Club	ToPH	Hedland Canine Club	German Shepard Dog Association & Hedland Dog Club
Pilbara Aeromodellers Club	ToPH	Pilbara Aeromodellers Club	Pilbara Aeromodellers Club
Hedland BMX Club	ToPH	Hedland BMX Club	Lease in process
Port Hedland Yacht Club	ToPH	Port Hedland Yacht Club	Port Hedland Yacht Club
Scouts and Guides	ToPH	Scouts	Scouts
Port Hedland Pony Club	ToPH	Port Hedland Pony Club	Port Hedland Pony Club
Port Hedland Game Fishing Club	ToPH	PH GAME Fishing	
Port Hedland Golf Club	ToPH	PH Golf Club	PH Golf Club
Recreation Reserves			
Port Hedland			
Colin Matherson Oval	ToPH	ToPH	
McGregor Street Reserve	ToPH	ToPH	
Turf Club	ToPH	ToPH	
BMX	ToPH	ToPH	
Tennis Courts	ToPH	ToPH	
Skate Park	ToPH	ToPH	
South Hedland			
Skate Park	ToPH	ToPH	
Kevin Scott Oval	ToPH	ToPH	
Marie Marland	ToPH	ToPH	
Faye Gladstone Netball Courts	ToPH	ToPH	
Tennis & Bowls	ToPH	ToPH	
Parks			
Don Rhodes Mining Museum Park	ToPH	ToPH	
Port Hedland Community Park	ToPH	ToPH	
Leap Park	ToPH	ToPH	
Lions Park	ToPH	ToPH	
Captain Bert Madigan (MC) Memorial Park	ToPH	ToPH	
Pretty Pool	ToPH	ToPH	

Koombana Lookout	ToPH	ToPH	
The Spoil Bank	ToPH	ToPH	
Finucane Island Boat Ramp	ToPH	ToPH	
Port Hedland Town Park	ToPH	ToPH	
Sutherland St. Walk/Cycle Way	ToPH	ToPH	
Marapikurrinya Park	ToPH	ToPH	
Civic Centre Gardens	ToPH	ToPH	
Colin Matheson Oval	ToPH	ToPH	
Pretty Pool Park	ToPH	ToPH	
FACILITY	Owned by	Managed by	Leased by
South Hedland			
Recreation Facilities			
South Hedland Aquatic Centre	ToPH	YMCA	
South Hedland Library	ToPH	ToPH	
Matt Dann Cultural Centre	ToPH	ToPH	
Lawson Street Youth Centre	ToPH	Youth Involvement Council	Youth Involvement Council
South Hedland Skate Park	ToPH	ToPH	
JD Hardie Centre	ToPH	ToPH	
Club/Associations Facilities			
Finucane Island Recreation Club	ToPH	Finucane Island Club Committee	Finucane Island Club Committee/BHP have interest
South Hedland Bowling Club	ToPH	South Hedland Bowling Club	South Hedland Bowling Club
South Hedland Tennis Club	ToPH	South Hedland Tennis Club	
Port Hedland Pistol Club	ToPH	Port Hedland Pistol Club	
Port Hedland Sporting Shooters Club	ToPH	Port Hedland Sporting Shooters Club	Port Hedland Sporting Shooters Club
Hedland Kart Club	ToPH	Hedland Kart Club	Hedland Kart Club
Hedland Speedway	ToPH	Port Hedland Speedway Club	
Port Hedland Motorcycle Club	ToPH	Port Hedland Motorcycle Club	Port Hedland Motorcycle Club
Scouts	ToPH	Scouts	Scouts
Parks			
Shay Gap Memorial Park	ToPH	ToPH	
Daylesford Park	ToPH	ToPH	
Centenary Park	ToPH	ToPH	
Trumpet Way	ToPH	ToPH	
Kevin Scott Oval	ToPH	ToPH	
South Hedland Owners & Trainers Association	ToPH	South Hedland Owners & Trainers Association	South Hedland Owners & Trainers Association
Finucane Island Equestrian Reserve	ToPH	ToPH	Lease in Process

ACCESS POLICY STATEMENT FOR PEOPLE WITH DISABILITIES, THEIR FAMILIES AND CARERS

The Town of Port Hedland is committed to ensuring that the community is an accessible community for people with disabilities, their families and carers. The Town of Port Hedland interprets an accessible community as one in which all Council functions, facilities and services (both in-house and contracted) are open and available to people with disabilities providing them with the same opportunities, rights and responsibilities enjoyed by all other people in the community and with the same level of dignity and respect.

The Town of Port Hedland's understanding of disability is that provided by the Western Australian Disability Services Commission:

Disability is defined as any continuing condition that restricts everyday activities:

- Which is attributable to an intellectual, psychiatric, cognitive, neurological, sensory, or physical impairment or a combination of those impairments;
- Which is permanent or likely to be permanent;
- Which may or may not be of a chronic or episodic nature; and which results in;
- A substantially reduced capacity of the person for communication, social interaction, learning or mobility; and
- A need for continuing support services

Definition:

The term 'disability' refers to any permanent or temporary condition which affects a person's bodily or mental function. A disability may arise from a sensory, physical, psychiatric, medical, cognitive or neurological condition.

The disability can be temporary or permanent and can be of different levels of severity. It includes broad categories such as hearing impairment, vision impairment, learning disabilities, mobility disabilities, psychiatric disabilities and medical conditions.

The Town of Port Hedland considers that a disability may be of a temporary nature and that the access needs of people with a temporary disability will be considered as part of this plan.

Council believes that a community that recognises its diversity and supports the participation of all its members makes for a richer community life. Council recognises that people with disabilities are valued members of the community who make a variety of contributions to local social, economic and cultural life.

Council is committed to consulting with people with disabilities, their families and carers and where required, disability organisations, to ensure that barriers to access are addressed appropriately.

Council is also committed to working in partnership with local businesses to improve access to community facilities and services.

The Town of Port Hedland is committed to achieving the following outcomes:

Outcome 1: *People with disabilities have the same opportunities as other people to access the services of, and any event organized by, a public authority.*

- * Council will endeavour to be responsive and adaptable in responding to the barriers experienced by people with various disabilities, including people with physical, sensory, intellectual and psychiatric disabilities.
- * Council will ensure that all policies and practices that govern the operation of Council functions, facilities and services are consistent with Council's policy on access.
- * Council will ensure that all contracts for services to the community ensure that provision is made for access for people with disabilities.
- * Council will ensure that all planning processes will consider the needs of people with disabilities.

Outcome 2: *People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority.*

- * Council will undertake a full access audit of all Council buildings and facilities, shared paths and kerbs, and pedestrian ramps and establish priorities for improvement.
- * These priorities and those identified during the consultations will be assessed along with other capital works projects and incorporated into existing capital works improvement program as appropriate. Modifications will commence, as funds are made available.
- * Council will undertake to liaise with developers to increase their awareness of the access requirements of people with disabilities.
- * To ensure an overall strategy for coordination and implementation of this plan is taken, all building and facility plans will be submitted to Council's Development Approval Group for discussion.

Outcome 3: *People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are to access it*

- * Council will endeavor to supply information about Council functions, facilities and services is written in clear and concise language and available in alternative formats.
- * Council will advertise the availability of information in alternative formats via the local media (newspaper and radio) and through Council publications. Formats will include large print, audio cassette, and computer disc – Information Technology Services.

Outcome 4: *People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.*

- * Disability awareness training will be provided for all Council staff with training for public contact staff given the highest priority. All staff to have Disability Awareness Training on commencement and annually
- * Where required, Council will seek expert advice from the disability field on how to meet the various needs of people with disabilities.

Outcome 5: *People with disabilities have the same opportunities as other people to make complaints to a public authority.*

- Council will ensure that information is available in a clear and concise language, so residents can participate in any grievance processes. Information will be made available in formats to meet the needs of people with disabilities.
- Ensure that current grievance mechanisms are accessible for people with disabilities.
- Improve staff knowledge so they can receive complaints from people with disabilities.

Outcome 6: *People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.*

- * Council will ensure that information is available in clear and concise language on how residents can participate in decision-making processes, public consultations and grievance mechanisms.
- * Council will ensure that all Council and electors meetings are accessible and that the minutes from these meetings will be made available upon request in alternative formats.

DEVELOPMENT OF THE PLAN

Extensive public consultation and input from key disabilities agencies and groups was undertaken in creating the original Disability Services Plan in 1996.

A workshop was held in July 2008 with Disability Services Commission senior staff from Perth, the local area coordinator for the Disability Services Commission and Council Officers to discuss the Disability Access and Inclusion Plan and its implications for Council service areas.

An advertisement was placed in the community newspaper in September 2008 to advise residents that Council was reviewing their Disability Access and Inclusion Plan to improve access for people with disabilities and their families to Council functions, facilities and services. An invitation to participate in the Disability Working Group was included in this advertisement. The draft DAIP was also posted on Council's website for access by the community, with advice that a hardcopy could be sent to people on request.

Consultation meetings were held in July, August and September 2008 with people with disabilities, their families, carers, disability organisations, relevant community groups and council staff to discuss the barriers that people with disabilities and their families experience in accessing Council functions.

Ongoing Consultation

Consultation between staff and the community is ongoing to ensure that the Disability Access and Inclusion Plan remains relevant to the community and their needs.

The Town of Port Hedland's Community Development department, in consultation with the Disability Access and Inclusion Community Consultation Group is responsible for the monitoring and reporting on this Disability Access and Inclusion Plan.

5. OBJECTIVES AND STRATEGIES IDENTIFIED TO OVERCOME BARRIERS – All acronyms attached below Outcome 6.

Outcome 1: *People with disabilities have the same opportunities as other people to access the services of, and any event organized by, a public authority.*
Objective: Council to adapt and maintain services to ensure they are accessible to people with disabilities.

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (COMPLETIONof DATE)	WHO	09/10 update
Community Services					
* Library Services	* Limited range of resources specific to people with disabilities	Increase resources	Ongoing	CLS	Included in the Draft Library Services Strategic Plan 2010-2015
	*Obtaining information on what is available	Investigate developing information CD	Ongoing	CLS	Currently included in the Product & Services Guide for People w/ Disabilities & their families. This guide is currently being put in audio format, due for completion end of July 2010
	*Library services not promoted to people with disabilities	Develop appropriate promotion strategy	Ongoing	CLS	Addressed in draft Library Services Strategic Plan 2010-2013
* Recreation Services	*Staff not sure how existing activities can allow a person with a disability to participate.	Staff Training	Ongoing	HR	Training commencing 10/11 budget
	*Lack of recreational activities	*Employ a Recreation Facilitator for PWD	Ongoing	MRS	WADSA provided equipment designed for people w/disabilities to the JD and provided the training for its use.

Outcome 1 (continued): *People with disabilities have the same opportunities as other people to access the services of, and any event organized by, a public authority.*

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE (COMPLETION DATE)	WHO	09/10update
<i>(Rec. Service con't)</i>			Ongoing	MRS	WADSA on a 2 nd visit to Hedland held a presentation as part of their 2010 Clubs Conference on providing for the inclusion of people w/ a disability, by modifying rules and equip
*Service Providers	Lack of awareness for PWD	* Provide information to clubs Develop booklet on services	Annual update	CDO	Under current revision/consultation with DAIP committee. Partially completed
*Home & Community Care	Promotion and publicity and effective communication with other service providers	Continue to promote to service providers on HACC Promote HACC Social Centre	Ongoing	MLCD	Ongoing Commitment
* Transport	Transport services limited in this region	Regularly network with Disability Services Commission Council to continue to actively lobby to improve transport.	Ongoing	MLCD	Ongoing Commitment
* Parking for people with disabilities	People without ACROD card park in bays	Community Education campaign. Rangers to enforce Penalty to be promoted	Ongoing	SR	Ongoing Commitment
* Accommodation	No appropriate accommodation	Liaise with relevant Government agencies.	Ongoing	MLCD	Ongoing Commitment

Outcome 2: *People with disabilities have the same opportunities as other people to access the buildings and other facilities of public authority.*

Objective: Council to ensure that Council offices and Chambers are accessible.

FUNCTIONS FACILITIES, SERVICE	BARRIERS	STRATEGIES	TIMELINE	WHO	09/10 Update
* Respite Services	Lack of respite services - particularly on weekend	Liaise with relevant Government agencies	Ongoing	MLCD	Ongoing Commitment
Services to Property * Domestic Waste	People with mobility problems 240ltr mobile garbage bins to kerb side	People with disabilities to be unable to bring various channels that alternative arrangements for removal of domestic waste can be made upon request. Information included in booklet on Services for PWD	Ongoing be informed through	MES	Report not avail
Access within Council And Offices and Chambers	Front counter too high for people in wheelchairs.	Counters modified.	Completed	MBS	Completed

Outcome 2: *People Access to buildings and facilities is improved.*

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE	WHO	09/10 Update
Community Services/Facilities	<ul style="list-style-type: none"> <li data-bbox="432 562 496 965">Playgrounds 	<ul style="list-style-type: none"> <li data-bbox="432 965 496 1368">Lack of accessible playground within Local Government area. 	<ul style="list-style-type: none"> <li data-bbox="432 1368 496 1771">Council to develop an integrated approach to the development of playgrounds and parks. 	<ul style="list-style-type: none"> <li data-bbox="432 1771 496 2163">MES 	<ul style="list-style-type: none"> <li data-bbox="432 2163 496 2240">Plans have been developed for an inclusive playground to be included in the new Marquee Park. (Partially)
		<ul style="list-style-type: none"> <li data-bbox="512 965 576 1368">Council to design an appropriate playground w/ community & Hedland Community Living Assoc. 	<ul style="list-style-type: none"> <li data-bbox="512 1368 576 1771">Ongoing Consultation expected 	<ul style="list-style-type: none"> <li data-bbox="512 1771 576 2163">MID/MLCD 	<ul style="list-style-type: none"> <li data-bbox="512 2163 576 2240">Ongoing/ consultation has commenced
		<ul style="list-style-type: none"> <li data-bbox="592 965 655 1368">Council to investigate indoor soft play area 	<ul style="list-style-type: none"> <li data-bbox="592 1368 655 1771">Ongoing 	<ul style="list-style-type: none"> <li data-bbox="592 1771 655 2163">MRS 	<ul style="list-style-type: none"> <li data-bbox="592 2163 655 2240">Ongoing commitment
* South Hedland Aquatic Centre	<ul style="list-style-type: none"> <li data-bbox="671 562 735 965">No accessible toilet 	<ul style="list-style-type: none"> <li data-bbox="671 965 735 1368">Install accessible toilet 	<ul style="list-style-type: none"> <li data-bbox="671 1368 735 1771">Ongoing 	<ul style="list-style-type: none"> <li data-bbox="671 1771 735 2163">MRS 	<ul style="list-style-type: none"> <li data-bbox="671 2163 735 2240">Planned in the staged upgrade of the S. Aquatic Centre (partially)
* Library (South)	<ul style="list-style-type: none"> <li data-bbox="751 562 815 965">Front doors of libraries too heavy. <li data-bbox="751 965 815 1144">No accessible toilet 	<ul style="list-style-type: none"> <li data-bbox="751 965 815 1368">Accessible doors installed in upgrade <li data-bbox="751 1368 815 1547">Accessible toilet installed in upgrade 	<ul style="list-style-type: none"> <li data-bbox="751 1368 815 1771">Ongoing <li data-bbox="751 1771 815 1951">Ongoing 	<ul style="list-style-type: none"> <li data-bbox="751 1771 815 1951">CLS <li data-bbox="751 1951 815 2163">CLS 	<ul style="list-style-type: none"> <li data-bbox="751 2163 815 2240">Address as part of the relocation of the Library in accordance to the Draft Library Services Plan (partially) <li data-bbox="751 2240 815 2240">Address as part of the relocation of the Library in accordance to the Draft Library Services Plan (partially)

Outcome 2: *People Access to buildings and facilities is improved.*

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE	WHO	09/10 Update
*Library (Port)	No accessible Toilet	Included in upgrade	Ongoing	CLS	Same as previous
*Public Parks Gardens/	Lack of accessible toilets. Prickles/thorns puncture tyres. Lack of seating.	To undertake public consultation to develop appropriate park facilities. To prepare a time-line of forward works.	Ongoing	MPG/MID	Completed (toilets) Ongoing commitment
* Street Lighting	Lack of lighting	Additional funding to be sought for new street lighting and associated annual costs.	Ongoing Funding sought. Lighting upgraded In 06/07 + 07/08. Program ongoing.	MES	Upgrades continue with the continued development Of the community (partially)
* Port Hedland Youth & Family Centre	Kitchen not accessible No accessible toilet. Lack of clear signage.	Modify kitchen Install accessible toilet. Install signage.	Ongoing	MBS	09/10 report not yet avail.
*Well Women's Centre	No accessible toilet. Entrance not accessible	Ramp, accessible door Accessible toilet installed as part of library upgrade	Ongoing	MBS	09/10 report not yet avail.
*Matt Dann Theatre Complex	Discussion with HSHS	Accessible toilet re: upgrade of the facility	December 2008	MDCC/ MLCD	Completed Identified as priority, extra funding to be sourced.

Outcome 2: *People Access to buildings and facilities is improved.*

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE	WHO	09/10 update
*Community Events	No supplier of Accessible toilets. Ovals and sporting reserves not accessible	Liaise with hire companies to secure accessible event toilets or purchase accessible toilets plan events to include more accessible venues.	Ongoing	MLCD	Completed
* Shared paths, Kerbs & pedestrian ramps	Shared paths & kerbs not consistently accessible	Council to establish priorities for upgrade.	Ongoing 05/06-07/08 path / kerb programs have improved access. Works ongoing	MID	Paths and kerbs program has continued (partially)
	Paths covered in sand	Sweep paths	Ongoing	MES	
	No wheelchair access off paths to road	Insert wheelchair access off paths at strategic points	As requested + as per kerb/path upgrades	MES/MID	Wheelchair access points have been included in all path infrastructure. (partially)
	Gravel surfaces not accessible	Build with appropriate materials	As per path construction Program.	MES	
	No access to beach	Create accessible pathways To beach	Not commenced No budget	MES	Completed to Finucane Island boat ramp. (partially)
*Road Crossings	Insufficient pedestrian islands.	Council to undertake an audit of all road crossings to establish priorities for upgrading.	Dec 2008	MID Throssell Rd upgrades ongoing Audits ongoing	Ongoing commitment
Key Building/	Homeswest Building/Post Office/Caravan Park/Police Station/ High School Banks/Western Power/Hotel/Motel Accom./Primary Schools	Council to liaise/lobby with other services to develop strategy i.e. joint ventures from building to Council controlled shared paths. Council to initiate awards for acc. places.	Ongoing	MBS/DAIPCCG	Ongoing lobbying/ small win with Post Office internal lay out

Outcome 2: *People Access to buildings and facilities is improved.*

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE	WHO	
*Cemetery	No accessible parking bay Car park and pathways not accessible	Develop a Cemetery Plan	Dec 2008 Latest upgrades include road and car park upgrades New shade shelters Accessible by wheelchair	DTS / MID	09/10 Update Completed
*Courthouse Arts Centre & Gallery	No accessible toilet Entrance not accessible	Include accessibility in upgrade	Ongoing	MLCD/CHAG	Unisex Dis.WC budgeted 10/11
*Emergency Evacuation Centre's JD Hardie Cooke Point Youth & Family Centre	No accessible toilet Entrance not accessible	Upgrade Y&FC South's Evac centre now TAFE	Ongoing	MLCD/MBS	No report avail at this time

Outcome 3: *People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.*
Objective: All information about Council functions, facilities and services to use clear and concise language and to be made available in accessible formats.

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE	WHO	09/10 updates
Applies to all Council Functions, Facilities and Services	Information about all Council functions, facilities and services is not written in clear and concise language and not available in Alternative formats	Council to develop policies that all its community information to be written in clear and concise language. Council to inform community in alternative formats. The following formats to be Made available upon request: * large print * audio cassette * computer disc * brail	Ongoing Available in clear & concise print (local directory) and web. Public/ Corporate (i.e. Council) documents prepared in 'Arial' 12pt font. As requested & if available from town suppliers e.g. BRAILLE.	EA	Ongoing commitment
	PWD not made to Feel welcome	To include <i>People of all Abilities Welcome</i> on information where appropriate	Ongoing	EA/Staff	Ongoing commitment

Outcome 4: *People with disabilities receive the same level and quality service from the staff of a public authority as other people receive from the staff of that public authority.*
Objective: Council officers to be equipped with information and skills to enable them to appropriately provide advice and services to people with disabilities.

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE	WHO	09/10 updates
Applies to all Council Functions, Facilities and Services	People with disabilities are not aware of how Council can support people with disabilities. on Information radio	Regular update on what's new in Council to be provided in local paper and	Ongoing	EA	Ongoing commitment

Outcome 4 cont: *People with disabilities receive the same level and quality service from the staff of a public authority as other people receive from the staff of that public authority.*

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE	WHO	09/10 updates
		Council information Brochures to include a section about how the Council supports people w/ disability	Annually	EA	Ongoing commitment
		Council information to include <i>People of all abilities welcome</i> when promoting activities & events.	Ongoing	MCL	Ongoing commitment
		Council selection criteria for identified positions to include that it would be desirable to have experience, knowledgeable or willingness to work with people with disabilities	Ongoing	HR	To commence in 10/11 financial year
People with disabilities who have difficulty communicating find that staff use language and acronyms which are not easily understood.		Training to be incorporated with Equal Employment Opportunity Training.	Ongoing	HR	To commence in 10/11 financial year

Outcome 4: continued *People with disabilities receive the same level and quality service from the staff of a public authority as other people receive from the staff of that public authority.*

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE	WHO
In general people with Disabilities find that:		Disability Awareness Training to be included in Equal Employment Opportunity training.	Ongoing	HR
*Staff appear to be unsure how to talk to		as above		As above
* Staff appear embarrassed.				
*Staff do not know resources available		Staff induction training to include disability issues. Ongoing refresher training to be developed		
* Staff assume that they cannot help				
*Staff assume only disability specific services can help				
*Staff address the carer not the person with the disability.				

Outcome 5: Objective: *People with disabilities have the same opportunities as other people to make complaints to a public authority.*
 People with disabilities to raise concerns and make complaints about any aspect of their services.

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE	WHO
Administration *Information Services mechanisms are unknown	Complaint and appeal information about planning & electoral processes	Council to provide	Ongoing	MIS/AC/CSO
Grievance procedure not known by staff		Promote grievance procedure	Ongoing	HR
Positive undertakings not known		Promote 'good things'	Ongoing	EA

Outcome 6: *People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.*
Objective: People with disabilities to have opportunities to participate in decision-making processes, public consultations and complaint mechanisms.

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE	WHO	09/10 update
*Council Web Site	Council web site does not comply with Access Standards	Audit of web site & upgrade	Under review	DCS	Ongoing commitment
Government Processes					
*Council Meetings	Lack of information in appropriate formats about Council meetings and how residents can participate.	Procedures in clear & concise language and to make these avail. In alternative formats upon request	Ongoing	EA	Ongoing commitment
Regulatory					
Planning Process	Information about planning processes not available in alternative formats.	Information about planning processes to be provided in alternative formats.	as requested	MP	Ongoing commitment
	Lack of auditory supports for people with hearing difficulties at planning & Council meetings.	Council to advertise that it will provide auditory supports for those wishing to attend Council meetings. WA Deaf Society to be contacted regarding arrangements for an interpreter is required.	Ongoing	EA	Ongoing commitment
			Ongoing	EA	Ongoing commitment

Outcome 6:cont *People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.*

FUNCTIONS, FACILITIES, SERVICES	BARRIERS	STRATEGIES	TIMELINE	WHO	09/10 updates
	<i>(cont. lack of audio support)</i>	Council to investigate use of audio loop or other types of amplification for all meetings.	On request Can arrange for an aid (sign) to be avail. if reasonable notice is given.	EA	Ongoing commitment
		Council to use local media including Information Radio & local papers to publicize meetings and the availability of access for people with disabilities	Ongoing	EA	Ongoing commitment

ACRONOYMS:

LC	Library Co-ordinator
HR	Human Resources Coordinator
MCED	Manager Libraries & Cultural Development
PFDC	Coordinator Pilbara Family Day Care
MRS	Manager Recreation Services
HACC	Home & Community Care Program Coordinator
RS	Coordinator Ranger Service
MBS	Manager Building Services
WM	Works Manager
MDCC	Matt Dann Cultural Centre
DAIPCCG	Disability Access and Inclusion Community consultation Group
DES	Director Engineering Services
MID	Manager Infrastructure & Development
DCRS	Director Community & Regulatory Services
DCS	Director Corporate Services
EA	Executive Assistant
CEO	Chief Executive Officer
TP	Manager Planning
PWD	People with Disabilities
MES	Manager Engineering Services
AC	Administration Coordinator
MIS	Manager Information Services

6. REVIEWS AND EVALUATION MECHANISMS**Review and Monitoring**

- The Disability Access and Inclusion Community Consultation Group will review progress on the implementation of the strategies identified in the Disability Access and Inclusion Plan.
- Outcomes will be reported in the Town of Port Hedland Annual Report and Plan for the Future, and in an annual report to the Disability Services Commission for tabling in WA State Parliament.

Evaluation

- Council endorsement of status reports on the disability planning process to be used in seeking feedback from the community.
- Each year Council, through the Disability Access and Inclusion Community Consultation Group, will provide advice to the community regarding the implementation of the Disability Access and Inclusion Plan and seek feedback on the effectiveness of strategies that have been implemented.
- In seeking feedback, the Working Group will also seek to identify any additional barriers that were not identified in the initial consultation.

-
- The Working Group will use some of the consultation processes used during the initial consultations including: questionnaires, meetings with people with disabilities and disability organisations.
 - Elected members of Council and Council staff will also be requested to provide feedback on how well they believe the strategies are working and to make suggestions for improvement.
 - Plans will be amended based on the feedback received and copies of the amended plan will be available to the community in alternative formats once endorsed by Council.
 - Following Council endorsement, amended plans will be submitted to the Disability Services Commission on an annual basis.

7. COMMUNICATE THE PLAN TO STAFF AND PEOPLE WITH DISABILITIES

- Each year as the Plan is amended both staff and the community will be advised of the availability of the updated Plan through the Disability Access and Inclusion Community Consultation Group.

Name of Public Authority:___ Town of Port Hedland

DAIP Progress Report for the Disability Services Commission 2009-2010

Please complete this progress report template for DAIP implementation activities in 2008-2009 and forward it to the Disability Services Commission by 31 July 2010.

1. For 2009-2010, please indicate for each of the Outcome areas in your DAIP:

- ❖ the number of strategies that were planned and subsequently completed or partially completed by your organisation in the shaded columns below; and
- ❖ in the column on the far right the number of contracts that supported DAIP outcomes.

	Total number of planned strategies	Number of strategies completed	Number of strategies partially completed	Number of contracts undertaking DAIP activity
Outcome 1	13	0	13	All
Outcome 2	32	5 includes ongoing commitment	27	All
Outcome 3	2	2 includes ongoing commitment	2	All
Outcome 4	7	3 includes ongoing commitment	7	All
Outcome 5	3	3 includes ongoing commitment	2	All
Outcome 6	8	8 includes ongoing commitment	8	All

2. For 2009-2010, please indicate the number of contracts that worked towards Disability Access and Inclusion Plan outcomes and the total number of contracts providing a service to the public:

Number of contracts providing a service to the public consistent with the Disability Access and Inclusion Plan	all
Total number of contracts providing a service to the public (whether they were provided consistent with the Disability Access and Inclusion Plan or not)	4

3. For 2009-2010, how have agents and contactors been informed of the Disability Access and Inclusion Plan? (Tick relevant responses)

Provided a copy of your DAIP directly to agents and contactors upon awarding contract (including as a result of a contract variation)	yes
--	-----

Identified your DAIP in tender and contract documents as an important document in terms of providing services to the public	yes
Provided a hyper-link in tendering documentation to your DAIP	yes
Provided correspondence to the agent or contractor about your DAIP	yes

For further clarification on reporting and details on where to submit please turn over.

For the purpose of this Disability Access and Inclusion Plan (DAIP) progress reporting template it should be noted:

- ❖ Strategies to support the DAIP that are undertaken in an ongoing manner should be considered 'completed' if they were fully implemented as intended for 2009-2010.
- ❖ Relevant agents and contractors can include non-government organisations, not-for-profits and businesses that provide activities on your behalf that intersect with the community (e.g. consultants that engage with the community), website related work, public building/renovations contracts for areas accessible to the public, direct client service provision etc.
- ❖ Relevant agents and contractors will have been engaged at any point during 2009-2010, either as a short term contract or in a long term ongoing arrangement.
- ❖ Contract employees should not be counted as agents or contractors for the purpose of the DAIP.

Submit the DAIP progress report to:

Post: Community Access and Information Branch
Disability Services Commission
PO BOX 441
WEST PERTH WA 6872

Fax: 9226 2312

Email: To your Principal Officer in the Community Access and Information Branch (CAIB)

11.3.2 Recreation and Youth Services

11.3.2.1 Port Hedland Cricket Association – Facilities to Play Under Lights in Summer (File No: 26/02/0005)

Officer Bob Tomlins
Manager, Recreation and
Youth Services

Date of Report 22 July 2010

Disclosure of Interest by Officer Nil

Summary

\$32,000 was allocated in the 2010/2011 Council budget to hire temporary lighting towers to enable the Port Hedland Cricket Association to play night matches during the summer months. In seeking to implement this decision, it has become evident that the proposed lighting towers will not provide adequate lux levels to play a small ball sport such as cricket.

This report provides direction in seeking a long term solution that will enable the Cricket Association to play night matches in summer.

Background

Currently, the Port Hedland Cricket Association is required to play out-of season as there is no access to a cricket pitch under lights. The standard cricket season is during summer. However, daytime play during summer is not desirable due to the heat. The Association currently plays all its games during winter, using the Town Oval located inside the turf track.

Following a letter from the Port Hedland Cricket Association (Attachment 1) a report was put to the Ordinary Council Meeting on the 24th March 2010 where it was decided:

“That Council:

- a) Consider the Design Development for Stage 2 of the South Hedland Sporting Precinct Development as part of the 2010/11 budget process;*
- b) Consider as part of the budget process for 2010/11 the hiring of temporary lighting towers to allow use of the Town Oval during the Summer season for a trial of two (2) seasons to determine the suitability of cricket during Summer;*
- c) Undertake a risk assessment of the Town Oval with temporary overhead lighting to ensure compliancy with LUX requirements; and*

- d) *Revisit the McGregor Street Reserve master plan to investigate opportunities to accommodate cricket and other sports on lit green space.*"

Following this decision \$32,000 was allocated as part of the 2010/2011 Council budget to provide temporary lighting towers for the Port Hedland Cricket Association at the Town Oval.

In seeking to implement this option, it has become evident that the proposed lighting towers will in fact not provide the adequate lux levels required for small ball sports such as cricket. Aaron Ludlow from O'Donnell Griffin comments:

"In my opinion standard temporary lighting towers (of a type typically used at road works etc) would not provide adequate lux levels or adequate continuity levels to allow the safe playing of cricket or other ball sports of a similar nature on ovals at night."

Other temporary lighting options are not feasible, given the large costs that would be associated with providing the required lux levels from high lighting towers transported to Hedland from elsewhere.

Funds were allocated as part of the 2010/2011 Council Budget to complete the Active Open Space Strategy. This report will detail future needs for sporting reserves with the growing population as well as identify short term measures required to resolve existing pressure on reserve allocation. It is anticipated that this report will be completed by February 2011.

In developing this strategy the options for providing the Cricket Association with a lit playing area in summer will be extensively canvassed.

Consultation

Director Community Development
Recreation Coordinator
Aaron Ludlow, O'Donnell Griffin

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 3: Community Development
Goal 2: Sports and Leisure

Strategy 1: Progressively implement the recommendations of the Sports Facility Audit with a particular focus on... the development of additional quality facilities...

Budget Implications

\$32,000 was allocated in the 2010/2011 Council budget to hire temporary lighting towers.

Officer's Comment

By playing 'out of season' the Port Hedland Cricket Association is faced with many significant disadvantages. The capacity for the Association to participate in cricketing competition and the broader cricketing community within Western Australia is limited. Its capacity to grow the sport in Port Hedland – a sport that is increasingly played by both male and female – is limited by the competition of football and rugby, traditional winter sports. The Association plays at the Town Oval which has no amenities or facilities located on site, creating its own logistic challenges.

Attachments

Letter – Port Hedland Cricket Association, 2nd March 2010

201011/036 Council Decision/Officer's Recommendation

Moved: Cr S R Martin

Seconded: Cr J M Gillingham

That Council:

1. Investigate options for the Port Hedland Cricket Association to play night games in summer as part of the Active Open Space Strategy;
2. Seek the involvement of the Port Hedland Cricket Association in the Active Open Space Strategy to identify and agree upon long term options to meet the clubs needs.

CARRIED 8/0

From: scott leech [mailto:rise.west@live.com.au]
Sent: Tuesday, 2 March 2010 12:15 PM
To: Sarah Cunningham
Subject: FW: CRICKET

To The Town Of Port Hedland and Members Concerned,

Living in this town is great for everyone I meet, whether it's the money people chase; the lifelong friend's people meet; sporting conquests or fishing at 12 mile, there seems to be something for everyone.

That is unless you're a cricketer playing out of season, in the middle of a race track, away from family, friends and potential viewers. This turns away even the most interested of people, both spectators and players alike.

We have no meaningful club rooms or facilities to speak of, we run our clubs from purpose built trailers with Bbq's built in to them and eskies bolted to the side. Not that we complain, we love our clubs. But this does not help with attracting new members, supporters or sponsors easily! Infact it makes it hard to attract anyone at all!

Cricket: The Great Australian Game. A game that is being let down in Port Hedland for both juniors and seniors, for all the reasons I have mentioned. We need to play in the true and proper cricket season. This will allow us a chance at a great Country Week result and permit this fantastic sport to grow throughout the community for future young cricketers.

The key to achieving this is making use of the lights at Colin Matheson oval in Port Hedland and Kevin Scott oval in South Hedland. Cricket was originally played at Colin Matheson Oval many years ago before the pitch was removed for reasons unknown. In Perth and around Australia, Cricket and Football clubs have been playing side by side for over 100 years on the same ovals. This works harmoniously for both clubs involved (shared grounds costs etc.) and often attracts the same players as the seasons do not overlap. All football teams in the Pilbara, including Karratha, Paraburdoo and Tom Price play under lights during winter with sand over the cricket pitch. At the end of the football season the sand is easily removed to allow cricket to be played under lights during summer. This will increase interest in the game thus bringing in more spectators, players and sponsors to take the game to new heights.

Other sports in Hedland play in their preferred seasons and all have the choice of playing under lights when the day has cooled. Most have great club rooms, grounds and facilities to the credit of the town. Cricket players and sporting spectators alike would greatly benefit from a drop-in pitch located at both Colin Matheson Oval and Kevin Scott Oval. This would also benefit the Town of Port Hedland and the Football club by sharing costs with the Port Hedland Cricket Association allowing supporters, sponsors and players a convenient location and time to appreciate this great Australian sport.

Our proposal is for all cricket games to be played at Colin Matheson oval and Kevin Scott Oval from 2010 -2011 starting mid October to the end of March, under lights. We would like the Town of Port Hedland to consider this proposal and assist PHCA to move forward in our Town's sporting community.

Sincerely Scott leech & Nathan Whitney.

11.4 Governance and Administration

11.4.1 Corporate Services

11.4.1.1 *Interim Financial Reports to Council for Period Ended 30 June 2010 (File Nos: FIN-008, FIN-014 and RAT-009)*

Officer Lee Crombie
Finance Officer

Date of Report 21 July 2010

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the interim financial activities of the Town to 30 June 2010, 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 2008/09.

Background**1. *Interim Financial Statements***

Presented (see attachments) in this report for the financial period ended 30 June 2010, are the:

- Statements of Interim Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Statements of Interim Financial Activity for the period ending 30 June 2010;
- Review of Transaction Activity.

Note: Interest Rates for investments are selected from those provided from the following financial institutions: National Australia Bank, BankWest, 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 2009/10 monthly water, power and fuel costs compared with 2008/09.

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 28 July 2010 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			
CHQ19698	CHQ19756	\$232,150.57	1	9	1	Municipal Fund	
EFT30143	EFT30501	\$3,340,280.04	9	64	1	Municipal Fund	
CMS080610	CMS080610	\$192.39	64	64	1	Municipal Fund	Photocopier lease Engineering
PAY010610	PAY010610	\$291,667.71	1	1	1	Municipal Fund	
PAY150610	PAY150610	\$283,623.43	64	64	1	Municipal Fund	
290610	290610	\$301,185.38	64	64	1	Municipal Fund	
BOQ280610	BOQ280610	\$891.10	64	64	1	Municipal Fund	Finance Equipmen
NMF030510	NMF030510	\$1,244.32	1	1	1	Municipal Fund	Photocopier lease x2 - Civic centre
NMF060510	NMF060510	\$284.57	64	64	1	Municipal Fund	Photocopier lease x1 - Comm Dev (airport)
NMF060510	NMF060510	\$284.57	64	64	1	Municipal Fund	Photocopier lease x1 - Comm Dev (airport)
NMF060510	NMF060510	\$284.57	64	64	1	Municipal Fund	Photocopier lease x1 - Comm Dev (airport)
	Municipal Total	\$4,452,088.65					
3001901	3001901	\$486.20	64	64	3	Trust Fund	
3001911	3001911	\$0.00	N/A	N/A	3	Trust Fund	Cheques Cancelled
3001912	3001925	\$10,655.60	64	66	3	Trust Fund	
	Trust Total	\$11,141.80					
	Sub-Total	\$4,463,230.45					
	LESS: one-off pays	-					
	Total	\$4,463,230.45					

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 Councillors

Apart from the financial reports presented to Council as required by way of legislation, the following reports will be presented to Council:

- Monthly
Bank Reconciliation of the Municipal, Reserve and Trust Fund
+90 day outstanding Sundry Debtors Report
List of Accounts paid under Delegated Authority
Register of Investments
Rate Summary Trial Balance
Reserve Account Balances
- Quarterly
Quarterly Budget Review
Report on all Budgeted Grants of \$50,000 or more.

Irregular Financial reports will be presented to Council 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 29 July 2009, Council resolved to adopt item 6.1.1.1 '2009/2010 Budget Adoption' en block, which included Recommendation 12 as follows:

"Recommendation 12

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

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

Officer's Comment

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

Period Variation

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

Primary Reason

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

Budget Impact

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

Attachments

- Page 1–3 of 15. Schedule 2 being a Statement of Interim Financial Activity
- Pages 4 to 15. Notes 3 to 12 which form part of the Statements of Interim Financial Activity. Also Note 10 – June 2010 Bank Reconciliations.
- Pages 1 to 48. Detailed Interim Financial Activity by Program.
- Comparison Between 2008/09:2009/10 Utility & Fuel Costs
- June 2010 Accounts for Payment

201011/037 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council:

- i) notes the:
 - a) **Statements of Interim Financial Activity (represented by Schedules 2 to 14);**
 - b) **Notes (1 to 11) to and forming part of the Statements of Interim Financial Activity for the period ending 30 June 2010; and**
 - c) **Review of Transaction Activity, as attached and/or presented be received;**
- ii) notes the graphic representation of the Town's energy, water and fuel use as attached be received; and
- iii) notes the list of Accounts paid during June 2010 under Delegated Authority, as presented and/or attached be received.

- iv) notes the final Financial Reports will be available after the year end audited accounts are signed off by the Towns' auditors.

CARRIED 8/0

6:17pm Councillor M (Bill) Dziombak declared an impartiality interest in Agenda Item 11.4.1 2 'Hedland Community Foundation Board Membership' as he is the Chairman of the Board. Councillor Dziombak advised that as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Dziombak declared that he will consider this matter on its merits and vote accordingly.

Councillor Dziombak did not leave the room.

11.4.1.2 Hedland Community Foundation Board Membership (File No.: ...)

Officer Matthew Scott
Director Corporate Services

Date of Report 9 July 2010

Disclosure of Interest by Officer

Board Member of the Hedland Community Foundation Board

Summary

For Council to elect a member of Council to the Board of the Hedland Community Foundation.

Background

In 2009 Big Sky Credit Union (Big Sky) introduced full banking services to South Hedland, as a result of the Community Banking Steering Group (in which Council was a foundation member). In establishing these new services, Big Sky agreed to create a community foundation and contributed 10% of the South Hedland Branch profit to that foundation.

On the 23 March 2010, the Hedland Community Foundation was incorporated at its first Annual General Meeting, with the following individuals elected to the Board:

1. Richard Irving;
2. Raelene Johns;
3. Bill Dziombak (Chariperson)
4. Jan Ford;
5. Matthew Scott (resigning at next Board Meeting);
6. Grant Bussell (Deputy Chairperson)

During the meeting, the Foundation's constitution was amended to include a permanent position on the Board for the Town of Port Hedland.

The Hedland Community Foundation is an independent Corporate Body (company limited by guarantee), with the following principle aims:

- a) to make Grants in accordance with the Funding Guidelines for the purpose of funding programs, projects and initiatives that aim to meet the needs of the Community and that have the potential to benefit the Community;
- b) to oversee the process of Grant applications for such community based programs, projects and initiatives;
- c) to promote the social and financial development and empowerment of the Community;
- d) to support the Community, to initiate and create projects and

- commercially and culturally sustainable enterprise;
- e) to promote development initiatives within and for the benefit of the Community;
 - f) to conduct public programs including education, social and research programs for the benefit of the Community;
 - g) to disseminate information relating to such education, social and research programs for the benefit of the Community;
 - h) to disseminate information relating to such education, social and research programs and to produce, edit, publish, issue, sell, circulate and preserve such papers, periodicals, books, circulars and other literary matters as are conducive to these objects;
 - i) to administer one or more funds into which all gifts, donations and bequests to the Company for the purposes of the Company will be credited to establish and maintain relationships and close communications with corporations, entities, associations, foundations, institutions, organisations and groups including Federal, State and Local Government instrumentalities, authorities and professionals that may have related interests to the Company and utilise their resources and facilities to provide and achieve the objects of the Company;
 - j) to seek and co-ordinate funding from Federal, State and Local Government and the private sector in the form of grants, gifts, donations and bequests committed to the objects of the Company;
 - k) to encourage and promote and generally to create greater community awareness in the knowledge and **understanding** of the objects of the Company;
 - l) to provide or attract funds for the facilitation of any of the objects especially for the conduct of public programs including education and community programs; and
 - m) doing all such other things as are incidental or conducive to the attainment of the objects and aims of the Company and its Members.

Currently the Board is determining how it will function, including corporate structure, tax status, grant guidelines and branding. As yet it has limited funds, however once properly established within the community, it has the potential to source substantial funds from businesses and organisations within the district. Similar foundations have been established in Moranbah and Roxby Downs with great success.

Given Council's permanent position on the Board of the Foundation, Council can now elect member (either Mayor or Councillor) to sit on the Board, as per Clause 15.1(a) (ii) of the Constitution:

"15.1 - Number of Directors and Executive

- i. Subject to the Law, the number of Directors will be not less than four and not more than ten, including:*
- ii. two Directors appointed by and from Big Sky Credit Union Ltd ABN 51 087 651 358 in accordance with clause 15.2;*
- iii. one Director appointed by the Town of Port Hedland in*

- accordance with clause 15.3;
- iv. two Directors, elected in accordance with clause 16, being persons who have knowledge and skills in one or more of the areas of finance, accounting, business, health, community and education; and
 - v. up to five other Directors elected in accordance with clause 16; ...”

Consultation**Nil****Statutory Implications**

“Corporations Act 2001”

S. 180 Care and diligence--civil obligation only

Care and diligence--directors and other officers

A director or other officer of a corporation must exercise

their powers and discharge their duties with the degree of care and diligence that a reasonable person would exercise if they:

were a director or officer of a corporation in the

corporation's circumstances; and

occupied the office held by, and had the same responsibilities within the corporation as, the director or officer.

A director or other officer of a corporation who makes a business judgment is taken to meet the requirements of subsection (1), and their equivalent duties at common law and in equity, in respect of the judgment if they:

make the judgment in good faith for a proper purpose; and

(b) do not have a material personal interest in the subject matter of the judgment; and

(c) inform themselves about the subject matter of the judgment to the extent they reasonably believe to be appropriate; and

(d) rationally believe that the judgment is in the best interests of the corporation.

"business judgment" means any decision to take or not take action in respect of a matter relevant to the business operations of the corporation.

S. 181 Good faith--civil obligations

Good faith--directors and other officers

(1) A director or other officer of a corporation must exercise their powers and discharge their duties:

(a) in good faith in the best interests of the corporation; and

(b) for a proper purpose.

S.182 Use of position--civil obligations

Use of position--directors, other officers and employees

(1) A director, secretary, other officer or employee of a corporation must not improperly use their position to:

(a) gain an advantage for themselves or someone else; or

(b) cause detriment to the corporation.

- (2) *A person who is involved in a contravention of subsection (1) contravenes this subsection.*

S. 183 Use of information--civil obligations

Use of information--directors, other officers and employees

A person who obtains information because they are, or have been, a director or other officer or employee of a corporation must not improperly use the information to:

- (a) *gain an advantage for themselves or someone else; or*
(b) *cause detriment to the corporation.*
- (2) *A person who is involved in a contravention of subsection (1) contravenes this subsection.*

S. 184 Good faith, use of position and use of information--criminal offences

Good faith--directors and other officers

- (1) *A director or other officer of a corporation commits an offence if they:*
- (a) *are reckless; or*
(b) *are intentionally dishonest; and fail to exercise their powers and discharge their duties;*
(c) *in good faith in the best interests of the corporation; or*
(d) *for a proper purpose.*
- (2) *A director, other officer or employee of a corporation commits an offence if they use their position dishonestly:*
- (a) *with the intention of directly or indirectly gaining an advantage for themselves, or someone else, or causing detriment to the corporation; or*
(b) *recklessly as to whether the use may result in themselves or someone else directly or indirectly gaining an advantage, or in causing detriment to the corporation.*
- (3) *A person who obtains information because they are, or have been, a director or other officer or employee of a corporation commits an offence if they use the information dishonestly:*
- (a) *with the intention of directly or indirectly gaining an advantage for themselves, or someone else, or causing detriment to the corporation; or*
(b) *recklessly as to whether the use may result in themselves or someone else directly or indirectly gaining an advantage, or in causing detriment to the corporation.*

S. 201B Who can be a director

- (1) *Only an individual who is at least 18 may be appointed as a director of a company.*
- (2) *A person who is disqualified from managing corporations under Part 2D.6 may only be appointed as director of a company if the appointment is made with permission granted by ASIC under section 206F or leave granted by the Court under section 206G.*

Policy Implications

Nil

Strategic Planning Implications Nil

Budget Implications

To be a Board Member of the Hedland Community Foundation, Council must be member of the Foundation. Standard membership fees are \$25.00 per annum.

Officer's Comment

Though electing a member to the board is a relatively simple process, any potential nominee to the position should realise that the Community Foundation is a company constituted under the Corporations Act 2001, which creates certain legal obligations and responsibilities and is separate to the Local Government Act.

To be a Director, a person must of 18 years of age and not disqualified from being a Company Director (S.201B). A Director must act with all care and diligence, in good faith and not improperly use their position or information. Under the Corporation Act, there are both civil and criminal consequences for breaching these responsibilities.

Currently the Board meets on a monthly basis, while it is being established, however it is expected to only meet every 6 months, once fully operational, to consider grant applications

Attachments

Draft Constitution – Hedland Community Foundation

Officer's Recommendation

That Council:

- i) Elects _____ to Board of the Hedland Community Foundation; and
- ii) Authorises the payment of \$25.00 as membership fees to Hedland Community Board.

201011/038 Council Decision

Moved: Cr S R Martin

Seconded: Cr S J Coates

That Council:

- i) Elects Councillor Arnold A Carter to Board of the Hedland Community Foundation; and
- ii) Authorises the payment of \$25.00 as membership fees to Hedland Community Board.

CARRIED 8/0

REASON: Council nominated Councillor Arnold A Carter to represent the Town on the Hedland Community Foundation Board.

Hedland Community Foundation
ACN #[insert]#

Constitution

Draft

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CONSTITUTION OF THE HEDLAND COMMUNITY FOUNDATION

1 Definitions

1.1 In this Constitution:

“**Alternate Director**” means any person appointed under clause 18.

“**Board**” means the Board of Directors of the Company from time to time established under clause 15.

“**Chairperson**” means the person elected from time to time pursuant to clause 15.

“**Commissioner**” means the Commissioner of Taxation, a second Commissioner of Taxation or a Deputy Commissioner of Taxation or other delegate of the Commissioner of Taxation for the purposes of the Tax Act.

“**Community**” means the community of Hedland & surrounding localities, located in Western Australia and, and includes its residents, businesses, facilities, services and infrastructure.

“**Company**” means the Hedland Community Foundation (or, subject to the Law, any other name as approved by the Members from time to time) as governed by this Constitution.

“**Constitution**” means this Constitution as supplemented, substituted or amended from time to time and includes any rules, regulations and by-laws of the Company for the time being in force.

“**Deputy Chairperson**” means the person elected from time to time pursuant to the provisions of clause 15.

“**Directors**” means the Members appointed as directors of the Company for the time being having authority, acting as a body, to act for the Company and includes, where applicable, a person appointed and acting as an Alternate Director.

“**Eligible Charity**” means a fund, authority or institution –

- (a) which is charitable at law; and
- (b) gifts or contributions to which are deductible under item 1 of the table in section 30-15 of the Tax Act; and
- (c) if required under the Tax Act, has objects and purposes similar to the objects and purposes of the Company.

“**Executive**” means the persons who, together, comprise the executive body of the Company, established under clause 15.

“**First Resolution**” has the meaning in clause 9.3(a).

“**Funding Guidelines**” means the guidelines determined from time to time by the Board for the purpose of selecting individuals, entities, projects or programs to receive Grants.

“**Grant**” means an amount of money that the Board determines, in its absolute discretion, in accordance with the Funding Guidelines, to give to a recipient individual, entity, project or program for the purpose of benefiting the Community.

“**GST**” has the meaning given by Section 195-1 of the GST Act.

“**GST Act**” means *A New Tax System (Goods and Services Tax) Act 1999*.

“**Law**” means the *Corporations Act 2001 (Cth)*.

“**Member**” means each person who is recorded as a member in the Register.

“**Membership**” means the contractual rights of a person to membership of the Company, being the rights attaching to the class of Membership conferred on that person.

“**Membership Year**” means each period of 12 Months commencing on 1 July and ending on the next ensuing 30 June.

“**Month**” means calendar month.

“**Nominee**” means in respect of a Member who is not a natural person, the natural person nominated in accordance with the provisions of clause 5.4 who is authorised to exercise all the rights of that Member under this Constitution.

“**Office**” means the registered office for the time being of the Company.

“**Present**” when used in relation to a Member at a meeting means present in person, or by proxy, or by attorney, or if a corporation by its representative.

“**Register**” means the register of members of the Company maintained pursuant to the Law and clause 7.

“**Responsible Person**” means an individual who –

- (a) performs a significant public function;
- (b) is a member of a professional body having a code of ethics or rules of conduct;
- (c) is officially charged with spiritual functions by a religious institution;
- (d) is a director of a company whose shares are listed on the ASX Limited;
- (e) has received formal recognition from government for services to the community;
or
- (f) is approved as a Responsible Person by the Commissioner.

“**Seal**” means the common seal of the Company.

“**Secretary**” means a person appointed from time to time pursuant to the provisions of clause 24.1.

“**Subscription**” means the annual subscription fee payable by Members pursuant to the provisions of clause 5.3.

“**Tax Act**” means the *Income Tax Assessment Act 1997 (Cth)*.

“**Treasurer**” means a person appointed from time to time pursuant to the provisions of clause 23.1.

2 Interpretation

2.1 In this Constitution:

- (a) references to any officer of the Company includes any person acting for the time being as such officer;

- (b) words importing the singular include the plural and vice versa;
 - (c) any words importing a gender shall mean and include all other genders;
 - (d) words importing persons include companies, corporations, partnerships, associations, institutions, bodies and entities (whether incorporated or not) and visa versa;
 - (e) words or expressions defined in the Law but not defined in this Constitution shall, if not inconsistent with the subject or context, bear the same meaning in this Constitution; and
 - (f) all references in this Constitution to any statutory enactment or law shall mean and be construed as references to that enactment or law as amended or modified or re-enacted from time to time and to the corresponding provisions of any similar enactment or law of any other relevant jurisdiction and includes regulations and statutory instruments thereunder.
- 2.2 The headings to clauses or groups of clauses shall not affect the construction or interpretation of this Constitution.
- 2.3 The replaceable rules contained in the Law shall not, unless expressed in the Law to be mandatory in respect of the Company, apply to the Company.

3 Objects

- 3.1 The principal objects of the Company are:
- (a) to make Grants in accordance with the Funding Guidelines for the purpose of funding programs, projects and initiatives that aim to meet the needs of the Community and that have the potential to benefit the Community;
 - (b) to oversee the process of Grant applications for such Community based programs, projects and initiatives;
 - (c) to promote the social and financial development and empowerment of the Community;
 - (d) to support the Community to initiate and create projects and commercially and culturally sustainable enterprise;
 - (e) to promote development initiatives within and for the benefit of the Community;
 - (f) to conduct public programs including education, social and research programs for the benefit of the Community;
 - (g) to disseminate information relating to such education, social and research programs and to produce, edit, publish, issue, sell, circulate and preserve such papers, periodicals, books, circulars and other literary matters as are conducive to these objects;
 - (h) to administer one or more funds into which all gifts, donations and bequests to the Company for the purposes of the Company will be credited;
 - (i) to establish and maintain relationships and close communications with corporations, entities, associations, foundations, institutions, organisations and groups including Federal, State and Local Government instrumentalities, authorities and professionals that may have related interests to the Company and utilise their resources and facilities to provide and achieve the objects of the Company;
 - (j) to seek and co-ordinate funding from Federal, State and Local Government and the private sector in the form of grants, gifts, donations and bequests committed to the objects of the Company;

- (k) to encourage and promote and generally to create greater community awareness in the knowledge and understanding of the objects of the Company;
 - (l) to provide or attract funds for the facilitation of any of the objects especially for the conduct of public programs including education and community programs; and
 - (m) doing all such other things as are incidental or conducive to the attainment of the objects and aims of the Company and its Members.
- 3.2 The objects of the Company shall not be carried on for the purposes of profit or gain to its Members and the income and property of the Company, from whatever source derived, shall be applied solely towards the promotion of the objects of the Company and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise howsoever by way of profit to the Members of the Company.
- 3.3 Notwithstanding anything contained in clause 3.2, nothing contained in that clause shall prevent the payment, in good faith, of remuneration to any officers or servants of the Company or to any Member in return for any services actually rendered to the Company or for goods supplied in the ordinary or usual way of business, nor prevent the payment of interest at a rate not exceeding the rate fixed for the purposes of this clause 3 by the Board on money borrowed from any Member or reasonable and proper rent for premises demised or let by any Member to the Company.

4 Powers of the Company

- 4.1 The Company has, subject to the Law, power to do all things necessary or convenient to be done for, or in connection with, the performance of its objects.
- 4.2 Without limiting the generality of clause 4.1, the Company has all the rights, powers and privileges and the legal capacity of a natural person including, but not limited to, the powers to:
- (a) accept gifts, devises, bequests or assignments made to the Company, whether on trust or otherwise, and whether unconditionally or subject to a condition and, if a gift, devise, bequest or assignment is accepted by the Company for the Company on trust or subject to a condition, to act as trustee or to comply with the condition, as the case may be;
 - (b) make available (whether in writing or in any other form and whether by sale or otherwise) information relating to the Company, and its functions;
 - (c) to occupy, use and control any land or building owned or held under lease by any other person made available to the Company;
 - (d) acquire, hold and dispose of real and personal property;
 - (e) lease the whole or any part of any land or building for the purpose of the Company;
 - (f) occupy, use and control any other land or building owned or held under lease by any other person and made available to the Company;
 - (g) enter into contracts;
 - (h) erect buildings;
 - (i) employ managers and other staff to implement the objects of the Company and pay such fees, salaries, emoluments and expenses as the Board consider reasonable to such persons;
 - (j) purchase or take on hire, or to accept as a gift or on deposit or loan, and to dispose of or otherwise deal with furnishings, equipment and other goods;
 - (k) act as trustee of moneys or other property vested in the Company on trust; and

- (l) do anything incidental to any of the Company's objects.
- 4.3 Notwithstanding anything contained in this Constitution, any money or other property held by the Company for the Company upon trust or accepted by the Company for the Company subject to a condition, shall not be dealt with except in accordance with the obligations of the Company as trustee or as the person who has accepted the money or other property subject to the condition, as the case may be.

5 Membership and eligibility

5.1 Number and classes of Membership

- (a) The number of Members shall be not less than one nor more than the maximum number (if any) which the Board may from time to time prescribe.
- (b) A person seeking admission to Membership who is not a natural person must nominate a natural person to be its Nominee in accordance with clause 5.4.
- (c) The Board may, at any time and from time to time subject to clause 6.2, establish different classifications of Membership and may prescribe the qualifications, rights and privileges of persons admitted to Membership in, or transferred into, such classifications of Membership but in the event that a new class of Membership is established, the qualifications, rights and privileges of that Membership must be approved in accordance with clause 6.22.

5.2 Admission to Membership

- (a) A person who is not a Member of the Company at the time of registration of the Company (or who was a Member at that time but has ceased to be a Member) shall not be admitted to Membership unless:
 - (i) he or she applies for Membership in accordance with clause (b); and
 - (ii) his or her admission as a Member is approved by the Directors.
- (b) Every person seeking admission to Membership of the Company must:
 - (i) sign a written application addressed to the Secretary, in the form prescribed by the Board;
 - (ii) specify the class of Membership sought (if applicable) and such other particulars as the Board may either generally or, in a particular case, require;
 - (iii) provide the undertaking referred to in clause 5.5 and
 - (iv) give or leave the application, undertaking and payment for the first year's Subscription with, or for, the Secretary of the Company.
- (c) As soon as practicable after receipt of an application referred to in clause 5.2(b) or, a nomination or notice referred to in clause 5.4, the Secretary must refer the application, nomination or notice to the Directors.
- (d) On an application, nomination or notice being referred to the Directors, the Directors shall determine, in their absolute discretion, whether to approve or to reject the application, nomination or notice.
- (e) The Directors may decline to accept an application for Membership or nomination or notice with respect to a Nominee, without assigning any reason.
- (f) Upon an application being approved by the Directors, the Secretary must, as soon as practicable:
 - (i) if the applicant is a natural person - notify the applicant in writing that he or she has been approved for Membership; and

- (ii) if the applicant is not a natural person – notify the applicant and its Nominee in writing that the applicant has been approved for Membership and that the Nominee has been approved as its authorised representative.
- (g) An applicant for Membership becomes a Member and is entitled to exercise the rights of Membership when his or her name is entered into the Register.
- (h) The Secretary must, within 28 days after approval by the Directors and receipt of the amounts referred to in clause 5.3 enter the applicant's name in the Register and, if the applicant is not a natural person, the Nominee's name.
- (i) If an application, nomination or notice has been rejected by the Directors, the Secretary must, as soon as practicable:
 - (i) notify the applicant in writing that his or her application or nomination or notice has been rejected; and
 - (ii) return to the applicant the first year's Subscription (if any) which accompanied the application.

5.3 Subscription

- (a) Subject to the following provisions of this clause 5.3, a Subscription may be payable at the absolute discretion of the Directors, in such amount as may be determined at the absolute discretion of the Directors, from time to time.
- (b) The Directors may determine, in their absolute discretion, that any Subscription payable in any Membership Year by any Members, or class of Members, may be different to the Subscription payable by any other Members, or class of Members.
- (c) If the first Membership Year applicable to the person seeking admission to Membership is comprised of less than 365 days, and if the Directors determine that Subscriptions are to be payable, then the first year's Subscription payable by that person shall be apportioned according to the number of days remaining in that Membership Year.
- (d) If a Subscription is payable by each Member, then it shall be payable in advance at the commencement of each Financial Year, addressed to the Treasurer, or to such other person as the Board shall, from time to time, determine for that purpose.

5.4 Nominee

- (a) A nomination for the purposes of clause 5.1(b) must:
 - (i) be in writing;
 - (ii) be signed or executed by the body corporate or entity seeking Membership;
 - (iii) be addressed to the Secretary, or to such other person as the Board shall, from time to time, determine for that purpose; and
 - (iv) accompany the application referred to in clause 5.2(b).
- (b) A Nominee, nominated pursuant to clause 5.1(b), may be removed or replaced by written notice to the Secretary, signed or executed by the body corporate or entity which nominated that Nominee.
- (c) If the body corporate or entity which nominated a Nominee gives notice to the Secretary that it wishes its Nominee to be removed or replaced (for whatever reason), the Secretary will, subject to approval of the Directors in accordance with the provisions of clause 5.2(d), as soon as practicable, make the appropriate entries in the Register to remove, replace or remove and replace that Nominee.

5.5 Undertaking

- (a) Every Member shall provide an undertaking, in writing, in accordance with the provisions of clause 5.5(b).
- (b) Every Member of the Company undertakes to contribute to the property of the Company in the event of the Company being wound up while he or she is a Member, or within one year after he or she ceases to be a Member, for payment of the debts and liabilities of the Company (contracted before he or she ceases to be a Member) and of the costs, charges and expenses of winding up and for the adjustment of the rights of the contributors among themselves such amount as may be required, not exceeding, in any event, \$25 per Member.

5.6 GST

- (a) All payments that are required to be made by a Member under this Constitution (including but not limited to Subscriptions) are exclusive of GST.
- (b) If any payment referred to in clause 5.6(a) is for, or is in connection with, a supply made by the Company under this Constitution on which the Company is liable to pay GST, then such payment shall be increased by the prevailing rate of that GST and the Member shall pay that increased amount to the Company at the same time and in the same manner as all other payments required to be made.
- (c) The Company must issue to the Member a tax invoice for the increased amount referred to in clause 5.6(b) within 14 days from the date that the increased amount is required to be paid by the Member.

6 Rights of Members

6.1 Rights and privileges

- (a) Subject to this Constitution, all Members are entitled to all the rights and privileges of Membership of the Company.
- (b) A right, privilege, or obligation of a person by reason of his or her Membership:
 - (i) is not capable of being transferred or transmitted to another person; and
 - (ii) terminates upon the cessation of his or her Membership whether by death or resignation or otherwise as more particularly set out in clause 9.

6.2 Effect of new class of Membership

If the Directors establish a new class of Membership that has the same rights, restrictions or obligations as an existing class of Membership, the establishment of that new class of Membership is not a variation of the rights attaching to that class.

7 Register of Members

7.1 Information in Register

- (a) The Secretary must keep and maintain a Register containing:
 - (i) the name and address of each Member;
 - (ii) the date on which each Member's name was entered in the register;
 - (iii) in the case of a Member who is not a natural person, the name and address of the Nominee;
 - (iv) the class of Membership; and
 - (v) any other information which the Directors considers necessary.

7.2 Inspection and copies

- (a) The Register shall be available for inspection, free of charge, by any Member upon request.
- (b) A Member may make a copy of entries in the Register.

8 Default by Members

- (a) If a Member fails to pay the whole or any part of his or her Subscription in any Membership Year, for more than 60 days after the due date for payment then:
 - (i) all of the rights and privileges of that Member shall be suspended until the Subscription, or such part of it which is payable and remains outstanding, is paid or until his or her Membership has been determined in accordance with the provisions of clause 8(b); and
 - (ii) the Treasurer or Secretary shall give notice to that Member requiring payment of the Subscription, or such part of the Subscription which is payable and remains outstanding.
- (b) If any Member fails to pay his or her Subscription in accordance with clause 8(a), or any part thereof which is payable and remains outstanding for more than 60 days after service of the notice to the Member in accordance with clause 8(a)(ii), then the Member shall cease to be a Member pursuant to clause 9 and the Treasurer or Secretary must notify that Member accordingly.

9 Cessation of Membership

9.1 Ceasing to be a Member

A person ceases to be Member of the Company if:

- (a) he or she resigns his or her Membership as provided in clause 10.1; or
- (b) the provisions of clauses 8(a) and 8(b) or the succeeding provisions of this clause 9 become applicable to that Member.

9.2 Continuing liability

A Member who resigns his or her Membership continues to be liable for any Subscription and all arrears due and unpaid at the date of his or her resignation and for all other moneys due by him or her to the Company and for any sum not exceeding \$25 for which he or she may become liable as a Member under clause 5.5(b).

9.3 Power to censure, fine, suspend or expel

- (a) If any Member:
 - (i) fails to comply with the provisions of this Constitution; or
 - (ii) fails to comply with any of the rules, regulations or by-laws of the Company; or
 - (iii) is guilty of any conduct which, in the opinion of the Directors, is unbecoming of a Member or prejudicial to the interests of the Company or its Members,

the Directors may, subject to the provisions of clause 9.3(b), by resolution of the Directors ("the First Resolution") censure, fine, suspend or expel that Member from the Company.

- (b) A First Resolution of the Directors under clause 9.3(a):
- (i) does not take effect unless the Directors, at a meeting held not earlier than 14 days and not later than 21 days after the service on the Member of a notice in accordance with the provisions of clause 9.3(c) confirms the First Resolution in accordance with that clause; and
 - (ii) where the Member exercises a right of appeal to the Company, does not take effect unless the Members confirm the First Resolution in accordance with clause 9.3(g).
- (c) Where the Directors pass a First Resolution under the provisions of clause 9.3(a), the Secretary must, as soon as practicable, cause to be served on the Member, a notice in writing:
- (i) setting out the First Resolution of the Directors and the grounds on which it is based;
 - (ii) stating that the Member may address the Board at a meeting to be held not earlier than 14 days and not later than 21 days after service of the notice;
 - (iii) stating the date, place and time of that meeting;
 - (iv) informing the Member that he or she may do one of the following:
 - (A) attend the meeting; or
 - (B) give to the Directors, before the date of the meeting, a written statement seeking revocation of the First Resolution.
- (d) At a meeting of the Directors held in accordance with clause 9.3(c), the Directors must:
- (i) give the Member, or his or her representative, an opportunity to be heard; and
 - (ii) give due consideration to any written statement submitted by, or on behalf of, the Member; and
 - (iii) by resolution, determine whether to confirm or to revoke the resolution.
 - (iv) If the Directors, by resolution, confirm the First Resolution, the Secretary must notify the Member of the confirmation, and the Member may not later than 48 hours before the date of the meeting, lodge with the Secretary a notice to the effect that he or she wishes to appeal to the Company in general meeting against the First Resolution.
- (e) In the event that the Secretary receives a notice under clause 9.3(d)(iv), the Secretary must notify the Directors and the Directors must call a general meeting of Members within 21 days after the date on which the Secretary received that notice and the general meeting must be held not later than two calendar months after the Secretary received the notice.
- (f) At a general meeting of the Members called and held in accordance with clause 9.3(e):
- (i) no business other than the question of the appeal shall be transacted;
 - (ii) the Directors may place before the meeting details of the grounds for the resolution and the reasons for the passing of that resolution;
 - (iii) the Member, or his or her representative, must be given an opportunity to be heard; and
 - (iv) the Members Present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.

- (g) If at the general meeting:
 - (i) a majority of the Members Present and voting, vote in favour of the confirmation of the First Resolution, the First Resolution shall stand confirmed; and
 - (ii) in any other case, the First Resolution shall be revoked.
- (h) No Member will be entitled to vote at any general meeting called and held in accordance with clause 9.3(e) unless all moneys then due and payable to the Company by that Member have been paid.
- (i) If the First Resolution is confirmed by Members, the Member concerned shall immediately thereafter cease to be entitled to exercise any rights or privileges as a Member and, in the case of a resolution to expel the Member concerned, that Member shall be expelled.

10 Resignation of Member

- 10.1 A Member who has paid all moneys due and payable by that Member to the Company may resign from the Company by first giving one month's notice in writing to the Secretary of his or her intention to resign and upon the expiration of that period of notice, the Member shall cease to be a Member.
- 10.2 Upon the expiration of a notice given under clause 10.1, the Secretary shall:
 - (a) repay to the Member by whom the notice was given, the proportion of the Subscription received by the Company as is referable to the unexpired term of the Membership Year; and
 - (b) make an entry in the Register recording the date on which the Member by whom the notice was given, ceased to be a Member.

11 General meetings

11.1 Annual General Meeting

- (a) The annual general meeting of the Company shall, subject to the Law, be held not later than the last day of the fifth month following the Company's financial year end for the purposes of:
 - (i) the election of the Directors;
 - (ii) the consideration of the financial reports of the Company, the Directors' report and the auditor's report; and
 - (iii) such other business as may be properly transacted at the annual general meeting.
- (b) The annual general meeting of the Company must be held in accordance with the provisions of the Law and this Constitution.

11.2 General meetings

All general meetings other than the annual general meeting will be called general meetings.

11.3 Calling and holding general meetings

- (a) The Chairperson or Deputy Chairperson may in addition to the annual general meeting, whenever they think fit, call a general meeting and general meetings will be called on such requisition, or in default, may be convened by such requisitions as provided by the Law.

- (b) Every requisition made by Members must:
 - (i) be in writing; and
 - (ii) state any resolution to be proposed at the general meeting; and
 - (iii) be signed by the Members making the request; and
 - (iv) be given to the Chairperson or Deputy Chairperson or, in their absence, be left at the Office.

11.4 Notice of general meetings

Subject to the provisions of the Law relating to special resolutions and agreements for shorter notice, written notice must be given of all annual general meetings and general meetings in accordance with the provisions of the Law, specifying:

- (a) the place, date and time for the meeting (and, if the general meeting is to be held in two or more places, the technology that will be used to facilitate this);
- (b) the general nature of the business of the meeting;
- (c) if a special resolution is to be proposed:
 - (i) an intention to propose the special resolution; and
 - (ii) the special resolution itself;
- (d) if a Member is entitled to appoint a proxy that:
 - (i) the Member has a right to appoint a proxy; and
 - (ii) that the proxy may (but need not) be another Member of the Company.

11.5 Accidental omission

The accidental omission to give notice of a meeting to or the non-receipt of a notice of a meeting by any Member shall not invalidate the proceedings at any meeting.

11.6 Business at annual general meeting and general meetings

All business shall be deemed special that is transacted at a general meeting and all that is transacted at an annual general meeting shall also be deemed special with the exception of:

- (a) the consideration of the financial reports, Directors' reports and auditor's reports;
- (b) the appointment of the auditor and the fixing of his or her remuneration; and
- (c) the election of the Directors.

11.7 Postponement or cancellation or change of general meeting

Subject to the Law, the Board may at any time prior to the time at which a general meeting is to be held, postpone or cancel any general meeting or change the place of any general meeting. Any such postponement, cancellation or change must be communicated to each Member of the Company and each other person to whom notice was given, in any manner permitted under clause 28.

11.8 Resolutions without general meetings

- (a) Subject to the Law, any resolution of the Company determined on without any general meeting and evidenced in writing under the hand of each Member of the Company who for the time being is entitled to vote, or of his or her proxy, attorney or, if a corporation, the corporations representative, appointed as provided in this Constitution shall be as valid and effectual as a resolution duly passed at a general meeting of the Company.

- (b) Any resolution passed in accordance with the provisions of clause 11.8(a) may consist of identical copies of the document recording the resolution and accompanying information, each signed by one or more Members or their respective proxies, attorneys or representatives.

12 Proceedings at general meetings

12.1 Quorum

- (a) No business shall be transacted at any annual general meeting or any other general meeting unless a quorum of at least 50% of the total board positions is present at the time when the meeting proceeds to business.
- (b) If within 15 minutes from the time appointed for a general meeting a quorum is not present:
 - (i) the meeting, if called on the requisition of Members, shall be dissolved; and
 - (ii) in any other case:
 - (A) it shall stand adjourned to the same day in the next week at the same time and place or to such other time and place as the Directors may determine; and
 - (B) if at the adjourned meeting a quorum is not present within 15 minutes from the time appointed for the meeting, the Members Present (being not less than two) shall comprise a quorum.

12.2 Chairing meetings

- (a) The Chairperson will preside at every meeting of the Members or, if the Chairperson is not present within 15 minutes after the time appointed for holding the meeting, or is unwilling to act, then the Deputy Chairperson shall be the Chairperson or, if the Deputy Chairperson is not present or is unwilling to act, the Members Present shall choose some one of their number to be Chairperson.
- (b) The Chairperson may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place but so that:
 - (i) no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place;
 - (ii) when a meeting is adjourned for 30 days or more at any one time notice of the adjourned meeting shall be given as in the case of an original meeting;
 - (iii) save as aforesaid it shall not be necessary to give any notice of an adjourned meeting or of the business to be transacted at an adjourned meeting.

12.3 Decisions at meetings

- (a) At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is (before or on the declaration of the results of the show of hands) demanded:
 - (i) by the Chairperson; or
 - (ii) by at least five Members Present having the right to vote at the meeting; or

- (iii) by any Member or Members Present and representing not less than 5% of the votes that may be cast on the resolution on a poll

and unless a poll is demanded, a declaration by the Chairperson that a resolution has on a show of hands been carried, or carried unanimously, or by a particular majority, or lost and an entry to that effect in the book containing the minutes of the proceedings of the Company shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

- (b) The demand for a poll may be withdrawn.
- (c) If a poll is duly demanded, it shall be taken in such manner and either at once or after an interval or adjournment or otherwise as the Chairperson directs and the result of the poll shall be the resolution of the matter in respect of which the poll was demanded but a poll demanded on the election of a Chairperson or on a question of adjournment shall be taken forthwith.
- (d) In the case of an equality of votes, whether on a show of hands or on a poll, the Chairperson of the meeting at which the show of hands takes place or at which the poll is demanded shall be entitled to a second or casting vote.

13 Votes of Members

13.1 Voting at meetings of Members

A Member may, subject to any special rights or restrictions imposed on or attaching to a class of Membership and subject to the provisions of clause 13.3, vote in person or by proxy or by attorney or, if a corporation, by its Nominee or other representative and on a show of hands or on a poll every such Member shall have one vote.

13.2 Voting by committee or trustee

A Member who is of unsound mind or is a person whose person or estate is liable to be dealt with in any way under any relevant law relating to mental health may vote whether on a show of hands or on a poll by his or her committee or by the trustee or by such other person as properly has the management of his or her estate and any such committee trustee or other person may vote by proxy or attorney.

13.3 Entitlement to vote

No Member shall be entitled to vote at any general meeting if any Subscription owing by that Member shall be more than one month in arrears at the date of the meeting.

13.4 Objection to right to vote

No objection shall be raised to the qualification of any voter except at the meeting or adjourned meeting at which the vote objected to is given or tendered and every vote not disallowed at such meeting shall be valid for all purposes. Any such objection made in due time shall be referred to the Chairperson of the meeting, whose decision shall be final and conclusive.

14 Proxies

14.1 Member's entitlement to appoint proxy

- (a) Each Member of the Company entitled to attend and cast a vote at a general meeting may appoint an individual or body corporate as his or her proxy to attend and vote for that Member at the general meeting.
- (b) If a Member is entitled to cast two or more votes at the meeting, that Member may appoint not more than two proxies.

- (c) A proxy may (but need not) be a Member of the Company.
- (d) A Member shall be entitled to instruct his or her proxy to vote in favour of or against any proposed resolutions and unless so instructed the proxy may vote as he or she thinks fit.

14.2 Instrument of appointment

- (a) The instrument appointing a proxy shall, subject to clause 14.2(b), be in any written form approved by the Directors and -
 - (i) if the appointer is an individual, be signed by the appointer; or
 - (ii) if the appointer is a corporation, be signed in accordance with the constitution or other governing rules of that corporation; or
 - (iii) in either case, be signed by the duly authorised attorney of the Member.
- (b) Despite clause 14.2(a), an appointment of proxy is valid if it is authenticated in a manner prescribed by the Law.
- (c) The instrument appointing a proxy and the power of attorney or other authority (if any) under which it is signed or otherwise authenticated as prescribed by the Law or a notarially certified copy of that power or authority must be received by the Company not less than 48 hours before the time for holding the general meeting or adjourned general meeting at which the person named in the instrument proposes to vote (unless a shorter period is specified in the notice of general meeting to which the proxy relates). In default, the instrument of proxy shall not be treated as valid unless otherwise determined by the Chairperson.
- (d) For the purposes of clause 14.2(c), an instrument appointing a proxy must be received by the Company in any manner prescribed by the Law or as specified in the notice of meeting for that purpose.

14.3 Proportion or number of votes

Where a Member appoints two proxies, the appointment may specify the proportion or number of votes that the proxy may exercise.

14.4 Authority to demand poll

Any instrument appointing a proxy confers authority to demand or join in demanding a poll.

15 Board of Directors and Executive

15.1 Number of Directors and Executive

- (a) Subject to the Law, the number of Directors will be not less than four and not more than ten, including:
 - (i) two Directors appointed by and from Big Sky Credit Union Ltd ABN 51 087 651 358 in accordance with clause 15.2;
 - (ii) one Director appointed by the Town of Port Hedland in accordance with clause 15.3;
 - (iii) two Directors, elected in accordance with clause 16, being persons who have knowledge and skills in one or more of the areas of finance, accounting, business, health, community and education; and
 - (iv) up to five other Directors elected in accordance with clause 16;the relevant number of whom shall hold one of the offices on the Executive referred to in clause 15.1(b).

- (b) Each Director must be a Member.
- (c) The Executive shall comprise the following persons:
 - (i) the Chairperson;
 - (ii) the Deputy Chairperson;
 - (iii) the Secretary; and
 - (iv) the Treasurer.

15.2 Big Sky Credit Union Ltd

Big Sky Credit Union Ltd ABN 51 087 651 358 will initially appoint two Directors to the Board and may, by resolution, notice of which must be given in accordance with the Law, remove that Director before the expiration of his or her term of office and, in that case, shall, by resolution, notice of which must also be given in accordance with the Law, appoint another person in his or her place. Big Sky will have at least one foundation position on the Board.

15.3 Town of Port Hedland

The Town of Port Hedland will initially appoint one director to the Board by resolution and notice from the Town of Port Hedland. The Town of Port Hedland will have at least one foundation position on the Board.

15.4 Term of office

Subject to clause 15.2, each Director shall hold office for a period of two years from the date of his or her appointment but is eligible for re-appointment by Members.

15.5 Casual vacancy or addition to Board

- (a) In the event of a casual vacancy in any office referred to in clause 15.1(b), the Directors may appoint one of the Members to the vacant office and the Member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.
- (b) The Directors may appoint a Member as an addition to the Board but so that the total number of Directors shall not, at any time, exceed the total number (if any) fixed in accordance with this Constitution.
- (c) A Director appointed in accordance with clauses 15.5(a) or 15.5(b) shall hold office:
 - (i) in the case of an appointment to fill a casual vacancy – for the remainder of the term of office of the Director whose office has become vacant; and
 - (ii) in any other case – only until the next following annual general meeting, at which time they shall retire but shall be eligible for re-appointment by Members.

15.6 Remuneration of Directors

- (a) The Directors (excluding those who are salaried employees of the Company) shall be honorary.
- (b) No Directors (excluding those who are salaried employees of the Company) will be entitled to any remuneration for their services but will be entitled to be paid all travelling and other expenses properly incurred by them in attending, participating and returning from meetings of the Directors, or any committee established by the Directors, or annual general meetings, or general meetings of Members of the Company, or otherwise, in connection with the business of the Company.
- (c) All payments made to Directors under clause 15.6(b) must be approved by the Board.

15.7 Removal of Director

The Company may, by resolution of which notice in accordance with the Law has been given, remove any Director before the expiration of his or her term of office and may, by resolution, appoint another person in his or her place. The person so appointed will hold office in accordance with the provisions of clause 15.5(c).

16 Election of Directors

Subject to clause 15.2, the election of Directors, excluding Directors who are required to retire in accordance with clause 15.5 but are to be considered for re-appointment, will take place in the following manner:

- (a) any Member wishing to serve as a Director and, where applicable, to hold one of the offices on the Executive referred to in clause 15.1(b) must be nominated by any two other existing Members;
- (b) the written nomination, signed by the nominee and his or her proposer and seconder, must be lodged with the Secretary at least 14 days before the annual general meeting at which the election is to take place;
- (c) a list of the candidates' names in alphabetical order with the proposers' and seconders' names will be posted in a conspicuous place at the office of the Company for not less than seven days immediately preceding the annual general meeting at which the election is to take place;
- (d) if the number of candidates standing for election exceeds the number of vacancies, balloting lists shall be prepared containing the names of the candidates in alphabetical order and each Member Present (excluding the candidates) at the annual general meeting shall be entitled to vote for any number of such candidates not exceeding however the number of vacancies to be filled on the Directors; and
- (e) in the event that there shall not be a sufficient number of candidates nominated, the Directors may fill the remaining vacancy or vacancies from the Members as they think fit.

17 Disqualification of Directors

17.1 Vacation of office

The office of Director shall be vacated if the Director:

- (a) ceases to be a Director pursuant to any provision of the Law;
- (b) becomes bankrupt or makes any arrangement or composition with his or her creditors generally;
- (c) becomes prohibited from being a Director by reason of any order made under the Law;
- (d) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under any relevant law relating to mental health;
- (e) resigns his or her office by notice in writing to the Company;
- (f) ceases to be a Member;
- (g) is removed from office pursuant to this Constitution; or
- (h) is absent without permission of the Board from three consecutive meetings of the Board.

17.2 Exclusions and disclosure of certain interests

Notwithstanding any rule of law or equity to the contrary but subject to the provisions of the Law:

- (a) a Director shall not be disqualified by his or her office from contracting with the Company either as vendor purchaser or otherwise or from being employed or acting in any capacity professionally or otherwise by or on behalf of the Company;
- (b) no contract made by a Director with the Company and no contract or arrangement entered into by or on behalf of the Company with any corporation or partnership of or in which any Director is a director member or otherwise in any way interested and no contract or arrangement entered into by or on behalf of the Company in which any Director is in any way interested shall be liable to be impeached affected or avoided by reason of the Director holding his or her office or of the fiduciary relation thereby established or by reason of the Director being a party to it or otherwise interested in it;
- (c) no Director so contracting or being such Director member or so interested shall be liable to account to the Company for any profit realised by any such contract or arrangement by reason only of such Director holding his or her office or of the fiduciary relation thereby established or by reason of his or her interest;
- (d) subject to the provisions of clause 17.3 and the Law, a Director (including an Alternate director) may not be present at a meeting of Directors while a matter relating to a contract or arrangement in which the Director has (directly or indirectly) a material personal interest is being considered and may not vote on or in relation to the matter;
- (e) a Director may sign, or attest the affixing of the common seal, to any document relating to a contract or arrangement in which the Director has an interest;
- (f) a Director may hold any other office in conjunction with his or her directorship and may be appointed to that office on such terms as to remuneration tenure of office and otherwise as may be arranged by the Directors;
- (g) a Director of the Company may be or become a Director of any other company promoted by the Company and any subsidiary company or company having dealings with the Company and no such Director shall be accountable for any benefits received as director or member of or holder of any office or place of profit under that company; and
- (h) the Directors may exercise the voting power conferred by the shares in any companies held or owned by the Company in such manner in all respects as the Directors think fit (including the exercise thereof in favour of any resolution appointing the Directors or any of them to be directors of such companies or voting or providing for the payment of remuneration to directors of such companies) and any such Director of the Company may vote in favour of the exercise of such voting rights in the manner aforesaid notwithstanding that he or she may be or be about to be appointed a director of such other company.

17.3 Disclosure not required

The provisions of clause 17.2(d) shall not apply to an interest that a Director has:

- (a) as a Member of the Company; and
- (b) in common with the other Members of the Company; or
- (c) in a matter relating to an existing or proposed contract of insurance merely because the contract insures or would insure that Director as an officer of the Company in accordance with clause 30; or
- (d) if the Board has at any time passed a resolution that identifies the Director, the interest of that Director and the matter and the Directors voting for the resolution

- are satisfied that the interest of that Director should not disqualify that Director from being present while the matter is being considered or voting on the matter; or
- (e) as otherwise permitted by the Law.

18 Alternate Directors

18.1 Appointment of Alternate Directors

A Director may, with the approval of the other Directors, appoint any person (being a Member of the Company) to be an Alternate Director in his or her place during such period as he or she thinks fit.

18.2 Rights of Alternate Director

Any person while he or she holds office as an Alternate Director shall be entitled to notice of meetings of the Directors and to attend, vote and exercise all the powers of the appointer in his or her place.

18.3 Vacation of office

An Alternate Director shall ipso facto vacate office if his or her appointer vacates office as a Director or removes the appointee from office.

18.4 Notice of appointment or removal

Any appointment or removal under this clause 18 shall be effected by notice in writing to the Company and to the person concerned under the hand of the Director who makes the appointment or removal.

19 Powers and duties of the Directors

19.1 Management of Company

- (a) Subject to this Constitution and the Law, the affairs of the Company shall be managed by the Directors.
- (b) The Directors:
- (i) shall control and manage the business and affairs of the Company;
 - (ii) may, subject to this Constitution and the Law, exercise all such powers and functions as may be exercised by the Company other than those powers and functions that are required by this Constitution or the Law to be exercised by general meetings of the Members; and
 - (iii) subject to this Constitution and the Law, has power to perform all such acts and things as appear to the Directors to be essential for the proper management of the business and affairs of the Company.

19.2 Validity of acts of Directors

No regulation made by the Company in general meeting shall invalidate any prior act of the Directors which would have been valid if that regulation had not been made.

19.3 Powers of Directors

Without limiting the generality of clauses 4 and 19.1, the Directors:

- (a) may make rules, regulations and by-laws for the conduct, administration and management of the Company and may from time to time alter, modify and revoke such rules, regulations and by-laws and make new or additional rules, regulations and by-laws but so that such rules, regulations and by-laws shall not be inconsistent with any of the provisions of this Constitution nor result in the

Company ceasing to comply with any special conditions applicable to the Company under the Tax Act;

- (b) have the power to do all things necessary or convenient to be done for or in connection with the performance of its functions;
- (c) may, in addition to all other general and special powers possessed by them from time to time, borrow in the name and for all or any of the purposes of the Company or in connection with its business any sum or sums of money for such period and at such rate or rates of interest and otherwise upon such terms and conditions as the Directors may think fit and so that:
 - (i) any sum or sums of money so borrowed may be raised or secured by mortgage charge pledge guarantee or indemnity of the whole or any part of the real or personal estate revenues property undertaking chooses in action debts or effects of the Company including unpaid calls and uncalled capital or by deposit receipts debentures debenture stock bonds trusts deeds personal covenant or otherwise as the Directors may from time to time think fit without such security;
 - (ii) every such mortgage charge guarantee indemnity or other security may be in such form and contain such powers of sale and other powers trusts and provisions and may be accompanied by such collateral further and other security as the Directors may think fit; and
- (d) may invest any funds belonging to or vested in the Company;
- (e) may from time to time by power of attorney appoint any company, corporation, firm, person or body of persons (whether nominated directly or indirectly by the Directors) to be the attorney or attorneys of the Company for such purposes and with such powers, authorities and discretions (not exceeding those vested in or exercisable by the Directors under these regulations) and for such period and subject to such conditions as it may think fit any such powers of attorney may contain such provisions for the protection and convenience of persons dealing with any such attorney as the Directors may think fit and may also authorise any such attorney to delegate all or any of the powers authorities and discretions vested in him or her; and
- (f) may open any banking account and operate the bank account in the ordinary course of business.

19.4 Negotiable instruments

All cheques, promissory notes, drafts, bills of exchange and other negotiable instruments and all receipts for money paid to the Company shall be signed, drawn, accepted, endorsed or otherwise executed (as the case may be) by any two Directors or in such other manner as the Directors may from time to time determine.

20 Proceedings of the Directors

20.1 Directors' Meetings

The Directors:

- (a) shall meet at least once in each year at such place and such time as the Directors may determine for the dispatch of business;
- (b) may adjourn and otherwise regulate their meetings as they think fit using any technology consented to from time to time by all the Directors; and
- (c) may from time to time invite any person they consider necessary or appropriate to attend at any meeting of the Directors but a person invited to attend any such meeting shall not be entitled to vote.

20.2 Notice of meeting

Written notice of each Directors' meeting must be given to each Director at least two business days before the date of the meeting.

20.3 Decisions at Directors' Meetings

- (a) Subject to this Constitution, questions arising at any meeting of the Directors shall be decided by a majority of votes.
- (b) The Chairperson shall have a deliberative vote and a second or casting vote.

20.4 Calling Directors' Meetings

- (a) A Director may, and the Secretary on the requisition of a Director must, at any time, summon a meeting of the Directors.
- (b) Additional and special meetings of the Directors may be called and held by the Chairperson or by any two Directors.

20.5 Quorum

The quorum necessary for transaction of the business of the Directors may be fixed by the Directors and, unless fixed, will be at least 50% of the total number of Directors for the time being, rounded up to the nearest whole number.

20.6 Changes to constitution

This constitution may be changed at the discretion of the Board by majority decision of the Board, which represents at least 50% plus one of the Directors agreeing to the change.

20.7 Vacancy

The continuing Directors may act notwithstanding any vacancy in their body but, if and so long as their number is reduced below the number fixed pursuant to this Constitution as the specified number of Directors, the continuing Directors may act in the event of an emergency or for the purpose of increasing the number of members of the Directors to that number or of summoning a general meeting of the Company but for no other purpose.

20.8 Chairperson

The Chairperson shall preside at every meeting of the Directors or, if there is no Chairperson or, if at any meeting he or she is not present within 15 minutes after the time appointed for holding the meeting, the Deputy Chairperson shall be Chairperson, or if the Deputy Chairperson is not present at the meeting, then the Directors present may choose one of their number to be Chairperson of the meeting.

20.9 Validity of actions

All acts of the Directors undertaken at any meeting of the Directors, or by any person acting as a Director shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of that Director, or person so acting, or that they or any of them were disqualified, be as valid as if every member or other person had been duly appointed and was qualified to be a Director.

20.10 Resolutions without meetings

- (a) A resolution in writing signed by all the Directors for the time being entitled to receive notice of a meeting of the Directors and to vote, shall be as valid and effectual as if it had been passed at a meeting of the Directors duly convened and held.

- (b) Any resolution passed in accordance with clause 20.10(a) may consist of identical copies of the document recording the resolution and accompanying information, each signed by one or more Directors.

20.11 Telephone and audio visual communications

- (a) For the purpose of this Constitution the contemporaneous linking together by telephone or by such other method of audio or audio visual communication system of a number of the Directors, not less than the quorum specified in clause 20.5 (whether or not any one or more of the Directors is out of Australia) shall constitute a meeting of the Directors and all the provisions in this Constitution as to meetings of the Directors shall apply to such meetings subject to the following conditions namely:
 - (i) all the Directors for the time being entitled to receive notice of a meeting, shall be entitled to notice of a meeting by telephone or by such other method of audio or audio visual communication system and to be linked by telephone or such other audio or audio visual communication system;
 - (ii) each of the Directors taking part in the meeting by telephone or such other audio or audio visual communication system must be able to hear each of the other Directors taking part at the commencement of the meeting; and
 - (iii) at the commencement of the meeting each such Director must acknowledge his or her presence for the purpose of a meeting of the Directors to all other Directors taking part.
- (b) A notice of a meeting of the Directors may be given by telephone or by such other method of audio or audio visual communication system as the Directors may, from time to time, determine or as provided in clause 28.
- (c) For the purposes of clause 20.11(a) a Director may not leave the meeting by disconnecting his or her telephone or such other audio or audio visual communication system unless he or she has previously obtained the express consent of the Chairperson of the meeting and a Director shall be conclusively presumed to have been present and to have formed part of the quorum at all times during the meeting by telephone unless he or she has previously obtained the express consent of the Chairperson to leave the meeting.
- (d) A minute of the proceedings at such meeting by telephone by such other method of audio or audio visual communication system shall be sufficient evidence of such proceedings and of the observance of all necessary formalities if certified to be a correct minute by the Chairperson of the meeting.

21 Committees

21.1 Establishment

The Directors may:

- (a) establish such committees as it considers necessary for the purposes of the Company;
- (b) delegate any of its powers and or functions to any such committee and define the powers, duties and functions of each committee so established;
- (c) determine the procedure of each committee and the appointment or election of its officers;
- (d) change any of the powers, duties and functions of a committee; and
- (e) remove any member of a committee or dissolve a committee.

21.2 Delegation of powers

- (a) Any committee established by the Directors in accordance with clause 21.1, shall in the exercise of the powers delegated to that committee conform to any regulations that are imposed on it by the Directors.
- (b) The Directors may appoint one or more advisory boards consisting of such persons as the Directors thinks fit. Any such advisory boards shall act in an advisory capacity only and in the exercise of the powers so delegated, conform to any regulations that are imposed on them by the Directors.

21.3 Eligibility of members

A member of a committee or advisory board established by the Directors in accordance with clauses 21.1 and 21.2(b), need not be a Director or a Member.

22 Proceedings of committees

22.1 Committee meetings

Each committee or advisory board established by the Directors shall meet at such times and places as determined by the members of those committees or advisory boards.

22.2 Chair and functions and powers

Each committee or advisory board:

- (a) shall elect one of their number to chair its meetings and if no person is elected or, if at any meeting the person so elected is not present within 15 minutes after the time appointed for holding the meeting, the members present may choose one of their number to chair the meeting; and
- (b) may elect one of their number to undertake such functions, duties and responsibilities as may be delegated by that committee or advisory board to that person, subject always, to the approval by the Directors.

22.3 Decisions at committee or advisory board meetings

Questions arising at any meeting shall be determined by a majority of votes of the members present and, in the case of an equality of votes at any such meeting, the person appointed to chair any such meeting shall have a deliberative vote and a second or casting vote.

22.4 Proceedings of committee or advisory board

Without limiting the generality of clauses 22.1 to 22.3 (both inclusive), the provisions of clause 20 have effect, with such modifications as may be necessary, in relation to meetings of any committee or advisory board.

23 Treasurer

23.1 Appointment

- (a) If a Treasurer is not appointed pursuant to clause 15.1, the Directors may appoint a Treasurer for such period and on such terms as the Directors thinks fit and the Directors may revoke any such appointment.
- (b) The Treasurer may, but need not, be a Director.

23.2 Obligations of Treasurer

- (a) The Treasurer shall:

- (i) collect and receive all moneys due to the Company and make all payments authorised by the Board; and
 - (ii) keep correct accounts and books showing the financial affairs of the Company with full details of all receipts and expenditure connected with the activities and functions of the Company.
- (b) The accounts and books referred to in clause 23.2(a) shall be available for inspection by the auditor and such other persons as authorised by the Law or as otherwise directed by the Board.

24 Secretary

24.1 Appointment

- (a) If a Secretary is not appointed pursuant to clause 15.1, the Directors must appoint a Secretary in accordance with the Law for such period and on such terms as the Directors thinks fit and the Directors may revoke any such appointment.
- (b) The Secretary may, but need not, be a Director.

24.2 Minutes and books

- (a) The Secretary shall keep minutes and books to record:
 - (i) all appointments of officers;
 - (ii) the names of the Directors present at each meeting of the Directors;
 - (iii) the names of the members of any committee of the Company present at each meeting of a committee;
 - (iv) all resolutions and proceedings at all meetings of the Members of the Company and of the Directors and each committee and of all resolutions determined on without meetings; and
 - (v) of all other matters required by the Law.
- (b) Except in the case of documents deemed to constitute minutes in accordance with the provisions of the Law and resolutions signed in accordance with the provisions of clause 20.10, all minutes shall be signed by the Chairperson of the meeting at which the proceedings were held or by the Chairperson of any succeeding meeting.

25 The Seal and execution of documents

- (a) The Company may have a common seal.
- (b) If the Company has a common seal, the Directors shall provide for the safe custody of the common seal of the Company which shall only be used with the authority of the Directors and every instrument to which the seal is affixed shall be signed by a Director and shall be countersigned by the Secretary or by a second Director or by some other person or persons appointed by the Directors to attest the affixing of the common seal.
- (c) All documents which of legal necessity need not be under common seal and which the Company is capable in law of entering into shall be legally binding on the Company if signed by the same persons specified in clause (b) of this Constitution.

26 Accounts

- 26.1 The books of account and other records of the Company shall be kept at the Office or at such other place or places as determined by the Directors.
- 26.2 The Directors shall keep or cause to be kept proper books of account and other records of the Company and shall distribute copies of financial reports as required by the Law and shall, from time to time, determine whether and to what extent and at what times and places and under what conditions or regulations the records, accounts and books of the Company, or any of them, shall be open to the inspection of Members not being Directors.
- 26.3 No Member shall have any right of inspecting any record, account or book or paper of the Company except as conferred by statute or as authorised by the Directors or by the Company in general meeting.
- 26.4 The financial year of the Company shall be 30 June in each year unless otherwise determined by the Members.

27 Audit

A properly qualified Auditor or Auditors shall be appointed and his or her or their duties shall be regulated in accordance with the provisions of the Law.

28 Notices

28.1 Method of giving notice

A notice may be given by the Company to any Member or other person entitled to receive notice under this Constitution or the Law:

- (a) personally;
- (b) by sending it by post to him or her at his or her registered address or to the address (if any) supplied by him or her to the Company for the giving of notices to him or her; or
- (c) by sending it to the fax number or electronic address (if any) nominated by the Member; or
- (d) by any other means agreed to with the Company.

28.2 Service of notice

- (a) Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing prepaying and posting a letter containing the notice and to have been effected, in the case of a notice of a meeting, on the day after the date of its posting and in any other case, at the time at which the letter would be delivered in the ordinary course of post.
- (b) A notice of meeting sent by fax or other electronic means is taken to be given on the business day after it is sent.
- (c) Notwithstanding the provisions of clause 28.1, the Directors may, in their absolute discretion, give a notice by any other means as shall ensure expeditious receipt of the notice. Service of the notice shall be deemed to be effected if the mode of service of the notice is properly addressed and paid for and lodged for delivery or transmission with a competent person, authority or body and to have been effected at the time at which in the ordinary course that mode of service of the notice would be delivered.

28.3 Notice to joint Members

A notice may be given by the Company to joint Members by giving the notice to the joint Member first named in the Register.

28.4 Persons entitled to notice

- (a) Notice of every general meeting shall be given in any manner hereinbefore authorised to:
- (i) every Member except those Members who have not supplied to the Company an address for the giving of notices to them;
 - (ii) the Auditor for the time being of the Company; and
 - (iii) such other persons as required by the Law.
- (b) No person other than as referred to in clause 28.4 shall be entitled to receive notices of general meetings.

29 Winding up

If, after the winding up or deregistration of the Company, there remains, after satisfaction of all debts and liabilities of the Company any surplus assets of the Company, the remaining surplus assets shall not be paid to or distributed among the Members of the Company but shall be transferred to:

- (a) institutions having objects similar to the objects of the Company and which prohibit the distribution of the assets to an extent at least as great as that imposed on the Company; or
 - (b) Eligible Charities; or
 - (c) funds, charitable at law, which comply with the requirements of item 2 of the table in section 30-15 of the Tax Act.
- 29.2 Where gifts to an Eligible Charity are deductible only if, among other things, the conditions set out in the relevant table item in subdivision 30-B of the Tax Act are satisfied, a transfer under this clause 29 must be made in accordance with those conditions.
- 29.3 The identity of an Eligible Charity for the purposes of this clause 29 will be determined by the Board at or before the time of winding up or deregistration of the Company and (where applicable) approved by a Commissioner and, in default, will be determined by the Supreme Court of Victoria.

30 Indemnity and insurance

30.1 Indemnification of officers

- (a) The Company may indemnify a person who is, or has been, an officer of the Company, to the full extent permissible by law, out of the property of the Company, against:
- (i) any liability incurred by that person as an officer of the Company; and
 - (ii) legal costs incurred in defending an action for a liability incurred by that person as an officer of the Company;
- except in respect of a liability or legal costs for which the Company is prohibited from indemnifying the officer pursuant to the Law.

- (b) For the avoidance of doubt, clause 30.1(a) will not apply so as to enable the Company to indemnify a person who is, or has been, an officer of the Company to the extent that the law precludes the giving of such an indemnity.

30.2 **Insurance premium**

The Company may pay a premium for a contract insuring a person who is, or has been, an officer of the Company against:

- (a) any liability incurred by that person as an officer of the Company; and
- (b) any liability for costs and expenses incurred by that person in defending proceedings relating to that person acting as an officer of the Company, whether civil or criminal, and whatever their outcome,

except any liabilities in respect of which the Company is prohibited from doing so pursuant to the Law.

Draft

10.4.2 Governance

10.4.2.1 Appointment of Temporary Chief Executive Officer (File No.: 22/03/0003)

Officer Chris Adams
Chief Executive Officer

Date of Report 17 June 2010

Disclosure of Interest by Officer Nil

Summary

Report seeks confirmation of temporary Chief Executive Officer (CEO) arrangements given recent resignations of both the current CEO, Chris Adams and the Director of Corporate Services, Matthew Scott.

Background

At its June 24th meeting, Council appointed the Director Corporate Services to be Acting CEO during the current CEO recruitment phase. Subsequent to this decision, Mr Scott has been advised that his application for the position of CEO of the Shire of Coolgardie has been successful. Mr Scott has subsequently handed in his resignation effective from the end of August.

With the current CEO leaving on the 30 July 2010 and the Director Corporate Services leaving in late August, alternate temporary CEO arrangements need to be made.

Two alternate solutions have been discussed/debated internally:

1. Appoint an Acting CEO from within the organisation; and
2. Source a Temporary CEO from outside of the organisation

After considering the advantages and disadvantages of the alternatives it is recommended that an existing Director, Mr Paul Martin, be appointed as Acting CEO during the current recruitment period; and that additional external support be sourced to assist Mr Martin during this period. In particular external support is recommended in:

- Special projects/stakeholder liaison; and
- Governance and the Local Government Act

Suitable arrangements for this support are currently being negotiated.

Consultation

The issue has been informally discussed with Councillors

Statutory Implications

The recruitment of a CEO is the subject of a variety of Local Government Act implications including the following:

“5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and*
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.**

- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and*
 - (b) is satisfied* with the provisions of the proposed employment contract.**

- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) believes that the person is suitably qualified for the position; and*
 - (b) is satisfied with the proposed arrangements relating to the person’s employment.”**

Various other provisions exist in relation to advertising, recruitment and employment contracts for CEO’s

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Council has budgeted for a full-time CEO and four full time Directors. With the imminent departure of the CEO and the Director Corporate Services, there will be wages savings until such time that positions are filled. It is recommended that these savings be used to appoint consultants and/or temporary staff to assist the administration to achieve the outcomes that are listed in the Strategic Plan and the Council’s 2010/11 budget.

Officer's Comment

While the departure of two long-serving Executive staff members in a relatively short time period is less than ideal for the organisation, the changeovers are occurring at a time where the direction for the upcoming months has largely been set with the adoption of the Strategic Plan and the 2010/11 Budget.

Given this, coupled with the whole of the Executive team's understanding of the projects, stakeholders and organisational culture, it is recommended that Council appoint an Acting CEO from within the organisation. Given workloads, experience and skill-sets, it is recommended that Council's current Director Community Development, Mr Paul Martin, be appointed into the role on a temporary basis until Council's selected permanent CEO commences in the role.

Attachments

Nil

Officer's Recommendation

That Council:

- i) Notes the resignation of Mr Matthew Scott from the position of Director Corporate Services, effective from 27 August 2010;
- ii) Appoints Mr Paul Martin as Acting Chief Executive Officer (CEO) of the Town of Port Hedland from 30 August 2010, until such time that a permanent CEO commences at the Town; and
- iii) Notes that, given the imminent shortage of Executive Staff members, consultants and temporary staff will be engaged in the interim period to assist the administration in achieving projects that are listed in the Town's Strategic Plan and 2010/11 Budget.

201011/039 Council Decision

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council:

- i) Notes the resignation of Mr Matthew Scott from the position of Director Corporate Services, effective from 27 August 2010;
- ii) Appoints Mr Paul Martin as Acting Chief Executive Officer (CEO) of the Town of Port Hedland from 30 August 2010, until such time that a permanent CEO commences at the Town; and

- iii) Notes that, given the imminent shortage of Executive Staff members, consultants and temporary staff will be engaged in the interim period to assist the administration in achieving projects that are listed in the Town's Strategic Plan and 2010/11 Budget.
- iv) Mr Ian Taylor be engaged as a consultant for the interim Acting Chief Executive period.

CARRIED 8/0

REASON: Council sought the consultancy services of Mr Ian Taylor to be engaged, for the duration of the Acting Chief Executive Officer term (until permanent appointment of new CEO).

10.4.2.2 Submission to Review of Regional Development Commissions (File No.:...-...)

Officer Chris Adams
Chief Executive Officer

Date of Report 22 July 2010

Disclosure of Interest by Officer Nil

Summary

The Minister for Regional Development, Hon Brendon Grylls MLA, recently announced a review of Regional Development Commissions (RDC's) within Western Australia. This report seeks Council endorsement of a submission on this subject.

Background

Development Commissions were established in 1993 with the expressed intention of:

- 1) Maximising job creation and improve career opportunities in the region;
- 2) Developing and broadening the economic base of the region;
- 3) Identify infrastructure services to promote economic and social development within the region;
- 4) Provide information and advice to promote business development within the region;
- 5) Seeking to ensure that the general standard of government services and access to those services in the region is comparable to that which applies in the metropolitan area; and
- 6) Generally take steps to encourage, promote, facilitate and monitor the economic development in the region.

The review being undertaken will consider and report on the functions, responsibilities and structures of RDC's having regard to:

1. The effectiveness and cost efficiency of the RDC's in achieving their objectives and functions specified in Section 23 of the Act
2. The effectiveness of the existing model in achieving the Liberal National Government's commitment to regional development, having regard to any overlap, duplication of effort and approaches in other jurisdictions
3. Any improvements in government service delivery for regional development considering governance arrangements, administration operations, regional decision making, regional accountability, avoidance of duplications and the roles and responsibilities of other agencies and organisations.
4. Legislative amendments that may be required

Members of the Town's Executive group met to consider these issues and draft a proposed position for the Council consideration. The position (listed below) addresses the issues listed in the government's review documentation.

Effectiveness and Cost Efficiency

- RDC effectiveness has been hindered by the fact that they have little or no statutory or approvals role to play in investment/economic development decisions. While developers and investors need to speak many government agencies (planning, power, water, local government, etc.) they do not specifically need to speak with the development commission. This lack of statutory decision making power hinders their effectiveness and makes them less relevant in regional development decision making processes.
- While development commissions were established to be the 'key government player' in the regions, they have not been resourced to undertake this role. This has hindered their effectiveness and cost efficiency.
- Where Development Commissions have had authority to make decisions (ie delivery of grants processes) the process has often been long-winded and time consuming. More autonomy need to be provided to senior development commission staff to quick make decisions in their own right.
- Development commissions have become a depository of regional information and statistics. While this function is of use, much of the data that they have is obtainable (and is obtained) by developers from other sources.

Potential Overlaps and/or Duplication of Effort

- Economic development in the regions is generally closely linked to the issues of land and land development. Any development, whether it be social enterprise/development initiatives, small business, residential housing, commercial or industrial, invariably needs land to work from. Development Commissions have no statutory role to play in land administration but have 'dipped their toe in the water' to assist proponents/issues. This potentially creates overlaps with Department of Lands, Local Government and/or Landcorp.
- The Liberal/National Government has recently established the Office of the Pilbara. There is potentially significant overlap between this office and the Pilbara Development Commission. The government needs to clearly delineate the roles and responsibilities of these two agencies to avoid any overlaps and/or confusion for community, industry and investors.

Options for Improvement in Service Delivery

- The Development Commissions have needed clearer strategic direction so that they can focus on specific areas of service delivery. Currently the roles and responsibilities are too broad which has lead Development Commissions to position whereby they are playing a role in many issues but managing and/or influencing very few. Clearer role definition is required to improve service delivery.

Legislative changes

- The mandate and responsibilities of the Development Commissions need to be more clearly defined. The current broad mandate has lead to significant variation in roles and responsibilities that are undertaken by the various commissions. Government needs to determine what role (if any) they want development commissions to play in regional planning and regional growth. Alternative mandates include:
 - 1) Focus solely on managing the Royalties for Regions Grants process.
 - 2) Focus on land and land development projects.
 - 3) Focus on small business development and regional tourism.
 - 4) Focus on 'unblocking' issues that hinder regional growth (ie transport planning, native title, land release, etc.)
 - 5) Redevelop/redefine the development commissions to become 'Departments of the Regions' whereby officers from a number of State Government Agencies (ie Water Corp, Planning, Department of Lands, State Development, Horizon Power, Education, etc) would report to achieve coordination of government agencies.
 - 6) Disband the Development Commissions with the resources being re-directed to other agencies.

Given the previous history, current resources and existing mandates of other government agencies, it is recommended that the legislative mandate of Development Commissions be refined to become more focussed on:

- Delivery of Royalty for Regions Grants Scheme
- Small business development within the regions.
- Regional information dissemination

Consultation

Chief Executive Officer
Director Corporate Services
Director Regulatory Services
Director Community Development

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The Town of Port Hedland has a close working relationship with the Pilbara Development Commission. We liaise regularly with them and consult over issues of local and regional significance. With the obvious exception of managing grant/funding schemes, the lack of clear roles and responsibilities of the Development Commission has hindered its effectiveness.

201011/040 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council provides the following feedback to the State Government's current review of Development Commissions:

1. Effectiveness and Cost Efficiency
 - **RDC effectiveness has been hindered by the fact that they have little or no statutory or approvals role to play in investment/economic development decisions. While developers and investors need to speak many government agencies (planning, power, water, local government, etc.) they do not specifically need to speak with the development commission. This lack of statutory decision making power hinders their effectiveness and makes them less relevant in regional development decision making processes.**
 - **While development commissions were established to be the 'key government player' in the regions, they have not been resourced to undertake this role. This has hindered their effectiveness and cost efficiency.**
 - **Where Development Commissions have had authority to make decisions (ie delivery of grants processes) the process has often been long-winded and time consuming. More autonomy need to be provided to senior development commission staff to quick make decisions in their own right.**

- **Development commissions have become a depository of regional information and statistics. While this function is of use, much of the data that they have is obtainable (and is obtained) by developers from other sources.**
2. **Potential Overlaps and/or Duplication of Effort**
- **Economic development in the regions is generally closely linked to the issues of land and land development. Any development, whether it be social enterprise/development initiatives, small business, residential housing, commercial or industrial, invariably needs land to work from. Development Commissions have no statutory role to play in land administration but have 'dipped their toe in the water' to assist proponents/issues. This potentially creates overlaps with Department of Lands, Local Government and/or LandCorp.**
 - **The Liberal/National Government has recently established the Office of the Pilbara. There is potentially significant overlap between this office and the Pilbara Development Commission. The government needs to clearly delineate the roles and responsibilities of these two agencies to avoid any overlaps and/or confusion for community, industry and investors.**
3. **Options for Improvement in Service Delivery**
- **The Development Commissions have needed clearer strategic direction so that they can focus on specific areas of service delivery. Currently the roles and responsibilities are too broad which has lead Development Commissions to position whereby they are playing a role in many issues but managing and/or influencing very few. Clearer role definition is required to improve service delivery.**
4. **Legislative changes**
- **The mandate and responsibilities of the Development Commissions need to be more clearly defined. The current broad mandate has lead to significant variation in roles and responsibilities that are undertaken by the various commissions. Government needs to determine what role (if any) they want development commissions to play in regional planning and regional growth. The Town of Port Hedland recommends that Development Commissions (in particular the Pilbara Development Commission) focus on:**
 - **Delivery of Royalty for Regions Grants Schemes.**
 - **Small business development within the regions.**
 - **Regional information dissemination**

CARRIED 8/0

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**12.1 *Tender 10/19: Construction of Multipurpose Recreation Centre (File No.: ...)***

Officer Paul Martin
Director Community
Development

Date of Report 27 July 2010

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to provide a summary and assessment of submissions received for Tender 10/19 Construction of the Multipurpose Recreation Centre.

Background

Council considered the Expressions of Interest from construction companies for this project at its Ordinary Meeting held on 24 March 2010 where it resolved (in part) the following:

“That Council

- i) Advise the following registrants that their submission for Expression of Interest 10/01: Construction of the Multi Purpose Recreation Centre has been successful:*
 - a) Broad Construction Services*
 - b) Doric*
 - c) Pindan Contracting Pty Ltd;*
- ii) Invite successful registrants to submit a tender for the Construction of the Multi Purpose Recreation Centre;...”*

Tender documentation was finalised and tenders were called on 21st April 2010.

To assist tenders understanding of the aspects of the building the following was undertaken during the tender period:

- A briefing session was held with tenders and their potential subcontractors, the Architects and the engineers who designed the façade. This provided an opportunity for the architects and engineers to explain the concept and answer questions from the tenderers.
- A compulsory site meeting was held on 27th April on site. All tenderers were in attendance.
- A Bill of Quantities (BoQ) was prepared outlining the items which makes up the design. This came at the request of the tenderers and resulted in an extension to the tender period.

Tenders closed on Wednesday 14th July 2010. Table 1(a) below indicates the lump sum price submitted by the tenderers.

Table 1(a)

Tenderer	Lump Sum Price (excluding GST)
Broad Construction Services	\$30,931,570
Doric	\$25,517,179
Pindan Pty Ltd	\$26,964,205

Alternative tenders were also submitted by Broad Construction Services and Doric.

Broad Construction Services submitted 1 alternative tender which:

- Proposed an alternative foundation design, alternative first floor slab design, alternative roof cladding and alternative design of façade system.
- Included a revised timeframe which showed a completion date of 7th October 2011 compared to 28th February 2012 in their conforming tender.
- has an alternative lump sum price of \$29,965,997 excluding GST.

Doric submitted 3 alternative tenders which included:

- an alternative façade product
- the use of Compressed fibre cement sheets and/or tilt concrete to northern and western sides of the building rather than the proposed panel system.

Value Management Options

Concerned about potential budget overruns Officers identified potential value management items as part of the project which tenderers were required to cost if Council wanted to remove these items. These were:

- Removing the public ablutions
- Not constructing the external courts.

Given that the tender prices are within Council's existing budget parameters, Officers are not recommending the Council pursue any of these value management items.

Although Pindan did not submit an alternative tender they did identify a number of other potential value management items which total up to \$394,000 of potential savings in the contract price.

The panel interviewed the tenderers together with the Architect and consultants and determined that none of the alternative tenders were preferred over the conforming tenders. The conforming tenders have been used as the basis for the assessment.

During the tender process an addendum was issued in respect to Bulk Earth Works on the site. Upon reviewing the tenders it became clear that the addendum could have been misinterpreted by tenderers. Subsequent review of the addendum identified potential ambiguity in the wording.

Clarification was subsequently sought from tenderers in respect to this matter and as a result bulk earth works was removed from the lump sum tender price by each of the tenderers. This gave the panel the ability to compare the lump sum prices for each tender.

The table below reflects the scoring by the assessment panel using the revised lump sum price.

Table 1(b)

Tenderer	Lump Sum Price (excluding GST and bulk earthworks)
Broad Construction Services	\$30,836,874
Doric	\$25,415,594
Pindan Pty Ltd	\$26,964,205

Table 2 below indicates the evaluation criteria as described in the tender documentation.

Table 2

Assessment Criteria	Percentage
Price	60
Construction Program	20
Management Plans	20
Total	100

The Price component of the assessment was determined using the Town's standard formula for tender assessment, whereby the lowest price Tender (T_{lp}) is awarded a score of 60 for the price criterion. The remaining priced Tenders (T_{slp}) shall be awarded a score determined in the following manner:

$$\text{Tslp Score} = 60 - \frac{[(\$T_{slp} - \$T_{lp}) \times 60]}{\$T_{lp}}$$

A tender assessment panel was established comprising:

- Director Community Development
- Director Engineering Services
- Acting Manager Recreation and Youth Services
- Thinc Projects Representative

Each non price criterion was awarded a score from 0-20 by the assessment panel. These scores are reflected in the table below.

Table 3

Contractor/ Assessment Criteria	Price (60)	Construction Program (20)	Management Plans (20)	Total Score (100)
Broad Construction Services	47.20	16.1	13.18	76.48
Doric Constructions Australia	60	11.1	9.18	80.28
Pindan Pty Ltd	56.34	16.3	12.58	85.22

From the above the preferred tenderer recommended by the assessment panel is Pindan Pty Ltd. Pindan Pty Ltd scored well in respect to the level of detail provided for both construction program and management plans and also were competitive with their price. Doric was the best priced tenderer but did not fulfill the Construction Program and management Plan components of the tender assessment to the same level as the other tenderers.

Consultation

Advice was received from Mcleods the Towns lawyers during the assessment process in respect to clarifications which could be sought.

Officers engaged UHY Haines Norton as probity auditors for the process.

Statutory Implications

The Tender was called in accordance to the Local Government Act (1995) for tendering, to ensure legal compliancy:

“3.57. Tenders for providing goods or services

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

Policy Implications

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

Strategic Planning Implications

The following statements from the Town's Draft Strategic Plan relate to this matter.

Goal 2 - Sports and and Leisure

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

Immediate Priorities

Build the Multi Purpose Recreation Centre

Budget Implications

The budget for the project is \$35,300,000 which comprises contributions from the following partners:

Notes	Source	Amount
1	Auzcorp (Area B)	\$2,500,000
2	Auzcorp (Mia Mia)	\$1,750,000
3	Compass Group (Port Haven)	\$8,700,000
4	Royalties for Regions	\$11,100,000
5	BHPBIO Sustainability Partnership	\$11,000,000
6	Council contribution	\$250,000
	TOTAL	\$35,300,000

Notes:

1. The Area B contribution was/is a commitment made in the tender for the land.
2. As a component of Council's tender for the operation of the 'Airport Camp', Auzcorp committed a contribution of \$350,000pa for five years over and above the lease fees that were prescribed.
3. Compass Group rental for land at the Airport is 'quarantined' in a Council Reserve Account that is to be used for community facility development. Council has previously indicated that these funds would be directed to the Recreation Centre project.
4. \$11.1M has been committed (and received) from Royalties for regions for this project.
5. The BHPBIO Sustainability Partnership has committed a total of \$11M towards this project.

The anticipated Total Project Expenditure (assuming that the Officer's Recommendation is supported) is:

Item	Amount
Pindan Construction Contract Price	\$26,964,205
Design, fees and expenditure to date	\$350,801
Civil works (New oval, parking, lighting to be undertaken by TOPH)	\$2,800,000
Upgrade of High School Oval to accommodate users relocated from Kevin Scott during construction (note a report on this is coming to next Council meeting)	\$600,000
Fees (Architects, consultants, project management, quantity surveyor, communication) for remainder of project	\$1,300,000
Contingency (5%)	\$1,400,000
"Upgrade" façade system to reduce long term maintenance	\$600,000
Bulk Earthworks	\$100,000
Total	\$34,115,006

There is an anticipated **project saving of \$1,184,994**. If Council elected to go for the cheapest tenderer (Doric) the project savings would be **\$2,630,480**.

The savings could/should be taken from the Port Haven contribution (Item 3 Above) as these funds were initially set up for all community facilities – not just the Multi Purpose Recreation Centre. Savings in this project would be able to be used to reduce Council's proposed loan for the construction of Marquee Park.

Officer's Comment

Design Modifications

The budget does provide the Council with some options in respect to how it moves forward with the tender. The main opportunity is to "upgrade" the façade system to reduce long term maintenance. This would essentially involve removing the silicon system that will be used to join panels. An "upgraded" system would remove the need for silicon by changing the manner in which the panels join.

The Architects has estimated this will cost in the vicinity of \$600,000 however this significantly reduces the Council's maintenance risk and it is therefore recommended by Officers. Including it at this stage would be negotiated as a variation to the contract.

The Architects advise this will not impact on the timeline for the project. A report from the Architects on this proposed upgrade is attached to this report.

The second issue which needs to be negotiated is the reintroduction of bulk earth works into the scope of works of the tenderers. Although removed to enable assessment the Town does not want to undertake the earthworks as it would unnecessarily complicate the construction process and potentially increase construction timeframes. This therefore needs to be negotiated with the tenderer prior to execution of the contract.

Tender Selection

The assessment process has resulted in Pindan being the highest scoring and therefore being the recommended tenderer. The lowest priced tenderer (Doric) lacked detail on where Employee Relations plans and Commissioning/Handover processed. Whilst these two plans are important and need to be completed, the Council does have the opportunity to award the tender to Doric subject to successful completion of these plans.

Officers believe the Council therefore has two options:

1. Select Pindan as the preferred tenderer subject to negotiating variations for the façade and earthworks; or
2. Select Doric as the preferred tenderer subject to:
 - a. the completion of an Employee Relations Plan and Commissioning and Handover; and
 - b. negotiating variations for the façade and earthworks

Both options are available to the Council and acknowledge the scoring received for each tenderer based upon the assessment criteria. Option two provides a way forward should the Council want to accept the lowest priced tenderer.

If for whatever reasons the negotiations outlined in option 1 or 2 fail the matter will need to be returned to Council for further consideration.

Attachments

1. Tender evaluation score summary sheet.
2. Report on proposed "Upgrade" of façade system to reduce long term maintenance costs and risk.

Officer's Recommendation

That:

- 1) Council note that the Total Project budget for the Multi-Purpose Recreation Centre is \$34,115,000;
- 2) Subject to successfully negotiating fixed prices on the issues of alternative façade treatment and earthworks within the above listed project budget, the Chief Executive Officer be given the delegated authority to enter into contract for Tender 10/19 Construction of Multipurpose Recreation Centre with Pindan Construction Pty Ltd; and
- 3) Council divert budget savings of \$1,185,000 to the Marquee Park Project.

OR

Alternate Recommendation

That:

- 1) Council note that the Total Project budget for the Multi-Purpose Recreation Centre is \$32,669,000;
- 2) Subject to:
 - a. receiving Employee Relations Plan and Commissioning and Handover Plan to the satisfaction of the Chief Executive Officer; and
 - b. Successful negotiating fixed prices on the issues of alternative façade treatment and earthworks within the above listed project budget;

the Chief Executive Officer be given the delegated authority to enter into contract for Tender 10/19 Construction of Multipurpose Recreation Centre with Doric Constructions Pty Ltd; and

- 3) Council divert budget savings of \$2,630,000 to the Marquee Park Project.

NOTE: SIMPLE MAJORITY VOTE REQUIRED

201011/041 Council Decision/Alternate Recommendation**Moved:** Cr A A Carter**Seconded:** Cr G J Daccache

That:

- 1) Council note that the Total Project budget for the Multi-Purpose Recreation Centre is \$32,669,000;
- 2) Subject to:
 - a. **receiving Employee Relations Plan and Commissioning and Handover Plan to the satisfaction of the Chief Executive Officer; and**
 - b. **Successful negotiating fixed prices on the issues of alternative façade treatment and earthworks within the above listed project budget;**

the Chief Executive Officer be given the delegated authority to enter into contract for Tender 10/19 Construction of Multipurpose Recreation Centre with Doric Constructions Pty Ltd; and

- 3) Council divert budget savings of \$2,630,000 to the Marquee Park Project.

CARRIED 8/0

REASON: Council awarded Tender 10/19 'Construction of Multipurpose Recreation Centre' to Doric Constructions Pty Ltd as the company is already established within the Town, and trust the outstanding Employee Relations Plan and Commission and Handover Plans can be submitted/provided.

ATTACHMENT TO LATE AGENDA ITEM 12.1

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26 July 2010

Mr. Brett Anderson
 Project Manager

Thinc project
 67 King Street,
 Perth, WA, 6000

Dear Brett

**Re: Port Hedland Recreation Centre
 Alternative Facade Cladding system**

Aurecon was asked to investigate and propose an alternative cladding wall system to the current recommended silicon sealed system. This report proposes an open joint - pressure equalised system as a possible alternative.

The cladding system for the job is located within Region D, a cyclonic zone with high wind loading pressure. In accordance with the designated wind loading and with reference to the building code, the water tightness requirement is at the top range.

To ensure the structural integrity and achievement of watertightness, the cladding system can be either a complete silicon sealant sealed system or a pressure equalise open joint system. The wet seal system is a more straight forward solution, and the open joint system is developed based on rain screen system. Listed here below are the major differences between the systems.

System Configuration:	
Open Joint – Pressure Equalised system:	Wet seal system:
<ul style="list-style-type: none"> It is comprised of a rain screen layer, and an air seal layer as a minimum to form the pressure equalised system. Both layers have to with stand the designated peak pressure as the pressure within the cavity between the layers will be equalised with the external pressure. Multiple layers of pressure equalise zones are needed to tackle the wind loading and watertightness requirements under cyclone conditions. 	<ul style="list-style-type: none"> Silicon sealant will be applied between the top layers of the cladding system, which is designed to withstand the wind loading, to achieve the weather seal of the external wall system.

System Construction:	
Open Joint – Pressure Equalised system:	Wet seal system:
<ul style="list-style-type: none"> To build up the air pressure equalised chamber, dry materials such as neoprene gaskets under compression will be designed. 1.0-1.2mm thick galvanised steel sheet forming the air-seal layer, and the insulation installed immediately behind. Aluminium extruded vertical runners plus horizontal 	<ul style="list-style-type: none"> The system could be directly connected and installed to the vertical structural members via adjustable brackets. The sealant between individual panel groove lines will absorb movements due to thermal changes and all different loadings.



<p>transom could be arranged to catch the finish top panel by means of hooking and suspending on to the frame work.</p> <ul style="list-style-type: none"> The ideal system will always designed to have a conceal drain system incorporated into the frame works. 	
<p>Stains Building up on the Cladding and Maintenance requirements:</p>	
<p>Open Joint – Pressure Equalised system:</p> <ul style="list-style-type: none"> Stains retaining on the cladding surface will be reduced with an open joint system especially with a concealed drain path for rain water. Fewer stains on the surface will lead to longer intervals between cleanings. Reasonable connection details between the panel and the frame works will allow dismantling individual panels without disturbing the adjacent panels. 	<p>Wet seal system:</p> <ul style="list-style-type: none"> Between panels, the groove is sealed with sealant and is specified to be mid-modulated product. However, considerable stains will build up in a period of time and a more frequent cleaning process is required. Panel can be connected to the structural mullion and easily detached without disturbing the adjacent panels.

<p>Construction Procedure and feasibility on coordination of working schedule :</p>	
<p>Open Joint – Pressure Equalised system:</p> <ul style="list-style-type: none"> The contractor has an opportunity to seal up the building with the air-seal layer, prior to the delivery of the finished panel. The VE panel will take up a considerable period of time on fabrication detail after the site measurement is available. 	<p>Wet seal system:</p> <ul style="list-style-type: none"> The building can be weather tight with the VE panel installed and grooves sealed with sealant. The VE panel will take up a considerable period of time on fabrication detail after the site measurement is available.

<p>Budget on construction:</p>	
<p>Open Joint – Pressure Equalised system:</p> <ul style="list-style-type: none"> An open joint system with two stages of pressure equalised chamber is most appropriate to the job under the cyclonic weather environment. In comparison with the Wet seal system, we estimate that there are additional costs on the framings, and air-seal layer, but reductions on joint sealants. Estimated that the 4,200M2 will cost an extra of A\$400K to 600K to the building costs plus Façade Engineering's fees in comparison to silicon sealed system similar to the specified. 	<p>Wet seal system:</p> <ul style="list-style-type: none"> The estimated budget is reasonable to the current indicated wet seal system in the tender document. The specified requires mid-modulus silicon sealant instead of low-modulus which provides better assurance of waterproof and less stain retain on panel.

Thank you for the enquiry and if you require additional information or clarification, please contact me by all means.

Yours faithfully

Eddy Chow
Façade Consultant

12.2 Tender 10/20: Construction of Level 1 District Park Project (File No.: 21/05/0011)

Officer	Jenella Voitkevich Manager Infrastructure Development and Chris Adams Chief Executive Officer
Date of Report	27 July 2010
Disclosure of Interest by Officer	Nil

Summary

The purpose of this report is to provide a summary and assessment of submissions received for Tender 10/20 Construction of Level 1 District Park Project (Marquee Park).

Background

The development of a Level 1 District Park on Lot 6108 Stanley Street and Lot 6177 Cottier Drive, South Hedland was originally approved by Council during the 2008/09 budget process after initial concepts were developed by South Hedland New Living. This project has been dubbed 'Marquee Park', although the official naming process of the Park is yet to be determined.

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 one of the most significant immediate term infrastructure programs planned by 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.

This project has developed substantially over the 2008/09 and 2009/10 financial years and has included the completion of:

- Concept designs
- Risk assessment and potential design issues identified
- Community and stakeholder consultation
- Preparation of cost estimates
- Engagement of appropriate consultants
- Completion of final design drawings
- Securing of funding
- Development Approval
- Preparation of detailed design drawings and specifications
- Expression of Interest (10/03)

The Expression of Interest for the construction of Marquee Park was presented to Council at the Ordinary Council Meeting on 24th March 2010 with the following resolution:

200910/331 Council Decision

“That Council:

- i) Advise the following registrants that their submission for Expression of Interest 10/03: Construction of Level 1 District Park Project has been successful:

 - a) Doric Constructions Australia*
 - b) Broad Construction Services*
 - c) Earthcare Landscapes**
- ii) Advise the following registrants that their submission for Expression of Interest 10/03: Construction of Level 1 District Park Project has been unsuccessful:

 - a) Rapley Wilkinson*
 - b) Insitu Construction & Maintenance*
 - c) Environmental Industries**
- iii) Invite successful registrants to submit a tender for the Construction of Level 1 District Park Project*
- iv) Invite unsuccessful tenderers to an informal debriefing session to discuss tender documentation*

On the 13th May 2010 a Request for Tender (RFT) was issued to the selected contractors as per the Council Resolution above, with a closing date of 16th June 2010. All three selected contractors submitted conforming tenders.

All of the tender prices have come in significantly over the available budget. The full budget ramifications are listed in the budget implications section of this report. To address the budget issues, the tender evaluation team has been in discussions with all tenderers regarding various alternatives. The alternatives that have been discussed and priced include:

Option	Description
Option A	Undertaking the development of the whole park (Zone 1 & 2) with all of the desired outcomes as identified in community consultation
Option B	Reduction of the scope of works by undertaking construction of Zone 1 only. Deleted items include: <ul style="list-style-type: none"> • Dry playground equipment • Kickabout area • Landscaping, furniture, lighting, paving and surrounds associated with the above areas • (See Attachment 1 for locations of Zones)
Option A1	As per Option A with following modifications: <ul style="list-style-type: none"> • Reduction in the quality of architectural finishes; • Deletion of gabion walls;

	<ul style="list-style-type: none"> • Reduction in quality of concrete finishes; • Deletion/modification of some shade structures; and • Other various minor modifications.
Option B1	As per Option B with following modifications: <ul style="list-style-type: none"> • Reduction in the quality of architectural finishes; • Deletion of gabion walls; • Reduction in quality of concrete finishes; • Deletion/modification of some shade structures; and • Other various minor modifications.
Option C1	As per Option B1, with the removal of caretakers dwelling.
Option C2	As per Option B1, with the removal of caretakers dwelling and removal of kiosk

The following Table indicates the pricing structure that was received for the various options.

	Broad Constructions	Doric Constructions	Earthcare Landscapes
Option A	\$12,619,548	\$11,620,216	\$11,834,156
Option B	\$10,994,862	\$10,375,839	\$9,865,455
Option A1	\$12,269,548	\$10,395,901	\$10,032,729
Option B1	\$10,644,862	\$9,518,819	\$8,919,456
Option C1	\$10,214,862	\$9,137,973	\$8,073,624
Option C2	\$9,684,862	\$8,644,510	\$7,664,624

All of the Options listed above remain above the Council's current budget allocation.

While the prices remained above budget, further assessment of the tender submissions was carried out by the tender evaluation panel based on the following selection criteria identified in the RFT documentation:

Assessment Criteria	Percentage
Price	60%
Construction Program	20%
Management Plan	20%
Total Maximum Score	100%

The price component of the assessment was determined using the Town's standard formula for tender assessment, whereby the lowest price Tender (Tlp) is awarded a score of 60 for the price criterion. The remaining priced Tenders (Tslp) shall be awarded a score determined in the following manner:

$$\text{Tslp Score} = 60 - \frac{[(\$Tslp - \$Tlp) \times 60]}{\$Tlp}$$

Each non price criterion was awarded a score from 0-10 by the evaluation panel then weighted to the 20% loading.

The comparison of each of the assessment criteria for the tender submissions received is summarized in the table below. As the best outcome for the project is to award a contract for the construction of the entire scope of works, the prices submitted for Option A have been used to assess the price criterion.

Contractor/ Assessment Criteria	Price (60)	Construction Program (20)	Management Plans (20)	Total Score (100)
Broad Construction Services	52.15	13.28	14.66	80.09
Doric Constructions Australia	58.76	10.64	6.88	76.28
Earthcare Landscapes	60.00	18.08	5.82	83.90

The tender evaluation results indicate that the preferred contractor is Earthcare Landscapes as they received the best total score and provided a tender price that offers the best value for money. Although Earthcare Landscapes scored poorly in the Management Plan component of the selection criteria they were able to demonstrate acceptable processes during subsequent interviews. These management plans will be developed specifically for the project on award of the contract for Council approval. Further detail on the evaluation process is available in Attachment II.

Consultation

The following people formed the Tender evaluation panel:

- Director Community Development
- Director Engineering Services
- Manager Infrastructure Development
- Thinc Projects (project managers appointed by Council)
- McNally Newton Landscape Architects (lead design consultants)

The evaluation panel has had meetings with each of the tenderers and has sought clarifications regarding pricing and other issues during the tender assessment period.

Statutory Implications

The Tender was called in accordance to the Local Government Act

(1995) for tendering, to ensure legal compliancy:

“3.57. Tenders for providing goods or services

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

If Council is to proceed with the project, it is likely that an additional loan will be required that is not currently budgeted in the 2010/11 Budget. If Council pursues this option, Section 6.20 of the LG Act requires Council to:

- 1) Give one month’s local public notice of the proposal; and
- 2) Make such a decision by an absolute majority of Councillors.

Policy Implications

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

Strategic Planning Implications

Key Result Area 1 – Infrastructure

Goal 2 – Parks and Gardens

Strategy 1 – Work in partnership with other stakeholders to implement the Towns Park Improvement Program, with a specific focus on the development of a new and/or upgrade park infrastructure in South Hedland

Key Result Area 3 – Community Development

Goal 1 – Youth and Children

Strategy 4 – Ensure that the community has an opportunity to become involved in Council infrastructure projects such as park developments, tree planting, event planning, etc

Key Result Area 4 – Economic Development

Goal 2 – Mining

Strategy 1 – Partner with BHP, FMG, Dampier Salt, Newcrest Mining and other mining companies to develop community infrastructure and a stronger community

Budget Implications

The following table provides a summary of the budget for Marquee Park assuming Option A (ie Full project proceeds):

Confirmed Funding	
ToPH – Approved Loan	\$830,000
ToPH – Open Space Reserve Fund	\$470,000
BHP Billiton	\$1,450,000
South Hedland New Living	\$2,000,000

Royalties for Regions	\$2,700,000
Newcrest Mining	\$200,000
LotteryWest	\$500,000
TOTAL	\$8,150,000
Unconfirmed Funding	
Variety WA	\$100,000
Fortescue Metals Group *	To be Advised
R4R Pilbara Priority Project: Savings **	\$198,500
R4R Interest Allocation ***	\$290,000
TOTAL	\$488,500
TOTAL ALL FUNDING	
	\$8,638,500
Expenditure	
Expenditure to date (investigation, design, consultation, project management, etc)	\$616,735
Commitments	\$575,538
Future Project Management costs	\$150,000
Earthcare (Option A) Tender Price	\$11,834,156
TOTAL	\$13,176,429
BUDGET SHORTFALL	\$4,537,929

Notes:

- * FMG has indicated an interest in supporting this project but, at the time of writing, no confirmation of the funding amount had been received.
- ** The Town received \$20.2M in the R4R Pilbara Priority to undertake a variety of works. Several projects have come in under-budget including play equipment (\$19,500), public lighting (\$89,000), South Hedland Footpaths (\$38,000) & Walkway Lighting (\$52,000). Reallocation of these funds is suggested as under expenditures would otherwise need to be returned to the State Government.
- *** The \$20.2M is placed in an interest bearing reserve. \$290,000 of the current and anticipated interest has yet to be allocated to any projects. The interest can only be spent on pre-approved projects – like the Marquee park.

The tender submissions for the construction of Marquee Park are in excess of the remaining budget. The Multi Purpose Recreation Centre Project has come in under budget and it has been recommended that the surplus funds from that project be diverted to this project the surplus funds are either \$1,185,000 or \$2,630,000, dependant on which tenderer the Council selects (Pindan or Doric)

The Table below indicates the budget shortfall that exists for each of the six options that have been priced by the recommended preferred tenderer (Earthcare). For the purpose of the table, an assumption has been made that Council would reallocate surplus MPRC funds to this project. The annual loan repayment that would be required should Council elect to take out a loan for the shortfall amount has also been included. (Assumes 20yr fixed term loan @ 6.75% Interest)

Option	Budget Shortfall (Pindan Builds MPRC)	Annual Loan Repayment	Budget Shortfall (Doric Builds MPRC)	Annual Loan Repayment
Option A	\$3,352,929	\$306,744	\$1,807,929	\$165,405
Option B	\$1,484,288	\$135,791	-\$60,772	Nil
Option A1	\$1,551,502	\$141,940	\$106,502	\$9,743
Option B1	\$438,229	\$40,092	-\$1,006,771	Nil
Option C1	-\$407,603	Nil	-\$1,852,603	Nil
Option C2	-816,603	Nil	-\$2,261,603	Nil

As previously advised, the budget shortfall could be reduced if/when additional contributions are potentially received from other funding sources (i.e. FMGL and/or other sources.)

The Town is currently undertaking three very large projects worth in excess of \$57Million. (Marquee Park, Multi Purpose Recreation Center and JD Hardie Centre). Council has been extremely successful in attracting funding from other sources for these projects. If the recommendation as proposed by officers is accepted, Council's direct contribution to these projects (excluding loans that are being paid by others) is less than \$7M. This is considered to be an excellent result.

Officer's Comment

The Marquee Park is planned to be one of the most significant projects that South Hedland has ever seen. It has been designed using extensive community consultation and, if constructed to its full intent/design, would be a 'game changing' development within the Town.

Unfortunately, pricing for this development has come in significantly over Council's current budget estimates. Staff have endeavoured to overcome this issue by pricing alternatives in relation to design and project scope.

While these alternatives do reduce price, in the opinion of officers, the exclusions and modifications also significantly detract from the original intent of the park. The exclusions are also potentially a 'false saving' as it is highly likely that the Council will need to construct the majority of the potentially excluded items at a later date.

Given the current budget, there are insufficient funds to implement the project in its entirety. Council has three options:

1. Decide not to award the tender as it is over budget. This may result in the cancellation of the project altogether or complete rescoping. This option is not recommended as:
 - a. the project is long-overdue and there is an expectation from funding partners and the community that the project is delivered; and
 - b. delaying the project will result in project escalation costs which could negate the savings that may be achieved through a revision of project scope.
2. Award the tender to the preferred contractor, with an agreed scope (ie Option A, Option B, etc.), with a direction given to the CEO to seek additional funding from external sources and negotiate the scope and price within available budget allocations.

This option is not recommended as:

- a. The elements likely to be deleted from the scope will include those identified in Option C2 plus additional items. This will result in a finished product that does not achieve the objectives of the project and will not meet the expectations of the community. Council should note that the community survey results for this project identified the most important elements as (in order of importance) dry playground, waterplay area, picnic and bbq facilities, ablutions, kiosk and eating area and security/CCTV
 - b. Funding providers may not approve of the reduced scope and may retract their funding. For example, Lotterywest funding is specifically for the dry playground area therefore this must be included to receive their funding. Option B already includes the deletion of this playground
 - c. Modifying the project scope will require amendments to the detailed design drawings which will be an additional project cost.
 - d. Additional funding from other parties may not be available in a short time period and Council will not be able to indefinitely hold the contractor to their tendered price.
3. Award the tender based on the full project scope (Option A) and increase the project budget. This is the recommended option and can be achieved through a combination of funding reallocations and additional Council loans.

Attachments

- Attachment 1 – Plan identifying Options A and B in scope of works
Attachment 2 – Tender evaluation scoresheet summary

Officer's Recommendation

(Assuming that Pindan Construction is Selected for Multi-Purpose Recreation Centre Project)

That Council:

- i) awards Request for Tender 10/20 Construction of Level 1 District Park Project to Earthcare Landscapes for the scope of Option A at a lump sum price of \$11,384,156 plus gst;
- ii) notes that the total amended project cost is \$13,176,500 with the project funding being contributed from the following sources:

1	ToPH (Approved Loan)	\$830,000
	ToPH (Open Space Reserve Fund)	\$470,000
2	BHP Billiton	\$1,450,000
3	South Hedland New Living	\$2,000,000
4	Royalties for Regions	\$2,700,000
5	Newcrest Mining	\$200,000
6	LotteryWest	\$500,000
7	Variety WA	\$100,000
8	R4R Pilbara Priority Project: Savings	\$198,500
9	R4R Interest Allocation	\$290,000
10	Reallocation of funds from MPRC project	\$1,185,000
11	Town of Port Hedland (New Loan)	\$3,253,000
	TOTAL	\$13,176,500

- iii) acknowledges that TOPH budget contribution will **decrease** if additional funding is received from other sources; and
- iv) adjusts the 2010/11 Budget by taking out a loan of no greater than \$3,253M to ensure that the project is fully funded, noting that the annual repayment cost for this loan (over 20yrs) are projected at \$306,744.
 - v) advertises the new proposed loan in accordance with Section 6.20 of the Local Government Act 1995; and
 - vi) advise the unsuccessful tenderers of the outcome

OR

(Assuming that Doric Construction is Selected for Multi-Purpose Recreation Centre Project)

That Council:

- i) awards Request for Tender 10/20 Construction of Level 1 District Park Project to Earthcare Landscapes for the scope of Option A at a lump sum price of \$11,384,156 plus gst;
- ii) notes that the total amended project cost is \$13,176,500 with the project funding being contributed from the following sources:

1	ToPH (Approved Loan)	\$830,000
	ToPH (Open Space Reserve Fund)	\$470,000
2	BHP Billiton	\$1,450,000
3	South Hedland New Living	\$2,000,000
4	Royalties for Regions	\$2,700,000
5	Newcrest Mining	\$200,000
6	LotteryWest	\$500,000
7	Variety WA	\$100,000
8	R4R Pilbara Priority Project: Savings	\$198,500
9	R4R Interest Allocation	\$290,000
10	Reallocation of funds from MPRC project	\$2,630,000
11	Town of Port Hedland (New Loan)	\$1,808,000
	TOTAL	\$13,176,500

- iii) acknowledges that TOPH budget contribution will **decrease** if additional funding is received from other sources;
- iv) adjusts the 2010/11 Budget by taking out a loan of no greater than \$1,808M to ensure that the project is fully funded, noting that the annual repayment cost for this loan (over 20yrs) are projected at \$165,405;
- v) advertises the new proposed loan in accordance with Section 6.20 of the Local Government Act 1995; and
- vi) advise the unsuccessful tenderers of the outcome

Alternate Resolution

That Council:

- i) appoints Earthcare Landscapes as the preferred contractor for Tender 10/20 Construction of Level 1 District Park Project;
- ii) delegates Council's Chief Executive Officer to commence contract negotiations and determine accurate value management opportunities with Earthcare Landscapes;
- iii) seeks a further report on the tender assessment once all budget and funding negotiations have been finalised; and
- iv) advises all other tenderers that they are not Council's preferred contractor for this project.

NOTE: ABSOLUTE MAJORITY VOTE REQUIRED

201011/042 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

Seconded: Cr A A Carter

That Council:

- i) awards Request for Tender 10/20 Construction of Level 1 District Park Project to Earthcare Landscapes for the scope of Option A at a lump sum price of \$11,384,156 plus gst;
- ii) notes that the total amended project cost is \$13,176,500 with the project funding being contributed from the following sources:

1	ToPH (Approved Loan)	\$830,000
	ToPH (Open Space Reserve Fund)	\$470,000
2	BHP Billiton	\$1,450,000
3	South Hedland New Living	\$2,000,000
4	Royalties for Regions	\$2,700,000
5	Newcrest Mining	\$200,000
6	LotteryWest	\$500,000
7	Variety WA	\$100,000
8	R4R Pilbara Priority Project: Savings	\$198,500
9	R4R Interest Allocation	\$290,000
10	Reallocation of funds from MPRC project	\$1,185,000
11	Town of Port Hedland (New Loan)	\$3,253,000
	TOTAL	\$13,176,500

- iii) acknowledges that TOPH budget contribution will decrease if additional funding is received from other sources; and
- iv) adjusts the 2010/11 Budget by taking out a loan of no greater than \$3,253M to ensure that the project is fully funded, noting that the annual repayment cost for this loan (over 20yrs) are projected at \$306,744.
- v) advertises the new proposed loan in accordance with Section 6.20 of the Local Government Act 1995; and
- vi) advise the unsuccessful tenderers of the outcome.

CARRIED 8/0

ATTACHMENT 1 TO LATE AGENDA ITEM 112.2



TPA Ref: 03-50481
Town of Port Hedland

TENDER EVALUATION SCORESHEET

ADVICE - ACTION



CRITERIA No.	CRITERIA	WEIGHTING	COMPANY																								
			DORR									Broad									EarthCare						
			Assessor 1 (/10)	Assessor 2 (/10)	Assessor 3 (/10)	Assessor 4 (/10)	Assessor 5 (/10)	AVERAGE SCORE (/10)	AGREED SCORE (/10)	WEIGHTED SCORE	Assessor 1 (/10)	Assessor 2 (/10)	Assessor 3 (/10)	Assessor 4 (/10)	Assessor 5 (/10)	AVERAGE SCORE (/10)	AGREED SCORE (/10)	WEIGHTED SCORE	Assessor 1 (/10)	Assessor 2 (/10)	Assessor 3 (/10)	Assessor 4 (/10)	Assessor 45(/10)	AVERAGE SCORE (/10)	AGREED SCORE (/10)	WEIGHTED SCORE	
W1	Construction Program - project calendar	4%	2	3	3	3	5	3.2	3.2	1.28	2	3	4	4	6	3.8	3.8	1.52	9	9	9	9	8	8.8	8.8	3.52	
W2	Construction Gantt & Methodology	12%	6	6	5	6	6	5.8	5.8	6.96	6	7	8	7	9	7.4	7.4	8.88	10	10	8.5	8.5	9	9.2	9.2	11.04	
W3	Construction Program - handover & Comm	4%	6	6	6	6	6	6	6	2.40	7	7	7	7	8	7.2	7.2	2.88	10	9	9	8	8	8.8	8.8	3.52	
W4	Management Plans - PMP & QA	11%	3	3	3	3	7	3.8	3.8	4.18	6	8	8	7	9	7.6	7.6	8.36	3	3	2	3	4	3	3	3.30	
W5	OH&S Mgt Plan	3%	4	4	3	3	6	4	4	1.20	6	7	7	6	8	6.8	6.8	2.04	4	4	4	4	3	3.8	3.8	1.14	
W6	Employee Relations Management	3%	1	1	3	2	2	1.8	1.8	0.54	4	4	4	4	7	4.6	4.6	1.38	1	1	2	2	2	1.6	1.6	0.48	
W7	Dust Management & Env Mgt	3%	3	4	3	3	3	3.2	3.2	0.96	10	10	9	9	10	9.6	9.6	2.88	3	3	3	3	3	3	3	0.90	
P1	Price	60%								58.76																60.00	
	TOTAL (/100)									76.28																80.09	
	RANKING									3																2	
																										1	

12.3 Consideration of Final Strategic Plan 2010 – 2015 (File No.: .../...)

Officer Chris Adams
Chief Executive Officer

Date of Report 27 July 2010

Disclosure of Interest by Officer Nil

Summary

Over the past six (6) months Council has been preparing its revised Strategic Plan (previously called the Plan for the Future). The plan was presented at the Council's Ordinary Meeting in April, where Council resolved to:

- actively seek community feedback on the Draft 2010-2015 Strategic Plan; and
- consider all comments/feedback received.

The final draft of Council's Strategic Plan 2010-2015 is now presented for Council's endorsement.

Background

Council is statutorily required to prepare and adopt a 'Plan for the Future'. Over the past three years the Town of Port Hedland has fulfilled this requirement through the development and subsequent adoption of the Town's Strategic Plan.

At its Ordinary Meeting held on 28 April 2010, Council resolved (in part) to actively seek community feedback on the Draft Plan with all comments/suggestions that are received being tabled at a Council meeting.

Subsequent to this decision the following actions have been undertaken:

- Document has been widely distributed internally within Council for staff feedback.
- Community feedback has been encouraged via press releases, public advertisements and radio coverage/interviews.
- Council has overviewed feedback received at its Informal Monthly Briefing Session with the Town's Executive Team on Wednesday 7th July 2010.

Consultation

As above

Statutory Implications

The Local Government Act 1995 states that:

“5.56. Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”*

The Local Government (Administration) Regulations 1996 state that:

“19C. Planning for the future — s. 5.56

- (1) In this regulation and regulation 19D — **plan for the future** means a plan made under section 5.56.*
- (2) A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).*
- (3) A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.*
- (4) A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.*
- (5) A council is to consider a plan, or modifications, submitted to it and is to determine* whether or not to adopt the plan, or the modifications, as is relevant.*

**Absolute majority required.*

- (6) If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.*
- (7) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.*
- (8) A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.*
- (9) A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.*

19D. Notice of plan to be given

- (1) After a plan for the future, or modifications to a plan, are adopted under regulation 19C the local government is to give local public notice in accordance with subsection (2).*
- (2) The local public notice is to contain —*
 - (a) notification that —*
 - (i) a plan for the future of the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*
 - (ii) details of where and when the plan may be inspected;*

Or

- (b) *where a plan for the future of the district has been modified —*
- (i) *notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for a the period specified in the plan; and*
 - (ii) *details of where and when the modified plan may be inspected.*

Policy Implications

Nil

Strategic Planning Implications

The Plan for the Future is the key planning document for the Town of Port Hedland. It sets out the vision for the Town along with actions that the Town is planning to undertake over the coming financial year to move towards delivery of this vision.

Budget Implications

The strategies within the Draft Plan for the Future have been cross-referenced against the Town's adopted 2010/11 budget. Some changes to the draft plan have been recommended to reflect the resource allocation directions made by Council as a component of the budget deliberations.

Officer's Comment

The feedback comments that have been received regarding the Draft Plan for the Future from both the community and Town staff have been overviewed by Council at its Informal Monthly Briefing Session with the Town's Executive Team on Wednesday 7th July 2010.

Reviewing the Plan

The strategies (both Immediate Priorities and Other Actions) within the Strategic Plan will be reviewed on a quarterly basis with a report being presented to Council on the status of the implementation of the Plan.

The community survey process will continue to be undertaken annually to determine whether the actions and strategies that Council has undertaken over the preceding 12 months have changed community perception of Council service levels and facility standards.

Attachments

Final copy of the Council's Strategic Plan: 2010 – 2015

201011/043 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S J Coates

That Council:

- i) adopts the attached Town of Port Hedland Strategic Plan: 2010-2015; and
- ii) receives quarterly reports on the progress being made on the implementation of the plan.

CARRIED 8/0

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

ITEM 14 CONFIDENTIAL ITEMS

Nil.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE**201011/044 Council Decision/Officer's Recommendation**

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That the following Applications for Leave of Absence:

- . Councillor S R Martin – advised that he will be travelling back and forward to the Town, for the period 27 July 2010, to 29 August 2010 inclusive; and
- . Councillor S J Coates – amended Leave of Absence from previous advice, now from 31 July 2010 to 10 August 2010 inclusive;

be approved.

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 11 August 2010, commencing at 5.30 pm.

NOTE: On behalf of Council, Mayor Kelly Howlett expressed the Town's appreciation to Chris Adams for his contributions to the Town over the past five (5) years, and wished him well in his new role as General Manager, Pilbara Cities. The Town looks forward to working closely with him in his new role.

Chris Adams congratulated all past and present Councillors on their achievements during his term as Chief Executive Officer at the Town. He also commended the level of commitment from the Town's Executive team and staff.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 6:25 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of _____

CONFIRMATION:

MAYOR

DATE