



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 6 MARCH 2013

AT 5.30 PM

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

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Note: Due to a cyclonic event this meeting date was rescheduled from Wednesday 27 March 2013 to 6 March 2013.

*M.J. (Mal) Osborne
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 Deputy Mayor declared the meeting open at 5:33pm and acknowledged the traditional owners, the Kariyarra people.

ITEM 2 RECORDING OF ATTENDANCE AND APOLOGIES**2.1 Attendance**

Deputy Mayor George J Daccache
Councillor Arnold A Carter
Councillor Jan M Gillingham
Councillor David W Hooper
Councillor Michael (Bill) Dziombak
Councillor Penny Taylor

Officers

Malcolm Osborne
Natalie Octoman
Russell Dyer
Eber Butron
Gordon MacMile
Josephine Bianchi
Grace Waugh

Chief Executive Officer
Director Corporate Services
Director Engineering Services
Director Planning & Development
Director Community Development
Governance Coordinator
Administration Officer Governance

2.2 Apologies

Councillor Julie E Hunt
Councillor Gloria A Jacob

2.3 Approved Leave of Absence

Mayor Kelly A Howlett

2.4 Elect Presiding Member**201213/250 Council Decision**

Moved: Cr Dziombak

Seconded: Cr Gillingham

That Council nominate Cr Carter as Presiding Member during this meeting for any occasion when Deputy Mayor Daccache may need to leave the Chambers due to his declaration of financial interest.

CARRIED 6/0

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on Wednesday 23 January 2013****3.1.1 *Chris Whalley***

Do painters have the right to deposit empty or half empty paint cans at the South Hedland rubbish dump and if not where can painters deposit their empty paint cans?

Acting Director Engineering Services advised that empty or half empty paint cans can be disposed at the landfill but the cans need to have the paint pre dried and not in a liquid form. If paint is still wet or in a liquid form it can be disposed of at the company Tox Free.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 23 January 2013

Nil

ITEM 4 PUBLIC TIME**IMPORTANT NOTE:**

'This meeting is being recorded on audio tape as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is also reminded that in accordance with Section 20.3 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the chairperson to do so.'

Deputy Mayor opened Public Question Time at 5:35pm.

4.1 Public Question Time**4.1.1 *Chris Whalley***

Can Council ensure that the metal signs that were damaged by Cyclone George in 2007 are either repaired by the relevant business or removed? I have a list of where these metal signs are located:

- *Jan Ford Real Estate, Wilson Street*
- *Harbourside Garage, Wilson Street*
- *WK Motors, Anderson Street*
- *A metal sign on the median strip at Hunt Streetm, South Hedland (not sure which business it belongs to)*

Chief Executive Officer advised that the Compliance team will contact those businesses and will ask that the sign frames are either replaced or removed.

I have previously asked Council to speak to BHP Billiton about stopping trains running from 5:30am and 7:30am. There are still trains running between these time which causes traffic problems on the Wallwork Road rail intersection. Has Council contacted BHP Billiton since I last asked this question? If so, can Council please contact BHP Billiton again regarding stopping trains from running between 5:30am and 7:30am through this location?

Chief Executive Officer advised although a result cannot be guaranteed the Town will follow up again with BHP Billiton.

Last month I asked that Council contact who manages Koombana Park to adjust the time the reticulation is set so that it is no longer 6:15pm. The managers of the park have now adjusted the reticulation to when people are using the park. Can Council please speak to the park management regarding changing the reticulation times?

Director Engineering Services advised that a request [to adjust the reticulation] has been put through to the people who currently maintain Koombana Park.

Deputy Mayor closed Public Question Time at 5:40pm.

Deputy Mayor opened Public Statement Time at 5:40pm.

4.2 Public Statement Time

4.2.1 *Cameron Edwards, Managing Director of Westralia Infrastructure Pty Ltd*

Statement in relation to Agenda item 15.3 "Proposed Prosecution of the Unauthorised Uses on Lot 2 and 3 Great Northern Highway (The Landing) (File No.: 119200G)".

Thank you for the opportunity to submit a statement as an interested party in The Landing Project by the airport. Westralia has made submissions to both the Receiver (Ernst & Young) and the Administrator (KPMG). The Westralia proposal is based on the commitment to complete the Village and North Hotel development as soon as possible. In our opinion, the operational cashflows from the existing secure units are critical to supporting the development of these hotels. In addition the Westralia proposal provides a solution to local unsecured creditors.

We ask that this proposed prosecution by the Council be reconsidered or delayed for a minimum of 90 days in which to evaluate the various options before the receiver and the administrator and to provide time to submit updated approval requests.

If the proposed prosecution continues against The Landing project it is likely to stop the development of hotels for the foreseeable future, cause harm to local contractors and creditors and reduce accommodation options in Port Hedland. The operations, including the secured units are crucial to the economics of the development stage of the hotels and we request the opportunity for E&Y or any other potential buyer to rectify the situation in a reasonable amount of time.

4.2.2 *Sam Freeman, Director of Ernst & Young*

Statement in relation to Agenda item 15.3 “Proposed Prosecution of the Unauthorised Uses on Lot 2 and 3 Great Northern Highway (The Landing) (File No.: 119200G)”.

Ernst & Young was only appointed four months ago as Receivers and Managers of the Project. Part of Ernst & Young’s role is to prepare the land in its best possible state for sale (either directly or through the restructure of Port Village Accommodation Pty Ltd). We have been recently discussing the ongoing operations with the Town’s staff with a view to lodging a Development Application for existing activities. We confirm we would be disappointed with any resolution to take action in respect of the project and believe that this would be inconsistent with the overall desire of the Town to see the significant and needed ‘The Landing’ development proceed. We have been approached by many developers who have expressed an interest in acquiring the PVA site and proceeding with ‘The Landing’ development. All of the approaches have been based on and required that the existing operations on the site continue so that there is secured and consistent cash flow to help fund the acquisition and construction of the development. We have no intention of selling the land without having first addressed all relevant town planning and other matters on the land.

Greg Rowe and Associates has prepared two Development Applications for lodgment with the Town in respect of the land and based on our discussions with the Town’s staff today we are confident that this will enable us to expeditiously address the matters before you tonight; and Ernst & Young seek tonight that any recommendation to take immediate action be held and that the Council allow a short window of time for the Development Applications to be finalised (in consultation with the Town’s staff).

4.2.3 *Julie Mathieson*

Chief Executive Officer read a statement circulated to all Elected Members by Julie Mathieson in favour of Agenda Item 11.1.5 ‘Reaffirmation of Decision to Initiate Scheme Amendment 59, Rezoning “Industry” to “Mixed Business” on Various Lots Port Hedland’.

Ms Mathieson congratulated Councillors for their conviction to have more accommodation in the West End. On 30 August 2012 Council resolved to change the zoning at various sites on Anderson Street, Hardie Street, McKay Street and Stocker Street from industrial to mixed business. More accommodation will bring back vibrancy to the town and rejuvenate the locality's heritage and more people living in the West End will encourage the big resources companies to incorporate technologies that produce less dust and a cleaner export business. In a public health document dated March 2010, the WA Department of Health reviewed the impact of dust on Port Hedland. The findings recommended that dust generated from industrial businesses be reduced to the "interim PM10 dust guideline of 70ug/m3 with 10 exceedances". The report found that the elderly, sick and young children should be protected from excessive dust. Since the port expansions are not proceeding, the concerns raised in the report about more dust generated should be minimised. Until the dust is reduced the report recommended commercial developments, hotels, holiday apartments and short term occupancies for the area. Therefore the EPA should not stall the zoning of the sites from industrial to mixed business. The West End needs more development and restoration of its heritage to bring back its vibrancy. The EPA should be focusing on technologies to minimise dust, not hindering orderly and proper planning for a locality such as the West End.

Deputy Mayor closed Public Statement Time at 5:50pm.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 *Councillor Carter*

What is the cost of Consultants for the Marquee Park project?

Chief Executive Officer advised that this question is taken on notice.

5.2 *Councillor Gillingham*

When will Marquee Park be ready to open? Members of the public have also asked whether the park is going to be fenced.

Chief Executive Officer advised that structural elements at the park have been completed. Due to Cyclone Rusty the water sampling process had to be started again and the first sample was taken today.

Director Engineering Services advised that there have been some modifications to the entry of the park but there is no other fencing included. This is something Council can consider in the future budget process.

There is a water playground in the City of Perth in the Forrest Chase area. Have the City of Perth had similar problems that the Town are currently experiencing?

Director Community Development advised that he is familiar with the water playground in Perth and is not aware of any issues. The difficulty that the Town face is the climate, which can cause water sanitation issues plus the level of pindan in the air.

Is the general public allowed to access copies of the Town's bank statements under the Freedom of Information Act?

Chief Executive Officer advised that under the Freedom of Information Act there are only certain documents that are permitted to be released, bank statements do not fall into this category. The Towns' finances are reported on a monthly basis to Council along with quarterly budget reviews and annual budget reviews which are then audited.

Director Corporate Services advised that at each Ordinary Council Meeting the Town now provides the public and Elected Members with an outline of what is currently sitting in the Town's bank accounts.

Can the Town look into the purchasing and installing of a webcam on the water tower in Port Hedland which is linked to a website so that the world and the community can see cyclones approaching?

Chief Executive Officer advised that this question is taken on notice.

The Town was fortunate not to have had many trees damaged during Cyclone Rusty. Can the Town look into planting mango trees around the Town as they are better anchor trees and may be more cost effective in the future?

Chief Executive Officer advised that this question is taken on notice.

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

Deputy Mayor Daccache	Councillor Carter
Councillor Gillingham	Councillor Hooper
Councillor Dziombak	Councillor Taylor

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 23 January 2013**

201213/251 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That the Minutes of the Ordinary Meeting of Council held on Wednesday 23 January 2013 be confirmed as a true and correct record with the following amendments:

- A. That condition 1 of Council's Decision 201213/234 of Item 11.1.3 'Proposed Mixed Use Development consisting of Three (3) Offices and Six (6) Multiple Dwellings on Lot 190 (45) Kingsmill Street Port Hedland (File No.: 401820G)' and recorded on page 39 of those Minutes be changed from;**

'That Council:

Approves the application submitted by Hightower Planning and Development on behalf of Bimornin Pty Ltd for a Mixed Use Development consisting of three (3) "Office" units and six (6) "Multiple Dwellings" at Lot 190 (45) Kingsmill Street Port Hedland subject to the following conditions:

- 1. This approval relates only to the proposed three (3) "Office" units and six (6) "Multiple Dwellings", as indicated on the approved plans (DRG2012/537/1 - DRG2012/537/3), it does not relate to any other development on this lot;'**

To read

'That Council:

Approves the application submitted by Hightower Planning and Development on behalf of Bimornin Pty Ltd for a Mixed Use Development consisting of three (3) "Office" units and six (6) "Multiple Dwellings" at Lot 190 (45) Kingsmill Street Port Hedland subject to the following conditions:

- 1. This approval relates only to the proposed three (3) "Office" units and six (6) "Multiple Dwellings", as indicated on the approved plans (DRG2012/555/1 - DRG2012/555/8), it does not relate to any other development on this lot.'**

- B. That any reference to Tender 11/13 in Item 11.2.1 'Tender 11/19 Provision of Project Management Services for the Wallwork Road Bridge Project. (File No.:28/01/0006)' be changed to Tender 11/33 including the Council Decision 201213/239 recorded on page 94 of those Minutes which will now read:

'That Council:

1. Request the CEO or his delegate notify in writing Thinc Projects Australia PTY Limited advising them that the Town will not require Thinc Projects Australia PTY Limited to project manage the Wallwork Road Bridge Project as it will not be awarding Tender 11/33.
2. Advise all Companies who submitted Tender submissions for Design and Construction Wallwork Road Bridge Tender 11/33 that the Town will not be proceeding with the Tender.'

CARRIED 6/0

ITEM 8 ANNOUNCEMENTS BY CHAIRPERSON WITHOUT DISCUSSION

Deputy Mayor Daccache's Activity Report for the January/February 2013 period to date is as follows:

Saturday, 26 January

- Australia Day Soroptimists Breakfast
- Australia Day Citizenship Ceremony

Tuesday, 29 January

- Weekly Deputy Mayor Chat Spirit Radio

Wednesday, 30 January

- Weekly CEO and Elected Member Chat

Monday, 4 February

- Weekly CEO & Mayor Catch-up Meeting

Tuesday, 5 February

- Weekly Deputy Mayor Chat Spirit Radio

Wednesday, 6 February

- Weekly CEO and Elected Member Chat

Thursday, 7 February

- BHP and Council Meeting

Friday, 8 February

- WA Regional Capitals Alliance Meeting in Perth

Tuesday, 12 February

- Weekly Deputy Mayor Chat Spirit Radio
- Horizon Power Presentation, Chamber of Commerce, Port Hedland

Wednesday, 13 February

- BHP Reps, Elected Members, CEO, Directors Meeting
- Weekly CEO and Elected Member Chat

Friday, 15 February

- Art Gallery Pilbara Stories Opening

Monday, 18 February

- PRC Meeting, Perth

Tuesday, 19 February

- South Hedland CBD Stakeholder Meeting
- Port Hedland Primary School (FISH) Concept

Thursday, 21 February

- BHP/Council Partnership Meeting
- Matt Dann 2013 Season Launch
- Tidy Towns Members, Elected Members and Staff Presentations

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

Nil

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10.1 Darryl Hockey, General Manager External Affairs, and Jeanette Hasleby, Principal Advisor Community Development, from Roy Hill

The Roy Hill project: Progress to date and future plans

Note: This presentation will be rescheduled to a future Council Meeting.

10.2 Sergeant David Tapscott, Operations Manager, from the South Hedland Police

Port Hedland CCTV Network - Benefits to the Community

Note: This presentation has been postponed to the Ordinary Council Meeting to be held on Wednesday 27 March 2013.

Disclaimer**IMPORTANT NOTE:**

Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by Council has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.

ITEM 11 REPORTS OF OFFICERS**11.1 Planning and Development Services****11.1.1 *Proposed Ancillary Accommodation Unit on Lot 22 Captains Way South Hedland. (File No.: 114100G)***

Officer **Leonard Long
Manager Planning
Services**

Date of Report **7 February 2013**

Disclosure of Interest by Officer **Nil**

Summary

The proposed “Ancillary Accommodation” unit is not compliant with Council’s Local Planning Policy 12/005 “Ancillary Accommodation” (LPP12/005). Council is requested to support the Officer’s recommendation to refuse the application.

Background

In November 2012, a meeting was held between the applicant and Town Officers to discuss the potential construction of an “Ancillary Accommodation” unit on Lot 22, Captains Way South Hedland. Given the existing “Single House” is constructed out of brick it was agreed it would be unreasonable to expect the “Ancillary Accommodation” unit to be constructed out of the same.

It was agreed with the applicant, the location of the proposed “Ancillary Accommodation” unit would be supported by the Planning Unit subject to compliance with the LPP 12/005.

Regardless of the advice provided, the applicant has submitted an application that does not comply with the requirements of LPP 12/005. The Planning unit contacted the applicant via email requesting the proposal be reconsidered to bring the application into compliance with LPP 12/005. However, the applicant has requested the application be presented in its current form to Council for consideration.

Consultation

The application was circulated to the following units / organisations:

Internally:

- Manager Building Services
- Manager Environmental Health
- Manager Technical Services

Externally:

- Water Corporation
- Horizon Power
- Department of Water

Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Port Hedland Town Planning Scheme No. 5.

Policy Implications

Council adopted LPP 12/005 “Ancillary Accommodation” in 2012. This policy outlines inter-alia the following:

- Policy Objectives
- Policy Provisions
- Development Requirements

As mentioned, with the exception of the location (supported by the Planning Unit), the development does not comply with the adopted policy.

Strategic Planning Implications

The following section of Council’s Strategic Community Plan 2012 - 2022 is considered relevant:

6.3 Environment

6.3.1 Housing

Address housing shortage & affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013.

The Town together with Council has been working towards achieving the above through the adoption of a policy which no longer restricts the occupation of “Ancillary Accommodation” units to family members of the main house. This has provided home owners with the ability to construct “Ancillary Accommodation” units and be leased out.

Through the Port City Growth Plan, Council has envisaged growing the Town of Port Hedland into the City of Port Hedland. LPP 12/005 has been adopted by Council to ensure the built form and streetscapes of residential areas are not negatively impacted upon, which is an important aspect of growing into a City.

Budget Implications

The application fee as prescribed by the approved fees and charges have been received.

Officer's Comment

An important aspect of growing from a Town into a City where people want to live, work and play is to ensure amenity and the character of our residential areas are not only retained but improved.

The adoption of Local Planning Policy 11, which removes the requirement for the "Ancillary Accommodation" unit to be occupied by a member of the family of the main house, has led to an influx of applications. As a result it was important Council adopt LPP 12/005 to ensure the built form, streetscape and aesthetical value of the surrounding area were not negatively impacted upon.

The adopted LPP 12/005 addresses the following:

"Policy Objectives:

To ensure "Ancillary Accommodation" will not adversely impact on the streetscape and / or amenity of the surrounding area."

The construction of an "Ancillary Accommodation" unit is constrained as a result of the lot being surrounded on two of the four boundaries by "Public Road". The reserve to the north is included in the "Koombana" development plan adopted by Council and endorsed by the WAPC for residential development.

Policy Provisions:

The adopted policy provides clarity on a number of design and location issues, inter alia the following:

"The Ancillary Accommodation unit shall be where practical of an appearance and style similar to the existing "Single House".

The existing "Single House" is of a brick construction, it would be unreasonable to expect the "Ancillary Accommodation" unit to be constructed out of brick, although the applicant has made no attempt to propose alternative cladding material which may resemble a brick type cladding or colour, proposing to use metal wall sheeting on the external walls.

Further, it is not considered unreasonable for the applicant to include other design features of the existing "Single House" such as the hip type roof into the overall design of the "Ancillary Accommodation" unit. Despite this advice being provided by the Town's Officers the applicant has opted to use a gable type roof with a 3 degree pitch (visually a flat roof). This would detract from the existing "Single House" and be visible to the public from Captains Way (regardless of the screening), the adjoining reserve and from Chunking Crescent, due to the requirements of Local Planning Policy No. 11, which requires fencing along secondary street to be the same as what is required along primary streets.

Attachments

1. Proposed elevations

Officer's Recommendation

That Council:

1. Refuses the application submitted by Leimac Building Pty Ltd on behalf of the owners of Lot 22 Captains Ways Andrew John and Lauren Marie Middleton for the following reasons:
 - a. The proposed "Ancillary Accommodation" unit does not comply with Local Planning Policy 12/005 – Ancillary Accommodation.
2. Invites the applicant to submit a new application for an "Ancillary Accommodation" unit in the same location as proposed with the following amendments:
 - a. The roof of the proposed "Ancillary Accommodation" unit being of a similar material, colour and design (hip roof) as the existing "Single House"; and
 - b. The cladding of the proposed "Ancillary Accommodation" unit being of a similar colour as the existing "Single House" brickwork.

201213/252 Council Decision

Moved: Cr Carter

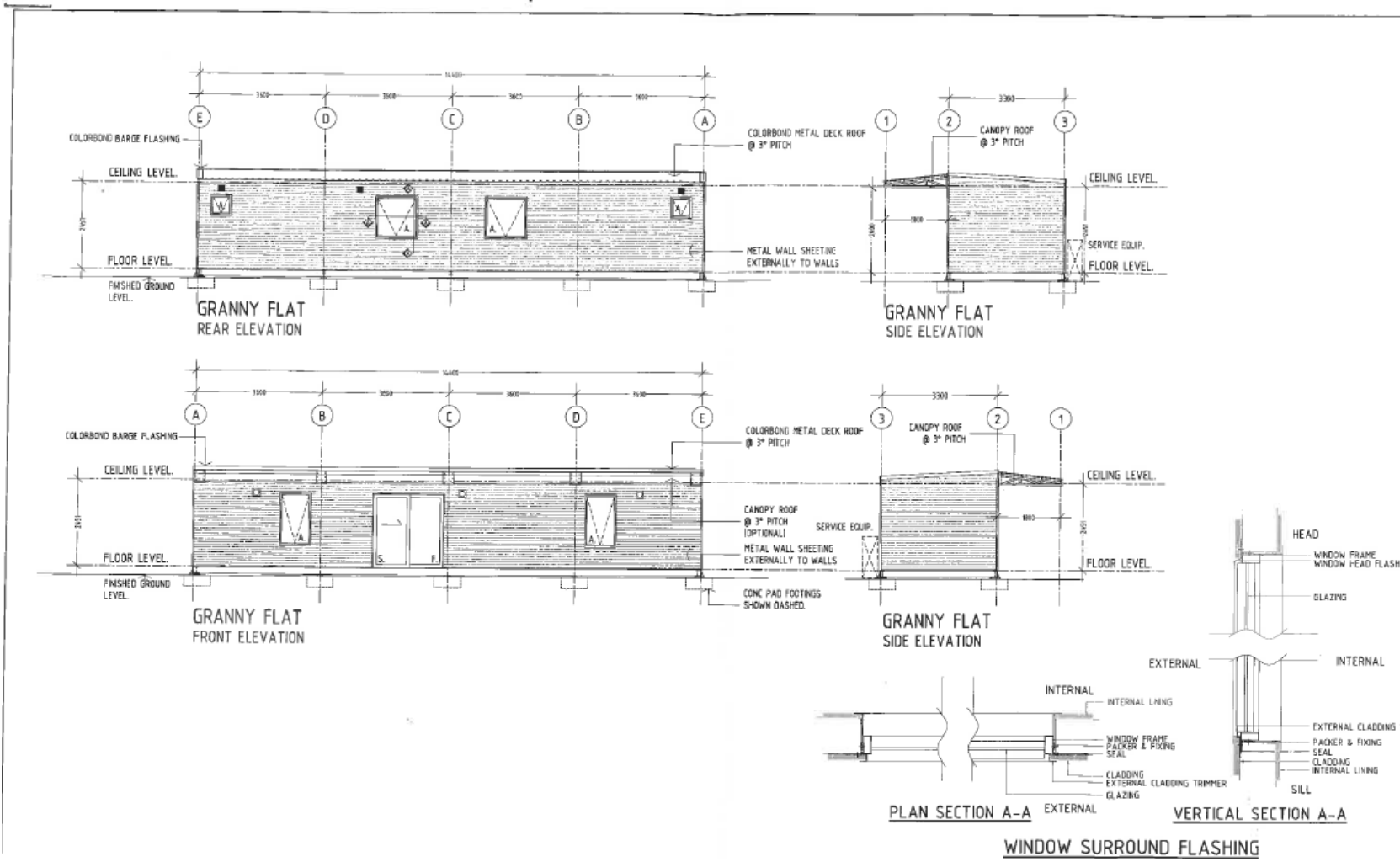
Seconded: Cr Gillingham

That Council:

1. **Invites the applicant (Leimac Building Pty Ltd on behalf of the owners of Lot 22 Captains Ways Andrew John and Lauren Marie Middleton) to submit amended plans for an "Ancillary Accommodation" unit in the same location as proposed with the following amendments:**
 - a. **The roof of the proposed "Ancillary Accommodation" unit being of a similar material, colour and design (hip roof) as the existing "Single House"; and**
 - b. **The cladding of the proposed "Ancillary Accommodation" unit being of a similar colour as the existing "Single House" brickwork.**

CARRIED 5/1

For	Against
Deputy Mayor Daccache	Councillor Taylor
Councillor Carter	
Councillor Gillingham	
Councillor Hooper	
Councillor Dziombak	



DATE	AMENDMENTS	HOUSE TYPE: GRANNY FLAT	PAGE No	SCALE:	1:100	PROPOSED RESIDENCE FOR:	LEIMAC BUILDING PTY LTD	OWNER	WITNESS
23/10/2012	BUILDING FORM & SITE POSITION ADJUSTMENT		6.	DATE DRAWN:	12/09/2012	Andrew John & Lauren Marie Middleton		MIAMUP ROAD	
02/11/2012	DOUBLE CARPORT & SCREENING			JOB NUMBER:	PH69		COWARAMUP 6284 WA.	OWNER	WITNESS
12/12/2012	SHIRE AMENDMENTS			NO in SET:		TO BE CONSTRUCTED ON:	PH: (08) 9755 5900	OWNER	WITNESS
				DRAWN BY:	GP	LOT 22 (#22) CAPTAINS WAY	FAX: (08) 9755 5902	OWNER	WITNESS
				CHECKED BY:		SOUTH HEDLAND		OWNER	WITNESS

CAUTION: DO NOT SCALE FROM DRAWING AS DISTORTION CAN OCCUR DURING COPYING

6:09pm Deputy Mayor Daccache declared a financial interest in Agenda Item '11.1.2 Proposed Final Adoption of Scheme Amendment 45 to the Town of Port Hedland Town Planning Scheme No.5 to rezone Lot 510 on Plan 7557 from "Parks and Recreation" Reserve to "Residential" with a density code of R50 (File No.: 18/09/0059)' as he resides on Dempster street, Port Hedland.

Deputy Mayor Daccache left the room.

Councillor Carter assumed the Deputy Mayor's Chair.

11.1.2 *Proposed Final Adoption of Scheme Amendment 45 to the Town of Port Hedland Town Planning Scheme No.5 to rezone Lot 510 on Plan 7557 from "Parks and Recreation" Reserve to "Residential" with a density code of R50 (File No.: 18/09/0059)*

Officer Steve de Meillon
Senior Strategic Planner

Date of Report 25 January 2012

Disclosure of Interest by Officer Nil

Summary

Council at its Ordinary Meeting held on the 27 July 2011 resolved to initiate Scheme Amendment 45. The amendment seeks to rezone Lot 510 on Plan 7557 (the site) from "Parks and Recreation" Reserve to "Residential" with a density coding of R50.

Council's Strategic Community Plan commits to providing high quality health services and attracting an increased number of resident General Practitioners. The proposed scheme amendment is part of the required statutory process involved in delivering health service housing on the site.

The site is under the responsibility of the Department of Regional Development and Lands with a management order to the Town of Port Hedland. On the 23 April 2012 the Department of Regional Development and Lands granted a change in the vesting from "recreation" to "medical residence".

On the 14 January 2013 the Town of Port Hedland issued a Notice of Completion for building work associated with the medical residence. Approval of Scheme Amendment 45 will ensure the medical residence already constructed on the site is consistent with the provision of the Town of Port Hedland Town Planning Scheme No. 5.

This report seeks Council's approval for final adoption of the scheme amendment.

Background

At the Ordinary Council Meeting on the 27 July 2011 Council initiated Scheme Amendment 45 to the Town of Port Hedland *Town Planning Scheme No. 5* (TPS5).

Location (Attachment 1)

The scheme amendment applies to Lot 510 on Plan 75557 (the site). The site is located on Reserve 51171 and under the responsibility of the Department of Regional Development and Lands (RDL) with a management order to the Town of Port Hedland for “medical residence”.

The site is located within the Cooke Point locality and is approximately 200m north of the Cooke Point Recreation Club. The site has road frontage to the south from Dempster Street.

Under the provisions of TPS5 the site is bound by “Parks and Recreation” reserved land to the north and east, and “Residential” zoned land with a R50 density code to the south and west.

The Amendment (Attachment 2)

The scheme amendment seeks to rezone Lot 510 on Plan 75557 (the site) from “Parks and Recreation” Reserve to “Residential” with a density coding of R50.

Previous Approvals

The scheme amendment is part of the required statutory process in providing a “Residential” zoning on the site. The scheme amendment is a key process in the joint venture project to construct much needed housing for health service employees.

Table 1 below outlines the various processes and approvals issued as part of delivering the project.

Table 1 - Approval Process

Approval/Resolution	Agency	Date
Resolution to request RDL to amend the management order over the site from ‘recreation’ to ‘medical residence’.	ToPH	10 November 2010
Initiate Scheme Amendment 45.	ToPH	27 July 2011
Development Approval issued for seven (7) “Grouped Dwellings”.	ToPH	30 November 2011
Management order over the site amended to ‘medical residence’.	RDL	23 April 2012
Notice of Completion of works issued for the development.	ToPH	14 January 2013

Consultation

Prior to commencing public advertising, the scheme amendment was sent to the Environmental Protection Authority (EPA) for environmental consideration. The EPA determined the scheme amendment should not be assessed under the *Environmental Protection Act 1986* and that it is not necessary to provide any advice or recommendations.

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

- North West Telegraph: 16 May 2012 – 27 June 2012.
- Site signs: 16 May 2012 – 27 June 2012.
- Council Website: 16 May 2012 – 27 June 2012.

Written notification was sent to all adjoining and affected landowners.

Written notification was sent to the following agencies:

- Water Corporation.
- Department of Environment and Conservation.
- Main Roads Western Australia.
- Horizon Power.
- Telstra.
- Optus.

A summary of submissions received during the advertising period is contained with Table 2 below.

Correspondent	Issue Raised	Planning Response
Water Corporation	Neither supports or objects to the application subject to the following conditions: The service demand for water and wastewater is <u>counted</u> in the current land planning by LandCorp and RPS (Port Hedland – East End). The approval of this application is in abeyance until this work has been completed. The land is to be above flood levels as determined by the above planning outcomes.	Since initiation of the scheme amendment the Water Corporation has issued approval for water and wastewater connection. Water and wastewater have since been connected. Flood levels have been addressed through the Development Application approval process.

Main Roads Western Australia	No objection.	Not required.
Department of Environment and Conservation (DEC)	Notes that there is a moderate to high risk of acid sulfate soils occurring in the area subject to this scheme amendment. The proponent will need to demonstrate that ASS will be appropriately managed during subsequent development of this land to minimize impacts to the environment.	Through negotiation with the DEC it was determined the Council can approve the scheme amendment without the need for an initial acid sulfate investigation provided soil disturbance and/or dewatering operation in ASS moderate to high risk areas will not be undertaken on the land. The DEC has reframed the condition around the need for ASS management during the development phase. In light of the above, the DEC has no objection to the progress of the scheme amendment without the need for an initial ASS investigation.
Telstra	No objection.	Not required.
Horizon Power	No objection.	Not required.

Department of Immigration and Citizenship (DIC)	<p>The Commonwealth government does not intend on reactivating the site for the purposes of immigration detention operations. However, the Commonwealth reserves its own right to use the site in future for a range of purposes which may include immigration related activities or other Commonwealth Government purposes. Any plans for use of the adjoining site must take into account the potential impact of those activities.</p>	<p>From discussions with the DIC it was determined the land use proposed by the scheme amendment would not compromise future operations on the adjoining site.</p> <p>Appropriate buffers and potential easements were addressed through the subdivision and development processes.</p>
	<p>The department would appreciate it if Port Hedland Council would acknowledge the potential Commonwealth uses of the site and the ecological matters as raised above. In addition, can you please ensure that the development has adequate buffers and that all potential easements are contained to your site.</p>	

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

The following section of the Pilbara's Port City Growth Plan is considered relevant to the proposal:

Section 6.6.2
Precinct 2 – East End Urban Village.

Identified Land Use

Residential – Medium Density (R40 – R60: Apartment, townhouse, villa residential).

The following section of the Council's Strategic Community Plan 2012 – 2022 is considered relevant to the proposal:

6.3 Environment

6.3.2 Community Facilities

Facilitate the provision of high quality health services and facilities for residents that are equal to or above of those found in the metropolitan area.

Budget Implications

Immediate:

Council was required to advertise the scheme amendment under the provisions of the *Town Planning Regulations 1967*. The costs associated with the scheme amendment have been budgeted for by the Planning & Development Unit.

Long Term:

Nil

Officer's Comment

As part of the Sustainability Framework outlined within the Growth Plan, Council is committed to enhancing livability and creating healthy, safe and secure communities. To achieve these principles the Strategic Community Plan outlines an immediate priority to facilitate the provision of high quality health services.

The proposed scheme amendment is part of a joint venture project to provide accommodation and attract an increased number of resident General Practitioners to Port Hedland. The Council, and associated partners, have successfully negotiated with a number of stakeholders and delivered a first stage of seven (7) "Grouped Dwellings" for medical residences on the site.

The scheme amendment will rezone the site to permit residential uses including "Grouped dwellings". The scheme amendment ensures the project is consistent with the provisions under TPS5.

Attachments

1. Locality Plan.
2. Scheme Amendment Document.
3. Submissions Received.

Options

1. Approve final adoption of Scheme Amendment 45.
2. Approve final adoption of Scheme Amendment 45 with modifications.
3. Refuse final adoption of Scheme Amendment 45.

Option 2 is recommended to allow the new lot details to be updated in the final adoption. Progressing the scheme amendment will ensure existing and future developments are consistent with the TPS5.

201213/253 Officer's Recommendation / Council Decision**Moved: Cr Dziombak****Seconded: Cr Gillingham****That Council:**

1. **Rezone Lot 510 on Plan 75557 from "Parks and Recreation" Reserve to "Residential" and apply a residential density coding of R50;**
2. **Amend the zoning map(s) accordingly;**
3. **Authorises the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council's common seal; and**
4. **Forwards three (3) copies of the approved scheme amendment and associated documentation to the Western Australian Planning Commission for Ministerial Consent in accordance with the *Town Planning Regulations 1967* (as amended).**

CARRIED 5/0

6:11pm Deputy Mayor Daccache re-entered the room and resumed his chair.

Deputy Presiding Member advised Deputy Mayor Daccache of Council's Decision.

LOCALITY PLAN



ATTACHMENT 2 TO ITEM 11.1.2

**PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO. 5
AMENDMENT NO. 45**

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

1. Rezoning part of Lot 5551 on Plan 240246 from "Parks and Recreation" reservation to "Residential" R50.

Dated this 27 day of July 2011.

CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT

INTRODUCTION / BACKGROUND

This report is prepared on behalf of the Town of Port Hedland to support an amendment to the *Town of Port Hedland Town Planning Scheme No. 5*.

The overarching purpose of the amendment is to allow the Town to utilise land under its management to provide health service housing. The amendment will rezone Lot 510 on Plan 75557 from "Parks and Recreation" Reserve to "Residential" with a density coding of R50.

DESCRIPTION OF SUBJECT LAND AND SURROUNDS

Location, Area & Ownership

Lot 510 on Plan 75557 (the site) located on Dempster Street, Port Hedland is located within the Cooke Point locality which is approximately 6.2km from the Port Hedland Town Centre. The site is approximately 1.1056ha in size and is generally a rectangular shape, with a narrow portion extending south to front Dempster Street.

The site is under the ownership of the State of Western Australia with a management order to the Town of Port Hedland for the purposes of "Medical Residence".

Existing Development and Use

The site was previously vacant and undeveloped land.

In anticipation of this amendment, Planning Approval was granted for seven (7) "Grouped Dwellings" on the site on the 30 November 2011. The seven (7) "Grouped Dwelling" development was approved as part of the General Practitioner (GP) Housing project, which is a Partnership Project between Royalties for Regions, BHP Billiton Iron Ore and the Town of Port Hedland.

The site is currently developed with seven (7) one storey "Grouped Dwellings" along the southern boundary, and an internal road accessed from Dempster Street. The northern and western portions of the site are currently undeveloped.

Surrounding Land Uses

The site is widely surrounded by residential land uses to the south and west, and natural bushland to the north and east. The site is approximately 120m south of the coast and approximately 400m east of the Cooke Point Recreation Club.

The site is immediately adjoined by the Beachfront Village to the west and natural bushland to the north and east. Under the provisions of the Town of Port Hedland *Town Planning Scheme no. 5 (TPS5)* the adjoining land uses are indicated as "Residential" zone with a density coding of R50 and "Parks and Recreation" reserve.

Services

The site has been connected to the normal range of residential services such as power, water and telecommunication. The site is also connected to reticulated sewerage.

LOCAL PLANNING CONTEXT

Town Planning Scheme No. 5

Under the provisions of TPS5 the site is currently reserved for "Parks and Recreation". The amendment proposes to zone the site to "Residential" with a density coding of R50.

Pilbara's Port City Growth Plan

The Pilbara's Port City Growth Plan (Growth Plan) was adopted by the Town of Port Hedland on the 23 May 2012 and endorsed by the Western Australian Planning Commission on the 27 December 2012. The Growth Plan is therefore operational as the Town's Local Planning Strategy.

The site is identified within Precinct 12 – East End Urban Village of the Growth Plan. The site is specifically highlighted within Precinct 12 for future Residential – Medium Density (R40 – R60; Apartment, townhouse, villa residential).

The amendment is consistent with the Council's Local Planning Strategy.

Strategic Community Plan

The Council's Strategic Community Plan 2012 – 2022 (Community Plan) is the foundation stone of building an integrated planning and reporting framework. The document ensures the Town of Port Hedland's policies and services are aligned to the aspirations of the community.

Section 6.3.2 – Community Facilities of the Community Plan addresses the need to facilitate the provision of high quality health services and facilities for residents that are equal to or above of those found in the metropolitan area. The Community Plan identifies that in order to facilitate the provision of high quality health services, there

is a need to provide medical and health service providers with an increased number of resident General Practitioners in the short to medium term.

The amendment is consistent with the Council's Community Plan.

PROPOSED AMENDMENT

Purpose

This amendment will create a residential zoning over the site that is consistent with surrounding densities and uses that will allow for the development of land in a manner that integrates with the existing urban fabric.

Specifically, the amendment seeks to change the town planning scheme classification for the site from a "Parks and Recreation" reserve to a "Residential" zone with a density coding of R50.

The amendment will facilitate the General Practitioner (GP) Housing project, which is a Partnership Project between Royalties for Regions, BHP Billiton Iron Ore and the Town of Port Hedland. The GP Housing project will provide health service housing under the management order of the Town of Port Hedland.

JUSTIFICATION / CONCLUSION

In conclusion, the proposed amendment recognises the existing development in the area and the strategic objectives of the Town of Port Hedland.

The final adoption of the scheme amendment will facilitate in the GP Housing project being translated into a statutory framework that provides clear and transparent guidance to all decision-makers responsible for this land.

PLANNING AND DEVELOPMENT ACT 2005

TOWN OF PORT HEDLAND

TOWN PLANNING SCHEME NO. 5

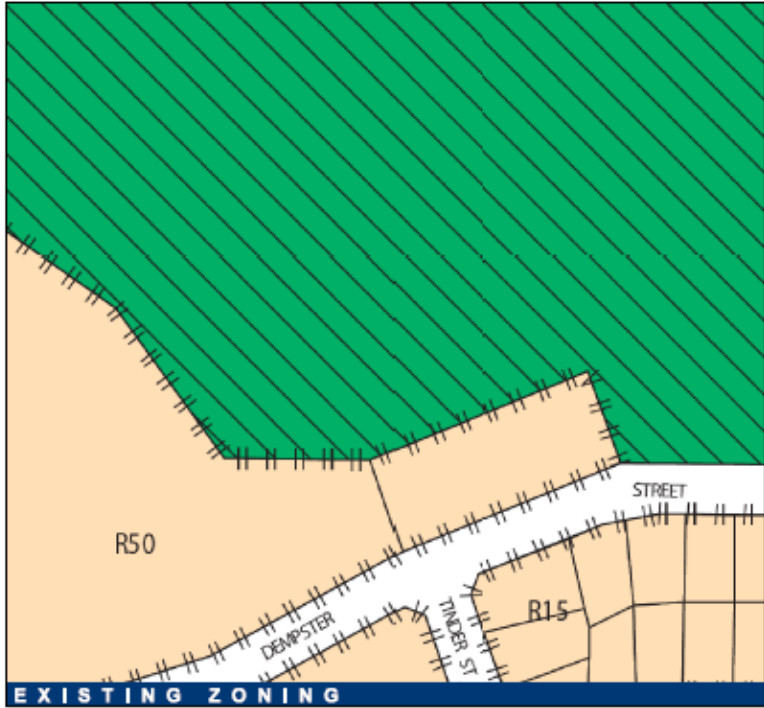
AMENDMENT NO. 45

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 Lot 510 on Plan 75557 from "Parks and Recreation" Reserve to "Residential" with a density code of R50.
2. Amend the Scheme Map(s) accordingly.

SCHEME AMENDMENT MAP

Town of Port Hedland
Town Planning Scheme No.5
Amendment No. 45



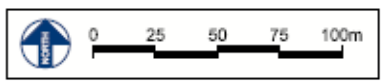
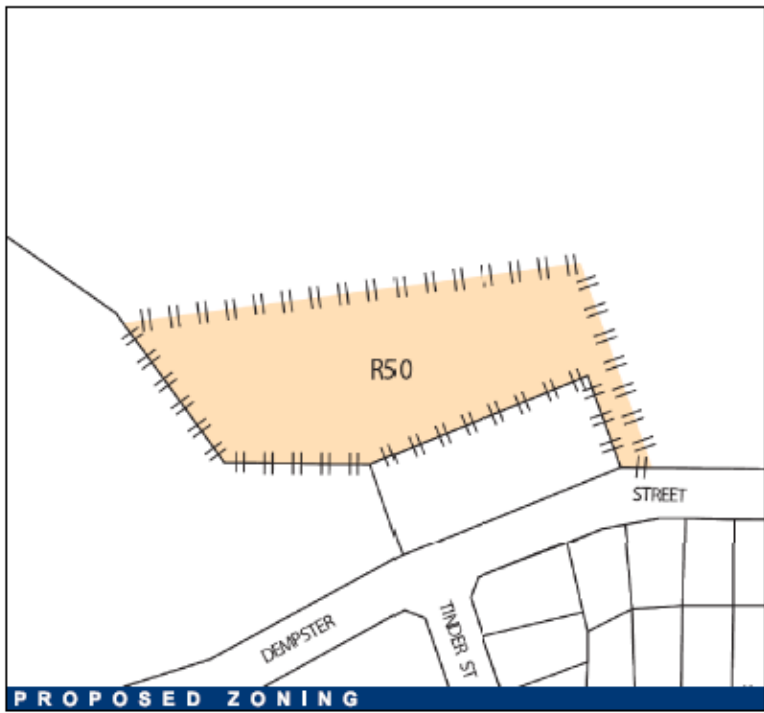
LEGEND

LOCAL SCHEME RESERVES
PARKS AND RECREATION

ZONES
RESIDENTIAL

OTHER
R20 R CODES

1:2,500@A4 : SCALE
28 February 2012 : DATE
40097-001.dgn : PLAN No
- : REVISION



ADOPTION

Adopted by resolution of the Council of the Town of Port Hedland at the Meeting of the Council held on the 27 day of February 2013.

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the Town of Port Hedland at the Meeting of the Council held on the 27 day of February 2013 and the Common Seal of the Town of Port Hedland was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

.....
DELEGATED UNDER S.16 OF
THE PD ACT 2005

DATE.....

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE.....

ATTACHMENT 3 TO ITEM 11.1.2

Your Ref: 2011/360 /18/09/0059
 Our Ref: JT 1 2010 10908 V03
 Contact: Frank Kroll
 Phone: 9420 2221



30 May 2012

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

note

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

Attention: Ryan Djanegara

**APPLICATION No. 2011/360 FOR PROPOSED SCHEME AMENDMENT
 No. 45 – TO REZONE LOTS 501 TO 509 DEMMPSTER STREET PORT
 HEDLAND ON PLAN 69967 FROM "PARKS AND RECREATION
 RESERVATION" TO "RESIDENTIAL R50"**

Thank you for your letter dated 16 May 2012, seeking the Corporation's response in relation to this application.

General Advice

The Corporation has been engaged in strategic planning meetings with LandCorp and GHD in relation to the land and infrastructure capacity options for Port Hedland East, and this planning is continuing.

The relocation actions for the wastewater treatment plant are in progress and the transfer pump station is in the process of being designed. A site has been selected. Refer to attached plan. The pump station size has already been selected based on previous population figures provided, and therefore the capacity is fixed.

The study team has yet to advise the Corporation on the strategic land plan to be adopted, and hence wastewater and water planning has not been finalised.

The application is therefore premature considering the planning matters in progress. However it is likely that an outcome to these matters would be resolved by the end of 2012.

Recommendation

The Corporation therefore currently neither supports nor objects to the application, considering planning matters are in progress, and the application is subject to the following conditions:-

- The service demand for water and wastewater is counted in the current land planning by LandCorp and RPS (Port Hedland – East End).



Document #: IPA27580
 Date: 05.06.2012
 Officer: LEONARD LONG
 File: 18/09/0059

TO RYAN
 11/6/12

- The approval of this application is in abeyance until this work has been completed.
- The land is to be above flood levels as determined by the above planning outcomes.

The Corporation would support the application should these matters be satisfactorily addressed.

Servicing Advice

Water and wastewater mains are in the vicinity and the land is capable of being serviced in the local vicinity.

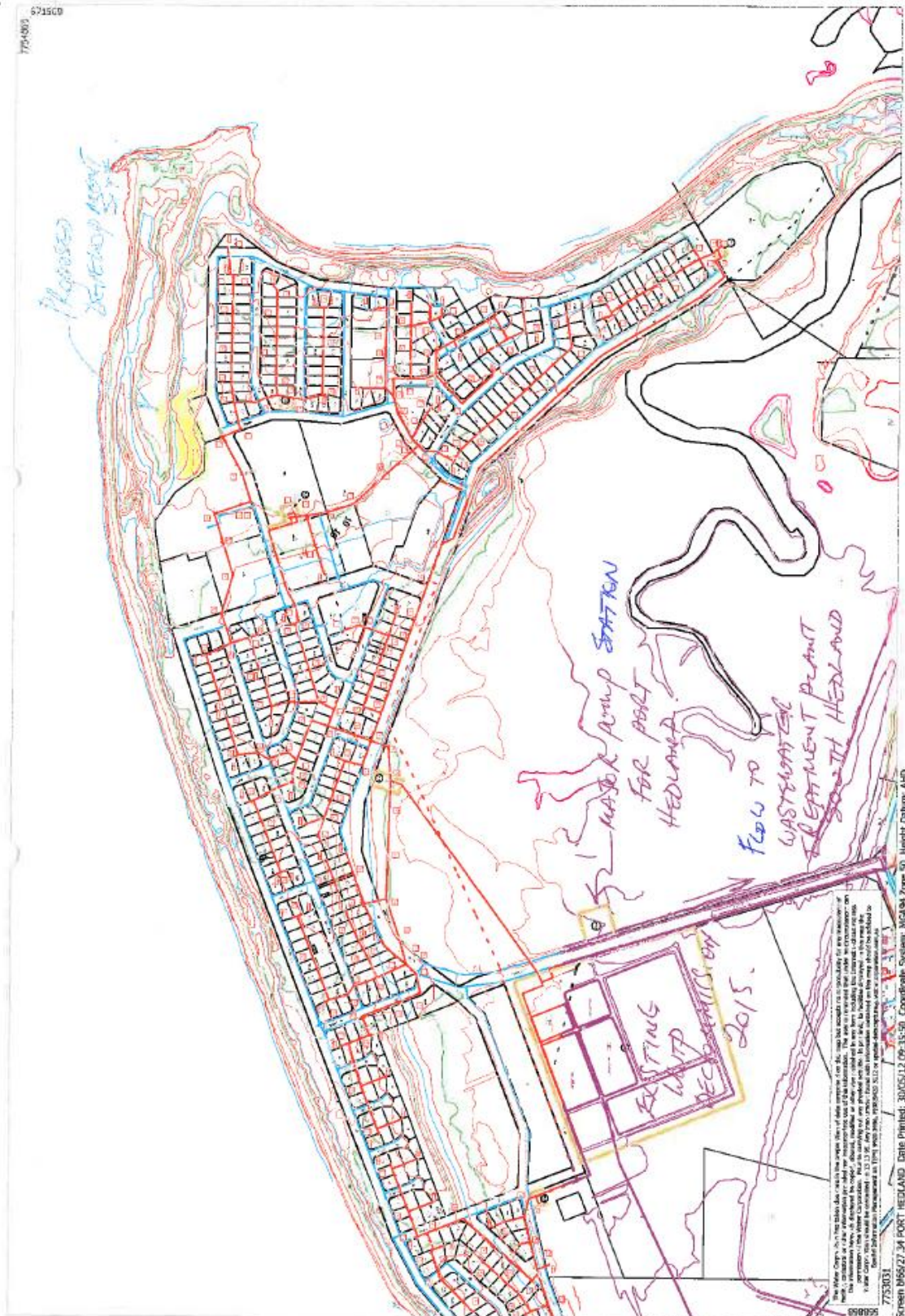
Existing mains may need to be upgraded at the developer's cost.

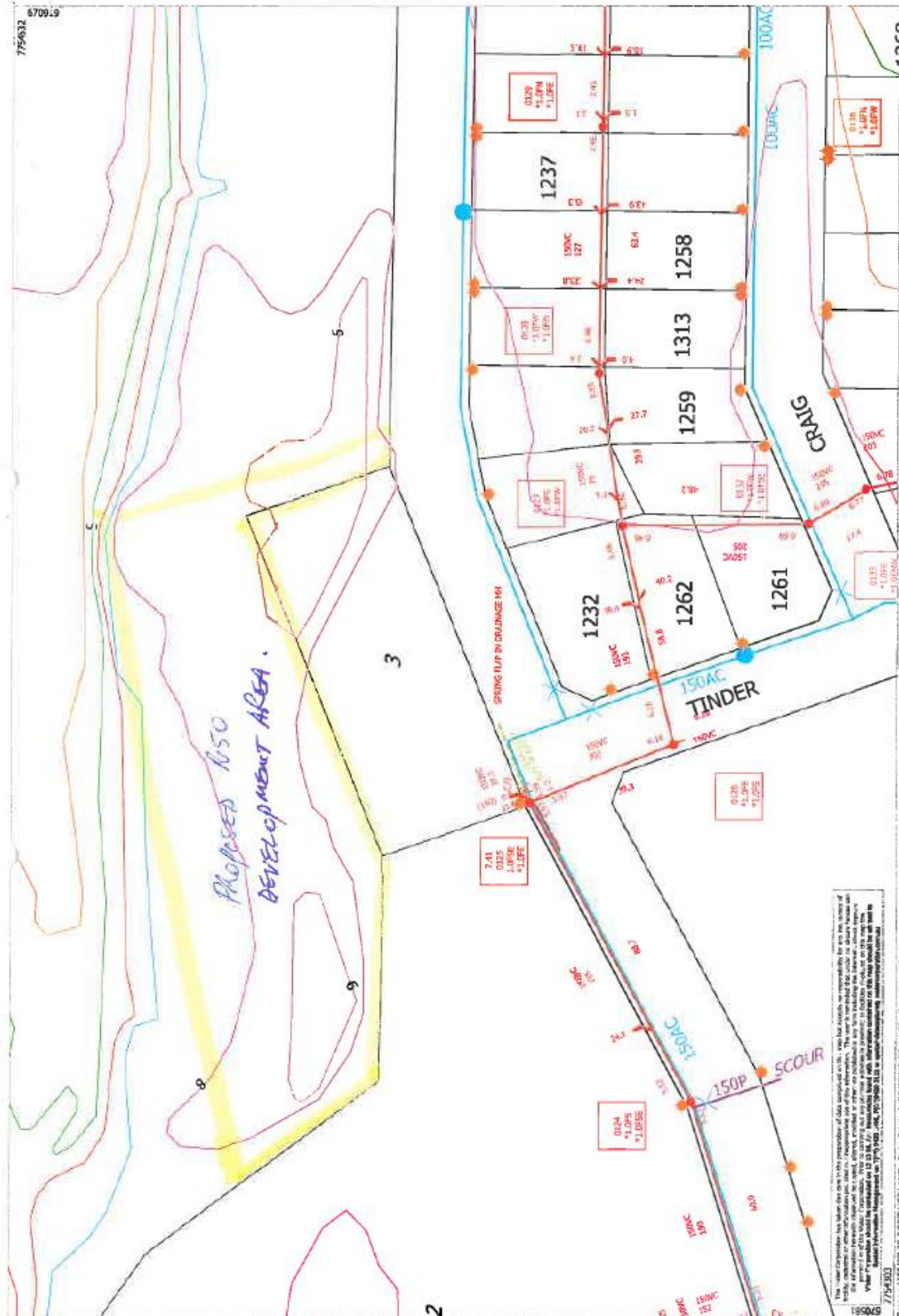
Water efficiency measures are to be applied in accordance with Department of Water and Water Corporation guidelines.

Should there be further queries, please contact the undersigned.



Frank Kroll
Senior Development Planner
Development Services
Planning & Capability





This map is a computer-generated drawing based on the data provided in the accompanying information. The user assumes full responsibility for the accuracy of the information provided. The user is advised to verify the accuracy of the information provided before using it for any purpose. The user is advised to verify the accuracy of the information provided before using it for any purpose. The user is advised to verify the accuracy of the information provided before using it for any purpose.

Screen 1000/27.15 PORT HEDLAND Date Printed: 30/05/13 09:16:23 Coordinate System: MGA94 Zone 50 Height Datum: AHD




ABN: 50 860 676 021

Enquiries: Manish Gupta on 08 9172 8813
Our Ref: 06/3513-05
Your Ref: 2011/360/18/09/0059

19 June 2012

MR Ryan Djanegara
Senior Planning Officer/A
Town of Port Hedland
P O Box 41
Port Hedland WA 6721

↓ 21/6/12 → ED

Document #: IPA28167
Date: 22.06.2012
Officer: LEONARD LONG
File: 18/09/0059

Dear Ryan

APPLICATION: 2011/360 FOR PROPOSED SCHEME AMENDMENT NO.45 – TO REZONE LOTS 501 TO 509 DEMPSTER STREET, PORT HEDLAND ON PLAN 69967 “PARKS AND RECREATION RESERVATION” TO “RESIDENTIAL R50”

Thank you for your letter of 16 May 2012 requesting comments from Main Roads Western Australia (MRWA) regarding the content of the above proposal.

I wish to advise you that MRWA has no objection to the content of the above proposal.

If you require any further information please contact Manish Gupta on 08 9172 8813.

Yours faithfully

Dave Pearson
NETWORK MANAGER
PILBARA REGION



Government of **Western Australia**
Department of **Environment and Conservation**

Your ref: 2011/360
Our ref: DEC7088
Enquiries: Libby Hoskin
Phone: 08 9182 2004
Fax: 08 9144 1118
Email: libby.hoskin@dec.wa.gov.au

Acting Senior Planning Officer
Town of Port Hedland
PO Box 41
Port Hedland 6721
WA

11/7/12 R D D.D.



Document #: IPA28883
Date: 13.07.2012
Officer: LEONARD LONG
File: 18/09/0059

Attn: Ryan Djanegara

Referral of application for proposed scheme amendment No. 45 – to rezone lots 501-509 Dempster St Port Hedland – 2011/360

Thank you for referring the above mentioned application to the Department of Environment and Conservation (DEC) for comment.

DEC notes that there is a moderate to high risk of acid sulfate soils occurring in the area subject to this scheme amendment. The proponent will need to demonstrate that ASS will be appropriately managed during subsequent development of this land to minimise impacts to the environment. DEC's Contaminate Sites Branch (Acid sulfate soils) may be contacted for further advice in this regard.

If you have any queries regarding this matter please call Libby Hoskin at DEC Karratha Regional Office on 9182 2004.

Yours sincerely

Allisdair MacDonald
REGIONAL MANAGER - PILBARA

9 July 2012



Pilbara Region
Lot 3 Cm Mardie & Anderson Roads, Karratha KIE WA 6714
Phone: (08) 9182 2000 Fax: (08) 9144 1118
PO Box 835, Karratha WA 6714

Djanegara Ryan

From: Walkerden, Norm F [Norman.F.Walkerden@team.telstra.com]
Sent: Tuesday, 22 May 2012 11:53 AM
To: Djanegara Ryan
Subject: Application No:2011/360 for Proposed Scheme Amendment No.45 - Lots 501-509 Dempster Rd, Port Hedland

Follow Up Flag: Follow up
Due By: Wednesday, 27 June 2012 4:00 PM
Flag Status: Flagged

Attn: Ryan Djanegara

Ref: 2011/360 / 18/09/0059

Application No:2011/360 for Proposed Scheme Amendment No.45 - Lots 501-509 Dempster Rd, Port Hedland

Thank you for the above advice. At present, Telstra Corporation Limited has no objection. I have added it to our database and look forward to further documentation as the development progresses.

A network extension may be required for any development within the area concerned, the owner/developer will have to submit an application before construction is due to start to NBNC0 or the Telstra Smart Community website: <http://www.telstra.com.au/smart-community/developers/> .

More information regarding NBNC0 can be found on their website <http://www.nbnco.com.au/> .
I add this information about NBNC0 as it is not known when services will be available from NBNC0. Telstra may provide services if NBNC0 cannot.

Please dial 1100 (Dial before You Dig) for location of existing services.

Regards,



Norm Walkerden - Strategic Forecaster
Forecasting & Area Planning, Fixed and Access Engineering, Network and Access Technology, Telstra Operations
Postal: Locked Bag 2525 Perth WA 6001 **Phone:** 08 6224 6272 **Email:** Norman.F.Walkerden@team.telstra.com

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Your Ref: 2011/360 / 18/09/0059
Enquiries: Ray Deall
Telephone 9173 8201

PO Box 314
PORT HEDLAND WA 6721
ABN 57 955 011 697

24th May 2012

Mr Ryan Djanegara
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Ryan

RE: APPLICATION NO: 2011/360 FOR PROPOSED SCHEME AMENDMENT NO.45 – TO REZONE LOTS 501 TO 509 DEMPSTER STREET, PORT HEDLAND ON PLAN 69967 FROM "PARKS AND RECREATION RESERVATION" TO "RESIDENTIAL R50".

Thank you for your enquiry concerning the above application.

Horizon Power has no objection to the proposed scheme amendment No. 45.

Horizon has no **assets** underground or overhead that will be affected by the proposed closure.

If I can be of any further **assistance** or should you have any queries please call me direct on the details above.

Yours sincerely

Ray Deall
Network Asset Management Coordinator



Australian Government
Department of Immigration and Citizenship

3 July 2012

Ryan Djanegara
A/Senior Planning Officer
PO Box 41
Port Hedland
Western Australia 6721

File ref: ADF2011/31717

Dear Mr Djanegara

Proposed Scheme Amendment No.45

I refer to your letter dated 22 May 2012 regarding application No: 2012/360 for the proposed scheme amendment No. 45 to rezone lots 501 to 509 Dempster Street, Port Hedland on plan 69967 from "Parks and Recreation Reservation" to "Residential R50".

I note that seven houses will be developed on the site to accommodate local General Practitioners in an initiative to attract and retain medical professionals to Port Hedland.

The property with Folio Identifier 448 (the site) which is adjacent to the proposed development is Commonwealth land currently controlled by the Department of Immigration and Citizenship (the department). The department leased the site to Auzcorp Pty Ltd on 1 May 2008 and is being used to provide accommodation to fly in fly out workers.

Prior to leasing the site, the department had used the site for the purposes of immigration detention. The Commonwealth government does not intend on reactivating the site for the purposes of immigration detention operations. However, the Commonwealth reserves its own right to use the site in future for a range of purposes which may include immigration related activities or other Commonwealth Government purposes. Any plans for use of the adjoining site must take into account the potential impact of those activities.

The Commonwealth recently completed an independent ecological assessment of the site and it was identified that Cemetery Beach, which is adjacent to the site, is a known Flatback Turtle breeding site. The independent assessor recommended that any future developments should consider shielding all lighting from the beach, so as to not impact upon potential turtle nesting sites. It was also recommended that any encroachment onto the beach area during construction activities should be prevented and direct vehicle access to the beach should be discouraged to minimise impact on the beach habitat.

people our business

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GPO Box 717 CANBERRA CITY ACT 2601 • Telephone: 13 18 81 • Fax: 02 6248 0479 • www.inmi.gov.au

- 2 -

The department would appreciate it if Port Headland Council would acknowledge the potential Commonwealth uses of the site and the ecological matters as raised above. In addition, can you please ensure that the development has adequate buffers and that all potential easements are contained to your site.

If you would like to discuss this matter further, please contact me on the number below.

Yours sincerely



30/7/12.

Tony Judge
Assistant Secretary
Property, Procurement and Contracts Branch

Telephone: (02) 6264 3820
Email: Tony.Judge@immi.gov.au

11.1.3 *Catamore Court: Request for Part Excision and Sale of Land at Shay Gap Park and Subdivision Development Agreement: to / with the Department of Housing for the Catamore Court Development (File no.: 800240G)*

Officer **Brie Holland
Officer Economic
Development &
Strategic Planning**

Date of Report **13 February 2013**

Disclosure of Interest by Officer **Nil**

Summary

This report recommends that the Council sells approximately 1,570 square metres of inactive space at the south boundary of Shay Gap Park to the Department of Housing, based on an unimproved market valuation. It also recommends that the Council allows the Town to enter into contractual negotiations with the Department of Housing (DoH) regarding the joint venture for subdivisional works of Catamore Court.

Background

Catamore Court

The OCM on 26 September 2012 resolved (201213/104) that Council:

- “1. Requests the Acting Chief Executive Office, or her delegate, to pursue a trade for existing housing stock with the Western Australian Department of Housing;*
- 2. Requests the Acting Chief Executive Officer, or her delegate, to concurrently prepare and advertise a “Request for Proposal” for the property on Catamore Court in accordance with the provisions of section 2.58 of the Local Government Act 1995.”*

Subdivision works: Pre-development Process

The parcel of land owned freehold to the Town referred to as Catamore Court has an approved conditional subdivision, Application No. 142732 from the Western Australian Planning Commission (WAPC) attachment 1. The subdivision includes 9 single lots, 1 triplex and 1 group site. Lots 2332 and 2333 on Diagram 46898, adjacent to the Town’s parcel are owned freehold to the DoH.

Prior to any proposal housing developments received from the recently closed Request for Proposal, the Town at its own expense will ensure the completion of all subdivision works including all the necessary utility connections, road networks and ensure the site is free of environment contamination. It is anticipated that on acceptance to the terms (cost and delivery program), the Town will be entering into subdivision / development joint venture agreement with the DoH. Given the expertise of the DoH, they will be project managing the whole subdivision including all parcels owned by the DoH and the Town, including awarding the tendering of the works.

According to advice sort by the Western Australian Local Government Association, Procurement and Contract Consultant, dated 12 September 2012, the Town is within its rights to issue the project management including the tender process of the subdivision works without constraint to a State Government body, being the DoH:

'Regarding the Joint Venture arrangement with the Department of Housing (DOH), it appears at face value that the Town of Port Hedland is not the project proponent, rather the DOH is project managing a development on land that has been provided by the Town. If this is the case, the Town has simply submitted a tender proffered by the State Government. The Local Government Act does not constrain or regulate a Local Government in terms of tendering for the provision of its goods or services to external parties.'

Currently the Town is waiting an announcement by the DoH regarding awarding the Tender for the subdivision works and thus the actual cost associated. Budget allocated to this project currently stands at approximately \$1M. Initial estimates to cost of the subdivision have been stated to be \$1.6M.

Request to sell portion of Lot 1, Diagram 46898 Traine Crescent owned freehold by the Town to the Department of Housing.

Unlike the majority of recreation reserves managed by the Town of Port Hedland owned ultimately by the State Government, Lot 1 on Diagram 46898, Traine Crescent, commonly referred to as Shay Gap Park is not a traditional recreation reserve nonetheless a Park owned freehold to the Town. The total area of the Park is 1.4235ha. The current conditional subdivision plans include a portion of the Shay Gap Park to be amalgamated into the DoH's sub-dividable Lots: 2332 and 2333 in order for a road reserve to be constructed. More specifically the DoH plan to formally request to purchase an inactive portion of the Park from the Town, being an area of approximately 1,570 square metres south of the boundary (14.8m frontage, 106.2m deep). Current valuation is based on an improved value (\$500,000) however the DoH wishes to purchase the land unimproved, which a valuation is currently being sourced.

The monies made from the sale of the land will go towards any additional cost of subdivision works, which lay outside of the pre budgeted \$1M. Council should note that the Town has the right to sell land directly to a State Government Department according to *Local Government Act 1995 Functions and General Regulations 1996*, section 30, Part (2) (c).

Section 3.59 will not be envisaged to be evoked as the value of the transaction will not be any higher than the improved valuation currently standing at \$500,000. This report will be requesting the Town to excise and sell 1,570 square metres of inactive Park space at Lot 1 Traine Crescent, as depicted in the conditional subdivision to the DoH, at the current unimproved market rate.

Consultation

- Director of Planning and Development
- Manager of Economic Development and Strategic Planning
- Officer of Economic Development and Strategic Planning
- Western Australian Local Government Association
- Department of Housing

Statutory Implications

Local Government Act 1995

'30. Dispositions of property to which section 3.58 of Act does not apply

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.....

(2) A disposition of land is an exempt disposition if –

(c) the land is disposed of to –

(i) the Crown in the right of the State or the Commonwealth; or

(ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or

(iii) another local government or a regional local government;'

Policy Implications

Nil

Strategic Implications

Council's Strategic Community Plans 2012 - 2022

6.3 Environment

6.3.1 Housing

Address housing shortage & affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013

Budget Implications

2012 / 2013 allocated funds
\$1,095,000, GL account 901422.

Subdivision works

Pending the portion cost of the Tender from the DoH and Council's decision to sell a portion of Shay Gap Park to DoH.

Officer's Comment

The objective of the Town of Port Hedland and the Department of Housing is simple: provide increased housing options in Port Hedland. The Town is moving the Catamore Court development forward in an effort to provide Staff Housing in the immediate foreseeable future. The Town is in possibly the most ideal development situation it can find itself, where the State Government will be project managing the subdivision works, on behalf of the Town. Subdivision works will obviously come at a cost, \$1M of which has already been budgeted for by Council. What needs to be emphasised is that essential to the subdivision works progressing and by default what will make the project more cost effective is selling a portion of inactive Shay Gap Park land to help offset the cost of the works, at no impact to the current use of the Park.

Attachments

1. Conditional subdivision No. 142732 WAPC.
2. Certificate of Title, Lot 1 Diagram 46898, Volume 1385/ Folio 491, Shay Gap Park owned Freehold Town of Port Hedland.

Officer's Recommendation

That Council:

1. Requests a formal cost of the Town's portion of civil works of Catamore Court, including a schedule of works program be reported back to Council once received from the Department of Housing;
2. On the basis that a formal costs for civil works is noted by Council, endorses the Chief Executive Officer or delegated officer to negotiate joint venture subdivision agreement with the Department of Housing for the project management of the subdivisional works; and
3. Approve to excise a portion of its freehold inactive Shay Park land being Lot 1, Diagram 46898, Traine Crescent, on receipt of a formal proposal, to the Department of Housing at a current unimproved market valuation.

Officer's Alternative Recommendation

That Council:

1. Requests the CEO or his delegate to enter into discussions with the Department of Housing to confirm the project management and civil works costs for the infrastructure required to service the Town's land within the Catamore Court development;
2. Requests the Chief Executive Officer or his delegated officer to negotiate with the Department of Housing for a joint venture agreement for the proposed subdivision works as conferred by item 1) above;
3. Approve the excision of a portion of Shay Gap Park (owned freehold by the Town) being Lot 1, Diagram 46898, Traine Crescent, in accordance with the approved subdivision plan; and
4. Request the Chief Executive Officer to dispose of the land referred to in item 3) above to the Department of Housing upon the receipt of a formal proposal and subject to the satisfactory negotiation of an agreed land value.

201213/254 Council Decision

Moved: Cr Carter

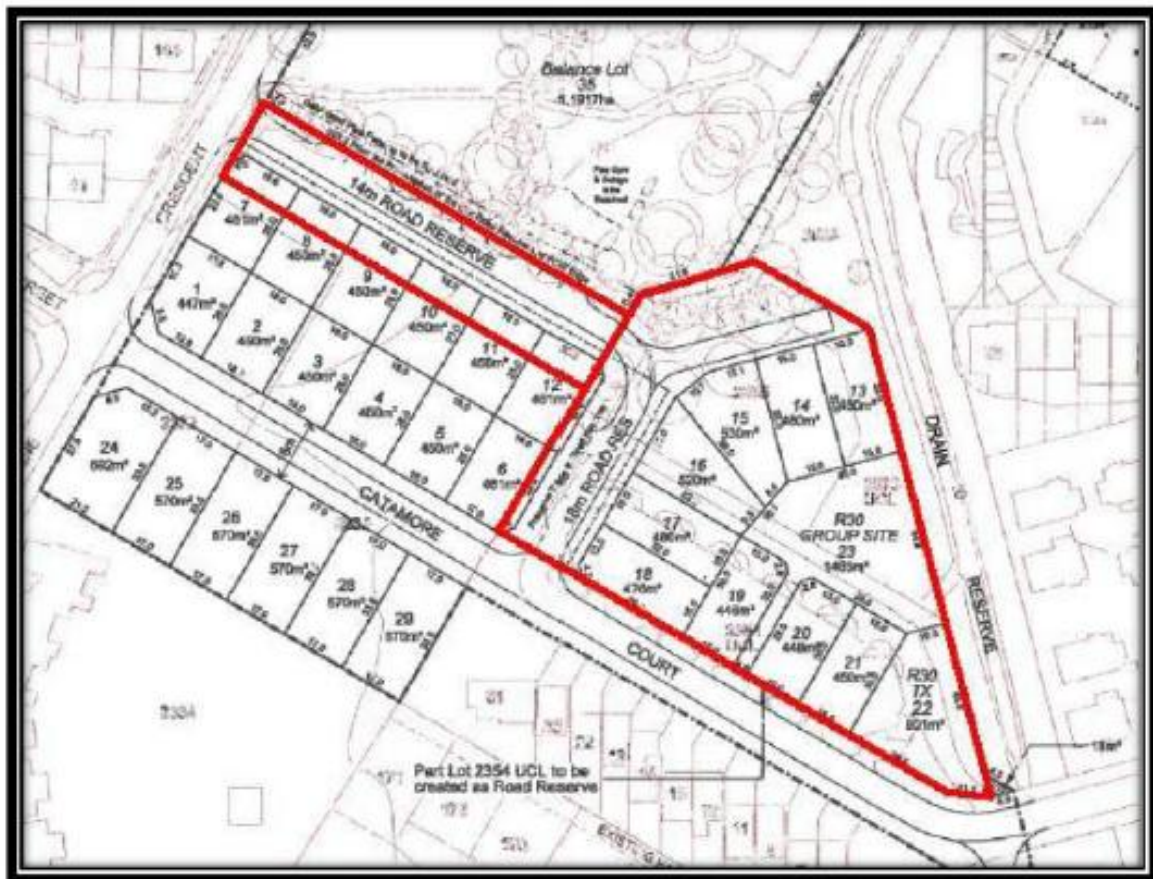
Seconded: Cr Dziombak

That Council:

1. **Requests the Chief Executive Officer, or his delegate, to enter into discussions with the Department of Housing to confirm the project management and civil works costs for the infrastructure required to service the Town's land within the Catamore Court development;**
2. **Requests the Chief Executive Officer or his delegated officer to negotiate with the Department of Housing for a joint venture agreement for the proposed subdivision works as conferred by item 1) above;**
3. **Approve the excision of a portion of Shay Gap Park (owned freehold by the Town) being Lot 1, Diagram 46898, Traine Crescent, in accordance with the approved subdivision plan; and**
4. **Request the Chief Executive Officer to dispose of the land referred to in item 3) above to the Department of Housing upon the receipt of a formal proposal and subject to the satisfactory negotiation of an agreed land value.**

CARRIED 6/0

ATTACHMENT 1 TO ITEM 11.1.3



Excerpt from Subdivision Plan as per WAPC conditional planning approval Application No. 142734, 22 November 2010.

ATTACHMENT 2 TO ITEM 11.1.3



REGISTER NUMBER 1/D46898	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **1385** FOLIO **491**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.


REGISTRAR OF TITLES 

LAND DESCRIPTION:

LOT 1 ON DIAGRAM 46898

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

TOWN OF PORT HEDLAND OF POST OFFICE BOX 41, PORT HEDLAND
(T G510851) REGISTERED 24 JUNE 1997

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. *G510852 CAVEAT BY THE STATE HOUSING COMMISSION LODGED 24.6.1997.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1385-491 (1/D46898).
PREVIOUS TITLE: 1333-89.
PROPERTY STREET ADDRESS: LOT 1 TRAIINE CR, SOUTH HEDLAND.
LOCAL GOVERNMENT AREA: TOWN OF PORT HEDLAND.

11.1.4 *Petition Against Road Type Change for Lovell Place, South Hedland (File No.: 18/07/0016)*

Officer Katherine Press
Lands and Technical Officer

Date of Report 7 February 2013

Disclosure of Interest by Officer Nil

Summary

The Town is in receipt of a petition from the residents of Lovell Place outlining their objections against the road type amendment of Lovell Place, South Hedland.

Lovell Place will become a through road as part of the approved subdivision of Limpet Crescent and the surrounding area. The road type "Place" will no longer be appropriate and is required to be amended to "Way".

It is recommended that Council approve the amendment to the road type of Lovell Place.

Background

The Town received a request from McMullen Nolan (applicant) to amend the road type of Lovell Place to Lovell Way.

The Town wrote to the property owners and occupiers of Lovell Place on 19 December 2012, advising of the road type amendment. In response to the Town's correspondence a petition against the road type amendment was received from the residents of Lovell Place, South Hedland. The petition was signed by twenty three (23) residents of Lovell Place. Please see Attachment 1 – comments of the petition.

The Western Australian Planning Commission approved a subdivision subject to conditions for various lots within South Hedland referred to as Lot 2 Limpet Crescent, South Hedland.

Lovell Place is an existing road adjoining the land approved to be subdivided. New roads will be created as part of the subdivision and as a result, Lovell Place will become a through road and the road type "Place" will no longer be relevant.

Please refer to Attachment 2 – Locality Plan.

The Australian and New Zealand Standard - Rural and Urban Addressing defines the road types as:

“Place – Short, sometimes narrow, enclosed roadway.

“Way – Roadway affording passage from one place to another. Usually not as straight as an avenue or street.”

Consultation

The Geographical Names Committee has confirmed that the road type amendment is required in accordance with the AS_ NZS - Rural and Urban Addressing.

Statutory Implications

The assigning of road types to road names is required to be accordance with Appendix A, Road Types - Australia of the AS_ NZS - Rural and Urban Addressing and the Town's Policy 12-004 – Road Names and Street Numbering.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

As a result of the approved subdivision of various lots within South Hedland referred to as Lot 2 Limpet Crescent, Lovell Place will become a through road. The Lovell Place road type will be required to be amended, in accordance with AS_ NZS - Rural and Urban Addressing.

Road types are required to be assigned to new road names, in accordance with AS_ NZS - Rural and Urban Addressing. On occasion, due to changes of road layouts, the road types of existing roads are required to be amended, also in accordance with AS_ NZS - Rural and Urban Addressing.

It is recommended that Council acknowledges the residents comments however, approve the road type amendment of Lovell Place to Lovell Way.

Attachments

1. Comments of the petition signed by residents of Lovell Place dated 6 January 2013.
2. Locality Plan.

Officer's Recommendation

That Council:

1. Acknowledges the comments within the petition received from the residents of Lovell Place, South Hedland;
2. Approves the road type amendment of Lovell Place to Lovell Way;
3. Requests the Chief Executive Officer, or his delegate(s), to forward the approved road type amendment to the Geographical Names Committee;
4. Advises the applicant (McMullen Nolan), any costs associated with the required road signage will be at the cost of the applicant; and
5. Advises the application that the proposed street signs are to be to the specifications of Councils Engineering Services and to the satisfaction of Councils Manager Planning.

201213/255 Council Decision

Moved: Cr Dziombak

Seconded: Cr Hooper

That Council:

1. **Acknowledges the comments within the petition received from the residents of Lovell Place, South Hedland and advises submissioners that the road change is part of the approved subdivision;**
2. **Approves the road type amendment of Lovell Place to Lovell Way;**
3. **Requests the Chief Executive Officer, or his delegate(s), to forward the approved road type amendment to the Geographical Names Committee;**
4. **Advises the applicant (McMullen Nolan), any costs associated with the required road signage will be at the cost of the applicant; and**
5. **Advises the application that the proposed street signs are to be to the specifications of Councils Engineering Services and to the satisfaction of Councils Manager Planning.**

CARRIED 6/0

ATTACHMENT 1 TO ITEM 11.1.4

Attachment 1.



Document #: IPA34719
Date: 08.01.2013
Officer: LEONARD LONG
File: 18/07/0016

6th January 2012**TOWN OF PORT HEDLAND****ATTENTION: KATHERINE PRESS, ACTING LANDS OFFICER**

We write this letter as concerned residents of LOVELL PLACE in South Hedland, in response to the proposed change of street name to "Lovell Way" and making of a "through road".

As home owners and tenants, and with many of us being long term residents, we strongly object to these changes for a number of important reasons.

1. At present we have a quiet street which is safe to drive, walk and play along with our families, including many young children, elderly and dogs. If Lovell Place is to become a through road this would no doubt make our street an extremely busy, dangerous and noisy one at all times of the day and night.

Many of us took into consideration the fact that our street was closed and known to be quieter and safer for our families when we chose to live here. There are always children playing in our street, able to ride their bikes and scooters safely without the worry of speeding or hoon drivers causing incident. Therefore we are extremely concerned about the safety of our children if the proposed changes are made.

Already there are many through roads in our growing town making it extremely unsafe due to the increasing dangerous hoon drivers having longer stretches of road to commit their acts. At present Lovell Place is quite a long road surrounded by two main and extremely busy roads, these being Cottier Drive and Kennedy Street. These two roads alone already make for dangerous driving and put our community at risk, so adding another through road in between these will only add to the danger for our community. We also believe that the building of more houses in Lovell Place, especially the proposed multi storey buildings, will mean that the street will already have more traffic and therefore a through road will cause further safety issues.

We strongly believe that there are other options more appropriate that should be considered such as changing Brown Place into a through road as at present it is a significantly short street compared to Lovell Place. This option could serve the same purpose in making the new land division on Limpet Crescent more accessible.

Another option would be to have another "closed" street, such as Lovell Place, coming off of Trumpet Way, so again the new land is accessible and the community has another safer and quieter street for its residents

2. As many of the residents of Lovell Place attend the Catholic Church at the end of our street, we are extremely concerned at what will happen to this valued and important site if our street is changed to a through road. At present it is a quiet sanctuary for many to practice their important religious beliefs and to be a part of the church community. Making our road a through road will make this area extremely noisy, unsafe and limit parking availability, especially as the town grows in population and more community members begin attending church services and activities on a regular basis.
3. Many of the residents of Lovell Place own our homes and we are extremely concerned that this proposed change will lower the value of our houses and land dramatically. Many of Lovell Place's residents have lived and worked in Hedland for years so it would be both financially and emotionally upsetting if we were to lose significant amounts of money due to the Town of Port Hedland's decision to make our street noisier, busier and therefore dangerous. There are few streets left in South Hedland that offer residents the safety and quietness that we are all fortunate to enjoy in our street and it would deeply upset us all if these changes were to go ahead.

We are not objecting to the town 'moving forward' in development however as extremely concerned residents we believe that our views should be taken into consideration.

Please contact any of the residents of Lovell Place at the addresses or phone numbers provided with this letter if you have any questions.

We look forward to the Town of Port Hedland's response and decision in regards to this matter, with hope that our views be taken seriously and that Lovell Place remains as it is today, safe and enjoyable for all of its residents.

Yours Sincerely,

Robyn Winkler

(On behalf of the residents of Lovell Place, South Hedland)

Attachment 2.



11.1.5 *Reaffirmation of Decision to Initiate Scheme Amendment 59, Rezoning “Industry” to “Mixed Business” on Various Lots Port Hedland (File No.: 18/09/0071 & 18/09/0072)*

Officer	Eber Butron Director Planning and Development
Date of Report	13 February 2013
Disclosure of Interest by Officer	Nil

Summary

On the 30 August 2012 Council resolved to initiate Scheme Amendment 59. The formal scheme amendment documents were forwarded to the Environmental Protection Authority as per the Council resolutions.

Scheme Amendment 59 seeks to rezone land located within the west end of Port Hedland from “Industry” to “Mixed Business”.

On the 22 January 2013 the Chairman of the Environmental Protection Authority (EPA) wrote to the Town and advised on their inclination to determine Scheme Amendment 59 as incapable of being made environmentally acceptable.

The EPA recognised the Town may wish to respond to the matters raised and requested a response by the 22 February 2013. The Town has confirmation from the EPA that an extension will be issued to allow Council opportunity to confirm its decisions.

This report is presented to Council to reaffirm the determination to initiate the scheme amendment and to delegate authority to the Director Planning and Development to meet with the EPA to present the Town’s response.

Background

West End

The Port Hedland Air Quality and Noise Management Plan (the Plan), developed by the Port Hedland Dust Management Taskforce, is a comprehensive management plan for ongoing air quality and noise management in Port Hedland.

The Taskforce has a particular focus on the western end of Port Hedland known as the West End, generally defined as the area west of Taplin Street, Port Hedland. Figure 1 below identifies the location of Taplin Street and existing land uses as indicated in Town Planning Scheme No. 5 (TPS5).

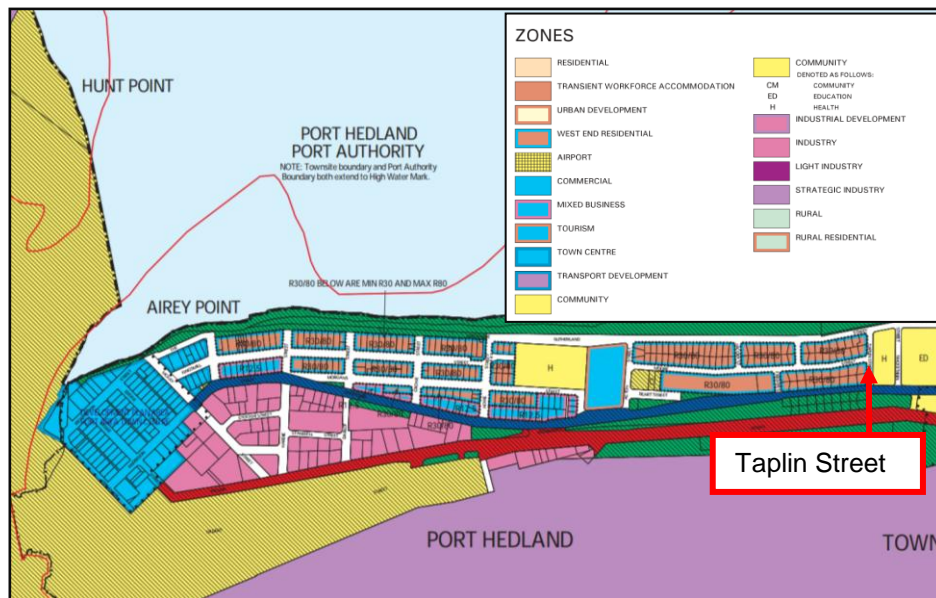


Figure 1 - Scheme Amendment 59 area as per provisions of Town Planning Scheme No.5.

Previous Scheme Amendment within the West End

A number of scheme amendments within the West End have been considered since the establishment of the Port Hedland Dust Task Force.

Scheme Amendment 22 was endorsed by the Western Australian Planning Commission on the 12 April 2012. The scheme amendment essentially rezoned “Residential” land within the West End to “West End Residential”. Subject to achieving certain design provisions the scheme amendment permits permanent residential land uses in the West End.

Scheme Amendment 43 was endorsed by the Western Australian Planning Commission on the 16 January 2013. The scheme amendment permits “Short Stay Accommodation”, “Hotel” and “Motel” land uses within the West End.

Scheme Amendment 62 was recently considered by the EPA and a determination was made not to require an assessment. The scheme amendment essentially seeks to rezone “Community” land within the West End to “West End Residential”. Subject to achieving certain design provisions the scheme amendment will permit permanent residential land uses within the West End.

Scheme Amendment 59

Scheme Amendment 59 was initiated by Council on the 30 August 2012. The scheme amendment seeks to rezone various lots on Anderson Street, Hardie Street, McKay Street and Stocker Street from "Industry" to "Mixed Business". The area is widely surrounded by the residential land uses to the north, industrial land uses to the south and the Port Area "Town Centre" to the west. Under the provisions of TPS5 the "Mixed Business" zone within the West End may include "Short Stay Accommodation", "Hotel" and "Motel" land uses.

On the 8 November 2012 the Environmental Protection Authority (EPA) wrote to the Town to advise it is was seeking additional information from various state agencies to inform its decision. The various stakeholders are all members of the established Port Hedland Dust Task Force.

On the 22 January 2013 the Chairman of the EPA wrote to the Town and advised on their inclination to determine Scheme Amendment 59 as incapable of being made environmentally acceptable (Attachment 1).

Prior to making a final determination the EPA has provided the Town an opportunity to respond to the matters raised. The Town shall respond to the EPA following Council's resolution on this report.

Consultation

Nil

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 undertake scheme amendments.

Policy Implications

Nil

Strategic Planning Implications

The following section of the Pilbara's Port City Growth Plan is considered relevant to this report:

Section 5.7.1:
Precinct 1 – West End

Identified land use:
Industry Light

Current or Planned Projects:
Mixed Use Developments

Precinct Highlight 11:
Upgrade Wilson Street Port Access Road and Anderson Street and segregation of traffic from light vehicles.

Budget Implications Nil

Officer's Comment

The Port Hedland Air Quality and Noise Management Plan (the Plan) addresses the issues relating to the conflict between industrial growth (dust emissions) and adjacent residential areas. The Plan identifies the port and 'the town' have co-existed for many years. As the port facilities grow and the potential health impacts of air quality and noise are increasingly understood, the risks and challenges must be recognised and managed.

In light of the information contained within the plan the EPA has allowed a number of scheme amendments to proceed in the West End. As identified previously, in recent years three (3) scheme amendments in the West End have been considered by the EPA and in some form allowed to proceed. These amendments have either increased the amount of permanent residential (subject to design criteria) or introduced additional short stay uses in the West End.

It is considered the proposed Scheme Amendment 59 is consistent with previous scheme amendments permitted to proceed within the West End. It is recommended that the design provisions and land uses that were provided in the other scheme amendment in the West End can be applied in such a manner to allow Scheme Amendment 59 to proceed.

Attachments

1. Minister of EPA response to Scheme Amendment 59.

201213/256 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

1. **Reaffirms the decision to initiate Scheme Amendment 59; and**
2. **Requests the Chief Executive Officer, or his delegate(s), to meet with the Environmental Protection Authority to provide the Town's response.**

CARRIED 6/0

ATTACHMENT 1 TO ITEM 11.1.5



Environmental Protection Authority

The Atrium,
Level 8, 168 St Georges Terrace,
Perth, Western Australia 6000.
Telephone: (08) 6467 5000.
Facsimile: (08) 6467 5557.

Postal Address: Locked Bag 33,
Cloisters Square, Perth, Western Australia 6850.
Website: www.epa.wa.gov.au

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

Your Ref 2012/351/1/18/09/0071
Our Ref A592149 OPEA2012/000673
Enquiries Anthony Sheehan 6467 5441
Email anthony.sheehan@epa.wa.gov.au

Attention: Steve De Meillon



Document #: IPA35214
Date: 29.01.2013
Officer: LEONARD LONG
File: 18/09/0071

Dear Mr Osborne

NOTICE OF INTENT

SCHEME AMENDMENT TITLE: TPS 5 AMENDMENT 59
LOCATION: VARIOUS LOTS IN ANDERSON STREET, HARDIE STREET, MCKAY STREET AND STOCKER STREET
LOCALITY: PORT HEDLAND
RESPONSIBLE AUTHORITY: TOWN OF PORT HEDLAND

On 8 November 2012, the Office of the Environmental Protection Authority (OEPA) wrote to the Town of Port Hedland to advise that the referral of Scheme Amendment 59 was not a valid referral as further information was required from the Department of State Development, Department of Environment and Conservation, Department of Planning and Department of Health. These agencies have now provided information and the Environmental Protection Authority (EPA) has considered the advice.

Under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act), the EPA is inclined to determine that the scheme amendment is by its nature incapable of being made environmentally acceptable for the following reasons:

- In January 2009, the EPA issued *Environmental Protection Bulletin No. 2: Port Hedland Noise and Dust* (the Bulletin). The Bulletin cited research that found that airborne dust comprised of PM10 sized particles significantly increased the risk of mortality for the residents in the study location of Barcelona, Spain. The Bulletin noted that these results were for PM10 arising from dust in the Sahara desert and suggest that the health effects of iron ore dust at the levels experienced in Port Hedland may be greater than previously thought.



The EPA recommended that the health effects of PM10 arising from sources such as dust in the absence of other sources be given urgent attention via a coordinated government and industry response.

- In May 2009, the Premier established the Port Hedland Dust Management Taskforce (the Taskforce) to develop an integrated dust management plan for Port Hedland. The EPA is advised that at no time did the Taskforce contemplate that the land affected by Scheme Amendment 59, which is located in that part of Port Hedland that is subject to high levels of dust, would be rezoned from 'Industry' to 'Mixed Business'.
- The *Port Hedland Air Quality and Noise Management Plan* (the Management Plan) was released in 2010. The Management Plan reported that at the time of its release dust levels in the western end of Port Hedland exceeded national standards every third day. The Management Plan noted that this elevates the health risk to vulnerable people in the community (the elderly, very young and people with cardiovascular or respiratory illnesses). The Management Plan also noted that the close proximity of residential areas to port operations increases the impact of dust.
- In March 2012, the Town of Port Hedland published the *Pilbara Port City Growth Plan* (the Growth Plan). The EPA understands that the Growth Plan was recently approved by the Western Australian Planning Commission. The Growth Plan establishes a number of precincts. The land affected by Scheme Amendment 59 is in Precinct 1. The EPA notes that the Growth Plan intends for the land to remain zoned 'Industry'.
- The EPA notes that Scheme Amendment 59 would add the affected lots to the proposed Appendix 12 of the Town of Port Hedland Town Planning Scheme 5. As a consequence, 'Aged or Dependent Person Dwelling', 'Caretakers Dwelling', 'Grouped Dwelling', 'Home Occupation', 'Multiple Dwelling', 'Residential Dwelling' and 'Single House' land uses would not be allowed on these lots. The EPA understands that the intention of this is to prevent long term residential occupation of the land. The EPA supports this intention, but nevertheless considers that 'Childcare Services', 'Consulting Rooms' and 'Medical Centres' should also be prohibited land uses as these are used by groups potentially at greater risk to the effects of dust.
- While the EPA acknowledges that short stay residential occupation of the land is of less concern than long term occupation, it also presents a potential public health risk that is not fully understood at this time. The lack of enforceable controls to ensure that short stay land uses are only occupied for short periods, as defined in the Town Planning Scheme 5, reinforces the EPA's concern.

- The Management Plan included a recommendation that a formal Health Risk Assessment (HRA) be undertaken to provide better advice about the health impacts of Port Hedland dust. The EPA is advised that the Taskforce has appointed a consultant to prepare the methodology for the HRA and that once complete a further consultancy will be let to complete the HRA by the end of 2015. At that time, the Town of Port Hedland, regulatory agencies and the Taskforce will be in a better position to determine the appropriateness of additional long stay and short stay residential accommodation in the far west end of Port Hedland. Until the results of the HRA are known, the EPA is of the view that a precautionary approach should be taken to rezoning industrial land in the western end of Port Hedland to land uses that would potentially increase the residential footprint in the area.

On the basis of the information before it, the EPA believes that the environmental issues pertaining to the proposed Amendment cannot be resolved. However, it is recognised that you may wish to respond to the matters raised in this correspondence, or provide additional information to the EPA. If the EPA has not received your response in writing by 22 February 2013, the EPA will proceed to place its decision, that the Amendment is incapable of being made environmentally acceptable, on the public record and inform the Minister for Environment.

On receiving EPA advice, the Minister for Environment may:

- direct the Authority under section 48E of the *Environmental Protection Act 1986* (EP Act) to assess this scheme amendment; or
- with agreement with the Minister for Planning and Infrastructure, advise you that a statement cannot be delivered and published under section 48F(2) of the EP Act.

Yours sincerely



Dr Paul Vogel
CHAIRMAN

22 ~~23~~ January 2012

cc: Department for Planning

6:13pm Councillor Taylor declared an impartiality interest in Agenda Item '11.1.6 Proposed Renaming of a Section of Chunking Crescent, South Hedland (File No.: 18/07/0016)' as she has an association (friends) with the applicant.

Councillor Taylor did not leave the room.

11.1.6 *Proposed Renaming of a Section of Chunking Crescent, South Hedland (File No.: 18/07/0016)*

Officer Julie MacMile
Lands and Technical
Officer

Date of Report 12 February 2013

Disclosure of Interest by Officer Nil

Summary

The Town has recently given approval to a request from McMullen Nolan Group for road names within the Koombana School Site subdivision. The names were selected from the Town's Reserve Road Name Register and therefore do not require a decision of Council.

The new access into the Koombana School site subdivision will be via the existing Chunking Crescent (off Captains Way). Geographical Names Committee have been consulted and it has been determined that this section of Chunking Crescent will need to be renamed "Starboard Entrance". The remainder of Chunking Crescent can remain as is.

The report is before Council to consider renaming a section of Chunking Crescent to Starboard Entrance.

Background

The Town received a request from McMullen Nolan Group (applicant) to endorse proposed road names created as a result of the approved subdivision of the Koombana School site.

All of the names requested have previously been approved by Council and are contained within the Town's Reserve Road Name Register .

The Town forwarded the proposed road names request to Geographical Names Committee for final approval on the 8 February 2013.

Geographical Names Committee have advised that if the new road (Starboard) is to be a continuation of Chunking then the portion highlighted in pink will need to be renamed (Attachment 1).

Consultation

Nil

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

Geographical Names Committee have advised that, if the new road (Starboard Entrance) is to be a continuation of Chunking Crescent, the portion highlighted in pink will need to be renamed (Attachment 1).

In order to confirm the exact configuration of the intersection of the existing Chunking Crescent and proposed Starboard Entrance, the engineering drawings were sought from the applicant. The engineering drawings show that the proposed road (Starboard Entrance) will be a direct continuation on from a section of the existing Chunking Crescent (Attachment 2) and therefore renaming will be necessary.

The renaming of this section of Chunking Crescent will affect 11 properties (Attachment 3). The owners and occupants of the remaining section of Chunking Crescent will not be affected as the road naming and numbering can remain as is.

As per Geographical Names Committee's advice, it is recommended that the highlighted portion of Chunking Crescent be renamed Starboard Entrance.

Options

Council has the following options for responding to the request from RDL:

1. Support the re-naming of a section of the existing Chunking Crescent to Starboard Entrance as per Attachment 1.

This will see the section of Chunking Crescent being renamed as per Part 2, Division 3, Section 26A of the Land Administration Act 1997.

2. Object to the re-naming of a section of the existing Chunking Crescent to Starboard Entrance, as per Attachment 1.

This will see Chunking Crescent remaining as is and causing confusion for road users in the future.

Option 1 is recommended.

Attachments

1. Plan of Road Naming for the Koombana School site.
2. Engineering drawing of intersection of Chunking Crescent and the proposed Starboard Entrance.
3. Map showing affected properties

201213/257 Officer's Recommendation / Council Decision

Moved: Cr Carter

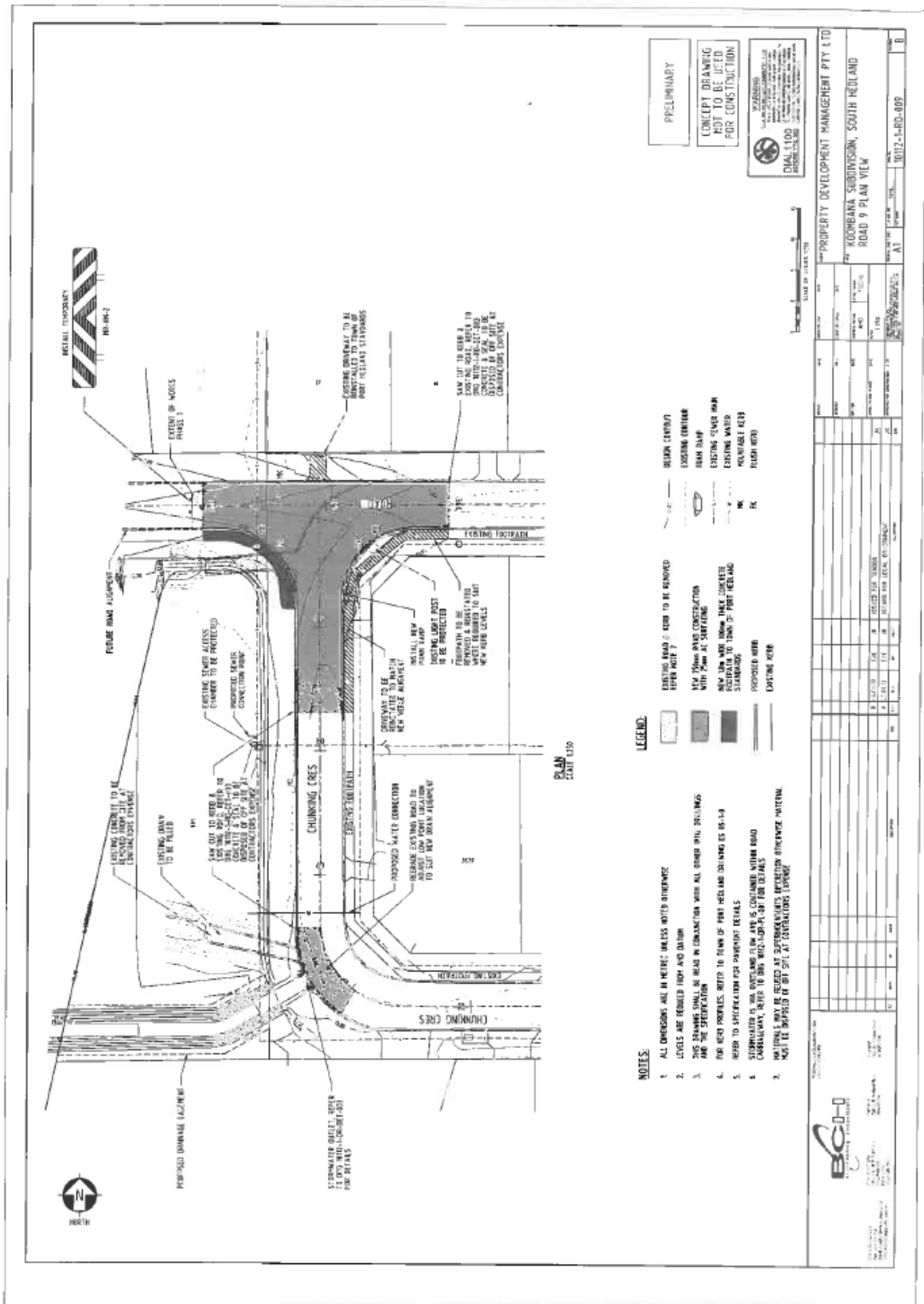
Seconded: Cr Gillingham

That Council:

1. **Approves the renaming of a section of the existing Chunking Crescent to Starboard Entrance as per Attachment 1; and**
2. **Requests the Chief Executive Officer, or his delegate(s), to submit the request for the re-naming of a section of Chunking Crescent to the Geographical Names Committee for final approval, subject to the following:**
 - a) **The proposed renaming of a section of Chunking Crescent being advertised for a period of 30 days pursuant to Town of Port Hedland Policy 12-004 Road Names and Street Numbering; and**
 - b) **No objections being received during the advertising period.**

CARRIED 6/0

ATTACHMENT 1 TO ITEM 11.1.6



PRELIMINARY

CONCEPT DRAWING
NOT TO BE USED
FOR CONSTRUCTION

WARNING
THIS DRAWING IS THE PROPERTY OF BROADBENT CONSULTANTS AND SHOULD NOT BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF BROADBENT CONSULTANTS.

DIAL 1100
ROADS
ROADS
ROADS

PROPERTY DEVELOPMENT MANAGEMENT PTY LTD
KOOBANA SUBDIVISION, SOUTH HIGHLAND
ROAD 9 PLAN VIEW

DATE: 10/12/11
SCALE: AS SHOWN

NO.	DESCRIPTION	DATE	BY	CHECKED BY
1	ISSUED FOR TENDERS	10/12/11	[Signature]	[Signature]
2	FOR INFORMATION	10/12/11	[Signature]	[Signature]
3	FOR INFORMATION	10/12/11	[Signature]	[Signature]
4	FOR INFORMATION	10/12/11	[Signature]	[Signature]
5	FOR INFORMATION	10/12/11	[Signature]	[Signature]
6	FOR INFORMATION	10/12/11	[Signature]	[Signature]
7	FOR INFORMATION	10/12/11	[Signature]	[Signature]
8	FOR INFORMATION	10/12/11	[Signature]	[Signature]
9	FOR INFORMATION	10/12/11	[Signature]	[Signature]
10	FOR INFORMATION	10/12/11	[Signature]	[Signature]

- LEGEND:**
- EXISTING ROAD TO BE REMOVED
 - NEW 750mm ROAD CONSTRUCTION WITH 150mm AT SURFING
 - NEW 150mm ROAD CONSTRUCTION EXCEPT TO THICK CONCRETE STANDARD
 - PROPOSED KERB
 - EXISTING KERB
 - EXISTING ROAD TO BE REMOVED
 - NEW 750mm ROAD CONSTRUCTION WITH 150mm AT SURFING
 - NEW 150mm ROAD CONSTRUCTION EXCEPT TO THICK CONCRETE STANDARD
 - PROPOSED KERB
 - EXISTING KERB

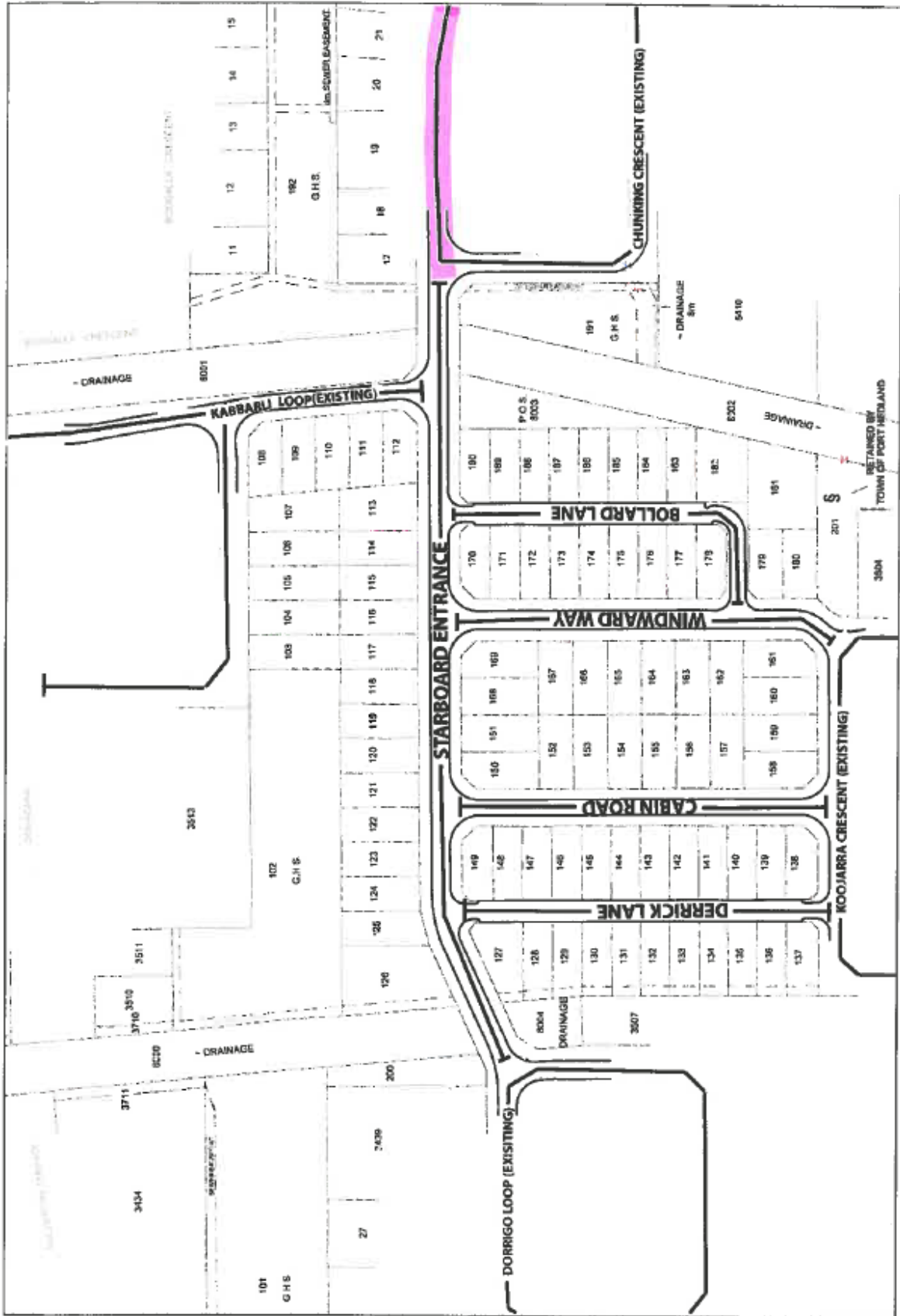
- NOTES:**
- ALL DIMENSIONS ARE IN METRIC UNLESS NOTED OTHERWISE
 - LEVELS ARE REFERRED FROM AND DATUM
 - THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL OTHER PLAN DRAWINGS AND THE SPECIFICATION
 - FOR NEW PROFILES, REFER TO PLAN OF PAVED HIGHLAND ROAD LINES 05-1/4
 - REFER TO SPECIFICATION FOR PAVEMENT DETAILS
 - STORMWATER IS TO BE COLLECTED AND DISCHARGED TO THE OCEAN VIA THE EXISTING STORMWATER MAIN
 - MATERIALS MAY BE REUSED AT SUPERVISOR'S DISCRETION OTHERWISE MATERIALS TO BE SUPPLIED BY THE CONTRACTOR


PLAN
SCALE: 1:100

PROPERTY DEVELOPMENT MANAGEMENT PTY LTD
KOOBANA SUBDIVISION, SOUTH HIGHLAND ROAD 9 PLAN VIEW



NO.	DESCRIPTION	DATE	BY	CHECKED BY
1	ISSUED FOR TENDERS	10/12/11	[Signature]	[Signature]
2	FOR INFORMATION	10/12/11	[Signature]	[Signature]
3	FOR INFORMATION	10/12/11	[Signature]	[Signature]
4	FOR INFORMATION	10/12/11	[Signature]	[Signature]
5	FOR INFORMATION	10/12/11	[Signature]	[Signature]
6	FOR INFORMATION	10/12/11	[Signature]	[Signature]
7	FOR INFORMATION	10/12/11	[Signature]	[Signature]
8	FOR INFORMATION	10/12/11	[Signature]	[Signature]
9	FOR INFORMATION	10/12/11	[Signature]	[Signature]
10	FOR INFORMATION	10/12/11	[Signature]	[Signature]



 Affected Properties



6:15pm Councillor Hooper declared an impartiality interest in Agenda Item '11.1.7 Proposed Closure of Portion of Drainage Reserve 35328 being Lot 5903 Charon Place, South Hedland (File No.: 113940G)' as he has an association (friend / C3 member) with the applicant.

Councillor Hooper did not leave the room.

11.1.7 *Proposed Closure of Portion of Drainage Reserve 35328 being Lot 5903 Charon Place, South Hedland (File No.: 113940G)*

Officer Julie MacMile
Lands and Technical Officer

Date of Report 8 February 2013

Disclosure of Interest by Officer Nil

Summary

The Town has received a request from Sarah Amairadaki, owner of Lot 4 (No. 7) Charon Place, South Hedland, to permanently close a portion of Reserve 35328 being Lot 5903 Charon Place. The applicant would like to purchase and amalgamate the closed portion of Reserve with their property.

This report is before Council to approve the permanent closure of a portion of Reserve 35328 being Lot 5903 (only).

Background

The applicant is proposing to close a 112m² portion of Reserve 35328 (Lot 5903 only) Charon Place, South Hedland, currently vested to the Town for "Drainage" purposes.

It is proposed to amalgamate the closed portion into the adjacent lot, being Lot 4 (No. 7) Charon Place, South Hedland.

Consultation

Comments were sought from internal departments with no objections raised.

Department	Comments
Technical Services	A site inspection was undertaken. No objection to close the drainage reserve at Charon Place. Alternative drainage for the street will be more effective as the current one is impotent.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The applicant has suggested the closure of this portion of the Reserve will reduce the high levels of antisocial behavior currently occurring within the street. Reserve 35328 (Lot 5903) forms a thoroughfare from the large drainage reserve (Lot 3492) at the rear of the applicant's property through to Charon Place. The applicant has canvassed residents within Charon Place and has provided a list of signatures supporting the closure.

Reserve 35328 (Lot 5903) is approximately 5 metres wide and runs the entire length of the side boundaries between No. 7 (the applicant's property) and No. 8 Charon Place.

This Reserve is currently vested to the Town for "Drainage" purposes. Council's Technical Services department has been consulted and has no objection to the proposed closure of this portion of the reserve.

Options

Council has the following options for responding to the request:

1. Approve the request for partial closure of Reserve 35328 located at Lot 5903 Charon Place, South Hedland.

The closure of portion of Reserve 35328 (Lot 5903 only) may alleviate the antisocial activity currently being experienced by the residents of Charon Place as the "thoroughfare" from Reserve 35328 (Lot 3492) to Charon Place will no longer exist.

2. Refuse the request for partial closure of Reserve 35328 located at Lot 5903 Charon Place, South Hedland.

Should Council choose not to support the closure, the subject area of the reserve will remain a thoroughfare into Charon Place.

Option 1 is recommended.

Attachments

1. Locality Plan

201213/258 Officer's Recommendation / Council Decision**Moved: Cr Dziombak****Seconded: Cr Carter****That Council:**

- 1. Approves the permanent closure of a 112m² portion of Reserve 35328 located at Lot 5903 Charon Place, South Hedland, as indicated on Attachment 1 subject to;**
 - a. The closed portion being amalgamated with the applicant's property; and**
 - b. All costs associated with the closure are to be paid by the applicant.**

- 2. Requests the Chief Executive Officer, or his delegate(s), to submit the permanent partial closure of a 112m² portion of Reserve 35328 located at Lot 5903 Charon Place, South Hedland request to the Department of Regional Development and Lands (State Land Services).**

CARRIED 6/0



11.1.8 *Delegated Planning, Building & Environmental Health Approvals and Orders for January 2013 (File No.: 18/07/0002 & 07/02/0003)*

Officer Carly Thompson
Executive Assistant
Planning & Development

Date of Report 15 February 2013

Disclosure of Interest by Officer Nil

Summary

This item relates to the Planning and Building approvals and Environmental Health Orders considered under Delegated Authority for the month of January 2013.

Background

A listing of Planning, Building and Environmental Health approvals and Orders issued by Planning, Building and Environmental Health Services under Delegated Authority for the months of January 2013 are attached to this report. Further to Council's request a listing of current legal actions is also attached to this report.

Consultation

Nil

Statutory Implications

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

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment Nil

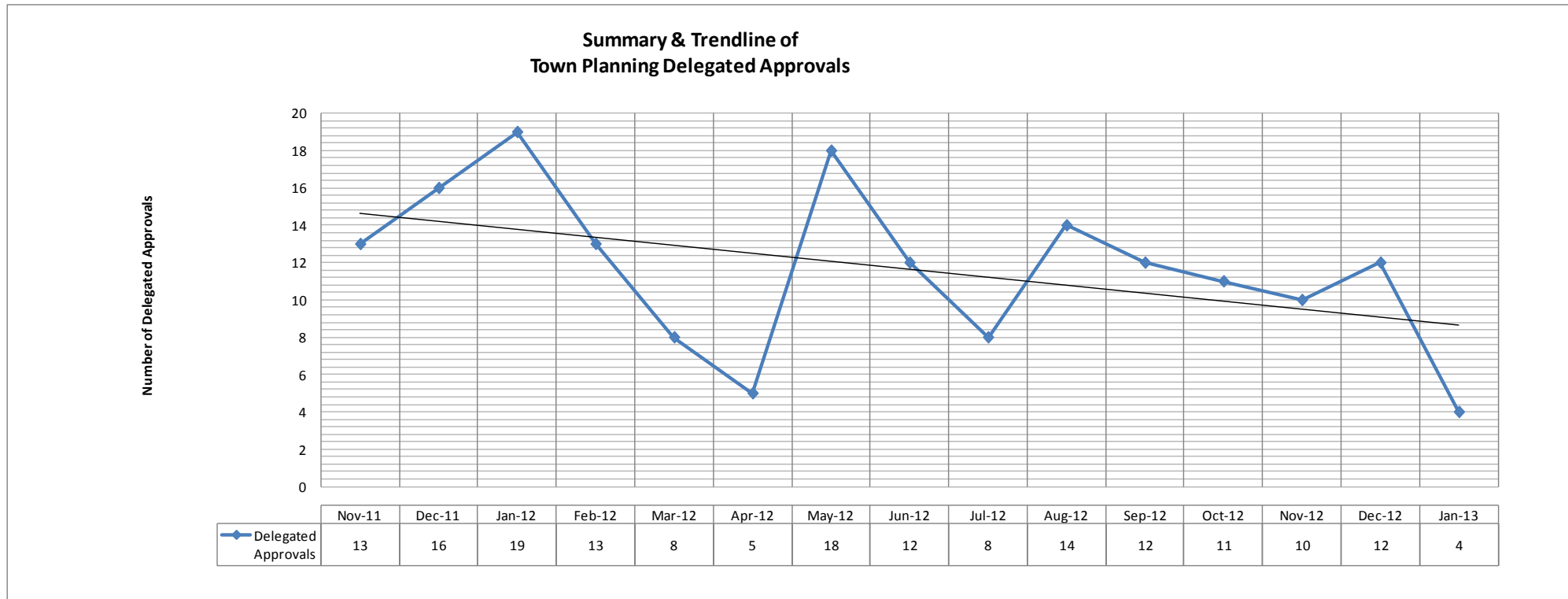
DELEGATED PLANNING APPROVALS FOR JANUARY 2013

Application No.	Description	Lot	Property Address	Date approved	Applicants name.	Development Value
2012/431	THREE (3) WAREHOUSE UNITS AND TWO (2) INDUSTRY LIGHT UNITS	216	6 STEEL LOOP WEDGEFIELD WA 6721	7/01/2013	SAVROC CONSTRUCTIONS	\$ 12,000,000.00
2012/454	"MOTOR VEHICLE AND/OR MARINE REPAIR" AND "SHOWROOM"	5881	17 MANGANESE STREET WEDGEFIELD 6721	8/01/2013	KARRATHA CONTRACTING PTY LTD	\$ 2,880,000.00
2012/577	TWO (2) INDUSTRY - LIGHT UNITS	214	d1 STEEL LOOP WEDGEFIELD 6721	8/01/2013	EVAN WILLIAMS	\$ 1,050,000.00
2012/630	GROUP DWELLING - STORE ADDITIONS	2105	6 MANNION PLACE SOUTH HEDLAND 6722	15/01/2013	T & R HOMES WA	\$ 14,000.00

DAP APPROVALS FOR JANUARY 2013

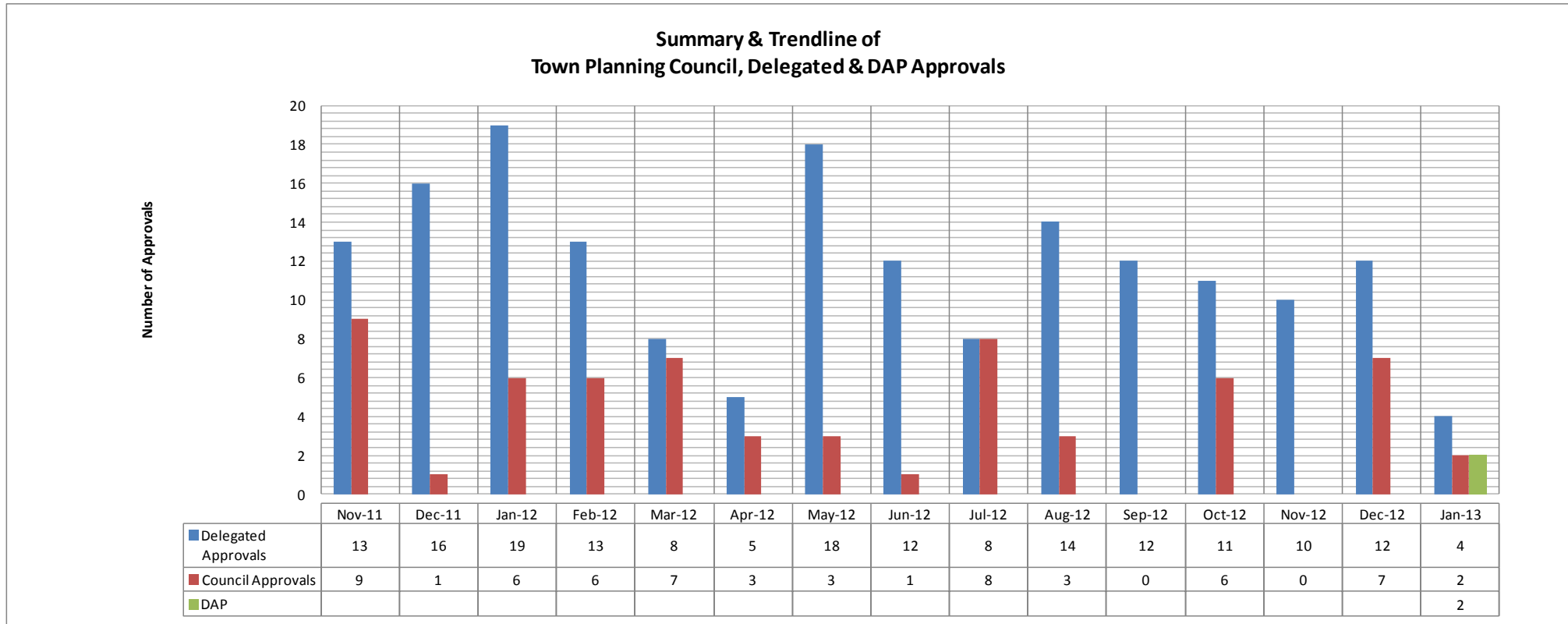
Application No.	Description	Lot	Property Address	Date approved	Applicants name	Development Value
2012/585	INFRASTRUCTURE - YULE SUPPLY MAIN UPGRADE		UNIT M45/ 01174 MINING TENEMENT PORT HEDLAND 6721	30/01/2013	DUMPNA PTY LTD	\$ 70,000,000.00
2011/418.01	AMENDMENT TO MIXED USE DEVELOPMENT - TWENTY TWO (22) SERVICED APARTMENTS AND 118m2 OFFICE SPACE	9	THE ESPLANADE PORT HEDLAND	30/01/2013	WHELANS	\$ 12,000,000.00

DELEGATED PLANNING APPROVALS FOR JANUARY 2013 Cont'd....



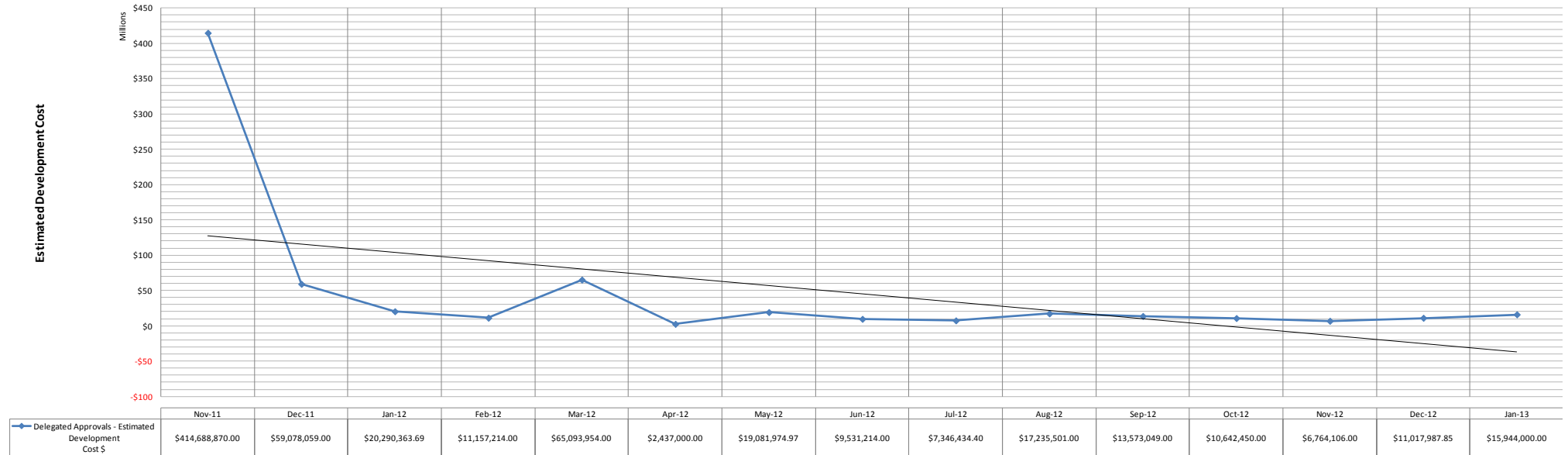
* STATISTICS FOR APRIL 2012 ARE LOW DUE TO 14 APPROVALS BEING GRANTED BY COUNCIL

DELEGATED PLANNING APPROVALS FOR JANUARY 2013 Cont'd...



DELEGATED PLANNING APPROVALS FOR JANUARY 2013 Cont'd...

Summary & Trendline of
Town Planning Delegated Approvals
Estimated Development Costs



DELEGATED BUILDING APPROVALS FOR JANUARY 2013

BUILDING APPLICATIONS						
Licence Number	Decision Date	Locality	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
12-356	03.01.2013	SOUTH HEDLAND	DWELLING	\$ 587,460.00	232	CLASS 1A AND 10A
12-357	03.01.2013	SOUTH HEDLAND	DWELLING	\$ 340,112.00	120	CLASS 1A
12-358	03.01.2013	SOUTH HEDLAND	DWELLING	\$ 340,113.00	120	CLASS 1A
12-359	03.01.2013	SOUTH HEDLAND	DWELLING	\$ 340,112.00	120	CLASS 1A
12-360	03.01.2013	SOUTH HEDLAND	DWELLING	\$ 340,112.00	120	CLASS 1A
12-362	03.01.2013	SOUTH HEDLAND	DWELLING	\$ 340,112.00	120	CLASS 1A
12-363	03.01.2013	SOUTH HEDLAND	DWELLING	\$ 340,112.00	120	CLASS 1A
12-361	04.01.2013	SOUTH HEDLAND	DWELLING	\$ 340,112.00	120	CLASS 1A
12-334	04.01.2013	SOUTH HEDLAND	DWELLING	\$ 410,300.00	131	CLASS 1A
12-368	08.01.2013	PORT HEDLAND	2 X 3 BED TOWNHOUSE	\$ 1,546,308.00	510	CLASS 1A
12-370	08.01.2013	SOUTH HEDLAND	9 X MULTIPLE DWELLINGS	\$ 1,500,000.00	521	CLASS 2
12-255	09.01.2013	PORT HEDLAND	BALCONY ADDITIONAL BEDROOMS & INTERNAL	\$ 370,000.00	153	CLASS 1A
12-377	09.01.2013	SOUTH HEDLAND	20 X FOUR PERSON SPQ 1 X CRIB/RECREATION	\$ 1,100,000.00	1346	CLASS 1B 5 9B & 10A
12-365	11.01.2013	SOUTH HEDLAND	SWIM SPA BELOW GROUND	\$ 21,000.00	0	CLASS 10B
12-372	11.01.2013	SOUTH HEDLAND	AQUATIC FACILITY - WAVE MACHINE & AQUA T	\$ 2,910,000.00	0	CLASS 10B
12-355	14.01.2013	SOUTH HEDLAND	BELOW GROUND SWIMMING POOL	\$ 37,000.00	25	CLASS 10B
13-Feb	15.01.2013	WEDGEFIELD	STORAGE SHED	\$ 385,000.00	306	CLASS 7B
13-004	17.01.2013	SOUTH HEDLAND	SHED	\$ 30,215.00	36	CLASS 6
12-343	17.01.2013	SOUTH HEDLAND	BELOW GROUND SWIMMING POOL	\$ 21,000.00	0	CLASS 10B
13-005	18.01.2013	SOUTH HEDLAND	ACCOMODATION BUILDINGS FOR 1239 PERSONS	\$ 50,781,916.00	18500	CLASS 3
13-010	21.01.2013	PORT HEDLAND	5 X GROUPED DWELLINGS	\$ 2,249,658.00	925	CLASS 1A
12-336	22.01.2013	SOUTH HEDLAND	ADDITION TO DWELLING	\$ 66,000.00	16	CLASS 1A
13-014	22.01.2013	SOUTH HEDLAND	SPA & SPA FENCE	\$ 2,000.00	15	CLASS 10B
12.-348	25.01.2013	SOUTH HEDLAND	ENCLOSE CARPORT	\$ 8,000.00	39	CLASS 10A
12-367	30.01.2013	SOUTH HEDLAND	RESIDENTIAL DWELLING	\$ 230,000.00	79	CLASS 1A
13-017	30.01.2013	PORT HEDLAND	2 x GROUPED DWELLINGS	\$ 1,815,100.00	183	CLASS 1A

DEMOLITION LICENCES FOR JANURY 2013

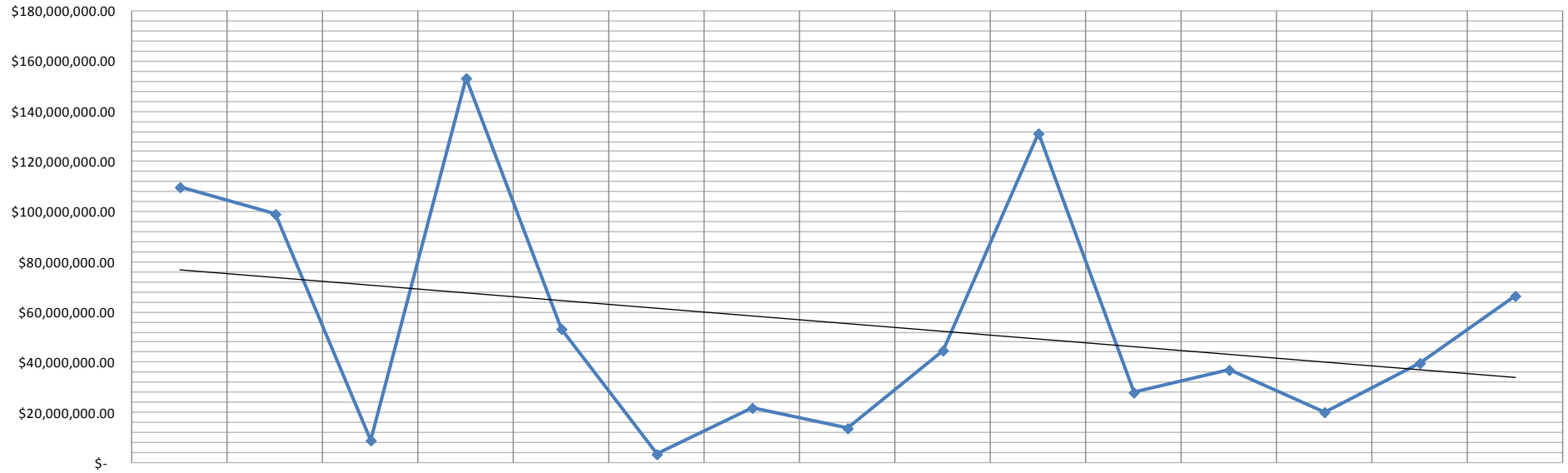
DEMOLITION LICENCES					
Licence Number	Approval Date	Locality	Description of Work	Estimated Construction Value (\$)	Classification
13-016	23.01.2013	PORT HEDLAND	DEMOLITION OF SINGLE DWELLING	\$ 30,000.00	CLASS 1A
Total	1	Demolition Licences Issued		\$ 30,000	

OVERVIEW SUMMARY FOR JANURY 2013

SUMMARY				
No of Licences	Licence Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
1	Demolitions	\$ 30,000.00	120	\$ 250.00
16	Dwellings	\$ 10,755,611.00	4,415	\$ 2,436.15
1	Class 10a	\$ 8,000.00	39	\$ 205.13
5	Class 10b	\$ 2,991,000.00	40	\$ 74,775.00
4	Commercial	\$ 52,697,131.00	19363	\$ 2,721.54
27		\$ 66,481,742.00	23,857	

DELEGATED BUILDING APPROVALS FOR JANUARY 2013

Summary & Trendline of
Estimated Construction Value of Building Licences Issued



	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13
Estimated Construction Value \$	\$109,817,975.00	\$99,078,721.00	\$8,861,015.00	\$153,262,016.00	\$53,254,451.00	\$3,312,976.00	\$21,796,768.00	\$13,671,151.00	\$44,721,437.00	\$131,227,967.00	\$27,935,420.00	\$36,954,813.00	\$20,083,878.00	\$39,637,871.00	\$66,451,742.00

CURRENT LEGAL MATTERS 2013

CURRENT LEGAL MATTERS					
File No.	Address	Issue	First Return Date	Current Status	Officer
	Lot 1675 (1690) Harwell Way, Wedgefield	Non-compliance with planning conditions		Hearing setdown for 03/09/2012 - Case adjourned until 1/4/2013 to allow for sealing of the properties to occur.	BM
	Lot 2060 Yanana Street, Wedgefield	Unauthorised Residential Structures		Handed over to the attorneys	BM
	Lot 12 Schillaman Street, Wedgefield	Unauthorised Residential Structures		Handed over to the attorneys	BM

CURRENT HEALTH ORDERS AS OF JANUARY 2013

Current Health Orders under Delegated Authority by Environmental Health Services			
File No.	Address	Issue	Current Status
803367G	Lot 2052 McGregor St Port Hedland	Metal frame spectator/grand stand seating erected on a trailer chassis.	~ Health order placed on temporary spectator stand ~ No public building application recieved by Town of Port Hedland, as such no approval has been granted for use as a temporary spectator stand ~ Town has notified Turf Club of issue

Attachments

Nil

201213/259 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

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

CARRIED 6/0

11.1.9 Proposed Street Names - Precinct 3 (File No. 28/17/0001)

Officer Julie MacMile
Lands and Technical
Officer

Date of Report 19 February 2013

Disclosure of Interest by Officer Nil

Summary

The Town has received a request from BHP Billiton to name the proposed new road created as a result of the subdivision of UCL Lot 253 to create an access road to "Precinct 3".

Officers have explored an aeronautical/aviation theme, due to the proximity of "Precinct 3" to the Port Hedland International Airport. As the entire Precinct 3 subdivision will eventually result in the creation of a number of new roads, a selection of names has been provided below.

Council is requested to approve the proposed street names to be included in the Street Name Register for future roads within "Precinct 3".

Background

Subdivision of the land known as "Precinct 3" was approved by the Western Australian Planning Commission in 2012. This subdivision has resulted in the creation of a number of new roads.

Consultation

Nil

Statutory Implications

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

Policy Implications

The naming of new roads is guided by Policy 12-004 Road Names and Street Numbering

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

As noted above the approved subdivision of "Precinct 3" and the access road created by the subdivision of UCL Lot 253, has resulted in a number of roads being created.

Officers have researched names that relate to aeronautics and aviation and provide below a selection of suitable names and their meanings, for roads within or affiliated with "Precinct 3":

1. Altitude	A distance measurement; in aviation, it refers to the height above sea level.
2. Airfoil	The shape of any flying surface, but principally a wing
3. Camber	The convex or concave curvature of an airfoil
4. Compass	A device used to determine geographic direction
5. Cowling	A circular, removable fairing around an aircraft engine for the purposes of streamlining or cooling
6. Fuselage	An aircraft's main body structure housing the flight crew, passengers, and cargo
7. Glider	An unpowered aircraft capable of maintaining altitude only briefly after release from tow, then gliding to earth
8. Hangar	An enclosed structure for housing aircraft
9. Slipstream	The flow of air driven backward by a propeller or downward by a rotor
10. Pilot	One who operates or is licensed to operate an aircraft in flight
11. Radar	A system for detecting the presence, direction, distance, and speed of aircraft, ships, and other objects
12. Tarmac	a runway or an Apron at a hangar
13. Torque	A twisting, gyroscopic force acting in opposition to an axis of rotation, such as with a turning propeller
14. Pilatus	One of the current RFDS Planes

The road names listed above for use within the Precinct 3 subdivision are appropriate given the proximity of the subject land to the Port Hedland International Airport.

Options

Council has the following options:

Option 1

- i) Approve the use of the name Altitude for the new road reserve (off Wallwork Road) created by the subdivision of UCL Lot 253.
- ii) Approve the following names (for use at a later date) for any proposed new roads within Precinct 3:
 1. Airfoil
 2. Camber
 3. Compass
 4. Cowling
 5. Fuselage
 6. Glider
 7. Hangar
 8. Slipstream
 9. Pilot
 10. Radar
 11. Tarmac
 12. Torque
 13. Pilatus

The addition of these road names to the Reserve Road Name Register will result in the names being available for future use within Precinct 3 (only) without the need for a further Council Resolution.

Option 2

1. Reject the use of the name Altitude for the new road reserve (off Wallwork Road) created by the subdivision of UCL Lot 253

Refusal will require Council to provide guidance to the preferred street names or theme.

2. Reject the use of the following names for any proposed new roads within Precinct 3:
 1. Airfoil
 2. Camber
 3. Compass
 4. Cowling
 5. Fuselage
 6. Glider
 7. Hangar
 8. Slipstream
 9. Pilot
 10. Radar
 11. Tarmac
 12. Torque
 13. Pilatus

Option 1 is supported by Council officers.

Attachments

1. Street Name Plan

Officer's Recommendation

That Council:

1. Approves the use of the name Altitude for the new road reserve (off Wallwork Road) created by the subdivision of UCL Lot 253;
2. Approves the following names and definitions for inclusion in the Town's Reserve Road Name Register (for use at a later date) for any proposed new roads within Precinct 3;
3. Requests the Chief Executive Officer, or his delegate(s), to forward the approved road name to the Geographic Names Committee for final approval and also forward the other names to the Geographic Names Committee for updating of the Geonoma Adhoc Report (Town's Reserve Road Name Register) for the Town of Port Hedland; and
4. Advises the applicant of Council's decision in relation to 1 and 2 above.

Council Motion

Moved: Cr Taylor

Seconded: Cr Hooper

That Council:

1. Approve the use of the name Altitude for the new road reserve (off Wallwork Road) created by the subdivision of UCL Lot 253;
2. Reject the use of the following names for any proposed new roads within Precinct 3:
 - a) Airfoil
 - b) Camber
 - c) Compass
 - d) Cowling
 - e) Fuselage
 - f) Glider
 - g) Hangar
 - h) Slipstream
 - i) Pilot
 - j) Radar
 - k) Tarmac
 - l) Torque
 - m) Pilatus

3. Request Officers to further research names that relate to aeronautics and aviation with reference to the long history and significance of aviation to the Pilbara and in particular to Port Hedland and for these further suggestions to be presented to Council by 30 June 2013;
4. Requests the Chief Executive Officer, or his delegate(s), to forward the approved road name to the Geographic Names Committee for final approval and also forward the other names to the Geographic Names Committee for updating of the Geonoma Adhoc Report (Town's Reserve Road Name Register) for the Town of Port Hedland; and
5. Advises the applicant of Council's decision in relation to 1 and 2 above.

Amendment to Council Motion**Moved: Cr Hooper****Seconded: Cr Carter**

3. Add the following names for any proposed new roads within Precinct 3 to the end of the suggested list:
 - a) Airfoil
 - b) Camber
 - c) Compass
 - d) Cowling
 - e) Fuselage
 - f) Glider
 - g) Hangar
 - h) Slipstream
 - i) Pilot
 - j) Radar
 - k) Tarmac
 - l) Torque
 - m) Pilatus

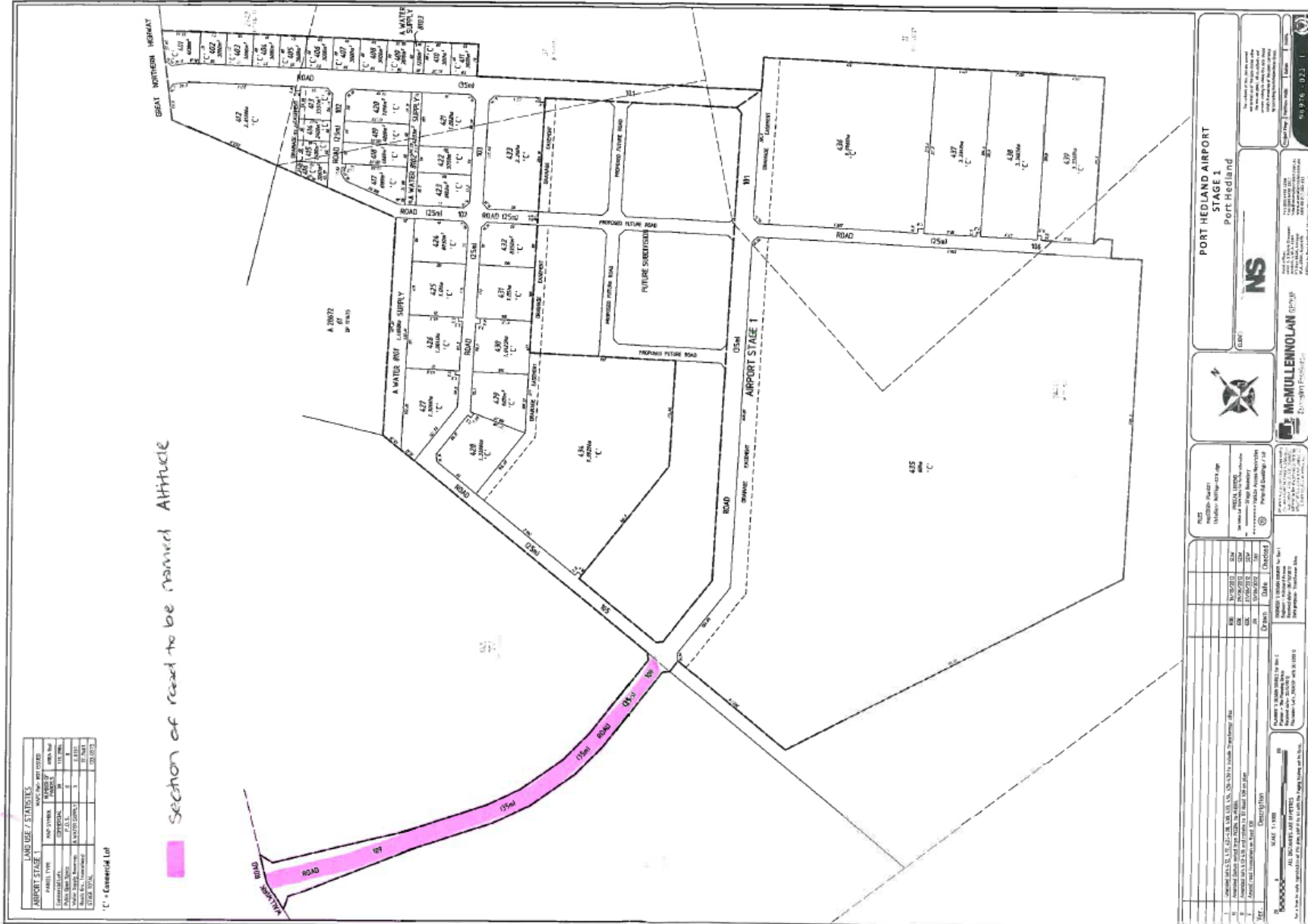
201213/260 Council Decision**Moved: Cr Hooper****Seconded: Cr Carter****That Council:**

1. **Approve the use of the name Altitude for the new road reserve (off Wallwork Road) created by the subdivision of UCL Lot 253;**
2. **Requests Officers to further research names that relate to aeronautics and aviation with reference to the long history and significance of aviation to the Pilbara and in particular to Port Hedland and for these further suggestions to be presented to Council by 30 June 2013;**

3. Add the following names for any proposed new roads within Precinct 3 to the end of the suggested list:
 - a) Airfoil
 - b) Camber
 - c) Compass
 - d) Cowling
 - e) Fuselage
 - f) Glider
 - g) Hangar
 - h) Slipstream
 - i) Pilot
 - j) Radar
 - k) Tarmac
 - l) Torque
 - m) Pilatus
4. Requests the Chief Executive Officer, or his delegate(s), to forward the approved road name to the Geographic Names Committee for final approval; and
5. Advises the applicant of Council's decision in relation to 1 and 2 above.

CARRIED 6/0

Reason: Council decided to amend the Officer's Recommendation as aviation has a rich history in the region with air travel and aviation being integral to the development of North West WA. Names such as Charles Kingsford-Smith and Dr John Flynn should be considered.



11.1.10 Land Administration Matters on Koombana School Site, South Hedland (File No. 802337G)

Officer Katherine Press
Lands and Technical Officer

Date of Report 11 February 2013

Disclosure of Interest by Officer Nil

Summary

The Town is in receipt of a request from Property Development Management (applicant) to undertake several land administration tasks at the "Koombana School Site" located in South Hedland (the land).

The land is subject to an approved residential subdivision and a Development Plan adopted by Council. The land administration matters are required to be determined prior to the development of the land.

It has been requested that Council resolve to approve the various land administration requests proposed by the applicant.

Background

A Development Plan for the land and surrounding lots was adopted by Council on 14 March 2012 and endorsed by the Western Australian Planning Commission (WAPC) on 28 September 2012 (refer to Attachment 1). The Development Plan includes a mixture of R30 and R40 residential development lots.

On the 12 November 2012 the WAPC granted a subdivision approval for one hundred and one (101) residential lots located in Daylesford Close, Koojarra Crescent, Steamer Avenue, Kabbarli Loop, Captains Way and Dorrigo Loop, South Hedland.

The applicant has requested the Town initiate various land administration tasks, in order to prepare the site for residential development. The land administration tasks are outlined within the below table, referred to as *Table 1*:

Lot	Reserve	Current Vesting	Request
3712	Portion of Reserve 35312	Town of Port Hedland - "Parklands"	A portion of Reserve 35312 to be included within Reserve 35327, for the purpose of "Drainage". The purpose of the vesting to be amended from "Parklands" to "Drainage", with the vesting to remain with the Town of Port Hedland.

3713	37545	Town of Port Hedland - "Children" and "School"	Reserve to be closed (future road reserve and residential development). The vesting to the Town of Port Hedland to be revoked.
Portion of 3715	Portion of Reserve 35311	Town of Port Hedland - "Parklands" and "Pedestrian Access Way (PAW)"	Reserve to be closed (future road reserve and residential development). The vesting to the Town of Port Hedland to be revoked.
Portion of 3571	Portion of Reserve 35328	Town of Port Hedland - "Drainage"	Excise a portion of Drainage Reserve 35328 to be dedicated as a road.
Portion of 3507	Portion of Reserve 35327	Town of Port Hedland - "Drainage"	Excise a portion of Drainage Reserve 35327 to be dedicated as a road.

Please refer to Attachment 2 – Proposed Locality Plan.

Consultation

Internally

The proposal was circulated internally the Town's Technical Services Department and no objection was received, subject to the following condition:

"The proposed road reserve shall not impact the drainage flow capacity and the construction shall meet the requirements of Main Roads of Western Australia."

Externally

The proposal was referred externally to Horizon Power and the Water Corporation, with no objections received.

Statutory Implications

The *Land Administration Act 1997*, Sections:

51. Cancellation, etc. of reserves generally;
56. Dedications of roads;
46. Placing of care, control and management of reserves.

Policy Implications

Nil

Strategic Planning Implications

Community Hedland - Strategic Community Plan 2012-2022 Parts:

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.

Budget Implications

Nil

Officer's Comment

The land outlined within *Table 1* is currently vested to the Town of Port Hedland for various purposes. At present, the land has not been utilized for these purposes and remains vacant and undeveloped.

The land administration tasks are required to be undertaken in order for the land to be subdivided and developed, in accordance with the approved Development Plan and the Subdivision Approval.

As a result of the closure of the reserves, the Town will no longer be required to maintain the land.

Options

Council has the following options for responding to the request:

1. Endorse the applicants land administration requests outlined within *Table 1*.

Endorsing the land administration requests to be carried out will result in the land being developed and additional residential properties becoming available to the market.

2. Refuse the applicants land administration requests outlined within *Table 1*.

Should Council choose not to support the land administration requests, the Reserves will remain vacant and undeveloped.

Option 1 is recommended.

Attachments

1. Development Plan endorsed by Council on 14 March 2012.
2. Proposed Locality Plan.

201213/261 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

1. Support the land administration requests of the applicant, as outlined within the below table:

Lot	Reserve	Current Vesting	Request
3712	Portion of Reserve 35312	Town of Port Hedland - "Parklands"	A portion of Reserve 35312 to be included within Reserve 35327, for the purpose of "Drainage". The purpose of the vesting to be amended from "Parklands" to "Drainage", with the vesting to remain with the Town of Port Hedland.
3713	37545	Town of Port Hedland - "Children" and "School"	Reserve to be closed (future road reserve and residential development). The vesting to the Town of Port Hedland to be revoked.
Portion of 3715	Portion of Reserve 35311	Town of Port Hedland - "Parklands" and "Pedestrian Access Way (PAW)"	Reserve to be closed (future road reserve and residential development). The vesting to the Town of Port Hedland to be revoked.
Portion of 3571	Portion of Reserve 35328	Town of Port Hedland - "Drainage"	Excise a portion of Drainage Reserve 35328 to be dedicated as a road.
Portion of 3507	Portion of Reserve 35327	Town of Port Hedland - "Drainage"	Excise a portion of Drainage Reserve 35327 to be dedicated as a road.

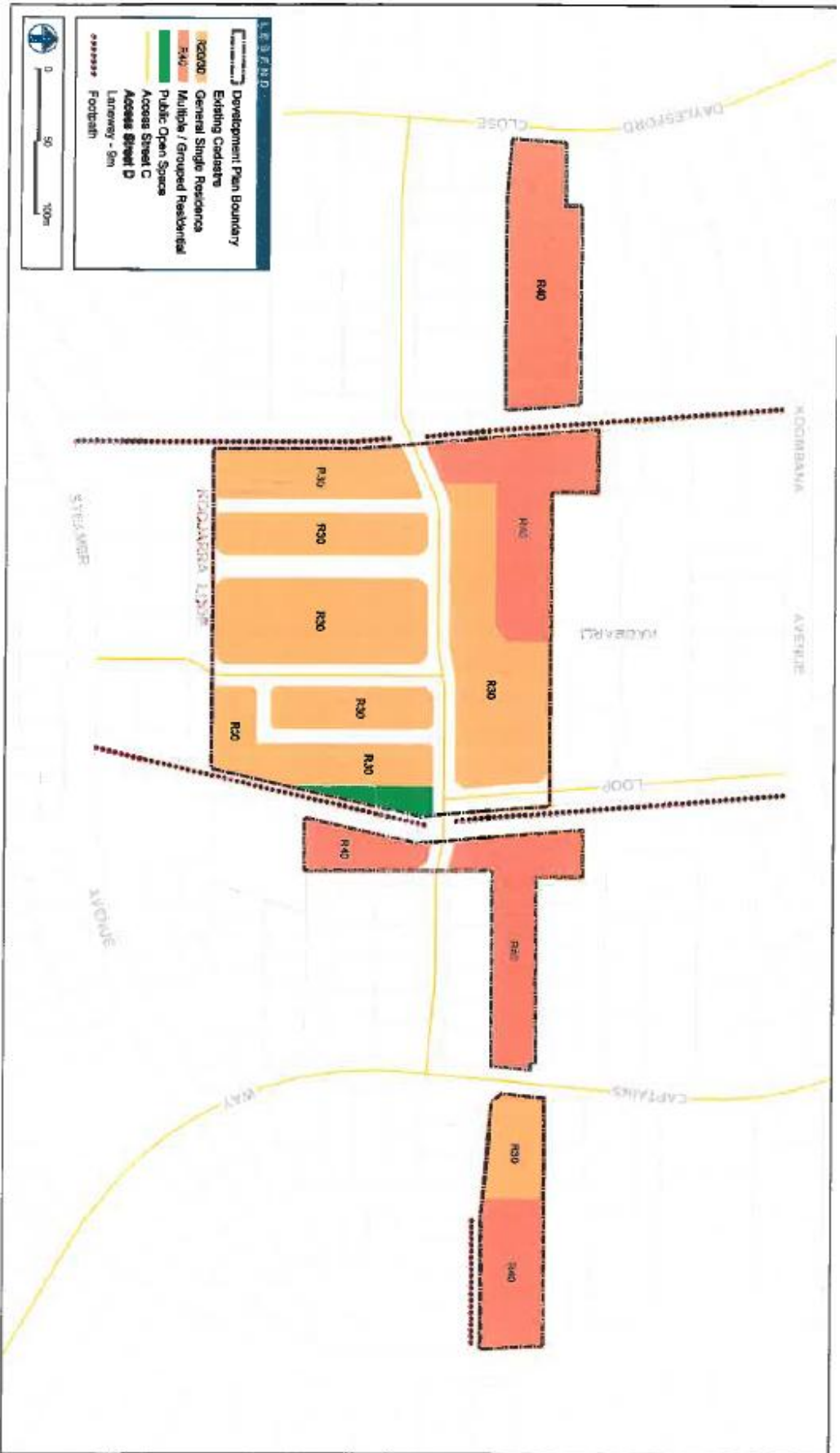
Subject to:

- a. "The proposed road reserve shall not impact the drainage flow capacity and the construction shall meet the requirements of Main Roads of Western Australia."

2. Requests the Chief Executive Officer, or his delegate(s), to submit the requests outlined within the above table to the Department of Regional Development and Lands (State Land Services).

CARRIED 6/0

ATTACHMENT 1 TO ITEM 11.1.10



DEVELOPMENT PLAN
 Lot 3425 Daylesford Close, Lots 3505, 3508, 3509, 3713 & 3715 Kooragang Crescent,
 Lot 3509 Kooragang Loop and Lots 3570 & 3625 Captains Way, SOUTH HEDLAND

Plan data supplied by Landgate, Perth, Western Australia, May 2010.
 Author: [Name], Project: [Name], Zone: [Name].
 Access and drawings shown are subject to final survey calculations.
 All measurements are shown in accordance with the relevant standards.
 Any and all services to be provided are shown as indicated.

Author: [Name]
 Designer: [Name]
 22 December 2011 DATE
 4:00:00:00:00 PLAN NO.
 1:100 SCALE
 R/S: [Name]
 M/S: [Name]
 N/S: [Name]

RPS
 RPS Group Pty Ltd
 100/110 [Address]
 Perth, Western Australia
 T: 08 9447 1111
 F: 08 9447 1112
 W: www.rps.com.au



		PROPOSED CROWN RESERVE SUBDIVISION "KOOMBANA", SOUTH HEDLAND TOWN OF PORT HEDLAND
DATE: 15/03/2013 DRAWN BY: J. HARRIS CHECKED BY: J. HARRIS SCALE: AS SHOWN PROJECT NO: 97672-AP-004-B	CLIENT: PROPERTY DEVELOPMENT MANAGEMENT PTY LTD	CONSULTANTS: JACOBS 97672-AP-004-B
THIS DOCUMENT IS THE PROPERTY OF JACOBS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF JACOBS.	AUTHORITY: LOCAL GOVERNMENT PORT HEDLAND	PROJECT NO: 97672-AP-004-B

11.1.11 Request for Proposed Easements to be created over Lot 8023 on Deposited Plan 74282, South Hedland (File No. 130417G)

Officer Katherine Press
Lands and Technical Officer

Date of Report 15 February 2013

Disclosure of Interest by Officer Nil

Summary

The Town is in receipt of a request from McMullen Nolan (applicant) to consent to the creation of three (3) easements on Lot 8023 on Deposited Plan 74282 (the Land) located in South Hedland.

The Land is owned by the State of WA and it is envisaged the Land will be vested to the Town of Port Hedland for the purpose of "Recreation" in the near future.

It is recommended that Council consent to the easements being created over the Land.

Background

The Land being Lot 8023 on Deposited Plan 74282 is currently reserved as Public Open Space (POS) and is owned by the State of WA (please refer Attachment 1).

The Department of Regional Development and Lands (RDL) have advised the Town will be requested to accept the management order of the land for the purpose of "Recreation" in the near future.

The applicant has advised that three (3) easements are required to be created over the land to protect the infrastructure of essential services (please refer Attachment 2). The easements will benefit the following Corporations:

- a. Water Corporation
- b. Electricity Networks Corporation
- c. NBN Co Ltd

Consultation

Internally

The proposal was circulated internally the Town's Technical Services Department and no objection was received.

Statutory Implications

The *Land Administration Act 1997* Part 8 – Easements, establishes the procedure of creating an easement within Crown Land.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The land is not currently vested to the Town of Port Hedland, however, RDL have advised that in the near future they will request the Town to accept the management order of the Land for the purpose of "Recreation".

Anticipating the Land will be vested to the Town in the near future, RDL have requested the consent of Council for the easements to be created in Lot 8023 on Deposited Plan 74282 before they will provide their consent.

The easements proposed to be created within Lot 8023 are to protect the infrastructure of the essential services of the Water Corporation, Electricity Networks Corporation and NBN Co Ltd.

Options

Council has the following options for responding to the request:

1. Support the creation of three (3) easements on Lot 8023 on Deposited Plan 74282, as per attachment 2.

Supporting the creation to the easements will see the amenities of essential services being protected.

2. Refuse the creation of three (3) easements on Lot 8023 on Deposited Plan 74282, as per attachment 2.

The easements will not be created and the infrastructure of the essential services will not be protected. Alternatively, another route to deliver these services may need to be considered.

Option 1 is recommended.

Attachments

1. Existing Locality Plan.
2. Deposited Plan showing proposed easements.

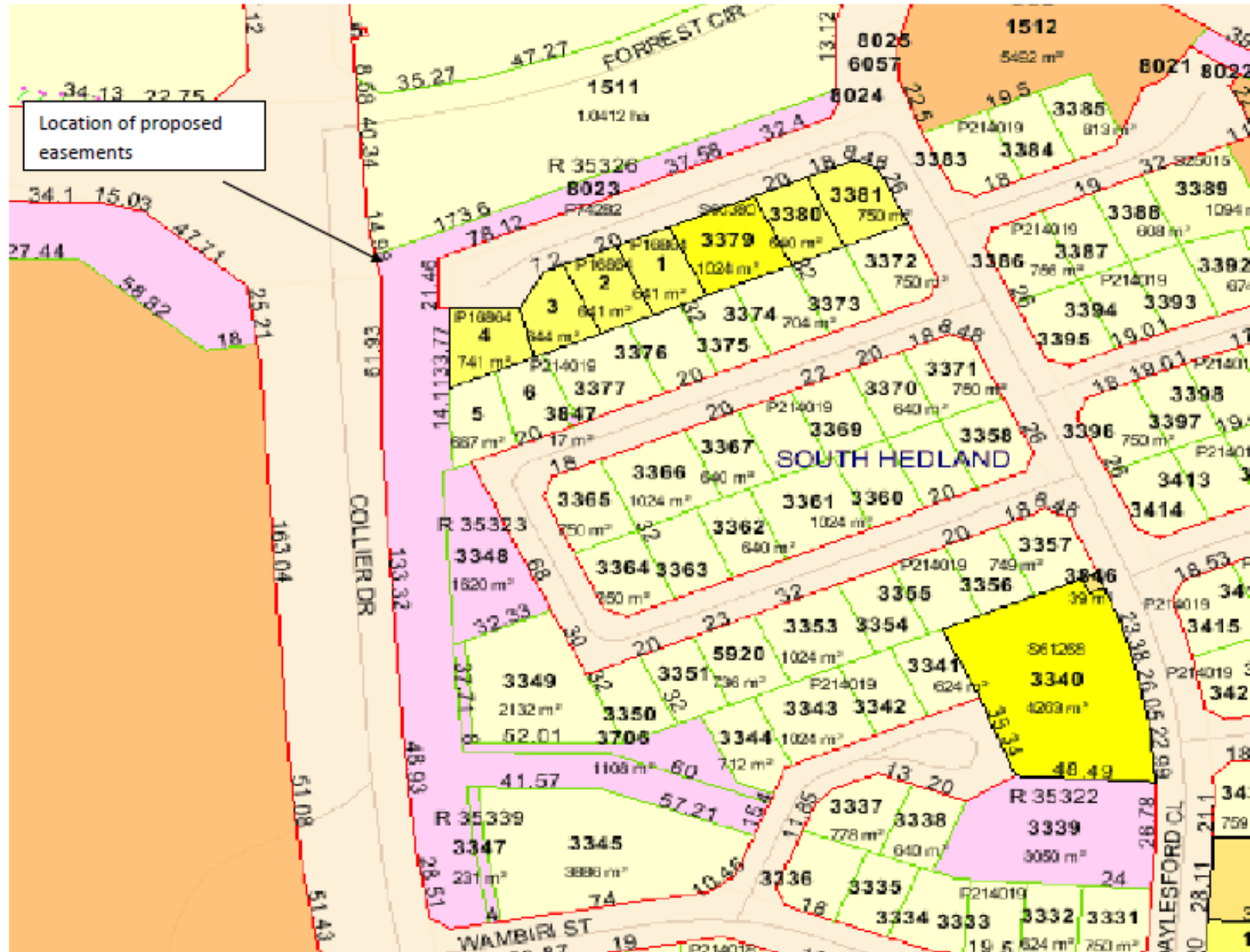
201213/262 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That Council consent to the easements being created within Lot 8023 on Deposited Plan 74282, as per attachment 2.

CARRIED 6/0



ATTACHMENT 2 TO ITEM 11.1.11

VERSION

AMENDMENT

AUTHORISED BY

DATE

FOR INTEREST PURPOSES ONLY

APPROVED

DATE

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
①	EASEMENT		DOC	LOT 8023 ON DP 74282	WATER CORPORATION	
②	EASEMENT		DOC	LOT 8023 ON DP 74282	ELECTRICITY NETWORKS CORPORATION	
③	EASEMENT		DOC	LOT 8023 ON DP 74282	NEW ED LTD	

TYPE	FREEHOLD	S.S.A. YES	ROL FILE NO.
PURPOSE	EASEMENT AND/OR OTHER INTEREST OVER LOT 8023 ON DP 74282		
PLAN OF	FORREST		
DISTRICT	SOUTH HEDLAND		
LOCAL AUTHORITY	TOWN OF PORT HEDLAND		
FORMER TENURE	ON INEX BL6612875, 22		
FIELD BOOK			
SCALE	1 : 100 at A3		
APPROVED BY	WESTERN AUSTRALIAN PLANNING COMMISSION		
REG	Reg 54		
LOGGED	DATE		
DATE	TYPE OF VALIDATION		
FEE PAID	REGISTERED		
ASSESS NO.	S.S.C.		
IN ORDER FOR DEALINGS			
SUBJECT TO			
APPROVED			

PRELIMINARY ONLY

UNLOADED VERSION

SUBJECT TO

LANDGATE AUDIT

McMULLENOLAN

PO Box 3528, Quacks, WA, 67964

Phone: (08) 6536 1566 Fax: (08) 6436 4500

Email: info@mcmlennolan.com.au

MKG Ref: 951684p-086a

DP76201.CSD

Landgate

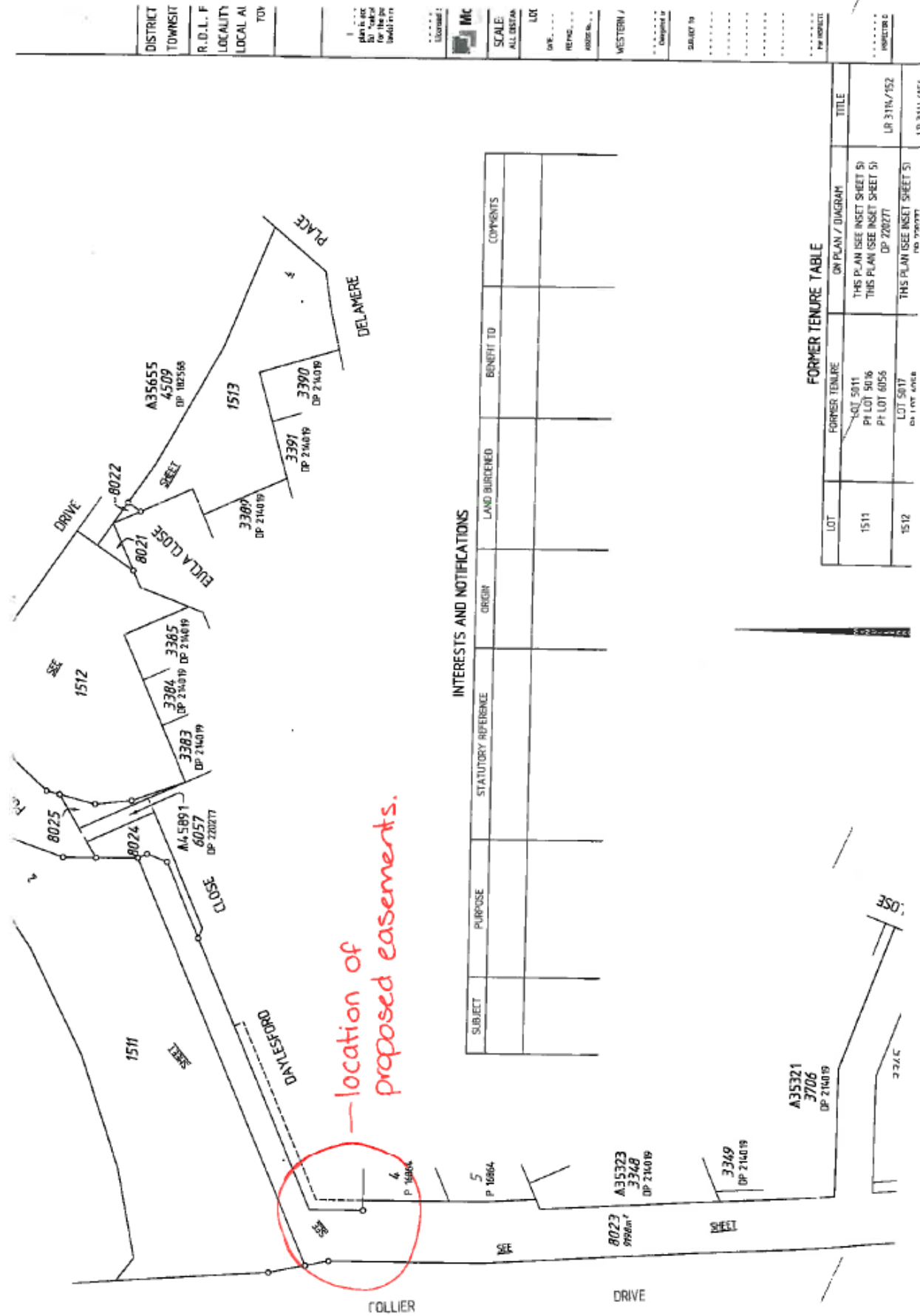
WESTERN AUSTRALIAN LAND INFORMATION AUTHORITY

DEPOSITED PLAN

76201

SHEET 01 OF 01 SHEETS

VERSION 1



INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS

FORMER TENURE TABLE

LOT	FORMER TENURE	ON PLAN / DIAGRAM	TITLE
1511	LOT 5011 PH LOT 5016 PH LOT 6056	THIS PLAN (SEE INSET SHEET 5) THIS PLAN (SEE INSET SHEET 5) DP 220271	LP 3114/152
1512	LOT 5017 ON LOT 6056	THIS PLAN (SEE INSET SHEET 5) (NO PROTOT)	LP 3114/152

DISTRICT
TOWNSHIP
R.D.L.F.
LOCALITY
LOCAL AUTHORITY
TOV

SCALE
ALL DIMENSIONS
LOT

DATE
REVISIONS
ADDRESS

WESTERN /

SHARKEY 19

FOR OBJECTS

PROPOSED

11.1.12 Proposed Permanent Partial Closure of Cottier Drive, South Hedland (File No.: 28/01/0017)

Officer Katherine Press
Lands and Technical Officer

Date of Report 24 January 2013

Disclosure of Interest by Officer Nil

Summary

The Town has received a request from Taylor Burrell Barnett, Town Planners on behalf of South Hedland New Living, to permanently close a portion of Cotter Drive road reserve.

The proposed road reserve closure is required to facilitate the approved subdivision of various lots within South Hedland.

It is recommended Council approve the request.

Background

The West Australian Planning Commission (WAPC) approved a subdivision for the land surrounding Limpet Crescent, South Hedland on 18 July 2012. (Attachment 1.)

In order to carry out the subdivision of the land in accordance with the approved subdivision, a portion of the Cottier Drive road reserve is required to be closed. The closed portion of road reserve is to be divided into two (2) separate portions, one (1) being approximately 137m² and the other 582m².

The 137m² portion of closed road reserve will be amalgamated into proposed Lot 331 Cottier Drive, South Hedland for the purpose of residential development.

With the 582m² portion of closed road reserve being included within the proposed drainage reserve to be created on Lot 5997 on Deposited Plan 219941. (Attachment 2 locality plans.)

Lot 5997 is currently Unallocated Crown Land and used for the purpose of a storm water drain. As part of the approved subdivision, the existing storm water drain will become a Drainage Reserve and be realigned to make way for a new road to be constructed along its south eastern boundary.

Consultation*Externally*

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.”

The 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.

Externally – Newspaper Publication

The road reserve closure request was advertised in the Northwest Telegraph for a period of a period of thirty five (35) days. During this time no objections were received.

Externally - Service Providers

The following public service providers were requested to provide comment:

- Horizon Power,
- Water Corporation,
- Telstra,
- Optus,
- Department of Water.

Optus have not responded within the 14 day referral period. The Department of Water and Horizon Power have raised no objection to the proposal. Telstra and the Water Corporation have no objection to the proposal provided the following conditions are imposed:

- Telstra has infrastructure located within that portion of the Cottier Drive Road Reserve that will need to be relocated at the cost of the landowner. For further information please contact Telstra's Asset Relocation team on 1800 810 443 or e-mail f1102490@team.telstra.com.
- Water Corporation has a 200AC pressure main within the drainage reserve that may be affected; this will be addressed by the Water Corporation's Land Servicing Branch requiring an easement for protection of the asset under the subdivision agreement.

Externally – Neighboring properties

The adjoining property owner, the Department of Housing was requested to provide comment on the application. No comment was received.

Internally

The application was circulated internally to Technical Services and no objection was received, provided the following condition was imposed:

Existing storm water drain shall be realigned as per the approved subdivision plan for the land surrounding Limpet Crescent, South Hedland.

Statutory Implications*Road Closure*

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 Town of Port Hedland Delegation Register 2012/13, Part 38(7) states:

“The Director Planning and Development and the Manager Planning 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 un-contentious nature”*

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

The application fee of \$115 has been received in accordance with Council's adopted Town Planning Fees and Charges 2011/12.

Officer's Comment

The road reserve closure is required to ensure the development of the land surrounding Limpet Crescent, South Hedland is carried out in accordance with the approved subdivision.

As per the approved subdivision plan, 137m² of the closed road reserve is required to be included in proposed Lot 331 Cottier Drive, for the purpose of residential development.

With the remaining portion of the closed road reserve, 582m² being included within the proposed drainage reserve being created on Lot 5997.

The proposed closed portions of Cottier Drive road reserve are not required for current or future road purposes.

Options

Council has the following options for responding to the request:

1. Support the applicants request to permanently close a portion of the Cottier Drive road reserve, as per Attachment 2.

The closure of the subject portion of road reserve will see 137m² being amalgamated into proposed Lot 331 and 582m² being included with the proposed drainage reserve on Lot 5997 on Deposited Plan 219941.

2. Reject the applicants request to permanently close a portion of the Cottier Drive road reserve, as per Attachment 2.

Refusal of the request would seriously impact on the already approved subdivision plan and necessitate a resubdivision.

Option 1 is recommended.

Attachments

1. Subdivision approval dated 18 July 2012.
2. Existing and proposed locality plan.

201213/263 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Gillingham

That Council:

1. **Support the applicants request to permanently close a portion of the Cottier Drive road reserve, as per Attachment 2, subject to the following conditions:**
 - a. **Telstra has infrastructure located within that portion of the Cottier Drive Road Reserve, which will need to be relocated at the developer's cost.**
 - b. **Water Corporation has a 200AC pressure main within the drainage reserve that may required an easement to be created for protection, the creation of the easement is to be at the developer's cost;**
2. **Requests the Chief Executive Officer, or his delegate(s), under Delegation 38(7) to submit the road closure request to the Department of Regional Development and Lands (State Land Services).**

CARRIED 6/0

ATTACHMENT 1 TO ITEM 11.1.12



Document #: IPA29472
 Date: 26.07.2012
 Officer: LEONARD LONG
 File: 130511G

Your Ref : 2012/9/130511G
 Enquiries : Christopher Ng (Ph 65519363)

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

23/11/12
 Lot 2 (2) Limpet

**Approval Subject To Condition(s)
 Freehold (Green Title) Subdivision**

Application No : 145444

Planning and Development Act 2005

Applicant	: Taylor Burrell Barnett P O Box 8186 SUBIACO EAST WA 6008
Owner	: State Of Western Australia, Department Of Regional Development & Lands P O Box 1143 WEST PERTH WA 6872, State Housing Commission 99 Plain Street EAST PERTH WA 6004
Application Receipt	: 3 January 2012

Lot Number	: 2, 3017, 3097, 3098, 3111, 3112, 3735, 5961, 5981, 5992, 5993, 5996, 5997, 5999, 6000, 6081, 6082, 6083, 6115
Diagram / Plan	: Diagram 100602, Deposited Plans 213347, 213743, 192905, 219823, 219941, 194553 & 195188
Location	: Reserves Part 46653, 44778, 44827, Part 41675 & 39660
C/T Volume/Folio	: 2212/902, Lr3002/989, 1475/895, 1475/896, 2170/732, 1470/364, Lr3009/338, Lr3090/382, Lr3075/515, Lr3111/326, Lr3111/327, 2575/853, Lr3111/331, Lr3111/333, Lr3111/334, Lr3115/568, Lr3115/569, Lr3115/570, Lr3120/961
Street Address	: Limpet Crescent, Trumpet Way, Jibson Close, Lovell Place, Brown Place, Cottier Drive & Pepper Street
Local Government	: Town of Port Hedland

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped 03 January 2012 once the condition(s) set out have been fulfilled.

This decision is valid for four years from the date of this advice, which includes the lodgement of the deposited plan within this period.

140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
 Tel: (08) 6551 9000; Fax: (08) 6551 9001; Infoline: 1800 626 477
 e-mail: corporate@planning.wa.gov.au; web address <http://www.planning.wa.gov.au>
 ABN 35 482 341 493



The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by 18 July 2016 or this approval no longer will remain valid.

Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, 12 St Georges Terrace, Perth, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

Deposited plan

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.



The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.

If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any subdivision works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with accompanying advice, are:

CONDITIONS

1. The land shall be filled to a level equivalent to the 100 year average recurrent interval flood event as determined by the Department of Water. (Local Government)
2. Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)
3. Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision. (Water Corporation)
4. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Horizon Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Horizon Power)



5. Such padmount sites as may be required by Horizon Power being transferred free of cost to Horizon Power, with the locations of the sites being to the satisfaction of the local authority. (Horizon Power)
6. The provision of easements for existing or future electricity supply infrastructure, as may be required by Horizon Power being granted free of cost to that Corporation. (Horizon Power)
7. Arrangements being made to the satisfaction of Horizon Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and equipment, located on or near the lots shown on the approved plan. (Horizon Power)
8. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost. As an alternative the WAPC is prepared to accept the applicant/owner paying to the local government the cost of such road works as estimated by the local government subject to the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)
9. A detailed plan demonstrating dual use path/cycleway design to the specifications of the local government is to be submitted prior to the commencement of site works. (Local Government)
10. The dual use path/cycleway as shown on the approved plan being constructed by the applicant/owner. (Local Government)
11. The area marked 'drainage reserve' on the approved plan of subdivision is to be shown on the Deposited Plan as such and is to be vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown. (Western Australian Planning Commission)
12. The proposed reserve(s) shown on the approved plan of subdivision being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown. (Western Australian Planning Commission)
13. A Landscaping Plan is to be submitted, approved and implemented to the satisfaction of the Council. (Local Government)
14. The land being graded and stabilised. (Local Government)
15. The land being filled and/or drained. (Local Government)



16. An urban water management plan to be prepared prior to commencement of ground disturbance activities, consistent with an approved Local Water Management Strategy, to the satisfaction of the Town of Port Hedland and Western Australian Planning Commission on advice of Department of Water. (Department of Water)
17. The approved Urban Water Management Plan shall be implemented by the landowner, including construction of the identified wastewater, storm water and groundwater management systems, to the satisfaction of the WAPC on advice of the local government. (Local Government)

ADVICE

1. The applicant is advised that prior to the endorsement of a Deposited Plan for lots bounded by Trumpet Way, the new central **Access** Street and the existing stormwater drain, the road reserve closure is required to be finalised.
2. The approval to subdivide issued by the WAPC should not be construed as an approval to commence development on any of the lots proposed. Approval to Commence Development may be required to be issued by the local government.
3. With regard to Conditions 2 and 3, Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.
4. With regard to Condition 4, Horizon Power only provides one point of supply per freehold (green title) lot and requires that any existing overhead distribution mains in the street and consumer services within property boundaries must be converted to underground.
5. Horizon Power advise that certification from Horizon Power that the development of the lot under assessment, comply with all the legislative requirements such as **Worksafe and ENA C(b)1-2006: Guidelines for design and maintenance of overhead distribution and transmission lines** with regards to the safe clearance distances between the building or structure and Horizon Power powerlines and/or power substation is required.
6. With regards to Condition 8, the Town of Port Hedland advise that, prior to works commencing a Traffic Assessment Study including detailed roadway plan is to be submitted to and approved by the Council's Manager Technical Services.
7. With regard to Condition 9, the detailed plan is to address all relevant matters, including; paving, manoeuvring spaces, lighting, and crossover location.
8. With regards to Condition 13, the Landscaping plan shall address streetscapes, drainage reserves and public open space.
9. Approval from the local government may be needed prior to the construction of vehicle crossovers.



10. The Town of Port Hedland advise that:
- (i) prior to the commencement of works and Erosion Prevention and Sediment Control Plan shall be submitted and approved by the Manager Planning Services; and
 - (ii) the landowner/ applicant is to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. The landowner shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a subdivision approval 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.
11. The Department of Water advises that:
- (i) Condition 16 has been imposed in accordance with the requirements of Better urban water management (WAPC 2008). Further guidance with regard to urban water management is contained within Urban water management plans: guidelines for preparing and complying with subdivision conditions (Department of Water 2008). The applicant/owner is advised to liaise with the Department of Water in relation to this; and
 - (ii) The subject property is located within the Pilbara Groundwater Area as proclaimed under the Rights in Water and Irrigation Act 1914. Information regarding licensing and permit requirements can be obtained from the Department of Water.
12. The Fire and Emergency Services Authority of Western Australia (FESA) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed subdivision. It is possible that as a result of these activities, the subject area may contain unexploded ordnance (UXO). Whilst it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during subdivisional works, or at any other time, a form or suspected form of UXO be located, FESA has advised that the following process should be initiated:
- (a) do not disturb the site of the known or suspected UXO;
 - (b) without disturbing the immediate vicinity, clearly mark the site of the UXO;
 - (c) notify Police of the circumstances/situation as quickly as possible; and
 - (d) maintain a presence near the site until advised to the contrary by a member of the Western Australian Police Service or Defence Forces.

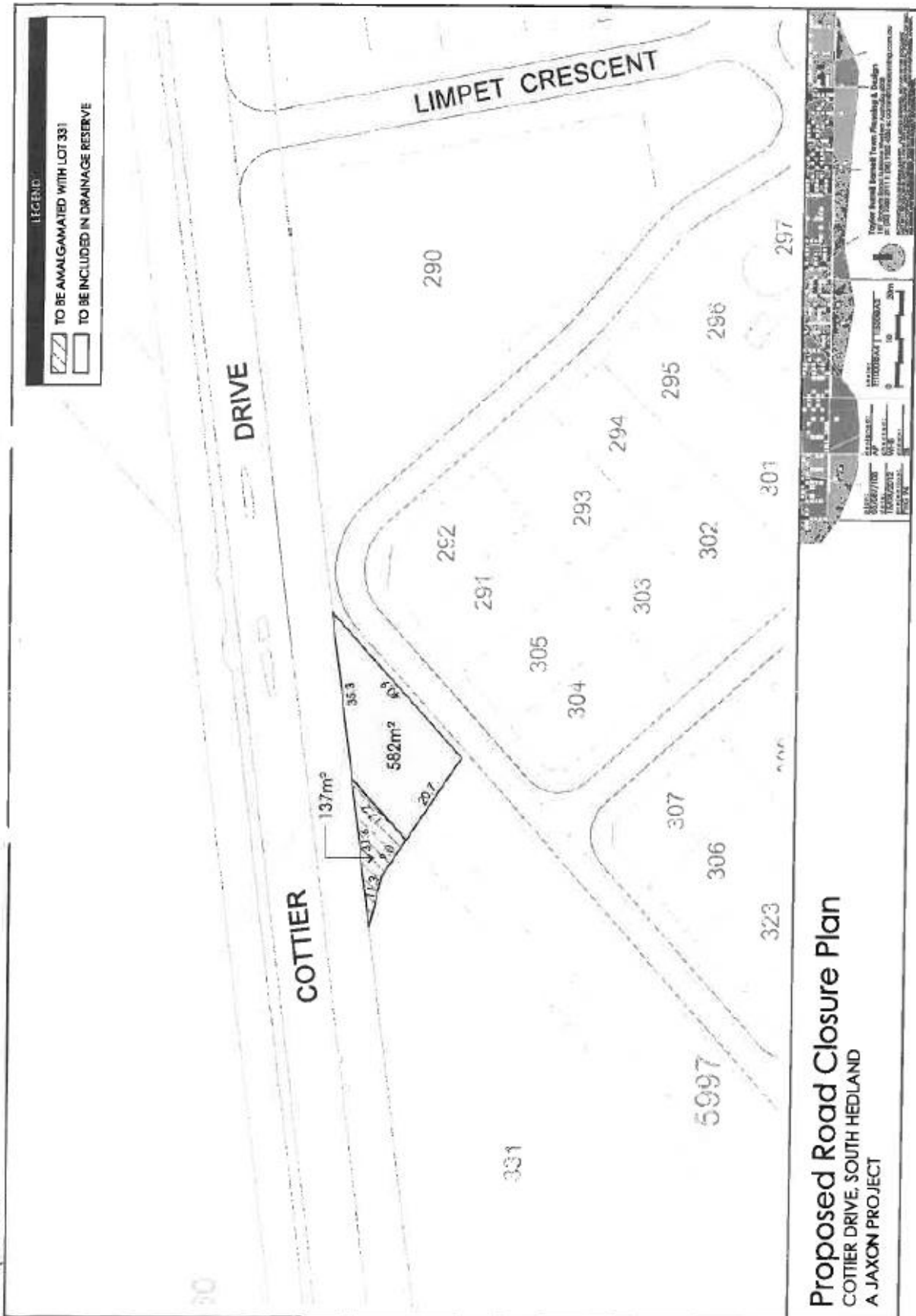


Further advice on this issue may be obtained by contacting the Unexploded Ordinance Unit, Fire and Emergency Services Authority of Western Australia

A handwritten signature in black ink, appearing to read "Neil Thomson".

Neil Thomson
Secretary
Western Australian Planning Commission
18 July 2012

Proposed



Existing Plan



11.1.13 Various Land Administration Matters on Lot 5930 Traine Crescent, South Hedland (File No.: 802433G)

Officer Katherine Press
Lands and Technical Officer

Date of Report 30 January 2013

Disclosure of Interest by Officer Nil

Summary

On the 26 September 2012, Council approved a request to the Department of Regional Development and Lands (RDL) for the excision of land from "Recreational Reserve" and the acquisition of various properties within the Town of Port Hedland. The request was made for land development projects.

To progress Council Decision 201213/106, with regard to Lot 5930 Traine Crescent, South Hedland a number of additional actions are proposed to incorporate unused land into the overall development site.

Council is requested to support the Officer's recommendation to close various portions of unused land and amalgamate them with Lot 5930 Traine Crescent, South Hedland.

Background

Pilbara Cities representatives met with Town Officers on 21 June 2012, to scope the next round of the properties identified as potential residential infill parcels (Lazy Lands). Key parcels within South and Port Hedland were identified as having potential for residential infill of which the subject site is one.

The following land administration process is required to incorporate parcels of land to optimise the development potential of Lot 5930 Traine Crescent, South Hedland:

1. a portion of the Pedestrian Access Way (PAW) being Lot 156 on Deposited Plan 13332 adjacent to Lot 5930 Traine Crescent be closed and amalgamated into the lot;
2. portions of the adjacent Road Reserves located on Traine Crescent and Judith Way be closed and amalgamated into the lot; and
3. an easement be created over the sewer pipe located on the lot adjacent to Traine Crescent.

Attachment 2 – Locality Plan.

Lot 156 on Deposited Plan 1332 is vested to the State of WA under Section 20A of the Town Planning and Development Act 1928 for the purposes of "Pedestrian Access Way".

Consultation

This matter was referred internally to the Town's Technical Services Department for comment, no objections were received.

Section 58(3) of the *Land Administration Act 1997* states that a local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circling 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.

This statutory advertising period is designed to allow all interested parties, including public service providers, to comment on the proposals prior to Council considering making a request to permanently closing the PAW and road reserves.

Statutory Implications

PAW Closure:

Section 87 of the *Land Administration Act 1997* establishes the procedure for closing and amalgamating a pedestrian access way with the adjoining land.

Road Closure:

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

Policy Implications

Nil

Strategic Planning Implications

Community Hedland-Strategic Community Plan 2012-2022 Parts:

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.

6.3 Environment

6.3.1 Housing

Address housing shortage and affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013.

6.4 Local Leadership

6.4.3 Capable

Attract, develop and retain a productive and effective workforce to deliver the Strategic Community Plan.

Budget Implications*Immediate:*

All costs associated with resolving the land administration matters on Lot 5930 Traine Crescent, South Hedland will be covered under the Economic and Development Services budget.

Long Term:

If recommendation supported:
potential development of the Lot.

If recommendation refused:
continued maintenance of unused road portion and PAW.

Whole of Life:

If recommendation supported:
potential maintenance of Council assets developed on the site.

If recommendation refused:
continued maintenance of unused road portion and PAW.

Officer's Comment

The inclusion of the portions of unused land and the amalgamation thereof with Lot 5930 Traine Crescent will result a better outcome for both the development of Lot 5930 and the surrounding community.

Lot 156 on Deposited Plan 1332 has never been developed for the purpose of a PAW, is not maintained and overgrown with vegetation as well as accumulation of rubbish.

A sewer pipe runs through the lot adjacent to Traine Crescent and will require an easement to be created over the sewer pipe.

Options

Council has the following options for responding to the request:

1. Support the closure of portions of Judith Way and Traine Crescent and the amalgamation with Lot 5930 Traine Crescent, South Hedland.

Supporting the request will enable Lot 5930 Traine Crescent to be developed resulting in a better outcome for Council and the surrounding community.

2. Reject the closure and subsequent amalgamation request.

Refusal would result in the current land configuration remaining the same and require Council to maintain parcels of land not be used.

Option 1 is recommended.

Attachments

1. Locality Plan.

201213/264 Officer's Recommendation / Council Decision

Moved: Cr Carter

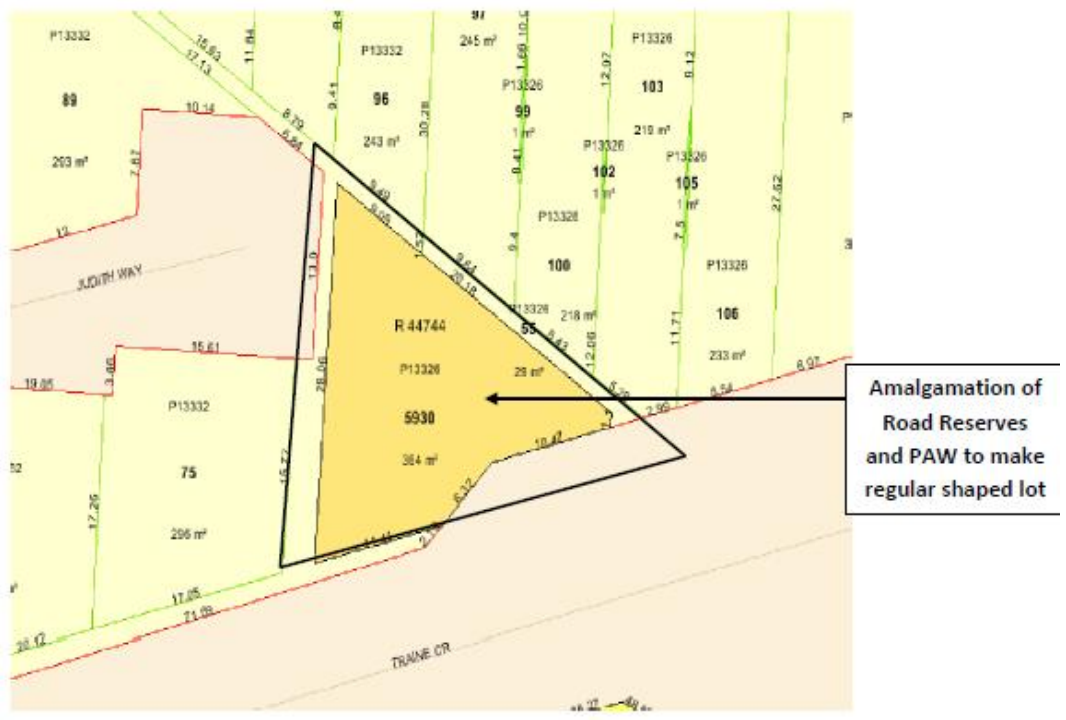
Seconded: Cr Hooper

That Council:

1. **Approves the permanent closure of portion the Pedestrian Access Way on Lot 156 on Deposited Plan 13332, currently vested to the State of WA, under the Town Planning and Development Act 1928 and its amalgamation with Lot 5930 Traine Crescent, South Hedland, as per Attachment 2;**
2. **Approves the permanent closure of a portion of Traine Crescent and Judith Way Road Reserve and its amalgamation with Lot 5930 Traine Crescent, South Hedland, as per Attachment 2;**
3. **Requests the Chief Executive Officer, or his delegate(s), under Delegation 38(7) to submit the road closure request and Pedestrian Access Way request to the Department of Regional Development and Lands (State Land Services), subject to the following:**
 - a. **The proposed Road and Pedestrian Access Way 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.**
4. **Requests the Chief Executive Officer, or his delegate(s), to submit an application to Landgate to create an easement over the sewer pipe located on Lot 5930 Traine Crescent, South Hedland.**

CARRIED 6/0

ATTACHMENT 1 TO ITEM 11.1.13



11.1.14 *Proposed Demolition of Outbuildings Associated with a Heritage Building (Charlie Bayman's House) on Lot 89 (2) McKay Street Port Hedland Listed in the Municipal Heritage Inventory (File No: A118580)*

Officer	Bev Johnson Building Surveyor
Date of Report	14 February 2013
Disclosure of Interest by Officer	Nil

Summary

An application has been received for a demolition permit to demolish outbuildings at Lot 89 (2) McKay Street Port Hedland, previously known as Lots 101 and 176 McKay Street.

The outbuildings are associated with Charlie Bayman's House which is listed in the Town of Port Hedland Municipal Inventory of Heritage Places Review 2007. The applicant has provided the Town with written confirmation from Laura Gray, the Heritage Consultant who prepared the Town's Municipal Inventory of Heritage Places, that the outbuildings do not form part of the original house.

The application is supported by officers and Council is requested to approve the issuing of a demolition permit.

Background

Council approved the proposed mixed use development at the ordinary Council Meeting on 9 March 2011.

A demolition licence was previously granted for this work on 21 September 2011 after a Building Licence was issued on 22 August 2011 for the construction of 21 Grouped Dwellings, Commercial and Retail units. Both permits have now lapsed as building had not commenced within twelve months of the issue date of the licences.

The Heritage Inventory lists the building as a '*single storey mud brick dwelling*'. The kitchen is listed as '*concrete block kitchen added at the rear*'. Although the other outbuildings are not part of the Heritage listing, as such, Council's approval is sought as the buildings may be of a local historical significance.

Consultation

A request for comment regarding the Heritage significance of the buildings was made to Laura Gray, a Heritage and Conservation Consultant. Ms Gray was responsible for the Town of Port Hedland Municipal Inventory of Heritage Places Review, 2007. The comment received is contained in Attachment 4.

Council approved the proposed mixed use development in the Ordinary Council meeting on 9 March 2011. The development was dependent on the removal of these outbuildings.

Statutory Implications

Compliance with Federal, State and Local Heritage Legislative provisions are mandatory. This aspect is considered during the recommendation process to Council.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

An application fee of \$90 is payable as per Building Regulations 2012 – Division 1.

Officer's Comment

The demolition of these buildings is necessary to support the proposed re-development on the site. Council's approval of the development in March 2011 illustrated the grouped dwellings being constructed over the land currently occupied by the outbuildings. The heritage consultant, who reviewed the Town's Municipal Inventory of Heritage Places in 2007, supports the demolition plan.

Attachments

1. Town of Port Hedland Municipal Inventory of Heritage Places – Place number 21
2. Site Plan
3. Photos of buildings/structures proposed to be demolished.
4. Comments from Heritage Consultant, Laura Gray.

201213/265 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council approve the request to demolish the outbuildings on Lot 89 (2) McKay Street Port Hedland.

CARRIED 6/0

ATTACHMENT 1 TO ITEM 11.1.14

TOWN OF PORT HEDLAND
MUNICIPAL INVENTORY OF HERITAGE PLACES

PLACE NUMBER 21

PROPERTY IDENTIFICATION

Name of place/s Charlie Baymans House (fmr) **Other names** Airline House
Address 2 McKay Street, south corner of Richardson Street, Port Hedland
Lot No 51, 52

Construction Date/s 1901, 1909, c.1950
Designer/s Thomas Traine **Builder/s**
Heritage listings Town of Port Hedland MI 1996 **HCWA Database No** 5942

PHYSICAL DESCRIPTION

Architectural Style Federation bungalow-northwest vernacular

Setting Minimal setback from the 'front' on McKay Street where there is a boundary fence, considerable open space setback on the Richardson 'frontage' reveals the rear of the place and various outbuildings. The expansive setback area forms an informal bitumen carpark.

Description Single storey mud brick dwelling. Originally symmetrical with central passage and surrounding verandahs (added in 1909). Verandahs, supported by concrete pillars, have been enclosed at various times, with various materials including brick cladding dado walls, with hinged shutters above. Concrete block kitchen added at the rear. The dwelling has a hipped roof clad with corrugated iron.

Condition Fair **Integrity High** **Authenticity Moderate**

Changes to place Verandah enclosures, outbuildings.

HISTORICAL BACKGROUND

Built in 1901 by Thomas Traine after he relocated from Condon and became one of the pioneers of Port Hedland. Later Charlie Bayman resided at the house. In the 1920s, Athol Moseley, WA Airlines agent occupied the house, and pilots and aircrew used it for overnight accommodation, including Sir Norman Brierley and Charles Kingsford Smith. Vacant in 2003.

STATEMENT OF SIGNIFICANCE

Charlie Baymans House (fmr) is significant for associations with Thomas Traine, a Port Hedland pioneer, various aviation identities and WA Airlines. It is a singular example of a mud brick dwelling in Port Hedland, and contributes to the character and streetscape of the town.

MANAGEMENT CATEGORY

Category 2 A place of considerable cultural heritage significance to Town of Port Hedland that is worthy of recognition and protection through provisions of the Town of Port Hedland's Town Planning Scheme. **Implications:** Planning application needs to be submitted to Town of Port Hedland for any proposed development. **Recommend:** Retain and conserve the place.

REFERENCES Town of Port Hedland MI 1996

REVIEW 2007

ATTACHMENT 2 TO ITEM 11.1.14



NO.	DATE	REVISION
1	02/03/13	ISSUED FOR CONSTRUCTION

CAMPION DESIGN GROUP

68 BAY STREET, SUVAO (N) + 678 9189 7308
 WESTON AVENUE, SUVAO (S) + 678 2430 7308
 www.campiondesign.com.au

HEALAND PROJECTS PTY LTD

PROJECT: IRWAN STREET
 RESIDENTIAL DEVELOPMENT
 (LOT 101 & 170) MAUNY DRIVE, PORT HEALAND

DRAWING: EXISTING SITE SURVEY PLAN
 & DEMOLITION PLAN

DESIGNED BY	DATE	SCALE	NO.
COMPLETED BY	PROJECT	REVISION	AA1-01 1

FOR INFORMATION: THIS PLAN, DRAWING OR REPORT IS THE PROPERTY OF CAMPION DESIGN GROUP AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CAMPION DESIGN GROUP.

ATTACHMENT 3 TO ITEM 11.1.14







ATTACHMENT 4 TO ITEM 11.1.14

Laura Gray #P M.ICOMOS B.Arch (hons)
HERITAGE & CONSERVATION CONSULTANT

PO Box 2
TWO ROCKS WA 6037
Phone 9561 6695
Mobile 0408 105 784
Email Laura.Gray@bigpond.com

8 February 2013

Campion Design Group
65 Hay Street
SBIACO WA 6008

Attention Russell Penfold

Dear Russell

DEVELOPMENT: 2 McKay Street, Port Hedland

DEMOLITION COMMENT

Further to our discussion and with reference to Demolition Plan AA1-01, and my correspondence of 8 October 2010 (attached) regarding the same project, I submit the following response.

The areas delineated for demolition as shown on Plan AA1-01 are entirely consistent with the areas identified in the stated correspondence;

The existing outbuildings and addition are somewhat intrusive to the heritage building.

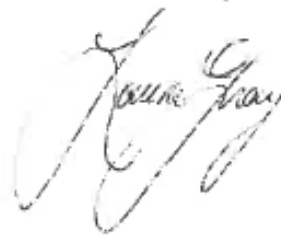
That correspondence goes on to state:

It is my understanding that the proposed development includes the restoration of the heritage building and removal of the outbuildings and addition.

In my opinion, the demolition plan is entirely consistent with the identification of intrusive outbuildings and additions, in associated with the proposed development, and is supported.

Please do not hesitate to contact me should further clarification be required.

Yours Sincerely



Laura Gray

11.1.15 *Change to Council Decision 201112/517 for the Amendment of Permitted Use on Reserve 50372 at Lot 3267 Hedditch Street, South Hedland (File No.: 130117G)*

Officer	Katherine Press Lands Officer and Technical Officer
Date of Report	6 February 2013
Disclosure of Interest by Officer	Nil

Summary

Council at its Ordinary Council Meeting of 27 June 2012 resolved to support the request from Pilbara Cities, on behalf of FORM to amend the purpose of Reserve 50372 located at Lot 3267 Hedditch Street, South Hedland, currently “parking”, to include “Community”, “Art and Recreation”.

Due to an administrative oversight the incorrect lot number was included within the officer’s recommendation of the report, resulting in the lot number being incorrectly carried over into the Council’s resolution.

Council is requested to re-confirm its previous decision which has been corrected to reflect the correct lot number.

Background

Reserve 50372 located at Lot 3267 Hedditch Street, South Hedland (site) and is vested to the Town for “Parking” purposes, the lot is generally known as “Dreamers Corner”. (Please refer to Attachment 1 – Locality Plan).

The Pilbara Cities Office in consultation with State Lands has been working with FORM to identify a suitable parcel of land for the proposed development of the Spinifex Art Studio. The site is deemed to be the most suitable and has in-principle support from the Pilbara Development Commission.

In order for FORM to commence development of the Spinifex Art Studio, the current reserve purpose is required to be amended to include “Community, Art and Recreation”.

At the Ordinary Council Meeting of 27 June 2012, Town Officers recommended the following:

“That Council:

- 1. Approves the request to amend the purpose of Reserve 50372, located at Lot 5991 Hedditch Street, South Hedland, to include “Community, Art and Recreation”, subject to:*

- a) *Pilbara Cities providing the funding to access seal and landscape the area identified in 2. below.*
2. *Approves the use of the portion of "Road Reserve" (2000m²) situated on the South East corner of the intersection of Hamilton Road and North Circular Road (ATTACHMENT 3) for the sale of second hand vehicles.*
 3. *On receipt of a written undertaking from Pilbara Cities effecting 1(a) above, delegates the Manager Planning Services to request the Department of Regional Development & Lands to amend the purpose of Reserve 50372, located at Lot 5991 Hedditch Street, South Hedland, to include "Community, Art and Recreation".*
 4. *Delegates the Manager Planning Services to request the Department of Regional Development and Lands to amend the management order for Reserve 50372 to give the Town the power to sublease."*

As a result of advice received from Pilbara Cities Council resolved to remove proposed condition 1(a), unfortunately this necessitated the removal of proposed condition 3 as well which was omitted from the final resolution which read as follows:

"That Council:

1. *Approves the request to amend the purpose of Reserve 50372, located at Lot 5991 Hedditch Street, South Hedland, to "Community, Art and Recreation";*
2. *Approves the use of the portion of "Road Reserve" (2000m²) situated on the South East corner of the intersection of Hamilton Road and North Circular Road (ATTACHMENT 3) for the sale of second hand vehicles;*
3. *On receipt of a written undertaking from Pilbara cities effecting 1(a) above, delegates the Manager Planning Services to request the Department of Regional Development and Lands to amend the purpose of Reserve 50372, located at lot 5991 Hedditch Street, South Hedland, to include "Community, Art and Recreation", and*
4. *Delegates the Manager Planning Services to request the Department of Regional Development and Lands to amend the management order for Reserve 50372 to give the Town the power to sub-lease."*

Consultation

Nil

Statutory Implications

The following sections of the Land Administration Act 1997 are relevant to the proposal:

- s41. Minister may reserve Crown land.
- s46. Placing of care, control and management of reserves.
- s49. Management Plans.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

The requested change to Council decision 201112/517, does not change the intent of the decision, and only corrects administrative oversight.

Attachments

1. Locality Plan.

201213/266 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That Council:

1. **Approves the request to amend the purpose of Reserve 50372 located at Lot 3267 Hedditch Street, South Hedland, to include "Community, Art and Recreation";**
2. **Authorises the Chief Executive Officer, or his delegate(s), to request the Department of Regional Development and Lands to amend the purpose of Reserve 50372 located at Lot 3267 Hedditch Street, South Hedland, to include "Community, Art and Recreation"; and**
3. **Authorises the Chief Executive Officer, or his delegate(s), to request the Department of Regional Development and Lands to amend the management order for Reserve 50372 located at Lot 3267 Hedditch Street, South Hedland, to give the Town of Port Hedland the power to sub-lease.**

CARRIED 6/0



11.1.16 Proposed Local Planning Policy – Precinct 3 Design Guidelines (File No.: 18/01/0016)

Officer Steve de Meillon
Senior Strategic Planning
Officer

Date of Report 13 February 2013

Disclosure of Interest by Officer Nil

Summary

The Town of Port Hedland and BHP Billiton are currently involved in a Private Treaty arrangement to develop land within an area known as “Precinct 3” as indicated within the Port Hedland International Airport Land Use Master Plan. The details of the Private Treaty agreement are outlined within the Business Plan that was prepared and endorsed by Council on the 12 March 2012.

The Western Australian Planning Commission on the 8 May 2012 issued subdivision approval for 42 lots within the “Precinct 3” area (WAPC 145870). The design guidelines prepared for Precinct 3 will guide future development within the subdivision area.

Council is requested to initiate the proposed Guidelines.

Background*The Site (Attachment 1)*

The Precinct 3 Industrial and Transient Workforce Accommodation Guidelines (Guidelines) apply to a portion of “Precinct 3” as indicated within the Port Hedland International Airport Land Use Master Plan (the site).

The Precinct 3 area is located southeast of the Wedgefield industrial area across Great Northern Highway and approximately 1km northeast of the South Hedland Township. The site is immediately west of the Town of Port Hedland International Airport. Under the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5) the site is zoned “Airport”.

The Western Australian Planning Commission on the 8 May 2012 issued subdivision approval for 42 lots on the site (WAPC 145870). It is expected the site will develop with an important mix of uses which form an important part of Hedland’s continued growth into the future.

The Guidelines (Attachment 1)

The Precinct 3 Design Guidelines will guide future development within the site.

The Guidelines are divided into two distinct areas. Area A promotes the development of a mix of Showroom, Bulky Commercial and Light Industry uses on the northern section of the site. Area B on the southern portion of the site is set aside for Transient Workforce Accommodation.

The purpose of the Guidelines is to ensure a high standard of development is maintained through development of the site. The Guidelines will also help future purchasers, developers and building designers appropriately design premises which assist in delivering high quality amenity.

Consultation

The following internal services have been consulted, with submissions incorporated into the proposed Guidelines:

- Technical Services.
- Environmental Health Services.
- Building Services.
- Engineering (Airport) Services.
- Engineering (Operation) Services.

Prior to final adoption the Guidelines are required to be advertised for a period of no less than 21 days, including advertising in the local newspaper for 2 consecutive weeks.

Statutory Implications

The Precinct 3 Industrial and Transient Workforce Accommodation Guidelines when adopted will become a Local Planning Policy.

Section 5.1 of the Town Planning Scheme No. 5 (TPS5) enables the Council to make a Local Planning Policy and details the process to be followed.

Policy Implications

Should Council resolve to adopt the Guidelines, they shall be adopted as a Local Planning Policy within the Town of Port Hedland Local Planning Policy Manual.

Strategic Planning Implications

Pilbara's Port City Growth Plan

The following sections of the Pilbara's Port City Growth Plan (Growth Plan) are considered relevant:

Section 5.7.7 Identified Land Use(s)	Precinct 7 – Airport & Surrounds Light Industrial; and Highway Commercial (Bulky Goods, Motor Vehicle/Boat Sales, Showroom, Warehouse Commercial).
Precinct Highlight 2:	Short term workforce accommodation opportunity (ultimately replaced by industrial use).

The following sections of the Port Hedland International Airport Land Use Master Plan are considered relevant:

Section 6.1.3 Section 6.1.3.1	Precinct 3 – South Western Precinct Land Uses – to extend and integrate industrial and transport uses.
----------------------------------	--

Budget Implications

Council approved the allocation of funds for the preparation of the Guidelines as part of the 2012/13 Budget.

Officer's Comment

The Growth Plan identifies the site (Precinct 3) to be developed as a highway commercial area, providing for bulk goods, light industry and showroom land uses. In addition the Growth Plan highlights the potential for short term workforce accommodation.

A subdivision on the site was approved by the WAPC on 8 May 2012. The subdivision will create 42 lots on the site as a first stage in delivering the objectives for Precinct 3.

The site is currently zoned "Airport" under the provisions of TPS5. The "Airport" zoning allows a range of permissible land uses that are consistent with the intended purpose for Precinct 3. The Guidelines once adopted by Council will promote and guide development of the area specifically for light industry / showroom and workforce accommodation. In addition the Guidelines will provide a set of objectives and requirements to ensure a high amenity built form is achieved.

The Town's internal services have assessed the Guidelines and consider them appropriate to be initiated as a local planning policy.

Attachments

1. Locality Plan.
2. Precinct 3 Design Guidelines (Under Separate Cover)

201213/267 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Dziombak****That Council:**

- 1. Approves to initiate the Precinct 3 Design Guidelines as a Local Planning Policy;**
- 2. Gives notice of the Precinct 3 Design Guidelines in accordance with section 5.1.4 of the Town Planning Scheme No. 5 as follows:**
 - a. Publishes a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving the details of:**
 - i. Where the draft Policy may be inspected,**
 - ii. The subject and nature of the draft Policy, and**
 - iii. In what form and during what period (being no less than 21 days from the day the notice is published) submissions may be made, and**
 - b. Publishes a notice of the proposed policy in such other manner and carry out such other consultation as it considered appropriate.**
- 3. After the completion of advertising considers adoption of the Precinct 3 Design Guidelines with or without modifications.**

CARRIED 6/0

LOCALITY PLAN



11.1.17 JD Hardie: Request to Purchase a Portion of the Reserve at 5% of the Unimproved Value (File no.: 130019G)

Officer	Brie Holland Officer Economic Development & Strategic Planning
Date of Report	19 February 2013
Disclosure of Interest by Officer	Nil

Summary

This report makes the recommendation for Council to formally register its interest in and seek funds to purchase approximately 8,600 square metres (m²) of inactive space at the JD Hardie Precinct, Part Lot 5991 on Reserve 41675 with the Department of Regional Development and Lands at 5% of the unimproved value, at a total cost of \$135,000.

Background

JD Hardie: Old Mini Golf parcel

The OCM on 22 February 2012 resolved (201112/325) that Council:

- “1. Supports the preparation of the feasibility study for the acquisition of the excised land referred to 3a) below.*
- 2. Approves the Chief Executive Officer to submit the feasibility study to the Department of Regional Development and Lands for consideration.*
- 3. Requests State Land Services;
a) Excise approximately 8,600m² of Reserve 41675 being generally in accordance with the area identified in Attachment 1.
b) Provide a valuation for the purchase of the excised land by the Town of Port Hedland at 5% unimproved value in accordance with the Land Administration Act 1997.”*

Current Valuation

Council received advice, on Monday 18 February 2012 through the Department of Regional Development and Lands regarding the valuation of the parcel of land referred to as Part Lot 5991 on Reserve 41675, identified in Attachment 1, from the Valuer General. The parcel was appraised at its unimproved value totaling \$2,970,000.00.

Request for immediate purchase

Currently the parcel of land is vested to the Town for the purpose of a Recreation Reserve and the Department of Regional Development and Lands have formally requested the Town to register its interest in purchasing the parcel. The disposal of Crown Land is regulated through the *Land Administration Act 1997*. If Council chooses to purchase the Recreation Reserve parcel, according to the *Land Administration Act 1997*, it can purchase the parcel at 5% of its unimproved value. The cost of this land acquisition to Council is \$135,000.

It should be noted that Section 20A specifies that in the future, if Council chooses to on sell the parcel of land, conditional to any proceeds from the sale must only be used for capital improvement upgrade and/or redevelopment of Public Open Space within the vicinity of the land sold.

As the value of the transaction will not be any higher than 5% of the unimproved value equalling \$135,000, there is no requirement under section 3.59 "Commercial enterprises by local governments" of the Local Government Act 1995 for a business case to be developed. Further, as the disposal of the property is from the State Government to the Local Government at this stage there is no requirement for compliance with section 3.58 "Disposal of Property" of the Local Government Act 1995.

Consultation*External*

- Department of Regional Development and Lands, Pilbara Division

Internal

- Director of Planning and Development
- Director of Corporate Services
- Manager of Economic Development and Strategic Planning
- Officer of Economic Development and Strategic Planning

Statutory Implications

Local Government Act 1995 (WA) Section 3.55 – Acquisition of land.

A local government can only take land under Part 9 of the Land Administration Act 1997 if it is in, or is to be regarded as being included in, its own district.

The disposal of Crown Land is regulated through the *Land Administration Act 1997*.

Policy Implications

Nil

Strategic Implications

Strategic Community Plan 2012 - 2022

6.3 Environment

6.3.1 Housing

Address housing shortage & affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013.

Budget Implications

The land development item currently in the 2012/13 Budget can be used to cover the purchase cost of this parcel of land,, \$148,500 inc GST.

Officer's Comment

Currently, the objective of the Town of Port Hedland is providing increased housing options in Port Hedland. The Town is undergoing a severe staff housing shortage and is paying exorbitant rental rates on the open market. Unfortunately the Town does not currently have the budget to purchase neither land nor housing at full market value to meet its current and future staff housing demand. The JD Hardie parcel of land specifically referred to as the old mini golf parcel, if rezoned to R30 has the potential of 43 dwellings and is an ideal opportunity for the Town to secure its access to extremely discounted land in order to pursue further development options in the immediate future.

The JD Hardie reserve, as a whole currently includes 37,676m². Council previously approved for the excision of part of the inactive space of the area, being approximately 8,600m². It is believed that purchasing this portion of land is the next step in potentially securing staff housing. It should be noted that the Active Open Space Strategy does make the recommendation that the whole area be retained for a Special Purpose Open Space. It is envisaged, however, that the excision of 8,600m² of land will not impact on the future plans to provide for Passive Open Space in the area as there would remain 16,000m² of vacant land.

The possible avenues Council can take are summarised below.

1. Council chooses to purchase the land; or
2. Council chooses not to purchase the land.

Attachments

1. Indicative map of the parcel of land, Part Lot 5991, Reserve 41675

201213/268 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That Council:

- 1. Request that Department of Regional Development and Lands:
 - a. Formally registers the Town's interest to purchase the parcel of land at 5% of the current unimproved market value (CUMV) in the form of a briefing note to the Minister for Lands; and**
 - b. Issue a development lease over the parcel of land until the purchase is finalised;****
- 2. Requests the Chief Executive Officer, or his delegate(s), to report back to Council regarding options of disposing the proposed parcel of land including options for development.**

CARRIED 6/0



Part Lot 5991 Reserve 41675

Zoning: Parks and Recreation

Area approximately 8600m²

11.1.18 Procedure to Deal with Contraventions of the Port Hedland Town Planning Scheme No.5 (File No.: 18/07/0013)

Officer Leonard Long
Manager Planning
Services

Date of Report 15 February 2013

Disclosure of Interest by Officer Nil

Summary

This report is for Council to endorse a more streamlined and effective manner in which to deal with contraventions of the Port Hedland Town Planning Scheme No 5.

Background

In terms of the *Planning and Development Act 2005*, (PD Act 2005), Part 13 *Enforcement and legal proceedings*, as well as the Port Hedland Town Planning Scheme No. 5, clause 4.7 *Compliance with conditions*, requires the local authority to ensure compliance with the relevant town planning scheme as well as any conditions that may have been imposed by the local authority through the provisions of the relevant town planning scheme.

Consultation

Officers consulted with the Town's Solicitors with regard to the proposed procedure and obtained the following comment:

"I note that the Town gives the alleged offender several opportunities to rectify the non-compliant use. For future contraventions, it may be preferable for the Town to simply issue one letter to the alleged offender giving him or her 30 days to rectify the contravention, failing which the Town will refer the matter to its lawyers for legal action.

If the person ignores the above letter, the next notice he or she receives is the Prosecution Notice, by which time the matter will be set down for a hearing (i.e. the first return date). The Town will then have a basis to seek the recovery of its costs incurred in preparing the Prosecution Notice if it can obtain a conviction at the first hearing (because the accused either enters a plea of guilty to the charge or fails to enter any plea and fails to attend the first hearing)."

Town's Manager of Planning Services workshopped these proposed procedures with Councillors at its Planning Briefing of Wednesday 13 February 2013. At this briefing there was support for the proposed enforcement procedure from the Councillors in attendance.

Statutory Implications

In terms of the *Planning and Development Act 2005*, (PD Act 2005), Part 13 *Enforcement and legal proceedings*, as well as the Port Hedland Town Planning Scheme No. 5

Policy Implications

Nil

Budget Implications

Nil

Officer's Comment

The Town has embarked on its vision to transform the Town of Port Hedland into the City of Port Hedland where families want to live, work and play. Unfortunately, there seems to be an element of the community (both business and residential) that continues to disregard planning conditions and Council Policies. This element of the community does not share Council's vision, and has a negative impact on the growth of the Town, and on the quality of life for those of the community that want to call Port Hedland home.

Compliance within the Town has reach critical levels with the offenders seemingly having the opinion the Town is not serious in trying to create a City where families want to live, work and play and that the Town will not take action or go through with action when already commenced. If immediate action is not taken to change the mindset of the offenders the Town will be fighting a losing battle against compliance and may lead to the demise of the Town.

The need for action to be swift and taken through to prosecution will deter reoccurring offences and demonstrate to the community, developers and investors the Town is serious about compliance. In turn this will provide developers and investors with the confidence to develop and invest in the town.

Proposed Procedure:

The proposed procedure will free up the Compliance Officers time to enable additional matters to be investigated.

It must be emphasised it is not the Planning Units intention to seek financial gain through the procedure but rather have prosecution recorded which will deter further offences. It is expected, initially it will be necessary to see the process through to prosecution but as the community become aware of the Towns stance on compliance the need to follow through to prosecution is expected to diminish.

Attachments

Nil

Officer's Recommendation

That Council:

1. Endorses the following procedure when dealing with uses that do not comply with the Port Hedland Town Planning Scheme No 5.
 - a. Issue one thirty (30) day notice requesting owners / tenants to rectify the unauthorised / non-compliant matter. Should the unauthorised / non-compliant matter be resolved or cease within the 30 day period no further action will be taken. If the same owner / tenant is involved in any other unauthorised / non-compliant matter, a 30 day notice will be issued and regardless of the unauthorised / non-compliant matter being resolved or ceased the matter will be handed to the Towns Solicitors for prosecution;
 - b. Where the unauthorised / non-compliant matter continues beyond thirty (30) days, the matter will be handed over to the Towns Solicitors for prosecution. Should the unauthorised / non-compliant matter be rectified or ceased after a prosecution notice has been issued the prosecution will be followed through.
2. Endorses the issuing of the following statement in relation to compliance matters within the Town of Port Hedland;

“Council is reviewing its focus on compliance. As Port Hedland continues on the path to becoming Pilbara's Port City, it is essential that all developments in the Town are fully compliant with the Town of Port Hedland's position of “zero tolerance” for violations of the Town's legislation, including Local Laws, as well as the actions taken against non-compliant developers.”

201213/269 Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That Council:

1. **Endorses the following procedure when dealing with uses that do not comply with the Port Hedland Town Planning Scheme No 5:**

- a. Issue one thirty (30) day notice requesting owners / tenants to rectify the unauthorised / non-compliant matter. Should the unauthorised / non-compliant matter be resolved or cease within the 30 day period no further action will be taken. If the same owner / tenant is involved in any other unauthorised / non-compliant matter, a 30 day notice will be issued and regardless of the unauthorised / non-compliant matter being resolved or ceased the matter will be handed to the Towns Solicitors for prosecution;
 - b. Where the unauthorised / non-compliant matter continues beyond thirty (30) days, the matter will be handed over to the Towns Solicitors for prosecution. Should the unauthorised / non-compliant matter be rectified or ceased after a prosecution notice has been issued the prosecution will be followed through.
2. Endorses the issuing of the following statement in relation to compliance matters within the Town of Port Hedland:

"Council confirms its support of the Town's Officers taking a more focused approach on compliance as Port Hedland moves to become the Pilbara's Port City.

Council wishes to see Port Hedland develop with quality infrastructure in place and with developments being fully compliant with all of the Town's legislation, including its local laws.

The position of "zero tolerance" towards non-compliance is fully supported by the Council where violations of the Town's legislation occur and it further endorses the actions of Officers in taking action against non-compliant developers."

CARRIED 6/0

**11.1.19 Development Assessment Panels – Panel Nominations
(File No.: 18/07/0002)**

Officer Leonard Long
Manager Planning
Services

Date of Report 11 February 2013

Disclosure of Interest by Officer Nil

Summary

The Development Assessment Panels (DAP) came into operation in July 2011 in order to determine development applications that meet a certain threshold value.

With the two (2) year term nearing expiry, Council is requested to either re-nominate or nominate two new members as well as alternative members as representatives on the Development Assessment Panel.

Background

Development Assessment Panels have been established throughout the state to determine development applications \$7million and over. In June 2011, Council nominated two (2) members and two (2) alternative members for consideration by the Minister. The nominations were accepted by the Minister and appointed for a period of two (2) years.

The members currently nominated by Council are Mayor Howlett and Councillor Carter. The alternate members are Councillor Daccache and Councillor Dziombak.

Consultation

Nil

Statutory Implications

The nominated local members will form part of the DAP, empowered to determine applications for development approval in accordance with the *Planning & Development Act 2005*.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Council members would not attract sitting fees as their role on the panel is considered in keeping with their position, any travel and accommodation costs would be borne by the Town.

Officer's Comment

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

The term will be for 2 years, provided that the nominated DAP representatives remain on the Council following the October 2013 Local Government Ordinary Elections.

Should DAP representatives not remain on the Council after this date, then further nominations will have to be sought accordingly.

Attachments

Nil

Officer's Recommendation

That Council:

- a. Nominates the following Councillors to represent Council on the Development Assessment Panel for a period of two (2) years:
 1. Nominates Cr..... and Cr..... as their local Development Assessment Panel representatives, and
 2. Nominates Cr..... and Cr..... as their local alternative Development Assessment Panel representatives.
- b. Notes the nominations and alternatives cannot be reconsidered due to the local elections.

201213/270 Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That Council:

- a. **Nominates the following Councillors to represent Council on the Development Assessment Panel for a period of two (2) years:**
 1. **Nominates Cr Carter and Cr Dziombak as their local Development Assessment Panel representatives, and**

2. Nominates Cr Hooper and Cr Taylor as their local alternative Development Assessment Panel representatives.

CARRIED 6/0

11.2 Engineering Services**11.2.1 *Tender 11/23 Construction of Hamilton Road Carriageway Duplication, Roundabout and Wanangkura Stadium Entry Road (File No.: 28/16/0011)***

Officer Jenella Voitkevich
Manager Infrastructure
Development

Date of Report 11 February 2013

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to provide a summary and assessment of submissions received for Tender 11/23 Construction of Hamilton Road Carriageway Duplication, Roundabout and Wanangkura Stadium Entry Road. The recommendation to Council is to reject all tenders due to budget constraints and review the scope of works and methodology.

Background

Hamilton Road is one of the main arterial roads into South Hedland with connections to the Town Centre, TAFE and Wanangkura Stadium. Detailed designs and cost estimates were finalised in 2011/12 to construct dual lanes in the section of Hamilton road in front of Wanangkura Stadium, connecting to the existing dual lanes on either side. A proposed new entrance road and roundabout will provide more efficient traffic egress to the Stadium and Kevin Scott oval facilities.

Funding was secured in the 2012/13 adopted budget based on cost estimates for the construction scope of works.

Consultation

Detailed designs and cost estimates for the project were prepared in consultation with Porter Consulting Engineers and Main Roads WA.

The tender assessment involved staff from the Towns Engineering Directorate (Engineering Operations, Technical Services and Infrastructure Development).

Statutory Implications

This tender was called in accordance to 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.*

Sections of this report pertaining to price submissions from tenderers have been deemed confidential in accordance to the *Local Government Act (1995)*:

“5.23 Meetings generally open to public

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —....*

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and....

(e) a matter that if disclosed, would reveal —

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and”

Policy Implications

This tender was called in accordance with Procurement Policy 2/007 and the Tender Policy 2/011.

Strategic Planning Implications

The following sections of Council’s Strategic Community Plan 2012-2022 are considered relevant to this project:

6.1 Community**6.1.1 Unified**

The Town of Port Hedland is an integrated community functionally, physically & culturally.

6.2 Economic**6.2.2 Gateway City & an attractive destination**

Develop Port Hedland’s sea, air and road transport infrastructure so that it becomes the main access hub for the Pilbara.

Budget Implications

The following table provides information on the revenue, expenditure to date and remaining budget for this project:

Funding	\$ (excluding GST)
2010/11 MRWA Regional Road Group	\$ 60,000
2010/11 TOPH contribution	\$ 30,000
2011/12 MRWA Regional Road Group	\$ 293,540
2011/12 MRWA Direct Grant	\$ 102,202
2011/12 TOPH contribution	\$ 186,403
2012/13 MRWA Regional Road Group	\$ 250,000
2012/13 Roads to Recovery	\$ 331,155
Total Funding	\$ 1,253,300
Expenditure	\$ (excluding GST)
2010/11	\$ 40,077
2011/12	\$ 20,735
2012/13 to date	\$ 2,214
Total Expenditure to date	\$ 63,026
Budget remaining for Tender	\$ 1,190,274

The budget estimate provided for the construction of this project based on the approved designs, provided prior to advertising the tender, was \$985,455. To ensure that the budget would deliver on the key requirement of improving access into Wanangkura Stadium, the tender scope was separated into 2 options, 1 for access to the Stadium and 1 for the full scope of works. All tender submissions received for Tender 11/23 are in excess of the project budget of \$1,190,274 and exceed the construction cost expectations for the project.

It's proposed that the project timeframes are reviewed to enable construction to be completed in-house, using a combination of Town staff, equipment and contractors, within the current budget.

Officer's Comment

Tender 11/23 closed at 2.30pm on Wednesday 31 October 2012. Tender packages were sent out to 14 companies and submissions were received from 3 companies as listed below:

- DeGrey Civil Pty Ltd
- Structural Systems (Civil) Pty Ltd
- Downer EDI Works Pty Ltd

Refer to table 1 of Attachment 1: Confidential Summary of Prices Submitted.

DeGrey Civil Pty Ltd has also submitted a non-conforming alternative for Option 1 at a reduced cost. This offer is based on several potential savings, including TOPH supplied materials and waiving of landfill disposal fees. Given that this option still exceeds the project budget it has not been considered further.

All tender submissions have been analysed and tenderers contacted regarding the budget restrictions and subsequent delay in awarding a tender. The Officers intention was to review the scope of works and specifications in order to either reduce the tender proposal costs or complete the works in house. Due to priorities and commitments to other projects this has not occurred. However officers are confident that this project can be delivered in its entirety within the current budget allocation.

In the interest of closing out the current tender process it is recommended to reject all tenders. The project scope and specification will be reviewed and the tender process recommenced with the inclusion of an in-house bid.

Attachments

1. Confidential Summary of Prices Submitted.

201213/271 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Gillingham****That Council:**

1. **Reject all submissions received for Tender 11/23 Construction of Hamilton Road Carriageway Duplication, Roundabout and Wanangkura Stadium Entry Road; and**
2. **Requests Chief Executive Officer, or his delegate(s), to review the project scope and specification and recommence the tender process inclusive of an in-house bid.**

CARRIED 6/0

**11.2.2 Residential Lease Agreement Caretakers Residence;
South Hedland Aquatic Centre (05/05/0080)**

Officer Jessica Melia
Leasing Officer

Date of Report 7 February 2013

Disclosure of Interest by Officer Nil

Summary

This report seeks Council's endorsement to dispose of the caretaker's residence at the South Hedland Aquatic Centre (SHAC). This disposal is to occur by way of lease agreement with the YMCA who are the organisation managing the Town of Port Hedland's leisure facilities.

Background

At the Ordinary Council meeting held 16 November 2011, Council resolved the following:

"That Council:

Agree to dispose of the dwelling situated on Reserve 410003 South Hedland, also known as the Caretakers residence at the South Hedland Aquatic Centre, by way of lease to AVP Constructions Pty Ltd in accordance with section 3.58 (3) of the Local Government Act 1995 (Private Treaty) on the following terms and conditions;

- a) \$2,200 per week;*
- b) For a term commencing on 1 January 2012 and expiring on 31 October 2012 or upon completion of the stage one upgrade project for the South Hedland Aquatic Centre whichever arises first;*
- c) For the purpose of housing AVP Construction Pty Ltd employees only."*

AVP Constructions Pty Ltd (AVP) were contracted to perform the upgrades to the facility in 2012. AVP occupied the premises from 1 January 2012 and vacated the premises on the 30 November 2012.

The YMCA was awarded Tender for the management of the Town of Port Hedland's Leisure Facilities. This agreement included the management of Wanangkura Stadium, Gratwick Pool, and South Hedland Aquatic Centre.

Pursuant to the Leisure Facilities Management Agreement, the YMCA commenced managing these facilities from 1 July 2012.

Currently the SHAC is closed due to planned renovations of the facility. The centre is scheduled to re-open in early 2013.

The YMCA has requested to lease the caretakers residence at the SHAC until the completion of proposed YMCA staff accommodation units in South Hedland or the development of the new Library Community facility on the site, whichever is sooner. Access to this property will provide the YMCA with a solution to the current difficulties faced by the YMCA in relation to the retention of key staff. The caretaker's residence will be utilised by the YMCA to accommodate the facility manager and any relief staff relocated to Port Hedland.

The caretaker's residence is not included within the leisure facilities management agreement. It is proposed that Council agrees to dispose of the property to the YMCA by way of a stand-alone lease agreement.

Consultation

External

- YMCA – Recreation Operations Manager
- Hedland First National Senior Property Manager

Internal

- Engineering Services
- Community Development

Statutory Implications

Section 3.58. Disposing of property

(1) In this section —

“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;

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

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

(a) the highest bidder at public auction; or

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

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

(a) it gives local public notice of the proposed disposition

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

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

- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*
- [Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]*

Policy Implications

Nil

Strategic Planning Implications

6.1 Community

6.1.1 Unified

The Town of Port Hedland is an integrated community functionally, physically and culturally

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.

Create local employment and investment and diversify the economy.

6.4 Local Leadership

6.4.1 Strategic

Deliver responsible management of infrastructure, assets, resources and technology.

Budget Implications

Should Council agree to proceed with the Officer's recommendation of this item, the following budget implications will apply:

Pursuant to Section 3.58 of the *Local Government Act 1995*, a market valuation prepared by Hedland First National has indicated a rental fee of between \$1500 to \$1600, exclusive of GST per week for the subject property.

A base rental of \$1500 per week exclusive of GST will commence from the occupation date being the 10 December 2012. A calculation of this figure for consideration over the initial 12 month period would generate \$72,000 to GL 1330357. The lessee will be responsible for all outgoings associated with the occupation of the property, including but not limited to utility consumption and general maintenance.

A bond of \$6000, the equivalent of 4 weeks rental, would become payable to the Government of Western Australia Department of Communities Bond Administration, pursuant of Section 29 (4) (c) of the *Residential Tenancies Act 1987*.

Officer's Comment

The YMCA is a national organisation, involved in the task of delivery of services for all sectors of the community, traditionally focusing on community health and wellbeing.

The YMCA is currently in the process of developing a number of residential units in South Hedland. On completion, this accommodation will provide ongoing subsidised accommodation for some of their Port Hedland based staff. The development is anticipated to be completed within the next 12 to 18 months. Prior to this accommodation becoming available the YMCA has an immediate need for the additional residence to house the manager of the SHAC and any relief staff located in Port Hedland. The proposed term of the lease would be consistent with the contract arrangements between the Town and the YMCA, with standard termination clauses being applicable to both parties.

As part of lease negotiations the YMCA have requested a reduced weekly rental amount of \$1,300 per week. In correspondence received on 31 January 2012, the YMCA has noted the following:

"The YMCA believes that there are significant benefits to both the Town and itself in accommodating the facility manager so close to the Centre, including:

- *Increased security for the facility.*
- *An enhanced ability to respond quickly to operational matters outside of normal operating hours.*

- *The convenience of housing relief staff close to their place of work and the corresponding reduction in transport costs.*

Unfortunately the rental rate requested by the Town is beyond the YMCA's current budget provision for accommodation. Therefore, we respectively request that the Town consider reducing the weekly rental rate for the property to \$1,300 per week, enabling us to maintain the benefit of housing the manager, and periodic relief staff, onsite."

The Towns Recreation Services and Facilities department is supportive of the request made by the YMCA for a subsidised rental. It is in their opinion in the best interest of the Town to have the house resided in by the SHAC facility manager.

It has been further discussed that having the YMCA facility manager directly on site maintaining passive surveillance is extremely valuable to the Town. To have a person not affiliated with the facility residing in the property (ie a TOPH employee) may present a significant risk to the Town due to the residence having direct access into the aquatic facility.

It is proposed that the rental for the site is set by market valuation, however Council may choose to support the YMCA request for a reduced rental fee of \$1,300 per week (inclusive of GST). Should Council choose not to support the proposed subsidised rental fee the YMCA facility manager may need to seek an alternative accommodation option.

Should Council agree to dispose of the caretaker's residence at the South Hedland Aquatic Centre (SHAC) by way of lease to the YMCA, the disposal would be locally advertised for public comment for a requisite period of two weeks in accordance to section 3.58 of the *Local Government Act 1995*.

Should no submissions be received within the requisite period, a lease agreement will be offered to the YMCA under the following terms:

- a) Rental of \$1500 per week exclusive of GST, subject to annual market reviews.
- b) Term commencing on 10 December 2012 and expiring on 30 June 2016.
- c) For permitted use of housing the SHAC facility manager and periodic relief staff.

Attachments

Nil

Officer's Recommendation

That Council:

1. Dispose of the caretaker's residence at the South Hedland Aquatic Centre (SHAC) by way of lease to the YMCA, on the following terms and conditions:
 - a. Rental of \$1500 per week exclusive of GST, subject to annual market reviews.
 - b. Term commencing on 10 December 2012 and expiring on 30 June 2016.
 - c. For permitted use of housing the SHAC facility manager and periodic relief staff.

Subject to any submissions being received within the requisite advertising period.

201213/272 Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That Council:

1. **Dispose of the caretaker's residence at the South Hedland Aquatic Centre (SHAC) by way of lease to the YMCA in accordance with section 3.58(3) of the Local Government Act 1995, on the following terms and conditions:**
 - a. **Rental of \$1500 per week exclusive of GST, subject to annual market reviews;**
 - b. **Term commencing on 10 December 2012 and expiring on 30 June 2016;**
 - c. **For permitted use of housing the SHAC facility manager and periodic relief staff.**
2. **Subject to no submissions being received within the requisite advertising period authorise the execution of the relevant documentation.**

CARRIED 6/0

6:35pm Councillor Dziombak and Deputy Mayor Daccache declared a financial interest in Agenda Item '11.2.3 Tender 12/09 Design & Construction of South Hedland Bowls & Tennis Club Redevelopment (File No.: 26/13/0020)' as they have BHP Billiton shares over the statutory threshold.

Councillor Dziombak and Deputy Mayor Daccache left the room.

Councillor Carter assumed the Deputy Mayor's Chair.

11.2.3 *Tender 12/09 Design & Construction of South Hedland Bowls & Tennis Club Redevelopment (File No.: 26/13/0020)*

Officer Anthony Williams
Project Development
Officer

Date of Report 5 February 2013

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to provide a summary and assessment of submissions received for Tender 12/09 Design & Construction of South Hedland Bowls & Tennis Club Redevelopment, to enable Council to award the Tender.

Background

At the Ordinary Council Meeting on 23 May 2012 the following resolution was made:

"That Council:

1. Acknowledges the project progress and approves the South Hedland Bowls and Tennis Club development scope as:

- a) New Clubhouse to accommodate 250 patrons*
- b) Upgrade to tennis courts and bowling greens*
- c) Car parking*
- d) Landscaping*
- e) External lighting*
- f) Fencing*
- g) Demolition/removal of the existing building.*

2. Authorises the Chief Executive Officer to request tenders for the Design and Construction of the South Hedland Bowls and Tennis Club redevelopment substantially in accordance with the above scope, upon confirmation of all funding contributions."

In October 2012 the complete funding amount was secured, inclusive of loan commitments from the Club. The tender was advertised on 10 November 2012 and closed on 19 December 2012. A compulsory pre-tender site meeting was conducted on 21 November 2012.

Consultation

External

- South Hedland Bowling and Tennis Club

Internal

- Director Community Development
- Manager Recreation Service and Facilities
- Manager Infrastructure Development
- Manager Building Services
- Manager Planning

Statutory Implications

This tender was called in accordance to 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.*

Sections of this report pertaining to price submissions from tenderers have been deemed confidential in accordance to the *Local Government Act (1995)*:

“5.23 Meetings generally open to public

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —....*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and....*
 - (e) *a matter that if disclosed, would reveal —*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and”*

Policy Implications

This tender was called in accordance with Procurement Policy 2/007 and Tender Policy 2/011.

Strategic Planning Implications

The following sections of Council's Strategic Community Plan 2012-2022 are considered relevant:

6.1 Community

6.1.1 Unified

The Town of Port Hedland is an integrated community functionally, physically & culturally

6.1 Community

6.1.2 Vibrant

Provide access to recreational, cultural, entertainment facilities and opportunities

Commit to improving the quality of life and wellbeing of residents

Budget Implications

The total allocated budget for this project is \$4,000,000 which has been funded by BHP Billiton, Royalties for Regions and the South Hedland Bowling and Tennis Club (via a loan from the Town of Port Hedland).

The table below indicates the expenditure to date, forecast expenses and budget for the proposed contract works:

Funding		Revenue
Royalties for Regions		\$2,500,000
BHPB Partnership		\$1,000,000
TOPH/SHBTC Loan		\$500,000
TOTAL		\$4,000,000
Item	Notes	Expenditure
Expenditure to date	2010/11 to current	\$101,563.83
Contingency	10% of budget	\$400,000.00
TOTAL		\$551,563.83
TOTAL REMAINING FOR TENDER		\$3,498,436.17

The tender was advertised with a maximum budget of \$3,460,000 plus GST, to accommodate other expenditure and contingency within the project budget. To ensure that the tender budget was achievable the scope of works was separated into compulsory and optional elements as listed below:

Compulsory

- Architectural design
- Engineering design
- Regulatory approvals
- Club house construction
- Civil and landscaping construction
- Upgrade of tennis courts

Optional

- Playground
- Secondary bowling green construction
- Upgrade tennis court surface to acrylic

The preferred tenderer as recommended to Council is within this budget for compulsory items only. Optional items may be considered at a later date once the dependence on the project contingency is reduced.

Officer's Comment

The tender was advertised from 10 November 2012 in the West Australian and the North West Telegraph. When the tender closed on 19 December 2012, 5 submissions were received by companies that had attended the mandatory site meeting.

Refer to table 1 of Attachment 1: Confidential Summary of Prices Submitted.

Pilbara Constructions provided the only submission that was compliant with the tender budget requirements, however 2 tenderers provided alternative submissions for a modified scope of works. Refer to table 2 of Attachment 1: Confidential Summary of Prices Submitted.

The alternative submissions were assessed by the project team and representatives from the South Hedland Bowling and Tennis Club. All alternative submissions were dismissed based on the following:

Jaxon Construction (Alternatives 1 & 2)

- Location and design of facility does not address both the tennis courts and bowling green
- Design of facility does not suit separate bar and dining arrangements
- Insufficient parking is provided (as per Town Planning Scheme 5)

Hutchinson Builders (Alternatives 1 & 2)

- Deletion of the dining room does not satisfy the requirements of the brief
- The prices submitted are still in excess of the tender budget

In summary, the submission received from Pilbara Constructions is the only conforming tender that could proceed to the assessment process.

The table below indicates the evaluation criteria as described in the tender documentation.

Assessment Criteria	Max Score
Price	30
Experience	20
Resources (supervisory, plant and equipment)	10
Demonstrated understanding of <i>WUC</i>	30
Local Industry Development	10
Max Score	100

Pilbara Constructions tender submission was assessed against the evaluation criteria to ensure that the Town is receiving value for money and has confidence in the delivery of the brief.

Contractor/ Assessment Criteria	Price (30%)	Experience (20%)	Resources (10%)	Understand WUC (30%)	Local Industry Dev. (10%)	Total Score (100%)
	Score	Score	Score	Score	Score	
Pilbara Constructions	30.0	16.0	7.5	21.0	8.0	82.5

Experience

Pilbara Constructions demonstrated that they have a high level of experience completing similar projects within Port Hedland, including successful projects for the Town of Port Hedland. Good references were provided for projects of a similar nature and budget.

Resources

Pilbara Constructions has provided CV's for their nominated personnel and architectural consultants. They are considered competent to carry out the required tasks. Few sub-contractors were nominated but most tasks were proposed to be completed by full time employees rather than sub-contractors. Their materials, plant and equipment were all identified and sufficient information was provided for all proposed resources for the Town to be confident in their delivery of this project.

Understanding of Works Under Contract

Pilbara Constructions provided a design methodology that was detailed and made allowances for client reviews. Considerations were made in the design methodology for smart design principles including crime prevention techniques. The work schedule appeared adequate however would be reviewed and detailed further upon award of tender. Clarifications were sought to ensure that Development Application and Building Permit processes (inclusive of independent certification) were included.

Local Industry Development

Pilbara Construction has demonstrated a high level of local investment through employment opportunities, community support initiatives and training for all local staff.

Summary

The tender evaluation panel is confident that Pilbara Constructions will complete the proposed contract works as per their submission in accordance with the tender requirements to fully satisfy the project outcomes. It is recommended that the contract is awarded to Pilbara Constructions.

Attachments

1. Confidential Summary of Prices Submitted.

Officer's Recommendation

That Council:

1. Awards Contract 12/09 Design & Construction of South Hedland Bowls & Tennis Club Redevelopment to Pilbara Constructions for a lump sum cost of \$3,459,480.00 + GST, for the tendered scope of works excluding optional items; and
2. Permits optional items to be reconsidered as a variation to Contract 12/09 if the project contingency becomes available.

MOTION LAPSED FOR WANT OF A QUORUM

6:36pm Councillor Dziombak and Deputy Mayor Daccache re-entered the room and resumed their chairs.

Presiding Member advised Councillor Dziombak and Deputy Mayor Daccache that the motion lapsed for want of a quorum.

This matter will now be presented to Council at the Special Council Meeting of 13 March 2013.

11.2.4 Request to Dispose Terminal Space at Port Hedland International Airport to Westpac Banking Corporation (File No.: 05/05/0098)

Officer Anna Duffield
Airport Development Officer

Date of Report 14 February 2013

Disclosure of Interest by Officer Nil

Summary

This agenda item seeks Council approval to dispose of portion of Port Hedland International Airport terminal to Westpac Banking Corporation by way of licence.

Background

Westpac Banking Corporation have operated an automatic teller machine (ATM) in the Port Hedland International Airport since 10 March 2010 under a licence agreement which is scheduled to expire on 9 March 2013. The licence agreement includes a nil licence fee and exclusivity provision.

Westpac have approached the Town wishing to extend for a further three year terms with all current terms and conditions to remain the same.

Consultation

External

- Westpac Property Manager – UGL Real Estate Services (WA) Pty Ltd
- Australian Property Consultants

Internal

- Manager Airport Operations
- Manager Investment and Business Development
- A/Director Engineering Services

Statutory Implications

Local Government Act 1995 (WA) Section 3.58 – Disposing of Property in accordance with the Local Government Act 1995 (as amended) specifically in reference to giving local public notice of the proposed disposition for a period of fourteen (14) days.

Policy Implications

Nil

Strategic Planning Implications

6.2 Economic

6.2.2 Gateway City & an attractive destination

Develop the Port Hedland International Airport as a leading regional airport in the area of passenger and freight movements and customer satisfaction

6.4 Local leadership

6.4.1 Strategic

Deliver responsible management of infrastructure, assets, resources and technology

Budget Implications

In February 2013 the Town obtained a market valuation report for the Westpac ATM at Port Hedland International Airport. Based on market evidence, the report indicated a licence value of \$12,500 per annum exclusive of GST.

Should Council resolve to dispose of this area to Westpac, \$12,500 will be attributed to GL code 1210329.

It is proposed that a licence is executed commencing 10 March 2013 for a one year term with an option to extend for a further one year term at the discretion of Council.

Should Council choose to approve the option to extend, the annual base rental will be increased by the preceding Perth CPI figure as of the 10 March 2014.

Officer's Comment

Current Agreement

Westpac have held the licence for the ATM at the Port Hedland International Airport since March 2010. The licence agreement is heavily weighted in favour of Westpac based on nil licence fee and exclusivity provision.

It is recommended that a new licence agreement is entered into based on market valuation and without an exclusivity provision.

Terminal Redevelopment

As per the Port Hedland International Airport Master Plan, the terminal will be refurbished and expanded over the coming years. Council will invest \$70.5 million over the next five years on the precinct's redevelopment. As part of the redevelopment the space that the Westpac ATM occupies may change.

The Town has been approached by other financial institutions wishing to operate ATMs from the terminal. Due to space constraints and the existing exclusivity clause with Westpac, the Town has not progressed with these proposals. To effectively progress with these proposals, a tender process would be required.

To maximise commercial opportunities within the terminal it is proposed that the tender process is undertaken when the redevelopment plan is suitably advanced to attract the best possible level of investment. In the interim the proposed short-term disposal is in line with the Town's objectives of responsible management of assets and promotes optimisation of investment and business opportunities from Council owned assets.

Westpac Comment

During licence negotiations, UGL (acting on behalf of Westpac) have made a counter offer of \$10,000 per annum, exclusive of GST and have requested to maintain the current exclusivity provision. UGL have noted concern that the ATM is not high performing and market rates for other airports with higher traffic numbers.

Conclusion

Should Council agree to dispose of portion of the Port Hedland International Airport terminal to Westpac by way of licence, the disposal would be locally advertised for public comment for a requisite period of two weeks.

Should no submissions be received within the requisite advertising period, a licence will offered to Westpac Banking Corporation on the following terms and conditions:

- a. A term of one year commencing on 10 March 2013
- b. Option to extend for a further one year at the discretion of Council
- c. Annual base rental of \$12,500 per annum exclusive of GST
- d. For the permitted use of ATM
- e. Should Council choose to approve the option to extend, the annual base rental will be increased by the preceding Perth CPI figure as of the 10 March 2014 as published by the Australian Bureau of Statistics.
- f. Exclusivity provisions will not be considered.

Attachments

Nil

Officer's Recommendation

That Council:

1. Agree to dispose portion of the Port Hedland International Airport terminal to Westpac Banking Corporation by way of licence in accordance with section 3.58 (3) of the Local Government Act 1995 (private treaty) on the following terms and conditions:
 - a. A term of one year commencing on 10 March 2013;
 - b. Option to extend for a further one year at the discretion of Council;
 - c. Annual base rental of \$12,500 per annum exclusive of GST;
 - d. For the permitted use of ATM;
 - e. Should Council choose to approve the option to extend, the annual base rental will be increased by the preceding Perth CPI figure as of the 10 March 2014 as published by the Australian Bureau of Statistics; and
 - f. Exclusivity provisions will not be considered.

Should no submissions be received during the requisite advertising period.

201213/273 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

1. **Agree to dispose portion of the Port Hedland International Airport terminal to Westpac Banking Corporation by way of licence in accordance with section 3.58 (3) of the Local Government Act 1995 on the following terms and conditions:**
 - a. **A term of one year commencing on 10 March 2013;**
 - b. **Option to extend for a further one year at the discretion of Council;**
 - c. **Annual base rental of \$12,500 per annum exclusive of GST;**
 - d. **For the permitted use of ATM;**
 - e. **Should Council choose to approve the option to extend, the annual base rental will be increased by the preceding Perth CPI figure as of the 10 March 2014 as published by the Australian Bureau of Statistics; and**
 - f. **Exclusivity provisions will not be considered.**
2. **Subject to no submissions being received within the requisite advertising period authorise the execution of the relevant documentation.**

CARRIED 6/0

**11.2.5 Tender 13/01 Construction of Extruded Concrete Kerbing
(File No.: 23/08/0064)**

Officer Anup Paudel
Manager Technical
Services

Date of Report 11 February 2013

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to provide a summary and assessment of submissions received for Tender 13/01 Construction of Extruded Concrete Kerbing to enable Council to award the Tender.

Background

The previous contract for the construction of extruded concrete kerbing expired on 1 March 2011. At this stage the kerbing construction program was completed and any additional kerbing requirements were sourced under normal procurement procedures. The adopted 2012/13 budget includes a kerbing construction and maintenance program, as well as several projects where kerbing is a component, therefore this tender was called. The tender is for a contract period of 2 years, commencing 1 March 2013 and ending on 28 February 2015.

Consultation

The Towns Engineering staff has reviewed all the tender submissions prior to recommending Council's resolution.

Statutory Implications

This tender was called in accordance to 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.*

Sections of this report pertaining to price submissions from tenderers have been deemed confidential in accordance to the *Local Government Act (1995)*:

“5.23 Meetings generally open to public

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —....

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and....

(e) a matter that if disclosed, would reveal —

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and”

Strategic Planning Implications

The following section of Council's Strategic Plan 2012-2022 is considered relevant:

6.2 Economic

6.2.2 Gateway City & an attractive destination

Develop Port Hedland's sea, air and road transport infrastructure so that it becomes the main access hub for Pilbara.

6.4 Local Leadership

6.4.1 Strategic

Deliver responsible management of infrastructure assets, resources and technology

6.4 Local Leadership

6.4.2 Community focused

Provide a community-oriented organization that delivers the high levels of services expected by our stakeholders.

Budget Implications

The 2012/13 adopted budget includes a \$200,000 kerbing construction program and a kerbing maintenance program valued at \$55,125. The \$200,000 kerbing construction program is pending approval of Country Local Government Funding and the program would not commence until the Town has received confirmation of this funding.

The kerbing construction budget was developed using at rate of \$31.25/m of kerbing, inclusive of concrete, kerbing construction (contractor) and backfilling (by Town staff). The tenders submitted equate to complete construction costs of approximately \$37.00/m (based on recommended rate only). This would result in a reduction in the amount of kerbing completed within the program, from 6,400m to 5,428m.

All other projects that include an element of kerbing will be reviewed to ensure that budget implications are minimal.

Officer's Comment

Tender 13/01 closed at 2.30pm on Tuesday 29 January 2013. Tenders were opened and recorded by a Councillor and Town staff members.

Tender submissions were received from 2 companies, Jetline Kerbing Contractors and Comkerb. Jetline Kerbing has submitted an alternative tender inclusive of cost to supply the concrete for the job. But as the submitted alternative tender is not submitted along with "Tender Schedule H" in accordance with tender submission requirements, it has been excluded for the tender evaluation process.

Refer to table 1 of Attachment 1: Confidential Summary of Prices Submitted.

To enable accurate comparison of costs, table 2 provided in confidential attachment 1 describes a typical scenario for the Contractors cost component for the construction of 5km of mountable kerbing.

Consideration must also be made that Comkerb did not include the cost of traffic management in their submission. Traffic management by the contractor is required as part of the tender specifications.

Table 3 below indicates the evaluation criteria as described in the tender documentation:

Table 3:

Assessment Criteria	Max Score
Price	50
Experience	20
Resources (supervisory, plant and equipment)	20
Demonstrated understanding of WUC	5
Local Industry Development	5
Max Loaded Score	100

The comparison of each of the assessment criteria for the tender submissions received is as follows and is summarised in Table 4 below:

Table 4:

Assessment Criteria	Max Score	Jetline Kerbing Contractors	Comkerb
		Score	Score
Price	50	50	0
Experience	20	12	12
Resources (supervisory, plant and equipment)	20	14	14
Demonstrated understanding of WUC	5	3.5	3.5
Local Industry Development	5	0	0
Totals		79.5	29.5

Price

The lowest price Tender (Tlp) shall be awarded a score of 50 for the Price criterion. The second-lowest price Tender (Tslp) shall be awarded a score determined in the following manner:

$$\text{Tslp Score} = 50 - \frac{[(\$Tslp - \$Tlp) \times 50]}{\$Tlp}$$

Experience

Both tenderers demonstrated satisfactory experience in kerbing works. The Town of Port Hedland has not contracted either of the kerbing contractors to do the works. Jetline has demonstrated experience in the Pilbara region and also shown experience with Shire of East Pilbara. Comkerb has demonstrated its experience working with local government councils and Main Roads in Perth metropolitan area.

Resources

Both Jetline Kerbing and Comkerb demonstrated appropriate resources to undertake the works under contract. ComKerb indicated that their workforce would be brought from Perth.

Demonstrated Understanding of Works Under Contract

Both tenderers demonstrated an understanding of the works under contract. Comkerb has not included traffic management in their submission.

Local Industry Development

Both tenderers have not included information to support Local Industry Development.

Reference Check

Neither tenderers have operated within the town previously. Reference checks were carried out to obtain feedback from the nominated referees. The nominated referee for both tenderers has confirmed their quality of work and were satisfied with their services.

Attachments

1. Confidential Summary of Prices Submitted.

201213/274 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Gillingham**

That Council award Tender 13/01 Construction of Extruded Concrete Kerbing to Jetline Kerbing Contractors for the period from 1 March 2013 to 28 February 2015 as per the following schedule of rates:

Description	Unit	Jetline Kerbing Contractors
Semi mountable kerb – new	m	\$18.00
Semi mountable kerb – replacement	m	\$19.00
Mountable kerb – new	m	\$18.00
Mountable kerb – replacement	m	\$19.00
Barrier kerb – new	m	\$18.00
Barrier kerb – replacement	m	\$19.00
Mobilisation to Port Hedland	ea	\$3,000.00
Demobilisation from Port Hedland	ea	\$3,000.00
Frequency of Visits to Port Hedland		As required
Length of Visits to Port Hedland		As required
Minimum length of Kerb required per visit	m	500
Length of Kerb constructed daily	m	800m -1000m
Early payment discount		Nil
Other notes		Kerb patches less than 30m @ \$60.00 p/m

CARRIED 6/0

11.3 Community Development

6:39pm Councillor Gillingham declared an impartiality interest in Agenda Item '11.3.1 Port Hedland Cricket Club Trailer Compound – Colin Matheson Oval' as she lives within close proximity of the Colin Matheson Oval.

Councillor Gillingham did not leave the room.

11.3.1 *Port Hedland Cricket Club Trailer Compound - Colin Matheson Oval*

Officer Graeme Hall
Manager Recreation Services & Facilities

Date of Report 15 January 2013

Disclosure of Interest by Officer Nil

Summary

This report seeks endorsement from Council for the Port Hedland Cricket Club to install a gate within one cricket practice nets at the Colin Matheson Oval. The proposed gate will create a storage area for the Club's equipment trailer.

Background

Correspondence received from the Port Hedland Cricket Club requested approval to store their equipment trailer in one of the cricket practice nets at Colin Matheson Oval (Attachment 1). The Club does not currently have access to a permanent storage facility for their trailer. The only option currently available to the Club is to use a private residence in South Hedland.

The Port Hedland Cricket Club is seeking approval from the Town to install a gate within one cricket practice nets to create a secure storage compound.

This issue was previously discussed at a Councillor Briefing on Wednesday, 26 September 2012. Council initially objected to the proposal stating reasons of location, access, costs and public liability insurance.

The Club subsequently forwarded correspondence to the Town seeking for this matter to be reconsidered. Recreation Services has liaised with the Port Hedland Cricket Club on a number of occasions. The creation of a secure area within one of the existing cricket practice nets is now deemed to be a suitable option.

Consultation*Town of Port Hedland Staff*

- Manager Recreation Services and Facilities
- Manager Planning
- Senior Planning Officer
- Recreation Coordinator
- Club Development Officer.

Port Hedland Cricket Club

- Nominated Port Hedland Cricket Club representative (Nathan Smith).

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications**6.1 Community****6.1.1 Unified**

The Town of Port Hedland is an integrated community functionally, physically and culturally.

Keep all members of our community informed about, and involved with, the provision of Council/Town services and facilities.

6.2 Community**6.1.2 Vibrant**

Provide access to recreational, cultural, entertainment facilities, and opportunities.

Budget Implications

There will be no monetarily contribution from the Town of Port Hedland towards the installation of a gate. The Port Hedland Cricket Club will be required to meet all associated material and labour costs.

The Town of Port Hedland will take no responsibility for any damage to person or property resulting from the storage of the trailer or installation of a gate. If endorsed by Council, the Port Hedland Cricket Club will be responsible for providing the Town with a copy of their public liability insurance to cover any costs related to injury of persons or damage to property.

Officer's Comment

The Port Hedland Cricket Club is the main user of the cricket practice nets at Colin Matheson Oval. Other than the Club's usage, the cricket practice nets are intermittently used by the community. It is not expected that there will be any interference between the trailer storage and community usage.

The Port Hedland Cricket Club have tried extensively to identify a temporary or permanent solution to allow them to store their equipment at/nearby the Colin Matheson Oval.

If supported by Council, the Port Hedland Cricket Club will install a gate to divide the second practice net. The back section will be used for storage of the equipment trailer.

The approval of the Trailer Storage Agreement would allow the Port Hedland Cricket Club to:

- Store the Club's equipment at the Club's training facility
- Store the Club's equipment securely
- Cater for Club and community needs.

Recreation Services will continue to work with the Port Hedland Cricket Club to find a long-term storage solution. The arrangement being proposed will be for an initial two year period.

The Manager of Planning has been involved with the discussions and is supportive of the recommendation being made.

Attachments

1. Port Hedland Cricket Club – Request for Storage Facility for Club Trailer – Colin Matheson Oval – Cricket Nets
2. Photo of Equipment Trailer to be stored in Cricket Nets at Colin Matheson Oval.

201213/275 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Taylor

That Council:

1. **Endorses the request by the Port Hedland Cricket Club to create a storage area in one of the cricket practice nets at Colin Matheson Oval;**
2. **Notes that all costs of creating the storage area are to be met in full by the Port Hedland Cricket Club;**

- 3. Endorses that the design and construction of the storage compound be approved by the Town prior to being installed; and**
- 4. Notes that the arrangement will be reviewed in February 2015.**

CARRIED 6/0

ATTACHMENT 1 TO ITEM 11.3.1

PORT HEDLAND CRICKET CLUB**PO BOX 755, PORT HEDLAND, W.A, 6721**

Dear Graeme,

Storage facility for Port Hedland Cricket Club trailer

We are writing to request approval for the storage of our club trailer in the second cricket net at Colin Matheson Oval. This request is for the 2012/2013 cricket season that concludes in April 2013. At the conclusion of this season we hope to have approval and funding for the construction of a permanent storage facility for our trailer and club equipment.

Currently I'm the only financial member of the club that has the ability to store the trailer within the boundaries of a private residence. To get the trailer to training in time for a 4.30pm start every Tuesday and Thursday I have to leave work early in Port Hedland and travel to South Hedland to collect the trailer from my property, then travel back to our training facility in Cooke Point. This current arrangement is unsustainable and straining my employment relations.

We propose as a temporary measure storing the trailer, which holds all of our club equipment, in the second net at the Colin Matheson training facility. Our club would pay for the materials and labour of constructing a gate that would keep the trailer secure, and if necessary, the installation of a cyclone tie down.

In the four years I've been in town I have never seen more than a handful of the general public utilise these nets. If approval of the gate was granted we would install it half way down the second net which would provide room to store the trailer and also still enable half of the net to be used as a practice facility for the public further to the full net next door. We can also place a sign on the gate with contact details in the unlikely event that access to the net is required.

The Port Hedland Cricket Club pays for all of the maintenance of these nets out of its modest budget which relies on fundraising and sponsorship handouts. The maintenance includes purchasing and re-laying the astro turf every five years and annually repairing and replacing sections of net. We believe we are a valuable community partner as our club members include the junior cricket association president, a number of other volunteers that assist with junior coaching and volunteers that help organise the Police Legacy 20/20 cricket match every year. In fact the cricket gear for this fixture was supplied by our clubs trailer.

We hope that you can look upon this request favourably as an interim measure until a suitable long term storage facility can be approved and funded.

Regards,

NATHAN SMITH

President PHCC

0408 914 512

Nathan.Smith2@bhpbilliton.com



11.3.2 *Department of Sport and Recreation – Community Sport and Recreation Facilities Fund – Small Grants Application*

Officer **Graeme Hall
Manager Recreation Services
& Facilities**

Date of Report **7 February 2013**

Disclosure of Interest by Officer **Nil**

Summary

The Department of Sport and Recreation's Community Sport and Recreation Facilities Funding provides small grants for minor projects, with Council required to rate and rank all projects prior to submission. The Town is seeking to submit the following projects to the Department of Sport and Recreation for consideration:

- Gratwick Aquatic Centre Asset Audit
- Kevin Scott Oval Cricket Nets Development
- Consolidated master planning (McGregor Street Reserve and Marie Marland Reserve).

Background

The Community Sporting and Recreation Facilities Fund (CSRFF) program is administered by the Department of Sport and Recreation (DSR). This program invites sporting associations and local governments to submit proposals for funding assistance, providing all relevant guidelines are met. It is a requirement of DSR that applications be approved by the local government prior to being submitted.

CSRFF assistance is available to local sporting groups, associations and local authorities to develop infrastructure that will encourage physical activity and healthy communities, through the development of recreation related facilities. The Department of Sport and Recreation advertised the CSRFF small grants round via all standard media avenues, including newspaper, email and website promotion.

The role of the Town of Port Hedland within this process is to rank the order of priority of the projects (two projects may not be equally ranked, and all projects must be given a ranking).

The local authority is also required to rate all applications as:

- High
- High/medium
- Medium

- Medium/low
- Low
- Not recommended.

This rating reflects how worthwhile the project is considered to be, indicates its importance, actual need, and benefit to the community.

Recreation Services have developed funding applications for the three projects as follows.

*Project 1: Gratwick Aquatic Centre Asset Audit
(Rating - High)*

This project proposes to conduct a detailed facility/structural audit. The end report will ensure that the Town has a full understanding of the condition of the facility and can plan for future maintenance, asset management and possible redevelopment. Some elements of the facility have not been upgraded since the facility was first constructed in 1969.

A key outcome of the project brief will be a 10 year asset renewal and improvement plan for the following elements of the facility:

- Main administrative building
- Toilets and change rooms
- Fitness centre
- Pool structures
- Plan and filtration systems
- Plant and filtration building structure.

*Project 2: Kevin Scott Oval Cricket Nets Development
(Rating - High)*

A recommendation of the Active Open Space Strategy (endorsed by Council on 11 April 2012) identifies the relocation of the cricket nets currently located at Marie Marland Reserve to Kevin Scott Oval. With the redevelopment of Kevin Scott Oval nearing completion, and the poor condition of the current nets, it is opportune to seek external funding for this project.

The new location of the cricket nets will better cater for the needs of the Port Hedland Cricket Association as it will integrate its training and playing facilities.

*Project 3: Consolidated Master planning (McGregor Street Reserve and Marie Marland Reserve)
(Rating - High)*

This project is to undertake a consolidated community facilities master planning process over areas where significant development is planned for the future. The Town of Port Hedland have previously engaged consultants to undertake two major planning reports:

- Pilbara's Port City Growth Plan
- Active Open Space Strategy

Both of these planning processes identified a need to undertake further master planning for the future development of the McGregor Street Reserve and Marie Marland Reserve sporting facilities. These two facilities are integral to the future activity requirements of the Port Hedland Community.

The master planning process will ensure that the McGregor Street and Marie Marland Reserves can be well planned and ultimately deliver long term, quality community outcomes.

Consultation

Town of Port Hedland Staff:

- Manager Recreation Services and Facilities
- Recreation Coordinator
- Club Development Officer.

Port Hedland Cricket Association:

- President (Dean Lapham) emails forwarded (no response received).

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

6.1 Community

6.1.1 Unified

The Town of Port Hedland is an integrated community functionally, physically and culturally.

Keep all members of our community informed about, and involved with, the provision of Council/Town services and facilities.

6.1 Community

6.1.2 Vibrant

Provide access to recreational, cultural, entertainment facilities, and opportunities.

6.3 Environment

6.3.4 Environment

We maintain our natural and build resources to ensure their long term protection for the future.

Budget Implications

DSR will fund up to 50% of a project, with other funding to be sourced from additional sources.

The estimated project cost of the Gratwick Pool Facility Audit is \$30,000. Should the application be successful, the project will utilise the \$15,000 currently included in the 2012/13 Council budget. This amount will need to be carried over to the 2013/2014 financial year.

The estimated project cost for the installation of two cricket practice nets at Kevin Scott Oval is \$100,000. Should the application be successful, the project will utilise the \$50,000 currently included in the 2012/2013 council budget. This amount will need to be carried over to the 2013/14 financial year.

The estimated project cost for the McGregor Street Reserve and Marie Marland Reserve is \$142,000. Approximately \$50,000 will be contributed by Landcorp to the projects. The Town will be seeking a minimum of \$46,000 from the Department of Sport and Recreation.

There are also funds allocated in the budget for the master planning of the Osprey and Western Edge areas of district open space. While these projects are considered important they are not considered as part of this application for funding. It is believed that the Town has the greatest chance of being successful with applications that ensure the future of existing reserves.

Officer's Comment

The Department of Sport and Recreation's CSRFF Small Grants round is a bi-annual program aimed at improving the sporting and recreational infrastructure within the state. The DSR will give consideration to projects that:

- Do not request more than 50% of the total project amount
- Will not commence prior to the funding being announced
- Encourage / promote physical activity through the development / upgrade of recreational infrastructure.

It is recommended that the projects are ranked in the following order of priority:

1. Gratwick Aquatic Centre Asset Audit (**Rating – High**)
2. Kevin Scott Oval Cricket Nets Development (**Rating – High**)
3. Consolidated master planning - Western Edge, Osprey, McGregor / Port Hedland East End and Marie Marland (**Rating – High**).

The endorsement of this agenda item by Council does not require a commitment of additional funding. These projects have been funded in the 2012/2013 budget process. Given the likely timeframe to complete the projects it will be necessary for the funds in the current budget to be carried over to the 2013/2014 financial year.

Grant applications for CSRFF funding are due to DSR on the 29 March 2013. Council will be advised of the success of the funding applications in May 2013.

Attachments

Nil

201213/276 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

1. **Endorses that the following Community Sport and Recreation Facilities Fund Small Grants applications be forwarded to the Department of Sport and Recreation for consideration:**

Rank

1. **Gratwick Aquatic Centre Asset Audit**
 2. **Kevin Scott oval Cricket Nets Development**
 3. **Consolidated Master Planning (McGregor Street Reserve and Marie Marland Reserve)**
2. **Endorses that the 2012/2013 budget allocations for the following projects be carried over to the 2013/2014 financial year as the matching funds to the CSRFF funding applications being forwarded to the Department for Sport and Recreation:**
 - **Gratwick Pool Needs Assessment**
 - **Sports Facility Upgrade Program**
 - **Master Plans**

CARRIED 6/0

11.4 Corporate Services**11.4.1 Finance****11.4.1.1 *Interim Financial Reports to Council for Period Ended 31 January 2013 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Laura Delaney
Finance Officer
Financial Management

Date of Report 31 January 2013

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present an interim summary of the financial activities of the Town to 31 January 2013, 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 2011/12.

The reports are considered to be interim as the Finance Department is still in the process of finalising the 2011-12 financial year that will affect the actual results for June 2012 onwards, until the auditors sign off the final accounts.

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

Presented (see attachments) in this report for the financial period ended 31 January 2013, are the:

- Statement of Interim Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Interim Statement of Financial Activity for the period ending 31 January 2013;
- Review of Transaction Activity.

Note: Interest rates for investments are selected from those provided from the following financial institutions: National Australia Bank, Bankwest, Western Australian Treasury Corporation, Commonwealth Bank, Australian and New Zealand Bank and Westpac Bank.

2. *Utility and Fuel Costs*

Presented in graph form (see attached), is the 2012/13 monthly water, power and fuel costs compared with 2011/12.

3. *Schedule of Accounts Paid*

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on 27 February 2013 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			
NMF020113	NMF020113	\$569.14	1	1	1	Municipal Fund	Photocopier Lease x 2 - South Hedland Library & JD Hardie
NMF020113	NMF020113	\$1,244.32	1	1	1	Municipal Fund	Photocopier Lease x 2 - Regulatory Services
		\$1,813.46					
CHQ21986	CHQ22028		1	7	1	Municipal Fund	
CHQ22029	CHQ22032						Cancelled Cheques
CHQ22033	CHQ22060		7	10	1	Municipal Fund	
		\$186,961.51					
EFT43973	EFT44420		10	90	1	Municipal Fund	
		\$6,715,652.82					
PAY080113	PAY080113	\$456,238.33	90	90	1	Municipal Fund	
PAY220113	PAY220113	\$513,772.15	90	90	1	Municipal Fund	
PAY240113	PAY240113	\$3,258.71	90	90	1	Municipal Fund	
		\$973,269.19					
WOW170113	WOW170113	\$4,388.34	90	90	1	Municipal Fund	Woolworths Direct Debit
		\$4,388.34					
	Muni Total	\$7,882,085.32					
3002339	3002340		90	90	3	Trust Fund	
3002341	3002363						Cancelled Cheques

3002364	3002378	\$183,151.67	90	93	3	Trust Fund	
	Trust Total	\$183,151.67					
	Sub-Total	\$8,065,236.99					
LESS: one-off pays							
Total		\$8,065,236.99					

Please Note that \$3739.17 discrepancy between the Muni Total in Synergy and the Accounts Due and Submitted Muni total is due to the January 2013 Caltex direct debit payment being dated 31/1/12.

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 revenue and expenditure, 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 at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; 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, to be used in statements of financial activity for reporting material variances.*

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

** Absolute majority required.*

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

Policy Implications

2/003 Financial Statements – Copies for Councillors

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

Monthly

- Bank Reconciliation of the Municipal, Reserve and Trust Fund
- +90 day outstanding Sundry Debtors Report
- List of Accounts paid under Delegated Authority

- Register of Investments
- Rate Summary Trial Balance
- Reserve Account Balances.

Quarterly

- Quarterly Budget Review
- Report on all Budgeted Grants of \$50,000 or more

Irregular Financial reports will be presented to Council as deemed necessary by the Director, Corporate Services or Manager, Financial Services or requested by Council by resolution.

Strategic Planning Implications

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

Deliver responsible management of infrastructure, assets, resources and technology.

Budget Implications

At the Special Meeting held on 30 August 2012, Council resolved to adopt item 6.1.1.1 '2012/2013 Budget Adoption' en block, which included Recommendation 16 as follows:

"Recommendation 16

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, that Council adopts the following percentage or dollar value for determining and reporting material variances in 2012/13 as follows:

*10% of the Function amended budget; or
\$100,000 of the Function amended budget
whichever is the lesser, for the following categories of revenue and expenditure:*

*Operating Revenue
Operating Expenditure
Non-Operating Revenue
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 dollar 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

1. Monthly Statement of Business Activity (under separate Cover)
 - 1.1 Pages 2 to 4. Schedule 2 being a Statement of Interim Financial Activity.
 - 1.2 Pages 5 to 18. Notes 3 to 11 which form part of the Interim Statement of Financial Activity.
Also Note 10 – January 2013 Bank Reconciliations.
 - 1.3 Pages 19 to 65. Detailed Interim Financial Activity by Program.
 - 1.4 Pages 66 to 68. Comparison Between 2012/13:2011/12 Utility & Fuel Costs.
2. January 2013 Accounts for Payment (under separate cover)

201213/277 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Dziombak****That Council note the:**

1. **Interim Financial Statements as at January 2013 including:**
 - a) **Interim Statement of Financial Activity (represented by Schedules 3 to 14);**
 - b) **Notes (3 to 11) to and forming part of the Interim Statement of Financial Activity for the period ending 31 January 2013; and**
 - c) **Review of Transaction Activity,**
2. **Graphic representation of the Town's energy, water and fuel use;**

- 3. List of Accounts paid during January 2013 under Delegated Authority; and**
- 4. Financial Statements will remain interim until after all year end processes are undertaken and the Town's auditors have finalised the 2011/12 annual audit.**

CARRIED 6/0

11.4.2 Organisational Development**11.4.2.1 *Performance Report for the period of 1 July 2012 to 31 December 2012 (File No.: 03/01/002)***

Officer **Debra Summers**
Manager Organisational
Development

Date of Report **11 February 2013**

Disclosure of Interest by Officer **Nil**

Summary

This report is for Council to note the Performance Report for the period of 1 July 2012 to 31 December 2012 (Attachment 1) in relation to the Annual Corporate Plan.

Background

The Department of Local Government requires that by June 2013 each local government has developed an Integrated Strategic Planning and Reporting (IPR) Framework to ensure that they are planning sustainably for the future and to equip their organisations to deal with short, medium and long term priorities.

In May 2011 the Town of Port Hedland commenced a two stage process of implementing the required Integrated Strategic Planning and Reporting Framework.

Stage one of this process included the development of a Corporate Plan for 2011- 2012, aligned with the current Town of Port Hedland 2010-2015 Strategic Plan and incorporating all operational activities to support the implementation of key priorities and initiatives from the current Strategic Plan, informing strategies, capital works and partnership projects for the 12 month period.

Stage two involved the development of a 10 Year Strategic Community Plan (SCP) supported by a 4 Year Corporate Business Plan (CBP), a 4 year Workforce Plan (inclusive of a Housing and Office Accommodation Strategy) a 10 year Asset Management Plan, a 5 year Information Communication Technology (ICT) Strategic plan and 10 year Financial Plan.

The Town of Port Hedland 10 Year SCP was endorsed by the Council at the 11 July 2012 Ordinary Council Meeting. The 4 Year CBP is a tool that the Town of Port Hedland will use to direct the local government's program of work that is focused on the achievement of the Town's SCP. The program of work details the timeframe, accountabilities, resources and indicative costs that will be allocated to ensure that the priorities of the community captured in the SCP are delivered. The CBP is required to be a dynamic, living document that is reviewed annually and amended according to the minor and major review cycles of the SCP, as well as a result of any performance and internal or external considerations that will have an impact in the near future.

When the 4 Year CBP was presented to the Council at the October 2012 Ordinary Council Meeting it was acknowledged it contained more actions and activities than are financially sustainable. However, as it was necessary to ensure an open and transparent planning process with the community and stakeholders of the Town, a fully costed CBP and the resulting required Workforce Plan needed to be included in a draft of the Long Term Financial Plan. Once this plan is presented to the Council, it will be in a position to engage with the community in informed consultation to make the joint decisions to deliver the required strategic priorities in a financially sustainable manner. This will then allow the resulting changes to be made to the CBP and Workforce Plan in a timely fashion to meet the deadlines of the Department of Local Government. The Chief Executive Officer and Executive Team will then have the direction from Council to structure the required workforce and ensure delivery of the outputs of the CBP.

To ensure the organisation has a plan of activity for this financial year against which the Council and community will receive performance reports, the first year of the CBP was endorsed by the Council (201213/149) as the 2012-2013 Town of Port Hedland Annual Corporate Plan. Further due to the late adoption of the budget and the endorsement of the Annual Plan in October, it was recommended that the first performance report to the Council and Community of activity against the 2012-2013 Annual Plan be a six monthly report presented to the Council early in 2013.

Consultation

- Town of Port Hedland Executive
- Relevant Town of Port Hedland Officers

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."*

Local Government (Administration) Regulations 1996 states that:

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) A corporate business plan for a district is to —*
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) A local government is to review the current corporate business plan for its district every year.*
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
**Absolute majority required.*
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

Policy Implications

Nil

Strategic Planning Implications

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance

The Corporate Planning Framework now integrates the Annual Corporate Plan with Council's current Strategic Community Plan, and this Quarterly Performance Report represents activity to achieve these strategic priorities and actions.

Budget Implications

Given that this Performance Report is for six months actions reported on in this Performance Report reflect financial activity that has previously been presented to the Council.

Officer's Comment

In October 2012, Council endorsed in principle the 4 year Corporate Business Plan (201213/149) and adopted the first year of the 4 year Corporate Business Plan as the 2012-2013 Annual Corporate Plan.

The Annual Corporate Plan details the work to be undertaken by the organisation during 2012-2013. It represents activity to achieve initiatives identified in the Town of Port Hedland Strategic Community Plan 2012-2022 plus reflects projects and core activities, services and programs delivered by the Town of Port Hedland to its community and stakeholders.

This six month Performance Report provides an opportunity for the Council and the community to review the work undertaken in the first half of the financial year by the organisation to be assured that the required services programs and activities it agreed to in the Annual Corporate Plan and the Strategic Community Plan are delivered.

Attachments

1. TOPH Council Performance Report 1 July - 31 December 2012
(Under Separate Cover)

201213/278 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Gillingham

That Council receives the Performance Report for 1 July – 31 December 2012.

CARRIED 6/0

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

201213/279 Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

1. Agree to accept Late Items in the following order:

12.1 Second Quarter Budget Review

12.2 2011/12 Audited Financial Statements

12.3 Financial Management Review

**12.5 Policy 6/003 Community Funding and Donations –
Review of (Draft) Policy for Advertising and
Consultation (File No.: 02/05/003)**

**12.6 Tender 12-24 Supply & Installation of a Swimming Pool
Lighting System to the South Hedland Aquatic Centre**

12.7 Appointment of Auditors

**2. Notes that Late Item 12.4 ‘2012 Compliance Audit Return’ has
been withdrawn from this agenda.**

CARRIED 6/0

6:43pm Deputy Mayor Daccache declared a financial interest in Agenda Item '12.1 Second Quarter Budget Review' as he is an Auzcorp employee.

Deputy Mayor Daccache left the room.

Councillor Carter assumed the Deputy Mayor's Chair.

12.1 *Second Quarter Budget Review*

Officer Natalie Octoman
Director Corporate
Services

Date of Report 22 February 2013

Disclosure of Interest by Officer Nil

Summary

For Council to review the results of the second quarter budget review for the 2012/13 financial year noting the recommendations made by the Audit and Finance Committee that the adjustments outlined in the attachments be approved, and authorise that that the budget review be provided to the Department in accordance with section 33A (4) of the *Local Government (Finance Management) Regulations 1996*.

Background

In every organisation there are many factors, both internal and external that can have an effect on program expenditure anticipated throughout the year, after the original budget is adopted. Part of ensuring that an organization has effective financial management practices in place is for regular budget reviews to occur, and reports to be provided to the Council on any modifications that may be required.

While management are required to monitor their particular programs frequently in order to ensure their departmental targets are being achieved, it is also important that senior management regularly review the income and expenditure in order to assess the achievement of the overall financial targets of Council.

The second quarter budget review has been conducted with the actual data being used as at the end of December 2012. The review is extremely detailed, highlighting known adjustments to the budget, including a critical review of significant projects for 2012/13 and the Town's capacity to complete them by 30 June 2013. In some instances, savings generated from this process have been reallocated to areas of additional expenditure needed to complete projects.

Consultation

The budget review was prepared by the Executive team, after meeting with each Manager and Coordinator, where all revenue and expenditure accounts within that Manager's responsibility were reviewed in detail.

Statutory Implications

Local Government Act 1995

Part 6, Division 3, Section 6.8: "Expenditure from municipal fund not included in annual budget"

Part 6, Division 5, Section 6.20: "Power to borrow"

Local Government (Financial Management) Regulations 1996

33A: "Review of budget"

Strategic Planning Implications

6.4 Local Leadership

Strategic

Deliver high quality corporate governance, accountability and compliance.

- Fiscal accountability
- Reporting is carried out as required on the Council's legislative and organisational performance.

Deliver responsible management of infrastructure, assets, resources and technology.

- Responsible and transparent management of financial resources.

Budget Implications

The proposed budget amendments ensure that the Town's budget remains balanced for the 2012/13 financial year.

Officer's Comment

The 2011/12 financial statements are now complete and the subject of another agenda item being presented to the Council. For the purposes of the second quarter budget review, it is important to note that the actual surplus for the 2011/12 financial year was \$7,077,015.

Overview

During the March 2012 budget review, a carryover amount of \$7,147,958 was identified based on contract and funding commitments that would not be completed prior to 30 June 2012. Subsequently, the September 2012 budget review indicated that a further \$7,337,286 in carryover funds were required, therefore totalling \$14,485,244.

Officers indicated during the September 2012 budget review that this figure was quite high and may not be supported via an adequate surplus from 2011/12. Officers further indicated that if this was the case, that significant savings or additional revenue would need to be identified during the second quarter budget review in order to ensure a balanced budget for the remainder of this financial year.

While the second quarter budget review was reasonably cost neutral initially, with a surplus of \$7,077,015 identified based on the actual position, the Town had an overall shortfall of \$7,408,229 that it was required to claw back.

Commentary on Shortfall

The shortfall was a result of both over-expenditure and a revenue shortfall in 2011/12. Two significant revenue items that were not received in 2011/12 included the loan for the JD Hardie Upgrade of \$1.446 million which was not taken out, and \$2.5 million that was not received from Auzcorp to partially fund the construction of Wanangkura Stadium.

Now that the financial statements have been completed, the loan will be sourced subsequent to the legislated one month's local public notice being provided, with the repayments to commence in 2013/14. The \$2.5 million from Auzcorp is a community contribution relating to the development of Area A in South Hedland. Given the commitment made by Auzcorp, it is still anticipated that these funds will be received by the Town therefore \$2.5 million has been recognised in this budget review.

Even with recognition of these two amounts in 2012/13, there was still a resulting shortfall of \$3,462,299.

In order to ensure a balanced budget, Executive met and re-analysed every account number in order to postpone or cut initiatives for this year, and to identify additional revenue streams.

The discussion had by Executive after reviewing each of the approximate 2,175 general ledger accounts in detail, and making a further 71 or so modifications, was that it is apparent that the Town is "living beyond its means", and has been for several years and for many reasons.

While there is a clear requirement for the Town to provide a range of services and infrastructure to the community, the ratepayer base is currently insufficient to support the infrastructure that has been developed, and also the further requirements to develop the Town into a City of 50,000 by 2035. This is also becoming clearer as the Town develops its long term financial plan as part of the Integrated Planning and Reporting Framework, particularly with the significant asset renewal gap that has been identified.

It should also be recognised that the fees and charges imposed by the Town are not all based on full cost recovery principles, particularly the fees that are charged where there are community benefits. If full cost recovery was implemented for all fees, there would be very few community facilities utilised given their lack of affordability, which would significantly detract from the overall vision of being a nationally significant, friendly city, where people want to live and are proud to call home.

As part of the development of the long term financial plan, strategies will be developed in order to assist in ensuring the Town can become sustainable in the long term that will be discussed with the community to ensure an open and transparent process is undertaken.

In order to ensure a balanced budget for 2012/13, examination of all accounts occurred and the shortfall was eliminated through various means.

There are a substantial number of adjustments that have been identified in this budget review. In order to achieve a balanced budget for 2012/13, the key areas where funding sources were identified included:

- An overall review of salaries whereby savings were realised for vacant positions to date, along with the associated savings for superannuation and rental properties for applicable positions;
- A review of all loan interest, and recognising that as no loans had yet been taken out, the interest and principal repayments for these new loans were removed for 2012/13 as the repayments could commence in 2013/14;
- A review of key projects whereby if they had not commenced, while possibly recognised as carryover, no funds were carried over to support them. This was based on the decision from Executive that all projects carried forward would be reconsidered as part of the 2013/14 budget process in its entirety, in line with the priorities of the Town and community;
- Utilising reserve funds relating to community facilities, asset management and leave entitlements in particular, based on the position that with a long term financial plan being developed that incorporates all aspects of the organisation, including the asset management renewal gap, that there would no longer be a requirement to maintain each of these reserves;

- A critical review of all revenue received to date, and the anticipated revenue yet to be received.

Each of these strategies identified sources of funds to ensure that a balanced budget for 2012/13 could be achieved.

A summary on the effect on the budget with the above strategies recommended by Executive are listed below:

	2012/13 Revised Budget	Total Adjustments	Proposed New Amended Budget for 2012/13
Operating Expenditure	74,605,894	(892,095)	73,713,799
Operating Revenue	(131,934,715)	(5,423,348)	(137,358,063)
Non Operating Expenditure	187,839,248	2,311,793	190,151,041
Non Operating Revenue	(106,148,390)	(3,404,579)	(109,552,969)
Sub-Total	24,362,037	(7,408,229)	16,601,032
Add Back Non Cash items	(9,876,794)	0	(9,876,794)
Surplus BFWD from 2011/12	(7,147,958)	7,147,958	0
Additional Surplus from 2011/12 – adjustment is to reflect the final audited surplus	(7,337,286)	260,271	(7,077,015)
Cash (Surplus) / Deficit	0	0	0

MOVEMENT SUMMARY					
	Carryover from 2011/12	Adjustments	Council Decisions	Carryover to 2013/14	Total
Operating Exp	13,420	(699,515)	84,000	(290,000)	(892,095)
Operating Revenue	(2,500,000)	(2,938,348)	0	15,000	(5,423,348)
Non Operating Exp	141,515	3,159,982	0	(989,705)	2,311,793
Non Operating Revenue	(1,327,627)	(2,884,951)	(42,000)	850,000	(3,404,579)
Total	(3,672,692)	(3,362,832)	42,000	(414,705)	7,408,229

A detailed listing of proposed budget amendments are attached.

It is proposed that the Council note the recommendations from the Audit and Finance Committee and endorse the recommended adjustments to the budget.

Attachments

Attachment 1 – Summary of Schedule 2

Attachment 2 – Detailed budget amendments in Schedule 2 order (attached under separate cover)

Attachment 3 – Summary Operating and Non-Operating Revenue and Expenditure

Officer's Recommendation

That Council endorses the recommendations from the Audit and Finance Committee and:

1. Notes that the initial shortfall has been recouped through various funding strategies;
2. Approves the amendment of the 2012/13 Budget as per Attachment 2, resulting in a balanced budget;
3. Approves advertising for one month, via local public notice the intention to take out a \$1,446,000 loan for the JD Hardie Facility Upgrade as per the statutory requirements; and

4. Requests the Chief Executive Officer, or their delegate to forward the second quarter budget review to the Department in accordance with the statutory requirements.

201213/280 Council Decision**Moved: Cr Dziombak****Seconded: Cr Hooper****That Council endorses the recommendations from the Audit and Finance Committee and:**

1. **Notes that the initial shortfall has been recouped through various funding strategies;**
2. **Recommends to Council to amend the 2012/13 Budget as per Attachment 2, resulting in a balanced budget;**
3. **Recommends to Council to advertise for one month, via local public notice the intention to take out a \$1,446,000 loan for the JD Hardie Facility Upgrade as per the statutory requirements;**
4. **Recommends to Council that it forward the second quarter budget review to the Department in accordance with the statutory requirements.**
5. **Request the Chief Executive Officer to prepare a report to Council on the issue of the legality of securing the \$2.5 million community contribution from Auzcorp.**

CARRIED BY ABSOLUTE MAJORITY 5/0

6:44pm Deputy Mayor Daccache re-entered the room and resumed his chair.

Presiding Member advised Deputy Mayor Daccache of Council's Decision.

BUDGET REVIEW
DECEMBER 2012

ATTACHMENT 1

Schedule	Business Unit	Original Budget	Amended Budget	Carry Over from 2011/2012	Adjustments	Council Approvals	Accounting Adjustments	Carry Over to 2013/2014	Total Amendments	Amended Budget December Review	Change
3	Rates	(21,740,958)	(21,850,476)	-	(21,305)	-	7,843	-	(13,462)	(21,863,938)	(13,462)
4	Members	2,276,139	2,212,849	-	(55,000)	42,000	11,913	-	(1,087)	2,211,762	(1,087)
4	Financial Services	(4,377,268)	(4,377,267)	-	(1,275,657)	-	27,750	(60,000)	(1,307,907)	(5,685,174)	(1,307,907)
4	Corporate Support	426,799	1,216,487	-	(497,088)	-	304,982	-	(192,106)	1,024,380	(192,106)
4	Corporate Management	0	(1,320)	-	(5,269)	-	5,269	-	(0)	(1,320)	(0)
5	Fire Prevention	46,980	44,980	-	2,000	-	-	-	2,000	46,980	2,000
5	Animal Control	879,268	871,908	-	(2,500)	-	17,644	-	15,144	887,052	15,144
5	Other Public Safety	587,706	543,567	-	(21,800)	-	6,967	-	(14,833)	528,733	(14,833)
5	Parking	14,100	2,100	-	(7,000)	-	-	-	(7,000)	(4,900)	(7,000)
5	SES/FESA	114,472	106,751	-	6,000	-	4,322	-	10,322	117,074	10,322
5	Aboriginal Health	6,721	6,721	-	(2,000)	-	-	-	(2,000)	4,721	(2,000)
7	Maternal Infant Health	24,538	24,538	-	-	-	-	-	-	24,538	-
7	Health Inspections & Admin	569,752	565,946	-	(43,948)	-	4,948	-	(39,000)	526,946	(39,000)
7	Pest Control	57,962	57,592	-	202	-	929	-	1,131	58,723	1,131
7	Environmental Health	50,000	74,747	-	-	-	-	-	-	74,747	-
8	Len Taplin Day Care	52,720	52,720	-	(33,000)	-	-	-	(33,000)	19,720	(33,000)
8	Rose Nowens Day Care	8,220	8,220	-	(500)	-	-	-	(500)	7,720	(500)
8	Pilbara Family Day Care	361	3,791	-	-	-	72	-	72	3,864	72
8	Retirement Village	42,481	42,481	-	-	-	-	-	-	42,481	-
8	Mitsinys Mays Hostel	-	-	-	-	-	-	-	-	-	-
8	Aged Care	87,072	87,072	-	-	-	-	-	-	87,072	-
8	Other Welfare	10,480	10,480	-	-	-	-	-	-	10,480	-
8	Community Services & Development	479,046	965,220	120,000	(45,000)	-	28,668	-	103,668	1,068,887	103,668
8	GP Housing	113,665	(1,468,611)	235,460	(38,798)	-	(6,619)	(75,000)	115,043	(1,353,568)	115,043
9	Staff Housing	4,411,382	4,133,312	-	(106,086)	-	36,780	-	(69,306)	4,064,005	(69,306)
10	Waste Services	0	8,585	-	(57,950)	-	49,366	-	(8,584)	0	(8,584)
10	Sanitation	0	1,981	-	(17,331)	-	15,350	-	(1,981)	0	(1,981)
10	Town Planning & Regional Development	1,126,480	1,052,455	-	(353,329)	-	35,265	-	(318,064)	734,390	(318,064)
10	Cemeteries	1,315,725	1,026,537	(120,000)	254	-	1,277	-	(118,469)	908,068	(118,469)
10	Public Conveniences	191,052	189,608	-	-	-	3,624	-	3,624	193,233	3,624
10	Other Community Amenities	57,341	57,341	-	-	-	-	-	-	57,341	-
11	Community & Event Services	1,915,356	2,112,122	-	(41,200)	-	52,279	-	11,079	2,123,201	11,079
11	Courthouse/Community Arts	520,648	516,481	-	-	-	10,465	-	10,465	526,946	10,465
11	Port Hedland Civic Centre	1,309,699	1,293,314	-	20,000	-	(4,795)	(125,000)	(109,795)	1,183,520	(109,795)
11	JD Hardie	349,416	1,348,183	(1,446,000)	63,210	-	29,887	-	(1,352,903)	(4,720)	(1,352,903)
11	Swimming Areas/Beaches	4,985,808	5,042,456	-	(43,906)	-	(324,349)	(30,000)	(398,255)	4,644,201	(398,255)
11	Rec Admin	2,855,303	7,328,972	(2,485,210)	(1,111,054)	-	17,735	(35,000)	(3,613,529)	3,715,443	(3,613,529)
11	Youth Services	152,175	132,758	-	(45,800)	-	(419)	-	(46,219)	86,539	(46,219)
11	Sportsgrounds	3,253,073	1,350,407	(1,370)	181,370	-	65,167	-	245,167	1,595,575	245,167
11	Port & South SportGrounds - P&G	2,173,751	6,308,120	21,515	(133,845)	-	220,048	-	107,718	6,415,838	107,718
11	Library	2,397,366	1,686,805	2,913	18,783	-	5,365	(2,913)	24,148	1,710,952	24,148
11	Matt Dann	1,112,560	821,140	-	(5,450)	-	26,730	-	21,280	842,420	21,280
11	Tele/Radio	1,000	1,000	-	(1,000)	-	-	-	(1,000)	(0)	(1,000)
12	Infrastructure Construction	2,522,766	3,831,180	-	(466,389)	-	-	(12,611)	(479,000)	3,352,180	(479,000)
12	Eng Mgmt	933,161	926,149	-	(1,000)	-	17,421	-	16,421	942,571	16,421
12	Inf Mice Tech Svcs	2,696,872	2,717,108	-	-	-	52,858	-	52,858	2,769,965	52,858
12	Inf Mice Eng	2,064,884	2,031,133	-	(20,000)	-	35,388	-	15,388	2,046,521	15,388
12	Inf Mice Rd Verge	469,099	465,556	-	-	-	8,899	-	8,899	474,454	8,899
12	Plant Purchases	1,617,030	1,664,912	-	(269,104)	-	-	-	(269,104)	1,395,808	(269,104)
12	Airport	(1,805,000)	(1,786,479)	-	336,260	-	(354,781)	-	(18,521)	(1,805,000)	(18,521)
12	Airport Café	(80,536)	(80,536)	-	-	-	-	-	-	(80,536)	-
12	Admin Building Overheads	112,400	122,400	-	(80,000)	-	-	(74,181)	(154,181)	(31,781)	(154,181)
13	Tourism & Area Promotion	475,146	472,386	-	-	-	6,932	-	6,932	479,317	6,932
13	Building Control	(1,105,665)	(576,412)	-	263,069	-	2,243	-	265,311	(311,100)	265,311
13	Economic Development	990,331	1,305,131	-	16,522	-	58,589	-	75,111	1,380,242	75,111
13	Other Economic Services	(324,790)	(824,790)	-	-	-	-	-	-	(824,790)	-
14	Private Works	35,000	35,000	-	10,000	-	-	-	10,000	45,000	10,000
14	Public Works Overheads	0	9,842	-	521,808	-	(531,649)	-	(9,842)	0	(9,842)
14	Building Maintenance	348,891	297,996	-	-	-	49,636	-	49,636	347,632	49,636
14	Plant Operating Costs	0	0	-	-	-	-	-	-	0	-
14	Salaries & Wages	(42,000)	(30,166)	-	-	-	-	-	-	(30,166)	-
14	Other Unclassified	258,773	169,557	-	-	-	-	-	-	169,557	-
	Sub-Total	17,024,752	24,362,038	(3,672,692)	(3,362,832)	42,000	(0)	(414,705)	(7,408,229)	16,953,809	(7,408,229)
	Add Back Non Cash Items	(9,876,794)	(9,876,794)	-	-	-	-	-	-	(9,876,794)	-
	Surplus Carried Forward from 2011-12	(7,147,958)	(7,147,958)	-	-	-	7,147,958	-	-	-	-
	Additional Surplus Estimated from 2011-12	-	(7,337,286)	-	-	-	(260,271)	-	-	(7,077,015)	-
	Cash (Surplus) / Deficit	(0)	(0)	(3,672,692)	(3,362,832)	42,000	6,887,687	(414,705)	(7,408,229)	(0)	(7,408,229)

BUDGET REVIEW
DECEMBER
2012

ATTACHMENT 3

Business Unit	Rev or Exp Type	Original Budget	Revised Budget	Carry Over from 11/12	Adjustments	Council Approvals	Accounting Adjustments	Carry Over to 11/14	Amended Budget December Review
<u>Notes</u>									
	Operating Expenditure	\$271,417	\$262,292	\$0	-\$13,305	\$0	\$7,843	\$0	\$256,830
	Operating Revenue								
<u>Members</u>									
	Operating Expenditure	\$1,765,109	\$1,697,037	\$0	-\$55,000	\$42,000	\$11,913	\$0	\$1,695,951
	Operating Revenue	-\$126,000	-\$126,000	\$0	-\$8,000	\$0	\$0	\$0	-\$134,000
<u>Financial Services</u>									
	Operating Expenditure	-\$1,852,972	-\$1,827,227	\$0	\$32,250	\$0	\$27,750	-\$60,000	-\$1,827,227
	Operating Revenue	-\$1,560	-\$1,560	\$0	\$1,200	\$0	\$0	\$0	-\$360
	Non-Operating Revenue	\$0	\$0	\$0	-\$91,052	\$0	\$0	\$0	-\$91,052
<u>General Purpose Grant</u>									
	Operating Revenue	-\$1,100,175	-\$1,100,175	\$0	-\$1,520,555	\$0	\$0	\$0	-\$2,620,730
<u>Finance & Borrowing</u>									
	Operating Expenditure	-\$2,002,500	-\$2,002,500	\$0	\$302,500	\$0	\$0	\$0	-\$1,700,000
<u>Corporate Support - HR & Org Development</u>									
	Operating Expenditure	\$1,059,968	\$631,462	\$0	-\$173,111	\$0	\$13,735	\$0	\$472,086
	Operating Revenue	-\$7,000	-\$7,000	\$0	-\$1,230	\$0	\$0	\$0	-\$8,230
<u>Corporate Support - ICT</u>									
	Operating Expenditure	-\$905,284	-\$905,284	\$0	-\$134,714	\$0	\$134,714	\$0	-\$905,283
	Non-Operating Expenditure	\$185,000	\$991,600	\$0	-\$20,000	\$0	\$0	\$0	\$971,600
<u>Corporate Support - Information Services</u>									
	Operating Expenditure	-\$153,867	-\$153,867	\$0	-\$156,533	\$0	\$156,533	\$0	-\$153,867
	Operating Revenue	-\$19,200	-\$19,700	\$0	\$7,000	\$0	\$0	\$0	-\$12,700
	Non-Operating Expenditure	\$58,500	\$58,500	\$0	-\$18,500	\$0	\$0	\$0	\$40,000
<u>Corporate Management</u>									
	Operating Expenditure	-\$223,739	-\$314,531	\$0	-\$5,269	\$0	\$5,269	\$0	-\$314,531
<u>Rangers - Fire Prevention</u>									
	Operating Revenue	-\$1,000	-\$3,000	\$0	\$2,000	\$0	\$0	\$0	-\$1,000
<u>Rangers - Animal Control</u>									
	Operating Expenditure	\$160,011	\$152,652	\$0	-\$4,500	\$0	\$17,644	\$0	\$165,796
	Non-Operating Expenditure	\$16,000	\$16,000	\$0	\$2,000	\$0	\$0	\$0	\$18,000
<u>Other Public Safety</u>									
	Operating Expenditure	\$223,643	\$213,613	\$0	-\$18,391	\$0	\$6,967	\$0	\$202,189
	Operating Revenue	\$0	\$0	\$0	-\$3,409	\$0	\$0	\$0	-\$3,409
<u>Rangers - Parking</u>									
	Operating Revenue	-\$20,000	-\$25,000	\$0	-\$7,000	\$0	\$0	\$0	-\$32,000
<u>SES/Emergency Management</u>									
	Operating Expenditure	\$33,563	\$31,842	\$0	\$0	\$0	\$4,322	\$0	\$36,164
	Operating Revenue	\$0	-\$6,000	\$0	\$6,000	\$0	\$0	\$0	-\$0
<u>Health Inspection & Admin</u>									
	Operating Expenditure	\$559,093	\$554,466	\$0	-\$37,748	\$0	\$4,948	\$0	\$521,666
	Operating Revenue	-\$46,000	-\$46,000	\$0	-\$6,200	\$0	\$0	\$0	-\$52,200
<u>Pest Control</u>									
	Operating Expenditure	\$7,212	\$6,842	\$0	\$0	\$0	\$929	\$0	\$7,771
	Operating Revenue	-\$2,000	-\$2,000	\$0	\$202	\$0	\$0	\$0	-\$1,798
<u>Aboriginal Health</u>									
	Operating Expenditure	\$3,000	\$3,000	\$0	-\$2,000	\$0	\$0	\$0	\$1,000
<u>Leo Tustin Day Care</u>									
	Operating Expenditure	\$8,000	\$8,000	\$0	-\$3,000	\$0	\$0	\$0	\$5,000
	Non-Operating Expenditure	\$30,000	\$30,000	\$0	-\$30,000	\$0	\$0	\$0	\$0
<u>Rose Noyes Day Care</u>									
	Operating Expenditure	\$500	\$500	\$0	-\$500	\$0	\$0	\$0	\$0
<u>Wilson Family Day Care</u>									
	Operating Expenditure	\$53	\$534	\$0	\$0	\$0	\$72	\$0	\$606
<u>Community Services and Development</u>									
	Operating Expenditure	\$146,719	\$317,893	\$0	-\$45,000	\$0	\$28,668	\$0	\$301,561
	Non-Operating Expenditure	\$280,000	\$280,000	\$120,000	\$0	\$0	\$0	\$0	\$400,000
<u>GP Housing</u>									
	Operating Expenditure	\$123,749	\$121,249	\$0	\$15,711	\$0	-\$6,619	-\$75,000	\$55,341
	Operating Revenue	\$0	\$0	\$0	-\$10,000	\$0	\$0	\$0	-\$10,000
	Non-Operating Expenditure	\$44,509	\$44,509	\$0	-\$44,509	\$0	\$0	\$0	-\$0
	Non-Operating Revenue	-\$2,343,200	-\$2,343,200	\$235,460	\$0	\$0	\$0	\$0	-\$2,107,740
<u>Staff Housing</u>									

BUDGET REVIEW
DECEMBER
2012

ATTACHMENT 3

Business Unit	Rev or Exp Type	Original Budget	Revised Budget	Carry Over from 11/12	Adjustments	Council Approvals	Accounting Adjustments	Carry Over to 13/14	Amended Budget December Review
<u>Port & South Sports Grounds - P&S</u>									
	Operating Expenditure	\$1,274,653	\$1,277,258	\$0	-\$85,000	\$0	\$220,048	\$0	\$1,412,306
	Operating Revenue	\$0	\$0	\$0	-\$284,604	\$0	\$0	\$0	-\$284,604
	Non-Operating Expenditure	\$50,000	\$991,491	\$21,515	\$257,274	\$0	\$0	\$0	\$1,270,281
	Non-Operating Revenue	-\$900,000	-\$1,579,706	\$0	-\$21,515	\$0	\$0	\$0	-\$1,601,221
<u>Port Hedland Library</u>									
	Operating Expenditure	\$47,172	\$76,640	\$0	-\$27,000	\$0	\$491	\$0	\$50,131
	Operating Revenue	-\$3,900	-\$3,900	\$0	-\$230	\$0	\$0	\$0	-\$4,130
	Non-Operating Expenditure	\$15,000	\$15,000	\$0	\$30,000	\$0	\$0	\$0	\$45,000
<u>South Hedland Library</u>									
	Operating Expenditure	\$759,833	\$252,804	\$0	-\$60,687	\$0	\$4,874	\$0	\$196,991
	Operating Revenue	-\$42,180	-\$42,180	\$0	\$3,700	\$0	\$0	\$0	-\$38,480
	Non-Operating Expenditure	\$540,478	\$540,478	\$0	\$73,000	\$0	\$0	-\$2,913	\$610,565
	Non-Operating Revenue	-\$380,478	-\$380,478	\$2,913	\$0	\$0	\$0	\$0	-\$377,565
<u>Matt Davin Cultural Centre</u>									
	Operating Expenditure	\$587,784	\$577,402	\$0	-\$10,450	\$0	\$26,730	\$0	\$593,682
	Operating Revenue	-\$100,000	-\$100,000	\$0	\$25,000	\$0	\$0	\$0	-\$75,000
	Non-Operating Expenditure	\$493,000	\$493,000	\$0	-\$20,000	\$0	\$0	\$0	\$473,000
<u>Television/Radio Broadcasting</u>									
	Operating Expenditure	\$1,000	\$1,000	\$0	-\$1,000	\$0	\$0	\$0	-\$0
<u>Infrastructure Construction</u>									
	Operating Revenue	\$0	\$0	\$0	\$50,000	\$0	\$0	\$0	\$50,000
	Non-Operating Expenditure	\$22,039,494	\$26,819,977	\$0	-\$181,121	\$0	\$0	-\$862,611	\$25,776,245
	Non-Operating Revenue	-\$850,000	-\$850,000	\$0	-\$335,268	\$0	\$0	\$850,000	-\$335,268
<u>Engineering Management</u>									
	Operating Expenditure	\$141,220	\$134,208	\$0	-\$1,000	\$0	\$17,421	\$0	\$150,630
<u>Infrastructure Mtce Technical Service</u>									
	Operating Expenditure	\$404,772	\$389,390	\$0	\$0	\$0	\$52,858	\$0	\$442,248
<u>Infrastructure Mtce Engineering</u>									
	Operating Expenditure	\$859,301	\$841,050	\$0	-\$20,000	\$0	\$35,388	\$0	\$856,438
<u>Infrastructure Mtce Road Verge</u>									
	Operating Expenditure	\$69,099	\$65,556	\$0	\$0	\$0	\$8,899	\$0	\$74,454
<u>Plant Purchases</u>									
	Non-Operating Revenue	\$0	-\$22,118	\$0	-\$269,104	\$0	\$0	\$0	-\$291,222
<u>Airport - Administration</u>									
	Operating Expenditure	\$2,725,182	\$3,080,389	\$0	-\$111,346	\$42,000	-\$354,781	\$0	\$2,656,263
	Operating Revenue	-\$9,289,818	-\$9,289,818	\$0	-\$350,182	\$0	\$0	\$0	-\$9,640,000
	Non-Operating Expenditure	\$12,827,144	\$12,590,993	\$0	\$961,120	\$0	\$0	\$0	\$13,552,113
	Non-Operating Revenue	-\$11,015,481	-\$42,095,105	\$0	-\$229,797	-\$42,000	\$0	\$0	-\$42,366,902
<u>Airport Maintenance</u>									
	Operating Expenditure	\$313,000	\$318,535	\$0	\$6,465	\$0	\$0	\$0	\$385,000
<u>Administration Building Overheads</u>									
	Operating Expenditure	\$55,000	\$55,000	\$0	-\$50,000	\$0	\$0	\$0	\$5,000
	Non-Operating Expenditure	\$104,181	\$104,181	\$0	-\$30,000	\$0	\$0	-\$74,181	\$0
<u>Building Control</u>									
	Operating Expenditure	\$347,677	\$772,389	\$0	-\$78,473	\$0	\$2,243	\$0	\$696,159
	Operating Revenue	-\$1,505,000	-\$1,291,542	\$0	\$341,542	\$0	\$0	\$0	-\$950,000
<u>Tourism & Area Promotion</u>									
	Operating Expenditure	\$53,825	\$51,065	\$0	\$0	\$0	\$6,982	\$0	\$57,997
<u>Economic Development</u>									
	Operating Expenditure	\$922,751	\$1,175,551	\$0	\$26,093	\$0	\$58,589	\$0	\$1,260,233
	Operating Revenue	-\$4,406	-\$4,406	\$0	-\$9,571	\$0	\$0	\$0	-\$13,977
<u>Private Works</u>									
	Operating Expenditure	\$60,000	\$60,000	\$0	\$60,000	\$0	\$0	\$0	\$120,000
	Operating Revenue	-\$25,000	-\$25,000	\$0	-\$50,000	\$0	\$0	\$0	-\$75,000
<u>Public Works Overheads - Engineering</u>									
	Operating Expenditure	-\$3,218,937	-\$3,202,905	\$0	\$521,808	\$0	-\$531,649	\$0	-\$3,212,747
<u>Building Maintenance</u>									
	Operating Expenditure	\$55,811	\$4,917	\$0	\$0	\$0	\$49,636	\$0	\$54,553
<u>Plant Operating Costs</u>									
	Operating Expenditure	-\$773,521	-\$773,521	\$0	\$25,000	\$0	\$0	\$0	-\$748,521
	Operating Revenue	-\$30,000	-\$30,000	\$0	-\$25,000	\$0	\$0	\$0	-\$55,000
<u>Salaries and Wages</u>									

BUDGET REVIEW
DECEMBER
2012

ATTACHMENT 3

Business Unit	Rev or Exp Type	Original Budget	Revised Budget	Carry Over from 11/12	Adjustments	Council Approvals	Accounting Adjustments	Carry Over to 13/14	Amended Budget December Review
	Operating Expenditure								
	Operating Revenue								
	<u>Other Classified</u>								
	Operating Revenue								
Totals									
	Total Operating Expenditure	\$10,599,911	\$11,564,310	\$13,420	-\$699,515	\$84,000	-\$0	-\$290,000	\$10,672,215
	Total Operating Revenue	-\$19,646,110	-\$19,711,731	-\$2,500,000	-\$2,938,348	\$0	\$0	\$15,000	-\$25,135,079
	Total Non Operating Expenditure	\$45,234,030	\$53,313,751	\$141,515	\$3,159,982	\$0	\$0	-\$989,705	\$55,625,543
	Total Non Operating Revenue	-\$23,668,660	-\$56,614,162	-\$1,327,627	-\$2,884,951	-\$42,000	\$0	\$850,000	-\$60,018,740
GRAND TOTAL		\$12,509,172	-\$11,447,831	-\$3,672,692	-\$3,962,832	\$42,000	-\$0	-\$414,705	-\$18,856,061

12.2 2011/12 Audited Financial Statements

Officer	Jodie McMahon Manager Financial Services
Date of Report	15 February 2013
Disclosure of Interest by Officer	Nil

Summary

For the Council to note the recommendations from the Audit and Finance Committee and adopt the 2011/12 Audited Financial Statements and Associated Notes to the Council, and to consider the Management Representation letter from the Town's Auditor.

Background

On 22 February 2012 the Town received its audited 2011/12 Financial Statements and Associated Notes, Audit Report and Management Report (attached) from Mr Michael Hillgrove, Partner of Grant Thornton and the Town of Port Hedland Auditor.

The 2011/12 Audited Financial Statements (and associated notes) is the annual "report card" of the Town. Generally, Financial Statements are made up of the following components:

- Statement of Comprehensive Income or Income Statement;
- Statement of Financial Position or Balance Sheet;
- Statement of Changes in Equity;
- Statement of Cash Flows; and
- Notes to the Financial Statement to provide further details on the above statements.

These are prepared so users of the reports can determine:

1. Performance (Income Statement);
2. Net Worth (Financial Position);
3. Changes in Net Worth (Changes in Equity);
4. Management of cash resources (Cash Flow).

However the *Local Government Act 1995*, adds an additional component, being the Rate Setting Statement. Though all components of the Financial Report are equally important, the Rate Setting Statement is unique to Local Government.

This statement incorporates components from the Income Statement and changes in the Balance Sheet, to determine the rates required to be raised (budget process); and Council's Cash Surplus. It effectively determines what funds are available to Council to provide its various services and programs. Accordingly, Council made a cash surplus of \$7.077 million in 2011/12.

These funds are “carried forward” in the new year to effectively fund uncompleted works from 2011/12. As Council will note, as part of the second quarter budget review, the Carry Forward Surplus estimated at the time of setting the original budget has been amended to reflect this revised figure.

The associated notes provide greater detail into the various components of the statements while comparing the year’s results or budget estimates. Both the statements and associated notes are produced in accordance with the Australian Accounting Standards, the *Local Government Act 1995* and associated regulations to provide the necessary information required by the public to determine the Town’s worth and sustainability for the future.

The Audit Report (Opinion) is an independent report or opinion on the reasonableness of the information contained with the Annual Statements. The Auditors are required to provide confidence to users of the annual statements as to their accuracy and fairness. According to the Town’s Auditor, Mr Michael Hillgrove, the 2011/12 statements are considered “true and fair” and comply with the relevant standards and legislation.

Local Government Auditors are also required to advise the Council and the community of any non compliance with the Local Government Act. During the 2011/12 audit, Mr Michael Hillgrove has identified the following non-compliance with the requirements of the Local Government Act or the associated regulations:

Local Government Act (section 6.5(3)) – requires by 30 September following each financial year or such extended time as the Minister allows, a Local Government is to submit to its auditor–

- The accounts of the local government, balanced up to the last day of the preceding financial year; and
- The annual financial report of the local government for the preceding financial year.

Neither the requirements of (a) or (b) of section 6.5(3) were provided by the due date, and while an extension was requested from the Minister, it was denied.

The non-compliances are being addressed by the Town through the implementation of modified processes and the training of staff in the requirements of the legislation applicable to local government.

The accounts and the financial statements of the Town were submitted to the Auditors on 15 October when they arrived onsite for the year-end audit, with the Annual Report being presented to Council at the 27 March 2013 Ordinary Council Meeting, within the 2 months allowed within the legislation if the audited statements are incomplete as at 31 December.

Consultation

Town Auditors – Grant Thornton

Statutory Implications

Local Government Act 1995

5.54. Acceptance of annual reports

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

** Absolute majority required.*

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

Strategic Planning Implications

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability, and compliance

- Fiscal accountability
- Reporting is carried out as required on the Council's legislative and organisational performance.

Deliver responsible management of infrastructure, assets, resources and technology

- Responsible and transparent management of financial resources.

Budget Implications

The 2011/12 Audited Financial Statements produce an Actual Cash Surplus of \$7,077,015. Currently the Town's Original Budget is based on a budgeted carried forward surplus of \$7,147,958, with an additional amount being carried forward during the September budget review of \$7,337,286 that is still required to fund uncompleted non-operating (capital) projects from the previous year. With the total carryover required of \$14,485,244 and a surplus of only \$7,077,015 a deficit of \$7,408,229 arose and has been accommodated in the second quarter budget review (the subject of a separate report in this agenda).

Officer's Comment

The audited 2011/12 financial statements effectively "closes the book" with regards to the 2011/12 Financial Year.

While there is evidence of non-compliance, given the audit opinion that the 2011/12 Statements are a “true and fair” representation of the Town’s financial position as at 30 June 2012, the Committee should have confidence that the Town’s financial management meets the requirements of the Australian Accounting Standards and relevant legislation, with effort being made to address the non-compliances through the training of staff and implementation of modified processes and procedure documentation being fully developed.

Attachments

1. Management Representation Letter
2. 2011/12 Audited Financial Statements (attached under separate cover)
3. Independent Audit Report
4. Audit Committee Report (attached under separate cover)

201213/281 Officer’s Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Dziombak****That Council notes the recommendations of the Audit and Finance Committee and:**

1. **Receives the audited 2011/12 Financial Statements and associated notes and the Audit Report; and**
2. **Endorses the inclusion of the audited 2011/12 Financial Statements and associated notes, and the Audit Report in the 2011/12 Annual Report.**

CARRIED 6/0

ATTACHMENT 1 TO ITEM 12.2



M J Hillgrove
Grant Thornton Audit Pty Ltd
10 Kings Park Road
West Perth WA 6005



Dear Sir

Audit for the year ended 30 June 2012

This representation letter is provided in connection with your audit of the financial report of The Town of Port Hedland ("entity") for the financial year ended 30 June 2012, for the purpose of you expressing an opinion as to whether the financial report is, in all material respects presented fairly in accordance with the Australian Accounting Standards including the Australian Accounting Interpretations and the Local Government Act 1995 and the Regulations under that Act.

We acknowledge our responsibility for ensuring that the financial report is in accordance with Accounting Standards (including Australian Accounting Interpretations) and the Local Government Act 1995 Part 6 (as amended) and Regulations under this Act, and confirm that the financial report is free of material misstatement, including omissions and that we have approved the financial report.

We understand that your examination was made in accordance with Australian Auditing Standards and was, therefore, designed primarily for the purpose of expressing an opinion on the financial report of the Town of Port Hedland taken as a whole, and that your tests of the accounting records and other auditing procedures were limited to those which you considered necessary for that purpose.

We confirm, to the best of our knowledge and belief, the following representations made to you during your audit:

General

- 1 We have made available to you:
 - a. All financial records and related data, other information, explanations and assistance necessary for the conduct of the audit; and
 - b. Minutes of all meetings of the Council and the Audit Committee.
- 2 There are no material transactions that have not been properly recorded in the accounting records underlying the financial report.
- 3 We confirm that there have been no changes to the accounting policies applied in the previous annual financial report or the methods used in applying them, other than those disclosed in the financial report.
- 4 We have established and maintained adequate internal control to facilitate the preparation of a reliable financial report, and adequate financial records have been properly maintained.

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- 5 We have no plans or intentions that may materially affect the carrying values, or classifications of assets and liabilities.
- 6 We confirm the appropriateness of the measurement of accounting estimates, including related assumptions, used in the preparation of the financial report and the consistency in application of the processes.
- 7 The following have been properly recorded or disclosed in the financial report
 - a. Arrangements involving restrictions on cash balances, compensating balances and line of credit or similar arrangements; and
- 8 We confirm the reasonableness of significant assumptions, including whether they appropriately reflect management's intention and ability to carry out specific courses of action on behalf of the Town of Port Hedland where relevant to the fair value measurement or disclosures.
- 9 Other than as disclosed to you, there have been no:
 - a. Irregularities involving management or employees who have significant roles in the system of internal control structure;
 - b. Irregularities involving other employees, that could have a material effect on the financial report;
 - c. Communications from regulatory agencies concerning non-compliance with, or deficiencies in, financial reporting practices that could have a material effect on the financial report; or
 - d. Known actual or possible non-compliance with laws and regulations.
- 10 Details have been furnished to you about all material contracts that may affect the financial report for the year ended 30 June 2012 or that have become effective since that date.
- 11 We are not aware of any pending litigation involving the entity other than the matters disclosed in the financial report.
- 12 All contingent liabilities have been provided for or noted in the financial report.
- 13 There were no material commitments for goods or services or purchase commitments in excess of normal requirements or at prices in excess of the prevailing market prices at year end, other than disclosed in the financial report.
- 14 There were no material commitments for construction or acquisition of property, plant and equipment or to acquire other non-current assets, such as investments or intangibles, other than those disclosed in the financial report.

Capital management

- 15 All disclosures in the financial report in respect of capital management processes reflect actual processes in place during the reporting period.

Events subsequent to balance date

- 16 No events, other than those disclosed in the financial report, have occurred subsequent to the balance sheet date or are pending that would require adjustment to, or disclosure in,

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the financial report or amendments to significant assumptions used in the preparation of the accounting estimates.

Fraud and error

17 The Town of Port Hedland has disclosed to you:

- a. our knowledge of fraud or suspected fraud affecting the entity involving:
 - i) Management
 - ii) Employees who have significant roles in internal control
 - iii) Others where the fraud could have a material effect in the financial report
- b. Our knowledge of any allegations of fraud or suspected fraud, affecting the Town of Port Hedland's financial report communicated to us by employees, former employees, analysts, regulators or others.

18 We acknowledge our responsibility for the design and implementation of internal control to prevent and detect fraud and error.

Assets

19 The Town of Port Hedland has satisfactory title to all assets, and there are no liens or encumbrances on such assets that have not been disclosed nor has any asset been pledged as collateral.

20 For assets carried at fair value, we have assessed fair value in accordance with the applicable requirements of AASB 116 Property, Plant and Equipment, AASB 138 Intangible Assets and AASB 139 Financial Instruments: Recognition and Measurement.

Impairment of assets

21 We have considered the requirements of AASB 136 Impairment of Assets when assessing the carrying amount of assets and in ensuring that no assets are stated in excess of their recoverable amount.

Property, plant and equipment

22 During the year all additions to property, plant and equipment represented the cost of additional assets, or additions and improvements to existing assets, and no material items of capital expenditure were written off against profits.

23 Rates of depreciation applied to reduce book values of individual assets to their estimated residual values, reflect the probable useful lives of those assets to the Town of Port Hedland.

24 The net amounts at which the property, plant and equipment are stated in the balance sheet are arrived at:

- a. After taking into account all capital expenditure on additions thereto, but no expenditure properly chargeable to revenue.
- b. After eliminating the cost and accumulated depreciation relating to items sold or scrapped.

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- c. After providing for depreciation and obsolescence on bases and at rates calculated to reduce the net book value of each asset to its estimated residual value by the end of its probable useful life in the business.

25 There were no material commitments for construction or acquisition of property, plant and equipment or to acquire other non-current assets, such as investments or intangibles, other than those disclosed in the financial report.

Inventory

26 Inventories in the balance sheet comprise the whole of the Town of Port Hedland's inventories and work in progress wherever situated (and stocks held on consignment from or on behalf of other parties have been excluded).

27 We have made provision for all expected future losses on contracts entered into at the reporting date, based on estimated costs to complete, including appropriate overhead expenditure.

28 Full provision has been made in respect of all defective, obsolete or slow moving inventory (and work in progress).

Receivables

29 Balances owing by trade and other debtors at balance date are valid receivables and do not include charges for goods on consignment, approval or repurchase agreements.

30 All known bad debts have been written off and the provision for doubtful debts in our opinion is adequate and has been calculated in accordance with the requirements of AASB 139 Financial Instruments: Recognition and Measurement.

Insurance

31 All assets and insurable risks of the entity are adequately covered by insurance.

Financial assets

32 The sensitivity analysis disclosed in the financial report for foreign exchange risk, interest rate risk and other price risk are all based upon reasonably possible fluctuations in currencies, interest rates and prices for the period until the next annual financial report is expected to be signed.

33 All quantitative disclosures in the financial report relating to risk exposures in respect of financial instruments at reporting date are representative of exposures during the financial year.

34 All concentrations of credit risk, liquidity risk and market risk (including currency risk, interest rate risk and other price risk) have been properly disclosed in the financial report.

35 Disclosures relating to processes for managing risk in relation to financial instruments reflect actual processes in place during the reporting period.

36 All information regarding transactions involving trading with derivatives has been made available to you. All derivatives have been marked to market at the year end and recorded at this value in the financial report.

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Other Current Assets

37 On realisation in the ordinary course of the Town of Port Hedland's business the other current assets in the balance sheet are expected, in the opinion of the directors, to produce at least the amount at which they are stated. In particular, adequate provision has, in the opinion of the directors, been made against all amounts owing to the Town of Port Hedland which are known or may be expected to be irrecoverable or impaired.

Liabilities

38 All material liabilities at the balance sheet date have been taken up in the books of account, including the liability for all purchases to which title has passed prior to the balance date, and for all items included in inventory.

39 No asset of the Town of Port Hedland has been pledged as security for any liability, except as disclosed in the financial report.

40 All amounts of capital repayment and interest due to be paid to lenders during the reporting period were made on time, in accordance with provision of the loan agreement, except as disclosed in the financial report.

41 There are no financial guarantee contracts in place to third parties which could be called upon in the event of a default, other than those disclosed in the financial report.

Taxation

42 We confirm there are no disputes with any taxation authorities whose effects should be considered for disclosure in the financial report or as a basis for recording an expense.

Contingent and other unrecorded possible liabilities

43 There was no contingent or undetermined and unrecorded obligations of a material amount for which provision has not been made in the financial report or noted thereon. This includes any material liabilities, contingent liabilities or assets arising under derivative financial investments.

Related parties

44 All details of related party transactions and related amounts receivable or payable, including sales, purchases, loans, transfers, leasing arrangements and guarantees (written or oral), have been correctly recorded in the accounting records and have been properly disclosed in the entity's financial report or notes thereto, where required by statute, the Australian Accounting Standards, or where such disclosure is necessary for the true and fair presentation of the entity's financial report.

Revenue

45 Revenue has been recognised in accordance with AASB 118, and where applicable, our assessment of the percentage completion accurately reflects the status of the project in accordance with project milestones.

Commitments

46 There were no purchase commitments in excess of normal requirements or at prices in excess of the prevailing market prices, nor any agreements to repurchase items previously sold.

Electronic presentation of audited financial report

47 If we publish the financial report on our website, we acknowledge that:

- we are responsible for the electronic presentation of the financial report;

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- we will ensure that the electronic version of the audited financial report and the auditor's report on the web site are identical to the final signed hard copy version;
- we will clearly differentiate between audited and unaudited information in the construction of the entity's web site as we understand the risk of potential misrepresentation;
- we have assessed the controls over the security and integrity of the data on the web site and that adequate procedures are in place to ensure the integrity of the information published; and
- we will only present the auditor's report where the full financial report is published on the website.

Going concern

48 We have made an assessment of the entity's ability to continue as a going concern when preparing the financial report. We are not aware of any material uncertainties related to events or conditions that may cast significant doubt upon the Town of Port Hedland's ability to continue as a going concern.

Legal matters

49 There were no legal matters pending or undertaken during, or at the end of, the reporting period or unasserted claims or assessments that our lawyer has advised us are probable of assertion which could give rise to a liability or which requires disclosure in the financial report.

Yours sincerely

The Town of Port Hedland

A handwritten signature in black ink, appearing to read 'M.J. Osborne', written over a horizontal line.

Name: M.J. (Mal) Osborne

Title: Chief Executive Officer

Dated this 22 day of February 2013

Civic Centre
McGregor Street

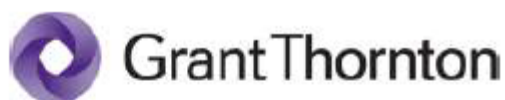
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**Independent Auditor's Report
To the Ratepayers of Town of Port Hedland**

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We have audited the accompanying financial report of Town of Port Hedland (the "Council"), which comprises the statement of financial position as at 30 June 2012, and the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information to the financial report and the statement by the Chief Executive Officer.

Responsibility of the Council for the financial report

The Council of the Town of Port Hedland are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Local Government Act 1995 Part 6. This responsibility includes such internal controls as the Council determine are necessary to enable the preparation of the financial report to be free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances

Auditor's responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards which require us to comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error.

In making those risk assessments, the auditor considers internal control relevant to the Council's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of

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accounting estimates made by the Council, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the applicable independence requirements of the Accounting Professional and Ethical Standards Board.

Auditor's Opinion

In our opinion,

- a the financial report of Town of Port Hedland
 - i presents fairly, in all material respects, the Council's financial position as at 30 June 2012 and of its performance and cash flows for the year then ended ; and
 - ii complies with Australian Accounting Standards (including the Australian Accounting Interpretations); and
 - iii is prepared in accordance with the requirements of the Local Government Act 1995 Part 6 (as amended) and Regulations under that Act.

Statutory Compliance

Other than the matters outlined below, I did not, during the course of my audit, become aware of any instance where the Council did not comply with the requirements of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 as they relate to financial statements.

Local Government Act (section 6.5(3)) – requires by 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor –

- (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
- (b) the annual financial report of the local government for the preceding financial year.



Neither the requirements of (a) or (b) of section 6.5(3) were received by the due date. The final annual financial report was not received until 19 February 2013.

A handwritten signature in black ink that reads "Grant Thornton".

GRANT THORNTON AUDIT PTY LTD
Chartered Accountants

A handwritten signature in black ink that reads "M J Hillgrove".

M J Hillgrove
Partner – Audit & Assurance

Perth, 22 February 2013

12.3 Financial Management Review

Officer	Natalie Octoman Director Corporate Services
Date of Report	21 February 2013
Disclosure of Interest by Officer	Nil

Summary

For the Council to note the recommendations from the Audit and Finance Committee and receive the report regarding the Financial Management Review that has reviewed the appropriateness and effectiveness of the financial management systems and procedures on the local government within the four year statutory timeframe.

Background

The Chief Executive Officer has specific financial management duties set out under Part 2 of *the Local Government (Financial Management) Regulations 1996*. Clause 5(2)(c) requires the Chief Executive Officer to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government on a regular basis (and not less than once every four years) and report to the local government the results of those reviews.

The Town engaged Chartered Accountants, Grant Thornton to conduct an independent and objective review of the systems and procedures for financial management, which was conducted in June 2012. The Report of the Financial Management Review is attached.

Consultation

Town Auditors – Grant Thornton

Statutory Implications

Local Government (Financial Management) Regulations 1996

Section 5 (2) (c): CEO duties as to financial management

(2) The CEO is to —

(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

Strategic Planning Implications

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability, and compliance

- Fiscal accountability
- Reporting is carried out as required on the Council's legislative and organisational performance.

Deliver responsible management of infrastructure, assets, resources and technology

- Responsible and transparent management of financial resources.

Budget Implications

The funds to undertake the Financial Management Review are incorporated into the 2012/13 budget.

Officer's Comment

The Financial Management Review examined the following financial systems and procedures:

- Purchases/Payments/Payables
- Receipts/Receivables/Cash Management
- Payroll
- Rates
- Cost Allocations (Including Administration Allocations)
- Minutes and Meetings
- Principal Activity Plan
- Fixed Assets
- Registers

The following is a brief summary of the recommendations/matters requiring follow up action which were noted during the course of the review:

Purchases/Payments/Payables

Grant Thornton have identified the current Synergy financial system ensures staff are exercising their delegated authority when raising purchases orders, with having internal limits based on delegation. However, it has been identified that staff have the ability to split purchases across multiple purchase orders, thus reducing the purchase order amounts to their delegated level, to avoid additional approval required from senior management.

It has been noted that whilst invoices are signed by one party, (potentially two), there is no sign off of goods/services actually being received.

The Town has noted these areas of control weaknesses and are working towards implementing internal controls which seek to minimise the risks.

Further, Grant Thornton has commented on the accrual workings particularly in relation to fixed assets not being completed in a timely manner.

The Town acknowledges these and are seeking to improve the process going forward to ensure accruals of operating and non-operating expenditure are prepared accurately in the first instance, and in a timely manner.

Receipts/Receivables/Cash Management

A deficiency in the receipting process has been identified, relating to the timeframes of completing the processes. On occasions, the receipting has been completed in the incorrect month or year.

Grant Thornton has identified reserve transactions were not completed in a timely manner. Grant Thornton recommends there are sufficient process established and staff training undertaken to ensure the timely and accurate completion of reserve transfers.

Going forward, the Town will make reserve transfers part of the month end management reporting process to ensure the transfers are conducted in a manner timely and will therefore aid in giving an accurate and completed representation of the Town's funds.

Payroll

Grant Thornton noted the use of suspense accounts and stated these should be cleared to \$0 at the end of each period.

No other matters or recommendations arose from the review of the payroll cycle.

The Town will include in the financial reporting close process, a step around reviewing clearing accounts to ensure they are sufficiently allocated at the end of the financial year.

Rates

Grant Thornton have identified that not all rateable properties have been rated. To maximise rate revenue it has been recommended the Town conduct a review of all properties to identify further properties in which rates can be charged.

The Town has set aside a budget to undertake a rates review using an external consultant. The rates department are also liaising with the planning department to further identify properties where rates revenue can be earned upon the completion of a development that may not have a Town bin service.

Cost Allocations (Including Administration Allocations)

No matters or recommendations arose from the review of cost allocations.

Minutes and Meetings

No matters of non-compliance were identified from the work performed around the minutes review.

Principal Activity Plan

Grant Thornton recognised the Town has recently completed the Strategic Community Plan for a 10 year period 2012-2022. Prior to this the Town had a Strategic Plan for 2010-2015. On this basis the Town is compliant with principal planning activities.

The Long Term Financial Plan is in the process of being completed for adoption in June 2013. The Town are aware of their principal planning responsibilities and as a result, this area is under constant review and discussion with the Executive team, Council and any necessary consultants.

Fixed Assets Registers

Grant Thornton has noted there has been a high level of staff turn over within this role. In the prior year, the management representation letter made reference to the depreciation rates used at the Town and those disclosed within the notes to the financial statements.

The Town engaged KPMG to under take a review of the fixed asset register. The Town has also reviewed the asset management policy and it was adopted by Council in December 2012 to take effect on 1 July 2013. The Town is planning the implementation of the asset management policy; along with the task of completing a fair value review for plant and equipment as at 30 June 2013, as required by the legislation.

Conclusion of Review

The finding of the financial management review concludes, whilst processes need to be implemented as outlined above, the Town are compliant with the *Local Government (Financial Management) Regulations* 1996 section 5(1) and that “the overall effectiveness of the financial management system and procedures of the Town are sound and appropriate for the Town’s current level of operations.”

The areas identified for improvement in the review are in part, a result of staff shortages and a lack of local government knowledge with the staff appointed throughout the 2011/2012 operating year. Training, exposure to the legislation and experience will significantly assist the team to address these areas moving forward.

Matters identified as being of an urgent nature have been addressed.

The recommendations of the review clearly set out actions for the Town to take to ensure that the integrity of the financial management system is maintained. All necessary actions will be addressed in the 2012/2013 operating year where possible.

Attachments

1. Financial Management Systems and Procedures Review

Officer's Recommendation

That Council notes the recommendation from the Audit and Finance Committee and:

1. Accepts the Report of the Financial Management Review undertaken by Grant Thornton in June 2012.

201213/282 Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council notes the recommendation from the Audit and Finance Committee and:

- 1. Accepts the Report of the Financial Management Review for Council undertaken by Grant Thornton in June 2012; and**
- 2. Requests the Chief Executive Officer to provide a report outlining actions taken in relation to the Financial Management Review of the Town of Port Hedland by Grant Thornton in June 2013.**

CARRIED 6/0



27th June 2012

Audit Committee
Town of Port Hedland
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Dear Audit Committee,

FINANCIAL MANAGEMENT SYSTEMS AND PROCEDURES REVIEW

We have completed our financial management systems review of the Town of Port Hedland ("The Town") in accordance with the requirement of Regulation 5(1) of the Local Government (Financial Management) Regulations 1996 and are pleased to submit our report to you.

Australian Auditing Standards require us to obtain an understanding of the internal control structure and accounting systems applicable to financial reporting at the Town of Port Hedland as part of our audit process.

During June 2012, we carried out audit procedures necessary for us to comply with the requirements of the auditing standards in respect to audit planning, risk assessment, assessment of fraud and assessment of the control environment.

During our review of certain areas, sample testing was conducted to determine whether the processes we had documented as being in place were supported by the selection of a random sample. We have considered the effectiveness of management's internal controls over financial reporting, however our review is not designed to provide assurance on internal controls.

There were no areas where we were unable to perform procedures which would enable us to comply with Australian Auditing Standards.

The areas that were reviewed included:

- Purchases/Payments/Payables
- Receipts/Receivables/Cash Management
- Payroll
- Rates
- Cost Allocations (Including Administration Allocations)
- Minutes and Meetings
- Principal Activity Plan
- Fixed Assets

- Registers

Background

The Town utilises the Synergy system to process its accounts. This system has been in operation for a number of years.

We report as to our work done and our findings as follows.

Purchasing / Payments/Payables

Review Objective and Scope

The primary objectives of the review were:

- To ensure proper processes were followed with regards to the Purchasing Policy.
- To ensure payments have made in accordance with the Local Government (Financial Management) Regulations 1996.

Review Approach

We documented the Purchasing Cycle and reviewed a sample of invoices paid and accompanying documentation from July 2011 to May 2012 to determine whether purchases were authorised, supported and then correctly allocated to the general ledger.

Our review of the controls over payments and account payable did not identify any significant control weaknesses. The Synergy system establishes authority limits defined in the Delegation Register which restricts each employee to a spending limit based on their title.

Whilst no exceptions were noted in our sample selection, we understand the system would allow accounts payable staff getting around this delegation register and spending limit, by splitting up a large purchase into multiple purchase orders so that further authorisation from senior management was not required.

We also understand from discussions with staff that goods receipts forms are not being completed. We recommend that procedures are implemented at the Town whereby goods receipt forms are completed. We also recommend a segregation of duties between those receipting the goods and those authorising the invoice for payment.

We have also noted at the time of our final audit, the Town was unable to produce a complete accruals listing including all fixed asset additions, in a timely manner.

We recommend processes are implemented whereby those responsible for determining accruals can do so in a timely manner.

We recommend the Town implement procedures to ensure staff are trained and policies and procedures are followed with regards to the purchasing system.

Receipts/Receivables/Cash Management

Review Objective and Scope

The primary objectives of the review were:

- To review processes in place are followed with regards to the collection and control of cash and recording of financial information.

Review Approach

We conducted observation, inquiry and inspection procedures with regards to the Receipts Cycle, which includes Accounts Receivable and Bank Reconciliations for the Town to determine whether any matter has come to our attention which causes us to believe appropriate procedures are not in place regarding the Receipt of Income.

In addition, a sample of receipts were tested.

We note that bank reconciliations were being prepared on a daily basis and reviewed by finance staff.

We note however that unreceipted deposits on bank reconciliations are not also being cleared in a timely manner. We recommend procedures are implemented to ensure the timely receipt of deposits.

We understand however that reconciliation of reserve bank statements and reserve movements has been an area of difficulty for the Town with some reserve account bank reconciliations taking months to finalise the movement within reserves.

We recommend procedures are implemented included staff training on the processes required for determining and recording reserve transactions.

Payroll

Review Objective and Scope

The primary objectives of the review were:

- To review processes followed with regards to Payroll.
- That the process followed complied with the Town's Policy and legislative requirements.

We documented the Payroll Cycle and reviewed the processing and balancing controls for the pay run. Commencements, Termination and Annual Leave were also reviewed as part of our scope.

We note the Town uses a payroll suspense account. Whilst at the time of our review the balance of this account was not material, we would like to emphasize the importance of regular and timely clearing of all suspense account amounts.

Rates

Review Objective and Scope

The primary objective of the review was:

- To ensure proper processes are followed with regards to processing and collection of rates and are no instance of non compliance was noted.

Review Approach

We documented the Rates Cycle and conducted a high level review the procedures in place. Our review included reviewing a sample of 10 rates being charged to rate payers for the financial year ended 30 June 2012 for compliance with legislative requirements.

We understand from discussions with management, that processes are underway to review the rates process to ensure all properties are rated correctly and that the details of the rate information as maintained by the Town is complete and reviewed and updated as necessary.

Cost Allocations (Including Administration Allocations)

Review Objective and Scope

The primary objective of the review was:

- To ensure the cost allocations (including administration costs) of the Town are adequate for the Town to achieve accurate reporting.

Review Approach

We undertook a review of cost allocations through observation and inquiry and documented the procedures for cost allocation.

Based on our observations and inquiry, cost allocation (including administration costs) appears adequate for the Town to achieve their reporting requirements.

Minutes and Meetings

Review Objective and Scope

The primary objective of the review was:

- To ensure the Town's minutes complies with procedures and legislative requirements.

Review Approach

The Town's minutes were reviewed for compliance with procedures and no matters of non compliance were noted.

Principal Activity Plan

Review Objective and Scope

The primary objectives of the review were:

- To ensure the Principal Activity Plan complies with the legislative requirements

Review Approach

The Town of Port Hedland is currently has a five year strategic plan in place for the years 2010 to 2015 and are undertaking a strategic planning process with the aim of developing a Strategic Plan for the 2013 – 2023 period in line with legislative requirements. No matters of non compliance were noted during our review.

Fixed Assets

Review Objective and Scope

The primary objectives of the review were:

- To ensure the acquisition and disposal of fixed assets are in compliance with the Town's Policies.

Review Approach

We documented the Fixed Asset Cycle and reviewed 5 additions for the period July 2011 to May 2012. We note through discussion with management there have been no disposals of assets during the financial year through to May 2012.

Grant Thornton understands that there is a number of temporary staff working as asset officers. Grant Thornton emphasises the importance that the Town must ensure that each temporary officer understands their responsibilities, is adequately trained and properly supervised.

We also note findings in the prior year management letter regarding depreciation rates within the asset register and ensuring they align with the Town's accounting policies on depreciation rates.

The Town of Port Hedland have engaged KPMG to review and update their asset management policies and that this engagement was underway at 30 June 2012.

Registers

Review Objective and Scope

The primary objective of the review was:

- To ensure the Town's Registers are maintained and to review for non compliance with legislation.

Review Approach

The Tender Register, Register of Financial Interest and Delegation Register were reviewed for being maintained and no exceptions were noted at the time of our visit.

A register of Contracts and Legal Documents is not maintained and we would recommend one is implemented, however contracts and legal documents are fully indexed and an adequate filing system is in place.

Conclusion

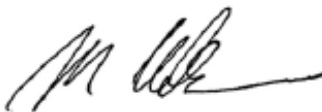
Based upon our work done, which was limited to the procedures outlined above, processes need to be implemented to ensure the timely production of financial information as mentioned in the paragraphs above.

This report has been prepared for the distribution to the addressee for the purpose of our engagement. We disclaim any assumption of responsibility for any reliance on this report to any person other than the addressee, or for any other purpose other than that for which it was prepared.

Finally, we would like to take this opportunity to thank Natalie Octoman, Jodie McMahon and the team at the Town of Port Hedland that assisted in the review for their assistance during our visit.

If you have any questions or wish to discuss anything raised in the report, please do not hesitate to contact Michelle Spain or myself on (08) 9480 2000.

Yours sincerely



M J Hillgrove
Partner – Audit and Assurance

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12.4 ***2012 Compliance Audit Return***

NOTE: This item has been withdrawn and will be presented to Council for consideration at a Special Council Meeting on Wednesday 13 March 2013.

- Incorporating and consolidating funding applications that currently operate outside of the Policy
- Incorporating accurate costing and accounting of fee waivers, in-kind contributions and updated acquittal processes.

This proposed draft policy was considered at the Audit and Finance Committee meeting at 12:30pm on Wednesday 27 February 2013.

Based on the outcome of the Audit & Finance Committee, Council is requested to endorse its recommendation with regard to this policy.

Consultation

Town of Port Hedland Staff:

- Manager Recreation Services and Facilities
 - Manager Community Development
 - Coordinator Recreation Services and Facilities
 - Coordinator Community Development
 - Senior Community Development Officer
 - Club Development Officer
-
- Audit and Finance Committee

Statutory Implications

Nil

Policy Implications

Policy 6/003 Community Funding and Donations identifies a series of community, recreation, sporting and cultural celebrations and events of significance and regularity. The purpose of the Policy is to establish a framework that facilitates collaboration with the community to support the delivery of events, celebrations and community activities which reflect the unique identity of Port Hedland.

Strategic Planning Implications

6.1 Community – We are a friendly, exciting city of neighbours that is vibrant and diverse

6.1.1 Unified

The Town of Port Hedland is an integrated community functionally, physically and culturally.

- Wider range of community groups using the Town's facilities regularly.
- Members of the community have access to the Town's services and facilities.

6.1.2 Vibrant

Provide access to recreational, cultural, entertainment facilities, and opportunities.

- Higher utilisation of Port Hedland facilities (sporting ovals and buildings) by residents and visitors.
- Increased number of recreational facilities available.

Budget Implications

Within the 2012/13 budget, GL Account 813274 includes a total budget of \$113,000. This account contains annual funding allocated within the budget process, community support resolved through previous decisions of Council and discretionary funds of \$50,000 to be allocated through the Donations Policy and process.

The discretionary funds allocated within the 2012/13 budget have been expended within the first 5 months of the financial year.

Officer's Comment

The proposed (draft) Community Funding and Donations Policy has the following key points and structure:

Updated objectives – includes strengthening the capacity of community organisations and assisting in independent sustainability

Community Support Donations

- Combined funding of up to \$5,000 (cash funding, in-kind support, talent development and/or waiver of fees) – reduced from \$6,000
- Maximum of 1 application per year
- New projects or events – maximum cash funding of \$2,000
- Recurrent funding (for existing programs, activities or events) - maximum cash funding of \$1,000
- In kind and fee waivers costs included in maximum support level
- Development of talented local people criteria expanded.

Community Partnership Grants

- Incorporates annual community support applications (currently part of budget process)
- Maximum annual contributions - \$10,000
- Maximum financial support / grant length – 3 years
- Separation of financial support and potential ongoing in kind support (admin, marketing)
- Applications for support outside of policy to be considered by the Audit and Finance Committee, and then Council.

Subject to Council approval, the proposed (draft) Policy will be advertised publically and subject to targeted community consultation for feedback and input. The outcomes of the consultation process will be reported to Council in April 2013.

Attachments

Attachment 1 – Proposed (draft) Policy 6/003 Community Funding and Donations

201213/283 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

- 1. Endorses the recommendations of the Audit and Finance Committee to:**
 - a. Advertise the proposed (draft) Policy 6/003 Community Funding and Donations for community consultation, feedback and input; and**
 - b. Note that the outcomes of community advertising and consultation will be reported to Council in April 2013.**

CARRIED 6/0

ATTACHMENT 1 TO ITEM 12.5

6/003 COMMUNITY ASSISTANCE POLICY

The Town of Port Hedland will work in collaboration with the community to support the delivery of events, celebrations and community activities which reflect the unique identity, add to the social fabric of the Town of Port Hedland and the wellbeing of residents.

Previous Council resolutions have identified a series of community, recreation, sporting and cultural celebrations and events of significance and regularity, and accordingly determined levels of support to be provided by the Town. This information forms the later part of this Policy (section 8). The Town will encourage excellence and innovation, and inclusive community participation.

1. Objectives

- a. To support community initiatives that strengthen the capacity of local organisations and that deliver valuable outcomes to the Town's residents
- b. To assist in the initiation and establishment of new, independently sustainable events and programs that build capacity within the community
- c. To enable the Town to implement a consistent response to support requests received from community organisations, individuals and not for profit organisations
- d. To provide budget certainty to applicants
- e. To provide both local residents and community organisations with guidance in respect to the Town's expectations of such requests.

2. Scope of Funding

The Town of Port Hedland will provide assistance to the community based on the below structure:

Community Support Donations

- a. This support is limited to the consideration of requests up to a maximum of \$2,000 cash component in value
- b. This maximum value of all or any Community Support Donation within this section, whether comprised of cash funding, in-kind support, talent development or waiver of fees, is to a maximum of \$5,000 in total annually. In order to assess the value of a request, a dollar (\$) value will be estimated for the in-kind component
- c. All funding applications will be considered as part of this policy; applications outside this policy will be referred to and considered separately by Council
- d. A maximum of one (1) application per financial year per organisation or individual will be considered.

Types of Community Support include:

- Establishment funding (Cash - \$2,000 maximum) – Available to applicants running a new, one-off project, program, activity or event
- Periodical funding (Cash - \$1,000 maximum) – Available to applicants to support a community project, program, activity or event on a recurring basis or that has been funded previously. Organisations are required to fund 50% of the project's cash contribution from their own or other funding sources. Funding may be used for the purchase of equipment, uniforms etc.
- In-kind contributions – This support includes the provision of facilities, equipment and purchases

These will usually not require a significant contribution of staff time. In-kind contributions will be considered subject to their availability, the need to protect the security and value of the assets, and their use for required Council purposes

- Waiver of Fees – This support is for the waiver of fees for the hire of community facilities. Waiver costs will be in accordance with the Town of Port Hedland adopted Schedule of Fees and Charges
- Development of Talented Local People – Financial contributions may be made towards the costs associated with the initiatives by local people of all ages that develop talented individuals. A maximum contribution of \$500 in one financial year may be considered to each person who is eligible for this support. These initiatives may include:
 - Travel and attendance at competitions, educational tours or recognised State level (or above) training usually located elsewhere in Western Australia or beyond. The person concerned must have been invited to attend on the basis of exceptional sporting, artistic or other talent
 - Hosting of a talent development initiatives (incl. coaching courses)

Community Partnership Grant

- a. This Partnership support is limited a maximum period of 3 years
- b. The maximum value of all or any Community Partnership support within this section whether comprised of cash funding, in-kind support or waiver of fees is to a maximum of \$10,000 in total annually. In order to assess the value of a request, a dollar (\$) value will be estimated for the in-kind component and / or fee waiver
- c. All funding applications will be considered as part of this policy; applications outside this policy will be referred to and considered separately by Council
- d. A maximum of one (1) application per financial year per organisation or individual will be considered.

The Partnership Fund has three main aims:

1. To increase community access to essential programs and services through the development of partnerships between the Town and not for profit community organisations
2. To provide assistance to not for profit community organisations with the capacity to assess community need to develop essential community services or programs which are consistent with the Town of Port Hedland's strategic objectives and programs, but not directly operated by the Town
3. To provide initial support for significant community, sport, recreation and cultural events and to ensure these activities build independent capacity and reduced reliance on Town funding over a set period of time

The table below identifies in-kind assistance and fee waiver support that will be provided on an ongoing basis:

Event	Key Partner	Council Support
Sports Group Forums	Department Sport and Recreation WA	<ul style="list-style-type: none"> - Use of Council Venues - Advertising, photocopying and postage - Contribute to hosting event
Port Hedland Cup Day	Port Hedland Turf Club	<ul style="list-style-type: none"> - Provision for 20 extra bins - Waiver of all stall fees and street trading ground hire for one day - Ground hire - Use of Council Flag to fly at event
Premier Regional Lawn Bowls	PHTBA Main Street Committee Port and South Hedland Bowling Clubs	<ul style="list-style-type: none"> - Staff member on Committee - Advertising/photocopying, fax and postage
Nindji Nindji Festival	Bloodwood Tree Association	<ul style="list-style-type: none"> - Use of Council Venue - Provision for up to 20 extra bins
Pilbara Music Festival	Pilbara Music Festival	<ul style="list-style-type: none"> - Patron at Festival - Use of Council Venue - Provide administrative and photocopying assistance
Australia Day Breakfast	Soroptimist International	<ul style="list-style-type: none"> - Administration/organisation of Premier's Australia Day Active Citizen Awards - Use of Council equipment and facilities - Advertising and photocopying of events proceedings - Free Pool Open Day at Gratwick
NAIDOC Week	Pundulmurra Campus EPCT	<ul style="list-style-type: none"> - Council display
Chamber of Commerce Business of the Year Awards	Chamber of Commerce	<ul style="list-style-type: none"> - Additional trophies for Community of the Year Award Categories
Carols by Candlelight	Ministers Fraternal	<ul style="list-style-type: none"> - Use of Council venue
ANZAC Day Ceremony	RSL	<ul style="list-style-type: none"> - Use of Council venue and Council Chamber - Wreath - Advertisement

The table below identifies financial support that will be provided (maximum of \$10,000 annually for a period of up to 3 years):

Event	Key Partner	Council Support
Premier Regional Lawn Bowls	PHTBA Main Street Committee Port and South Hedland Bowling Clubs	- Provide sponsorship towards event of a maximum of \$5,000 annually for a period of up to 3 years
Australia Day Breakfast	Soroptimist International	- Provide sponsorship towards event of \$1,000 annually for a period of up to 3 years.
Nindji Nindji Festival	Bloodwood Tree Association	- Provide sponsorship towards event of \$1,000 annually for a period of up to 3 years.

What will not be funded?

- Commercial activities
- Retrospective costs
- Associations with outstanding debts to the Town of Port Hedland
- Non-incorporated organisations, unless prior written approval by Council resolution
- Core organisational operating costs i.e. a permanent position for ongoing work

5. Application Process

- a. Requests for assistance will be made in writing through completion of an application form. Form A is to be completed by Individuals and Community Organisations. Form B is to be completed by Not For Profit Organisations
- b. Applications to be made in response to Town of Port Hedland advertising and within specified deadlines
- c. Application forms are available on the website or from the Customer Service Counter. Applications must provide all required information
- d. The Audit and Finance Committee will make recommendations to the next Ordinary Meeting of Council in regard to the approval or otherwise of applications received.
- e. Four (4) funding rounds will be held annually, timed to allow for consideration at the quarterly Audit and Finance Committee.

6. Selection Criteria

In considering the relative merits of applications, the Town will apply the following criteria:

- a. The positive contribution the event or project will make to the Hedland community
- b. The information requested meets the requirements of this policy
- c. The applicant certifies within the application that they are authorised to apply for Town of Port Hedland support and to represent the applicant organisation
- d. The applicant certifies that the information contained within the application is true and accurate, with commensurate evidence / documentation able to be provided on request from the Town
- e. Sufficient financial information has been provided to clearly identify the items on which monies will be spent, their discrete costs and their importance to the success of the event or project

- f. The level of resource contribution to be made by the applicant, relative to their capacity to do so, as well as the accessibility of funds from other sources.

7. Acquittals

Successful applications will be required to provide a brief report / acquittal containing information including:

- Measuring qualitative aspects, such as the success of the activity
- Financial information, such as receipts accounting for the expenditure of monies.

DRAFT

201112/467 Officer's Recommendation / Council Decision

"That Council:

- 1. Rejects all tenders submitted for Tender 12/06 Design, Supply and Installation of a Swimming Pool Lighting System to the South Hedland Aquatic Centre upgrade.*
- 2. Proceeds with lighting upgrades for the South Hedland Aquatic Centre within the current budget allocation by:*
 - a) Designing the lighting system*
 - b) Connecting the power to the plant room*
 - c) Installing cabling and footings in accordance with the design outcomes.*
- 3. Approves the investigation of additional funding to accommodate the installation of lighting at the South Hedland Aquatic Centre within the 2012/13 budget."*

As stated in recommendation 2, the lighting design, connection of power to the plant room and lighting conduits and foundation preparations have been completed.

Recommendation 3 has been advanced by BHP Billiton providing additional funds in 2012/13 to assist with the budget shortfall for lighting. This included a condition that the additional funding also provided for shade installation to the learn to swim pool and general landscape improvements. Additional funding was also provided from municipal funds by reallocating expenditure from other projects that will subsequently be funded from the Country Local Government Fund as per the decision below.

201213/159 Officer's Recommendation/Council Decision

"That Council:

- 1. Endorses the application to Royalties for Regions for the utilisation of the Country Local Government Fund 2012/13 allocation for the following programs:*
 - a) Drainage Construction: \$425,000*
 - b) Port Hedland Light Industrial Area Drainage: \$150,000*
 - c) Kerbing Construction: \$200,000*
 - d) Walkway Lighting: \$32,745*
- 2. Approves the application of municipal funds to the value of \$807,745 to be re-diverted and applied to the SHAC redevelopment on account 1107434."*

The receipt of additional funding forms the basis of this report to assess Tender 12/24 Supply & Installation of a Swimming Pool Lighting System to SHAC upgrade.

Consultation

The lighting design and tender documentation was prepared by Infrastructure Development staff and a lighting consultant in conjunction with:

- Manager Recreation Services and Facilities
- Manager Infrastructure Development
- Director Community Development
- IT Coordinator
- Projects Coordinator

The tender submission has been assessed by:

- Manager Infrastructure Development
- Projects Coordinator

Statutory Implications

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

“3.57. Tenders for providing goods or services

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

The *Local Government (Functions and General) Regulations 1996* states that:

“Part 4: Provision of goods and services

Division 2- Tenders for providing goods or services (S.3.57)

18. Choice of tender

- (5) The local government may decline to accept any tender.”*

Sections of this report pertaining to price submissions from tenderers have been deemed confidential in accordance to the *Local Government Act (1995)*:

“5.23 Meetings generally open to public

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —....*
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and....*
- (e) a matter that if disclosed, would reveal —*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and”*

The section of the *Local Government (Functions and General) Regulations 1996* permitting Council to proceed with alternative procurement approaches after an unsuccessful tender process is:

“Part 4: Provision of goods and services

Division 2- Tenders for providing goods or services (S.3.57)

11. When tenders have to be publicly invited

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

(c) Within the last 6 months –

(i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications.”

Policy Implications

This tender was called in accordance with Procurement Policy 2/007 and Tender Policy 2/011.

Strategic Planning Implications

The Strategic Community Plan 2012 – 2022 states:

6.1 Community

6.1.1 Unified – The Town of Port Hedland is an integrated community functionally, physically and culturally - increase the number of physical, cultural and social facilities in Port Hedland.

6.1.2 Vibrant – Provide access to recreational, cultural, entertainment facilities, and opportunities – The Town’s wide range of recreation, entertainment and event facilities are well used and attended by residents and visitors.

Budget Implications

The following table identifies the project funding, expenditure to date, future expenditure and the budget available for this tender.

Project Revenue	Amount
BHPB original	\$2,500,000.00
BHPB interest	\$1,000,000.00
BHPB additional (wave machine)	\$550,000.00
TOPH	\$600,000.00
Dept of Sport & Recreation	\$600,000.00
Royalties for Regions	\$3,600,000.00
Regional & Local Community Infrastructure Program	\$150,000.00
Country Local Government Funds 2010/11	\$807,745.00
BHPB 2012/13	\$685,000.00
TOPH reallocation	\$807,745.00
TOTAL	\$11,300,490.00

Expenditure to date	Amount
2011/12	\$4,244,695.13
2012/13 to date	\$5,328,713.14
Commitments	\$175,201.12
Journals required to other accounts (not project specific)	-\$49,992.52
TOTAL	\$9,698,616.87
BALANCE REMAINING	\$1,601,873.13
Future Expenditure	Amount
Car park construction	\$265,000.00
Car park lighting	\$100,000.00
Shade structure to Learn to Swim pool	\$150,000.00
Development Application fees	\$41,848.20
Other minor works	\$10,000.00
TOTAL	\$566,848.20
BALANCE REMAINING FOR LIGHTING AND CONTINGENCY	\$1,035,024.93

The Officers' recommendation will ensure that the lighting installation is completed within the project budget parameters.

Officer's Comment

Tender 12/24 requires a suitably qualified electrical company to supply and install lighting to the South Hedland Aquatic Centre inclusive of a public address system. A compliant lighting design has been completed and was provided as part of the tender specifications.

The Tender was publicly advertised in the West Australian on 19 January 2013 and the North West Telegraph on the 23 January 2013. A mandatory site meeting was conducted on 5 February 2013, with representatives from 5 companies attending.

The mandatory site meeting was held to ensure that all tenderers made themselves fully aware of the complexity of the works and what was required to be considered in the estimation and delivery of the project.

One tender was received from Ribshire Pty Ltd trading as Goodline. For information on the price submitted refer to Attachment 1: Confidential Summary of Prices Submitted. It should be noted that the tender price submitted is in excess of the current project budget.

Table 1 below indicates the evaluation criteria as described in the tender documentation.

Table 1:

Assessment Criteria	Max Score
Price	50%
Relevant experience	10%
Local industry development	10%
Tenderers resources, key personnel skills and experience	10%
Demonstrated understanding of scope	15%
Risk assessment	5%
Total	100%

The comparison of each of the assessment criteria for the tender submissions received is summarised in Table 2 below.

Table 2:

Contractor/ Assessment Criteria	Price (50%)	Relevant Experience (10%)	Local Industry Development (10%)	Tenderers Resources, Key Personnel (10%)	Demonstrated Understanding (15%)	Risk (5%)	Total Score (100%)
Ribshire Pty Ltd (Goodline)	0	4.75	4.0	3.0	6.75	5.0	23.5

In the case of only a single tender received at close of tenders, without comparative tenders and the budget estimate exceeded, the tender could not be properly assessed for competitiveness. Therefore a score of 0 was allocated for price.

Ribshire Pty Ltd (Goodline) has put forward a conforming tender and has the capability to undertake the works. However the submission did not highly demonstrate the proposed detailed methodology or other mitigating factors to achieve the project outcome. Ribshire Pty Ltd scored a low average in most instances in the tender assessment mainly due to limited information provided in methodology, experience with similar works and general detail on availability of resources. The submission provided details of experience in mining and port infrastructure projects, however did not demonstrate experience in projects relevant to this scope of works.

In the opinion of the tender assessment staff, Ribshire Pty Ltd's tender submission has not scored sufficiently to justify a recommendation to proceed to preferred tenderer status. It is therefore recommended to reject the tender submission. To ensure that the aquatic centre lighting is not delayed further and acknowledging that the scope of works has been tendered twice unsuccessfully, an alternative process is suggested.

The cost estimate received for this project prior to advertising the tender was \$1,070,000. The budget remaining for the completion of the lighting project is \$1,035,024.93. Given that the tender submission is within range of the cost estimate and project budget, officers are confident that this project can still be delivered without sourcing additional funds. The Towns' officers recommend that elements of the tender scope can be delivered independently via individual procurement processes, saving on contractor markups over the entire project. For example, the Town can purchase the light poles and luminaries separately to engaging a contractor to install them. All electrical cabling, connections and commissioning can also be contracted separately. Although this increases the workload for the Towns' staff to co-ordinate individual contracts, it's suggested as the best approach to deliver the project within the budget allocation.

Attachments

1. Confidential Summary of Prices Submitted.

201213/284 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Gillingham

That Council:

1. **Rejects all tenders submitted for Tender 12/24 Supply & Installation of a Swimming Pool Lighting System to the South Hedland Aquatic Centre upgrade; and**
2. **In accordance with Part 4, Division 2, Section 11 (2)(c)(i) of the *Local Government (Functions and General) Regulations 1996*, authorises the Chief Executive Officer or his delegated Officer to proceed with the procurement and installation of the lighting system at the South Hedland Aquatic Centre up to the project budget of \$1,035,024.93.**

CARRIED 6/0

12.7 Appointment of Auditors

Officer	Natalie Octoman Director Corporate Services
Date of Report	1 March 2013
Disclosure of Interest by Officer	Nil

Summary

For the Council to consider the Audit and Finance Committee's recommendation to appoint Mr Michael Hillgrove, Ms Michelle Spain and Mr Patrick Warr as the Town's auditors representing Grant Thornton for a period of 3 years from financial year ending 30 June 2012.

Background

In accordance with section 7.2 of the *Local Government Act 1995*, the accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

At the Ordinary Meeting of Council held on 23 May 2012, Council resolved that it appoints Grant Thornton as the Town of Port Hedland's Auditors for a 3 year term commencing from financial year ending 30 June 2012.

Consultation

Nil

Statutory Implications

Local Government Act 1995

Part 7, Division 2, Section 7.3

Strategic Planning Implications

6.4 Local Leadership

Strategic

Deliver high quality corporate governance, accountability and compliance.

- Fiscal accountability
- Reporting is carried out as required on the Council's legislative and organisational performance.

Deliver responsible management of infrastructure, assets, resources and technology.

- Responsible and transparent management of financial resources.

Budget Implications

A budget allocation has already been incorporated into the 2012/13 Budget for auditing services for the Town.

Officer's Comment

While the resolution of Council appointed a company to provide auditing services to the Town, section 7.3 (1) of the *Local Government Act 1995* requires that:

A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint a person, on the recommendation of the audit committee, to be its auditor.
Absolute majority required*

Section 7.3 (2) of the *Local Government Act 1995* allows the local government to appoint one or more person as its auditor, and the officer is recommending the appointment of 3 persons based on the request for quote submission received from Grant Thornton.

Section 7.3 (3) of the *Local Government Act 1995* further requires that the local government's auditor is to be a person who is either a registered company auditor, or an approved auditor. Each of the persons that the officer is recommending have demonstrated that they are auditors registered with the Australian Securities and Investment Commission, and are therefore appropriate for appointment in accordance with the legislation.

This item is to ensure that the appointment of the auditors is undertaken in a compliant manner.

Attachments

Nil

201213/285 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

- 1. Acknowledges the recommendation from the Audit and Finance Committee to appoint Mr Michael Hillgrove, Ms Michelle Spain and Mr Patrick Warr, of Grant Thornton as the Town of Port Hedland's Auditors for a period of three (3) years from financial year ending 30 June 2012; and**
- 2. Appoints Mr Michael Hillgrove, Ms Michelle Spain and Mr Patrick Warr, of Grant Thornton as the Town of Port Hedland's Auditors for a period of three (3) years from financial year ending 30 June 2012.**

CARRIED BY ABSOLUTE MAJORITY 6/0

ITEM 13 REPORTS OF COMMITTEES

NOTE: The Minutes of this Committee meeting are enclosed under separate cover.

13.1.1 *Airport Committee Minutes – 6 February 2013*

201213/286 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council receives the Minutes of the Ordinary Meeting of the Airport Committee held on 6 February 2013 at 12:30pm.

CARRIED 6/0

ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

ITEM 15 CONFIDENTIAL ITEMS

201213/287 Council Decision

Moved: Cr Dziombak

Seconded: Cr Hooper

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

15.1 Catamore Court: Request for Proposal Responses (File No.: 800240G)

15.2 Private Treaty Lot 12, Bunning's Warehouse – Confidential Item (File No.01/04/0001)

15.3 Proposed Prosecution of the Unauthorised Uses on Lot 2 and 3 great Northern Highway (The Landing) (File No.: 119200G)

CARRIED 6/0

6:49pm Deputy Mayor Daccache advised that this meeting is now closed to members of the public.

15.1 *Catamore Court: Request for Proposal Responses (File No.: 800240G)*

201213/288 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That Council:

- 1. Selects Megara Constructions Pty Ltd as the preferred proponent for the development of housing on the conditions that it:
 - a. Personally funds and builds the Town of Port Hedland's housing initially, without commitment to pre sales of the proposed Lots 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 as per conditional subdivision Application No. 142732;**
 - b. Subject to a satisfactory Credit Valuation in the form of a Business information Report request carried out by Dun & Bradstreet;**
 - c. Subject to satisfactory minor additions to the landscaping of the proposed design.****
- 2. Approve the preparation and advertisement of a business plan for six weeks in accordance with the Section 3.58 and 3.59 of the Local Government Act 1995 outlining the proposed sale of Lots 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 to Megara Constructions Pty Ltd via Request for Proposal of the Catamore Court conditional subdivision Application No. 142732 for freehold ownership and all associated costs of 8 multi dwelling development on the proposed Lot 23 currently valued at \$6,110,000 (subject to a credit valuation); and**
- 3. Requests the Chief Executive Officer, or their delegate, report back to Council on the public submissions received as a result of that business plan and then recommend a course of action in relation to the proposed property disposition between the Town of Port Hedland and Megara Constructions Pty Ltd.**

CARRIED 6/0

15.2 Private Treaty Lot 12, Bunning's Warehouse - Confidential Item (File No.01/04/0001)

201213/289 Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That Council suspend Standing Orders.

CARRIED 6/0

6:52pm Deputy Mayor Daccache advised that Standing Orders are suspended.

201213/290 Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council resume Standing Orders.

CARRIED 6/0

7:04pm Deputy Mayor Daccache advised that Standing Orders are resumed.

201213/291 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

- 1. Approve the preparation and advertisement of a business plan in accordance with the Section 3.58 and 3.59 of the Local Government Act 1995 outlining the proposed sale via private treaty of a 1.54 hectares portion of Lot 12 within Precinct 3 for \$2,695,000 (subject to survey);**
- 2. Requests the Chief Executive Officer, or his delegate(s), to report back to Council on the public submissions received as a result of that business plan and then recommend a course of action in relation to the proposed private treaty between the Town of Port Hedland and Bunnings Properties Party Limited; and**
- 3. Instruct the Chief Executive Officer, or his delegate(s), to commence an RFP or alternative disposition method for additional properties including the 4-TWA sites in Precinct 3 so that other potential users have an opportunity to locate within the area.**

CARRIED 6/0

15.3 *Proposed Prosecution of the Unauthorised Uses on Lot 2 and 3 Great Northern Highway (The Landing) (File No.: 119200G)*

201213/292 Council Decision

Moved: Cr Carter

Seconded: Cr Gillingham

That Council:

- 1. Acknowledges Ernst & Young's statement of intent to bring the current Landing's development into compliance;**
- 2. Supports the approved hotel development on the Landing site; and**
- 3. Directs the Chief Executive Officer, or his delegate(s), to negotiate milestones for compliance for the Landing's development within 30 days.**

CARRIED 6/0

201213/293 Council Decision

Moved: Cr Carter

Seconded: Cr Gillingham

That the meeting be opened to members of the public.

CARRIED 6/0

7:07pm Deputy Mayor Daccache announced that the meeting is now open to members of the public. The Chief Executive Officer advised the members of the public of the Council resolutions determined whilst the meeting was behind closed doors.

ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE**201213/294 Council Decision****Moved: Cr Carter****Seconded: Cr Hooper****That the following applications for leave of absence:**

- **Councillor Gillingham from 8 March 2013 to 11 March 2013 and 20 March 2013 to 22 March 2013**
- **Councillor Taylor from 5 July 2013 to 12 August 2013**

be approved.***CARRIED 6/0*****ITEM 17 CLOSURE****17.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 27 March 2013, commencing at 5.30 pm. A Special Council Meeting will be held on Wednesday 13 March 2013, commencing at 5:30 pm.

17.2 Closure

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

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of _____ 2013.

CONFIRMATION:

PRESIDING MEMBER

DATE