



**Town of Port Hedland**

**MINUTES**

**OF THE**

**ORDINARY MEETING**

**OF THE TOWN OF PORT HEDLAND COUNCIL**

**HELD ON**

**WEDNESDAY 28 AUGUST 2013**

**AT 5.30 PM**

**IN COUNCIL CHAMBERS**

**McGREGOR STREET, PORT HEDLAND**

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*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 Mayor declared the meeting open at 5:33pm and acknowledged the traditional owners, the Kariyarra people.

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

Mayor Kelly A Howlett  
Councillor George J Daccache  
Councillor Arnold A Carter  
Councillor Jan M Gillingham  
Councillor Michael (Bill) Dziombak  
Councillor Julie E Hunt  
Councillor Gloria A Jacob  
Councillor Penny Taylor

*Officers*

Mal Osborne  
Natalie Octoman  
Russell Dyer  
Gordon MacMile  
Eber Butron  
Grace Waugh

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

**2.2          Apologies**

Nil

**2.3          Approved Leave of Absence**

Councillor David W Hooper

**ITEM 3      RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE****3.1          Questions from Public at Ordinary Council Meeting held on Wednesday 24 July 2013****3.1.1        *Ms Lorraine Butson***

*How much has the Town paid in consultant fees over the last 12 months and for what projects?*

Director Corporate Services advised that further clarification was sought from Ms Butson. The consultant fees for specific projects will be provided in the September 2013 Ordinary Council Meeting Agenda.

*Is it correct that a hot water system has been installed at South Hedland Aquatic Centre? What is its cost and why was this not included in the recent upgrade? What is the present situation regarding lights at the pool for the water polo use?*

Director Community Development advised that a hot water system to the SHAC change rooms was installed recently at a cost of \$12,000. Previously operating as a seasonal pool, the SHAC has not had hot water for showers. Stage 1 of the SHAC redevelopment has focused on aquatic elements, plant room (chemical treatment and filtration) upgrade, pool water heating, and facility lighting. The planned future Stage 2 upgrade of the SHAC will focus on club facilities, change rooms, kiosk and administration. Now operating as a year round facility, installation of hot water to showers was seen as essential to customer amenity. The installation of facility flood lighting is scheduled to commence in October and be commissioned/ operational in November.

*The remuneration package for the Program Director Airport Redevelopment is a base salary of \$349,820. What is the anticipated cost of this position when the performance incentive, housing, car and travel allowances are factored in?*

Chief Executive Officer advised that the figure of \$349,820.00 is the total salary package. The package breakdown is as follows:

Base Salary: \$311,000  
Superannuation: \$37,320  
Uniform Allowance: \$700  
Internet Allowance: \$800  
Total salary per annum \$349,820

The Performance Incentive payable upon completion is up to a maximum amount of \$90,000. The performance incentive is stipulated as a maximum amount therefore the figure of \$90,000 is not guaranteed. The travel and accommodation costs are not a factor of salary. The estimated annual travel costs are approximately \$24,000 per annum.

**3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 24 July 2013**

Nil

**3.3 Questions from Public at Special Council Meeting held on Wednesday 31 July 2013**

Nil

**3.4 Questions from Elected Members at Special Council Meeting held on Wednesday 31 July 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 presiding member to do so.'*

Mayor opened Public Question Time at 5:35pm.

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

*As Precinct 3 is named after aviator Charles Kingsford Smith, could Council ensure that the new business park is known as Kingsford Smith Business Park as this is his name?*

Chief Executive Officer advised that Council resolved to name Precinct 3 "Kingsford Business Park" and that the marketing of this name has commenced. It would require a Council decision to change the name to "Kingsford Smith Business Park" and to change the marketing and printing that has already occurred.

*I've been told that there is audio equipment not being used in the Matt Dann Centre, if so could Council utilise this equipment in Council Chambers?*

Chief Executive Officer advised that he is unaware of any unused equipment.

Director Community Development advised that there is music recording equipment at the Matt Dann but is not aware of any PA system that would be suitable for Council Chambers.

Director Corporate Services advised that the Information Communication Technology Manager is looking into quotes for a PA system for Council Chambers. The Town is now waiting on the final quote to come in.

*Six months ago I asked Council what was being done about the six metal signs on business premises that were destroyed by Cyclone George in March 2007. Can we have an update about what is happening?*

Director Planning & Development advised that the Compliance Officer is in consultation with those businesses to remedy the situation.

*The Town has a major transport problem with the large number of road trains using the roads particularly in Wedgefield. Could Council along with Main Roads initiate a program to build 2 or 3 heavy haulage transport depots on the outskirts of Town to alleviate the pressure on the roads in and around Wedgefield?*

Chief Executive Officer advised that the realignment of the Great Northern Highway will help to alleviate the problems. All roads in Wedgefield are approved for high mass loads although the new subdivision is going to be a transport zone for companies. The Town and Main Roads are currently looking into whether there is an opportunity to develop truck stops, road train assembly and breakdown areas for road trains with the current road works.

*Four months ago I asked Council to see whether it's possible to remove all steel/aluminium posts with no signs attached to them from around the Town. Could something be done about this?*

Director Engineering Services advised that this is managed by the Depot team and an update will be sought.

#### **4.1.2 Mr Camilo Blanco**

*Did the previous Mayor and Councillor, Stan Martin, make direct allegations backed with documentary evidence to the current Chief Executive Officer (CEO) and the three previous CEO's of the misappropriation of funds in relation to Kelly Howlett paying herself \$10,000 from the Visitors Centre account unlawfully in 2009? Further to this there is a copy of an employment contract that denied the payment of time in lieu, Port Hedland Visitors Centre Committee Members can verify that amount of money was not authorised by the committee to be paid, a bank statement shows that amount being taken by Kelly Howlett. The Visitor Centre constitution does not allow payments to be made without a second signatory.*

Chief Executive Officer advised that he was not provided with any documentary evidence from Mr Martin however did receive an email from Mr Martin asking what was going to be done with the information Mr Martin had provided previously. The answer given was that he did not receive any information and any information that was made available was given to UHY Haines Norton to reconstruct the books and to 2020 Global to undertake the audit of the Visitors Centre accounts.

*Have the allegations against Kelly Howlett been investigated and proven true or false?*

Chief Executive Officer advised that in relation to the audit by 2020 Global the Towns brief specifically asked that the allegations and the uncertainty contained in the Abbott Solutions audit be addressed. The issues were addressed and answered to 2020 Global's best ability in the current audit documents included in tonight's agenda.

*The purpose of the reconstruction of the Visitors Centre books was to acquit funding supplied to the Visitors Centre by the Town of Port Hedland with part of that acquittal process to ensure the money was used in the correct manner. Have all Councillors seen the reconstructed Visitors Centre books by Haines Norton and why has it not been released to the public?*

Mayor advised that all Councillors have seen the reconstructed books which are contained in the agenda tonight.

*The Audit report states that "the financial statements assume the opening balances from the prior periods closing balances. The Association's auditor noted that he was refused access to information and was unable to verify prior years balances; this uncertainty extends to our audit". Why was the auditor refused access to information required to complete the audit and who was the person who refused to provide this information?*

Chief Executive Officer advised that the Town of Port Hedland was not the holder of the information in relation to the reconstruction of the accounts or to undertake the audit. That documentation had either already been provided to Abbott Solutions or was still in the possession of the Visitor's Centre Association members.

*Who was in control of the information for 2020 Global?*

Director Corporate Services advised that the statement Mr Blanco provided was in the Abbott Solutions report and not in the 2020 Global report. 2020 Global was provided with all the information that the Town had which had also been provided to UHY Haines Norton. The Town has not withheld any information from 2020 Global or UHY Haines Norton.

*The Audit report by 2020 Global states "We have been provided with a signed copy of Kelly Howlett's employment contract. The document does not make time off in lieu a specific entitlement; however, it does permit this entitlement to 'be approved at monthly meetings by majority permission of said Visitor Centre Committee.'" If the committee supply the minutes of the meeting approving the payment then this allegation can be cleared. Were any of the committee members contacted and questioned or requested to supply relevant information to auditors 2020 Global or UHY Haines Norton for the reconstruction?*

Chief Executive Officer advised that additional information was requested from ex-Committee members. The sourced information that was obtained was provided to UHY Haines Norton and then 2020 Global to undertake the audit report.

*Some Committee members were not contacted.*

Chief Executive Officer advised that those Committee members could of brought the information forward over the last three years while this issue was being dealt with.

*Why didn't the Auditors find the information?*

Chief Executive Officer advised that the Auditors will audit books on information that they have at hand and will ask questions if they believe there is additional information that is missing. They make an informed opinion based on the information that they have been provided with.

*Was the allegation of the \$10,000 part of the scope of works for the auditors to investigate?*

Chief Executive Officer advised that all allegations were part of the scope which is part of tonight's agenda.

*Was a disc provided to the Director of Corporate Services by Councillor Carter with the retrieved files from the Visitors Centre hard drive? Was the disc provided to the auditors 2020 Global or UHY Haines Norton as part of their investigation?*

Director Corporate Services advised that the disc was provided to UHY Haines Norton who then provided that information to 2020 Global.

*There is no reference to the disc in the audit report.*

Chief Executive Officer advised that it is classed as part of the source documentation.

*What happened to all the records of the Visitors Centre? Have the records been deleted, shredded or was the hard drive wiped?*

Chief Executive Officer advised that if there was information requested from the Visitors Centre Association committee members then that was provided. The Town of Port Hedland does not control the Port Hedland Visitors Centre Inc. and cannot force the Visitors Centre to provide more than what they are willing to provide.

#### **4.1.3 Ms Lorraine Butson**

*Could you please confirm that all security requirements, including locks and keys for the Town of Port Hedland houses and buildings are provided by a Port Hedland company? If not, why not?*

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

Director Engineering Services advised that a company out of town provides locks and keys for the Town as the locksmith in Port Hedland refused.

*Is the Council aware of the Transient Workers Accommodation (TWA) camps that exist on the rural blocks at 12 mile? Have they been approved by Council?*

Director Planning & Development advised that this question is taken on notice.

Mayor closed Public Question Time at 5:52pm.

Mayor opened Public Statement Time at 5:52pm.

## **4.2 Public Statement Time**

### **4.2.1 *Mr Chris Whalley***

Mr Whalley has been attending Council meetings for the past 9.5 years to learn more about the workings of local government and is concerned about the future viability of the Town of Port Hedland. For nearly 50 years Port Hedland town site has had mining industrial infrastructure right up against the existing town site. Mr Whalley proposes that an iron ore industrial park should be created 10 – 20 kilometres south of the South Hedland town site. With modern technology it should not be difficult for mining and structural engineers to devise an efficient and clean system of transportation of iron ore to port with absolute minimal piles of ore at both locations. He believes a system like this would also have minimal quantities of iron ore dust in the atmosphere within and around Port Hedland town site. This will save Port Hedland town site from further industrial pollution.

### **4.2.2 *Mr Camilo Blanco***

Mr Blanco stated that the reconstruction of the Visitors Centre books by Haines Norton has not been released to the public and quoted the missing information listed in the auditors statement. This has cost ratepayers over \$56,000 and tonight's vote proposes to close the enquiry into the Visitors Centre with direct allegations not investigated. It's reasonable to conclude conspiracy of collusion is underway if the Council vote to take the officers recommendation and take no further action on the Visitors Centre matter.

### **4.2.3 *Mr Ross Underwood***

Mr Underwood from Planning Solutions spoke in opposition of Item 11.1.1.12 "Retrospective Approval for Motor Vehicle and/or Marine Service Station – Caretaker's Dwelling on Lot 2055 (67 - 71) Hamilton Road, South Hedland (File No.: 116400G)."



Planning Solutions acts on behalf of Caltex Australia Pty Ltd, franchisee of the Caltex service station on Lot 2055 Hamilton Road, South Hedland. Town Officers are recommending refusal of the application on the basis that the proposal does not comply with the definition of a caretaker's dwelling as it exceeds the 50m<sup>2</sup> floor area limitation. Mr Underwood stated that the proposal will provide affordable accommodation for employees of the service station and Caltex staff do not have their own transport so have to walk home through South Hedland at night. Mr Underwood asked that Council consider approving the application or at least one of the dongas so his client can provide his staff with housing close to the service station.

*Councillor Jacob said that the Planning department have advised his client that they would consider a scheme amendment to mixed business. Did your client consider making that application? Councillor Jacob asked whether his client is aware of the Service Worker Accommodation that is available to small businesses that are coming within the next six months starting at \$470 a week.*

Mr Underwood advised that the mixed business does not permit a single house for any other use which is what the client is seeking approval for. The Town is undertaking a review of the Town Planning Scheme No. 5 and thought that a scheme amendment would be better dealt with under this review. The need for the accommodation is required now whereas a scheme amendment would take 12 – 18 months to consider.

Mr Roy Osman advised that they do have one house provided through Service Worker Accommodation and is \$800 a week and he wasn't aware that they were getting cheaper. His problem is that some staff that are employed don't have their own transport and have problems getting to work.

*Councillor Jacob advised that the EPA recommend the buffer zone to be 200 meters. Does your recommendation fall in line with the recommended buffer zone distance?*

Mr Underwood advised that the guidelines provide for generic buffer a distance which in this case is 200 meters. A risk assessment was provided to the Town with the proposal to have the dwelling within the 200 meter buffer zone.

Director Planning & Development advised that there is an alternative recommendation developed by the Manager Planning which has conditions to approving the application and has been circulated to Elected Members.

#### **4.2.4 Ms Vicki Tree**

Ms Vicki Tree represented the Youth Involvement Council (YIC) and made a statement in opposition to Item 11.1.1.7 "Request to Refund in Full or Partially the Planning Application Fees Paid for Planning Applications on Lot 304 Lawson Street South Hedland."

YIC understand that there are costs involved for the Town of Port Hedland and risk in setting a precedent however YIC is a long standing community organisation that delivers essential services to the youth of Port Hedland. YIC are asking that Council consider a full or partial refund of planning application fees as they would like to grow and have a more sustainable future in Port Hedland. The money that was spent on planning application fees could be spent elsewhere. YIC would also like to thank RFF for all their help.

#### **4.2.5      *Mr Camilo Blanco***

Mr Blanco spoke in regards to Mr Roy Osman's application listed on the agenda as Item 11.1.1.12 "Retrospective Approval for Motor Vehicle and/or Marine Service Station – Caretaker's Dwelling on Lot 2055 (67 - 71) Hamilton Road, South Hedland (File No.: 116400G)."

Mr Blanco supported Mr Osman's application as he has had trouble obtaining and keeping staff due to the lack of affordable accommodation in Port Hedland. Council should support small businesses like his.

#### **4.2.6      *Mr Ben Walsh***

The Chief Executive Officer read out a statement on behalf of Mr Ben Walsh from RPS. Mr Walsh's statement was in regards to Item 11.1.1.9 "Assessment of Tender 13/12 Eastern Gateway Investigation (File No.: 18/16/0013)."

RPS requests the Town to include a consideration of support for local businesses as part of the Eastern Gateway Tender Assessment and award. Having operated locally within Port Hedland for the past five years and ensuring on-going commitment to the region, RPS scores less than 1 point below the winning tenderer with the officer's comment also including very positive feedback on the RPS submission. RPS note the highest scoring tendered, whilst a highly respected entity who like RPS have demonstrated experience in the region, are not a locally based business nor have staff base locally. Assessment of the Eastern Gateway Investigation 13/12 does not currently include any consideration of support for local enterprise however the town's commitment to supporting local business is evidenced by the regional Price Preference Policy included on this agenda as item 11.6.1.4. RPS request the Council include consideration of this policy when making their decision on the Eastern Gateway Investigation tender which represents a significant body of work for any business.

#### **4.2.7      *Ms Pam Gangell-Hardinge***

The Chief Executive Officer read out a statement on behalf of Ms Pam Gangell-Hardinge in relation to Item 11.4.1.2 "Audit of the Port Hedland Tourist Bureau (Inc)."

Ms Gangell-Hardinge stated the events listed in this item occurred after she left town in 2009. However Cr Dziombak and Cr Carter were still president and treasurer and should have been able to answer most questions. Ms Gangell-Hardinge stated that this affair appears to have been a “witch hunt” that has unfortunately come at a high cost to the ratepayers.

#### **4.2.8 Mr Brendan Foley**

The Chief Executive Officer read out a statement on behalf of Mr Brendan Foley, Lavan Legal. Mr Foley’s statement was in regards to Item 11.1.1.14 “Proposed Town Centre - “Restaurant” and “Caretakers Dwelling” Application on Lot 500 The Esplanade Street, Port Hedland. (File No.: 4028440G).”

Lavan Legal act on behalf of a number of ratepayers that live in the West End of Port Hedland that ask that Council defer its consideration of this item pending proper advertising and assessment of the proposal in accordance with the Town’s Town Planning Scheme No.5, associated policies and community expectations on matters of equity. Council cannot approve this item without public consultation as the application does not comply with the Town’s minimum requirements for onsite car parking and seeks to establish a caretakers dwelling over 50m2.

Mayor closed Public Statement Time at 6:15pm.

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

#### **5.1 Councillor Daccache**

*Can the Town look into making the drop off zone at the Port Hedland International Airport a drop off and pick up area?*

Chief Executive Officer advised this question is taken on notice. Once the bus parking is moved from that area it may create better opportunities to have pick up and drop off areas in front of the terminal.

*Minister Grylls recently stated that the Government has created a monster by having the dust monitoring group involved in the West End. The Minister believes that living and working among the iron ore dust is safe as BHP Billiton and other mining companies continue to let their workers to do so. There are people who have worked with the dust for years who don’t have any health problems. Can Council write to Minister Grylls and ask that the Dust and Noise Taskforce be disbanded and that the Government speak with people that work among iron ore in Port Hedland and have them tested to see whether the dust is detrimental to their health?*

Chief Executive Officer advised that Minister Grylls is coming to Port Hedland at the end of the week and would speak with him then. If it is a request to write to the Minister then it needs to be in a resolution as there are already a number of processes that have been undertaken in relation to the work of the Dust and Noise Taskforce.

#### **201314/033 Council Decision**

**Moved: Cr Daccache**

**Seconded: Cr Gillingham**

**That Council request the Chief Executive Officer, or his delegate(s), to write to Minister Grylls and request that the Dust and Noise Taskforce be disbanded and that the Government contact residents that work with iron ore to test whether the dust is detrimental to their health.**

***CARRIED 8/0***

### **5.2 Councillor Gillingham**

#### **201314/034 Council Decision**

**Moved: Cr Gillingham**

**Seconded: Cr Carter**

**That Council request the Chief Executive Officer, or his delegate(s), to investigate and report back to Council on the processes and costs in changing the name of “Kingsford Business Park” to “Kingsford Smith Business Park”.**

***CARRIED 8/0***

*Can the Town request that the Department of Health advise the Council of someone who has lived in this town and has died or is dying from the iron ore dust?*

Chief Executive Officer advised that he has recently met with the Department of Health who had advised that they have awarded the contract to conduct the health risk assessment. The data that the contractor is putting together will be completed by the end of 2014 and released in 2015. This data will not just focus on dust but also noise and a range of other issues.

### **5.3 Councillor Dziombak**

*In regards to the Visitors Centre audit report, can Council be provided with a copy of the brief that was given to UHY Haines Norton?*

Director Corporate Services advised that UHY Haines Norton was given a separate brief as to what was given to 2020 Global. This can be circulated to Elected Members.

*Can Councillors receive a copy of the UHY Haines Norton report to provide clarity on how much their reconstruction, provided to the Town for \$38,220, cost Council?*

Director Corporate Services advised that the report from UHY Haines Norton is included in the report from 2020 Global. The financials at the back of the report are from UHY Haines Norton. The email with the original financials from UHY Haines Norton can be circulated to Elected Members.

#### **5.4 Councillor Jacob**

*In regards to the Visitors Centre audit report item, was there a Management Committee of the Visitors Centre? Did the committee provide financial and operational reports and minutes as per the funding requirements from the Town of Port Hedland?*

Mayor advised that there was a committee of the Visitors Centre; the President was Bill Dziombak and treasurer and Councillor representative was Arnold Carter. ~~Councillor Carter and the Director Corporate Services at the time, Matthew Scott, met to acquit the financial statements on a quarterly basis in order for the Visitors Centre to receive the quarterly payments.~~ The financial reports were presented quarterly and used as a basis to obtain agreed funding at meetings which were attended by the Town's Director of Corporate Services at the time, Mr Matthew Scott, Kelly Howlett as Visitor Centre Manager, Cr Arnold Carter as Treasurer of the Port Hedland Visitor Centre and Town of Port Hedland Council representative on the Visitors Centre Committee.

At the Ordinary Council Meeting held on Wednesday 25 September 2013 Council amended (201314/095) the response from Mayor Howlett to Councillor Jacob's question.

*Can the Town confirm whether the allegations were minuted in the Committee reports provided to the Council?*

Mayor advised in the negative.

*Has the Town been advised by either auditors of any misappropriation of funds by the staff of the Visitors Centre or the Committee?*

Chief Executive Officer advised that the audit conducted by Abbott Solutions was undertaken for the Visitors Centre not the Town of Port Hedland. The audit conducted by 2020 Global was requested by the Town.

*The summary of the report indicates more process issues which might be better taken care by the Office of Fair Trading which is the governing body for associations. The Town's interest is around the surplus of funds.*

Chief Executive officer advised that the audit has identified that the constitution of the Visitors Centre has specific clauses relating to surplus funds or property of the association when the management of the Visitors Centre changes. The audit report has indicated that the surplus funds are not entitled to be returned to the Town as part of the funding agreement. The officer's recommendation shows that the Town supports the funds being given to the current association running the Visitors Centre.

### **5.5 Councillor Taylor**

*Can you share some feedback on the North West Festival that was held on the weekend?*

Mayor advised that a media release was sent out from Sunset Events announcing there was an estimated 10% increase of patronage compared to last year's event. There has been great feedback from everyone who attended and this was mentioned in the West Australian. The Town and Sunset Events are already planning the third event.

*The Government has announcement cuts to education which will result in reduction in education assistants and schools putting a cap on how many teachers they have employed. If the Town is wanting to become a city this involves increasing the number of students in Port Hedland. What can the Town do to communicate to the State Government that such a policy will have unintended negative consequences for the Town and students? Will this policy have a negative effect on the Town?*

Chief Executive Officer advised that 550 Teachers Assistant positions will be reduced across the state. The Town can speak with the Regional Director of the Education Section and have a representative present to Council on the policy. Minister Grylls is also in town so this issue can be brought up with him as well.

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

Mayor Howlett	Councillor Dziombak
Councillor Daccache	Councillor Jacob
Councillor Carter	Councillor Hunt
Councillor Gillingham	Councillor Taylor

**ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 24 July 2013****201314/035 Officers Recommendation/ Council Decision****Moved: Cr Jacob****Seconded: Cr Hunt**

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 24 July 2013 be confirmed as a true and correct record.**

***CARRIED 8/0*****7.2 Confirmation of Minutes of Special Meeting of Council held on Wednesday 31 July 2013****201314/036 Officers Recommendation/ Council Decision****Moved: Cr Carter****Seconded: Cr Jacob**

**That the Minutes of the Special Meeting of Council held on Wednesday 31 July 2013 be confirmed as a true and correct record.**

***CARRIED 8/0*****ITEM 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

**The following awards were presented by the Mayor:**

- Cr A Carter Eminent Service Award
- Cr G Daccache Local Government Merit Award
- Thank you from Relay for Life to the Town of Port Hedland

Mayor Activity Report for the July/ August 2013 period to date is as follows:

**July 2013****Sunday, 7<sup>th</sup> July**

- Attended Boodarie Bowls Opening Dinner Event

**Monday, 8<sup>th</sup> July**

- Weekly CEO & Mayor Catchup
- Fortnightly Pilbara Shire Presidents/Mayor Telephone Link Up
- Attended NAIDOC Week South Hedland Justice Complex Flag Raising – Courthouse

- Attended Sundial Warming With Artists Rozy Dann and Jilaga Murray
- Meeting Hon Stephen Dawson MLC and Town of Port Hedland - Council Chambers

Tuesday, 9<sup>th</sup> July

- Weekly Spirit Radio (1026am) Chat
- Attended PHCCI Business After Hours Event - Crows Nest Esplanade Hotel

Wednesday, 10<sup>th</sup> July

- Attended Briefing meeting re proposed Hotel For Sth Hedland - ToPH
- Weekly CEO & Elected Member Catchup
- Attended Pilbara JDAP - Shire of Roebourne - Town of Port Hedland and Shire of Ashburton - Department of Planning, 140 William Street, Perth (Telephone)
- Attended Confidential Planning Briefing
- Attended Confidential Concept Forum
- Attended YIC NAIDOC Week Celebrations - 34 Lawson St
- Attended Community Conversations Event - July 10 - Jimblebar Room, Wanangkura Stadium

Thursday, 11<sup>th</sup> July

- Meeting With Reachelle Cowcher (DFP Recruitment) - DFP Recruitment Office
- Played In Boodarie Bowls Carnival
- Attended South Hedland Lotteries House Community Fun Day - Lotteries House

Friday, 12<sup>th</sup> July

- Attended Wangka Maya Open NAIDOC Week Day
- Chaired Multi Agency Taskforce Children At Risk - Council Chambers

Saturday, 13<sup>th</sup> July

- MC NAIDOC Week Markets - SH Town Square
- Attended Stevens St BBQ – Soroptimist-Port Hedland - Stevens St

Sunday, 14<sup>th</sup> July

- Attended Boodarie Bowls Closing Dinner Event
- Monday, 15<sup>th</sup> July
- Weekly CEO & Mayor Catchup

Tuesday, 16<sup>th</sup> July

- Weekly Spirit Radio (1026am) Chat
- Attended Mining The Pilbara Conference
- Attended YIC Board Meeting - JD Hardie
- Attended WaterCorporation Function - Crows Nest, Esplanade Hotel



- Attended Mining The Pilbara Conference Dinner

Wednesday, 17<sup>th</sup> July

- Weekly CEO & Elected Member Catchup
- Attended Mining The Pilbara Conference
- Participated In Panel Session - 7th Annual Mining The Pilbara Forum - Matt Dann

Thursday, 18<sup>th</sup> July

- Attended Luncheon Event Mental Health Commissioners - Wanangkura Stadium
- Participated Fortnightly Tele Conference RDA Pilbara
- Attended Volatile Substance Use Consultation - Conference Room, Hedland Health campus
- MC Gearing Up Event - Port Hedland Yacht Club

Friday, 19<sup>th</sup> July

- Meeting With Ms Andrea Mitchell MLA & CEO
- Present Olympics Medals At Vacation Care - Wanangkura Stadium
- Judged "Pilbara Girl" Competition - South Hedland

Saturday, 20<sup>th</sup> July

- Mayor Coffee Session – Port Hedland
- Mayor Coffee Session – South Hedland

Sunday, 21<sup>st</sup> July

- Port Hedland Turf Club Ladies Day

Monday, 22<sup>nd</sup> July

- Weekly CEO & Mayor Catchup
- Fortnightly Pilbara Shire Presidents/Mayor Telephone Link Up
- Attended TOPH Audit & Finance Agenda Briefing
- Attended TOPH Audit & Finance Committee Meeting
- Attended Indigenous Taskforce Working Group Meeting
- Attended RSL – Port Hedland Executive Committee Meeting

Tuesday, 23<sup>rd</sup> July

- Weekly Spirit Radio (1026am) Chat
- Meeting With North West Telegraph (OCM Agenda)
- Attended TOPH 13/14 Budget Workshop

Wednesday, 24<sup>th</sup> July

- Executive Coaching Session – Kerry Neill
- TOPH 13/14 Budget Discussions
- Weekly CEO & Elected Member Catchup
- Attended confidential Planning Briefing
- Attended confidential Concept Forum
- OCM Agenda Briefing Session
- Chair OCM – July

Thursday, 25<sup>th</sup> July

- Attended Captain Cleanup & The Little Committee (L Moir) Performance At Baler Primary School
- Attended July HYSAG Meeting
- Meeting Re Fundraising Opportunities – The Slam
- Meeting With Resident (Bob Neville)
- Attended Swans Football Club Committee Meeting
- Attended Hedland Neighbourhood Watch BBQ

Friday, 26<sup>th</sup> July

- Opened 2013 Spinifex Spree Festival – Day 1

Saturday, 27<sup>th</sup> July

- Opened 2013 Spinifex Spree Festival – Day 2

Monday, 29<sup>th</sup> July

- Attended AICD Course Refresher Program

Tuesday, 30<sup>th</sup> July

- Attended AICD Course Refresher Program

Wednesday, 31<sup>st</sup> July

- Attended Agenda Briefing Session – SCM
- Chair SCM

### **August 2013**

Thursday, 1<sup>st</sup> August

- Meeting With North West Telegraph Re: 2013/2014 TOPH Adopted Budget
- Attended Meeting Swans Football Club & TOPH/YMCA
- Assisted With The Slam Fundraiser (Finucane Island Sports Club)

Friday, 2<sup>nd</sup> August

- Assisted The Slam Band Night Fundraiser

Mayor Howlett attended NAIDOC week markets where the 2013 NAIDOC awards were held and the award winners were as follows:

- Youth Encouragement Award: Blade Hayter
- Youth of the Year: Fiona Lockyer
- Scholar of the Year: Corey Galby
- Sportsperson of the Year: Sharon Ramirez-Smith
- Artist of the Year: L4TM (Live for the Moment) Harold Foley and Kelman Tullock
- Apprentice of the Year: Chris Turland
- Caring for Country: Karlka Aboriginal Corporation
- Community Service Group: Mingle Mob
- Person of the Year: Mary Agale and Kylee Hodder
- Female Elder of the Year: Margaret Galvin
- Male Elder of the Year: Alfred Barker

Mayor Howlett advised that from 2005 to 2009 she was employed by the Visitors Centre Management Committee as the Manager. Latizia Palmers Accountants conducted annual audits. Annual General Meeting's were held and audit reports were presented to committee members. Her contract was renewed when the new President, Bill Dziombak, started on his term and that contract was negotiated with Councillor Carter who was the Councillor representative at the time. This audit and report is based on vindictive reports from an ex-Mayor who had nothing to do with the Visitors Centre at the time.

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

### **9.1            *Councillor Daccache***

Councillor Daccache attended the WA Local Government Association (WALGA) week in Perth. Councillor Daccache also attended the Chamber of Commerce function at the Esplanade where Air North announced they will be doing three weekly flights to Broome. He also attended an Industrial meeting and the topic was the Pilbara Fabrication and Service Common Use project. Councillor Daccache also attended the North West Festival and congratulated everyone involved.

### **9.2            *Councillor Carter***

Councillor Carter attended the North Pilbara Awards night. Cr Carter also announced that the Port Hedland Turf Club racing rounds have now finished and there were two cases of flooding where 2.5 meters of soil had to be removed on two accounts. Councillor Carter thanked the Town of Port Hedland outdoor team who assisted with these issues and also provided grass to the Turf Club so the meetings on the racetrack could take place.

### **9.3            *Councillor Gillingham***

Councillor Gillingham attended WALGA week where she met other Elected Members who's Local Governments were also experiencing financial hardship. Cr Gillingham attended the North West Festival and thanked all the organisers for having the mentor program with Hedland Senior High School, where the young high school students had a chance to work behind the scenes.

### **9.4            *Councillor Dziombak***

Councillor Dziombak attended WALGA week in Perth and also the Pilbara Development Board Commission meeting. There was the Chamber of Commerce monthly Business After Hours which was a great Success. The Chamber of Commerce will be holding the Government Budget Luncheon this week. The Chamber of Commerce Annual Business of the Year awards is being held on 22 September 2013.

**9.5**      ***Councillor Jacob***

Councillor Jacob attended WALGA week in Perth and the Regional Airport and State Development Framework breakout sessions. Councillor Jacob congratulated the North West Festival event coordinators, Sunset Events, Lorna Secrett, Gordon MacMile and the rest of the team. She also attended the Pilbara Development Commission meeting in Perth and hosted the South Hedland Business Association Breakfast where Melissa Price, the local Liberal candidate, was introduced and a presentation on the Growth Plan, Housing Strategy and general development was given by Eber Butron, Director Planning and Development.

**9.6**      ***Councillor Hunt***

Councillor Hunt attended all the same meetings as the rest of the Councillors.

**ITEM 10**      **PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS****10.1**      ***Andrew Pyke, Project Manager, MainRoads WA***

Mr Andrew Pyke, Project Manager from Main Roads WA gave Elected Members and the public an update on the Great Northern Highway alignment bridges and Wallwork Road Bridge. Mr Pyke also explained the process on naming the bridges and said he would provide the names to the Town once they were finalised. Mr Pyke also gave an update on future projects that MainRoads are looking into.

**10.2**      ***Darryl Hockey, General Manager External Affairs, Roy Hill***

Mr Darryl Hockey, General Manager External Affairs, from Roy Hill gave an update of the Roy Hill project in the Pilbara. Mr Hockey spoke about the location of the mine, railway and port and stated what had been completed so far on the Roy Hill project, this being the Equity Finance Agreement signed, the centreline for the rail line cleared, dredging in Port Hedland and internal mine roads completed, rail camps ready for use and communications established for all sites. The next steps are to implement the second phase of construction activities and to secure debt funding with the aim to commence mining in late 2014.

7:24pm      Councillor Carter left the room.

7:25pm      Councillor Carter reentered the room.

**Disclaimer**

*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.*

**NOTE:**

*Chief Executive Officer advised members of the public and Elected Members that on 31 July 2013 the WA Electoral Commission questioned whether the Town should have nine Councillors and one Mayor or eight Councillors and one Mayor. After extensive research by officer's and advice from lawyers and DOLGC the Town will now be operating on a quorum and absolute majority of six until the issue has been resolved.*

*Note: Following this meeting further clarification has been received from the Department of Local Government and Communities determining the number of Town of Port Hedland Elected Members to achieve a quorum to be five and the number of Elected Member to achieve an absolute majority to be six.*



**ITEM 11 REPORTS OF OFFICERS****11.1 Planning and Development Services****11.1.1 Planning Services****11.1.1.1 *Delegated Planning, Building & Environmental Health Approvals and Orders for July 2013 (File No.: 18/07/0002 & 07/02/0003)***

**Officer** Carly Thompson  
Executive Assistant  
Planning & Development

**Date of Report** 15 August 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 July 2013.

**Background**

A listing of Planning, Building and Environmental Health approvals and Orders issued by the Town's Planning, Building and Environmental Health Services under Delegated Authority for the month of July 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

**Attachments**

1. Schedule of Planning and Building Approvals and Environmental Health Orders for July 2013.

**201314/037 Officers 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 month of July 2013 be received.**

***CARRIED 8/0***

ATTACHMENT 1 TO ITEM 11.1.1.1

DELEGATED PLANNING APPROVALS FOR JULY 2013

Application No.	Description	Lot	Property Address	Date Approved	Applicants Name	Development Value
2013/247	TWO (2) GROUPED DWELLINGS - 1 SINGLE BEDROOM DWELLING	248	28 LAPWING WAY SOUTH HEDLAND 6722	2/07/2013	PILBARA DESIGN AND BUILD PTY LTD	\$ 748,453.00
2013/265	TWO (2) GROUPED DWELLINGS	545	14 BANKSIA STREET SOUTH HEDLAND 6722	3/07/2013	MEGARA CONSTRUCTIONS	\$ 900,000.00
2013/384	INFRASTRUCTURE - DATA CENTRE	370	LOT 370 HARBOUR RESERVE PORT HEDLAND 6721	4/07/2013	FORTESCUE METALS GROUP	\$ 1,500,000.00
2012/645.01	AMENDMENT TO APPLICATION 2012/645 - TWO WAREHOUSES AND ANCILLARY CARETAKERS DWELLING	3	13 LEEHEY STREET WEDGEFIELD 6724	5/07/2013	ALLIED SYNERGY PTY LTD	\$ 1,200,000.00
2013/286	"INDUSTRY - LIGHT" - RETROSPECTIVE OFFICE ADDITION	2060	10 YANANA STREET WEDGEFIELD 6724	5/07/2013	IMPRESSIVE PLUMBING & GAS FITTING	\$ 50,000.00
2013/324	SINGLE DWELLING AND ANCILLARY ACCOMMODATION	1208	1 HAIG STREET SOUTH HEDLAND 6722	5/07/2013	QUESTUS	\$ 380,340.00
2013/255	INDUSTRY - LIGHT - WORKSHOP AND INCIDENTAL OFFICE	219	17 CAJARINA ROAD WEDGEFIELD 6721	8/07/2013	RIVIERA HEALTH PROPERTIES PTY LTD	\$ 1,000,000.00
2013/294	TWO (2) GROUPED DWELLINGS - ONE EXISTING AND ONE PROPOSED	2805	93 BOTTLEBRUSH CRESCENT SOUTH HEDLAND 6722	8/07/2013	CLINTON HACKETT	\$ 500,000.00
2013/284	DETAILED AREA PLAN FOR THE TRUMPET SUBDIVISION (LOTS CREATED BY WAPC REF: 145444)			18/07/2013	TAYLOR BURRELL BARNETT	\$ -
2013/308	TWO (2) GROUPED DWELLINGS	799	18 GRATWICK STREET PORT HEDLAND 6721	23/07/2013	MIKASA DESIGNS	\$ 601,167.00
2013/321	SINGLE HOUSE - ANCILLARY ACCCOMMODATION ADDITION	101	54 REDBANK ROAD REDBANK 6721	23/07/2013	SCOTT WILLIAM SMITH	\$ 110,000.00
2013/345	COMMUNITY - PRIVATE RECREATION (REDEVELOPMENT OF CLUBHOUSE)	550	LOT 550 HEDDITCH STREET SOUTH HEDLAND 6722	23/07/2013	PILBARA CONSTRUCTIONS PTY LTD	\$ 3,459,480.00
2013/49.01	AMENDMENTS TO SETBACK FOR PLANNING APPLICATION 2013/49	8	2 BOOGALLA CRESCENT SOUTH HEDLAND 6722	24/07/2013	LEIMAC BUILDING PTY LTD	\$ 125,598.00
2013/2	PROPOSED DETAILED AREA PLANS - LOTS 27, 29 & 30 DAYLESFORD ROAD SOUTH HEDLAND			26/07/2013	RPS	\$ -
2013/246	TWO (2) GROUPED DWELLINGS	2	UNIT A 14 HOLLINGS PLACE SOUTH HEDLAND 6722	26/07/2013	TANGENT NOMINEES	\$ 452,838.70
2013/293	FIVE (5) GROUPED DWELLINGS	30	L30 DELAMERE PLACE SOUTH HEDLAND 6722	29/07/2013	HELEN MARGARET FARRELL	\$ 2,495,000.00
2013/424	CHANGE OF USE - 'WAREHOUSE ' TO "INDUSTRY LIGHT"	209	21 STEEL LOOP WEDGEFIELD 6721	29/07/2013	BARRY RONALD COLLINS	\$ -
2012/124.01	AMENDMENT TO PLANNING APPLICATION 2012/124	4	4 MCGREGOR STREET PORT HEDLAND 6721	31/07/2013	ROY HILL INFRASTRUCTURE PTY LTD	\$ -
2013/266	"MOTOR VEHICLE AND/OR MARINE REPAIR" & "MOTOR VEHICLE AND/OR MARINE SALES AND HIRE" - WORKSHOP AND RETROSPECTIVE ANCILLARY OFFICE	5543	10 TRIG STREET WEDGEFIELD 6724	31/07/2013	MICHAEL TAYLFORTH	\$ 490,000.00
2013/279.01	AMENDMENT TO PLANNING APPROVAL 2013/279 - INTERNAL TAKEAWAY FOOD OUTLET (DONUT KING) SOUTH HEDLAND SHOPPING CENTRE.	1003	9-31 THROSSSELL ROAD SOUTH HEDLAND 6722	31/07/2013	DHANSHREE PTY LTD	\$ 100,000.00
2013/288	TWO (2) GROUPED DWELLINGS - ONE (1) EXISTING	1861	31 PEDLAR STREET SOUTH HEDLAND 6722	31/07/2013	PILBARA DESIGN AND BUILD PTY LTD	\$ 569,621.00



**COUNCIL PLANNING APPROVALS FOR JULY 2013**

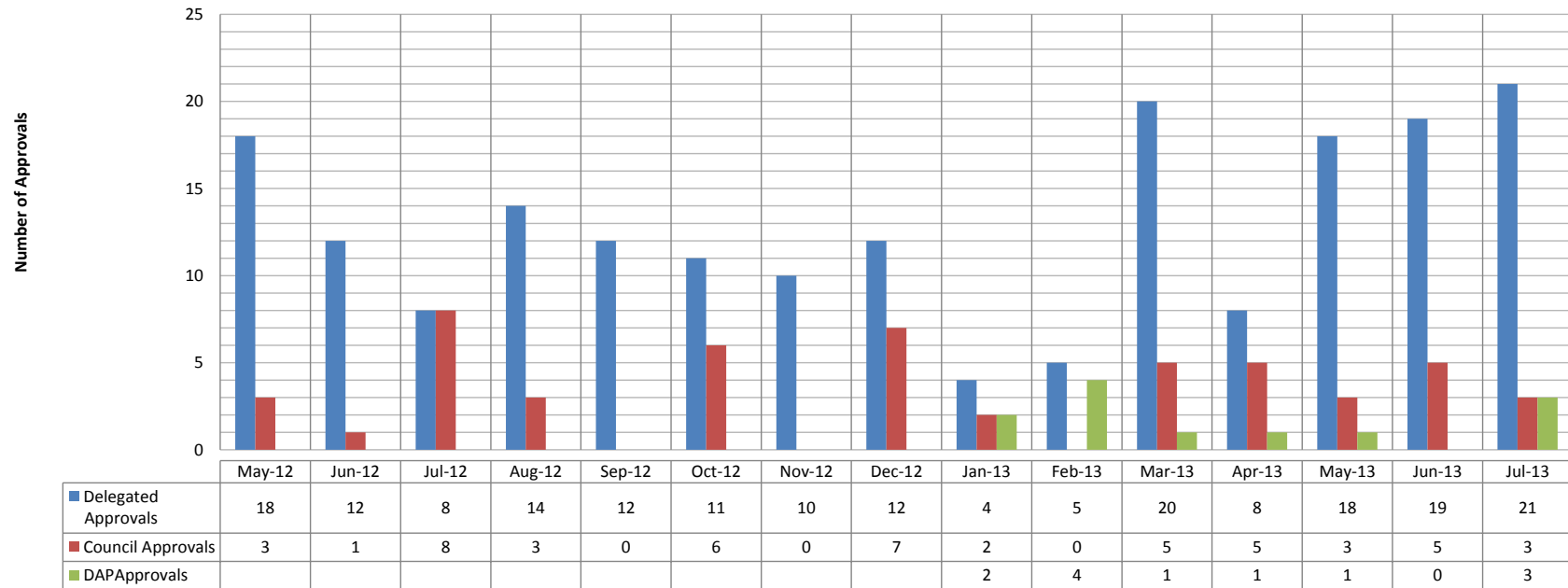
Application No.	Description	Lot	Property Address	Date approved	Applicants name	Development Value
2013/268	NOXIOUS INDUSTRY - PROPOSED SHED AND ANCILLARY SITE WORKS	2951	12 YANANA STREET WEDGEFIELD 6724	24/07/2013	HIGHTOWER PLANNING & DEVELOPMENT	\$ 100,000.00
2013/272	FOURTEEN (14) MULTIPLE DWELLINGS	518	53 MOORE STREET PORT HEDLAND 6721	24/07/2013	HIGHTOWER PLANNING & DEVELOPMENT	\$ 4,000,000.00
2013/292	NOXIOUS INDUSTRY - CONCRETE BATCHING PLANT	1032	16 MURRENA STREET WEDGEFIELD 6724	24/07/2013	RESOLVE GROUP PTY LTD	\$ 150,000.00

**DAP PLANNING APPROVALS FOR JULY 2013**

Application No.	Description	Lot	Property Address	Date approved	Applicants name	Development Value
2011/419.01	AMENDMENT TO PLANNING APPROVAL 2011/419 - EXTENSION OF KITCHEN/DINING FACILITIES AT WODGINA MINING CAMP	209	Lot 209 GREAT NORTHERN HIGHWAY MARBLE BAR 6760	10/07/2013	RESOLVE GROUP PTY LTD	\$ 3,500,000.00
2011/622.01	PROPOSED TRANSIENT WORKFORCE ACCOMODATION	2	Lot 2 GREAT NORTHERN HIGHWAY PORT HEDLAND 6721	10/07/2013	HIGHTOWER PLANNING & DEVELOPMENT	\$ 60,000,000.00
2013/236	RETROSPECTIVE APPROVAL FOR TEMPORARY CARAVAN PARK AND SERVICES STATION	3	LOT 2 & 3 GREAT NORTHERN HIGHWAY PORT HEDLAND 6721	31/07/2013	GREG ROWE & ASSOCIATES	\$ 6,805,000.00

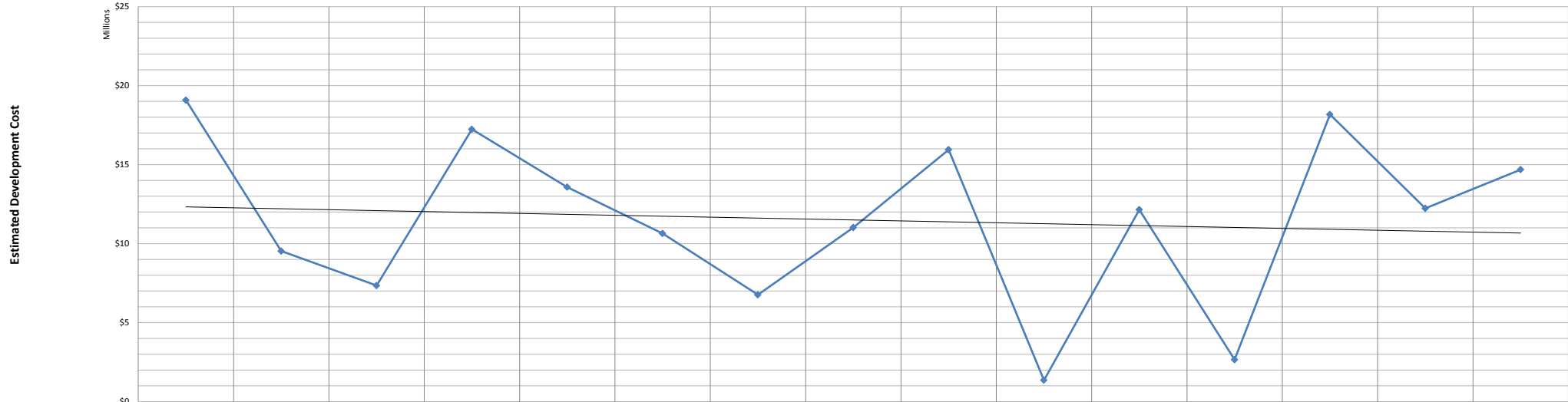
COUNCIL, DELEGATED & DAP PLANNING APPROVALS FOR JULY 2013

Summary & Trendline of  
Town Planning Council, Delegated & DAP Approvals



DELEGATED PLANNING APPROVALS FOR JULY 2013

Summary & Trendline of  
Town Planning Delegated Approvals  
Estimated Development Costs



	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13
Delegated Approvals - Estimated Development Cost \$	\$19,081,974.97	\$9,531,214.00	\$7,346,434.40	\$17,235,501.00	\$13,573,049.00	\$10,642,450.00	\$6,764,106.00	\$11,017,987.85	\$15,944,000.00	\$1,359,596.00	\$12,147,841.00	\$2,659,908.95	\$18,174,001.18	\$12,232,627.00	\$14,682,497.70

## DELEGATED BUILDING APPROVALS FOR JULY 2013

BUILDING PERMITS								
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
13-162	01.07.2013	13 REYNOLDS PLACE	SOUTH HEDLAND 6722	Goldman Constructions P/L	NEW SHED	\$ 40,000.00	36	Class 10a
13-186	31.07.2013	3 HARWELL WAY	WEDGEFIELD 6721	Modus Compliance	New Buildings (3 X DOME SHELTERS AND SHI	\$ 500,000.00	1458	Class 10a
13-135	31.07.2013	17-21 GREENFIELD STREET	BOODARIE 6722	ANDREW OLDING	OUTBUILDING AND SWIMMING POOL	\$ 200,000.00	200	Class 10a & 10b
10757	03.07.2013	2 OCEANUS COURT	PORT HEDLAND 6721	Against All Boundaries	Fence	\$ 16,000.00	0	Class 10b
13-172	23.07.2013	Lot 5820 STIRRUPIRON STREET	PORT HEDLAND 6721	Port Village Accomodation Pty Ltd	CHAIN MESH SECURITY FENCE	\$ 10,880.00	0	Class 10b
13-182	31.07.2013	7 COUNCILLOR ROAD	BOODARIE 6722	ANDREW OLDING	BAC - SWIMMING POOL	\$ 18,000.00	0	Class 10b
13-054	31.07.2013	7 COUNCILLOR ROAD	BOODARIE 6722	Andrew Olding	BELOW GROUND SWIMMING POOL AND FENCE	\$ 18,000.00	0	Class 10b
13-147	02.07.2013	16 DENMAN PLACE	SOUTH HEDLAND 6722	Pilbara Design and Build Pty Ltd	NEW DWELLING	\$ 549,094.00	176	Class 1a
13-166	10.07.2013	28 LAPWING WAY	SOUTH HEDLAND 6722	Pilbara Design & Build Pty Ltd	1 x GROUPED DWELLING	\$ 221,562.00	59	Class 1a
13-118	11.07.2013	14 TRUMPET WAY	SOUTH HEDLAND 6722	ENGAN SALBY	PATIO	\$ 16,000.00	60	Class 1a
13-121	12.07.2013	L3267 HEDDITCH STREET	SOUTH HEDLAND 6722	T & R HOMES PTY LTD	Dwelling	\$ 239,161.00	112	Class 1a
13-136	16.07.2013	31 MASTERS WAY	SOUTH HEDLAND 6722	TANGENT NOMINEES PTY LTD	SINGLE STOREY DWELLING	\$ 475,000.00	126	Class 1a
13-139	22.07.2013	1 HUXTABLE CRESCENT	SOUTH HEDLAND 6722	Tangent Nominees Pty Ltd	SINGLE STOREY DWELLING	\$ 620,000.00	178	Class 1a
13-177	26.07.2013	Unit 100160	7 BULLARA PLACE	GIUSEPPEE MALATINO	NEW PATIO	\$ 16,250.00	32	Class 1a
13-194	31.07.2013	L30 DELAMERE PLACE	SOUTH HEDLAND 6722	Pilbara Design and Build Pty Ltd	1 OF 5 SINGLE STOREY DWELLINGS (UNIT 5)	\$ 460,000.00	101	Class 1a
13-190	31.07.2013	L30 DELAMERE PLACE	SOUTH HEDLAND 6722	Pilbara Design and Build Pty Ltd	1 OF 5 SINGLE STROEY DWELLINGS (UNIT 1)	\$ 460,000.00	124	Class 1a
13-192	31.07.2013	L30 DELAMERE PLACE	SOUTH HEDLAND 6722	Pilbara Design and Build Pty Ltd	1 OF 5 SINGLE STOREY DWELLING (UNIT 4)	\$ 460,000.00	106	Class 1a
13-191	31.07.2013	L30 DELAMERE PLACE	SOUTH HEDLAND 6722	Pilbara Design and Build Pty Ltd	1 OF 5 SINGLE STROEY DWELLING (UNIT 3)	\$ 460,000.00	114	Class 1a
13-156	31.07.2013	20 MCPHERSON STREET	PORT HEDLAND 6721	Giuseppee Malatino	1 x GROUPED DWELLING VERANDAH & CARPORT	\$ 185,000.00	87	Class 1a and 10a
13-193	31.07.2013	L30 DELAMERE PLACE	SOUTH HEDLAND 6722	Pilbara Design and Build Pty Ltd	1 OF 5 SINGLE STOREY DWELLINGS (UNIT 2)	\$ 460,000.00	123	Class 1a and 10a
13-161	02.07.2013	2 MCKAY STREET	PORT HEDLAND 6721	Hickory Group (WA) Pty Ltd	PORT VIEW APARTMENTS - 21 APARTMENT - ST	\$ 5,893,227.00	2753	Class 2
13-081	12.07.2013	53 MORGANS STREET	PORT HEDLAND 6721	Perrine Architecture	STAGE ONE - Construction of Inground Ser	\$ 4,940,000.00	460	Class 2
13-157	31.07.2013	Lot 1694 PARKER STREET	SOUTH HEDLAND 6722	Greg Murphy	STUDENT ACCOMODATION	\$ 17,700,000.00	3864	Class 3
13-171	12.07.2013	53 MORGANS STREET	PORT HEDLAND 6721	Perrine Architects	PROPOSED APARTMENT BUILDING - FOOTING &	\$ 400,000.00	1259	Class 3
13-169	25.07.2013	29 STEEL LOOP	WEDGEFIELD 6721	ARB Carpentry Pty Ltd	STAGE ONE: CONSTRUCTION OF INGROUND SERV	\$ 990,000.00	1166	Class 5 & 8
13-158	10.07.2013	150 ANDERSON STREET	PORT HEDLAND 6721	LAURA STEWART	PHARMACY FITOUT - CDC	\$ 200,000.00	0	Class 6
13-159	10.07.2013	150 ANDERSON STREET	PORT HEDLAND 6721	LAURA STEWART	PHARMACY SHOP FITOUT	\$ 200,000.00	0	Class 6
13-168	25.07.2013	29 STEEL LOOP	WEDGEFIELD 6721	ARB Carpentry Pty Ltd	STAGE ONE: CONSTRUCTION OF INGROUND SERV	\$ 990,000.00	1166	Class 8
13-122	16.07.2013	L3267 HEDDITCH STREET	SOUTH HEDLAND 6722	T&R HOMES PTY LTD	Art Studio	\$ 526,138.00	230	Class 9b
<b>TOTAL 29</b>						<b>\$ 37,264,312.00</b>		

DEMOLITION LICENCES FOR JULY 2013

There were no Demolition Licences for the month of July.

REFUSED BUILDING APPLICATIONS FOR JULY 2013

REFUSED BUILDING APPLICATIONS

Permit Number	Refused/Withdrawn Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor Area	Classification
13-167	11.07.2013	6 SMITH STREET	SOUTH HEDLAND 6722	Max Gilbert	Relocate Swimming Pool and Patio	\$ 4,000.00	45	Class 10a & 10b
<b>Total</b>	<b>1</b>		<b>Refused Building Applications</b>			<b>\$ 4,000.00</b>		

STRATA APPLICATIONS FOR JULY 2013

STRATA APPLICATIONS

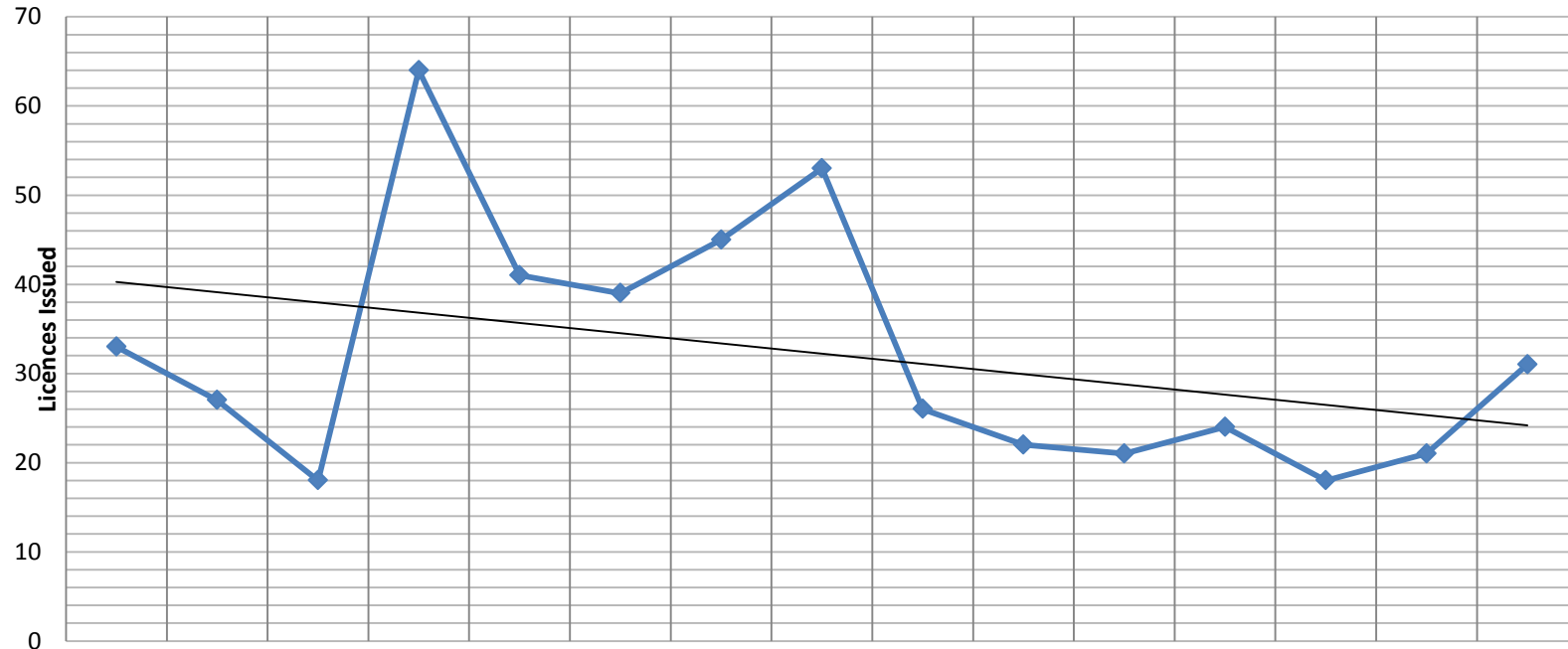
Permit Number	Refused/Withdrawn Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor Area	Classification
13-164	09.07.2013	5 MAUGER PLACE	SOUTH HEDLAND 6722	Rodney Baxter	BAC STRATA- 2 X SINGLE STOREY UNITS WITH SHE	NA	NA	Class 1a and 10a
13-174	31.07.2013	44 COUNIHAN CRESCENT	PORT HEDLAND 6721	ROSS McLOUGHLIN	OP-STRATA -MULTI STOREY UNITS	NA	NA	Class 5
<b>Total</b>	<b>2</b>		<b>STRATA Applications</b>			<b>\$ -</b>		

OVERVIEW SUMMARY FOR JULY 2013

SUMMARY				
No of Permits	Permit Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
0	Demolitions	\$0	0	\$0.00
13	Dwellings	\$4,622,067	1,398	\$3,306.20
3	Class 10a	\$740,000	1,694	\$436.84
4	Class 10b	\$62,880	0	\$0.00
9	Commercial	\$31,839,365	10,898	\$2,921.58
2	Strata	N/A	N/A	N/A
<b>31</b>		<b>\$37,264,312</b>	<b>13,990</b>	

BUILDING APPROVALS FOR JULY 2013

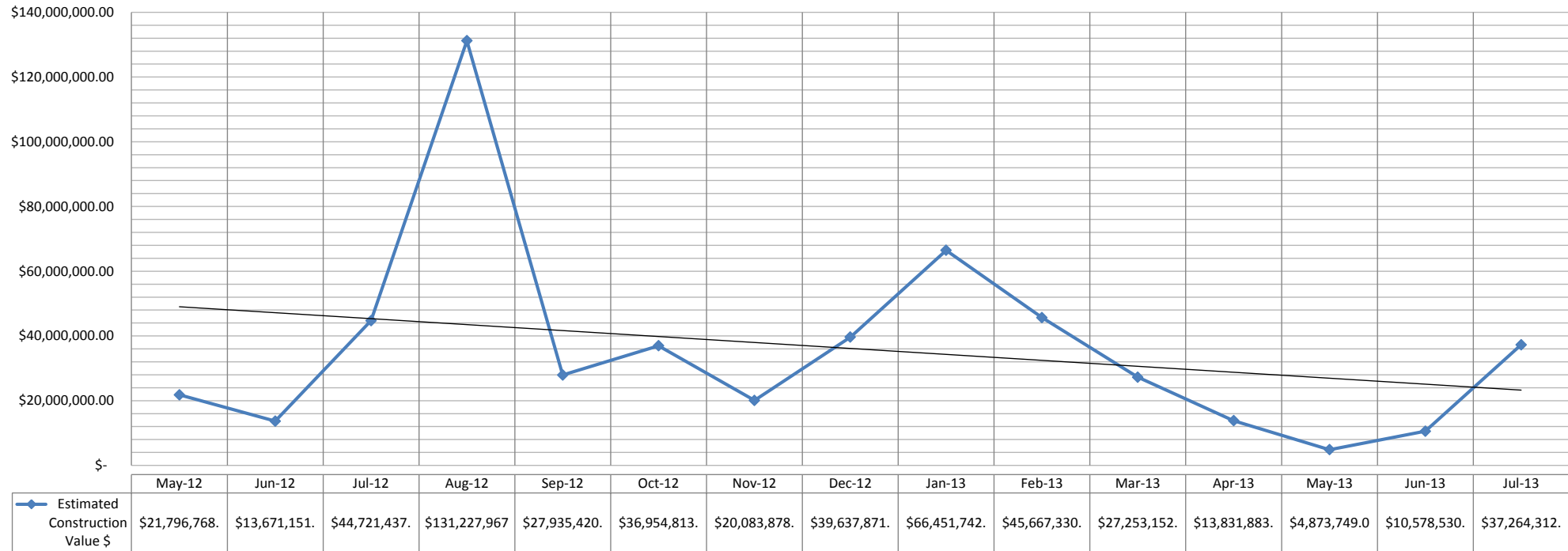
Summary & Trendline for Building Licence Approvals



	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13
◆ No of Licences Issued	33	27	18	64	41	39	45	53	26	22	21	24	18	21	31

BUILDING APPROVALS FOR JULY 2013

Summary & Trendline of  
Estimated Construction Value of Building Licences Issued



## CURRENT LEGAL MATTERS FOR JULY 2013

<b>CURRENT LEGAL MATTERS</b>				
<b>File No.</b>	<b>Address</b>	<b>Issue</b>	<b>Current Status</b>	<b>Officer</b>
118711G	Lot 1675 (1690) Harwell Way, Wedgefield	Non-compliance with planning conditions	Case adjourned until 1/10/2013 to allow for sealing of the properties to occur.	BM
125910G	Lot 2445 # 32 Moorambine Street, Wedgefield	Unauthorised Concrete Batching Plant	Handed to attorneys - Court Hearing to be held on 24th June 2013 - Not Guilty Plea. Adjourned until 4/10/2013	BM
117650G	Lot 2505 # 7 Moorambine Street, Wedgefield	Unauthorised Residential Structures	Handed over to the attorney. - 1st Hearing set for Friday 2nd August 2013. - Adjourned until 30th August 2013.	BM

## CURRENT HEALTH ORDERS AS OF JULY 2013

<b>Current Health Orders under Delegated Authority by Environmental Health Services</b>				
<b>File No.</b>	<b>Address</b>	<b>Issue</b>	<b>Current Status</b>	
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	



**11.1.1.2 *Modifications to the Terms of Reference for the Local Housing Strategy Working Group (File No.:18/12/0032)***

**Officer** Jorine Bothma  
Senior Strategic Planner

**Date of Report** 19 August 2013

**Disclosure of Interest by Officer** Nil

**Summary**

The purpose of the report is to modify the Terms of Reference subsequent to the first Local Housing Strategy Working Group meeting held on 14 August 2013.

**Background**

Council resolved at its recent Council meeting of 22 May 2013 to initiate the preparation of the Local Housing Strategy and to approve the advertisement seeking expression of interest for members to serve on the Local Housing Working Group.

Advertisement was concluded and members to the working group were secured. The Ordinary Council meeting of 24 July 2013 endorsed the membership of the Local Housing Strategy Working Group.

The first Working Group meeting was held on 14 August 2013. One of the items for discussion identified the need to modify the Terms of Reference. The main modifications relate to the membership of the Working Group, the Technical Group and quorum requirements.

**Consultation**

No consultation was required to effect the changes to the Terms of Reference.

Public Consultation will need to be undertaken to advertise the Local Housing Strategy in its draft form.

**Statutory Implications**

The Planning and Development Act 2005 (and Guidelines) set out the procedure to prepare, advertise and endorse planning strategies. The Town of Port Hedland Local Housing Strategy will need to be endorsed by the Western Australian Planning Commission (WAPC) and will be informed by the Pilbara's Port City Growth Plan.

**Policy Implications**

Nil

### **Strategic Planning Implications**

The following strategic documents apply to the report in general:

The Pilbara's Port City Growth Plan and Implementation Plan.

The Port Hedland Regional Hotspots Land Supply Update, April 2011.

The following sections of Council's Strategic Community Plan 2012-2022 also applies to the proposal:

6.3 Environment

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6.3.1 Housing

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Ensure future land bank available for future residential development through a detailed property strategy, which identifies the sufficient amount and location of future residential lands.

### **Budget Implications**

The preparation of the Local Housing Strategy will be at no cost to Council as the Strategy will be prepared in-house.

It is anticipated that the Planning Unit's current budget allocation will be sufficient to cover any costs associated with community consultation and related administrative requirements.

### **Officer's Comment**

The Terms of Reference was approved at the Ordinary Council meeting of 24 July 2013. Any modifications proposed to the Terms of Reference therefore need to be referred to Council for consideration.

The modifications as proposed by the Working Group are indicated in the attachment to this report and are summarised as follows:

1. In terms of Clause 2 of the Terms of Reference delete the Directors Planning and Development, Engineering and Community Development from the Working Group membership and adding them to the Technical Group membership.
2. In terms of Clause 4.5 of the Terms of Reference change the minimum quorum from six members to four members.

### **Attachments**

1. Current Terms of Reference
2. Revised Terms of Reference

**201314/038 Officers Recommendation/ Council Decision****Moved: Cr Jacob****Seconded: Cr Carter****That Council:**

- 1. Endorses the changes proposed to the Terms of Reference;**
- 2. Subsequent to the changes proposed in the Terms of Reference modify the Project Working Group to consist of the following members:**
  - a. Four Elected Members, being Mayor Howlett, Cr Jacob, Cr Hunt and Cr Taylor;**
  - b. Mr Patrik Mellberg (or his nominated proxy) and Ms Jean King (or her nominated proxy) as community representatives;**
  - c. Ms Cheryl Edwardes (or her proxy) to represent the Port Hedland Industries Council;**
  - d. Mr Owen Hightower (or his proxy) to represent the Port Hedland Chamber of Commerce and Industry; and**
  - e. Luke Jessop (or his proxy) to represent the South Hedland Business Association.**
- 3. Subsequent to the changes proposed in the Terms of Reference approves of the Technical Group membership:**
  - a. Director Planning and Development;**
  - b. Manager Planning and Development;**
  - c. Senior Strategic Planning Officer;**
  - d. Senior Statutory Planning Officer**
  - e. Director Engineering**
  - f. Either Director Community Development or Manager Community Development;**
  - g. Manager Economic Development;**
  - h. Manager Technical Services.**

***CARRIED 8/0***



## Town of Port Hedland Steering Group Terms of Reference

### 1. General Description

This document sets out the Terms of Reference for the Town of Port Hedland Local Housing Strategy.

### 2. Working Group Structure

The Working Group structure is endorsed by the Elected Members and consists of no more than twelve (12) members, being:

- Four Councillors;
- Director Planning and Development;
- Director Engineering;
- Director Community Development;
- One nominated member (or a proxy) from the Port Hedland Chamber of Commerce and Industry;
- One nominated member (or a proxy) from the Port Hedland Industries Group;
- One nominated member (or a proxy) from the South Hedland Small Business Association; and
- Two Community Representatives.

The Technical Group will be assisting in the preparation of the Local Housing Strategy and will consist of the following members:

- Manager Planning and Development;
- Senior Strategic Planning Officer;
- Senior Statutory Planning Officer;
- Manager Economic Development;
- Manager Technical Services; and
- Manager Community Development.

### 3. Working Group's Role

The role of the Working Group is to:

- Provide guidance to the Technical Group preparing the Town of Port Hedland Local Housing Strategy
- Monitor the progress of the Technical Group in relation to the timelines and deliverables of the project
- Facilitate consultation with the Community and other stakeholders in relation to the project.
- Ensure the progress reports are presented to the Elected Members on a quarterly basis.

## **4. Terms of Reference**

### **4.1 Limits of Authority**

The Working Group does not have any delegated authority.

### **4.2 Membership and Decisions**

- Membership is for the term of the project and has been endorsed by the Elected Members at an Ordinary meeting of Council held on 24 July 2013.
- Decisions of the Working Group will be via a majority consensus of six (6) members.
- Other persons may be invited to attend the meetings at the request of the Chairman, on behalf of the Working Group, to provide advice and/or assistance where necessary. They have no voting rights and may be requested to leave the meeting at any time by the Chairman.

### **4.3 Leadership and Support**

The Chairman shall be elected by the Working Group at the first meeting. The Senior Strategic Planner will provide administrative support as required.

### **4.4 Frequency of Meetings**

The Working Group shall meet as and when required. If any meeting is cancelled or rescheduled the details and reasons shall be noted in the minutes of the next meeting.

### **4.5 Quorum**

A quorum of members must be present before a meeting can proceed. The minimum quorum meeting shall be six (6), but must include the following:

- Two (2) Elected Members;
- One (1) Staff Member;
- Representative from Port Hedland Chamber of Commerce and Industry;
- Representative of the Port Hedland Industries Group; and
- Representative of the South Hedland Small Business Association.

### **4.6 Order of Meetings**

Discussion at the meetings shall be controlled through the agenda. Any individual wishing to include a specific item in the agenda should advise the Senior Strategic Planner prior to the meeting date. Items to be considered in the agenda are:

- Project Progress
- Task Timelines/ Deliverables
- Facilitating Consultation
- Progress Reports to Councillors

#### **4.7 Administrative Support**

The role of the Senior Strategic Planner is to:

- Schedule meetings and notify members;
- Prepare agendas and issuing notices for meetings and ensuring all necessary documents requiring discussion or comment are attached to the agenda;
- Distributing the Agenda on the week prior to the meeting;
- Taking notes of proceedings and preparing minutes of the meeting;
- Distributing the minutes to all the members one week after the meeting;
- Maintain all Working Group records; and
- Prepare project progress reports for Councillors.



## Town of Port Hedland Steering Group Terms of Reference

### 1. General Description

This document sets out the Terms of Reference for the Town of Port Hedland Local Housing Strategy.

### 2. Working Group Structure

The Working Group structure is endorsed by the Elected Members and consists of no more than nine (9) members, being:

Four Elected Members being Mayor Howlett, Cr Jacob, Cr Hunt and Cr Taylor;

One nominated member (or a proxy) from the Port Hedland Chamber of Commerce and Industry;

One nominated member (or a proxy) from the Port Hedland Industries Council;

One nominated member (or a proxy) from the South Hedland Business Association; and

Two Community Representatives.

The Technical Group will be assisting in the preparation of the Local Housing Strategy and will consist of the following members:

- Director Planning and Development;
- Director Engineering;
- Either Director Community Development or Manager Community Development;
- Manager Planning and Development;
- Senior Strategic Planning Officer;
- Senior Statutory Planning Officer;
- Manager Economic Development;
- Manager Technical Services; and
- .

### 3. Working Group's Role

The role of the Working Group is to:

- Provide guidance to the Technical Group preparing the Town of Port Hedland Local Housing Strategy
- Monitor the progress of the Technical Group in relation to the timelines and deliverables of the project
- Facilitate consultation with the Community and other stakeholders in relation to the project.
- Ensure the progress reports are presented to the Elected Members on a quarterly basis.



## **4. Terms of Reference**

### **4.1 Limits of Authority**

The Working Group does not have any delegated authority.

### **4.2 Membership and Decisions**

- Membership is for the term of the project and has been endorsed by the Elected Members at an Ordinary meeting of Council held on 24 July 2013.
- Decisions of the Working Group will be via a majority consensus of five (5) members.
- Other persons may be invited to attend the meetings at the request of the Chairman, on behalf of the Working Group, to provide advice and/or assistance where necessary. They have no voting rights and may be requested to leave the meeting at any time by the Chairman.

### **4.3 Leadership and Support**

The Chairman shall be elected by the Working Group at the first meeting. The Senior Strategic Planner will provide administrative support as required.

### **4.4 Frequency of Meetings**

The Working Group shall meet as and when required. If any meeting is cancelled or rescheduled the details and reasons shall be noted in the minutes of the next meeting.

### **4.5 Quorum**

A quorum of members must be present before a meeting can proceed. The minimum quorum meeting shall be four (4), but must include the following:

- One (1) Elected Member;
- One (1) Staff Member;
- Any two of the four representatives:
  - The Port Hedland Chamber of Commerce and Industry or;
  - Port Hedland Industries Council or;
  - South Hedland Business Association; and
  - Community.

### **4.6 Order of Meetings**

Discussion at the meetings shall be controlled through the agenda. Any individual wishing to include a specific item in the agenda should advise the



Senior Strategic Planner prior to the meeting date. Items to be considered in the agenda are:

- Project Progress
- Task Timelines/ Deliverables
- Facilitating Consultation
- Progress Reports to Councillors

#### **4.7 Administrative Support**

The role of the Senior Strategic Planner is to:

- Schedule meetings and notify members;
- Prepare agendas and issuing notices for meetings and ensuring all necessary documents requiring discussion or comment are attached to the agenda;
- Distributing the Agenda on the week prior to the meeting;
- Taking notes of proceedings and preparing minutes of the meeting;
- Distributing the minutes to all the members one week after the meeting;
- Maintain all Working Group records; and
- Prepare project progress reports for Councillors.

**11.1.1.3 Amended Plans for previously approved Ten (10) Multiple Dwellings on Lot 1 (1/65) Kingsmill Street, Port Hedland (File No.: 803222G)**

<b>Officer</b>	<b>Ryan Djanegara Senior Statutory Planner</b>
<b>Date of Report</b>	<b>1 August 2013</b>
<b>Application No.</b>	<b>2013/101.01</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

Council received an application from Megara Constructions on behalf of the registered landowner Macro Lakes Road Pty Ltd to amend the approved plans pertaining to the Council approved ten (10) multiple dwellings on Lot 1 (1/65) Kingsmill Street, Port Hedland (subject site).

The proposed development is located within the West End Residential Zone. The proposal has been referred to Council to determine as it an amendment to the previously approved plans with a revised dust mitigation report provided by Norman, Disney and Young.

The application is supported by the Towns' Officers. Council is requested to consider the application favourably.

**Background**

At its Ordinary Council Meeting of 22 May 2013, Council approved an application for the construction of ten (10) multiple dwellings on Lot 1 (1/65) Kingsmill Street, Port Hedland. Since then, the landowner has sort approval from the Council to amend the approved plans issued to incorporate the following changes:

- Changes to internal layout of the dwellings;
- Walkways no longer being enclosed;
- One stairwell is now a fire enclosure;
- Remove all powder coated louver screens and replaced with balustrades, as per updated Norman, Disney and Young mechanical engineers report;
- External finishes modified to colour bond with Hardiflex Scyon cladding, consistent with all other construction projects in the Town of Port Hedland;
- Installation of a clothes drying area screened from the street and removal of clothes lines from 8 balconies; and
- Adjusted ground levels for drainage by raising site by approximately 350mm in the south east, with a small increase in overall height, still within 24.2m AHD.

In addition to the above, the applicant has requested Council to amend the following conditions imposed through the previous approval:

- “20. Prior to the commencement of any works, an “Erosion and Sediment Control Plan” shall be submitted and approved by the Manager Planning Services.*
- 21. Prior to the commencement of any works, a “Construction Site Management Plan” shall be submitted and approved by the Manager Planning Services. The “Construction Site Management Plan” shall indicate how it is proposed to manage the following during construction:*
  - a. The delivery of materials and equipment to the site;*
  - b. The storage of materials and equipment on the site;*
  - c. The parking arrangements for the contractors and subcontractors;*
  - d. Impact on traffic movement;*
  - e. Operation times including delivery of materials;*
  - f. Dust and sand shall be contained on site with the use of suitable dust suppression techniques; and*
  - g. Other matters likely to impact on the surrounding residents / businesses.”*

The applicant has requested these Conditions be amended acknowledging the submission of the two requested plans and be approved as part of the application.

### **Consultation**

The application was circulated to the following units / organisations:

#### *Internally:*

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

#### *Externally:*

- Department of Environment and Conservation (DEC)
- Department of State Development – Dust Taskforce (DSD)
- Environmental Protection Authority (EPA)
- Department of Health (DOH)
- Department of Planning
- Water Corporation

The following noteworthy comments were received:

Department of State Development:

1. Development within the “West End Residential” zone must comply with the design requirements outlined in Town of Port Hedland Town Planning Scheme Amendment 22.
2. The Town of Port Hedland is ultimately responsible for assessing development applications against the design requirements of Scheme Amendment 22.

Department of Health:

1. The dust mitigation report addresses the requirements of the Scheme Amendment 22 however requires the development to install airtight window seals on fixed or operable windows. This needs to be included in the final design.
2. In accordance with Scheme Amendment No. 22, the DOH suggests:
  - a. Scheduled maintenance for replacement of all filtering systems on all air-conditions systems.
  - b. The moratorium on Title and the potential health risks associated with living in the West End.

Department of Environment & Conservation:

1. DEC notes that the dust mitigation measures for the proposed development have been assessed by a suitably qualified mechanical engineer and determined to be in accordance with the requirements of the Town of Port Hedland Town Planning Scheme No. 5.

The application was previously advertised for a period of 14 days to adjoining landowners as part of the original assessment of the previous application.

No submissions were received during that period.

### **Statutory Implications**

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

### **Policy Implications**

Nil

### **Strategic Planning Implications**

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

### 5.6.1 Precinct 1 – West End

#### *Summary of Influences*

Noise and dust emissions particularly in proximity to existing developed urban areas.

The following sections of Council's Strategic Plan 2012 – 2022 are considered relevant to this proposal:

6.3 Environment

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6.3.1 Housing

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Attract and retain new residents to increase the population to 40,000 by 2025.

### **Budget Implications**

Immediate:

An amended application fee of \$3,576.00 has been received as per the prescribed fees approved by Council.

### **Officer's Comment**

The landowner is seeking approval from the Town for the proposed amended plans to the previous Planning Permit (2013/101) issued at Council's previous meeting dated 22 May 2013. The proposed changes are considered minor in nature and do not impact the original assessment of the application. Given this it is recommended these plans are approved and any conditions referring to the previous plans updated to reflect the new plans.

#### *Revised dust mitigation report*

The applicant has submitted a revised report by Norman, Disney and Young who has confirmed the proposal will mitigate dust and addresses the requirements under the TPS5. The revised report was forwarded to the relevant stakeholders for comment.

The Department of Health has provided feedback on the report provided by Norman, Disney and Young and advised the development will need to install airtight window seals on fixed or operable windows as part of the final design. It is recommended this comment from the department is imposed as an additional condition on the planning permit.

#### *Request to amend Conditions*

The applicant has requested these Conditions 20 and 21 be amended acknowledging the submission of the two requested plans and be approved as part of the application.

The previous application did not provide these plans and conditions were imposed requesting they be provided prior to the commencement of works. The Town's Technical Services have reviewed the plans and are considered acceptable. It is therefore recommended these conditions are supported subject to conditions

### Attachments

1. Locality Plan
2. Amended Plans
3. Revised Dust mitigation report (Under Separate Cover)
4. Original Council Permit and Plans

### Options

Council has the following options when considering the application.

1. Approves the proposed amendments and request to amend the previous Conditions 20 and 21 subject to conditions.

The amended plans would supersede the previous plans originally approved under Condition 1 of permit 2013/101. However, the permit will remain unchanged.

2. Refuse the proposed amendments and request to amend the previous Conditions 20 and 21.

Should Council refuse to approve the amended site plan, the landowner will be forced to use the original plans as approved at Council's previous meeting.

Option one (1) is recommended.

### 201314/039 Officer's Recommendation/ Council Decision

Moved: Cr Carter

Seconded: Cr Hunt

### That Council:

1. Approves the request by Megara Constructions on behalf of the registered landowner Macro Lakes Road Pty Ltd to amend plans and the following conditions 1, 3, 20, 21, 22 and 27 for the previously approved ten (10) Multiple Dwellings on Lot 1 (1/65) Kingsmill Street, Port Hedland. These conditions shall read as follow:

“1. This approval relates only to the proposed Ten (10) Multiple Dwellings, as indicated on the approved plans (DRG2013/101.01/1 - & DRG2013/101.01/4 & DRG2013/101.01/9). It does not relate to any other development on this lot.

3. A minimum of 13 car bays shall be provided as indicated on the approved site plan (DRG2013/101.01/1).
20. The landowner shall ensure erosion and sediment control is in accordance with the approved "Erosion Prevention and Sediment Control Plan" (DRG2013/101.01/4).
21. The landowner shall ensure construction on the site is in accordance with the approved "Construction Site Management Plan". Any deviation of the approved "Construction Site Management Plan" shall require approval from the Manager Planning Services (DRG2013/101.01/3).
22. Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified Mechanical Engineer confirming the development has been built in accordance with the Dust Management Assessment Report, prepared by Norman, Disney and Young.
27. Prior to the occupation of the development and clearance of Condition 22, the landowner shall install airtight window seals on fixed or operable windows."
2. All other conditions as stated in Planning Approval 2013/101 remain unchanged.

*CARRIED 8/0*

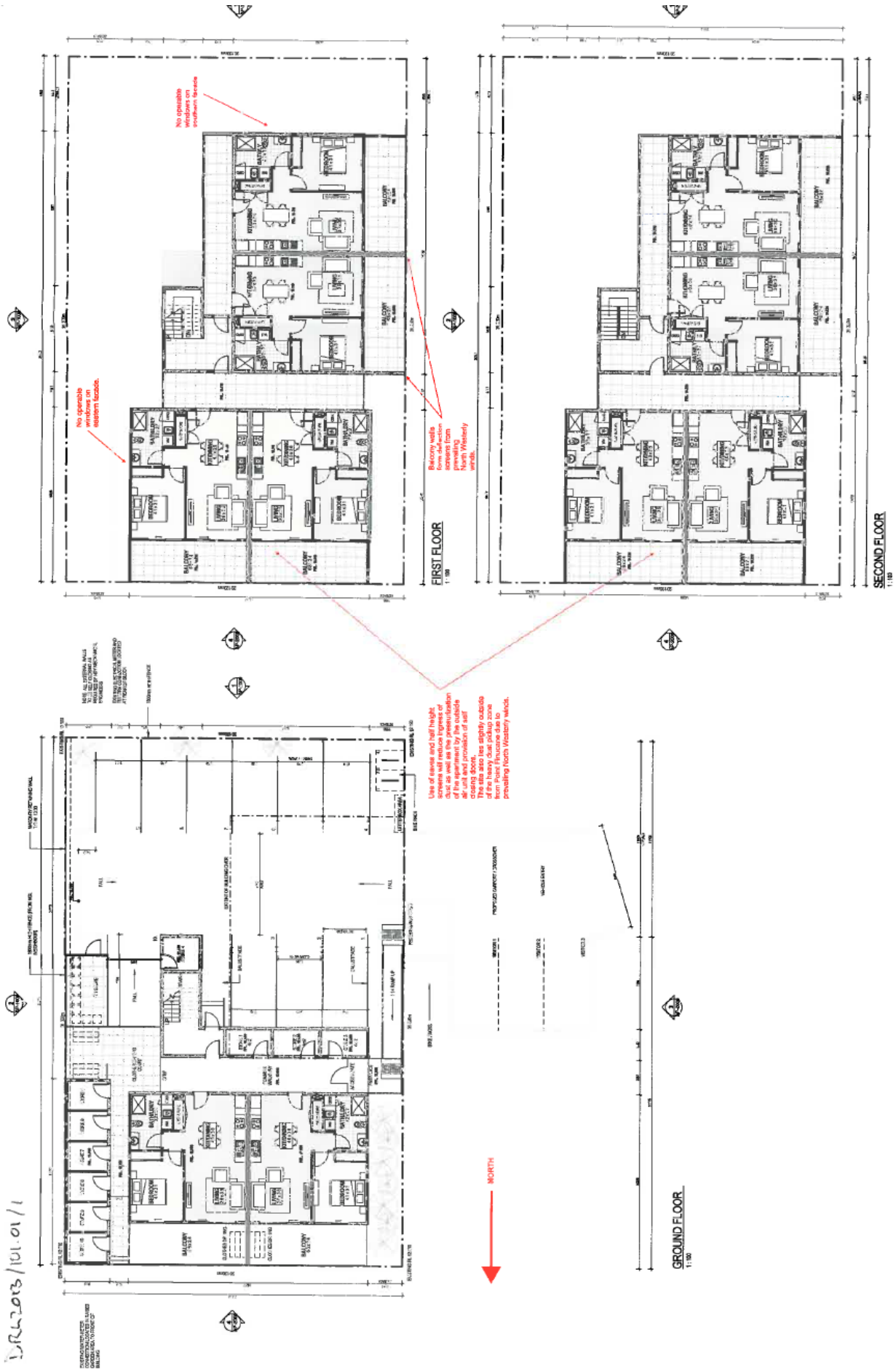


ATTACHMENT 1 TO ITEM 11.1.1.3

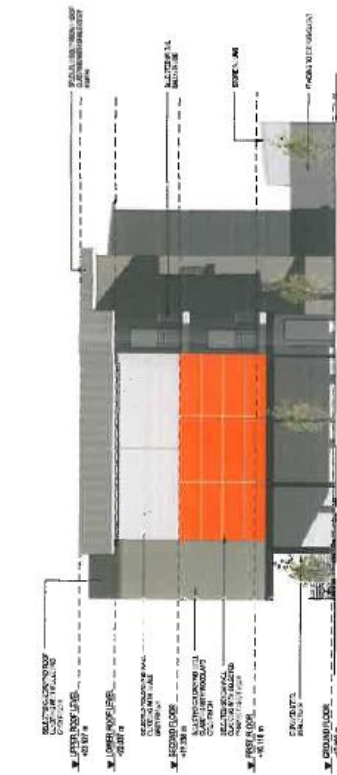




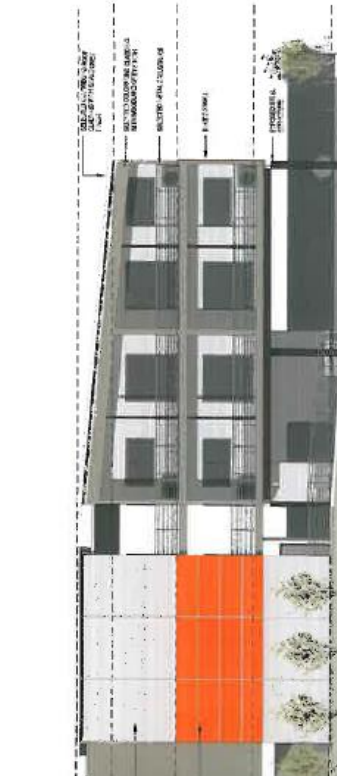
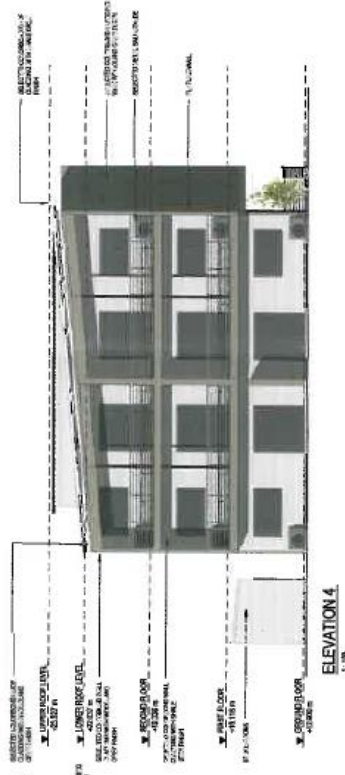
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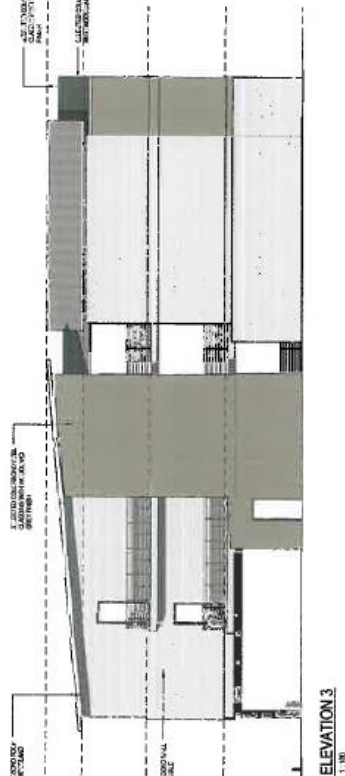
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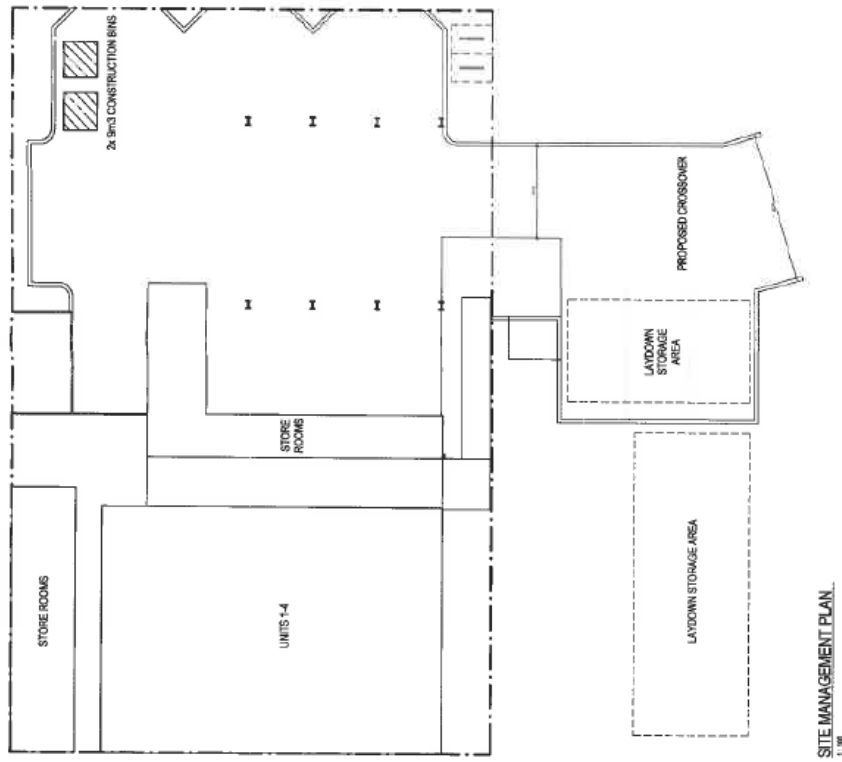
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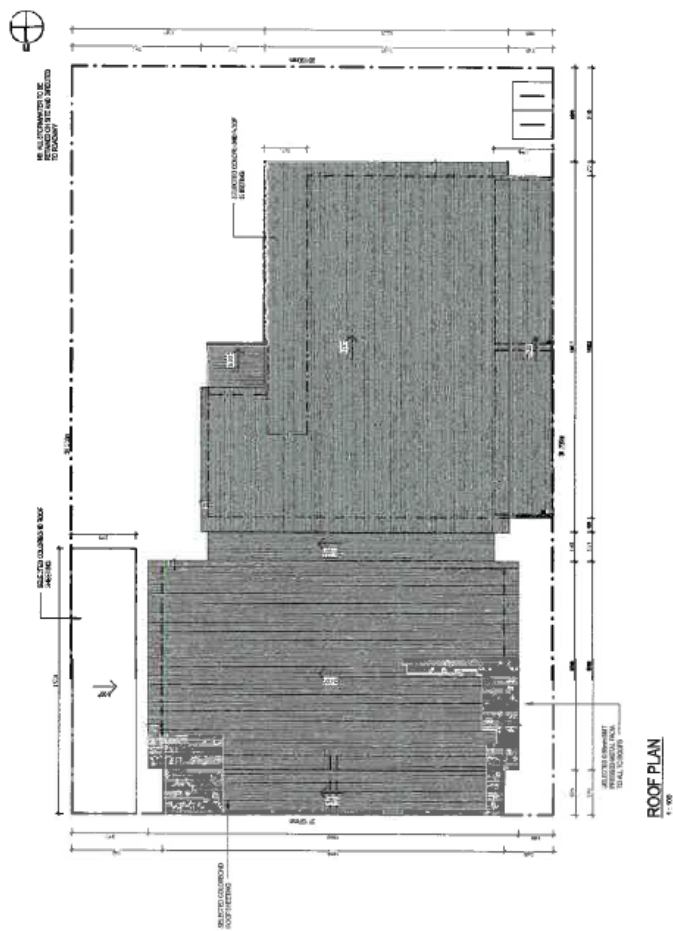
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This is Sheet \_\_\_\_\_ of \_\_\_\_\_ drawings referred to in the contract dated 6 June 2013

PROJECT NO: 13/001  
 DRAWING NO: 13/001/01  
 DATE: 11/08/13  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT MANAGER: [Name]  
 ARCHITECT: [Name]  
 13/001/01



This is Sheet \_\_\_\_\_ of \_\_\_\_\_ drawings referred to in the contract dated 6 June 2013



DATE	13/08/13
DRAWN BY	...
CHECKED BY	...
SCALE	1:100
PROJECT NO.	...
SHEET NO.	...



DATE	13/08/13
DRAWN BY	...
CHECKED BY	...
SCALE	1:100
PROJECT NO.	...
SHEET NO.	...

DATE	13/08/13
DRAWN BY	...
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SCALE	1:100
PROJECT NO.	...
SHEET NO.	...

DATE	13/08/13
DRAWN BY	...
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SCALE	1:100
PROJECT NO.	...
SHEET NO.	...

DATE	13/08/13
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CHECKED BY	...
SCALE	1:100
PROJECT NO.	...
SHEET NO.	...

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DRAWN BY	...
CHECKED BY	...
SCALE	1:100
PROJECT NO.	...
SHEET NO.	...

DATE	13/08/13
DRAWN BY	...
CHECKED BY	...
SCALE	1:100
PROJECT NO.	...
SHEET NO.	...

DATE	13/08/13
DRAWN BY	...
CHECKED BY	...
SCALE	1:100
PROJECT NO.	...
SHEET NO.	...



## ATTACHMENT 4 TO ITEM 11.1.1.3



OWEN HIGHTOWER  
P O BOX 481  
PORT HEDLAND WA 6721

Our Ref: 2013/101 / 803222G

Enquiries: RYAN DJANEGARA

Direct Line: 08 9158 9326

Email: [po@porthedland.wa.gov.au](mailto:po@porthedland.wa.gov.au)

Dear Sir/Madam

**APPLICATION 2013/101 FOR TEN (10) SINGLE BEDROOM DWELLINGS  
ON LOT 1 (65) KINGSMILL STREET PORT HEDLAND**

In regard to your above application submitted on behalf of the landowner, MACRO LAKES ROAD PTY LTD, I wish to advise that Council at its Ordinary Meeting held on Wednesday 22 May 2013, resolved to approve your above application, subject to the conditions as contained on the attached Permit.

Please note the decision is part of unconfirmed Council Meeting minutes and are provided "Without Prejudice". Minutes are provided on the strict understanding that all terms whether deemed, expressed or implied do not purport to record the proceedings of Council until confirmed by resolution of the Council, normally at the following Ordinary Meeting.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au).

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

Yours sincerely

  
**LEONARD LONG**  
**MANAGER PLANNING SERVICES**

27 May 2013

Cc. MACRO LAKES ROAD PTY LTD  
45 LAWLEY CRESCENT  
MOUNT LAWLEY WA 6050

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PORT CITY

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[www.porthedland.wa.gov.au](http://www.porthedland.wa.gov.au)







OWEN HIGHTOWER  
P O BOX 481  
PORT HEDLAND WA 6721



Our Ref: 2013/101 / 803222G  
Enquiries: RYAN DJANEGARA  
Direct Line: 08 9158 9328  
Email: [po@porthedland.wa.gov.au](mailto:po@porthedland.wa.gov.au)

Dear Sir / Ms

**DECISION ON PLANNING APPLICATION 2013/101 FOR TEN (10)  
SINGLE BEDROOM DWELLINGS ON LOT 1 (65) KINGSMILL STREET  
PORT HEDLAND**

Planning consent is granted for the above application received on 05 February 2013 and indicated on the attached plans, subject to the following conditions:

1. This approval relates only to the proposed Ten (10) Multiple Dwellings, as indicated on the approved plans (DRG2013/101/1 - DRG2013/101/9). It does not relate to any other development on this lot;
2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;
3. A minimum of 13 car bays shall be provided as indicated on the approved site plan (DRG2013/101/1);
4. No parking bays shall be obstructed in any way or used for any other purpose than parking;
5. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m;
6. Fences shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect;
7. All stormwater disposal shall be accordance with the approved stormwater management plan (DRG2013/101/9);

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8. Roof mounted or freestanding plant or equipment such as air conditioning units shall be located and / or screened to the satisfaction of the Manager Planning Services;
9. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Technical Services;
10. The proposed development shall be connected to reticulated mains sewer;
11. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning Services;
12. Walls on the boundary shall be finished or rendered to match where practicable the colours and materials of the affected property to the satisfaction of the Manager Planning Services;

**The following conditions are to be cleared by Planning Services prior to any works taking place on the lot:**

13. Prior to the commencement of any works, the landowner shall submit civil engineering drawings for approval by the Manager Planning Services for the three (3) off site car parking bays within the adjacent road reserves, to be constructed to the satisfaction of the Manager Technical Services at the expense of the landowner;
14. Prior to the commencement of works, the developer shall indemnify the Town for any works in the Road Reserve, against any damage that may occur as a result of construction or ongoing maintenance. The developer shall take out Public Liability Insurance in the amount of \$20 million for all works within the Road Reserve area for the construction phase and the maintenance period referred to in Condition 23 (nineteen) below. Evidence of the Public Liability Insurance Policy from a reputable insurer shall be provided to the Manager Planning Services prior to the commencement of works;
15. Prior to the commencement of any works, the landowner shall prepare a "Coastal Hazard Risk Management and Adaptation Management Plan" in accordance with Section 5.5 of Draft State Planning Policy 2.6 – State Coastal Planning, to the satisfaction of the Manager Planning Services;

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16. The landowner shall ensure development and occupation of the site is in accordance with the approved "Coastal Hazard Risk Management and Adaptation Management Plan". Any deviation of the approved "Coastal Hazard Risk Management and Adaptation Management Plan" shall require approval from the Manager Planning Services;
17. Prior to the commencement of any works, the landowner shall prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification shall be sufficient to alert prospective landowners or occupiers of the following:
  - a. Vulnerable Coastal Area - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years;
  - b. This land is located within an area identified as being impacted on or affected by dust from Port activities. The Department of Health advises that children, the elderly and people with pre-existing respiratory and cardiovascular health conditions or predisposed to the same should not reside on this land other than on a temporary basis as they are at increased risk of worsening or developing respiratory and/or cardiovascular related health conditions. Further information can be obtained from the Department of Health;
18. Prior to the commencement of any works a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan shall include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001;
19. Prior to the commencement of any works, a "Refuse Collection Strategy / Management Plan" shall be submitted and approved by the Manager Planning Services. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services;
20. Prior to the commencement of any works, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services;

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21. Prior to the commencement of any works, a "Construction Site Management Plan" shall be submitted and approved by the Manager Planning Services. The "Construction Site Management Plan" shall indicate how it is proposed to manage the following during construction:
- The delivery of materials and equipment to the site;
  - The storage of materials and equipment on the site;
  - The parking arrangements for the contractors and subcontractors;
  - Impact on traffic movement;
  - Operation times including delivery of materials;
  - Dust and sand shall be contained on site with the use of suitable dust suppression techniques; and
  - Other matters likely to impact on the surrounding residents / businesses;

**Conditions to be cleared by Planning Services prior to the occupation of the development.**

22. Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified mechanical engineer confirming the development has been built in accordance with the Dust Management Assessment Report, prepared by C.A. & M.J. Lommers Pty Ltd;
23. Prior to the occupation of the development the landowner shall enter into a binding agreement with Council to maintain the proposed car parking bays and proposed landscaping in the Crowe Street verges for two years to the satisfaction of the Manager Planning Services;
24. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services (Refer to advice note 3);
25. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;



26. Prior to the occupation of the development, **access way(s), parking area(s), turning area(s)** shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and
27. Prior to the occupation of the development the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, and approved by the Manager Planning Services.

**ADVICE NOTES:**

1. In terms of the Port Hedland Town Planning Scheme No 5, "Multiple Dwelling" is defined as follows:  
  
"Multiple Dwelling,  
  
a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."
2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
3. In the absence of a clear definition of "mature trees and shrubs" within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval "mature trees and shrubs" shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height;
4. The Town's Building Services wishes to advise the landowner the following:
  - a. fire resistance to comply with the National Construction Code series of the Building Codes of Australia Volume 1.
5. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services;
6. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times;

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7. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval; and
8. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.

Yours sincerely



**LEONARD LONG**  
**MANAGER PLANNING SERVICES**

27 May 2013

**Cc. MACRO LAKES ROAD PTY LTD**  
**45 LAWLEY CRESCENT**  
**MOUNT LAWLEY WA 6050**

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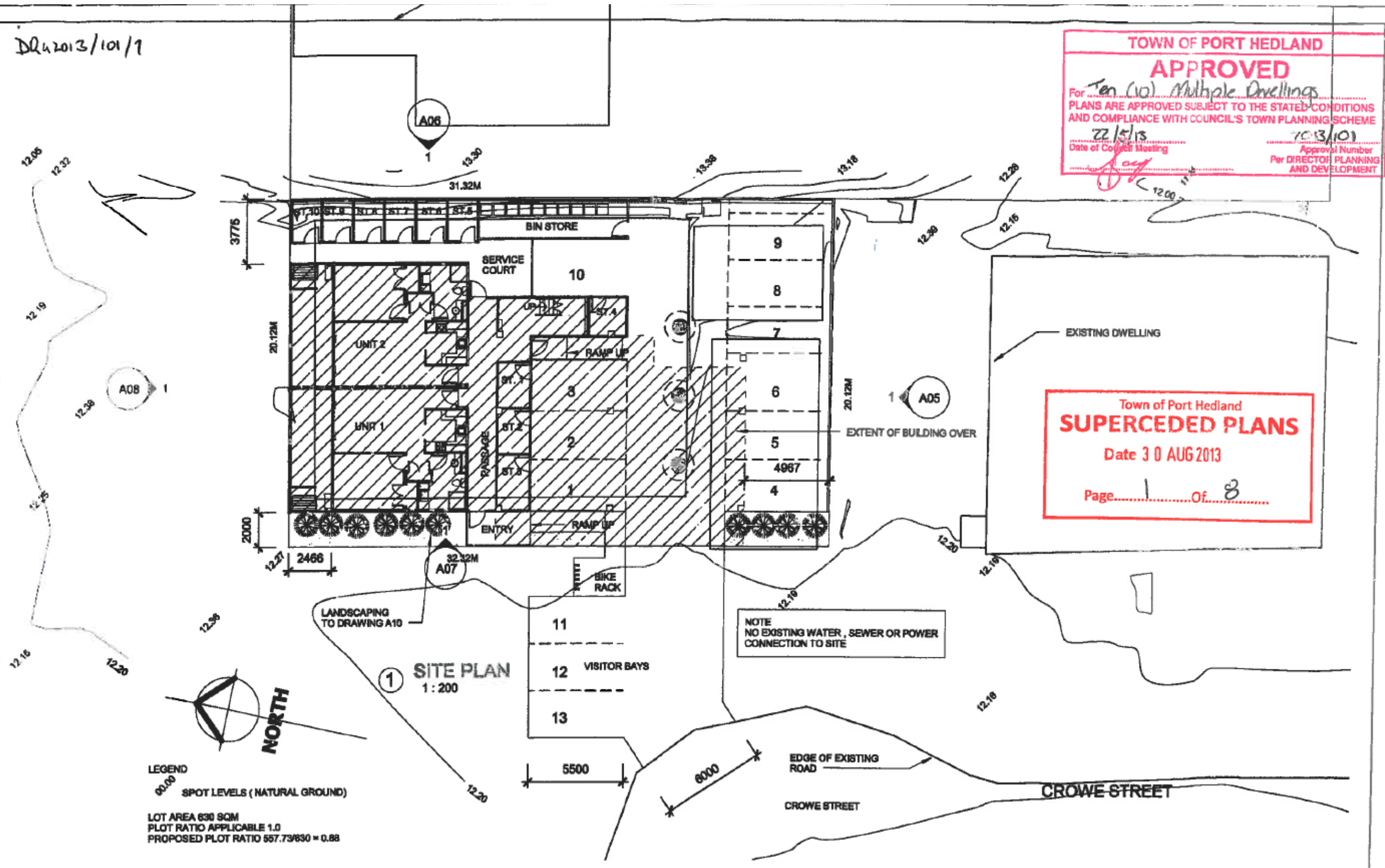
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DL2013/101/1

**TOWN OF PORT HEDLAND**  
**APPROVED**  
 For *Ten (10) Multiple Dwellings*  
 PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS  
 AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME  
 22/5/13 Date of Council Meeting  
 703/101 Approval Number  
 Per DIRECTOR PLANNING  
 AND DEVELOPMENT



Town of Port Hedland  
**SUPERCEDED PLANS**  
 Date 30 AUG 2013  
 Page.....1.....Of.....8.....

**LEGEND**  
 00.00 SPOT LEVELS (NATURAL GROUND)  
 LOT AREA 630 SQM  
 PLOT RATIO APPLICABLE 1.0  
 PROPOSED PLOT RATIO 557.73/630 = 0.88

DAVID HAY ARCHITECT PTY LTD  
 10 OLDING STREET MELVILLE WA 6156  
 0893306462  
 davidhayarch@bigpond.com

No.	Description	Date
1	PLANNING APP	22/01/13

PETER DURWARD  
 10 X 1 BEDROOM  
 MULTIPLE DWELLINGS  
 LOT 1,  
 CROWE STREET  
 PORT HEDLAND

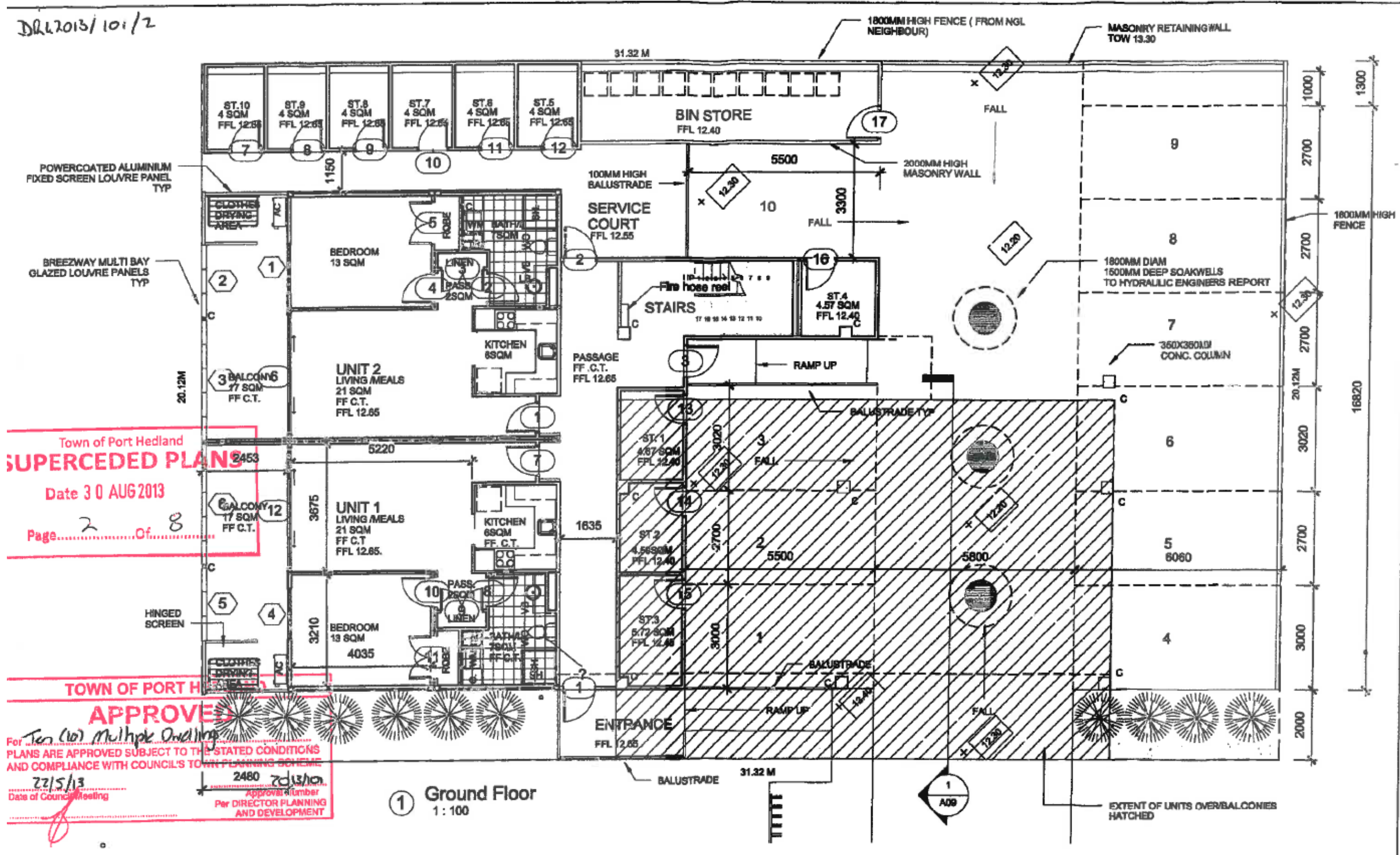
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Date	22/01/13
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A01

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DR 2013/101/2



Town of Port Hedland  
**SUPERCEDED PLANS**  
 Date 30 AUG 2013  
 Page 2 Of 8

TOWN OF PORT HEDLAND  
**APPROVED**  
 Ten (10) Multiple Dwelling  
 For these plans are approved subject to the stated conditions and compliance with Council's Town Planning Scheme  
 22/5/13  
 Date of Council Meeting  
 2480  
 Per APPROVAL NUMBER  
 Per DIRECTOR PLANNING AND DEVELOPMENT

① Ground Floor  
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DAVID HAY ARCHITECT PTY LTD  
 10 OLDING STREET MELVILLE WA 6156  
 0893306462  
 davidhayarch@bigpond.com

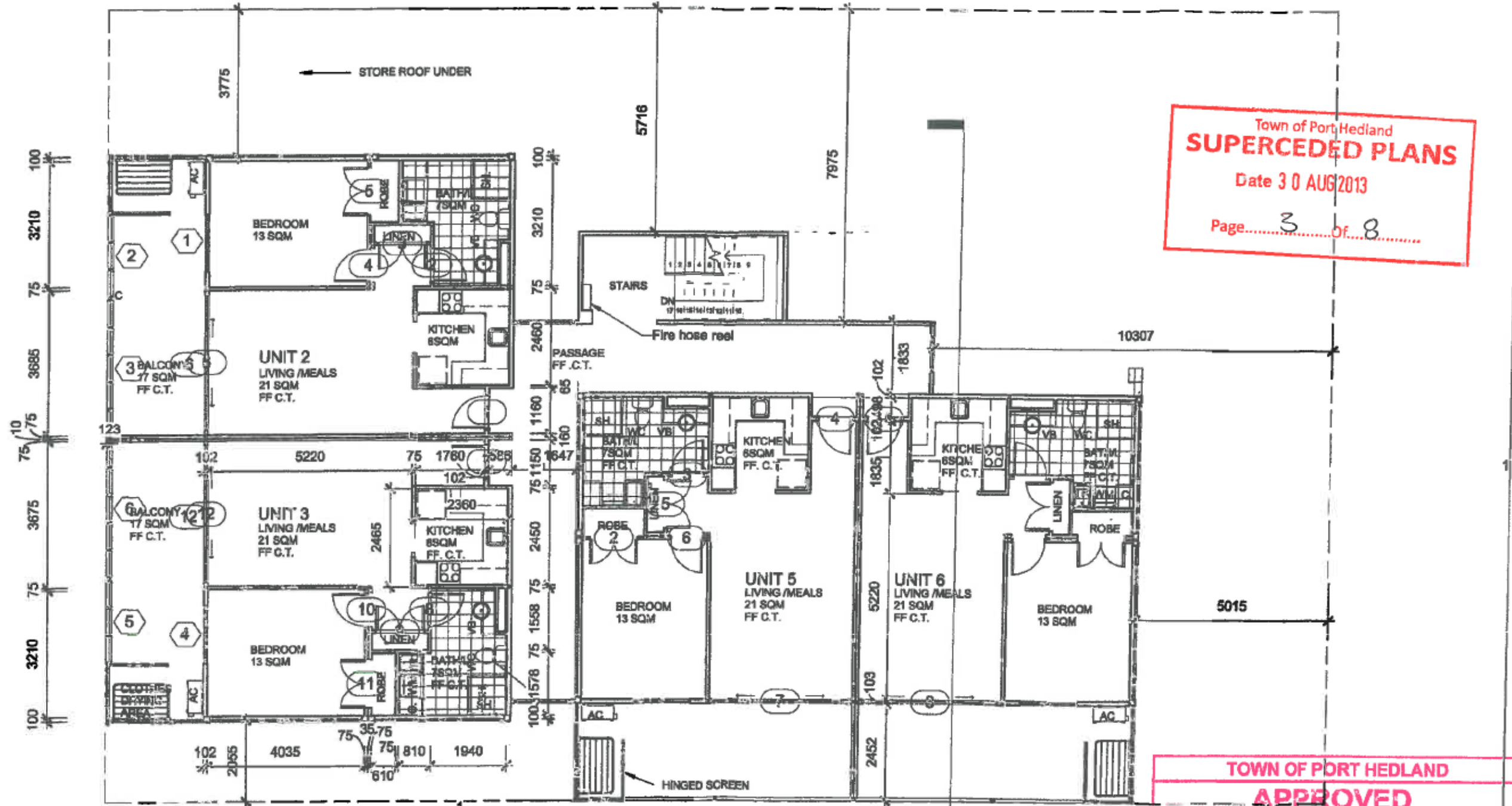
No.	Description	Date
1	PLANNING APP	22/01/13

PETER DURWARD  
 10 X 1 BEDROOM  
 MULTIPLE DWELLINGS  
 LOT 1,  
 CROWE STREET  
 PORT HEDLAND

GROUND FLOOR PLAN		
Project number	01/13	A02
Date	22/01/13	
Drawn by	Author	Scale
Checked by	Checker	
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22/01/2013 1:45:53 PM

DRH 2013/151/3



Town of Port Hedland  
**SUPERCEDED PLANS**  
 Date 30 AUG 2013  
 Page... 3 ... Of... 8 ...

① Level 1  
 1 : 100

**TOWN OF PORT HEDLAND**  
**APPROVED**  
 For 10 x 1 Multiple Dwellings  
 PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS  
 AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME  
 22/5/13 Date of Council Meeting  
 2013/101 Approval Number  
 Per DIRECTOR PLANNING  
 AND DEVELOPMENT

DAVID HAY ARCHITECT PTY LTD  
 10 OLDING STREET MELVILLE WA 6156  
 0893306462  
 davidhayarch@bigpond.com

No.	Description	Date
1	PLANNING APP	22/01/13

PETER DURWARD  
 10 X 1 BEDROOM  
 MULTIPLE DWELLINGS  
 LOT 1,  
 CROWE STREET  
 PORT HEDLAND

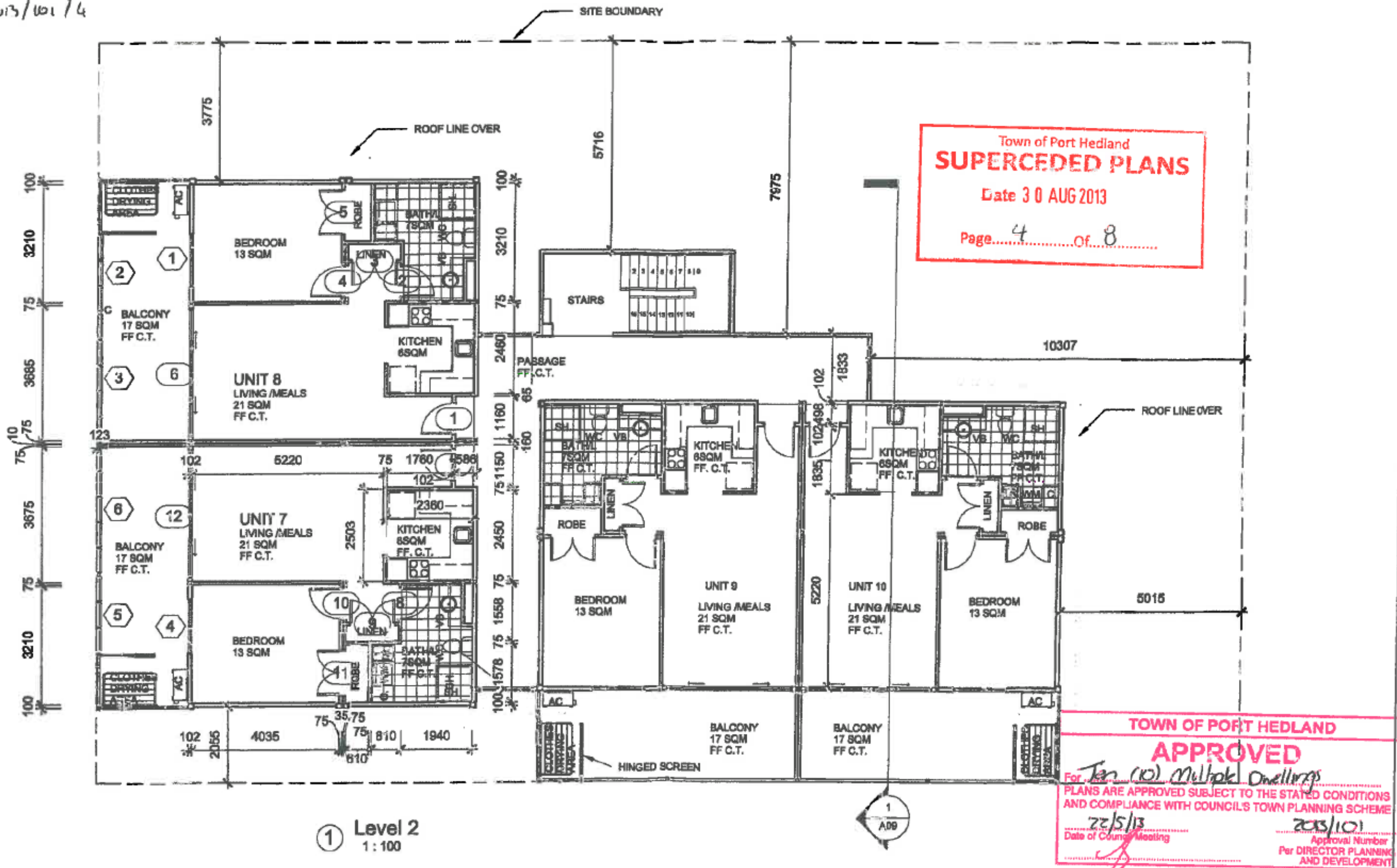
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Date	22/01/13
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Checked by	Checker
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A03

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DR 2013/101/4



① Level 2  
1:100

DAVID HAY ARCHITECT PTY LTD  
10 OLDING STREET MELVILLE WA 6156  
0893306462  
davidhayarch@bigpond.com

No.	Description	Date
1	PLANNING APP	22/01/13

PETER DURWARD  
10 X 1 BEDROOM  
MULTIPLE DWELLINGS  
LOT 1,  
CROWE STREET  
PORT HEDLAND

FLOOR 2 PLAN

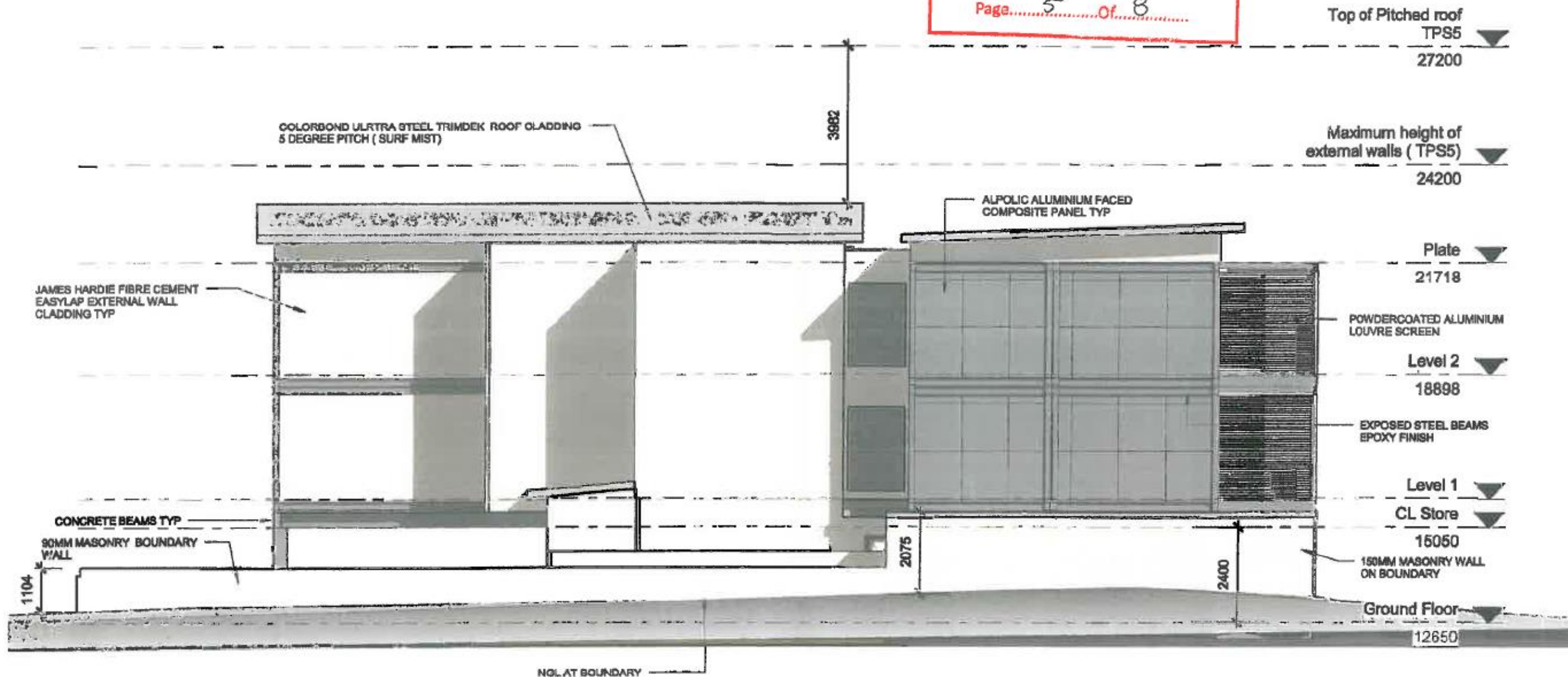
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Checked by	Checker	

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DR2013/101/5

TOWN OF PORT HEDLAND  
**SUPERCEDED PLANS**  
 Date 30 AUG 2013  
 Page... 5 ... Of... 8



① EAST ELEVATION  
 1:100

TOWN OF PORT HEDLAND  
**APPROVED**  
 For Ten (10) Multiple Dwellings  
 PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS  
 AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME  
 22/5/13 Date of Council Meeting  
 2013/101 Approval Number  
 Per DIRECTOR PLANNING  
 AND DEVELOPMENT

DAVID HAY ARCHITECT PTY LTD  
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 0893306462  
 davidhayarch@bigpond.com

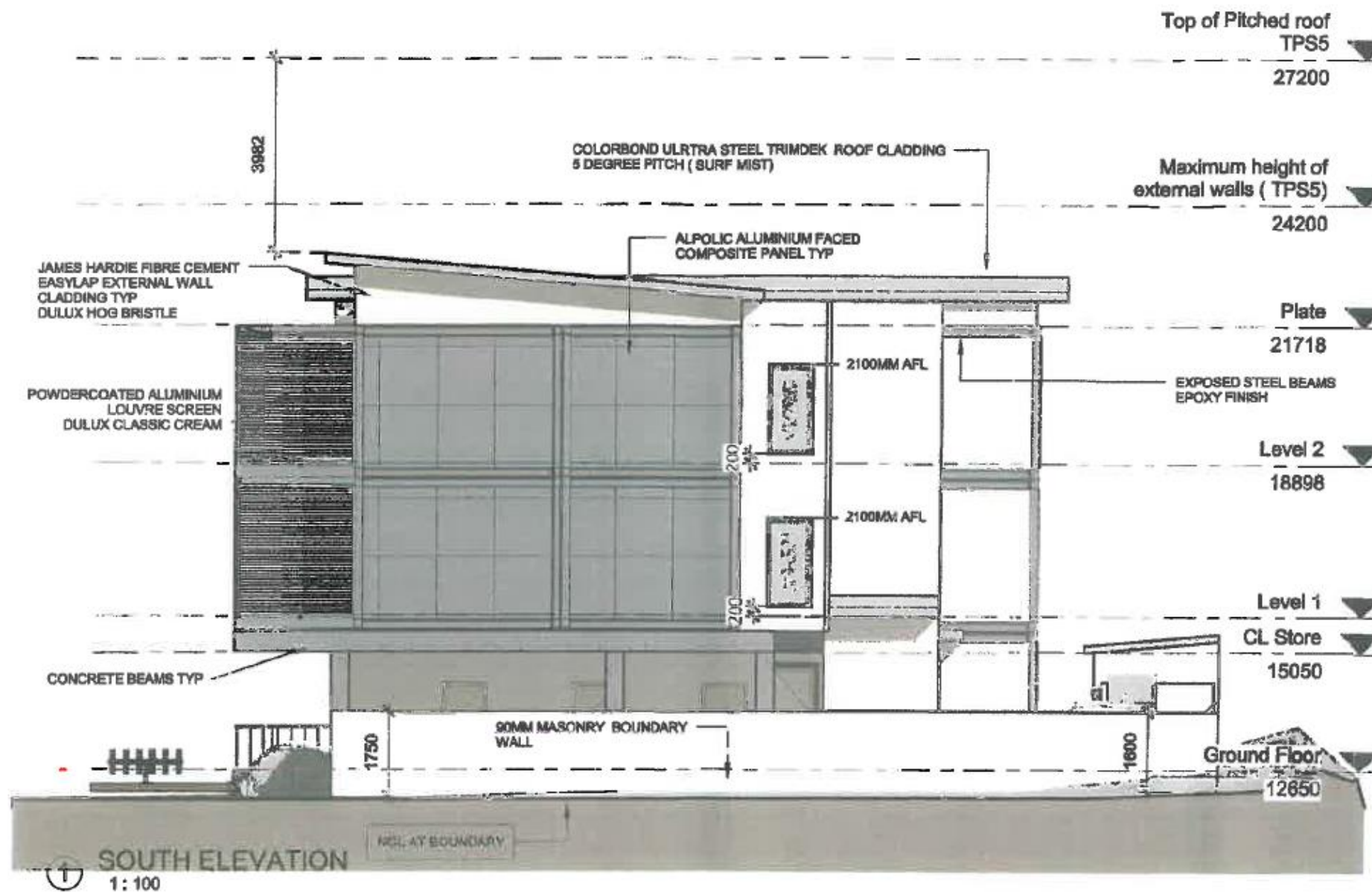
No.	Description	Date
1	PLANNING APP	22/01/13

PETER DURWARD  
 10 X 1 BEDROOM  
 MULTIPLE DWELLINGS  
 LOT 1,  
 CROWE STREET  
 PORT HEDLAND

EAST ELEVATION		
Project number	01/13	<b>A06</b>
Date	22/01/13	
Drawn by	Author	
Checked by	Checker	
Scale		1:100



22/11/2013/101/6



Town of Port Hedland  
**SUPERCEDED PLANS**  
 Date 30 AUG 2013  
 Page 6 Of 8

TOWN OF PORT HEDLAND  
**APPROVED**  
 For Ten (10) Multiple Dwellings  
 PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS  
 AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME  
 22/5/13  
 Date of Council Meeting  
 Approval Number 2013/101  
 Per DIRECTOR PLANNING AND DEVELOPMENT

DAVID HAY ARCHITECT PTY LTD  
 10 OLDING STREET MELVILLE WA 6156  
 0893306462  
 davidhayarch@bigpond.com

No.	Description	Date
1	PLANNING APP	22/01/13

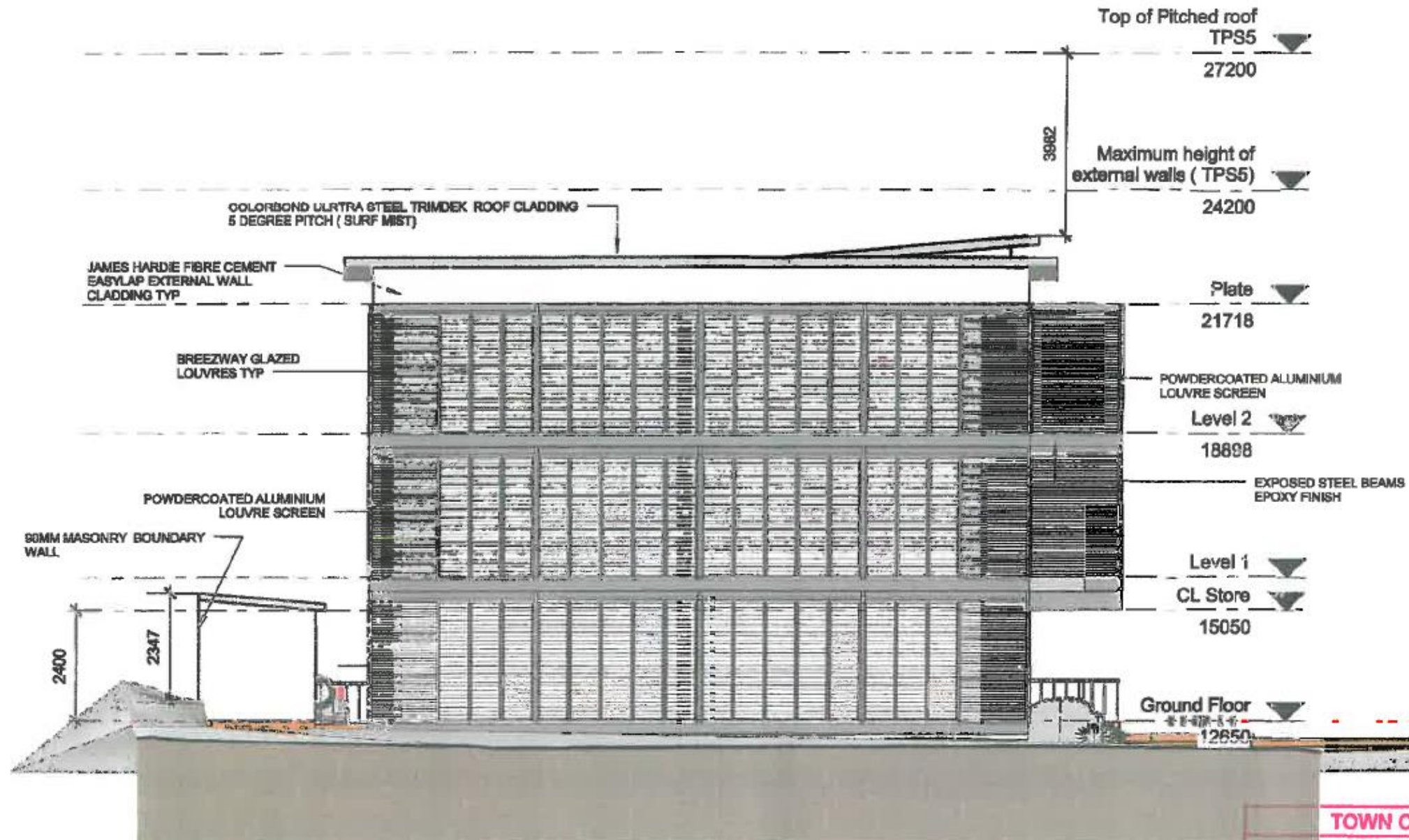
PETER DURWARD  
 10 X 1 BEDROOM  
 MULTIPLE DWELLINGS  
 LOT 1,  
 CROWE STREET  
 PORT HEDLAND

SOUTH ELEVATION		
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Date	22/01/13	
Drawn by	Author	
Checked by	Checker	
Scale	1:100	

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22/01/13/101/7



① NORTH ELEVATION  
1:100

Town of Port Hedland  
**SUPERCEDED PLANS**  
Date 30 AUG 2013  
Page 7 Of 3

**TOWN OF PORT HEDLAND**  
**APPROVED**  
For *Ten (10) Multiple Dwellings*  
PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS  
AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME  
22/8/13 Date of Council Meeting  
2013/101 Approval Number  
Per DIRECTOR PLANNING  
AND DEVELOPMENT

DAVID HAY ARCHITECT PTY LTD  
10 OLDING STREET MELVILLE WA 6156  
0893306462  
davidhayarch@bigpond.com

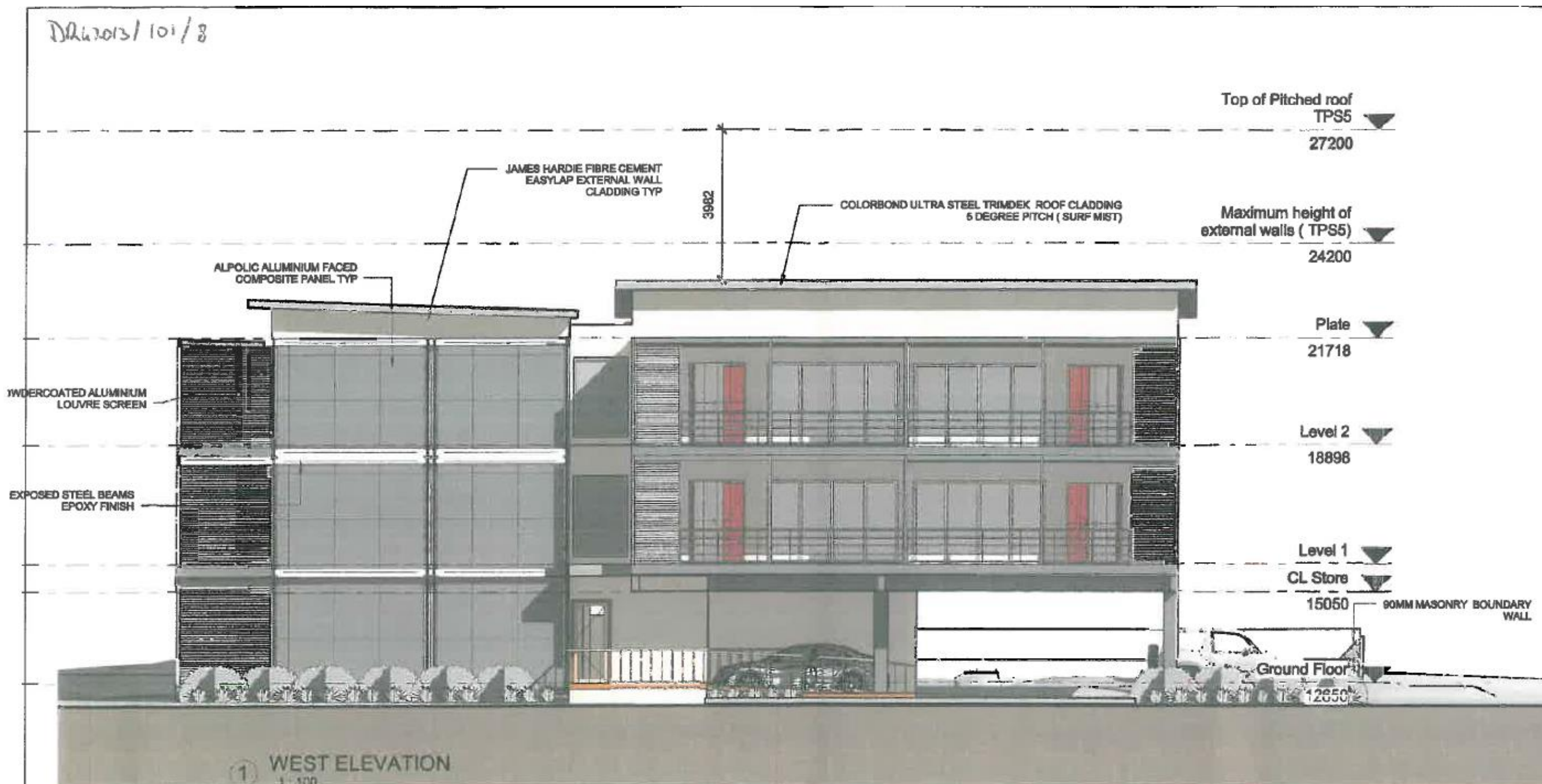
No.	Description	Date
1	PLANNING APP	22/01/13

PETER DURWARD  
10 X 1 BEDROOM  
MULTIPLE DWELLINGS  
LOT 1,  
CROWE STREET  
PORT HEDLAND

NORTH ELEVATION	
Project number	01/13
Date	22/01/13
Drawn by	Author
Checked by	Checker
Scale	1:100

A08





Town of Port Hedland  
**SUPERCEDED PLANS**  
 Date 30 AUG 2013  
 Page 3 Of 3

**TOWN OF PORT HEDLAND**  
**APPROVED**  
 For Ten (10) Multiple Dwellings  
 PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS  
 AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME  
 22/5/13 Date of Council Meeting  
 2013/101 Approval Number  
 Per DIRECTOR PLANNING AND DEVELOPMENT

DAVID HAY ARCHITECT PTY LTD  
 10 OLDING STREET MELVILLE WA 6158  
 0893306462  
 davidhayarch@bigpond.com

No.	Description	Date
1	PLANNING APP	22/01/13

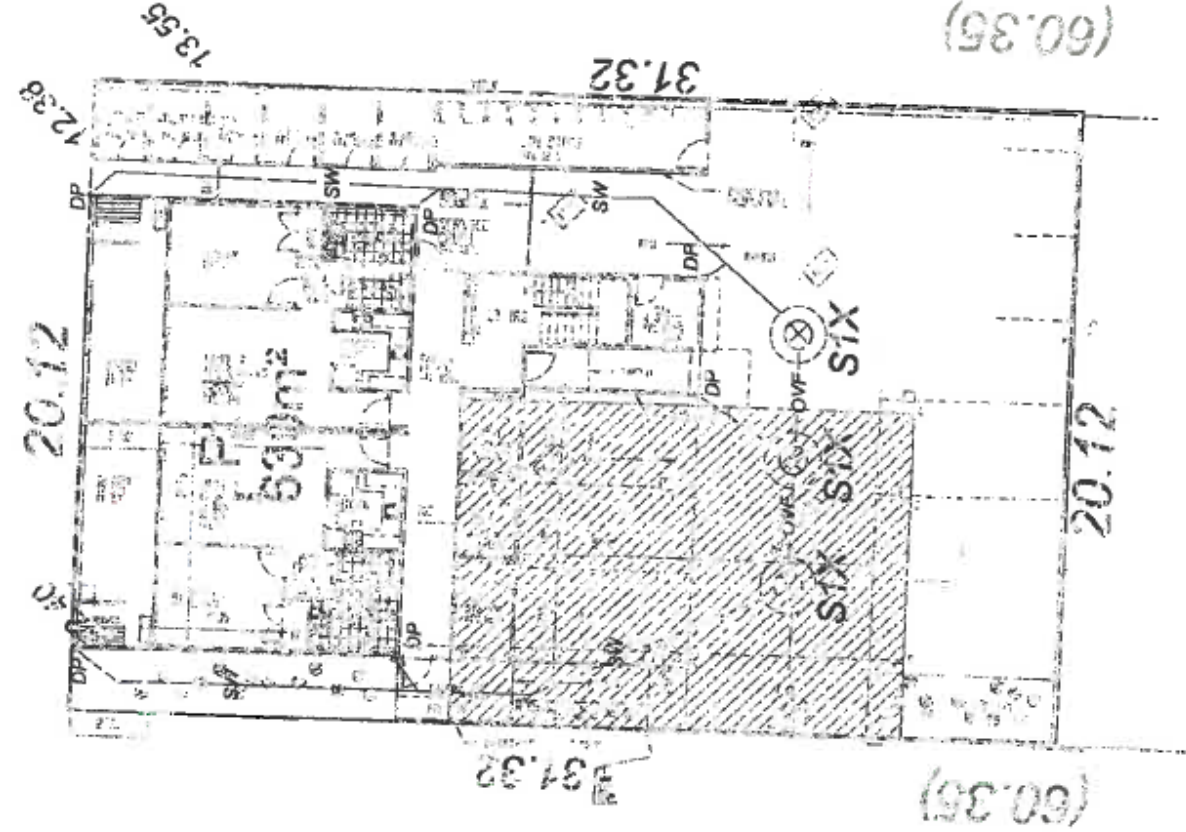
PETER DURWARD  
 10 X 1 BEDROOM  
 MULTIPLE DWELLINGS  
 LOT 1,  
 CROWE STREET  
 PORT HEDLAND

WEST ELEVATION	
Project number	01/13
Date	22/01/13
Drawn by	Author
Checked by	Checker
Scale	1:100

A07



DR 2013/101/9



Building  
Pt 2  
584m<sup>2</sup>

CROWE STREET

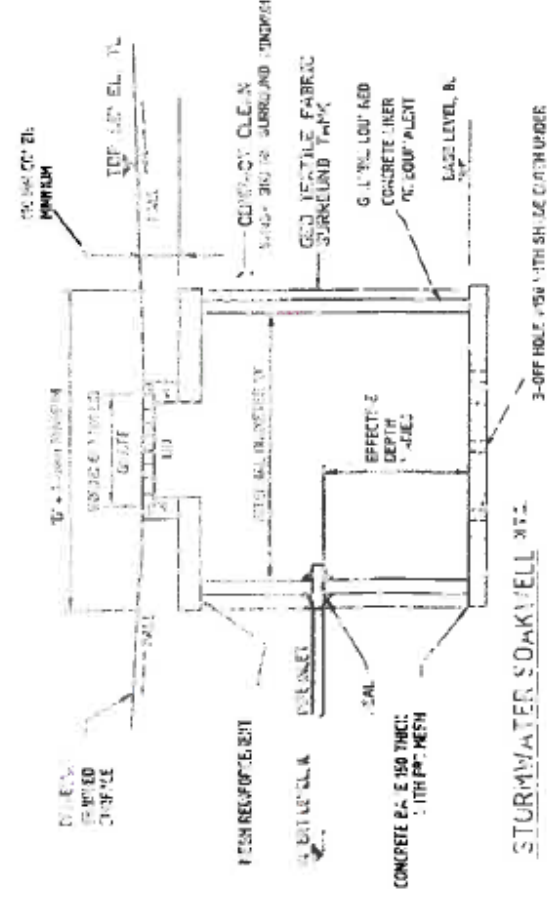
KINGSMILL STREET

LEGEND

- SV — STURM WATER PIPE, 150 DIA. PVC
- GRADE DRAIN PIPE TO SITE UNIT CONDITIONS AND TO CONNECT INTO SOAKWELL
- FW (S) — SOAKWELL WITH GRATE—600 DIA IN FOUND CONCRETE COVER
- D3 — 600 PVC DR-114 OUTLET TO SOAKWELL
- DVF — EFFECTIVE INTERCONNECTION PIPE, 150MM

CONSTRUCTION NOTES

1. DOWN PIPES FROM BUILDINGS CONNECTED TO SOAKWELLS
2. GRADE DRIVEWAY AND CARPARK AREAS TO FALL INTO SOAKWELL GRATES.



STORM WATER DISPOSAL CENTER  
BASED ON 100 YEAR DURATION, ARI OF 2.0 YRS @ 150MM/HR  
STORAGE CAPACITY FOR ON SITE CONTAINMENT = 13.2 CUMETRES  
IN 100 YEAR DURATION, 150MM/HR, 150MM/HR, 150MM/HR  
= 11.65 CUM EFFECTIVE

**TOWN OF PORT HEDLAND**

**APPROVED**

For Ten (10) Multiple Dwellings

PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME

22/5/13  
Date of Council Meeting

2013/101  
Approval Number  
Per DIRECTOR PLANNING AND DEVELOPMENT

DRAWN	ST	DESIGNED	SIMON TAN	REDUCTION
CHECKED	CT	SIMON TAN & ASSOCIATES PL		0
APPROVED	ST	SIMON TAN		25
SCALE	1 : 200, A3	DATE	13/12, 2012	DRAWING No.
JOB No.	P0015H	FILE No.		H01
				REV.
				0

HYDRAULIC SERVICES  
DAVID HAY ARCHITECT PTY LTD  
CONSULTANT

6	ISSUED FOR O.A. SIGNATURE	1	13/12/12	ST
	APPROVED		DATE	GRAD

#### **11.1.1.4 Proposed Road Names for Boodarie Strategic Industrial Area (File No.: 18/07/0016)**

**Officer** Katherine Press  
Lands and Technical Officer

**Date of Report** 13 August 2013

**Disclosure of Interest by Officer** Nil

#### **Summary**

The Town has received a request from Landcorp and the Department of State Development (DSD) to approve road names to be included on the Town's Reserve Road Name Register for the naming of future roads within the Boodarie Strategic Industrial Area (Boodarie Estate).

This report is before Council to consider the applicants suggested road names to be reserved for the Boodarie Estate.

#### **Background**

Boodarie was established to provide opportunities for the development of downstream processing of local resources and is being planned with service corridor connections to the Port Hedland Port. Please see Attachment 1 – Location Plan.

Landcorp and DSD are in the final phases of preparing a Development Plan for Boodarie and are in the process of identifying future roads to be created within the estate.

Landcorp and DSD have chosen road names with themes relating to 'Downstream processing of Resources' and 'Positive and Aspirational Focus'.

The applicant has proposed the following road names be included on the Reserved Road Names Register:

<b>Name</b>	<b>Description</b>
<b><i>Downstream Processing of Resources Theme</i></b>	
Chemical	A distinct compound or substance, especially one which has been artificially prepared or purified.
Downstream	A stage in the process of mineral extraction and production after the raw material is ready for refining.
Exploration	The action of searching an area for natural resources.
Export	The estate has been planned with connections to the Port Hedland Port to allot for products produced in Boodarie to be sent abroad.
Industry	Economic activity concerned with the

	processing of raw materials and manufacture of goods.
Manufacture	The making of products on a large scale using machinery.
Miners	Personnel who work in the mining industry.
Process	A systematic series of mechanised or chemical operations that are performed in Boodarie in order to produce a product.
Product	A substance produced during a natural, chemical, or manufacturing process.
Production	The action of making or manufacturing from components or raw materials, or the process of being so manufactured.
Quarry	Land from which stone or other materials are or have been extracted.
Resource	Materials or substances occurring in nature.
<b><i>Positive and Aspirational Focus for Boodarie Theme</i></b>	
Aspire	Hopes and ambitions for the processing of resources in the estate.
Achieve	For industries to successfully bring about or reach a desired objective or result from operating in the estate.
Advance	Industries moving forward in a purposeful and progressive way through operating in Boodarie.
Accomplish	To achieve or complete successful production of resources in Boodarie.
Capital	The use of money and assets owned by an organisation for the purposes of starting a company in Boodarie.
Development	The process of converting land to a new purpose by constructing buildings and infrastructure or making use of its resources. This process will be undertaken by companies who establish operations in Boodarie.
Endeavour	Industries will be attempting to achieve the successful processing of natural resources in Boodarie.
Expansion	Companies or industries becoming larger or more extensive in Boodarie.
Infrastructure	Physical and organisational structure and facilities needed for the operation of Boodarie.
Progress	Develop towards an improved or more advanced condition of a company or industry operating in Boodarie.
Project	A collaborative enterprise that is carefully planned to achieve a particular aim through operating in Boodarie.
Prospect	A place likely to yield mineral deposits. Boodarie has been planned to accommodate the processing of these minerals.
Venture	A business enterprise that can establish operations in Boodarie.

**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**

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.  
Create local employment and investment and diversify the economy.  
Enhance supply of suitably located and supported industrial and retail land.

**Budget Implications**

Nil

**Officer's Comment**

The proposed road names provided by the applicant are in keeping with the general theme of the area, being reflective of the industrial area and the positive focus anticipated for the estate.

By utilising the applicants road naming themes it will ensure consistent naming of proposed future roads within the Boodarie Estate. The proposed road names have not been previously utilised within the Town.

*Options*

1. Approves the following road names and definitions to be included in the Town's Reserve Road Names Register (for use at a later date) for proposed new roads created within the Boodarie Strategic Industrial Estate:

<b>Name</b>	<b>Description</b>
<b><i>Downstream Processing of Resources Theme</i></b>	
Chemical	A distinct compound or substance, especially one which has been artificially prepared or purified.
Downstream	A stage in the process of mineral extraction and

	production after the raw material is ready for refining.
Exploration	The action of searching an area for natural resources.
Export	The estate has been planned with connections to the Port Hedland Port to allot for products produced in Boodarie to be sent abroad.
Industry	Economic activity concerned with the processing of raw materials and manufacture of goods.
Manufacture	The making of products on a large scale using machinery.
Miners	Personnel who work in the mining industry.
Process	A systematic series of mechanised or chemical operations that are performed in Boodarie in order to produce a product.
Product	A substance produced during a natural, chemical, or manufacturing process.
Production	The action of making or manufacturing from components or raw materials, or the process of being so manufactured.
Quarry	Land from which stone or other materials are or have been extracted.
Resource	Materials or substances occurring in nature.
<b><i>Positive and Aspirational Focus for Boodarie Theme</i></b>	
Aspire	Hopes and ambitions for the processing of resources in the estate.
Achieve	For industries to successfully bring about or reach a desired objective or result from operating in the estate.
Advance	Industries moving forward in a purposeful and progressive way through operating in Boodarie.
Accomplish	To achieve or complete successful production of resources in Boodarie.
Capital	The use of money and assets owned by an organisation for the purposes of starting a company in Boodarie.
Development	The process of converting land to a new purpose by constructing buildings and infrastructure or making use of its resources. This process will be undertaken by companies who establish operations in Boodarie.
Endeavour	Industries will be attempting to achieve the successful processing of natural resources in Boodarie.
Expansion	Companies or industries becoming larger or more extensive in Boodarie.
Infrastructure	Physical and organisational structure and facilities needed for the operation of Boodarie.
Progress	Develop towards an improved or more advanced condition of a company or industry operating in Boodarie.



Project	A collaborative enterprise that is carefully planned to achieve a particular aim through operating in Boodarie.
Prospect	A place likely to yield mineral deposits. Boodarie has been planned to accommodate the processing of these minerals.
Venture	A business enterprise that can establish operations in Boodarie.

The approval of the applicants request will result in the road names being reserved and applied to the proposed new roads created within the Boodarie Strategic Industrial Area.

2. Reject the applicants request to include the road names and definitions in the Town's Reserve Road Names Register (for use at a later date) for proposed new roads created within the Boodarie Strategic Industrial Estate

Should Council choose to refuse the applicants request, the applicant will need to seek alternative names for the proposed new roads within the Boodarie Estate.

### Attachments

1. Location Plan.

### Officer's Recommendation

That Council:

1. Approves the following road names and definitions to be included in the Town's Reserve Road Names Register (for use at a later date) for proposed new roads created within the Boodarie Strategic Industrial Estate:

Name	Description
<b><i>Downstream Processing of Resources Theme</i></b>	
Chemical	A distinct compound or substance, especially one which has been artificially prepared or purified.
Downstream	A stage in the process of mineral extraction and production after the raw material is ready for refining.
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Manufacture	The making of products on a large scale using

	machinery.
Miners	Personnel who work in the mining industry.
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Production	The action of making or manufacturing from components or raw materials, or the process of being so manufactured.
Quarry	Land from which stone or other materials are or have been extracted.
Resource	Materials or substances occurring in nature.
<b><i>Positive and Aspirational Focus for Boodarie Theme</i></b>	
Aspire	Hopes and ambitions for the processing of resources in the estate.
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Project	A collaborative enterprise that is carefully planned to achieve a particular aim through operating in Boodarie.
Prospect	A place likely to yield mineral deposits. Boodarie has been planned to accommodate the processing of these minerals.
Venture	A business enterprise that can establish operations in Boodarie.

2. Requests the Chief Executive Officer, or his delegate(s), under Delegation 38 (7) to submit the approved road names to

Geographical Names Committee for final approval and inclusion on the Geonoma Adhoc Report (Town's Reserve Road Name Register) for the Town of Port Hedland;

3. Advises the applicant that any costs associated with the required road signage will be at the cost of the applicant; and
4. Advises the applicant that the proposed street signs are to be to the specifications of the Manger Technical Services and to the satisfaction of the Manager Planning Services.

**201314/040 Council Decision**

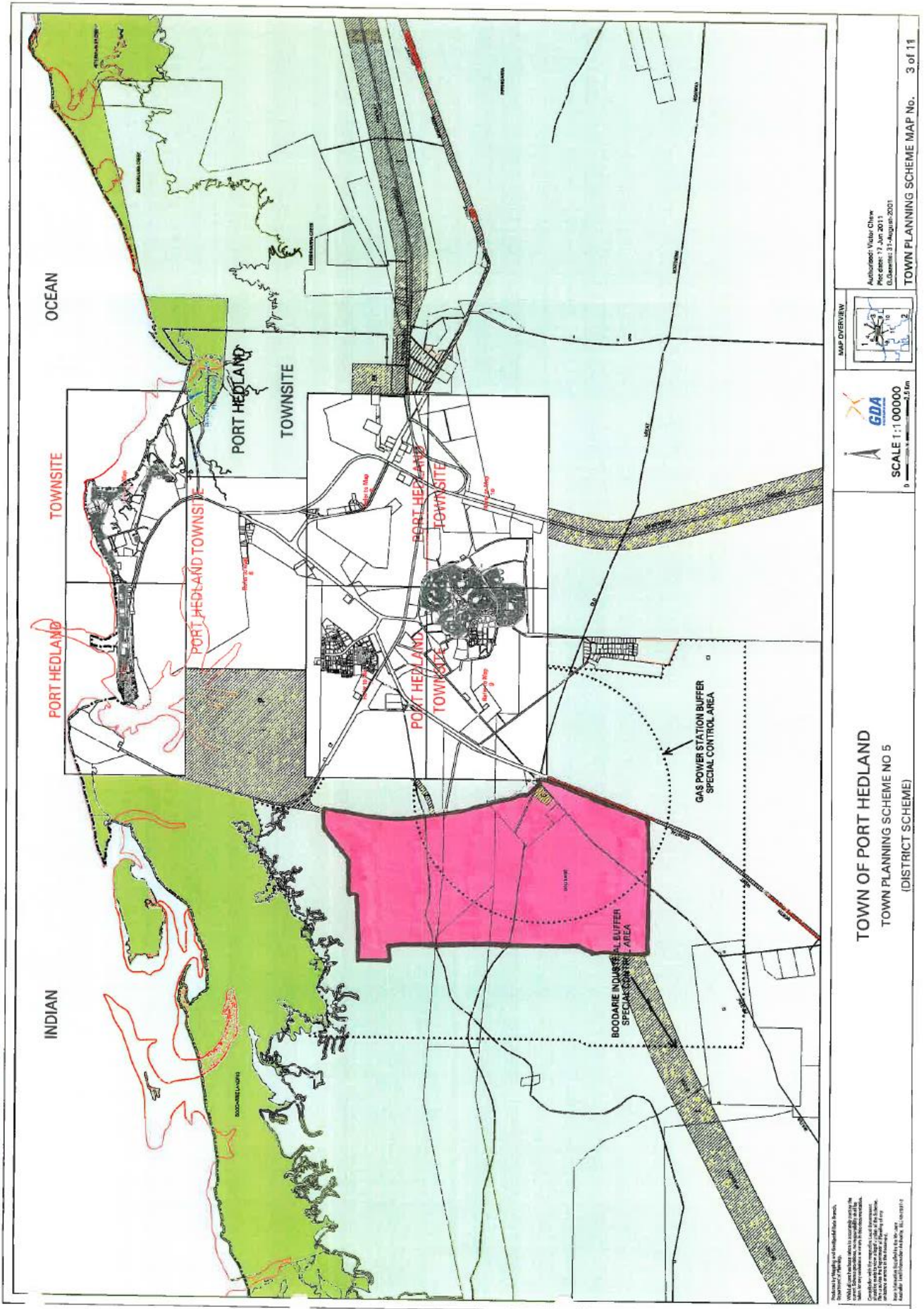
**Moved: Cr Hunt**

**Seconded: Cr Jacob**

**That Council lay on table for further consideration of the road names.**

***CARRIED 8/0***

ATTACHMENT 1 TO ITEM 11.1.1.4



**11.1.1.5 Proposed Renaming of a Section of Kabbarli Loop, South Hedland (File No.: 18/07/0016)**

<b>Officer</b>	<b>Julie MacMile Lands and Technical Officer</b>
<b>Date of Report</b>	<b>23 July 2013</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

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

One of the new accesses into the Koombana School site subdivision will be via the existing Kabbarli Loop (off Koombana Avenue). The Geographic Names Committee has advised this section of Kabbarli Loop will need to be renamed due to the new road configuration at the intersection of the existing Kabbarli Loop and the new road. The remainder of Kabbarli Loop will remain unchanged.

This report is before Council to consider renaming a section of Kabbarli Loop to Deck Way.

**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 approved Road Names Register.

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

The Geographic Names Committee has advised that the existing road name of Kabbarli Loop cannot be used for the new road extension into the subdivision due to the configuration of the new intersection. A portion of Kabbarli Loop will need to be renamed Deck Way (refer 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**

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

6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance.

### **Budget Implications**

The developer of the subdivision (c/- McMullen Nolan) will be required to provide any new signage required for the newly named road portion.

### **Officer's Comment**

Changing existing road names is avoided where possible, however due to the road configuration at the intersection of the existing Kabbarli Loop and the proposed new road, this name change is necessary

Geographical Names Committee have advised that, if the new road is to be a continuation of Kabbarli Loop, the portion shown pink will need to be renamed (refer Attachment 1). McMullen Nolan has requested that the new road and the existing section of Kabbarli Loop (to be renamed) is named Deck Way

The renaming of this section of Kabbarli Loop will not affect any existing property addressing. Although not affected directly, the owners and occupants of the properties that maintain secondary street frontage to the section of Kabbarli Loop to be renamed (4 lots in total) will be notified in writing. The remaining section of Kabbarli Loop will remain as is.

As per the Geographical Names Committee's advice, it is recommended that a portion of Kabbarli Loop be renamed Deck Way.

### **Attachments**

1. Map showing portion of Kabbarli Loop to be renamed
2. Plan of Road Naming for the Koombana School site

**201314/041 Officer's Recommendation/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Hunt**

**That Council:**

- 1. Approves the renaming of a section of the existing Kabbarli Loop to Deck Way as per Attachment 1;**
- 2. Delegates the Chief Executive Officer, or his delegate(s), to:**
  - a. Submit the request for the renaming of a section of Kabbarli Loop to the Geographical Names Committee for final approval;**
  - b. Notify the owners and occupiers of the properties that maintain secondary street frontage to this section of Kabbarli Loop (4 lots in total) of the proposed change; and**
  - c. Advise the applicant that the installation of the required road signage is to be to the satisfaction of the Manager Technical Services and any costs associated with the signage will be the applicant's responsibility.**


***CARRIED 8/0***



ATTACHMENT 1 TO ITEM 11.1.1.5

Proposed renaming of a portion of Kabbarli Loop to Deck Way

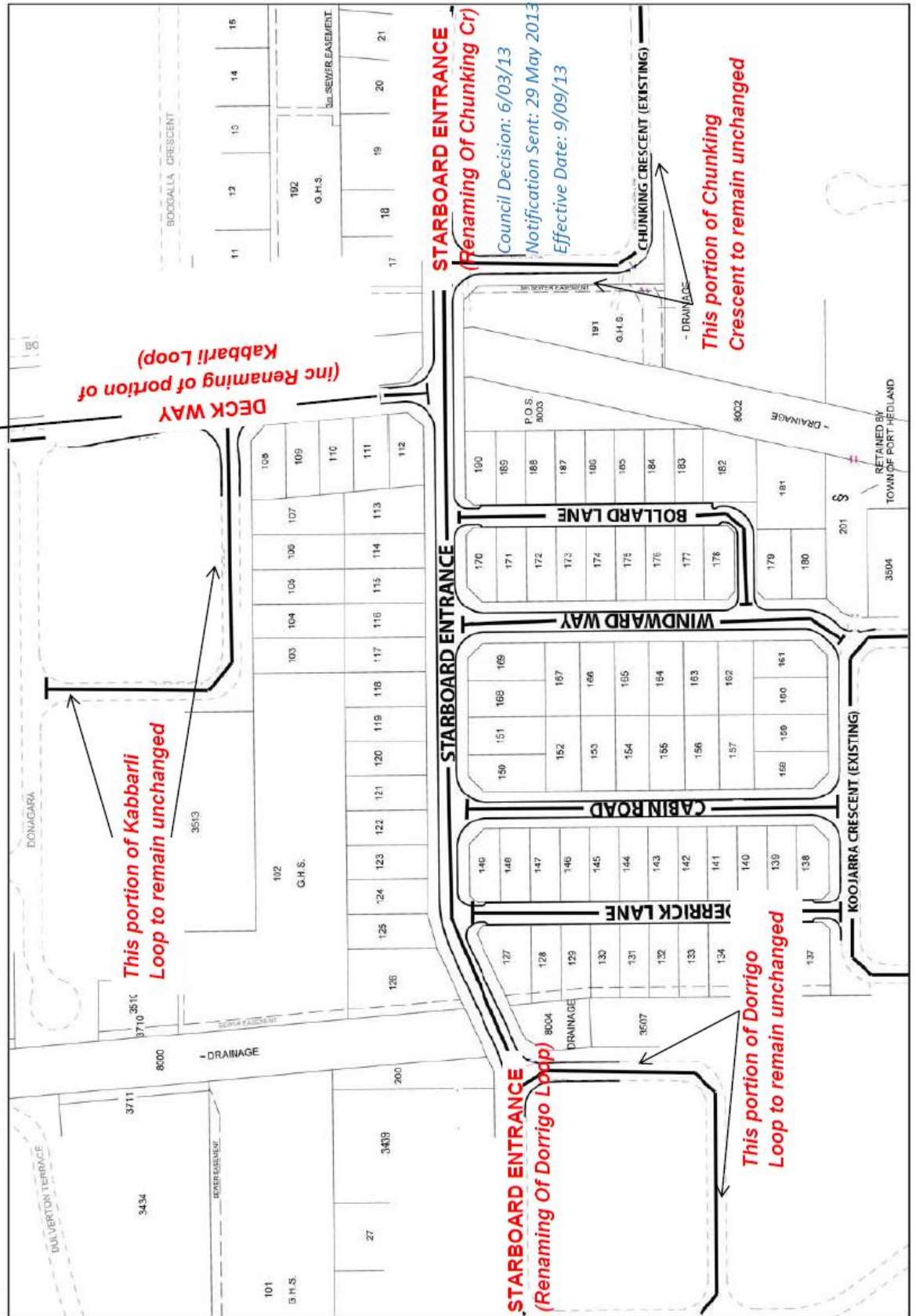


-  Owners and Occupiers to be notified
-  Portion of Kabbarli Loop to be renamed



ATTACHMENT 2 TO ITEM 11.1.1.5

Note: Renaming of Dorrigo Loop on hold pending completion of subdivision works. i.e. Starboard Entrance needs to be constructed prior to the renaming of Dorrigo Loop.



7:31pm Mayor Howlett, Cr Daccache, Cr Jacob and Cr Dziombak declared an impartiality interest in Item 11.1.1.6 “Proposed Private Recreation – Single House for the Finucane Island Club on Lot 602 Hamilton Road, South Hedland (File No.: 805098G)” as they are members of the Finucane Island Club.

Mayor Howlett, Cr Daccache, Cr Jacob and Cr Dziombak did not leave the room.

**11.1.1.6 *Proposed Private Recreation – Single House for the Finucane Island Club on Lot 602 Hamilton Road, South Hedland (File No.: 805098G)***

**Officer** Ryan Djanegara  
Senior Statutory Planner

**Date of Report** 14 August 2013

**Disclosure of Interest by Officer** Nil

**Summary**

Council received an application from Hightower Planning and Development of behalf of the Department of Lands to construct a Single House on Lot 602 Hamilton Road, South Hedland (subject site).

The application is supported the Towns’ Officers subject to conditions. Council is requested to consider the application favourably.

**Background**

*Site Description (Attachment 1)*

The subject site is irregular in shape, achieves vehicular access via Hudson Way and covers an area of approximately 9.4397ha. The subject site incorporates the Wanangkura Stadium, the Marie Marland Precinct, Kevin Scott Oval and the Finucane Island Club.

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is reserved “Park and Recreation”. The site is currently vested to the Town for “Park and Recreation” purposes.

*Proposal (Attachment 2)*

The proposal is for the construction of a Single House to provide staff accommodation for the Finucane Island Club located on the subject site. The Single House has been proposed in order to replace the former dwelling which has now been demolished.

No planning approvals exist other than a provision within the previous lease agreement that acknowledged a caretaker’s residence.

The proposed dwelling will be a 3 bedroom house encompassing an overall area of 126m<sup>2</sup>. The dwelling will be located behind the Finucane Island Club.

### Consultation

The application was circulated to the following units / organisations:

#### *Internally:*

- Manager Technical Services
- Manager Building Services
- Manager Environmental Health Services
- Manager Investment and Business Development
- Manager Recreational Services

*The following comment has been received from Recreation Services Unit:*

*“Recreation services expressed a concern regarding this development on the basis that any development would potentially constrain the site for future development. The Town is currently planning on undertaking a master planning exercise for four sites within Port and South Hedland to meet the long term sport, recreation, community and cultural needs of the community.*

*A key element of this master planning process will be the Kevin Scott Oval and Marie Marland Reserve. It is believed that there is significant potential in being able to develop the sporting and associated facilities in a manner that is more advantageous to all user groups, providing better playing surfaces as well as appropriate and sustainable support facilities (change rooms, toilets and social areas). Discussions have been held with the management of the Finucane Island Club with regard to their future involvement in any amenities developed within an overall master planned precinct.*

*The option of a time limited agreement for the location of a dwelling at the Finucane Island site would be considered an acceptable option as long as this was made very clear to the proponent.”*

#### *Planning Response*

Given the Town’s Recreational Services Unit is considering undertaking this process, should Council approve the application it is recommended a condition is imposed limiting the approval period of the Single House to 3 years with the ability to extend further for another 2 years.

#### *Externally:*

- Department of Water
- Telstra
- Optus

- Horizon Power
- Water Corporation

### **Statutory Implications**

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

### **Policy Implications**

Nil

### **Strategic Planning Implications**

6.1 Unified

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6.1.2 Vibrant

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Improve the quality of life for existing residents with a focus on families.

6.3 Environment

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6.3.1 Housing

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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.

6.4 Local Leadership

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6.4.2 Community Focused

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Council is a proactive advocate for community needs and aspirations.

### **Budget Implications**

Immediate:

The prescribed fee \$640.00 has been received.

Long Term:

The existing lease between the Finucane Island Club and the Town of Port Hedland will need to be amended to reflect any proposed changes.

### **Officer's Comment**

#### *Land use and Reservation*

Being on a "Parks and Recreation" Reserve, the proposed "Single House" will need to be assessed in accordance with Section 2.3 of TPS5 which states the following:

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

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

With regards to point (a), the ultimate purposes of a "Parks and Recreation" reserve is to ensure recreational facilities are provided. The proposed development will be used to accommodate staff workers for the existing Finucane Island Club and will be incidental thereof.

The proposed development would therefore require a condition of a planning approval and subsequent lease that ties the dwelling to the "Private Recreation" – Finucane Island Club.

#### *Development Controls*

The proposed development has been assessed in terms of Part VI, provisions of the R-Codes and Appendix 7 of the Port Hedland Town Planning Scheme No. 5 and found to be generally compliant.

#### **Attachments**

1. Location Plan
2. Development Plans

#### **201314/042 Officer's Recommendation/ Council Decision**

**Moved: Cr Carter**

**Seconded: Cr Jacob**

**That Council:**

- A. Approves the application submitted by Hightower Planning and Development of behalf of the Department of Lands, for a "Private Recreation" – Temporary "Single House" on Lot 602 Hamilton Road, South Hedland, subject to the following conditions**
  - 1. This approval relates only to the proposed "Private Recreation" – Temporary Single House, as indicated on the approved plans and marked in red (DRG2013/358/1 - DRG2013/358/3). It does not relate to any other development on this lot.**

2. The approval shall be a valid for a temporary period of (three) 3 years with the ability through a written request to Council to extend for a further (two) 2 years. (Ref to advice note 8)
3. A minimum of 2 car bays shall be provided onsite as indicated on the approved site plan (DRG2013/358/1).
4. The “Single House” shall not be used by any person not directly employed by the Finucane Club.
5. No parking bays shall be obstructed in any way or used for any other purpose than parking.
6. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m.
7. The proposed “Single House” shall have a minimum habitable floor level of 11.25m AHD.
8. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning Services.
9. Roof mounted or freestanding plant or equipment such as air conditioning units, external clothes drying areas and hot water systems shall be located and / or screened to the satisfaction of the Manager Planning Services.
10. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowners cost, to the specification and satisfaction of the Manager Technical Services.
11. The proposed development shall be connected to reticulated mains sewer.

The following conditions are to be cleared by Planning Services prior to the submission of a Building Permit Application.

12. Prior to the submission of a Building Permit, a “Construction Site Management Plan” shall be submitted and approved by the Manager Planning Services. The “Construction Site Management Plan” shall indicate how it is proposed to manage the following during construction:
  - a. The delivery of materials and equipment to the site;
  - b. The storage of materials and equipment on the site;
  - c. The parking arrangements for the contractors and subcontractors;

- d. Impact on traffic movement;
- e. Operation times including delivery of materials;
- f. All dust and sand to be contained on site with the use of suitable dust suppression techniques; and
- g. Other matters likely to impact on the surrounding residents / businesses;

The following conditions are to be cleared by Planning Services prior to occupation of the development.

13. Prior to the occupation of the development, a 4m<sup>2</sup> storeroom, with a minimum dimension of 1.5m shall be provided onsite to the satisfaction of the Manager Planning Services.

**ADVICE NOTES:**

1. In terms of the Port Hedland Town Planning Scheme No 5, "Single House" are defined as follows and shall only be used for this purpose:

**"Single House."**

**"An independently constructed dwelling standing wholly on its own lot created pursuant to the *Town Planning and Development Act 1928 (as amended)*.**

2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
3. Waste disposal and storage is to be carried out in accordance with Council's Health Local Laws 1999.
4. Waste receptacles shall be stored in a suitable enclosure, provided to the specifications of Council's Health Local Laws 1999.
5. Be advised that all laundries must be constructed as per the Town's Health Local Laws 1999 Section 2.2.2.
6. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
7. Be advised that as per the Environmental Protection (Noise) Regulations 1997, construction noise, that does not comply with the AS 2436-1981, is not permitted outside of 0700-1900 Mondays-Saturdays and not on Sundays or Public Holidays.

- 8. The time limit imposed is due to master planning process over the Kevin Scott Oval and Marie Marland Reserve. It is believed that there is significant potential in being able to develop the sporting and associated facilities in a manner that is more advantageous to all user groups, providing better playing surfaces as well as appropriate and sustainable support facilities (change rooms, toilets and social areas)**
  - 9. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**
  - 10. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.**
- B. Requests the applicant to enter into discussions with the Manager Investments and Business Development Services with regards to amending the existing lease between the Town of Port Hedland and the Finucane Island Club.**

***CARRIED 8/0***



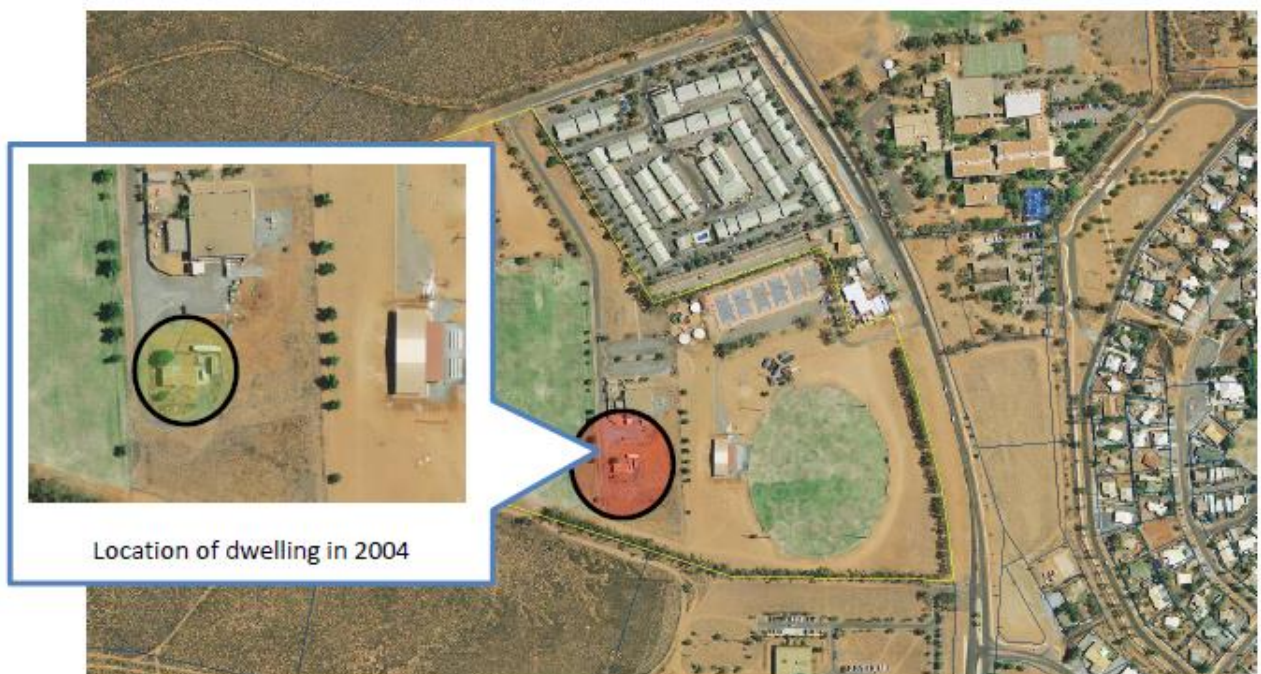
ATTACHMENT 1 TO ITEM 11.1.1.6

Attachment 1 – Location Plan

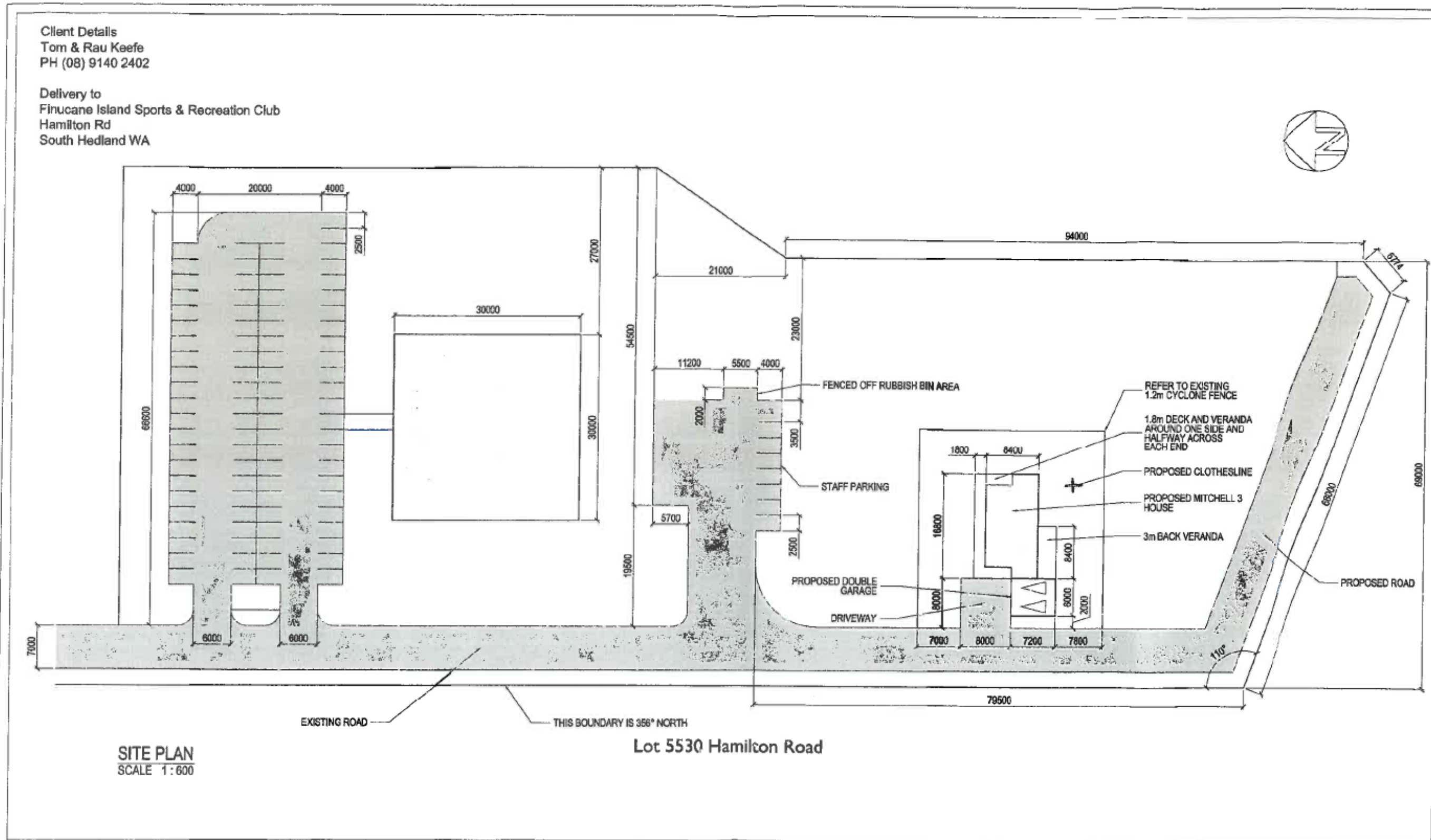


Above: Aerial Map from August 2012

Below: Aerial Map from November 2009

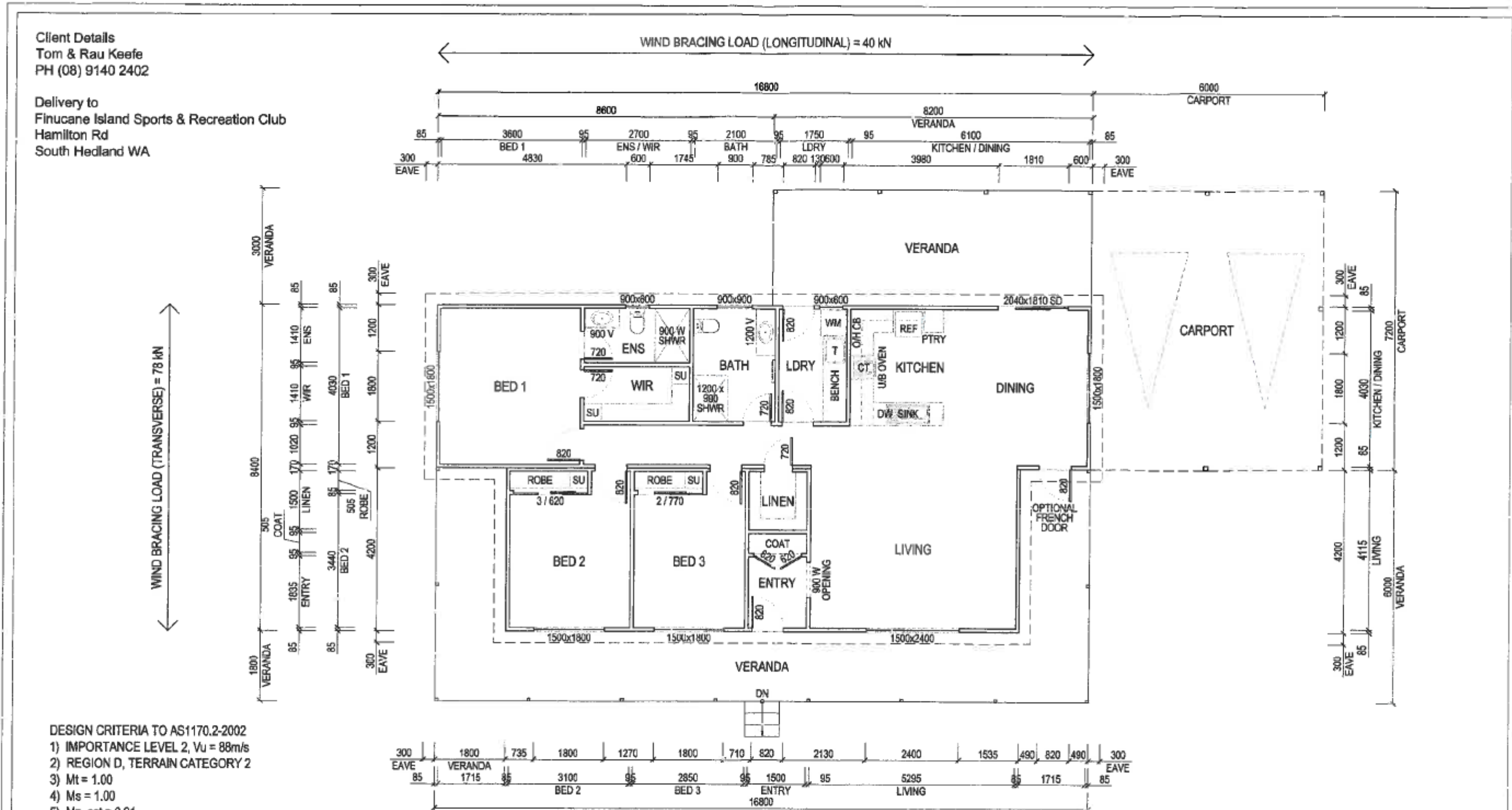


Location of dwelling in 2004



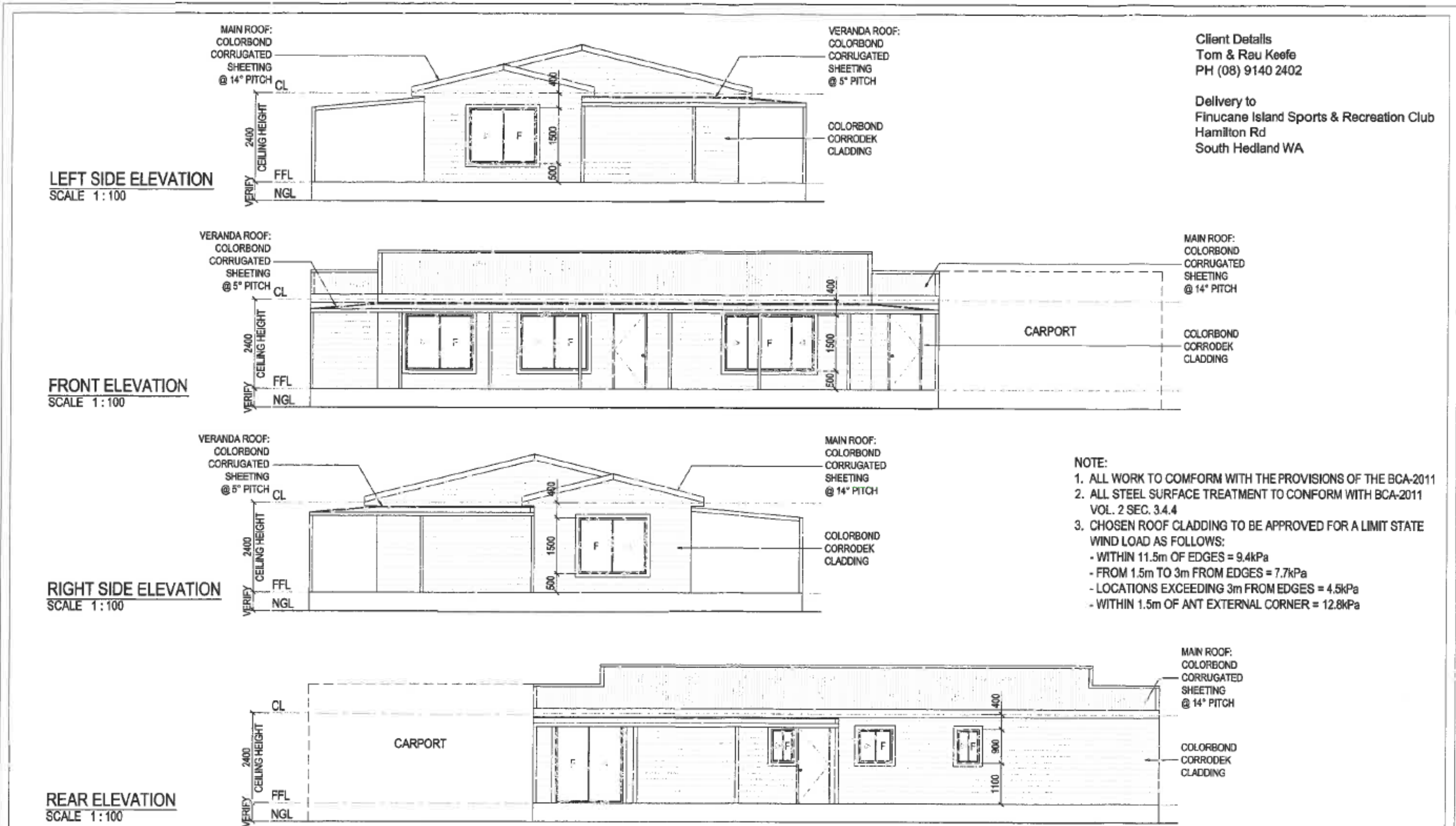
<p>head office   Lot 1 Dodd Rd, Kalannie WA 6468 telephone   (08) 9666 2166 facsimile   (08) 9666 2177 e-mail   sales@hutcity.com.au</p>	PROJECT No.	-	<b>REVISIONS</b>					<b>PROOFING</b>	APPROVED BY	
	CLIENT	TOM & RAU KEEFE							CHECKED BY	
	TITLE	MITCHELL 3		I	RDB	REVISED AS PER MARK-UPS	18/06/13		SCALE 1:600 @ A3	DATE
	DRAWING	SITE PLAN		REV.	BY	DESCRIPTION	DATE		DRAWING No. -	
	DATE	06/11/12		© THIS DRAWING IS THE COPYRIGHT OF HutCity AND MAY NOT BE COPIED IN PART OR FULL WITHOUT THE WRITTEN PERMISSION OF THE HutCity GROUP						





FLOOR PLAN  
SCALE 1:100

<p>head office   Lot 1 Dodd Rd, Kalannie WA 6468                  telephone   (08) 9666 2166                  facsimile   (08) 9666 2177                  e-mail   sales@hutcity.com.au</p>	PROJECT No.	-	REVISIONS 2 1 REV. BY DESCRIPTION DATE				APPROVED BY	
	CLIENT	TOM & RAU KEEFE					CHECKED BY	
	TITLE	MITCHELL 3					SCALE 1:100 @ A3	DATE
	DRAWING	FLOOR PLAN					DRAWING No. -	
	DATE	17/09/12						
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<p>head office   Lot 1 Dodd Rd, Kalannie WA 6468 telephone   (08) 9866 2166 facsimile   (08) 9866 2177 e-mail   sales@hutcity.com.au</p>	PROJECT No.	-	<b>REVISIONS</b>					<b>PROOFING</b>	APPROVED BY		
	CLIENT	TOM & RAU KEEFE		2	RDB	SLIDING DOOR, VERANDA AND CARPORT AT THE BACK ADDED	14/11/12		CHECKED BY		
	TITLE	MITCHELL 3		1	RDB	REMOVE GUTTER	09/10/12		SCALE	1 : 100 @ A3	DATE
	DRAWING	ELEVATION		REV.	BY	DESCRIPTION	DATE		DRAWING No. -		
	DATE	17/09/12		© THIS DRAWING IS THE COPYRIGHT OF <b>HutCity</b> AND MAY NOT BE COPIED IN PART OR FULL WITHOUT THE WRITTEN PERMISSION OF THE <b>HutCity</b> GROUP							

7:34pm Mayor Howlett declared an impartiality interest in Item 11.1.1.7 "Request to Refund in Full or Partially the Planning Application Fees Paid for Planning Applications on Lot 304 Lawson Street South Hedland" as she is a voluntary committee member of the Youth Involvement Council.

Mayor Howlett did not leave the room.

7:34pm Councillor Jacob declared an impartiality interest in Item 11.1.1.7 "Request to Refund in Full or Partially the Planning Application Fees Paid for Planning Applications on Lot 304 Lawson Street South Hedland" as she is the chairperson of the Youth Involvement Council.

Councillor Jacob did not leave the room.

**11.1.1.7 *Request to Refund in Full or Partially the Planning Application Fees Paid for Planning Applications on Lot 304 Lawson Street South Hedland***

**Officer** Leonard Long  
Manager Planning  
Services

**Date of Report** 19 August 2013

**Disclosure of Interest by Officer Nil**

**Summary**

The Youth Involvement Council (YIC) has recently submitted two (2) development applications on Lot 304 Lawson Street South Hedland. RFF the consultants for YIC have requested the fees associated with the application be refunded partially or in full.

The Town's Officers cannot support a request to waive fees either partially or in full, Council is requested to refuse the request and forward the request to the Towns Donations Working Group.

**Background**

In August of this year YIC submitted two (2) planning applications with a total application fee of \$22,985.60. One of the two (2) applications requires to be advertised as per clause 4.3.3. Advertising an application is at a cost of \$1498.80.

The Town has a number of non-for-profit organisations, the waiver of fees either partially or in full could result in a precedent being created, requiring Council to cover costs associated with the processing of applications and potentially the advertising as well.

**Consultation**

Nil

**Statutory Implications**

Application fees are payable in terms of the *Town Planning Regulations 1967*.

**Policy Implications**

6/003 Community Funding & Donations Policy

**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, programs and activities that build capacity within the community,
- c. To enable the Town to implement a consistent response to support requests received from 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.

**Strategic Planning Implications**

Nil

**Budget Implications**

The Planning Unit budget does not make any provision for the waiver of fees / cost either partially or in full.

Should Council resolve to waive the application fees either partially or in full this may result in further similar requests being received ultimately having a negative impact on the Towns revenue.

A waiver of fees to the value of \$22,985.60 will reduce revenue in the Town Planning fees accounts, and subsequently make it more difficult to achieve the Efficiency Dividend amount of \$1.93 million over the 2013/14 financial year. In the future, should Council wish to consider the waiving of fees, a General Ledger account should be constructed and funded accordingly.

**Options**

Council has the following options when considering the request:

1. Refuse the request
2. Approve a partial refund



3. Approve a full refund

**Officer's Comment**

The Audit and Finance Committee administers the donations component of the budget. A request such as this should be considered by this Committee however, only \$25,000.00 has been allocated to this budget item. If this were to be considered by the Committee only a partial refund of these fees could be considered.

From a planning perspective the waiver of application fees is not supported.

**Attachments**

1. Request to waive fees either partially or in full.

**Officer's Recommendation**

That Council refuses the request from RFF the consultants for the Youth Involvement Council to waive fees either partially or in full.

**201314/043 Council Decision****Moved: Cr Carter****Seconded: Cr Dziombak****That Council provide a \$10,000 partial waiver of fees for the Youth Involvement Council.*****CARRIED BY ABSOLUTE MAJORITY 6/2***

*Reason: Council made this decision as they believe that the Youth Involvement Council is a worthy organisation greatly contributing to the Town's youth issues.*

ATTACHMENT 1 TO ITEM 11.1.1.7



See also application 2013/466 on property file

8 August 2013

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

Attention: Leonard Long, Manager Planning

Dear Leonard,

**RE: REQUEST TO WAIVE IN FULL OR PARTIALLY PLANNING APPLICATION FEES – LOT 304 LAWSON STREET, SOUTH HEDLAND**

On behalf of the Youth Involvement Council (the YIC), we respectfully seek that Council waive, either fully or partially, the application fees associated with the proposed applications for planning approval for a Community Use and Residential Development on Lot 304 Lawson Street, South Hedland.

The YIC recently made two separate planning applications to the Town of Port Hedland which focus on facilitating the redevelopment of the site to improve the education services the YIC offers to Hedland youth. The proposals also provide for operational efficiencies through colocation of staff and management and the provision of accommodation for staff.

The application fees total **\$22,985.60**.

We appreciate that the Town of Port Hedland must maintain a sustainable operation itself and can't simply sacrifice normal revenue streams without clear justification. We consider however that the waiving of fees in the instance will allow for broader benefits to the Port Hedland community as these funds can be used to aggressively target funding from major government and private agencies. This will provide for a much stronger possibility of the project going ahead, delivering a unique education precinct that will greatly benefit the youth of the Town of Port Hedland.

We consider the waiving of fees can be a 'win-win' for both the YIC and Town of Port Hedland. The YIC fully supports any waiving of fees as a form of sponsorship of the YIC and would open welcome an agreement for the on-going recognition of the Town's support for the redevelopment of the site in publications and announcements moving forward.

We welcome the opportunity to discuss this with senior executives/ management at the Town of Port Hedland prior to presentation to Council for consideration and look forward to you contacting us regarding this matter shortly.

Please contact the undersigned on 0407 684 337 or [owen@rffaustralia.com](mailto:owen@rffaustralia.com) to discuss once the Town has had the opportunity to initially consider the request.

Regards  
  
Owen Hightower  
RFF

IPA 39931  
File Number: ...8099076  
Int. Correspondent: Leonard Long

***11.1.1.8 Proposed Retrospective Application for a “Transport Depot” located on Lot 500 Bell Street, Port Hedland. (File No.: 124110G)***

*NOTE: This item was pulled from this Council meeting’s agenda.*

**11.1.1.9 Assessment of Tender 13/12 Eastern Gateway Investigation (File No.: 18/16/0013)**

**Officer** Steve de Meillon  
Senior Strategic Planner

**Date of Report** 30 July 2013

**Disclosure of Interest by Officer** Nil

**Summary**

The purpose of this report is to provide assessment details of the tenders submitted for Tender 13/12 – Eastern Gateway Investigation and Design.

Council is requested to approve the appointment of the recommended Tenderer to deliver the Eastern Gateway Investigation and Design.

**Background**

In 2012 the Town's Planning & Development Directorate sought funding through a business case to the Northern Planning Program. The funding was requested to support the investigation and design of an area immediately to the east of South Hedland.

The extent of the project area is identified as Precinct 13 – Eastern Gateway (the site) within Pilbara's Port City Growth Plan (Growth Plan). The site encompasses various land parcels comprising a total area of approximately 600 hectares.

The purpose for the project is to engage a suitably qualified consultant(s) to assist in delivering the following key processes over the site:

**Part A**

- Detailed Site Investigation and Due Diligence.
- Options/Feasibility Report.
- Final Concept Design.

**Part B (as determined from Stage 1)**

- Scheme Amendment(s).
- Development Plan(s).
- Design Guidelines.

The project provides an opportunity to de-risk and prepare land ready for future subdivision and development. In addition, the project will ensure future development(s) within the site achieves a 'best practice' urban development approach for the Pilbara. The project is expected to contribute to the Town's strategic direction of creating:

*“A nationally significant, friendly city, where people want to live and are proud to call home” (Growth Plan, 2012).*

On the 16 October 2012 the Northern Planning Program confirmed endorsement of the business case and the allocation of funding for the project. In accordance with the business case, on Wednesday 5 June 2013, Tenders were called to appoint a suitable consultant(s).

- The Tender period closed at 2:30pm Wednesday 3 July 2013, a total of twelve (12) submissions were received.

### **Consultation**

The Tenders have been assessed by a group of internal staff from the following departments:

- Planning Services
- Technical Services
- Infrastructure Development Services

### **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*

- “(1) Subject to subsection (2), the following are to be open to members of the public —*
- (a) all council meetings; and*
  - (b) all meetings of any committee to which a local government power or duty has been delegated.*
- (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 —*
- (a) a matter affecting an employee or employees; and*
  - (b) the personal affairs of any person; and*
  - (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*

- (d) *legal advice obtained, or which may be obtained, 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 —*
- (i) *a trade secret; or*
  - (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*
- (f) *a matter that if disclosed, could be reasonably expected to —*
- (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
  - (ii) *endanger the security of the local government's property; or*
  - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed."*

### **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:

6.3 Environment

6.3.1 Housing

Ensure future land bank available for future residential development through a detailed property strategy, which identifies the sufficient amount and location of future residential lands (precincts 8, 13 and 14 provide these land bank opportunities).

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

#### *5.6.13 Precinct 13 – Eastern Gateway*

- Investigation required to facilitate site planning and development of workforce accommodation (potentially housing construction workforce).
- Precinct encapsulated in TPS5 as a 'Development Plan' area.



- Development Plan to be prepared over priority development areas (leaving land bank areas).
- Detailed consideration of land use/noise buffer requirements to railway corridors.
- Hazard risk management assessment and adaptation planning for all new developments identified as at risk of localised flooding and inundation.
- A coordinated approach to transport planning through a strategic transport assessment for all major roads.

### **Budget Implications**

A total of \$500,000.00 has been allocated by the Northern Planning Program to be provided on delivery of determined deliverables.

The submitted contract value of the recommended tenderer will be allocated on delivery of Part A and a provisional sum to undertake all, or portions of Part B.

### **Officer's Comment**

#### *Northern Planning Program*

The Northern Planning Program (NPP) is an initiative under State Government's Royalties for the Regions Program. The NPP provides funding for the development of planning, infrastructure and service projects across the Kimberley, Pilbara, Gascoyne and Mid West regions.

In September 2012, the Town submitted a business case to the NPP seeking funding to undertake detailed site investigations leading into a Scheme Amendment(s), Development Plan(s) and Guidelines. In October 2012, the NPP endorsed the business case and allocated a total of \$500,000.00 for the project. The project comprises the following key deliverables:

#### Part A

- Detailed Site Investigation and Due Diligence.
- Options/Feasibility Report.
- Final Concept Design.

#### Part B (as determined from Stage 1)

- Scheme Amendment(s).
- Development Plan(s).
- Design Guidelines.

*The Project*

The business case endorsed by the NPP refers to a parcel of land identified as Precinct 13 – Eastern Gateway within Pilbara’s Port City Growth Plan (Growth Plan). The allocated funding is to appoint a suitably qualified consultant(s) to undertake the required work to facilitate the key deliverables listed above.

The project aligns with the Town’s strategic planning framework ensuring suitable investigations are undertaken to de-risk the future site planning and development of the land. Precinct 13 (the site) is indicated as medium (6-10 years) development with the Town’s Implementation Plan. The project is an opportunity to deliver a planning framework that is not affected by immediate demand and delivery. It is therefore expected the project has sufficient timeframes to achieve a truly integrated development, adapted to its specific local environment.

To ensure the final outcomes of the project achieve ‘best practice’ development in the Pilbara the following objectives are expected to be delivered by the appointed consultant:

1. Undertake a detailed investigation and due diligence over the site.
2. Identification of potential land use constraints, including but not limited to buffers.
3. Preparation of feasibility report and recommend proposal(s) for development based on sound technical information that address site specific issues.
4. Establish strong working relationship with stakeholders to ensure achievable and practical outcomes.
5. Produce ‘best practice’ innovative approaches to development that take into account the unique location and context.
6. Undertake statutory land use processes to assist the timely subdivision of the site.
7. Ensure the best possible environmental outcomes from any future subdivision within the site.
8. Encourage development that attracts people to relocate to the region through:
  - a. Strengthening local community and culture.
  - b. Producing housing diversity and land supply.
  - c. Promoting environmental protection and adaption.
  - d. Providing opportunity for sustained and diversified economic growth.
9. Encourage improved design that is climate responsive, designed to conserve energy and creates a pleasant living environment.

*The Request for Tender (RFT)*

The RFT sought to appoint a consultant(s) to undertake and prepare the Eastern Gateway Investigation and Design. The successful consultant is expected to deliver the project in accordance with the key deliverables and objectives of the endorsed NPP business case. In addition, the RFT was formatted to allow for the project to develop in conjunction with other strategic planning projects, initiated after endorsement of the NPP business case.

As such the RFT presented the project as six (6) separable portions and requested Tenderers to present innovative methodologies for delivery based on the project objectives. The separable portions are defined in Table 1 below.

Table 1 – Separable Portions

	<b>Item</b>	<b>Deliverable</b>
Part A	Separable Portion 1	Detailed Site Investigation Report(s)
	Separable Portion 2	Feasibility Report
	Separable Portion 3	Final Concept Design
Part B	Separable Portion 4	Scheme Amendment
	Separable Portion 5	Development Plan
	Separable Portion 6	Design Guidelines

The approach to separable portions in the RFT allowed the evaluation panel to consider the value and methodology of Tenders in greater detail. The evaluation panel could therefore consider each portion of the project in the context of the Town's resources and other progressing strategic projects. The approach is expected to achieve the most value for money.

The value for money approach applied in the RFT is in part due to the financial constraints limited to the funding provided by the NPP. The total prices for each separable portion could therefore be standalone prices and awarded either individually, or collectively. The evaluation panel could consider the quality of work proposed in each separable portion, and determine its contribution to the overall project. The value considerations outlined in the RFT guided the assessment undertaken by the evaluation panel.

Tenderers were required to address both compliance and qualitative criteria. All Tenderers achieved the compliance criteria. Table 2 below indicates the qualitative criteria as described in the RFT.

Table 2 – Qualitative Criteria

Qualitative Assessment Criteria	Weighting (%)
Relevant Experience	25
Tenderer's Resources	20
Demonstrated Understanding/Methodology	40
Price	15
Total	100

As indicated in Table 2 above, the substantial qualitative criterion is the 'Demonstrated Understanding/Methodology'.

Understanding the constraints and risks in the Pilbara, and more specifically the site, is a major determining factor to the successful delivery of the project. The highest value awarded where Tenderers demonstrated Part B of the project, would be delivered from a strong technical understanding of the site.

The 'Price' criterion valued more than just the overall cheapest price. The value was attributed to the price in terms of the quality, capacity, adaptability and accountability of the work to be undertaken. The evaluation panel made a series of value judgements. Value was based on Tenderers ability to demonstrate how the proposed work would contribute to the delivery of the overall project deliverables.

Although the Town is bound to deliver all six (6) portions of the project to the NPP, it does not necessarily require all work to be delivered through this RFT. As a result there were significant differences between the price, scope and scale of works proposed in the various Tenders. It is however vital, to ensure the work undertaken by the successful Tenderer, will contribute to delivery of all separable portions, whether directly or indirectly.

An early consideration of the evaluation panel was that potentially not all portions within Part B need to be delivered by the successful Tenderer. Through additional planning projects underway, the evaluation panel discussed options for some work to be undertaken 'in-house'. Specifically discussed was the ability to undertake certain separable portions five (5) and six (6) outside the appointed Tender. This would however be subject to sufficient investigation and reporting through Part A of the project.

The evaluation panel therefore proposes the RFT be awarded for Part A with a provisional sum for Part B. Therefore, as a minimum, Tenders needed to demonstrate delivery of Part A of the project being separable portions 1 to 3.

In light of the above, Tenders were reviewed on their value in contributing to the overall delivery of the business case to the NPP.

At the close of the Tender advertising period a total of twelve (12) submissions were received.

Table 3 below provides a summary of the assessment of each of the Tender submissions against the qualitative criteria. The scores have been calculated as the average of the evaluation panel.

Due to the significant range in price and variety of approaches undertaken, price was determined through a dual perspective. A standard price formula for Part A of the project was calculated. The formula being the lowest price X 10 divided by the Tender Price. Price was also assessed in consideration of the suitability and depth of the work to facilitate the entire project. This included work proposed for Part B of the project.

Price was therefore assessed individually for Part A and as a value consideration against the criteria applied in Table 3 below.

Table 3 – Assessment Evaluation

Tender submissions	Relevant Experience (25%)	Tenderer's Resources (20%)	Demonstrated Understanding / Methodology (40%)	Price for Part A (15%)	Total Score including Price (100%)
	Score	Score	Score	Score	
Successful Projects	10.5	8.8	16.2	4.2	39.7
RFF	13.5	10.8	26.0	3.4	53.7
Taylor Burrell Barnett	18.5	14.4	27.4	1.6	61.9
Whelans	18.5	12.8	28.6	4.4	64.3
Land Insights	12.0	9.6	21.8	15.0	58.4
RPS	16.5	13.6	31.0	4.0	65.1
Rowe Group	15.0	14.0	26.4	3.1	58.5
Aura	12.0	9.2	22.6	4.3	48.1
Hassell	16.0	13.2	29.2	2.8	61.2
TME	15.0	12.0	23.4	6.0	56.4
NS Projects	18.5	14.0	31.0	2.5	66.0
Halcyon	17.4	13.4	28.4	2.3	61.5

The top five (5) Tenders are highlighted above.

To ensure the best value for money approach was taken, the top five (5) submissions were further reviewed. The funding amount for the project is fixed and subject to key deliverables. The Tenders therefore needed to be assessed on their level of risk of not being able to deliver the key deliverables within the allocating funding.

The key considerations for further assessment were narrowed onto the Tenderers ability to:

1. Address the key objectives outlined with the RFT.
2. Clearly demonstrate the level and appropriateness of work to be undertaken.
3. Instil confidence in how Part A and Part B of the project could be delivered.
4. The overall price of the Tender limited by the budget available for the project.
5. The value for money of the work to be undertaken with respect to the selection criteria.

*Taylor Burrell Barnett (TBB)*

The Tender demonstrated the team as industry leaders in Greenfield development and structure planning. The assigned staff had demonstrated experience on comparable projects. In addition, TBB clearly identified specific Port Hedland issues and constraints, and highlighted the necessary tasks needed to be undertaken. However, the methodology proposed was in excess of the funding available.

*Whelans*

The Tender demonstrated previous sufficient structure planning experience. The team have demonstrated experience working together on similar projects. The overall team has experience in dealing with Port Hedland issues, although not all have demonstrated experience in Port Hedland. The Tender outlined the accountability of staff, and generally the assigned staff had good experience. The Tender demonstrated sound approaches to resolving issues in similar projects.

The Tender although highlighted key issues in Port Hedland, did not provide added benefit by prioritising issues. The level of work to be undertaken came across as very desktop and reliant on information being available. The level investigation and design did not instil confidence that the key subsequent stages of the project could be delivered without substantial additional work. Although the Tender presented a detailed consultation strategy, it was fairly generic and didn't identify specific stakeholders and their importance.

*RPS*

The Tender demonstrated extensive land development experience in Port Hedland. RPS was identified to undertake a substantial part of the work in-house, and clearly demonstrated extensive experience in the multiple facets required for delivery. The Tender showed a solid top level understanding of the site constraints, including impacts on the existing township. A high level of detail was presented for all the work to be undertaken in the individual stages of the project. The Tender presented a strong stakeholder management strategy identifying key stakeholders to be approached and for what benefit. Overall the Tender presented a good value for money with substantial funding still available for a contingency.



Although all encompassing, there were elements of the Tender that were evaluated to be fairly generic. The Tender did not suitably demonstrate the amount of transport planning that would be undertaken to facilitate the subsequent stages of the project.

#### *NS Projects*

The Tender demonstrated extensive experience in Port Hedland including comparable land investigation and development projects. The team has strong working synergies and delivered a number of similar projects together. The Tender prioritised key issues and constraints in Port Hedland, and the site, and identified approaches to respond. The overall delivery method gives confidence all required investigation and reports will be undertaken to ensure deliver of the project.

Although consultation is addressed, the approach mentioned in the methodology is only briefly discussed. The Tender price was an initial concern as it did not leave much of a contingency. However the Tender went into significant detail on costing and work to be undertaken, and presented confidence in the value for money.

#### *Halcyon Properties*

The Tender lead, Halcyon Properties, demonstrated substantial project management experience on large developments. In addition, the team has previously worked together on a number of significant LandCorp land development projects. The Tender identified and prioritised key issues in Port Hedland and presented a clear methodology of how to proceed. The proposed methodology had a strong economic and development approach which was highly valued by the evaluation panel. The Tender was very light on the level of traffic assessment and design input. Although the methodology was very strong, generally there was a lack of depth to explain the level of investigations to be undertaken. As the Tender price did not leave much of a contingency amount, the lack of detail was considered a risk.

#### *Summary*

The tender assessment results indicate that the contract should be awarded to NS Projects. The further qualitative assessment of the top five (5) Tenders confirms NS Projects to be the most value for money. They have clearly demonstrated their experience and capability of completing the project at a high standard.

#### **Attachments**

1. Location Plan.
2. Confidential Summary of Prices Submitted.

**Officer's Recommendation****Moved: Cr Daccache****Seconded: Cr Hunt**

That Council:

1. Awards Tender 13/12 – Eastern Gateway Investigation to NS Projects to deliver Part A of the project as per their RFT submission (Ex GST); and
2. Awards Tender 13/12 – Eastern Gateway Investigation to NS Projects for all, or portion of Part B as per their RFT submission a provisional sum (Ex GST).

*MOTION LOST 3/5***201314/044 Council Decision****Moved: Cr Jacob****Seconded: Cr Carter**

That Council:

1. **Awards Tender 13/12 – Eastern Gateway Investigation to RPS to deliver Part A of the project as per their RFT submission of ~~\$222,948.00~~ \$214,153.20 (Ex GST); and**
2. **Awards Tender 13/12 – Eastern Gateway Investigation to RPS for all, or portion of Part B as per their RFT submission a provisional sum of up to ~~\$133,882.00~~ \$142,677.00 (Ex GST).**

*CARRIED 5/3*

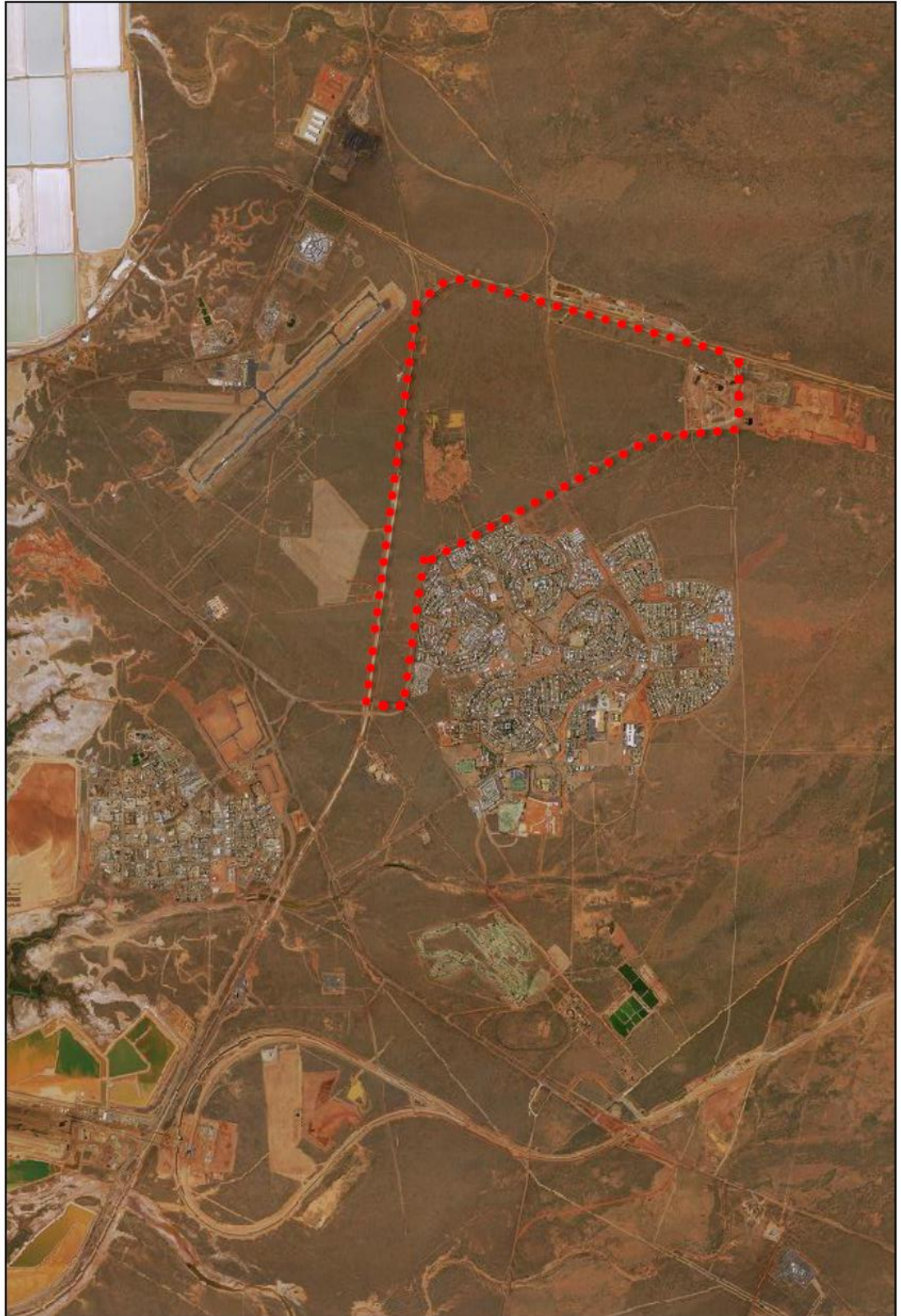
Record of votes:

For	Against
Mayor Howlett	Councillor Daccache
Councillor Carter	Councillor Dziombak
Councillor Gillingham	Councillor Hunt
Councillor Jacob	
Councillor Taylor	

*Reason: Council believes the submission from RPS was better value to the Town of Port Hedland.*

At the Ordinary Council Meeting held on Wednesday 25 September 2013 Council amended (201314/095) the tender prices. The total being \$356,830.00 remains.

LOCALITY PLAN



**11.1.1.10 Retrospective “Industry – Noxious” – Two (2) Additional cement silos on Lot 370 Draper Street Wedgefield (File No.: 122360G)**

**Officer** Ben McKay  
Compliance Officer

**Date of Report** 19 August 2013

**Disclosure of Interest by Officer** Nil

**Summary**

Council received an application from BGC Contracting for the retrospective application for “Industry – Noxious” – two (2) additional cement silos on Lot 370 Draper Street, Wedgefield (subject site)

The application is supported by the Towns officers subject to conditions. Council is requested to consider the application favourably.

**Background**

*Site description (Attachment 1)*

The subject site achieves vehicular access via Draper Street and has an area of 2,554m<sup>2</sup>.

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5), the subject site is reserved for the purposes of “other public purpose - Port Facility”, and is under the control of the “Port Authorities Act”

The applicant is seeking retrospective approval to expand the use of subject site for ‘Industry – Noxious’ – two (2) additional cement silos. Council Resolution 201112/073 has previously given approval for the operation of a cement Batching plant on the subject site.

**Consultation**

The application was circulated as follows:

*Internally:*

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

*Externally:*

- Department of Water
- Department of Mines and Petroleum
- Department of Environment and Conservation

- Telstra
- Optus
- Horizon Power
- Water Corporation
- Wedgefield Small Business Owners Association

#### *Adjoining advertising*

The application was advertised for a period of 21 days in the local newspaper, signs on site and to adjoining landowners (indicated in red) as shown in attachment 1.

No submissions have been received during the advertising period.

#### **Statutory Implications**

Section 2.3 (Matters to be considered by Council) of the TPS5 states as follows:

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

- a) Have regard to the ultimate purpose intended for the reservation, It is considered that the Port Authority, whom have been vested the land are aware of the purpose and responsibilities associated with the vesting. As the Port Authority have signed as the landowner and given consent it is fair to assume that the proposal is consistent with the ultimate purpose of the vesting.
- b) Have regard for the intentions of agencies with responsibility for managing and developing the reservation, and  
The Port Authority has given consent to the lodgement of the application.
- c) Confer with the organisations it considers relevant to the reservation and the proposed use or development.  
Not considered necessary as the Port Authority have given consent to the lodgement of the application and enter into a lease with the applicant.

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

#### **Policy Implications**

Nil

#### **Strategic Planning Implications**

The following sections of Council's Strategic Plan 2012 – 2022 are considered relevant to this proposal:

---

6.2	Economic
6.2.1	Diverse Economy

---

Facilitate commercial, industry and Town growth.

### **Budget Implications**

Immediate:

The prescribed fee \$12,602.36 has been received, as the application is a retrospective approval.

### **Officer's Comment**

Council's Pilbara Port City Growth Plan has identified the need to improve the amenity of the existing Wedgefield area by gradually relocating heavier industrial land uses (such as Industry – Noxious and Industry – General uses) to more appropriately designated growth precincts.

At its previous meeting dated 26th June 2013, Council supported the initiation of Scheme Amendment No. 65 which sort to broaden the permissibility of "Industry – Noxious" and "General Industry" within the "Transport Development" zone. The proposed amendment will help address the land use conflicts between the caretaker dwellings and heavier industries. Further, the amendment would allow Council to discourage Industry – Noxious applications within the Wedgefield 'Industry' zone until further consideration can be given to the existing 'residential' population.

Notwithstanding the above, it may take between 12 to 18 months for the Scheme Amendment to be approved and published in the Government Gazette. Therefore there is currently no appropriate land available for noxious uses, resulting in the existing Wedgefield Industrial area being the most compatible area. It would therefore be appropriate to support the proposed development on the site provided it can be contained within the property boundaries and a temporary approval issued for a period of three years.

### **Attachments**

1. Locality Plan.
2. Development Plans.
3. Letter from Port Authority 2013



**201314/045 Officer's Recommendation/ Council Decision****Moved: Cr Carter****Seconded: Cr Dziombak**

**That Council approves the application submitted on behalf of BGC Contracting Pty Ltd on behalf of Port Hedland Port Authority for Retrospective "Industry Noxious" – two (2) additional cement silos on Lot 370 Draper Street, Wedgefield, subject to the following conditions:**

- 1. This approval relates only to the Retrospective "Industry – Noxious" – Two additional cement silos, as indicated and defined in red on the approved plans (DRG2013/414/1 - DRG2013/414/4). It does not relate to any other development on this lot;**
- 2. The approval shall be valid until 13 March 2016;**
- 3. Dust and sand shall be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Environmental Health Services'**
- 4. If the additional cement silos on the site are already in use the use is to cease until such time as the landowner has obtained an operating license from the Department of Environment Regulations.**

**ADVICE NOTES:**

- 1. In terms of the Port Hedland Town Planning Scheme No 5, "Industry Noxious" is defined as follows and shall only be used for this purpose:  
  
"An industry which is subject to licensing as "Prescribed Premises" under the environmental Protection Regulations 1987 (as amended)."**
- 2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;**
- 3. The proposed development must not interfere with existing effluent disposal system(s);**
- 4. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services;**
- 5. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times;**

**Be advised that as per the Environmental Protection (Noise) Regulations 1997, construction noise, that does not comply with the AS 2436-1981, is not permitted outside of 0700-1900 Mondays-Saturdays and not on Sundays or Public Holidays.**

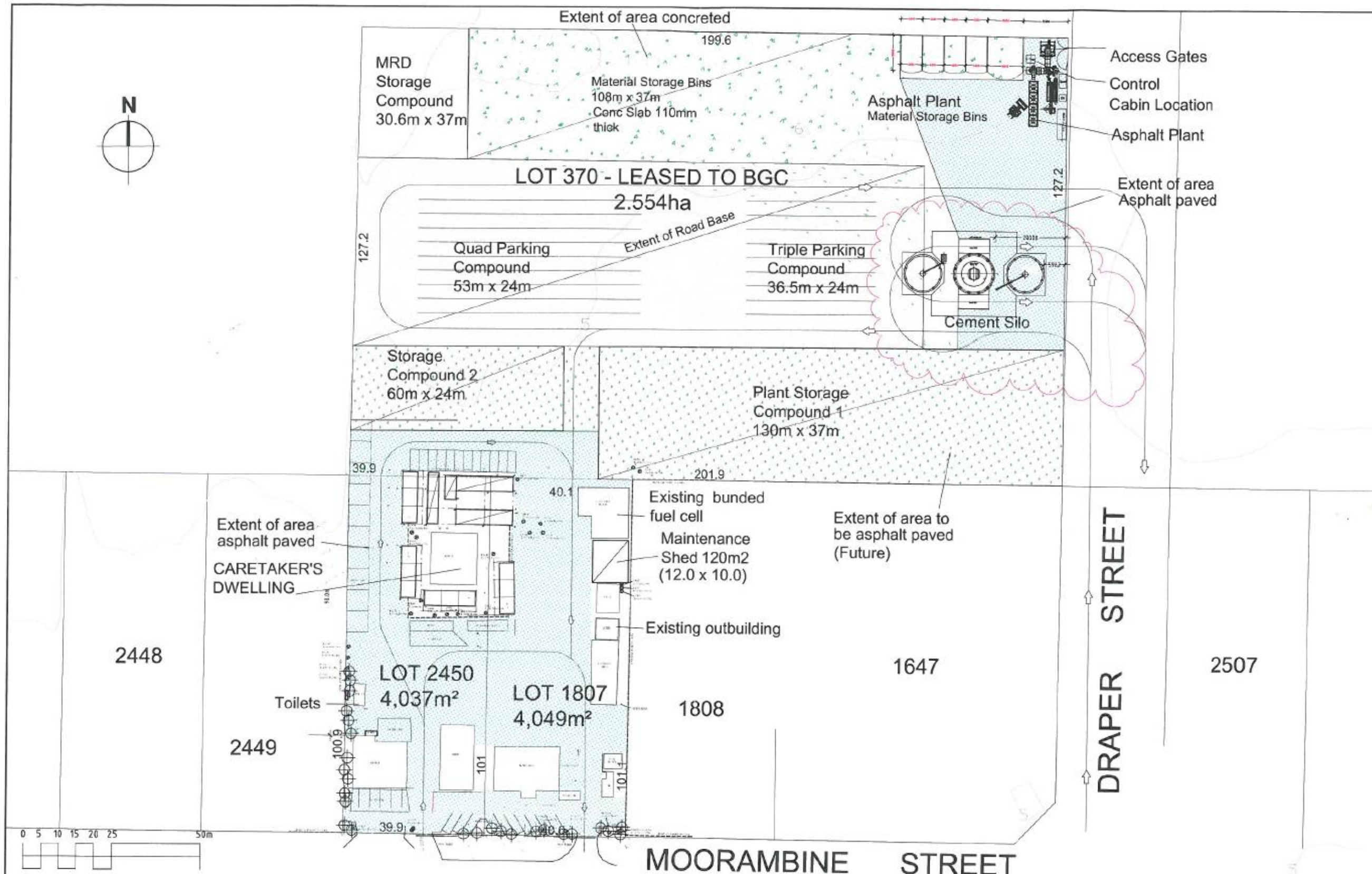
- 6. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval;**
- 7. Operation of the premises is to be in compliance with DEC Licencing Conditions; and**
- 8. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.**

***CARRIED 8/0***

ATTACHMENT 1 TO ITEM 11.1.1.10





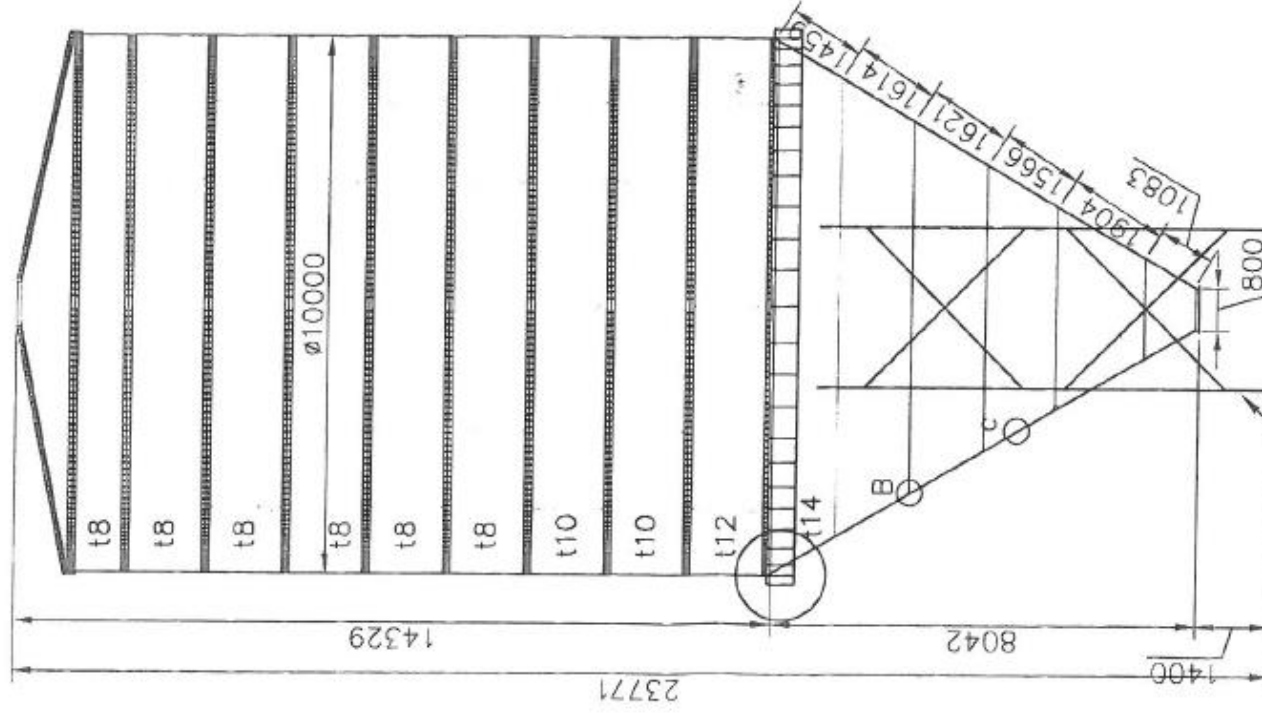


<p>Additional silos located G 200613</p> <p>Extent of boundary fence noted E 1601111</p> <p>New shaded parking area D 160911</p> <p>Dongas Repositioned C 090911</p> <p>For Council submission B 250811</p>		<p><b>Site Plan</b></p> <p>BGC Contracting Depot</p> <p>Lot 2450 Moorambine St</p> <p>Port Hedland</p>		<p>SCALE 1:500</p> <p>DRAWN</p> <p>CKD.</p> <p>Job No</p> <p>DATE</p>		<p>ALL DIMENSIONS ARE IN MILLIMETRES.</p> <p>THIS DRAWING IS THE PROPERTY OF BGC AUSTRALIA AND IS PRIVATE, CONFIDENTIAL AND IS SUPPLIED ON THE EXPRESS UNDERSTANDING THAT IT IS NOT TO BE USED FOR ANY PURPOSE OR COPIED OR COMMUNICATED TO ANY OTHER PERSON WITHOUT THE WRITTEN PERMISSION OF THE PROPRIETORS.</p> <p>DRG No. 1 of 8</p>	<p>A1</p> <p>REV G</p>
DRG No.	DESCRIPTION	DESCRIPTION	No	DATE	INIT.		
	REFERENCE DRAWINGS						



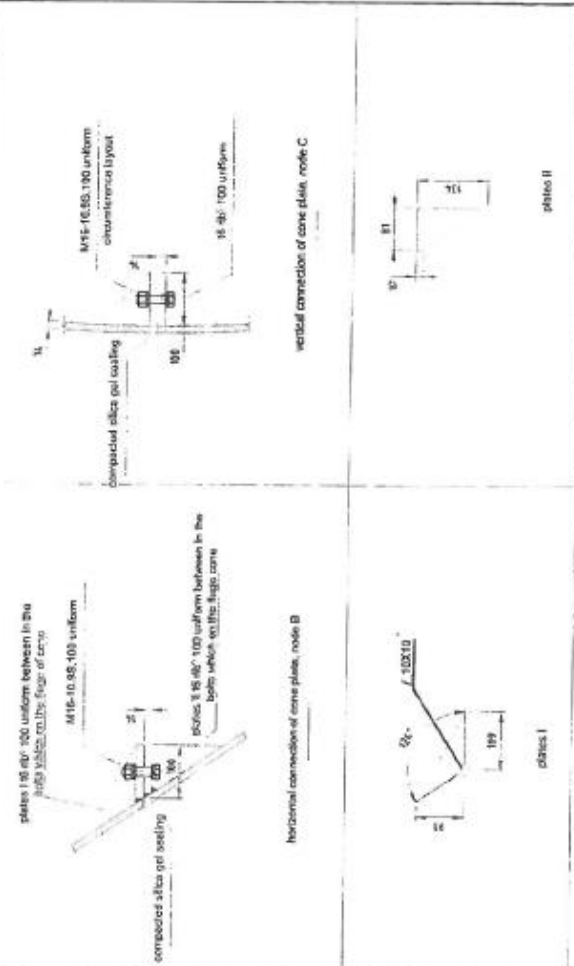
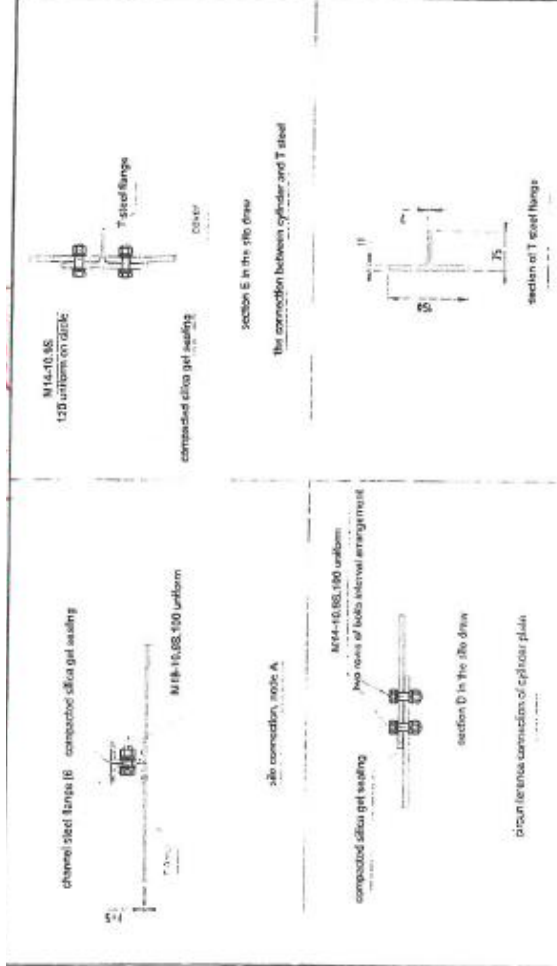
BGC CEMENT  
PORT HEDLAND DEPOT  
SILOS 2 AND 3 DETAILS

DATE: 5/3/13  
NAME: Paul Swales  
SENIOR STRUCTURAL ENGINEERING, BEING, MIE(AUST)  
**Peritas**  
www.peritas.com.au  
TEL: +61 8 9388 2884  
FAX: +61 8 9328 3515  
41 STUART STREET  
PERTH WA 6000

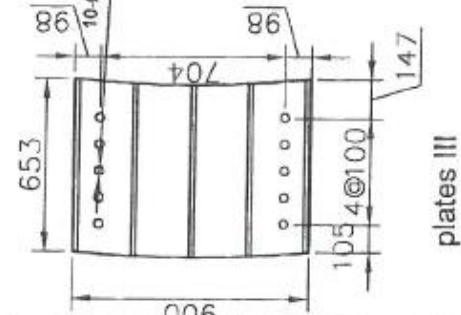


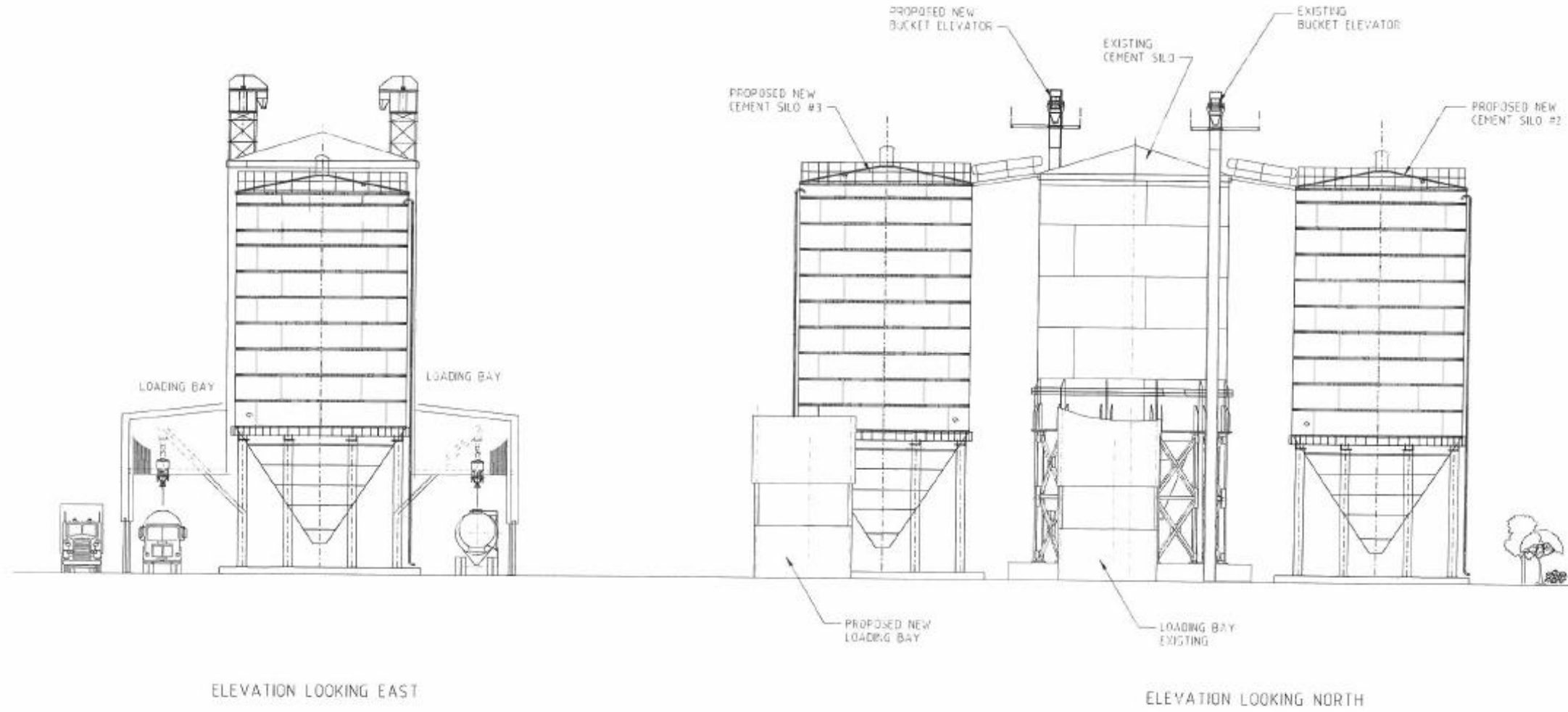
SUPPORT STRUCTURE  
SEE PERITAS DRG.  
ST-2121

- NOTES**
- REFER PERITAS DESIGN DRG PC12006-ST-2001 FOR GENERAL NOTES.
  - MINIMUM YIELD STRENGTH OF ALL STEEL AND PLATEWORK SHALL BE B35 WPE.
  - ALL WELDING SHALL BE SIZED TO MATCH THE STRENGTH OF THE PARENT METAL (PPBW OR APPROPRIATELY SIZED FILLET WELD) UNO.
  - REFER PERITAS DESIGN DRG. PC2006-ST-2121 FOR ADDITIONAL SRENGTHENING TO SILO RING BEAM.
  - ALL BOLTS SHALL BE MINIMUM GRADE 10.9 IN ACCORDANCE WITH AS4100.
  - IF IN DOUBT, ASK!



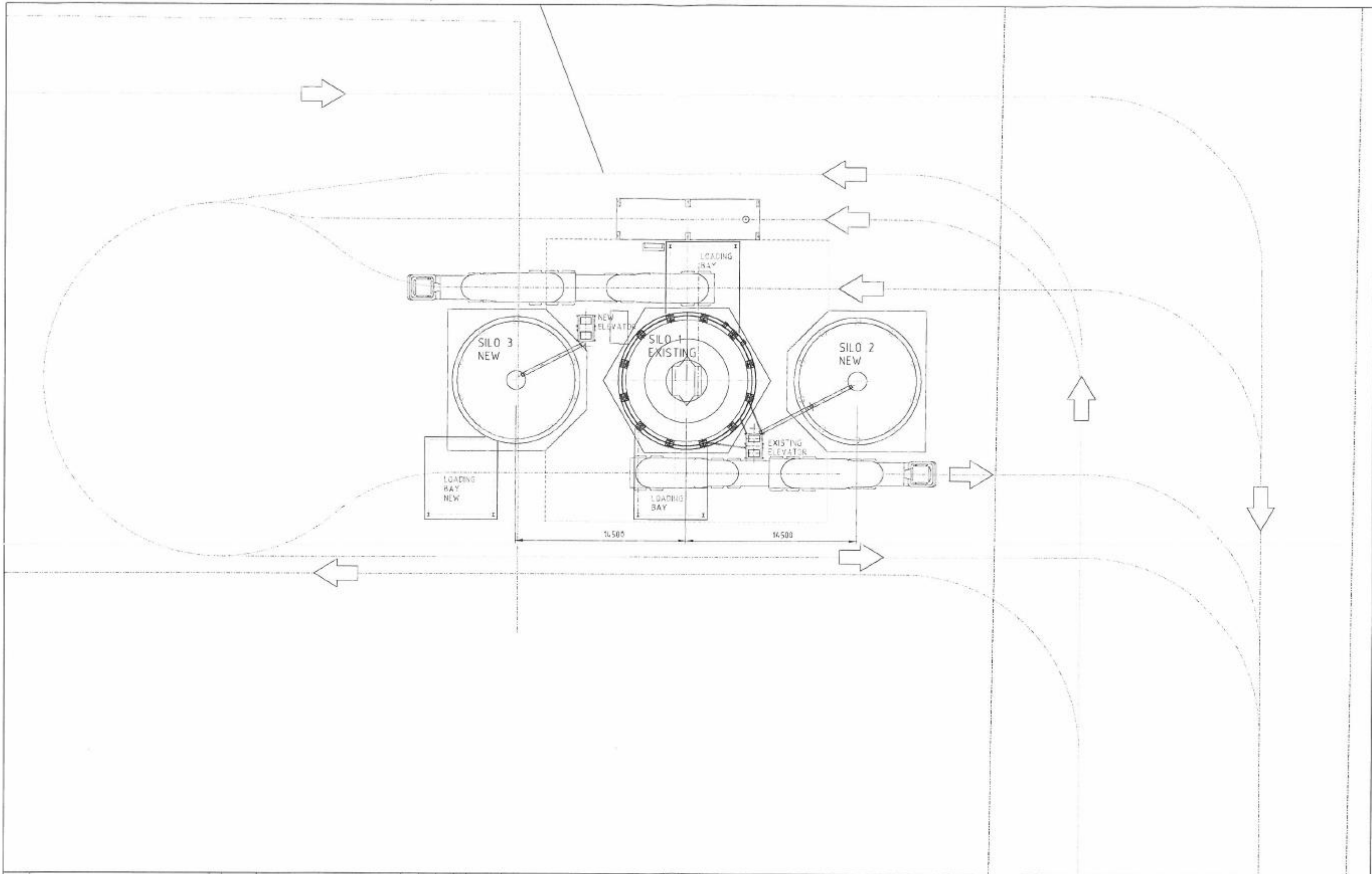
No.	part name	spec	Qty	remark
14	arc burst	channel steel 16		optional
15	man hole	Ø500*20		optional
16	support	114 HR		segment
17	support leg	T150*75*7*11		optional
18	Cone	18 110 112		segment
19	level indicator	L40*3*6' pipe		segment
20	T steel flange	Ø25*2.0*L30*3		segment
21	cylinder	15 diamond plate		optional
22	ladder	safety valve		segment
23	handrail			optional
24	dust collector			
25	cover			
26	safety valve			





										SCALE 1:150		AT SHEET		PROJECT		BGC CEMENT	
										DRAWN		KLOCKE		31/12		PORT HEDLAND DEPOT	
										CHECKED						ORG No.	
										DESIGNED						851-P-006	
										APPROVED FOR CONST						REV	
No	TITLE	Nº	DATE	REVISIONS	DSN	END	APP	Nº	DATE	REVISIONS	DRW	CHK	APP	INT	DATE		1





										SCALE		A1 SHEET		PROJECT			
										DRAWN		KLEGG		PORT HEDLAND DEPOT			
										CHECKED				STAGE 2		DRG No.	
										DESIGNED				PROPOSED ADDITIONS		REV	
										APPROVED FOR CONST				PLAN		851-P-010	
No	TITLE	No	DATE	REVISIONS	DRN	CHK	APP	No	DATE	REVISIONS	DRN	CHK	APP	DATE			1

## ATTACHMENT 3 TO ITEM 11.1.1.10



Ref: WF:PM:P30/N-303 L45-22

Neil Chamberlain  
BGC Contracting  
PO Box 515  
PORT HEDLAND WA 6721

Cc: Patrick O'Connor

27 May 2013

Dear Neil,

**BGC CONTRACTING – ADDITIONAL CEMENT SILOS DEVELOPMENT APPLICATION**

DEVELOPMENT APPLICATION No. 21/2012

The Port Hedland Port Authority (PHPA) writes to BGC Contracting (BGC) with regard to the abovementioned proposal, currently being reviewed and progressed by the PHPA.

This correspondence follows on from the Development Application (DA) received by the PHPA from BGC on the 1<sup>st</sup> March 2013.

The PHPA advises that it has had an opportunity to review the submitted DA, and its supporting information, and hereby gives notification of its conditional support for this proposal to progress. However, this conditional support is subject to the following conditions.

- (i) BGC is required to demonstrate that the Town of Port Hedland (ToPH), as the responsible authority for all planning approvals and proposed industrial and commercial developments in Wedgefield, does indeed support this development.
- (ii) BGC must supply any design specifications and drawings for PHPA review and approval.
- (iii) Continued revision of the current work plans as required.

For clarity, BGC shall be responsible for all costs and expenses incurred in connection with satisfying the above conditions and reviews, including any consulting costs incurred by the PHPA. Additionally, future approval of any documentation submitted under this process is for port planning purposes only and does not imply acceptance of engineering design.





Should you have any further enquiries please contact the undersigned or PHPA Project Development Officer, Mr Peter Matthiessen on 9212 8123.

Yours sincerely

Warren Farrow  
**PORT DEVELOPMENT MANAGER**



**11.1.1.11 Request for Extension of Time for “Use Not Listed” – Mixed Use Development, Consisting of Retail, Permanent Residential and Holiday Accommodation on Lot 16 (12) Wedge Street, Port Hedland (File No.: 116800G)**

<b>Officer</b>	<b>Eber Butron Director Planning and Development Services</b>
<b>Date of Report</b>	<b>14 August 2013</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

Council received a request from Doepel Marsh Architects to extend the planning approval previously issued for a mixed use development on Lot 16 (12) Wedge Street, Port Hedland (subject site).

The request is supported by the Towns’ Officers. Council is requested to consider the application favourably.

**Background**

*Site Description (Attachment 1)*

The subject site is regular in shape, achieves vehicular access via a rear laneway and covers an area of approximately 1011m<sup>2</sup>.

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned “Town Centre” and is located within the “Port Hedland Town Centre Development Plan Area”.

*Previous Approvals (Attachment 2)*

On 22 September 2011, a planning approval (2011/307) was granted under delegated authority for the construction of a mixed use development comprising of a Shop, a Cafe, Twelve (12) Multiple Units and Twenty One (21) Holiday Accommodation Units.

*Initial Request for Extension of Time*

On 14 September 2012, a request was made to extend the planning approval for the application. The request was granted under delegated authority extending the original approval period for an additional 12 months.

**Consultation**

The recommended approval will be circulated to the relevant external agencies, should objections be received a report will be brought back to Council to consider the objections.

### Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

Section 4.6.4 of the TPS5 states:

*“An application may be made to the Council for an extension of the term of planning approval at any time prior to the expire of the approval period.”*

In light of the Scheme Provision, the Council is able to consider the applicant's request.

### Policy Implications

Nil

### Strategic Planning Implications

The following sections of Council's Strategic Plan 2012 – 2022 are considered relevant to this proposal:

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 following sections of Council's City Growth Plan are considered relevant to this proposal:

5.6.1 Precinct 1 – West End

---

Precinct Summary

---

Noise and dust emissions particularly in proximity to existing developed urban areas.

### Budget Implications

Immediate:

The prescribed fee \$209.60 has been received.

### Officer's Comment

*Current Request (Attachment 3) and Recommendation for a dust mitigation report.*

The applicant has requested Council to consider an extension to the planning approval (2011/307) issued for the subject site. Due to building costs and financials issues, the construction of the development has been delayed. When the application was first approved in 2011, a dust mitigation report was not required. Since the gazettal of Scheme Amendment No. 22, the Town's Planning Services have required landowners within the West End to provide a dust mitigation report from a certified mechanical engineer.

Should Council support the request to extend the approval, it is recommended the request be granted subject to the approval of a "Dust Mitigation Report" undertaken by a qualified Mechanical Engineer. Should objections be received from the relevant state agencies, a report be presented to Council to consider any objections.

### **Attachments**

1. Location Map
2. Previously Planning Approval
3. Request for extension of time

### **201314/046 Officer's Recommendation/ Council Decision**

**Moved: Cr Carter**

**Seconded: Cr Dziombak**

**That Council approves the request from Doepel Marsh Architects for an extension of time for Lot 16 (12) Wedge Street, Port Hedland subject to the following:**

1. **The landowner shall submit a dust mitigation report by certified Mechanical Engineer that addresses the Dust Mitigation requirements under the Town Planning Scheme to the satisfaction of the Director of Planning and Development.**
2. **Condition 2 of Planning Permit 2011/307 be reworded as follows:**
  - "2. If the development referred to in (1) above is not substantially commenced within a period of four years from the date of this approval, the approval shall lapse and be of no further effect";**
3. **Imposes the following further conditions on Planning Permit 2011/307:**
  - "23. Prior to the submission of a Building Permit, the landowner shall prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification shall be sufficient to alert prospective landowners or occupiers of the following:**



**Vulnerable Coastal Area - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.**

- 24. Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified Mechanical Engineer confirming the development has been built in accordance with the Dust Management Assessment Report.”**

***CARRIED 8/0***

ATTACHMENT 1 TO ITEM 11.1.1.11

Attachment 1 – Location Plan



ATTACHMENT 2 TO ITEM 11.1.1.11



Civic Centre, McGregor Street  
PO Box 41, Port Hedland WA 6721  
PH: (08) 9158 9300 Fax: (08) 9158 9399  
E: council@porthedland.wa.gov.au  
Web: www.porthedland.wa.gov.au

OFFICE  
**FILE COPY****POSTED**  
26-9-11

CAMPION DESIGN GROUP  
65 HAY ST  
SUBIACO WA 6008

Our Ref: 2011/307

Your Ref:

Enquiries: MICHAEL POUND

Direct Line:

po3@porthedland.wa.gov.au

Sir / Ms

Email Address:

**PROPOSED "USE NOT LISTED" - MIXED USE DEVELOPMENT, CONSISTING OF RETAIL, PERMANENT RESIDENTIAL AND HOLIDAY ACCOMODATION AT LOT 16 (12) WEDGE STREET PORT HEDLAND 6721**

In regard to your above application submitted on behalf of the landowner, ENDEAVOUR HOLDINGS GROUP PTY LTD, I wish to advise that the application has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au).

Should you have any further queries or require additional information please do not hesitate to contact the Planning Unit on 08 9158 9331 / 9321.

Regards

A handwritten signature in black ink, appearing to read "Leonard Long".

Leonard Long

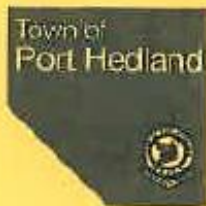
Manager Planning Services

22 September 2011

Cc. ENDEAVOUR HOLDINGS GROUP PTY LTD  
4 GAMBLER WAY  
WINTHROP WA 6150

Page | 1





Civic Centre, McGregor Street  
PO Box 41, Port Hedland WA 6721  
PH: (08) 9158 9300 Fax: (08) 9158 939  
E: council@porthedland.wa.gov.au  
Web: www.porthedland.wa.gov.au

DPA18980  
**FILE COPY**

**CAMPION DESIGN GROUP**  
65 HAY ST  
SUBIACO WA 6008

Our Ref: 2011/307

Your Ref:

Enquiries: **MICHAEL POUND**

Direct Line:  
po3@porthedland.wa.gov.au

Email Address:

### **DECISION ON PLANNING APPLICATION**

Planning consent is granted for a PROPOSED "USE NOT LISTED" - MIXED USE DEVELOPMENT, CONSISTING OF RETAIL, PERMANENT RESIDENTIAL AND HOLIDAY ACCOMODATION at Lot 16 (12) WEDGE STREET PORT HEDLAND 6721, as outlined in the application received 28 June 2011 and indicated on the attached plans DWG2011/307/1 – DWG2011/307/9, subject to the following conditions:

1. This approval relates only to the proposed "Use Not Listed" - Mixed use development, consisting of a Shop, Cafe, Twelve (12) Multiple Units and Twenty One (21) Holiday Accomodation Units, as indicated on the approved plans. It does not relate to any other development on this lot.
2. This approval to remain valid for a period of twenty four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
3. Prior to the submission of a Building Licence application, 3 copies of amended plans being submitted to and considered by Council's Manager Planning incorporating the following amendments:
  - a. a truncated section of the bin store which is to be visually permeable; and
  - b. removal of car parking bay number '34'.
4. Prior to the submission of a Building Licence application, an acoustic consultant's report demonstrating that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act 1996. Particular reference is drawn to the vertical and horizontal separation between the proposed/future commercial/mixed business tenancies and the residential units and the mechanical and equipment noise associated with the likely commercial/mixed business activities.
5. Prior to the submission of a Building Licence application, the landowner is to prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to Council's Manager Planning, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot(s). This notification is to be sufficient to alert prospective landowners or occupiers that:

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- a. The residential commercial uses may possibly be impacted upon by noise, odour and other impacts as the result of the approved non-residential uses commonly found within a Mixed Use development.
- b. The Western Australian Department of Health has advised in a preliminary investigation that it does not support medium density residential development in this area due to a potential causal link between the dust generated by nearby ore mining processes and port facilities, and increased likelihood of respiratory health impacts;
- c. Seniors, children, and persons with existing heart or lung disease appear to be at an elevated risk of dust-related health impacts;

Should additional information be required in regard part (b) or (c), the prospective landowners should contact the Western Australian Department of Health.

6. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the developer to an approved design in accordance with Port Hedland Town Planning Scheme No. 5, and Australian Standards, to the satisfaction of Council's Manager Planning.
7. A minimum of 35 car bays are to be provided on-site to the satisfaction of Council's Manager Planning.
8. Clothes drying facilities shall be provided within each individual unit. No clothes drying facilities shall be permitted elsewhere on the lot.
9. No pedestrian pathways, landscaping areas or parking bays shall be obstructed in any way or used for the purposes of storage.
10. Prior to the occupation of the development, the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, to the satisfaction of Council's Manager Planning.
11. All stormwater must be retained onsite. Disposal to be designed in accordance with Council's Engineering Department Guidelines, and to the satisfaction of Council's Manager Planning. For applications regarding site stormwater overflow into Council's existing drainage network, please contact Engineering Technical Officer on 9158 9608.
12. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the developer. Design and Construction standards shall be in accordance with relevant Australian Standards and to the satisfaction of Council's Manager Planning.
13. Prior to the occupation of the development, a rubbish Collection Strategy/Management Plan shall be submitted to and considered by Council's Manager Planning prior to the commencement of works. The strategy/plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction of Council's Manager Planning.



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14. Prior to the submission of a building licence application, an Erosion Prevention and Sediment Control plan is to be submitted and considered by Council's Manager Planning.
15. Prior to the occupation of the development, an overall signage strategy shall be submitted and considered by Council's Manager Planning.
16. Prior to the occupation of the development, the applicant / proponent is to enter into a maintenance agreement with the Town of Port Hedland or contribute toward upgrading / maintaining the existing Right of Way to the specifications of Council's Manager Infrastructure Development and to the satisfaction of Council's Manager Planning.
17. Service areas, bins and storage areas shall be screened from view from streets and public areas by an enclosure in the style and material of the development to the satisfaction of Council's Manager Planning.
18. Each unit shall be provided with an area set aside for clothes drying and be screened from view from the primary and secondary street or provide clothes drying facilities within each individual unit to the satisfaction of Council's Manager Planning.
19. Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of Council's Manager Planning at the developer's expense.
20. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of Council's Manager Planning.
21. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.
22. The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
  - a) The delivery of material and equipment to the site;
  - b) The storage of material and equipment on the site;
  - c) The parking arrangements for the contractors and subcontractors;
  - d) Impact on traffic movement;
  - e) Operation times including delivery of materials; and
  - f) Other matters likely to impact on the surrounding residents / businesses;all to the satisfaction of Council's Manager Planning.

**FOOTNOTES:**

1. You are reminded that this is a Planning Approval only, and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.



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2. Be advised that in regard to condition 10, a separate application is to be made to the Engineering Technical Officer who can be reached on 9158 9608.
3. Be advised that compliance with Section 4 – Ventilation of Enclosures used by vehicles with internal combustion engines of Australian Standard 1668.2-1991 for the car park enclosure is to be demonstrated to the Town's Environmental Health Services Department.
4. If mains water connection is unavailable the development is to be connected to an adequate potable water supply to the specifications of Council's Health Local Laws 1999. For further advice please contact Town's Environmental Health Services on 9158 9325.
5. Be advised that at the building licence stage a detailed floor plan is required to be submitted in order for Town's Environmental Health Services to assess compliance to the Town of Port Hedland Health Local Laws 1999.
6. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction Councils Manager Planning Services.
7. An approved effluent disposal system shall be installed to the specification of the Town's Environmental Health Services and to the satisfaction of Councils Manager of Planning. Be advised that the effluent disposal system may also require the approval of the Western Australian Department of Health.
8. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year average recurrence interval (A.R.I) cycle of flooding could affect any property below the ten (10) meter level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and / or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
9. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval



Leonard Long  
**Manager Planning Services**  
22 September 2011

Cc. ENDEAVOUR HOLDINGS GROUP PTY LTD  
4 GAMBLER WAY  
WINTHROP WA 6150

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2011/307.drg/01

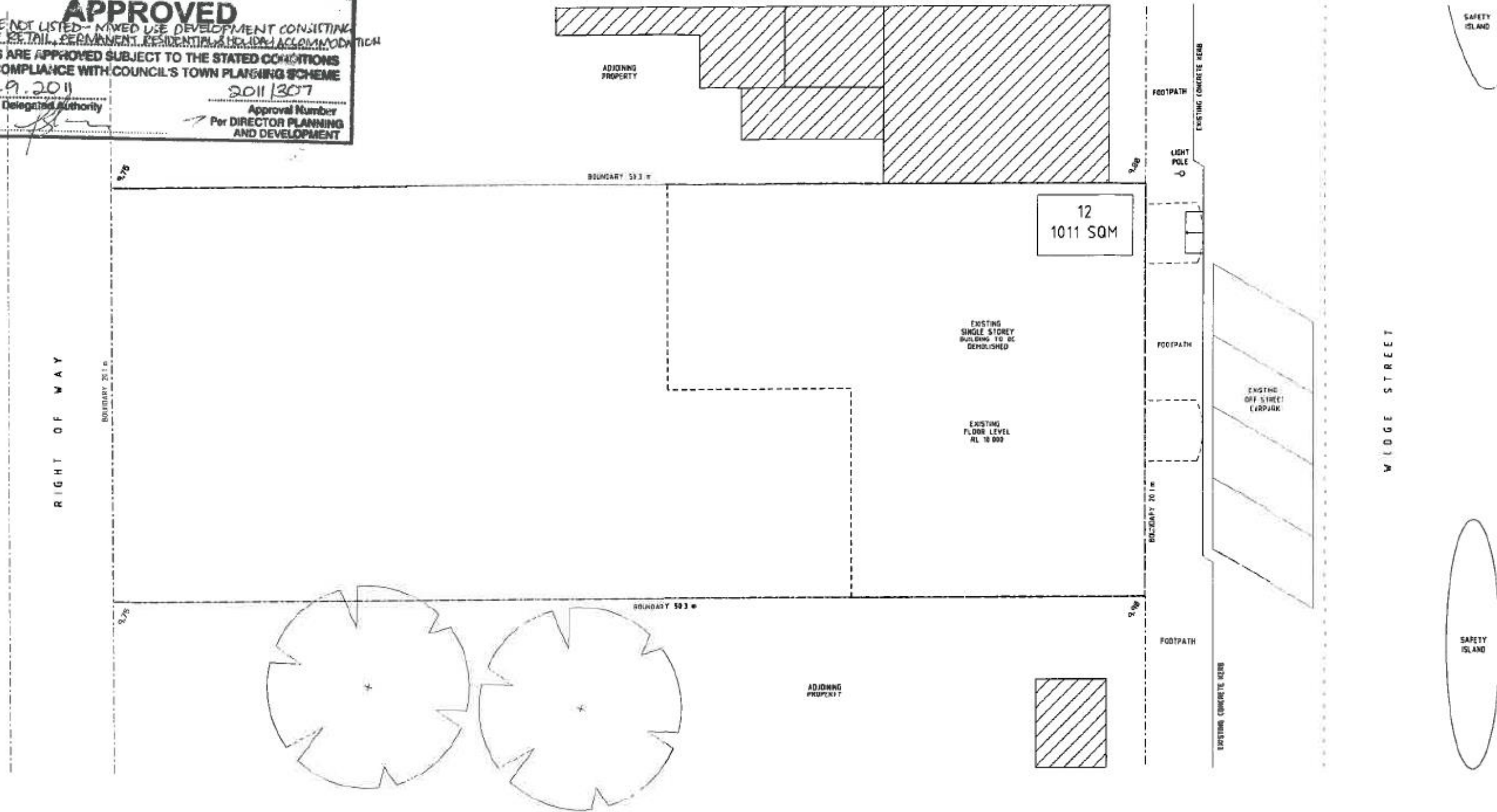
**TOWN OF PORT HEDLAND**

**APPROVED**

USE NOT LISTED - MIXED USE DEVELOPMENT CONSISTING  
 For OF RETAIL, PERMANENT RESIDENTIAL AND ACCOMMODATION  
 PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS  
 AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME

22.9.2011  
 Date of Delegated Authority

2011/307  
 Approval Number  
 Per DIRECTOR PLANNING  
 AND DEVELOPMENT



SITE SURVEY  
SCALE 1:500



DA 01 rev -  
MAY 2011

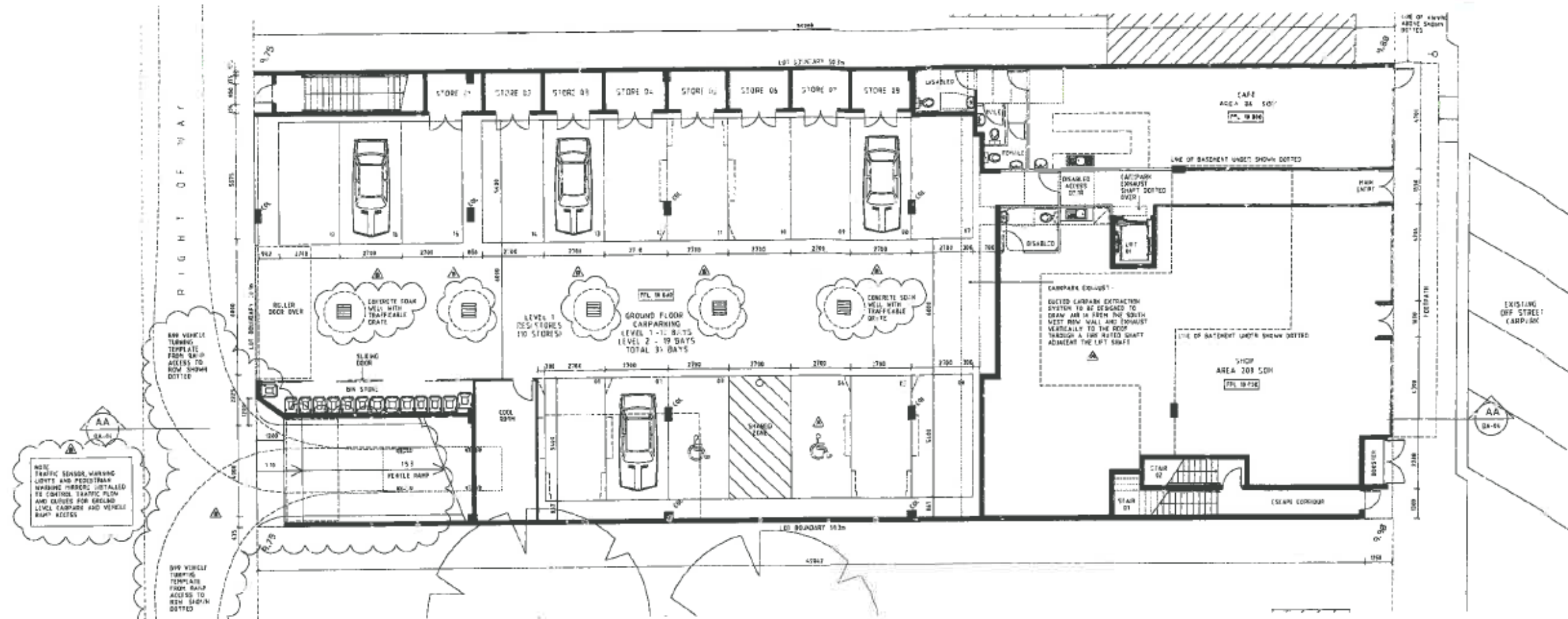
12 WEDGE ST PORT HEDLAND

SITE SURVEY  
29.06.2011 - ISSUED FOR DEVELOPMENT APPROVAL

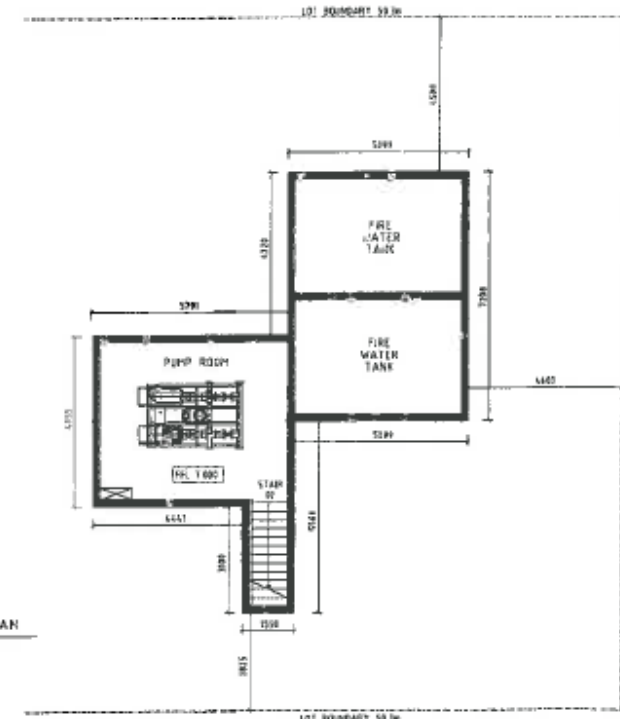
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**FILE COPY**

NO.	DATE	REVISION
A	15-01-11	ADDITIONAL SANITARY, ADDED CARPARK EXHAUST & REVISED DRAINAGE & OVERFLOW ACCESS
B	26-07-11	ADDED RAMP ACCESS INDICATIONS & WARNING DEVICES, ADDED VEHICLE TURNING TEMPLATE AND ADDED DOWNWATER DRAINAGE



LEVEL 1 - GROUND FLOOR PLAN  
SCALE 1:100 @ 1:20000



BASEMENT FLOOR PLAN  
SCALE 1:100 @ 1:20000

2011/307.dwg/03

**TOWN OF PORT HEDLAND**

**APPROVED**

USE NOT LISTED MIXED USE DEVELOPMENT CONSISTING OF  
 For RETAIL, PERMANENT RESIDENTIAL AND TOUR ACCOMMODATION  
 PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS  
 AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME

22 SEPTEMBER 2011  
 Date of Delegation Authority

2011/307  
 Approval Number  
 Per DIRECTOR PLANNING  
 AND DEVELOPMENT

12 WEDGE ST PORT HEDLAND

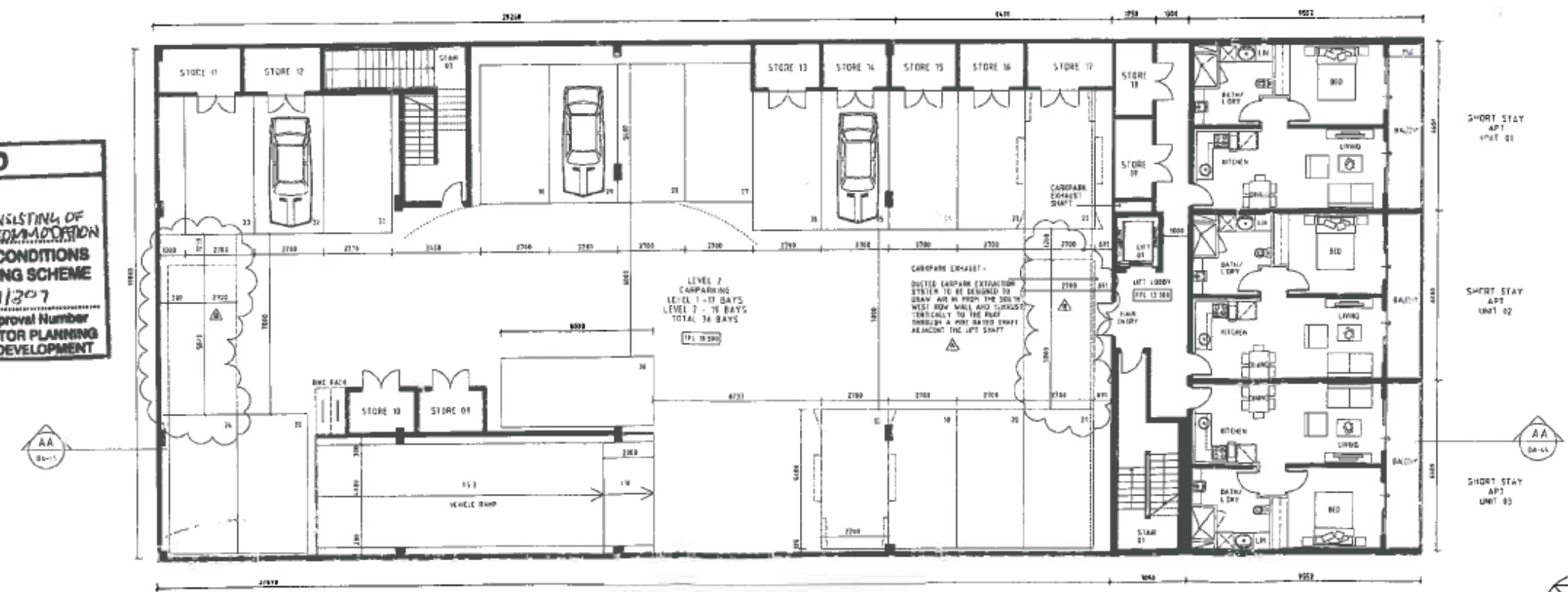
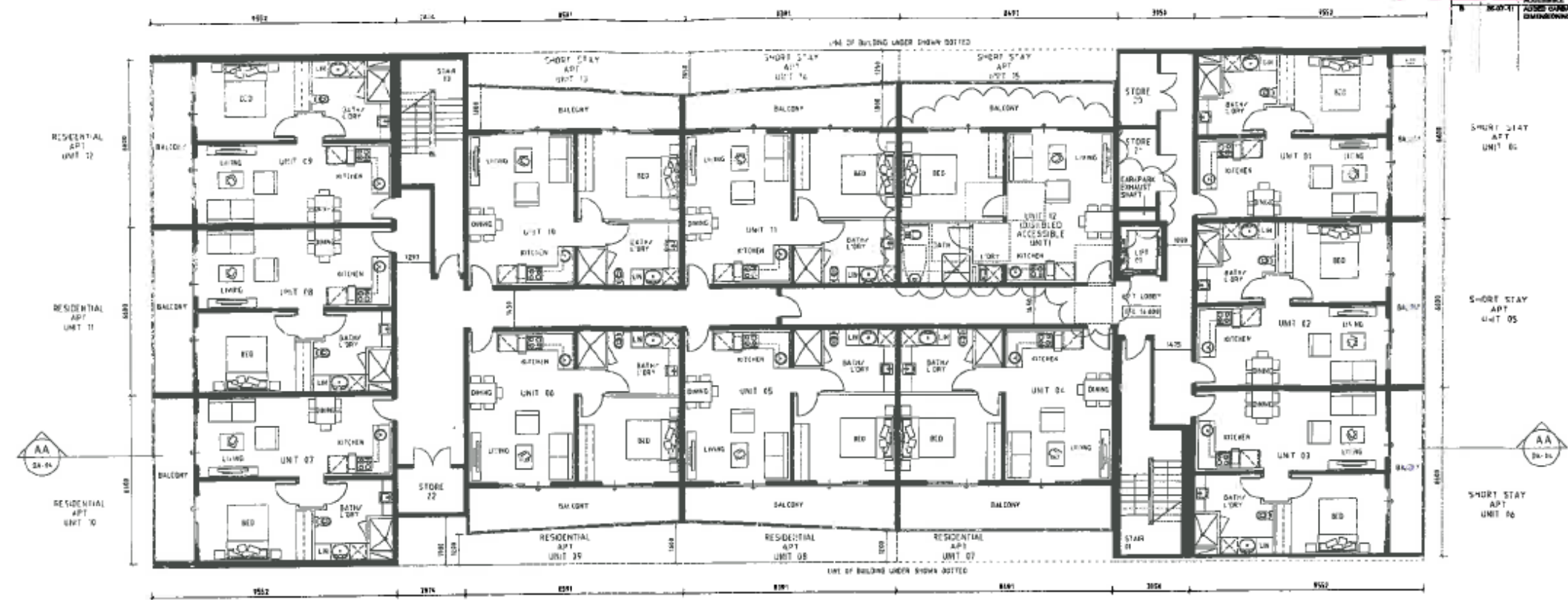
BASEMENT AND LEVEL 1 FLOOR PLAN  
 29.06.2011 - ISSUED FOR DEVELOPMENT APPROVAL

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DA 02 rev B  
 MAY 2011



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2011/307.dwg/04

**TOWN OF PORT HEDLAND**

**APPROVED**

USE NOT LISTED MIXED USE DEVELOPMENT CONSISTING OF RETAIL PERMANENT RESIDENTIAL SHORT STAY ACCOMMODATION

PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME

22 SEPTEMBER 2011  
Date of Delegated Authority

2011/307  
Approval Number  
Per DIRECTOR PLANNING AND DEVELOPMENT

12 WEDGE ST PORT HEDLAND  
LEVEL 2 AND LEVEL 3 FLOOR PLAN  
29.06.2011 - ISSUED FOR DEVELOPMENT APPROVAL

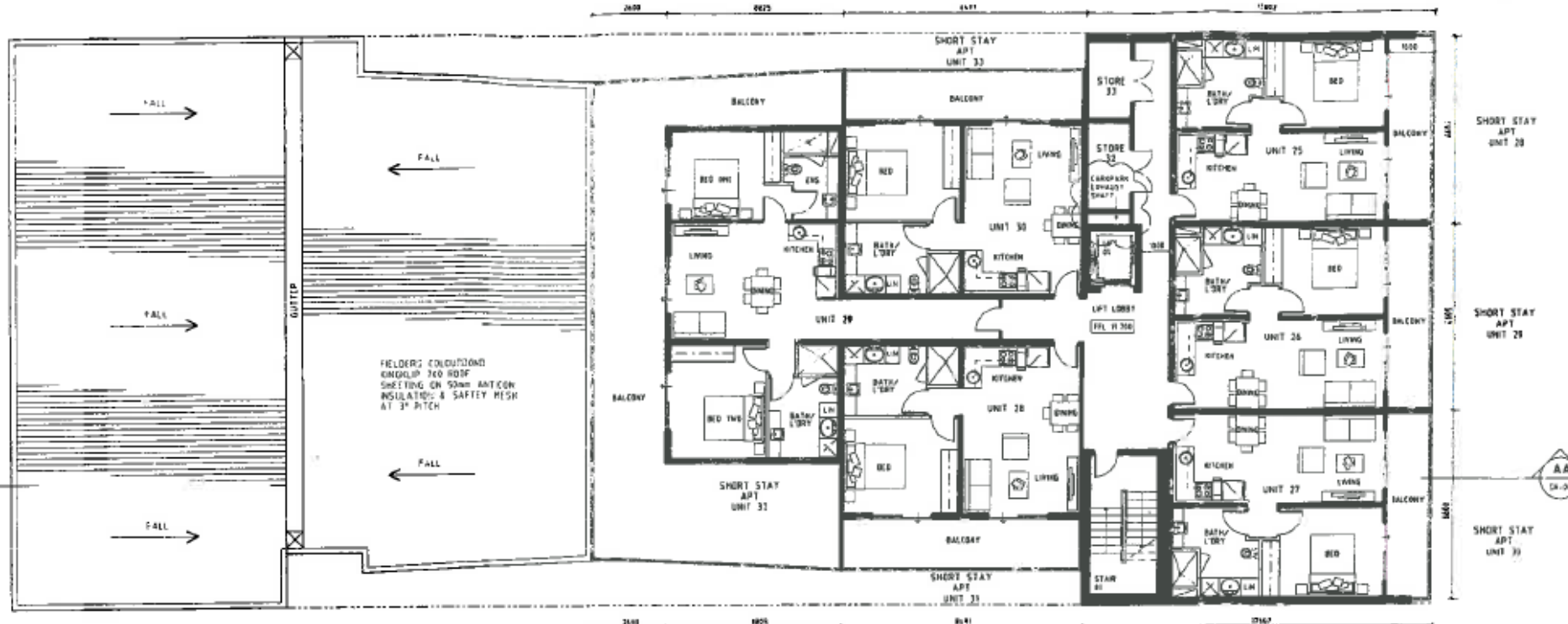
NORTH

DA 03 rev B  
MAY 2011

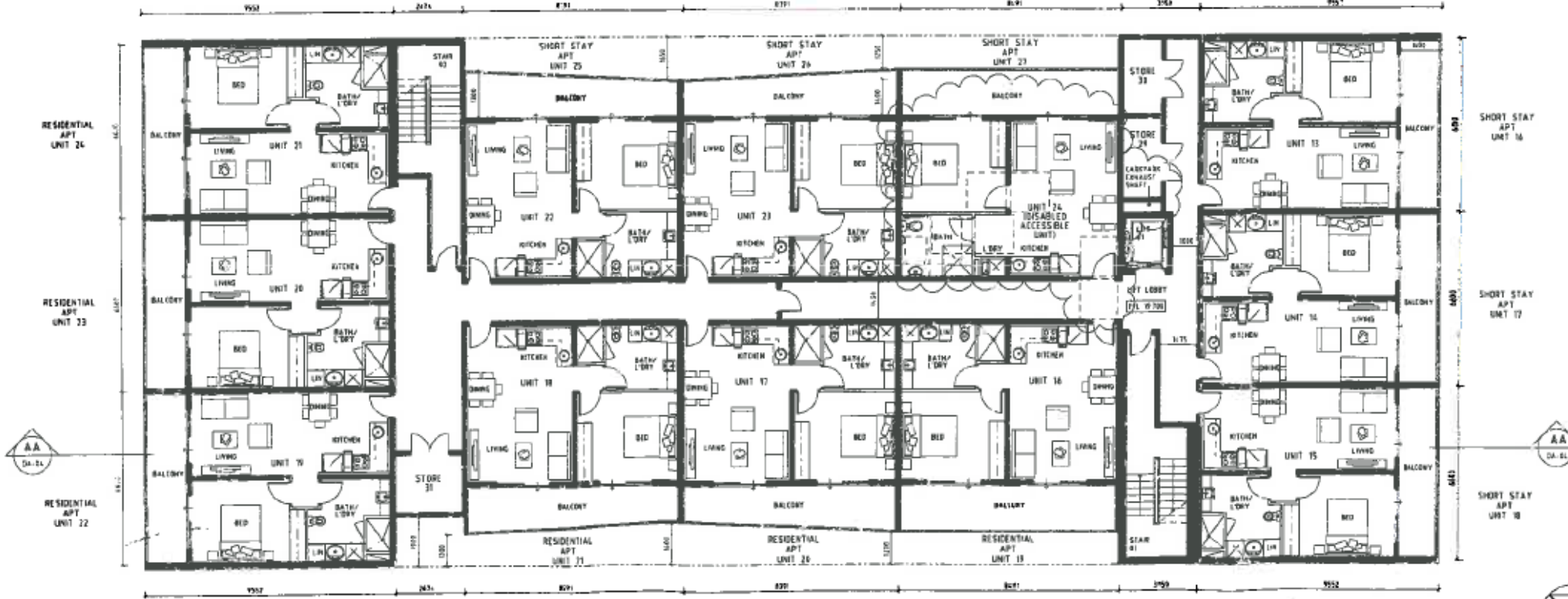
**Campion Design Group**  
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FILE COPY

2011/307.dwg/05  
**TOWN OF PORT HEDLAND**  
**APPROVED**  
 "USE NOT LISTED" MINED USE DEVELOPMENT CONSISTING OF  
 For RETAIL PERMANENT RESIDENTIAL DEVELOPMENT  
 PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS  
 AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME  
 22 SEPTEMBER 2011  
 Date of Delegation Authority  
 2011/307  
 Approval Number  
 Per DIRECTOR PLANNING  
 AND DEVELOPMENT



LEVEL 5 - FLOOR PLAN AND ROOF PLAN  
SCALE 1:1000 BY 1/12/2011



LEVEL 4 - FLOOR PLAN  
RESIDENTIAL UNITS  
SCALE 1:1000 BY 1/12/2011



DA 04 rev A  
MAY 2011

12 WEDGE ST PORT HEDLAND  
LEVEL 4 AND LEVEL 5 FLOOR PLAN  
28.06.2011 - ISSUED FOR DEVELOPMENT APPROVAL

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2011/307.dwg/08

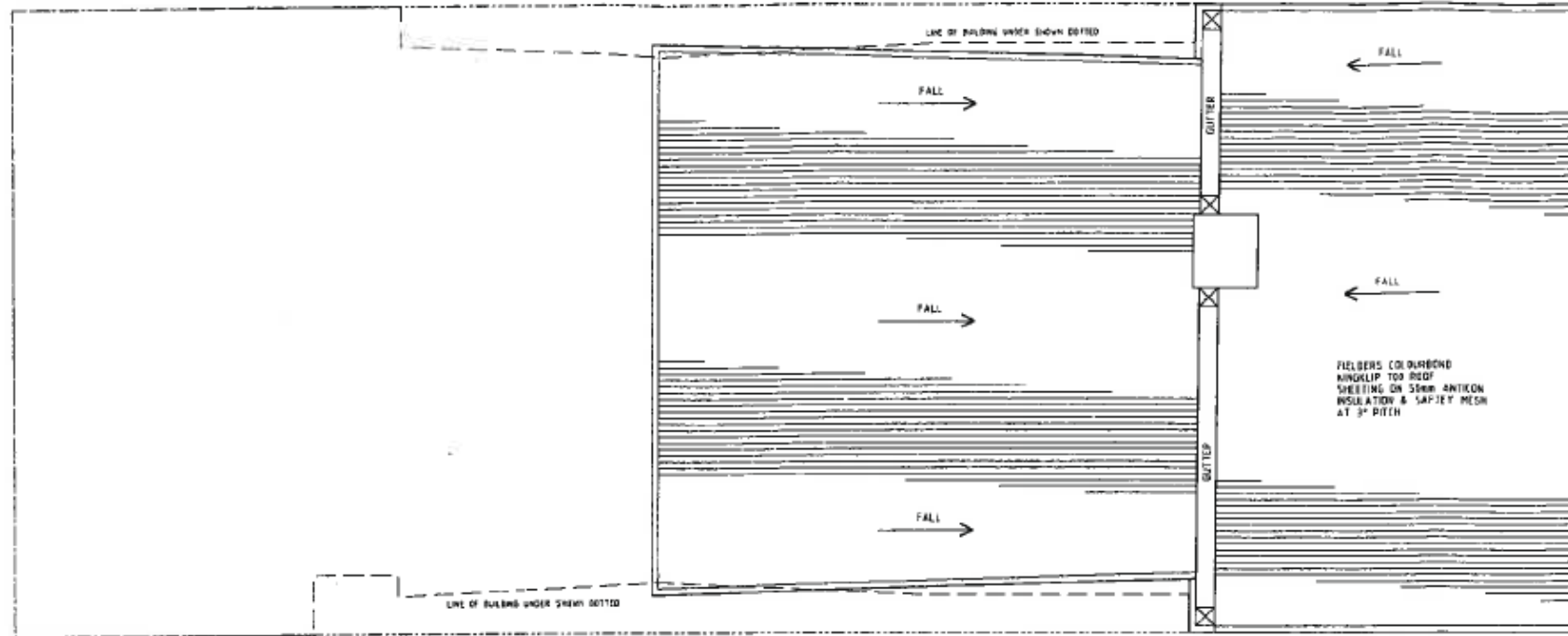
**TOWN OF PORT HEDLAND**

**APPROVED**

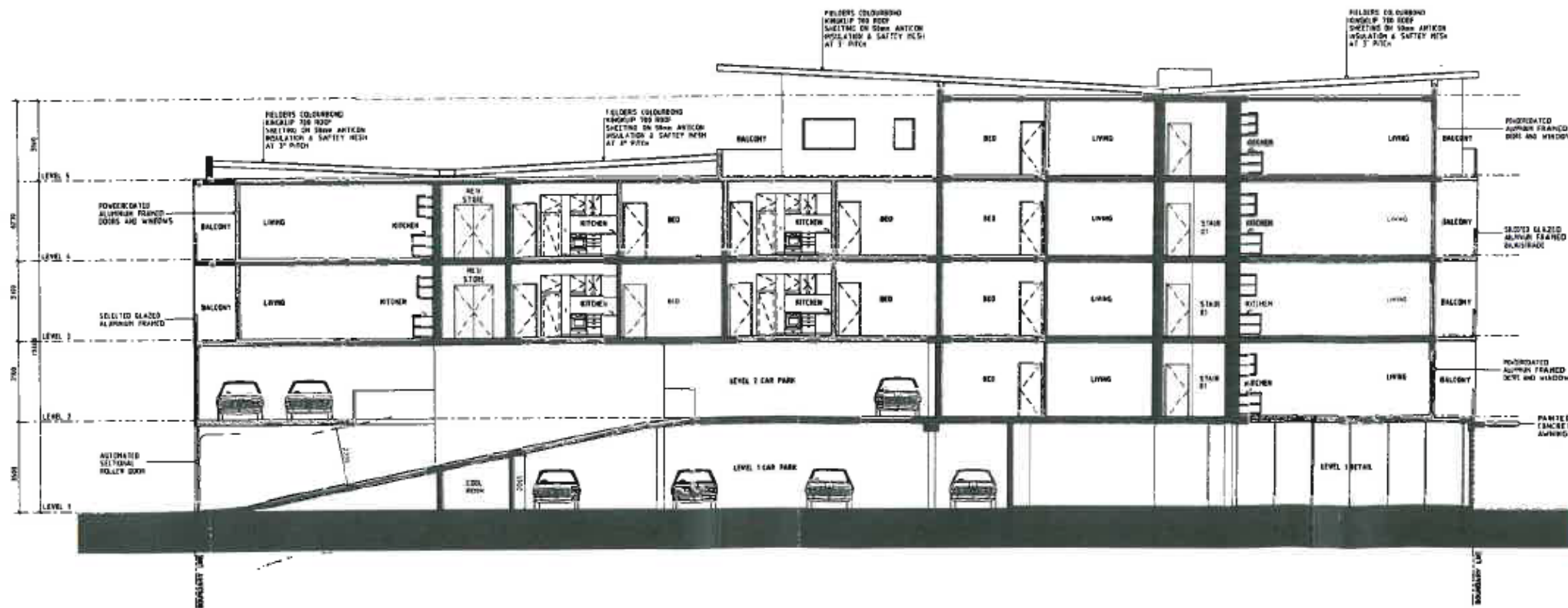
"USE NOT LISTED" MIXED USE DEVELOPMENT CONSISTING OF  
 For **DETAIL PERMANENT RESIDENTIAL AND TOURIST ACCOMMODATION**  
 PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS  
 AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME

22 SEPTEMBER 2011  
 Date of Delegated Authority

2011/307  
 Approval Number  
 Per DIRECTOR PLANNING  
 AND DEVELOPMENT



ROOF PLAN  
SCALE 1:5000A1 & 1:2000A2



SECTION AA  
SCALE 1:5000A1 & 1:2000A2

12 WEDGE ST PORT HEDLAND

ROOF PLAN AND SECTION A-A  
29.06.2011 - ISSUED FOR DEVELOPMENT APPROVAL



DA 05 rev -  
MAY 2011

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2011/307/drg.106

**TOWN OF PORT HEDLAND**

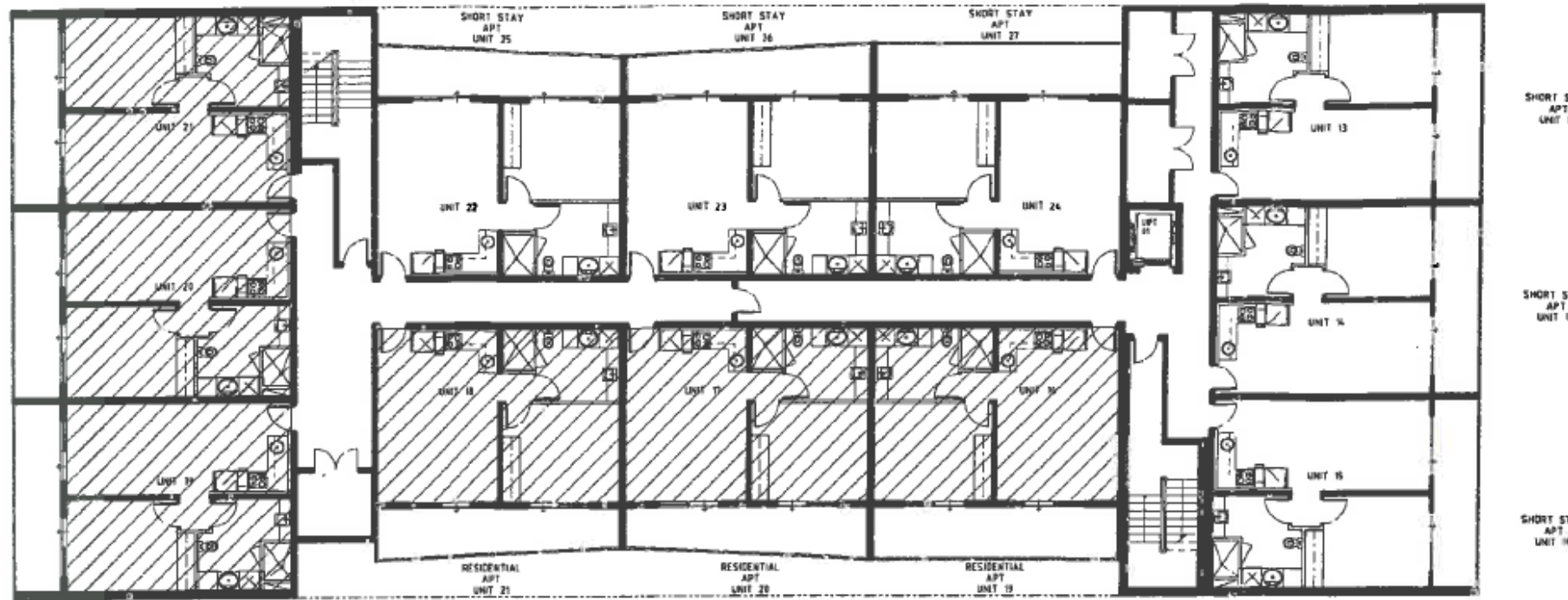
**APPROVED**

USE NOT LISTED MIXED USE DEVELOPMENT CONSISTING OF  
 RETAIL PERMANENT RESIDENTIAL AND SHORT STAY ACCOMMODATION  
 PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS  
 AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME

22 SEPTEMBER 2011  
 Date of Delegated Authority

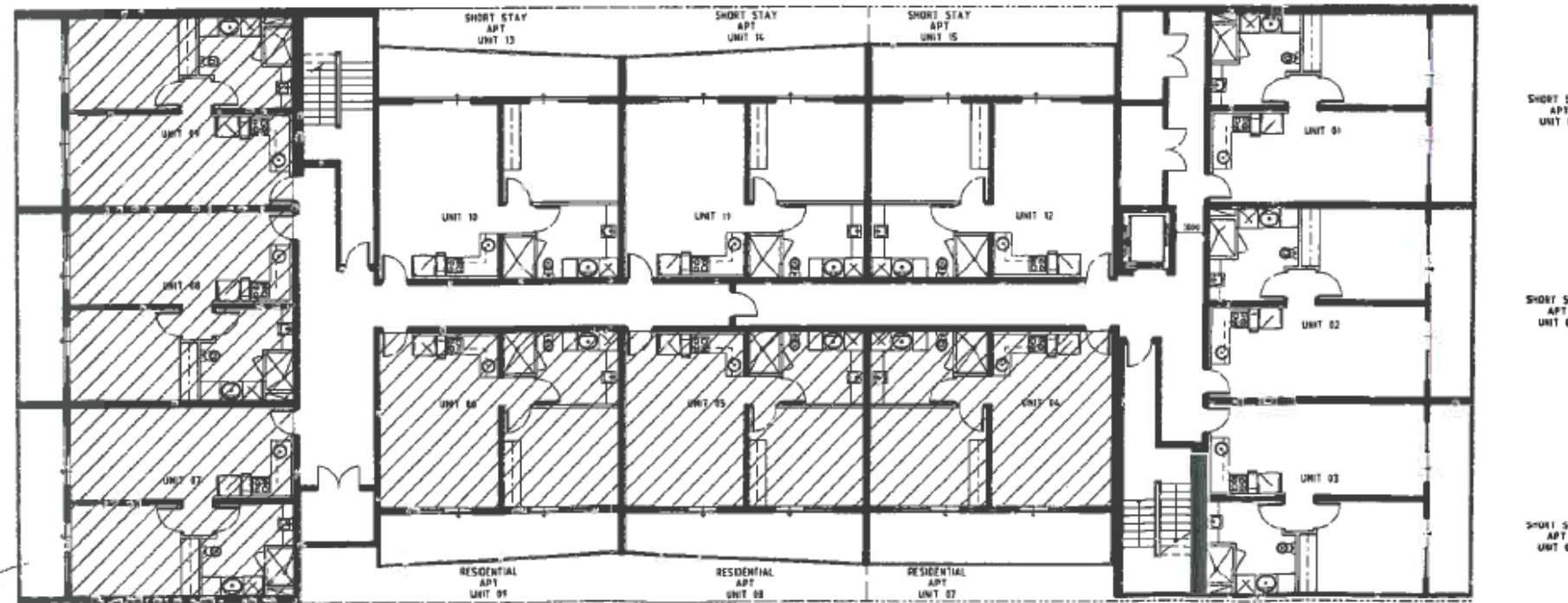
2011/307  
 Approval Number  
 Per DIRECTOR PLANNING  
 AND DEVELOPMENT

LEVEL 4 FLOOR PLAN  
 RESIDENTIAL UNITS PLOT RATIO  
 SCALE 1:10000 & 1:20000



TOTAL PRA 584 SQM

LEVEL 3 FLOOR PLAN  
 RESIDENTIAL UNITS PLOT RATIO  
 SCALE 1:10000 & 1:20000



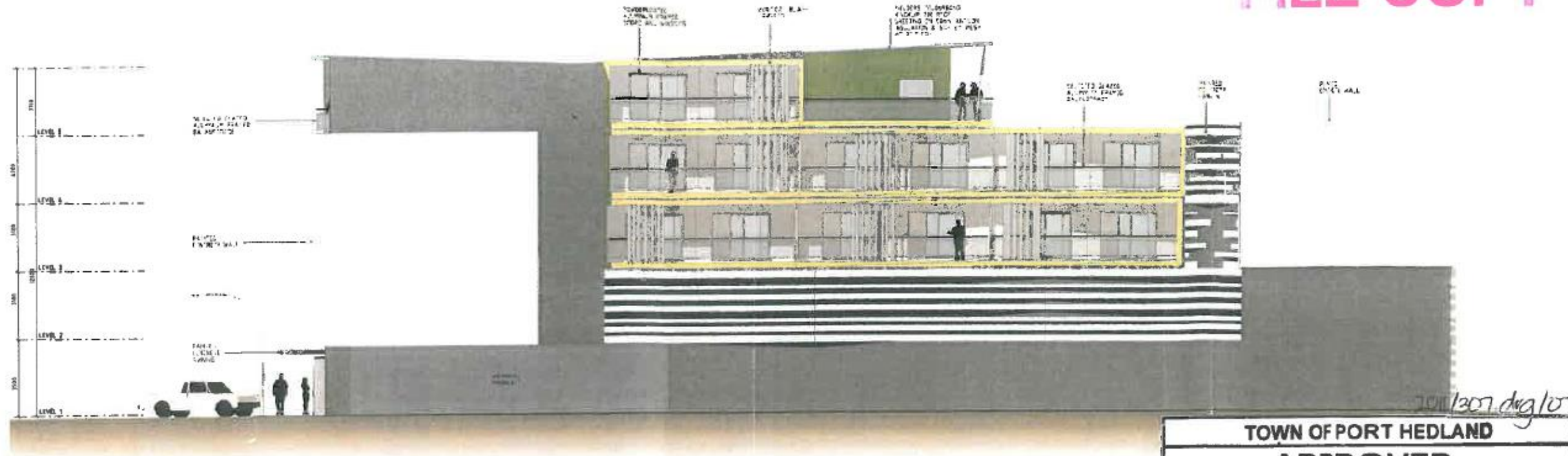
12 WEDGE ST PORT HEDLAND  
 PLOT RATIO DIAGRAM  
 29.06.2011 - ISSUED FOR DEVELOPMENT APPROVAL

DA 06 rev -  
 JUNE 2011

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FILE COPY



NORTH-WEST ELEVATION  
SCALE 1:100@A1 & 1:200@A3

TOWN OF PORT HEDLAND

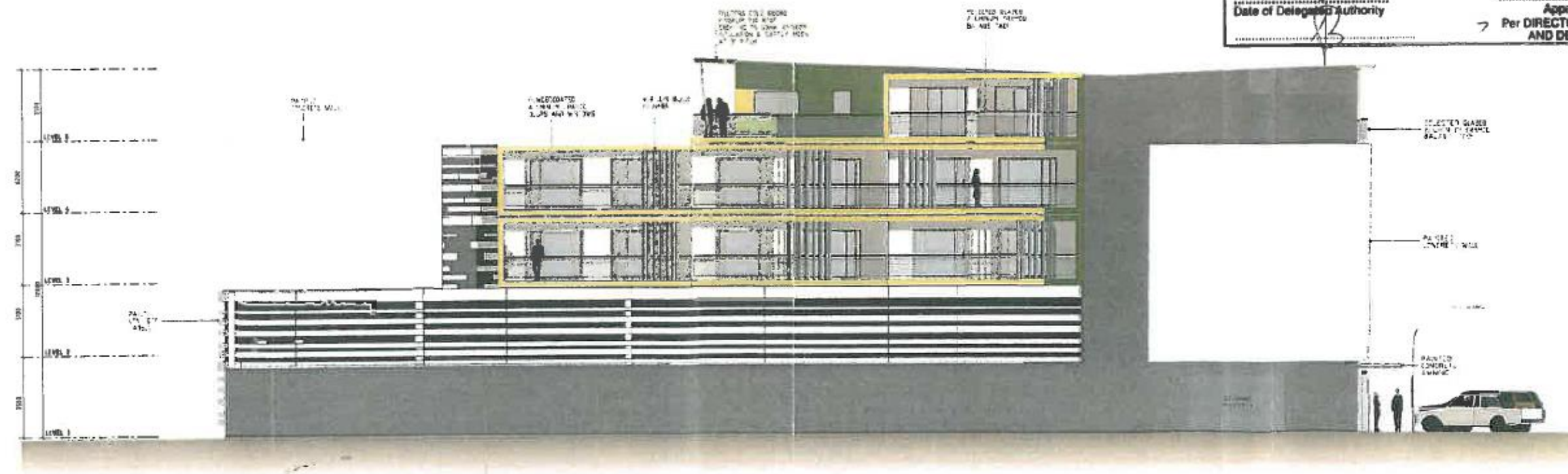
**APPROVED**

"USE NOT LISTED" MIXED USE DEVELOPMENT CONSISTING OF  
 For RETAIL, PERMANENT RESIDENTIAL AND COMMERCIAL DEVELOPMENT

PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS  
 AND COMPLIANCE WITH COUNCIL'S TOWN PLANNING SCHEME

22 SEPTEMBER 2011  
 Date of Delegation Authority

2011307  
 Approval Number  
 Per DIRECTOR PLANNING  
 AND DEVELOPMENT



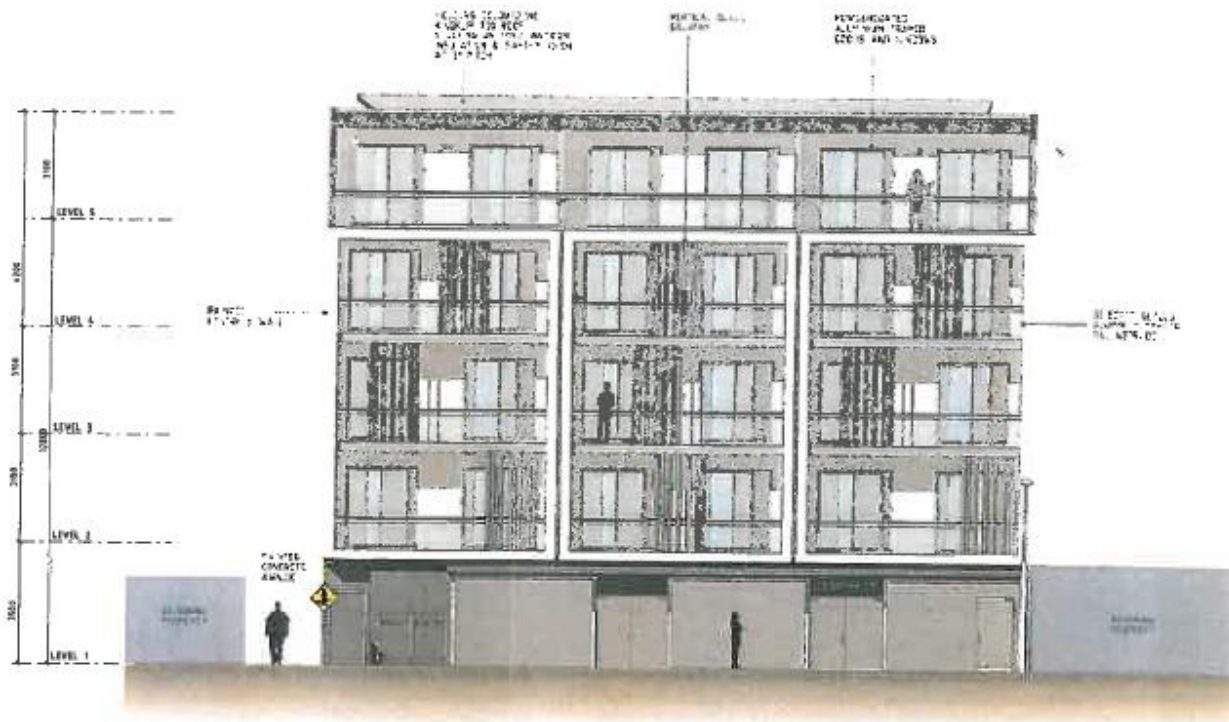
SOUTH-EAST ELEVATION  
SCALE 1:100@A1 & 1:200@A3

12 WEDGE ST PORT HEDLAND  
ELEVATIONS  
29.06.2011 - ISSUED FOR DEVELOPMENT APPROVAL

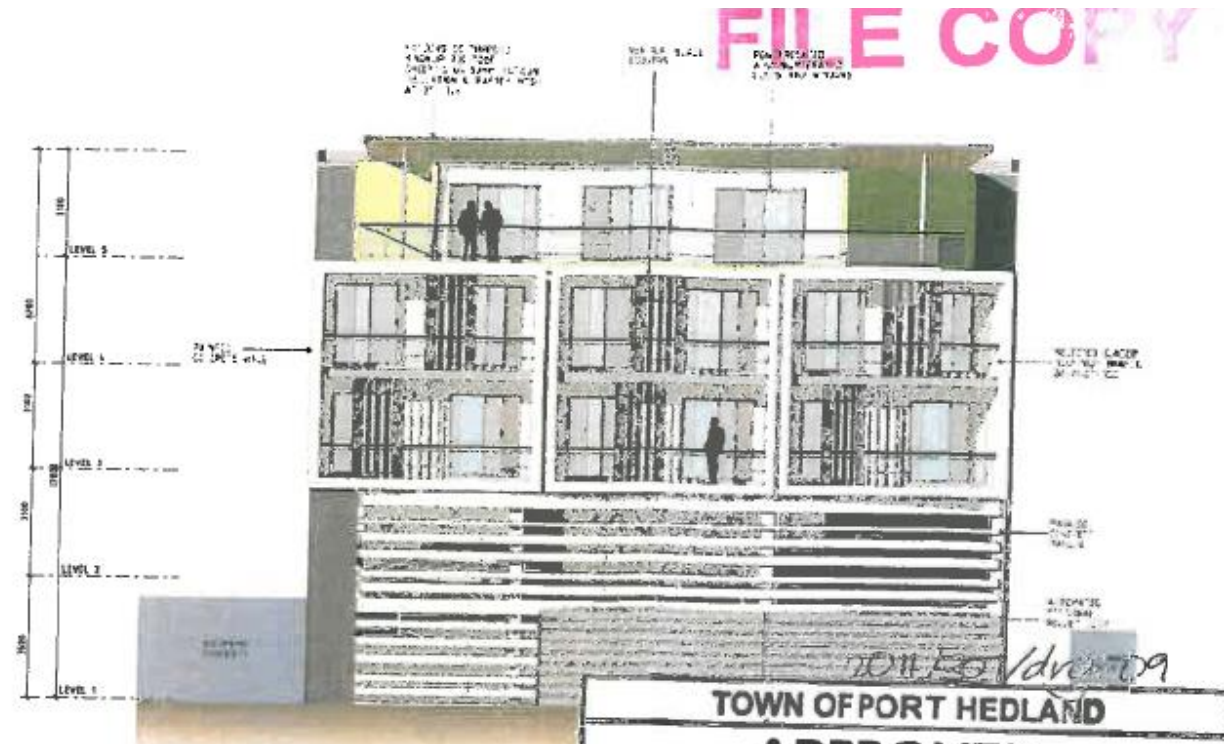
DA 07 rev -  
MAY 2011

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NORTH-EAST ELEVATION  
SCALE 1:100@A1 & 1:200@A3



SOUTH-WEST ELEVATION  
SCALE 1:100@A1 & 1:200@A3

**TOWN OF PORT HEDLAND**

**APPROVED**

"USE NOT LISTED" MIXED USE DEVELOPMENT CONSISTING OF  
 For PERMANENT RESIDENTIAL AND COMMERCIAL DEVELOPMENT  
 PLANS ARE APPROVED SUBJECT TO THE STATED CONDITIONS  
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22 SEPTEMBER 2011  
 Date of Delegated Authority

2011/307  
 Approval Number  
 For DIRECTOR PLANNING  
 AND DEVELOPMENT



NORTH VIEW



EAST VIEW

12 WEDGE ST PORT HEDLAND  
 ELEVATIONS AND PERSPECTIVE VIEWS  
 29.06.2011 - ISSUED FOR DEVELOPMENT APPROVAL

DA 08 rev -  
 MAY 2011

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**11.1.1.12 *Retrospective Approval for Motor Vehicle and/or Marine Service Station – Caretaker’s Dwelling on Lot 2055 (67 - 71) Hamilton Road, South Hedland (File No.: 116400G)***

**Officer** Ryan Djanegara  
Senior Statutory Planner

**Date of Report** 14 August 2013

**Disclosure of Interest by Officer** Nil

**Summary**

Council received an application from Planning Solutions on behalf of Barthalamos and Nellie Kakulas, and B.P. & N. Kakulas Holdings Pty Ltd for the retrospective approval of an existing Caretaker’s dwelling on Lot 2055 (67 – 71) Hamilton Road, South Hedland (subject site).

The caretaker’s dwelling comprises of two dongas with a total floor area of 95.9m<sup>2</sup>. The Town’s Planning Services does not consider this development to be consistent with the definition of a “Caretaker’s Dwelling” which limits the maximum floor area to 50m<sup>2</sup>.

On submission of the application the applicant was advised the use would not be supported, irrespective the landowner placed the “donga” style accommodation on the site.

The application is not supported by the Towns’ Officers. Council is requested to consider refusing the application.

**Background**

*Site Description (Attachment 1)*

The subject site is rectangular in shape, achieves vehicular access via Hamilton and covers an area of approximately 2,802m<sup>2</sup>. In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned “Commercial”.

*Proposal (Attachment 2)*

The application is seeking retrospective approval for an existing Caretaker’s Dwelling to provide staff accommodation for the South Hedland Caltex Petrol Station located on the subject site.

The proposed caretaker’s dwelling will comprises of six bedrooms in two dongas with a total floor area of 95.9m<sup>2</sup>. The buildings will be used for staff accommodation.

**Consultation**

The application was circulated to the following units / organisations:

*External*

- Department of Environment and Conservation
- Environmental Protection Authority
- Department of Mines and Petroleum
- Telstra
- Optus
- Horizon Power
- Water Corporation

*Internal*

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

*Department of Environment & Conservation:*

1. The proposed development is considered not appropriate having due regard to noise and odour. The Town is recommended to consider EPA Guidance Statement No. 3 for advice and appropriate separation distances between sensitive and industrial land uses.
2. Should the Town support the application, it is recommended appropriate management measures are undertaken to minimise potential land use conflicts (such as noise and odour).

*Environmental Protection Authority:*

1. The EPA Guidance Statement No. 3 for advice and appropriate separation distances between sensitive and industrial land uses recommends a minimum buffer distance of 200m.
2. Should the Town support the application, it is recommended a scientific study is undertaken to demonstrate that a lesser distance will not result in unacceptable impacts.

**Statutory Implications**

In accordance with the *Planning and Development Act 2005*, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

**Policy Implications**

Nil

**Strategic Planning Implications**

6.2 Unified

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth



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**

Immediate:

The prescribed fee \$660.00 has been received.

### **Officer's Comment**

#### *Land Use definition*

The retrospective development for a "Caretakers Dwelling" is an "AA" use in terms of the Port Hedland Town Planning Scheme No 5 (the development is not permitted unless the Council has granted planning approval). A Caretaker Dwelling is defined as:

*"a building used as a dwelling by a person, and an associated household, having the care of buildings, plant, equipment or land used for any development category in the zoning table carried out on or existing on the same site, with a maximum floor space of 50m<sup>2</sup>."*

The applicant is seeking retrospective approval for the development being a 95.9m<sup>2</sup> "Caretakers Dwelling". The applicant has argued the maximum floor space is a standard or requirement capable of variation rather than a definition. On this basis a caretaker's dwelling exceeding 50m<sup>2</sup> floor area is still considered a caretaker's dwelling.

The Town's Officers disagree with this justification and consider that the maximum floor of 50m<sup>2</sup> is part of the definition a Caretaker Dwelling that distinguishes itself from other land uses of a similar nature. A variation to the defined size of a "Caretakers Dwelling" cannot be supported.

In light of the above, section 3.2.5 of the Town Planning Scheme requires Council to define any proposed development accordingly to the best fit definition as per Appendix 1 of the Town Planning Scheme. As the proposed development exceeds the maximum size of 50m<sup>2</sup>, the development is not considered a "Caretaker's Dwelling."

Subsequent to the above, the proposal would be best defined as either as a "Single House" or a "Transient Workforce Accommodation" development. These land uses are defined as below:

*"Single House.*

*An independently constructed dwelling standing wholly on its own lot created pursuant to the Town Planning and Development Act 1928 (as amended)."*

*"Transient Workforce Accommodation.*

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

These above uses are however are not permitted in a "Commercial Zone" as per the Zoning Table. Given the above, it considered the Town cannot support the development and are required to refuse the application.

The applicant has been advised that the Planning Unit would consider a Scheme Amendment for the lot from its existing zoning to "Mixed Business", however, the applicant has not pursued this avenue.

### **Attachments**

1. Location Plan
2. Development Plans
3. Applicant's justification (Under Separate Cover)

### **Officer's Recommendation**

That Council:

1. Refuses the application submitted by Planning Solutions on behalf of Barthalamos and Nellie Kakulas, and B.P. & N. Kakulas Holdings Pty Ltd for the retrospective approval of an existing Caretaker's dwelling on Lot 2055 (67 – 71) Hamilton Road, South Hedland, for the following reasons:
  - a. The proposed development does not comply with the definition of a "Caretaker's Dwelling" as it exceeds the 50m<sup>2</sup> maximum floor limitation.
2. Requests the Chief Executive Officer, or his delegate(s), to advise the landowner that the existing structures on site are unauthorised by the Town of Port Hedland. Compliance procedures will be initiated on the property and legal action may result unless all unauthorised structures are removed.

201314/047 Alternative Officer's Recommendation/ Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

- A. Approves the application submitted by Planning Solutions of behalf of the landowner Barthalamos, Nellie Kakulas and B.P & N Holdings Pty Ltd, for a "Caretakers Dwelling" on Lot 2055 (67 – 71) Hamilton Road, South Hedland, subject to the following conditions:
1. This approval relates only to the proposed "Caretakers Dwelling" (reduced to 50m<sup>2</sup>), as indicated on the approved plans and marked in red. It does not relate to any other development on this lot.
  2. The applicant shall within 30 days of the date of this approval obtain approval from the Department of Environmental Regulation that, the site is either not a contaminated site or can be developed with a "Caretakers Dwelling".
  3. The applicant shall within 30 days of the date of this approval submit a "Stormwater management plan" and have approved by the Manager Planning Services. All stormwater disposal shall be in accordance with the approved stormwater management plan.
  4. The applicant shall within 30 days of the date of this approval submit and have approved a detailed landscaping and reticulation plan including any street verge. The plan to include location, species and planting details with reference to Councils list of recommended low-maintenance tree and shrub species for general landscaping included in Council Policy 10/001.
  5. The applicant shall within 60 days of the approval of the landscaping and reticulation plan required in (4) above, establish the landscaping and reticulation with the use of mature trees and shrubs in accordance with the approved landscaping and reticulation plan and thereafter maintain to the satisfaction of the Manager Planning Services. (ref to advise note 3)
  6. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of this approval, the approval shall lapse and be of no further effect.

7. The “Caretakers Dwelling” shall always be ancillary to an approved use on the lot, and shall not be a use on its own.
8. The “Caretakers Dwelling” shall be screened from all public areas (i.e Public Road and Public Open Space) by a 1.8m solid fence.
9. No existing parking bays shall be obstructed in any way or used for any other purpose than parking.
10. Roof mounted or freestanding plant or equipment such as air conditioning units, external clothes drying areas and hot water systems shall be located and / or screened to the satisfaction of the Manager Planning Services.
11. The development shall be connected to reticulated main sewer.

**ADVICE NOTES:**

1. In terms of the Port Hedland Town Planning Scheme No 5, “Caretakers Dwelling” is defined as follows and shall only be used for this purpose:  
  
*“Caretakers Dwelling,  
a building used as a dwelling by a person, and an associated household, having the care of buildings, plant, equipment or land used for any development category in the zoning table carried out on or existing on the same site, with a maximum floor space of 50m<sup>2</sup>.”*
2. The landowner is reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
3. In the absence of a clear definition of “mature trees and shrubs” within the Port Hedland Town Planning Scheme No 5, for the purposes of this approval “mature trees and shrubs” shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height.
4. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
5. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.

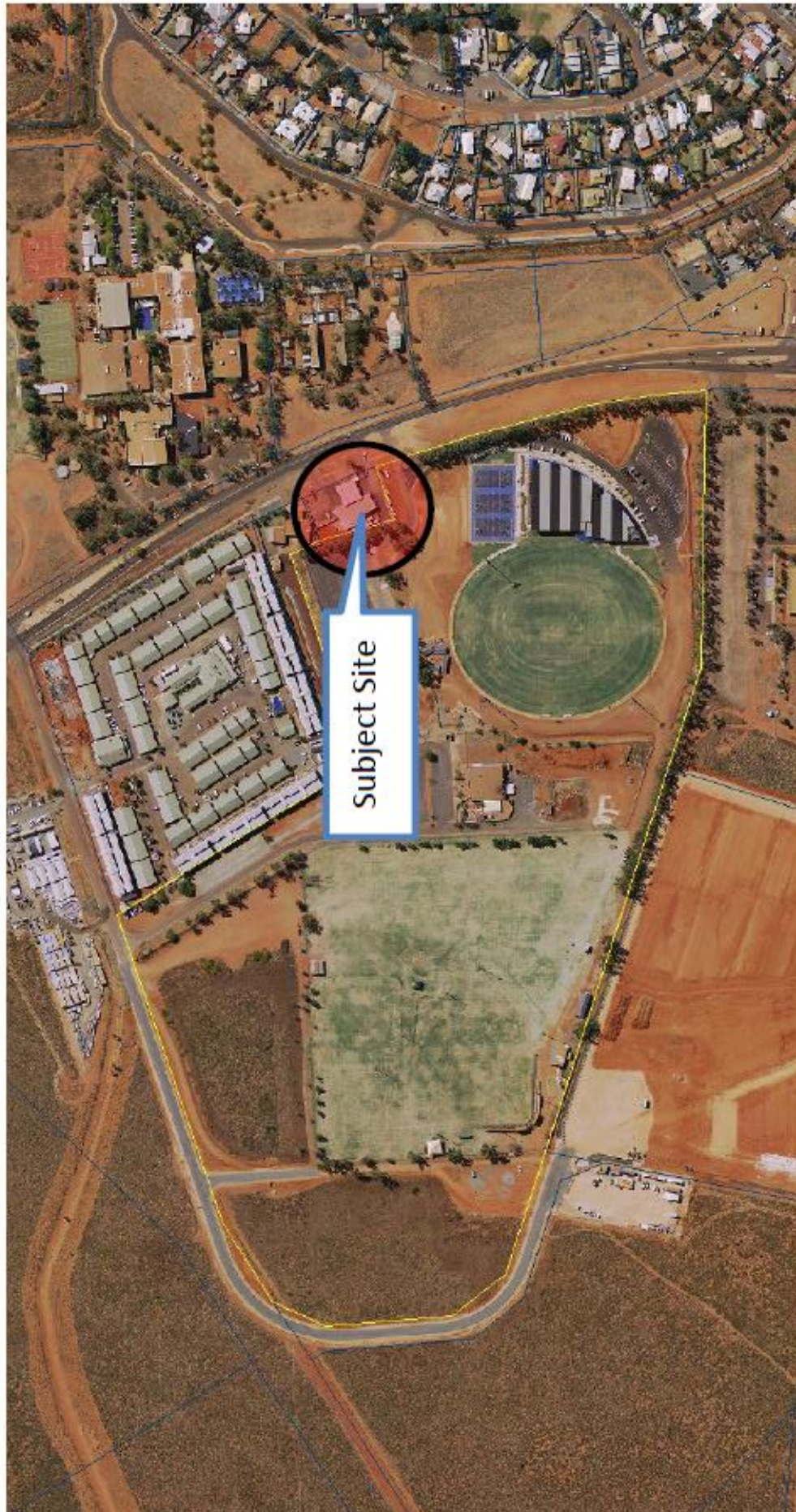
- B. Requests the Chief Executive Officer, or his delegate(s), to advise the landowner that any unauthorised structures are to be removed within 30 days of the date of this approval.**

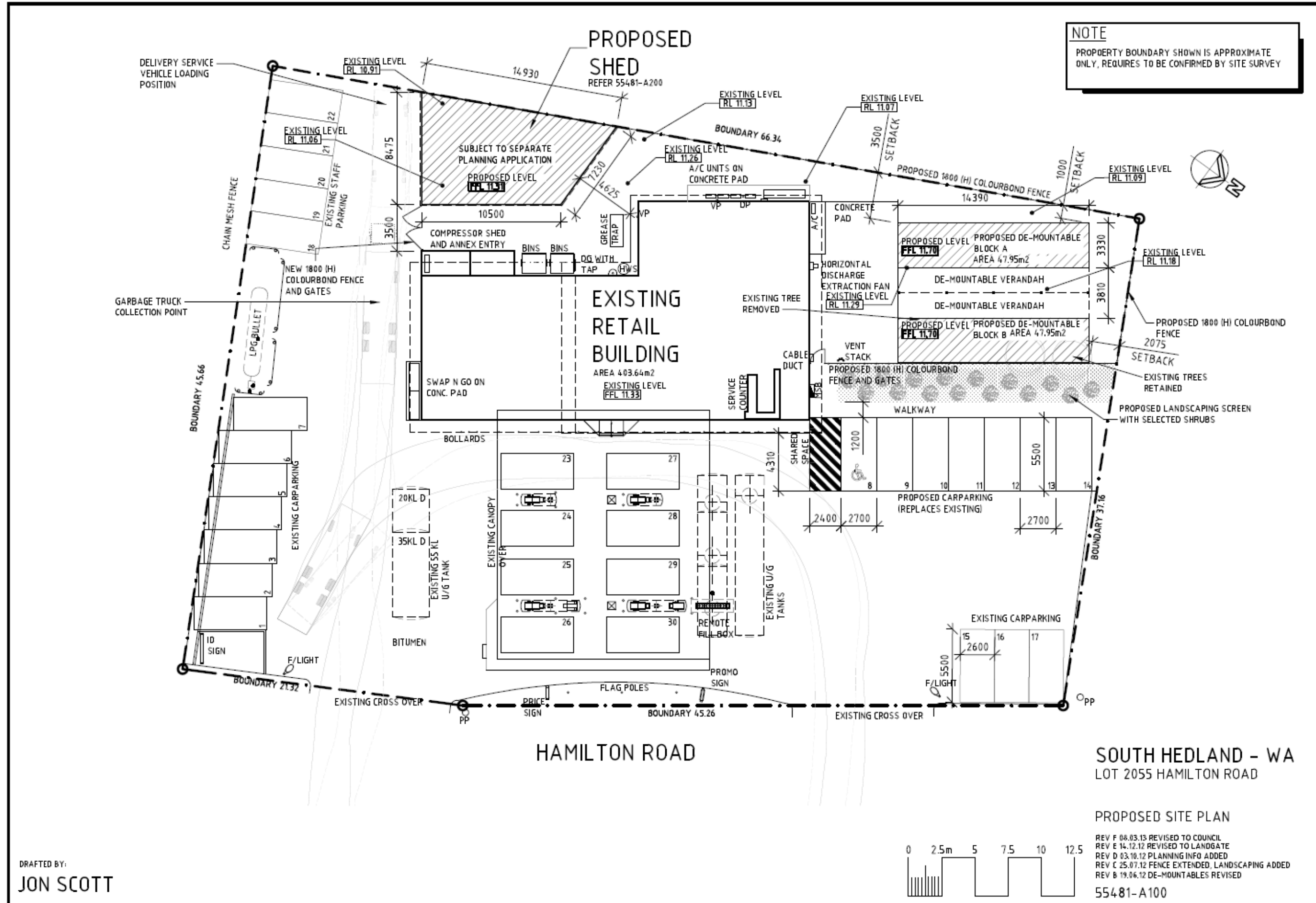
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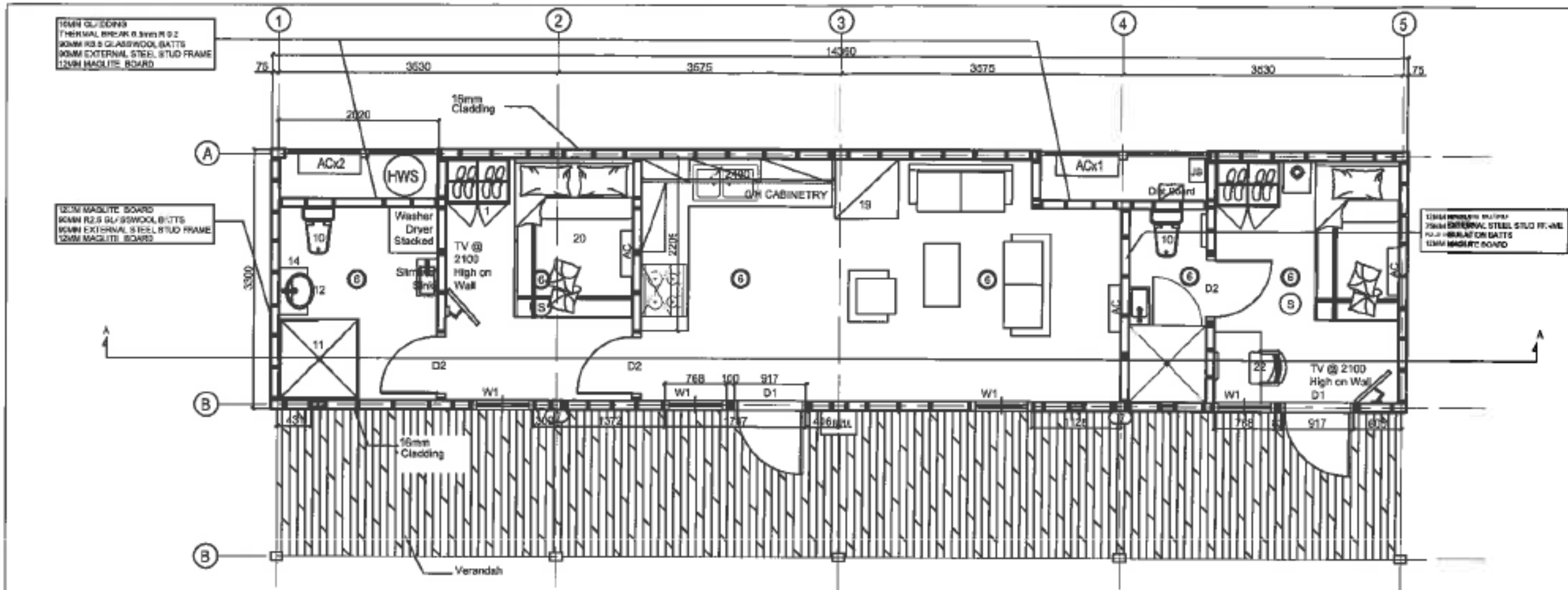
ATTACHMENT 1 TO ITEM 11.1.1.12

**Attachment 1 – Location Plan**





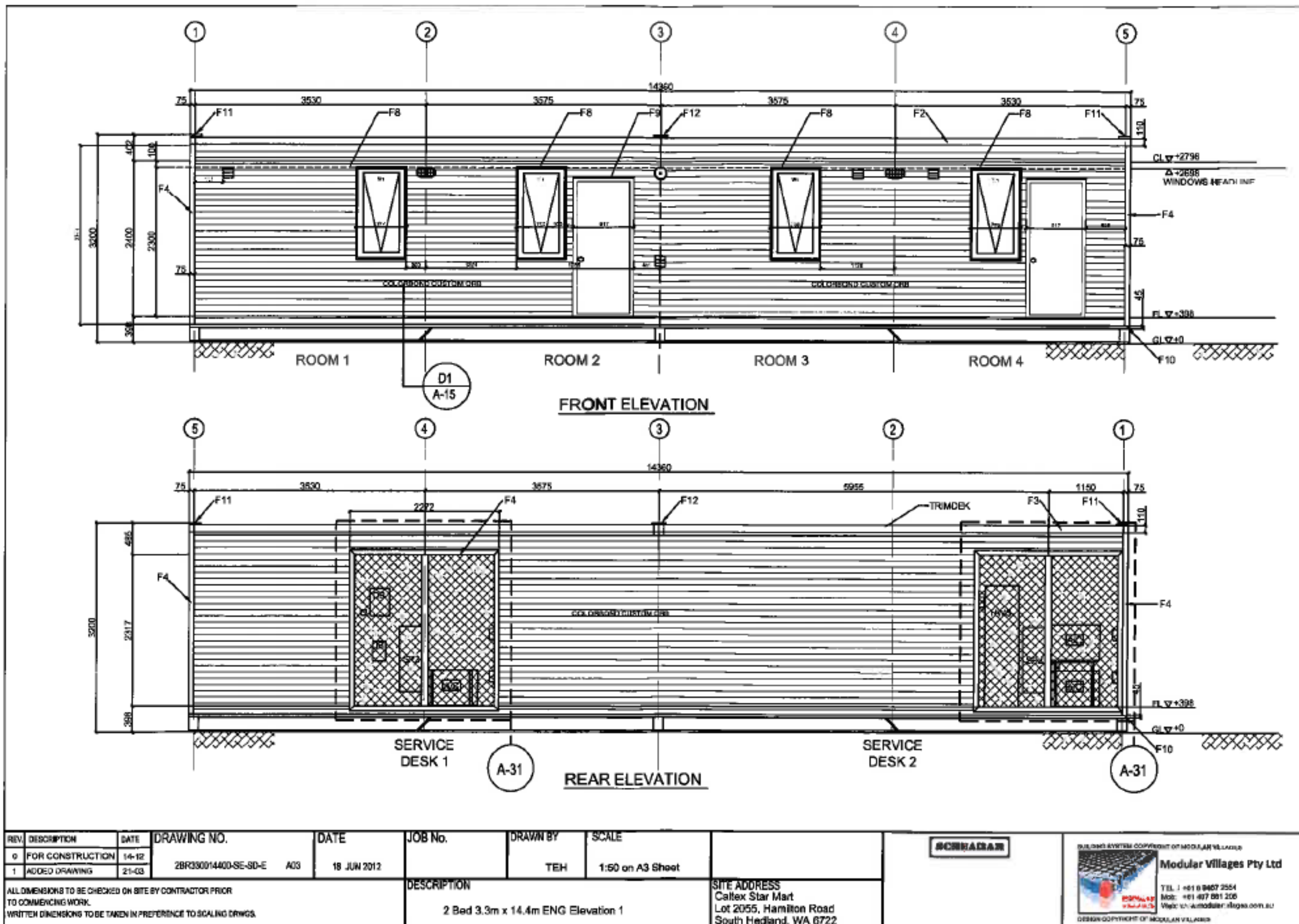


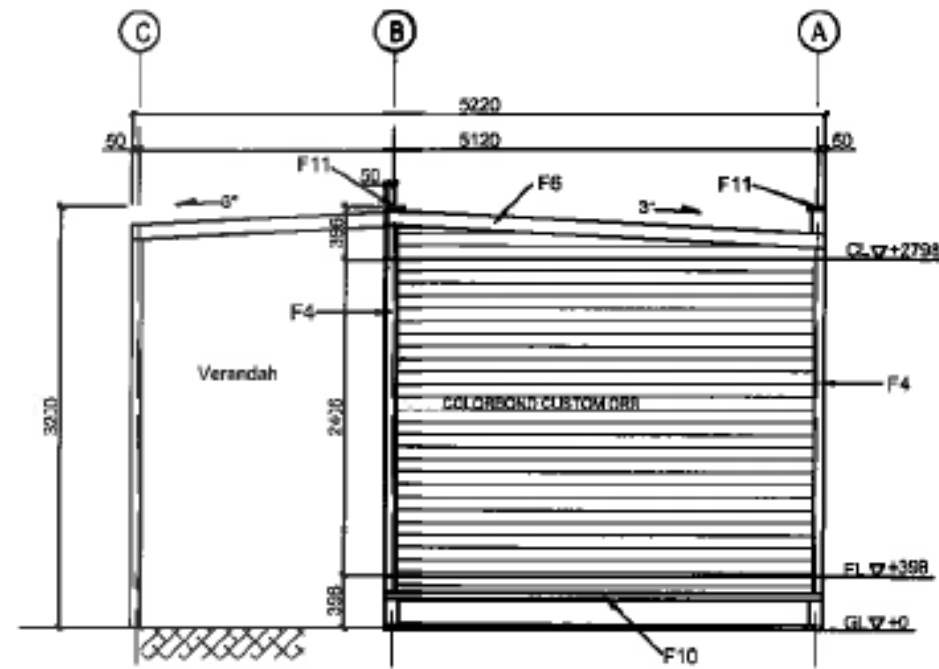


FLOOR PLAN

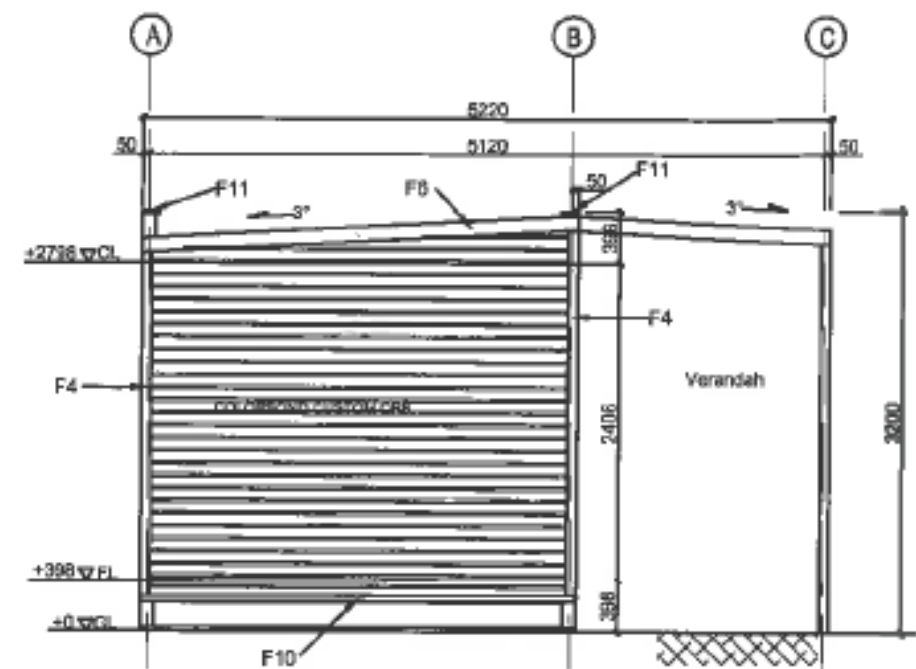
EQUIPMENT LIST		ENSUITE AREA		SPECIFICATION		GENERAL FINISHES	
ITEM   QTY   DESCRIPTION		ITEM   QTY   DESCRIPTION		GENERAL:		CLOSED FRAME ALUMINIUM CEILING SYSTEM	
D1   2   880 EXTERNAL DOOR		10   2   900 X 800 CORNER SHOWER (w/ SHOWER GLASS)		FULL COMPLIANCE WITH EGA REQUIREMENTS, ELECTRICAL / HYDRAULIC / MECHANICAL INSTALLATIONS FITTING ALL IN COMPLIANCE AUSTRALIAN STANDARDS		POLYFLOOR VINYL TO ROOM FLOOR	
D2   2   720 INTERNAL DOOR (Doors to be installed to be finished closed from the inside and remain open from the outside.)		11   1   BASKET (WANNY CUPBOARD SCOOP) (Basket with 2x100mm internal diameter hole for toilet and water stop plug permanent attached to the base)		CONSTRUCTION:		POLYFLOOR NOVIBLIP WYL TO ENSUITE FLOOR	
W1   4   1100 X 1100 ALUMINIUM FRAMED SLIDING WINDOW (Cyclone screen externally (optional) over double glazing screens fully compliant to reg 2.3 without screen)		12   2   600L TOWEL RAIL @ 1100 ATL 600mm		STEEL FRAME / HD EPS FLOOR		POWDER COATED ALUMINIUM GLASS SHOWER SCREEN	
AC   1   1/2 TON CONDENSER - SPLIT SYSTEM		13   2   HERRER WITH SHAVING AND CURBET BEHIND		STEEL FRAMED WALLS WITH GLASSWOOL BATTES AND 12mm MAGLITE BOARD FIRE RATE TO 120 MINUTES		ALL SANITARY WARE WATERMAINED AS PER AUSTRALIAN STANDARDS	
HWS   1   BOSCH 200LITRE HOT WATER SYSTEM		EXTERNAL		ALL WALLS AND CEILING FULLY INSULATED ROOF R4.1, WALLS R3.5, FLOOR R1.5		ALL BUILT IN FURNITURE LAWNITE FINISH	
F1   3   1100 X 180 EXHAUST FAN WITH SHUTTER F1		ITEM   QTY   DESCRIPTION		GLASS MILD STEEL FLOOR AND CEILING		LIFTING TO BE 4 POINT	
LIVING AREA		OPTIONAL		POWDER COATED METAL DOOR FRAMES / HD SOLID CYRIL DOORS			
ITEM   QTY   DESCRIPTION		ITEM   QTY   DESCRIPTION		TRIMMER ROOF CLADDING AND CORRUGATED GALV CLADDING			
1   2   WARDROBE 570 X 600 X 2000 (2 drawers below)		18   2   TV 17" FLAT SCREEN (OPTIONAL)					
2   2   DOOR KNOB (W/ KEY LOCK) AND MEDIAL KEY LOCK		19   1   KING SINGLE BED (OPTIONAL)					
3   2   TV SHELF / SHELF FOR DVD PLAYER BELOW		20   1   DOUBLE BED					
4   2   COAT HOOKS FITTED & 1000 APR		21   1   DESK 900MM X 900MM					
5   4   WALL MOUNTED LAMP ABOVE DOOR AND BED		22   1   OFFICE CHAIR (OPTIONAL)					
6   3   SMOKE DETECTORS		23   1   1800 X 4000 X 600H DECODER TABLE TOP OR SHOPS (OPTIONAL)					
7   4   SYSTEM LIGHT							

REV	DESCRIPTION	DATE	DRAWING NO.	DATE	JOB No.	DRAWN BY	SCALE	SCHAFFER		BUILDING SYSTEM COMPONENT OF MODULAR VILLAGES	
0	FOR CONSTRUCTION	14-12	2BR330014400-SE-SD-E	A02	18 JUN 2012	TEH	1:50 on A3 Sheet			TEL: +61 8 9467 2554 FAX: +61 897 991 410 URL: www.modulervillages.com.au DESIGN COPYRIGHT OF MODULAR VILLAGES	
1	ADDED DRAWING	21-03									
ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCING WORK. WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING OR WS.					DESCRIPTION 2 Bed 3.3m x 14.4m ENG Floor Plan			SITE ADDRESS Caltex Star Mart Lot 2055, Hamilton Road South Hedland, WA 6722			

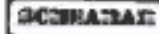





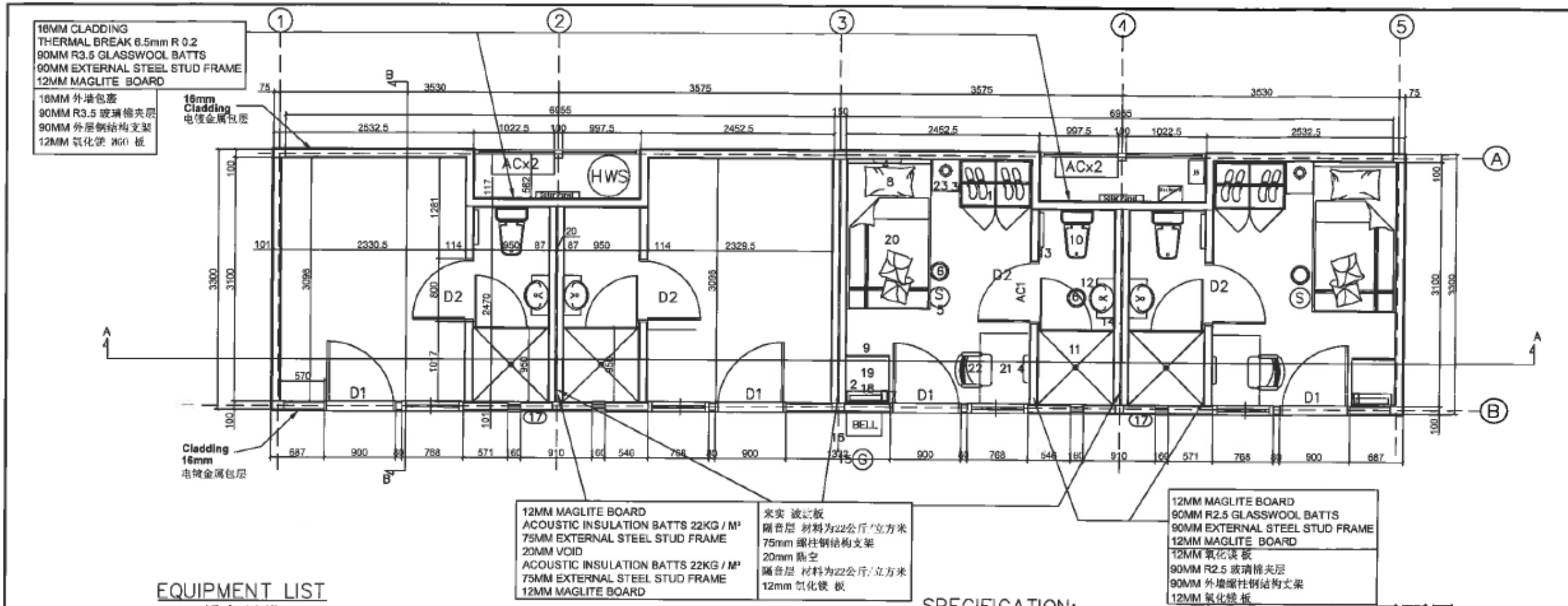
RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

REV.	DESCRIPTION	DATE	DRAWING NO.	DATE	JOB No.	DRAWN BY	SCALE		
0	FOR CONSTRUCTION	14-12	2BR330014400-SE-SD-E	A04	18 JUN 2012	TEH	1:50 on A3 Sheet		
1	ADDED DRAWING	21-03							
ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCING WORK. WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING DRINGS.			DESCRIPTION 2 Bed 3.3m x 14.4m ENG Elevation 2		SITE ADDRESS Caltex Star Mart Lot 2055, Hamilton Road South Hedland, WA 6722		BUILDING SYSTEM COPYRIGHT OF MODULAR VILLAGES Modular Villages Pty Ltd TEL: +61 8 9487 2554 FAX: +61 8 97 861 206 WWW: www.modularvillages.com.au DESIGN COPYRIGHT OF MODULAR VILLAGES		





**EQUIPMENT LIST**  
设备目录:

ITEM QTY DESCRIPTION	设备 数量 说明
D1 4	820 EXTERNAL DOOR 820 全高 山门
D2 4	720 INTERNAL DOOR 720 全高 内门 (Doors to the ensuite are to be latched closed from the inside and removable from the outside.) (门可以锁住, 且可以从内部打开)
W1 4	788w X 1408h ALUMINUM FRAMED AWNING WINDOW - CYCLONE SCREEN EXTERNALLY (OPTIONAL) 8MM DOUBLE GLAZING WINDOWS FULLY COMPLIANT TO RED CAT 2 WITHOUT SCREEN. 788w X 1408h 铝合金窗框式窗 - 8mm 双层玻璃窗
AC	AIR CONDITIONER - SPLIT SYSTEM 独立柜式空调
HWS 1	BOSCH 200 LITRE HOT WATER SYSTEM 博世 200 升电热水器
F1 4	200w X 200h EXHAUST FAN WITH SHUTTER F1 200w X 200h 百叶窗排气扇
<b>LIVING AREA 起居区</b>	
1 4	WARDROBE 衣柜 600d X 900w X 2400h (3 drawers below) (2 DOOR EACH c/w INDIVIDUAL KEY LOCK) (双门 4 衣柜)
2 4	TV SHELF c/w SHELF FOR DVD PLAYER BELOW 电视架, 带 DVD 播放机架子
3 4	COAT HOOKS FITTED @ 1800 AFL 衣钩 安装在柜顶 1800mm
4 8	WALL MOUNTED LAMP ABOVE DESK AND BED 壁挂式台灯安装在桌上
5 4	SMOKE DETECTORS 烟感探测器
6 8	OYSTER LIGHT 贝壳灯
7 4	ENERGY SAVING AC KEY SWITCH KEYS ALIKE TO FRONT DOOR 节能型空调, 带钥匙开门
8 4	BOOKSHELF ABOVE BED HEAD 床头书柜
9 4	SHELF ABOVE FRIDGE 冰箱上方架子
<b>ENSUITE AREA 卫生间</b>	
10 4	W/C c/w DUAL FLUSH CYSTERN & CHROME PLATED TPH 抽水马桶带双冲水箱 (镀铬盆及扶手)
11 4	950 X 950 CORNER SHOWER c/w SHOWER GLASS 950w X 950h 角淋浴房 (带玻璃门及扶手)
12 4	BASIN & VANITY CUPBOARD BELOW 洗脸盆, 带柜子 (fixed wash basin with internal overflow relief facility and water stop plug permanent attached to the basin)
13 4	800L TOWEL RAIL @ 1100 AFL 800mm 毛巾架 安装在柜顶 1100mm
14 4	MIRROR WITH SHAVING CABINET BEHIND 浴室镜子带剃须柜
<b>EXTERNAL 外部</b>	
15 1	BREAK GLASS ALARM 防入侵报警
16 1	ALARM BELL 警铃
17 2	BUNKER LIGHT WITH PE CELL & INSECT REPELLANT GLOBE 太阳能灯 带 LED 灯罩
<b>OPTIONAL 可选</b>	
18 4	TV 21" FLAT SCREEN (OPTIONAL) 21 寸液晶电视 (可选)
19 4	FRIDGE 120L (OPTIONAL) 120 升电冰箱 (可选)
20 4	KING SINGLE BED (OPTIONAL) 特大号床 (可选)
21 4	DESK 900MM X 800MM 900mm X 800mm 写字台 (可选)
22 4	OFFICE CHAIR (OPTIONAL) 办公椅 (可选)
23 4	350W X 400 X 800H BEDSIDE TABLE c/w 3 DRAWERS (OPTIONAL) 350w X 400h X 800h 床边桌带三个抽屉 (可选)

12MM MAGLITE BOARD  
ACOUSTIC INSULATION BATTS 22KG / M<sup>3</sup>  
75MM EXTERNAL STEEL STUD FRAME  
20MM VOID  
ACOUSTIC INSULATION BATTS 22KG / M<sup>3</sup>  
75MM EXTERNAL STEEL STUD FRAME  
12MM MAGLITE BOARD

夹芯 波纤板  
隔音层 材料为 22 公斤 / 立方米  
75mm 镀锌钢结构支架  
20mm 空隙  
隔音层 材料为 22 公斤 / 立方米  
12mm 氧化镁板

**SPECIFICATION:**  
规格:

**GENERAL:**  
FULL COMPLIANCE WITH BCA REQUIREMENTS.  
ELECTRICAL / HYDRAULIC / MECHANICAL INSTALLATION & FITTINGS ALL IN COMPLIANCE AUSTRALIAN STANDARDS.

包含范围:  
并遵守澳洲建筑规范。  
水电管道安装完全符合澳洲标准。

**CONSTRUCTION:** 构造:  
STEEL FRAME AND OFC FLOOR 钢框架, 纤维板

STEEL FRAMED WALLS WITH GLASSWOOL BATTS 钢架墙体带玻璃棉保温  
AND 12mm MAGLITE BOARD  
FIRE RATE TO 120 MINUTES 12mm 氧化镁板 (2 小时耐火)

ALL WALLS AND CEILING FULLY INSULATED.  
ROOF R4.1, WALLS R3.5, FLOOR R2.5  
所有墙体天花板全部保温, 屋顶 R4.1, 墙 R3.5, 地 R2.5

12mm MAGLITE BOARD CEILINGS 12mm 氧化镁板

POWDER COATED METAL DOOR FRAMES AND SOLID CORE DOORS.  
粉末涂层金属门框及实心门

TRIMDEX ROOF CLADDING AND CORRUGATED WALL CLADDING  
TRIMDEX 屋顶瓦楞板及波纹板

**FLOOR PLAN 平面图**  
SCALE: 1:50

**GENERAL FINISHES:**  
LAMINATED WALLS 贴面墙板  
CLOSED FRAME ALUMINUM CEILING SYSTEM 封闭式铝合金天花板  
POLYFLOR VINYL TO ROOM FLOOR. 室内地板材料为保丽福乙烯  
POLYFLOR NON SLIP VINYL TO ENSUITE FLOOR  
卫生间为保丽福防滑乙烯地板材料

POWDER COATED ALUMINUM GLASS SHOWER SCREEN.  
粉末涂层铝合金淋浴屏

ALL SANITARY WARE WATERMARKED AS PER AUSTRALIAN STANDARDS.  
所有卫浴洁具均带有澳洲标准印记

ALL BUILT IN FURNITURE LAMINATE FINISH.  
所有内置家具贴面

LIFTING TO BE 4 POINT  
运输吊钩方式为 4 点吊钩

REV.	DESCRIPTION	DATE	DRAWING NO.	DATE	JOB No.	DRAWN BY	SCALE
0	FOR CONSTRUCTION	14-12	MV4SPQ330014400-SE-SD - A-02	14 Dec 2011	EM433144	DL	1:50 ON A3 SHEET
1	REVISED NOTES	21-12					

DESCRIPTION □□□  
4 MAN SPQ 3.3m x 14.4M ARCH - Floor Plan 建筑 - 平面图

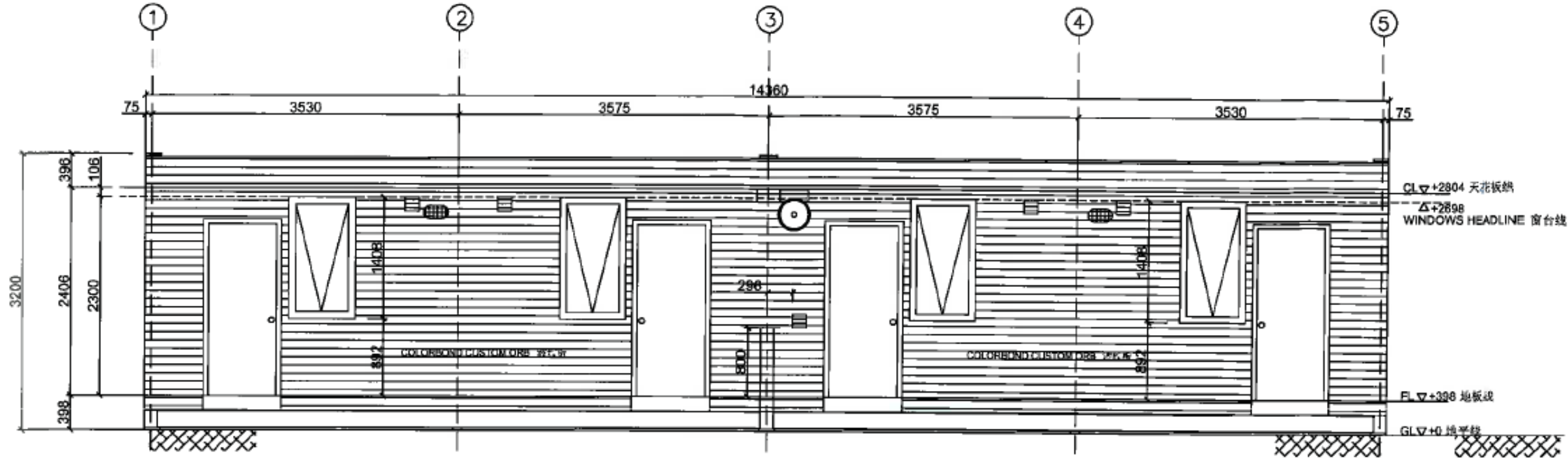
ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCING WORK.  
WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING DRWS.

BUILDING SYSTEM COPYRIGHT OF MODULAR VILLAGES

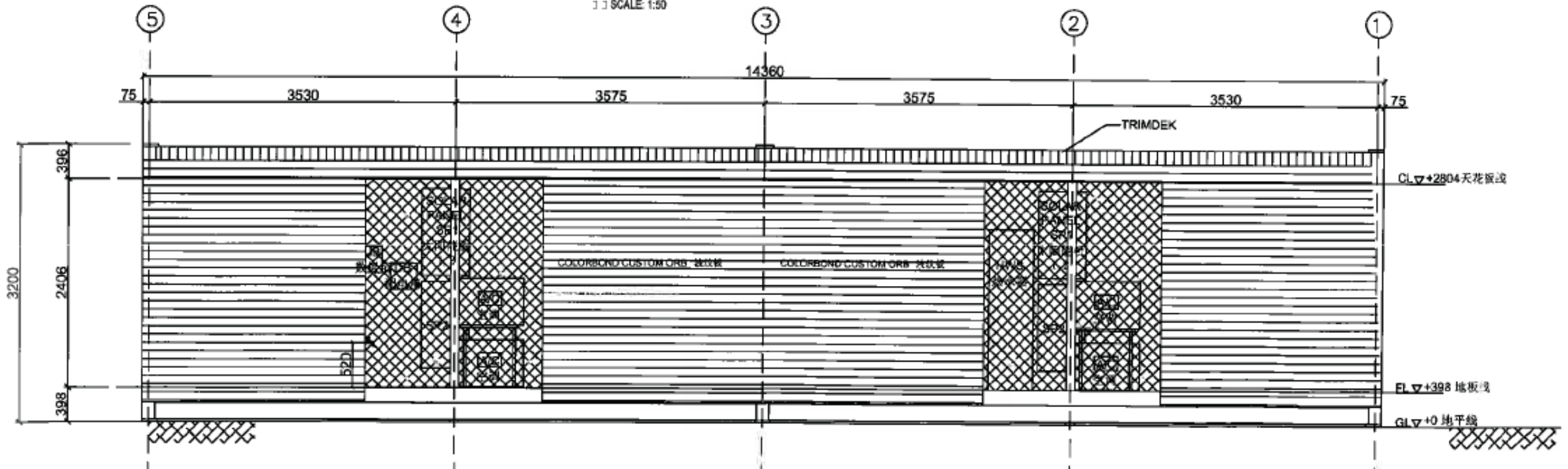
**Modular Villages Pty Ltd**

TEL : +61 8 9467 2554  
Mob: +61 407 861 206  
Web: www.modulervillages.com.au

DESIGN COPYRIGHT OF MODULAR VILLAGES

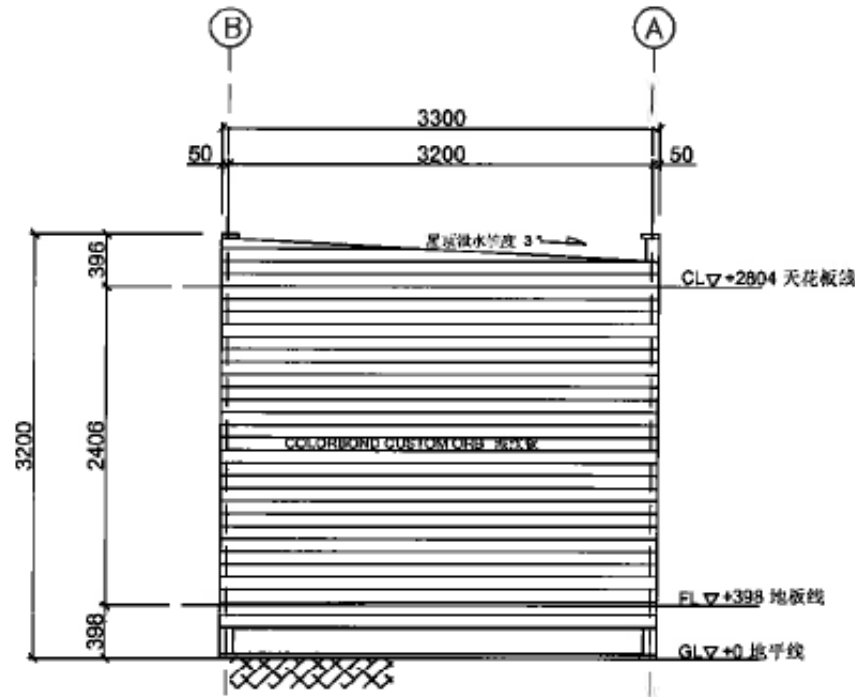


FRONT ELEVATION 正立面  
UL SCALE 1:50



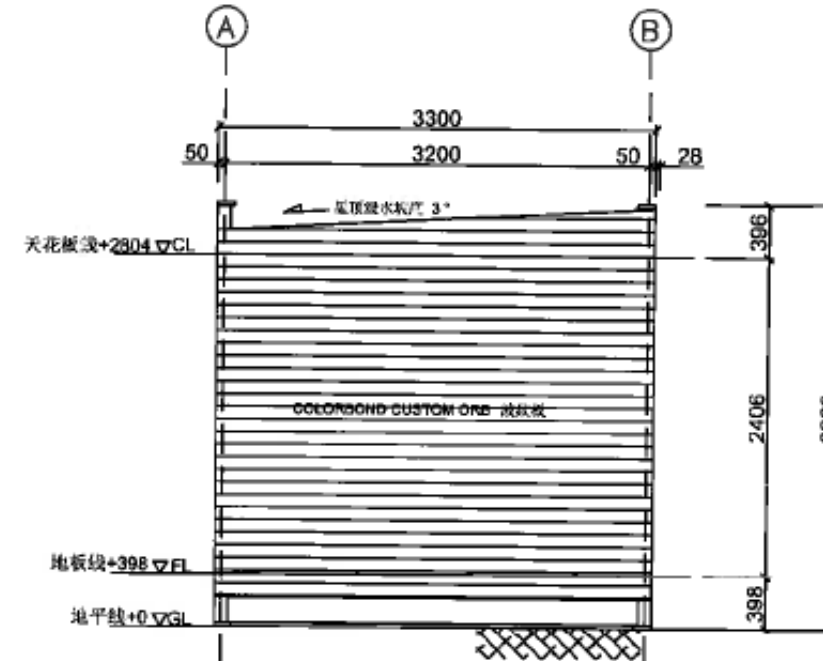
REAR ELEVATION 背立面  
UL SCALE 1:50

REV.	DESCRIPTION	DATE	DRAWING NO.	DATE	JOB No.	DRAWN BY	SCALE		
0	FOR CONSTRUCTION	14.12.11							
1	REVISED ELEVATION	21.01.12	MV4SPQ330014400-SE-SD - A-03	14 Dec 2011	EM433144	DL	1:50 ON A3 SHEET		
ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCING WORK. WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING DRWGS.			DESCRIPTION					BUILDING SYSTEM COPYRIGHT OF MODULAR VILLAGES <b>Modular Villages Pty Ltd</b> TEL : +61 8 9467 2554 Mob: +61 407 851 208 Web: www.modularvillages.com.au DESIGN COPYRIGHT OF MODULAR VILLAGES	
			4 MAN SPQ 3.3M x 14.4M ARCH - Elevation 1 建筑 - 立面 1						



RIGHT SIDE ELEVATION □□□□□

SCALE: 1:50



LEFT SIDE ELEVATION □□□□□

SCALE: 1:50

REV.	DESCRIPTION	DATE	DRAWING NO.	DATE	JOB No.	DRAWN BY	SCALE
0	FOR CONSTRUCTION	14-12	MV4SPQ330014400-SE-SD - A-04	14 Dec 2011	EM433144	DL	1:50 ON A3 SHEET
ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCING WORK. WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING DRWGS.				DESCRIPTION □□□ 4 MAN SPQ 3.3M x 14.4M - ARCH - Elevation 2 建筑 -立面2			
				BUILDING SYSTEM COPYRIGHT OF MODULAR VILLAGES <b>Modular Villages Pty Ltd</b> TEL : +61 8 9487 2554 Mob: +61 407 881 258 Web: www.modulervillages.com.au DESIGN COPYRIGHT OF MODULAR VILLAGES			

8:11pm Mayor Howlett declared an impartiality interest in Item 11.1.1.13 “Request to Freehold Lot 304 on Deposited Plan 49813 Lawson Street, South Hedland – Reserve 48773 (File No.: 802207G)” as she is a voluntary committee member on the Youth Involvement Council.

Mayor Howlett did not leave the room.

8:11pm Councillor Jacob declared an impartiality interest in Item 11.1.1.13 “Request to Freehold Lot 304 on Deposited Plan 49813 Lawson Street, South Hedland – Reserve 48773 (File No.: 802207G)” as she is the chairperson of the Youth Involvement Council.

Councillor Jacob remained in the room.

**11.1.1.13 Request to Freehold Lot 304 on Deposited Plan 49813 Lawson Street, South Hedland – Reserve 48773 (File No.: 802207G)**

**Officer** Katherine Press  
Lands and Technical  
Officer

**Date** 12 August 2013

**Disclosure of Interest by Officer** Nil

**Summary**

On the 7 May 2013 the Town received a request from the Department of Lands (DoL) to relinquish the management order over Reserve 48773 on Lot 304 Lawson Street, South Hedland and to cancel the Reserve.

This request was made in order for the lessee, Youth Involvement Council to purchase the Reserve freehold.

The proposal is supported by the Town’s Officers and it is recommended Council resolve to approve the request.

**Background**

The Town of Port Hedland currently holds a management order over Reserve 48773 on Lot 304 Lawson Street, South Hedland for the purpose of ‘Youth Centre’, with the power to lease. The Youth Involvement Council (YIC) currently lease the Reserve from the Town. Please see Attachment 1 for the Location Plan.

The Town recently received a development application from Right Foot Forward (RFF) on behalf of YIC for an upgrade to the Youth Centre and new associated residential accommodation. The development application is currently being assessed by the Town’s Planning Unit.

**Consultation**

This matter was referred internally to Health Services, Building Services, Recreation Services, Community Development, Investment and Business Development and Technical Services.

No objections to relinquishing the management order and cancelling the reserve were received.

**Policy Implications**

Nil

**Statutory Implications**

Revocation of Management Order:

Section 50 of the *Land Administration Act 1997* establishes the procedure for closing and amalgamating a pedestrian access way with the adjoining land.

Cancellation of Reserve:

Section 51 of the *Land Administration Act 1997* established the procedure for cancelling a reserve.

**Strategic Planning Implications**

6.1	Community
6.1.2	Vibrant
	Provide access to recreational, cultural, entertainment facilities and opportunities.
6.2	Economic
6.2.1	Diverse Economy
	Facilitate commercial, industry and town growth.
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**

YIC are a not for profit association and as such, the lease between the Town and YIC is negotiated on nominal rental terms and provides minimal financial benefits to the Town.

The revocation of the management order over Reserve 48773 would see the Town no longer being responsible for its continued maintenance and the associated ongoing costs.



**Officer's Comment**

The Town currently leases the Reserve to YIC in respect of the occupation of the Reserve as a Youth Centre. The Town manages the Reserve including its buildings, imposing maintenance and administrative costs to the Town's operating budget.

During the 2012/2013 financial year, the rent paid to the Town by Youth Involvement Council for the occupation of Lawson Street was \$777.40. During this same period, the Town paid an amount of \$1496.70 for water charges incurred at the property.

Should Youth Involvement Council be successful in acquiring the Lawson Street property freehold, these income and expenditure amounts will cease which would show an annual net saving of an amount in the region of \$719.30 per annum to the Town.

It is considered to be beneficial for the Town to revoke the management order over Reserve 48773 at Lot 304 Lawson Street, South Hedland.

**Options**

1. Support the resolution to revoke the management order held by the Town of Port Hedland over Reserve 48773 at Lot 304 Lawson Street on Deposited Plan 49813, South Hedland and consent to the cancellation of the Reserve.

The revocation of the management order and cancellation of the Reserve will see the lot being granted to YIC in freehold.

1. Refuse the resolution to revoke the management order held by the Town over Reserve 48773 at Lot 304 Lawson Street on Deposited Plan 49813, South Hedland and refuse the cancellation of the Reserve.

Should Council not support the proposal, the management order over Reserve 48773 will remain with the Town.

**Attachments**

1. Location plan

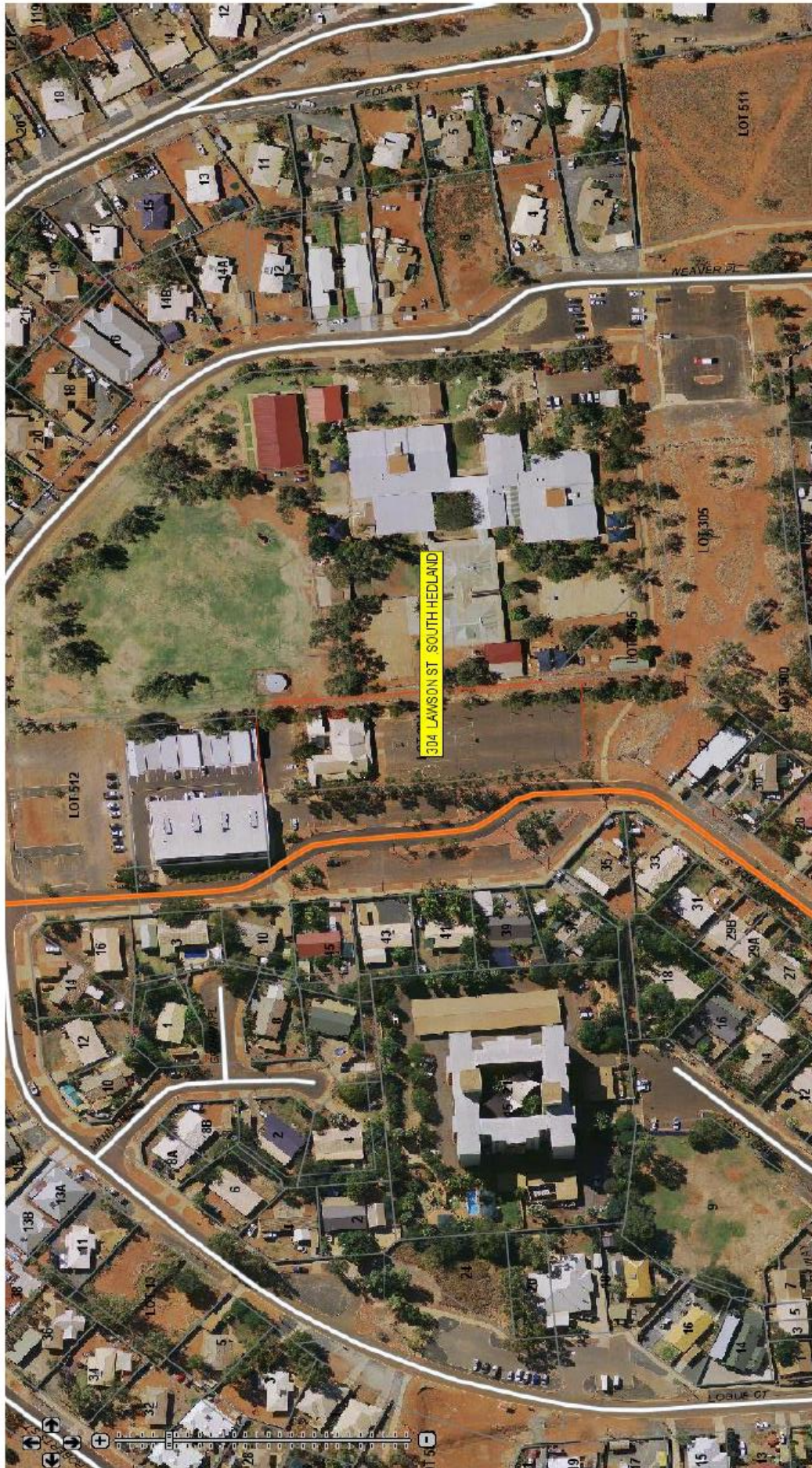
**201314/048 Officer's Recommendation/ Council Decision****Moved: Cr Dziombak****Seconded: Cr Carter****That Council:**

1. **Supports the revocation of the management order held over Reserve 48773 at Lot 304 Lawson Street on Deposited Plan 49813, South Hedland;**

- 2. Support the cancellation of Reserve 48773 at Lot 304 Lawson Street on Deposited Plan 49813, South Hedland and the Reserve being granted to the Youth Involvement Council in freehold;**
- 3. Requests the Chief Executive Officer, or his delegate(s), under Delegation 38 (7) to submit the request to revoke the management order and advise of Council's approval to cancel and freehold the Reserve; and**
- 4. Requests the Chief Executive Officer, or his delegate(s), to terminate the existing lease on receipt of the advice from the Department of Lands that the land transaction has been completed.**

***CARRIED 8/0***

ATTACHMENT 1 TO ITEM 11.1.1.3





**11.1.1.14 Proposed Town Centre - “Restaurant” and “Caretakers Dwelling” Application on Lot 500 The Esplanade Street, Port Hedland. (File No.: 4028440G)**

<b>Officer</b>	<b>Eber Butron Director Planning and Development</b>
<b>Date of Report</b>	<b>13 August 2013</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

Council has received an application from Dome Coffee Australia for a “Restaurant” and “Caretakers Dwelling”, on Lot 500 (76) The Esplanade Road Port Hedland, (owned by the Crown with a management order to the Town).

The applicant has requested a reduction in the provision of parking for the proposed use, considering the substantial cost of upgrading the existing heritage building and due to its proximity to the public car park at Bert Madigan Park it is considered reasonable to consider waiver of on-site parking.

The proposed development will refurbish a heritage building and contribute to activating a key location in the West End precinct by providing a much needed facility. The application is supported by the Town Officers, Council is requested to consider the application favourably.

**Background**

The existing building on Lot 500, The Esplanade is listed in the Towns Municipal Inventory of Heritage Places and is recommended to be retained and conserved.

In the second half of 2011, an expression of interest was received from Dome Coffees Australia Pty Ltd, to refurbish the old “Resident Medical Officers House” and construct an additional building which will be operated as a Dome Coffee franchise.

*Proposal*

The applicant has indicated they will be working together with a Heritage Consultant to ensure the existing heritage building is restored to its original form. In addition to the refurbishment it is proposed to construct a modern building at the rear of the heritage building which will provide the required facilities / amenities for the proposed restaurant. The development also includes a 73m<sup>2</sup> caretakers dwelling.

The provision of parking on the site is problematic due to the retention of the heritage building and the requirement for the construction of an additional building which is required to provide the necessary infrastructure essential to deliver the required service. The applicant has proposed the existing car parking in the area is underutilised and can be used to provide the required parking (Attachment 1).

### **Consultation**

In terms of the Port Hedland Town Planning Scheme No 5, the lot is zoned "Town Centre" identifying the "Restaurant / Café" use as a "P" use (*the development is permitted by the Scheme*).

Internal Consultation has been done with the following units:

- Building Services Unit,
- Environmental Health Services Unit,
- Technical Services Unit,
- Engineering Services Unit,
- Economic Development and Strategy Unit
- Investment and Business Development Unit

### **Statutory Implications**

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

Clause 6.13.5 of the Town Planning Scheme No 5, provides Council with the ability to vary car parking requirements if it is satisfied the variation will not lower the safety standards.

### **Policy Implications**

#### 12/002 Off Site Car Parking Policy

#### Objectives

To provide guidance for the possible development of car parking in adjoining road reserves.

#### Parking Policies

- i. The land valuation component of the cash-in-lieu provision be undertaken in accordance with the Town Planning Scheme requirements, by a qualified valuer appointed by the Town of Port Hedland. All costs associated with the valuation being met by the developer with an estimated cost being paid before valuation is obtained.
- ii. A minimum of 50% of assessed car parking bays to be provided on-site.



- iii. All development within the road reserve to be at the developer's cost.

Development of Car parking in Road Reserves other than in "Residential" areas.

- iv. Council, at its discretion, may permit a portion of the abutting road reserve to be developed for car parking, up to a maximum of 40% of the road reserve. The number of bays to be constructed in the road reserve shall be expressed as a cash-in-lieu of car parking contribution and paid to Council. Council shall then arrange to design and carry out the necessary works. Such parking in the road reserve shall thereafter be designated public car parking and available for use by all motorists.

### Strategic Planning Implications

The proposal is in line with the following clauses within the Strategic Community Plan 2012 – 2022:

6.1	Community
6.1.2	Vibrant
	Provide access to recreational, cultural, entertainment facilities and opportunities (Council Priority 1 – 4 years)
6.2	Economic
6.2.1	Diverse Economy
	Facilitate commercial, industrial and town growth (Council priority 1 – 4 years)
	Create local employment and investment and diversify the economy (Council priority 1 – 4 years)
	Enhance supply of suitably located and supported industrial and retail land (Council priority 1 – 4 years)
	Encourage entrepreneurship through local programs, including business incubation, business advisory, local investment funds, and other programs geared towards generating new products and services (Council priority 1 – 4 years)

### Budget Implications

Immediate:

The prescribed application fee has been received from the applicant.

Whole of Life:

The ongoing maintenance of the car parking and landscaping located within the McKay Street and The Esplanade Road reserves.

**Officer's Comment**

## Economic Development Unit Comment

This project will represent a significant investment in a needed sector of the Port Hedland economy. The Pilbara Port City Growth Plan identifies the lack of cafes and retail as an immediate priority. It is considered this project will contribute towards providing wider variety of choice in the food category from a high quality Western Australian Company. Dome is renowned for creating a sense of community or "third place" where the community can socialize or even "get out the house" something the community mentions at every forum. As the Dome is proposing to restore an important piece of Port Hedland history this is considered a great outcome for the community.

## Planning Unit Comment

*Car Parking:*

As mentioned as a result of the requirement to retain the existing heritage building and additional amenities, it is not possible to provide parking on the site.

Being a heritage listed property which the applicant will be required to restore, it is reasonable subject to there not being a lowering of safety standards for Council to reduce or waive the parking requirement.

The parking review prepared by Porter Consulting Engineers on behalf of the applicant (Attachment 2) confirms, in terms of the Port Hedland Town Planning Scheme No 5, thirty four (34) car parking bays are required. It must be noted that at the time of the report being prepared it was assumed five (5) car parking bays will be provided on-site. The review justifies the inclusion of all public parking areas within a 250m radius to the proposed development.

The boat ramp currently provides ample space for car parking within close proximity to the proposed Dome Development. From a Strategic Planning perspective it is envisaged that the boat ramp activities will be relocated to the Marina site. The current site lends itself to various redevelopment options however at this time it is difficult to predict what any future development and ongoing car parking implications will be.

Currently the McKay Street road verge is able to accommodate 10 car bays. The Towns Planning Officers are of the opinion by reconfiguring the parking alignment on the eastern side of McKay Street from parallel to forty five degree car parking similar to that in Anderson Street approximately eighteen (18) car parking bays can be provided being an increase of eight (8) car parking bays. Further car parking if required could be provided at Bert Madigan Park adjacent to the site, however, the car parking will have to be clearly marked and kerbed.

In the original EOI endorsed by Council 5 car parking bays were originally envisaged to be provided on site. These car parks have since been lost due to the inclusion of a facilities and caretakers building (car parking for the caretakers component of the development is being provided on site).

If required there is an opportunity for the 5 car parking bays that were originally envisaged to be provided on McKay Street or formalised at Bert Madigan Park.

*Streetscape / Heritage Value Retention:*

It is important to ensure the new building design proposed at the rear is sympathetic and compliments the existing heritage building. In this regard the Town obtained the following advice from Laura Gray Heritage and Conservation Consultant:

*“Overall, in my opinion, the proposal is well considered and serves to highlight the heritage place while still making an appropriate architectural statement in Port Hedland.*

*The use of the site, maximising the footprint but managing to set the new buildings back from McKay Street, serves to highlight the heritage building that still dominates the Richardson Street frontage, and the street corner of McKay Street.*

*Further, the view north in McKay Street will still encompass the heritage building. The heritage building located immediately adjacent at No2 McKay Street, complements the subject heritage building if scale and form. Together they are clearly articulated against the more contemporary developments respective to both sites.*

*The contemporary nature of the proposed buildings on the site is in my opinion entirely responsive to the situation of not detracting from the heritage building, but also establishing an architectural statement for Port Hedland of the 2010s.*

*The perspective drawing (3 of 3) clearly demonstrates the dominance of the heritage building on the primary street corner, with no impact on the Richardson view, or the McKay Street view.*

*Further commentary*

*There are two points of view in heritage circles with regard to the interpretation of the Burra Charter. The Burra Charter is the underpinning philosophy of conservation that informs all heritage and conservation guidelines and planning and assessment processes and policies. The Burra Charter is the Australian version of an International Conservation charter established by ICOMOS (International Council of Monuments and Sites). All practitioners and bodies engaged in heritage and conservation should respect and respond to the Charter principles and practitioners such as I, as a member of Australia ICOMOS are bound by the Charter.*

*Basically the Burra Charter implies that any interventions to a heritage place should be identified as such. A Place meaning that whatever is assessed as being the context of what is significant. In the subject heritage place, it is the entirety of Lot 76, so the interventions include not only what is required to adapt the heritage building, but the impact of the new buildings on the overall context of the heritage value of the site.*

*It is my contention that differing interpretations arise from extracting “articles” from the Charter and taking them out of the context of the totality of the Charter. The Burra Charter must be read as a whole. The underlying principle is to understand a place and respond in a way that does not impact the assessed significance of that place. Generally that is with a considered response to the significance of the place as reflected in its form, scale and materials. That considered response may well result in a similar roof form, single storey scale – or not. The key is to minimise the impact on the heritage place (definitely NOT mimicking)- and understanding and respect of that place. The proposed Dome development, in my opinion, has achieved just that.”*

#### *Caretakers Variation:*

The proposal includes a “Caretakers Dwelling” being an “AA” use in terms of the Port Hedland Town Planning Scheme No 5 (the development is not permitted unless the Council has granted planning approval).

In terms of the Town Planning Scheme No. 5, a “Caretakers Dwelling” is restricted to a maximum size of 50m<sup>2</sup>. The applicant has proposed a 73m<sup>2</sup> “Caretakers Dwelling”. It is the Towns Officers opinion that a variation to the defined size of a “Caretakers Dwelling” cannot be supported unless done through a scheme amendment. Should the application be approved by Council a condition should be imposed requiring the reduction of the size of the “Caretakers Dwelling” to comply with the definition as contained in the Town Planning Scheme.

#### *Dust Mitigation Report*

The applicant is required to obtain a report prepared by a suitably qualified Mechanical Engineer to ensure the design of the “Caretakers Dwelling” achieves the same outcome as what is proposed in the Scheme Amendment 22 area.

Should Council support the proposal, thereby providing the applicant with confidence to proceed with the required report, it is recommended the approval be made subject to the approval of the “Dust Mitigation Report”.

#### **Options**

1. Council can approve the application subject to conditions.
2. Council can refuse the application.

Council Officers recommend the application be approved subject to the conditions outlined below.

### **Attachments**

1. Porter Consulting Engineers.
2. Proposed Development

### **Officer's Recommendation**

That Council:

- A. On receipt of a "Dust Mitigation" report prepared by a suitably qualified Mechanical Engineer, consults with the external agencies as determined by the Director Planning and Development.
- B. Subject to no objections being received during the external consultation process required in (A) above, approves the application from Dome Coffee Australia for a "Restaurant" and "Caretakers Dwelling", on Lot 500 (76) The Esplanade Road Port Hedland (owned by the Crown with a management order to the Town) subject to the following conditions:
  1. This approval relates only to the proposed Town Centre – "Restaurant / Café" and "Caretakers Dwelling", as indicated on the approved plans (DRG2013/468/1 - DRG2013/468/2). It does not relate to any other development on this lot.
  2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of this approval, the approval shall lapse and be of no further effect.
  3. The proposed "Caretakers Dwelling" is to be reduced in size to 50m<sup>2</sup> to comply with the Port Hedland Town Planning Scheme No. 5.
  4. Front walls and fences within the primary street setback area shall be visually permeable and no higher than 1.2m measured from natural ground level.
  5. Roof mounted or freestanding plant or equipment such as air conditioning units and hot water systems shall be located and / or screened to the satisfaction of the Manager Planning Services.
  6. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Technical Services.

The following condition(s) are to be cleared by Planning Services prior



to the submission of a building permit application.

7. Prior to the submission of a building permit application the applicant shall provide a restoration plan of the District Medical Officer's Quarters approved by the State Heritage Office.

The following conditions are to be cleared by Planning Services prior to any works taking place on the lot.

8. Prior to the commencement of any works, a "Stormwater management plan" shall be submitted and approved by the Manager Planning Services. All stormwater disposal shall be accordance with the approved stormwater management plan.
9. Prior to the commencement of any works a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
10. Prior to the commencement of any works, a "Refuse Collection Strategy / Management Plan" shall be submitted and approved by the Manager Planning Services. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services.
11. Prior to the commencement of any works, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services.
12. Prior to the commencement of any works, a "Construction Site Management Plan" shall be submitted and approved by the Manager Planning Services. The "Construction Site Management Plan" shall indicate how it is proposed to manage the following during construction:
  - a. The delivery of materials and equipment to the site;
  - b. The storage of materials and equipment on the site;
  - c. The parking arrangements for the contractors and subcontractors;
  - d. Impact on traffic movement;
  - e. Operation times including delivery of materials; and
  - f. Other matters likely to impact on the surrounding residents / businesses;

The following conditions are to be cleared by Planning Services prior to occupation of the development.

13. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services. (Refer to advice note 3).

The following condition to be cleared by the Manager of Planning services upon 24 months of operations.

14. If within 24 months from the use commencing operations, the use has directly resulted in additional car-parking requirements to that which can be reasonably accommodated in the locality 250m radius from the premises, then the proponent shall, if so directed by Council, develop at its construction cost a maximum of 5 additional parking bays within the McKay Street road verge (or alternate location in the locality) to the satisfaction of the Manager Planning Services.

#### ADVICE NOTES:

1. In terms of the Port Hedland Town Planning Scheme No 5, "Restaurant" is defined as follows:  
*"a building and any associated outbuildings and grounds where food is prepared for sale and consumption on the premises and may be licensed to sell liquor."*
2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
3. In the absence of a clear definition of "mature trees and shrubs" within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval "mature trees and shrubs" shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height.
4. Waste receptacles shall be stored in a suitable enclosure, provided to the specifications of Council's Health Local Laws 1999.
5. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
6. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.

- C. Should objections be received during the external consultation process a report be prepared for the first available Ordinary Council Meeting following the closure date of the external consultation date for Council to consider the objections.

**201314/049 Council Decision****Moved: Cr Carter****Seconded: Cr Howlett**

**That Council lay this item on the table for further clarification in regards to car parking bays.**

***CARRIED 5/3***

Record of Vote:

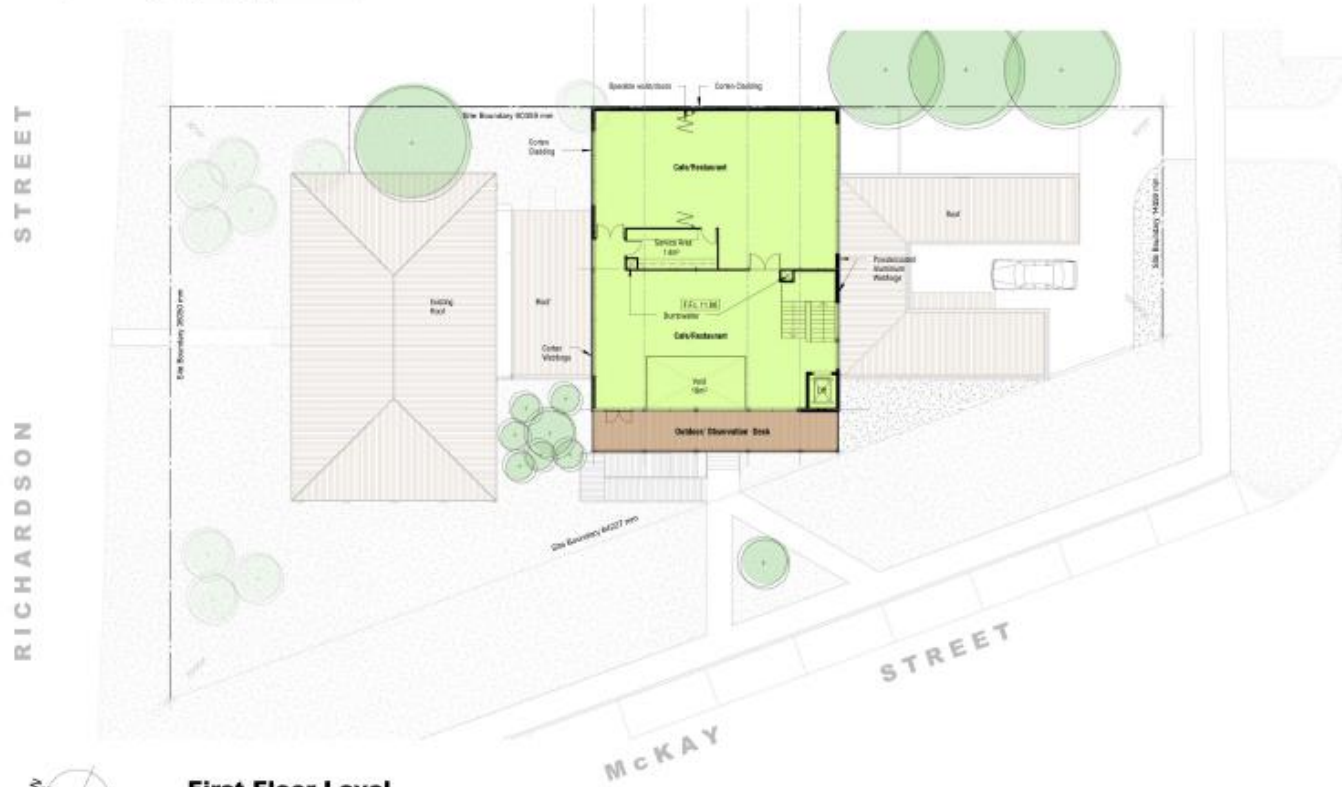
For	Against
Mayor Howlett	Councillor Daccache
Councillor Carter	Councillor Jacob
Councillor Gillingham	Councillor Hunt
Councillor Dziombak	
Councillor Taylor	



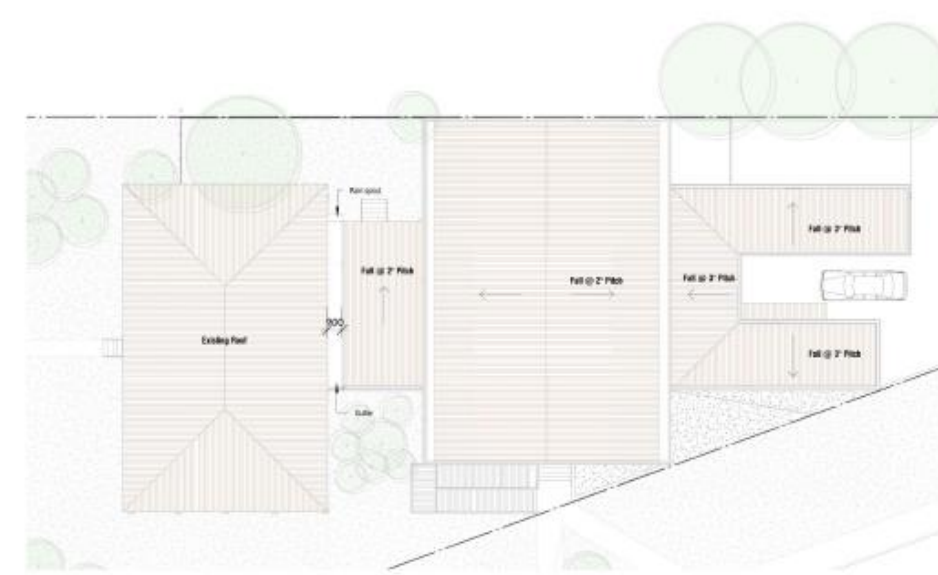
**Legend**

Description	Gross Floor Area	Description	Area
Existing Building	163m <sup>2</sup>	Existing Verandah	71.4m <sup>2</sup>
New Extension - Closed Verandah	46.2m <sup>2</sup>	New Extension - 6m x 11m Verandah - 6m x 11m Verandah	33.3m <sup>2</sup> 22.5m <sup>2</sup>
New Extension - Exposed Floor - Food Floor	277m <sup>2</sup> 278m <sup>2</sup>		
Carbide's Accommodation	88 m <sup>2</sup> (173 m <sup>2</sup> internal accommodation)		
Cafe Administration	58.8m <sup>2</sup>		
<b>Total GFA</b>	<b>908.2m<sup>2</sup></b>		
<b>New Extension + Carbide's Accom.</b>	<b>Total GFA</b>		<b>132.2m<sup>2</sup></b>

**Ground Floor Level**  
SCALE: 1:200



**First Floor Level**  
SCALE: 1:200



**Roof Plan**  
SCALE: 1:200

**PROPOSED DOME CAFE BUILDING & EXTENSION**

LOCATION : LOT 76 Cnr of RICHARDSON ST & MCKAY STREET

FOR : DOME COFFEES

PROJECT No 7614  
 SKETCH No SK002B  
 SHEET No 2 OF 3  
 SCALE As indicated @ A1  
 DATE MAY 2013



Suite 2, Ground Floor, 437 Roberts Rd,  
 Subiaco, Western Australia 6008.  
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 w: www.meyershircore.com.au

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 ACN 115 189 216



**11.1.1.15 Proposal for Ten (10) Multiple Dwellings on Lot 485 (29) Moore Street, Port Hedland (File No.: 125100G)**

<b>Officer</b>	<b>Ryan Djanegara Senior Statutory Planner</b>
<b>Date of Report</b>	<b>15 August 2013</b>
<b>Application No.</b>	<b>2013/319</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

Council received an application from Hightower Planning and Development on behalf of the landowner Kirsten Blackwell to construct ten (10) multiple dwellings on Lot 485 (29) Moore Street, Port Hedland (subject site).

The proposed development is located within the West End Residential Zone. The proposal has been referred to Council to determine as the Town has received submissions from the adjoining landowners.

The application is supported by the Towns' Officers. Council is requested to consider the application favourably.

**Background***Site Description (Attachment 1)*

The subject site is generally rectangular in shape, achieves vehicular access via Moore Street and has an area of 911m<sup>2</sup>.

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned "West End Residential".

*Proposal (Attachment 2)*

The applicant is proposing to construct ten (10) "Multiple Dwellings" comprising of two bedroom units.

**Consultation**

The application was circulated to the following units / organisations:

*Internally:*

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



*Externally:*

- Department of Environment and Conservation (DEC)
- Department of State Development – Dust Taskforce (DSD)
- Environmental Protection Authority (EPA)
- Department of Health
- Department of Water
- Department of Planning
- Telstra
- Optus
- Horizon Power
- Water Corporation

The following noteworthy comments were received:

Department of State Development:

1. Development within the “West End Residential” zone must comply with the design requirements outlined in Town of Port Hedland Town Planning Scheme Amendment 22.
2. The Town of Port Hedland is ultimately responsible for assessing development applications against the design requirements of Scheme Amendment 22.

Department of Health (DoH):

1. The DoH have reviewed the Dust Mitigation Report and have found the the elements of the building design and proposed mechanical solutions are inconsistent and non-compliance with the provisions and intent of Scheme Amendment No. 22 of the Port Hedland Town Planning Scheme No. 5.
2. In particular the DoH notes specific short-comings in this proposal, including:
  - a. The lack of filtration of air-conditioning units and the construction of eaves and roof design elements having regard to Section P2.4.5 of the National Construction Code Series 2013 (NCC2013) volume 2;
  - b. Scheduled maintenance for replacement of all filtering systems on all air-conditioning systems;
  - c. Instalment of airtight window seals on fixed or operable windows; and
  - d. Instalment of dust seals on entry and balcony doors.

Applicant’s Response

In light of the Department of Health’s comments, the applicant’s Mechanical Engineer (C.A & M.J. Lommers) has prepared a response which has been summarised as follows:

- a. The building has been designed to promote natural ventilation via operable windows and doors in lieu of outside mechanical ventilation systems (such as air-conditioning). The air-conditioning grilles shown on the southern elevation are for air circulation around future air-conditioning condensing units (outdoor units) and do not relate to air flows into the building or the mitigation of dust ingress into the building.
- b. Given the above, point 2 a. of the Department of Health's comments is not applicable.
- c. With regards to the points 2 c. and 2 d. of the Department of Health's comments it should be noted that NCC/BCA Volume 1 J3 controls building sealing in buildings of this Type. Window installations in general are controlled under Australian Standard AS2047 or are required to have seals to restrict air infiltration as per NCC/BCA Volume 1 Clause J3.4(a). Clause 6.3.9 of the Amendment does not refer to specific construction standards and it is suggested that the existing control of building sealing is sufficient for use.

Revised Comments from the Department of Health

Subsequent to the revised dust mitigation report provided by the Applicant, the Department of Health has reconsidered its position and is now satisfied with the response and measures to be undertaken. As such the Department's concerns have now been addressed and support the application.

Department of Environment & Conservation:

- 1. DEC notes that the dust mitigation measures for the proposed development have been assessed by a suitably qualified mechanical engineer and determined to be in accordance with the requirements of the Town of Port Hedland Town Planning Scheme No. 5.
- 2. DEC also advises the Department of Health have involved a consultant to prepare a Health Risk Assessment which is expected to be completed by the end of 2015.

The application was previously advertised for a period of 14 days to adjoining landowners as part of the original assessment of the previous application.

Two submissions had been received during the advertising period and have summarised as follows:

Objections	Applicant's Response
The transportable building type that is to be used, it does not match into the surrounding area.	The proposed development is reflective of the changing character of the West End facilitated through Amendment 22 as adopted by Council and

<p>Camp style accommodation should remain in the bush next to a mine.</p>	<p>the Department of Planning. A modular construction methodology is a common and increasing form of construction in the north-west, is prolific in the West End already and has been used in numerous other planning approvals issued recently in the West End which are still pending construction.</p>
<p>Building so close to the front boundary will impede on my view down the street and when leaving my drive way.</p>	<p>No obstructions higher than 0.75m will occur within 1.5m of the adjoining property crossover as required in the R-codes to ensure safe access and egress. The proposal complies with the acceptable development provisions of the R-Codes</p>
<p>Parking for at least 11 cars (but up to as many as 20 or more) 20 rooms= 20 cars, 20 people may have a partner so there could be as many as 40 cars/trucks/work vehicles parked in and around my house ALL WITH REVERSING BEACONS waking us up at 5.30am with no respect for local people because they are FIFO, as they do already on the other side of my property. luckily for me and my family they only have three cars with noisy beacons.</p>	<p>There is no provision or local planning policy which addresses this specific issue. Understanding the matter, a condition could be imposed that a requirement in the strata agreement be incorporated to require all cars to reverse into parking bays. This will limit the impact of reversing beacons in early hours of the morning.</p>
<p>Windows/stairway/walkway on the proposed property will view into my property taking away our privacy.</p>	<p>The stairwell and first floor access will be screened along the western elevation preventing any overlooking. All windows on the western elevation will be obscured in accordance with acceptable development criteria for overlooking.</p>
<p>How can you have only 13 parking bays with 20 rooms?</p>	<p>Parking provision complies with the acceptable development criteria for the R-Codes.</p>
<p>As a long term resident of Moore Street I don't want to see the repeat of the disinterest look of modular</p>	<p>Refer to point 1 above. Council has endorsed higher density 1 – 2 bedroom type accommodation in endorsing both Amendment</p>

buildings cluttering up our street like what has happened to Kingsmill Street.	22 and subsequently the Pilbara Port City Growth Plan (adopted Local Planning Strategy).
Is the plan for this town to change everything to FIFO?	The proposal is for construction of dwellings not transient workforce accommodation.
We have FIFO workers next door already and have to put up with <ul style="list-style-type: none"> <li>• 5.30am noisy reverse beacons</li> <li>• Drinking and yahooing at all hours</li> <li>• And just this morning our 13 yr. old daughter felt intimidated while standing at the school bus stop out front.</li> </ul>	The proposal is for construction of dwellings not transient workforce accommodation.
We will lose the privacy in our own back yard as now 5 of the 10 units will have a direct line of vision.	The proposal complies with the acceptable development criteria of the West End Residential zone and the Residential Design Codes.
It will take a large section of our view to the south away.	Views are not a relevant planning consideration. The development is actually well within the permitted height provisions for the West End Residential zone delivering a much lesser impact than what could otherwise be approved.
It would also be replacing the " Old Port Hedland "charm with the new " High Density "feel that is overtaking the Morgans/ Kingsmill area. One gets the impression that those people are jammed on top of each other and we are of the opinion that it is not socially healthy to be pushed into such close proximity.	Council has endorsed higher density 1 – 2 bedroom type accommodation in endorsing both Amendment 22 and subsequently the Pilbara Port City Growth Plan (adopted Local Planning Strategy). As such, the long-term character of the west end will shift to be more reflective of the type of built form and design contemplated in this proposal.

#### *Planning Services' Response*

The applicant has addressed the arguments presented by the adjoining neighbours. Planning Services have considered these comments and support the justification and points raised by the applicant.

### **Statutory Implications**

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

### **Policy Implications**

Nil

### **Strategic Planning Implications**

The following sections of Council's Strategic Plan 2012 – 2022 are considered relevant to this proposal:

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

5.6.1 Precinct 1 – West End

5.6.1 Precinct 1 – West End

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Precinct Summary

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Noise and dust emissions particularly in proximity to existing developed urban areas.

### **Budget Implications**

Immediate:

An amended application fee of \$5,895.00 has been received as per the prescribed fees approved by Council.

### **Officer's Comment**

*Dust Mitigation requirements in the West End Residential Zone*

The site is located in the "West End Residential" zone. Developments located within this zone are required to be designed in order to mitigate the impacts of elevated dust levels experienced within the locality. Section 6.3.9 of TPS5 states:



*“Residential development within the West End Residential Zone and within the area bounded by Withnell, McKay and Anderson Streets, and the Esplanade, Port Hedland shall be in accordance with a local planning policy, development plan or design guideline adopted by Council that incorporates building design and performance standards to reduce exposure to dust, and to include but not necessarily be limited to -*

- *filtration of incoming air into the building designed to utilise coarse disposable pre-filtration (i.e. G3 or G4 rated) and then a finer filter (i.e. F4 rated);*
- *location of operable windows and doors on the western and southern building facades only;*
- *use of deflection screens on the northern and eastern edges of operable windows;*
- *use of eaves;*
- *orientation of buildings to avoid wind tunnelling effects; and*
- *protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening.”*

In the absence of a Council adopted local planning policy, development plan or design guideline, state government stakeholders have expressed concern regarding suitable design requirements for residential development in the “West End Residential” zone.

Clause 6.3.9 of the scheme is prescriptive and does not allow for innovative design solutions which are able to achieve the same outcome as intended by the clause. Consequently, legal advice was obtained from the Town’s Solicitors and further advice received from the Department of Planning. As a result of advice received, all residential applications within this area are to be accompanied by a report prepared by a suitably qualified Mechanical Engineer, certifying the design of the proposed development will mitigate dust exposure and achieves the intent Clause 6.3.9 of TPS5.

The applicant has submitted a report by C.A & M.J. Lommers confirming the proposed design will mitigate dust and addresses the requirements under the TPS5. This report was forwarded to the relevant stakeholders for comment.

As stated, the Department of Health raised concerns with regards to the proposed development and further notes specific issues with the Dust Mitigation Report. The applicant has responded to the Department’s comments and addressed the building issues raised. Subsequently the Department is now satisfied the issues raised have been addressed.

From a planning perspective the application can be supported, as the dust mitigation report provided by C.A & M.J. Lommers is consistent with the previous approvals issued by the Council for applications in the West End Residential zone.

*Residential Design Codes of Western Australia (R Codes)*

A number of variations to the Acceptable Development Standards of the R Codes have been sought and are generally of a minor nature. The proponent has provided justification identifying design consideration and how the performance criterion has been achieved. It is considered the justification provided and the outcome achieved is appropriate for the site and the West End.

**Attachments**

1. Locality Plan
2. Development Plans
3. Dust mitigation report
4. Two Submissions from adjoining neighbours
5. Department of Health's referral
6. Applicant's response to Department of Health's referral
7. Revised response from the Department of Health

**201314/050 Officer's Recommendation/ Council Decision**

**Moved: Cr Daccache**

**Seconded: Cr Jacob**

**That Council approves the application submitted by Hightower Planning and Development on behalf of the landowner Kirsten Blackwell to construct ten (10) multiple dwellings on Lot 485 (29) Moore Street, Port Hedland subject to the following conditions:**

- 1. This approval relates only to the proposed Ten (10) "Multiple Dwellings", as indicated on the approved plans (DRG2013/319/1 - DRG2013/319/5). It does not relate to any other development on this lot;**
- 2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;**
- 3. A minimum of 13 car bays (10 bays for residents and 3 bays for visitors including 2 within the road reserve) and 4 bicycle bays shall be provided as indicated on the approved site plan (DRG2013/319/1);**
- 4. No parking bays shall be obstructed in any way or used for any other purpose than parking;**
- 5. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m;**

- 6. All stormwater disposal shall be in accordance with the approved stormwater management plan (DRG2013/319/5);**
- 7. Roof mounted or freestanding plant or equipment such as air conditioning units, external clothes drying areas or hot water systems shall be located and / or screened to the satisfaction of the Manager Planning Services;**
- 8. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Technical Services;**
- 9. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning Services;**
- 10. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services (DRG2013/319/1);**

**The following conditions are to be cleared by Planning Services prior to the submission of a building permit being submitted to the local authority.**

- 11. Prior to the submission of a building permit, the landowner shall submit civil engineering drawings for approval by the Manager Planning Services for the two (2) off site car parking bays within the adjacent road reserves, to be constructed to the satisfaction of the Manager Technical Services at the expense of the landowner;**
- 12. Prior to the submission of a building permit, the developer shall indemnify the Town for any works in the Road Reserve, against any damage that may occur as a result of construction or ongoing maintenance. The developer shall take out Public Liability Insurance in the amount of \$20 million for all works within the Road Reserve area for the construction phase and the maintenance period referred to in Condition 18 (eighteen) below. Evidence of the Public Liability Insurance Policy from a reputable insurer shall be provided to the Manager Planning Services prior to the commencement of works;**
- 13. Prior to the submission of a building permit the landowner shall prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification shall be sufficient to alert prospective landowners or occupiers of the following:**

- a. **Vulnerable Coastal Area - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years;**
  - b. **This land is located within an area identified as being impacted on or affected by dust from Port activities. The Department of Health advises that children, the elderly and people with pre-existing respiratory and cardiovascular health conditions or predisposed to the same should not reside on this land other than on a temporary basis as they are at increased risk of worsening or developing respiratory and/or cardiovascular related health conditions. Further information can be obtained from the Department of Health.**
14. **Prior to the commencement of any works a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan shall include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001;**
  15. **Prior to the submission of a building permit, the landowner shall submit an "Erosion and Sediment Control Plan" for approval by the Manager Planning Services;**
  16. **Prior to the submission of a building permit, the landowner shall submit a "Construction Site Management Plan" for approval by the Manager Planning Services. The "Construction Site Management Plan" shall indicate how it is proposed to manage the following during construction:**
    - a. **The delivery of materials and equipment to the site;**
    - b. **The storage of materials and equipment on the site;**
    - c. **The parking arrangements for the contractors and subcontractors;**
    - d. **Impact on traffic movement;**
    - e. **Operation times including delivery of materials; and**
    - f. **Other matters likely to impact on the surrounding residents / businesses.**

**Conditions to be cleared by Planning Services prior to the occupation of the development.**

17. **Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified Mechanical Engineer confirming the development has been built in accordance with the Dust Management Assessment Report, prepared by C.A. & M.J. Lommers Pty Ltd;**

18. Prior to the occupation of the development the landowner shall enter into a binding agreement with Council to maintain the proposed car parking bays and proposed landscaping in the Jacoby Street verges for two years to the satisfaction of the Manager Planning Services;
19. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services (Refer to advice note 5);
20. Prior to the occupation of the development, the proposed development shall be connected to reticulated mains sewer;
21. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
22. Prior to the occupation of the development, the landowner shall provide aged/disabled access to the existing Council path network in accordance with Austroads Part 13 – Pedestrians, to the satisfaction of the Manager Planning Services;
23. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and
24. Prior to the occupation of the development the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, and approved by the Manager Planning Services.

**ADVICE NOTES:**

1. In terms of the Port Hedland Town Planning Scheme No 5, "Multiple Dwelling" is defined as follows:

"Multiple Dwelling,

a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."



2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
3. With regards to Condition 20, insitu effluent disposal systems are to be decommissioned in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;
4. The Town's Building Services advises the landowner should consider the following issues prior to submitting a building application:
  - a. lighting and ventilation will need to be in accordance with the provisions of the Building Codes of Australia.
5. In the absence of a clear definition of "mature trees and shrubs" within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval "mature trees and shrubs" shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height;
6. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services;
7. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times;
8. Be advised that as per the Environmental Protection (Noise) Regulations 1997, construction noise, that does not comply with the AS 2436-1981, is not permitted outside of 0700-1900 Mondays-Saturdays and not on Sundays or Public Holidays;
9. Be advised that the air handling system is to comply with the Health (Air-handling and Water Systems) Regulations 1994;
10. Be advised that all laundries must be constructed as per the Town's Health Local Laws 1999 Section 2.2.2;
11. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval; and
12. Conditions 11 to 16 (including) shall be complied with prior to the submission of a building permit. In this regard please note there is a clearance fee of \$310 per request. Please note it may take up to 28 days to clear conditions.

*CARRIED 7/1*

ATTACHMENT 1 TO ITEM 11.1.1.15







PROPOSED SITE PLAN (GROUND FLOOR)

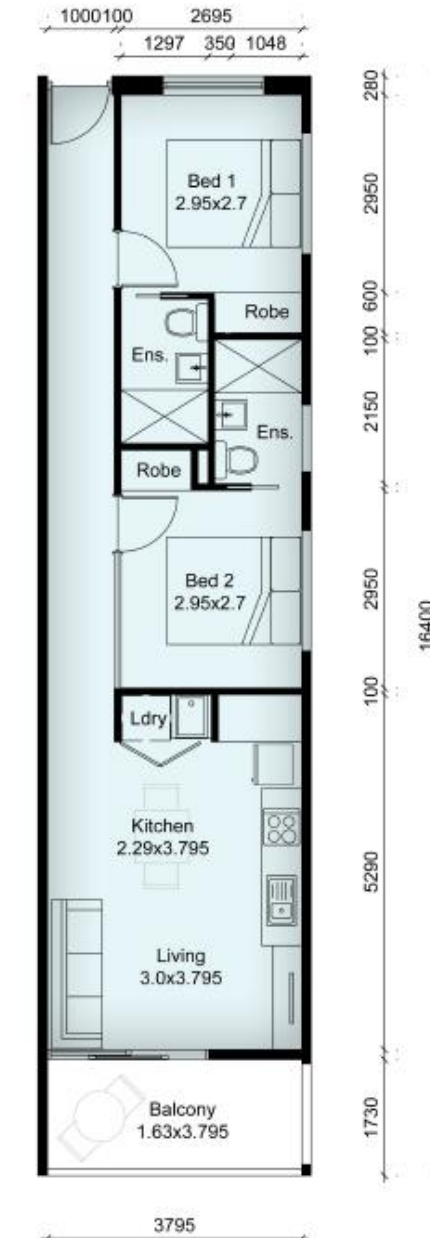
SCALE 1:100



ACCOMMODATION SCHEDULE	
TWO-BED UNIT	
INTERNAL UNIT AREA	53.925m²
EXTERNAL UNIT AREA	60m²
MODULE SIZE	4.075m x 15.1m
NUMBER OF MODULES	10

DEVELOPMENT SCHEDULE	
ZONING	R80
ALLOWED PLOT RATIO	1.0 = 911SQM
PROPOSED PLOT RATIO	0.66 = 600SQM
UNITS	10 x 2 BEDROOM UNITS
CAR PARKING	11 ONSITE, (INC. 1 VIS.) 2 ON STREET (2 x VIS.)
TOTAL CAR PARKING	13 BAYS TOTAL

PLANTING LEGEND:	
	EREMONYLIA GLABRA TO COUNCIL POLICY 10001
	ROCK MORNING GLORY - IPOMEA COSTATA TO COUNCIL POLICY 10001
	VARIABLE-BARKED EUCALYPTUS DICHROMYIA TO COUNCIL POLICY 10001



PROPOSED UNIT PLAN (TYP.)

SCALE 1:50: 53.925SQM INTERNAL UNIT AREA (EXCLUDING DUCT AREA)

revision/issue	description	drawn	checked	date
C	RE-ISSUED FOR DA WITH REVISED CAR BAY & BIN SET DOWN	DM	NP	23.07.2013
B	RE-ISSUED FOR DA WITH ADDITIONAL NOTES	DM	NP	07.06.2013
A	DA Submission	DM	NP	17.05.2013

revision/issue	description	drawn	checked	date
	PROPOSED RESIDENTIAL DEVELOPMENT	DM	NP	
	29 MOORE STREET, PORT HEDLAND	NP	NP	

	Total Plans: 28 29 Moore Street, Port Hedland, WA 6013 PO Box 1433, West Perth, WA 6005 Ph: (08) 9422 8144 Fax: (08) 9422 8242 Email: admin@hpcp.com.au	scale: 1:100 date: 02.05.2013 project no: 11.13 dwg no: S01 rev: c
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**PROPOSED FIRST FLOOR PLAN**  
 SCALE 1:100  
 SCALE  
 0 1 2 5 10m

revision / issue	description	drawn	checked	date			
B	RE-ISSUED FOR DA WITH REVISED CAR BAY & BIN SET DOWN	DM	NP	23.07.2013			
A	DA SUBMISSION	DM	NP	28.05.2013			
project	description	drawn	checked	date			
	PROPOSED RESIDENTIAL DEVELOPMENT	DM	NP	02.05.2013			
location	description	drawn	checked	date			
	29 MOORE STREET, PORT HEDLAND	DM	NP	11.13			
		checked	NP	S02			
		drawn	NP	FW B			
Hodge Collard Preston ARCHITECTS Third Floor, 28 Richardson Street, West Perth, WA 6005 PO Box 743, West Perth, WA 6872 Ph: (08) 9322 5144 Fax: (08) 9322 5145 Email: admin@hodgecollard.com		scale	1:100	project no	11.13	dwg no	S02





REVISED DA SUBMISSION - SHOWING AMENDED PARAPETS	DM	NP	21.08.2013
DA SUBMISSION	DM	NP	17.05.2013
project	description	drawn	checked
PROPOSED RESIDENTIAL DEVELOPMENT	PROPOSED ELEVATIONS	DM	NP
location	29 MOORE STREET, PORT HEDLAND	checked	NP
scale	1:100	date	22.05.2013
Hodge Collard Preston ARCHITECTS		project no	11.13
3rd Floor, 38 Richardson Street, West Perth, WA 6005 PO Box 743, West Perth, WA 6872 Ph: (08) 9432 2144 Fax: (08) 9432 2140 Email: admin@hpcperth.com		dwg no	S03
		rev	B





Resource Engineering &amp; Design

## BUILDINGS

Level 1 | 159 Adelaide Terrace | East Perth | WA | 6004  
Telephone: +61 8 9421 9588 Facsimile: +61 8 9421 9599

21<sup>st</sup> May 2013

Project No: OTH-13-047

Nicholas Preston  
Hodge Collard Preston Architects  
Level 3, 38 Richardson St  
West Perth WA 6005

Dear Nicholas,

**RE: Proposed Development 29 Moore Street, Port Hedland – Storm Water Design Certification**

Resource Engineering and Design has been engaged by Hodge Collard Preston (HCP) on behalf of Brett Endersby to undertake the civil and drainage concept design for the proposed development at 29 Moore Street, Port Hedland.

The site comprises of a single Lot No. 485, Moore Street, Port Hedland. An existing single storey dwelling will be demolished and a new development of 10 units is proposed as shown on the HCP Development Approval drawings.

The storm water volume generated by the development from the collection and conveyance of roof area and soft and hardstanding areas (car park, paved and landscaped). These areas combine to a total area of 910m<sup>2</sup>. The storm water runoff coefficient has been calculated at C=0.9 for the entire site, as it is predominately roof area.

All roof drainage will be captured and conveyed to the car parking area and be contained and disposed of via 3 No. 1.8 x 1.8m Soakwells as per Town of Port Hedland design guidelines. This principle is applied to water runoff generated from the soft and hard standing areas. The levels of the proposed development have been designed to create positive drainage away from the buildings to the car parking areas where the soakwells are located. A trench drain has been located at the southern extent of site to capture roof flow and be conveyed to the sump pump located in the south eastern corner of the lot. The trench drain shall be sized during the detailed design phase to capture as a minimum the by-pass flows from a 1:5 year event, and prevent these flows discharging to the public system in the street.

The Town of Port Hedland storm water design guidelines makes recommendations to contain and dispose of a storm event 1:5 year ARI, with provisions made from overland flow paths for a 1:100 year ARI event. The topography of the site allows overland flow paths to be adopted. As such we have provided containment of a 1:5 year ARI on site within the 3 No. soakwells. Larger storm events will discharge through the proposed crossover no higher than 16mm at a velocity of 0.173m/s (0.62km/hr).

The 1:100 year ARI flood level as provided by the "Port Hedland Coastal Vulnerability Study" as prepared by Cardno 2011 for this location is 5.90m AHD. The flood study recommends a minimum of 500mm freeboard above this level. The finished floor level of the buildings has been set at 8.05m AHD. This level is above the 1:100 year flood level.

All of the above has been illustrated within RED documentation as part of the Development Application package and is titled:

- OTH3047-C-SK001, 29 Moore Street Concept General Arrangement; and
- OTH3047 Storm Water Calculations.

If you would like to discuss the Storm water management strategy or if we can provide any further information, please do not hesitate to contact myself or Brett Sanderson on (08) 9421 9588.

Kind Regards



Brett Sanderson  
Senior Civil Engineer  
Resource Engineering & Design



Resource Engineering &amp; Design

Client	HODGE COLLARD PRESTON (HCP)		Date	21/05/13	
Project/Job	29 MOORE STREET, PORT HEDLAND	Job No:	OTH-13-047	Sheet No:	1
Subject	STORM WATER CALCULATION FOR D.A. SUBMISSION			By:	C.ROBERTSON

#### STORM WATER PHILOSOPHY

- Analyse & assess the site as a whole to determine minimum storm water requirements
- Utilise the Town of Port Hedland (ToPH) Storm water information sheets as the design basis
- Analyse & assess flood water for the site.
- Store a minimum 1.5 year rain fall even on site.
- Analyse 1:100 year flows and provide sufficient overland flow paths.

#### STORM WATER QUANTITY

Refer to drawing OTH3047-C-SK001 for Quantity, storage and flow rate calculations

#### FLOOD WATER ASSESSMENT

NB: The flood assessment has incorporated information obtained from "Port Hedland Coastal Vulnerability Study" prepared by Cardno in August 2011.

Table 6.15 shows "Design Peak Total Still Water Level" for the area of East Port Hedland - excluding open coastal locations.

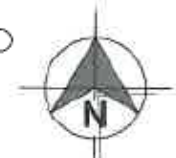
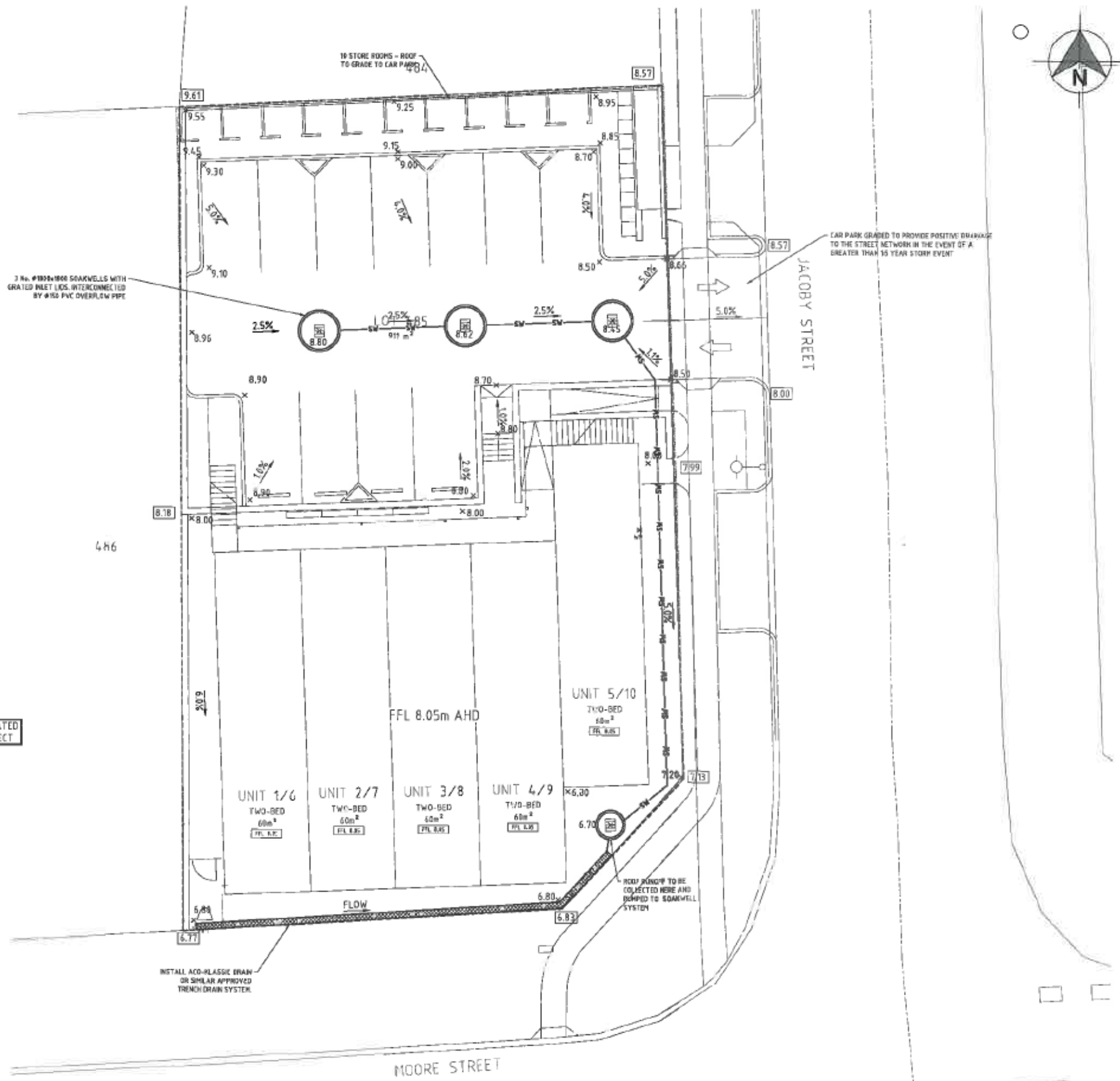
The document also recommends that a 1:100yr event with an additional 500mm freeboard be used to provide finished levels for residential development.

ARI = 100 => 5.9m AHD design water level.  
           +0.5m freeboard  
           = 6.4m AHD

FFL set at 8.05m AHD

Therefore FFL is above 100yr inundation level.





**STORMWATER CALCULATIONS:**

FOR A 1 IN 5 YEAR EVENT, TIME OF CONCENTRATION 6 MINUTES.

**POST DEVELOPMENT FLOW:**

ARI= 5yr Tc= 6mins  
 C= 0.90 (MOSTLY SEALED/ROOF)  
 I= 152.00mm/hr A= 910m<sup>2</sup>  
 q= CIA/360  
 q= 0.035m<sup>3</sup>/s

TOTAL VOLUME = q x Tc  
 = 0.022 x 6 x 60  
 = 12.45m<sup>3</sup>

THEREFORE TOTAL OF 12.45m<sup>3</sup> RUN OFF NEEDS TO BE RETAINED ON SITE. (3No. #180x180 SOAKWELLS)

q = 0.035m<sup>3</sup>/s  
 DRIVEWAY WIDTH = 5.8m  
 CRITICAL DEPTH = 16mm  
 AREA = 5.8 x 0.035 = 0.203m<sup>3</sup>  
 q = VA  
 A = 0.035/0.213  
 = 0.173m/s

PEAK VELOCITY OF WATER LEAVING SITE WOULD BE 0.166m/s.

F.F.L. NOMINATED BY ARCHITECT

OTH3047-C-SK001 - REV B  
 29 MOORE STREET, PORT HEDLAND  
 CIVIL WORKS:  
 CONCEPT DRAINAGE ARRANGEMENT  
 C.ROBERTSON 21.05.13



Level 1, 159 Adelaide Terrace,  
 East Perth, WA 6004  
 Tel. (08) 9421 9500  
 Fax. (08) 9421 9509  
 admin@redengineering.com.au





**C.A. & M.J. LOMMERS PTY LTD**  
ACN 053 135 318 • ABN 76 349 760 785

## 2. COMPLIANCE WITH TOWN PLANNING SCHEME No. 5 AMENDMENT 22:

The building generally achieves compliance with the policy objectives of the Town of Port Hedland Town Planning Scheme No. 5 Amendment 22.

### Building Openings Orientation

**Legislative Requirement** – Location of operable windows and doors on the Western and Southern facades only, and the use of deflection screens on the northern and eastern edges of operable windows.

**Performance Objective** – Number of openings shall be minimised and generally limited to walls on the leeward side of the prevailing winds for Port Hedland and protected accordingly to reduce the direct ingress of dust into the building.

The proposed development has been designed with features and openings limited to the walls on the leeward side of the building, and achieves the legislative requirement.

The following features have been provided to achieve compliance with this requirement;

- No operable windows or balcony door openings have been documented in the northern, eastern or western facades of the building. (All windows in northern, eastern and western facades as documented shall be fixed in position)
- Entry doors to apartments, facing north, shall be provided with self-closers to ensure doors are not left open unintentionally, as limited screening to the north has been provided.
- Openings in the southern façades of the building have been documented with reveals to the eastern edge of the façade to achieve compliance with the legislative requirement.

In lieu of solid construction the reveals to the eastern side of apartments 4, 5, 9 and 10 south facing balconies shall be a maximum of 50% free area open, and extend to the underside of the floor above, as shown.

### Entrances to Sole Occupancy Units and the Building

**Legislative Requirement** – Protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening.

**Performance Objective** – Entrances into the building shall be protected accordingly to reduce the direct ingress of dust into the building.

The following features have been provided to achieve compliance with this requirement:

- Entrances to apartments 1 to 4 are below the building, with retaining walls separating them from the adjacent car-parking area and as such are protected for the external winds.
- Entrances to apartments 6 to 9 provided with screened porticos to reduce the impact of direct wind currents and associated ingress of dust.

Porticos above entrances shall be solid in construction, and screens enclosing areas surrounding entrances shall be a maximum of 50% open in free area.

- Entrances to apartments 5 to 10 face west and are provided with porticos above to reduce the direct impact of wind into the opening.

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## 2. COMPLIANCE WITH TOWN PLANNING SCHEME No. 5 AMENDMENT 22: (Cont.)

### Development Orientation

**Legislative Requirement** – *Orienting buildings to avoid wind tunnelling effect*

**Performance Objective** – *building design should be structured such that wind tunnelling effects from long corridors and the likes are minimised.*

The following features have been provided to achieve compliance with this requirement;

- The building has been designed with orientation such that no wind tunnelling affects will be present in the construction. External corridors are open on their perimeter and have been designed with changes in direction through their length to ensure wind tunnelling effects are minimised.

This achieves the legislative requirement of this clause.

### Pitch of Roofs

**Legislative Requirement** – *use of eaves.*

**Performance Objective** – *Rooves shall be designed in a manner to minimise the build-up of dust.*

The proposed development has been designed with features to reduce the build-up of dust on the roof of the building, and generally achieves the performance objective.

The following features have been provided to achieve compliance with this requirement;

- Generally the main roof of the building has been documented with parapet walls and therefore complies with the legislative requirement.  
Areas under eaves associated with balcony roofs shall be horizontally lined to reduce stagnation currents forming below "dead areas" of roof overhang.
- The building is intended to form part of a high density area development. It is expected that other similar buildings will be effective to create a building boundary layer that could further reduce the direct air-flow onto the building.

Due to the high density nature of the development, it is considered a high pitched roof is impractical and not necessary to achieve the requirements of this performance objective.

### Filtered Air Conditioning System

**Legislative Requirement** – *filtration of incoming air into the building designed to utilise coarse disposable pre-filtration and then a finer filter.*

**Performance Objective** – *Habitable buildings are provided with Filtered Air Conditioning system and have management systems in place to ensure appropriate levels of maintenance.*

The proposed development has not been documented with air-conditioning systems of any type.

It is therefore considered that should only "wall split type" air-conditioning (and similar non-ducted packaged type air-conditioning units) be installed in the building, the building will not require treatment in accordance with the requirements of this clause.

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## 2. COMPLIANCE WITH TOWN PLANNING SCHEME No. 5 AMENDMENT 22: (Cont.)

Furthermore, the proposed development has been checked for compliance with NCC/BCA Clause F4.5(a) and subsequently Clauses F4.6 and F4.7 and achieves the requirements of natural ventilation to habitable rooms within the apartments. Therefore no fresh air requirements apply to any air-conditioning intended to be installed in the development. *Some bedrooms will no windward*

Compliance with the filtered air conditioning requirement is therefore not applicable to this development.

Note, this part of the assessment considers only habitable rooms requiring fresh air as per the requirements of BCA Clause F4.5 and their impact on the Scheme requirements.

Non-habitable rooms, such as toilets and laundries may require exhaust provisions not considered in this assessment as they have been deemed as not having an impact on the compliance with the Scheme requirements.

### Ancillary Features

*Performance Objective – Ancillary facilities such as car parking bays, outdoor living area and clothes drying facilities are to be designed/located in a manner so as to minimise adverse impacts resulting from elevated dust levels.*

The proposed development has been designed with ancillary features to enable occupants to minimise their exposure to elevated dust levels, and generally achieves the performance objective.

The following features have been provided to achieve compliance with this requirement:

- Covered outdoor areas have been provided to all units to enable clothes drying in acceptable areas.
- Generally, outdoor living spaces have been provided to the southern façade of the building.

## 3. CONCLUSION:

On the condition that the provisions noted in section 2 of this letter are implemented during the construction of the project we conclude that the requirements and intent of Town Planning Scheme No. 5—Amendment No. 22 clause (3)(iv) item 6.3.9 have been satisfied.

It is also concluded that this report forms a suitable "dust management plan" in conjunction with the project drawings to the satisfaction of the planning scheme.

## 4. ASSUMPTIONS AND LIMITATIONS:

Any alterations to the design that result in the assumptions becoming invalid should result in a new dust management assessment.

### Assumptions

The following assumptions have been made in the report:

- All areas of the development, not addressed in this report are designed to comply with the Deemed-to-Satisfy provisions of other town planning requirements, R-



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**4. ASSUMPTIONS AND LIMITATIONS: (Cont.)**

Codes and NCC/BCA, unless otherwise noted and agreed by the authorities as not having an impact on the energy usage of the proposed design.

- All installations will be fully maintained in accordance the relevant Australian Standards.

Limitations

The following limitations apply to the dust management analysis performed. Any change in the limitations may alter the final design solution and hence should be referred to a suitably qualified engineer for review prior to altering the design.

- The Deemed-to-Satisfy provisions of other town planning requirements, R-Codes and NCC/BCA are to be addressed by the relevant building surveyor and reported in separate documentation where appropriate.
- If the development is to change in the future the building may have to be re-classified and re-addressed.

Comments and assessment made in this report apply ONLY to the revisions of the project drawings as noted below.

Any changes to the assessed material will require further review to confirm their compliance with the Town Planning Scheme.

Drawings prepared by Hodge Collard Preston used in the preparation of this assessment;

■ Drawing 11.13 S01	Proposed Site Plan	Revision A
■ Drawing 11.13 S03	Proposed Elevations	Revision - (22.05.2013)

We trust the information provided meets your approval.  
Please do not hesitate to contact our office if you have any queries.

Yours faithfully,

C.A. & M.J. LOMMERS PTY LTD

*Mark Lommers*

M.D. Lommers  
Mechanical & Fire Safety Engineer

B.Eng (Mech), M.I.E.Aust, M.A.I.R.A.H.,  
Grad. Cert. Performance Based Building & Fire Codes  
Grad. Dip. Building Fire Safety & Risk Engineering

## ATTACHMENT 4 TO ITEM 11.1.1.15



To: Town of Port Hedland  
From Brian Raeburn  
27 Moore Street Port Hedland

4 July 2013

Attn: Ryan Djanegarra  
Re: 10 Multiple dwellings on lot 485 Moore Street

Dear Ryan/Councillors

Thank you for allowing me to comment on Hightower Planning & Developments proposal. Firstly, I must say that I am not opposed to multiple dwellings crammed in on one block.

But am worried about a few things to do with this development, these are

1. The transportable building type that is to be used, it does not match into the surrounding area. Camp style accommodation should remain in the bush next to a mine.
2. Building so close to the front boundary will impede on my view down the street and when leaving my drive way.
3. Parking for at least 11 cars (but up to as many as 20 or more) 20 rooms = 20 cars, 20 people may have a partner so there could be as many as 40 cars/trucks/work vehicles parked in and around my house **ALL WITH REVESING BEACONS** waking us up at 5.30am with no respect for local people because they are FIFO, as they do already on the other side of my property. Luckily for me and my family they only have three cars with noisy beacons.
4. Windows/stairway/walkway on the proposed property will view into my property taking away our privacy.
5. How can you have only 13 parking bays with 20 rooms?
6. As a long term resident of Moore Street I don't want to see the repeat of the disinterest look of modular buildings cluttering up our street like what has happened to Kingsmill Street.
7. Is the plan for this town to change everything to FIFO?
8. We have FIFO workers next door already and have to put up with
  - 5.30am noisy reverse beacons
  - Drinking and yahoing at all hours
  - And just this morning our 13 yr. old daughter felt intimidated while standing at the school bus stop out front.

These are just to name a few reasons why I am against 20 bedrooms going next to my family home!

Regards  
Brian Raeburn



Document #: IPA39158  
Date: 07.04.2013  
Officer: LEONARD LONG  
File: 125100G → Ryan D 4.1.13





Euan Bucknall  
16 Sutherland St  
Port Hedland WA 6721  
25/6/2013

Dear Council,

As the owner and long term resident of Port Hedland, we object to the proposal of the multi-storey dwelling at 29 Moore St on the grounds that,

1. We will lose the privacy in our own back yard as now 5 of the 10 units will have a direct line of vision.
2. It will take a large section of our view to the south away.
3. It would also be replacing the " Old Port Hedland " charm with the new " High Density " feel that is overtaking the Morgans/Kingsmill area. One gets the impression that those people are jammed on top of each other and we are of the opinion that it is not socially healthy to be pushed into such close proximity.

ICR 38949

File Number: ...125.100G.....  
 Int. Correspondent: Leonard Long.....

*llp*

**COPY**

Yours sincerely,

Euan Bucknall  
0400041052

## ATTACHMENT 5 TO ITEM 11.1.1.15



Government of Western Australia  
 Department of Health  
 Public Health and Clinical Services Division  
 Environmental Health Directorate



Mr Ryan Djanegara  
 Senior Statutory Planner  
 Town of Port Hedland  
 PO Box 41  
 Port Hedland WA 6721

Our Ref: EHB13/1461  
 F-AA-21909  
 Enquiries: W Warren



Document #: IPA39200  
 Date: 07.08.2013  
 Officer: LEONARD LONG  
 File: 119780G *RL*

Dear Ryan,

**Application 2013/319 for ten multiple dwellings on Lot 485 (29) Moore Street Port Hedland**

Thank you for your correspondence dated 13 June 2013 requesting Department of Health (DOH) advice on the site plans and statements on dust management assessment prepared by CA and MJ Lommers Pty Ltd. for Hodge Collard Preston.

New buildings in the West End are to meet the requirements in the Port Hedland Town Planning Scheme 5 Amendment 22. These requirements include: filtering of the outside air according to the G3, G4, F5 double filtration standards, erecting protective screening at entrances and on North and East of operable windows, and having operable windows on West and South faces only.

The DOH notes specific short-comings in this proposal, including the lack of filtration of air-conditioning units and the construction of eaves and roof design elements. Statements made on pages 3 and 4 in this submission are not compliant with section P2.4.5 of the National Construction Code Series 2013 (NCC 2013) volume 2

Specifically, these statements are inconsistent and viewed as non-compliant with Town Planning scheme No.5 Amendment 22:

From page 3:

- "Generally the main roof of the building has been documented with parapet walls and therefore complies with the legislative requirement"
- "Due to the high density nature of the development, it is considered a high pitched roof is impractical and not necessary to achieve the requirements of this performance objective."
- "The proposed development has not been documented with air-conditioning systems of any type."

On page 4 under Filtered Air Conditioning System, the proposal states:

- "Compliance with the filtered air conditioning requirement is therefore not applicable to this development."

The South elevation clearly depicts A/C units.

The DOH interprets the intention of Amendment 22 to be consistent with the performance requirement of the Australian NCC section P2.4.5 Ventilation which states:

"A mechanical air-handling system installed in a building must control—

The accumulation of harmful contamination by micro-organisms, pathogens and toxins

Contaminated air must be disposed of in a manner which does not unduly create a nuisance or hazard to people in the building or other property."

All Correspondence: PO Box 8172 Perth Business Centre WA 6849  
 Grace Vaughan House 227 Stubbs Terrace Shenton Park, WA 6008  
 Tel (08) 9388 4999 Fax (08) 9388 4955

This application misinterprets the requirement for filtration of air conditioning systems. To meet this performance requirement, it is essential that the double filters on air-conditioning units are regularly maintained and replaced.

The roof design is not compliant with Amendment 22. The DOH advises that a report from the building surveyor should be incorporated to provide assurances that requirements are met utilising alternative R-Value insulation materials and that the design complies with the NCC 2013.

The DOH also notes the following have not been addressed in the proposal:

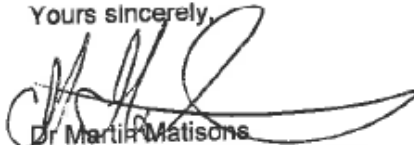
- Scheduled maintenance for replacement of all filtering systems on all air-conditions systems
- Instalment of airtight window seals on fixed or operable windows
- Instalment of dust seals on entry and balcony doors
- All potential residents are to be made aware of the Moratorium on Title and the potential health risks that are associated with living in the West End. Families with young children and elderly people are considered as sensitive receptors and as such, are to be actively discouraged from permanently living in this redevelopment zone.

These are four items are consistently missing in the proposals submitted to date for review by the DOH.

The DOH advises that application 2013/319 does not meet the requirements under Amendment 22 and therefore does not support this proposal.

If you require further information on these issues please contact Willow Warren on 9388 4957.

Yours sincerely,



Dr Martin Matison  
**PRINCIPAL TOXICOLOGIST**  
1 July 2013

W:\Public Health\EHD\EHHU\Toxicology\Typing\DOCUM2013\DAP Port Hedland\130624ww 29 Moore St Port Hedland.docx

## ATTACHMENT 6 TO ITEM 11.1.1.15

**C.A. & M.J. LOMMERS PTY LTD**

Suite 10, 1321 Hay Street • WEST PERTH • W.A. • 6005  
Phone: (08) 9466 7900  
Email: [admin@lommers.com.au](mailto:admin@lommers.com.au)  
Trading for the LOMMERS FAMILY TRUST

Energy (ESD), Mechanical, Refrigeration &  
Fire Safety Services Consulting Engineers  
ABN 76 349 760 785  
ACN 053 135 318

Date: 17 July 2013

**HIGHTOWER PLANNING AND DEVELOPMENT**

By Email: [owen@hpd.net.au](mailto:owen@hpd.net.au)

Attention Mr. O. Hightower

Dear Sir,

**PROJECT: APPLICATION 2013/319 - PROPOSED RESIDENTIAL DEVELOPMENT  
LOT 485 (29) MOORE STREET, PORT HEDLAND**  
**RE: DUST MANAGEMENT ASSESSMENT REPORT  
RESPONSE TO DEPARTMENT OF HEALTH COMMENTS**

Thank you for forwarding on correspondence dated 8 July 2013 advising the Department of Health's concerns with the level of compliance of the Development with the Port Hedland Town Planning Scheme 5 Amendment 22 ("The Amendment"). (DOH Ref: EHB13/1461)

Our comments are as follows:

**Port Hedland Town Planning Scheme 5 Amendment 22 – Excerpt Clause 6.3.9:**

The pertinent excerpt of Clause 6.3.9 of the Amendment as published in the Government Gazette dated 27 April 2012 reads as follows.

*"6.3.9 Residential development within the West End Residential Zone and within the area bounded by Withnell, McKay and Anderson Streets, and The Esplanade, Port Hedland shall be in accordance with a local planning policy, development plan or design guideline adopted by Council that incorporates building design and performance standards to reduce exposure to dust, and to include but not necessarily be limited to—*

- *filtration of incoming air into the building designed to utilise coarse disposable pre-filtration (i.e. G3 or G4 rated) and then a finer filter (i.e. F4 rated);*
- *location of operable windows and doors on the western and southern building facades only;*
- *use of deflection screens on the northern and eastern edges of operable windows;*
- *use of eaves;*
- *orienting buildings to avoid wind tunnelling effects; and*
- *protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening"*

**Specified Non-Compliances noted in Department of Health Comments dated 8 July 2013:**

The Department of Health's ("The Department") correspondence discusses four (4) specific items of concern upon which their conclusion not to support the proposal was based.

**1. Paragraph 5 dot point 1 – "Generally the main roof..."**

The Department views the statement "Generally the main roof of the building has been documented with parapet walls and therefore complies with the legislative requirement." contained within our original assessment as non-compliant.

Clause 6.3.9 of Amendment 22 requires, among other things, buildings designers to address the ingress of dust via exposed building eaves.

C.A. & M.J. LOMMERS PTY LTD

ACN 053 135 318 • ABN 76 349 760 785

## 1. Paragraph 5 dot point 1 – “Generally the main roof...” (Cont)

The use of parapet walls mitigates the need for building eaves thereby alleviating the potential ingress of dust to the building.

Linings to overhangs above windows and doors are solid and sealed against the ingress of dust.

The requirements of this provision have therefore been satisfied.

## 2. Paragraph 5 dot point 2 – “Due to the high density...”

The Department views the statement “Due to the high density nature of the development, it is considered a high pitched roof is impractical and not necessary to achieve the requirements of this performance objective.” contained within our original assessment as non-compliant.

Building designers are not bound to use pitched roofs as part of the Amendment. The plans submitted provide a building design that maximises owner benefits without compromising the requirements of the Amendment.

The requirements of Amendment 22 have therefore been satisfied without the use of a pitched roof design.

## 3. Paragraph 5 dot point 3 – “The proposed development...”

The Department views the statement “The proposed development has not been documented with air-conditioning systems of any type.” contained within our original assessment as non-compliant.

The document submitted for assessment provides an overview of building compliance in accordance with NCC/BCA, specifically NCC/BCA Volume 1 Clause F4.5 Ventilation of Rooms.

The NCC/BCA allows designers to consider alternative methods of compliance.

One such method noted in NCC/BCA Volume 1 Deemed to Satisfy provision F4.5 permits designers to utilise natural ventilation of rooms via operable windows and doors, in lieu of outside air via mechanical ventilation systems (such as air-conditioning).

In this case, the Dust Management Assessment Report submitted confirms compliance with NCC/BCA Clause F4.5(a) for all habitable areas of the building without the use of mechanical ventilation systems.

The statement in the Dust Management Assessment Report that no air-conditioning system has been documented for the development is therefore correct and satisfies the requirement of the Amendment.

We note that the drawings submitted to the Town are for Planning Approval not Building Permit. The air-conditioning grilles shown on the southern elevation are for air circulation around future air-conditioning condensing units (outdoor units) and do not relate to air flows into the building or the mitigation of dust ingress into the building.

## 4. Paragraph 6 dot point 1 – “Compliance with the filtered...”

The Department views the statement “Compliance with the filtered air conditioning requirement is therefore not applicable to this development.” contained within our original assessment as non-compliant.



**C.A. & M.J. LOMMERS PTY LTD**

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**4. Paragraph 6 dot point 1 – “Compliance with the filtered...” (Cont)**

Refer comments provided for Paragraph 5 dot point 3, with respect to filtration of incoming air into the building.

The paragraphs of the “filtered air conditioning” section of our original Assessment confirm that NO mechanical ventilation requirement is applicable to the development as all habitable rooms meet the compliance requirements of NCC/BCA Volume 1 Clause F4.5(a) and subsequently Clauses F4.6 and F4.7.

The requirements of Amendment 22 have therefore been satisfied without the need for filtration of incoming air.

Air conditioning is not referred to in clause 6.3.9 of the Amendment and it is our opinion the Assessor may have misread the section generally.

It is reiterated that Clause 6.3.9 of the Amendment does not require air-conditioning systems to be generally provided with specific filtration systems, only the incoming air introduced into the building presumably by a mechanical ventilation system where required.

To further clarify, the Department’s statement of NCC P2.4.5 Ventilation is extracted from Volume 2 of the NCC/BCA and not applicable to this class of development (Class 2).

**Items Identified as “Not Addressed” in the Departments comments dated 8 July 2013:**

The Department of Health’s (“The Department”) correspondence discusses four (4) items not addressed in the Proposal.

- **Paragraph 11 dot point 1 – “Scheduled maintenance...”**

The Departments blanket statement encompasses recirculating filtration systems that do not incorporate any “incoming air” requirement.

The Department should revise this statement to be consistent with the text of dot point on of Clause 6.3.9 of the Amendment only referring to “incoming air”.

- **Paragraph 11 dot point 2 – “Instalment of airtight window seals...”**

It should be noted that NCC/BCA Volume 1 J3 controls building sealing in buildings of this Type.

Window installations in general are controlled under Australian Standard AS2047 or are required to have seals to restrict air infiltration as per NCC/BCA Volume 1 Clause J3.4(a).

Clause 6.3.9 of the Amendment does not refer to specific construction standards and it is suggested that the existing control of building sealing is sufficient for use.

- **Paragraph 11 dot point 3 – “Instalment of dust seals...”**

It should be noted that NCC/BCA Volume 1 J3 controls building sealing in buildings of this Type.

External door installations are required to have seals to restrict air infiltration as per NCC/BCA Volume 1 Clause J3.4(a).

Clause 6.3.9 of the Amendment does not refer to specific construction standards and it is suggested that the existing control of building sealing is sufficient for use.

C.A. & M.J. LOMMERS PTY LTD

ACN 053 135 318 • ABN 76 349 760 785

- Paragraph 11 dot point 4 – “All potential residents...”

It is considered this building control issue is not applicable to the dust management assessment report and should be addressed by the conditions of issue of a Planning Permit itself.

We trust the information provided meets your approval.  
Please do not hesitate to contact our office if you have any queries.

Yours faithfully,

C.A. & M.J. LOMMERS PTY LTD

M.D. Lommers  
Mechanical & Fire Safety Engineer

B.Eng (Mech), M.I.E.Aust, M.A.I.R.A.H.,  
Grad. Cert. Performance Based Building & Fire Codes  
Grad. Dip. Building Fire Safety & Risk Engineering

cc. **HEATON INVESTMENTS**  
Attention Mr. B. Endersby

**HODGE COLLARD + PRESTON**  
Attention Messrs. N. Preston & D. Maxwell

## ATTACHMENT 7 TO ITEM 11.1.1.15



Government of **Western Australia**  
Department of **Health**  
Public Health and Clinical Services Division  
Environmental Health Directorate

Our Ref: EHB13/1461  
F-AA-21909  
Enquiries: M Matisons

Mr Ryan Djanegara  
Senior Statutory Planner  
Town of Port Hedland  
PO Box 41  
Port Hedland WA 6721

Dear Ryan,

**Review of Application 2013/319 for ten multiple dwellings on Lot 485 (29) Moore Street Port Hedland**

On 1 July, the Department of Health (DOH) provided advice to the Town of Port Hedland on the review of the above mentioned site plans and statements on dust management assessment submitted by CA and MJ Lommers Pty Ltd for Hodge Collard Preston.

Application 2013/319, as submitted, was considered as non-compliant with Town Planning Scheme No.5 Amendment 22, as detailed in my letter to you of 1 July 2013. Issues of concern were:

- Roof design particularly the accumulation of dust on parapet walls
- Requirement for filtration of air conditioning systems
- Scheduled maintenance for replacement of all filtering systems on all air-conditions systems
- Instalment of airtight window seals on fixed or operable windows
- Instalment of dust seals on entry and balcony doors
- All potential residents are to be made aware of the Moratorium on Title and the potential health risks that are associated with living in the West End. Families with young children and elderly people are considered as sensitive receptors and as such, are to be actively discouraged from permanently living in this redevelopment zone.

After the proponents were notified of the DOH comments, your office received and sent a letter of response from Mr Lommers, dated 17 July 2013. Subsequently, there have been two separate meetings attended by DOH officers concerning this site.

The first was a phone conference on 6 August, arranged by you and attended by officers at the Town of Port Hedland Planning and Building Sections, Mr Lommers, Ms Warren and myself. At this meeting it was resolved that the last 3 points were covered by the Town of Port Hedland under building and other requirements.

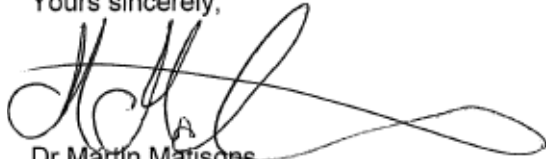
The second face-to-face meeting was held in our offices at Shenton Park, on 12 August 2013, attended by Mr Mark Lommers, Mr Brett Endersby, Ms Willow Warren and myself. The focus of these two meetings was on the requirements needed to finalise the application. The issues regarding air conditioning have been resolved and require no further action.

The use of parapet walls was discussed in detail and the DOH would be satisfied that a report/statement from a qualified mechanical building surveyor/engineer indicating that the parapet walls with any amendments if required, would not result in the accumulations of dusts on the roof.

All Correspondence: PO Box 8172 Perth Business Centre WA 6849  
Grace Vaughan House 227 Stubbs Terrace Shenton Park, WA 6008  
Tel (08) 9388 4999 Fax (08) 9388 4955

To enable timely processing of Application 2013/319 the DoH does not need to see the report regarding the parapet walls and would be satisfied with the Town of Port Hedland's assessment of it. Should you require further information on these issues please contact me on 9388 4946.

Yours sincerely,



Dr Martin Matison  
**PRINCIPAL TOXICOLOGIST**  
20 August 2013

CC: Brett Endersby, Director Heaton Investments  
Mark Lommers, CA and MJ Lommers P/L

W:\Public Health\EHD\EHU\Toxicology\Typing\DOCUM\2013\DAP Port Hedland\130813 RE- 29 Moore St Port Hedland.docx

**11.1.2 Environmental Health Services****11.1.2.1 *Consideration to Delegate Authority to Approve / Decline Multiple Dog Applications under the Dog Act 1976 (File No 19/09/0001)***

<b>Officer</b>	<b>Peter Wilden Coordinator Rangers</b>
<b>Date of Report</b>	<b>14 Aug 2013</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

This report is submitted to Council to consider delegating power to the Chief Executive Officer (CEO) to determine multiple dog applications under the Dog Act 1976.

From time to time the Town receives applications from residents to have more than the allowable two dogs on their premises. When these type of applications are received officers prepare a report for Council for them to consider the application on its merits.

When determining this matter council will consider a report from the officers which will include any past issues with the dogs in question, issues with that particular applicant or property, consultation with adjoining property owners and consideration of the proposed actions to be undertaken to control the negative impact of the animals on the community.

It is considered that these types of applications could be considered in a timelier manner by the officers with delegated authority from Council to reduce time lines in determining an application and the amount of reports going to Council.

**Background**

The Towns Ranger Services receives a number of multiple dog applications (more than 2 to a maximum of 6 dogs) throughout any given year which currently requires a Council determination.

Given the time involved in taking these types of applications to Council it is considered that officers be given delegated authority to determine these applications.

**Consultation**

Nil



## Statutory Implications

*The Dog Act 1976 States:-*

*Part V — The keeping of dogs*

*S 26. Limitation as to numbers*

- (1) The provisions of this Part shall not operate to prevent the keeping on any premises of 2 dogs over the age of 3 months and the young of those dogs under that age.*
- (2) Subject to subsection (1), a local government, pursuant to local laws, may limit the number of dogs over the age of 3 months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situate in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.*
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —*
  - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
  - (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and*
  - (c) may be revoked or varied at any time.*
- (4) Subject to the provisions of subsection (3), a person who keeps on any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.*

*Penalty: \$1 000 and a daily penalty of \$100.*

- (5) Any person who is aggrieved —*
  - (a) by the conditions imposed in relation to any exemption from the provisions of a local law placing a limitation on the number of dogs that may be kept on any premises; or*
  - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,*

*may apply to the State Administrative Tribunal for a review of the decision.*

- (6) *An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.*

**Policy Implications**

Nil

**Strategic Planning Implications**

Nil

**Budget Implications**

Nil

**Officer's Comment**

A review of the current process has been instigated so as to provide a better level of customer service to applicants for multiple dog applications and effectively reducing the workload on Council.

**201314/051 Officer's Recommendation/ Council Decision**

**Moved: Cr Carter**

**Seconded: Cr Jacob**

**That Council approves delegation of Section 26 (Limitation as to numbers) of the Dog act 1976 to the Chief Executive Officer to determine multiple dog applications.**

***CARRIED BY ABSOLUTE MAJORITY 8/0***

**11.2          Engineering Services**

Nil

**11.3 Community Development****11.3.1 Recreation**

8:29pm Councillor Dziombak declared an impartiality interest in Item 11.3.1.1 "Port Hedland Golf Club Master Plan (File No.:26/2/0016)" as he has BHP Billiton shares over the statutory threshold.

Councillor Dziombak did not leave the room.

8:29pm Councillor Hunt declared a financial interest in Item 11.3.1.1 "Port Hedland Golf Club Master Plan (File No.:26/2/0016)" as she has BHP Billiton shares over the statutory threshold.

Councillor Hunt left the room.

Councillor Jacob declared an impartiality interest in Item 11.3.1.1 "Port Hedland Golf Club Master Plan (File No.:26/2/0016)" as she is a member of the Port Hedland Golf Club and a business sponsor of the organisation.

Councillor Jacob did not leave the room.

8:30pm Councillor Daccache declared an impartiality interest in Item 11.3.1.1 "Port Hedland Golf Club Master Plan (File No.:26/2/0016)" as he has BHP Billiton shares over the statutory threshold.

Councillor Daccache did not leave the room.

**11.3.1.1 Port Hedland Golf Club Master Plan (File No.:26/2/0016)**

**Officer** Graeme Hall  
**Manager Recreation Services and Facilities**

**Date of Report** 16 August 2013

**Disclosure of Interest by Officer** Nil

**Summary**

Well Played Golf Business Consultancy (Well Played Golf) was appointed to develop the Port Hedland Golf Club Master Plan.

The final report is supported by the Port Hedland Golf Club and recommends the development of a multi-purpose clubhouse to service the current and future needs of the Club. The report also includes a number of recommendations to ensure the Club remains sustainable and continues to contribute actively to the growing Port Hedland community.

The purpose of this report is for Council to note the final Master Plan, acknowledging that the Port Hedland Golf Club will be the principal driver of any future developments.

### **Background**

In 2012, the Town of Port Hedland received \$40,000 from BHP Billiton Iron Ore (BHPB) and \$10,000 from the Port Hedland Golf Club to fund the development of the Golf Club Master Plan. The Town of Port Hedland made a significant contribution by providing project and contract management resources.

The Town commissioned Well Played Golf in December 2012 to develop concept designs for a potential new clubhouse and identify key precincts of the Golf Club site.

The primary objectives of the Port Hedland Golf Club Master Plan were to:

- Ensure that the Port Hedland Golf Club has the capacity to cater to the needs of a growing community
- Assist in the development of golf as a sport in Port Hedland
- Offer a multi-use facility that can be accessed by a wide variety of clubs and organisations within the Port Hedland community
- Establish a sustainable model for a regional club.

### **Consultation**

Extensive consultation was carried out by Well Played Golf in the development of the Port Hedland Golf Club Master Plan.

During the development of the Port Hedland Golf Club Master Plan the following stakeholder groups were consulted:

- Port Hedland Golf Club
- BHPB
- The Town of Port Hedland.

The Town formed a project control group at the commencement of the project to oversee the progress of this project. The group met on a number of occasions to discuss and review the proposed developments.

Control group representatives included:

- Peter Maidment – Port Hedland Golf Club
- Quintin Gould - Port Hedland Golf Club
- Luke Jessop - Port Hedland Golf Club
- Graeme Hall – Town of Port Hedland.



Well Played Golf, as a part of their consultancy, made two site visits to Port Hedland in January and March 2013. During the initial site visit, Well Played Golf assessed the site and completed a needs assessment with members from the Port Hedland Golf Club.

During the second visit, Well Played Golf conducted a workshop with those members of the Club that had considered the initial draft of the report, reviewed and revised the concept designs, and discussed strengths and weaknesses of the design options.

Representatives from the Port Hedland Golf Club provided a briefing to Council at the Concept Forum on Wednesday, 10 July 2013.

### **Statutory Implications**

Nil

### **Policy Implications**

Nil

### **Strategic Planning Implications**

The Port Hedland Golf Club Master Plan will address several elements of Council's Strategic Community Plan 2012 – 2022:

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#### 6.1 Community

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##### 6.1.1 Unified

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

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##### 6.1.2 Vibrant

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Provide access to recreational, cultural, entertainment facilities and opportunities  
Commit to improving the quality of life and wellbeing of residents.

### **Budget Implications**

This project was jointly funded by BHPB and the Port Hedland Golf Club; with no cash contribution from the Town of Port Hedland. All funding associated with this project has been fully expended.

Well Played Golf provided cost estimates for all recommendations included in the report as part of the project. For further information, please refer to Attachment 1.

**Officer's Comment**

Golf has had a formal presence in Port Hedland since the establishment of the Port Hedland Golf Club in 1971. The Club is one of the largest and most advanced sporting clubs in the area. The Port Hedland Golf Club comprises around 280 members and contributes to the community by providing an important sporting and social environment.

The Town of Port Hedland has recognised that the sustained operation and development of the Port Hedland Golf Club is important to the community. This project has been initiated to identify recommendations for the Club to:

- use the brief to develop a concept Master Plan for the Golf Club
- use this model to inform the development of a detailed Clubhouse design brief
- develop and maintain a sustainable operating model for the Golf Club into the future.

According to the current Town Planning Scheme, the Port Hedland Golf Club's land (under lease from the Town) is within the Boodarie Industrial Buffer. It is recommended that further investigation be undertaken as a priority to seek absolute clarification on the Boodarie Industrial Buffer and the potential of realigning the boundary within a new Town Planning Scheme.

If it is deemed that an amendment is likely to fail, then options available to the Club may include:

1. Consider relocating elements of the masterplan affected, primarily the on-site accommodation, to an area outside of the industrial buffer

This option may be achieved by amending the lease area and locating the Club facilities to the opposite side of the Golf Course outside of the buffer zone

2. Seek an alternative and suitable site to develop a new Golf Course, Clubhouse and associated facilities.

**Attachments**

1. Port Hedland Golf Club Master Plan (Under Separate Cover)

**201314/052 Officer's Recommendation/ Council Decision**

**Moved: Cr Carter**

**Seconded: Cr Jacob**

**That Council:**

- 1. Adopts the final Port Hedland Golf Club Master Plan prepared by Well Played Golf Business Consultancy (Attachment 1) as a guide to future planning and decision making;**
- 2. Notes that the future location of the Port Hedland Golf Club may be affected by the location of the Boodarie Industrial Buffer;**
- 3. Requests the Chief Executive Officer and relevant officers liaise with the Port Hedland Golf Club to seek a resolution to any possible planning implications associated with the location of the Boodarie Industrial Buffer; and**
- 4. Notes that the Port Hedland Golf Club will be the principal driver for any future developments identified within the Master Plan.**

***CARRIED 7/0***

8:31pm

Councillor Hunt entered the room and resumed her chair. Mayor Howlett advised Councillor Hunt of Council's decision.

**11.3.1.2 Endorsement of the Port Hedland Trails Master Plan (File No.: 03/08/0006)**

**Officer** Graeme Hall  
**Manager Recreation Services and Facilities**

**Date of Report** 12 August 2013

**Disclosure of Interest by Officer** Nil

**Summary**

The Town of Port Hedland received funding from Lotterywest and Atlas Iron in 2012 to develop a Trails Master Plan.

GHD were commissioned by the Town in October 2012 to develop the Trails Master Plan and identify three 'off road' trails in coastal and bushland areas. The final Trails Master Plan report recommends the development of a network of trails within three key precincts – Port Hedland, South Hedland and Finucane Island.

The key purpose of this report is to seek endorsement from Council of the final Trails Master Plan.

**Background**

The primary focus of the project was to develop a series of 'off road' walking and cycling trails that provide recreational opportunities and interactions with natural landscapes.

The Town commissioned GHD in October 2012 to undertake the project and develop concept designs for the creation of three 'off road' trails within Port Hedland.

The primary objectives of the Trails Master Plan report were to:

- Encourage cultural, ecological and historical appreciation of the Town
- Increase opportunities for social interaction and passive recreation in an informal setting
- Increase appreciation of the local environment
- Allow for the growth of tourism based activities in natural settings.

**Consultation**

Extensive consultation was carried out by the Town and GHD in the development of the Trails Master Plan.

The Town convened a Trails Master Plan working group at the commencement of the project. Members represented a number of stakeholders from across the community including state government agencies, funding bodies and community groups. The group met on a number of occasions to discuss and review the proposed trail alignments. Working group representatives included:

- Town of Port Hedland
- Department of Sport and Recreation
- Department of Environment and Conservation
- Pilbara Development Commission
- Care for Hedland
- Atlas Iron.

GHD made two site visits to Port Hedland in December 2012 and March 2013 as a part of their consultancy for this project. On each of these visits they held a number of meetings with local stakeholders and community members to discuss and review the proposed trail alignments.

A key element of the project brief was to consult and engage with indigenous land owners. GHD met with members of the Kariyarra Native Title Working Group as part of each of the site visits. During these meetings they discussed trail alignments, areas of cultural significance and opportunities for indigenous participation.

During the development of the Trails Master Plan, the following stakeholder groups were consulted:

*Town of Port Hedland Staff*

- Manager Community Development
- Community Development Officer
- Recreation Coordinator
- Manager Infrastructure Development
- Project Coordinator
- Coordinator Parks and Reserves
- Senior Strategic Planner
- Manager Technical Services
- Library Services (Historical) Officer

*State Government Stakeholders*

- Department of Sport and Recreation (Pilbara Regional Manager)
- Pilbara Development Commission (Coordinator Community Development)
- Department of Environment and Conservation
- Landcorp (Project Manager East Port Hedland)



*Local Stakeholders*

- Port Hedland Historical Society
- Hedland Well Women's Centre
- Hedland Tri Sports
- Port Hedland Port Authority
- FORM
- Care for Hedland
- Atlas Iron
- Kariyarra Native Title Working Group (Traditional Elders and various group members).

GHD also consulted with UDLA, who have been commissioned by the Town to develop the Coastal Foreshore Management Plan.

GHD presented the final Trails Master Plan report to the Council Concept Forum on Wednesday, 10 July 2013.

**Statutory Implications**

There are no statutory implications for the Trails Master Plan report at this stage. Any statutory requirements are likely to be identified during the detailed design development phase for each individual trail.

**Policy Implications**

Nil

**Strategic Planning Implications**

The Trails Master Plan will address several elements of Council's Strategic Community Plan 2012 – 2022.

6.1	Community
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6.1.1	Unified
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The Town of Port Hedland is an integrated community, functionally, physically and culturally.

6.1.2	Vibrant
-------	---------

Provide access to recreational, cultural, entertainment facilities and opportunities  
 Develop Port Hedland's tourism industry to broaden the tourist opportunities available  
 Maintain and extended the visual and physical access to the coast and thoroughfares for general public.

The Town's Corporate Business Plan (CBP) 2012 to 2016 identifies:

1	Community
1.1	Unified
	Develop an Active Transport (Walking and Cycling) Plan – includes development of a Trails Masterplan by July 2013.

Council should note that adoption of the Trails Master Plan fulfils this initiative identified within the CBP. Adoption of the Trails Master Plan will result in all individual recommendations and initiatives being separately identified and included within the CBP. This ‘unpacking’ of guiding master plans / strategies is an ongoing / continuously updating process within the CBP, with individual initiatives being considered with all other priorities, funding and timing by Council on each occasion.

### Budget Implications

The Town of Port Hedland received \$35,000 from Lotterywest and \$35,000 from Atlas Iron in 2012 to develop a Trails Master Plan.

GHD have provided cost estimates for each of the trail routes recommended in the final Trails Master Plan report. The table below provides a breakdown of the estimated costs. For more detailed information please see Attachment 1, page 27.

*NOTE – The recommendations of the Trails Master Plan were prepared based on extensive consultation. Priorities, outcomes, costing and staging / timing contained in the Master Plan will inform and be considered within the broader, overarching context of the Strategic Community Plan, Corporate Business Plan and Long Term Financial Plan.*

Table 1 – Trail Routes Estimated Costs

Port Hedland	\$
Pretty Pool Loops – Mangrove Loop	533,998
Pretty Pool Loops – Pedestrian Bridge	2,250,000
Pretty Pool Loops – Outer Ring Loop	1,150,943
East Port Hedland Loops	848,084
East Port Hedland Four Mile Creek Causeway	764,250
Gray Street / Six Mile Beach	969,813
Six Mile Beach	872,300
South Hedland	
South Hedland Recreational Trail	6,571,227
South Hedland Golf Course Trail	828,313
Finucane Island	
Hedland and Cliff Loops	51,000
Mangrove Loop	687,754

GHD have recommended a staged program for each of the trails listed above as part of the project.

There are a number of funding opportunities available for the development of trails throughout Western Australia. Lotterywest have an annual Trails Grant Program for the development and construction of trails in Western Australia and have demonstrated their support for this project.

The Town's Corporate Business Plan identifies the implementation of the Trails Master Plan to commence in 2017/2018. Officers will seek external funding to commence detailed designs prior to this date. It is envisaged that the development of the three trails will be staged over a number of financial years.

### **Officer's Comment**

From the tidal inundation zones in Pretty Pool, to the arid bushland and spinifex habitat in South Hedland, the Trails Master Plan aims to provide a broad spectrum of experiences and landscapes. The final Trails Master Plan report includes a network of trails across Port Hedland, Finucane Island and South Hedland to suit all fitness levels and interests.

Once completed, the network of trails will provide a range of recreational opportunities for residents and visitors to the Town.

The final Trails Master Plan report provides detailed information on the proposed trail alignments, design parameters, estimated construction costs and trail grading / classification. It also provides recommendations for the proposed staging of the trail development. An overview of this information is provided below.

#### *Design Parameters*

The Port and South Hedland trails included in the Trails Master Plan report take into account flood and coastal inundation data from the Port Hedland Coastal Vulnerability Study (Cardno, 2011). The Finucane Island trail network was not subject to the same analysis due to the more natural state of the area and the absence of proposed adjacent developments.

Detailed information on the recommended design levels for each trail alignment is included in the Trails Master Plan report.

#### *Trail Classification System*

The Australian Walking Track Grading System has been used to grade all trails included in the Trails Master Plan. The grading system is based upon Australian Standard 2156.1-2001 Walking Tracks – Classification and Signage and has been endorsed by the Department of Environment and Conservation. The classification system grades walking trails from Level 1 – Level 5.

The Trails Master Plan report recommends a series of trails ranging from Level 1 – Level 3.

#### *Project Staging*

The Trails Master Plan report recommends a staged plan for development of each of the trails identified in the report, taking into account the following factors:

- Opportunity for development
- Availability of funding
- Community gain
- Buildability within adjacent developments.

Following consultation with the Project Working Group, it is proposed that the following sequence of staging be followed as a guide.

1. Pretty Pool – Inner Mangrove Section
2. Finucane Island – Hedland and Cliff Loop
3. Pedestrian Link Bridge Pretty Pool Reserve
4. South Hedland – Recreational Loop (North Circular Section Adjacent to North Circular Road)
5. South Hedland Recreation Loop (Marie Marland Reserve to North Circular Road)
6. South Hedland – Golf Course Loop
7. East Port Hedland – Golf Course Loop
8. East Port Hedland – Six Mile Beach Loop
9. Pretty Pool Loop – Outer Ring Loop
10. South Hedland Recreational Loop (Osprey and Western Edge sections).

#### *Asset Management*

Subject to endorsement of the final Trails Master Plan report by Council, officers will work with potential funding bodies to source funds to commence detailed design work.

Contained within detailed design work will be a complete investigation / strategy development in relation to asset management. This phase of the project(s) will detail not only the construction / development cost of each trail, but also management strategies, maintenance regimes / cost / resourcing and whole of life costs / implications.

#### *Summary*

While Port Hedland is well known for iron ore exports, the Indigenous and European history is not fully explored.

Further, the unique environmental aspects of Port Hedland's coastal areas are not appreciated to the degree to which they could be. The Trails Master Plan seeks to provide natural and cultural recreation opportunities and allow unique experiences to interact with the Pilbara environment.

A copy of the full Trails Master Plan report is provided in Attachment 1. The report provides further detail on all information outlined in this agenda item.

**Attachments**

1. Trails Master Plan report (Under Separate Cover)

**201314/053 Officer's Recommendation/ Council Decision****Moved: Cr Dziombak****Seconded: Cr Jacob****That Council:**

1. **Adopts the final Trails Master Plan report prepared by GHD as a guide to future planning and decision making (Attachment 1); and**
2. **Notes that further feasibility and detailed investigation will be required for the individual recommendations contained in the Trails Master Plan and will be considered by Council on each occasion with priorities, funding and timing of any developments considered within the context of the Strategic Community Plan, Corporate Business Plan, 10 year Long Term Financial Plan, and Pilbara's City Growth Plan / Implementation Framework.**

***CARRIED 8/0***



**11.3.1.3 *Town of Port Hedland Leisure Centre Management Contract – Contract Variation for Marquee Park (Splash and Play) (File No.: 26/18/0001)***

**Officer** Graeme Hall  
Manager Recreation  
Services and Facilities

**Date of Report** 16 August 2013

**Disclosure of Interest by Officer** Nil

**Summary**

The Town of Port Hedland and the YMCA of Perth (YMCA) through the current Leisure Centre Management contract, share an operational responsibility for the following facilities:

- Wanangkura Stadium
- Gratwick Aquatic Centre
- South Hedland Aquatic Centre
- Marquee Park (Splash & Play).

This management arrangement has been in place for more than 1 year, with a range of lessons learned regarding the level of operational input required to effectively provide the facilities to the community. Consistent with this learning, a greater level of understanding is now in place with the operational requirements of Marquee Park (Splash & Play).

Total income and expenditure budgets for the 4 facilities have already been adopted as part of the 2013/14 Municipal budget, however Council support is requested to ratify a contract variation with regard to the operation of Marquee Park (Splash & Play) in line with budget allocations.

**Background**

There are 4 facilities that form the contract arrangement between the Town of Port Hedland and the YMCA with these being:

- Wanangkura Stadium
- Gratwick Aquatic Centre
- South Hedland Aquatic Centre
- Marquee Park (Splash & Play).

Within the original tender process, prospective contractors were required to consider Marquee Park (Splash & Play) within the operations of the South Hedland Aquatic Centre.

During the first year of contract management it has become apparent that the scope of works required to maintain Marquee Park (Splash & Play) is far more extensive than originally thought and specified within the original tender process. In order to gain a greater expectation of this cost, a revised scope of works was forwarded to the YMCA for consideration.

The Town has worked in conjunction with the YMCA to review and determine an acceptable budget position for the 2013/14 financial year. The review processes undertaken has identified where the initial budget predictions required adjustment. The review process has sought to ensure that the budget presented to and endorsed by Council is reflective of the operation of the 4 leisure facilities.

With the budget process finalised through the adoption of the Town's 2013/14 Municipal budget, it is necessary to amend the contract to include tasks associated with Marquee Park (Splash & Play).

### **Consultation**

- Town of Port Hedland
- YMCA.

### **Statutory Implications**

Nil

### **Policy Implications**

Nil

### **Strategic Planning Implications**

6.1 Community

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6.1.1 Unified

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Increase in the number of physical, cultural and social facilities in Port Hedland

Wider range of community groups using the Town's facilities regularly

Members of the community have access to the Town's services and facilities

Keep all members of our community informed about, and involved with, the provision of Council/Town services and facilities

Higher utilisation of Port Hedland facilities (sporting ovals and buildings) by community.

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6.1.2 Vibrant

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Higher utilisation of Port Hedland facilities (sporting ovals and buildings) by residents and visitors.

Increased number of recreational facilities available.

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6.3 Environment

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6.3.4 Environment

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Increased partnerships with industry and community to manage natural and built resources sustainably.

### **Budget Implications**

The annual budget for the Town of Port Hedland was adopted at the Special Council meeting on 31 July 2013.

The adopted 2013/14 Municipal budget is inclusive of the amounts outlined within this report.

Although the total (general ledger) allocations are already included in the Town's overall Municipal budget, endorsement is needed for the variation to the contract proposed in relation to Marquee Park. The YMCA have responded to a scope of works and provided Council with a costing to undertake this additional, but necessary work as part of their existing contract (see Attachment 2).

Overall the operational deficit for the four facilities being managed by the YMCA is \$1,920,593.07. This is an improvement of \$220,760.93 on the budget initially forecast within the initial tender process.

### **Officer's Comment**

#### *Marquee Park – Operational Requirements*

The level of input required to maintain the water quality at Marquee Park (Splash and Play) is extensive. It has also become more apparent that there is a number of specialist maintenance and cleaning tasks that need to be completed to ensure Marquee Park (Splash & Play) is able to operate in accordance with the required statutory standards. The scope of works is provided as Attachment 1.

The YMCA has responded to the Town's request for a price so that the budget can be amended accordingly. An additional \$45,410.00 has been identified as being required in order to complete the tasks outlined by the Town. This cost has already been included in the Town's 2013/14 budget and is seen as being reasonable and will be incorporated into the contract as a variation.

### **Attachments**

1. Scope of Works Marquee Park (Splash & Play).
2. Response from YMCA to maintain water quality at Marquee Park (Splash & Play)

**201314/054 Officer's Recommendation/ Council Decision**

**Moved: Cr Carter**

**Seconded: Cr Jacob**

**That Council endorses the contract variation and costs presented for the maintenance of Marquee Park (Splash & Play) in accordance with the Scope of Works (Attachment 1).**

***CARRIED BY ABSOLUTE MAJORITY 8/0***



## Request for Quote



### **Project Title: Marquee Park-Operational Management**

#### Project Background:

*The Town of Port Hedland is seeking to engage the YMCA to oversee the Operational Management of its Marquee Park facility in South Hedland. The request for quote is sought as a variation to the current contract terms that have been offered to and agreed upon by the YMCA.*

#### Service Description:

1. Attend Marquee Park each day prior to the official park start up time and complete all necessary manual water tests as per the Health Departments Code of Practice for the Design Construction, Operation, Management and Maintenance of Aquatic Facilities.
2. Monitor water quality throughout each day via the remote Building Management System as provided by the Town of Port Hedland. (Town of Port Hedland to meet all costs associated with the remote Building Management System).
3. Record all results from water monitoring as per the guidelines provided by the Health Departments Code of Practice for the Design Construction, Operation, Management and Maintenance of Aquatic Facilities.
4. Prepare and adhere to an agreed daily and weekly cleaning schedule for the splash pad area of Marquee Park
5. Maintain the plant room at Marquee Park in a clean and safe working order, and in a manner that can be inspected by representatives of the Town on a quarterly basis
6. Liaise on a weekly basis with the Town of Port Hedland's booking officer and Marquee Park Caretaker with regard to all operational matters and prospective bookings of Marquee Park.
7. Manage all repairs on ongoing maintenance of the Marquee Park plant room and splash pad area in conjunction with the Town of Port Hedland. All costs associated with parts labour and servicing of the relevant areas of the facility will require approval from the Town's representative and will be on-charged to the Town.
8. Development of an ongoing maintenance program that is endorsed by the Town of Port Hedland for implementation. The success or otherwise of the





## Request for Quote

maintenance schedule will be in conjunction with a key performance indicator that suggests that the facility will be closed for a maximum of five un-scheduled days per year.

9. Provide a response within two hours to all repairs and maintenance issues; provide a report to the Town of Port Hedland on all issues concerning Marquee Park within 24 hours.

Budget:

*If accepted the budget sum provided in this request for quote will be incorporated as a variation to the current contract between the Town of Port Hedland and the YMCA.*

*The fee provided should be limited to the life of the current contract between the Town of Port Hedland and the YMCA.*

Deliverables:

Noted in the service description.

Fee Type:

Schedule of Rates	<input type="checkbox"/>
Lump Sum	<input checked="" type="checkbox"/>
Reimbursement of Expenses	<input type="checkbox"/>
Separable Portions	<input type="checkbox"/>

*(please select above)*

TOPH Representative:

Name: Graeme Hall

Position: Manager Recreation Services and Facilities

Address: McGregor Street Port Hedland

Phone: 0409 370 216

Fax No: (08)9158 9399

E-mail Address: mgrs@porthedland.wa.gov.au

**Request for Quote Submission Due: Friday 9 August 2013**

ATTACHMENT 2 TO ITEM 11.3.1.3



We build strong **PEOPLE**  
strong **FAMILIES** strong **COMMUNITIES**

15 August 2013

Graeme Hall  
Manager Recreation Services and Facilities  
Town of Port Hedland  
PO Box 41  
PORT HEDLAND WA 6721

Dear Graeme

**Re: Quotation Marquee Park**

Please find attached a quotation for Marquee Park Operational Management as per your request. The quote directly addresses the service criteria.

Should you require further information please don't hesitate to contact me.

Yours sincerely

A handwritten signature in cursive script that reads 'Daniel Murphy'.

**DANIEL MURPHY**  
Leisure Facilities Area Manager  
YMCA Port Hedland

YMCA Perth  
PO Box 2155, Carlisle North WA 6101  
Telephone (08) 9473 8400 Facsimile (08) 9472 7522

## Marquee Park – Operational Management Quote 2013/14 Financial Year

No.	Scope	Comment	Cost
1.	Attend Marquee Park each day prior to the official park start up time and complete all necessary manual water tests as per the Health Departments Code of Practice for the Design Construction, Operation, Management and Maintenance of Aquatic Facilities.	2 hours per day hour staffing costs - allowance to visit in the case of a detected issue.	Annum - \$41,860
2.	Monitor water quality throughout each day via the remote Building Management System as provided by the Town of Port Hedland. (Town of Port Hedland to meet all costs associated with the remote Building Management System).	30 minutes per day. As above - allowance to visit in the case of a detected issue.	Annum - \$0 (fee included in current Management Agreement for Port Hedland Leisure facilities)
3.	Record all results from water monitoring as per the guidelines provided by the Health Departments Code of Practice for the Design Construction, Operation, Management and Maintenance of Aquatic Facilities.	YMCA will keep a record of all pool test onsite at Marquee Park and copies at the South Hedland Aquatic Centre (SHAC).	Annum - \$0 (fee included in current Management Agreement for Port Hedland Leisure facilities)
4.	Prepare and adhere to an agreed weekly cleaning schedule for the splash pad area of Marquee Park	High pressure cleaner for 1 hour per week with a chlorine based solution. YMCA will arrange a cleaning schedule for Marquee Park and engage its contract cleaner to do this work.	Annum - \$2,860
5.	Maintain the plant room at Marquee Park in a clean and safe working order, and in a manner that can be inspected by representatives of the Town on a quarterly basis	In order for YMCA to comply the construction of a chemical storage shed for dry chemicals will be required.  Currently the facility is non compliant for chemical storage.	Annum - \$0 (fee included in current Management Agreement for Port Hedland Leisure facilities)
6.	Liaise on a weekly basis with the Town of Port Hedland's booking officer and Marquee Park Caretaker with regard to all operational matters and prospective bookings of Marquee Park.	Ongoing liaison as required and allowance for a 1 hour meeting with Caretaker and Booking Officer each month. This will be attended by either the manager of SHAC or GAC.	Annum - \$690

7.	Manage all repairs on ongoing maintenance of the Marquee Park plant room and splash pad area in conjunction with the Town of Port Hedland. All costs associated with parts labour and servicing of the relevant areas of the facility will require approval from the Town's representative and will be on-charged to the Town.	The YMCA will provide an Aquatics Manager to be onsite to meet with the approved contractors at the hourly of \$57.50.	All costs responsibility of the Town of Port Hedland
8.	Development of an ongoing maintenance program that is endorsed by the Town of Port Hedland for implementation. The success or otherwise of the maintenance schedule will be in conjunction with a key performance indicator that suggests that the facility will be closed for a maximum of five un-scheduled days per year.	Attached document from Commercial Aquatics Australia.	All costs responsibility of the Town of Port Hedland.
9.	Provide a response within two hours to all repairs and maintenance issues; provide a report to the Town of Port Hedland on all issues concerning Marquee Park within 24 hours.	The YMCA will provide an Aquatics Manager to be onsite to meet with the approved contractors at the hourly of \$57.50.	All costs responsibility of the Town of Port Hedland

#### Summary Costs/Quotation

No.	Item	Cost
1.	Daily visit and ongoing monitoring via BMS	\$41,860
2.	Cleaning	\$2,860
3.	Staff Meeting	\$690
<b>Total</b>		<b>\$45,410</b>
<b>Additional information:</b>		
<ul style="list-style-type: none"> <li>All costs are GST exclusive.</li> <li>Any works conducted at Marquee Park outside the operational management scope will be charged at an hourly rate of \$57.50 (ex. GST)</li> <li>Costs are subject to change in line with changes to the staff enterprise bargaining agreement.</li> </ul>		

**11.3.2 Community Development**

8:33pm Councillors Dziombak, Hunt and Daccache declared a financial interest in Item 11.3.2.1 "General Practitioner Housing – Preparation of Business Plan for Proposed Stage 2 Development (File No.: 15/01/0020)" as they have BHP Billiton shares over the statutory threshold.

Councillors Dziombak, Hunt and Daccache left the room.

Chief Executive Officer advised that a reduced quorum has been sought and granted from the Department of Local Government and Communities to consider this item with 5 elected members.

**11.3.2.1 *General Practitioner Housing – Preparation of Business Plan for Proposed Stage 2 Development (File No.:15/01/0020)***

**Officer** Gordon MacMile  
Director Community  
Development

**Date of Report** 16 August 2013

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received (July 2013) a proposal from BHP Billiton Iron Ore (BHPB) to develop (construct) Stage 2 GP Housing on Lot 5551 Dempster Street, Cooke Point.

Council is requested to endorse the preparation of a business plan, outlining the proposed development by BHPB of an additional 3 houses for General Practitioner use on Lot 5551 Dempster Street, Port Hedland.

**Background**

Throughout 2010 and into early 2011, the Town of Port Hedland prepared and advertised a business plan for development of General Practitioner housing in Cooke Point.

The OCM (April 2011) resolved to receive the report on submissions and to continue with development of General Practitioner housing at Lot 5551 Dempster Street in accordance with business plan and section 3.59 of the Local Government Act.



Subsequently, the Town invited tenders for the design and construction of both the civil and housing components with the project split into two stages, with Stage 1 comprising the civil and earth works for the entire site, as well as the construction of 5 houses for the accommodation of GPs.

#### *GP Housing – Stage 1 Development*

The brief for the design of dwellings was to provide “Executive” style housing to attract and retain General Practitioners. The understanding of “Executive” nature of the houses should be translated to their size and number of rooms as opposed to the type of internal fittings and fixtures.

Within Stage 1 it was anticipated that the houses to be constructed be sympathetic to the Pilbara climate and:

- Be single storey, predominately 4 bedroom x 2 bathroom
- Include an outdoor patio / entertaining area
- Contain a low maintenance and native landscape design
- Take into account prevailing views and breezeways (orientation).

Funding for the construction of the 5 GP houses was comprised of contributions from BHPB, the State Government (Royalties) and the Town. Additional funding provided by BHPB ultimately allowed for the construction of 7 houses in Stage 1.

#### *Allocation of Stage 1 GP Houses*

The construction project and subsequent allocation was intended to provide quality subsidised leased housing to general practitioners who support the Port Hedland community and was focused on:

- Assisting in the retention of existing general practitioner / emergency services
- Encouraging and facilitating the expansion of general practitioner service levels and availability
- Provision of specialist services not currently available
- Assisting in the provision of services linked to areas of disadvantaged health services/remote servicing/bulk billing
- Beginning to cater for future GP service requirements.

The expression of interest conducted for the allocation was oversubscribed by practices / agencies, supporting the provision of additional GP houses when the opportunity presented. The SCM (14 November 2012) endorsed the disposal of Part Lot 5551 Dempster Street, Cooke Point by way of lease of:

- 3 general practitioner houses to Kinetic Health Services (\$600 per week, to be reviewed annually in accordance with the Asset Management Plan) for a term of 3 years

- 4 general practitioner houses to the OSH Group (\$600 per week, to be reviewed annually in accordance with the Asset Management Plan) for a term of 3 years.

Signing of leases to the GP practices and occupation of the houses occurred throughout April and May 2013.

This report was initially presented to the Special Council meeting of 31 July 2013; however the proposal was unable to be considered due to a lack of a quorum.

### **Consultation**

The Stage 1 business plan for the development of GP housing was advertised publicly in accordance with the Local Government Act.

Elected Member briefings occurred in mid-2012 to develop the housing allocation process and criteria. Expressions of interest received for Stage 1 housing allocations were assessed by a stakeholder panel with representatives from BHPB, Pilbara Development Commission, Department of Health and the Town of Port Hedland.

### **Statutory Implications**

*Local Government Act 3.59.*

*“Commercial enterprises by local governments*

- (2) *Before it —*
  - (a) *commences a major trading undertaking; or*
  - (b) *enters into a major land transaction; or*
  - (c) *enters into a land transaction that is preparatory to entry into a major land transaction,*  
*a local government is to prepare a business plan.*
- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*
  - (a) *its expected effect on the provision of facilities and services by the local government; and*
  - (b) *its expected effect on other persons providing facilities and services in the district; and*
  - (c) *its expected financial effect on the local government; and*
  - (d) *its expected effect on matters referred to in the local government’s current plan prepared under section 5.56; and*
  - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
  - (f) *any other matter prescribed for the purposes of this subsection.*
- (4) *The local government is to —*
  - (a) *give Statewide public notice stating that —*
    - (i) *the local government proposes to commence the major*

*trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*

*(ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and*

*(iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*

*(b) make a copy of the business plan available for public inspection in accordance with the notice.*

*(5) After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.”*

### **Policy Implications**

Nil

### **Strategic Planning Implications**

Provision of GP housing is prioritised in the Town of Port Hedland Corporate Business Plan 2012 – 2016 as:

6.3 Environment

6.3.2 Community Facilities

Provide adequate housing to attract GP's to the region:

Stage 2 planned by June 2013 and constructed by June 2014.

### **Budget Implications**

Funding for the management and construction of the proposed Stage 2 GP Housing would be provided by BHPB. The conclusion of construction will initiate an asset transfer to the Town, who will retain responsibility for the maintenance and asset management of the houses.

Normal statutory application fees apply to the development proposal.

## Officer's Comment

### *Stage 2 GP Housing Proposal*

The proposal from BHPB in that with Stage 1 now complete, the company is keen to support the development of Stage 2 of the project, allowing for additional dwellings to be built for GP use. The intention is that an additional 3 houses would be built to the same standard as the Stage 1 houses. BHPB propose to support the development of further GP houses through:

- The execution of a development agreement with the Town of Port Hedland
- Continued utilisation of the available / vested land at Lot 5551 Dempster Street, Port Hedland
- The company funding and taking responsibility for building the additional houses by utilising an existing, mobilised contractor in Port Hedland to complete the work, endeavoring to increase the housing yield.

Upon completion, these dwellings would then be handed to the Town for ongoing ownership, management and maintenance.

### *Stage 2 GP Housing – Town Involvement*

The intention within the proposal is for BHPB to be responsible for management of the project and construction of the houses. This part of the proposal is intended to be able to use the company's existing construction contractor relationships and 'buying power' with consideration of the Town's current resources and already committed project delivery program.

Aside from statutory approval processes, the Infrastructure Development business unit will be the principle project contact point for the Town. This involvement will include some preliminary input into potential contractors, specifications for housing construction quality / continuity with existing houses, as well as project reporting and communication.

### *Stage 2 GP Housing – Allocation*

The Stage 1 housing project has secured the maintenance of GP services in South Hedland through Kinetic Health Services, as well as expanding services (days, practice hours and range of medical specialists) through the Port Hedland Medical Centre.

With the Stage 1 expression of interest process being oversubscribed (a total of 5 practices applying), preliminary discussions with BHPB has indicated support for maintaining the existing allocation process, criteria and priorities. By maintaining the existing allocation parameters it is believed that the Stage 2 houses can continue to fulfill the unmet need for GP / medical service accommodation.

*Way Forward*

With the success of the Stage 1 GP housing project and the existing unmet need for additional accommodation, Council is requested to support the preparation and advertising of a business plan reflecting the circumstances of the BHPB proposal.

Potential timeframes to progress the Stage 2 proposal would be:

Business Plan completed	end of August 2013
Advertising period	Sept / October 2013
Council consideration (submissions)	OCM October 2013

**Attachments**

Nil

**201314/055 Officer's Recommendation/ Council Decision**

**Moved: Cr Carter**

**Seconded: Cr Jacob**

**That Council:**

- 1. Endorses the preparation and advertisement of a business plan in accordance with the Section 3.59 of the Local Government Act 1995 outlining the proposed development by BHP Billiton Iron Ore of an additional 3 houses for General Practitioner use on Lot 5551 Dempster Street, Port Hedland; and**
- 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 proposal from BHP Billiton Iron Ore.**

***CARRIED 5/0***

8:35pm Councillors Dziombak, Hunt and Daccache entered the room and resumed their chairs. Mayor advised the Councillors of Council's decision.



**201314/056 Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Taylor**

**That Council have a ten minute recess.**

***CARRIED 8/0***

8:36pm Mayor advised that Council are having a ten minutes recess.

**201314/057 Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Gillingham**

**That Council resume business.**

***CARRIED 8/0***

8:46pm Mayor advised that business is now resumed.

8:46pm Councillor Hunt declared an impartiality interest in Item 11.3.2.2 "Old Port Hedland Cemetery Upgrade – Adoption of Master Plan (File No: 08/02/0021)" as she is a member of the historical society.

Councillor Hunt did not leave the room.

8:46pm Councillors Daccache, Hunt and Dziombak declared a financial interest in Item 11.3.2.2 "Old Port Hedland Cemetery Upgrade – Adoption of Master Plan (File No: 08/02/0021)" as they have BHP Billiton shares above the statutory threshold.

Councillors Daccache, Hunt and Dziombak left the room.

Chief Executive Officer advised that this item cannot be due to a lack of quorum.

### ***11.3.2.2 Old Port Hedland Cemetery Upgrade – Adoption of Master Plan (File No: 08/02/0021)***

**Officer** Mark Davis  
Community Development  
Officer

**Date of Report** 14 August 2013

**Disclosure of Interest by Officer** Nil

#### **Summary**

The purpose of this report is to provide an update on progress of the Old Port Hedland Cemetery (OPHC) Upgrade and seek Council endorsement of the Master Plan. A further report is to be brought to Council with details of final quantity surveyor (QS) costing, confirmation of funding strategy, asset register, recommended procurement method and construction program.

#### **Background**

The Town of Port Hedland (March 2010) reinvigorated the Old Port Hedland Cemetery Upgrade project by engaging a project group to prepare a scoping document. The document outlined the processes required to facilitate and enable an upgrade of the Old Port Hedland Cemetery. This was in response to historical and growing community concern regarding the appearance of the Cemetery, of which its regular maintenance was hindered by an erroneous native title claim.

The project scoping document set out the steps required to appropriately gather and interpret information regarding the history of the Cemetery and interred individuals. It proposed a number of steps be undertaken including a combination of desktop research and site investigation. The purpose being two-fold:

1. The Town of Port Hedland would have an accurate point-in-time record of the physical appearance of the Cemetery and would have also captured important oral histories from relatives of interred individuals and undergone a comprehensive literature review
2. The Town of Port Hedland would be able to effectively tender the upgrade design and construction works at a later date having consolidated information to provide prospective designers and contractors.

Since funding was made available the following elements have been completed:

- Video collation of Indigenous oral histories
- Literature and research review and summary
- Archaeological field survey – removing the need to obtain a section 18 license to undertake works (erroneous native title claim)
- Ground Penetrating Radar (GPR) to determine locations and depth of subterranean features and the subsequent provision of CAD drawings
- Completion of 3D Terrestrial Scanning which provides a detailed site model defining all visible surface features
- Reconciliation of burial lists and oral histories with on-site plots (where possible)
- A public consultation session / presentation held on site to explain the project and receive community feedback.

The above works were undertaken to enable and inform the production of a concept, detailed design and subsequent budget which will guide future on-ground upgrade works.

The Town engaged UDLA in February 2013 as consultants to prepare the concept, Master Plan, detailed design and subsequent budget for future works.

### **Consultation**

Given the sensitive nature of this project, there has been an emphasis on ensuring meaningful consultation and communication. Development of the Master Plan has involved a range of workshops, site inspections, information sessions and interviews. This has led to ongoing engagement with a range of stakeholders, and strong community support has been built for the project. The following stakeholders have been consulted in the production of the Master Plan:

#### *External*

- Relatives of those interred
- Community members
- HARTZ

- BHP Billiton Iron Ore
- Pilbara Development Commission
- Port Hedland Historical Society
- Diana Robinson (traditional owner)
- Lotterywest

*Internal (Town of Port Hedland)*

- Coordinator Landscape/Irrigation Operations
- Coordinator Parks and Reserves
- Manager Community Development
- Manager Infrastructure Development
- Projects Coordinator
- Library Coordinator
- Coordinator Community and Cultural Development
- Senior Statutory Planner.

**Statutory Implications**

Nil

**Policy Implications**

The Community Engagement Strategy (OCM 16 November 2011) was implemented and ensured that a comprehensive plan of consultation and involvement occurred with the community.

This item has also referenced Policy 9/010 Asset Management Policy.

**Strategic Planning Implications**

The Town's Strategic Community Plan 2012 to 2022:

6.1	Community
6.1.2	Vibrant
	Develop Port Hedland's tourism industry to broaden the tourist opportunities available
6.1.3	Rich in Culture
	Strengthen local communities, history and culture.
6.4	Local Leadership
6.4.1	Strategic
	Deliver responsible management of infrastructure, assets, resources and technology
6.4.2	Community Focused
	Provide a community-orientated organization that delivers the high levels of service expected by our stakeholders.

The Town's Corporate Business Plan 2012 to 2016 identifies:

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3.	Environment
3.2	Community Facilities
	Undertake improvement to the Old Port Hedland Cemetery.

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### **Budget Implications**

Indicative initial costing suggested a total construction budget of \$662,948.00. The Town currently has a contribution of \$299,570.34 in GL 1009484 which is allocated from BHPB Partnership Funds.

The funding strategy to progress to the construction phase of this project has not been confirmed at this stage. Officers are currently seeking additional funding, including preparation of a grant application to Lotterywest Big Ideas Fund, for the interpretive and public art elements.

Further information on asset management and maintenance will be presented to Council for consideration before proceeding to tender.

### **Officer's Comment**

The Town of Port Hedland has taken a best practice approach in developing the Master Plan for the Old Port Hedland Cemetery Upgrade.

The plan reflects the community's wishes for a sensitive upgrade in keeping with the Old Port Hedland Cemetery's indigenous and settler heritage.

The community has expressed some key themes which have been incorporated into the design, being:

- Enhancement works are to be sensitive and subtle
- Provision of areas which provide a peaceful and serene place to reflect on those interred
- Remembrance and acknowledgement of those interred, in particular a commemorative component for those interred but unable to be identified by grave markings
- Acknowledgement of the rich history and contribution of those interred
- Upgrades must be sensitive to the landscape and reflect endemic flora.

Due regard has also been paid to the guiding principles of the Burra Charter with respect to best practice for cultural / heritage upgrades.

Key aspects of the Master Plan respond to the community values as outlined above.

Council endorsement of the Master Plan will enable the funding strategy to be finalised.

*Asset Management*

Subject to adoption of the OPHC Upgrade Master Plan by Council, officers will work with potential funding bodies to source funds to commence the detailed design phase.

Contained within the detailed design phase will be a complete investigation / strategy development in relation to asset management. This phase of the project(s) will detail not only the construction / development cost, but also management strategies, maintenance regimes / cost / resourcing and whole of life costs / implications.

A further report will be presented to Council seeking endorsement to tender for the construction of the project. This will include final QS costing, confirmation of funding strategy, asset management and maintenance, recommended procurement method and construction program for the Old Port Hedland Cemetery Upgrade.

**Attachments**

1. Old Port Hedland Cemetery Upgrade Master Plan
2. Preliminary Cost Estimate.

**Officer's Recommendation**

That Council:

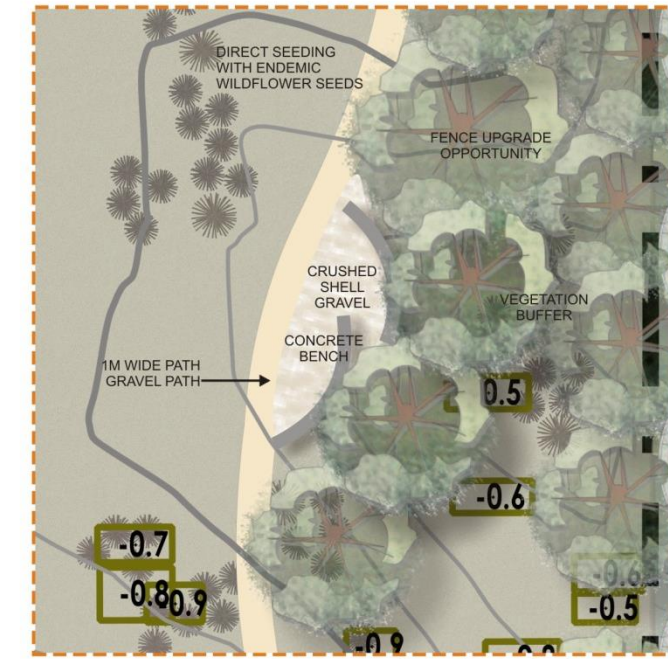
1. Notes the community engagement and consultation process undertaken for the proposed Old Port Hedland Cemetery Upgrade;
2. Adopts the Master Plan for the proposed Old Port Hedland Cemetery Upgrade as a guide to future planning and decision making; and
3. Notes that a subsequent report will be provided to Council with final QS costing, confirmation of funding strategy, asset register, recommended procurement method and construction program for the proposed Old Port Hedland Cemetery Upgrade.

*MOTION LAPSED FOR WANT OF A QUORUM*

8:45pm

Councillor Daccache, Hunt and Dziombak re-entered the room and resumed their chairs. Mayor advised Councillors that the motion lapsed for want of a quorum and that this item would be considered at a future Council meeting.





ENLARGEMENT OF LOOKOUT POINT AREA Scale 1:100 @ A1



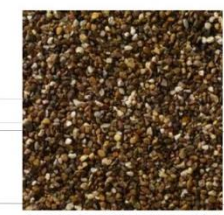
VIRTUAL MARKING ARTISTIC SHADE SHELTER



CUSTOM SOLID CONCRETE BENCH TO LOOKOUT POINT



FENCE



LOCAL BROWN PEA GRAVEL

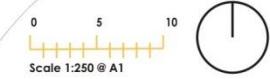


CRUSHED SHELL GRAVELS



CONCRETE WITH SHELL AGGREGATE

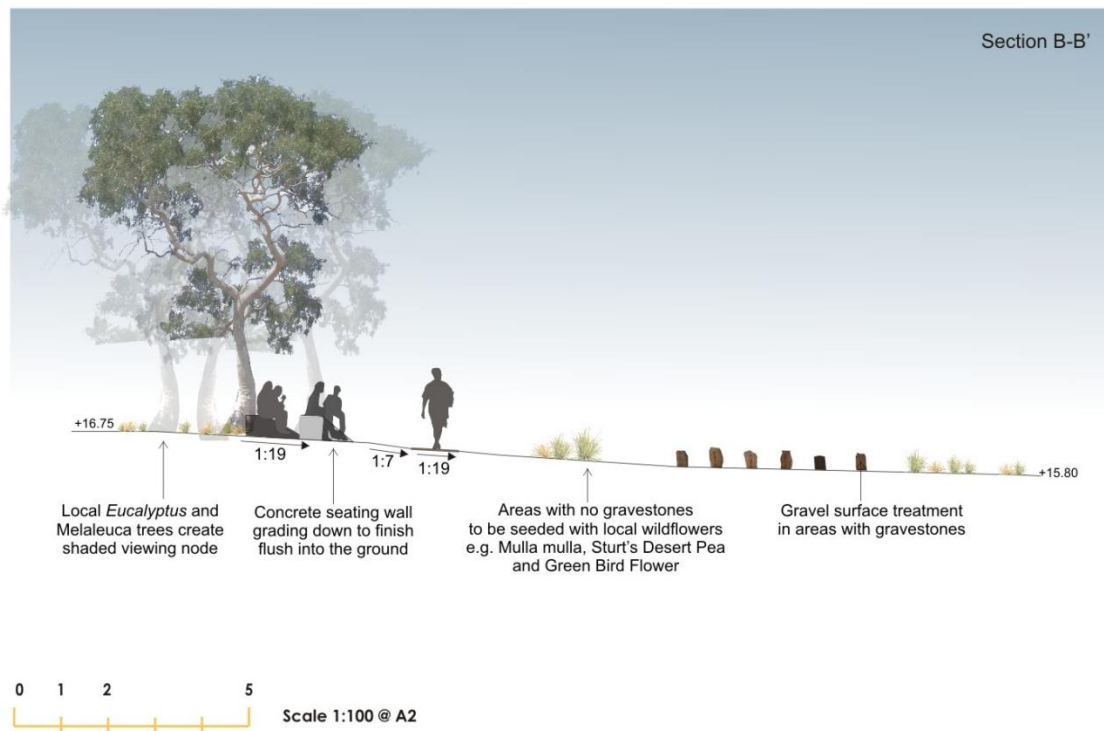
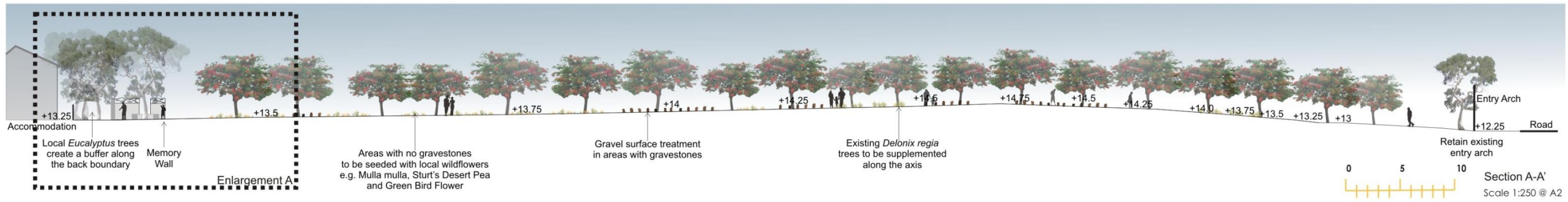
- LEGEND**
- SITE BOUNDARY AND EXISTING FENCE
  - PROPOSED GARDEN VEGETATION
  - SLASHED NATIVE VEGETATION
  - LOCAL BROWN PEA GRAVEL
  - CONCRETE WITH SHELL AGGREGATE
  - GRAVEL PATH



MASTERPLAN PLAN  
 PORT HEDLAND PIONEER CEMETERY  
 06.06.2013







**MASTER PLAN SECTIONS**  
**PORT HEDLAND PIONEER CEMETERY**  
 06.06.2013  
 Ld02



**udla**  
 Level 1A, 3-5 Josephson St Fremantle WA 6160  
 t. (08)9336 7577 www.udla.com.au



## ATTACHMENT 2 TO ITEM 11.3.2.2



Level 1A, 3-5 Josephson Street, Fremantle WA 6160

Aug-13

<b>PORT HEDLAND CEMETERY - Opinion of Probable Cost</b>					
<b>OPINION OF PROBABLE COST (Landscape Construction Works Only)</b>					
<b>TOTAL LANDSCAPE WORKS AREA APPROX. 13900 m2</b>					
		<b>Qty</b>	<b>Unit</b>	<b>Rate</b>	<b>Total</b>
<b>1.00</b>	<b>SITE PRELIMINARIES</b>				
1.01	Project Management Site Insurances	1	Allow	\$25,000.00	\$25,000.00
1.02	Site specific controlled demolition and preparation E.g. to front garden	1	Allow	\$5,000.00	\$5,000.00
	<b>Subtotal</b>				<b>\$30,000.00</b>
<b>2.00</b>	<b>HARD LANDSCAPE</b>				
2.01	Supply and install grey concrete path with shell aggregate to central axis and footpath	410	m2	\$130.00	\$53,300.00
2.02	Supply and spread compacted north pole fines to paths	560	m2	\$20.00	\$11,200.00
2.03	Supply and spread Brown cracked pea gravel to define original plot layout around gravestones (with spade edge)	4,750	m2	\$20.00	\$95,000.00
2.04	Supply, install and paint damaged portions of the existing fence along site boundary	1	Allow	\$4,000.00	\$4,000.00
2.05	Supply and lay rock edging to entry garden bed	105	Lm	\$150.00	\$15,750.00
2.06	Supply and place central axis seating	8	each	\$1,200.00	\$9,600.00
	<b>Subtotal</b>				<b>\$188,850.00</b>
<b>3.00</b>	<b>ART PIECES</b>				
3.01	Construct, deliver and install central Memory wall (E.g. rammed earth, polished limestone concrete, shell aggregates) (Public Artist/Interpretation Scope)	1	Allow	\$181,500.00	\$181,500.00
3.02	Construct two (2) benches located adjacent Stevens Street. (Public Artist/Interpretation Scope)	1	Allow	\$7,500.00	\$7,500.00
3.03	Construct two (2) seating walls (Located at the high point lookout) (Public Artist/Interpretation Scope)	1	Allow	\$8,500.00	\$8,500.00
3.04	Construct two (2) new entry walls. (Public Artist/Interpretation Scope)	1	Allow	\$10,000.00	\$10,000.00
3.05	Delivery of two (2) new entry walls, two (2) seating walls and two (2) concrete benches .	1	Allow	\$4,500.00	\$4,500.00
3.06	Installation of two (2) new entry walls, two (2) seating walls and two (2) concrete benches .	1	Allow	\$9,300.00	\$9,300.00
3.07	Manufacture and undertake sandblasting of plot numbers to the central axis concrete path	1	Allow	\$5,000.00	\$5,000.00
	<b>Subtotal</b>				<b>\$226,300.00</b>
<b>4.00</b>	<b>SHADE SHELTERS</b>				
4.01	Supply and install artistic LandMark shade shelters (Two 4.0 x 3.3m portals with a 5.0 x 3.0m suspended roof panel) Contact: Adel Young Phone: (08) 9470 5765 Budget No: 23476	2	Each	\$20,000.00	\$40,000.00
	<b>Subtotal</b>				<b>\$40,000.00</b>
<b>5.00</b>	<b>PROFIT AND ATTENDANCE</b>				
5.01	Profit and attendance to oversee subcontractors (10% of Art and Shade Shelter Costs)	1	Allow	\$26,630.00	\$26,630.00
	<b>Subtotal</b>				<b>\$26,630.00</b>
<b>6.00</b>	<b>SOFT LANDSCAPE</b>				
6.01	Supply and plant 45lt bag trees to the central axis	65	each	\$250.00	\$16,250.00
6.02	Supply and plant tube stock to the entry garden (2/m2) and back garden (behind memory wall)	706	each	\$5.00	\$3,530.00
	<b>Subtotal</b>				<b>\$19,780.00</b>
<b>7.00</b>	<b>IRRIGATION</b>				
7.01	Connection to mains	1	item	\$5,000.00	\$5,000.00
7.02	Install Bubblers to new trees	706	item	\$20.00	\$14,120.00
	<b>Subtotal</b>				<b>\$19,120.00</b>
<b>8.00</b>	<b>ESTABLISHMENT, MAINTENANCE &amp; DEFECTS LIABILITY PERIOD</b>				
8.01	(24) Twenty Four Months Establishment, Maintenance & Liability Period for all irrigation, hard and soft landscape items following Practical Completion and ongoing rectification of defects (includes PAW, Central POS and Swale POS)	104	Weeks	\$500.00	\$52,000.00
	<b>Subtotal</b>				<b>\$52,000.00</b>
	<b>TOTAL</b>				<b>\$602,680.00</b>
	<b>Contingency (10%)</b>				<b>\$60,268.00</b>
	<b>PORT HEDLAND CEMETERY (EX GST)</b>				<b>\$662,948.00</b>

**11.3.2.3 Port Hedland Consolidated Coastal Foreshore Masterplan – Adoption for Advertising (File No: 18/08/0002)**

**Officer** Gordon MacMile  
Director Community  
Development

**Date of Report** 16 August 2013

**Disclosure of Interest by Officer** Nil

**Summary**

The Town of Port Hedland received funding through the Northern Planning Program to develop a Consolidated Foreshore Redevelopment Master Plan.

UDLA were commissioned by the Town to develop the Foreshore Master Plan, integrating and consolidating a range of separate planning that has been undertaken and identifying key recommendations for coastal precincts. The final Foreshore Master Plan proposes an overall redevelopment strategy for Port Hedland coastal areas.

Council is requested to adopt the Consolidated Foreshore Redevelopment Master Plan as a guide to future planning and decision making.

**Background**

Currently a range of isolated and disconnected planning / concepts exist for sections of the overall foreshore area of Port Hedland. With the adoption of the Pilbara's Port City Growth Plan and Town's Strategic Community Plan, the opportunity existed to consolidate this planning and to produce an integrated Redevelopment Master Plan.

The Master Plan is intended to detail the potential staged redevelopment of the foreshore in accordance with the Pilbara's Port City Growth Plan and the Growth Implementation Plan. The Redevelopment Master Plan will consider and plan for key elements of the Port Hedland foreshore including:

- public amenities
- tourism / hospitality / cultural / heritage / public art and leisure attractions
- commercial / small business opportunities
- protection of environmentally sensitive areas
- linking foreshore nodes with key inland (tourism, retail, community and commercial) areas.

The area of scope for the masterplanning is the 10kms of foreshore and land adjacent to Sutherland Street from Marrapikurinya Park to Pretty Pool Reserve and includes the significant areas of Cemetery Beach, Rock of Ages (Cooke Point), Civic Centre Gardens, Spoilbank Marina and Captain Bert Madigan Park. The Master Plan is intended to allow for the development of an exciting community and tourist experience, where historical facts, human stories and public activation opportunities are brought to life through the staged development of the foreshore.

The Town engaged UDLA in February 2013 as consultants to undertake the Consolidated Foreshore Redevelopment Master Plan.

### **Consultation**

The OCM (26 September 2012) resolved to disband the previously established Marrapikurinya Tower Working Group and the Spoilbank Marina Stakeholder Working Group and establish the Coastal Foreshore Management Working Group (CFMWG). The terms of reference were in part to:

- Provide advice to Council on the development of a Consolidated Foreshore Redevelopment Master Plan
- Provide advice to Council on the development of the Spoilbank Marina precinct.

Development of the Consolidated Foreshore Redevelopment Master Plan has been led by the Working Group with representation from the Town plus:

- Pilbara Development Commission
- LandCorp
- Port Hedland Port Authority
- BHP Billiton Iron Ore
- Port Hedland Yacht Club
- FORM
- Wangka Maya
- Care for Hedland
- Traditional Owners
- Pastoral Stations (DeGrey and Munda stations)
- Rangelands Natural Resource Management (NRM)
- Department of Planning
- Greening Australia
- Recfish West
- Community Representatives.

### **Statutory Implications**

Nil

## Policy Implications

Nil

## Strategic Planning Implications

Development of the Consolidated Foreshore Redevelopment Master Plan is identified in the Town's Strategic Community Plan 2012 to 2022 as:

6.1	Community
6.1.2	Vibrant
	Maintain and extend the visual and physical access to the coast and thoroughfares for the general public. Develop and implement plans upgrade coastal access, infrastructure and amenities.

The Town's Corporate Business Plan 2012 to 2016 identifies:

1	Community
1.2	Vibrant
	Conduct analysis and preparation for Coastal Foreshore Redevelopment with the Integrated Foreshore masterplan to be developed by July 2013 from West End to Pretty Pool.

Council should note that adoption of the Consolidated Foreshore Redevelopment Master Plan fulfills this initiative identified within the CBP. Adoption of the Master Plan will result in all individual recommendations and initiatives being separately identified and included within the CBP. This 'unpacking' of guiding masterplans / strategies is an ongoing / continuously updating process within the CBP, with individual initiatives being considered with all other priorities, funding and timing by Council on each occasion.

## Budget Implications

*Table 1 – Foreshore Master Plan (Estimate of Costs)*

Study Area	Description of Works	Cost Estimate	Sub Total
Area A – Old Town / West End	Preliminaries	400,000	
	Hard Landscaping and Furniture	9,164,000	
	Soft Landscaping and Planting	924,800	
	Signage	18,000	
	Art Strategy	250,000	
	Electrical	1,163,500	
	Irrigation	515,970	
	Establishment and	192,000	



	Maintenance		
	Contingency (20%)	2,525,654	
			15,152,924
Area B – Spoilbank / West End	Preliminaries	400,000	
	Hard Landscaping and Furniture	1,100,000	
	Soft Landscaping and Planting	580,740	
	Signage	9,000	
	Art Strategy	70,000	
	Electrical	455,000	
	Irrigation	76,560	
	Establishment and Maintenance	48,000	
	Contingency (20%)	456,860	
			2,741,160
Area C – Cemetery Beach and Civic Node	Preliminaries	400,000	
	Hard Landscaping and Furniture	2,813,500	
	Soft Landscaping and Planting	1,239,800	
	Signage	15,000	
	Art Strategy	150,000	
	Electrical	943,000	
	Irrigation	813,960	
	Establishment and Maintenance	192,000	
	Contingency (20%)	1,313,398	
			7,880,388
Area D – Cooke Point and Goode Street / East End	Preliminaries	400,000	
	Hard Landscaping and Furniture	2,322,000	
	Soft Landscaping and Planting	529,100	
	Buildings	6,920,000	
	Signage	15,000	
	Art Strategy	50,000	
	Irrigation	102,600	
	Establishment and Maintenance	120,000	
	Contingency (20%)	2,091,740	
			12,550,440
Area E – Pretty Pool to 4 Mile Creek / East End	Preliminaries	400,000	
	Hard Landscaping and Furniture	2,813,500	
	Soft Landscaping and Planting	1,239,800	
	Signage	15,000	
	Art Strategy	150,000	
	Electrical	943,000	
	Irrigation	813,690	

	Establishment and Maintenance	192,000	
	Contingency (20%)	1,313,398	
			7,880,388
<b>Total (\$)</b>			<b>46,205,300</b>

*NOTE – The recommendations of the Foreshore Master Plan were prepared based on extensive consultation. Priorities, outcomes, costing and staging / timing contained in the Foreshore Master Plan will inform and be considered within the broader, overarching context of the Strategic Community Plan, Corporate Business Plan, Asset Management Plan and Long Term Financial Plan.*

Funding (\$75,000) for the preparation of the Coastal Foreshore Redevelopment Master Plan was provided by the Department of Planning through the Northern Planning Program.

### **Officer's Comment**

The staged redevelopment of the Port Hedland foreshore is intended to be able to integrate key elements of the Town's coastal environment including the planned marina development, contributing to the achievement of the Pilbara Cities vision.

The purpose of the Consolidated Foreshore Redevelopment Master Plan is to provide the Town of Port Hedland and the wider Hedland community with an overarching visioning document; designed to align community visions and guide the direction of numerous proposed developments along Port Hedland Foreshore. The Master Plan will reflect community aspirations for the Port Hedland Foreshore and provide an objective that the community can work toward implementing over the next 20 to 30 years.

The vision is to provide a community endorsed Master Plan for future implementation that values the significance of the coastal condition and integrates compatible development, accessibility to the foreshore, recreation opportunities and amenity to cater to the needs of both current residents and the proposed populations.

To achieve the vision of the Port Hedland Consolidated Foreshore Redevelopment Master Plan, the implementation of the following is recommended:

- Development of a town coastal processes adaptation strategy
- Continuous Dual-use Foreshore Path project
- Cooke Point Drive realignment and traffic separation projects
- Town wide Turtle Management Plan (including an investigation into beach renourishment opportunities and guidelines for foreshore development)
- Off-road vehicle rationalisation project

- Detailed Marrapikurinya Park Precinct Plan including: New Public Jetty, Art and Cultural Centre, Seafood market/restaurant, market stall space and park/POS area
- Detailed Bert Madigan Park Precinct Plan, following finalisation of marina development plans
- Detailed Civic Centre, Koombana Park, Hotel precinct
- Town Parking Strategy
- Beach access / track rationalisation/ dune re-vegetation project
- Indigenous cultural management plan.

#### *Asset Management*

Subject to endorsement of the final Foreshore Master Plan report by Council, officers will work with potential funding bodies to source funds to commence detailed design work.

Contained within any detailed design work will be a complete investigation / strategy development in relation to asset management. This phase of the project(s) will detail not only the construction / development cost of each study area, but also management strategies, maintenance regimes / cost / resourcing and whole of life costs / implications.

#### **Attachments**

1. Diagram 1 – Coastal Foreshore Redevelopment Masterplan – Overall Study Area and Precinct areas
2. Port Hedland Consolidated Foreshore Redevelopment Master Plan – July 2013 (Under Separate Cover)

#### **201314/058 Officer's Recommendation/ Council Decision**

**Moved: Cr Carter**

**Seconded: Cr Jacob**

**That Council:**

1. **Adopts the Consolidated Foreshore Redevelopment Master Plan (Attachment 1) as a guide to further planning and decision making; and**
2. **Notes that further feasibility and detailed investigation will be required for the individual recommendations contained in the Consolidated Foreshore Redevelopment Master Plan and will be considered by Council on each occasion with priorities, funding and timing of any developments considered within the context of the Strategic Community Plan, Corporate Business Plan, 10 year Long Term Financial Plan, Asset Management Plan and Pilbara's City Growth Plan / Implementation Framework.**

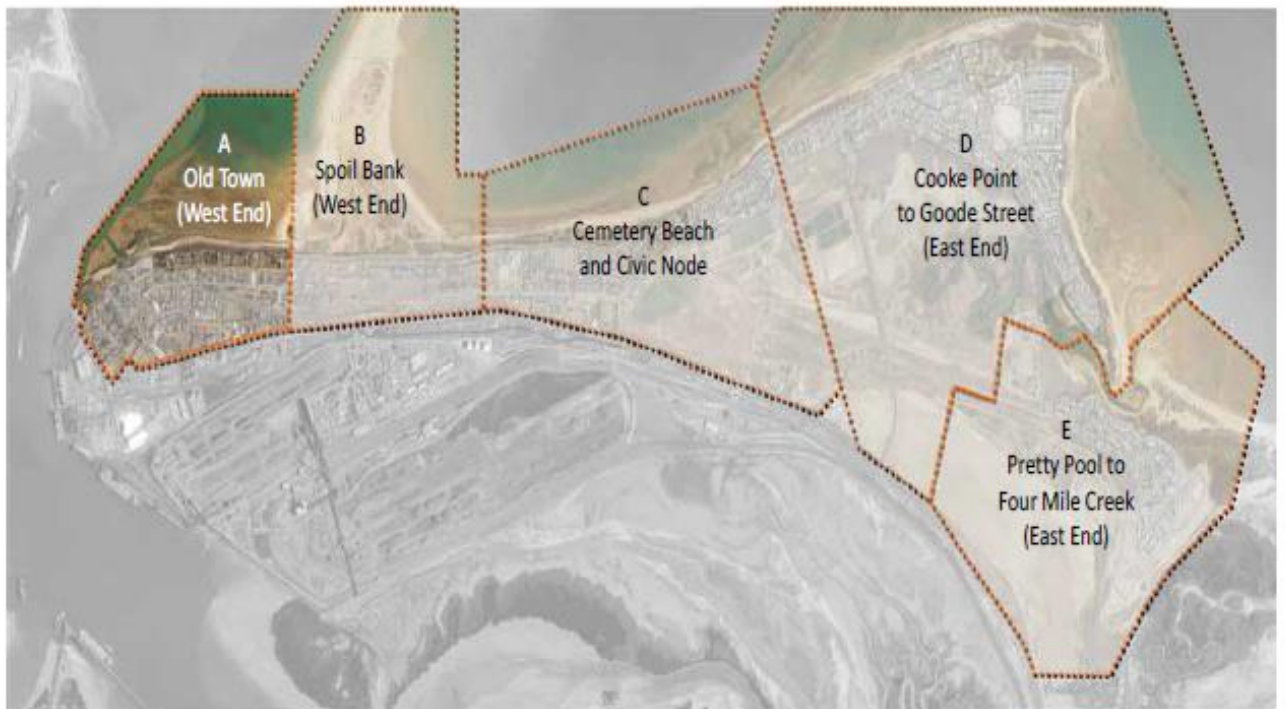
***CARRIED 8/0***

ATTACHMENT 1 TO ITEM 11.3.2.3

Diagram 1 – Consolidated Foreshore Redevelopment Masterplan – Study Area



Precinct Areas



**11.4 Corporate Services****11.4.1 Finance**

8:47pm Mayor Howlett declared a financial interest in Item 11.4.1.1 "Proposed Waiver of Alternative Arrangement Fees and Interest Charges for 1 Nairn Street, South Hedland (Assessment No.: A804298)" as her partner works casually for the applicant.

Mayor Howlett left the room.

Councillor Jacob declared a financial interest in Item 11.4.1.1 "Proposed Waiver of Alternative Arrangement Fees and Interest Charges for 1 Nairn Street, South Hedland (Assessment No.: A804298)" as she is the Director of the applicant.

Councillor Jacob left the room.

Councillor Daccache assumed the chair.

**11.4.1.1 *Proposed Waiver of Alternative Arrangement Fees and Interest Charges for 1 Nairn Street, South Hedland (Assessment No.: A804298)***

**Officer** Carmen Hanisch  
Senior Rates Officer

**Date of Report** 15 August 2013

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to consider writing off the alternative arrangement fee and any interest payable over the term of the arrangement relating to assessment number A804298 being for 1 Nairn Street, South Hedland.

**Background**

This agenda item was submitted to the Ordinary Council Meeting on the 24<sup>th</sup> of July 2013, but due to a lack of a quorum, is being resubmitted for Council consideration.

In April 2013 routine checks identified that the Assessment for 1 Nairn Street, South Hedland, which is the business premises for Hedland Home Hardware & Garden, has been rated under 'Residential' rates from financial year 2009/10, when it clearly falls within the "Commercial" rate category.



The rate category was amended and interim rates were raised to rectify the administrative error. An interim rates notice for the amount of \$5,564.51, including a letter of explanation offering the option for an alternative arrangement was sent to the designated address on file.

The property is owned by Peter and Lisa-Gaye Hicks and The Little Ones (WA) Pty Ltd. Under their commercial lease agreement, the lessee, Hedland Home Hardware & Garden pays the rates for the owners.

Hedland Home Hardware and Garden, the lessee, and the occupant of the property have requested a waiver of the interest accruing over the term of the arrangement and the administration fee.

### **Consultation**

Director Corporate Services

### **Statutory Implications**

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

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

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

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

*\* Absolute majority required.*

*(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*

*(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*

*(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

### **Policy Implications**

Nil

### Strategic Planning Implications

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#### 6.4 Local Leadership

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##### 6.4.1 Strategic

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Deliver high quality corporate governance, accountability and compliance.

Governance processes and associated policies and procedures align with leading practice and are up to date with legislative requirements.

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##### 6.4.2 Community Focused

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Provide a community-oriented organisation that delivers the high levels of service expected by our stakeholders. Council resources are managed to provide optimum benefit to the community.

### Budget Implications

If Council decides to waive the administration fee and further interest payable, the impact on the financial position is estimated at \$385.80.

### Officer's Comment

Routine checks in April 2013 identified that the Rates Assessment for the property at 1 Nairn Street, South Hedland has been rated based on the "Residential" rate category. The property is leased out to Hedland Home Hardware & Garden which runs a commercial business from this property and therefore it clearly falls within the "Commercial" rate category.

This administrative error was rectified and an interim rates notice was raised for 2012/13 and the three previous financial years commencing 2009/10, resulting in an additional charge of \$5,564.51. The interim rates notice provided 35 days for payment as per the Local Government Act 1995. An explanatory letter was also sent, offering an alternative arrangement to pay for the additional rates.

Hedland Home Hardware & Garden agreed to pay the account on the instalment option, with a monthly payment plan of \$505.62.

Alternative arrangement plans attract an instalment fee of \$65.80 and a daily interest charge at 11% on the outstanding balance. Hedland Home Hardware & Garden have requested for a waiver of these penalty fees as they had not budgeted for this additional charge in 2012/13 or the previous financial years and they are of the view that Hedland Home Hardware & Garden is not contributory to this error.

### Attachments

1. Letter from Hedland Home Hardware & Garden requesting a waiver of fees and interest payable received on 19 June 2013.

**201314/059 Officer's Recommendation/ Council Decision**

**Moved: Cr Carter**

**Seconded: Cr Dziombak**

**That Council authorise the waiver of the alternative arrangement fee of \$65.80 and all interest accruing on the interim rates estimated at \$320 for assessment number A804298 being for 1 Nairn Street, South Hedland.**

***CARRIED BY ABSOLUTE MAJORITY 6/0***

8:49pm Mayor Howlett and Councillor Jacob re-entered the room and resumed their chairs. Councillor Daccache advised Mayor Howlett and Councillor Jacob of Council's decision.

ATTACHMENT 1 TO ITEM 11.4.1.1

**Hedland Home Hardware & Garden**

A.B.N. 39 104 679 987  
3-5 Nairn Street, South Hedland, W.A. 6722  
Telephone (08) 9172 2035 (08) 9172 2452 Facsimile (08) 9172 2365  
Email [sales@homehardware.net.au](mailto:sales@homehardware.net.au) [office.manager@homehardware.net.au](mailto:office.manager@homehardware.net.au)  
[office.admin@homehardware.net.au](mailto:office.admin@homehardware.net.au)



Town of Port Hedland  
McGregor St  
Port Hedland WA 6721

Assessment: A804298

Property Address: 1 Nairn St South Hedland

Payee's Name: Hedland Home Hardware

Dear Council

I am writing regarding the Interim Notice for the 1 Nairn St South Hedland.

There was an administrative error with the rate code for the above mentioned property that was incorrectly allocated as "residential" as clearly it falls under the "commercial" rate code category.

As the error has been of no fault of ours. The error accrued over 3 financial years we have not budgeted for the extra expenses.

The Town of Port Hedland has allowed us to set up a payment plan, which is great but they want to charge an administration fee and also charge a daily interest charge. I don't think this is acceptable as it was their error in the first place.

I am asking council for these fees to be waived.

Yours sincerely

Lynda Henderson

Accounts Payable

[payable@homehardware.net.au](mailto:payable@homehardware.net.au)

08 94795771

8:50pm Mayor Howlett declared a financial interest in Item 11.4.1.2 "Audit of the Port Hedland Tourist Bureau (Inc.) (File No.: .../...)" as she is a past employee of the Tourist Bureau.

Mayor Howlett left the room.

Councillor Daccache assumed the chair.

Councillors Dziombak, Carter and Gillingham declared an impartiality interest in Item 11.4.1.2 "Audit of the Port Hedland Tourist Bureau (Inc.) (File No.: .../...)" as they are ex-committee members of the Tourist Bureau Management Committee.

Councillors Dziombak, Carter and Gillingham did not leave the room.

#### **201314/060 Council Decision**

**Moved: Cr Carter**

**Seconded: Cr Dziombak**

**That Council suspend Standing Orders.**

***CARRIED 6/1***

8:51pm Councillor Daccache advised that Standing Orders have been suspended.

#### **201314/061 Council Decision**

**Moved: Cr Taylor**

**Seconded: Cr Jacob**

**That Council resume Standing Orders.**

***CARRIED 7/0***

9:03pm Councillor Daccache advised that Standing Orders have been resumed.

#### ***11.4.1.2 Audit of the Port Hedland Tourist Bureau (Inc.) (File No.: .../...)***

**Officer**

**Natalie Octoman  
Director Corporate Services**

**Date of Report**

**15 August 2013**

**Disclosure of Interest by Officer**

**Nil**



## Summary

For Council to note the audit report received from 2020 Global of the reconstructed accounts for the Port Hedland Tourist Bureau (Inc.) (now known as the Port Hedland Visitor Centre) for the financial years 1 July 2008 to 30 June 2009 and 1 July 2009 to 31 December 2009.

## Background

The Town provided a number of grants to the Port Hedland Tourist Bureau (Inc.) over the 2008/09 and 2009/10 financial years.

One of the conditions of the provision of these grants, particularly in the period from 1 July 2009 to 31 December 2009 was that any surplus funds were to be returned to the Town. To establish if there were any surplus funds, a reconstruction of the accounts was necessary as there were several versions of the financial statements provided to the Town, each with differing figures. Based on the reconstructed accounts an independent audit would then be undertaken.

Both the reconstruction of the accounts and independent audit have now been completed.

## Consultation

- 2020 Global
- UHY Haines Norton
- Members of the former Committee of the Port Hedland Tourist Bureau (Inc.)

## Statutory Implications

Nil

## Policy Implications

Nil

## Strategic Planning Implications

6.4 Local Leadership

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6.4.1 Strategic

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Responsible and transparent management of financial resources

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6.4.2 Community Focused

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Council resources are managed to provide optimum benefit to the community

### **Budget Implications**

The cost for the reconstruction of the accounts by UHY Haines Norton was \$38,220 (excluding GST). The cost for the audit by 2020 Global are estimated to be \$17,800 (excluding GST) plus any travel costs as per the quote received on 13 May 2013, and as included in the Town's 2012/13 Annual Budget.

### **Officer's Comment**

While the reconstruction of the accounts has taken a significant amount of time due to delays in accessing source documentation, the reconstructed accounts were provided to the Town on 26 March 2013 by UHY Haines Norton.

To commence the independent audit, the brief of audit services was provided to AMD Chartered Accountants, Deloitte's, Macri Partners, Paxon Group and Price Waterhouse Coopers who form part of the WALGA preferred supplier panel, and no quotes were received.

The Town then sent the brief to 2020 Global, BDO, Ernst & Young, KPMG, Quantum Assurance, RMSI, Stantons, Sutherland Rose and William Buck, all of whom form part of the State Government preferred supplier panel of which local governments can utilize. There were three quotes submitted and 2020 Global was awarded the work.

The brief for audit services has been attached, and specifically requested the below key items to be undertaken and reported on:

1. A critical analysis of the (reconstructed) special purpose financial reports prepared by UHY Haines Norton for the year ended 30 June 2009 and the six months ended 31 December 2009.
2. An independent audit opinion on the accounts.
3. A detailed management report covering compliance with accounting standards and the *Associations Incorporations Act WA (1987)* during the reporting periods noted above.
4. Address each of the items raised in the previous auditor's reports and clearly demonstrate the accuracy or otherwise of the items reported.
5. Substantiate the return of funds (if any) to the Town of Port Hedland.

2020 Global have responded to each of these requests in the Evaluation Report attached.

In summary, the reconstruction of the accounts and the independent audit has been completed. The allegations that were made in former reports could not be confirmed or denied given the length of time between 2008 to now, and the lack of source documentation available.

While the allegations cannot be substantiated, the Officer is aware that there was a complaint previously made to the Corruption and Crime Commission in relation to this matter. It is the Officer's opinion that it would be good practice for the Town for bring to the attention of the Commission that further work has been undertaken, and provide a copy of the minutes related to this agenda item (including associated attachments) for their consideration.

In accordance with the Port Hedland Tourist Bureau (Inc.) Constitution and in terms of the *Associations Incorporation Act (1987)*, 2020 Global has identified that the Town is not entitled to receive any surplus funds held by the Port Hedland Tourist Bureau (Inc.) that it is not specifically entitled to under a contract or agreement.

Based on the reconstruction and independent audit of the accounts; the gaps in the source documentation; and the fact that no surplus funds can be returned to the Town, it is proposed that the Town take no further action in regards to this matter.

**Attachments**

1. Brief for Audit Services for the Town of Port Hedland.
2. Port Hedland Tourist Bureau (Inc.) Evaluation Report undertaken by 2020 Global.
3. Independent Audit Report and Associated Financial Statements prepared by 2020 Global and UHY Haines Norton (Under Separate Cover)

**201314/062 Officer's Recommendation/ Council Decision****Moved: Cr Taylor****Seconded: Cr Jacob****That Council:**

1. **Receive the Audit Report undertaken by 2020 Global;**
2. **Note the findings within the Evaluation Report;**
3. **Note the surplus funds from the Port Hedland Tourist Bureau (Inc.) will not be returned to the Town;**
4. **Request the Chief Executive Officer to provide a copy of the minutes related to this agenda item (including associated attachments) to the Corruption and Crime Commission for their consideration;**

5. Recommends to the Chief Executive Officer that the Town undertakes no further investigations into the Port Hedland Tourist Bureau (Inc.) accounts and closes this matter;
6. Requests the Chief Executive Officer to write to the Department of Commerce and request that in accordance with the Tourist Bureau's Constitution, that any property whatsoever remaining after payment of all debts and legal liabilities be transferred to the organisation currently managing the Port Hedland Visitor Centre (being FORM Contemporary Craft and Design Inc.) which is an incorporated association, and is the only company in Port Hedland that has objects similar to those of the former Tourist Bureau; and
7. Subject to the approval of the Department of Commerce for the funds to be transferred to FORM request the Chief Executive Officer, or his delegate(s), to negotiate a contract variation with FORM in order to offset the funds transferred from the former Tourist Bureau with the current funding provided by the Town of Port Hedland to FORM, so that the overall contribution for the management of the Visitors Centre remains the same.

***CARRIED 4/3***

Record of vote:

For	Against
Councillor Daccache	Councillor Carter
Councillor Jacob	Councillor Gillingham
Councillor Hunt	Councillor Dziombak
Councillor Taylor	

9:28pm Mayor Howlett re-entered the room and resumed her chair. Councillor Daccache advised the Mayor of Council's decision.

## ATTACHMENT 1 TO ITEM 11.4.1.2

TOWN OF PORT HEDLAND  
REQUEST FOR SERVICES**Brief for Audit Services for the Town of Port Hedland**Background

The Town of Port Hedland previously provided funding to the Port Hedland Tourist Bureau (Inc) to assist in its operations. Upon the Port Hedland Tourist Bureau (Inc) being wound up, it is believed that there were no financial members remaining in the association and therefore the remaining funds were to be returned to the Town of Port Hedland.

The Town of Port Hedland subsequently received special purpose financial reports prepared by two companies that presented different amounts throughout the financial reports, therefore not providing the Town with the confidence that the reports were accurate, nor that the funds were indeed those of the Town of Port Hedland and should be returned accordingly.

Prior to any funds being returned, the Town of Port Hedland engaged UHY Haines Norton to undertake a reconstruction of the accounts of the Port Hedland Tourist Bureau (Inc) for the periods 1 July 2008 to 30 June 2009 and 1 July 2009 to 31 December 2009 whereby authorisation was provided by the President and Treasurer of the then Committee for the Town to do so.

The reconstructed accounts have since been received by the Town, and the Town is now seeking an independent auditing company through the WALGA Preferred Supplier Panel (Contract 0411-11) to critically analyse the special purpose financial reports and provide an independent audit opinion on the accounts and special purpose financial reports for the Port Hedland Tourist Bureau (Inc) for the periods 1 July 2008 to 30 June 2009 and 1 July 2009 to 31 December 2009.

A detailed management report is also required that outlines compliance or otherwise, with the Australian Accounting Standards, including Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board and the requirements of the Associations Incorporations Act WA and any other relevant legislation that was applicable as at the reporting date for a non-reporting entity.

The source documentation and working papers are being held by UHY Haines Norton in their Perth Office, and these along with the special purpose financial reports prepared by the initial companies, including the Independent Auditor's Report for the Port Hedland Tourist Bureau (Inc) will be supplied to the successful contractor. Due to the nature of this audit, no information can be supplied prior.

The detailed management report must address each of the items raised in the previous auditor's report and clearly demonstrate the accuracy or otherwise of the items reported, and substantiate the return of funds, if any, to the Town of Port Hedland.

The outcomes of this independent audit, including the management report, may become a public document and it is therefore expected that all requirements of the Australian Professional and Ethical Standards Board will be complied with.





### Quote Requirements

Your quote should outline the following:

- The proposed hourly rates of each of the staff members who would be assigned to this audit and how many hours each staff member would be assigned;
- An estimate of how many hours this project will take to complete and a timeframe for commencement through to completion;
- The price schedule should provide a clear indication of the total number of hours anticipated; GST Exclusive and GST Inclusive Amounts;
- Any disbursements should be separately identified;
- The qualifications and experience of the staff that would be allocated to the audit, including the identification of the lead staff member;
- A provision for a potential on-site confidential presentation to the Town of Port Hedland Council upon completion of the audit. This item is provisional only, and may or may not be taken up by the Town of Port Hedland therefore this should be separately identified below the price schedule.

All quotes must be received by **12pm Monday 15<sup>th</sup> April 2013**.

### Town of Port Hedland Contact

Natalie Octoman

Director, Corporate Services

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## ATTACHMENT 2 TO ITEM 11.4.1.2

BUSINESS  
CONSULTANTS

Ms Natalie Octoman  
 Director, Corporate Services  
 Town of Port Hedland  
 PO Box 41  
 PORT HEDLAND WA 6721

Dear Natalie

**Port Hedland Tourist Bureau Incorporated –  
 Incorporated Association Registration number: A0740166K  
 ABN: 35 710 961 757**

### *Scope of Services*

I refer you to your *Brief for Audit Services* pertaining to the Port Hedland Tourist Bureau Incorporated which requested the following outcomes of our services:

- A critical analysis of the (reconstructed) special purpose financial reports prepared by UHY Haines Norton for the year ended 30 June 2009 and the six months ended 31 December 2009. (See Item 4)
- Provide an independent audit opinion on the accounts. (See separate Audit Report)
- Provide a detailed management report covering compliance with accounting standards and the Associations Incorporations Act WA during the reporting periods noted above. (See Item 3).
- Address each of the items raised in the previous auditor's reports. (See Item 2).
- Substantiate the return of funds (if any) to the Town of Port Hedland. (See Item 1).

### *Background*

Port Hedland Tourist Bureau Incorporated is an incorporated association under the *Associations Incorporation Act (1987)*.

Sections 25 and 26 of the Act require associations to keep accounting records to enable accounts to be prepared from time to time; the form of the financial statements is not stipulated (there is no requirement to meet the accounting standards). Clause 11.5 of the Tourist Bureau's constitution requires the production of:

*... an annual statement of receipts and expenditure and a balance sheet showing the assets and liabilities of the Tourist Bureau at the close of each financial year.*

CERTIFIED PRACTISING  
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LIABILITY LIMITED BY A SCHEME APPROVED UNDER PROFESSIONAL STANDARDS LEGISLATION

The Act does not prescribe that an audit must be undertaken. However, clause 11.5 of the Tourist Bureau's constitution requires that the:

*... financial statement and balance sheet shall be certified as correct by an Auditor ...*

Audited financial statements were issued by the Port Hedland Tourist Bureau for the years ended 30 June 2009 (in November 2009) and 20 June 2010 (in December 2010). These statements and audit reports appear to satisfy the above requirements of the Act and Constitution. The auditor was Abbott Solutions.

The Town of Port Hedland engaged UHY Haines Norton to reconstruct the Tourist Bureau's accounts for the year ended 30 June 2009 and the six months ended 31 December 2009 in an effort to gain increased assurance in relation to the surplus remaining in the Tourist Bureau's accounts.

The reconstructed accounts were prepared in 2013 from financial records made available to UHY Haines Norton for this specific purpose and, due to the passage of time, are considered unlikely to be as complete as the original records sighted and audited by Abbott Solutions.

2020 Global was provided with the original audited financial statements and the reconstructed accounts prepared by UHY Haines Norton. MYOB files for both sets of accounts were also provided.

### ***Work Completed***

We have completed our audit of the financial statements for the year ended 30 June 2009 and the six months ended 31 December 2009. Our audit report has been issued as a separate report to this document.

This document represents a response to the remainder of the Scope items.

#### **1. Substantiate the return of funds (if any) to the Town of Port Hedland**

We sought from the Town of Port Hedland copies of any funding agreements between the Town and Port Hedland Tourist Bureau Incorporated. No signed agreement has been made available. However, a number of exchanges of correspondence between the Town and the Tourist Bureau were provided, in addition to copies of Council Minutes that recorded discussion of funding of the Tourist Bureau.

None of the records provided indicate that any surplus of funds provided by the Town, remaining in any funding period or at the cessation of the Tourist Bureau, should be returned to the Town. In relation to the funding provided by the Town, we do not see any reason for the Town to be entitled to receive any return of funds.

We also reviewed a Community Sponsorship Agreement between BHP Billiton Iron Ore Pty Ltd and the Association (Contract No. 8600009908). Clause 3.6 of the Agreement requires that any "overpayment amount must be repaid to BHPBIO within 20 Business Days of a written notice from BHPBIO, or dealt with as directed in writing by BHPBIO." Further, Clause 6.1 notes that "PHVC acknowledges that the sponsorship funds received from BHPBIO pursuant to this Agreement may only be applied toward the Project and that the funds can not be used for any other purpose." We are not aware of any system used by the Association to account for this funding and any surplus that may have resulted. If a surplus does exist, BHP Billiton Iron Ore Pty Ltd may have a valid claim to some of the Association's surplus funds.

Other funding agreements may have existed with similar terms or conditions.

There is also a Trust bank account, the balance of which cannot be reconciled to potential rightful beneficiaries of the funds.

As at the 31 December 2009 balance date, there is a surplus of funds in the Association's accounts. We also note that the Abbot Solutions audited financial statements for the year ended 30 June 2010 also reports surplus funds. Absent agreements that establish a claim by the funders, the remaining surplus should be dealt with in terms of the Association's Constitution and the *Associations Incorporation Act (1987)*.

A copy of the Constitution was not available from either UHY Haines Norton or the Town. As an incorporated association under the *Associations Incorporation Act (1987)*, the Tourist Bureau is required to register its Constitution (and any amendments) with the Department of Commerce. We therefore obtained a copy of the Tourist Bureau's Constitution from the Department.

Clause 16.3 of the Tourist Bureau's Constitution states that:

*16.3 On dissolution of the Tourist Bureau any property whatsoever remaining after payment of all debts and legal liabilities shall be transferred to another incorporated association having objects similar to those of this Tourist Bureau.*

The objects are described in clause 3 of the Constitution as being:

*3.1 To provide a high standard of information services to visitors, and intending visitors, to the town of Port Hedland and the Pilbara. To encourage and foster new ways of providing such services to visitors.*

*3.2 To foster the development of tourism services and facilities within the Town of Port Hedland and the Pilbara. To seek to preserve and upgrade existing attractions and facilities, as well as develop new ones.*



3.3 To liaise with organisations, companies, businesses and individuals involved in providing a service to the visitor in Port Hedland and to encourage them to become financial members of the Tourist Bureau.

3.4 To endeavour to convey to the Port Hedland community the benefits that tourism brings to the town and region.

3.5 To co-operate with the Pilbara Tourism Association, the Kimberley and Gasgoyne Tourism Associations, the Karratha, Newman, Roebourne and Tom Price Tourist Bureaus, and other government and non-government bodies as required to achieve common goals.

Further, subsection 33 (2) of the *Associations Incorporation Act (1987)* requires that:

*Notwithstanding any Act or law to the contrary, it shall not be lawful for any part of the surplus property of an incorporated association to be distributed on the winding up of the association –*

- (a) among the members or former members of the association; or*
- (b) otherwise than to an incorporated association or for charitable purposes.*

The Act also defines "incorporated associations" to mean only those associations incorporated under the *Associations Incorporation Act (1987)*.

In accordance with the Tourist Bureau's Constitution and in terms of the *Associations Incorporation Act (1987)*, we do not see any avenue for the Town to be entitled to receive any surplus funds held by the Tourist Bureau that it is not specifically entitled to under a contract or agreement.

Accordingly, if the primary objective of the review activities for which 2020 Global was engaged is to determine the Town's entitlement to any surplus funds upon the Tourist Bureau's winding up, then in our opinion the amount that the Town is entitled to is nil.

Please note that the above opinions in relation to funding agreements (as noted and as otherwise may exist), the Tourist Bureau's Constitution and the provisions of the *Associations Incorporation Act (1987)* should not be construed as a legal opinion and the Town may wish to seek legal advice in relation to these matters.

## 2. Address each of the items raised in the previous auditor's reports

The Abbott Solutions Independent Auditor's Report for the year ended 30 June 2009 noted the following Qualifications:

- **Transactions with Third Parties**

The matter raised was in relation to the Tourist Bureau raising invoices on behalf of the Hedland Home Working Group which the auditor opines as being "deceptive and misleading conduct and potentially illegal".

Documents located indicate that the Hedland Home Working Group is a small working group that comprises representatives from local business, government agencies, community groups and industry and which looks at issues associated with the attraction and retention of new people to Hedland. Initiatives adopted by the Working Group include the development of a CD file of Hedland attractions and tours.

One of the members of the Working Group was a Tourist Bureau employee.

There is no indication that the Working Group was ever incorporated under the *Associations Incorporation Act (1987)*; it existed merely as an unincorporated association of individuals with a common purpose.

We were not able to locate any invoices raised by the Tourist Bureau on behalf of the Working Group, nor can we see any evidence of transactions for the Working Group being recorded in the Tourist Bureau's MYOB accounts. However, given the nexus between the Working Group's objectives and the objects of the Tourist Bureau, it is not considered inconceivable that an ill-informed Tourist Bureau would issue an invoice (or invoices) on behalf of the Working Group with which it had some association.

Clause 13.1 of the Tourist Bureau's constitution makes provision for a trust bank account for the collection of monies on trust, which the substance of the cited case would appear to reflect. However, we cannot see any evidence of the trust account being used for Working Group transactions.

The auditor has not stated a degree of financial materiality associated with the invoices and it appears that exception has been taken to the mere practice rather than the monetary amounts involved.

If the Tourist Bureau did undertake the transactions as stated by the auditor, we consider it likely to have merely acted as a conduit for raising funds and payment of accounts.

In our opinion, while the practice as described by the auditor is technically improper, the actions are not considered to be purposely deceptive or misleading.

#### ▪ **Employee Entitlements**

The auditor notes that:

- *Through the lack of documentary evidence, we are unable to verify the annual leave entitlement balances owed to employees disclosed in the financial report.*

We are in no better position to form an opinion on this matter; indeed, with the passage of time we are probably in an inferior position to that of the auditor. No records are available to either substantiate or refute the auditor's opinion. We are unable to form an opinion on this matter.

- *A significant amount of time off in lieu has been taken by employees during the preceding financial years when no entitlements have existed as per employee's employment contracts.*



The auditor's opinion in this matter appears to have been made a statement of fact and we assume that the auditor had access to one or more employment contracts to be able to form and document his opinion.

We have been provided with a signed copy of Kelly Howett's signed employment contract. The document does not make Time off in Lieu a specific entitlement; however, it does permit this entitlement to "be approved at monthly meetings by majority permission of said Visitor Centre Committee." In relation to this employee, Time Off In Lieu was accessed, however we are not privy to any approvals which may have been made by the Committee. We are unable to form an opinion on whether Time Off In Lieu (and payment for unpaid entitlements) was appropriate.

- *Annual leave entitlements have not been updated to account for employee's taking time off in. [sic]*

We assume that the word "lieu" is missing from the end of the auditor's opinion. Again, without access to the relevant records we are not in a position to be able to substantiate or refute the auditor's opinion. We are unable to form an opinion on this matter.

- **Membership Register**

The auditor noted that the Tourist Bureau did not maintain a register of members; no register is available for our perusal and the auditor's opinion appears to be a statement of fact which we are not in a position to substantiate or refute.

Section 27 of the *Associations Incorporation Act (1987)* requires a current register to be maintained and for it to be available for inspection. Importantly, the register will identify those who can vote at general meetings, including at the time of resolving to wind up the Tourist Bureau (at which time the Department of Commerce also has to approve the distribution of surplus property).

- **Payment of Accounts**

The auditor noted that payments were being made under the authority of one signatory, whereas the Constitution required payments to be made under joint signature. This also appears to be a matter of fact.

We note that subsequent to the 2009/10 audit the Tourist Bureau's bank was instructed to pay only upon the instruction of two people, jointly. In our opinion this action addressed the auditor's concern for subsequent payments.

- **Payment of Donations**

The auditor noted a \$5,000 sponsorship of the Warlu Way Project, without documentary evidence being available. This is also a matter of fact and without any evidence of the payment being made available to us we are not in a position to substantiate or refute the auditor's opinion.

**Trade Creditors**

The auditor was unable to verify the trade creditor balance as at 30 June 2009 due to consignment stock being included in the Tourist Bureau's stock figures.

Through the passage of time and absent any amended data, we are not in a position to substantiate or refute the auditor's opinion.

**Member Fund Balances**

The auditor noted that:

- *During our audit we were provided with limited and also refused access to prior financial year's information. Therefore, carrying out our audit as to our audit program was limited to extent we were unable to verify certain financial report balances including the ones highlighted above including prior year audited member fund balances.*

The comment raises the most concern regarding the quality outcome of the audit process. If, as the auditor indicates, he was refused access to information and was unable to verify prior year balances, the audit process was certainly limited.

We are not in a position to substantiate or refute the auditor's opinion.

The Abbott Solutions Independent Auditor's Report for the year ended 30 June 2010 noted the following Qualifications:

**2009 Qualified Audit Reports**

The auditor noted that the following issues remained relevant to the 2010 audit:

- Transactions with third parties
- Employee entitlements
- Membership register
- Breaches of the Constitution
- Unsubstantiated and non-reconcilable expenditure

This is a general statement by the auditor for which our opinions noted above remain relevant.

**Employee Entitlements**

The auditor was unable to verify the accuracy of the annual leave entitlements paid during the year. Similar to the 2009 audit, a significant amount of time off in lieu was also taken by staff, notwithstanding that the auditor believed that such an entitlement is not documented in the employees' contracts. In addition, the manager of the Tourist Bureau paid herself holiday entitlements without apparent authorisation or substantiation.

Through the passage of time and due to the absence of documentation, it is not possible to either substantiate or refute the auditor's opinion, although as noted above there is reference to Time off in Lieu in at least one of the employee's contract.

- **Payment of Accounts**

At the time of this audit, the auditor noted that only one signatory was authorising payments.

As noted above, subsequent to this audit the Tourist Bureau's bank was instructed to pay only upon the instruction of two people, jointly. In our opinion this action addressed the auditor's concern for subsequent payments.

- **Membership Register**

The auditor noted that as at 30 June 2010, there was no financial member of the Tourist Bureau.

This appears to be a statement of fact and will provide some complication for the formal winding up of the Tourist Bureau.

- **Profit and Loss Statement**

The auditor reiterated the substandard bookkeeping practices noted for the 2008/09 and 2009/10 years but confirmed that the records of residual assets of \$53,278 at the balance date were true and correct. The auditor also stated that:

*Given no financial members remain in the association, the members balance needs to be returned to the funding body of association being the Town of Port Hedland and wind up notice given to the Department of Commerce as soon as practical.*

As noted under the heading "Substantiate the return of funds (if any) to the Town of Port Hedland", we have not been provided with any documentation to suggest that funding provided to the Tourist Bureau was to be returned to the Town of Port Hedland if not spent.

Further, the funding provided by the Town is but one of the sources of funds for the Tourist Bureau and absent any documentary evidence, the Town would not appear to have any better claim to the remaining assets above any other party.

Finally, in our opinion, the Town would not normally have any right to the surplus assets of an incorporated association, which the Tourist Bureau is. We believe that the auditor's opinion that the surplus assets should be returned to the Town of Port Hedland is unsubstantiated and incorrect.

In our opinion the surplus assets need to be transferred to an incorporated association with similar objects as the Port Hedland Tourist Bureau, in accordance with *Associations Incorporation Act (1987)* and clause 16.3 of the Tourist Bureau's Constitution. The Department of Commerce needs to concur with any transfer.

#### **4. Compliance with accounting standards and the Associations Incorporations Act WA**

##### Accounting Standards

As noted earlier, there does not appear to be any requirement for the Tourist Bureau to maintain formal financial statements that satisfy the Australian Accounting Standards, with a lower level of reporting being required in its constitution.

Notwithstanding the requirements, for the 2008/09 and 2009/10 annual financial statements, the external auditor has expressed opinions that subject to the listed qualifications, the financial statements comply with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Tourist Bureau's constitution.

The reconstructed financial statements are in a similar position with the accounts being compiled in accordance with various standards as noted in Note 1 to the accounts. There is nothing inappropriate with the application of accounting standards, as noted.

More significant than the accounting standards applied are the audit qualifications which are quite significant in number and nature and place some doubt on the reliability of the financial statements in terms of gleaning the actual and legitimate financial performance and standing of the Tourist Bureau.

Accordingly, the form and content of the audited financial statements meets (indeed, exceeds) the requirements of the Constitution but the accuracy of the reported data is questionable.

##### Associations Incorporation Act (1987)

The preparation of financial statements satisfies one component of the requirements for an incorporated association and the Tourist Bureau's constitution. In our opinion, the original audited accounts are the most reliable of the alternative records placed before us for review.

The external auditor highlighted a number of shortcomings in other compliance areas which we are not in a position to dispute in the absence of complete records. Most of the issues noted by the auditor appear to be matters of fact.

In all likelihood, weaknesses evident from information available are:

- Section 27 and Schedule 1, Clause 4 of the Act and clause 5.4 of the Constitution require a register of members to be maintained. None is available.
- Schedule 1, clause 6 of the Act and clause 6.7 of the Constitution require a current management committee. In the absence of current members from which a committee can be elected, it is unlikely that a properly constituted management committee exists.



- Section 23 of the Act and clause 6.1 of the Constitution require an Annual General Meeting to be held. In the absence of a current membership or management committee, it is considered unlikely that AGMs have been held in recent years.

Overall, absent a current membership or committee, the Tourist Bureau substantially exists in name only.

### **5. A critical analysis of the (reconstructed) special purpose financial reports**

For the financial statements prepared by UHY Haines Norton, we note a number of issues:

- The latest (reconstructed) financial statements are for the six months ended 31 December 2009, whereas the latest Abbott Solutions audited accounts are for the year ended 30 June 2010. It is clear from the 30 June 2010 audited accounts that there were transactions subsequent to 31 December 2009. Indeed, the 30 June 2010 audited accounts reflect a more 'final' business position (no debtors or creditors), whereas the 31 December 2009 accounts are for an operational business (albeit likely then winding up its activities). In terms of usefulness in determining the amount of assets remaining in the Tourist Bureau, in our opinion the reconstructed accounts to 31 December 2009 have limited value.
- The reconstructed accounts were derived from the Tourist Bureau's MYOB file and records otherwise made available to UHY Haines Norton. Given the shortcomings noted in the audit reports, including the absence of material records, the reliability of the reconstructed accounts is considered to be less than the audited accounts. Specific material issues of note that we cannot clarify or resolve include:
  - Opening balances as at 1 July 2008 cannot be substantiated.
  - The completeness of reported sales revenue is uncertain.
  - The Trust bank account balance cannot be reconciled to a list of recipients to the funds.
  - Stock value as at 31 December 2009 is identical to that recorded as at 30 June 2009.
  - The location of property, plant or equipment is unknown and the value of these items cannot be substantiated.
  - The trade creditors balance as at 31 December 2009 cannot be substantiated.
  - Most employee contracts are not available; employee leave records are not available; and the accuracy of payments for accrued employee entitlements is not able to be ascertained. It does appear, however, that the manager received an overpayment of salary on one occasion, associated with an annual leave payment. This overpayment may have been corrected as part of final employee pay-outs for which calculations are not available.
  - Several PAYG withholding entries do not clearly reconcile to BASs, although there is a number of poorly documented payments to employees in late 2009 which are impossible to reconcile.



- The manager's wages entry specified by the Abbot Solutions auditor does not appear in the accounts and cannot otherwise be traced.
- Expenses were incurred after 31 December 2009 (evidenced by cheque butts and reported position as at 30 June 2010).
- It is not possible to ascertain whether any funding entity has a valid claim to a portion of the surplus funds held by the Association.
- Funding agreements with the Town of Port Hedland are not available.
- There are some other immaterial anomalies in the reconstructed accounts (as would be expected) which contribute to the lesser reliability of these accounts compared to the Abbott Solutions audited accounts.

### *Conclusion*

The audit has been completed; however, while the financial statements report a surplus, the accuracy and completeness of the reported values and entitlement to surplus funds are questionable due to a number of factors noted herein and in the Audit Report.

We would be pleased to discuss the outcome of our review and audit with the Town; please contact me on 985 2020 in need.

Yours sincerely  
**2020 Global Pty Ltd**



**Jon Petelczyc**  
**Managing Partner**

6 August 2013

**11.4.1.3 Efficiency Dividends Achieved for July 2013**

<b>Officer</b>	<b>Kalwant Dhillon Manager Financial Services</b>
<b>Date of Report</b>	<b>19 August 2013</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

The objective of this paper is to report to Council the efficiency dividends achieved by the Town of Port Hedland for the month of July 2013 for its consideration and endorsement.

**Background**

An efficiency dividend of \$1.93 million was incorporated in the 2013/14 budget to provide a challenge to the organization to improve the efficiency and effectiveness of the facilities and services provided to the community.

The efficiency dividend is anticipated to be achieved through the following areas:

- Staff cost savings including vacancies
- Savings in other operating expenses including travel and energy savings
- Additional revenues arising from existing and new sources

Staff vacancies will be reviewed by the management team in order to ensure that the position is still required and paid at the appropriate salary level. Whilst this may cause delays in recruitment of staff this would allow the organisation to rationalize their staff resources and achieve the efficiency dividend where possible and appropriate. Similarly, higher duties allowances will be monitored closely by management and payments for these allowances in relation to short-term "Acting" opportunities will be restricted.

The Managers will be taking the efficiency dividend into consideration in their decision making process moving forward and a formal process has been established to monitor and report the efficiency dividends through the Managers' meetings on a monthly basis.

As a way forward, the efficiency dividend report will be presented to the Council on a monthly basis, for the Council's consideration and endorsement to adjust the efficiency dividend budget allocation and the associated expenditure and revenue budget allocations where the efficiency dividends are achieved.

**Consultation**

All Managers  
Executive Team  
Coordinator, Human Resources

**Statutory Implications**

Local Government Act – Part 6 Financial Management

Local Government (Financial Management) Regulations 1996 – Part 3

**Policy Implications**

Nil

**Strategic Planning Implications**

6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance
6.4.2	Community Focused
	Provide a community-oriented organization that delivers the high levels of service expected by our stakeholders Council resources are managed to provide optimum benefit to the community. There is culture of continuous improvement.

**Budget Implications**

If Council endorses the efficiency dividends for the month of July 2013, the net impact on the Budget would be nil, but the GL accounts identified in Attachment 1 would be modified.

**Officer's Comment**

The Management Team has worked through a formal process to identify the efficiency dividend on a monthly basis and for the month of July 2013 the efficiency dividends achieved is summarized below:

*Summary of Efficiency Dividends Achieved for July 2013*

	<b>Municipal Fund</b> \$	<b>Airport Reserve</b> \$
Cost Savings	(52,671)	(8,366)
Additional Revenue	(614)	0
Transfer from Airport Reserve	0	8,366
<b>Total Impact on Efficiency Dividend</b>	<b>53,285</b>	<b>0</b>

Details of the efficiency dividends achieved for July 2013 are outlined in Attachment 1.

It should be noted that the individual general ledger accounts listed in Attachment 1 include corporate areas which are recommended to be adjusted. The monthly review does not take into account any adjustments that are then required in relation to the administration costs to be distributed across all business units, which is a “flow on effect” of adjustments to corporate costs.

Any amendments required for the administration cost distribution and therefore other associated reserve transfers will be identified during each quarterly budget review and proposed for amendment at that stage in order to simplify the efficiency dividend review.

### **Attachments**

1. Summary of Efficiency Dividends for July 2013

### **201314/063 Officer’s Recommendation/ Council Decision**

**Moved: Cr Carter**

**Seconded: Cr Jacob**

**That Council:**

1. **Note the efficiency dividends achieved for the month of July 2013 being \$53,285 attributed to the Municipal Fund and \$8,366 attributed to the Airport Business Unit;**
2. **Approve the budget adjustments reflected in the variation column of Attachment 1 as a result of efficiency dividends achieved for July 2013 recognising that the adjustments will maintain a balanced budget position for the Town; and**
3. **Note that the administration costs distributed and other subsequent adjustments will be identified in each budget review for consideration in order to simplify the monthly efficiency dividend review process.**

***CARRIED BY ABSOLUTE MAJORITY 8/0***

## SUMMARY OF EFFICIENCY DIVIDENDS - JULY 2013

Description	GL Account Description	G/L Reference	Original Budget \$	Proposed Budget \$	Variance/ Efficiency Div \$	Funding Source	
						Municipal Fund	Airport Reserve
<b>Expenditure Impacts</b>							
<i>Staff Cost Savings</i>							
Human Resources	Salaries	404201	669,486	653,464	- 16,022	- 16,022	
	Super	404211	72,519	70,804	- 1,715	- 1,715	
	Vehicle	404269	3,500	3,209	- 291	- 291	
Organisational Development	Salaries	408201	922,610	908,551	- 14,059	- 14,059	
	Super	408211	95,808	94,469	- 1,339	- 1,339	
Corporate Management	Salaries	406201	1,567,698	1,567,427	- 271	- 271	
	Super	406211	177,077	177,044	- 33	- 33	
Information Communication Technology	Salaries	405201	461,164	452,414	- 8,750	- 8,750	
	Super	405211	52,600	50,742	- 1,858	- 1,858	
Marketing & Public relations	Salaries	407201	569,460	563,538	- 5,922	- 5,922	
	Super	407211	56,516	55,968	- 548	- 548	
Building Control	Salaries	1302201	554,481	553,667	- 814	- 814	
	Super	1302211	58,157	57,107	- 1,050	- 1,050	
Airport Administration	Salaries	1210201	2,168,827	2,161,169	- 7,658	-	7,658
	Super	1210211	210,481	209,773	- 708	-	708
<b>Sub-Total (Staffing Cost)</b>					<b>- 61,038</b>	<b>- 52,671</b>	<b>- 8,366</b>
<i>Other Operating Cost Savings</i>							
Nil							
<i>Other Impacts</i>							
Council Decisions							
<b>TOTAL OPERATING COST SAVINGS</b>					<b>- 61,038</b>	<b>- 52,671</b>	<b>- 8,366</b>
<b>Revenue Impacts</b>							
Youth Services	Reimbursements - Utilities	1103331	-	614	- 614	- 614	-
Airport Administration	T/F from Ap Capital Works Reserve	1210398	31,468,668	31,460,302	8,366	-	8,366
<b>TOTAL NEW REVENUE STREAMS</b>					<b>7,752</b>	<b>614</b>	<b>8,366</b>
<b>Total Efficiency Divident Impact</b>		1407274			<b>53,285</b>	<b>53,285</b>	<b>0</b>
<b>NET BUDGET IMPACT</b>					<b>-</b>	<b>-</b>	<b>-</b>



**11.5 Airport Redevelopment**

Nil

**11.6 Office of the CEO****11.6.1 Organisational Development****11.6.1.1 Adoption of Policy 4/006 'Elections – Caretakers Period'**

**Officer** Grace Waugh  
Acting Coordinator  
Governance

**Date of Report** 9 August 2013

**Disclosure of Interest by Officer** Nil

**Summary**

This report seeks Council's endorsement of the Town of Port Hedland's 'Elections – Caretakers Period' Policy.

**Background**

On Thursday 8 August 2013 the Department of Local Government and Communities issued the Department Circular 22-2013 Local Government Elections 2013 Bulletin No.2 (Attachment 2). The bulletin suggested that Local Governments should consider adopting a policy to cover the 'caretaker period' prior to local government elections.

The objectives of the policy would be to avoid Council's from making major decisions prior to an election that would bind an incoming Council, to prevent current Elected Members using public resources in ways that would be seen as advantageous and to ensure staff act impartially in relation to candidates.

**Consultation**

## Internal

- Chief Executive Officer
- Manager Organisational Development
- Manager Marketing and Public Affairs

## External

- Department of Local Government
- City of Gosnells

**Statutory Implications**

Local Government Act 1995

*Part 4 Elections and other polls*

Local Government (Elections) Regulations 1997

*31. Contents of the election notice — s. 4.64*

- (1) *The election notice is to contain the following details —*
- (a) *the office that is to be filled;*
  - (b) *the names of the candidates;*
  - (c) *the election day;*
  - (d) *whether the election will be conducted as a postal election or as a voting in person election, as described in section 4.61;*
  - (e) *the polling place or places appointed for the election including the place or places appointed for the casting of early votes;*
  - (f) *the period during which each polling place will be open for the casting of votes;*
  - (g) *the period during which the place or places appointed for the casting of early votes will be open for that purpose;*
  - (h) *when a vote may be cast, posted or delivered in accordance with section 4.68;*
    - (i) *the place or places where votes are to be counted including, if an electronic counting system is to be used for the election, the following —*
      - (i) *any place or places appointed by the RO under regulation 75C where ballot boxes are to be opened;*
      - (ii) *any place or places appointed by the RO under regulation 75C where votes indicated on ballot papers are to be recorded electronically;*
      - (iii) *the place or places where the electronic counting system is accessible for data input and output....*

*32. Other notices*

- (1) *The RO may give such other notices about the election as the RO thinks fit.*

**Policy Implications**

Policy 3/023 'Electoral Code of Conduct' applies to staff in performing their electoral duties. This policy makes reference to staff in their capacity as Electoral Officers.

Policy 4/001 'Elections – Promotion' suggests that the Chief Executive Officer arrange promotional material regarding the election to appear in local media. The suggested promotional material will not contain any information regarding individual candidates.

**Strategic Planning Implications**

Strategic Community Plan 2012 – 2022:

6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance

---

6.4	Local Leadership
6.4.2	Community Focused

---

Local leaders in the community who provide transparent and accountable civic leadership.

### **Budget Implications**

Nil

### **Officer's Comment**

Town Officers recommend that Council adopt the Town of Port Hedland Policy 4/006 'Elections – Caretaker Period' to ensure that the Town's activities, Elected Members and candidates are undertaken in a manner that supports a high standard of integrity during local government election periods.

The policy only applies during the caretaker period which begins from the close of nominations (37 days prior to the election) until 6pm on Election Day. The policy outlines the decisions Council can make during this time, the materials the Town can publish, use of Town resources and marketing material, and access to Council information.

It is also recommended that Council rescind policy 3/023 'Electoral Code of Conduct' as Town of Port Hedland Local Government Elections are now conducted by the WAEC which makes this policy obsolete.

### **Attachments**

1. Policy 4/006 'Elections – Caretaker Period'
2. Department Circular 22-2013 Local Government Elections 2013 Bulletin No.2

### **201314/064 Officer's Recommendation/ Council Decision**

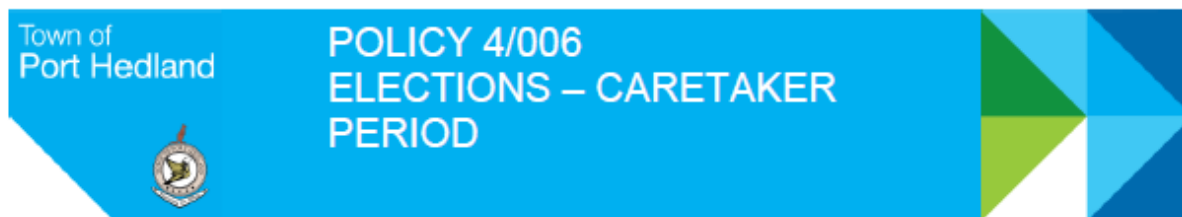
**Moved: Cr Carter**

**Seconded: Cr Hunt**

**That Council:**

1. **Adopt the Town of Port Hedland Policy 4/006 'Elections – Caretaker Period'; and**
2. **Rescind Policy 3/023 'Electoral Code of Conduct' effective immediately.**

***CARRIED 8/0***



### Policy 4/006 Elections – Caretaker Period

To ensure the Town's activities and Elected Members are undertaken in a manner that supports a high standard of integrity during local government election periods.

#### Policy Objective

The primary objective of this Policy is to avoid the Council of the Town of Port Hedland making major decisions, prior to election, that would bind an incoming Council, prevent the use of public resources in ways that are seen as advantageous to, or promoting, the sitting Elected Members who are seeking re-election, or new candidates, and ensuring the Town of Port Hedland administration acts impartially in relation to candidates.

This Policy applies during a 'Caretaker Period' (see below for definition) to cover:

- a. Decisions that are made by the Council;
- b. Materials published by the Council;
- c. Attendance and participation in functions and events;
- d. Use of the Town's resources;
- e. Access to Council information.

#### Definitions

'Caretaker Period' means the period of time when the caretaker practices are in place prior to the election. The caretaker practices will apply from the close of nominations being 37 days prior to the Election Day in accordance with Section 4.49(a) of the Local Government Act 1995, until 6pm on Election Day.

'Election Day' means the day fixed under the Local Government Act 1995 for the holding of any poll needed for an election.

'Electoral Material' means any digital communications, advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result in an election but does not include:

- (a) An advertisement in a newspaper announcing the holding of a meeting in accordance with Section 4.87(3) of the Local Government Act 1995.
- (b) Any materials exempted under Regulation 78 of the Local Government (Elections) Regulations 1997.
- (c) Any materials produced by the Town relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

'Events and Functions' means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Town and stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners and receptions.





**'Local Government Election'** means all ordinary and extraordinary Councillor and Mayoral elections.

**'Major Policy Decision'** means any:

- (a) Decisions relating to the employment, termination or remuneration of the Chief Executive Officer or any other designated senior officer, other than a decision to appoint an Acting or Deputy Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms of their contract), pending the election.
- (b) Decisions relating to the Town entering into a sponsorship arrangement with a total Town contribution value exceeding \$10,000 (excluding GST).
- (c) Irrevocable decisions that commit the Town to substantial expenditure or significant actions, such as that which might be brought about through a Notice of Motion by an Elected Member.
- (d) Irrevocable decisions that will have a significant impact on the Town of Port Hedland or the community.
- (e) Reports requested or initiated by an Elected Member, candidate or member of the public that, in the Chief Executive Officer's opinion, may be perceived within the general community as an electoral issue that reflects upon the Council's decision-making process, and has the potential to call into question whether decisions are soundly based and in the best interests of the community.

**'Public Consultation'** means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

## Policy Content

### PART 1 – INTRODUCTION

#### 1.1 Application

This Caretaker Policy applies to Elected Members, electoral candidates and employees of the Town of Port Hedland.

#### 1.2 Scheduling Consideration of Major Policy Decisions

So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling major policy decisions for consideration during a Caretaker Period, and instead ensure that such decisions are either:

- a. Considered by the Council prior to the Caretaker Period; or
- b. Scheduled for determination by the incoming Council.

Where extraordinary circumstances prevail, the Chief Executive Officer may submit a major policy decision to the Council in accordance with Part 3 of this policy.



### 1.3 Decision Made Prior to a Caretaker Period

This Policy only applies to actual decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcement of earlier decisions may be made during a Caretaker Period, as far as practicable any such announcements should be made before the Caretaker Period begins.

## PART 2 – IMPLEMENTATION OF CARETAKER PRACTICES

### 2.1 Role of the Chief Executive Officer in Implementing Caretaker Practices

The role of the Chief Executive Officer in implementing the caretaker practices outlined in this policy is as follows:

- a. The Chief Executive Officer will ensure as far as possible, that all Elected Members and staff are aware of the Caretaker Policy and practices 30 days prior to the start of the Caretaker Period.
- b. The Chief Executive Officer will ensure, as far as possible, that any major policy or significant decisions required by the Council are scheduled for Council resolution prior to the Caretaker Period or deferred where appropriate for determination by the incoming Council.
- c. The Chief Executive Officer will endeavour to make sure all announcements regarding decisions made by the Council, prior to the Caretaker Period, are publicised prior to the Caretaker Period.

## PART 3 – EXTRAORDINARY CIRCUMSTANCES REQUIRING EXEMPTION

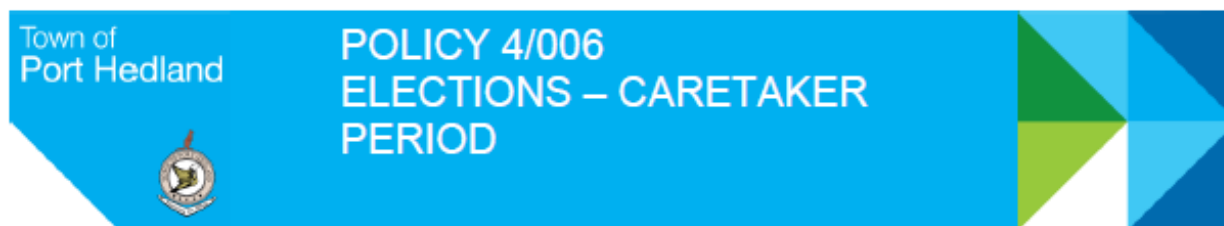
### 3.1 Extraordinary Circumstances

The Chief Executive Officer may, where extraordinary circumstances prevail, permit a matter defined as a 'major policy decision' to be submitted to the Council. The Chief Executive Officer is to have regard to a number of circumstances, including but not limited to:

- a. Whether the decision is 'significant';
- b. The urgency of the issue (that is - can it wait until after the election);
- c. The possibility of legal and/or financial repercussions if it is deferred;
- d. Whether the decision is likely to be controversial; and
- e. The best interests of the Town of Port Hedland.

### 3.2 Appointment or Removal of the Chief Executive Officer

Whilst the definitions of this policy establishes that a Chief Executive Officer may not be appointed or dismissed during a Caretaker Period, in the case of an emergency, the Council may act to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms of their contract), pending the election, after which date a permanent decision can be made.



#### **PART 4 - CARETAKER STATEMENT**

To ensure the Council complies with the commitment to appropriate decision making during the Caretaker Period a Caretaker Statement will be included in every report submitted to the Council for a decision. The Caretaker Statement will specify one of the following:

- a. "The recommended decision is not a 'Major Policy Decision' within the context of Council Policy 4/006 'Elections - Caretaker Policy'."
- b. "The recommended decision is a 'Major Policy Decision' within the context of Council Policy 4/006 'Elections – Caretaker Policy' however; an exemption should be made due to extraordinary circumstances (insert the circumstances for making the exemption)".

#### **PART 5 – TOWN OF PORT HEDLAND PUBLICATIONS**

##### **5.1 Prohibition on Publishing Local Government Electoral Material**

The Town shall not print, publish or distribute, or cause, permit or authorise others to print, publish or distribute on behalf of the Town any advertisement, handbill, pamphlet or notice that contains 'electoral material' during the Caretaker Period.

##### **5.2 Electoral Material Relevant to Prohibition**

Without limiting the generality of the definition of 'electoral material', material will be considered to be intended or likely to affect voting in the election if it contains an express or implicit reference to, or comment on:

- a. The election; or
- b. A candidate in the election; or
- c. An issue submitted to, or otherwise before, the voters in connection with the election.

##### **5.3 Candidate and/or Elected Member Publications**

Candidates and/or Elected Members are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorised by the Town. For example, use of the Town of Port Hedland crest or logo is prohibited as is use of any of the Town's photographs or images.

##### **5.4 Election Announcements**

This policy does not prevent publications by the Town which merely announce the holding of the election or relate only to the election process itself.



### 5.5 Town of Port Hedland Publications

Any reference to Elected Members in the Town's publications printed, published or distributed during the Caretaker Period must not include promotional text. Any of the Town's publications that are potentially affected by this policy will be reviewed by the Chief Executive Officer to ensure that any circulated, displayed or otherwise publicly available material during the Caretaker Period does not contain material that may be construed as 'electoral material'.

### 5.6 Town of Port Hedland Website

During the Caretaker Period the Town's website will not contain any material which is precluded by this policy. Any references to the election will only relate to the election process. Information about Elected Members will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed to by the Council. Information about candidates on the Town's website will be restricted to their candidate profiles only.

## PART 6 - PUBLIC CONSULTATION DURING THE CARETAKER PERIOD

### 6.1 Prohibition

It is prohibited under this policy for public consultation to be undertaken during the Caretaker Period (either new consultation or existing) on an issue which is contentious, unless the consultation is a mandatory statutory process or prior approval is given by the Chief Executive Officer.

## PART 7 - ATTENDANCE AND PARTICIPATION AT EVENTS/FUNCTIONS/MEETINGS

### 7.1 Public Events Hosted by External Bodies

Elected Members may continue to attend events and functions hosted by external bodies during the Caretaker Period.

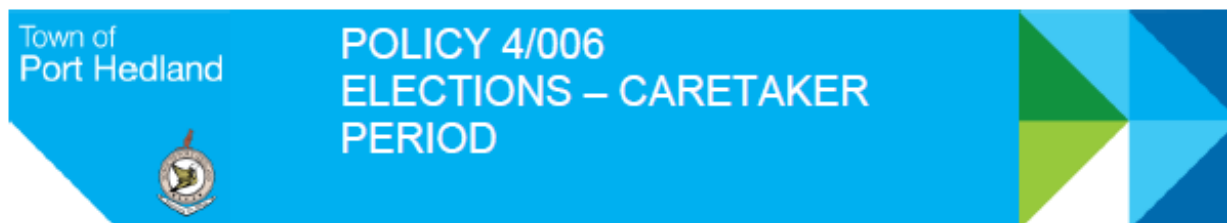
### 7.2 Town of Port Hedland Organised Civic Events/Functions

Civic events/functions organised by the Town and held during the Caretaker Period will be reduced to only those essential to the operation of the Town, and should not in any way be associated with any issues considered topical and relevant to the election. All known candidates are to be invited to civic events/functions organised by the Town during the Caretaker Period, however, only sitting Elected Members will be formally acknowledged at such events/functions.

### 7.3 Addresses by Elected Members

Elected Members that are also candidates should not, where possible, be permitted to make speeches or addresses at events/functions organised or sponsored by the Town during the Caretaker Period.





Elected Members may make short welcome speeches at events and functions organised or sponsored by the Town during the Caretaker Period subject to prior approval of the Chief Executive Officer.

#### **7.4 Delegates to Community and Advisory Groups**

Elected Members appointed to community groups, advisory groups and other external organisations as representatives of the Town shall not use their attendance at meetings of such groups to either recruit assistance with electoral campaigning or to promote their personal or other candidates' electoral campaigns.

#### **4.5 Questions and Statements at Council or Committee Meetings**

All candidates, whether current Elected Members or not, are required to declare that they are a candidate for the upcoming election prior to asking questions or making a statement at Council or Committee Meetings.

### **PART 8 - THE USE OF TOWN OF PORT HEDLAND RESOURCES**

The Local Government (Rules of Conduct) Regulations 2007 provide that the Town's resources are only to be utilised for authorised activities (for example – prohibits the use of employees for personal tasks and prohibits the use of equipment, stationery, or hospitality for non-Council business). This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the Town's resources for electoral purposes is not restricted to the Caretaker Period.

The Town's staff must not be asked to undertake any tasks connected directly or indirectly with an election campaign and should avoid assisting Elected Members in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of Town resources might be construed as being related to a candidate's election campaign, advice is to be sought from the Chief Executive Officer.

### **PART 9 - ACCESS TO COUNCIL INFORMATION AND ASSISTANCE**

#### **9.1 Elected Members Access to Information**

During a Caretaker Period, Elected Members are able to access Council information relevant to the performance of their functions as an Elected Member. However, this access to information should be exercised with caution and limited to matters that the Council is dealing with within the objectives and intent of this policy. Any Council information so accessed must not be used for election purposes.



## 9.2 Electoral Information and Assistance

All candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls) and information relevant to their election campaigns from the Town administration. Information, briefing material and advice prepared or secured by staff for an Elected Member must be necessary to the carrying out of the Elected Member's role and must not be related to election issues that might be perceived to be of an electoral nature (refer to Part 8 of this policy).

Any assistance and advice provided to candidates as part of the conduct of the local government election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance. Types of assistance may include advice on manipulation of electoral roll data and interpretation of legislative requirements, amongst other matters.

Candidates may obtain advice or assistance from the Western Australian Electoral Commission (WAEC) as they are responsible for managing the Town of Port Hedland elections.

## 9.3 Information Request Register

An Information Request Register will be maintained by the Chief Executive Officer during the Caretaker Period. This Register will be a public document that records all requests for information made by Elected Members and candidates, and the response given to those requests, during the Caretaker Period. Staff will be required to provide details of requests to the Chief Executive Officer for inclusion in the Register.

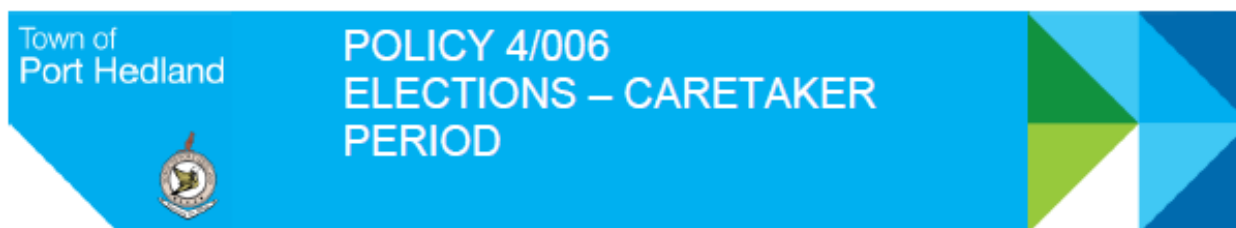
## 9.4 Media Advice

Any requests for media advice or assistance from Elected Members during the Caretaker Period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Elected Members. If satisfied that advice sought by an Elected Member during the Caretaker Period does not relate to the election or publicity involving any specific Elected Member(s), the Chief Executive Officer may authorise the provision of a response to such a request.

## 9.5 Publicity Campaigns

During the Caretaker Period, publicity campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Town activity, it must be approved by the Chief Executive Officer. In any event, the Town's publicity during the Caretaker Period will be restricted to communicating normal Town activities and initiatives.





#### 9.6 Media Attention

Elected Members will not use their position as an elected representative or their access to Town staff or resources to gain media attention in support of their or any other candidate's election campaign.

#### 9.7 Town of Port Hedland Employees

During the Caretaker Period no Town employee may make any public statement that relates to an election issue unless the statements have been approved by the Chief Executive Officer.

#### 9.8 Election Process Enquiries

All election process enquiries from candidates, whether current Elected Members or not, will be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Western Australian Electoral Commission.

Council Adoption Date and Resolution No.	
Date of adoption of amendment and Resolution Number <i>Do not delete previous dates</i>	
Relevant Legislation	<i>Local Government Act 1995 Part 4 Local Government (Elections) Regulations 1996</i>
Delegated Authority	<i>N/A</i>
Directorate	<i>Office of the CEO</i>
Review Frequency	<i>Annual</i>

#### Document Control Statement

*The electronic reference copy of this Policy is maintained by the Governance Department. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://intranet/> to ensure that you have the current version. Alternatively, you may contact the Governance Department.*



Government of **Western Australia**  
Department of **Local Government and Communities**

Our Ref: 194-13 E1316937

TO ALL LOCAL GOVERNMENTS

CIRCULAR N<sup>o</sup> 22-2013

**LOCAL GOVERNMENT ELECTIONS 2013 – BULLETIN NO. 2**

The Department of Local Government and Communities is providing local governments with its regular series of information bulletins in the lead up to the ordinary elections in October 2013. Bulletin No. 2 is attached, and continuing editions will be distributed on a regular basis.

The bulletins and our web page ([www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au)) will keep local governments and the public informed in the coming months about any legislative requirements in relation to the elections, and provide details of information and support available from the Department.

For further information about election issues, please contact either Matt Hayes on 6552 1655 or at [matt.hayes@dlgc.wa.gov.au](mailto:matt.hayes@dlgc.wa.gov.au), or Jenni Law on 6552 1531 or at [jenni.law@dlgc.wa.gov.au](mailto:jenni.law@dlgc.wa.gov.au).

A handwritten signature in black ink, appearing to read 'Jennifer Mathews'.

Jennifer Mathews  
DIRECTOR GENERAL

8 August 2013

Gordon Stephenson House  
140 William Street Perth WA 6000  
GPO Box R1250 Perth WA 6844  
Tel: (08) 6551 8700 Fax: (08) 6552 1555 Freecall: 1800 620 511 (Country only)  
Email: [info@dlgc.wa.gov.au](mailto:info@dlgc.wa.gov.au) Website: [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au)



Government of Western Australia  
Department of Local Government and Communities

# LOCAL GOVERNMENT ELECTIONS 2013

## Elections Bulletin No: 02

### Welcome to the second Local Government Elections Bulletin for 2013.

The Department's regular bulletins and website [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au) aim to inform local governments and the public of requirements for the upcoming local government elections.

#### Elections timetable

Just a reminder that the elections timetable for 2013 is available on our website. In the 'Local Government' menu at the top of the Department's homepage, just go to 'Elections' and select 'Overview'.

The most important legislative requirement for local governments in coming weeks is to advertise for voter enrolments. However, your local government may also be planning information sessions for potential election candidates to coincide with the advertising period for council nominations, beginning in late August.

#### Advertising for enrolments

As part of the update of electoral rolls, local government CEOs are required to arrange Statewide public notice that enrolments to vote close at 5.00pm on 30 August 2013. This notice must be published between 10 August and 24 August 2013 in accordance with the *Local Government Act 1995*.

*(See section 4.39(2) of the Act.)*

The Western Australian Electoral Commission (WAEC) arranges the Statewide notice for any local governments whose elections it is conducting, with other local governments having access to the joint advertising program available from the Western Australian Local Government Association (WALGA).

However, many local governments may also wish to advertise in local newspapers, or place

additional notices in public places such as community centres or libraries.

Any notices should remind both resident home owners, and occupiers of leased residential properties, that they will automatically be included on the local government's 'residents' roll as long as their details on the State Electoral Roll are up to date, and they should make sure of this with the WAEC before 30 August.

Non-resident owners and occupiers of rateable property should be reminded to check if they, or their nominees, have a current enrolment eligibility claim in place for the local government's 'owners and occupiers' roll, and if not, to lodge an updated claim form with their local government (Form 2 of the *Local Government (Elections) Regulations 1997*).

A template advertisement which details the possible eligibility requirements is included in the Department's *Returning Officer Manual for Voting in Person Elections*. In the 'Local Government' menu at the top of the Department's homepage, go to 'Elections', then 'Elections Publications'.

In addition to being the last day to advertise for enrolments, 24 August 2013 is the last day for the local government's CEO to advise the Electoral Commissioner of the need to prepare the updated residents roll.

*(See section 4.40(1) of the Act.)*

Once the local government has assessed any enrolment eligibility claims from non-resident owners and occupiers, these will need to be included in an updated owners and occupiers roll by 13 September 2013.

This is also the last day for the Electoral Commissioner to forward the residents roll to the CEO.

*(See sections 4.40(2) and 4.41(1) of the Act.)*

Prepared by the Department of Local Government and Communities.

Telephone: (08) 6551 8700 Freecall (Country Only): 1800 620 511 Email: [info@dlgc.wa.gov.au](mailto:info@dlgc.wa.gov.au)

Web: [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au)



**Candidate information sessions**

Your local government may now be planning information sessions for prospective election candidates, in preparation for the nomination period from 5 September to 12 September 2013.

The Department will be distributing to local governments an information kit for CEOs and Returning Officers to assist them in conducting candidate information sessions within their districts.

The kit includes a guide to conducting a session, and suggested promotional materials and directions to useful resources available from the Department's website, including an updated slideshow presentation containing important information for prospective candidates.

The release of the kit is accompanied by the distribution on disc of updated elections publications for potential candidates, including:

- *Standing for council;*
- *Frequently asked questions about your local government elections;* and
- pamphlets promoting nomination for council and voting in the upcoming elections.

Any local government with discrete Aboriginal communities in its district will also be provided with current versions of:

- *Your community, your local government;*
- *Local Government in Western Australia: A guide for Aboriginal communities;* and
- pamphlets designed especially to promote nomination for council, and voting in the elections, by members of Aboriginal communities.

The Department will arrange to send on any kits and publications not given to local government representatives at the WALGA Local Government Convention.

All publications will also be made available from the Department's website in the 'Elections

Publications' section. A reminder on advertising for nominations in late August will be included in a later bulletin.

**Something to consider - Elections caretaker period**

Has your local government considered adopting a policy to cover the 'caretaker period' prior to local government elections?

Some local governments have adopted a caretaker policy, which they implement in the lead up to the elections.

The objectives of such a policy would be to avoid making major decisions prior to an election which would bind an incoming council, to prevent the use of public resources in ways seen to be advantageous to, or promoting, current councillors seeking re-election and to ensure staff act impartially in relation to candidates.

The policy could cover:

- decisions made by the council;
- materials published by the local government;
- attendance and participation in functions and events;
- use of the local government's resources;
- access to local government information.

**Further information**

For more information on support available from the Department, contact:

**Matt Hayes**

Senior Advisory Officer, Advice and Support

Tel: 6552 1655

Email: [matt.hayes@dlgc.wa.gov.au](mailto:matt.hayes@dlgc.wa.gov.au)

or

**Jenni Law**

Manager, Advice and Support

Tel: 6552 1531

Email: [jenni.law@dlgc.wa.gov.au](mailto:jenni.law@dlgc.wa.gov.au)

**11.6.1.2 Revised Governance Meeting Framework 2013/14**

**Officer** Josephine Bianchi  
Governance Coordinator

**Date of Report** 23 July 2013

**Disclosure of Interest by Officer** Nil

**Summary**

The Council is requested to adopt a reviewed meeting framework to commence in October 2013.

**Background**

The Council at its Ordinary meeting on 26 September 2012 resolved the following:

*“That Council:*

- Adopts the Town of Port Hedland Meeting and Briefing Framework as follows:*

<i>Second Wednesday in Month</i>	<i>Fourth Wednesday in Month</i>
<i>4:00pm – 4:30pm Confidential Planning Briefing</i>	<i>2:30pm – 4:00pm Confidential Concept Forum</i>
<i>4:30pm - 6:30pm Confidential Concept Forum</i>	<i>4:00pm - 4:30pm Confidential Planning Briefing</i>
<i>6:30pm Special Council Meeting (if required)</i>	<i>4:30pm – 5:15pm Agenda Briefing (Open to Public)</i>
	<i>5:30pm Ordinary Council Meeting</i>

- Understands that the Meeting and Briefing Framework will be most successful if briefing sessions and forums are held on a regular basis with dates set in advance so that elected members can plan ahead for their attendance;.....”*

The above framework has been successfully trialled since September 2012 however a number of considerations related to its timing, structure and overall benefit to the decision making process of the Council have emerged and have been considered by Elected Members and the Administration. The framework has therefore been reviewed and the Council is now required to adopt a modified version.



## Consultation

### *Internal*

- Elected Members at 19 June 2013 Concept Forum
- Executive Team
- All Managers

### *External*

- Department of Local Government
- Other WA Local Governments

## Statutory Implications

Part 5 of the Local Government Act 1995 sets out the framework whereby elected members meet as the governing body for the purpose of decision-making on behalf of the local government. This proposed framework, although not specifically outlined

## Policy Implications

Nil

## Strategic Planning Implications

The Town of Port Hedland Strategic Community Plan 2012 – 2022:

6.4 Local Leadership

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6.4.2 Community Focused

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Local Leaders in the community who provide transparent and accountable civic leadership.

## Budget Implications

In view of Council's decision of 24 July 2013 related to the Salaries and Allowances Tribunal determination, all agenda briefings will incur a 'per meeting' fee. Agenda briefings will take place once a month and will incur a \$300 meeting fee per Elected Member. The 2013/14 budget therefore includes a provision of \$32,400 to cover meeting fees for 9 Elected Members over 12 months.

## Officer's Comment

The decision making process of Council has to be supported by a strong governance structure, of which an important part is the meeting cycle. Further the Chief Executive Officer (CEO) has agreed with the Elected Members that Wednesday is the day Council related business will be, where possible, scheduled to occur.

A number of meeting and briefing options are available to Local Governments as outlined in the Department of Local Government Guidelines 5. It is up to each Local Government to determine what type of forums and/or briefings it requires to support its decision making process.

Currently the Town has scheduled one Ordinary Meeting to take place on the fourth Wednesday of the month. This Council meeting is supported by Confidential Concept Forums during which the Town’s officers present to Elected Members projects and strategies that may be requested to be considered at a future Council meeting. An Agenda Briefing also takes place just before each Council meeting, where members of the public can attend as observers and Elected Members can ask Officers questions related to items included in the agenda for that meeting.

The Executive recommends to the Council that in order to increase the effectiveness of the forums and the briefings that support and lead to this Council meeting, plus commit to a Wednesday focus on regular Council business the following changes are proposed:

First Wednesday	Second Wednesday	Third Wednesday	Fourth Wednesday
Confidential Planning Briefing	Confidential Planning Briefing	Confidential Planning Briefing	Confidential Planning Briefing
Confidential Concept Forum	Confidential Concept Forum	Confidential Concept Forum	Confidential Concept Forum
	(Agenda for Council meeting to be made public)	3:30-5:30 Public Agenda Briefing	5:30pm Ordinary Council Meeting

Flexibility is requested by the Executive with timeframes associated with briefings and forums not available to the public. This flexibility is requested to facilitate the uncertain nature of matters to be discussed with respect to the time allocation. The Executive has committed to reviewing on a weekly basis the schedule for upcoming activity and advising Elected Members of the resulting timetable.

Informal discussions held between the Town’s Administration and Elected Members at a Concept Forum on 19 June indicated the following:

- 6 Elected Members supported the reviewed framework
- 1 Elected Member did not support the reviewed framework, and proposed that only the fourth Wednesday of the month be set aside for all Council related business
- 1 Elected Member did not provide a response as on approved leave of absence
- 1 Elected Member did not provide a response

The main change is reflected in bringing forward the current 45 minutes agenda briefing to the third Wednesday of the month and to extend its length to 2 hours. This will by default change the timeframe within which the agenda for the Council meeting is to be issued, from the third Wednesday of the month to the second Wednesday of the month.

It is considered that making the agenda public two weeks before the Council meeting (second Wednesday of the month) will give Elected Members and the public sufficient time to review the information contained in all of the officers' reports. There will then be the opportunity for members of the public and Elected Members to raise questions and seek clarification with officers at the public agenda briefing. Officers will also be able to explain in further detail the work undertaken to reach their recommendation and provide any additional information that may have come to light since the publication of their report.

It is also important to note that monthly financials will not be distributed with the agenda on the second Wednesday of the month; however the monthly financials will be available prior to the Agenda Briefing Session.

Procedures as to how agenda briefings and concept forums will be managed have been developed and can be found listed as Attachment 1. Council is requested to endorse them together with the revised framework.

It is also proposed to trial this new meeting framework for a period of 6 months, commencing from October 2013, and to advertise it accordingly. If no comments will be received from Elected Members during this time the framework will continue as endorsed.

As October will be a 'transitional' month, the agenda for the Ordinary Council meeting could potentially see a small number of late items mainly related to tendering processes already underway.

### **Attachments**

1. Procedures for Concept Forums and Agenda Briefings.

### **201314/065 Officer's Recommendation/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Daccache**

**That Council:**

1. **Adopts the following meeting framework to commence in October 2013:**

<b>First Wednesday</b>	<b>Second Wednesday</b>	<b>Third Wednesday</b>	<b>Fourth Wednesday</b>
<b>Confidential Planning Briefing</b> <i>If required to be held</i>	<b>Confidential Planning Briefing</b> <i>If required to be held</i>	<b>Confidential Planning Briefing</b> <i>If required to be held</i>	<b>Confidential Planning Briefing</b> <i>If required to be held</i>
<b>Confidential Concept Forum</b> <i>If required to be held</i>	<b>Confidential Concept Forum</b> <i>If required to be held</i>	<b>Confidential Concept Forum</b> <i>If required to be held</i>	<b>Confidential Concept Forum</b> <i>If required to be held</i>
	<b>(Agenda for Council meeting to be made public)</b>	<b>3:30-5:30 Public Agenda Briefing</b>	<b>5:30pm Ordinary Council Meeting</b>

2. **Adopts the attached Procedures for Concept Forums and Agenda Briefings; and**
3. **Publicly advertises the dates, times and procedures for the agenda briefing to be held on the 3<sup>rd</sup> Wednesday of the month at 3:30pm in Council Chambers, Civic Centre, Port Hedland.**

***CARRIED 8/0***



## Procedures for Concept Forums and Agenda Briefings

### INTRODUCTION

The modern role of the Elected Council is to set policy and strategy, and provide goals and targets for the local government (Town of Port Hedland). The employees, through the Chief Executive Officer, have the task of implementing the decisions of the Elected Council.

A well-structured decision-making process that has established protocols will provide the elected body with the opportunity to:

- have input into the future strategic direction set by the Council;
- seek points of clarification;
- ask questions;
- be given adequate time to research issues;
- be given maximum time to debate matters before the Council;

and ensure that the elected body is fully informed to make the best possible decision for all the residents of the Town of Port Hedland.

### PURPOSE OF CONCEPT FORUMS

Concept Forums will involve Elected Members, staff and, where appropriate, external advisors and provide the opportunity to exchange information and ideas for the development of the Town of Port Hedland.

Concept Forums will generally involve projects or matters that are in the early planning stages and are some time away from being presented to the Council for consideration of a formal decision. During Concept Forums:

- the Chief Executive Officer seeks input from the Elected Members as the research and further drafting concepts for the report progress;
- Elected Members are fully informed on matters to enable decisions to be made in the best interests of the Town;
- Elected Members represent the views of the community in matters.

The input through open and free-flowing exchange of ideas and the willingness to contribute to the Concept Forums will provide invaluable direction to the Chief Executive Officer for the research and eventual reports on the matter.

### PROCEDURES FOR CONCEPT FORUMS

The following procedures will apply to Agenda Briefings that are conducted by the Town of Port Hedland.





## Procedures for Concept Forums and Agenda Briefings



1. Concept Forums will be closed to the public and agendas will be Confidential.
2. Where considered appropriate to ensure Elected Members are fully informed on a matter, the proponent for a proposal listed on the agenda may be invited to attend a Concept Forums to provide a presentation, and will be present for so much of that session that applies to their proposal. Where proponents attend a Concept Forum, the subject headings of those matters shall be disclosed to the public.
3. Where a proponent has provided a presentation to a Concept Forums, a report on the matter raised during the presentation will not be progressed to the next scheduled meeting of Council.
4. Dates and times for Concept Forums will be set well in advance.
5. The Chief Executive Officer will ensure timely written notice and a confidential agenda for each Concept Forums will be provided to all Elected Members (at least 3 days prior to the meeting).
6. The Mayor is to be the Presiding Member at the Concept Forums. If the Mayor is unable to assume the role of Presiding Member, then the Deputy Mayor may preside at the Concept Forum. If the Deputy Mayor is unable, those Elected Members present may select one from amongst themselves to preside at the Forum.
7. The Presiding Member at the commencement of each Concept Forum shall:
  - a) Advise Elected Members that there will be no debate on any matters raised during the Session;
  - b) Ensure that the relevant employee, through liaising with the Chief Executive Officer, provides a detailed presentation on matters listed on the agenda for the Forum;
  - c) Encourage all Elected Members present to participate in the Forum and the sharing and gathering of information;
  - d) Ensure that all Elected Members have a fair and equal opportunity to participate in the Forum; and
  - e) Ensure the time available for the Forum is liberal enough to allow for all matters of relevance to be identified.
8. Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Concept Forums. When disclosing an interest the following is suggested:
  - a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct and are enacted upon;
  - b) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered.
9. Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Concept Forum by:
  - a) A request to the Chief Executive Officer; or
  - b) A request made during the Concept Forum.



## Procedures for Concept Forums and Agenda Briefings

10. A record shall be kept of all Concept Forums. As no decisions are made at a Concept Forum, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members and published on the Town's website/included in the Town's Annual Report.

### PURPOSE OF AGENDA BRIEFINGS

Agenda Briefings will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public. Agenda Briefings will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next ordinary meeting of Council for formal consideration and decision.

### PROCEDURES FOR AGENDA BRIEFINGS

The following procedures will apply to Agenda Briefings that are conducted by the Town of Port Hedland:

1. Agenda Briefings will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995.
2. Dates and times for Agenda Briefings will be set well in and appropriate notice given to the public.
3. The Chief Executive Officer will ensure that the notice and an agenda for each Briefing Session will be provided approximately one week in advance to all Elected Members, Members of the public and external advisors (where appropriate).
4. The Mayor is to be the Presiding Member at Agenda Briefings. If the Mayor is unable to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
5. There is to be no debate amongst Elected Members on any matters raised during the Briefing Session;
6. Relevant employees of the Town will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session;
7. All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session;
8. The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered;
9. Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Agenda Briefings. When disclosing an interest the following is suggested:
  - a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995.



## Procedures for Concept Forums and Agenda Briefings

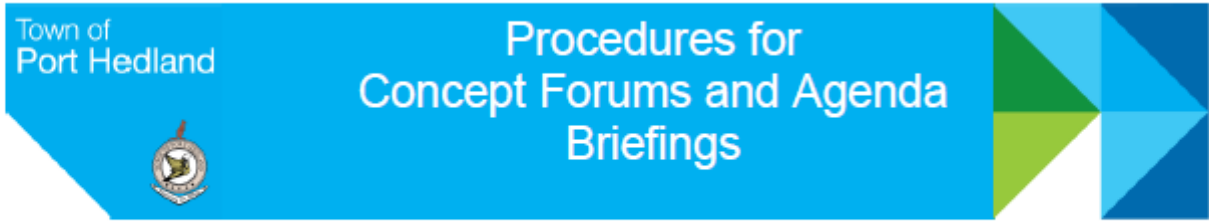
- b) Elected Members disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
  - c) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered.
10. A record shall be kept of all Agenda Briefings. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members and published on the Town's website/included in the Town's Annual Report.
  11. Should members of the public and Elected Members not be able to indicate in advance to the CEO the questions they will raise at the Agenda Briefing, a register will be made available in the Chambers for the public to compile upon arrival.
  12. The Presiding Member will utilise said register to determine the order of questions, which will follow the sequence of reports on the agenda.
  12. Two questions per member on each agenda item will be allowed at the commencement of the meeting.
  13. After the conclusion of all reports considered, the Presiding Member will return to remaining questions from reports earlier in the agenda where necessary.
  14. Members of the public may make a deputation to an Agenda Briefing in accordance with provisions listed in the current Local Law on Standing Orders which states:

### 7.0 DEPUTATIONS

#### *Deputations*

##### 7.1

- 1) *Persons wishing to make a deputation shall in the first instance make a request to the CEO outlining the subject matter to be raised by the deputation. On receiving such a request the CEO shall notify the chairperson of the appropriate meeting who may elect to invite the deputation to attend.*
- 2) *A deputation shall not exceed five in number and no more than two shall address the meeting, except in reply to questions from members.*



Relevant Legislation, Regulation, Local Law	Local Government Act 1995 Town of Port Hedland Local Law on Standing Orders
Review Frequency	6 months

### **11.6.1.3 Ordinary Council Meeting Dates for the Next Twelve Months**

**Officer** Grace Waugh  
**Administration Officer**  
**Governance**

**Date of Report** 19 July 2013

**Disclosure of Interest by Officer** Nil

#### **Summary**

The Local Government (Administration) Regulations require that at least once a year a Local Government give local public notice of the dates, times and place at which the ordinary Council meetings are to be held in the next 12 months.

#### **Background**

Council has determined its meeting dates up to and including the 23 October 2013 Ordinary Meeting and will need to consider meeting dates for the next 12 months.

#### **Consultation**

##### *Internal*

- Governance Coordinator

#### **Statutory Implications**

Local Government (Administration) Regulations:

##### *12. Meetings, public notice of (Act s. 5.25(1)(g))*

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
- (a) the ordinary council meetings; and*
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*
- are to be held in the next 12 months.*

Town of Port Hedland Local Laws (Standing Orders) applies:

##### *2.1 Kind of Meeting*

*Meetings shall be of two kinds, ordinary or special. Ordinary meetings are those called at such place and at such times as council, from time to time, appoints for the transaction of the ordinary business of the council. Special meetings are those called to consider specific business, the nature of which shall be specified in the notice convening the meeting. No business shall be transacted at a special meeting other than that for which the special meeting has been called.*



**Policy Implications**

Nil

**Strategic Planning Implications**

The Town of Port Hedland Strategic Community Plan 2012 – 2022:

6.4 Local Leadership

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6.4.2 Community Focused

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Local Leaders in the community who provide transparent and accountable civic leadership.

**Budget Implications**

Costs of the delivery and advertising of the Town of Port Hedland meeting dates is incorporated in the 2013/14 Budget as operating expenditure.

**Officer's Comment**

Council has previously determined that it will meet on the fourth Wednesday of each month at 5:30pm in Council Chambers.

It is the Officer' Recommendation to continue holding ordinary meetings on the same day and at the same time and location, and to advertise this information to the public via way of public notice as per statutory regulations, and to upload it on the Town's website.

With regard to the December 2013 meeting, it is proposed to hold it on the second Wednesday of the month, being 11 December 2013, as opposed to the fourth Wednesday, being 25 December 2013. Therefore if the new governance framework is adopted at tonight's meeting the agenda briefing session will be held on Wednesday 4 December 2013.

It is proposed that the January Council meeting be held on the fifth Wednesday of the month, that being Wednesday 29 January 2013, as many Town Officer's and Elected Members may be on leave. Therefore if the new governance framework is adopted at tonight's meeting the agenda briefing session will be held on Wednesday 22 January 2013.

**Attachments**

Nil

## 201314/066 Officer's Recommendation/ Council Decision

Moved: Cr Dziombak

Seconded: Cr Carter

That Council adopts and advertises the following Ordinary Meeting of Council dates, times and venue for the year ahead:

DATE	TIME	VENUE
Wednesday, 27 November 2013	5:30pm	Council Chambers
Wednesday, 11 December 2013	5:30pm	Council Chambers
Wednesday, 29 January 2014	5:30pm	Council Chambers
Wednesday, 26 February 2014	5:30pm	Council Chambers
Wednesday, 26 March 2014	5:30pm	Council Chambers
Wednesday, 23 April 2014	5:30pm	Council Chambers
Wednesday, 28 May 2014	5:30pm	Council Chambers
Wednesday, 25 June 2014	5:30pm	Council Chambers
Wednesday, 23 July 2014	5:30pm	Council Chambers
Wednesday, 27 August 2014	5:30pm	Council Chambers
Wednesday, 24 September 2014	5:30pm	Council Chambers
Wednesday, 22 October 2014	5:30pm	Council Chambers

*CARRIED 8/0*

**11.6.1.4 *Regional Price Preference Policy 2/016 Consideration of Submissions and Review of Tender Policy 2/011 (File No.: 13/04/0002)***

<b>Officer</b>	<b>Debra Summers Manager Organisational Development</b>
<b>Date of Report</b>	<b>6 August 2013</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

This report presents to the Council a summary of submissions received following the advertising of the Draft Regional Price Preference Policy and suggests a resulting amendment to the existing draft policy for adoption by the Council. This report further suggests amendments to the current Tender Policy should the draft Regional Price Preference Policy subsequently be adopted.

**Background**

As a local government outside the metropolitan area, the Town of Port Hedland has the opportunity to develop a Regional Price Preference Policy in accordance with the Local Government (Functions and General) Regulations 1996. The intent behind such a policy is to maximise the use of competitive local business in the procurement of goods and services, supporting local business and industry and to encourage employment of local people thereby generating economic growth within the Town.

There is a statutory requirement specifically related to a local government's intention to adopt such a policy that requires a draft policy to be advertised to allow public submissions on the proposed content of the policy prior to adoption.

The Council considered a draft Regional Price Preference Policy at the 26 June 2013 Ordinary Council Meeting (OCM) and resolved (201213/428 Council Decision) the following:

*That Council:*

1. *Endorse the Regional Price Preference Policy 2/015 to be advertised for four weeks in accordance with Section 24F Local Government (Functions and General) Regulations 1996 inviting public submissions including but not limited to:*
  - a) *Information workshops with Port Hedland Chamber of Commerce and Industry, South Hedland Business Association, and Wedgefield Association; and*

2. *Request the CEO to provide a report back to the Council on the outcome of the submission period for consideration prior to adopting the Policy.*

At this same meeting the Council was advised in the report that as Tender Policy 2/011 contains content regarding supporting local industry this policy would need to be amended pending the outcome of the submission process and the Council's determination with regard to a Regional Price Preference Policy and revised delegations to the Chief Executive Officer (CEO) relating to tenders.

### **Consultation**

#### *Internal*

- Elected Members at a Concept Forum
- Executive team

#### *External*

- Other local government authorities
- Western Australian Local Government Association
- Department of Local Government
- South Hedland Business Association
- Port Hedland Chamber of Commerce and Industry
- Wedgefield Association

#### *Media*

- Press release 11 July to all ToPH database contacts (media, community and stakeholders)
- Details regarding policy and submission opportunities on the ToPH Website

### **Statutory Implications**

Section 3.57 of the Local Government Act 1995 states:

*“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.”*

Local Government (Functions and General) Regulations 1996 states:

*Part 4A — Regional price preference*

*[Heading inserted in Gazette 25 Feb 2000 p. 971.]*

*24A. Application of this Part*

*The provisions of Part 4 may be varied in accordance with this Part, if the local government is located outside the metropolitan area and intends to give a regional price preference in accordance with this Part.*

*[Regulation 24A inserted in Gazette 25 Feb 2000 p. 971.]*

*24B. Terms used in this Part —*

- (1) regional price preference, in relation to a tender submitted by a regional tenderer, involves assessing the tender as if the proposed tender price were discounted in accordance with regulation 24D; regional tenderer means a supplier of goods or services who satisfies the criteria in subregulation (2).*
- (2) A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this Part if —*
  - (a) that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or*
  - (b) some or all of the goods or services are to be supplied from regional sources.*

*[Regulation 24B inserted in Gazette 25 Feb 2000 p. 971.]*

*24C. Regional price preference may be given*

*A local government located outside the metropolitan area may give a regional price preference to a regional tenderer in accordance with this Part.*

*[Regulation 24C inserted in Gazette 25 Feb 2000 p. 971.]*

*24D. Discounts permitted for regional price preferences*

- (1) A preference may be given to a regional tenderer by assessing the tender from that regional tenderer as if the price bids were reduced by —*
  - (a) up to 10% — where the contract is for goods or services, up to a maximum price reduction of \$50 000; or*
  - (b) up to 5% — where the contract is for construction (building) services, up to a maximum price reduction of \$50 000; or*
  - (c) up to 10% — where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500 000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.*
- (2) Although goods or services that form a part of a tender submitted by a tenderer (who is a regional tenderer by virtue of regulation 24B(2)(b)) may be —*
  - (a) wholly supplied from regional sources; or*
  - (b) partly supplied from regional sources, and partly supplied from non-regional sources, only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form a part of the assessments of a tender when a regional price preference policy is in operation.*
- (3) Despite subregulation (1), price is only one of the factors to be assessed when the local government is to decide which of the tenders it thinks would be most advantageous to that local government to accept under regulation 18(4).*

*[Regulation 24D inserted in Gazette 25 Feb 2000 p. 972.]*



*24E. Regional price preference policies for local governments*

- (1) Where a local government intends to give a regional price preference in relation to a process, the local government is to —*
  - (a) prepare a proposed regional price preference policy (if no policy has yet been adopted for that kind of contract); and*
  - (b) give Statewide public notice of the intention to have a regional price preference policy and include in that notice —*
    - (i) the region to which the policy is to relate; and*
    - (ii) details of where a complete copy of the proposed policy may be obtained; and*
    - (iii) a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions; and*
  - (c) make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice.*
- (2) A regional price preference policy may be expressed to be —*
  - (a) for different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;*
  - (b) for different goods or services within a single contract or various contracts;*
  - (c) for different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders (subject to the limits imposed by regulation 24D), or for any combination of those factors.*
- (3) A region specified under this Part —*
  - (a) must be (or include) the entire district of the local government; and*
  - (b) cannot include a part of the metropolitan area.*
- (4) A policy cannot be adopted by a local government until the local government has considered all submissions that are received in relation to the proposed policy and, if that consideration results in significant changes to the proposed policy, then the local government must again give Statewide public notice of the altered proposed regional price preference policy.*

*[Regulation 24E inserted in Gazette 25 Feb 2000 p. 972-3; amended in Gazette 31 Mar 2005 p. 1055.]*

*24F. Adoption and notice of regional price preference policy*

- (1) A policy cannot be adopted by a local government until at least 4 weeks after the publication of the Statewide notice of the proposed policy.*
- (2) An adopted policy must state —*
  - (a) the region or regions within which each aspect of it is to be applied; and*
  - (b) the types and nature of businesses that may be considered for each type of preference; and*
  - (c) whether the policy applies to —*
    - (i) different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;*

- (ii) *different goods or services within a single contract or various contracts;*
  - (iii) *different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders, or to any combination of those factors.*
- (3) *An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.*
- (4) *The local government is to ensure that a copy of an adopted regional price preference policy is —*
- (a) *included with any specifications for tenders to which the policy applies; and*
  - (b) *made available in accordance with regulation 29 of the Local Government (Administration) Regulations 1996.*

*[Regulation 24F inserted in Gazette 25 Feb 2000 p. 973-4; amended in Gazette 31 Mar 2005 p. 1055.]*

*24G. Adopted regional price preference policy, effect of*

*A local government that has adopted a regional price preference policy in relation to a certain type of contract may choose not to apply that policy to a particular tender in the future for a contract of that type but, unless it does so, the policy is to apply to all like tenders.*

*[Regulation 24G inserted in Gazette 25 Feb 2000 p. 974.]*

### **Policy Implications**

This item proposes three options to the Council with regard to its intention to adopt a Regional Price Preference Policy following the advertising and consideration of submissions in accordance with Section 24F of the Local Government (Functions and General) Regulations 1996.

Two of the options result in versions of a Draft Regional Price Preference Policy which are both presented to the Council in this report. Both options will result in a draft policy but will see a difference in the timeframe applied in the policy to the operation of a qualifying supplier or contractor within the prescribed area of the region.

A third option being presented to Council is to not have a Regional Price Preference Policy.

If the Council decides to take one of the options to have a Regional Price Preference Policy, this decision will have implications for the date of adoption of the policy as either option require a period of public notice of the date of implementation of the policy.

Further as the current Tender Policy 2/011 contains content regarding supporting local industry this report recommends that this policy be amended as attached (Attachment 2) and operational from the adoption of the Regional Price Preference Policy. The Tender Policy also needs to be revised following a recent review of delegations to the CEO relating to tenders.

## Strategic Planning Implications

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth  
Create local employment and investment and diversify the economy.

## Budget Implications

Costs of actions required as a result of these policy changes will be factored into future project budgets as a Regional Price Preference Policy has the potential to increase the costs of undertaking related activities associated with the tenders required by the Town of Port Hedland.

## Officer's Comment

The draft Regional Price Preference Policy as endorsed by the Council for advertising included aspects of policy content that were statutorily required plus some aspects of policy content that are at the discretion of the individual local government. The discretionary aspects were included in the draft following an earlier workshop with Elected Members.

Advertisements calling for submissions on the Policy were placed in accordance with the statutory requirement plus in the North West Telegraph. Presentations were made to the South Hedland Business Association and the Port Hedland Chamber of Commerce and Industry. Despite several offers to provide the presentation to the Wedgefield Association, no response was received.

The table below provides a summary of the feedback received.

Respondents Details	Content of submission
Ben Walsh, Project Manager: RPS Port Hedland Office	Support for the decision of the Council to propose such as policy as the benefit to local business will be considerable.
Gloria Jacob, President: South Hedland Business Association(SHBA)	Commending the Council proposing such a policy. Suggested changing the definition of a Regional Contractor/supplier to read " The contractor or supplier must have an approved permanent office or outlet and staff in the prescribed area"

There is no impact on the draft policy as a consequence of the submission from RPS, but the submission from the SHBA needs to be examined with respect to impact on the policy and the associated process to adopt a Regional Price Preference Policy.

Council cannot adopt the suggested change from this submission as in accordance with the associated regulations the definition of Regional Supplier /Contractor as a minimum must be:

- (2) *A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this Part if—*
  - (a) *that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted*

Council has one option to reduce the advertised timeframe in the policy to the statutory required timeframe to comply in part with the intent of SHBA which is clearly to shorten the period of time a supplier or contractor needs to have operated from premises or to have had staff located in the prescribed region to qualify for consideration under this policy.

The table below indicates this change from the advertised draft policy to an amended draft to encompass the intent of the submission from the SHBA, should that be the Council’s determination.

Wording from Draft Policy as advertised	Wording required to support intent of SHBA
<p><b>Regional Contractor / Supplier:</b> must fulfil the following conditions: Have had a permanent office and permanent staff in the prescribed area for a period of up to 12 months prior to bids being sought, and Be either registered or licensed in Western Australia and Demonstrate a majority or all of the good or services are to be supplied from regional sources. If not located within the municipal boundary of the Town of Port Hedland, be located in or source goods and services from within the municipal boundary of a local government within the Pilbara with a reciprocal Price Preference Policy under which business within the Town of Port Hedland may receive consideration under.</p>	<p><b>Regional Contractor / Supplier:</b> must fulfil the following conditions: Have had a permanent office and permanent staff in the prescribed area for at least six months before which the time after which further tenders cannot be submitted, and Be either registered or licensed in Western Australia and Demonstrate a majority or all of the good or services are to be supplied from regional sources. If not located within the municipal boundary of the Town of Port Hedland, be located in or source goods and services from within the municipal boundary of a local government within the Pilbara with a reciprocal Price Preference Policy under which business within the Town of Port Hedland may receive consideration under.</p>

If the Council wishes to support this consideration then the Executive has deemed that this is not a significant change to the proposed policy, therefore Section 24E(4) of the associated regulations(4) does not apply. If this was the option the Council wished to pursue then the policy represented as Attachment 1 can be adopted by the Council at this meeting.

The second option for the Council to consider is to leave the draft policy as advertised (first column as per the table above) as there is no compunction for the Council to enact the suggestions from the public submission. If this was the option the Council wished to pursue then the advertised policy (Attachment 2) can be adopted by the Council at this meeting.

Despite which option the Council decides to choose to take, the final adopted policy would need to be advertised inclusion of a date from which the policy would be effective.

There is also a third option the Executive would like to present to the Council of not adopting a Regional Price Preference Policy.

At the the 26 June 2013 OCM the Council was advised in the report that as Tender Policy 2/011 contains content regarding supporting local industry this policy would need to be amended pending the outcome of the submission process and the Council's determination with regard to a Regional Price Preference Policy and revised delegations to the Chief Executive Officer (CEO) relating to tenders.

These changes have been made and are highlighted for clarity in Attachment 3. It is to be noted that the changes to the Tender Policy are unaffected by the Council's preferred course of action with respect to the Regional Price Preference Policy, unless it chooses not to have a Regional Price Preference Policy at all. Should this be the Council's determination, the section reflecting such a policy would be removed from the Tender Policy 2/011 accordingly.

Further this policy provides a framework which will ensure statutory compliance with all relevant legislation and Town of Port Hedland related policies and encompasses best practice when procuring goods and services through the tender process. During this process of review it has been highlighted that some of the procedural thresholds require modification. These changes, to non-statutory requirements, are also highlighted in Attachment 3 and have no impact with respect to the implementation of a Regional Price Preference Policy.

The Town Officer is recommending that the revised Tender Policy 2/011 (Attachment 3) be adopted to be operational from the same date as the adopted Regional Price Preference policy.

The Executive is recommending Option 1 from options available to the Council from the following options as listed:



*Option One*

That Council:

1. Endorse the Draft Regional Price Preference Policy (Attachment One) reducing the timeframe requiring an eligible supplier/contractor to have had a permanent office and permanent staff in the prescribed area for at least six months from the advertised before which the time after which further tenders cannot be submitted;
2. In accordance with Local Government Regulations (Functions and General) Section 24F (3) (b) give statewide notice that the adopted policy will be operational from 9 September 2013; and
3. Adopt the amended Tender Policy 2/011 as per Attachment 3 to be operational from the date of imposing the Regional Price Preference Policy.

*Option Two*

That Council:

1. Adopt the Draft Regional Price Preference Policy 2/016 (Attachment Two) as previously advertised for public submission;
2. In accordance with Local Government Regulations (Functions and General) Section 24F (3) (b) give statewide notice that the adopted policy will be operational from 9 September 2013; and
3. Adopt the amended Tender Policy 2/011 as per Attachment 3 to be operational from the date of imposing the Regional Price Preference Policy.

*Option Three*

That Council not adopt a Regional Price Preference Policy and amend Tender Policy 2/011 accordingly.

**Attachments**

1. Option One Draft Regional Price Preference Policy 2/016
2. Option Two Draft Regional Price Preference Policy 2/016
3. Revised Tender Policy 2/011
4. Submissions received

**201314/067 Officer's Recommendation/ Council Decision**

**Moved: Cr Jacob**

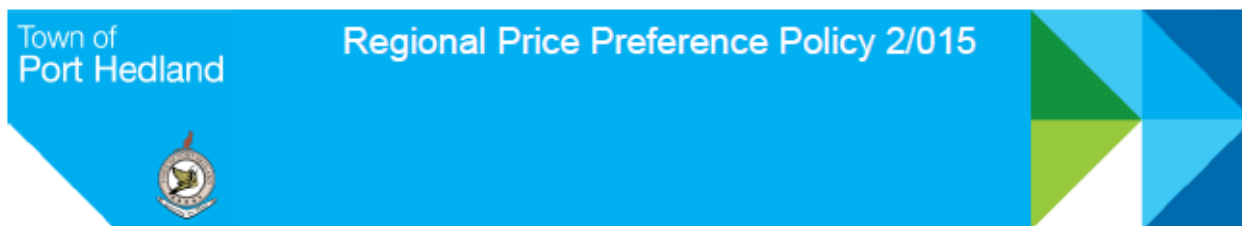
**Seconded: Cr Daccache**

**That Council:**

- 1. Endorse the Draft Regional Price Preference Policy (Attachment One) reducing the timeframe requiring an eligible supplier/contractor to have had a permanent office and permanent staff in the prescribed area for at least six months from the advertised before which the time after which further tenders cannot be submitted;**
- 2. In accordance with Local Government Regulations (Functions and General) Section 24F (3) (b) give statewide notice that the adopted policy will be operational from 9 September 2013; and**
- 3. Adopt the amended Tender Policy 2/011 as per Attachment 3 to be operational from the date of imposing the Regional Price Preference Policy.**

***CARRIED 8/0***

## ATTACHMENT 1 TO ITEM 11.6.1.4



<b>Directorate</b>	CORPORATE SERVICES
<b>Status</b>	Draft
<b>Business Unit</b>	Organisation Development
<b>Application</b>	A price preference will apply to all tenders and requests for proposals invited by the Town of Port Hedland for the supply of goods and services and construction (building) services unless Council resolves that this policy not apply to a particular procurement episode.
<b>Objective</b>	To maximise the use of competitive local business in the procurement of goods and services, supporting local business and industry and to encourage employment of local people thereby generating economic growth within the Town

---

**Context**

When a regional price preference is applied to tenders and requests for proposals, in accordance with the Local Government (Functions and General) Regulations (1996) the following levels of preference will be applied:

**Goods and Services to a maximum price reduction of \$50,000**

- A 10 % price preference to an eligible business, contractor or supplier as defined in this policy.

**Construction (building) services up to a maximum price reduction of \$50,000**

- A 5% price preference to an eligible business, contractor or supplier, as defined in this policy.

**Competitive Tendering**

- A 10% price preference to an eligible business, contractor or supplier as defined in this policy, applies where the contract is for goods and services (including construction (building) services) up to a maximum price reduction of \$500,000, if the Town is seeking tenders for the provision of goods or services for the first time, due to those goods or services having been, until then, undertaken by the Town.

**Application of the levels of preference in accordance with this Policy**

The prices for goods and services submitted by an eligible business, contractor or supplier as defined in this policy may be either wholly supplied from within the prescribed area as the region or partly supplied from within the prescribed area as the region. However, only those goods or services supplied from within the prescribed area as the region will be included in the discounted calculations that form part of the assessment of a tender or proposal when this policy is in operation.



## Definitions

**Prescribed Area as the Region:** All business located within the municipal boundary of the Town of Port Hedland. Only business located within the Shire of East Pilbara, Shire of Roebourne, and Shire of Ashburton if these local governments have a reciprocal arrangement associated with a regional price preference will be able to receive consideration under this policy.

**Goods:** includes tangible, quantifiable material requirements usually capable of being moved or transported that are purchased, rented, leased or hired by the Town.

**Services or Provision of Services:** means any task, consultancy, work or advice to be performed or provided that is procured by the Town and includes services such as management consultancies, outsourcing, maintenance contract / agreement, cleaning, waste removal, equipment repairs, external auditors, utilities and services acquired by a private sector provider for the Town.

**Construction (including works):** performing any improvement on or over any areas of land, lake, river or ocean and any services related to that activity in the prescribed area, including the construction of buildings, housing and other public infrastructure as well as related services such as architectural, surveying, facilities management and general maintenance.

**Regional Contractor / Supplier:** must fulfil the following conditions:

- a. Have had a permanent office and permanent staff in the prescribed area for at least 6 months before to bids being sought;
- b. Be either registered or licensed in Western Australia;
- c. Demonstrate a majority or all of the good or services are to be supplied from regional sources; and
- d. If not located within the municipal boundary of the Town of Port Hedland, be located in or source goods and services from within the municipal boundary of a local government within the Pilbara with a reciprocal Price Preference Policy under which business within the Town of Port Hedland may receive consideration under.

Supplied from within the prescribed area as the region



### Examples of the Application of the Regional Price Preference Policy

**Example 1-** A scenario when the following 3 tenders to supply goods and services are received by the Town under this policy.

1. Tender 1 is from a respondent from within the prescribed area
2. Tender 2 is from a respondent from outside the prescribed area using goods and services sourced from outside the prescribe area.
3. Tender 3 is from a respondent from outside the prescribed area but proposing to use \$50,000 worth of goods and services from within the prescribed area.

Tenders Received	Price of Tender	Price reduction at 10% rate of preference	Adjusted price used for evaluation purposes
Tender 1	\$100,000	\$10,000 (10% of \$100,000)	\$90,000 (\$100,000 less \$10,000)
Tender 2	\$100,000	No preference applicable	\$100,000
Tender 3	\$100,000	\$5,000 (10% of \$50,000)	\$95,000 (\$100,000 less \$5,000)

As can be seen from the table, in terms of price, the tender from the respondent from within the prescribed area (Tender 1) is the most advantageous once the preference has been applied.

However, it is important to emphasise that price is only one of the criteria used to determine a successful tenderer and the Town is in no way bound to accept the lowest tender.

**Example 2-** A scenario when the following 2 tenders to supply construction (building) services are received by the Town under this policy.

1. Tender 1 is from a respondent from within the prescribed area.
2. Tender 2 is from a respondent from outside the prescribed area proposing to source materials from outside the prescribed area.

Tenders received	Price of Tender	Price Reduction at 5% rate of preference	Adjusted price used for evaluation purposes
Tender 1	\$1.2m	Less 5% of \$1.2m=\$60,000 however max price reduction is limited to \$50,000	\$1.150m (\$1.2m less \$50,000)
Tender 2	\$1.145m	No preference applicable	\$1.145m

In this case, in terms of price alone, Tender 2 is the most advantageous. However, again it is important to emphasise that price is only one of the criteria used to determine a successful tenderer and the Town is in no way bound to accept the lowest tender.



**Example 3-** A scenario when the following 2 tenders to supply a service that has previously been provided by the Town are received by the Town under this policy.

1. Tender 1 is from a respondent from within the prescribed area.
2. Tender 2 is from a respondent from outside the prescribed area proposing to source materials from outside the prescribed area.

Tenders received	Price of Tender	Price Reduction at 5% rate of preference	Adjusted price used for evaluation purposes
Tender 1	\$6m	Less 10% of \$6m=\$600,000 however max price reduction is limited to \$500,000	\$5.5m (\$6m less \$500,000)
Tender 2	\$5.75m	No preference applicable	\$5.75m

In this case, in terms of price alone, Tender 1 is the most advantageous. However, again it is important to emphasise that price is only one of the criteria used to determine a successful tenderer and the Town is in no way bound to accept the lowest tender.

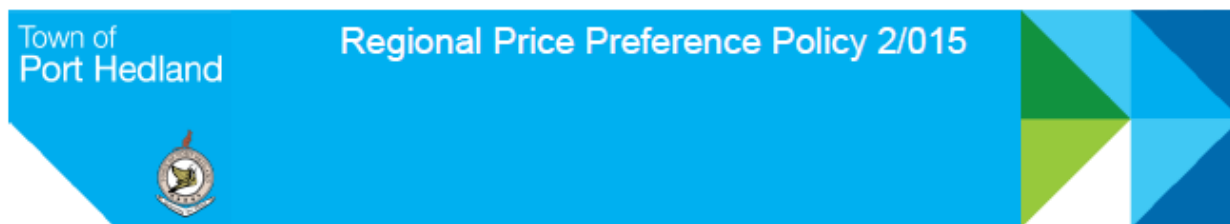
Relevant Legislation	<i>Local Government Act 1995, Local Government (Functions and general) Regulations (1996)</i>
Related Policy	<i>Town of Port Hedland Procurement Policy 2/007 and Tender Policy 2/011.</i>
Last Date of Review	<i>May 2013</i>
Review Frequency	<i>Annually</i>
Responsible Directorate	<i>Corporate Services</i>

#### **Document Control Statement**

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## ATTACHMENT 2 TO ITEM 11.6.1.4



<b>Directorate</b>	CORPORATE SERVICES
<b>Status</b>	Draft
<b>Business Unit</b>	Organisation Development
<b>Application</b>	A price preference will apply to all tenders and requests for proposals invited by the Town of Port Hedland for the supply of goods and services and construction (building) services unless Council resolves that this policy not apply to a particular procurement episode.
<b>Objective</b>	To maximise the use of competitive local business in the procurement of goods and services, supporting local business and industry and to encourage employment of local people thereby generating economic growth within the Town

---

**Context**

When a regional price preference is applied to tenders and requests for proposals, in accordance with the Local Government (Functions and General) Regulations (1996) the following levels of preference will be applied:

**Goods and Services to a maximum price reduction of \$50,000**

- A 10 % price preference to an eligible business, contractor or supplier as defined in this policy.

**Construction (building) services up to a maximum price reduction of \$50,000**

- A 5% price preference to an eligible business, contractor or supplier, as defined in this policy.

**Competitive Tendering**

- A 10% price preference to an eligible business, contractor or supplier as defined in this policy, applies where the contract is for goods and services (including construction (building) services) up to a maximum price reduction of \$500,000, if the Town is seeking tenders for the provision of goods or services for the first time, due to those goods or services having been, until then, undertaken by the Town.

**Application of the levels of preference in accordance with this Policy**

The prices for goods and services submitted by an eligible business, contractor or supplier as defined in this policy may be either wholly supplied from within the prescribed area as the region or partly supplied from within the prescribed area as the region. However, only those goods or services supplied from within the prescribed area as the region will be included in the discounted calculations that form part of the assessment of a tender or proposal when this policy is in operation.



## Definitions

**Prescribed Area as the Region:** All business located within the municipal boundary of the Town of Port Hedland. Only business located within the Shire of East Pilbara, Shire of Roebourne, and Shire of Ashburton if these local governments have a reciprocal arrangement associated with a regional price preference will be able to receive consideration under this policy.

**Goods:** includes tangible, quantifiable material requirements usually capable of being moved or transported that are purchased, rented, leased or hired by the Town.

**Services or Provision of Services:** means any task, consultancy, work or advice to be performed or provided that is procured by the Town and includes services such as management consultancies, outsourcing, maintenance contract / agreement, cleaning, waste removal, equipment repairs, external auditors, utilities and services acquired by a private sector provider for the Town.

**Construction (including works):** performing any improvement on or over any areas of land, lake, river or ocean and any services related to that activity in the prescribed area, including the construction of buildings, housing and other public infrastructure as well as related services such as architectural, surveying, facilities management and general maintenance.

**Regional Contractor / Supplier:** must fulfil the following conditions:

- a. Have had a permanent office and permanent staff in the prescribed area for a period of up to 12 months prior to bids being sought, and
- b. Be either registered or licensed in Western Australia and
- c. Demonstrate a majority or all of the goods or services are to be supplied from regional sources.
- d. If not located within the municipal boundary of the Town of Port Hedland, be located in or source goods and services from within the municipal boundary of a local government within the Pilbara with a reciprocal Price Preference Policy under which business within the Town of Port Hedland may receive consideration under.

**Supplied from within the prescribed area as the region**



### Examples of the Application of the Regional Price Preference Policy

**Example 1-** A scenario when the following 3 tenders to supply goods and services are received by the Town under this policy.

1. Tender 1 is from a respondent from within the prescribed area
2. Tender 2 is from a respondent from outside the prescribed area using goods and services sourced from outside the prescribe area.
3. Tender 3 is from a respondent from outside the prescribed area but proposing to use \$50,000 worth of goods and services from within the prescribed area.

Tenders Received	Price of Tender	Price reduction at 10% rate of preference	Adjusted price used for evaluation purposes
Tender 1	\$100,000	\$10,000 (10% of \$100,000)	\$90,000 (\$100,000 less \$10,000)
Tender 2	\$100,000	No preference applicable	\$100,000
Tender 3	\$100,000	\$5,000 (10% of \$50,000)	\$95,000 (\$100,000 less \$5,000)

As can be seen from the table, in terms of price, the tender from the respondent from within the prescribed area (Tender 1) is the most advantageous once the preference has been applied.

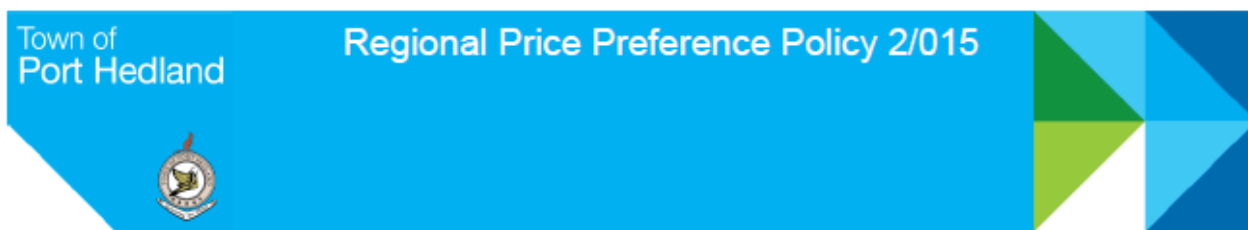
However, it is important to emphasise that price is only one of the criteria used to determine a successful tenderer and the Town is in no way bound to accept the lowest tender.

**Example 2-** A scenario when the following 2 tenders to supply construction (building) services are received by the Town under this policy.

1. Tender 1 is from a respondent from within the prescribed area.
2. Tender 2 is from a respondent from outside the prescribed area proposing to source materials from outside the prescribed area.

Tenders received	Price of Tender	Price Reduction at 5% rate of preference	Adjusted price used for evaluation purposes
Tender 1	\$1.2m	Less 5% of \$1.2m=\$60,000 however max price reduction is limited to \$50,000	\$1.150m (\$1.2m less \$50,000)
Tender 2	\$1.145m	No preference applicable	\$1.145m

In this case, in terms of price alone, Tender 2 is the most advantageous. However, again it is important to emphasise that price is only one of the criteria used to determine a successful tenderer and the Town is in no way bound to accept the lowest tender.



**Example 2-** A scenario when the following 2 tenders to supply a service that has previously been provided by the Town are received by the Town under this policy.

1. Tender 1 is from a respondent from within the prescribed area.
2. Tender 2 is from a respondent from outside the prescribed area proposing to source materials from outside the prescribed area.

Tenders received	Price of Tender	Price Reduction at 5% rate of preference	Adjusted price used for evaluation purposes
Tender 1	\$6m	Less 10% of \$6m=\$600,000 however max price reduction is limited to \$500,000	\$5.5m (\$6m less \$500,000)
Tender 2	\$5.75m	No preference applicable	\$5.75m

In this case, in terms of price alone, Tender 2 is the most advantageous. However, again it is important to emphasise that price is only one of the criteria used to determine a successful tenderer and the Town is in no way bound to accept the lowest tender.

Relevant Legislation	<i>Local Government Act 1995, Local Government (Functions and general) Regulations (1996)</i>
Related Policy	<i>Town of Port Hedland Procurement Policy 2/007 and Tender Policy 2/011.</i>
Last Date of Review	<i>May 2013</i>
Review Frequency	<i>Annually</i>
Responsible Directorate	<i>Corporate Services</i>

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## ATTACHMENT 3 TO ITEM 11.6.1.4

Town of  
Port Hedland

## Tender Policy 2/011

<b>Directorate</b>	CORPORATE SERVICES
<b>Business Unit</b>	Organisation Development
<b>Application</b>	This policy will apply where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be, over \$100,000 and a public tender is to be called as per s3.57 of the Local Government Act 1995 and Local Government Functions and General Regulations Part 4 - Tenders for Providing Goods and Services.
<b>Objective</b>	This policy provides a framework which will ensure statutory compliance with all relevant legislation and Town of Port Hedland related policies and encompasses best practice when procuring goods and services through the Tender process. It also references delegations with respect to tenders to the Chief Executive Officer (CEO) in accordance with Section 5.42 and 5.43 (b) of the Local Government Act 1995.

---

**Context**

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be, over \$100,000 a public tender will be called as per s3.57 of the Local Government Act 1995 and Local Government Functions and General Regulations Part 4 - Tenders for Providing Goods and Services.

The Chief Executive Officer is delegated to set Selection Criteria for tenders in accordance with Regulation 14(2a) of the Local Government (Functions and General) Regulations 1996. The selection of the criteria must be in accordance with this Policy and the Town of Port Hedland's Procurement Policy (Policy 2/007) and Regional Price Preference Policy 2/016.

The Town of Port Hedland has a Regional Price Preference policy which seeks to maximise the use of competitive local business in the procurement of goods and services, supporting local business and industry and to encourage employment of local people thereby generating economic growth within the Town. Unless determined by Council, the Town of Port Hedland Regional Price Preference Policy 2/015 will apply to all Tenders called by the Town.

To ensure a best practice approach to purchasing for the Town of Port Hedland the following additional procedural threshold will apply:

Tender Value	Pre Tender Actions	Post Tender Closing Actions	Assessment timeframe	Evaluation Panel
\$100k - \$500k	1 .Optional site briefing	In accordance with statutory obligations and ToPH. checklist	2 weeks	Manager and Director





Tender Value	Pre Tender Actions	Post Tender Closing Actions	Assessment timeframe	Evaluation Panel
\$500k - \$1m	As above	In accordance with statutory obligations and ToPH checklist.	2 weeks	Manager and Director
\$1m- \$5m	<ol style="list-style-type: none"> <li>1. As above, and</li> <li>2. Bill of Quantities *</li> <li>3. Peer review of design/specification documentation including sign off *</li> <li>4. Pre tender estimate</li> <li>5. Business Plan (greater than \$2m)</li> <li>6. Asset Management Plan (where relevant)</li> </ol>	In accordance with statutory obligations and ToPH checklist.	4 weeks	Responsible Manager and at least two Directors
\$5m- \$10m	<ol style="list-style-type: none"> <li>1. As above, and</li> <li>2. Compulsory site briefing</li> <li>3. Business/Operational Plan</li> <li>4. Project Manager engaged(optional)</li> <li>5. Tender Evaluation Plan</li> <li>6. Asset Management Plan (where relevant)</li> </ol>	<ol style="list-style-type: none"> <li>1. In accordance with statutory obligations and ToPH checklist</li> <li>2. Interviews with tenderers.</li> <li>3. Quarterly QS approval of works.</li> </ol>	6 weeks	As above
\$10m +	<ol style="list-style-type: none"> <li>1.As above, and</li> <li>2.Legal advice on tender documentation prior to distribution</li> <li>3.Engagement of probity advisor</li> <li>4.Project Manager engaged</li> </ol>	<ol style="list-style-type: none"> <li>1 .As above, and</li> <li>2. Legal advice on tender contract prior to execution</li> <li>3. Probity advisor</li> <li>4. Monthly QS approval of works</li> </ol>	6-8 weeks	As above

\* Does not apply to Design and Construct Tenders

Tender or Quotation Exemption (Use of Preferred Supplier)





The Town of Port Hedland may waive the requirement to call for public tenders or quotations (regardless of the value of expenditure) and engage, award or contract for goods and purchases with preferred suppliers in the following circumstances:

- In an emergency service as defined by the Local Government Act 1995
- The purchase is from a supplier under a contract of the Western Australian Local Government Association (Preferred Supplier Contract or Business Service), the State or the Commonwealth or any of its agencies (Department of Treasury and Finance- permitted Common Use Arrangements), a Regional Council or another Local Government.<sup>1</sup>
- The purchase is from a supplier awarded a Town of Port Hedland Awarded Tender- Period Contract <sup>2</sup>
- Any other exclusion as defined in the Local Government (Functions and General) Regulations Part 4- Division 2 Regulation 11.

<sup>1</sup> Prior to the purchase of goods or services, Councillors are notified of the intent to use a preferred supplier.

<sup>2</sup> Town of Port Hedland Awarded Tenders - Period Contracts are called for on a regular basis to select contractors that may be used during the contract period at the tendered dollar rate.

Furthermore the engagement of any purchasing activity despite having the quotation or tender process waived must be undertaken in line with the officers delegated purchasing authority limit as detailed in all Position Descriptions, ensuring that sufficient funds have been provided for in the Town's annual budget.

Relevant Legislation	<i>Local Government Act 1995, Local Government (Functions and General) Regulations (1996)</i>
Related Policy	<i>Town of Port Hedland Procurement Policy 2/007 and Regional Price Preference Policy 2/015</i>
Last Date of Review	<i>May 2013</i>
Review Frequency	<i>Annually</i>
Responsible Directorate	<i>Corporate Services</i>

#### **Document Control Statement**

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## ATTACHMENT 4 TO ITEM 11.6.1.4

**Port Hedland Office**

26 Courtham Crescent, Betty Ford, PO Box 731, Port Hedland, WA 6721  
T +61 8 9173 1185 F +61 8 9211 1122 E porthedland@rpsgroup.com.au W rpsgroup.com.au

**Our Ref:** PR11878-1**Email:** [Ben.Walsh@rpsgroup.com.au](mailto:Ben.Walsh@rpsgroup.com.au)**Date:** 26 July 2013

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



Document #: ICR39595  
Date: 26.07.2013  
Officer: JOSEPHINE BIANCHI & DEBRA SUMMERS  
File: 13/04/0002

Dear Sir/Madam

**RE: REGIONAL PRICE PREFERENCE POLICY 2/015  
SUBMISSION OF SUPPORT**

Thank you for the opportunity to provide a submission on the Regional Price Preference Policy recently proposed by the Town of Port Hedland. As an established local business within Port Hedland operating for the past 5 years we are well versed in the difficulties associated with locating, operating and staffing a business in the Pilbara and actively support a policy that recognises the contribution local business and enterprise make to the region through a price preference strategy.

Adoption of this policy will assist in maximising the use of competitive local and regional business thereby encouraging employment of local people and generating economic growth within the region ultimately contributing to the development of a sustainable economy.

While we recognise there may be a cost implication in the short term through applying the price preference to eligible businesses, we consider the long term benefits of encouraging commitment to the region to far outweigh this imposition and represent an investment by the Town to their own objectives in working towards the goal of Port Hedland becoming a Regional City

As a pivotal organisation in the community and local economy we applaud the Town in taking a lead role in formalising a policy that sees preference allocated to local businesses and believe this to be a practice that will encourage growth, investment and commitment to the broader Pilbara Region.

Should you require any additional information or clarification confirming our support for this policy please do not hesitate to contact the undersigned on 9173 1185.

Yours sincerely  
**RPS**

**BEN WALSH**  
Project Manager



PO Box 215J, South Hedland WA 6722  
shba6722@gmail.com  
Mobile: 0417902717  
Fax: 08 9172 2365

27 July, 2013

M.J. (Mal) Osborne  
Chief Executive Officer  
Town of Port Hedland  
PO Box 41  
Port Hedland WA 6721

**RE: SUBMISSION TO THE TOWN OF PORT HEDLAND  
DRAFT REGIONAL PRICE PREFERENCE POLICY**

Dear Mr Osborne

The South Hedland Business Association forwards its support for the Draft Regional Price Preference Policy as advertised by the Town with the following recommendation.

The removal of the prescribed time as underlined below:

**Regional Contractor / Supplier: must fulfil the following conditions:**

- a. Have had a permanent office and permanent staff in the prescribed area for a period of up to 12 months prior to bids being sought, and

**and amended to:**

“the contractor or supplier must have an approved permanent office or outlet and staff in the prescribed area”

We commend Council on its objective to create a policy which reflects the use of competitive local supply services and contractors, and enhances the sustainability of business and industry in the Port Hedland region.

The SHBA further endorses the context and definitions of the policy and welcome its implementation.

Best Regards

Gloria Jacob – President

South Hedland Business Association

**11.6.1.5 Performance Report for the period of 1 April 2013 to 30 June 2013 (File No.: 03/01/002)**

<b>Officer</b>	<b>Debra Summers Manager Organisational Development</b>
<b>Date of Report</b>	<b>13 August 2013</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

This report is for Council to note the Performance Report for the period of 1 April to 30 June 2013 (Attachment 1) in relation to the 2012/2013 Annual Corporate Plan.

**Background**

The Annual Corporate Business Plan represents one of the key pillars required by the Department of Local Government as part of 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.

The IPRF includes 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 Long Term 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 and revised CBP and the resulting required Workforce Plan needed to be included in a draft of the Long Term Financial Plan which was to be presented to the Council after a through revision.

Therefore to ensure the organisation had a plan of activity for the 2012/2013 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).

### 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 the last three months of the 2012/2013 financial year, 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 (2012/13/149) 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 three month Performance Report provides an opportunity for the Council and the community to review the work undertaken in the last quarter 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. As this is the final report for the 2012/2013 financial year, it is likely that some of the projects and actions reported on in this report have flowed into planning documents currently being reviewed that will outline workload to be undertaken in the 2013/2014 financial year. A 2013/2014 Annual Business Plan is currently being prepared following the adoption of the 2013/2014 Town of Port Hedland Budget at the 31 July 2013 Special Council Meeting and will be presented to the Council shortly for endorsement.

**Attachments**

1. ToPH Council Performance Report 1 April – 30 June 2013 (Under Separate Cover)

**201314/068 Officer's Recommendation/ Council Decision****Moved: Cr Carter****Seconded: Cr Jacob****That Council receives the Performance Report for 1 April – 30 June 2013.*****CARRIED 8/0***

**11.6.1.6 *Town of Port Hedland 4 Year Corporate Business Plan  
(File No.: 04/12/0003)***

**Officer** **Debra Summers  
Manager Organisational  
Development**

**Date of Report** **20 August 2013**

**Disclosure of Interest by Officer** **Nil**

**Summary**

This report recommends to the Council that it endorse the first year of the draft 4 Year Corporate Business Plan as the 2013-2014 Annual Corporate Plan

Expenditure to deliver the actions and activities in this Annual Corporate Plan have been incorporated in the Town of Port Hedland (ToPH) 2013- 2014 Annual Budget which was endorsed at the 31 July 2013 Special Council Meeting

**Background**

The 4 Year Corporate Business Plan represents one of the key pillars required by the Department of Local Government as part of an Integrated Strategic Planning and Reporting Framework(IPRF) to ensure that they are planning sustainably for the future and to equip their organisations to deal with short, medium and long term priorities.

The IPRF includes 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 Long Term 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 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 and revised CBP and the resulting required Workforce Plan needed to be included in a draft of the Long Term Financial Plan which was to be presented to the Council after a through revision.

As the LTFP is yet to be presented to the Council and to ensure the organisation had a plan of activity for the 2013/2014 financial year against which the Council and community will receive performance reports, the first year of the CBP has been the primary focus of the organisation. Expenditure to deliver the actions and activities in this resulting 2013-2014 Annual Corporate Plan have been incorporated in the Town of Port Hedland 2013- 2014 Annual Budget which was endorsed at the 31 July 2013 Special Council Meeting

### **Consultation**

#### *Internal*

- Town of Port Hedland Executive
- Relevant Town of Port Hedland Officers
- Elected Members at various Concept Forums in 2013

#### *External*

- Department of Local Government
- Community Information Nights, 12 and 13 March 2013
- Strategic Community Plan Consultation Workshop 17 April 2013

### **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.”*

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- (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**

Town of Port Hedland Community Engagement Strategy

### **Strategic Planning Implications**

6.4 Local Leadership

6.4.2 Community Focused

Local leaders in the community who provide transparent and accountable civic leadership

### **Budget Implications**

Financial and staff resource implications associated with delivery of Year 1 of the CBP are incorporated in the Town of Port Hedland 2013-2014 Annual Budget. Years 2- 4 will be incorporated into the 10 Year Financial Plan that is currently being developed for further analysis.

### **Officer's Comment**

To ensure the organisation has a plan of activity for this financial year against which the Council and community will receive performance reports, it is recommended that the first year of the CBP be endorsed by the Council as the 2013-2014 Town of Port Hedland Annual Corporate Plan.

Expenditure to deliver the actions and activities in this Annual Plan have been incorporated in the Town of Port Hedland 2013- 2014 Annual Budget with the first quarterly report on track for delivery at the October Ordinary Council Meeting.

It is to be noted by the Council that considerable progress has been achieved towards the implementation of the Interplan software product utilising relevant data from the proposed Draft 2013-2014 Annual Corporate Plan and including the corresponding financial data extrapolated from the ToPH 2013-2014 Budget. The first quarterly report to the Council against the proposed Annual Plan, should the officer's recommendation be adopted, will be generated from this product and presented to the Council at the October OCM.

### **Attachments**

1. Draft Town of Port Hedland Annual Corporate Plan 2013-2014

### **201314/069 Officer's Recommendation/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Hunt**

**That Council:**

1. **Adopts the first year of the 4 year Corporate Business Plan as the 2013-2014 Annual Corporate Plan on the understanding that expenditure to deliver the actions and activities in this Annual Corporate Plan have been incorporated in the Town of Port Hedland 2013 - 2014 Annual Budget; and**
2. **Notes that a July to September Performance Report against the 2013-2014 Town of Port Hedland Annual Corporate Plan will be presented to Council at the October Ordinary Council Meeting.**

***CARRIED 8/0***





1 – Community			
We are a friendly, exciting city of neighbours that is vibrant and diverse			
1.1 – Unified		Priority:	High
Build a unified and connected community functionally, physically and culturally.			
Outcomes Sought:			
<ul style="list-style-type: none"> <li>Port Hedland is recognised as a safe and integrated city with a large proportion of the population living in South Hedland and the remaining living in Port Hedland and its surrounding communities.</li> <li>All members of our community feel they are adequately informed about, and involved with, the provision of Council/Town services and facilities.</li> </ul>			
Actions	Tasks	Responsible Directorate	13/14
Engage the community by obtaining feedback in relation to ToPH's future and keep the community informed about ToPH's services and facilities	There is increased positive community feedback received through the annual community survey.	Corporate Services	●
	Communication tools are in place to keep the community informed (E.g. Council website) by June 2013.	Corporate Services	●
	Public safety signboards are installed.	Planning and Development	●
Develop and implement a South Hedland Car Parking Strategy	Strategy is developed and ready for implementation by July 2017.	Engineering Services	●
Develop an Active Transport (Walking and Cycling) Plan – includes review of Trails Masterplan and Cycling Plan	Cycle Plan is reviewed and modified before being ready for implementation by July 2013.	Community Development	●
	Development of the Trails Masterplan is complete by June 2013.	Community Development	●

1 – Community			
We are a friendly, exciting city of neighbours that is vibrant and diverse			
1.2 – Vibrant		Priority:	High
Become recognised as a vibrant destination by local residents as well as national and international tourists.			
Outcomes Sought:			
<ul style="list-style-type: none"> <li>Provide a wide variety of recreational and entertainment activities for residents and visitors to Port Hedland that are equal to those found in a metropolitan city.</li> <li>Increase attendance at Council events and festivals.</li> <li>Strong sense of ownership, pride and spirit amongst the community.</li> <li>Visitors are attracted to the region.</li> </ul>			
Actions	Tasks	Responsible Directorate	13/14
1 Support a high profile event featuring an international drawcard performer	A high profile event featuring drawcard performer has been held annually.	Community Development	●
2 Prepare a Masterplan and Strategy for caravan parks and backpacker accommodation	Development of Pretty Pool Caravan Park by June 2015.	Planning and Development	●
	Strategies are being implemented by July 2013.	Engineering Services	●
3 Develop airport hotel	Construction of airport hotel has commenced by July 2015.	Engineering Services	●
4 Develop Spoil Bank Marina & Precinct – Stage 1 Project	Engineering and place making strategy completed by June 2015	Planning and Development	●
5 Design and construct Youth Skate Park in South Hedland Town Centre	Construction of the Youth Skate Park in South Hedland CBD commenced by June 2014.	Engineering Services	●
6 Multipurpose Recreation Centre – Completion of civil works.	Civil works completed by June 2014.	Engineering Services	●
7 Undertake the redevelopment of South Hedland Bowling and Tennis Club	Facility is operating and available for use by July 2014.	Engineering Services	●
8 Design and construct South Hedland integrated Community facilities project	Partial schematic design completed by June 2014	Community Development	●

● Planning   
 ● Business As Usual   
 ● Delivery



Actions	Tasks	Responsible Directorate	13/14
9 Undertake improvements to JD Hardie Centre to increase safety and quality of the facilities	Improved quality of courts, car park, CCTV and landscaping by June 2015.	Engineering Services	
10 Prepare Masterplan and redevelop Aquatic Facilities	SHAC redevelopment stage 1B completed (car park and lighting)		
	Planning for SHAC redevelopment stage 2 commenced by July 2013		

**2 – Economic**  
Our economy is resilient and provides choice and opportunities

**2.1 – Diverse Economy**  
Build a diversified economy that facilitates commercial, industry and town growth. Priority: High

- Outcomes Sought:**
- Provide a wide range of local employment and investment opportunities.
  - Families are able to grow and prosper in the community and do not need to move away from Port Hedland.
  - There are an increased number of businesses established.
  - Create strong links between education, training and employment that support Port Hedland’s economic growth and development.

Actions	Tasks	Responsible Directorate	13/14
Develop Community Infrastructure Development Contributions Policy and Plan.	Development Contributions Policy and Plan has been adopted by June 2014	Planning and Development	
Undertake a Planning Scheme Review	Planning Scheme Review commenced by July 2013.	Planning and Development	
Negotiate the development of commercial opportunities	Café business case development by July 2014	Engineering Services	
	Business case to support commercial opportunities in South Hedland Town Centre developed by June 2014	Planning and Development	
	Develop a business case for McGregor street commercial opportunities	Planning and Development	
	Develop a business case for Don Rhodes commercial development	Planning and Development	
	Develop a business case for Port Hedland East end land development	Planning and Development	
	Develop a business case for commercial land development opportunities in South Hedland	Planning and Development	

**2 – Economic**  
Our economy is resilient and provides choice and opportunities

**2.2 – Gateway City & An Attractive Destination**  
Develop Port Hedland as a domestic and international gateway into and out of Western Australia and a major distribution and transport hub in the Pilbara. Priority: High

- Outcomes Sought:**
- Wide variety of transportation goods and services available.
  - Increased tourist visitation.
  - Increased number of transportation businesses located within the city.
  - Port Hedland’s sea, air and road transport infrastructure are developed as the main access hub for the Pilbara.

Actions	Tasks	Responsible Directorate	13/14
a Implement the Port Hedland International Airport Land Use Master Plan.	Expansion of TWA facilities is planned by June 2014	Office of the CEO	
	Terminal Buildings Redevelopment stage 1, phase 1 plan developed by July 2014	Office of the CEO	
	International freight and logistics facilities are operational by June 2014.	Office of the CEO	
	Airside infrastructure upgrade is complete by June 2015.	Office of the CEO	
	Development of aeronautical facilities commenced by July 2013	Office of the CEO	
	Ground transport improvement within terminal precinct including	Office of the CEO	

Planning Business As Usual Delivery



Actions		Tasks	Responsible Directorate	13/14
		parking capacity increase by June 2015		
		Develop business case for commercial development at the International Airport		●
b	Undertake the replacement and upgrades of airport service (power, water, sewer, drainage)	Airport services upgrade is undertaken in accordance with the 5 Year Airport Upgrade Plan and is complete by June 2015.	Engineering Services	●
c	Construct the Wallwork Road & Bridge by June 2015	Construct the Wallwork Road & Bridge by June 2015	Engineering Services	●
	Construction of proposed links onto Great Northern Highway	Detailed design complete for road connection of Pinga street (Moorambine to new GNH)	Engineering Services	●
d	Implement the McGregor Street and Cooke Point Drive development.	McGregor St Active Open Space Masterplan completed by June 2014.	Community Development	●
		Planning and de-constraining Phase 1 completed by June 2016.	Planning and Development	●

**2 – Economic**

Our economy is resilient and provides choice and opportunities

**2.3 – Nationally Recognised**

Port Hedland is recognised as an economic force of Australia and has a powerful voice with Federal and State governments for the development of the town.

Priority:

Med

**Outcomes Sought:**

- Increase the amount of State and Federal Funds awarded to Port Hedland to support growth in the town.
- Become an influential partner with Federal and State governments.

Actions		Tasks	Responsible Directorate	13/14
a	Prepare and implement a Marketing Plan that places an emphasis on brand awareness and promotion of the Town's unique history	Plan has been developed by June 2014	Office of the CEO	●
b	Represent Port Hedland at a State and Federal level	Establish "Committee For Port Hedland" by June 2014.	Planning and Development	●
		Port Hedland is engaged on issues, investments and government initiatives.	Planning and Development	●
c	Liaise and provide input into the Pilbara Regional Council.	Town of Port Hedland is engaged by the Pilbara Regional Council on topics that impact the Town.	Office of the CEO	●





**3 – Environment**  
**A city in which we live in balance with our unique surrounds**

**3.1 – Housing**  
 Develop a safe, modern and attractive city with adequate supply of residential and commercial land that meets the requirements of the community. **Priority:** High

**Outcomes Sought:**

- Address housing shortage & affordability.
- Attract and retain new residents to increase the population to 50,000 by 2025.
- Increase residential home ownership.
- Increase/expansion in commercial businesses.

Actions	Tasks	Responsible Directorate	13/14
b Participate in department of housing key worker project	Affordable housing accommodation is available to workers by July 2013	Planning and Development	●
c Implement the ToPH staff housing strategy	Undertake various real estate transactions associated with the acquisition and development of Butler Way		●
	Catamore Court is planned and developed by June 2014 as a mix of private market and staff housing		●
	Land around JD Hardie is planned to be developed by January 2015 as a mix of private market and staff housing (8 units)		●

**3 – Environment**  
**A city in which we live in balance with our unique surrounds**

**3.2 – Community Facilities**  
 Create a vibrant and diverse place to live that connects its people and provides for their needs. **Priority:** High

**Outcomes Sought:**

- Generations of residents chose to live and remain in the Port Hedland community.
- The community’s health and well-being are adequately provided for.
- Connected communities bring neighbours together.

Actions	Tasks	Responsible Directorate	13/14
a Develop and implement the District Passive and Active Open Space Masterplans	Osprey Masterplan developed by June 2014	Community Development	●
	Western Edge Masterplan developed by June 2014.	Community Development	●
b Deliver Passive and Active Open Space Strategy	Koombana Park upgraded by June 2014	Engineering Services	●
c Develop Marie Marland Reserve Masterplan	Masterplan developed by June 2014.	Community Development	●
d Install lighting at Marie Marland Reserve	Installation of lighting by June 2014	Engineering Services	●
e Provide adequate housing to attract General Practitioners (GP’s) to the region	Stage 2 GP Housing project constructed by June 2014	Engineering Services	●
h Undertake improvement to Old Port Hedland Cemetery	Stage 2 of the Old Port Hedland Cemetery upgrade completed by June 2014.	Engineering Services	●
i Undertake Dune restoration	Dune restoration plans are ready for implementation by July 2014.	Planning and Development	●
Undertake Coastal access improvement	Coastal access strategy developed by June 2014		●

● Planning ● Business As Usual ● Delivery



3 – Environment			
A city in which we live in balance with our unique surrounds			
3.3 – Education Education and training choices support employment in the region and provide individuals and families with a variety of options.			Priority: Med
Outcome Sought: <ul style="list-style-type: none"> <li>Increased tertiary education opportunities are available for residents.</li> <li>Skilled resources are available locally and reduce the need for FIFO workforce.</li> </ul>			
Actions	Tasks	Responsible Directorate	13/14
a Collaborate with the Government, industry and community partners to attract secondary and tertiary education options to the Pilbara region	Lobby for increased secondary and tertiary options available.	Community Development	●
	Lobby for increased number of apprenticeships available.	Community Development	●
b Undertake community education and information sessions to support a clean and safe community	Report on the outcomes of the community safety and crime prevention plan	Planning and Development	●
	Support programs targeted at the reduction of litter in the community	Community Development	●

3 – Environment			
A city in which we live in balance with our unique surrounds			
3.4 – Environment In balance with the unique natural elements of our surroundings, environment and cultural heritage.			Priority: High
Outcome Sought: <ul style="list-style-type: none"> <li>Natural resources are used sustainably.</li> <li>Reduction in dust and noise pollution levels.</li> <li>Quality-of-life improved for residents</li> </ul>			
Actions	Tasks	Responsible Directorate	13/14
a Develop of a Waste Management strategy.	Approval of Waste Management strategy by March 2014	Engineering Services	●
c Deliver water and wastewater supply and management strategies.	Water Management Strategies (DWMS & LWMS) completed by June 2014.	Engineering Services	●
	Planning for treated water supply for construction usage completed June 2014	Engineering Services	●



## 4 – Local Leadership

We are leaders in the community, with a structured commitment to transforming Port Hedland

### 4.1 – Strategic

The Council Administration is governed in an ethically responsible manner that meets all of its legislative and community obligations.

Priority:

High

#### Outcome Sought:

- Responsible management of Council assets, infrastructure, resources and technology.
- Governance processes and associated policies and procedures that are aligned with leading practice and are up to date with legislative requirements.
- Fiscal accountability.

Actions	Tasks	Responsible Directorate	13/14
a Implement the Integrated Strategic Planning and Reporting Framework	Endorsement of the Corporate Business Plan by December 2013.	Corporate Services	●
	10 year Long Term Financial Plan in place by December 2013.	Corporate Services	●
	4 year Workforce Plan developed incl. Office Accommodation and Housing Strategy by December 2013.	Corporate Services	●
	Implementation of Asset Management Framework and associated plans from July 2013.	Engineering Services	●
	ICT Plan endorsed by December 2013	Corporate Services	●
b Develop and implement a Disaster Recovery Plan and Business Continuity Plan.	Business Continuity Plan developed by June 2014.	Corporate Services	●
c Delivery of the ICT Strategy Implementation plan	Recommendations from Stages 1 + 2 implemented by June 2014: <ul style="list-style-type: none"> <li>• Network upgrade</li> <li>• Windows 7/Office 2010 migration</li> <li>• Intranet upgrade</li> <li>• External website upgrade</li> </ul>	Corporate Services	●
d Develop an OSH Framework	OSH Framework complete and in place by June 2014.	Corporate Services	●
e Implement the recommendations of the corporate governance audit	ToPH is compliant with LG governance regulations by June 2015	Corporate Services	●
g Upgrade of the Network communications	Network communications are upgraded by June 2014.	Corporate Services	●
h Participate in the Pilbara Local Government Shared Technology Platform	Active participation in the Pilbara Local Government Shared Technology Platform working group.	Corporate Services	●
i Implement Civic Centre and Office Accommodation Strategy	Stage 1 Implementation of immediate office accommodation requirements November 2014	Engineering Services	●
	Planning for Stage 2 feasibility and concept design of long-term civic centre and office accommodation strategy Dec 2013		●
k Undertake a review of Local Laws	Local Laws are updated by June 2015	Corporate Services	●
l Undertake a review of the ToPH Chart of Accounts	ToPH Chart of Accounts are simplified and updated to suit the organisation's requirements by June 2015.	Corporate Services	●
m Implement an Online Leave Approval system	Online Leave Approvals system is implemented by June 2014	Corporate Services	●
n Undertake a review of Rating processes	Prepare a Rating Strategy	Corporate Services	●
o Renegotiate EBA	Town of Port Hedland Enterprise Agreement negotiated and ratified by June 2014	Corporate Services	●



Planning



Business As Usual



Delivery





4 – Local Leadership			
We are leaders in the community, with a structured commitment to transforming Port Hedland			
4.2 – Community Focused			Priority:
Focused on strengthening Port Hedland’s community, providing growth opportunities, and diversifying the local economy, Town of Port Hedland are local leaders in the community.			Medium
Outcome Sought:			
<ul style="list-style-type: none"> <li>Bringing transformation to the Pilbara.</li> <li>Effective, open communication and engagement takes place with the community.</li> <li>Council is a proactive advocate for community needs and aspirations.</li> </ul>			
Actions	Tasks	Responsible Directorate	13/14
a Develop a Customer Service Strategy	Customer Service Strategy is developed by June 2014	Corporate Services	
	Customer Service Charter is updated by June 2014.	Corporate Services	
b Engage the community in civic governance	Engage the community in Civic Governance	Corporate Services	

4 – Local Leadership			
We are leaders in the community, with a structured commitment to transforming Port Hedland			
4.3 – Capable			Priority:
The Town of Port Hedland provides committed strategic planning and leadership and high quality customer service.			Medium
Outcome Sought:			
<ul style="list-style-type: none"> <li>The Council Administration is adequately resourced, skilled and supported.</li> <li>Council is able to attract and retain an effective workforce.</li> </ul>			
Actions	Tasks	Responsible Directorate	13/14
a Establish the organisational culture	Culture Strategy developed by June 2014	Office of the CEO	
b Establish leading practice organisational capability	Review internal processes and implement improvements	Office of the CEO	
	Staff induction program reviewed by June 2014	Office of the CEO	
	A Knowledge Management Framework is developed by June 2014.	Office of the CEO	
c Review Record Keeping Plan inclusive of Records Retention and Disposal Project	Review complete by June 2014.	Corporate Services	
	Records Retention and Disposal Project to Complete by June 2014.	Corporate Services	
	Develop a business plan for an income generating, compliant purpose built records archival facility operational by June 2016.	Office of the CEO	
d Establish Port Hedland branding	Branding Strategy is developed by June 2014.	Office of the CEO	
e Develop and implement the Service Management Software helpdesk to automate support services	Service management software introduced by June 2014	Corporate Services	

**11.6.1.7 Town of Port Hedland Council Elected Member Representation (File No.: )**

**Officer** Debra Summers  
Manager Organisational  
Development

**Date of Report** 20 August 2013

**Disclosure of Interest by Officer** Nil

**Summary**

This report recommends to the Council that it re-affirm the Council's position that the number of Elected Members of the Town of Port Hedland Council since 1998 comprises nine Elected Members.

Further, since the 2009 election, the intent of the Council in this regard is re-affirmed that the nine Elected Members of the Town of Port Hedland Council comprise of a popularly elected Mayor and 8 Councillors.

**Background**

The Western Australian Electoral Commission (WAEC) has been engaged to manage the Town of Port Hedland 2013 Election. This election will elect a Mayor and four councillors. On 31 July 2013, in a routine call concerning electoral matters, the project officer from the WAEC advised that, in his opinion, the Councillor vacancies to be considered at this election should be five.

This assumption is based on a notice in the May 1998 Government Gazette, following the decision of the Town of Port Hedland to move from a ward based local government to become a district, to reduce the number of Councillors from the then current ten to nine. The project officer has surmised that as a Mayor elected by a popular vote is no longer referred to as a Councillor, since 2009 the Town of Port Hedland Council should have comprised of 10 Elected Members, being a Mayor and nine Councillors.

**Consultation**

## Internal

- Town of Port Hedland Executive
- Relevant Town of Port Hedland Officers

## External

- Department of Local Government
- Civic Legal
- McLeods
- Previous pertinent Town of Port Hedland employees

## Statutory Implications

The Local Government Act 1995 states that:

*Part 2- Division 4 — Membership and size of the council*

*2.17. Members of council*

- (1) If the method of filling the office of mayor or president is election by electors, the council is to consist of —
  - (a) the mayor or president; and*
  - (b) not less than 5 nor more than 14 councillors one of whom is to hold the office of deputy mayor or deputy president in conjunction with his or her office as a councillor.**
- (2) If the method of filling the office of mayor or president is election by the council, the council is to consist of not less than 6 nor more than 15 councillors of whom —
  - (a) one is to hold the office of mayor or president as well as the office of councillor; and*
  - (b) another is to hold the office of deputy mayor or deputy president as well as the office of councillor.**
- (3) If the council has 15 councillors and a decision is made under section 2.11(2) to change the method of filling the office of mayor or president to election by electors, the council may, despite subsection (1)(b), continue to have 15 councillors after the decision has effect.*

*2.18. Fixing and changing the number of councillors*

- (1) When a local government is newly established the Governor, by order made on the recommendation of the Minister, is to —
  - (a) specify the number of offices of councillor on the council of the local government; and*
  - (b) if the district is to have a ward system, specify the numbers of offices of councillor for the wards.**
- (2) When an order is made under section 2.2 discontinuing a ward system for a district, the number of offices of councillor on the council remains unchanged unless the order specifies otherwise.*
- (3) The Governor, on the recommendation of the Minister, may make an order —
  - (a) changing the number of offices of councillor on a council; or*
  - (b) specifying or changing the number of offices of councillor for a ward; or*
  - (c) as to a combination of those matters.**
- (4) The Minister can only make a recommendation under subsection (1) or (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.*

*Local Government Act Schedule 2.2- Provisions about names, wards and representation*

*5. Local government may propose ward changes or make minor proposals*

*A local government may, whether or not it has received a submission —*

- (a) carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council's opinion, be made; or*
- (b) propose\* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —*
  - (i) one of a minor nature; and*
  - (ii) not one about which public submissions need be invited;*
- or*
- (c) propose\* to the Minister the making of an order changing the name of the district or a ward.*

*\* Absolute majority required.*

### **Policy Implications**

Nil

### **Strategic Planning Implications**

6.4	Local Leadership
6.4.2	Community Focused
	Local leaders in the community who provide transparent and accountable civic leadership

### **Budget Implications**

Costs associated with the activity to support this report are incorporated within the 2013/14 budget.

### **Officer's Comment**

The challenge from the project officer of the WAEC is not a matter to be dismissed lightly, and indeed current responsible officers have undertaken significant research to provide factual evidence to support the long held position of the Town of Port Hedland, Elected Members and officers, that its Elected Members are nine in total, and since 2009 comprise of a Mayor and eight Councillors.

The following timeline details the outcomes of that research:

*8 May 1998 – Government Gazette – Town of Port Hedland Councillor Numbers*

The Town of Port Hedland moved from wards to a district and advertised a reduction of ten Councillors to nine.

*31 October 2007 Ordinary Council Meeting Minutes*

At this meeting a decision was made to have the Mayor popularly elected effective from the October 2009 election.

*24 June 2009 Ordinary Council Meeting Minutes*

A report from Chris Adams (CEO) was put to the meeting to discuss the appointment of the returning officer and the adoption of the electoral code of conduct. In the background of the report it advises the Council that the Town will be conducting two elections, one being the Mayoral election and the second being the election of the remaining vacant Council positions (5 seats).

Matthew Scott who was the Director Corporate Services at the time and the officer with responsibility for the election has been communicated with and advises that despite the wording in the background of the report to Council, it was never the intent of either the CEO or the Council of the day to increase the number of elected members (Councillor and Mayor) to 10.

It is to be noted that the decision of this item does not outline the number of seats for the 2009 election.

*22 July 2009 Ordinary Council Meeting Minutes*

A report from Matthew Scott (Director Corporate Services) was put to the meeting to seek endorsement from the Council for a submission to be forwarded as per the Minister's request discussing Local Government Reform inclusive of the Council's determination with regard to number of Elected Members. On this matter the report outlines to the Council the undesirable consequences with respect to voting matters associated with an even number of Elected Members. The officer's recommendation, adopted by the Council, was to retain the current number of Elected Members at nine.

*23 September 2009 Ordinary Council Meeting Minutes*

A further report from Matthew Scott (Director Corporate Services) was put to this meeting to re-affirm the 22 July 2009 decision regarding Local Government Reform and maintain the number of Elected Members at nine after the 2009 Local Government Election. This report suggests a voluntary review of future numbers at a later date. As the Town of Port Hedland comprises of one district and is not based on wards, there is no statutory requirement to undertake a review of the number of Elected Members unless directed by the Minister.

*2009 Election- Background- Clarification from Matthew Scott by Teleconference*

In the lead up to the 2009 election, five of the Elected Members were retiring out of the total of nine. The Mayoral election had candidates who were elected members; some of whom retiring that year and some of whom were retiring in 2011. In the candidate list were also persons not currently on Council. Matthew Scott advised that the 2009 election ran with 4 vacancies for Councillor and 1 vacancy for Mayor to ensure that the incoming Town Of Port Hedland Council consisted of the agreed nine elected members.

An Elected Member retiring in 2011 was elected as the Mayor and the advertised four Councillor vacancies were filled.

Matthew Scott advised that he had received advice from both the Department of Local Government and the Electoral Commission on many matters pertaining to this election in the lead up to and post the election and was never given advice of actions required to the contrary of those undertaken.

*19 October 2009 Special Council Meeting Minutes*

A report from Chris Adams (CEO) was put to this meeting to seek a decision to carry the vacancy created by the election of a non-retiring Councillor to the position of Mayor until the next election. In the background of the report the CEO outlines that the Council, should it carry this vacancy until the 2011 election, would be operating with seven Councillors and one Mayor (eight elected members). The CEO does not use consistent terminology in the officer recommendation's, which results in a resolution to seek permission from the Electoral Commissioner requesting that permission is granted to operate with eight Councillors (as opposed to the current nine) until the 2011 election.

Chris Adams (CEO) then sought permission from the Commissioner to carry one vacancy as a consequence of a non-retiring Elected Member being elected Mayor to the 2011 Election. The Commissioner granted this permission. Matthew Scott advised that no contact from the Department of Local Government or the Western Australia Electoral Commission (WAEC) occurred following that correspondence to advise of any matter of concern around the 2009 election or its aftermath.

This series of supported decisions by the Electoral Commission, who then reported through to the Department of Local Government resulted in the number of Elected Members of the Town of Port Hedland Council being eight, comprising one Mayor and seven Councillors.

This report, whilst demonstrating a blurring of the terminology associated with the components of a Council with a popularly Elected Mayor, still confirms the intent of the Town of Port Hedland to have a total membership of nine Elected Members.



*2011 Election*

The WAEC was engaged by the Town of Port Hedland to manage the 2011 Election at which the vacancy carried forward since the Mayor election in 2009 and 3 other vacancies due to retiring Elected Members (total 4) were filled. The Town was not advised that its plans for this election were of concern.

In summary, the position of the WAEC advised on 31 July 2013 that the Town of Port Hedland should comprise of nine Councillors and one Mayor since 2009 is based on the 1998 Gazette stating that the Town of Port Hedland has nine Councillors.

Whilst the terminology applied to roles of various Elected Members within the Council since the notice of Gazette in 1998 has been inconsistent, it clearly, on its own does not constitute the intent of the Town of Port Hedland with regard to the number of Elected Members (Mayor and Councillors) that make up its Council. This number has consistently been reaffirmed as nine.

**Attachments**

1. Confidential: Legal advice from McLeods (to be provided under separate cover due to legal privilege)

**Officer's Recommendation**

That Council:

1. Re-affirm the Council's position that the number of Elected Members of the Town of Port Hedland Council since 1998 comprises nine Elected Members;
2. Re-affirm that since the 2009 election, the Council's position is that the Council remains comprised of nine Elected Members of the Town of Port Hedland Council being a popularly elected Mayor and eight Councillors; and
3. Place a notice in the Government Gazette reaffirming the Council's position that the Town of Port Hedland Council remains comprised of nine Elected Members being a popularly elected Mayor and eight Councillors.

**201314/070 Alternative Officer's Recommendation/ Council Decision****Moved: Cr Carter****Seconded: Cr Jacob****That Council:**

- 1. Re-affirm the Council's position that the number of Elected Members of the Town of Port Hedland Council since 1998 comprises of nine Elected Members, and since the 2009 election has comprised a popularly elected Mayor and eight Councillors;**
- 2. Request the Chief Executive Officer, or his delegate(s), to forward a submission to the Advisory Board in accordance with Schedule 2.2 (5)( b)( i) of the Local Government Act 1995, to change the number of offices of Councillor to eight as *a minor matter*, with the intent to obtain a Governor's Order pursuant to section 2.18(3) accordingly;**
- 3. Accept the advice of the Department of Local Government and Communities (DOLGC) to operate with a quorum and absolute majority of six Elected Members from this date forward to protect validity of decision making during any transition period until a Governor's Order is requested and made reducing the number of offices of Councillor to eight;**
- 4. In order to further ensure the validity of any previous decisions that may be impacted by the question of the Council's quorum of six Elected Members since October 2009, request the Chief Executive Officer, or his delegate(s), to obtain with the support offered by the DOLGC, a Governor's Order pursuant to section 9.64 of the Local Government Act 1995;**
- 5. Request the Chief Executive Officer, or his delegate(s), to make representation to the DOLGC and the Electoral Commission that, as previously advised, the Town of Port Hedland intends at the 2013 Ordinary Local Government Election to fill four Councillor vacancies and one Mayoral vacancy in anticipation of obtaining a Governor's Order pursuant to section 2.18(3) to change the number of offices of Councillor on the Council to eight; and**
- 6. Notes that should the representation requested in point 5 not be supported by 3 September 2013 or a Governor's Order not be obtained the permission of the Council will be required to hold an extraordinary local government election to fill the ninth Councillor vacancy.**

***CARRIED BY ABSOLUTE MAJORITY 8/0***

**ITEM 12 LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/COUNCIL****12.1 *Independent Review - South Hedland Aquatic Centre and Marquee Park (Splash & Play) (File No.: 26/13/0018)***

*NOTE: This item has been pulled and will be presented to Council at the next Council meeting.*

**ITEM 13 REPORTS OF COMMITTEES**

*NOTE: The Minutes of this Committee meeting are enclosed under separate cover.*

**13.1.1 Airport Committee Minutes – 31 July 2013****201314/071 Officer's Recommendation/ Council Decision****Moved: Cr Carter****Seconded: Cr Jacob**

**That Council receives the Minutes of the Ordinary Meeting of the Airport Committee held on 31 July 2013 at 12:30pm; inclusive of the following recommendations:**

**7 Confirmation of Minutes of Previous Meeting****10.1 Port Hedland International Airport – Projects Update August 2013 (File No.: 08/02/0025)****10.2 Port Hedland International Airport Redevelopment – Strategic Reviews (File No.: 08/02/0025)****10.3 Port Hedland International Airport – Screening Authority Update (File No.: 08/02/0025)*****CARRIED 8/0***

**ITEM 14      MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****14.1      *Ninji Ninji Festival Reimbursement of Fees – Mayor Howlett*****Summary**

The Ninji Ninji Cultural Festival is an indigenous cultural festival which the Town of Port Hedland supports through our annual community donations and contributions policy. Currently the Town of Port Hedland financially supports this event to the tune of \$1,000 (plus inkind support of rubbish bins). The event is being held on the Hedland Senior High School Oval and the Principal of Hedland Senior High School has written a letter of support and has supported the use of the oval for this event.

With the new events approval in place, community events held within the Town of Port Hedland need to now go through a community facility booking process and a planning approval process. TOPH Planning approval and fees are required to assess and process the application and to advertise the event.

Bloodwood Tree Association has raised \$115,000 + the \$1,000 donated by the Town of Port Hedland. Bloodwood Tree Association is also committed to providing crowd control (8 paid security people from JR Training as well as a team from Bloodwood Tree Association staff). Mingle Mob will also be present keeping an eye out for possible situations with young people. The local police are having a stall and squad car at the event. A request to the local ambulance to be present on the day has been made. A number of Bloodwood Tree Association staff and YIC staff with Senior First Aid qualifications will be available and be deployed to administer first aid if necessary.

Given the alignment of this event to our Strategic Plan and the positivity associated with this event, it is felt appropriate that the \$1,384.50 TOPH Planning fees required to stage and receive planning approval this event be refunded to Bloodwood Tree Association.

**Background**

Nindji Nindji translates to "Bringing the Family Together".

The first Festival began in 1996 when the late Mr Moarywaalla Barker Snr had a vision to create a festival that the people of the Pilbara could call their own; a festival that would bring the whole community; families and cultures together in a celebration of dance, music and art.

The Nindji Nindji Festival is:

- the only Indigenous Festival in the Pilbara and one of 5 in Western Australia

- a drug and alcohol free family cultural festival owned by local Indigenous people
- to our knowledge the only Indigenous festival with a multi-cultural inclusion focus
- a catalyst for change through building bridges between Indigenous and non-Indigenous people in the Pilbara.

This BTA event is staged with assistance from many Aboriginal and non-Aboriginal community groups, organisations, businesses and individuals. 2013 will see the 9th NNF re-invigorate the original vision and we are confident that building the profile and the Indigenous led multi-cultural capacity building of the Nindji Nindji Festival will contribute to the social cohesion of the town and region.

Along with rides for the kids

East Journey Dance & Didge workshops & Performance - Winners of 2 National Indigenous Music awards in 2012 and nominees for 'Band of the Year' at this year's Deadly's, they are a band with strong connections to their Yolgnu culture, they have grown with guidance and experience in Yothu Yindi and will be facilitating didge and dance workshops with the community before their performance at the festival. Local choir Hedland Voices under the guidance of Delany Delaney will also rehearse with the band to perform at the festival

Songwriting and performance; Kerriane Cox, whose home is Beagle Bay, is a musician and community builder. She is a 'Deadly's' award winner who will be facilitating workshops in voice, songwriting, leadership and governance with young women and lead them to performance at the festival. This will be in collaboration with the local high school and YIC (Youth Involvement Council) and Wirrika Maya Health and Well Being service.

Kiwirrkurra Band – These boys can boast being the most remote Indigenous Band in the world. And that in itself is something we as Australians can be proud of. Not only are they a selection of the most exotic artists left on earth, they sing all their music in a language some 45,000 years old, Pintubi. The Pintubi language is also one of the oldest contiguous languages in use on earth. They have dubbed their music "Desert Reggae".

Fitzroy Xpress is a performing, touring and recording country rock outfit, which first hit the road in 1982. Having endured the slog that accompanies long distance touring to take their music out to the people, these boys from the bush have developed a reputation amongst a few generations of loyal fans throughout Western Australia and more recently across state borders.

To keep with the times the band still travels regularly but they never lose touch with who they are and where they come from. For this reason Fitzroy Xpress will forever be based in their home town of Fitzroy Crossing, which by the way is ' in the centre of the Kimberley' region of Western Australia.

The Story Film Project with Indigenous film maker Curtis Taylor. This project is the 2<sup>nd</sup> stage, following on from the successful NAIDOC Week film project, which resulted in 2 documentaries – “Portraits of Hedland” and “Mingle Mob”. This 2<sup>nd</sup> stage will further develop the skills of previous participants and stage sessions with media and arts students at Hedland Senior High School.

Along with other ideas that evolve, the project will film vision of the local area to be screened during the festival along with activities/workshops and events leading up to the the festival. Along with footage filmed at the NAIDOC Week workshops and public Awards Celebration a documentary on these events and their community engagement strategies working toward reconciliation will be produced.

The aim is that documentaries created will be used in class rooms, board rooms, youth spaces, community spaces and for future sponsorship and funding both here and beyond. All copyright and permissions will be in place before anything is filmed. Curtis is not only a talented film maker and linguist of the Martu people; he is also a visionary in regard to the engagement of young people. As a winner of last year’s Hedland’s NAIDOC Awards and with his ability to engage and vision way beyond his years, he is a true inspiration.

**201314/072 Council Decision****Moved: Cr Jacob****Seconded: Cr Carter**

**That Council approves the refund of \$480 to Bloodwood Tree Association associated with Town of Port Hedland planning approval fees required for the upcoming Ninji Ninji Festival to be held on 1 September 2013.**

***CARRIED BY ABSOLUTE MAJORITY 8/0***



**ITEM 15 CONFIDENTIAL ITEMS****201314/073 Council Decision****Moved: Cr Daccache****Seconded: Cr Carter**

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 New Energy Corporation Waste Supply Proposal Progress Report (File No.: 31/14/0003)**
- 15.2 Private Treaty proposal to lease Lots 437, 438 and 439 and Part Lot 436 within the Kingsford Business Park – to Finance Unlimited Pty Ltd (File No.: 08/03/0005)**
- 15.3 Acceptance of Offer from Jupps Group for the purchase of lot 402 within the Kingsford Business Park (File No. 80/03/0006)**
- 15.4 Acceptance of Offer from Roger Higgins for the purchase of lot 401 within the Kingsford Business Park via a Private Treaty (File No. 08/03/0006)**

***CARRIED 8/0***

9:44pm Mayor advised that this meeting is now closed to members of the public.

***15.1 New Energy Corporation Waste Supply Proposal Progress Report (File No.: 31/14/0003)*****201314/074 Officer's Recommendation/ Council Decision****Moved: Cr Daccache****Seconded: Cr Jacob****That Council:**

- 1. Acknowledges the work completed to date to assess the New Energy Waste Supply Submission received on 24 April 2013; and**
- 2. Requests that the Chief Executive Officer, or his delegate(s), provides an update to Council for consideration once legal advice regarding the evaluation methodology for the New Energy proposal has been received and reviewed.**

***CARRIED 8/0***

9:47pm Director Planning & Development declared a financial interest in Item 15.2 "Private Treaty proposal to lease Lots 437, 438 and 439 and Part Lot 436 within the Kingsford Business Park – to Finance Unlimited Pty Ltd (File No.: 08/03/0005)" as he has an association with the consultant on this project.

Director Planning & Development left the room.

9:48pm Councillors Daccache, Dziombak and Hunt declared an impartiality interest in Item 15.2 "Private Treaty proposal to lease Lots 437, 438 and 439 and Part Lot 436 within the Kingsford Business Park – to Finance Unlimited Pty Ltd (File No.: 08/03/0005)" as they have BHP Billiton shares over the statutory threshold.

Councillors Daccache, Dziombak and Hunt did not leave the room.

**15.2 *Private Treaty proposal to lease Lots 437, 438 and 439 and Part Lot 436 within the Kingsford Business Park – to Finance Unlimited Pty Ltd (File No.: 08/03/0005)***

**Motion**

**Moved: Cr Jacob**

**Seconded: Cr Hunt**

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 private treaty disposal via the lease of approximately 14.5 ha of Lots 437, 438 and 439 and Part Lot 436\* (\*subject to survey) to Finance Unlimited Pty Ltd on the following terms and conditions:
  - a. Annual base lease rent of \$2,030,000 for approximately 14.5 ha exclusive of GST;
  - b. Term of ten years with one option of a ten year extension, an option to be exercised by Finance Unlimited;
  - c. Annual increase to the base rental including annual CPI reviews during the lease term and the two extended periods;
  - d. Annual voluntary community contribution of \$5.00 per room occupied above the 75% capacity of the development;
  - f. The proposed private treaty is subject to a satisfactory credit valuation report on Finance Unlimited Pty Ltd and any subsidiary companies.

2. Requests the Chief Executive Officer, or his delegated officer, 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 Finance Unlimited Pty Ltd.

*MOTION LOST 2/6*

#### **Motion**

**Moved: Mayor Howlett**

**Seconded: Cr Jacob**

That Council does not proceed with the preparation and advertisement of a business plan for the proposed private treaty disposal via the lease of approximately 14.5 ha of Lots 437, 438 and 439 and Part Lot 436 to Finance Unlimited Pty Ltd.

*MOTION LOST 2/6*

#### **201314/075 Officer's Recommendation/ Council Decision**

**Moved: Cr Gillingham**

**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 private treaty disposal via the lease of approximately 14.5 ha of Lots 437, 438 and 439 and Part Lot 436\* (\*subject to survey) to Finance Unlimited Pty Ltd on the following terms and conditions:**
  - a. **Annual base lease rent of \$2,030,000 for approximately 14.5 ha exclusive of GST;**
  - b. **Term of ten years with two extensions of five years, with the option to be exercised by Finance Unlimited;**
  - c. **Annual increase to the base rental including annual CPI reviews during the lease term and the two extended periods;**
  - d. **Annual voluntary community contribution of \$5.00 per room occupied above the 75% capacity of the development;**
  - f. **The proposed private treaty is subject to a satisfactory credit valuation report on Finance Unlimited Pty Ltd and any subsidiary companies.**

2. Requests the Chief Executive Officer, or his delegated officer, 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 Finance Unlimited Pty Ltd.

*CARRIED 5/3*

Record of vote:

For	Against
Councillor Daccache	Mayor Howlett
Councillor Carter	Councillor Jacob
Councillor Gillingham	Councillor Taylor
Councillor Dziombak	
Councillor Hunt	

10:19pm Councillors Hunt, Dziombak and Daccache declared an impartiality interest in Item 15.3 "Acceptance of Offer from Jupps Group for the purchase of lot 402 within the Kingsford Business Park (File No. 80/03/0006)" as they have BHP Billiton shares over the statutory threshold.

Councillors Hunt, Dziombak and Daccache did not leave the room.

**15.3 *Acceptance of Offer from Jupps Group for the purchase of lot 402 within the Kingsford Business Park (File No. 80/03/0006)***

**201314/076 Council Decision**

**Moved: Cr Carter**

**Seconded: Cr Dziombak**

**That Council:**

- 1. Formally accepts the offer from Jupps Group to purchase lot 402 for the amount of \$750,000 plus GST within the Kingsford Business Park in accordance with Section 3.58 of the Local Government Act 1995;**
- 2. Request the Chief Executive Officer, or his delegate(s), to finalise the legal documentation to formalise the disposition of lot 402 within the Kingsford Business Park in accordance with the Local Government Act 1995; and**
- 3. Request that all proceeds go into the Airport Reserve Fund in accordance with the Business Plan.**

***CARRIED 8/0***

10:21pm Councillors Hunt, Dziombak and Daccache declared an impartiality interest in Item 15.4 "Acceptance of Offer from Roger Higgins for the purchase of lot 401 within the Kingsford Business Park via a Private Treaty (File No. 08/03/0006)" as they have BHP Billiton shares over the statutory threshold.

Councillors Hunt, Dziombak and Daccache did not leave the room.

**15.4 *Acceptance of Offer from Roger Higgins for the purchase of lot 401 within the Kingsford Business Park via a Private Treaty (File No. 08/03/0006)***

**201314/077 Council Decision**

**Moved: Cr Carter**

**Seconded: Cr Dziombak**

**That Council:**

- 1. Formally accepts the offer from Roger Higgins to purchase lot 401 for the amount of \$922,000 plus GST within the Kingsford Business Park in accordance with Section 3.58 of the Local Government Act 1995;**
- 2. Request the Chief Executive Officer, or his delegate(s), to finalize the legal documentation to formalize the disposition of lot 401 within the Kingsford Business Park in accordance with the Local Government Act 1995; and**
- 3. Request that all proceeds go into the Airport Reserve Fund in accordance with the Business Plan.**

***CARRIED 8/0***



**201314/078 Council Decision****Moved: Cr Jacob****Seconded: Cr Daccache****That the meeting be opened to members of the public.*****CARRIED 8/0***

10:24pm Mayor advised that the meeting is now open to the public. Mayor advised members of the public of Council's decision whilst behind closed doors.

**ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE****201314/079 Council Decision****Moved: Cr Carter****Seconded: Cr Daccache****That the following applications of leave of absence:**

- **Councillor Daccache from 24 September to 1 October 2013;**
- **Councillor Gillingham from 11 September to 16 September 2013;**
- **Councillor Jacob from 16 September to 23 September and 27 September to 6 October 2013;**
- **Councillor Hunt from 10 November to 12 December 2013**

**Be approved.*****CARRIED 8/0*****ITEM 17 CLOSURE****17.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 25 September 2013, commencing at 5.30 pm.

**17.2 Closure**

There being no further business, the Mayor declared the meeting closed at 10:34pm.

**Declaration of Confirmation of Minutes**

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of \_\_\_\_\_ 2013.

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE