



Town of Port Hedland

MINUTES

FOR THE

ORDINARY MEETING  
OF THE TOWN OF PORT HEDLAND COUNCIL

TO BE HELD ON

WEDNESDAY 23 JUNE 2010

AT 5.35 PM

IN COUNCIL CHAMBERS  
McGREGOR STREET, PORT HEDLAND

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*Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Town of Port Hedland advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.*

*Chris Adams  
Chief Executive Officer*



## OUR COMMITMENT

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

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**ITEM 3      RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE****3.1            Questions from Public at Ordinary Council Meeting held on Wednesday 9 June 2010**

Nil

**3.2            Questions from Elected Members at Ordinary Council Meeting held on Wednesday 9 June 2010**

Nil

**ITEM 4      PUBLIC TIME****4.1            Public Questions**

Nil

**4.2            Public Statements****4.2.1        Mr Whalley**

*Mr Whalley heard the Chief Executive Officer is leaving the Town of Port Hedland to take on the role of General Manager at Pilbara Cities. He therefore wanted to take the opportunity to say that during his five years as Chief Executive Officer, Chris Adams gave the town vision, energy and intelligence. Mr Whalley believes that Mr Adams came along as Chief Executive Officer of the Town of Port Hedland at the right time and gave the town focus and direction. He will be sorry to see him leaving.*

**4.2.2        Mr Parker**

*Mr Parker stated he keeps seeing many mining companies buses pull up at the arrival entrance of the airport with miners getting off and smoking right where members of the public and also hospital staff with sick patients have to go through. Rangers are issuing parking infringement notices but Mr Parker does not believe this is sufficient. He would like to see the rangers get the buses to move further on and also the mining companies to be notified about their staff's behaviour, which is unacceptable and needs to stop.*

**ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE****5.1 Cr M Dziombak**

*When will the next lots in the industrial area of Wedgfield be released?*

The Chief Executive Officer advised that he has spoken to LandCorp and that the lots will be on sale in August and titles available in early December.

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

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

**ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 9 June 2010****200910/450 Council Decision/Officer's Recommendation**

**Moved:** Cr S R Martin

**Seconded:** Cr S J Coates

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 9 June 2010 be confirmed as a true and correct record of proceedings.**

*CARRIED 8/0*

**ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION**

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

*June*

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

- Attended Port Hedland Speedway Regional Championships Event

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

- Radio Interview Spirit Radio (TOPH Whitegoods Collection)
- PDC Board Member Induction (Local Government Representative)
- Weekly Catchup Deputy Mayor & Mayor Meeting
- Meeting Creating Communities (Andrew Watt) Re: 2010 Hedland Tidy Towns
- BHPBIO Annual Stakeholder Phone Survey

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

- PDC Board Meeting (Local Government Representative) [Onslow]

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

- Meeting With Hon Barry Haase (Federal Member Kalgoorlie)
- Meeting With Hon Brendan Grylls (Minister Regional Development & Lands)
- Chaired Informal 2010/2011 Budget Workshop + Deputy Mayor Carter + Cr Martin + Cr Daccache + Cr Coates + Cr Hooper + Cr Dziombak + CEO + DCD + DCS+ DES+ DRD
- Weekly Media Meeting + Deputy Mayor
- Attended Special PRC Meeting (Phone Link Up) + Cr Martin + CEO
- Attended 2010 Hedland Tidy Towns Meeting
- Attended Celebrate Hedland Inc! Meeting

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

- Weekly Catchup CEO, Deputy Mayor & Mayor Meeting
- Participated In Federal Government Sports Grant Funding Selection Committee (Hon Barry Haase) [Phone Link Up]

Saturday, 12<sup>th</sup> June

- Attended Hedland BMX Club "Have A Try Day" Event
- Attended Ovarian Cancer Fundraiser Jumble Sale

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

- Attended Andrew McLaughlin Family Fun Day Event
- Attended Stevens Street Mid Year BBQ Event

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

- Meeting With Main Roads Regional Manager Ian Fennell + Cr Dziombak + CEO + DES

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

- Attended National General Assembly Of Local Government + CEO
- Meeting With Hon Anthony Albanese Office + CEO
- Meeting With Hon Martin Ferguson's Office + CEO

- Attended Gala Dinner At National General Assembly

Wednesday, 16<sup>th</sup> June

- Attended WALGA Breakfast At National General Assembly + CEO
- Attended National General Assembly Of Local Government + CEO
- Meeting With Hon Gary Gray + CEO
- Meeting With Hon Barry Haase (+ Hon Ian MacFairlane Advisor) + CEO
- Meeting With Hon Warren Truss + CEO
- Meeting With Senator Barnaby Joyce's Office + CEO
- Attended Buffet Dinner At National General Assembly + CEO

Friday, 18<sup>th</sup> June

- Weekly Catchup CEO, Deputy Mayor & Mayor Meeting
- Meeting With Swans Football Club

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

### **9.1            Cr S J Coates**

Cr Coates thanked everybody who attended the meeting at Avocet Brace on Thursday 10 June 2010 to discuss recent criminal activity and anti social behaviour in the area with local residents. A number of solutions to tackle these issues arose from the meeting and included cleaning up storm water drainage and removing excess vegetation outside local residences in order to eliminate potential hiding places. To stop illegal vehicle activity on walkways it was suggested to install guard rails or bollards. Another solution brought up at the meeting was the CCTV program. For behavioural issues it was suggested to engage with other agencies to try and address the cause rather than just the symptoms of the problems faced by local residents in this area whilst maintaining the confidentiality of the persons concerned.

Cr Coates advised that the Community Safety Crime Prevention Working Group met on 15 June 2010 at lunch time and it was very well attended. The topics of discussion were the results of an online community safety survey and a detailed report will be presented at the next Council meeting. Some of the matters discussed where the progress of the alcohol management program and the CCTV program.

With regard to this matter the Director of Regulatory Services advised that although there have been a number of difficulties (such as replacing the master pole by the South Hedland Police Station) these have now been overcome and the cameras should roll out soon. The majority of cameras will be placed in South Hedland however the commission decided to kick off the system in Port Hedland first.

Cr Coates advises he has received an email from the Manager of an Indigenous Organisation who is concerned that South Hedland is not fully represented by Council and Councillors. In order to discuss this matter, Cr Coates and Cr Hooper have scheduled a meeting with the Manager of this organisation to take place tomorrow at 1:30 pm in South Hedland and all members are invited to attend.

Cr Coates thanked Chris Adams for his outstanding work and enthusiasm as the Chief Executive Officer of the Town of Port Hedland throughout the years, and wished him and all his family the best for the future.

## **9.2 Cr D W Hooper**

Cr Hooper reported an issue with motorcycles and vehicles driving across walkways close to the C3 church in South Hedland.

Director Engineering Services advised Cr Hooper to put this in writing so he can attend to the matter which could possibly be fixed with the installation of bollards.

Cr Hooper noted that a lot of electricity poles are being taken down as a result of BHP works around town and enquired as to whether they could be reutilised by the Town of Port Hedland for surveillance cameras purposes as he knows they are expensive.

Chief Executive Officer advised that the poles do not meet cyclone standards if cameras are installed on the top.

Cr Hooper advised that he was asked by a member of the public to pass on his thanks to Council for all the work along Cottier Drive.

## **9.3 Cr M Dziombak**

Cr Dziombak advised that last week he attended a meeting with MainRoads regarding the Great Northern Highway realignment. Cr Dziombak and others who wish to get involved with this matter are invited to the next Project Risk Workshop which will tentatively take place on Monday 12 July.

**ITEM 10      PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

*5:55pm          Mayor entered the Council Chambers and resumed her chair.*

*5:55 pm          Deputy Mayor resumed his chair.*

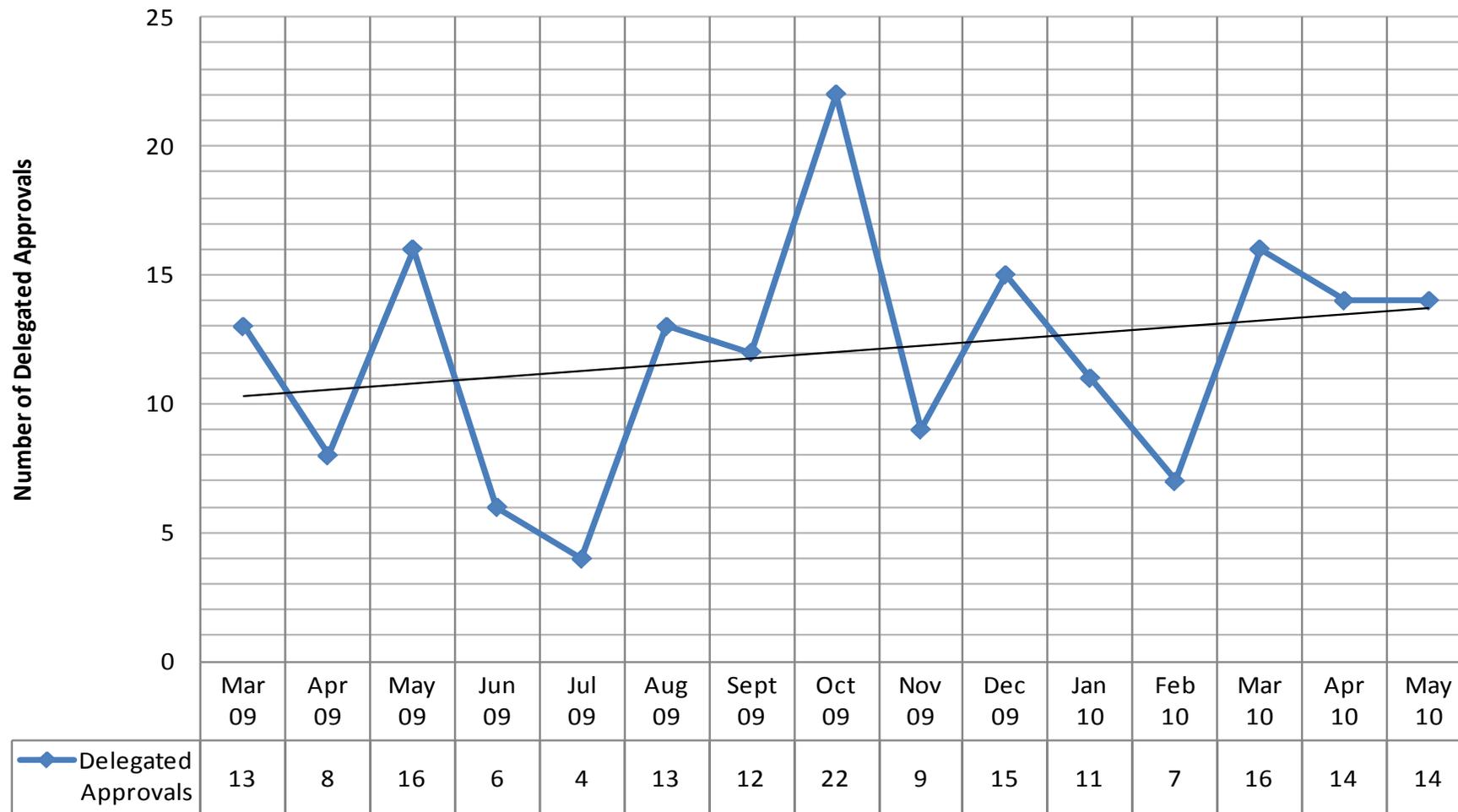


## DELEGATED PLANNING APPROVALS FOR MAY 2010

PLANNING APPROVALS - DELEGATED AUTHORITY - MAY 2010								
Applic No	Applic date	Date Determined	Description	Lot	Address	Owners Name	Applicants name	Development Value
2009/199.05	16/03/2010	07/05/2010	TRANSIENT WORKFORCE ACCOMMODATION - additional 15x 3 bedroom units plus 2x additional laundries - bringing the total persons to 120	0000001	E45/ 02330 MINING TENEMENT VIA PORT HEDLAND 6721	ATLAS IRON LTD	Adam Liebenberg	1339131.00
2009/672	13/10/2009	07/05/2010	HIRE SERVICE (INDUSTRIAL) - Caretakers - replace existing	2506	5 MOORAMBINE STREET WEDGEFIELD	KAJINI NOMINEES PTY	KAJINI NOMINEES PTY	112444.00
2009/735	20/11/2009	07/05/2010	INFRASTRUCTURE - Rail Warehouse	0000001	L15A RAILWAY CORRIDOR VIA PORT	PILBARA INFRASTRUCTUR	Bruce Jorgensen	170000.00
2010/40	19/02/2010	24/05/2010	OFFICE - Indigenous training and employment centre	5486	7 HAMILTON ROAD SOUTH HEDLAND 6722	Department Of Housing	Bob Neville	2000000.00
2010/44	02/03/2010	04/05/2010	SUBDIVISION - 1 lot into 2 freehold lots	997	7 YANANA STREET WEDGEFIELD 6724	AS TRUSTEE FOR THE EARTHEX	Ken Dawson	
2010/57	16/03/2010	04/05/2010	SINGLE HOUSE - R CODE VARIATION - patio addition on boundary	1266	8 CRAIG STREET PORT HEDLAND 6721	JASON WAYNE BROOKS	JASON WAYNE BROOKS	7224.00
2010/70	31/03/2010	21/05/2010	GROUP DWELLING - dwelling addition	3015	6 TRUMPET WAY SOUTH HEDLAND	JANET BROWN	Karen Panton	239912.00
2010/74	07/04/2010	17/05/2010	SINGLE HOUSE - R CODE VARIATION - Outbuilding addition	749	23 MINDEROO AVENUE SOUTH HEDLAND 6722	JASON PAUL LAMONT	Jason Rapana	16500.00
2010/75	07/04/2010	11/05/2010	SINGLE HOUSE - R CODE VARIATION - Shed addition	2761	33 ACACIA WAY SOUTH HEDLAND 6722	SHALAT RUBA	SHALAT RUBA	14000.00
2010/80.01	17/05/2010	17/05/2010	Relocation of Art Sculptures	37	14 EDGAR STREET PORT HEDLAND 6721	TOWN OF PORT HEDLAND	Carolyn Karnovsky	
2010/81	19/04/2010	07/05/2010	GROUPED DWELLING - 2x 3 bedroom transportable units	1979	19 CORBOYS PLACE SOUTH HEDLAND 6722	Department Of Housing	Mark Edwards	601930.90
2010/87	21/04/2010	26/05/2010	CHANGE OF USE - Unit 2 from Warehouse to Office and Unit 7 from Shop to Warehouse	1	2-6 BYASS STREET SOUTH HEDLAND 6722	MANDAY INVESTMENTS PTY LTD	George Anagnostopoulos	0.00
2010/100	12/05/2010	26/05/2010	STORAGE FACILITY/DEPOT/LAYDOWN AREA -	972	14 LEEHEY STREET WEDGEFIELD 6724	KEYFLASH PTY LTD ATF THE A &	Mike Forbes	30000.00
2010/103	17/05/2010	26/05/2010	SINGLE HOUSE - R CODE VARIATION - Primary Street setback	179	31 SNAPPY GUM WAY SOUTH HEDLAND	LEIGH MICHELLE GIBBS	Mike Forbes	460000.00

DELEGATED PLANNING APPROVALS FOR MAY 2010

Summary & Trendline of  
Town Planning Delegated Approvals



**DELEGATED PLANNING APPROVALS FOR APRIL 2010**

**Summary & Trendline of  
Town Planning Delegated Approvals  
Estimated Development Costs**



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

**DELEGATED BUILDING APPROVALS FOR MAY 2010**

<b>BUILDING LICENCES</b>						
<b>Licence Number</b>	<b>Decision Date</b>	<b>Locality</b>	<b>Description of Work</b>	<b>Estimated Construction Value (\$)</b>	<b>Floor area square metres</b>	<b>Building Classification</b>
80908	05.05.2010	PORT HEDLAND	1 x New Patio	19929	32	Class 10a
80911	06.05.2010	PORT HEDLAND	1 x New Carport	17000	20	Class 10a
80910	06.05.2010	PORT HEDLAND	1 x New Carport	17000	20	Class 10a
80917	11.05.2010	SOUTH HEDLAND	1 x New Patio	20000	41	Class 10a
80929	21.05.2010	SOUTH HEDLAND	1 x New Outbuilding	18150	37	Class 10a
80923	18.05.2010	SOUTH HEDLAND	1 x New Patio	28000	72	Class 10a
80924	19.05.2010	SOUTH HEDLAND	1 x New Double Carport	45000	35	Class 10a
80931	26.05.2010	PORT HEDLAND	1 x New Patio	18730	35	Class 10a
85083	07.05.2010	SOUTH HEDLAND	1 x Below Ground Swimming Pool	29000	17	Class 10b
85084	18.05.2010	SOUTH HEDLAND	1 x Below Ground Swimming Pool	32000	20	Class 10b
85085	18.05.2010	SOUTH HEDLAND	1 x Below Ground Swimming Pool	29500	17	Class 10b
85086	21.05.2010	SOUTH HEDLAND	1 x Below Ground Swimming Pool	29000	20	Class 10b
85087	26.05.2010	SOUTH HEDLAND	1 x Below Ground Swimming Pool	34000	37	Class 10b
85082	04.05.2010	PORT HEDLAND	1 x New Below Ground Swimming Pool	33000	32	Class 10b
80913	10.05.2010	SOUTH HEDLAND	8 x Shade Sails Structure	52000		Class 10b
80916	11.05.2010	PORT HEDLAND	1 x Firewall	109890		Class 10b
80925	19.05.2010	VIA PORT HEDLAND	1 x Communications Tower	100000		Class 10b
85088	28.05.2010	PORT HEDLAND	1 x New B.G. Swimming Pool	32000		Class 10b
85090	31.05.2010	SOUTH HEDLAND	1 x New B.G. Swimming Pool	29000		Class 10b
85089	31.05.2010	SOUTH HEDLAND	1 x New B.G. Swimming Pool	33000		Class 10b
80906	03.05.2010	SOUTH HEDLAND	1 x new roof sheeting	27809		Class 1a
80914	10.05.2010	SOUTH HEDLAND	Conversion of Sunroom to Bedroom	1500		Class 1a
80907	05.05.2010	SOUTH HEDLAND	1 x New Single Dwelling	458361	256	Class 1a
80909	06.05.2010	SOUTH HEDLAND	1 x New Single Dwelling	517000	247	Class 1a
80915	10.05.2010	PORT HEDLAND	1 x New Single Dwelling	495000	298	Class 1a
80920	12.05.2010	SOUTH HEDLAND RURAL EST	1 x New Single Dwelling	367109	190	Class 1a

**DELEGATED BUILDING APPROVALS FOR MAY 2010 Cont'd...****BUILDING LICENCES Cont'd...**

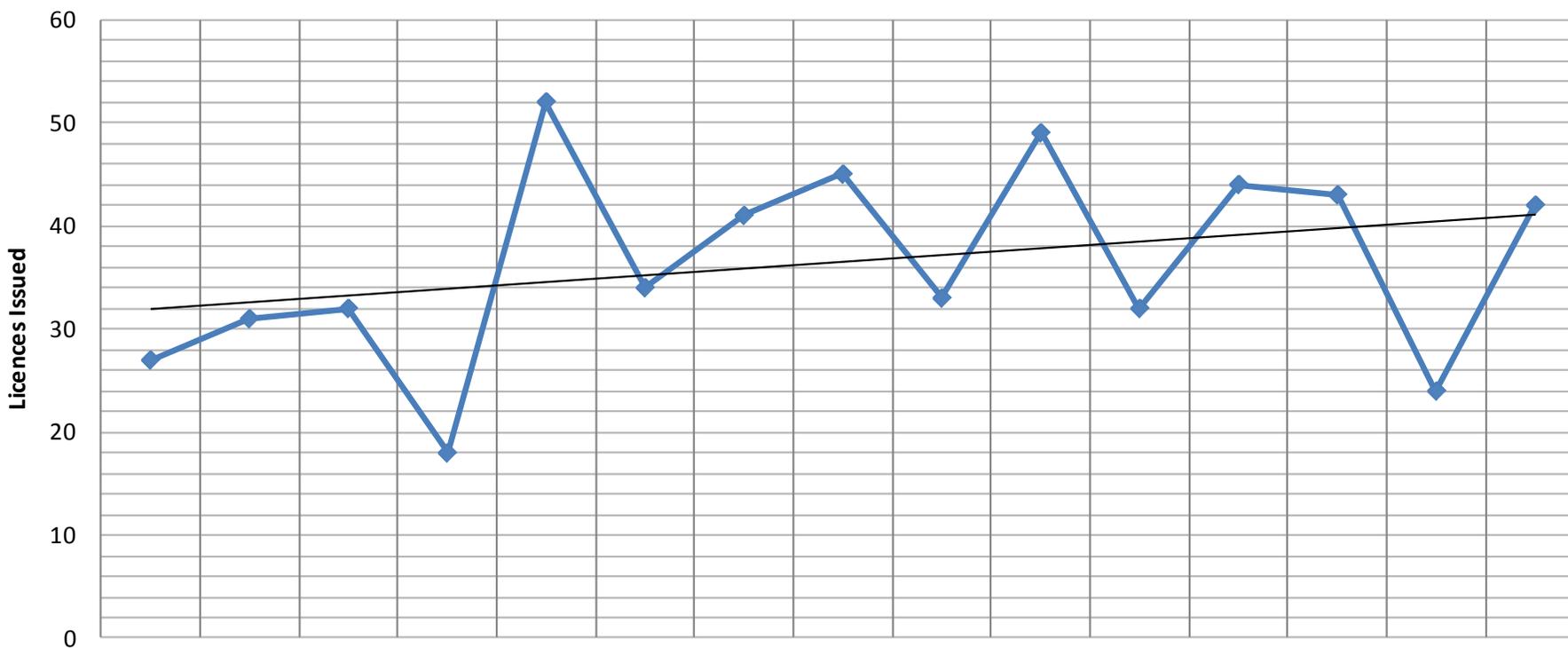
<b>Licence Number</b>	<b>Decision Date</b>	<b>Locality</b>	<b>Description of Work</b>	<b>Estimated Construction Value (\$)</b>	<b>Floor area square metres</b>	<b>Building Classification</b>
80921	14.05.2010	PORT HEDLAND	5 x Grouped Dwellings	2400000	1110	Class 1a
80922	17.05.2010	SOUTH HEDLAND	9 x New Single Storey Grouped Dwellings	3535000	106	Class 1a
80927	21.05.2010	PORT HEDLAND	1 x New Single Dwelling	410822	300	Class 1a
80930A	21.05.2010	PORT HEDLAND	1 x New Single Dwelling	410822	131	Class 1a
80930B	25.05.2010	PORT HEDLAND	8 x New Grouped Dwellings	1972112	420	Class 1a
80932	28.05.2010	SOUTH HEDLAND	7 x Grouped Dwellings	236135	120	Class 1a
80933	28.05.2010	SOUTH HEDLAND	2 x Grouped Dwellings	1196000	510	Class 1a
80934	31.05.2010	SOUTH HEDLAND	1 x New Single Dwelling	508000	243	Class 1a
80902	28.04.2010	PORT HEDLAND	1 x New Single Dwelling	465129	258	Class 1a
80904	29.04.2010	PORT HEDLAND	1 x Conversion Garage to Granny Flat	132000	54	Class 1a
80926	21.05.2010	SOUTH HEDLAND	18 x Sole Occupancy Units 1 x Shop 3 x O	6500000	2462	Class 2
80919	11.05.2010	WEDGEFIELD	1 x Office	35000	29	Class 5
80918	11.05.2010	PORT HEDLAND	1 x New Workshop	50000	193	Class 8

*DELEGATED BUILDING APPROVALS FOR MAY 2010 Cont'd...*

<b>SUMMARY</b>				
<b>Number of Licences</b>	<b>Licence Type</b>	<b>Estimated Construction Value</b>	<b>Floor Area in square metres</b>	<b>Average cost per square metre</b>
3	Demolitions	\$184,000		
13	Dwellings	\$13,103,490	4,243	\$3,088
13	Class 10a	\$183,809	292	\$629
8	Class 10b	\$542,390		
3	Commercial	\$6,585,000	2,684	
2	Cl 1a - not new dwellings	\$29,309		
<b>42</b>		<b>\$20,627,998</b>		

DELEGATED BUILDING APPROVALS FOR MAY 2010 *Cont'd...*

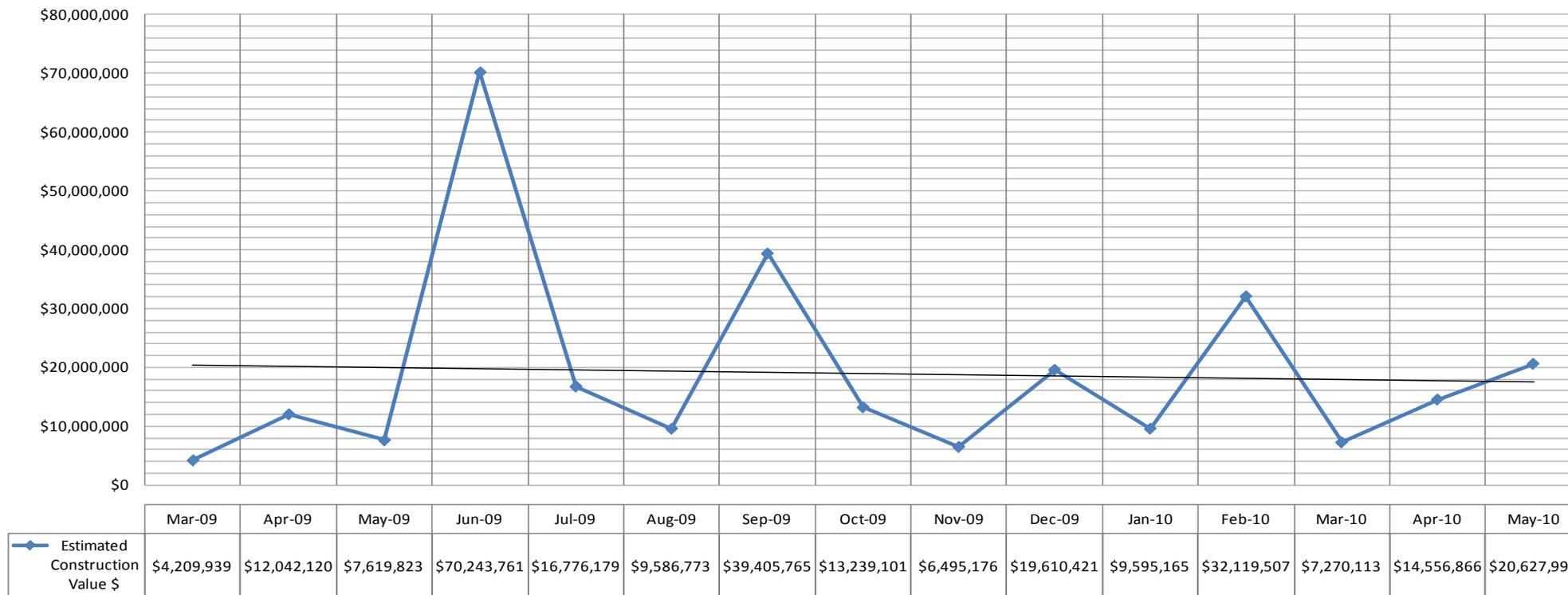
### Summary & Trendline for Building Licence Approvals



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

**DELEGATED BUILDING APPROVALS FOR MAY 2010 Cont'd...**

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



**CURRENT LEGAL MATTERS BEING UNDERTAKEN AS AT APRIL 2010**

**Current Health Orders under Delegated Authority by Environmental Health Services**

30 Weaver Place, South Hedland  
(Fauntleroy/Mills)

Building Unfit for Human Habitation

CURRENT LEGAL MATTERS					
File No.	Address	Issue	First Return Date	Current Status	Officer
<b>WEDGEFIELD</b>					
121670G	Lot 3 Trig Street (J Yujnovich)	Non-compliance with planning conditions	~ First return date 21/1/09	<ul style="list-style-type: none"> <li>~ Court hearing date 14/4/09</li> <li>~ Adjourned until 25/5/09.</li> <li>~ Adjourned to 6/7/09</li> <li>~ Trial 23/11/09</li> <li>~ Due to length of trial, Court adjourned trial on 23/11 for a mention in Perth on 11/12/09 for a trial date to be set in Perth.</li> <li>~ Set for trial allocation in Perth on 16 February 2010.</li> <li>~ Trial set down for 13 &amp; 14 September 2010 in Perth. ToPH witnesses to attend.</li> </ul>	MP
803175G	Lot 1402 (34) Pinnacles Street (National Tyres)	Illegal Residential dongas and office		<ul style="list-style-type: none"> <li>~ Instruction &amp; Docs sent to Solicitors 15 April 09</li> <li>~ Further information required prior to prosecution notice to be filed/served.</li> <li>~ Inspection to be done to ascertain if issue is to commence.</li> <li>~ <b>Matter has been listed and will be dealt with in due course</b></li> </ul>	MP
124590G	Lot 1029 (4) Ridley Street (Carey Gardner Engineering)	Illegal Residential dongas		<ul style="list-style-type: none"> <li>~ Instruction &amp; Docs sent to Solicitors 4 September 09</li> <li>~ With the appointment of of Compliance Officer, the matter will now progress</li> <li>~ <b>Matter has been listed and will be dealt with in due course</b></li> </ul>	MP
<b>REDBANK</b>					
116770G	Lot 134 Roche Road (Western Desert)	Illegal laydown area	~ First Return date 21/1/09	<ul style="list-style-type: none"> <li>~ Adjourned to 27/2/09</li> <li>~ Hearing on 27/2/09 adjourned to 28/4/09</li> <li>~ Adjourned until 29/5/09.</li> <li>~ Court hearing date 29/5/09 adjourned until 6/7/09</li> <li>~ Entered into a plea to be heard 4/8/09 - adjourned</li> <li>~ Court 31/8/09 - matter adjourned</li> <li>~ Matter adjourned to 21 September 09</li> <li>~ Allocated for Court 12 October 09</li> <li>~ Adjourned until 30/10/09.</li> <li>~ 30/10/09 Found guilty and fined \$15,000 with \$1,000 costs. Arrangements being made for payment of fine.</li> <li>~ Invoiced 9/11/09. Payment not received to date.</li> <li>~ Unpaid fine lodged with FER.</li> <li>~ Matter unresolved, follow up prosecution to commence</li> <li>~ <b>Matter referred to solicitors for second offence prosecution due to failure to bring premises into compliance</b></li> </ul>	MP
<b>SOUTH HEDLAND RURAL ESTATE</b>					
1554422G	Lot 11 (39-41) Greenfield St Outlook Contracting	Illegal development and storage of heavy vehicles		<ul style="list-style-type: none"> <li>~ 11/8/09 fined \$20,000 plus court costs \$700</li> <li>~ 21/9/09 case reinstated by Outlook Contracting on grounds of not receiving summons for court appearance on 11/8/09. Fines withheld until court resolved.</li> <li>~ Court date to set a hearing date 25/1/2010.</li> <li>~ Trial date set for 9/7/2010.</li> </ul>	MP
154412G	Lot 2 (5-7) Quartz Quarry Road (Macpherson - Sunsatin P/L t/as Pilbara Earthmoving)	Earth Moving business & repairs being operated from the property	~ First return date 21/1/09	<ul style="list-style-type: none"> <li>~ Adjourned to 27/2/09</li> <li>~ Adjourned to 20/4/09</li> <li>~ Adjourned to 15/6/09</li> <li>~ Adjourned to 7/7/09 for plea</li> <li>~ Listed for Trial 16/11/09</li> <li>~ Early listing application 30/10/09 to vacate 16/11.</li> <li>~ Trial of 16/11/09 vacated until 22/4/2010.</li> <li>~ Owner fined \$31,291.00</li> <li>~ <b>Matter has been referred back to solicitors for second offence prosecution</b></li> </ul>	MP

**CURRENT LEGAL MATTERS BEING UNDERTAKEN AS AT APRIL 2010****CURRENT LEGAL MATTERS Cont'd...**

File No.	Address		First Return Date	Current Status	Officer
<b>SOUTH HEDLAND</b>					
	Nil				
<b>PORT HEDLAND</b>					
400330G	83 Athol Street (P Oldenhuis)	Health - Asbestos removal	~ First Return date 25/2/09	<ul style="list-style-type: none"> <li>~ No appearance by Mr Oldenhuis</li> <li>~ Court hearing date 28/4/09 adjourned until 29/5/09.</li> <li>~ Plea hearing date 13/7/09</li> <li>~ Trial 16/11/09 heard to 7pm.</li> <li>~ Decision handed down 23/11 - guilty and issued \$250 in fines and \$4250 in costs.</li> <li>~ Fine registered with FER by Solicitors as not paid by due date.</li> <li>~ Fine unpaid to date.</li> </ul>	MEH
19/02/0002	M Tompkins	Parking Infringement Parking in loading zone without permission - Wedge Street, Port Hedland	~ First Return date 22/3/10	<ul style="list-style-type: none"> <li>~ Listed for mention in court 22/3/10</li> <li>~ Defendant pleaded not guilty, hearing 10th June 2010</li> <li>~ <b>Defendant was found guilty and required to pay \$222.70</b></li> </ul>	CRS

**Attachments**

**Nil**

**200910/451 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr S R Martin

**That the Schedule of Planning and Building approvals, Environmental Health Orders issued by Delegated Authority and the listing of current legal actions for the month of May 2010 be received.**

*CARRIED 8/0*

**11.1.2 Potential Use of the Old Port Hedland Regional Hospital  
File No.402930G)**

**Officer** Terry Sargent  
Director Regulatory  
Services

**Date of Report** 1 June 2010

**Disclosure of Interest by Officer** Nil

**Summary**

Report seeks to determined the Council's preferred position on the short term use (or demolition) of the old Port Hedland Regional Hospital following the opening of the New Regional Hospital in South Hedland.

**Background**

The Port Hedland Regional Hospital in Sutherland Street Port Hedland will soon be decommissioned following the transfer of services to the South Hedland campus which is due for completion later this year.

The Buildings are generally run down and the Department of Health has no firm plans for the continued use of the buildings. Informal advice from the department suggests that once decommissioned the site will be fenced and left until demolition by the future developer of the land.

Council's consideration is sought on whether it wishes to pursue a short term redevelopment at the site (such as redevelopment as a short stay accommodation facility, backpackers, business incubator or similar activity) or whether Council would prefer that the buildings on the site are decommissioned and demolished as a matter of urgency after the hospital services are relocated to South Hedland.

While there are medium term plans in place to redevelop this site as a component of the Spoilbank Marina precinct, the planning and land disposal process will continue for some considerable time yet and it is unlikely building works will commence for the redevelopment of the site in less than two years. It is clearly not desirable to have one of the most desirable ocean front sites in the town fenced and derelict for a period of up to two years. (The disused Hostel, Moorgunya, on Sutherland Street, between Taplin and Meikeljohn Streets, is a case in point)

While there is no doubt the hospital buildings are past their functional life as a hospital, they are possibly suitable for some uses in the period before construction of the next permanent development on the site.

While ultimately the decision on what should happen with the Hospital site will be made by the State Government, the Town Council should have a clear position on its preference for the short term use of the site. A series of options have been listed below:

- Option 1: Take No action
- Option 2: Request that the State decommission and demolish the Port Hedland Hospital as soon as possible after the relocation of hospital services to South Hedland to enable the land to be 'packaged up' as a component of the Marina development.
- Option 3: Request that the State Transfer vesting over to the Town for a maximum period of two years to enable Council to manage a
- Option 4: Seek to have the state make the land available to private sector businesses for a maximum period of two years for the development as an accommodation facility (backpackers, short stay, or the like)

The potential positives of redeveloping the site in the short term include:

- Council and/or the State Government would be seen as being proactive in attempting to address critical accommodation shortage.
- The community would be getting benefit from the site in the short term. Demolishing or fencing the site off produce no immediate community benefits.

The potential negatives of short term redevelopment of the site are:

- Port Hedland has a history of 'short term' developments becoming long term. This could potentially be managed through leasing conditions but does remain a risk. The Port Hedland Hospital is unsightly and does not fit into the Council's vision for the future of area. It has a legacy of being a temporary building that needed replacement. Leaving it largely 'as is' potentially prolongs this legacy.
- Removing the buildings would engender a feeling of progress in the area, Retaining the hospital buildings may leave the impression that they are going to stay and/or that this style of building is acceptable to the Council

### **Consultation**

Informal discussions have been held with Department of Health staff and the operators of a number of local accommodation providers regarding the commercial viability of a potential short term (0-2yr) redevelopment of the site. The Health Department currently has little interest in the proposal as it is not a core business item for them.

Private sector feedback indicates that a short term accommodation project is possibly viable with a two year lease being provided..

**Statutory Implications**

Nil

**Strategic Planning Implications**

While not specifically addressed in Council's strategic plan, the Council is acutely aware of the current accommodation crisis within the Town and has previously shown a desire to utilize alternate methods to leverage quick accommodation outcomes for tourists, visitors and necessary worker required for the continued development of the town.

Alternately, Council's vision for the Town includes the redevelopment of the Spoilbank precinct (including the existing Hospital site) as a high quality, multi storey residential site.

Given this potential conflict, strategic direction from Council on this item is required.

**Budget Implications**

Nil

**Officer's Comment**

The critical accommodation shortage in town has meant that rents have skyrocketed in recent years.

As a result, there is no affordable accommodation for travellers and holiday makers, which has virtually eliminated the local tourism industry. Perhaps more importantly, the absence of low cost accommodation has excluded many of the people who would normally work in the service industry and small business sector of a town with a normal economy. The proposal to make the old hospital site available to hostel accommodation will not solve the key worker housing shortage, but would possibly provide some short term relief to the town's small business sector.

It may also enable more visitors to attend sporting and cultural events such as regional sports carnivals, tournaments and cultural events.

If the state can be convinced to make this site available for temporary use, the direct benefits are obvious, but it also prevents the site becoming an empty eyesore until it is redeveloped. This maintains the vibrancy of this important precinct and is consistent with the sort of land use that is ultimately proposed for the west end.

Finally and of equal importance; it is possible to undertake this use will relatively low investment so the use can be viably contained to whatever period is required.

While re-development of the existing building infrastructure is clearly not desirable in the long term, using the buildings as accommodation in the short term does not necessarily delay the future redevelopment of the site into something that more closely aligns with the Council's vision for the area

Clearly the land is not within Council control so there is no obligation on the Town of Port Hedland to facilitate its more effective use, but if Council is concerned to do everything possible to ease the accommodation pressures in town, this may be an idea worth pursuing.

**Attachments**

Nil

**Officer's Recommendation**

That Council lobby the Minister for Health to have the old Port Hedland Regional Hospital made available to lease for use as back-packer hostel style accommodation until the site is required for redevelopment purposes.

**200910/452 Council Decision****Moved:** Cr A A Carter**Seconded:** Cr S R Martin

**Request that the State Government decommission and demolish the Port Hedland Hospital as soon as possible after the relocation of hospital services to South Hedland, to enable the land to be 'packaged up' as a component of the Marina Precinct Development.**

*CARRIED 8/0*

*REASON: Council considered packaging up the Port Hedland Hospital site as part of the Marina Precinct Development to be more beneficial for the community.*

**11.1.2 Planning Services****11.1.2.1 *Proposed Primary Street Fencing and Boat/Carport on Lot 376 (76) Anderson Street, Port Hedland (File No: 803163G)***

**Officer** Ryan Djanegara  
Planning Officer

**Date of Report** 31 May 2010

**Disclosure of Interest by Officer** Nil

**Summary**

The Town received an application submitted by ANG WA Bobcat on behalf of Samantha Jane Ruddle for the proposed development of a primary street fence and boat/carport on Lot 376 (76) Anderson Street, Port Hedland.

The proposed development does not comply with the setback requirements of the Scheme and requires Council approval.

**Background*****Location and Area***

The subject site is located along Anderson Street, and measures approximately 980m<sup>2</sup>. Vehicular access will be achieved via Anderson Street. Refer to Attachment 1 – Aerial Photo.

***Current Zoning***

In terms of the Port Hedland Town Planning Scheme No. 5 the subject site is zoned “Industrial”. Refer to Attachment 2 – Town Planning Scheme No.5.

***Current Use***

The proposed land use is defined as “Industry – Service”, in accordance with the definition contained in Appendix 1 of the Scheme, “Industry – Service” is considered a P-Permitted use and is defined as:

*“a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.”*

The subject site will be used primarily for storing and servicing the landowners' industrial equipment which relates to their off-site drilling and explosive company.

#### *Setback requirements*

In accordance with Clause 6.7.8 (a) of the Scheme, in the industrial zone all development is required to be set back a minimum of six (6) metres from the front boundary. The proposed boat/carport is considered to be a development under the scheme and therefore must accord to the above provision.

The boat/carport proposes a setback of 5.1 metres from the front boundary. The proposal does not comply with Clause 6.7.8 (a) of the Scheme and therefore requires a variation to the front setback.

It is recommended that Council approve the proposed boat/carport as it will improve the existing building facade. As noted in Attachment 5 (Existing Photos), the existing building facade is a blank wall, setback 11.10 metres from the front boundary. The proposed boat/carport would help redefine the building facade by breaking the blank wall appearance and improve the overall street frontage of the site.

#### *Car parking*

The landowner is required to provide a minimum of 5 car parking bays. A letter was sent requesting for additional information with regards to compliance with the Scheme.

The applicant stated that he had provided 5 bays, however only 3 bays were noted on the plan and are not considered to be appropriately located. It is recommended that should the proposal be approved that an amended plan be submitted addressing car parking requirements.

#### *Fence*

The Town of Port Hedland does not have any local planning policies or streetscape plans that addresses fencing requirements. The proposed 1.8m (colorbond breezeaway) fence is setback 3.6m from the front boundary and therefore allowing sufficient space to provide adequate landscaping. The proposed fence will replace the existing chainmesh fence as shown in Appendix 5 (Existing Photos).

#### *Amenity and Streetscape*

Although the application does not comply with the prescribed setbacks as defined in the Scheme, the application proposes to improve the existing streetscape. The subject site addresses Anderson Street, a major arterial road that leads into the commercial town centre of Port Hedland. The current building facade and front fence is not considered to enhance the streetscape. The proposal will help improve the

streetscape of Anderson Street by redefining the blank wall facade and replacing the chainmesh fence.

Furthermore a condition will be imposed requiring for landscaping to be provided within the 3 metre front setback to further enhance the streetscape.

#### *The Proposal*

The applicant proposes to construct a primary front fence and boat/carport on Lot 376 (76) Anderson Street, Port Hedland. The proposed fence is to be 1.8 metres high and constructed out of breezeway colorbond fence material, setback 3.6 metres from the front boundary. Refer to Attachment 3 – Site Plans.

The boat/carport is proposed to be 6 metres wide, 3.9 metres high, 12.3 metres long and setback 5.1 metres from the front boundary. Refer to Attachment 4 – Elevations.

#### Consultation

The application has been circulated internally and the comments captured in the report.

#### Statutory Implications

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

**Policy Implications** Nil

**Strategic Planning Implications** Nil

#### Budget Implications

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

#### Officer's Comment

In light of the above information it is considered that supporting the proposal would represent an improvement to the existing streetscape.

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

1. Approve the proposal subject to conditions.
2. Approve the proposal.
3. Refuse the proposal.

It is recommended that Council support the proposal subject to conditions as it seeks to improve the amenity and streetscape of Anderson Street.

#### **Attachments**

1. Arial Photo
2. Town Planning Scheme Map No. 5
3. Site Plan
4. Elevations
5. Existing Photos

#### **200910/453 Council Decision/Officer's Recommendation**

**Moved: Cr G J Daccache**

**Seconded: Cr S R Martin**

**That Council approve the application submitted by ANG WA Bobcat on behalf of Samantha Jane Ruddle, to construct a front fence and new boat/carport on Lot 376 (76) Anderson Street, Port Hedland subject to the following conditions:**

1. This approval relates only to the proposed INDUSTRY – SERVICE – front fence and new boat/carport and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot
2. The unit/development/subject area must only be used for purposes, which are related to the operation of an “INDUSTRY – SERVICE” business. Under the Town of Port Hedland’s Town Planning Scheme No. 5 an “INDUSTRY – SERVICE” is defined as:

***“a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.”***

3. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only
4. As part of the plans submitted for a building license application a minimum of 5 car parking bays are to be indicated in accordance with the Town Planning Scheme No. 5 – Appendix 7.
5. With regard to Condition 4, the car parking bays be designed and constructed in accordance with the requirements of the Town Planning Scheme No. 5 – Appendix 8.

6. Any unenclosed area of the site used for storage must be provided with on site carparking bays at a rate of 1 space per 100m<sup>2</sup> or part thereof in addition to the carparking bays required by condition 4, all to the satisfaction of the Manager Planning
7. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.
8. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the dwelling.
9. Within 30 days of this approval, a detailed landscaping plan for the development site, including the first 3m adjacent to the primary street (Anderson Street) must be submitted to and approved by the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
10. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.

**FOOTNOTES:**

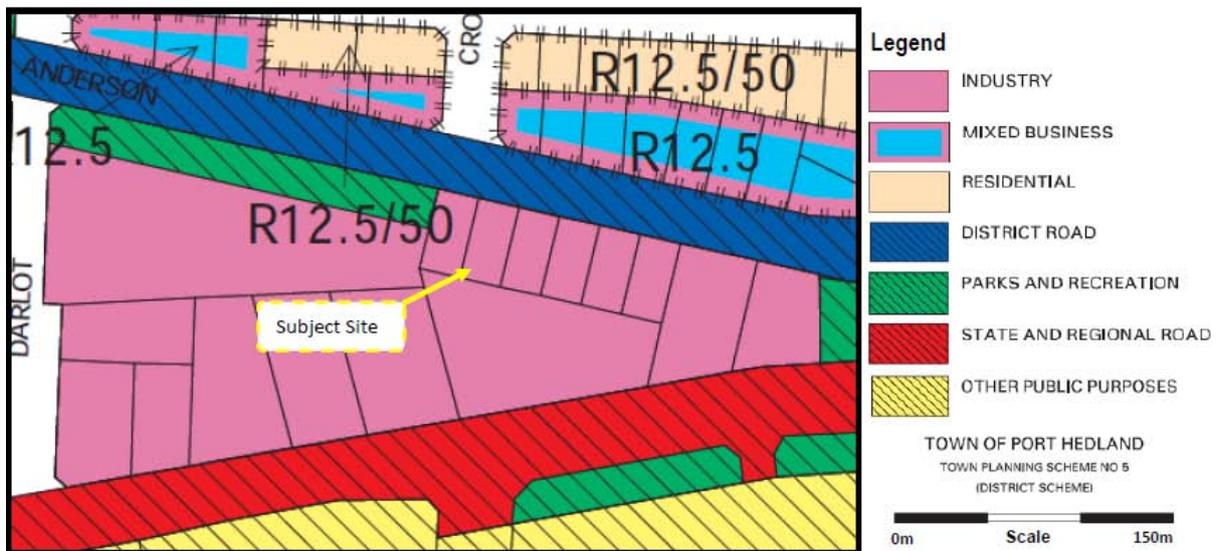
1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm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

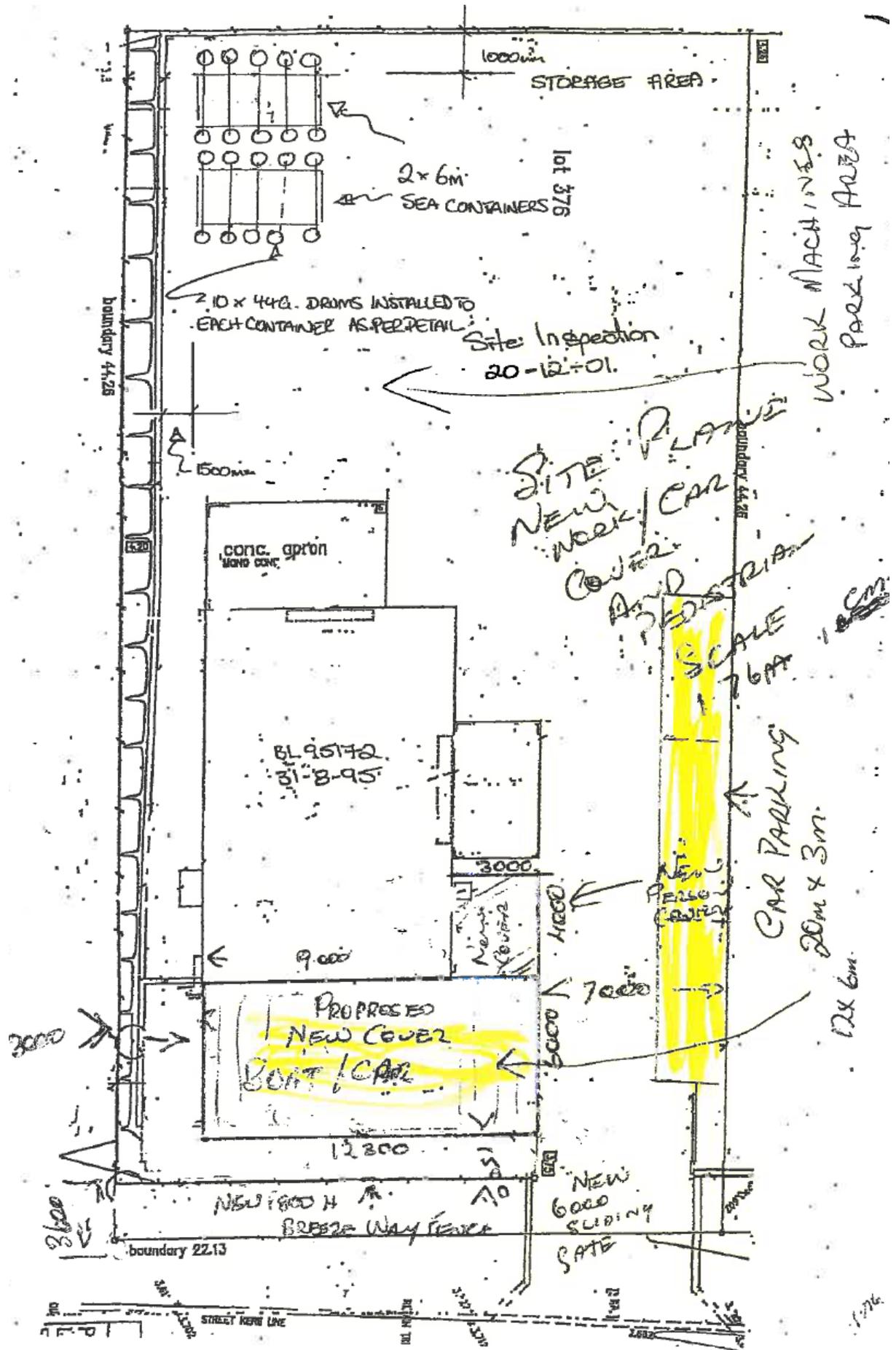
*CARRIED 8/0*

Attachment 1: Aerial photo



Attachment 2: Town Planning Scheme





**Side Wall Bracing Requirement for Open Sheds and Carports**  
 Must input the Wind Speed Calculator first to get the basic wind pressure -  $q_u$   
 Input Fields in Red Font with yellow backgrounds

CHECKED BY SES	INITIAL	DATE
	g	25/6/10

BRISBANE ENGINEERING SOLUTIONS

Name - Ruddell Anderson

Address - 76 Anderson St PORT HEDLAND WA 6722

Bracing Requirement For Side Walls **7.9 KN**

**3.88** From Wind Speed Calculator

Column Width **4.130 m**

Shed Span	6.000 m
Shed Pitch	1.5 degrees
Shed Height	4.500 m
Shed Length	12.300 m
Skirting Depth End of Shed	4.000 m
Skirting Depth Side of Shed	0.000 m
No of Bays	2

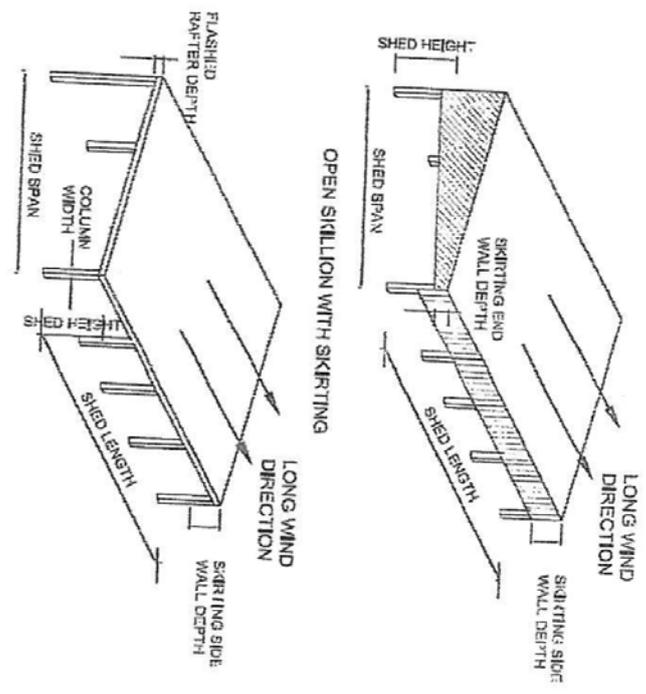
Roof Sheeting: Monoclad

Wall Sheeting: Monoclad

Rafter Flashing Depth: 0.250 m

INPUT ZERO IF NO END SKIRTING

INPUT ZERO IF NO SIDE SKIRTING



Attachment 5: Photos of the Existing building facade



**11.1.2.2 Proposed SINGLE HOUSE – Shed (Outbuilding) Addition at Lot 965, 4A Pilkington Street, Port Hedland (File No: 116210G)**

<b>Officer</b>	<b>Luke Cervi</b> Senior Planning Officer
<b>Date of Report</b>	21 May 2010
<b>Application No:</b>	2010/94
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Council has received an application from the owner, W Ness seeking planning approval for a Single House – Shed addition at Lot 965, 4a Pilkington Street, Port Hedland (See Attachment 1 & 2).

The application was presented to Council's Ordinary Meeting on 9<sup>th</sup> June 2010, as the Notice of Delegations requires outbuildings (sheds) that exceed 100m<sup>2</sup> to be referred to Council for determination.

Council decided to lay the application on the table to consider additional information.

The application is recommended for refusal subject to those grounds contained within the recommendation.

**Background***Previous Approval*

The previous application submitted by the applicant in January 2009, was recommended for refusal by the Town Planning Department due to:

The application not being consistent with Section 6.10.1 of the Residential Design Codes, and

The proposal being inconsistent with orderly and proper planning.

However, Council at its Ordinary Meeting of 28 January 2009, resolved to approve the application for a 121m<sup>2</sup> shed (outbuilding), subject to certain conditions of which condition 1, requires a single house to be completed within 12 months of the approval granted. The condition was imposed to ensure that the ultimate use of the lot will be in accordance with the Town Planning Scheme No. 5. (The construction of a shed/outbuilding alone on a residential lot is not a permitted use)

Despite the approval being granted by Council in January 2009, the applicant has yet to submit a building licence for a single house. Therefore, should the shed have been constructed it would not be in compliance with the Town Planning Scheme No. 5, and as required by Council's approval would have had to be demolished.

Therefore, since the applicant has not complied with Council's condition 2, as works have not yet commenced, the approval expired on 28 January 2010.

#### *Expiry of Application*

With due regard to the *Building Regulations 1989*, and the Port Hedland Town Planning Scheme No. 5, Council has as standard practice, requiring any development to be substantially commenced within 12 months and completed within 24 months.

The applicant had the opportunity under clause 4.6.4 of the Scheme to seek an extension of time but did not make an application.

#### *Draft Local Planning Policy 11*

Since approval of the original shed application, Council at its Ordinary Meeting on 23 September 2009 supported the preparation of Draft Local Planning Policy 11 - Regional R Code Variations (LPP 11).

LPP 11 is significant to the proposal as it proposes to vary section 6.10.1 – Outbuildings, of the R Codes to be less onerous and better reflect the climate, lifestyle, built form, needs and expectations of the Port Hedland Community. The LLP 11 ensures that proper and orderly planning is maintained and that streetscapes and amenities are protected.

The proposed LPP 11 was open for public comment and forwarded to the Western Australian Planning Commission to obtain comments no negative comments were received, indicating the community's and Western Australian Planning Commissions satisfaction with the proposal.

The current proposal requires a substantial variation from draft LPP 11, going completely against what has been envisaged by Council (after extensive consultation) when initiating LLP 11.

#### *The Site*

The site is located in a Residential R12.5/30 zone under the Town of Port Hedland Planning Scheme No. 5 (TPS5), and is one of a two lot strata measuring 639m<sup>2</sup>, each strata lot being owned separately.

The subject site is currently vacant, as the previous dwelling was damaged by cyclone George and subsequently demolished.

### *The Proposal*

A colorbond clad shed with an area of 121.5m<sup>2</sup> (13.5m x 9m), wall height of 3.5m and a ridge height of 4.46m. The shed is to be associated with a Single House that is to replace the damaged dwelling that has been demolished. No plans have been submitted or approved for the proposed replacement dwelling. It is proposed to build the shed first to enable storage of construction tools and materials required for the dwelling (See Attachment 3).

A residential shed is a non defined use within the planning scheme. However, it has been Council practice to assess sheds on vacant land as a Single House – Shed addition. When approving these applications it is required prior to obtaining a building licence for the proposed shed that a building licence for a Single House has been submitted and approved. In addition a condition is imposed requiring that a single dwelling is to be constructed and completed within 12 months or the shed to be removed.

### **Consultation**

The application has been advertised to adjoining properties with no comments being received.

### **Statutory Implications**

In accordance with the Planning and Development Act 2005 the proposed development is subject to the provisions of the TPS5.

### **Policy Implications**

Council has approved the initiation of LPP 11, this policy has already been advertised to the public and no objections or comments were received. The draft policy has been before the Western Australian Planning Commission who has accepted the proposed variation to *section 6.10.1 – Outbuildings, of the R Codes*.

The standard R Code criteria for outbuildings states in part:

#### “6.10.1 – Outbuildings

A1 Outbuilding that:...

- iii. collectively do not exceed 60 sq m in area or 10%t in aggregate of the site area, whichever is the lesser;
- iv. do not exceed a wall height of 2.4 m;
- v. do not exceed a ridge height of 4.2 m”

The Standard R Code criteria is considered excessively onerous and therefore LPP 11 provides for variations that better reflect Port Hedland’s climate, lifestyle, built form, needs and expectations of its residents and to ensure that proper and orderly planning is maintained.

The LPP 11 criteria for outbuilding states in part

*“Notwithstanding Acceptable Development Standard A1 iii – v, outbuildings in the following zones that comply with the following shall be permitted:*

*Residential and Urban Development zones*

*Collectively do not exceed 60 sq m in area or 10 per cent in aggregate of the site area, whichever is the greater;  
do not exceed a wall height of 3.0 m;  
do not exceed a ridge height of 4.8 m”*

The current proposal does not comply with two of the draft Acceptable Development Standards.

- a. The proposed size of the shed (outbuilding) equates to 19% (121.5m<sup>2</sup>) of the lot area, double of what Council has endorsed in LLP 11, and
- b. The wall height of the proposed shed (outbuilding) is 3.5m, 0.5m higher than what Council has endorsed in LLP 11

#### *Strategic Planning Implications*

The proposed development has no implications for Strategic Planning.

#### *Budget Implications*

An application fee of \$127 was paid on lodgement and deposited into account 1006326 – Town Planning Fees.

#### **Officer’s Comment**

The proposal is inconsistent with the Residential Design Codes of Western Australia (R Codes) requirements for sheds (outbuildings). The R Codes specify acceptable development standards for a shed are met when the floor area is no greater than 60m<sup>2</sup>, wall height is no greater than 2.4m and the ridge height is no greater than 4.2m.

However, Council has recognized the fact that not all the R Code requirements “should” be applied to the Pilbara for a number of reasons. Therefore, the Council has initiated Draft LPP 11, which identifies the Acceptable Development provisions which do not reflect the needs and expectations of the community and seeks to increase the size of sheds that are permitted, whilst still retaining the integrity of orderly and proper planning.

LPP 11 will allow for sheds that are up to 3 metres wall height and 10% in aggregate of the site area if adopted.

The proposed shed seeks approval for 3.5m wall height and 121.5m<sup>2</sup>, as the proposed shed exceeds both the current R – Codes and LLP 11 Acceptable Development criteria, Council needs to be satisfied that the performance criteria have been met if approval is to be given.

The performance criterion for a shed is:

Outbuildings (Sheds) that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

In this instance, it has been assessed that the performance criteria is not achieved. The dimensions of the shed are of a size more often seen within an industrial area as opposed to a residential area. The width of the shed is 13.5m being almost the entire width of the lot and the area covered would be approximately 19% of the site. This added with a wall height of 3.5m and ridge height of 4.46m would result in the shed being visually prominent particularly from neighbouring properties.

Whilst it is acknowledged that the shed would be located at the rear of the lot and it is proposed to have a house between the shed and the street, the shed is still likely to protrude above a single storey house and therefore be visible from the street.

Council has the following options of determining the application:

*Option 1*

Refuse the application.

Given these options and in consideration of the shed's size not being consistent with the draft LPP 11 and not appropriate or desirable within a residential zone, it is recommended that the application be refused.

*Option 2*

- a. Approve the application subject to amended plans and conditions. Conditions could include:
- b. This approval relates only to the proposed Single House – Shed addition and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
- c. The Single House is to be completed within twelve (12) months of this approval or the outbuilding shall be removed and the area made good all at the owners expense and to the satisfaction of the Manager Planning.
- d. This approval to remain valid for a period of twelve (12) months.
- e. Prior to the submission of a Building Licence, amended plans being submitted to and approved by the Town of Port Hedland incorporating the following amendments:
  - i) The shed area reduced to no more than 64m<sup>2</sup>;
  - ii) The shed wall height reduced to no more than 3.0m;

- all to the satisfaction of the Manager Planning.
- f. The shed shall only be used for domestic storage and/or activities and not be used for commercial or industrial purposes or human habitation.
  - g. Prior to the submission of a Building Licence, a landscaping plan is to be provided incorporating planting elements (creepers or trees), which are strategically located within the rear, northern and southern boundary setback areas to provide vertical elements to break the bulk of the shed and all be to the satisfaction of the Manager Planning.
  - h. The colours of the proposed shed are to blend with those of the existing dwelling or environment to the satisfaction of the Manager Planning.
  - i. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.

## FOOTNOTES:

- a. 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.
- b. The applicant/owner is required to lodge an application for a Building Licence under the provisions of the Building Regulations and approval from the Town before commencing any works whatsoever.
- c. A building license will not be issued for the shed/outbuilding unless a license has also been issued for a residence on the subject lot.
- d. You are advised that drawings submitted for Building License are to be properly drawn and signed by a practising structural engineer.
- e. 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 cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
- f. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

*Option 3*

Approve the application as submitted with or without conditions.  
Conditions could include:

- a. This approval relates only to the proposed Single House – Shed addition and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
- b. The Single House is to be completed within twelve (12) months of this approval or the outbuilding shall be removed and the area made good all at the owners expense and to the satisfaction of the Manager Planning.
- c. A building license will not be issued for the shed/outbuilding unless a license has also been issued for a residence on the subject lot.
- d. This approval to remain valid for a period of twelve (12) months.
- e. The shed shall only be used for domestic storage and/or activities and not be used for commercial or industrial purposes or human habitation.
- f. Prior to the submission of a Building Licence, a landscaping plan is to be provided incorporating planting elements (creepers or trees), which are strategically located within the rear, northern and southern boundary setback areas to provide vertical elements to break the bulk of the shed and all be to the satisfaction of the Manager Planning.
- g. The colours of the proposed shed are to blend with those of the existing dwelling or environment to the satisfaction of the Manager Planning.
- h. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the 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.
2. The applicant/owner is required to lodge an application for a Building Licence under the provisions of the Building Regulations and approval from the Town before commencing any works whatsoever.
3. You are advised that drawings submitted for Building License are to be properly drawn and signed by a practising structural engineer.
4. 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 cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate.

The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

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

#### Attachments

1. Location Plan
2. Site and Elevation Plans

#### Officer's Recommendation

That Council refuse the Planning Application for a SINGLE HOUSE – Shed (Outbuilding) addition at Lot 965, 4a Pilkington Street, Port Hedland, from W Ness of PO Box 799, Port Hedland, on the following grounds:

1. The proposal is inconsistent with Section 6.10.1 (Outbuildings) of the Residential Design Codes of Western Australia in that it will detract from the streetscape and visual amenity of neighbouring properties.
2. The proposal is inconsistent with the Town of Port Hedland Planning Scheme 5 as it does not support orderly and proper planning and the preservation of amenity of the Pilkington Street locality.
3. The proposal is inconsistent with Draft Local Planning Policy 11-Regional R Code Variations.
4. Advise the applicant that a shed that complies with the R Codes would be supported subject to a Building Licence application for the house being submitted to and approved by the Town.

#### **200910/454 Council Decision**

**Moved:** Cr M Dziombak

**Seconded:** Cr A A Carter

**That Council refuse the Planning Application for a SINGLE HOUSE – Shed (Outbuilding) addition at Lot 965, 4a Pilkington Street, Port Hedland, from W Ness of PO Box 799, Port Hedland, as the proposal is inconsistent with the Town of Port Hedland Planning Scheme 5 as it does not support orderly and proper planning and the preservation of amenity of the Pilkington Street locality.**

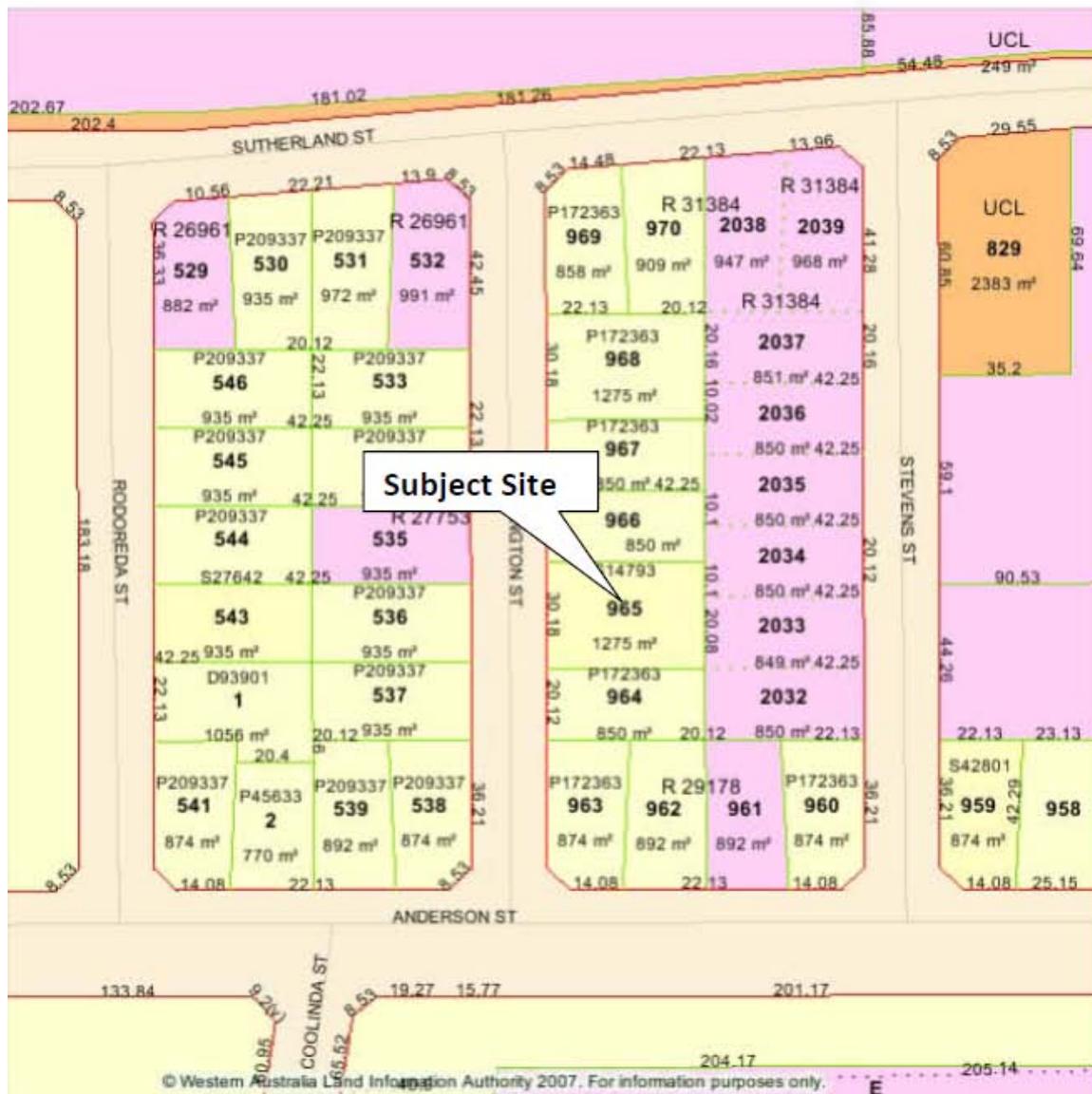
*CARRIED 5/3*

Record of Vote:

FOR	AGAINST
Cr S R Martin	Cr G J Daccache
Cr A A Carter	Mayor Kelly Howlett
Cr S J Coates	Cr D W Hooper
Cr J Gillingham	
Cr M Dziombak	

*REASON: Council believes that there needs to be consistency with the Town of Port Hedland Planning Scheme when considering Planning Applications.*

4a Pilkington Street



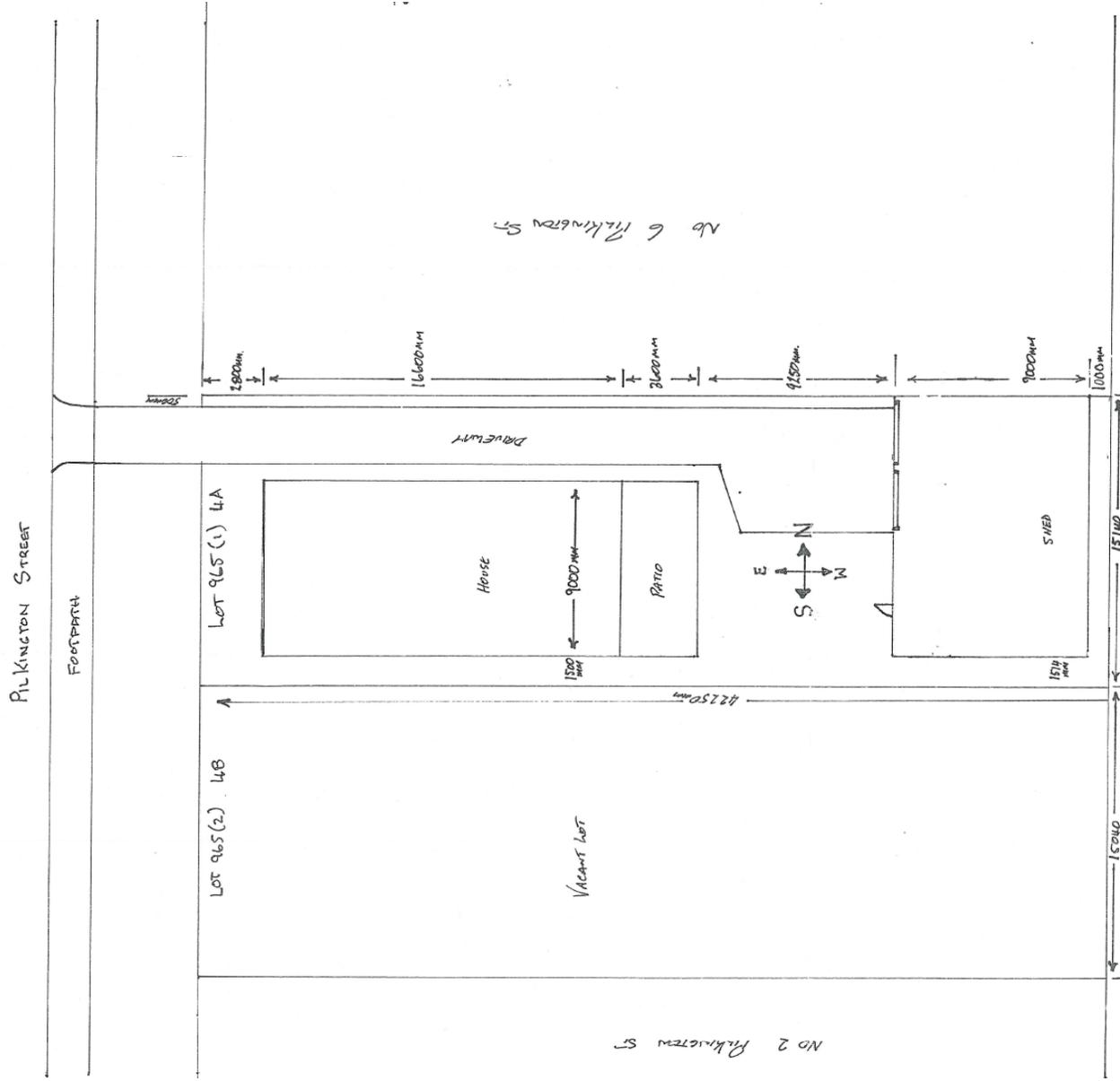
Scale 1:1825

**Comment:**

SINGLE HOUSE - Shed Addition

**WARNING**

This product is supplied for information only and is not guaranteed. The information may be out of date and some measurements are digitized. The information should not be relied upon without further verification from the original documents. Where the information is being used for legal purposes the original documents must be searched.



PLANNING APPLICATION FOR "SHED"

NOTE: HOUSE & PATIO DO NOT SHOW ROOF EAVES.

PROPOSED DEVELOPMENT: Block 640m<sup>2</sup>  
 LOT 965 (PART) NO 4A PILKINGTON ST  
 PORT HEADLAND WA 6721  
 OWNER/DEVELOPER - WAYNE NESS.

SCALE 1:200



Site :

4A Pilkington Street  
 Port Hedland WA 6721  
 Owner: Wayne Ness

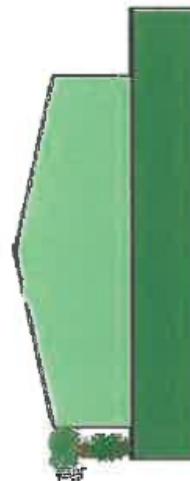
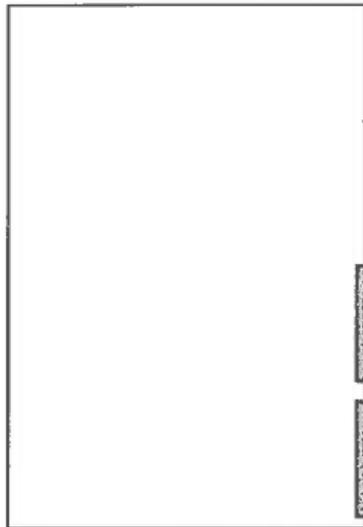
Considerations.

- Access to plants.
- Fire Risk; Bush Fire Act.
- White Ants
- Damage to foundations of shed and fence.
- Pensioners clothes lines at rear - Spoiling of there clean clothes through Bird activity, flowering and also allergies to be considered , hence less consideration of Climbing vines etc. Cyclones

The use of Foxtails and Fan Palms provides good coverage with minimal foliage waste on teh other side of the fence. These plants are widespread throughout the Pilbara and are a known well suited plant.

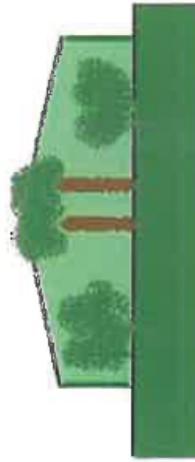


Rear ( East Side)

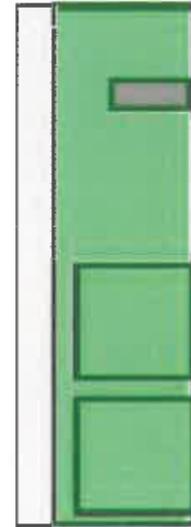


Left End (North Side)

Left end is on Boundry as recommended suggestion from Town Planning prior to previous application.



Right End (South Side)



Front ( West Side)

Shed Colours:  
 Walls and Roller Doors: Pale Eucalypt  
 Gutters and Flashings: Wilderness  
 Roof: Galv

Colour of shed is approximate to actual color of walls and trims ( Colours chosen after previously discussed with Town Planning and, the Neighbours.)

**11.1.2.3 Proposed Infrastructure – Stage 1 Earthworks Including Temporary Residential Building, Lot 226, Greenfields Road, South Hedland. (File No.: 154410G)**

<b>Officer</b>	<b>Luke Cervi</b> Senior Planning Officer
<b>Date of Report</b>	11 June 2010
<b>Application No.</b>	2009/229.02
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

Council has received an application from Ewing VDM with consent of owners Simsilk Pty Ltd, for Infrastructure – Stage 1 Earthworks at Lot 226, Greenfields Road, South Hedland. The works are associated with a subdivision which was recently supported by Council and approved by WAPC.

The application is referred to Council for determination as the proposal includes Transient Workforce Accommodation which is prohibited in a Rural Residential zone under Town Planning Scheme No.5. It is proposed to grant approval for a residential building rather than the TWA requested by the applicant.

**Background**

*The Site*

The site is located approximately 4km south of the South Hedland township and covers an area of 92.8ha and is zoned Rural Residential. It directly adjoins the South Hedland Rural Estate (Bosna Park) and is currently vacant.

A subdivision approval has been granted by WAPC to create 71 lots ranging in size from 1ha to 1.47ha.

*The Proposal*

The proposal is to undertake earthworks including excavation required for drainage purposes and using that excavated material as fill for the road reserves and house pads. The proposal also includes 4 x 4 bedroom dongas to accommodate workers whilst the earthworks are undertaken.

### Consultation

The application has been forwarded to the Town's Environmental Health and Engineering Services departments. Although both originally had objections, further information has been provided which has addressed those concerns.

### Statutory Implications

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

Transient Workforce Accommodation is a "~" prohibited use within the Rural Residential Zone.

**Policy Implications** Nil

**Strategic Planning Implications** Nil

### Budget Implications

An application fee of \$2,600.00 has been paid and deposited into account 10063260.

### Officer's Comment

The proposal is for Infrastructure which is an "AA" use within the Rural Residential Zone. However, it is also proposed to provide for Transient Workforce Accommodation which is a "~" prohibited use under the Rural Residential Zone. It is also the case that the proposed development meets the definition of a residential building which states:

*"a building or portion of a building, together with rooms and outbuilding separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*

*a) Temporary by two or more persons or  
..."*

Due to accommodation shortages, Council is receiving increased pressure to permit temporary TWA on site for large projects. However, as a TWA is prohibited in a Rural Residential Zone, other accommodation options need to be considered. In this regard, the only forms of 'accommodation' that can be approved in a Rural Residential Zone under TPS5 and that may be appropriate are:

1. Single House – "P" Use
2. Residential Building – "AA" Use
3. Rural Settlement – "SA" Use
4. Motel – "SA" Use

*Single House*

Approval of a single house, rural settlement or Motel is not appropriate as the proposal clearly does not meet the definition within the scheme text.

*Residential Building*

A Residential Building allows for the temporary accommodation of 2 or more persons. This meets the applicant's needs and construction incorporating dongas could be used.

A Residential Building can be approved without the need for notification and would meet the needs of the applicant.

*Options*

Council essentially has two options for dealing with the accommodation matter:

1. Approve a Residential Building
2. Refuse the Transient Workforce Accommodation

It is recommended Council approve a Residential Building.

Having addressed the accommodation issue, Council has the following options for determining the application:

1. Approve the application with or without conditions
2. Refuse the application

It is recommended that the application be approved subject to conditions. As the applicants have responded satisfactorily to all concerns raised to date, refusal cannot be justified

**Attachments**

1. Site Plan
2. Accommodation Plan

**200910/455 Council Decision/Officer's Recommendation**

**Moved:** Cr S J Coates

**Seconded:** Cr D W Hooper

**That Council approves the planning application submitted by Ewing VDM for Infrastructure – Stage 1 Earthworks including a temporary Residential Building at Lot 226, Greenfields Road, South Hedland subject to the following conditions:**

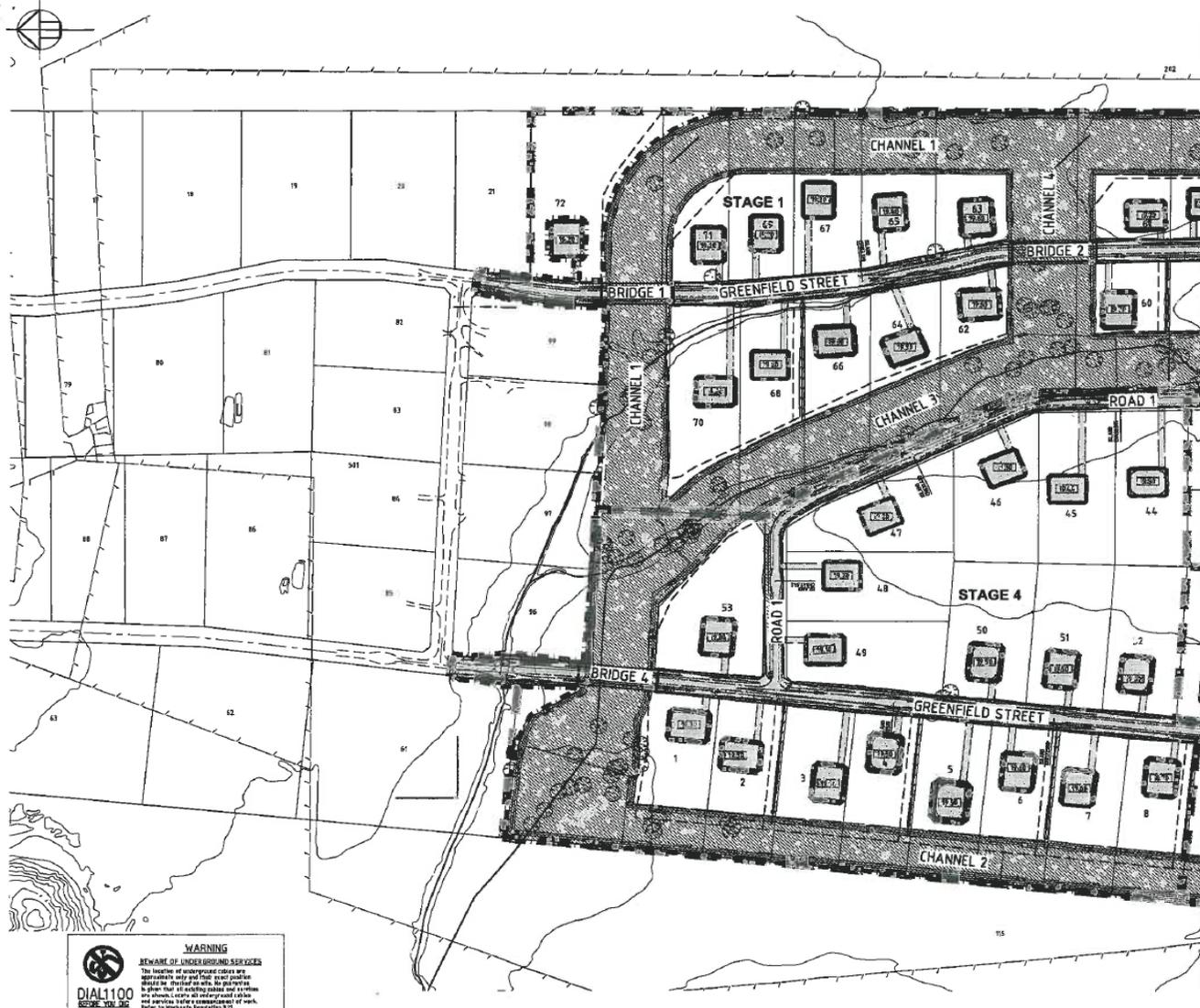
1. This approval relates only to the proposed INFRASTRUCTURE – Stage 1 Earthworks including a temporary Residential Building and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
2. The development must only be for purposes, which are related to the provision of “*Infrastructure*”. Under the Town of Port Hedland’s Town Planning Scheme No. 5 “*Infrastructure*” is defined as:  
  
“physical equipment or systems, such as cables, pipelines, roads, railways, conveyors and pumps constructed, operated and maintained by a public authority or private sector body for the purposes of conveying, transmitting, receiving or processing water, sewerage, electricity, gas, drainage, communications, raw materials or other goods and services, but does not include industry.”
3. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
4. The approved temporary “*Residential Building*” must be incidental to the provision of “*Infrastructure*” on site.
5. The approval for the temporary “Residential Building” is granted for a period of 12 months, or such extended period as agreed by the Manager Planning to facilitate completion of approved earthworks associated with Lot 226 Greenfields Road South Hedland
6. Application is to be made for the installation of an approved apparatus for the treatment of effluent to the satisfaction of the Manager of Planning and the specification of the Manager of Environmental Health
7. 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.
8. Waste disposal and storage is to be carried out in accordance with Council’s Health Local Laws 1999.
9. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

10. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning.
11. A suitable temporary car parking area is to be provided on site to the satisfaction of the Manager Planning.
12. No machinery and/or materials required for the approved works is to be stored/located within a road reserve without the prior approval of the Manager Planning.
13. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the 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.
2. In relation to Conditions 8 & 11 please contact the Manager Infrastructure Development 9158 9350 for further details.
3. 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 Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
4. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

*CARRIED 8/0*



FOR CONTINUATION REFER TO DRG. NO. 2962-1/21

**A. GENERAL NOTES**

1. ALL EXISTING ESTABLISHED VERGES INCLUDING TREES AND ALL EXISTING SERVICES, AND OTHER IMPROVEMENTS TO BE PROTECTED BY THE CONTRACTOR.
2. THE CONTRACTOR SHALL LIMIT THE MOVEMENT OF EQUIPMENT AND MANPOWER TO THE WORKS SITE ONLY. ANY WORK TO BE CARRIED OUT ON ADJOINING PROPERTIES OR P.O.S. SHALL BE APPROVED BY THE SUPERINTENDENT PRIOR TO WORK COMMENCING.
3. ALL DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE SPECIFICATION.
4. ALL WORKS SHALL BE CONDUCTED IN ACCORDANCE WITH THE TOWN OF PORT HEDLAND POLICY, STANDARDS AND SPECIFICATIONS. CONTRACTOR IS TO ADHERE STRICTLY TO WORKING HOURS AS SET OUT IN SPECIFICATION.

**B. SITE SPOIL AND TREE NOTES**

1. UNDER NO CIRCUMSTANCES ARE ANY TREES TO BE RETAINED TO BE DAMAGED OR REMOVED UNLESS WRITTEN PERMISSION IS GRANTED BY THE SUPERINTENDENT PRIOR TO COMMENCEMENT OF CLEARING. HEAVY PENALTIES WILL BE APPLIED AS SET OUT IN THE SPECIFICATION IF TREES ARE UNNECESSARILY DAMAGED.
2. FILL OR CUT MAY BE INFERRED BY THIS DRAWING OVER TREES TO REMAIN UNDER NO CIRCUMSTANCES IS EARTH INSIDE THE DRUPLINE OF TREES TO REMAIN TO BE CUT. FILL SHALL BE TOPSOIL OR SIMILAR TO MAXIMUM DEPTH OF 300mm OVER GROUND WITHIN DRUPLINE.
3. ALL EXISTING VEGETATION OR OTHER MATERIAL STOCKPILES REQUIRING REMOVAL TO ENABLE THE EARTHWORKS TO BE CONSTRUCTED IS TO BE CARRIED OUT BY THE CONTRACTOR AT THEIR EXPENSE.

**C. EARTHWORKS**

1. ALL CUT AND FILL AREAS TO BE COMPACTED TO 95% OF MAXIMUM DRY DENSITY AS DETERMINED BY MODIFIED COMPACTION TEST UNDER A.S. 1289.
2. THE CONTRACTOR SHALL PROVIDE COMPACTION CERTIFICATES FOR CUT AND FILL AREAS CERTIFYING THAT THE AREAS HAVE BEEN ADEQUATELY COMPACTED.
3. EARTHWORKS TO MATCH NEATLY TO EXISTING LEVELS AND ADJOINING PROPERTIES AND ADJACENT PROPERTY BOUNDARIES. ABSOLUTELY NO WORK IS TO OCCUR WITHIN 5m OF ADJACENT PROPERTY BOUNDARIES. IF A BATTER IS REQUIRED, THE FILL SHALL BE CARRIED 5m INSIDE THE DEVELOPMENT (NOT ADJOINING PROPERTY) AND BATTERED AT A MAXIMUM GRADE 1:3.
4. FOR DESIGN DETAILS OF EARTHWORKS WITHIN THE ROAD RESERVE REFER TO THE LONGITUDINAL ROAD DRAWINGS.
5. ALL STRIPPER TOPSOIL TO BE RESPREAD INSIDE CHANNELS, NOMINAL THICKNESS OF RESPREAD TOPSOIL TO BE 200mm.
6. ANY SURPLUS FILL TO BE SPREAD EVENLY ON SITE OR STOCKPILED, AS DIRECTED BY SUPERINTENDENT.

**D. STABILISATION AND DUST CONTROL**

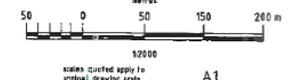
1. THE CONTRACTOR SHALL ALLOW FOR DUST CONTROL MEASURES AS REQUIRED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DUST CONTROL GUIDELINES), AND THE SPECIFICATION.
2. THE SITE IS CLASSIFIED AS CLASS 3 IN ACCORDANCE WITH THE D&C DUST GUIDELINES.
3. WIND FENCING TO BE INSTALLED ON SITE AS DIRECTED.
4. SURFACE STABILISATION TO BE APPLIED TO THE TOTAL DISTURBED AREA OF THE SITE AS SOON AS POSSIBLE AS REQUIRED.
5. SUITABLE WATER CART SHALL BE AVAILABLE ON SITE TO COMMENCE IMMEDIATE WATERING.

**NOTE**

LOCATION OF ALL BUILDING PADS TO BE DETERMINED BY ON-SITE INSPECTION OF EXISTING VEGETATION.

**LEGEND**

- EXISTING SURFACE CONTOURS
- FINISHED SURFACE CONTOURS
- FINISHED PAD LEVEL
- AREA OF FILL
- AREA OF CUT
- PROPOSED LIMIT OF WORKS BOUNDARY
- EXISTING CREEK
- PROPOSED CHANNEL
- PROPOSED TABLE DRAIN
- DRAINAGE EASEMENT
- PROPOSED BUND
- STAGE BOUNDARY

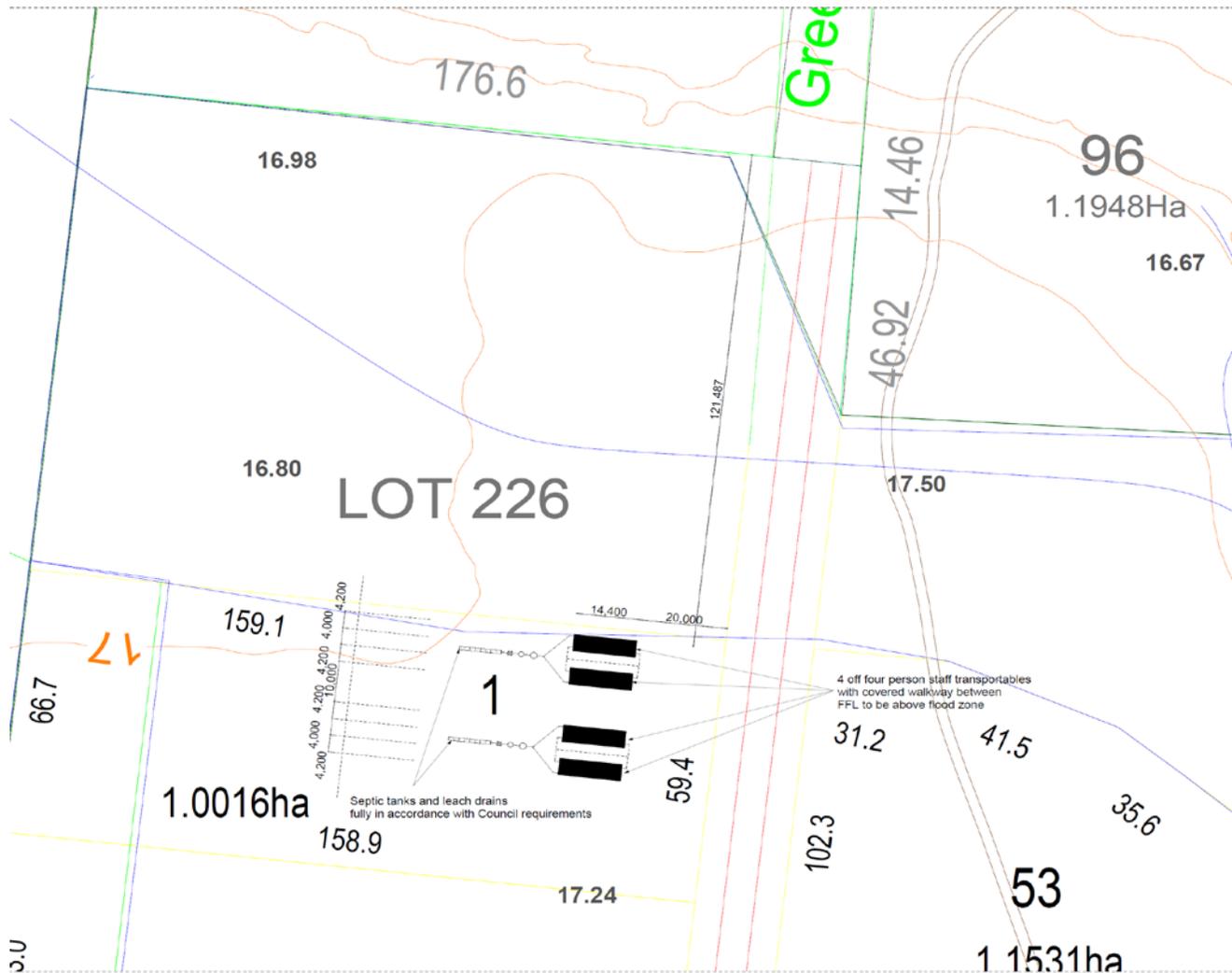


**WARNING**  
**BEWARE OF UNDERGROUND SERVICES**  
 The location of underground services are approximately only and they do not constitute a guarantee. The contractor is to verify the location of all existing services and utilities in accordance with the relevant standards and codes of practice before commencing work. Refer to the relevant Regulatory 3.2.1.

**DIAL1100**  
 BEFORE YOU DIG

<p><b>REVISION</b></p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>		NO.	DESCRIPTION	DATE				<p><b>DESIGNER</b>                  EWING VDM                  270 Main Street, North, City of Port Hedland, Western Australia 6715                  Tel: 08 9421 1000 Fax: 08 9421 1001                  Email: info@ewingvdm.com.au                  www.ewingvdm.com.au                  EWING VDM IS AN AFFILIATE OF EWING VDM HOLDINGS PTY LTD                  ABN 60 012 501 015                  TRADING AS EWING VDM</p>		<p><b>CLIENT</b>                  VDM DEVELOPMENTS PTY. LTD.</p>		<p><b>PROJECT</b>                  QUARTZ SPECIAL RURAL ESTATE SUBDIVISION</p>		<p><b>SCALE</b> 1:2000</p> <p><b>FILE</b> 2962</p> <p><b>DESIGN</b> LV</p> <p><b>DRAWN</b> LV</p> <p><b>BURNED</b> AHD</p> <p><b>CHECKED</b> NS</p> <p><b>DATE</b></p> <p><b>SCALE NAME</b> 2962-120</p> <p><b>DRAWING NO.</b> 2962-1/20</p> <p><b>REV.</b> A</p>	
NO.	DESCRIPTION	DATE													
<p><b>A. RESULTS FOR APPROVAL</b></p>		<p><b>DATE</b></p>		<p><b>PROJECT</b></p>		<p><b>SCALE</b></p>									





Site Location Plan  
scale 1:5000

SITE LOCATION OF TRANSPORTABLE STAFF QUARTERS  
scale 1:500

REV	DATE	ISSUED	NOTES	JOB No	REV
			ALL DIMENSIONS ARE TO BE SHOWN ON ALL PLANS TO THE CORNER POINTS OF ANY WALL OR THE FACE OF CURB OR FINISH. ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS UNLESS NOTED OTHERWISE. DO NOT REUSE OR RECYCLE WASTE MATERIALS - USE APPROPRIATE DISPOSAL ONLY.		
Staff Quarters on Lot 226 - Port Hedland					
Site Plan				JOB No	REV
SCALE	As Shown	P. S. R.	<b>ECOTECH - ARCHITECTS</b> PORT HEDLAND, WEST AUSTRALIA	DWG No	
DATE	1/10/2010		4/10/2010 - 1/10/2010 1/10/2010 - 1/10/2010 1/10/2010 - 1/10/2010	WD 01 D	
OWNER	Port Hedland		Copyright © 2010 Ecotech Architects All rights reserved. No part of this document may be reproduced without the prior written consent of Ecotech Architects.		
DESIGNER	ECOTECH				
CHECKER	ECOTECH				

**11.1.2.4 Proposed Relinquishment of Management Order on Reserve 45844 also known as Lot 6051 Trumpet Way South Hedland (File No: 05/12/0133, 802447G)**

<b>Officer</b>	<b>Nichole Sullivan</b> Compliance Officer
<b>Date of Report</b>	10 June 2010
<b>Application Number</b>	2009/87.01
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Council is asked to consider relinquishing the Management Order H221501 on Crown Reserve 45844, also known as Lot 6051 Trumpet Way South Hedland. The surrender of the reserve enables the Department of Regional Development and Lands (DRDL) to proceed with current and/or future queries from adjoining land owners to dispose of the land through amalgamation.

**Background**

The reserve is a strip of land 4.5m x 70.5m (317m<sup>2</sup>) that runs from Trumpet Way to Limpet Crescent bordered by Lot 2530 Trumpet Way along one side and Lots 2585 Limpet Crescent and 2531 Trumpet Way on the other (attachment 1). It was vested with the Town on 14 September 1999 with the purpose of "Pedestrian Access and Public Utilities". The lot has registered easements over it by the Water Corporation, Telstra and Horizon (Western) Power. It also contains above ground lighting and overhead power lines.

At the Ordinary Council Meeting (OCM) of 25 February 2004 Council resolved to close the Public Access Way (PAW) under Section 20A of the Town Planning and Development Act 1928 (TPD Act 1928). This was in response to concerns from the Islamic Association of North Western Australia Inc (IANWA), the owners of Lot 2530 Trumpet Way, of continuous anti-social behaviour occurring in the walkway.

At a later OCM of 27 April 2005 the decision was made not to close the 'PAW' formally but to allow it to be fenced off at the costs of the service authorities. This decision it seems was made based on the infrastructure contained in the reserve however the service authorities' easements are all that is required. The IANWA was informed about Council's decision and subsequently in 2006 fenced off the reserve.

NB: This action does seem to have been at odds with the purpose of the vesting order which was in part for "pedestrian access"

**Consultation**

Consultation with a Senior State Land Officer at the DRDL has indicated that their preference would be for Council to relinquish the Management Order. This will enable the department to continue with the processes necessary in dealing with the disposal of the land appropriately.

**Statutory Implications**

Section 46 – Placing of care, control and management of reserves and  
Section 50 – Revocation of management orders of the Land Administration Act 1997.

**Policy Implications**

Nil

**Strategic Planning Implications**

Key Result Area 3 – Community Development

Goal 4 - Community Safety & Crime Prevention

That Town of Port Hedland is recognised as a safe place to live

Strategy 2 - In conjunction with the Police and other stakeholders, develop initiatives that discourage street drinking, littering, graffiti and other anti-social behaviour in public places and implement appropriate actions.

Key Result Area 4 – Economic Development

Goal 4 – Land Development Projects

That land is being released and developed to meet the needs of a growing community

Strategy 3 – Work with the DPI to identify additional crown land that can be released for development in a timely manner.

**Budget Implications**

Nil

**Officer's Comment**

The actual use of the reserve for “pedestrian access” has not occurred for many years as the reserve has been fenced off as was supported by Council in 2005. In which case there is no longer any purpose for Council to have management of the reserve.

In addition there is no evidence of a requirement for a public thoroughfare in that location. It is likely that opening the reserve would simply encourage antisocial behaviour in the area again.

Two of the adjoining owners have expressed interest in amalgamating the land into their own properties. However this cannot occur unless Council relinquishes the management of the reserve.

**Attachments**

Locality Plan

**200910/456 Council Decision/Officer's Recommendation**

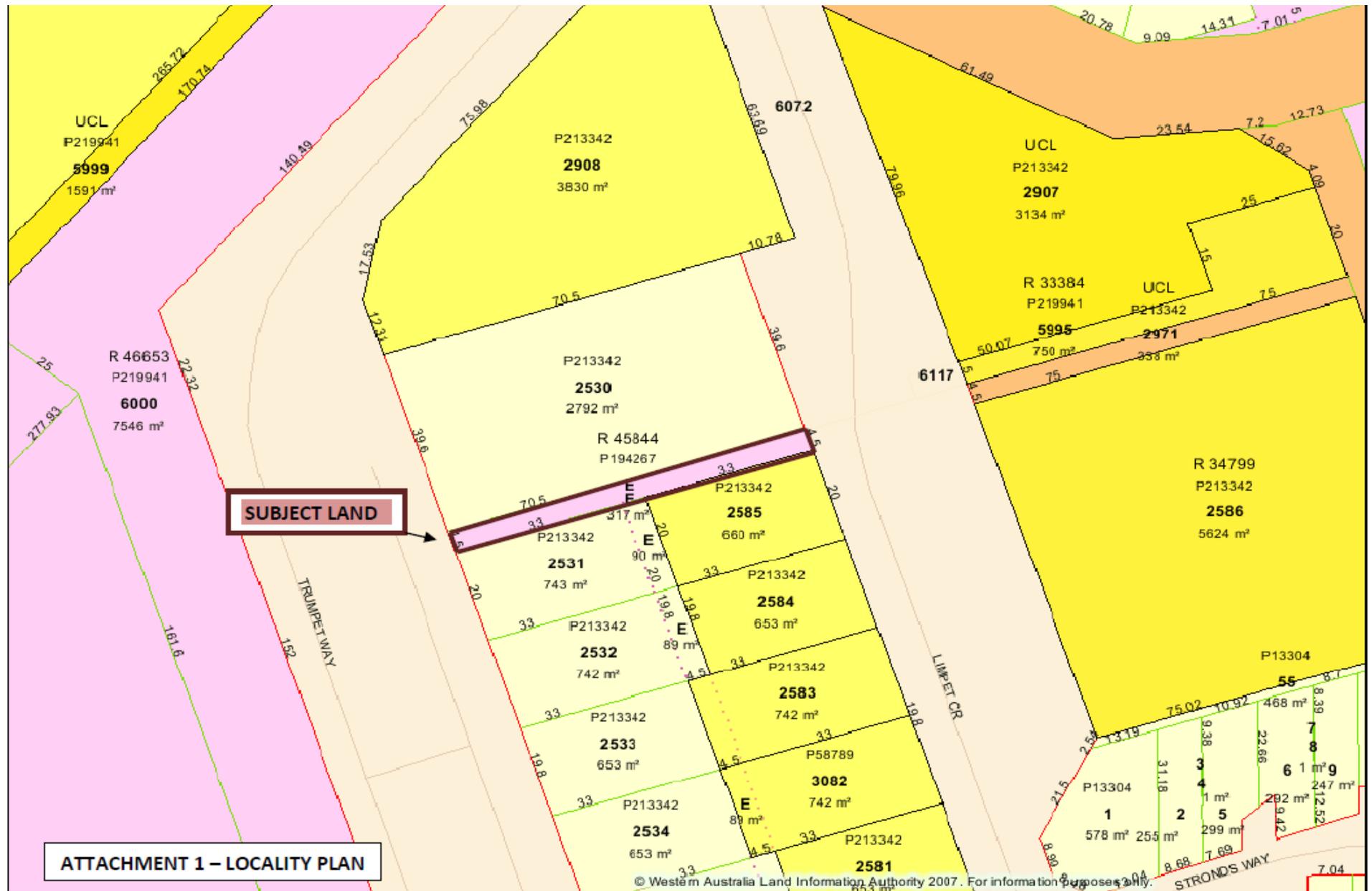
**Moved:** Cr S J Coates

**Seconded:** Cr S R Martin

**That Council:**

1. advises the Department of Regional Development and Lands that it relinquishes the Management Order over Reserve 45844; and
2. authorises the Chief Executive Officer or suitable Delegated Officer to execute any required documentation to enable the relinquishment of the reserve; and
3. advises the owners of the adjoining properties at Lot 2585 Limpet Crescent and Lot 2530 and 2531 Trumpet Way of its decision and advises them to pursue any further queries in relation to disposal of the land with the Department of Regional Development and Lands.

*CARRIED 8/0*



**11.1.2.5 Final Adoption Amendment No. 13 to the Town of Port Hedland Town Planning Scheme No. 5 – Home Occupation (File No.: 18/09/0019)**

**Officer** Luke Cervi  
Senior Planning Officer

**Date of Report** 15 June 2010

**Disclosure of Interest by Officer** Nil

**Summary**

Council at its Ordinary Meeting held on 28 February 2007, resolved to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5.

This report seeks Council's approval to finalize the Scheme Amendment.

**Background**

The proposed amendment has been altered at different times since initiation and is ready to be finalised.

Most recently, at its Ordinary Meeting on 24 March 2010, Council clarified the proposed changes and required the amendment to be placed on public notification. This has now occurred with no submissions being received.

**Consultation**

The Scheme amendment has been advertised in the newspaper and no submissions received.

**Statutory Implications**

Any amendment to a Town Planning Scheme is to be in accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.

**Policy Implications** Nil

**Strategic Planning Implications**

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

Key Result Area 4 – Economic Development  
Goal 3 – Business Development

Strategy 1 – Work with the BEC, PHCCI and others to investigate small business development initiatives within the Town.

Strategy 2 - Develop Council policies and/or incentives that assist in attracting and retaining businesses within the Town of Port Hedland.

**Budget Implications**

Nil

**Officer's Comment**

The amendment has been ongoing for over three years and has been reviewed and changed on numerous occasions. The amendment is now in a format that was supported by Council and has also been publicly notified with no submissions being received.

**Attachments**

Scheme Amendment Documentation

**200910/457 Council Decision/Officer's Recommendation****Moved:** Cr M Dziombak**Seconded:** Cr S R Martin**That Council:**

1. adopts Amendment 13, to Town of Port Hedland Town Planning Scheme No. 5.; and
2. forwards all required documentation to the Western Australia Planning Commission for Ministerial Consent in accordance with the Town Planning Regulations 1967 (as amended); and
3. authorises the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the Town Planning Regulations 1967 (as amended), including the fixing of the Council's seal in the event that the Minister for Planning and Infrastructure approves the Amendment.

*CARRIED 8/0*

**Town of Port Hedland Town Planning Scheme No.5****Amendment 13 Changes**

- 1) Deleting the Definition for "Home Occupation" from Appendix 1 of the TPS 5;
- 2) Deleting the use class "Home Occupation" from the TPS 5 zoning table;
- 3) Inserting the following definitions into Appendix 1 of the TPS 5:
  - a) **Home Business** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling that:
    - i) employs a maximum of 2 people that are not members of the occupier's household;
    - ii) will not cause injury to or adversely affect the neighbourhood amenity;
    - iii) does not occupy an area greater than 50 square metres or 50% of the dwelling area, whichever is the greater;
    - iv) does not display a sign exceeding 0.2 square metres on land zoned residential;
    - v) does not involve the retail sale, display or hire of goods of any nature;
    - vi) does not result in traffic difficulties caused by the inadequate provision of parking facilities, or a significant increase in traffic volumes in the neighbourhood;
    - vii) does not involve the presence, use or calling of a vehicle greater than 3.5 tonnes tare weight; and
    - viii) does not involve the use of an essential service of greater capacity than normally required in the zone.
  - b) **Home Office** means a business, service or profession carried out in a dwelling that does not:
    - i) cause injury to, or adversely affect, the neighbourhood amenity;
    - ii) occupy an area greater than 30 m<sup>2</sup>;
    - iii) operate after 10 pm or before 6 am on any normal weekday;
    - iv) operate on weekends or public holidays;
    - v) involve the delivery of any goods or materials:
      - vi) on weekends or public holidays; or
      - vii) between the hours of 7 pm and 6 am;
    - viii) entail greater than one delivery of goods or materials per day, or three deliveries within any seven day period;
    - ix) cause the emission of light, noise, odour, electrical interference, vibration, smoke, water or other waste products;

- x) entail clients or customers travelling to and from the lot;
  - xi) involve the cleaning, repair or maintenance of any vehicle at the premises;
  - xii) require the regular storage of more than one commercial vehicle at the premises provided it is stored behind the building setback line;
  - xiii) involve the use of any vehicle with a tare weight of greater than 1.5 tonnes;
  - xiv) involve any advertising signs on the premises;
  - xv) require any external change to the appearance of the building; or
  - xvi) employ any person who is not a member of the occupier's household.
- c) **Mobile Business** means a business, service or profession where:
- i) all work is conducted at the client's home or business premises;
  - ii) storage of materials (including tools but excluding vehicles) is limited to no more than 30m<sup>2</sup>;
  - iii) any associated office space at the premises is limited to a maximum of 20m<sup>2</sup>;
  - iv) the business does not cause injury to, or adversely affect, the neighbourhood amenity;
  - v) no commercial vehicle is taken to or from the lot between the hours of 10:00 pm and 6:00 am on normal weekdays;
  - vi) no commercial vehicle is taken to or from the lot on a weekend or public holiday;
  - vii) no goods or materials are delivered to the lot on any weekend or public holiday;
  - viii) no more than one delivery of goods or materials are delivered to the lot on any day, and no more than three deliveries within any seven day period;
  - ix) the occupation will not result in the emission of light, noise, odour, electrical interference, vibration, smoke, water or other waste products;
  - x) no client or customer will travel to or from the lot;
  - xi) no motor vehicle is cleaned, repaired or maintained at the premises;
  - xii) no more than one vehicle is regularly stored on the premises providing it is stored behind the building setback line;
  - xiii) no vehicle used in conjunction with the mobile business has a tare weight of greater than 1.5 tonnes;
  - xiv) no advertising is erected on the premises;
  - xv) no person is employed that is not a member of the household;
  - xvi) no external changes are required to any building.

4) Insert the following use classes in the TPS 5 zoning table:

	Residential	Urban Development	Transient Workforce Accommodation	Town Centre	Commercial	Tourism	Mixed Business	Airport	Strategic Industry	Industry	Industrial	Rural	Rural Residential	Community	Health	Education
home businesses	A A	A A	AA	A A	~	A A	~	~	~	~	~	A A	A A	~	~	~
home office	P	P	P	P	~	P	~	~	~	~	~	P	P	~	~	~
mobile businesses	P	P	P	P	~	P	~	~	~	~	~	P	P	~	~	~

5) Amend the zoning table to change the use class "Office" to a "~" use in a Residential zone.

6) Inserting the following clause into TPS 5 section 4.1.3:

"4.1.3 Unless otherwise referred to the planning approval of Council is not required for the following development of land:

(a) ...

(k) The operation of a mobile business or home office from a residence, in a zone in which it is a use that is a permitted (P) use, except as otherwise required by the Scheme."

*NOTE: Mayor advised that Agenda Item 11.1.2.6 'Proposed Reconsideration of Port Hedland Town Planning Scheme to Rezone and Re-Code Various Lots within South Hedland, Scheme Amendment 30 and Reconsider Council Resolution made on 25 March 2009 Item 11.1.2.3.' has been withdrawn.*

**11.1.2.7 *Cooke Point Caravan Park: Permission as Owner to Submit a Development Application to Develop 5 Holiday Accommodation Duplex Units to Replace 14 Caravan Sites on Lot 1382 Taylor Street Port Hedland (File No.: 117920G)***

<b>Officer</b>	<b>Ryan Djanegara</b> Planning Officer
<b>Date of Report</b>	14 June 2010
<b>Application Number</b>	2010/39
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

The Town received an application from Robin Salter & Associates on behalf of the Lessee Aspen Group for the proposed development of 5 Chalet duplex style units (providing 10 accommodation permit units) that would replace 14 Caravan Sites at Cooke Point Caravan Park. The proposal will reduce the total number of accommodation sites from 209 to 205 accommodation units.

The subject site is Crown land and vested in the Town of Port Hedland for the purpose of a caravan site. The application results in the deduction of the number of caravan sites from 195 to 181 and the increase of permanent sites from 14 to 28. Since the land is vested in Council, Council is required to sign the planning application form before a formal planning application can be submitted and processed.

**Background**

*Location and Area*

The subject site is located along Taylor Street, Port Hedland and is approximately 3.9536 ha. The site is being used as a caravan park and is owned by the Department of Planning and Infrastructure. Refer to Attachment 1 – Aerial Photo.

*Current Zoning and Ownership*

In terms of the Port Hedland Town Planning Scheme No. 5, the subject site is zoned "Tourism" and is vested in the Town of Port Hedland, by the Crown. Refer to Attachment 2 – Town Planning Scheme Map.

*Current Use*

The land is being used as a caravan site and has leased to the Aspen Group.

*Previous Planning Permits Issued*

On the 25 August 1999, a planning permit was issued for Cooke Point Caravan Park and in accordance with the Town of Port Hedland Town Planning Scheme No. 4. The Council approved the following:

- 30 long stay sites
- 50 tourists powered sites
- 10 camp sites
- 50 park homes
- 2 overflow sites
- 10 Back packers unit (accommodating for 20 persons)
- 43 cabins (containing 67 units)

A total number of 195 sites were approved, with a total number of 209 holiday accommodation units available. Refer to Attachment 3 - Location Plan identifying the existing holiday accommodation units

*Previous Planning Proposals Refused*

On the 10 August 2006, a planning application was lodged for the development of six (6) new Holiday homes at Cooke Point Caravan Park. The application did not have consent of the Council on the basis that the proposal would reduce the number of caravan sites.

*Proposal*

The application proposes the development of 5 Chalet duplex style units (providing 10 permanent accommodation units) that would replace 14 Caravan Sites at Cooke Point Caravan Park. Refer to Attachments 4, 5 and 6.

**Consultation**

Nil

**Statutory Implications**

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

**Policy Implications**

Nil

**Strategic Planning Implications**

KEY RESULT AREA 4 – ECONOMIC DEVELOPMENT  
Goal 1 – Tourism

Strategy 4 – Identify sites for the development of new caravan park/eco tourism facilities (both permanent and temporary). Implement key propriety projects.

**Budget Implications**

An application fee of \$2, 209.00 has been received as per the prescribed fees approved by Council. This application fee has been deposited into the following planning account: 10063260

**Officer’s Comment**

The approval of the application would reduce the number of potential tourist accommodation units. Considering the lack of available tourist accommodation in the Town, the replacement of these units is not a preferred planning outcome.

It is recommended instead that Council seeks an amended plan such that the existing 14 caravan sites can be relocated. This would ensure the number of total accommodation sites is not reduced but rather expand the existing facilities providing 10 additional accommodation units.

If the applicant is unable to amend the plans to adequately address Council’s concerns and requests it is recommended that resolved not to sign the application form.

*Options*

Council has the following options in dealing with the matter:

1. Initiate the Planning Application
2. Initiate the Planning Application subject to changes that result in no nett reduction in tourist facilities
3. Refuse to Initiate the Planning Application

In light of the above options, it is recommended that the Council initiate the Planning Application subject to the applicant providing amended site plans indicating where the 14 caravan sites can be relocated to on the lot to the satisfaction of the Manager Planning.

*Exploration of Options*

Option 1: Initiate the Planning Application

Pros:	Initiating the proposal gives the Town an opportunity to improve the existing caravan park facilities.
Cons:	The total number of accommodation units will be reduced contradicting the Town’s strategic objectives.

	<p>The chalets Would likely be used as Transient Workforce Accommodation contradicting the “Tourism” zone and purpose.</p> <p>Providing car parking bays on-site could also prove difficult.</p>
--	--

Option 2: Initiate the Planning Application subject to changes

Pros:	<p>Initiating the proposal subject to changes gives the Town an opportunity to improve the existing caravan park facilities without reducing the total number of accommodation units.</p> <p>This option would allow the proposal to meet the strategic objectives relating to Council's 2008 – 2013 plan and increase the number of accommodation units.</p>
Cons:	<p>Amending the plan could prove to be very difficult.</p> <p>Providing car parking bays on-site could also prove difficult.</p>

Option 3: Refuse to Initiate the Planning Application

Pros:	<p>There will be no reduction in the total number of accommodation units.</p>
Cons:	<p>It may be a lost opportunity to redevelop the site until later.</p>

**Attachments**

1. Aerial Photo
2. Town Planning Scheme No. 5 Map
3. Location Plan identifying the existing holiday accommodation units
4. Floor plans
5. Site plans
6. Elevations

**200910/458 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr J M Gillingham

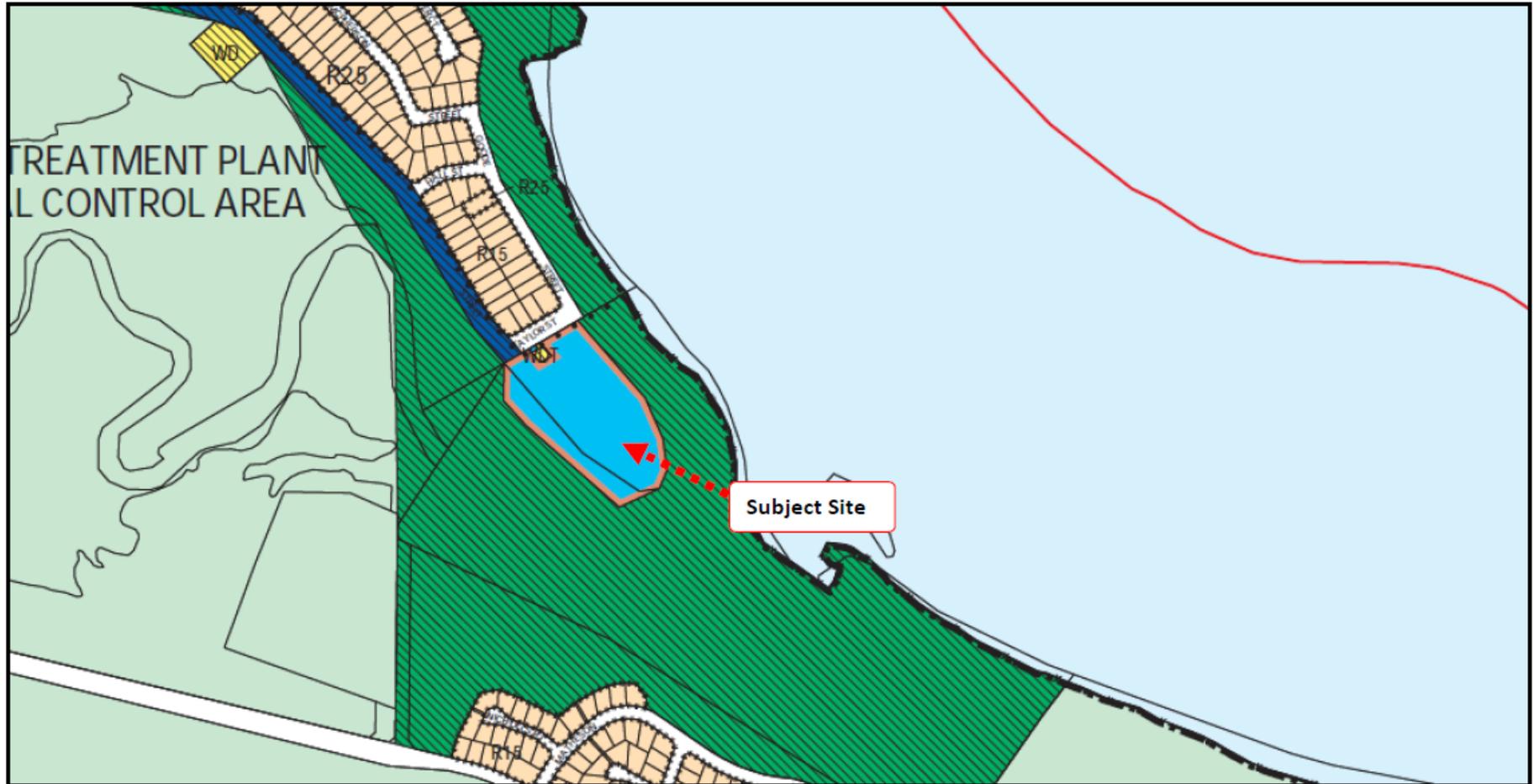
**That Council initiates the planning application to develop five (5) holiday accommodation duplex units to replace 14 caravan sites on Lot 1382 Taylor Street Port Hedland, subject to the applicant providing amended site plans indicating where the 14 caravan sites can be relocated on the lot to the satisfaction of the Manager Planning Services.**

*CARRIED 8/0*

Attachment 1 – Aerial Photo



Attachment 2 – Town Planning Scheme Map No. 5



Produced by Planning Information - Mapping and Spatial, Department for Planning and Infrastructure.

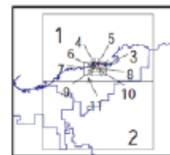
Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government should be made to view a legal version of the Scheme. Please advise the Department for Planning and Infrastructure of any omissions or errors in the document.

Digital Cadastral Data Supplied by the Western Australian Land Information Authority GL248-2007-2

**TOWN OF PORT HEDLAND**  
**TOWN PLANNING SCHEME NO 5**  
 (DISTRICT SCHEME)

MAP OVERVIEW



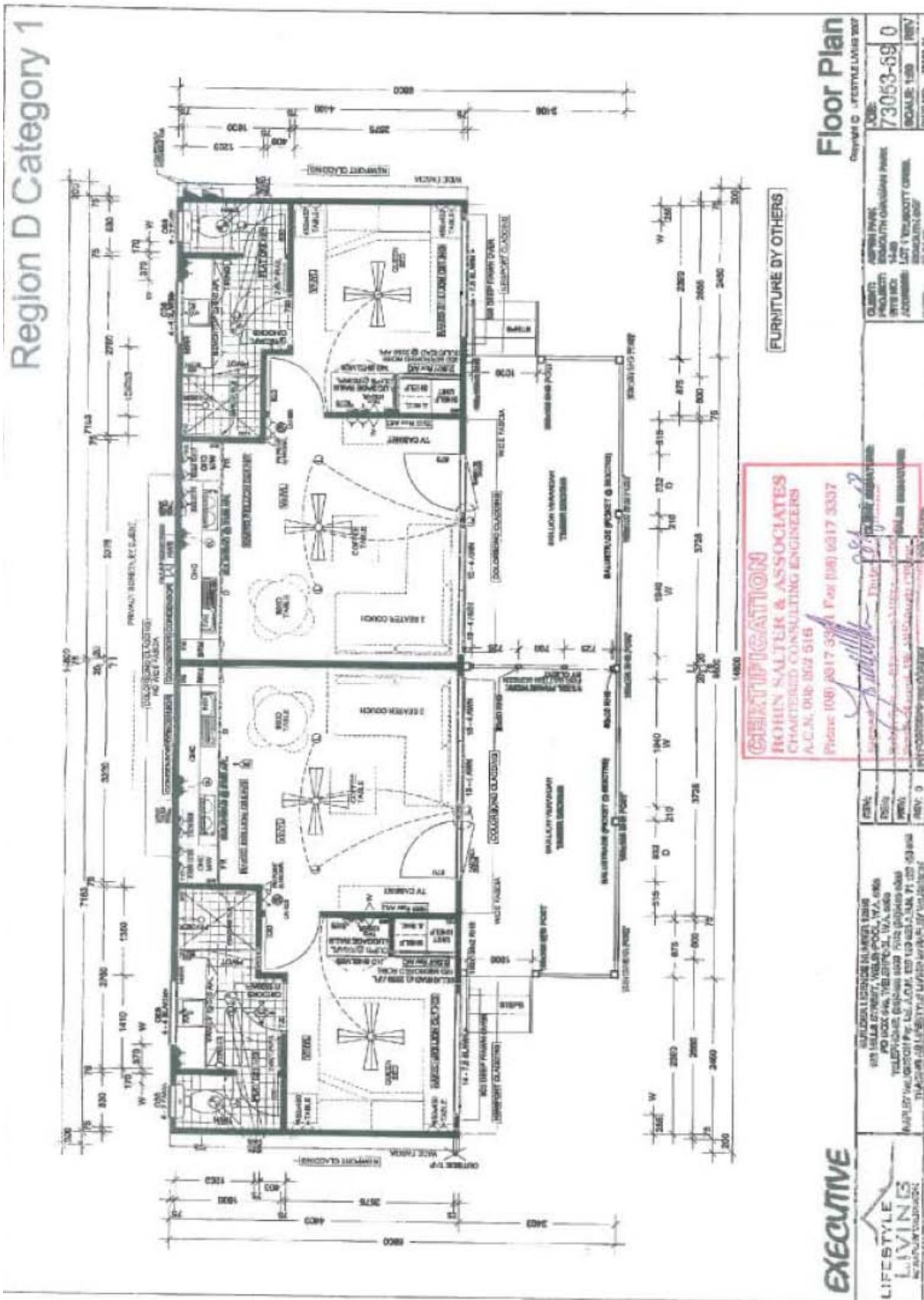
Authorised: Victor Chew  
 Plot date: 02 Sep 2008  
 G. Gazette: 31-August-2001



TOWN PLANNING SCHEME MAP No. 5 of 11



Attachment 4 – Floor Plan







Attachment 6 – Elevations

Region D Category 1

**Elevations**  
Copyright © LIFESTYLE LIVING 2009

CLIENT: ASHLEY AVENUE  
PROJECT: SOUTH OCEAN PARK  
ADDRESS: 140 W. WASHINGTON CROSS  
CITY: TAMPA FL 33604  
JOB#: 73053-59  
SCALE: 1/8" = 1'-0"  
DATE: 05/11/10

**EXECUTIVE**

**LIFESTYLE LIVING**  
by David Williams

CERTIFICATE

ROBIN SAJLIK & ASSOCIATES  
CHARTERED CONSULTING ENGINEERS  
A.C.E. 102 502 218

Phone: (813) 961-3300 Fax: (813) 961-3337

23 April 10

I hereby certify that the above is a true and correct copy of the original as submitted to the City of Tampa.

Signature: *[Signature]* Title: *[Title]*

Date: *[Date]*

6:09pm *Cr S R Martin declared a Financial Interest in Agenda Item "11.1.2.8 Current Status of Compliance Matters" as one of his current clients is one of the persons listed in this item.*

*Cr S R Martin left the room.*

6:09pm *Cr S J Coates declared an Impartiality Interest in Agenda Item "11.1.2.8 Current Status of Compliance Matters" due to his relationship (supervisor/employee) with one of the listed owners in this item.*

*Cr S J Coates did not leave the room.*

**11.1.2.8 Current Status of Compliance Matters (File No.: 18/02/0002)**

**Officer** Leonard Long  
Manager Planning

**Date of Report** 15 June 2010

**Disclosure of Interest by Officer** Nil

**Summary**

The purpose of the report is to inform Council of the current compliance matters being undertaken by the Planning Department.

**Background**

To ensure compliance the relevant acts, guidelines and planning scheme and to promote good orderly planning within a town thereby ensuring its continued growth, it is imperative that any controls or conditions imposed on development are adhered to.

**Consultation** Nil

**Statutory Implications** Nil

**Policy Implications** Nil

**Strategic Planning Implications** Nil

**Budget Implications**

Funds are allocated to the department's budget for legal cost of which, through the successful prosecution the costs of the legal proceedings are recouped

**Officer's Comment**

The following information is provided to keep Councillor's aware of the status of actions taken in relation to alleged offences in relation to land use and development in the Town of Port Hedland

- Active Matters – matters currently been pursued by the Compliance Officer.
- Listed Matters – matters where complaints have been received and will be pursued in due course.
- Negotiating – matters where the owners have approached the town with an aim attempt to bring the matter into compliance.

REDBANK CURRENT (Active Matters)			
	Owner	Issue	Status
34 Roche Road	Western Desert Puntukumaparna	Laydown / storage	guilty plea – fine \$16,000.00 Legal action re-instituted
SOUTH HEDLAND (Active Matters)			
Address	Owner	Issue	Status
Lot 1 (2-6) Byass Street	Manday Investments Pty Ltd	Unauthorised caravans and sea containers in rear car park	Second notice to (14 days) to be issued
Lot 26 (12) Centennial Loop	P G Butson	Unauthorised storage of car wrecks and unauthorised sea container	Second notice (14 days) to be issued
Lot 2053 Hamilton Road (Hamilton Motel)	Karribi Development Pty Lts	Non-compliance with planning conditions	Negotiating.
Lot 2585 (77) Limpet Crescent	S Coolican	Unauthorised development	Report to close "PAW" submitted to Council
SOUTH HEDLAND RURAL ESTATE (Active Matters)			
Address	Owner	Issue	Status
Lot 11 (39-41) Greenfield Street	Outlook Contracting (new owners Sullivan)	Unauthorised laydown / storage area	Trial date 9 July 2010
Lot 17 (63) Greenfield Street	R W Anderson	Unauthorised structures	Second notice (14 days) to be issued
Lot 2 (5-7) Quartz Quarry Road	D H Macpherson	Unauthorised laydown / storage area	Guilty plea – fine \$31,000.00 Legal action re-instituted
TURNER RIVER (Active Matters)			
Address	Owner	Issue	Status
Lot 15 Manilha Drive	L E Harper	Unauthorised residential accommodation	Third notice (7 day) to be issued
WEDGEFIELD (Active Matters)			

Address	Owner	Issue	Status
Lot 3 (3) Trig Street	I Yujnovich	Non-compliance with planning conditions	Trial date 13-14 Sept 2010
<b>PORT HEDLAND</b>			
Address	Owner	Issue	Status
Lot 1440 (26) Anderson Street (PMG)	Jeve NNA Holdings Pty Ltd	Non-compliance with planning conditions	Listed
Lot 944 & 1611 Great Northern Highway / (Walkabout Hotel)	Goldland Corp PL / Ironcreek Corp PL	Non-compliance with planning conditions	Listed
Lot 15, 10 Wedge Street (Dental Surgery)	Mega Holding Pty Ltd / J & F Love	Non-compliance with planning conditions	Listed
<b>REDBANK</b>			
Address	Owner	Issue	Status
Lot 33 (30) Redbank Road	ABDII IZET IZESDIN (DEC'D)	Unauthorised residential accommodation	Listed
Lot 107 (80) Redbank Road	H R & T J Cook	Unauthorised residential accommodation	Listed
<b>SOUTH HEDLAND</b>			
Address	Owner	Issue	Status
Lot 3826 (10) Hedditch Street (The Edge Gym)	M Maunz	Non-compliance with planning conditions	listed
Lot 2212 (5) Brodie Crescent	S M Dodd	Unauthorised residential accommodation	Listed
Lot 2382 (42) Brodie Crescent	Ballantyne	Unauthorised residential accommodation	Listed
Lot 8 (6) Bullara Place	Gibbons C J and M A	Unauthorised residential accommodation	Listed
Lot 3650 (43) Captains Way	Hayman M T & Bennett J	Unauthorised residential accommodation	Listed
Lot 3651 (41) Captains Way	A J and E Taponen	Unauthorised residential accommodation	Listed
Lot 797 (24) Centaur Avenue	Pilbara Housing Services Pty Ltd	Complaint from neighbour regarding construction and dongas on site.	Listed

Lot 3442 (6) Dorrigo Loop	RW & SL Granger	4 commercial vehicles being parked on the property	Listed
Lot 5 (4) Draper Place	Sclater C R and Skelton S F	Unauthorised residential accommodation	Listed
Lot 2361 (6) Draper Place	R L Hardy & D E P McClintock	Trucking business being operated from site	Listed
Lot 2371 (15) Draper Place	Sharpe G H	Unauthorised residential accommodation	Listed
Lot 5353 (23) Etrema Loop	Elphick B J	Unauthorised residential accommodation	Listed
Lot 5354 (25) Etrema Loop	Collins	Unauthorised residential accommodation	Listed
Lot 2133 (14) Greene Place	Ciric A M	Unauthorised residential accommodation	Listed
Lot 2137 (22) Greene Place	Mills P R T	Unauthorised residential accommodation	Listed
Lot 2292 (4) Hawkins Street	Hawser	Unauthorised residential accommodation	Listed
Lot 7 (121A) Kennedy Street	Gibbs J	Unauthorised residential accommodation	Listed
Lot 2581 (69) Limpet Crescent	Neech	Unauthorised residential accommodation	Listed
Lot 276 - 277 (3-5) Nairn Street (Home Hardware)	P W and L-G B Hicks and The Little Ones (WA) Pty Ltd	Non-compliance with planning conditions	Listed
Lot 5515 (39) Osprey Drive	Beswick	Unauthorised residential accommodation	Listed
Lot 2222 (1) Paton Road /	Kennedy Heritance Pty Ltd Atf The Instalment Trust	Unauthorised residential accommodation	Listed
Lot 2708 (108) Paton Road	B and C J George	Unauthorised residential accommodation	Listed
Lot 3892 (30) Rutherford Street	Reed C	Unauthorised residential accommodation	Listed
Lot 254 Shoata Road	South Hedland Owners & Riders Ass	Unauthorised residential accommodation	Listed

Part Lot 1/Lot 4107 (19A) Spoonbill Cres	Crafter W R & Goodall C A	Unauthorised residential accommodation	Listed
Lot 4126 (26) Spoonbill Cres	OTR Investments Pty Ltd	Unauthorised residential accommodation	Listed
Lot 2246 (25) Stanley Street	Mcllwain B & Tait T L	Unauthorised residential accommodation	Listed
Lot 2316 (9) Traine Crescent	Libera Pty Ltd	Unauthorised residential accommodation	Listed
Lot 2319 (15) Traine Crescent	Cookson G A	Unauthorised residential accommodation	Listed
Lot 16 (9 and 12) Wangara Crescent	Telstra / GEHA	Unauthorised residential accommodation	Listed
Lot 5259 (3) Byass Street	Pilbara Constructions Pty Ltd	Illegal land use - illegal structures - planning application requirements have not been fulfilled	Listed
<b>SOUTH HEDLAND RURAL ESTATE</b>			
<b>Address</b>	<b>Owner</b>	<b>Issue</b>	<b>Status</b>
Lot 3 (9-11) Greenfield Street	Singleton A R	Unauthorised dumping & filling of borrow pit	Listed
Lot 5 (7-21) Greenfield Street	K A Hall	Unauthorised dumping & filling of borrow pit	Listed
Lot 8 (31) Greenfield Street	Goodman M K	Unauthorised dumping of rubble	Listed
Lot 61 (147-151) Greenfield Street	Quartz South Hedland Pty Ltd	Unauthorised laydown / storage and Workshop	Listed
Lot 62 (153-55) Greenfield Street	J E Smart (Snr)	Unauthorised dumping & filling of borrow pit	Listed
Lot 69 (173) Greenfield Street	B Godenzi and L Rowland	Unauthorised Laydown / Storage	Listed
Lot 73 (16-26) Greenfield Street	G Anagnostopoulos & Levissianos	Unauthorised dumping & filling of borrow pit	Listed
<b>WEDGEFIELD</b>			
<b>Address</b>	<b>Owner</b>	<b>Issue</b>	<b>Status</b>

Lot 1029 (4) Ridley Street	Carey Gardner Engineering	Unauthorised residential accommodation	Listed
Lot 101 (4) Abydos Place	Manning R	Unauthorised residential accommodation	Listed
Lot 3807 Cajarina Road	Komatsu	Non-compliance with planning conditions	Listed
Lot 3772 (22) Carlindie Way	P J Jarkiewicz & S J Sayers	Unauthorised residential accommodation	Listed
Lot 373 (20) Carlindie Way	J G Van Maanen	Unauthorised residential accommodation	Listed
Lot 3774 (18) Carlindie Way	Hedland Asset Management Pty Ltd ATF the M & J Forbes F/T	Unauthorised residential accommodation	Listed
Lot 3775 (16) Carlindie Way	J S Paterson	Unauthorised residential accommodation	Listed
Lot 3776 (14) Carlindie Way	Lynne A Nanini & S A Nanini	Unauthorised residential accommodation	Listed
Lot 3780 (6) Carlindie Way (Scarboro Painting)	J J & A G Brockman	Unauthorised residential accommodation	Listed
Lot 3782 (2) Carlindie Way / (Boom Crane Hire)	Glen Lee' P J Farrell	Unauthorised residential accommodation	Listed
Lot 364 (41) Harwell Way (Pilbara Waste)	Green	Unauthorised residential accommodation	Listed
Lot 3770 (29) Harwell Way	B J McGee & M A C McGee	Unauthorised residential accommodation	Listed
Lot 3797 (25) Harwell Way	Artfield Holdings Pty Ltd	Unauthorised residential accommodation	Listed
Lot 3798 (23) Harwell Way	Gavin Ness and Jo-anne Cummings	Unauthorised residential accommodation	Listed
Lot 3800 (19) Harwell Way	S P Doorgasingh	Unauthorised residential accommodation	Listed
Lot 5274 (5) Harwell Way	Gravity Cranes Pty Ltd B J & J A Racine	Unauthorised residential accommodation	Listed
Lot 5841 (34) Harwell Way	The Brown Property Trust	Unauthorised residential accommodation	Listed

Lot 5842 (32) Harwell Way	McCorry Brown Earth Moving Pty Ltd	Unauthorised residential accommodation	Listed
Lot 5846 (24) Harwell Way	Youngs Earthmoving	Unauthorised residential accommodation	Listed
Lot 3767 (2) Kangan Way	Mr J W Kubala & N M Youngman	Unauthorised residential accommodation	Listed
Lot 1 (17) Leehey Street	E R Willis & W G Willis	Unauthorised residential accommodation	Listed
Lot 8 (9) Leehey Street	TW Cassidy Pty Ltd	Unauthorised residential accommodation	Listed
Lot 972 Leehey Street	Keyflash Pty Ltd ATF Thea & S Olive Family Trust	Unauthorised residential accommodation	Listed
Lot 6270 (5) Miller Street	CL Blasting & Painting / WJ Woods	Unauthorised sandblasting & spray painting business	Listed
Lot 2113 (38) Moorambine Street	J Skender	Unauthorised residential accommodation	Listed
Lot 2445 (32) Moorambine Street	A J Miller (Miller Contracting)	Unauthorised residential accommodation	Listed
Lot 2448 (26) Moorambine Street	K & S Earthworks Pty Ltd	Unauthorised residential accommodation	Listed
Lot 2505 (7) Moorambine Street	J E Smart & Z M Smart	Unauthorised residential accommodation	Listed
Lot 2506 (5) Moorambine Street	Kajini Nominees Pty Ltd	Unauthorised residential accommodation	Listed
Lot 2508 (12) Moorambine Street	Moltoni Scrap Metal - CMA	Unauthorised residential accommodation	Listed
Lot 3012 (17) Moorambine Street	Wilson R F	Unauthorised residential accommodation	Listed
Lot 5834 (40) Moorambine Street	PFJ Pty Ltd	Unauthorised residential accommodation	Listed
Lot 1670 (15) Munda Way	Gnarla Mumu Aboriginal Corp	Unauthorised residential accommodation	Listed
Lot 3786 Munda Way	Munda Fabrication	Unauthorised residential accommodation	Listed

Lot 3788 (4) Munda Way	All Ways Self Storage	Unauthorised residential accommodation	Listed
Lot 3793 (14-16) Munda Way	DJ Pennington	Unauthorised residential accommodation	Listed
Lot 1008 (6) Murrena Street	Goodline Engineering	Unauthorised residential accommodation	Listed
Lot 1013 (13) Murrena Street	Northwest Shedmasters Pty Ltd	Unauthorised residential accommodation	Listed
Lot 1014 (11) Murrena Street	J Kordt & L Kordt	Unauthorised residential accommodation	Listed
Lot 1016 (7) Murrena Street	Luke and Karen O'Malley	Unauthorised residential accommodation	Listed
Lot 1017 (5) Murrena Street	Fleuron Holdings (Hedland Dairy)	Unauthorised residential accommodation	Listed
Lot 1033 (14) Murrena Street	Kingsmill Enterprises Pty Ltd	Unauthorised residential accommodation	Listed
Lot 3001 (20) Murrena Street	Mr H Wotke	Unauthorised residential accommodation	Listed
Lot 3810 (7) Pardoo Street	Stonebolt Australia Pty Ltd	Unauthorised residential accommodation	Listed
Lot 3812 (3) Pardoo Street	Allworks WA PTY LTD ATFT Sarich Trust	Unauthorised residential accommodation	Listed
Lot 3813 (1) Pardoo Street	S R Ginbey & A N Ginbey	Unauthorised residential accommodation	Listed
Lot 984 (15) Peawah Street	Simsmetal	Unauthorised residential accommodation	Listed
Lot 1 (2) Pinnacles Street	Dieselmeh / Purcell Nominees	Unauthorised office	Listed
Lot 1021 (12) Pinnacles Street	S Jamieson & Alliance Contracting Pty Ltd	Unauthorised residential accommodation	Listed
Lot 3264 (16) Pinnacles Street	E T Wagland & S A Wagland	Unauthorised residential accommodation	Listed
Lot 117 (27) Ridley Street	E R Watt	Unauthorised residential accommodation	Listed
Lot 309 (19) Ridley Street	Bresen (WA) PL Instant Products Group	Unauthorised residential accommodation	Listed

Lot 2485 (23 & 23A) Ridley Street	Northwest Crane Hire Pty Ltd	Unauthorised residential accommodation	Listed
Lot 5777 (10-12) Ridley Street	Arrowsmith Transport	Unauthorised residential accommodation	Listed
Lot 3014 (9) Sandhill Street	Pennington D J	Unauthorised residential accommodation	Listed
Lot 1632 (12) Schillaman Street	Hedland Bus Lines	Unauthorised residential accommodation	Listed
Lot 1003 (9) Trig Street	R L Liddiard	Unauthorised residential accommodation	Listed
Lot 1004 (7) Trig Street	KG Stewart	Unauthorised residential accommodation	Listed
Lot 1637 (16) Yanana Street	Tim Landrigan Contracting Pty Ltd	Unauthorised residential accommodation	Listed
Lot 1638 (18) Yanana Street	Citiplex Pty Ltd	Unauthorised residential accommodation	Listed
Lot 2950 (14) Yanana Street	A Nicholls (Nicholls Transport)	Unauthorised residential accommodation	Listed
Lot 2951 (12) Yanana Street	Hedland CDEP Aboriginal Corporation	Unauthorised residential accommodation	Listed
Lot 2954 (3) Yanana Street	Pilbara Meta Maya Aboriginal Assoc	Unauthorised residential accommodation	Listed

**Attachments**

Nil

**200910/459 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr M Dziombak

**That Council notes the current status of compliance matters being dealt with.**

*CARRIED 7/0*

6:10pm

*Cr S R Martin re-entered the room and resumed his chair. Mayor advised Cr Martin of Council's decision.*

**11.1.2.9 Proposed Entertainment Venue – Two Up at Lot 33 (30) Redbank Road, Redbank (File No: 803206G)**

<b>Officer</b>	<b>Luke Cervi</b> Senior Planning Officer
<b>Date of Report</b>	15 June 2010
<b>Application No</b>	2010/127
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

An application has been received from Todor Dangov on behalf of Meaghan Kerr being the executor of the estate of Abdii Izesdin (deceased), for an Entertainment Venue – Two Up at Lot 33 (30) Redbank Road, Redbank.

The proposed development is not in line with the current zoning of the property being “Rural Residential”. Therefore, from a planning perspective the application cannot be supported.

**Background***Site Description*

The lot is located on the northern side of Redbank Road and is 5.97ha in size. The lot contains a house and two outbuildings.

*Proposal*

The applicant is proposing to use the land for an Entertainment Venue with the specific purpose of conducting Two Up games. It is understood that the land has previously, without Council authorization, been used for Two Up games and that existing buildings/infrastructure would be used.

<b>Consultation</b>	Nil
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**Statutory Implications**

The development of land must be done in accordance with the Port Hedland Town Planning Scheme No. 5. An “Entertainment Venue” is a “~” Use under the Rural Residential zoning which is “a development that is not permitted by the Scheme”.

<b>Policy Implications</b>	Nil
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<b>Strategic Planning Implications</b>	Nil
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**Budget Implications**

An application fee of \$254 has been paid and deposited into account 10063260.

**Officer's Comment**

The use of an "Entertainment Venue" is not permitted under TPS5 and therefore cannot be approved. The applicant was advised of this prior to submitting an application but chose to submit an application and request it be determined by Council.

Council has no ability to approve the application under the current requirements of TPS5. Therefore, if Council wish to support the application, a Scheme Amendment would be required.

The favourable consideration of the application would also be inconsistent Council's decision to retain the Redbank area for "Rural Residential" uses

If Council wish to support the proposal it would be most appropriate to implement the Special Control Area which has already been considered twice by Council and resolved to maintain the Rural Residential zone for Redbank.

**Options**

Council has the following options of dealing with the request:

- Refuse the application
- Initiate a Scheme Amendment to enable the approval of the application.

As Council has recently resolved that the zoning and land use for Redbank should remain Rural Residential, it is recommended that the application be refused.

**Attachments**

Locality Plan

**200910/460 Council Decision/Officer's Recommendation**

**Moved:** Cr S J Coates

**Seconded:** Cr A A Carter

**That Council refuses the application submitted by Todor Dangov on behalf of Meaghan Kerr being the executor of the estate of Abdii Izesdin (deceased), for an Entertainment Venue – Two Up at Lot 33 (30) Redbank Road, Redbank, for the following reason:**

- a. An Entertainment Venue is not a permitted use on land zoned "Rural Residential".

*CARRIED 8/0*



**11.2 Engineering Services****11.2.1 Automatic Toilet Installation in Shay Gap Park, South Hedland (File No.: 21/01/0009)**

**Officer** **Jenella Voitkevich**  
Manager Infrastructure  
Development

**Date of Report** 15 June 2010

**Disclosure of Interest by Officer** Nil

**Summary**

The purpose of this report is to obtain Council approval for the installation of an automatic toilet in Shay Gap Park, South Hedland.

**Background**

The 2009/10 adopted budget approved the supply and installation of public toilets in various locations throughout the Town. Exeloo automatic toilets have been installed by Council's Building Department at Cemetery Beach Community Park (double), Port Hedland Skate Park and Captain Bert Madigan Park. A waterless toilet has been installed at the Finucane Island Boat Ramp.

An Exeloo automatic toilet is scheduled to be installed in South Hedland, with the recommended location being Shay Gap Park.

**Consultation**

- Engineering Department
- Building Department

**Statutory Implications**

The Exeloo automatic toilet will be installed by qualified contractors in accordance with relevant Health and Building requirements.

**Policy Implications** Nil

**Strategic Planning Implications**

Key Result Area – Infrastructure

Goal 2 – Parks and Gardens

Strategy 1 – Work in partnership with other stakeholders to implement the Town's Park Improvement Program, with a specific focus on the development of new and/or upgraded park infrastructure in South Hedland.

## Budget Implications

Nil – the Exeloo automatic toilet has already been purchased and delivered. The installation costs are accommodated in the original project budget, account 1010311.

## Officer's Comment

The Exeloo automatic toilet programmed for South Hedland was originally scheduled to be located in the South Hedland CBD, however due to ongoing redevelopments in the area it is logical to locate the toilet elsewhere. Future redevelopment in the South Hedland CBD will include public ablutions.

Shay Gap Park, on Traine crescent in South Hedland, is a popular location for family gatherings, social outings and events such as outdoor movie screenings. The Park has been redeveloped recently, including additional playground equipment, bbq's, shade structures and landscaping. The current public toilets were not upgraded. The popularity of the Park has realized the need for additional ablutions, resulting in the recommendation to install an Exeloo automatic toilet in Shay Gap Park.

Other suggestions for the toilet installation in South Hedland that were considered were:

- Daylesford Park – an Exeloo toilet has already been installed
- Kevin Scott Oval – the construction of the Multi-Purpose Recreation Centre will accommodate public ablutions
- Future Marquee Park – public ablutions have been incorporated in the design currently being tendered for construction. An Exeloo toilet will not be consistent with the design theme and couldn't be installed in the immediate future

**Attachments**

Nil

**200910/461 Council Decision/Officer's Recommendation****Moved:** Cr G J Daccache**Seconded:** Cr J M Gillingham

**That Council approves the installation of an Exeloo automatic toilet at Shay Gap Memorial Park, South Hedland.**

*CARRIED 8/0*

**11.3 Community Development****11.3.1 Disbanding of Aboriginal Affairs Working Group (File No.: 03/01/0021)**

<b>Officer</b>	<b>Paul Martin</b> Director Community Development
<b>Date of Report</b>	15 June 2010
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

This report recommends the disbanding of the Aboriginal Affairs Working Group (AAWG) and replacing it with quarterly consultation forums.

**Background**

The Aboriginal Affairs Working Group has been in existence since 2008.

At its meeting on 28 October 2009 the Council reformed the Aboriginal Affairs Working Group with the following aims and composition:

*“That Council:*

*h) Aboriginal Affairs Working Group*

*Purpose/Aim:*

*To:*

- a. Ensure that appropriate input is received from Traditional Owners and Aboriginal residents on Town of Port Hedland issues specifically affecting aboriginal people;*
- b. Work with the State and Federal Government to implement the 2006 Regional Partnership Agreement and/or its successor agreements;*
- c. Work with relevant agencies to implement an appropriate action plan to address community visitors;*

*Membership*

*Mayor Howlett;*

*Councillor Daccache; and*

*Director Community Services*

*Community/Agency Representatives to be invited by the Working Group:*

*. Aboriginal Representatives*

*. Representative(s) of the Native Title applicants in the Port Hedland Area*

- . Pilbara Native Title Service Representative
- . Department of Indigenous Affairs Representative
- . Indigenous Co-ordination Centre Representative

*Delegation: Nil.*

*Tenure: The tenure of the Aboriginal Affairs Working Group was agreed at the first meeting as twelve (12) months, and to be reviewed again at that time."*

Since inception the AAWG has struggled to achieve quorum at meetings. This has caused members of the AAWG to review the operations of the working group and recommend the Council try a different approach to engagement with the indigenous community.

#### Consultation

Members of the AAWG have been consulted about how consultants could take place. They have suggested quarterly forums.

Director Community Development met with the Mayor.

**Statutory Implications** Nil

**Policy Implications** Nil

#### Strategic Planning Implications

Enter the Key Result 6 - Governance

Goal 2 – Traditional Owners and Aboriginal People

Strategy 1 – Establish Mechanisms to ensure that appropriate input is received from Traditional Owners and Aboriginal people on Town or Port Hedland issues

#### Budget Implications

An amount of \$55,000 is included in the draft 2010/11 financial year budget for Community Pride Activities.

Officers are proposing quarterly consultation forums which are expected to cost \$1,500 each (venue hire/contribution, catering, advertising) for a total for the year of \$6,000. It is proposed this be funded through the Community Pride Activities budget.

#### Officer's Comment

It is proposed to replace the meetings of the AAWG with quarterly forums. These forums would take the following format:

- Be at a venue which is appropriate for aboriginal people to attend. This is envisaged to rotate, possibly between agencies servicing the needs of aboriginal people.
- An open invitation would be issued for anyone to attend who wants to raise an issue. In addition to this a mailing list of people to invite would be developed comprising of people who are currently on AAWG and those whom have been involved in events.
- Catering would be provided
- Councillors and some senior staff would be present to mingle with those present and discuss issues in an informal manner. Other consultation methods such as displays etc could also be used for major projects.

It is proposed that this method of engagement be trialed for a 12 month period and then reviewed for effectiveness.

Consultation with traditional owners for major projects where native title issues exist would still continue to remain separate to this process.

**Attachments**

Nil

**200910/462 Council Decision/Officer's Recommendation****Moved:** Cr M Dziombak**Seconded:** Cr A A Carter**That Council:**

1. disband the Aboriginal Affairs Working Group; and
2. undertake quarterly consultation forums with Aboriginal people commencing in July 2010; and
3. receive a report in June 2011 on the effectiveness of these forums to determine future engagement methods; and
4. thank the members of the AAWG for their time on the working group and invite them to remain involved in consultation forums.

*CARRIED 8/0*

**11.3.2 Draft Library Services Plan (File No.: 03/04/0003)**

<b>Officer</b>	<b>Debra Summers</b> Acting Manager Libraries and Cultural Development
<b>Date of Report</b>	16 June 2010
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

The Town of Port Hedland 2008-2013 Plan for the Future included a strategy to review library operations and locations and develop a plan for the future operations of libraries in the Town.

This report presents to the Council the draft Library Services Plan (Attachment 1) for consideration and it is recommended to place out for public comment.

**Background**

The key objectives of this Plan is to assist the Council's decision making to ensure the most beneficial library service provision for its current and future community.

To ensure relevance of the Plan significant research was undertaken into:

- Evolving demographics of our community;
- Current thinking in library design and service delivery;
- Changing functions of and expectations about the library;
- The West Australian public library scene; plus
- International trends focussing on innovative service delivery.

The subsequent implications of this research played a vital role in the formulation of the themes and actions proposed in the Library Services Plan.

**Consultation**

Consultation with community members and other identified key stakeholders has been integral to the development of the Library Services Plan. A variety of consultation methods have been utilised to ensure input from the widest possible demographic and outcomes from this exercise have directed the recommendations for action included in the Plan.

A copy of the consultation undertaken is included as an attachment to the Library Services plan.

### Statutory Implications

Library Board Act of Western Australia (1951) and associated Regulations.

The Siting and Design of Public library Buildings, 1980.

Public Library Framework Agreement.

### **Policy Implications**

Nil

### Strategic Planning Implications

Key Result Area 3- Community Development

Goal 2- Sports and Leisure

5. Review the library operations and locations develop a plan for future operations of libraries in the Town.

### Budget Implications

COA 1116261 Feasibility and design costs (transferred from 1116399 BHP Reserve) is funding the development of the Library Services Plan.

Implementation of the actions in the plan (including construction of new Library and Community Centre in South Hedland and relocation of the Port Hedland Library) will be considered as part of Council's normal budgeting process.

The feasibility studies and associated preliminary costings for these proposed two significant initiatives will be presented to Council together with the findings of the public advertising for council's consideration prior to final adoption of the plan.

### Officer's Comment

The Plan has three sections. The first section outlines the methodology agreed to develop the content of the plan. The second section is the actions to be undertaken to deliver on the identified themes from the consultation and research. The final section includes several attachments which contain background information pertinent to the plan.

The major actions recommended in the plan include:

- The construction of a new Library and Community Centre on the South Hedland Aquatic Centre site including commercial facilities such as a book shop and café as part of the South Hedland Town Centre Revitalisation Project.
- The investigation of the relocation of the Port Hedland Library, with a coffee shop, to the "Greenhouse" on the corner of MacKay and Richardson St as part of the West End Revitalisation.
- A trial of extended library hours and the provision of free internet access.

If the Council agrees, the draft Plan is now ready for the public to have an opportunity to make comment on the recommendations and outcomes.

Attachments

Draft Library Services Plan

**200910/463 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr S R Martin

**That Council:**

1. note the draft Library Services Plan; and
2. request the Chief Executive Officer to advertise the Town of Port Hedland Library Services Plan for a period of four weeks and report the outcomes back to the Council.

*CARRIED 8/0*

**DRAFT**

**TOWN OF PORT HEDLAND  
LIBRARY SERVICES  
STRATEGIC PLAN  
2010-2015**

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## Background

The Town of Port Hedland 2008-2013 Plan for the Future included a strategy to review library operations and locations and develop a plan for the future operations of libraries in the Town. To assist the Council's decision making to ensure the most beneficial library service provision for its current and future community it was envisaged that a Library Services Plan was needed. Council was presented, through its strategic planning process, with a proposed methodology to develop this required plan.

The draft 2010-2015 Town of Port Hedland Strategic Plan articulates the vision for the Town in 2025 and outlines the key roles and functions that the Town of Port Hedland will be undertaking to help make the Town's Vision a reality.

### **Key elements of the Vision which the outcomes and recommendations of the Library Services Plan will help achieve:**

- The population of the City will be at least 40,000 people. We will be a safe city with a distinct, friendly, relaxed, "Port Hedland" feel.
- There will be an abundance of intergenerational and extended families living in the Town.
- The architecture of the buildings will be innovative, functional, energy efficient and capture the spirit of the Pilbara.
- Port and South Hedland will be integrated functionally, physically and culturally.
- People will have access to the recreational, cultural and entertainment facilities that they desire.
- Specialised services will be available to marginalized groups within the community.
- People will prefer to live in Port Hedland than Fly-In-Fly-Out.

## Methodology

### *Step One - Strategic Focus Papers*

To ensure relevance of the Plan the first stage was to develop a series of Strategic Focus Papers.

Issues addressed in these papers included:

- The sustainability and development of library services in consideration of:
  - Future population growth, population distribution with consideration of changing demographic and special social needs
  - Service expectations of permanent residents, FIFO workforce and visitors and as a regional centre servicing other surrounding local authorities
  - Possible integration with education, recreational, community or commercial facilities.
  - Role of public libraries in supporting business and education and partnership opportunities to achieve this
  - Role of public libraries in building strong learning communities
  - How libraries can contribute to the quality and diversity of life in the Pilbara
  - Current Public Library Structural Reform Agenda and opportunities for the Town of Port Hedland in respect to regional library service provision.
  - Case studies of innovative public library buildings and service delivery models.
  - Town of Port Hedland current library service provision benchmarking exercise.

Copies of these Strategic Focus Papers are available upon request.

Council received a presentation of these papers and agreed to a move to the second stage of the proposed methodology. This stage was consultation with the community and other priority stakeholders to identify key issues with the current library service and potential future service delivery requirements and models.

### ***Step Two- Preliminary Key Themes from Consultation with Current Library Users***

Consultation with community members and other identified key stakeholders was to be integral to the development of the Library Services Plan given the key objective of the plan was to assist the Council's decision making to ensure the most beneficial library service provision for its current and future community.

A variety of consultation methods were used to gather input from current users of the library service. A report on preliminary key trends and issues was put to Council in April 2010.

These key themes were:

1. The construction of a new Library in South Hedland close to commercial hubs collocated with community organisations/functions including playgroups and meeting rooms and potentially commercial activities including café and bookshop.
2. A review of the location and operational aspects of the Port Hedland Library as the current location was not considered ideal and investigate opportunities in the West End.
3. An examination of opening hours of both Libraries to better meet the needs of the community, including opening Sundays.
4. Increased access to technology and other non traditional library services at both Libraries.
5. The development of targeted programs and resources to increase libraries usage by currently under represented demographics within the Library cliental (ie young adults, indigenous people, FIFO workers, people from culturally and linguistically diverse backgrounds)

The Council resolved to note these emerging themes and further resolved:

1. To undertake further consultation with the community and stakeholders to develop the above themes into actions and strategies which will form the Library Services Plan
2. Consider allocating funds for the concept development and detail design of the Library and potential community centre in South Hedland CBD as a component of the 2010/11 budget process.
3. Commence negotiations with LandCorp to secure a site for a Library and community centre in the South Hedland CBD and
4. Consider the current usage and location of the Port Hedland Library as part of the Library Services Plan given the respondents to date indicating similar requirements of their future library service provision.

At this same meeting, Council endorsed the next stage in the methodology being consultation with potential library clients through a Non User Survey and discussion with other stakeholders to develop the identified themes into actions and strategies.

This consultation was intended to "test" these emerging issues and trends as possible draws cards to engage this section of the community to ensure their inclusion in and usage of services and

facilities provided in any new or enhanced library service. Particular focus was to center on integration of the FIFO workforce, young adults and indigenous community members plus community groups whose first language is other than English.

Findings from next stage of the consultation process, along with input from library clients, framed by best practice research would inform the strategies and actions finally included in this Plan. A report on this consultation is included with this plan as an attachment

***Step Three- undertake further consultation with the community and stakeholders to develop the above themes into actions and strategies which will form the Library Services Plan***

To gather as diverse a range of feedback as possible unusual methods of consultation were utilised. It was decided that a typical survey approach to consultation would only work in respect to consistent library users.

It was considered important to gather input from demographics that traditionally not do respond to surveys or questionnaires. These groups included youth, FIFO workers, tourists and members of the multicultural and indigenous communities.

The survey team positioned themselves at locations frequented by these groups. As such sessions were held at the Port Hedland Airport, Port and South Hedland Shopping Centers, Cooke Point Playgroup, Port Hedland Primary School and Hedland Senior High School.

Major findings from this consultation were:

1. The current libraries are underutilised because they did not provide respondents with what they required
2. Targeted programs are needed for different demographics such as activities and clubs for children, teenagers, adults and senior, school holiday programs
3. Access to advanced technology such as increased free access to internet, email and computer applications including wireless was required. Also required was access to digital books, pod casts, other online products. Further, respondents wanted remote access to library facilities from their homes.
4. Commercial services and facilities should be included in the library such as a book shop and a coffee shop/café
5. Staff with skills to assist people in accessing services, programs and information were considered essential
6. Different opening hours were needed during the day and evening and on weekends. Weekend opening was especially requested by FIFO workers, who commented that quite often they have nothing to do on a Sunday.

A draft report of this consultation is included with this plan as an attachment. A full report on consultation will be included in the proposed feasibility studies.

## **Strategy and Actions (Library Services Plan)**

### ***Intent of the Plan***

This Library Services Plan provides the framework for the responsibilities of the Town of Port Hedland for provision of library services over the period 2010-2015. The Library Services Plan is underpinned with key strategies and actions which provide a backbone to the plan. Actions to deliver on these identified themes have been prioritized in to a Five Year Operational Plan. The Plan will be reviewed and updated annually in line with the corporate planning process to feed into relevant annual and long term corporate plans and strategies.

This Library Services Plan will set the direction of what a public library service will look like for the residents and visitors to the Town now and into the future and will reflect best practice both nationally and internationally. This is to ensure that the resulting service delivery model satisfies all the dreams and aspirations of what is possible in respect to providing support for the educational, informational and social requirements of all sectors of the population of the Town of Port. It is our intention to deliver a public library service to also support the Town's wider vision of becoming a Pilbara Regional City, fostering and supporting the innovation of industry at the same time as creating a sense of place and community.

The Plan is therefore to be considered dynamic and this should ensure its ongoing relevance to the outcomes of the Town of Port Hedland for its library service and the ever changing and challenging public library environment.

An underlying goal of this Plan is an attempt to anticipate changes to the provision of the State-wide public library service as a consequence of the Structural Reform of Public Library Service currently being undertaken by the State Library of Western Australia and WALGA. Also attention has been paid to the concurrent review of the statutory framework surrounding the provision of public library service and the Local Government Structural Reform Agenda impacting on the local government sector.

This Library Services Plan is a blueprint for action and clearly identifies the basis against which the performance of the Town of Port Hedland Libraries can be measured.

### ***Actions to deliver on Objectives***

The following actions are suggested to ensure delivery of the key objectives identified through the methodology utilised to develop this plan and hence achieve Council's strategic objectives of providing residents and visitors access to the recreational, cultural and entertainment facilities that they desire.

#### **Objective 1: The design and construction of a new library and community centre on the South Hedland Aquatic Centre site inclusive of commercial facilities such as a book shop and cafe**

Although a library currently exists in South Hedland this site has been identified for a hotel development as part of the South Hedland CBD redevelopment and therefore must be relocated. Negotiations have been undertaken with Landcorp which has secured a potential site adjacent to the SHAC which can accommodate both a Library and Community Centre.

This objective is timely as the existing library facility is cramped and unattractive having been constructed in 1978/79. Feedback from consultation from both users and non users is that the size and lack of facilities inhibits current use. The current building was designed before the use of technology in libraries both at an operational and client usage perspective. There is a diverse demographic that the building needs to cater for and this is not possible in the existing structure.

Together with these services the facility will collocate with a number of community organizations in need of space and provide access to meeting rooms and other support facilities inclusive of a coffee and book shops.

The need for this project has been identified in Hedland Future Today V2, the Town of Port Hedland's Strategic Plan

Funds have been included in the draft 2010/2011 budget for detailed design including preparation of tender documentation to design and construct a South Hedland Library and Community Centre. Due to savings achieved in the development of the Library Services Plan an architect has been appointed to develop some preliminary concepts for this proposed facility this financial year. This work has utilised the consultation undertaken to date including discussion with community groups who have responded to an Expressions of Interest to be included in this early planning stage.

Applications for funding towards the detailed design work required and also to assist with the construction of the proposed facility has been pursued this year.

To progress this objective the actions required are:

##### **Action 1**

Create an iconic landmark building in the South Hedland CBD to increase resident and tourism visitation, strengthen civic pride and local sense of place and contribute to Port Hedland as a liveable destination. (Council Meeting April 28 2010)

Undertake a feasibility study into the construction of a new Library/Community Centre which reflects the needs of the community as articulated through the recent consultation process.

Design and construct this facility as part of the South Hedland Town Centre Revitalisation Project.

**Action 2**

Investigate market potential and pricing structure for inclusion of business facilities and meeting rooms in redeveloped or new library facilities.

**Action 3**

Develop sustainable partnerships for mutual benefit by progressing discussions with other entities and community groups within the Town of Port Hedland

- Opportunities for technology integration and interoperability
- Sharing of staff skills and expertise across the region and within the Town
- Potential to plan together more effectively for delivery on areas such as life long learning
- Opportunities for joint programming across all levels, especially in the areas of youth, literacy and learning, and children's and older persons programs.

**Objective 2: Relocate the Port Hedland Library with coffee shop into the "Greenhouse" on the corner of MacKay and Richardson St as part of the West End Revitalisation.**

A review of options for an enhanced Port Hedland Library as requested by Council has been commenced. Work to rate potential locations for this facility has utilised the consultation undertaken to date including targeted focus groups with key Port Hedland Library clientele.

Four options were identified for review to provide a future library service being:

- Renting a private tenancy capable of accommodating a library
- Negotiating with BHP to utilize one of their vacant land holdings
- Renovating the existing site in Cooke Point
- Utilising a State Government site currently vacant located at the Corner of McKay and Richardson St (Green House) collated with a Cafe and/or bookshop.

These sites were matrixed by independent consultants. The following table represents their scoring against the criteria. Note the criteria did not include cost as this is proposed to be investigated as part of the next stage. A report of this investigation is included as an attachment with this plan.

- 1 = Very Poor  
 2 = Poor  
 3 = OK  
 4 = Good  
 5 = Very Good

	Site's ability to be a <i>Destination Point</i>	Site's ability to accommodate <i>Complimentary Uses</i>	Site's ability to increase access to <i>New Technology</i>	Site's suitability for <i>Longer Opening Hours</i>	Site's ability to attract <i>Traditional Non-Users</i>
1. Renting a private tenancy as availability dictates	1	1	2	2	1
2. Negotiating with BHPB-IO to use vacant landholding	3	3	4	5	5
3. Renovating the existing Cooke Point Library site	3	2	3	2	2
4. Utilising corner McKay and Richardson Streets ("Greenhouse")	5	5	4	5	5

#### Scores Summary

1. Renting a private tenancy as availability dictates	7
2. Negotiating with BHPB-IO to use vacant landholding	20
3. Renovating the existing Cooke Point Library site	12
<b>4. Utilising corner McKay and Richardson Streets ("Greenhouse")</b>	<b>24</b>

The preferred option from an initial assessment is to utilise the site currently vacant; corner McKay and Richardson Streets ("The Greenhouse"). This option involves taking advantage of the centrally located Greenhouse site to retro-fit, or partially demolish the existing structure and build a new section to house the library.

This site would enable collocation of a small Library with a coffee shop and/or bookshop. The Library would be smaller than the existing Port Hedland Library but provide services to meet the needs of Port Hedland residents and offer different activities to the main Library in South Hedland. It is recommended this option be further explored by undertaking a feasibility of this site.

The Greenhouse Site was considered the most suitable for further investigation in terms of criteria because;

- Collation with a coffee shop is possible on this site which is the feedback obtained from the community.
- It is ideally located across from the waterfront with uninterrupted views of the Port operation;
- It is within close proximity to the central hub of Town which has extended hours of activation;
- The site has a heritage listing which lends itself to being an iconic community node;
- The heritage listing means it is on the heritage trail giving it increased exposure and pedestrian / tourist traffic;
- The surrounding uses are complimentary to a library use (correct zoning);
- The proximity to the established cultural precinct inclusive of the Art Gallery, the new Silver Star project and the outdoor cinema sessions provides a unique opportunity to enhance / cement that area as the cultural hub of Port Hedland; and
- The adjoining BHPB-IO site provides and an future expansion opportunity.
- Provides the capacity to utilise an vacant prime building in Port Hedland

To progress this objective the actions required are:

#### **Action 4**

Undertake a feasibility study into the relocation of the Port Hedland Library collated with a coffee shop into the "Greenhouse" on the corner of MacKay and Richardson St as part of the West End Revitalisation.

### **Objective 3: An examination of opening hours of both Libraries to better meet the needs of the community, including opening Sundays.**

Best practice indicates that more flexible and innovative service delivery is required to ensure libraries and the service they provide is adapted to meet changing community needs and expectations.

A consistent theme emerging from consultation with all target demographics was that the current library opening during normal business hours and inclusive of a Saturday morning is not considered ideal. Many respondents worked and had other commitments on Saturday morning and were keen to have the opportunity to visit libraries at time that suited their lifestyle.

To progress this objective the action required is:

#### **Action 6**

A trial for 12 months of extended Library opening hours on three week days, Saturday and a Sunday afternoon.

**Objective 4: Increased access to technology and other non traditional library services at both Libraries.**

Actions recommended to achieve this objective are the result of best practice research and are targeted to appeal to members of the community who are currently not using library facilities. Also these actions will provide equal opportunity to access information and resources to minimize challenges in obtaining training and education living in the Pilbara.

To progress this objective the actions required are:

**Action 7**

Investigate and if appropriate, developing a business case and staged implementation plan for provision of RIFD self check facilities, including utilisation of current barcode technology. The introduction of this technology would allow small collections of resources to be situated in remote locations (FIFO camps).

**Action8**

Provide access to technology free of charge.

**Action 9**

Implement strategies to develop Learning and Informed communities through the use of technology by:

- Playing a role in skilling the local community towards employment for youth and disadvantaged or isolated adults.
- Pursue opportunities for providing facilities and resources to be utilised by community members such as students, and, studying professionals balancing careers/ families
- Utilising Libraries core specialisation in information and knowledge to develop and support small business capabilities.
- Continuing to develop online resources and databases to facilitate remote access to information and on-line resources and self paced learning
- Increase the number of public access computers.
- Provide wireless access.
- Provide access to online public access catalogues (OPAC)
- Establish a dynamic interactive website which provides clients with the ability to access the OPAC, renewals, reservations

**Objective 5: The development of targeted programs and resources to increase libraries usage by currently under represented demographics within the Library cliental (ie young adults, indigenous people, FIFO workers, people from culturally and linguistically diverse backgrounds)**

Actions to achieve this objective are targeted to provide facilities and resources in the libraries that encourage all members of our community to feel welcome to visit and find exactly what they want when they come to the libraries. One way to engender an inclusive and cohesive community is through developing effective community partnerships and targeted outreach programs that appeal to all who reside in, work and visit the Town of Port Hedland. These actions will ensure feedback and input from all members of our community to programs, services and resources included in the libraries of the Town of Port Hedland.

Achieving this objective will assist the Council to achieve its strategic objectives of providing residents and visitors access to the recreational, cultural and entertainment facilities that they desire.

To progress this objective the actions required are:

**Action 10**

Undertake annual client satisfaction surveys to target changes to services and resources to better suit the changing expectations of the demographic

**Action 11**

Redesign processes around procurement of library resources by

- Adoption of Collection Development Policy
- Further investigating opportunities for consortia purchase of materials with willing partners (local and Statewide) to maximise discounts on purchases (including on-line resources) as part of Collection Development Policy

**Action 12**

Actively engage with to promote the library and information service to the large numbers of remote and mobile workers (FIFO) and develop innovative ways to deliver services and resources required by this specific target demographic.

Include this demographic in consultation as part of feasibility for construction of new facilities

**Action 13**

Implement strategies to develop more cohesive and inclusive communities by:

- Re-aligning service delivery to facilitate a stronger community development role of libraries through internal partnerships between library and community development staff on both projects and day to day operations
- Identifying and developing potential partnerships with existing providers (both public and private) including existing community, health and well being and cultural services

- Developing a stronger focus on programming with a focus on literacy and services for marginalised groups, including older youth, indigenous people and multicultural groups.
- Provide access to online /recreational activities to contribute to social inclusion.

**Action 14**

Develop a relationship between the Indigenous Language Centre and the South Hedland Library as part of the planning for the new library facility in South Hedland

**Action 15**

Deliver programs and services that contribute to the local character and cultural history of Port Hedland

**Action 16**

Incorporate local social history collections and projects into the libraries that document and display local history

**Objective 6: Commercial services and facilities are included in the library such as a book shop and a coffee shop/café**

Consultation and research into national and international trends suggest that any new library and community facility should provide a “destination point” in a high exposure location. To ensure its relevance to all members of the community, complimentary uses such as a coffee shop, book retail space and indeed passive business support should be included in the range of activities available. Also opportunities for value added income streams is suggested as a way of offsetting costs associated with the provision of free core services.

To progress this objective the actions required are:

**Action 17**

Pursue opportunities for income generation by:

- Investigating the feasibility of providing a fee for service for business services including video conferencing, board and meeting rooms, and associated support to small business, particularly, home based businesses or emerging businesses in new library facilities
- Investigating, as part of the facility at South Hedland, the acquisition of fee for service databases as part of the provision of support to tertiary education and business.

**Action 18**

Maximise opportunities to link with other public or private service providers in relation to provision of facilities such as day cares, playgroups, coffee shops or bookshops planned in new library facilities

**Objective 7: Staff that assist people in accessing services, programs and information**

Since the development of the internet and the availability of on- line delivery of information required for an every day life, people have come to rely more heavily on support to access the information they need when they need it. This is particularly relevant to those community members who may be restricted in their ability to access information because of physical or intellectual disabilities. Less literate community members or people who come from linguistically diverse backgrounds also can have difficulty in this respect. As equitable access to information and services is a goal of the Council and a right of every community member, actions to deliver on this strategy are vital

To progress this objective the actions required are:

**Action 19**

Implement strategies for more effective marketing and branding of library services thus ensuring equitable access for all by:

- Development of an integrated marketing and branding strategy as consequence of creation of priority within Community Services directorate.
- Marketing strategy as part of consultation process as part of annual survey and feasibility study

**Action 20**

Reviewing and re-aligning the library structure and skill set of library staff to ensure excellence of service delivery to all members of the community.

## **Attachment One - 5 Year Operational Plan**

By having an overall Library Services Plan, including detailed strategies and actions to support and enhance "community and commercial hubs" in both townsites, will deliver an excellent social and capital infrastructure planning tool. This will allow Council to stage its delivery of these services and facilities to fit in with other initiatives and allow budgetary considerations over more than one financial year. This will also ensure documentation is project ready to facilitate further partnership opportunities or to secure further possible grant funding if the opportunity arises.

### **Key Performance Indicators 2010/11**

These indicators will be monitored and evaluated annually. It is also anticipated that these indicators can be refined to continue to identify service improvements.

#### **Indicator**

- Provision of 1.25 volumes per capita
- Cost of library usage per capita
- Library cost per transaction
- Library membership as a proportion of resident population
- Number of library transactions per FTE member of staff
- Number of Library transactions per member
- Total number of library transactions
- Visits to the library (physical)
- Visits to the library (virtual)
- Number of internet bookings
- Percentage of collection less than five years old
- Targeted opening hours aligned with pattern of use and identified need
- Maintenance of internet and on-line access to identified levels of speed and reliability.

### **Major initiatives to be undertaken in Year One of the 5 Year Operational Plan**

- The feasibility, concept design with indicative costs of a library facility collated with community and commercial spaces as part of the South Hedland Town Centre Revitalisation.
- Review the location and operations of the Port Hedland Library in particular the opportunities for relocation into the West End. (Council Meeting April 28 2010)
- Focus on stock management through the establishment of a collection development policy and community profile
- Marketing of Better Beginnings Library Program and development of associated programs
- Updating and improving our on-line presence
- Improvement of the Out Reach Services i.e. homebound and local studies.
- Undertake an annual survey in May
- Actively pursue opportunities for the ToPH as a Regional Library for the East Pilbara Region through vigorous negotiations with State Library of Western Australia and regional partners

- Continue to build and enhance partnerships with industry and other cultural and community groups and service providers

**Operational Plan**

Key to timeframe indicators:

Year One 2010-2011

Year Two 2011-2012

Year Three 2012-2013

Year Four 2013-2014

Immediate and ongoing 2010-2015

Strategies	Action	Timeframe	Success measurement
The construction of a new Library in South Hedland close to commercial hubs collocated with community organisations/functions including playgroups and meeting rooms	Create an iconic landmark building in the South Hedland CBD to increase resident and tourism visitation, strengthen civic pride and local sense of place and contribute to Port Hedland as a liveable destination. (Council Meeting April 28 2010)		Increased membership and usage of the library collections and services.  Facility will be highly regarded by clients and support the delivery of a vibrant library service  The location of the new facility will represent the best economic and social investment outcome for the Council and enhance the social capital of the CBD inclusive of civic and cultural facilities
	Undertake a feasibility study into the construction of a new Library/Community Centre which reflects the needs of the community as articulated through the recent consultation process.	Completion of Feasibility Study and endorsement by Council 31/08/10	Feasibility completed
	Design and construct this facility as part of the South Hedland Town Centre Revitalisation Project.	Completion of Concept Design 15/10/10  Completion of negotiations with Landcorp to secure site with South Hedland CBD 31/12/10  Completion of Detailed Design 28/02/11  Completion of Tender Documents 31/04/11  Awarding of Tender 31/06/11  Commencement of	Library/Community Centre completed on time and within budget

		<p>Construction 1/07/11</p> <p>Completion of Construction 30/06/12</p> <p>Occupation 31/08/12</p>	
	<p>Investigate market potential and pricing structure for inclusion of business facilities and meeting rooms in redeveloped or new library facilities.</p>	<p>As per construction timeframe for new facilities</p>	<p>Business facilities and meeting rooms included in new facilities</p> <p>Provided facilities are well used and valued by the community Income is generated from these facilities</p>
	<p>Progressing discussions with other entities and community groups within the Town of Port Hedland to explore:</p> <p>Opportunities for technology integration and interoperability</p> <p>Sharing of staff skills and expertise across the region and within the Town</p> <p>Potential to plan together more effectively for delivery on areas such as life long learning</p> <p>Opportunities for joint programming across all levels, especially in the areas of youth, literacy and learning, and children's and older persons programs</p>	<p>Immediate and ongoing</p>	<p>Negotiations undertaken with Regional partners to progress regional initiatives to deliver on this recommendation</p> <p>Negotiations undertaken with other entities and community groups within the ToPH to deliver on this recommendation</p>
	<p>Actively pursue opportunities for the ToPH as a Regional Library for the East Pilbara Region through vigorous negotiations with State Library of Western Australia and regional partners</p>	<p>Negotiations completed by 30/06/11</p>	<p>ToPH secures opportunity to continue as Regional Library for East Pilbara Region with enhanced contractual outcomes</p>
<p>Further investigation into a library facility included within a redevelopment of the "Greenhouse" on the corner of MacKay and Richardson St as part of the West End Revitalisation project.</p>	<p>Undertake a feasibility study into the development of a library facility as part of the redevelopment of the "Greenhouse" on the corner of MacKay and Richardson St as part of the West End Revitalisation project</p>	<p>Completion of Feasibility Study 31/08/10 and endorsement by Council</p> <p>Completion of negotiation to secure facility 31/12/10</p> <p>Completion of Service Review and endorsement by Council 31/08/10</p>	<p>The location of the new facility will represent the best economic and social investment outcome for the Council and enhance the social capital of the West End inclusive of cultural facilities</p>
	<p>Create an innovative and state of the art library facility to serve the residents and tourists in the Port Hedland CBD to increase resident and tourism visitation, strengthen civic pride and local sense of place and contribute to Port Hedland as a liveable destination. (Council Meeting April 28 2010)</p>	<p>Completion of Concept Design TBA</p> <p>Completion of Detailed Design TBA</p> <p>Completion of Tender Documents TBA</p> <p>Awarding of Tender TBA</p>	<p>Library/Commercial facility completed on time and within budget</p> <p>Increased membership and usage of the library collections and services.</p> <p>Facility will be highly regarded by clients and support the</p>

	Design and construct this facility.	Commencement of Construction TBA Completion of Construction TBA Occupation	delivery of a vibrant library service
An examination of opening hours of both Libraries to better meet the needs of the community, including opening Sundays.	Library opening hours are extended including weekends as a trial for a twelve month period	Trial of longer opening hours commences as per 30 June 2011	Increase in library usage statistics
Increased access to technology and other non traditional library services at both Libraries.	Investigate and if appropriate, developing a business case and staged implementation plan for provision of RIFD self check facilities, including utilisation of current barcode technology.	Business Case and staged implementation plan including budgetary allocation adopted by 31/06/11 RFID shelf check facilities implemented by 1/07/2011	Business Case and staged implementation plan including budgetary allocation adopted RFID shelf check facilities implemented
	Provide access to technology free of charge as a trial for a twelve month period	Trial of free access to technology as of 1 July 2010	Increase in library usage statistics
	Implement strategies to develop Learning and Informed communities by:  Playing a role in skilling the local community towards employment for youth and disadvantaged or isolated adults.  Pursue opportunities for facilities and resources to be utilised by community members such as students, and, studying professionals balancing careers/ families  Utilising Libraries core specialisation in information and knowledge to develop and support small business capabilities.  Continuing to develop online resources and databases to facilitate remote access to information and on-line resources and self paced learning  Increase the number of public access computers.  Provide wireless access.  Provide access to online public access catalogues (OPAC)	Immediate and ongoing  As per new facility construction program  As per new facility construction program  Commence to develop and provide access as staff capacity and expertise increases. Launched by 30/06/11  As per new facility construction program  As per new facility construction program  Commence to develop and provide access as staff capacity and expertise increases. Launched by 30/06/11	Increased usage of library services and facilities by current non users  Continued and increased usage of library services and facilities by current users  Enhanced perception of Port Hedland as a desirable place to live in ToPH Community Survey

	Establish a dynamic interactive website which provides clients with the ability to access the OPAC, renewals, reservations	Commence to develop and provide access as staff capacity and expertise increases. Launched by 30/06/11	
The development of targeted programs and resources to increase libraries usage by currently under represented demographics within the Library cliental (ie young adults, indigenous people, FIFO workers, people from culturally and linguistically diverse backgrounds)	Undertake annual client satisfaction surveys to target changes to services and resources to better suit the changing expectations of the demographic	Annual survey conducted in May from 2010	<p>Community agrees opening hours reflect community needs.</p> <p>Community agrees libraries provide an environment that is safe and friendly for all ages, backgrounds and education</p> <p>Community agrees libraries contribute to the areas social, economic and cultural development</p> <p>Community agrees that libraries provide innovative and culturally and socially appropriate models of service deliver tailored to unique and special needs of specific client groups within the target demographic</p>
	<p>Redesign processes around procurement of library resources by:</p> <p>Adoption of Collection Development Policy</p> <p>Further investigating opportunities for consortia purchase of materials with willing partners (local and Statewide) to maximise discounts on purchases (including on-line resources) as part of Collection Development Policy</p>	Collection Development Policy adopted by February 2011	Collection Development Policy adopted
	<p>Actively engage with to promote the library and information service to the large numbers of remote and mobile workers (FIFO) and develop innovative ways to deliver services and resources required by this specific target demographic.</p> <p>Include this demographic in consultation as part of feasibility for construction of new facilities</p>	Increase reflected annual survey May 2011	<p>Increase in utilization statistics by FIFO workers of library services and facilities (either in house or remotely)</p> <p>Increase in participation in consultation and annual survey of this demographic.</p>
	<p>Implement strategies to develop more cohesive and inclusive communities by:</p> <p>Re-aligning service delivery to facilitate a stronger</p>	Immediate and ongoing	<p>Increased usage of library services and facilities by current non users</p> <p>Increase in participation in consultation and annual</p>

	<p>community development role of libraries through internal partnerships between library and community development staff on both projects and day to day operations</p> <p>Identifying and developing potential partnerships with existing providers (both public and private) including existing community, health and well being and cultural services</p> <p>Developing a stronger focus on programming with a focus on literacy and services for marginalised groups, including older youth, indigenous people and multicultural groups. Provide access to online /recreational activities to contribute to social inclusion</p>		<p>survey of this demographic.</p> <p>Cross directorate activities increase community development outcomes</p>
	<p>Develop a relationship between the Indigenous Language Centre and the South Hedland Library</p>	<p>Completion of Feasibility Study as part of detailed design 28/02/11</p> <p>Immediate and ongoing</p>	<p>Shared responsibility for the recording of indigenous culture</p> <p>Increased usage of library facilities by this target demographic</p>
	<p>Deliver programs and services that contribute to the local character and cultural history of Port Hedland</p> <p>Incorporate local social history collections and projects into the libraries that document and display local history</p>	<p>Collection Development Policy adopted by February 2011</p> <p>Completion of Feasibility Study as part of detailed design 28/02/11</p>	<p>Local studies/history collection included in new facilities</p>
<p>Commercial services and facilities included in the library such as a book shop and a coffee shop/café</p>	<p>Pursue opportunities for income generation by:</p> <p>Investigating the feasibility of providing a fee for service for business services including video conferencing, board and meeting rooms, and associated support to small business, particularly, home based businesses or emerging businesses in new library facilities</p> <p>Investigating, as part of the facility at South Hedland, the acquisition of fee for service databases as part of the provision of support to tertiary education and business.</p>	<p>Completion of Feasibility Study as part of detailed design 28/02/11</p> <p>As per construction timeframe for new facilities</p>	<p>Feasibility study undertaken as part of detailed design</p> <p>Income generation opportunities realized in new library facilities</p>
	<p>Maximise opportunities to link with other public or private service providers in relation to provision of facilities such as day cares, playgroups, coffee shops or bookshops planned in new library facilities</p>	<p>Completion of South Hedland Concept Design 31/08/10</p> <p>Completion of Port Hedland Concept Design 30/10/10</p> <p>As per construction timeframe for South Hedland Facility</p>	<p>Community groups of facilities collocated with new library</p>

		As per construction timeframe for Port Hedland E Library and Book Cafe	facilities Appropriate commercial facilities collated with library service facilities Community approval of initiatives in new library facilities
Staff that assist people in accessing services, programs and information	Implement strategies for more effective marketing and branding of library services by:  Development an integrated marketing and branding strategy as consequence of creation of priority within Community Services directorate.  Marketing strategy as part of consultation process as part of annual survey and feasibility study	Immediate and ongoing  Immediate and ongoing	Reporting on outcomes of this plan reaches the audience of both community and decision makers
	Reviewing and re-aligning the library structure and skill set of library staff to ensure excellence of service delivery to all members of the community.	Adoption of structure for South Hedland Library as per timeframe for occupation of new facility  Adoption of structure for Port Hedland Library as per timeframe for occupation of new facility	Library structure reflects future business needs

## Attachment Two- Statutory Framework

### Head of Power

The head of power of local government in Western Australia is the Local Government Act 1995. The head of power for library service provision is the Library Board of Western Australia Act 1951-1983. A review of this Act is currently being undertaken.

### Framework Agreement for the Provision of Public Library Service, December 2004

The Framework Agreement for the Provision of Public Library Service December 2004 underpins the major strategic principles and guidelines for the provision of a public library service in Western Australia. Key objectives of the Framework Agreement are to:

- Develop a statement of key principles for the provision of the Western Australian Public Library Service
- Define the mutual and respective roles of State and Local Government in the provision of public library services
- Provide an overarching, agreed framework of broad parameters within which to develop a template for a more detailed agreement. The Library Board of Western Australia and each Local Government will sign an individual, local level agreement based on the template, with the additional specific arrangements required for the delivery of public library services to particular Western Australian communities.

An agreed set of key principles will guide the joint provision of public library services by State and Local Government in Western Australia. These principles are:

- A commitment to the partnership - a shared belief that, by working together, State and Local Government can achieve the best possible public library service for Western Australian communities.
- Recognition that planning, development and service delivery decisions, including expansion or withdrawal of public library services are driven by community needs.
- Within the partnership framework, autonomy and flexibility for Local Governments in response to community needs.
- Free, universal and equitable access by all Western Australians to relevant and up-to-date public library services, regardless of individual circumstances or geographic location.
- Within legal obligations, universal rights of access to information and ideas, free of censorship and the influence of sectional interests
- A transparent approach where both partners are accountable for their respective and mutual responsibilities in accordance with agreed outcomes and performance standards.
- On-going sustainability of services.

Under this agreement, the Town of Port Hedland has agreed to:

- Provide physical and technological infrastructure, staffing and meeting operating costs, to agreed standards.
- Establish collection development policies which are aligned to community needs
- Ensure the State assets are properly managed.
- Provide regional library services to the East Pilbara Region

This Framework Agreement is currently under review as part of the wider Structural Reform of Public Libraries.

**Structural Reform of Public Library Services August 2007**

The report generated as a consequence of this review has delivered 14 high level recommendations being:

- a) Provision of a cash grant to local authorities based on per capita allocation within an agreed disability formula;
- b) The opportunity for all Local Government authorities to identify the most strategic allocation of funding to meet their communities' needs;
- c) The provision of a two tiered system of service delivery, whereby larger libraries can elect to receive all funding directly (Tier 1); and provision of funding for smaller libraries who can elect to allocate a proportion of funding into a shared collection (Tier2);
- d) The transfer of ownership of existing stock to individual libraries in Tier 1; and the transfer of ownership to the collective of participating libraries (administered by the State) in Tier 2;
- e) The requirement that all libraries submit a brief business plan (based on a standard template) identifying outcomes and strategies and measures at the local level, identifying best value for money for the funding provided;
- f) Development of specifications and agreements at the local level identifying services that will be provided and the mutual obligations of the parties;
- g) Additional specific grant funding for regional/cooperative activity, innovation and seed funding for buildings and technology;
- h) Specific funding to develop tailored solutions for Indigenous communities;
- i) A more flexible exchange service providing the opportunity to tailor services to meet needs and including the discontinuation of category quotas;
- j) The replacement of the standard of 1.25 items per capita with meaningful collection performance measures, such as turnover, age of collection and client satisfaction;
- k) Deselection of the Statewide collection at both the local level and State level in accordance with identified criteria;
- l) The addition of local holdings to the Statewide database and development of guidelines for access to locally owned stock (e.g. lending at owning libraries' discretion);
- m) More effective support at the regional level through the development of needs based specifications in the regions tailored to local LGA needs, including communication processes with State Library;
- n) The development of more cost-effective and responsive centralised procurement and materials movement systems, including full shelf ready supply of materials;
- o) Seamless service delivery through development of a Statewide library card and greater consistency in policy and service delivery across LGAs;
- p) A focus on continuous improvement in all areas of delivery.

The current review that has been undertaken to consider the future provision of public library services has caused the Town of Port Hedland to be proactive in planning for possible impacts of this review on our community and the communities of surrounding local authorities. The Town of Port Hedland has commenced planning for possible changes as a consequence of this review being:

- A move from a volume per capita allocation of resources to a \$ value per capita
- Removal of State role in central acquisition and provision of shelf ready resources

- Devolution to local government of these roles
- Removal or degradation of the "exchange" system.

**Values of the Australian Library and Information Association**

The Australian Library and Information Association has recently published the following draft core values:

- Assurance of free and open access to recorded knowledge, information and creative works
- Connection of people to ideas
- Commitment to literacy, information literacy and learning
- Respect for individuality and diversity of all people
- Preservation of the human record
- Excellence in professional service to our communities; and
- Partnership to advance these values

## Attachment Three- Consultation

### Library User Consultation

Consultation with community members and other identified key stakeholders was to be integral to the development of the Library Services Plan given the key objective of the plan was to assist the Council's decision making to ensure the most beneficial library service provision for its current and future community.

A variety of consultation methods were used to gather input from current users of the library service. A report on preliminary key trends and issues was put to Council in April 2010.

These key themes were:

1. The construction of a new Library in South Hedland close to commercial hubs collocated with community organisations/functions including playgroups and meeting rooms and potentially commercial activities including café and bookshop.
2. A review of the location and operational aspects of the Port Hedland Library as the current location was not considered ideal and investigate opportunities in the West End.
3. An examination of opening hours of both Libraries to better meet the needs of the community, including opening Sundays.
4. Increased access to technology and other non traditional library services at both Libraries.
5. The development of targeted programs and resources to increase libraries usage by currently under represented demographics within the Library cliental (ie young adults, indigenous people, FIFO workers, people from culturally and linguistically diverse backgrounds)

### Non User Consultation

The next stage in the methodology was consultation with potential library clients through a Non User Survey and discussion with other stakeholders to develop the identified themes into actions and strategies.

This consultation was intended to "test" these emerging issues and trends as possible draws cards to engage this section of the community to ensure their inclusion in and usage of services and facilities provided in any new or enhanced library service. Particular focus was to centre on integration of the FIFO workforce, young adults and indigenous community members plus community groups whose first language is other than English.

Findings from next stage of the consultation process, along with input from library clients, framed by best practice research would inform the outcomes and recommendations finally included in this Plan.

To gather as diverse a range of feedback as possible unusual methods of consultation were utilized. It was decided that a typical survey approach to consultation would only work in respect to consistent library users.

It was considered important to gather input from demographics that traditionally not do respond to surveys or questionnaires. These groups included youth, FIFO workers, tourists and members of the multicultural and indigenous communities.

The survey team positioned themselves at locations frequented by these groups. As such sessions were held at the Port Hedland Airport, Port and South Hedland Shopping Centers, Cooke Point Playgroup, Port Hedland Primary School and Hedland Senior High School.

Of the total of people have been surveyed 66% were local residents, 18% were FIFO, 16% were tourists/visitors and 16% were indigenous community members. Of these groups 10% of respondents are below 18 years of age, 42% fall between the ages of 18-35, 46% are between 36-60 years of age with 2% of respondents being over 60.

The themes identified previously were again raised by respondents to this next stage of the consultation. These themes were:

1. Targeted programs for different demographics such as activities and clubs for children, teenagers, adults and senior, school holiday programs
2. Access to advanced technology such as increased free access to internet, email and computer applications including wireless. Also required was access to digital books, pod casts, other online products. Further respondents wanted remote access to library facilities from their homes.
3. Commercial services and facilities included in the library such as a book shop and a coffee shop/café
4. Staff that assist people in accessing services, programs and information
5. Different opening hours during the day and evening and on weekends. Weekend opening was especially requested by FIFO workers, who commented that quite often they have nothing to do on a Sunday.

This consultation also investigated why the current library service is relatively underutilised. 69 % were somewhat satisfied or not satisfied with the current library service. 53% of people surveyed have never used the library. When asked how often they would use a new and improved facility as they had requested 75% of respondents said they would use it anywhere from monthly to weekly.

90% of respondents saw new and enhanced library facilities as a high or extremely

## Attachment Four- Port Hedland Library Aesthetics Matrix

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Our Ref:  
Date: 16<sup>th</sup> June 2010

Paul Martin  
Director Community Development  
Town of Port Hedland  
PO Box 41  
PORT HEDLAND, WA 6721

Dear Paul,

RE: Port Hedland Library Aesthetics Matrix

As per our recent engagement, please find attached Assessment Matrix for the preferred location of the new Port Hedland Library.

Based on the feedback from various community consultation sessions conducted by the Town of Port Hedland, and the themes which emerged from these sessions, RPS has rated the site options available for a new library using a 1-5 scoring system (1 being very poor and 5 being very good).

It is important to note that this assessment has been made purely based on community sentiment and an aesthetic basis and is not supported by any technical data from consulting disciplines or any cost analysis. The site which returns the highest score will be the one most reflective of the community ideals and feedback canvassed by the Town of Port Hedland. This initial assessment is to inform the next phase of the project which is to conduct detailed investigations on the site identified as most appropriate in order to determine it's commercial and build viability.

The options were assessed against the following criteria summarised from the consultation sessions and the draft Town of Port Hedland Library Services Strategic Plan 2010-2015 document;

- **The Site's ability to be a destination point** – the site must be in a high exposure location, lend itself to be able to become an iconic location and interact positively with existing surrounding uses;
- **The Site's ability to accommodate complimentary uses** – the site must have expansion potential and enough space to house commercial / retail components;
- **The Site's ability to increase access to new technology** – proximity to existing IT infrastructure and the ability to install new IT infrastructure into the library;
- **The Site's suitability for Longer Opening Hours** – the site is located within an area which is conducive to longer operational hours (established other uses with longer hours are in operation within close proximity encouraging safety and passive surveillance,) and will attract current users of the broader locale to utilise the library; and
- **The Site's ability to attract Traditional Non-Users** – the site captures the attention of a broader demographic and traditional non-users.

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The site options for assessment are detailed below:

**Site Option 1. Renting a private tenancy.**

Real Estate searches revealed there was minimal availability to pursue this option with the main commercial leasing opportunities being focused away from the centre of Town in industrial areas.

**Site Option 2. Negotiating with BHPB-IO to use vacant landholding.**

At the time of assessment this option was not able to be fully explored due to delivery timeframes and the time required to consult with BHPB-IO. There are a number of BHPB-IO sites in desirable positions including one adjacent to the current Greenhouse site. Without specific sites in mind it was hard to make assessment against the criteria stipulated, however assessment was made based on the potential to entertain discussions regarding the use of one of their landholdings closer to the Town centre.

**Site Option 3. Renovating the existing Cooke Point site.**

This option involves retrofitting the existing Library to encourage a diversified user-group and upgrade current facilities. Pursuing this option wouldn't resolve the location as a destination point and would limit the ability to co-locate similar activities due to the primary residential nature of its surrounds.

**Site Option 4. Utilising the site currently available for tender; corner McKay and Richardson Streets ("The Greenhouse").**

This option involves taking advantage of the centrally located Greenhouse site to retro-fit, or partially demolish, the existing structure and build a new section to house the library. With the expansion potential adjacent (BHPB-IO owned site) and the prevailing views across the Port, this site most appropriately addresses the expressed community desires.

The attached Assessment Matrix found that the Greenhouse Site was the most suitable in terms of criteria because;

- It is ideally located across from the waterfront with uninterrupted views of the Port operation;
- It is within close proximity to the central hub of Town which has extended hours of activation;
- The site has a heritage listing which lends itself to being an iconic community node;
- The heritage listing means it is on the heritage trail giving it increased exposure and pedestrian / tourist traffic;
- The surrounding uses are complimentary to a library use (correct zoning);
- The proximity to the established cultural precinct inclusive of the Art Gallery, the new Silver Star project and the outdoor cinema sessions provides a unique opportunity to enhance / cement that area as the cultural hub of Port Hedland; and
- The adjoining BHPB-IO site provides and an exciting expansion potential.

I trust that the above assessment has provided clarity in terms of the eventual site selection and the criteria used to analyse its suitability. As noted above, the next body of work will encompass more technical analysis by focussing solely on, and preparing a thorough analysis of, the Greenhouse site.



Should you have any queries regarding any of the information noted above or wish to discuss in further detail, please do not hesitate to contact me on 0402 451 015.

Look forward to progressing to the next phase of the project.

Yours sincerely  
RPS

A handwritten signature in black ink, appearing to read 'Liam Wilson', written in a cursive style.

Liam Wilson  
Senior Project Manager



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- 1 = Very Poor
- 2 = Poor
- 3 = OK
- 4 = Good
- 5 = Very Good

	Site's ability to be a <b>Destination Point</b>	Site's ability to accommodate <b>Complimentary Uses</b>	Site's ability to increase access to <b>New Technology</b>	Site's suitability for <b>Longer Opening Hours</b>	Site's ability to attract <b>Traditional Non-Users</b>
1. Renting a private tenancy as availability dictates	1	1	2	2	1
2. Negotiating with BHPB-IO to use vacant landholding	3	3	4	5	5
3. Renovating the existing Cooke Point Library site	3	2	3	2	2
4. Utilising corner McKay and Richardson Streets ("Greenhouse")	5	5	4	5	5

**Scores Summary**

1. Renting a private tenancy as availability dictates	7
2. Negotiating with BHPB-IO to use vacant landholding	20
3. Renovating the existing Cooke Point Library site	12
4. Utilising corner McKay and Richardson Streets ("Greenhouse")	24

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**11.3.3 Request for Use of the JD Hardie Centre – Alliance Dance Company (File No. 26/05/0005)**

<b>Officer</b>	<b>Bob Tomlins</b> Acting Manager Recreation and Youth Services
<b>Date of Report</b>	17 June 2010
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

Approval is sought to hire facilities at the JD Hardie Centre to the Alliance Dance Company – on the basis that although the Company has a registered business name, it is essentially ‘not for profit’ and provides a valuable community service.

**Background**

The Alliance Dance Company has been operating from the Centre on a regular booking since February 2010. The booking was accepted by the previous Centre Supervisor without approval from Council. Action has been taken to minimise the risk of a similar occurrence in the future.

Council has previously considered applications from private businesses to hire the centre facilities. A decision is made on balance, weighing the value to the community against providing an unfair and inappropriate advantage to a commercial operator.

As an example, Council has previously approved Hakarac’s hire of centre facilities. This is a small business offering martial arts and boxing opportunities.

The attachment, a letter from Noeleen McCann, the Company’s Principal, provides information to support her assertion that she is providing a valuable community service rather than running a commercially focused operation. She operates the business outside of her full time employment.

The JD Hardie Centre has a room designed for dancing but not the expertise to run such specialist classes as part of its standard programs.

**Consultation**

Acting Manager, Recreation and Youth Services

<b>Statutory Implications</b>	Nil
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**Policy Implications**

Nil

Strategic Planning Implications

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

That the community has access to sports and leisure facilities at or above the quality that would be able to access in the metropolitan area.

Budget Implications

Payment of standard fees and charges by the Alliance Dance Company for use of the JD Hardie Centre generates additional income to the Centre.

Officer's Comment

Alliance Dance Company provides excellent opportunities for local children to learn to dance and gain associated benefits such as growth in their self esteem. Given commercial property rentals these opportunities would be lost if access to the centre was denied.

**Attachments**

Letter from Noeleen McCann, Artistic Director/Principal, Alliance Dance Company

**200910/464 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr G J Daccache

**That Council approve the hiring of facilities at the JD Hardie Centre to the Alliance Dance Company as per standard booking conditions and Schedule of Fees and Charges.**

*CARRIED 8/0*

Alina Artie  
JD Hardie Centre Supervisor  
Town of Port Hedland

Dear Alina

I would like to confirm the need for Alliance Dance Company to utilise the JD Hardie Centre for training and rehearsals throughout the year.

After 11 years Alliance Dance Company's studio became no longer suitable for use. To continue operating and supporting young performers in Port Hedland we have sought the use of a space that provides a safe and community focussed environment.

With the current rental prices and lack of suitable venue spaces we have found the JD Hardie Centre to be our only option to continue classes throughout the year.

Alliance Dance Company not only works to support young performers in Port Hedland via dance but also focuses on building confidence and self esteem. We are developing young teachers and students to provide the community with resources for many external programs, i.e. Active After School Program.

Whilst we have a registered business name our school is not a profit based business and operates as such with Alliance Dance Company supporting a number of young performers. There is often a preconceived idea that if you have a registered business name you are running as a profitable business, this is not the case with Alliance Dance Company which can be supported via our profit and loss statements. Our main objective is to continue to provide Port Hedland with an independent dance school that promotes creativity and youth development.

We hope that our school objectives are line with similar goals that the JD Hardie Centre strives to achieve through community involvement.

Please let me know if you would like to discuss our booking further.

Yours sincerely

Noeleen McCann  
Artistic Director/Principal  
Alliance Dance Company  
[alliancedanceco@hotmail.com.au](mailto:alliancedanceco@hotmail.com.au)

**11.4 Governance and Administration****11.4.1 Governance****11.4.1.1 *Reconsideration of Agenda Item 11.4.2.5 'Western Australian Local Government Convention and Exhibition 2010' Presented to Council's Ordinary Meeting Held on 28 April 2010 (File No: 13/01/0009)***

**Officer** Josephine Bianchi  
Administration Officer  
Governance

**Date of Report** 14 June 2010

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to reconsider its previous decision, and appoint another voting delegate to represent Council at the Western Australian Local Government Association's Annual General Meeting to be held on Saturday 8 August 2010.

**Background**

Council at its Ordinary Meeting on 28 April 2010 resolved:

*"That:*

*Mayor Kelly A Howlett  
Councillor Arnold A Carter  
Councillor Stan R Martin  
Councillor George J Daccache  
Councillor Jan M Gillingham  
Councillor Steve J Coates  
Councillor David W Hooper  
Councillor Michael (Bill) Dziombak*

*attend the WALGA Local Government Convention and Exhibition 2010;*

- ii) Mayor Kelly A Howlett and Councillor S J Coates represent Council as voting delegates at the Western Australian Local Government Association's Annual General Meeting, being held on Saturday 8 August 2010 during the Convention; and*

- iii) *Mayor Kelly A Howlett and Councillor S Martin attend the Pilbara Regional Council Meeting being held during the Convention."*

Councillor Steve Coates advised Council at its Ordinary Meeting of 9 June 2010 that he will not be able to attend the WALGA Local Government Convention and Exhibition 2010. He will therefore not be able to represent Council as a voting delegate at the Western Australian Local Government Association's Annual General Meeting to be held on Saturday 8 August 2010.

The Local Government Convention and Exhibition is held annually in Perth and comprises formal presentations, seminars and workshops relevant to the business of local governments, and social events providing an opportunity to network with other Councillors and local government professional officers.

The event is promoted by the Western Australian Local Government Association (WALGA), as the premier local government event held each year. WALGA also offers the opportunity for Elected Members to attend Professional Development usually in the days before and/or after the Convention.

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

This year's event is being held at the Perth Convention and Exhibition Centre from Thursday 5 to Saturday 7 August.

Events at the Convention will include Annual General Meetings, including that of the Western Australian Local Government Association (WALGA) on Saturday 7 August, at 1:00 pm, of which the Mayor plus one other attendee is a voting delegate.

There will also be a meeting of the Pilbara Regional Council, of which Mayor Kelly A Howlett and Councillor Stan R Martin are delegates; and Councillors G J Daccache and Arnold A Carter are proxies.

It is recommended that Town of Port Hedland delegates stay at the Somerset St Georges (formally Chifleys on the Terrace), which is in walking distance from the Convention and Exhibition Centre and offered to delegates at a reasonable charge of \$175 - \$200 per night.

#### **Statutory Implications**

Nil

#### **Policy Implications**

Council adopted Policy 4/005 'Members Professional Development and Associated Travel and Accommodation at its Ordinary Meeting held on 28 May 2008, as follows:

*"4/005 MEMBERS PROFESSIONAL DEVELOPMENT AND ASSOCIATED TRAVEL AND ACCOMMODATION*

*Objective*

*To ensure members receive appropriate opportunities for professional development, and are provided with adequate travel and accommodation expenses, as part of their obligation and duty to fulfill their role as a Councilor.*

*Entitlement*

*Professional Development*

*At the beginning of each financial year, members will be advised on an equal amount available to be used individually for professional development (Conferences, Study Tours, seminars, conventions, etc.), as allocated in the Annual Budget. This amount will be referred to as the member's professional development allocation.*

*Excluded from this allocation will be the costs associated to attend the Annual Local Government Week, Joint Pilbara and Kimberley Zone Regional Council Meeting or travel required for specific Council business (statutory committee meetings, etc.).*

*Members have the ability to use their member's professional development allocation, on any form of professional development they deem appropriate in their role as a Councilor, without having to make a formal request of Council.*

*Members are to submit a six monthly report to Council (April and October), listing how their members professional development allocation has been utilised and benefits they and the town have derived from it utilisation.*

*At the end of each financial year any unused portion of the Members professional development allocation will be forfeited.*

*Members Professional Development Allocation costs include:*

- 1. Conference, study tour, seminars, conventions, etc. registration fees;*
- 2. Travel to and from conference, study, seminars, conventions, etc;*
- 3. Accommodation;*
- 4. Meals and incidentals as per policy;*
- 5. All Travel and Accommodation daily allowances;*
- 6. Any other costs approved by Council.*
- 7. Laundry after three (3) days away from the Town of Port Hedland district.*

*Once a member's annual allocation has been expended, any additional professional development requires the prior approval of Council.*

#### *Travel and Accommodation*

*All travel and accommodation on Council business and or members' professional development is to be arranged by an Officer nominated by the Chief Executive Officer, who will endeavour to seek any discount possible to minimise the cost to Council, whilst ensuring that an appropriate standard is obtained.*

*All travel will be booked at economy rates, and any upgrade will be made at the member's expense.*

*All travel while away from Port Hedland will be by Taxi, through the use of "cab charges" provided prior to departure from Port Hedland.*

*Accommodation is to be arranged at an appropriate standard in reasonable proximity to the where the majority of purpose for the visit is to occur (i.e. hotel where conference is being presented). Should a member choose not to stay at the relevant hotel, an allowance of \$100 per day will be paid in lieu of accommodation. Depending on meal arrangements provided at the member's accommodation, an allowance of up to \$108.65 (\$93.70 meals and \$14.95 incidentals) or as allowed by the tax office will be paid in advance, without the need to provide receipts. This allowance will also apply to staff while on Council associated business travel.*

*Amounts specified in this policy will be revised annually as part of the Budget process.*

*Any claims under this policy must be approved by Council resolution."*

**Strategic Planning Implications** Nil

#### **Budget Implications**

On the assumption that members will attend all days of the Local Government Convention (from Thursday 5 August to Saturday 7 August inclusive), the estimated cost per person to attend the convention is \$3,396.60 per person, which includes:

Local Government Convention Registration	\$1,075*
Breakfast with David Wirrpanda	\$77
ALGWA Breakfast/AGM	\$55
Convention Gala Dinner	\$175"
Accommodation at Somerset St Georges (4 nights)	\$780

Daily Meals and Incidental Allowances (4 nights)	
\$434.60	
Economy Flight (estimated)	\$800
(*advance discount for Registrations by 14 June)	

This estimate does not include associated costs of Councillors who wish to attend the WALGA Professional Development Modules which are yet to be scheduled before and after the convention. Council has a Professional Development budget allocation for individual Councillors to attend those.

**Attachments**

Nil

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

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

*1. If a decision has been made at a council or committee meeting then any motion to revoke or change the decision must be supported –*

*(a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover; or*

*(b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee,*

*inclusive of the mover*

*2. If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made –*

*(a) In the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority;*

*(b) In any other case, by an absolute majority.*

*3. This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

**Voting Requirements**

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

*NOTE: Mayor to call for a show of hands in favour to consider the revoking of Resolution 200910/390 of Agenda Item 11.4.2.5 'Western Australian Local Government Convention and Exhibition 2010' Presented to Council's Ordinary Meeting Held on 28 April 2010, and recorded on page 383 of those Minutes.*

#### **Officer's Recommendation**

That Council rescinds Council decision 200910/390 of Agenda Item 11.4.2.5 'Western Australian Local Government Convention and Exhibition 2010' held on 28 April 2010 and recorded on page 383 of those Minutes, that states:

*"That:*

- i) Mayor Kelly A Howlett  
Councillor Arnold A Carter  
Councillor Stan R Martin  
Councillor George J Daccache  
Councillor Jan M Gillingham  
Councillor Steve J Coates  
Councillor David W Hooper  
Councillor Michael (Bill) Dziombak*

*attend the WALGA Local Government Convention and Exhibition 2010;*

- ii) Mayor Kelly A Howlett and Councillor S J Coates represent Council as voting delegates at the Western Australian Local Government Association's Annual General Meeting, being held on Saturday 8 August 2010 during the Convention; and*
- iii) Mayor Kelly A Howlett and Councillor S Martin attend the Pilbara Regional Council Meeting being held during the Convention."*

#### **200910/465 Council Decision**

*NOTE: Mayor called for a show of hands in favour to consider the revoking of Resolution 200910/390 of Agenda Item 11.4.2.5 'Western Australian Local Government Convention and Exhibition 2010' Presented to Council's Ordinary Meeting Held on 28 April 2010, and recorded on page 383 of those Minutes. The following Councillors indicated their intent to do so;*

*Cr A A Carter  
Cr G J Daccache  
Cr S J Coates*

**Moved:** Cr J M Gillingham

**Seconded:** Cr A A Carter

That Council rescinds Council decision 200910/390 of Agenda Item 11.4.2.5 'Western Australian Local Government Convention and Exhibition 2010' held on 28 April 2010 and recorded on page 383 of those Minutes, that states:

*"That:*

- i) Mayor Kelly A Howlett  
Councillor Arnold A Carter  
Councillor Stan R Martin  
Councillor George J Daccache  
Councillor Jan M Gillingham  
Councillor Steve J Coates  
Councillor David W Hooper  
Councillor Michael (Bill) Dziombak*

*attend the WALGA Local Government Convention and Exhibition 2010;*

- ii) Mayor Kelly A Howlett and Councillor S J Coates represent Council as voting delegates at the Western Australian Local Government Association's Annual General Meeting, being held on Saturday 8 August 2010 during the Convention; and*
- iii) Mayor Kelly A Howlett and Councillor S Martin attend the Pilbara Regional Council Meeting being held during the Convention."*

*CARRIED 8/0*

**200910/466 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr J M Gillingham

**That:**

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

attend the WALGA Local Government Convention and Exhibition 2010;

2. Mayor Kelly A Howlett and Councillor G J Daccache represent Council as voting delegates at the Western Australian Local Government Association's Annual General Meeting, being held on Saturday 8 August 2010 during the Convention; and
3. Mayor Kelly A Howlett and Councillor S Martin attend the Pilbara Regional Council Meeting being held during the Convention.

*CARRIED 8/0*

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

<b>Officer</b>	<b>Chris Adams</b> Chief Executive Officer
<b>Date of Report</b>	14 June 2010
<b>Disclosure of Interest by Officer</b>	Nil

## Summary

Council is statutorily required to review its Delegated Authority Register at least once in every 12 month period. A review has been undertaken and a new, more user friendly Delegated Authority Register has been developed.

## Background

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

Council's current delegated authority register was developed pre-2000 and has been reviewed annually since its original adoption. All previous reviews that have been sighted have been relatively minor in nature with very few (if any) changes being made on an annual basis.

Council last reviewed the Town's Delegation Register in December 2006, and resolved as follows:

*"That:*

- i) the 2006 Delegated Authority be adopted as Council's 2007 Delegated Authority Register, subject to the removal of the existing delegation of subdivisions of more than 10 properties; and*
- ii) Chief Executive Officer to submit to Council specific suggestions of delegations sought and justification thereof. "*

Since the last review of the Town's Delegated Authority Register was undertaken in December 2006, although the entire Register has not been reviewed, there have been a number of minor reviews of the Register as follows:

26 March 2008

Council considered amending Delegation Number 40 (Town Planning Scheme Number 5) and resolved as follows:

*That :*

- i) the schedule of planning and building consents issued by delegated authority for the month of February 2008 be received, and*
- ii) the Town of Port Hedland Delegation Register be amended such that delegation number 40 (Town Planning Scheme No. 5) Clause No. 5. Grouped Dwellings read:*

*“The Director Community and Regulatory Services may approve or refuse all applications for grouped dwelling developments within the “Residential” zones comprising up to ten (10) grouped dwelling units.”*

9 December 2009

*Council made the following two (2) amendments to the Delegation Register:*

*That Council:*

- i) Amend the delegated Authority Register to include delegations specific to the introduction and implementation of the Food Act 2008 to reflect the following:-*

Delegate To	Authority being delegated	Legislative Power being delegated
CEO	Prosecute for breach of the Food Act	Section 118
CEO and Director Regulatory Services	Authority to issue a Prohibition order where a food proprietor has not complied with an improvement notice or the order is required to mitigate a serious danger to Public Health	Section 65 (1)

CEO and Director Regulatory Services	Officers designated by the Shire for the purposes of withdrawing Infringement Notices for breach of the Act. These persons are prohibited by the Act from serving Infringement Notices.	Section 126 (13)
Manager Environmental Health and Environmental Health Officers	Designated Officers" listed by the Town for the purposes of serving Infringement Notices for breach of the Act	Section 126 (2)
Manager Environmental Health and Environmental Health Officers	"Authorised Officers" listed by the Town for the purposes of administering the Act.	Section 122 (1)

..."  
and

*"That Council increases the value of Delegation Number 6 (Donations) from \$500 to \$1,000, and amends the Delegation Register as follows:*

<i>DELEGATION NUMBER</i>	<i>6 (Donations)</i>
<i>DELEGATION SUBJECT</i>	<i>Donations</i>
<i>DELEGATE</i>	<i>Chief Executive Officer</i>

*The Chief Executive Officer is delegated authority to determine requests for donation of monies up to the value of \$1,000 when a group or individual can demonstrate:*

- 1. Significant direct benefit to the local community.*
- 2. The group is a community group or non profit making organisation or running a non profit activity.*
- 3. The group's financial status is such as to justify a donation from Council.*
- 4. Special circumstances or needs exist in the opinion of the Chief Executive Officer to warrant a donation, e.g. support of needy groups and individuals who bring credit to the municipality by achieving state or national representation or awards, which sees them requiring financial assistance for travelling, accommodation or other incidental expenses.*

*The aggregate of any donations made by the Chief Executive Officer under this delegated authority shall not exceed the amount provided for the purpose on the Council's Budget each year without formal approval from Council."*

*in accordance with Section 5.42 of the Local Government Act 1995."*

During the Auditors visit to the Town in June to conduct the Interim Audit, the Auditors have recommended that Council review its Delegation Register.

Consultation

Town's Auditors

Statutory Implications

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

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

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

*\* Absolute majority required.*

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

*5.43. Limits on delegations to CEO*

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

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

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

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

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

*5.43. Limits on delegations to CEO's*

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

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

*5.44. CEO may delegate powers and duties to other employees*

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
  - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,**are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) In subsections (3) and (4) — “conditions” includes qualifications, limitations or exceptions.*

*5.45. Other matters relevant to delegations under this Division (1)*  
*Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*

- (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
  - (b) a CEO from performing any of his or her functions by acting through another person.
- 5.46. Register of, and records relevant to, delegations to CEO's and employees
- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
  - (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
  - (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.”

**Policy Implications**

Nil

Strategic Planning Implications

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

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

**Budget Implications**

Nil

Officer’s Comment

A review of the Delegation Register 2009/10, to ensure the document refers correctly to other corporate documents, such as the Town’s Policy, and Senior Officers has been undertaken.

The following minor amendments are recommended (amendments are ‘marked up’ in the attachment:

Delegation Number	Name	Recommended Change	Reason
4	Vehicles – Private Use	Rewording : “Vehicle Policy”	Correction of Policy Name
12	Travel and Accommodation Arrangements	Rewording in relation to travel and accommodation	Consistency with Delegation 3 (Conferences,

		policies	Seminars & Training Courses)
14	Payment of Creditors	Rewording from "Finance Committee" to "Council"	List of monthly payments is presented to Council.
19	Tenders	Correction from \$50K to \$100K	Consistent with Policy 2/007 Procurement Policy
20	Live Shows – Matt Dann Cultural Centre	Correction of Director's Position Title	Consistent with the Town's Directorate structure.
40	Town Planning Scheme No. 5	Correction of Director's Position Title	Consistent with the Town's Directorate structure.
42	Subdivision	Correction of Director's Position Title	Consistent with the Town's Directorate structure.
46	Advertising on Recreation Reserves	Rewording of Policy 6/002 Title	Correction of Policy Name
50	Investment of Funds	Rewording of Policy details	Correction of Policy Number and Name
51	Tender Selection Criteria	Rewording of Policy number	Correction of Policy Number

### Attachments

2009/10 Delegated Authority Register

### Officer's Recommendation

That Council adopts the attached 2009/10 Delegated Authority Register.

**200910/467 Council Decision**

**Moved:** Cr A A Carter

**Seconded:** Cr M Dziombak

**That Council:**

1. adopts the attached 2009/10 Delegated Authority Register;  
and
2. reviews the attached 2009/10 Delegated Authority Register at its earliest opportunity in conjunction with discussions with staff.

*CARRIED 8/0*

*Reason: Council added a second point to the Officer's Recommendation as it believes there needs to be an opportunity for consultation with staff.*



Town of  
**PORT HEDLAND**

# **DELEGATION REGISTER 2009/10**

Presented to Council for Consideration 23 June 2010

## Delegation Register

2009/10

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## Delegation Register

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**DELEGATION NUMBER**            **1    (Legal Advice)**

LEGISLATIVE POWER            Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT            Legal Advice  
 DELEGATE                            Chief Executive Officer

Subject to provision being made in the budget for legal expenses, the Chief Executive Officer is delegated authority to obtain from an appropriate solicitor, such legal advice, assistance and opinions as the Chief Executive officer deems necessary in the exercise of the management of the Local Government.

**DELEGATION NUMBER**            **2    (Liquor - Sale and Consumption - Council Property)**

LEGISLATIVE POWER            Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT            Liquor - Sale and Consumption - Council Property  
 DELEGATE                            Chief Executive Officer

The Chief Executive Officer is delegated authority to determine applications for the sale of liquor from property under the care, control and management of the Council and to approve applications to consume liquor on property under the care, control and management of Council.

**DELEGATION NUMBER**            **3 (Conferences, Seminars & Training Courses)**

LEGISLATIVE POWER            Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT            Conferences, Seminars & Training Courses  
 DELEGATE                            Chief Executive Officer

The Chief Executive Officer is delegated authority to approve the attendance by Council staff at conferences, seminars and training courses where, in the opinion of the Chief Executive Officer, attendance will enhance the professional development of the officer, provide benefits to the Council and is relevant to the duties and responsibilities of the officer. The Chief Executive Officer, in exercising the delegation, shall have regard to any Council Policy in place from time to time and to the availability of appropriate funding in Council's Budget.

## Delegation Register

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**DELEGATION NUMBER**                      **4    (Vehicles - Private Use)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT                      Vehicles, - Private Use  
 DELEGATE                                      Chief Executive Officer

The Chief Executive Officer is delegated authority to make all appropriate private use arrangements with all staff having use of a Council vehicle. The Chief Executive Officer shall have regard to Council's ~~Policy "Staff Use of Motor Vehicles"~~ Vehicle Policy

**DELEGATION NUMBER**                      **5    (Contract Variations)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT                      Contract Variations  
 DELEGATE                                      Chief Executive Officer

The Chief Executive Officer is delegated authority to approve minor variations to contracts entered into by Council, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council.

**DELEGATION NUMBER**                      **6    (Donations)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT                      Donations  
 DELEGATE                                      Chief Executive Officer

The Chief Executive Officer is delegated authority to determine requests for donation of monies up to the value of \$1,000 when a group or individual can demonstrate:

1. Significant direct benefit to the local community.
2. The group is a community group or non profit making organisation or running a non profit activity.
3. The group's financial status is such as to justify a donation from Council.
4. Special circumstances or needs exist in the opinion of the Chief Executive Officer to warrant a donation, eg support of needy groups and individuals who bring credit to the municipality by achieving state or national representation or awards, which sees them requiring financial assistance for travelling, accommodation or other incidental expenses.

The aggregate of any donations made by the Chief Executive Officer under this delegated authority shall not exceed the amount provided for the purpose on the Council's Budget each year without formal approval from Council.

(Amended by Council at its Ordinary Council Meeting held 9 December 2009)

## Delegation Register

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**DELEGATION NUMBER**                      **7    (Insurance - Public Liability Claims)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
DELEGATION SUBJECT                      Insurance - Public Liability Claims  
DELEGATE                                      Chief Executive Officer

The Chief Executive Officer is delegated authority to consider claims against Council for property damage that do not exceed the insurance policy excess levels and to accept or deny liability on behalf of Council.

In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of an appropriate release form provided by Council's Insurers.

**DELEGATION NUMBER**                      **8    (Signs, Installation of Stop and Give-Way)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
DELEGATION SUBJECT                      Signs, Installation of Stop and Give-Way  
DELEGATE                                      Director Engineering Services

The Director Engineering Services is delegated authority to make applications to Main Roads WA for approval for the installation of stop and give-way signs at such places as the Director Engineering Services considers warranted.

**DELEGATION NUMBER**                      **9    (Public Telephone Boxes, Siting)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
DELEGATION SUBJECT                      Public Telephone Boxes, Siting  
DELEGATE                                      Chief Executive Officer

The Chief Executive Officer is delegated authority to negotiate and determine the siting of public telephone boxes on road reserves under the care, control and management of the Council.

Before exercising this delegated authority the Chief Executive Officer will advertise for public comment to ensure there is no sign of opposition to the proposal.

## Delegation Register

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**DELEGATION NUMBER** 10 (Street Appeals)

LEGISLATIVE POWER Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT Street Appeals  
 DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to determine all applications for street appeals. The Chief Executive Officer shall have regard to any Council Policy relating to street appeals.

**DELEGATION NUMBER** 11 (Uniforms)

LEGISLATIVE POWER Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT Uniforms  
 DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to determine a suitable uniform, including the colour and style of the uniform, in consultation with employees of the Town of Port Hedland.

In exercising this delegation, the Chief Executive Officer shall have regard to any existing Council policies and provide a report back to Council for their information.

**DELEGATION NUMBER** 12 (Travel and Accommodation Arrangements)

LEGISLATIVE POWER Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT Travel and Accommodation Arrangements  
 DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to determine all travel and accommodation arrangements for staff and Councillors while on official Council business. In exercising this delegation, the Chief Executive Officer shall have regard to any Council Policy ~~No. 1/014~~in place from time to time and to the availability of appropriate funding ~~on~~in Council's Budget.

## Delegation Register

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**DELEGATION NUMBER** 13 (Acting Chief Executive Officer)

LEGISLATIVE POWER Local Government Act 1995 (Section 5.44)  
 DELEGATION SUBJECT Acting Chief Executive Officer  
 DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to appoint an Acting Chief Executive Officer during any periods of absence. The Chief Executive Officer, on making any appointment under this delegated authority, shall inform Council of the details of the appointment.

**DELEGATION NUMBER** 14 (Creditors, Payment of)

LEGISLATIVE POWER Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT Creditors, Payment of  
 DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to make payments from the Municipal Fund Bank Accounts and the Trust Fund Bank Accounts. Each payment from the Municipal Fund Bank Accounts and the Trust Fund Bank Accounts is to be noted on a list compiled for each month showing -

- a) The payee's name
- b) The amount of the payment
- c) The date of the payment
- d) Sufficient information to identify the transaction

The list referred to above is to be presented to ~~the Finance Committee~~ Council at its next meeting following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

**DELEGATION NUMBER** 15 (Enforcement and Legal Proceedings)

LEGISLATIVE POWER Local Government Act 1995 (s5.42 - 5.44)  
 DELEGATION SUBJECT Enforcement & Legal Proceedings  
 DELEGATE Chief Executive Officer

*The Chief Executive Officer is delegated authority to appoint persons pursuant to section 9.29 of the Local Government Act 1995, to represent the Town of Port Hedland generally in proceedings in the court of petty sessions and Local Court.*

The Chief Executive Officer is delegated authority under section 9.10 of the Local Government Act 1995 to appoint, in writing, persons or classes of persons to be authorised for the purposes of performing particular functions under sections 9.11, 9.13, 9.16, 9.17, 9.19 and 9.20 of the Act.

## Delegation Register

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The Chief Executive Officer is delegated authority under section 3.24 of the Local Government Act 1995 to authorise any person to exercise the powers given to a Local Government under Subdivision 2 of Division 3 of Part 3 of the Act.

**DELEGATION NUMBER**            **16 (Insurance)**

LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	Insurance
DELEGATE	Chief Executive Officer

The Chief Executive Officer is delegated authority to enter into appropriate contracts of insurance.

**DELEGATION NUMBER**            **17 (Property - Acquisition and Disposal)**

LEGISLATIVE POWER	Local Government Act 1995 (Sections 5.42/5.43(d))
DELEGATION SUBJECT	Property - Acquisition and Disposal
DELEGATE	Chief Executive Officer

The Chief Executive Officer is delegated authority to acquire or dispose of any property (other than land) valued at an amount not exceeding \$50,000 provided that appropriate provision is made on Council's Budget.

**DELEGATION NUMBER**            **18 (Rate Book)**

LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	Rate Book
DELEGATE	Chief Executive Officer

The Chief Executive Officer is hereby delegated the performance of the following functions of the Council.

1. The discharge of the obligations specified in Section 6.39(1) of the Local Government Act 1995.
2. The service of Notices of Valuation and Rates referred to in Section 6.41(1) of the Local Government Act 1995 (as amended).
3. The time allowed for the payment of the rate before it becomes in arrear, Section 6.50(2) of the Local Government Act 1995.
4. The powers conferred in Section 6.40 of the Local Government Act 1995.

## Delegation Register

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5. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book, Section 6.76(4) of the Local Government Act 1995.
6. The recovery of rates by complaint or action pursuant to the provisions of Section 6.56(1) of the Local Government Act 1995.
7. Entering into an agreement in accordance with Section 6.49 of the Local Government Act 1995.
8. Requiring a lessee to pay rent to the Council in satisfaction of rates or service charges due and payable in accordance with Section 6.60(2) of the Local Government Act 1995.

**DELEGATION NUMBER** 19 (Tenders)

LEGISLATIVE POWER Local Government Act 1995 (Sections 5.42/5.43(b))  
 DELEGATION SUBJECT Tenders  
 DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to accept a tender when the consideration involved does not exceed ~~\$60~~100,000 provided that appropriate provision is made on Council's Budget.

**DELEGATION NUMBER** 20 (Live Shows - Matt Dann Cultural Centre)

LEGISLATIVE POWER Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT Live Shows- Matt Dann Cultural Centre  
 DELEGATE Director Regulatory Services

The Director ~~Regulatory and~~ Community Services is delegated authority to negotiate and budget for the conduct of live shows at the Matt Dann Cultural Centre where the net cost to Council (i.e. loss) on any show will not exceed \$4,000. The Director ~~Regulatory and~~ Community Services in exercising this delegated authority shall have regard to the total income and expenditure budget allocations for the Matt Dann Cultural Centre in any one (1) year.

## Delegation Register

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**DELEGATION NUMBER**                      **21 (Assistance to Community Organisations and Events)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT                      Assistance to Community Organisations and Events  
 DELEGATE                                      Chief Executive Officer

The Chief Executive Officer is delegated authority to determine the level of assistance provided to community organisations and events. The assistance may be financial (within Council Budget allocations) and may include the use of Council plant and machinery or the use of Council employees. In exercising this delegation, the Chief Executive Officer shall have regard to any existing Council policies.

**DELEGATION NUMBER**                      **22 (Disposal of Surplus Equipment, Materials, Tools, etc)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT                      Disposal of Surplus Equipment, Materials, Tools, etc  
 DELEGATE                                      Chief Executive Officer

The Chief Executive Officer is delegated authority to sell, by calling for expressions of interest, holding of a surplus goods sale at Council's Depot, or any other fair means, items of surplus equipment, materials, tools, etc which are no longer required, or are outmoded, or are no longer serviceable. This delegation applies only to items with an estimated value less than \$5,000.

**DELEGATION NUMBER**                      **23 (Licences, Signs and Hoardings)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT                      Licences, Signs and Hoardings  
 DELEGATE                                      Chief Executive Officer

The Chief Executive Officer is delegated authority to approve the erection and/or licensing of signs and hoardings that comply with the Local Laws and policies of the Council. Where an application for a sign or hoarding does not comply with the Local Laws and the policies of the Council the application is to be refused.

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**DELEGATION NUMBER**                      **24 (Temporary Closure of Roads for Public Events)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT                      Temporary Closure of Roads for Public Events  
 DELEGATE                                      Chief Executive Officer

The Chief Executive Officer is delegated authority to determine applications for the temporary closure of roads for public events.

The determination shall be in accordance with provisions of the Road Traffic (Events on Roads) Regulations 1991 and section 3.50 of the Local Government Act 1995 and shall, when approved by the Chief Executive Officer contain the following conditions:

1. The closure is to be advertised in a local newspaper.
2. Arrangements are to be made for appropriate signposting to effect the closure.
3. The applicant is to take out a Public Risk Insurance policy which indemnifies Council against any damages claims and a copy is to be delivered to Council.
4. The applicant is to notify the Emergency Services Department and ensure that whilst the event is in progress, satisfactory arrangements are made to allow access to premises by Emergency Services.

The Chief Executive Officer may determine other conditions to be imposed on any approvals issued.

**DELEGATION NUMBER**                      **25 (Use of Over dimension Vehicles)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT                      Use of Over dimension Vehicles  
 DELEGATE                                      Director Engineering Services

The Director Engineering Services is delegated authority to consider and determine all applications for the use of over dimension vehicles. The Director Engineering Services shall take into account any existing Council policies and is authorised to impose any conditions considered appropriate.

## Delegation Register

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**DELEGATION NUMBER**      **26 (Building, Issue of Licenses)**

LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	Building, Issue of Licenses
DELEGATE	Manager Building Services

Pursuant to Section 374(1b) of the Local Government (Miscellaneous Provisions) Act 1960, the Manager Building Services is delegated authority to approve or refuse to approve plans and specifications, but where a plan and specification so submitted conforms to:

- a) all Local Laws and Regulations in force within the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and
- b) all Local Laws and schemes in force within the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters.

The Manager Building Services shall not refuse to approve that plan or those specifications without first obtaining the consent of the Council.

Further, the issuing of a building licence under Section 374(1) of the Local Government Act (Miscellaneous Provisions) 1960 may be subject to such conditions as the Manager Building Services considers appropriate.

**DELEGATION NUMBER**      **27 (Building, Extension of Time to Complete)**

LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	Building, Extension of Time to Complete
DELEGATE	Manager Building Services

That in accordance with S.374(1a) of the Local Government (Miscellaneous Provisions) Act 1960 the Manager Building Services is delegated authority to approve of an extension of time where it was not possible to complete the building within the period specified in the building licence, subject to the payment of any additional building licence fee. The Manager Building Services shall have regard to any Council Policy regarding the issue of, and duration of, Building Licences.

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**DELEGATION NUMBER**      **28 (Demolition Licences)**

LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	Demolition Licences
DELEGATE	Director Engineering Services

The Director Engineering Services is delegated authority to approve the issue of a demolition licence (Section 374A) to take down a building or a part of a building and such licence may be subject to such conditions as the Director Engineering Services considers necessary for the safe and proper execution of the work.

**DELEGATION NUMBER**      **29 (Notices, Issue of Section 401)**

LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	Notices, Issue of Section 401
DELEGATE	Chief Executive Officer

The Chief Executive Officer is delegated authority to issue notices pursuant to Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.

Unauthorised shade structures may be formalised by the Chief Executive Officer and remain on site subject to the shade structures meeting the following criteria:

- The dimensional area of the shade structure is not to exceed 50m<sup>2</sup>
- The construction of the shade structure is to be in accordance with the requirements for Region D cyclonic areas
- The shade structure is to be freestanding and not attached to another building
- Compliance with all other relevant legislation (i.e. setbacks from boundaries, septic tanks)
- As constructed plans of the shade structures are to be submitted to Building Services
- An inspection of each structure will be required to be carried out by the Manager Building Services.
- Engineering certification may be required in some instances.

## Delegation Register

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**DELEGATION NUMBER**                      **30 (Buildings - Removal of Neglected and Dilapidated Buildings)**

LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	Buildings - Removal of Neglected and Dilapidated Buildings
DELEGATE	Chief Executive Officer

The Chief Executive Officer is delegated authority to serve upon the owners and occupiers of neglected and dilapidated buildings the written notices required by Sections 408 and 409 of the Local Government (Miscellaneous Provisions) Act 1960.

**DELEGATION NUMBER**                      **31 (Works, Unlawful)**

LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	Works, Unlawful
DELEGATE	Chief Executive Officer

1. The Chief Executive Officer is delegated authority to issue stop work notices pursuant to Section 401A of the Local Government (Miscellaneous Provisions) Act 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.
2. The Chief Executive Officer is delegated authority to withdraw stop work notices pursuant to Section 401A of the Local Government (Miscellaneous Provisions) Act 1960 where the breach for which the notice has been issued is corrected to the satisfaction of the Chief Executive Officer.

**DELEGATION NUMBER**                      **32 (Buildings, Dangerous)**

LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	Buildings, Dangerous
DELEGATE	Chief Executive Officer

The Chief Executive Officer is delegated the authority to carry out the following functions as provided in Section 403 of the Local Government (Miscellaneous Provisions) Act 1960 upon receipt of a report from the Manager Building Services that a building is in a dangerous state:

1. Issue a certificate which states that the subject building is in a dangerous state.

## Delegation Register

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2. Shore up or otherwise secure the building, as well as providing a hoarding or fence around the building to protect the public from danger.
3. Serve written notice upon the owner or the occupier of the building requiring that the building be taken down, secured or repaired.

**DELEGATION NUMBER**                      **33 (Certificates of Classification)**

LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	Certificates of Classification
DELEGATE	Chief Executive Officer

The Chief Executive Officer is delegated authority to issue Certificates of Classification of Buildings.

**DELEGATION NUMBER**                      **34 (Licence to Deposit Materials on or Excavate Adjacent to a Street)**

LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE SUBJECT	Licence to Deposit Materials on or Excavate Adjacent to a Street
DELEGATE	Director Engineering Services

The Director Engineering Services is delegated the authority to issue licences to deposit materials on a street, way or other public place and to excavate on land abutting or adjoining a street, way or other public place pursuant to Section 377 of the Local Government (Miscellaneous Provisions) Act 1960. The Director Engineering Services shall first obtain confirmation from the Manager Building Services and Manager Engineering Services that the proposed activity will not create undue interference with the operation of the street, way or public place. Licences are to be issued subject to the conditions detailed in Section 377 of the Local Government (Miscellaneous Provisions) Act 1960 and such other conditions as considered relevant by the Director Engineering Services.

## Delegation Register

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**DELEGATION NUMBER** 35 (Uncompleted Buildings)

LEGISLATIVE POWER Local Government (Miscellaneous Provisions) Act 1960  
 DELEGATION SUBJECT Uncompleted Buildings  
 DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to serve the appropriate notices and orders referred to in Section 409A of the Local Government (Miscellaneous Provisions) Act 1960 and to take all other appropriate actions to obtain compliance with Section 409A of the legislation.

**DELEGATION NUMBER** 36 (Buildings - Certain Actions after Conviction)

LEGISLATIVE POWER Local Government (Miscellaneous Provisions) Act 1960  
 DELEGATION SUBJECT Buildings - Certain Actions after Conviction  
 DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to serve the appropriate notices referred to in Section 411 of the Local Government (Miscellaneous Provisions) Act 1960.

**DELEGATION NUMBER** 37 (Buildings - Set Out by Licensed Surveyor)

LEGISLATIVE POWER Local Government (Miscellaneous Provisions) Act 1960  
 DELEGATION SUBJECT Buildings - Set Out by Licensed Surveyor  
 DELEGATE Chief Executive Officer

The following condition shall be imposed on all building licences issued for all developments excluding single residential buildings, outbuildings, etc. That is, on duplexes, group residential, commercial, industrial and the like.

All buildings shall be set out by a licensed surveyor. The set out is not to occur unless the boundaries of the lot have been re-established by a licensed surveyor who confirms that the survey pegs determining the lot boundaries are correctly positioned.

## Delegation Register

2009/10

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**DELEGATION NUMBER**                      **38 (Home Occupation - Preparation of Food for Sale)**

**LEGISLATIVE POWER**                      Health Act  
**DELEGATION SUBJECT**                      Home Occupation - Preparation of Food for Sale  
**DELEGATE**                                      Manager Environmental Health Services

The Manager Environmental Health Services is delegated authority to approve and/or reject applications for approval to undertake:

1. Cake decorating
2. The preparation of food for single fund raising event arranged by a community or charitable organisation.
3. The preparation of food for guests using farm stay or home stay accommodation, or
4. Any other food handling or food preparation activity approved by the Executive Director, Public Health.

in residential premises subject to compliance with the Food Hygiene Regulations 1993 and the requirements of Council's Town Planning Scheme.

**DELEGATION NUMBER**                      **39 (Garden Waste Collection Bag Service)**

**LEGISLATIVE POWER**                      Health Act  
**DELEGATION SUBJECT**                      Garden Waste Collection Bag Service  
**DELEGATE**                                      Manager Environmental Health Services

The Manager Environmental Health Services is delegated authority to approve and/or reject all applications for licences for the collection and removal of solid waste within the Town of Port Hedland subject to the application's compliance with Council's Town Planning Scheme, regulations, Local Laws and Policies.

## Delegation Register

2009/10

**DELEGATION NUMBER****40 (Town Planning Scheme No. 5)****LEGISLATIVE POWER**

Town Planning Scheme No. 5 - Clause 9.2

**DELEGATION SUBJECT**

Town Planning Scheme No. 5

**DELEGATE**

Director Regulatory Services

1. For the purposes of carrying out and completing the Town Planning Scheme and to ensure its observance, the Council may delegate to the Director Regulatory ~~and Community~~ Services any of the powers which it is entitled to exercise by virtue of the Scheme.
2. Any officer of the Council who exercises any power delegated pursuant to the preceding provision shall exercise such power strictly in conformity with the provisions of the Scheme and in particular any policy made by the Council thereunder.
3. A list of planning applications approved under this delegation is to be provided to Council through the Councillors Information Bulletin.

THE FOLLOWING FUNCTIONS OF COUNCIL ARE, IN ACCORDANCE WITH CLAUSE 9.2 OF TOWN PLANNING SCHEME NO. 5, DELEGATED TO THE DIRECTOR COMMUNITY DEVELOPMENT SERVICES:

**1. Uses**

The Director Regulatory Services may:

- a) Determine all applications to commence development where the proposed use is a "P" use listed in the Zoning Table of the Town Planning Scheme;
- b) Determine all applications to commence development where the proposed use is "AA" use listed in the Zoning Table of the Town Planning Scheme; and
- c) Refuse all applications to commence development where the proposed use is and "-" use listed in the Zoning Table of the Town Planning Scheme
- d) Approve all applications to commence development where the use is an "SA" use listed in the Zoning Table of the Town Planning Scheme provided that:
  - . Advertising has been completed on accordance with the scheme.
  - . All Councillors have been advised (in writing) prior to the advertising of the development proposal during the prescribed advertising period.
  - . No objections are raised during the advertising period.

## Delegation Register

2009/10

Where any objection is received by a Councillor or a member of the public, or the proposal may have an effect on the amenity or the orderly and proper planning of the locality then the application is to be referred to Council for determination.

**2. Conditions**

The Director ~~Community Development~~ Regulatory Services has the authority to impose conditions on any approval to commence development that relates to the proper and orderly planning of the locality.

**3. Internal Appeals System**

Should an applicant or an owner of land the subject of an application be aggrieved by a decision of the Director ~~Community Development~~ Regulatory Services exercising a discretionary power under the Scheme, the applicant or an owner of the land the subject of an application may appeal to Council for a consideration of the decision.

**4. Residential Planning Codes**

The Director ~~Community Development~~ Regulatory Services may determine all requests for variation of development requirements conferred to Council pursuant to the provisions of the Residential Planning Codes.

**5. Grouped Dwellings**

The Director ~~Community and~~ Regulatory Services may approve or refuse all applications for grouped dwelling developments within the "Residential" zones comprising up to ten (10) grouped dwelling units.

(Clause 5 amended by Council at its Ordinary Council Meeting held on 26 March 2008)

**6. Outbuildings**

The Director ~~Community Development~~ Regulatory Services may approve all applications for outbuildings not exceeding a maximum combined floor area of 100M<sup>2</sup>.

For the purpose of this delegation an "outbuilding" means an incidental detached building appurtenant to be used in conjunction with a dwelling as:

- i) A storage shed;
- ii) A carport/garage;
- iii) A stable; and
- iv) A combination of the above,

but not as a residential or a workshop for commercial purposes.

## Delegation Register

2009/10

**7. Building Setbacks**

The Director ~~Community Development~~Regulatory Services may approve or refuse all applications for a variation to building setback requirements.

**8. Car Ports on Corner Lots for Single Residential Dwellings**

The Director ~~Community Development~~Regulatory Services may determine that the setback for a carport on a corner lot on the following basis not withstanding any requirement of the Residential Planning Codes:

- i) On the primary street frontage, the carport shall be setback not less than 3.0 metres; and
- ii) On the secondary street frontage, the carport shall be setback not less than 1.5 metres.

**9. Home Occupations**

The Director ~~Community Development~~Regulatory Services may grant Planning Consent for a Home Occupation where:

- i) The proposal complies with the Town Planning Scheme and any Council Policy;
- ii) No submissions are received during the advertising period; and
- iii) The proposal is of a non-contentious nature.

All other Home Occupation proposals to be referred to Council.

**10. Scheme Requirement**

The Director ~~Community Development~~Regulatory Services may forward Town Planning Scheme Amendments to the Planning Commission for final approval in the case of:

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

The date of adoption of Council's final approval shall be the date of the next Council Ordinary Meeting following the closing date of the advertising period.

## Delegation Register

2009/10

**11. Endorsement Of Statutory Documents**

The Director ~~Community Development~~Regulatory Services is the delegated officer for the purposes of endorsing the following statutory documents:

- i) Planning Consent Approval and Refusal Notices.

**12. Road Closure Actions**

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

- (i) there being no comment received during the statutory advertising period; and
- (ii) the proposal being of an uncontentious nature.

The date of Council's adoption of the Road Closure Action following conclusion of the advertising period shall be the date of the next Council Ordinary Meeting.

**DELEGATION NUMBER                      41    (Strata Titles)**

DELEGATION POWER	Strata Titles Act 1985
DELEGATION SUBJECT	Strata Titles
DELEGATE	Manager Building Services

Pursuant to the provisions of Section 23 of the Strata Titles Act 1985, the Manager Building Services is authorised to issue the appropriate certificates in respect to buildings as may be shown on a strata plan to be lodged for registration under the Act, provided that the buildings shown on the strata plan are first inspected to ensure compliance with Town Planning, Health and Building Services requirements and that the Manager Building Services is of the opinion that the buildings are of sufficient standard and suitable to be divided into lots pursuant to the Strata Titles Act.

## Delegation Register

2009/10

**DELEGATION NUMBER** 42 (Subdivision)

LEGISLATIVE POWER Town Planning and Development Act  
(Sections 20 & 24)

DELEGATION SUBJECT Subdivision

DELEGATE Director Regulatory Services

The Director Regulatory ~~and Community~~ Services is delegated authority to endorse subdivision referral pro-formas for the purposes of part III Sections 20 and 24 of the Town Planning and Development Act 1928 with notification to Council.

In addition, the Director Regulatory ~~and Community~~ Services is delegated authority to certify the compliance with subdivision conditions for the purposes of part III Sections 20 and 24 of the Town Planning and Development Act 1928.

NOTE: At its Ordinary Meeting held 13 December 2006, Council resolved as follows:

"...i) the 2006 Delegated Authority be adopted as Council's 2007 Delegated Authority Register, subject to the removal of the existing delegation of subdivisions of more than 10 properties; and ..."

**DELEGATION NUMBER** 43 (Sale of Information Available for Inspection by the Public)

LEGISLATIVE POWER Local Government Act 1995 (Section 5.42)

DELEGATION SUBJECT Sale of Information Available for Inspection  
by the Public

DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated the duty to ensure that copies of all of the information/documents listed in Section 5.94 of the Act are available and that the price at which the copies are sold does not exceed the cost of providing the copies.

## Delegation Register

2009/10

**DELEGATION NUMBER**                      **44 (To exercise and discharge powers and functions of the Local Authority)**

LEGISLATIVE POWER                      Health Act 1911 (Section 26)  
 DELEGATION SUBJECT                      To exercise and discharge powers and functions of the Local Authority  
 DELEGATE                                      Manager Environmental Health Services

The Manager Environmental Health Services is delegated authority to serve notices, approve and renew licences and permits and exercise the powers of Council for the expeditious administration of the Health Act.

**DELEGATION NUMBER**                      **45 (Execution of Documents)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT                      Execution of Documents  
 DELEGATE                                      Chief Executive Officer

Where:

- a) The Council has authorised entering into a formal contract, or
- b) A formal contract is authorised under a delegated authority from the Council, or
- c) A formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council;

The Chief Executive Officer is delegated authority to prepare the necessary documentation taking into account any specific or policy requirements of Council and arrange for execution of the contract documents without further reference to Council.

**DELEGATION NUMBER**                      **46 (Advertising on Recreation Reserves)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT                      Advertising on Recreation Reserves  
 DELEGATE                                      Chief Executive Officer

The Chief Executive Officer is delegated authority to determine applications for the placement of advertising signs on recreation reserves. The Chief Executive Officer in exercising this delegation shall have regard to Council Policy 6/002 - Advertising on Recreation Reserves Sponsorship, Community and Club Signage on Council Recreation Reserves and Aquatic Centres.

## Delegation Register

2009/10

**DELEGATION NUMBER** 47 (Authority to Approve Permits and Issue Registrations/Permits Relative to Environmental Health)

LEGISLATIVE POWER Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT Authority to Approve Permits and Issue Registrations/Permits Relative to Environmental Health  
 DELEGATE Chief Executive Officer

That the Chief Executive Officer be authorised to approve applications for licences, registrations, and permits relating to environmental health under Local Laws of the Town of Port Hedland in accordance with section 5.42 of the Local Government Act 1995

**DELEGATION NUMBER** 48 (Authority to issue licences for Caravan Parks and to approve permits to camp on private property)

LEGISLATIVE POWER Caravan Parks and Camping Grounds Regulation 1997 (Regulation 6)  
 DELEGATION SUBJECT Authority to Issue Licenses for Caravan Parks/Approve Permits to Camp on Private Property  
 DELEGATE Chief Executive Officer

That Council delegates its authority in accord with Regulation 6 of the Caravan Parks and Camping Grounds Regulations 1997, to the Chief Executive Officer.

**DELEGATION NUMBER** 49 (Certain Provisions About Land)

LEGISLATIVE POWER Local Government Act 1995 (Section 3.24)  
 DELEGATION SUBJECT Authorised Person under Subdivision No. 2  
 DELEGATE Chief Executive Officer

The Chief Executive Officer be delegated authority as an Authorised Person in accordance with Section 3.24 of the Act for the purposes of exercising those powers as defined in Sub Division 2 "Certain Provisions About Land" of the Local Government Act 1995.

## Delegation Register

2009/10

**DELEGATION NUMBER**                      **49    (Temporary Partial Closure of Roads for Maintenance and Repairs)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT                      Temporary Partial Closure of Roads for Maintenance and Repairs  
 DELEGATE                                      Chief Executive Officer

The Chief Executive Officer is delegated authority to determine applications for the temporary partial closure of roads for maintenance and repairs.

The determination shall be in accordance with the provisions of section 3.50A of the Local Government Act 1995.

**DELEGATION NUMBER**                      **50    (Investment of Funds)**

LEGISLATIVE POWER                      Local Government Act 1995 (Section 5.42)  
 DELEGATION SUBJECT                      Investment of Funds  
 DELEGATE                                      Chief Executive Officer

The Chief Executive Officer is delegated authority to approve the withdrawal and placement of up to \$1 million and, with the written approval of the Mayor, up to \$5 million, of Council funds for investment purposes, subject to the provisions of ~~Policy 2/014 (Investment Policy)~~ Council's Policy 2/010 Council Investments.

(Delegation authority approved at Ordinary Meeting held 23 March 2005.)

**DELEGATION NUMBER**                      **51    (Tender Selection Criteria)**

LEGISLATIVE POWER                      Local Government (F&G) Regulation 14 (2a)  
 DELEGATION SUBJECT                      Tender Selection Criteria  
 DELEGATE                                      Chief Executive Officer

The CEO is delegated to set Tender Selection Criteria for Council contracts as is required under Regulation 14(2a) of the Local Government (Functions and General) Regulations 1996. The selection of the criteria must be in accordance with the Council's Policy 2/007 Procurement Policy ~~(Policy 2/015)~~.

(Delegation authority approved at Ordinary Meeting held 26 October 2005.)

## Delegation Register

2009/10

**DELEGATION NUMBER** 52 (Food Act 2008)

LEGISLATIVE POWER Food Act 2008 (Sections 65, 118, 122 and 126)  
 DELEGATION SUBJECT Implementation of the Food Act 2008  
 DELEGATE Chief Executive Officer

The CEO is delegated to implement the Food Act 2008 as follows:

Delegate To	Authority being delegated	Legislative Power being delegated
CEO	Prosecute for breach of the Food Act	Section 118
CEO and Director Regulatory Services	Authority to issue a Prohibition order where a food proprietor has not complied with an improvement notice or the order is required to mitigate a serious danger to Public Health	Section 65 (1)
CEO and Director Regulatory Services	Officers designated by the Shire for the purposes of withdrawing Infringement Notices for breach of the Act. These persons are prohibited by the Act from serving Infringement Notices.	Section 126 (13)
Manager Environmental Health and Environmental Health Officers	Designated Officers" listed by the Town for the purposes of serving Infringement Notices for breach of the Act	Section 126 (2)
Manager Environmental Health and Environmental Health Officers	"Authorised Officers" listed by the Town for the purposes of administering the Act.	Section 122 (1)

(Delegation authority approved at Ordinary Meeting held 9 December 2009.)

**11.4.1.3 Request for Fee Waiver of Gratwick Hall – Hedland State Emergency Service Inc. - Annual Orange Ball (File No.: ...)**

**Officer** **Gaye Stephens**  
Executive Assistant

**Date of Report** 17 June 2010

**Disclosure of Interest by Officer** Nil

**Summary**

Council has received a request from the Hedland State Emergency Service Inc. (SES) to waive fees associated with holding the second annual Orange Ball, to be held on Saturday 26 June 2010. The SES is requesting Council to consider waiving fees to assist the event.

**Background**

The Hedland SES has written to the Council requesting the waiver of fees associated with hiring Gratwick Hall, and the use of the Town's Upstairs Meeting Room (which is generally not available in the evenings) for the event.

The SES have secured the following bookings for the event:

- Gratwick Hall - from Friday 25 June 2010 (from 5pm onwards), Saturday 27 March 2010 (all day/evening), and Sunday 28 June 2010 (up to 2pm to enable clean up and pack up).
- Upstairs Meeting Room - from Friday 25 June 2010 (from 4pm onwards), Saturday 27 March 2010 (all day/evening), and Sunday 28 June 2010 (up to 2pm to enable clean up and pack up).

Mr Adrian Hatwell, Chairman of the SES Ball Committee, advises:

*“On June 26<sup>th</sup>, 2010 we will be holding the second annual ‘Orange Ball’ to raise money for a much needed training room for our unit. As a volunteer organisation we are committed to having volunteers with the best possible training to assist our community in emergency situations. Currently training takes place in our operations room which unfortunately disrupts the operations set up and [is] not well suited for training. As building an extension on to our unit for a training room is a very large undertaking our fundraising will be ongoing, starting with our second annual fundraising ‘Orange Ball’.”*

The Hedland SES has requested the Town of Port Hedland to donate the use of the Civic Centre for the event, to ensure fundraising efforts on the night are as profitable as possible.

Council reviewed its Schedule of Fees and Charges as part of the 2009/10 budget process and adopted the following facility hire charges (GST inclusive):

<i>...Community Facilities</i>	
<i>Discounts – Hire fees – All facilities</i>	
<i>Community Groups</i>	<i>25%</i>
<i>Junior Community Groups</i>	<i>50%</i>
<i>Not for Profit, no Alcohol, and Open to</i>	
<i>Public no charge</i>	<i>100%</i>
 <i>Bond – All Events/All Facilities (unless stated otherwise)</i>	
<i>...Non Commercial – Alcohol</i>	<i>\$1,000</i>
 <i>...Gratwick Hall</i>	
<i>Hourly Rate (Minimum 2 hours)</i>	<i>\$41.50</i>
<i>Daily rate with air-conditioning</i>	<i>\$326.70</i>
<i>Nightly rate with air-conditioning</i>	<i>\$394.10</i>
<i>All Day</i>	<i>\$591.10</i>
 <i>...Upstairs Training Room</i>	
<i>Hourly Rate (Minimum 2 hours)</i>	<i>\$20.70</i>
<i>Daily (8am – 5pm Weekdays only)</i>	<i>\$134.80"</i>

**Consultation** Nil

**Statutory Implications** Nil

Policy Implications

The Hedland SES' 'Orange' Ball is not specifically listed in Council's Community Recreation Celebrations and Events policy.

**Strategic Planning Implications** Nil

Budget Implications

If the request is supported Council will forego revenue of up to \$1,186.14 in hire fees. The bond equates to a further \$1,000. Should there be no damage to Council facilities or follow-up clean up required, the bond amount would be fully refundable.

As The Hedland SES of Port Hedland's Annual Ball is not an alcohol free event, and there is an entry/ticket charge for patrons to attend, the Club is seeking exemption of the following hire fees:

*Hire Fees for Hedland SES - Gratwick Hall*

1.	Friday 25 June 2010 (from 5pm onwards) \$394.10 less 25%	\$295.58
2.	Saturday 26 June 2010 (all day) \$591.10 less 25%	\$443.33
3.	Sunday 22 March (daily rate) \$326.70 less 25%	\$245.03

*Hire Fee for Hedland SES – Upstairs Training Room*

Daily (8am – 5pm Weekdays only) \$134.80* per day less 25%	\$202.20
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*NOTE: Due to the video equipment set up in the Upstairs Meeting Room, it is normally only available for hire during office hours.*

Bond – Non Commercial – Alcohol	\$1,000
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## Officer's Comment

Council's standard fee hires are charged to all organisations in an endeavour to recoup the marginal costs of maintenance of the hire venue. In order for the fee structure of the Town of Port Hedland to be maintained and respected, a consistent approach is taken towards all groups who wish to hire Council facilities.

Council did review its schedule of fees and charges as part of the 2009/10 budget process, setting the hire charges for these facilities, and discounts for the following groups/events:

- Community Groups – 25% discount;
- Junior Community Groups – 50% discount; and
- Not for Profit, no Alcohol, and Open to Public no charge – 100% discount.

Waiving these fees may set a precedent for other community groups and not for profit organisations to seek exemption of hire fees, and therefore will materially reduce the amount of income Council will be able to generate for the maintenance expenses associated with its fixed assets such as community halls and gardens.

It is deemed the Hedland SES will be able to absorb costs related to venue hire of \$1,186.14 (plus \$1,000 refundable bond), as they are not overly onerous.

Council has two (2) options:

1. Waive the hire fees as requested resulting in a reduction of income to Council of \$1,186.14.
2. Not waive the hire fees as requested by The Hedland SES of Port Hedland.

**Attachments**

Letter from the Hedland SES received 14 June 2010.

Officer's Recommendation

That Council:

- i) permits The Hedland SES of Port Hedland to utilise the Upstairs Meeting Room and the Civic Centre's front entrance on the evening of the Annual Orange Ball being held on Saturday 26 June 2010; and
- ii) advises the Hedland SES that its request of Council to waive its Schedule of Fees and Charges totalling \$1,186.14 as follows:

Gratwick Hall Hire Fees	
Friday 25 June 2010	\$295.58
Saturday 26 June 2010 (all day)	\$443.33
Sunday 27 June (daily rate)	\$245.03; and
Upstairs Training Room Hire Fees	\$202.20

be declined.

OR

That Council:

- i) permits the Hedland SES to utilise the Upstairs Meeting Room and the Civic Centre's front entrance on the evening of the Annual Orange Ball being held on Saturday 26 June 2010; and
- ii) advises the Hedland SES that its request of Council to waive its Schedule of Fees and Charges totalling \$1,186.14 as follows:

Gratwick Hall Hire Fees	
Friday 25 June 2010	\$295.58
Saturday 26 June 2010 (all day)	\$443.33
Sunday 27 June (daily rate)	\$245.03; and
Upstairs Training Room Hire Fees	\$202.20

be approved.

**200910/468 Council Decision****Moved:** Cr D W Hooper**Seconded:** Cr A A Carter**That Council:**

- i) permits the Hedland SES to utilise the Upstairs Meeting Room and the Civic Centre's front entrance on the evening of the Annual Orange Ball being held on Saturday 26 June 2010; and
- ii) advises the Hedland SES that its request of Council to waive its Schedule of Fees and Charges totalling \$1,186.14 as follows:
- |                                  |               |
|----------------------------------|---------------|
| Gratwick Hall Hire Fees          |               |
| Friday 25 June 2010              | \$295.58      |
| Saturday 26 June 2010 (all day)  | \$443.33      |
| Sunday 27 June (daily rate)      | \$245.03; and |
| Upstairs Training Room Hire Fees | \$202.20      |

**be approved.***CARRIED 8/0*

*REASON: Council endorsed the Officer's Recommendation to waive fees associated with the Hedland SES's Orange Ball.*



Hedland State Emergency Service inc.

ABN 52 568 518 134

PO Box 2011 South Hedland WA 6722  
Tel. 08 9140 1300 Fax. 08 9173 3877  
Mobile 0419 909 744



Town of Port Hedland,

On June 26<sup>th</sup>, 2010 we will be holding the second annual '**Orange Ball**' to raise money for a much needed training room for our unit. As a volunteer organisation we are committed to having volunteers with the best possible training to assist our community in emergency situations. Currently training takes place in our operations room which unfortunately disrupts the operations set up and it not well suited for training. As building an extension on to our unit for a training room is a very large undertaking our fundraising will be ongoing, starting with our second annual fundraising '**Orange Ball**'.

The State Emergency Service is an integral part of the Hedland community, not only for the emergency services that they supply but as support for many community functions.

In order to make the night as profitable as possible we need to keep our running costs down. We are asking that the Town of Port Hedland donate the use of the Civic Centre for the event.

Hedland State Emergency Service volunteers appreciate you assistance towards our project. If you have any questions please contact us by phone or email.

Adrian 0414 188 566  
Or via e-mail to [admin@hedlandses.com.au](mailto:admin@hedlandses.com.au)

Yours faithfully,

A handwritten signature in cursive script that reads 'Adrian Hatwell'.

Adrian Hatwell  
Chairman SES Ball Committee  
On Behalf of  
The Hedland SES Volunteers.

**11.4.2 Finance and Corporate Services****11.4.2.1 *Financial Reports to Council for Period Ended 31 May 2010 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer **Amanda Eastwell**  
Finance Officer

**Date of Report** 9 June 2010

**Disclosure of Interest by Officer** Nil

**Summary**

The objective of this item is to present a summary of the financial activities of the Town to 31 May 2010, and to compare this with that budgeted for the period. With regard to the Town's Utility and Fuel Costs, a comparison is made with 2008/09.

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

Presented (see attachments) in this report for the financial period ended 31 May 2010, are the:

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

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

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

Presented in graph form (see attached), is the 2009/10 monthly water, power and fuel costs compared with 2008/09.

3. *Schedule of Accounts Paid*

Voucher No's		Value \$	Pages		Fund No.	Fund Name	Description
From	To		From	To			
CHQ19634	CHQ19697	\$206,087.60	1	11	1	Municipal Fund	
EFT29625	EFT30142	\$3,766,876.67	11	102	1	Municipal Fund	
CMS070510	CMS070510	\$192.39	102	102	1	Municipal Fund	Photocopier lease – Engineering Dept
PAY040510	PAY040510	\$280,376.38	102	102	1	Municipal Fund	
PAY070510	PAY070510	\$1,241.36	102	102	1	Municipal Fund	
PAY180510	PAY180510	\$282,811.98	102	102	1	Municipal Fund	
BOQ270510	BOQ270510	\$891.10	102	102	1	Municipal Fund	Finance Equipment
NMF030510	NMF030510	\$1,244.32	102	102	1	Municipal Fund	Photocopier lease x2 – Civic centre
	Municipal Total	\$4,539,721.80					
3001874	3001892	\$0.00	0	0	3	Trust Fund	Cheques Cancelled
3001893	3001910	\$55,245.79	102	104	3	Trust Fund	
	Trust Total	\$55,245.79					
	Sub-Total	\$4,594,967.59					
LESS: one-off pays		-					
Total		\$4,594,967.59					

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on 23 June 2010 for receipt, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and rendition of services, and verification of prices, computations and costs.

**Consultation**

Nil

**Statutory Implications***Financial Statements*

Regulation 34 of the Local Government (Financial Management Regulations), states as follows:

*“34. Financial activity statement report - s. 6.4*

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail:*
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
  - (b) budget estimates to the end of the month to which the statement relates;*
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
  - (e) the net current assets at the end of the month to which the statement relates.*
- (2) Each statement of financial activity is to be accompanied by documents containing:*
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
  - (c) such other supporting information as is considered relevant by the local government.*
- (3) The information in a statement of financial activity may be shown:*
  - (a) according to nature and type classification;*
  - (b) by program; or*
  - (c) by business unit.*
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be:*
  - (a) presented to the council:*
    - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or*

- (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;*  
*and*
  - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.*

*In this regulation:*

*“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;*

*“restricted assets” has the same meaning as in AAS 27.*

Section 6.12 of the Local Government Act 1995 (Power to defer, grant discounts, waive or write off debts) states:

- “(1) Subject to subsection (2) and any other written law, a local government may –*
- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;*
  - (b) 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.*
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.”*

## **Policy Implications**

### 2/003 Financial Statements – Copies for Councillors

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

#### *Monthly*

Bank Reconciliation of the Municipal, Reserve and Trust Fund  
+90 day outstanding Sundry Debtors Report  
List of Accounts paid under Delegated Authority  
Register of Investments  
Rate Summary Trial Balance  
Reserve Account Balances

#### *Quarterly*

Quarterly Budget Review  
Report on all Budgeted Grants of \$50,000 or more.

Irregular Financial reports will be presented to Council on request.

## Strategic Planning Implications

Key Results Area 5 Environment

Goal 2 Natural Resources

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

## Budget Implications

At the Special Meeting held on 9 July 2008, Council resolved to adopt item ... Budget Adoption, which included Recommendation 12 as follows:

### *"Recommendation 12*

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

1. *10% of the Function amended budget; or*
2. *\$100,000 of the Function amended budget*

*whichever is the lesser, for the following categories of revenue and expenditure:*

- a. *Operating Revenue*
- b. *Operating Expenditure*
- c. *Non-Operating Revenue*
- d. *Non-Operating Expenditure"*

## Officer's Comment

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

### *Period Variation*

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

### *Primary Reason*

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

### *Budget Impact*

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

#### Attachments

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

#### 200910/469 Council Decision/Officer's Recommendation

**Moved:** Cr A A Carter

**Seconded:** Cr M Dziombak

#### That:

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

*CARRIED 8/0*

6:18pm

*Cr S J Coates declared an Impartiality Interest in Agenda Item "11.4.2.2 Rate Concessions" as he is a member of the Sports Club mentioned in the item.*

*Cr S J Coates did not leave the room.*

**11.4.2.2 Rate Concessions**

<b>Officer</b>	<b>Matthew Scott</b> Director Corporate Services
<b>Date of Report</b>	17 June 2010
<b>Disclosure of Interest by Officer</b>	Nil

**Summary**

For Council to consider possible rates concessions for inclusion in the 2010/11 Annual Budget.

**Background**

Each year, as part of the annual budget, Council provides rates concessions to a number community, recreation and welfare groups. In 2009/10 the following concessions where adopted:

**100% Concession**

A130114 - Sub Lot 5812 Reserve 39012, South Hedland	Lotteries House
A127580 - Portion 6 Anderson St, Port Hedland	Business Enterprise Centre
A406870 - Lot 2916 Stanley St South Hedland	Youth Involvement Centre
A106284 - 9 Hamilton St, South Hedland	Benara Maya Hostel
A130290 - Lot 5915 McGregor St, Port Hedland	Freemasons Homes for Aged
A156300 - Lot 4508 Shoata Road, South Hedland	Port Hedland Pistol Club
A156260 - Location 118 of Forrest Location	Port Hedland Speedway Club
A802207 - Lot 2466 Lawson St, South Hedland	Youth Involvement Centre
A156550 - Lots 55, 56, 57 McKay St, Port Hedland	Volunteer Marine Rescue Service
A113872 - Lot 43, 10 Steamer Ave, South Hedland	Baptist Church Manse
A802155 - Lot 5164 Shota Rd, South Hedland	South Hedland Owners & Trainers
A803501 - Lot 309, Hamilton Road, South Hedland	Wangka Maya Language Centre
A106282 - 1-5 Hamilton Road, South Hedland	Wirraka Maya Health Service
A113807 - 3 Daylesford Close, South Hedland	Wirraka Maya Health Service
A116100 - 9 Morgans Street, South Hedland	Wirraka Maya Health Service

**50% Concession**

A154780 - 4 Treloar St South Hedland	Treloar Child Care Centre
A402430 - Lot 2513 Dempster St, Port Hedland	Len Taplin Centre

**Total Budgeted Rate Concessions**


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**\$103,150**

Since adopting the 2009/10 Budget, Council has recently adopted a community rating policy, as assist Council in determining community rate concessions in the future.

In implementing the community rating policy, all known community groups in the district where invited to make an application for a rates

concession for the 2010/11 and subsequent year. Of the many of community groups contacted, Council received applications from 22 different organisations, and representing 38 properties. A complete detailed summary of the applications received is included in attachment 1 of this report.

Council officers have reviewed all the information supplied with the applications, and have made a recommendation for Council to either provide a 100%, 50% or no concession to each property applied.

In order to accurately calculate the proposed rates raised for the 2010/11 Annual Budget, Council is requested to provide direction of which properties will be provided a concession.

### **Consultation**

All known community groups where provided the opportunity to make application for a rates concession, as per Council policy. Follow-up contact was made to organisations that may have applied, but did not provide all the information requested to support their application.

### **Statutory Implications**

Local Government Act 1995

#### *6.47. Concessions*

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

*\* Absolute majority required.*

### **Policy Implications**

Policy 2/011 Community Rating Policy

**Strategic Planning Implications** Nil

### **Budget Implications**

Rates concession directly impact on the amount of rates Council will raise to fund its services, activities and projects. based on the applications received, Council has been requested to provide concession to the value of \$167,503 (assuming all applications are approved), however, based on a review of the applications , and supporting documentation, it recommended that Council provide a concession totaling \$110,336, which would equate to 7% increase from 2009/10.

### Officer's Comment

Providing rating concession can be extremely difficult for a Council to consider, as there needs to be a balance between providing concessions to much needed community, recreational and/or welfare groups and providing an equitable rate burden for all ratepayers.

In the last 2 years Council has attempted to address this issue by developing and finally adopting policy 2/011 earlier this year. Since inviting all community groups to apply for rates concession, council has received 38 applications from 22 different organisations. A summary of all the applications is provided in attachment 1, which many organisations making application for several properties under their control. Council Officers have reviewed all applications, and supporting documentation, and provided a recommendation for Council to consider for each property.

In reviewing the applications officers have based their recommendations on the following criteria:

1. Supporting Documentation – all applicants were requested to provide various documents (financial statements, articles of incorporations, tax exemptions status) to support their application. To be equitable to those organisations that did supply the requested information, those organisations that choose not to (even after repeated requests) have not been recommended for a concession.
2. Residential Properties – Officers have not supported providing rates exemptions for residential properties, used to accommodate staff. It is believed that only the principal service delivery facility should be eligible for a concession. Providing rating concessions for residential properties also creates boarder rating inequities, as these properties may be rented out to staff at market value and groups that are made up of volunteers could not receive the same benefit. Providing a rate concession (in these instances) could be seen as a “cost shift” from State and Federal Government (who provides the primary funds for these organisations) to the Town of Port Hedland Ratepayer.
3. Commercial Operations – Community groups that provide activities that directly competes with commercial operations, especially in the supply of alcohol have not be supported by Officers.
4. Community Impact – in general activities of a emergency/welfare nature has been recommended for a 100% concession, based on community impact or utility for individuals in need. This would generally include emergency/respite care/age care type services. Groups that have a smaller overall impact on the community, have been recommended a 50% concession.
5. Financial Status – based on review of the financial information provided, groups in a strong financial position (large cash surplus) have not be supported for a concession.

Based on this criteria, officers have recommended 18 properties receive a 100% rate concession (worth \$94,572), 3 properties receive a 50% rate concession (worth \$15,764), which totals \$110,336 in rates foregone. These properties are:

Organisation	Assessment No	%	\$
Volunteer Marine Rescue Services Port Hedland	A156550	100%	2,178
South Hedland Lotteries House	A130114	100%	17,158
Hedland Women's Refuge	A802446	100%	2,749
Hedland Women's Refuge	A802446	100%	2,749
Frontier Services / Uniting Church	A113927	100%	1,752
Frontier Services / Uniting Church	A400610	100%	1,375
Wangka Maya Pilbara Aboriginal Language Centre	A803501	100%	5,675
Port Hedland Peace Memorial Seafarers Centre	A803051	100%	800
Freemansons Homes for the Aged	A130290	100%	18,182
Youth Involvement Council	A406870	100%	1,885
Youth Involvement Council	A802207	100%	1,866
Bloodwood Tree Association	A109930	100%	1,353
Bloodwood Tree Association	A130239	100%	800
Bloodwood Tree Association	A106284	100%	2,506
Baptist Church	A113872	100%	2,262
Wirraka Maya Health Services	A106282	100%	11,218
Port Hedland Retirement Village	A156730	100%	18,182
Pilbara family Violence Prevention Legal Service	A401480	100%	1,885
Treloar Child Care Centre	A154780	50%	1,069
South Hedland Owners & Trainers Ass.	A802155	50%	13,613
Port Hedland Turf Club	A130286	50%	1,082
			<b>110,336</b>

For the 17 properties that have not been supported for a rate concession, the following reasons have been provided:

<b>Organisation</b>	<b>Assessment No</b>	<b>\$</b>	<b>Reason not recommended</b>
Port Hedland Pistol Club	A156300	800	Supporting documentation not supplied
Frontier Services / Uniting Church	A804133	800	Residential property
Frontier Services / Uniting Church	A804134	800	Residential property
Port Hedland Speedway Club	A156260	8,304	Supporting documentation not supplied
Bloodwood Tree Association	A106283	800	The land is vacant
Pilbara Meta Maya	A117390	1,619	Residential property
Pilbara Meta Maya	A410037	1,729	Residential property
Pilbara Meta Maya	A402170	1,707	Residential property
Pilbara Meta Maya	A111740	800	Residential property
Pilbara Meta Maya	A127380	2,882	Residential property
Pilbara Meta Maya	A100150	1,530	Residential property
Pilbara Meta Maya	A402100	1,375	Residential property
Wirraka Maya Health Services	A113807	1,973	Residential property
Wirraka Maya Health Services	A800350	1,685	Residential property
Port Hedland Golf Club	A156490	3,290	Organisation has a considerable surplus of cash.
Port Hedland Pony Club	A130005	2,164	Supporting documentation not supplied
Cooke Point Recreation Club	A102540	9,142	Commercial operation
		<b>41,402</b>	

As per Council's policy and Section 6.47 of the Local Government Act 1995, it is Council's discretion with regard to concessions are ultimately given. Due to the extent of information received, it is impracticable to provide a complete copy to each Councillor, as part of this report. The information is however available for Councillors review at Civic Centre.

### **Attachments**

Community Rating Concession Application Summary

**Officer's Recommendation**

That Council provide either 100% or 50% rating concession to the following properties for the 2010/11 & 2011/12 Financial Years

<b>Organisation</b>	<b>Assessment</b>	
	<b>No</b>	<b>%</b>
Volunteer Marine Rescue Services Port Hedland	A156550	100%
South Hedland Lotteries House	A130114	100%
Hedland Women's Refuge	A802446	100%
Hedland Women's Refuge	A802446	100%
Frontier Services / Uniting Church	A113927	100%
Frontier Services / Uniting Church	A400610	100%
Wangka Maya Pilbara Aboriginal Language Centre	A803501	100%
Port Hedland Peace Memorial Seafarers Centre	A803051	100%
Freemansons Homes for the Aged	A130290	100%
Youth Involvement Council	A406870	100%
Youth Involvement Council	A802207	100%
Bloodwood Tree Association	A109930	100%
Bloodwood Tree Association	A130239	100%
Bloodwood Tree Association	A106284	100%
Baptist Church	A113872	100%
Wirraka Maya Health Services	A106282	100%
Port Hedland Retirement Village	A156730	100%
Pilbara family Violence Prevention Legal Service	A401480	100%
Treloar Child Care Centre	A154780	50%
South Hedland Owners & Trainers Ass.	A802155	50%
Port Hedland Turf Club	A130286	50%

**200910/470 Council Decision****Moved:** Cr S J Coates**Seconded:** Cr A A Carter

**That Council provide 100% rating concession to the following properties for the 2010/11 & 2011/12 Financial Years:**

Organisation	Assessment No	%
Volunteer Marine Rescue Services Port Hedland	A156550	100%
South Hedland Lotteries House	A130114	100%
Hedland Women's Refuge	A802446	100%
Frontier Services / Uniting Church	A113927	100%
Frontier Services / Uniting Church	A400610	100%
Wangka Maya Pilbara Aboriginal Language Centre	A803501	100%
Port Hedland Peace Memorial Seafarers Centre	A803051	100%
Freemansons Homes for the Aged	A130290	100%
Youth Involvement Council	A406870	100%
Youth Involvement Council	A802207	100%
Bloodwood Tree Association	A109930	100%
Bloodwood Tree Association	A130239	100%
Bloodwood Tree Association	A106284	100%
Baptist Church	A113872	100%
Wirraka Maya Health Services	A106282	100%
Port Hedland Retirement Village	A156730	100%
Pilbara family Violence Prevention Legal Service	A401480	100%
Treloar Child Care Centre	A154780	50%
South Hedland Owners & Trainers Ass.	A802155	100%
Port Hedland Turf Club	A130286	50%
Port Hedland Speedway Club	A156260	100%
Port Hedland Golf Club	A156490	100%
Port Hedland Pony Club	A130005	100%

*CARRIED 8/0*

*REASON: Council believes it should support organisations and community groups that do a lot of work for the Town, especially with youth.*

Organisation	Land Owner	Assessment No. & Address	Current Concession	Owner or lessee and occupier of the land & rate notice	Incorporated body	Copy of certificate of incorporation provided	Organisation's Constitution provided?	Not for Profit	Provide Sporting, community or recreational activities	Rely on player fees and community fundraising only	Charge entrance fees for viewing or participating	Hold a liquor license	Public Benevolent Institution for taxation purposes	Proof of Status supplied.	If leased, does lease organisation pay rates	Exempt from the payment of rates under Legislation other than the Local	100% or 50% exemption requested	Use and occupancy of property	Type of service provided	Frequency of service provision	Payment received for service	Constitution provided	Floor plan provided	Copies of financial statements provided	Audited	Officers Recommendation	Reason if not supported	Rates	Proposed Rates Concession
Port Hedland Pistol Club	State of WA (Crown)	(A156300) Lot 4508 Shoats Road, South Hedland	100%	YES	YES	YES	NO	YES	YES	YES	YES	NO	NO	NO	YES	NO	50%	No Statement	No Statement	No Statement	No Statement	NO	N/A	NO	NO	0%	Concession is not recommended as they have failed on several accounts to provide adequate supporting documentation. In particular they have failed to provide satisfactory financial statements (as specified in the application).	800	-
Volunteer Marine Rescue Services Port Hedland	Volunteer Marine Rescue Services Port Hedland	(A156550) 10 McKay Street, Port Hedland	100%	NO	YES	NO	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES	100%	Meetings & Training	Short Term Accommodation Facility	24 Hours / 7 Days	NO	YES	NO	YES	NO	100%		2,178	2,178
South Hedland Lotteries House Inc.	Department of Housing and Works	(A130114) 2 Leske Street, South Hedland	100%	N/A	YES	NO	RULE BOOK	YES	NO	NO	NO	NO	N/A	YES	N/A	Both	Office Space	Housing, Legal Support, Short Term Accommodation	Daily	Rent is charged to agencies	RULE BOOK	NO	YES	YES	YES	100%		17,158	17,158
Hedland Women's Refuge Inc.**	Department of Housing and Works	(A802446) Lot 5952 Boronia Crescent, South Hedland	0%	YES	YES		YES	YES	NO	NO	NO	NO	YES	NO	YES	NO	50%	Respite Accommodation	Provide short term / emergency accommodation for women with / without children	24 HOURS / 7 DAYS	YES	YES	NO	YES	YES	100%		2,749	2,749
Hedland Women's Refuge Inc.**	Department of Housing and Works	(A802446) 23 Boronia Crescent, South Hedland	0%	YES	YES		YES	YES	NO	NO	NO	NO	YES	NO	YES	NO	50%	Respite Accommodation	Provide short term / emergency accommodation for women with / without children	24 HOURS / 7 DAYS	YES	YES	NO	YES	YES	100%		2,749	2,749
Frontier Services / Uniting Church (UCA Assembly Ltd)*****	Frontier Services (UCA Assembly Ltd)	(A113927) 22 Beroona Loop, South Hedland	0%	YES	YES	NO	YES	NO	NO	NO	NO	NO	YES	NO	YES	NO	100%	Residential & Community Support	Aged Care, Respite Support and Pastoral Care	Daily	N/A	YES	NO	NO	NO	100%		1,752	1,752
Frontier Services / Uniting Church (UCA Assembly Ltd)*****	Frontier Services (UCA Assembly Ltd)	(A400610) 10 Smith Street, South Hedland	0%	YES	YES	NO	YES	NO	NO	NO	NO	NO	YES	NO	YES	NO	100%	Residential & Community Support	Aged Care, Respite Support and Pastoral Care	Daily	N/A	YES	NO	NO	NO	100%		1,375	1,375
Frontier Services / Uniting Church (UCA Assembly Ltd)*****	Frontier Services (UCA Assembly Ltd)	(A804133) 19A Boogalla Crescent, South Hedland	0%	YES	YES	NO	YES	NO	NO	NO	NO	NO	YES	NO	YES	NO				N/A	YES	NO	NO	NO	0%	Concession is not recommended on the residential property as it is not used for the primary delivery of service or main activity of the group to the Community (as per Community Rating Policy).	800	-	
Frontier Services / Uniting Church (UCA Assembly Ltd)*****	Frontier Services (UCA Assembly Ltd)	(A804134) 19B Boogalla Crescent, South Hedland	0%	YES	YES	NO	YES	NO	NO	NO	NO	NO	YES	NO	YES	NO				N/A	YES	NO	NO	NO	0%	Concession is not recommended on the residential property as it is not used for the primary delivery of service or main activity of the group to the Community (as per Community Rating Policy).	800	-	
Wangla Mays Fibers Aboriginal Language Centre	State of WA (Crown)	(A803501) 67 Throssell Road, South Hedland	100%	YES	YES	YES	RULE BOOK	YES	NO	NO	NO	NO	YES	NO	YES	NO	100%	Aboriginal Language Centre	Promotion and Preservation of Aboriginal Language	Daily	NO	RULE BOOK	NO	NO	NO	100%		5,675	5,675
Treloar Child Care Centre INC	Department for Family and Children's Service	(A154780) 4 Treloar Child Care Centre INC	50%	NO	YES	NO	YES	YES	NO	NO	NO	NO	NO	NO	YES	NO	50%	NFP Child Care	Child Care	Monday to Friday	YES	YES	YES	YES	YES	50%		2,138	1,069
Port Hedland Peace Memorial Seafarers Centre INC	Port Hedland Port Authority	(A803051) Cnr Wedge & Wilson Streets, Port Hedland	100%	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	NO	YES	NO	100%	Port Hedland Peace Memorial Seafarers	Communication, basic groceries etc	Daily	YES	YES	NO	NO	NO	100%		800	800
Grandlodge of Western Australia Freemasons Homes for the Aged INC		(A130290) 7 McGregor Street, Port Hedland	100%	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	NO	YES	YES	100%	Accommodation for Seniors	Independent living for over 55's	Full time	YES	YES	YES	YES	YES	100%		18,182	18,182
Youth Involvement Council INC	Town of Port Hedland	(A406870) 69 Stanley Street, South Hedland	100%	YES	YES	NO	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES	100%	Youth programs and facilities	Youth Activities	6 days per week	NO	YES	NO	YES	YES	100%		1,885	1,885
Youth Involvement Council INC	Town of Port Hedland	(A802207) Lot 2466 Lawson Street, South Hedland	100%	YES	YES	NO	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES	100%	Youth programs and facilities	Youth Activities		NO	YES	NO	YES	YES	100%		1,866	1,866
Port Hedland Speedway Club	DOLA	(A156260) Lot 118 N/W Coastal Highway, South Hedland	100%	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	N/A	100%	Port Hedland Speedway Club	Motor sports with carers accommodation	N/A	YES	YES	YES	NO	NO	0%	Concession is not recommended as they have failed on several accounts to provide adequate supporting documentation. In particular they have failed to provide satisfactory financial statements (as specified in the application).	8,304	-

Organisation	Land Owner	Assessment No. & Address	Current Concession	Owner or lessee and occupier of the land & rate notice	Incorporated body	Copy of certificate of incorporation provided	Organization's Constitution provided?	Not for Profit	Provide Sporting, community or recreational activities	Rely on player fees and community fundraising only	Charge entrance fees for viewing or participating	Hold a liquor license	Public Benevolent Institution for taxation purposes	Proof of Status supplied.	If leased, does lease organization to pay rates	Exempt from the payment of rates under Legislation other than the Local	100% or 50% exemption requested	Use and occupancy of property	Type of service provided	Frequency of service provision	Payment received for service	Constitution provided	Floor plan provided	Copies of financial statements provided	Audited	Officers Recommendation	Reason if not supported	Rates	Proposed Rates Concession
Bloodwood Tree Association INC****	Bloodwood Tree Association INC	(A109930) 36 Roberts Street, South Hedland	100%	YES	YES	NO	YES	YES	NO	NO	NO	NO	YES	YES	YES	UNSURE	100%	Bloodwood Tree HQ	Distribution of food relief, utilities and temporary accommodation	Monday to Friday	NO	YES	NO	YES	YES	100%		1,353	1,353
Bloodwood Tree Association INC****	Department of Health	(A130239) Reserve 41690 Lot 5826 Forrest Circle, South Hedland	NA	YES	YES	NO	YES	YES	NO	NO	NO	NO	YES	YES	YES	UNSURE	100%	Bloodwood Tree	16 bed / safe place for intoxicated persons	9 day fortnight	NO	YES	NO	YES	YES	100%		800	800
Bloodwood Tree Association INC****	Department of Housing and Works	(A106284) 9 Hamilton Road, South Hedland	100%	YES	YES	NO	YES	YES	NO	NO	NO	NO	YES	YES	YES	UNSURE	100%	Bunara Mays Hostel	Short Term Accommodation Facility	24 Hours / 7 Days	YES	YES	NO	YES	YES	100%		2,506	2,506
Bloodwood Tree Association INC****	Department of Housing and Works	(A106283) 7 Hamilton Road, South Hedland	0%	YES	YES	NO	YES	YES	NO	NO	NO	NO	YES	YES	YES	UNSURE	100%	No Building on site	N/A	N/A	N/A	YES	NO	YES	YES	0%	Concession is not recommended as the land is vacant and therefore not being used for any service or activity to warrant concession.	800	-
Baptist Churches of Western Australia	Baptist Union of WA Inc	(A113872) 10 Steamer Avenue, South Hedland	100%	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	NO	YES	NO	100%	Mense	No Statement	No Statement	No Statement	YES	NO	YES	YES	100%		2,262	2,262
Fibera Meta Mays Aboriginal Corporation*****	Fibera Meta Mays Aboriginal Corporation	(A117390) 32 Somerset Crescent South Hedland	0%	YES	YES	NO	RULE BOOK	YES	NO	NO	NO	NO	YES	NO	NO	YES	100%	No Statement	No Statement	No Statement	No Statement	YES	N/A	YES	YES	0%	Concession is not recommended on the residential property as it is not used for the primary delivery of service or main activity of the group to the Community (as per Community Rating Policy).	1,619	-
Fibera Meta Mays Aboriginal Corporation*****	Fibera Meta Mays Aboriginal Corporation	(A410037) 7 Arabella Street South Hedland	0%	YES	YES	NO	RULE BOOK	YES	NO	NO	NO	NO	YES	NO	NO	YES	100%	No Statement	No Statement	No Statement	No Statement	YES	N/A	YES	YES	0%	Concession is not recommended on the residential property as it is not used for the primary delivery of service or main activity of the group to the Community (as per Community Rating Policy).	1,729	-
Fibera Meta Mays Aboriginal Corporation*****	Fibera Meta Mays Aboriginal Corporation	(A402170) 1 Chunking Crescent South Hedland	0%	YES	YES	NO	RULE BOOK	YES	NO	NO	NO	NO	YES	NO	NO	YES	100%	No Statement	No Statement	No Statement	No Statement	YES	N/A	YES	YES	0%	Concession is not recommended on the residential property as it is not used for the primary delivery of service or main activity of the group to the Community (as per Community Rating Policy).	1,707	-
Fibera Meta Mays Aboriginal Corporation*****	Fibera Meta Mays Aboriginal Corporation	(A111740) 95 Bottlebrush Crescent South Hedland	0%	YES	YES	NO	RULE BOOK	YES	NO	NO	NO	NO	YES	NO	NO	YES	100%	No Statement	No Statement	No Statement	No Statement	YES	N/A	YES	YES	0%	Concession is not recommended on the residential property as it is not used for the primary delivery of service or main activity of the group to the Community (as per Community Rating Policy).	800	-
Fibera Meta Mays Aboriginal Corporation*****	Fibera Meta Mays Aboriginal Corporation	(A127380) 3 Yanana Steet Wedgefield	0%	YES	YES	NO	RULE BOOK	YES	NO	NO	NO	NO	YES	NO	NO	YES	100%	No Statement	No Statement	No Statement	No Statement	YES	N/A	YES	YES	0%	Concession is not recommended on the residential property as it is not used for the primary delivery of service or main activity of the group to the Community (as per Community Rating Policy).	2,882	-
Fibera Meta Mays Aboriginal Corporation*****	Fibera Meta Mays Aboriginal Corporation	(A100150) 41 Brodie Crescent South Hedland	0%	YES	YES	NO	RULE BOOK	YES	NO	NO	NO	NO	YES	NO	NO	YES	100%	No Statement	No Statement	No Statement	No Statement	YES	N/A	YES	YES	0%	Concession is not recommended on the residential property as it is not used for the primary delivery of service or main activity of the group to the Community (as per Community Rating Policy).	1,530	-
Fibera Meta Mays Aboriginal Corporation*****	Fibera Meta Mays Aboriginal Corporation	(A402100) 1 Limpet Crescent South Hedland	0%	YES	YES	NO	RULE BOOK	YES	NO	NO	NO	NO	YES	NO	NO	YES	100%	No Statement	No Statement	No Statement	No Statement	YES	N/A	YES	YES	0%	Concession is not recommended on the residential property as it is not used for the primary delivery of service or main activity of the group to the Community (as per Community Rating Policy).	1,375	-
South Hedland Owners & Trainers Ass.	State of WA (Crown)	(A802155) Lot 254 Shota Road South Hedland	100%	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	NO	100%	No Statement	No Statement	No Statement	No Statement	YES	N/A	YES	YES	50%		27,226	13,613
Wirraka Mays Health Services Aboriginal Corp.	Wirraka Mays Health Services Aboriginal Corp.	(A106282) 1-5 Hamilton Road, South Hedland	100%	YES	YES	NO	RULE BOOK	YES	NO	NO	NO	NO	YES	NO	NO	NO	100%	Wirraka Mays Health Service	Aboriginal Medical Centre and Social & Emotional Wellbeing Centre	Daily	N/A	RULE BOOK	NO	YES	YES	100%		11,218	11,218
Wirraka Mays Health Services Aboriginal Corp.	Wirraka Mays Health Services Aboriginal Corp.	(A113807) 3 Daylesford Close, South Hedland	100%	YES	YES	NO	RULE BOOK	YES	NO	NO	NO	NO	YES	NO	NO	NO	100%	Accommodation for Medical Officer and family	NIL	NIL	NIL	NIL	NIL	YES	YES	0%	Concession is not recommended on the residential property as it is not used for the primary delivery of service or main activity of the group to the Community (as per Community Rating Policy).	1,973	-
Wirraka Mays Health Services Aboriginal Corp.	Wirraka Mays Health Services Aboriginal Corp.	(A800350) 25 Sutherland Street, Port Hedland	100%	YES	YES	NO	RULE BOOK	YES	NO	NO	NO	NO	YES	NO	NO	NO	100%	Accommodation for CEO and family	NIL	NIL	NIL	NIL	NIL	YES	YES	0%	Concession is not recommended on the residential property as it is not used for the primary delivery of service or main activity of the group to the Community (as per Community Rating Policy).	1,685	-





**ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL****12.1 Governance****12.1.1 Chief Executive Officer Recruitment (File No.: ...)**

**Officer** **Chris Adams**  
Chief Executive Officer

**Date of Report** 23 June 2010

**Disclosure of Interest by Officer** Nil

**Summary**

Purpose of report is to:

- Advise of the timeframe for the resignation/replacement of the CEO following his resignation.
- Confirm the proposed Acting CEO arrangement.
- Establish a CEO recruitment panel of Councillors.

**Background**

The Town's Chief Executive Officer (CEO), Chris Adams, has submitted his resignation as he has accepted the role of General Manager of Pilbara Cities. Mr Adams' last day at the Town of Port Hedland will be the 30 June 2010.

Council needs to determine an interim CEO arrangement post Mr Adams' departure and needs to agree on the process for the recruitment of a new CEO.

*Timeframe*

Given the senior nature of the position, it is recommended that the Council engages the services of a specialist recruitment consultant to assist in the CEO recruitment process. An indicative timeframe for the recruitment process has been listed below.

Date	Action
17 June	CEO resignation submitted
23 June	Council report re: resignation and process for selection of new CEO.
24 June	Seek quotations from HR consultants to assist in recruitment process
7 July	Quotes for HR consultants close.
14 July	HR consultant selected by Council
17 July	Advertising for new CEO commences

6 August	Applications for CEO role close
13 August	1 <sup>st</sup> Round of Interviews held
20 August	2 <sup>nd</sup> Round of Interviews Held
25 August	Council Meeting – Decision re CEO made
October	New CEO commence – depending on notice periods.

### *Temporary Acting CEO*

As indicated above, there is likely to be a period of at least two (2) months between the current CEO's departure and the commencement of a new permanent CEO. In this interim period Council could either appoint an Acting CEO from within the organization or engage an external consultant to Act as CEO. Given his experience and understanding of the organization, it is recommended that Council appoint the current Director of Corporate Services, Matthew Scott, as Acting CEO from 31 July 2010 until a new permanent CEO commences.

### *CEO Recruitment Panel*

Traditionally Council selects a panel of Councillors to assist in the CEO recruiting process. Some Councils have small panels and other Councils involve all Councillors. It is recommended that Council form a relatively small panel (3-4 Councillors maximum) to conduct the recruitment process on behalf of Council.

### **Consultation**

Nil

### **Statutory Implications**

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

#### *5.36. Local government employees*

- (1) A local government is to employ —*
  - (a) a person to be the CEO of the local government; and*
  - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*
- (2) A person is not to be employed in the position of CEO unless the council —*
  - (a) believes that the person is suitably qualified for the position; and*
  - (b) is satisfied\* with the provisions of the proposed employment contract.*
- (3) A person is not to be employed by a local government in any other position unless the CEO —*
  - (a) believes that the person is suitably qualified for the position; and*

- (b) is satisfied with the proposed arrangements relating to the person's employment.*
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.*
- 5.39. Contracts for CEO and senior employees**
- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (1a) Despite subsection (1) —*
- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
- (2) A contract under this section —*
- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) in every other case, cannot be for a term exceeding 5 years.*
- (3) A contract under this section is of no effect unless —*
- (a) the expiry date is specified in the contract;*
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.*
- [Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3).]*
- 5.40. Principles affecting employment by local governments**

*The following principles apply to a local government in respect of its employees —*

*(a) employees are to be selected and promoted in accordance with the principles of merit and equity;*

*(b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage;*

*(c) employees are to be treated fairly and consistently;*

*(d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the Equal Opportunity Act 1984 or on any other ground;*

*(e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*

*(f) such other principles, not inconsistent with this Division, as may be prescribed.*

In addition to the above, Statutory regulations apply in relation to advertising and qualification requirements of CEOs.

**Policy Implications** Nil

**Strategic Planning Implications** Nil

#### **Budget Implications**

While Council has not specifically budgeted for costs associated with a recruitment consultant, the costs that would be incurred are likely to be largely offset by wages savings in the interim period.

**Officer's Comment** Nil

**Attachments** Nil

#### **200910/471 Council Decision/Officer's Recommendation**

**Moved:** Cr A A Carter

**Seconded:** Cr S R Martin

#### **That Council:**

1. note the resignation of Chris Adams as Chief Executive Officer (CEO) from the Town of Port Hedland effective from the 30 July 2010, and
2. seek quotations from experienced recruiting firms to assist in the recruiting of a new permanent CEO; and
3. appoint Matthew Scott as the Acting CEO of the Town for the period from 31 July 2010 until such time that a permanent CEO commences; and

4. forms a CEO recruitment panel involving Mayor Kelly Howlett, Cr A A Carter, Cr S R Martin, Cr G J Daccache, Cr J M Gillingham, Cr M Dziombak; and
5. note that the role of the CEO recruitment panel are to assist in the CEO recruitment process and make recommendations to Council on this matter. The panel has no delegated authority to make decisions.

*CARRIED 8/0*

**ITEM 13      MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN**

Nil

**ITEM 14      CONFIDENTIAL ITEMS**

Nil

**ITEM 15      APPLICATIONS FOR LEAVE OF ABSENCE**

**ITEM 16      CLOSURE**

**16.1          Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 14 July 2010, commencing at 5.30 pm.

**16.2          Closure**

There being no further business, the Chairman declared the meeting closed at 6:27 pm.

**Declaration of Confirmation of Minutes**

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of \_\_\_\_\_

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE