



Town of Port Hedland

MINUTES

OF THE

SPECIAL MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 13 MARCH 2013

AT 5.30 PM

IN COUNCIL CHAMBERS

McGREGOR STREET, PORT HEDLAND

Purpose of Meeting: To consider:

- *Proposed Arts and Crafts Centre (Two Artist Studios) and Caretaker's Dwellings on Lot 3267 Hedditch Street, South Hedland (File No.: 130117G)*
- *Tender 12/09 Design and Construction of South Hedland Bowls and Tennis Club Redevelopment*
- *Fees and Charges*
- *Compliance Audit Return*
- *Airport Hotel (Confidential)*
- *Appointment of Airport Redevelopment Program Director (Confidential)*

DISCLAIMER

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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.

*M.J. (Mal) Osborne
Chief Executive Officer*

OUR COMMITMENT

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

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ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 5:40pm and acknowledged the traditional owners, the Kariyarra people.

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

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

Officers

Malcolm Osborne	Chief Executive Officer
Debra Summers	Manager Organisational Development
Russell Dyer	Director Engineering Services
Eber Butron	Director Planning & Development
Gordon MacMile	Director Community Development
Josephine Bianchi	Governance Coordinator
Lorraine Mathieson	Administration Officer Governance

2.2 Apologies

Nil

2.3 Approved Leave of Absence

Nil

ITEM 3 PUBLIC TIME

Mayor opened Public Question Time at 5:41pm.

IMPORTANT NOTE:

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

3.1 Public Question Time**4.1.1 Mr Camilo Blanco**

Fees and charges for bin collection are being increased to \$265. Is this in accordance with the adopted budget?

Chief Executive Officer advised that this is in relation to fees and charges for the year commencing July 1 2013. Fees and charges will be considered at tonight's meeting, and if adopted, will be advertised for a period. Pending the outcome of the process, the Fees and Charges will be implemented as of 1 July 2013, and appear on the next rates notice.

Mayor closed Public Question Time at 5:43pm.

3.2 Public Statement Time

Mayor opened Public Statement Time at 5:44pm.

Mayor closed Public Statement Time at 5:44pm.

ITEM 4 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

ITEM 5 DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING

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

Proposal (Attachment 2)

The proposal is for the construction of two artist studios and a caretaker's dwelling on Lot 3267 Hedditch Street, South Hedland. As part of the proposed development, the site will be extensively landscaped and will provide 6 car parking bays within the Hedditch Street Road Reserve.

The proposed artist studio will be used to provide the Indigenous Art community, Spinifex Hill Artists with a replacement studio facility. The facility and landscaped areas will be used exclusively for the Spinifex Hill Artists group and will not be generally made available to the public. It is proposed the site will be used by up to 10 (ten) artists at any one time.

Notwithstanding this however, it is intended the facility will be made available to the public under special circumstances, such as incoming Cruise Ships.

Consultation

The application was circulated to the following units / organisations:

Internally:

- Manager Technical Services
- Manager Building Services
- Manager Environmental Health Services
- Manager Engineering Services
- Manager Community Development Services
- Manager Community Recreation Services
- Manager Investment and Business Services

Externally:

- Telstra
- Optus
- Horizon Power
- Water Corporation

The comments provided by the internal and external agencies have been captured within the report.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

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

5.7.1 Precinct 12 – South Hedland East

Precinct Statement

“South Hedland East comprises the original four neighbourhoods of South Hedland, together with adjoining land to the south within Circular Road and Cottier Road. It is a place of safe, landscaped and connected streets and a place that continues to be regenerated through redevelopment and infill. A strong sense of community continues to develop through celebration of local art and culture, community uses and sporting opportunity”

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

- | | |
|-----------------------|--|
| 6.1.1 Unified | Increase in the number of physical, cultural and social facilities in Port Hedland |
| 6.1.2 Vibrant | Increased number of recreational facilities available |
| 6.1.3 Rich in Culture | Increased number of community accessing resources and driving/taking ownership of new cultural initiatives and events. |

Budget Implications

Immediate:

An application fee of \$4,033.79 has been received as per the prescribed fees approved by Council.

Long Term:

Nil

Whole of Life:

As a part of the Council Resolution, the Spinifex Artist Group will need to formalise a lease agreement with the Town including maintenance and rental income.

Officer’s Comment

Land use and Reservation

In accordance with TPS5, the proposed land use is considered to be an "Arts and Crafts Centre" which is defined as:

"land or buildings used to create, display and/or sell works of art and craft."

The proposed "Arts and Craft Centre" will need to be assessed in accordance with Section 2.3 of TPS5 which states the following:

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

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

With regards to points (b) and (c), the application was referred internally to Community Development and Community Recreation Services, whom have raised no objections to the proposal, recommending the application be supported.

From a planning perspective, it is considered the proposed use and development of the site is consistent with the intention of the reservation.

Car Parking and Access

In accordance with Appendix 7 of TPS5, the applicant is required to provide a minimum of 13 car parking bays, including 2 car parking bays for the caretaker's dwelling. The applicant has not provided any car parking on site but rather has proposed to construct 6 car parking bays within the Hedditch Street Road Reserve.

The applicant has stated the car parking requirements for the proposed development were based on a "Community Use". The parking calculation required is proposed at 1 space per 4 people for 'community use'. A total of 6 parking spaces are proposed to service the site given the facility can cater to up to 10 artists at one time in addition to the single caretaker's residence.

The applicant has further stated, none of the artists drive and it is proposed that a minibus collects them each day and drops them off at the facility. The minibus would use the drop off lane within Hedditch Street to drop off and pick up artists using the facility.

Given the above, it is recommended a condition is imposed restricting the regular ability to sell or exhibit art and crafts. Notwithstanding this, the applicant has stated there may be unique circumstances where the centre would be used to showcase and sell art for special events such as incoming cruise ships. Where the centre will be open to the public on a temporary basis, the applicant will be required to apply for an approval prior to the event and will address any parking shortages and traffic movement.

Planning Services Response

Section 6.13.5 of TPS5 permits car parking requirements can only be varied in circumstances whereby the proposed reduction of car parking bays will not result in any lowering of safety standards. The Town's Technical Services does not object to the proposed parking provided if 7.5m wide road pavement is available beyond the car parking bays.

The road reserve width of this portion of Hedditch Street is 20m which would allow the car parking bays to be accommodated including all other facilities such as footpaths, essential infrastructure services and landscaping. It is therefore recommended a condition is imposed requiring the applicant to provide detailed civil engineering drawings for the construction of the off street car parking bays in order to address Technical Services requirements. The Town's Technical Services Unit supports the imposition of this condition.

Given the above, the justification provided by the applicant is considered reasonable. Notwithstanding this it is considered inappropriate for the caretaker's dwelling parking to be provided on the street and should be provided onsite. It is recommended the applicant provide amended plans showing two additional car parking bays onsite for the caretaker's dwelling.

Attachments

1. Locality Plan
2. Development Plans

Officer's Recommendation

That Council:

- A. Requests the applicant to make the following amendments and have approved by the Manager Planning Services:
 - i. Two (2) car parking bays shall be provided onsite for the exclusive use of the Caretaker's Dwelling; and

B. Subject to (A) above approves the application submitted by RPS on behalf of the Department of Regional Development and Lands, to construct Arts and Crafts Centre (Two Artist Studios) and Caretaker's Dwelling on Lot 3267 Hedditch Street, South Hedland, subject to the following conditions:

1. This approval relates only to the proposed "Arts and Craft Centre" – 2 artist studios and caretakers dwelling, as indicated on the approved plans (DRG2012/653/1 - DRG2012/653/8). It does not relate to any other development on this lot;
2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of this approval, the approval shall lapse and be of no further effect;
3. No sales or exhibition of arts and crafts may occur on the site on a regular basis. Notwithstanding this, arts and crafts may be sold during special events subject to these events being approved by the Manager Planning Services;
4. A minimum of total of 8 car parking bays shall be provided including 2 car bays onsite and 6 car bays within the road reserve as indicated on the approved site plan (DRG2012/653/7);
5. No parking bays shall be obstructed in any way or used for any other purpose than parking;
6. Roof mounted or freestanding plant or equipment such as air conditioning units shall be located and / or screened to the satisfaction of the Manager Planning Services;
7. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowners cost, to the specification and satisfaction of the Manager Technical Services;
8. The proposed development shall be connected to reticulated mains sewer;

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

9. Prior to the commencement of works, the developer shall indemnify the Town for any works in the Road Reserve, against any damage that may occur as a result of construction or ongoing maintenance. The developer shall take out Public Liability Insurance in the amount of \$10 million for all works within the Road Reserve area for the

construction phase and the maintenance period referred to in Condition 17 (seventeen) below. Evidence of the Public Liability Insurance Policy from a reputable insurer shall be provided to the Manager Planning Services prior to the commencement of works;

10. Prior to the commencement of any works, the landowner shall submit civil engineering drawings for approval by the Manager Planning Services for the 6 off site car parking bays within the Hedditch Street Road Reserves, to be constructed to the satisfaction of the Manager Technical Services at the expense of the landowner;
11. Prior to the commencement of any works a detailed landscaping and reticulation plan including any street verges, shall be submitted and approved by the Manager Planning Services. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001;
12. Prior to the commencement of any works, the landowner shall prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification shall be sufficient to alert prospective landowners or occupiers of the following:

"This lot is located in an area likely to be subject to inundation and flooding from rising sea levels, tidal storm surges and/or catchment flooding over the next 100 years."
13. Prior to the commencement of any works, a "Refuse Collection Strategy / Management Plan" shall be submitted and approved by the Manager Planning Services. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services;
14. Prior to the commencement of any works, a "Storm water management plan" shall be submitted and approved by the Manager Planning Services. All storm water disposal shall be accordance with the approved storm water management plan;
15. Prior to the commencement of any works, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services;

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

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

17. Prior to the occupation of the development the landowner shall enter into a binding agreement with Council to maintain the proposed car parking bays and proposed landscaping in the Hedditch Street verges for two years to the satisfaction of the Manager Planning Services;
18. Prior to the occupation of the “Arts and Craft Centre” landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services. (Refer to advice note 4);
19. Prior to the occupation of the “Arts and Craft Centre” development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
20. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and

21. Prior to the occupation of the “Arts and Craft Centre” development the driveways and crossover shall be designed and constructed in accordance with Council’s Crossover Policy 9/005, and approved by the Manager Planning Services.

ADVICE NOTES:

1. In terms of the Port Hedland Town Planning Scheme No 5, “Arts and Craft Centre” are defined as follows and shall only be used for this purpose:

“Arts and Craft Centre,

land or buildings used to create, display and/or sell works of art and craft.”
2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
3. The Town of Port Hedland’s Building Services advise the landowner is to ensure all proposed works comply with the relevant provisions of the Building Act 2011 and any other relevant legislation, having particular regard to:
 - a. Disabled access and facilities to comply with the Building Codes of Australia Volume 1.1 Part D.
4. In the absence of a clear definition of “mature trees and shrubs” with the Port Hedland Town Planning Scheme No. 5, for the purpose of this approval “mature trees and shrubs” shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height;
5. Waste receptacles shall be stored in a suitable enclosure, provided to the specifications of Council’s Health Local Laws 1999;
6. The “Arts and Craft Centre” development shall comply with the Environmental Protection (Noise) Regulations 1997, at all times;
7. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval; and
8. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.

- C. Requests the applicant to enter into discussions with the Manager Investments and Business Development for Leasing options in relation to land tenure and in accordance with Council's Leasing Policy.

201213/295 Council Decision

Moved: Cr Carter

Seconded: Cr Gillingham

That Council:

- A. Requests the applicant to make the following amendments and have approved by the Manager Planning Services:**
- i. Two (2) car parking bays shall be provided onsite for the exclusive use of the Caretaker's Dwelling; and**
- B. Subject to (A) above approves the application submitted by RPS on behalf of the Department of Regional Development and Lands, to construct Arts and Crafts Centre (Two Artist Studios) and Caretaker's Dwelling on Lot 3267 Hedditch Street, South Hedland, subject to the following conditions:**
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 - 3. No sales or exhibition of arts and crafts may occur on the site on a regular basis. Notwithstanding this, arts and crafts may be sold during special events subject to these events being approved by the Manager Planning Services;**
 - 4. A minimum of eight car parking bays shall be provided including two car parking bays onsite and six car parking bays within the road reserve, including a minimum of one disabled car parking bay as indicated on the approved site plan (DRG2012/653/7);**
 - 5. No parking bays shall be obstructed in any way or used for any other purpose than parking;**

6. **Roof mounted or freestanding plant or equipment such as air conditioning units shall be located and / or screened to the satisfaction of the Manager Planning Services;**
7. **Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowners cost, to the specification and satisfaction of the Manager Technical Services;**
8. **The proposed development shall be connected to reticulated mains sewer;**

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

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10. **Prior to the commencement of any works, the landowner shall submit civil engineering drawings for approval by the Manager Planning Services for the 6 off site car parking bays within the Hedditch Street Road Reserves, to be constructed to the satisfaction of the Manager Technical Services at the expense of the landowner;**
11. **Prior to the commencement of any works a detailed landscaping and reticulation plan including any street verges, shall be submitted and approved by the Manager Planning Services. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001;**
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 - c. The parking arrangements for the contractors and subcontractors;
 - d. Impact on traffic movement;
 - e. Operation times including delivery of materials;
 - f. All dust and sand to be contained on site with the use of suitable dust suppression techniques; and
 - g. Other matters likely to impact on the surrounding residents / businesses;

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17. Prior to the occupation of the development the landowner shall enter into a binding agreement with Council to maintain the proposed carparking bays and proposed landscaping in the Hedditch Street verges for two years to the satisfaction of the Manager Planning Services;

18. Prior to the occupation of the “Arts and Craft Centre” landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services. (Refer to advice note 4);
19. Prior to the occupation of the “Arts and Craft Centre” development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
20. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and
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ADVICE NOTES:

1. In terms of the Port Hedland Town Planning Scheme No 5, “Arts and Craft Centre” are defined as follows and shall only be used for this purpose:

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3. The Town of Port Hedland’s Building Services advise the landowner is to ensure all proposed works comply with the relevant provisions of the Building Act 2011 and any other relevant legislation, having particular regard to:

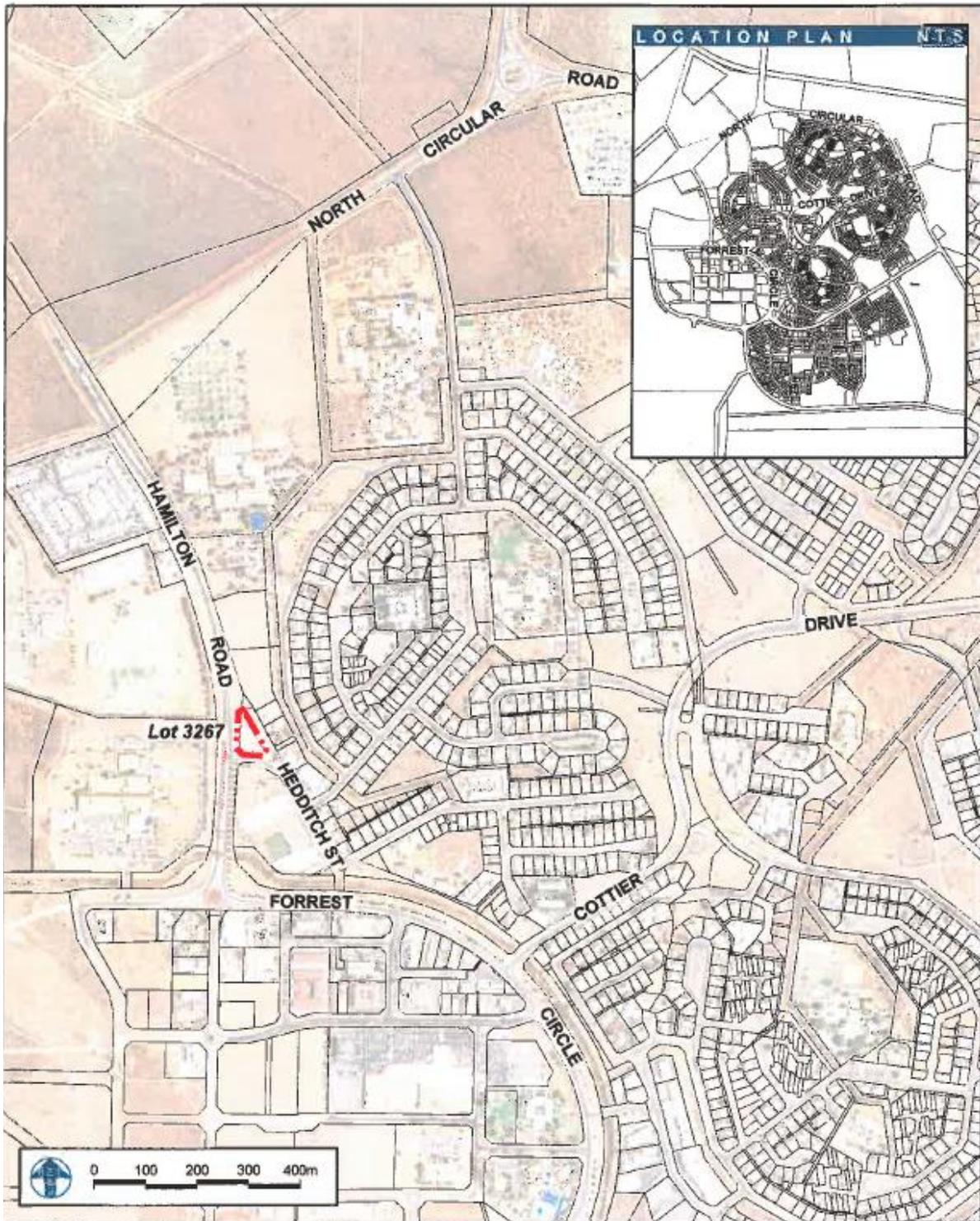
- a. Disabled access and facilities to comply with the Building Codes of Australia Volume 1.1 Part D.
4. In the absence of a clear definition of “mature trees and shrubs” with the Port Hedland Town Planning Scheme No. 5, for the purpose of this approval “mature trees and shrubs” shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height;
 5. Waste receptacles shall be stored in a suitable enclosure, provided to the specifications of Council’s Health Local Laws 1999;
 6. The “Arts and Craft Centre” development shall comply with the Environmental Protection (Noise) Regulations 1997, at all times;
 7. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval; and
 8. To clear any conditions kindly contact the Towns Compliance Officer on (08) 9158 9300. Please note it may take up to 28 days to clear conditions.
- C. Requests the applicant to enter into discussions with the Manager Investments and Business Development for Leasing options in relation to land tenure and in accordance with Council’s Leasing Policy.

CARRIED 8/0

5:48pm Cr Hooper re-entered the room and resumed his chair.

The Mayor advised Cr Hooper of Council’s decision.

ATTACHMENT 1 TO ITEM 6.1.1



--- Subject Site

LOCATION PLAN

Property Description
**Lot 3267 Hedditch Street,
 SOUTH HEDLAND**

Base data supplied by Lenogris, Aerial Photography dated 2009.
 Accuracy +/- 4m. Projection MGA Zone 50.
 Areas and dimensions shown are subject to final survey calculations.
 All carriageways are shown for illustrative purposes
 only and are subject to detailed engineering design.

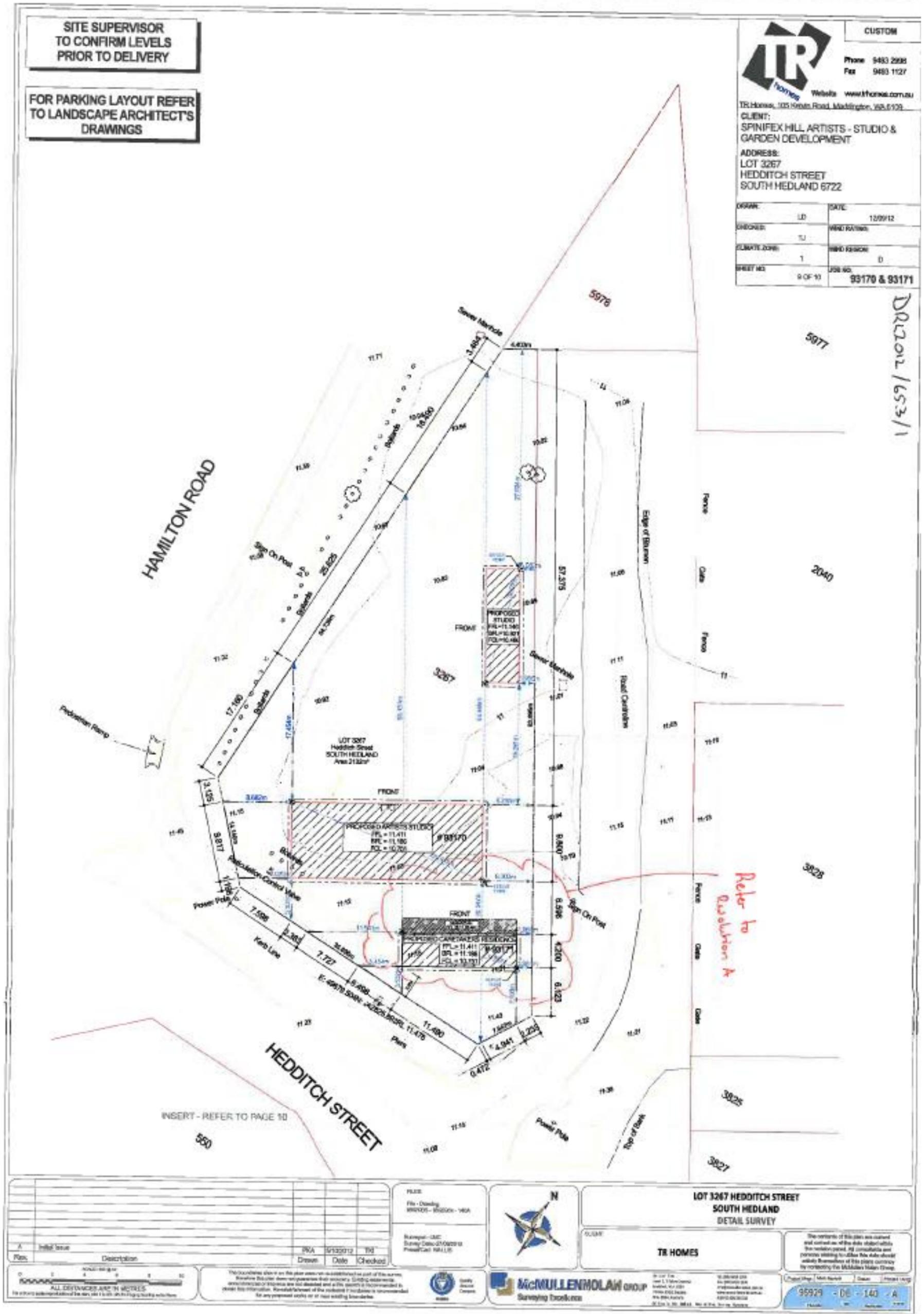
Phdan Construction : CLIENT
 1:10.000@A4 : SCALE
 6 December 2012 : DATE
 115242_1-5-001.dgn : PLAN No
 - : REVISION
 L.R. : PLANNER
 R.F. : DRAWN
 L.R. : CHECKED



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 T +61 8 9211 1111
 F +61 8 9211 1122
 W rpsgroup.com.au

FIGURE 1



SITE SUPERVISOR
TO CONFIRM LEVELS
PRIOR TO DELIVERY

FOR PARKING LAYOUT REFER
TO LANDSCAPE ARCHITECT'S
DRAWINGS

TR HOMES CUSTOM

Phone 9483 2888
Fax 9483 1127
Website www.trhomes.com.au

TR Homes, 105 Hobart Road, Madingley, 605, 6102

CLIENT:
SPINIFEX HILL ARTISTS - STUDIO &
GARDEN DEVELOPMENT

ADDRESS:
LOT 3267
HEDDITCH STREET
SOUTH HEDLAND 6722

DATE:	LD	DATE:	12/09/12
DRAWN:	TJ	FIELD NUMBER:	
CLIMATE ZONE:	1	FIELD NUMBER:	0
SHEET NO:	9 OF 10	JOB NO:	93170 & 93171

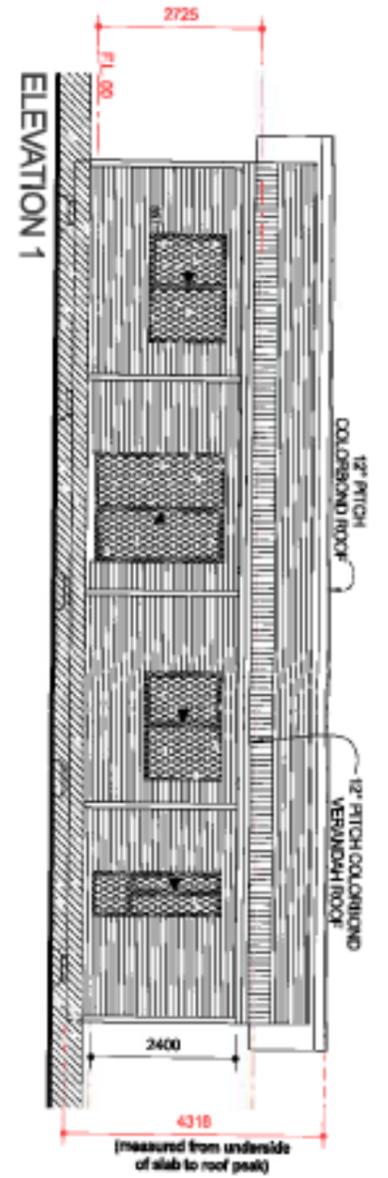
DR12012/653/1

Refer to
Evolution A

INSERT - REFER TO PAGE 10

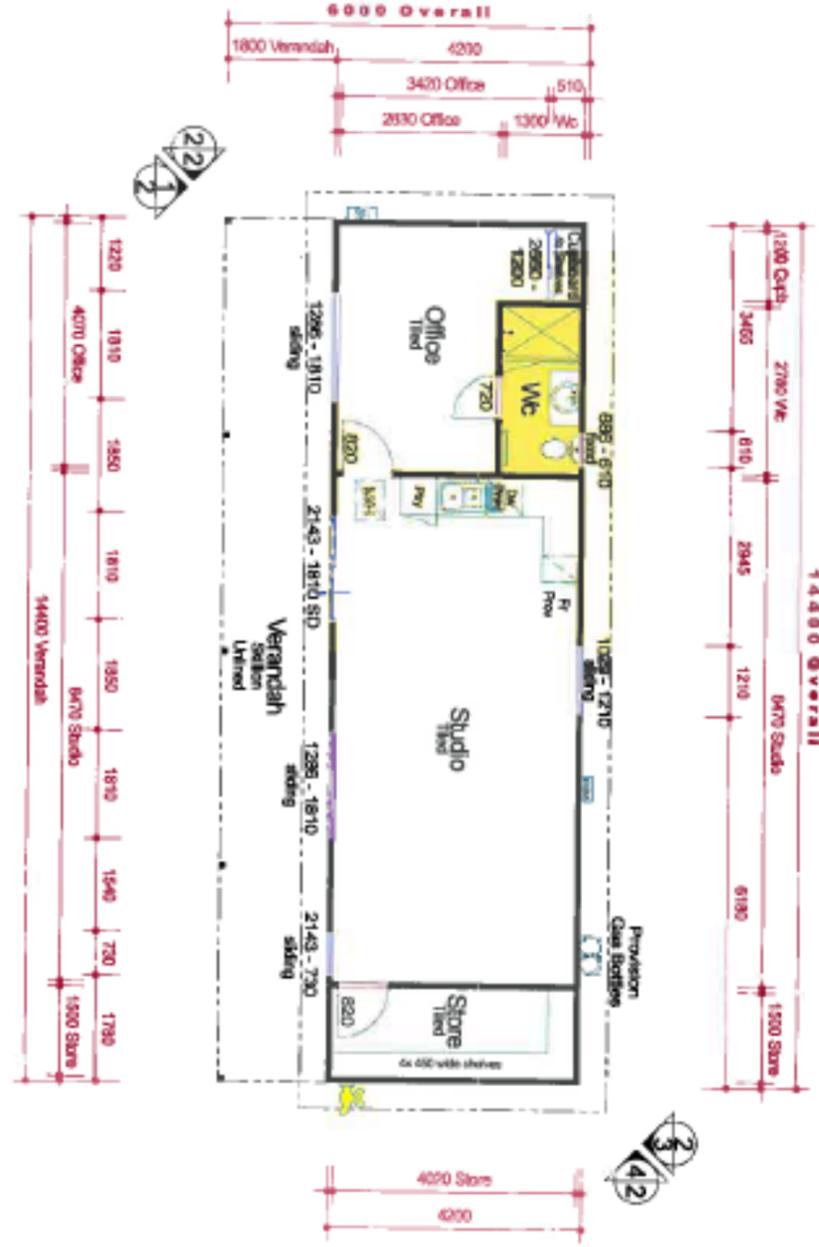
<p>FILED</p> <p>File - Closing</p> <p>999005 - 999006 - 9990</p>			<p>LOT 3267 HEDDITCH STREET SOUTH HEDLAND DETAIL SURVEY</p>	<p>TR HOMES</p>	<p>The contents of this plan are correct and correct as of the date stated on the certificate of registration. All conditions and provisions relating to this plan shall apply to the extent of the plan's currency by reference to the McMillen Molau Group.</p>
<p>Surveyor - LMC</p> <p>Survey Date: 27/09/2012</p> <p>Project: Lot 3267</p>					
<p>Scale: 1:1000</p> <p>ALL DIMENSIONS ARE IN METRES</p> <p>To a curve, the radius of the curve shall be 1000m unless otherwise stated.</p>		<p>McMULLENMOLAU GROUP</p> <p>Surveying Excellence</p>		<p>95929 - 00 - 140 - A</p>	

DA 2012/653/2



ELEVATION 1

- FLOOR PLAN
- PRELIMINARY DRAWING
- 2725mm HIGH CEILINGS THROUGHOUT (unless noted otherwise)
- 450mm WIDE EAVES (unless noted otherwise)



TR
 Builders

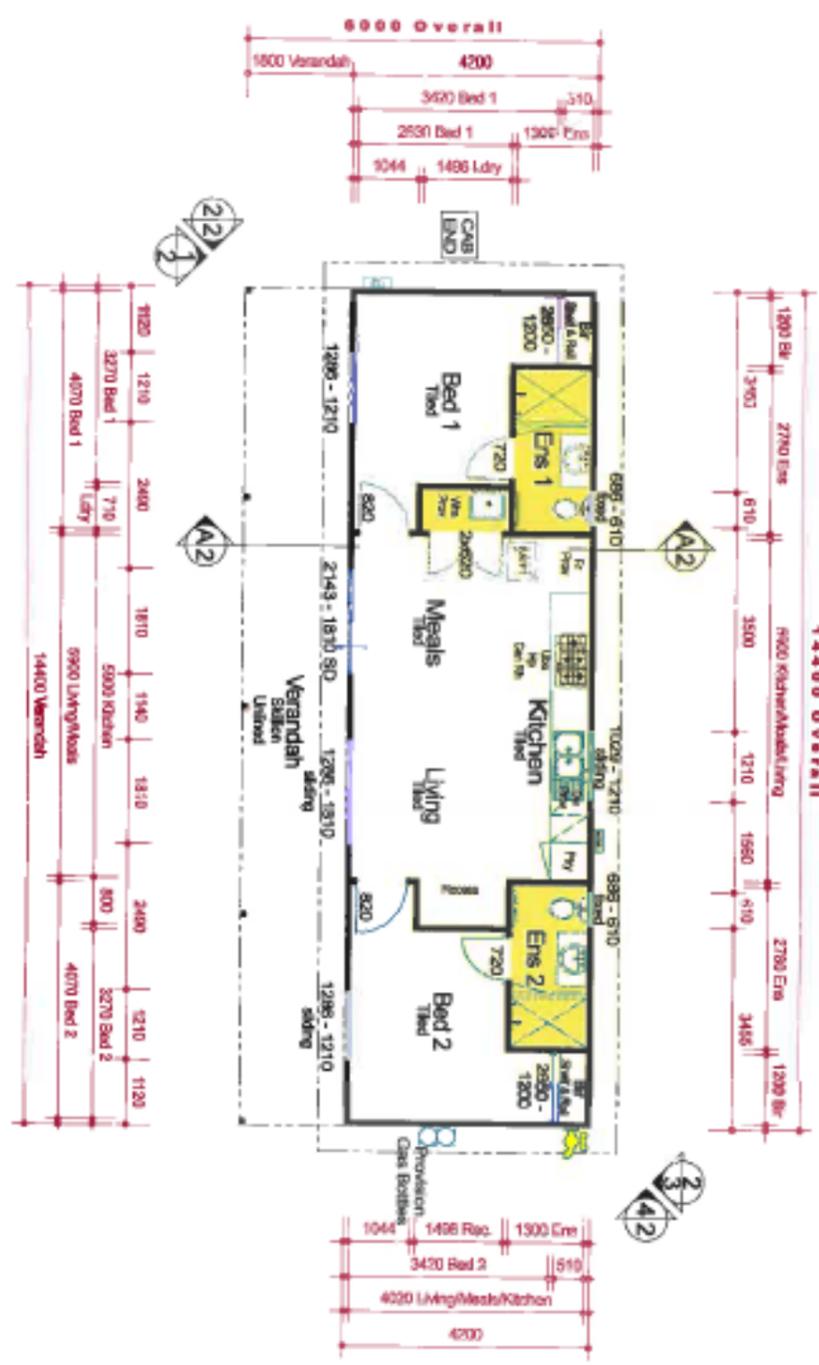
PROPOSED RESIDENCE
 FOR: Spinifex Hill Artists - Studio and Garden Development
 AT: LOT 3267
 Hedditch St
 SOUTH HEDLAND 6722

CLIENT SIGNATURE	DATE SIGNED
CLIENT SIGNATURE	DATE SIGNED
VNO NO.	VNO DATE
VNO NO.	VNO DATE
VNO NO.	VNO DATE

AREAS BUILDING 60.48M ² VERANDAH 33.30M ² TOTAL 93.78M ² PERIMETER 37.20M	Studio DRAWN: GSKLD DATE: 30/10/2012 SCALE: 1:100 JOB No. 92505,
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DRG 2012/653/5

- 275mm HIGH CEILINGS THROUGHOUT**
(unless noted otherwise)
- 450mm WIDE EAVES**
(unless noted otherwise)
- CYCLONIC SPECIFICATION TO ALL FRAMES, EXTERNAL DOORS, WINDOWS & FIXINGS**



PH - 9493 2888
 FAX - 9493 1127
 EMAIL - info@trbuilders.com.au
 105 Kean Rd, Mandurah, WA, 61509

copyright ©
 TR HOMES WA
 BUILDERS REG. NO. 12004

PROPOSED RESIDENCE
 FOR: Spinifex Hill Artists - Studio and Garden Development
 AT: LOT 3267
 Heddlich St
 SOUTH HEDLAND 6722

CLIENT SIGNATURE	DATE SIGNED
CLIENT SIGNATURE	DATE SIGNED
W/O NO. ABSA REC	W/O DATE: 241012 LD
W/O NO.	W/O DATE:
W/O NO.	W/O DATE:

FINAL CONTRACT DRAWINGS - NO FURTHER STRUCTURAL CHANGES TO BE MADE

FLOOR PLAN
 SHEET 1 OF 10 DRGS
 CLIMATIC ZONE 1
 WIND REGION = D

CLIENT NOTE

DIMENSIONS SHOWN ON PLAN ARE TO FRAME STUDS. PLEASE ALLOW AN APPROPRIATE TOLERANCE TO EACH WALL FOR LININGS & CLADDING. THIS ALLOWANCE SHOULD BE CONSIDERED WHEN CALCULATING CLEARANCES FOR FUTURE FITTINGS & DIMENSIONS TAKE PREFERENCE TO SCALE.

ALL ELECTRICAL POINTS ARE PLACED AT THE DISCRETION OF THE BUILDER EXHAUST FAN POSITIONS ARE APPROXIMATE
 MANHOLE POSITIONS ARE APPROXIMATE
 ADDITIONAL AIR CONDITIONING MAN HOLES SHALL BE INSTALLED AT BUILDERS DISCRETION

FINAL LOCATION OF HOT WATER SYSTEM IS GOVERNED BY BUILDING REGULATIONS AND AT THE DISCRETION OF THE PLUMBER
 THIS PLAN IS TO BE READ IN CONJUNCTION WITH TR HOMES STANDARD SPECIFICATION

INSULATION REQUIREMENTS

ROOF INSULATION - (1.5 Rf/ Raft)
 CEILING INSULATION - (R4 BATT)
 EXT WALL INSULATION - (R2 BATT & Permabead SS)
 FLOOR INSULATION - (Earthwearer to base of fill)

AREAS

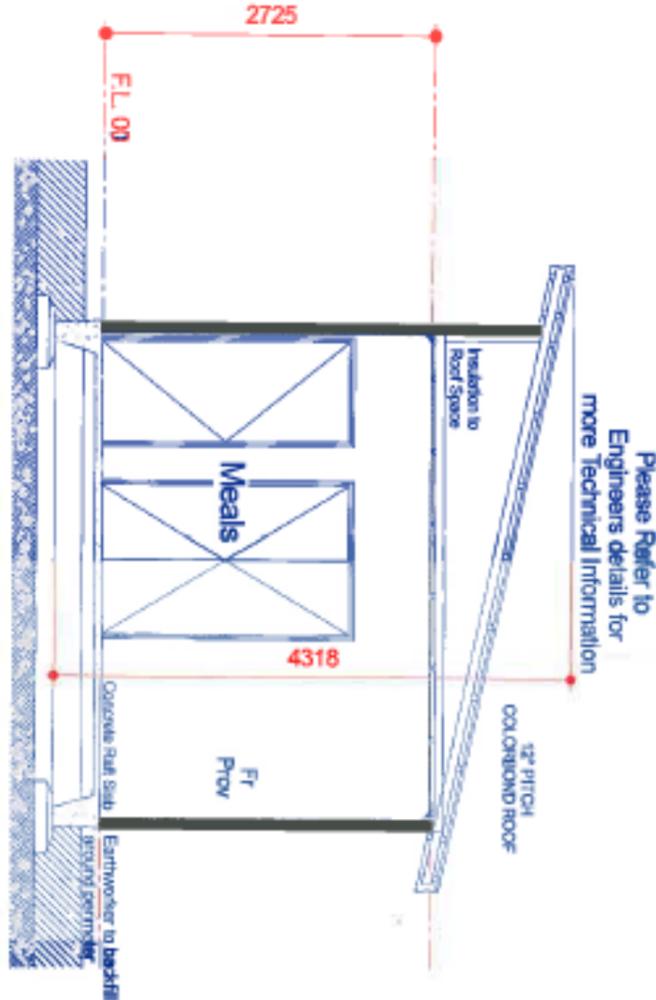
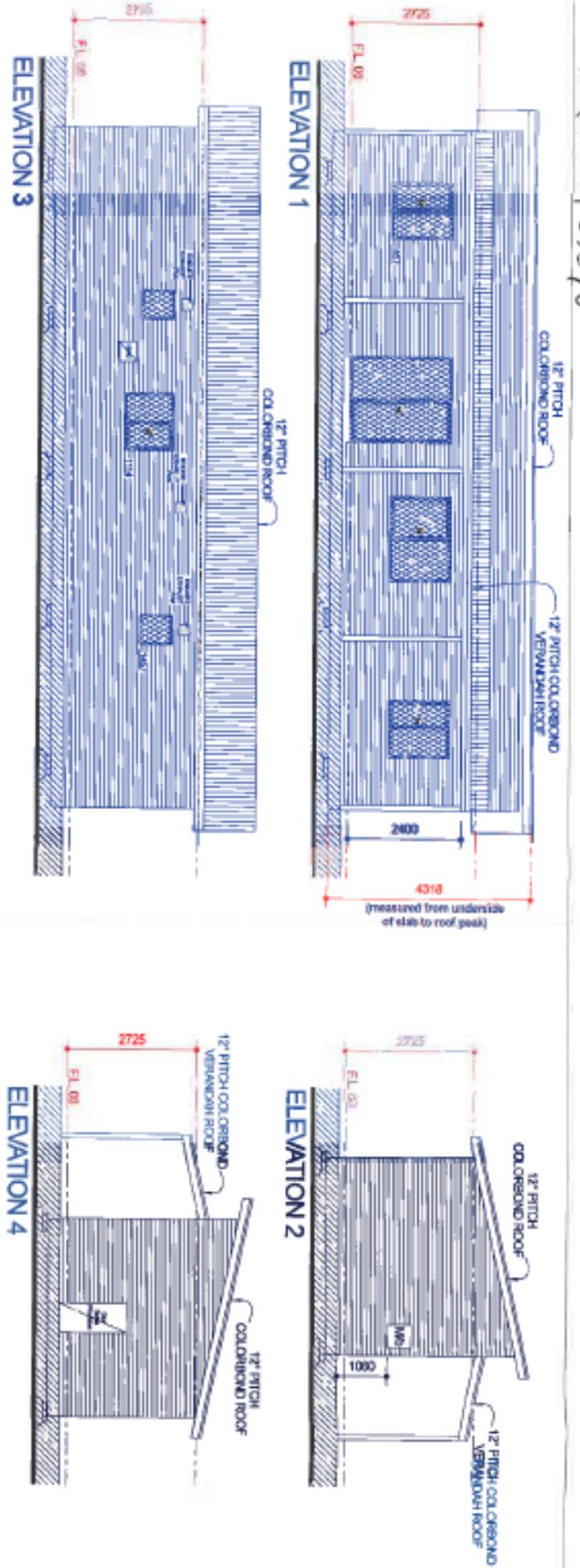
HOUSE	60.48m ²
VERANDAH	33.30m ²
TOTAL	113.98m ²
PERIMETER	37.20m



Caratmakers Unit

DRWNO. - 03ALD	DATE - 12/08/2012
SCALE - 1:100	JOB NO. 93171.

DA 2012/653/6



SECTION A-A
Scale 1:50

PROPOSED RESIDENCE
FOR: Spinifex Hill Artists - Studio and Garden Development
AT: LOT 3267
Hedditch St
SOUTH HEDLAND 6722

PH: 9483 2888
FAX: 9483 1127
EMAIL: info@trbuilders.com.au
105 Keelin Rd, Meddington, WA, 6109

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BUILDERS REG. NO. 12004

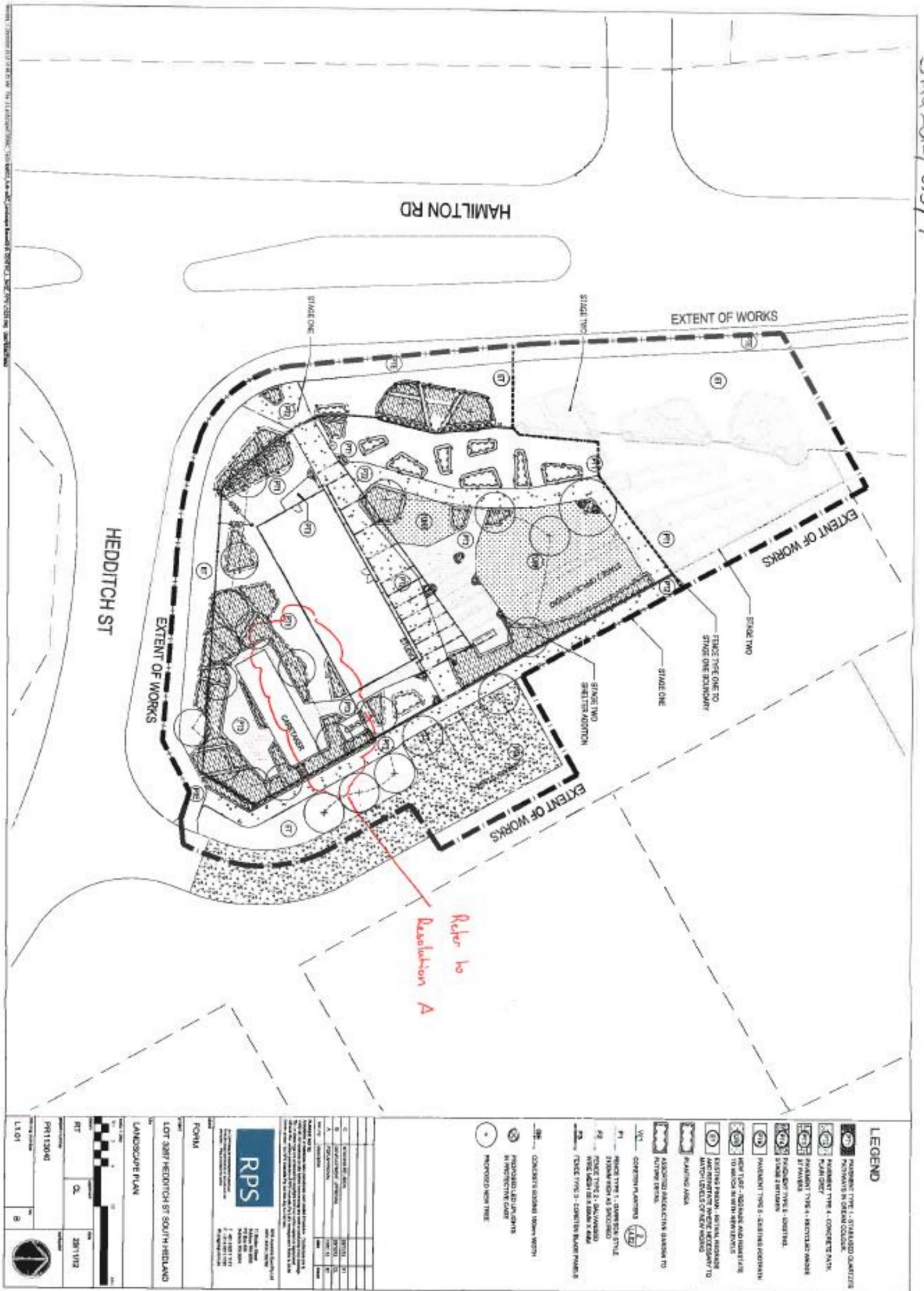
CLIENT SIGNATURE	DATE SIGNED
CLIENT SIGNATURE	DATE SIGNED
VO NO: ABSA REC	VO DATE: 24/10/12 LD
VO NO:	VO DATE:
VO NO:	VO DATE:

Caretakers Unit
DRAWN: GSKLD
DATE: 13/03/2013
SCALE: 1:100
JOB No. 93171.

FINAL CONTRACT DRAWINGS - NO FURTHER STRUCTURAL CHANGES TO BE MADE

- ELEVATIONS & SECTION**
- SHEET 2 OF 10 DRCS
- CLIMATIC ZONE 1
- WIND REGION = D
- HIGHEST POINT
4318 AFL
- 2725mm HIGH CEILINGS THROUGHOUT (unless noted otherwise)
- 450mm WIDE EAVES (unless noted otherwise)
- 2143mm WINDOW HEAD HEIGHT (unless noted otherwise)
- FOOTING PLACEMENTS INDICATIVE ONLY (Refer to engineering)
- CYCLONIC SPECIFICATION TO ALL FRAMES, EXTERNAL DOORS, WINDOWS & FIXINGS
- CYCLONIC SCREENS
- COLOREBOND CLADDING

DA 2012/653/7



Refer to Resolution A

LEGEND

- PAVING TYPE 1 - STABILISED QUARTZ
- PAVING TYPE 4 - CONCRETE PATH
- PAVING TYPE 5 - ASPHALT
- PAVING TYPE 6 - ASPHALT
- PAVING TYPE 7 - ASPHALT
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- PAVING TYPE 99 - ASPHALT
- PAVING TYPE 100 - ASPHALT

FORM

LOT 3287 HEDDITCH ST SOUTH HIGHLAND

LANDSCAPE PLAN

RT 281/112

PR113040

L101

RPS

281/112

6.2 Engineering Services

5:45pm Councillor Hunt, Councillor Dziombak and Councillor Daccache declared a financial interest in Agenda Item '6.2.1 Tender 12/09 Design & Construction of South Hedland Bowls & Tennis Club Redevelopment (File No.: 26/13/0020)' as they have BHP Billiton shares over the statutory threshold.

Councillor Hunt, Councillor Dziombak and Councillor Daccache left the room.

6:39pm Councillor Jacob declared an impartiality interest in Agenda Item '6.2.1 Tender 12/09 Design & Construction of South Hedland Bowls & Tennis Club Redevelopment (File No.: 26/13/0020)' as she has an association with a BHP employee.

Mayor Howlett declared an impartiality interest in Agenda Item '6.2.1 Tender 12/09 Design & Construction of South Hedland Bowls & Tennis Club Redevelopment (File No.: 26/13/0020)' as she is a member of the South Hedland Bowls & Tennis Club.

Councillor Jacob and Mayor Howlett did not leave the room.

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

Officer **Anthony Williams**
Project Development
Officer

Date of Report **5 February 2013**

Disclosure of Interest by Officer **Nil**

Summary

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

This item was presented at the Ordinary Meeting on Wednesday 6 March 2013; however Council was not able to consider it due to a lack of quorum. This item is now being presented for Council's consideration at its Special meeting this Wednesday 13 March 2013.

Background

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

“That Council:

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

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

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

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

Consultation

External

- South Hedland Bowling and Tennis Club

Internal

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

Statutory Implications

This tender was called in accordance to the *Local Government Act (1995)*:

3.57. Tenders for providing goods or services

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

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

“5.23 Meetings generally open to public

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

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

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

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

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

Policy Implications

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

Strategic Planning Implications

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

6.1 Community

6.1.1 Unified

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

6.1 Community

6.1.2 Vibrant

Provide access to recreational, cultural, entertainment facilities and opportunities

Commit to improving the quality of life and wellbeing of residents

Budget Implications

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

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

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

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

Compulsory

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

Optional

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

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

Officer's Comment

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

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

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

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

Jaxon Construction (Alternatives 1 & 2)

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

Hutchinson Builders (Alternatives 1 & 2)

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

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

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

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

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

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

Experience

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

Resources

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

Understanding of Works Under Contract

Pilbara Constructions provided a design methodology that was detailed and made allowances for client reviews. Considerations were made in the design methodology for smart design principles including crime prevention techniques. The work schedule appeared adequate however would be reviewed and detailed further upon award of tender. Clarifications were sought to ensure that Development Application and Building Permit processes (inclusive of independent certification) were included.

Local Industry Development

Pilbara Construction has demonstrated a high level of local investment through employment opportunities, community support initiatives and training for all local staff.

Summary

The tender evaluation panel is confident that Pilbara Constructions will complete the proposed contract works as per their submission in accordance with the tender requirements to fully satisfy the project outcomes. It is recommended that the contract is awarded to Pilbara Constructions.

Attachments

1. Confidential Summary of Prices Submitted (Under Separate Cover)

201213/296 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Jacob****That Council:**

1. **Awards Contract 12/09 Design & Construction of South Hedland Bowls & Tennis Club Redevelopment to Pilbara Constructions in accordance with their tendered scope of works excluding optional items; and**
2. **Permits optional items to be reconsidered as a variation to Contract 12/09 if the project contingency becomes available.**

CARRIED 6/0

5:52pm Councillor Hunt, Councillor Dziombak and Deputy Mayor Daccache re-entered the room.

The Mayor advised Councillor Hunt, Councillor Dziombak and Councillor Daccache of Council's decision.

6.3 Community Development

Nil

6.4 Corporate Services**6.4.1 *Adoption of 2013/14 Fees and Charges and Elected Member Allowances***

Officer Natalie Octoman
Director Corporate Services

Date of Report 7 March 2013

Disclosure of Interest by Officer Nil

Summary

For the Council to consider the adoption of the 2013/14 fees and charges to commence from 1 July 2013, the adoption of Elected Member allowances to be incorporated into the 2013/14 Annual Budget, and the rescission of Policy 4/003 Annual Attendance Fee for Council Members.

Background

Each year Officers review the fees and charges set by the Council to ensure that the Town is obtaining adequate recovery for any goods or service it provides or proposes to provide. In the past the adoption of fees and charges has always occurred at the same time as the adoption of the Annual Budget.

Due to the notification period of price increases for some of the Town's customers, in some cases 90 days, Officers are proposing that Council consider adopting the fees and charges prior to the Annual Budget adoption. This will ensure that the new fees and charges will be effective as of the 1st July irrespective of when the Town's Annual Budget is adopted, ensure that there is no loss of revenue for a period where the Budget may not be adopted, and also allow Officers to notify customers so that they have a sufficient notification period to ensure appropriate planning for their businesses.

Consultation

- Officers of the Town of Port Hedland
- Budget Forum held on 6 March 2013 with Elected Members

Statutory Implications

Local Government Act 1995

2.7. The role of the council

5.98 Fees etc. for council members

5.98A Allowance for deputy mayor or deputy president

5.99 Annual fee for council members in lieu of fees for attending meetings

5.99A Allowances for council members in lieu of reimbursement of expenses

6.2. Local government to prepare annual budget

6.16 Imposition of fees and charges

6.17 Setting level of fees and charges

6.18 Effect of other written laws

6.19 Local government to give notice of fees and charges

Local Government (Financial Management) Regulations 1996

5. Financial management duties of the CEO

25. Fees and charges information

Waste Avoidance and Resources Recovery Act 2007 Part 6, Division 4

67. Local Government may impose receptacle charge

Local Government (Administration) Regulations 1996

33. Annual local government allowance for mayors or presidents (Act s. 5.98(5))

33A. Annual local government allowance for deputies (Act s 5.98A)

34. Annual attendance fees (Act s. 5.99)

34A. Allowances in lieu of reimbursement of telephone etc. expenses (Act s. 5.99A)

34AA. Allowances in lieu of reimbursement of information technology expenses (Act s. 5.99A)

Policy Implications

4/003 Annual Attendance Fee for Council Members

Strategic Planning Implications

Strategic Community Plan 2012 – 2022

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

- Fiscal accountability

Budget Implications

The adoption of the 2013/14 fees and charges, and Elected Member allowances will not have any implications on the current 2012/13 Budget.

Budget implications for 2013/14 will be reflected in the 2013/14 Annual Budget when presented to Council for consideration, although it would represent an overall increase in fees and charges to be collected. There will be no change in the Elected Member allowances for the 2013/14 Annual Budget.

Officer's Comment

2013/14 Fees and Charges

The Town is recommending approximately 652 fees with approximately 12 free items. The Town's Executive and Management Group have reviewed all fees and charges that are applicable to their areas. This review has resulted in many modifications being made whether it be fees that have been removed due to obsolete equipment, or new fees included to cover the new equipment available.

During the review, Officers have undertaken extensive work around the fees and charges to ensure the maximum cost recovery to the Town. Officers have:

- Contacted / Viewed other Local Government's Fees and Charges;
- Utilised correct charging factors where necessary, especially around the Landfill operations;
- Compared charges against respective industries where applicable; and
- Ensured all equipment and services that can be offered by the Town are captured.

For 2013/14 a Pricing Principles paper was prepared in order to provide the Elected Members and the community with a guide to how the fees and charges have been determined. This has been included as Attachment 1 for consideration, with the overarching principles outlined as follows:

Pricing Principles	Pricing Basis
Public Benefit – service provides a broad community benefit and therefore full cost recovery should not apply. Partial cost recovery could apply in some circumstances.	Zero to partial cost recovery
Private Benefit – service benefits particular users making a contribution to their individual income, welfare or profits generally without any broader benefits to the community.	Full Cost Recovery
Shared Benefit – service provides both community benefits and a private benefit.	Partial cost recovery
Regulatory – fee or charge fixed by legislation	Regulatory

Where the fees are not associated with regulation or cost recovery principles, either partial or full, it is recommended to increase these fees and charges by 4.8%. This is on the basis that the Local Government Cost Index for December is 2.9%, and in recognising that it is 60-70% more costly for Council to undertake business in the Pilbara, a Pilbara loading has then been applied equating to an additional 1.9% (65% of 2.9%).

It should be noted that Carbon Tax charges have not been added to Landfill or Airport operations as work is still continuing to ensure the correct charges are applied. Once determined these charges will be added to the existing charges and presented back to Council for consideration.

Charging residents for disposal of domestic waste to the landfill was discussed with Elected Members at the Budget Forum where it was indicated that the costs of running the landfill should be partially recovered from residents and not just the commercial operators. This is the subject of continued debate, and a more detailed paper will be presented to Council in the future. Given this, at this stage it is not proposed to introduce a new fee for private residents disposing of domestic waste at the landfill in this agenda.

As previously mentioned the Town is required to provide at least 90 days notice of any price increases to particular companies so that they have sufficient time to incorporate the fees into their pricing structures. Previously, Officers have notified customers by advising them of the possible percentage price increase indicating that it was still subject to a Council decision. This has caused confusion to some customers who pass these costs on as the actual price increase which may then differ from the final increase adopted by Council.

With Council adopting the 2013/14 fees and charges now, Officers will be able to notify all current customers in writing of the fee or charge that will be effective as of the 1st July 2013.

Council should note that as per Local Government regulations these fees and charges will be presented to Council within the Annual Budget.

Elected Member Allowances

During the Budget Forum held with Elected Members, allowances were discussed. The allowances provided to Elected Members are currently at the maximum amount allowable under the *Local Government (Administration) Regulations*. While there is currently a review being undertaken by the Government in terms of how they may be determined in the future, this has not been finalised.

It was outlined that while the Council could determine to pay Elected Members based on a fee per meeting, as allowed within the legislation, that this is administratively time consuming and would not recognise the amount of time Elected Members spend on Council business outside of these meetings. It is therefore recommended that this approach not be undertaken.

However, within the current Council Policies exists Policy 4/003 Annual Attendance Fee for Council Members which was adopted by Council at its Ordinary Meeting held 24 November 2004. This Policy is outdated and inconsistent with the legislative allowances and proposed Elected Member Allowances. It is therefore recommended that the Policy be rescinded.

In summary, Council is being requested to consider the adoption of the 2013/14 Fees and Charges as per Attachment 2; adopt the Council Member allowances proposed for 2013/14; and to rescind Policy 4/003 Annual Attendance Fee for Council Members.

Attachments

1. Pricing Principles
2. Proposed Fees & Charges for 2013/14 (Under Separate Cover)

Officer's Recommendation

That Council:

1. Supports the Pricing Principles used by the Town in setting fees and charges as outlined in Attachment 1;
2. Adopt the proposed fees and charges for 2013/14 outlined in Attachment 2 to be effective from 1 July 2013;
3. Pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, that Council imposes the following charges for the 2013/14 financial year effective from 1 July 2013:

- a) An annual Classic Domestic Bin Service charge of \$265.00 for one (1) service per week of verge collection waste from a 240 Litre Mobile Garbage Bin;
 - b) An annual Premium Domestic Bin Service charge of \$470.00 for one (1) service per week of verge collection waste from a 240 Litre Mobile Garbage Bin where the bin is manually picked up from the property, emptied and returned; and
 - c) An annual Premium Bin Service charge of \$1,030.00 for one (1) service per week of verge collection waste from a 660 Litre Mobile Garbage Bin where the bin is manually picked up from the property, emptied and returned.
4. Pursuant to sections 5.99, 5.99A, 5.98(5), 5.98A of the Local Government Act 1995 and regulations 33, 33A, 34, 34A, 34AA, of the *Local Government (Administration) Regulations 1996*, that Council adopts the following Council Member fees and allowances for 2013/14:

Meeting Fees (x 1 for Councillors, x 2 for Mayor)	\$7,000
Communication Allowance	\$2,400
Technology Allowance (or access to a laptop)	\$1,000
Mayor Allowance	\$60,000
Deputy Mayor Allowance	\$15,000

5. Rescinds Policy 4/003 Annual Attendance Fee for Council Members; and
6. Endorse the advertising of the 2013/14 proposed fees and charges commencing on 1 July 2013 as per the legislative requirements.

NOTE: ABSOLUTE MAJORITY VOTE REQUIRED

Alternative Officer's Recommendation

That Council:

1. Supports the Pricing Principles used by the Town in setting fees and charges as outlined in Attachment 1;
2. Adopt the proposed fees and charges for 2013/14 outlined in Attachment 2 to be effective from 1 July 2013, with the following changes:
 - a) Removal of Certificate of Building Compliance (includes 1 inspection) on line 935;
 - b) Removal of Certificate of Construction Compliance on line 936;

- c) Insertion of additional 'Fast tracking fee for the following non-legislated building fees' at a cost of application fee plus 50%:
 - i) Certificate of Design Compliance
 - ii) Certificate of Construction Compliance
 - iii) Certificate of Building Compliance
- 3. Pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, that Council imposes the following charges for the 2013/14 financial year effective from 1 July 2013:
 - a) An annual Classic Domestic Bin Service charge of \$265.00 for one (1) service per week of verge collection waste from a 240 Litre Mobile Garbage Bin;
 - b) An annual Premium Domestic Bin Service charge of \$470.00 for one (1) service per week of verge collection waste from a 240 Litre Mobile Garbage Bin where the bin is manually picked up from the property, emptied and returned; and
 - c) An annual Premium Bin Service charge of \$1,030.00 for one (1) service per week of verge collection waste from a 660 Litre Mobile Garbage Bin where the bin is manually picked up from the property, emptied and returned.

201213/297 Council Decision

Moved: Cr Carter

Seconded: Mayor Howlett

That Council:

- 1. Supports the Pricing Principles used by the Town in setting fees and charges as outlined in Attachment 1;**
- 2. Adopt the proposed fees and charges for 2013/14 outlined in Attachment 2 to be effective from 1 July 2013, with the following changes:**
 - a) Removal of Certificate of Building Compliance (includes 1 inspection) on line 935;**
 - b) Removal of Certificate of Construction Compliance on line 936;**
 - c) Insertion of additional 'Fast tracking fee for the following non-legislated building fees' at a cost of application fee plus 50%:**
 - i) Certificate of Design Compliance**
 - ii) Certificate of Construction Compliance**
 - iii) Certificate of Building Compliance**

- d) Deferral of the proposed fees on lines
- 135 - Sports Ground Lighting Low light level per hour
 - 136 - Sports Ground Lighting Medium light level per hour
 - 137 - Sports Ground Lighting High light level per hour
 - 158 - Recreation Facilities Child entry
 - 173 - Recreation Facilities Swimming Lessons In Term Swimming Entry
 - 1209 - Cemetery Fees Grave Site Digging, Digging grave to 1.8m deep - adults Weekdays
 - 1210 - Cemetery Fees Grave Site Digging , Digging grave to 1.8m deep - adults Saturdays
 - 1211 - Cemetery Fees Grave Site Digging , Digging grave to 1.8m deep - adults Sundays / Public Holidays
 - 1214 - Cemetery Fees Grave Site Digging , Digging grave to 1.2m deep – child under 5 years Weekdays
 - 1215 - Cemetery Fees Grave Site Digging , Digging grave to 1.2m deep – child under 5 years Saturdays
 - 1216 - Cemetery Fees Grave Site Digging , Digging grave to 1.2m deep – child under 5 years Weekdays Sundays / Public Holidays
 - 1280 - Port Hedland International Airport Parking, Long term Parking, per day or part thereof
 - 1281 - Port Hedland International Airport Parking, Long term Parking, More than 7 days

with the Chief Executive Officer to provide a report to Council to consider alternative pricing at the earliest opportunity;

- e) That the Chief Executive Officer prepare a report for Council's consideration on the inclusion of discounted fees and charges relating to a pensioner's rate for waste management charges;

3. Pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, that Council imposes the following charges for the 2013/14 financial year effective from 1 July 2013:

- a) An annual Classic Domestic Bin Service charge of \$265.00 for one (1) service per week of verge collection waste from a 240 Litre Mobile Garbage Bin;
- b) An annual Premium Domestic Bin Service charge of \$470.00 for one (1) service per week of verge collection waste from a 240 Litre Mobile Garbage Bin where the bin is manually picked up from the property, emptied and returned; and

- c) An annual Premium Bin Service charge of \$1,030.00 for one (1) service per week of verge collection waste from a 660 Litre Mobile Garbage Bin where the bin is manually picked up from the property, emptied and returned;
4. Pursuant to sections 5.99, 5.99A, 5.98(5), 5.98A of the Local Government Act 1995 and regulations 33, 33A, 34, 34A, 34AA, of the *Local Government (Administration) Regulations 1996*, that Council adopts the following Council Member fees and allowances for 2013/14;

Meeting Fees (x 1 for Councillors, x 2 for Mayor)	\$7,000
Communication Allowance	\$2,400
Technology Allowance (or access to a laptop)	\$1,000
Mayor Allowance	\$60,000
Deputy Mayor Allowance	\$15,000

5. Rescinds Policy 4/003 Annual Attendance Fee for Council Members; and
6. Endorse the advertising of the 2013/14 proposed fees and charges commencing on 1 July 2013 as per the legislative requirements.

CARRIED BY ABSOLUTE MAJORITY 9/0

ATTACHMENT 1 TO ITEM 6.4.1



The following principles have been used by the Town as a guide in setting fees and charges.

Pricing Principles & Basis Used by the Town

Pricing Principles	Pricing Basis
1. Public Benefit – service provides a broad community benefit and therefore full cost recovery should not apply. Partial cost recovery could apply in some circumstances.	Zero to partial cost recovery
2. Private Benefit – service benefits particular users making a contribution to their individual income, welfare or profits generally without any broader benefits to the community.	Full Cost Recovery
3. Shared Benefit – service provides both community benefits and a private benefit.	Partial cost recovery
4. Regulatory – fee or charge fixed by legislation	Regulatory

Application of Pricing Principles to Good & Services

Service	Principle	Basis of Cost
Rates Enquiries	Private Benefit	100%
Photocopying	Private Benefit	100%
Sale of List of Owner/Occupiers and Council Minutes	Private Benefit	100%
Dog Pound	Shared Benefit	Partial
Dog Registration	Regulatory	Regulatory
Impoundage Fees	Private Benefit	100%
Inspection Fees	Private Benefit	100%



PRICING PRINCIPLES

Service	Principle	Basis of Cost
Registration, License and Permit Fees	Regulatory	Regulatory
Caravan Parks & Camping Grounds License	Regulatory	Regulatory
Private Works	Private Benefit	100%
Rubbish Charges	Private Benefit	Partial
Landfill Charges	Private Benefit	100% (except residential users disposing of domestic waste)
Development Applications	Regulatory	Regulatory
Subdivision Applications	Regulatory	Regulatory
Cemetery Fees	Private Benefit	100%
Civic Centre	Shared Benefit	Zero to full cost recovery depending on usage
Trading in Thoroughfares and Public Places	Private Benefit	100%
Sport Association Ground Hire	Shared Benefit	Partial
Casual Ground Hire	Shared Benefit	Partial
Water Charges – Non Commercial	Shared Benefit	Partial
Water Charges – Commercial	Private Benefit	100%
Library	Shared Benefit	Partial
Airport	Private Benefit	100% (Except RFDS)
Paid Parking	Private Benefit	100%
Plant Hire Charges	Private Benefit	100%
Visitor Centre	Shared Benefit	Partial



PRICING PRINCIPLES

Service	Principle	Basis of Cost
Building Control	Regulatory	Regulatory
Building Control – Private Certification	Private Benefit	100%
Bonds	Private Benefit	100%
Wanangkura Stadium – Non Commercial	Shared Benefit	Partial
Wanangkura Stadium – Commercial	Private Benefit	100%
JD Hardie Youth Zone – Non Commercial	Shared Benefit	Partial
JD Hardie Youth Zone – Commercial	Private Benefit	100%
Gratwick & South Hedland Aquatic Centre	Shared Benefit	Partial
Marquee Park	Shared Benefit	Partial
Matt Dann Cultural Centre	Shared Benefit	Partial
Leasing – Commercial	Private Benefit	100%
Leasing – Community	Shared Benefit	Partial

GST Disclaimer

A goods and services tax (GST) applies to a number of goods and/or services supplied by the Town. In accordance with the new tax legislation the prices shown for goods and/or services are the GST inclusive price.

Some goods and/or services supplied by the Town have been declared "GST free" or excluded under Division 81 of the legislation. Those goods and /or services which are "GST free" or excluded from GST are indicated in the Schedule of Fees and Charges as GST not applying.

The Town is currently reviewing all fees to determine if they are subject to GST. If a fee is subsequently proven not to be subject to GST, then that fee will be amended by reducing the GST to nil. Conversely if the Town is advised that a fee which is shown as being not subjected to GST becomes subject to GST then the fee will be increased but only to the extent of the GST.

6.4.2 2012 Compliance Audit Return (File No.: ...)

Officer	Josephine Bianchi Governance Coordinator
Date of Report	15 February 2012
Disclosure of Interest by Officer	Nil

Summary

The statutory Compliance Audit Return (CAR) is for the 2012 calendar year is has been presented to the Audit & Finance Committee and is now presented to Council for consideration.

Background

Each year all Western Australian Local Government Authorities are required to undertake a compliance audit and forward the results to the Department of Local Government (the Department) by 30 March. The CAR is a self-assessment of a local government referring to its levels of compliance with the Local Government Act and associated regulations.

A Local Government's Audit Committee is requested to review the CAR and reports the results of that review to the Council prior to adoption by Council and the March submission to the Department.

This year's audit process was carried out by the Town's Chief Executive Officer. The Chief Executive Officer discussed compliance matters with relevant Directors and Managers and sought evidence that compliance was achieved throughout the year.

Consultation

- Chief Executive Officer
- ToPH Directors
- ToPH Managers

Statutory Implications

Section 7.13(1)(i) of the Local Government Act 1995 states that:

"7.13.Regulations as to audits

(1) Regulations may make provision —

... (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —

(i) of a financial nature or not; or

(ii) under this Act or another written law."

Regulation 14 of the Local Government (Audit) Regulations requires the following:

14. Compliance audits by local governments

(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.

(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.

(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —

(a) presented to the council at a meeting of the council; and

(b) adopted by the council; and

(c) recorded in the minutes of the meeting at which it is adopted.

[Regulation 14 inserted in Gazette 23 Apr 1999 p. 1724-5; amended in Gazette 30 Dec 2011 p. 5580-1.]

Policy Implications

Nil

Strategic Planning Implications

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

Budget Implications

Nil

Officer's Comment

The Compliance Audit is one of the tools utilised by the Department of Local Government to monitor how the local government functioned throughout the previous calendar year from a legislative compliance perspective.

It identifies areas of non-compliance that provide guidance to officers as to where processes may be reviewed to ensure improved compliance.

Council's compliance systems and structures are generally well developed with a high degree of observance with the required statutes being evident.

A total of 78 items were audited in the 2012 Compliance Audit process. A total of two areas of non-compliance were identified. These are briefly tabled below:

Area	Legislation	Reference	Non-compliance
Disclosure of Interest	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2012	An annual return was not lodged by 31 August 2012 by 2 continuing elected members
Finance	S7.9(1)	Was the Auditor's report for 2011/2012 received by the local government by 31 December 2012	The Auditor's report for 2011/2012 was not received by the local government by 31 December 2012. An extension was sought from the Department and subsequently denied.

The non-compliance in the Disclosure of Interest area was due to two Elected Members not submitting their annual returns within the statutory timeframe.

To address and rectify this issue the Town will hold a concept forum with all Elected Members to highlight the importance of complying with legislation. The outcome to be achieved is that all Elected Members are fully aware of their roles and responsibilities and also of the penalties associated with incidences of non compliance which could affect the status of their membership on the local government.

The non-compliance in the Finance area was due to a high level of staff turnover and a reduced level of understanding of legislative requirements.

The Town sought an extension to submit its Annual financial report from the Department of Local Government which was subsequently denied.

To address and rectify this issue the Town will ensure that all staff are fully trained in all aspects of compliance associated with all requirements contained in the Local Government Act and associated Regulations.

Attachments

1. Town of Port Hedland Compliance Audit Report 2012

201213/298 Officer's Recommendation / Council Decision

Moved: Cr Taylor

Seconded: Cr Carter

That Council:

- 1. Notes the recommendations of the Audit & Finance committee related to the 2012 Compliance Audit Return; and**
- 2. Adopts the 2012 Compliance Audit Return.**

CARRIED 9/0

ATTACHMENT 1 TO ITEM 6.4.2

Department of Local Government - Compliance Audit Return



Government of Western Australia
Department of Local Government

Port Hedland - Compliance Audit Return 2012

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2012.	Yes		Malcolm Osborne
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2012.	Yes		Malcolm Osborne
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2012.	Yes		Malcolm Osborne
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2012.	Yes		Malcolm Osborne
5	s3.59(5)	Did the Council, during 2012, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	Yes		Malcolm Osborne

Department of Local Government - Compliance Audit Return



Government of Western Australia
Department of Local Government

Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	Yes		Malcolm Osborne
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes		Malcolm Osborne
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		Malcolm Osborne
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes		Malcolm Osborne
5	s5.18	Has Council reviewed delegations to its committees in the 2011/2012 financial year.	Yes		Malcolm Osborne
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Malcolm Osborne
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Malcolm Osborne
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Malcolm Osborne
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Malcolm Osborne
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Malcolm Osborne
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Malcolm Osborne
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2011/2012 financial year.	Yes		Malcolm Osborne
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		Malcolm Osborne

Disclosure of Interest

No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		Malcolm Osborne
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	Yes		Malcolm Osborne

Department of Local Government - Compliance Audit Return



Government of Western Australia
Department of Local Government

No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Malcolm Osborne
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A		Malcolm Osborne
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes		Malcolm Osborne
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2012.	No	2 Elected members did not lodge an annual return by 31 December 2012.	Malcolm Osborne
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2012.	Yes		Malcolm Osborne
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Malcolm Osborne
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Malcolm Osborne
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Malcolm Osborne
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Malcolm Osborne
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Malcolm Osborne
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Malcolm Osborne
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes		Malcolm Osborne

Department of Local Government - Compliance Audit Return



Government of Western Australia
Department of Local Government

No	Reference	Question	Response	Comments	Respondent
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes		Malcolm Osborne
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Malcolm Osborne

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	Yes		Malcolm Osborne
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes		Malcolm Osborne

Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	Yes		Malcolm Osborne

Finance

No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		Malcolm Osborne
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	Yes		Malcolm Osborne
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Malcolm Osborne
4	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes		Malcolm Osborne
5	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		Malcolm Osborne

Department of Local Government - Compliance Audit Return



Government of Western Australia
Department of Local Government

No	Reference	Question	Response	Comments	Respondent
6	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2012 received by the local government within 30 days of completion of the audit.	N/A	Audit not completed as at 31 December 2012.	Malcolm Osborne
7	s7.9(1)	Was the Auditor's report for 2011/2012 received by the local government by 31 December 2012.	No	Department was notified. Extension sought but denied. Received by Council on 6 March 2013.	Malcolm Osborne
8	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A	Auditor's Report not received as at 31 December 2012. Auditor's Report received by Council on 6 March 2013. Actions recommended from teh Auditor's Report will be acted upon accordingly.	Malcolm Osborne
9	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A	Auditor's Report not received as at 31 December 2012. Auditor's Report received by Council on 6 March 2013. Actions recommended from teh Auditor's Report will be acted upon accordingly.	Malcolm Osborne
10	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A	Auditor's Report not received as at 31 December 2012. Auditor's Report received by Council on 6 March 2013. Actions recommended from teh Auditor's Report will be acted upon accordingly.	Malcolm Osborne
11	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Malcolm Osborne
12	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Malcolm Osborne
13	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Malcolm Osborne
14	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Malcolm Osborne
15	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Malcolm Osborne

Department of Local Government - Compliance Audit Return



Government of Western Australia
Department of Local Government

Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	Yes		Malcolm Osborne
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	Yes		Malcolm Osborne
3	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	Yes		Malcolm Osborne
4	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	Yes		Malcolm Osborne
5	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	Yes		Malcolm Osborne

Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	Yes		Malcolm Osborne
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes		Malcolm Osborne
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		Malcolm Osborne
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Malcolm Osborne
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Malcolm Osborne
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) (c).	Yes		Malcolm Osborne

Department of Local Government - Compliance Audit Return



Government of Western Australia
Department of Local Government

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	Yes		Malcolm Osborne
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	Yes		Malcolm Osborne
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Malcolm Osborne
4	F&G Reg 14, 15 & 16	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes		Malcolm Osborne
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes		Malcolm Osborne
6	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes		Malcolm Osborne
7	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Malcolm Osborne
8	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes		Malcolm Osborne
9	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Malcolm Osborne
10	F&G Reg 21 & 22	Did the local governments' advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	Yes		Malcolm Osborne
11	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	Yes		Malcolm Osborne

Department of Local Government - Compliance Audit Return



Government of Western Australia
Department of Local Government

No	Reference	Question	Response	Comments	Respondent
12	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	Yes		Malcolm Osborne
13	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	Yes		Malcolm Osborne
14	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	Yes		Malcolm Osborne
15	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less.	Yes	2/007 Tender Policy	Malcolm Osborne

ITEM 7 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

Nil

ITEM 8 CONFIDENTIAL ITEMS

201213/299 Council Decision

Moved: Councillor Daccache

Seconded: Councillor Carter

That the meeting be closed to members of the public as prescribed in Section 5.23(2) of the Local Government Act 1995, to enable Council to consider the agenda Item: '8.1 Airport Hotel'.

CARRIED 9/0

6:07pm Mayor Howlett advised that this meeting is now closed to members of the public.

8.1 *Airport Hotel*

201213/300 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

1. Authorises the Chief Executive Officer or his delegate to enter into negotiations with Element Accommodation Pty Ltd regarding a potential land lease to facilitate an airport hotel at Port Hedland International Airport and report back to Council the outcome of these discussions; and
2. Endorses the engagement of an appropriately qualified professional probity advisor and commercial auditor to assist the Town in ensuring a transparent and efficient process is undertaken for this proposal.

CARRIED 9/0

201213/301 Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That the meeting be opened to members of the public.

CARRIED 9/0

6:13pm Mayor Howlett announced that the meeting is now open to members of the public. The Mayor advised the members of the public of the Council resolution determined whilst the meeting was behind closed doors.

8.2 Appointment of Airport Redevelopment Program Director

This item was withdrawn and will be presented to Council for consideration at the Ordinary Council Meeting on Wednesday 27 March 2013.

ITEM 9 CLOSURE**9.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 27 March 2013, commencing at 5.30 pm.

9.2 Closure

There being no further business, the Mayor declared the meeting closed at 6.13pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of _____ 2013.

CONFIRMATION:

MAYOR

DATE