



Town of Port Hedland

MINUTES

OF THE

**ORDINARY MEETING
OF THE TOWN OF PORT HEDLAND COUNCIL**

HELD ON

WEDNESDAY 13 JUNE 2012

AT 5.30 PM

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

*Ian Hill
Acting 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 5:38pm 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	Stanley	R	Martin
Councillor	Janet	M	Gillingham
Councillor	David	W	Hooper
Councillor	Michael		Dziombak
Councillor	Gloria	A	Jacob
Councillor	Julie	E	Hunt

Officers

Mr Ian Hill	Chief Executive Officer
Ms Natalie Octoman	Director Corporate Services
Mr Gordon MacMile	Director Community Development
Mr Russell Dyer	Director Engineering Services
Mr Eber Butron	Director Planning and Development
Mr Ayden Férdeline	Administration Officer Governance

2.2 Apologies

Nil

2.3 Approved Leave of Absence

Nil

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on Wednesday 23 May 2012 that were taken on notice****3.1.1 *Mr Wayne Ness***

The WA Police Office of Crime Prevention allocated a grant for the project. As part of this, Stage 1 had to be completed by 30 June 2009. How did the grant get acquitted if the works were not completed until May 2010?

Director Corporate Services advised that in August 2009 the Office of Crime Prevention approved an extension of the grant term to June 2010 with an acquittal to be subsequently provided by 31 August 2010. The Town met the revised timeframe and submitted the acquittal to the Office of Crime Prevention on 19 August 2010.

3.1.2 *Ms Camile Mathews*

In regards to the development at 8 Mosley Street, Port Hedland, which Council rejected last fortnight, can Council please let me know why we were not informed in writing of the withdrawal of the original application for 10 dwellings?

Director Planning and Development advised that the original application was not withdrawn. As identified within Item 11.1.2 of the Council report for the 9 May 2012, the applicant originally submitted a proposal for 10 Multiple Dwellings, which was amended to 8 Multiple Dwellings following the initial advertising period. The amended 8 Multiple Dwelling proposal was then re-advertised.

3.1.3 *Ms Louise Newbery Starling*

Why is the Port Hedland Port Authority laying equipment out on the land at the end of Redbank Road? This is a residential neighbourhood and the roads weren't built to accomodate heavy haulage. This has seriously impacted the state of the road which has now deteriorated to the point that it is dangerous. The noise is also a nuisance to residents. I have previously asked Council this question and was told the works would be completed by December 2011.

Director Engineering Services advised that Redbank Road is an approved road train route for its full length.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 23 May 2012 that were taken on notice

Nil

ITEM 4 PUBLIC TIME

Mayor opened Public Question Time at 5:40pm.

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

Could Council contact ABC Radio and request that their North West bureau broadcast a morning program from the Multi Purpose Recreation Centre to coincide with the official opening of this facility next month?

Mayor advised that she will write a letter to this effect.

Last meeting, I asked Council what the situation was regarding water in the new drains in South Hedland. My question is not in tonight's Agenda. What has happened to this question?

Mayor advised that Mr Whalley's question was answered on the night of the meeting, and thus the response from the Director Engineering Services is reflected in the Minutes for that meeting.

4.1.2 *Mr Camilo Blanco*

In Division 4 – General Financial Provisions Accounts of the Local Government Act 1995, it states that

“6.5 The CEO has a duty-

- a) To ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of local government; and*
- b) To keep the accounts and records up to date and ready for inspection at any time by persons authorised to do so under this Act or another written law.”*

Are Councillors considered to be authorised persons?

Acting Chief Executive Officer advised yes, if in relation to a matter before the Council.

Are the Town of Port Hedland's financial records kept up to date?

Acting Chief Executive Officer advised that this question has been answered previously, and the answer remains in the affirmative.

At the Council meeting held on 23 May 2012, Councillor Gillingham asked how much Council had spent on consultants. Why has the Finance department not answered this question?

Acting Chief Executive Officer advised of the conversation that transpired at this Council meeting, noting that the Director Corporate Services informed Councillor Gillingham that providing this information would require a considerable amount of work. On that basis, the matter was not pursued.

So the question will not be answered?

Acting Chief Executive Officer advised that the matter was raised at the meeting on 23 May 2012, and the response was that providing this information would involve a considerable amount of work, and since then, the request has not been pursued.

Can Council give me the amount spent on consultants over the past 12 months?

Acting Chief Executive Officer advised the answer is the same as provided to Councillor Gillingham at the previous meeting.

If Council were to decide, by formal resolution, that this information was required, this request would be formally considered. The Acting Chief Executive Officer would determine the amount of work involved and return to Council with an estimate of the time and cost that fulfilling this request would entail. This would be at the expense of other work.

I would like a copy of invoice 090312, dated 9 March 2012, and invoice 290312, dated 29 March 2012, which is a reimbursement of money paid to the Mayor for 888 bottles of water. I understand that these bottles of water were offered to visitors aboard the cruise ship.

Acting Chief Executive Officer advised he will consider the request.

Who authorised you to purchase those products?

Mayor advised that the Town does not have an account with Coles, and so it was decided that she would purchase the bottles of water and be reimbursed accordingly.

Was it authorised by a staff member?

Mayor advised that this was done in conjunction with Events staff.

On 30 April 2012 we paid Haines Norton \$20,350.00 for the reconstruction of the Port Hedland Visitors Centre Accounts. Can I get a copy of this document?

Acting Chief Executive Officer advised he will consider the request.

On 2 May 2012 you travelled to Sydney to attend the Australian Rural Women's Leadership Convention. Did the Town pay for that flight and accommodation?

Mayor advised in the affirmative.

How is that related to Town business?

Mayor advised that this conference promoted women in local government and other leadership positions.

On 23 May 2012 you returned to town, did the Town pay for that flight?

Mayor advised in the negative.

I have previously asked questions about the cost of the Multi Purpose Recreation Centre and Marquee Park. If all financial records are up-to-date, why I have not received answer to these questions?

Director Corporate Services clarified that all accounts are up-to-date; however, the spending for these projects has been spread across multiple general ledger accounts. This information is in the process of being collated and will be provided when available.

On page 183 of the Audit and Finance Committee Minutes for the meeting held on 6 June 2012, a sum of \$6,382,959 is to be carried forward into the 2012/2013 financial year. Is this figure a deficit or a surplus?

Director Corporate Services advised that this figure reflects current commitments for projects that are currently funded within the Town's budget. The Town carries over amounts that are available to service those commitments into the next financial year, recognising that those projects cannot be completed this financial year.

Is the figure a deficit or a surplus?

Director Corporate Services advised the figure is considered neither a deficit nor a surplus as it reflects pre-commitments.

If all projects are fully funded before construction begins, why do we have a loan for \$8,194,000 for the Multi Purpose Recreation Centre?

Director Corporate Services advised that a loan is a funding source.

Was that on top of the approved budget?

Director Corporate Services advised that the loan is contained within the current budget as adopted by Council.

If all projects are fully funded before construction starts, why do we have a loan of \$3,953,000 for the development of Marquee Park?

Director Corporate Services advised that this was a funding source that Council endorsed in order to maintain a balanced budget.

NOTE: To ensure an equal and fair opportunity is provided for everyone to address Council, the Mayor asked Mr Blanco to hold further questions until other members of the public have the chance to speak. If there is time remaining after these persons address Council, the Mayor said Mr Blanco may have the opportunity to ask more questions relating to Council business.

4.1.3 Ms Louise Newbery Starling

In regards to the questions I asked at the Council meeting on 23 May 2012, where do I find the answers?

Acting Chief Executive Officer advised he will investigate this matter.

I have heard that the Department of Child Protection has been told by Pilbara Cities that they are not allowed to redevelop the Moorgunya community welfare hostel, as Pilbara Cities has more important plans for the future of this land. Can Council check in with Pilbara Cities regarding this?

Mayor advised this matter will be investigated.

4.1.4 Mr Camilo Blanco

On page 153 of the Audit and Finance Committee Minutes for the meeting held on 6 June 2012, a sum of \$3,286,000 was budgeted for a facility upgrade. \$6,723,774 was actually spent. What was that facility?

Director Corporate Services advised this money was spent on the JD Hardie Youth Centre where the total budget allocation for this portion of expenditure was \$6,986,861 comprising the \$3,286,000 and the \$3,700,861 amounts contained within that report.

Since you have been Mayor, the Town's financial state has declined. Can you explain the reason for that decline?

Mayor advised that this statement is not true.

The Town has stated in the past that it is open and accountable with all of its finances. As Mayor have you instructed the Finance department not to give financial information out when requested by the public?

Mayor advised in the negative.

I have previously asked questions about the conflict of interest relating to you being the Mayor and you simultaneously campaigning for Labour. You have assured everyone that you will be very clear as to which role you are operating in.

You opened the 'Welcome to Hedland' night as Mayor and then went on to campaign as the Labour candidate with the current Labour member and the State Labour leader.

How did you handle the people wanting to talk to the Mayor about Hedland business when you were at the Welcome to Hedland night as the Labour candidate?

Mayor advised Mr Blanco that she would be happy to discuss this matter further outside of tonight's formal meeting proceedings.

Acting Chief Executive Officer advised that Public Question Time is an opportunity for members of the public to ask questions relating to Council business, and not a time for Elected Members to field questions relating to their roles outside of Council.

The Welcome to Hedland night is just that, an evening funded by the Town to welcome new people to our town. And yet you took advantage of the position you hold as Mayor to promote your position as the Labor candidate. I am requesting that you step down as Mayor. Will you step down?

Mayor advised in the negative.

Mayor closed Public Question Time at 5:58pm.

Mayor opened Public Statement Time at 5:58pm.

4.2 Public Statement Time

4.2.1 Mr James Reus

Mr James Reus spoke in support of the proposed residential building on Lot 3 Manilinha Drive, Turner River, which Council is considering tonight.

As a matter of precedent, Mr Reus noted that Lot 7 Manilinha Drive, Turner River has the same number of dwellings as this proposed development does.

4.2.2 Mr George Pitt

Mr George Pitt thanked Council for installing the memorial sculpture at the Don Rhodes Mining and Transport Museum.

4.2.3 *Mr Camilo Blanco*

Mr Camilo Blanco offered commentary on the impact that a potential rate rise could have on the livelihoods of local residents and small business owners. He is concerned that a rate increase will make it difficult for this constituency to remain in town, and this, in turn, will see his business begin to slow.

Mr Blanco then spoke about the Pilbara Underground Power Project, and advised he had been in discussions with Horizon Power in relation to responsibility for any non-compliant safety issues detected as a result of work carried out during the project.

Mr Blanco stated that Councillors are elected by ratepayers and residents to represent the people and their concerns. It is his opinion that not many property owners in Hedland would support a rate rise as proposed by this Council.

Mr Blanco concluded his statement by adding that the Town's priorities are not in the right order. It was his opinion that ratepayers would like roads to be upgraded and the Wallwork Road Bridge to be constructed.

Mayor closed Public Statement Time at 6:13pm.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**5.1 *Councillor Carter***

In regards to the Town Planning Scheme No. 5, what is our present position regarding Amendment No. 51?

Director Planning and Development advised that Amendment No. 51 has undergone public advertising and a number of submissions in support of the rezoning were received.

5.2 *Councillor Martin*

Council resolved for the Chief Executive Officer to write to BHP Billiton regarding the Hunt Point tug pens. Has a reply been received?

Acting Chief Executive Officer advised that no formal response has been received; however, this item has been listed on the Agenda for the Town's monthly meeting with BHP Billiton in July 2012.

I have received an email from the Port Hedland Pony Club. On 26 November 2008, Council resolved to give a lease of 10 years with 2 five year options. The following month's Minutes confirmed that. Why hasn't this been progressed?

Director Engineering Services advised that this lease was not executed; however, this matter is now being dealt with by the Leasing department. The Leasing department is very busy at the moment because most leases have errors or problems that must be resolved.

Is it correct to say that in order to overrule this resolution there would be an item that would come back to Council?

Mayor advised that this question is taken on notice.

Regarding the email from Horizon Power that was read out by Mr Camilo Blanco during Public Statement Time, indicating that Horizon Power would be responsible for upgrading meter boards, the Publicity Officer sent out an email this afternoon contradicting that. Which party is correct?

Acting Chief Executive Officer said Horizon Power would clarify this matter during Section 10 of tonight's meeting.

5.3 *Councillor Gillingham*

Can we follow up with the Pony Club regarding their lease?

Mayor advised in the affirmative.

I believe the Standing Orders allows you to grant the public permission to ask questions following Horizon Power's presentation. Will you do this?

Mayor advised no, because this is a presentation intended for Elected Members.

I visited the Visitors Centre three weeks ago and used the public washroom facilities. They were in a dreadful state. Can we look into how much is being spent on cleaning, and why so little cleaning is being done? Also, why has the disabled toilet at the Visitors Centre been turned into a rubbish room, with the word 'staff' put over the disabled tactile sign?

Mayor advised that this matter will be addressed with the Visitors Centre management.

5.4 Councillor Dziombak

Your two roles – as the Mayor of the Town of Port Hedland, and also as candidate for the Labor party – appear contradictory.

How much time did you spend with the Leader of the Opposition last week while he was in Port Hedland?

Mayor said she spent a couple of hours with the Leader of the Opposition while on official Council business.

How much time did you spend with the Leader of the Opposition last week while he was in Karratha, and was that meeting also official Council business?

Mayor advised that, when in Karratha, she met with the Leader of the Opposition as candidate for the Labor party.

In your position as the Australian Labor Party (ALP) candidate, were you taking a leave of absence from being the full-time, paid Mayor?

Mayor advised no, and said she performed Mayoral duties all weekend, and reminded Councillors that her position is not a 9 to 5 one. The Mayor advised that she sometimes works 15 hour days and 80 hour weeks.

Is the Town of Port Hedland's relationship with the current State Government in jeopardy because of your candidacy for the Opposition? How much time, if any, did you spend meeting with the current State Government last week?

Mayor advised in the negative on both accounts.

5.5 Councillor Jacob

Regarding the Cemetery, the toilet facilities and pathways are not tidy. Can this be rectified?

Acting Chief Executive Officer advised that this will be actioned.

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

Mayor Howlett	Cr Daccache
Cr Carter	Cr Martin
Cr Gillingham	Cr Hooper
Cr Dziombak	Cr Jacob
Cr Hunt	

NOTE: Councillors Martin and Gillingham advised that they have not had sufficient time to review Late Item 12.1 'Marquee Park.'

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 11 April 2012**

201112/480 Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That the Minutes of the Ordinary Meeting of Council held on Wednesday 11 April 2012 be confirmed as a true and correct record of proceedings.

CARRIED 9/0

7.2 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 23 May 2012

201112/481 Council Decision

Moved: Cr Carter

Seconded: Cr Hunt

That the Minutes of the Ordinary Meeting of Council held on Wednesday 23 May 2012 be confirmed as a true and correct record of proceedings.

CARRIED 9/0

ITEM 8 ANNOUNCEMENTS BY CHAIRPERSON WITHOUT DISCUSSION

Mayor Howlett's Activity Report for the April, May and June 2012 period to date is as follows:

April 2012

Sunday, 22nd April

- Attended ANZAC Service Whim Creek Acknowledging Indigenous Service In The Armed Forces

Tuesday, 24th April

- Weekly Mayor Chat Spirit Radio

Wednesday, 25th April

- Attended ANZAC Day Dawn Service + Cr Hunt
- Attended RSL Port Hedland March Past & Wreath Laying Service + Deputy Mayor + Cr Hunt + CEO
- Participated In Port Hedland Netball Association BloodySlow Cup Event

Thursday, 26th April

- Chair RDA – Pilbara Meeting
- Informal Council Briefing + Deputy Mayor + Cr Carter + Cr Martin + Cr Dziombak + Cr Hooper + Cr Gillingham + Cr Hunt + Cr Jacob
- Chair OCM

Saturday, 28th April

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

Monday, 30th April

- Fortnightly Phone Link Up Chair RDA – Pilbara
- CEO Recruitment Working Group Meeting + Deputy Mayor + Cr Carter + Cr Gillingham + Cr Hunt + Cr Jacob

May 2012

Tuesday, 1st May

- Weekly Mayor Chat Spirit Radio
- Citizenship Ceremony + Deputy Mayor + Cr Hunt
- Chair Special Council Meeting + Deputy Mayor + Cr Carter + Cr Martin + Cr Gillingham + Cr Hunt + Cr Jacob

Wednesday, 2nd May

- Flight To Sydney
- TOPH Concept Forum – Budget (Via Phone Link Up) + Deputy Mayor + Cr Gillingham + Cr Hunt + Cr Jacob

Thursday, 3rd May

- Keynote Opening Presentation – Australian Rural Women's Leadership Convention (Sydney)

Friday, 4th May

- Attended Australian Rural Women's Leadership Convention (Sydney)

Monday, 7th May - Tuesday, 22nd May

- Mayor Annual Leave

Wednesday, 23rd May

- Executive Coaching (The Futures Group) Kerry Neill
- Flight Back To Port Hedland
- Chair OCM

Thursday, 24th May

- Teleconference Re: WA Governor's Proposed Pilbara Region Visit + EA + PUB
- Meeting With St Johns Ambulance (Matt Maywald)
- Beaches Tour With 2012 WA Clean Beach Challenge Judge Katherine McLean

Friday, 25th May

- Meeting Chamber Minerals & Energy (Warren Pearce) Re Draft TWA Policy
- Attended FMG's Third Berth Opening Ceremony

Saturday, 26th May

- Hosted Leadership WA Port Hedland Visit & Town Tour + CEO + MRS
- Special PRC Meeting – Teleconference

Monday, 28th May

- Attended Aboriginal Consultation Forum – Draft Strategic Community Plan Consultation + MCD

Tuesday, 29th May

- Weekly Mayor Chat Spirit Radio
- ABC North West Radio Interview Re: PUPP & Rates
- Hosted Westpac State General Manager Visit + Deputy Mayor + Cr Hunt + CEO + DPD
- Teleconference with Department Housing Re: Port/South Hedland Short Term Indigenous Housing Accommodation + DPD + DCD
- Fortnightly Phone Link Up Chair RDA – Pilbara

Wednesday, 30th May

- Meeting Resident Christine Black Re Basketball Carnival
- Meeting Re Mine Tours For Future Cruise Ship Visits
- Meeting State Library Service (WA) + CEO + DCD + MCD + MLIB
- Meeting CEO, Deputy Mayor & Mayor Catchup
- Meeting PHPA & TOPH Informal Catchup Prior To PHPA Board Meeting (Ken Pettit and Roger Johnson) + CEO

Thursday, 31st May

- Teleconference Carina Calzoni (Clear Horizon) Survey Royalties For Regions Program
- Executive Coaching (The Futures Group) Kerry Neill
- Community Forum – Draft Community Strategic Plan + Deputy Mayor + Cr Carter + Cr Gillingham + Cr Hunt + DCD + MOD + MCD

June 2012

Friday, 1st June

- Teleconference Salaries & Allowances Tribunal (SAT) Meeting + DCORP
- Speaker At Women In Mining (WA) Hard Hat High Tea

Sunday, 3rd June

- Attended Port Hedland Turf Club Races + Deputy Mayor

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**9.1 *Councillor Gillingham***

Councillor Gillingham attended the 'Welcome to Hedland' night in South Hedland and felt the venue had insufficient lighting.

Councillor Gillingham attended a workshop on public speaking in Perth, run by the Western Australian Local Government Association (WALGA), and found the training to be beneficial.

Councillor Gillingham also suggested that the Town recognise the recent award to Ms Fran Carter for her years of service to the Port Hedland community.

9.2 *Councillor Hooper*

Councillor Hooper was mc at the 'Welcome to Hedland' night and said the event would prove memorable. Councillor Hooper also confirmed that the organisers are working to improve the lighting situation for future years.

Councillor Hooper advised that he attended the funeral of Ms Lisa Pitts, and offered his condolences to her family.

9.3 *Councillor Jacob*

Councillor Jacob spoke of how Council's vision of becoming "Pilbara's Port City" is hindered by the continued closures of small businesses because of the lack of key worker accommodation. Councillor Jacob raised this issue with the Hon Brendon Grylls MLA and the Leader of the Opposition, Mark McGowan, last week.

Councillor Jacob also advised that she attended the funeral of Ms Lisa Pitts and expressed her condolences to the family on their loss.

Councillor Jacob commended the stallholders and entertainers who made the 'Welcome to Hedland' night such a success.

Councillor Jacob concluded her report by supporting Councillor Gillingham's suggestion to offer recognition to Ms Fran Carter.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**10.1 *Horizon Power*****Mr Phil Keddie, Project Manager, Horizon Power**

Mr Phil Keddie spoke about the current status of the Pilbara Underground Power Project (PUPP) and advised that the project appears to be ahead of schedule.

He also confirmed that Horizon Power will now take responsibility for any non-compliant safety issues detected as a result of work carried out during the project. This includes the coordination of licensed electrical contractors and all costs involved in ensuring the connection is compliant with Western Australian electrical requirements.

Horizon Power stressed, however, that the project will not be responsible for any improvements or supply upgrades – these will remain the responsibility of the customer.

Disclaimer

IMPORTANT NOTE:

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

11.1 Planning and Development Services

Officer **Luke Cervi**
Senior Planning Officer

Date of Report 30 May 2012

Disclosure of Interest by Officer Nil

Council has been requested on behalf of the owner of Lot 101 & 176 McKay Street, Port Hedland, to affix the Common Seal to a Section 70A notification form, which will enable lodgement of the form with the Registrar of Titles.

A Development Approval (2010/275) was granted by Planning Services on 11 March 2011. The following conditions were imposed as part of the approval:

- “4. Prior to commencing works, the landowner is to prepare a notification pursuant to Section 70A of the Transfer of Land Act 1983, 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 is to be sufficient to alert prospective landowners or occupiers that:

In terms of the Town of Port Hedland Municipal Inventory of Heritage Places, the existing building known as “Charlie Bayan’s House” is significant for associations with Thomas Traine, a Port Hedland pioneer, various aviation identities and WA Airlines. It is a singular example of a mud brick dwelling in Port Hedland, and contributes to the character and streetscape of the Town.

5. *Prior to commencing works, the landowner is to prepare a notification pursuant to Section 70A of the Transfer of Land Act 1983, 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 is to be sufficient to alert prospective landowners or occupiers that:*

- a. *The Western Australian Department of Health has advised in a preliminary investigation that it does not support medium density residential development in this area due to a potential causal link between the dust generated by nearby ore mining processes and port facilities, and increased likelihood of respiratory health impacts;*
- b. *Seniors, children, and persons with existing heart or lung disease appear to be at an elevated risk of dust-related health impacts.*

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

In order to finalise the Section 70A form and affix the Common Seal, a Council resolution is required.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The required Section 70A notification is an important mechanism to ensure any prospective owners / buyers of the lot / unit are aware of the restrictions / conditions pertaining to the lot / unit.

The use of the Common Seal will only enable the lodgement of the application with the Registrar of Titles and will not complete the land owner / developers obligations under the conditions. To complete their obligation, a copy of the documentation confirming the registration of the notification must be supplied to the Town.

In light of the above, Council is requested to grant approval for the use of the Town's Common Seal.

Attachments

Nil

201112/482 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Hunt

That Council:

- 1. Approves the request on behalf of the owner of Lot 101 & 176 McKay Street, Port Hedland, to affix the Common Seal to a Section 70A notification form;**
- 2. Advises the applicant, once the notification is registered and a copy of the documentation confirming the registration is provided to the Town, Conditions 4 & 5 of the Development Approval (2010/275) will be satisfactorily complied with.**

CARRIED 9/0

Officer **Luke Cervi**
Senior Planning Officer

Disclosure of Interest by Officer	Nil
--	------------

Council received a request from the Department of Regional Development and Lands on behalf of the Water Corporation to excise part of Reserve 36025 to allow for wastewater pipes to be installed.

The proposal is supported by Council Officers. Council is requested to approve the partial excision of Reserve 36025 which would be included into Reserve 35380, vested to the Water Corporation.

The applicant is proposing to excise a 18m wide strip of Reserve 36025 (vested to the Town for the purpose of “Drain”) where it adjoins Reserve 35380 (vested to the Water Corporation for the purpose of “Protection of Rising Main”). The excised portion will enable the Water Corporation to install additional wastewater pipes needed to facilitate the relocation of the Port Hedland waste water treatment ponds to South Hedland.

Comments were sought from internal departments with no objections raised.

Nil

Nil

Nil

Nil

Officer's Comment

The subject portion of the reserve is not currently used for drainage purposes. From a planning perspective the excision of the portion of the reserve will facilitate the Town's growth by enabling necessary infrastructure to be installed.

Options

Council has the following options for responding to the request:

1. Support the request for partial excision of Reserve 36025.

The excision of the area of the reserve will enable infrastructure to be installed that will facilitate the Town's growth.

2. Oppose the request for partial excision of Reserve 36025.

Should Council choose to oppose the partial excision, the Water Corporation will need to identify alternative lands to place the proposed wastewater infrastructure.

Option 1 is recommended.

Attachments

1. Locality Plan
2. Reserve Closure Plan

201112/483 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

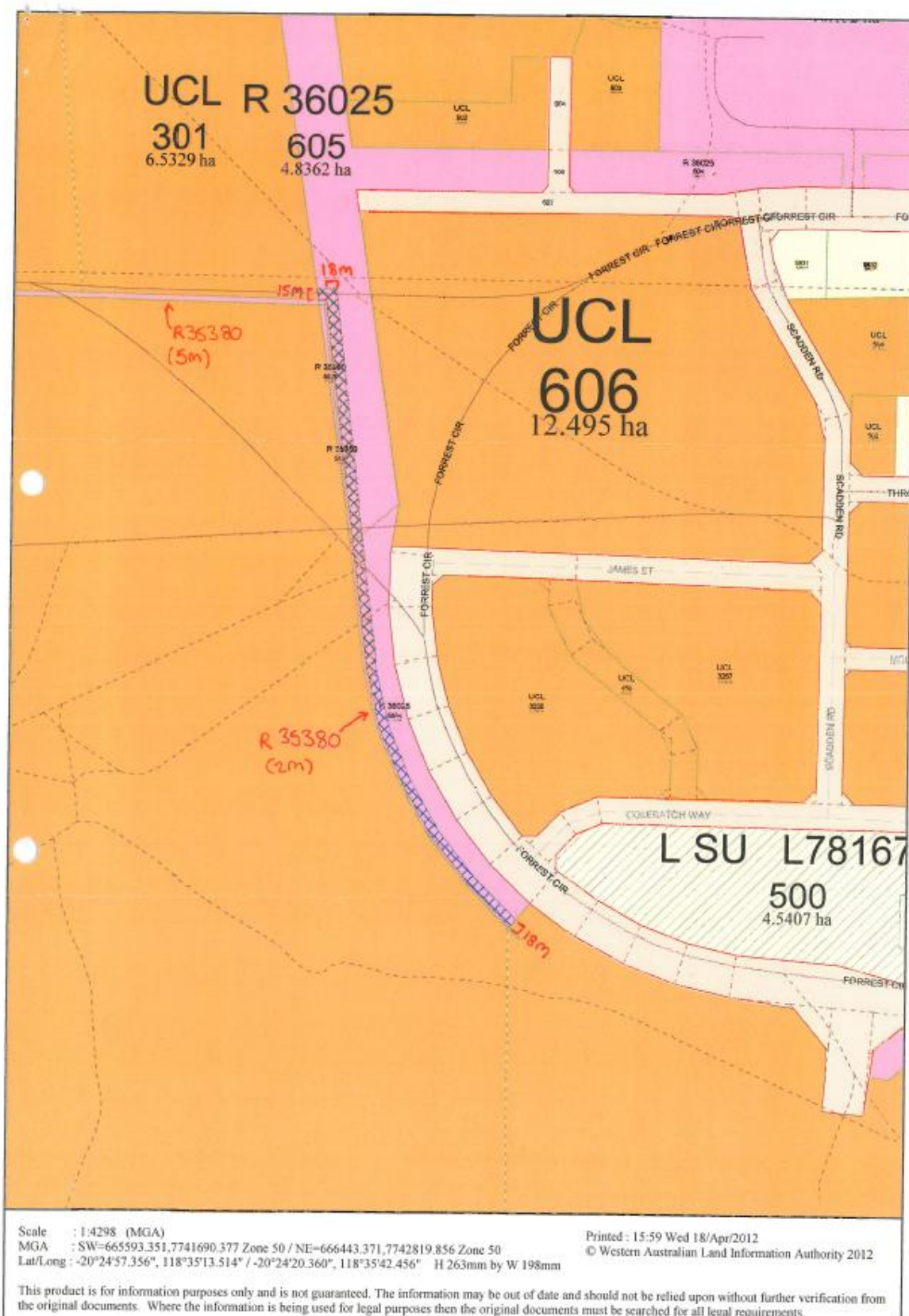
That Council endorses the excision of part Reserve 36025 as identified in Attachment 2 and advises the Department of Regional Development accordingly.

CARRIED 9/0

ATTACHMENT 1 TO ITEM 11.1.2



ATTACHMENT 2 TO ITEM 11.1.2



11.1.3 *Reconsideration of Amendment to Vesting of Reserve 36098 at Lot 145 Forrest Circle, Port Hedland from “Quarry and Stock Holding Yards” to include “Quarry, Stock Holding Yards, Motor Sport” (File No.:05/12/0044)*

Officer **Luke Cervi**
Senior Planning Officer

Date of Report **30 May 2012**

Disclosure of Interest by Officer	Nil
--	------------

Summary

The proposal is before Council to vary its previous resolution to amend the vesting of Reserve 36098 to “Public Recreation” and instead amend the vesting of Reserve 36098 to include “Motor Sport”. The application was previously determined by Council at its Ordinary Meeting held on 21 September 2011.

Background

The construction of the Great Northern Highway Realignment Project by Main Roads Western Australia requires the existing land on which the Port Hedland Motorcycle Club is located.

The Port Hedland Motorcycle Club has identified Reserve 36098 (Lot 145 Forrest Location) as a suitable area to relocate to. However, the vesting of the Reserve currently does not allow for “Motor Sport.”

At its Ordinary Meeting held on 21 September 2011, Council resolved to support a change of the vesting for Reserve 36098 from “Quarry and Stock Holding Yards” to “Public Recreation.” This proposed change is not supported by the Department of Mines and Petroleum (DMP) at this time. DMP has stated that sand and gravel resources have not been exhausted and are likely to be needed for future developments such as Boodarie and East Port Hedland. DMP has requested a deferral/reconsideration of the matter in 6 months to enable a study in to the long term need and availability of raw materials.

Consultation

External consultation

- Port Hedland Motorcycle Club
- Department of Mines and Petroleum

Internal consultation

- Town of Port Hedland Recreation Services

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The Great Northern Highway Realignment Project has progressed to the stage that tenders have been awarded and works are expected to commence early in the 2012/13 Financial Year. This project will impact on the Port Hedland Motorcycle Club (Club).

Reserve 36098 has been identified by the Club as suitably located so as not to cause any disturbance to the residential uses within South Hedland, while at the same time being close enough for members to travel. The Department of Mines and Petroleum (DMP) has identified that raw materials at the site have not been exhausted. DMP requires a study in to the long term need and availability of raw materials (approximately 6 months away) prior to making a decision on the proposal.

Given the current situation of the Club, deferring the decision for 6 months is of great concern. Although the Club requires a large landholding to facilitate activities, the actual area directly impacted (tracks, clubhouse, etc) is minimal. The Club has also expressed a flexibility to locate infrastructure (tracks, clubhouse, etc) away from areas needed for the quarrying/mining purposes. It is therefore considered that a reasonable compromise is to seek an amendment to the vesting to include "Motor Sport" (i.e Quarry, Stock Holding Yards, Motor Sport). This has been discussed briefly with DMP and preliminary acceptance to the concept given. However, protection of and access to the resources contained within the site remains the priority of DMP.

Whilst not providing the Club with long term certainty, it should assist in alleviating immediate concerns surrounding the displacement of the Club as a consequence of the Great Northern Highway Realignment Project. It could also provide an opportunity for formalized off-road vehicle use areas.

Options

Council has the following options:

1. Request an amendment to the vesting of Reserve 36098 to include "Motor Sport" in addition to "Quarry and Stock Holding Yards" with the ability to lease.

The amendment of the management order will assist in the relocation of the Port Hedland Motorcycle Club and provide opportunities for formalized off road vehicle use areas.

2. Reject the proposed amendment to the vesting of Reserve 36098 to include "Motor Sport."

Should Council choose not to support the proposed amendment, Council's decision on 21 September 2011 will stand. This will result in uncertainty for the Club as it awaits the DMP study.

It is recommended that Council varies its decision of 21 September 2011 and supports the proposal to amend the vesting of Reserve 36098 to include "Motor Sport".

Attachments

1. Reserve 36098 Locality Plan

201112/484 Officer's Recommendation / Council Decision

Moved: Cr Jacob

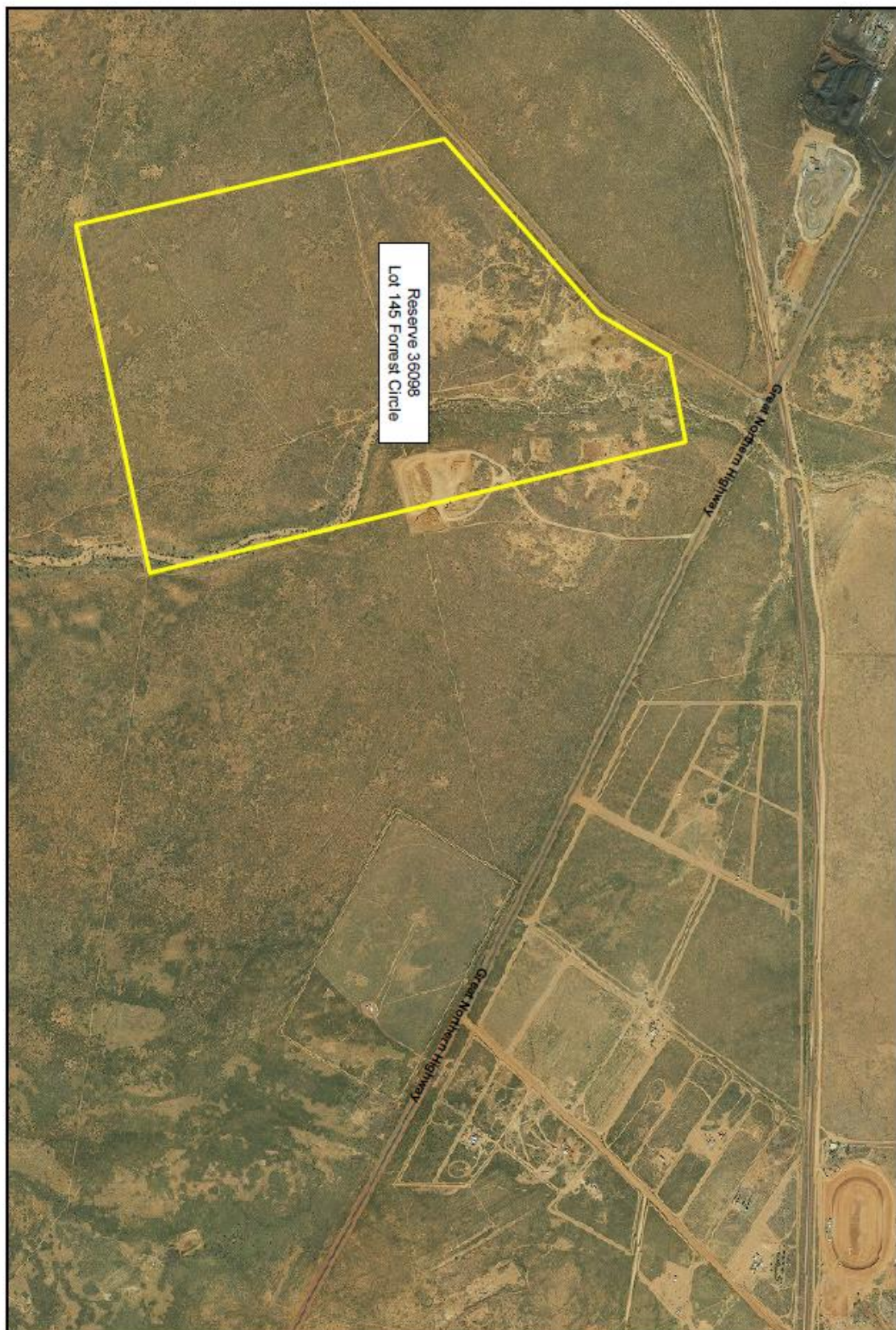
Seconded: Cr Carter

That Council:

- i. **Supports the amendment to the vesting of Reserve 36098, being Lot 145 Forrest Location, to include "Motor Sport" and including the ability to lease;**
- ii. **Delegates the Manager Planning to request the Department of Regional Development and Lands to amend the vesting of Reserve 36098, being Lot 145 Forrest Location, to include "Motor Sport" with the ability to lease.**

CARRIED 9/0

ATTACHMENT 1 TO ITEM 11.1.3



11.1.4 *Proposed Scheme Amendment No. 47 to the Town of Port Hedland Town Planning Scheme No. 5 to recode Lots 9, 1985-1998, 410, and 1974-1983 Corboys Place, Lots 8, 2000-2005 Lawson Street, Lots 1967-1969, 235 and 1971-1973 Smith Street, Lots 3210-3220 Somerset Crescent, Lots 5565, 5931 and Unallocated Crown Land, South Hedland from “Residential R20” to “Residential R30” (File No.: 18/09/0061)*

Officer Steve de Meillon
Acting Manager Planning
Services

Date of Report 31 May 2012

Disclosure of Interest by Officer Nil

Summary

Council received a request from RPS on behalf of Hedland Quality Homes Pty Ltd to amendment to the *Town of Port Hedland Town Planning Scheme No. 5*. The amendment seeks to amend the coding of Lots 9, 1985-1998, 410 and 1974-1983 Corboys Place, Lots 8, 2000-2005 Lawson Street, Lots 1967-1969, 235 and 1971-1973 Smith Street, Lots 3210-3220 Somerset Crescent, Lots 5565, 5931 and Unallocated Crown Land, South Hedland (Attachment 1).

The various lots will be recoded from “Residential R20” to “Residential R30” (Attachment 2).

The required statutory processes have been undertaken and whilst six (6) submissions were lodged no objections were received. Council is requested to adopt the scheme amendment.

Background

The land proposed to be recoded is subject to a dual coding density anomaly relating to Unallocated Crown Land which further contributes to the fragmented nature of residential density coding in the area. The proposal will result in the utilisation of undeveloped land for residential purposes and provide a higher density of residential development that generally reflects the surrounding density of development.

Council resolved to initiate the scheme amendment at its Ordinary Meeting held on the 21 September 2011.

Consultation

Consultation was undertaken in terms of the *Town Planning Regulations 1967*, with a six (6) submissions received, none objecting to the proposed scheme amendment (Attachment 3).

Statutory Implications

The *Planning and Development Act 2005* and the *Town Planning Regulations 1967* provide Council the authority to amend its Local Planning Scheme and establish the procedure required to make this amendment.

Regulation 17 of the *Town Planning Regulations 1967* requires Council to pass a resolution to determine a scheme amendment after consideration of any submissions received during the defined advertising period.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

The applicant has paid the prescribed fee of \$6905.76 for advertising of the amendment as prescribed.

Officer's Comment

In order to facilitate proper and orderly planning it is important to ensure that densification is achieved in an orderly manner. In this regard the Planning unit has identified criteria that should be met before supporting increased density. This criteria is based on the accessibility to infrastructure and facilities (eg Transportation infrastructure, Park and Recreation facilities, education and health facilities and commercial facilities such as supermarkets). Spot rezoning (individual sites) is generally discouraged as they often result in conflict with adjoining property zonings and associated planning controls and development opportunities.

In this instance the proposed recoding will result in a consistent density coding of R30 for all land generally bound by Lawson and Smith Street, Corboys Place and Somerset Crescent and a portion of unallocated Crown Land. The land is located within 200m of the Town Centre which provides numerous facilities to support the increased density.

Attachments

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

Options

Council has the following options when considering the matter:

1. Adopt the amendment.
2. Adopt the amendment with modifications.
3. Not adopt the amendment.

201112/485 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

1. **Adopts the Scheme Amendment 47 to recode of Lots 9, 1985-1998, 410 and 1974-1983 Corboys Place, Lots 8, 2000-2005 Lawson Street, Lots 1967-1969, 235 and 1971-1973 Smith Street, Lots 3210-3220 Somerset Crescent, Lots 5565, 5931 and Unallocated Crown Land, South Hedland from "Residential R20" to "Residential R30".**
2. **Delegates the Manager Planning Services to forward Scheme Amendment 47 to the Planning Commission for final approval.**

CARRIED 9/0

ATTACHMENT 1 TO ITEM 11.1.4



ATTACHMENT 2 TO ITEM 11.1.4



Document #: IPA20286
Date: 11.10.2011
Officer: LEONARD LONG
File: 18/08/0081

Unit 1, 3 Prince Street, Busselton WA 6280 • PO Box 749, Busselton 6280, Western Australia
T +618 9751 2898 F +618 9751 2085 E Busselton@rpsgroup.com.au W rpsgroup.com.au

Our Ref: 40069

Email: Hannah.paget@rpsgroup.com.au
Date: 6 October 2011

Town of Port Hedland
PO Box 41
Port Hedland WA 6721

Dear Sir,

RE: Amendment No. 47 to Town Planning Scheme No. 5

Please find attached 3 copies and 1 disc of the formal Amendment documentation for the above Scheme Amendment No. 47 in accordance with Council resolution of 21 September 2011.

We trust the Amendment documents are now in order to be referred to the Environmental Protection Authority.

If you require any further information or need to discuss the provided documentation please feel free to contact the undersigned or Glenn Ahola on 97542898.

Yours sincerely
RPS

HANNAH PAGET
Town Planner

cc. Hedland Quality Homes (Kate Thomas)

enc. 3 x Amendment 47
1 x disc



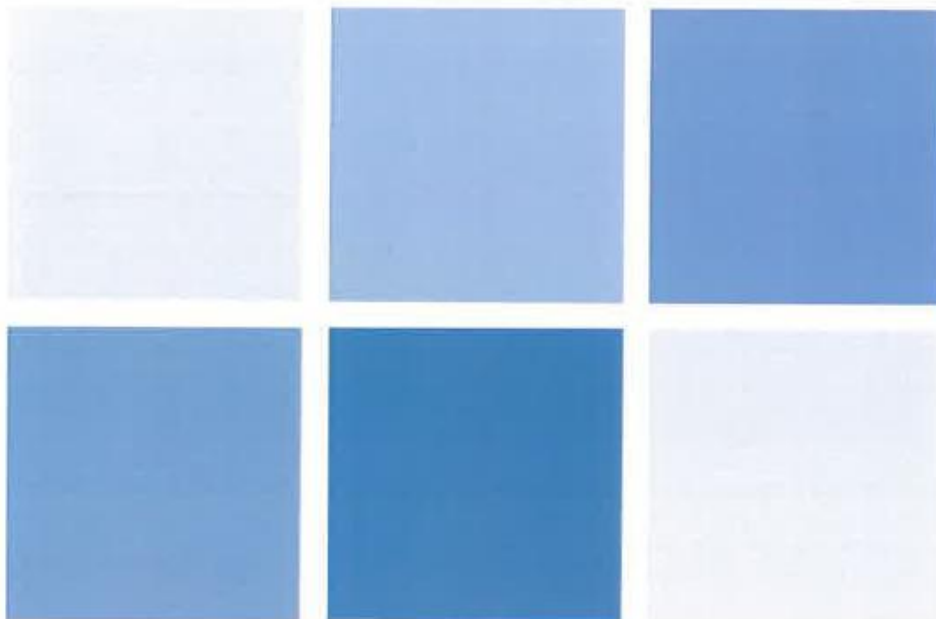
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a member of RPS Group Pty Ltd rpsgroup.com

RPS

TOWN OF PORT HEDLAND

TOWN PLANNING SCHEME NO. 5

AMENDMENT NO. 47



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TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO. 5
AMENDMENT NO. 47

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO.5
AMENDMENT NO. 47

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

1. Applying a residential density coding of 'R30' to Lots 9, 1985-1998, 410, 5566 and 1974-1983 Corboys Place, Lots 8, 2000-2005 Lawson Street, Lots 1967-1969, 235 and 1971-1973 Smith Street, Lots 3210-3220 Somerset Crescent, Lot 5565, Lot 5931 and Unallocated Crown Land, South Hedland; and
2. Amending the Scheme Map accordingly.

Dated this day of 201

CHIEF EXECUTIVE OFFICER

SCHEME AMENDMENT REPORT

1. **LOCAL AUTHORITY** : Town of Port Hedland
2. **DESCRIPTION OF TOWN PLANNING SCHEME** : Town Planning Scheme No. 5
3. **TYPE OF SCHEME** : Town Planning Scheme
4. **SERIAL NUMBER OF AMENDMENT** : 47
5. **PROPOSAL** : Apply a residential density coding of 'R30' to Lots 9, 1985-1998, 410, 5566 and 1974-1983 Corboys Place, Lots 8, 2000-2005 Lawson Street, Lots 1967-1969, 235 and 1971-1973 Smith Street, Lots 3210-3220 Somerset Crescent, Lot 5565, Lot 5931 and Unallocated Crown Land, South Hedland.

The logo consists of the letters 'RPS' in a white, sans-serif font, centered within a dark grey rectangular box.

Town Planning Scheme Amendment Report

**Lots 9, 1985-1998, 5566 and 1974-1983 Corboys Place,
Lots 8, 2000-2005 Lawson Street, Lots 1967-1969, 235
and 1971-1973 Smith Street, Lots 3210-3229 Somerset
Crescent, Lot 5565, Lot 5931 and Unallocated Crown
Land, South Hedland**

Prepared by:

Prepared for:

RPS

1 / 8 Prince Street, BUSSELTON WA 6280

PO Box 749, BUSSELTON WA 6280

T: 08 9754 2898

F: 08 9754 2085

E: busselton@rpsgroup.com.au

W: www.rpsgroup.com.au

HEDLAND QUALITY HOMES PTY LTD

Project No: 40069

Date: May 2011

RPS Environment and Planning Pty Ltd (ABN 45 106 680 977)



Scheme Amendment Report
Various Lots – Corboys Place, Lawson Street, Smith Street and Somerset Crescent, South Hedland

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Scheme Amendment Report
Various Lots – Corboys Place, Lawson Street, Smith Street and Somerset Crescent, South Hedland

1.0 INTRODUCTION

This report is prepared in support of an application seeking to amend the Town of Port Hedland Town Planning Scheme No. 5 ('the Scheme') by increasing the residential density coding of various lots fronting Corboys Place, Lawson Street, Smith Street and Somerset Crescent, and other Unallocated Crown Land to 'R30' and amending the scheme map accordingly.

This proposal offers the opportunity to provide a higher density of residential development that generally reflects the surrounding density of development. It also provides an opportunity to resolve a dual coding density anomaly relating to Unallocated Crown Land which further contributes to the fragmented nature of residential density Codings in the area.

The proposed Scheme Amendment will facilitate for residential development that reinforce and consolidate the opportunity for residents to live and be in close proximity to existing services and facilities offered by the South Hedland Town Centre and surrounding areas.

The report provides information on the following:

- (i) Background to the formulation of the Scheme Amendment request;
- (ii) Site context and location information;
- (iii) Consideration of the Statutory planning and Policy framework;
- (iv) Justification for the proposed increase in residential density as proposed.

This report adequately demonstrates the planning merit of the proposed Scheme Amendment. We therefore respectfully seek the Town of Port Hedland's support in progressing this proposal.



Scheme Amendment Report
Various Lots – Corboys Place, Lawson Street, Smith Street and Somerset Crescent, South Hedland

2.0 PROPOSED SCHEME AMENDMENT

The proposed amendment to the Town of Port Hedland Town Planning Scheme No.5 seeks to increase the density coding of Lots 9, 1985-1998, 410, 5566 and 1974-1983 Corboys Place, Lots 8, 2000-2005 Lawson Street, Lots 1967-1969, 235 and 1971-1973 Smith Street, Lots 3210-3220 Somerset Crescent, Lot 5565, Lot 9531 and Unallocated Crown Land, South Hedland from 'R20' to 'R30'.

The amendment is considered appropriate for the following reasons:

- (i) It offers the opportunity to provide a higher density of residential development that generally reflects the surrounding density of development.
- (ii) It facilitates the potential utilisation of undeveloped land for residential purposes, consistent with the strategic framework and objectives of the area,
- (iii) It provides an opportunity to resolve a dual coding density anomaly relating to Unallocated Crown Land which further contributes to the fragmented nature of residential density codings in the area,
- (iv) It will allow for more varied housing product and types within close proximity to the South Hedland Town Centre, further reinforcing the commercial vibrancy and assists in improving housing choice and affordability in South Hedland.



3.0 SITE CONTEXT

3.1. Location

The land is located central to the town site of South Hedland which is approximately 10 Kilometres south of Port Hedland (refer Figure 1).

3.2. The Site

The proposed amendment area comprises Lots 9, 1985-1998, 410, 5566 and 1974-1983 Corboys Place, Lots 8, 2000-2005 Lawson Street, Lots 1967-1969, 235 and 1971-1973 Smith Street, Lots 3210-3220 Somerset Crescent, Lot 5565, Lot 5931 and Unallocated Crown Land, South Hedland ('the land'). The land has a total area of 4.19 hectares and comprises 51 existing residential lots, Unallocated Crown Land and other minor lots historically created to incorporate service easements for water, sewage and stormwater pipeline services.

The land has typically been developed to contain single residential dwellings fronting Lawson, Smith, Corboys and Somerset Crescent, with vacant Unallocated Crown Land abutting the rear of those properties fronting Corboys Place and Somerset Crescent (refer Figure 2)

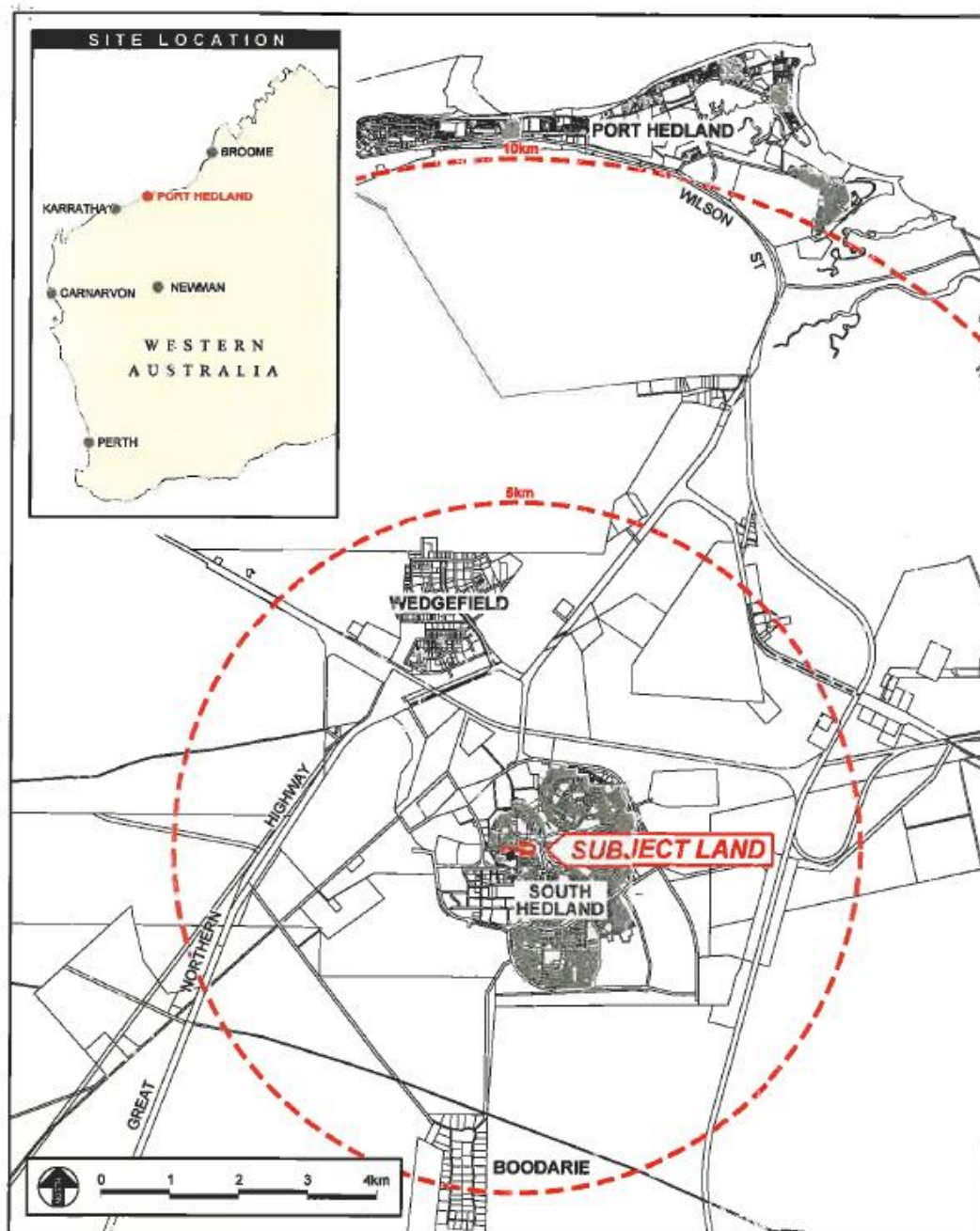
3.3. Surrounding Land Uses

The land is located central to a residential precinct that offers a variety of densities (between R20-R50) and type (comprising single, grouped and multiple dwellings). It is also located in close proximity to the South Hedland Town Centre which provides district centre commercial, retail, residential, community and other services typical to the main activity centre for the townsite. An area of mixed business zoned land is located north west of the land. Community and recreational facilities (to the west of the land) and primary, secondary and tertiary education services are within walking distance to the proposed amendment area (refer Figure 3).

Based on the land's central position and proximity to the full range of services discussed above, in addition to the mix of residential densities and types, the proposed increase in density from 'R20' to 'R30' would be consistent with surrounding land uses and provide additional potential to reinforce the vibrancy of the town centre area through suitable infill residential development.

3.4. Services

The land enjoys access to essential services (water, sewerage, power and other). The current services can accommodate the increase in density of residential development as a result of this proposal.



LOCATION PLAN

Property Description
**Various Lots,
 SOUTH HEDLAND**

Base data supplied by Landgate.
 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.

Hedland
 Quality Homes Pty. Ltd. : CLIENT
 1:75,000@A4 : SCALE
 18 May 2011 : DATE
 40069-5-001.dgn : PLAN No
 : REVISION
 G.A. : PLANNER
 R.F. : DRAWN
 G.A. : CHECKED



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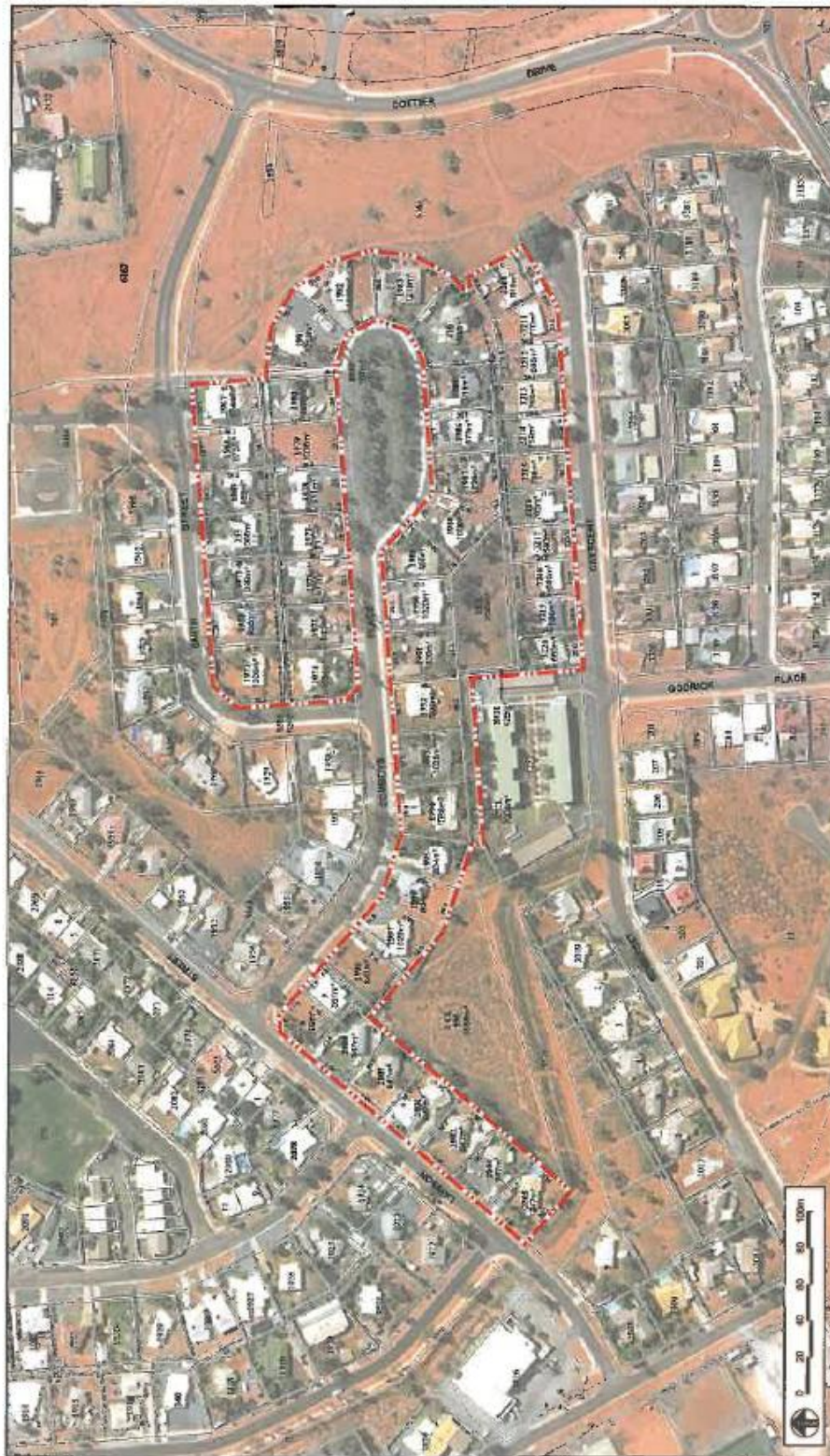
RPS Environment and Planning Pty Ltd
 ACN 108 680 977
 ABN 45 108 680 977

PO Box 485 Subiaco WA 6904
 38 Station Street
 Subiaco WA 6008

T +61 8 9211 1111
 F +61 8 9211 1122

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FIGURE 1



SITE PLAN
Various Lots, SOUTH HEDLAND

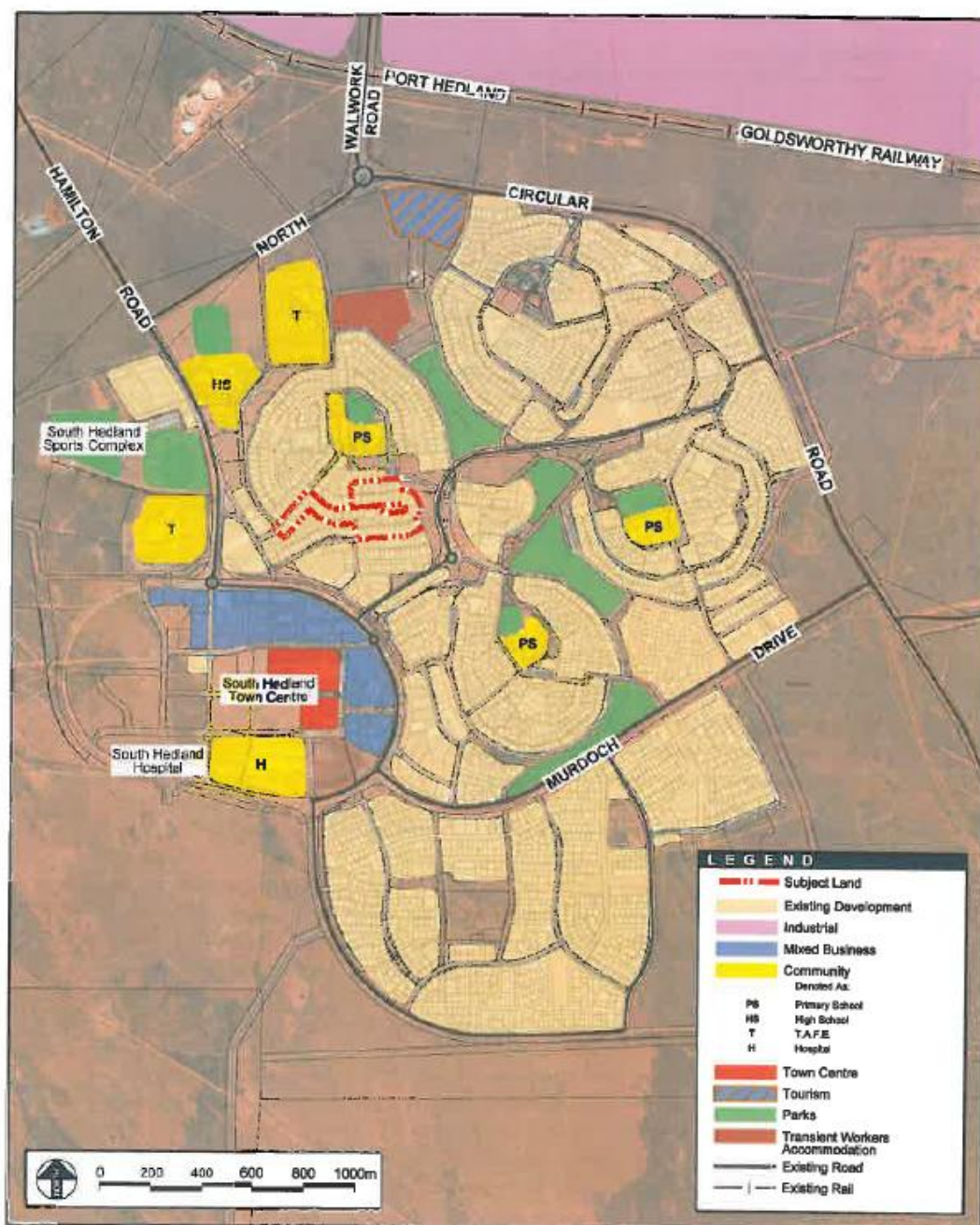
FIGURE 2

RPS
RPS Engineering and Planning Pty Ltd
ACN 108 000 077
40 Macquarie Street, Suite 101
Cairns, QLD 4870
T: +61 (0)7 411 1111
F: +61 (0)7 411 1122
W: www.rps.com.au

North Coast Council, PO Box 100, CAIRNS
1:2000 Scale
20 May 2011 : CAIRNS
4000 A/D/S/10 : PLAN No
S.A. : PLANNING
P.L. : 000000
C.A. : 000000

LEGEND
Subject Land
Boundary

Notes are supplied for Landgate.
Area: Preliminary and 2D.
Accuracy: ±1-5% (Horizontal) and ±10% (Vertical).
Areas and dimensions shown are subject to final survey calculations.
All measurements are shown for Australian mean sea level and are subject to suitable engineering design.



LOCAL CONTEXT PLAN

Property Description
Various Lots, SOUTH HEDLAND

Base data supplied by Linciplex. Aerial Photography dated May 2010.
Accuracy +/- 4m. Projection NGA Zone 80.
Areas and dimensions shown are subject to final survey calculations.
All easements are shown for illustrative purposes only and are subject to detailed engineering design.

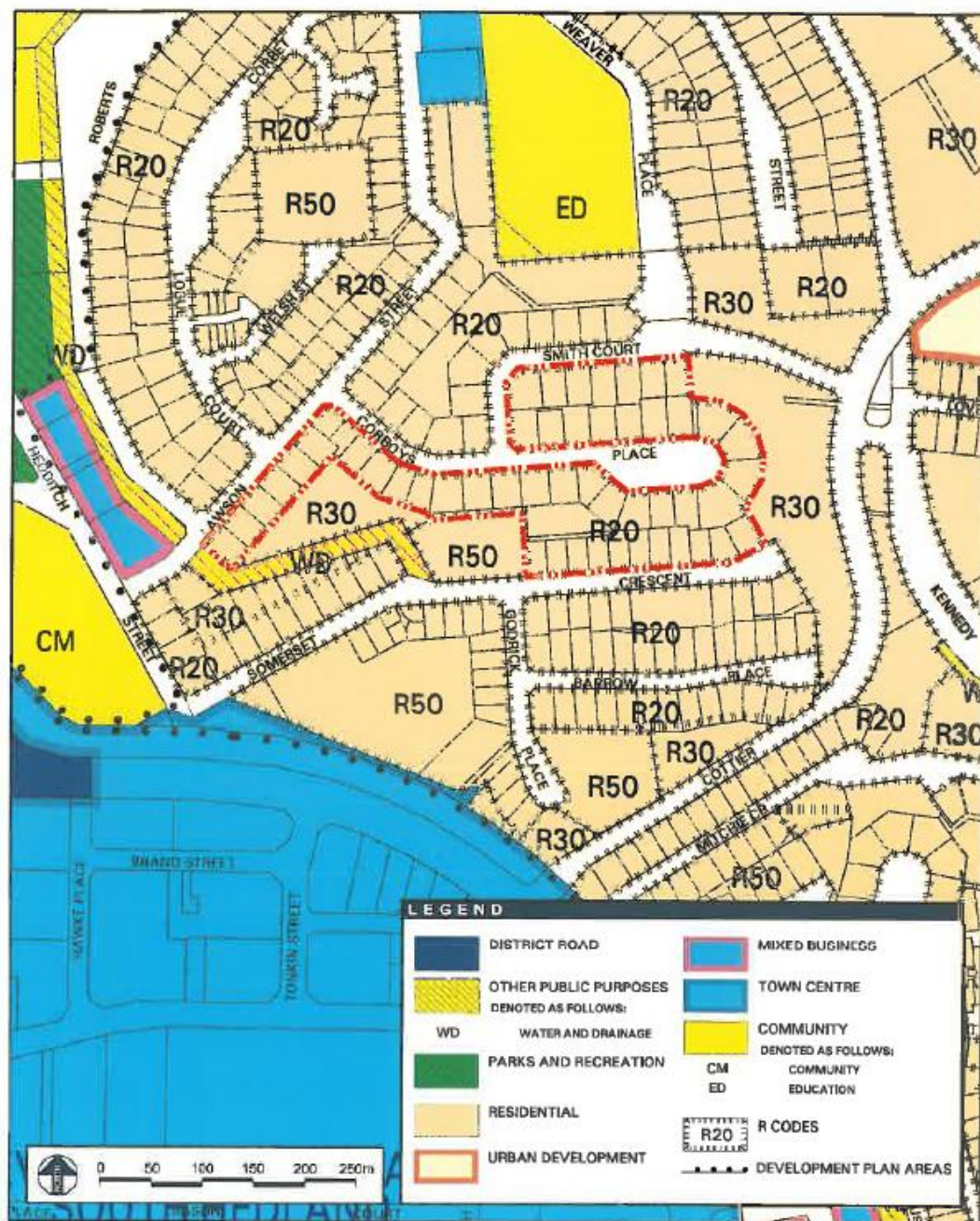
Hedland Quality
Homes Pty. Ltd : CLIENT
1:20,000@A4 : SCALE
27 May 2011 : DATE
40089-S-002.dgn : PLAN No
- : REVISION
G.A. : PLANNER
L.W. : DRAWN
- : CHECKED



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RPS Environment and Planning Pty Ltd
ACN 108 686 877
ABN 45 108 686 877
PO Box 465 Subiaco WA 6904
38 Station Street
Subiaco WA 6008
T +61 8 9211 1111
F +61 8 9211 1122
W rpsgroup.com.au

FIGURE 3



EXISTING ZONING MAP

Property Description
Various Lots, SOUTH HEDLAND

Base data supplied by WAPC.
Accuracy $\pm 4m$, Projection MGA Zone 60.
Areas and dimensions shown are subject to final survey calculations.
All cartographic work shown for illustrative purposes
only and are subject to detailed engineering design.

Hedland Quality

Homes Pty. Ltd. : CLIENT
1:5,000@A4 : SCALE
27 May 2011 : DATE
40066-5-004.dgn : PLAN No
- : REVISION
G.A. : PLANNER
L.W. : DRAWN
- : CHECKED



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RPS Environment and Planning Pty Ltd
ACN 108 680 977
ABN 45 108 680 977
PO Box 465 Subiaco WA 6904
38 Station Street
Subiaco WA 6008
T +61 8 6211 1111
F +61 8 6211 1122
W rpsgroup.com.au

FIGURE 4



Scheme Amendment Report
Various Lots – Corboys Place, Lawson Street, Smith Street and Somerset Crescent, South Hedland

The Scheme's Zoning Table principally lists a range residential/and associated / ancillary accommodation land uses able to be considered within the Residential zone. Section 6.3 outlines various provisions relating to development and land use control within the 'Residential' zone. It is not proposed to vary any of these provisions, nor any part of the Scheme Text as part of the proposed scheme amendment.

4.2.3. Port Hedland Land Use Master Plan (2008)

The Port Hedland Land Use Master Plan (LUMP) identifies housing supply as a key issue for the area, and supports further renovation, redevelopment and release of land in South Hedland to improve housing choice and affordability. The Master Plan goes on to set the following overall housing policies:

- 2.5(a) Secure appropriate residential zoning for all suitable new housing sites within or adjacent to existing developed areas, promoting a balance of growth in all parts of the town.
- 2.5(b) Expedite the release of currently encumbered sites for additional housing development, including clearance of Native Title on all land zoned for development in South Hedland.
- 2.5(c) Support the relocation of existing uses that do not represent the highest and best use of a potential residential site, or otherwise inhibit the development of new housing.
- 2.5(d) Increase the density of residential development in areas with appropriate access, services and amenity, and support the improvement or provision of infrastructure where necessary to promote increased residential densities.
- 2.5(e) Encourage a wider range of housing types by identifying suitable areas for specific types of units, including single bedroom units, and home office or other combinations of live/work arrangements.

The proposed scheme amendment to increase the residential density coding of the land, which has immediate access to the South Hedland Town Centre and a range of surrounding community facilities, is consistent with policy 2.5(d) above and will help facilitate the potential redevelopment of the land (including currently undeveloped land) for a range of housing types in line with policies 2.5(a) and 2.5(e).



5.0 CONCLUSION

The proposed amendment will facilitate for all of the landholdings to consider increased residential development in close proximity to the South Hedland Town Centre and other community, educational, recreational and transport services and facilities. The higher density Residential R30 coding for the land is consistent with adjacent residential cells that have similar medium residential densities where a range of lot sizes and housing products have been developed.

The resultant development occurring as a result of this amendment will further consolidate and provide a choice of housing that suits a variety of lifestyle needs. The land is well suited to a density increase as the lots provide sufficient access / frontage to existing streets and provides for essential reticulated services being sewerage, water, power and Telstra services.

The Town of Port Hedland is able to control amenity and streetscape requirements through the development approval process under its Scheme and the Residential Design Codes.

The proposal is consistent with key stakeholder and local government strategies and policy where it recognises that there is a significant shortage of residential housing and residential zoned land in the Port Hedland / South Hedland area. This amendment report provides a sound planning approach and presents significant justification to increase the residential Coding of the land to 'R30'. It also assists in addressing land supply for residential development within South Hedland which has been a common theme and objective detailed within various regional and local Strategies relating to the area as discussed in Section 4 of the report.

On the basis of this report and the justification demonstrated, the Town of Port Hedland's favourable support is respectfully requested.

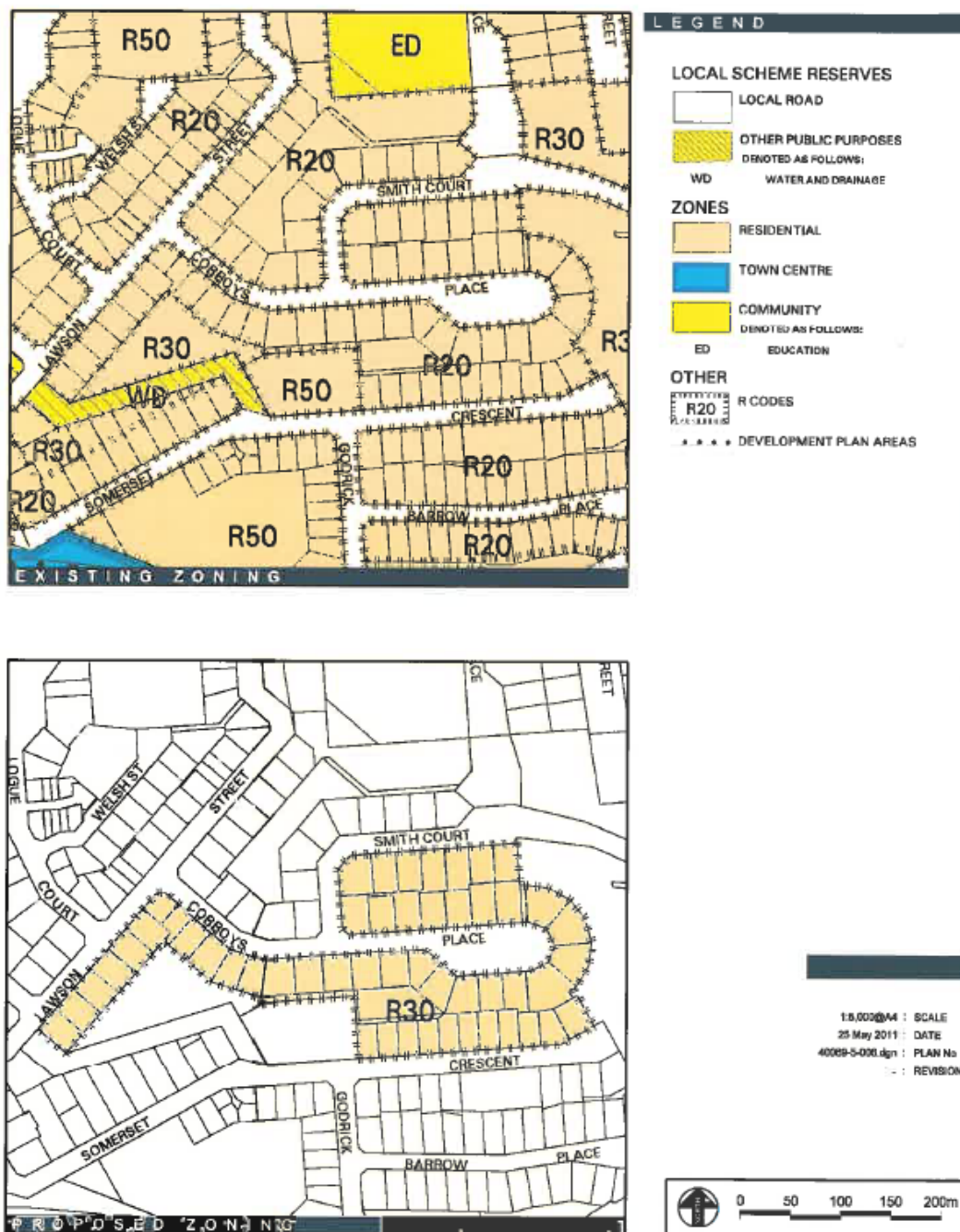
PLANNING AND DEVELOPMENT ACT 2005**TOWN OF PORT HEDLAND****TOWN PLANNING SCHEME NO. 5****AMENDMENT NO. 47**

The Town of Port Hedland under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

1. Applying a residential density coding of 'R30' to Lots 9, 1985-1998, 410, 5566 and 1974-1983 Corboys Place, Lots 8, 2000-2005 Lawson Street, Lots 1967-1969, 235 and 1971-1973 Smith Street, Lots 3210-3220 Somerset Crescent, Lot 5565, Lot 5931 and Unallocated Crown Land, South Hedland; and
2. Amending the Scheme Map accordingly.

SCHEME AMENDMENT MAP

Town of Port Hedland
Town Planning Scheme No. 5
Amendment No. 47



ADOPTION

Adopted by resolution of the Council of the Town of Port Hedland at the Meeting of the Council held on the day of 20 .

MAYOR / SHIRE PRESIDENT

CHIEF EXECUTIVE OFFICER

FINAL ADOPTION

Adopted for final approval by resolution of the Town of Port Hedland at the Meeting of the Council held on the day of 20 and the Common Seal of the Town of Port Hedland was hereunto affixed by the authority of a resolution of the Council in the presence of:

MAYOR / SHIRE PRESIDENT

CHIEF EXECUTIVE OFFICER

Recommended / Submitted for Final Approval

DELEGATED UNDER S.16 OF
PD ACT 2005

DATE

Final Approval Granted

MINISTER FOR PLANNING

DATE

ATTACHMENT 3 TO ITEM 11.1.4

**Environmental Protection Authority**

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

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



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

Your Ref 2011/382
Our Ref A443559
Enquiries Stephen Pavey
Phone 6467 5245

Attn: Leonard Long



Document #: ICR21581
Date: 24.11.2011
Officer: DARRYL EASTWELL
File: 18/09/0061

Dear Sir/Madam

**DECISION UNDER SECTION 48A(1)(a)
*Environmental Protection Act 1986***

SCHEME AMENDMENT TITLE: Town of Port Hedland Town Planning Scheme 5 Amendment 47 - applying a residential density coding of R30 various locations in South Hedland
LOCATION:
RESPONSIBLE AUTHORITY: Town of Port Hedland
DECISION: Scheme Amendment Not Assessed (no appeals)

Thank you for referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and that it is not necessary to provide any advice or recommendations.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme amendment.

- This letter will be made available to the public on request.

Yours faithfully



Anthony Sutton
Director
Assessment and Compliance Division

21 November 2011



Town of Port Hedland
PO Box 41
Port Hedland WA 6721

27 February 2012



Reference 20112/382 / 18/09/0061

Document #: IPA24346
Date: 01.03.2012
Officer: LEONARD LONG
File: 18/09/0061

Attention: Michael Pound - Senior Planning Officer

Dear Sir

Application No: 2011/382 for amendment to the Port Hedland Town Planning Scheme No 5, Amendment No 47 – Lots 9, 1985-1998, 5566 and 1974-1983 Corboys Place, Lot 8, 200-2005 Lawson Street, Lots 1967-1969, 235 and 1971-1973 Smith Street, Lots 3210-3229 Somerset Crescent, Lot 5565, Lot 5931 and Unallocated Crown Land, Port Hedland

Thank you for the opportunity to comment on the above application.
I fully support the proposal. I believe it will lead to a renewal of the neighbourhood, with many properties being redeveloped.
This will improve the general image of the locality, create much needed housing opportunities and improve property values for the home owners.
The application has my full support.

Best regards

Colin Ashcroft
Owner: 16 Corboys Place (Lot 1991), South Hedland.





Your Ref: 2011/382
Enquiries: Ray Deall
Telephone 9173 8201

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

30th January 2012

Mr Luke Cervi
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Luke

RE: NO. 2011/382 FOR AMENDMENT TO THE PORT HEDLAND TOWN PLANNING SCHEME NO. 5, AMENDMENT NO 47- LOTS , 1985 – 1998, 5566 AND 1974 – 1983 CORBOYS PLACE, LOT 8, 200 - 2005 LAWSON STREET, LOTS 1967 -1969, 235 AND 1971 – 1973 SMITH STREET, LOTS 3210 – 3229 SOMERSET CRESCENT, LOT 5565, LOT 5931 AND UNALLOCATED CROWN LAND, PORT HEDLAND

Thank you for your enquiry concerning the above application.

Horizon Power has no objection to the amendment of the above lots.

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

Yours sincerely

Ray Deall
Network Asset Management Coordinator



Government of Western Australia
Department of Water

WA240281240 to 2011/382
ENTERED
DATE 24/2/12 BY Michelle



Leading water into the future

Your ref: 2011/382 18/09/081
Our ref: RF741-04, WRD150719
Enquiries: Natalie Leach 9144 0200

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

Attn: Luke Cervi

Dear Mr Cervi,

APPLICATION NO: 2011/382 FOR AMENDMENT TO THE PORT HEDLAND TOWN
PLANNING SCHEME NO. 5, AMENDMENT NO 47 - LOTS 9, 1985 - 1998, 5566 AND
1974 - 1983 CORBOYS PLACE, LOT 8, 200 - 2005 LAWSON STREET, LOTS 1967 -
1969, 235 AND 1971 - 1973 SMITH STREET, LOTS 3210 - 3229 SOMERSET
CRESCENT, LOT 5565, LOT 5931 AND UNALLOCATED CROWN LAND, PORT
HEDLAND ON LOT NO: AT

Thank you for the above referral dated 24 January 2012. The Department of Water
(DoW), Pilbara Region has reviewed the proposal and has no comment.

If you have any further queries please contact Natalie Leach on 9144 0200.

Yours sincerely,

Dr Hamid Mohsenzadeh
Regional Manager
Department of Water
Pilbara Region

21 February 2012



Document #: IPA24028
Date: 24.02.2012
Officer: LEONARD LONG
File: 18/09/0061

no further action
P.L.
24/2/12

Pilbara Region
Lot 4608 Cherratta Road KIE
Karratha Western Australia 6714
PO Box 836 Karratha Western Australia 6714
Telephone (08) 9144 2000 Facsimile (08) 9144 2610
www.water.wa.gov.au
wa.gov.au

IP A 23663



Your Ref: 2011/382/18/09/0061
Our Ref: JT1 2008 02134 V02
Enquiries: Frank Kroll
Telephone: 9420-2221

9 February 2012

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

Attention: Michael Pound



629 Newcastle Street
Leederville 6007
Western Australia

PO Box 100
Leederville 6902
Perth Western Australia

Tel (+61 8) 9420 2420

www.watercorporation.com.au

ABN 28 003 434 917

**APPLICATION: 2011/382 PORT HEDLAND TOWN PLANNING SCHEME
No. 5 AMENDMENT No. 47 VARIOUS LOTS SOMERSET CRES,
CORBOYS PLACE, LAWSON STREET, SMITH COURT, PORT HEDLAND**

Thank you for letter dated 19 January 2012. The Corporation advises the following.

The Corporation currently does not fully support the application subject to the following reasons and conditions.

Water supply in Port Hedland is highly constrained, and upgrade of various headworks components such as borefields, transfer mains, and distribution works in Port Hedland and South Hedland are in progress. Wastewater headworks are also scheduled for upgrade. Current completion date of all works is mid 2014.

The application will increase the available lots for redevelopment by approximately 40 dwellings. The application applies to a large area in lieu of single lot dwelling increases.

The timing of the application is early considering the low ability to supply water to development.

General Development Application Criteria

The advice given can be taken as general standard advice for development applications, unless the Corporation responds specifically to an application, or this general advice is updated. This applies to developments within the Port and South Hedland townsites. Applications should continue to be referred to the Corporation to review, in case specific advice is required, and also for planning servicing future demand.

The ability service depends on available regional as well as local capacity. Approval is dependent on the available capacity at the time of application.



This advice applies until additional water supply headworks infrastructure is completed for Port Hedland, currently scheduled for completion in 2014.

Residential. A water service will be available where a single lot is already serviced (brownfield redevelopment) and is rezoned to an increased density of 5 or less residential units. A water service to developments above 5 units will not be available till 2014.

Recommendation

It is recommended the approval of the amendment be delayed till late 2013.

Should there be any queries on this advice, please contact the undersigned.



Frank Kroll
Senior Development Planner
Development Services
Planning & Capability



Document #: IPA23663
Date: 15.02.2012
Officer: LEONARD LONG
File: 18/09/0061





Your Ref: 2011/382/18/09/0061
Our Ref: JT1 2008 02134 V02
Enquiries: Frank Kroll
Telephone: 9420-2221

28 March 2012

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

File to Mike please

Document #: NPA9129
Date: 03.04.2012
Officer: LEONARD LONG 4/4/12
File: 18/09/0061

Water Corporation
ABN 28 003 434 917

Attention: Michael Pound

**APPLICATION: 2011/382 PORT HEDLAND TOWN PLANNING SCHEME No. 5
AMENDMENT No. 47 VARIOUS LOTS SOMERSET CRES, CORBOYS PLACE,
LAWSON STREET, SMITH COURT, PORT HEDLAND**

Further to our letter dated 9 February 2012, and our discussion on 28 March 2012, the Corporation is able to amend its advice to the following.

The Corporation does not object to the application subject to the following conditions.

Water supply in Port Hedland is highly constrained, and upgrade of various headworks components such as borefields, transfer mains, and distribution works in Port Hedland and South Hedland are in progress. Wastewater headworks are also scheduled for upgrade. Current completion date of all works is mid 2014.

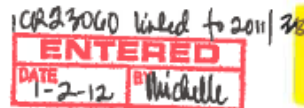
The application will increase the available lots for redevelopment by approximately 40 dwellings, however it is expected that applications for development may not occur till 2014.

The ability to service development depends on available regional as well as local capacity. Approval to upgrade services is dependent on the available capacity at the time of building application, and the application of water efficiency measures. The principles outlined in the Corporation's publication *H2Options* are to be incorporated into development proposals.

Should there be any queries on this advice, please contact the undersigned.

Frank Kroll
Senior Development Planner
Development Services
Planning & Capability





January 20, 2012

Your Ref: L Cervi
2011/382/18/09/0061



Town of Port Hedland
PO Box 41
Port Hedland

Document #: ICR23060
Date: 27.01.2012
Officer: LEONARD LONG
File: 18/09/0061

Dear Sir/Madam

SCHEME NO 5 AMENDMENT NO 47 - SOMERSET CRESCENT SOUTH HEDLAND

In response to your letter dated 19/1/12 we advise that Optus does not have any underground assets in the area of your enquiry.

We recommend that you lodge an online request with Dial Before You Dig using the link provided here <http://www.1100.com.au/default.aspx> to lodge any formal request and for any future queries regarding Optus assets.

Yours faithfully

Ray Azzopardi
Team Leader
Customer Assurance Field Operations WA



SingTel Optus Pty Limited ABN 90 052 833 208
Lot 4, Altone Road, Lockridge, WA 6054 Australia, PO Box 295, Bassendean, WA 6054 Australia
Telephone +61 8 6188 5000 Facsimile +61 8 9288 9801
optus.com.au

1379450 0411



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Sequence Number:

Date Generated: 15/01/2012



For all Optus DBYD plan enquiries -
Email: dbysupport@optus.net.au
For urgent onsite assistance contact 1800 505 777
Optus Limited ACN 052 833 208



7:15pm Councillor Hooper declared an impartiality interest in Item 11.1.5 'Proposed Residential Building on Lot 3 Manilinha Drive, Turner River (File No.: 800028G)' as he has an association with the applicant.

Councillor Hooper remained in the room.

11.1.5 *Proposed Residential Building on Lot 3 Manilinha Drive, Turner River (File No.: 800028G)*

Officer Luke Cervi
Senior Planning Officer

Date of Report 29 May 2012

Disclosure of Interest by Officer Nil

Summary

The Town received an application from RPS on behalf of Jamie Reus and Katrina Wilson being the owners of Lot 3, Manilinha Drive, Turner River for a "Residential Building."

The proposal has been referred to Council for determination as the application has been recommended for refusal.

Background

Location and description

The subject site is located along Manilinha Drive, Turner River Estate (Attachment 1), and measures approximately 12,104m².

Current Zoning and Use

In terms of the Port Hedland Town Planning Scheme No. 5 the subject site is zoned "Rural Residential" and is currently developed with a single dwelling and associated outbuildings.

The Proposal

The Applicant is seeking approval of a "Residential Building" consisting of two transportable buildings being:

1. a 4 bedroom and 4 bathroom accommodation unit
2. a common area unit including kitchen and laundry facilities

Consultation*Externally:*

- Horizon Power,
- Water Corporation,
- Department of Water

Water Corporation and Department of Water have not responded within the 14 day referral period. Horizon Power have raised no objection to the proposal.

Internally:

The application was circulated to the following internal units, with comments received, included in the report:

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

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

An application fee of \$499.20 has been received as per the prescribed fees approved by Council.

Officer's Comment

There are three issues of concern relating to the proposed development, classification of use and visual amenity.

Classification of use

From a planning perspective the greatest concern relates to the defining of the building. The applicant has requested that the building be approved as a "Residential Building" which is defined in the Port Hedland Town Planning Scheme No. 5 as being:

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

- a. temporarily by two or more persons, or*
- b. permanently by seven or more persons*

Who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, hotel, and motel or holiday accommodation”.

It is the Planning Unit opinion that proposal is best defined as a “Grouped Dwelling”, which is defined as:

“A dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate”.

A Grouped dwelling is a prohibited use within a Rural Residential area. Council considered a similar matter at its Ordinary Council Meeting held 19 October 2011 where it was resolved to approve an application for a change of use from a “Shed” to a “Residential Building”.

Visual amenity

The two buildings that would comprise the residential building are of a simplistic design and lack architectural features and points of interest. Whilst detailed plans of the kitchen/laundry unit are yet to be provided, the applicant has advised that the design will be “using similar materials/colours and to the same standard as the accommodation unit”.

Of particular concern is the lack of windows and or openings in the elevation that would address the street. Whilst the walls are not of a significant scale, the lack of openings results in no passive surveillance and a poor streetscape. The applicant proposes to address the issue by providing vegetation screening of the buildings. This is not considered an acceptable streetscape or passive surveillance outcome.

Potential Traffic Impact

The proposed “Residential Building” contains four bedrooms that are designed in a way to afford privacy to individuals and in current circumstances, likely to be occupied by four independent persons. This is likely to result in an increase to local traffic and contribute to road deterioration.

Options

Council has the following options when considering this application:

1. Approve the Application

This option should be chosen if Council agrees with the applicant that the proposal includes a “Residential Building” as opposed to “Group Dwelling” as contended by the Planning Unit and believes the visual amenity associated with the building is acceptable.

2. Refuse the Application

This option should be chosen if Council agrees with the Planning Unit that the proposal includes a “Grouped Dwelling” which is a prohibited use in the Rural Residential zone or believe the visual amenity resulting from the building would not be acceptable.

It has been recommended that Council refuses the application due to the proposal containing a prohibited use being a “Grouped Dwelling”.

Attachments

1. Locality Map.
2. Site Plan
3. Elevations of Accommodation Unit.

Officer’s Recommendation

That Council refuses the application submitted by RPS on behalf of Jamie Reus and Katrina Wilson for a “Residential Building” at Lot 3 Manilinha Drive, Turner River for the following reasons:

1. The proposed use does not meet the definition of a “Residential Building” as defined by the Town Planning Scheme No. 5 (TPS 5).
2. In terms of TPS 5 the proposed use is better defined as “Grouped Dwelling” being a prohibited use within a “Rural Residential” zone.
3. The “Grouped Dwelling” would not provide passive surveillance to the street.
4. The “Grouped Dwelling” would contribute toward an undesirable streetscape.

Alternative Recommendation

1. This approval relates only to the proposed “Residential Building”, as indicated on the approved plans (DRG2012/183-1 – DRG2012/183-4). It does not relate to any other development on this lot.

2. In terms of the Town of Port Hedland Town Planning Scheme No. 5, "Residential Building" is defined as follows and shall only be used for this purpose:

"Residential Building,

A building or portion of a building, together with rooms and outbuildings 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) Temporarily by two or more persons, or*
- b) Permanently by seven or more persons,*

Who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, hotel, motel or holiday accommodation.

3. This approval shall remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval shall remain valid for twelve (12) months only.
4. The elevation of the building fronting the road to be amended to include windows to improve the visual amenity and to provide surveillance. The amended plans to be submitted to the Manager of Planning Services for approval.
5. A minimum of six (8) car bays shall be provided as per the approved site plan.
6. No parking bays shall be obstructed in any way or used for any other purpose than parking.
7. Stormwater shall be retained on-site, in accordance with Council's Technical Services Guidelines.
8. Roof mounted or freestanding plant or equipment such as air conditioning units shall be located and / or screened to the satisfaction of the Manager Planning Services.
9. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the developers cost, to the specification and satisfaction of the Manager Technical Services.

Conditions to be cleared by Planning Services prior to application being made for a building permit.

10. Prior to the submission of a building licence permit, the owner / developer shall submit and have approved by the Manager Planning Services an Erosion Prevention and Sediment Control Plan.
11. Prior to the submission of a building permit application, a construction management plan shall be submitted and approved by the Manager Planning Services. The construction management plan shall indicate how it is proposed to manage the following during construction:
 - i) The delivery of materials and equipment to the site;
 - ii) The storage of materials and equipment on the site;
 - iii) The parking arrangements for the contractors and subcontractors;
 - iv) Impact on traffic movement;
 - v) Operation times including delivery of materials; and
 - vi) Other matters likely to impact on the surrounding residents / businesses
12. Prior to the submission of a building licence permit, the owner / developer shall submit and have approved by the Manager Planning Services a landscaping plan.

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

13. Prior to the occupation of the “Residential Building”, 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.
14. Prior to the occupation of the “Residential Building”, an approved effluent disposal system shall be installed to the specification of the Town’s Environmental Health Services and to the satisfaction of the Manager of Planning. Be advised that the effluent disposal system may also require the approval of the Western Australian Department of Health.

ADVICE NOTES:

1. You are reminded this is a Planning Approval only and does not obviate the responsibility of the owner / developer to comply with all relevant building, health and engineering requirements.
2. In regard to Condition 4, two (2) car parking bays are required for the existing “Dwelling” and one (6) car parking bay for the “Residential Building”.

3. To clear any conditions kindly contact the Town's Compliance Officer on (08) 9158 9300.
4. The developer shall take note, 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 the one hundred (100) year Annual Recurrence Interval cycle of flooding may affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure measures adopted to avoid risk will be adequate. The issuing of a Planning Approval and/or Building Permit is not intended as, and must not be understood as, confirmation the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
5. Applicant shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval

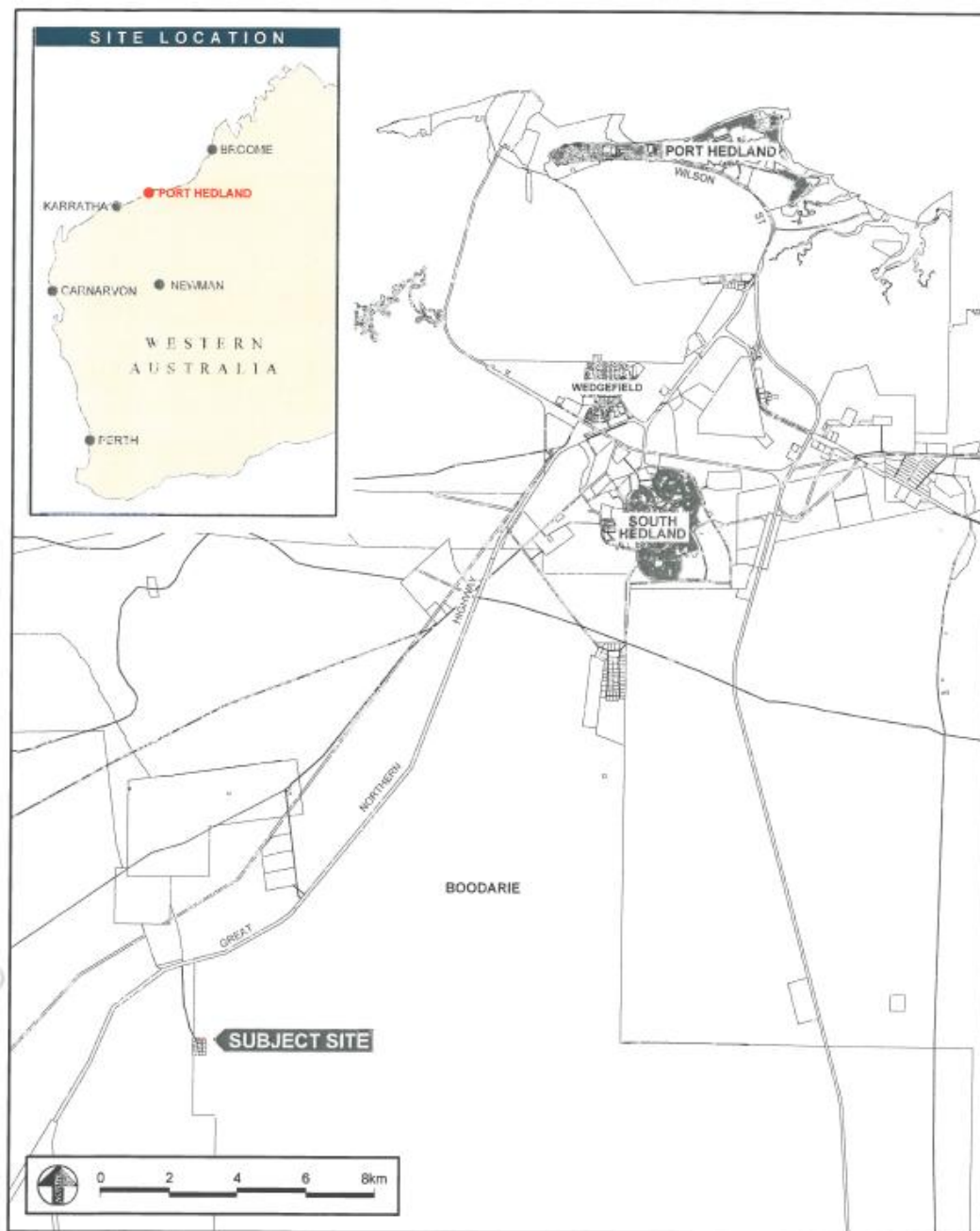
201112/486 Council Decision**Moved: Cr Carter****Seconded: Cr Hunt**

That Council lay this item on the table for consideration at the next Ordinary Meeting of Council.

CARRIED 9/0

REASON: Council wishes to further consider whether the proposed visual amenity is an acceptable streetscape.

ATTACHMENT 1 TO ITEM 11.1.5



LOCATION PLAN

Property Description

Lot 3 Manilinha Drive,
BOODARIE

Base data supplied by Landgate.
Accuracy +/- 4m. Projection MGA Zone 50.
Areas and dimensions shown are subject to final survey calculations.
All cartogways are shown for illustrative purposes
only and are subject to detailed engineering design.

James Reus : CLIENT
1:150,000@A4 : SCALE
16 March 2012 : DATE
3992_1-5-002.dgn : PLAN No
- : REVISION
T.K. : PLANNER
R.F. : DRAWN
N.T. : CHECKED

RPS

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RPS Environment and Planning Pty Ltd
ACN 108 580 977
ABN 45 108 680 977

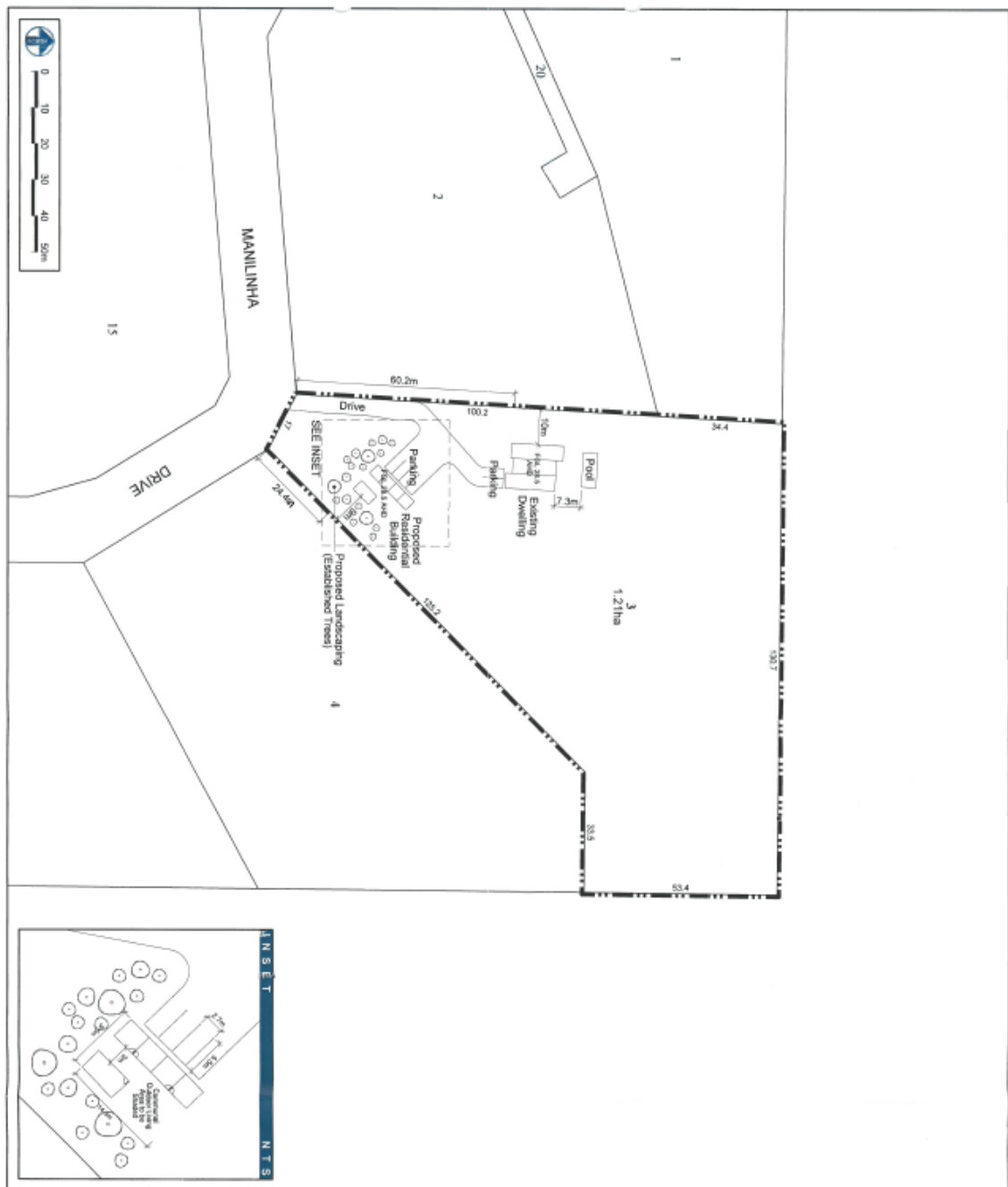
PO Box 465 Subiaco WA 6904
36 Station Street
Subiaco WA 6008

T +61 8 9211 1111
F +61 8 9211 1122

W rpsgroup.com.au

FIGURE 1

ATTACHMENT 2 TO ITEM 11.1.5



SITE PLAN

Lot 3 Manilinha Drive,
BOODARIE

LEGEND

Subject Site

```

James Evans : CLARKE
T:1000@us : SCULCE
2 May 2012 : DATE
2008_1-6-07a.dgn : PLUMING
# : REVISION
T.K. : PLUMING
B.P. : EVANS
M.T. : CLARKE

```

Steel data supplied by Lurgi
Accuracy: ± 4% Projection MDA Zone 52

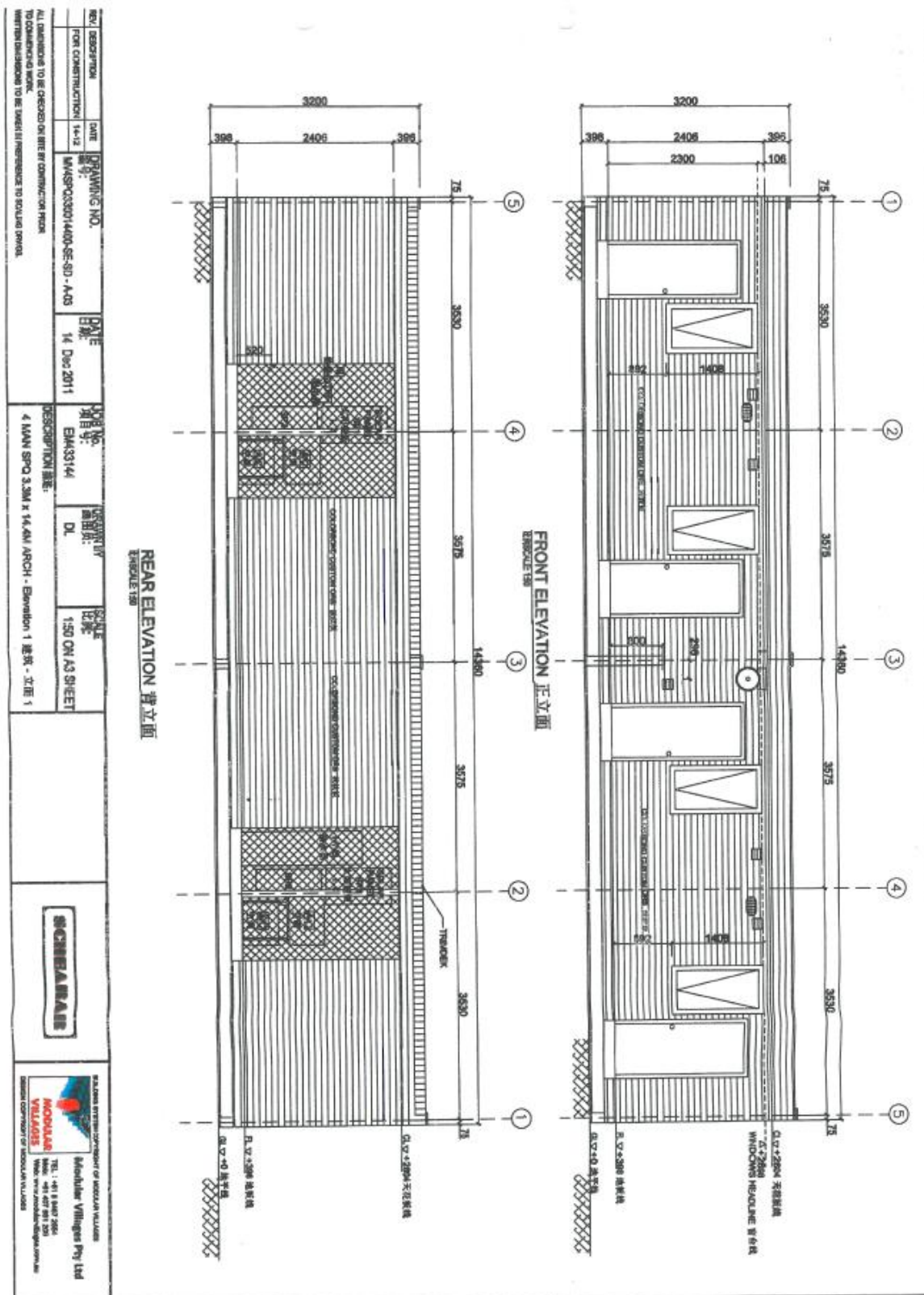
RPS

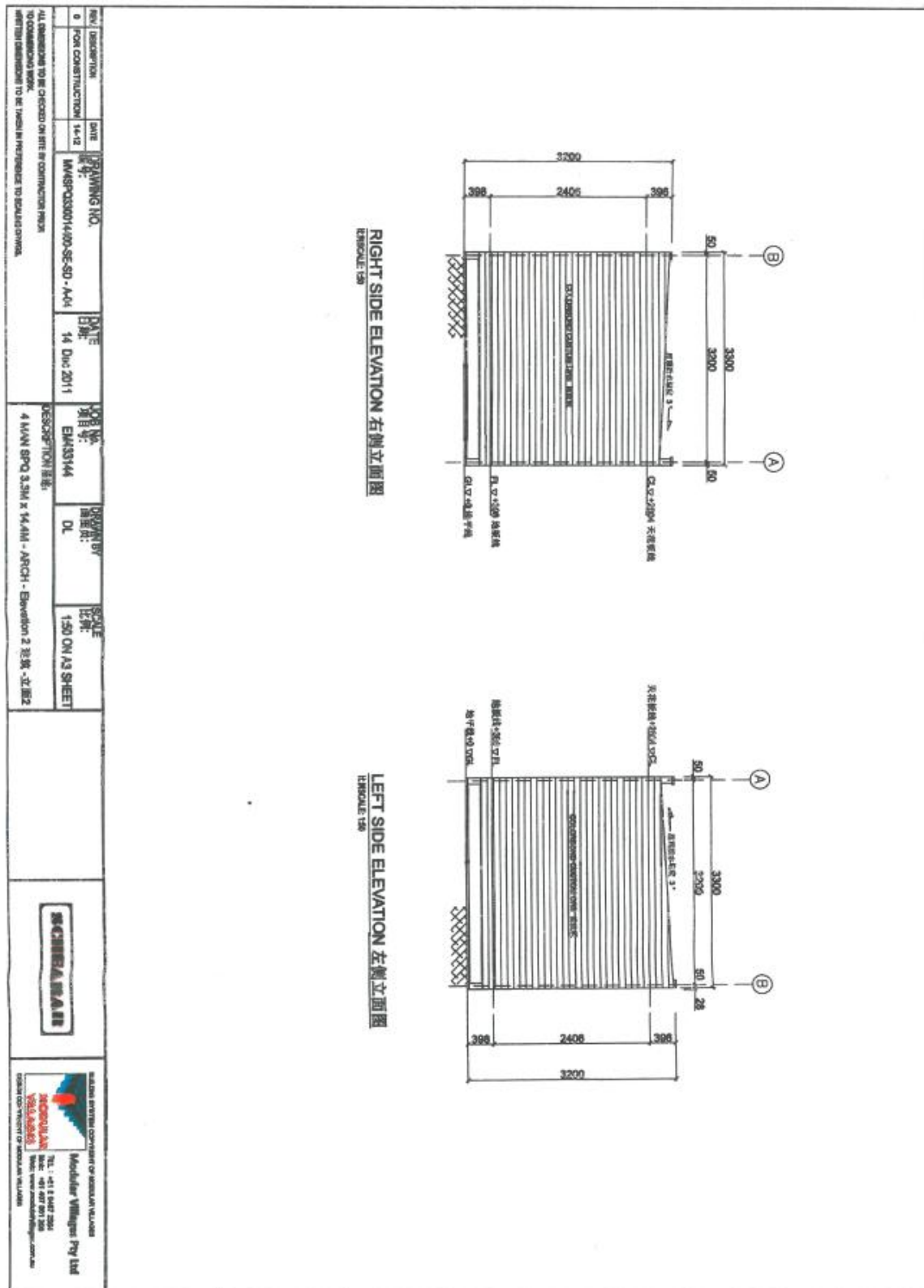
APR Environmental and Planning Pty Ltd
ACMA 590 897
AEO 446 708 880 RPT
PO Box 45, Malabar WA 6004
3850 South Street
Dulles WA 9008

T +61 8 9211 1111
F +61 8 9211 1102
W rpsgroup.com.au

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ATTACHMENT 3 TO ITEM 11.1.5





11.2 Engineering Services**11.2.1 *Tender 12/10 Sale of Light Vehicles (File No.: 23/08/0063)*****Officer****Sarah Allen
Engineering Technical
Assistant****Date of Report****31 May 2012****Disclosure of Interest by Officer**

The Officer preparing this item reports directly to a preferred tenderer. The preferred tenderer did not participate in the preparation or assessment of this tender.

Summary

The purpose of this report is for Council to consider the submissions received for Tender 12/10 Sale of Light Vehicles. Based on the tender assessments and vehicle valuations it is recommended to award the sale of two vehicles and transport the remaining vehicles to Perth for auction.

Background

In accordance with Council's Light Vehicle Replacement program several vehicles have been replaced and are ready to be disposed. In line with this program, tenders were recently called for the Sale of the Light Vehicles (Tender 12/10), which closed on 30 May 2012.

The vehicles included for sale in this tender are:

- PH9083: 2005 Toyota Camry Sportivo sedan (automatic)
- PH9382: 2005 Toyota Hilux 4x2 single cab utility (manual)
- PH9743: 2007 Toyota Camry Altise sedan (automatic)
- PH9742: 2007 Toyota Camry Altise sedan (automatic)
- PH10214: 2007 Toyota Hilux 4x2 dual cab utility (manual)

The details of other vehicles nominated in the light vehicle replacement program and not identified in the disposal tender are:

- PH9903: replacement vehicle has been delivered, however due to approval of new staff and vehicle in Planning & Development directorate, this vehicle is temporarily being used. This vehicle will be sold in July/August 2012, with the revenue from the sale carried forward to 2012/13.

- PH10278: replacement vehicle has been delivered however not within the timeframes of this tender. This vehicle will be sold in July/August 2012, with the revenue from the sale carried forward to 2012/13.
- PH10814: purchase of replacement vehicle has been deferred to 2012/13 due to increased specification and cost. This has been itemized for consideration during the 2012/13 budget process.
- PH11228: purchase of replacement vehicle has been deferred to 2012/13 due to increased specification and cost. This has been itemized for consideration during the 2012/13 budget process. This is a lease vehicle that will be returned when replaced.
- PH10290: purchase of replacement vehicle has been deferred to 2012/13 due to increased specification and cost. This has been itemized for consideration during the 2012/13 budget process.
- PH11186: pending delivery of replacement vehicle. This is a lease vehicle that will be returned when replaced.
- PH10281: pending delivery of replacement vehicle. Will be carried forward to 2012/13 revenue.
- PH10732: pending delivery of replacement vehicle. Will be carried forward to 2012/13 revenue.
- PH10280: pending delivery of replacement vehicle. Will be carried forward to 2012/13 revenue.
- PH10283: pending delivery of replacement vehicle. Will be carried forward to 2012/13 revenue.
- PH10213: pending delivery of replacement vehicle. Will be carried forward to 2012/13 revenue.
- PH11238: pending delivery of replacement vehicle. This is a lease vehicle that will be returned when replaced.
- PH9876: vehicle is currently being used on a temporary basis. This vehicle will be sold in July/August 2012, with the revenue from the sale carried forward to 2012/13.

Consultation

The valuations of the vehicles to be disposed have been determined in consideration of:

- Report of vehicle auction values from Manheim Fowles – Auctioneer
- Redbook.com.au – vehicle valuation website
- Vehicle age, condition and kilometers travelled
- Previous disposal offers (PH9083 and PH9382 were offered for sale in 2010/11)
- Town of Port Hedland Officers.

Statutory Implications

Section 3.58 – Disposing of Property in accordance with the Local Government Act 1995 (as amended):

“3.58. Disposing of property

(1) In this section —

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

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

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

(a) the highest bidder at public auction; or

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

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

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

(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

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

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned;

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

(5) This section does not apply to —

(a) a disposition of land under section 29 or 29B of the Public Works Act 1902;

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27.]”

Policy Implications

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

Strategic Planning Implications

Nil

Budget Implications

Revenue account 1208396 will be credited with the sale of vehicles awarded in Tender 12/10 and subsequent auction sales. The recommendation will result in a reduction of expected revenue by \$12,600.

Research into the updated value of the vehicles for tender has realized that the market value of these vehicles has significantly reduced since the expected income was reviewed for the 2011/12 budget. The tender submissions also indicate a reluctance of the current market to purchase the vehicles based on their value. It is therefore recommended to transport the vehicles to Perth for auctioning, which is more likely to achieve a desirable budget outcome.

The following table provides a summary of the budget revenue, updated valuations and recommended income of the vehicles offered in Tender 12/10. The revenue recommendation column takes into account the balance of income that Council would receive after deducting auctioning and transportation costs (approximately \$1,000).

Vehicle	2011/12 revenue budget (inc GST)	Updated estimated value (inc GST)	2011/12 revenue recommendation (inc GST)	Comments
PH9083	\$7,480	\$6,600	\$5,600	Auction value with costs subtracted
PH9382	\$10,230	\$6,300	\$5,250	Award Tender 12/10
PH9743	\$12,210	\$9,100	\$10,500	Award Tender 12/10
PH9742	\$12,210	\$9,100	\$8,100	Auction value with costs subtracted
PH10214	\$16,830	\$10,000	\$9,000	Auction value with costs subtracted
TOTAL	\$58,960	\$41,100	\$38,450	

Officer's Comment

Tender 12/10 Sale of the Light Vehicles closed at 2.30pm on 30 May 2012 and was opened by Council staff and a Councillor. Submissions were received from eight (8) tenderers for the vehicles that were offered for sale. Two (2) of the tenders submitted were deemed non-conforming as the correct tender documentation was not completed.

The table below provides a summary of the conforming tender submissions, with the highest tender bid highlighted. Note that all values are inclusive of GST:

Vehicle	PH9083	PH9382	PH9743	PH9742	PH10214
Updated Estimated Value	\$6,600	\$6,300	\$9,100	\$9,100	\$10,000
Tender submissions					
Nadja Hendrikson			\$3,000	\$3,000	\$3,000
Thomas Chadwick		\$1,957	\$9,178		
Timothy Mahoney	\$502.10	\$502.10	\$502.10	\$502.10	\$502.10
Anup Paudel			\$10,500		
Amir Mehmood	\$3,800		\$6,200	\$4,800	
Total Safety and Fire Solutions		\$5,250			
Variation of highest bid from Value	-\$2,800	-\$1,050	\$1,400	-\$4,300	-\$7,000

Only 2 of the tender submissions received would be considered fair and reasonable compared to the updated estimated value of the vehicle, being the \$10,500 bid for PH9743 by Anup Paudel and the \$5,250 bid for PH9382 by Total Safety and Fire Solutions. Although the bid for PH9382 is less than the estimated value it is consistent with expected auction revenue once fees are deducted. The remaining submissions are significantly below the estimated value of the vehicles.

Following consultation with auctioning companies it is recommended to transport the remaining vehicles in the light vehicle replacement program to Perth for auctioning. An approximate cost for transport, detailing and commission is \$1,000 per vehicle. Deducting these fees from the estimated value of the vehicle would result in revenue higher than the remaining tenders submitted.

Officers will liaise with auctioning companies for valuations of the remaining vehicles in the light fleet replacement program. These values will be updated to capture the accurate revenue as part of the 2012/13 budget process.

Attachments

Nil

201112/487 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council:

- 1. Awards Tender 12/10 Sale of Light Vehicles for PH9743 to Anup Paudel for \$10,500 inclusive of GST**
- 2. Awards Tender 12/10 Sale of Light Vehicles for PH9382 to Total Safety and Fire Solutions for \$5,250 inclusive of GST**
- 3. Rejects all tenders submitted for Tender 12/10 Sale of Light Vehicles for:**
 - a. PH9083**
 - b. PH9742**
 - c. PH10214**
- 4. Approves the sale of the remaining vehicles in the light fleet replacement program by auctioning process.**

CARRIED 9/0

11.3 Community Development**11.3.1 *Amendments to the Bank Guarantee Section of the Management Contract for the Town of Port Hedland Leisure Facilities (File No 03/09/0010)***

Officer Graeme Hall
Manager Recreation
Services and Facilities

Date of Report 28 May 2012

Disclosure of Interest by Officer Nil

Summary

A request has been received from the YMCA to amend the Bank Guarantee obligation within the management contract for the Town of Port Hedland Leisure Centres.

The relationship between the YMCA and Council has been in place for many years and on a good standing, therefore the requested reduction in bank guarantee is supported. The detailed wording within the contract about the Bank Guarantee has been subject to advice from McLeod's Barristers and Solicitors contained within this report.

Council is requested to approve the reduction of the Bank Guarantee required of the YMCA from \$200,000 to \$100,000.

Background

The Town of Port Hedland advertised the tender of the management of the leisure facilities in November 2011. The tender documentation contained a draft of the contract for all tenderers to consider. The draft tender documentation identified the requirement for the contract manager to provide the Town of Port Hedland with a Bank Guarantee.

The Bank Guarantee provision in the contract was as follows:

"In the event of any failure by the contractor to carry out and complete its obligations under this contract, the Town may have recourse to the Bank Guarantee in respect of any monies for which the contractor may be liable to the Town under this contract or otherwise. Without limiting the rights of the Town under this clause, the Town or its representative may deduct from the Bank Guarantee any sum payable to the Town".

The figure of \$200,000 provided in the draft contract was based on an estimate of a six month shortfall between income and expenditure for the facilities.

In March 2012, Council endorsed the YMCA as the preferred tenderer for the management of the Town's leisure facilities.

Contained within the negotiations with the YMCA in relation to the operational, budget and contractual obligations of both parties, the subject of the Bank Guarantee has been raised.

The YMCA has formally requested (via correspondence at Attachment 1) to:

- Reduce the amount of the Bank Guarantee from \$200,000 to \$100,000
- Amend the wording in the contract surrounding the Bank Guarantee.

The changes requested by the YMCA are considered a significant variation from the contractual terms negotiated previously. It is therefore necessary to seek the Council's endorsement of any proposed changes.

Consultation

Nil

Statutory Implications

This Tender was called in accordance with the Local Government Act (1995).

"3.57. Tenders for providing goods or services

(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

(2) Regulations may make provision about tenders."

Policy Implications

This Tender was called in accordance with Council's Procurement Policy 2/007 and Tender Policy 2/011.

Strategic Planning Implications

Key Result Area 3: Community Development

Goal 1: Youth and Children:
That parents and young people in the Town have access to a range of facilities and services that is comparable to the metropolitan area.

Goal 2: Sports and Leisure
That the community has access to sports and leisure facilities at or above the quality that they would be able to access in the metropolitan area.

Budget Implications

It is not anticipated that there would be any implication to the budget position of the Town.

Officer's Comment

The request by the YMCA for a reduced Bank Guarantee is considered reasonable. The reputation of the YMCA as a not for profit organisation and their long standing relationship with Council supports this position.

The amount originally selected was based upon a number of assumptions. While the tender and contract documentation were clear in their expectations with regard to the figure nominated for the Bank Guarantee, it is considered reasonable that a lesser amount be accepted.

Council has worked with McLeod's Barristers and Solicitors in the development of the contract for the management of the Town's leisure facilities. The changes to the wording in the contract regarding the bank guarantee have been referred to McLeod's for consideration, pending a decision of Council.

Attachments

1. Correspondence - YMCA request for reduction to the bank guarantee.

Officer's Recommendation

That Council:

1. Approves a reduction in the Bank Guarantee within the contract for the Management of the Town of Port Hedland Leisure Facilities from \$200,000 to \$100,000 as per the request from the YMCA
2. Approves the amendment of the Leisure Facilities contract regarding the wording of Bank Guarantee clause in accordance with legal advice.

201112/488 Officer's Recommendation / Council Decision

Moved: Cr Daccache

Seconded: Cr Carter

That Council lay this item on the table for further consideration at the next Ordinary Meeting of Council.

CARRIED 9/0

REASON: Council is not familiar with which clause the YMCA is referring to in their attached letter, and will further consider this item once this matter has been clarified.

ATTACHMENT 1 TO ITEM 11.3.1

23 April 2012

Graeme Hall
Town of Port Hedland
Manager Recreation Services and Facilities
PO Box 41 Port Hedland WA 6721

Dear Graeme,

The YMCA requests that the bank guarantee requested by the Town of Port Hedland in respect to the management of its leisure facilities be reduced to \$100,000. The YMCA believes that this level of guarantee more closely reflects the potential cost to the Town should the YMCA default on its management obligations.

Further to this, the YMCA requests that the Town make the following changes to the bank guarantee clause:

15. Bank Guarantee

15.1 Provision of Bank Guarantee

- (1) *Within 14 days of the date of acceptance of the Tender or such a period approved in writing by the Town, the Contractor must deliver to the Town or its representative an irrevocable bank guarantee for the sum stated in Item 5 of the Schedule and such bank guarantee:*
 - (a) *must be an unconditional and irrevocable undertaking from a bank or financial institution authorised to carry on banking in Australia under the Banking Act 1959;*
 - (b) *must authorise the Town to draw on the bank guarantee, without prior notice or commencing proceedings, if the Contractor defaults on any of its obligations under this Contract or the Contract Documents; and*
 - (c) *must be in favour of the Town and in a form that is satisfactory to the Town, acting reasonably.*

(Bank Guarantee)

- (2) *Subject to sub-clause (3), ~~in~~ the event of any failure by the Contractor to carry out and complete its obligations under this Contract, the Town may have recourse to the Bank Guarantee in respect of any monies for which the Contractor may be liable to the Town under this Contract or otherwise. Without limiting the rights of the Town under this clause, the Town or its representative may deduct from the Bank Guarantee any sum payable to the Town under clause 43.3.*
- (3) *Before having recourse to the Bank Guarantee in accordance with sub-clause (2) the Town must give to the Contractor 10 Business Days notice in writing of:*
 - (a) *the intention to have recourse to the Bank Guarantee;*
 - (b) *the amount for which it intends to have recourse to the Bank Guarantee;*
 - (c) *the basis on which the amount is claimed; and*
 - (d) *how the amount is calculated or determined.*
- (34) *The Town will return to the Contractor the Bank Guarantee, or any remaining amount of the Bank Guarantee, ~~will be returned to the Contractor:~~*
 - (a) *where the Contract has been terminated by the Town under clause 43.1(2)(c), within 120 days of termination ~~or earlier expiration of the Contract Term;~~*
 - (b) *otherwise within five (5) Business Days of termination of the Contract or expiration of the Contract Term, whichever is the earlier.*
- (5) *If the Town fails to comply with its obligations in sub-clause (4) the Town:*
 - (a) *appoints the Contractor and any officeholder of Contractor ("the Attorney") as its attorney with authority in the name of, or on behalf of, the Town to seek cancellation of the Bank Guarantee from the bank or financial institution which issued it; and*
 - (b) *wholly releases and indemnifies the Attorney in relation to any of that act taken by the Attorney.*

(46) *If the Town has exercised a right under clause [not sure what the clause reference is here] and the Contract has:*

- (d) *been terminated or the Contract Term has expired, the Town must, after making any deductions from the Bank Guarantee that it is entitled to make under this Contract, pay to the Contractor the remainder of the Bank Guarantee, provided that the Town is not required to make any payment to the Contractor under this clause until all payments due on termination of the Contract under 43.3 have been made; or*
- (e) *not been terminated and the Contract Term has not expired, the Contractor must provide a supplementary irrevocable bank guarantee payable to the Town for an amount equivalent to the amount required pursuant to clause 15.1(1)0.*

11.3.2 Multi-Purpose Recreation Centre – Approval and Advertising of Fees and Charges Schedule (File No 26/014/0006)

Officer **Graeme Hall**
Manager Recreation
Services and Facilities

Date of Report 28 May 2012

Disclosure of Interest by Officer	Nil
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Summary

The Town of Port Hedland Leisure Facilities are due to commence operations for a new four year contract as of 1 July 2012. To allow the YMCA to commence operations at this date it is essential to have the facility fees and charges endorsed by Council.

Council is requested to adopt a schedule of fees for the Town of Port Hedland Leisure Facilities for the 2012/2013 financial year.

Background

The Council meeting of 28 March 2012 approved the YMCA be offered the contract to manage the Town of Port Hedland Leisure Facilities. In preparation for the commencement of the new contract the proposed fees and charges schedule has been reviewed.

The new fees and charges are an accurate reflection of the new contractual obligations that Council has established for the YMCA. An initial schedule of fees and charges was presented in early tender submissions from the YMCA, however a number of additional outcomes (programs and services) have been negotiated that need to be reflected in the final schedule.

Council's budget planning process is likely to extend beyond 1 July 2012 and the commencement of the contract, necessitating the requirement to establish the schedule of fees and charges in advance of the budget process.

This course of action will enable the YMCA to accept income as of 1 July 2012 including the pre-purchase of gym memberships (a key promotional initiative), sporting competition registrations and facility bookings. Established fees and charges will also provide the opportunity to maximise the opening event as a chance to sell the facility to the community.

Consultation

The fees and charges have been compiled by the relevant officers from both the Town of Port Hedland and the YMCA. The fees and charges are based on a detailed analysis that compared the operations of 23 metropolitan recreation centres in 16 different local government authorities.

Statutory Implications

Section 6.16 and 6.19 of the *Local Government Act 1995* states:

“6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —*

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
- (b) supplying a service or carrying out work at the request of a person;*
- (c) subject to section 5.94, providing information from local government records;*
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
- (e) supplying goods;*
- (f) such other service as may be prescribed.*

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —*

- (a) imposed* during a financial year; and*
- (b) amended* from time to time during a financial year.*

** Absolute majority required.”*

6.19 . Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 3: Community Development

Goal 1: Youth and Children:
That parents and young people in the Town have access to a range of facilities and services that is comparable to the metropolitan area.

Goal 2: Sports and Leisure:
That the community has access to sports and leisure facilities at or above the quality that they would be able to access in the metropolitan area.

Budget Implications

The YMCA is presently implementing a pre start marketing campaign. With the interest in the new recreation facilities, it is imperative from a budget perspective that it is possible to promote all programs and services that will be available from the Town of Port Hedland Leisure Facilities.

As part of the contract agreement, the Town has negotiated extended operational hours for the aquatic centres.

The greater number of opening hours is predicated on the revised fees and charges being adopted by the Council.

Officer's Comment

Council currently has a fees and charges schedule in place for the operation of the two aquatic centres that are managed by the YMCA. The commencement of a new four year contract from 1 July 2012, and the addition of the Multi Purpose Recreation Centre, mean that a revised schedule of fees and charges is required.

The fees and charges included as Attachment 1 have been compiled by officers from the Town of Port Hedland and the YMCA. The fees and charges presented are based extensively on a comparative analysis of 23 metropolitan leisure facilities.

The strategy of making comparison between Council's leisure facilities and those of the metropolitan area is considered in keeping with the current strategic plan (note strategic implications earlier in this report).

It was originally anticipated that the fees and charges schedule for the leisure facilities would be considered within the 2012/13 budget process. Given the current expectation that there may be some delay in the final adoption of the budget, it is essential that alternative arrangements are made.

The YMCA is seeking to commence promotion of programs and services from late June. Sales of memberships, competitions and programs need to commence as of 1 July 2012, with the new recreation centre being operational from Monday, 30 July 2012.

Attachments

1. Schedule Fees and Charges for the Town of Port Hedland Leisure Centres.

201112/489 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Jacob****That Council:**

1. **Adopts the Schedule of Fees and Charges for the 2012/2013 financial year for the Town of Port Hedland leisure facilities as outlined Attachment 1;**
2. **Endorses the advertising of the fees and charges schedule for the leisure facilities in accordance with Section 6.16 of the Local Government Act; and**
3. **Ensures that the public are 'given notice' of both the fees and charges and the 'date of effect' in accordance with Section 6.19 of the Local Government Act.**

CARRIED BY ABSOLUTE MAJORITY 9/0

NOTE: Council asked that the term "concession" be clarified during the advertising of fees and charges so that Pensioners are aware that they are entitled to a concession rate.

ATTACHMENT 1 TO ITEM 11.3.2

Town of Port Hedland
Proposed Fees and Charges for the Year Ended 30 June 2013

Fees and Charges	Fee	GST	Fee \$ (inc GST)
Recreation Facilities			
<i>Pool Charges</i>			
Adult entry (16+ years)	4.55	0.45	5.00
Child entry (under 2 years)	Free	Free	Free
Child entry	3.64	0.36	4.00
Spectators	1.64	0.16	1.80
Spectators – Vacation Swim	1.64	0.16	1.80
Family Single Day Pass	13.09	1.31	14.40
(Max of 2 Adults 2 Children) – Additional children are at normal entry charge			
Concession	3.64	0.36	4.00
<i>Multi pass cards</i>			
10 pass card receive a 10% discount on all casual entry fees			
<i>Swimming Lessons</i>			
Aquatic Education - per lesson	10.00	1.00	11.00
Vacation Swimming entry	2.27	0.23	2.50
In-Term Swimming entry	2.27	0.23	2.50
<i>Bronze Medallion Courses</i>			
Full Bronze Medallion Course	163.64	16.36	180.00
Bronze Requalification Course	81.82	8.18	90.00
<i>Latitube Surf Attraction</i>			
Adult Surf & Swim General Entry	16.36	1.64	18.00
Child/Concession Surf & Swim General Entry	13.64	1.36	15.00
Adult Aquatic or Platinum Member Surf	11.82	1.18	13.00
Child/Concession Surf Aquatic Member Surf	10.00	1.00	11.00
Adult swim - surf upgrade	11.82	1.18	13.00
Concession swim - surf upgrade	10.00	1.00	11.00
Child swim - surf upgrade	10.00	1.00	11.00
Multipass Card Adult - 10 visits	147.27	14.73	162.00
Multipass Card Conc/Child - 10 visits	122.73	12.27	135.00
<i>Latitube Group Bookings</i>			
0.5hrs Group Booking	204.55	20.45	225.00
1 hour Group Booking	409.09	40.91	450.00
1 hour Group Booking after hours / winter (minimum		51.82	

charge is 1 hour)	518.18		570.00
0.5hrs School group booking - during school hours	127.27	12.73	140.00
1 hour School group booking - during school hours	254.55	25.45	280.00
<i>Latitube Term Programming</i>			
Group coaching 0.5hr (up to 15 people)	250.00	25.00	275.00
Latitube term surf coaching program - 10 x 0.5hr sessions	177.27	17.73	195.00
<i>Latitube Community Price</i>			
0.5hrs Community rate	127.27	12.73	140.00
1hr Community rate	254.55	25.45	280.00
1hr Community rate after hours / winter	363.64	36.36	400.00
<i>Membership Administration Fees</i>			
Pay as You Go (No contract - Includes administration and appraisal)	90.00	9.00	99.00
Twelve Month Fixed Contract (Includes appraisal)	-	-	-
Aquatic Admin Fee	27.27	2.73	30.00
Triple Pack (Includes administration, appraisal, and 2 x PT sessions)	145.45	14.55	160.00
<i>Health Club Memberships (per fortnight)</i>			
Platinum Membership (Gym, group fitness and pool entry)	43.64	4.36	48.00
Platinum Membership (Conc)	34.91	3.49	38.40
Gym Membership	36.36	3.64	40.00
Gym Membership (Conc)	29.09	2.91	32.00
Off Peak Gym Membership (9pm - 5am)	27.27	2.73	30.00
Group Fitness Membership	36.36	3.64	40.00
Group Fitness Membership (Conc)	29.09	2.91	32.00
Aquatic Membership - Adult	25.45	2.55	28.00
Aquatic Membership - Concession/Child	20.00	2.00	22.00
<i>Casual Group Fitness (per session)</i>			
Dry Group Fitness	14.55	1.45	16.00
Dry Group Fitness (Conc)	11.64	1.16	12.80
Aqua Aerobics			16.00
	14.55	1.45	
Aqua Aerobics (Conc)			12.80
	11.64	1.16	
Group Fitness 10 Pass Card			
	130.91	13.09	144.00
Group Fitness 10 Pass Card (Conc)			
	104.73	10.47	115.20
<i>Casual Gym Visit</i>			
Casual Visit		1.45	16.00

	14.55		
Casual Visit (Conc)	11.64	1.16	12.80
Health Club 10 Pass Card	130.91	13.09	144.00
Health Club 10 Pass Card (Conc)	104.73	10.47	115.20
<i>Personal Training</i>			
Personal Training 30 min member	36.36	3.64	40.00
Personal Training 30 min non member	45.45	4.55	50.00
Buddy System Member	27.27	2.73	30.00
Buddy System Non Member	45.45	4.55	50.00
<i>Birthday Parties</i>			
MPRC Birthday Party (up to 12 participants)	318.18	31.82	350.00
MPRC Birthday Party (over 12 participants - max 20)	363.64	36.36	400.00
Aquatic Centre Parties (up to 15 participants)			
Option 1 - pool entry, catering and party leaders	318.18	31.82	350.00
Option 2 - pool entry, catering, 1 hour inflatable and party leaders	363.64	36.36	400.00
Option 3 - pool entry, catering, 1/2hr surf session and party leaders	431.82	43.18	475.00
Option 4 - pool entry, catering, 1 hr inflatable, 1/2 hr surf session and party leaders	568.18	56.82	625.00
<i>Team Sports (per player)</i>			
Adult Game Fee (two game fees must be paid at the start of each session)	8.18	0.82	9.00
Adult Nomination Fee	8.18	0.82	9.00
Child Game Fee (two game fees must be paid at the start of each session)	6.36	0.64	7.00
Child Nomination Fee	6.36	0.64	7.00
Adult Forfeit Fine	8.18	0.82	9.00
Child Forfeit Fine	6.36	0.64	7.00
<i>Crèche</i>			
Crèche per child	4.55	0.45	5.00
<i>Squash Court Hire</i>			
Court hire per hour	22.73	2.27	25.00
<i>MPRC Facility Rental (Commercial Groups)</i>			
Function Room - Evening Rate per hour (min 10 hour booking Fri and Sat nights)	109.09	10.91	120.00
Function Room - Day Rate per hour	81.82	8.18	90.00
Function Room - when hired with Sporting Hall (per hour)	109.09	10.91	120.00
Meeting Room 1 (first 2 hours) per hour	45.45	4.55	50.00
Meeting Room 2 (first 2 hours) per hour	45.45	4.55	50.00
Club Room (first 2 hours) per hour	45.45	4.55	50.00
Meeting Room 1 (Third hour onwards) per hour	22.73	2.27	25.00

Meeting Room 2 (Third hour onwards) per hour	22.73	2.27	25.00
Club Room (Third hour onwards) per hour	22.73	2.27	25.00
Sports Hall - Daily Rate (bookings in excess of 10 hours)	1,090.91	109.09	1,200.00
Sporting Hall - per hour (bookings up to 10 hours)	109.09	10.91	120.00
Group Fitness Room per hour	90.91	9.09	100.00
External courts - per court per hour	18.18	1.82	20.00
<i>MPRC Facility Rental (Community Groups)</i>			
Function Room - Evening Rate per hour (min 10 hour booking fri and sat nights)	81.82	8.18	90.00
Function Room - Day Rate per hour	61.36	6.14	67.50
Function Room - when hired with Sporting Hall (per hour)	81.82	8.18	90.00
Meeting Room 1 (first 2 hours) per hour	34.09	3.41	37.50
Meeting Room 2 (first 2 hours) per hour	34.09	3.41	37.50
Club Room (first 2 hours) per hour	34.09	3.41	37.50
Meeting Room 1 (Third hour onwards) per hour	17.05	1.70	18.75
Meeting Room 2 (Third hour onwards) per hour	17.05	1.70	18.75
Club Room (Third hour onwards) per hour	17.05	1.70	18.75
Sports Hall - Daily Rate	545.45	54.55	600.00
Sporting Hall - per hour	81.82	8.18	90.00
Group Fitness Room per hour	68.18	6.82	75.00
External courts - per court per hour	13.64	1.36	15.00
<i>MPRC Facility Rental (on-going bookings min 10 weeks)</i>			
Function Room - Day Rate per hour	40.91	4.09	45.00
Function Room - Evening Rate per hour	54.55	5.45	60.00
Meeting Room 1 (first 2 hours) per hour	22.73	2.27	25.00
Meeting Room 2 (first 2 hours) per hour	22.73	2.27	25.00
Club Room (first 2 hours) per hour	22.73	2.27	25.00
Meeting Room 1 (Third hour onwards) per hour	11.36	1.14	12.50
Meeting Room 2 (Third hour onwards) per hour	11.36	1.14	12.50
Club Room (Third hour onwards) per hour	11.36	1.14	12.50
Sporting Hall - per hour	54.55	5.45	60.00
Group Fitness Room per hour	45.45	4.55	50.00
External courts - per court per hour	9.09	0.91	10.00
Facility Cleaning Charge - per hour	77.27	7.73	85.00
After hours staff charge - per hour	68.18	6.82	75.00
During hours staff charge - per hour	45.45	4.55	50.00
Carpet for stadium floor (includes set up and pack down)	363.64	36.36	400.00
<i>Aquatic Centre Rental</i>			
Commercial per hour (includes all entries)	227.27	22.73	250.00
Community per hour (includes all entries)	170.45	17.05	187.50

Staff fee per hour (Duty Manager)	8.18	6.82	75.00
Staff fee per hour (Life Guard)	45.45	4.55	50.00
School carnival hire full day (spectator fees apply)	450.00	45.00	495.00
School carnival hire half day (spectator fees apply)	295.45	29.55	325.00
Lane hire - peak (4pm - 7pm) (entries not included)	13.64	1.36	15.00
Lane hire - off peak (entries not included)	4.55	0.45	5.00
Inflatable hire per hour	50.00	5.00	55.00
Inflatable - public use	1.82	0.18	2.00
<i>Children's Programs (fee per hour)</i>			
Children Program Level 1	4.55	0.45	5.00
Children Program Level 2	5.45	0.55	6.00
Children Program Level 3	6.36	0.64	7.00
Children Program Level 4	7.27	0.73	8.00
Children Program Level 5	8.18	0.82	9.00
Children Program Level 6	9.09	0.91	10.00
Children Program Level 7	10.91	1.09	12.00
Children Program Level 8	13.64	1.36	15.00
Children Program Level 9	18.18	1.82	20.00
<i>Adult Programs (fee per hour)</i>			
Adult Program Level 1	10.00	1.00	11.00
Adult Program Level 2	10.91	1.09	12.00
Adult Program Level 3	11.82	1.18	13.00
Adult Program Level 4	12.73	1.27	14.00
Adult Program Level 5	13.64	1.36	15.00
Adult Program Level 6	14.55	1.45	16.00
Adult Program Level 7	15.45	1.55	17.00
Adult Program Level 8	16.36	1.64	18.00
Adult Program Level 9	17.27	1.73	19.00
Adult Program Level 10	18.18	1.82	20.00
Priority User Group Member			
Pension Carer if required	Free	Free	Free
Town of Port Hedland Staff Health Incentive	Free	Free	Free
Swim Club Coaches – up to 12 nominated coaches for junior programs.	Free	Free	Free
Phone – Local Calls Only	0.55	0.05	0.60

Bond - All Events/All Facilities (<i>unless stated otherwise</i>)			
Non Commercial - No Alcohol			
Non Commercial - Alcohol			
Commercial - No Alcohol			
Commercial - Alcohol			
Level 1			100.00
Level 2			
			500.00
Level 3			1,000.00
Level 4			2,000.00
Level 5			3,000.00
Level 6			4,000.00
Level 7			5,000.00
Level 8			6,000.00
Level 9			7,000.00
Level 10			8,000.00
Level 11			9,000.00
Level 12			10,000.00

11.4 Corporate Services**11.4.1 Finance and Corporate Services**

7:21pm Councillor Hunt declared an impartiality interest in Item 11.4.1.1 'Rates Concessions and Exemptions for 2012/13 Annual Budget' as she is on the Port Hedland Retirement Village board, and this association has applied for a rates exemption.

Councillor Jacob declared an impartiality interest in Item 11.4.1.1 'Rates Concessions and Exemptions for 2012/13 Annual Budget' as she is associated with the Youth Involvement Council, who has applied for a rates concession.

Councillors Hunt and Jacob remained in the room.

11.4.1.1 *Rates Concessions and Exemptions for 2012/13 Annual Budget*

Officer	Jodie McMahon Manager Financial Services
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Date of Report	13 April 2012
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Disclosure of Interest by Officer	Nil
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Summary

For Council to consider possible rates concessions and exemptions for inclusion in the 2012/13 Annual Budget.

Background

Each year, as part of the Annual Budget, Council provides rates concessions and exemptions to a number of community, recreation and welfare organisations.

In June 2011 Council adopted a Rates Concession and a Rates Exemption Policy to assist Council in determining community rate concessions and exemptions and identify applicable exemptions.

As per these policies community groups are required to reapply for rates concessions or exemption every two years. Letters were sent to current concession or exemption holders and other organisations were invited via an advertisement in the Northwest Telegraph to apply for concessions or exemption for a two year period commencing financial year 2012/13.

Consultation

All current community group concession holders were provided with the opportunity to make an 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.

Contact was also made to organizations who are current concession holders but had not completed an application by the due date.

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.*

6.26. Rateable land

- (1) Except as provided in this section all land within a district is rateable land.*
- (2) The following land is not rateable land —*
 - (a) land which is the property of the Crown and —*
 - (i) is being used or held for a public purpose; or*
 - (ii) is unoccupied, except —*
 - (I) where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or*
 - (II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*
 - (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;*
 - (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;*

- (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;*
 - (e) *land used exclusively by a religious body as a school for the religious instruction of children;*
 - (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999;*
 - (g) *land used exclusively for charitable purposes;*
 - (h) *land vested in trustees for agricultural or horticultural show purposes;*
 - (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;*
 - (j) *land which is exempt from rates under any other written law; and*
 - (k) *land which is declared by the Minister to be exempt from rates.*
- (3) *If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*
- (4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
- (5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*
- (6) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*

[Section 6.26 amended by No. 36 of 1999 s. 247; No. 77 of 2006 Sch. 1 cl. 102.]

Policy Implications

2/013 Rates Exemption Policy (Non Rateable Land)

2/014 Rates Concession Policy (Rateable Land)

Strategic Planning Implications

Nil

Budget Implications

In order to accurately calculate the proposed rates raised for the 2012/13 Annual Budget, Council is requested to provide direction as to which properties may be provided a concession.

Rates are Council's primary means of raising income to cover operational costs and approving these concessions will directly impact Council's budget.

If all recommendations are approved, Council will be required to waive approximately \$47,036.89 in rates revenue. The \$47,036.89 is estimated based upon the proposed 2012/13 rate in the dollar.

Officer's Comment

Council offering concessions to rates payable by community groups, non for profit organisations and youth organisations demonstrates its support and assistance to the community.

For the 2012/13 financial year Council received 25 applications from 18 different organisations, representing 25 properties. A complete detailed summary of the applications received is included in Attachment 1 of this report.

As per the Rates Concession Policy and the Rates Exemption Policy recently adopted by Council, all applicants have submitted a copy of their constitution, copies of their audited financial statements and written statements outlining the purpose of the property their concession or exemption application is relating to.

Officers have reviewed all information supplied with the applications and have made recommendations for Council to either provide a 100%, 50% or no concession to each property applied. Councillors should note that those that are exempt from rates are also identified within the table below. In accordance with s 6.26(g) of the *Local Government Act 1995*, as this land is considered as being used exclusively for charitable purposes, Council have no discretion in this area.

Concessions:

Organisation	Assessment Number	Officer's recommendation	Proposed Concession
Bloodwood Tree Association Inc	A106283	100%	\$ 4,293.05
Hedland Women's Refuge	A115030	100%	\$ 4,057.00
Pilbara Family Violence Prevention Service	A155850	100%	\$ 1,846.71
Port Hedland Peace Memorial Seafarers Centre Inc.	A803051	100%	\$ 1,000.00
Port Hedland Pony Club	A130005	100%	\$ 2,042.24
UCA Assembly Limited (Frontier Services)	A113927	100%	\$ 2,366.59
UCA Assembly Limited (Frontier Services)	A400610	100%	\$ 1,850.56
UCA Assembly Limited (Frontier Services)	A152556	100%	\$ 2,010.71
Volunteer Marine Rescue Services Inc	A156550	100%	\$ 2,389.86
Wirraka Maya Health Service Aboriginal Corporation	A106282	100%	\$ 12,354.49
Youth Involvement Council Inc.	A802207	100%	\$ 1,042.85
Youth Involvement Council Inc.	A406870	100%	\$ 2,526.73
South Hedland Lotteries House Inc.	A130114	50%	\$ 8,001.25
Treloar Child Care Centre Inc.	A154780	50%	\$ 1,254.85
Pilbara Family Violence Prevention Service	A401480	0%	\$ -
Port Hedland Golf Club Inc.	A156490	0%	\$ -
South Hedland Owners & Trainers	A802155	0%	\$ -

Exemptions:

Organisation	Assessment Number	Officer's Recommendation
Grand Lodge of Western Australian Freemasons Homes for the Aged	A130290	Exempt
Bloodwood Tree Association Inc	A130239	Exempt
Bloodwood Tree Association Inc	A106284	Exempt
Port Hedland Retirement Village	A156730	Exempt
Pilbara Meta Maya Regional Aboriginal Company	A127380	Exempt
Baptist Union of Western Australia	A113872	Exempt
Wangka Maya Pilbara Aboriginal Language Centre	A803501	Exempt

Due to the extent of information received, it is impractical to provide a complete copy to each Councillor as part of this report. The information is however available for Councillors to review if required.

Councillors should note that Len Taplin Child Care Centre and the Port Hedland Speedway Club have not submitted applications for the 2012/13 financial year. Officers have made contact with these organisations on several occasions and to date have not yet received applications.

The Port Hedland Kart Club and the Turf Club for the first time in 2012/13 will be rated. The valuations for these properties have only recently been received by the Town and Officers are making contact with these organisations to enquire if they would be submitting applications for concessions. These applications will be presented to Council on receipt.

Attachments

1. Rates Concession and Exemption Applications Summary

2011/12/490 Officer's Recommendation / Council Decision

Moved: Cr Hooper

Seconded: Cr Hunt

That Council:

1. Approves the following Rates Concessions for the 2012/13 and 2013/14 financial years:

Organisation	Assessment Number	Officer's Recommendation
Bloodwood Tree Association Inc	A106283	100%
Hedland Women's Refuge	A115030	100%
Pilbara Family Violence Prevention Service	A155850	100%
Port Hedland Peace Memorial Seafarers Centre Inc.	A803051	100%
Port Hedland Pony Club	A130005	100%
UCA Assembly Limited (Frontier Services)	A113927	100%
UCA Assembly Limited (Frontier Services)	A400610	100%
UCA Assembly Limited (Frontier Services)	A152556	100%
Volunteer Marine Rescue Services Inc	A156550	100%
Wirraka Maya Health Service Aboriginal Corporation	A106282	100%
Youth Involvement Council Inc.	A802207	100%
Youth Involvement Council Inc.	A406870	100%

South Hedland Lotteries House Inc.	A130114	50%
Treloar Child Care Centre Inc.	A154780	50%
Pilbara Family Violence Prevention Service	A401480	0%
Port Hedland Golf Club Inc.	A156490	0%
South Hedland Owners & Trainers	A802155	0%

2. Notes the following Rates Exemptions:

Organisation	Assessment Number
Grand Lodge of Western Australian Freemasons Homes for the Aged	A130290
Bloodwood Tree Association Inc	A130239
Bloodwood Tree Association Inc	A106284
Port Hedland Retirement Village	A156730
Pilbara Meta Maya Regional Aboriginal Company	A127380
Baptist Union of Western Australia	A113872
Wangka Maya Pilbara Aboriginal Language Centre	A803501

CARRIED BY ABSOLUTE MAJORITY 5/4

Record of Votes:

FOR	AGAINST
Mayor Howlett	Cr Carter
Cr Daccache	Cr Martin
Cr Hooper	Cr Gillingham
Cr Jacob	Cr Dziombak
Cr Hunt	

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ATTACHMENT 1 TO ITEM 11.4.1.1

Concessions

Organisation	Add 1	Add 2	Land Owner	Assessment Number	Address	Use and Occupancy of Property	Type of Service Provided	Frequency of service provision	Payment received for service	Floor plan provided	Copies of Financial Statement provided	Audited	Last year	Officer's recommendation	Comments	Proposed Rates	Proposed Concession
Bloodwood Tree Association Inc	PO Box 2099	South Hedland, WA 6722	Department of Housing	A106283	19 (Lot 5486) Hamilton Road, South Hedland	Bloodwood Tree	Emergency Relief and Education Centre	8.30 - 16.30, Mon - Fri	Funding	No	Yes	No	N/A	100%	Applying for 100% Concession, Officers recommend 100% as an essential service for the community is provided at the premises	\$ 4,293.05	\$ 4,293.05
Hedland Women's Refuge	PO Box 398	Port Hedland, WA 6721	State Housing Commission	A113030	2 Thompson Street, Port Hedland	Crisis accommodation & support for women	Counseling, food, clothing & accommodation	24 hours, 7 days a week	No	No	Yes	Yes	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% concession as the organisation provides counseling, food and clothing for the community.	\$ 4,057.00	\$ 4,057.00
Pilbara Family Violence Prevention Service	PO BOX 2524	East Victoria Park, Perth WA 6981	MARLBA MAYA PTY LTD	A133830	5/22-26 Throssell Road, South Hedland	Office	Legal, Counseling and Education services	Daily	No	Yes	No	No	N/A	100%	Commercial property is leased. Company operates from these premises, they used to operate from 32 Demarchi, legal and counseling services are provided to the community at no charge	\$ 1,846.71	\$ 1,846.71
Port Hedland Peace Memorial Seafarers Centre Inc.	PO Box 261	Port Hedland, WA 6721	Port Hedland Port Authority	A803051	P48 Wharf Road, Port Hedland	Seafarers Centre	Communication, currency exchange, chapel, bar, groceries etc.	Daily 12.00 - 22.00	Yes	No	Yes	Yes	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% as the organization is providing a chapel and communication material for the community.	\$ 1,000.00	\$ 1,000.00
Port Hedland Pony Club	PO Box 107	Port Hedland, WA 6721	State of WA (Crown) / Town of Port Hedland	A130005	29 Johnson Lane, Port Hedland (Pretty Pool Stables)	Port Hedland Pony Club & Port Hedland Turf Club	Horse Stables for Members	7 days a week	No	Yes	No (but minutes for AGM)	No	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% as the volunteers, who are members of the organisation who are teaching and educating children in the equine industry.	\$ 2,042.24	\$ 2,042.24
UCA Assembly Limited (Frontier Services)	PO Box 2527	Sydney, NSW 2001	UCA Assembly Limited (Frontier Services)	A113927	22 Beroona Loop, South Hedland	Home Office	Mental health services	Mon - Fri		No	Yes	Yes	100%	100%	Applying for 100% Rates Concession, residential house used as office, Officers recommend 100% as the organization's services are government funded and free to the community	\$ 2,366.59	\$ 2,366.59
UCA Assembly Limited (Frontier Services)	PO Box 2527	Sydney, NSW 2001	UCA Assembly Limited (Frontier Services)	A400610	10 Smith Street, South Hedland	Home Office	Mental health services	Mon - Fri		No	Yes	Yes	100%	100%	Applying for 100% Rates Concession, residential house used as office, Officers recommend 100% as the organization's services are government funded and free to the community	\$ 1,850.56	\$ 1,850.56
UCA Assembly Limited (Frontier Services)	PO Box 2527	Sydney, NSW 2001	UCA Assembly Limited (Frontier Services)	A132556	6/ 25-35 Egret Cr, South Hedland	Home Office	Mental health services	Mon - Fri		No	Yes	Yes	N/A	100%	Applying for 100% Rates Concession, residential house used as office, Officers recommend 100% as the organization's services are government funded and free to the community	\$ 2,010.71	\$ 2,010.71
Volunteer Marine Rescue Services Inc	PO Box 214	Port Hedland, WA 6721	Volunteer Marine Rescue Services Inc	A136550	10 McKay Street, Port Hedland	Storage Shed	Storage of Rescue vessel and tow vehicle	As required, 2-3 times per month	No	No	Yes	Yes	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% as the service the organization is providing is important to the boating community and run by volunteers	\$ 2,389.86	\$ 2,389.86
Wirraka Mays Health Service Aboriginal Corporation	PO Box 2523	South Hedland, WA 6722	Wirraka Mays Health Service Aboriginal Corporation	A106282	1-5 Hamilton Road, South Hedland	Health Centre	Health Services to Aboriginal People	8.30 - 17.00 Mon - Fri	Yes	Yes	Yes	Yes	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% Concession as the organization is providing an education service to the community	\$ 12,354.49	\$ 12,354.49
Youth Involvement Council Inc.	PO Box 2543	South Hedland, WA 6722	State of WA (Crown) / Town of Port Hedland	A802207	34 Lawson Street, South Hedland	Youth Activities	Youth Education programs	7 days a week	No	No	Yes	Yes	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% as the youth service is for free and government funded	\$ 1,042.85	\$ 1,042.85
Youth Involvement Council Inc.	PO Box 2543	South Hedland, WA 6722	Department of Housing	A406870	69 Stanley Street, South Hedland	Youth Accommodation Program	Housing for homeless young people	24 hours, 7 days a week	No	No	Yes	Yes	100%	100%	Applying for 100% Rates Concession, Officers recommend 100% as the youth service is for free and government funded	\$ 2,526.73	\$ 2,526.73
South Hedland Lotteries House Inc.	PO Box 3134	South Hedland, WA 6722	Town of Port Hedland	A130114	2 Leake Street, South Hedland	12 Tenant agencies	Diverse not-for-profit agencies	8.30 - 16.00 Mon - Fri	Yes - rent is charged to agencies	No	No	No	100%	50%	Applying for 50% Rates Concession, Officers recommend 50% concession as the organization is charging the agencies rent, however they provide the premises for these charitable agencies	\$ 16,002.50	\$ 8,001.25

Concessions (Continued)

Treloar Child Care Centre Inc.	PO Box 2626	South Hedland, WA 6722	State of WA (Crown)	A134780	4 Treloar Close, South Hedland	Child Care Centre	Child Care	7.00 -17.30, Mon- Fri	Yes	Yes	Yes	Yes	30%	30%	Applying for 30% Rates Concession, Officers recommend 30% concession as the non-for profit organization is providing an essential service to the community however they charge for the services	\$ 2,309.70	\$ 1,234.83
Pilbara Family Violence Prevention Service	PO BOX 2524	East Victoria Park, Perth WA 6981	Pilbara Family Violence Prevention Service	A401480	32 Demarchi Road, South Hedland	Staff Housing	Legal	Daily	No	No	No	No	100%	0%	Applying for 100% Rates Concession, Officers recommend 0% as the house is used for staff housing and not the main purpose of the organisation	\$ 2,326.73	\$ -
Port Hedland Golf Club Inc.	PO Box 2483	South Hedland, WA 6722	Town of Port Hedland	A136490	Lot 3164 Shoats Road, Shouth Hedland	Golf Club	Golf, functions, Bar	7 days a week	Yes	No	Yes	Yes	100%	0%	Applying for 100% Rates Concession, Officers recommend 0% as the organization is making a net profit for all services provided.	\$ 4,851.83	\$ -
South Hedland Owners & Trainers	PO Box 2043	South Hedland, WA 6722	Town of Port Hedland	A802155	Lot 254 Shoats Road, South Hedland	Horse Stables & Show Ground	Horse Stables for Members & Travelling horses	7 days a week	No	No	Yes	No	100%	0%	Applying for 100% Rates Concession, Officers recommend 0% as the community are racing their horses to win cash prizes (commercial)	\$ 27,183.76	\$ -
Total																\$ 47,036.89	

Exemptions

Organisation	Add 1	Add 2	Land Owner	Assessment Number	Address	Use and Occupancy of Property	Type of Service Provided	Frequency of service provision	Payment received for service	Floor plan provided	Copies of Financial Statement provided	Audited	Last year	Officer's recommendation	Comments	Proposed Rates	Proposed Concession
Grand Lodge of Western Australian Freemasons Homes for the Aged	PO Box 62	Landsdale, WA 6065	Grand Lodge of Western Australian Freemasons Homes for the Aged	A130290	Lot 3915 McGregor Street, Port Hedland	Freemasons Homes for the Aged	Accommodation for Seniors	24 hours, 7 days a week	Yes, reduced rental fee	No	Yes	Yes	Exemption	Exemption	Applying for 100% Rates Exemption, Officers recommend 100% concession as the organisation provides subsidized housing for the elderly.	\$ -	\$ -
Bloodwood Tree Association Inc	PO Box 2099	South Hedland, WA 6722	State of WA (Crown) / WA Alcohol & Drug Authority	A130239	Lot 3826 Forrest Circle, South Hedland	Bloodwood Tree	Sobering Up Centre	24 hours, 7 days a week	No	No	Yes	No	Exempt	Exempt	Applying for 100% Exemption, Officers recommend 100% as an essential service for the community is provided at the premises	\$ -	\$ -
Bloodwood Tree Association Inc	PO Box 2099	South Hedland, WA 6722	Department of Housing	A106284	21 (Lot 3487) Hamilton Road, South Hedland	Bunara Mays Hostel	Short Term Accommodation Facility	24 hours, 7 days a week	Small charge	No	Yes	No	Exempt	Exempt	Applying for 100% Exemption Officers recommend 100% as the short term accommodation facility is beneficial to the community	\$ -	\$ -
Port Hedland Retirement Village	PO Box 863	Port Hedland, WA 6721	Town of Port Hedland	A136730	Lot 2032 Stevens Street, Port Hedland	Retirement Village	Accommodation for Pensioners	24 hours, 7 days a week	Yes	No	Yes	Yes	Exempt	Exempt	Applying for 100% Rates Concession, Officers recommend 100% concession as the organisation provides subsidized housing for the elderly.	\$ -	\$ -
Pilbara Meta Mays Regional Aboriginal Company	PO Box 2680	South Hedland, WA 6722	Pilbara Meta Mays Regional Aboriginal Company	A127380	3 Yanana Street, Wedgefield	Office	No statement	No statement	No statement	No statement	No statement	No statement	Exempt	Exempt	Applying for 100% Rates Exemption	\$ -	\$ -
Baptist Union of Western Australia	PO Box 57	Burswood WA 6100	Baptist Union of Western Australia	A113872	10 Steamer Ave, South Hedland	Manse	Housing for Pastor	24 hours, 7 days a week	No	No		N	Exempt	Exempt	Applying for 100% Rates Exemption, Officers recommend 100% as the property is used for the essential service of being a Manse	\$ -	\$ -
Wangka Mays Pilbara Aboriginal Language Centre	PO Box 2736	South Hedland, WA 6722	Wangka Mays Pilbara Aboriginal Language Centre	A803501	67 Throssell Road, South Hedland	Language Centre	Promotion of aboriginal languages	Mon - Fri	No	No	Yes	Yes	Exempt	Exempt	Exempt from paying council rates under Taxation Administration Act, Officers recommend 100% Exemption as the organization is providing a free education service to the community	\$ -	\$ -

11.4.2 Governance and Administration**11.4.2.1 *Quarterly Performance Report as at 31 March 2012 (File No.: 03/01/002)***

Officer Debra Summers
Manager Organisational Development

Date of Report 22 May 2012

Disclosure of Interest by Officer Nil

Summary

This report is for Council to note the third Quarterly Performance Report as at the end of March 2012 (Attachment 1) in relation to the Annual Corporate Plan.

Background

The Department of Local Government in Western Australia has introduced guidelines for the implementation of a new Integrated Strategic Planning and Reporting Framework for local governments in Western Australia which is now required to be in place by June 2013.

The new framework includes the development of the following key strategic documents:

- 10 year Strategic Community Plan
- 4 year Corporate Plan
- Annual Operational Business Plan
- 4 year Workforce Plan
- 10 year Financial Plan
- 10 year Asset Management Plan.

In May 2011 the Town of Port Hedland commenced the first stage of a two stage implementation process which included the development of: Annual Corporate Plan, Directorate Plans and Business Unit Plans as per the organisational structure.

This first stage was completed in June 2011 and has resulted in the adoption by Council (201112/017) of the Annual Corporate Plan, complying with the Department's requirements.

The Annual Corporate Plan details the work to be undertaken by the organisation during 2011-2012. It represents activity to achieve initiatives identified in the current Town of Port Hedland Strategic Plan 2011-2105 plus reflects projects and core activities, services and programs delivered by the Town of Port Hedland to its community and stakeholders.

The Quarterly Performance Report provides a high-level update of the work undertaken by the organisation in this third quarter from January – March 2012 to achieve the actions outlined in the Annual Corporate Plan.

Consultation

- Town of Port Hedland Executive
- Relevant Town of Port Hedland Officers
- CAM Management Solutions

Statutory Implications

The Local Government Act 1995 states that:

“5.56. Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”*

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 6:	Governance
Goal 1:	Leadership

That the community acknowledges that the Town is leading the future development and management of the municipality in an effective and accountable manner.

The Corporate Planning Framework now integrates the Annual Corporate Plan with Council’s current Strategic Plan, and this Quarterly Performance Report represents activity to achieve these strategic priorities and actions.

Budget Implications

The actions reported on in this Quarterly Performance Report reflect the financial activity as reported in the January - March 2012 Quarterly Budget Review that has been presented to the Audit and Finance Committee on 30 May 2012 and subsequently to the Ordinary Council Meeting on 13 June 2012.

Officer's Comment

The Quarterly Performance Report provides an opportunity for the Council and the community to review the work currently being undertaken by the organisation to be assured that the required services programs and activities it agreed to in the Annual Corporate Plan and Strategic Plan are currently the focus of the organization and are being delivered.

Attachments

1. TOPH Council Quarterly Performance Report for January – March 2012 (Attached under separate cover)

201112/491 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Jacob**

That Council receives the Quarterly Report for January – March 2012.

CARRIED 9/0

11.4.2.2 New Building Act - Delegations (File No.: .../...)

Officer	Mark Riordan Manager Building
Date of Report	29 May 2012
Disclosure of Interest by Officer	Nil

Summary

With the advent of the Building Act 2011, various legislative provisions have changed significantly. Council is requested therefore, to make necessary delegations pursuant to the implementation of the newly introduced *Building Act 2011*.

Background

The Building Act is part of the State Government's Building Regulation Reform Package which replaces the existing building approvals process which was established under the *Local Government Act 1960* and the *Building Regulations 1989*.

The Act commenced operation on 2 April 2012.

Historically, Western Australian building control has been administered wholly by local government. The new Building Act allows this function (in part) to be undertaken by private organisations and practitioners. This new function is known as Private Building Certification.

The newly introduced changes to the building legislation space are aimed at bringing WA building control to be in line with national reforms.

The key elements of reform include:

- All buildings are to be legislated, including those owned by the Crown; local government is also bound limiting its ability to approve its buildings.
- A competitive building assessment environment is expected to be offered by the private sector, which under duplication of services could see local government forced into reducing some levels of service.
- Essentially mandatory inspections of all classes of buildings are required (either by the local government or the private certifier) in order to complete some of the new provisions in the Act; noting this is not expressly legislated and is very subjective as to its practical enforceability.
- Owners will have to take prima facie responsibility for the design, construction and operation of buildings.

- Nominated Licence Issuing Authorities (local governments, State Government or special authorities) are to manage risk, audit processes, and issue building permits and occupancy approvals;
- A risk-based approach will be applied to assessment of applications and inspection requirements.
- Requirements for obtaining compliance certification for all types of buildings prior to occupancy are introduced.
Registration requirements for a range of industry practitioners will be introduced.
- A nationally agreed accreditation framework for building surveyors will be introduced.
- A process for the assessment and approval of building works carried out without approval has been introduced.

The Building Act reforms the building approval process and has introduced significant changes for local governments. The major change is to separate the process of certifying compliance with building standards from the administrative process of issuing permits. Private certification has removed local government from being the sole provider of building approval services.

Consultation

External

- McLeods Barristers and Solicitors
- Other local governments

Internal

- Manager Organisational Development

Statutory Implications

Section 5.42 of the *Local Government Act 1995*, allows for a Council to delegate to the Chief Executive Officer its powers and duties.

Section 5.44 of the *Local Government Act 1995*, allows for a Chief Executive Officer to delegate powers and duties to other employees.

Section 9.10 of the *Local Government Act 1995* - Appointment of authorised persons – allows a local government to appoint, in writing, persons or classes of persons to be authorised for the purpose of performing particular functions related to enforcement and legal proceedings.

The above sections of the *Local Government Act 1995* are to be referred to when considering the newly proposed delegations 'Appointment of Authorised Persons'.

Section 127 of the *Building Act 2011* states:

“127. Delegation: special permit authorities and local governments

- (1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.*
- (2) A delegation of a special permit authority’s powers or duties may be only to an employee of the special permit authority, or to an employee of one of the legal entities that comprise the special permit authority.*
- (3) A delegation of a local government’s powers or duties may be only to a person employed by the local government under the Local Government Act 1995 section 5.36.*
- (4) The delegation must be in writing executed by or on behalf of the special permit authority or by the local government.*
- (5) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.*
- (6) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.*
- (7) Nothing in this section limits the ability of the permit authority to perform a function through an officer or agent.”*

This legislative power is to be referred to when considering all newly created delegations under the *Building Act 2011*.

Policy Implications

Nil

Strategic Planning Implications

Goal 5: Town Planning and Building

That Town Planning and Building control policy and practices within the Town are facilitating the rapid development of a sustainable community.

Budget Implications

Nil

Officer's Comment

Pursuant to section 127 of the new Building Act, a local government may delegate its powers under the Act to employees of the local government who are appropriately qualified to exercise those powers.

The proposed delegations under the provisions of the *Building Act 2011* are very similar to the existing delegations previously confirmed by Council when the same delegations were under the *Local Government (Miscellaneous Provisions) Act 1960*.

The implementation of the *Building Act 2011* has resulted in changes to the following Delegations under the *Local Government (Miscellaneous Provisions) Act 1960*:

- 26 Building, Issue of Licenses
- 27 Building, Extension of Time to Complete
- 28 Demolition Licenses
- 29 Notices, Issue of Section 401
- 30 Buildings - Removal of Neglected and Dilapidated Buildings
- 31 Works, Unlawful
- 32 Buildings, Dangerous
- 33 Certificates of Classification
- 34 Licence to Deposit Materials on or Excavate Adjacent to a Street
- 35 Uncompleted Buildings
- 36 Buildings - Certain Actions after Conviction
- 37 (Buildings - Set Out by Licensed Surveyor).

It is proposed that the above delegations are all replaced with a set of new delegations under the *Building Act 2011*. These are listed below and expanded upon in Attachment 1.

- Approval of Building Permits
- Grant of Occupancy Permit, Building Approval Certificate, with or without conditions & extension of period of duration of Occupancy Permit or Building Approval Certificate
- Approve a Demolition Permit Other Than for Buildings Classified by the National Trust
- Issue Building Orders
- Issue Licence to Deposit Material on Street
- Appoint Authorised Persons (Swimming Pool Inspectors)
- Recover the Charge Imposed for Private Swimming Pool Inspection.

In order to fully comply with all relevant statutory requirements it is also suggested that Council adopts a newly created delegation under Section 9.10(1) of the *Local Government Act 1995 – Appointment of authorised persons*.

Attachments

1. List of new delegations under Local Government Act 1995 and Building Act 2011.

Officer's Recommendation

That Council pursuant to Section 127 of the *Building Act 2011* and Section 5.42 of the *Local Government Act 1995*, approves the delegation of the exercise of its powers and duties, as shown in Attachment 1 effective from 2 April 2012, namely:

- Approval of Building Permits
- Grant of Occupancy Permit, Building Approval Certificate, with or without conditions & extension of period of duration of Occupancy Permit or Building Approval Certificate
- Approve a Demolition Permit Other Than for Buildings Classified by the National Trust
- Issue Building Orders
- Issue Licence to Deposit Material on Street
- Appoint Authorised Persons (Swimming Pool Inspectors)
- Recover the Charge Imposed for Private Swimming Pool Inspection.

201112/492 Council Decision

Moved: Cr Hunt

Seconded: Cr Carter

That Council pursuant to Section 127 of the *Building Act 2011* and Section 5.42 of the *Local Government Act 1995*, approves the delegation of the exercise of its powers and duties, as shown in Attachment 1 effective from 2 April 2012, namely:

- **Approval of Building Permits**
- **Grant of Occupancy Permit, Building Approval Certificate, with or without conditions & extension of period of duration of Occupancy Permit or Building Approval Certificate**
- **Approve a Demolition Permit Other Than Buildings Listed on the Local Heritage Inventory or of a Local Historical and/or Cultural Significance**
- **Issue Building Orders**
- **Issue Licence to Deposit Material on Street**
- **Appoint Authorised Persons (Swimming Pool Inspectors)**
- **Recover the Charge Imposed for Private Swimming Pool Inspection.**

CARRIED 9/0

NOTE: Council amended bullet point 3 to make it clear that local buildings of a historical or cultural significance are not within the delegation.

ATTACHMENT 1 TO ITEM 11.4.2.2

Delegation Register

2011/12

LOCAL GOVERNMENT ACT 1995**Appointment of Authorised Persons**LEGISLATIVE POWER *Local Government Act 1995, Section 9.10(1).*

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

A local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.

The Chief Executive Officer is delegated the power to:

1. Appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement under the following Acts, including but not limited to the following:
 - Building Act 2011
2. Designate pursuant to Section 96(3) of the *Building Act 2011* Building and Planning Officers as authorised persons for the following purposes of the *Building Act 2011*:
 - s100 - Entry Powers;
 - s101 - Powers after entry for compliance;
 - s102 - Obtaining information and documents;
 - s103 - Use of force and assistance; and
 - s106 - Apply for an entry warrant.

SUBDELEGATION

Manager Building Services
Coordinator Building Services
Building Surveyor(s)
Compliance Officer(s)
Technical Officer(s)

CONDITIONS AND REPORTING REQUIREMENTS

The Chief Executive Officer to approve of any legal action and sign any Prosecution Notices. Persons authorised for the purpose of this delegation shall be in writing and recorded on the appropriate record and the person's personal record.

Delegation Register

2011/12

BUILDING ACT 2011**1 Approval of Building Permits**

LEGISLATIVE POWER *Building Act 2011*, Sections 20, 22 and 127.
Division 2 of Part 2.
Divisions 1, 2 and 4 of Part 4.

DELEGATE Manager Building Services
Coordinator Building Services
Building Surveyor(s)
Technical Officer(s)

FUNCTION TO BE PERFORMED

Authority to approve or refuse building permit applications certified or uncertified, including building approval certificates, certificates of design compliance and certificates of construction compliance.

The above Officers are delegated the authority to grant or refuse the issue of a building Permits in the prescribed form pursuant to *Building Act 2011*, Section 20.

CONDITIONS AND REPORTING REQUIREMENTS

All building permits approved or refused are to be retained on the appropriate file or record pursuant to the requirements of Part 11 of the Building Act 2011.

Delegation Register

2011/12

2 Grant of Occupancy Permit, Building Approval Certificate, with or without conditions & extension of period of duration of Occupancy Permit or Building Approval Certificate

LEGISLATIVE POWER Building Act 2011, Sections 58, 59, 62, 65 and 127.

DELEGATE Manager Building Services
Coordinator Building Services
Building Surveyor(s)
Technical Officer(s)

FUNCTION TO BE PERFORMED

Authority to issue occupancy permits, certificates of construction compliance, grant permits, issue building orders and notices and perform associated functions of a permit authority pursuant to the *Building Act 2011*.

The above officers are delegated the power to issue Certificates of Occupancy, Building Approval Certificates and extensions of period of duration of Occupancy Permit or Building Approval Certificate in the prescribed form upon completion of buildings, pursuant to the *Building Act 2011*, Sections 58, 59, 62, 65 and 127.

CONDITIONS AND REPORTING REQUIREMENTS

All building permits issued are to be retained on the appropriate file or record pursuant to the requirements of Part 11 of the Building Act 2011.

Delegation Register

2011/12

3 Approve a Demolition Permit Other Than for Buildings Classified by the National Trust

LEGISLATIVE POWER Building Act 2011, Sections 21, 22 and 127.

DELEGATE
Manager Building Services
Coordinator Building Services
Building Surveyor(s)
Technical Officer(s)**FUNCTION TO BE PERFORMED**

To grant or refuse to approve applications for a Demolition Permit.

The above officers are delegated authority to grant or refuse a Demolition Permit other than for buildings classified by the National Trust and Council's Heritage Register, pursuant to the *Building Act 2011*, Sections 21 and 22.

CONDITIONS AND REPORTING REQUIREMENTS

All building permits issued are to be retained on the appropriate file or record pursuant to the requirements of Part 11 of the Building Act 2011.

Delegation Register

2011/12

4 Issue Building Orders

LEGISLATIVE POWER Building Act 2011, Sections 110, 111 and 112.

DELEGATE Director Planning Services
Manager Building Services
Coordinator Building Services
Building Surveyor

FUNCTION TO BE PERFORMED

Pursuant to Part 8 Division 5 of the Building Act 2011 a permit authority may make an Order (a building Order) in respect of one or more of the following –

- (a) particular building work;
- (b) particular demolition work;
- (c) particular building or incidental structure, whether completed before or after commencement day.

The above Officers are delegated the power to issue Building Orders for works in contravention of the Building Act 2011, pursuant to Sections 110, 111 and 112.

CONDITIONS AND REPORTING REQUIREMENTS

Copies of all Orders issued are to be retained on the appropriate file or record pursuant to the requirements of Part 11 of the Building Act 2011.

Delegation Register

2011/12

5 Issue Licence to Deposit Material on StreetLEGISLATIVE POWER *Building Regulations 2012, Regulation 64.*

DELEGATE

Manager Building Services
Coordinator Building Services
Building Surveyor
Director Engineering Services
Manager Engineering Services
Manager Technical Services
Manager Infrastructure Development

FUNCTION TO BE PERFORMED

No person shall deposit stones, bricks, lime, rubbish, timber, iron, or other materials on a street, way, or other public place, nor make an excavation on land abutting or adjoining a street, way, or other public place, unless authorised to do so by an Act or unless he has first obtained from the local government in whose district the street, way, public place, or land is situated a licence in writing for that purpose, nor unless, in the case of an excavation he has securely fenced off the place where it is to be made from the street, way, or other public place, nor unless he complies with the conditions, if any, of the licence.

CONDITIONS AND REPORTING REQUIREMENTS

Licence fee to be set by Council annually.

Copies of all licences issued are to be retained on the appropriate file or record.

Delegation Register

2011/12

6 Appoint Authorised Persons (Swimming Pool Inspectors)

LEGISLATIVE POWER *Building Regulations 2012, Regulation 53(1).*

DELEGATE Chief Executive Officer or
Manager Building Services
Coordinator Building Services
Building Surveyor

FUNCTION TO BE PERFORMED

A local government may appoint an Authorised Person to carry out inspections of pools. An “authorised person” means a person with appropriate experience or qualifications authorised by the local government for the purposes of this section.

The Chief Executive Officer is delegated the power to appoint authorised persons for the purpose of inspecting private swimming pools and enforcing the provisions of the Act, pursuant to the *Building Regulations 2012, Regulation 53(1)*.

CONDITIONS AND REPORTING REQUIREMENTS

The authorisations must be in writing and recorded on the appropriate file and the person's personal file.

Copies of all reports on swimming pools inspected are to be retained on the appropriate file or record.

Delegation Register

2011/12

7 Recover the Charge Imposed for Private Swimming Pool Inspection**LEGISLATIVE POWER***Building Regulations 2012, Regulation 53(2).***DELEGATE**

Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated the power to recover the amount of a charge imposed for the inspection of a private swimming pool in a court of competent jurisdiction, pursuant to the *Building Regulations 2012, Regulation 53(2)*.

SUBDELEGATION

Director Corporate Services

CONDITIONS AND REPORTING REQUIREMENTS

Chief Executive Officer to sign any Prosecution Notices.

Corporate Services to be advised of any charges imposed or recovered.

Details of the recovery and court action to be retained on the appropriate file or record.

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

12.1 *Marquee Park*

NOTE: Mayor advised that this item will be considered as a confidential item as part of Section 15 of tonight's meeting.

12.2 *Wallwork Road Bridge – Funding*

NOTE: Mayor advised that this item has been withdrawn and will be brought to Council at a future meeting.

ITEM 13 REPORTS OF COMMITTEES

NOTE: The Minutes of these Committee meetings are enclosed under separate cover.

13.1 *Airport Committee – 24 May 2012***201112/493 Officer's Recommendation / Council Decision****Moved: Cr Carter****Seconded: Cr Dziombak**

That Council adopts the Minutes of the Ordinary Meeting of the Airport Committee held on 24 May 2012.

CARRIED 9/0

13.2 *Audit and Finance Committee – 6 June 2012***Recommendation 1**

That Council:

1. Receives the Minutes of the Special Meeting of the Audit and Finance Committee held on 6 June 2012; and
2. Adopts en bloc the following recommendations contained within the Minutes of the Special Meeting of the Audit and Finance Committee held on 6 June 2012:
 - Port Hedland Visitor Centre Quarterly Review: January to March 2012 (File No.: 05/09/0017);
 - Courthouse Gallery Quarterly Review: January to March 2012 (File No.:20/01/0026); and
 - South Hedland and Gratwick Aquatic Centre's Quarterly Review: January to March 2012 (File No.:26/13/0006).

Recommendation 2

That Council adopts en bloc the following recommendations contained within the Minutes of the Special Meeting of the Audit and Finance Committee held on 6 June 2012:

- Community Funding and Donations - Endorsement of Funding Requests (File No.: 02/05/0003);
- Five Year Forward Capital Works Plan; and
- Third Quarter Budget Review.

201112/494 Council Decision**Moved: Cr Jacob****Seconded: Cr Carter****That Council:**

- 1. Receives the Minutes of the Special Meeting of the Audit and Finance Committee held on 6 June 2012; and**
- 2. Adopts en bloc the following recommendations contained within the Minutes of the Special Meeting of the Audit and Finance Committee held on 6 June 2012:**
 - Port Hedland Visitor Centre Quarterly Review: January to March 2012 (File No.: 05/09/0017);**
 - Courthouse Gallery Quarterly Review: January to March 2012 (File No.: 20/01/0026);**
 - South Hedland and Gratwick Aquatic Centre's Quarterly Review: January to March 2012 (File No.: 26/13/0006);**
 - Community Funding and Donations - Endorsement of Funding Requests (File No.: 02/05/0003);**
 - Five Year Forward Capital Works Plan;**
 - Third Quarter Budget Review; and**
 - Adopts the attached 5 Year Capital Works Plan.**

CARRIED BY ABSOLUTE MAJORITY 9/0**ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****Nil**

ITEM 15 CONFIDENTIAL ITEMS

NOTE: Section 5.23 of the Local Government Act 1995 states:

- “(1) Subject to subsection (2), the following are to be open to members of the public —*
- (a) all council meetings; and*
 - (b) all meetings of any committee to which a local government power or duty has been delegated.*
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (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.”*

201112/495 Council Decision

Moved: Cr Daccache

Seconded: Cr Martin

That the meeting be closed to members of the public as prescribed in Section 5.23 (2)(c) of the Local Government Act 1995, to enable Council to consider the following Item:

12.1 ‘Marquee Park Construction – Splashpad Surfacing Material (File No.: 21/05/0011)’

CARRIED 5/0

201112/496 Officer’s Recommendation / Council Decision

Moved: Cr Jacob

Seconded: Cr Dziombak

That Council:

- 1. Approves the variation for the selection of Polysoft for the surfacing of the Marquee Park splashpad;**
- 2. Set aside the provisions in Council’s Procurement Policy 2/007 and Tender Policy 2/011 and authorise the procurement of the Polysoft product by way of requesting quotes from the 3 Western Australian contractors certified by Polysoft Pty Ltd, in accordance with the Local Government (Functions and General) Regulations 1996 part 11 (2)(f).**

CARRIED 9/0

201112/497 Council Decision**Moved: Cr Daccache****Seconded: Cr Carter****That the Meeting be opened to members of the public.*****CARRIED 9/0*****ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE****201112/498 Officer's Recommendation / Council Decision****Moved: Cr Martin****Seconded: Cr Hooper****That the following leave of absence:**

- Cr Gillingham – 22 to 25 June 2012
- Cr Jacob – 15 to 25 June 2012

be approved.***CARRIED 9/0*****ITEM 17 CLOSURE****17.1 Date of Next Meeting**

A Special Meeting of Council will be held on Wednesday 20 June 2012, commencing at 5:00pm, to consider appointing a new Chief Executive Officer.

The next Ordinary Meeting of Council will be held on Wednesday 27 June 2012, commencing at 5.30pm.

17.2 Closure

There being no further business, the Mayor declared the meeting closed at 7:35pm.

Declaration of Confirmation of Minutes

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

CONFIRMATION:

MAYOR

DATE