



Town of Port Hedland

MINUTES

OF THE

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

HELD ON

THURSDAY 26 APRIL 2012

AT 5.30 PM

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

*Paul Martin
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 5:32 pm 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 Stan R Martin
Councillor Jan M Gillingham
Councillor David W Hooper
Councillor Michael (Bill) Dziombak
Councillor Julie E Hunt
Councillor Gloria A Jacob

Officers

Mr Paul Martin	Chief Executive Officer
Mr Ian Hill	Deputy Chief Executive Officer
Mr Gordon Macmile	Director Community Development
Mr Russell Dyer	Director Engineering Services
Ms Natalie Octoman	Director Corporate Services
Mr Eber Butron	Director Planning and Development
Miss Josephine Bianchi	Governance Coordinator & Minute Taker

Public Gallery

Members of the Public	7
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Members of Staff	2

2.2 Apologies

Councillor Arnold A Carter

2.3 Approved Leave of Absence

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on Wednesday 11 April 2012****3.1.1 *Mr Wayne Ness***

I have eleven questions here and if I do breach any codes, please let me know and I'll rephrase the question.

2 Grant Place, Port Hedland, owned as joint tenants as per the title deeds from Landgate, by Catherine Lesley Burse and Terrence Ray Sargent (Mr Sargent was previously the Director of Regulatory and Community Services at the Town of Port Hedland) was authorised by delegated authority by the Acting Chief Executive Officer on 7 December 2010, approximately six months after Council advised the applicant from the property next door at 8 Crawford Street that he was refused a second dwelling because it didn't meet acceptable levels of some codes of the Residential Design Code of Australia, as per the Council letter reference 2010/88 117540G. How does the development at 2 Grant Place, which is for a multiple development of approximately nine dwellings, meet conditions that 8 Crawford Street was found not compliant with, and be acceptable for delegated authority approval?

Director Planning and Development advised an assessment was carried out for Lot 8, Crawford Street. The proposed development did not comply with the following

- a) 6.3.1 - Buildings setback from the boundary
- b) 6.8.1 - Visual privacy
- c) 6.10.3 - Essential services

Also, the proposed car parking bays did not comply with Council Engineering standards. A letter requesting further information sent 6th May 2010 was not responded to.

A further letter dated 14th June 2010 was also not responded to. As the applicant did not attempt to provide information to address these concerns the Development application was refused due to lack of information being submitted.

How did the property at 8 Crawford Street not meet Residential Design Code 6.3.2 – Buildings on Boundary, when there are in fact no buildings on the boundary, and the buildings are a distance from the boundary which it will be alleged also meet the setbacks? I also have a copy of the application that was submitted.

Director Planning and Development advised a review of the technical report identifies the development did not propose any walls built up to the boundary, and therefore this element of the R- codes was not applicable. It should be noted however other significant matters that were outstanding and/or were required to be addressed.

The rejection of the application for 8 Crawford Street was also additionally noted that it did not present to the Crawford Streetscape in an acceptable manner, so how does the double storey, compacted development in-progress next door meet the streetscape?

Director Planning and Development advised Council Officer's assessment of the application determined an acceptable presentation to the streetscape for Lot 2, Grant Place.

A Councillor commented to me that the Council had received many complaints regarding the development. If this is true, how many complaints have been made and how many have been recorded, and what has been done to address any of the issues raised? And if Council has done nothing about it, why not?

Director Planning and Development advised one complaint has been formally lodged with the Planning department and recorded. The development is currently under construction and not complete. Council Officers will ascertain compliance with Planning and Building approvals upon completion of development and determine what, if any, action needs to be undertaken if there is significant variance from the design approved through the planning and building permits.

The Residential Design Codes have certain car bay allocations depending on the size and number of bedrooms of a development. There is provision for variation depending on High Frequency Public Transport being available within proximity. The Town of Bayswater, and other reports that I have, indicate that a high frequency public transport system would be somewhere in the range of a bus or train every 20 minutes. As this is not the case here then it would be expected that parking would be calculated to the Residential Design Codes 7.3.3 – A3 (as acceptable) in the nearest whole number, being 12 car bays and four bike spaces. So I ask: does the parking fit all and meet the requirements, considering that the property next door only requires four bays, and had parking issues as part of the rejection reason and can the Council demonstrate in consideration of its being 'fair and open' that in fact all the criteria for 2 Grant Place was met?

Director Planning and Development advised that it is compliant with Council's Town Planning Scheme No. 5 Appendix 7 (Car Parking Standards).

The Council has published proposed Planning and Development notices in the local newspaper, and today it cites a number of developments including an eight unit development at 8 Mosley Place, Port Hedland, that can be accessed via the Council's website under "Proposed Development Applications (as advertised)". So why isn't it available on there?

Director Planning and Development acknowledged this was not properly uploaded on to the website. This has now been rectified. Public notification was undertaken in accordance with the Planning Scheme requirements.

Following the installation of the closed-circuit surveillance system around the Town of Port Hedland, can you advise if the cameras meet all the specifications as specified in the tender, and are they operating to the full requirements of the tender?

The Director Corporate Services advises that all the cameras and the closed-circuit surveillance system itself, do meet all the specifications outlined in the tender and are operating as per the tender requirements when it was awarded in 2008.

There is a maintenance program in place for all cameras and we are continuously trying to improve the images by replacing the current cameras with new high definition cameras as part of the annual maintenance schedule.

How did the pool at the Chief Executive Officer's residence get passed and filled with water if it has incorrect fencing, as per Australian Standards?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

Was an audit done on the installation before the pool was filled, as Council does have pool and spa regulations?

Director Planning and Development advised that Building Services have followed all procedures and policies in relation to the pool installation. The owner / builder are required to comply with all relevant Building Codes and Licenses issued. The Building Management department is undertaking works to ensure compliance with the relevant building permit for this site.

Did it have another compliance audit check after the installation of the new section of fence?

Please refer to the answer above.

If it did, then why hasn't the fence been corrected to Standards and why is the pool still full of water?

Please refer to the answer above.

NOTE: Mayor asked whether Mr Ness was happy with these answers. Mr Ness stated he was not happy with one of the answers and that he will address this later on in the meeting.

3.1.2 Mr Camilo Blanco

Can Council provide questions and answers together, as required by the Act, in the Agenda? If not, why?

Director Corporate Services advised that Regulation 11 of the Local Government (Administration) Regulations 1996 prescribes the content of minutes of council or committee meetings.

Regulation 11(e) requires the minutes to include:

(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question.

Where a question is answered at the meeting, a summary of the question and the response provided is included in the minutes of the meeting. In the case of a question that is taken on notice to be answered later, the response that appears in the minutes of the meeting at which it was asked will be "This Question was taken on Notice."

The Local Government Act 1995 and the Regulations do not make specific reference to responses to questions 'taken on notice' at a Council or Committee meeting. However, the Department of Local Government advises as follows:

'Where a question cannot be answered at the meeting and is therefore "taken on notice", a summary of the question should be included in the minutes of the following meeting of Council. It is recommended that the summary of the question be included in the agenda and the minutes for the meeting when the summary of the answer is recorded.'

This procedure is currently followed by the Town of Port Hedland by way of a 3 step process. First step - The question that is 'taken on notice' on the night of the meeting is recorded in the Minutes of that meeting as 'taken on notice'. Second step –both the question and the answer to questions taken on notice at a meeting are inserted in the agenda for the following meeting. Third step – both the question and the answer to questions taken on notice inserted in the Agenda in Step 2 are also recorded in the Minutes of that meeting.

Considering the amount of times I have quoted the Act to you, is this a case of discrimination directed towards members of the public that ask hard questions about our town?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

Can you explain why this does not happen with other people asking questions about things like the naming of the Court House, graffiti clean-up, street lights, tree planting, turtle talk?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

Would you like a copy of the five months of Council Minutes questions and answers which actually shows this?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

On 28 March 2012 I asked this question:

“On the corner of Crawford and Sutherland Street there is a development under construction. Who authorised this development?”

Manager Planning Services advised that the development was authorised under delegated authority by the Acting Chief Executive Officer on 7 December 2010.

I also asked:

“This development is owned by Terry Sargent. Can somebody explain why local people are finding it so hard to deal with the Planning and Building Department with their rules and regulations, but this development has been passed and obviously is not in line with our Town Planning Scheme?”

Manager Planning Services advised that the application is in accordance with the relevant legislation, and has been dealt with as any other application would be.

Why are we all being misled by these answers?

Director Planning and Development advised that the responses to Mr. Blanco's previous questions by the Manager Planning Services are correct and the Town of Port Hedland is not misleading in any way.

Are any other planning or building applications from the Town's people dealt with across the desk of the Chief Executive Officer?

Director Planning and Development advised that planning and building applications are dealt with in accordance with legislation and Council's Delegation Register.

Planning and building authorisation under delegated authority can only apply if the application meets all the criteria needed by the Act, the Town Planning Scheme and is not objected to by the public or neighbouring land owner, is that correct?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

Can the people of Hedland now get their planning and building authorisation under delegated authority by the Chief Executive Officer?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

By the Chief Executive Officer, not staff?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

I actually would like that, yes.

Chief Executive Officer advised that he mailed a copy of the delegations that were in force commencing June 2010 and also a copy of the current Delegation Register to Mr. Blanco on 19 April 2012.

I'm going to quote from the Code of Conduct, section 2.2 'Role of Councillors.'

Council members translate the community's needs and aspirations into the future direction of the Town. Councillors are leaders, policy makers and direction setters. Town of Port Hedland Councillors are part of a team in which the community has placed its trust to make decisions on its behalf.

The community does not want these tug pens at Hunt Point, I think we can all agree on that. So the question is; when was the Town notified about the tug pen proposal at Hunt Point?

The Chief Executive Officer was notified that BHP Billiton and the Port Hedland Port Authority were investigating tug pen locations at a meeting of the Outer Harbour Interagency Working Group on 12 December 2011. The Chief Executive Officer was advised that the Town would be further consulted on this matter.

Mrs Mayor, are you still the chair of the Care for Hedland group?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

When was the Care for Hedland group notified about the Hunt Point tug pen proposal?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

If that's the case, the meeting with the Environmental Protection Authority (EPA) on 28 November 2011, what time was that in?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

I have here an EPA document that states, on page 26, the Care for Hedland group were engaged specifically about the Hunt Point Marine Precinct on the 28 November 2011. That was about three months earlier to the Port Authority's announcement. So can you tell me why the staff of the Town, the Councillors of the Town and most importantly of all, the people of the town, were not informed until February 2012?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

So you didn't know about this Meeting, being chair of the Care for Hedland Environmental Association?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

I'd disagree with you right there.

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

I think they are relevant to Council business.

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

Does the Care for Hedland group receive funding of any kind from BHP?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

In this EPA document the Care for Hedland group have raised no concerns about this tug pen proposal, is that true?

Chief Executive Officer advised that this matter will be taken up with the Care for Hedland Environmental Association.

In your position as the Mayor, the chair of the Care for Hedland group and all the other "hats" that you wear, as you have stated on ABC radio, now you are running for the Labour seat, does that put a huge conflict of interest in the decision making process when it comes to your influence, and vote, on this Council?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

Which one of your interests comes first: State, Town of Port Hedland or campaigning for the Labour seat?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

Will the boat ramp in Port Hedland be relocated after the tug pen is built?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

The boat ramp is a Town of Port Hedland facility.

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

Who will fund it?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

The Town of Port Hedland put an advertisement in the North West Telegraph on 21 December 2011:

*Local Public Notice
Section 6.11*

Redirect \$40 million from the Airport Redevelopment Reserve to the Spoilbank Precinct, with the intent that the \$40 million from the Airport Redevelopment Reserve will be reinstated over a period of 5 years.

How is that going to be possible and where is that money going to come from?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

Has there been a water allocation for the Precinct 3 camp proposal by the Water Authority?

Director Planning and Development said it is understood that Watercorp has, to date, not allocated water to the proposed TWA camp. As with all development applications the provision of water is a requirement and conditioned accordingly.

I'll just say these other ones then. Does the water allocation include the lots that will be sold by Council and fund the supposed second \$40 million?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

I have been informed by a high ranking member of Water Corporation that the water allocation has not been authorised. Can I get confirmation of this by the Town?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

NOTE: Mayor asked Mr Blanco whether he was happy with these answers. Mr Blanco responded in the negative the reason being that the unconfirmed Minutes [11 April 2012] have not been made public as yet. Mr Blanco stated that it has been 10 working days since the last Council meeting and the Act states that Minutes have to be issued within this timeframe. Mayor advised that Mr Blanco's comment is taken on board.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 11 April 2012

3.2.1 Councillor Michael B Dziombak

My questions all relate to the Hunt Point tug pen proposal.

Is the Mayor of the Town of Port Hedland, and the Chief Executive Officer of the Town of Port Hedland, happy with the outcome from the confidential question and answer tug pen issue session which took place last Monday, 2 April 2012 between the Town of Port Hedland, BHP Billiton, and the Port Hedland Port Authority? I ask this question especially in regards to at what stage the proposal was. Basically, a fait accompli. Dredging was to start in just over a week.

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

Is the Mayor of the Town of Port Hedland, and the Chief Executive Officer of the Town of Port Hedland, satisfied that the correct process and procedure has been followed, especially considering the fact that the Town was not involved in the Environmental Protection Authority (EPA) submission which was lodged by BHP Billiton on 12 December 2011?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

It is noted, in the Environmental Protection Authority's submission, which is a public document, that one of the organisations that was involved; namely, and I reiterate a previous question, the Care for Hedland Environmental Association, was consulted in December 2011, and for some unknown reason none of that information was discussed or conveyed to Councillors or the majority of the community until February 2012 when all the opportunities for public questions or concerns had closed. My question is; does the Mayor of the Town of Port Hedland, who is also the chair of the Care for Hedland

Environmental Association, think this was appropriate and acting in the best interest of the Town of Port Hedland?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

It is also noted in the EPA submission that the Care for Hedland Environmental Association had no concerns with the proposal. Can the Chief Executive Officer of the Town of Port Hedland write to the Care for Hedland Environmental Association asking if this was the consensus of the whole group, and obtain any background documentation in finalising that decision?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

Can the Chief Executive Officer please notify Council when the BHP Billiton Noise Management Plan, which was not included in the EPA submission, will be considered by Council?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

My final question; in response to letters sent by the Town of Port Hedland on 20 February 2012 to the Minister for Transport and the Minister for Environment, did both these Ministers refuse to meet with the Chief Executive Officer of the Town of Port Hedland, and if so, why? And has any reply to these letters been received or pursued by the Town of Port Hedland.

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

Has any reply to these letters been received?

Chief Executive Officer advised that the Minister for Environment; Water has responded to the Town in writing, while the Minister for Transport has not at this time.

Again regarding the Hunt Point tug pen proposal, will the item coming to Council at the next meeting have any impact or sway in the decision making process of the proposal?

This question was responded to at the Meeting and the answer is recorded in the Minutes of 11 April 2012.

NOTE: Mayor asked Councillor Dziombak whether he was happy with these answers. Councillor Dziombak responded in the negative and stated that the answers are very restrictive; furthermore he has not as yet seen the Minutes of the previous Council meeting.

ITEM 4 PUBLIC TIME**4.1 Public Question Time**

5:32pm Mayor opened Public Question Time

4.1.1 Mr Wayne Ness

I have checked the plans and set backs of 8 Crawford Street, as they were refused on this, and ask why the Planning Department said the buildings were on the boundary in the correspondence to the applicant? How can the setbacks at 8 Crawford be not correct when the building on Grant Street approved by delegated authority is much closer? I have information that the parking approval was a hindrance to the site at Grant Place and wonder if the Council is willing to show evidence to prove that the parkig is compliant at 2 Grant Place?

Mayor advised that the above questions are taken on notice

What was the zoning at the time of the delegated authority?

Mayor advised that this question is taken on notice.

The Department of Planning documents showed as of the updated records of the 28th March 2012 that the block was R30? Is the construction of the multiple units in line with R30 zoning? If the zoning was changed why wasn't it advertised and the neighbours consulted?

Mayor advised that the above questions are taken on notice

With regards to the TPS5 amendment 51, can the Council prove that all occupants received a letter and it was advertised outside every property as Council advised it did in the 'Fun Fact Finding Sheet' that it published?

Why isn't the Council rezoning the R25 blocks as well? What about the other owners in other areas with R15, R 12.5?

Why did Council use a Google like image, and red circle the areas when there are correctly published documents for publishing the correct details (as per item 11.1.6 on the Agenda of 11 April)?

Did Council do this to rush it through so that some people, who are advertising great investment opportunitites, can push their case through without regard for the average person that ownes a property?

Why wasn't such an important document placed on the web site in downloadable format?

Why are the minutes from 11 April 2012 not on the Council website?

How did the 'Landing' formerly Dixons Caravan Park get additional space for all the vans not on the actual site of the park, and also be allowed to mass room Fly-In-Fly-Out (FIFO) workers when it is supposed to be a caravan park?

What is the Council doing about the overcrowding and parking issues onto the main road and external at the Landing? Who is negligent in the case of an accident?

Why is the Wedgefield camp allowed to expand but local contractors are not allowed to have accommodation on their blocks?

Why is a local real estate company allowed to sell a caretakers unit as separate strata in Wedgefield?

Was part of the reason for a fall out with BHP Billiton over the Tug Pens at the Marina over housing on the Spoilbank?

Mayor advised that the above questions are taken on notice.

Why would you want to put housing on a known unstable area [the Spoilbank]? Was someone external pushing for this site [the Spoilbank] to boost their sales?

In regards to the surveillance systems around town, how did I get an answer as quoted in the reply to my last questions 'as per the tender requirements when it was awarded in 2008', when the tender actually closed on 30 March 2009, as per the tender documents and emails sent to tenderers?

What is the latency time currently being achieved?

What is the data rate full duplex throughput for each link that is being currently achieved?

If the Western Power poles were not up to spec for the cameras as specified in the tender specs, and the new poles were installed at a far greater cost than budgeted (with poles being in excess of \$10,000), why wasn't the tender reissued?

Mayor advised that the above questions are taken on notice.

Were the cost of the poles included in the 900K plus final installation figure, or were they hidden somewhere else?

If the cameras installed were supposedly the best available at the time, why are we replacing them now?

Is the Council prepared to provide evidence of compliance of all equipment and conditions of tender as per the tender specifications considering the original tender was for around the vicinity of between \$200,000 and \$300,000 and it costed over \$900,000 when it was installed [for CCTV]?

Do the rate payers know of this cost exercise?

How much are the new cameras being installed costing per camera including the installation and set ups?

I know you use a butt saving answer process, but I am asking for an honest straight up reply, and ask you to advise why if I was told that the Chief Executive Officer's fence pool was fixed at last meeting (even though a covering excessive was executed and it was also taken on notice), workers raced to the Chief Executive Officer's house last Friday to make some quick changes including the fence?

Chief Executive Officer advised that there a number of compliance issues that are being worked through for his fence and those works are continuing and ongoing. Different people have different opinions about some of those [compliance] aspects and those works will continue until they are compliant and signed off.

Why wasn't it compliant at the time of building?

Does the Director consider it compliant now and have all the certificates been completed?

Why is the pool still not compliant?

Did the pool go out for tender to be built as stated in the Act?

Were all the other works at the Chief Executive Officer's house also done in accordance with the correct financial processes?

Chief Executive Officer advised that quotes were obtained in accordance with Council's procurement process and the correct financial processes.

Can you provide evidence of this?

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

Did the Mayor and other Council representatives attend the facilities of the Port Hedland Tennis Club to discuss the Hockey Club at the premises and act appropriately in the way they addressed the matter?

Mayor advised that she attended the club's Annual General Meeting with the Deputy Mayor as they often do with various groups. It was good to have a dialogue and this will be an ongoing issue until it is resolved.

Is the new water park having issues with the concrete cracking, is this the case and what is being done about it as it was supposed to open weeks ago?

Chief Executive Officer advised that Council received a briefing this afternoon about issues associated with the opening of the water park and the tender and works currently occurring there. A report will come to the next Council meeting to outline all of those issues for Council's consideration.

4.1.2 Mr Camilo Blanco

You did not answer my question at last Council meeting relating to Care for Hedland consultation on Hunt Point, so I am asking again, were you present as the Chair of the Care for Hedland in the BHP Billiton consultation relating to the Hunt Point Tug pen proposal on the 28 November 2011?

Mayor advised that she did not chair the meeting.

Were you present at the BHP Billiton Community Consultation Group on the 23 November 2011, where a presentation on Hunt Point Marine Precinct was presented?

Mayor advised that she was present at this meeting.

Are you the Town of Port Hedland's representative for the BHP Billiton Community Consultation Group?

Mayor advised that she isn't the Town's representative on this group, Councillor Hunt is.

Were any other Town representatives present at that BHP Billiton Community Consultation Group meeting?

Mayor advised that the Deputy Mayor was present at this meeting.

Is the BHP Billiton Community Consultation Group designed to inform the Town and its people on the direction of BHP Billiton?

Mayor advised that this is one aspect of the group.

I have here your diary entry for 23 November 2011 which shows you attended the BHPBIO Community Consultation, together with the Deputy Mayor and Councillor Hunt about Hunt Point. Why did the Mayor, Deputy Mayor and Councillor withhold this information from other Councillors, staff and most important of all the residents and rate payers of our town?

Mayor advised that no information was withheld.

In relation to the Precinct 3 proposal the Town stated it needs to do better next time when it comes to public consultation because of the objections by the public. Why has public consultation not improved with this major development at Hunt Point?

Mayor advised that the Town of Port Hedland was not the lead agency for the consultation on Hunt Point.

Who is [the lead agency]?

Mayor said she believes the lead agency is the Port Hedland Port Authority (PHPA), as it is their land and this is a negotiation of business contract between the PHPA and BHPBIO.

In this EPA document BHP states 'BHP Billiton Iron Ore has undertaken extensive consultation within the Port Hedland community.' Has the Town got an inquiry process to determine whether the process is going wrong and if it has not, can Council implement a process?

Chief Executive Officer advised that the item that is before Council tonight expresses disappointment about the lack of consultation with the Town in relation to the tug pens location. With respect to future procedures, the Town has set up a process whereby senior BHP Billiton representatives will come and talk to Council officers and potentially Councillors on a monthly basis to identify future issues associated with their growth that may impact on the community. The Town has tried to put in place a process whereby issues are identified much earlier that they have been in the past and hopefully mitigation strategies can be developed that can see consultation and engagement occur.

I am not happy with public question time. The people need to see questions and answers together. Can there be a vote by Councillors to implement this process?

Mayor advised in the negative. Mayor also said that the Town is working through this process and it will make sure that in future the Minutes are put out in a timely manner.

Is this a Council decision or is it your decision?

Mayor advised that this is public question time and all questions are directed to the Chair. If Council wants to, there is a process where the Town's administration can prepare a report with regard to this matter for consideration, or members can prepare a notice of motion. Mayor further advised that the answer to Mr Blanco's question is no.

The process of unconfirmed minutes not being displayed until the last minute is questionable. Can there be a vote by Councillors to either have Council meetings once a month or have the unconfirmed minutes presented within a few days of the meeting so we can review the content?

Mayor advised that the Minutes will be made public very soon.

4.1.3 Mr Frank Weir

With regard to the South Hedland Bowls and Tennis Club project I have minutes from a meeting dated 14 December 2011 that state the Royalties for Regions funding has been confirmed and an email from a Council officer dated 24 April 2012 stating that Royalties for Regions funding has been recommended. Does anyone in Council know the true position as we stand and the likely commencement date of this project as a previous Chief Executive Officer told us building would commence in the second quarter of 2010?

Director Community Development advised that the Royalties for Regions funding has two separate processes that it goes through; one is the first assessment and recommendation by Pilbara Cities and the second and final one is approval by State Government before the funding is secured.

Director Community Development stated: 'The situation that we have with the South Hedland Bowls and Tennis Club is that the funding was supported by Pilbara Cities a long time ago, back in September 2011, but we are still waiting for final State Government approval. When Mr Weir asked his questions at last Council meeting we had two issues. One was the issue of government funding; the other one was the issue of the scope of the project being some \$900,000 in excess of the budget. We have now worked with the Club to be in a position where the budget matches the scope of works; the only thing holding up the project is State Government approval.'

The question was: 'Do we have a commencement date' ?

Chief Executive Officer advised that the Council would like to call for tenders but can't do so until funding confirmation is received from the State Government.

I was told on 14 December 2011 that the funding was confirmed. Why was I lied to?

Chief Executive Officer advised that the Council has not as yet received written confirmation by the State Government about the funding. Chief Executive Officer also advised Mr Weir that he has not been intentionally misled. The project has made it through one part of the process but it has to go to State Government for confirmation of funding.

I was told by the previous Chief Executive Officer the project would go ahead in the second quarter of 2010; why is it taking so long?

Mayor advised that the Council is just waiting on the funding to be secured from State Government. Chief Executive Officer also advised that this project has taken a long time because the scope had to be revised first and now the Council is waiting on final confirmation of funding from the State Government to be able to go to tender.

Mr Weir asked Council to review the scope as he has to go to the club's committee meeting and recommend that \$150,000 be used for replacing the green otherwise there will not be a bowling green next year.

Mayor advised Mr Weir to officially write to Council so that these issues are communicated properly and dealt with accordingly.

Mayor and Director Community Services also advised Mr Weir that although this project has taken a long time, the Council is committed to make the South Hedland Bowls and Tennis Club facility happen as soon as funding confirmation is received.

4.1.4 Mr Terry Sargent

I have been concerned as a property owner and developer at some of the issues that have recently been thrown in front of Council. I have thought this to be the right time to make myself available to anybody who wishes to have any questions answered and expressing concerns about the development at 2 Grant Place.

My question to the Council is: 'If you have any questions regarding this development or any future developments I am involved, can you please give me a call?' My phone number is 0488552655. It seems from my perspective that there has been a fair bit of public discussion and debate that has caused unnecessary angst. My intention when I left the Town to go into the private sector was to continue the work that I had done as a Director at the Town of Port Hedland, to contribute in a positive way to the development of the town and to continue to act with the integrity as when I served the Council. None of that has changed, I can reassure Council of my continued integrity.

Mayor advised that Council will endeavour to contact Mr Sargent if necessary, as it has done in the past.

4.1.4 Mr Camilo Blanco

Can I have a copy of the audio recording for this meeting?

Mayor advised that this question is taken on notice.

5:55pm Mayor closed Public Question Time

5:55pm Mayor opened Public Statement Time

4.2 Public Statement Time

Nil.

5:55pm Mayor closed Public Statement Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**5.1 Councillor George J Daccache**

The Town has police and fire brigade quarters both in Port and South Hedland, so why not two St John's ambulance quarters? An incident last week highlighted to me how important a further ambulance centre is for our town. In view of this, can the Town start discussions with St John's ambulance in having an ambulance service for Port Hedland? Further, can the Town also approach BHP, FMG, Rio Tinto and other businesses that have ambulances so that if the St John's ambulances are busy the community can use theirs?

Mayor advised that this question is taken on notice.

The Town needs a larger and better public fishing wharf. Can we get the State Government departments and local businesses to discuss this issue? The wharf we have is small and extremely inadequate for sport entertainment and our town deserves better.

Mayor responded in the affirmative.

Can the Town put out an expression of interest or whatever is required for the building of a casino and/or hotel/motel/casino complex for Port Hedland? I believe that the Burswood Casino no longer has exclusive rights to run a casino in Western Australia. We should start advertising that we are interested in having such a building in our town.

Mayor responded in the affirmative.

5.2 Councillor Jan Gillingham

While on holiday I find it very difficult to go from the agenda to the minutes and try and cross reference the questions. Can the Town look into a better way to make the information available especially to new people in town? Does this come under Standing Orders?

Mayor advised that the Governance team has been working really hard with the Department of Local Government on this matter.

Director Corporate Services advised that there are regulations in terms of what can and cannot be inserted into the meeting minutes. The Town is working towards trying to ensure that a flow of questions is maintained in the minutes without repeating responses already provided whilst complying with the Act and associated Regulations.

Councillor Gillingham asked when will digital TV be in Port Hedland?

Mayor stated that she has been advised digital TV is due and is dependent on WIN and GWN updating their transmitter.

Councillor Gillingham put forward a question raised with her by a member of the public, Ms Anna Slater, who cannot attend Council meeting due to medical reasons, which regards local permits for her dogs at her property in Red Bank. Ms Slater has already raised this matter with Town officers.

Director Planning and Development advised that this issue has already been discussed with Manager Planning and Rangers and he believes that a report regarding this matter will be coming to Council shortly.

Do we know how many dogs one can have on 16 acres?

Director Planning and Development advised his understanding is that one can have two dogs but given the size of this property then Council may consider reviewing this.

Can all the turn offs going to mining areas such as Boodarie be lit up as there is a lot of traffic turning at these locations and they are rather dark?

Director Engineering advised that these parts of the road are under Main Roads jurisdiction but this matter can be raised at the monthly meetings the Town has with Main Roads.

Following up on my recent emails, can anything be done in terms of accommodation to assist medical specialists and personnel visiting our town overnight?

Mayor advised this matter has been raised with the Acting Regional Director of WA Country Health Services Pilbara, Ms Jan Cook. Ms Cook responded to the Mayor to say that this issue has been resolved. However Mayor suggested that Ms Cook could be contacted again to try and find a way forward and sort out this matter in the long term.

5.3 Councillor Bill Dziombak

When will we see the Minutes of the 11 April 2012?

Chief Executive Officer advised that the Minutes of 11 April will be available tomorrow, Friday 27 April 2012. Council won't be asked to confirm the Minutes tonight, but at the next Council meeting on 9 May 2012.

Councillor Dziombak said that following recent advice received he will not be asking questions regarding an item on tonight's agenda, as he has a financial interest in the item. Councillor Dziombak asked if in the future the position of the Department of Local Government on these matters could be quantified to Elected Members in writing?

Chief Executive Officer responded in the affirmative.

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

Mayor K A Howlett	Cr G J Daccache
Cr S R Martin	Cr J M Gillingham
Cr D W Hooper	Cr M B Dziombak
Cr G A Jacob	Cr J E Hunt

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Special Meeting of Council held on Wednesday 4 April 2012

201112/419 Council Decision

Moved: Cr G J Daccache Seconded: Cr G A Jacob

That the Minutes of the Special Meeting of Council held on Wednesday 4 April 2012 be confirmed as a true and correct record of proceedings.

CARRIED 8/0

ITEM 8 ANNOUNCEMENTS BY CHAIRPERSON WITHOUT DISCUSSION

Mayor K A Howlett's Activity Report for the April 2012 period to date is as follows:

March 2012

- Tuesday, 20th March
- Flight To Melbourne

Wednesday, 21st March

- Attended "Social Media For The Public Sector" Conference

Thursday, 22nd March

- Attended "Social Media For The Public Sector" Conference
- Panel Member Contribution During The Last Panel Session Of The Day - PANEL DISCUSSION 8: Transforming The Daily Dialogue – A Socialising Revolution!

Tuesday, 27th March

- Flight To Port Hedland
- CEO, Deputy Mayor & Mayor Catchup + Cr Carter + Cr Dziombak + Cr Jacob + Cr Hunt

Wednesday, 28th March

- Weekly CEO, Deputy Mayor & Mayor Catchup + Cr Carter + Cr Jacob + Cr Hunt
- Briefing On Hunt Point Tug Pens + Cr Dziombak + Cr Carter + Cr Jacob + Cr Hunt
- Attended Special Audit & Finance Committee Meeting + Cr Dziombak + Cr Carter + Cr Jacob + CEO + DCORP + DCD
- Attended Agenda Briefing Session + Deputy Mayor + Cr Dziombak + Cr Carter + Cr Jacob + Cr Hunt + CEO + DCORP + DENG + DCD + DPD
- Attended Informal Planning Briefing + Deputy Mayor + Cr Dziombak + Cr Carter + Cr Jacob + Cr Hunt + CEO + DCORP + DENG + DCD + DPD
- Chair OCM

Thursday, 29th March

- Briefing Of FIFO & DIDO Federal Inquiry Team + CEO + DPD
- Town Tour For FIFO & DIDO Federal Inquiry Team + CEO
- Formal Evidence Presentation To FIFO & DIDO Federal Inquiry
- Fortnightly Phone Link Up With RDA-Pilbara CEO
- Flight To Perth

Friday, 30th March

- Attended Port Hedland Implementation Steering Group Meeting + CEO + DPD
- Attended PRC Operational Plan Workshop + Deputy Mayor
- Photo Shoot For Australian Financial Review
- Interview ABC Radio Perth 720am Re: Proportion Men In Regional Mining Communities
- Meeting With WALGA Re: Acting CEO Panel + Deputy Mayor + Cr Jacob + Cr Hunt + Cr Gillingham + CEO
- Attended Cocktail Function For Pilbara Regional Council 2012 Pilbara/Kimberley Joint Forum + Deputy Mayor + Cr Jacob + Cr Hunt + Cr Gillingham + CEO

Saturday, 31st March

- Attended 2012 Pilbara/Kimberley Joint Forum + Deputy Mayor + Cr Jacob + Cr Hunt + Cr Gillingham + Cr Carter + CEO

Sunday, 1st April

- Flight Back To Port Hedland

Monday, 2nd April

- Informal Councillor Briefing Precinct 3 + Deputy Mayor + Cr Carter + CEO + DCORP + DPD + DENG

- Attended Commencement Of World Autism Day BBQ At Cemetery Beach
- TOPH Precinct 3 Working Group Meeting + Deputy Mayor + Cr Carter + CEO + DCORP + DPD + DENG
- Facilitated Confidential Q&A For Councillors On Hunt Point Tug Pen Issues + Deputy Mayor + Cr Carter + CEO +MPL
- Meeting With DCP Natasha Bargeus
- Meeting With Resident Bob Neville

Tuesday, 3rd April

- Flight To Perth
- Meeting With Resident Michael Hales
- Attended PRC Executive Coaching Session With Dr Robert Flynn
- Attended Pilbara Dialogue (Perth)
- Informal PDC Board Member Dinner

Wednesday, 4th April

- PDC Board Meeting
- Flight To Port Hedland
- Chair Special Council Meeting
- Attended TOPH Concept Forum + Deputy Mayor + Cr Jacob + Cr Hunt + Cr Carter

Thursday, 5th April

- Phone Meeting David Shearer Re TTA ShearLift Frame Architecture
- Teleconference – Review Of Pilbara Plan

Tuesday, 10th April

- Discussion With School Student Madelyn Jones Re Local Environment Assignment
- Meeting With Dept Housing (Anne-Marie McLaughlin)
- Attended Port Hedland Vibe Alive Committee Meeting
- Meeting With Pilbara Institute Lyn Farrell

Wednesday, 11th April

- Meeting Department Of Housing Steve Parry (GM Service Delivery) + CEO
- Attended Agenda Briefing Session + Deputy Mayor + Cr Carter + Cr Dziombak + Cr Jacob + Cr Hunt + CEO + DCORP + DCD + DENG + A/DPD
- Chair OCM

Saturday, 14th April

- Tour With Minister Grylls, Councillors and Project Partners – MPRC
- Tour With Councillors and Project Partners – SHAC Refurbishment

Monday, 16th April

- Meeting With Resident Mary Russell + Cr Carter + CEO + DENG + A/Manager BD&L
- Meeting With Dr Nancy Rees Pindan College
- Teleconference With Chair RDA-Pilbara

Tuesday, 17th April

- Teleconference Leadership WA (Toni Butler) Re Upcoming May Port Hedland Visit
- Weekly Spirit Radio 1026am Mayor Chat
- TOPH Precinct 3 Working Group Meeting + Deputy Mayor + Cr Carter + Cr Hunt + Cr Jacob + CEO + Deputy CEO + DCORP + DPD + DENG
- Town Tour CEO PHPA Roger Johnson

Wednesday, 18th April

- Attended PHCCI Breakfast With Premier Event + Deputy Mayor + Cr Hunt + Cr Jacob + Cr Carter + Cr Dziombak
- Council Briefing With Premier + Deputy Mayor + Cr Hunt + Cr Jacob + Cr Dziombak + CEO + Deputy CEO + DPD + DCORP + DENG + DCD
- Town Tour With Premier + Deputy Mayor + Cr Hunt + Cr Jacob + Cr Dziombak + CEO + Deputy CEO
- TOPH Concept Briefing + Deputy Mayor + Cr Hunt + Cr Jacob + Cr Hooper + Cr Carter + CEO + Deputy CEO + DPD + DCORP + DENG + DCD

Mayor read out a letter received from Ms Brenda McFarland from Narrabri in New South Wales:

'Dear Sir/Madam,

Recently I completed a 34 night cruise on board Radiance of the Seas. One of the ports visited was Port Hedland and I felt I had to write and say a big thank you to you and the people of the town and district. The boat was there early March 2012. The welcome afforded to the people on board the boat simply surpassed anything I have been treated to while cruising. From the moment the boats in the port started the water spray to the last wave from the people lining the waterway I felt like royalty. Your town was the only one to supply free bus tours along with water and caps to those from the Radiance. I must say it was greatly appreciated by myself and many fellow cruisers. I apologise for taking so long to voice my thanks but please be assured that I am heartfelt in my praise of your town and district. Once again I commend you for your thoughtfulness and welcome.'

Mayor advised she attended the Anzac Service at Whim Creek in honour of indigenous people that served in Anzac efforts in the past. The event was very well attended by Shire of Roebourne and Town of Port Hedland representatives. The Lockier family was very happy with its recognition.

The event will continue to be held on the Sunday prior to Anzac Day.

Mayor also attended the Anzac Day Dawn Service in Port Hedland with Deputy Mayor for the laying of the reef. Mayor said that in her 13 years in town this is the most people she has ever seen at the Dawn Service. It was good to see a mix of locals and industry representatives. Mayor commended those workforces that gave time off to their staff to attend the service.

Mayor suggested that Council write to RSL to congratulate their efforts on Anzac Day festivities and also offer assistance for the recognition of the bombing of Port Hedland.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 Councillor George Daccache

Councillor Daccache attended the Anzac Day service at Hedland Senior High School. It was well represented by students and staff; congratulations to everybody for such a good event.

9.2 Councillor Bill Dziombak

Councillor Dziombak reported that the Port Hedland Chamber of Commerce held a very successful business breakfast last Wednesday.

Premier Colin Barnett was in attendance and all stakeholders found it very useful to be able to engage directly with the Premier on a number of topics.

9.3 Councillor Gloria Jacob

Councillor Jacob attended two Department of Local Government training sessions; one regarding Land Use Master Planning and the other regarding the Integrated Strategic Planning and Reporting framework. Hopefully this will assist her to do a better job as a Councillor. Councillor Jacob also attended the annual Port Hedland netball match between Kiwi and Australian netball girls; Councillor Jacob was happy to report that the Australian team won.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10.1 *Mr John Burke, Principal, Hedland Senior High School.*

Mr Burke gave a presentation regarding the developments that are currently underway as part of the Hedland Senior High School upgrade. Mr Burke gave a snapshot of where the school sits in terms of literacy and numeracy skills and highlighted its positive results achieved in recent years as part of the Naplan testing program. Mr Burke also commended his students and staff for the excellent work they are doing.

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 alluded to the restrictions / conditions pertaining to the lot / unit.

The use of the Town's 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

201112/420 Officer's Recommendation / Council Decision

Moved: Cr G A Jacob

Seconded: Cr J E Hunt

That Council:

- 1. Approves the request from RPS on behalf of Tony and Marian Dawson the owners of Lot 4 (13-15) Greenfields Street, South Hedland Rural Estate, to affix the Town's Common Seal to a Section 70A Notification form;**
- 2. Approves the use of the Town's common seal for the purposes associated with the registering of a Section 70A Notification on Lot 4 (13-15) Greenfields Street, South Hedland Rural Estate;**
- 3. Advises the applicant that once the notification is registered and a copy of the documentation confirming the registration is provided to Town, it will be deemed that Condition 6 of the WAPC Subdivision Approval (14390) has been satisfactorily complied with.**

CARRIED 8/0

11.1.2 Proposed Nine (9) Multiple Dwelling on Lot 207 (26) Somerset Crescent, South Hedland (File No.: 106958G)

Officer	Ryan Djanegara Planning Officer
Date of Report	16 March 2012
Application No.	2011/597
Disclosure of Interest by Officer	Nil

Summary

Council received an application from G J DACCACHED (WA) Pty Ltd on behalf of the registered proprietor Bird Property Group, to construct nine (9) Multiple Dwellings on Lot 207 (26) Somerset Crescent, South Hedland (subject site).

During the advertising period, a written submission was received objecting to the proposed development. In accordance with the Delegation Notice, Council is required to determine the application.

Council Officers recommend approval of the application.

Background*Site Description (Attachment 1)*

The subject site is generally rectangular in shape and achieves vehicular access via Somerset Crescent. The subject site covers an area of approximately 630m².

An existing single house will be removed subject to the approval of this proposal. The site is zoned "Residential R50" under the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

Proposal (Attachment 2)

The applicant is proposing to construct nine (9) Multiple Dwellings on the subject site.

Consultation*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 Services

Externally:

Agencies:

- Horizon Power,
- Water Corporation,

Adjoining owners:

- 1-7 Somerset Crescent, South Hedland;
- 11/29A Somerset Crescent, South Hedland;
- 8/29 Somerset Crescent, South Hedland;
- 22 Somerset Crescent, South Hedland;
- 24 Somerset Crescent, South Hedland;
- 28 Somerset Crescent, South Hedland; and
- 20 Godrick Place, South Hedland.

The application was advertised in the North West Telegraph on 25 January and 1 February 2012, and a notice placed on site allowing for a 14 day period for any interested parties to provide comments / objections to the proposal.

As a result of the above community consultation process one (1) objection was received.

Lot 205 (22) Edkins Place, South Hedland (the landowner)

Summary of Written Submission

The objection received can be summarized as follows:

<i>Summary of Objection Received</i>	<i>Planning Response</i>
Privacy and overlooking	The proposed development is required to comply with Clause 7.4.1, which requires any balconies or windows to habitable rooms to be either setback or screened. The applicant is proposing to screen all balconies preventing any potential overlooking issues, which is consistent with the provisions of the R-Codes.
Height	The applicant is proposing to construct the development at a maximum wall height of 6m. The proposed wall height is consistent with the maximum height permitted which is 9m.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

The following sections of Council's Plan for the Future 2010-2015 are considered relevant to the proposal:

Key Result Area 4: Economic Development
 Goal 1: Land Development Projects
 Fast-track the release and development of commercial, industrial and residential land.

Budget Implications

An application fee of \$9,830.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

In terms of TPS5, the site is identified as "Residential R50". Under the zoning table the proposed land use is specified as follows:

Multiple Dwellings: "SA" (the development is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 4.3)

R-Code Assessment for Multiple Dwellings

The proposed "Multiple Dwellings" have been assessed in accordance with Part 7 of the Residential Design Codes of Western Australia (R-Codes).

Residential Design Codes (2008) Clause 7.1.4 – Side Setbacks

Site	Wall facing (N,S,E,W)	Primary or Secondary Street	Length (m)	Height (m)	Major Opening (Y/N)	Required (m)	Provided (m)
Ground	W	Side	9.5m	3m	N	1.5m	1m

The applicant is seeking a variation to the side setbacks to the ground floor storeroom along the western boundary. The variation must be addressed against the performance criteria of Clause 7.1.4, which states:

“Building setback from the boundaries or adjacent buildings so as to:

- *Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;*
- *Moderate the visual impact of building bulk on a neighbouring property;*
- *Ensure adequate to daylight and direct sun for adjoining properties; and*
- *Assist in protecting privacy between adjoining properties.”*

The variation is minor in nature and only applies to the ground level. It will not affect the privacy and access to direct sun on the neighbouring properties. In light of the above it is recommended that the proposed variation is supported.

Clause 7.1.5 – Open Space

The R-Codes requires a minimum 45% of open space to be provided onsite. The applicant is proposing an open space area of 36.4% and is seeking a variation to this requirement under Clause 7.1.5 of the performance criteria, which states:

Open space respects existing or preferred neighbourhood character and responds to the features of the site.

The intended purpose of the above performance criteria is to design residential development to reflect a preferred existing and/or future neighbourhood character. The applicant has argued the proposal addresses this criteria through the design of the development. In order to rationalise this justification, the bulk and scale of the development must be taken into consideration in context of the surrounding locality.

The development has been designed to be consistent with the primary street setbacks, wall heights and plot ratio for the R50 density code. The R50 density code permits a maximum wall height of 9m (3 storeys). The applicant has designed the proposal at a building wall height of 6m (2 storeys) in order to reflect the existing scale of the surrounding neighbourhood. Given an objection was raised with regards to the current proposed building height, it is considered that the variation to the open space requirement is considered reasonable.

Furthermore the applicant has provided private outdoor courtyards for the ground floor units and individual balconies for the 1st floor units. These outdoor living areas are consistent with the requirements of the codes.

In light of the above, it is recommended that the proposed variation is supported.

Clause 7.3.3 – On-site Parking provisions

In accordance with Appendix 7 of TPS5 and Clause 7.3.1 of the R-Codes, the applicant is required to provide a minimum of 12 car parking bays onsite. The applicant has provided 12 car parking bays on-site as shown in the table below.

Access & Parking – Appendix 7 of TPS5				
NLA – Nett Lettable Area				
Acceptable Standards	Development	Units	Required	Provided
Multiple Dwellings Unit size: <75m ² = 1.0 Visitors: 0.25 bays per unit		9	9 3 (2.25)	9 3
Total			12	12

Clause 7.3.4 – Design of parking spaces

The applicant is proposing to locate the car parking area in front of the ground storey units 1, 2, and 3, and below units 4, 5 and 6. The R-codes requires this area not to be visible from the street. The applicant is proposing a 1.8m high visually permeable fence in order to screen this car parking area which is with consistent with this R-code requirement. In light of the above, it is recommended that the proposed variation is supported.

Attachments

1. Locality Map
2. Site Plan
3. Floor Plan and Elevations
4. 3D Perspectives
5. Objection Letter
6. Applicant's response letter

Options

Council has the following options when considering the application.

1. Approve the application subject to conditions.

Approval will ensure the property is developed to its full potential and act as a catalyst for further development in the area.

2. Refuse the application.

Refusal of the proposal will restrict the development of the site.

Option one (1) is recommended.

201112/421 Officer's Recommendation / Council Decision**Moved: Cr G A Jacob****Seconded: Cr D W Hooper****That Council:**

- i) **Approves the application submitted by G J DACCACHED (WA) Pty Ltd on behalf of Bird Property Group, to construct nine (9) Multiple Dwellings on Lot 207 (26) Somerset Crescent, South Hedland, subject to the following conditions:**
- 1. This approval relates only to the proposed "MULTIPLE DWELLING" – Nine (9) Multiple Dwellings and other incidental development, as indicated on the approved plans (DRG2011/597/1 – DRG2011/597/5). It does not relate to any other development on this lot.**
 - 2. The development shall only be used for the purpose which is related to a "Multiple Dwelling". In terms of the Town of Port Hedland's Town Planning Scheme No. 5, "Multiple Dwelling" is defined as:**

"Multiple Dwelling

a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."
 - 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. A minimum of 12 car bays shall be provided on-site in accordance with the approved site plan (DRG/2011/597/1).**
 - 5. No parking bays shall be obstructed in any way or used for any purposes other than parking.**
 - 6. Front walls and fences within the primary street setback area and / or adjoining any public area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m.**
 - 7. Fences shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect.**
 - 8. Stormwater shall be retained onsite in accordance with Council's Technical Services Guidelines to the satisfaction of the Manager Technical Services.**

9. 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.
10. Alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the satisfaction of the Manager Technical Services, at the developer's expense.

Conditions to be complied with prior to the submission of a Building Licence application.

11. Prior to the submission of a building licence application, an Erosion Prevention and Sediment Control plan shall be submitted and approved by the Manager Planning Services.
12. Prior to the submission of a building licence application a detailed landscaping and reticulation plan including adjoining street verges and / or common area, shall be submitted and approved by the Manager Technical Services. The plan to include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
13. Prior to the submission of a building licence application, a Rubbish Collection Strategy/Management Plan shall be submitted for approval by the Manager Technical Services. The strategy/plan shall consider service vehicle maneuvering on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction of the Manager Technical Services.
14. Prior to the submission of a building licence application, a construction site management plan shall be submitted and approved by the Manager Planning Services. The construction site management plan shall indicate how it is proposed to manage the following during construction:
 - a. The delivery and storage of materials and equipment to the site;
 - b. The parking arrangements for the contractors and subcontractors;
 - c. Impact on traffic movement;

- d. Operation times including delivery of materials; and
- e. Other matters likely to impact on the surrounding residents / businesses;

Conditions to be complied with prior to the occupation of the development.

- 15. Prior to the occupation of any part of development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services.
- 16. Prior to the occupation of any part of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the developer to an approved design in accordance with Port Hedland Town Planning Scheme No. 5, and Australian Standards, to the satisfaction of the Manager Technical Services.
- 17. Prior to the occupation of any part of the development, the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, to the satisfaction of the Manager Technical Services.
- 18. Prior to the occupation of any part of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning are(s) and pedestrian pathways by the developer. Design and construction standards shall be in accordance with relevant Australian Standards and to the satisfaction of the Manager Technical Services.

FOOTNOTES:

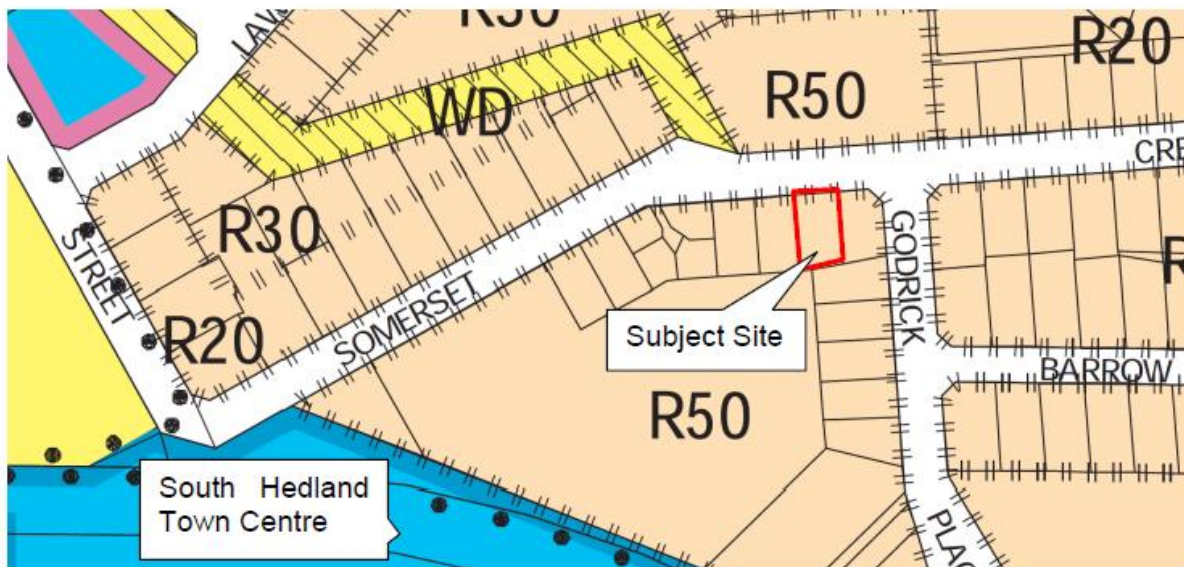
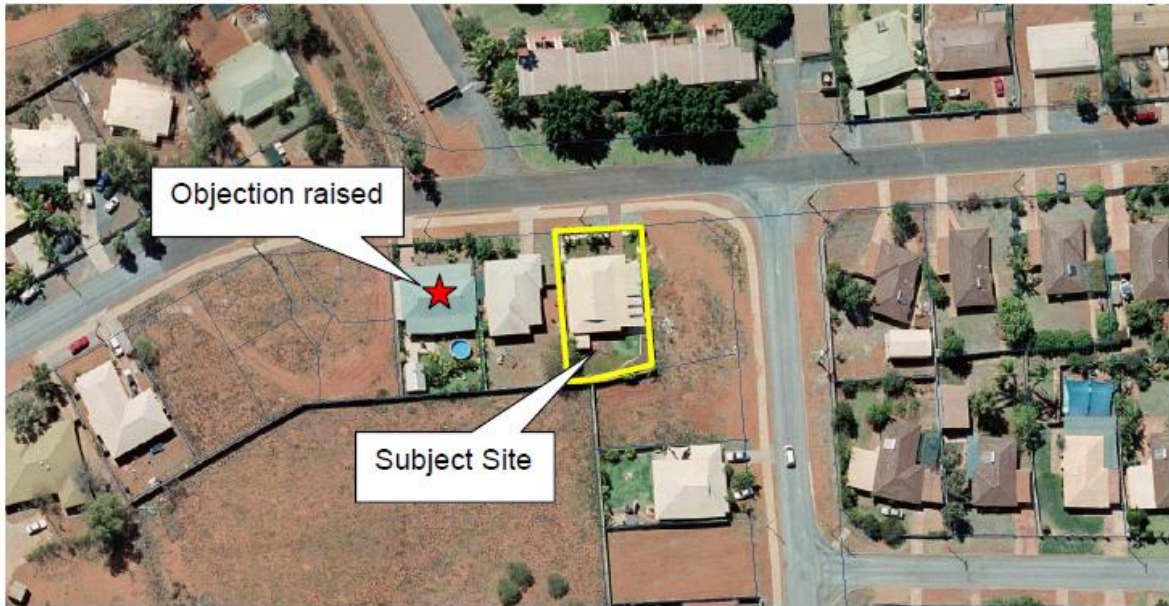
- 1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
- 2. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.

- 3. 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 could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure measures adopted to avoid that risk shall be adequate. The issuing of a Planning Consent and/or Building Licence 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.**

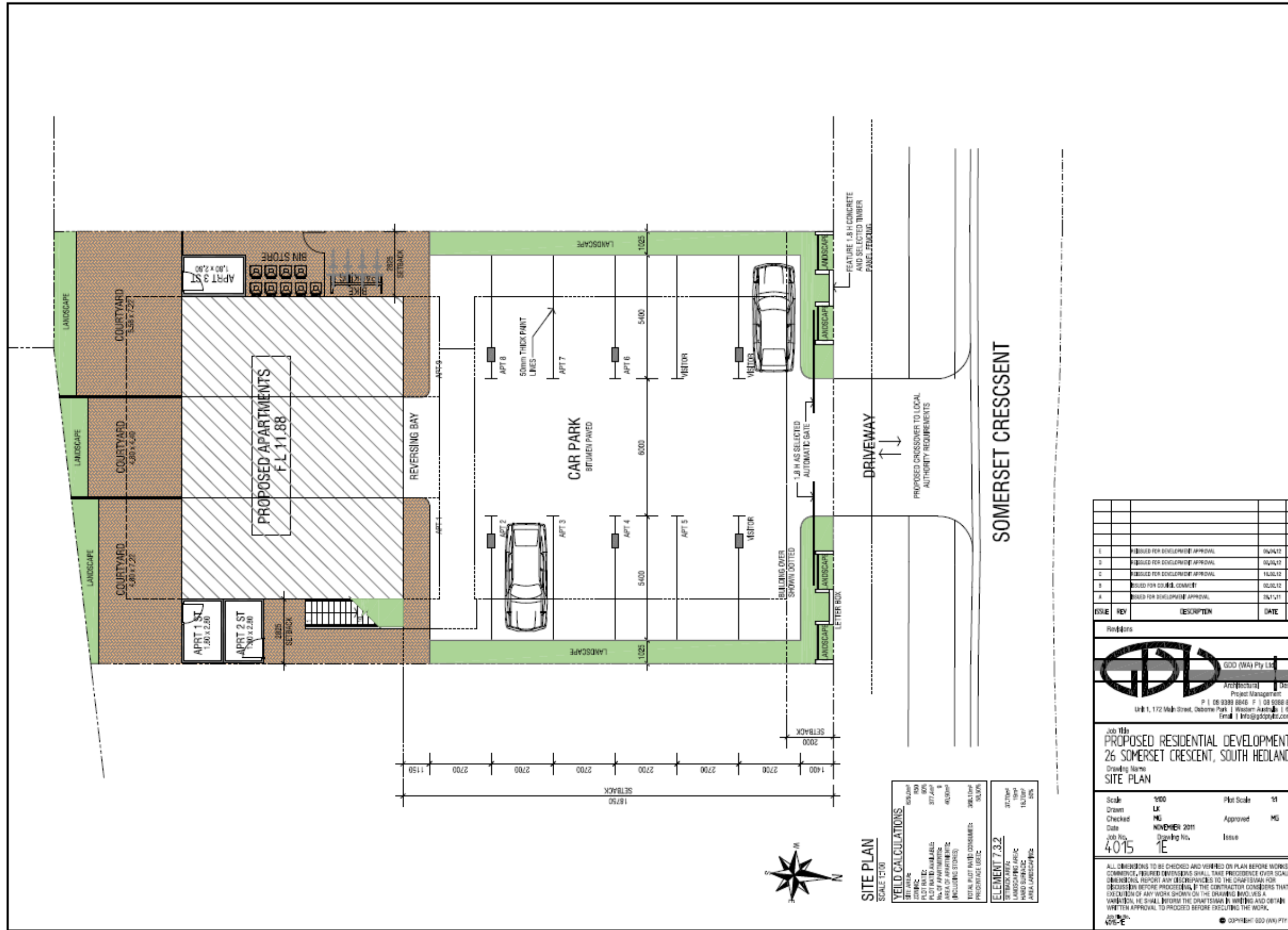
- 4. Applicant shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**

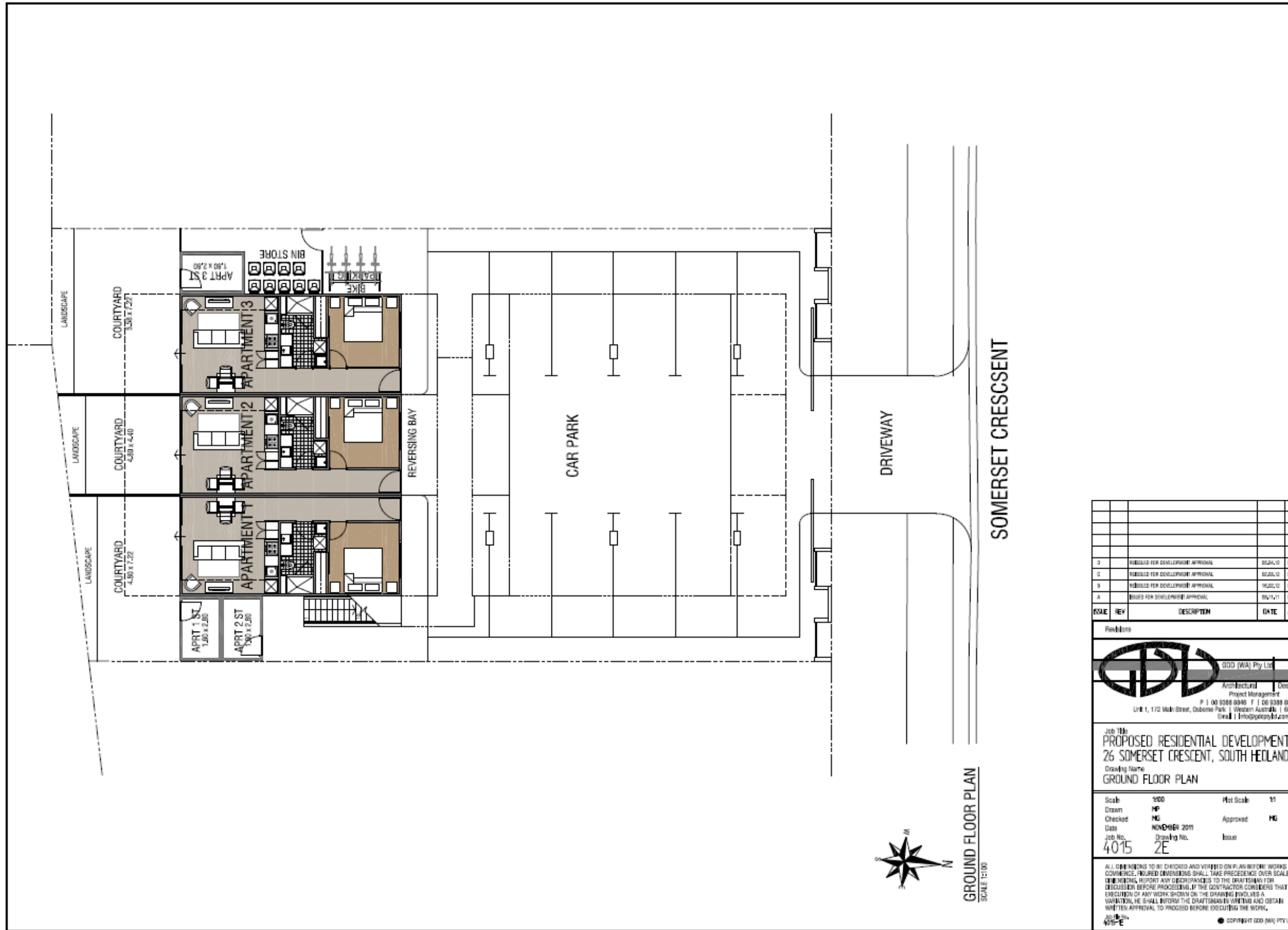
CARRIED 8/0

Attachment 1 – Locality Map




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REV	DESCRIPTION	DATE	APP
3	REVISED FOR DEVELOPMENT APPROVAL	05/01/12	MG
2	REVISED FOR DEVELOPMENT APPROVAL	05/01/12	MG
1	REVISED FOR DEVELOPMENT APPROVAL	05/01/12	MG
A	BASED FOR DEVELOPMENT APPROVAL	05/11/11	MG

Revisions



GDD (WA) Pty Ltd
 Architectural Design
 Project Management
 P: 1 08 9388 0949 F: 1 08 9388 0969
 Unit 1, 172 Main Street, Osborne Park, Western Australia, 6107
 Email: info@gddptw.com.au

Job No: **4015**
 Drawing No: **2E**

Scale: 1:100 Plot Scale: 1:1
 Drawn: NP Approved: MG
 Checked: MG
 Date: NOVEMBER 2011 Issue

ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON PLAN BEFORE WORKS COMMENCE. DIMENSIONS SHOWN ON THIS DRAWING SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. REPORT ANY DISCREPANCIES TO THE DRAFTSMAN FOR DISCUSSION BEFORE PROCEEDING. IF THE CONTRACTOR CONSIDERS THAT EXECUTION OF ANY WORK SHOWN ON THE DRAWING INVOLVES A VARIATION, HE SHALL INFORM THE DRAFTSMAN IN WRITING AND OBTAIN WRITTEN APPROVAL TO PROCEED BEFORE EXECUTING THE WORK.

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ISSUE	REV	DESCRIPTION	DATE	APP
D		REQUESTED FOR DEVELOPMENT APPROVAL	06/04/12	MS
C		REQUESTED FOR DEVELOPMENT APPROVAL	05/04/12	MS
B		REQUESTED FOR DEVELOPMENT APPROVAL	14/04/12	MS
A		REQUESTED FOR DEVELOPMENT APPROVAL	04/11/11	MS

Revisions



GDD (WA) Pty Ltd
 Architecture | Design
 Project Management
 P | 08 9399 8846 F | 08 9399 8854
 Unit 1, 172 Main Street, Osborne Park | Western Australia | 6017
 Email | info@gddptl.com.au

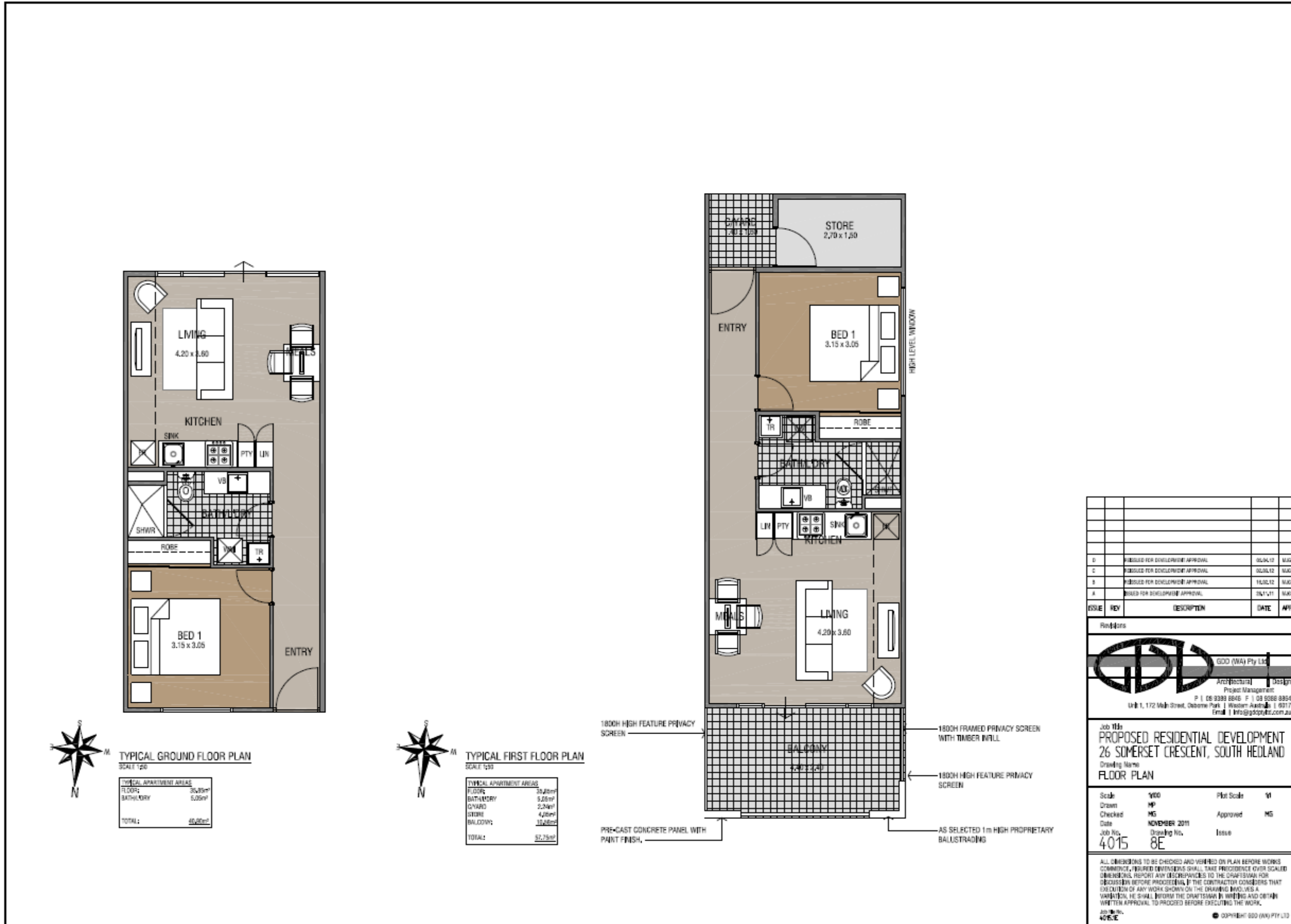
Job No:
PROPOSED RESIDENTIAL DEVELOPMENT
26 SOMERSET CRESCENT, SOUTH HEDLAND
 Drawing Name:
FIRST FLOOR PLAN

Scale	1:100	Plot Scale	1:1
Drawn	MP	Approved	MS
Checked	MS		
Date	NOVEMBER 2011		
Job No.	4015	Issue	3E
Drawing No.	3E		

ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON PLAN BEFORE WORKS COMMENCE. ALL DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. REPORT ANY DISCREPANCIES TO THE DRAFTSMAN FOR DISCUSSION BEFORE PROCEEDING. IF THE CONTRACTOR CONSIDERS THAT EXECUTION OF ANY WORK SHOWN ON THE DRAWING INVOLVES A VARIATION, HE SHALL INFORM THE DRAFTSMAN IN WRITING AND OBTAIN WRITTEN APPROVAL TO PROCEED BEFORE EXECUTING THE WORK.

Job No.
4015
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FIRST FLOOR PLAN
 SCALE 1:100



ISSUE	REV	DESCRIPTION	DATE	APP
D		FORWARDED FOR DEVELOPMENT APPROVAL	06/04/12	MAG
C		FORWARDED FOR DEVELOPMENT APPROVAL	02/03/12	MAG
B		FORWARDED FOR DEVELOPMENT APPROVAL	15/02/12	MAG
A		FORWARDED FOR DEVELOPMENT APPROVAL	26/11/11	MAG

Revisors



GDD (WA) Pty Ltd
Architectural Design
Project Management
P | 08 9399 8846 F | 08 9399 8854
Unit 1, 172 Main Street, Osborne Park | Western Australia | 61017
Email | info@gddptl.com.au

Job No: **4015**
PROPOSED RESIDENTIAL DEVELOPMENT
26 SOMERSET CRESCENT, SOUTH HEDLAND
Drawing Name: **FLOOR PLAN**

Scale	100	Plot Scale	1/1
Drawn	MP	Approved	MS
Checked	MS	Issue	
Date	NOVEMBER 2011	Issue	
Job No.	4015	Issue	
Drawn No.	8E	Issue	

ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON PLAN BEFORE WORKS COMMENCE. ALL DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. REPORT ANY DISCREPANCIES TO THE DRAFTSMAN FOR DISCUSSION BEFORE PROCEEDING. IF THE CONTRACTOR CONSIDERS THAT EXECUTION OF ANY WORK SHOWN ON THE DRAWING INVOLVES A VARIATION, HE SHALL NOTIFY THE DRAFTSMAN IN WRITING AND OBTAIN WRITTEN APPROVAL TO PROCEED BEFORE EXECUTING THE WORK.

4015/8E © COPYRIGHT GDD (WA) PTY LTD





PROPOSED NORTH WEST PERSPECTIVE
NTS

ISSUE	DESCRIPTION	DATE	APP
A	ISSUED FOR DEVELOPMENT APPROVAL	01.04.12	MS

 GDD (WA) Pty Ltd Project Management P 08 9389 8846 F 08 9389 8894 Unit 1, 172 Milk Street, Osborne Park Western Australia 6017 Email info@gddptl.com.au	
Job No: PROPOSED RESIDENTIAL DEVELOPMENT 26 SOMERSET CRESCENT, SOUTH HEDLAND Drawing Name: PROPOSED PERSPECTIVE	
Scale:	NOT TO SCALE ● A2 Plot Scale 1:1
Drawn:	MF
Checked:	MS
Date:	NOVEMBER 2011
Job No:	4015
Drawing No:	SE
ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON PLAN BEFORE WORKS COMMENCE. REQUIRED DIMENSIONS SHALL STATE PROPORTION FOR SCALED DIMENSIONS. REPORT ANY DISCREPANCIES TO THE DRAFTER FOR DISCUSSION BEFORE PROCEEDING. IF THE CONTRACTOR CONSIDERS THAT EXECUTION OF ANY WORK SHOWN ON THE DRAWING INVOLVES A VARIATION, HE SHALL INFORM THE DRAFTER BY WRITING AND OBTAIN WRITTEN APPROVAL TO PROCEED BEFORE EXECUTING THE WORK. Job No: 4015 © COPYRIGHT GDD (WA) PTY LTD	

ATTACHMENT 5 TO ITEM 11.1.2

24th of January, 2012.

To whom it may concern,

Re: Application: 2011/597 For 9 Multiple Dwellings on Lot 207 (26) Somerset Crescent South Hedland 6722.

I am writing in regard to the proposed units being developed on 26 Somerset Crescent.

As a family with a back yard pool we are less than happy with the idea. We had vacant land beside us when we moved in 7 years ago and now that land has been filled with 4 double story units that peer straight over our pool and our al fresco area and is a complete invasion of privacy. Having more units on the other side of us, we as a family feel we cannot enjoy our lifestyle with our children, friends and family to its full potential without feeling like we are on display.

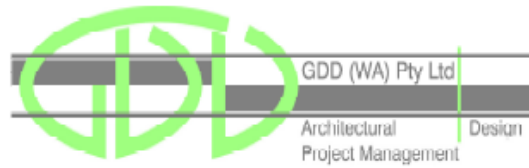
I would be more than happy for 26 Somerset to have single story units built but I am extremely opposed to high rise or double story units for the reason of invasion of privacy.

Yours faithfully,

Mr Dan and Cummins

22 Somerset Crescent,
South Hedland, WA, 6722.
Ph: 0419930126

ATTACHMENT 6 TO ITEM 11.1.2



Date 02/03/2012

Town of Port Hedland
PO Box 41,
PORT HEDLAND WA 6721
Planning Department

Dear Luke,

Re: Lot 207 – HN. 26 Somerset Cres, SOUTH HEDLAND WA - 6722 2011/597

Please find attached the amended floor plans and elevations for that above address.

We have redesigned the plans to include all 9 permanent and 3 visitor parking bays. To achieve this we have had now put the car park to the front of the site, with a level of units above and the remaindering 6 units to the rear.

We are proposing to put 1.8 h fencing to the front with plenty of landscaping to enhance to the streetscape. As previously discussed there is no streetscape policy in South Hedland. We have followed the R-Codes with regards to 7.3.2 Landscaping (A2), 7.3.4 Design of Parking Spaces (P4.2), 7.3.5 Vehicular Access (P5) and 7.3.6 Sightline lines at Vehicle Access Points and Street Corners and A6 and P6

I trust the revised drawings will suit the Town and will be able to be considered at the next Ordinary Council Meeting (14th of March 2012)

Should you require any further information on the above property please don't hesitate to call the office on 9388 8846.

Kind Regards,

Steven Georgiadis

Architectural Design Project Management

11.1.3 Proposed Road Names – Hedland Junction Light Industrial Area 5 (LIA5) Wedgefield (File No.: 28/01/0017)

Officer Steve de Meillon
Planning Officer

Date of Report 11 April 2012

Disclosure of Interest by Officer Nil

Summary

Council has received a request from RPS on behalf of LandCorp to endorse the proposed names for the new roads within the Light Industrial Area 5 (LIA5). The roads will be created as a result of the subdivision of Lot 502 Great Northern Highway, Wedgefield (the site), currently with the Western Australian Planning Commission for assessment and approval.

The report is before Council to approve the proposed road names.

Council Officers recommend approval of the proposed road names.

Background

The approved subdivision of the site will result in the creation of the new roads. The new roads will provide access to future developments on the site referred to as the Hedland Junction Light Industrial Area 5 (LIA5), located in Wedgefield.

The proposed subdivision is currently with the Western Australian Planning Commission (WAPC) for assessment and approval. The WAPC decision is expected to be made no later than the 30 April 2012.

Taking into account the general theme of the area, being for industrial purposes, the nominated road names recognise the importance of the local industry to the Town. The applicant has proposed the following road names:

- a. Industry Entrance – main entry road recognising the local mining industry.
- b. Sinter Way – Pieces or granules of fused iron ore.
- c. Blast Crescent – As in blast furnace, which is a type of metallurgical furnace used on iron ore to produce pig iron.
- d. Smelter Vista – A metallurgical thermal processing operation in which a metal is separated in fused form from non-metallic materials or other undesired metals with which it is associated.
- e. Bedrock Street – A stratum of coal or other sedimentary deposit.
- f. Fossil Way – Fossil Fuel: any naturally occurring fuel of an organic nature, such as coal, crude oil and natural gas.

The applicant has provided a list of alternative names, should the proposed names not be suitable. The suffixes for the roads may be changed. The alternative names are as follows:

1. Extraction
2. Geology
3. Kerf
4. Seam
5. Assay
6. Flux

Consultation

Nil

Statutory Implications

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

Policy Implications

Nil

Budget Implications

Nil

Officer's Comment

The proposed road names provided by the applicant are in keeping with the general theme of the area, being reflective of the immediate industrial area.

Attachments

1. Proposed Road Name Placements

Options

Council has the following options for responding to the request:

1. Support the request to apply the nominated road names for the future roads indicated on Attachment 1.

The approval of the applicants request will result in the newly created roads being named as per Part 2, Division 3, Section 26A of the Land Administration Act 1997.

2. Reject the request for the use of Industry Entrance, Sinter Way, Blast Crescent, Smelter Vista, Bedrock Street and Fossil Way, for the future roads as indicated on Attachment 1.

Should Council choose to refuse the applicants request, the applicant will need to seek alternative names for the newly created roads.

201112/422 Officer's Recommendation / Council Decision

Moved: Cr J E Hunt

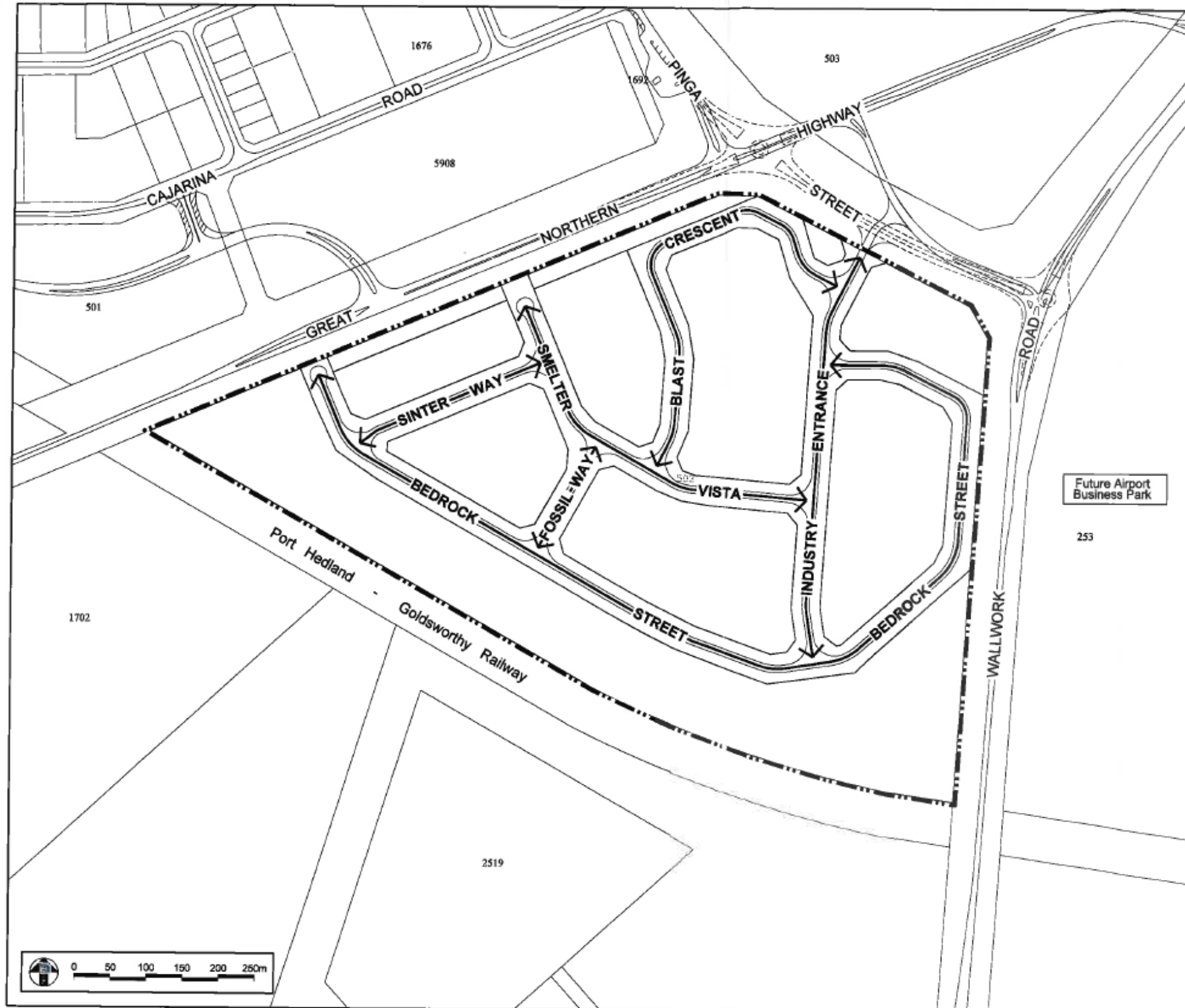
Seconded: Cr J M Gillingham

That Council:

- 1. Supports the use of Industry Entrance, Sinter Way, Blast Crescent, Smelter Vista, Bedrock Street and Fossil Way for the future roads as indicated on Attachment 1.**
- 2. Delegates the Director Planning and Development Services to forward the approved road names to the Geographic Names Committee for final approval.**
- 3. Advises the applicant that any cost associated with the required road signage will be at the cost of the applicant.**
- 4. Advises the applicant that the proposed street signs are to be to the specifications of the Manager Technical Services and to the satisfaction of the Manager Planning Services.**

CARRIED 8/0

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STREET NAME PLAN

Lot 502 Great Northern Highway,
WEDGEFIELD
PORT HEDLAND

LEGEND

- Subject Site
- Ultimate road alignment as per Wood & Grieve design (Subject to construction by MRWA / ToPh)

LandCorp : CLIENT
 1:5,000@A3 : SCALE
 18 March 2012 : DATE
 3414_10-G-001.dgn : PLAN No
 - : REVISION
 T.G. : PLANNER
 R.F. : DRAWN
 M.T. : CHECKED

Base data supplied by Landgate. Aerial Photography dated 2010.

Accuracy +/- 4m. Projection MGA Zone 50.

Arise and dimensions shown are subject to final survey calculations.
 All cartways are shown for illustrative purposes only and are subject to detailed engineering design.



RPS Environment and Planning Pty Ltd
 ACN 105 660 977
 ABN 45 105 660 977
 PO Box 485 Subiaco WA 6004
 38 Station Street
 Subiaco WA 6008
 T +61 8 9211 1111
 F +61 8 9211 1122
 W rps@rps.com.au

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 Contains information of a confidential
 or sensitive nature. Please handle as such.

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11.2 Engineering Services

6:34pm Councillor D W Hooper declared an Impartiality interest in Agenda Item 11.1.2 'Tender 12/04 Courthouse Gallery Roof Replacement (File No.: 05/09/0024)' as he knows the applicant.

Councilor D W Hooper did not leave the room.

11.2.1 *Tender 12/04 Courthouse Gallery Roof Replacement (File No.: 05/09/0024)*

Officer Jenella Voitkevich
Manager Infrastructure
Development

Date of Report 2 April 2012

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to provide a summary and assessment of submissions received for Tender 12/04 Courthouse Gallery Roof Replacement to enable Council to determine the outcome of the Tender. The recommendation is to reject all tenders.

Background

The Courthouse Gallery, located on Edgar Street in Port Hedland, is owned by the Town of Port Hedland (ToPH) and operated as an arts and cultural facility by FORM. The facility was historically built to function as Port Hedland's Court House however was transformed into an art gallery and operated by Council for several years.

In 2006/07 the building was extensively renovated as part of the Arts and Cultural Precinct development projects. The renovations were largely cosmetic however it was identified that the roof sheeting and part of the roof structure would require replacement in the future. Council has allocated a budget for the Courthouse Gallery roof replacement in the 2011/12 adopted budget.

Consultation

The tender specifications were developed in consultation with Pilbara Supervision & Consulting Services after a detailed inspection of the building.

The tender documentation specifies the construction period for the project as 21 May to 10 June 2012. These dates have been approved by FORM as the timeframe that the Courthouse Gallery will be closed to the public.

The Tender assessment panel consisted of:

- Manager Infrastructure Development
- Building Management Officer

Cost estimates received prior to advertising the tender indicated that the value of the works were between \$100,000 and \$150,000.

Statutory Implications

This Tender was called in accordance to the *Local government Act (1995)*.

“3.57. Tenders for providing goods and 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

Nil

Budget Implications

The 2011/12 adopted budget has allocated \$184,000 in account 812411 for the replacement of the roof at the Courthouse Gallery. This project is fully funded by Council.

The tender submitted exceeds the project budget by \$14,116.14. Given that the project estimate was under \$150,000 and the relatively low assessment score of the tender submission, it is not recommended to award this tender.

Officer’s Comment

Tender 12/04 Courthouse Gallery Roof Replacement closed at 2.30pm WST on Wednesday, 28 March 2012. The tenders were opened and recorded by ToPH officers and a Councillor.

The Town received one (1) conforming submission from:

- Vision West Construction

Table 1 below indicates the lump sum price submitted by the Tenderer.

Table 1:

Tenderer	Total Price (ex GST)
Vision West Construction	\$198,116.14

Table 2 below indicates the evaluation criteria as described in the tender documentation.

Table 2:

Assessment Criteria	Max Score
Ability to complete works within required timeframe	Pass/Fail
Price	50
Experience	20
Resources (supervisory, plant and equipment)	10
Demonstrated understanding of <i>WUC</i>	10
Local Industry Development	10
Max Score	100

The lowest price Tender (T_{lp}) is awarded a score of 50 for the Price criterion. The second-lowest price Tender (T_{slp}) is awarded a score determined in the following manner:

$$T_{slp} \text{ Score} = 50 - \frac{[(\$T_{slp} - \$T_{lp}) \times 50]}{\$T_{lp}}$$

and so forth for the remaining Tenders.

Since there was only 1 tender submission the score has been assessed in comparison with the project budget.

The comparison of each of the assessment criteria for the tender submission received is as follows and is summarised in Table 3 below:

Table 3:

Contractor / Assessment Criteria	Ability to complete in time	Price (50%)	Experience (20%)	Resources (10%)	Understand WUC (10%)	Local Industry Dev. (10%)	Total Score (100%)
	Pass / Fail	Score	Score	Score	Score	Score	
Vision West Construction	Pass	46.15	7.0	3.55	5.0	1.5	63.2

The following is a summary of how the non-price criterion score was determined for the tender submission:

Ability To Complete Work Within Required Timeframe

Vision West Construction has provided a program indicating that they can complete the project within the construction period of 21 May to 10 June 2012. The Courthouse Gallery would be closed during this period.

Experience

Vision West Construction provided minimal information regarding the company's history or project experience. When referees were contacted it was determined that they are a capable company experienced in building renovation work but not specifically roof replacement. No remote or regional experience was demonstrated.

Resources

The tender submission by Vision West Construction outlined 1 key personnel, subcontractors/suppliers and plant/equipment however didn't demonstrate supporting staff or a management approach to the project. No information was provided on critical elements to the project to meet the construction timeframes, such as supply of materials or accommodation.

Demonstrating Understanding of Works

A representative of Vision West Construction attended a pre-tender site inspection and the submitted program indicated a fair understanding of the works required. However the tender submission didn't demonstrate a suitable management approach to staffing, supplies and safety given the required scope of works.

Local Industry Development

This component is scored based on Tender Policy 2/011:

- 3% local workforce
- 3% local goods
- 2% local training and skills development
- 2% ToPH benefit

The tender submission provided limited benefit to local industry development, with some supplies and services sought locally.

Summary

The tender submitted by Vision West Construction exceeds the project budget and pre-tender estimates. Although the tenderer has indicated that the project will be completed within the required timeframes, no information has been provided regarding lead times for materials supply or availability of accommodation. The tenderer has not adequately demonstrated relevant experience in projects of a similar nature.

The lack of tender submissions is surprising given that 9 companies requested the documentation. It is assumed that the allocated construction dates has limited some companies availability to undertake the works given the building license, materials and accommodation requirements. It is therefore recommended that Council rejects the tender submitted and readvertise the tender, taking into consideration alternative arrangements for the roof replacement process and/or timeframes. There is also an opportunity that this project may be advertised as a combined tender with the replacement of the Civic Centre roof, which is currently being prepared.

Attachments

Nil

201112/423 Officer's Recommendation / Council Decision

Moved: Cr S R Martin

Seconded: Cr G A Jacob

That Council:

- 1. Reject all tenders submitted for Tender 12/04 Courthouse Gallery Roof Replacement**
- 2. Reassess the contract timeframes to include roof replacement while the Courthouse Gallery is opened with appropriate safety management plans in place.**
- 3. Advertise the Courthouse Gallery and the Civic Centre roof replacement as a combined tender.**

CARRIED 8/0

11.3 Community Development**11.3.1 *Port Hedland Turf Club 2012 Race Season - Request for Funding (File No.: 22/03/2011)***

Officer	Graeme Hall Manager Recreation Services and Facilities
Date of Report	11 April 2012
Disclosure of Interest by Officer	Nil

Summary

The purpose of this report is to consider financial assistance to complete necessary maintenance at the Port Hedland Turf Club for the 2012 race season. The current condition of the Turf Club facilities mean there are essential works required in order for the Club to be able to successfully present the upcoming race season.

Council is requested to endorse the funding of essential maintenance and amenity works at the Port Hedland Turf Club in preparation for the 2012 race season.

Background

In June 2010, Council engaged Robin Salter and Associates to complete structural assessments on a number of sporting facilities, including the PHTC buildings. The resultant report provided Council with actions deemed necessary to ensure all buildings and facilities met the Building Code of Australia.

In February 2011, Council agreed to a program of works to ensure compliance of buildings and structures at the Port Hedland Turf Club. The work undertaken resulted in the demolition of toilet blocks and remediation work to a number of other structures. Council also purchased new transportable jockey change room facilities and hired three toilet blocks for the 2011 race season. The resolution (in part) of the Council at its February 2011, meeting was as follows:

"2) all facilities deemed non-vital and replaceable in the short-term are to be demolished, including (but not limited to):

- a) food kiosk and store;*
- b) TAB Betting kiosk (disused);*
- c) toilet blocks (use temporary);*
- d) viewing platforms (use temporary EWP); and*
- e) all incidental items (fencing, concrete areas etc).*

- 4) *The temporary features for each race meeting that will be funded by the Town of Port Hedland will include:
 - a) viewing platforms (EWP's); and
 - b) toilets (provision of the same number as demolished)*

- 7) *the procurement process for the replacement of all facilities for the 2012 racing season with transportable elements will commence in 2010/11, with demolition commencing immediately following the conclusion of the 2011 racing season."*

In preparation for the 2012 race season, and given that no clear direction has been agreed with regard to the long term future of the race track, a meeting has been held with representatives of the Turf Club to inspect the current facilities.

The Port Hedland Turf Club has requested that Council consider the following requests in preparation for the 2012 race season:

- Demolition of current brick grandstand area
- Hire and installation of three temporary toilet blocks (as per the 2011 race season)
- Installation of air conditioning in the old male and female jockey change rooms (shared cost)
- General maintenance on all plumbing
- Rectification of the low water pressure to the stable area
- Repair / replacement of shade over Member's area
- Provision of disabled access toilets for all race meetings.

With the demolition of the toilets at the site, it is incumbent upon Council to provide suitable alternative ablutions until such time as permanent arrangements can be installed.

Consultation

- Port Hedland Turf Club Committee
- Director Community Development
- Manager Recreation Services & Facilities
- Manager Environmental Health
- Recreation Coordinator
- Building Maintenance Coordinator.

Statutory Implications

Local Government Act

- 6.8 *Expenditure from municipal fund not included in annual budget*
- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government;*

- (b) *is authorised in advance by resolution**; or
- (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

1a) *In subsection (1) —*

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) *Where expenditure has been incurred by a local government —*
 - (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

Policy Implications

6/003 Community Funding and Donations Policy.

Currently Council considers requests for assistance from the Port Hedland Turf Club on an annual basis, with support not covered (under Policy 6/003) as support previously determined to be for significant and regular community, recreation and cultural celebrations and events.

Strategic Planning Implications

Key Result Area 2: Community Pride
 Goal 2: Events
 Supporting Community groups who are operating community events, through training, support, advice and, where appropriate, financial support.

Key Result Area 3: Community Development
 Goal 2: Sports and Leisure
 That the community has access to sports and leisure facilities at or above the quality that they would be able to access in the metropolitan area.

Budget Implications

No funds have been allocated in the Council's 2011/2012 budget to undertake the requested works at the Port Hedland Turf Club.

It is estimated that the essential works will require that \$71,910 be allocated within 2011/2012 budget, with a further \$37,870 needing to be included in the 2012/2013 budget.

The current balance in the Community Facilities Reserve is \$1,574,978.00.

Table 1 – Requested Works

Item	Cost 2011/12	Cost 2012/13	Reason	Funded by
Demolition of grandstand.	\$5,000	Nil	Currently dangerous.	ToPH
Hire and installation of temporary toilet facilities.	\$46,410	\$34,870	Limited toilets currently available at site.	ToPH
Maintenance to plumbing.	\$2,500	Nil	Plumbing currently in poor condition.	ToPH
Disabled access toilets for all race meets.	\$4,000	\$3,000	Required as part of the Disability Discrimination Act.	ToPH
Repair/replace ment of shade to member's area.	\$6,000	Nil	Damage caused from Cyclone Heidi.	ToPH
Repair track perimeter fencing.	\$10,000	Nil	Damage caused from Cyclone Heidi.	Already completed by PHTC
Installation of air conditioning to the old male and female jockey change rooms.	\$6,000	Nil	Request by the Club	ToPH – 50% PHTC – 50%
Improvement to water pressure at the stable area.	\$5,000	Nil	Anticipated all water pipes will need to be replaced	ToPH
Total	\$84,910	\$37,870		

Officer's Comment

There are a number of works that need to be accomplished in preparation for the 2012 race season detailed in Table 1.

The allocation of responsibility for funding the necessary works has been divided on the basis that Council ensure the safety, amenity, and access for the general community. With the PHTC undertaking some general maintenance of facilities, and racing equipment / facilities.

Should Council support this allocation, total works (\$84,910) in 2011/12 would be \$3,000 (50% of air conditioning), \$10,000 (works already completed on perimeter fencing) from the PHTC, and \$71,910 from Council. Further funding of \$ 37,870 would need to be allocated within the 2012/13 Council budget.

The need to seek Council's endorsement for expenditure on the turf club facilities is necessary due to the lack of clarity in the February 2011 resolution. The previous resolution was not sufficiently clear regarding the allocation and expenditure of funds for the 2012 race season.

Future Long Term Planning

Council recently engaged ABV Consultants to undertake a feasibility study to investigate the future requirements for the Port Hedland Turf Club. Once complete, Council will have clarity regarding the future long term location of the Turf Club and be able to source funding to develop the race track and associated facilities.

Summary

Given that the long term solution for the Turf Club facilities, and in particular the ablutions, will not be in place for the next three years, it is recommended that Council consider alternative solutions this current ad hoc process.

The recommended solution is that the Port Hedland Turf Club support (provision of toilet facilities and a small allowance for maintenance) for the 2013 race season be considered through the 2012/13 budget process as a Request for Community Support.

Attachments

Nil

2011/12/424 Officer's Recommendation / Council Decision

Moved: Cr G A Jacob

Seconded: Cr S R Martin

That Council:

1. Allocates \$71,910 as per Table 1 for the 2011/2012 financial year to undertake the following work at the Port Hedland Turf Club:

Item	
Demolition of grandstand.	\$5,000
Hire and installation of temporary toilet facilities.	\$46,410
Maintenance to plumbing.	\$2,500
Disabled access toilets for all race meets.	\$4,000
Repair/replacement of shade to member's area.	\$6,000
Installation of air conditioning to the old male and female jockey change rooms.	\$3,000
Improvement to water pressure at the stable area.	\$5,000

2. Transfers \$71,910 from the Community Facilities Reserve Account for the works recommended in Table 1 for the 2011/2012 financial year to a newly created (Port Hedland Turf Club-Facilities) expenditure account.
3. Notes that the following works will be undertaken by the Port Hedland Turf Club prior to the 2012 race season:
 - 50% contribution for jockey facility air conditioning
 - Repair to race track fencing (already completed)
4. Allocates funding of \$37,870 as per Table 1, as part of the 2012/2013 budget process to undertake the following works at the Port Hedland Turf Club for the remainder of the 2012 race season:
 - Hire and removal of 3 x transportable toilet blocks
 - Disabled toilets available for all race meets
5. Considers funding of \$45,000 (Request for Community Support) as part of the 2012/2013 budget process to undertake the following works for the 2013 race season:
 - Hire and removal of 3 x transportable toilet blocks
 - Disabled toilets available for all race meets
 - Minor maintenance.

CARRIED BY ABSOLUTE MAJORITY 8/0

11.3.2 *Spinifex Spree – Approval and Advertising of Stallholder Fees and Charges (File No. 19/04/0001)*

Officer **Veronica Clarke**
Coordinator Community and Cultural Development

Date of Report **13 April 2012**

Disclosure of Interest by Officer **Nil**

Summary

The Spinifex Spree Carnival is Hedland's most anticipated free annual community event. To help cover the operational cost of this two-day carnival, stallholders are charged a trading, camping and application fee of \$200.

Council is requested to adopt a schedule of stallholder fees for the Spinifex Spree Carnival in 2012 and to endorse the waiving of fees for not-for-profit community groups hosting fundraising stalls.

Background

In 2010, the Spinifex Spree Carnival was managed under the auspices of Celebrate Hedland Inc. However, this arrangement is no longer in place and the Town of Port Hedland is the sole organiser of the event. This change in management meant that Council had not set and adopted stallholder fees for the 2011 event. Through a report to Council this was in place for the advertising of stallholders prior to the end of the financial year. An oversight through the transition of Event Coordinators between 2011 and 2012 has meant that stallholder fees were not incorporated into the 2011/12 Schedule of Fees and Charges.

Almost 50 stallholders registered for Spinifex Spree Carnival in 2011, these included small businesses, Government departments and local not-for-profits organisations. Providing all required equipment and services (camping facilities and supplies, power, diesel, permits and adequate lighting) for these stallholders is at a substantial cost to Council.

In 2010, the operational cost of these items was approximately \$11,000, and was slightly higher in 2011 at approximately \$15,000. In 2011, regular stallholders were charged a \$150 site fee and a \$50 application fee. Food stallholders were charged a \$100 site fee, a \$50 application fee, and a \$50 temporary food stall permit, charged by Environmental Health. The total income of \$10,900 was received from stallholders in 2011.

Council endorsed a policy in October 2011 that private stallholder's be exempt from applicable Council fees for Trading in Public Places, where it can be demonstrated that they are operating under a blanket permit held by a Community Association or market organizer for that event. This will simplify and streamline the process for applicants and will be a welcome reduction for stallholders that provide a food service, and therefore a community benefit at Council events such as Spinifex.

A site fee however is still required to ensure that some of the overhead costs of providing the event can be recovered. This item proposes to increase the site fee costs, and therefore the net result of income to the Council will remain the same.

Consultation

The recommendation is based on costing of operational equipment hire and required supplies from previous years. Consultation involved other regional carnival organisers, and internal departments, including:

- Coates Hire, Event Supplier
- Tru Blu Hire, Event Supplier
- Goodline, Event Supplier
- Boom Logistics, Event Supplier
- Environmental Health Officer
- FeNacing Festival Karratha Event Coordinator

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

Town of Port Hedland Trading in Public Places – Community Events Policy 13/009

Strategic Planning Implications

Key Result Area 2: Community Pride
Goal 2: Events
That the Town hosts a series of well attended community events.

Budget Implications

Even without a charge for a Food Application or Trading Fee, the adoption of the stallholder site fee for the 2012 Spinifex Spree Carnival is anticipated to receive revenue of \$10,900 (based on anticipated 50 stallholders as per 2011).

It is recommended that a new GL account is created under Community and Event Services – Operating Revenue entitled Stallholder Registrations.

Officer's Comment

The Spinifex Spree Carnival is a free Community Event that has attracted over 6,000 people in recent years. Recognised as the largest free community event on the Hedland Calendar, Spinifex Spree is one day and two evenings of fun for families and the community.

This Carnival is a great opportunity for stall holders to promote their products and services to the community on a large scale. Stallholders are both local and travellers from all over WA, which provides local small businesses with an opportunity to trade, as well as providing external products that locals don't regularly have the opportunity to purchase.

There are currently no fees and charges for Spinifex Spree Carnival stallholders in the Town of Port Hedland budget.

Discussions have taken place with other regional carnival organisers such as the FeNacing Festival, who currently charge considerably more than Port Hedland at \$390 per site.

In 2012 it is intended to coincide the Spinifex Spree Carnival at the same time and venue as the opening of the Multi Purpose Recreation Centre. With this in mind, it is expected that the 2012 will be significantly busier than in previous years, and provide an ideal complimentary feature to the MPRC opening.

Attachments

Nil

Officer's Recommendation

That Council:

1. Approves the 2011/2012 Schedule of fees and charges to be amended to include Spinifex Spree Stallholder fees and charges as stated below, GST exclusive:

Fee	Food Stallholder	Regular Stallholder
Site Fee	\$200	\$200
Application fee	Waived as per policy 13/009	Waived as per policy 13/009
Temporary food permit	Waived as per policy 13/009	N/A
Total	\$200	\$200

2. Approves a new GL account to be created in the budget under Community and Event Services – Operating revenue, entitled Stallholder Registrations (as per Council Resolution 201011/277 at OCM 09 March 2011)

3. Endorses the Fees and Charges in 1. and the advertising of the Fees and Charges in accordance with the Local Government Act section 6.16, and ensures public notice and date of effect in accordance with the Local Government Act section 6.19
4. Approves community, not-for-profit, organisations to be entitled to a 100% fee waiver.

201112/425 Council Decision

Moved: Cr J E Hunt

Seconded: Cr G A Jacob

That Council:

1. Approves the 2011/2012 Schedule of fees and charges to be amended to include Spinifex Spree Stallholder fees and charges as stated below, GST exclusive:

Fee	Food Stallholder	Regular Stallholder
Site Fee for local stall holders	\$150	\$150
Site fee for external stall holders	\$200	\$200
Application fee	Waived as per policy 13/009	Waived as per policy 13/009
Temporary food permit	Waived as per policy 13/009	N/A
Total	\$200	\$200

2. Approves a new GL account to be created in the budget under Community and Event Services – Operating revenue, entitled Stallholder Registrations (as per Council Resolution 201011/277 at OCM 09 March 2011)
3. Endorses the Fees and Charges in 1. and the advertising of the Fees and Charges in accordance with the Local Government Act section 6.16, and ensures public notice and date of effect in accordance with the Local Government Act section 6.19
4. Approves community, not-for-profit, organisations to be entitled to a 100% fee waiver.

CARRIED BY ABSOLUTE MAJORITY 8/0

REASON: Council created two separate site fees for local and external stall holders as it believes it should encourage local people to participate more in this type of event.

6:37pm Councillor G J Daccache declared a Financial interest in Agenda Item 11.3.3 'Multi Purpose Recreation Centre – Ceremonial Opening Event and Commencement of Operations (File No.: 26/14/0009)' as he is a BHP Billiton shareholder with shares over the statutory limit and also a Auzcorp employee.

Councillor G J Daccache left the room.

6:37pm Councillors J E Hunt and M Dziombak declared a Financial interest in Agenda Item 11.3.3 'Multi Purpose Recreation Centre – Ceremonial Opening Event and Commencement of Operations (File No.: 26/14/0009)' as they are BHP Billiton shareholders with shares over the statutory limit.

Councillors J E Hunt and M Dziombak left the room.

11.3.3 *Multi Purpose Recreation Centre – Ceremonial Opening Event and Commencement of Operations (File No.: 26/14/0009)*

Officer Graeme Hall
Manager Recreation Services and Facilities

Date of Report 13 April 2012

Disclosure of Interest by Officer Nil

Summary

The Multi Purpose Recreation Centre (MPRC) opening event will be held on 28 and 29 July 2012 coinciding with the Spinifex Spree Carnival. The purpose of this report is to clarify the details of the ceremonial opening event plan, budget and potential funding contributors.

The report also considers key preparations and statutory approvals required prior to operational commencement.

Council is requested to endorse key elements of the MPRC ceremonial opening event plan, budget and timeline for operational commencement.

Background

Construction of the MPRC is progressing well and scheduled for practical completion in late May / early June. Following practical completion a range of actions are required to be finalised before the facility is operationally ready. These activities include:

- Civil works, footpaths and landscaping
- Finalisation of warranty and minor defect items

- Installation of items not included in main building contract (signage and funding contributor recognition)
- Statutory approvals including issuance of Certificate of Occupancy
- Preparation for ceremonial opening event
- Operational preparation by YMCA including recruitment of key facility staff.

The Multi Purpose Recreation Centre opening event will be held on the weekend of 28 and 29 July 2012. The event will be incorporated with the annual Spinifex Spree Carnival and will also coincide with the Western Australian State Parliament Regional Cabinet meeting on the 30 July 2012.

To celebrate the opening of the Multi Purpose Recreation Centre, a series of events have been planned to generate maximum interest, attract the whole community, and showcase the new facility. The event has been designed to provide the community with a broad range of cultural, sporting and social experiences.

The opening event will be held on the same weekend as the opening of the 2012 London Olympic Games. This is an exciting international sporting competition and it is proposed that it is televised on a large screen throughout the weekend's activities.

A key element of the opening will be to showcase future activities that will be offered at the facility. The YMCA has been working closely with Council to develop a program for the opening event which includes:

- Free gym access
- Tours of the facility
- Master fitness class on the show basketball court
- Children's sporting activities.

The intention of these introductions is to ensure that the facility commences operations at maximum level.

Consultation

Internal Stakeholders

- Chief Executive Officer
- Director Community Development
- Manager Recreation Services
- Manager Community Development
- Recreation Coordinator
- Coordinator Community and Cultural Development
- Sport and Recreation Officer
- Club and Project Development Officer
- Marketing and Promotions Officer.

External Stakeholders

- BHP Billiton Iron Ore
- Auzcorp
- Pilbara Development Commission
- Compass Group
- ESS
- RV Sport
- LTD Event Management Services
- Local Sporting Groups
- YMCA.

Statutory Implications

Local Government Act 1995

6.8 . *Expenditure from municipal fund not included in annual budget*

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

(1a) *In subsection (1) —*

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 3

Community Development

One of the Town's biggest positives is the strong sense of community that exists. The Town Council plans on building on this positive by providing a more extensive range of facilities, services and opportunities for community interaction.

- 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.
- Build the Multi Purpose Recreation Centre

Within the 2011/12 budget, funds of \$90,000 have been committed for the 2012 Spinifex Spree Carnival.

It is estimated that the ceremonial opening event of the \$35 million Multi Purpose Recreation Centre will cost up to a total of \$225,000, with no specific budget allocation yet finalised.

The budget for the Multi Purpose Recreation Centre opening event has, where possible, been created to share costs / efficiencies with the Spinifex Spree Carnival including advertising and promotions, staffing, entertainment, and logistics.

Funds of \$250,000 are included in the 2011/12 budget of the Multi Purpose Recreation Centre, intended to be for preparations prior to opening. There remains the opportunity to utilize some of these funds to allocate towards costs of the opening of the facility.

The table below provides a budget overview for the Multi Purpose Recreation Centre opening event:

Table 1 – Budget Overview

	Cost	Comment
Advertising and Promotion	\$8,000	
Wildcats Basketball Game	\$125,000	This will be a ticketed event at no charge, with tickets distributed through local schools and sporting / community organisations.
Children's Show	\$12,000	This will be a ticketed event at no charge, with tickets distributed through local schools, child care and family centres.
Community and Stakeholder Video	\$20,000	
Civic Ceremony and VIP Function	\$30,000	
Screening of the 2012 Olympics Games	\$3,500	
Open Gym		YMCA to manage
Les Mills Master Classes		YMCA to manage
Sporting Clinics	\$5,000	
After school activities		YMCA to manage
Event Management and staff costs	\$10,000	
Contingency	\$11,500	
Total	\$225,000	

It is proposed that the three major Multi Purpose Recreation Centre funding bodies; BHP Billiton Iron Ore (Sustainability Partnership), Pilbara Development Commission, and the Town of Port Hedland each contribute \$75,000 towards the opening event.

Contributions will also be requested from other funding bodies including Auzcorp, Compass Group and ESS.

It is estimated that there will be \$50,000 available from the Multi Purpose Recreation Centre Operating Account (1108268) for the 2011/2012 financial year. It is proposed that these funds are allocated as Council's contribution to the opening event.

It is requested that the Town of Port Hedland commit the remaining \$25,000 in the 2012/2013 Council Budget to the Multi Purpose Recreation Centre opening event.

BHP Billiton Iron Ore has seen significant merit in the opportunity to have a game between the Perth Wildcats and the Cairns Taipans as a cornerstone event of the opening celebrations. They have already provided an initial \$50,000 to secure the Perth Wildcats Basketball Game these funds are to be allocated from the Sustainability Partnership.

Pilbara Development Commission / Pilbara Cities will be approached to contribute matching funds to the opening event.

Auzcorp have approached Council and indicated that they would like to contribute to the opening event by providing a high profile music act for the Saturday evening. Discussions are still being held and this commitment is yet to be finalised. Should this proposal be achieved, this would be considered as their contribution towards the opening event.

Officer's Comment

General

The opening of the Multi Purpose Recreation Centre is an exciting time for the Town of Port Hedland and greater Pilbara Region. It is important that the grand opening event for this iconic building provides a range of high profile and smaller engagement events for the whole community. The event is also critical to ensuring that the attendance of the facility commences at a high level.

The joining of the Multi Purpose Recreation Centre opening event and the Spinifex Spree Carnival will allow a number of value adding opportunities for both events.

The proposed event plan ensures all major funding bodies of the new facility are recognised and provides a range of children's, cultural and sporting events to cater to the whole community.

Discussions are being held with Auzcorp to finalise details surrounding the high profile music act. A profile music act is a regular element of the Spinifex Spree Carnival, however this opportunity may allow for higher than normal attraction.

Feature Sporting Events

Original plans for the ceremonial opening event included the possibility of hosting both a feature indoor (NLB basketball) game, and an outdoor (WAFL football) game. Negotiations to secure a WAFL football game have proven unsuccessful due to the scheduling of State League fixtures and the current financial position of the Swan Districts Football Club.

The intention will be to replace this feature with a significant local league game, depending on the local competition fixtures.

The feature indoor event for the opening of the new facility will be the Perth Wildcats versus Cairns Taipans basketball game. This game will be held on Sunday 29 July 2012 on the show court inside the Centre.

It is planned for the Civic Ceremony and VIP Function to take place prior to the start of the basketball game. This will be attended by major funding bodies, the Premier, and a number of Ministers who will be in Port Hedland for the Regional Cabinet meeting.

This is an exciting event for Port Hedland as these types of activities were not possible prior to the development of the new facility.

The Perth Wildcats Basketball Game will be a ticketed event, with tickets being distributed / purchased via local youth, community and sporting groups to ensure broad access.

Promotion and Marketing Initiatives

Council has sourced quotes to develop a five minute promotional video for the Multi Purpose Recreation Centre opening. The video will be screened throughout the opening event weekend and will also be used to create hype around Town in the lead up. This video can also be sent to television networks, local media networks, and uploaded to YouTube.

The video will include interviews from major funding bodies, key stakeholders and sporting groups, footage of the community using the facility and images from the construction process. The video is intended to serve as a means to record and commemorate this milestone in Port Hedland.

The opening event will ensure all major funding bodies of the new facility are provided with recognition in all promotional material and throughout the weekend's activities.

General Community Engagement and Participation

Council has sourced quotes from The 'Lulu's' to hold a children's event on the morning of Friday 27 July 2012. The Lulu's are a popular live children's music show that would target local toddlers and their parents to visit the new facility.

A key element of the opening will be to showcase future activities that will be offered at the facility. The YMCA has been working closely with Council to develop a program for the opening event which includes:

- Free gym access
- Tours of the facility
- Master fitness classes on the show basketball court
- Children's sporting activities.

Council will be meeting with a number of local sporting groups to encourage their involvement in the weekend's activities. It is anticipated that a number of junior sporting clinics and sporting games will be held over the weekend.

The intention of these introductions is to ensure that the facility commences operations at maximum level.

Council will also seek to provide a number of opportunities for the community to access and view the MPRC throughout June and July prior to the opening and commencement of operations. These initiatives will provide promotional and familiarization opportunities for the community, aimed at generating enthusiasm and anticipation prior to opening.

Preparation and Commencement of Operations

Following practical completion a range of actions are required to be finalised before the facility is operationally ready. These activities include:

- Civil works, footpaths and landscaping
- Finalisation of warranty and minor defect items
- Installation of items not included in main building contract (signage and funding contributor recognition)
- Statutory approvals including issuance of Certificate of Occupancy
- Preparation for ceremonial opening event
- Purchase and installation of furniture, fit out items and equipment
- Operational preparation by YMCA including recruitment of key facility staff, facility training and establishment of key administrative and financial procedures

It is estimated that works to the car park, footpaths and landscaping of the Multi Purpose Recreation Centre is scheduled to be complete in late June 2012.

Further time is required to complete the statutory and operational preparation tasks detailed above. Significant time is also required to ensure that the \$35 million facility is fully prepared to open to the community in a safe manner with good operational and management practices.

A formal request has been received from the YMCA to commence operations to the community on Monday 30 July 2012 following the ceremonial opening.

Attachments

1. Detailed Event Plan
2. Timeline for lead up to Multi Purpose Recreation Centre Opening Event

201112/426 Officer's Recommendation / Council Decision

Moved: Cr D W Hooper

Seconded: Cr G A Jacob

That Council:

1. **Endorses the event plan detailed in Attachment 1 for the Multi Purpose Recreation Centre ceremonial opening event and Spinifex Spree Carnival;**
2. **Allocates \$50,000 from account 1108257 from 2011/2012 to the Multi Purpose Recreation Centre Opening Event;**
2. **Commits \$25,000 in the 2012/2013 Budget for the Multi Purpose Recreation Centre opening event;**
3. **Seeks funding contributions from BHP Billiton Iron Ore (\$75,000), Pilbara Development Commission (\$75,000), Auzcorp, ESS and Compass Group regarding funding contributions towards the ceremonial opening event;**
4. **Endorses the date of opening to the general public / community of the Multi Purpose Recreation Centre as Monday 30 July 2012; and**
5. **Invites the Premier and Jim Wilson (BHPB Iron Ore) to officially open the facility with the Mayor / Deputy Mayor.**

CARRIED BY ABSOLUTE MAJORITY 5/0

6:38pm Councillors G J Daccache, J E Hunt and M Dziombak re-entered the room and resumed their chairs.

Mayor advised Councillors G J Daccache, J E Hunt and M Dziombak of Council's decision.

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	Inside Multi Purpose Recreation Centre	Outside Multi Purpose Recreation Centre
Friday Morning / Afternoon	Mums and Children's Morning Event – The Lulu's After school activities	
Friday Evening		Spinifex Spree Carnival <ul style="list-style-type: none"> • Rides and stall holders • Activities take place on main stage • Screening of the London Olympics Opening Event • Fire works
Saturday Morning	Tours of the centre Free Gym usage all weekend Fitness Master Class	Sporting Clinics
Saturday Afternoon	Tours of the centre Free Gym usage all weekend	Local sporting competition Spinifex Spree Carnival <ul style="list-style-type: none"> • Rides and stalls • Screening of the London Olympics
Saturday Night	Free Gym usage all weekend	Spinifex Spree Carnival <ul style="list-style-type: none"> • Rides and stall holders • Activities take place on main stage • Headline music act on main stage • Screening of the London Olympics • Fire works
Sunday Morning	Tours of the centre Free Gym usage all weekend	Sporting Clinics
Sunday Afternoon	Free Gym usage all weekend Civic Opening and VIP Event Wildcats Game	Spinifex Spree Carnival <ul style="list-style-type: none"> • Rides and stall holders

MPRC Timeline - Civil Works

		ToPH to complete works.	
Dates	1st May	15th June	16th June
	ToPH to begin works for carpark, pathways, landscaping etc.		Practical Completion given.

MPRC Timeline - Operational

		Area Manager employed, inducted and housed.		Manager employed, inducted and housed.		Programming and Service Plan completed (Includes group fitness, season programs).		Operations tasks completed (Includes first aid equipment, waste collection, cleaning and security contractors selected).		Operational staff employed and inducted.		Cafe preparations completed (Includes stock ordered, pricing structure, barista training).		Finance tasks completed (Includes bank account management, insurance, work cover, EFTPOS).		General marketing tasks completed (Includes branding, website, merchandise, promotional materials).		Open to the General Public and Community.	
Dates	28th March	26th May	18th June	22nd June	29th June	29th June	29th June	3rd July	6th July	6th July	13th July	13th July	16th July	20th July	20th July	23rd July	28th July	30th July	
	Council endorsement of YMCA management agreement.		HR admin work completed (Includes PD creation, uniforms, rosters).		Business Plan completed (Includes marketing, training, management plans)		Fit out completed (Includes office, fitness, function room and creche equipment).		IT systems and equipment installed (Includes hardware, POS, 24/7 access system).		Risk management and operations tasks completed (Includes emergency exit signage, maintenance schedules, OHS staff training).		Centre administration tasks completed (Includes creation of membership and admin forms, operating manuals).		Regulatory requirements completed (Includes certificates of occupancy, emergency management plan, permits).		Marketing strategy and specific campaigns finalized.		

MPRC Timeline - Opening Event

		Funding confirmed from BHP for Perth Wildcats basketball match.		Opening event agenda item presented at OCM for Council endorsement.		Clarity Communications to complete promotional materials. Distribution of materials to commence.		Opening event.
Dates	1st February	10th April	16th April	25th April	1st May	1st June	30th June	28th/29th July
	LTD Event Management company engaged to begin work on specific elements.		Clarity Communications engaged to produce event marketing material and community video.		Program of events confirmed.		Clarity Communications to complete video production.	

MPRC Timeline - Miscellaneous

Dates	25th April
	Proposed facility name seeking approval by Kariyama Working Group.

6:38pm Councillor D W Hooper declared a Financial interest in Agenda Item 11.3.4 'Request for Proposal 12/02 - Port Hedland Visitors Centre and / or the Courthouse Art Gallery (File No.: 05/09/0017; 20/01/0026)' as FORM receives a commission on selling his paintings.

Councillor D W Hooper left the room.

11.3.4 *Request for Proposal 12/02 - Port Hedland Visitors Centre and / or the Courthouse Art Gallery (File No.: 05/09/0017; 20/01/0026)*

Officer Gordon MacMile
Director Community
Development

Date of Report 16 April 2012

Disclosure of Interest by Officer Nil

Summary

The management arrangements for the Port Hedland Visitors Centre (PHVC) and Courthouse Gallery are currently in place and expiring between early and mid 2012.

With consideration for the future management of both facilities generally coinciding, the opportunity exists for Council to test the market in terms of operators, as well as assessing whether management synergies exist between the Port Hedland Visitors Centre and the Courthouse Gallery.

A request for proposal process was undertaken to seek management operators for the Port Hedland Visitors Centre and the Courthouse Gallery. Council is requested to select FORM as the preferred proponent for the management of the Port Hedland Visitors Centre and Courthouse Gallery and endorse the Chief Executive Officer or delegated officer to negotiate additional outcomes within the contract to achieve the best result for the Town of Port Hedland.

Background

Port Hedland Visitors Centre

The SCM of 21 December 2009 awarded the tender to GM Services for the management of the Port Hedland Visitors Centre (PHVC). At the time, the management of the PHVC had been advertised on 2 occasions, with only 1 tender being received as part of the final tender process.

A request for additional funding (201112/152 – 21 September 2011) from the PHVC resolved:

“That Council:

1. *Notes GM Services request for additional funding totaling \$80,000 (plus GST)*
2. *Does not endorse the additional funding and advises GM Services that a review of management arrangements will be considered by Council on receipt of further information*
3. *Approves the Chief Executive Officer, or his delegate, to enter into negotiations with GM Services to establish a monthly fee – based on a pro rata figure of \$150,000 per annum – payable to continue managing the PHVC upon expiration of the current contract.”*

Throughout the period of management of the PHVC, GM Services made a number of approaches to Council regarding the management fee and the capacity to offer a quality service within the existing contract constraints. The original agreement with GM Services over the management of the Port Hedland Visitors Centre expired on 31 December 2011.

Following negotiations, Council has received correspondence from GM Services (30 November 2011) confirming in part the acceptance of the continuation of PHVC management based on:

- Operation of the Visitor Centre on a 2 x 3 monthly arrangement commencing 1 January 2012, with the second 3 month management to be signed off by 29 February 2012
- Payment of a month by month fee based on \$150,000 ex GST per annum (\$12,500 ex GST per month).

Courthouse Gallery

FORM Contemporary Craft and Design Inc. were awarded (January 2010) the management of the Courthouse Gallery for a period of 2 years from 1 July 2010 to 30 June 2012. A further period up to 3 years is available under the agreement.

Council resolved (OCM 14 December 2011):

1. *Notes the current management arrangements for the Port Hedland Visitors Centre and Courthouse Gallery*
2. *Delegates Authority to the Chief Executive Officer to advertise Requests for Proposals for the management of the Port Hedland Visitors Centre and Courthouse Gallery for a period of 3 years commencing 1 July 2012, with a further 2 year mutual agreement option*
3. *Notes that Requests for Proposal submissions will be reported to Council in early 2012 for consideration and endorsement.*

The Request for Proposal for the Management of the Port Hedland Visitors Centre and / or the Courthouse Gallery was advertised in the West Australian on Saturday 4 February 2012. The closing date for submissions was Wednesday 7 March 2012.

One compliant proposal was received from FORM Contemporary Craft and Design Inc at the close of the submission period.

Consultation

Internal

- Chief Executive Officer
- Director Community Development
- Manager Community Development
- Economic Land and Development Officer.

Statutory Implications

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.”*

“6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) is authorised in advance by resolution*;* or
 - (c) is authorised in advance by the mayor or president in an emergency.”*

** Absolute majority required.*

Local Government (Functions and General) Regulations 1996:

“Division 2 — Tenders for providing goods or services (s. 3.57)

11. Tenders to be invited for certain contracts

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.*

- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if—*
- (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;*
 - (b) *the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA.”*

Policy Implications

The Request for Proposal process outlined in this report is in accordance with Council's Procurement Policy and Tender Policy.

Strategic Planning Implications

Key Result Area 4: Economic Development
 Goal 1 (Tourism): Develop additional tourist information at Town entry points and other key focal points within the Town.

Key Result Area 3: Community Development
 Goal 3 (Arts and Culture): That the Town is recognised as a location where arts and culture is promoted and quality art work is produced.

Budget Implications

Existing or recently expired contracts for the PHVC and Courthouse Gallery have been based on the following annual management fees:

Facility	2011/12 Budget Amount
Port Hedland Visitors Centre	\$150,000
Courthouse Gallery	\$280,000

Throughout the recent period of management of the PHVC, the operator has made a number of approaches to Council regarding the management fee and the capacity to offer a quality service within the existing contract constraints.

The annual outcomes detailed in the proposal from FORM are as follows:

Description	Amount (\$)
Year 1 – PHVC (Operational Surplus) *	\$1,963
Year 2 - PHVC (Operational Surplus) *	\$14,796
Year 3 - PHVC (Operational Surplus) *	\$15,314
Year 1 - Courthouse Gallery (Operational Surplus) *	\$3,431
Year 2 - Courthouse Gallery (Operational Surplus) *	\$3,551
Year 3 - Courthouse Gallery (Operational Surplus) *	\$3,675

* The above annual outcomes are based on contract management fees paid by Council as follows:

Facility	Management Fee 2012/13	Management Fee 2013/14	Management Fee 2014/15
Port Hedland Visitors Centre	\$330,000	\$341,550	\$353,504
Courthouse Gallery	\$380,000	\$393,300	\$407,066

The proposal from FORM also details for the PHVC:

- Building works (\$107,000) including toilet refurbishment, floors / lighting upgrade, merchandise / stock display and café services
- Start up costs (\$101,000) including commencing stockholding, website development, signage and promotion.

The proposal does not detail the responsibility for budget of these costs and would be subject to further negotiation.

Officer's Comment

The advertised Request for Proposal required proponents to detail the following information regarding the management and operation of the Port Hedland Visitors Centre and Courthouse Gallery.

- Working Criterion 1 – Operational Plan (including service delivery and programming)
- Working Criterion 2 - Financial Management
- Working Criterion 3 - Performance Measurement
- Working Criterion 4 - Human Resources
- Working Criterion 5 - Marketing and Branding.

Quality of Management, Operations and Financial Plans

FORM have provided within their proposal a series of draft plans to manage the Town of Port Hedland's Visitors Centre and the Courthouse Gallery.

*Working Criteria 1 - Operational Plan**Hours of Operation*

The proposal included by FORM details a series of opening hours for the Visitors Centre (in and out of season) and Courthouse Gallery that provides a good level of service that is reflective of the needs of the community and visitors.

The proposed hours of operation for the PHVC and Courthouse are:

Trading Hours	Peak May to September	Off Peak October to April
Visitors Centre		
Monday to Friday	9.00am to 4.30pm	9.00am to 4.00pm
Saturday	9.00am to 2.00pm	10.00am to 2.00pm
Sunday	9.00am to 2.00pm	Closed
Courthouse Gallery		
Monday to Friday	9.00am to 4.30pm	9.00am to 4.30pm
Saturday	9.00am to 2.00pm	9.00am to 2.00pm
Sunday	9.00am to 2.00pm	9.00am to 2.00pm

Maintenance/Cleaning and Service Schedules

The proposal addresses the cleaning and maintenance of the facilities in an acceptable manner that reflects good presentation and the preservation of assets.

Programming and Service Delivery

FORM's proposal for both facilities is based on the continued provision of existing activities, as well as the expansion of programs and services. The expansion of programs and services accounts for approximately 50% of the proposed increase in management fees for both facilities.

Key programming and service delivery points for the PHVC are:

- Continuation of existing base services including - tourist information, internet access, local tour information and bookings, gifts and souvenirs, local accommodation information and bookings, welcome packs, local restaurant, hotels and hospitality information, local business information, tracks and trails information, road condition information

- Increase tour offerings including cultural, adventure and industrial tourism, as well as working more closely with the Historical Society in relation to heritage tours
- Improved experience opportunities in partnership with local businesses
- Focus on providing visitor services at the airport in the future when facilities allow
- Focus on providing a lead role in the activation of Wedge Street to maximize the planned streetscape upgrade.

Key programming and service delivery points for the Courthouse Gallery are:

- Continuation of existing core base services including exhibitions, art awards, artistic workshops, programs including local markets and indigenous art development
- Increase professional development of artisans associated with the West End markets
- Additional outreach activities including development work with the Spinifex Hill artists.

Key Staff

FORM's proposal details an increased level of staffing, both management and operational at the Visitors Centre. The proposal is based on the principal of having key management staff working and living in Port Hedland.

Working Criterion 2 – Financial Management

FORM's proposal provides a 3 year (draft) business plan based on budgets for the Visitor Centre and Gallery. The budget is reflective of programming, service delivery and facility operation plans that combine both existing activities and proposed new activities.

Working Criteria 3 - Performance Management

FORM proposes a range of key performance indicators that would generally provide a means of accessing the quality and quantity of management / operational outcomes.

Should Council appoint FORM to manage the facilities, then detailed KPI's would be further negotiated and reported through the Audit and Finance Committee process on a quarterly basis.

Working Criteria 4 - Human Resources

FORM have identified through their proposal that they are well positioned to meet Council's requirements with regard to managing the workforce of both facilities.

FORM has identified synergies and efficiencies in the combined management of the Visitors Centre and Courthouse Gallery.

Working Criteria 5 - Marketing and Branding

FORM have identified in their proposal a complete redevelopment of the marketing, promotion and branding of the Visitors Centre that will compliment that of the Courthouse Gallery.

Further negotiation will be required regarding the incorporation of the Town of Port Hedland branding.

Relevant Experience

Visitors Centre

FORM possesses a good level of experience in the management of Visitors Centres. This includes the management and redevelopment of the Newman Visitors Centre between 2005 and 2007. FORM has also been an integral part of the project control group for the development of Aspects of Kings Park.

Courthouse Gallery

FORM has managed the Courthouse Gallery for Council since 2007, as well as a gallery and retail store in the Perth CBD.

Additional Management Fees

The proposal from FORM includes annual contract management fees to be paid by Council that are higher than existing levels (see Budget section of report). The basis of these proposed increases are:

- 50% additional costs – accommodation, housing, airfares, and staffing
- 50% additional programs and services.

Additional Opportunities

Preliminary discussions with FORM have identified that within the proposed contract management fees, the following additional activities / initiatives could be further investigated:

- Coordination of Cruise Ship visits – proposed to potentially increase to 6 throughout the remainder of 2012 and into 2013. The event coordination of this activity current costs Council approximately \$10,000 on each occasion. The opportunity may exist, subject to further negotiation for FORM to coordinate these activities within the proposed management fee.

- West End Coordination – Currently events and activities within the West End are provided by FORM and Council. Discussions have been held regarding the potential for FORM to undertake the event activities of Council within the West End within the proposed management fee.

This would then potentially allow current Community Development funds and resources to be redirected towards the activation of the South Hedland CBD. These funds would be presented as a new item / request for additional funds in 2012/13 without this reallocation / redirection.

- Airport Visitor Services – Discussion have also been held with FORM regarding the servicing of visitors at the airport (potentially a booth in the short term) under the existing management fee. The potential to provide this service will be dependent on the availability of space and funds, as well as coordinating with the overall airport redevelopment.

Summary

FORM has provided a quality proposal to manage the Port Hedland Visitors Centre and Courthouse Gallery, incorporating existing programs / services as well as a range of new initiatives.

The management fees contained within the proposal from FORM is significantly increased from previous levels and is a result of increased costs and increased program / service offer.

There also exists the opportunity to investigate with FORM the opportunity to explore additional initiatives within the proposed management fee that would allow Council to save or reallocate funds to alternative area.

The breakdown of additional costs and value of potentially negotiated outcomes are summarized as:

Existing Management Value (combined)	\$ 430,000
Additional Programs / Services / Staff	\$ 100,000
Additional Costs	\$ 100,000
Cruise Ship Coordination (6 visits)	\$ 60,000
West End (FORM focus) / SH CBD (CD)	\$ 40,000
Airport Visitor Servicing	TBC
Management Proposal (combined)	\$ 710,000

With this in mind, Council is recommended to select FORM as the preferred proponent for the management of the Visitors Centre and Courthouse Gallery, with further negotiation to be undertaken and reported to Council.

Attachments

Nil

Officer's Recommendation

That Council:

1. Selects FORM as the preferred proponent for the management of the Port Hedland Visitors Centre and Courthouse Gallery.
2. Endorses the Chief Executive Officer or delegated officer to negotiate additional outcomes / key performance indicators within the contract to achieve the best result for the Town of Port Hedland
3. Notes that the outcomes of negotiations with FORM will be reported to Council in May 2012.
4. Request the Chief Executive Officer to prepare indicative costs for the Town to operate the Visitors Centre.

201112/427 Council Decision

Moved: Cr J E Hunt

Seconded: Cr G A Jacob

That Council:

1. **Selects FORM as the preferred proponent for the management of the Port Hedland Visitors Centre and Courthouse Gallery;**
2. **Endorses the Chief Executive Officer or delegated officer to negotiate additional outcomes / key performance indicators within the contract to achieve the best result for the Town of Port Hedland;**
3. **Notes that the outcomes of negotiations with FORM will be reported to Council in May 2012;**
4. **Request the Chief Executive Officer to prepare indicative costs for the Town to operate the Visitors Centre; and**
5. **Agrees that additional outreach activities including the development work are not to be limited to Spinifex Hill artists only but are to include all artists.**

CARRIED 7/0

REASON: Council added point 5 as it believes all local people should be involved in these activities.

6:43pm Councillor D W Hooper re-entered the room and resumed his chair.

Mayor advised Councillor D W Hooper of Council's decision.

11.4 Corporate Services**11.4.1 Governance and Administration**

6:43pm Councillors G J Daccache, J E Hunt and M Dziombak declared a Financial Interest in Agenda Item 11.4.1.1 'Update on Hunt Point Tug Pens' as they are BHP Billiton shareholders with shares over the statutory limit.

Councillors G J Daccache, J E Hunt and M Dziombak left the room.

11.4.1.1 Update on Hunt Point Tug Pens (File No.: .../...)

Officer Paul Martin
Chief Executive Officer

Date of Report 13 April 2012

Disclosure of Interest by Officer Nil

Summary

This report provides Council with an update on the agreement BHPB has reached with the PHPA to develop Tug Pens at Hunt Point in line with the previous Council resolution.

Background

Council considered this matter at the Ordinary Council Meeting held on 8 February 2012 and resolved (201112/319) the following:

That Council:

- 1. Expresses concern to BHP Billiton Iron Ore regarding potential impacts to the general public accessing the Hunt Point area;*
- 2. Requests the Chief Executive Officer to meet with BHP Billiton Iron Ore and the Port Hedland Port Authority to discuss preparation of a public access management plan to address community access issues to the Hunt Point locality;*
- 3. Requests the Chief Executive Officer to report this matter back to Council in April 2012;*
- 4. Request the Port Hedland Port Authority and BHP Billiton Iron Ore to undertake public consultation; and*
- 5. Request the Chief Executive Officer to meet with the Minister of Environment and the Minister of Transport to cite the community concerns to date.*

CARRIED 4/0

Since this time the following has occurred:

- The CEO wrote to BHBP and the PHPA recommending consultation be undertaken with the community.
- The CEO wrote to the Minister for the Environment and Minister for Transport expressing concern about the proposal and seeking a meeting to discuss the matter.
- The CEO met with the CEO of the PHPA regarding the matter.
- The CEO met with the Minister for Transport's Policy Advisor.
- BHPB and the PHPA conducted two confidential sessions with Councillors regarding the matter including a presentation and question and answer session.

Consultation

- BHPB
- PHPA
- Minister for Transport Office

Statutory Implications

Policy Implications

Nil

Strategic Planning Implications

The draft Pilbara's Port City Growth Plan impacts upon the matter in the following way:

- To achieve City status and grow into a City of 50,000 requires a diversified economy. The Port is seen as a key aspect to this diversification. The development of Lumsdon Point is a key platform to achieve this diversification.
- The Outer Harbor is a very significant strategic development for the future of Port Hedland.

Budget Implications

Nil

Officer's Comment

Whilst the decision about this proposal is not within the jurisdiction of the Town of Port Hedland there are a number of factors which are a concern to Officers about this matter, namely the following.

Lack of Consultation

The first the CEO learnt that Hunt point was being considered as a site for the Tug Pens was at the BHPB outer harbour working group established by DSD on Monday the 12th December. The meeting was informed that this location was being considered and that the Town would be consulted.

The PHPA then came and informed the CEO and other senior staff that the Hunt Point location was decided at a meeting on Friday 16th December.

It has been learnt since this time that the Board of the PHPA made this decision about this proposal on the 25th November.

It is disappointing that neither the PHPA or BHPB consulted with the Town during consideration of this option.

Impacts of this location

Whilst it is acknowledged that BHPB have sophisticated modeling equipment it is disappointing that only with questioning it has been determined that further modeling is required to ensure the impacts of cyclone is known.

Furthermore BHPB initially sought application from the Town to construct the facility out of hours. This application has since been withdrawn and it is understood that BHPB will now make application to DEC for such an approval.

Broader impacts upon development of the Port

Although it is not the jurisdiction of the Town for the future sustainability of the Town it is important that the Port become as diversified as possible to ensure City status is achieved and maintained into the future.

Previously the development of Lumsden Point was a priority for the PHPA and the tug pens were seen as an ability to have industry contribute towards the cost of developing the site.

Officers have sought confirmation from the PHPA that the location of the tug pen at Hunt Point will not negatively impact upon the diversification of the Port. This has been provided verbally however it is recommended this be sought in writing from the State Government.

Community Offsets at Hunt Point

Previously the PHPA had negotiated a number of community offsets to see the improvement of recreational facilities at Hunt Point.

The community values access to the coast and this is being eroded within the immediate vicinity of Port Hedland.

The community offsets have been since raised with BHPB and the PHPA and indications are that these will be provided in some form. It needs to be determined in what form and location these might occur.

Conclusion

It is widely acknowledged that the process which has been executed by the PHPA and BHPB could have been significantly improved. BHPB and Officers have since implemented new processes to ensure that impacts of the expansion are identified early and strategies put into place to mitigate their impacts.

As the Town has no formal decision making role in this process all that can be done is lobbying for a change of decision. Initial approaches with Ministers and the PHPA has not shown any willingness to consider this approach.

It is therefore recommended that lobbying of the Town focus upon ensuring the process is improved for next time, the diversification of the Port remains a priority and the community offsets be determined.

Attachments

Nil

Officer's Recommendation

That Council:

1. Note that approvals are in place for the project to commence construction and that the matter is largely out of the Council's sphere of control and influence.
2. Request the CEO to write to BHPB, PHPA and the Minister for Transport to convey the following:
 - (a) Expressing disappointment about the process including the lack of consultation with the TOPH and the wider community for this significant project.
 - (b) Gaining commitment that the location of the tug pens at Hunt Point does not negatively impact upon the development and diversification of the Port and therefore the future economic sustainability of the Town.
 - (c) Enquiring to the status and nature of the community offsets that were planned for Hunt Point and requesting the TOPH be involved in determining where these are reallocated.

201112/428 Council Decision**Moved: Cr S R Martin****Seconded: Cr G A Jacob****That Council:**

- 1. Note that approvals are in place for the project to commence construction and that the matter is largely out of the Council's sphere of control and influence.**
- 2. Request the CEO to write to BHPB, PHPA and the Minister for Transport to convey the following:**
 - (a) Expressing disappointment about the process including the lack of consultation with the TOPH and the wider community for this significant project.**
 - (b) Gaining commitment that the location of the tug pens at Hunt Point does not negatively impact upon the development and diversification of the Port and therefore the future economic sustainability of the Town.**
 - (c) Enquiring to the status and nature of the community offsets that were planned for Hunt Point and requesting the TOPH be involved in determining where these are reallocated.**
 - (d) Emphasizing that the town request the location of the tug pens to be as far to the south-west of Hunt Point as possible, to maintain as much of the beach and fishing spot as possible.**

CARRIED 5/0

REASON: Council added part d) in the interest of the people of the town that have very strong views about this popular place.

6:47pm Councillors G J Daccache, J E Hunt and M Dziombak re-entered the room and resumed their chairs.

Mayor advised Councillors G J Daccache, J E Hunt and M Dziombak of Council's decision.

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

12.1 Port Hedland Visitors Centre – Consideration of Short Term Management Arrangements (File No.: 05/09/0017; 20/01/0026)

Officer Gordon MacMile
Director Community
Development

Date of Report 23 April 2012

Disclosure of Interest by Officer Nil

Summary

The management arrangements for the Port Hedland Visitors Centre (PHVC) are currently in place and expiring between early and mid 2012.

With negotiations continuing in regard to the long term management of the PHVC (along with the Courthouse Gallery) and the peak tourist season approaching, Council has requested GM Services continue with the contract management of the facility until 30 June 2012. GM Services has indicated a preparedness to continue with the management but not at a financial loss, requesting an additional contract fee to manage the demands of the peak tourist season.

Council is requested to allocate additional funds of \$13,332 within 2011/2012 budget for the interim management of the Port Hedland Visitors Centre by GM Services Tourism for the period 1 May to 30 June 2012.

Background*Port Hedland Visitors Centre*

The Special Council Meeting of 21 December 2009 awarded the tender to GM Services Tourism for the management of the Port Hedland Visitors Centre (PHVC). At the time the management of the PHVC had been advertised on 2 occasions, with only 1 tender being received as part of the final tender process.

Since commencement in January 2010, GM Services have adhered to all obligations of their contract including forwarding all monthly and audited annual reports as required. GM Services met on a regular basis (fortnightly) with the Economic and Land Development department to discuss any issues in relation to the management and operations at the PHVC. More recently the company has reported activities and budgets through the Audit and Finance Committee process.

The original agreement with GM Services over the management of the Port Hedland Visitors Centre expired on 31 December 2011. Under the terms of the tender awarded to GM Services in September 2009, both parties had the option of negotiating further management arrangements for Year 3 of the contract.

A request for additional funding (201112/152 – 21 September 2011) from the PHVC resolved:

“That Council:

- 1. Notes GM Services request for additional funding totaling \$80,000 (plus GST)*
- 2. Does not endorse the additional funding and advises GM Services that a review of management arrangements will be considered by Council on receipt of further information*
- 3. Approves the Chief Executive Officer, or his delegate, to enter into negotiations with GM Services to establish a monthly fee – based on a pro rata figure of \$150,000 per annum – payable to continue managing the PHVC upon expiration of the current contract.”*

Following negotiations, Council received correspondence from GM Services (30 November 2011) confirming in part the acceptance of the continuation of PHVC management based on:

- Operation of the Visitor Centre on a 2 x 3 monthly arrangement commencing 1 January 2012, with the second 3 month management to be signed off by 29 February 2012
- Payment of a month by month fee based on \$150,000 ex GST per annum (\$12,500 ex GST per month).

Consultation

Internal

- Chief Executive Officer
- Director Community Development
- Economic Land and Development Officer.

External

- GM Services Tourism.

Statutory Implications

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.”*

Local Government (Functions and General) Regulations 1996:

“Division 2 — Tenders for providing goods or services (s. 3.57)

11. Tenders to be invited for certain contracts

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless sub regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;*
 - (b) *the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA.”*

6.8 . Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

(1a) *In subsection (1) —*

additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.

- (2) *Where expenditure has been incurred by a local government —*
 - (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

Policy Implications

Under the terms of the tender awarded to GM Services in September 2009 both parties had the option of negotiating further management arrangements for Year 3 (December 2011 to December 2012) of the contract.

Strategic Planning Implications

Key Result Area 4: Tourism

Goal 1: Develop additional tourist information at Town entry points and other key focal points within the Town.

Budget Implications

The tender (September 2009) to GM Services was for the lump sum annual fee as detailed in the table below:

Year One:	\$180,000 (plus GST)
Year Two:	\$150,000 (plus GST)
Year Three:	To be negotiated
Year Four:	Year Three fee plus CPI
Year Five:	Year Four fee plus CPI

In accordance with the above tender, \$12,500 per month is budgeted within 2011/12 for the contract management of the PHVC.

Officer's Comment

GM Services managed the Port Hedland Visitors Centre from 1 January to 31 March 2012 in line with the arrangement negotiated in November 2011.

In early March 2012, GM Services advised Council of their intent not to continue with the second of the 3 monthly management arrangements of the PHVC. Later GM Services agreed to continue with the management of the PHVC for the month of April 2012 while assessment and negotiation with the long term arrangements were finalised.

With the assessment / negotiation for the management of the PHVC / Courthouse Gallery continuing, GM Services have been requested to continue managing the facility until 30 June 2012. This is also in line with the preferred date of commencement detailed in FORM proposal being 1 July 2012.

With the peak tourist season commencing in May and June, GM Services have detailed that additional staff would be required, along with additional stock required to effectively to operate the Centre.

GM Services have detailed that managing the Centre during the peak period for the current fee of \$12,500 per month would result in a financial loss. Accordingly for the arrangement to be viable, GM Services have specified a preparedness to only undertake the management for a monthly fee \$19,166.66 per month (ex GST). This figure is in parallel to the management fee requested from Council in September 2011.

Council has 3 options in terms of the temporary management of the Port Hedland Visitors Centre:

1. Discontinue the PHVC operations - This option would allow the long term arrangements to be negotiated, eliminate the need for a temporary arrangement but is completely undesirable in terms of providing a service to visitors to Port Hedland
2. PHVC management to be undertaken by Council – This option would see Council endeavour to employ the existing staff on a casual basis or replacement staff if necessary.

This option would seem an acceptable interim arrangement, however contains several risk factors including:

- Uncertainty of existing, experienced staff operating under an alternative, temporary arrangement
- Availability of suitable experienced supervisory staff within Council
- Availability of resources within Council to manage all aspects of Visitor Centre operations.

The internal administration / on-costs of this option are not known. Undertaking the requirements of this option for only 2 months is also questionable.

3. Contract GM Services for the additional fee – This option would allow the existing arrangement to continue until 30 June 2012 under an experienced operator.

The cost of this option would be \$13,332 in addition to the management fee currently approved and budgeted by Council.

Given that long term arrangements for the PHVC and Courthouse Gallery are well progressed, option 3 is recommended to Council.

Attachments

Nil

201112/429 Officer's Recommendation / Council Decision

Moved: Cr G A Jacob

Seconded: Cr D W Hooper

That Council:

- 1. Notes the existing allocation of \$12,500 (ex GST) per month for the contract management of the Port Hedland Visitors Centre within the 2011/12 budget;**
- 2. Allocates additional funds of \$13,332 within 2011/2012 budget for the interim management of the Port Hedland Visitors Centre by GM Services Tourism for the period 1 May to 30 June 2012; and**
- 3. Sources the additionally required funds through the 3rd quarter budget review process currently underway.**

CARRIED BY ABSOLUTE MAJORITY 8/0

**12.2 *Confidential: Re-Appointment of Director Engineering
(File No.: .../...)***

201112/430 Council Decision

Moved: Cr G J Daccache Seconded: Cr S R Martin

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

- Confidential: Re-Appointment of Director Engineering**

CARRIED 8/0

6:49pm Mayor advised the meeting is closed to members of the public.

201112/431 Officer's Recommendation / Council Decision

Moved: Cr S R Martin Seconded: Cr M Dziombak

That Council, in accordance with Sections 5.37, 5.38 and 5.39 of the Local Government Act, offer Mr. Russell Dyer a new contract as Director Engineering for a three year term commencing on a base salary of \$167,000 for a total contract value of \$265,900 effective from 13 August 2012.

CARRIED 8/0

201112/432 Council Decision

Moved: Cr G J Daccache Seconded: Cr S R Martin

That the Meeting be opened to members of the public.

CARRIED 8/0

7:02pm Mayor advised that the meeting is now open to members of the public.

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil

ITEM 14 CONFIDENTIAL ITEMS

NOTE: Please refer to section 12 'Late Items as Permitted by Chairperson/Council'

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

201112/433 Council Decision

Moved: Cr D W Hooper

Seconded: Cr J M Gillingham

That the following leave of absence:

- **Councilor G A Jacob from 6 May to 22 May 2012**

be approved.

CARRIED 8/0

NOTE: Mayor thanked Mr Paul Martin for his service as Chief Executive Officer of the Town of Port Hedland, this being his last Council meeting here at the Town. The Mayor's comments were endorsed and applauded by all present.

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 9 May 2012, commencing at 5.30 pm.

NOTE: Chief Executive Officer advised that a Special meeting of Council will also be held next week, Tuesday 1 May 2012.

16.2 Closure

There being no further business, the Mayor declared the meeting closed at 7:05 pm.

Declaration of Confirmation of Minutes

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

CONFIRMATION:

MAYOR

DATE