



Town of Port Hedland

MINUTES

OF THE

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

HELD ON

WEDNESDAY 22 FEBRUARY 2012

AT 5.30 PM

IN

**COLIN MATHESON OVAL CLUBHOUSE
TINDER 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.

ITEM 1	OPENING OF MEETING	5
1.1	OPENING	5
ITEM 2	RECORDING OF ATTENDANCE AND APOLOGIES.....	5
2.1	ATTENDANCE.....	5
2.2	APOLOGIES	5
2.3	APPROVED LEAVE OF ABSENCE.....	5
ITEM 3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	6
3.1	QUESTIONS FROM ELECTED MEMBERS AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 25 JANUARY 2012.....	6
3.1.1	<i>Councillor Gloria A Jacob</i>	<i>6</i>
3.2	QUESTIONS FROM PUBLIC AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 25 JANUARY 2012	6
3.3	QUESTIONS FROM ELECTED MEMBERS AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 8 FEBRUARY 2012	6
3.3.1	<i>Councillor Stan R Martin</i>	<i>7</i>
ITEM 4	PUBLIC TIME	7
4.1	PUBLIC QUESTION TIME	7
4.1.1	<i>Mr Bob Neville.....</i>	<i>7</i>
4.2	PUBLIC STATEMENT TIME	8
4.2.1	<i>Mr Bob Neville.....</i>	<i>8</i>
4.2.2	<i>Rev. Philip Knight</i>	<i>9</i>
4.2.3	<i>Mr Matthew Pickford.....</i>	<i>9</i>
ITEM 5	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	12
ITEM 6	DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING.....	12
ITEM 7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	13
7.1	CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 25 JANUARY 2012	13
7.2	CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 8 FEBRUARY 2012	13
ITEM 8	ANNOUNCEMENTS BY CHAIRPERSON WITHOUT DISCUSSION	14
ITEM 9	REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION.....	16
9.1	<i>Councillor George J Daccache</i>	<i>16</i>
9.2	<i>Councillor Michael B Dziombak</i>	<i>16</i>
9.3	<i>Councillor David W Hooper.....</i>	<i>16</i>
9.4	<i>Councillor Gloria A Jacob</i>	<i>16</i>
ITEM 10	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	16
ITEM 11	REPORTS OF OFFICERS	17
11.1	PLANNING AND DEVELOPMENT SERVICES	17
11.1.1	<i>Proposed Partial Excision of Reserve 46654 Lot 2118 North Circular Road, South Hedland (File No.: 130081G).....</i>	<i>17</i>
11.1.2	<i>Authorisation of Ranger - Ranger Services (File No.:19/09/0001)</i>	<i>22</i>
11.1.3	<i>Proposed Excision and Acquisition of Part Reserve 41675 (JD Hardie Centre) for Land Development Project Purposes. (File No.130019G).....</i>	<i>25</i>
11.1.4	<i>Proposed "Industry – Noxious" – Additional Abrasive Sand Blasting and Paint Spray Chamber on Lot 5782 (20) Munda Way, Wedgefield (File No.: 154870G)</i>	<i>30</i>
11.1.5	<i>Proposed 13 Multiple Dwellings on Lot 676 (44) Counihan Crescent, Pretty Pool (File No.: 804303G)</i>	<i>48</i>
11.1.6	<i>Proposed Permanent Partial Closure of Greene Place, South Hedland (File No.: 28/01/0017)</i>	<i>75</i>
11.1.7	<i>Retrospective Application "Use Not Listed – Fly Camp" on Lot 63 Pippingarra Road,</i>	

Pippingarra (File No: 802295G).....	83
11.1.8 Goode Street Port Hedland - Sand Hill Stabilisation Project (File No: 11/05/0003)	113
11.1.9 Request to Prepare a Feasibility Study for the Acquisition of Lawson Street Road Reserve (File No.: 28/01/0017).....	118
11.1.10 Proposed Section 70A Notification for 405 Brodie Crescent, South Hedland (File No.: 405760G)	122
11.1.11 Proposed Excision of Land to Facilitate the Development of a Caravan Park Lot 5164 Shoata Road, Port Hedland (File No. 156490G)	124
11.1.12 Proposed Four (4) "Grouped Dwellings" and a "Use not Listed - Rectory" on Lot 1724 (9) Padbury Place, Port Hedland, 6721. (File Number 803206G)	129
11.1.13 Spoilbank Marina Precinct Working Group (File No.: 18/12/0014)	160
11.1.14 Process in Dealing with Unauthorized Residential Uses within Wedgefield - (File No.: 18/07/0013).....	163
11.2 ENGINEERING SERVICES	167
11.2.1 South Hedland Flood Study (File No.: 29/03/0006).....	167
11.2.2 Tender 10/38 Provision of Cleaning Services for Various Council Buildings and Facilities – Extension of Contract (File No.: 07/02/0006).....	173
11.2.3 Proposed 40km Posted Speed Limit on the Newly Constructed Roads in the South Hedland CBD (File No.: .../...).....	176
11.3 COMMUNITY DEVELOPMENT.....	181
11.3.1 Tender 11/32 – Needs Assessment, Concept Design and Implementation Plan for the Port Hedland Turf Club (File No.: 05/09/0021)	181
11.3.2 Pretty Pool Stables Water Meters – Reserve 31462, Lot 5570 Styles Road, Port Hedland (File No.: 05/05/0001 – 05/05/0007).....	187
11.3.3 High Profile Music Event in Port Hedland – Update on Funding Outcomes and Proposed Event Progression (File No.: 03/02/0005)	191
11.3.4 Town of Port Hedland Management of Leisure Facilities - Consideration of Tender 11/34, Additional Information and Proposed Management (File No.: 26/14/0006).....	202
11.4 CORPORATE SERVICES.....	233
11.4.1 FINANCE AND CORPORATE SERVICES.....	233
11.4.1.1 2012/13 Budget timetable and Broad Assumptions (File No.: .../...).....	233
11.4.1.2 Financial Reports to Council for Period Ended 31 January 2012 (File Nos: FIN-008, FIN-014 and RAT-009)	238
11.4.1.3 Rates Exemption & Rates Concession Closure Dates (File No.: .../...)	244
11.4.2 GOVERNANCE AND ADMINISTRATION	252
ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL	253
ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN	253
ITEM 14 CONFIDENTIAL ITEMS	253
14.1 Chief Executive Officer Annual Performance Review (File No.: .../...).....	253
ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE.....	254
16.1 DATE OF NEXT MEETING.....	255
16.2 CLOSURE.....	255

ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 5:32pm and acknowledged the traditional owners, the Kariyarra people.

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

Mayor Kelly A Howlett
Councillor George J Daccache
Councillor Arnold A Carter
Councillor Stan R Martin
Councillor David W Hooper
Councillor Michael (Bill) Dziombak
Councillor Julie E Hunt
Councillor Gloria A Jacob

Officers

Natalie Octoman	Director Corporate Services
Russell Dyer	Director Engineering Services
Eber Butron	Director Planning and Development
Gordon MacMile	Director Community Development
Ayden Férdeline	Administration Officer Governance

Public Gallery

Members of the Public	9
Members of the Media	1
Members of Staff	4

2.2 Apologies

Nil

2.3 Approved Leave of Absence

Councillor Jan M Gillingham

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 25 January 2012****3.1.1 *Councillor Gloria A Jacob***

Do we have an understanding of what the cost factor is in repairing the trees after every cyclone, and in preparing the trees for cyclone season? Do we need to consider utilising different tree types instead of this constant expenditure on pruning trees for cyclones and stabilising them after the cyclone passes?

Director Engineering Services advised the following is a summary of the costs incurred as a result of Cyclone Heidi:

Expense	Unit Cost	Approximate Total Cost
New Trees	44 x \$1,210.00 excl. GST	\$54,000.00 excl. GST
Corrective Pruning of Trees	16 x \$290.00 excl. GST	\$4,700.00 excl. GST
Tree Re-Stabilization	11 x \$3,560.00 excl. GST	\$40,000.00 excl. GST
Day Rate Corrective Pruning	2-3 days at \$2,500.00 per day excl. GST	\$7,500.00 excl. GST

Director Engineering Services advised that the majority of trees replaced have lost their shape and form as a result of damage from Cyclone Heidi. Replacing these trees with 90 litre Peltophorums required substantial holes be dug, soil conditioner added, and watering points installed.

Those trees which were re-stabalized were determined to have a strong chance of survival and were noted to have been in good shape. The Town has also taken care to leave a number of existing trees in place so that the street does not look too bare.

3.2 Questions from Public at Ordinary Council Meeting held on Wednesday 25 January 2012

Nil

3.3 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 8 February 2012

3.3.1 Councillor Stan R Martin

The other question I have is in relation to our policy on the replacement of wheelie bins in the coast square. They're damaged by vandals, stolen by vandals. Could we have some clarification on when wheelie bins are replaced?

Director Engineering Services advised that bins are replaced in accordance with Policy 13/010, which reads as follows:

13/010 APPLICATION OF BIN REPLACEMENT CHARGES

That where a bin is requested to be replaced by a person with authority to make that request, as a result of being stolen, burnt or otherwise damaged from nuisance, the replacement fee is charged.

That where a bin is requested to be replaced by a person with authority to make that request, as a result of damage attributable to the collection truck or normal wear and tear, the replacement fee is not charged.

That where an assessment is required to be made to determine whether a charge should be rendered, that assessment be conducted by a person duly authorised for the purposes of the Health Local Laws 1999.

(Adopted by Council at its Ordinary Meeting held 24 November 2004)

ITEM 4 PUBLIC TIME

5:33pm Mayor opened Public Question Time

4.1 Public Question Time**4.1.1 Mr Bob Neville**

Has the Town of Port Hedland received any response from the Minister, Hon. Brendon Grylls MLA, in relation to the letter sent from Council on 11 August 2011 requesting that the vesting of Lot 5530 Hamilton Road be changed from Recreation to Transitional Workforce Accommodation? And if any response has been received, will Council make this response public?

Director Corporate Services advised that this question will be taken on notice.

Will Council, following the now public knowledge contained in the responses to previous questions in relation to Council Agenda Item 11.1.1.9 'Proposed Partial Closure of Reserve 31895 Lot 5530 Hamilton Road, South Hedland and the Change in Vesting from "Recreation" to "Transient Workforce Accommodation"' on the 10 August 2011 be prepared to hold an internal investigation into this proposal to change the vesting of recreation land to TWA, and determine how this proposal came about without the knowledge of the elected members of Council and who and which (if any) outside organisations were involved in any preliminary discussions?

Mayor advised that this question will be taken on notice.

5:34pm Mayor closed Public Question Time

5:34pm Mayor opened Public Statement Time

4.2 Public Statement Time

4.2.1 Mr Bob Neville

The minutes of the Town of Port Hedland Council Meeting held on 14 December 2011 published Council's answers to questions asked at the 16 November meeting in relation to the proposal by the Town of Port Hedland to change the vesting of land to the North of Marie Marland Reserve (Lot 5530 Hamilton Road) from "Recreation" to "Transient Workforce Accommodation" (FIFO).

One of those questions asked was about the awareness and information-sharing of any proposal or idea of this development at the consultation phase of the Active Open Space Strategy, held during May 2011 with consultants CCS Strategic Management, to which the response from Council in part referred to the existing Club Hamilton Transient Workforce Accommodation facility.

It was also ascertained that an Expression of Interest for Transient Workers Accommodation facilities utilising Lot 5530 Hamilton Road (prior to the item presented to Council) was advertised by the Town of Port Hedland in the West Australian on 9 July 2011, but not within the two local newspapers, the North West Telegraph and the Pilbara Echo.

Following the publication of this information, it would be fair to assume that Councillors serving as elected members of the Town of Port Hedland, were aware of the proposal to change the vesting of the land, Lot 5530 Hamilton Road, from Recreation to Transient Workforce Accommodation, with the permission of the Minister for Land, the Hon Brendon Grylls.

However this proposal, which in itself must surely have been seen to be controversial, was presumably first espoused prior to the consultations on the Active Open Space Strategy in May 2011 involving recreation users, including those utilising Marie Marland Reserve who would be directly impacted by this proposal.

The proposal however was not discussed with the recreation users at those consultations, conducted by CCS Strategic management, who from the information supplied by Council in response to Question 2 on 14 December, the consultant was fully aware of this proposal, however was obviously instructed not to bring the issue into the consultations.

The issue was finally brought before the elected members and the public as a Council agenda item on 10 August 2011.

The answering of question two in the Agenda of 14 December also gave information relating to “preliminary ideas to develop to the west and to the north on the existing Club Hamilton site.” This response mentioning Club Hamilton begs further questions as to who and what outside organisations were involved with Council to bring about these “preliminary ideas” to change the vesting of Recreation land to Transitional Workforce Accommodation.

4.2.2 *Rev. Philip Knight*

I would like to speak in favour of Agenda Item 11.1.12 ‘Proposed Four (4) “Grouped Dwellings” and a “Use not Listed - Rectory” on Lot 1724 (9) Padbury Place, Port Hedland, 6721. (File Number 803206G)’. The intended use of this land is zoned as community and church use. We are proposing to replace the rectory (the Minister’s residence) and four other buildings.

The long-term use of these buildings would be to provide accommodation for future church workers; for instance, an assistant minister, youth and children’s workers, a chaplain at the high school, or a chaplain to the Seafarers Centre. As you know, everyone is planning for the future, but we want to plan for the future to benefit the community.

I would like to raise an issue that you have in your Agenda. The land is zoned for rectory and church purposes. The Minister for Commerce; Science & Innovation; Housing & Works advised, “the request by the Dioceses of North West Australia to develop the land to better assist the local community falls within the category of “church purposes.””

I would therefore encourage Councillors to vote in favour of this item. On 27 January 2010, Council voted against the Officer’s Recommendation – which is the same one you have before you – and approved the development application. I encourage you to do the same again.

4.2.3 *Mr Matthew Pickford*

Good evening Mayor and Councillors, my name is Matthew Pickford, a Director of Megara Developments. I am presenting to you tonight as an adjoining landowner and interested party in relation to the consideration of Council to expend \$10,000 on a feasibility study to acquire the Road Reserve adjoining 1 Lawson Street, South Hedland.

I am speaking in relation to Item number 11.1.9 'Request to Prepare a Feasibility Study for the Acquisition of Lawson Street Road Reserve (File No.: 28/01/0017)' on tonight's Agenda.

I'd like to make a brief public statement to request Councillors to reject the Officer's Recommendation – to please not waste these funds on a feasibility study – and resolve tonight to not purchase the land at all. This will enable Megara to purchase the land directly from RDL; to make a significant community contribution to the Town and to develop the land in a very timely manner. That is, the town can capture all the upside without any of the risk or resources in pursuing it themselves.

As a very brief background to this item which has been a long, drawn-out and extremely frustrating process:

Megara purchased the privately-held adjoining lot at 1 Lawson St in January 2010 and began the development process immediately. The entire mixed use project of 22 units was completed before Christmas that same year.

Megara identified the associated carpark lot as being obsolete given the old shopping centre was gone, and commenced discussions with Council in early 2010 to try and obtain this lot for development as the only private adjoining landowner. That's 2 years ago now.

Megara followed the directions of the Manager Economic and Land Development council officer to prepare a submission to purchase the lot – which was received with very positive feedback. As a result of this feedback Megara undertook facilitating discussions between RDL and council officers to progress land tenure issues.

Megara's submission included draft DA plans which were specifically integrated with the neighbouring 1 Lawson St development. This included items in the strata management statement allowing Megara certain future actions, including the shared use of the driveway and crossover for an efficient use of space in the design.

The Council's Manager of Planning stated he was supportive of Megara obtaining the land for development given it would integrate nicely with the 1 Lawson St development and could be done in a very timely manner.

Very little was progressed between RDL and the council over the next 12 months despite Megara continually enquiring as to the progress with both parties.

Megara then queried the Minister as to what was happening with the land and in May 2011 the Minister replied "RDL recently met with the ToPH and was advised that a formal submission from the Town is being finalised and will be provided to RDL shortly". That was over 9 months ago.

In the meantime, RDL confirmed with Megara that due to all their work on this project to date and their ability to complete the project to a high standard in a short period of time they would be willing to sole-source transact with Megara on purchasing it if the Town of Port Hedland decided they didn't want, or weren't able, to purchase it.

After 2 trips from Perth to Port Hedland for a meeting with the CEO on the matter in September 2011 which were subsequently cancelled on the day, I was able to meet the CEO on the third attempt. With expectations that the Town had sensibly decided not to purchase the land, I was told in a 2 minute speech that the opposite was the case – that the town had received a development report from RPS and would be developing it themselves, on the assumption it would be offered to the Town at a significant discount from RDL. The town would be progressing the project by obtaining a valuation from the Valuer General as to the Town's purchase price.

RDL subsequently confirmed with Megara the land wouldn't be offered at a material discount to the Town – and I ask why would it?!

Fast forward another 4 months – Megara called the Council to inquire as to an update on the project on the basis we may have been able to help or be involved in the development.

The CEO put me onto the Director of Planning and Development who said nothing had been done as they were waiting for Council approval to prepare a business case. Apparently the Economic Land Development officer dealing with the project had gone on leave and I should speak with another officer if I had any queries. When I called this person there was no understanding of the project at all – it was back to square one.

Highlighted thus far is only a small summary of the many conversations, emails and actions to date by Megara in trying to help convert an unsightly, unused, dilapidated carpark into much needed accommodation and commercial space. Clearly there are lots of issues involved and it is not a particularly easy piece of land to acquire and develop. It is my strong view that this difficulty is restricting officer's ability to progress the project – hence I request again that the Town resolve not to pursue purchasing it and let Megara, who has the dedicated skills, a proven track record and resource capacity to develop it in a timely manner get on with the job.

This will eliminate one level of unnecessary bureaucracy – meaning less red tape, less delays and less expense in getting the project underway and completed. The Town will likely receive the same financial result, or better, than if doing it themselves.

If things continue to go the way they are now the Town may well end up owning a development in 5 or more years time when housing supply could potentially have caught up to demand and the opportunity for gain is lost. The time to claim the upside is now.

Thank you for your time and the opportunity to put our case to you - to ensure you can make an informed decision that will be of benefit both immediately to the Town of Port Hedland bottom line and greater community benefit through provision of accommodation in South Hedland.

If Council is decided on wanting to undertake their own developments then surely there are much better sites to target rather than this particular one, given the history Megara as had to date with it and RDL's willingness to transact directly with Megara.

5:45pm Mayor closed Public Statement Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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 A A Carter	Cr S R Martin
Cr M B Dziombak	Cr D W Hooper
Cr G A Jacob	Cr J E Hunt

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 25 January 2012****201112/321 Council Decision****Moved: Cr A A Carter****Seconded: Cr M B Dziombak**

That the Minutes of the Ordinary Meeting of Council held on Wednesday 25 January 2012 be confirmed as a true and correct record of proceedings with the following amendment:

- **That point viii) be added to Council's Decision 201112/290 of Item 11.1.3 'Authorisation of Contract Ranger - Ranger Services (File No.:19/09/0001)' and recorded on page 65 of those Minutes.**

"That Council:

- 1. Authorises/appoints Mr Geoff Birkbeck as appropriate, pursuant to the following provisions:**

....

- viii) Litter Act 1979 and Regulations appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.**

....."

CARRIED 8/0

7.2 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 8 February 2012**201112/322 Council Decision****Moved: Cr G A Jacob****Seconded: Cr M B Dziombak**

That the Minutes of the Ordinary Meeting of Council held on Wednesday 8 February 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 February 2012 period to date as follows:

February 2012

Friday, 3rd February

- Photo At Cemetery Beach Park Duplication Project & GP Housing Project +PUB
- Attended Precinct 3 Working Group Meeting + Cr Carter + Cr Hooper + Cr Hunt + Cr Jacob + CEO + DCORP
- Meeting Chair, Deputy Chair + CEO RDA – Pilbara

Saturday, 4th February

- Town Tour & Interview Swiss Journalist Heidi Gmuer + PUB

Monday, 6th February

- Interview With Magdeline Lum – WA Science Network
- Precinct 3 Communication Plan Meeting + PUB
- Attended Tidy Towns Working Group Meeting
- Attended Cruise Ship Working Group Meeting
- Meet With C3 Church Re Business Plan Development

Tuesday, 7th February

- Weekly Mayor Chat Spirit Radio 1026am
- HSHS Sod Turning- Commencement Of Major Capital Works + Deputy Mayor + Cr Jacob + Cr Hunt + CEO + DCD
- Meeting With Charter Hall Re: South Hedland Shopping Centre + DPD
- Photo & Media Story – Town Ambassadors
- Teleconference – FMG (Ford Murray) Re Accommodation + CEO
- Attended TOPH Spoilbank Marina Working Group Meeting

Wednesday, 8th February

- Attended South Hedland Business Association Breakfast Event + Cr Jacob + CEO
- Fortnightly Pilbara Shire President/Mayor Phone Link Up
- CEO Performance Review/Appraisal Meeting + Deputy Mayor + Cr Carter + Cr Martin + Cr Dziombak + Cr Hunt + Cr Jacob
- Attended TOPH Agenda Briefing Session + Deputy Mayor + Cr Carter + Cr Martin + Cr Dziombak + Cr Gillingham + Cr Hunt + Cr Jacob
- Chair OCM

Thursday, 9th February

- Catch Up Meeting With PRC CEO Shelley Pike
- Precinct 3 Communications Teleconference + CEO
- Attended Meeting Mark McGowan & Shadow Ministers Visit To Port Hedland + Deputy Mayor + Cr Gillingham + CEO
- Meeting RDA – Pilbara Catch Up (Diane Pentz and Anita Watt)

Friday, 10th February

- Teleconference Chanteya MacPhail – Project Jenny
- Attended Precinct 3 Communications Teleconference + CEO + PUB
- Interview With Jesse – Hedland Community Radio
- Meeting Spiritians/South Hedland Catholic Church + Cr Carter

Saturday, 11th February

- Attended West End Movie: Submariner

Mayor advised that she was pleased to see today's announcement by Housing Minister Troy Buswell and Minister for Regional Development; Lands; Minister Assisting the Minister for State Development, Brendon Grylls, concerning the key workers' residential village in the Osprey subdivision at South Hedland. This site could potentially house 300 workers, and will be a tremendous relief to local businesses and the not-for-profit sector.

Mayor also advised that earthworks commenced today at the South Hedland Aquatic Centre (SHAC) as part of its \$10.5 million upgrade.

In closing, the Mayor advised that she had the pleasure of acting as Master of Ceremonies at the opening of the Larry Mitchell art exhibition at the Courthouse Art Gallery on Friday 17 February 2012. The Mayor passed her commendations on to FORM for organising the opening.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**9.1 *Councillor George J Daccache***

Councillor Daccache advised that he attended the Community Garden Working Group meeting at the JD Hardie Centre last week and is pleased with the proposed plans for the garden.

Further, Councillor Daccache last night attended a tugboat presentation by BHP Billiton at the Port Hedland Chamber of Commerce.

9.2 *Councillor Michael B Dziombak*

Councillor Dziombak attended the public forum held at the Port Hedland Chamber of Commerce on 21 February 2012.

Councillor Dziombak noted that BHP Billiton made a presentation in support of a proposed tugboat marine precinct. A number of questions were raised by the community and BHP Billiton has made a commitment to respond to those questions taken on notice within a two-week time frame, with those answers being channelled back through the Chamber of Commerce. This could potentially result in another public forum in two to three weeks time with the aim of alleviating those concerns which the community has raised.

9.3 *Councillor David W Hooper*

Councillor Hooper, while on vacation in Geraldton, visited the local Men's Shed and was able to see how this facility was run, self-funded, and maintained ongoing community involvement.

9.4 *Councillor Gloria A Jacob*

Councillor Jacob advised that the South Hedland Business Association had its first breakfast function on 8 February 2012 with pleasing levels of attendance. At this meeting, presentations were made by Mr Roger Johnston of the Port Hedland Port Authority, Mr Matt Reid of Landcorp, and Mr Paul Martin of the Town of Port Hedland. The presentations were well received by members, and this meeting will be the format for the Association's future breakfast functions.

Councillor Jacob also attended the Community Crime and Safety Working Group meeting last week. This session showed how businesses and community can work together – within the confines of that working group – to create a network for positive change.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

ITEM 11 REPORTS OF OFFICERS

11.1 Planning and Development Services

11.1.1 Proposed Partial Excision of Reserve 46654 Lot 2118 North Circular Road, South Hedland (File No.: 130081G)

Officer Caris Vuckovic
Lands Officer

Date of Report 6 January 2012

Disclosure of Interest by Officer Nil

Summary

Council received a request from Bobby Tang, owner of Lot 5323 Greene Place, South Hedland, to permanently excise a portion of Reserve 46654 and amalgamate the excised portion with his property.

The proposal is partially supported by Council Officers. Council is requested to approve the partial closure of Reserve 46654. The disposal of the excised portion should be undertaken on the open market as the development thereof is not dependant on its amalgamation with an ongoing lot.

Background

The applicant is proposing to excise a 1139m² portion of Reserve 46654 at Lot 2118 North Circular Road, South Hedland, currently vested to the Town for "Drainage" purposes. The excised portion will then be amalgamated with the applicants' lot (Lot 5323 Greene Place) to enable further development.

Consultation

Comments were sought from internal departments with no objections raised.

Department	Comments
Technical Services	Impose Engineering conditions 7, 17 and 19. Site levels require raising due to proximity to drainage network. This needs to be done in a manner that does not cause issues on neighbouring properties.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The subject portion of the reserve is not currently used for drainage purposes. From a planning perspective the excision of the portion of the reserve will result in infill development within the existing urban footprint.

It is acknowledged the applicant wishes to amalgamate the excised portion with his own lot. Generally this would be supported by Council Officers if the portion was unable to be developed on its own. In this instance the closed portion could be developed without the need to be amalgamated, and should be disposed off on the open market.

Options

Council has the following options for responding to the request:

1. Support the request for partial excision of Reserve 46654 located at Lot 2118 North Circular Road, South Hedland.

The excision of the vacant area of the reserve will result in additional residential land becoming available to the market.

2. Reject the request for partial excision of Reserve 46654 located at Lot 2118 North Circular Road, South Hedland.

Should Council choose not to support the partial excision, the subject area of the reserve will remain vacant.

Option 1 is recommended.

Attachments

1. Locality Plan
2. Reserve Closure Plan

201112/323 Officer's Recommendation / Council Decision

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council:

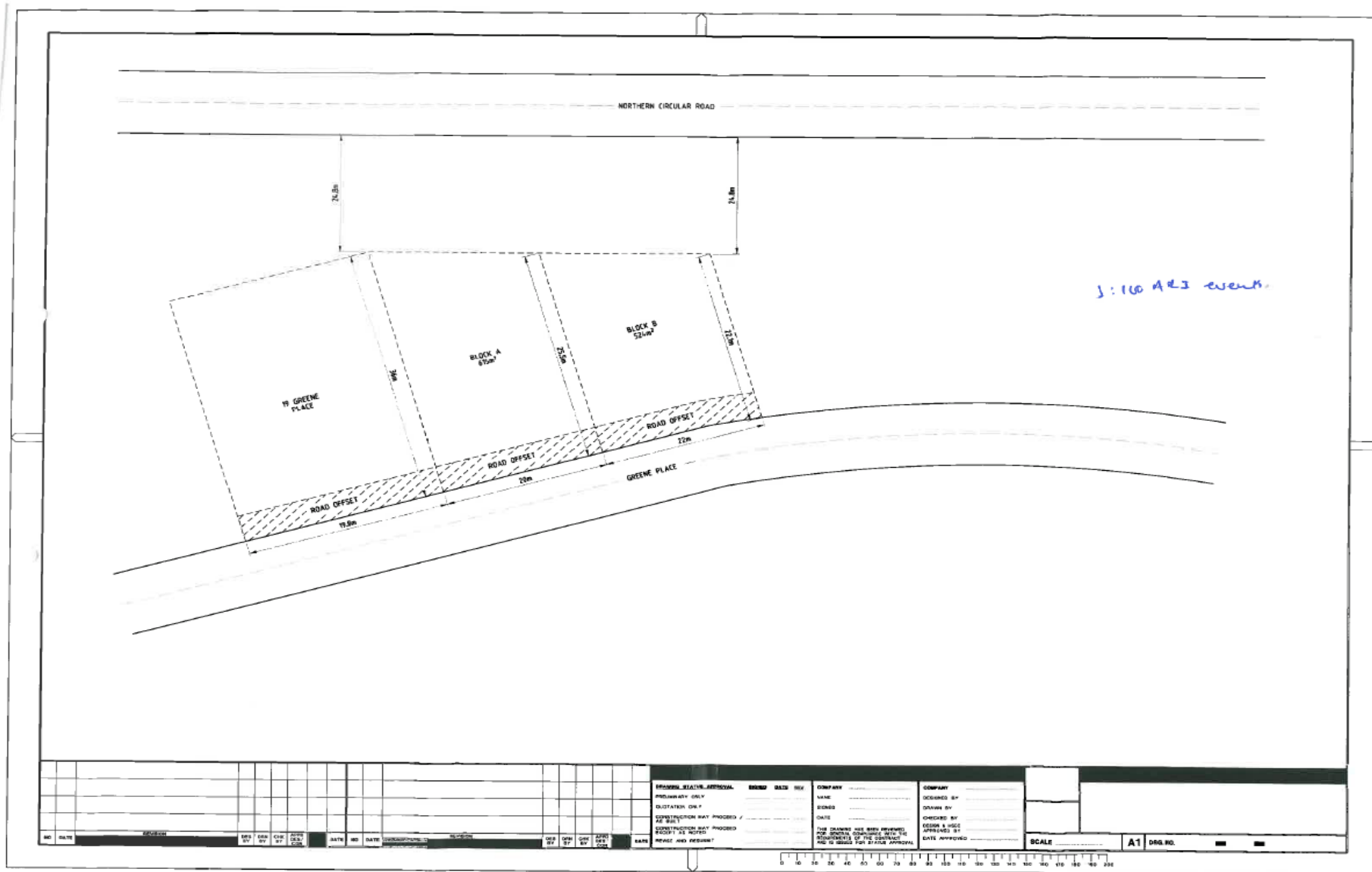
- 1. Approves the excision of 1139m² portion as indicated on Attachment 2, from Reserve 46654, subject to the following:**
 - a. The excised portion being disposed of on the open market,**
 - b. Any prospective purchaser being notified prior to any development the excised portion is to be rezoned to the satisfaction of the Manager Planning Services.**
 - c. Any costs associated with the excision, disposal and / or rezoning will be at no cost to Council.**
- 2. Delegates the Manager Planning Services to request Department of Regional Development and Lands to excise 1139m² portion of Reserve 46654 (as per Attachment 2) located at Lot 2118 North Circular Road, South Hedland.**
- 3. Advises the applicant of the above.**

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.1



ATTACHMENT 2 TO ITEM 11.1.1



11.1.2 Authorisation of Ranger - Ranger Services (File No.:19/09/0001)

Officer Daniel Hendriksen
Acting Coordinator
Ranger Services

Date of Report 3 February 2012

Disclosure of Interest by Officer Nil

Summary

Mr Jack Krisanski has been recruited as Trainee Ranger and Ms Casson Green as the Indigenous Trainee Ranger within the Rangers Service of the Town of Port Hedland commencing on 15th February 2012.

Background

It is a requirement that Council authorise Rangers in various capabilities under a range of legislative requirements.

Authorisation allows Rangers to carry out their duties and have full protection of the various Acts and Regulations, to which they are required to enforce.

Rangers are required to be authorised under the following Acts and Regulation to carry out their functions:

- i. Dog Act 1976 and Regulations (as amended) appointed as Authorised Persons for the purpose of the Act and authorised to effect the registration of dogs.
- ii. Control of Vehicles (Off Road Areas) Act 1978 and Regulations appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.
- iii. Litter Act 1979 and Regulations appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.
- iv. Bush Fires Act and Regulations appointed as Bush Fire Control Officer and Authorised officer to prosecute on behalf of Council for the purpose of the Act.
- v. Local Government Act (Miscellaneous Provisions) 1960 Part XX as Poundkeeper and Ranger.
- vi. Caravan Parks & Camping Grounds Act 1995 & Regulations 1997
- vii. The Town of Port Hedland Local Laws

Consultation

Nil

Statutory Implications

The Town of Port Hedland Rangers have authority to enforce and prosecute in relation to the legislation commented on below in their day-to-day duties. Delegation of that responsibility is required to allow them to undertake this function.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Appointments need to be advertised in the Government gazette.

Officer's Comment

It is a requirement that Council authorise Rangers in various capabilities. Authorisation allows Rangers to carry out their duties and affords Council and the officer protection of the various Acts and Regulations, as many of these duties may only be undertaken by a duly authorised person.

Attachments

Nil

201112/324 Officer's Recommendation / Council Decision

Moved: Cr A A Carter

Seconded: Cr G A Jacob

That Mr Jack Krisanski and Ms Casson Green be authorised or appointed as appropriate, pursuant to the following provisions:

- i) the Dog Act 1976 (as amended) and Regulations as an Authorised Person and prosecute on behalf of Council for the purpose of the Act;**
- ii) the Local Government Act 1995 & Regulations;**
- iii) the Control of Vehicles (Off Road Areas) Act 1978 and Regulations as an Authorised Officer and to prosecute on behalf of Council for the purpose of the Act;**

- iv) **the Local Government Act (Miscellaneous Provisions) 1960 Part XX as a Poundkeeper and Ranger.**
- v) **the Bush Fires Act 1954 (as amended) and Regulations as a Fire Control Officer for the purposes of Fire Prevention.**
- vi) **Caravan Parks & Camping Grounds Act 1995 & Regulations 1997**
- vii) **Litter Act 1979 and Regulations appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.**
- viii) **Town of Port Hedland Local Laws.**

CARRIED 8/0

11.1.3 Proposed Excision and Acquisition of Part Reserve 41675 (JD Hardie Centre) for Land Development Project Purposes. (File No.130019G)

Officer Luke Cervi
Senior Planning Officer

Date of Report 8 February 2012

Disclosure of Interest by Officer Nil

Summary

Council's Strategic Plan, has a number of goals relating to Land Development Projects. This report recommends Council seek acquisition of part of the JD Hardie reserve that is underutilised, to assist in achieving the Land Development Project goals identified within the Strategic Plan.

Background

Council's Strategic Plan 2010-2015 identifies a number of goals relating to Land Development Projects including the following:

1. Fast-track the release and development of commercial, industrial and residential land.
2. Develop and maintain a register of development sites and project opportunities within the municipality. Promote this register widely.
3. Undertake Council operated land and building projects including:
 - a. Catamore Court housing development
 - b. Airport Housing
 - c. Land Rationalisation Land Projects
 - d. Relocation of the Wedgefield Depot to the Airport
 - e. Civic Centre Redevelopment Project

The subject land was identified as Site 75 in the South Hedland Public Land Schedule of the Land Rationalisation Plan. The Plan stated:

"Large portions of the site appear unused and may be suitable for development subject to study on future recreation needs. Rezoning required."

Council's has subsequently had an Active Open Space Strategy prepared on its behalf and is looking at having a Passive Open Space Strategy prepared. The Active Open Space Strategy is still in draft format however, it does not identify the JD Hardie site as being required for any Active Open Spaces purposes.

The JD Hardie reserve currently includes 37,676m². Assuming the excision was supported the reserve would still include approximately 29,000m². Although Council has not yet had a Passive Open Space Strategy prepared, the reduced JD Hardie reserve would still have approximately 16,000m² that could be used to provide for Passive Open Space if necessary and/or desirable to do so.

Consultation

No consultation is required at this stage. Should Council pursue the matter a further report would be prepared for Council once acquisition costs have been confirmed by State Land Services.

Statutory Implications

The disposal of Crown Land is regulated through the *Land Administration Act 1997*.

Policy Implications

Nil

Strategic Planning Implications

The following sections of Council's Strategic Plan 2010-2015 are considered relevant to this proposal:

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

Key Result Area 4: Economic Development
Goal 4: Land Development Projects
Immediate Priority 2: Develop and maintain a register of development sites and project opportunities within the municipality. Promote this register widely.

Key Result Area 4: Economic Development
Goal 4: Land Development Projects
Immediate Priority 3: Undertake Council operated land and building projects including:

- a. Catamore Court housing development
- b. Airport Housing
- c. Land Rationalisation Land Projects
- d. Relocation of the Wedgefield Depot to the Airport
- e. Civic Centre Redevelopment Project

Budget Implications

Nil

Officer's Comment

Council's Strategic Plan, has a number of goals relating to Land Development Projects. The JD Hardie reserve is underutilised and may provide an opportunity to meet with some of the Land Development Project goals identified within the Strategic Plan. The land proposed to be excised and purchased directly adjoins a residential area and has access to services. It is considered to have significant residential development potential.

The request before Council is to seek that State Land Services undertake a Crown subdivision to excise approximately 8600m² of the existing JD Hardie reserve with the intent being that it is acquired by the Town. State Land Service policy supports the sale of land at 5% unimproved value to Local Government in these instances. The specified purchase price would dictate the statutory process to be undertaken by Council to acquire the land.

Assuming Council acquires the land, the options for development or disposal of the land would be presented back to Council in accordance with *Local Government Act 1995* requirements. Profits made from the disposal of this land would be required to be placed in a trust fund for capital improvements on other recreation reserves.

Attachments

1. Locality Plan

201112/325 Officer's Recommendation / Council Decision

Moved: Cr G A Jacob

Seconded: Cr A A Carter

That Council:

1. **Supports the preparation of the feasibility study for the acquisition of the excised land referred to in 3a) below.**
2. **Approves the Chief Executive Officer to submit the feasibility study to the Department of Regional Development and Lands for consideration.**
3. **Request State Land Services:**
 - a) **Excise approximately 8,600m² of Reserve 41675 being generally in accordance with the area identified in Attachment 1.**

- b) Provide a valuation for the purchase of the excised land by the Town of Port Hedland at 5% unimproved value in accordance with the *Land Administration Act 1997*.

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.3



11.1.4 Proposed “Industry – Noxious” – Additional Abrasive Sand Blasting and Paint Spray Chamber on Lot 5782 (20) Munda Way, Wedgefield (File No.: 154870G)

Officer Leonard Long
Manager Planning
Services

Date of Report 23 January 2012

Application No. 2011/505

Disclosure of Interest by Officer Nil

Summary

Council received an application from P & C Maintenance on behalf of Brian Gordon and Veronica Banks for an “Industry – Noxious” – Additional Abrasive Sand Blasting and Spray Paint Chamber on Lot 5782 (20) Munda Way Wedgefield (subject site).

The site is currently used by RCR Construction Maintenance Pty Ltd for “Industry – Noxious” purposes to perform abrasive blasting. The applicant is seeking to utilize a portion of the site to build an additional Abrasive Sand Blasting and Spray Paint Chamber.

It is envisaged the Wedgefield Industrial area will in time revert back to “Industry Light” with “Industry – Noxious” being located in Boodarie.

Council Officers do not support any new or the extension of “Noxious” uses in the Wedgefield area. Council is requested to refuse the application.

Background

Site Description (ATTACHMENT 1)

The subject site is located along Munda Way, Wedgefield and is approximately 8, 532.76m².

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5), the subject site is zoned “Industry”. An “Industry – Noxious” use is an “SA” use that may be considered for approval by Council in an “Industry” zone.

Previous Planning Permits Issued

- February 2000, Council approved a Change of Use application to formalize the change of an Office/Store to a Caretakers Dwelling.

- December 2000, a planning permit was issued under delegated authority for a General Industry – Sea Containers, Crib room in transported building and mobile blast booth.
- February 2005, a planning permit was issued for General Industry – Shade Structure for Sand Blasting Area.
- October 2009, a DEC License R2098/2009/1 was issued on the property for RCR Construction and Maintenance Pty Ltd, to conduct abrasive blasting operations.
- December 2009, a planning permit was issued for a Change of Use application for an “Industry – Noxious” – Soda Water Blasting & Abrasive Blasting using Garnet.

Proposal

It is proposed to extend the existing “Industry – Noxious” with the inclusion of an abrasive sand blasting and spray paint chamber. The chamber will be enclosed and constructed using four sea containers.

Consultation

Internally:

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

- Manager Technical Services
- Manager Environmental Health Services

Externally:

Receipt of the application has been advertised in the North West Telegraph on 16 and 23 November 2011, and a notice placed on site allowing for a 14 day period for any interested parties to provide comments / objections to the proposal.

In addition to the above advertising, letters were posted to all the adjoining property owners allowing for a 14 day period in which to provide comments / objections to the proposal. Due to the high number of rental tenancies within Wedgefield letters were hand delivered to the adjoining properties.

As a result of the above community consultation process four (4) objections have been received.

Lot 5547 (31) Harwell Way, Wedgefield (the landowner and the occupants)

Lot 5546 (33) Harwell Way, Wedgefield (the landowner)

Lot 3773 (20) Carlindie Way, Wedgefield (the landowner)

Summary of Comments / Objections Received (Attachment 4)

Objection Received	Planning Response
<p>The development is not suitable for Wedgefield, causing site contamination to the subject site and surrounding properties.</p>	<p>In terms of clause 6.7.2 of TPS5, when considering planning applications within the Strategic Industry, Industry or Industrial Development zones, Public Purpose or other reservations, or the industry buffers identified in the Policy Manual, Council shall have regard for the:</p> <ul style="list-style-type: none"> • Compatibility of uses <p>Whilst the compatibility of the use is questionable, Council's records indicate that the use has been conducted from the site since December 2009, no complaints regarding the use have been recorded on file.</p> <p>From a planning perspective noxious uses are better located within an area designated for such uses. However, currently there is no land available for noxious uses, resulting in the existing Wedgefield Industrial area being the most compatible area for such uses.</p> <p>Through the Land Use Master Plan (LUMP) it is recommended that the Wedgefield Industrial area be rezoned to "Light Industry", making noxious uses "non-conforming", and converting existing general industrial uses to "additional uses" for a period of ten years from the date that new land suitable for general industrial use is released for development. Currently new land has not yet been released for general industry, which includes noxious uses. As a result there is no other location for the proposed use to be located.</p>

<p>The current site produces a high level of noise, dust and fumes that cause significant discomfort to the people working and living within the vicinity. These emissions may pose a serious long and short term health risks.</p>	<p>Abrasive Blasting uses are required to comply with the <i>Environmental Protection (Abrasive Blasting) Regulations 1998</i>.</p> <p>These regulations require the landowner to conduct their operations such that the level of noise, dust and fumes produced is kept to a minimum.</p> <p>The operations conducted would need to be in accordance with existing DEC License and conditions.</p>
---	---

Statutory Implications

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

Policy Implications

- Town of Port Hedland Shipping and/or Sea Container Policy 11/007

Strategic Planning Implications

- Endorsed Land Use Master Plan (LUMP)
- Pilbara's Port City Growth Plan

Budget Implications

An application fee of \$139.00 has been received as per the prescribed fees and charges approved by Council.

Officer's Comment

The applicant is seeking to develop an abrasive sand blasting and spray paint chamber. In accordance with the TPS5, the proposed development is classified as "Industry - Noxious" and defined as:

"an industry which is subject to licensing as "Prescribed Premises under the Environmental Protection Regulations 1987 (as amended)"

The Department of Environment and Conservation (DEC) issued an approval for RCR Construction Maintenance Pty Ltd in 2009 to conduct abrasive sand blasting operations on the property. DEC advised the License issued applies to the property and not the individual owner or company, and that the license extends to the proposed development.

The operations conducted would need to be in accordance with existing DEC License and conditions.

Recent Approved Noxious Uses

Council recently resolved, on the recommendation of Council Officers, to approve certain “Industry – Noxious” uses within Wedgefield. Council Officers supported these applications due to the following reasons:

- The uses were previously approved for “Storage facility / depot / laydown areas”, considered to be consistent with the intended use.
- Due to legislative changes in the Department of Environment and Conservation the uses were re-classified as “Prescribed – Premises” resulting in the need to obtain approval from Council for “Industry – Noxious”.

Council’s strategic objective for Wedgefield

Section 2.5 of the Land Use Master Plan (LUMP) and section 5.1.3 of the Draft Pilbara’s Port City Growth Plan recommends the Wedgefield Industrial area be rezoned to “Light Industry”, making noxious uses “non-conforming”, and converting existing general industrial uses to “additional uses” for a period of ten years from the date new land suitable for general industrial use is released for development.

Proposed “Industry – Noxious” use

As a result of there being no other location for the proposed use, Council in 2009 granted approval for “Industry – Noxious” – Soda Water Blasting & Abrasive Blasting using Garnet.

The applicant is now requesting Council to approve an extension to the existing “Industry – Noxious” use. Council Officers do not support the extension of “Industry – Noxious” uses as it does not comply with Council’s objectives in either the Land Use Master Plan or the Draft Pilbara’s Port City Growth Plan.

Options

Council has the following options when considering this matter:

1. Refuse the proposal.

Refusal of the application would reinforce Council’s Strategic objectives for the area ensuring community benefit / integration as endorsed by the Land Use Master Plan and the Town’s draft Strategic City Growth Plan.

2. Approve the proposal.

Approval of the proposed extended use may potentially encourage further development of “Industry – Noxious” uses within Wedgefield. This contravenes Council’s Strategic objective for the area ensuring community benefit / integration as endorsed by the Land Use Master Plan and the Town’s draft Strategic City Growth Plan

Option 1 is recommended.

Attachments

1. Locality Map
2. Site Plan
3. Floor Plan and Elevations
4. Objections from surrounding properties

Officer’s Recommendation

That Council:

- A. Refuses the planning application submitted by P & C Maintenance on behalf of Brian Gordon and Veronica Banks, for an “Industry – Noxious” – Additional Abrasive Sand Blasting and Spray Paint Chamber on Lot 5782 (20) Munda Way, Wedgefield, for the following reasons:
 1. The proposal contravenes the objectives of the Land Use Master Plan and the Town’s draft Strategic City Growth Plan.
 2. Further impact on adjoining land uses.

201112/326 Council Decision

Moved: Cr A A Carter

Seconded: Cr G A Jacob

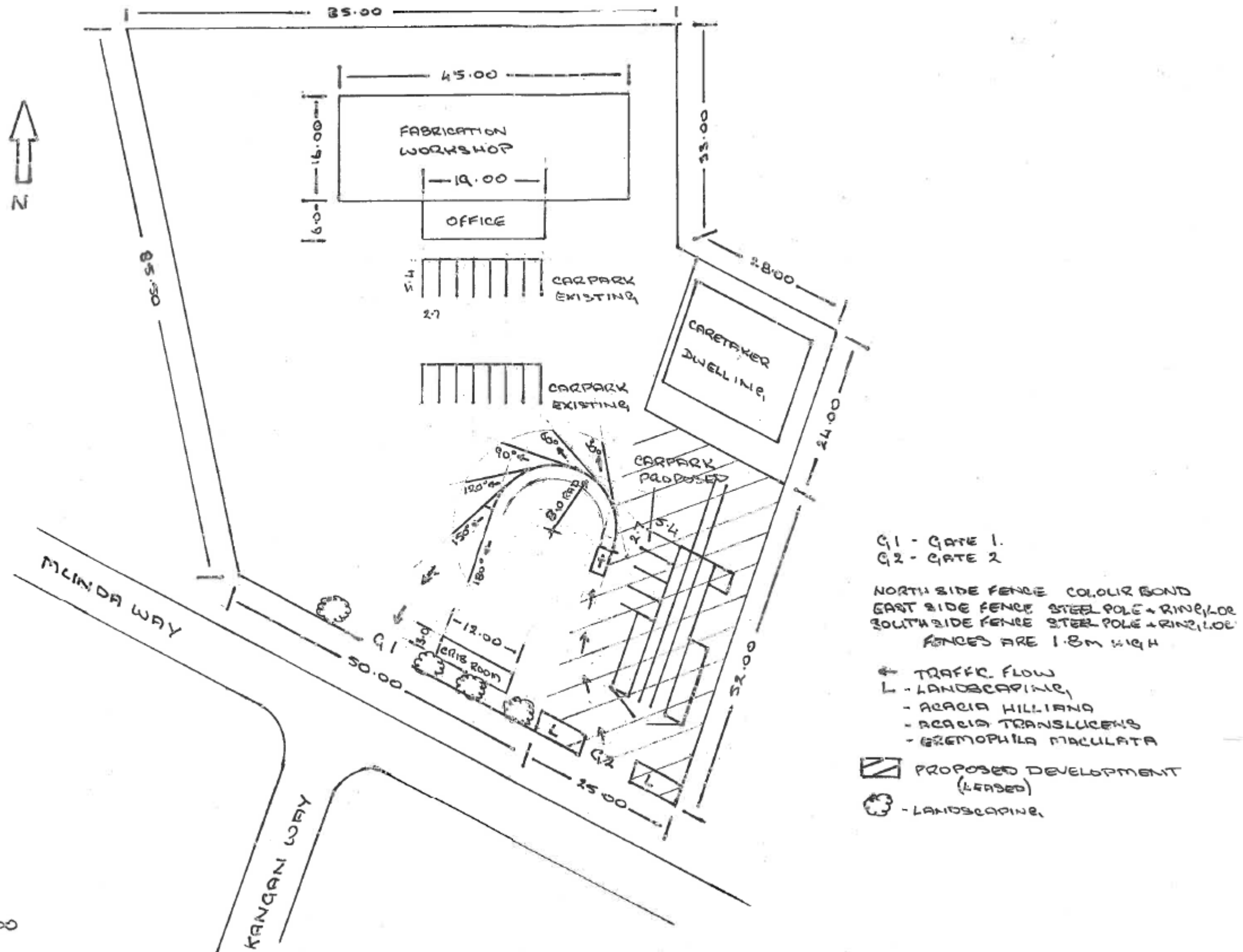
That Council:

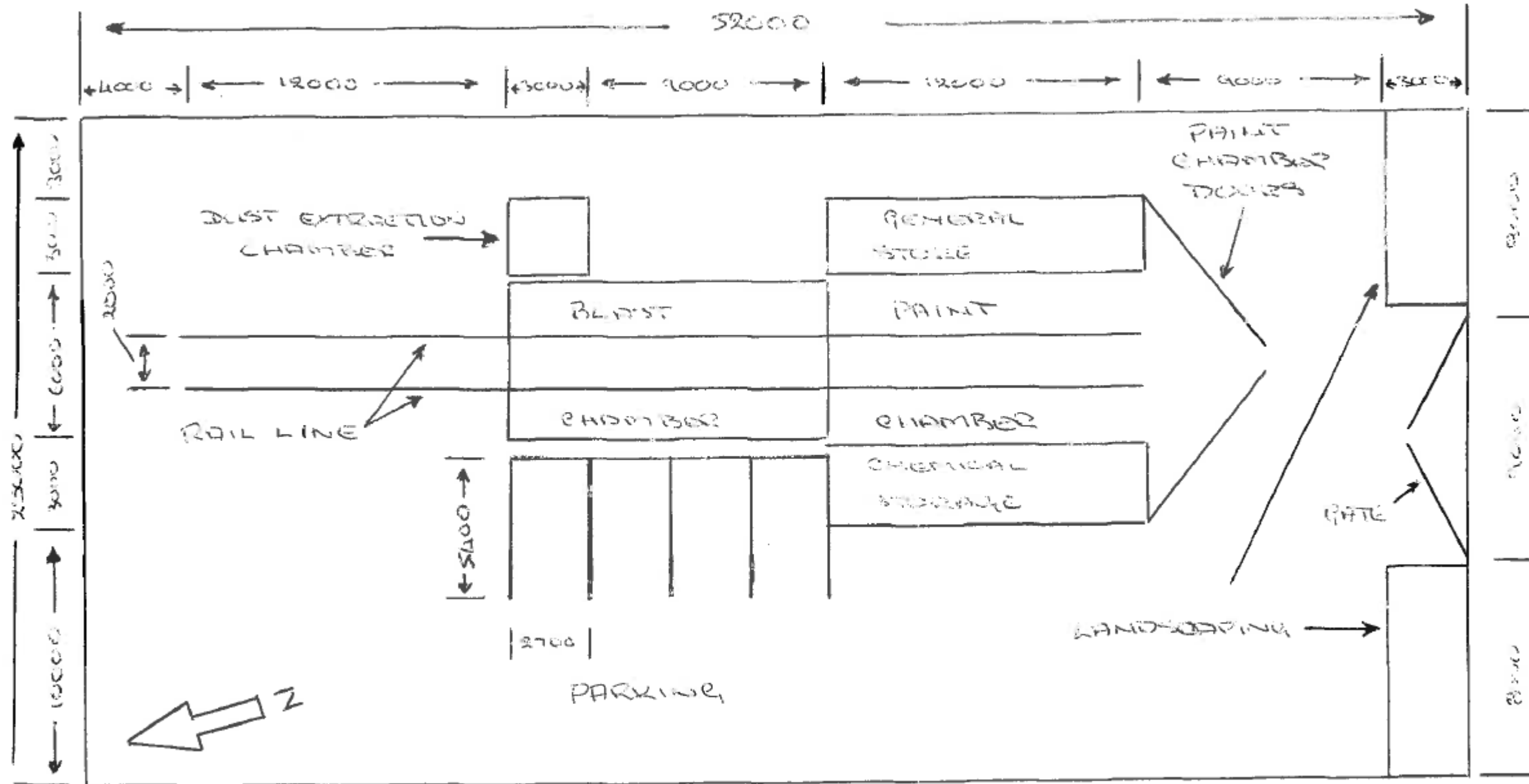
- A. Refuses the planning application submitted by P & C Maintenance on behalf of Brian Gordon and Veronica Banks, for an “Industry – Noxious” – Additional Abrasive Sand Blasting and Spray Paint Chamber on Lot 5782 (20) Munda Way, Wedgefield, for the following reasons:**
 - 1. The proposal contravenes the objectives of the Land Use Master Plan and the Town’s draft Strategic City Growth Plan.**
 - 2. Further impact on adjoining land uses.**

- B. Requests the Chief Executive Officer to meet with representatives from the Department of State Development, Landcorp, and Pilbara Cities with a view to fast tracking the delivery of Boodarie Strategic Industrial Land or otherwise identifying and bringing on line as soon as possible alternate sites for noxious hazardous industry operations.
- C. Works with the proponents to assure them that Council is looking at alternatives.

CARRIED 8/0

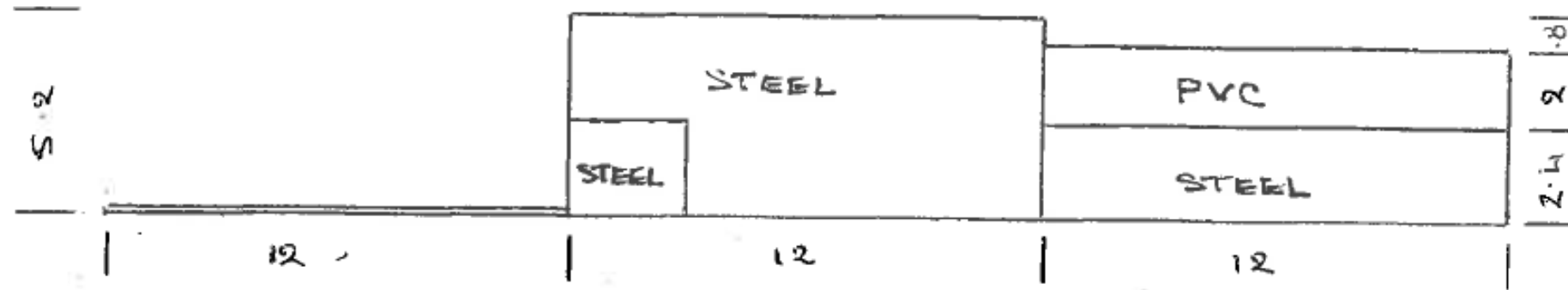
REASON: Council added point B and C to the officer's recommendation to facilitate more opportunities for people to have more land made available so they can expand accordingly.



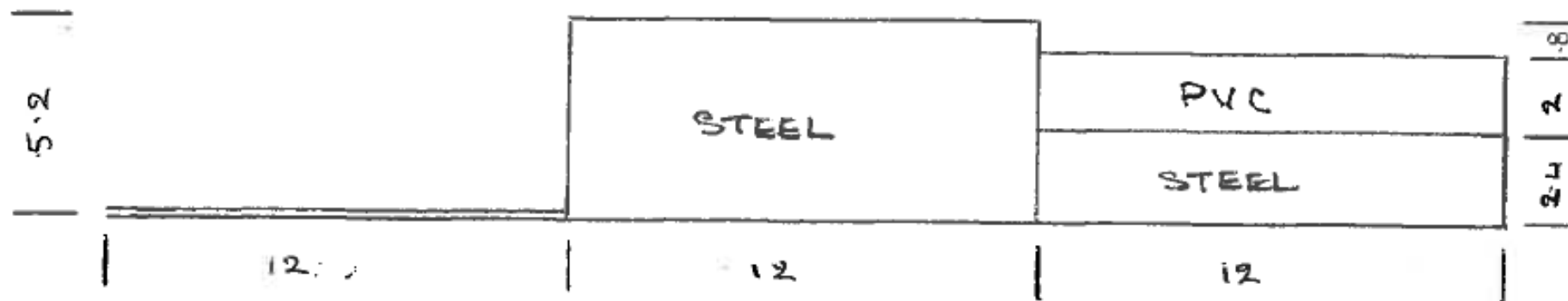


BLAST CHAMBER TO BE MADE FROM SEA CONTAINERS
 PAINT CHAMBER TO BE MADE OF GALVANISED STEEL POLES WITH PVE COVER
 ALL CONTAINERS RUST BROWN PVE COVER WHITE

SCALE 1:200 (A4)

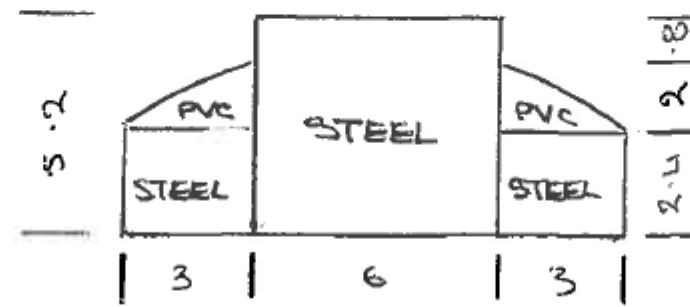


EAST SIDE VIEW

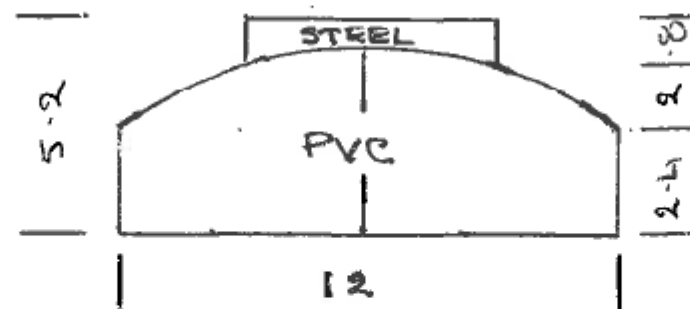


WEST SIDE VIEW

325 1000 6.



NORTH SIDE VIEW



SOUTH SIDE VIEW

ATTACHMENT 4 TO ITEM 11.1.4



ICR23078 linked to 2011/505
ENTERED
 DATE 1-2-12 BY Michelle

SANMEL CONTRACTING PTY LTD

A.B.N. 57 121 764 065

P O Box 3156, South Hedland WA 6722

Ph: 08 91402 330 Fx: 08 91402 363

Mobile: 0417 962 478 / 0417 174 910

Email: sanmel1@bigpond.com

24 January 2012

Application 2011/505 for Industry- Noxious Abrasive Blasting

To Whom it may concern,

I am writing to submit my comment to the proposal of the above application that has been submitted to council.

I would like to strongly object to the application as I have serious concerns for myself, my staff and my family that spend the majority of their day in and around our yard in Wedgefield from toxic fumes.

I also have concerns of damage to vehicles and property from paint overspray and worries of adverse effects to health from spray mist.

Kind Regards

Melissa Macpherson



Document #: ICR23078
 Date: 27.01.2012
 Officer: MICHAEL POUND
 File: 027096991-

1548709

19/01/2012

Town of Port Hedland,

Objection to Abrasive Blasting 20 Munda Way, Wedgefield.

In reply to the letter received: Application 2011/505 Noxious Abrasive Blasting, I David H Macpherson the land owner of 31 Harwell Way, Wedgefield is objecting.

The reason for my objection to the noxious abrasive blasting is that I believe the chemicals/materials that will be being used are highly noxious – harmful.

Having 20 Munda Way being extremely close to my property even so sharing a boundary fence, I feel that having such toxic materials will therefore cause devaluation to my land.

I would also like to say as the land holder that I am apprehensive about contamination, in the plans to the blast chamber I am cannot see how they are going to control the noxious blasting particles from drifting onto nearby property causing a toxic contamination to soil and environment surrounding.

I feel that this development will not be suitable for Wedgefield as there is so many people working in this area and the health issues that could arise from this may be long lasting.

Kind regards



D.H. Macpherson
Land Owner
31 Harwell Way
Wedgefield WA
0407 429 051

PILBARA EARTHMOVING & CONTRACTING

PO Box 2846, SOUTH HEDLAND, WA
ACN: 085 248 497 ABN: 46 085 248 497

PHONE: 08 9 172 5659
FAX: 08 9 172 5649
MOBILE: 0417 952 139



We Don't Move Heaven and Earth, "Just Earth"

19/01/2012

Town of Port Hedland,

Objection to Abrasive Blasting

In reply to the letter received: Application 2011/505 Noxious Abrasive Blasting, we as the occupiers of 31 Harwell Way, Wedgefield are objecting.

The reason for our objection has been thought about wisely and the health of our staff comes to us as a priority. It has been stated in the letter received that the abrasive blasting is NOXIOUS – meaning it is harmful, toxic, poisonous or passably deadly.

Sharing a fence line with 20 Munda Way, means that we will be one of the closest businesses exposed to these noxious chemicals and micro fine abrasive fragments. We have a large shed at the back of our block extremely close to that boundary fence, where a lot of our staff work all day. We are concerned that the noxious abrasive blasting will affect their health in many different ways both short and long term.

We have noticed that there is no such ventilation system applied to the blast chamber, which means that abrasive particles are able to be carried away into the breeze coming from any direction.

We feel that being so close to the blasting site this will affect us as a business.

Kind regards

A handwritten signature in black ink, appearing to be 'R. Meyer', written in a cursive style.

The Occupiers

Djanegara Ryan

From: Pound Michael
Sent: Tuesday, 24 January 2012 9:02 AM
To: Djanegara Ryan
Subject: FW: Abrasive Blasting on lot 5782

From: De Meillon Steve
Sent: Tuesday, 24 January 2012 8:29 AM
To: Pound Michael
Subject: FW: Abrasive Blasting on lot 5782



Steve de Meillon
Planning Officer
PO Box 41 Port Hedland WA 6721
Ph: (08) 9158 9307 Fax: (08) 9158 9399
Email: po3@porthedland.wa.gov.au
Web: www.porthedland.wa.gov.au

From: john van maanen [<mailto:johnmunda@bigpond.com>]
Sent: Thursday, 19 January 2012 8:28 PM
To: De Meillon Steve
Subject: Abrasive Blasting on lot 5782

Hi Michael.

I am the owner of 20 Carlindie Way Wedgefield. It is alongside the workshop at 20 Munda Way. I lived in Carlindie Way from 2006 to 2009. In that time the company next door were abrasive blasting all day and night. It was impossible to hear the TV and sleep. I oppose the application 2011/505 for abrasive blasting due to dust, fume and noise. If you have any questions please call me on 0439978850.

Cheers. John Van Maanen.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Djanegara Ryan

From: Kidd, Alana [Alana.Kidd@dec.wa.gov.au]
Sent: Thursday, 6 October 2011 10:55 AM
To: michael@pandcmaintenance.com
Subject: FW: 20 Munda Way Wedgefield - RCR Abrasive Blasting & Metal Coating-CORRECTION

Importance: High

Hi Michael,

Apologies – I should have written 20 Munda Way.

Regards
Alana

Alana Kidd *Senior Environmental Officer*
Industry Regulation - Pilbara Region
Department of Environment and Conservation
Lot 3 Mardie/Anderson Roads, Karratha WA 6714
P: PO Box 835 Karratha 6714
T: 9182 2037 F: 9144 2000
E: alana.kidd@dec.wa.gov.au
W: www.dec.wa.gov.au

From: Kidd, Alana
Sent: Thursday, 6 October 2011 10:36 AM
To: 'michael@pandcmaintenance.com'
Subject: Lot 5 Munda Way Wedgefield - RCR Abrasive Blasting & Metal Coating
Importance: High

Hi Michael,

Thank you for coming into the Karratha office this morning to provide a copy of the Abrasive Blasting Registration (R2098) for 20 Munda Way, Wedgefield (RCR Operations).

The site has an active Registration for Abrasive Blasting, therefore as you will be operating on this premises you require no further approvals from the Department of Environment and Conservation (DEC) for this activity. As you have advised that your operations will not use more than 1000L of paint, you are not required to have a Metal Coating Registration.

As discussed, your construction and operation of these activities must however be in accordance with the Regulations. DEC officers do conduct inspections, so non compliances may result in an infringement. This information has been added to our files to update operations at the site.

If you have any queries, please let me know.

Regards
Alana

Alana Kidd *Senior Environmental Officer*
Industry Regulation - Pilbara Region
Department of Environment and Conservation
Lot 3 Mardie/Anderson Roads, Karratha WA 6714
P: PO Box 835 Karratha 6714
T: 9182 2037 F: 9144 2000
E: alana.kidd@dec.wa.gov.au
W: www.dec.wa.gov.au



Government of Western Australia
Department of Environment and Conservation

Your ref: R2098/2009/1
Our ref: MWK2104-10
Enquiries: Alana Kidd
Phone: 9182 2037
Fax: 9144 1118
Email: Alana.kidd@dec.wa.gov.au

Mr Paul English
Branch Manager
RCR Construction and Maintenance Pty Ltd
PO Box 2805
South Hedland WA 6722

Dear Mr English,

Environmental Protection Act 1986 – Registration

Registration: R2098/2009/1
Premises: 20 Munda Way

Please find enclosed your Registration, under the *Environmental Protection Regulations 1987* for the above premises. Enclosed is your registration and a receipt for the prescribed fee will be sent to you shortly.

Should any details of the Registration be incorrect, please advise the Department of Environment and Conservation (the Department) as soon as possible. You should also note that a person who becomes the new occupier of a registered premises must notify the Department of that fact within 30 days. Failure to do so is an offence under the Regulations.

Where a change of occupier occurs, an administration fee of two fee units (currently \$50) is payable. Forms to transfer the Registration are available from the Department's website at www.dec.wa.gov.au.

Please note, the granting of this Registration does not remove the need to obtain necessary approvals from other authorities before operation commences.

If you have any questions relating to your Registration or the above information, please contact Alana Kidd at the Department's Karratha office on 9182 2037.

Yours sincerely,

Peter Skitmore
Manager, Licensing & Permitting Branch

Monday, 19 October 2009

enc: Registration R2098/2009/1
copy to: Local Government Authority: Town of Port Hedland

DIRECTOR GENERAL AND ENVIRONMENTAL SERVICES DIVISIONS: The Atrium, 180 St Georges Terrace, Perth, Western Australia 6000
Phone: (08) 6467 5000 Fax: (08) 6467 5562 TTY: 1800 555 600
PARKS AND CONSERVATION SERVICES DIVISIONS: Executive: Corner of Australia II Drive and Hackett Drive, Crawley, Western Australia 6009
Phone: (08) 9442 0500 Fax: (08) 9386 1578 Operations: 17 Dick Perry Avenue, Technology Park, Kensington, Western Australia 6151
Phone: (08) 9215 8000 Fax: (08) 9304 0195 TTY: 9331 0546
POSTAL ADDRESS FOR ALL DIVISIONS: Locked Bag 104, Bentley Delivery Centre, Western Australia 6102
www.dec.wa.gov.au
WA.GOV.AU

WESTERN AUSTRALIA
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Environmental Protection Act 1986
REGISTRATION

REGISTRATION NUMBER: R2098/2009/1

FILE NUMBER: NWK2104-10

NAME OF OCCUPIER:

RCR Construction and Maintenance Pty Ltd
20 Munda Way
South Hedland WA 6722

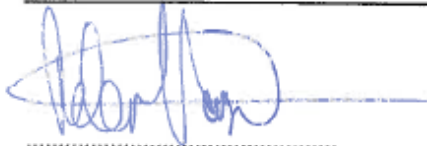
NAME AND LOCATION OF PREMISES:

RCR Construction and Maintenance
20 Munda Way
South Hedland WA 6722

Environmental Protection Regulations 1987
CLASSIFICATION(S) OF PREMISES:

Schedule 2 Category 5: Abrasive blasting operations

COMMENCEMENT DATE OF REGISTRATION: Monday, 19 October 2009



.....
Officer delegated under Section 20
of the *Environmental Protection Act 1986*

Date of Issue: Monday, 19 October 2009

**11.1.5 Proposed 13 Multiple Dwellings on Lot 676 (44)
Counihan Crescent, Pretty Pool (File No.: 804303G)**

Officer	Leonard Long Manager Planning
Date of Report	30 January 2011
Application No.	2011/525
Disclosure of Interest by Officer	Nil

Summary

As a result of the review of the 2008 Residential Design Codes by the Western Australian Planning Committee, Council has received an application from RPS Australia on behalf of Port Hedland Development Fund No.8 Pty Ltd, to construct a further thirteen (13) Multiple Dwellings in addition to the approved 60 Multiple Dwellings and 3 shops, approved at the Ordinary Council Meeting of 26 May 2010, on Lot 676 Counihan Crescent, Pretty Pool (hereafter referred to as the site).

During the advertising period, an objection against the additional thirteen Multiple Dwellings has been received. The objection has been reviewed by Council Officers, Council is requested to consider the application favourably.

Background*Site Description (Attachment 1)*

The site is rectangular in shape with an area of approximately 7482m². The site has three road frontages being Counihan Crescent, Dowding Way and Cooper Place and adjoins Yikara park on the remaining boundary.

The site is zoned "Urban Development" under the Town of Port Hedland Town Planning Scheme No. 5 (TPS5) and subject to the Pretty Pool Development Plan (PPDP). In accordance with the endorsed PPDP, the site is identified as part Residential R60/80 and part Town Centre with the higher coding only being used in conjunction with a commercial use on the property.

Previous Approvals

At its Ordinary Council meeting of 26 May 2010, Council approved the development of 60 Multiple Dwellings and 3 shops on the site subject to conditions. One of the conditions is the provision of 120 on-site parking bays and the requirement for the developer to construct 20 parking bays within Dowding Way, Counihan Crescent and Cooper Place road reserves.

Residential Design Codes Changes

The Western Australian Planning Committee reviewed the 2008 Residential Design Codes resulting in a number of changes included in the 2010 Residential Design Codes.

The following changes have enabled the applicant to apply for an additional 13 Multiple Dwellings:

2008 Residential Design Codes	2010 Residential Design Codes
Density: The reviewed Residential Design Codes have resulted in the ability to develop a total of 73 Multiple Dwellings on the site	
Minimum site area - 125m ² per dwelling = 60 Multiple Dwellings	Maximum plot ratio – 1.0 = 7482m ²
Parking Requirement: The reviewed Residential Design Codes have resulted in reduced parking requirements	
Multiple Dwellings: 0.35 / dwelling + 0.015 / m ² plot ratio Resulting in a requirement of 120 on-site parking bays for the approved 60 Multiple Dwellings	Multiple Dwellings: Dwellings >75m ² = 1 bay Dwellings 75m ² - 110m ² = 1.25 bays Visitors 0.25 / dwelling Resulting in a requirement of 110 on-site parking bays for 73 Multiple Dwellings (60 approved and 13 proposed)
Height: The reviewed Residential Design Codes have enabled the development to increase the permissible height for pitched roof designs	
Maximum height of 12m from natural ground level	Maximum height of 15m from natural ground level

Proposal (Attachment 2)

It is proposed to develop in addition to the approved 60 Multiple Dwellings a further 13 Multiple Dwellings. The additional Multiple Dwellings will comprise of:

- eight (8) one bedroom dwellings,
- four (4) three bedroom dwellings, and
- one (1) two bedroom dwelling.

The approval of the additional 13 Multiple Dwellings will result in the following increase in height (shown in red on Attachment 2):

- Block B and C from two (2) to three (3) stories; and
- Block G from two (2) to four (4) stories.

Consultation

Internally:

- Manager Infrastructure Development
- Manager Building Services, and
- Manager Environmental Health Services

Externally:

Agencies:

- Horizon Power,
- Water Corporation,

Adjoining owners:

- WA Land Authority,
- B.D Hogg,
- B.R Nethercote,
- J Schreiber,
- S.R Beyers,
- WA Country Health Services,
- D.J Goldman,
- Minderoo Pty Ltd, and
- BHP Billiton Minerals Pty Ltd

The application has been advertised in the North West Telegraph on 16 and 23 November 2011, 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.

Objection Received (Attachment 3)

The objection can be summarized as follows:

Objection Summary	Officers Comments
<p>Insufficient parking provided onsite, impacting the availability of public parking spaces creating traffic and noise along Counihan Crescent, Dowding Way and Cooper Place,</p>	<p>The parking associated with the proposed development has been assessed against the 2010 Residential Design Codes and complies.</p>

	It is Council Officers opinion the concerns about parking stems from the current parking situation as a result of the amount of construction currently taking place on the site and area in general. It is anticipated when the construction is completed the objectors concerns will be alleviated.
The increased heights will impact on the amenity of the locality and could impact on the Turtle's nesting grounds; and	Through the design and positioning of the proposed multiple dwellings, it is considered the amenity will not be impacted upon. The site is located behind an approved multi-storey Multiple Dwelling development. To ensure there will be no impact a condition is recommended requiring the applicant to submit a lighting management plan for approval by the Manager Planning Services.
Will a new school be developed to support the additional 13 dwelling development.	Investigations into the requirement for additional educational facilities forms part of the Pilbara's Port City Growth Plan. Should there be an identified need the Department of Education will be requested to provide additional facilities.

The objection was forwarded to the applicant who responded as follows:

"In relation to the objection, we provide the following response:

Parking has been provided above and beyond the requirements of the R-Codes and TPS5 as agreed with Council. This will actually assist in reducing parking issues currently affecting this area.

The only variation to height is the proposed four storey addition. This component of the development does not result in any additional bulk or scale impacting on the surrounding residential area due to the extensive setbacks from other dwellings in the area. Also it does not sit across from any other dwellings. The three storey addition complies with the R-Codes Acceptable development Criteria.

There will no environmental impact. The previous approval for four storeys was properly tested against the turtle management plan and determined to have no adverse impact on the Pretty Pool Rookery. This development is further setback from the beach and also screened by the previously approved four storey element. As such additional light spill will not be an issue as a result of the changes.

We will be working with LandCorp on the amendments. This is not a relevant consideration for the Shire as it is a matter between the developer and my client.

With respect to traffic issues, we worked closely with Town prior to lodgement to assist in addressing the broader traffic and parking issues affecting this area. This has resulted in us provided a substantial amount of additional parking on-street to alleviate parking and traffic concerns of residents.

The majority of dwellings added are only one bedroom and accordingly are unlikely to include children. However, ensuring appropriate placements for all children is the responsibility of the Department of Education.”

Statutory Implications

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

Inconsistency with Town Planning Scheme No.5

The 2008 Residential Design Codes parking requirement for Multiple Dwelling developments was consistent with the parking requirement in Town Planning Scheme No. 5. As part of the scheme review the scheme will be amended to be consistent with the 2010 Residential Design Codes.

Sub-clause 6.13.4 of the Port Hedland Town Planning Scheme No. 5, provides Council the ability to vary parking requirements.

“Sub-clause 6.13.5

Where the Council is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, it may permit a reduction in the number of car parking spaces required by subclause 6.13.1”

Policy Implications

Nil

Strategic Planning Implications

The draft Strategic City Growth Plan

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 \$14,104.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

The application has been assessed in terms of the design elements having due regard to any existing surrounding developments. To ensure the development will not have a negative impact on the surrounding developments and environment the following key aspects have been considered:

Building Size:

The permitted plot ratio for a site zoned R60 / R80 is 1.0. In regard to the subject application it would limit the residential development to a maximum of 7482m². It is proposed to develop 7385m² residential area, thereby remaining compliant with the 2010 Residential Design Codes.

Building Height:

The permitted height for developments in a R80 zone for a pitched roof design is 15m, measured from natural ground level.

Having due regard to the acceptable development standards the proposed height of the development will be 13.92m measured from natural ground level.

The size and height of buildings are often associated with the "bulk" and its impact on passers-by's and adjoining / adjacent properties.

By complying with the acceptable development requirements prescribed by the 2010 Residential Design Codes, and through building design the applicant has ensured any impact on surrounding properties as a result of "bulk" is minimal.

Street Setback

The proposed thirteen multiple dwellings will not encroach further than what has already been approved by Council.

Open Space

The proposed development adjoins Yikara Park and is within close proximity to Pretty Pool beach ensuring sufficient open space is available to residents.

Surveillance of the Street

The proposed development will add additional passive surveillance opportunities of the street and Yikara Park, whilst not imposing on the privacy of any adjacent residential dwellings.

Street walls and fences

The applicant has not proposed any fencing, a condition will be imposed to ensure all fencing adjacent to public land is 50% visually permeable and no higher than 1.2m from natural ground level as stipulated in the Pretty Pool Design Guidelines.

Building Appearance

The design of the building with its altering setbacks, articulation and proposed materials will create an appearance that will enhance the streetscape and landscape of the area.

Outdoor Living Areas

Each multiple dwelling has been designed to include a balcony which is large enough to be used as an outdoor living area. As previously mentioned the development is adjacent to Yikara Park and within close proximity to Pretty Pool beach providing a variety of choice to residents with regard to outdoor areas.

Landscaping

The applicant will be required to landscape the verge of all adjoining public roads to the satisfaction of the Manager Technical Services.

On-site Parking

The applicant has Council approval to develop 60 multiple dwellings. The approved application was assessed using the 2008 Residential Design Codes, in terms of these codes and the Town Planning Scheme No. 5, the applicant was required to provide 120 on-site parking bays and a further 20 parking bays within the surrounding road verges for the approved commercial uses.

Since this approval the Western Australian Planning Committee has reviewed the Residential Design Codes to now have a reduced requirement for on-site parking. In this regard the development has been assessed to determine compliance with the 2010 Residential Design Codes.

Acceptable Development Standards		
Multiple Dwellings		
Dwelling Size	No of Dwellings	Required
<75m ² / one bedroom	1	0.75 / dwl = 1 bay
75m ² - 110m ²	72	1.25 / dwl = 90 bays
Visitors		0.25 / dwl = 18.25 bays
Total		110 parking bays
Commercial Use		
Use	Required	Required
Shop	1 bay / 20m ² lettable area = 9.5 bays	9.5 bays
Restaurant / Cafe	1 bay / 5m ² seating area or 1 bay per 4 seats whichever is the greater	20 bays
Total		30 bays
Reciprocal Parking		
In terms of the Draft Local Planning Policy No. 12 (Reciprocal Car Parking & Cash-in-lieu of Car Parking), the number of bays required for the shop can be offset against the required visitor bay required by the residential use due to the differing peak use times.		
Visitor (Multiple Dwelling)		18.25 bays
Shop – Visitors		0 bays
Parking Requirement		
Residential Use		110 bays
Commercial Use		30 bays
Reciprocal Parking Permitted		(-)18.25 bays
Total		122 bays
Residential bays required on-site		110 bays
Residential bays provided on-site		119 bays
Commercial bays required off-site		20 bays

Commercial bays provided off-site	25 bays
Conclusion	
Taking into consideration the potential reciprocating of parking bays the applicant has provided a surplus of 14 bays.	

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.

2. Approves the application subject to the assessment being done separate to the existing approval requiring the applicant to provide additional parking.

Should Council resolve as above the entire Site will need to be redesigned to ensure the additional parking can be provided on site. This may result in the subject application not being developed.

3. Refuse the application.

Option one (1) is recommended.

Attachments

1. Locality Map
2. Site Plan
3. Floor Plan and Elevations
4. Objection Letter

201112/327 Officer's Recommendation / Council Decision

Moved: Cr A A Carter

Seconded: Cr G A Jacob

That Council:

- A) Approves the application submitted by RPS Australia on behalf of Port Hedland Development Fund No.8 Pty Ltd, to construct a further thirteen (13) Multiple Dwellings in addition to the approved 60 Multiple Dwellings and 3 shops, approved at the Ordinary Council Meeting of 26 May 2010, on Lot 676 Counihan Crescent, Pretty Pool, subject to the following conditions:

1. This approval relates to the thirteen Multiple Dwellings only, and other incidental development, as shown on the approved plans (DRG2011/525/01 - DRG2011/525/11). It does not relate to any other development on this lot.

2. Under the Town of Port Hedland Town Planning Scheme No. 5, Multiple Dwellings are defined as follows:

“Multiple dwelling:

A dwelling in a group of more than one where any part of a dwelling is vertically above part of another.”

3. This approval to remain valid for a period of twenty four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
4. Parking shall be provided as per DRG2011/525/01, to the satisfaction of the Manager Planning Services.
5. The parking areas and / or associated access ways shall not be used for storage (temporary or permanent) without the prior approval of the Town.
6. Stormwater shall be retained onsite. Disposal to be designed in accordance with Council’s Engineering Department Guidelines, to the satisfaction of the Manager Technical Services.
7. 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.
8. 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.
9. The development shall comply with the Environmental Protection (Noise) Regulations 1997 at all times.
10. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council’s Health Local Laws 1999 and to the satisfaction of Manager Planning Services.
11. Dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Environmental Health Services.

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

12. Prior to the submission of a building licence, the applicant shall obtain Landcorp design approval in accordance with the Pretty Pool Design Guidelines to the satisfaction of the Manager Planning Services.

13. 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 for approval 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.
14. 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 "Rubbish Collection Strategy / Management Plan" shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the "Rubbish Collection Strategy / Management Plan" shall be incorporated into the building licence plans. The approved "Rubbish Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Technical Services.
15. Prior to the submission of a building licence application, a construction management plan shall be submitted for approval by the Manager Planning Services. The construction management plan shall indicate how it is proposed to manage the following during construction:
 - a. The delivery of materials and equipment to the site;
 - b. The storage of materials and equipment on the site;
 - c. The parking arrangements for the contractors and subcontractors;
 - d. Impact on traffic movement;
 - e. Operation times including delivery of materials; and
 - f. Other matters likely to impact on the surrounding residents / businesses;

to the satisfaction of the Manager Planning Services.

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

16. Prior to the occupation of the development, the proposed development shall be connected to reticulated main sewer.
17. Prior to the occupation of the development area 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 Technical Services.

18. Prior to the occupation of the development area, 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.
19. Prior to the occupation of the development area, 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.
20. Prior to the occupation 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.
21. Prior to the occupation of the development all external lighting shall be designed, installed and maintained in accordance with the Pretty Pool Design Guidelines and Turtle Management Plan to the satisfaction of the Manager Planning 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 developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year average recurrence interval (A.R.I) cycle of flooding could affect any property below the ten (10) meter level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and / or Building License is not intended as, and shall not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

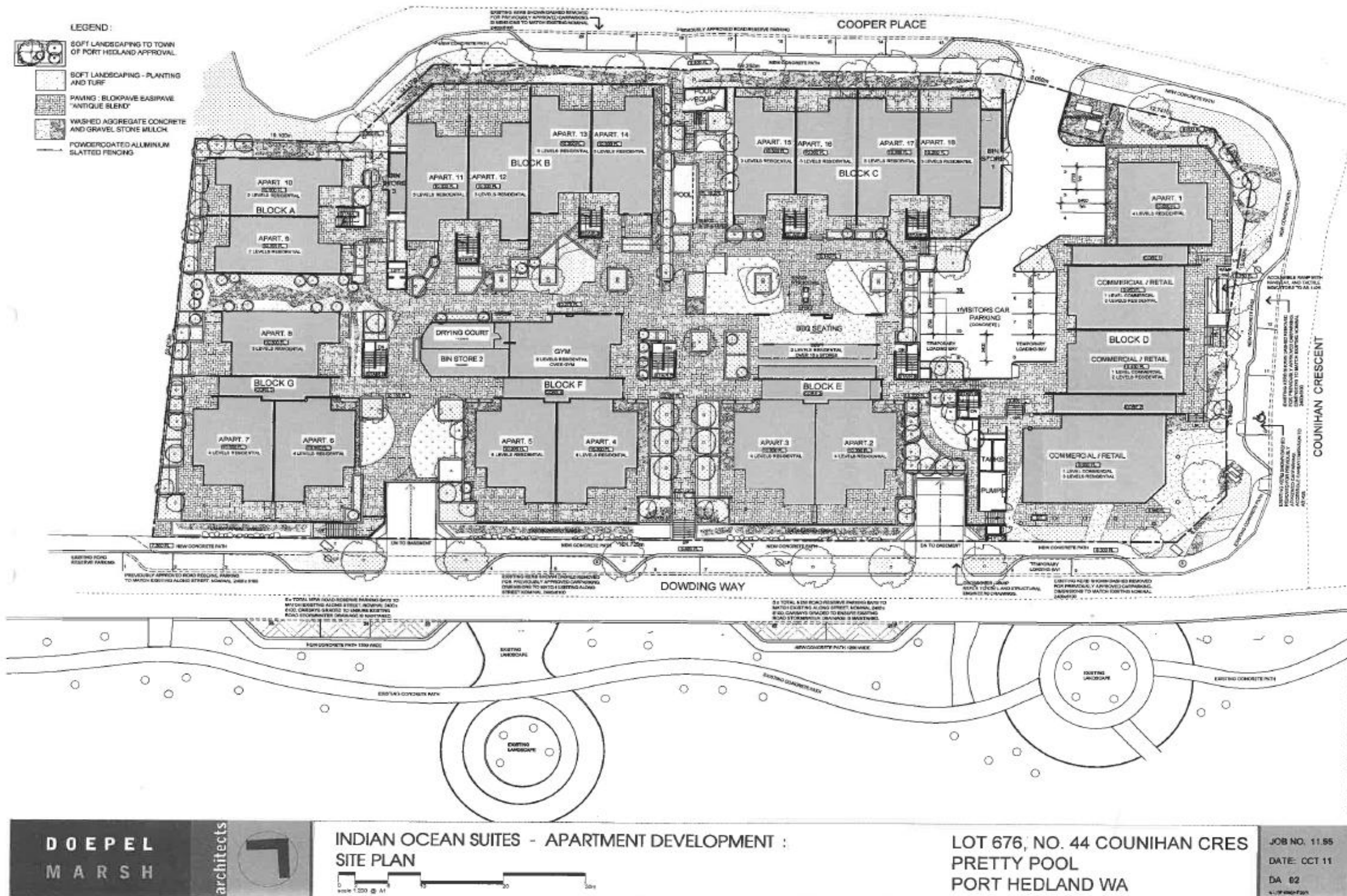
3. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

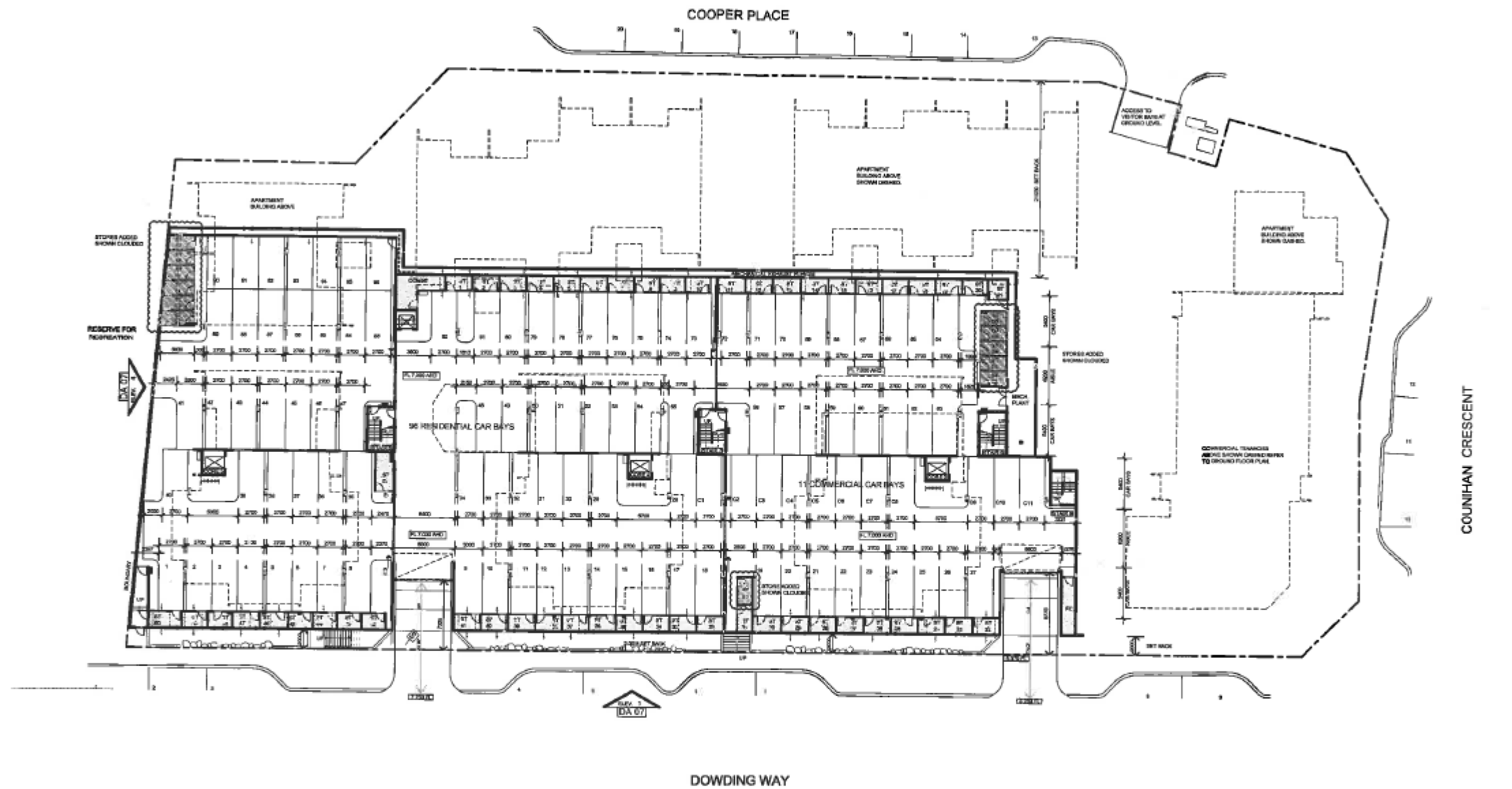
CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.5



(This page intentionally left blank.)





DEVELOPMENT APPROVAL APPLICATION

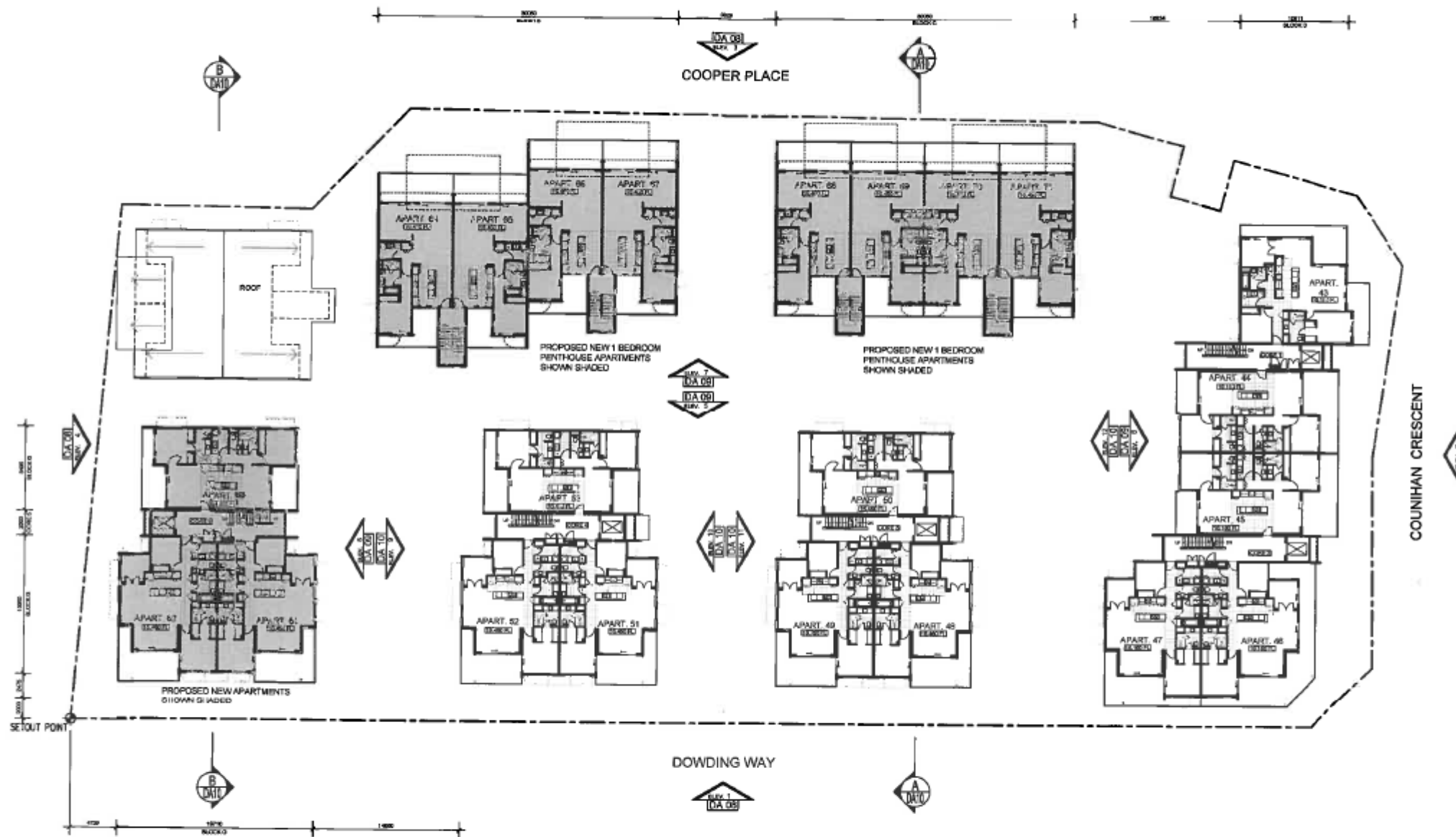


INDIAN OCEAN SUITES - APARTMENT DEVELOPMENT ;
 BASEMENT FLOOR PLAN



LOT 676, NO. 44 COUNIHAN CRES
 PRETTY POOL
 PORT HEDLAND WA

JOB NO. 11.05
 DATE: OCT 11
 DA 07
 *CONSULT ONLY



DEVELOPMENT APPROVAL APPLICATION

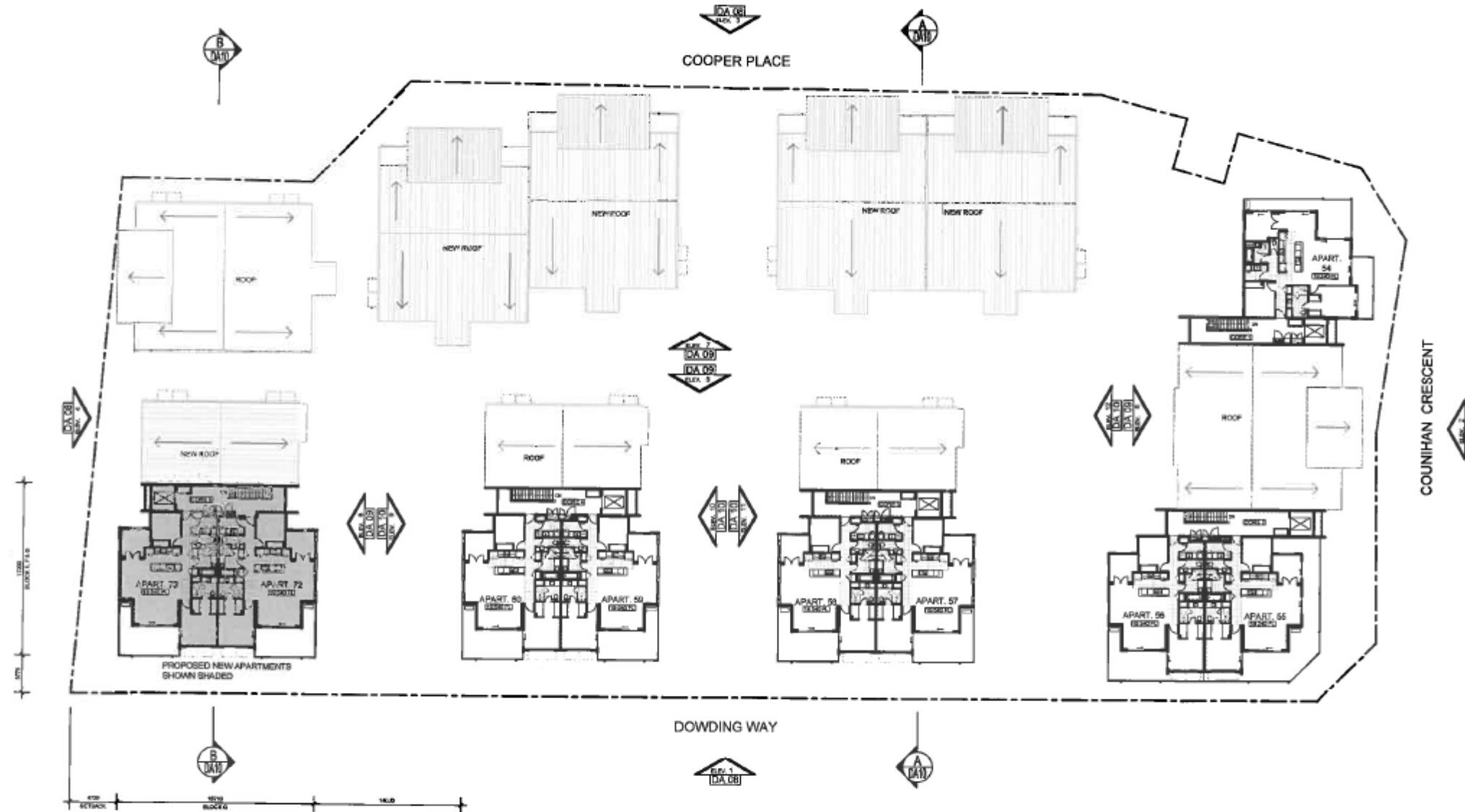


INDIAN OCEAN SUITES - APARTMENT DEVELOPMENT :
SECOND FLOOR PLAN



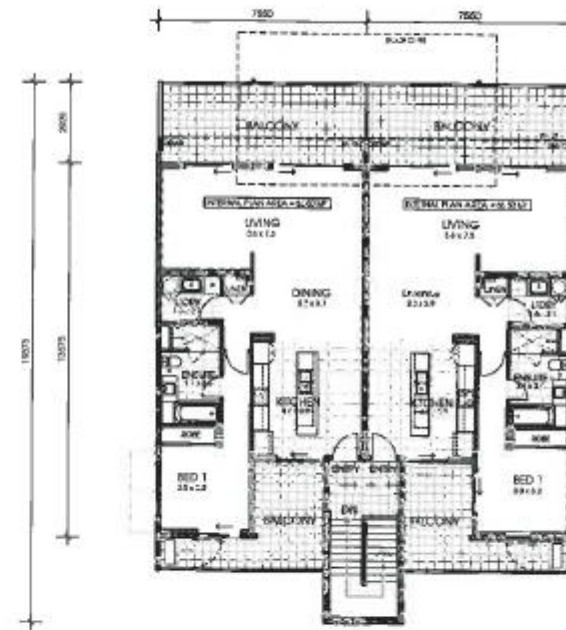
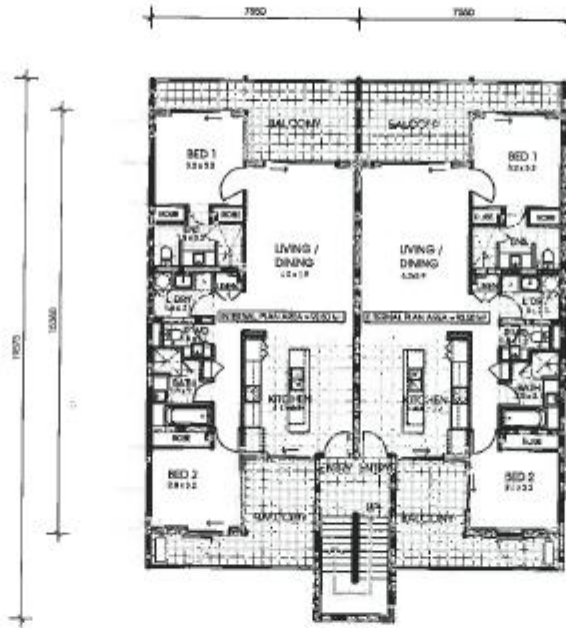
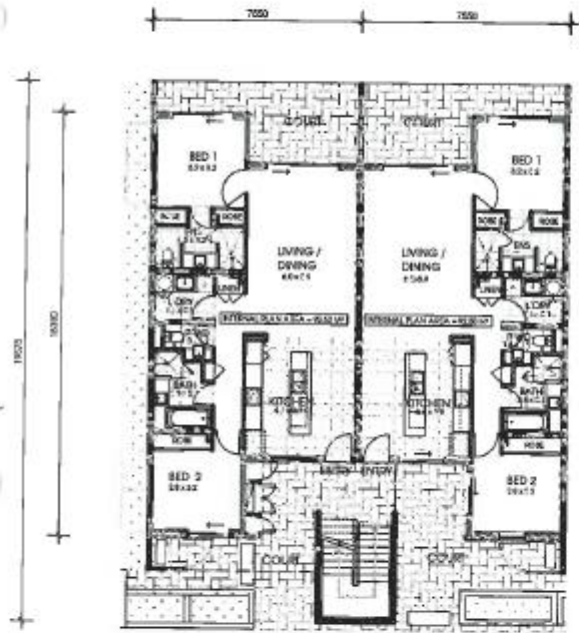
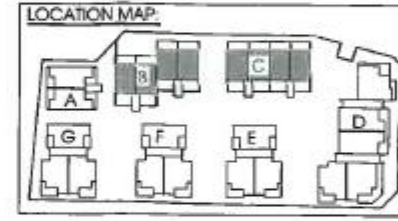
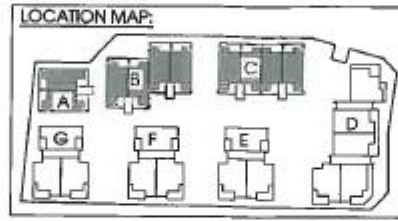
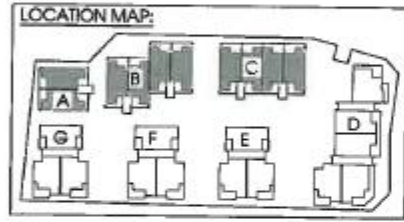
LOT 676, NO. 44 COUNIHAN CRES
PRETTY POOL
PORT HEDLAND WA

JOB NO: 11.55
DATE: OCT 11
DA 05
4/Construction



DEVELOPMENT APPROVAL APPLICATION

<p>DOEPEL MARSH</p>	<p>architects</p>	<p>INDIAN OCEAN SUITES - APARTMENT DEVELOPMENT : THIRD FLOOR PLAN</p> <p>Scale 1:200 @ A3</p>	<p>LOT 676, NO. 44 COUNIHAN CRES PRETTY POOL PORT HEDLAND WA</p>	<p>JOB NO. 11156 DATE: OCT 11 DA 05</p>
----------------------------	-------------------	--	---	---



PREVIOUSLY APPROVED
TYPICAL GROUND FLOOR PLAN
2 BEDROOM APARTMENT BLOCKS - A, B & C
SCALE 1:100

PREVIOUSLY APPROVED
TYPICAL FIRST FLOOR PLAN
2 BEDROOM APARTMENT BLOCKS - A, B & C
SCALE 1:100

PROPOSED NEW
TYPICAL SECOND FLOOR PLAN
1 BEDROOM PENTHOUSE APARTMENT BLOCKS - B & C
SCALE 1:100

DEVELOPMENT APPROVAL APPLICATION

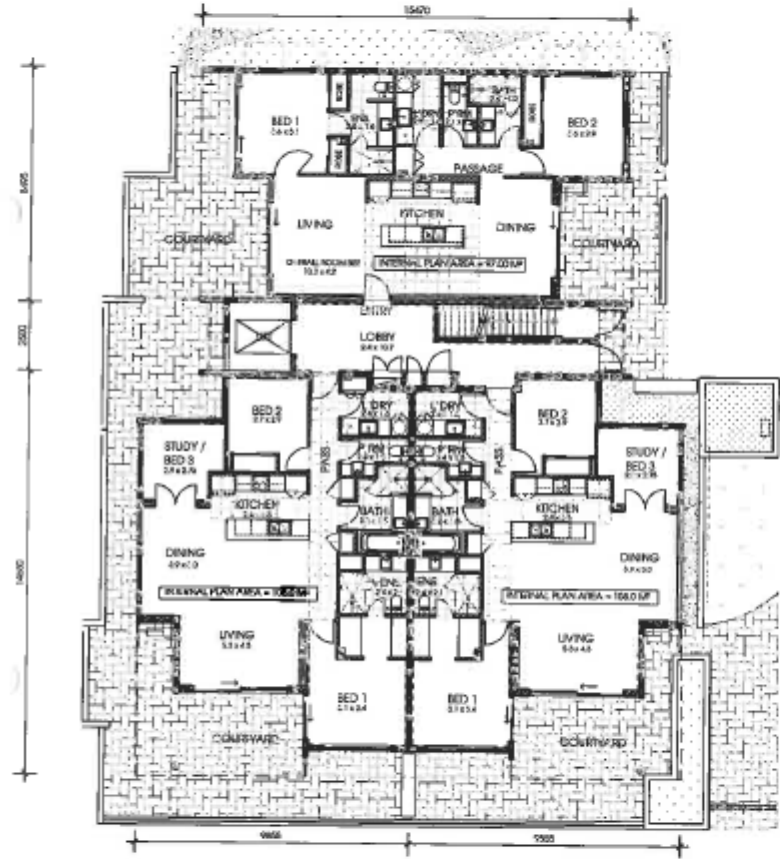
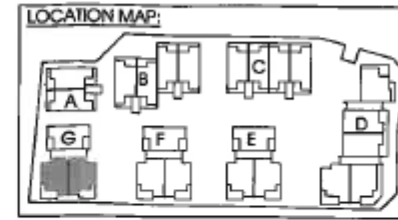
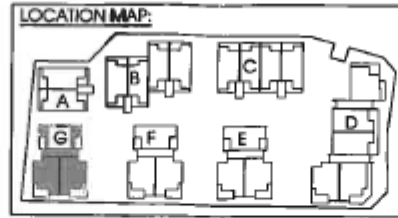
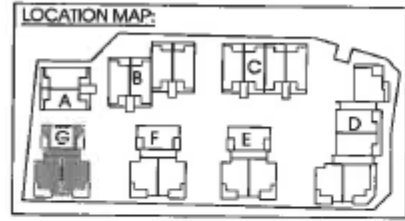


INDIAN OCEAN SUITES - APARTMENT DEVELOPMENT : BLOCKS A, B & C
PROPOSED NEW SECOND FLOOR APARTMENTS TO BLOCKS B & C

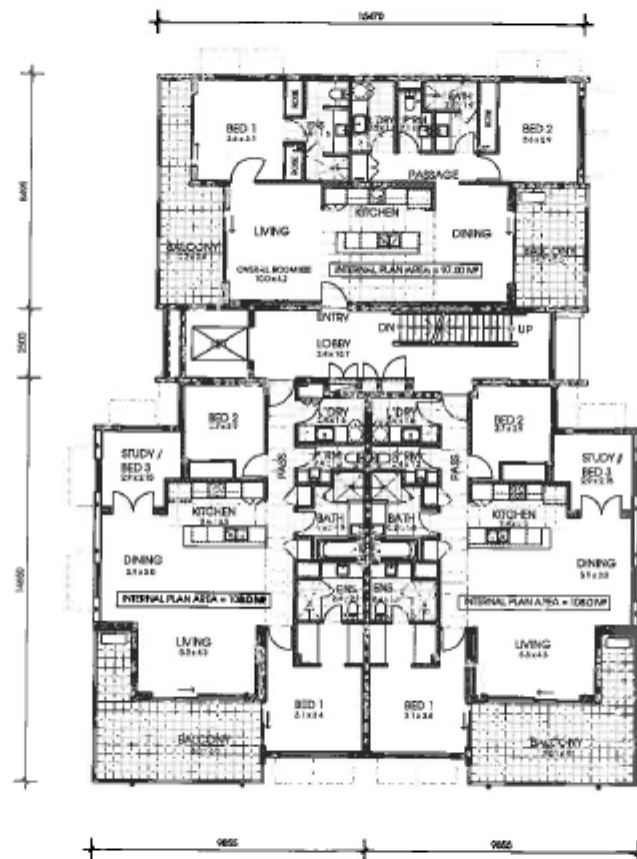


LOT 676, NO. 44 COUNIHAN CRES
PRETTY POOL
PORT HEDLAND WA

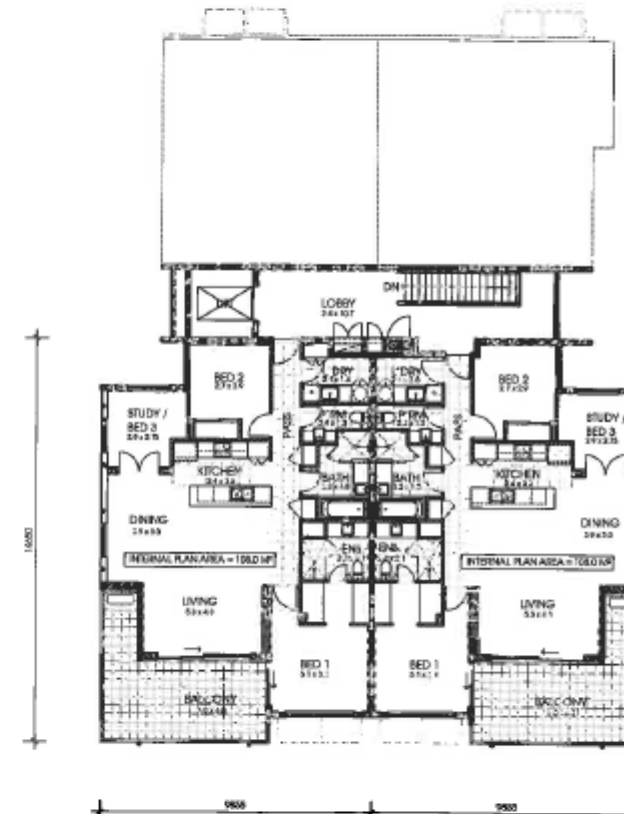
JOB NO. 1155
DATE: OCT 11
DA: 12



PREVIOUSLY APPROVED
GROUND FLOOR PLAN - BLOCK G
SCALE 1:100



PREVIOUSLY APPROVED FIRST FLOOR PLAN &
PROPOSED NEW SECOND FLOOR PLAN - BLOCK G
SCALE 1:100



PROPOSED NEW
THIRD FLOOR PLAN - BLOCK G
SCALE 1:100

DEVELOPMENT APPROVAL APPLICATION

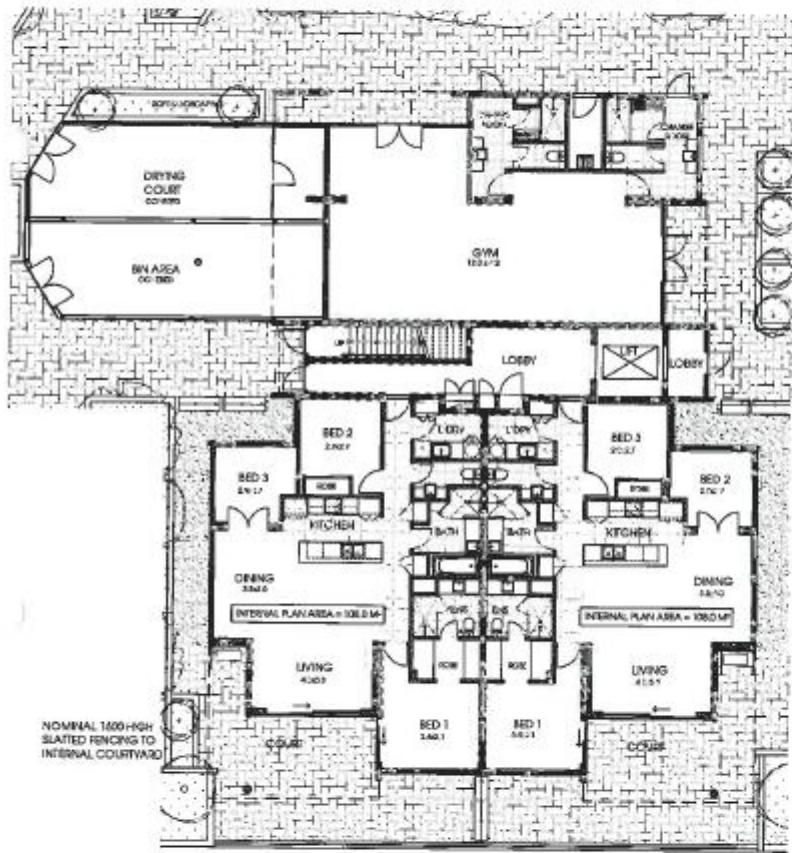
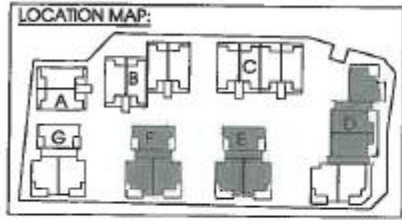


INDIAN OCEAN SUITES - APARTMENT DEVELOPMENT : BLOCK G
PREVIOUSLY APPROVED & PROPOSED NEW APARTMENTS TO BLOCK-G

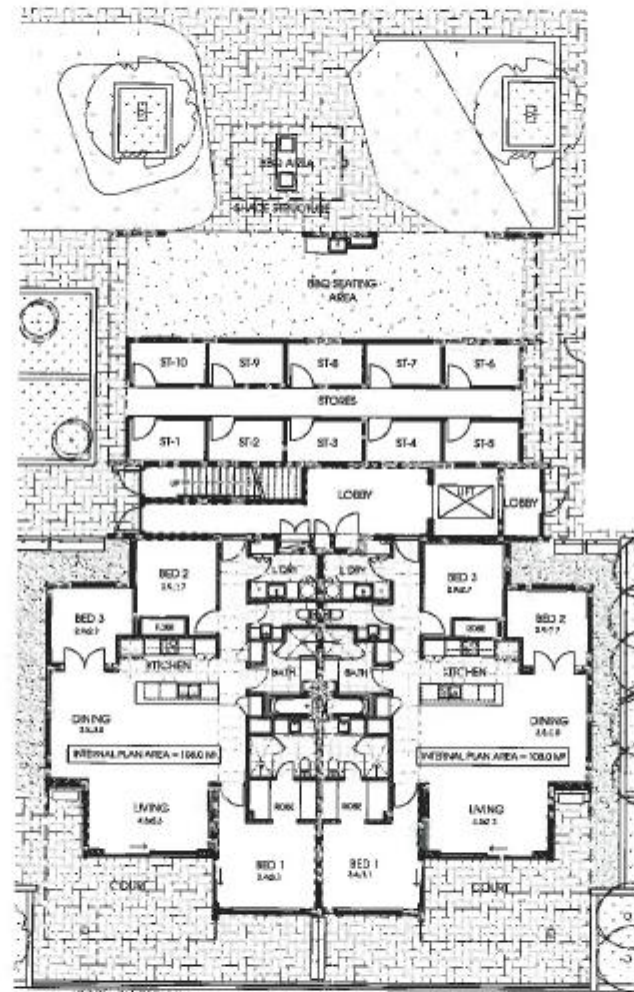


LOT 676, NO. 44 COUNIHAN CRES
PRETTY POOL
PORT HEDLAND WA

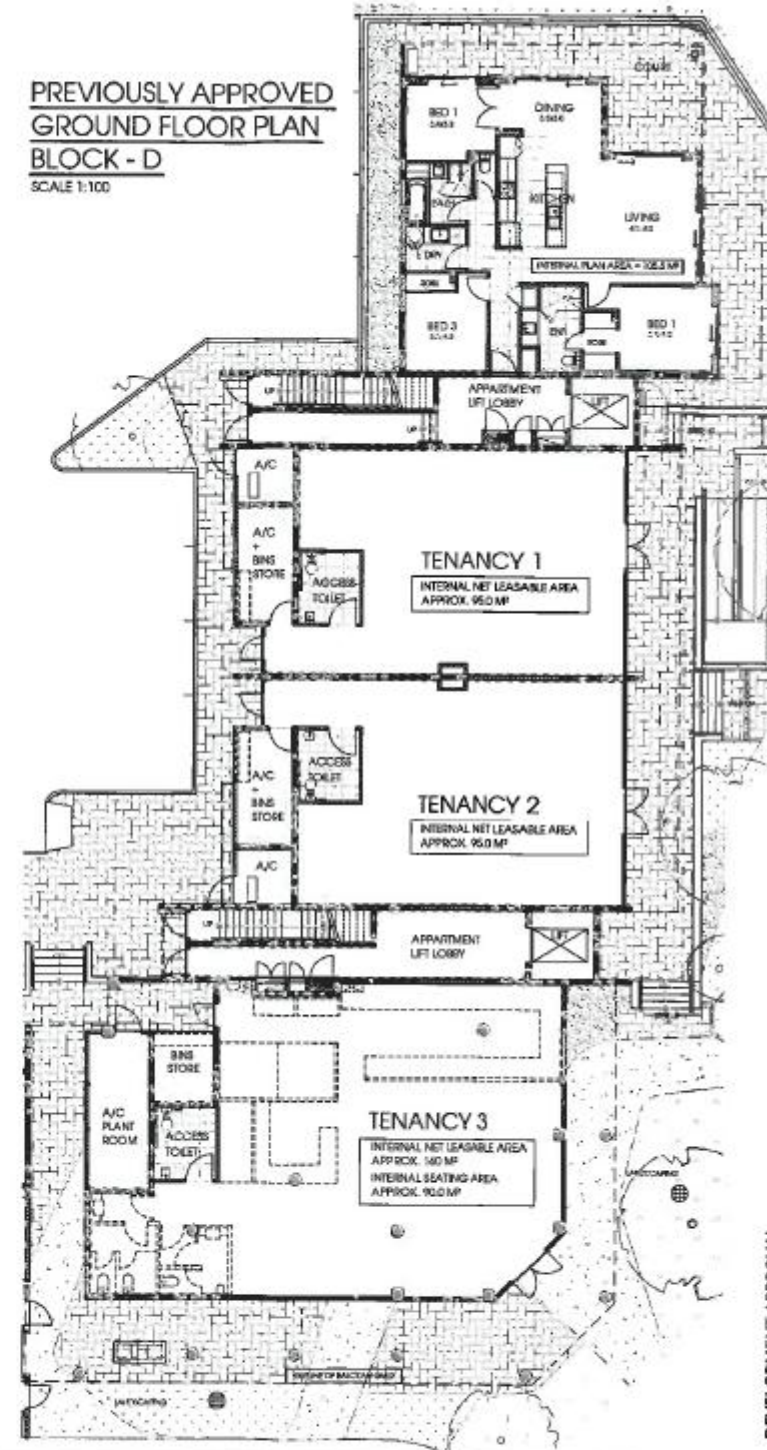
JOB NO. 1155
DATE: OCT 11
DA 13
4/10/2011



PREVIOUSLY APPROVED
GROUND FLOOR PLAN BLOCK - F
SCALE 1:100



PREVIOUSLY APPROVED
GROUND FLOOR PLAN BLOCK - E
SCALE 1:100

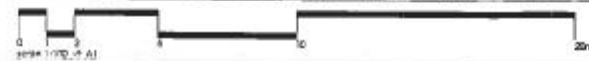


PREVIOUSLY APPROVED
GROUND FLOOR PLAN
BLOCK - D
SCALE 1:100

DEVELOPMENT APPROVAL

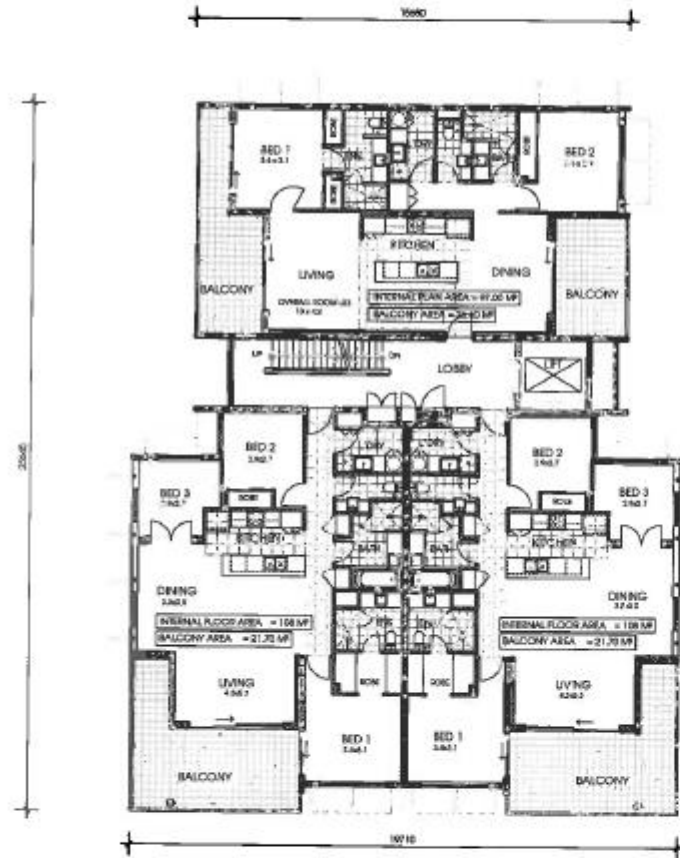
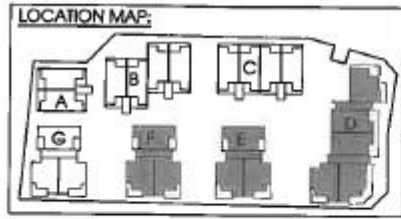


INDIAN OCEAN SUITES - APARTMENT DEVELOPMENT
GROUND FLOOR PLAN - BLOCKS D, E & F

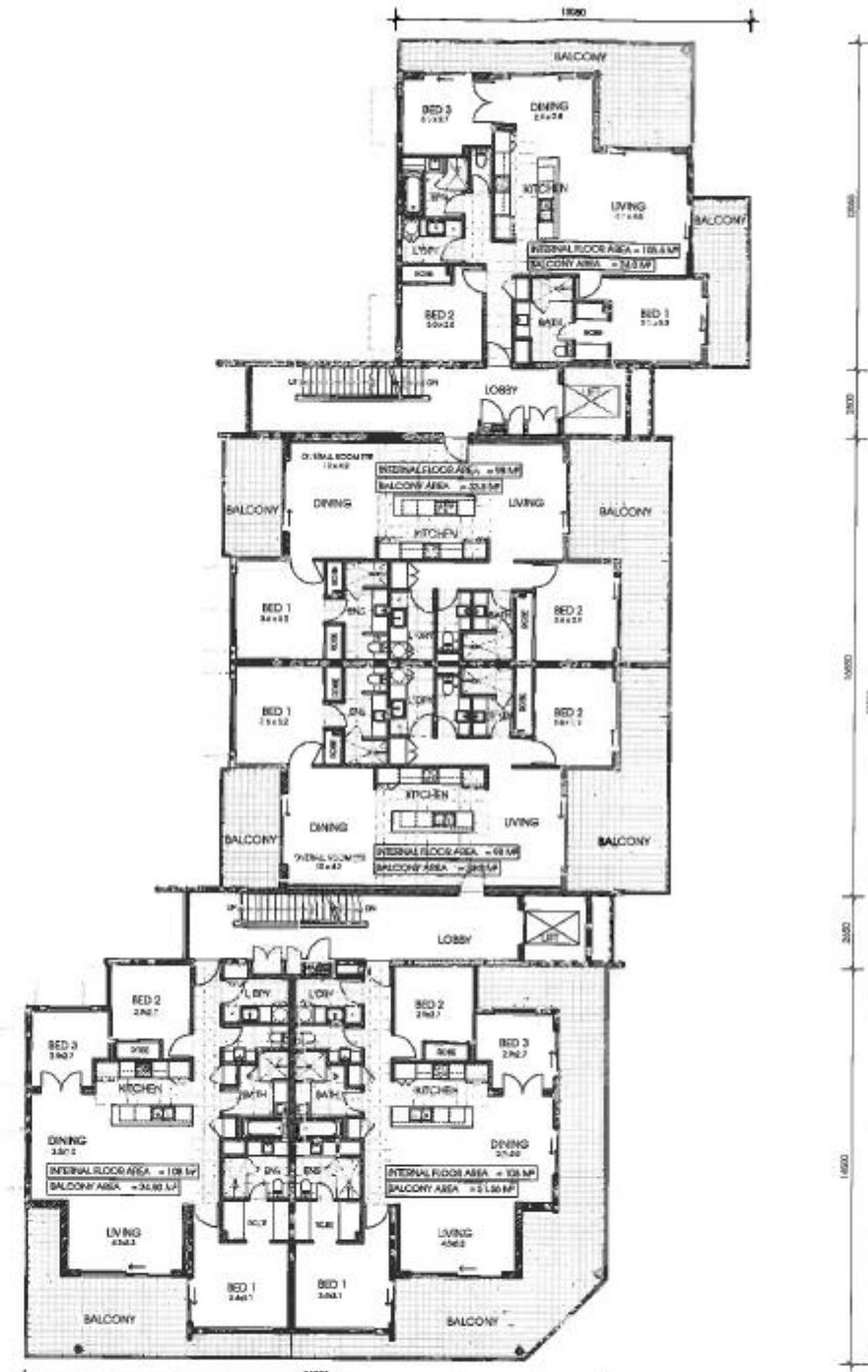


LOT 676, NO. 44 COUNIHAN CRES
PRETTY POOL
PORT HEDLAND WA

JOB NO. 1155
DATE - OCT 11
DA 14
4/1/2012 2:48



PREVIOUSLY APPROVED TYPICAL FLOOR PLAN - BLOCK - E & F
SCALE 1:100



PREVIOUSLY APPROVED TYPICAL FLOOR PLAN - BLOCK - D
SCALE 1:100

DEVELOPMENT APPROVAL APPLICATION

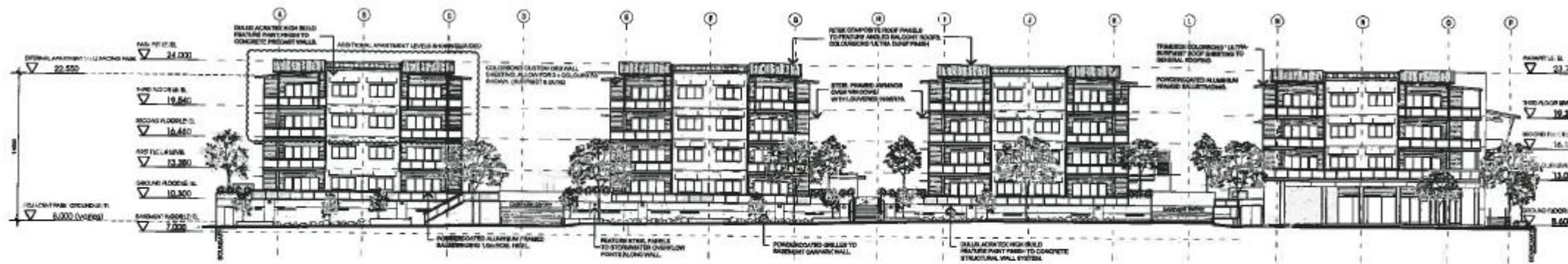


INDIAN OCEAN SUITES - APARTMENT DEVELOPMENT
TYPICAL FLOOR PLAN - BLOCKS D, E & F



LOT 676, NO. 44 COUNIHAN CRES
PRETTY POOL
PORT HEDLAND WA

JOB NO. 11.05
DATE: OCT. 11
DA: IS
1:22/08/12



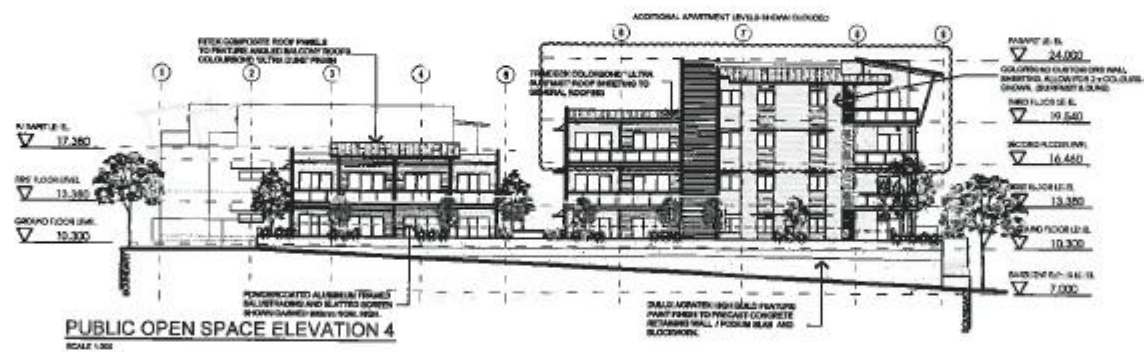
DOWDING WAY ELEVATION 1
SCALE 1:200



COUNIHAN CRES ELEVATION 2
SCALE 1:200



COOPER PLACE ELEVATION 3
SCALE 1:200



PUBLIC OPEN SPACE ELEVATION 4
SCALE 1:200

DEVELOPMENT APPROVAL APPLICATION

DOEPEL
MARSH

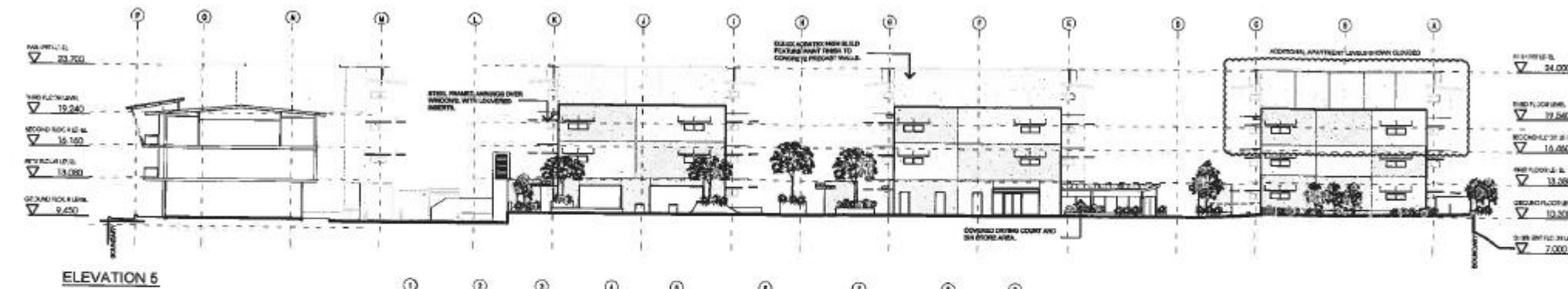
architects

INDIAN OCEAN SUITES - APARTMENT DEVELOPMENT : ELEVATIONS

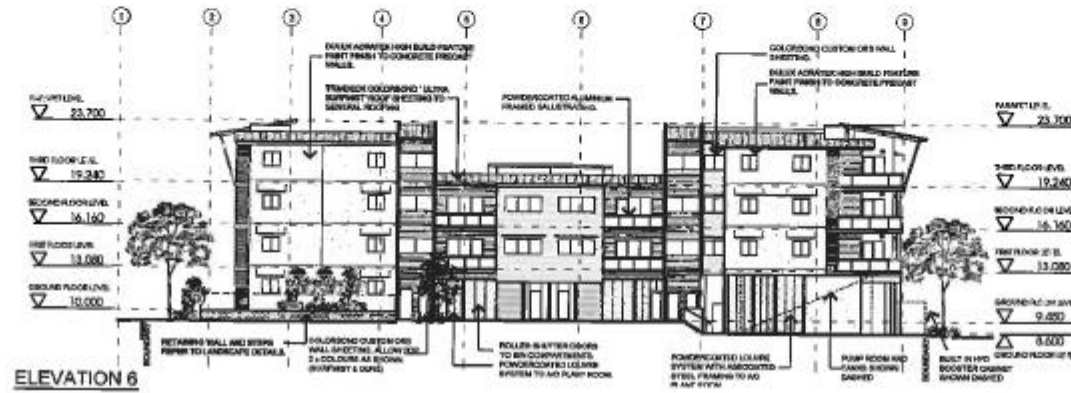


LOT 676, NO. 44 COUNIHAN ST
PRETTY POOL
PORT HEDLAND WA

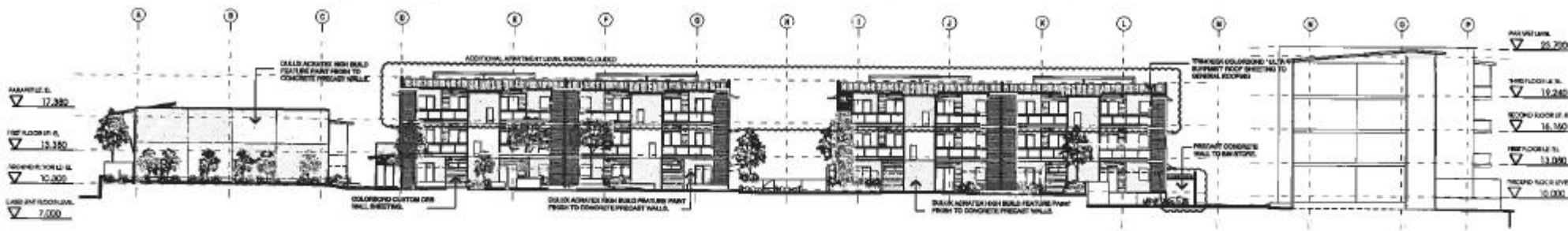
JOB NO. 11.55
DATE: OCT 11
DA 05
E. J. COOPER PT



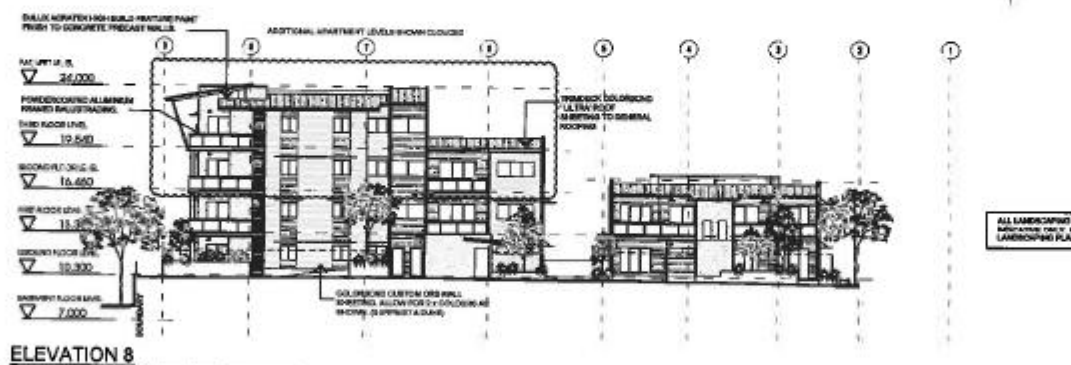
ELEVATION 6



ELEVATION 6



ELEVATION 7



ELEVATION 8

DEVELOPMENT APPROVAL APPLICATION

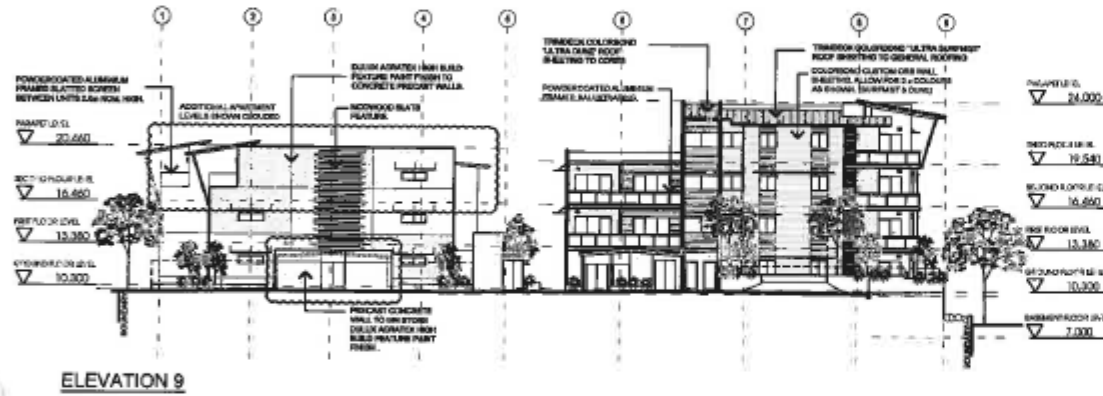


INDIAN OCEAN SUITES - APARTMENT DEVELOPMENT : ELEVATIONS



LOT 676, NO. 44 COUNIHAN ST
PRETTY POOL
PORT HEDLAND WA

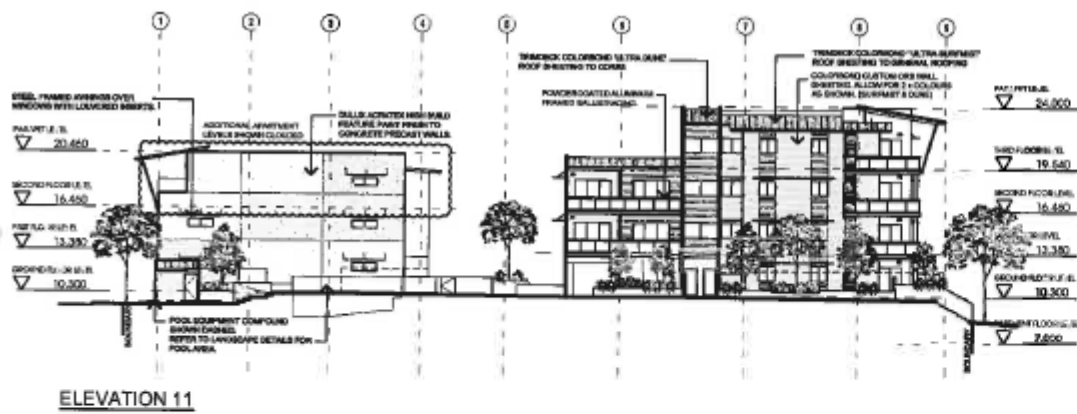
JOB NO. 1155
DATE: OCT 11
DA: DS
11/02/2011



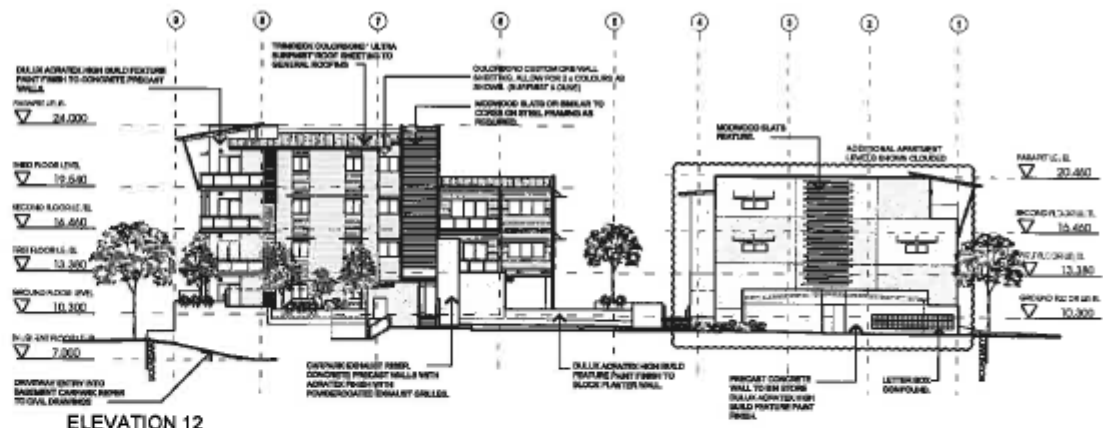
ELEVATION 9



ELEVATION 10



ELEVATION 11



ELEVATION 12

DEVELOPMENT APPROVAL APPLICATION

<p>DOEPEL MARSH architects</p>	<p>INDIAN OCEAN SUITES - APARTMENT DEVELOPMENT : ELEVATIONS</p>	<p>LOT 676, NO. 44 COUNIHAN ST PRETTY POOL PORT HEDLAND WA</p>	<p>JOB NO. 11 08 DATE - OCT 11 DA 10 © COPYRIGHT 2011</p>
---------------------------------------	---	--	---

(This page intentionally left blank.)

11.1.6 Proposed Permanent Partial Closure of Greene Place, South Hedland (File No.: 28/01/0017)

Officer	Caris Vuckovic Lands Officer
Date of Report	11 January 2011
Disclosure of Interest by Officer	Nil

Summary

Council received a request from Scribe Design Group on behalf of the owners of Lot 2240 Greene Place to permanently close a portion of the Greene Place Road Reserve.

The closure of the subject portion of Greene Place is required to facilitate the development of Lot 2240 Greene Place, South Hedland.

The proposal is supported by Council Officers, Council is requested to support the closure of a portion of Greene Place Road Reserve, South Hedland.

Background

The purpose of the partial road closure is to excise unused portions of the existing Greene Place Road Reserve. This will facilitate the closed portion to be amalgamated with Lot 2240 Greene Place, which is earmarked for residential development.

Continuous traffic flow will be achieved through the newly proposed road which forms part of the approved subdivision of Lot 2241 McDonald Street. This will ensure there is no negative impact on traffic, pedestrian or cycle networks.

Consultation

Section 58(3) of the Land Administration Act 1997 states:

“A local government must not resolve to make a request under subsection (1) until a period of 35 days has lapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.”

The statutory advertising period is designed to allow all interested parties, including public service providers, to comment on the proposals prior to Council permanently closing a road reserve.

The proposal has been referred to service providers with no objections being received.

Statutory Implications

Section 58 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998*, establishes the procedure for closing a road.

The subsequent sale of the Crown Land is undertaken by the Department of Regional Development and Lands on behalf of the Minister in accordance with Part 6 of the *Land Administration Act 1997*.

The Town of Port Hedland Delegation 40(12) states:

“The Director Planning and Development and / or the Manager Planning may forward Road Closure Applications direct to the Department of Land Administration in the event of:”

- i) There being no comment received during the statutory advertising period; and*
- ii) The proposal being of an uncontentious nature”*

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

The application fee of \$115.00 has been received in accordance with Council's adopted Town Planning Fees and Charges.

Officer's Comment

The section of Greene Place Road Reserve (approximately 2455m²) is currently not used nor required for road purposes. Closing this portion of road and amalgamating it with developable land will ensure the land is used for residential purposes.

Options

Council has the following options in responding to the request:

1. Support the request to permanently close a portion of the Greene Place Road Reserve, South Hedland.

The closure of the subject portion of road reserve will improve the streetscape and amenity of the surrounding area.

2. Reject the request to permanently close a portion of the Greene Place Road Reserve, South Hedland.

Should Council not support the proposal, the portions of unused land will remain undeveloped.

Option 1 is recommended

Attachments

1. Locality Plan
2. Road Closure Plan
3. Proposed Subdivision plan

201112/328 Officer's Recommendation / Council Decision

Moved: Cr A A Carter

Seconded: Cr S R Martin

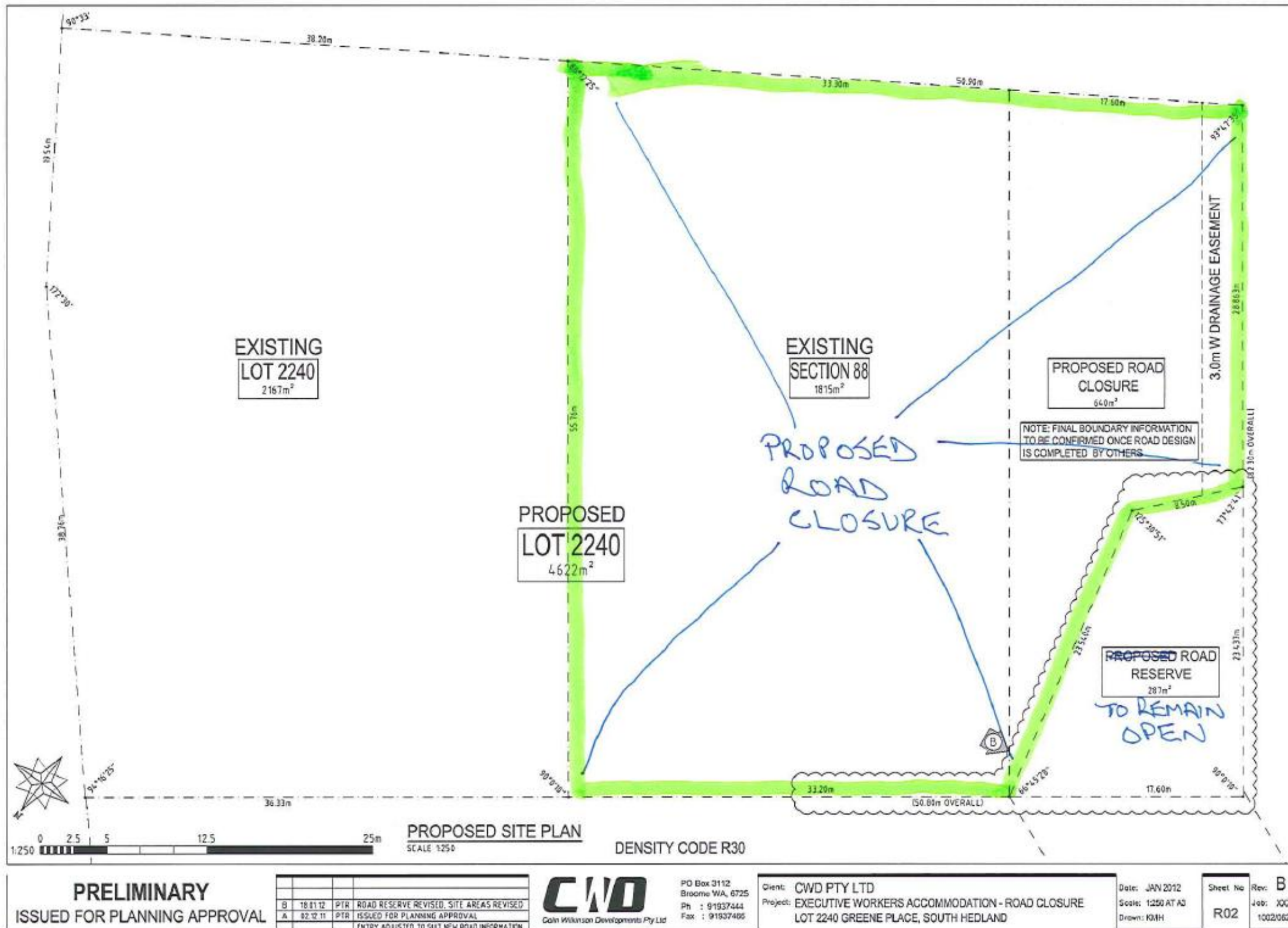
That Council:

1. **Supports the request from Scribe Design Group to permanently close a portion of the Greene Place Road Reserve, South Hedland, as indicated on Attachment 2.**
2. **Delegates the Manager Planning Services under Delegation 40(12) to submit the road closure request to the Department of Regional Development and Lands (State Land Services), subject to the following;**
 - a. **The proposed Road Closure being advertised for a period of 35 days pursuant to Section 58(3) of the Land Administration Act 1997;**
 - b. **No objections being received during the advertising period.**

CARRIED 8/0

(This page intentionally left blank.)







PROPOSED SUBDIVISION

Lot 2241 McDonald Street,
SOUTH HEDLAND

LEGEND

- Subject Site
- Proposed Road Closure
- Existing Trees

North West Developments Pty. Ltd. : CLIENT
 1:500@A3 : SCALE
 11 January 2011 : DATE
 40011-3-003b.dgn : PLAN No
 b : REVISION
 T.K. : PLANNER
 L.W. : DRAWN
 N.T. : CHECKED

Base data supplied by MAPS.
 Accuracy +/- 4m. Projection PRMG4.

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

LOT YIELD			LOT AREA		
Size	No. Lots	% Total Lots	Average Size	% of Total Area	Area
300m² - 600m²	16	84.21%	370m²	72.72%	5927m²
601m²+	3	15.79%	741m²	27.28%	2223m²
Total Number of Lots		19			
Minimum Lot Size 303m²			Average Lot Size 426m²		
Maximum Lot Size 862m²			Total Lot Area 8150m²		

RPS
 RPS Environment and Planning Pty Ltd
 ACN 108 690 977
 ABN 45 108 690 977
 PO Box 405 Subiaco WA 6004
 38 Station Street
 Subiaco WA 6008
 T +61 8 9211 1111
 F +61 8 9211 1122
 W rpgroup.com.au

(This page intentionally left blank.)

11.1.7 Retrospective Application “Use Not Listed – Fly Camp” on Lot 63 Pippingarra Road, Pippingarra (File No: 802295G)

Officer Steve de Meillon
Planning Officer

Date of Report 8 January 2012

Disclosure of Interest by Officer Nil

Summary

The Town received an application from Greg Rowe and Associates on behalf of the Crown and Orica Mining Services the lessee of Lot 63 Pippingarra Road, Pippingarra (the site).

The application seeks to construct a “Use Not Listed – Fly Camp” (Building Construction Camp) to be located on the subject site.

The Building Construction Camp will accommodate the temporary workforce required to construct the approved Ammonium Nitrate Emulsion Production and Storage Facility (ANEP and Storage Facility).

The proposal is supported by Council Officers, Council is requested to approve the proposed use subject to conditions.

Background

Location and site details (Attachment 1)

The site is located approximately 22 kilometers southeast of the Town of Port Hedland.

The site is bound by Pippingarra Road to the west and BeeBingarra Creek to the east, and measures a total area of 37.953 hectares.

Retrospective Development (Attachment 2)

An inspection of the site revealed the Building Construction Camp has already been constructed. In instances where approval is being sought after construction the Town Planning Scheme enables Council to consider retrospective applications.

Clause 4.10.1 – Approval of Existing Developments of the Town of Port Hedland Town Planning Scheme No. 5, allows for the application to be submitted for retrospective assessment.

Proposal

The Building Construction Camp occupies approximately 0.27 hectares within the southern section of the site, with direct access to Pippingarra Road.

The proposed "Building Construction Camp" comprises of:

- 40 accommodation units;
- An office;
- A common room;
- A laundry facility;
- An ice room;
- A 25,000 litre water tank; and
- 10 car bays.

Consultation

The following consultation was carried out; with no objections being received.

Advertising	
North West Telegraph	25 January and 1 February.
Letters to surrounding neighbours	
External Referral	
Water Corporation (Perth)	
Water Corporation (Karratha)	
Department of Planning	The following comments were made: Inclusion of a 'sunset' clause to limit the duration of the proposal. The temporary use of the subject site is consistent with the objectives for fly-in-fly-out workforces (section 2.13) in the Pilbara Planning and Infrastructure Framework.
Main Roads WA	
Horizon Power	
DEC	
Internal Comments	
Environmental Health Services	
Technical Services	Note: Due to the proximity of river, land may be subject to flooding.
Building Services	Building Licence Required.

Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development of the land must be done in accordance with TPS 5.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

The prescribed application fee of \$1,280.00 has been received.

Officer's Comment

The proposed Construction Camp has been determined to be a "Use Not Listed". Building Clause 3.2.6 of TPS5 states:

"If the development of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be included in the definition of one of the development categories the Council may determine:

That the development or use is not consistent with the objectives and purposes of the particular zone or precinct and is, therefore, not permitted, or

By absolute majority that the proposed development may be consistent with the objectives and purposes of the zone and an application for planning approval should be determined in accordance with Party IV, including the advertising procedures of clause 4.3"

The site is zoned "Rural" under the provisions of TPS5. Clause 6.8 of TPS5 outlines the development requirements for the "Rural" zone as:

"In considering any proposed development within the Rural zone, but in an area subject to strategic proposals for urban and industrial development, the Council shall only grant approval where the proposed development or use will not, in the opinion of Council, prejudice the future development of those proposals."

The Building Construction Camp is temporary and considered ancillary to the recently approved ANEP and Storage Facility.

It is considered important to differentiate between the proposed Building Construction Camp and “Transient Workforce Accommodation”. The key differences being the Building Construction Camp will be temporary, for a maximum of 12 months, where a TWA can be a permanent land use. As such a TWA is often self contained, providing facilities such as gymnasiums, wet and dry mess and recreational facilities. A Building Construction Camp does not comprise of any significant self contained facilities.

The lifespan and scale of the proposed development is not considered to prejudice any future development within the “Rural” zone.

In light of the above, the proposed development is consistent with the objectives of the “Rural” zone and is capable of approval.

Guidance Note

The “Guidance Note for Potential Developers of Transient Workforce Accommodation” (Guidance Note) outlines the key principals and styles of temporary workforce accommodation the Town considers appropriate.

The Building Construction Camp is consistent with the characteristics of a “Building Construction Camp” as defined by the Guidance Note. As such, the Guidance Note provides scope to approve Building Construction Camps for a period of no longer than 18 months.

Although not the Town’s preferred option, Building Construction Camps are allowable where other alternatives have been explored.

The applicant has been unable to source accommodation for their workers for the duration of the project and have requested Council to approve a Building Construction Camp for a period of 12 months.

The proposed development is considered to provide an appropriate accommodation solution to assist with the timely construction of the approved ANEP and Storage Facility.

The applicant has provided the following information to address the key principals of the Guidance Note:

Town Centre Development Focus

The proposal will enhance the Town’s Central Business Districts as temporary workers will utilise existing dining and shopping facilities in Port Hedland and South Hedland.

Community Benefit

Due to the temporary nature (12 month operational period) of the proposal there will be no detracting from the Town’s existing infrastructure. Moreover, accommodation alternatives have been explored and exhausted.

As mentioned above, the community (in particular local business) will directly benefit as the temporary workforce will be utilizing existing dining/shopping facilities in Port Hedland and South Hedland.

Integration

It has not been possible to integrate the temporary accommodation facilities within the Town's existing infrastructure and service environments however the temporary workforce will integrate with the existing community by utilising and supporting local dining and shopping facilities.

Quality

The proposed temporary Building Construction Camp has been designed with consideration given to the quality of urban design and visual amenity. Given the remote location of the subject site and the temporary nature of the proposal, these principals are considered to have less relevance than if the proposal was located in proximity to the Port or South Hedland urban areas.

Safety

The proposal will be constructed to the highest safety standards. Moreover, having the temporary Construction Camp located in proximity to the ANEP and Storage Facility (at the subject site) will enhance the safety and security of the Facility by having a permanent human presence on site at all times while the Facility is under construction.

Due to the proximity of the Fly Camp facility to both Port and South Hedland, it is accepted dining and shopping activities will be carried out within the town sites.

In light of the above, and in consideration of the lifespan of the project, it is considered an indirect community benefit will be achieved, removing the need for a contribution to be requested.

Car Parking

In accordance with clause 6.13.2 of TPS5, the appropriate amount of car parking required for a "Use Not Listed" is up to the discretion of Council. Clause 6.13.2 states that:

"Where a development is not specified in Appendix 7 the Council shall determine car parking requirements having regard to the nature of development, the number of vehicles likely to be attracted to the development and the maintenance of desirable safety standards."

The subject site is located outside of the town sites of Port and South Hedland. It is anticipated the subject site will only be accessed by occupiers and employees.

The proposal includes 10 car parking bays onsite to service the 40 accommodation units. The applicant has provided the following justification to support the proposed level of car parking:

“With respect to the movement of the temporary workers, the majority will be brought to site by bus. Provision for additional vehicular parking has been made but it is unlikely that it will be utilised given the temporary workforce will not have access to private motor vehicles.”

Discussions with the applicant confirmed that a bus service would operate from the site on a regular basis, allowing workers to access the Town for shopping and dining purposes.

The above justification is considered reasonable and is supported by Council Officers.

Attachments

1. Location Plan.
2. Site, Floor and Elevation Plans.
3. Cyclone and Emergency Evacuation Plan.

201112/329 Officer’s Recommendation / Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council approves the planning application submitted by Greg Rowe and Associates on behalf of Orica Mining Services, for a “Use Not Listed – Fly Camp” located on Lot 63 Pippingarra Road, Pippingarra subject to the following conditions:

1. **This approval relates only to the proposed “Use Not Listed – Fly Camp” and other incidental development, as indicated on the approved plans (DWG2011/637/1 - DWG2011/637/10). It does not relate to any other development on this lot.**
2. **This approval is only valid for a period of 12 months or the completion of the project whichever comes first.**
3. **Following the completion of the project the applicant will return the land to its original state, to the satisfaction of the Manager Planning Services.**
4. **In regard to condition 2 above, the 12 months shall be calculated from the date of this approval.**
5. **The development shall be in accordance with the approved Fire and Emergency Evacuation Procedure Manual to the satisfaction of the Manager Environmental Health Services.**
6. **The premises shall be kept neat and tidy at all times to the satisfaction of the Manager Planning Services.**

- 7. No parking bays shall be obstructed in any way or used for the purposes of storage.**
- 8. Waste receptacles shall be stored in a suitable enclosure to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Environmental Health Services.**
- 9. Waste disposal and storage shall be carried out in accordance with Council's Health Local Laws 1999.**
- 10. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
- 11. No human habitation is permitted in a shed without approval of Council.**
- 12. Dust and sand shall be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Environmental Health Services.**
- 13. Stormwater shall be retained onsite. Disposal shall be designed in accordance with Council's Engineering Department Guidelines, to the satisfaction of the Manager Technical Services.**
- 14. Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the Manager Technical Services at the developer's cost.**
- 15. Prior to occupation, an approved effluent disposal system shall be installed to the satisfaction of the Manager of Environmental Health 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. Be advised all lodging houses are required be registered under the Health Act 1911 and operate in accordance with that Act and the Town of Port Hedland Health Local Laws 1999.**
- 3. Application is to be made for the installation of an approved apparatus for the treatment of effluent to the satisfaction of the Manager of Environmental Health Services.**

4. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

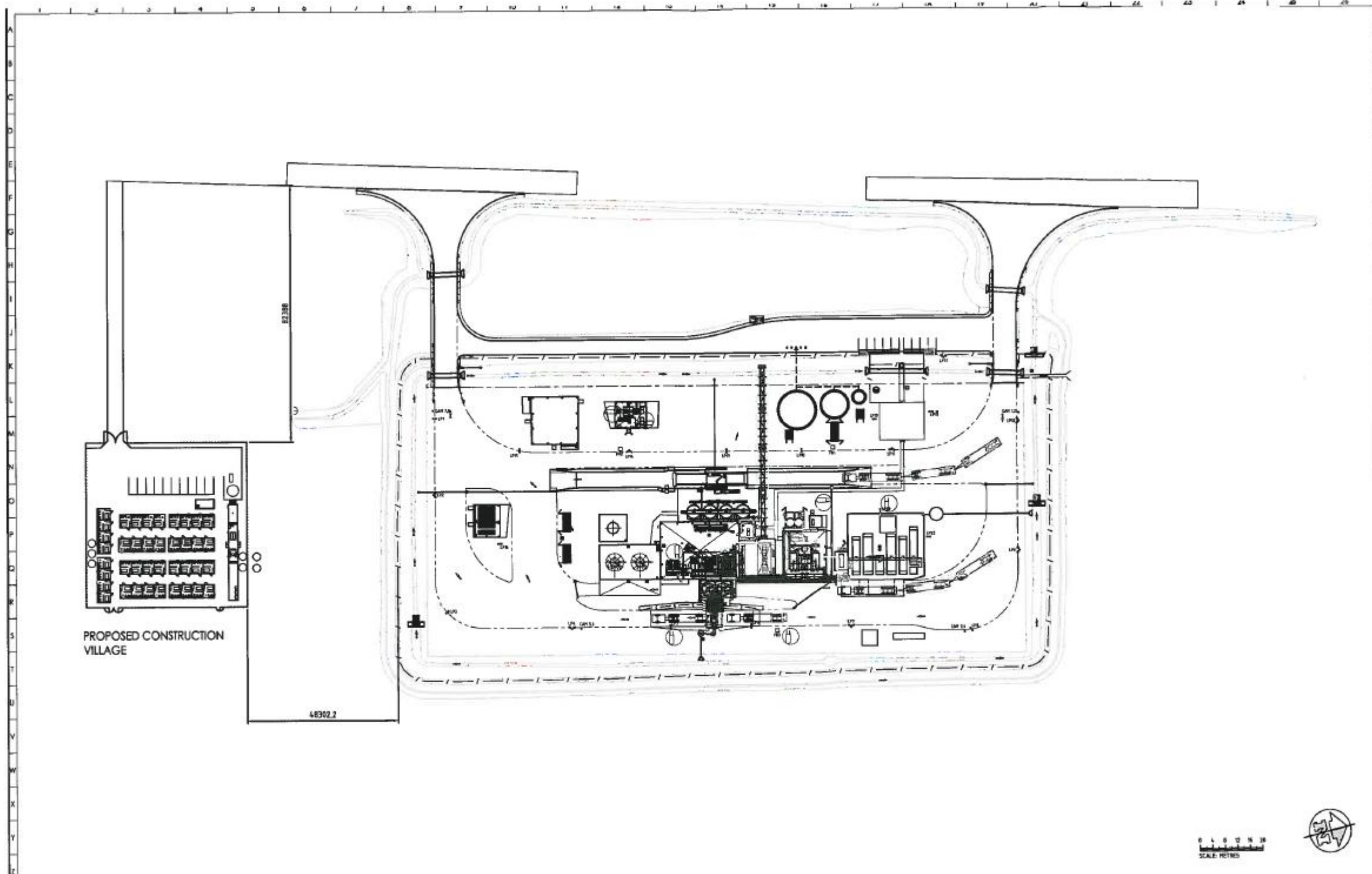
5. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

CARRIED 8/0

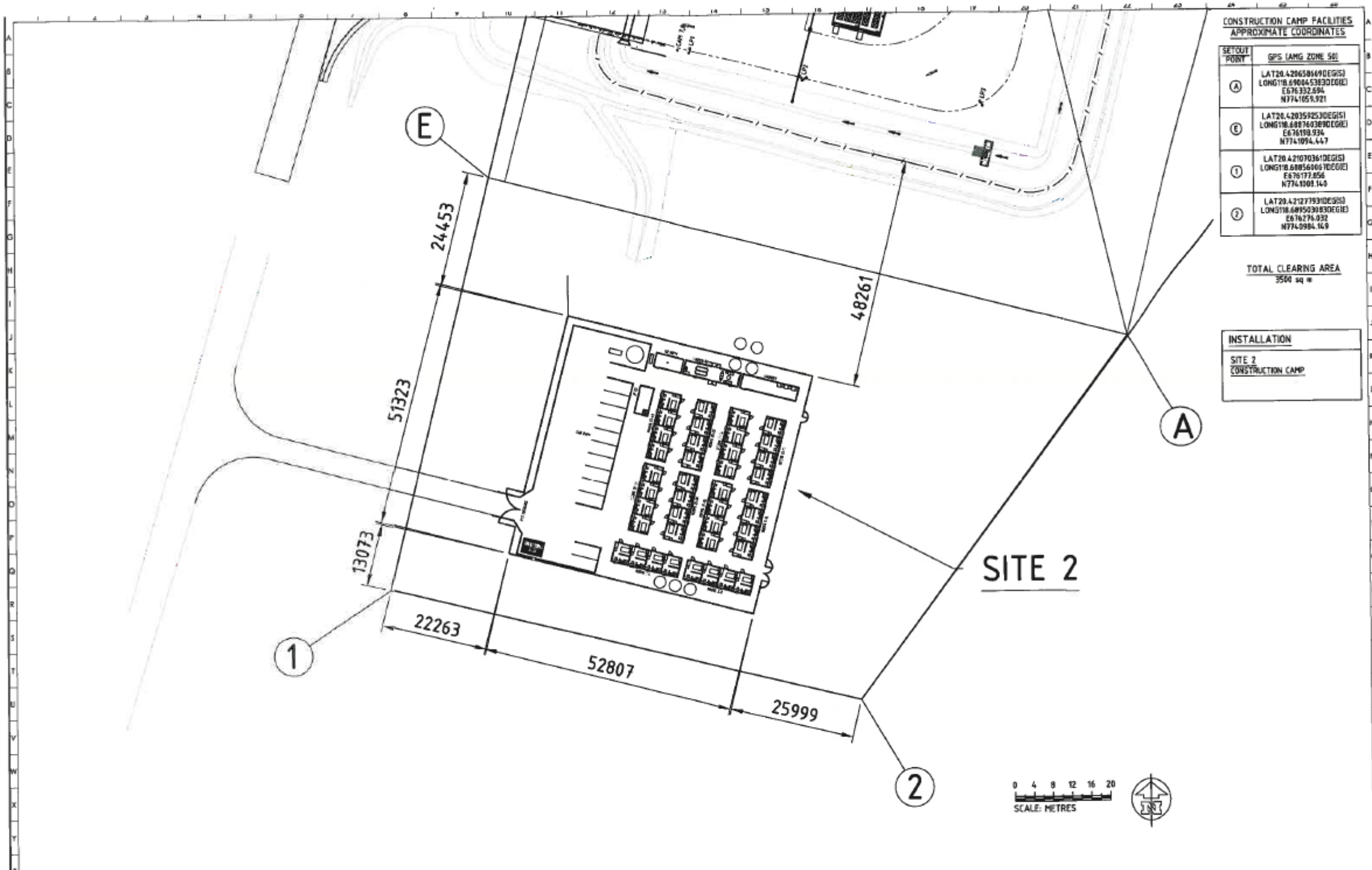
LOCATION MAP



(This page intentionally left blank.)



DO NOT SCALE DIMENSIONS IN MILLIMETRES TOLERANCES: UNLESS OTHERWISE INDICATED ORIGINAL 2.00 ± 0.25 ORIGINAL 1.00 ± 0.10 ORIGINAL 0.50 ± 0.05 REVISION 0.00 ± 0.02 DIMENSION ± 0.25	CONSTRUCTION VILLAGE SITE PLAN DRAWING LIST REFERENCE DRAWINGS	47385 41422 DRAWING No.	DATE: 12 Jan 12 DRAWN: Mark Ash CHECKED: [] PASSED: [] APPROVED: []	DATE: 12 Jan 12 DATE: [] DATE: [] DATE: []	PROJECT: PILBARA TITLE: PLANT GENERAL LAYOUT CONSTRUCTION VILLAGE SITE PLAN	DRAWING No. 47385 VERSION No. 6 DATE: 13 Jan 12	SHEET No. 0
	INFORMATION ONLY UNRELEASED THIS DRAWING IS PRELIMINARY AND CONFIDENTIAL. THE CONTENTS ARE FOR INFORMATION ONLY AND SHOULD NOT BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF ORICA MINING SERVICES. PRINTED COPIES ARE NOT CONTROLLED		ORICA MINING SERVICES		WORK ORDER No. 8803976	SCALE: 1:1000	DEPARTMENT: [] OFFICE: [] NAME: []



CONSTRUCTION CAMP FACILITIES APPROXIMATE COORDINATES

SETOUT POINT	GPS (AMG ZONE 56)
A	LAT20.4286184910(EGIS) LONG118.6908453830(EGIS) E676332.694 N7741059.921
E	LAT20.4283592530(EGIS) LONG118.6887603890(EGIS) E676188.934 N7741094.447
1	LAT20.4210703610(EGIS) LONG118.6885600670(EGIS) E676177.856 N7741908.143
2	LAT20.4212779310(EGIS) LONG118.6895030830(EGIS) E676276.032 N7740984.149

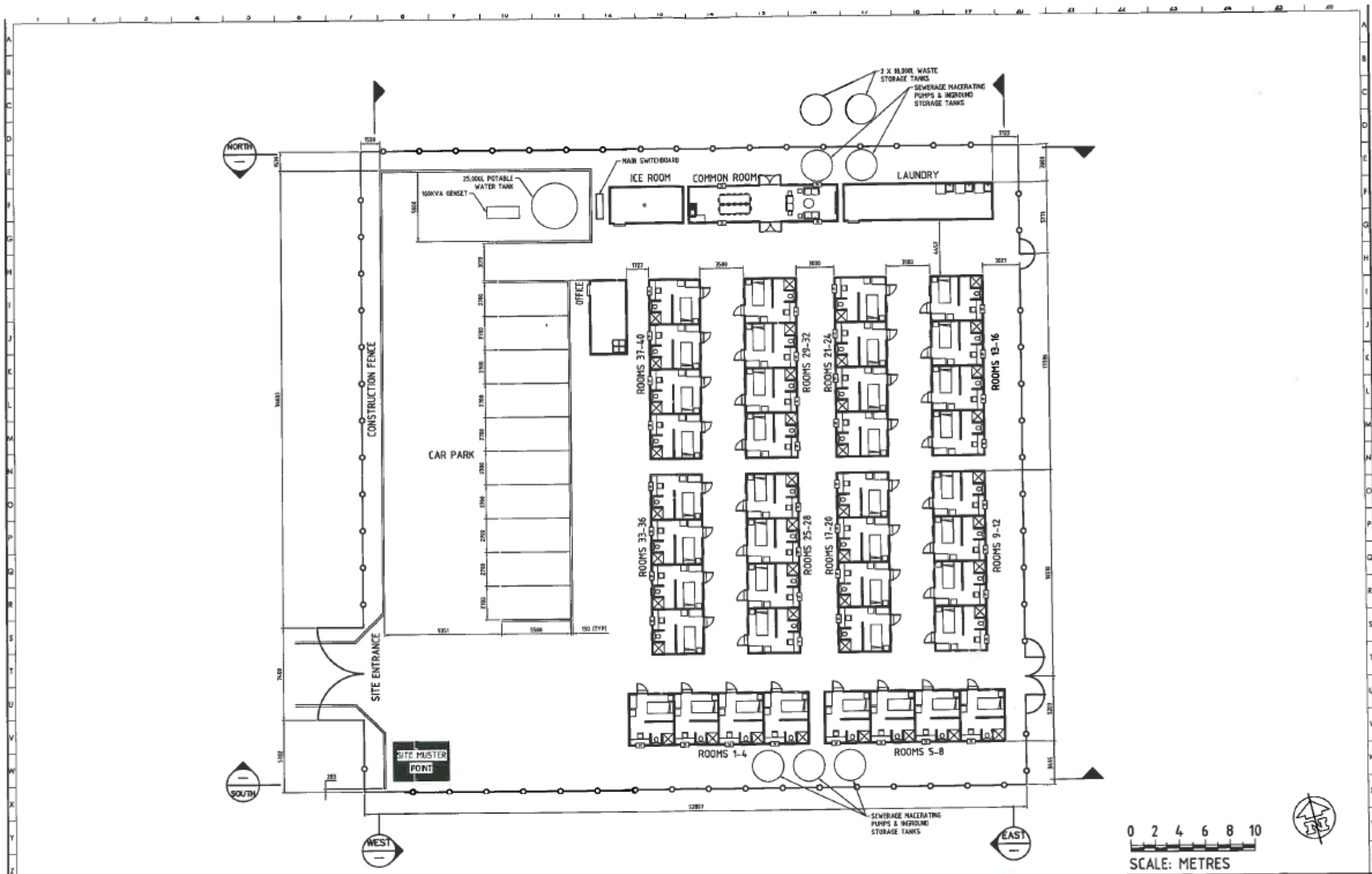
TOTAL CLEARING AREA
3500 sq m

INSTALLATION
SITE 2
CONSTRUCTION CAMP

SITE 2



<p>DO NOT SCALE</p> <p>3RD ANGLE PROJECTION</p> <p>DIMENSIONS IN MILLIMETRES</p> <p>TOLERANCES:</p> <p>(UNLESS OTHERWISE INDICATED)</p> <p>GENERAL ±0.10</p> <p>FINISH ±0.15</p> <p>CONCRETE ±0.15</p> <p>STEEL ±0.15</p> <p>WOOD ±0.15</p> <p>SURFACES ±0.15</p>	<p>CONSTRUCTION VILLAGE LAYOUT</p> <p>45027</p>	<p>NOTES:</p>	<p>INFORMATION ONLY</p> <p>UNRELEASED</p> <p>PREPARED BY: [Name] AND COMPANY, INC.</p> <p>COMPONENTS BY: [Name] AND COMPANY, INC.</p> <p>BY: [Name] AND COMPANY, INC. PROJECTS BY: [Name] AND COMPANY, INC.</p> <p>UNLESS OTHERWISE INDICATED, ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>PRINTED COPIES ARE NOT CONTROLLED</p>	<p>DESIGN: Mark Ash</p> <p>DATE: 12-Jan-12</p>	<p>PLANT: PILBARA</p> <p>TYPE: SITE GENERAL LAYOUT</p> <p>SITE LAYOUT LEASE FOR CONSTRUCTION CAMP</p>	<p>ORGANISING OFFICE: KLRI/ELSI</p> <p>NAME:</p>
	<p>DRAWING LIST</p> <p>41422</p>			<p>CHECKED:</p> <p>DATE:</p>		<p>WORK ORDER No. 8803978</p> <p>SCALE: 1:350</p> <p>SHEET No. 10</p> <p>DRAWING No. 48116</p> <p>VERSION No. 10</p> <p>DATE: 13 Jan 12</p> <p>REV. 0</p>



DO NOT SCALE

3RD ANGLE PROJECTION

DIMENSIONS IN MILLIMETRES

TOLERANCES:

(UNLESS OTHERWISE INDICATED)	
ORIGINAL SIZE	± 0.50
ORIGINAL SIZE	± 0.50
ORIGINAL SIZE	± 0.50
ORIGINAL SIZE	± 0.50
ORIGINAL SIZE	± 0.50
ORIGINAL SIZE	± 0.50

NOTES:

CONSTRUCTION VILLAGE SITE PLAN	47385
DRAWING LIST	41422
REFERENCE DRAWINGS	DIAGRAM No.

STATUS

INFORMATION ONLY

RELEASED/UNRELEASED

UNRELEASED

THIS DRAWING IS PRIVATE AND CONFIDENTIAL. IT IS NOT TO BE DISCLOSED OR REPRODUCED WITHOUT THE WRITTEN PERMISSION OF ORICA MINING SERVICES. ANY UNAUTHORIZED DISCLOSURE OR REPRODUCTION OF THIS DRAWING WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

PRINTED COPIES ARE NOT CONTROLLED

DRAWN Mark Ash	DATE 12-Jan-12
CHECKED	DATE
PASSED	DATE
APPROVED	DATE

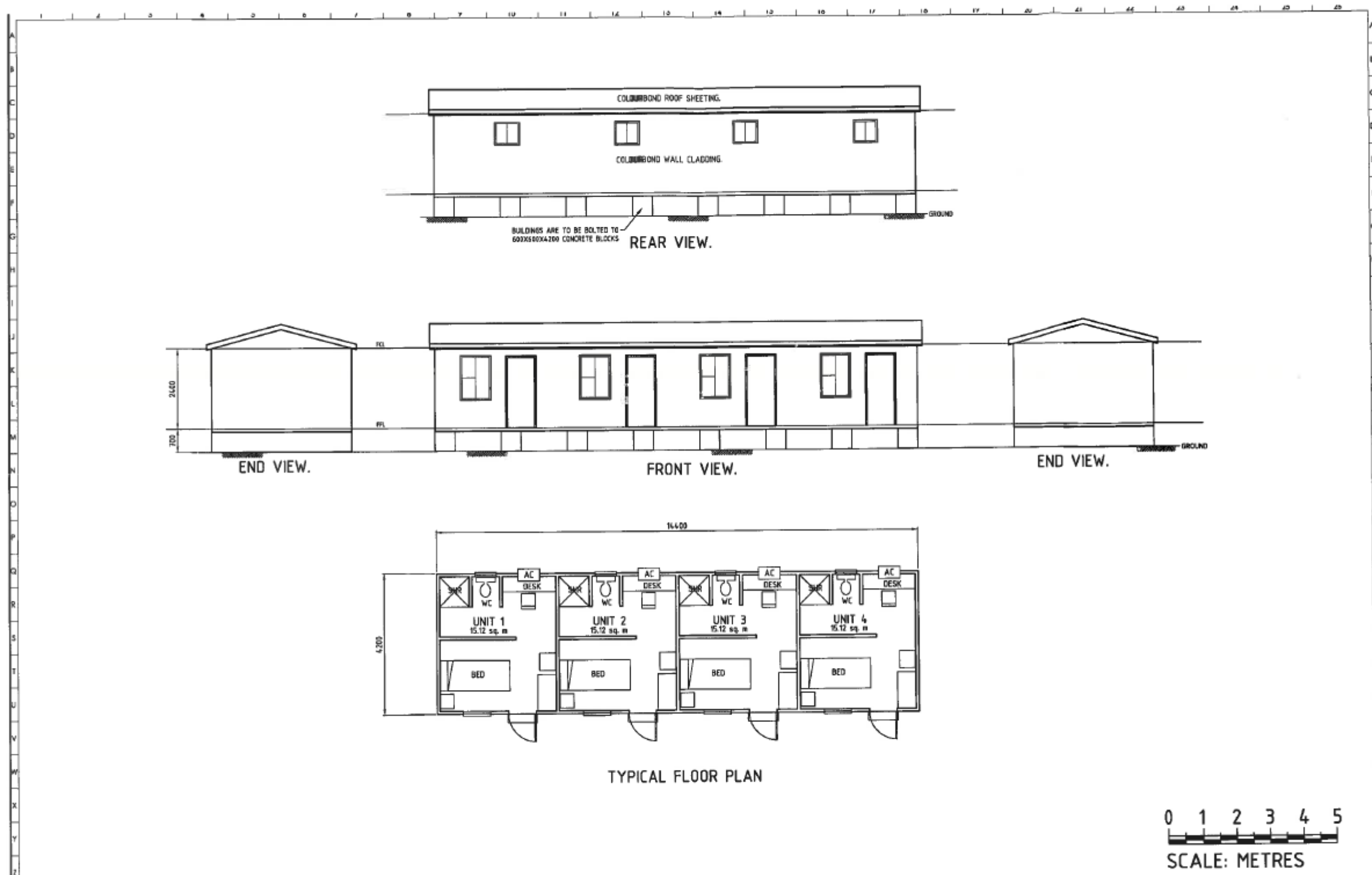
ORICA
MINING SERVICES

PILBARA

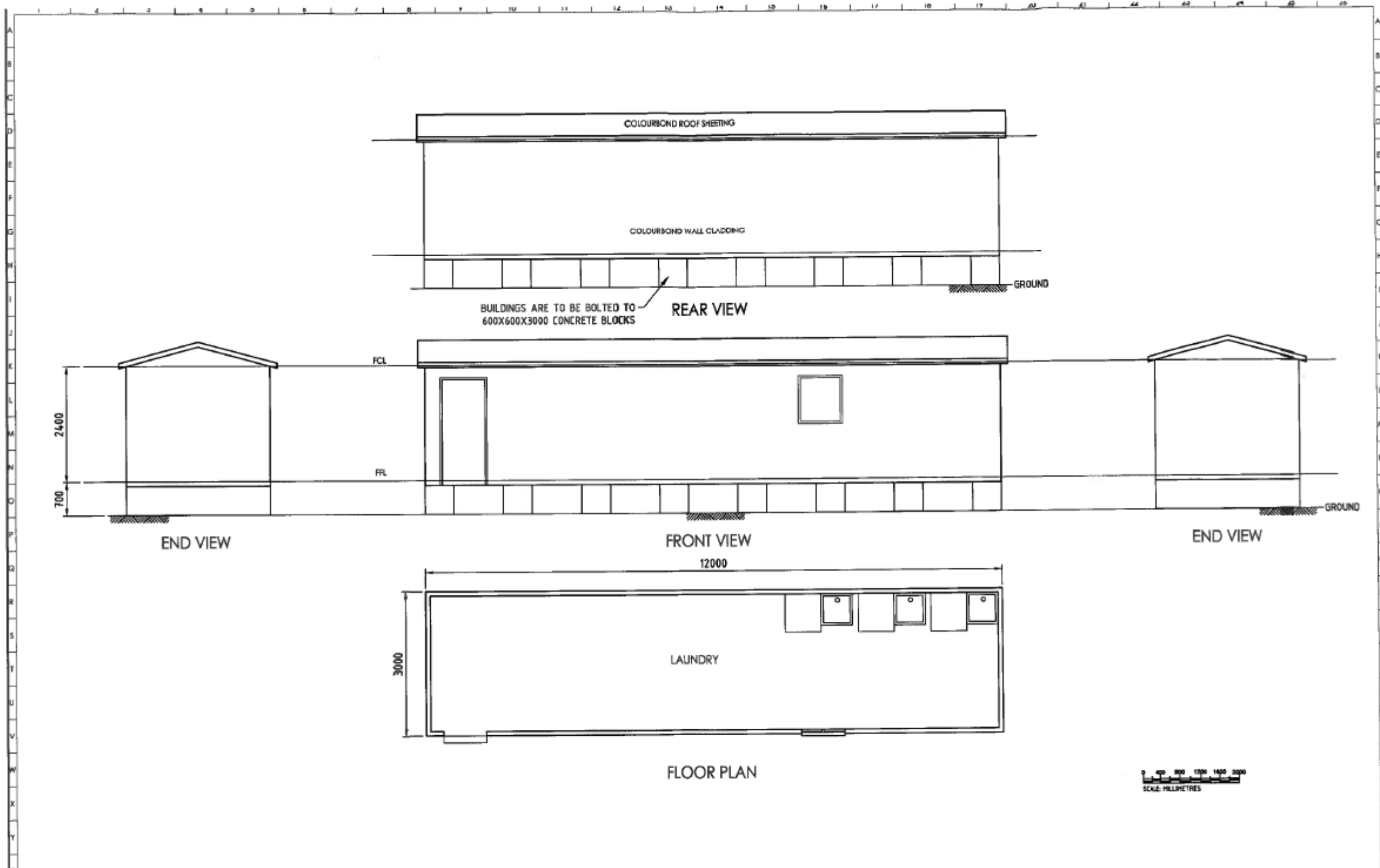
PLANT GENERAL LAYOUT

CONSTRUCTION VILLAGE LAYOUT

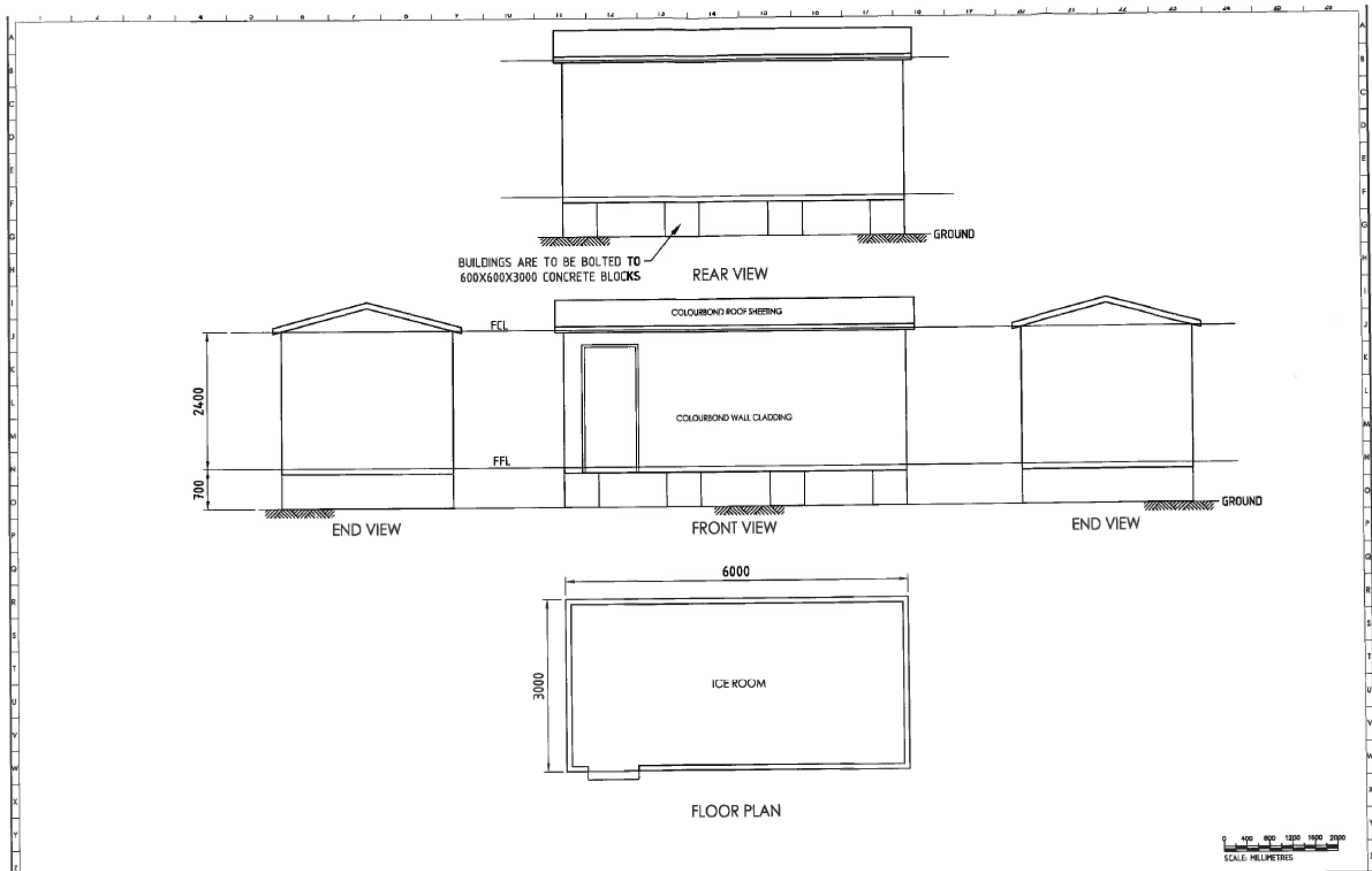
WORK ORDER No.	SCALE	SIB	SHEET No.	DRAWING No.	VERSION No.	REV.
88C0978				45027	13 13 Jan 12	0



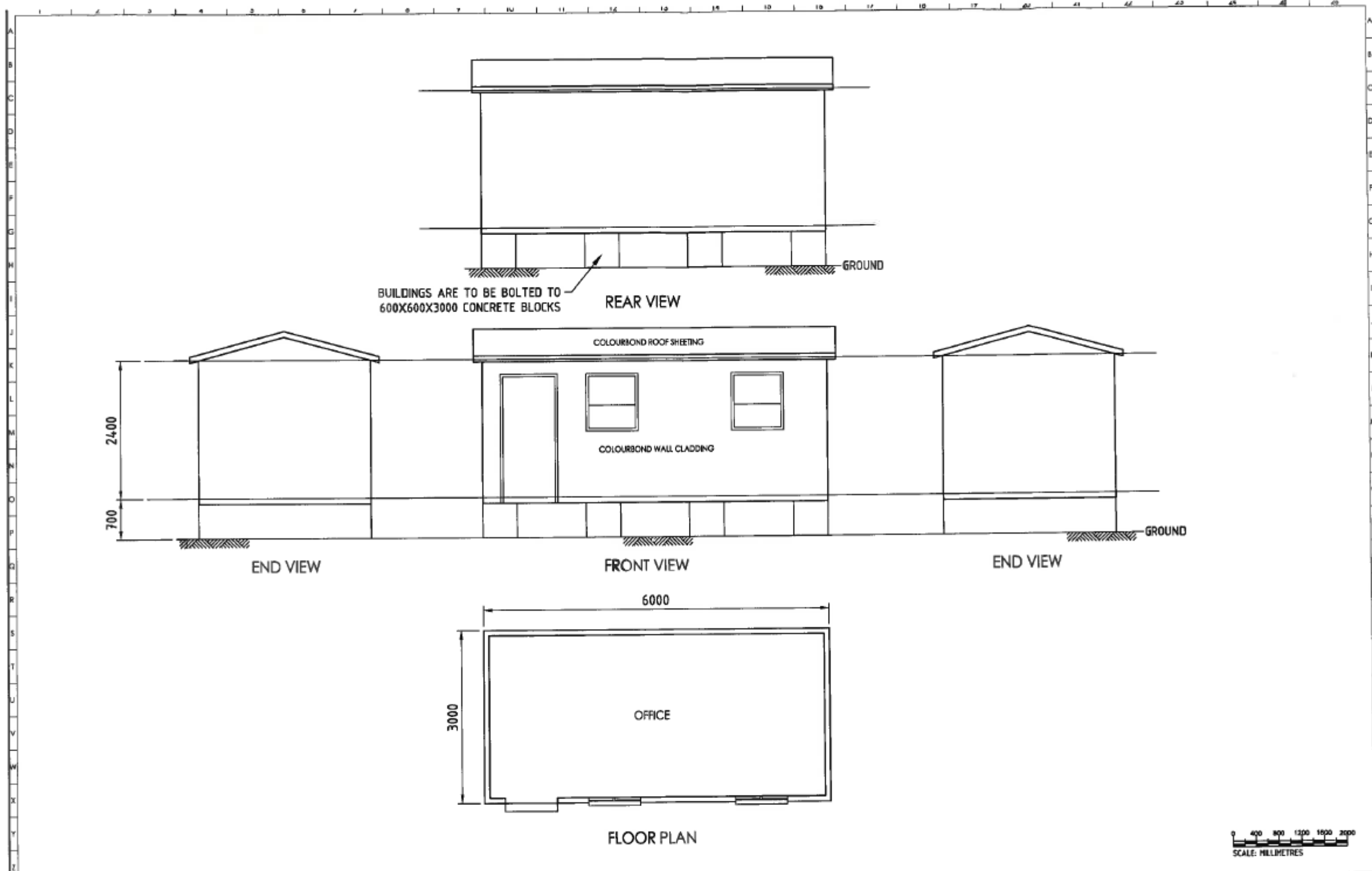
DO NOT SCALE 3RD ANGLE PROJECTION DIMENSIONS IN MILLIMETRES TOLERANCES: UNLESS OTHERWISE INDICATED: DECIMAL SIZE: ± 0.25 OTHER SIZE: ± 0.5 DECIMAL X: ± 0.25 OTHER X: ± 0.5 DECIMAL Y: ± 0.25 OTHER Y: ± 0.5 DECIMAL Z: ± 0.25 OTHER Z: ± 0.5	CONSTRUCTION VILLAGE LAYOUT DRAWING LIST REFERENCE DRAWINGS	45027 41422 DRAWING No.	STATUS INFORMATION ONLY RELEASED/UNRELEASED UNRELEASED THE DRAWING IS PRIVATE AND CONFIDENTIAL. THE COPIES ARE TO BE DESTROYED OR RECALLED BY ORCA UPON REQUEST AND TO BE DESTROYED BY CONTRACTOR. THE DRAWING IS NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR OTHERWISE USED WITHOUT THE WRITTEN CONSENT OF ORCA. PRINTED COPIES ARE NOT CONTROLLED.	DESIGN: MGR/ AIR CHECKED: PASSED: APPROVED:	DATE: 12-Jun-12 DATE: DATE: DATE:	ORCA OREWA OREWA OREWA	PLANT PILBARA TITLE PLANT GENERAL LAYOUT CONSTRUCTION VILLAGE UNIT DETAILS	DRAWING No. 45029 SHEET No. 8 VISION No. 13 Jan 12 REV. A
	NOTES:	WORK ORDER No. 1803978	ORCA OREWA OREWA OREWA					



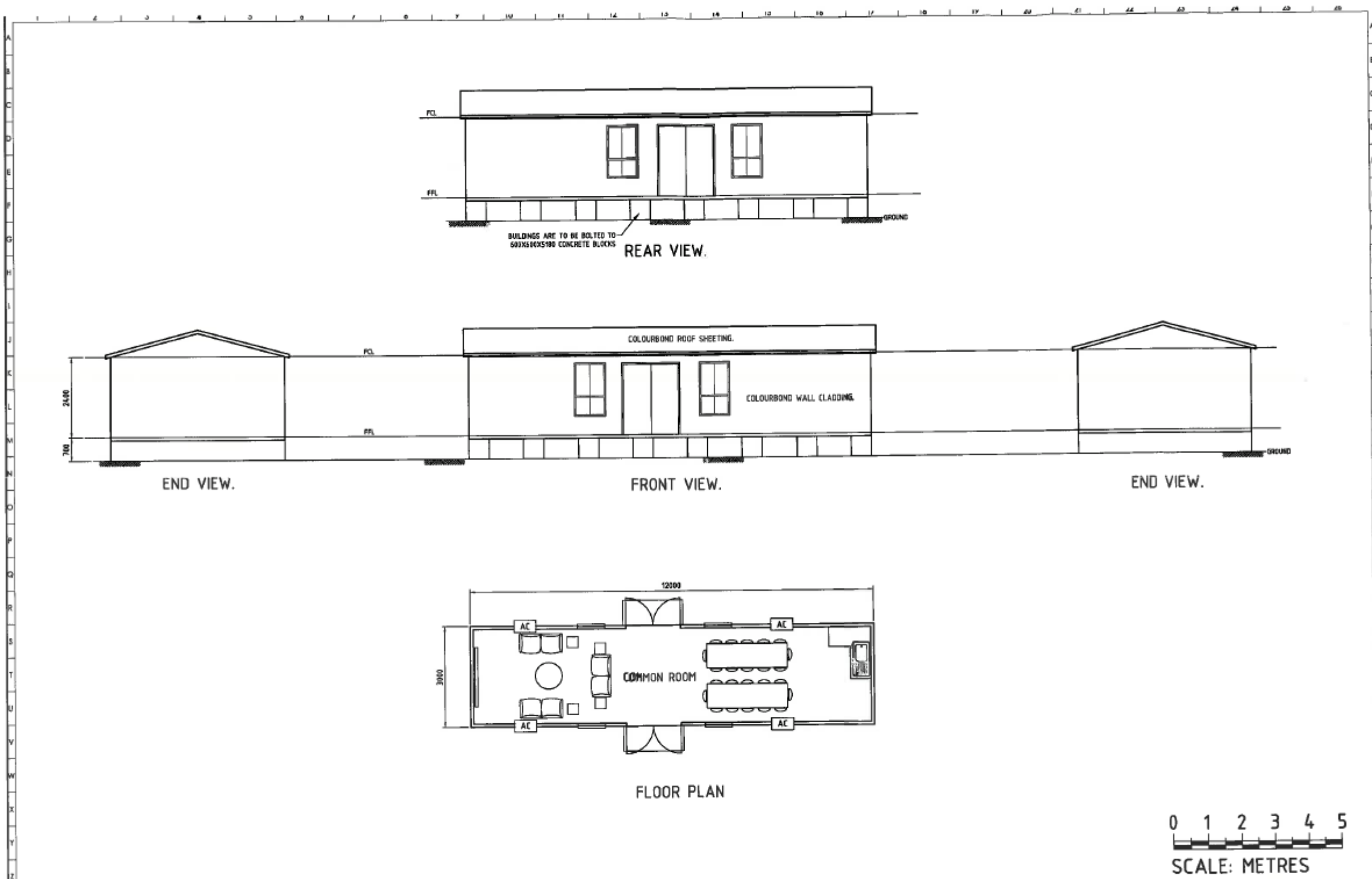
DO NOT SCALE DIMENSIONS IN MILLIMETRES TOLERANCES: FINISH OTHERWISE INDICATED TECHNICAL: ± 0.5 GENERAL: ± 1.0 DIMENSION LINES: ± 0.5 DIMENSION LINES: ± 1.0 DIMENSION LINES: ± 1.0 DIMENSION LINES: ± 1.0 DIMENSION LINES: ± 1.0	CONSTRUCTION VILLAGE LAYOUT DRAWING LIST REFERENCE DRAWINGS	45027 41422 DRAWING No.	NOTE: INFORMATION ONLY UNRELEASED THIS DRAWING IS THE PROPERTY OF ORICA AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF ORICA. ANY UNAUTHORIZED REPRODUCTION OR COPIING OF THIS DRAWING IS STRICTLY PROHIBITED AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW. PRINTED COPIES ARE NOT CONTROLLED	DRAWN: Mark Ash CHECKED: [] PASSED: [] APPROVED: [] DATE: 12-Jan-12	PLAN: PILBARA TITLE: PLANT GENERAL LAYOUT CONSTRUCTION VILLAGE LAUNDRY DETAILS WORK ORDER No. B803978 SCALE: 1:50 SHEET No. 8 DRAWING No. 47380 VERSION No. 0 DATE: 13 Jan 12	ORICA MINING SERVICES
	DIMENSIONS IN MILLIMETRES TOLERANCES: FINISH OTHERWISE INDICATED TECHNICAL: ± 0.5 GENERAL: ± 1.0 DIMENSION LINES: ± 0.5 DIMENSION LINES: ± 1.0 DIMENSION LINES: ± 1.0 DIMENSION LINES: ± 1.0 DIMENSION LINES: ± 1.0		DRAWING No.	PRINTED COPIES ARE NOT CONTROLLED	DATE: 12-Jan-12	WORK ORDER No. B803978 SCALE: 1:50 SHEET No. 8 DRAWING No. 47380 VERSION No. 0 DATE: 13 Jan 12



<p>DO NOT SCALE</p> <p>3RD ANGLE PROJECTION</p> <p>DIMENSIONS IN MILLIMETRES</p> <p>TOLERANCES:</p> <p>UNLESS OTHERWISE INDICATED</p> <p>FINISH TO FACE ± 0.50</p> <p>FINISH TO FACE ± 1.00</p> <p>FINISH TO FACE ± 1.50</p> <p>FINISH TO FACE ± 2.00</p> <p>FINISH TO FACE ± 3.00</p> <p>FINISH TO FACE ± 4.00</p> <p>FINISH TO FACE ± 5.00</p> <p>FINISH TO FACE ± 6.00</p> <p>FINISH TO FACE ± 7.00</p> <p>FINISH TO FACE ± 8.00</p> <p>FINISH TO FACE ± 9.00</p> <p>FINISH TO FACE ± 10.00</p>	<p>CONSTRUCTION VILLAGE LAYOUT</p> <p>45007</p>	<p>DRAWING LIST</p> <p>41422</p>	<p>REFERENCE DRAWINGS</p> <p>DRAWING No.</p>	<p>NOTES:</p>	<p>STATE: INFORMATION ONLY</p> <p>RELEASED/UNRELEASED: UNRELEASED</p> <p><small>THIS DRAWING IS PRIVATE AND CONFIDENTIAL. THE COPYRIGHT IN THE DRAWING IS OWNED OR CONTROLLED BY ORICA MINING SERVICES AND IS PROTECTED BY COPYRIGHT LAWS. THE DRAWING MAY NOT BE COPIED, REPRODUCED, DISTRIBUTED, HOBBLED, REVISED OR PUBLISHED WITHOUT THE PRIOR WRITTEN CONSENT OF ORICA MINING SERVICES.</small></p> <p>PRINTED COPIES ARE NOT CONTROLLED</p>	<p>DRAWN</p> <p>CHECKED</p> <p>PASSED</p> <p>APPROVED</p>	<p>DATE</p> <p>DATE</p> <p>DATE</p> <p>DATE</p>	<p>PLANT: PILBARA</p> <p>TITLE: PLANT GENERAL LAYOUT CONSTRUCTION VILLAGE ICE ROOM DETAILS</p> <p>WORK ORDER No. 8803653</p> <p>SCALE</p> <p>SHEET No.</p> <p>DRAWING No. 47383</p> <p>VERSION No. 2</p> <p>DATE 07/11/11</p> <p>REV. 0</p>
	<p>ORICA MINING SERVICES</p>	<p>ORICA MINING SERVICES</p>	<p>ORICA MINING SERVICES</p>	<p>ORICA MINING SERVICES</p>	<p>ORICA MINING SERVICES</p>	<p>ORICA MINING SERVICES</p>	<p>ORICA MINING SERVICES</p>	<p>ORICA MINING SERVICES</p>



DO NOT SCALE DIMENSIONS IN MILLIMETRES TOLERANCES: FINISH DIMENSIONS UNLESS OTHERWISE INDICATED: CUTTING EDGE +0.10 OTHER SURFACES +0.20 HOLES +0.10 ANGLES +0.10 BREAK EDGES +0.10 SURFACES +0.10	CONSTRUCTION VILLAGE LAYOUT DRAWING LIST REFERENCE DRAWINGS	45022 41422 DRAWING No.	STATE INFORMATION ONLY RELEASED/UNRELEASED UNRELEASED <small>THIS DRAWING IS PRIVATE AND CONFIDENTIAL. IT IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF ORICA MINING SERVICES. PRINTED COPIES ARE NOT CONTROLLED.</small>	DRAWN: Brian Suston CHECKED: Richard Carey PASSED: Gus Carr APPROVED: Mark Hancock	DATE: NOV 11 DATE: NOV 11 DATE: NOV 11 DATE: NOV 11	PROJECT: PILBARA TITLE: PLANT GENERAL LAYOUT DRAWING TITLE: CONSTRUCTION VILLAGE OFFICE DETAILS	OBSERVING OFFICE: BUREAU CLASS:	WORK ORDER No.: 8803663 SCALE: SIZE: SHEET No.: DRAWING No.: 47384 VERSION No.: 2 DATE: 07/11/11 REV: 0
--	---	-------------------------------	---	---	--	---	------------------------------------	--



DO NOT SCALE	3RD ANGLE PROJECTION	
DIMENSIONS IN MILLIMETRES		
TOLERANCES:		
UNLESS OTHERWISE INDICATED:		
AS DIM.	± 0.8	
FINISH	± 0.5	
CONCRETE	± 0.5	
STEEL	± 0.5	
GLASS	± 0.5	
WALL ROOF	± 0.5	
OTHER	± 0.5	
DATE	14/	

NOTES:	
CONSTRUCTION VILLAGE LAYOUT	45027
DRAWING LIST	41422
REFERENCE DRAWINGS	DRAWING No.

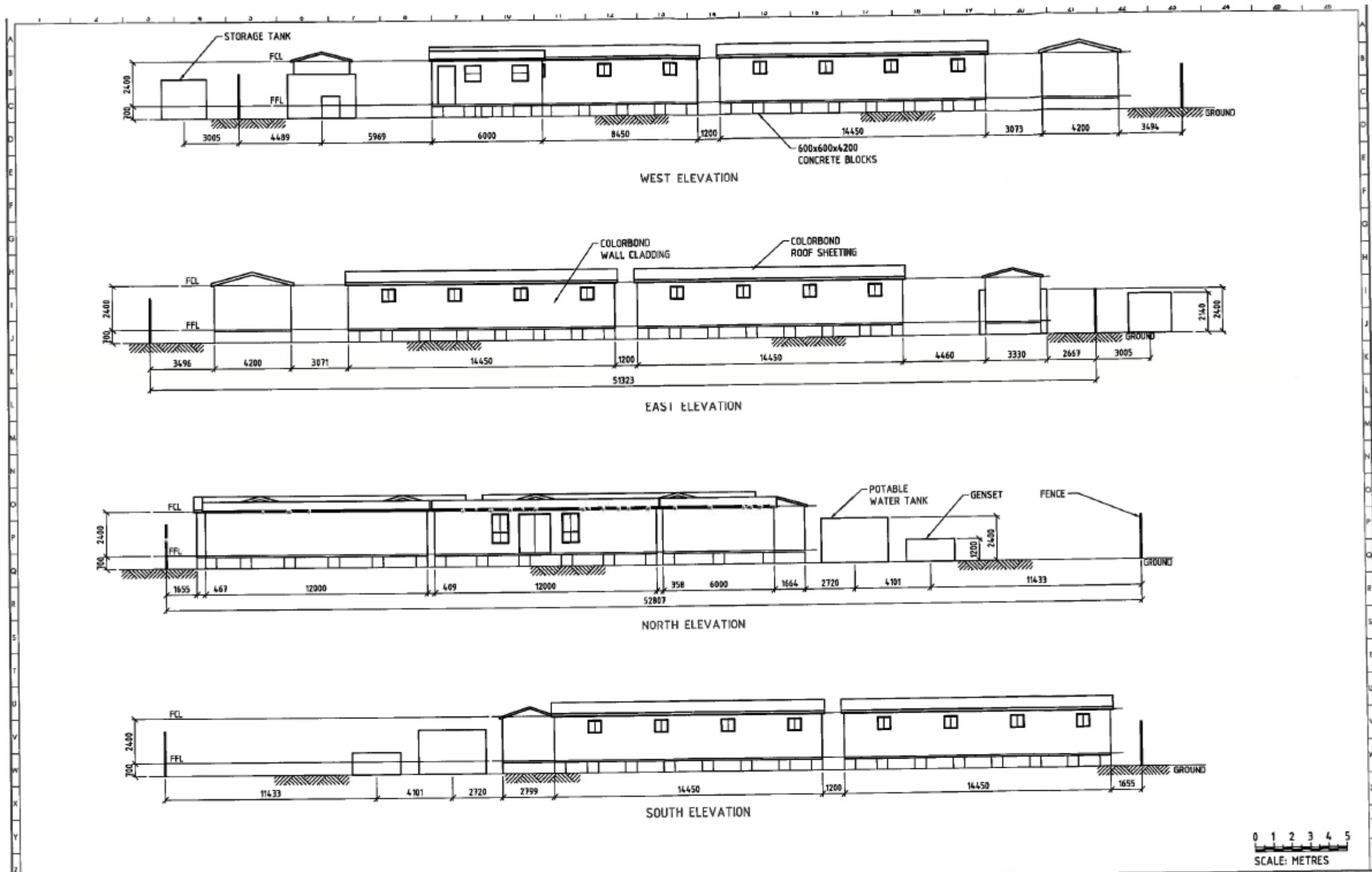
INFORMATION ONLY

RELEASED/UNRELEASED: **UNRELEASED**

THIS DRAWING IS PREPARED AND CONTROLLED BY ORICA. IT IS THE PROPERTY OF ORICA AND IS NOT TO BE REPRODUCED, COPIED, REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN CONSENT OF ORICA. PRINTED COPIES ARE NOT CONTROLLED.

DATE	12-Jan-12
DRAWN	Mark Ash
CHECKED	
DATE	
PASSED	
DATE	
APPROVED	
DATE	

	PLANT	PILBARA
	TYPE	PLANT GENERAL LAYOUT
CONSTRUCTION VILLAGE COMMON ROOM DETAILS		
WORK ORDER No.	SCALE	SIZE
6003976		
DRAWING No.	45028	VERSION No.
		8 13 Jan 12
DATE		REV.
		A



<p>DO NOT SCALE</p> <p>3RD ANGLE PROJECTION</p> <p>DIMENSIONS IN MILLIMETRES</p> <p>TOLERANCES:</p> <p>(UNLESS OTHERWISE INDICATED)</p> <p>FINISHES:</p> <p>CONCRETE: ±1.5</p> <p>STEEL: ±1.0</p> <p>GLASS: ±0.5</p> <p>WOOD: ±1.0</p> <p>PLASTER: ±1.0</p> <p>PAINT: ±1.0</p>	<p>CONSTRUCTION VILLAGE LAYOUT</p> <p>45027</p>	<p>NOTES:</p>	<p>STATUS</p> <p>INFORMATION ONLY</p> <p>RELEASED/UNRELEASED</p> <p>UNRELEASED</p> <p>PRELIMINARY DESIGN AND CONCEPTS. THE COPYRIGHT IN THIS DRAWING IS OWNED BY ORICA. NO PART OF THIS DRAWING OR ANY INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED, COPIED, EITHER WHOLLY OR IN PART, OR FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF ORICA MINING SERVICES. PRINTED COPIES ARE NOT CONTROLLED.</p>	<p>DRAWN</p> <p>Mark Ash</p> <p>DATE</p> <p>12-Jan-12</p>	<p>CHECKED</p> <p></p>	<p>DATE</p> <p></p>	<p>DRAWN</p> <p></p>	<p>DATE</p> <p></p>	<p>WORK ORDER No.</p> <p>8000978</p>	<p>SCALE</p> <p></p>	<p>SIR</p> <p></p>	<p>SHEET No.</p> <p></p>	<p>DRAWING No.</p> <p>48499</p>	<p>VERSION No.</p> <p>4</p>	<p>DATE</p> <p>13 Jan 12</p>	<p>REV.</p> <p>0</p>
	<p>DRAWING LIST</p> <p>41422</p>															

(This page intentionally left blank.)



EMERGENCY PROCEDURES

**PILBARA ANE CONSTRUCTION
CAMP
(BINBIRRI VILLAGE)**

Fire and Emergency Evacuation Procedures

Overview

1. Introduction

- 1.1 These guidelines are intended to establish the procedures to be adopted in the event of any emergency which may require partial or total evacuation of buildings within Binbirri Accommodation Village. Evacuation from buildings may be necessary as a result but not limited to fire, explosion, chemical leak, structural fault, equipment failure, cyclone or bomb threat. These guidelines have been prepared principally for fire emergencies, but they are suitable for use in other emergencies.
- 1.2 In order to avoid delay, confusion and possible injury in the event of an emergency, it is essential that evacuation procedures and organisational arrangements are well understood and regularly practised by all employees including contractors and visitors. This is a requirement of the *Fire and Emergency Services Authority of Western Australia Act 1998*.

2 Purpose

- 2.1 The purpose of the Emergency Evacuation Procedures and associated organisation is to provide for;
- Fire and hazard prevention
 - Safe and orderly evacuation of people from the building in an emergency
 - Early control of the fire or emergency
 - Speedy resumption of duties once the emergency is brought under control

3. Emergency Organisation

- 3.1 The system of coordination for Emergency Evacuation Procedures is outlined below;
- The Emergency Coordinator
 - A Building/Area Warden for each group of dongas

3.2 Emergency Coordinator

- The Emergency Coordinator at Binbirri Accommodation Village is the Manager of Accommodation who is contactable on 0417 941 888.
- In the absence of the Emergency Coordinator the Site Project Manager will designate a specific person to undertake the role of Emergency Coordinator

3.2.1 Responsibilities

The Emergency Coordinator shall be responsible for overall coordination of actions in connection with Emergency Evacuation Procedures. He/she is responsible for;

Before Fire or Emergency

- Ensuring that personnel responsible for emergency **evacuation** are aware of their responsibilities

In the case of Fire or Emergency

- Checking that the alarm has been relayed to the Fire Service
- Ensuring that designated duties are correctly and promptly carried out
- Acting as a liaison officer with Police, Fire Service and other Emergency Services
- Ensuring that all emergency service personnel are directed to the building involved in the emergency
- Liaison with the Area Warden for the location of the fire or emergency
- Advising staff and contractors when it is safe to re-enter the affected area
- Lodge call with Orica hotline

3.3 Building/Area Warden

3.3.1 The Building/Area Warden should be physically fit, mature and a responsible member of staff with a personality that will give confidence in an emergency. Their normal work location should preferably be on site and their duties should not require frequent absences from the location.

3.3.2 Responsibility; The Building/Area Warden, during emergency situation, will be in control of the occupants of the whole building until the arrival of the Fire Brigade.

Before Fire or Emergency

- Assist in training of emergency personnel under their command
- Designate a muster point for the area (see attached map)
- Occupants of the building should be directed to assemble in this area when required to evacuate the building in an emergency. This will facilitate roll call and enable a speedy return to the building when the "all clear" is given
- Ensure that in each area, a current list of emergency contacts is displayed, together with the emergency floor plan. The emergency floor plan should show all rooms, exits, muster point area to be used in case of fire or emergency, fire alarms, extinguishers, fire hose reels and special emergency equipment.

In case of Fire or Emergency

- Ensure that all staff in the building are given instruction in relation to
 - Respond immediately to an alarm, determine the nature of the emergency
 - Initiate Emergency Evacuation Procedures for the building
 - Check that all occupants have proceeded to the designated muster point area

- o In consultation with the Fire Brigade and Emergency Coordinator, advise occupants when it is safe to return to the building

3.3.3 In the case of Fire or Emergency: Until the arrival of emergency services the Building/Area Warden will control all evacuation and fire fighting (use of fire extinguishers) in their area. The Building/Area Warden should;

- Check the source, type and severity of the emergency
- Order the evacuation of the area if necessary
- Advise the Emergency Coordinator and the proposed action to be taken
- Ensure that all occupants in the area are aware that evacuation of the rooms is necessary, and direct the occupants to the nearest accessible exit through which they should proceed to the muster point
- Ensure that evacuation from the area is orderly
- Ensure that necessary assistance is given to disabled and other persons in need of special care
- Provided it is safe to do so, make a thorough search of the area to ensure that no persons remain
- Advise the Emergency Coordinator when evacuation is completed
- Assist in roll call for all building occupants at the muster point

3.3.4 IT SHOULD BE EMPHASISED THAT THE PRIMARY ROLE OF WARDENS IS NOT TO COMBAT FIRE AND EMERGENCIES, BUT TO ENSURE, AS FAR AS PRACTICABLE, THE SAFETY OF OCCUPANTS AND THEIR ORDERLY EVACUATION FROM EMERGENCIES.

4. Action by Individual Occupants.

4.1 Before Fire or Emergency all occupants should make themselves familiar with the Emergency Evacuation Procedures for their building, the location of fire exits and the operation of fire fighting and emergency equipment

4.2 In the case of Fire or Emergency

4.2.1 If you discover a fire or emergency;

- Sound the fire alarm system (push buttons located 2 on each building see attached map)
- Notify the appropriate emergency service contact for your area
- Details of location, type and scale of the emergency and the name and location of the caller
- Alert other people in the vicinity and notify the Warden
- If it is safe to do so, use the appropriate fire extinguisher to put out any fire (do not attempt to fight a fire if the fire is large or if you are not properly trained to do so)

4.2.2 If you hear the **evacuate** mode of the fire alarm or when instructed to evacuate by the Warden;

- Walk quietly but quickly to the nearest exit and proceed to the muster point adjacent to the car park
- Listen and follow instructions from the Warden
- In order to prevent injury and possible panic during **evacuation**
 - Do not rush, push or overtake
 - Do not return to your office or room until you are given the all clear

5. Emergency Evacuation Information

5.1 Building wardens in corporation with the area wardens should arrange for a sign to be placed at a prominent position on each floor or in each area showing the following;

- The location of which you are located
- Emergency contact list
- The location of muster point
- Fire exits
- Fire extinguishers

6. Cyclone Preparedness

Please be aware of the below alerts and make sure you are familiar with the correct procedure (refer to Cyclone Procedure).

Blue alert: Evacuation of non-essential personnel from the **camp**. Camp to be prepared for cyclone.

Yellow alert: Evacuation of all personnel from the camp. Warden to check camp is secured, power and water shutdown.

Red alert: No personnel to be at camp.

All clear: Personnel can return to camp. Care to be taken for hazards created by strong winds and/or heavy rains.

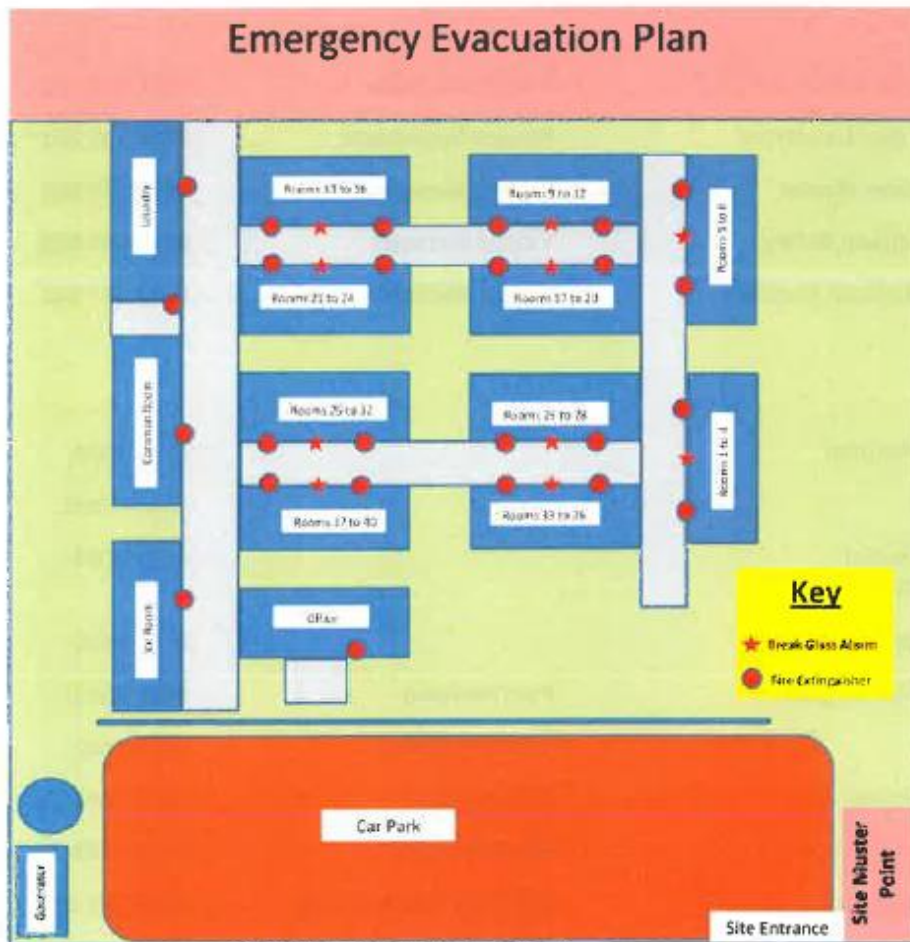
Binbirri Village***Emergency Telephone Numbers***

Gus Carfi	Project Manager	0407 345 745
Terry Lawrence	Project Supervisor	0419 942 321
John Hunter	Project Supervisor	0423 448 835
Allison Bailey	Village Manager	0417 941 888
Noeleen Dunstan	Village Manager	0417 941 888

Hospital		9174 1000
		9158 1666
Doctor Medicals		9173 3733
Ambulance		9172 1800
Fire Brigade	Port Hedland	9173 2555
	South Hedland	9172 1002
Police	Port Hedland	9173 1444
	South Hedland	9172 1444
Security	White Knight Security	0409 252 562

Orica Emergency Response Number**1800 033 111**

Binbirri Village





The Power
of Partnership

PILBARA ANE CONSTRUCTION SITE CYCLONE EMERGENCY PLAN

Pilbara ANE Construction Site Cyclone Emergency Response Plan

1 Cyclone Present in Region

When there is a cyclone approaching Port Hedland site, site needs to be aware of the Watches and Warning status issued by the Bureau of Meteorology (BOM). This information will be monitored by the Project Manager and information will be posted at the front office, common room and on each room at the man camp site.

A bulletin is issued every six hours by the BOM when there is a cyclone in the Australian region. At this stage the cyclone is not expected to cross land or cause winds over 62 km/h within the next 48 hours. The Project Manager will monitor these bulletins for information updates.

The site should start to clean up site when there is a known cyclone in the region. During cyclone season especially the area should be kept clear of loose items that may become a flying hazard in the case of a fast moving cyclone.

2 Tropical Cyclone Watch – Blue Alert

The site will be on Tropical Cyclone Watch when there is gale force winds expected within 48 hours, but not within 24 hours.

The Project Manager will ensure all maintenance checks are conducted to identify major tasks requiring completion; including:

2.1 Procedure for Blue Alert

When the site has been put on Blue Alert by the Project Manager the following procedure applies:

1. Copy of Cyclone Emergency Plan must be printed and marked with cyclone name and date.
2. Ensure Blue alert signs are posted on all information boards (main office, man camp rooms and common room)
3. Call all personnel to site to go through cyclone plan and make aware of the situation.
4. The Orica site supervisor and project manager are to undertake clean up and maintenance duties to prepare the site for a Yellow or Red Cyclone Alert including:
 - a. Cyclone kits are stocked and available
 - b. Vehicles are fuelled
 - c. Make sure human waste and grey water tanks are emptied
 - d. The site is clear of debris and all loose items are secured



- e. All small items with the potential to cause a hazard in cyclonic winds are stored securely and out of the weather
- f. Make sure potable water tanks are full

3 Cyclone Yellow Alert

A yellow alert is issued when there is destructive cyclonic winds expected in the area within 24 hours and all personnel are to take action.

The Project Manager will organise emergency evacuation of all personnel on-site if the cyclone is a Category 2 or higher.

3.1 Procedure for Yellow Alert

1. Site emergency meeting to be called by Project Manager to update everyone on site on state of cyclone.
2. Project manager to ensure site has final clean up and all windows are taped up, doors and roofs secured.
3. For category 1 cyclone all contractors and personnel who are staying at the man camp are to remain in their rooms until the all clear is given. For a category 2 and above all contractors and personnel are to be evacuated from Port Hedland.
 - a. If there is a Category 1 Cyclone and it turns to a Cat 2 but there is not enough time to evacuate, the site will be shutdown and all contractors to stay in the man camp in their rooms until the all clear is given.
4. Binbirri staff are to ensure those at the camp are accounted for and are safe and have been given their cyclone kits.
5. Binbirri staff to ensure all power and water to site is shutdown.
6. The project manager is to alert the SES of actions been taken.

4 Cyclone Red Alert

In the case of a red alert everyone should be locked inside their room if it is a Cat 1 storm.

In the case of a Cat 2 or above there is to be no one on-site. Everyone is to be evacuated to Perth.

5 All Clear

Once the all clear has been given by the Project Manager contractors and staff can return to site. Care must be taken for items and debris that will be lying around and for water that will be present due to heavy rainfall.



All dangerous situations are to be reported to Project Manager.

11.1.8 *Goode Street Port Hedland - Sand Hill Stabilisation Project (File No: 11/05/0003)*

Officer **Darryal Eastwell
Manager Environmental
Health Services**

Date of Report **9 February 2012**

Disclosure of Interest by Officer **Nil**

Summary

The Town of Port Hedland, BHPB and Greening Australia formed a joint partnership to undertake a sand hill stabilization project adjacent to the corner of Goode and McPherson streets Port Hedland.

Due to serious erosion issues caused by tropical cyclones (see appendix) this project has been postponed on several occasions and now this erosion has reached a level that requires serious remediation works and direction from Council.

Background

Some years ago the Town had significant issues with off road vehicles accessing beach areas along Goode, Dempster, Pretty pool area and Cemetery Beach. These illegal activities caused quite severe erosion issues to the natural vegetation, sand hills and turtle nesting grounds.

The Town responded to these illegal activities by increasing Ranger patrols in the area and Environmental Health Services sought funding opportunities to extend fencing of the foreshore reserves along Dempster, Goode and Athol streets to restrict access to these areas. Two grants were secured and these projects have been completed and the illegal off road activities in these areas has significantly reduced.

Due to severe erosion in one particular area adjacent Goode/McPherson Street intersection the town received sand drift concerns from local residents. Council officers considered that this particular area needed to be stabilized as the sand hill in that area was completely denuded of vegetation. It is believed that the initial erosion was caused by illegal off road vehicle use, then sand boarding activities and wind erosion completely denuded the sand hill.

BHPB were approached to participate in a stabilisation/rehabilitation project with their environmental consultants, Greening Australia. A plan was prepared for the proposed works and material has been purchased. The original scope of works for this staged project was to lay Jutt mesh matting and pin it down and bury both ends to minimise the sand drift which is the major cause of concern to local residents and assist in natural revegetation.

This particular sand hill is severely eroded and is subject to ongoing damage from cyclonic/storm activity which has removed large portions of the sandhill especially tropical Cyclone Carlos, Heidi and storms associated with TC Iggy. This erosion has made it impossible to lay matting to stabilize the sand hill face and commence any rehabilitation works in a safe manner.

The erosion has now exposed large portions of our stormwater infrastructure and is creeping closer to existing houses and has become a major issue that will require significant civil works to rehabilitate.

Consultation

Consultation has been undertaken with BHPB, Greening Australia, Engineering Services and material suppliers.

Statutory Implications

The Town of Port Hedland holds a vesting order over the reserve which is under our care and control.

Policy Implications

Nil

Strategic Planning

Nil

Budget

Forty thousand dollars has been allocated to the stabilisation project which is a 50–50 funding partnership between BHPB and the Town each contributing twenty thousand dollars. Approximately, twenty five thousand dollars of the project funding has been consumed to purchase materials and contractors have undertaken preliminary works.

Officer Comment

The failure of being able to complete this project has been a source of frustration for the officers, our project partner and local residents.

The original scope of works for this project was to lay Jutt mesh matting and pin it down and bury both ends to stop the sand drift which is the major cause of concern to local residents. Planting seedlings and seeds to rehabilitate the area is to be undertaken in accordance with budget restrictions. The original scope of works will be completed once natural movement of the sand permits the laying of the matting and it is safe to undertake works. Engineering services will be undertaking emergency repairs to the storm water system when equipment is available.

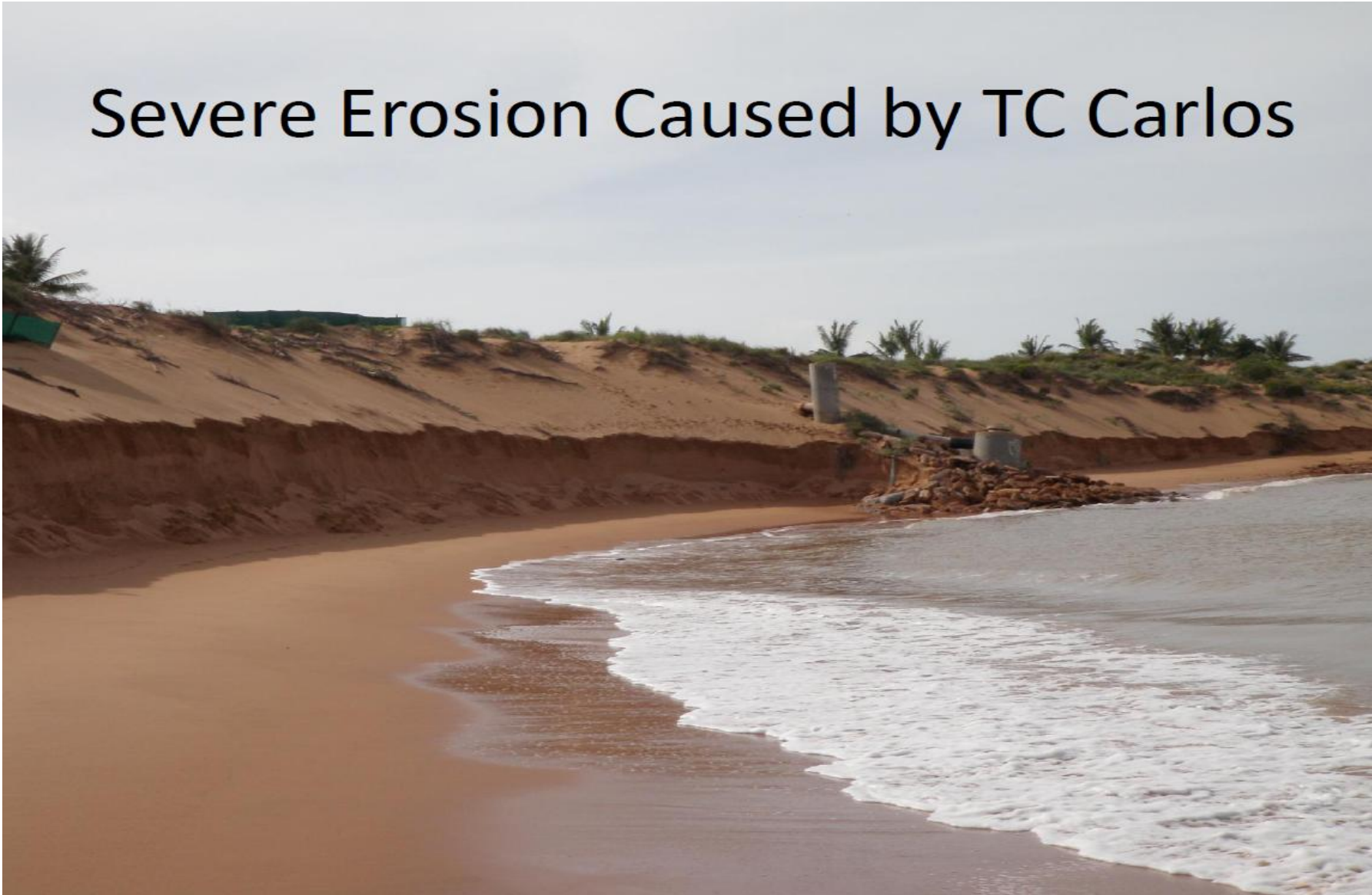
Unfortunately, severe erosion continues to occur and left unchecked may affect residential housing in the future. It will be recommended to Council that a budget item be prepared for the 12/13 budget to engage a Coastal Engineer to undertake a study of the area and give recommendations to Council on the best way to protect this part of the coastline from further erosion.

201112/330 Officer's Recommendation / Council Decision**Moved: Cr S R Martin****Seconded: Cr G A Jacob****That Council:**

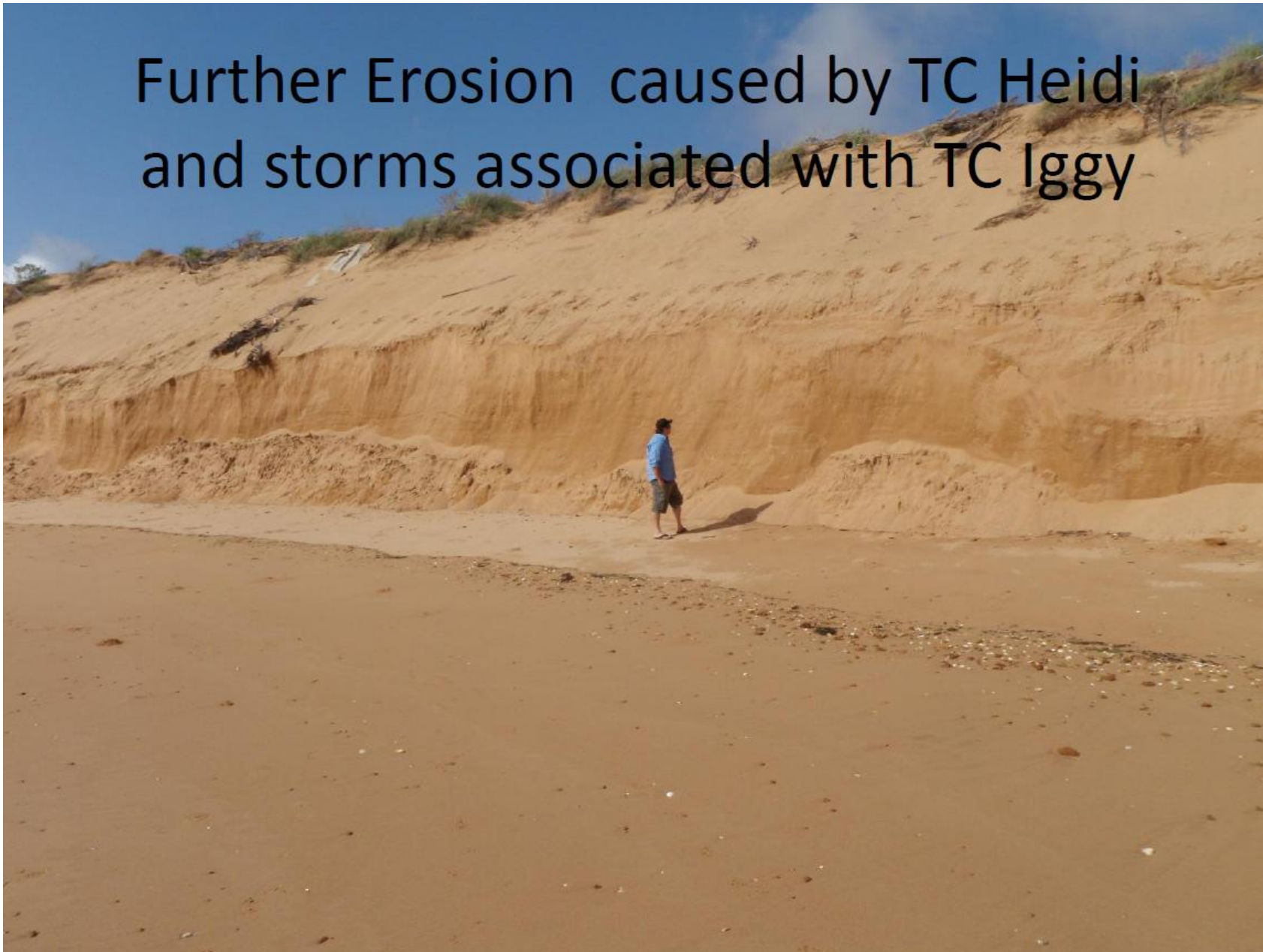
- 1. Receive and note this report; and**
- 2. Consider a submission in the 2012/13 budget to engage a suitably qualified Coastal Engineer to determine the alternatives to address the erosion issues at the Goode Street foreshore.**

CARRIED 8/0

Severe Erosion Caused by TC Carlos



Further Erosion caused by TC Heidi
and storms associated with TC Iggy



11.1.9 Request to Prepare a Feasibility Study for the Acquisition of Lawson Street Road Reserve (File No.: 28/01/0017)

Officer Eber Butron
Director Planning and Development

Date of Report 16 February 2012

Disclosure of Interest by Officer Nil

Summary

Council's resolution is sought to prepare a feasibility study for the acquisition of the Lawson Street Road Reserve adjacent to Lot 1700 Lawson Street, South Hedland.

Background

At the Ordinary Council Meeting on 10 November 2011 it was resolved Council Decision 201011/157

That Council:

1. *Supports the permanent closure of a portion of Lawson Street Road Reserve, South Hedland, with the following conditions:*
 - a. *The proposed Closure being advertised for a period of 35 days pursuant to section 58(3) of the Land Administration Act 1997;*
 - b. *There being no comment received during the statutory advertising period; and*
 - c. *The comments being of an uncontentious nature.*

A feasibility study is one step in the process to assist Council in its deliberation of whether to proceed with the acquisition of the road reserve or not.

Consultation

To undertake the work to date on this project, consultation has been undertaken with the following;

- Investment and Business Development Unit
- Planning and Development Unit
- Department of Regional Development and Lands

In relation to the previous Council decision 201011/157, consultation with all interested parties, including public service providers has been undertaken and no objections were raised.

Easements are being put in place to protect assets for Horizon Power and the Water Corporation.

Statutory Implications

Nil

Policy Implications

2/007 Procurement Policy.

Strategic Planning Implications

Key Result Area 4: Economic Development

Goal 4: Land Development Projects

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

Budget Implications

\$10,000 (ex. GST) has been allocated towards a feasibility study for the acquisition of the Lawson Street road reserve in the 2011/12 Budget.

Officer's Comment

Council approved the closure of the Lawson Street road reserve to facilitate the developments for residential purposes in accordance with the Land Rationalisation Plan (version 1). The preparation of the feasibility study presents an opportunity to assist the Council in its deliberation of whether to proceed with a business plan to acquire the parcel of land.

Given that Council previously had control of the land as road reserve, it is recommended that Council also request State Land Services to consider offering the land at 5% unimproved value.

Options

The following options are available for Council;

1. Council supports the preparation for a feasibility study assessing the acquisition of the Lawson Street road reserve adjoining Lot 1700; or
2. Council does not support the preparation of a feasibility study.

Council's Officers recommend Option 1, to enable the preparation of a feasibility study.

Attachments

1. Location Plan

Officer's Recommendation

That Council:

1. Supports the preparation of the feasibility study for the acquisition of the Lawson Street road reserve adjoining Lot 1700; and
2. Approves the Chief Executive Officer to submit the feasibility study to the Department of Regional Development and Lands for consideration.
3. Request State Land Services to provide a valuation for the purchase of the excised land by the Town of Port Hedland at 5% unimproved value in accordance with the *Land Administration Act 1997*.

201112/331 Council Decision

Moved: Cr A A Carter

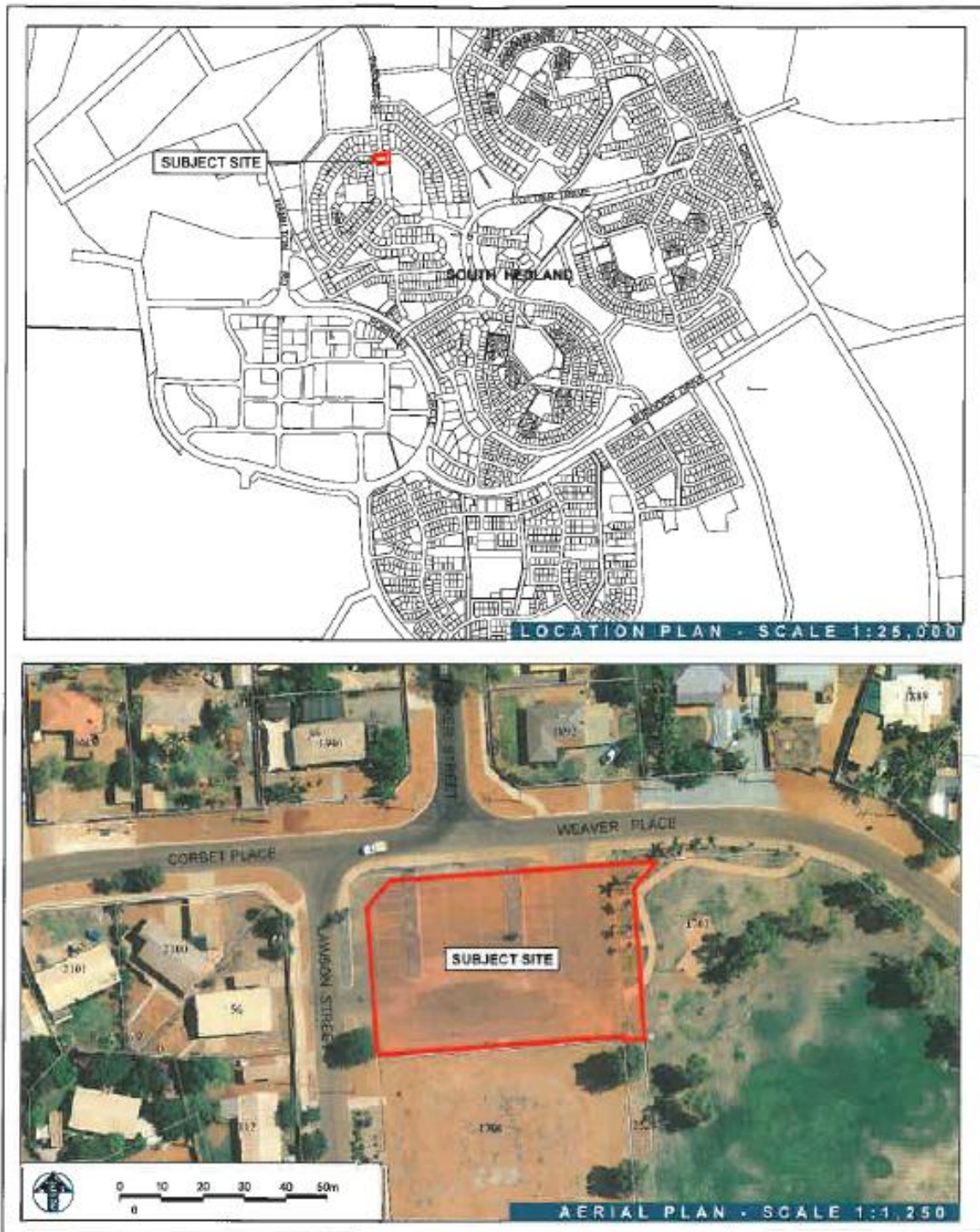
Seconded: Cr M B Dziombak

That Council:

1. **Supports the preparation of the feasibility study for the acquisition of the Lawson Street road reserve adjoining Lot 1700;**
2. **Approves the Chief Executive Officer to submit the feasibility study to the Department of Regional Development and Lands for consideration;**
3. **Request State Land Services to provide a valuation for the purchase of the excised land by the Town of Port Hedland at 5% unimproved value in accordance with the *Land Administration Act 1997*; and**
4. **In the event of no discount being agreed to by State Land Services, the Department of Regional Development be advised accordingly and recommend the application from Megara Developments to be progressed.**

CARRIED 6/2

REASON: Council wants to move swiftly so this land can be developed in a timely manner.



11.1.10 Proposed Section 70A Notification for 405 Brodie Crescent, South Hedland (File No.: 405760G)

Officer	Caris Vuckovic Lands Officer
Date of Report	8 February 2012
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from Makjap Pty Ltd on behalf of the owner of Lot 405 Brodie Crescent, Port Hedland, to affix the Towns Common Seal to a Section 70A notification form, which will enable lodgement of the form with the Registrar of Titles.

Background

A Subdivision Application approval (602-11) was granted by the Western Australian Planning Commission on 28 September 2011. The following condition was imposed as part of the approval:

“10. Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificate of Title of the proposed lot(s) advising that:

This lot is located in an area likely to be subject to inundation and flooding from rising sea levels, tidal storm surges and catchment flooding over the next 100 years. Measures to address this risk may need to be demonstrated and implemented to the Town of Port Hedland’s development requirements.”

In order to finalise the Section 70A form and obtain the Town’s Common Seal, a Council resolution is required.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

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

201112/332 Officer's Recommendation / Council Decision

Moved: Cr S R Martin

Seconded: Cr G J Daccache

That Council:

- 1. Approves the request from Makjap Pty Ltd on behalf of the owner of Lot 405 Brodie Crescent, South Hedland, 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 405 Brodie Crescent, South Hedland;**
- 3. Advises the applicant that once the notification is registered and a copy of the documentation confirming the registration is provided to the Town, it will be deemed that Condition 10 of the Subdivision Approval (602-11) has been satisfactorily complied with.**

CARRIED 8/0

11.1.11 *Proposed Excision of Land to Facilitate the Development of a Caravan Park Lot 5164 Shoata Road, Port Hedland (File No. 156490G)*

Officer	Caris Vuckovic Lands Officer
Date of Report	30 January 2011
Disclosure of Interest by Officer	Nil

Summary

This report is before Council to approve the excision of portion of Lot 5164 Shoata Road, to facilitate the development of a caravan park thereon.

Background

To facilitate the development of much needed accommodation for tourists, a portion of land (approx 18ha) adjacent to the golf course has been identified through the Draft Pilbara's Port City Growth Plan.

Reserve 35915 located at Lot 5164 Shoata Road is vested to the Town for "Recreation" purposes. A portion of the reserve is currently developed with a golf course and club house operated by the Port Hedland Golf Club.

It is proposed a portion of this reserve be excised and vested to the Town of Port Hedland for a "Caravan Park" with the power to sub-lease.

Consultation

The proposal has been discussed with the Golf Club, who have expressed in principle support subject to further detail being provided.

Statutory Implications

Department of Regional Development and Lands Government Land.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The Town is currently experiencing an acute shortage of accommodation especially for tourism and short stay purposes, a shortage which is expected to increase in the future due to significant forecasted growth of the town.

A caravan park adjacent to the existing Port Hedland Golf Course is ideally located for tourists travelling north. The development of such a facility may lead to the enhancement of the Port Hedland Golf Course to the benefit of the entire community.

The site has been identified through the Draft Pilbara's Port City Growth Plan (Precinct 9 – Western Gateway) for residential type development. The development of a caravan park would be in line with vision of the Draft Pilbara's Port City Growth Plan.

Options

Council has the following options for responding to the request:

1. Support the request to excise portion of Reserve 35915 (Lot 5164 Shoata Road) to facilitate the development of a caravan park thereon.

Approving the request will result in the ability to develop a caravan park thereby supplying much needed accommodation.

2. Reject the request to excise portion of Reserve 35915 (Lot 5164 Shoata Road) to facilitate the development of a caravan park thereon.

Should Council choose not to support the proposal, the portions of land will remain vacant and undeveloped.

Option 1 is recommended.

Attachments

1. Locality Plan

201112/333 Officer's Recommendation / Council Decision

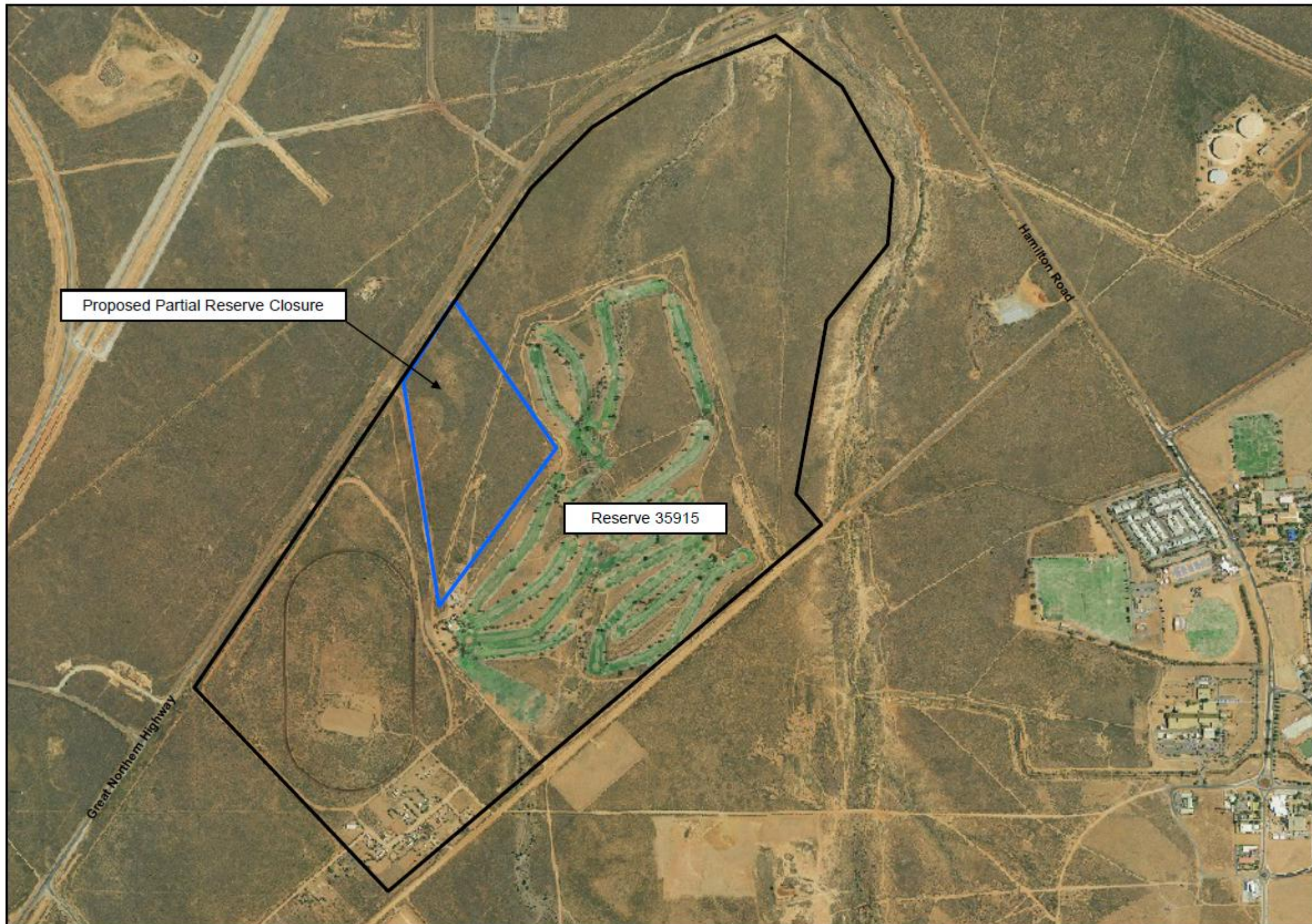
Moved: Cr D W Hooper

Seconded: Cr G A Jacob

That Council:

- 1. Supports the request to excise a portion of Reserve 35915, Lot 5164 Shoata Road as indicated on Attachment 1; and**
- 2. Delegates the Director Planning and Development under delegation 40, (of 2011) to request the Department of Regional Development and Lands to reserve the excised portion of land in Attachment 1 above to the Town of Port Hedland for the purposes of a "Caravan Park", with the ability to sub-lease, noting it is not intended to fence the proposed area.**

CARRIED 8/0



(This page intentionally left blank.)

6:02pm Councillor D W Hooper declared an impartiality interest in Item 11.1.12 'Proposed Four (4) "Grouped Dwellings" and a "Use not Listed - Rectory" on Lot 1724 (9) Padbury Place, Port Hedland, 6721. (File Number 803206G)' as he has an association with the applicant.

Councillor D W Hooper remained in the room.

11.1.12 *Proposed Four (4) "Grouped Dwellings" and a "Use not Listed - Rectory" on Lot 1724 (9) Padbury Place, Port Hedland, 6721. (File Number 803206G)*

Officer Steve de Meillon
Planning Officer

Date of Report 9 February 2012

Disclosure of Interest by Officer Nil

Summary

The Town received an application from Goldman Construction on behalf of the Trustees of the Diocese of North West Australia. The proposal seeks to retain the existing church, construct four (4) double storey "Grouped dwellings" and replace the existing Rectory on Lot 1724 (9) Padbury Place, Port Hedland (the site).

In terms of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5), the lot is zoned "Community". The development of "Grouped Dwellings" within this zone is required to be incidental ("IP" – use) to the main use.

An archive search of the property's building and planning files confirmed the earliest established use on the site was for a church. As such, the principal and main use is considered to be a "Place of worship" as defined under TPS5.

Neither Council Officers nor Council's Solicitors consider "Grouped Dwellings" to be an incidental ("IP") use to the predominant use. The proposed development is not supported by Council Officers.

Council is requested to refuse the proposed four (4) "Grouped Dwellings" on the basis of not being incidental ("IP") to the predominant use. Council is further requested to approve the replacement of the existing "Use Not Listed – Rectory" on the basis that it is already an established use on the site which is incidental to the "Place of Worship".

Background

Existing Land Uses

The earliest Council record of development on the site is a building licence issued for modifications to an existing church. The church, being the earliest confirmed use, is considered to be the principal and main use on the site.

Following the above approval, on the 9 September 1969 a building licence was issued for a new residential building. The use of the residential building was specified, on the submitted plan, to be a rectory. As such it is considered this approval established the specific use of a rectory on the site.

Location and site description

The site is generally rectangular in shape and has road frontage to McGregor Street and Padbury Street. The site has an area of approximately 4067m².

The site is zoned "Community" under the provisions of TPS5. Currently located on the site is a church, rectory and associated outbuildings.

Vehicle access to the site is obtained via Padbury Place.

Proposal

The applicant is proposing to construct four (4) double storey "Grouped Dwellings" on the northern section of the site and replace a "Use Not Listed – Rectory" to the east of the existing church.

The proposal seeks to retain the existing church, and demolish/remove all other buildings located on the site.

Vehicle access to the site will remain via Padbury Place.

Previous Approval

At the Ordinary Council Meeting held on the 27 January 2010, Council voted against the Officer's recommendation and approved an application of four (4) double storey "Grouped Dwellings" and a "Rectory" on the site.

Condition 2 on the previous approval dated 1 February 2010 states that:

"This approval is to remain for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only."

No development commenced on the site within the period of 12 months, resulting in the expiry of the approval.

Consultation

Internally:

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

- Manager Technical Services;
- Manager Environmental Health Services;
- Manager Building Services

Externally:

Receipt of the application has been advertised in the North West Telegraph on 14 December 2011 and 4 January 2012, and a notice placed on site allowing for a 14 day period for any interested parties to provide comments / objections to the proposal.

In addition to the above advertising, letters were posted to all the adjoining property owners allowing for a 14 day period in which to provide comments / objections to the proposal.

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

Summary of Written Submission

During the 14 day advertising period, Council received a written submission objecting to the proposal. The submissions received and the appropriate responses can be summarised as follows:

<i>Summary of Objection Received</i>	<i>Planning Response</i>
<p><i>The proximity of the proposed townhouses to our property at 7 Padbury Place, Port Hedland are very close to our property boundary and will be an intrusion to our backyard, the outdoor living areas and townhouse construction are adjacent to our fence line and we see that this will compromise our privacy as they will have a clear view directly into our outdoor living areas, this will be compounded as we may be putting a pool in the backyard.</i></p> <p><i>We would not like to be disadvantaged in any way by the development at 9 Padbury Place should we at 7 Padbury Place wish to develop our own property to its full zoning potential which may</i></p>	<p>The proposal, in relation to the northern property boundary at 7 Padbury Place, complies with all setback and privacy requirements under the Residential Design Codes.</p>

<p><i>include multiple storey dwellings, we would like to have no restrictions placed upon us with this proposed development or have objections from the owners of 9 Padbury Place when and if we decide to develop 7 Padbury Place, should the development of 9 Padbury Place disadvantage us in any way then we strongly oppose the development and request a meeting with yourself to discuss our options of to prevent such a development.</i></p>	
--	--

A technical assessment of the proposed development was undertaken. The proposed four (4) “Grouped Dwellings” and “Use Not Listed – Rectory” are compliant with the regulations of the Residential Design Codes.

Statutory Implications

The development of any land must be in accordance with the Port Hedland Town Planning Scheme No. 5 (TPS5).

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

An application fee of \$10,427.40 has been received as per the prescribed fees approved by Council.

Officer’s Comment

Proposed Uses

It is a requirement under the statutory provisions of TPS5 to determine if the proposed four (4) “Grouped Dwellings” are incidental to the existing Place of Worship, and if the “Use Not Listed – Rectory” is consistent with the objectives of the “Community” zone.

Grouped Dwellings

The current zoning of the lot being “Community” permits “Grouped Dwelling” development as an “IP” use. Under the provisions of TPS5 an “IP” is defined as follows:

“the development is not permitted unless the use to which it is put is incidental to the predominant use as decided by Council”.

It is established the predominant use on the site is for a “Place of Worship”. Therefore, to comply with the statutory requirements of TPS5, the “Grouped Dwellings” on the site are required to be incidental to a “Place of Worship”.

Use Not Listed – Rectory

Under the provisions of TPS5, a “Use Not Listed” is determined as follows:

“That the development or use is not consistent with the objectives and purposes of the particular zone or precinct and is, therefore, not permitted, or

By absolute majority that the proposed development may be consistent with the objectives and purposes of the zone and an application for planning approval should be determined in accordance with Part IV, including the advertising procedures of clause 4.3”.

The current zoning of the lot is “Community” with the predominate use defined as a “Place of Worship”. Therefore, the “Use Not Listed – Rectory” is required to be consistent with the “Community” zoning.

The applicant provided a letter (attached) as justification in support of the application. The key issues raised within the letter are as follows:

1. “It is planned that the units will be rented for the short term to be able to service the \$4.3M loan.
2. As the loan becomes more manageable we intend to progressively use the units to house church and not for profit community workers.
3. The grouped dwellings are incidental to the function of the church for the following reasons:
 - a) On completion the immediate church and community benefit is that the church is more accessible for Sunday services, funerals, weddings, play groups, AA meetings and general community use.
 - b) The Anglican minister is once again able to reside in Port Hedland in adequate housing, close to the church building and provide pastoral and spiritual support to the members of the church and community.
 - c) It will provide accommodation for future church workers. For example an assistant minister, family worker, youth and children’s worker, counsellor etc.
 - d) The church is also actively involved with other not for profit organisations in town which it could assist in providing much needed accommodation. For example the chaplain to the High School, chaplain to the Seafarers Centre or additional Seafarers Centre staff, industrial chaplaincy etc.

- e) The church intends to keep the whole development for community purposes and has no plan to sell”.

Within the letter, the applicant also requested that the following documents be considered:

- Letter from the Department of Lands Administration (DLA), dated 30th October 1987(attached); and
- Letter from the Minister for Commerce, Science & Innovation, Housing & Works (MCSIHW), dated 4th August 2009 (attached).

Use Not Listed – Rectory

The abovementioned letter from MCSIHW explicitly states that on the transfer of land to the Dioceses of North West Australia that the land only to be used for “rectory and church purposes”.

In light of the above, the proposed “Use Not Listed – Rectory” is considered to be an established use on the site and therefore capable of approval. Approval should be granted subject to a condition that stipulates that only the Minister of the Church can reside in the “Use Not Listed – Rectory”.

Grouped Dwellings

In light of the provided justification, it must be noted the church, in order to finance the proposed development, will be required to rent the 4 units in the short term.

The applicants stated the following:

“It is planned that the units will be rented for the short term to be able to service the \$4.3M loan.

The “short term” nature of the proposed rental situation is of concern. Calculation by Council Officers based on a rental income of \$2000.00/unit/per week would result in the units being available to the open public for approximately 10 (ten) years.

The private use of the proposed “Grouped Dwellings” on the site is not considered to be incidental to the Place of Worship nor in accordance with “church purposes”, resulting in the use being in direct conflict with TPS5 and the PDA 2005.

As envisaged by the Draft Pilbara’s Port City Growth Plan the Town is expected to grow, it is fundamental to ensure an appropriate mix of uses is catered for within the town. The proposed development significantly reduces the ability for the church to grow, and cater for an increasing population.

Should the proposed development be approved it would restrict the size of the church to 92 seats, which is derived from the amount of parking being provided for the "Place of Worship" use.

Zoning is a development control used by the Town to ensure that development is done in a controlled and sustainable manner. The approval of uses not permissible within a prescribed zone is considered to be in conflict with orderly and proper planning.

Council Officer's consider approval of the "Grouped Dwellings", which form part of this application, would be contrary to the requirements of TPS5 and the PDA 2005.

Precedent

It is important to ensure that all development is undertaken in terms of the statutory requirements of TPS5.

The applicant has indicated, and it is acknowledged there is a need for additional residential development. However, the approval would place Council in a position of approving uses which are not consistent with the provisions of TPS5. In order to retain the credibility of the Town Planning Scheme, such developments must be done in an orderly manner, and within the statutory requirements of the scheme.

Options

Council has the following options when considering the application:

1. Partially approve the application, by approving the "Use Not Listed – Rectory" and refusing the four (4) "Grouped Dwellings."

This option will ensure development is in compliance with TPS5 and PDA 2005.

2. Refuse the application.

This option should be chosen if Council is of the opinion that the development is inconsistent or not incidental with "Community" zoning.

Option 1 is recommended.

Attachments

1. Locality Plans
2. Development Plans and Elevations
3. Letter from Lanowner
4. Objection Letter

Officer's Recommendation

That Council:

- A. Approves the application submitted by Goldman Constructions on behalf of the Trustees of the Diocese of North West Australia, to construct a "Use Not Listed – Rectory" on Lot 1724 (9) Padbury Place, Port Hedland, subject to the following conditions:
1. This approval relates only to the proposed "Use Not Listed – Rectory" and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
 2. 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.
 3. A minimum of 22 onsite car bays shall be provided on site solely for the "Place of Worship", to the satisfaction of the Manager Planning Services.
 4. The car parking bays and access ways shall be designed and constructed in accordance with the requirements of Town Planning Scheme No. 5 – Appendix 8.
 5. Only the Minister of the Church shall be allowed to reside within the "Use Not Listed – Rectory".
 6. Fences shall be reduced to no higher than 0.75m when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two streets intersect.
 7. The minimum distance between the edge of the roof and the lot boundary shall be no less than 750mm.
 8. Roof mounted or freestanding plant or equipment such as air conditioning units shall be located and/or screened to the satisfaction of the Manager Planning Services.
 9. All stormwater shall be retained onsite. Disposal to be designed in accordance with Council's Engineering Department Guidelines, to the satisfaction of the Manager Technical Services.
- Conditions to be complied with prior to the submission of a Building License application.*
10. Prior to the submission of a building license application, an Erosion Prevention and Sediment Control plan shall be submitted for approval by the Manager Planning Services.

11. Prior to the submission of a building license application, a site management plan shall be submitted for approval by the Manager Planning Services. The construction management plan is to indicate how it is proposed to manage the following during construction:
 - The delivery and storage of materials and equipment to the site;
 - The parking arrangements for the contractors and subcontractors;
 - Impact on traffic movement;
 - Operation times including delivery of materials; and
 - Other matters likely to impact on the surrounding residents / businesses;to the satisfaction of the Manager Planning Services.
12. Drawn details of all retaining walls, signed by a practicing Structural engineer, must be submitted for approval by the Manager of Building Services. Where retaining walls in excess of 0.5 metres in height abut common boundaries, the Town must be provided with written approval of the affected landowners (where applicable).

Conditions to be complied with prior to the occupation of the unit / development/subject area.

13. Signage shall be installed to insure car parking bays 21 and 22 on the approved plans are used solely for the purpose of the "Use Not Listed – Rectory", to the satisfaction of the Manager Planning Services.
14. All fencing shall be installed in accordance with the Residential Design Codes and/or the Dividing Fences Act to the satisfaction of the Manager Planning Services.
15. Prior to the occupation of the dwellings, landscaping and reticulation shall be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning Services.
16. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the developer to an approved design in accordance with Port Hedland Town Planning Scheme No. 5, and Australian Standards, to the satisfaction of the Manager Technical Services.
17. Prior to the occupation of the development, the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, to the satisfaction of the Manager Technical Services.

18. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the developer. Design and construction standards shall be in accordance with relevant Australian Standards and to the satisfaction of the Manager Technical Services.
 19. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the developer to an approved design in accordance with Port Hedland Town Planning Scheme No. 5, and Australian Standards, to the satisfaction of the Manager Technical Services.
 20. Prior to the occupation of the development, the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, to the satisfaction of the Manager Technical Services.
 21. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the developer. Design and construction standards shall be in accordance with relevant Australian Standards and to the satisfaction of the Manager Technical Services.
- B. Refuses the application submitted by Goldman Constructions on behalf of the Trustees of the Diocese of North West Australia, to construct four (4) "Grouped Dwellings" for the following reasons:
1. The proposed "Grouped Dwellings" are contrary to the zoning of the lot.
 2. The proposed development of "Grouped Dwellings" cannot be considered incidental to the main use of a "Place of Worship" on the site.

FOOTNOTES:

1. You are reminded 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. This approval should not be construed that the Town will support a survey strata or green title subdivision application for the development. Assessment has been based on a "Grouped Dwelling" containing common property. A subdivision application for Survey Strata without common property or green title subdivision will need to meet the minimum and average site areas for the dwelling type, as prescribed in the Residential Design Codes.

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

201112/334 Council Decision

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council approve the application submitted by Goldman Constructions on behalf of the trustees of the Diocese of North West Australia, to construct 4 Group Dwellings on Lot 1724 (9) Padbury Place Port Hedland subject to the following conditions:

1. **This approval relates only to the proposed four (4) double-storey “Grouped Dwellings”, “Use Not Listed – Rectory” and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.**
2. **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.**
3. **A minimum of 23 onsite car bays shall be provided on site solely for the “Place of Worship”, to the satisfaction of the Manager Planning Services.**
4. **A total minimum of 33 car bays shall be provide on the site as indicated on the approved plans.**
5. **The car parking bays and access ways shall be designed and constructed in accordance with the requirements of Town Planning Scheme No. 5 – Appendix 8.**
6. **The church is restricted to a maximum of 92 seats.**
7. **Only the Minister of the Church shall be allowed to reside within the “Use Not Listed – Rectory”.**

8. The four (4) double-storey “Grouped Dwellings” shall only be used for church purposes to the satisfaction of the Manager of Planning Services.
9. Fences shall be reduced to no higher than 0.75m when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two streets intersect.
10. The minimum distance between the edge of the roof and the lot boundary shall be no less than 750mm.
11. 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.
12. All stormwater shall be retained onsite. Disposal to be designed in accordance with Council’s Engineering Department Guidelines, to the satisfaction of the Manager Technical Services.

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

13. Prior to the submission of a building licence application, an Erosion Prevention and Sediment Control plan shall be submitted for approval by the Manager Planning Services.
14. 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 “Rubbish Collection Strategy / Management Plan” shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the “Rubbish Collection Strategy / Management Plan” shall be incorporated into the building licence plans. The approved “Rubbish Collection Strategy / Management Plan” shall be implemented to the satisfaction of the Manager Technical Services.
15. Prior to the submission of a building licence application, a site management plan shall be submitted for approval by the Manager Planning Services. The construction management plan is to indicate how it is proposed to manage the following during construction:
 - The delivery of materials and equipment to the site;
 - The storage of materials and equipment on the site;
 - The parking arrangements for the contractors and subcontractors;
 - Impact on traffic movement;
 - Operation times including delivery of materials; and
 - Other matters likely to impact on the surrounding residents / businesses;

to the satisfaction of the Manager Planning Services.

16. Drawn details of all retaining walls, signed by a practising Structural engineer, must be submitted for approval by the Manager of Building Services. Where retaining walls in excess of 0.5 metres in height abut common boundaries, the Town must be provided with written approval of the affected landowners (where applicable).

Conditions to be complied with prior to the occupation of the unit / development/subject area.

17. Signage shall be installed to insure car parking bays 24 and 25 on the approved plans are used solely for the purpose of the "Use Not Listed – Rectory", to the satisfaction of the Manager Planning Services.
18. All fencing shall be installed in accordance with the Residential Design Codes and/or the Dividing Fences Act to the satisfaction of the Manager Planning Services.
19. Prior to the occupation of the dwellings, the private yard areas shall be suitably screened from adjoining dwellings.
20. Prior to the occupation of the dwellings, landscaping and reticulation shall be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning Services.
21. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the developer to an approved design in accordance with Port Hedland Town Planning Scheme No. 5, and Australian Standards, to the satisfaction of the Manager Technical Services.
22. Prior to the occupation of the development, the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, to the satisfaction of the Manager Technical Services.
23. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the developer. Design and construction standards shall be in accordance with relevant Australian Standards and to the satisfaction of the Manager Technical Services.

FOOTNOTES:


1. You are reminded 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. This approval should not be construed that the Town will support a survey strata or green title subdivision application for the development. Assessment has been based on a "Grouped Dwelling" containing common property. A subdivision application for Survey Strata without common property or green title subdivision will need to meet the minimum and average site areas for the dwelling type, as prescribed in the Residential Design Codes.
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 may affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure measures adopted to avoid risk will be adequate. The issuing of a Planning 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

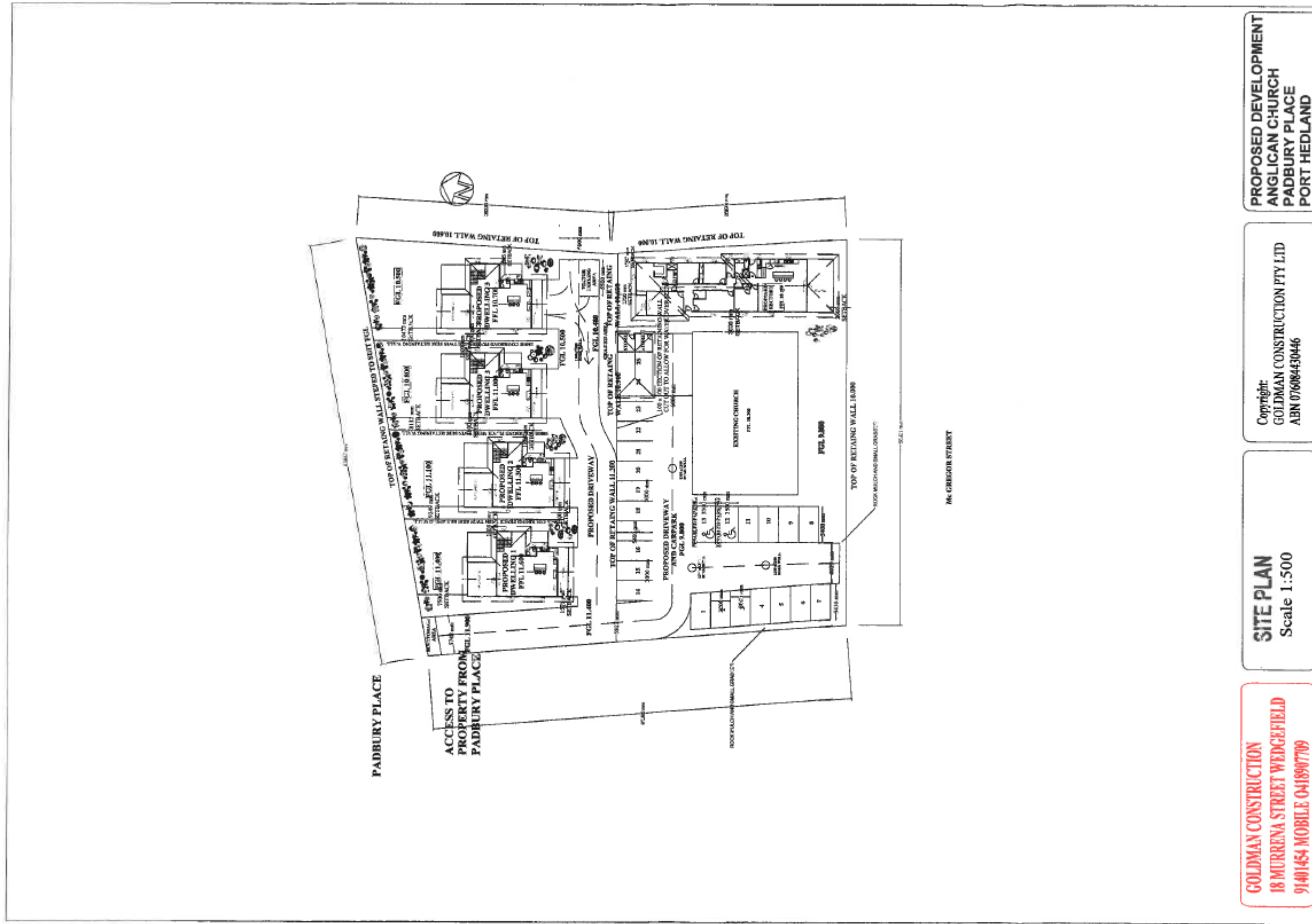
REASON: Council supports the developer's application as previously indicated in January 2010.

ATTACHMENT 1 TO ITEM 11.1.12



 Subject site

(This page intentionally left blank.)

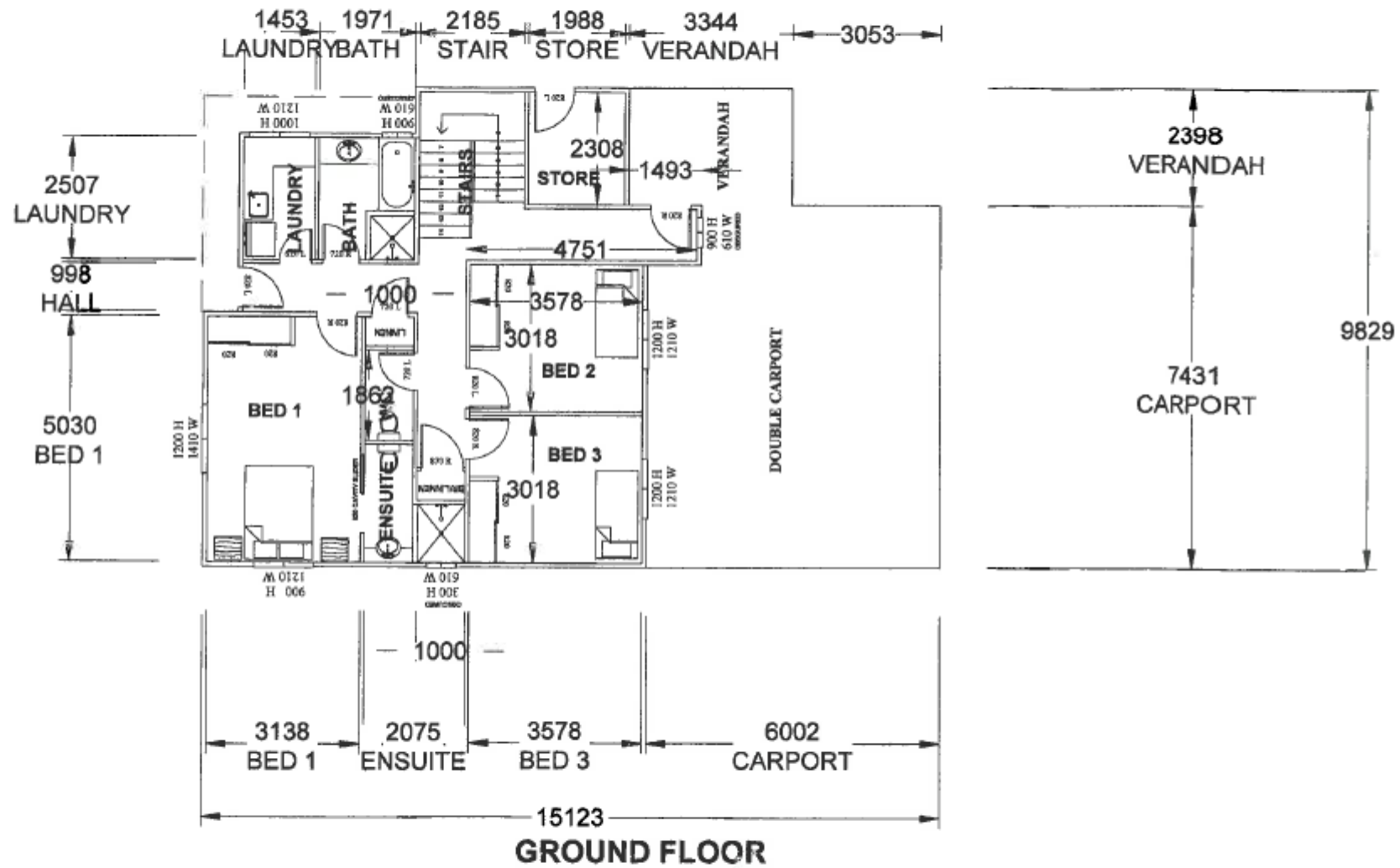


**PROPOSED DEVELOPMENT
 ANGLICAN CHURCH
 PADDURY PLACE
 PORT HEDLAND**

Copyright:
 GOLDMAN CONSTRUCTION PTY LTD
 ABN 07608451046

SITE PLAN
 Scale 1:500

GOLDMAN CONSTRUCTION
 18 MURRENA STREET WEDGEFIELD
 91401454 MOBILE 0418907709

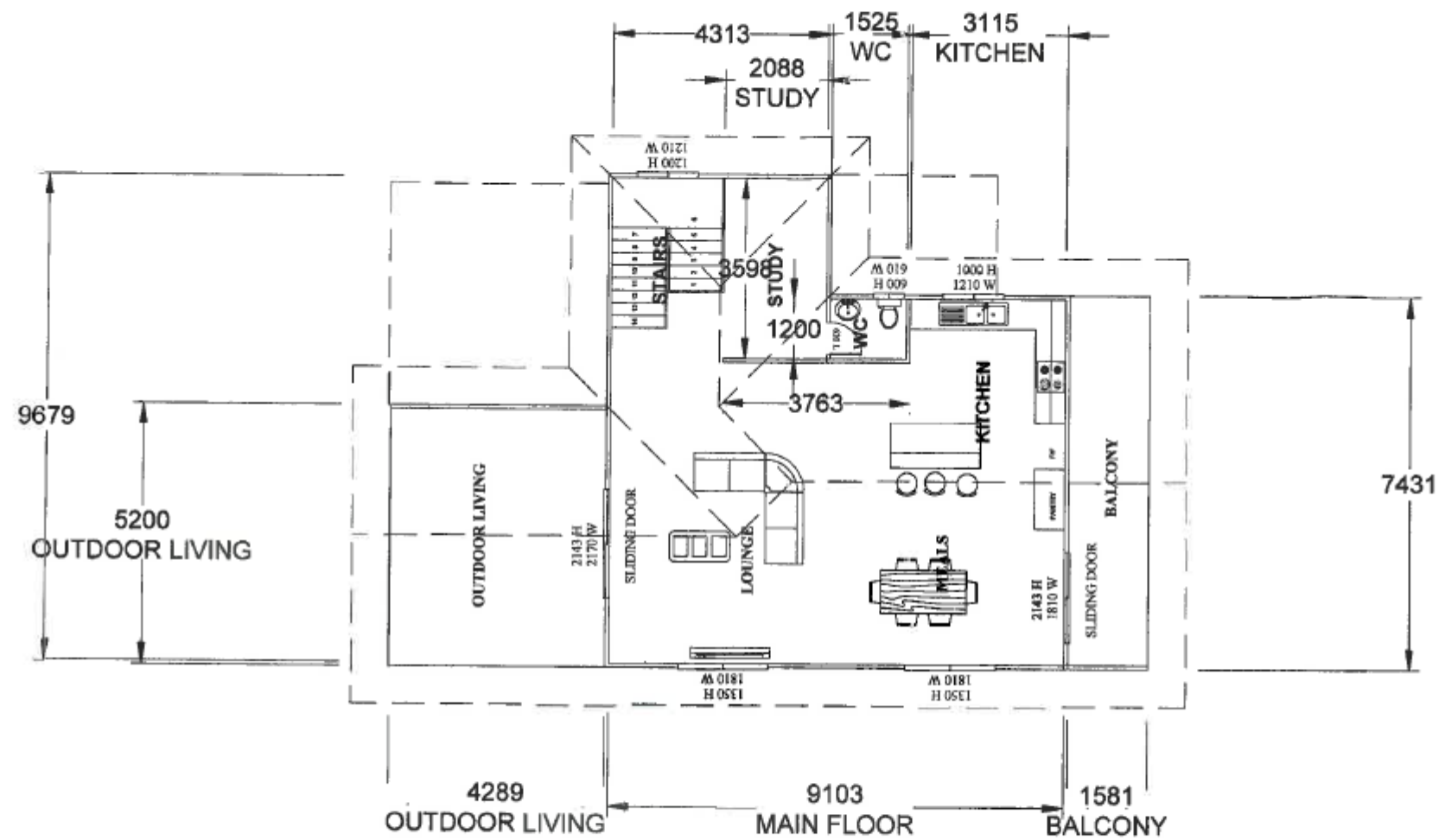


GOLDMAN CONSTRUCTION
 18 MURRENA STREET WEDGEFIELD
 91401454 MOBILE 0418907709

**GROUND FLOOR
 MEASUREMENT PLAN**
 Scale 1:100

Copyright:
 GOLDMAN CONSTRUCTION PTY LTD
 ABN 076084430446

**PROPOSED HOUSE,
 PADBURY PLACE
 ANGLICAN CHURCH
 PORT HEDLAND.**



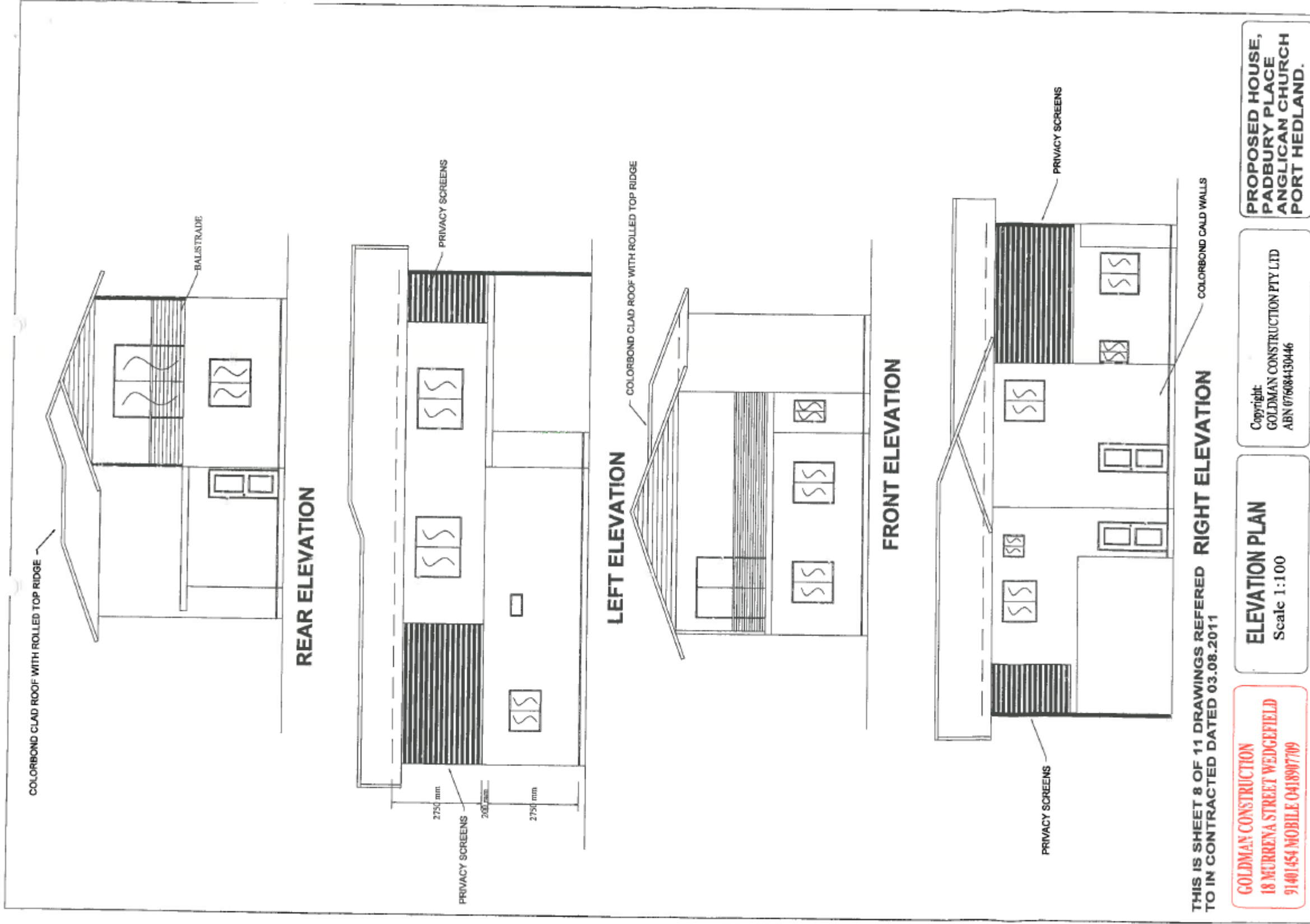
FIRST FLOOR

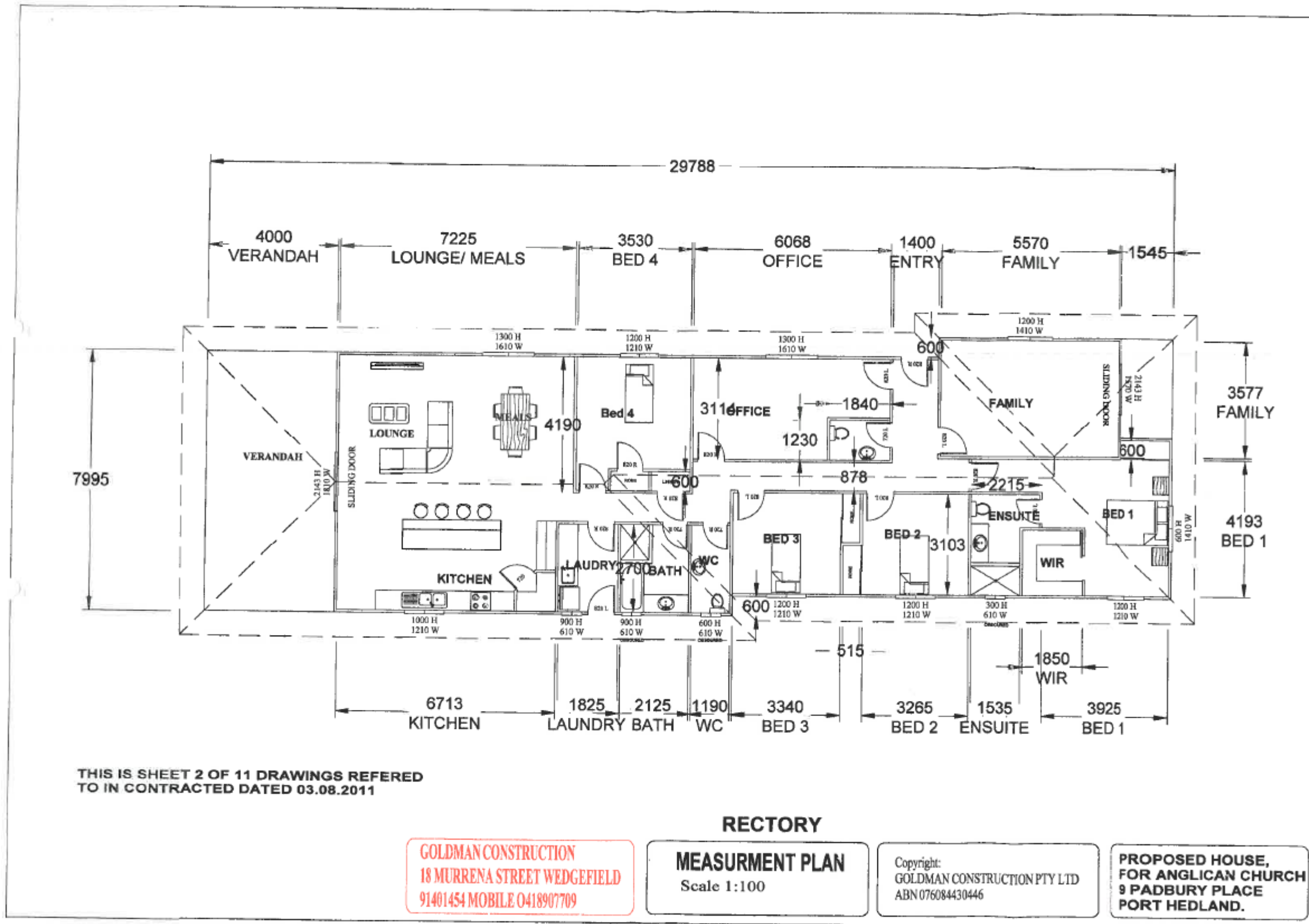
GOLDMAN CONSTRUCTION
18 MURRENA STREET WEDGEFIELD
91401454 MOBILE 0418907709

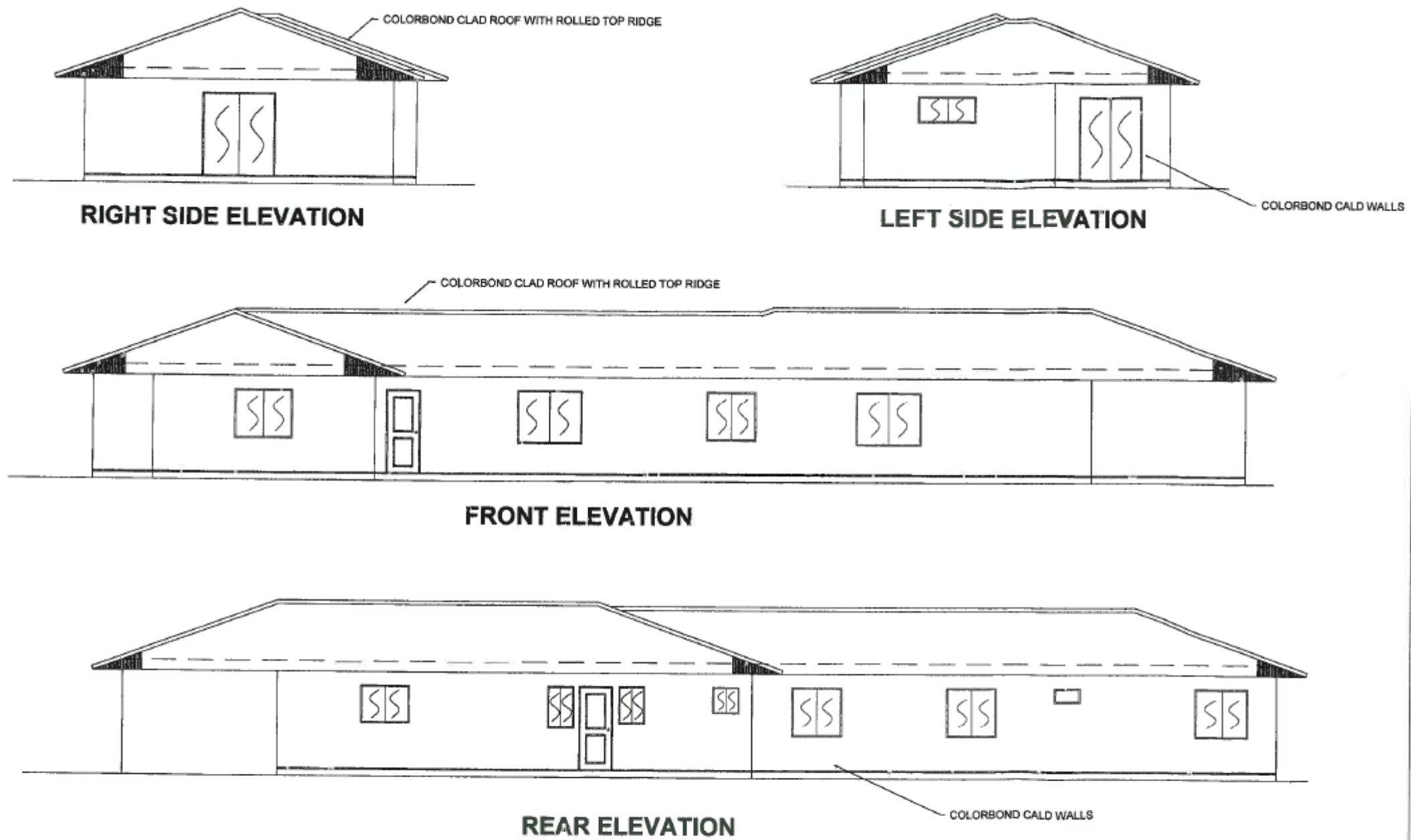
FIRST FLOOR
MEASUREMENT PLAN
Scale 1:100

Copyright:
GOLDMAN CONSTRUCTION PTY LTD
ABN 076084430446

PROPOSED HOUSE,
PADBURY PLACE
ANGLICAN CHURCH
PORT HEDLAND.





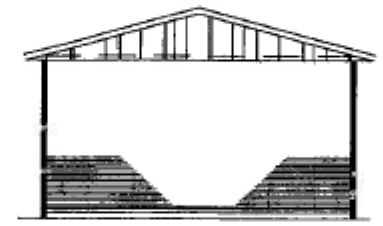
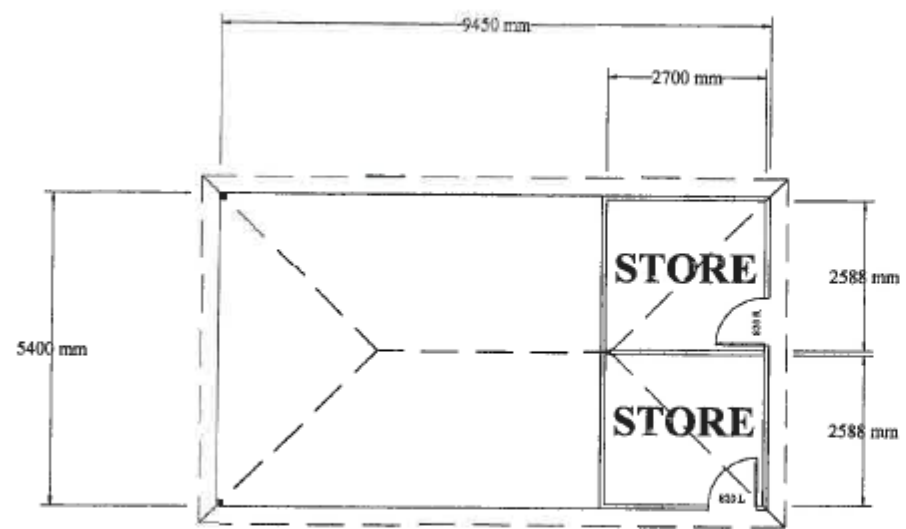


GOLDMAN CONSTRUCTION
18 MURRENA STREET WEDGEFIELD
91401454 MOBILE 0418907709

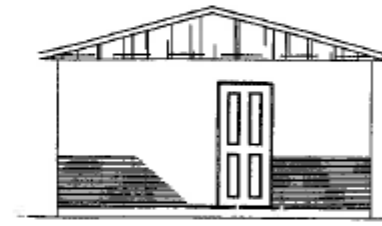
**RECTORY ELEVATION
PLAN**
Scale 1:100

Copyright:
GOLDMAN CONSTRUCTION PTY LTD
ABN 076084430446

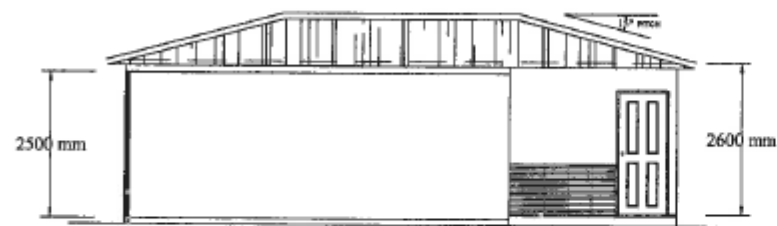
**PROPOSED HOUSE,
FOR ANGLICAN CHURCH
9 PADBURY PLACE
PORT HEDLAND.**



LEFT ELEVATION



RIGHT ELEVATION



FRONT ELEVATION



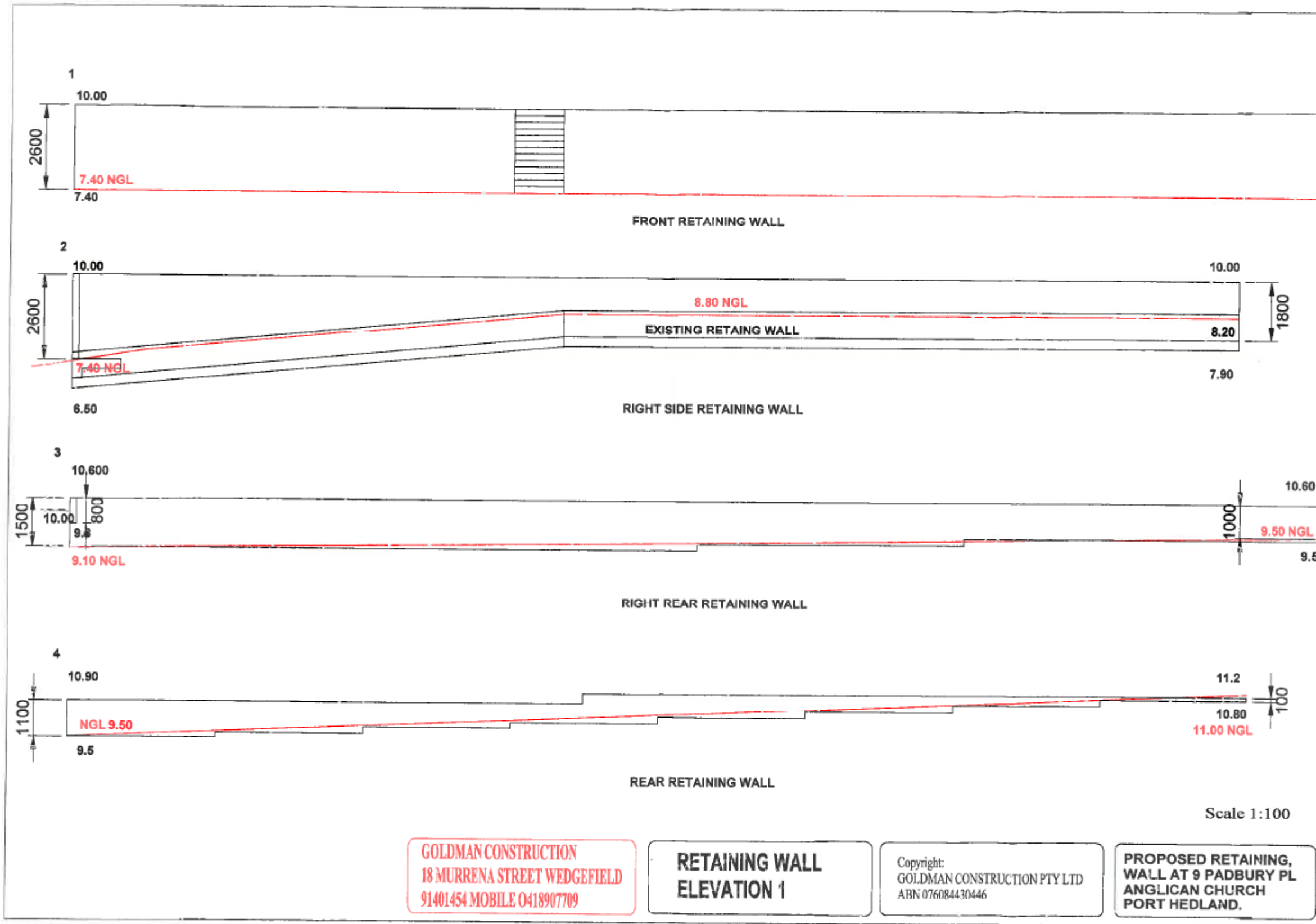
REAR ELEVATION

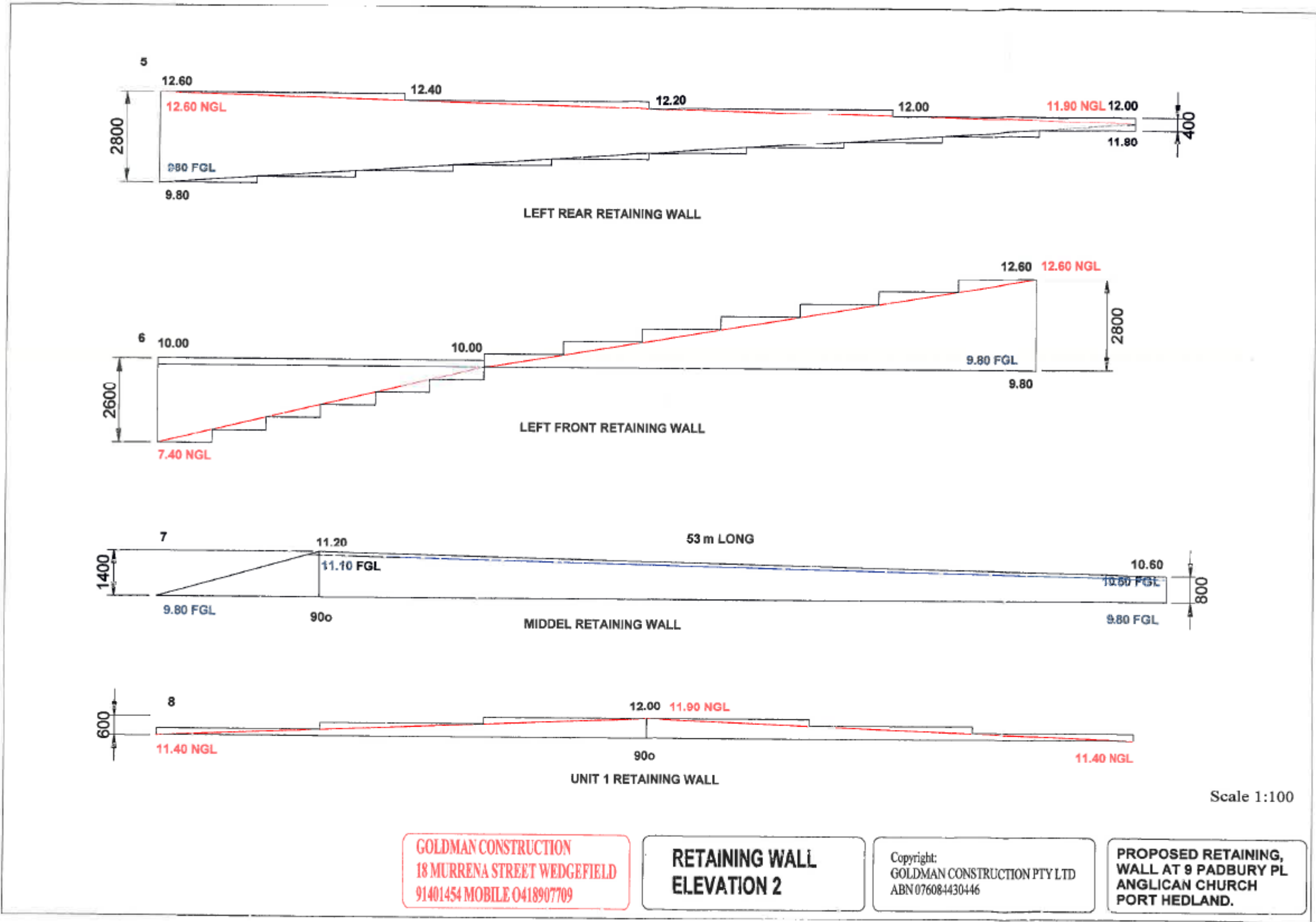
GOLDMAN CONSTRUCTION
18 MURRENA STREET WEDGEFIELD
91401454 MOBILE 0418907709

ELEVATION PLAN
Scale 1:100

Copyright:
GOLDMAN CONSTRUCTION PTY LTD
ABN 076084430446

STORE/CARPORT
FOR ANGLICAN CHURCH
9 PADBURY PLACE
PORT HEDLAND.



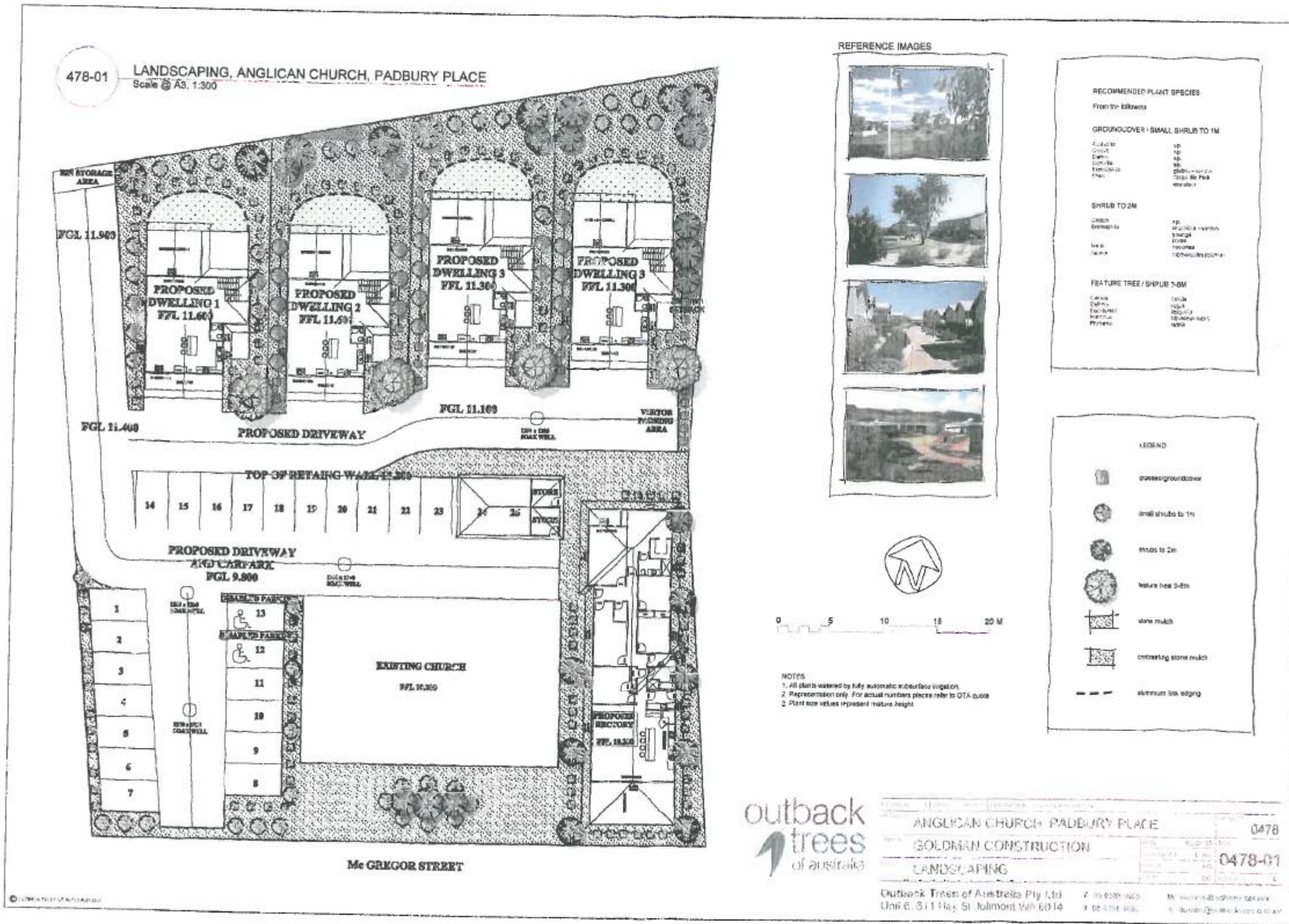


GOLDMAN CONSTRUCTION
18 MURRENA STREET WEDGEFIELD
91401454 MOBILE 0418907709

**RETAINING WALL
ELEVATION 2**

Copyright:
GOLDMAN CONSTRUCTION PTY LTD
ABN 076084430446

**PROPOSED RETAINING,
WALL AT 9 PADBURY PL
ANGLICAN CHURCH
PORT HEDLAND.**



ATTACHMENT 3 TO ITEM 11.1.12

THE ANGLICAN CHURCH OF AUSTRALIA

Parish of Port Hedland

"Making Christ the Difference"

St Matthew's, Port Hedland – St Peter's, South Hedland – St Hugh's, Marble Bar

Supported by the Bush Church Aid Society

14 DEC 2011

14th December 2011

Town of Port Hedland Council

Ref: 2011/585

Attention Michael Pound

Senior Planning Officer



Document #: IPA22140
Date: 14.12.2011
Officer: LEONARD LONG
File: 803206G

Dear Michael



Thank you for your letter dated 7th December 2011 and your willingness to discuss the proposed planning application on Lot 1724 (9) Padbury Place, Port Hedland.

In planning for the future needs of the community as it grows into a Pilbara city, the Anglican Parish of Port Hedland is seeking to better utilize the land it currently has. We are seeking permission to redevelop our church site by providing accessible parking, an adequate replacement of the existing minister's residence (an aged asbestos dwelling) with a new four bedroom residence.

In addition we are asking permission to construct four double storey free standing units. It is planned that the units will be rented for the short term to be able to service the \$4.3M loan. The plan is that as the loan repayments become more manageable we intend to progressively use the units to house church and not for profit community workers.

The grouped dwellings are incidental to the function of the church for the following reasons:

1. On completion the immediate church and community benefit is that the church is more accessible for Sunday services, funerals, weddings, play groups, AA meetings and general community use.
2. The Anglican minister is once again able to reside in Port Hedland in adequate housing, close to the church building and provide pastoral and spiritual support to the members of the church and community.
3. It will provide accommodation for future church workers. For example an assistant minister, family worker, youth and children's worker, counsellor etc.

Senior Minister: Rev Phillip Knight Lot 1 Mitchie Cres, South Hedland, WA 6722
Phone (08) 9172 3422 Mobile 0418948206 Email: philipelkeknight@hotmail.com
Parish ABN: 78 365 793 367

4. The church is also actively involved with other not for profit organisations in town which it could assist in providing much needed accommodation. For example the chaplain to the High School, chaplain to the Seafarers Centre or additional Seafarers Centre staff, industrial chaplaincy etc
5. The church intends to keep the whole development for community purposes and has no plans to sell.

We would ask that you also consider these additional issues.

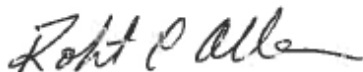
- A. Letter from the Department of Land Administration, dated 30th October 1987, stating that *"Lot 1724 (...) will remain as is in freehold title."*
- B. Letter from the minister for Commerce, Science & Innovation, Housing & Works, dated 4th August 2009, stating that *"The department advises that the request by the Dioceses of North West Australia to develop the land to better assist the local community falls within the category of "church purposes"."*
- C. This is the second time the church has applied for planning approval. The first application to council for the replacement of minister's residence and four new dwellings was passed unanimously by a full council meeting. Unfortunately the first application lapsed because of the extended time the church took in obtaining building plans and also gaining finance.

If you need any more information about this proposal please do not hesitate to contact Robert Allen or Rev. Philip Knight.

Kind regards,



Rev. Philip Knight
Senior Minister



Robert Allen
Church Warden & Project Manager
Mobile: 0414927207



TREASURER; MINISTER FOR COMMERCE;
SCIENCE & INNOVATION; HOUSING & WORKS

Our Ref: 30-07100

Hon Tom Stephens MLA
Member for Pilbara
PO Box 2667
SOUTH HEDLAND WA 6722

Dear Mr Stephens

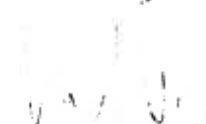
On behalf of the Minister, thank you for your letter in relation to the removal of a caveat registered against Lot 1724 Padbury Place, Port Hedland.

As you are aware in 1968 the Department of Housing agreed to transfer the above land to the Dioceses of North West Australia free of charge on the proviso that they pay a contribution to extending the sewer and water. This condition has been satisfied and the land was referred using a Deed of Trust which stipulated that it was only to be used for "rectory and church purposes". The requirements of the Deed of Trust are protected by a caveat that was lodged by the Registrar of Titles.

The Department advises that the request by the Dioceses of North West Australia to develop the land to better assist the local community falls within the category of "church purposes".

As such, the Department will advise Landgate that the requirements of the Deed of Trust are no longer required and that it supports the removal of the caveat on the above land.

Yours sincerely


DAVID WAWN
CHIEF OF STAFF

Level 21, 197 St Georges Terrace, Perth, Western Australia 6000
Telephone: +61 8 9222 9111 Facsimile: +61 8 9222 9410 Email: Minister.Buswell@dpc.wa.gov.au
www.ministers.wa.gov.au/buswell



Your Ref: MNW/KJW
Our Ref: 8791/96 KBE:LF

Telephone:
Enquiries:

DIOCESAN REGISTRAR
THE DIOCESE OF NORTH WEST AUSTRALIA
P O BOX 171
GERALDTON WA 6530

Dear Sir,

PORT HEDLAND LOTS 37 AND 1724

I refer to your letter of September 8, 1987 concerning the above lots and advise that this Department's proposal is as follows.

In view of the Church's obvious commitment to the Port Hedland area, Lot 37 be made available in fee simple free of all trusts to the Church conditional to:-

- A. proceeds from any subsequent sale being utilised solely for ecclesiastical purposes,
- B. receipt of a written undertaking that Government will not be called upon in the future to provide land for Anglican Church purposes in Port Hedland.

Lot 1724 is no longer included in the proposal and as indicated in your letter will remain as is in freehold title.

Further action pending the receipt of your comments.

Yours faithfully,

R K Morland
ACTING DIRECTOR
LAND OPERATIONS DIVISION

October 30, 1987

ATTACHMENT 4 TO ITEM 11.1.12



Document #: IPA22686
Date: 11.01.2012
Officer: LEONARD LONG
File: 803206G

Dear Mr Pound,

I would like to comment on the proposed development at 9 Padbury Place Port Hedland RE your letter dated the 8th December 2011 "PROPOSED PLACE OF WORSHIP – FOUR (4) INCIDENTAL GROUPED DWELLINGS AND A "USE NOT LISTED", 9 PADBURY PLACE PORT HEDLAND7621, I have the following concerns:

- The proximity of the proposed townhouses to our property at 7 Padbury Place, Port Hedland are very close to our property boundary and will be an intrusion to our back yard, the outdoor living areas and townhouse construction are adjacent to our fence line and we see that this will compromise our privacy as they will have a clear view directly into our outdoor living areas, this will be compounded as we may be putting a pool in the back yard.
- We would not like to be disadvantaged in any way by the development at 9 Padbury Place should we at 7 Padbury Place wish to develop our own property to its full zoning potential which may include multiple story dwellings, we would like to have no restrictions placed upon us with this proposed development or have objections from the owners of 9 Padbury Place when and if we decide to develop 7 Padbury Place, should the development of 9 Padbury Place disadvantage us in any way then we strongly oppose the development and request a meeting with yourself to discuss our options of to prevent such a development.

Regards

Les Brackin

10/01/2012

11.1.13 Spoilbank Marina Precinct Working Group (File No.: 18/12/0014)

Officer Eber Butron
Director Planning and Development Officer

Date of Report 13 February 2012

Disclosure of Interest by Officer Nil

Summary

At its meeting of 7 February 2012 the Spoilbank Marina Precinct Working Group resolved the following sections:

- The Director of Planning and Development to present a report to Council regarding the management of the Spoilbank Marina locality with a view to Council supporting in principle to take on the responsibility of managing land based items of the project.
- Invite representatives from Marine Rescue, Fishing Club and Cervan Marina to sit on the Working Group.

Council Officers support the recommendations of the Working Group.

Background

The Spoilbank Marina Working Group meets periodically every 8 weeks. Over the course of the past two meetings the issue of managing the future operations of the Spoilbank Marina Precinct has been discussed. LandCorp and MP Rogers have provided presentations on operational management issue and provided general indicative costings.

Prior to LandCorp progressing the matter further through to a submission to cabinet the issue of how the Spoilbank Marina Precinct is to be managed needs to be addressed.

To facilitate progressing this matter LandCorp are coordinating a meeting between Council, Pilbara Cities, Department of Transport and themselves to determine Department of Transports ability to manage the Marina operations.

Consultation

The working group meets periodically every 8 weeks.

Public Consultation, through a public forum was effected in 2011.

LandCorp is organising a meeting between Council, Pilbara Cities, Department of Transport and themselves.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Goal 1: Tourism
2: Progress Development of Spoilbank Marina Project

Goal 2: Town Planning & Building
2: Develop Structure Plans for Key Precinct Area

The development of the Spoilbank Marina is identified as one of the key priority projects in Council's Hedland's Future Today.

Budget Implications

Nil at this stage.

However there will be significant budget implications in future budgets if Council takes on management of land based operations of the precinct.

Officer's Comment

The Spoilbank Marina Precinct project has progressed considerably. LandCorp representatives are now endeavoring to present a cabinet submission for the project during the first half of 2012.

The main element that needs to be addressed is the future management of the Precinct. Various management models have been discussed by the Working Group ranging from the ability of one entity being able to manage the whole project/precinct through to having joint/shared management responsibilities between the Port Hedland Port Authority (PHPA), the Yacht Club and the Town.

At this point in time the preferred management model appears to be the sharing of responsibilities option which would see the Town responsible for land based issues that would generally fall under Councils normal responsibilities on other reserves. This is envisaged to include management of parks/grounds, carparks, leases for commercial spaces, roads, footpaths and possibly the caravan park.

Management of the Marina (water based infrastructure maintenance) appears the issue needing to be addressed. Through other examples around the state the body managing this aspect of operations has traditionally being the Department of Transport or in one instance Council (Mandurah).

Given the limited capacities and lack of technical expertise in this field it is not considered appropriate for the Town to take on these management responsibilities.

LandCorp are arranging a meeting with the Department of Transport, Council, Pilbara Cities and LandCorp to discuss the management of the Marina (water based items) operations.

Working Group representation

Recently Shelley Wood and Andrew Mitchell resigned from the Working Group.

In addition, Steve Burns (Community Member) has not attended meetings.

Given these circumstances the Spoilbank Marina Precinct Working Group have recommended the following be invited to sit in on the Working Group.

- Marine Rescue
- Fishing Club
- Cervan Marine

201112/335 Officer's Recommendation / Council Decision

Moved: Cr A A Carter

Seconded: Cr M B Dziombak

That Council:

- 1. Supports in principle to take on the management of the Spoilbank Marina Precinct (land based items generally managed by Council) subject to:**
 - a) provision of more detailed operational costings for inclusion in future budgets; and**
 - b) the Department of Transport agreeing to take on responsibility of the Marina (water based items) operations.**
- 2. Invite Marine Rescue, the Fishing Club and Cervan Marine to be represented on the Spoilbank Marina Precinct Working Group.**

CARRIED 8/0

11.1.14 *Process in Dealing with Unauthorized Residential Uses within Wedgefield - (File No.: 18/07/0013)*

Officer	Ben McKay Compliance officer
Date of Report	10 February 2012
Disclosure of Interest by Officer	Nil

Summary

This report outlines the process Council Officers intend to follow when undertaking compliance action against unauthorized residential uses within Wedgefield.

Council is requested to endorse the process.

Background

Council has received approximately 71 complaints of unauthorized residential uses within Wedgefield, ranging from 4 man dongas to 60 man camps.

The unauthorized uses do not have approved building licences or approved effluent disposal systems posing a significant health and safety risk to occupants.

Consultation

Should Council fail to address unauthorized residential uses in a timely manner and there is a loss or injury to life or damage to property Council may be held liable.

Statutory Implications

The development of any land must be in accordance with the Port Hedland Town Planning Scheme No. 5 (TPS5).

Residential developments other than what is listed in TPS5 are not permitted within Wedgefield.

Council has received legal advice pertaining to this matter from its Solicitors, McLeods Barristers & Solicitors. A copy of this advice is provided in the appendix to this report.

Policy Implications

Nil

Strategic Planning Implications

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

Council Officers are of the opinion the proliferation of unauthorized residential uses will ultimately have an impact on the release of residential land as a result of obscured residential demand figures.

Budget Implications

Should Council be found to be liable for loss or injury to life or the damage of property, it may have major implications on Council's budget as a result of increased insurance premiums.

Officer's Comment

Current Status

Currently Wedgefield has 315 properties in total. An audit of the area has shown 98 properties may have unauthorized residential uses located thereon. These unauthorized residential uses comprise of 75 donga's and 45 moveable dwellings (caravans). It must be noted the audit was undertaken from within the Road verge, and it is likely many more unauthorized Residential uses exist.

This equates to roughly 350 people living in unauthorized residential structures within Wedgefield. It must be noted, while 98 properties have been found to have unauthorized residential uses this number may increase as compliance investigations widen in the area.

Proposed Action

Council Officers propose to follow the following process when taking compliance action against unauthorized residential uses within Wedgefield:

- Issue a 30 day notice requesting compliance with the TPS 5, requesting property owners / tenants to contact Planning Services to find an amicable solution,
- Should the property owners / tenants contact Planning Services, they will be requested to, in the interim provide the following:
- Engineering Certificate prepared by a competent Structural Engineer, confirming the unauthorized residential structures are cyclone rated, to the satisfaction of Manager Building Services.

- A report prepared by a suitably qualified wastewater expert confirming the waste water system is compliant and adequate for the uses on the site, to the satisfaction of the Manager Environmental Services.

If the property owners / tenant are willing to provide the above documents and can provide a plan outlining how it is proposed to overcome the non compliance matter, a 6 – 12 month amnesty period may be given.

Should Council Officers receive no response from property owners / tenants or the above documents cannot be provided and confirmed to be acceptable by Council Officers, compliance action will be continued.

Attachments

1. Confidential Attachment – Legal Advice
(Attached under separate cover)

201112/336 Officer's Recommendation / Council Decision

Moved: Cr G J Daccache

Seconded: Cr M B Dziombak

That Council:

1. **Endorses the following process proposed for unauthorized residential uses within Wedgefield:**
 - a. **Issue a 30 day notice requesting compliance with the TPS 5, requesting property owners / tenants to contact Planning Services to find an amicable solution;**
 - b. **Should the property owners / tenants contact Planning Services, they will be requested to, inthe interim provide the following;**
 - **Engineering Certificate prepared by a competent Structural Engineer, confirming the unauthorized residential structures are cyclone rated, to the satisfaction of Manager Building Services.**
 - **A report prepared by a suitably qualified wastewater expert confirming the waste water system is compliant and adequate for the uses on the site, to the satisfaction of the Manager Environmental Services.**
 - c. **If the property owners / tenant are willing to provide the above documents and can provide a plan outlining how it is proposed to overcome the non compliance matter, a 6 – 12 month amnesty period may be given.**

- d. **Should Council Officers receive no response from property owners / tenants or the above documents cannot be provided and confirmed to be acceptable by Council Officers, compliance action will be continued.**

CARRIED 8/0

11.2 Engineering Services**11.2.1 *South Hedland Flood Study (File No.: 29/03/0006)***

Officer Helen Taylor
Project Officer

Date of Report 10 February 2012

Disclosure of Interest by Officer Nil

Summary

This report is to provide Council with a summary on the South Hedland Flood Study project, to endorse the Flood Study report as a suitable guideline for the Town of Port Hedland (TOPH) and to consider the re-allocation of funds to commence construction on priority areas.

Background

Strategic stormwater drainage in South Hedland generally consists of large open drainage channels. Some of the drainage reserves are located in areas identified for potential redevelopment in Councils Land Rationalisation Plan. The proposed land cannot be developed until the drainage function is investigated and determined.

The purpose of the South Hedland Flood study is to identify Council's drainage assets and make recommendations for development and/or drainage upgrades. Specific objectives of this study were to:

- Create mapping and data for the existing drainage network and reservations
- Establish the functionality of the drainage network and recommend improvements that maintain or improve the drainage function
- Enable more cost effective maintenance, whilst recognising the Town's desire to use these areas as linear open space in accordance with the Public Open Space Guidelines (POS)
- Provide a methodology for determination of requests for formal access to drainage reserves within South Hedland and provide specific recommendations in regards to current requests before the Town
- Identify considerations associated with development adjacent to or within drainage reserves.

Consultation

The South Hedland Flood Study report has been completed and reviewed internally by staff from Engineering, Planning and Land Development. The report was prepared in conjunction with:

- The Port Hedland Public Land Rationalisation Plan (PLRP)
- Town Planning Scheme No. 5
- Public Open Space Guidelines (POS)
- The Greater Port Hedland Storm-surge Study (GPHSS) prepared by Global Environmental Modeling Systems on behalf of the Ministry of Planning 2000
- Port Hedland Area Planning Study (PHAPS) published by Western Australian Planning Commission 2003
- Institute of Public Works Engineers Australia (IPWEA) 2009
- Port Hedland Coastal Vulnerability Study (2011) prepared by Cardno on behalf of Landcorp.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 1: Infrastructure
Goal 1: Roads, Footpaths and Drainage
Immediate Priority 2: Implement Council's 5yr infrastructure maintenance and development plans across an each infrastructure asset type (ie roads, footpaths, drainage, etc.)

Key Result Area 2: Community Pride
Goal 1: Townscape
Immediate Priority 1: Undertake projects that upgrade the appearance of verges and streetscapes along major thoroughfares within the District

Budget Implications

As this Flood Study report has not yet been acknowledged, no funding was allocated towards the implementation and construction for the 2011/12 financial year. A budget allowance of \$150,000 has been allocated towards the Port Hedland Light Industrial Area (PHLIA) Drainage Construction project, held in account 1201494 for the 2011/12 financial year.

The recommendations from the South Hedland Flood Study are considered a higher priority than PHLIA drainage construction, therefore it is suggested to allocate \$150,000 from PHLIA Drainage Construction project to the South Hedland Flood Study project recommendations.

Officer's Comment

GHD was commissioned by Council to undertake the South Hedland flood study to examine opportunities and constraints in regards to the drainage network in South Hedland. The results of the study, identified by each objective, is summarised below:

1. *Create mapping and data for the existing drainage network and reservations*

Using drainage survey information, contours and cadastre, the existing and proposed drainage systems were modelled in Wallingford Software Infoworks CS which calculates catchment hydrology performs and 1-dimensional hydraulic analysis to predict the performance of the drainage network. The predicted peak water levels from the 1-dimensional analysis was then analysed against a ground surface model to estimate the extent of the flooding.

The mapping and associated data is now readily available for import into Council's asset management systems and can be provided as information to developers.

2. *Establish the functionality of the drainage network and recommend improvements to drainage network that maintain or improve the drainage function and enable more cost effective maintenance, whilst recognising the Town's desire to use these areas as linear open space in accordance with the POS guidelines*

South Hedland is generally flat with a gentle slope toward the north-west and north east. Throughout most parts of the town, lots drain overland to adjacent road reserves and roads are graded to direct stormwater to a network of open channels. The Department of Water has advised that in favourable environment conditions, the ideal drainage network is characterised by the use of kerbed roads as the initial conveyor of stormwater into large open channels. The dominant nature of the drainage network in South Hedland is consistent with this strategy and provides significant advantages over a traditional piped drainage system.

Hydraulic modelling of the existing drainage network predicts flooding in a number of areas. Site observations revealed that while some culverts are in good condition, a large number of culverts were obstructed by sediment and/or debris. Modelling suggests that by clearing culverts and regrading some key reaches of open drain to match existing culvert inverts will result in significant reduction in flooding throughout the town. Additional infrastructure upgrades will be required to improve the system performance further and to alleviate predicted flooding in the remaining areas.

A maintenance and capital improvements program has been prepared. Whilst the maintenance program will be undertaken by Council within the normal budget allocations, the capital improvements program has been presented to Council in a 5 year plan for budget consideration. The proposed capital works will also be a consideration when determining the development of land surrounding or impacting on the drainage reserve.

The need for additional stormwater runoff basins, similar to that at Deepwater, was also identified. Council officers are currently investigating opportunities and locations for a new basin.

3. *Provide a methodology for determination of requests for access to drainage reserves with South Hedland and provide specific recommendations in regards to current requests before the Town*

The Public Land Rationalisation Plan identifies land parcels for development within or adjacent to existing drainage reserves, it has been recommended that floor levels of all new buildings should be set 300mm above the peak 100-year ARI flood levels.

Council has been presented with proposals to close existing drainage reserves in various parts of South Hedland, specifically drainage reserves:

- Between Brodie Crescent and Green Place
- From Acacia Way and Boronia Close through to Huxtable Crescent
- From Somerset Crescent to Lawson Street
- From Eucla Close to Delamere Street

These drainage reserves protect open drains and provide the network of flood paths that service existing property adjacent and upstream. Under no circumstances should any of these drainage reserves be closed without a comprehensive study that identifies a viable alternative drainage system. Any developer proposing the closure of drainage reserves will be required to provide a comprehensive study and also consider the points below.

4. *Identify considerations associated with development adjacent to or within drainage reserves*

Any development within or adjacent to these reserves should be considered in regards to potential impact on infrastructure, receiving environments and public safety. Key considerations must include:

- Impact of the development on potential flood levels and resulting risk of damage to property and infrastructure
- Predicted flow velocity resulting in changes to scour potential
- Risk to public safety by changing access arrangements; encouraging pedestrians and/or vehicles to be in the floodway during rainfall events

- Opportunities to incorporate water quality treatment measures that can provide protection to receiving environments

It is recommended that all proposals for development within or adjacent to drainage reserves should be required to address these considerations. These considerations have been included within the standard set of engineering comments provided during a Development Application referral from Council's Planning Department.

Summary

The South Hedland Flood Study report has achieved the outlined objectives. Council now has a detailed document that:

- Provides data for inclusion in Council's drainage network asset management system
- Provides information for Council and land developers regarding the flooding risks within the area
- Provides a strategy drainage infrastructure maintenance and capital upgrades
- Provides guidelines for consideration of developments adjacent to or within drainage reserves

Based on the information provided in the report a number of priority areas have been identified in the table below:

Priority	Location of Flooding	Work Description	Estimated Costs
1	Brodie Cr/ Draper PI	Construct basin and upgrade culver under Brodie Cr SH52	\$459,400
2	Traine Cr/ Edkins PI	Upgrade culvert under Brodie Cr SH60	\$91,600
3	Acacia Way	Remove Temporary culvert SH50	\$11,300
4	Egret Cr/ Spoonbill Cr	Regrade drain and clean culverts from SH26 through to SH29	\$122,400
5	Steamer Av	Regrade drain and clean culverts upstream of SH18 to SH19	\$77,700
6	Parker St	Regrade drain from N049 through to SH1	\$224,100
7	Boronia CI	Regrade drain from N033 to NA55 clean culvert under Boronia CI SH49	\$103,400
8	Roberts St	Regrade drain and clean culverts from upstream of SH2 to SX04	\$112,200
9	Bottlebrush Cr	Clean culvert under Gregory St SH30, localized regrading	\$8,600
Total			\$1,210,700

As part of the recommended budget reallocation, the initial works will be to design Priority 1 works and construct Priority 2 and 3 works. The budget for the remaining priorities will be requested during future budget processes.

Attachments

1. South Hedland Flood Study Report
(Attached under separate cover)

201112/337 Officer's Recommendation / Council Decision**Moved: Cr A A Carter****Seconded: Cr J E Hunt****That Council:**

1. **Endorse the South Hedland Flood Study report and its recommendations as a suitable guideline for the TOPH**
2. **Approves re-allocation of \$150,000 in account 1204294 from Port Hedland Light Industrial Area Drainage to South Hedland drainage improvements**
3. **Acknowledges the investigation for a stormwater basin to accommodate run-off from South Hedland**

CARRIED 8/0

11.2.2 *Tender 10/38 Provision of Cleaning Services for Various Council Buildings and Facilities – Extension of Contract (File No.: 07/02/0006)*

Officer Jenella Voitkevich
Manager Infrastructure
Development

Date of Report 6 February 2012

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to request Council approval for the correction and extension of the contract period for Contract 10/38 Provision of Cleaning Services for Various Council Buildings and Facilities, in accordance with contract conditions.

Background

The Town of Port Hedland currently has a contract with Unicorn Cleaning Pty Ltd for the provision of cleaning services at the Civic Centre, various public ablutions, Depot, Landfill, Courthouse Art Gallery, Matt Dann Cultural Centre, Port and South Hedland Libraries, JD Hardie Centre and various sporting facilities. This contract was awarded at the Ordinary Council Meeting on 9 February 2011 with the following resolution:

“201011/252 Council Decision/Officer’s Recommendation

That Council:

- ii) awards Tender 10/38 – Various Council Buildings and Facilities to Unicorn Cleaning Pty Ltd, for the amount of \$330,585 (excluding gst) for a period of twelve months”*

Unicorn Cleaning Pty Ltd has been providing this service at a satisfactory level since executing the Contract on 4 April 2011.

Consultation

- Director Engineering Services
- Building Management Officer
- Unicorn Cleaning Pty Ltd

Statutory Implications

The original tender was called in accordance with 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”*

The recommendation to extend the contract period in accordance with the original Conditions of Contract complies with the above statutory requirements.

Policy Implications

The original tender was called in accordance with Council's Procurement Policy 2/007. This recommendation has no implications on current policies.

Strategic Planning Implications

Nil

Budget Implications

The 2011/12 adopted budget includes provision for this contract. The 2012/13 budget process will accommodate the budget for cleaning of Council facilities in accordance with the original contract, plus CPI increases upon execution of the optional 1 year extension, which would commence on 4 April 2013.

Officer's Comment

The contract was formally executed on 4 April 2011, expiring on 3 April 2012. An error has been identified in the original Council report awarding the tender. The officer's recommendation to award the tender for a twelve month period was contradictory to Tender 10/38 Conditions of Contract which state:

“Part B

Section 3: Duration of Contract

- (a) This Contract is for a period of two (2) years with an option of a further one (1) year, commencement date by mutual agreement via further negotiations incorporating all relevant CPI increases, etc.”*

Unicorn Cleaning Pty Ltd has been providing satisfactory cleaning services since commencing this contract, resulting in no reason to terminate their contract after the initial twelve month period. The recommendation to extend the contract for the originally tendered two year period simply reflects the Conditions of Contract within Tender 10/38.

A further recommendation is being made to approve the optional one year extension to the contract. This is based on the satisfactory level of service provided to date and the high level of competency and cost competitiveness provided by Unicorn Cleaning Pty Ltd based on their original tender submission. Unicorn Cleaning Pty Ltd scored 80% in the tender assessment, with the next highest scored tender submission at 62.5%. The one year extension to Contract 10/38 will be based on CPI increases to the current contract rates and would not be negotiated until early 2013 when the December CPI rates would be ascertained.

Attachments

Nil

201112/338 Officer's Recommendation / Council Decision

Moved: Cr A A Carter

Seconded: Cr G A Jacob

That Council:

- 1. Acknowledges the correct contract period of 4 April 2011 to 3 April 2013 for Tender 10/38 Provision of Cleaning Services for Various Council Buildings and Facilities, awarded to Unicorn Cleaning Pty Ltd at the Ordinary Council Meeting on 9 February 2011.**
- 2. Authorises the Chief Executive Officer or delegated officer to enter into negotiations for a further one (1) year extension effective 4 April 2013 to 3 April 2014, based on relevant CPI increases.**

CARRIED 8/0

11.2.3 *Proposed 40km Posted Speed Limit on the Newly Constructed Roads in the South Hedland CBD (File No.: .../...)*

Officer	Anup Paudel Manager Technical Services
Date of Report	7 February 2012
Disclosure of Interest by Officer	Nil

Summary

The purpose of this report is to request Council to support a 40km posted speed limit be set on all of the new roads in the South Hedland CBD (Central Business District).

Background

The South Hedland CBD has been re-developed by LandCorp. Included in the design scope was to increase the amount of pedestrians in the CBD through improved amenity, events, land for shops and the re-development of the Skate Park and South Hedland Aquatic Centre (SHAC). Part of the area was inaugurated and handed over to the Town of Port Hedland (TOPH) 6 December 2012. The new roads currently have a speed limit of 50km as this is the default speed in residential areas if no speed limit signs are posted.

Councillors and staff have received complaints that pedestrian traffic trying to cross Colebatch Way and the other newly constructed roads are at risk due to the speed of some vehicles.

The following existing streets in the SHCBD have a posted speed limit of 40km.

- Throssell Road, South Hedland
- Tonkin Street, South Hedland
- Hawke Place, South Hedland
- McLarty Boulevard, South Hedland

The following newly constructed roads do not have any speed limit posted, and the default of 50km applies, however this is causing confusion to the motorists using these roads:

- Wise Terrace
- Leake Street
- Colebatch Way
- Ranson Link
- Hunt Street

As a result, of the complaints received, the Manager of Technical Services has requested Main Roads Western Australia (MRWA) and Cossill Webley, Consulting Engineers for LandCorp to consider a speed reduction from the unposted 50km to a posted speed of 40km for the newly constructed roads in the SHCBD.

Consultation

The following parties have been consulted in the process:

Internal

- Manager Technical Services
- Director Engineering Services

External

- Cossill Webley – Consultant for South Hedland CBD, LandCorp
- Brendon Wiseman – Asset Management Officer – Main Roads WA

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

Installing a posted speed limit of 40km in the South Hedland CBD will provide pedestrians and motorists a greater awareness of the required speed limit in what is designed to become a vibrant place where people will come to enjoy events and increased shopping opportunities.

A report will be presented to Council shortly dealing with issues of regular cleaning and maintenance of the South Hedland CBD.

Attachments

1. Drawing of Proposed 40km speed zone

Officer's Recommendation

That Council:

1. Supports the installation by Main Roads Western Australia of 40km posted speed limit signs on the following roads in the South Hedland CBD:
 - Wise Terrace
 - Leake Street
 - Colebatch Way
 - Ranson Link
 - Hunt Street

201112/339 Council Decision

Moved: Cr A A Carter

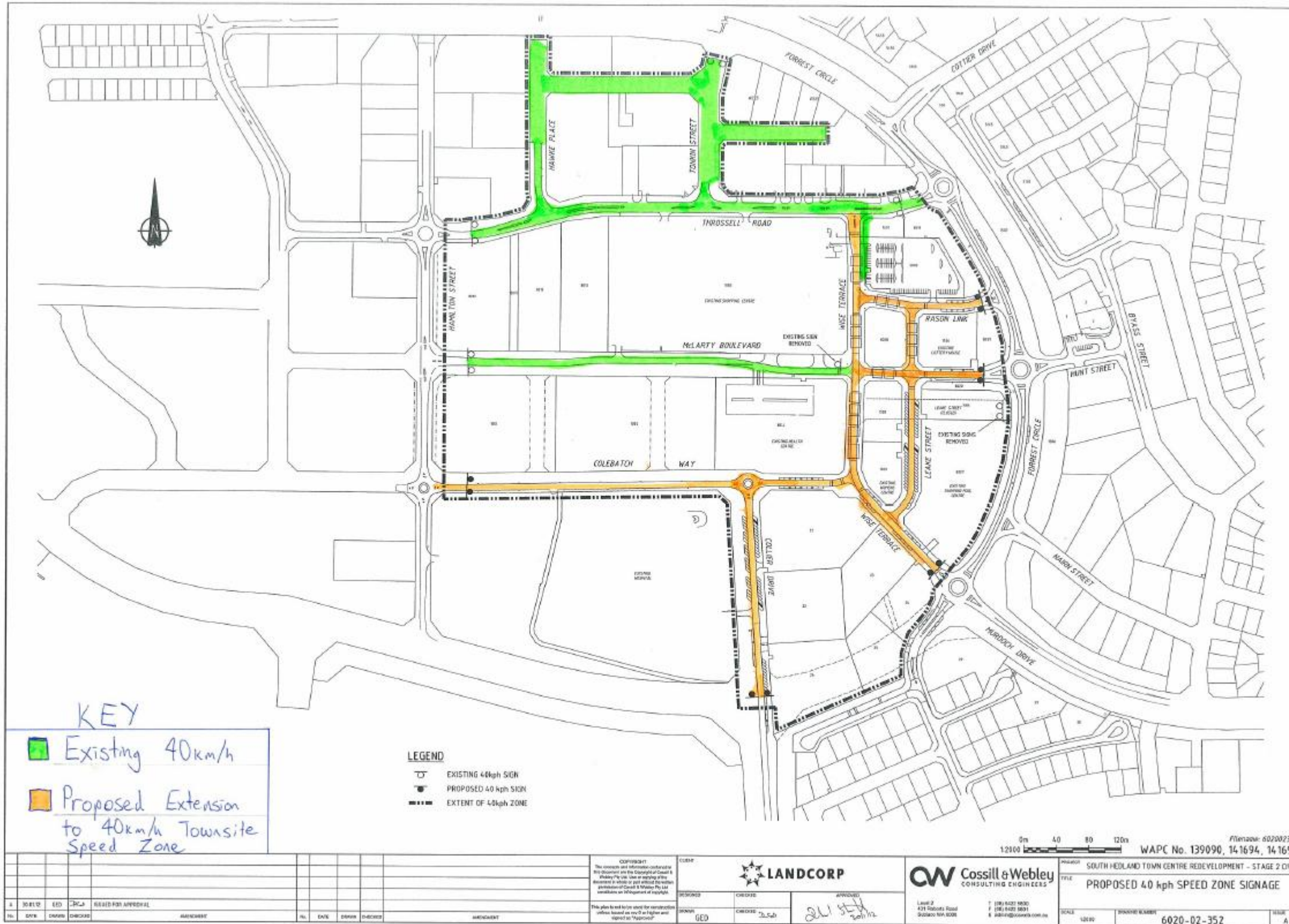
Seconded: Cr D W Hooper

That Council:

1. **Supports the installation by Main Roads Western Australia of 40km posted and road painted speed limit signs on the following roads in the South Hedland CBD:**
 - **Wise Terrace**
 - **Leake Street**
 - **Colebatch Way**
 - **Ranson Link**
 - **Hunt Street**
2. **Has a workshop with Officers regarding the issues associated with the South Hedland CBD and following this requests the Chief Executive Officer bring a report to Council regarding the South Hedland CBD which addresses the following points:**
 - **Parking; including timed parking, crossings, enforcement of parking, parking plan for the CBD. Request that the Chief Executive Officer investigate the costs associated with implementing and managing this and how these costs will be met by either the Town or Landcorp.**
 - **Cleaning standards and associated costs.**

CARRIED 8/0

REASON: Council considers this to be a matter of public safety.



(This page intentionally left blank.)

11.3 Community Development**11.3.1 *Tender 11/32 – Needs Assessment, Concept Design and Implementation Plan for the Port Hedland Turf Club (File No.: 05/09/0021)***

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

Date of Report **7 February 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 11/32 - 'Needs Assessment, Concept Design and Implementation Plan for the Port Hedland Turf Club' to enable Council to award the Tender.

Council is requested to award Tender 11/32 to A Balanced View (ABV) Leisure Consultancy Services for the amount of \$108,900.00 (ex. GST).

Background

There are currently three equine related venues that exist in Port Hedland, these include the current Port Hedland Turf Club, the South Hedland Owners and Trainers Association (SHOATA) and the Port Hedland Pony Club. There is also a proposed rodeo facility located on Great Northern Highway. The current situation with all of the aforementioned facilities is that there is a need for a long term vision for the future of equestrian sports in Port Hedland.

It is intended for the project to provide the following outcomes:

- Provide a clear understanding of the needs of all organisations involved with equestrian sports
- Undertake a site assessment process
- Develop a concept design based on a selected site from the findings of the needs assessment
- Consider potential linkages with industries associated with the equestrian industry
- Develop a business and implementation plan for the proposed facilities.

Submissions were sought from suitably qualified and experienced consultants to undertake the project through a Request for Tender process.

Consultation

A Reference Control Group is in the process of being formed to guide the project. Invitations have been forwarded to the following stakeholders. The nomination of an Elected Member to be part of the Reference Group is one of the report recommendations.

- Graeme Hall (Manager Recreation) – Project Manager
- 1 x Department of Sport and Recreation (Regional Manager Pilbara)
- 2 x representative Port Hedland Turf Club
- 1 x representative Port Hedland Pony Club
- 1 x representative South Hedland Owners and Trainers Association
- 1 x representative from an Industry Training Organisation
- 1 x Community Representatives.

Statutory Implications

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

“3.57. Tenders for providing goods or services

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

Policy Implications

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

Strategic Planning Implications

The feasibility study will address several elements of Council’s Strategic Plan. The predominant strategy is:

Key Result Area:	Community Pride
Goal 2:	Events
	That the Town annually hosts a series of well attended community events.
Immediate Priorities:	Plan and integral role in the coordination, operation and communication of community events by:
	c. 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.

Other actions: Develop plans for future recreation and leisure facility upgrades to accommodate population growth.

Budget Implications

An amount of \$150,000 is included in the 2011/12 budget as a BHP Billiton Partnership Project and allocated towards the Equine Industry Needs Assessment, Concept Design and Implementation Plan.

Officer's Comment

Tender 11/30 closed at 2.30pm (WST) on Wednesday 25 January 2012. Tenders were opened and recorded by Council staff members, with Councillor Jacobs in attendance.

Assessment panel members were: Manager Recreation Services and Facilities, Director Community Development and Manager Planning Services.

Tender submissions were received from nine companies. All submissions are deemed conforming.

Table 1 shows the Lump Sum Fee offered by each submission.

Submission	Lump Sum Fee (Excl GST)
A Balance View (ABV) Leisure Consultancy Services / Bollig Design Group	\$ 108,900.00
Tomorrow Pty Ltd	\$ 107,180.00
Creating Communities Australia	\$ 117,514.00
GHD	\$ 99,560.00
Cole Advisory (Sandover Pinder)	\$ 117,550.00
Keston Technologies (Roberts Gardnier Architects)	\$ 93,715.00
Jill Powell and Associates (Paterson Group Architects)	\$ 110,000.00
Paxon Group	\$ 80,000.00
Formwork (Davis Langdon)	\$ 117,100.00

Table 2 shows Assessment Criteria and weightings applied.

Assessment Criteria	Weightings
Relevant Experience	30
Key Personnel Skills and Experience	20
Tenderer's Resources	10
Demonstrated Understanding / Methodology	30
Local Industry Development	10

Table 3 shows the comparison of each of the assessment criteria for the Tender submissions received.

Submission/ Assessment Criteria	Relevant Experience (30%)	Key Personnel Skills and Experience (20%)	Tender Resources (10%)	Demonstrated Understanding / Methodology (30%)	Local Industry Development (10%)	Total Score
	Score %					
A Balance View (ABV) Leisure Consultancy Services	23	14	7	20	0	64%
Tomorrow Pty Ltd	17	12	6	24	2	61%
Creating Communities Australia	21	11	6	19	6	63%
GHD	20	12	7	17	4	60%
Cole Advisory (Sandover Pinder)	18	10	5	18	0	51%
Keston Technologies (Roberts Gardnier Architects)	19	12	6	18	0	55%
Jill Powell and Associates (Paterson)	18	12	5	16	0	51%

Group Architects)						
Paxon Group	19	13	8	21	0	61%
Formwork (Davis Langdon)	20	13	7	17	0	57%

Summary

The quality of the submissions received was extremely high. This was reflected in the consistency of the scoring of the proposals by the assessment panel. It is realistic to assume that a number of companies that submitted a tender could have provided Council with an excellent outcome.

A Balance View ABV Leisure Consultancy Services scored the highest in accordance with the selection criteria, particularly in relation to relevant experience.

The assessment process also identified that the score attributed to A Balance View ABV Leisure Consultancy Services were consistent across each of the stated selection criteria.

The panel considered that the submission by A Balance View ABV Leisure Consultancy Services represented an accurate representation of the amount of time required to complete the project.

The Principal Consultant from ABV is well regarded within the sport and recreation industry. Relevant projects completed by A Balance View ABV Leisure Consultancy Services include:

- City of Geraldton / Shire of Greenough – Eighth Street Facilities Master Plan
- City of Stirling – Balga Aquatic Centre Needs Assessment and Feasibility Study
- Town of Vincent – Beatty Park Needs Assessment and Feasibility Study
- Shire of Murray – Master Plan Sir Ross McLarty Complex, Pinjarra.

Equestrian specific projects completed include:

- City of Armadale – Equestrian Facilities Needs Assessment and Feasibility Study
- City of Gosnells – Equestrian Facilities Needs Assessment and Feasibility Study.

Accompanying the ABV submissions are architects Bollig Design Group that are experienced with the planning, design and delivery of sporting / community facilities and are well regarded.

It is recommended that Tender 11/32 – Needs Assessment, Concept Design and Implementation Plan for the Port Hedland Turf Club be awarded to A Balance View ABV Leisure Consultancy Services.

Attachments

Nil

201112/340 Officer's Recommendation / Council Decision**Moved: Cr A A Carter****Seconded: Cr S R Martin****That Council:**

- 1. Awards Tender 11/32 - Needs Assessment, Concept Design and Implementation Plan for the Port Hedland Turf Club to A Balance View ABV Leisure Consultancy Services for the amount of \$108,900.00 excluding GST.**
- 2. Notes a Reference Group of stakeholders will be formed for the Needs Assessment and Concept Design.**

CARRIED 8/0

Statutory Implications

LOCAL GOVERNMENT ACT 1995 - SECT 6.12

6.12 . *Power to defer, grant discounts, waive or write off debts*

- (1) *Subject to subsection (2) and any other written law, a local government may —*
 - (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*
 - (b) *waive or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money,*

which is owed to the local government.

** Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

[Section 6.12 amended by No. 64 of 1998 s. 39.]

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

The cost to replace and repair the broken sub-meters was \$2,700 expended from Recreation Building Maintenance.

The cost to waive the unaccounted water fees amounts to \$1720.78.

Officer's Comment

The practice of dividing the unaccounted water amount amongst tenants is consistent with their lease agreements (Clause 1.1).

"1.1 Rates, Taxes and Outgoings

To pay and discharge as and when the same become due and payable land tax assessed or charged in respect of the Premises and all other outgoings, including without limitation all rates levied by the Lessor, telephone, electricity, gas, water and sewerage charges levied, charged or imposed upon the Premises or any part thereof or arising out of the use thereof and whether expressed to be payable by the owner or occupier thereof.”

In this instance, Council was unaware that a number of the water sub-meters at the Reserve were not working, prior to invoices being issued. Therefore it is recommended to waive all unaccounted water fees for the period from the 31/03/2010 to 23/03/2011.

All sub-meters have since been repaired and all future water usage at this site will now be accounted for and on charged accordingly.

Attachments

1. Pretty Pool Stable Lease Areas.

201112/341 Officer's Recommendation / Council Decision

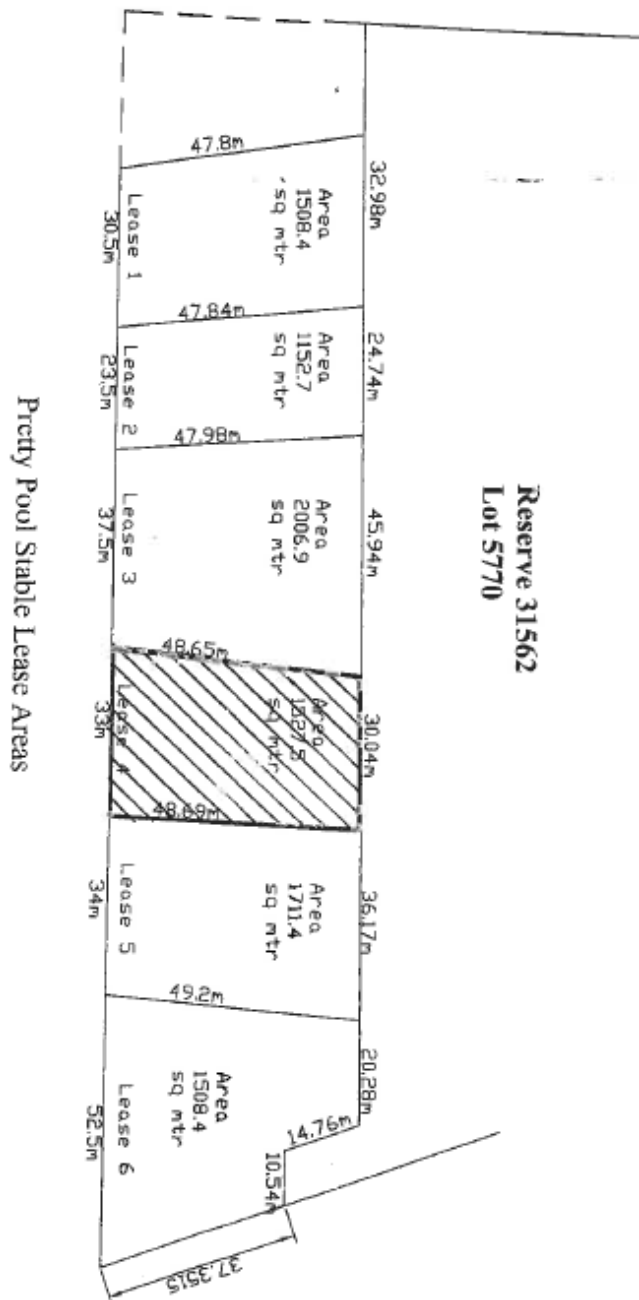
Moved: Cr G J Daccache

Seconded: Cr J E Hunt

That Council endorses the waiving of the amount of \$1720.78 in unaccounted water charges for the Pretty Pool Stables, Reserve 31462, Lot 5570 Styles Road, Port Hedland for period 31/03/2010 to 23/03/2011.

CARRIED BY ABSOLUTE MAJORITY 8/0

ATTACHMENT 1 TO ITEM 11.3.2



11.3.3 High Profile Music Event in Port Hedland – Update on Funding Outcomes and Proposed Event Progression (File No.: 03/02/0005)

Officer Lorna Secrett
Manager Community
Development

Date of Report 22 February 2012

Disclosure of Interest by Officer Nil

Summary

Council's Strategic Plan 2010–15 includes actions to:

- Actively seek to attract 'draw card' entertainers and events to the Town of Port Hedland
- Actively seek to attract or establish a nationally significant event to Port Hedland.

Further to previous Council decisions (201011/428, 201112/144), officers have progressed the conceptual development of the event and endeavoured to source corporate support / sponsorship.

Council is requested to note the funding secured for the event and endorse issuing of a Request for Tender for the Provision of a High Profile Music Event in Port Hedland. A further report for Council's endorsement of the preferred tenderer would be provided in late March / early April 2012.

Background

In March 2011, following a Request for Proposal (RFP) process, Sunset Events were engaged to provide a feasibility and business development plan on the potential of presenting a high profile music event featuring an international household name performer in the Town. Key points proposed / identified in the feasibility study were provided to Council (June 2011).

The overall vision for the event was outlined as follows:

“To stage an annual music event of international standard in Port Hedland which delivers social, economic and environmental benefits throughout the year and positions Port Hedland as the regional centre for the Pilbara and an attractive and vibrant place in which to live.”

The intention is for an iconic event with an international draw card performer to:

- Increase the profile of Port Hedland, as Pilbara's Port City
- Act as a platform for the development of Port Hedland as the regional centre of the Pilbara
- Promote the Town as a tourism destination of significance and renown by highlighting the unique industrial and marine environment
- Leave a year-round legacy of broader cultural and community benefits for the Town by stimulating existing community and cultural participation in and around the event and providing a stimulus for this continued activity throughout the year.

Business Development Model

A development model was formulated to guide the sustainable growth of the event over an initial 5-year period. The model proposes strategies for years 1 and 2 to develop the event, build the profile, prove logistics and leverage further support and sponsors. The intention is that the event will be held in these years at the McGregor Street Reserve.

Years 3 – 5 will provide full realisation of the event outcomes, with a dedicated event space developed for year-round community enjoyment, enabling the attraction of additional events to the Town, and attraction of an international audience through a marketing program which promotes Port Hedland as Pilbara's Port City.

Table 1 outlines the projected development of the event:

Year	Event Development	Projected Budget
2011/12	High profile contemporary Australian line up, held at McGregor Reserve with community engagement strategy underway, marketing program attracting local and regional audience	Up to \$1.1 million
2012/13	Mid-tier International profile act, with Australian support, held at McGregor Reserve with community engagement strategy further developed, marketing program attracting additional intrastate audience	\$1.3 million
2013/14	World class international high profile act, held at iconic event space on the Spoilbank or alternative dedicated event space with full community outcomes, marketing program attracting additional interstate audience	\$1.4 million

2014/15	World class international high profile act, held at iconic event space on the Spoilbank or alternative dedicated event space with full community outcomes, marketing program attracting additional international audience	\$1.5 million
2015/16	World class international high profile act, held at iconic event space on the Spoilbank or alternative dedicated event space with full community outcomes, marketing program attracting additional international audience	\$1.5 million

Key changes throughout the event's development occur in the areas of marketing, production scale / complexity / cost as well as headline act drawing power and cost.

Consultation

The following external consultation has occurred throughout the development of the event feasibility and funding strategy:

- Youth Involvement Council
- Hedland Youth Leadership Coalition
- Care for Hedland Inc
- FORM
- BHP Billiton
- Fortescue Metal Group
- Atlas Iron
- Barry Haase MHR Federal Member for Durack
- Tom Stephens MLA Member for Pilbara
- WA Music Industry Association
- Port Hedland Port Authority
- Pilbara Cities
- Eventscorp.

This consultation has resulted in support letters from Youth Involvement Council, Hedland Youth Leadership Coalition, Care for Hedland Inc., and FORM which have previously been submitted to Council. In addition to this, support letters have now been received from the two local Parliamentary members, and the WA Music Industry Association.

Extensive internal consultation has occurred throughout the organisation and has previously been detailed to Council.

Statutory Implications

Subject to Council endorsement, tenders will be called in accordance to the Local Government Act (1995).

“3.57. Tenders for providing goods or services

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

Policy Implications

Subject to Council endorsement, tenders will be called in accordance with Council’s Procurement Policy 2/007 and Tender Policy 2/011.

Strategic Planning Implications

The ToPH Strategic Plan (2010 - 2015) includes the following Actions:

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

1. Actively seek to attract ‘draw card’ entertainers and events to the Town of Port Hedland
2. Actively seek to attract or establish a nationally significant event to Port Hedland.

Budget Implications

Council has allocated a sum of \$500,000 in the 2011/12 budget as a contribution to the event. This contribution is conditional on funding being sourced from other parties.

Under the feasibility proposal, Council would auspice the event and all relationships with corporate partners, suppliers and Government agencies and will have full audit rights of the accounts for the event.

Officers have developed a funding strategy and have secured contributions, detailed in the table below:

Sponsor	Funding / Support	Status
Town of Port Hedland	\$ 500,000	Confirmed in 2011 / 12 budget
BHP Billiton Iron Ore	\$ 200,000	Confirmed
Atlas Iron	\$ 100,000	Confirmed
Eventscorp	\$ 150,000	Unconfirmed, subject to final Government approval
Total	\$ 950,000	

Eventscorp Funding

The event proposal was considered by the Tourism WA Board recently. The Board has recommended funding under the Royalty for Regions program of \$150,000 in 2012, \$200,000 in 2013 and \$250,000 in 2014, with their recommendation for funding at these levels now referred to Government for final approval. Further clarification was sought from Eventscorp on the effect of delaying the Year 1 event into 2013 or later into the 2012/13 financial year. A response from Eventscorp was received as follows:

- The event has been budgeted for in the Royalty for Regions Scheme for financial years 2012/13, 2013/14 and 2014/15
- Therefore, if scheduled for 2013 before end June, the 3 year funding can be applied 3 successive years.

If the event was presented in the second half of 2013, year one funding (\$150k) would need to be used, and then year 2 funding (\$200k) for the following year. Year 3 funding would not be guaranteed because the Royalties for Regions scheme has not (as yet) been authorised for 2015/16.

The terms of the proposed RFT will require that any shortfall in funding towards the event will be covered / underwritten by the successful tenderer. This mitigates any risk that the Council will be liable for funding other than that it has already committed in the 2011/12 and subsequent budgets, also providing an incentive for the successful tenderer to fully realise the event sustainability. Event organising companies have indicated a preparedness to financially underwrite any shortfall in the event budget / cost, providing security that Council's contribution will not exceed the budgeted amount.

Consultation with potential organisers has indicated that a very successful and financial viable event can be delivered within the funding of \$950,000 secured.

Once a professional event company have been secured, there is a high probability of additional funding being sourced from other sponsors.

Given that the 2012 event is required to be held between the months of April and October, due to the cyclone season, it is recommended that an amount of \$500,000 be allocated to the 2012/13 budget. Committed sponsorship from BHP Billiton Iron Ore and Atlas Iron in 2011/12 can be utilised, should start up costs be required in the 2011/12 financial year.

Officer's Comment

Following adoption of the event feasibility and subsequent concept development, Council (September 2011):

- “1. noted the update on progress of a high profile event in Port Hedland*
- 2. authorised the Chief Executive Officer to secure the services of a professional event company through a Request for Tender process once written confirmation is received from all corporate sponsors / supporters to conduct the 2012 event*
- 3. noted that financial underwriting of the 2012 Music Event will be an essential criterion of the Tender Specifications, ensuring Council’s financial exposure / risk is limited to the 2011/12 budget allocation*
- 4. noted that a further report will be provided in October 2011 recommending a preferred tenderer.”*

Timing to progress the event has now become critical to achieve Council’s desire of hosting the first festival in 2012.

While Eventscorp funding (\$150,000 in 2012) has been recommended, final Government approval must be obtained. Eventscorp have indicated that this final endorsement may take up to 2 months to confirm.

The opportunity exists to progress through the RFT process while final Government approval is obtained. A subsequent report will be provided to Council in late March recommending a preferred event management company, as well as confirming final Eventscorp funding.

Attachments

Support letters from:

1. Tom Stephens, MLA Member for Pilbara;
2. Barry Haase, MHR Federal Member for Durack; and
3. Nigel Bird, Regional Coordinator WA Music Industry Association.

Officer’s Recommendation

That Council:

1. notes funding of \$950,000 secured for the proposed high profile music event, subject to Government final confirmation of Eventscorp funding
2. authorises the Chief Executive Officer to tender for a professional event company through a Request for Tender process for presentation of the Year 1 event in the 2012 calendar year, providing for capacity of including or excluding Eventscorp funding

3. notes that financial underwriting of the 2012 Music Event will be an essential criterion of the Tender Specifications, ensuring Council's financial exposure / risk is limited to the 2012/13 budget allocation
4. carry forward the current budget allocation \$500,000 to the 2012/2013 budget for the high profile music event
5. notes that a further report to Council will be provided in late March or early April 2012; recommending:
 - the preferred event management company;
 - confirming final funding strategies, including Eventscorp/Government support; and
 - consideration of the event proceeding (including a critical timeline).

201112/342 Officer's Recommendation / Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council:

1. **Notes funding of \$950,000 secured for the proposed high profile music event, subject to Cabinet final confirmation of Eventscorp funding;**
2. **Authorises the Chief Executive Officer to secure the services of a professional event company through a Request for Tender process for presentation of the Year 1 event in the 2012 calendar year;**
3. **Endorses the Request for Tender (Event Management – High Profile Music Event) will be on a 1 + 1 + 1 year, mutual agreement basis;**
4. **Notes that 3. provides Council with the opportunity to evaluate the success of the year 1 event and consider the funding and delivery of year 2 and year 3 events;**
5. **Notes that financial underwriting of the 2012 Music Event will be an essential criterion of the Tender Specifications, ensuring Council's financial exposure / risk is limited to the 2012/13 budget allocation;**
6. **Carry forward the current 2011/12 allocation of \$500,000 to the 2012/2013 budget for the high profile music event; and**
7. **Notes that a further report to Council will be provided in late March / early April 2012, recommending the preferred event management company and final budget confirmation to proceed with event (including a critical timeline).**

CARRIED BY ABSOLUTE MAJORITY 8/0

REASON: Council will have the opportunity to evaluate the success of the year 1 event and then consider funding and delivery of years 2 and 3 and also ensure that its financial exposure/risk is limited.

ATTACHMENT 1 TO ITEM 11.3.3

Tom Stephens BA JP MLA
Member for Pilbara

PO Box 2667
SOUTH HEDLAND WA 6722
Telephone: 9140 1711 Facsimile: 9140 1525
Email: pilbara@mp.wa.gov.au



Tuesday 25 October, 2011

Wendy Tate
Eventscorp
Level 9, 2 Mill Street
PERTH WA 6000

Dear Panel Members,

I write to offer my strong support for the Town of Port Hedland's application for Eventscorp Regional Events funding in conjunction with the Royalties for Region Scheme, with the aim of attracting a high profile music event, featuring an international draw card performer, to Port Hedland

Based on the results of a feasibility study, which was conducted in partnership with WA events company, Sunset Events, the TOPH envisages the project will focus on long term economic, social and community benefits which will advance the development of Port Hedland as an exciting and vibrant place to live, supporting the vision of the Pilbara Cities program.

There would be obvious benefits for the town and surrounding communities with the holding of such an event including:

- Stimulus for economic and social activity through the development of a year round touring circuit for performers.
- Development of a purpose built outdoor event space and attraction of permanent event infrastructure to the Town.
- Raising the positive profile of Port Hedland as Pilbara's Port City and ultimately attracting an intrastate, interstate and international audience.
- Inclusion of activities by youth, cultural and environmental community groups which provide benefits to the social and cultural life of the Town at the event, around the event and year round.
- Delivering an increased capacity within Port Hedland that is retained, particularly in regard to locally based infrastructure, local business development and building the capability of the broader community.

I encourage you to endorse the Town of Port Hedland's proposal for this project with its potential for community engagement and outside influences creating a more liveable future for one of the Pilbara's cities of tomorrow. I can be contacted for further comment at: pilbara@mp.wa.gov.au.

Yours sincerely

A handwritten signature in black ink that reads "Tom Stephens".

TOM STEPHENS MLA
Member for Pilbara

Putting the Pilbara first



Barry Haase MHR
FEDERAL MEMBER
FOR DURACK



Electorate Local Call
1300 301 876

Email
barry.haase.MP@aph.gov.au

Geraldton
Suite 2B, 209 Foreshore Drive
Geraldton WA 6530
Phone: (08) 9964 2195
Fax: (08) 9921 7990

Broome
4/34 Frederick Street
PO Box 1856
Broome WA 6725
Phone: (08) 9192 7216
Fax: (08) 9192 8860

Eventscorp Regional Funding
GPO Box X2261
PERTH WA 6847

Dear Panel Members

I write in support of the application submitted by the Town of Port Hedland for Eventscorp regional events funding through the Royalties for Region Scheme.

The Town of Port Hedland has submitted an application for funding to support an exciting project to attract a high profile music event. The project will focus on long term economic, social and community benefits which sustain the development of Port Hedland as an exciting and vibrant place to live, in support of the vision and aims of the Pilbara Cities program.

Some benefits indicated by the Town include:

- Stimulus for economic and social activity through the development of a year round touring circuit for performers
- Development of a purpose built outdoor event space and attraction of permanent event infrastructure to the Town
- Raising the positive profile of Port Hedland as Pilbara's Port City and ultimately attracting an intrastate, interstate and international audience
- Inclusion of activities by youth, cultural and environmental community groups which provide benefits to the social and cultural life of the Town at the event, around the event and year round
- Delivering an increased capacity within Port Hedland that is retained, particularly in regard to locally based infrastructure, local business development and building the capability of the broader community

I would ask that you take this into consideration when processing their application.

Yours sincerely

BARRY HAASE

24th November 2011



ATTACHMENT 3 TO ITEM 11.3.3

**THE WEST AUSTRALIAN MUSIC INDUSTRY ASSOCIATION INC.**

ABN 19 395 503 276

16 December 2011

To whom it may concern**Re: Contemporary music festival for Port Hedland**

I am writing in my capacity as Regional Officer of The West Australian Music Industry Association Inc. (WAM) a letter of support for the application to develop a music festival in Port Hedland.

I have been in this position for almost nine years and have a solid understanding of the workings of music in regional West Australia. Specifically, in the Pilbara region where WAM have completed a number of major projects since 2006 and have many strong relationships. These exist in each of the major centres and in some smaller indigenous communities, throughout the region.

Generally the Pilbara region has a limited number of nationally recognised touring acts visit the region. Combined with an extremely low activity rate of West Australian acts touring the region (due to extreme low financial viability) there is real need for an event like the proposed. In my personal experience in this position, there has been only one event in the region that could be possibly be likened to the proposed event. However, this was a 'one off' event delivered in Karratha, by the national youth broadcaster, ABC's Triple J, in 2007. The proposed artists for the Port Hedland event are much larger profile acts and the region in my experience has never seen an event like the proposed.

An event of this size will offer significant experience and opportunity for locals interested in the music and entertainment industry. I have personally seen and been directly involved with some of the benefits that these type of large regional events have on local youth and others interested in getting involved in the industry. Events such as Bridgetown Blues Festival, Nannup Music Festival, Southbound and Boyup Brook Country Music Festival all offer invaluable employment experiences particularly to younger people. A number of regionally based youth, who have had these opportunities, are now my peers in the contemporary music industry.

In 2012 WAM will deliver a recording project in Tom Price and Paraburdoo and also will be developing funding proposals for our next three-year regional strategy. The Pilbara region will become WAM's focus region for the 2013-2015 period. This is directly attributed to the Pilbara Cities initiative and WAM believes, with the proposed growth in population, cultural events like these will help to attract and retain young people in the region.

An event such as the proposed would provide WAM's Regional program with a key opportunity to partner with the presenters, to offer Pilbara based musicians and industry an array of career development opportunities. We believe these will assist to develop skills and experience in the region that will increase overall activity and networks in the region.

WAM fully supports this funding request from the Town of Port Hedland and applauds the initiative. Please do not hesitate to contact me if you have any queries regarding this letter.

Kind Regards

A handwritten signature in black ink, appearing to read 'Nigel Bird', is written over a large, faint watermark of the WAM logo.

Nigel Bird
Regional Officer

OFFICE :: 1st Floor, 58 James Street Northbridge WA 6003 | **MAIL** :: PO Box 171, Northbridge WA 6865
T :: +61 8 9227 7962 | **F** :: +61 8 9328 7711 | **W** :: wam.asn.au | **E** :: wam@wam.asn.au
N :: myspace.com/musicwa | facebook.com/musicwa | twitter.com/musicwa

Option 2

Reject both tenders and Council investigates the direct (in-house) management of the leisure facilities.

Council resolved to:

- “1. Note the receipt of two proposals responding to Tender 11/34 Management Agreement – Town of Port Hedland Leisure Facilities*
- 2. Request that both the YMCA and CASA Leisure submit a refined offer that responds to the concerns held by the Town in their initial tender proposal. The new submissions will need to respond to the following concerns:*
 - Detailed costing for each element of operation*
 - Enhanced programming and service provision*
 - Performance indicators*
 - Facility cleaning and maintenance schedules*
 - Position descriptions and skill sets of appointed employees*
 - Detailed marketing strategies*
 - Facility opening hours*
 - Quality of gym equipment purchased as part of the fit out process*
- 3. Note that the Chief Executive Officer will report to Council in February 2012, following assessment of the resubmitted offers.”*

In response to the Council's resolution, the subsequent procedure actions have been taken in order to ensure that the tenderers have received the best possible feedback and the opportunity to submit improved offers:

- A copy of the Council report was forwarded to both tenderers providing an insight as to the expectations of Council
- An overview of Council's concerns and anticipated outcomes was forwarded to both the YMCA and CASA Leisure
- A phone meeting was held with both tenderers on Wednesday 2 February 2012 (Director Community Development and Manager Recreation Services and Facilities) to provide detailed feedback.

Amended responses were requested from both the YMCA and CASA Leisure by Tuesday 8 February 2012. Both the YMCA and CASA Leisure indicated that they maintained an interest in the contract and submitted additional information.

Consultation

The review of the two tender proposals received was conducted by:

- Director Community Development
- Manager Recreation Services and Facilities
- Recreation Coordinator.

Statutory Implications

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

“3.57. Tenders for providing goods or services

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

(2) Regulations may make provision about tenders.”

The decision of Council to seek additional information from CASA Leisure and the YMCA was considered to be prudent and based on advice from the Western Australian Local Government Association (WALGA). The objective of seeking supplementary information within the tender process was to achieve the best possible outcome for the community. The opportunity offered to the two tenderers to provide amended proposals is considered to be both fair and reasonable.

Policy Implications

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

Strategic Planning Implications

The successful operations of the leisure facilities will address several elements of Council's Strategic Plan. The predominant strategy is:

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

Council currently has a budget allocated to the following operational accounts to meet the costs of operating the facilities for the balance of the 2011/2012 financial year.

Table 1 Budget Allocation

Account Number	Account Description	2011/12 Budget Amount
1108257	MPRC Operating Costs	\$250,000.00 (May and June only)
1111239	Marquee Park Operational Costs	\$300,000.00 (Feb -June only)
1105255	Gratwick YMCA Operations	\$485,000.00 (Normal full year)
1105260	South Hedland Aquatic Centre - YMCA Operations	\$275,923.00 (July - January only) \$537,831.00 (Normal full year)

Officer's Comment

The Council meeting 22 June 2011 considered the management options for the leisure facilities and gave in-principal endorsement for the future management. The recommendation 'in part' was to:

- "1. Endorse the 'in-principal' position of contract management for the Multi- Purpose Recreation Centre*
- 2. The tender specification is expanded to invite proposals for the complementary management of the JD Hardie Centre (subsequently removed) and the operation of the Town of Port Hedland's two aquatic centres when the current contract term expires."*

The report presented to the Council at that time considered the following facility management options:

- Direct Management
- Indirect Management
- Contract Management
- Lease Management
- Joint Management.

Tender Assessment

The assessment of all information provided by CASA Leisure and the YMCA has identified concerns about the costs and the level of value being offered. Acceptance of either tender in their current form would compromise what is offered the community in the form of high quality and well activated leisure facilities.

The approach taken within this report is to consider the options as two steps. Firstly, to consider the needs of the community and will the contract management proposals received delivered those outcomes? As a consequence of the outcome of step 1, the second step is to comparatively assess these options against what can be achieved from a direct management (in-house) approach of the leisure facilities.

Table 2 below outlines the full cost of the tender for the management of the leisure facilities annually, and over the full term of the proposed contract.

Table 2 Lump Sum Fee (annual and full life of 4 year contract)

Submission	Annual Lump Sum Fee (ex GST) Yr1	Overall Lump Sum Fee (ex GST)
YMCA	\$2,307,278	\$ 9,429,116
CASA Leisure	\$2,388,985	\$ 9,014,899

Table 3 below shows the evaluation of the proposals against the 'Assessment Criteria' as detailed in the tender request.

Table 3 Assessment Criteria

Submission Assessment Criteria	Relevant Experience (30%)	Key Personnel Skills and Experience (20%)	Tender Resources (10%)	Demonstrated Understanding/Methodology (30%)	Local Industry Development (10%)	Total Score
	Score%					
YMCA	21	6	7	6	5	45%
CASA Leisure	21	6	7	6	0	40%

As shown in table 3, neither of the tenders received scored well when evaluated against the stated assessment criteria. The major weaknesses being that key personnel were not identified, and there was a lack of understanding as to what the Council were seeking to achieve.

In addition to the standard 'Assessment Criteria' used for the assessment of Tenders, a project specific Assessment Criteria was developed and endorsed by Council (21 September 2011). The outcome of the specific Assessment Criteria is included as an attachment (see Attachment 1).

Despite being provided with significant feedback and encouragement to offer the best possible service to the Port Hedland community, the two external proposals remain short of Council's expectations. The main concerns being the:

- Quality of the programs
- Cost to deliver the services
- Care of the asset.

Table 4 provides a comprehensive overview of the programs that are proposed by the two operators. Comparison is also made with the programs that a direct management model could deliver, as an alternative option.

Specific matters raised within Table 4 clearly show that the option of contract management is not necessary going to deliver the best outcome for the community with regard to programs and services. There is a lot that could be gained through the adoption of a direct management model, the key points include:

- A minimum of 10 more fitness classes per week, with a preference for 'Les Mills' classes
- 23 pieces of cardiovascular equipment, compared with 18 or 12, to allow for a potential membership base of 550 members
- Presence of a gym instructor for 38 hours per week, plus additional personal training sessions. Compared with 18 or 20 hours of instruction which are inclusive of personal training
- Regular training courses (i.e. Bronze Medallion) at both aquatic centres
- After school and holiday programs at all centres.

Table 4 Evaluation of Programs

	YMCA	CASA	Town of Port Hedland (Direct Management)
Multi Purpose Recreation Centre			
Fitness Classes	20 x fitness classes per week 3 x adults programs per term	16 x minimum – 24 x maximum	30 x fitness classes per week Body Combat, Body Attack, CX Worx, Body Balance, Body Step, Body Pump, Kettle Bell, Boot Camp
Gym	20 personal training sessions per month. No further detail provided.	18 hours per week gym instructor and personal trainer	38 hours per week for a gym instructor 20 hours per week personal trainer
Junior Sporting Competitions	2 x junior sporting competitions	4 x junior programs	3 x junior sporting competitions
Senior Sporting Competitions	3 x senior sporting competitions	5 x morning programs 5 x evening/afternoon programs	10 x senior sporting competitions
Junior Programs	5 x per year	Children's fitness programs. Coaching clinics in schools (Limited detail provided)	9 x junior programs
Holiday Programs	30 participants per day. Further detail not provided.	Indicated holiday programs will be run. No specific detail provided.	8 x weeks of holiday program per year. 45 participants per day.
Crèche	15 children per day. Further details are not provided.	3 hours x 7 days per week	3 hours x weekday mornings 8am – 11am
Events/Functions	Specific detail not provided.	Fairs/festivals (limited detail provided)	Corporate events, Dodge ball Tournaments, Junior events
Leisure Courses	Specific detail not provided.		Investigate running the following: <ul style="list-style-type: none"> • Photography • Dance • Meditation • Art / Craft • Nutrition
Specialised Programs		Older adult fitness programs.	1 x inclusive circuit class 1 x seniors circuit class
Cardiovascular Gym Equipment	18 pieces in total	12 pieces	23 pieces in total

	YMCA	CASA	Town of Port Hedland (Direct Management)
	5 x treadmills 4 x cross trainers 2 x upright bikes 2 x recumbent bikes 1 x summit trainer 4 x spin bikes	4 x treadmills 3 x cross trainers 3 x upright bikes 1 x recumbent bike 1 x summit trainer (Additional 16 x spin bikes for RPM classes)	7 x treadmills 5 x cross trainers 3 x upright bikes 2 x recumbent bikes 2 x rowers 1 x summit trainer 3 x spin bikes
South Hedland Aquatic Centre			
Aquatic Education	230 members	240 places Daily group and learn to swim sessions.	Minimum of 50 lessons per week during school terms 1 and 4
Surf Machine	14,091 patrons 3.5 x hours weekdays (year round) 5 x hours Sat/Sun (year round)	Up to 6 hours per day (8 months)	3 x hours weekdays (8 months) 7 x hours Sat/Sun (8 months) Minimum 2 x after school classes per week Adult and private lessons
Fitness or aqua aerobics classes	2 x classes per week	4 x classes per week Outdoor group fitness activity (further detail not provided)	5 x classes per week
After school programs	1 x term 1 1 x term 4	Specific detail not provided.	2 x week during the school terms 1 and 4
Training Courses	Bronze Medallion Course Life Guard Course	No specific detail provided regarding training programs.	1 x Bronze Medallion Course per year 1 x Life Guard Course per year 1 x Aus Swim Course per year
Programs and events	1 x adult program term 1 and 4 Swim For Life Program	Supervised vacation care programs.	1 x month teen evenings Rottnest Swim Event Minimum 1 x Holiday Program per school holidays
Gratwick Aquatic Centre			
Aquatic Education	300 members.	240 places Daily group and learn to swim sessions.	Minimum of 35 lessons per week during school terms 1 and 4
Fitness or aqua aerobics classes	4 x aqua aerobics classes per week	5 x aqua aerobics Outdoor group fitness activity	4 x fitness classes per week 3 x aqua aerobics classes per week
Gym	7 personal training sessions per month.	Specific detail not provided.	5 hours personal training per week.

	YMCA	CASA	Town of Port Hedland (Direct Management)
After school programs	1 x term 1 1 x term 4	Specific detail not provided.	2 x week during the school terms 1 and 4
Training Courses	Bronze Medallion Course Life Guard Course	Specific detail not provided.	1 x Bronze Medallion Course per year 1 x Life Guard Course per year 1 x Aus Swim Course per year
Programs and events	1 x adult program term 1 and 4	Supervised vacation care programs.	Minimum 1 x Holiday Program per school holidays Link in with current Town of Port Hedland Events e.g. Walk it Hedland

The program options provided in the proposals by both tenderers are considered conservative and lack innovation. There are very few new initiatives beyond what is already being provided. In preparing the initial tender document, and through the provision of feedback, the Town has emphasized its desire for a proactive program.

A desired outcome of the tender process was for Council to realise a level of programming and service delivery which is significantly better than that currently available. Table 4 shows a significant variation in what the Town of Port Hedland could offer to the community if direct management were supported.

Financial Assessment

Different approaches as to how the budgets have been presented make it hard to draw an actual comparison. One of the key variables identified is the number of hours that the facilities are operational. Table 5 below breaks down the costs provided to deliver the service at 'cost per hour'.

Table 5 Financial Overview

Organisation	Operational Cost- four year term	Operational hours per annum	Operational hours – over the four year term	Cost per hour of service
YMCA	\$9,429,116	10,731	42,924	\$219.67
CASA Leisure	\$9,014,899	10,603	42,412	\$212.56
ToPH Direct (in-house management)	\$8,881,235	11,755.5	47,022	\$188.87

The details of Table 5 need to be considered in a format that allows a quantitative comparison to be drawn. Based on 43,000 hours of operation over the four year term, the following costs need to be considered for comparative purposes:

- YMCA \$9,445,810
- CASA Leisure \$9,140,080
- Town of Port Hedland \$8,121,410

The variation between the providers is:

- Town of Port Hedland to YMCA \$1,324,400
- Town of Port Hedland to CASA Leisure \$1,018,670

The figures above are inclusive of all contract management fees that would be payable to a contractor and all distributed 'Administration and Governance Costs' that would be reallocated within Council should a direct management approach be endorsed for the leisure facilities.

Key Cost Centres

Table 6 identifies the key operational cost centres in the management of the Town's leisure facilities. The identified costs offer a clear picture as to how the facilities would be provided under the different management options. The direct or in-house approach could compare favorably by offering an attractive operational cost along with a greater number of opening hours.

Table 6 Analysis Key Cost Centres

Cost Centre at each Facility	YMCA (\$)	CASA Leisure (\$)	ToPH – Direct (in-house) Management
Cleaning			
SHAC	15,153	0 (Cleaning materials only \$2,000)	4,000 (materials only-cleaners 2 hours per day \$22,794.30)
GAC	45,160	0 (Cleaning materials only \$2,450)	5,000 (materials only-cleaners 2 hours per day \$33,213.98)
MPRC	129,063	77,062	10,000 (materials only-cleaners 38 hours per week \$94,400.46)
Grounds Maintenance			
SHAC	21,216	21,600	63,000
GAC	20,400	21,000	44,000
MPRC	0	0	20,000

Cost at Facility	Centre each	YMCA (\$)	CASA Leisure (\$)	ToPH – Direct (in-house) Management
Maintenance				
SHAC		77,216	22,500	60,000
GAC		80,770	30,000	50,000
MPRC		77,762	7,200 (\$8,040 preventative maintenance)	25,000
Pool Chemicals				
SHAC		19,900	20,000	29,000
GAC		21,600	30,000	29,000
MPRC		N/A	N/A	N/A
Marketing				
SHAC		9,370	9,000	25,000
GAC		9,325	10,000	25,000
MPRC		20,000	33,500	50,000
Staff Training				
SHAC		9,600 (training, recruitment, travel)	10,000	8,100
GAC		9,600 (training, recruitment, travel)	10,000	12,000
MPRC		24,960 (training, recruitment, travel)	14,000	25,000
Staff Uniforms				
SHAC		1,500	1,200	10,000
GAC		1,500	1,200	10,000
MPRC		3,204	1,200	15,000
Security				
SHAC		1,200	4,200	6,000
GAC		1,200	4,200	8,000
MPRC		3,120	9,000	8,000

The budget details provided in the YMCA and CASA Leisure proposals remain limited in certain areas. From an assessment perspective, it is difficult to have total confidence in the estimates provided.

The key concerns are that:

- The financial planning by the tenderers focuses predominantly on the management of the operational costs rather than on service delivery
- There are some anomalies in the proposed budgets i.e. the YMCA have proposed that the Simulated Wave Attraction at the South Hedland Aquatic Centre will achieve \$194,801 in income (direct management estimate is \$70,500, with facility entry being extra). This figure is considered ambitious, and if not achieved would place significant pressure on the other income sources and the net budget result achieved.

- Management of Council's assets is an essential outcome from whatever management approach is nominated. In order to eliminate any discrepancies with regard to interpretation, the overall financial commitment to maintaining the facilities is identified below:
 - YMCA \$508,240.00
 - CASA Leisure \$222,952.00
 - Town of Port Hedland estimate \$489,408.44

It is reasonable to assume that the figures provided by CASA Leisure to maintain and clean the assets are insufficient. The amount provided by the YMCA would appear to be credible given its close comparison to Council's own expectation.

Community Survey 2010 and 2011

The community survey results in 2010 and 2011 have clearly shown that approximately 50% of respondents have been satisfied or less with the provision of the aquatic facilities, during their period of contract management.

Overview

A summary of the points that differentiate what would be achieved through contract management and what is believed would be desirable to the Council are:

- Investment in the amount of gym equipment. (less equipment will restrict the number of users and therefore inhibit the number of gym members)
- Sufficient training budgets to enable staff to be trained in key areas such as fitness instruction
- Ground and building maintenance budgets that meet the Council's expectations to maintain the assets to a satisfactory standard
- Extent and flexibility of opening hours
- Facility marketing budget sufficient to create vibrant and active leisure facilities
- Desire to tap into new markets i.e. "Les Mill CX Worx" class, (a recognised fitness class specifically for males).

Given the inadequacy of the initial tenders received and subsequent information submitted, Council may reconsider the option of direct management of the facilities by Town of Port Hedland employees.

Potential In-House (Direct) Management

The management of the three leisure facilities represents a challenge to Council. There is however, mitigating evidence to suggest that the risks are no greater than entering into a less than ideal contractual agreement with a third party.

Table 7 responds to the Council rationale (22 June 2011) provided for contracting out the management of the leisure facilities. The information provided below details that there is a suitably strong case to support direct (in-house) management.

Table 7 Contract Management Rationale

Rationale for Contracting Out	Comments Supporting Direct Management
<p>Availability and Retention of Labour</p> <p>Recruit suitably skilled and experienced individuals</p> <p>Develop a local labour supply</p> <p>Provide appropriate back-up staff</p> <p>Overcome a lack of in-house expertise</p>	<p>Current Staff Base</p> <p>Attraction and retention of staff is a problem across the Pilbara. Engagement of an external contractor has not provided any greater capacity to mitigate against this circumstance.</p> <p>A recent expansion of programs and services at the JD Hardie Centre reflects the Council's current capacity to attract, develop and retain experienced and qualified staff. The JD Hardie Centre currently offers a number of programs and employs a number of qualified instructors to provide a wide range of programs.</p> <p>It is anticipated that a number of the current staff employed at the aquatic centres could be retained. There is currently a large untapped skilled workforce within the Town of non-primary income earners who are seeking flexible working arrangements and job share roles.</p> <p>Recent trends suggest that the JD Hardie Centre is being approached frequently by suitable and qualified people seeking work.</p> <p>Traineeships</p> <p>The use of traineeships is a strategy that could be utilised across the facilities. These positions will be designed to up skill local youth and prepare them for a future career in the sport and recreation industry.</p> <p>The development of a strong relationship with local secondary schools to employ students with a passion for sport and recreation.</p> <p>Retention Strategies</p> <p>The following retention strategies are available to the Town:</p>

Rationale for Contracting Out	Comments Supporting Direct Management
	<p>Ongoing staff training Opportunities for staff to be employed across the three recreation facilities Provision of a clear career pathway Workplace best practice. Retention of staff will be included as a KPI for management of the facilities</p>
<p>Salary Packaging</p> <p>Offer an attractive employment package and accommodation for these suitably skilled and experienced personnel given the housing market conditions in Port Hedland</p>	<p>The Town of Port Hedland recently renegotiated the Enterprise Bargaining Agreement for all employees.</p> <p>Up to four key senior positions will require accommodation as part of their employment package.</p> <p>These key strategies will help to ensure highly experienced staff can be attracted to these key roles.</p>
<p>Operational Controls</p> <p>Retain adequate control over the various management decisions and ensure the community is being fairly and equitably serviced</p> <p>Improve service quality and/or customer satisfaction</p> <p>Improve accountability</p> <p>Move non-core operations to another party</p> <p>Facilitate innovation / introduce new work practices / introduce cultural change.</p>	<p>Direct management of the ToPH's recreation facilities will allow Council to respond easily to changing community needs during periods of growth.</p> <p>Under contract management responding to operational changes are restricted by contractual arrangements. The Town is not necessarily able to initiate its own changes when under contractual obligation.</p> <p>Initial years of operation of the MPRC and SHAC will be experimental and will required constant adaption to meet community needs.</p> <p>The staffing structure will allow for heightened responsiveness to needs of the Town and the community.</p> <p>Direct management provides improved capacity to react to new industry trends and community desires, which is not necessarily possible when restricted by contract.</p> <p><u>Customer Service</u> The capacity of Council to provide excellent customer service across the facilities. Direct operation will enable the Town to have control of the level of customer service.</p>

Rationale for Contracting Out	Comments Supporting Direct Management
	<p><u>Ground and Building Maintenance</u> Council is able to control and ensure all facilities are maintained and presented at the highest possible standard.</p> <p><u>Marketing and Branding</u> Greater opportunity to market and brand the facilities as the Town's leisure facilities.</p>
<p>Financial</p> <p>Mitigate and appropriately manage operational risk including financial exposure</p> <p>Reduce costs or demonstrate cost effectiveness</p> <p>Share risks with another party</p> <p>Increase productivity and efficiency</p>	<p>See Table 5 Financial Overview</p> <p>Council has the capacity to operate the facilities in a manner that is both cost effective and highly productive.</p>

It is anticipated that Council will be able to offer the following benefits to the community if it directly manages the leisure facilities:

- Management of all the leisure facilities and the JD Hardie Centre by Council will enable the full exploration of the synergies and opportunities between the two facilities (joint programming, staff sharing etc)
- Council currently has a strong relationship with the Department of Sport and Recreation (enabling funding and partnership opportunities)
- The booking of all of Council's parks and facilities to be processed at one central location
- Opportunities to partner, program and share staff with a number of Town of Port Hedland facilities including:
 - Matt Dann Cultural Centre
 - Marquee Park
 - South Hedland Skate Park
 - South Hedland Library.
- Opportunity to host a number of Council community and corporate events at the new iconic MPRC.

There has been a positive community reaction to programs and services offered at the JD Hardie Centre since reopening in June 2011. Under direct Council management, the Centre launched a new gym and fitness program which has seen attendances nearly double those in previous years.

JD Hardie Centre

The option of direct (in-house) management provides an opportunity to consider the administrative efficiencies in the operation of the JD Hardie Centre. The facility could potentially be managed by Council as one of a suite of community facilities. Priority would be given to initiatives and programs for young people; however, where possible the areas will be used by the broader community.

This would ensure the maximised use of the facility, while limiting the duplication of management and administration costs. Further analysis of this approach is likely to point toward cost savings.

Business Plan

The proposal for direct / in-house management of the leisure facilities is based upon the Business Plan adopted by the Council in May 2011. CCS Strategic Leisure was commissioned to provide a business plan. That document has been used as the cornerstone of the assessment process; it has also been built upon in order to prepare an alternative to the proposals received. A direct management staffing structure and operating budget is attached (see Attachments 2 and 3).

Summary

Based on the assessment of the tenders received, it is believed that a recommendation to support the Council managing its leisure facilities can achieve the following benefits:

- Better quality programs
- Greater value for money for both Council and facility users
- Greater and more flexible hours of operation
- Greater scope to review the business plan for the Leisure Centres in accordance with market expectations
- Increased control of the use of the facilities.

The Multi Purpose Recreation Centre Management Plan presented by CCS Strategic predicted an annual operating deficit of \$859,936 for the facility. This is in line with the \$ 715,177.24 outlined in the budget breakdown provided as Attachment 2.

The potential to pursue this option is based on the premise Council has the capacity and maturity as an organisation to manage the facilities in a way that is most advantageous to the community. It is believed that the best possible outcome offered through the tender process over the four years of contract management would be surpassed by an in-house management option. Initial expectations of the officers are that the facilities can be operated at a deficit of \$8,881,235 for 47,000 hours of operation.

The proposal to operate the leisure facilities on an in-house arrangement is contrary to the Council decision 22 June 2011. It is however, believed that the recommendation will be the right decision for the community.

Options

Council is presented essentially with 2 options:

1. Reject all tenders and endorse the direct (in house) management of the 3 leisure facilities
2. Award the tender (tender 11/34) to the YMCA.

Based on the contract management submissions received and the advantages (in terms of community outcomes) that can be provided, it is recommended to endorse the direct (in-house) management of Council's 3 leisure facilities.

Attachments

1. Qualitative Assessment of Tender Submission and Additional Information
2. Draft Town of Port Hedland Budget
3. Proposed Staff Structure

Officer's Recommendation

That Council:

1. Rejects the tenders received from CASA Leisure and the YMCA for Tender 11/34 - Management Town of Port Hedland Leisure Facilities
2. Acknowledges both CASA Leisure and the YMCA for their efforts in participating in this Tender process
3. Endorses the adoption of the an in-house management option for the Town of Port Hedland Leisure Facilities
4. Notes that recruitment will commence in accordance with the staffing structure detailed (attachment 3) within this report

201112/343 Council Decision**Moved: Cr A A Carter****Seconded: Cr G J Daccache****That Council:**

- 1. Appoints the YMCA as the preferred tenderer for the management of the Town of Port Hedland Leisure Facilities for a period of 4 years commencing 1 July 2012;**
- 2. Endorses the Chief Executive Officer or delegated officer to negotiate improved outcomes within the contract to achieve the best result for the Town of Port Hedland in relation but not limited to:**
 - Delivery of an expanded program**
 - Review of the proposed facility opening hours**
 - Refinement of the budget position**
 - Revision of facility budgets and reporting documents (presented to ensure openness and transparency)**
 - Development of detailed schedules and budgets for the cleaning and maintenance of the facilities.**
 - Guarantee that the facilities are branded Town of Port Hedland Leisure Facilities**
 - Detailed review of fees and charges that meet Council's stated outcomes;**
- 3. Notes that final contract negotiations in 2. be concluded by no later than 16 March 2012;**
- 4. Notes the opportunity to reconsider the direct (in-house) management of the Town of Port Hedland's Leisure Facilities should contract negotiations in 2. prove unsatisfactory; and**
- 5. Endorses the inclusion of the Manager Recreation Services and Facilities, (representing the Town of Port Hedland) on panels to select senior facility management positions.**

CARRIED 5/3

REASON: Council feels these facilities require external management because they do not fall within the boundaries of the Town's core business activities.

ATTACHMENT 1 TO ITEM 11.3.4

Assessment Criteria		YMCA	CASA Leisure
Value for money derived by the Town from the financial return from the three facilities over the term of the contract.	Strong	Proposal budget was not clear.	Strong
	Average	Council paying a premium for a number of components of the service delivered.	Average
	Weak	A number of hidden costs within the budget that are not essentially in the best interests of the Town of Port Hedland (accommodation costs and travel and training expenses)	Weak
Proposed pricing structure the prospective operator intends to adopt.	Strong	In accordance with expectations of the Town of Port Hedland expectations	Strong
	Average	Lower cost structure is perceived to be adversely impacting upon operation of the facility.	Average
	Weak		Weak
Experience of the organisation tendering in operating major regional aquatic and recreation centres.	Strong	Manage facilities in other regional centres	Strong
	Average	Have been operating the Town of Port Hedland facilities since (2001).	Average
	Weak		Weak
References provided by those Local Government Authorities where similar facilities are managed by the organisation.	Strong		Strong
	Average		Average
	Weak		Weak
Overall organisational, administrative and financial capability of the prospective operator to manage the Town of Port Hedland facilities.	Strong	No concerns	Strong
	Average		Average
	Weak		Weak

Range and innovation of programming the prospective operator proposes for each facility	Strong	Program provided lacked innovation. Limited staff training budget.	Strong	Program provided lacked innovation. Very few new initiatives Lacked an understanding of unique Pilbara requirements.
	Average		Average	
	Weak		Weak	
Staff resources/structures the prospective operator proposes to commit to the facilities.	Strong	Indication provided of support personnel. No information provided as to key practitioners to be located in Hedland	Strong	Indication provided of support personnel. No information provided as to key practitioners to be located in Hedland
	Average		Average	
	Weak		Weak	
Improvements and innovations which the prospective contractor proposes to implement at each facility in relation to operations and management.	Strong	After hours kiosk for classes was an innovation identified	Strong	Lacked clear strategy to be innovative.
	Average		Average	
	Weak		Weak	
Prospective operator's commitment and approach to public safety.	Strong	Compliant with relevant Occupational Health and Safety requirements.	Strong	Compliant with relevant occupational health and safety requirements.
	Average		Average	
	Weak		Weak	
Commitments to assist the Town to meet its community services objectives.	Strong	No specific reference made to community initiatives as part of the operation of the facilities. YMCA has an existing community service presence in the Town of Port Hedland.	Strong	No specific reference made to community initiatives as part of the operation of the facilities.
	Average		Average	
	Weak		Weak	
Marketing and promotional initiatives proposed to be adopted by the prospective operator.	Strong	Standard approach to Marketing of the facilities Lacked innovation with regard to start up promotion of the recreation centre.	Strong	Standard approach to Marketing of the facilities Lacked innovation with regard to start up promotion of the recreation centre.
	Average		Average	

(This page intentionally left blank.)

Gratwick Aquatic Centre

Staff Salaries and Expenses	2012/2013	2013/2014	2014/2015	2015/2016
	Total Annual Cost	Total Annual Cost	Total Annual Cost	Total Annual Cost
Staffing Levels	2012/2013	2013/2014	2014/2015	2015/2016
Facilities Coordinator (1/4 total cost)	61957.385	65055.25425	68308.01696	71723.41781
Aquatics Team Leader	106155.6106	111463.3911	117036.5607	122888.3887
Administration and Finance Officer - Level 4	30505.9625	32031.26063	33632.82366	35314.46484
Casual Duty Manager - Level 3	188125.39	197531.6595	207408.2425	217778.6546
Recreation Trainee - Aquatic	61484.085	64558.28925	67786.20371	71175.5139
Cleaners (2 hours per day)	33213.978	34874.6769	36618.41075	38449.33128
Life Guard - Level 1	60434.3088	63456.02424	66628.82545	69960.26672
Additional Life Guard - Weekdays - Summer months	12560.288	13188.3024	13847.71752	14540.1034
Additional Life Guard - Weekends (5 hours per day)	8454.04	8876.742	9320.5791	9786.608055
Additional Life Guard - Weekends Aqua Run and Dive Bowl	3284.9984	3449.24832	3621.710736	3802.796273
Life Guard - Level 1 (Birthday Parties)	1449.264	1521.7272	1597.81356	1677.704238
Aqua Aerobics Instructors - Level 2	6551.7984	6879.38832	7223.357736	7584.525623
Swimming Instructors - Level 2	15924.51	16720.7355	17556.77228	18434.61089
Swimming Instructors - Level 2 (60 mins)	1819.944	1910.9412	2006.48826	2106.812673
Fitness Instructor Level 2 - Appraisals	13649.58	14332.059	15048.66195	15801.09505
Fitness Instructor Level 2 - Fitness Classes	10919.664	11465.6472	12038.92956	12640.87604
Personal Training Level 2	10237.185	10749.04425	11286.49646	11850.82129
Total	626727.9917	658064.3913	690967.6109	725515.9914
General Expenses				
Vehicle operations	3000	3081	3164.187	3249.620049
Utilities (Electricity, Gas, Water, Sewer and Drain)	80000	88000	93000	97000
Maintenance (Industry Standard 2 - 2.25%)	60000	61620	63283.74	64992.40098
Security	8000	8216	8437.832	8665.653464
Grounds Maintenance	44000	46200	48510	50935.5
Cleaning materials	5000	5135	5273.645	5416.033415
Uniforms	10000	10270	10547.29	10832.06683

Staff training	12000	13161.28783	13819.35222	14510.31983
Telstra Charges	2100	2156.7	2214.9309	2274.734034
Advertising and marketing	25000	25675	26368.225	27080.16708
Consumables	2000	2054	2109.458	2166.413366
Kiosk Purchases	25000	25675	26368.225	27080.16708
Programs	3000	3081	3164.187	3249.620049
Gym and Fitness	5000	5135	5273.645	5416.033415
Minor Events	8000	8216	8437.832	8665.653464
Minor Equipment	8000	8216	8437.832	8665.653464
CERM	4000	4108	4218.916	4332.826732
Licencing (APRA and PPCA)	3000	3081	3164.187	3249.620049
Computer Software System - \$14000 to purchase	2000	2054	2109.458	2166.413366
Pool Chemicals	29000	29783	30587.141	31412.99381
Administration Costs Distributed	127000	130429	133950.583	137567.2487
Total	465100	485346.9878	498451.3565	511909.5431
Income				
Gym and fitness	149500	152735	156859	161094
Personal Training	18000	18900	19800	20700
Kiosk Sales	45000	46215	47462.805	48744.30074
Swimming Lessons	64400	74880	79968	87120
General admission (adult, child and concession)	110000	112970	116020	119152
Facility Hire	5500	5600	5700	5800
Program Income	3200	3280	3375	3466
Equipment hire	2000	2100	2200	2300
Staff housing	6240	6240	6240	6240
Birthday Parties	3500	3600	3700	3800
Total	407340	426520	441324.805	458416.3007
Deficit	684487.9917	716891.3791	748094.1624	779009.2338

Multi Purpose Recreation Centre

Staff Salaries and Expenses	2012/2013	2013/2014	2014/2015	2015/2016
Staffing Levels	Total Annual Cost 2012/2013	Total Annual Cost 2013/2014	Total Annual Cost 2014/2015	Total Annual Cost 2015/2016
Facilities Coordinator (1/2 total cost) - Contract	88914.77	93360.5085	98028.53393	102929.9606
Administration and Finance Officer (1/3 total cost) Level 4	30505.9625	32031.26063	33632.82366	35314.46484
Sports Competiton Officer - Level 3	84590.415	88819.93575	93260.93254	97923.97916
Programs and Creche Officer - Level 3	84590.415	88819.93575	93260.93254	97923.97916
Fitness and Gym Officer (Level 5)	98777.3475	103716.2149	108902.0256	114347.1269
Bookings and Customer Service Officer - Level 3	84590.415	88819.93575	93260.93254	97923.97916
Recreation Trainee - Level 1	61484.085	64558.28925	67786.20371	71175.5139
Gym Instructors - Level 2	86447.34	90769.707	95308.19235	100073.602
Fitness Instructors - Level 2-3	102371.85	107490.4425	112864.9646	118508.2129
Personal Trainers - Level 2	36398.88	38218.824	40129.7652	42136.25346
Senior Program Assistants - Level 2	18199.44	19109.412	20064.8826	21068.12673
Junior Recreation Assistants - Level 1	101448.48	106520.904	111846.9492	117439.2967
Creche Assistants - Level 2	61423.11	64494.2655	67718.97878	71104.92771
Umpires - Level 1	40371.6	42390.18	44509.689	46735.17345
Customer Service Officer - Level 3	50844.7	53386.935	56056.28175	58859.09584
Customer Service Officer - Level 1	42270.2	44383.71	46602.8955	48933.04028
Cleaners - Level 2	89905.2336	94400.49528	99120.52004	104076.546
Total	1163134.244	1221290.956	1282355.504	1346473.279
General Expenses				
Vehicle operations	3000	3081	3164.187	3249.620049
Utilities (Electricity, Gas, Water, Sewer and Drain)	140000	143780	147662.06	151648.9356
Building Maintenance (Industry Standard 2 - 2.25%)	25000	40000	50000	60000
Security	8000	8216	8437.832	8665.653464
Grounds Maintenance (excluding Kevin Scott Oval)	20000	21000	22050	22645.35
Cleaning materials	10000	10270	10547.29	11074.6545
Uniforms	15000	15405	15820.935	16248.10025

Staff training	25000	25675	26368.225	27080.16708
Insurance (Building insurance \$79,000) - capital item	0	0	0	0
Telstra Chrages	5000	5135	5273.645	5416.033415
Advertising and marketing	50000	51350	52736.45	54160.33415
Consumables	2000	2054	2109.458	2166.413366
Kiosk Purchases	50000	51350	52736.45	54160.33415
Recreation Programs	5000	5135	5273.645	5416.033415
Gym and Fitness (Les Mills, music and program purchase)	15000	15405	15820.935	16248.10025
Holiday Program	8000	8216	8437.832	8665.653464
Minor Events	25000	25675	26368.225	27080.16708
Minor Equipment	10000	10270	10547.29	10832.06683
CERM	4000	4108	4218.916	4332.826732
Leasing Costs Cardio Equipment	53388	53388	53388	53388
Licencing (APRA and PPCA)	5000	5135	5273.645	5416.033415
Computer Software System (Purchase \$15,000)	3000	3081	3164.187	3249.620049
Administration Costs Distributed	202000	207454	213055.258	218807.75
Total	683388	715183	734492.941	754324.2504
Income				
Kiosk Sales	90000	92430	94925.61	9748.860147
Facility Hire				
Squash courts	20000	20540	21094.58	21664.13366
Sports Hall	19920	20457.84	21010.20168	21577.47713
Upstairs Function Room	34440	35369.88	36324.86676	37305.63816
Meeting Rooms	4800	4929.6	5062.6992	5199.392078
Clubroom	3000	3081	3164.187	3249.620049
Outdoor Courts	3600	3697.2	3797.0244	3899.544059
On charge additional cleaning costs	3200	3286.4	3375.1328	3466.261386
Sporting Competitions - Adults	85000	87295	89651.965	92072.56806
Afterschool / Junior Sporting Competitions	24000	24648	25313.496	25996.96039
Junior Programs	40000	41080	42189.16	43328.26732
Reimbursements / sponsorship	20000	20540	21094.58	21664.13366
Other programs (inclusive and seniors)	8000	8216	8437.832	8665.653464

Creche	16875	17330.625	17798.55188	18279.11278
Birthday parties	8750	8986.25	9228.87875	9478.058476
Gym and membership (\$46 per fortnight) - peak	526240	540448.48	555040.589	570026.6849
Gym and fitness membership (\$34 per fortnight) - off peak	70720	72629.44	74590.43488	76604.37662
Personal training	64000	65728	67502.656	69325.22771
Holiday Program	81000	83187	85433.049	87739.74132
Staff housing	6240	6408.48	6581.50896	6759.209702
Vehicle reimbursement	1560	1602.12	1645.37724	1689.802425
Total	1131345	1161891.315	1193262.381	1225480.465
Deficit	715177.2436	774582.6408	823586.0641	875317.0644

South Hedland Aquatic Centre

Staff Salaries and Expenses	2012/2013	2013/2014	2014/2015	2015/2016
	Total Annual Cost	Total Annual Cost	Total Annual Cost	Total Annual Cost
Staffing Levels	2012/2013	2013/2014	2014/2015	2015/2016
Facilities Coordinator (1/4 total cost)	61957.385	65055.25425	68308.01696	71723.41781
Centre Manager - Contract	164539.765	172766.7533	181405.0909	190475.3455
Administration and Finance Officer (1/3 total cost) Level 4	30505.9625	32031.26063	33632.82366	35314.46484
Casual Duty Manager - Level 3	86435.99	90757.7895	95295.67898	100060.4629
Cleaners (2 hours per day)	22749.3	23886.765	25081.10325	26335.15841
Life Guard - Level 1	63646.844	66829.1862	70170.64551	73679.17779
Additional Life Guard - Weekdays	20652.012	21684.6126	22768.84323	23907.28539
Additional Life Guard - Weekends	9854.9952	10347.74496	10865.13221	11408.38882
Additional Life Guard - Weekends Aqua Run	3284.9984	3449.24832	3621.710736	3802.796273
Additional Life Gurard	1086.948	1141.2954	1198.36017	1258.278179
Life Guard - Level 1 (Birthday Parties)	2173.896	2282.5908	2396.72034	2516.556357
Aqua Aerobics and Spin Instructors - Level 2	9554.706	10032.4413	10534.06337	11060.76653
Swimming Instructors - Level 2 (30 mins)	22749.3	23886.765	25081.10325	26335.15841
Swimming Instructors - Level 2 (60 mins)	1819.944	1910.9412	2006.48826	2106.812673
Life Guards - Surf Machine (Weekends)	10821.1712	11362.22976	11930.34125	12526.85831
Life Guards - Surf Machine (Weekdays 7 months)	11111.024	11666.5752	12249.90396	12862.39916
Total	522944.2413	549091.4534	576546.026	605373.3273

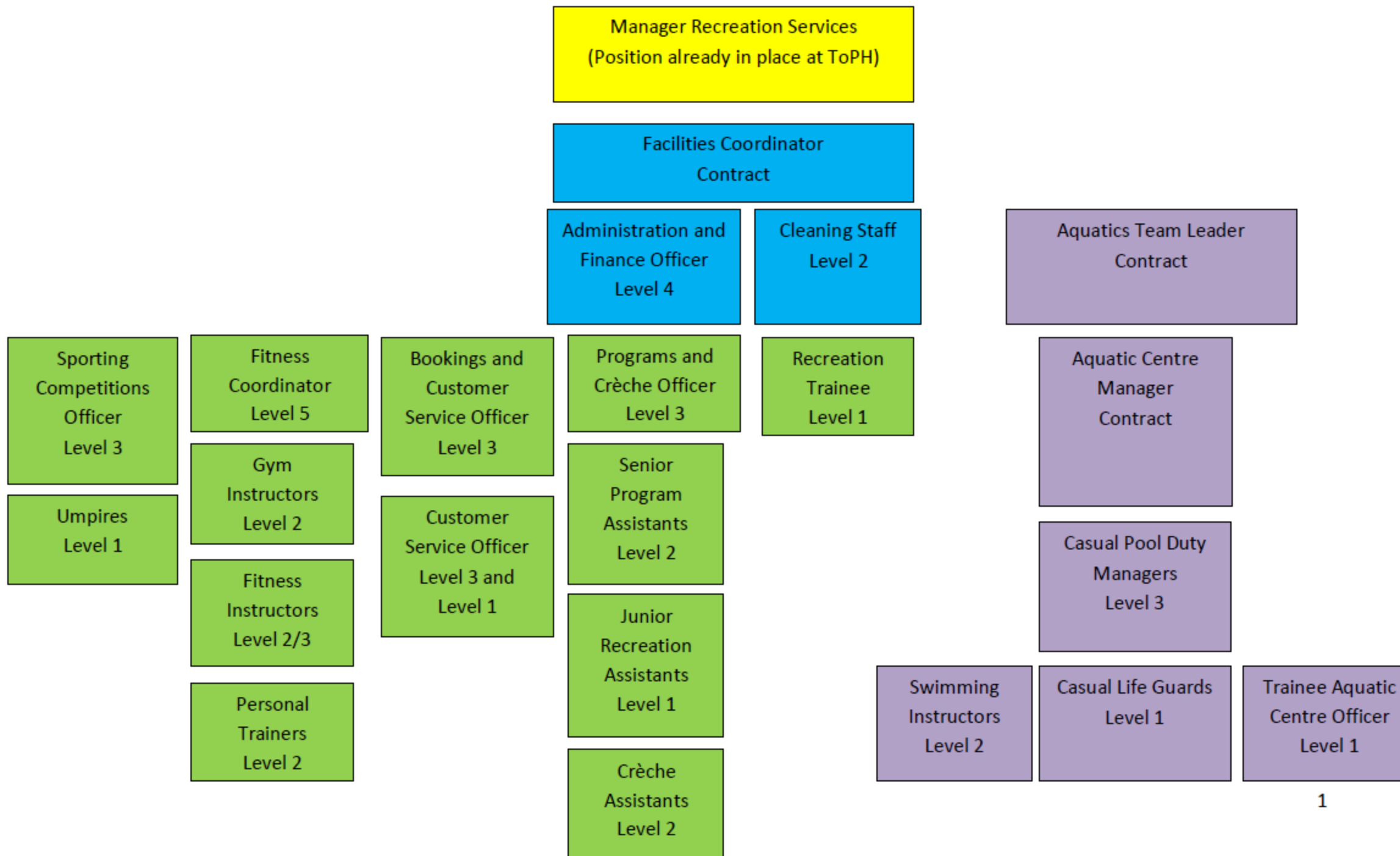
General Expenses

Utilities (Electricity, Gas, Water, Sewer and Drain)	106000	116000	124000	130000
Maintenance (Industry Standard 2 - 2.25%)	50000	55000	60000	65000
Security	6000	6162	6328.374	6499.240098
Grounds Maintenance	63000	66150	69457.5	72930.375
Cleaning materials	4000	4108	4218.916	4332.826732
Uniforms	10000	10270	10547.29	10832.06683
Staff training	8100	8318.7	8543.3049	8773.974132
Telstra Chrages	2100	2156.7	2214.9309	2274.734034
Advertising and marketing	25000	25675	26368.225	27080.16708

Consumables	2000	2054	2109.458	2166.413366
Kiosk Purchases	25000	25675	26368.225	27080.16708
Programs	3000	3081	3164.187	3249.620049
Minor Events	8000	8216	8437.832	8665.653464
Minor Equipment	8000	8216	8437.832	8665.653464
CERM	4000	4108	4218.916	4332.826732
Licencing (APRA and PPCA)	2000	2054	2109.458	2166.413366
Computer Software System - \$14000 to purchase	2000	2054	2109.458	2166.413366
Pool Chemicals	29000	29783	30587.141	31412.99381
Administration Costs Distributed	103000	105781	108637.087	111570.2883
Total	463200	487943.4	501117.8718	514648.0543
Income				
Kiosk Sales	45000	46215	47462.805	48744.30074
Swimming Lessons	92000	93600	95200	96800
General admission (adult, child and concession)	105000	107835	110746.545	113736.7017
Facility Hire	5000	5135	5273.645	5416.033415
Program Income	4800	4929.6	5062.6992	5199.392078
Equipment hire	2000	2054	2109.458	2166.413366
Birthday Parties	5250	5391.75	5537.32725	5686.835086
Surf machine	70560	72465.12	74421.67824	76431.06355
Staff housing	6240	6240	6240	6240
Aqua Aerobics and Under Water Spin	14700	15096.9	15504.5163	15923.13824
Total	350550	358962.37	368654.354	378608.0215
Deficit	635594.2413	678072.4834	709009.5438	741413.3601

Summary Sheet					
	2012/2012	2012/2013	2013/2014	2014/2015	Total
Multi Purpose Recreation Centre	715177.244	774582.6408	823586.0641	875317.0644	3188663.013
Gratwick Aquatic Centre	684487.992	716891.3791	748094.1624	779009.2338	2928482.767
South Hedland Aquatic Centre	635594.241	678072.4834	709009.5438	741413.3601	2764089.629
Total	2035259.48	2169546.503	2280689.77	2395739.658	
				Total deficit	8881235.408

Attachment 3 – Proposed Staff Structure



(This page intentionally left blank.)

11.4 Corporate Services**11.4.1 Finance and Corporate Services****11.4.1.1 *2012/13 Budget timetable and Broad Assumptions (File No.: .../...)***

Officer Jodie McMahon
Acting Manager
Financial Services

Date of Report 8 February 2012

Disclosure of Interest by Officer Nil

Summary

For Council to adopt the proposed Budget timetable and broad budget assumptions for the 2012/13 Budget process.

Background

Each year Council must develop a new municipal budget for the following year. Given the Council's desire to adopt the new budget prior to the commencement of the next financial year, Council must now commit to a timetable.

Given the complexity of a municipal budget, Council must give some direction to the administration with regard permissible increases (and decreases) in revenue and expenditure streams. With this direction the administration can develop (over various stages) a draft budget, which Council must review, and subject to changes, ultimately adopt.

At the 15th February Concept Forum, Councillors were presented with a draft timetable and suggestions regarding some broad budget assumptions and principals.

Should Council formally adopt the timetable and budget principals, staff will have a clear direction in what budgetary information are required and clear dates as to when the Finance Team require the information by.

The proposed process is similar to previous year's budget process, were the budget is developed in stages, with the final result defining the amount of funds Council will have for new items and initiatives.

Consultation

A draft budget timetable was presented to Councillors at the 15th February Concept Forum.

Statutory Implications

Local Government Act 1995

2.7. The role of the council

(1) The council:

- (a) directs and controls the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

(2) Without limiting subsection (1), the council is to:

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

6.2. Local government to prepare annual budget

During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

Policy Implications

6/003 Community Funding & Donations Policy
2/013 Rates Exemption Policy (Non Rateable Land)
2/014 Rates Concession Policy (Rateable Land)

Strategic Planning Implications

The 2012/13 Budget will be developed based on the direction provided in the Town's Strategic Plan and Plan for the Future. All projects should feed back into these plans, the budget will provide the resources to achieve the plans goals.

Budget Implications

Though adopting the proposed timetable and budget assumptions will not affect the Council's current municipal budget and Cash surplus, Council should not underestimate the importance of the budgetary process. As per Section 2.7 of the Local Government Act, allocating Council resources (through the budget) is a primary role of Council.

Officer's Comment

While the Town of Port Hedland is currently implementing the Strategic Planning and Integrated Reporting Framework including the 10 Year Financial Plan, the process for developing the 2012/13 budget will remain largely unchanged.

In developing the 10 Year Financial Plan KPMG will be reviewing the Chart of Accounts in consultation with officers across the Town. It is necessary to review the Chart of Accounts in order to ensure that a financial model can be both functional and operational, which is unachievable with the current account structure. The 2012/13 budget will, in its final form, be reflected in the new Chart of Accounts structure.

The 2012/13 budget process will also involve the renewal of all Rates Exemptions and Rates Concessions. All current exemption and concessions have expired and will be required to submit applications as policy states that, an application will be required to be lodged every two years and is to be assessed in accordance with its respective policy. These applications will be considered under their respective policies, Rates Exemption Policy and the Rates Concessions Policy, which were both adopted by Council under resolution 201011/432.

Council will also be asked to consider Community Budget Requests for funding greater than \$6,000. These applications if not already pre-approved, will be assessed in accordance with the Community Funding and Donations Policy.

Attachments

Nil

201112/344 Officer’s Recommendation / Council Decision

Moved: Cr S R Martin

Seconded: Cr A A Carter

That Council:

- 1. Adopt the following timetable to develop the 2012/13 Annual Budget**

2012/13 PROPOSED BUDGET TIMETABLE		
DATE	BUDGET ITEM	MEETING TYPE OR RESPONSIBILITY
15-Feb-12	Budget Timetable & Assumptions	Concept Forum
22-Feb-12	Committee Consider 2nd Quarter Budget Review	Audit & Finance Committee
22-Feb-12	Council Adopt:- * Budget Timetable * Budget Assumptions	OCM
24-Feb-12	Budget Guidelines & Templates Distributed	Manager, Financial Services
29-Feb-12	Advertising for Community Budget Requests	Manager, Financial Services
29-Feb-12	Advertising for Rates Concessions	Manager, Financial Services

2012/13 PROPOSED BUDGET TIMETABLE		
DATE	BUDGET ITEM	MEETING TYPE OR RESPONSIBILITY
14-Mar-12	Council Adopt:- * 2nd Quarter Budget Review	OCM
31-Mar-12	Closing date for Community Budget Requests	Manager, Financial Services
31-Mar-12	Closing date for Rates Concessions	Manager, Financial Services
4-Apr-12	Council Consider:- * Staffing * Rates * Fees & Charges * Councillor Allowances	Concept Forum
5-Apr-12	Issue 3rd Quarter Budget Review Reports	Manager, Financial Services
18-Apr-12	Commence 3rd Quarter Budget Review including Forecast & Operating Budget for 2012-13	Executive & Managers
2-May-12	Consideration and Discussion for:- * New Items & Community Budget Requests * New Staff * Rates in the Dollar	Concept Forum
23-May-12	Council Adopt:- * Rates in the Dollar	OCM
30-May-12	Committee Consider 3rd Quarter Budget Review	Audit & Finance Committee
25-May-12	Finalise Draft Operating Budget/Surplus Position	Manager, Financial Services
30-May-12	Advertising Rates in the Dollar	Manager, Financial Services
6-Jun-12	Council Finalise:- * New Items including New Staff	Concept Forum
13-Jun-12	Council Adopt:- * 3rd Quarter Budget Review * Rate Concessions	OCM
20-Jun-12	Advertising Period for Rates in the Dollar Closes	N/A
15-Jun-12	Final Statutory Budget Available for Agenda	Manager, Financial Services
25-Jul-12	Council Adopts 2012-13 Budget	OCM

2. Adopts the following broad assumptions in developing the draft operating budget for Council's consideration.

2012/13 Budget Assumptions	
Revenue	
Contributions	Based on known contribution agreements
Investment Interest	Average interest rate of 4.5%
Operating Grants	CPI except for known service transfers
User Fees	Capped to CPI or cost recovery principles
Expenditure	
Employee Costs	5% for EBA staff
	5% for contract staff
	No increase in staff, subject to new items
Contracts & Materials	CPI capped where possible
Insurance	CPI capped, dependent on annual insurance review
Loans and Interest	Repayment based on current schedules
	No new loans
Utilities	Water 8% subject to State Government confirmation, plus quantity increase
	Power 17% subject to State Government confirmation, plus quantity increase
	Telephone CPI capped, subject to new staff approvals
5 Year Plans	Continue with current 5 year plans, subject to cost review
Services	No reduction in current service provision, unless already planned

CARRIED 8/0

11.4.1.2 Financial Reports to Council for Period Ended 31 January 2012 (File Nos: FIN-008, FIN-014 and RAT-009)

Officer Lorraine Muzambwa
Finance Officer

Date of Report 31 January 2012

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activities of the Town to 31 January 2012, and to compare this with that budgeted for the period. With regard to the Town's Utility and Fuel Costs, a comparison is made with 2010/11.

Background**1. Financial Statements**

Presented (see attachments) in this report for the financial period ended 31 January 2012, are the:

- Statements of Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 31 January 2012;
- Review of Transaction Activity.

Note: Interest Rates for investments are selected from those provided from the following financial institutions: National Australia Bank, BankWest, Commonwealth Bank, AMP, Westpac Bank, Big Sky, Citigroup and the Australian and New Zealand Bank.

2. Utility and Fuel Costs

Presented in graph form (see attached), is the 2011/12 monthly water, power and fuel costs compared with 2010/11.

3. Schedule of Accounts Paid

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on **22nd February, 2012** for receipt, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and rendition of services, and verification of prices, computations and costs.

Voucher No's		Value \$	Pages		Fund No	Fund Name	Description
From	To		Frm	To			
NMF030112	NMF030112	\$569.14	8	8	1	Municipal Fund	Photocopier lease
NMF030112	NMF030112	\$1,244.32	8	8	1	Municipal Fund	Photocopier lease
NMF060112	NMF060112	\$284.57	64	64	1	Municipal Fund	Photocopier lease
CHQ21055	CHQ21069		1	4	1	Municipal Fund	
CHQ21070	CHQ21070		-	-	1	Municipal Fund	Cheque cancelled
CHQ21071	CHQ21102	\$142,017.69	4	8	1	Municipal Fund	
EFT38126	EFT38425	\$6,237,338.86	8	64		Municipal Fund	
CMS090112	CMS090112	\$192.39	65	65	1	Municipal Fund	Photocopier lease-Eng dept
CAL160112	CAL160112	\$5,585.54	65	65	1	Municipal Fund	Caltex Direct debit
PAY100112	PAY100112	\$361,491.74	65	65	1	Municipal Fund	
PAY240112	PAY240112	\$360,800.59	65	65	1	Municipal Fund	
WOW160112	WOW160112	2,674.40	65	65	1	Municipal Fund	Woolworths direct debit
BOQ270112	BOQ270112	\$891.10	65	65	1	Municipal Fund	Monthly payment for equipment
BOQ281211	BOQ281211	\$891.10	65	65		Municipal Fund	Monthly payment for equipment
	Municipal Total	\$7,113,981.44					
3002201	3002211	\$34,311.46	65	66	3	Trust Fund	
	Trust Total	\$34,311.46					
	Sub-Total	\$7,148,292.90					
LESS: one-off pays		-					
	Total	\$7,148,292.90					

Consultation

Nil

Statutory Implications

Financial Statements

Regulation 34 of the Local Government (Financial Management Regulations), states as follows:

“34. Financial activity statement report - s. 6.4

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail:

 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) budget estimates to the end of the month to which the statement relates;**

- (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing:*
- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown:*
- (a) *according to nature and type classification;*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be:*
- (a) *presented to the council:*
 - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
 - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.*

In this regulation:

“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;

“restricted assets” has the same meaning as in AAS 27.

Section 6.12 of the Local Government Act 1995 (Power to defer, grant discounts, waive or write off debts) states:

- “(1) Subject to subsection (2) and any other written law, a local government may –*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*
 - (b) *wave or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money, which is owed to the local government.*
- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.”*

Policy Implications

2/003 Financial Statements – Copies for Councillors

Apart from the financial reports presented to Council as required by way of legislation, the following reports will be presented to Council:

1. Monthly

- Bank Reconciliation of the Municipal, Reserve and Trust Fund
- +90 day outstanding Sundry Debtors Report
- List of Accounts paid under Delegated Authority
- Register of Investments
- Rate Summary Trial Balance
- Reserve Account Balances

2. Quarterly

- Quarterly Budget Review
- Report on all Budgeted Grants of \$50,000 or more
- Irregular Financial reports will be presented to Council on request.

Strategic Planning Implications

Key Results Area 5: Environment
Goal 2: Natural Resources
Strategy 1: Continue to monitor and report on the level of Council's energy, fuel and water use.

Strategic Planning Implications

Nil

Budget Implications

At the Special Meeting held on **7 July 2010**, Council resolved to adopt item 6.1.1.1 '2010/2011 Budget Adoption' en block, which included Recommendation 13 as follows:

"Recommendation 13

That Council adopts the following percentage or dollar value for determining and reporting material variances as follows:

1. *10% of the Function amended budget; or*
2. *\$100,000 of the Function amended budget
whichever is the lesser, for the following categories of revenue and expenditure:*
 - a. *Operating Revenue*
 - b. *Operating Expenditure*
 - c. *Non-Operating Revenue*
 - d. *Non-Operating Expenditure"*

Officer's Comment

For the purpose of explaining Material Variance (Expense/Revenue Up or Down, and see attachment Schedule 2) a three-part approach was taken:

Period Variation

Relates specifically to the value of Variance between the Budget and Actual figures for the period of the report.

Primary Reason

Identifies the primary reasons for the period Variance. As the report is aimed at the higher level analysis, minor contributing factors are not reported.

Budget Impact

Forecasts the likely \$ impact on the Amended Annual Budget position. It is important to note that figures in this part are 'indicative only' at the time of reporting, and that circumstances may subsequently change.

Attachments

1. Monthly Statement of Business Activity
(Attached under separate cover)
 - 1.1 Page 2–4. Schedule 2 being a Statement of Financial Activity
 - 1.2 Pages 5 to 16. Notes 3 to 11 which form part of the Statements of Financial Activity.
Also Note 10– January 2012 Bank Reconciliations.
 - 1.3 Pages 17 to 66. Detailed Financial Activity by Program.
 - 1.4 Pages 67 to 69. Comparison Between 2011/12:2010/11 Utility & Fuel Costs
2. January 2012 Accounts for Payment
(Attached under separate cover)

201112/345 Officer's Recommendation / Council Decision**Moved: Cr A A Carter****Seconded: Cr M B Dziombak****That Council note the:**

- i)
 - a) **Statements of Financial Activity (represented by Schedules 3 to 14);**
 - b) **Notes (1 to 11) to and forming part of the Statements of Financial Activity for the period ending 31 January 2012; and**

- c) **Review of Transaction Activity, as attached and/or presented be received;**
- ii) **Graphic representation of the Town's energy, water and fuel use as attached be received; and**
- iii) **List of Accounts paid during January 2012 under Delegated Authority, as presented and/or attached be received.**

CARRIED 8/0

11.4.1.3 Rates Exemption & Rates Concession Closure Dates (File No.: .../...)

Officer Jodie McMahon
Acting Manager
Financial Services

Date of Report 13 February 2012

Disclosure of Interest by Officer Nil

Summary

For Council to consider modifying the closure date outlined in the policies for applications relating to Rates Exemptions and Rates Concessions.

Background

Each year community based organisations that are classified as a charity or not for profit group are able to apply to Council for a concession or exemption on their rates for the upcoming two financial years. This process is administered under the following two policies:

- Rates Exemption Policy (Non Rateable Land)
- Rates Concession Policy (Rateable Land)

The current policies state that all applications must be made by 1 June for consideration. Applications are reviewed every two years and this year's 2012/13 budget process will involve the renewal of all current applications.

Consultation

Nil

Statutory Implications

Local Government Act 1995

“6.26 Rateable Land

Except as provided in this section all land within a district is rateable land.

*The following land is not rateable land –
Land which is the property of the Crown and –
Is being used or held for a public purpose; or
Is unoccupied except –*

*Where any person is, under paragraph (e) of the definition of the **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land which does not exceed 10 hectares or a*

*miscellaneous licence held under that Act; or
where and to the extent and manner in which a person mentioned in
paragraph (f) of the definition of **owner** in section 1.4 occupies or makes
use of the land;*

*land in the district of a local government while it is owned by the local
and is used for the purposes of that local government other than for
purposes of trading undertaking (as that term is defined in and for the
purpose of section 3.59) of the local government.*

- a. land in the district while it is owned by a regional local
government and is used for the purposes of that regional
local government other than for the purposes of a trading
undertaking (as that term is defined in and for the purpose of
section 3.59) of the regional local government;*
- b. land used or held exclusively by a religious body as a place
of public worship, or a place of residence of a minister or
religion, a convent, nunnery or monastery, or occupied
exclusively by a religious brotherhood or sisterhood; land
used exclusively by a religious body as a school for the
religious instruction of children;*
- c. land used exclusively as a non-government school within the
meaning of the School Education Act 1999;*
- d. land used exclusively for charitable purposes;*
- e. land vested in trustee for agricultural or horticultural show
purposes;*
- f. land owned by Co-operative bulk handling Limited or leased
from the Crown or a statutory authority (within the meaning
of that term in the Financial Management Act 2006) by that
company and used solely for the storage of grain where that
company has agreed in writing to make a contribution to the
local government;*
- g. land which is exempt from rates under any other written law;
and*
- h. land which is declared by the Minister to be exempt from
rates.*

*(2) If Co-operative Bulk handling Limited and the relevant local
government cannot reach an agreement under subsection (2)(i)
either that company or the local government may refer the matter to
the Minister for determination of the terms of the agreement and the
decision of the Minister is final.*

*(3) The Minister may from time to time, under subsection (2)(k), declare
that any land or part of any land is exempt from rates and by
subsequent declaration cancel or vary the declaration.*

(4) *Notice of an declaration made under subsection (4) is to be published in the Gazette.*

(5) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable benevolent, religious or public nature.*

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

6.47 Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge, or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.*

Policy Implications

2/013 Rates Exemption Policy (Non Rateable Land)

2/014 Rates Concessions Policy (Rateable Land)

Strategic Planning Implications

Nil

Budget Implications

Rates are Council's primary means of raising income to cover operational costs. Council will be asked to consider applications received for the next two upcoming financial years being 2012/13 and 2013/14. Current concessions for the 2011/12 year amount to \$91,307.31

Officer's Comment

The current policies state that all applications must be made by 1 June of the rating year that precedes the rating year to which the application relates. Upon completing the budget process timetable for 2012/13 officers have reviewed the process and recommend that to ensure adopting the 2012/13 budget by 30th June the closure date for all applications should be brought forward.

During the 2010/11 budget process the Rates Department received 38 submissions for review and consideration. The Town will advertise for new applications and invite all current concession holders to renew their applications. All applications received will be reviewed to ensure completeness. Officers will also liaise with applicants that may require assistance with this process. All applications will then be considered in

accordance with policies to determine if they are eligible for concession or exemptions under their respective policies.

To allow sufficient time to review all applications received it is recommended that the closure date for applications be brought forward to the 31 March. This will allow officers sufficient time to review and provide an appropriate recommendation for Council to consider at the Ordinary Council Meeting scheduled for 13th June 2012.

Attachments

1. 2/013 Rates Exemption Policy (Non Rateable Land)
2. 2/014 Rates Concessions Policy (Rateable Land)

201112/346 Officer's Recommendation / Council Decision**Moved: Cr A A Carter****Seconded: Cr G A Jacob****That Council:**

1. **Adopt 31 March as the new closure date for applications for the Rates Exemption Policy (Non Rateable Land) and modify the policy accordingly; and**
2. **Adopt 31 March as the new closure date for applications for the Rates Concessions Policy (Rateable Land) and modify the policy accordingly.**

CARRIED 8/0

Town of Port Hedland : Policy 2011/12

2/013 RATES EXEMPTION POLICY (NON RATEABLE LAND)**1. Introduction**

This policy will provide an administrative framework for assessing any application for properties to be classified as not rateable land on the ground of being used for charitable purposes.

2. Purpose and Application of the Policy

In accordance with s6.26 (2)(g) of the *Local Government Act 1995*

6.26(2)(g)

The following land is not rateable –

(g) Land used exclusively for charitable purposes

The purpose of this policy is to identify a process to be followed by any organisation that wishes to claim that land it uses is not rateable land by virtue of the application of section 6.26(2)(g) of the *Local Government Act 1995* and to provide guidance on when land is rateable under section 6.26(2)(g)

3. Provisions

- a. All applications for exemption under s6.26(2)(g) of the *Local Government Act 1995* must be in writing on the prescribed form and contain a declaration as to the accuracy of the information contained therein,
- b. An application will be required to be lodged every two years and is to be assessed in accordance with this policy,
- c. Council may request information from an organisation on a yearly basis if, Council considers this appropriate,
- d. Council may request additional information from an organisation making application if it considers it necessary to do so,
- e. Information requested under paragraph d. above is not limited to, but typically include copies of the Constitution of the organisation, recent financial statements of the organisation and information demonstrating precisely how any land the subject of the application is used,
- f. For land to be treated as newly recognised not rateable land under section 6.26(2)(g), or if a new application for exemption is required under paragraphs b. or c. above, an application must be made by 1 June for the rating year that precedes the rating year to which the applications relates.

4. Policy

Determination of whether land is 'used exclusively for charitable purposes' for the purpose of section 6.26(2)(g) of the *Local Government Act 1995* is made by reference to the common law on charitable purposes. Council is only able to grant

Town of Port Hedland : Policy | 2011/12

an exemption from rates under section 6.26(2)(g) if an applicant demonstrates that the land in question is being used exclusively for charitable purposes according to criteria that has been developed by case law on this subject.

The essential elements for an exemption under section 6.26(2)(g) are:-

- a. It is the use of the land that is in question, not whether the body in question has a charitable purpose,
- b. The use in question must be for charitable purposes as that is defined by common law; and
- c. The land must be used exclusively for a charitable purpose.

Charitable purpose is defined at common law by reference to the *Charitable Uses Act 1601 (UK)*. It is generally considered that to be a charitable purpose by reference to that Act the purpose must fall within one of the following four headings:

- a. Relief of poverty,
- b. Advancement of education,
- c. Advancement of religion, and
- d. Other purposes beneficial to the community not falling under any of the preceding headings

For the last heading in d. above to apply the use must be both:

- i. beneficial to the community, and
- ii. falls within the 'spirit and intendment' of the preamble to the *Charitable Uses Act*.

(Adopted by Council at its Ordinary Meeting held 22 June 2011)

Town of Port Hedland : Policy 2011/12

2/014 RATES CONCESSION POLICY (RATEABLE LAND)**1. Introduction**

This policy will provide an administrative framework for assessing an applications requesting the waiving or granting concession from rates to 'not for profit' community based organisations occupying rateable land.

2. Purpose and Application of the Policy

In accordance with section 6.47 of the *Local Government Act 1995*

6.47 Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

The purpose of the policy is to identify a process to be followed by any 'not for profit' community based organisation providing a benefit to the community from rateable land for the relief from rates.

3. Provisions

- a. All applications for exemption must be in writing on the prescribed form and contain a declaration as to the accuracy of the information contained therein.
- b. An application will be required to be lodged every two years and is to be assessed in accordance with this policy.
- c. Council may request information from an organisation on a yearly basis if, Council considers this appropriate,
- d. Council may request additional information from an organisation making an application if it considers it necessary to do so,
- e. Information requested under paragraph c. above is not limited to, but may typically include copies of the Constitution of the organisation, recent annual financial statements of the organisation and information demonstrating precisely how any land the subject of an application is used,
- f. An application must be made by 1 June of the rating year that precedes the rating year to which the application relates.

4. Policy

It is the policy of the Town of Port Hedland that any concession of rates in respect of any rateable land in the Council area will be available only when the applicant satisfies the requirement of this Policy.

Rates concessions will only be provided to community groups or associations that operate as a body corporate or an Incorporated Association and not to an individual.

The Town of Port Hedland will determine what is of benefit to the community for the purpose of this policy.

Town of Port Hedland : Policy | 2011/12

Rates concessions for residential properties not used in the primary service delivery of the community group or association's activities or services will not be eligible for a concession.

Community groups or associations, that in the opinion of the Council, provide activities, which are not core activities, and are in direct competition with a service provided by any established private operator within the district, will not be eligible for a rates concession.

The percentage ranges from 50% to 100% of the rates that are payable. Whether a concession is granted in response to an application or, if a concession is granted, the percentage of the rates that may be waived, is entirely at the discretion of Council and the granting of a concession in any year, will not guarantee that any future concessions will be granted.

(Adopted by Council at its Ordinary Meeting held 22 June 2011)

11.4.2 Governance and Administration

Nil

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

Nil

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil

ITEM 14 CONFIDENTIAL ITEMS

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

“(1) Subject to subsection (2), the following are to be open to members of the public —

(a) all council meetings; and

(b) all meetings of any committee to which a local government power or duty has been delegated.

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

(a) a matter affecting an employee or employees; ”

201112/347 Officer’s Recommendation / Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

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

14.1 Chief Executive Officer Performance Review (File No.: .../...)

CARRIED 8/0

6:20pm

Mayor advised that the meeting is now closed to the public.

14.1 Chief Executive Officer Annual Performance Review (File No.: .../...)**201112/348 Officer’s Recommendation / Council Decision**

Moved: Cr A A Carter

Seconded: Cr M B Dziombak

That Council:

- 1. Accept the January to December 2011 review of the performance of the Chief Executive Officer as conducted by WALGA;**

- 2. Adopts the recommendations from the report by Mr. John Phillips on the outcomes of the Chief Executive Officer's Annual Performance Appraisal conducted on 8 February 2012;**
- 3. Requests the CEO Performance Review Working Group to negotiate with the CEO to establish agreed performance criteria and indicators for the 2012 calendar year and report back to Council at the 14 March Ordinary Council Meeting;**
- 4. Authorises the increase in the CEO's salary in accordance with the current contract provisions.**

CARRIED 8/0

201112/349 Officer's Recommendation / Council Decision

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

That the Meeting be opened to members of the public.

CARRIED 8/0

6:24pm Mayor advised the gallery that the meeting is now open to the public.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

201112/350 Officer's Recommendation / Council Decision

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

That the following leave of absence:

- Cr G J Daccache – 12 March 2012 to 17 March 2012**
- Cr J M Gillingham – 23 February 2012 and 14 March 2012**
- Cr G A Jacob – 27 February 2012 to 12 March 2012**
- Cr J E Hunt – 25 February 2012 to 3 March 2012**

be approved.

CARRIED 8/0

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 14 March 2012, commencing at 5.30pm.

16.2 Closure

There being no further business, the Mayor declared the meeting closed at 6:27pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by Council at its Ordinary Meeting held on _____.

CONFIRMATION:

MAYOR

DATE