



## **Town of Port Hedland**

### **MINUTES**

### **OF THE**

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

### **HELD ON**

**WEDNESDAY 29 JANUARY 2014**

**AT 5.30 PM**

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

***“A nationally significant, friendly city, where people want  
to live and are proud to call home”***

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



## OUR COMMITMENT

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

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**ITEM 1      OPENING OF MEETING****1.1          Opening**

The Mayor declared the meeting open at 5:38pm and acknowledged the traditional owners, the Kariyarra people.

Mayor asked for a minute of silence in honour of past Councillor Judith Enright.

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

Mayor Kelly Howlett

Councillor Gloria Jacob

Councillor George Daccache

Councillor David Hooper

Councillor Julie Hunt

Councillor Penny Taylor

Councillor Lorraine Butson

Councillor Troy Melville

Councillor David Van Vugt

*Town Officers*

Mal Osborne

Russell Dyer

Eber Butron

Clare Phelan

Lorna Secrett

Grace Waugh

Chief Executive Officer

Director Engineering Services

Director Planning & Development

Director Corporate Services

Acting Director Community

Development

Minute Taker/ Governance Officer

**2.2          Apologies**

Nil

**2.3          Approved Leave of Absence**

Councillor Jan Gillingham

**ITEM 3      RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE****3.1          Questions from Public at Ordinary Council Meeting held on Wednesday 27 November 2013**

Nil

### 3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 27 November 2013

#### 3.2.1 *Councillor Gillingham*

*Has seed collection of native plants been taken into account where there is clearing of bush land at the Wallwork Road bridge site?*

Director Engineering Services advised that no, there hasn't been any seed collection at Wallwork Road Bridge site. The site stabilisation/re-vegetation is included in the Wallwork Road Bridge contract. Any native seed collection needs approval from the Department of Environment and Conservation.

### 3.3 Questions from Public at Ordinary Council Meeting held on Wednesday 11 December 2013

Nil

### 3.4 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 11 December 2013

#### 3.4.1 *Councillor Taylor*

*At the November 2013 Ordinary Council Meeting I asked that a letter be drafted to the ~~Department of Education~~ Department of Child Protection and Family Services in regards to the recent vandalism at the Wanangkura Stadium. What is the status on the letter? Has there been any response?*

At the Ordinary Council Meeting held on Wednesday 26 February 2014 Council amended the reference to Department of Education to Department of Child Protection and Family Services.

Chief Executive Officer advised that a letter was sent to the Minister for Mental Health; Disability Services; Child Protection, Hon Helen Morton MLC on 16 December 2013 describing the issue and requesting that details of staffing levels and service provisions for the Town of Port Hedland be outlined. Interagency meetings to resolve these issues are ongoing.

## ITEM 4 PUBLIC TIME

### IMPORTANT NOTE:

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

Mayor opened Public Question Time at 5:41pm.

#### 4.1 Public Question Time

##### 4.1.1 *Ms Mary Attwood*

*The community is concerned about access to the Boodarie site which is a fishing area for the local people. The community was not consulted when the access was cut off for the Hope Downs development. Will there be alternative access to Boodarie landing for the public?*

Mayor advised that this matter was discussed at a Special Council Meeting in October 2013. The Council resolution stated that the Chief Executive Officer would discuss alternative access to Boodarie with Roy Hill, the landowners and Main Roads.

Chief Executive Officer advised that there has been no further outcome at this stage and that opportunities for the best location to access the coast are still being investigated.

*There was a high court decision in regards to access for fishing therefore the Town should be providing community access to coast. The native title agreement for the Boodarie area has not been completed and the Kariyarra claim is still in negotiations with the Federal Court.*

Mayor acknowledged Ms Attwood's statement.

Chief Executive Officer advised that the only portion of the access that the Town had responsibility or control over was the Whim Creek Road reserve.

*Moorgunyah Hostel is a registered aboriginal site and is built on aboriginal burial grounds. The hostel hasn't had a roof for the past month. The Family and Children's Services has the management order which restricts others from doing any repairs without their authorisation. The management order should also include the maintenance however no maintenance has been carried out and they are unwilling to repair the roof. Councillor Daccache has seen the damage and contacted Family and Children's Services who refused to put a tarp over the roof. The heritage of the building needs to be protected as too many aboriginal heritage sites have been taken off the aboriginal community.*

Mayor advised that the Town will raise the issue with Family and Children's Services and will lobby them on Ms Attwood's behalf.

*There is no maintenance of the current coastal access roads. The Town allows Hope Down and BHP Billiton to close down access to the fishing grounds but doesn't ensure the access roads to other fishing grounds are maintained including 26 Mile. Not being able to access fishing grounds impacts on local families and encourages anti-social behaviour as families can no longer go fishing or hunting.*

Mayor advised that the Chief Executive Officer will look into the current management and maintenance of the roads and liaise with stakeholders including Dampier Salt Limited.

Chief Executive Officer advised that the Town will do an investigation as to whether it is the Town's responsibility to maintain the tracks and access roads. If it is not the Town's responsibility then the relevant owners will be contacted.

*Julie Enrith recently passed away in her home and was found six days after her death. Homes West used to visit the sick or elderly everyday however this no longer happens. There are many Government Departments that are not taking responsibility or being held accountable. The Council should have the funding agencies report to them.*

Mayor advised that the Town is meeting with the relevant agencies.

Mayor closed Public Question Time at 5:56pm.

Mayor opened Public Statement Time at 5:56pm.

## **4.2 Public Statement Time**

### **4.2.1 Mrs Gitte Hall**

Mrs Hall spoke with regard to item 11.1.1.5 'Proposed Residential Building on Lot 5 (17-21) Greenfield Street South Hedland Rural Estate (File No.: 154415G)'.

I have attached plans of the current subdivision size on my block and the future subdivision sizes for my block that are pending at present. As you can see I would have to move the weather driveway which runs centrally through our block. Currently block sizes for subdivision are 10,000 square meters but I understand negotiations are in progress to decrease the area to 5,000 square meters that will possibility be changed in the next 12 months. This is in alignment to the approved application for the new subdivision at the back of the Rural Estate.

As you can appreciate we are not opposed to subdivision but feel the timing is not right for us to do this at present, due to the reason stated above.

I would also like to state that I feel that some correspondence or notification of confirmation for when my item would be discussed at a meeting would have been nice. This would have enabled us to give more time for councillors to peruse my supporting information.

Mayor closed Public Statement Time at 6:00pm.

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

*Can residents who were out of town during Cyclone Christine still have their green waste cleaned up?*

Director Engineering Services advised in the affirmative and that these residents should contact the depot.

*Will this be advertised?*

Mayor advised in the negative as the cyclone clean-up has already taken place and isolated incidences should be reported by residents directly to the Town's depot.

**5.2 *Councillor Taylor***

*How is the Town prioritising children and their safety and welfare in our community?*

Mayor advised that there were a number of taskforce meetings that started in 2013 that have now turned into stakeholder meetings with local elders. Meetings have continued with Tim Turner at the Department of Aboriginal Affairs (DAA), YMCA, Police and the Mayor and Deputy Mayor. Interim activities were also organised at the Wanangkura Stadium given there was a break between when 'The Slam' finished and the holiday program commenced.

*Youth Involvement Council (YIC) was awarded \$120K from the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) to address and reduce volatile substance abuse in Hedland. Is the Town aware of how this money has been used and the effectiveness of projects from this initiative?*

Mayor advised that she has been involved and invited to YIC stakeholder meetings relating to the planning and preparation of spending the funding. Camps and outings in Pretty Pool were organised which involved whole of families.

Deputy Mayor advised that as the Chairperson of YIC there is a program of how the funding will be utilised. There has been a lot of involvement with fishing and camping. There are other activities being investigated.

YIC are working in conjunction with other organisations to deliver these activities.

Mayor asked that YIC make a presentation at the next Ordinary Council meeting.

*The Town said it would plan to increase the opening hours of the JD Hardie Centre with the intention of opening after hours. What is happening with this and has this occurred?*

Acting Director Community Development advised that the Town is currently negotiating with agencies to assist with extending the JD Hardie Centre opening hours and ensuring the Centre is staffed with qualified people.

*How is the Town working with state agencies such as police, Department of Child Protection (DCP) and Corrective Services to target families of known recidivist offenders?*

Mayor advised that there are weekly meetings with state agencies where issues and hot spot topics from the community are raised.

*A letter was sent to DCP regarding services and staffing levels in Port Hedland however there hasn't been a response. What can the Town do to put pressure on DCP to get the information and to communicate our concerns?*

Mayor advised that she feels the best avenue would be to meet with DCP and present the facts. The Mayor has had meetings with the Honourable Mark Lewis and Honourable Stephen Dawson in regards to youth issues in Port Hedland and also meets with relevant state agencies when attending meetings in Perth.

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

Mayor Howlett	Councillor Taylor
Councillor Jacob	Councillor Butson
Councillor Daccache	Councillor Melville
Councillor Hooper	Councillor Van Vugt
Councillor Hunt	

**ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 27 November 2013**

**201314/209 Officer's Recommendation/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Hunt**

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 27 November 2013 be confirmed as a true and correct record.**

***CARRIED 9/0***

**7.2 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 11 December 2013**

**201314/210 Officer's Recommendation/ Council Decision**

**Moved: Cr Hunt**

**Seconded: Cr Hooper**

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 11 December 2013 be confirmed as a true and correct record.**

***CARRIED 9/0***

**ITEM 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Mayor Activity Report for the December 2013 & January 2014 period to date is as follows:

**December 2013***Friday, 13<sup>th</sup> December*

- Attended TOPH Airport Committee – Agenda Briefing Session
- Attended TOPH Airport Committee Meeting – Confidential Concept Forum
- Attended TOPH Airport Committee Meeting
- Meeting Re: Response To Youth Issues + Deputy Mayor + CEO + DCD + Tim Turner (DAA)
- Attended & Presentation Retirement Sundowner for Mick Osterhage

*Saturday, 14<sup>th</sup> December*

- Attended Hedland First National Christmas Function



*Monday, 16<sup>th</sup> December*

- Weekly Mayor, Deputy Mayor & CEO Catch Up
- Interview ABC NW Radio (603am) Re: North West Festival 2013 Outcomes
- Meeting Youth Involvement Council Manager
- Attended & Presentation South Hedland Primary School Year 7 Graduation Evening

*Tuesday, 17<sup>th</sup> December*

- Weekly Mayor Chat Spirit Radio (1026am)
- CEO & Mayor Catch Up Following Mayor Annual Leave

*Wednesday, 18<sup>th</sup> December*

- Meeting With Pilbara Logistics (Geoff Stocker)
- Assisted St Vincent De Paul (South Hedland) Re: Christmas Hamper Preparation & Distribution
- Attended AGM Rose Nowers Early Learning Centre

*Thursday, 19<sup>th</sup> December*

- Attended 2013 HACC House Christmas Lunch
- Assisted St Vincent De Paul (South Hedland) Re: Christmas Hamper Preparation & Distribution
- Attended Farewell Drinks TOPH Works Manager
- Attended End Of Year LEMC Meeting - Sausage Sizzle

*Sunday, 22<sup>nd</sup> December*

- Assisted In Hosting 2013 Port Hedland Community Carols By Candlelight Event

*Tuesday, 24<sup>th</sup> December*

- Weekly Mayor Chat Spirit Radio (1026am)

*Saturday, 28<sup>th</sup> December*

- Attended Tropical Low ISG Meetings (throughout day 3hr intervals)

*Sunday, 29<sup>th</sup> December*

- Attended Tropical Cyclone Christine ISG Meetings (throughout day 3hr intervals)

*Monday, 30<sup>th</sup> December*

- Attended Tropical Cyclone Christine ISG Meetings & Conducted Various Media Interviews

*Tuesday, 31<sup>st</sup> December*

- Attended Tropical Cyclone Christine ISG Meetings & Conducted Various Media Interviews

**January 2014***Thursday, 2<sup>nd</sup> January*

- Interviewed ABC Radio National Re: Focus On Mayors Around Australia

*Friday, 3<sup>rd</sup> January*

- Attended Post Cyclone Christine Meeting/Status Check

*Monday, 6<sup>th</sup> January*

- Meeting With Port Hedland Canine Club

*Wednesday, 8<sup>th</sup> January*

- Meeting With Ausco – Update On Previous Council Decisions
- Attended Meeting Post Cyclone Christine Status Check & De-Brief

*Thursday, 9<sup>th</sup> January*

- Meeting With Resident Bob Neville

*Monday, 13<sup>th</sup> January*

- Chaired TOPH Indigenous Camping Taskforce Meeting

*Tuesday, 14<sup>th</sup> January*

- Weekly Mayor Chat Spirit Radio (1026am)
- Meeting With A/CEO Re TOPH Operational Topics

*Wednesday, 15<sup>th</sup> January*

- Interview NWT Kelly Bell Re: Australia Day
- Interview NWT Mitchell Smith Re: Mayoral Award Certificates
- Attended Weekly Elected Member & CEO Catch Up
- Attended Pilbara JDAP Meeting
- Attended TOPH Airport Committee – Agenda Briefing Session
- Attended TOPH Airport Committee Meeting – Confidential Concept Forum
- Attended TOPH Airport Committee Meeting
- Weekly Mayor & Deputy Mayor Catch Up Meeting

Mayor thanked Town staff for their efforts during and after Cyclone Christine. Mayor attended the Australia Day Event and congratulated the organisers for a great event. Mayor congratulated the two Hedland residents, Maureen Kelly and Gordon Yuline, and the Honourable Tom Stephens for receiving OAM Australia Day Honours.

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

Councillor Daccache attended the Town of Port Hedland Australia Day event at the Wanangkura Stadium and congratulated all the organisers.

**9.2 Councillor Hunt**

Councillor Hunt gave a report on the Port Hedland Retirement Village. There was a lot of tree damage at the village caused from Cyclone Christine, however after a post on facebook a number of community members assisted with the clean-up which only took two hours. The Port Hedland Retirement Village management board are donating \$25,000 towards connecting the retirement village hall to the sewerage system.

**ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS****10.1 Mr Val Middleton, President, RSL-Port Hedland**

Mr Middleton advised Council that RSL-Port Hedland are interested in moving into the former South Hedland Bowls and Tennis Clubhouse site. RSL provide assistance to the local community by providing a source of affordable clothing and goods. The proceeds from the sale of these goods supply finance to assist the aged, youth, sick, disadvantaged and indigenous persons and sporting organisations.

The RSL community shop is currently located in a BHP owned building on the Esplanade. The building requires a new roof as it sustained water damage during Cyclone Christine. The current clubhouse is the Anzac House on Sutherland Street. The clubhouse has an iron roof which was lifted off during Cyclone Christine and also suffered interior water damage. RSL proposes the following options with option 2 being the preferred option:

1. Refurbish the existing Anzac House and shop;
2. Relocate the RSL and shop permanently to the old Bowls and Tennis Club building, renovate the building and add a storage and receiver shed (\$500 - \$850K);
3. Relocated the RSL and shop to the Bowls and Tennis Club building while permanent sites and financial support for a new clubhouse and community shop are sourced (\$80 - \$100K).

Mayor advised that the Town will have an answer for RSL regarding their application to use the South Hedland Tennis and Bowls site in two months.

**Disclaimer**

*Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by Council has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.*



**Strategic Planning Implications**

Nil

**Budget Implications**

Nil

**Officer's Comment**

Nil

**Attachments**

1. Delegated Planning, Building & Environmental Health Approvals and Orders for November and December 2013

**201314/211 Officer's Recommendation/ Council Decision**

**Moved: Cr Daccache**

**Seconded: Cr Jacob**

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

***CARRIED 9/0***

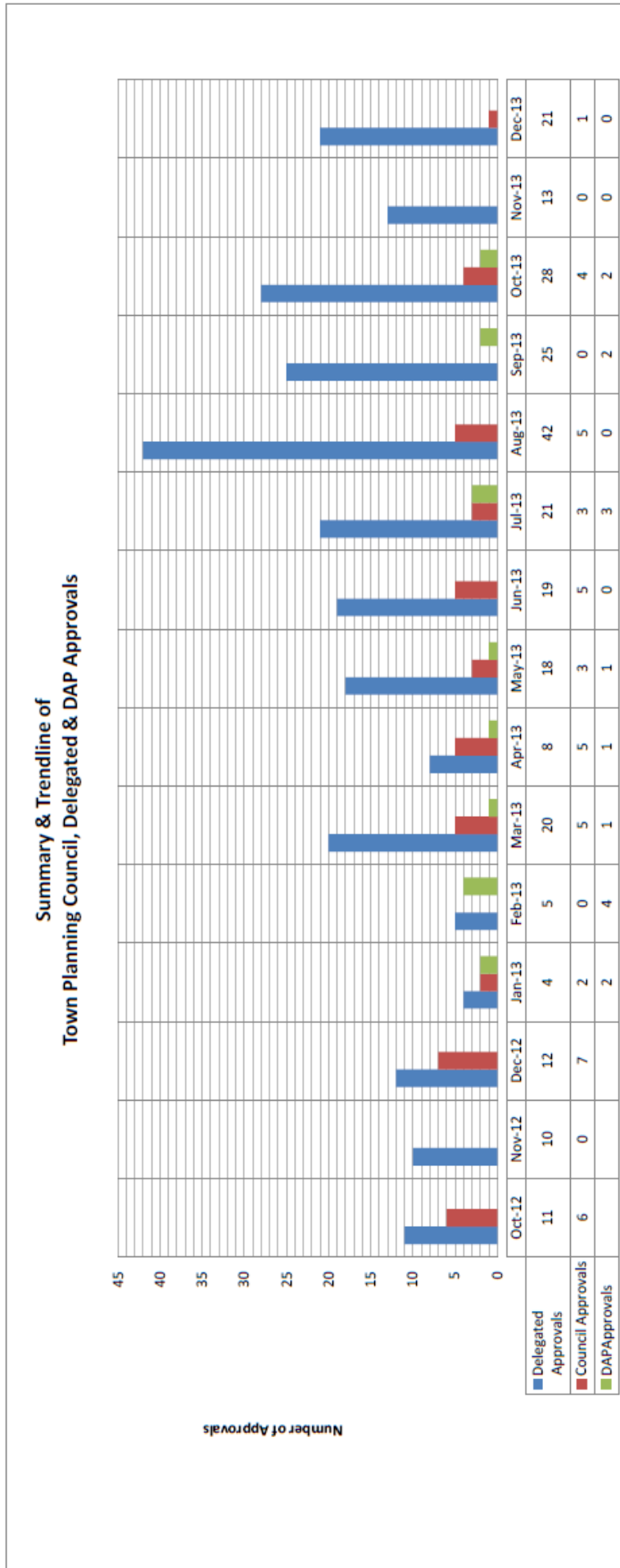
## ATTACHMENT 1 TO ITEM 11.1.1.1

## DELEGATED PLANNING APPROVALS FOR NOVEMBER &amp; DECEMBER 2013

Application No.	Description	Lot	Property Address	Date Approved	Applicants Name	Development Value
2013/566	EIGHT (8) MULTIPLE DWELLINGS	815	175 ANDERSON STREET PORT HEDLAND 6721	7/11/2013	WHELANS TOWN PLANNING	\$ 1,380,000.00
2013/632	SINGLE HOUSE - RETROSPECTIVE PATIO ADDITION	3163	11 MITCHIE CRESCENT SOUTH HEDLAND 6722	7/11/2013	CHRISTOPHER ADLAM	\$ 15,000.00
2013/627	RETROSPECTIVE WAREHOUSE - SHED AND INCIDENTAL OFFICE	3	3 TRIG STREET WEDGEFIELD 6724	8/11/2013	RSA	\$ 50,000.00
2013/629	SINGLE HOUSE (RECTORY) - CARPORT, OUTBUILDING AND PATIO ADDITIONS,	500	181 WILSON STREET PORT HEDLAND 6721	11/11/2013	NIELS NIELSEN	\$ 20,000.00
2012/265.01	AMENDMENT TO APPLICATION 2012/265 - WAREHOUSE AND INCIDENTAL OFFICE	308	29 PHOSPHORUS STREET WEDGEFIELD 6721	20/11/2013	T & Z ARCHITECTS	\$ -
2013/643	TRANSIENT WORKFORCE ACCOMMODATION - POONDANO VILLAGE		L45/219 MINING TENEMENT PORT HEDLAND 6721	20/11/2013	CRUSHING SERVICES INTERNATIONAL PTY LTD	\$ 5,387,480.91
2013/649	SINGLE HOUSE	29	8 ETRICK CIRCUIT SOUTH HEDLAND 6722	20/11/2013	PINDAN CONTRACTING	\$ 480,976.00
2013/650	SINGLE HOUSE	31	4 ETRICK CIRCUIT SOUTH HEDLAND 6722	20/11/2013	PINDAN CONTRACTING	\$ 480,976.00
2011/52.01	REQUEST FOR EXTENSION OF TIME OF PERMIT 2011/52	988	5 PEAWAH STREET WEDGEFIELD 6724	22/11/2013	FULTON HOGAN INDUSTRIES PTY LTD	\$ -
2013/645	INDUSTRY - LIGHT	102	31 PINNACLES STREET WEDGEFIELD 6722	29/11/2013	DELSTRAT PTY LTD	\$ 744,000.00
2013/656	PATIO AND CARPORT	400	88 BOTTLEBRUSH CRESCENT SOUTH HEDLAND 6722	29/11/2013	PHILIP WALL	\$ 19,250.00
2013/658	INDUSTRY - LIGHT - SIGNAGE	215	2 STEEL LOOP WEDGEFIELD 6721	29/11/2013	BARRY COLLINS	\$ 10,000.00
2013/659	INDUSTRY - LIGHT - SIGNAGE	209	21 STEEL LOOP WEDGEFIELD 6721	29/11/2013	BARRY COLLINS	\$ 10,000.00

Application No.	Description	Lot	Property Address	Date Approved	Applicants Name	Development Value
2012/124.02	APPLICATION TO AMEND CONDITIONS 5, 8, 13 OF PLANNING APPROVAL 2012/124	4	4 MCGREGOR STREET PORT HEDLAND 6721	23/12/2013	PARSONS BRINCKERHOFF	\$ -
2013/605.01	AMENDMENT TO APPLICATION 2013/605 - OUTBUILDING	50	2 DENMAN PLACE SOUTH HEDLAND 6722	11/12/2013	NORTH WEST SHED MASTERS	\$ 30,000.00
2013/614	TRANSPORT DEPOT - INCIDENTAL OFFICE ADDITION	2524	Lot 2524 GREAT NORTHERN HIGHWAY PORT HEDLAND 6721	05/12/2013	ASCENTION MINING SOLUTIONS	\$ 110,000.00
2013/615	TWO (2) ADDITIONAL GROUPED DWELLINGS	2	12 BROWN PLACE SOUTH HEDLAND 6722	10/12/2013	DOEPEL MARSH ARCHITECTS	\$ 800,000.00
2013/624	SIX (6) GROUPED DWELLINGS	29	L29 EUCLA CLOSE SOUTH HEDLAND 6722	10/12/2013	Savroc Constructions Pty Ltd	\$ 2,500,000.00
2013/625	Restaurant - Umbrellas (Alfresco dining area)	14	8 WEDGE STREET PORT HEDLAND 6721	09/12/2013	Wedge Street Coffee Shop	\$ 17,000.00
2013/630	INDUSTRIAL HIRE - ANCILLARY WORKSHOP AND OFFICE	335	2 HEMATITE DRIVE WEDGEFIELD 6721	20/12/2013	NORTH WEST SHED MASTERS	\$ 1,300,000.00
2013/657	INFRASTRUCTURE - REVERSE OSMOSIS PLANT	503	Lot 503 FORREST CIRCLE SOUTH HEDLAND 6722	13/12/2013	Compass Group (Australia) Pty Ltd	\$ 120,000.00
2013/664	CHANGE OF USE - 'OFFICE' TO 'SHOP'	54	8 MCKAY STREET PORT HEDLAND 6721	04/12/2013	Shar Hodgkinson	\$ 50,000.00
2013/671	TWO (2) GROUPED DWELLINGS	1769	159 ATHOL STREET PORT HEDLAND 6721	24/12/2013	COLIN WILKINSON DEVELOPMENTS	\$ 965,510.00
2013/672	SHADE STRUCTURES	126	L126 LIMESTONE ROAD SOUTH HEDLAND 6722	04/12/2013	ALM LANDSCAPING	\$ 45,000.00
2013/673	TWO (2) GROUPED DWELLINGS	194	9 CAPTAINS WAY SOUTH HEDLAND 6722	23/12/2013	WHELANS	\$ 481,812.00
2013/680	PROPOSED RECREATION AND ICE ROOM BUILDING	2053	77-95 HAMILTON ROAD SOUTH HEDLAND 6722	20/12/2013	Resolve Group Pty Ltd	\$ 1,645,109.00
2013/682	CHANGE OF USE - 'SHOP' (UNIT 5) TO 'TAKEAWAY FOOD OUTLET'	3241	2-8 THROSSELL ROAD SOUTH HEDLAND 6722	18/12/2013	Danny Arnold	\$ -
2013/683	RECREATION CENTRE - ASSOCIATED LANDSCAPING AND CARPARK	5991	5991 COTTIER DRIVE SOUTH HEDLAND 6722	10/12/2013	TOWN OF PORT HEDLAND	\$ 2,180,490.00
2013/688	NON-CONFORMING USE - TRANSPORT DEPOT - Incidental Office addition	1675	3 HARWELL WAY WEDGEFIELD 6721	24/12/2013	ROWE GROUP	\$ 3,000.00
2013/693	USE NOT LISTED - TWO (2) DUST MONITORING STATIONS	500	L5178 SUTHERLAND STREET PORT HEDLAND 6721	20/12/2013	LANDCORP	\$ 175,000.00
2013/695	GROUPED DWELLING - OUTBUILDING ADDITION	7	Unit C 6 CATAMORE COURT SOUTH HEDLAND 6722	20/12/2013	Colin Brent Mills	\$ 21,930.00
2013/702	GROUPED DWELLING - OUTBUILDING ADDITION	1861	31 PEDLAR STREET SOUTH HEDLAND 6722	18/12/2013	PILBARA DESIGN AND BUILD PTY LTD	\$ 6,100.00
2013/704	INFRASTRUCTURE - TEMPORARY OFFICE FOR CONSTRUCTION PURPOSES	500	203 GREAT NORTHERN HIGHWAY BOODARIE 6722	19/12/2013	Bgc Contracting Pty Ltd	\$ 68,000.00
2013/714	GROUPED DWELLING - ADDITIONAL BALCONY TO UNIT 1	794	8 BREARLEY STREET PORT HEDLAND 6721	24/12/2013	Winfield Constructions Pty Ltd	\$ 15,000.00

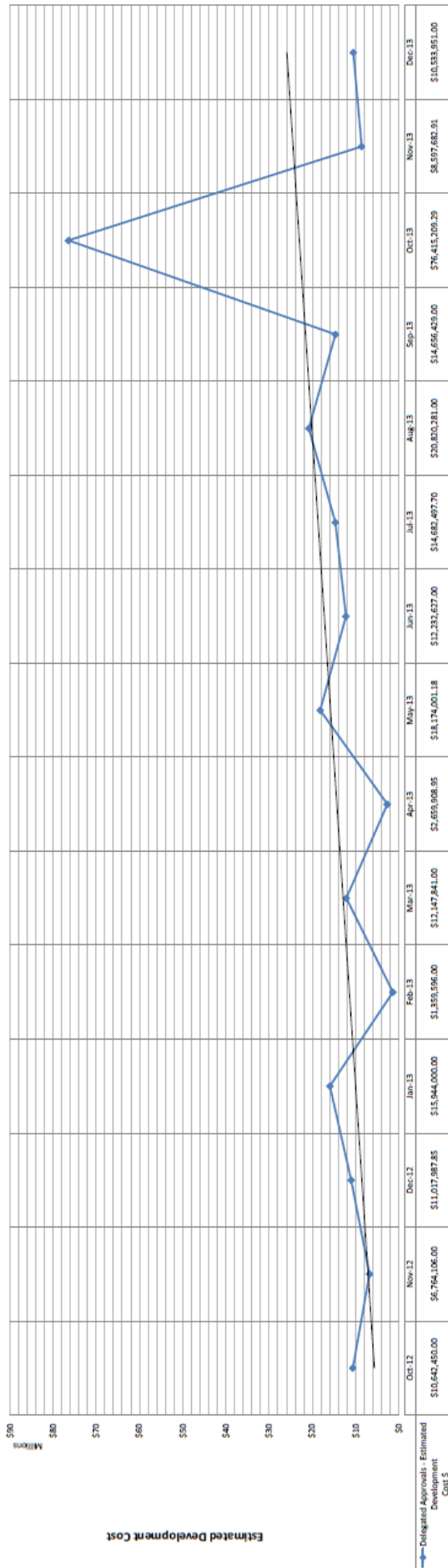
**COUNCIL, DELEGATED & DAP PLANNING APPROVALS FOR NOVEMBER & DECEMBER 2013**





DELEGATED PLANNING APPROVALS FOR NOVEMBER & DECEMBER 2013

Summary & Trendline of  
Town Planning Delegated Approvals  
Estimated Development Costs



DELEGATED BUILDING APPROVALS FOR NOVEMBER 2013

BUILDING PERMITS								
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
13-324	07.11.2013	LOT 2115 NORTH CIRCULAR ROAD	SOUTH HEDLAND 6722	DIMITRIOS TSAGOURIS	18 x Transportable Showers/Ablutions	\$ 237,600.00	280	10a
13-376	07.11.2013	Lot 1 MCGREGOR STREET	PORT HEDLAND 6721	Hedland Hockey	Storage Shed	\$ 16,280.00	8	10a
13-360	07.11.2013	11 MITCHIE CRESCENT	SOUTH HEDLAND 6722	RSA Pty Ltd	Patio (Retrospective Approval)	N/A		10a
13-325	12.11.2013	18 MANGANESE STREET	WEDGEFIELD 6721	GOLDMAN CONSTRUCTIONS PTY LTD	Carpport	\$ 16,000.00	72	10a
13-331	14.11.2013	6 DONGARA PLACE	SOUTH HEDLAND 6722	ANDREW OLDING	Storage Shed (Retrospective Approval)	\$ 50,000.00	108	10a
13-323	15.11.2013	2 DENMAN PLACE	SOUTH HEDLAND 6722	NORTHWEST SHEDMASTERS OTY LTD	Storage Shed	\$ 34,000.00	42	10a
13-448	26.11.2013	18 HEDDITCH STREET	SOUTH HEDLAND 6722	URBAN ART PROJECTS	SPINIFEX CANOPIES	\$ 74,700.00	61	10a
13-319	01.11.2013	8 MURRENA STREET	WEDGEFIELD 6724	LINFOX PORT HEDLAND	FENCE AND GATE	\$ 147,617.00	0	10b
13-254	05.11.2013	2 HAKEA CLOSE	SOUTH HEDLAND 6722	Natasha Keetley	Spa (Retrospective Approval)	\$ 4,000.00	0	10b
13-311	07.11.2013	13 DELAMERE PLACE	SOUTH HEDLAND 6722	Pilbara Design and Build Pty	FENCE	\$ 30,000.00	0	10b
13-348	08.11.2013	8 MURRENA STREET	WEDGEFIELD 6724	LINFOX PORT HEDLAND PTY LTD	Refuelling Facility	\$ 50,000.00	0	10b
13-335	12.11.2013	5 OCEANUS COURT	PORT HEDLAND 6721	Thommo's Carpentry	Fence	\$ 68,000.00	0	10b
13-334	12.11.2013	37 SUTHERLAND STREET	PORT HEDLAND 6721	Thommo's Carpentry	Fence	\$ 13,300.00	0	10b
13-401	13.11.2013	Unit 1, 7 GRANT PLACE	PORT HEDLAND 6721	Pearl Coast Pools	Below Ground Swimming Pool & Pool Barrie	\$ 35,500.00	19	10b
13-412	13.11.2013	1 LEAKE STREET	SOUTH HEDLAND 6722	Vathjunker Contractors Pty Ltd	Light Poles	\$ 815,000.00	0	10b
13-413	13.11.2013	L8008 MINDEROO AVENUE	SOUTH HEDLAND 6721	Vathjunker Contractors Pty Ltd	CCTV Poles	\$ 89,230.00	0	10b
13-375	18.11.2013	18 HEDDITCH STREET	SOUTH HEDLAND 6722	Marebar PTY LTD T/A DBS Fencing	Fence and Gates	\$ 66,500.00	0	10b
13-417	20.11.2013	1 LEAKE STREET	SOUTH HEDLAND 6722	West Coast Shade	Shade Sail	\$ 137,214.00	220	10b
13-362	20.11.2013	14 DOWDING WAY	PORT HEDLAND 6721	DOUG ANDERSON	Swimming Pool - Above Ground	\$ 7,000.00	22	10b
13-421	21.11.2013	15 LANGLEY GARDENS	PORT HEDLAND 6721	Michael Kim Le Flohic	Swimming Pool (Above Ground)	\$ 4,500.00	26	10b
13-396	25.11.2013	LOT 580 FORREST CIRCLE	SOUTH HEDLAND 6722	Naomi Stanitzki	3 x Public Steel Statues	\$ 42,000.00	2	10b
13-453	28.11.2013	602 HAMILTON ROAD	SOUTH HEDLAND 6722	PORTPRIDE PTY LTD	Construction of light poles	\$ 717,427.00	0	10b
13-420	29.11.2013	2 PANUYA PARADE	PORT HEDLAND 6721	Pearl Coast Pool	Swimming Pool - Below Ground	\$ 32,000.00	21	10b
13-395	05.11.2013	2 HAKEA CLOSE	SOUTH HEDLAND 6722	Natasha Keetley	Swimming Pool (Retrospective Approval)	N/A		10b
13-369	04.11.2013	9 BARRAMINE LOOP	SOUTH HEDLAND 6722	COLIN WILKINSON DEVELOPMENTS PTY LTD	Dwelling	\$ 493,526.00	247	1a
13-328	07.11.2013	1 LOGUE COURT	SOUTH HEDLAND 6722	PIVOT WAY PTY LTD	2 x Residential Dwellings	\$ 921,536.00	297	1a
13-397	18.11.2013	18 GRATWICK STREET	PORT HEDLAND 6721	Bravo Developments Pty Ltd	Dwelling	\$ 586,740.00	294	1a
13-438	26.11.2013	30 Nix Avenue	SOUTH HEDLAND 6722	Gumala Investments Pty Ltd	Single Dwelling	\$ 722,043.00	233	1a
13-436	27.11.2013	24 Nix Avenue	SOUTH HEDLAND 6721	Gumala Investments Pty Ltd	Single Dwelling	\$ 720,969.00	241	1a
13-437	27.11.2013	18 FAIRLEAD BEND	SOUTH HEDLAND 6722	Gumala Investments Pty Ltd	Single Dwelling	\$ 725,947.00	234	1a
13-439	27.11.2013	21 NIX AVENUE	SOUTH HEDLAND 6722	Fleetwood Pty Ltd	Single Dwelling	\$ 672,967.00	209	1a
13-440	28.11.2013	15 DEMARCHI ROAD	SOUTH HEDLAND 6722	Fleetwood Pty Ltd	Single Dwelling	\$ 674,727.00	209	1a
13-435	28.11.2013	3 KEEL CLOSE	SOUTH HEDLAND 6722	Gumala Investments Pty Ltd	Single Dwelling	\$ 647,506.00	209	1a
13-442	28.11.2013	21 MOORING LOOP	SOUTH HEDLAND 6722	Fleetwood Pty Ltd	Single Dwelling	\$ 669,538.00	209	1a
13-441	28.11.2013	38 Nix Avenue	SOUTH HEDLAND 6722	Fleetwood Pty Ltd	Single Dwelling	\$ 724,080.00	240	1a
13-443	28.11.2013	18 MOORING LOOP	SOUTH HEDLAND 6722	Fleetwood Pty Ltd	Single Dwelling	\$ 733,147.00	234	1a
13-444	28.11.2013	15 NIX AVENUE	SOUTH HEDLAND 6722	Fleetwood Pty Ltd	Single Dwelling	\$ 666,640.00	209	1a
13-406	11.11.2013	2 BARRAMINE LOOP	SOUTH HEDLAND 6722	Colin Wilkinson Pty Ltd	Dwelling	\$ 446,745.00	141	1a
13-344	07.11.2013	3 PEDLAR STREET	SOUTH HEDLAND 6722	PASQUALE VERSACI	Single Dwelling Ancillary Accommodation	\$ 350,000.00	180	1a & 10a

DELEGATED BUILDING APPROVALS FOR NOVEMBER CONTINUED... 2013

13-329	08.11.2013	25 ROBINSON STREET	PORT HEDLAND 6721	PIVOT WAY PTY LTD	Dwelling Fence & Retaining Wall	\$	898,966.00	148	1a & 10b
13-373	04.11.2013	7 BARRAMINE LOOP	SOUTH HEDLAND 6722	WILKINSON DEVELOPMENT PTY LTD	Dwelling carport & fence	\$	492,491.00	230	10a & 10b
13-359	04.11.2013	13 CATTAMORE COURT	SOUTH HEDLAND 6722	AXIS BUILDING APPROVALS	Dwelling Carport Verandah & Balcony	\$	250,000.00	144	10a & 10b
13-368	04.11.2013	21 BARRAMINE LOOP	SOUTH HEDLAND 6722	COLIN WILKINSON DEVELOPMENTS	Dwelling Carport & Fence	\$	446,745.00	198	10a & 10b
13-370	04.11.2013	17 BARRAMINE LOOP	SOUTH HEDLAND 6722	COLIN WILKINSON DEVELOPMENTS	Dwelling Carport & Fence	\$	492,491.00	230	10a & 10b
13-371	04.11.2013	15 BARRAMINE LOOP	SOUTH HEDLAND 6722	COLIN WILKINSON DEVELOPMENTS	Dwelling Carport & Fence	\$	493,526.00	247	10a & 10b
13-346	06.11.2013	93 BOTTLEBRUSH CRESCENT	SOUTH HEDLAND 6722	CALEB NETHROPE	Dwelling and associated Carport Separat	\$	499,950.00	162	10a & 10b
13-404	13.11.2013	6 BARRAMINE LOOP	SOUTH HEDLAND 6722	COLINN WILKINSON DEVELOPMENTS PTY LTD	Dwelling Carport & Fence	\$	493,526.00	171	10a & 10b
13-405	13.11.2013	10 BARRAMINE LOOP	SOUTH HEDLAND 6722	Colin Wilkinson Developments Pty Ltd	Dwelling Carport & Fence	\$	446,745.00	141	10a & 10b
13-407	13.11.2013	5 BARRAMINE LOOP	SOUTH HEDLAND 6722	Colin Wilkinson Developments Pty Ltd	Dwelling Carport & Fence	\$	446,745.00	141	10a & 10b
13-408	13.11.2013	1 BARRAMINE LOOP	SOUTH HEDLAND 6722	Colin Wilkinson Developments Pty Ltd	Dwelling Carport & Fence	\$	492,491.00	166	10a & 10b
13-409	13.11.2013	4 BARRAMINE LOOP	SOUTH HEDLAND 6722	Colin Wilkinson Developments Pty Ltd	Dwelling Carport & Fence	\$	446,205.00	149	10a & 10b
13-429	21.11.2013	37 ETTRICK CIRCUIT	SOUTH HEDLAND 6722	Pilbara Constructions Pty Ltd	Dwelling Carport & Fence	\$	541,618.00	150	10a & 10b
13-431	21.11.2013	39 ETTRICK CIRCUIT	SOUTH HEDLAND 6722	Pilbara Construction Pty Ltd	Dwelling Carport & Fence	\$	471,592.00	150	10a & 10b
13-418	21.11.2013	32 MCPHERSON STREET	PORT HEDLAND 6721	McGrath Homes	Dwelling Storeroom & Fence	\$	464,731.00	161	10a & 10b
13-430	21.11.2013	32 ETTRICK CIRCUIT	SOUTH HEDLAND 6722	Pilbara Constructions Pty Ltd	Dwelling Carport & Fence	\$	471,592.00	150	10a & 10b
13-423	25.11.2013	36 ETTRICK CIRCUIT	SOUTH HEDLAND 6722	Pilbara Constructions Pty Ltd	Dwelling Carport & Fence	\$	471,592.00	150	10a & 10b
13-426	25.11.2013	11 LIMESTONE ROAD	SOUTH HEDLAND 6722	Pilbara Constructions Pty Ltd	Dwelling Carport & Fence	\$	471,592.00	150	10a & 10b
13-427	25.11.2013	24 ETTRICK CIRCUIT	SOUTH HEDLAND 6722	Pilbara Constructions Pty Ltd	Dwelling Carport & Fence	\$	471,592.00	150	10a & 10b
13-428	22.11.2013	17 LIMESTONE ROAD	SOUTH HEDLAND 6722	Pilbara Constructions Pty Ltd	Dwelling Carport & Fence	\$	471,592.00	150	10a & 10b
13-424	26.11.2013	5 LIMESTONE ROAD	SOUTH HEDLAND 6722	Pilbara Constructions Pty Ltd	Dwelling Carport & Fence	\$	471,592.00	150	10a & 10b
13-422	26.11.2013	51 ETTRICK CIRCUIT	SOUTH HEDLAND 6722	Pilbara Constructions Pty Ltd	Dwelling Carport & Fence	\$	471,592.00	150	10a & 10b
13-425	26.11.2013	42 ETTRICK CIRCUIT	SOUTH HEDLAND 6722	Pilbara Constructions Pty Ltd	Dwelling Carport & Fence	\$	471,592.00	150	10a & 10b
13-447	25.11.2013	25 MORGANS STREET	PORT HEDLAND 6721	Perrine Architecture	Stage One - Footing Slab & Inground Service	\$	420,000.00	400	2
13-434	28.11.2013	10 FORREST CIRCLE	SOUTH HEDLAND 6722	Hickory Group (WA) Pty Ltd	Stage One - CivilPiling & Hydraulic Work	\$	1,500,000.00	0	2
13-289	06.11.2013	29 STEEL LOOP	WEDGEFIELD 6721	ARB CARPENTRY PTY LTD	Stage 2: Amended Footing 2 x Light Industry	\$	990,000.00	1166	5 & 8
13-445	26.11.2013	L113 OXIDE WAY	WEDGEFIELD 6722	Peritas Construction Management Pty Ltd	WORKSHOP	\$	2,500,000.00	887	5 & 8
13-411	13.11.2013	Unit 3, 37 PINNACLES STREET	WEDGEFIELD 6722	Savroc Constructions Pty Ltd	Internal Alteration (Additional Bathroom	\$	10,000.00	0	7b
13-361	11.11.2013	9-31 THROSSELL ROAD	SOUTH HEDLAND 6722	RETAIL FOOD GROUP	Shop Fitout - Pizza Capers	\$	100,000.00	0	6
13-415	11.11.2013	9-31 THROSSELL ROAD	SOUTH HEDLAND 6722	Civic Building Solutions	Fitout (Sushi Master)	\$	190,000.00	132	6
13-414	14.11.2013	9-31 THROSSELL ROAD	SOUTH HEDLAND 6722	Civic Building Solutions	Fitout (Cafe Masion)	\$	180,000.00	150	6
13-450	28.11.2013	9-31 THROSSELL ROAD	SOUTH HEDLAND 6722	KRIS BUSBY	Shop Fitout - Stingaz Surf Shop	\$	19,500.00	0	6
13-207	06.11.2013	9 CARLINDIE WAY	WEDGEFIELD 6724	GDD WA PTY LTD	WORKSHOP EXTENSION and CARETAKER'S	\$	620,000.00	232	8
13-357	13.11.2013	8 MURRENA STREET	WEDGEFIELD 6724	Campbell Howard Building Company	Workshop & Truckwash Facility	\$	433,220.00	638	8
13-349	01.11.2013	9-31 THROSSELL ROAD	SOUTH HEDLAND 6722	RESOLVE GROUP PTY LTD	Retail - Mobile Tech Kiosk	\$	19,000.00	0	6
<b>TOTAL 74</b>						<b>\$</b>	<b>30,576,257.00</b>		



## DELEGATED BUILDING APPROVALS FOR DECEMBER 2013

BUILDING PERMITS								
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
13-393	13.12.2013	181 WILSON STREET	PORT HEDLAND 6721	Niels Nielsen	Carport Pergola Shed & Fence	\$ 20,000.00	76	10a & 10b
13-489	04.12.2013	Lot 126 LIMESTONE ROAD	SOUTH HEDLAND 6722	ALM LANDSCAPING	Shade Structures x 3	\$ 45,000.00	0	10a
13-419	04.12.2013	11 BRODIE CRESCENT	SOUTH HEDLAND 6722	Pearl Coast Pools	Below Ground Swimming Pool	\$ 38,000.00	32	10b
13-432	04.12.2013	42 DOWDING WAY	PORT HEDLAND 6721	Pearl Coast Pools	Swimming Pool - Below Ground	\$ 34,000.00	28	10b
13-399	06.12.2013	205 ATHOL STREET	PORT HEDLAND 6721	Thommo's Carpentry	Replacement Fence	\$ 65,000.00	0	10b
13-500	18.12.2013	Unit A, 21 GRATWICK STREET	PORT HEDLAND 6721	Reve Pools and Spas	Swimming Pool (below ground) & Fence	\$ 48,500.00	26	10b
13-374	23.12.2013	3 OYSTER COURT	SOUTH HEDLAND 6722	MICHAEL COOLING	Swimming Pool - Below Ground	\$ 8,000.00	27	10b
13-497	24.12.2013	Lot 2115 NORTH CIRCULAR RD	SOUTH HEDLAND 6722	AUSTRALIAN PORTABLE CAMPS	Swimming Pool (retrospective)	\$ 35,000.00	50	10b
13-506	24.12.2013	Lot 15 MANILINHA DRIVE	BOODARIE 6722	Barrier Reef Pools Karratha	Swimming Pool and Fence	\$ 42,000.00	42	10b
13-468	03.12.2013	26 BARRAMINE LOOP	SOUTH HEDLAND 6722	COLIN WILKINSON DEVELOPMENTS PTY LTD	NEW DWELLING	\$ 492,491.00	167	1a
13-469	03.12.2013	22 BARRAMINE LOOP	SOUTH HEDLAND 6722	COLIN WILKINSON DEVELOPMENTS PTY LTD	NEW DWELLING	\$ 446,745.00	142	1a
13-471	03.12.2013	16 BARRAMINE LOOP	SOUTH HEDLAND 6722	COLIN WILKINSON DEVELOPMENTS PTY LTD	NEW DWELLING	\$ 492,491.00	167	1a
13-467	04.12.2013	24 BARRAMINE LOOP	SOUTH HEDLAND 6722	COLIN WILKINSON DEVELOPMENTS PTY LTD	NEW DWELLING	\$ 492,491.00	107	1a
13-470	05.12.2013	18 BARRAMINE LOOP	SOUTH HEDLAND 6722	COLIN WILKINSON DEVELOPMENTS PTY LTD	Dwelling	\$ 446,205.00	149	1a
13-472	05.12.2013	14 BARRAMINE LOOP	SOUTH HEDLAND 6722	COLIN WILKINSON DEVELOPMENTS PTY LTD	Dwelling	\$ 446,745.00	198	1a
13-488	06.12.2013	28 BARRAMINE LOOP	SOUTH HEDLAND 6722	T 7 R HOMES WA PTY LTD	Dwelling	\$ 435,370.00	120	1a
13-389	09.12.2013	37 LIMPET CRESCENT	SOUTH HEDLAND 6722	ARB Carpentry & Construction	Re Roof	\$ 25,000.00	0	1a
13-386	09.12.2013	12 WELSH STREET	SOUTH HEDLAND 6722	ARB Carpentry & Construction	Re Roof	\$ 25,000.00	0	1a
13-387	09.12.2013	14 FINLAY STREET	PORT HEDLAND 6721	ARB Carpentry & Construction	Re Roof	\$ 25,000.00	0	1a
13-392	10.12.2013	5 BARKER COURT	PORT HEDLAND 6721	ARB Carpentry & Construction	Re Roof	\$ 30,000.00	0	1a
13-377	10.12.2013	50 LIMPET CRESCENT	SOUTH HEDLAND 6722	ARB Carpentry & Construction	Replace Roof	\$ 25,000.00	0	1a
13-384	19.12.2013	5 BOHEMIA WAY	SOUTH HEDLAND 6722	ARB Carpentry & Construction	Replace Roofing	\$ 25,000.00	0	1a
13-388	19.12.2013	10 EDWINS WAY	SOUTH HEDLAND 6722	ARB Carpentry & Construction	Replace Roof	\$ 25,000.00	0	1a
13-381	20.12.2013	6 MUREX WAY	SOUTH HEDLAND 6722	ARB Carpentry & Construction	Replace Roof	\$ 25,000.00	0	1a
13-390	20.12.2013	8 ORCHID CLOSE	SOUTH HEDLAND 6722	ARB Carpentry & Construction	Replace Roof	\$ 25,000.00	0	1a
13-382	20.12.2013	8 MUREX WAY	SOUTH HEDLAND 6722	ARB Carpentry & Construction	Replace Roof	\$ 25,000.00	0	1a
13-379	20.12.2013	23 WARRALONG WAY	SOUTH HEDLAND 6722	ARB Carpentry & Construction	Replace Roof	\$ 25,000.00	0	1a
13-385	20.12.2013	21 WARRALONG WAY	SOUTH HEDLAND 6722	ARB Carpentry & Construction	Replace Roof	\$ 25,000.00	0	1a
13-383	20.12.2013	7 BOHEMIA WAY	SOUTH HEDLAND 6722	ARB Carpentry & Construction	Replace Roof	\$ 25,000.00	0	1a
13-378	20.12.2013	25 WARRALONG WAY	SOUTH HEDLAND 6722	ARB Carpentry & Construction	Replace Roof	\$ 25,000.00	0	1a
13-391	20.12.2013	14 MUREX WAY	SOUTH HEDLAND 6722	ARB Carpentry & Construction	Replace Roof	\$ 25,000.00	0	1a
13-474	16.12.2013	8 LIMESTONE ROAD	SOUTH HEDLAND 6722	PINDAN CONTRACTING PTY LTD	Dwelling Carport Store & Fence	\$ 483,534.00	176	10a & 10b
13-503	16.12.2013	44 BARRAMINE LOOP	SOUTH HEDLAND 6722	Colin Wilkinson Developments Pty Ltd	Dwelling Carport & Fence	\$ 446,205.00	208	10a & 10b

DELEGATED BUILDING APPROVALS FOR DECEMBER CONTINUED... 2013

Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor Area	Classification
13-466	24.12.2013	46 ETRICK CIRCUIT	SOUTH HEDLAND 6722	PINDAN CONTRACTING PTY LTD	Dwelling Carport Store & Fence	\$ 483,534.00	176	10a & 10b
13-462	24.12.2013	9 LIMESTONE ROAD	SOUTH HEDLAND 6722	PINDAN CONTRACTING PTY LTD	Dwelling Carport Store & Fence	\$ 483,534.00	176	10a & 10b
13-464	24.12.2013	49 ETRICK CIRCUIT	SOUTH HEDLAND 6722	PINDAN CONTRACTING PTY LTD	Dwelling Carport Store & Fence	\$ 483,534.00	176	10a & 10b
13-505	24.12.2013	32 BARRAMINE LOOP	SOUTH HEDLAND 6722	Colin Wilkinson Developments Pty Ltd	DWELLING CARPORT FENCE	\$ 446,205.00	209	10a & 10b
13-446	05.12.2013	LOT 2115 NORTH CIRCULAR RD	SOUTH HEDLAND 6722	Dimitrios Tsagouris	40 Units with ensuites	\$ 550,000.00	515	1b
13-402	17.12.2013	L45/219 MINING TENEMENT	PORT HEDLAND 6721	Leo Liu	Camp - 68 Accommodation Units	\$ 5,926,229.00	1595	2
13-516	23.12.2013	24 PATON ROAD	SOUTH HEDLAND 6722	Russell Noble Constructions Pty Ltd	Two Storey Residential Building & Carport	\$ 1,300,000.00	543	2
13-247	20.12.2013	UNIT 1, 25 PINNACLES STREET	WEDGEFIELD 6721	BMT Corporations	OFFICE DISPLAY ROOM MEZZANINE STORE	\$ 182,000.00	174	5 6 & 7b
13-498	18.12.2013	Lot 5991 COTTIER DRIVE	SOUTH HEDLAND 6722	ARB Carpentry Pty Ltd	Re-roof (J D Hardie Centre)	\$ 82,000.00	0	9b
TOTAL 42						\$ 14,541,313.00		

DEMOLITION LICENCES FOR NOVEMBER & DECEMBER 2013

There were no demolition permits for the month of November.

DEMOLITION PERMIT								
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor Area	Classification
13-451	04.12.2013	159 ATHOL STREET	PORT HEDLAND 6721	TRACKERS BACKHOE SERVICES	Demolition of Dwelling	\$ 26,000.00	225	1a
13-522	24.12.2013	8 BREAIRLEY STREET	PORT HEDLAND 6721	TRACKERS BACKHOE SERVICES	Demolition of Single Dwelling Unit & Ca	\$ 30,000.00	134	1a & 10a
TOTAL 2			Demolition Licences issued			\$ 56,000.00		

## OVERVIEW SUMMARY FOR NOVEMBER 2013

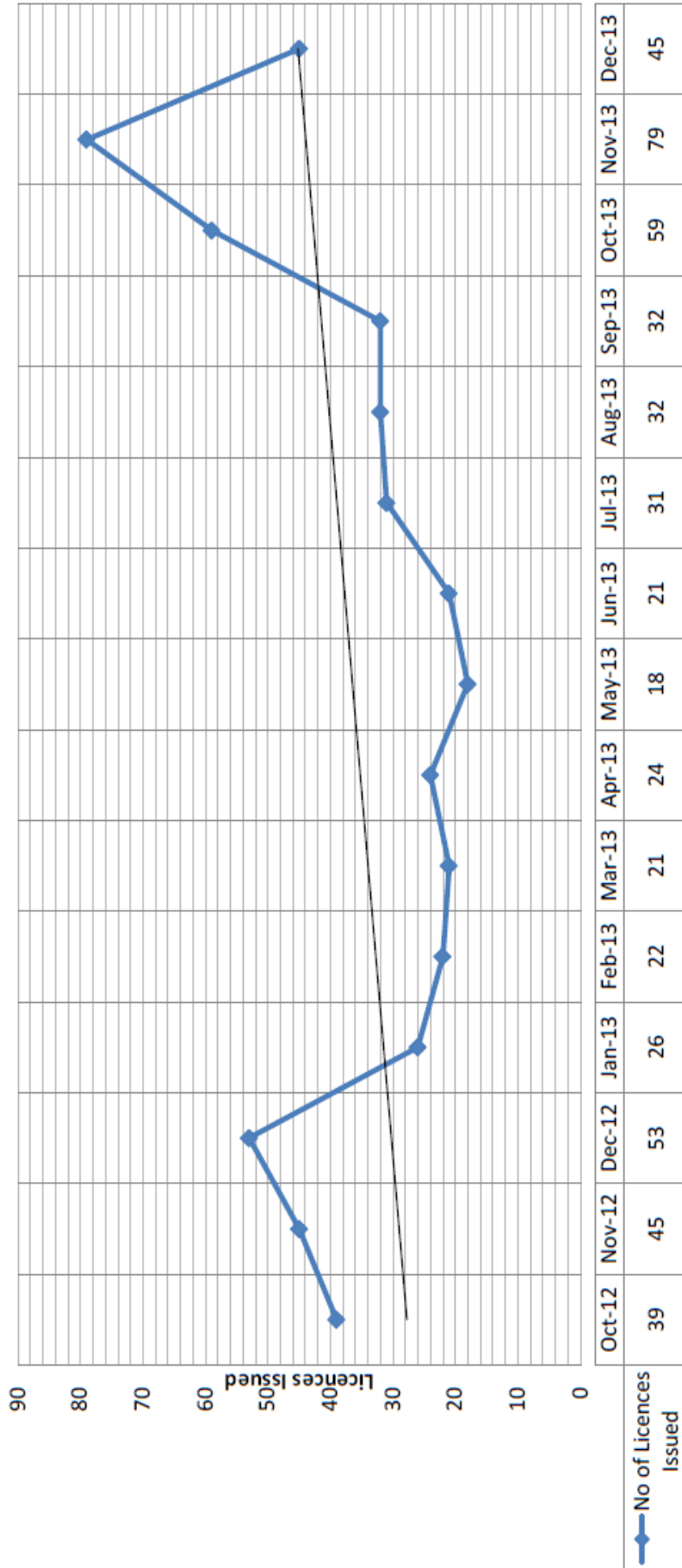
<b>SUMMARY</b>				
No of Permits	Permit Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
0	Demolitions	\$0	0	\$0.00
38	Dwellings	\$20,906,669	7,174	\$2,914.23
7	Class 10a	\$428,580	571	\$750.58
17	Class 10b	\$2,259,288	310	\$7,288.03
12	Commercial	\$6,981,720	3,605	\$1,936.68
5	Other (STRATA)	Nil	Nil	Nil
<b>79</b>		<b>\$30,576,257</b>	<b>11,660</b>	

## OVERVIEW SUMMARY FOR DECEMBER 2013

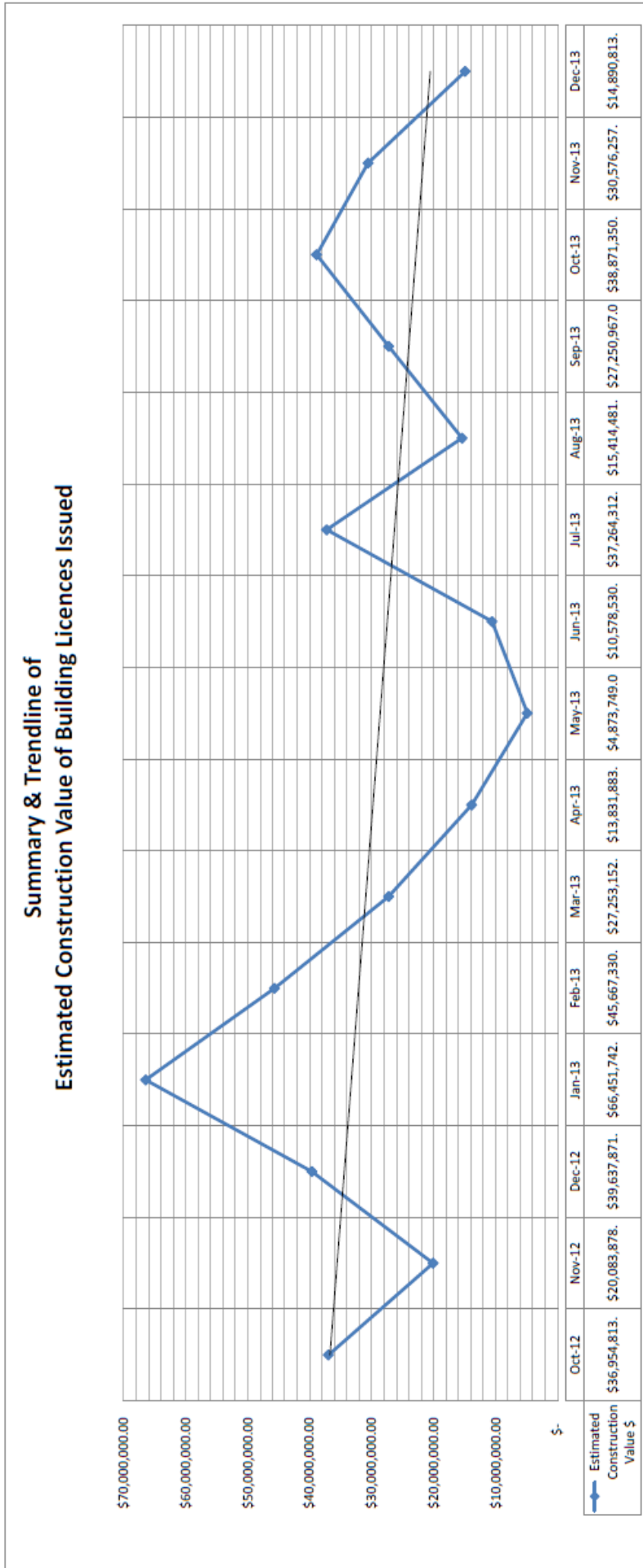
<b>SUMMARY</b>				
No of Permits	Permit Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
2	Demolitions	\$56,000	359	\$155.99
29	Dwellings	\$7,009,084	2,686	\$2,609.49
2	Class 10a	\$65,000	76	\$855.26
7	Class 10b	\$270,500	205	\$1,319.51
4	Commercial	\$7,490,229	2,312	\$3,239.72
1	Other - STRATA	N/A	N/A	N/A
<b>45</b>		<b>\$14,890,813</b>	<b>5,638</b>	

BUILDING APPROVALS FOR NOVEMBER & DECEMBER 2013

Summary & Trendline for Building Licence Approvals



**BUILDING APPROVALS FOR NOVEMBER & DECEMBER 2013**





## CURRENT LEGAL MATTERS FOR NOVEMBER &amp; DECEMBER 2013

CURRENT LEGAL MATTERS				Officer
File No.	Address	Issue	Current Status	
118711G	Lot 1675 (1690) Harwell Way, Wedgefield	Non-compliance with planning conditions	Case adjourned until 31/10/2013 to allow for sealing of the properties to occur. - Adjourned until March 2014.	BM
125910G	Lot 2445 # 32 Moorambine Street, Wedgefield - <b>Owner</b>	Unauthorised Concrete Batching Plant	Handed to attorneys - Court Hearing to be held on 24th June 2013 - Not Guilty Plea. Adjourned until 4/10/2013 - Trial date set for 4th June.	BM
125910G	Lot 2445 # 32 Moorambine Street, Wedgefield - <b>Tenant</b>	Unauthorised Concrete Batching Plant	Court Hearing to be held on 4/10/2013. - Trial allocation date to be determined in November 2013. - Adjourned until 20th February 2014.	BM
117650G	Lot 2505 # 7 Moorambine Street, Wedgefield	Unauthorised Residential Structures	Handed over to the attorney. - 1st Hearing set for Friday 2nd August 2013. - Adjourned until 30th August 2013. - Adjourned until 18th October 2013. - Sentencing scheduled for 22nd November 2013. - Adjourned until 20th Feb 2014.	BM

## CURRENT HEALTH ORDERS AS OF NOVEMBER &amp; DECEMBER 2013

Current Health Orders under Delegated Authority by Environmental Health Services			
File No.	Address	Issue	Current Status
803367G	Lot 2052 McGregor St Port Hedland	Metal frame spectator/grand stand seating erected on a trailer chassis.	~ Health order placed on temporary spectator stand ~ No public building application received by Town of Port Hedland, as such no approval has been granted for use as a temporary spectator stand ~ Town has notified Turf Club of issue

**11.1.1.2 Amendment to Purpose of Reserve 37820 (Lot 550 on Deposited Plan 61032) Hedditch Street, South Hedland (File No.: 130158G)**

**Officer** Julie MacMile  
Lands Officer and Technical Officer

**Date of Report** 17 December 2013

**Disclosure of Interest by Officer** Nil

**Summary**

Council is requested to approve an amendment to the purpose of Reserve 37820 located at Lot 550 Hedditch Street, South Hedland to include "Childcare".

**Background**

The Town currently holds a Management Order over Reserve 37820 (Lot 550) Hedditch Street, South Hedland for the purpose of "Clubs" and "Recreation".

This Reserve is zoned "Community" under Town Planning Scheme No 5 (TPS 5) and currently accommodates the South Hedland Tennis and Bowling Club.

**Consultation**

Nil

**Statutory Implications**

Section 46 of the *Land Administration Act 1997* outlines the process for the placing of care, control and management of Reserves.

**Policy Implications**

Nil

**Strategic Planning Implications**

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.  
Create local employment and investment and diversify the economy.

**Budget Implications**

There are no costs associated with the proposed amendment to the Management Order.

**Officer's Comment**

A portion of Reserve 37820 is currently being used for the South Hedland Tennis and Bowling Club.

The remaining portion of the Reserve is currently vacant.

The purpose of Reserve 37820 is proposed to be amended to include "Childcare", in order to allow the future development of a childcare centre on the site.

Amending the Management Order to include the additional use of child care will not be to the detriment of other potential users of the Reserve. This proposal will not affect any of the existing facilities and these facilities can still be used for any purpose consistent with the Management Order, if Council determines that such a use would be compatible.

Any potential lease for the site will need both Council and Ministerial approval prior to implementation.

The amendment to the Management Order should not have any planning implications as the proposed use is consistent with the "community" zone under TPS 5 as "childcare service" is a permitted use.

Council has the following options when considering the request:

1. Support the request to amend the purpose of Reserve 37820 located at Lot 550 Hedditch Street, South Hedland, to include "Childcare".

The change in purpose will allow the future development of a childcare centre on the site.

2. Reject the request to amend the purpose of Reserve 37820 located at Lot 550 Hedditch Street, South Hedland, to include "Childcare".

Should Council choose not to approve the change, the reserve purpose will remain as "Clubs" and "Recreation".

Option 1 is recommended.

**Attachments**

1. Locality Plan.

**Officer's Recommendation**

That Council:

1. Approves the request to amend the purpose of Reserve 37820 located at Lot 550 Hedditch Street, South Hedland, to include "Childcare"; and
2. Requests the Chief Executive Officer or their delegate to request the Department of Lands to amend the purpose of Reserve 37820 located at Lot 550 Hedditch Street, South Hedland, to include "Childcare".

**201314/212 Amended Officer's Recommendation/ Council Decision**

Moved: Cr Jacob

Seconded: Cr Hooper

That Council:

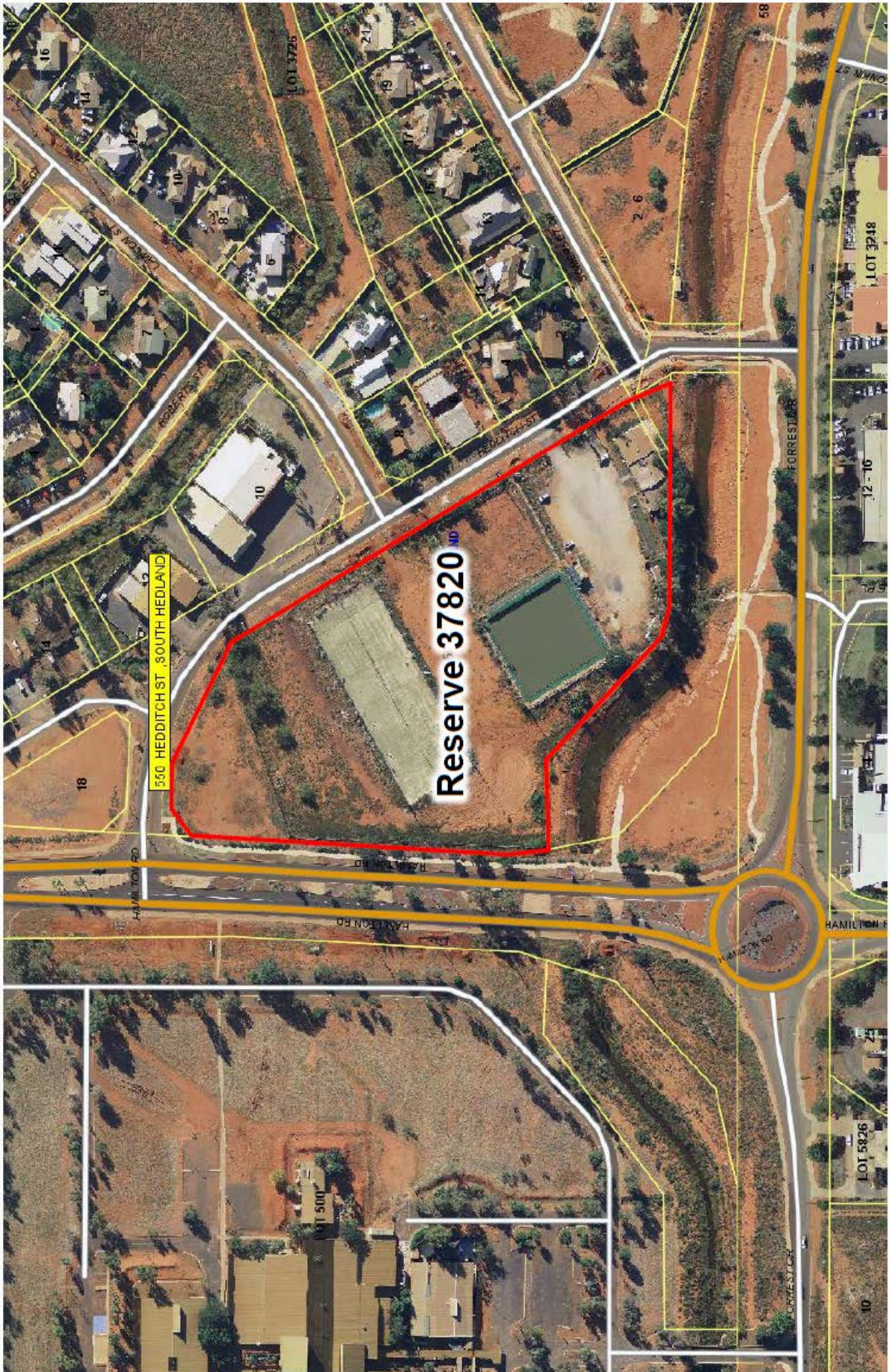
1. **Approve the request to amend the purpose of Reserve 37820 located at Lot 550 Hedditch Street, South Hedland on Deposited Plan 61032, to include "Childcare", with the power to lease for a period of twenty one (21) years; and**
2. **Request the Chief Executive Officer or their delegate to request the Department of Lands to amend the purpose of Reserve 37820 located at Lot 550 Hedditch Street, South Hedland on Deposited Plan 61032, to include "Childcare" and to include the power to lease for a period of twenty one (21) years.**

***CARRIED 9/0***



ATTACHMENT 1 TO ITEM 11.1.1.2

Amendment to Purpose of Reserve 37820 at Lot 550 Hedditch Street, South Hedland





**11.1.1.3 Proposed Renaming of a Portion of Great Northern Highway to Powell Road (File No.: 18/07/0016)**

**Officer** Katherine Press  
Lands and Technical Officer

**Date of Report** 9 December 2013

**Disclosure of Interest by Officer** Nil

**Summary**

Due to the re-alignment of Great Northern Highway (GNH), the portion of GNH adjacent to Wedgefield will no longer be part of GNH and is required to be re-named.

Council is requested to consider the request favourably.

**Background**

At the Ordinary Council meeting held on 24 April 2013, Council resolved to rename a portion of GNH to Wallwork Road. This portion of GNH is situated between the existing Wallwork Road and Wilson Street.

Prior to the dedication and construction of the GNH - Wedgefield Bypass, it is required that the portion of Great Northern Highway adjacent to Wedgefield, is also renamed. It is proposed to rename this portion to 'Powell Road'.

(Please refer to Attachment 1 for Locality Plan)

The Town's Officers have undertaken research on Port Hedland's history to find an appropriate road name relating to the general theme of Wedgefield being transport and industry.

The Town's Officers have located information on long time Port Hedland resident, Buster Powell. During the 1950's and 60's Buster was a sub-contractor for DFD Rhodes and hauled up to 53 tonnes of manganese ore on two trips per week for 10 years between Woody Woody Mine to Port Hedland (400km). Buster decided that he would need to pull in roadtrain configuration if he was to make a decent living. The road between Woody Woody Mine and Port Hedland is described as one of the worst roads in Australia.

Buster Powell drove a 1948 heavy duty twin steer "Foden" truck. Overheating was a major problem in the searing hot summers of the Pilbara, so Buster fitted his radiator with a header tank made from two 44 gallon drums.

Buster Powell passed away in 1985.

The portion of GNH required to be renamed is currently a main road and is under the control and management of Main Roads WA. As part of the GNH realignment this portion of GNH will be downgraded to a local road. It is intended in the future that this road will be under the control and management of the Town.

### **Consultation**

The matter was referred to Engineering Operations and Technical Services, with no objections received.

### **Statutory Implications**

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

Australian and New Zealand Standard ASNZS 4819-2011 Rural and Urban Addressing.

### **Policy Implications**

Policy 12-004 Road Names and Street Numbering

### **Strategic Planning Implications**

6.2 Economic

6.2.2 Gateway City & an attractive destination

Develop Port Hedland's sea, air and road transport infrastructure so that it becomes that main access hub for the Pilbara.

### **Budget Implications**

The costs of the new street signage will be paid out of the Town's Engineering Department operating account.

### **Officer's Comment**

Due to the re-alignment of GNH, it is essential that the existing portions of GNH that will no longer be required as part of the new GNH realignment, be re-named.

The Town's Officers have researched a name that is historically significant to transport and industry within the Pilbara. The road name chosen is as follows:

Powell - During the 1950's and 60's Buster was a sub-contractor for DFD Rhodes and hauled up to 53 tonnes of manganese ore on two trips per week for 10 years between Woody Woody Mine to Port Hedland (400km).

This name has not previously been utilized within the Town and it is requested Council approve the use of this name for the renaming of a portion of GNH, as per attachment 1.

#### *Options*

Council has the following options:

1. Approve the use of 'Powell' for the renaming of a portion of Great Northern Highway, as per Attachment 1.

Should Council approve the above proposal it will see a portion of GNC being renamed to 'Powell Road'.

2. Refuse the use of 'Powell' for the renaming of a portion of Great Northern Highway, as per Attachment 1.

Refusal of this matter will require Council to provide further guidance to the preferred street names for portions of GNC.

#### **Attachments**

1. Locality plan – Great Northern Highway.

#### **201314/213 Officer's Recommendation/ Council Decision**

**Moved: Cr Hunt**

**Seconded: Cr Jacob**

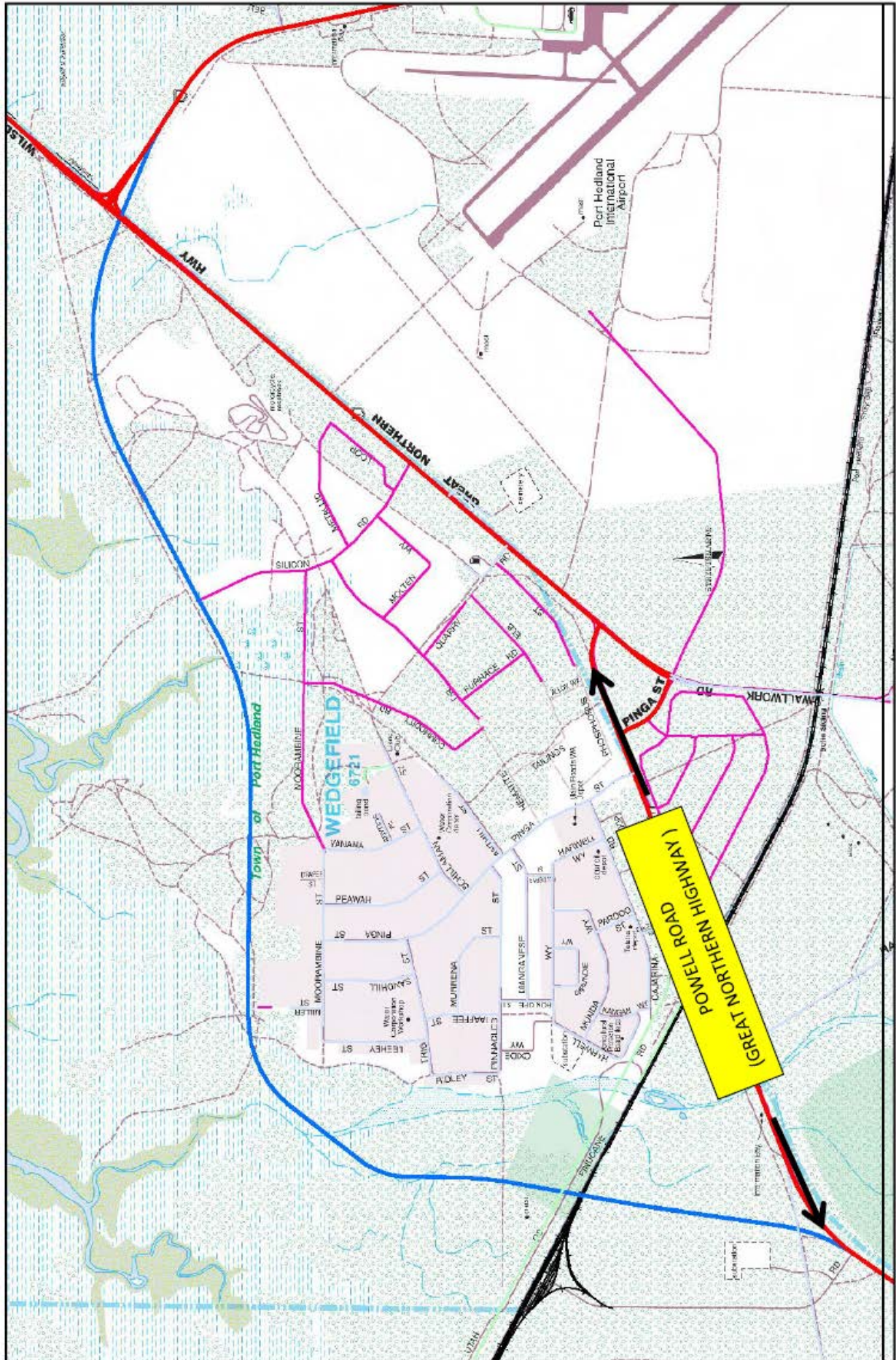
#### **That Council:**

1. **Approve the renaming of the portion of Great Northern Highway, Port Hedland to Powell Road, as per attachment 1, to commence when the subject portion of Great Northern Highway is reclassified to a local road;**
2. **Delegate the Manager Planning Services to submit the request for the re-naming of the portion of Great Northern Highway to the Geographical Names Committee for final approval, subject to the following:**
  - a) **The proposed renaming of the portion of Great Northern Highway be advertised for a period of 30 days pursuant to Town of Port Hedland Policy 12-004 Road Names and Street Numbering;**
  - b) **No objections being received during the advertising period.**

***CARRIED 9/0***



ATTACHMENT 1 TO ITEM 11.1.1.3



**11.1.1.4 Proposed Scheme Amendment No. 68 to the Town of Port Hedland Town Planning Scheme No.5: Rezone Lot 5863 Butler Way, Port Hedland from “Parks and Recreation” to “Residential R20”. (File No.: 18/09/0081)**

**Officer** Ryan Djanegara  
A/Manager Planning  
Services

**Date of Report** 17 December 2013

**Disclosure of Interest by Officer** Nil

**Summary**

Council is requested to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* (TPS5) to rezone Lot 5863 Butler Way, Port Hedland (subject site) from “Parks and Recreation” to “Residential R20”.

The request is supported by the Town’s Officers, Council is requested to consider the request favourably.

**Background**

*Site description*

The subject site is located within the Pretty Pool suburb and has dual frontage to Butler Way and Pennings Court. The site has an approximate area of 2,156m<sup>2</sup> and is currently reserved “Parks and Recreation”. The land is vacant and has not been developed for recreation purposes.

*Hedland Land Availability Plan*

In 2008, RPS was commissioned by the Town of Port Hedland to prepare the Port Hedland Land Rationalisation Plan (LRP). The LRP was used to identify public land for immediate and long term residential development. This plan also provided the Town with a strategic direction in terms of the statutory requirements to prepare the land for residential development, including scheme amendments and cancellation of reservations.

The LRP was reviewed in 2011, to ensure its ongoing relevance and to broaden its scope to include potential private land and non-residential land. The document has since been renamed the Hedland Land Availability Plan (HLAP).

*Previous Council Resolution to Cancel Recreation Reserve*

Following the recommendations of the HLAP, at its previous Ordinary Meeting dated 25 July 2012 Council resolved to acquire eleven of the identified properties within the Recreational Reserves for land development projects (including the subject site).

The land parcels identified were undeveloped recreational reserve areas that officers had determined were not required for future provision of Public Open Space. The decision to excise the subject site and cancel its recreation reserve was reaffirmed a second time by Council at its September 26 2012 Ordinary Meeting.

*Development Lease*

In late 2012, the Town of Port Hedland was granted a development lease by the Department of Regional Development and Lands (RDL) on Recreation Reserve 40652 Lot 5863 on Deposited Plan 191022, Butler Way Port Hedland. The lease requires development of the land for residential purposes.

The agreement with the Department of Regional Development and Lands allows the Town of Port Hedland to purchase the land parcels at 5% of unimproved market value. This is permitted on the condition that all funds raised from subsequent development or sale of the land is reserved for expenditure on upgrades to existing or development of new recreation space in the Town of Port Hedland.

*Proposed Scheme Amendment No. 68*

The proposed scheme amendment will seek to zone the subject site "Residential R20" which will enable it to be developed and subdivided.

**Consultation**

Should Council resolve to initiate this amendment to TPS 5 as recommended, the documentation will be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to Section 81 of the Planning and Development Act, 2005, after which it will be advertised for public comment.

**Statutory Implications**

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

**Policy Implications**

10/001 – Existing Trees

"Pundal trees shall not be removed without prior consent of Council".

A visit to the site has revealed there are no Pundal Trees located on the site.

### **Strategic Planning Implications**

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

6.3 Environment

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6.3.1 Housing

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Address housing shortage & affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013.

The following section of the "Pilbara's Port City Growth Plan" is considered relevant to the proposal:

5.6.2 Precinct 2 – East End Urban Village

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Precinct Statement

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"The East End Urban Village is Port Hedland's primary residential area. The area, encompassing Cooke Point and Pretty Pool, offers significant housing density and diversity together with sport and recreation opportunities, and school and community facilities. At its core is a retail and mixed use village offering a range of local convenience as well as dining and entertainment choices. Strong links to the coast and mangrove environs have been established offering residents and visitors alike a closer connection with the landscape."

### **Budget Implications**

A prescribed fee of \$9,758.60 has been paid for the initiation of the scheme amendment.

### **Officer's Comment**

#### *Existing Public Open Space in Pretty Pool*

The proposed scheme amendment seeks to rezone the subject site from "Parks and Recreation" reserve to a "Residential" zone. When assessing the proposed amendment, the public open space/recreational needs of the existing and future residents must be taken into consideration. In context of the locality, there are three currently existing public open spaces within the Pretty Pool suburb. This includes:

1. Pretty Pool Creek and Coastal Foreshore;
2. Pretty Pool Park; and
3. Yikara Park.



The developed parkland areas (Pretty Pool Park and Yikara Park) are both 'neighbourhood parks' being approximately 3,000 – 8,000m<sup>2</sup> in area. These parks are equipped with barbeque and picnic facilities along with children's playground and a grassed open area, and are well situated within the suburb being highly accessible and safe.

The majority of houses are within 400m walking distance via the footpath network with a small number of houses being 450 – 550m from the nearest local park. It is considered that these public open spaces adequately cater for the needs of the residents in Pretty Pool.

As the Council has resolved to cancel the recreation reservation of this site, the proposed rezoning to "Residential" is consistent with the Town's Strategic Direction and therefore should be supported.

*Justification for the proposed "R20" density*

In addition to the above, it is important to ensure that appropriate densification is undertaken in a proper and orderly manner. Spot rezoning is generally discouraged as they often result in conflict with adjoining property zonings and their associated planning controls and development opportunities. In the absence of a Local Housing Strategy, the Planning Services Unit has taken into consideration the existing density coding, lot sizes and dwelling types within the locality.

The immediate surrounding properties are zoned "Residential R15". This density code is considered low and reflects the existing character of the area which comprises predominately of one and two storey single detached dwellings. These dwellings range in lot sizes from 400m<sup>2</sup> to 2,000m<sup>2</sup>. The density codes within the Pretty Pool Development Plan range from R20 to R80.

The Hedland Land Availability Plan (HLAP) identifies potential density code of "R30". The difference between the different densities has been shown in the table below:

R-Code Density	Minimum Lot size	Average Lot size	Density Type	Example of housing type encouraged	Approximate Lot/Unit Yield
R15	580m <sup>2</sup>	666m <sup>2</sup>	Low	Single Houses	3
R20	350m <sup>2</sup>	450m <sup>2</sup>	Low	Single Houses / Grouped Dwellings	4 – 5
R30	260m <sup>2</sup>	300m <sup>2</sup>	Medium	Grouped Dwellings / Apartments	7
R40	180m <sup>2</sup>	220m <sup>2</sup>	Medium	Grouped Dwellings / Apartments	8 – 9
R80	100m <sup>2</sup>	120m <sup>2</sup>	High	Small dwellings / Apartments	17

The proposed medium density of R30 is considered inappropriate and would conflict with the low density character of the area. The R20 density code as proposed would give the subject site a development potential of four to five dwellings.

The proposed density, albeit higher than R15, is still a low density code that will allow housing to be constructed to reflect the character of the area. Given the above, it is recommended Council support the initiation of the Scheme Amendment as proposed.

### **Options**

Council has the following options when considering the matter:

1. Initiate the Scheme Amendment.

The initiation of the Scheme Amendment is in line with the vision of the Pilbara Port City Growth Plan, and will allow the site to be considered for future development for housing opportunities.

2. Refuse to initiate the Scheme Amendment

The refusal to initiate the Scheme Amendment would result in the land remaining vacant and undevelopable.

Option 1 is recommended.

### **Attachments**

1. Scheme Amendment Documentation (Under Separate Cover)

### **201314/214 Officer's Recommendation/ Council Decision**

**Moved: Cr Taylor**

**Seconded: Cr Jacob**

**That Council:**

- A. Pursuant to Part 5 of the Planning and Development Act 2005, initiate Scheme Amendment No.68 to the Town of Port Hedland Town Planning Scheme No.5 to:**
  - 1. Rezone Lot 5863 Butler Way, Port Hedland from "Parks and Recreation" to "Residential R20";**
  - 2. Amend the Scheme map accordingly.**
- B. Forward Amendment No. 68 to the Town of Port Hedland Town Planning Scheme No.5 to the Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the Planning and Development Act, 2005; and**

- C. Should confirmation from the EPA indicate the amendment is not subject to formal environmental assessment, advertise the amendment pursuant to Regulation 25(2) of the *Town Planning Regulations 1967 (as amended)* for a period of 42 days.

*CARRIED 9/0*

**11.1.1.5 Proposed Residential Building on Lot 5 (17-21) Greenfield Street South Hedland Rural Estate (File No.: 154415G)**

**Officer** Ben McKay  
Planning Officer

**Date of Report** 23 December 2013

**Disclosure of Interest by Officer** Nil

**Summary**

The Town has received an application from McGrath Homes on behalf of Kevin and Gitte Hall being the owners of Lot 5 (17-21) Greenfield Street South Hedland Rural Estate (subject site), for a "Residential Building".

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

**Background**

*Previous Applications*

There have been six (6) applications previously for "Residential Building" within a Rural Residential Zone. There have been four (4) applications within the Turner River precinct and two (2) within the South Hedland Rural Estate. The Planning Services Unit has recommended each application be refused, however Council has approved each respective development. (refer to Attachment 1)

*Location and description (Attachment 1)*

The subject site is located on the northern side of Greenfield Street South Hedland Rural Estate (Attachment 1), and measures approximately 2.8461 ha.

*Current Zoning and Use*

In terms of the Port Hedland Town Planning scheme No. 5 (TPS5) the subject site is zoned "Rural Residential". There is an existing single house and associated outbuildings on the site. The permissibility of the proposed "Residential building" is an "AA" use.

*The Proposal (Attachment 2)*

The applicant is seeking approval of a "Residential Building" consisting of a 4 bedroom, 2 bathroom single storey building.



### Consultation

The scheme does not require an "AA" use to be advertised.

### 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 (TPS5).

The applicant has requested that the building be approved as a "Residential Building" which is defined in the Scheme as being:

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

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

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

It is considered the proposal is best classified as a "Grouped Dwelling", which is defined as:

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

The Planning Services Unit considers the proposed development to be a Grouped dwelling, being a prohibited use within the Rural Residential zone.

### Policy Implications

Nil.

### Strategic Planning Implications

The following section of the "Pilbara's Port City Growth Plan" is considered relevant to the proposal:

5.6.14 Precinct 14 – Southern

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**5.6.1 Precinct 14 – Southern**

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**Precinct Summary**

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The Southern precinct provides opportunities for residents opting for a rural-residential lifestyle. Limited growth of the established rural-residential area is balanced with the need to protect the wider area for future urban development requirements.

**Budget Implications**

Immediate:

An application fee of \$1,461.29 has been received as per the prescribed fees approved by Council.

Long Term:

Nil

Whole of Life:

On completion the development will be levied with additional rates.

**Officer's Comment***Development in the Rural Residential zone*

A "Residential Building" is an "AA" use in the rural residential zone. An "AA" use is defined as:

*The development is not permitted unless the Council has granted planning approval.*

Council has the discretion to consider and determine whether a proposed use is appropriate for a designated zone. The proposed development is located within the "Rural Residential" zone, which is defined as:

*"Subdivision and development of land where lots and dwellings are located in a rural setting, here the use of lots may include agriculture or intensive agriculture and the development standards for lots, including lot sizes have been endorsed by the Council and Commission in accordance with Commission Policy."*

In the "Rural Residential" zone, the scheme requires that each lot has a minimum lot size of 1ha where reticulated water is provided. The subject site is able to connect to reticulated water. With a total lot size of 2.8461ha, the landowner is able to subdivide their property to create two freehold lots.

*Definition of Residential Building*

From a planning perspective there is great concern relating to the definition and intended use of the building. The applicant has requested that the building be approved as a "Residential Building" which is defined in the Scheme as being:

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

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

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

The intention of a "Residential Building" is similar to a dormitory that is to provide accommodation permanently for 7 or more persons or temporarily for two or more persons. An example of such is the youth accommodation centre along Corbet Place, which provides temporary accommodation for nine persons and two staff workers. The development comprised of three buildings including separate outbuildings that would allow persons to stay in that facility temporarily for three to six months.

*Planning's assessment of the proposed development*

The plans submitted are that of an additional dwelling on the site and does not include any buildings or portion of a building separate from each other. The applicant has stated that the purpose of the proposed residential building is to provide temporary rental accommodation.

Based on the landowner's intentions, it is considered the proposal is best classified as a "Grouped Dwelling", which is defined as:

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

A Grouped dwelling is a prohibited use within a Rural Residential zone. The proposed additional dwelling will be contained on the same lot as the existing dwelling and is therefore considered to better fit the definition of a "Grouped Dwelling" as opposed to that of a "Residential Building".

On this basis, the proposed development is a prohibited land use and the Planning Services Unit cannot support the application and is recommended to be refused.

### **Attachments**

1. Locality Map
2. Development Plans

### **Officer's Recommendation**

That Council:

- a. Refuse the application submitted by McGrath Homes on behalf of Kevin and Gitte Hall for a Residential Building at Lot 5 (17-21) Greenfields Street, South Hedland Rural Estate for the following reasons:
  1. The proposed use does not meet the definition of a "Residential Building" as defined by the Town Planning Scheme No. 5
  2. In terms of TPS5 the proposed use is better defined as "Grouped Dwelling" being a prohibited use within a "Rural Residential" zone.
- b. Advise the landowner is able to subdivide their property and recommends submitting a subdivision application to the Department of Planning to create two freehold lots of a minimum lot size of 1ha.

### **201314/215 Alternative Recommendation/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Hunt**

**That Council:**

- a. **Refuse the application submitted by McGrath Homes on behalf of Kevin and Gitte Hall for a Residential Building at Lot 5 (17-21) Greenfields Street, South Hedland Rural Estate for the following reasons:**
  1. **The proposed use does not meet the definition of a "Residential Building" as defined by the Town Planning Scheme No. 5**
  2. **In terms of TPS5 the proposed use is better defined as "Grouped Dwelling" being a prohibited use within a "Rural Residential" zone.**

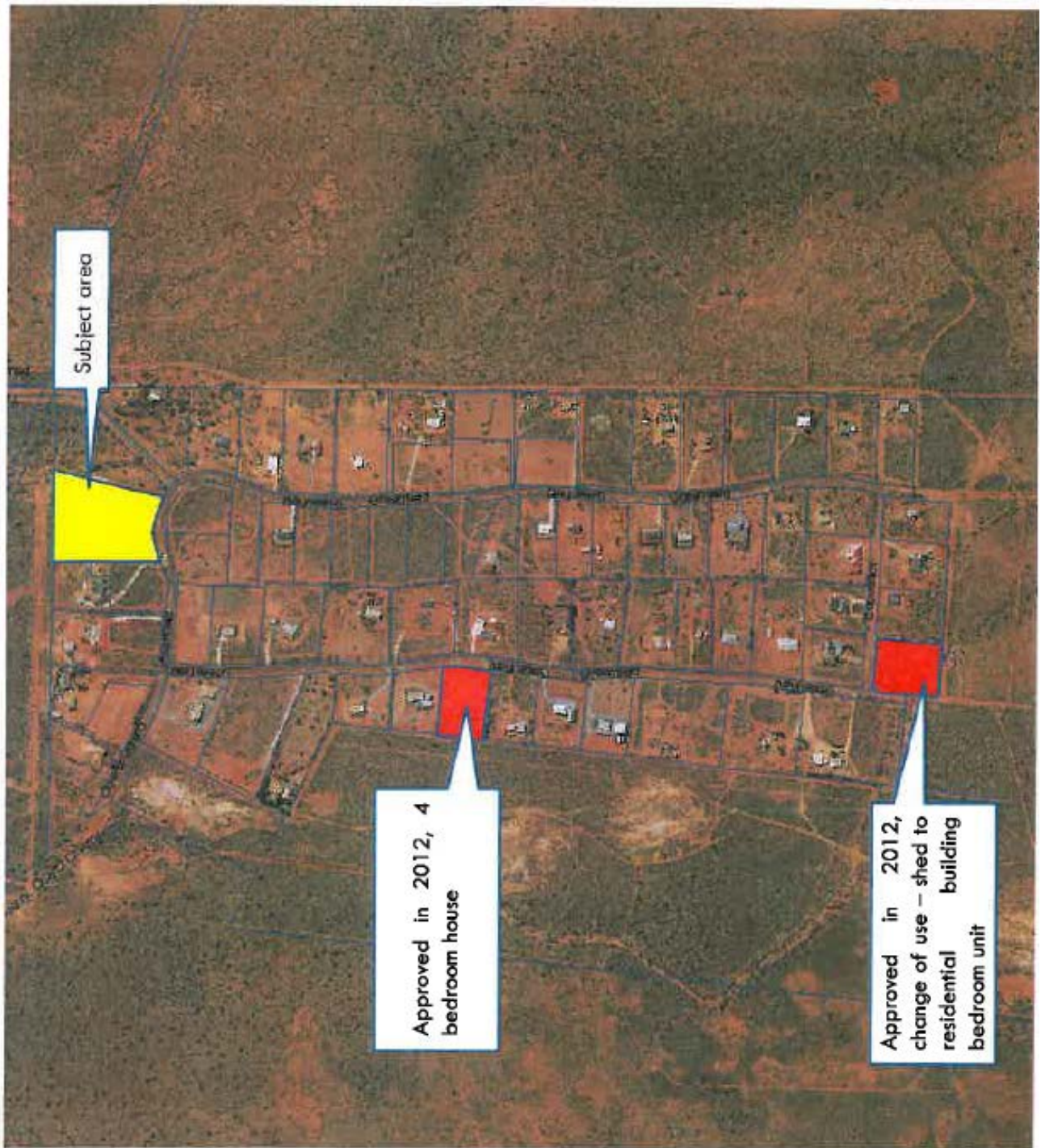
- b. Advise the landowner that it will fully supports a subdivision application at Lot 5 (17-21) Greenfields Street, South Hedland Rural Estate; and**
- c. Strongly encourage the landowner to submit a subdivision application to the Department of Planning to create two freehold lots of a minimum lot size of 1ha.**

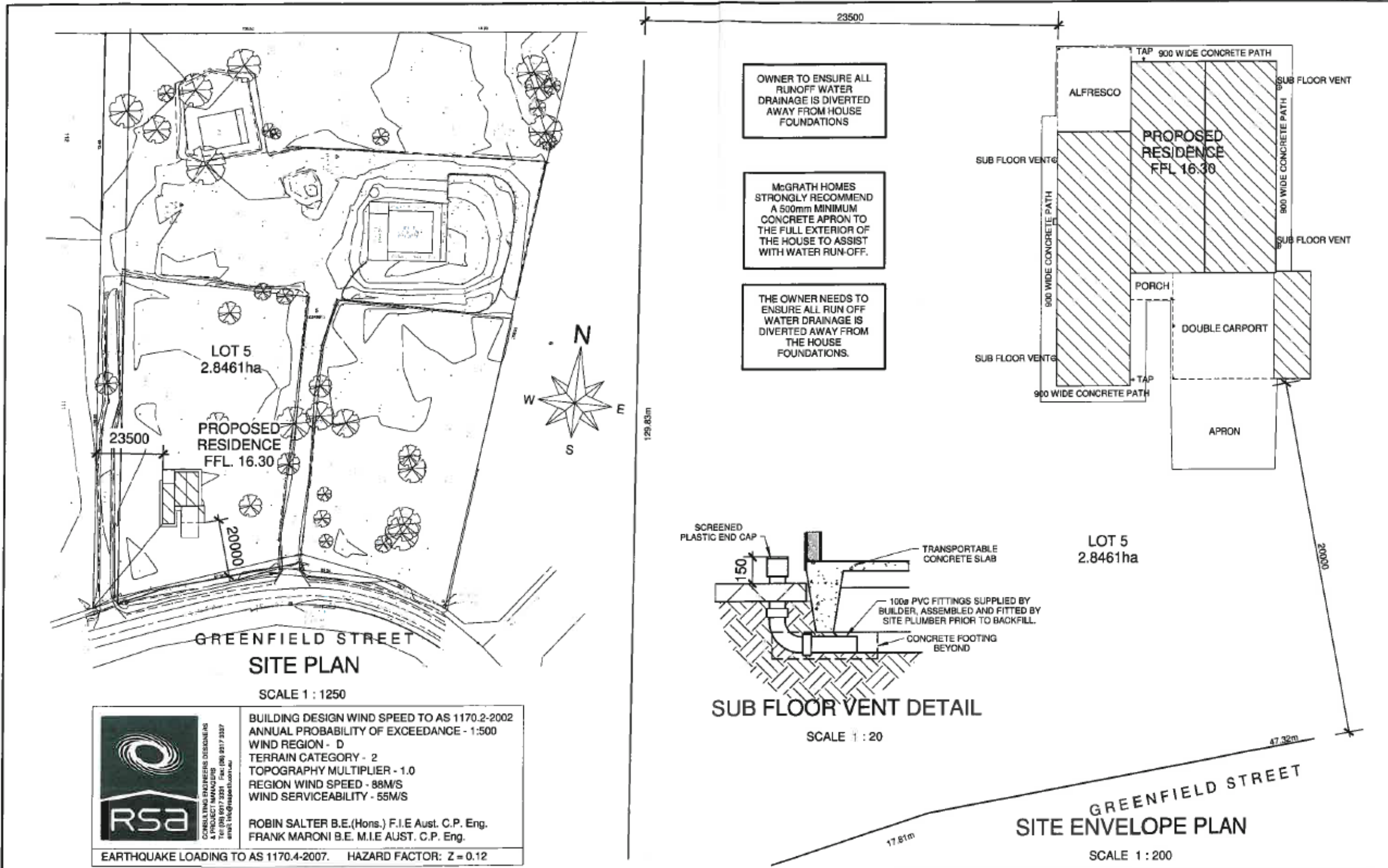
***CARRIED 6/3***

**RESIDENTIAL BUILDING ON LOT 5  
GREENFIELD STREET, BOODARIE**









**mcgrath** homes

31 challenge boulevard, wangara, wa 6065  
po box 1229, wangara, wa 6947  
telephone: (08) 9302 1131 fax: (08) 9302 1132 country toll free: 1800 62 1131  
website: www.mcgrathhomes.com.au e-mail: sales@mcgrathhomes.com.au

THIS PLAN IS THE PROPERTY OF McGRATH HOMES AND SHALL NOT BE COPIED OR USED WITHOUT THEIR PERMISSION

PROPOSED NULLAGINE FOR:

**KA & G HALL**

**LOT 5 GREENFIELD STREET**  
**SOUTH HEDLAND**

Date	Rev	Description

job no.	131076
date	19/09/2013
drawn	GRE
checked	--
sheet no.	3
rev.	

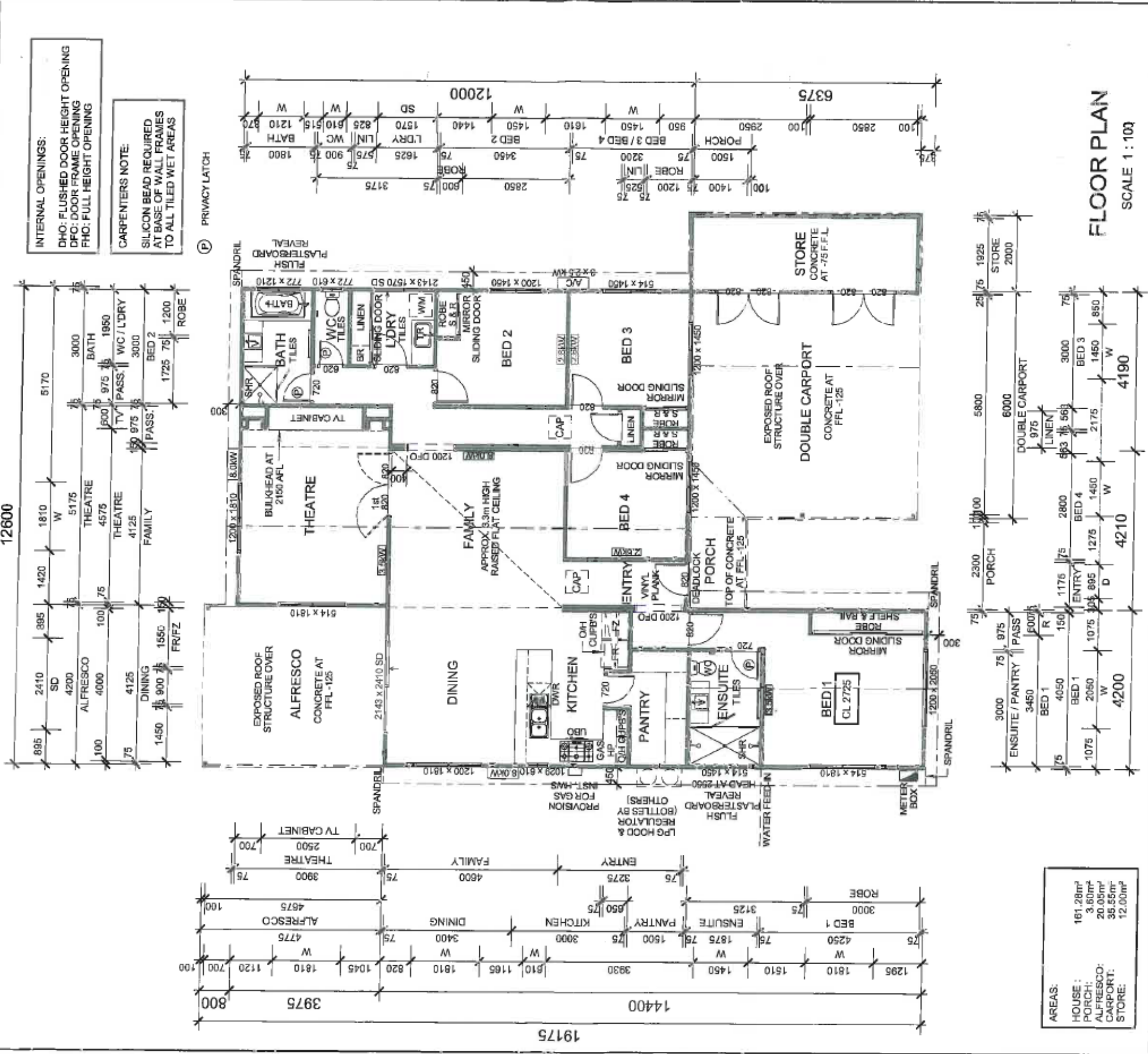


BUILDING DESIGN WIND SPEED TO AS 1170.2-2002  
 ANNUAL PROBABILITY OF EXCEEDANCE - 1:500  
 WIND REGION - D  
 TERRAIN CATEGORY - 2  
 TOPOGRAPHY MULTIPLIER - 1.0



ROBIN SALTER B.E.(Hons.) F.I.E Aust. C.P. Eng.  
 FRANK MARONI B.E. M.I.E. Aust. C.P. Eng.

EARTHQUAKE LOADING TO AS 1170.4-2007. HAZARD FACTOR: Z = 0.12



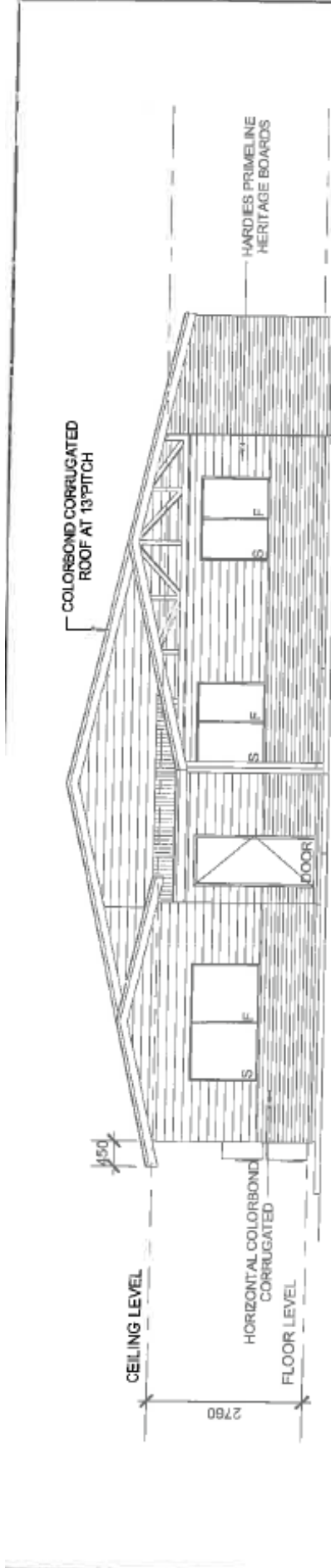
**mcgrath homes**  
 31 challenge boulevard, warrigala, wa 6065  
 po box 1229, warrigala, wa 6947  
 telephone: (08) 9302 1131 fax: (08) 9302 1132 country toll free: 1800 62 1131  
 website: www.mcgrathhomes.com.au e-mail: sales@mcgrathhomes.com.au

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PROPOSED NULLAGINE FOR:  
**K & G HALL**  
 LOT 5 GREENFIELDS STREET  
 SOUTH HEDLAND

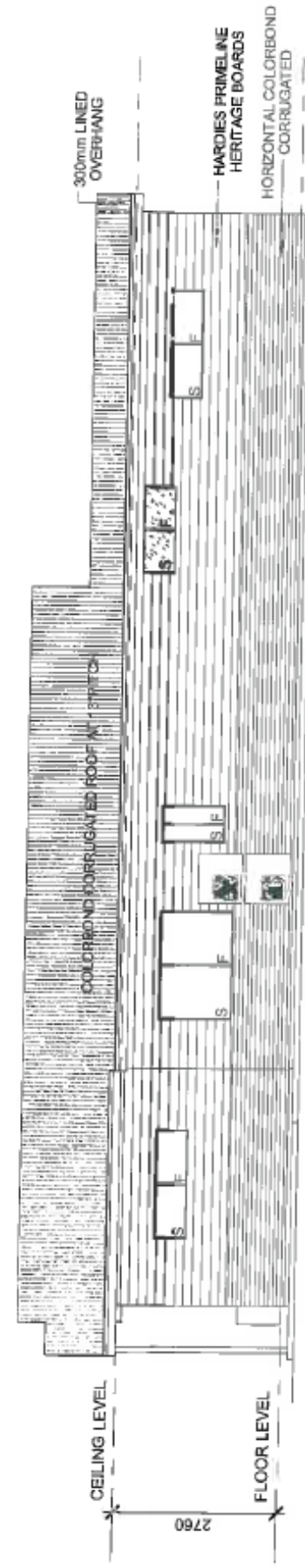
Date	Rev	Description

job no.	131076
date	19/09/2013
drawn	GRE
checked	--
sheet no.	1



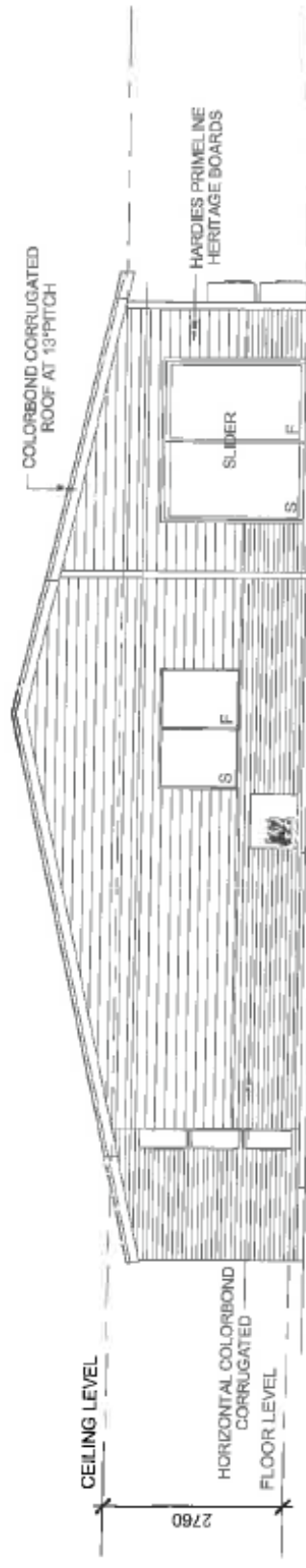
**FRONT ELEVATION**

SCALE 1 : 100



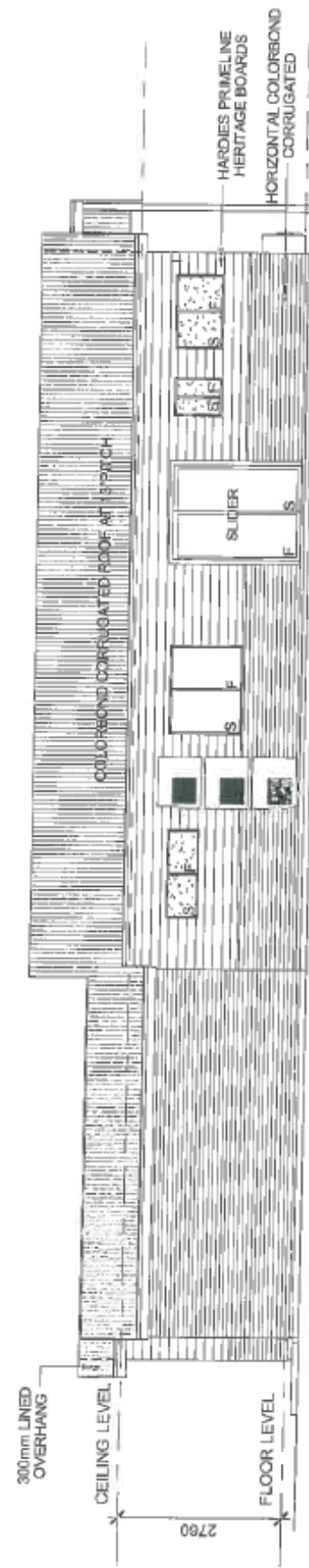
**LEFT SIDE ELEVATION**

SCALE 1 : 100



**REAR ELEVATION**

SCALE 1 : 100



**RIGHT SIDE ELEVATION**

SCALE 1 : 100


**mcgrath** homes  
 31 challenge boulevard, wangara, wa 6065  
 po box 1228, wangara, wa 6947  
 telephone: (08) 9302 1131 fax: (08) 9302 1132 country toll free: 1800 82 1131  
 website: www.mcgrathhomes.com.au e-mail: sales@mcgrathhomes.com.au  
\*DISPLAY IS THE PROPERTY OF MCGRATH HOMES AND SHALL NOT BE COPIED OR USED WITHOUT THEIR PERMISSION

PROPOSED NULLAGINE FOR:  
**K & G HALL**  
 LOT 5 GREENFIELDS STREET  
 SOUTH HEDLAND

Date	Rev	Description

job no.	131076
date	19/09/2013
drawn	GRE
checked	
sheet no.	2
rev.	

**11.1.1.6 *Proposed Extension of Crown Lease for Lot 500 Schillaman Street, Wedgefield and Inclusion of Reserve 29235 (being Lot 1621 on Deposited Plan 211131) into Crown Lease L715481 (File No.: 155680G, 05/12/0123)***

<b>Officer</b>	<b>Mal Osborne Chief Executive Officer</b>
<b>Date of Report</b>	<b>10 December 2013</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

Lot 500 Schillaman Street, Wedgefield is currently the subject of a Crown Lease to Compass Group (Australia) for Transient Workforce Accommodation (TWA). This lease was registered on 24<sup>th</sup> August 2011 for a period of three (3) years and is due to expire in August 2014.

The existing TWA facility (Wedgefield Accommodation Village) on Lot 500 currently uses the sewerage treatment ponds on Reserve 29235 (Lot 1621) for effluent disposal. The Town holds a Management Order over this Reserve for the purposes of "Sewerage Effluent Disposal" with the power to lease for a period of 21 years. There is currently no lease over the site between the Town and Compass Group (Australia).

The Town has received a request from the Department of Lands (DoL) seeking comment on the proposed extension of the lease to Compass Group until 31 December 2016. Comment is also sought on the inclusion of Reserve 29235 (being Lot 1621 on Deposited Plan 211131) into the lease area (refer Attachment 1).

Council is requested to consider whether to support the extension of the lease and the inclusion of Reserve 29235 into Crown Lease L715481.

**Background**

The Wedgefield Accommodation Village has been the subject of various leases over the years and the property description has changed many times due to subdivision and amalgamation of the site. The accommodation village is situated on a lot currently known as Lot 500 Schillaman Street and is the subject of Crown Lease L715481.

A brief history of the site is detailed below:

10 August 1967 – Reserve 28691 (also known as Lot 1001) vested with the Town for the purpose of "Contractors Camp".

October 1967 – Original Application for accommodation rooms on Lot 1001 received by the Town.

October 1967 – October 1995 – Many applications received over the years for additional rooms.

31 October 1995 – Cancellation of Reserve 28691 (Lot 1001) and revocation of Management Order for the “Contractors Camp”. The cancellation of Reserve 28691 (Lot 1001) enabled the subdivision of this site into a number of lots. The Town subsequently entered into a Lease with the Crown for a Special Lease over one of the newly created lots for “Contractor’s Camp”.

For many years the accommodation village site (previously Lot 1001) was the subject of an arrangement between Council and P & O Catering whereby an annual rent was paid to Council. P & O Catering utilised the site and Reserve 29235 Schillaman Street for an accommodation village and effluent disposal site respectively. No formal lease was ever signed, although Reserve 29235 was considered part of the arrangement between the Town and P & O Catering.

2 November 1995 – Planning Approval issued for the expansion of the Accommodation Village.

1 April 1996 – 5 year Crown Leases issued to P & O Catering for Lot 1000 and Lot 5870.

16 April 1996 – Letter received from P & O Catering Services (refer Attachment 2) confirming that they undertake to operate and maintain the evaporation ponds (servicing the accommodation village) located on Reserve 29235 (Lot 1621).

27 August 1996 - Reserve 29235 vested to the Town of Port Hedland for the purposes of “Sewerage Effluent Disposal”.

30 June 1998 – The Town’s lease with DOLA over the “Contractor’s Camp” lot relinquished. P & O advised to commence negotiations directly with DOLA (Now the DoL).

14 October 1998 – Council resolved to enter into a formal lease of Reserve 29235 (Lot 1621 - the effluent ponds) with P & O Catering, upon confirmation that they intend to continue using the accommodation village site. Despite this resolution no lease was put in place.

19 January 2000 – Council resolved to approve the downsizing of the accommodation village to 350 persons. One of the conditions of approval required the applicant to enter into a formal lease with the Town for the continued use of Reserve 29235 (Lot 1621) as a waste water effluent disposal facility. Despite this resolution no lease was put in place.

10 September 2002 – Conditional approval issued for the expansion of the accommodation village subject to the applicant to entering into a formal lease agreement for the use of Reserve 29235 as an effluent disposal facility. A formal lease agreement was never entered into.

26 February 2003 – Council resolved to divest its interest in Reserve 29235 and have the Management Order revoked. Letter sent to DOLA (now DoL) on 10 March 2003 outlining the Council Resolution.

31 May 2005 – Letter received from Department Planning and Infrastructure (Land Asset Management Services) advising that Council has the following options in relation to Reserve 29235 (Effluent disposal site):

- Council use the power to lease to the current users and continue to hold the vesting order.
- Advise all users that the site will close and remove all infrastructure and remediate the site including any contamination. The vesting order can then be revoked.
- Negotiate for a third party to directly lease the land at a market rental value of \$5000.00 pa with the agreement that the infrastructure will be removed and the land remediated at the termination of the lease.

31 May 2007 – Letter from the Town to State Land Services requesting cancellation of the Management Order for Reserve 29235.

Over the years, a number of Approvals have been issued increasing the number of rooms at the accommodation village. Condition No 4 of the latest approval issued on 17 August 2011 for an additional 52 Rooms states:

*“This approval is to remain valid until 30<sup>th</sup> June 2014, after which date the use is to cease and all buildings that cannot be converted to a suitably approved use to be removed”*

A number of Crown Leases for the accommodation village have been issued (and extended) and the lot numbers have changed due to subdivision and amalgamation over the years. The accommodation village is situated on a lot currently known as Lot 500 Schillaman Street.

There are currently 762 rooms at the accommodation village.

The current lease over Lot 500 is between the Crown and Compass Group (Australia) Pty Ltd. Compass Group has previously been known as Eurest Pty Ltd and prior to this P & O Catering.



### Consultation

<p>Manager Environmental Health</p>	<p>My comments related to Reserve 29235 which is an effluent disposal facility for the camp. This area has been a significant site for the breeding of mosquitoes in the past and was poorly maintained. The Reserve should be maintained to minimise mosquito breeding and generally this has been the case in recent times.</p> <p>If the camp is occupied then an ongoing mosquito management plan is required for the sewerage plant, evaporation ponds and the main drain that runs through the reserve. Both ponds margins and the surface water of the pond are to be free of vegetation to prevent mosquito breeding and the drain needs to be kept clear to ensure that storm water drains through the reserve. Both the effluent ponds and the main drain have been significant mosquito breeding sites in the past which negatively affects workers in Wedgefield.</p> <p>If the camp is unoccupied then decommissioning of the effluent disposal ponds needs to occur. This is so that the site can be used for another purpose and also to remove contaminated material in the bottom of the ponds.</p> <p>Just as importantly if the site is occupied or unoccupied the main drain running through the site needs to be maintained to ensure storm water flows occur. The Town has completed significant works in this reserve.</p> <p>Fire breaks should be maintained around the reserve to protect adjoining property owners and fuel loads kept down by slashing grass that grows on the reserve. This has been undertaken to some extent by the Town in the past.</p>
<p>Senior Strategic Planning Officer</p>	<p>The extension of the lease in the first instance should not be supported. The extended lease conflicts with the strategic planning direction in two fundamental ways.</p> <p>Firstly, the TWA limits the future growth of the Transport Development zone (limited operating hours and uses due to impact on TWA).</p> <p>Secondly, the associated and 'privately' owned wastewater ponds require a buffer which continues to conflict with sensitive land uses in the area (caretaker's dwellings).</p> <p>The continued operation of the wastewater treatment ponds is of concern. If arrangements could be implemented which assist in relocating the wastewater treatment ponds sooner than support should be considered.</p>

Director Corporate Services	<p>The Town is currently receiving \$570,000 per annum in rate revenue in relation to this site. Should Council resolve not to extend the lease, and the land reverts back to Crown, then this revenue stream will no longer be available to Council. This is a substantial amount of revenue for Council, representing some 2.5% of Council's total annual rate take. In the event that the property reverts to non-rateable status, \$570,000 either needs to be redistributed across other rate assessments, or offset by reductions in expenditure. Extending the lease to 31 June 2016 provides security over Council's revenue stream for this period, affording time for Council to identify alternative revenue sources or corresponding savings.</p> <p>Further, the option of extending the lease to incorporate Reserve 29235 reduces Council's exposure to the remediation liability of the effluent ponds. Whilst not costed at this point in time, remediating the site to an acceptable standard will likely be an expensive exercise. There is no provision in this years' budget to undertake any remediation works. The recommendation provides a degree of insurance against Council having to undertake those works.</p>
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### Statutory Implications

Section 46 of the *Land Administration Act 1997* establishes the procedure for the management of reserves.

Section 50 of the *Land Administration Act 1997* establishes the procedure for the revocation of Management Orders.

### Policy Implications

Nil

### Strategic Planning Implications

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.

---

6.4 Local Leadership

---

6.4.1 Strategic

---

Deliver responsible management of infrastructure, assets, resources and technology.

Provide a community-oriented organization that delivers the high levels of service expected by our stakeholders.

### **Budget Implications**

The Town is currently receiving \$570,000 per annum in rate revenue in relation to this site. Should Council resolve not to extend the lease, and the land reverts back to Crown, then this revenue stream will no longer be available to the Town. This is a substantial amount of revenue, representing some 2.5% of the Town's total annual rate take. In the event that the property reverts to non-rateable status, \$570,000 either needs to be redistributed across other rate assessments, or offset by reductions in expenditure. Extending the lease to 30 June 2016 provides security over the Town's revenue stream for this period, affording time to identify alternative revenue sources or corresponding savings.

Further, the option of extending the lease to incorporate Reserve 29235 reduces the Town's exposure to the remediation liability of the effluent ponds. Whilst not costed at this point in time, remediating the site to an acceptable standard will likely be an expensive exercise. There is no provision in this years' budget to undertake any remediation works. The recommendation provides a degree of insurance against the Town having to undertake those works.

### **Officer's Comment**

The TWA facility on (current) Lot 500 Schillaman Street has been in operation for a number of years utilising the effluent disposal ponds on Reserve 29235. Refer Attachment 3 for an aerial photo showing location of the TWA in relation to Reserve 29235.

The TWA facility is subject to a lease through the Crown. The site of the effluent disposal ponds is not subject to any lease, although the Town has power to lease in accordance with the Management Order.

The Department of Lands is enquiring whether the Town has any objection to the extension of the lease until 31 December 2016 and the inclusion of Reserve 29235 into the Lease area.

This report deals with two items:

- Extension of the Lease for the TWA until 31 December 2016
- Inclusion of the Effluent Disposal Facility on Reserve 29235 into the Lease area



There are number of issues to consider, when considering whether to support this proposal:

#### *Incompatibility of Land Uses*

The TWA facility is located in the Wedgefield industrial area opposite two Prescribed Premises - the Tox Free site and the Effluent Disposal Facility on Reserve 29235. Both are classified as Prescribed Premises under the Environmental Protection Act and are surrounded by a significant buffer zone.

Various strategic planning documents refer to the existence of the TWA facility and the incompatibility of this land use in Wedgefield. A brief extract from the Wedgefield Industrial Estate Development Plan:

#### *7.2.3 Industry Area*

*A small area of land currently "Transient Workforce Accommodation (R20)" is proposed to be rezoned to the "Industry" zone as it currently exists under TPS5. This is intended to acknowledge the current use of these sites for Transient Workforce Accommodation (TWA) by affording the sites ongoing non-confirming use rights for the period of their current lease arrangements. Following the expiration of the lease arrangement, development of the sites would have to be in accordance with the industry zone. The rezoning of this land as part of the WIEDP process provides certainty for the both WIEDP project and surrounding private landowners, and removes any ongoing question of land use incompatibility. A letter of support for the inclusion of the TWA site has been received from the Department of Regional Development and Land – State Lands and is provided at Appendix 9.*

*It is acknowledged that in the short term, the ongoing operation of the TWA site impacts on the permissibility of industrial uses within proximity to the TWA site and therefore requires consideration of the ultimate staging of industrial development. Discussions with the Department of Environment and Conservation and the Town of Port Hedland have informed the staging plan included in this WIEDP report (Plan 15). Based on development timeframes and the remaining lease terms of the TWA site, it is anticipated that the release of a 2nd stage of the Transport Development area can occur, with the inclusion of an 'Additional Control Area' as identified on Plan 14.*

#### *7.2.4 Transport Development (TD) Area*

*The TD area faces two distinct considerations that will affect the permissibility and site development of some uses internally:*

- *The TD areas direct proximity and abutment to the existing Wedgefield industrial area and the Transient Workforce Accommodation (TWA) facility; and*
- *The TD areas direct frontage to Great Northern Highway.*

*The above two matters are dealt with through the inclusion of 'Control Area 1' and 'Control Area 2' respectively in the WIEDP.*

*Control Area 1 will remain as an important land use, development and operational control for as long as the Transient Workforce Accommodation facility remains in place. The provisions relating to Control Area 1 are stated on the Development Plan and reflect a review undertaken of the potential for land use conflict by LandCorp, RPS Koltasz Smith, the DEC and Herring Storer Acoustics. The provisions address matters of site planning, hours of operation, general noise generation and the requirement for any proponent to provide a strategy for noise emission reduction and control. Ultimately, as the TWA lease expires and the land use of the TWA site converts to industrial, the role of Control Area 1 will cease with the removal of the land use conflict potential.*

#### *7.3.1 Transient Workforce Accommodation*

*Development within the Transport Development area is to be restricted (in terms of hours of operation and permissibility of uses) within proximity to the existing Transient Workforce Accommodation site (as shown on Plan 14) and described above in respect to Control Area 1. These restrictions are based on discussions with the DEC in order to minimise the impacts of noise on the current Transient Workforce Accommodation facility.*

The extended lease conflicts with the strategic planning direction of Wedgefield in two fundamental ways:

- The TWA limits the future growth of the Transport Development zone (limited operating hours and uses due to the impact on the TWA) and
- The associated wastewater ponds require a buffer which continues to conflict with sensitive land uses in the area (caretaker's dwellings).

Consideration also needs to be given to the impact on Amendment 65 (advertising for public comment has recently concluded), which proposes certain noxious industry within the adjoining Transport Development Zone.

*Impact on Rate Revenue – Director Corporate Services*

The 2013/2014 rates for the TWA facility are approximately \$570,000.00. If the lease is extended for an additional two years, the Town can expect a potential additional rate income estimated in excess of \$1M. If Reserve 29235 is included into the lease area, this site would also become rateable.

Should Council resolve not to extend the lease, and the land reverts back to Crown, then this revenue stream will no longer be available to the Town. This is a substantial amount of revenue, representing some 2.5% of the Town's total annual rate take. In the event that the property reverts to non-rateable status, \$570,000 either needs to be redistributed across other rate assessments, or offset by reductions in expenditure. Extending the lease to 30 June 2016 provides security over the Town's revenue stream for this period, affording time to identify alternative revenue sources or corresponding savings.

*Decommissioning of the Effluent Disposal Facility on Reserve 29235*

The Town currently holds a Management Order over this reserve for the purpose of "Sewerage Effluent Disposal" with the power to lease for a period of 21 years.

On 14 October 1998, Council resolved to enter into the formal lease of Reserve 29235 with P & O Catering (now Compass Group). Despite this resolution no lease was entered into.

Conditional Planning Approvals (for the TWA Site) issued on 19 January 2000 and 10 September 2002 were subject to the applicant to entering into a formal lease agreement for the use of Reserve 29235 as an effluent disposal facility. These conditions were not complied with and no lease was entered into.

Crown Lease (L715481) does not refer to the TWA's use of Reserve 29235 for effluent disposal.

The Effluent Disposal Facility on Reserve 29235 is currently the subject of a Licence under the Environmental Protection Act until 21 July 2018. This Licence does not contain any condition requiring the Licence holder to decommission the facility at the end of the Licence period.

Upon removal of the TWA facility on Lot 500, Reserve 29235, the effluent disposal facility will need to be decommissioned and rehabilitated. It is likely that there will be some contamination of the site. It has not yet been determined who will be responsible for the decommissioning of this facility. As holders of the Management Order for the Reserve and in the absence of any lease or legal agreement, this responsibility may fall to the Town.

If this is the case, the Town will need to budget for the decommissioning of the facility. Whilst not costed at this point in time, remediating the site to an acceptable standard will likely be an expensive exercise. There is no provision in this years' budget to undertake any remediation works.

Alternatively, the Town can seek (as a priority) agreement from Compass Group (Australia) that they will decommission the Effluent Disposal Facility at the cessation of the current lease. Compass Group (previously P & O Catering) have utilised Reserve 29235 for Effluent Disposal for over 20 years and it would not be unreasonable for the Town to seek such an agreement.

The ultimate decision on whether to extend the Lease and include Reserve 29235 into the lease area lies with the Department of Lands. Council can, however, provide support or objection to the proposal and has the following options:

*Option 1*

- 1) Support the extension of Lease L715481 until 30 June 2016 and the inclusion of Reserve 29235 into the lease area subject to:
  - (i) There being no further time extensions to this lease
  - (ii) An ongoing Mosquito Management Plan being prepared for the Effluent Disposal Facility on Reserve 29235
  - (iii) Fire breaks being maintained around Reserve 29235 to protect adjoining property owners
  - (iv) Upon expiration of the lease, the Effluent Disposal Facility on Reserve 29235 being decommissioned and rehabilitated to the satisfaction of the Town including the removal of any contamination.
  - (v) The TWA facility being demobilised by 30 June 2016.
- 2) Revoke the Management Order over Reserve 29235 on an 'as is' basis in order to facilitate the Crown Lease over the Site.
- 3) Seek to have the Management Order for Reserve 29235 reverted back to the Town upon conclusion of the Lease.
- 4) Request the Chief Executive Officer or his delegate to:
  - (i) Advise the Department of Lands of 1, 2 and 3 above
  - (ii) Commence discussions with the Department of Lands in order to gain the title of Lot 500 Schillaman Street (TWA Site)

Supporting the extension of the lease may result in additional rate revenue over the next two years.

Further, the option of extending the lease to incorporate Reserve 29235 reduces the Town's exposure to the remediation liability of the effluent ponds. This option provides a degree of insurance against the Town having to undertake those works.

This option, however, may result in the Town permanently losing the Management Order over Reserve 29235.

*Option 2*

- 1) Support the extension of Lease L715481 until 30 June 2016 subject to:
  - (i) There being no further time extensions to this lease
  - (ii) An ongoing Mosquito Management Plan being prepared for the Effluent Disposal Facility on Reserve 29235
  - (iii) Fire breaks being maintained around Reserve 29235 to protect adjoining property owners
  - (iv) Upon expiration of the lease, the Effluent Disposal Facility on Reserve 29235 being decommissioned and rehabilitated to the satisfaction of the Town including the removal of any contamination.
  - (v) The TWA facility being demobilised by 30 June 2016.
- 2) Not support the inclusion of Reserve 29235 into the lease area.
- 3) Utilise the Town's power to lease option on Reserve 29235 and enter into a formal lease with Compass Group for the retrospective and future use of Reserve 29235 as an Effluent Disposal Facility.
- 4) Request the Chief Executive Officer or his delegate to:
  - (i) Advise the Department of Lands of 1, 2 and 3 above
  - (ii) Commence discussions with the Department of Lands in order to gain the title of Lot 500 Schillaman Street (TWA Site)

Supporting the extension of the lease may result in additional rate revenue over the next two years.

Further, the option of the Town entering into a lease over Reserve 29235 reduces the Town's exposure to the remediation liability of the effluent ponds. This option provides a degree of insurance against the Town having to undertake those works.

This option will also result in the Town retaining the Management Order over Reserve 29235

*Option 3*

- 1) Object to the extension of the Lease L715481.
- 2) Request the Chief Executive Officer or his delegate to
  - (i) advise the Department of Lands of 1 above.
  - (ii) seek legal advice in relation to who is responsible for the decommissioning of the Effluent Disposal Facility on Reserve 29235.
  - (iii) commence negotiations with Compass Group (Australia) to ensure that the Effluent Disposal Facility on Reserve 29235 is decommissioned and rehabilitated to the satisfaction of the Town including the removal of any contamination at the conclusion of the lease.
  - (iv) commence discussions with the Department of Lands in order to gain the title of Lot 500 Schillaman Street (TWA Site)

Should Council resolve not to extend the lease this revenue stream will no longer be available. This option will also result in little certainty in ensuring the Reserve is decommissioned and rehabilitated at no cost to the Town

This option, however, meets current strategic planning guidelines by facilitating the removal of an incompatible land use.

Option 3 is recommended.

**Attachments**

1. Copy of letter from Department of Lands
2. Letter from P & O Catering Services
3. Aerial Photograph showing Lot 500 (TWA) and Reserve 29235 (Effluent Disposal Facility)

**Alternative Motion**

**Moved: Cr Daccache**

**Seconded: Cr Hunt**

7:00pm Councillor Hunt withdrew her seconding of the motion.

That Council:

- 1) Support the extension of Lease L715481 until 30 June 2016 subject to:

- (i) There being no further time extensions to this lease
  - (ii) An ongoing Mosquito Management Plan being prepared for the Effluent Disposal Facility on Reserve 29235
  - (iii) Fire breaks being maintained around Reserve 29235 to protect adjoining property owners
  - (iv) Upon expiration of the lease, the Effluent Disposal Facility on Reserve 29235 being decommissioned and rehabilitated to the satisfaction of the Town including the removal of any contamination.
  - (v) The TWA facility being demobilised by 30 June 2016.
- 2) Not support the inclusion of Reserve 29235 into the lease area.
- 3) Utilise the Town's power to lease option on Reserve 29235 and enter into a formal lease with Compass Group for the retrospective and future use of Reserve 29235 as an Effluent Disposal Facility.
- 4) Request the Chief Executive Officer or his delegate to:
- (i) Advise the Department of Lands of 1, 2 and 3 above
  - (ii) Commence discussions with the Department of Lands in order to gain the title of Lot 500 Schillaman Street (TWA Site)

*MOTION LAPSED FOR WANT OF A SECONDER*

**201314/216 Officer's Recommendation/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Van Vugt**

**That Council:**

- 1. Object to the extension of the Lease L715481; and**
- 2. Request the Chief Executive Officer or his delegate to:**
  - (i) Advise the Department of Lands of 1 above;**
  - (ii) Seek legal advice in relation to who is responsible for the decommissioning of the Effluent Disposal Facility on Reserve 29235;**



- (iii) Commence negotiations with Compass Group (Australia) to ensure that the Effluent Disposal Facility on Reserve 29235 is decommissioned and rehabilitated to the satisfaction of the Town including the removal of any contamination at the conclusion of the lease; and
- (iv) Commence discussions with the Department of Lands in order to gain the title of Lot 500 Schillaman Street (TWA Site).

*CARRIED 5/4*

For	Against
Mayor Howlett	Councillor Daccache
Councillor Jacob	Councillor Hooper
Councillor Hunt	Councillor Taylor
Councillor Butson	Councillor Melville
Councillor Van Vugt	

ATTACHMENT 1 TO ITEM 11.1.1.6

2013/489



Government of Western Australia  
Department of Regional Development and Lands  
State Land Services

Your ref:  
Our ref: 03787-1967/01 & 00844-1996/3  
Job No: 131477  
Enquiries: Max Corr Ph: (08) 6552 4728  
Fax: (08) 6552 4420  
Email: max.corr@rdl.wa.gov.au

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



Dear Sir/Madam

**CANCELLATION OF RESERVE 29235 BEING LOT 1621 ON DEPOSITED PLAN 211131 – SCHILLAMAN STREET WEDGEFIELD – TOWN OF PORT HEDLAND**

Please be advised that Lease L715481 being Lot 500 on Deposited Plan 67743, held by Compass Group, is due to expire in 2014.

I ask if you could please advise if you have any objection to Lease L715481 being extended to 31 December 2016, with Reserve 29235 being Lot 1621 on Deposited Plan 211131 being included into the Lease.

Should you have any enquiries about this matter, please do not hesitate to contact me.

Yours sincerely

**MAX CORR**  
for **MANAGER PILBARA**  
**STATE LAND SERVICES**

21 May 2013

ICR 38219.  
File Number: ..... 155680G .....  
Int. Correspondent: ..... Carmen & Leonard .....  
Lot 1621 (16) Schillaman St.

ATTACHMENT 2 TO ITEM 11.1.1.6

EL 76047



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

P&O Catering & Services Pty Ltd  
A.C.N. 008 694 442  
243 Beaufort Street  
Perth WA 6000  
PO Box W2100  
Perth WA 6001  
Telephone 09 328 4177  
Facsimile 09 328 2396  
A P&O Services Company

For the Attention: Senior Health Surveyor

16 April, 1996  
JM/dlb POCS/3280/95

WILLIAM EMAS.  
18 APR 1996  
LOST-091

Dear Sir,

**RE: P&O WEDGEFIELD VILLAGE SCHILLAMAN STREET, WEDGEFIELD  
WASTE WATER TREATMENT PLANT (ATU)**

Further to our discussions in regard to the above, please be advised that P&O Catering & Services, undertake to operate and maintain the ATU and evaporation ponds servicing the Wedgefield Village Accommodation complex, located on Lot 1621, Schillaman Street, Wedgefield.

We have installed the approved system to comply with Public Health and Port Hedland Town Council requirements, and have sought EPA licence for this installation.

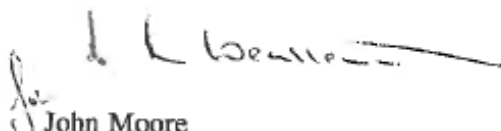
Day to day and recorded inspections, tests and water sampling will be kept in a dedicated "log book" and held in P&O administration office on-site for perusal.

Water quality sampling is done on a monthly basis and sent to NATA laboratory in Perth, results will be forwarded directly to Port Hedland Town Council, Health Department and duplicate results held on-site with the log book. Nominated maintenance officers name and credentials will be sent under separate cover for you perusal upon appointment.

A Work Safe Procedure of maintenance and inspection will accompany the afore mentioned submission.

Trusting this is acceptable to Council, we assure you of our best intentions at all times.

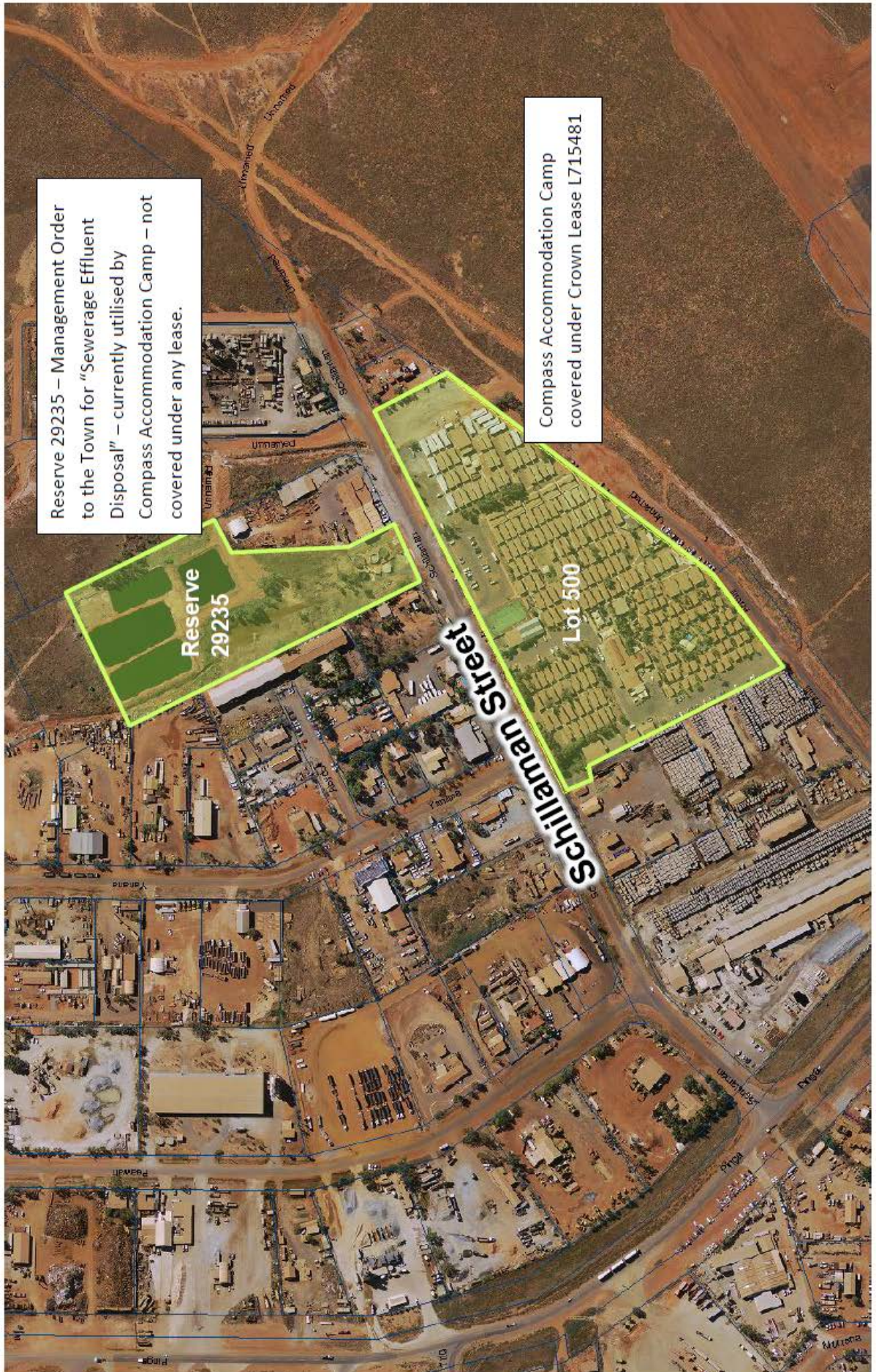
Yours faithfully,

  
John Moore  
Construction Manager



ATTACHMENT 3 TO ITEM 11.1.1.6

Proposed Extension of Crown Lease L715481 and inclusion of Reserve 29235 into Crown Lease.





**11.1.1.7 Proposed Excision and Acquisition of a Portion of Reserve 37820 (Lot 550 on Deposited Plan 61032) Hedditch Street, South Hedland (File No.: 130158G)**

<b>Officer</b>	<b>Julie MacMile Lands Officer and Technical Officer</b>
<b>Date of Report</b>	<b>23 December 2013</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

### **Summary**

This report recommends Council seek to excise and acquire a 4,285m<sup>2</sup> portion (refer attachment 1) of Reserve 37820 (Lot 550) Hedditch Street, South Hedland for commercial development purposes at 5% of the unimproved value.

Council support for the excision of a portion of Reserve 37820 and potential subsequent acquisition (if approved by DoL) forms the basis for negotiation, with the State.

### **Background**

The Town and the Department of Regional Development and Lands (now Department of Lands) have had previous discussions on land development projects to facilitate commercial investment within the Town of Port Hedland. This site has been the subject of more recent discussions and has been identified as a suitable option for acquisition and development.

The Town currently holds a Management Order over Reserve 37820 (Lot 550) for the purpose of "Clubs" and "Recreation".

This Reserve is zoned "Community" under Town Planning Scheme No 5 (TPS 5) and currently accommodates the South Hedland Tennis and Bowling Club (SHTBC). Attachment 2 shows the SHTBC lease area.

### **Consultation**

- Manager Investment and Business Development
- Director Community Development
- Director Planning and Development

### **Statutory Implications**

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

Clause 25 *Government Land Policy Manual - Policy No. 04.0105* outlines the process of acquiring Crown Land.

**Policy Implications**

Nil

**Strategic Planning Implications**

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.  
Create local employment and investment and diversify the economy.  
Enhance supply of suitably located and supported industrial and retail land.

**Budget Implications**

The Town will seek to acquire the land at 5% of the unimproved value. The financial implications will be known once a valuation and acquisition method is determined.

Land acquisition/development costs will be reported back to Council for future budget considerations.

**Officer's Comment**

Currently the Town of Port Hedland lacks many of the commercial amenities that people in other regional areas of Western Australia take for granted. Many of the commercial enterprises that do exist are paying rents that are unaffordable and unsustainable causing the prices of services and merchandise to be high.

The availability of more commercial premises will help diversify the local economy making Port Hedland a more economically sustainable place where people want to live and are proud to call home.

The Town will seek to acquire the excised portion at 5% of the unimproved value through negotiations with the Department of Lands.

Council has the following options when considering the request:

1. Seek the excision and acquisition of a portion of Reserve 37820 located at Lot 550 Hedditch Street, South Hedland.

The acquisition of this parcel of land will allow the development of commercial premises and diversify the local economy.

2. Not support the excision and acquisition of a portion of Reserve 37820 located at Lot 550 Hedditch Street, South Hedland

Should Council choose not to support the acquisition of this parcel of land, the Reserve will retain its current boundaries.

Option 1 is recommended.

**Attachments**

1. Locality Plan
2. Plan showing SHTBC lease area

**201314/217 Officer's Recommendation/ Council Decision****Moved: Cr Daccache****Seconded: Cr Jacob****That Council:**

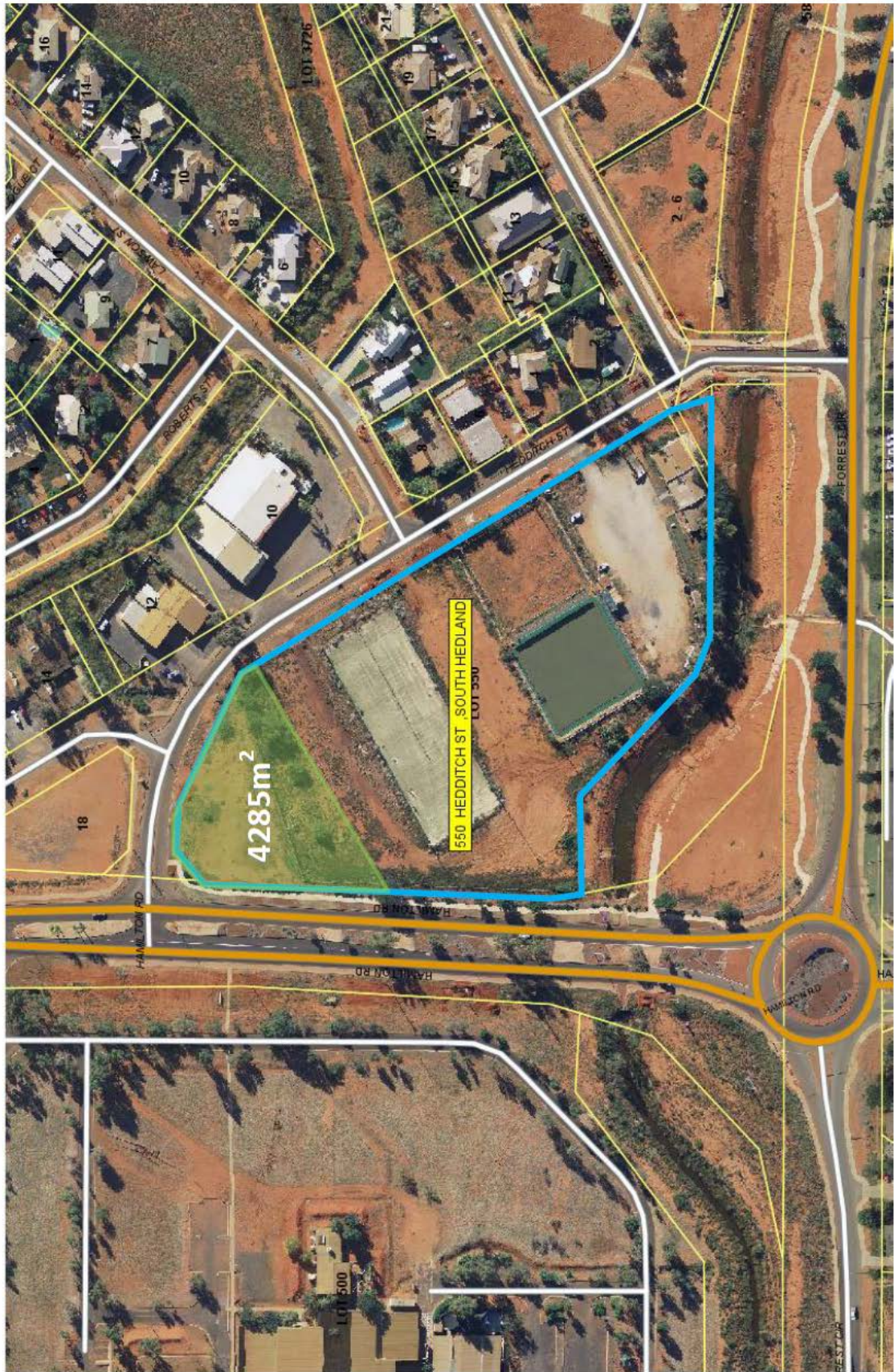
1. **Seek to excise and acquire a 4,285m2 portion of Reserve 37820 as shown on Attachment 1 & 2; and**
2. **Request the Chief Executive Officer or their delegate to request the Department of Lands:**
  - a. **To excise a 4,285m2 portion of Reserve 37820 located at Lot 550 Hedditch Street, South Hedland.**
  - b. **To consider the Town's acquisition of the 4,285m2 portion of excised reserve at 5% of the unimproved value and negotiate a method of acquisition that allows the parcel to be used for commercial development purposes.**

***CARRIED 9/0***



ATTACHMENT 1 TO ITEM 11.1.1.7

Reserve 37820 (Lot 550 on Deposited Plan 61032) Hedditch Street, South Hedland

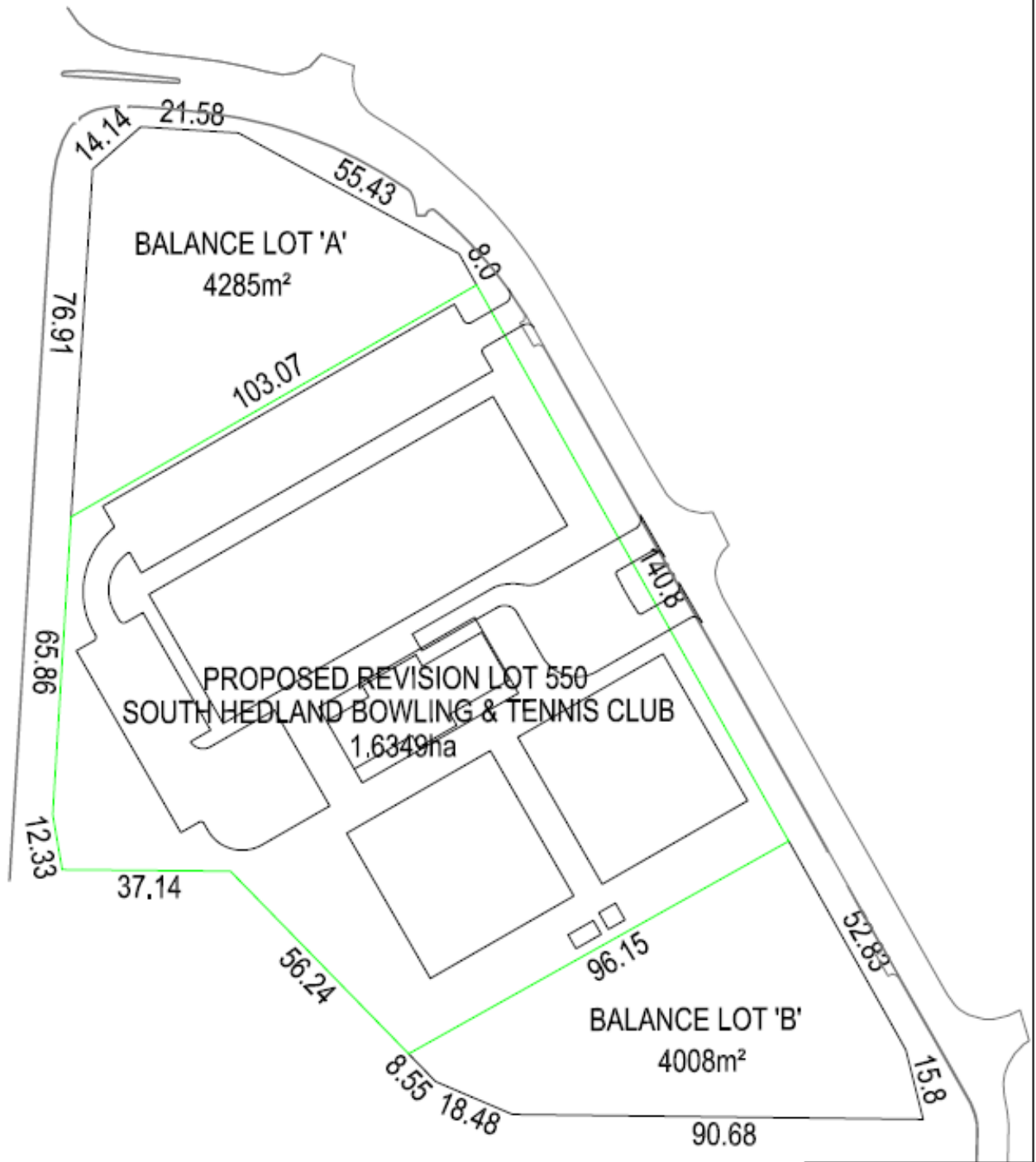


Portion to be excised (4285m<sup>2</sup>)





ATTACHMENT 2 TO ITEM 11.1.1.7



NOTE: ABOVE LOT SIZES INDICATIVE ONLY  
 EXISTING LOT 550 HEDDITCH ST = 2,4639ha

 Town of Port Hedland McGregor Street, Port Hedland, WA, 6715 PO Box 45, Port Hedland, WA, 6715 Phone: (08) 9458 8000 Fax: (08) 9458 8000 Email: <a href="mailto:CityCouncil@porthedland.wa.gov.au">CityCouncil@porthedland.wa.gov.au</a>	
SOUTH HEDLAND BOWLS & TENNIS CLUB LOT 550 HEDDITCH ST, SOUTH HEDLAND.	
PROPOSED LOT SUBDIVISION AREAS	
Date: 26/13/0020	Rev: A

**11.1.1.8 *Proposed Local Development Plan- The Enclave – Various Lots Captains Way, Daylesford Close, Dorrigo Loop, Kabbarli Loop, Koojarra Crescent and Steamer Avenue, South Hedland (File No.: 18/08/0006)***

<b>Officer</b>	<b>Jorine Bothma Senior Strategic Planner</b>
<b>Date of Report</b>	<b>15 January 2014</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

An application was received in November 2013 for a Local Development Plan (LDP) over a development area in South Hedland known as the Enclave. The LDP was prepared and lodged pursuant to Condition 11 of the subdivision approval (subdivision approval attached as Attachment 1). The application was publicly advertised from 11 December 2013 to 8 January 2014. In terms of Town Planning Scheme No. 5 (the Scheme) officers are able to finalise a LDP under Delegated Authority unless Council requires it otherwise or if an objection was received. The Town received one comment and one objection. The objector has requested for his/her details to remain confidential.

**Background**

A Local Development Plan (formerly known as a Detail Area Plan) provides the ability to vary the design control measures under the Residential Design Codes (R-Codes).

In terms of the Town Planning Scheme No. 5 a LDP can be required either at the request of the landowner, in accordance with a Development Plan or as part of a subdivision approval condition. In this instance the latter applies. It should however be noted that a LDP was only required over a part of the Enclave as per the Subdivision condition approval conditions (Attachment 2) but the applicant has requested it be as opposed to the entire estate. The applicant chose for the LDP to apply over the entire area mainly to ensure uniformity over the Enclave estate as a whole.

This applicant in this instance intends to vary the R- Codes with respect to setbacks, open space, vehicular access and the orientation of buildings towards open spaces and drainage reserves.

The application was duly advertised as required by the Scheme. One submission and one objection were received. The objector requested that his/her name and details not be disclosed publicly. Advice received from the Department of Local Government and Communities was that it would be sufficient to provide a précis of the objection to the Council, which is listed as follows.

The main objection mainly relates to the increased amount of traffic the proposed development would attract to the area and the strain it would put on current roads and infrastructure. The objector has furthermore requested that public open spaces be provided and that the density as proposed be reviewed.

Bloodwood Tree commented on the proposal and requested that the development, mainly during construction phase, be executed in such a manner to ensure minimal disturbance to the community and limiting dust and noise impacts.

### **Consultation**

The application was advertised publicly in the local newspapers, on Council's notice board and website, on site and letters to surrounding landowners and occupants from 11 December 2013 to 8 January 2014. The Department of Local Government and Communities was also consulted on the objection notice received.

### **Statutory Implications**

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

### **Strategic Planning Implications**

The following section of the "Pilbara's Port City Growth Plan" is considered relevant to the proposal:

#### 5.6.6 Precinct 12 – South Hedland East

##### 5.6.1 Precinct 12 – South Hedland East

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##### Precinct Summary

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

The Local Development Plan contributes to one of the Precinct highlights which are to ensure immediate/ short term expansion of residential land supply in Koombana.

### **Budget Implications**

The required application fees were paid by the applicant.

### **Officer's Comment**

The single residential R30 lots as shown on the current plan would benefit from being included in the Local Development Plan area given the R-Code variations proposed to setbacks and open space, and from a planning perspective retaining these lots within the Local Development Plan will also assist in creating a consistent streetscape pattern.

### *Surveillance*

Concerns were also raised with respect to any walkways that may encourage access to property without surveillance. It was noted that it is imperative that any subdivision design needs to be mindful of the safety of community and property. The inclusion of rear walkways was not found to be a good design option at the time. This was originally how South Hedland was designed and due to many factors most important being community safety, rear walkways were later reclaimed. It would have been opportune to have these concerns addressed as part of the subdivision application which has already been approved by the Western Australian Planning Commission. In an attempt to resolve the concerns raised as best possible within the ambit of the Local Development Plan.

The applicant are required to ensure that development of Lots 101, 102, 126, 191, 201, 203 and 204 are orientated to address both the Street frontage and the drainage reserve, as a minor modification (refer to Attachment 4).

The nature of the objections raised by a member who also wishes to remain anonymous, basically deals with the increased amount of traffic generated by the development. The objector also requested that public spaces and parks be provided as part of the development. Furthermore the objector has also noted that the properties are already offered in the market for sale.

### *Officer's response*

This objection falls outside the scope of the Local Development Plan application and would have been addressed as part of the Scheme Amendment approved over the lot.

Lot 8003 was allocated as Public Open Space as part of the Enclave development area. The applicant has prescribed minimum Open Space requirement for Residential R30 coded lots to be 40% of the site area and 35% of the site area for Residential R40 coded lots. This open space requirement is less than that prescribed in the R Codes (being 45% for R30 and R40 coded lots) but are one of the provisions of the R Codes that are able to be varied in accordance with the Local Development Plan application.

### Attachments

1. Proposed Local Development Plan
2. Subdivision condition approval letter
3. Approved Subdivision Map
4. Amendments proposed to Local Development Plan
5. Comment received from Bloodwood Tree

### Officer's Recommendation

That Council:

1. Approves of the Local Development Plan over the area known as The Enclave with minor modifications;
2. Requests the applicant to modify provisions 5.2 and 5.3 of the Detailed Area Plan with the following wording:
  - "2.1 Where a lot is developed with grouped and/or multiple dwellings, which adjoins a Drainage Reserve, the development shall address both the street frontage and the drainage reserve, with the exception of Lots 203 and 204".
- 2.1 Requests the applicant to amend the proposed Local Development Plan to:
  - i. ensure that the development on Lots 203 and 204 have primary street frontage onto the Drainage reserve;
  - ii. in the instance of Multiple Dwellings, upstairs balconies and outdoor living areas of upper level dwellings need to have primary street frontage to the drainage reserve and in the case of Grouped Dwellings outdoor living areas and major openings from living rooms (except bedrooms) of every proposed dwelling abutting the drainage reserve need to face the reserve"
3. Note the comments and objection.

## 201314/218 Council Decision

Moved: Mayor Howlett

Seconded: Cr Jacob

That Council:

1. Approve the Local Development Plan over the area known as The Enclave with minor modifications and advise the applicant that Council does not support the use of the name 'The Enclave';
2. Request the applicant to modify provisions 5.2 and 5.3 of the Detailed Area Plan with the following wording:

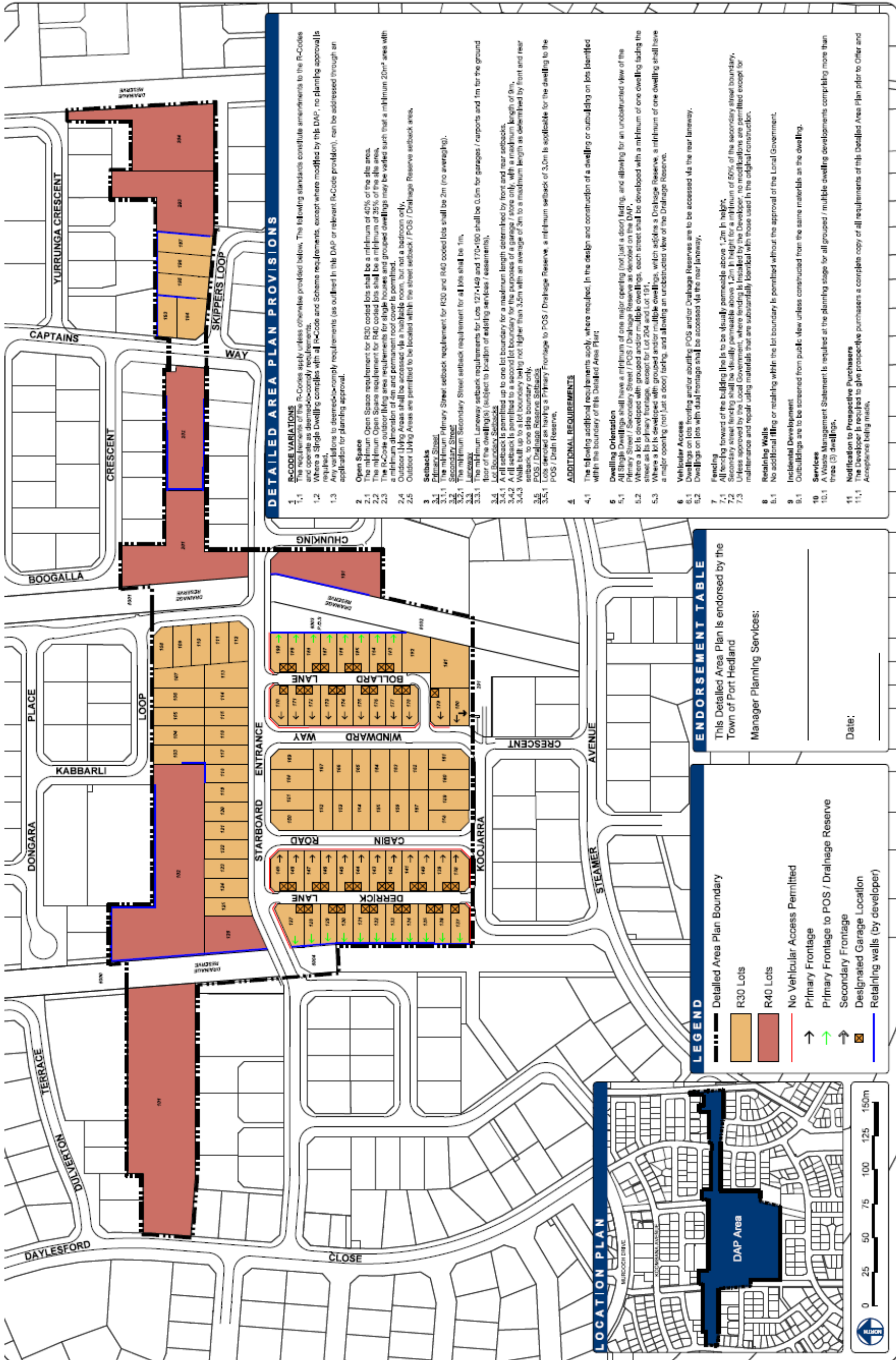
“2.1 Where a lot is developed with grouped and/or multiple dwellings, which adjoins a Drainage Reserve, the development shall address both the street frontage and the drainage reserve, with the exception of Lots 203 and 204”.

  - 2.1 Requests the applicant to amend the proposed Local Development Plan to:
    - i. ensure that the development on Lots 203 and 204 have primary street frontage onto the Drainage reserve;
    - ii. in the instance of Multiple Dwellings, upstairs balconies and outdoor living areas of upper level dwellings need to have primary street frontage to the drainage reserve and in the case of Grouped Dwellings outdoor living areas and major openings from living rooms (except bedrooms) of every proposed dwelling abutting the drainage reserve need to face the reserve”
3. Note the comments and objection; and
4. Instruct the Chief Executive Officer to revise the process of communication on significant applications to ensure Elected Members are provided an opportunity to comment on proposed developments at the earliest stage possible.

**CARRIED 9/0**

*Reason: The Council decided to add point 1a. to ensure that the vision of South Hedland being a vibrant, positive city is captured in the naming of this development. The Council also added point 4 to the Officer's Recommendation to ensure Elected Members are consulted as early as possible and offer input into developments.*





**DETAILED AREA PLAN**  
 The Enclave - South Hedland

**ENDORSEMENT TABLE**

This Detailed Area Plan is endorsed by the  
 Town of Port Hedland

Manager Planning Services:

Date:

**LEGEND**

- Detailed Area Plan Boundary
- R30 Lots
- R40 Lots
- No Vehicular Access Permitted
- Primary Frontage
- Primary Frontage to POS / Drainage Reserve
- Secondary Frontage
- Designated Garage Location
- Retaining walls (by developer)



RPS Australia East Pty Ltd  
 ABN 44-4202782  
 PO Box 485 SUDBORO WA 8584  
 38 Station Street SUDBORO WA 8588  
 T +61 8 9211 1111 W rpsgroup.com.au

Site data supplied by Landgate.  
 Assessed via City of Port Hedland.  
 © COPYRIGHT PROTECTS THIS PLAN  
 Unauthorised reproduction or alteration  
 not permitted. Please contact the author.

**Enclave**  
 theenclave.com.au

1:2,500:AS : SCALE  
 29 October 2013 : DATE  
 40019-0-0111-09 : PLAN No  
 A.L. : DRAWN

## ATTACHMENT 2 TO ITEM 11.1.1.8



Your Ref :  
 Enquiries : Christopher Ng (Ph 65519363)

R P S  
 P O Box 465  
 SUBIACO WA 6904

### Approval Subject To Condition(s) Freehold (Green Title) Subdivision

**Application No** : 146623

**Planning and Development Act 2005**

Applicant	: R P S P O Box 465 SUBIACO WA 6904
Owner	: State Of Western Australia C/- Department Of Regional Development And Lands (State Land Services) P O Box 1143 WEST PERTH WA 6872
Application Receipt	: 20 August 2012

Lot Number	: 3435, 3505, 3506, 3507, 3508, 3509, 3570, 3571, 3571, 3625, 3712, 3713 & 3715
Diagram / Plan	: Deposited Plans 214018, 214019 & 214187
Location	: -
C/T Volume/Folio	: Lr3149/637, Lr3149/638, Lr3149/639, Lr3149/652, Lr3149/640, Lr3149/653, Lr3013/711, Lr3143/703, Lr3143/704, Lr3013/714, Lr3149/642, Lr3013/718 & Lr3149/644
Street Address	: Daylesford Close, Koojarra Crescent, Steamer Avenue, Kabbarli Loop, Captains Way & Dorrigo Loop, South Hedland
Local Government	: Town of Port Hedland

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped 20 August 2012 once the condition(s) set out have been fulfilled.

This decision is valid for four years from the date of this advice, which includes the lodgement of the deposited plan within this period.





The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by 12 November 2016 or this approval no longer will remain valid.

### **Reconsideration - 28 days**

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

### **Right to apply for a review - 28 days**

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, 12 St Georges Terrace, Perth, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

### **Deposited plan**

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

### **Condition(s)**

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.



The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.

If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any subdivision works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with accompanying advice, are:

#### CONDITIONS

1. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)
2. Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)
3. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Horizon Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Horizon Power)



10. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)
11. Detailed Area Plan(s) being prepared and approved for lots 1, 2, 26-49, 70-90, 92 and 98 shown on the plan dated 20 August 2012 (attached) that address the following:
  - a) Building envelopes;
  - b) Vehicle Access Point;
  - c) Fencing;
  - d) Private Open Space; and
  - e) Ancillary Accommodation

to the satisfaction of the Western Australian Planning Commission.

(Local Government)

#### ADVICE

1. In regard to Conditions 1 and 2, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of the *Water Agencies (Powers) Act 1984* will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.
2. The Town of Port Hedland advises that:
  - (i) 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;
  - (ii) the development must comply with the Environmental Protection (Noise) Regulations 1997 at all times;
  - (iii) prior to the commencement of works an Erosion Prevention and Sediment Control Plan shall be submitted and approved by the Manager Planning Services; and
  - (iv) it has accepted and approved a Memorandum of Understanding (MOU) regarding contribution for the reduction in Public Open Space.





4. The transfer of land for the purpose of electricity supply infrastructure to be shown on the diagram or plan of survey (deposited plan) as a reserve and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without payment of compensation. (Horizon Power)
5. Arrangements being made to the satisfaction of the WAPC and to the specification of Horizon Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and/or equipment located on or near the lots shown on the approved plan of subdivision. (Horizon Power)
6. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC.

(Local Government)

7. The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) for Drainage and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)
8. Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water, consistent with an approved Local Water Management Strategy. (Local Government)
9. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)



3. The Fire and Emergency Services Authority of Western Australia (FESA) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed subdivision. It is possible that as a result of these activities, the subject area may contain unexploded ordnance (UXO). Whilst it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during subdivisional works, or at any other time, a form or suspected form of UXO be located, FESA has advised that the following process should be initiated:
- a) do not disturb the site of the known or suspected UXO;
  - b) without disturbing the immediate vicinity, clearly mark the site of the UXO;
  - c) notify Police of the circumstances/situation as quickly as possible; and
  - d) maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces.

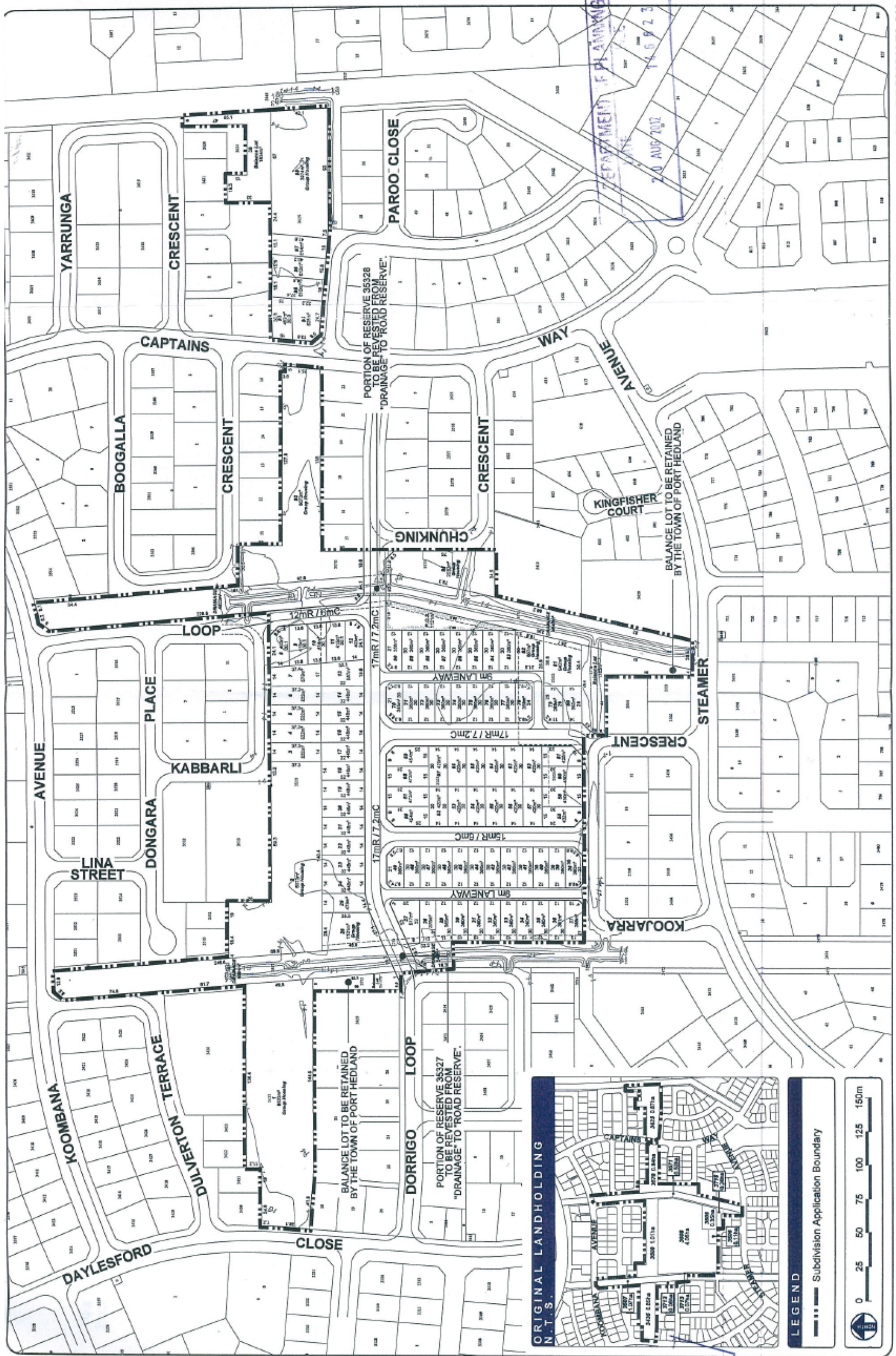
Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, Fire and Emergency Services Authority of Western Australia.

4. With regards to Condition 11, the applicant to advised to contact the Town of Port Hedland on (08) 9158 9300 regarding specific items which may be required to be addressed under the matters covered within the Detailed Area Plans.

A handwritten signature in black ink, appearing to read "Neil Thomson".

Neil Thomson  
Secretary  
Western Australian Planning Commission  
12 November 2012



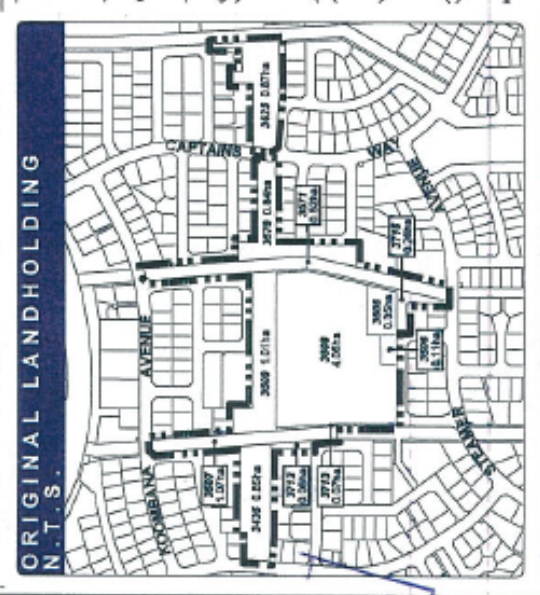


**SUBDIVISION PLAN**  
 Lot 3435 Daylesford Close, Lot 3712 Dorrigo Loop, Lots 3507 & 3571 Steamer Avenue,  
 Lots 3505, 3506, 3508, 3713 & 3715 Koolarra Crescent, Lots 3509 & 3571 Kabbarli Loop and  
 Lots 3570 & 3625 Captains Way, SOUTH HEDLAND

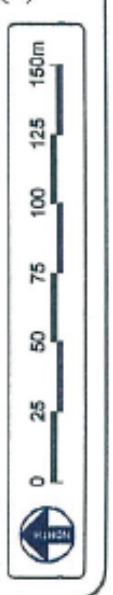
13.500BAS : SCALE  
 9 August 2012 : DATE  
 40019-3-002A-001 : PLAN No  
 L.W. : DRAWN

Basic data supplied by Landgate.  
 Authority: L. M. Prodanovic  
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 and part thereof. Please contact the author.

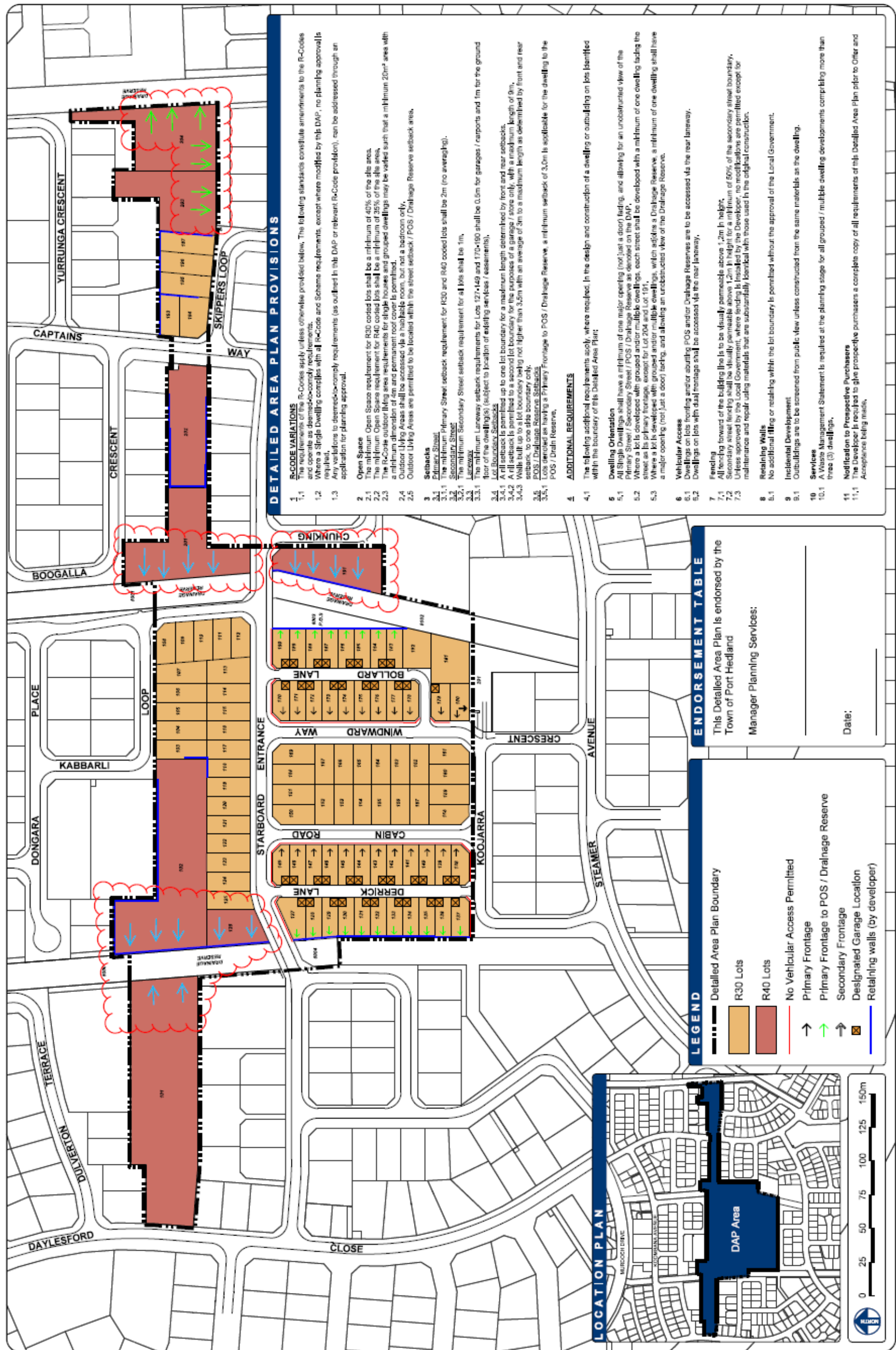
RPS Australia Pty Ltd  
 ABN 41414026702  
 PO Box 465 (SUBIACO) WA 6004  
 38 Station Street SUBIACO WA 6008  
 T +61 8 9211 1111 W rpsgroup.com.au



**LEGEND**  
 Subdivision Application Boundary







**DETAILED AREA PLAN PROVISIONS**

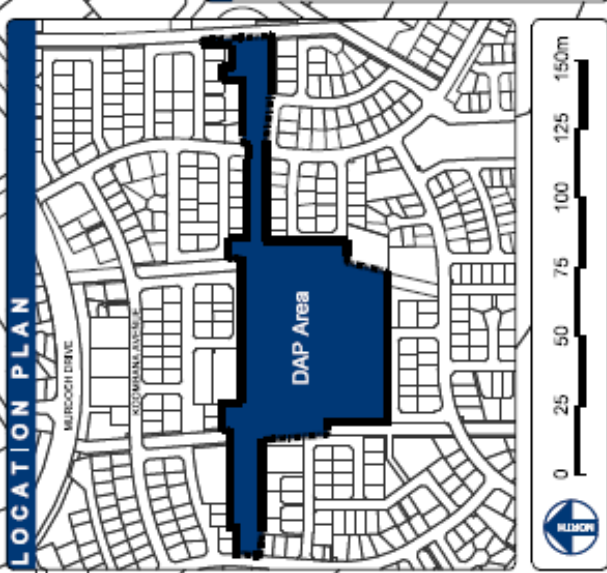
1. **R-CODE VARIATIONS**  
 1.1 The requirements of the R-Codes apply unless otherwise provided below. The following standards constitute amendments to the R-Codes and operate as deemed-to-comply requirements.  
 1.2 Where a Single Dwelling complies with all R-Code and Scheme requirements, except where modified by this DAP, no planning approvals are required.  
 1.3 Any variations to deemed-to-comply requirements (as outlined in this DAP or relevant R-Code provision), can be addressed through an application for planning approval.
2. **Open Space**  
 2.1 The minimum Open Space requirement for R30 coded lots shall be a minimum of 40% of the site area.  
 2.2 The minimum Open Space requirement for R40 coded lots shall be a minimum of 25% of the site area.  
 2.3 The R-Code outdoor living area requirements for single houses and grouped dwellings may be varied such that a minimum 20m<sup>2</sup> area with a minimum dimension of 4m and permanent roof cover is permitted.
- 2.4 Outdoor Living Areas shall be accessed via a walkable room, but not a bedroom only.  
 2.5 Outdoor Living Areas are permitted to be located within the street setback / POS / Drainage Reserve setback area.
3. **Setbacks**  
 3.1 **Primary Street**  
 3.1.1 The minimum Primary Street setback requirement for R30 and R40 coded lots shall be 2m (no averaging).  
 3.2 **Secondary Street**  
 3.2.1 The minimum Secondary Street setback requirement for all lots shall be 1m.  
 3.3 **Laneways**  
 3.3.1 The minimum Laneway setback requirements for Lots 127-149 and 170-190 shall be 0.5m for garages / carports and 1m for the ground floor of the dwelling(s) (subject to location of existing services / easements).  
 3.4 **Lot Boundary Setbacks**  
 3.4.1 A full setback is permitted up to one lot boundary for a maximum length determined by front and rear setbacks.  
 3.4.2 A full setback is permitted to a second lot boundary for the purposes of a garage / store only, with a maximum length of 9m.  
 3.4.3 Walls built up to a lot boundary being not higher than 3.5m with an average of 3m to a maximum length as determined by front and rear setbacks, to one side boundary only.
- 3.5 **POS / Drainage Reserve Setbacks**  
 3.5.1 Lots serviced as having a Primary Frontage to POS / Drainage Reserve, a minimum setback of 3.0m is applicable for the dwelling to the POS / Drain Reserve.
4. **ADDITIONAL REQUIREMENTS**  
 4.1 The following additional requirements apply, where required. In the design and construction of a dwelling or outbuilding on lots identified within the boundary of this Detailed Area Plan:
5. **Dwelling Orientation**  
 5.1 All Single Dwellings shall have a minimum of one major opening (not just a door leading, and allowing for an unobstructed view of the Primary Street / Secondary Street / POS / Drainage Reserve as denoted on the DAP.  
 5.2 Where a lot is developed with grouped and/or multiple dwellings, each street shall be developed with a minimum of one dwelling facing the street as its primary frontage, except for Lot 204 and Lot 191.  
 5.3 Where a lot is developed with grouped and/or multiple dwellings, which adjoins a Drainage Reserve, a minimum of one dwelling shall have a major opening (not just a door) facing, and allowing an unobstructed view of the Drainage Reserve.
6. **Vehicular Access**  
 6.1 Dwellings on lots fronting and/or abutting POS and/or Drainage Reserves are to be accessed via the rear laneway.  
 6.2 Dwellings on lots with dual frontage shall be accessed via the rear laneway.
7. **Fencing**  
 7.1 All fencing forward of the building line is to be visually permeable above 1.2m in height.  
 7.2 Secondary street fencing shall be visually permeable above 1.2m in height for a minimum of 50% of the secondary street boundary.  
 7.3 Unless approved by the Local Government, where fencing is installed by the Developer, no modifications are permitted except for maintenance and repair using materials that are substantially identical with those used in the original construction.
8. **Retaining Walls**  
 8.1 No additional filling or retaining within the lot boundary is permitted without the approval of the Local Government.
9. **Incidental Development**  
 9.1 Outbuildings are to be screened from public view unless constructed from the same materials as the dwelling.
10. **Services**  
 10.1 A Waste Management Statement is required at the planning stage for all grouped / multiple dwelling developments comprising more than three (3) dwellings.
11. **Notification to Prospective Purchasers**  
 11.1 The Developer is required to give prospective purchasers a complete copy of all requirements of this Detailed Area Plan prior to Offer and Acceptance being made.

**ENDORSEMENT TABLE**

This Detailed Area Plan is endorsed by the  
 Town of Port Hedland  
 Manager Planning Services:  
 \_\_\_\_\_  
 Date: \_\_\_\_\_

**LEGEND**

- Detailed Area Plan Boundary
- Orange Box R30 Lots
- Red Box R40 Lots
- Red Arrow No Vehicular Access Permitted
- Green Arrow Primary Frontage
- Blue Arrow Secondary Frontage
- Blue Box Designated Garage Location
- Blue Line Retaining walls (by developer)



**DETAILED AREA PLAN**  
 The Enclave - South Hedland

1:2,000@A3 : SCALE  
 29 October 2013 : DATE  
 40019-06-2013.dgn : PLAN No  
 AL : DRAWN

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 Accuracy to City of Port Hedland MURAS.  
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 38 Stirling Street SUDBORO WA 6808  
 T +61 8 9211 1111 W rpsgroup.com.au

## ATTACHMENT 5 TO ITEM 11.1.1.8

**Bothma Jorine**

---

**From:** Bob Neville <bob.neville@bloodwoodtree.org.au>  
**Sent:** Wednesday, 11 December 2013 1:40 PM  
**To:** Bothma Jorine  
**Subject:** Application 2013/613

Dear Jorine

In relation to the above proposed local development plan (The Enclave South Hedland) The only comments I wish to make are those in relation to the rules and guidelines laid down by Council to the developer in relation to the development and that the residents are entitled to minimal disturbances by the developers in relation to noise and dust (within levels as laid down by the Environmental Health Act) and within those prescribed hours (no 5am starts !!!) and days (Sundays off please !!!). It is also requested that the appropriate authorities visit the site on a regular basis to ensure compliance.

The second issue is that of the destruction of native flora and fauna and what steps have been taken to alleviate any issues in this regards – and in particular in the retention of as much native trees and plants as possible as well as the overall completion plan of new plantings utilising native species.

I have no objections to my details being disclosed to the developers or publicly.

Many thanks

Bob Neville  
5/11-15 Kabbarli Loop  
South Hedland WA 6722

T: 9138 3011 M: 0419 853 160

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ATTACHMENT 6 TO ITEM 11.1.1.8

**Sandrine Izabela**

**From:** [REDACTED]  
**Sent:** Monday, 9 December 2013 3:06 PM  
**To:** Records  
**Subject:** IPA44254 - The Enclave Local Development Plan

**SynergySoft:** IPA44254

To Whom it may concern,

I would like to lodge an objection to the plans for 'The Enclave' development in South Hedland (application 2013/631). [REDACTED]; I think the plans for 'The Enclave' development require further community consultation and study of the impact on the surrounding residents.

I think the number of small R30 blocks and the R40 zoned areas, as well as the number of additional roads in a relatively small area, will have a huge impact on the quality of life for those who live around the proposed development (and also those who would be living in the new development). There will be a big increase in traffic in the surrounding area, and the population density will impact on the quality of living for everyone living in or around the proposed site. It is already very noisy at times, and we regularly get break-ins or people stealing small items from the yard, and there are other social issues in the area that will be exacerbated by having so many new dwellings and associated vehicles in the area.

I would like to see some changes to the development plan to be more mindful of the quality of life of the residents of the area directly impacted by the development. For example, it would be good to include some public spaces or parks in the area if it is to be developed, and re-consider the number of roads and density of housing as well.

I've already seen some of these blocks advertised in the newspaper for sale - I would like to know how they are allowed to be advertised and/or sold prior to the development plan being made available for public comment.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*8/9/13 -> SAME*

File Number:	802337G
Int. Correspondent:	Leonard Long

**11.2 Engineering Services****11.2.1 Investment and Business Development****11.2.1.1 *Request to Prepare Business Plan for Proposed Disposal of Portion of Port Hedland International Airport Land by way of Lease to Compass Group Pty Ltd (File No: 05/05/0055)***

**Officer** Sara Bryan  
**Manager Investment & Business Development**

**Date of Report** 17 December 2013

**Disclosure of Interest by Officer** Nil

**Summary**

This item requests Council to resolve to advertise a business plan to seek public comment on the proposed disposal of a 2.274 hectare parcel of land adjoining the Port Haven transient workers accommodation village to the Compass Group (Australia) Pty Ltd (Compass).

This disposal is being dealt with retrospectively and the land subject to this disposal has been occupied by Compass since sometime in 2009.

**Background**

In March 2009, the Town entered into a lease agreement with Compass for the occupation of a 12 hectare portion of land within Precinct Two of Port Hedland International Airport land for the development and operation of a transient workers accommodation village, commonly known as Port Haven.

As part of the planning approval process for the construction and development of the village, contractors working on behalf of Compass occupied additional land adjoining the formalised leased area for the purpose of accommodating temporary construction laydown and equipment storage.

Written approval for physical access to the additional land was granted by way of email in April 2009, by the then Chief Executive Officer of the Town.

In May 2009, the Town granted conditional planning approval for the installation of a temporary kitchen/diner facility to be constructed on portion of this laydown area.

The plans associated with this approval showed an outline for a plan for a car park within the adjoining land. The relevant conditions to this item read:

- “1. This approval relates only to the proposed Transient Workforce Accommodation Facility – Temporary Kitchen/Diner facility and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.*
- 2. Prior to the submission of a Building Licence application the applicant shall:*
  - a) enter into a lease agreement and finalise such agreement prior to the occupation of the temporary kitchen/diner, such lease is to include the area required for the heavy vehicle, boat trailer and over flow car parking bays...”*

At Ordinary Council Meeting held 24 June 2009, Council considered an item regarding the additional lease/licence required for the formalisation of the use of this site and resolved the following:

*“That Council:*

- i) Issues a licence to the Compass Group to build and access a temporary laydown area (as per the attached diagram) at licence fee at a market valuation for a period of 12 twelve (12) months;*
- ii) Prior to the expiration of the above licence, authorize the Chief Executive Officer (or his delegate) to negotiate a lease for the same area for a car park, with Compass Group for the remainder of the term of the ‘Port Haven’ Transient Worker Accommodation lease;*
- iii) Advises the Compass Group that any car park that is built on the site is to be designed and built by Compass Group, at no cost to Council; and*
- iv) Requires any car park developed on the site to meet both Council’s Engineering and Town Planning requirements (including landscaping to screen the car park from the Great Northern Highway).*

*REASON: Council included Clause iv) to ensure landscaping would be undertaken to screen the car park from the view of the Great Northern Highway.”*

Subsequent to this decision, the responsible officer requested the preparation of a draft lease document from the Town’s solicitors. This finalisation of this draft document was never formally considered or finalised between the parties and the proposed disposal was never advertised and made available for public comment in accordance with section 3.58 and 3.59 of the *Local Government Act 1995* therefore deeming the process incomplete.

Since the initiation of this process, Compass have continued to occupy and utilise the site. The site is currently developed as a formalised car park and the Town need to follow the required steps to formalise the use of the site by preparing a legal agreement and recovering lease fees for the retrospective occupation of the land.

### Consultation

#### *External*

- Compass Group (Australia) Pty Ltd
- McLeods Barristers and Solicitors

#### *Internal*

- Executive Team
- Manager Planning Services
- Manager Financial Services

### Statutory Implications

#### *Local Government Act 1995*

#### *Section 3.58. Disposing of property*

(1) *In this section —*

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

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

...

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

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

*(i) describing the property concerned; and*

*(ii) giving details of the proposed disposition; and*

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

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

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

*(a) the names of all other parties concerned; and*

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

*(c) the market value of the disposition —*

*(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

*(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than*



*6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

...

*Section 3.59. Commercial enterprises by local governments*

(1) *In this section —*

*acquire has a meaning that accords with the meaning of dispose; dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

*land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —*

(a) *acquire or dispose of an interest in land; or*

(b) *develop land;*

*major land transaction means a land transaction other than an exempt land transaction if the total value of —*

(a) *the consideration under the transaction; and*

(b) *anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;*

*[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]*

### **Policy Implications**

Nil

### **Strategic Planning Implications**

6.4 Local Leadership

---

6.4.1 Strategic

---

Investment and business opportunities are optimised from Council-owned assets.

### **Budget Implications**

While there are no direct budget implications involved with the preparation of the business plan proposed within this item, should Council proceed with the Officer's recommendation and a formalised agreement eventuate, an invoice would be raised for the backdated occupation fee of \$810,452.43 GST exclusive for the period 12 March 2009 to 11 March 2014.

Lease period	Lease Amount	GST inc	CPI % Rate (De c)	Total
12/03/2009 - 11/03/2010	\$143,161.20	\$157,477.32		\$157,477.32
12/03/2010 - 11/03/2011	\$143,161.20	\$157,477.32	2.10%	\$160,784.34
12/03/2011 - 11/03/2012	\$146,167.59	\$160,784.34	2.60%	\$164,964.74
12/03/2012 - 11/03/2013	\$149,967.94	\$164,964.74	2.90%	\$169,748.71
12/03/2013 - 11/03/2014	\$154,317.01	\$169,748.71	2.10%	\$173,313.44

In 12 March 2014, the annual lease fee would be subject to a market review, with annual CPI increases to continue to the end of the lease term being 11 March 2019.

The proposed formalisation of this agreement would see an estimate of \$2,482,526.24 GST exclusive be attributed to GL 1303357 account over the proposed 10 year term.

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

##### *Outstanding Council decision - 24 June 2009*

As noted in the background of this item, a decision was made by Council in relation to the lease/licencing of this portion of land. While some minor administrative steps were taken to formalise this arrangement, this resolution and direction from Council does not fulfill the requirements of section 3.58 and 3.59 of the *Local Government Act 1995* appropriately.

The decision requests that the proposed agreements be prepared with the fee to be set by market valuation. At the time that this decision was made, the market valuation for the subject land was \$6.30 per m<sup>2</sup>. Calculations of the total consideration to be received by Council for the duration of the proposed term of 10 years, (in line with the Lease of the adjoining area) would have exceeded \$2 million.

In accordance with section 3.58 and 3.59 of the *Local Government Act 1995*, if a local government, which is not in a metropolitan area or major regional centre, disposes of property with a total consideration in excess of \$2 million, it is required to prepare a business plan including an overall assessment of the undertaking for public review and comment.

This process was never completed and in order to deal with this matter effectively, it is proposed that this decision be revoked and revisited with reference to the relevant sections of the act as noted above.

*Retrospective planning approvals*

The car park is fully constructed and has been operational since sometime between 2009 and 2010. In formalising occupation of the site, Compass will be required to seek retrospective planning approvals for the car park.

*Summary of proposal*

It is proposed that a Lease agreement is entered into retrospectively for the occupation of the site based on the following terms and conditions:

- Commencement - 12 March 2009
- Term - 10 years
- Area - 2.274 hectares
- Annual Base Rental - \$143,161.20 exclusive GST (based on \$6.30m<sup>2</sup>)
- Annual CPI increase
- Market Review to be undertaken at commencement of year 6 (12 March 2014)

*Preparation and advertisement of business plan*

Section 3.59 prescribes that a business plan for the consideration of a major land transaction is required to be advertised for public review and comment for a period of six weeks. Taking into consideration that the Christmas and New Year holiday period would fall within the requisite six week period, should Council resolve to proceed with the officers recommendation, it is additionally recommended that the business plan associated with this proposal be advertised for a period of eight weeks to allow adequate time for residents and ratepayers to provide comments on the proposal.

**Attachments**

Nil.

**Officer's Recommendation**

That Council approve the preparation and advertisement of a business plan for a proposed major land transaction with Compass Group Pty Ltd for a 2.274 hectare portion of Lot 2444, Port Hedland International Airport, Great Northern Highway, in accordance with Section 3.58 and 3.59 of the *Local Government Act 1995*.

*NOTE: Due to information received from Australian Property Consultants since this item was finalised, the total consideration of revenue for the proposed ten year term to be received by the Town in disposing of this portion of land by way of lease, will not exceed \$2 million. This removes the requirement to prepare a business plan in accordance with Section 3.59 of the Local Government Act 1995.*

*This proposed disposal will continue to be subject to section 3.58 (3) of the Local Government Act 1995 (private treaty), and should Council agree to dispose of part of lot 2444 by way of lease to Compass Group Pty Ltd, the disposal would be locally advertised for public comment for a requisite period of two weeks.*

**201314/219 Amended Officer's Recommendation/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Daccache**

**That Council:**

- 1. Agree to dispose of part of lot 2444 of the Port Hedland International Airport by way of lease to Compass Group Pty Ltd in accordance with section 3.58 (3) of the *Local Government Act 1995* (private treaty) on the following terms and conditions:**
  - a. A term of ten years to commence retrospectively as of 12 March 2009;**
  - b. A Lease area of 2.274 hectares;**
  - c. A base rental of \$143,161.20 exclusive GST (based on \$6.30m<sup>2</sup>);**
  - d. An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics; and**
  - f. Rent Review by way of market valuation to be undertaken at commencement of year 6 (12 March 2014).**

**should no submissions be received during the requisite advertising period.**

***CARRIED 9/0***

**11.3 Community Development****11.3.1 Community Development****11.3.1.1 *North West Festival – Approval and Proposed Format of the 2014 Event (File No.: 03/02/0005)***

**Officer** Lorna Secrett  
**Manager Community Development**

**Date of Report** 10 January 2014

**Disclosure of Interest by Officer** Nil

**Summary**

This report is provided in response to Council Resolution (201314/194) at the 11 December 2013 Ordinary Council meeting and includes further information on a proposed expanded 3-day format for the North West Festival that would introduce new activities, broaden the Festival demographic and encourage multi night stays.

Council's endorsement is sought for the delivery of the 2014 North West Festival in the proposed expanded 3-day format.

**Background**

Council resolved at the OCM 11 December 2013 (201314/194) that it:

1. *Notes the review of the 2013 North West Festival*
2. *Notes payment of the \$250,000 event management fee to Sunset Events for the 2013 North West Festival*
3. *Notes the anticipated pre audit revenue surplus of approximately \$46,000 for the 2013 North West Festival*
4. *Notes that 60% of the audited revenue surplus for the 2013 North West Festival will be rebated to the Town by Sunset Events;*
5. *Notes that the delivery of the 2014 North West Festival will be considered in early 2014*
6. *Notes that under the terms of awarding of Tender 11/29 and subsequent contractual arrangements, the 2014 North West Festival will be managed by Sunset Events.*

This report responds specifically to Item 5 of the resolution, by providing further information on the proposed expanded 3-day format of the 2014 North West Festival in the Officer Comment section, and a projected budget, which is included as Confidential Attachment 1.

### Consultation

Nil

### Statutory Implications

Attachment 1 is to be kept confidential pursuant to Section 5.23(2) of the Local Government Act (1995):

*“Section 5.23(2)*

- (e) a matter that if disclosed, would reveal —*  
*(iii) information about the business, professional, commercial or financial affairs of a person,”*

### Policy Implications

Nil

### Strategic Planning Implications

6.1	Community
6.1.2	Vibrant
	Provide access to recreational, cultural, entertainment facilities and opportunities. Develop a series of well attended community events.
6.1	Community
6.1.3	Rich in Culture
	Promote the arts and culture.

### Budget Implications

Initially the Ordinary Council Meeting on 22 February 2012 resolved (201112/342) to provide \$500,000 towards establishing a high profile music event in accordance with the Strategic Plan 2010-15. An allocation, detailed below is contained within the 2013/14 budget should Council resolve to proceed with the 2014 event.

The terms of Tender 11/29 have been encapsulated in the event management contract as follows in relation to Council's continuing support:



*“The sponsorship commitment to the event from Council will be considered on an annual basis as part of its budget development process for a further period of 2 years. The annual contribution from Council is proposed to remain constant up to \$500,000. The term of the contract will be 1 + 1 +1 year option by mutual agreement.”*

The 2014 event represents the final year of the existing contract and Council’s annual contribution has been disbursed over 2 financial years for the previous two events, due to the milestone payment arrangement and holding of the event in August; therefore there is a residual amount in the 2013/14 budget of \$410,357 towards the 2014 event. In order to service the remainder of the event contract under the existing terms, an amount of \$89,643 is required to be allocated in the 2014/15 budget.

Table 1: 2014 Event Funding by Major Stakeholders

Organisation	Funding / Support	Status
Town of Port Hedland	\$ 500,000	\$410,357 remaining in 2013/14 budget, with further amount of \$89,643 to be allocated in 2014/15 budget
BHP Billiton Iron Ore	\$ 300,000	Conditionally approved, subject to final internal anti-corruption process
Atlas Iron	\$ 100,000	Confirmed
Eventscorp	\$ 250,000	Confirmed
Total	\$1,150,000	

Further budget amendments will be required to reflect the anticipated timing of income and expenditure in relation to the 2014 event. These amendments will be provided to Council as part of its consideration of the 2nd Quarterly Budget Review.

#### **Officer’s Comment**

Council have previously noted (OCM December 2013) the review of the 2013 North West Festival noting that Sunset Events had satisfied all criteria of the event management contract to date. Other major stakeholders have also communicated their satisfaction and continued support for the event.

To enable the growth of the Festival, and to expand on Council’s stated aims and desired outcomes, it is proposed that the event be expanded to a 3-day format in 2014, with the following table representing existing elements and proposed changes.

Table 2: Comparison of Existing and Proposed Festival Format

2013 North West Festival	2014 North West Festival
Saturday event at Port Hedland Turf Club featuring high profile Australian performers, mid-level international act and 'Best of the North West' winner	Saturday event at Port Hedland Turf Club featuring high profile Australian performers, major international act and 'Best of the North West' winner
	Friday night event at Port Hedland Turf Club featuring local acts and mid to high profile Australian acts with the aim of engaging Friday night campers and Festival attendees
	Sunday night event at the Civic Centre Gardens with a sundowner focus featuring acoustic performers and DJ acts
Saturday night camping facilities	Friday and Saturday night camping facilities
	Saturday morning markets in West End
Community Engagement Strategy	Extended Community Engagement Strategy, that builds on the existing focus of youth art, environmental and economic initiatives and activities

#### *Attendance and Audience - 2014 Event*

An estimated 3,850 people attended the 2013 event, which represented a slight increase on the previous year's attendance figures of 3,500. Confidential Attachment 1 outlines projected figures for the 2014 event, which are anticipated to increase significantly in response to the expanded format. Ticketing will be packaged so that patrons can attend any or all of the Friday, Saturday or Sunday events, which means that there is greater choice and range on offer.

#### *Sponsorship - 2014 Event*

The 2013 Festival was strongly supported by a range of sponsors, including:

- Presenting Sponsors - Town Of Port Hedland and BHP Billiton
- Gold Sponsors - Atlas Iron, Eventscorp, QSD and ESS
- Major Sponsors - BOC, Qantas, WAFM and Complete Portables
- Associated Sponsors - North West Telegraph and GWN7
- Supporters - Carlton United Brewery, Leeuwin Estate Wineries and Diageo.

BHP Billiton Iron Ore have recommitted funding for a further 3 years (2014 – 2016 inclusive), subject to these events being approved by Council, and increased their sponsorship to \$300,000 per annum. This increased funding will finance the expansion of the event to a 3-day format.

Discussions have been held with additional potential sponsors, as the event has gained a high profile in the state and national event calendar. The Town will work with Sunset Events to support and facilitate discussions to engage additional sponsors.

With expansion of the event financed by increased sponsorship by BHP Billiton Iron Ore, additional sponsorships and increased ticket sales will be directed to the bottom line of the event, resulting in a significant projected increase in the offset to Council's contribution, as outlined in Confidential Attachment 1.

#### *Community Engagement - 2014 Event*

The NWF Community Engagement Strategy for 2013 had a key focus on continuing to build the momentum, following the successful first year of programs. In addition to further growth and improvement on the previous community engagement program, exciting elements were added that including the beginnings of 'fringe' festival offerings, and the addition of a number of pre event initiatives and events.

Local organisations and community groups were again provided with opportunities around the Festival, and the increase of environmental elements was one feature of this. Event management training and experience was again beneficial for young people in the Town. Further highlights of the Community Engagement Strategy included:

- Buddy system – Hedland Senior High School participants
- Event Management Workshop, presented in conjunction with Sunset Events
- Eco Area at event – onsite recycling and displays on local environment
- Local stalls including food, RFDS, community group promotion and interactive arts activity by Hartz
- Matthew Hale, Comedy Hypnotist @ Matt Dann as Fringe Event
- Best of the North West band competition – 42 Decibel (Broome band) opened the Festival
- JDYz Air Guitar, after school Jam, band at SLAM
- Opportunity for development in economic outcomes
- Local community groups providing event staff for a donation.

There were several community organisations that worked with the event, including:

- HYLC – Hedland Youth Leadership Coalition
- HARTZ
- WAMIA – West Australia Music Industry Association

- Greening Australia
- Care for Hedland.

A post event review with key internal and external stakeholders was once again beneficial for future planning. Identified opportunities include:

- Continue to pursue local tourism opportunities
- Further youth development opportunities for youth already engaged
- Explore opportunities to engage with those artists who arrive for the Festival early
- Expansion of the '5 point countdown' in local media to create further exposure and benefits.

Council's endorsement of the delivery of the 2014 North West Festival will enable the Town to continue to develop and extend the Community Engagement Strategy around the existing focus areas of youth, art, environmental and economic initiatives and activities. A key element of the Community Engagement Strategy in 2014 is to deliver Saturday markets in the West End, involving local small business and stallholders.

#### *Marketing and Tourism Initiatives*

The objective of all marketing activity in 2013 was to leverage and build on the awareness that was generated through the 2012 event. A strong marketing program was delivered that included press, TV, Radio, posters, flyers, website, social media and 'Very Best of the North West' luxury ticket competition. Official photographers and videographer were also engaged to cover the event, with imagery and footage to form an integral part of the 2014 marketing campaigns.

A shift in the marketing campaign for 2013 was to deliver further state-wide and national awareness on the event through editorial focus. To achieve this, the services of an event and tourism specialist were engaged.

This initiative resulted in two specific travel stories around the Festival, one in TNT (backpacker focus) and one in the West Australian Travel section. Additionally, a review of the Festival was published in the West Australian through Music Editor Simon Collins, who attended the event.

Other highlights in 2013 were:

- Festival promos on 40 ATMs from Geraldton to Broome
- Larry Lizard mascot who was pictured in various locations on the way to the Festival and during the Festival
- Media famils, facilitated by a partnership with Australia's North West
- North West Festival chalk stencils on pavements outside community facilities and local participating businesses

- North West Festival Launch Party at Walkabout, Pier and Esplanade
- Facebook page (over 3000 likes), blog, website, artist activity.

This strong focus on tourism outcomes in 2013 resulted in evidence of patronage across the region, interstate and the start of national visitation, in line with the event development model. The ticketing report by postcode provided evidence that the 2013 event attracted - 45% from Port Hedland - 29% from the rest of the Pilbara Region - 17% from other WA regions - 6% from interstate. In summary 55% of total ticket sales come from outside Port Hedland. This is an outstanding result as it shows the spread of interest in the event and reflects the demand in the region and surrounds for a pinnacle, draw card event.

Marketing for the 2014 event will build on the success of these marketing and tourism marketing initiatives and extend the profile of the event as the premier regional festival in the Pilbara.

#### *Planning for 2014 North West Festival*

The terms of Tender 11/29 set out the following in relation to the annual presentation of the Festival:

*“In order to maximise the opportunity to secure a top quality headline performer each year it is proposed that the dates remain flexible. Largely due to weather it is proposed that the event window would be between April and October each year”.*

Possible dates are currently being investigated for the 2014 event, subject to Council's decision to proceed.

The scheduled date will seek alignment with other key regional events and provide a high profile draw card act.

Council endorsement of the delivery of the 2014 North West Festival will enable the timely progression of planning for the event.

#### *Status of Event Management Contract – 2015 onwards*

The 2014 North West Festival represents the final year of the current event management contract with Sunset Events. A further report will be presented to Council in February 2014, seeking endorsement and outlining the suggested terms and conditions to engage event management services for a further term. This timeframe will allow for the efficient planning of a 2015 event, should Council endorse this action.

*Summary*

Council's Vision for the North West Festival is, '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 aim of the event in the second year was to embed the North West Festival as the premier contemporary music festival in the Pilbara region achieving the objective of creating a 'pillar' event for the Town and stakeholders. Expansion to a 3-day format will enable the growth of the Festival, which is financed by increased funding from external sponsors.

A Community Engagement Strategy has been well established and implemented with great success, retaining its focus on the key areas of youth, art, environment and local economy.

Council's broad aims for the event are 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 of Port Hedland
- 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
- 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
- Raise the positive profile of Port Hedland as Pilbara's Port City and ultimately attract 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
- Deliver 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.



The 2013 North West Festival achieved and furthered the aims and visions for the event, building on the outstanding success of the inaugural year. Sunset Events complied with the terms of Tender 11/29 and subsequent contract. Council is therefore recommended to endorse the delivery of the 2014 North West Festival under the management of Sunset Events.

**Attachments**

1. Confidential – Projected 2014 North West Festival Budget (Under Separate Cover)

**201314/220 Officer's Recommendation/ Council Decision****Moved: Cr Jacob****Seconded: Cr Hunt****That Council:**

1. **Endorse the delivery of the 2014 North West Festival;**
2. **Note that under the terms of awarding of Tender 11/29 and subsequent contractual arrangements, the 2014 North West Festival will be managed by Sunset Events; and**
3. **Note a requirement to include a commitment of funds of \$90,000 in the 2014/15 budget for the North West Festival.**

***CARRIED 9/0***

**11.4 Corporate Services****11.4.1 Finance****11.4.1.1 *Financial Reports to Council for the Period Ended 30 November 2013 (File Nos: FIN-008, FIN-014 and RAT-009)***

<b>Officer</b>	<b>Clare Phelan Director Corporate Services</b>
<b>Date of Report</b>	<b>8 January 2014</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

The objective of this item is to present a summary of the financial activities of the Town for the period ended 30 November 2013, in comparison to the year-to-date budget. With regard to the Town's Utility and Fuel Costs, a comparison is made with 2012/13.

**Background****1. *Financial Statements***

The following financial reports are attached for the period ended 30 November 2013:

- Statement of Financial Activity (Attachment 1 – see Schedules 2 to 14);
- Statement of Financial Activity (Attachment 1 – see Notes 3 to 11);

**2. *Utility and Fuel Costs***

Presented in graph form is the 2013/14 monthly water, power and fuel costs compared with 2012/13.

**3. *Schedule of Accounts Paid – Attachment 2***

The Schedule of Accounts paid under delegated authority which is submitted to Council on 29 January 2014 for noting, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and delivery of services, and verification of prices, computations and costs.

**Consultation**

Nil

## Statutory Implications

### *Financial Statements*

Regulation 34 of the Local Government (Financial Management Regulations), states as follows:

*“34. Financial activity statement report - s. 6.4*

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, 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 at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; 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, to be used in statements of financial activity for reporting material variances.*

*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; or*
- (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.”*

#### *Local Government Act 1995*

#### *5.23. Meetings generally open to public*

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

—

...

- (e) *a matter that if disclosed, would reveal —*
  - (i) *a trade secret; or*
  - (ii) *information that has a commercial value to a person; or*
  - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*

### **Policy Implications**

#### **2/003 Financial Statements – Copies for Councillors**

Apart from the financial reports presented to Council as required by way of legislation, the following reports will be presented to Council:

#### **Monthly**

- Bank Reconciliation of the Municipal, Reserve and Trust Fund
- +90 day outstanding Sundry Debtors Report
- List of Accounts paid under Delegated Authority
- Register of Investments
- Rate Summary Trial Balance
- Reserve Account Balances.

Quarterly

- Quarterly Budget Review

Ad hoc financial reports will be presented to Council as deemed necessary by the Director, Corporate Services or Manager, Financial Services or requested by Council by resolution.

### Strategic Planning Implications

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

Fiscal accountability

Reporting is carried out as required on the Council's legislative and organisational performance.

Deliver responsible management of infrastructure, assets, resources and technology.

Responsible and transparent management of financial resources.

### Budget Implications

At the Special Meeting held on 31 July 2013, Council resolved to adopt item 6.3.1 'Adoption of the 2013/2014 Budget' en block with the exception of Recommendation 20, which included Recommendation 19 as follows:

*"Recommendation 19*

*In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, that Council adopts the following percentage or dollar value for determining and reporting material variances in 2013/14 as follows:*

- i) 10% of the Function amended budget; or*
- ii) \$100,000 of the Function amended budget*

*whichever is the lesser, for the following categories of revenue and expenditure:*

- iii) Operating Revenue*
- iv) Operating Expenditure*
- v) Non-Operating Revenue*
- vi) Non-Operating Expenditure"*

### Officer's Comment

For the purpose of explaining Material Variance (see Attachment 1, 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 dollar impact on the Adopted 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 (Under Separate Cover)
  - 1.1 Schedule 2, an Statement of Financial Activity. Pages 2
  - 1.2 Notes 3 to 11 which form part of the Statement of Financial Activity. Pages 3 to 18
  - 1.3 Schedule 3 -14, Detailed Financial Activity by Program. Pages 19 to 73
  - 1.4 Comparison of Utility & Fuel Costs (2013/14 vs 2012/13). Pages 74 to 76
2. November 2013 Listings for Payment (Under Separate Cover) (Confidential)

**201314/221 Officer's Recommendation/ Council Decision****Moved: Cr Jacob****Seconded: Cr Hunt****That Council note the:**

1. **Financial Statements as at 30 November 2013;**
2. **Graphic representation of the Town's energy, water and fuel use; and**
3. **List of Accounts paid during November 2013 under Delegated Authority.**

***CARRIED 9/0***



### 11.4.1.2 *Review of 2/007 Procurement Policy*

Officer	Clare Phelan Director Corporate Services
Date of Report	13 January 2014
Disclosure of Interest by Officer	Nil

#### Summary

Council's existing Procurement Policy has not been reviewed for over two years. This report presents a revised Procurement Policy for Council's consideration.

#### Background

The Town's Procurement Policy should be subject to review on a two yearly basis. The existing Policy was last reviewed, with amendments adopted, at the Ordinary Council Meeting of 8 June 2011. A number of changes are recommended for adoption by Council to ensure that the Policy aligns with modern business practice, and sound governance principles, whilst satisfying legislative obligations.

#### Consultation

Executive Management Team

#### Statutory Implications

Expenditure of Municipal funds is covered in section 6.8 of the Local Government Act 1995.

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

*\* Absolute majority required.*

- (1a) *In subsection (1) —*
- additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.*
- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
  - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

*[Section 6.8 amended by No. 1 of 1998 s. 19.]*

*Local Government (Functions & General) Regulations 1996**11A. Purchasing policies for local governments*

- (1) *A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100 000 or less or worth \$100 000 or less.*
- (2) *A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).*
- (3) *A purchasing policy must make provision in respect of —*
- (a) the form of quotations acceptable; and*
  - (b) the recording and retention of written information, or documents, in respect of —*
    - (i) all quotations received; and*
    - (ii) all purchases made.*
- (4) *Different requirements may be imposed under a purchasing policy in respect of different classes, or types, of any of the following —*
- (a) goods and services;*
  - (b) suppliers;*
  - (c) contracts;*
  - (d) any other thing that the local government considers appropriate.*

*[Regulation 11A inserted in Gazette 2 Feb 2007 p. 245.]*

**Policy Implications**

The Procurement Policy should be read in conjunction with the Town's Tender Policy, Regional Price Preference Policy, and Code of Conduct.

**Strategic Planning Implications**

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

**Budget Implications**

Not applicable.

**Officer's Comment**

The existing Procurement Policy has been reviewed, with a number of changes recommended for adoption by Council to ensure that the Policy, and Town practices, in relation to procurement align with modern business practice and sound governance principles.

The Policy has been updated to clearly articulate the Town's procurement objectives including value for money; open and fair competition; enhancement of the capabilities of local businesses; environmental protection; and ethical behavior and fair dealing.

The Policy has been expanded to provide greater clarity around financial delegations; budget allocations; regional collaboration and supporting local business and industry; and raising of purchase orders.

The revised Policy provides a framework for the use of alternative procurement mechanisms in addition to the traditional method of obtaining a certain number of written quotes. For example, the Town may access WALGA preferred supplier contracts; establish its own preferred supplier arrangements; standing offer arrangements; or participate in regional procurement collaboration through Pilbara Regional Council. The primary purpose in doing so is to obtain best value for money for the Town of Port Hedland community, and access more efficient procurement methods.

Finally, the Policy removes reference to corporate credit cards and fleet fuel cards. The purpose of a Procurement Policy is to provide a framework for the procurement of goods and service that sets out for stakeholders the Town's requirements, values, commitments, considerations, and obligations in relation to procurement. The actual payment mechanism - be it cheque, electronic funds transfer, or credit card payment - is not a consideration in terms of underlying purchasing principles. Similar to a range of other operational activities, Internal Operating Procedures are developed by Executive that set out the administrative requirements surrounding processes such as credit card payments, or Town vehicle use.

#### **Attachments**

1. 2/007 Procurement Policy - Revised
2. 2/007 Procurement Policy - Existing

#### **201314/222 Officer's Recommendation/ Council Decision**

**Moved: Cr Daccache**

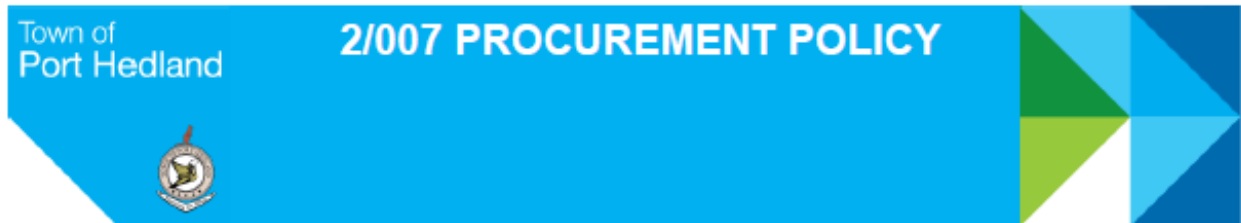
**Seconded: Cr Hunt**

#### **That Council:**

1. **Note the report on the review of the Town's Procurement Policy by the Director Corporate Services; and**
2. **Adopt the revised Procurement Policy 2/007 as set out in Attachment 1.**

***CARRIED 9/0***

## ATTACHMENT 1 TO ITEM 11.4.1.2

**2/007 PROCUREMENT POLICY****OBJECTIVE**

This policy aims to ensure that Town of Port Hedland's procurement of goods and services is legal, ethical, and to the Town's best advantage. The Town's purchasing objectives are:

- Open and fair competition;
- Value for money;
- Enhancement of the capabilities of local business and industry;
- Environmental protection; and
- Ethical behaviour and fair dealing.

**RELEVANT LEGISLATION**

- Local Government Act 1995
- Local Government (Financial Management) Regulations 1996
- Local Government (Functions and General) Regulations 1996

**RELATED POLICIES**

- Tender Policy
- Regional Price Preference Policy
- Code of Conduct

**POLICY**

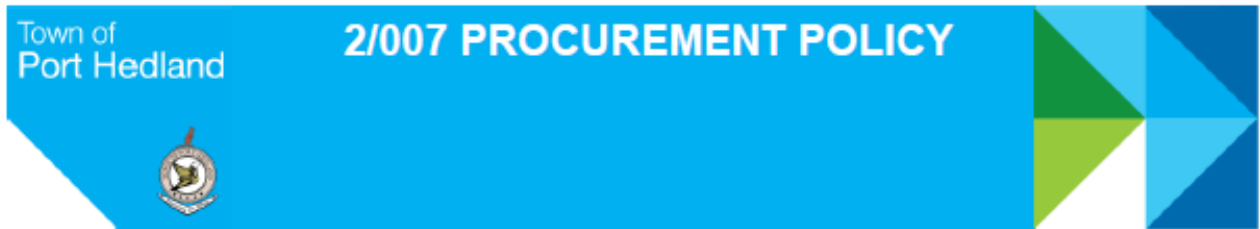
In entering into contracts for the carrying out of work, or the supply of goods and services, Council Officers will have regard to Town of Port Hedland's purchasing objectives as set out above. Every effort should be made to ensure businesses operating within the Town of Port Hedland local government area are given an opportunity to quote.

The general objectives of this policy apply to all purchases regardless of whether payment is made via traditional Accounts Payable processes, petty cash or corporate purchase cards.

Those persons or organisations providing goods and services to the Town shall be considered to be agents of the Town and shall be required to comply with the Town's relevant policies.

A breach of the requirements of this policy may result in disciplinary action.

**Delegation**



The Chief Executive Officer (CEO) has delegated authority to incur financial expenditure on behalf to the Town under the following provisions:

- Where expenditure has been provided for in the annual budget; or
- Genuine emergency

The CEO is authorised to enter into contracts on behalf of the Town within the procurement delegation authorised.

Other Town Officers may only incur expenditure on behalf of the Town if:

- The Officer has been granted a procurement delegation by the CEO, and such delegation is recorded in the Sub-Delegations Register; and
- The expenditure has been provided for in the annual budget; or
- In the case of genuine emergency or hardship, where the power to incur expenditure in these circumstances has also been delegated.

No Officer may have a procurement delegation exceeding \$100,000.

Any Officer incurring expenditure may only do so in accordance with any constraints imposed by the Council or the CEO in respect to a procurement delegation.

When party to a trade-in on goods, the delegated level of authority applies to the gross purchase price of the goods, not the purchase value less the trade-in price.

All Officers with an expenditure delegation or involved in the procurement of goods and services will be appropriately trained in the relevant procedures to be followed.

#### **Allocation of Funds**

In addition to a delegated authority to incur expenditure, it is essential that funds are made available for a purchase prior to any commitment being entered into. This means that a budget allocation must have been approved by Council in the annual budget or subsequent reviews for the purpose to which the proposed expenditure applies.

For special projects, contribution works, and grant works not specifically detailed in the annual budget, approval to purchase is dependent upon the funds being available. These funds must either be received or committed in writing by the funding body, and accepted by the Town.

For any program of works that exceeds the budget estimate by more than an immaterial amount, initial approval for commencement of works must be given by the CEO and subsequently reported to Council via the Quarterly Budget Review process.



Budget allocations are provided for a purpose. Expenditure contrary to this purpose (such as using a budget in one area to cover another, or using a recurrent budget to fund a capital purchase and vice versa) must be initially approved by the CEO and subsequently reported to Council via the Quarterly Budget Review process.

#### **Purchase Orders**

An official Town of Port Hedland Purchase Order is required for all purchases greater than \$1,000. Purchase Orders in the prescribed format must be provided to the preferred supplier prior to the supply of goods or services. Exemptions for the requirement to raise a Purchase Order apply to recurrent payments such as telephone and electricity accounts; subscriptions; credit card purchase; and monthly rentals where it is impractical to raise Purchase Orders prior to receipt of the goods and services, and associated invoice.

#### **Splitting of Purchase Orders**

Officers are prohibited from splitting Purchase Orders for the purposes of acquiring goods or services above their delegated procurement authority, or to avoid the necessity to obtain quotes or call for tenders.

#### **Receipt of Goods and Services**

When the goods are received or the works and services carried out, a Goods Received declaration shall be completed in the prescribed format.

#### **Promotions and Incentives**

The offering or acceptance to Officers of promotional goods, rewards, benefits or any other form of incentive in relation to the procurement of goods and services is strictly prohibited.

#### **Regional Collaboration, Standing Offer and Preferred Supplier Arrangements**

The Town is a member of the Pilbara Regional Council (PRC). Town Officers are encouraged to seek opportunities to aggregate purchases within this alliance as well as other local government groups when applicable. Local suppliers should be encouraged to submit a quotation or tender in these circumstances.

The Town may enter into Standing Offer Arrangements (SOA) with suppliers for the supply of particular goods and services at specified rates for a specified time period. Standing Offer Arrangements may only be entered into following public advertising seeking offers.





The Town may access Preferred Supplier Arrangements (PSA) through the WA Local Government Association (WALGA), or its own PSA following public advertising and assessment of submissions.

An SOA or PSA may be established if the supply of goods or services is needed in large volumes or on a frequent basis; and use of an SOA or PSA will obtain better value for money by aggregating demand for the goods or services required.

When utilising PRC, SOA or PSA procurement methods, Officers must ensure that there is provision for the evaluation of the arrangements, including the removal of a supplier from an arrangement because of poor supplier performance.

#### Quotations and Advertising

Officers will apply the following minimum guidelines for inviting quotations prior to the procurement of any goods or services. In assessing which quotation requirements apply, consideration is to be given to the estimated amount inclusive of GST.

Estimated Value	Requirements
Less than \$2,000	Not applicable
\$2,000 to \$4,999	1 written quote; or Preferred Supplier Arrangement; or Standing Officer Arrangement; or Accessing Government contract pricing
\$5,000 to \$14,999	2 written quotes (excluding sole supplier situations); or Preferred Supplier Arrangement; or Standing Offer Arrangement; or Accessing Government contract pricing
\$15,000 to \$49,000	Public advertising encouraged 3 written quotes (excluding sole supplier situations); or Preferred Supplier Arrangement; or Standing Offer Arrangement; or Accessing Government contract pricing
\$50,000 to \$99,999	Public advertising encouraged ToPH website advertising essential 3 written quotes (excluding sole supplier situations); or Preferred Supplier Arrangement; or Standing Offer Arrangement; or Accessing Government contract pricing
\$100,000 or greater	Tender Policy applies

The relevant Director is to assess the extent of any public advertising required. Where written quotes are submitted as a result of public advertising, all persons and organisations that have provided a quotation must be advised in writing of the outcome.



An exemption from meeting the relevant quotation requirements may only be issued by the CEO.

Evaluation of competing suppliers shall be made with reference to the Town's procurement objectives. At the end of major procurements, the performance of the contractor or supplier should be assessed. This information can be used in the assessment process for the award of future contracts.

All documentation associated with procurement, including written quotations and supplier evaluations, shall be retained and attached to the relevant payment request. Records are to be retained in accordance with the Town's internal and legislative record keeping requirements.

#### DEFINITION

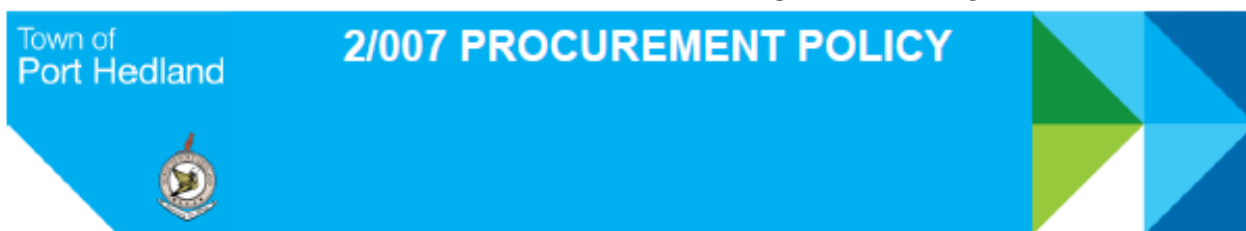
Nil

Council Adoption Date and Resolution No.	
Date of adoption of amendment and Resolution Number <i>Do not delete previous dates</i>	<i>Submitted for amendment 29 January 2013 Council Meeting Amended at the 8 June 2011 Council Meeting Amended at the 27 May 2009 Council Meeting</i>
Relevant Legislation	<i>Local Government Act 1995 Local Government (Financial Management) Regulations 1996</i>
Delegated Authority	
Directorate	<i>Corporate Services</i>
Review Frequency	<i>Two yearly. Due January 2015.</i>

#### Document Control Statement

*The electronic reference copy of this Policy is maintained by the **Governance Department**. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://intranet/> to ensure that you have the current version. Alternatively, you may contact the Governance Department.*

## ATTACHMENT 2 TO ITEM 11.4.1.2

**2/007 PROCUREMENT POLICY**

## Local Purchasing

After having due regard to, but not limited to, the quality of the product, availability of after sales service, supply date, freight costs, degree of urgency Officers of the Town of Port Hedland are encouraged to purchase locally.

## Pre procurement Requirements

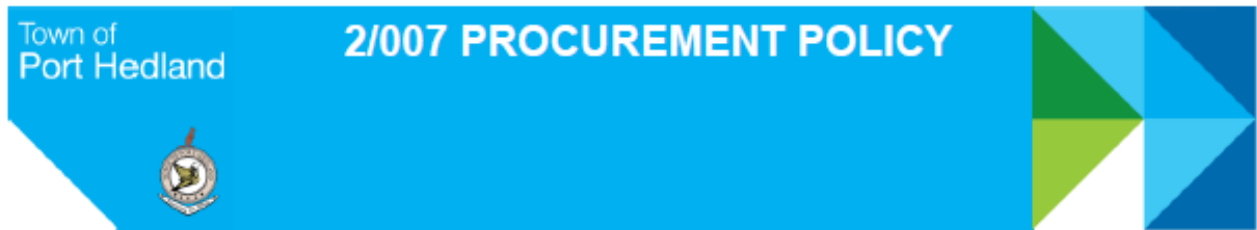
Where possible, unless by Council resolution, or by requirement of legislation, Officers will follow the following minimum guidelines for inviting quotes prior to purchasing any good or service.

Purchase Value	Quotes Required (minimum)
Less than \$2,000	1 Verbal Quote
\$2000 - \$4,999	1 Written Quote
\$5,000 to \$14,999	2 Written Quotes
\$15,000 to \$49,999	3 Written Quotes
\$50,000 to \$99,999	3 Detailed Quotes, Authorised by CEO
\$100,000 and over	Tender Policy 2/011applies

In instances of emergency or where procurement is urgently required, officers with delegated authority may procure the goods/services without seeking quotations on the proviso that:

1. A brief explanation of the emergency/urgency of the situation is provided by the officer upon issue of purchase order and prior to payment of the invoice for the service
2. The value of works being undertaken in the emergency is within the officer's delegated authority limit.
3. The value of the works being undertaken is within the limits of the Council's adopted Annual Plan and Budget.

It is the Officer's responsibility to provide evidence that a reasonable attempt has been made to meet the above guidelines.



If a selection criteria, other than price, is used to determine the successful supplier, the authorising officer will advise all potential suppliers of the selection criteria prior to receiving quotations.

All documentation received or internally generated, as evidence of meeting the above quoting requirements will be attached to Council's copy of the payment advice and retained as per either Council internal or legislated records requirements for financial documents, whichever is the longest.

#### Tenders

Tenders will be called for all procurement of Goods or Services from a single supplier as prescribed under Section 3.57 Local Government 1995 *and in accordance with 2/011 Tender Policy*.

#### Authorising Officer

An Authorising Officer is a Town of Port Hedland employee who is registered in the sub delegation register as authorised to incur expenditure and claims for payment, within a set monetary limit.

#### Purchase Orders

The Town of Port Hedland requires a purchase order to be raised and issued prior to the service or product being supplied. The authorising officer will ensure items purchased are made within budget parameters.

#### Purchase Orders Exemptions

The requirement to issue a purchase order is not required in the following instances:

1. Procurement of particular goods or services:
  - a) Utilities; including telephone, electricity, water and gas.
  - b) Annual Membership/subscriptions
  - c) Reimbursements to Staff
  - d) Freight
  - e) Department of Land Information on line transactions
  - f) Motor Vehicle Licensing and Registration
  - g) Custom Fleet Bill
  - i) Postage



2. Corporate Credit or Fleet Fuel Card purchases;
3. Petty Cash purchases - \$200 limit GST inclusive;
4. All emergencies as deemed in writing by the Mayor;
5. All procurement authorised by way of Tender and requiring three or less separate payments in one financial year.

#### Fleet Fuel and Corporate Credit Cards

##### *Fleet Fuel Cards*

All appropriate fleet vehicles will be issued with an appropriate fleet fuel card for fuel purchases only. If a vehicle is allocated to Council Officer, that Officer is responsible for the security and appropriate use of the Fleet Fuel Card. Fuel purchased using a fleet fuel card, must be of type required by the vehicle the card was initially issued for.

##### *Corporate Credit Cards*

The Chief Executive Officer and Directors have use of a Corporate Credit card, provided from the Town's current banking provider. Use of this credit card is strictly for authorised duties associated with the Town of Port Hedland and may not be used for personal expenses in any circumstances.

Limits placed on the Corporate Credit Cards will be as follows:

Officer	Credit Limit	Cash Advances
Chief Executive Officer	\$5,000	Nil
Directors	\$2,000	Nil

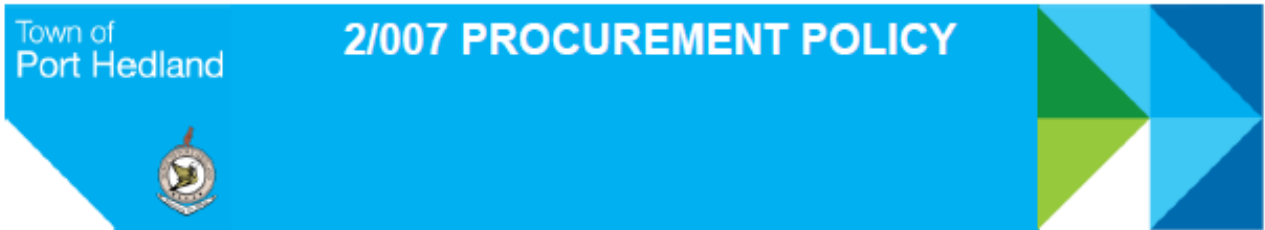
Each Corporate Credit Card Holder is responsible at all times for:

1. The security of the card;
2. Providing documentary evidence of all purchases (i.e. receipts) and attaching these to the monthly statement;

At the end of each month, each credit card statement is authorised by:

1. In the case of a Director, the Chief Executive Officer;
2. In the case of the Chief Executive Officer, the Mayor.





All purchases using the Corporate Credit Card shall be included in the monthly list of accounts paid by delegated authority presented to Council.

#### Breach of Procurement Policy

Officers found to have breached this policy may, at the discretion of the Chief Executive Officer:

1. Have their purchasing rights revoked; and
2. Be subject to disciplinary action, including possible termination without notice.
3. Be required to reimburse Council for the amount of the unauthorised expenditure.

*(Amended at the 27 May 2009 Council Meeting. Amended at the 8 June 2011 Council Meeting)*



**11.4.1.3 2012/13 Audited Financial Statements**

<b>Officer</b>	<b>Clare Phelan Director Corporate Services</b>
<b>Date of Report</b>	<b>9 January 2014</b>
<b>Disclosure of Interest by Officer</b>	<b>Nil</b>

**Summary**

The 2012/13 Financial Statements and the independent Auditor's report were presented to the Audit and Finance Committee on the 29 January 2014 and are also presented for recommendation to Council.

**Background**

The Town is required to prepare general purpose financial reports each year and refer them to audit as soon as practicable, and not later than 30 September following end of financial year. The Town submitted the 2012/13 draft financial statements to the Auditors, Grant Thornton Audit, by 30 September, and on 16 December 2013 received an unqualified audit report.

The financial statements are prepared in accordance with Australian Accounting Standards; the Local Government Act 1995; and the Local Government (Financial Regulations) 1996. Management's responsibility is to prepare the financial statements in accordance with the Standards, Act, and Regulations and to ensure that the reports present fairly the financial performance and position of the Town, free from material misstatement, whether due to fraud or error.

The role of the Auditor is to provide an opinion based on their audit as to whether Management has fulfilled these obligations. The Auditors also prepare a separate, more detailed report for Management identifying any issues arising from the conduct of the audit, and recommending any corrective actions. The report is provided to Management for the inclusion of Management Comments in response to concerns raised.

The Audit & Finance Committee has delegated authority to liaise with the Auditor, receive and examine the Auditor's report and any Management Letters arising from the conduct of the audit and report back to Council.

**Consultation**

- Town Auditors – Grant Thornton.

**Statutory Implications**

*Local Government Act 1995*

*5.54 Acceptance of annual reports*

(1) *Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\* Absolute majority required.*

(2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

*Local Government (Audit) Regulations 1996**10. Report by auditor*

(1) *An auditor's report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.*

(2) *The report is to give the auditor's opinion on —*

- (a) the financial position of the local government; and*
- (b) the results of the operations of the local government.*

(3) *The report is to include —*

- (a) any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government; and*
- (b) any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable financial controls in any other written law; and*
- (c) details of whether information and explanations were obtained by the auditor; and*
- (d) a report on the conduct of the audit; and*
- (e) the opinion of the auditor as to whether or not the following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions —*
  - (i) the asset consumption ratio; and*
  - (ii) the asset renewal funding ratio.*

(4A) *In subregulation (3)(e) —*

**asset consumption ratio** *has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 50(2);*

**asset renewal funding ratio** *has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 50(2).*

(4) *Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor's report.*

*[Regulation 10 amended in Gazette 21 Jun 2013 p. 2449-50.]*

*16. Audit committee, functions of*

*An audit committee —*

- (a) *is to provide guidance and assistance to the local government —*
  - (i) *as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
  - (ii) *as to the development of a process to be used to select and appoint a person to be an auditor; and*
- (b) *may provide guidance and assistance to the local government as to —*
  - (i) *matters to be audited; and*
  - (ii) *the scope of audits; and*
  - (iii) *its functions under Part 6 of the Act; and*
  - (iv) *the carrying out of its functions relating to other audits and other matters related to financial management; and*
- (c) *is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
  - (i) *report to the council the results of that review; and*
  - (ii) *give a copy of the CEO's report to the council.*

*[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043; amended in Gazette 8 Feb 2013 p. 867.]*

### **Strategic Planning Implications**

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability, and compliance.

Deliver responsible management of infrastructure, assets, resources and technology.

### **Budget Implications**

The Original Budget for 2013/14 provided for a carry forward surplus from 2012/13 of \$3.263 million. This projected carry forward surplus plus the net movement in unrestricted assets for 2013/14 resulted in a projected closing balance at 30 June 2014 of nil, ie a balanced budget. As highlighted previously to Council including via the September Quarterly Budget, this projected 30 June 2013 has not been achieved. Council has effectively commenced the 2013/14 budget year with negative unrestricted cash of \$624,000. This actual opening balance will be incorporated into the December Quarterly Budget Review, scheduled to be presented to the February 2014 Audit & Finance Committee and Ordinary Council Meeting.

### **Officer's Comment**

For 2012/13, it is the Auditor's opinion that the financial reports of the Town present fairly in all material respects, the Town's financial position, performance, and cash flow for the year ended 30 June 2013; comply with Australian Accounting Standards and relevant legislation; and is prepared in accordance with the Local Government Act and Regulations.

The Auditors have noted that the Town has not been able to calculate the Note 21 Asset Renewal Ratio and the Asset Consumption Ratio as required by the Local Government (Financial Management) Regulations 1996. The Town does not have sufficient information available at this point in time to perform those calculations accurately. The calculation of this ratio is reliant upon information contained in Council's Long Term Financial Plan (LTFP). As Council does not have an adopted LTFP, this calculation is not possible. It is expected that the ratio will be available for inclusion in the 2013/14 financial statements.

The Town as at 30 June 2013 was custodian of net assets in excess of \$300 million. Income for the 2012/13 year was \$129 million, with operating expenditure of \$70 million. During 2012/13, the Town acquired a further \$24 million of Infrastructure, Property, Plant & Equipment. Council held \$76 million of Cash & Investments, however the majority of that money is restricted in the form of Reserves, and Unspent Grants. Council's unrestricted cash as at 30 June 2013 is negative \$624,709. As discussed with Council previously as part of the 2013/14 September Quarterly Budget Review (December 2013) and Elected Members Catch Up – Finance (December 2013, it is essential that an adequate unrestricted cash balance is maintained so that the Town's debts and obligations can be satisfied as and when they fall due. Sufficient unrestricted cash also affords Council the flexibility to respond to grant and other funding opportunities as they arise.

This is further highlighted in the financial ratios included in Note 21 of the report, which indicates an insufficient current ratio at 30 June 2013, with Council having only 80 cents of unrestricted current assets to satisfy each dollar of unrestricted current liabilities. It is essential that this position is corrected via careful management of the current 2013/14 budget, and in development of the 2014/15 and future years' budgets.

The Key Issues Management Report has identified a number of critical areas for improvement by the Town of Port Hedland. Of greatest importance is the timeliness of financial statement preparation; ensuring that accounting treatment is in accordance with Australian Accounting Standards; and the preparedness for on-site audit work. The key findings are set out on pages 5-6, and internal control observations on page 11. Management is keenly focused on ensuring that the 2013/14 financial statement process is undertaken in a timely and accurate manner.

### **Attachments**

1. Management Representation Letter
2. 2012/13 Financial Statements including the Independent Auditor's Report (Please see 2012/13 Annual Report)
3. Grant Thornton - Report to the Audit Committee for the year ended 30 June 2013 (Under Separate Cover).

**201314/223 Officer's Recommendation/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Van Vugt**

**That the Council endorse the 2012/13 Financial Statements, the Independent Audit Report and the report by Grant Thornton on the 2012/13 audit as presented to the Audit & Finance Committee on 29 January 2014.**

***CARRIED 9/0***

*Note: Point 4.1 of Attachment 3 'Misappropriation of funds' has been removed.*

## ATTACHMENT 1 TO ITEM 11.4.1.3



Michael Hillgrove  
Grant Thornton Audit Pty Ltd  
Level 1  
10 Kings Park Road  
West Perth WA 6005



Correspondence to:  
PO Box 570  
West Perth WA 6872

Dear Michael

**Audit for the year ended 30 June 2013**

This representation letter is provided in connection with your audit of the financial report of Town of Port Hedland ("entity") for the financial year ended 30 June 2013, for the purpose of you expressing an opinion as to whether the financial report is, presented fairly in accordance with the Australian Accounting Standards including the Australian Accounting Interpretations and other relevant legislation.

We acknowledge our responsibility for ensuring that the financial report is in accordance with Accounting Standards (including Australian Accounting Interpretations), International Financial Reporting Standards as disclosed in the financial report and confirm that the financial report is free of material misstatement, including omissions and that we have approved the financial report.

We understand that your examination was made in accordance with Australian Auditing Standards and was, therefore, designed primarily for the purpose of expressing an opinion on the financial report of Town of Port Hedland taken as a whole, and that your tests of the accounting records and other auditing procedures were limited to those which you considered necessary for that purpose.

We confirm, to the best of our knowledge and belief, the following representations made to you during your audit:

**General**

- 1 We have made available to you:



- a all financial records and related data, other information, explanations and assistance necessary for the conduct of the audit; and
  - b minutes of all meetings of the Audit Committee Minutes.
- 2 There are no material transactions that have not been properly recorded in the accounting records underlying the financial report.
- 3 We confirm that there have been no changes to the accounting policies applied in the previous annual financial report or the methods used in applying them, other than those disclosed in the financial report.
- 4 We have established and maintained adequate internal control to facilitate the preparation of a reliable financial report, and adequate financial records have been properly maintained.
- 5 We have no plans or intentions that may materially affect the carrying values, or classifications of assets and liabilities.
- 6 We confirm the appropriateness of the measurement of accounting estimates, including related assumptions, used in the preparation of the financial report and the consistency in application of the processes.
- 7 The following have been properly recorded or disclosed in the financial report
  - a share options, warrants, conversion or other requirements;
  - b arrangements involving restrictions on cash balances, compensating balances and ~~line~~ of credit or similar arrangements; and
  - c agreements to repurchase assets previously disposed.
- 8 We confirm the reasonableness of significant assumptions, including whether they appropriately reflect management's intention and ability to carry out specific courses of action on behalf of Town of Port Hedland where relevant to the fair value measurement or disclosures.
- 9 Other than as disclosed to you, there have been no:
  - a irregularities involving management or employees who have significant roles in the system of internal control structure;
  - b irregularities involving other employees, that could have a material effect on the financial report;

- c communications from regulatory agencies concerning non-compliance with, or deficiencies in, financial reporting practices that could have a material effect on the financial report; or
  - d known actual or possible non-compliance with laws and regulations.
- 10 Details have been furnished to you about all material contracts that may affect the financial report for the year ended 30 June 2013 or that have become effective since that date.
- 11 We are not aware of any pending litigation involving the entity other than the matters disclosed in the financial report.
- 12 All contingent liabilities have been provided for or noted in the financial report.
- 13 There were no material commitments for goods or services or purchase commitments in excess of normal requirements or at prices in excess of the prevailing market prices at year end, other than disclosed in the financial report.
- 14 There were no material commitments for construction or acquisition of property, plant and equipment or to acquire other non-current assets, such as investments or intangibles, other than those disclosed in the financial report.

**Capital management**

- 15 All disclosures in the financial report in respect of capital management processes reflect actual processes in place during the reporting period.

**Events subsequent to balance date**

- 16 No events, other than those disclosed in the financial report, have occurred subsequent to the balance sheet date or are pending that would require adjustment to, or disclosure in, the financial report or amendments to significant assumptions used in the preparation of the accounting estimates.

**Fraud and error**

- 17 We have disclosed to you:
- a the results of our assessment of the risk that the financial report may be materially misstated as a result of fraud.
  - b our knowledge of fraud or suspected fraud affecting the entity involving:
    - i management
    - ii employees who have significant roles in internal control
    - iii others where the fraud could have a material effect in the financial report

- c our knowledge of any allegations of fraud or suspected fraud, affecting Town of Port Hedland's financial report communicated to us by employees, former employees, analysts, regulators or others.

18 We acknowledge our responsibility for the design and implementation of internal control to prevent and detect fraud and error.

### **Assets**

19 Town of Port Hedland has satisfactory title to all assets, and there are no liens or encumbrances on such assets that have not been disclosed nor has any asset been pledged as collateral.

20 For assets carried at fair value, we have assessed fair value in accordance with the applicable requirements of AASB 116 Property, Plant and Equipment, AASB 138 Intangible Assets and AASB 139 Financial Instruments: Recognition and Measurement.

### **Impairment of assets**

21 We have considered the requirements of AASB 136 Impairment of Assets when assessing the carrying amount of assets and in ensuring that no assets are stated in excess of their recoverable amount.

### **Property, plant and equipment**

22 During the year all additions to property, plant and equipment represented the cost of additional assets, or additions and improvements to existing assets, and no material items of capital expenditure were written off against profits.

23 Rates of depreciation applied to reduce book values of individual assets to their estimated residual values, reflect the probable useful lives of those assets to Town of Port Hedland.

24 The entity has no "make good" obligations in respect of its property, plant and equipment for which it would be required to make a restorative provision under AASB 137 Provisions, Contingent Liability and Contingent Assets which have not been included in the financial report.

### **Inventory**

25 Inventories in the balance sheet comprise the whole of the entity inventories and work in progress wherever situated and stocks held on consignment from or on behalf of other parties have been excluded.

26 We have made provision for all expected future losses on contracts entered into at the reporting date, based on estimated costs to complete, including appropriate overhead expenditure.

- 27 Full provision has been made in respect of all defective, obsolete or slow moving inventory.

**Receivables**

- 28 Balances owing by trade and other debtors at balance date are valid receivables and do not include charges for goods on consignment, approval or repurchase agreements.
- 29 All known bad debts have been written off and the provision for doubtful debts in our opinion is adequate and has been calculated in accordance with the requirements of AASB 139 Financial Instruments: Recognition and Measurement.

**Insurance**

- 30 All assets and insurable risks of the entity are adequately covered by insurance.

**Financial assets**

- 31 The sensitivity analysis disclosed in the financial report for foreign exchange risk, interest rate risk and other price risk are all based upon reasonably possible fluctuations in currencies, interest rates and prices for the period until the next annual financial report is expected to be signed.
- 32 All quantitative disclosures in the financial report relating to risk exposures in respect of financial instruments at reporting date are representative of exposures during the financial year.
- 33 All concentrations of credit risk, liquidity risk and market risk (including currency risk, interest rate risk and other price risk) have been properly disclosed in the financial report.
- 34 Disclosures relating to processes for managing risk in relation to financial instruments reflect actual processes in place during the reporting period.
- 35 All information regarding transactions involving trading with derivatives has been made available to you. All derivatives have been marked to market at the year end and recorded at this value in the financial report.

**Liabilities**

- 36 All material liabilities at the balance sheet date have been taken up in the books of account, including the liability for all purchases to which title has passed prior to the balance date, and for all items included in inventory.
- 37 We have disclosed the existence of any loans approved but not drawn down at the reporting date.
- 38 No asset of the Town of Port Hedland has been pledged as security for any liability, except as disclosed in the financial report.

- 39 All amounts of capital repayment and interest due to be paid to lenders during the reporting period were made on time, in accordance with provision of the loan agreement, except as disclosed in the financial report.
- 40 There are no financial guarantee contracts in place to third parties which could be called upon in the event of a default, other than those disclosed in the financial report.

**Bank facilities**

- 41 We confirm that we have complied with the terms and conditions of any of our bank facility agreements including that we have not breached any of the reportable covenants contained within and of the agreements.
- 42 We consider that the classification of the borrowings between current and non-current is appropriate.

**Taxation**

- 43 We confirm there are no disputes with any taxation authorities whose effects should be considered for disclosure in the financial report or as a basis for recording an expense.

**Electronic presentation of audited financial report**

- 44 If we publish the financial report on our website, we acknowledge that:

- we are responsible for the electronic presentation of the financial report;
- we will ensure that the electronic version of the audited financial report and the auditor's report on the web site are identical to the final signed hard copy version;
- we will clearly differentiate between audited and unaudited information in the construction of the entity's web site as we understand the risk of potential misrepresentation;
- we have assessed the controls over the security and integrity of the data on the web site and that adequate procedures are in place to ensure the integrity of the information published; and
- we will only present the auditor's report where the full financial report is published on the website.

**Ratios**

- 45 All ratios presented within the financial statements have either been produced on historic data which is disclosed within the financial statements or based on management's best estimate of future income and expenditure based on past performance. We confirm that we do not have information at the present to calculate the ratios disclosed in Note 21 to the financial report.

**Related parties**

46 All details of related party transactions and related amounts receivable or payable, including sales, purchases, loans, transfers, leasing arrangements and guarantees (written or oral), have been correctly recorded in the accounting records and have been properly disclosed in the entity's financial report or notes thereto, where required by statute, the Australian Accounting Standards, or where such disclosure is necessary for the true and fair presentation of the entity's financial report.

**Revenue**

47 Revenue has been recognised in accordance with AASB 118, and where applicable, our assessment of the percentage completion accurately reflects the status of the project in accordance with project milestones.

**Going concern**

48 We have made an assessment of the entity's ability to continue as a going concern when preparing the financial report. We are not aware of any material uncertainties related to events or conditions that may cast significant doubt upon the Town of Port Hedland's ability to continue as a going concern.

**Audit adjustments**

49 We acknowledge that:

- a. uncorrected misstatements have been brought to our attention by the auditor.
- b. we have considered the effect of any uncorrected misstatements, aggregated during and pertaining to the latest period, on the financial report and consider the misstatements are immaterial individually and in aggregate to the financial report taken as a whole; and
- c. a summary of uncorrected misstatements has been attached to this letter.

Yours sincerely

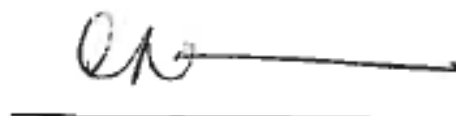
Town of Port Hedland



Name: M.J. OSBORNE

Title: CHIEF EXECUTIVE OFFICER

Dated this 16<sup>th</sup> day of December 2013



Name: Clare Phelan

Title: Director Corporate Services





Grant Thornton		Unadjusted Journal Entries - Town of Port Hedland		
PAJE No.	Account Description	Account Number	Debits	Credits
1	Bad Debts Written Off	1109285	383,226.91	-
1	DEBTORS - OTHER	1000007300	-	383,226.91
To write-off (or provide a provision for) the Hedland Senior High School receivable as it has been outstanding since the 30 June 2012 audit				
<b>Totals</b>			<b>383,226.91</b>	<b>383,226.91</b>

**11.5 Office of the CEO****11.5.1 Governance****11.5.1.1 2012/13 Annual Report and Proposed Date for Annual General Meeting of Electors (File No.: 14/06/001)**

**Officer** Josephine Bianchi  
Governance Coordinator

**Date of Report** 8 January 2013

**Disclosure of Interest by Officer** Nil

**Summary**

For Council to adopt the 2012/13 Annual Report and set a date for the Annual General Meeting of Electors.

**Background**

On 16 December 2013 the Town received from its auditors, Grant Thornton, the 2012/13 financial report and their audit report. The Council is now required to consider the adoption of the Annual Report for 2012/13, and convene the Annual General Meeting of Electors.

The Annual Report is the final report for the 2012/13 Financial Year and effectively is the Council's report card to the community. The contents of the Annual Report are prescribed by the Local Government Act 1995.

**Consultation***Internal*

- Chief Executive Officer
- Executive Team
- Manager Marketing

*External*

- Department of Local Government and Communities

**Statutory Implications**

Local Government Act 1995

*5.53. Annual reports*

*(1) The local government is to prepare an annual report for each financial year.*

*(2) The annual report is to contain —*

- (a) a report from the mayor or president;*
- (b) a report from the CEO;*
- [(c), (d) deleted.]*

- (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;*
- (f) *the financial report for the financial year;*
- (g) *such information as may be prescribed in relation to the payments made to employees;*
- (h) *the auditor's report for the financial year;*
- (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;*
- (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
- (i) *the number of complaints recorded in the register of complaints;*
- (ii) *how the recorded complaints were dealt with;*
- (iii) *any other details that the regulations may require; and*
- (i) *such other information as may be prescribed.*

*“5.54. Acceptance of annual reports*

- (1) *Subject to subsection*
- (2), *the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\* Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

*5.27. Electors' general meetings*

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

*5.29. Convening electors' meetings*

- (1) *The CEO is to convene an electors' meeting by giving —*
  - (a) *at least 14 days' local public notice; and*
  - (b) *each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.”*

**Policy Implications**

Nil

### Strategic Planning Implications

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance

6.4.2 Community Focused.

Provide a community-orientated organisation that delivers the high quality levels of service expected by our stakeholders.

### Budget Implications

This year no professional printing of the annual report was undertaken so as to have a limited impact on the budget.

### Officer's Comment

The Annual Report and its contents are a statutory requirement which Council is required to adopt before it sets the date for the Annual General Meeting of Electors.

Council has the option to choose the date and time of this meeting, however it is recommended to hold the meeting on Wednesday 26 February 2014, starting at 7:30 pm. This date coincides with the Council's Ordinary Meeting.

### Attachments

1. 2012/13 Annual Report (Attached under separate cover)

### 201314/224 Officer's Recommendation/ Council Decision

Moved: Cr Daccache

Seconded: Cr Hooper

### That Council:

1. **Adopt the 2012/13 Annual Report as presented;**
2. **Advertise the 2012/13 Annual Report and Annual Meeting of Electors giving at least 14 days local public notice in accordance with Section 5.29 of the Local Government Act; and**
3. **Hold the Annual Meeting of Electors on the Wednesday 26 February 2014, commencing at 7:30 pm, at the Port Hedland Civic Centre.**

***CARRIED BY ABSOLUTE MAJORITY 9/0***

**11.5.1.2 Making of Repeal Local Law (File No.: 19/01/0001)**

**Officer** Josephine Bianchi  
Governance Coordinator

**Date of Report** 8 January 2014

**Disclosure of Interest** Nil

**Summary**

For Council to consider the submission received from the Department of Local Government and Communities after the closure of the public submission period on the proposed Town of Port Hedland Repeal Local Law 2013.

**Background**

The Town Repeal Local Law was presented to the Council at its Ordinary meeting of 11 December 2013 following Statewide public notice on 16 October 2013, local public notice on 23 October 2013, with the submission period for public comment closing on 29 November 2013 and no public submissions being received.

The Department of Local Government and Communities contacted the Town on 13 December (see attachment 2) with a number of comments that are required to be addressed. All of the comments have been reviewed and as it was noted that there was an error with the date in clause 3(g) the local law needs to come before Council again for adoption and making. A number of other minor drafting matters are also recommended to be addressed at the same time.

**Consultation**

DL Consulting

**Statutory Implications**

Section 3.12 of the *Local Government Act 1995* states:

*3.12. Procedure for making of local laws*

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) The local government is to —*
  - (a) give statewide public notice stating that-*
    - (i) the local government proposes to make a local law the purpose of which is summarised in the notice;*
    - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
    - (iii) submissions about the proposed local law may be*

*made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administer the Act under which the local law is proposed to be made, to that other Minister; and*
  - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
  - (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
  - (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*
- \* Absolute majority required.*
- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
  - (6) After the local law has been published in the Gazette the local government is to give local public notice —*
    - (a) stating the title of the local law;*
    - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
    - (c) advising that copies of the local law may be inspected or obtained from the local government's office.*
  - (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
  - (8) In this section —*  
***making*** *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

### **Policy Implications**

Nil

### **Strategic Planning Implications**

The following section of Council's Strategic Community Plan 2012 - 2022 is considered relevant:

6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance

### **Budget Implications**

Gazettal of the adopted local law is required, which currently costs \$249 per page. These costs are included in the current budget.



**Officer's Comment**

Council advertised, both locally and state-wide, for public comment on the draft Town of Port Hedland Repeal Local Law 2013. At the close of the submission period, no public submissions had been received.

Comments were received from the Department of Local Government and Communities on the format and drafting of the local law. The key items are addressed in the table below:

CLAUSE NO.	HEADING	PROPOSED AMENDMENT	TOWN OF PORT HEDLAND POSITION
1.	Citation	The Department suggests that the Citation be changed to contain the year "2014", given that the local law may not be gazetted until after December 2013.	Agreed. This clause has now been amended and the wording changed to reflect that suggested by the Department.
2.	Clause 2	Replace 'fourteen days' with '14 days'.	Agreed. This clause has now been amended and the wording changed to reflect that suggested by the Department.
3.	Clause 3(o)	Subclause 3(o) should be substituted with the following:  (o) <i>Town of Port Hedland Local Law (Holiday Cabins and Chalets)</i> , as published in the <i>Government Gazette</i> on 28 January 2000.	This clause was previously amended and currently shows the correct wording, so no change is required.
4.	Clause 3(g)	In subclause 3(g), the date "23 January 1973" is repeated twice. The second gazettal date should be corrected to read "17 July 1982".	Noted. After verifying the gazettal date, the correct date is 16 July 1982. This clause has been amended by inserting the correct date.
5.	Clause 3(n)	Insert after 9 December 1994 the word 'and'.	Agreed. This clause has now been amended and the wording changed to reflect that suggested by the Department.
6.	Clause 3(n)	Please ensure the gazettal date in subclause 3(n) is correct. It appears the current date of "9 December 1994" is the gazettal of the amendment local law only. If it is the Town's intention, it may take the	The principal local law relating to 3(n) was repealed on 3 April 1998 in <i>Government Gazette</i> 075. This paragraph deals with the repeal of an amendment to the local law only, which is still currently in force.

CLAUSE NO.	HEADING	PROPOSED AMENDMENT	TOWN OF PORT HEDLAND POSITION
		opportunity to also appeal the corresponding principal local law, which was gazetted on 23 March 1965.	
7.	Various	It also appears that a number of local laws in clause 3 have may have already been repealed. This includes the local laws mentioned in paragraphs (a), (h), (j), (k), (l) and (m). It is suggested that the Town should check its records and confirm whether these local laws have been repealed. If the Town can confirm that they are already repealed, they can be removed from clause 3. While the Department's local law register may be helpful in this regard, the Town's records should be consulted first (if available).	<i>Noted. Government Gazette records have been inspected and whilst the principal local laws have been repealed at various times, a number of amendments to the principal local laws still remain in place. The various paragraphs listed deal with the repeal of the amendment local laws only.</i>

The proposed amendments to the local law are considered minor in nature and will not result in a local law significantly different from that proposed.

To comply with the provisions of section 3.12 of the Act, when making a local law, the Presiding Person is required give notice of the purpose and effect of the proposed local law at the Council meeting where the local law is being considered. This is achieved by:

- (a) ensuring that the purpose and effect of the local law is included in the agenda for that meeting; and
- (b) by ensuring that the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose and effect of the Repeal local law is –

**Purpose** – To repeal superfluous, defunct and obsolete local laws.

**Effect** - Being more efficient and effective local government by removing outdated local laws from the public record.

**Attachments**

1. Gazette ready copy of the Town of Port Hedland Repeal Local Law 2014.
2. Email from Department of Local Government and Communities.

**201314/225 Officer's Recommendation/ Council Decision****Moved: Cr Hunt****Seconded: Cr Van Vugt****That Council:**

1. **Note the submission from the Department of Local Government and Communities in relation to the proposed *Town of Port Hedland Repeal Local Law 2013*;**
2. **Resolve to make the *Town of Port Hedland Repeal Local Law 2014*, as per Attachment 1, in accordance with section 3.12 of the Local Government Act 1995:**
  - (a) **the purpose of which is to repeal superfluous, defunct and obsolete local laws; and**
  - (b) **the effect being more efficient and effective local government by removing outdated local laws from the public record.**
3. **Publish the *Town of Port Hedland Repeal Local Law 2014*, as per (2) above, in the Government Gazette and provide copies of the local law to the Minister for Local Government;**
4. **Give local public notice after gazettal of the local law advising the date on which the local law commences;**
5. **Submit a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review; and**
6. **Authorise the affixing of the Common Seal to the *Town of Port Hedland Repeal Local Law 2014*.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

## ATTACHMENT 1 TO ITEM 11.5.1.2

**LOCAL GOVERNMENT ACT 1995**  
*Town of Port Hedland*  
**REPEAL LOCAL LAW 2014**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Port Hedland resolved on [insert adoption resolution date here] to make the following local law.

**1 Citation**

This local law is cited as the *Town of Port Hedland Repeal Local Law 2014*.

**2 Commencement**

This local law will come into operation 14 days after the day on which it is published in the *Government Gazette*.

**3 Repeal**

The following local laws are hereby repealed -

- (a) *By-laws relating to Control of Dogs*, as published in the *Government Gazette* on 12 November 1954;
- (b) *Draft Model By-laws relating to Prevention of Damage to Streets No. 1*, as published in the *Government Gazette* on 15 May 1963;
- (c) *Draft Model By-laws relating to Old Refrigerators and Cabinets No. 8*, as published in the *Government Gazette* on 4 June 1970;
- (d) *By-laws relating to Safety, Decency, Convenience and Comfort in Respect of Bathing*, as published in the *Government Gazette* on 6 October 1970;
- (e) *By-law relating to the Clearing of Land and Removal of Refuse, Rubbish and Disused Materials*, as published in the *Government Gazette* on 12 February 1971;
- (f) *By-laws relating to the Removal of Verandahs*, as published in the *Government Gazette* on 12 February 1971;
- (g) *By-law relating to the Control and Management of the Port Hedland Civic Centre*, as published in the *Government Gazette* on 23 January 1973, and amended in the *Government Gazette* on 16 July 1982 and 31 October 1986;
- (h) *By-laws relating to Parking Facilities*, as published in the *Government Gazette* on 24 October 1980, and amended in the *Government Gazette* on 15 April 1983;
- (i) *By-laws relating to the Caravan Parks and Camping Grounds No.2*, as published in the *Government Gazette* on 7 November 1986;
- (j) *By-laws relating to Dogs*, as published in the *Government Gazette* on 4 March 1988;
- (k) *By-laws relating to Parks, Recreation Grounds and Public Reserves*, as published in the *Government Gazette* on 2 September 1988, and amended in the *Government Gazette* on 9 July 1993;
- (l) *By-laws relating to the Conduct of Proceedings and the Business of the Council*, as published in the *Government Gazette* on 17 November 1989;
- (m) *By-laws relating to Dogs*, as published in the *Government Gazette* on 21 January 1994;
- (n) *By-law relating to the removal and disposal of Obstructing Animals or Vehicles*, as published in the *Government Gazette* on 9 December 1994; and
- (o) *Town of Port Hedland Local Law (Holiday Cabins and Chalets)*, as published in the *Government Gazette* on 28 January 2000.

Dated: [date].

The Common Seal of the Town of Port Hedland was affixed by authority of a resolution of the Council in the presence of —

K HOWLETT, Mayor.  
M OSBORNE, Chief Executive Officer.

## ATTACHMENT 2 TO ITEM 11.5.1.2

**From:** Legislation Officer  
**Sent:** Friday, 13 December 2013 11:38 AM  
**To:** Port Hedland  
**Subject:** Attn: CEO Proposed Repeal Local Law 2013 - DLGC Comments

Dear Mr Osborne

This email is in response to the Town's correspondence dated 18 October 2013 regarding the Town's proposed *Repeal Local Law 2013*. The Department has previously provided comments on this local law. Several important issues in our previous comments have been noted below for your attention. I apologise for the delay.

Repeal Local Law 2013

**(A) Compliance with section 3.12 of the *Local Government Act 1995***

The Department is aware of a potential compliance issue regarding section 3.12 of the *Local Government Act 1995*.

The Town has advised that during the law-making process, it did not exhibit the local law as a public notice as required under section 3.12(3a). After submitting the local law to the Minister under section 3.12(3)(b) the Town identified the compliance issue and submitted a new public notice.

In recent times, the Delegated Legislation Committee has taken a very strict interpretation of section 3.12(1) of the Act. The Committee has formed the view that section 3.12 must be completed in the correct order. In situations where this has not occurred, the Committee has recommended that the local law be disallowed by Parliament.

Given the facts that you have provided, it is possible that the Committee may determine that section 3.12 has not been completed in the correct order. This is because local public notice occurred after the submission period closed and after the Minister received the local law.

However it is possible that the Committee may still feel that section 3.12 has been completed in the correct order, since section 3.12(3a) technically occurs after section 3.12(3)(b).

It is strongly recommended that the Town contact the Committee and advise them of the situation.

If the Committee will not give clear advice that it is safe to proceed, it is recommended that the local law process be restarted rather than risk the possibility that the local law will be disallowed on a technicality.

**(B) Clause 1 – Citation**

It is suggested that the title of the local law should be changed to *Repeal Local Law 2014* to account for the fact the local law will most likely be made and gazetted in 2014.

**(C) Clause 3 – Repeal**

Where a local law defines a specific citation title, this citation should be used when it is referred to. For example, subclause 3(o) should be substituted with the following:

(o) *Town of Port Hedland Local Law (Holiday Cabins and Chalets)*, as published in the

*Government Gazette* on 28 January 2000.

In subclause 3(g), the date "23 January 1973" is repeated twice. The second gazettal date should be corrected to read "17 July 1982".

Please ensure the gazettal date in subclause 3(n) is correct. It appears the current date of "9 December 1994" is the gazettal of the amendment local law only. If it is the Town's intention, it may take the opportunity to also appeal the corresponding principal local law, which was gazetted on 23 March 1965.

It also appears that a number of local laws in clause 3 have may have already been repealed. This includes the local laws mentioned in paragraphs (a), (h), (j), (k), (l) and (m). It is suggested that the Town should check its records and confirm whether these local laws have been repealed. If the Town can confirm that they are already repealed, they can be removed from clause 3. While the Department's local law register may be helpful in this regard, the Town's records should be consulted first (if available).

**(D) Minor edits**

The following minor changes are suggested:

- Clause 2: replace "fourteen days" with "14 days"; and
- Clause 3(n): insert after "9 December 1994;" the word "and".

**Minister's Directions – pursuant to s 3.12(7) of the Local Government Act 1995**

**Please note:** Once the City has published a local law in the *Government Gazette*, you must comply with the requirements of the Minister's *Local Laws Explanatory Memoranda Directions 2010*. The City, within ten working days of the gazettal publication date, needs to forward the signed EM material to the Committee at the current address -

Committee Clerk  
Joint Standing Committee on Delegated Legislation  
Legislative Council Committee Office  
GPO Box A11  
PERTH WA 6837

Tel: 9222 7300      Fax: 9222 7805  
E-mail: [delleg@parliament.wa.gov.au](mailto:delleg@parliament.wa.gov.au)

A copy of the Minister's Directions and EM forms can be downloaded from the Department's webpage at [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au). Failure to comply with the Directions may render the local law inoperable.

If you have any queries regarding any of the comments above please do not hesitate to contact me.

Legislation Officer  
Legislation  
Department of Local Government and Communities



**11.5.1.3 Pilbara Kimberley Joint Forum May 2014 (File No.: )**

**Officer** Josephine Bianchi  
Governance Coordinator

**Date of Report** 10 January 2014

**Disclosure of Interest by Officer** Nil

**Summary**

The Council is required to consider attendance and representation at the next Pilbara Kimberley (PK) Joint Forum in May 2014.

**Background**

This year's PK Joint Forum is being organised by the Pilbara Regional Council (PRC). The PRC's team has reviewed the focus and delivery of the PK Joint Forum and is hosting it in Jakarta, Indonesia from 4-7 May 2014. The PRC is seeking nominations from Pilbara local governments by 31 January 2014 which the Council is required to consider.

**Consultation***Internal*

- Acting Chief Executive Officer

*External*

- Pilbara Regional Council

**Statutory Implications**

Nil.

**Policy Implications**

Policy 4/005 Members Professional Development and Associated Travel and Accommodation:

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

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

### Strategic Planning Implications

6.2 Economic

6.2.3 Nationally Recognised

Port Hedland has a powerful voice and is an influential partner with Federal and State governments for the development of the Town.

6.4 Local Leadership

6.4.2 Community Focused

Local leaders in the community who provide transparent and accountable civic leadership

### Budget Implications

The total cost per attendee will be \$450. This will include return flights from Perth, transfers, accommodation and all meals in Jakarta. This cost excludes return flights from Port Hedland to Perth and accommodation in Perth.

Should the Council resolve to send a small trade delegation, the cost will be allocated to GL 401220 'Conferences' for the 2013/14 ToPH annual budget.

### Officer's Comment

The Council was presented an outline of the 2014 PK Joint Forum at the 25 September 2013 ordinary meeting. At this meeting the Council resolved the following:

*"That Council:*

- 1. Request the Chief Executive Officer, or his delegate(s), to advise the PRC that it does not support the 2014 PK Joint Forum to be held in Jakarta;*
- 2. Request the Chief Executive Officer, or his delegate(s), to advise the PRC that it supports the 2014 PK Joint Forum to be held in Australia; and*
- 3. Supports the formation of a trade delegation and nominate closer to the time an elected member and senior officer as representatives of the Town of Port Hedland should the Pilbara Kimberley Forum be held in Jakarta.*

*CARRIED 7/0"*

The Town has since received confirmation that the PRC will be hosting the 2014 PK Joint Forum in Jakarta from 4-7 May. The PRC is currently seeking to confirm local government nominations by 31 January 2014.

The PRC has confirmed that the \$450 registration fee includes all international flights, conference costs, and accommodation and meals in Jakarta. Each attendee will need to hold a current valid passport and fund return flights to Perth, and Perth-based accommodation and meals if required. The flights are as follows: Sunday 4 May depart Perth 17:40 and arrive Jakarta 21:30; Wednesday 7 May depart Jakarta 10:20 and arrive Perth 16:15. The accommodation and conference has been booked at the Mercure Jakarta Kota.

The Forum will run all day on 5-6 May, and there may be a visit to a location outside the hotel on one of these days. There is also a \$1500 nominal fee for partner attendance which will include all international flights, conference costs, and accommodation and meals in Jakarta at the Mercure Jakarta Kota only.

A program has not been set for the Forum but will be developed to provide maximum benefit to all attendees at the Forum. The PRC is aiming to have a range of speakers who will be able to address topics including trade links between the Pilbara/Kimberley and Indonesia, insights into local trade, and tourism opportunities. A number of senior managers from a range of Australian industries have been invited to be key speakers and their names will be announced shortly. The PRC also hopes to involve a number of Indonesian-based trade and tourism representatives, including the Department of State Development staff in Jakarta and the Australian Ambassador to Indonesia, Greg Moriarty.

Most local governments are taking this matter to their next Council meeting later in January, so the PRC has no confirmation of actual attendance yet. Most Councils passed a resolution last year to support attending the meeting a part from the Shire of Halls Creek that will not be attending.

Following the 25 September 2013 Council resolution informal discussions about the Forum have been held between elected members and the executive team. The general view seemed to be that although Port Hedland's profile should still be raised at the Forum, a small trade delegation is no longer supported. The reason for this being that 2013/14 has been identified as a year where the Council and the organisation should focus internally by establishing all of its corporate plans that will go towards the implementation of the IPRF (Integrated Planning and Reporting Framework), completing projects already underway, concentrating on process improvements and achievable efficiency dividends.

In view of this it is proposed to entrust the PRC with relevant information and documentation to be able to showcase Port Hedland at the Forum in the absence of official representatives from the Town.

### **Attachments**

Nil.

**Officer's Recommendation**

That Council:

1. Decline the opportunity to nominate delegates to the 2014 PK Joint Forum in Jakarta;
2. Request the Chief Executive Officer to entrust the PRC with relevant documentation to showcase Port Hedland to be circulated at the PK Joint Forum; and
3. Request that the Chief Executive Officer obtain from the PRC a full report on the outcomes of the PK Joint Forum.

**201314/226 Mayor's Alternative Recommendation/ Council Decision**

**Moved: Cr Daccache**

**Seconded: Cr Jacob**

**That Council:**

1. **Nominate Councillor Daccache and the Chief Executive Officer, or his delegate(s), to attend the 2014 PK Joint Forum in Jakarta; and**
2. **Agree to cover the costs of travel, registration, accommodation and ancillary costs with these costs being allocated to:  
GL account 401220 - Conferences; and  
GL account 406280 - Executive Training and Travel.**

***CARRIED 9/0***

**ITEM 12 LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/COUNCIL**

201314/227 Council Decision

Moved: Cr Taylor

Seconded: Cr Jacob

That Council accepts the following late item:

12.1 Request to Dispose of Reserve 41711 Lot 5823, Anderson Street Port Hedland to the Hedland BMX Club by way of lease (File No.: 05/05/0016)

*CARRIED 9/0*

**12.1 *Request to dispose of Reserve 41711 Lot 5823, Anderson Street Port Hedland to the Hedland BMX Club by way of lease (File No: 05/05/0016)***

Officer

Jessica Melia  
Leasing Officer

Date of Report

19 December 2013

Disclosure of Interest by Officer

Nil

**Summary**

It is requested that the Council consider a request to dispose of Reserve 41711 Lot 5823, Anderson Street Port Hedland by way of lease to the Hedland BMX Club (HBC) for the permitted purpose of a BMX track and related facilities.

**Background**

The Town of Port Hedland holds the Management Order for Reserve 41711 with the power to lease for up to 21 years, the permitted purpose of the reserve is "Parks and Recreation".

The HBC have occupied Reserve 41711 since 1980 however, a formal lease has never been formally executed.

In 2004, consultations occurred between the HBC and the Towns Officers in order to formalise a new lease with the club. Following these consultations, at its Ordinary Council Meeting held on the 25 February 2004, Council resolved the following:

*"Council Decision / Staff Recommendation**That:*

- i. A lease agreement be entered into with Hedland BMX Club Incorporated for Reserve Number 41711 and being Port Hedland Lot 5823 on Land Administration Diagram 89940 for a period of seven (7) years, with a further option of three (3) years commencing in March 2004 for the purpose of BMX Club;*
- ii. The Common Seal be affixed and the Mayor and Chief Executive Officer be authorised to sign the Lease agreement; and*
- iii. The proposal be advertised in accordance with section 3.58 of the Local Government Act.*

*CARRIED 8/8"*

Following this decision, the resolution of Council was not acted upon.

It is recommended that Council consider this matter with a fresh approach in order to effectively formalise the use of the land.

**Consultation***Internal*

- Engineering Services
- Community Development
- Planning and Development
- Coordinator Governance

*External*

- President – Hedland BMX Club
- Vice President – Hedland BMX Club
- Secretary – Hedland BMX Club
- Certified Practice Valuer – Australian Property Consultants

**Statutory Implications**

*Local Government Act 1995 (WA) Section 3.58 – Disposing of Property in accordance with Local Government Act 1995*

**Policy Implications**

Nil.



**Strategic Planning Implications**

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**6.1 Community**

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**6.1.1 Unified**

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

Increase in the number of physical, cultural and social facilities in Port Hedland.

Wider range of community groups using the Town's facilities regularly.

Members of the community have access to the Town's services and facilities.

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**6.1.2 Vibrant**

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The Town's wide range of recreation, entertainment and event facilities are well used and attended by residents and visitors.

Higher utilisation of Port Hedland facilities (sporting ovals & buildings) by residents and visitors.

Increased number of recreational facilities available

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**6.4 Local Leadership**

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**6.4.1 Strategic**

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Deliver responsible management of infrastructure, assets, resources and technology.

Investment and business opportunities are optimised from Council owned assets

**Budget Implications**

Should Council resolve to dispose of the property as per the Officers Recommendation the following budget implications will apply.

The HBC would be liable to pay \$1258.50 per annum exclusive of GST. A calculation of this figure (exclusive of the CPI increase) would generate a minimum of \$3775.50 exclusive of GST over the initial year lease term to lease revenue account 1303357.

The lessee would be responsible for all outgoings and will be required to meet all operational costs associated with occupation of the site including any improvements to and maintenance of the Reserve. The club will also be required to pay Local Government Rates.

**Officer's Comment**

The HBC is a local sporting club that has been operating in Port Hedland for 30 years. The clubs objective is to encourage people from all age groups to participate in all activities associated with BMX racing in a safe and controlled environment.

The activities undertaken by the club at Reserve 41711 Lot 5823, Anderson Street Port Hedland are consistent with the management order for the Reserve, being for the purpose of Recreational Activities.

In 2004, Officers of the Town confirmed with the Club that it had a desire to formalise a lease for the premises and enter into a new lease arrangement with the Town.

Subsequent to the decision of Council noted in the background of this item, Officers began the preparation of a draft lease document; however this was never executed, therefore since December 2004, the HBC has continued to occupy the premises under no provisions of a formal lease agreement.

The club has indicated to the Town, a desire to formalise a new lease arrangement prior to the 2014 race season, scheduled to commence in March 2014.

#### *Pilbara's Port Growth City Plan*

The Pilbara's Port City Growth Plan has identified an opportunity for the sport of BMX to be included in any plans for the redevelopment of the McGregor Street Recreation Reserve. The club and are very keen to participate in this consultation process once planning progression occurs.

Having the club relocated to the Reserve would provide the broader community access to one central locality which caters to a variety of recreational activities.

Subject to a scheme amendment the Town's Planning Department has identified a number of lots that lie in close proximity to the Towns Centre which may be subject to rezoning.

The lease area, located Lot 5823, Anderson Street and used by the HBC has been identified as one of the Lots that may be rezoned by the Town. The change of use will be from "Industrial" to "Mixed Business". The purpose of the land amendment is to allow for a broader range of land uses within the Towns center's boundaries.

Notwithstanding any of the above, the Town is not considering any major changes to the existing zoning until further studies are completed.

In consideration of all of the above a short term lease arrangement is considered suitable given that it is possible that the Planning Department may change the current zoning and relocation may occur in the future.

It is proposed that the lease term be for a period of three years with an option to extend by a further two. Breaking down the potential five lease term in this way will offer Council an opportunity to review the above after three years effectively for future reserve planning.

#### *Pensioners Cottage*

Located on Reserve 41711 outside of the BMC facility is a Municipal Inventory Heritage listed dwelling. The dwelling has been identified as being a place of residence for elderly single men living in Port Hedland during the early 1960s.

The dwelling has considerably deteriorated over time and requires a number of repairs to restore and preserve the building to improve its historical significance.

For a number of years the HBC have utilised the dwelling as a kiosk facility. The HBC have expressed their wishes to continue to use the dwelling for their kiosk however they are aware that the dwelling is fast approaching its shelf life and may be vulnerable to further damage in the likely event of a cyclone.

The Towns Officers will work with the Club to liaise with the Building Maintenance team to assess the condition of this building in ensuring that it is fit for the proposed continued use.

#### *Leasing Policy*

The Town is currently in the process of formalising a Leasing Policy. This policy will ensure fairness and equity amongst community organisations in the management of all the Town's owned assets.

The policy will work to ensure an effective system is in place between the Town and tenants of community facilities. Maintenance practices and procedures will be established to ensure that community facilities are functioning to their full potential, while also turn, maximising their use and broadening their user base.

This policy is currently in development, and, once formalised it will provide a framework with which community groups will be able to access the use of Council owned assets in a fair and equitable manner.

It is proposed that through the Leasing Policy, the Town will be able to offer transparent pricing models to the rental arrangements with community organisations taking into consideration factors such as, but not limited to, charitable status, ability to raise revenue, funding opportunities and the ability to fund maintenance and operational costs.

Prior to formal adoption of the Leasing Policy, it is proposed that the annual base rental for the site will be set at an agreed percentage of the total market value. It is further recommended that this figure be reviewed on adoption of the leasing policy.

On the 26 September 2013, Officers met with the HBC in order to discuss formalising a new lease arrangement. The following suggestions were proposed during this meeting;

- Initial lease term: three (3) years with an option to extend by an additional two (2) years
- Annual rental fee comparable to similar lease arrangements such as the Port Hedland Motor Cycle Club and the Hedland Kart Club
- Annual rental to be proportion of the current market value, and to be reviewed on adoption of the Leasing Policy.

#### *Proposed lease fee*

In accordance with Section 3.58 of the *Local Government Act 1995*, Australian Property Consultants (APC) prepared a desktop valuation for the premises identified as the Hedland BMX Club. The report indicated a highest and best use value of \$30 per square metre, per annum exclusive of GST for a ground rental fee.

Reserve 41711 is comprised of a total area size of 16,780 square metres. In consideration of the information above the land would be subject to a total annual lease fee of \$503,400 per annum exclusive of GST.

The report prepared by APC further indicated that on the basis that the subject site will be utilised only for a community based purpose, a heavily subsidised ground rental fee would apply.

In calculating lease fees for more recent community lease arrangements, Officers have utilised a formula based on a percentage of the annual lease fee. In the instance of the HBC using a formula based of 0.25% of the market value of the land. Based on this information the HBC would be liable to pay \$1258.50 per annum exclusive of GST.

In addition to the base lease amount the HBC will also be responsible for all outgoings associated with occupation of the site, including Local Government Rates and all and will be required to meet all costs associated with any improvements to and maintenance of the Reserve.

As with all lease agreements with the Town, the lessee will be liable to pay for all cost associated with the preparation of the lease document.

#### *Summary*

The HBC have been an active organization operating within the Port Hedland Community for the past 30 years. The clubs request to formalise a new lease with the Town will enable the HBC leverage to independently seek funding opportunities as the club continues to grow in membership numbers each year.

With the continuing support from club members and the local community the BMC continues to progress by investing and upgrading the facility.

It is recommended that Council support the request to formalise this new lease agreement in order to support the continuing growth and popularity of BMX activities in the town.

**Attachments**

Nil

**201314/228 Officer's Recommendation/ Council Decision****Moved: Cr Taylor****Seconded: Cr Melville****That Council:**

- 1. Agree to dispose of Reserve 41711 Lot 5823, Anderson Street Port Hedland to the Hedland BMX Club by way of lease in accordance with Section 3.58 (3) of the Local Government Act 1995 on the following terms and conditions:**
  - a) Annual base rental of \$1258.50 excluding GST;**
  - b) Annual base rental increased by Consumer Price Index, Perth as published by the Australian Bureau of Statistics;**
  - c) Term of three (3) years with an option to extend for a further two (2) years at the discretion of Council; and**
  - d) For permitted use of BMX track and associated facilities.**

***CARRIED 9/0***

**ITEM 13      REPORTS OF COMMITTEES**

*NOTE: The Minutes of this Committee meeting are enclosed under separate cover.*

**13.1.1      Airport Committee Minutes –13 December 2013*****13.1.1.1      En-bloc Resolutions***

**201314/229 Officer's Recommendation/ Council Decision**

**Moved: Cr Van Vugt**

**Seconded: Cr Hunt**

**That Council receives the Minutes of the Ordinary Meeting of the Airport Committee held on 13 December 2013 at 12:30pm inclusive of the following decisions:**

- 7      Confirmation of Minutes of a Previous Meeting**
- 10.1 Port Hedland International Airport – Projects Update November 2013 (File No.: 08/02/0025)**
- 10.2 Port Hedland International Airport Redevelopment – Communications Strategy (File No.: 08/02/0025)**
- 10.3 Response to Draft WA Aviation Strategy (File No.: 08/02/0025)**
- 10.5 Alteration to Lease for Portion of Port Hedland International Airport Terminal to Qantas Airways Limited for Self-Check-In Kiosks (File No.: 05/05/0011)**

***CARRIED 9/0***

***13.1.1.2      Port Hedland International Airport – Interim Improvements Strategy (File No.: 08/02/0025)***

**201314/230 Officer's Recommendation/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Hooper**

**That Council:**

- 1.      Adopt decision AC201314/033 from the Airport Committee meeting held on 13 December 2013 and listed on page 73 of those Minutes;**
- 2.      Note the Port Hedland International Airport interim improvement strategy; and**
- 3.      Approve the reallocation of \$800,000 from general ledger account 1210485 to general ledger account 1210410 to fund the interim works program.**

***CARRIED BY ABSOLUTE MAJORITY 9/0***

**13.1.1.3 Alteration to Lease for Portion of Port Hedland International Airport Terminal to Qantas Airways Limited for Self-Check-In Kiosks (File No.: 05/05/0011)**

NOTE: Mayor to call for a show of hands in favour (1/3 of members) to consider the revoking of parts e) and f) of Resolution 201213/392 of Agenda Item '11.2.1.1 Request to Lease Portion of Port Hedland International Airport to Qantas Airways Limited for Self-Check-in Kiosks' presented to Council's Ordinary Meeting Held on 22 May 2013 and recorded on page 260 of those minutes.

The following Councillors indicated their intent to do so:

Cr Jacob

Cr Daccache

Cr Hunt

Cr Butson

**201314/231 Officer's Recommendation 1/ Council Decision**

Moved: Cr Jacob

Seconded: Cr Daccache

That Council revoke parts e) and f) of Council decision 201213/392 of Agenda Item '11.2.1.1 Request to Lease Portion of Port Hedland International Airport to Qantas Airways Limited for Self-Check-in Kiosks' presented to Council's Ordinary Meeting Held on 22 May 2013 and recorded on page 260 of those minutes:

***"That Council:***

1. ***Agree to dispose a portion of the Port Hedland International Airport terminal to Qantas by way of lease in accordance with section 3.58 (3) of the Local Government Act 1995 (private treaty) on the following terms and conditions:***
  - a. ***Initial lease area of 5m<sup>2</sup>, noting a reduction or increase in area may occur by mutual written consent;***
  - b. ***A base rental of \$1,500 per square metre per annum, exclusive of GST. At the date of execution, the lessee will install five kiosks for \$7,500 per annum, exclusive of GST;***
  - c. ***An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;***
  - d. ***Market Valuation every three years during the term as well as Redevelopment Market Valuation on the practical completion of the terminal redevelopment;***
  - e. ***A term of five years commencing on 1 July 2013;***
  - f. ***Option to extend for five years; and***
  - g. ***For the permitted use of the operation of check-in kiosks.***



*should no submissions be received during the requisite advertising period.”*

***CARRIED BY ABSOLUTE MAJORITY 9/0***

**201314/232 Officer's Recommendation 2/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Hunt**

**That Council agree to dispose a portion of the Port Hedland International Airport terminal to Qantas by way of lease in accordance with section 3.58 (3) of the *Local Government Act 1995* (private treaty) on the following terms and conditions:**

- a. Initial lease area of 5m<sup>2</sup>, noting a reduction or increase in area may occur by mutual written consent;**
- b. A base rental of \$1,500 per square metre per annum, exclusive of GST. At the date of execution, the lessee will install five kiosks for \$7,500 per annum, exclusive of GST;**
- c. An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;**
- d. Market Valuation every three years during the term as well as Redevelopment Market Valuation on the practical completion of the terminal redevelopment;**
- e. A term of two years commencing on 1 July 2013;**
- f. Option to extend for two years;**
- g. For the permitted use of the operation of check-in kiosks.**

**should no submissions be received during the requisite advertising period.**

***CARRIED 9/0***

**13.1.2 Airport Committee Minutes – 15 January 2014**

***13.1.2.1 En-bloc Resolutions***

**201314/233 Officer's Recommendation/ Council Decision**

**Moved: Cr Jacob**

**Seconded: Cr Hunt**

**That Council receive the Minutes of the Ordinary Meeting of the Airport Committee held on 13 December 2013 at 12:30pm inclusive of the following decisions:**

**7 Confirmation of Minutes of a Previous Meeting**

**10.2.1.1 Port Hedland International Airport – Projects Update  
January 2014 (File No.: 08/02/0025)**

***CARRIED 9/0***

**13.1.2.2 *Exercise of Lease Option and Reduction of Lease Area – Bureau of Meteorology, Meteorological Office, Port Hedland International Airport (File No: 05/05/0040)***

201314/234 Officer's Recommendation/ Council Decision

Moved: Cr Hunt

Seconded: Cr Van Vugt

That Council:

1. Adopt decision AC201314/037 from the Airport Committee meeting held on 15 January 2014 and listed on page 44 of those Minutes;
2. Approve the exercise of the 15 year option to extend the lease between the Town of Port Hedland and the Bureau of Meteorology on the following conditions:
  - a. Reduce the lease area from 45,160m<sup>2</sup> to 32,000m<sup>2</sup>; and
  - b. Proportionally reduce the annual lease amount to commence at \$10,954.46 excluding GST as of 1 July 2014.

*CARRIED 9/0*

**13.1.2.3 *Port Hedland International Airport – Maintenance Contract for Checked Baggage Screening X-ray Equipment (30/01/0006)***

201314/235 Officer's Recommendation/ Council Decision

Moved: Cr Hooper

Seconded: Cr Hunt

That Council:

1. Adopt recommendation AC201314/039 from the Airport Committee meeting held on 15 January 2014 and listed on page 56 of those Minutes;
2. Authorise the Chief Executive Officer, or his delegate(s), to engage L-3 Communications on the following terms:
  - a. To provide gold level maintenance services for the Port Hedland International Airport checked baggage screening x-ray equipment;
  - b. For a three year period from 1 February 2014 to 31 January 2017; and
  - c. For total of \$281,280 inclusive of GST.

*CARRIED 9/0*

**ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**ITEM 15 CONFIDENTIAL ITEMS**

201314/236 Council Decision

Moved: Cr Taylor

Seconded: Cr Hunt

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

**15.1 Acceptance of Offer from Gus Princi of Tradesman Homes for the purchase of lot 405 within the Kingsford Business Park via a Private Treaty (File No. 01/04/0008)**

*CARRIED 9/0*

7:27pm Mayor advised that the meeting is now closed to members of the public.

**15.1 *Acceptance of Offer from Gus Princi of Tradesman Homes for the purchase of lot 405 within the Kingsford Business Park via a Private Treaty (File No. 01/04/0008)***

201314/237 Officer's Recommendation/ Council Decision

Moved: Cr Daccache

Seconded: Cr Hunt

That Council:

1. Formally accept the offer to purchase lot 405 for the amount of \$750,000 + GST within the Kingsford Business Park from Gus Princi Tradesman Homes in accordance with Section 3.58 of the Local Government Act 1995; and
2. Request the Chief Executive Officer, or his delegate(s), to finalise the legal documentation to formalise the disposition of lot 405 within the Kingsford Business Park in accordance of the Local Government Act 1995.

*CARRIED 9/0*

**201314/238 Council Decision****Moved: Cr Taylor****Seconded: Cr Hunt****That the meeting be opened to members of the public.*****CARRIED 9/0***

7:28pm Mayor advised that the meeting is now open to members of the public. Mayor also advised of Council's decision whilst behind closed doors.

**ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE****201314/239 Council Decision****Moved: Cr Melville****Seconded: Cr Hooper****That the following applications for leave of absence:**

- **Councillor Jacob from 30 January 2014 to 6 February 2014;**
- **Councillor Daccache from 22 March 2014 to 30 March 2014;**
- **Councillor Hunt from 14 February 2014 to 25 February 2014 and 27 March 2014 to 18 April 2014; and**
- **Councillor Butson from 7 February 2014 to 16 February 2014.**

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

The next Ordinary Meeting of Council will be held on Wednesday 26 February 2014, commencing at 5.30 pm, with the Agenda Briefing Session being held on Wednesday 19 February 2014, commencing at 4:30pm. The Special Meeting of Electors will be held on Wednesday 19 February 2014, commencing at 2:00pm, and the Annual General Meeting of Electors will be held on Wednesday 26 February 2014, commencing at 7:30pm.

**17.2 Closure**

There being no further business, the Mayor declared the meeting closed at 7:36pm.

**Declaration of Confirmation of Minutes**

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of \_\_\_\_\_ 2014.

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE