



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 11 DECEMBER 2013

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

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

Councillor Gloria A Jacob – Deputy Mayor

Councillor George J Daccache

Councillor Jan M Gillingham

Councillor David W Hooper

Councillor Penny Taylor

Councillor Lorraine Butson

Councillor Troy Melville

Officers

Malcolm Osborne

Russell Dyer

Eber Butron

Clare Phelan

Lorna Secrett

Grace Waugh

Chief Executive Officer

Director Engineering Services

Director Planning & Development

Director Corporate Services

Manager Community Development

Governance Officer/Minute taker

2.2 Apologies

Councillor David Van Vugt

2.3 Approved Leave of Absence

Mayor Kelly A Howlett

Councillor Julie E Hunt

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

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'.

Deputy Mayor opened Public Question Time at 5:33pm.

4.1 Public Question Time**4.1.1 *Councillor Taylor on behalf of Ms Sara Hands***

Why is the Town of Port Hedland no longer running the Christmas lights competition?

Manager Community Development advised that due to resource constraints the community development department had to make adjustments to existing programs, one of these being the Christmas lights competition. Community groups were approached in regards to running the competition but none of them took it up although the community have embraced the event which is encouraging to see.

Deputy Mayor closed Public Question Time at 5:34pm.

Deputy Mayor opened Public Statement Time at 5:34pm.

4.2 Public Statement Time**4.2.1 *Mr Camilo Blanco***

Mr Camilo Blanco spoke with regard to Item 12.6 "Consideration of Public Comments - Ausco Business Plan (File No. 08/03/0005)".

Tonight the Ausco proposal resurfaces. Conveniently hidden from tonight's agenda in an attachment called "Late Items", you are still continuing your deceptive and secretive ways.

I believe this proposal may have the numbers in its support, but tonight I shall attempt to make you all see reason and reconsider your choice toward this and any other future camp proposal. I believe the town already has an abundance of camps, without even mentioning BHP's two thousand, or potentially four thousand, man camp which already has approval to build.

There is a false belief that Hedland was built on the FIFO (fly-in-fly-out) concept. The current FIFO system today is completely different to the happenings of days gone by. The development of the power grid in the sixties, construction of Lesley salt and Goldsworthy and Mount Newman mining, compelled the workforce to migrate to the town. As air fares were too expensive for the general public, they came with the wife and kids in a busted old car with no air con. They rented in town, built houses or lived in the caravan parks until the housing was available. Some blokes lived in purposed built flats, known as the 'single men's quarters'. Everyone used the shopping centres, schools and locals businesses. They built all the clubs that we have now, baseball, soft ball, netball, rugby, golf, tennis, cricket, this created the real community of Port Hedland. The modern day FIFO system however, has devastating effects on our community. Rapid influx of non-residential employees flooding into, and out of the town creates negative impacts on the local businesses. Not to mention the heavy pressures on the insufficient and underfunded local infrastructure, emergency and the health and social services.

A reason given supporting this camp was that it is specifically developed for the needs of the local businesses, what a load of rot. The only businesses that will use any camp facility like this are the ones that service the mining industry. Local businesses that service the needs of the local community cannot afford to house their people in camps. If this camp is actually for local business the town will receive lucrative income from the camps' operators at the expense of local businesses because ultimately 'user pays'. Not only are we getting ripped off on our rates and fees, the price of using this camp has been inflated by the town. By approving many FIFO camps Hedland has become a undesirable place to live. Even-though the influx of workers is Australian the attitude of the majority, which are men between 18-35, is "they are only here to make money" and as a result have a total disregard for community property and local people safety.

It is well known and documented that a FIFO's arrival to these camps changes their behaviour. Queensland University of Technology's professor, Kerry Carrington, created a survey to examine the social impacts of the Australian mining boom and found communities being overrun with FIFO workers and were losing their sense of identity. While non-residential workers also suffered from lack of connection and separation from their own families causing a buildup of depression and anger. A follow up report done by professor Carrington found Australia's mining industry is generating alcohol-fueled violence, prostitution and mental health problems. And who is on the receiving end of this built up loneliness and anger? The local people you represent. While in the past we have had to adapt to all these problems – at the present time we have developed land releases. These housing lots are available but there is no interest in investing in housing because of proposals like this.

Last week I was in Perth. On the drive home I bumped into a bloke I grew up with, here in Hedland, who had been living in Darwin for the last six years. During his journey south he spent the night in Hedland, his comments were "Hedland is a camp, a sea of 'hi-vis', it's not the place we grew up in" his disappointment in the town's direction was undeniable.

The time has come to follow the direction you have put in place, the Pilbara Cities vision, that is how we generate income for the town and that is how we build up our community again.

4.2.2 *Councillor Hooper on behalf of Mr Max Gregory*

Councillor Hooper read a statement of behalf of Mr Max Gregory who was raised in Port Hedland and has a deep love for this place. Mr Gregory could not attend this meeting as he is away for work. Mr Gregory commended the Town of Port Hedland for the hard work over recent years to improve the town and passed a statement to Cr Hooper in relation to Item 12.6 'Consideration of Public Comments - Ausco Business Plan (File No. 08/03/0005)'.

"I understand that the Council has been under pressure over the last 10 years to make decisions that benefit mining companies sometimes to the detriment of the town in order to facilitate growth. The position we are currently in is that the tide is changing; as a keen fisherman I will carry on to this analogy to demonstrate my point. When fishing the incoming tide you use the right techniques, gear and bate to benefit your chances of landing that elusive big catch the tidy. However when the tide turns if you are not quick enough to change your technique or position yourself then the big catch becomes even more elusive. It is great that Town officers have recommended Elected Members endorse the development of a Transient Workforce Accommodation (TWA) strategy. As the township that is the power house of the national economy we can also become the powerhouse in thoughtful leadership for this national issue. In the early days these camps resembled caravan parks and the camps' residents still needed to engage in the local community for everything, however the facilities now deliver very little to benefit to the town. I would like to see the Council adopt the officer's recommendation and endorse the preparation of the TWA strategy and engage the community during the preparation period."

Deputy Mayor closed Public Statement Time at 5:43pm.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 *Councillor Gillingham*

Can the rubbish along the Great Northern Highway intersection where there are currently road works be removed?

Chief Executive Officer advised that he will contact the Regional Director of Main Roads WA. Main Roads' contractors are required to clean the rubbish up at specific times during the project however there seems to have been delays with the clean-up schedule.

Some bollards have been knocked over at the same Great Northern Highway intersection which can cause an accident especially at night as there were no flood lights on during the weekend. Can the Town please contact Main Roads about this issue?

Chief Executive Officer advised that this issue will be raised with Main Roads WA as they have a traffic management plan in place that they should be following.

Director Engineering Services also advised that the Hedland Roadwise Committee has a meeting with the contractors that are attending to the road works and can raise this issue then. The flood lights are required to be on every night. The town will also put a note on facebook advising the community where complaints regarding the road works can be made.

5.2 Councillor Hooper

The bollard that was installed on Pedlar street in South Hedland has been knocked over and broken. Can the Town please fix this?

Chief Executive Officer advised Cr Hooper that he can put this through as a maintenance request to the Town.

5.3 Councillor Taylor

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

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

In regards to the inter-agency meetings that were held about the vandalism at the Wanangkura Stadium, what actions are actually underway? Is the JD Hardie Centre going to be open after hours to support at risk children and if so what will this look like? If Aboriginal members of our community are feeling excluded from the stadium we need to do something about this; what is the status with the night time basketball and the three-on-three competitions? If the Department of Child Protection and Family Services are subcontracting their responsibilities to the Youth Involvement Council and have identified that outside of business hours are required to support at risk children, what changes have been made to the provision of services for children at risk?

Deputy Mayor advised that a third inter-agency meeting has been scheduled to follow up on these action plans.

Chief Executive Officer advised that there is a meeting this Friday in regards to opening the JD Hardie Centre after-hours; external support will be required as this is an ongoing issue as to how to get support for the facility to be open after-hours and for the people running the programs. The Christmas operating hours have been advertised which show the JD Hardie Centre being closed. YMCA are speaking with the appropriate agencies to ensure the basketball programs continue however there will still be a hibernation period over Christmas and New Year.

Manager Community Development advised that there is a meeting on Friday being held with YMCA and the Town to discuss how SLAM and any new initiatives can be integrated to benefit the community and avoid duplication.

The JD Hardie Centre will be closed for Christmas at this stage as no agencies have approached the Town to operate any programs over the Christmas period.

Chief Executive Officer advised that there has been no feedback from the Department of Child Protection and Family Services in regards to modifying their hours or providing additional services.

It is important that these actions are put into place as soon as possible as the Christmas break is not a break for the children of the community.

Deputy Mayor advised that this is noted and that the view is shared by the Town who are doing their best to facilitate the interagency meetings.

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

Deputy Mayor Jacob	Councillor Taylor
Councillor Daccache	Councillor Butson
Councillor Gillingham	Councillor Melville
Councillor Hooper	

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

ITEM 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Deputy Mayor Activity Report for the October/November 2013 period to date is as follows:

October

23 October

- South Hedland Business Association Breakfast Meeting
- Local housing strategy working group

25-27 October

- TOPH Team Building weekend

28 October

- Airport Placemaking workshop

November

6 November

- Meeting with Minister Grylls and business community re TWA impact

8 November

- Coventry Village Market tour relating to concept for Big Barns for Small Business

11 November

- Remembrance Day Ceremony laid wreath on behalf of TOPH

12 November

- Mayor's Community Radio Chat
- Marble Bar PDC meeting and open with community

13 November

- Community Conversations Marquee Park

14 November

- Meeting with Director of Regional Development

19 November

- Mayor's Community Radio Chat
- SH CBD Working Group

21 November

- Board Membership and Finance Training Workshop

22 November

- Wanangkura Stadium youth issues meeting with community stakeholders

26 November

- Aboriginal Affairs, elders and TOPH meeting

27 November

- South Hedland Business Association Breakfast Meeting

Deputy Mayor advised that the meeting was the last Council meeting of the year. She thanked the Executive team and staff at the Town of Port Hedland and the Elected Members for their dedication and service. Deputy Mayor wished everyone a merry Christmas and happy New Year.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 *Councillor Daccache*

Councillor Daccache attended the 2013 Port Hedland Community Awards night last week and congratulated all winners including Councillor Gillingham. Councillor Daccache attended the Port Hedland Chamber of Commerce Christmas function and the launch of the 2014 Port Hedland directory.

9.2 *Councillor Gillingham*

Councillor Gillingham attended the 2013 Port Hedland Community Awards night and thanked everyone for their kind words in regards to her award. Councillor Gillingham attended the year 7 graduation ceremony for Baler Primary School where 63 students graduated. Councillor Gillingham also presented an award on behalf of Mayor Howlett at the graduation which was held at the Matt Dann Centre.

9.3 *Councillor Taylor*

While in Perth for WALGA training I took the opportunity to press the case for education to be spared the government cuts in 2014 and was very pleased to be able to discuss this at Parliament House. As feedback I can share that part of the Royalties for Regions program, 'The Pilbara Education Fund' is prioritising schools with identified needs and looking at increasing e-learning through IT support and improving school preparedness for young children. Education opportunities pose the biggest risk to the achievement of the vision of Port Hedland, that is 'A nationally, significant, friendly city, where people want to live and are proud to call home". Without comparable opportunities those with the choice will not come or stay and those without a choice will be the poorer for living in Port Hedland.

The Education Minister has replied to my concerns sharing that the School for Instrumental Music will increase the number of students receiving music lessons by over 50% however this will be delivered on a reduced budget. Hedland Senior High School will go from 19 students receiving 440 minutes per week of instruction in 2013 to 34 students receiving 550 minutes per week of instruction in 2014. South Hedland Primary School will go from six students receiving 80 minutes per week of instruction in 2013 to thirteen students receiving 80 minutes per week of instruction in 2014. Keep in mind that all new students to the program will be beginner learners!

While I welcome the addition services to students in music program, actually reducing the budget for these services does not sound sustainable nor does it seem to support the teaching staff that is so critical to the success of such programs.

As the support programs for students with literacy, numeracy and fundamental learning difficulties have been cut, our Town is not given the best support it needs to provide equal opportunities to its people. Members of Parliament representing regional areas know the pressures that regional schools face. Our schools are working wonderfully with all students and Hedland, through the Town of Port Hedland, has the opportunity to lead the way in providing the highest quality educational opportunities across the spectrum of diversity and circumstance that is our town. If we want to future proof our town, educating our children will provide the best return on investment. Education is the most fundamental of opportunities for children and we know Hedland is a place of opportunity. We also know that education is the biggest risk to the vision of the Town of Port Hedland.

I'd also like to report back on recent events in our town. The people in our town make Hedland a wonderful place to live and the recent fundraising events for your efforts – it is truly inspirational and something all of us can be proud of. One recent example is the Miracle for Montana that has had wonderful support for this little girl who is so dearly loved by her family. Her family and support network have allowed all of us to share our love and support for them.

The people of Port Hedland would also like to love and support the children that are not receiving care and protection but we are unable to do so.

The recent stadium incident again highlighted the neglect and abuse of children in our town, bringing it to public attention. This incident was the consequences to a building from what is happening in our town on a nightly basis. We are hiding from the consequences for the future for these Hedland children. Many children in our town are unsafe every night with estimates of 20 to 40 children regularly on the street. The same very young children allegedly involved in the Wanangkura Stadium incident were again allegedly found by Police on the street the very next night. The systems are not working; improvements are needed now.

Community members want all children in our community to be safe, for children to be protected from abuse and neglect. We all want children to be at home and not find the unsafe streets a better option. The community wants to help protect and nurture Hedland children. The community wants to support parents and carers to have loving and safe homes. The community wants parent to be held accountable when neglect and abuse occurs. What can the community do? How can we be allowed to help? We feel helpless, angry and our hearts break while we watch children walking our streets towards an uncertain future of crime and dysfunction. The Town can facilitate, encourage and provide true leadership for improved outcomes. Hedland can lead Western Australia in this difficult task as we take responsibility for our children and make it happen. While the responsibility for child protection lies with the State Minister, not the Town, we know governments don't make good parents. And I will apologise every day for the historical government policies that were abhorrent, racist and unjust and have contributed to the situation our town finds itself in but I will not let that past injustice stop us from doing what is right today.

Our children need to be protected tonight and every night from neglect and abuse. Our families at risk need deliberate support and participation to enable them to provide safe and caring homes. Our parents and carers need to be held accountable with real consequences when children are being damaged by their actions. I encourage all leaders to make this a priority in your work and thought. The future of our town is depending on your immediate action.

9.4 ***Councillor Butson***

Councillor Butson attended the School of the Air graduation which was held at St Cecilia's and attended the 2013 Port Hedland Community Awards night. Councillor Butson also presented an award at Cassia Primary School graduation on behalf of Mayor Howlett.

9.5 ***Councillor Melville***

Councillor Melville attended the 2013 Port Hedland Community Awards night and congratulated Councillor Gillingham on her award.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10.1 ***Ms Sue Cuneo, Regional Executive Director, Department of Education***

Ms Sue Cuneo discussed the current structure of the schools in Port Hedland and how this will be changing with the government budget constraints. The funding that will be given to schools will be based on the number of students attending the school. It will now give schools the flexibility to target student needs, set priorities, and vary the resource effort across different programs.

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.

Currently the TD zone permits a set of land uses focused primarily to accommodate the operation of over-sized equipment and services supporting the transport industry. The Amendment proposes to amend the TD zone provisions to include “Industry – General” and “Industry – Noxious” land uses as defined under TPS5. The proposed specific modifications required to TPS are outlined below:

Amending the zoning table by changing the permissibility of “Industry – General” within the “Transport Development” zone from “~” to “AA”.

Amending the zoning table by changing the permissibility of “Industry – Noxious” within the “Transport Development” zone from “~” to “SA”.

Amending the objectives Clauses 6.7.15 and 6.7.16 being objectives for the Transport Development zone, as follows:

When considering applications for any use subject to licensing as “Prescribed Premises” under the Environmental Protection Regulations 1987 (as amended) within the Transport Development zone, in addition to the requirements of clause 4.5, Council:—

- a) may require the applicant to provide a report covering such matters as the effect of the proposal on air quality, levels of dust and other airborne pollutants, quality of ground water, road traffic and amenity of the locality as well as any other matter relevant to environmental impact which in the opinion of Council needs to be covered;*
- b) may consult with the Health Department and the Environmental Protection Authority for advice on the potential risks and hazards of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, waste water or other waste products or any other aspect of the proposal which Council requires;*
- c) may either refuse or approve the application with or without conditions, including any conditions which may be appropriate after having considered all the matters arising out of (a) or (b) above.*

Under the provisions of TPS5 the land uses proposed to be included in the TD zone are defined as:

Industry – Noxious

An industry which is subject to licensing as “Prescribed Premises” under the Environmental Protection Regulations 1987 (as amended).

Industry – General

An industry other than a cottage, extractive, light, noxious, rural or service industry.

Previous Decisions

The Ordinary Council Meeting held on 22 September 2010, resolved to adopt Scheme Amendment 24 (Amendment 24) to TPS5.

Amendment 24 established the “Transport Development” and “Light Industry” zones into TPS5, and modified TPS5 to include development requirements, objectives, and land use suitability for the respective zones.

In addition, Amendment 24 inserted a range of new transport related land uses and definitions into TPS5.

The officer’s report supporting the initiation of Amendment 24 provided the following comments in relation to the “Transport Development” zone:

The purpose of the Transport Development zone is to accommodate the operation of over-sized equipment and services supporting the transport industry.

It is important to note that the proposed WIEDP (Wedgefield Industrial Estate Development Plan) has been developed to facilitate the expansion of Wedgefield for Light and Transport related industries in accordance with the LUMP. It will not provide for noxious uses and general industry uses.

It is acknowledged that there is pressure to release land for these purposes, however, this land is not appropriate for such purposes. Permitting noxious and general industry uses would conflict with policy 2.4(a) and 2.4(b) of the LUMP and the recommendation for Wedgefield, which are as follows:

- *2.4(a) Contain the spread of industrial uses in well planned, orderly precincts that are located to take advantage of existing infrastructure wherever possible, to support existing industrial development, and to avoid conflicts with adjacent land uses.*
- *2.4(b) Identify appropriate locations for different types of industrial uses, promoting synergies among related businesses and avoiding conflicts between noxious and light industrial uses.*

- *Rezone the Wedgefield Special Control Area to Light Industry, making noxious uses “non-conforming”, and converting existing general industrial uses to “additional uses” for a period of ten years from the date that new land suitable for general industrial use is released for development. Following this 10-year period, all general industrial uses in Wedgefield also become non-conforming.*

Consultation

The amendment was submitted to the Environmental Protection Authority (EPA) on the 8 July 2013 for consideration pursuant to Section 81 of the Planning and Development Act 2005. After consideration the EPA determined not to require the amendment to be assessed.

In accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967* the amendment was advertised for 42 days, from 21 August 2013 to 2 October 2013, as follows:

- North West Telegraph
- Council Website
- Written notification to all Wedgefield landowners
- Written notification to the following agencies:
 - Department of Health
 - Port Authority
 - Wedgefield Small Business Association
 - Port Hedland Chamber of Commerce
 - Pilbara Development Commission
 - Water Corporation
 - Telstra
 - Optus
 - Main Roads WA
 - LandCorp
 - Horizon Power
 - Department of Water
 - Department of State Development
 - Department of Environment Regulations

In addition to external advertising, the amendment was referred to the following internal services, with comments incorporated within the report:

- Airport
- Building
- Economic and Land Development
- Environmental Health
- Statutory Planning
- Technical

A summary of external submissions received during the advertising period is contained with Table 1 below (copies of the submissions are contained within Attachment 3).

Table 1 - Summary of Submissions

Correspondent	Issue Raised	Planning Response
Department of Environment Regulation	DER gives in principal support to the proposed Amendment No. 65 to Town of Port Hedland Town Planning Scheme, given that residential uses are not permitted within the Transport Development area. DER Karratha office are willing to assist the Town of Port Hedland with advice on prescribed activities where applicable, to ensure that development of the new zone area occurs appropriately and in a strategic manner.	The DER Karratha office has been contacted and discussions have commenced to establish the best method to consider and assess prescribed premises. Under TPS5 a prescribed premises is defined as an "Industry Noxious" land use.
Water Corporation	No planning issues. However, proponents of high water usage should be encouraged to contact the Water Corporation at the earliest opportunity to enable assessment of servicing requirements and capacity.	Not Required. The Town will pass comments onto the estate developer.
Department of Water	No objection.	Not Required.
Department of Health	Water Supply and Wastewater Disposal The amendment is to require all developments to be connected to scheme water and sewer in accordance with the draft <i>Country</i>	Wedgefield is not suitably located to be connected to reticulated sewer and will continue to make use of septic systems.

	<p><i>Sewerage Policy.</i></p> <p>Toxicological Assessment</p> <p>The amendment to require development to adhere to the guidelines set out under the Town of Port Hedland Town Planning Scheme No. 5 Amendment No. 22 (as appropriate).</p>	<p>The Amendment 22 provisions relate to a specific West End Residential zone in TPS5. The Amendment 22 provisions are a set of requirements to discourage very young and the elderly living in the West End Residential zone. In addition the provisions provide development requirements to reduce dwellings exposure to dust.</p> <p>The amendment does not include any 'residential' land uses, and therefore there aren't any 'appropriate' provisions to include within the Transport Development zone.</p>
<p>Ivan Yujnovich</p>	<p>Land in the Transport Development Zone, price, conditions, etc. it's a DUD economically.</p> <p>Conditions, TPS5, Price, etc. too difficult to comply with.</p> <p>Amendment is ok by me.</p>	<p>Concerns raised regarding the price of land are not considered planning considerations.</p> <p>Conditions imposed by Contract of Sales are not issued or controlled by the Council.</p> <p>The provisions contained within</p>

		<p>TPS5 are required to ensure that appropriate land uses and appropriate design are developed in dedicated zones.</p>
<p>Scott Lowe NL Property Group</p>	<p>Objection.</p> <p>What is proposed is simply a thinly veiled attempted by the developer to find a way to dump a poorly marketed product onto the market.</p> <p>I suspect little or no consideration has been given as to the wider market in the Wedgefield LIA.</p> <p>The amendments will effectively double the size of Wedgefield industrial land immediately upon adoption.</p> <p>If amendment 65 is approved then it will represent a clear and unambiguous decision upon the ToPH to support LandCorp at the cost of burning other Wedgefield rate payers.</p> <p>If amendment 65 is passed ToPH risks creating a reputation of undertaking policy shifts that cause actual commercial loses. This will almost certainly dissuade many considering future capital allocations into ToPH and will be counterproductive to</p>	<p>The Amendment is supported as a response to the increasing demand from industry for land capable for Industry – General and Industry – Noxious uses.</p> <p>The Amendment provides a consolidated zone for compatible industrial land uses. It prevents the proliferation of industrial land uses, that can't by their nature be located in the LIA areas.</p> <p>Industry – General and Industry – Noxious are land uses that are not permissible within the Light Industry zone. Therefore the inclusion of these land uses within the TD zone does not compromise the development of the Light Industry zone.</p> <p>It is considered that the Amendment provides an opportunity to create a genuine general industry area in Port</p>

	<p>the Town's and Pilbara City aims.</p> <p>If amendment 65 is passed would that then mean private developers who find themselves with development struggling commercially will find an equally receptive response to any requests they may have for planning assistance.</p>	<p>Hedland. Only land uses that are considered to be general industry in nature are supported in the zone, no light industry uses should be supported in the TD zone.</p> <p>In line with Council planning strategies, the Amendment starts the process of encouraging general and noxious industries away from the sensitive land uses within Wedgefield. The Amendment provides opportunity for the existing Wedgefield to be considered as a lighter industrial area.</p> <p>All submissions for scheme amendments that are consistent with Council's strategic planning will be considered. By their nature scheme amendments are submitted by private industry and reviewed to ensure alignment with Council's adopted strategies.</p>
<p>Morag Lowe Hedland First National</p>	<p>Objection.</p> <p>One way to lose the future involvement of private developers in building our economy</p>	<p>Addressed above.</p>

	<p>is to change the rules midstream and potentially hand them commercial losses for the benefit of the preferred proponent.</p> <p>What is now being proposed in Amendment 65 is to essentially double overnight the supply of industrial land in Wedgefield LIA. No consideration of latent demand has been given. This will have a material impact on land values and will likely destroy the equity of owners who purchased into the previous LIA releases.</p> <p>The precedence that it (the amendment) will potentially set. Future private developers would have every right to assume that they would receive similar treatment from ToPH should they seek assistance with rezoning uncommercial developments. There cannot be two sets of rules on such matters.</p>	
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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

Nil

Strategic Planning Implications

The following section of Council's Strategic Community Plan 2012 – 2022 is considered relevant to the proposal:

6.2	Economic
6.2.1	Diverse Economy
	Facilitate commercial, industry and town growth.
6.2.1	Diverse Economy
	Enhance supply of suitably located and supported industrial and retail land.

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

5.6.6
Precinct 6 – Wedgefield Industry & Logistics

Implementation Indicators:

Review of existing Wedgefield land use recommended following relocation of heavier uses in short to medium term. Review to determine opportunities for formal 'composite industrial' residential/light industrial use in limited western edge area.

Precinct Highlights:	'Hedland	Junction'
transport/logistics area.		
Proposed Land Use:	General Industry /	Transport
and Logistics.		

5.6.15	Precinct 15 – Boodarie
Precinct Highlights:	Noxious Industry
Proposed Land Use:	Strategic / Heavy Industry

Budget Implications

The applicant has paid the prescribed fee of \$7,556.20 for the initiation of the scheme amendment.

Officer's Comment

The following information is provided as support for the Amendment.

Wedgefield

Originally established in the mid 1960s, Wedgefield was established as a general industry area which permitted the establishment of "Caretaker's Dwellings". Wedgefield has since grown into an industrial area now supporting a range of industrial land uses ranging from showrooms and warehouses to transport depots and noxious industry (industry requiring environmental licensing).

In addition to the disorganized spread of light, general and heavy industry, Wedgefield is an industrial area with a considerable residential population. Due to the extent of residential occupation there are a range of general industry uses which are incompatible within the existing Wedgefield area.

While the rights of landowners must be respected, the primary function of Wedgefield is industry, so 'care must be applied to ensure that the residential land uses do not constrain the operation and development of legitimate industrial operations' (Port Hedland Area Planning Study 2003).

To not undertake measures that assist in reducing the existing land use conflicts in Wedgefield will continue to exacerbate the problem. The new "Light Industry" areas within Wedgefield now provide opportunity for a range of light industry to co-locate. However, there is currently no land developed and available within Port Hedland that supports general industry with no caretaker's dwellings.

The Amendment proposes to include two compatible land uses with the TD zone that are either not permissible in the "Light Industrial" areas or recommended (LUMP) to be relocated out of the existing Wedgefield "Industry" zone. The Amendment will allow the TD zone, while being designed to cater for oversized vehicles associated with the transport industry, to develop with compatible general and licenced industries.

Town Planning Scheme Review

The Town is currently undertaking a review of its *Town Planning Scheme No. 5* (TPS5). The Scheme Review is currently investigating the industrial provisions contained within TPS5. The Scheme Review is not expected to be finalised until mid-2015. While not part of the Scheme Review, the Amendment has been assessed to ensure consistency with the expected outcomes of the Scheme Review.

The Town is expected to continue receiving a range of industrial applications prior to the Scheme review be completed in 2015. The Amendment will provide additional industrial land designed to cater for more general industry land uses. While these general industrial uses are still capable of approval within Wedgefield, the Amendment does provide the Town ability to encourage the location of these uses into the TD zone. The added benefit of the TD zone for general industry is that it has no "Caretaker's Dwellings" or sensitive land uses.

In light of the above, it is recommended that Council proceed with the current Amendment.

Industry Noxious

The Amendment will provide additional land for “Industry – Noxious” to the existing Wedgefield “Industry” zone. Currently there is a slight disconnect between what is defined as “Industry – Noxious” under TPS5, and what is referred to as noxious uses under various strategies. Under the provisions of TPS5 “Industry – Noxious” is defined as:

Industry – Noxious

An industry which is subject to licensing as “Prescribed Premises” under the Environmental Protection Regulations 1987 (as amended).

Schedule 1 of the Environmental Protection Regulations 1987 (EP Regs) identifies the various operations that require licensing as a “Prescribed Premises”. The “Industry – Noxious” premises’ listed in schedule 1 of the EP Regs are considered to have significant potential to cause emissions and discharges to air, land or water and therefore trigger regulation under the Environment Protection Act 1986 (EP Act).

While “Industry – Noxious” land uses are expected to cause emissions and discharges, the licences issued under the EP Act are intended to prevent or minimise the emissions. Current provisions within TPS5 for the Wedgefield Special Control Area (WSCA) already provide Council the ability to determine the suitability of land uses in regards to their potential impacts on “Caretaker’s Dwellings”.

The Amendment proposes to include similar provisions as contained with the WSCA for the TD zone. It is anticipated that only “Industry – Noxious” land uses that do not create a conflict with existing or planned “Caretaker’s Dwellings” in adjoining zones will be supported. Those “Industry – Noxious” land uses that generate excessive emissions should not be supported in either the “Industry” zone or the TD zone.

The Environmental Protection Authority, Guidance for the Assessment of Environmental Factors provides the following justification:

A number of emissions are generated by industrial, commercial and rural activities and infrastructure. These include noise and air emissions (gases, dust and odours). The levels of emissions may at times exceed amenity levels considered acceptable in residential areas and at other sensitive land uses.

It is generally expected that, through appropriate site layout, design of facilities, and the implementation of engineering and process controls, emissions from an individual industrial land use can be prevented from causing an adverse environmental impact beyond the boundaries of the particular site or beyond the boundaries of an industrial estate.

The area that may be adversely affected by industrial emissions will depend on site and process-specific factors such as the scale of the operation, plant processes and emission controls, storage of raw material and waste, local wind patterns and topography. The possibility of future expansion will also be relevant in the consideration of an appropriate separation distance.

In light of the above, implementing suitable provisions into TPS5, and the licensing regulation required under the EP Act, ensure only suitable “Industry – Noxious” land uses will be supported in the TD zone.

Under the Section 3.2 – Industry of the LUMP, noxious uses are identified as:

Noxious uses, including operations that generate excessive noise, odour, dust or other negative impacts.

For noxious and general industrial uses that have significant impacts on their surroundings.

As discussed previously, although “Industry – Noxious” land uses may cause emissions, the licensing under the EP Act limit and prevent these emissions. While it is expected that certain “Industry – Noxious” land uses will generate ‘excessive’ emissions, there is range of “Industry – Noxious” land uses that do not, and are suitable to locate within the TD zone.

The noxious uses referred to in documents such as the LUMP refer to certain land uses that generate ‘excessive’ noise, odour, dust or other negative impacts. This reference to land uses that generate ‘excessive’ emissions is it not considered to include all land uses that require licensing as a “Prescribed Premises”. Any land use with ‘excessive’ emissions impacting on the amenity of adjoining “Light Industrial” areas, should not be supported in the TD zone.

Strategic Direction

The purpose of the Amendment is to broaden the narrow transport focus of the TD zone to include compatible general industrial uses. At the same time it is crucial to ensure the Amendment does not create land use conflicts or permit development that should be located elsewhere.

The previous officer’s report for Scheme Amendment 24 recommended that Industry – General and Industry – Noxious should not be allowed in the Transport Development (TD) zone. The justification mentioned that allowing these land uses in the TD zone would be in conflict with the following recommendations of the previous Local Planning Strategy, the Land Use Master Plan (LUMP):

2.4(a) Contain the spread of industrial uses in well planned, orderly precincts that are located to take advantage of existing infrastructure wherever possible, to support existing industrial development, and to avoid conflicts with adjacent land uses.

2.4(b) Identify appropriate locations for different types of industrial uses, promoting synergies among related businesses and avoiding conflicts between noxious and light industrial uses.

2.4(c) Establish high standards of design and construction quality and landscape development to protect the “view from the road” on Great Northern Highway and the entries to South Hedland, Wedgefield and Port area.

Both land uses proposed by the Amendment for the TD zone are consistent with those found in the majority of other general industry zones across the State. By including these two land uses with the TD zone, it will essentially create a more general industrial area still capable of accommodating oversized vehicles.

The assessment of applications for “Industry – Noxious” and “Industry – General” in the TD zone should be determined on operational emissions and recommended buffers. The co-location of transport industries and general industries separate from light industries and sensitive land uses is directly in line with the recommendations of the LUMP. In addition the Amendment is consistent with the above LUMP recommendations as:

1. The TD zone is expected to cater only for land uses, that due to their nature and operations, are too ‘heavy’ for the “Light Industry” zones.
2. Both proposed land uses will be discretionary in the TD zone, with “Industry – Noxious” requiring advertising. Where proposed industries are considered to be located within the recommended buffer distances to sensitive land uses (i.e. “Caretaker’s Dwellings”) additional technical demonstration may be required to ensure the distances are acceptable. If appropriate distances cannot be achieved, Council can use their discretion not to approve such an industry.
3. There is an expected mutual benefit for general and transport industries being collocated.
4. The Wedgefield Industrial Estate Development Plan ensures a high level of amenity for the TD zone where lots front either Great Northern Highway or Pinga Street.

The Growth Plan supports the general principles presented in the LUMP by proposing to review Wedgefield and relocate heavier uses in the short to medium term. In addition the Growth Plan identifies creating a General Industry / Transport and Logistics zone. The Amendment seeks to include Industry – General and suitable “Industry – Noxious” within the established TD zone.

Although the Boodarie Strategic Industry zone will provide for heavy and noxious industry, there is also a need to allocate suitable land for general industrial uses, particularly those utilised by non-industry customers (i.e. general population).

In light of the above, the Amendment aligns with the Town’s strategic direction by encouraging general industrial type land uses outside of the existing Wedgefield Industrial Area.

Industrial Land Supply

The largest area of land that has been opened up by new development is the TD zone in Wedgefield. The TD zone was implemented into TPS5 in 2011 to address a demand from the transport industry. The experience over the last three (3) years is the list of proposed land uses within the TD zone has not allowed industry to take up the full potential of the land. Historic inappropriate mixture of industrial land uses, compounded by substantial residential uses has created land use conflicts within the existing Wedgefield “Industry” zone. The Amendment will allow the TD zone to develop as a genuine general industrial area with no sensitive land uses or inappropriate light industry uses.

The TD zone can meet the demand for general industry land uses, providing a diversity of industrial land available to prospective tenants to Port Hedland. Light industrial land uses that do not achieve the objectives of the TD zone and have no adverse impacts on the adjoining properties should not be supported in the TD zone.

The economic rationale used to inform the Growth Plan demonstrates there will be significant additional land required for general and light industries. This rationale demonstrates that, due to the lack of genuine choice of location for prospective tenants, land will not be readily consumed. The Amendment is a first step to create an industrial area focused around a common and associated set of operational needs.

Proposed Modifications to the Amendment

The Amendment provides opportunity to establish a set of associated and complimentary land uses within the TD zone. However, it is fundamental to ensure the appropriate provisions are inserted into TPS to ensure no land use conflicts are generated by future development.

The Amendment report highlights a range of key issues that need to be considered by the proposal. The Key issues addressed relate to: Health and Safety; Land Use Mix; Buffers; Visual Amenity to Major Roads; and Land Supply.

The Amendment proposed the following TPS5 text modifications for the TD zone:

Deleting Clauses 6.7.15 and 6.7.16 of the Scheme and replacing them with the following text:

6.7.15 The purpose of the Transport Development zone is to accommodate a range of industrial uses and in particular uses that support the transport, mining and construction industries.

6.7.16 When considering applications for any use subject to licensing as "Prescribed Premises" under the Environmental Protection Regulations 1987 (as amended) within the Transport Development zone, in addition to the requirements of clause 4.5, Council:—

- (a) may require the applicant to provide a report covering such matters as the effect of the proposal on air quality, levels of dust and other airborne pollutants, quality of ground water, road traffic and amenity of the locality as well as any other matter relevant to environmental impact which in the opinion of Council needs to be covered;*
- (b) may consult with the Health Department and the Environmental Protection Authority for advice on the potential risks and hazards of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, waste water or other waste products or any other aspect of the proposal which Council requires;*
- (c) may either refuse or approve the application with or without conditions, including any conditions which may be appropriate after having considered all the matters arising out of (a) or (b) above.*

It is considered the above provisions do not adequately address the key issues raised in the Amendment report. These key issues are fundamental to the success of the TD zone and ensure the uncompromised growth of all industrial zones in Wedgefield.

As such it is considered appropriate to amend the above provisions as follows:

Amend clause 6.7.15 to:

The purpose of the Transport Development zone is to:

- (a) provide a range of industrial development, including manufacturing, servicing, storage and distribution, which by the nature of their operations may need to be separated from residential and other sensitive land uses.
- (b) accommodate and prioritise the operation of over-sized equipment and services supporting transport industry.
- (c) ensure that industry operations do not detract from the amenity of sensitive land uses in adjacent zones and conforms to relevant environmental standards.
- (d) recognise the relationship that has emerged in the broader industrial area between Caretaker's Dwellings and industry and prevent further introduction of new residential uses.
- (e) prohibit inappropriate uses within the zone to minimise land use conflicts and address environmental impacts.

Add an additional clause 6.7.16(a):

When considering applications for any use subject to licensing or registration as a "Prescribed Premises" under the Environmental Protection Regulations 1987 (as amended) within the Transport Development zone, Council shall have regard for:

- (a) the potential for exposure to risks, hazards and impacts of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, wastewater or other waste products from the proposal on any existing or proposed caretaker's dwelling, and in this regard may refer an application for planning approval to the Environmental Protection Authority or Department of Health for advice of risks and hazards.

Add an additional clause 6.7.17(a):

When assessing applications for planning approval for any development category, Council may require applicants to provide information and technical assessments of the potential emissions, risks and hazards of existing and proposed non-residential development on existing and proposed caretaker's dwellings.

In light of the above justification the Amendment is supported subject to proposed modifications and recommended for final approval.

Attachments

1. Locality Plan
2. Scheme Amendment 65 Report
3. Copy of submissions

Options

Council has the following options when considering the matter:

1. Approve final adoption of Scheme Amendment 65.

Council should approve final adoption of the Amendment if it supports the Amendment and considers the proposed provisions to include into TPS5 are suitable to address all key issues.

2. Approve final adoption of Scheme Amendment 65 with modifications.

Council should approve final adoption of the Amendment if it supports the Amendment however considers that the proposed modifications more suitably address all key issues.

3. Refuse final adoption of Scheme Amendment 65.

Council should refuse final adoption and resolve to abandon the Amendment, if it considers there are fundamental issues that have not been addressed.

Option 2 is recommended to allow the new lot details to be updated in the final adoption. Progressing with the Amendment, subject to modifications will create an industrial area with a range of suitable industries, while ensuring suitable controls are imposed.

201314/182 Officer's Recommendation/ Council Decision

Moved: Cr Daccache

Seconded: Cr Taylor

That Council:

1. **Modify Scheme Amendment 65 to the Port Hedland Town Planning Scheme No.5 by deleting the following wording:**

Deleting Clauses 6.7.15 and 6.7.16 of the Scheme and replacing them with the following text:

6.7.15 The purpose of the Transport Development zone is to accommodate a range of industrial uses and in particular uses that support the transport, mining and construction industries.

6.7.16 When considering applications for any use subject to licensing as "Prescribed Premises" under the Environmental Protection Regulations 1987 (as amended) within the Transport Development zone, in addition to the requirements of clause 4.5, Council:—

may require the applicant to provide a report covering such matters as the effect of the proposal on air quality, levels of dust and other airborne pollutants, quality of ground water, road traffic and amenity of the locality as well as any other matter relevant to environmental impact which in the opinion of Council needs to be covered;

may consult with the Health Department and the Environmental Protection Authority for advice on the potential risks and hazards of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, waste water or other waste products or any other aspect of the proposal which Council requires;

may either refuse or approve the application with or without conditions, including any conditions which may be appropriate after having considered all the matters arising out of (a) or (b) above.

And replacing it with:

Amend clause 6.7.15 to:

The purpose of the Transport Development zone is to:

- (a) provide a range of industrial development, including manufacturing, servicing, storage and distribution, which by the nature of their operations may need to be separated from residential and other sensitive land uses.*
- (b) accommodate and prioritise the operation of over-sized equipment and services supporting transport industry.*
- (c) ensure that industry operations do not detract from the amenity of sensitive land uses in adjacent zones and conforms to relevant environmental standards.*
- (d) recognise the relationship that has emerged in the broader industrial area between Caretaker's Dwellings and industry and prevent further introduction of new residential uses.*
- (e) prohibit inappropriate uses within the zone to minimise land use conflicts and address environmental impacts.*

Add an additional clause 6.7.16(a):

When considering applications for any use subject to licensing or registration as a "Prescribed Premises" under the Environmental Protection Regulations 1987 (as amended) within the Transport Development zone, Council shall have regard for:

- (a) the potential for exposure to risks, hazards and impacts of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, wastewater or other waste products from the*

proposal on any existing or proposed caretaker's dwelling, and in this regard may refer an application for planning approval to the Environmental Protection Authority for advice of risks and hazards.

Add an additional clause 6.7.17(a):

When assessing applications for planning approval for any development category, Council may require applicants to provide information and technical assessments of the potential emissions, risks and hazards of existing and proposed non-residential development on existing and proposed caretaker's dwellings.

2. Adopts for final approval Scheme Amendment 65 to the town of Port Hedland Town Planning Scheme No 5, so modified by Point 1 above, and by:

(a) Amending the Table 1 - Zoning Table by changing the permissibility of "Industry – General" within the "Transport Development" zone from "~" to "AA";

(b) Amendment the Table 1 - Zoning Table by changing the permissibility of "Industry – Noxious" within the "Transport Development" zone from "~" to "SA";

(c) Amend clause 6.7.15 to:

The purpose of the Transport Development zone is to:

(a) *provide a range of industrial development, including manufacturing, servicing, storage and distribution, which by the nature of their operations may need to be separated from residential and other sensitive land uses.*

(b) *accommodate and prioritise the operation of oversized equipment and services supporting transport industry.*

(c) *ensure that industry operations do not detract from the amenity of sensitive land uses in adjacent zones and conforms to relevant environmental standards.*

(d) *recognise the relationship that has emerged in the broader industrial area between Caretaker's Dwellings and industry and prevent further introduction of new residential uses.*

(e) *prohibit inappropriate uses within the zone to minimise land use conflicts and address environmental impacts.*

(d) Add an additional clause 6.7.16(a):

When considering applications for any use subject to licensing or registration as a “Prescribed Premises” under the Environmental Protection Regulations 1987 (as amended) within the Transport Development zone, Council shall have regard for:

(a) *the potential for exposure to risks, hazards and impacts of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, wastewater or other waste products from the proposal on any existing or proposed caretaker’s dwelling, and in this regard may refer an application for planning approval to the Environmental Protection Authority for advice of risks and hazards.*

(e) Add an additional clause 6.7.17(a):

When assessing applications for planning approval for any development category, Council may require applicants to provide information and technical assessments of the potential emissions, risks and hazards of existing and proposed non-residential development on existing and proposed caretaker’s dwellings.

3. Authorises the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967 (as amended)* including the fixing of the Council’s common seal;
4. Forwards three (3) copies of the approved scheme amendment and associated documentation to the Western Australian Planning Commission; and
5. Endorses the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.

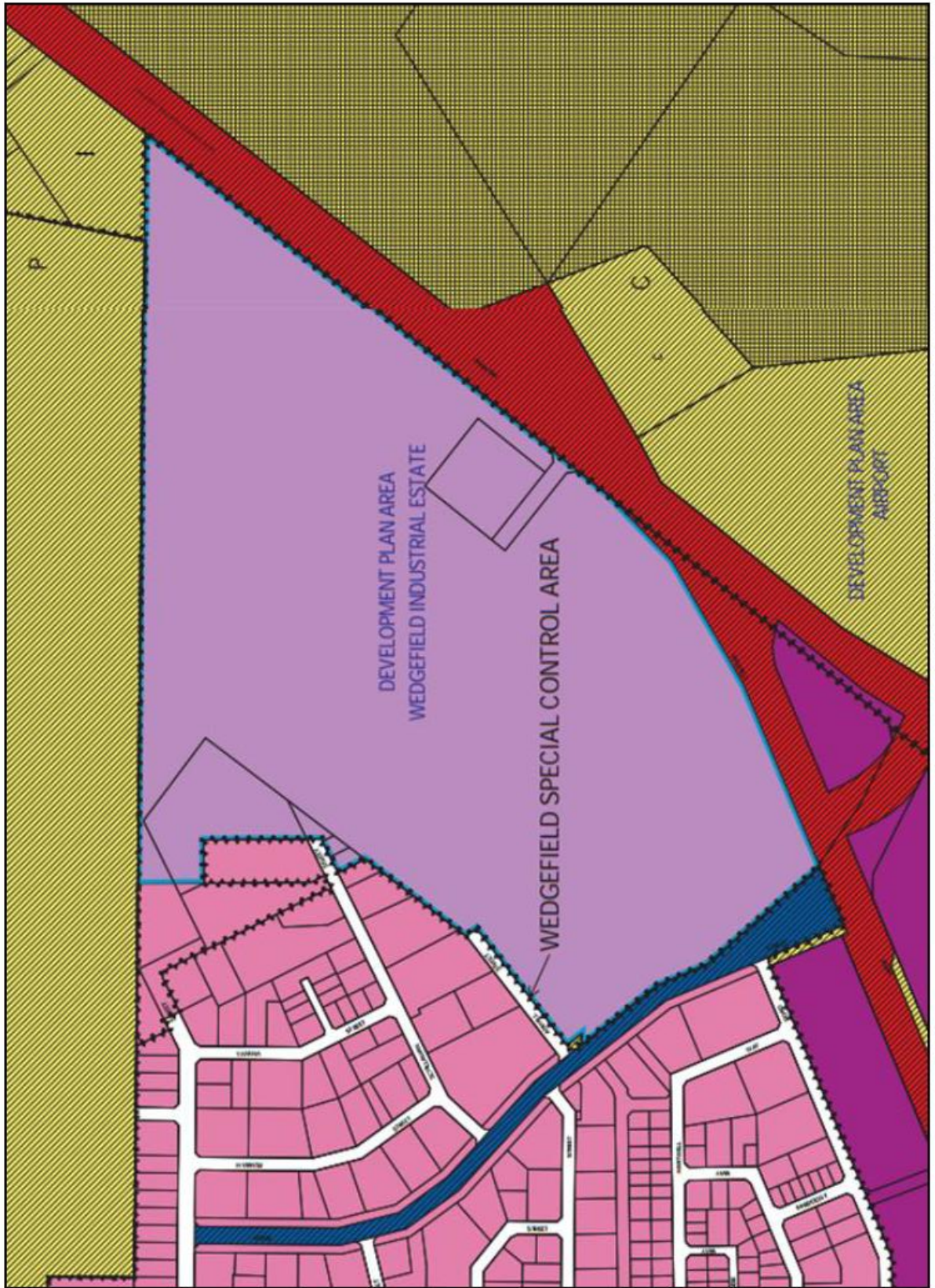
CARRIED 7/0

LOCALITY PLAN

Figure 1 - Transport Development area and immediate surroundings



Figure 2 - Transport Development area under TPS5





Proposed Amendment
No.XX to Town of Port
Hedland Town Planning
Scheme No.5

Town of Port Hedland

May 2013



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Karen Wright
Associate Director	Tim Dawkins
Consultant	Emma Taylor
Job Code	PA0815
Report Number	1

Planning and Development Act 2005 (as amended)

RESOLUTION DECIDING TO AMEND

A TOWN PLANNING SCHEME

Town of Port Hedland Town Planning Scheme No. 5

RESOLVED that the local government, in pursuance of Section 75 of the *Planning and Development Act 2005* (as amended), amend the above Town Planning Scheme by:

- (a) Amending the Zoning Table by changing the permissibility of 'Industry – General' within the 'Transport Development' zone from '~' to 'AA';
- (b) Amending Table 1 – Zoning Table by changing the permissibility of 'Industry – Noxious within the 'Transport Development' zone from '~' to 'SA';
- (c) Deleting Clauses 6.7.15 and 6.7.16 of the Scheme and replacing them with the following text:

6.7.15 *The purpose of the Transport Development zone is to accommodate a range of industrial uses and in particular uses that support the transport, mining and construction industries.*

6.7.16 *When considering applications for any use subject to licensing as "Prescribed Premises" under the Environmental Protection Regulations 1987 (as amended) within the Transport Development zone, in addition to the requirements of clause 4.5, Council:—*

- (a) *may require the applicant to provide a report covering such matters as the effect of the proposal on air quality, levels of dust and other airborne pollutants, quality of ground water, road traffic and amenity of the locality as well as any other matter relevant to environmental impact which in the opinion of Council needs to be covered;*
- (b) *may consult with the Health Department and the Environmental Protection Authority for advice on the potential risks and hazards of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, waste water or other waste products or any other aspect of the proposal which Council requires;*
- (c) *may either refuse or approve the application with or without conditions, including any conditions which may be appropriate after having considered all the matters arising out of (a) or (b) above.*

Dated this _____ day of _____ 20_____.

Chief Executive Officer

REPORT – AMENDMENT NO.XX

FILE NO:

PART OF AGENDA

MINISTER FOR PLANNING

PROPOSAL TO AMEND A TOWN PLANNING SCHEME

1. Local Government: Town of Port Hedland
2. Description of Scheme: Town of Port Hedland Town Planning Scheme No. 5
3. Serial Number: Amendment No.XX
4. Proposal:
 - a) Change the land use permissibility of 'Industry – General' within the 'Transport Development' zone from '~' to 'AA';
 - b) Change the land use permissibility of 'Industry – Noxious' within the 'Transport Development' zone from '~' to 'SA'; and
 - c) Undertake textural amendments to clauses 6.7.15; and 6.7.16.
5. Report by: Urbis Pty Ltd on behalf of LandCorp for the Town of Port Hedland.

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1 Introduction

The Town of Port Hedland seeks the support of the Western Australian Planning Commission (WAPC) and the approval of the Hon. Minister for Planning to the proposed Scheme Amendment.

1.1 OVERVIEW OF PROPOSAL

The proposed Scheme Amendment No.## seeks to:

1. Change the land use permissibility of 'Industry – General' within the 'Transport Development' zone from '~' to 'AA';
2. Change the land use permissibility of 'Industry – Noxious' within the 'Transport Development' zone from '~' to 'SA'; and
3. Undertake textural amendments to clause 6.7.15 and 6.7.16.

1.2 CONTEXT

Port Hedland is a coastal town situated in the Pilbara region, in the north-west of Western Australia. Port Hedland is located approximately 1,300 kilometres from Perth (measured in a straight line) and is the logistics and commercial hub associated with the surrounding mining areas.

On behalf of LandCorp, we request the Town of Port Hedland initiate an Amendment to Town Planning Scheme No. 5 (TPS5) to allow a broader range of industrial land uses within the Transport Development area, specifically, the inclusion of 'Industry – General' and 'Industry – Noxious'.

We are undertaking this amendment on behalf of LandCorp for the following key reasons:

- To allow for a range of uses that do not fall into the strict requirements of Transport Development, however, provide support and benefit from co-location with Transport Development. Such uses include:
 - o spray painting
 - o concrete batching
 - o sandblasting
 - o moulding of plastics
- To provide for compatible industrial development on well located serviced lots for uses that are not appropriate within the old Wedgefield Industrial Area due to the high rate of residential uses (192 lots currently approved for residential uses within the old Wedgefield Industrial Area however residential uses are not permitted within the Transport Development area).
- To create a practical approach to land release and delivery, and meeting unmet demand for a range of undersupplied uses within Port Hedland.
- The Boodarie Industrial Estate is reserve for heavy industrial downstream processing opportunities and noxious industries requiring a buffer to sensitive land uses.

2 Site Description

2.1 LOCATION

The scheme amendment is limited to land within the 'Transport Development' zone. The Transport Development zone is applied to only to the "Transport Development Area' located to the east of the old Wedgefield Industrial Area as illustrated below.

FIGURE 1 – LOCATION PLAN



Source: Western Australian Planning Commission

FIGURE 2 – AERIAL PHOTOGRAPH (FLOWN AUGUST 2012)



Source: Western Australian Land Information Authority

2.2 LAND TENURE AND SITE DETAILS

There are approximately 20 lots within the Transport Development area, of which 16 are newly created industrial lots developed by LandCorp in 2011/2012, only 8 of these lots have sold. The remainder of the lots are under State Government ownership and available for sale. In total, the Transport Development area is approximately 196 hectares as illustrated below.

FIGURE 3 – TENURE PLAN



Source: Western Australian Planning Commission

3 Proposal

3.1 BACKGROUND

There is a lack of suitable land within the broader Port Hedland area for industrial uses that require licensing by the DEC. The Boodarie Estate is reserved to support downstream processing industries and noxious industries requiring buffers to sensitive uses, and is still some years away from providing development ready lots, creating issues associated with the expansion of the economy. It is critical that development of 'noxious' uses not requiring a buffer are provided for within Port Hedland.

The definition of noxious uses is defined as follows:

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

There are a significant number of uses which are subject to licencing as 'Prescribed Premises' under the *Environmental Protection Regulations 1987* that are seeking to establish their business within Port Hedland, however, there is a lack of appropriately zoned land to cater for them.

The largest area of land that has been opened up by new development is the 'Wedgefield Transport Development Area'. However, this site does not permit the use of 'Industry – Noxious' by virtue of the zoning table.

The Port Hedland Land Use Master Plan identifies the TD Area as "General Industry/Transportation Uses". The current zoning of the land focuses on the Transportation Uses, however, limits industrial uses to 'Industry – Transport'. The general industry zoning permits noxious uses under the current provisions of the Town of Port Hedland's Town Planning Scheme No.5.

'Industry – Noxious' uses are not permitted within the TD zone as the Port Hedland Land Use Master Plan identifies noxious uses as being located within the Boodarie Industrial estate. However, this was a short-sighted approach, as there are a number of uses that are subject to licensing as 'Prescribed Premises' and do not require a buffer to other uses which are considered to be acceptable and compatible within the TD zone. Such uses include:

- Concrete batching plant;
- Sand Blasting;
- Spray Painting;
- Moulding of Plastics.

These uses are subject to licensing and condition imposed by the DEC, do not pose a specific hazard to adjoining land uses, and can contain the impacts of the use within its own site.

In recognition of the high level of demand, it is considered appropriate to expand the land use permissibility within the TD zone to allow a range of the noxious uses that can manage their impact within their own site and do not constitute a hazard to adjoining land uses.

The existing land use conflict of noxious and residential uses will not occur in the TD zone as no residential uses are permitted. The TD area will also offer existing noxious industries in old Wedgefield an appropriate alternative to serviced industrial land.

The scheme amendment makes no changes to the 'heavier' noxious uses that would not be appropriate within the TD area, and would need to locate within the Boodarie estate.

3.2 OBJECTIVE

There is growing demand for industrial land that permits 'noxious' uses, as well as general industry uses, with no ability to located within the Boodarie Industrial Estate - the designated strategic industrial area for Port Hedland. Accordingly, this scheme amendment proposed some changes to the provisions of TPS5 that enables noxious and general industry uses to be accommodated the TD zone in a manner that does not compromise the effective operation of the existing and future industrial uses.

3.3 KEY ISSUES

3.3.1 PRESCRIBED PREMISES

It has become apparent that a prescribed premises under the EPA Regs should not be restricted to within Boodarie Industrial Estate. There are a broad range of uses that fall in the definition of 'industry - noxious' that can manage their impacts on site, and are better located within the TD zone. A number of these businesses have expressed a desire to be located in TD area due to its central location, availability of services, and ability to be clustered with general and transport related businesses.

3.3.2 HEALTH AND SAFETY

Many of these uses have a high workforce requirement due to their labour intensive natures (e.g. sand blasting, spray painting, moulding of plastics) and are better located away from heavy industry that have potential health impacts.

There is also conflict within the existing Wedgefield Industrial area (old Wedgefield) where noxious and general industrial uses are permitted. Given the significant number of lawful residential premises within old Wedgefield, it is problematic to allow general and noxious uses. The TD area contains no residential uses, as all residential use classes, included caretakers residence, are prohibited in the TD zone. It is therefore considered that there is a logical opportunity to broaden the range of permissible industrial uses within the TD zone, facilitating the supply of development ready industrial land to cater for these uses.

3.3.3 LAND USE MIX

The Port Hedland Land Use Master Plan identified General Industry / Transportation Uses given the then anticipated timing of the Boodarie Industrial Estate and the lack of recognition of the benefits of co-locating compatible uses. The range of uses within the TD zone has however, proven to be too narrow, with a range of non-transport related uses seeking to locate within the TD area due to their interrelationship with the transport industry. Examples include a concrete batching plant, which has a high transport element and general industrial uses including spray painting and sand blasting.

There is a need to expand the permitted range of uses to facilitate the efficient clustering, symbiotic relationships and interdependences that occur across industrial areas.

3.3.4 BUFFERS

The introduction of 'noxious' uses does not mean that all uses that fall within this definition can automatically locate within the TD zone. These uses are all subject to licensing under the Department of Environment and Conservation (DEC), which will require the demonstration of adequate buffers associated with the use. As part of the licencing requirements, the DEC can ensure that the uses are appropriate in the proposed location and setting.

The proposed wording for the scheme amendment introduces stronger powers for the Town of Port Hedland to require detailed information pertaining to the proposed use such as the air quality, levels of dust and other airborne pollutants, quality of ground water, road traffic and amenity of the locality. It also introduces the capacity for the Town to refer the application to the EPA for advice prior to making a decision.

It is apparent that the changes to the use class table coupled with the additional scheme provisions will ensure that any impacts from noxious industry will be adequately managed and ensure compatibility with the general industrial and transport related uses.

3.3.5 VISUAL AMENITY TO MAJOR ROADS

The introduction of 'noxious' and general industry uses creates the potential for 'unsightly' industrial uses to be introduced within the TD area. There are currently design guidelines in place that control the design of buildings and require appropriate screening to external area. Therefore the same level of design standard will apply no matter what the proposed use. The guidelines identified the key sites that are highly visible and form the gateway into the locality, and apply strict standards to the design of any development.

We note that the land within the TD area fronting Great Northern Highway is subject to the provisions of Control Area 2 under the Wedgefield Industrial Estate Development Plan. Control Area 2 addresses the key objective of presentation of the industrial estate to Great Northern Highway as the gateway to Port Hedland. Development within Control Area 2 requires higher levels of landscape and presentation to protect the interface of the development along Great Northern Highway.

The proposed text amendment will consequently not vary or impact on the visual amenity of the TD area.

3.3.6 LAND SUPPLY

The TD area was planned on the basis of an identified high level of need for land for transport related purposes. Since the TD area has been developed, only 8 lots have sold in two years and it has become apparent that the anticipated demand was overstated.

The TD area represents an effective doubling in size from the old Wedgefield area. This land is now believed to be far in excess of the needs for transport related uses alone. Conversely, there is an extremely short supply of land that permits general and noxious industry uses, and most of that is located within old Wedgefield where there are conflicts with the residential uses.

It is imperative for the Town to be able to respond to the changing market demand, particular when it has been demonstrated that the proposed changes will have minimal impact on the vision and character of the TD area. The scheme amendment will provide for the longer term needs, and correct the current land supply shortage to ensure all potential industrial land uses are catered for within Port Hedland.

4 Planning Assessment

4.1 STATE PLANNING FRAMEWORK

4.1.1 STATE PLANNING STRATEGY (DRAFT)

The State Government released a new draft State Planning Strategy in December 2012. The State Planning Strategy is the State's overarching planning document that provides the strategic framework that seeks to coordinate regional planning and development across WA, and thereby sets the foundation for all planning policies across the state.

The strategy anticipates an increase in the State's population from the current population of 2.4 million people to between 3.5 million and 5.4 million by 2056. The strategy is broad in nature, setting the following broad principles:

- **Community:** Enable diverse, affordable, accessible and safe communities;
- **Economy:** Facilitate trade, investment, innovation, employment and community betterment
- **Environment:** Conserve the State's natural assets through sustainable development
- **Infrastructure:** Ensure infrastructure supports development
- **Regional Development:** Build the competitive and collaborative advantages of the regions
- **Governance:** Build community confidence in development processes and practices

The State Planning Strategy acknowledges the critical role the Pilbara plays in economic development of the State, and the need to foster its growth and development. The State Planning Strategy also identifies the Pilbara Cities initiative, which seeks to develop Port Hedland and Karratha into cities where people choose to settle on a permanent basis, because these are places to raise families with access to high standards of education, health and diverse employment and career opportunities. As part of becoming a more complex urban settlement, there is a need to cater for a range of employment opportunities and land uses beyond a narrow focus on the resource industry.

4.1.2 STATE PLANNING POLICIES/DEVELOPMENT CONTROL POLICIES

The following State Planning Policies (SPP's) and Development Control (DC) Policies have been reviewed through the strategic planning process which has preceded the subject Scheme Amendment. The details of each Policy have already been addressed in the Wedgefield Industrial Estate Development Plan and will be further considered and responded to in the subsequent subdivision and development applications.

- SPP 2 – Environment and Natural Resources.
- SPP 3 – Urban Growth and Settlement.
- SPP 4.1 – State Industrial Buffer Policy.
- SPP 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning.
- DC Policy 1.7 – General Road Planning.
- DC Policy 4.1 – Industrial Subdivision.

4.1.3 PILBARA PLANNING AND INFRASTRUCTURE FRAMEWORK

The Pilbara Planning and Infrastructure Framework identifies the physical development needs of the Pilbara and sets out a framework to assist in managing the opportunities and challenges facing the region.

A key objective identified is to:

'Provide for an adequate supply of industrial land in the region to meet the expanding demands of industry and its associated services and transport requirements'.

Specifically, there is an identified need to:

- Coordinate planning and development of strategic, general and light industrial areas to accommodate the needs of industry; and
- Ensure the planning of industrial areas makes provision for appropriate transport and ancillary support activities and facilities.

While the Transport Development Area has been created, it has become apparent that the range of land uses permitted does not adequately allow for the full range of 'support activities and facilities'. By limiting the composition of the estate to a narrow range of uses, it is impacting on the ability for the support uses to cluster around the larger transport uses and existing services.

4.1.4 PILBARA'S PORT CITY GROWTH PLAN

Pilbara's Port City Growth Plan (Growth Plan) provides a high level strategic blueprint to facilitate the sustained growth of Port Hedland into Pilbara's Port City with a population of 50,000 people.

The growth plan identifies the need for approximately 2,161ha of additional strategic industrial land and 450ha of additional general/light industrial land. The growth plan clearly identifies the importance of transport and logistics in the town, and the role of Port Hedland as a major port.

This scheme amendment seeks to redress the balance between the provision of Transport related industrial land and other industrial uses. The proposed scheme amendment does not seek to remove the focus or importance of the TD area on the logistics role, it simply acknowledges the oversupply of land for transport uses, and the fact that the support services associated with the TD requires a broader land use permissibility to enable the effective clustering of complementary uses.

4.2 LOCAL PLANNING FRAMEWORK

4.2.1 TOWN PLANNING SCHEME NO.5

The Transport Development Area is currently zoned 'Transport Development' TPS5. The Scheme Amendment proposes to broaden the range of uses permitted within this zone to allow for uses that are underprovided for elsewhere within Port Hedland.

The purpose of the 'Transport Development' zone are set out in Clause 6.7.15 TPS5:

The purpose of the Transport Development zone is to accommodate the operation of over-sized equipment and services supporting the transport industry.

The proposed amendment seeks to address the narrow focus of the Transport Development Area, acknowledging that it is not efficient or sustainable to create an industrial area with a limited range of industrial uses.

The area will continue to be focused towards the transport needs of Port Hedland, however, it will also seek to allow for other uses that are not appropriately catered for within Port Hedland and benefit from being located within close proximity to the transport hub.

4.2.2 WEDGEFIELD INDUSTRIAL ESTATE DEVELOPMENT PLAN

The Wedgefield Industrial Estate Development Plan (WIEDP) is intended to coordinate the strategic expansion of Wedgefield and provides for a range of light and transport related industrial purposes in accordance with the recommendations of the Town of Port Hedland's Land Use Master Plan.

The WIEDP was developed in response to the demand for additional industrial and transport development land to service the mining and export markets in Port Hedland and the broader Pilbara.

The WIEDP area comprises four distinct precincts:

1. Transport Development (TD) Area

The TD area is the largest precinct, and is located between the existing Wedgefield industrial area, Great Northern Highway and the Port Hedland Port Authority lease area.

2. Light Industrial Areas (LIA's) 3 and 4

Due to proximity to the existing industrial area, land use on LIA's 3 and 4 is restricted to small service and light industrial uses permitted under the scheme's 'Light Industry' zone, which are considered appropriate for location in close proximity to sensitive uses.

3. Light Industrial Area 5 (LIA 5)

Due to LIA 5's exposure to Great Northern Highway and Wallwork Road, it is intended that controls on land use and development standards (through the preparation of Design Guidelines) are to be more restrictive than for other precincts of the WIEDP area.

4. Industry Area

A small area of land previously zoned "Transient Workforce Accommodation (R20)" was recently rezoned to the "Industry" zone, to acknowledge the current use of this small area for Transient Workforce Accommodation (TWA) would be phased out following the expiration of the lease arrangement in 2014.

The WIEDP allows for the ongoing operation of the TWA in the short term by controlling (restricting) the permissibility of industrial uses within proximity to the TWA site, however, this has impacted on the capacity for new uses to located within the old Wedgefield area. Given the desire to limit the types of uses and the lack of vacant land within the old Wedgefield area, it is critical that new areas of industrial land are opened up to allow unfettered industrial uses.

5 Conclusion

The proposed scheme amendment will assist in improving the functionality and operational efficiency of the various industrial areas within Port Hedland. Specifically the proposed scheme amendment:

- Provides a supply of much needed serviced industrial land to accommodate low impact industrial uses requiring a DEC licence to operate
- Takes pressure off the introduction of general and noxious industrial uses within the old Wedgefield area (currently the only land available for these uses) and assist in minimum conflict with the residential uses
- Ensures that the residential land uses do not constrain the operation and development of legitimate industrial operation
- Allows for 'noxious' uses that can manage their impacts within their site boundaries to be co-located with general industrial uses and provide support services to the transport related uses
- Avoids the need for 'low impact' noxious uses that can have a high workforce from being forced out to Boodarie where with the proposed heavy industry uses with which they have no relationship
- Provides a good supply of industrial land for general industrial uses, which currently have no significant identified expansion areas
- Offers existing noxious industries in old Wedgefield an appropriate alternative to serviced industrial land to assist in the separation of noxious and residential uses
- Offers an alternative to the Boodarie Industrial Estate which is still some time away from being development ready
- Maintains the primary focus of the area for transport and logistics within the TD zone
- Is consistent with the Pilbara Planning and Infrastructure Planning Framework
- Supports the continued business growth in the Town of Port Hedland.

It is therefore, respectfully requested that the Town of Port Hedland initiate Scheme Amendment No.XX to enable referral to the Environmental Protection Authority and public advertising.

SCHEME AMENDMENTPLANNING AND DEVELOPMENT ACT 2005TOWN OF PORT HEDLAND

The Council of the Town of Port Hedland, under and by virtue of the power conferred upon it in that behalf by the Planning and Development Act 2005 (as amended), hereby amends Town Planning Scheme No. 4, to:

- (a) Amending the Zoning Table of the Scheme by changing the permissibility of 'Industry – General' within the 'Transport Development' zone from '~' to 'AA';
- (b) Amending Table 1 – Zoning Table of the Scheme by changing the permissibility of 'Industry – Noxious' within the 'Transport Development' zone from '~' to 'SA';
- (c) Deleting Clauses 6.7.15 and 6.7.16 of the Scheme and replacing them with the following text:
 - 6.7.15 *The purpose of the Transport Development zone is to accommodate a range of industrial uses and in particular uses that support the transport, mining and construction industries.*
 - 6.7.16 *When considering applications for any use subject to licensing as "Prescribed Premises" under the Environmental Protection Regulations 1987 (as amended) within the Transport Development zone, in addition to the requirements of clause 4.5, Council:—*
 - (a) *may require the applicant to provide a report covering such matters as the effect of the proposal on air quality, levels of dust and other airborne pollutants, quality of ground water, road traffic and amenity of the locality as well as any other matter relevant to environmental impact which in the opinion of Council needs to be covered;*
 - (b) *may consult with the Health Department and the Environmental Protection Authority for advice on the potential risks and hazards of emissions of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash dust, waste water or other waste products or any other aspect of the proposal which Council requires;*
 - (c) *may either refuse or approve the application with or without conditions, including any conditions which may be appropriate after having considered all the matters arising out of (a) or (b) of this clause.*

Initiate Scheme Amendment

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

PRESIDENT

CHIEF EXECUTIVE OFFICER

Final Approval

Adopted for final approval by resolution of the Town of Port Hedland at the Ordinary Meeting of the Council held on _____ 20_____.

The Common Seal of the Town of Port Hedland was hereunto affixed by authority of a resolution of the Council in the presence of:

PRESIDENT

CHIEF EXECUTIVE OFFICER

RECOMMENDED/SUBMITTED
FOR FINAL APPROVAL

DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT ACT
2005

DATE

FINAL APPROVAL GRANTED

MINISTER FOR PLANNING

ATTACHMENT 3 TO ITEM 11.1.1.1



Government of Western Australia
Department of Environment Regulation



Steve De Meillon
Senior Strategic Planner
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Your ref: 2013/326
Our ref: PRS 34985
Enquiries: LUP Advice Coordinator
Phone: (08) 6467 5000
Email: LUP.advice@der.wa.gov.au

\$ 5/11/13 → Steve



Document #: IPA43259
Date: 05.11.2013
Officer: LEONARD LONG
File: 18/09/0079

→ Steve

Dear Mr De Meillon

**APPLICATION 2013/326 FOR SCHEME AMENDMENT 65 – TO
ALLOW INDUSTRY – NOXIOUS AND INDUSTRY – GENERAL LAND
USES WITHIN THE TRANSPORT DEVELOPMENT ZONE**

Thank you for your letter dated 19 August 2013 seeking Department of Environment Regulation (DER) comment on the development for the above address.

DER has reviewed the documents and provides the following comments and recommendations in relation to the Department of Environment Regulation's (DER) responsibilities under the *Environmental Protection Act 1986* and *Contaminated Sites Act 2003*.

DER gives in principal support to the proposed Amendment No 65 to Town of Port Hedland Town Planning Scheme, given that residential uses are not permitted within the Transport Development area. DER Karratha office are willing to assist the Town of Port Hedland with advice on prescribed activities where applicable, to ensure that development of the new zoned area occurs appropriately and in a strategic manner.

Should you wish to discuss this advice, please contact Teresa Wilkie, Environmental Officer Pilbara Region on 9144 1118 in the first instance.

Yours sincerely

Peter Skitmore
A/ DIRECTOR ENVIRONMENTAL REGULATION

31 October 2013

SUBMISSION ONE

Your Ref:
Our Ref: JT1 2008 02134 V03
Enquiries: Ian Kininmonth
Telephone: (08) 9420 2617



27th September 2013



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

629 Newcastle Street
Leederville 6007
Western Australia
PO Box 100
Leederville 6902
Perth Western Australia
Tel (+61 8) 9420 2420
www.watercorporation.com.au
ABN 28 003 434 917

Attention: Steve De Meillon

**Application 2013/326 - Scheme Amendment 65 – To include Industry -
Noxious and Industry - General Land Uses within the Transport Development
Zone**

Thank you for your letter of 16th August.

The Water Corporation has no planning issues associated with the proposal.

However, proponents of high water using should be encouraged to contact the Water Corporation at the earliest opportunity to enable assessment of servicing requirements and capacity.

Yours sincerely

A handwritten signature in black ink, appearing to read "Ian Kininmonth".

18/09/2013

Ian Kininmonth
Senior Planning Officer



SUBMISSION TWO



Government of **Western Australia**
Department of **Water**

Your ref: 2013/326

Our ref: WRD 220064

Enquiries: Karen McKeough

Direct tel: 9841 0128

Attn: Steve de Meillon

Dear Sir

Town of Port Hedland Planning Application 2013/326 - Scheme Amendment 65

The Department of Water has considered the above application and advises that it has no objections to the proposal.

Yours sincerely



Hamid Mohsenzadeh
Regional Manager
Department of Water
Pilbara Region

18 September 2013

SUBMISSION THREE



Government of **Western Australia**
Department of Health

Your Ref: 2013/326 / 18/09/0079
Our Ref: F-AA-19904/02 EHB13/2266
Contact: Vic Andrich
Phone: 9388 4978

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

Attention: Steve De Meillon – Senior Strategic Planner



Dear Mr Osborne

**APPLICATION 2013/326 FOR SCHEME AMENDMENT 65 – TO ALLOW
'INDUSTRY- NOXIOUS AND INDUSTRY' – GENERAL LAND USES WITHIN THE
TRANSPORT DEVELOPMENT ZONE**

Thank you for your letter dated 19 August 2013 requesting comment from the Department of Health (DOH) on the above scheme amendment.

The DOH provides the following comment.

1. Water Supply and Wastewater Disposal

The amendment is to require all developments to be connected to scheme water and sewer in accordance with the draft *Country Sewerage Policy*.

2. Toxicological Assessment

The amendment to require developments to adhere to the guidelines set out under the Town of Port Hedland Town Planning Scheme No.5 Amendment No.22 (as appropriate).

Should you have queries or require further information please contact Vic Andrich on 9388 4978 or vic.andrich@health.wa.gov.au

Yours sincerely

Jim Dodds
DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

1 October 2013

SUBMISSION FOUR

Ivan YUTNOVICH
398 OXFORD ST
HWT Hawthorn WA 6016
Phone FAX 9444/837.
Mobile 0417172031



Town of Port Hedland.
Steve De Meillon
Planning Dept.

Re application 2013/326 scheme Amendment N° 65
I operate from 2 Sites Trig ST - Moorambie ST.
since 1965.

Land in the Transport Development Zone. Price
conditions ext. its a DUD economically ext.
Transfield Purchased land and now up for
Sale. Refer "Seog" Frost National Real Estate
available at a LOSS (You can Quote Me)
conditions, TP N° 5 Price ext too difficult to
comply with.

Steve your the strategic Planner, you understand
its Port Hedland.

NOT SYDNEY - MELBOURNE - PERTH

Amendment is OK by me.

File Number: 18/09/0079
Int. Correspondent: Leonard


27 Aug 2013.

SUBMISSION FIVE

RE: TOPH PROPOSED TOWN PLANNING SCHEME AMENDMENT NO.65 SUBMISSION

The following submission is provided to highlight my objections with the subject amendment. I am concerned that what is being proposed is simply a thinly veiled attempt by the developer to find a way to dump a poorly marketed product onto the market in an attempt to extricate themselves from the development. I suspect little or no consideration has been given as to the wider market in the Wedgefield LIA.

Proposed Amendment 65 will effectively double the size of Wedgefield industrial land immediately upon adoption. Had Landcorp or TOPH sought this as a planned aim then the time to do so would have been several years ago when the market was clamouring for the product and prices were actively being driven higher. Clearly articulating to the private sector a planning policy that identified this outcome would have also been an appropriate course of action. As it were, the subject land was identified as a Transport Development Zone and much of the development of the LIA will have been done on commercial viability assumptions based upon this. Landcorp is now seeking to rezone in order to dump a failed development onto the market when we are past the peak in the cycle. If amendment 65 is approved then it will represent a clear and unambiguous decision upon the TOPH to support Landcorp at the cost of burning other Wedgefield rate payers.

When people deploy capital into a market they understand it comes with market risk. In areas such as the Pilbara this is exacerbated and again this is generally understood. What I believe should be avoided at all costs is schizophrenic local government town planning determinations adding unduly to these risks to the private sector. If amendment 65 is passed TOPH risks creating a reputation of undertaking policy shifts that cause actual commercial losses. This will almost certainly dissuade many considering future capital allocations into TOPH and will be counterproductive to the Town's and the Pilbara City aims.

My information as to the difficulties experienced in the TDZ lead me to the understanding that many of the issues in the release stemmed from the overly prescriptive restrictions placed upon the development of the land. This is consistent with my experience with other Landcorp releases. Local government and Landcorp need to clearly understand that while authoritative intrusion may indeed facilitate 'best practise', it more often than not drives up the cost of development. If development becomes uneconomic, lots stay empty; it is as simple as that.

In finishing I would pose a rhetorical question. If amendment 65 is passed would that then mean private developers who find themselves with developments struggling commercially will find an equally receptive response to any requests they may have for planning assistance?

Amendment 65 is bad policy, do not approve it.

Regards,



Scott Lowe

Email: scott.lowe@nlpg.com.au Ph: 0413081804

SUBMISSION SIX

Subject: FW: Proposed Amendment 65
Attachments: image001.png; image002.jpg; image003.jpg; image004.jpg

From: Morag Lowe
Sent: Wednesday, 2 October 2013 2:57 PM
To: 'mgrpl@porthedland.wa.gov.au
Subject: Proposed Amendment 65

Dear Sirs

The following submission is in response to proposed Amendment 65 to the Town of Port Hedland Planning Scheme.

One of the stated aims of the proposed amendment is "To create a practical approach to land release and delivery and meet unmet demand for a range of undersupplied uses within Port Hedland". Similarly much of the documentation in support of the scheme amendment focuses on the moving of noxious industry into this rezoned area. It suggests that social good is being created by moving noxious industry away from existing caretakers residences within the pre-existing areas of Wedgefield. While these would prima facie appear to logical arguments, I believe they are both misguided and disingenuous and the real reason why this amendment is being proposed is rather buried in a small paragraph within the documentation and is somewhat understated.

Put simply, a developer, Landcorp, undertook an ill-conceived and poorly executed development and rezoning is now being sought to allow the proponent to saturate the market with their unsold product. The irony being that many of the issues that insured that TDZ was poorly subscribed were of the developers own design. The restrictions and covenants placed on the lots within TDZ had a significant impact on reducing the overall demand for their own product. It is my belief that there still remains a requirement for the TDZ within the LIA. Rather than seeking wholesale usage changes a more logical first step may have been for the proponents to remove their unnecessary restrictions and let private enterprise determine themselves what they should build to best support their own enterprise.

TOPH and the PDC need to consider very closely the potential unintended consequences of allowing this ad hoc approach to planning to prevail for the benefit of Landcorp. The commentary from all levels of Government surrounding the development of the Pilbara has always acknowledged the role of the private sector. One way to lose the future involvement of private developers in building our economy is to change the rules midstream and potentially hand them commercial losses for the benefit of the preferred proponent.

What is now being proposed in Amendment 65 is to essentially double overnight the supply of industrial land in Wedgefield LIA. No consideration of latent demand has been given. This will have a material impact on land values and will likely destroy the equity of owners who purchased into the previous LIA releases. People have taken in good faith the publically disseminated planning policies and have made significant commercial undertaking based upon this information. I believe that Amendment 65 represents not only shambolic planning practises, but is unconscionable behaviour for a local government to behave in.

A further matter to consider very closely when deliberating this proposal is the precedence that it will potentially set. Future private developers would have every right to assume that they would receive similar treatment from TOPH should they seek assistance with rezoning uncommercial developments. There cannot be two sets of rules on such matters.



#1 First National Sales office of the Year 2012



11.1.1.2 Formalisation of Road Name – Buttsweld Road (File No.: 18/07/0016)

Officer	Julie MacMile Lands and Technical Officer
Date of Report	6 November 2013
Disclosure of Interest by Officer	Nil

Summary

It has been brought to the Town's attention that Buttsweld Road has not been formally named and therefore does not show on any mapping.

This name has been in use for some time but has not yet been registered by the Geographic Names Committee.

Council is requested to approve the formalisation of the naming of Buttsweld Road.

Background

Buttsweld Road is 4.95km long and connects Great Northern Highway (Broome Road) to North Circular Road, South Hedland (refer Attachment 1). It intersects the BHP Billiton rail line at the Bing level crossing and is also the primary access point to the BHP Billiton Flashbutt rail yard.

Consultation

The Director Engineering Services was consulted seeking background to the use of the name "Buttsweld".

Statutory Implications

Nil

Policy Implications

Landgate's *Policies and Standards for Geographical Naming in Western Australia* determines the process for the naming of Private Roads.

Town of Port Hedland *Policy 12-004 Road Names and Street Numbering* determine the process for the naming of roads within the Town.

Strategic Planning Implications

6.1 Community

6.1.3 Rich in Culture

Strengthen local communities, history and culture

Budget Implications

The Town will be responsible for the costs associated with installation and maintenance of any street signage.

Officer's Comment

It is understood the name came about due to its proximity to the BHP Billiton welding yard. The road was also been known as "Flashbutt" in the past however more recently it has been called "Buttweld".

It is important to formalise this name through the Geographic Names Committee to ensure it is labelled on all government mapping.

Council has the following options:

1. Approve the formalisation of the following road name:

- Buttweld Road

The will ensure the continued use of the names that have been used informally for some time

2. Refuse the formalisation of the following road name:

- Buttweld Road

Should Council choose to refuse this request, an alternative names will need to be sourced.

Option 1 is recommended.

Attachments

1. Road Naming Plan

201314/183 Officer's Recommendation/ Council Decision

Moved: Cr Hooper

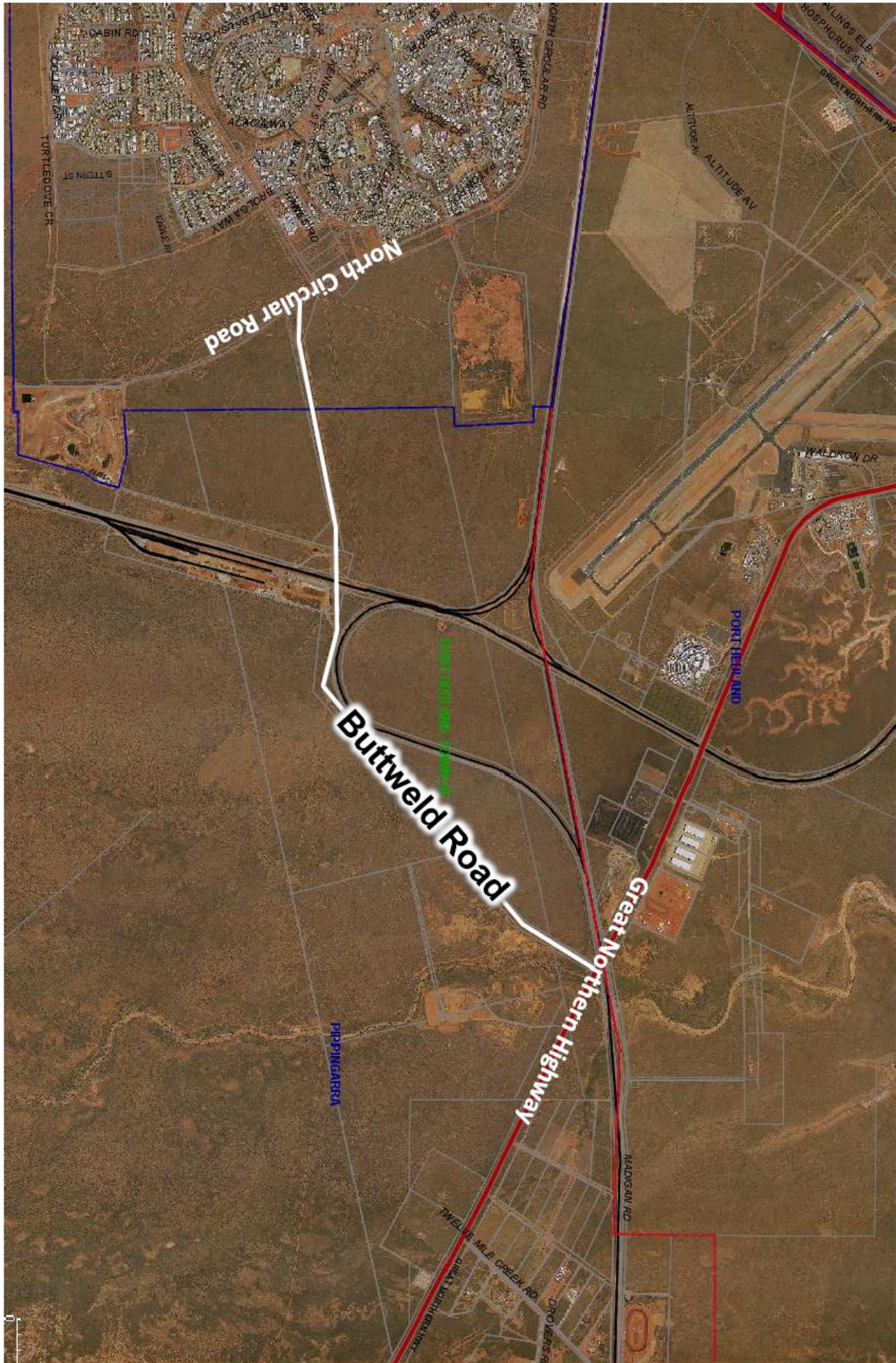
Seconded: Cr Melville

That Council:

- 1. Approves the formalisation of the following road name as shown on Attachment 1:**
 - Buttweid Road**
- 2. Request the Chief Executive Officer or his delegate to advise the Geographic Names Committee of 1. Above.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.2



11.1.1.3 Road Names for Laneways within the Port Hedland Town Centre (File No.: 18/07/0016)

Officer Julie MacMile
Lands and Technical Officer

Date of Report 1 November 2013

Disclosure of Interest by Officer Nil

Summary

The Town has received a request from Councillor Julie Hunt to formalise the names of the laneways within the Port Hedland Town Centre.

These names have been in use for many years but have not yet been registered by the Geographic Names Committee.

Council is requested to approve the formalisation of the names currently being used for the laneways in the Port Hedland Town Centre.

Background

The following names have been in use for a number of years, but not formally registered:

- Glass Lane
- Adamson Lane
- Christies Lane

Attachment 1 shows the location of these laneways.

Consultation

Port Hedland Historical Society was consulted seeking historical background on the road names currently in use.

Statutory Implications

Nil

Policy Implications

Landgate's Policies and Standards for Geographical Naming in Western Australia determine the process for the naming of Roads.

Town of Port Hedland *Policy 12-004 Road Names and Street Numbering* determine the process for the naming of roads within the Town.

Strategic Planning Implications

6.1 Community

6.1.3 Rich in Culture

Strengthen local communities, history and culture

Budget Implications

The Town will be responsible for the costs associated with installation and maintenance of any street signage.

Officer's Comment

The laneways in the Port Hedland Town Centre have been in existence for many years. The Town site (containing the laneways) was gazetted on 22 October 1896.

Although the laneways were gazetted in 1896, the names came about sometime after this date. The Town has not been able to locate any records as to when the informal naming came into effect.

The table below documents the historical reference to the names currently in use:

Name	Historical Reference
Adamson	Named after Derek Adamson. Derek passed away in Jan 2013 aged 83.
Glass	The Glass family operated the post office from the late 1930's. Jack and Joyce Glass operated the picture gardens in the 1960's
Christies	No information has been located.

Council has the following options:

1. Approve the formalisation of the following names for the laneways within the Port Hedland Town Centre:

- Adamson
- Glass
- Christies

This will ensure the continued use of the names that have been in use for a number of years (albeit informally)

2. Refuse the formalisation of the following names for the laneways within the Port Hedland Town Centre:

- Adamson
- Glass
- Christies

Should Council choose to refuse this request, any historical link to the names currently in use will be lost.

Attachments

1. Road Naming Plan

201314/184 Officer's Recommendation/ Council Decision**Moved: Cr Taylor****Seconded: Cr Gillingham****That Council:**

1. **Approve the formalisation of the following names for the laneways within the Port Hedland Town Centre in accordance with Attachment 1:**
 - **Adamson**
 - **Glass**
 - **Christies**
2. **Requests the Chief Executive Officer, or his delegate(s), to advise the Geographic Names Committee of point 1 above.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.3



11.1.1.4 Acceptance of UCL 829 into Reserve 27693 (Old Port Hedland Cemetery Site) (File No.: 130130G)

Officer Julie MacMile
Lands and Technical Officer

Date of Report 8 November 2013

Disclosure of Interest by Officer Nil

Summary

The Town has prepared a draft Master Plan for the Old Port Hedland Cemetery. The Master Plan incorporates two land parcels, one being the actual cemetery site at Reserve 27693 and the other being UCL 829.

Council is requested to consider the inclusion of UCL 829 into Reserve 27693 in order to formalise the boundaries of what is understood to be the Old Port Hedland Cemetery.

Background

The Town currently holds a Management Order over Reserve 27693 for the purpose of "Historical Gravesites only".

UCL 829 is located on the corner of Stevens and Sutherland Streets and is 2,383m². This land parcel is owned by the State of WA, however has not been cleared of Native Title.

Consultation*External*

The Department of Lands (DoL) has been consulted on this matter and advised Native Title will need to be cleared over the UCL parcel.

On receipt of the Town's request for inclusion of the UCL into the Reserve, the DoL will advertise a Notice of Intention to Take (NOITT). This may (or may not) result in an objection. In order to lift any objection received, negotiations will be required and the Taking Order cannot progress until such time as the objection is lifted.

Internal

Consultation has occurred with the Director of Community Development and the Manager Community Development. Community Development will undertake initial consultation with the registered native title claimants in order to seek support for the inclusion of UCL 829 into the Reserve.

Statutory Implications

The following sections of the Land Administration Act 1997 are relevant to the proposal:

- 41. Minister may reserve Crown land
- 46. Placing of care, control and management of reserves
- Part 9 – Compulsory acquisition of interests in land

Policy Implications

Nil

Strategic Planning Implications

6.1	Community
6.1.1	Unified
	The Town of Port Hedland is an integrated community functionally, physically and culturally.
6.1.3	Rich in Culture
	Strengthen local communities, history and culture.

Budget Implications

If the UCL is amalgamated into Reserve 27693, the Town will be responsible for the control and maintenance.

Officer's Comment

Unallocated Crown Lot 829 is proposed to be amalgamated into Reserve 27693 (being Lot 831 on Deposited Plan 209337)

The amalgamation into the existing Reserve will ensure the land remains available for this purpose (Historical Gravesites) in the future and can be coordinated within the overall master plan development.

It is recommended Council support the proposal to extend the boundaries of Reserve 27693 by the amalgamation of the UCL into the Reserve.

Council has the following options for responding to the request:

1. Support the amalgamation of UCL located at Lot 829 on Deposited Plan 209337 into Reserve 27693 (being Lot 831 on Deposited Plan 209337).

This will see the Town obtain control and responsibility for the UCL.

2. Object to the amalgamation of UCL located at Lot 829 on Deposited Plan 209337.

This option will impact the boundaries of the proposed Master Plan for the Old Port Hedland Cemetery.

Option 1 is recommended.

Attachments

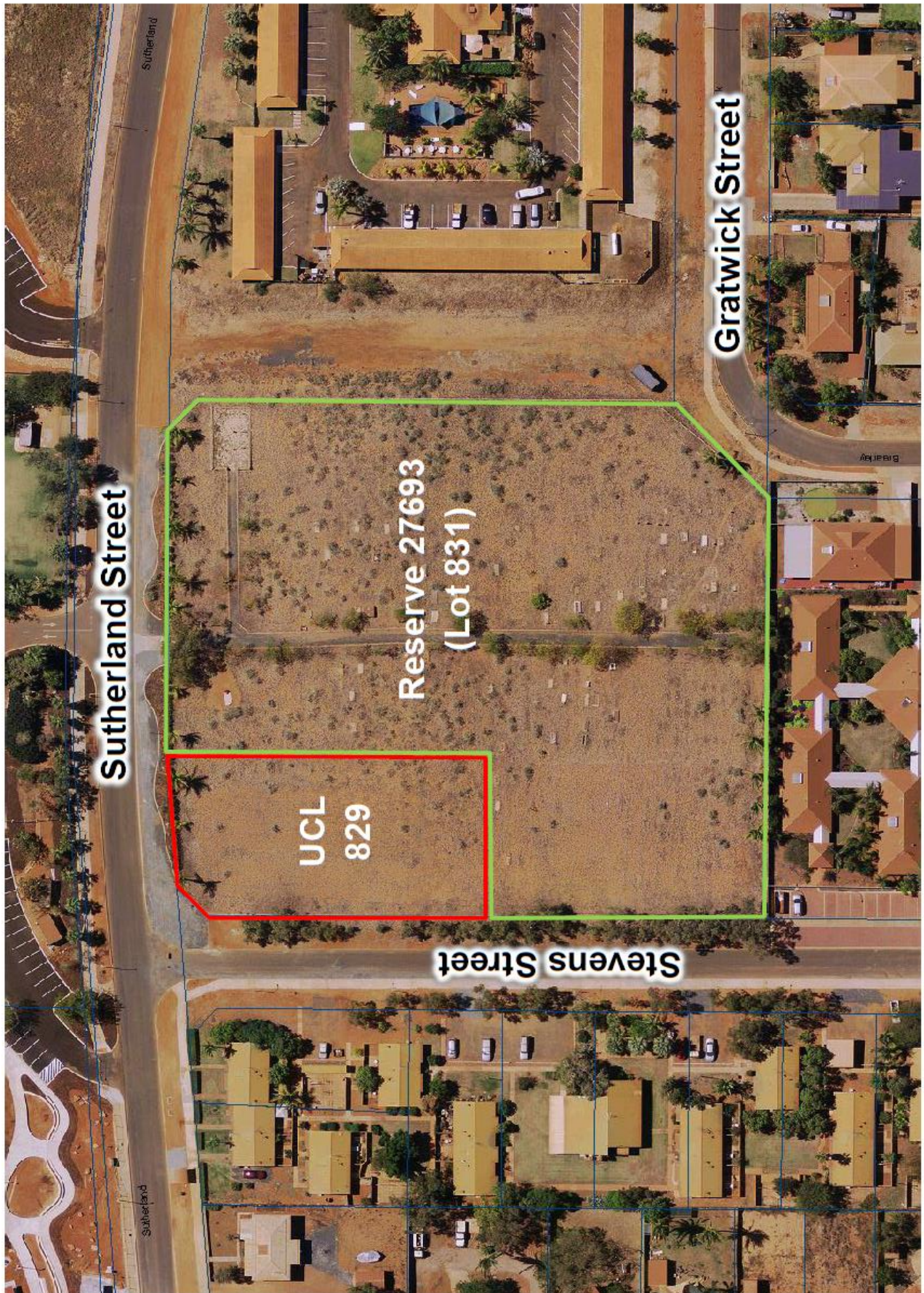
1. Map

201314/185 Officer's Recommendation/ Council Decision**Moved: Cr Gillingham****Seconded: Cr Hooper****That Council:**

1. **Supports the amalgamation of UCL located at Lot 829 on Deposited Plan 209337 into Reserve 27693 (being Lot 831 on Deposited Plan 209337); and**
2. **Authorises the Chief Executive Officer, or his delegate(s), to submit the request for the amalgamation to the Department of Lands.**

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.4



11.1.1.5 Proposal for Mixed Use Development - Eight (8) Additional Multiple Dwellings and Retention of an existing Dwelling on Lot 475 (18) Cowrie Way, South Hedland (File No.: 125370G)

Officer	Ryan Djanegara Senior Statutory Planner
Date of Report	8 November 2013
Application No.	2013/540
Disclosure of Interest by Officer	Nil

Summary

The Town has received an application from RFF Pty Ltd on behalf of the landowner, Badger Invest Pty Ltd to construct in addition to the existing dwelling an additional eight (8) "Multiple Dwellings" on Lot 475 (18) Cowrie Way, South Hedland (subject site).

As a result of objections being received from the adjoining landowners the application is presented to Council for consideration.

The application is supported by Town's Officers, and is recommended for approval subject to conditions.

Background

Site Description (Attachment 1)

The subject site located at the end of a cul-de sac, achieves vehicular access via Cowrie Way with an area of 1,438m².

Tthe Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned "Residential R30", and categorises the proposed use as an "SA" use.

Proposal

Original Proposal: (Attachment 2)

The applicant originally proposed to construct eight (8) "Multiple Dwellings" comprising of four (4) three-bedroom units, two (2) two-bedroom units and two (2) one-bedroom units.

Amended Proposal: (Attachment 3)

Town Officers were concerned about the potential loss of the "Family Home" characteristic of the area being a cul-de-sac. Also the "bulk" the original proposal would present.

The Town’s Officers have discussed the concerns with the applicant and negotiated what is believed to be a better outcome. The development now comprises eight (8) three (3) bedroom units with a significantly reduced “Bulk”.

Consultation

The application was circulated as follows:

Internally:

- Manager Technical Services
- Manager Building Services
- Manager Environmental Health Services
- Manager Economic Development
- Manager Engineering Services

Externally:

- Department of Water
- Telstra
- Optus
- Horizon Power
- Water Corporation

The application was advertised to adjoining landowners and a sign placed on-site providing 14 days to comment. A copy of the application was made available for viewing on the Town’s Website.

As a result of the consultation process one (1) objection has been received. The objections are summarised as follows:

Objections	Applicant’s Response
<p>Bin Location</p> <p>“The proposed wheelie bin location is against our boundary fence and we believe that this will cause an increase in smells, flies and rotting and spilled garbage as tenants will not clean this area on a regular basis.</p> <p>We request that the location be moved to between the proposed buildings where a car parking space is proposed and this car parking space should be located where the proposed bin storage is planned.”</p> <p>Planning Units Response:</p> <p>The relocation of the bin storage area has been discussed with the applicant, who has agreed to move the bin storage area away from the southern boundary (objectors boundary) to a more central location so as not to have any potential impact on surrounding properties.</p>	

<p>Removal of existing trees</p> <p>“Another ground of objection is the large melaleuca tree that will be damaged in the process of construction of a new boundary fence. It is the only large tree of its type in this area.</p>	<p>The tree referred to appears to be overhanging into the subject property. Appropriate pruning is within the rights of the landowner aside from any proposed development. The tree will not be destroyed</p>
<p>Planning Units Response:</p> <p>The Town does not have a local planning policy regarding the retention of trees (with the exception of Pundal Trees) within a landowner’s property. The applicant has provided the above clarification noting the tree will not be removed and only pruned.</p>	
<p>Dust and disruptions during construction</p> <p>“Dust, disruption and noise created by construction work and there are already a lack of car parking space in the cul-de-sac which creates difficulties for existing tenants.”</p> <p>Increased Noise</p> <p>“Many of the residents in Cowrie Way are shift workers who sleep during the day. The additional noise during construction and after the units are occupied will make the area less attractive for tenants, both private and BHP.</p>	<p>Construction will be subject to a construction management plan approved by the Town of Port Hedland which will address noise, dust, etc.</p> <p>Shift work interaction within a residential population is common practice in South Hedland and it is a matter that is part of day-to-day life.</p>
<p>Planning Units Response:</p> <p>Noise and dust: Should the application be approved as a condition of approval the applicant is required to provide a construction site management plan and a soil erosion and sediment control plan prior to the issuing of a building permit. In addition any construction works is limited to specific times as per the Town’s Local Health Laws.</p> <p>The construction management plan will be required to address the following:</p> <ol style="list-style-type: none"> a. The delivery of materials and equipment to the site; b. The storage of materials and equipment on the site; c. The parking arrangements for the contractors and subcontractors; d. Impact on traffic movement; e. Operation times including delivery of materials; and f. Other matters likely to impact on the surrounding residents / businesses. 	

<p>Already enough land for housing elsewhere</p> <p>“Finally there are many such developments in the South Hedland area and thus we believe there is sufficient single accommodation in the South Hedland region. Real estate agents have confirmed this and have advised that one bedroom units are difficult to let and rentals are regularly reduced thus there is potential for unsuitable tenants to be residing in these units.”</p>	<p>As highlighted throughout this letter, the application actually provides much greater housing diversity, providing more than 50% three-bedroom dwellings. The proposed development will contribute to create housing choice and diversity as discussed previously in this letter.</p>
<p>Planning Units Response:</p> <p>Since being advertised, the applicant has worked with the Town’s Planning Services Unit to redesign the development such that all dwellings are now three (3) bedroom dwellings.</p> <p>This type of housing appeals to young families and complements the existing character of Cowrie Way.</p>	

It is the opinion of the Towns Officers that the new design of the proposed development adequately addresses the objectors concerns.

Statutory Implications

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

Policy Implications

9/005 – Crossover Policy

- Objectives
 - To provide guidance for the location and standards of the development of crossovers within the Town of Port Hedland.

Strategic Planning Implications

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

6.3 Environment

6.3.1 Housing

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:

5.6.12 Precinct 12 – South Hedland East

Precinct Plan summary

Significant on-going infill/redevelopment of residential land.

Budget Implications

Immediate:

An application fee of \$7,053.80 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

Need:

It is widely recognised there is a shortage of affordable housing throughout the Town. Due to the lack of readily available, developable land and the poor suburban design of South Hedland, the Town has encouraged urban infill and redevelopment.

The Multiple Dwelling proposal, consisting of eight (8) three (3) bedroom dwellings will assist to address the housing shortage by providing additional housing.

Desirability:

Taken into context, the location of the proposed development being within close proximity to schools (Baler Primary), main arterials (Murdoch Drive [south] & Cottier Drive [north]) providing easy access to both the South Hedland Town Centre and recreational facilities.

Facilities such as the JD Hardie Youth Centre, South Hedland Aquatic

Centre and the Marquee Park, will have greater centiment populations as a result of urban infill.

The Town's Officers recommended Council support the proposal for the following reasons:

- Council has previously supported this type of use and development in areas coded R30;
- The Town's City Growth Plan promotes infill development within the South Hedland East precinct; and
- The proposal is generally consistent with the provisions of the R-Codes.

Attachments

1. Locality Plan
2. Original Proposal
3. Amended Proposal
4. Submission from adjoining neighbours
5. Applicant's response

201314/186 Officer's Recommendation/ Council Decision

Moved: Cr Hooper

Seconded: Cr Gillingham

That Council approves the application submitted by the RFF Pty Ltd on behalf of the landowner, Badger Invest Pty Ltd to construct an additional Eight (8) "Multiple Dwellings" Lot 475 (18) Cowrie Way, South Hedland subject to the following conditions:

- 1. This approval relates only to the proposed Eight (8) additional "Multiple Dwellings", as indicated on the approved plans (DRG2013/540/1 - DRG2013/540/4). It does not relate to any other development on this lot;**
- 2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;**
- 3. A minimum of 10 car bays (8 bays for residents and 2 bays for visitors) and 4 bicycle bays shall be provided as indicated on the approved site plan (DRG2013/540/1);**
- 4. No parking bays shall be obstructed in any way or used for any other purpose than parking;**
- 5. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m;**

- 6. Roof mounted or freestanding plant or equipment such as air conditioning units, external clothes drying areas or hot water systems shall be located and / or screened to the satisfaction of the Manager Planning Services;**
- 7. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Planning Services;**
- 8. The proposed development shall be connected to reticulated mains sewer;**
- 9. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning Services;**
- 10. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services (DRG2013/540/1);**
- 11. Walls on the boundary shall be finished or rendered to match where practicable the colours and materials of the affected property to the satisfaction of the Manager Planning Services;**

The following conditions are to be cleared by Planning Services prior to the issuing of a building permit;

- 12. Prior to the issuing of a building permit, a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan shall include:**
 - a. location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001; and**
 - b. shade trees provided at a ratio of 1 tree per six (6) consecutive external parking spaces.**
- 13. Prior to the issuing of a building permit, a "Stormwater management plan" shall be submitted and approved by the Manager Planning Services. All stormwater disposal shall be accordance with the approved stormwater management plan;**
- 14. Prior to the issuing of a building permit, the landowner shall submit an "Erosion and Sediment Control Plan" for approval by the Manager Planning Services;**

15. Prior to the issuing of a building permit, the landowner shall submit a "Construction Site Management Plan" for approval by the Manager Planning Services. The "Construction Site Management Plan" shall indicate how it is proposed to manage the following during construction:
- a. The delivery of materials and equipment to the site;
 - b. The storage of materials and equipment on the site;
 - c. The parking arrangements for the contractors and subcontractors;
 - d. Impact on traffic movement;
 - e. Operation times including delivery of materials; and
 - f. Other matters likely to impact on the surrounding residents / businesses.

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

16. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services. (Refer to advice note 3);
17. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
18. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and
19. Prior to the occupation of the development the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, and approved by the Manager Planning Services.

ADVICE NOTES:

1. In terms of the Port Hedland Town Planning Scheme No 5, "Multiple Dwelling" is defined as follows:

"Multiple Dwelling,

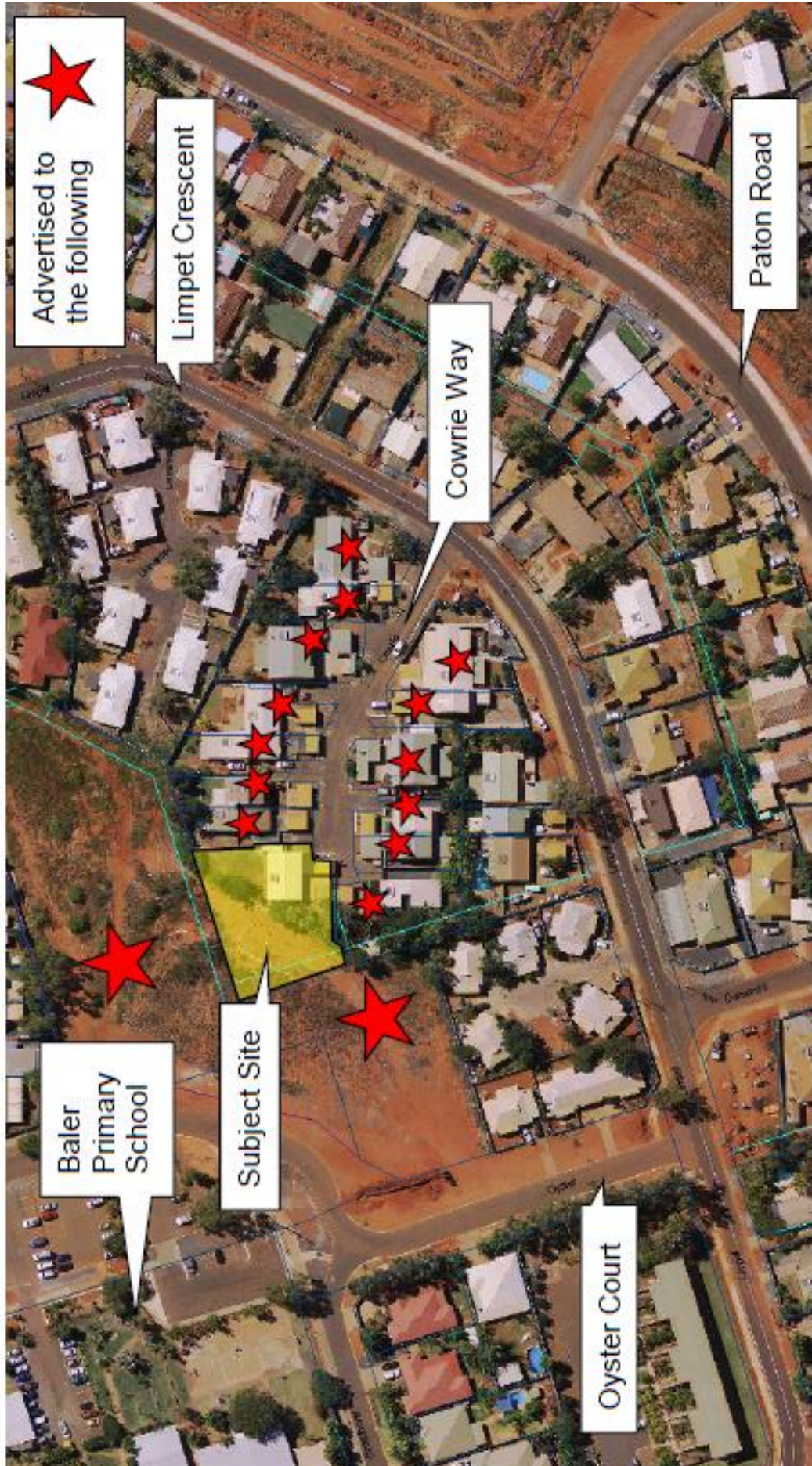
a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."

2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
3. In the absence of a clear definition of “mature trees and shrubs” within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval “mature trees and shrubs” shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height;
4. Waste disposal and storage is to be carried out in accordance with Council’s Health Local Laws 1999;
5. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times;
6. Be advised that as per the Environmental Protection (Noise) Regulations 1997, construction noise, that does not comply with the AS 2436-1981, is not permitted outside of 0700-1900 Mondays-Saturdays and not on Sundays or Public Holidays;
7. Be advised that all laundries must be constructed as per the Town's Health Local Laws 1999 Section 2.2.2;
8. The landowner shall comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval; and
9. Conditions 12 to 15 (including) shall be complied with prior to the issue of a building approval. In this regard please note there is a clearance fee of \$324.90 per request. Please note it may take up to 28 days to clear conditions.

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.1.1.5

Attachment 1 – Locality Plan



Context Map



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ATTACHMENT 2 TO ITEM 11.1.1.5

GENERAL NOTES.
 ALL DIMENSIONS ARE IN METRES. UNLESS OTHERWISE SPECIFIED, DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
 THE CONTRACTOR SHALL VERIFY THE QUALITY OF ALL MATERIALS AND WORKMANSHIP IN ACCORDANCE WITH THE N.Z.S. 1:2004.
 ALL MATERIALS SHALL BE OF THE HIGHEST QUALITY AVAILABLE AND SHALL BE SUBMITTED TO THE CONTRACTOR FOR APPROVAL.
 THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS OF THE BUILDING WORK.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
 ALL WORK SHALL BE COMPLETED PRIOR TO THE COMMENCEMENT OF THE NEXT PHASE OF WORK.

D	READY FOR DA APPROVAL	2103	AK
C	READY FOR DA APPROVAL	2103	AK
B	READY FOR DA APPROVAL	2103	AK
A	READY FOR DA APPROVAL	2103	AK
NO	AMENDMENT	DATE	CR/D

Nicheo
 180 HASTINGS STREET, PUNAHU WA 6000
 PO BOX 91, NORTHBRIDGE WA 6005
 T: 08 947 0088
 F: 08 947 0091

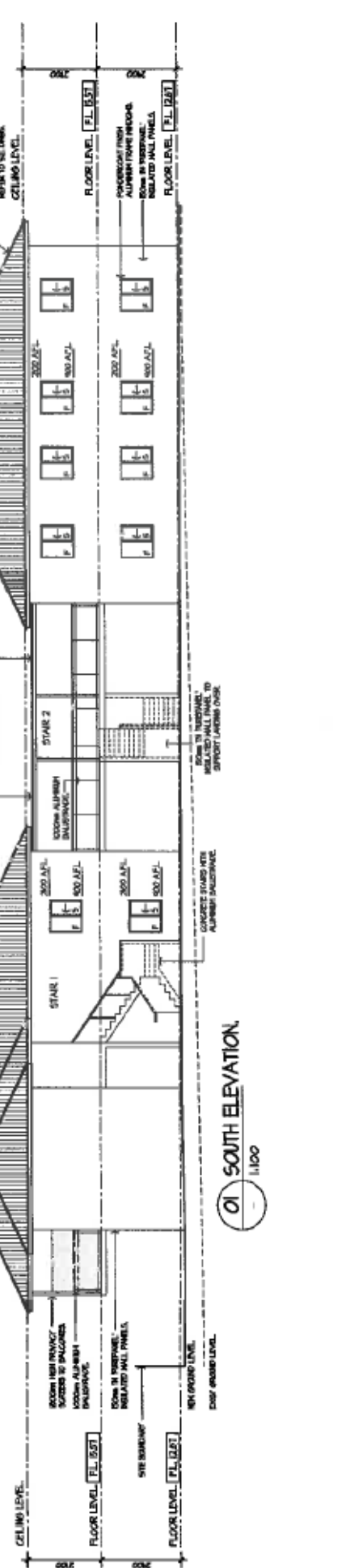
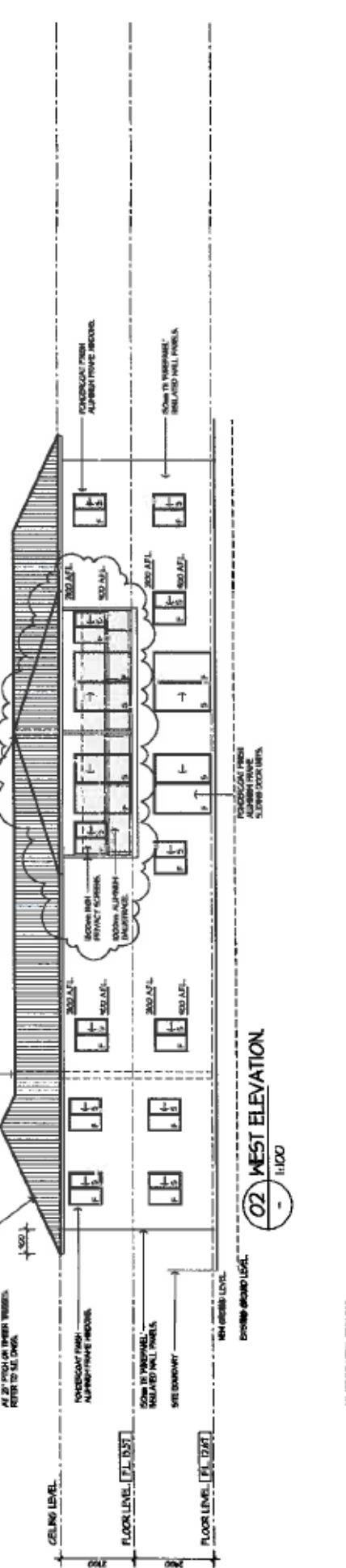
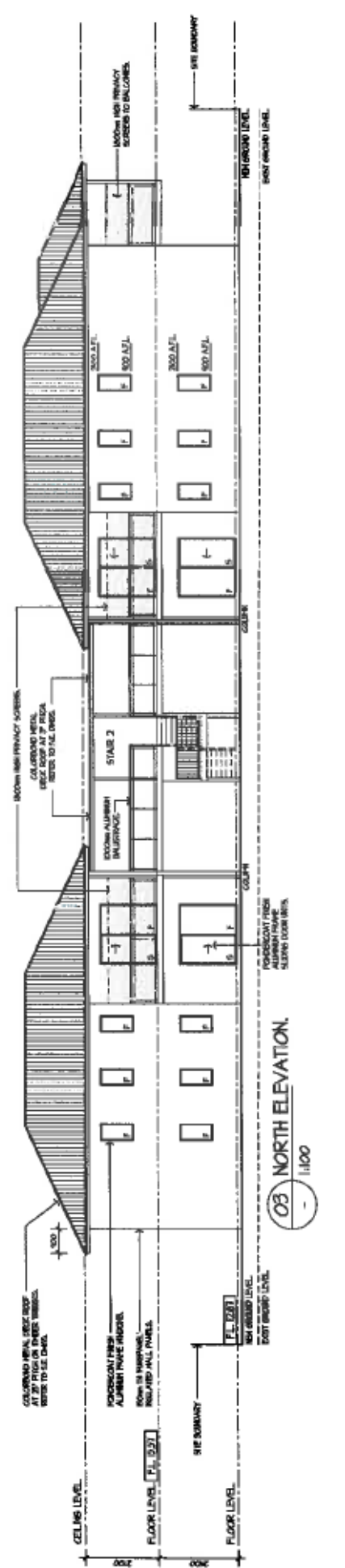
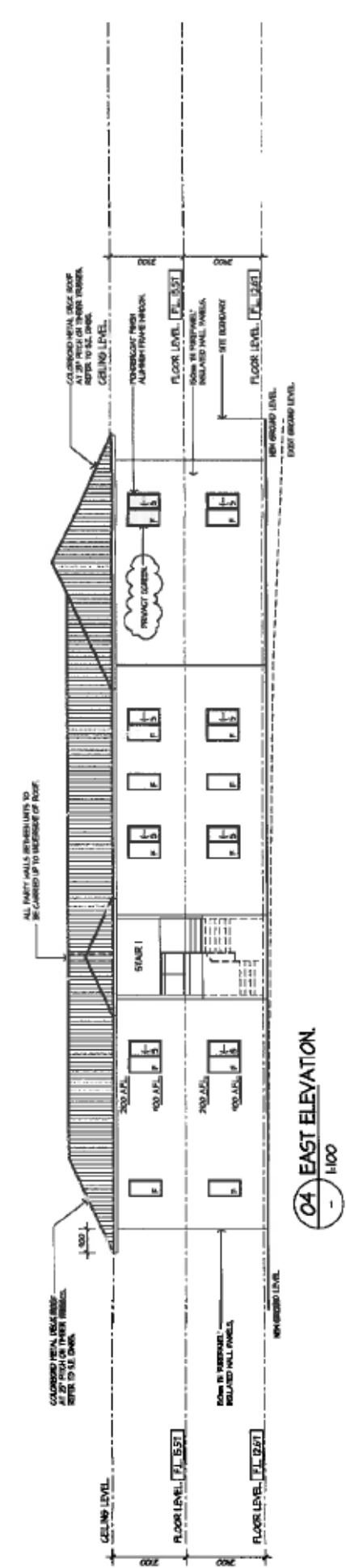
Neil Cowrie Architect
 281 Haysley Road, Subiaco WA 6008
 08 947 8411
 F: 08 947 8303
 P: 08 947 8303
 EMAIL: neil@neilcowrie.com.au

PROPOSED MULTIPLE DWELLING DEVT.
 LOT 475 CORRIE WAY SOUTH HEALD.

EXTERNAL ELEVATIONS

DATE	21/09/13
SCALE	A1 @ 1:100
TITLE	SEPT 2013
PROJECT	A3.0
DRWING NO.	D

THIS IS A CAD DRAWING
 DO NOT REPRODUCE WITHOUT PERMISSION



GENERAL NOTES.

ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 REFER TO THE PLAN FOR ALL DIMENSIONS.
 DIMENSIONS GIVEN IN METERS SHALL TAKE PRECEDENCE OVER DIMENSIONS GIVEN IN FEET AND INCHES.
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 ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED.
 THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO COMMENCEMENT OF WORK.
 THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO COMMENCEMENT OF WORK.

LEGEND

- AK CONCRETE
- AL ALUMINUM
- AS ASPHALT
- AW WOOD
- BR BRICK
- CL CLAY
- GL GLASS
- GR GRANITE
- IR IRON
- MC MASONRY
- PL PLASTER
- ST STEEL
- TR TRAFFIC
- VE VEGETATION
- WC WATER
- WI WIRE
- WO WOOD
- ZF ZINC

WORK TO BE EXCLUDED.

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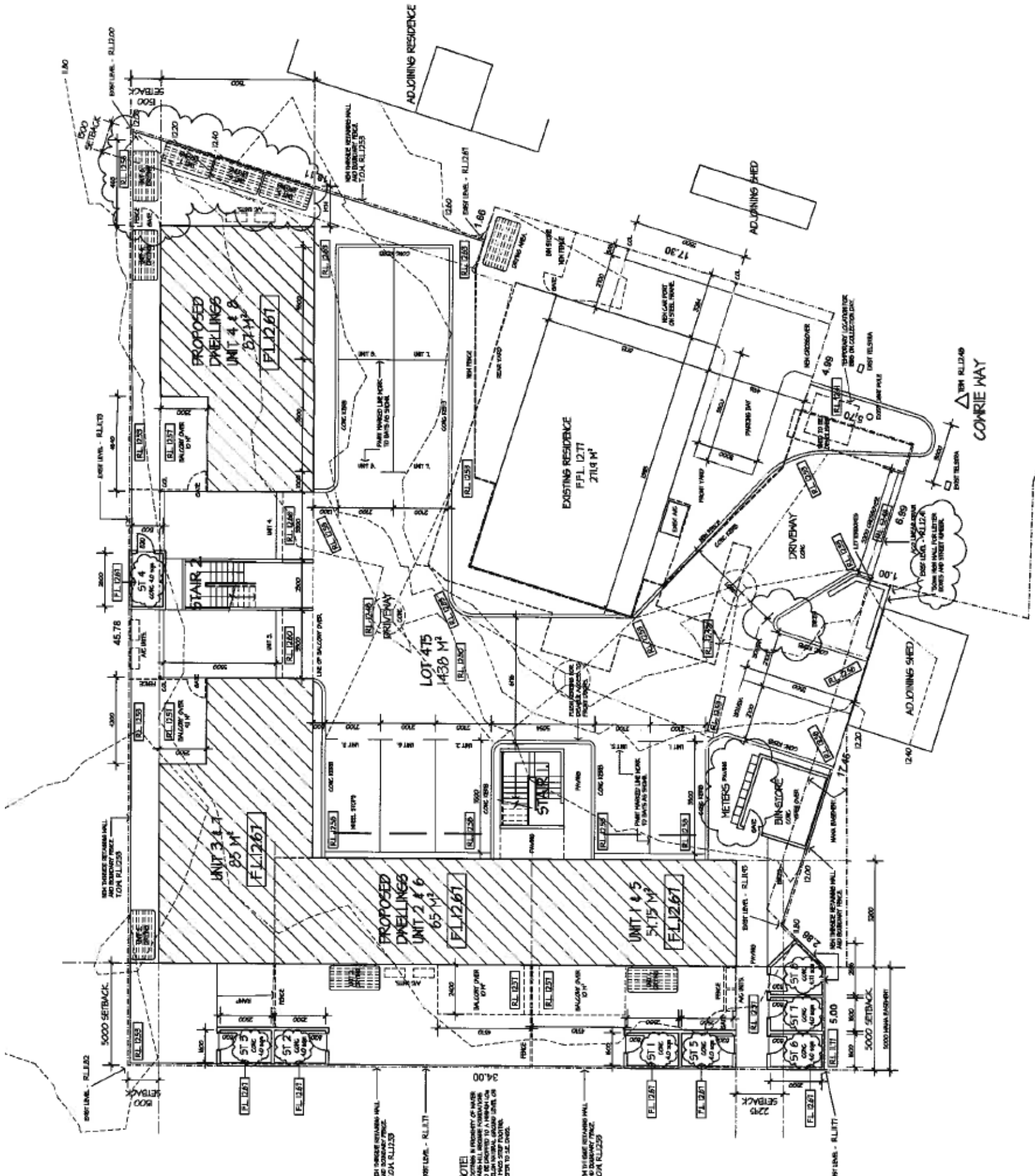
WORK TO BE EXCLUDED.

PLOT RATIO CALC

Site Area = 100 m²

Useable Floor Area = 41.26 m²

Plot Ratio = 0.4126



01 SITE PLAN
 1:100

1	ISSUED FOR APPROVAL	2013	AK
2	ISSUED FOR APPROVAL	2013	AK
3	ISSUED FOR APPROVAL	2013	AK
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Nicheo
 188 NEWCASTLE STREET, PERTH WA 6000
 PO BOX 51, NORTHBRIDGE WA 6000
 T 61 8 9493 6000
 F 61 8 9493 6000

Neil Cownie Architect
 253 Haydon Road, Subiaco WA 6008
 081 341 841
 P 08 9381 7972
 F 08 9381 1222
 EMAIL: neil@neilcownie.com.au

PROPOSED MULTIPLE DWELLING DEVELOPMENT.
 LOT 475 CORRIE WAY SOUTH HEDLAND.

SITE PLAN

DATE	11.12.13	SCALE	1:100
DESIGNER	AK	DRAWN BY	AK
CHECKED BY	AK	APPROVED BY	AK
DATE	11.12.13	SCALE	1:100
DATE	11.12.13	SCALE	1:100

GENERAL NOTES.

ALL DIMENSIONS ARE IN METRIC UNLESS OTHERWISE STATED... THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION WORK.

LEGEND

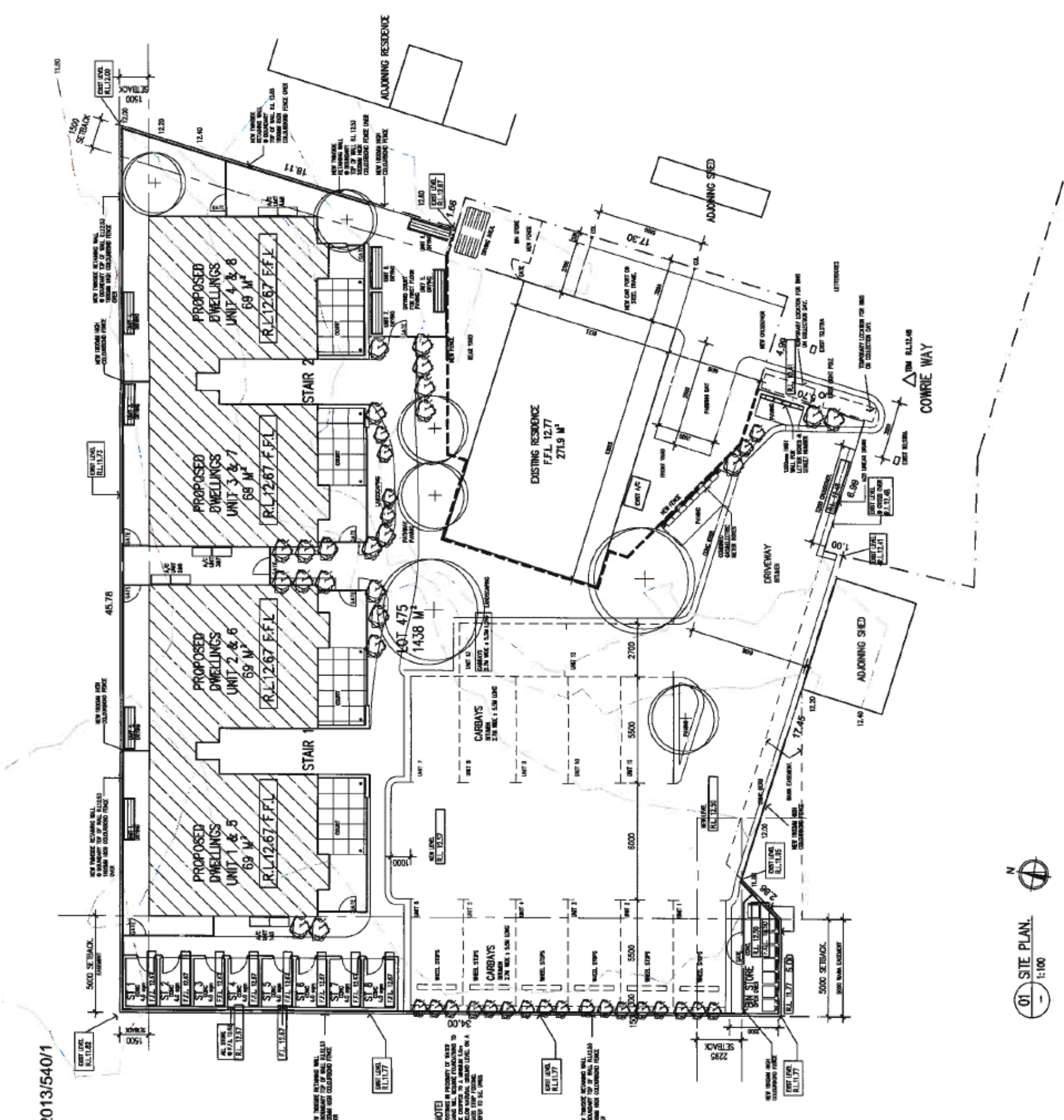
- NEW CONCRETE - REFER TO S.E. SHEET
NEW BRICK - REFER TO S.E. SHEET
NEW TYPICAL RETAINING WALL - REFER TO S.E. SHEET
NEW TYPICAL COLLECTOR PIPE - REFER TO S.E. SHEET

PLOT RATIO CALC

EXISTING RESIDENCE F.F.L. 12.77 271.9 M²
PROPOSED DWELLINGS UNIT 1 & 5 69 M²
PROPOSED DWELLINGS UNIT 2 & 6 69 M²
PROPOSED DWELLINGS UNIT 3 & 7 69 M²
PROPOSED DWELLINGS UNIT 4 & 8 69 M²

Nicheo logo and contact information for Neil Cowrie Architect, including address, phone, and email details.

Approval table with columns for item, description, date, and status. Includes a 'SITE PLAN' section with scale A1:1 and sheet number G.



DRG2013/540/1

GENERAL NOTES.

ALL DIMENSIONS ARE IN METRIC UNITS UNLESS OTHERWISE SPECIFIED.
 THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK.
 THE CONTRACTOR SHALL VERIFY THE WORK IS COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PERMITTING AUTHORITIES.
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LEGEND

- CONCRETE
- NEW CONCRETE
- EXISTING CONCRETE
- NEW BRICK
- EXISTING BRICK
- NEW WOOD
- EXISTING WOOD
- NEW METAL
- EXISTING METAL
- NEW GLASS
- EXISTING GLASS
- NEW STEEL
- EXISTING STEEL
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NOTE:
 THIS DRAWING TO BE READ IN CONJUNCTION WITH SITE PLAN DRAWINGS A.1.1.

NO.	DESCRIPTION	DATE	BY
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Niche
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Neil Cowrie Architect
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 P 61 8 9483 2572
 EMAIL: neil@cowrie.com.au

PROPOSED MULTIPLE DWELLING DEVELOPMENT.
 LOT 475 COMRIE WAY SOUTH HEALAND.

GROUND FLOOR PLAN

SCALE: 1:100

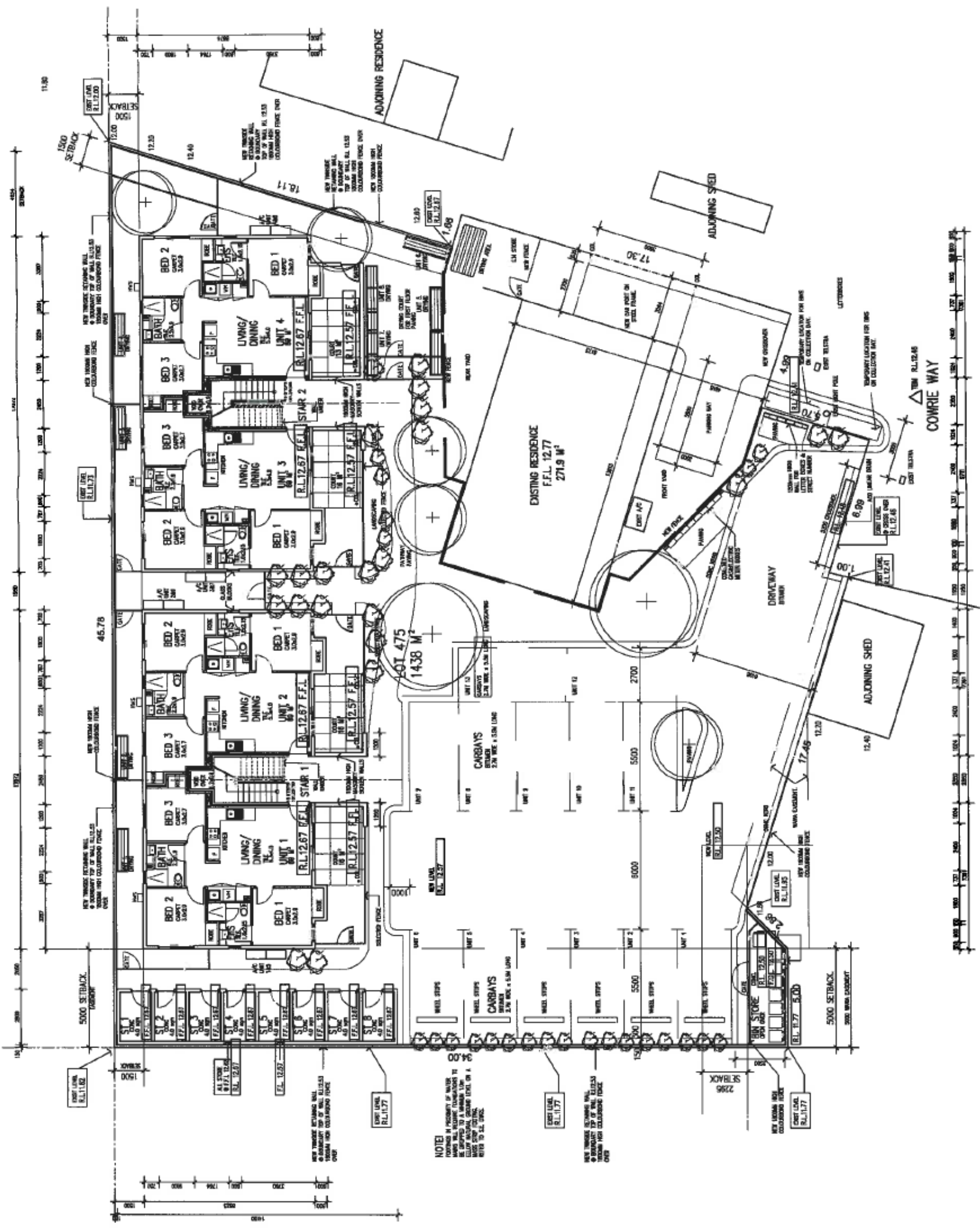
DATE: 11/20/13

BY: AK

PROJECT: A2.1

NO. 100/100 NORTH BEACH ROAD, PERTH WA 6008

DRG2013/540/2

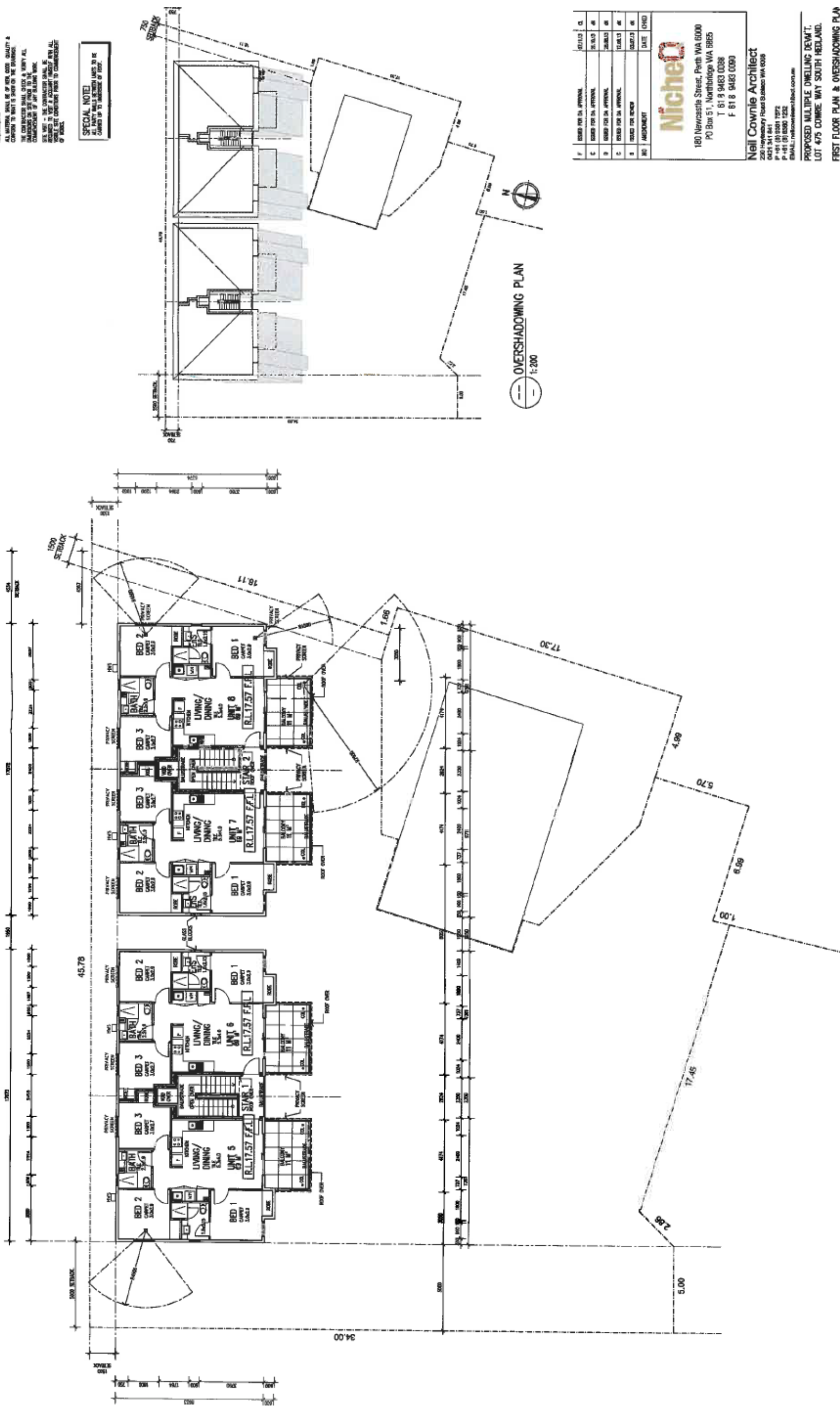


01 GROUND FLOOR PLAN.
 1:100

GENERAL NOTES.

ALL DIMENSIONS ARE IN METRIC UNITS UNLESS OTHERWISE STATED. ALL DIMENSIONS SHALL BE TAKEN FROM THE FACE UNLESS OTHERWISE STATED. DIMENSIONS SHALL TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE STATED. ALL MATERIAL SHALL BE OF THE BEST QUALITY & COMPARE TO THAT IN USE AT THE TIME OF CONSTRUCTION. THE CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS TO COMMENCEMENT OF WORK.

SPECIAL NOTE: ALL PARTY WALLS BETWEEN LOTS TO BE CONSTRUCTED TO A MINIMUM OF 200mm.



DRG2013/540/3

02 FIRST FLOOR PLAN. 1:100

OVERSHADOWING PLAN 1:200

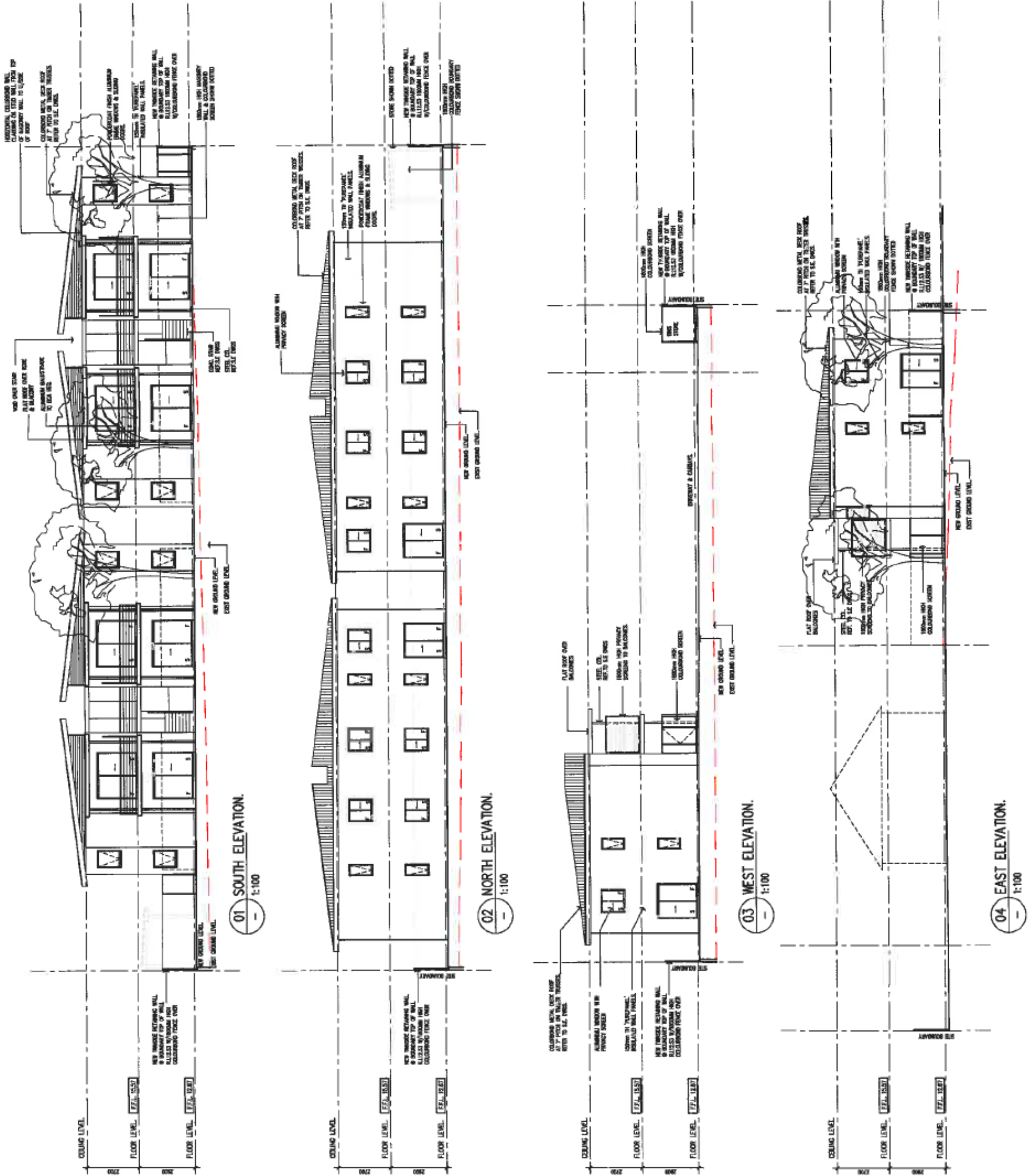
Revision table with columns for REVISED FOR, DATE, and DRAWN. Includes contact information for Nicheo and Neil Cownie Architect.

PROPOSED MULTIPLE DWELLING DEVELOPMENT. LOT 475 COMRE WAY SOUTH HEDLAND. FIRST FLOOR PLAN & OVERSHADOWING PLAN. SCALE: A1 @ 1:100. SHEET NO. A2.2. DATE: 2013.09.27.

GENERAL NOTES.

ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE LOCAL GOVERNMENT AND THE RELEVANT AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE LOCAL GOVERNMENT AND THE RELEVANT AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE LOCAL GOVERNMENT AND THE RELEVANT AGENCIES.

DRG2013/540/4



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Neil Cowrie Architect
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 P 081 81 5581 1225
 EMAIL: neil@neilcowrie.com.au

PROPOSED MULTIPLE DWELLING DEVELOPMENT
 LOT 475 COURSE WAY SOUTH HEDLAND.

EXTERNAL ELEVATIONS
 SCALE: AS SHOWN
 DATE: 26/11/13
 DRAWN BY: AK
 CHECKED BY: AK
 APPROVED BY: AK
 SCALE: AS SHOWN
 DATE: 26/11/13
 DRAWN BY: AK
 CHECKED BY: AK
 APPROVED BY: AK

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DATE: 26/11/13
 SCALE: AS SHOWN
 DATE: 26/11/13
 DRAWN BY: AK
 CHECKED BY: AK
 APPROVED BY: AK

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ATTACHMENT 4 TO ITEM 11.1.1.5

Djanegara Ryan

From: Noel & Umima <[REDACTED]>
Sent: Wednesday, 2 October 2013 12:47 PM
To: Records
Subject: IPA42307 - Re Development Proposal - 18 Cowrie Way, South Hedland

To Whom it May Concern

My wife and I wish to lodge an objection to the proposed redevelopment of 18 Cowrie Way, South Hedland which shares a common boundary to our current leased premises at [REDACTED], South Hedland. We wish to object to the following items in relation to this proposed development:

1. The proposed wheelie bin location is against our boundary fence and we believe that this will cause an increase in smells, flies and rotting and spilled garbage as tenants will not clean this area on a regular basis. We request that the proposed location be moved to between the proposed buildings where a carparking space is proposed and this carparking space should be located where the proposed bin storage is planned.
2. Another ground of objection is the large melaleuca tree that will be damaged in the process of construction of a new boundary fence. It is the only large tree of its type in this area.
3. Dust, disruption and noise created by construction work and there are already a lack of car parking space in the cul de sac which creates difficulties for existing tenants.
4. Many of the resident in Cowrie Way are shift workers who sleep during the day the additional noise during construction and after the units are occupied will make the area less attractive for tenants both private and BHP.
5. Finally there are many such developments in the South Hedland area and thus we believe there is sufficient single accommodation in the South Hedland region, real estate agents have confirmed this and have advised that one bedroom units are difficult to let and rentals are regularly reduced thus there is potential for unsuitable tenants to be residing in these units.

If you wish to discuss this further please contact Noel [REDACTED] on [REDACTED]

Regards Noel and Umima [REDACTED]
tenants
[REDACTED]
South Hedland

Privacy and Confidentiality Notice

The information contained herein and any attachments are intended solely for the named recipients. It may contain privileged confidential information. If you are not an intended recipient, please delete the message and any attachments then notify the sender. Any use or disclosure of the contents of either is unauthorised and may be unlawful. Any liability for viruses is excluded to the fullest extent permitted by law.

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



Date: 24 October 2013

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

Attention: Leonard Long

Dear Sir/ Madam,

RE: PROPOSED MULTIPLE DWELLING ADDITIONS – LOT 475 COWRIE WAY, SOUTH HEDLAND – RESPONSE TO QUERIES

We refer to your email dated 21 October 2013 regarding design and land use queries for the proposed development. This letter addresses those queries raised in addition to the objection received by Council during the advertising period.

1. Proposed Land Use and Dwelling Mix

We have considered the relevant policy context and Councils' recently endorsed Local Planning Strategy and provide the following justification supporting the proposal in this context.

Local Planning Policy

The Town of Port Hedland has no specific Local Planning Policy or provision relating to suitability of multiple dwellings within certain locations of South Hedland. Notwithstanding this, the proposed development is located within an existing high density cluster node of South Hedland and is in proximity to Baler Primary School and associated recreational areas.

We also note the numerous previous applications Council has approved in locations generally reflective of this proposal in South Hedland including 30 Paton Road which has several 1-bedroom dwellings within it presently advertised for sale. We support the location of these apartments given the current planning framework and consider the same positive and consistent approach should be applied to this application.

RFF Pty Ltd
ABN 77 152 449 833
info@rffaustalia.com

The most recent review of the Shire's Regional Residential Design Codes Variation Policy considered the impact of Multiple Dwellings and resolved to impose restrictions on 1-bedroom dwellings to:

"encourage developers to provide a greater variety of housing diversity and choice. This is achieved by limiting the number of 1 bedroom dwellings provided in Residential areas zoned R50 and less. For example, should a proponent propose seven multiple dwellings, only one of those dwellings may be a 1 bedroom dwelling."

The proposed development substantially addresses this concern and in fact offers a much greater level of diversity within the development as compared to numerous other developments in South Hedland. This has been an aim of the project design group acknowledging Council concerns in addition to our own review of the market and the form and size of accommodation needed to attract sales or leases.

Pilbara's Port City Growth Plan

Pilbara's Port City Growth Plan includes the following objective which is relevant to this proposal.

Housing Diversity & Land Supply Capacity – *providing an orderly and adequate supply of affordable land along with increased choice in affordable housing products and tenure options to cater for a diverse and permanent population.*

We consider the overall design truly reflects choice and diversity of housing sought by Council as outlined in Pilbara's Port City Growth Plan. It will assist in rectifying the 'lack of choice' identifying in the Growth Plan (refer pg. 39). The development includes a genuine balance of housing types, resulting in the overall provision of:

- 1 x 3-bedroom townhouse
- 4 x 3-bedroom apartments;
- 2 x 2 bedroom apartments; and
- 2 x 1 bedroom apartments.

This is in contrast to other projects which typically do not provide any three-bedroom apartments at all and rather focus on yield maximisation rather than choice or genuine diversity.

The design also caters for variety in lifestyle choice as well:

- Ground floor units are offered more outdoor space in areas equivalent or larger to what may be provides in a town house;
- 1st floor apartments have may have less space but also lower maintenance which may suit single or couples; and

- Extra parking is provided onsite above what is required which can provide for those who do need extra vehicular needs associated with car use or recreational use (i.e. boats).

We also refer to the key themes around this objective of the Growth Plan which includes the following and are relevant to this proposal:

A city of affordable housing for all

The form and style of housing proposed is of much greater affordability to singles, couples and young families due to the form of tenure provided and the reduced dwellings sizes which are delivered through this form of development.

A city of flexible land use and development control with streamlined approvals

The proposed development fits within Council's existing land use mechanisms and complies with key policy, Scheme and R-Codes provisions.

A city aware of the state of its property market and to inform residents and investors alike.

Linking to the above point, the landowner as a developer, has purchased the property and submitted an application that is consistent with the available and known statutory framework of the proposal and has undertaken engagement with the Council during the design process using a locally based consultant.

At no stage has the market or the current owner been advised of a potential change in position on the consideration of locational factors when determining the suitability of multiple dwellings in South Hedland.

Consistency in policy application is important to on-going market confidence in the region. Where Council views may alter, policy alterations which would reflect this position are important to inform investment and the community on how development should proceed in the Town.

We consider the proposed land use and dwelling mix is entirely consistent with the broader 'Pilbara's Port City Growth Plan' and appropriate in the location proposed.

2. Design Changes

Attached are amended plans which address all relevant design changes requested resulting from Council's review of the proposed plans. Where changes have been made they are highlighted on the plans.

With respect to bin pick-up, the proposed bin pick-up location is suitably located to allow bins to be picked up by waste services a part of their standard turning circle in a three point turn arrangement. The development itself will not impact on Council's access or use of the public road carriageway.

3. Objection Matters

The following points respond to the issues raised in the submission made on the proposed development:

1. The bin store adjoins the other properties carport and is well setback from actual living space of the dwelling. The location of bin stores is not controlled by any specific planning mechanism other than the need to screen it from the street which the proposal complies with. The location of any bin store on any development, subject to proper management by tenants should not generate any inappropriate odours.
2. The tree referred to appears to be overhanging into the subject property. Appropriate pruning is within the rights of the landowner aside from any proposed development. The tree will not be destroyed.
3. Construction will be subject to a construction management plan approved by the Town of Port Hedland which will address noise, dust etc.
4. Shift Work interaction within a residential population is common practice in South Hedland and it is a matter that is part of day-to-day life.
5. As highlighted throughout this letter, the application actually provides much greater housing diversity, providing more than 50% three-bedroom dwellings. The proposed development will contribute to create housing choice and diversity as discussed previously in this letter.

4. Summary

We consider the proposed development represents a real diversity in housing choice and provides affordable housing products within South Hedland. The location of the development, which is in proximity to higher areas of amenity and relatively close to the main centre is also consistent with other similar developments approved throughout South Hedland which offer far less diversity in the dwelling size and type.

The proposed development, with amendments included, is consistent with the Town of Port Hedland Town Planning Scheme, Pilbara's Port City Growth Plan, Regional R-Codes Variation Policy and Residential Design Codes.

The concerns raised in the submission have been addressed and do not raise any matters which would result in any adverse impact of the amenity of the adjoining property which would not be addressed through appropriate management of the development.

In light of the above, we respectfully seek Council's approval of the proposal development.

Should you have any queries, please contact me on 0407 684 337 or owen@rfaustralia.com

Kind regards.

Owen Hightower
RFF

11.2 Engineering Services**11.2.1 Infrastructure Development****11.2.1.1 *Award of Request for Tender 13-32 – Design & Construction of Hamilton Road Dual Lanes and Roundabout (File No.: 28/16/0018)***

Officer Jenella Voitkevich
Manager Infrastructure Development

Date of Report 20 November 2013

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to provide a summary of tender submissions and to award the contract for Request for Tender 13-32 Design & Construction of Hamilton Road Dual Lanes and Roundabout.

Background

Hamilton Road is one of the main arterial roads into South Hedland with connections to the Town Centre, TAFE and Wanangkura Stadium. Detailed designs and cost estimates were finalised in 2011/12 to construct dual lanes in the section of Hamilton road in front of Wanangkura Stadium, connecting to the existing dual lanes on either side. A proposed new entrance road and roundabout will provide more efficient traffic egress to the Stadium and Kevin Scott oval facilities.

A tender was advertised for construction of the works in October 2012 and after due consideration was reported to Council at the Ordinary Council Meeting on 6 March 2013 with the following decision (201213/271):

“That Council:

- 1. Reject all submissions received for Tender 11/23 Construction of Hamilton Road Carriageway Duplication, Roundabout and Wanangkura Stadium Entry Road.*
- 2. Request Chief Executive Officer, or his delegate(s), to review the project scope and specification and recommence the tender process inclusive of an in-house bid.”*

A thorough analysis of the design, specifications and cost estimates was conducted internally and then reviewed by consultants and road construction contractors. This revealed the following outcomes:

- The construction of the Stadium entrance road could be funded from the existing Stadium civil budget, with the exception of the final connection which would be included in the Hamilton road project.
- The current project budget is adequate for the current design configuration, however modifications are required to levels, specifications, and extent of removal of existing road to achieve this budget.
- Further consideration of traffic management options is required to reduce costs – detours and/or temporary access tracks.
- Additional funding may be available to support the project.

Following this review a decision was made to readvertise the Request for Tender (RFT) as a design and construct contract to recognise the need to review the current design and specifications to suit the available budget. This is a common practice approach, whereby the contractor has the responsibility to revise the design based on achieving the specific outcomes of the project.

The Towns Engineering Services has reviewed the scope of works and timeframes and determined that they will not be in a position to submit an in-house bid for the RFT.

Consultation

The tender documentation was prepared in consultation with the Towns Engineering Services directorate.

The review and assessment panel for this tender was:

- Manager Infrastructure Development
- Co-ordinator Projects
- Project Development Officer

Statutory Implications

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

3.57. Tenders for providing goods or services

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

Local Government (Functions and General) Regulations 1996, part 4, division 2:

11. When tenders have to be publicly invited

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

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

5.23 Meetings generally open to public

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

Policy Implications

This tender was conducted in accordance with Procurement Policy 2/007, Tender Policy 2/011 and Regional Price Preference Policy 2/016.

Strategic Planning Implications

The following sections of Council's Strategic Community Plan 2012-2022 are considered relevant to this project:

6.1 Community

6.1.1 Unified

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

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 the main access hub for the Pilbara.

Budget Implications

The 2013/14 adopted budget has an allocation of \$1,022,941 for this project. Carry forward adjustments in the 1st quarter budget review will revise this to \$1,095,292, plus additional funding of \$389,469 has been sourced through the Main Roads WA Regional Road Group funding program. The revised total budget for this project is \$1,484,761.

Funding for this project has been provided through MRWA Regional Road Group, MRWA Direct Grant, Roads to Recovery and TOPH contribution.

The following table provides a summary of the budget, expenditure to date and forecast expenditure.

2013/14 adopted budget (GL 1201453)	\$1,022,941
2012/13 carry forward adjustment	\$72,351
Additional MRWA RRG funding	\$389,469
Revised 2013/14 budget	\$1,484,761
Expenditure/commitments to date	\$1,591
Budget available for award of RFT 13-32	\$1,483,170

RFT 13-32 was advertised as a design and construction contract to ensure that the required outcomes were achieved within the budget.

All tenders received exceeded the budget amount, however it is recommended to award the contract on the basis of deleting the footpath construction component, which will achieve the project delivery within the budget and allow for a contingency. Additional funding will be sourced for footpath construction and will be included in the 2014/15 budget. The timeframe for delivery of the footpaths will coincide with the completion of the road construction project in July 2014.

Officer's Comment

Tender 13-32 closed at 2.30pm on Wednesday 13 November. Two (2) tenders were received from the following organisations:

- DeGrey Civil Pty Ltd
- Marcon Pty Ltd t/a Valmec

All tenders were deemed compliant and assessed against the advertised evaluation criteria (price, relevant experience, resources and demonstrated understanding) by the tender assessment panel.

Confidential attachment one shows the price schedules submitted by each tenderer. For assessment purposes the prices have been reviewed and modified to ensure that they're comparable. For example, a submission excluded the cost of asphalt, suggesting that it could be undertaken by separate contract. However, to ensure that the cost comparison was fair and equitable to other submissions that included asphalt, a suitable value was added. This is especially important in consideration that asphalt is essential and must be delivered as part of the project within the current budget.

The following table provides a summary of assessment results.

Assessment Criteria / Tenderer	Price (50%)	Relevant Experience (20%)	Resources (10%)	Demonstrated Understanding (20%)	Total Score (100%)
DeGrey Civil Pty Ltd (original)	42.98	12.67	7	15	77.65
DeGrey Civil Pty Ltd (alternative)	50	12.67	7	15	84.67
Valmec	37.55	15	6.83	13.33	72.71

Price

DeGrey Civil submitted a price based on the original design provided in the tender documentation and an alternative price considering value management opportunities. These included reduced basecourse specification, 30mm asphalt instead of 40mm, asphalt paths instead of concrete and concrete infill to medians instead of brick paving. All of these options were deemed to be an approach that would be considered acceptable (pending engineering certification) to reduce the project cost. Both prices submitted by DeGrey Civil exceeded the project budget as advised in the tender.

Valmec submitted a price excluding concrete paths, rock pitching to drainage, asphalt (to be supplied by TOPH under separate contract), service relocations and lighting. This price was within the budget allocation, however would not deliver a complete project. An alternative price was submitted for the inclusion of concrete paths and rock pitching. Given that all of the excluded items (with the possible exception of concrete paths) are required to complete the project, values were added to the submission for assessment purposes. Values not provided by Valmec were determined by current contract rates and cost estimates received for those items.

All submissions were assessed after applying the Regional Price Preference policy applicable to construction (building) services. This provides a price reduction of 5% of the applicable value up to a maximum of \$50,000 based on evidence provided in the tender submission.

As all evaluated price submissions exceeded the project budget consideration was made regarding further value management opportunities. It has been determined that the construction of paths could be deferred and included in the 2014/15 footpath construction program, allowing a contract to be awarded within the current budget. The timeframe for delivery of the footpaths will coincide with the completion of the road construction project in July 2014, therefore there would be a minimal impact on the project.

Relevant Experience

Both submissions demonstrated a good level of experience in road design and construction projects including within the Port Hedland and Pilbara region. Valmec provided examples of projects that demonstrated their experience in managing traffic in built up areas during the works.

Resources

Both submissions provided a good level of information regarding resources, including plant and equipment, personnel, consultants and subcontractors. Their subconsultants for the design component of the project are suitably qualified and experienced.

Both organisations have accredited management systems to ensure that the work is undertaken at a high level of control and quality.

Demonstrated Understanding

DeGrey Civil provided a suitable project schedule indicating the elements of the work and associated timeframes. They have shown that they understand the critical components of the project, being the management of traffic on the busy road and co-ordination of services and contractors. Their redesign suggestions are suitable and they have included a value management exercise to commence the project which may identify further cost saving opportunities.

Valmec provided excellent information to demonstrate their understanding of the project, key issues, processes to follow and design considerations. However, most of the elements excluded from their proposal are essential to the project and must still be considered within the current budget. Valmec has provided a project schedule identifying all elements of the work and associated timeframes.

Summary

Both submissions have demonstrated a thorough understanding of the project and their capability to complete the works at the level of quality expected. DeGrey Civil has received the highest assessment score for their alternative submission based on acceptable value management suggestions, therefore it is recommended to award RFT 13-32 to DeGrey Civil. However, in order to award the contract within the current budget we must remove the footpath construction cost from the contract.

Attachments

1. CONFIDENTIAL Price submission schedules for Request for Tender 13-32 Design & Construction of Hamilton Road Dual Lanes and Roundabout (Under Separate Cover)

201314/187 Officer's Recommendation/ Council Decision**Moved: Cr Daccache****Seconded: Cr Melville**

That Council awards Request for Tender 13-32 Design & Construction of Hamilton Road Dual Lanes and Roundabout to DeGrey Civil Pty Ltd for the lump sum cost of \$1,488,873.60 (excluding GST) based on the alternative submission, minus the value for footpath construction.

CARRIED 7/0

11.2.1.2 Award of Tender 13/28 – Landscape Construction Upgrade Koombana Park, South Hedland (File No.: 21/07/0020)

Officer Rob Baily
Coordinator Projects

Date of Report 20 November 2013

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to request Council to award Tender 13/28 – Landscape Construction Upgrade to Koombana Park, South Hedland.

Background

Koombana Park was established as part of subdivision approval for the Department of Housing (DOH) and Jaxon Construction and was a development requirement to provide a basic landscaped park through the South Hedland New Living (SHNL) program.

The park was also partly funded by the Town as a partnering arrangement to provide an improved amenity above the required standard provided by SHNL. The park was completed in May 2011 and has been under a maintenance agreement with SHNL until November 2013.

Further funding was requested by the Town through the Royalties for Regions program with an allocated sum of \$750,000 to finalise various components of the park to a suitable standard of amenity.

A community day was held in November 2012 for the Town to assess community thoughts on what was considered beneficial in the long term now the community was establishing in the area.

A landscape architectural firm was engaged to redesign portions of the park where identified improvements could be made. Improved amenity that aligned with the funding and the community included CCTV, sealed car park, improved irrigation system, more shelters and more play equipment. Other design considerations including a more designated secure childrens play area away from the toilet and the removal of the loose stone gabion walls.

The management of the park through improved maintenance layout was also considered important for future management of assets and maintenance.

A tender for this work was advertised in the North West Telegraph on 2 October 2013 and in the West Australian on 28 September 2013. The tender closed on 6 November 2013.

Consultation

External

- Public through community day

Internal

- Manager Infrastructure Development
- Coordinator Projects Infrastructure Development
- Community Development Officer
- Manager Technical Services
- Horticultural Technical Officer
- Manager Engineering Services
- Coordinator Landscape & Irrigation Operations
- Coordinator Parks & Reserves

Statutory Implications

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

3.57. Tenders for providing goods or services

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

Local Government (Functions and General) Regulations 1996

11. When tenders have to be publicly invited

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

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

5.23 Meetings generally open to public

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government*

power or duty has been delegated.

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

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

(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; ...*

Policy Implications

This tender was called in accordance with Procurement Policy 2/007, the recently revised Tender Policy 2/011 and the new Regional Price Preference Policy.

Strategic Planning Implications

6.3 Environment

6.3.2 Community Facilities

Provide safe and accessible community facilities, libraries, services and public open spaces that connect people and neighbours.

Budget Implications

The Koombana Park landscape construction upgrade is budgeted in GL 1111438. This project is funded by contributions from Royalties for Regions.

The following table demonstrates the capability to award this tender within the budget allocation.

Project Budget	Value (ex GST)
2013/14 budget (GL 1111438)	\$717,884.00
Interest earned on Royalties for Regions to be utilized for project as per guidelines	\$205,527.00
TOTAL Budget	\$923,411.00
Project Expenditure	Value (ex GST)
2013/14 expenditure to date	\$37,763.00
2013/14 commitments to date	\$119,230.00
Total including commitments to date	\$156,993.00
Project Expenditure by others	
Estimated cost for specialist to install playground equip and soffit	\$103,863.00
Estimated cost for supply of specialist screens including artwork from Cassia Primary	\$10,360.37
Total of estimated works by others	\$114,223.37
Balance remaining for Tender 13/28	\$652,194.63

Officer's Comment

The park is currently being maintained by SHNL until 18 November 2013 and cannot be accessed for start of construction works until the Town is satisfied with the completion of the SHNL maintenance. At the time of this Council report, the Town is finalising negotiations with SHNL on handover of the park.

Consultation by Infrastructure Development with the relevant asset management team from Technical Services and maintenance personnel from Engineering Services on future costs have determined that the design satisfied asset management principles. Full disclosure of the design with the relevant business units were part of the consultation process.

Three tender submissions were received at the tender closing time by:

- ALM Landscaping Pty Ltd
- Landscaping WA Pty Ltd
- Environmental Industries Pty Ltd

Tenders were assessed against the approved criteria, being: Price, Relevant Experience, Tenderers Resources including Key Personnel Skills and Experience and Demonstrated Understanding.

Confidential attachment one shows the price schedules for each compliant submission.

The following table provides a summary of assessment results.

Tenderer/Assessment Criteria	Price (50%)	Experience (15%)	Resources (15%)	Understanding (20%)	Total Score (100%)
ALM Landscaping Pty Ltd	50	9.75	8.44	13	81.19
Landscaping WA Pty Ltd	39	10.5	8.44	15	72.94
Environmental Industries Pty Ltd	45	9.75	5.63	9	69.38

Price

All submissions tendered a lump sum price. All lump sum prices exceeded the budget available for the project. Construction components were individually identified so that consideration could be made on the deletion of items should the need arise. It is necessary to remove the fencing component to achieve the budget restrictions. This will not affect the integrity of the finished product and could be added at a later date.

Both the Landscaping WA and the Environmental Industries lump sums prices were above any negotiation threshold to manage the project costs by removal of the fencing.

The ALM Landscaping submission is within the budget restrictions with the removal of the fencing component.

Relevant Experience

ALM Landscaping is a relatively new landscape company however has a proven track record in the Port Hedland area since inception.

Landscaping WA is also a relatively new company in Port Hedland but has a higher degree of personnel experience and also a similar amount of company experience as ALM's track record.

Environmental Industries has been in town for a longer period however does not provide information regarding working locally of late and does not provide the same ability to perform local work as the other two companies.

All three companies provided similar skill levels to carry out the work.

Key Personnel Skills, Experience & Resources

Both ALM Landscaping and Landscaping WA put forward key personnel to carry out the works with suitable experience. Both companies provided different skill sets however similar abilities to perform the works was noted. Environmental Industries did not provide as confident a level of ability and was not as concise in the information provided on key personnel or their resources

Demonstrated Understanding

Both ALM Landscaping and Landscaping WA provided a good understanding of the works and how they would go about managing the project. Environmental Industries was not as fluent in how the works were to be performed and the site managed.

Summary

Both ALM Landscaping and Landscaping WA provided a suitable tender submission to perform the works. The Assessment Criteria, apart from price, slightly favoured Landscaping WA however could not be considered due to a higher lump sum. The removal of the fence item from Landscaping WA provided only a marginal benefit and did not change the overall scoring and ability to award.

It is recommended that the contract is awarded to ALM Landscaping with a slightly modified lump sum (removal of fencing) and shows a much higher scoring overall with the price included. ALM has provided written agreement to remove Item 4k - 1200mm high galvanized fence from their submission.

Attachments

1. CONFIDENTIAL Price schedules for Tender 13/28 Landscape Infrastructure Upgrade Works to Koombana Park South Hedland (Under Separate Cover)

201314/188 Officer's Recommendation/ Council Decision**Moved: Cr Daccache****Seconded: Cr Melville**

That Council award Tender 13/28 Landscape Infrastructure Upgrade Works to Koombana Park South Hedland to ALM Landscaping Pty Ltd for the modified lump sum price of \$631,530.30 (excluding GST).

CARRIED 7/0

11.3 Community Development**11.3.1 Recreation Services and Facilities*****11.3.1.1 Town of Port Hedland Aquatic Centres - Proposed Amendment to Council Fees and Charges - Lane and Facility Hire (File No.: 26/02/0038)***

Officer Graeme Hall
Manager Recreation Services and Facilities

Date of Report 25 November 2013

Disclosure of Interest by Officer Nil

Summary

Correspondence (September 2013) has been received from the Hedland Amateur Swimming Club requesting a review of the lane and facility hire fees at the Town of Port Hedland aquatic centres.

The review outlined in this report examines the costs other aquatic users such as the Water Polo Association and Hedland Tri Sports are required to pay, as well as considering benchmark pricing throughout the State.

Council is requested to amend the lane and facility hire fees for the Town's Aquatic Centres, with the new fees and charges proposed to take effect from 1 January 2014, following the statutory advertising period.

Background

The Hedland Amateur Swimming Club (HASC) has requested (correspondence dated 13 September 2013) a review of the lane and facility hire fees at the Aquatic Centres. The Club propose that any reduction to the Centre hire costs will assist the Club to develop from a sporting perspective.

HASC has outlined a strong desire to grow, yet are currently restricted because of the cost and availability of lane space and the capacity of the Club to engage swimming coaches.

The fees and charges schedule adopted by Council for 2013/2014 that is listed below:

Lane Hire - Peak entries not included.	\$ 15.00
Lane Hire –Off Peak entries not included	\$ 5.00
Community Facility Hire (per hour)	\$196.50
Dive bowl (per hour)	\$ 78.55
Water Polo pool (per hour)	\$140.40

All Sporting Clubs incur these costs when they require exclusive use of lanes or when they wish to access large portions of a facility in order to conduct a Club event or competition.

Table 1 below outlines the current fees and charges as they impact on the usage of the three Sporting Clubs that currently use the Aquatic Centres.

Table 1 - Current Fees, Charges and Costs

Organisation	Details	Estimated Usage	Current Cost
Hedland Amateur Swimming Club	Lane hire \$15.00 per lane per hour	30 hours per week	\$9,370.00
	Club event / meets \$196.50 per hour	8 race meets per year 16 hours	\$3,144.00
Hedland Tri Sports	Club event / meets \$196.50 per hour	16 race meets per year 12 hours	\$3,144.00
Hedland Water Polo Association	Dive Bowl for training \$78.55 per hour	3 hours per week x 20 weeks	\$4,713.00
	Water Polo play area \$140.40 per hour	2 hours per week x 20 weeks	\$5,616.00
Total			\$25,197.00

Club members are also required to pay pool entry when attending the Aquatic Centres. Depending on the individual, the number of training sessions ranges from three to five per week. The decision by Council to reduce the child entry fee from \$2.50 to \$1.00 greatly assists the Swimming Club members, who are predominantly under 18 years of age. Very few Tri Sport and Water Polo users benefit from this reduction in entry fee.

In addition to the Swimming Club, Hedland Water Polo Association and Hedland Tri Sports are primary users of the Town's Aquatic Centres. To be equitable, any changes to the lane and facility hire fees need to consider the requirements of all sporting organisations.

The Hedland Water Polo Association has not had access to pool space since 2011, but plan to resume normal activities in December 2013 following the installation of flood lighting at the South Hedland Aquatic Centre (SHAC).

It is anticipated that the Association will consider changes to the format (playing and training nights / times) of their season, based on the new opportunities (lights, heated water etc.) available since the SHAC redevelopment.

Aquatic activity is an important element of the sporting landscape of Port Hedland. The sporting clubs and associations that operate from Town of Port Hedland Aquatic Centres provide a valuable service to the community. Importantly these clubs are predominantly summer sports and therefore provide a sporting option at a time when most other clubs are in recess.

Consultation

Consultation was undertaken to establish best practice with regard to lane hire and event day charges. The following facilities and organisations were consulted in the preparation of this report:

Peak Bodies

Port Hedland Stakeholders

- Swimming WA.
- YMCA Perth
- Hedland Amateur Swimming Club
- Hedland Tri Club Sports Club
- Hedland Water Polo Association.
- Beatty Park (Perth)
- Balga Leisure Park (Perth)
- Terry Tyzack (Perth)
- Richmond Swim Club (Melbourne)
- Broome Recreation and Aquatic Centre
- Leisureplex (Karratha)
- Claremont Pool (Perth)
- Northcote Leisure Centre (Melbourne)
- Challenge Stadium.

Leisure/Aquatic Centres

Statutory Implications

6.16. Imposition of fees and charges

6.17. Setting level of fees and charges

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

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

Should Council endorse the new charges recommended in this report, amendments will be publically advertised and take effect on 1 January 2014.

Policy Implications

Policy 6/011 'Recreation Reserves and Facilities – Casual Hire and Events'. This policy was developed in order to provide guidance to groups hiring Council Reserves.

Strategic Planning Implications

6.1 Community

6.1.1 Unified

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

6.1 Community

6.1.2 Vibrant

Provide access to recreational, cultural, entertainment facilities, and opportunities.

Budget Implications

Subject to Council approval, any reduction in fees for the use of Town of Port Hedland Leisure Facilities will impact on the income recoupable by the YMCA in their role as contract managers. The impact of changing the fees will increase the operational deficit, be reflected as a variation to the Town's current contract with the YMCA and in turn within the 2013/14 budget.

Based on the proposed amendments to the fees and charges and the anticipated usage of the facilities by the three sporting bodies, it is estimated that there will be a **\$14,309.00** reduction in income at the aquatic facilities. The breakdown of this cost is summarised in Table 2 below.

Table 2 - Comparison of Current and Proposed Fees

Organisation	Existing Fees and Charges	Proposed Fees and Charges	Variation
Hedland Amateur Swim Club	\$12,514.00	\$5,988.00	\$6,526.00
Hedland Tri Sports	\$,3144.00	\$2,240.00	\$904.00
Hedland Water Polo Association	\$10,329.00	\$3,450.00	\$6,879.00
Total	\$25,987.00	\$11,678.00	\$14,309.00

The positive nature of this initiative makes it conceivable that sporting users will access the facilities more frequently and at times more suited to their needs.

Officer's Comment

The Hedland Amateur Swimming Club, Hedland Tri Sports and Hedland Water Polo Association all provide valuable services to residents of Port Hedland. Officers have worked closely with all user groups and the YMCA to benchmark fees and charges in order to determine sustainable costs for all users.

There is a high level of support within the YMCA management team for supporting clubs and assisting them to enhance their profile as important sporting entities. The YMCA is aware that the impact of any changes to the fees and charges needs to be monitored closely for the remainder of the financial year. An audited report will need to be provided in order for the contract sum to be varied at the end of the year.

The best outcome for the clubs has been to review the cost of lane hire (predominantly used by the clubs for training) and to look at the needs of the groups when they require access to the facilities for competition. The Swimming Club and Tri Sports are currently accessing the pools outside of normal operating hours (Swimming after 6.00pm on Friday nights and Tri Sports on weekends before 10.00am).

This arrangement is working well for these groups, as it:

- Provides exclusive use of the facility
- Enables events to be held at more appropriate times
- Reduces conflict with other users of the facilities
- Provides greater opportunity for groups to evolve.

It is assumed that Water Polo will use South Hedland Aquatic Centre on a Wednesday evening. While they will be booking exclusive use of the Water Polo pool, the public will be able to access the remainder of the main pool for casual swimming.

Lane Hire Cost Comparison

Swimming WA, the peak body for swimming clubs in Western Australia, have surveyed the cost of lane hire across Western Australia. As shown in Table 3 below, users are paying pool lane hire fees ranging between \$0.00 and \$15.00 per lane per hour. Most Clubs reported being charged up to \$5.00 per lane per hour.

Challenge Stadium does charge \$15.00 per lane per hour; this fee needs to be considered exceptional as it is predominantly an elite sporting venue.

Table 3 - Lane Hire Audit (Swimming WA)

Lane Hire Charges	Number of Clubs
\$0.00 - \$5.00	14
\$6.00 - \$10.00	2
\$11.00 - \$15.00	3

Officers have also reviewed the cost of lane hire in aquatic centres across the Pilbara, Kimberley, Perth and Melbourne. An overview of the fees and charges is outlined in Table 4.

Table 4 - Review of Lane Hire Fee

Facility Name	Location	Fee (per lane per hour)
Beatty Park	Perth	\$10.00
Balga Leisure Park	City of Stirling, Perth	\$2.00
Terry Tyzack	City of Stirling, Perth	\$8.50
Richmond Swim Club	Melbourne	\$0.00
Broome Recreation and Aquatic Centre	Broome	\$0.00
Leisureplex	Karratha	\$0.00

Based on this research, it is apparent that the cost of lane hire for Town of Port Hedland facilities is higher than comparative centres.

When compiling the current fees and charges, the YMCA had sought to encourage groups to use the Centres at off peak times. A fee of \$15.00 per hour was set for peak usage and \$5.00 at off peak usage. It is now understood that this is not a practical option for Port Hedland clubs.

A reduced fee to all user groups of \$5.00 per lane per hour (for training purposes only) is recommended as:

- It is affordable and appropriate for sports
- The fee is consistent with other facilities in WA
- It is likely to facilitate growth within the sporting clubs.

Use of Facilities for Competition

The aquatic centres are used by all the clubs for competition. This is usually done during a club's 'season' on a weekly or fortnightly basis. While usage is regular during competition periods it has not traditionally been all year round. This may change with the upgrade to the South Hedland Aquatic Centre and the subsequent availability of heated water.

The Hedland Amateur Swimming Club is holding club events on a Friday evening, outside of the facilities opening hours (6.00pm-8.00pm). This provides the Club with access to all six lanes to hold races. Previously the Club met on Saturdays during normal opening hours and could only have limited access to the pool, with the balance being used by the public.

Hedland Tri Sports currently utilises the Gratwick Aquatic Centre for their race event meets. Previously the events were held in the afternoon at a time when the public were also in the facility. The Association has recently moved race times to 7.00am – 9.00am on the weekends and this has seen a significant growth in membership.

Table 5 below provides an overview of the use of the Aquatic Centres from a competition perspective.

Table 5 - Use of Aquatic Centres

Organisation	Proposed Usage
Hedland Amateur Swimming Club	8 club events
Hedland Tri Sports	12 races
Hedland Water Polo Association	20 games

The Swimming and Tri Sport users are currently charged \$196.50 per hour to hire the facility. The Hedland Water Polo Association will be charged \$78.55 per hour for the water polo pool at the South Hedland Aquatic Centre. Feedback from the users is that the fees and charges are restricting their usage. A recommendation of this report is that the fees and charges for user groups to hire the Aquatic Centres are reduced to align with other facilities.

The proposed fee charged for bookings by the Swimming and Tri Clubs should be revised to cover the statutory staffing costs required to supervise the number of competitors and spectators. It is proposed that Hedland Amateur Swimming Club, Hedland Tri Sports and Hedland Water Polo Association be charged a fee of \$140.00 per hour to access the Aquatic Centres outside of normal operating hours (participants only are required to pay the facility entry fee).

The fee seeks to recover only the cost of staffing the facility in accordance with the regulatory guidelines outlined for aquatic centres. The fee of \$140.00 will need to be paid by Clubs should they choose to conduct their competitions or events during normal operating hours.

The fee proposed has been determined based on the following staffing costs:

- \$78.80 per hour – Duty Manager
- \$57.60 per hour – Pool Lifeguard

The proposed cost recovery only approach would mean that the service can be provided at the lowest possible cost to the users.

The Health Department of WA provide clear guidance with regard to

the supervision of patrons and prime importance is given to not compromising the safety of patrons by having less than the mandatory supervisory levels.

The fee of \$196.50 is to be retained as a fee and charge. It is envisaged that there may be future opportunities to use this fee for groups or organisations other than the three sporting clubs highlighted in this report.

Water Polo

The Hedland Water Polo Association is also a primary user of the Town's Aquatic Centres. The South Hedland Aquatic Centre and the specialised water polo pool is the preferred location for the Association's activities. The training and match play requirements of the Water Polo Association are very different to those of the Swimming and Tri Sport users. Water Polo pool hire fees and charges were also benchmarked with other Aquatic Centres in Western Australia. Table 6 provides information about the benchmarking of facilities for Water Polo pools.

Table 6 - Benchmarking Water Polo Game and Training Space Fees

Facility	Water Polo Pool-per hour	Dive Bowl- per hour
Beatty Park (Perth)	\$37.50	\$22.00
Challenge (Perth)	\$43.00	\$43.00
Gratwick and South Hedland Aquatic Centre	\$140.40	\$78.55

With regard to the needs of Water Polo, it is recommended to reduce both the training and match play fees to:

- Encourage the Hedland Water Polo Association to pursue sports development initiatives
- Provide an increased focus on Water Polo as a sport
- Be consistent with other Aquatic Centres in Western Australia.

Water Polo has been significantly impacted by the prolonged closure of the South Hedland Aquatic Centre. Any assistance that can be given to Water Polo will facilitate the recovery of the Association.

It is proposed that the fees introduced for Water Polo be:

- \$5.00 per hour per lane (for swimming training only)
- \$20.00 for use of the dive bowls for training purposes
- \$35.00 per hour for use of the water polo pool (within normal operating hours)
- Staff cost recovery only for use of the facility (outside of normal operating hours).

The \$140.00 per hour for use of the facility outside of normal operating hours will be in accordance with the fee for the Swimming and Tri Sports.

The review conducted has highlighted that the Town of Port Hedland's fees and charges are significantly higher than other aquatic centres. Council is recommended to amend the 2013/2014 fees and charges to assist and encourage growth of the sports.

The suggested changes to the fees and charges for the primary user groups of the Town's Aquatic Centres are positive.

The modifications are aligned closely to both Council and the Clubs' visions with regard to encouraging participation in healthy lifestyle options. They will also positively impact the sporting clubs utilising the aquatic centres available in Port Hedland.

Attachments

Nil

201314/189 Officer's Recommendation/ Council Decision

Moved: Cr Taylor

Seconded: Cr Hooper

That Council:

- 1. Endorses a standard \$5.00 (Ex GST) per lane per hour for pool lane hire fee (for training only);**
- 2. Endorses a \$35.00 (Ex GST) per hour fee for the Water Polo pool at South Hedland Aquatic Centre during normal operating hours;**
- 3. Endorses a \$20.00 (Ex GST) per hour fee for the dive bowl pool at Gratwick Aquatic Centre during normal operating hours;**
- 4. Endorses the deletion of the current lane hire fee for peak times of \$15.00 per hour from the fees and charges schedule;**
- 5. Endorses a \$140.00 (Ex GST) per hour fee for the out of hour's use of the Town of Port Hedland Aquatic Centres by sporting organisations for regular club activities;**
- 6. Endorses that the \$140.00 (Ex GST) per hour fee is applicable if user groups wish to access the aquatic centres for competition purposes during normal operating hours;**

7. Notes that the operational deficit for the Town of Port Hedland Leisure Centres will be varied by up to \$15,000.00 in order to accommodate the change of fees and charges as outlined a reported by financial year end;
8. Advises the YMCA that the variation to the operational deficit as a result of the amended fees and charges, will need to be formally presented to the Town of Port Hedland with all supporting financial documentation; and
9. Endorses the advertising of the aquatic hire fees in accordance with the Local Government Act requirements, with the date of commencement of the new fees on 1 January 2014.

CARRIED BY ABSOLUTE MAJORITY 7/0

11.3.1.2 Port Hedland Turf Club – Consideration of (Draft) Concept Design and Implementation Report (File No.: 26/02/0043)

Officer Graeme Hall
Manager Recreation
Facilities and Services

Date of Report 18 November 2013

Disclosure of Interest by Officer Nil

Summary

The consultancy 'A Balanced View' were previously appointed by Council to prepare the 'Needs Assessment, Concept Design and Implementation Plan' for the Port Hedland Turf Club in a 2 stage study process.

The study's stage 1 'Needs Assessment for the Port Hedland Turf Club' report was adopted by Council in September 2012.

The stage 2 (draft) 'Concept Design and Implementation Plan' is now complete and presented to Council for preliminary consideration. Elements of the (draft) report particularly relating to community meeting facilities are linked to other current considerations of Council at the adjacent Administration / Civic Centre precinct.

The stage 2 (draft) 'Concept Design and Implementation Plan' will be finalised when the provision of compatible community meeting facilities are clarified on both sites (Turf Club and Civic Centre).

Background

The Town of Port Hedland (February 2012) engaged A Balanced View - Leisure Consultancy to undertake the 'Needs Assessment, Concept Design and Implementation Plan' for the Port Hedland Turf Club. The project scope was designed so that it could be completed in two parts:

Part 1 - Needs Assessment

Part 1 focused on consultation with the community and stakeholders to determine the longer term needs for the Turf Club. Importantly, the future location of the Turf Club was determined prior to proceeding with any concept designs or operational plans.

The Ordinary Council meeting of 26 September 2012 determined that the existing track used by the Turf Club should be maintained at the current site.

On this basis, the consultant proceeded to develop concept design for the community sporting facilities and the Turf Club at the McGregor Reserve location.

Part 2 - Concept Design and Implementation Plan

Based on Council's resolution to retain the current Turf Club site, the consultant has prepared a plan for the community / sporting facilities, including the future facilities to be provided at the Turf Club and how those facilities may be operated and managed.

The Town of Port Hedland is currently considering options regarding the Administration / Civic Centre precinct and what amenity requirements the community can expect as part of that project. The development of the Turf Club site has significant potential crossover elements to that project.

The (draft) report has therefore not been finalized until the provision of community meeting facilities on both sites can be further considered and clarified.

Consultation

This project has included an extensive consultation process including all equine sports groups, as well as the sporting and general community.

Consultation has included:

- Project control group
- Port Hedland Turf Club
- Port Hedland Pony Club
- South Hedland Owners and Trainers Association
- Port Hedland Golf Club
- Town of Port Hedland.

The overall view of the community was determined through a phone survey to 200 residences.

The concept designs and preliminary management options were provided to Council at a confidential briefing on Wednesday 2 October 2013.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

6.1 Community

6.1.1 Unified

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

6.1 Community

6.1.2 Vibrant

Provide access to recreational, cultural, entertainment facilities, and opportunities.

Budget Implications

There are no immediate implications from the (draft) report.

Subject to later Council adoption and progression of the development in the longer term, there will be significant costs associated with the redevelopment of the McGregor Reserve / Turf Club facilities.

Officer's Comment

The draft 'Needs Assessment, Concept Design and Implementation Plan' is provided in draft to assist Council with the deliberations on the development of community amenities in the overall precinct.

The Needs Assessment Report was completed and has been endorsed by Council in September 2012. The key recommendation of the Needs Assessment report was to retain and upgrade the Port Hedland race track to meet both the passive and active recreation needs of the community.

The Concept Design and Implementation Plan including an indicative five year budget are based on the key finding on the Needs Assessment report. Concept plans have been developed depicting the creation of a regional level, high capacity community hub in the heart of the Port Hedland town site. The development facilitates a wide array of usage and the capacity to accommodate multiple user groups concurrently. The redevelopment will also provide a quality events venue for the hosting of major race meets, concerts, circuses and festivals that are integral to the social and cultural vibrancy of the Town.

Development of the report has identified that the McGregor Reserve / Turf Club upgrade provides some very real opportunities for the Town of Port Hedland.

The findings from the needs assessment / concept planning have focused on developing a community facility that is used by the Turf Club, rather than a Turf Club that is used by the community. The concepts presented for the open space as well as the new building have taken a holistic approach to the needs of the community.

Specific consideration has been given to reinvigorating the interior of the track as usable space, the building has cleverly considered the needs of a variety of users (specifically cultural initiatives) and in Port Hedland's case has focused on dancing as an important community activity.

The report also provides some surety for the occupants of the South Hedland Owners and Trainers Association. In the medium term their needs can be accommodated at the current site. In the longer term it is likely that there may be a requirement for more space and therefore the need to seek a new location. The amalgamation of the activities of the Port Hedland Pony Club and the South Hedland Owners and Trainers Association is an obvious alignment. Both parties will need to rearrange their current operations but the activities are not seen as being mutually exclusive. There are some design ideas which will seek to provide the Pony Club with the opportunity to utilise an area in the centre of the Turf Club for competitions. There are support facilities within the Turf Club building and also a sand and grass arena so that competitions can be conducted in an easily accessible and high profile location.

The Pony Club lease and the development of the Pretty Pool location for housing is a separate project that is outside of the scope of this project.

Attachments

1. Needs Assessment, Concept Design and Implementation Plan for the Port Hedland Turf Club- Needs Assessment Report (September 2012) (Under Separate Cover)
2. Needs Assessment, Concept Design and Implementation Plan for the Port Hedland Turf Club-Draft Final Report (November 2013) (Under Separate Cover)

201314/190 Officer's Recommendation/ Council Decision

Moved: Cr Gillingham

Seconded: Cr Daccache

That Council:

1. **Acknowledges for information purposes and future precinct planning the Needs Assessment, Concept Design and Implementation Plan for the Port Hedland Turf Club (Draft Final Report); and**
2. **Notes that the Needs Assessment, Concept Design and Implementation Plan for the Port Hedland Turf Club Report will be finalised once the provision of key elements (including community meeting facilities) within the overall precinct (Administration / Civic Centre and McGregor Reserve) is further considered and clarified.**

CARRIED 7/0

11.3.1.3 *Netball Western Australia – Proposed Pilbara International Netball Tournament October 2014 (File No.: 26/01/0017)*

Officer	Graeme Hall Manager Recreation Services and Facilities
Date of Report	19 November 2013
Disclosure of Interest by Officer	Nil

Summary

The aim of this report is to consider a request from Netball Western Australia for support of the Pilbara International Netball tournament.

Council is requested to provide in-principle support based on preliminary information, endorsing negotiations to commence regarding potential in-kind and direct support for the event. Subsequent reports will be presented to Council regarding the progress of negotiations and potential support from the Town of Port Hedland.

Background

The Town of Port Hedland has received a proposal from Netball Western Australia for Port Hedland to partner an international Netball event for 3 years commencing in October 2014.

The aim of the program is to promote the sport of netball in new markets and in particular regional and rural Western Australia. The program will seek to engage diverse populations across the State and more widely within the Indian Ocean Rim.

The countries participating from the Indian Ocean Rim will be Singapore, Malaysia, Sri Lanka, Hong Kong, Indonesia, India, China and South Africa. Participating from Australia will be the winners of the Western Australian State Netball League and a Western Australian Indigenous All Stars Team.

The key stakeholders in this event are proposed to be Netball Western Australia, the Town of Port Hedland and the Shire of Roebourne. Other stakeholders will be media outlets such as Fox Sports Asia, Supersport South Africa and local broadcasters Channel 7, Fox Sports and SBS.

The media partners will be presenting highlights packages, as well as the production of a documentary about the development of players participating in the tournament.

The proposed event will be hosted at the Karratha Leisureplex and Wanangkura Stadium. An initial three days of round games will be played at both venues, the finals series will be played at the Karratha Leisureplex. The Karratha Leisureplex has been selected for the finals series because of the greater spectator capacity.

Netball Western Australia will seek to create a legacy from this event through the appointment of a regional development officer. This role will be a fully funded position and will seek to reinforce the strong link that netball has as a sport in the Region.

Netball Western Australia have undertaken an economic impact assessment as part of their proposal for the event. The event is anticipated to have an economic impact over the 8 days of \$1,703,357 across the two communities. This will predominantly benefit Karratha as they are hosting a majority of the event.

The information provided by Netball Western Australia is a copy (Attachment 2) of their funding submission to be forwarded to Events Corp.

A tailored proposal addressing the specific needs of the Town of Port Hedland would be provided at a future date following negotiations.

Consultation

Netball Western Australia have visited Port Hedland (including Wanangkura Stadium) and met with a number of key stakeholders including the YMCA.

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Strategic Community Plan 2012 – 2022

6.1 Community

6.1.2 Vibrant

Provide access to recreational, cultural, entertainment facilities and opportunities.

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

Budget Implications

Netball Western Australia has sought a cash contribution of \$100,000 from the Town of Port Hedland, in addition to the in-kind use of Wanangkura Stadium.

The Town of Port Hedland's provision of in-kind usage of Wanangkura Stadium represents a real cost given that the facility is managed by a third party (YMCA). Any support, including in-kind will need to be included in the agreement between the YMCA and the Town, as well as the facility's overall operational position. This will ultimately mean a direct cost to the Town.

The timing of the event makes it necessary for Council to consider this proposal from Netball Western Australia in advance of preparations for the 2014/15 budget, so that both the Town and the event organiser can proceed with the planning. Preliminary negotiations will develop an understanding of proposed inclusions in the 2014/2015, 2015/2016 and 2016/2017 Town of Port Hedland budgets for consideration by Council.

Negotiations would also allow the Town to investigate potential corporate sponsors for the event, assisting with overall costs.

Officer's Comment

The Pilbara International Netball Event as proposed by Netball Western Australia is seen as being an opportunity that could be supported by Council. Netball is a very popular sport and it is anticipated that the games would be well attended. There will be significant opportunities for representatives of the Port Hedland Netball Association to be involved in a range of volunteer roles.

The opportunity to be part of a sporting event that will attract developing netball nations and provide opportunities for media coverage is highly attractive to the Town.

The proposal (Attachment 1) provided by Netball Western Australia is an outline of the project only, it is anticipated that if an in-principal commitment is given to the event the actual level of support provided by the Town of Port Hedland will be negotiated and further considered.

Given that Netball Western Australia is in the very preliminary stages of this project, it is difficult to determine the final cost anticipated for this event. Council is therefore requested to consider the potential funding parameters for the event.

Based on the preliminary information it is believed that the Town of Port Hedland and the YMCA would need to provide approximately \$30,000 in staff time and facility bookings to host this event. The staff time is a large portion of the costs and is estimated based on the following staffing being required:

- Facility staff
- Cleaning staff
- Security staff
- Management.

These figures will need to be negotiated with Netball Western Australia as part of the event planning.

Attachments

1. Pilbara International Overview (circulated to Elected Members 5 November 2014)
2. Netball Western Australia Pilbara International (Eventscorp Funding submission).

201314/191 Officer's Recommendation/ Council Decision

Moved: Cr Daccache

Seconded: Cr Hooper

That Council:

1. **Notes the request for up to \$100,000 in direct financial support for the 3 year Pilbara International Netball Event commencing in 2014as submitted by Netball Western Australia;**
2. **Endorses the Chief Executive Officer, or his delegate(s), to commence negotiations including potential corporate support, with Netball Western Australia to determine an affordable level of support for the Pilbara International Netball Event;**
3. **Notes the potential in-kind use of Wanangkura Stadium for the Pilbara International Netball event at a cost of up to \$30,000 per annum for the next three years; and**
4. **Notes that the progress of negotiations between the Town of Port Hedland and Netball Western Australia will be reported to Council in subsequent months.**

CARRIED 7/0



Event Vision - Promoting access to Netball in new markets, particularly in regional and rural WA and engaging diverse populations across the State and more widely within the Indian Ocean Rim (Driven by One Netball Community).

Stakeholders - Netball Western Australia (One Netball Community), Town of Port Hedland and Shire of Roebourne

Overview - As one of the largest participation sports in Western Australia (40,000 women and girls actively participating every weekend) Netball is primed to take centre stage in the North West with a new and unique international sporting event.

<p>Proposed Venue - Initial round robin event at Karratha Leisureplex and Wanangkura Stadium. Finals Series – Karratha Leisureplex.</p>	<p>Participating Countries – Indian Ocean Rim countries such as Singapore, Malaysia, Sri Lanka, Hong Kong, Indonesia, India, China, south Africa. WA State Netball League Champions and WA Indigenous All Stars</p>	<p>Amount Requested – No specific amount has been requested from the Town of Port Hedland. Shire of Roebourne are seeking to commit \$150,000 plus in-kind facility hire of \$50,000.</p>
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Media Coverage – The participation of African and Asian nations presents a unique opportunity for broadcast delivery. Negotiations are underway with Fox Sports Asia, Supersport in South Africa and local broadcasters Channel 7, Fox Sports and SBS. Media coverage will include game highlights packages and a documentary that follows the development of the players.

Economic Impact - Netball WA have commissioned and economic impact assessment of the event. Based on a budget of \$1,870,250 over three years, with a direct and indirect impact for the event of \$3,590,880.

ATTACHMENT 1 TO ITEM 11.3.1.3

Town of Port Hedland Actions		
<p>Action 1</p> <p>The YMCA has been invited to collate a cost to host the event from a facility perspective. This facility cost would need to be factored into the 2014/2015 and future budgets as a contribution from the Town of Port Hedland.</p>	<p>Action 2</p> <p>Overview of the event presented to the Council to ascertain a level of interest in pursuing the hosting of an international Netball event further. Based on more detailed costing being provided by Netball Western Australia an amount will be committed to the 2014-2014 Town of Port Hedland budget.</p>	<p>Action 3</p> <p>Town of Port Hedland and key stakeholders to commit to working with Netball Western Australia and its partners and stakeholders to deliver a successful event in the Pilbara region.</p>



PILBARA INTERNATIONAL

One Netball Community

PILBARA INTERNATIONAL PROPOSED FRAMEWORK

- Cover
- Contents
- The Event Vision and introduction
- The Event
- Economic impact on region/state
- Media coverage/exposure
- Event participants
- Netball in the Region
- The community engagement
- The organisational structure & governance
- Budget and key breakdown
- Risk
- WA Government and Eventscorp investment
- Support and partnerships
- Sponsorship summary
- Appendices

The Event Vision and Introduction

"Promoting access to Netball in new markets, particularly in regional and rural WA, and engaging diverse populations across the State and more widely within the Indian Ocean Rim – driven by One Netball Community."

As one of the largest participation sports in Western Australia, Netball enjoys a following unlike most other sports. With more than 40,000 women and girls actively engaging in competitive netball every weekend, and a further estimated 40,000 participating in social competitions, Netball is primed to take centre stage in the North West with a new and unique International sporting event.

Beyond Western Australia, Netball is a sport on the rise, particularly across Commonwealth Nations in Asia, enjoying huge participation in countries such as South Africa, Singapore, Malaysia and Sri Lanka and rising fast in China and India. In Singapore, 300 schools and over 60 clubs currently play netball at a competitive level and there has been a huge influx into these ranks through the staging of the 2011 World Championships in front of sellout crowds. In Malaysia and Sri Lanka, Netball is the leading female sport in the country. In South Africa, as in Australia, Netball is the highest female participation sport with an estimated 2 million women playing competitive netball.

The **Pilbara International Netball Challenge** seeks to leverage the popularity both here in WA and across the Indian Ocean Rim, and deliver a new, unique, International sporting experience set against the backdrops of Port Hedland and Karratha, the hub of Western Australia's vibrant resources economy. It is Netball WA's vision that the event drives tourism to Western Australia, brings elite international training squads to Perth and the new State Netball Centre, promotes participation in grassroots netball, creates vibrant and engaged communities and profiles the sport and the state throughout Asia and around the world.

Driven by Netball WA's One Netball Community, the event will bring together teams from Asia and Africa and athletes from regional Western Australia including from remote indigenous communities. Together, these teams will showcase the sport in the Royalties for Regions funded world class facilities recently opened in the Pilbara; as well as provide future elite training opportunities for the State Netball Centre in Perth, due to open in October 2014.

This event will help build capacity in our regions, sustainability in our sport, leave a strong and sustainable netball legacy in our local communities and provide unique and extraordinary experiences in regional Western Australia.

The Event

The Pilbara International Netball Challenge will be the first of its kind, using the sport of netball to foster links between Western Australia and countries across Asia and the Indian Ocean Rim, and delivering benefits to the local community and around the state.

An annual event held over 8 days (13th – 19th October in 2014) across Port Hedland and Karratha, the event will take advantage of the new, state of the art sporting facilities in each community: the Karratha Leisureplex in Karratha and the Wanangkura Stadium in Port Hedland.

Each of these facilities represents the pinnacle of sporting infrastructure and are considered world class. Funded through Royalties for Regions and leading resource companies operating in the Pilbara region, these two venues enable Netball WA to host an International Event of this caliber.

The first three days of the Event will feature a round robin competition involving 2 groups of 4 teams; one group based in Karratha and the other based in Port Hedland. The 6 International teams will be selected from across the Indian Ocean Rim including teams such as, Singapore, Malaysia, Sri Lanka, Hong Kong, Indonesia, India, China and South Africa. The remaining two teams will be the winner of the 2014 Western Australian State Netball League, entering its 26th year of competition in 2014, and a Western Australian Indigenous All Stars Team.

The round robin stage will be followed by a rest day incorporating a range of tourism and media opportunities before the four Port Hedland based teams travel to Karratha for Finals Series..

In addition to the main competition, the event will incorporate a significant community engagement program that will engage the local netballing, indigenous and school populations in development and participation programs. These programs will be linked with the elite competitors and diverse cultural heritage that each team will offer.

A range of corporate events will also be delivered including an event launch in the Pilbara, a corporate partners and sponsors function with members of the participating teams and corporate hospitality around the tournament.

This is a unique event delivering a focus on female sport and participation, and legacy into WA's regional communities.

Media

An event of this size and scope presents a unique opportunity for significant media exposure, particularly through a commercial broadcast via free to air and subscription broadcasters. The participation of Asian and African nations presents a unique opportunity for broadcast delivery into some of Western Australia's most important tourism markets.

Advanced negotiations with Fox Sports Asia have indicated strong support for this product, evidence of the sport's popularity across the Asian region. In 2012 the Nations Cup in Singapore, an International Netball Competition, was Broadcast live by MediaCorp for the first time and distributed to Eurosport, Setanta and Astro Malaysia.

In the first year of the competition, Netball WA will produce 3 x two hour programs for broadcast on Fox Sports Asia to over 170 million homes in 35 territories across Asia. Each two hour program will feature highlights from the round robin matches in both Port Hedland and Karratha, coverage of the semifinals, preliminary finals and the grand final. The broadcast will also present further opportunities for content to be drawn from around the competition such as featurettes on region.

The program will also be distributed to SuperSport in South Africa and to suitable broadcasters in each participating territory. Supersport in South Africa recently secured a new 5 year broadcast agreement with Netball South Africa to broadcast International and Premier League matches live.

Netball WA has begun discussions with local broadcasters including Channel 7 to explore a potential free to air broadcast here in Australia and are working closely with Netball Australia to ensure the opportunities are maximized with current TTNL broadcasters Fox Sport and SBS.

Broadcaster NITV (subsidiary of SBS) have approached Netball WA to incorporate within the event a documentary, to be broadcast on NITV (SBS4), following the journey of the local indigenous all-stars team and culminating in their participation in this major international sporting event. The Documentary will also look to follow the players during the event and their participation in regional and local indigenous community netball clinics.

The broadcast product itself will be owned by Netball WA, presenting a range of in-broadcast advertising opportunities for tourism and sport engagement promotions. Further opportunities such as special features around local tourism destinations leveraging off the event can be explored.

In addition to the significant exposure gained through a dedicated broadcast, the event will also attract coverage through traditional media both in Australia and internationally, leveraging the popularity of the sport in these regions.

Economic Impact on the Region and state

The Pilbara International Netball Challenge is on a scale beyond anything the Pilbara and Northwest has experienced, delivering an international sporting event across two major regional communities with significant TV exposure into Asia. The event will have a significant impact not only on the regional communities of the Pilbara and Northwest, but right across Western Australia.

We have commissioned an economist to conduct economic impact assessment of the Event and based on the Total Event budget of \$1,870,250 and a multiplier of 1.92 based on ABS data analysis for Tourism, this generates a direct and indirect economic impact for the event of \$3,590,880. We have also carried out a local impact assessment and before taking into account the economic benefit of people travelling to Port Hedland and Karratha from neighbouring towns and communities to view the event, and only utilising spend relating to the teams presence and Netball WA staff presence, there is a local impact figure of \$1,256,808 based on a budget figure of \$654,587.

As evidenced above, significant revenue will be generated in the towns of Port Hedland and Karratha as a direct result of this event. However, it is the TV exposure both domestically and into Asia which carries the greatest potential for positive economic impact.

Livability Impact on the Region and State

This event will enhance the Pilbara Development Commission "Livability" Campaign and assist greatly in the drive to present cities such as Port Hedland and Karratha as vibrant, growing communities where workers can move and live with their families. The Event will provide opportunities for local families to engage in local sporting life and experience extraordinary events in their communities. The creation of documentary programming around the event will only serve to enhance peoples understanding of the region and offer opportunities to target specific groups both internationally and domestically for future tourism opportunities.

Within the local communities, the project will showcase and utilize two major pieces of sporting infrastructure in the Karratha Leisureplex in Karratha and the Wanangkura Stadium in Port Hedland, two world class facilities which represent a \$100 million investment across the two communities. As well as maximizing this world class infrastructure, the event's delivery will help strengthen a range of services and help build capacity throughout the local communities. Within the local sporting community alone, the event will strengthen local clubs, drive memberships and use of infrastructure and provide a pinnacle event to engage the membership (as well as offer entertainment for the wider community), all of which deliver on the State Government's vision to improve the livability of the region.

The presence of the international teams will deliver unique opportunities for the local communities to embrace and celebrate these visiting cultures. Programs to be delivered through schools and in the community will provide education and awareness of each culture and create a wider experience around the event.

Event Participants

The inaugural year of the Pilbara International Netball Challenge will feature 8 teams: 6 international teams selected from across Asia and the Indian Ocean Rim, as well as two representative teams from Western Australia.

Asia Representative Teams

Up to 6 teams will be selected from across Asia and the Indian Ocean Rim, from countries such as Singapore, Malaysia, Sri Lanka, Hong Kong, Indonesia, India, China and South Africa. Each team will consist of 22 athletes, coaching and support staff, selected to maximize this unique development opportunity. Countries selected to participate will be chosen in consultation with Eventscorp to ensure key markets are targeted. Four of the countries included in our list - Singapore (3), Malaysia (4), China (7) and South Africa (10) - represent a combined total of 24% of the International visitors to WA.

State Netball League Championship Team

The Western Australian State Netball League (SNL) is entering its 26th year of competition in 2014, and represents the highest level of competition in the state. The SNL has produced some of WA's best netballers including West Coast Fever and Australian Diamond players Caitlin Bassett, Kate Beveridge and Susan Fuhrmann. The 2014 SNL champions will be invited to participate in the Pilbara International Netball Challenge, showcasing their skills against International competition and providing a unique development opportunity for the rising stars of the sport in Western Australia.

Indigenous All Stars Team

Selected from across Western Australia, the Indigenous All Stars Team will bring together the best indigenous talent in a representative side for the opportunity to compete on an International stage. Western Australia has an outstanding reputation for developing young indigenous netballers with current West Coast Fever member Josie Janz from Derby an example of local indigenous talent competing at an elite level. As well as providing an outstanding development opportunity, selection in this team will give an experience that will impact on these young players' lives for years to come. It also represents a unique opportunity to support our best indigenous athletes, ensuring a clear performance pathway and opening the door to potential funding and sponsorship programs for the future support of our best indigenous athletes.

Beyond the participating teams, a range of government and corporate officials and representatives will be extended an invitation to engage in the event from across each representing country, fostering new and strengthening existing relationships with Western Australia.

In the Region

Netball is one of the highest participation sports in Western Australia - the Pilbara and Northwest regions being no exception.

With nearly 2,000 players and coaches across 119 teams, the Northwest alone is home to some of the most competitive and passionate netballing communities in the state. Each year, the region is host to the North West Netball Championships, bringing together local communities in a two day competition and showcasing the regions rising stars. Other programs unique to the region include the Shooting Goals program run in partnership with the West Coast Eagles and Swan Districts Football Club, and the Youth Engagement Program for Girls which launches in the Kimberly in early 2014 and is projected to expand into other indigenous communities across the North West in 2015 and 2016. This program, funded by the Department of Aboriginal Affairs and (in the process of securing funding from) Lottery West, creates educational and self-improvement goals through the sport of netball and will be implemented in District High Schools in Halls Creek and Fitzroy Crossing.

In support of this strong, local netballing presence, Netball WA delivers a wide range of development programs and competitions in the region to help develop and grow participation and competition. Through Netball WA's community team, programs such as NetSetGo!, ScoolNet, West Coast Fever Cup and West Coast Fever Fastball provide year round opportunities for open participation in the sport through local schools and community groups.

The Community Engagement

Engaging the local community will be a key priority of the Pilbara International Netball Challenge. Through the establishment of a local volunteer workforce and engagement with the local netballing and school communities, the event will ensure whole of community participation and access.

Opportunities will be created to provide interaction with the visiting teams, coaching and development clinics, public participation events and money can't buy experiences in Port Hedland, Karratha and the surrounding communities. The schedule of events has been designed to maximize the presence of the elite athletes and allow them to engage with the local communities on each day of competition.

The Event will also create a legacy for netball in the region through the appointment and funding of a Regional Development Officer resident in the Pilbara from mid 2014 and beyond. This is a vital development as it is extremely challenging to deliver to such remote communities, both from a cost and a consistent delivery perspective, without a constant presence. Included within the annual budget of the event is a fully funded position which will further enhance the already strong role the sport plays in this important economic region of the State.

More than 10,000 people will be given the opportunity to experience this unique event and the wide range of benefits it will deliver to the region, through the multi-cultural education, development and participation programs.

Proposed Organisational Structure and Governance

With a track record of delivering some of Australia's best major entertainment and sporting events, Netball WA would look to work closely with Eventscorp to draw on these experiences and develop a steering committee and organisational structure that will ensure the event is delivered to the highest standards.

As the event owner, Netball WA has an experienced team that will lead and drive the delivery of the event alongside Eventscorp staff. Netball WA's team includes:

Simon Taylor – CEO

More than 20 years of experience in the delivery of professional sport, mass participation events and sport administration. Has delivered events including the University Games (National and Regional) University Championships and Winter Sports Championships, West Coast Fever and Reds Rugby Fixtures and the creation of the BHP Aquatic Super Series

Richard Doggart – Chief Business Development Officer

More than 20 years of experience in the creation and delivery of International Events in the UK, Europe, Asia and Australia. Having worked with International Governments/Companies/Brands such as Cathay Pacific, Motorola, PWC, Singapore Tourism Board, Microsoft, Compaq, Cable and Wireless, JP Morgan, Schroders, Morgan Stanley, Richard is well placed to deliver an event of this caliber.

Amanda Gohr – General Manager – Commercial, Marketing and Communications

Amanda's experiences include ...

Stuart Gilsenan – General Manager of Operations

More than 15 years of experience...

Helen Robinson – Events Manager

Has overseen the delivery of both the West Coast Fever and the State Netball League since their inception, Helen is one of the most experienced event deliverers in Australian netball.

About Netball WA and the Sport

Our Vision - One Netball Community driving Western Australia's leading sport.

Netball WA is the governing body for netball in Western Australia and operates as a not-for-profit organisation entering its 90th year of operation in Western Australia in 2014. Guided by our vision of One Netball Community, Netball WA strives to provide access to the sport at all levels, ultimately growing participation and engagement and empowering local communities across Western Australia. We provide a platform for all ages and levels to participate, together with the competitive environment in which members can reach their potential in the sport.

The highest female participation sport in Western Australia, netball is played in every major city and town in WA and remains a central part of community life across the state. Netball's longevity and participation numbers continue to position it as a sport that contributes to health, wellbeing and positive life experiences in modern society.

Netball WA has over 40,000 competitive members, with a further estimated 40,000 women and girls participating in organised social netball at a local level.

Netball WA has an outstanding reputation for event delivery at an international level via the ANZ Championship and Australian Netball League. In 2013, Netball WA

took a round fixture to the Perth Arena, showcasing the sport in a world class facility and drawing a 7,000 strong crowd in attendance.

Netball WA's staff have significant event delivery experience across a range of international events including Australian Diamonds Matches, Olympic Games and Commonwealth Games. This experience and knowledge in event delivery at an elite level will ensure the highest standards are applied to this event.

Proposed Budget for event

TBC

Risk

Netball WA will seek to work closely with Eventscorp to undertake a thorough risk assessment of this event to ensure its successful delivery and lasting legacy on the Western Australian community.

WA Government and Eventscorp Support – Event Investment

Netball WA is seeking Eventscorp support as an Elite partner across the first three years of this event. With a total event budget of \$1,870,000, Netball WA is seeking a cash contribution of \$750,000 per annum (ex GST) for the first three years of the event, with a view to extend for a further three years prior to the conclusion of the event in 2016.

In addition, Netball WA is keen to engage Eventscorp in the steering committee and leverage off the offices of Tourism Western Australia throughout Asia.

Support

Throughout the development of this project to date, Netball WA has obtained significant support from a range of organisations towards this exciting new project:

"Through their participation in the ANZ Championship and Australian Netball League, Netball WA have demonstrated their capacity to deliver our sport at the highest level, and we know this event will be no exception."

Kate Palmer – CEO, Netball Australia

"The sport of Netball has an international presence, particularly across Asia, unlike most other sports and this event will provide an opportunity to showcase the sport and it's athletes on a world class stage."

XXXX XXXX – President, INF

"In the sport of Netball, Australia is unrivalled in its level of competition and performance and our team is incredibly excited at the prospect of competing with and learning from some of the best netballers in Australia."

XXXX XXXX – President, XXXX Netball Association

"Western Australia has also had one of the strongest showings of indigenous players at the highest level of our sport and this event will further promote and drive opportunities for our young indigenous and developing state league players on an international stage."

Josie Janz – West Coast Fever and State Netball League athlete

For further evidence of the support received to date for this event, see attached letters of support (Appendix XX).

Additional Opportunities

The Pilbara International Netball Challenge will present a range of unique and valuable opportunities for a range of community and commercial partners and create further unique opportunities as the event evolves from year to year.

Opportunities for commercial partners will include traditional stadium signage, team apparel branding, corporate hospitality and leveraging along with less traditional community engagement activations including school and community clinics.

Insert additional areas of thinking such as: State Netball Centre – leveraging Workshops and symposiums in the region held in conjunction with the event

Multicultural activities through out the schools in the lead up to the event and during the week of the event.

Conclusion

This event is an opportunity to showcase the largest female participation sport in Australia and across the Indian Ocean Rim, set against the backdrop of the Pilbara and NorthWest of Western Australia, the resource hub of the state.

Utilising two world class facilities and engaging the local communities of Port Hedland and Karratha, the event will deliver an incredible experience for the region, the sport and state whilst delivering a lasting legacy.

With a unique international competition as the centerpiece, the event will deliver into the Pilbara region a range of benefits such as participation and development programs, and leave a legacy on the sport including a permanent Development Officer in the region.

Beyond the sport, the event will improve the livability of both Port Hedland and Karratha, presenting the towns as vibrant and growing communities to counteract the pressures of the fly-in fly-out lifestyle.

The Pilbara International Netball Challenge is an exciting new initiative that will engage the local Pilbara community, deliver exposure for the sport and the state across the Indian Ocean Rim and one Netball WA is looking forward to Eventscorp supporting.

11.3.2 Community Development**11.3.2.1 *Matt Dann Cultural Centre Proposed Fees and Charges – Digital Cinema Equipment (File No.: 26/15/0001)***

Officer Veronica Clarke
Coordinator Cultural
Development

Date of Report 4 December 2013

Disclosure of Interest by Officer Nil

Summary

A technical upgrade of the Matt Dann Cultural Centre was completed in May 2013. The upgrade included replacing the previous 35mm projector system with a state of the art digital cinema projector and a new winch down screen.

The adopted fees and charges for the 2013/2014 financial year need to be amended to include external hire of this new equipment.

Council is requested to adopt fees and charges for the hire of these new equipment items, to take effect from 1 January 2014.

Background

The Matt Dann Cultural Centre technical upgrade was completed in May 2013 to the value of \$530,000. The upgrade included digital cinema upgrade and a winch down screen, new winch down lighting truss, as well as new lighting stock.

The upgrade provides greater flexibility to have movies and live theatre shows within a few hours of one another, with the bump in and out process being more efficient. Staffing costs are also reduced on labour intensive tasks allowing greater opportunity for technical skills training and development, improvements in customer service and the ability to show a greater number of movies and live shows.

This flexibility has enabled an increase in venue hires to be accommodated and in recent weeks some venue hirers have requested the use of the new projector and screen. A fee to hire this equipment was not established when setting fees and charges for 2013/2014.

Consultation

Benchmarking research was undertaken with three regional performing arts centres and cinemas, including Carnarvon, Geraldton and Bunbury.

Statutory Implications

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

“6.16. Imposition of fees and charges

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

** Absolute majority required.*

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

(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

(b) supplying a service or carrying out work at the request of a person;

(c) subject to section 5.94, providing information from local government records;

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

(e) supplying goods;

(f) such other service as may be prescribed.

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

(a) imposed during a financial year; and*

(b) amended from time to time during a financial year.*

** Absolute majority required.*

6.19. Local government to give notice of fees and charges

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

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.“

Policy Implications

Nil

Strategic Planning Implications

6.1 Community

6.1.1 Unified

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

6.1 Community

6.1.2 Vibrant

Provide access to recreational, cultural and entertainment facilities and opportunities.

Budget Implications

The Matt Dann Cultural Centre technical upgrade was completed in May 2013 to the value of \$530,000. The upgrade included digital cinema upgrade and a winch down screen, new winch down lighting truss, as well as new lighting stock.

The upgrade also included installation of new sound and lighting desks. The funding was provided by the Town with a contribution of \$75,000 from the Department of Education towards the winch down lighting truss, as this is a structural fixture to the building which is owned by the Education Department.

The introduction of these fees will have a positive impact on the Council budget. Based on requests in the first quarter to hire this equipment, it is estimated that over the 6 month period from 1 January to 30 June 2013, revenue will total approximately \$1,000.

Officer's Comment

Attendances at the Matt Dann Cultural Centre during 2013 are estimated to be 11,000 people over 80 events (including performances, films and venue hires). This is an increase of approx. 20% from 2012 in both attendance and events.

The new technical equipment at the Matt Dann Cultural Centre has provided improved theatre and cinema experiences for the community and has increased income due to being able to shown a greater number of films and live theatre as well as increased revenue as a result of greater activation of the Centre. The ability to hire the projector and the screen will enhance presentation opportunities with state of the art equipment.

Research has been undertaken to ascertain those fees and charges in place in other regional locations to determine a fair and reasonable fee.

The fees that have been established for this proposal are:

Community Rate (providing a public benefit / partial cost recovery):

Screen Use Fee:	\$50.00 (Ex. GST)
Add Projector:	\$50.00 (Ex. GST)

Commercial Rate (providing a private benefit / full cost recovery):

Screen Use Fee:	\$100.00 (Ex. GST)
Add Projector:	\$100.00 (EX. GST)

Attachments

Nil

201314/192 Officer's Recommendation/ Council Decision

Moved: Cr Taylor

Seconded: Cr Gillingham

That Council:

1. **Adopts the new Matt Dann Cultural Centre fees as proposed to take effect from 1 January 2014:**

Community Rate (providing a public benefit / partial cost recovery):

Screen Use Fee:	\$50.00 (Ex. GST)
Add Projector:	\$50.00 (Ex. GST)

Commercial Rate (providing a private benefit / full cost recovery):

Screen Use Fee:	\$100.00 (Ex. GST)
Add Projector:	\$100.00 (EX. GST)

2. **Endorses the advertising of the fees and charges schedule for the equipment in accordance with the *Local Government Act 1995* section 6.16; and**
3. **Ensures that the public are 'given notice' of both the fees and charges and the 'date of effect' in accordance with the Local Government Act section 6.19.**

CARRIED BY ABSOLUTE MAJORITY 7/0

- 6:50pm Councillor Daccache declared a financial interest in Item 11.3.2.2 'General Practitioner Housing Proposed Stage 2 Development – Outcomes of Business Plan Advertising (File No.: 15/01/0020)' as he has BHP Billiton shares over the statutory threshold.
- 6:50pm Councillor Melville declared a financial interest in Item 11.3.2.2 'General Practitioner Housing Proposed Stage 2 Development – Outcomes of Business Plan Advertising (File No.: 15/01/0020)' as he is a BHP Billiton employee.

Councillors Daccache and Melville left the room.

Note: Chief Executive Officer advised that a reduction to five in the number of elected Members required at a Council meeting to make an absolute majority decision has been approved by the Department of Local Government and Communities as per the letter attached below.

11.3.2.2 General Practitioner Housing Proposed Stage 2 Development – Outcomes of Business Plan Advertising (File No.:15/01/0020)

Officer	Gordon MacMile Director Community Development
Date of Report	25 November 2013
Disclosure of Interest by Officer	Nil

Summary

A proposal was received (July 2013) from BHP Billiton Iron Ore (BHPB) to construct Stage 2 GP Housing on Lot 5551 Dempster Street, Cooke Point.

Council endorsed (August 2013) the preparation and advertising of a business plan, outlining the proposed development by BHPB of an additional 3 houses for general practitioner use.

No submissions were received during the business plan's statutory advertising period.

Council is therefore requested to endorse the negotiation and execution of a development agreement with BHPB for Stage 2 (3 additional houses) GP Housing on Lot 5551 Dempster Street, Cooke Point.

Background

Throughout 2010 and into early 2011, the Town of Port Hedland prepared and advertised a business plan for development (stage 1) of general practitioner housing in Cooke Point.

The OCM (April 2011) resolved to receive the report on submissions and to continue with development of general practitioner housing at Lot 5551 Dempster Street, in accordance with business plan and section 3.59 of the *Local Government Act*.

Subsequently, the Town invited tenders for the design and construction of both the civil and housing components with the project split into two stages, with Stage 1 comprising the civil and earth works for the entire site, as well as the construction of 5 houses for the accommodation of GPs.

GP Housing – Stage 1 Development

The brief for the design of dwellings was to provide “Executive” style housing to attract and retain general practitioners. The understanding of “Executive” nature of the houses should be translated to their size and number of rooms as opposed to the type of internal fittings and fixtures.

Funding for the construction of the 5 GP houses was comprised of contributions from BHPB, the State Government (Royalties) and the Town. Additional funding provided by BHPB ultimately allowed for the construction of 7 houses in Stage 1.

Allocation of Stage 1 GP Houses

The construction project and subsequent allocation was intended to provide quality subsidised leased housing to general practitioners who support the Port Hedland community and was focused on:

- Assisting in the retention of existing general practitioner / emergency services
- Encouraging and facilitating the expansion of general practitioner service levels and availability
- Provision of specialist services not currently available
- Assisting in the provision of services linked to areas of disadvantaged health services/remote servicing/bulk billing
- Beginning to cater for future GP service requirements.

The expression of interest conducted for the allocation was oversubscribed by practices / agencies, supporting the provision of additional GP houses when the opportunity presented. The SCM (14 November 2012) endorsed the disposal of Part Lot 5551 Dempster Street, Cooke Point by way of lease of:

- 3 general practitioner houses to Kinetic Health Services (\$600 per week, to be reviewed annually in accordance with the Asset Management Plan) for a term of 3 years
- 4 general practitioner houses to the OSH Group (\$600 per week, to be reviewed annually in accordance with the Asset Management Plan) for a term of 3 years.

Signing of leases to the GP practices and occupation of the houses occurred throughout April and May 2013.

Stage 2 GP Housing Proposal

The proposal from BHPB is that with Stage 1 now complete, the company is keen to support the development of Stage 2 of the project, allowing for additional dwellings to be built for GP use. The intention is that an additional 3 houses would be built to the same standard as the Stage 1 houses, utilizing the site services that have already been installed. BHPB propose to support the development of further GP houses through:

- The execution of a development agreement with the Town of Port Hedland
- Continued utilisation of the available / vested / serviced land at Lot 5551 Dempster Street, Port Hedland
- The company funding and taking responsibility for building the additional houses by utilising an existing, mobilised contractor in Port Hedland to complete the work, endeavoring to increase the housing yield.

Upon completion, these dwellings would then be handed to the Town for ongoing ownership, management and maintenance.

Stage 2 GP Housing – Town Involvement

The intention within the proposal is for BHPB to be responsible for management of the project and construction of the houses. This part of the proposal is intended to be able to use the company's existing construction contractor relationships and 'buying power' with consideration of the Town's current resources and already committed project delivery program.

Aside from statutory approval processes, the Infrastructure Development department will be the principle project contact point for the Town. This involvement will include some preliminary input into potential contractors, specifications for housing construction quality / continuity with existing houses, as well as project reporting and communication.

Stage 2 GP Housing – Allocation

The Stage 1 housing project has secured the maintenance of GP services in South Hedland through Kinetic Health Services, as well as expanding services (days, practice hours and range of medical specialists) through the Port Hedland Medical Centre.

With the Stage 1 expression of interest process being oversubscribed (a total of 5 practices applying), preliminary discussions with BHPB has indicated support for maintaining the existing allocation process, criteria and priorities.

By maintaining the existing allocation parameters it is believed that the Stage 2 houses can continue to fulfill the unmet need and expand GP accommodation and medical services.

Consultation

The Business Plan for GP Housing Stage 2 was publically advertised for the minimum 6 week period in accordance with section 3.59 of the *Local Government Act*. Public advertising / notification included:

- Town of Port Hedland website – commencing Monday, 30 September 2013
- West Australian newspaper – Saturday, 5 October 2013
- North West Telegraph - Wednesday 9 October and 16 October 2013
- Various media releases and community notices.

Statutory Implications

Local Government Act 3.59. - “Commercial enterprises by local governments

(2) *Before it —*

- (a) *commences a major trading undertaking; or*
- (b) *enters into a major land transaction; or*
- (c) *enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.*

(3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*

- (a) *its expected effect on the provision of facilities and services by the local government; and*
- (b) *its expected effect on other persons providing facilities and services in the district; and*
- (c) *its expected financial effect on the local government; and*
- (d) *its expected effect on matters referred to in the local government’s current plan prepared under section 5.56; and*
- (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
- (f) *any other matter prescribed for the purposes of this subsection.*

(4) *The local government is to —*

- (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*

- (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed undertaking or transaction 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; and*
 - (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.”*

Policy Implications

Nil

Strategic Planning Implications

Provision of GP housing is prioritised in the Town of Port Hedland Corporate Business Plan 2012 – 2016 as:

Environment (3.2 Community Facilities) - Provide adequate housing to attract GP's to the region:

- Stage 2 planned by June 2013 and constructed by June 2014.

Budget Implications

Funding for the management and construction of the proposed Stage 2 GP Housing would be provided by BHPB. The conclusion of construction will initiate an asset transfer to the Town, who will retain responsibility for the maintenance and asset management of the houses.

Normal statutory application fees apply to the development proposal.

Officer's Comment

The business plan detailing the proposal from BHP Billiton Iron Ore for Stage 2 GP Housing (construction of 3 additional houses) on Lot 5551 Dempster Street, Cooke Point has been advertised in accordance with section 3.59 of the *Local Government Act*.

The business plan closed for public comment on Friday, 15 November 2013, with no submissions received by the Town of Port Hedland. Accordingly, Council is recommended to endorse the proposed development of further GP houses through:

- The execution of a development agreement with the Town
- Continued utilisation of the available / vested / serviced land at Lot 5551 Dempster Street, Port Hedland
- BHPB funding and taking responsibility for building the additional houses by utilising an existing, mobilised contractor in Port Hedland to complete the work, endeavoring to increase the housing yield.

Attachments

1. Business Plan – GP Housing Stage 2 (lot 5551 Dempster Street, Cooke Point) (Under Separate Cover)

201314/193 Officer's Recommendation/ Council Decision

Moved: Cr Taylor

Seconded: Cr Gillingham

That Council:

1. **Proceed with the business plan for a major land transaction with BHP Billiton Iron Ore in accordance with section 3.59 of the *Local Government Act 1995* for the construction of 3 additional GP houses on Lot 5551 Dempster Street, Cooke Point; and**
2. **Authorises the Chief Executive Officer, or delegate(s), to draft a development agreement between the parties, reflective of the terms contained within the business plan.**

CARRIED BY ABSOLUTE MAJORITY 5/0 (MINISTERIAL APPROVAL FOR REDUCTION IN ABSOLUTE MAJORITY NUMBER RECEIVED)

6:51pm Councillors Daccache and Melville re-entered the room and resumed their chairs. Deputy Mayor advised them of Council's decision.

11.3.2.3 North West Festival - Outcomes of 2013 and Delivery of 2014 Festival (File No.: 03/02/0005)

Officer Lorna Secrett
Manager Community
Development

Date of Report 20 November 2013

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to provide a review of the 2013 North West Festival and for Council to endorse delivery of the 2014 event.

Background

The OCM on 28 March 2012 resolved (201112/390):

“That Council awards Tender 11/29 – High Profile Event in Town of Port Hedland to Sunset Events to deliver the 2012 event (on the basis of Sunset Events’ tender submission), noting the following:

- 1. The 1 + 1 + 1 term of engagement offered in the tender, and that a review of the 2012 event will be undertaken and reported to the Council prior to delivery of subsequent events in 2013 and 2014.*
- 2. That a payment of up to \$250,000 will be provided to Sunset Events as an event management fee. This will be deducted from ticket sales and additional sponsorship received and determined at the end of the event. There is no payment of management fees to Sunset Events until after the event.*
- 3. That if the event records less than \$250,000 in ticket sales and additional sponsorship, then the shortfall will be allocated from the following year’s surplus (if a surplus is achieved). This accrued shortfall will be in addition to the management fee payable in relation to that year. If there is an accrued shortfall at the end of the contract period, whenever that may be, there will be no liability to Town of Port Hedland.*
- 4. That Part 2 and 3 of the Officer’s Recommendation are subject to a satisfactory review of the 2012 event and subsequent delivery of events in 2013 and 2014, as detailed in Part 1 of the Officer’s Recommendation.*
- 5. That Sunset Events assumes all financial risk and therefore liability associated with a shortfall of an event in any year.*

6. *That in the event of ticket sales and additional sponsorship being in excess of \$250,000 (and assuming any shortfall in management fees has also been paid) then the surplus profit will be shared by way of 40% to Sunset Events and 60% to Town of Port Hedland.*
7. *That the Town of Port Hedland will auspice the event in all relationships with corporate partners, suppliers and Government agencies and will have full audit rights of the accounts of the event.*
8. *The indicative budget supplied as Confidential Attachment 1.*
9. *That expenditure incurred by Sunset Events will be reimbursed on a monthly basis on receipt of detailed financial statements with audited financial statements being supplied within a timely manner after 30 June of each applicable financial year.”*

Sunset Events was appointed (28 March 2012) as the preferred event manager for the North West Festival (NWF) and contracted in May 2012 following negotiations. The 2012 North West Festival was delivered on 18 August 2012.

Council resolved the following (OCM October 2012):

“That Council:

1. *Notes the review of the 2012 North West Festival*
2. *Endorses payment of the \$250,000 event management fee to Sunset Events for the 2012 North West Festival*
3. *Notes the anticipated pre audit revenue surplus of approximately \$100,000 for the 2012 NWF*
4. *Notes that 60% of the audited revenue surplus for the 2012 North West Festival will be rebated to the Town by Sunset Events*
5. *Endorses the delivery of the 2013 North West Festival*
6. *Notes that under the terms of awarding of Tender 11/29, the 2013 North West Festival will be managed by Sunset Events*
7. *Delegates authority to the Chief Executive Officer to negotiate a modification to the 2013 North West Festival cash flow from an expenditure reimbursement to the following milestone based payment schedule: 30% in month of event announcement, 15% in month following event announcement, and 55% in the month of the event.*

The 2013 North West Festival was delivered on 24 August 2013.

See Attachments 1 - 3 detailing the outcomes of the 2013 event.

Consultation

Nil

Statutory Implications

Attachment 3 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

6.1.3 Vibrant

Provide access to recreational, cultural, entertainment facilities and opportunities.

Develop a series of well attended community events.

6.1 Community

6.1.4 Rich in Culture

Promote the arts and culture.

Budget Implications

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.

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.”

Table 1: 2013 Event Funding

Organisation	Funding / Support
Town of Port Hedland	\$ 500,000
BHP Billiton Iron Ore	\$ 200,000
Atlas Iron	\$ 100,000
Eventscorp	\$ 200,000
Total	\$1,000,000

In addition to this key sponsorship provided for the event, Sunset Events sourced a number of additional corporate sponsors in the lead up to the event. See Confidential Attachment 4 - Sponsorship Breakdown.

After all expenditure, the event recorded a revenue surplus of approximately \$46,000. It should be noted that an audit is underway, in accordance with the terms of the contract, to confirm final budget figures. A payment of 60% of revenue surplus will be reimbursed to the Town by Sunset Events, in accordance with Item 6 of Council Resolution 201112/390 and the subsequent contract (see Confidential Attachment 5 – Final Event Budget).

Table 2: 2014 Event Funding

Organisation	Funding / Support	Status
Town of Port Hedland	\$ 500,000	Included in 2013/14 budget
BHP Billiton Iron Ore	\$ 300,000	Conditionally confirmed, subject to internal process
Atlas Iron	\$ 100,000	Confirmed
Eventscorp	\$ 250,000	Confirmed
Total	\$1,150,000	

Initial indications are that other existing corporate sponsors will recommit and in some cases increase their sponsorship for the 2014 event. Additional sponsors will also be sought, pending Council's endorsement of the delivery of the event.

Officer's Comment

Officers have conducted a review of the 2013 North West Festival and consider that the event satisfied all criteria of the contract with Sunset Events. The following details provide a summary of key elements of the event.

Business Development Model – 2013 Event

The aim for the second year of the event was as follows:

2012/13	Mid-tier International profile act, with Australian support, held at McGregor Reserve with community engagement strategy further developed, marketing program attracting additional intrastate audience
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The second event was held on 24 August 2013, at the McGregor Reserve in Port Hedland.

The line-up featured Paul Kelly, Bernard Fanning, 360, Grinspoon, The Black Seeds (New Zealand), Bluejuice, Abbe May, Vance Joy and local band competition winners 42 Decibels.

Attendance and Audience - 2013 Event

An estimated 3,850 people attended the event, which represents a slight increase on the previous year's attendance figures of 3,500. This increase needs to be considered in the context of a general economic downturn across the Pilbara, which occurred in October 2012. Despite this downturn, and against the trend of declining audiences at iconic Pilbara events such as the Hedland Cup, the North West Festival maintained and increased ticket sales.

This bodes very well for the future of the event and demonstrates that growth is occurring. The stronger current economic environment will also underpin and provide opportunities for the growth of the event.

A strong focus on tourism outcomes in 2013 resulted in evidence of increased 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, 20% from other WA regions and 5% from interstate. In summary 55% of total ticket sales came from outside of Port Hedland. This is an outstanding result and shows the spread of interest in the event and reflects the demand in the region and surrounds for a pinnacle, draw card event.

Around 50% of patrons camped at the venue, confirming that the camping experience continues to resonate with patrons.

There were no major issues arising out of the event which was well managed and has received extremely positive feedback from all stakeholders, including the Police, and especially the public.

Financial Outcome - 2013 Event

The 'Budget Implications' section of this report detailed that the event recorded a pre-audit revenue surplus of approximately \$46,000. This is after payment of the event management fee to Sunset Events. Based on this assumption, this means that there will be a surplus of approximately \$27,000 for distribution back to the Town of Port Hedland. The final figure will be confirmed once an audit of the event has been provided.

Sponsorship - 2013 Event

The 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.

Community Engagement - 2013 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, this year added exciting elements 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:

- New partnership in 2013 with Sony Foundation
- 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 organizations 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.

Marketing - 2013 Event

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 future 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.

Operational - 2013 Event

A summary of the feedback received is included in Attachment 1.

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 next year, subject to Council's decision to proceed. The scheduled date will seek to avoid clashes with other key regional events and provide a high profile draw card act.

There is an opportunity to expand the Festival in 2014 from the present format to incorporate Friday and Sunday events. This would introduce new activities, broaden the Festival demographic and encourage multi night stays.

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 – 2014 onwards

The 2014 event represents the final year of the current event management contract. 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

The 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 its stakeholders.

Additional funds were allocated to enhancing the artist line-up this year and to include an international artist. The line-up was very well received and helped underpin ticket sales, with an increase recorded.

A strong focus on tourism outcomes in 2013 has 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 provides 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.

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

The operational/patron enjoyment from the event was extremely pleasing. This positive feedback surrounding the event is reflected in Attachment 1.

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. North West Festival 2012 – Feedback Report (Under Separate Cover)
2. Community Engagement Strategy Report
3. Confidential - Final Event Budget (Under Separate Cover)

Officer's Recommendation

That Council:

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. Endorses the delivery of the 2014 North West Festival; and
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.

201314/194 Council Decision

Moved: Cr Taylor

Seconded: Cr Melville

That Council:

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; and**
- 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.**

CARRIED 7/0

Reason: Council believe that the Town will have a better understanding of its financial position in early 2014.

ATTACHMENT 2 TO ITEM 11.3.2.3

NWF 2013 Community Engagement Programs & Outcomes

Review – Mark Davis, Coordinator Community and Youth Development

Key Themes for 2013:

- Further growth and improvement on the 2012 community engagement program
- Starting to build ‘fringe’ festival offerings
- Continue to link local organisations and community groups with opportunities around the festival
- Increase environmental elements in partnership with local community groups
- Building of pre event hype through lead up events

Additional Opportunities for 2014:

- 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’ to create further exposure

Program Summary and Outcomes:

Engagement Area	Program	Description	Outcomes
Youth	Event Management Youth Mentoring Program	This 3 part program was designed to give students both a theoretical and practical understanding of Event management. The fundamentals of outdoor events including marketing, planning, programming, budgeting was explained over two afternoons of interactive workshops at the JD Hardie Youth Zone (JDYZ).	7 students aged between 13 and 17 attended the full program. Students were sourced through the student council & The Hood Hip Hop dance troop. All students were engaged in the program and the TOPH/Sunset have a very positive response from both students & parents. There is already talk of this group of young people organising a small

<p>event together.</p>	<p>A number of youth who attended the Jam session also participated in the SLAM.</p> <p>These young people had the opportunity to further build upon their skills by making announcements over the microphone, choosing music to be played on the loud speakers and developing mc skills.</p> <p>The event attracted 65 young people – the majority of whom were Indigenous.</p> <p>The event has helped continue to raise the profile of the SLAM program – which is a key diversionary event for the community.</p>	<p>Engage young performers and MCs to participate in the SLAM</p> <p>Include beat boxing competition</p>	<p>SLAM with a Band</p>
<p>The JAM is a regular JDYz event.</p> <p>The Jam session held prior to the NWF created excitement amongst the youth who learnt about their favorite bands attending NWF.</p> <p>These bands songs were used for ‘Karaoke’, beats broken down into instrument use.</p> <p>The program was attended by 12 youth (7 male, 5 Female) with an</p>	<p>Have a special JAM session the week of the event at the JDYz to help market current program</p>	<p>NWF Jam Session</p>	

			average age of 12. Youth loved this program and fed back that it made them feel a part of the excitement.
	Urban Art	Display of a 14.5 meters long spray painted panels with a "Drug awareness – Know what you're getting into" Healthway Official message. These long banners have been done by local young people, facilitate by a local urban art artist and happened as a part of the Portbound Youth and Health festival.	Displayed on the right of the stage next to NWF sponsor banners, to raise awareness of the initiative.
Health and Wellness	Sexual Health Promotion	Pilbara Population Health were involved by way of promoting sexual health through giving out free condoms with STI check information attached, 'condom tree' in the camping area, and promotional posters in the backs of toilets.	PPH reported both the 'condom tree' and distributing condoms within the festival being very successful and receiving good feedback from patrons. PPH expressed her gratitude for allowing her to be involved and expressed an interest in doing so again in 2014.
	Fitness Program	YMCA offered free classes on the morning of the festival as a 'festival warm up' to any NWF ticket holders	The YMCA program benefited from extra advertising as part of the 5 point countdown and helped to give the festival a 'health conscious' image. Instructors reported that programs were quite busy on the day.
Economic	Tourism Opportunities	A number of tourism opportunities around the festival were advertised as part of the 5 point countdown.	Promotion of local programs and community initiatives to encourage visitors and tourists to participate.
General	5 Point countdown	Things to do in town before the festival – marketing and community engagement Use of NWT page for TOPH	Advertised: <ul style="list-style-type: none">• NWT Entertainment section

			<p>editorial</p> <ul style="list-style-type: none"> • NWT TOPH Advertorial • TOPH Press Release <p>Good engagement from community groups, and the initiative provided exposure and marketing for these community groups/organisations.</p> <p>Key marketing opportunity for the community engagement and provided further exposure to the community engagement initiatives.</p> <p>117 tickets sold. Feedback was that the event was fantastic from those who attended.</p>
<p>Environment</p>	<p>Fringe Event</p>	<p>Matt Hale, comedy Hypnotist performed at the Matt Dann Cultural Centre.</p>	<p>Greater patron participation in the recycling program. 40% recycling of the festival's solid waste (predominately paper and cans) was achieved – a great outcome</p> <p>Approximately 60 people participated in the Rockstar reef tours.</p>
<p>Arts</p>	<p>HARTZ art project</p>	<p>Green cash initiative was continued, whereby patrons received 'festival cash' which could be used for merch or at the bar in return for collected bins full of cans.</p> <p>Care for Hedland continued their beverage-recycling program and expanded to include plastics.</p> <p>Care for Hedland also hosted a series of 'Rockstar Reef Tours' giving a tour of some of Hedland ocean wildlife in the lead up to the festival.</p> <p>Greening Australia also hosted a stall in the eco area.</p> <p>HARTZ (not for profit, community arts group) hosted a flag painting activity onsite at the festival which were then pegged along string on display.</p>	<p>HARTZ ran a great, interactive activity for all ages. Build on recognition from previous year. Well received from patrons. Visually added to the festival vibe.</p>

11.4 Corporate Services**11.4.1 Finance****11.4.1.1 *Interim Financial Reports to Council for the Period Ended 31 October 2013 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Kalwant Dhillon
Manager Financial Services

Date of Report 31 October 2013

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activities of the Town for the period ended 31 October 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. *Interim Financial Statements***

The following interim financial reports are attached for the period ended 31 October 2013:

- Statement of Interim Financial Activity (Attachment 1 – see Schedules 2 to 14);
- Statement of Interim 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 11 December 2013 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.”

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
- Report on all Budgeted Grants of \$50,000 or more
- Irregular 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.

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

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 Interim Financial Activity. Pages 2
 - 1.2 Notes 3 to 11 which form part of the Interim Statement of Financial Activity. Pages 3 to 18
 - 1.3 Schedule 3 -14, Detailed Interim 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. October 2013 Listings for Payment (Under Separate Cover)

201314/195 Officer's Recommendation/ Council Decision**Moved: Cr Taylor****Seconded: Cr Hooper****That Council note the:**

1. **Financial Statements as at 31 October 2013;**
2. **Graphic representation of the Town's energy, water and fuel use;**
3. **List of Accounts paid during October 2013 under Delegated Authority; and**
4. **Financial Statements will remain interim until after all year end processes are undertaken and the audit of the Financial Statements for 2012/13 are adopted by the Council.**

CARRIED 7/0

11.5 Office of the CEO

11.5.1 Organisational Development

11.5.1.1 *Audit and Finance Committee Membership, Expressions of Interest Received from Community Members (File No.: 13/05/0002)*

Officer **Clare Phelan**
Director Corporate Services

Josephine Bianchi
Governance Coordinator

Date of Report **20 November 2013**

Disclosure of Interest by Officer **Nil**

Summary

This report presents to the Council the expressions of interest received from community members interested in becoming a member of the Audit and Finance Committee and makes a recommendation to the Council for the appointment of one community member.

Background

The Council at its Ordinary meeting of 23 October 2013 resolved the following:

“That Council:

.....

3. *Request the Chief Executive Officer, or his delegate(s), issue a public notice seeking the appointment of 1 suitably qualified community member to the Audit & Finance Committee;.....”*

A public notice to this regard was inserted in the local newspaper and was supported by a media release sent out to all stakeholders together with posts on the Town’s social media channel.

Four applications have been received and the Council is required to consider them.

Consultation

Internal

- Chief Executive Officer
- Director Corporate Services
- Director Community Development

- Manager Financial Services

External

- Department of Local Government and Communities - Audit Committees in Local Government Guideline No. 9

Statutory Implications

5.10. Committee members, appointment of

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*

....

(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

....

5.11. Committee membership, tenure of

(1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —

- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
- (b) the person resigns from membership of the committee; or*
- (c) the committee is disbanded; or*
- (d) the next ordinary elections day, whichever happens first.*

(2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —

- (a) the term of the person's appointment as a committee member expires; or*
- (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
- (c) the committee is disbanded; or*
- (d) the next ordinary elections day, whichever happens first.*

Town of Port Hedland Local Law on Standing Orders

Appointment of Committees

19.3 Any motion to establish a committee shall contain-

- a. the duties and any delegations proposed to be entrusted to the committee;*
- b. the number of members intended to constitute the committee;*

- c. *the term of establishment of the committee;*
- d. *details of when the committee is to meet and how it shall report to council.*

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
6.4	Local Leadership
6.4.2	Community focused
	Local leaders in the community who provide transparent and accountable civic leadership.

Budget Implications

Costs associated with advertising for the committee are included in the Town of Port Hedland 2013/14 Budget as operational expenditures.

The community member position is not a remunerated position.

Officer's Comment

Following each ordinary local government election the membership of all committees established by the Council is required to be reviewed. This is also considered as an appropriate time to review the committees' terms of reference.

The terms of reference for the Audit & Finance Committee were established at the Ordinary Council meeting of 23 October 2013, where the Council also decided that a suitably qualified community member should be sought.

Following the publication of an expression of interest by way of public notice, media release and social media, the Town has received four applications; these have been attached accordingly.

The notice stated that the community member would be expected to hold formal qualifications within the areas of finance, governance, risk management and/or auditing at a corporate level and was required to submit a curriculum to showcase relevant work experience together with a cover letter outlining the reasons behind their willingness to be on this committee.

Summary of applications

Camilo Blanco

Mr Blanco's email referencing the Town's expression of interest notice is attached. Mr Blanco did not submit any reference to his qualifications, work experience or reasons for which he wishes to be on the committee. The Town made contact with Mr Blanco to remind him of these requirements and offered him the opportunity to submit this information so that his application could be considered. As Mr Blanco did not respond to the Town, his original email remains the only piece of information upon which the Council can base its decision upon.

Arnold Carter

- Qualifications – managed, financed and successfully promoted over 15 companies in Port Hedland over the last few decades
- Curriculum showcasing relevant work experience –
 - Recently concluded 29 years in local government
 - Chairman of this Audit and Finance Committee for the past 10 years
 - Local government accounting and general commercial accounting
- Cover letter outlining the reasons for wanting to be on the committee

As a long-standing resident of Port Hedland with extensive experience in local government Mr Carter outlined how he would utilise his understanding of local government accounting practices to drive the Pilbara Cities vision, if elected as a community member of the Audit and Finance Committee.

Rachel Rolston

- Qualifications – Double degree in Finance and Accountancy
- Curriculum showcasing relevant work experience –
 - Director at ITP Pilbara
 - Service consultant at ANZ
 - Various roles within the hospitality industry
- Cover letter outlining the reasons for wanting to be on the committee

Ms Rolston's cover letter outlines how her involvement in a Town's small business will offer insight into operation and compliance effects of prospective situations to the business community. Her academic qualifications will offer the committee a wide accounting and finance perspective. Lastly her genuine interest in the local community will bring a fresh and diverse perspective to the Audit and Finance Committee.

Bill Hrambanis

- Qualifications –
Strong Business Development Ability
Excellent credit acumen (strong balance sheet lending experience)
Team leadership and mentoring experience
- Curriculum showcasing relevant work experience –
 - Senior Relationships Manager – Westpac
 - Terrington Consulting
 - Commercial Broker Manager, ANZ
 - Relationship Manager – Commercial, ANZ
- Reasons for wanting to be on the committee

Mr Hrambanis verbally advised the Chief Executive Officer of his interest in becoming a member of the Audit & Finance Committee. Mr Hrambanis believes that his extensive experience in the banking coupled with his genuine interest in the growth and prosperity of the town will make him a great asset to this committee.

An internal evaluation panel has considered each application as part of an assessment matrix, which has been attached for the Council's reference.

The panel is making a recommendation to the Council based on the scoring outlined in the matrix but the Council may wish to consider alternative options.

Option 1 – recommended by evaluation panel

That the Council appoint Mr Bill Hrambanis as community member of the Audit and Finance Committee as per the panel's assessment matrix.

Option 2

That the Council select a different community member to be appointed to the Audit and Finance committee.

Option 3

That the Council appoints more than one community member to the Audit and Finance committee. Should the Council decide to take this option it should be noted that the Terms of Reference of the Audit and Finance committee will have to be changed to allow for an additional community member as part of its membership, and a reason for this change will have to be provided. It is also recommended that Council takes into consideration the number of members of the committee; for voting and quorum purposes it is considered best practice to have an odd number of members at all times. The balance of the membership should also be considered as is not best practice to have an equal or higher number of community members than elected members on a committee which has been established, is managed and is run by a local government.

Attachments

1. Email from Mr Blanco
2. Cover letter from Ms Rachel Rolston
3. Resume from Ms Rachel Rolston (confidential) (Under Separate Cover)
4. Letter from Mr Arnold Carter
5. Bill Hrambanis employment history (confidential) (Under Separate Cover)
6. Assessment Matrix (confidential) (Under Separate Cover)

201314/196 Officer's Recommendation/ Council Decision**Moved: Cr Taylor****Seconded: Cr Daccache****That Council:**

1. **Acknowledges all applications received and thanks all community members for their interest in submitting an application to become a member of the Audit & Finance Committee;**
2. **Appoints Bill Hrambanis as community member to the Audit and Finance Committee; and**
3. **Invites all other community members that have submitted an application to participate as observers in all future Audit and Finance Committees.**

CARRIED BY ABSOLUTE MAJORITY 7/0

201314/197 Council Decision

Moved: Cr Taylor

Seconded: Cr Gillingham

That Council request the Audit & Finance Committee to consider amending the terms of reference for the committee including the number of community members represented on the committee and recommend any changes required to Council.

CARRIED 7/0

ATTACHMENT 1 TO ITEM 11.5.1.1

Dear Camilo,

Thank you for your expression of interest in the Community Position being made available on the Town's Audit and Finance Committee.

Your submission will be considered together with any other submissions received.

Kind regards, Mal Osborne

CEO
Town of Port Hedland
Phone 91589313

On 03/11/2013, at 8:01 PM, "Camillo Blanco" <blanco30@bigpond.com> wrote:

I am formally requesting that I be considered for the Community position on the Audit and finance committee, I find it very concerning that the media release states **"You will be expected to hold formal qualifications within the areas of finance, governance, risk assessment and/or auditing at a corporate level."**

Can you explain how the town can have the audacity to make it a requirement to hold corporate level qualification, when the very staff that are supposed to be qualified have neglected their responsibility by allowing a deficit to evolve in this year's budget and constantly restricting information release by all means possible, which has created a deceptive cloud around everything to do with finance at the town of Port Hedland. Do the councillors on the committee hold the specific requirements you are requesting from the public member? because over the past few years I have been gobsmacked with the lack of financial ability from our elected members.

This will obviously stop anyone with the courage to force 'transparency and accountability' as stated from your own media release from applying for that committee position. Before asking for qualification from the community representative, the questions that need answering is how has the town been able to degrade the finances to a deficit position, even with intense audit scrutiny and heavy financial legislative requirement?

Do the staff and people making financial decisions for the town hold formal qualifications within the areas of finance, governance, risk assessment and/or auditing at a corporate level? Same as what you are requiring from the public representative.

It's all very well having a paper displaying relevant qualification but do the personnel have the foresight and basic understanding that boils down to, 'live within our means?'. I have not been convinced that within the town's financial group that attitude has developed even after the speeches you have made requiring harsh cuts at all levels of the town operations.

Is this community position just a token gesture from the town to mislead people into believing 'open accountability' or are you trying to do the right thing? Time will tell, you know I will scrutinise and demand accountability, force the best outcome for my town, you know I'm a pain in the ass that's why I should be on that committee, so make it happen.

Regards,

Camilo Blanco

Hedland Automotive

PH: 089172 5611

Fax: 089172 5601

Email: blanco30@bigpond.com

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ATTACHMENT 2 TO ITEM 11.5.1.1



PILBARA
Accounting
& Tax

Accounting & Tax

Bookkeeping Services

Affordable Business Solutions

Tax Planning

MYOB Products



**THE INCOME TAX
PROFESSIONALS**

Application for member of the Audit and Finance committee for Town of Port Hedland.

I feel that my involvement on the committee will offer a diverse perspective. I am director of a small Hedland based business so I have views that express the interests of small businesses in Hedland. My involvement will offer insights into the operational and compliance effects of prospective situations to the business community. Furthermore my close work with other small businesses as an accountant will offer wider insight into town business sentiment and perceptions of local businesses.

Additionally my double degree in Finance and Accountancy offers a wide accounting and finance perspective. This training covers a variety of issues important to any corporate body. From Corporate Social Responsibility to accountability metrics for not for profit organisations I have a strong academic background to understand a variety of complex Finance matters.

Lastly, I am an active member of both Netball and Touch in Port Hedland and enjoy the team environment of social sports. I have lived in Port Hedland for 18 months and in this time have purchased a local business and now jointly operate that business.

In summary, Port Hedland has a diverse population and I feel I represent these interests in both my professional life and personal life.

Thank you for the opportunity to apply for the committee

Regards,

Rachel Rolston

Director Pilbara accounting & Tax

Shop 31A South Hedland Shopping Centre
Throssel Street
South Hedland WA 6722
Email: admin@pilbaraitp.com.au
Ph: (08) 9172 2062
Fx: (08) 9140 1991

ATTACHMENT 4 TO ITEM 11.5.1.1

A. A. Carter
P.O Box 217
Port Hedland WA 6721

Community Representative for Audit and Finance Committee

In reply to your request for the above, I wish to record a EOI for this committee.

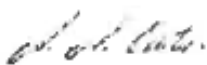
Having recently concluded 29 years contribution to Local Government, particularly in the role of a member and of last ten years Chairman of this committee, I do consider that I have the knowledge, experience and expertise to assist in the councils financial planning and accountability.

During my period of living in Port Hedland I have managed, financed and promoted over 15 companies all of which have been successful.

I am also aware of the difference in Local Government accounting and general commercial accounting. Also the importance of budget income and expenditure control.

I am very interested in the future of Port Hedland and do consider that I could contribute together with the committee members. A very verbal and constructive management advisory resource in assisting council make their very important decisions in the Pilbara City, project planning and realistic conclusion

Regards



Arnold Carter

ITEM 12 LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/COUNCIL

201314/198 Council Decision

Moved: Cr Daccache

Seconded: Cr Hooper

That Council accepts the following late items:

12.1 Port Hedland International Airport – Transition to become Security Screening Authority (File No.: 08/02/0025)**12.2 Making of Repeal Local Law 2013****12.3 Review of Town of Port Hedland Working Groups and Forums and Rescinding of Policy 1/012 (File No.: 13/05/0002)****12.4 Minutes of the Audit & Finance Committee Meeting held on Monday 2 December 2013****12.6 Consideration of Public Comments- Ausco Business Plan (File No. 08/03/0005)***CARRIED 7/0***12.1 *Port Hedland International Airport – Transition to become Security Screening Authority (File No.: 08/02/0025)*****Officer****Anna Duffield**
Airport Development
Officer**Date of Report****25 November 2013****Disclosure of Interest by Officer****Nil****Summary**

This agenda item provides an update on the transition to establish the Town of Port Hedland as the designated security screening authority for Port Hedland International Airport due to Qantas' withdrawal in April 2014.

Council approval is sought to engage incumbent service provider, MSS Security, on a short-term basis due to regulatory processes. It should be noted that a full tender process will be undertaken following the transition.

A budget allocation of \$1,241,954 is sought to engage MSS Security noting the expenditure will be fully cost recovered. It should be noted that new fees and charges are being negotiated with airlines and the proposed fee will be brought to Council in early 2014.

Background

Current security screening services

As Port Hedland International Airport has security screened air services (such as Qantas and Virgin Australia regular passenger transport services) it is required to provide full baggage and passenger screening services. These services are regulated through an approved screening authority and screening agent.

Qantas Airways currently provide the baggage and passenger screening services at Port Hedland International Airport. MSS Security is contracted by Qantas to provide these services. The passenger screening equipment is owned by Qantas, while the checked baggage screening equipment is owned by the Town.

Qantas have advised they will relinquish its arrangements as the screening authority by 30 April 2014. This is based on their long-term security strategy and intent to no longer be the screening authority in any regional airport in Australia.

Regulatory approval

The federal Office of Transport Security (OTS) within the Department of Infrastructure and Regional Development approves screening agents for airports.

The approval process to become a screening authority and preparation of a transport security plan is quite complex and reliant on a number of factors. These factors do not necessarily take into consideration local government processes and procedures. These are detailed in the officer's comment.

Regional coordination

As all regional airports are affected, officers have engaged with the Shire of Roebourne (Karratha Airport) and the Shire of East Pilbara (Newman Airport) to discuss a regional approach given the likely synergies and cost efficiencies to be achieved. The Australian Airports Association and Pilbara Regional Council have also been engaged to provide oversight and strategic direction.

Challenges with Qantas withdrawal as screening agent

While OTS acknowledge they had been involved in discussions with Qantas regarding their withdrawal, the affected airports were not involved, consulted or informed until after the decision had been made. Qantas' withdrawal, within a ten-month timeframe, poses a number of challenges as noted below:

- Council capital and operating budgets for FY2013/14 have already been finalised

- lead time does not take into consideration local government processes and procedures, despite Qantas noting only six months is required to establish a screening agent
- Qantas owns the passenger screening and trace detector equipment at Port Hedland and it is reaching a stage where it is no longer economically viable to maintain

The withdrawal by Qantas as the screening authority necessitates a timely solution to ensure a seamless transfer of authority and service to maintain operational capability. The solution is required to include provision of a new screening authority, equipment and labour to provide screening services.

Consultation

Internal

- Program Director Airport Redevelopment
- Director Engineering Services
- Director Corporate Services
- Manager Airport Operations

External

- Qantas Manager Security Projects
- MSS Security General Manager
- Australian Airports Association
- Office of Transport Security
- Karratha Airport General Manager, Shire of Roebourne
- Newman Manager Airport Services, Shire of East Pilbara

Statutory Implications

Aviation regulations

Under section 16 of the *Aviation Transport Security Act 2004* the Town of Port Hedland, as owner/operator of Port Hedland International Airport, is required to ensure the security integrity of the domestic and international aviation networks. This is achieved by the preparation and adherence to the Transport Security Plan.

Procurement regulations

As per section 3.57 of the *Local Government (Functions and General) Regulations 1996* tenders are required for expenditure above \$100,000, except in particular circumstances. Such exemption is when the:

“local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.”

Council absolute decision regulations

As per section 6.8(1) of the *Local Government Act* the Town can incur expenditure for an additional purpose if it is authorized in advance by resolution.

Fees and charges regulations

As per section 6.16 of the *Local Government Act* the Town may recover a fee or charge for goods and services that it provides.

Policy Implications

The Town's Procurement Policy notes that any expenditure above \$100,000 is subject to tender process, except for unique situations.

Due to the unique nature of the security screening application process, the short timeframe and in order to minimise interruption to screening services, Council approval is sought to enter an interim 12-month agreement with incumbent provider, MSS Security.

The unique nature of the services is demonstrated further as the application to become a screening authority must provide details of the contracted service provider; and a tender to procure a screening authority service provider can only be called by a designated screening authority. Therefore the Town is unable to commit to a tender process until it is a screening authority.

Consequently, an interim arrangement is required to enable the Town to become the designated screening authority prior to Qantas' withdrawal by 30 April 2014.

It should be noted that a Pilbara Regional Council combined tender for Screening Equipment and Services will be undertaken following OTS's approval of the Town as designated screening authority.

Strategic Planning Implications

6.2	Economic
6.2.12	Gateway City & an attractive destination
	Develop the Port Hedland International Airport as a leading regional airport in the area of passenger and freight movements and customer satisfaction

Budget Implications

MSS have provided an estimate of \$1,241,954 to provide aviation security services, based on existing scope of services. This was not allocated in the Town's 2013/14 budget due to the late advice by Qantas of their withdrawal.

It is proposed that a new expenditure and revenue account is established. The MSS Security contract would be paid from the expenditure account and passenger screening service charge received in the revenue account.

The passenger security charge will be based on full cost recovery and include operating and capital expense, staffing and leasing cost. The proposed fees and charges are yet to be negotiated with the airline operators. It is recommended that the new fees and charges are bought back to Council in early 2014.

Officer's Comment

It is recommended that the Town of Port Hedland becomes the screening authority for Port Hedland International Airport and engages a third party to provide the screening services. The proposed arrangements are detailed below.

Proposed interim arrangements

The Town has an obligation to ensure security integrity of the domestic and international aviation operations at its airport.

To ensure such security services are maintained and there is a seamless transition of designated authorities, it is proposed that the Town becomes the screening authority; purchase the current Qantas equipment; and engage the existing service provider MSS Security. These arrangements would be in place until a competitive tender for services and equipment can be completed.

Screening authority application process

As per the *Aviation Transport Security Act 2004*, the Town is required to make an application to OTS to become the screening authority for Port Hedland International Airport.

The application needs to detail:

- nominated screening service provider (ie labour provider) and proof of this agreement
- authorisation by OTS that Port Hedland can operate the existing Qantas equipment
- notification by Qantas that the equipment listed (make, model and serial numbers) is to be sold and transferred to the Town
- proof of transfer and registration of irradiating equipment (such as x-ray equipment) to the Town
- proof of continuation of equipment servicing by designated agent
- amended transport security program to reflect the above changes

The application process takes at least 60 days. For the transition to take place by 30 April 2014, the application would need to be lodged by early February 2014 at the latest.

As noted above, the application is required to nominate the service provider. The allocated timeframes do not provide enough time to conduct a full tender process to appoint a service/labour provider and suitably train and certify staff. In addition a tender to procure a screening authority service provider can only be called by a designated screening authority. Therefore the Town is unable to commit to a tender process until it is a screening authority.

Therefore it is recommended that the existing service provider is contracted directly to the Town on an interim basis as detailed below.

Proposed interim arrangements – equipment

The purchase price for the in situ equipment has been negotiated for \$100 which takes into consideration the depreciated value and the equipment disposal cost (estimated between \$4000 and \$9000) which is governed by radiation legislation.

OTS have granted approval for this equipment to be used until 31 July 2014. Prior to this date, a tender to procure new equipment will be undertaken.

Proposed interim arrangements – service provider

MSS Security have provided security screening services at Port Hedland International Airport since 2009. All of their staff are local residents.

In addition to servicing Port Hedland, they currently provide aviation security services under Qantas contract at Karratha and Newman. MSS Security also provide services directly to a number of WA regional airports including Albany, Busselton, Esperance and Ravensthorpe, as well as to regional councils in Queensland and New South Wales.

Initial discussions with MSS Security indicate their willingness to continue the provision of the existing services until the formal tendering for equipment and ongoing labour services is undertaken.

Under the proposed interim arrangement MSS Security would be contracted directly to the Town for a period of 12 months and the existing incumbent team would be maintained. This approach will minimise disruption and risk associated with the transition from Qantas to the Town as screening authority.

Based on existing staffing levels and hours of operation MSS Security have provided a quote of \$1,241,954 to provide aviation security services for 12 months from 31 March 2014.

These fees would be fully cost recovered through a passenger security charge as noted below.

As previously noted, the Town is unable to progress the screening authority application without a security service provider being contracted prior. Therefore an interim arrangement is required to enable the Town to become the designated screening authority prior to Qantas' withdrawal by 30 April 2014.

Proposed interim arrangements – cost recovery

All aircraft and air operators visiting Port Hedland International Airport are subject to approved fees and charges.

The Town controls the landing and parking fees, and passenger services charges. Qantas, as screening authority, charges a separate fee for passenger screening services that they provide to all airline operators.

As per section 6.16 and 6.19 of the *Local Government Act* there are fees that may be charged for the provision of this service on a per passenger basis. This is critical to the recovery of associated screenings services costs.

It is proposed that these fees are calculated under the agreed Pilbara Airports Group (Port Hedland, Newman, Karratha) model which will include operating and capital expense, staffing and leasing cost, on an open book full cost recovery arrangement. Council approval will be sought in early 2014 to advertise the Town's intent to introduce this new fee and charge.

The proposed fees and charges are yet to be negotiated with the airline operators.

Future arrangements

It is proposed that a Pilbara Regional Council equipment and service provider tender is undertaken to achieve synergies and cost efficiencies across the region. This would be implemented in 2014/15 financial year and would link with the Town's proposed airport redevelopment program.

All asset management implications will be reported upon once clarification is provided as to potential tenderers providing equipment or whether the Town of Port Hedland is required to procure all equipment.

Attachments

Nil

201314/199 Officer's Recommendation 1/ Council Decision**Moved: Cr Hooper****Seconded: Cr Gillingham****That Council:**

- 1. Approve to establish the Town of Port Hedland as the security screening authority for Port Hedland International Airport and engage a third party to provide the screening services;**
- 2. Authorise the Chief Executive Officer or his delegate to obtain authority from the Office of Transport Security for the Town of Port Hedland to become the designated security screening authority for Port Hedland International Airport;**
- 3. Authorise the Chief Executive Officer or his delegate to engage MSS Security to provide aviation security services to the Port Hedland International Airport, on an interim basis from 31 March 2014 until the service provider tender is awarded;**
- 4. Authorise the Chief Executive Officer or his delegate to negotiate new fees and charges with the airlines for security screening services and note the proposed fee will be bought back to Council in early 2014; and**
- 5. Approves the Pilbara Regional Council to call a tender on behalf of the Town of Port Hedland for equipment and aviation security service provision.**

CARRIED 7/0**201314/200 Officer's Recommendation 2/ Council Decision****Moved: Cr Hooper****Seconded: Cr Melville**

That Council amend the 2013/14 Budget to include Screening Authority Income of \$310,488, and Screening Authority Operating Expenditure of \$310,488, with \$310,488 being one quarter of the annual contract cost.

CARRIED BY ABSOLUTE MAJORITY 7/0

12.2 *Making of Repeal Local Law 2013*

Officer Grace Waugh
Governance Officer

Date of Report 29 November 2013

Disclosure of Interest Nil

Summary

The purpose of this report is to:

1. Consider the submissions (if any) received on the proposed Town of Port Hedland Repeal Local Law 2013 and determine if any drafting amendment(s) are required to the proposed local law as a result of the submissions received;
2. Give notice of the purpose and effect of the Town of Port Hedland Repeal Local Law 2013;
3. Make the Town of Port Hedland Repeal Local Law 2013;
4. Authorise the local law's gazettal in the *Government Gazette*;
5. Give local public notice, (after gazettal), of the date the Town of Port Hedland Repeal Local Law 2013 will come into effect; and
6. Authorise the affixing of the Common Seal to the local law.

Background

At its ordinary meeting of 22 May 2013, Council resolved to commence the process to make the Town of Port Hedland Repeal Local Law 2013.

The procedure for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. A copy of the local law is also to be sent to the Minister for Local Government after the advertisement has been placed (within 10 days).

At the closure of the submission period, Council is to consider all submissions before making a local law.

Council previously resolved at the Ordinary Meeting of 25 September 2013 to make the Town of Port Hedland Repeal Local Law 2013. The Local Government Act 1995 (the Act) states that statewide and local public notice is to be given stating the purpose of the proposed local law, where a copy can be obtained and to ask for public submissions. Statewide notice was given after the 25 September 2013 Council decision however a notice was not included in the local paper as prescribed by the Act.

To ensure compliance with the Act the public notice process had to be started again to ensure that a public submissions notice was included not only in a state but also a local newspaper.

Statewide public notice was given on 16 October 2013 and local public notice on 23 October 2013, with the submission period for public comment closing on 29 November 2013.

Consultation

Internal

- Elected Members
- Executive Group

External

- DL Consulting.

Public consultation was undertaken for a period of at least 42 days with submissions being sought from the public on the proposed local law.

Comment was also sought from the Department of Local Government and Communities, as per the requirements of the Local Government Act 1995.

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.*

1.7. Local public notice

- (1) *Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —*
 - (a) *published in a newspaper circulating generally throughout the district; and*
 - (b) *exhibited to the public on a notice board at the local government's offices; and*
 - (c) *exhibited to the public on a notice board at every local government library in the district.*
- (2) *Unless expressly stated otherwise it is sufficient if the notice is —*
 - (a) *published under subsection (1)(a) on at least one occasion; and*
 - (b) *exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —*
 - (i) *the time prescribed for the purposes of this paragraph;*
or
 - (ii) *if no time is prescribed, 7 days.*

[Section 1.7 amended by No. 64 of 1998 s. 18(3).]

Policy Implications

There are no policy implications associated with this item.

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

Costs associated with the making of this local law are included as operational expenditure in the Town of Port Hedland 2013-2014 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 during the first round of submissions on the format and drafting of the local law. The key items are listed in the table below and were addressed at the 25 September Council meeting:

CLAUSE NO.	HEADING	PROPOSED AMENDMENT	TOWN OF PORT HEDLAND POSITION
1.	Operation	The Department suggests that this heading be changed to "Commencement".	Agreed. This clause has now been retitled and the wording changed to reflect that suggested by the Department.
3.	Repeal	The Department has suggested that the title of the local law in 3(o) be amended to the title in the citation of the local law at time of gazettal.	Agreed. The title of the local law to be repealed in clause 3(o) has been amended to reflect that recorded in the citation of the local law.

The proposed amendments to the local law were considered minor in nature and would 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 to 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 2013.

201314/201 Officer's Recommendation/ Council Decision**Moved: Cr Taylor****Seconded: Cr Gillingham****That Council:**

1. **Notes the submission from the Department of Local Government and Communities in relation to the proposed *Town of Port Hedland Repeal Local Law 2013* received on 11 September 2013;**
2. **Resolves to make the *Town of Port Hedland Repeal Local Law 2013*, 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 2013*, as per (2) above, in the Government Gazette and provide copies of the local law to the Minister for Local Government;**
4. **Gives local public notice after gazettal of the local law advising the date on which the local law commences;**
5. **Submits a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review; and**
6. **Authorises the affixing of the Common Seal to the *Town of Port Hedland Repeal Local Law 2013*.**

CARRIED BY ABSOLUTE MAJORITY 7/0

ATTACHMENT 1 TO ITEM 12.2
LOCAL GOVERNMENT ACT 1995
Town of Port Hedland
REPEAL LOCAL LAW 2013

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 2013*.

2 Commencement

This local law will come into operation fourteen 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 23 January 1973 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;
- (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.

Statutory Implications

Working groups and forums have not been established under the Local Government Act 1995 (the Act) and as such have no decision making authority and can only make recommendation to the Council.

Policy Implications

1/012 Administration of Council's Working Groups

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
6.4	Local Leadership
6.4.2	Community focused
	Local leaders in the community who provide transparent and accountable civic leadership.

Budget Implications

The administrative component associated with running these groups is incorporated in the 2013/14 budget.

Officer's Comment

Following each Ordinary Local Government Election local governments review the terms of reference and membership of their committees established under the Act. Historically, the Town of Port Hedland has also taken the opportunity to revise its working groups and forums. These groups have not been formally established under the Act, they do not hold decision making powers and can only make recommendation to the Council, but nevertheless play an important role in the decision making framework of the local government.

Decision Making Framework of the Town of Port Hedland Council

- Ordinary meetings on the 4th Wednesday of the month
- Concept forums every Wednesday of the month
- Agenda briefings sessions on the 3rd Wednesday of the month
- Audit and Finance committee – quarterly (usually on Wednesdays) or as required
- Port Hedland International Airport committee – 1st Wednesday of the month

This framework is also been supported by a number of working groups and forums. These have been recently reviewed to try and align with best practice in local government. In reviewing these groups the administration has considered the following definitions.

Working Group

A working group is an ad-hoc group of subject-matter experts working together to achieve specified goals and should not be set up as a 'knee-jerk' reaction to an issue. A working group can last anywhere between a few months and several years and as such is required to be disbanded once it achieved its goal(s).

The aim and purpose, membership, meeting dates, times and venue of the groups have to be defined right from their outset and their goals and outcomes have to be clear and measurable. A record of the working groups' agendas and minutes has to be kept and circulated to all elected members as soon as practicably possible. Where a recommendation from the group has to be presented to the Council this will be in the form of an agenda item from a Town officer.

The Act does not make provisions for working groups; this means that they are not required to be formally established by the Council. Town officers can establish working groups as and when required, and provided that they advise the Council of the work they are undertaking, there is no formal requirement for elected members to sit on each group. Further, advice received from the DLGC, Core Business and DL Consulting is to be cautious in establishing working groups with membership comprised by a high number of elected members as this will give the perception that the Council is making decisions outside of the Act's realm.

The general advice of these organisations is that working groups should not be seen to make decisions, but only recommend to the Council. Also, if a group is required to have more than three elected members as part of its membership, then it should be established as a Committee of the Council. It is considered good practice for working group members to raise any conflict of interests they may have at the beginning of each meeting.

Forum

A forum can be defined as a meeting or assembly for the open discussion of subjects of public interest to promote research and dialogue. Discussions held at a forum will ultimately assist the hosting party in formulating a position on a specific subject.

No formal membership is required for forums, however affected/interested parties will be identified and invited to attend. Forum dates and venues may change depending on the topic at hand. Forums will have an agenda but due to the nature of the meeting no minutes will be kept.

Relevant outcomes can be presented to the Council via a concept forum and any recommendations

Current and proposed working group and forum framework

Current Working Groups	Changes proposed	Reason
BHPBIO/Council Joint Projects	Title and Terms of reference	Group to be named BHPBIO/Town Sustainability Partnership Working Group and terms of reference updated as recommended by the group
Roy Hill Infrastructure/Council Community Partnership	Disband	Not required, meetings more appropriate
BHP Billiton Precinct 3	Disband	Project completed
Atlas Iron/Town of Port Hedland Partnership Working Group	Disband	Not required, meetings more appropriate
Community Safety and Crime Prevention	Temporarily disband	As per Council's decision 24 July 2013
FIFO Integration	Disband	Incorporated as part of the Port Hedland Community Integration Working Group
CEO Performance Review	Membership	To be updated
PHIA TWA Implementation	Disband	Incorporated as part of the Port Hedland Community Integration Working Group
Aboriginal Art Centre	Disband	Project completed
South Hedland CBD Stakeholder	Change to forum	Most appropriate format for topics discussed by this group
Community Garden	Disband	Project completed
Disability Access and Inclusion Plan	Disband	Internal advisory group as per Council's resolution of 25 September 2013 and a quarterly forum is proposed to be called when required
Port Hedland Community Integration	Terms of reference	To be updated
Coastal Foreshore Management	Membership	To be updated in line with current working group definition
ToPH Local Housing Strategy	Nil	

Port Hedland Implementation Steering Group	Management transferred	Since its establishment in 2010 this group has been chaired and essentially run by the PDC. In order to reflect this, Town officers have agreed to formally transfer the management of this group over to the PDC.
Current Forums	Changes proposed	Reason
Aboriginal Consultation	Nil	
Developers	Nil	
Council Community Users Facilities	Disband	Replaced by regular community development/sports forums
FMG Quarterly Strategic	Nil	

Membership of working groups and forums

Based upon the definitions outlined above and the advice received by relevant organisations, Town officers will no longer seek elected members to formally nominate on any working groups or forums established by the administration. Elected members will nevertheless continue to be kept informed of these groups meeting dates and times, will be sent their agendas and minutes and will be welcome to attend. This approach has been taken to maximize elected members time they are required to dedicate to Council business and is based upon the provision that any recommendation from a working group or forum will be formally presented to the Council via an officer's report. This best practice approach to the establishment of working groups in local government will see the administration dealing with technical aspects of projects at an informal level whilst engaging with the Council at a more strategic decision making level.

It has to be noted however that nomination of elected members will continue to be sought for the CEO Performance Review Working Group, given the nature of the work that this group has to undertake.

Policy /012 'Administration of Council's Working Groups'

Based on the provision that working groups are not to be formally established by the Council, this policy should be rescinded.

Internal guidelines as to how working groups and forums are to operate from an administrative perspective will be established by Town officers and circulated to all working group members accordingly.

Attachments

1. Updated Town of Port Hedland working groups and forums terms of reference

201314/202 Officer's Recommendation/ Council Decision**Moved: Cr Daccache****Seconded: Cr Hooper****That Council:**

- 1. Notes that the following working groups and forum have been disbanded:**
 - **Roy Hill Infrastructure/Council Community Partnership**
 - **BHP Billiton Precinct 3**
 - **Atlas Iron/Town of Port Hedland Partnership Working Group**
 - **FIFO Integration**
 - **PHIA TWA Implementation**
 - **Aboriginal Art Centre**
 - **Community Garden**
 - **Disability Access and Inclusion Plan**
 - **Council Community Users Facilities**
- 2. Notes that the following working groups terms of reference have been updated:**
 - **BHPBIO/Town Sustainability Partnership**
 - **Port Hedland Community Integration**
- 3. Notes that the South Hedland CBD Stakeholder Working Group will be re-established as a Forum; and**
- 4. Nominates the following four elected members on the CEO Performance Working Group:**
Mayor Howlett
Deputy Mayor Jacob
Councillor Gillingham
Councillor Butson
- 5. Notes that the management of the Port Hedland Implementation Steering Group has been transferred to the PDC as this represents how the group has been operating since its establishment in December 2010; and**
- 6. Rescinds policy 1/012 Administration of Council's Working Groups.**

CARRIED 7/0

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WORKING GROUPS**1.1 BHPBIO/ToPH Sustainability Partnership Working Group****Aim/Purpose**

- Strategic oversight for the successful delivery of the partnership programme and achievement of partnership objectives

Focus

Strategic partnership matters including:

- Identification of future project opportunities and development of forward plan for recommendation to Council and BHPB
- Identification and removal of roadblocks that will impact on successful delivery of partnership objectives
- Develop and make recommendations to the Council and BHPB on agreed annual project programme, including financial matters
- Consideration of recommendations from project review committee
- As required, develop and make recommendations to Council and BHPB on partnership structure and priorities

Membership

- ToPH Executive Team
- Representatives from BHP Billiton:
 - Senior Manager Community and Indigenous Affairs
 - Manager Community and Indigenous Affairs
 - Superintendent Community Projects
- Delegates may be invited to attend as required (relevant Council Officers/consultants)

Frequency

Quarterly

Tenure

Ongoing

Responsible Officers:

Director Community Development

1.2 Community Safety and Crime Prevention Working Group (Temporarily Disbanded)**Aim/Purpose**

The Community Safety and Crime Prevention Working Group has been established to facilitate, oversee and review the implementation of the 2010 – 2013 Community Safety & Crime Prevention Plan (CSCP) which was developed based on the key outcomes from a CSCP community survey and stakeholder consultation process.

Membership

- Mayor Kelly A Howlett
- Councillor Gloria A Jacob

- Representation from signatories to the Hedland Community Safety and Crime Prevention Plan 2010-2013

- Interested community groups and non-government agencies

- Town of Port Hedland officer

Tenure

Ongoing

Responsible Officers

Director Planning and Development
Manager Environmental Health

(Temporarily Disbanded at OCM 24 July 2013)

1.3 Chief Executive Officer Performance Review Working Group

Aim/Purpose

The Chief Executive Officer Performance Review Working Group has been established to undertake the Chief Executive Officer's performance review on an annual basis and to renegotiate a new employment contract as and when required, with the negotiations being brought back to Council for consideration.

Membership

- 4 Elected Members

Tenure

Ongoing

Responsible Officer

Chief Executive Officer

1.4 Port Hedland Community Integration Working Group

Purpose

To establish a Community Integration Working Group that will identify, monitor and oversee activities to maximize community integration opportunities and minimise the risk / issues of the resource sector on Port Hedland, in particular TWA facilities and FIFO employment.

Membership

Working Group membership is inclusive of the following members and number of representatives:

- Town of Port Hedland
 - Executive (1 rep)
- Industry
 - Atlas Iron (1 rep)
 - BHPB (1 rep)
 - FMG (1 rep)
 - Hancock / Roy Hill (1 rep)
 - RIO (1 rep)
 - North West Infrastructure (NWI) (1 rep)
 - Chamber of Minerals and Energy (1 rep)
- Industry Associates
 - Auzcorp (1 rep)
 - Compass Group (1 rep)
- Business
 - Port Hedland Chamber of Commerce & Industry (1 rep)
 - South Hedland Business Association (1 rep)
 - Pilbara Development Commission (1 rep)
 - NGO representative (PANGO) (1 rep)
 - Community (2 reps)
 - Additional representatives from member organizations may be invited / attend on an as needs basis
- State Government agencies / other organizations by invitation when appropriate
 - Main Roads WA
 - Department of Health
 - Police
 - Department of State Development
 - Australian Hotels Association

Tenure

The tenure of the membership shall be reviewed annually to ensure the membership of the Working Group is aligned with the purpose.

Meetings

- The Working Group will meet bi-monthly initially, or as otherwise decided

- Meetings will be hosted by the ToPH with an option for invitees to join via teleconference

Role of the Working Group

1. Identify, assess and determine local impacts / risks / opportunities of the resource industry expansion including and not limited to:
 - a. social interaction
 - b. medical and general healthcare
 - c. telecommunications
 - d. transport, infrastructure and airport (incl. traffic, roads, pedestrian and cycle ways)
 - e. community volunteerism/involvement
 - f. accommodation
 - g. recreation
 - h. crime and community safety
2. Establish effective processes for reporting to the community and stakeholders through regular communication channels
3. Collect and review relevant literature and best practice FIFO and TWA integration models
4. Collect and collate data on workforce numbers, movements and future operational and organisational growth.

Budget / Funding

- A budget shall be developed by the Working Group to provide funding to:
 - Meet the ToPH costs of managing the administration of the Working Group
 - Deliver on integration initiatives that are developed from the small business and community integrations strategy.

An initial contribution of \$200,000 has been made by BHPB, and is held in an account for the CIWG. The CIWG will consider research and integration initiatives and recommend expenditure to the Town of Port Hedland on:

- Projects that support direct action within the community to address integration; or
- Any integration and development studies
- Contributions by other industry partners are anticipated and will be negotiated.

Secretariat

- Secretariat and administrative functions will be coordinated by the Town of Port Hedland.

Responsible Officer:

Director Community Development

1.5 Coastal Foreshore Management Working Group**Aim/Purpose:**

- Provide advice to Council on the development of a coastal foreshore redevelopment master plan;
- Provide advice to Council on the development of the Spoilbank Marina precinct;
- Provide a means of engagement with key stakeholders about the project; and
- Investigate and make recommendations to Council on management structures and operations of the Coastal Foreshore Management Working Group.

Membership:

- ToPH Director Community Development, Director Planning & Development, Director Engineering Services, Manager Infrastructure Development, Strategic Planning Officer
- Form
- BHP Billiton
- PDC
- LandCorp
- PHPA
- Port Hedland Yacht Club
- Care for Hedland
- Traditional Owners
- DeGrey station
- Munda station
- Rangelands Natural Resource Management (NRM)
- Department of Planning
- Greening Australia
- Recfishwest
- 2 x Community Representatives

Tenure:

The meeting is to be held every eight weeks

Responsible Officer:

Director Community Development

1.6 Town of Port Hedland Local Housing Strategy Working Group

Working Group Structure

The Working Group structure is endorsed by the Elected Members and consists of no more than twelve (12) members, being:

Four Councillors;
Director Planning and Development;
Director Engineering;
Director Community Development;
One nominated member and a proxy from the Port Hedland Chamber of Commerce and Industry;
One nominated member and a proxy from the Port Hedland Industries Group;
One nominated member and a proxy from the South Hedland Small Business Association; and
Two Community Representatives and two proxies.

The Technical Working Group will be assisting in the preparation of the Local Housing Strategy and will consist of the following members:

- Manager Planning and Development;
- Senior Strategic Planning Officer;
- Senior Statutory Planning Officer;
- Manager Economic Development;
- Manager Technical Services; and
- Manager Community Development.

Working Group's Role

The role of the Working Group is to:

- Provide guidance to the Technical Working Group preparing the Town of Port Hedland Local Housing Strategy
- Monitor the progress of the Technical Working Group in relation to the timelines and deliverables of the project
- Facilitate consultation with the Community and other stakeholders in relation to the project.
- Ensure the progress reports are presented to the Elected Members on a quarterly basis.

Membership and Recommendations

- Membership is for the term of the project
- Recommendations of the Working Group will be via a majority consensus of six (6) members.
- Other persons may be invited to attend the meetings at the request of the Chairperson, on behalf of the Working Group, to provide advice and/or assistance where necessary. They have no voting rights and may be requested to leave the meeting at any time by the Chairperson.

Leadership and Support

The Chairperson shall be elected by the Working Group at the first meeting. The Senior Strategic Planner will provide administrative support as required.

Frequency of Meetings

The Working Group shall meet as and when required. If any meeting is cancelled or rescheduled the details and reasons shall be noted in the minutes of the next meeting.

4.5 Quorum

A quorum of members must be present before a meeting can proceed. The minimum quorum meeting shall be six (6), but must include the following:

- Two (2) Elected Members;
- One (1) Staff Member;
- Representative from Port Hedland Chamber of Commerce and Industry;
- Representative of the Port Hedland Industries Group; and
- Representative of the South Hedland Small Business Association.

4.6 Order of Meetings

Discussion at the meetings shall be controlled through the agenda. Any individual wishing to include a specific item in the agenda should advise the Senior Strategic Planner prior to the meeting date. Items to be considered in the agenda are:

- Project Progress
- Task Timelines/ Deliverables
- Facilitating Consultation
- Progress Reports to Councillors

4.7 Administrative Support

The role of the Senior Strategic Planner is to:

- Schedule meetings and notify members;
- Prepare agendas and issuing notices for meetings and ensuring all necessary documents requiring discussion or comment are attached to the agenda;
- Distributing the Agenda on the week prior to the meeting;
- Taking notes of proceedings and preparing minutes of the meeting;
- Distributing the minutes to all the members one week after the meeting;
- Maintain all Working Group records; and
- Prepare progress reports for Councillors.

2. FORUMS

2.1 Aboriginal Consultation Forum

Aim/Purpose

To develop a consultation strategy that will establish a positive two-way communication between the Council and the Aboriginal Community in order to effectively address any issues or concerns of the Aboriginal community. The topics vary and address a range of issues such as housing, health and education.

Tenure

Quarterly

Responsible Officer

Director Community Development

2.2 Developers Forum**Aim/Purpose**

This is not a public forum, developers only are required and invited to attend by the Town's administration. Its purpose is to advise all developers of any changes to development practices, including planning and building legislative changes and also to advise developers of the Town's internal development procedures and processes. This forum represents an opportunity to enhance communication between the Town of Port Hedland and the development community and for State agencies to present to developers and gain their feedback.

Tenure

Every 2/3 months

Responsible Officer

Director Planning and Development

2.3 Fortescue Metal Group Quarterly Strategic Forum

Aim/Purpose

To enhance and formalize current communication between FMG and Town of Port Hedland and highlight any projects that can be undertaken together for the betterment of the Hedland community as a whole.

Tenure

Ongoing

Forum frequency

Quarterly

Responsible Officer

Director Community Development

2.4 South Hedland CBD Forum

Aim/Purpose

The South Hedland CBD Forum has been established to ensure communications exists between LandCorp, stakeholders and the community in respect to South Hedland CBD.

The forum will offer an opportunity to all stakeholders to:

1. provide input in the staged development works in the South Hedland CBD;
2. discuss strategies to create a vibrant and safe CBD;
3. provide input with regard to community infrastructure development in the South Hedland CBD.

Tenure

Ongoing

Forum frequency

Bi-monthly

Responsible Officer

Director Community Development

12.4 *Minutes of the Audit & Finance Committee Meeting held on Monday 2 December 2013*

201314/203 Officer's Recommendation 1/ Council Decision

Moved: Cr Hooper

Seconded: Cr Butson

That Council receives the Minutes of the Ordinary Meeting of the Airport Committee held on 2 December 2013 at 3:30pm inclusive of the following decisions:

- 7 Confirmation of Minutes of Previous Meeting
- 10.1.1 Port Hedland Visitor Centre Two Quarterly reviews: January to March and April - June 2013 (File No.: 05/09/0017)
- 10.1.2 Port Hedland Visitor Centre Quarterly Review: July to September 2013 (File No.: 05/09/0017)
- 10.2.1 Courthouse Gallery Quarterly Review: April to June 2013 and July to September 2013 (File No.:20/01/0026)
- 10.2.2 Colin Matheson Oval Club Room First Quarter Report – Port Hedland Rovers Football Club: (File No.: 26/06/0007)
- 10.2.3 GP Housing Quarterly Review: July to September 2013 (File No.:15/01/0020)
- 10.2.4 Town of Port Hedland Leisure Facilities Management Contract Annual Report 2012/2013- YMCA Perth (File No.:26/04/0015)
- 10.2.5 Town of Port Hedland Leisure Facilities Management Contract First Quarter Report 2013-2014 YMCA Perth: (File No.:26/04/0015)
- 11.1 Leukaemia Foundation (World's Greatest Shave) – Request for Waiver of Hire and Rubbish Bin fees (File No.: 02/05/0003)
- 11.2 Carols by Candlelight (Port Hedland) Event 2013 – Request for Waiver of Hire and Rubbish Bin fees (File No.: 02/05/0001)
- 14 Applications for Leave of Absence

CARRIED 7/0

201314/204 Officer's Recommendation 2/ Council Decision

Moved: Cr Hooper

Seconded: Cr Melville

That Council adopts the following recommendation from the Audit & Finance Committee as listed in the minutes of its meeting on 2 December 2013 which states:

That the Finance and Audit Committee:

- 1. *Note the report by the Director Corporate Services on the September Quarterly Budget Review – 2013/14;*

2. *Recommends to Council that total carry-forward works of \$5,901,013 from the 2012/13 financial year be incorporated into the 2013/14 Budget funded from:*
 - a. *Unrestricted Cash \$702,269*
 - b. *Waste Management Reserve \$41,866*
 - c. *Specific Purpose Grants \$258,268*
 - d. *Other Contributions \$284,604*
 - e. *BHP Reserve \$30,436*
 - f. *Unspent Grants \$815,000*
 - g. *Community Facilities Reserve \$24,500*
 - h. *Airport Reserve \$114,070*
 - i. *Reduction in Trade Receivables \$2,975,889*
 - j. *Unspent Loans \$654,111; and*

3. *Recommends to Council that the 2013/14 Budget be amended in accordance with the remaining September QBR Variations as set out in the attached schedule.*

CARRIED BY ABSOLUTE MAJORITY 7/0

12.5 ***JD Hardie Youth Zone External Upgrade – Authority to Proceed with Construction Request for Tender (File No.: 26/05/0019)***

Note: This item has been withdrawn and will be presented to a future Council meeting.

7:12pm Director Planning & Development declared an impartiality interest in Item 12.6 'Consideration of Public Comments – Ausco Business Plan (File No.: 08/03/0005)' as he has an association with the consultant working on a proposal for the neighbouring site.

Director Planning & Development did not leave the room.

12.6 *Consideration of Public Comments- Ausco Business Plan (File No. 08/03/0005)*

Officer **David J. Westbury**
Manager of Economic
Development and
Strategy

Date of Report **2 December 2013**

Disclosure of Interest by Officer **Nil**

Summary

On the 24th July 2013 Council approved the preparation of a Business Plan outlining the proposed lease of 4.5 hectare of lot 436 within the Kingsford Business Park via private treaty for the amount of \$540,000 annually for a period of 10-years with 2x five year extensions. A Business Plan was subsequently prepared and advertised for six weeks with responses due back to the Town on the 18th October 2013.

This item was considered at the Ordinary Council meeting held on 27 November 2013. At the meeting, Council resolved "lay the item on the table" until the Ordinary Council meeting to be held on 11 December 2013. This Item is again presented for Council's consideration and determination.

This item recommends that Council defer consideration of the Business Plan until such time a comprehensive Transient Workforce Accommodation Strategy (TWA) is developed and endorsed by Council.

Background

On the 12th November 2011 Council prepared a Business Plan which was subsequently amended on the 12th March 2012. The Business Plan was over land known as "Precinct 3" now named the Kingsford Business Park under the Port Hedland International Airport Land Use Master Plan. The plan outlined the proposal which included the development of 33 industrial bulky good lots and four TWA lots for the Town's exclusive use which then could be on-sold or leased to other parties. The parcels are to be serviced and made ready for development, at no expense to the Town, with all the work completed by BHP Billiton Iron Ore.

On the 16th July 2013 Town Officers received a formal request to lease a 4.5 hectare portion of Lot 436 within the Kingsford Business Park from Ausco Modular.

That offer was presented to Council on the 24th July 2013 and a Business Plan was advertised and made available for public comment for six weeks with responses due back on the 18th October 2013.

During the public comment period the Town received 25 submissions against a private treaty for the lease of property within the Kingsford Business Park. The Officer's Comment section of this report provides a summary and response to those public comments.

Consultation

- Concept Forum, Elected Members
- 19 June 2013-13
- November 2013
- Ordinary Council Meeting
- 27 November 2013
- Planning and Development
- Manager Business Attraction and Investment
- McLeods Barristers & Solicitors
- Western Australia Local Government Association (WALGA)

A public consultation process was carried out in accordance with section 3.59 of the *Local Government Act 1995* with a total of 25 submissions being received, objecting to the proposal, from the following individuals and organizations.

Name	Support/Object
1. Gary Wightman	Object
2. Latham Adamson	Object
3. Aoife Adamson	Object
4. Neville Veitch	Object
5. Peter Veitch	Object
6. Garry Madson	Object
7. Lynley Madson	Object
8. Wayne Hickey	Object
9. Nola Hickey	Object
10. Chris Veitch	Object
11. Kellie Veitch	Object
12. Wendy Henderson	Object
13. Peter Henderson	Object
14. Shelley Wightman	Object
15. Kerrie Veitch	Object
16. Sara Hands	Object
17. Troy Bauchop	Object
18. Miss V Baker	Object
19. Paul Reibel	Object
20. Dave McGowan	Object
21. Terry Washington	Object

22. Donna Washington	Object
23. Ross Holt (Landcorp)	Object
24. Ann Banks-McAllister(PDC)	Object
25. Craig Wallace (Lavan Legal)	Object

Copies of the submissions are attached.

A summary of the submissions is attached.

Statutory Implications

Local Government Act 1995 (WA) Section 3.57 – Tenders for providing goods or services

Local Government Act 1995 (WA) Section 3.58 – Disposing of Property

Local Government Act 1995 (WA) Section 3.59 – Commercial enterprises by local governments

As the value of the proposed private treaty is over \$2,000,000 the transaction constitutes a “Major Land Transaction”. As such a Business Plan was prepared in accordance with Sections 3.58 and 3.59 of the Local Government Act 1995. The public comment was received prior to any actual transaction for the sale of land. This means that (if approved) this transaction will be an exempt disposition under section 30(2a) (c) above.

ToPH Local Law on Standing Orders

18.2 A motion to the same effect as any motion which has been negated except those motions provided for in clause 11.4 or where otherwise provided within the standing orders, shall not again be moved within a period of three months, except with the approval of an absolute majority of the members.

Policy Implications

Nil

Strategic Planning Implications

Council’s Strategic Community Plan 2012-2022 identifies Strategic Themes and Performance Indicators relating to Land Development Projects including the following:

6.1 Community

6.1.2 Community

Develop Port Hedland’s tourism industry to broaden the tourist opportunities available.

6.2	Economic
6.2.1	Diverse Economy

Facilitate commercial, industry and town growth.
Create local employment and investment and diversify the economy.
Work closely with businesses to achieve sustainable economic growth and broad economic base.
Develop Port Hedland's sea, air and road transport infrastructure so that it becomes the main access hub for the Pilbara.

Budget Implications

If Council chooses to proceed with the proposal as outlined in the Business Plan in its current state all proceeds will be added to Town's airport reserve, GL 1210398, from the lease of a 4.5 hectare portion of the proposed Lot 436

The Council has committed to make Port Hedland International Airport a premier gateway to Australia's Northwest. A portion of the funding needed for that significant upgrade will be derived from the proceeds of Kingsford Business Park land sales and leases. This proposal will generate \$540,000 annually over ten years or a total of \$5.4m over the ten year lease.

If Council chooses to proceed with the proposal as outlined in the Business Plan in its current form the proposed Lot 436 will be subject to a field survey and preparation of a plan of excision from the current proposed parent Lot 436 a total cost estimated to be \$7,500, from GL Account 1210253.

The project will generate rates estimated to be approximately \$440,000 per annum. This will be based on the development being built out to full capacity whereas the proponent is proposing a staged approach which could impact upon this rates estimate.

Officer's Comments

The advertising process provided an opportunity for the community to provide Council with feedback relating to the proposed transaction. The submissions are provided in Appendix 1 and 2 presented to Council for consideration.

After considering the degree of public submissions opposed to the proposed major land transaction, Town Officers have determined that the draft TWA Strategy needs to be finalized and endorsed by Council prior to the consideration of the proposals for TWAs within the Kingsford Business Park.

Council has 5 options to potentially pursue regarding the proposal. Council can:

1. Proceed with the Business Plan in its current form.
2. Elect to proceed with the Business Plan with amendments.
3. Elect not to proceed with the Business Plan and advise Ausco Modular that Council will not proceed with the development in any form.
4. Elect not to proceed with the current Business Plan, until a TWA Strategy has been developed which addresses many of the concerns of existing businesses, State partners and the community in relation to TWAs.
5. Approve the alternative Resolution as proposed by Councillor George Daccache at the Ordinary Council meeting held on 27 November 2013.

Option 1

This option provides and endorses the transaction to proceed in its current form.

1. Notes the submissions received from the community and stakeholders regarding the development of TWAs within the Kingsford Business Park and requests the Chief Executive Officer, or his delegate, to write to them advising of Councils decision.
2. That Council delegates the CEO the ability to enter into a lease arrangement with Stayover by Ausco Pty Ltd in accordance with Section 3.58 and Section 3.59 of the Local Government Act 1995 for the lease of a 4.5 hectare section of Lot 436 with such documents to include [but not limited to] the following terms:
 - a. Lease area of 4.5 hectares (subject to survey);
 - b. Lease rate of \$12 a per square metre or \$540,000 annually excluding GST;
 - c. Lease term of ten (10)years;
 - d. Two five year options exercisable by the lessee. Annual CPI reviews during the lease term and extended period;
 - e. A voluntary development contribution stipulating that that upon completion of the development, a voluntary contribution of \$3.25 for each occupied room per night above a threshold level of 75% of total rooms (excluding site management personnel) shall be payable on an annual basis. This voluntary contribution shall be utilized by The Town of Port Hedland towards community benefit programs identified in consultation between the two parties and recognized by The Town of Port Hedland through public acknowledgements, naming rights or similar.

This provides a financial return for the Town and a flow-on effect to the community and ratepayers. The financial return will not only facilitate the redevelopment of the airport, which is a critical asset for the town, but will assist in the long term financial sustainability for Council. While this option recognizes the financial benefits (absolute majority required), it presents a position contrary to the concerns raised through the public submission process.

This option was already presented to the Council at its 27 November 2013 Ordinary meeting and it was lost to the vote. Should Council wish to reconsider this option it will have to abide by section 18.2 of the Town's Standing Orders, which state that negated motions can only be reconsidered in a three month period on the provision that the Council agrees to do so by an absolute majority vote.

Option 2

Council could elect to proceed with the Business Plan with amendments such as a higher lease rate or greater restrictions on who can stay at the facility.

1. Notes the submissions received from the community and stakeholders regarding the development of TWAs within the Kingsford Business Park and requests the Chief Executive Officer, or his delegate, to write to them advising of Council's decision.
2. That Council delegates the CEO the ability to enter into a lease arrangement with Stayover by Ausco Pty Ltd in accordance with Section 3.58 and Section 3.59 of the Local Government Act 1995 for the lease of a 4.5 hectare section of Lot 436 with such documents to include [but not limited to] the following terms:
 - a. Lease area of 4.5 hectares (subject to survey);
 - b. Lease rate of \$14 per square metre or \$630,000 annually excluding GST
 - c. Annual CPI increase, utilising the quarterly Perth CPI figure published in the immediately preceding quarter to the annual review date (anniversary of actual commencement date);
 - d. Market review every three years;
 - e. Lease term of ten(10)years;
 - f. One option of five years (15 years in total), exercisable by the lessee. Annual CPI reviews during the lease term and extended period;
 - g. A further option to extend by five years, solely at the discretion of the Town of Port Hedland;
 - h. A voluntary development contribution stipulating that that upon completion of the development, a voluntary contribution of \$5 for each occupied room per night above a threshold level of 75% of total rooms (excluding site management personnel) shall be payable on an annual basis.

This voluntary contribution shall be utilized by The Town of Port Hedland towards community benefit programs identified in consultation between the two parties and recognized by TOPH through public acknowledgements, naming rights or similar.

And subject to the following additional conditions:

- No individual person can stay within the accommodation for a period of less than five days
- Accommodation cannot be leased to customers without an ABN.
- That Ausco submit a local content plan demonstrating the utilisation of local businesses in the construction and operational phase of the development
- That Ausco demonstrate a commitment to hiring and up-skilling local residents for career advancement with particular emphasis upon indigenous youth.
- That no services be offered to the public from within the lease area that are widely available within the Town such as catering or restaurant (subject to review) without the prior authorization of Council
- That a community integration strategy be submitted and approved with mandatory participation in the Community Integration Working Group.
- That display space is made available in the reception area highlighting local attractions, local commercial business, local clubs, events opportunities etc.
- The accommodation will be used for City building projects and will not house operational employees that reside Port Hedland on a permanent basis.
- The guest register is submitted to the Town of Port Hedland on a quarterly basis, so that conditions of lease can be verified by the Town of Port Hedland.

This provides a financial return for the Town and a flow-on effect to the community and ratepayers. The financial return will not only facilitate the redevelopment of the airport, which is a critical asset for the town, but will assist in the long term financial sustainability for Council. While this option recognizes increased financial benefits above option 1 (absolute majority required), it also addresses many of the concerns raised through the public submission process.

Option 3

The original Precinct 3 Business Plan was endorsed by Council on the 12 March 2012. This Business Plan went through a thorough and transparent statutory process that determined how the land is to be developed and established a financial framework for how the funds of the Kingsford Business Park were to be allocated. This has now been translated into the Town's current and future financial consideration. Changes to the implementation of the original Precinct 3 Business Plan may significantly impact the town's annual budget, long term financial planning, and timing of the projects such as the Port Hedland International Airport Redevelopment. The endorsed Precinct 3 Business Plan always identified these sites (Lots 436-439) to be developed for TWAs to support city building projects. This remains the intent of the current Business Plan and proposed TWA. Endorsement of this Business Plan is seen to be implementing the objectives and principals of the original Precinct 3 Business Plan.

With this being considered, Council could determine not to proceed with this Business Plan, or any others of a similar nature for the development of the Kingsford Business Park in any form.

1. That Council: Resolve not to proceed with the Private Treaty arrangements for the lease of the 4.5 hectare portion of the Western Section of lot 436 within the Kingsford Business Park to Stayover by Ausco Pty Ltd.

Option 4 (Officer's Recommendation)

Council could defer the decision in relation to the proposed Business Plan until such time that a TWA strategy has been developed and approved.

1. That Council: Defer consideration of the proposal as outlined in the Business Plan for Lot 436 until such time that a TWA strategy is developed by officers endorsed by Council.

Option 5

This option was presented by Councillor George Deccache at the Ordinary Council meeting held on 27 November 2013.

1. Notes the submissions received from the community and stakeholders regarding the development of TWAs within the Kingsford Business Park and requests the Chief Executive Officer, or his delegate, to write to them advising of Councils decision.
2. That Council formally accept the offer to lease a 4.5 hectare portion of lot 436 for the amount of \$598,500 annually or (\$13.30 per square metre) within the Kingsford Business Park to Stayover

by Ausco Pty Ltd in accordance with Section 3.58 and 3.59 of the *Local Government Act 1995* on the following terms:

- a. Lease area of 4.5 hectares (subject to survey);
- b. Lease term of ten (10) years;
- c. A single option to extend by five years exercisable by the lessee;
- d. Second option to extend by five years at the discretion of the Town of Port Hedland;
- e. Annual base rental \$598,500 exclusive of GST (\$13.30 square metre);
- f. Annual CPI increase, utilising the quarterly CPI figure published in the immediately preceding quarter to the annual review date (anniversary of actual commencement date);
- g. Market Review every 3 years;
- h. Annual voluntary development contribution payment upon completion of the development of \$3.25 for each occupied room per night above a threshold level of 75% of total rooms (excluding site management personnel). (This voluntary contribution shall be utilised by The Town of Port Hedland towards community benefit programs identified in consultation between the two parties and recognised by The Town of Port Hedland through public acknowledgements, naming rights or similar)

And subject to the following conditions:

- No individual person can stay within the accommodation for a period of less than five days
- Accommodation cannot be leased to customers without an ABN.
- That Ausco submit a local content plan demonstrating the utilisation of local businesses in the construction and operational phase of the development
- That Ausco demonstrate a commitment to hiring and up-skilling local residents for career advancement with particular emphasis upon indigenous youth.
- That no services from the lease area be offered to the public that are widely available within the Town such as catering or restaurant (subject to review) without the prior authorization of Council
- That a community integration strategy be submitted and approved with mandatory participation in the Community Integration Working Group.
- That display space is made available in the reception area highlighting local attractions, local commercial business, local clubs, events opportunities etc.

- The accommodation will be used City for building projects and will not house operational employees that reside in Port Hedland on a permanent basis.
- The guest register is submitted to the Town of Port Hedland on a quarterly basis, so that conditions of lease can be verified by the Town of Port Hedland.

Attachments

1. Public submissions (Under Separate Cover)
2. Public submissions collated with responses (Under Separate Cover)

201314/205 Officer's Recommendation 1/ Council Decision**Moved: Cr Gillingham****Seconded: Cr Hooper**

That Council agrees to reconsider the Officer's Recommendation presented at Ordinary Council meeting of 27 November 2013 and unresolved, pursuant to Standing Order Local Law section 18.2 'Negotiated Motions'.

CARRIED BY ABSOLUTE MAJORITY 7/0

Officer's Recommendation 2/ Motion**Moved: Cr Jacob**

That Council:

1. Notes the submissions received from the community and stakeholders regarding the development of TWAs within the Kingsford Business Park and requests the Chief Executive Officer, or his delegate, to write to them advising of Councils decision;
2. Defer consideration of the proposal as outlined in the Business Plan for Lot 436 until such time that a TWA strategy is endorsed by Council; and
3. Formally acknowledge Ausco Modular's interest in investing within the Town of Port Hedland and invite the company to participate in the TWA strategy.

MOTION LAPSED FOR WANT OF A SECONDER

201314/206 Council Decision**Moved: Cr Gillingham****Seconded: Cr Daccache**

That Council agrees to reconsider entering into a lease arrangement as per the motion presented at Ordinary Council meeting of 27 November 2013 and unresolved, pursuant to Standing Orders Local Law section 18.2 'Negotiated Motions'.

CARRIED BY ABSOLUTE MAJORITY 7/0

201314/207 Council Decision**Moved: Cr Gillingham****Seconded: Cr Daccache****That Council:**

- 1. Notes the submissions received from the community and stakeholders regarding the development of TWAs within the Kingsford Business Park and requests the Chief Executive Officer, or his delegate, to write to them advising of Councils decision;**
- 2. Formally accept the offer to lease a 4.5 hectare portion of lot 436 for the amount of \$598,500 annually or (\$13.30 per square metre) within the Kingsford Business Park to Stayover by Ausco Pty Ltd in accordance with Section 3.58 and 3.59 of the *Local Government Act 1995* on the following terms:**
 - a. Lease area of 4.5 hectares (subject to survey);**
 - b. Lease term of ten (10) years;**
 - c. A single option to extend by five years exercisable by the lessee;**
 - d. Second option to extend by five years at the discretion of the Town of Port Hedland;**
 - e. Annual base rental \$598,500 exclusive of GST (\$13.30 square metre);**
 - f. Annual CPI increase, utilising the quarterly CPI figure published in the immediately preceding quarter to the annual review date (anniversary of actual commencement date);**
 - g. Market Review every 3 years;**
 - h. Annual voluntary development contribution payment upon completion of the development of \$3.25 for each occupied room per night above a threshold level of 75% of total rooms (excluding site management personnel). (This voluntary contribution shall be utilised by The Town of Port Hedland towards community benefit programs identified in consultation between the two parties and recognised by The Town of Port Hedland through public acknowledgements, naming rights or similar)**

And subject to the following conditions:

- No individual person can stay within the accommodation for a period of less than five days
 - Accommodation cannot be leased to customers without an ABN.
 - That Ausco submit a local content plan demonstrating the utilisation of local businesses in the construction and operational phase of the development
 - That Ausco demonstrate a commitment to hiring and up-skilling local residents for career advancement with particular emphasis upon indigenous youth.
 - That no services from the lease area be offered to the public that are widely available within the Town such as catering or restaurant (subject to review) without the prior authorization of Council
 - That a community integration strategy be submitted and approved with mandatory participation in the Community Integration Working Group.
 - That display space is made available in the reception area highlighting local attractions, local commercial business, local clubs, events opportunities etc.
 - The accommodation will be used City for building projects and will not house operational employees that reside in Port Hedland on a permanent basis.
 - The guest register is submitted to the Town of Port Hedland on a quarterly basis, so that conditions of lease can be verified by the Town of Port Hedland.
3. Requests the Chief Executive Officer to report to Council on the TWA strategy (being publically advertised) at the earliest opportunity.

CARRIED BY ABSOLUTE MAJORITY 6/1

ITEM 13 REPORTS OF COMMITTEES

Nil

ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

ITEM 15 CONFIDENTIAL ITEMS

Nil

ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE

201314/208 Council Decision

Moved: Cr Daccache

Seconded: Cr Melville

That the following applications for leave of absence:

**Councillor Gillingham from 2 January 2014 to 2 February 2014;
Councillor Daccache from 4 January 2014 to 13 January 2014;
Councillor Hooper from 10 January 2014 to 2 February 2014;
Councillor Taylor from 10 January 2014 to 20 January 2014;**

be approved.

CARRIED 7/0

ITEM 17 CLOSURE

Deputy Mayor congratulated Mr Bill Hrambanis for being appointed to the Audit & Finance Committee.

17.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 29 January 2014, commencing at 5.30 pm, with the Agenda Briefing Session being held on Wednesday 22 January 2014, commencing at 3:30pm.

17.2 Closure

There being no further business, the Mayor declared the meeting closed at 7:43pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of _____ 2014.

CONFIRMATION:

MAYOR

DATE