

Civic Centre  
McGregor Street  
PO Box 41  
Port Hedland, WA 6721

P (08) 9158 9300  
F (08) 9158 9399  
council@porthedland.wa.gov.au  
www.porthedland.wa.gov.au



Send to: [publicsubmissions@erawa.com.au](mailto:publicsubmissions@erawa.com.au)

To the Treasurer,

## **BUSINESS LICENSING REFORM INQUIRY FOR THE ECONOMIC REGULATION AUTHORITY**

The Town of Port Hedland would like to submit the following feedback to the Economic Regulation Authority in response to the Business Licensing Reform Inquiry of state government businesses and occupational licensing.

### *Environmental*

Environmental Health and Ranger Services fees primarily operate on a cost recovery basis where possible. However some fees are established and set by outdated legislation, meaning the cost recovery based on current costs is impossible.

Task or action	Provision	Comments
Impounding and management of livestock	<i>Local Government (Miscellaneous Provisions) Act 1960</i>	Fees established under the Act do not permit adequate cost recovery as they are based on costs in 1960. Fees for the impounding of a horse, camel, or bull between the hours of 6am and 6pm are set at \$4 per day. Whereas the true costs for the impounding and handling of a beast in today's economy would be far greater. As a result of the fees showing no relation to current costs, the Town has removed many from its fees and charges schedules.
Establishment of Caravan Park licencing fees	Schedule 3 of the <i>Caravan Parks and Camping Grounds Regulations 1997</i>	Fees are set per site, ranging from \$1.50 to \$6, create an annual licencing fee that either does not cover the level of service required to appropriately regulate a caravan park or restricts the level of service provided.

Every effort is made to ensure that Environmental Health licencing fees are based on both cost recovery and market research to make sure that the Town is in no way creating unsustainable fees that unduly impact businesses. The Town further limits this by ensuring that provisions are established to waive fees for community/charitable organisations and events.

### *Planning*

Permit type	Legislation	Subsidiary legislation	Comments
Tourism Opportunities on Crown Land / Crown Reserves	<i>Land Administration Act 1997</i>	NA	A permit/licence category should be introduced to promote both 'for profit' and 'non-for profit' indigenous / non-indigenous tourism ventures on Crown Land.

Home Occupation / Home Business	<i>Planning &amp; Development Act 2005 Local Planning Schemes</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Home Occupation / Home Business requirements should be standardised across Local Planning Schemes to bring the legislation up to date to reflect modern trends in online retailing. Currently, local governments are able to approve service industries (beauticians/hairdressers/etc) through Home Occupations and limit the traffic/parking impact on surrounding residences by requiring only one customer to attend by appointment only at a time. There is no such ability for retail display and sale businesses from a residential property to be approved through a Home Occupation, as this activity is prohibited altogether, and online retailers who warehouse from home are forced to home deliver goods. The Deemed Provisions in Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> should be updated to allow limited retail display/purchases from Home Occupations through similarly allowing "one customer at a time every hour by appointment" (or similar) to visit a Home Occupation to make a purchase. This would allow approval to be granted for regular Gumtree / Facebook buy/swap/sell retailers, rather than continuing to operate in a grey area of planning law.
Short Term Accommodation Businesses	<i>Planning &amp; Development Act 2005 Local Planning Schemes</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Consideration should be given to standardise temporary accommodation land use requirements across the State to address modern trends such as 'Air Bnb'.
Development Application fees	<i>Planning &amp; Development Act 2005</i>	<i>Planning and Development Regulations 2009</i>	The fees and charges for development applications under \$50,000 value should be reviewed to allow a higher fee than \$147 to be charged to reflect the officer time spent on processing the application.
Development Assessment Panels	<i>Planning &amp; Development Act 2005</i>	<i>Planning and Development (Development Assessment Panels) Regulations 2009</i>	Mandatory JDAP applications (development valued over \$10m) should have the option of the developer electing for local government to determine the application, as unnecessary time and fees are spent by developers and local government on the JDAP process where there are no issues of contention between the developer and local government exist.
General Purpose Leases / Miscellaneous Licences	<i>Mining Act 1978</i>	<i>Mining Regulations 1981</i>	Applications for non-direct mining activities involving laydown areas and accommodation within 20km of townsites should not be permitted to obtain leases under the Mining Act, as this undermines local town planning of industrial and residential areas, and creates an interference in industrial property prices/value. Currently, these type of mining leases do not consider zoning under local

			planning schemes and local governments must pursue other avenues to object to applications close to townsites where rigorously consulted plans have been produced that envisage a different land use for the area.
Building Application fees	<i>Building Act 2011</i>	<i>Building Regulations 2012</i>	Fees and charges for Uncertified and Certified applications of under \$20,000 should be reviewed to reflect the difference in processing requirements, as the fees are currently equal. Uncertified applications require larger processing times.

Should you require any further information regarding this matter please contact Josephine Bianchi, Governance Manager on 9158 9320 or [JBianchi@porthedland.wa.gov.au](mailto:JBianchi@porthedland.wa.gov.au).

Yours faithfully,



**David Pentz**  
**Chief Executive Officer**

21 March 2018.